

***SPEECH DELIVERED BY HON. Y.K.J. YEUNG SIK YUEN,
CHIEF JUSTICE, G.O.S.K.
AT THE CEREMONY OF HANDING OVER LETTERS PATENT TO
NEWLY APPOINTED SENIOR COUNSEL
SUPREME COURT, COURT NO. 1,
TUESDAY 15 JUNE 2010 – 14.00 HOURS***

Ladies and Gentlemen,

On behalf of my brothers and sisters of the Bench let me extend a very warm welcome to all of you at this ceremony for the conferment of the distinguished title of Senior Counsel to the 16 new recipients. Congratulations to Messrs Daureeawo, Bunwaree, Lallah, Peeroo, Ribot, Doger de Speville, Sauzier, Ithier, Rajahbalee, Bhuckory, Pursem, Glover, Boolell, Domingue, Chetty and Chan Kan Cheong. It is the first time that we have so many new Senior Counsel at the same time. That is because the last time such an event had taken place was in 2003, and for only 2 appointments at that. In fact for the last fifteen years only two Senior Counsel had been appointed, the exercise prior to the 2003 one having been undertaken in 1995 when Honourable Rajsoomer Lallah was the Chief Justice. The intervening barren period could not have lasted longer.

In drawing up a longer list than usual, I have had in mind, inter alia, the following considerations:

- (a) the need for corrective justice for the barren period;
- (b) the fact that in between a number of QCs have been out of the service;
- (c) the present size of the Bar and the need for a sufficient number of Seniors to be accessible and available to pass on the best traditions of the Bar to those who are newly called and need guidance.

The present appointments also come at an opportune time when the Bar has been blessed with a permanent venue which will permit the enhancement of a professional culture worthy of a modern Bar. You shall not overlook that higher role entrusted upon you. It is not a mere decoration. It is a responsibility.

Your accolade is hard earned and well deserved and this distinction is more to your credit since for the first time in the history of the Judiciary of Mauritius recommendations have been made to H.E the President of the Republic after the Chief Justice has had written consultations not only with all the Judges but also with all the practising QCs and SCs.

And this exercise was done on the basis of guidelines which were drawn up and communicated to all the persons consulted. Indeed, in 2008, shortly after I had assumed office as Chief Justice, an exercise was undertaken involving all the judges, the Bar Council and the Law Society to look into the process of appointment of Senior Counsel and Senior Attorneys. The purpose of the exercise was to determine a set of criteria for making appointments in the future, to widen the range of responsible persons who would be consulted and to enhance the level of their participation in the selection process.

After much proactive exchanges a set of guidelines was adopted. Although those guidelines are principally meant for persons engaged in the selection exercise, for the sake of added transparency I am giving instructions that they be posted on the website of the Supreme Court.

I am grateful to all Judges, QCs and SCs who made recommendations and thereby helped me to make my own recommendations to H.E the President pursuant to section 9A of the Law Practitioners Act.

As much as the system of appointing Senior Counsel has been democratised so much there has been public ventilation of the issues.

I take judicial notice that it is part and parcel of the democratic process to which the Mauritian nation has adhered to. Should public disclosure be needed for the outcome of the exercise with regard to those who feel aggrieved or dissatisfied, I would be prepared to make this available.

Today, it is fitting that we extend to all of you, the new Senior Counsel, our sincere congratulations on your elevation. I also wish to congratulate your families on the support they must surely have given you throughout your career.

With your appointment as Senior Counsel comes also a responsibility to sustain the vitality and dynamism of the Bar which is one of the staunch torch bearers of Democracy and the Rule of Law. You are called upon to promote and defend the Constitution. You are also to lead the profession with integrity and intellectual honesty, dedication and understanding, fearlessness and humility. You will bear in mind that the honour and privileges bestowed upon you carry great responsibilities as leaders of the Bar.

You now have a new role to play, that of role model for your noble profession with Ethics as main focus.

Ethics at the Bar are not commodities which are obtainable by purchase. They come with experience and are linked with the lawyer's ability to maintain a sense of objectivity, proportion and decorum even in situations of stress.

They also come with professional exposure and self development and a sustained search for excellence. They form the basis on which respect for the noble profession has been forged and earned over the years. I believe the inner Bar need to have a close look at the prevailing situation of Ethics at the Bar.

Gentlemen, my colleagues, the legal profession and the community at large have high expectations that you will play your role model as Senior Counsel to the fullest. I am confident that you will rise to the challenges and will not disappoint them. With these remarks, I wish you, on behalf of the Bench, every happiness and success as Senior Counsel.