



IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO.: ATT 114, 115 and 116 of 2021 (DDJ)

IN THE MATTER OF THE LEGAL PRACTITIONERS ACT (2015 REVISION)

AND IN THE MATTER OF AN APPLICATION FOR THE LIMITED ADMISSION OF JOHN WARDELL QC AS AN ATTORNEY-AT-LAW OF THE CAYMAN ISLANDS IN GRAND COURT FINANCIAL SERVICES DIVISION CAUSE NOS: FSD 268, 269 AND 270 OF 2021 (DDJ)

Appearances: Mr Andrew Jackson and Mr David Lewis-Hall of Appleby (Cayman) Limited for the Plaintiff

Before: The Hon. Justice David Doyle

Heard: 17 September 2021

Date Ex Tempore

Judgment delivered: 17 September 2021

Draft transcript

of Judgment

circulated: 27 September 2021

Date transcript

of Judgment approved: 29 September 2021

HEADNOTE

Limited Admission Application for John Wardell QC



JUDGMENT

1. This is my judgment in respect of limited admission application in FSD Cause Nos. 268, 269, and 270 of 2021.
2. I have considered the application dated 16 September 2021, the affidavit of Mr John Wardell QC sworn yesterday and also the affidavit of Mr David Lewis-Hall of Appleby (Cayman) Ltd also sworn yesterday 16 September 2021.
3. I have considered section 4 of the Legal Practitioners Act (2015 Revision), Practice Direction 4 of 2012 (“Practice Direction”), and the judgment of Smellie CJ in *In re Limited Admission as Attorney* 2015 (2) CILR 338. See also Segal J’s judgment in *Application to be admitted as an attorney* (Unreported, FSD 158 and 203 of 2020 (NSJ), 1 April 2021) in respect of junior counsel.
4. I am satisfied that Mr David Lewis-Hall’s affidavit provides sufficient evidence to explain why the time periods mandated by the Practice Direction have not been complied with in the urgent circumstances of these cases. I am persuaded that there is good reason to dispense with those time periods, including the very recent amendment to the temporary work permit only being received yesterday through no fault of the Applicant.
5. Mr David Lewis-Hall refers in his affidavit to a letter he says Appleby wrote directly to me on 9 September 2021. I wish to record that I do not recall that letter being brought to my attention on 9 September, but it has been a busy few weeks and I was in court on that day. I have been focusing on numerous urgent applications and hearings rather than correspondence. The first time I read that letter was this morning when preparing for the limited admission application hearing which I had directed be heard at 10:45am before the substantive hearing at 11:00am.

6. The letter, which is exhibited to Mr Lewis-Hall's affidavit, was directed to Ms Sheneen Powell - 'Secretary to the Hon Justice Doyle.' Ms Powell has been out of action for a few weeks following Storm Grace and has now moved on to other duties. I do not presently have a full-time PA, but hopefully that situation will be resolved shortly to ensure that this court can continue to provide an efficient service to its users. In the meantime, communications should be sent to Ms Bridget Clare or Ms Bethany Ebanks within the FSD team.

7. The letter of 9 September 2021 seems to seek my advice as to a possible approach. I would like to make clear that in future I expect the provisions of the Practice Direction to be strictly complied with despite what is said at paragraph (c)(iii) on the last page of the Appleby letter namely “in our experience, since the issuance of Practice Direction 4 of 2012, it has nonetheless remained the norm for such applications to be heard and determined immediately before the first hearing in which leading counsel is due to appear”. Attorneys should also take careful note of Practice Direction 2 of 2014, to the effect that counsel should not, 'Communicate directly with the Judge, particularly by email.'

8. I have, however, considered Mr Lewis-Hall's affidavit, which was properly put before me.

9. One other point I feel duty bound to make is the following. Mr Lewis-Hall, at paragraph 9, refers to, “*the timelines envisaged by Practice Direction number 4 of 2012.*” I wish to make it plain, as I thought I had done at the previous limited admission hearing, that the requirements of paragraphs 1 and 2 on page 1 of the Practice Direction are mandatory requirements and in this regard I note the use of the word ‘must’. Those timelines are not 'envisaged', they are expressly stated as mandatory requirements and must be followed. Paragraph 1 requires that the application and supporting affidavits must be filed and delivered to the Judge who is to hear the application not less than 3 business days before the hearing of the application. Paragraph 2 requires that the application will not be listed to be heard less than one business day prior to the hearing of the specified suit or matter in which it is proposed that the Applicant should appear if that is the purpose for which the Applicant’s admission is sought.

10. In this case, however, as I have said, I am satisfied that there are good reasons for dispensing with those timelines.
11. I again underline that applications for limited admission, even for eminent QCs, should not be regarded as simple, straightforward rubber-stamping operations and will not be granted as night follows day.
12. In this case, however, the court's previously expressed concerns have been adequately dealt with. I note that the grounds of the application are briefly touched upon at paragraph 7 of Mr Lewis-Hall's affidavit and I am persuaded that in the particular circumstances of this case, taking into account the complexity, the volume of documentation, the nature of proceedings, the limited admission granted in other connected proceedings, the expertise, experience, and prior involvement of Mr Wardell, that it is appropriate to grant the limited admission application.
13. Mr Wardell is to sign the register of admitted attorneys as soon as he is able to do so, and is of course required to comply with all the professional duties and obligations and be subject to the professional discipline of a generally admitted attorney at law and an officer of the Court.
14. I note that it is the intention of Mr Wardell to come to the Islands in due course and when he manages to do that he will, of course, be made very welcome. That completes my short judgment on the limited admission application.

THE HON. JUSTICE DAVID DOYLE
JUDGE OF THE GRAND COURT