

IN HIGH COURT OF BELIZE, A.D. 2023

CLAIM No. 451 of 2023

**IN THE MATTER of an Application by EWART ISAAC AUGUSTUS
ROBATEAU to be admitted to practice law and be entered on the Roll as
an Attorney-at-Law of the High Court of Belize**

BEFORE THE HONOURABLE MADAM JUSTICE PATRICIA FARNESE

Hearing by Written Submissions Only

Decision Date:

14th August 2023

APPEARANCES:

Mr. Ewart Isaac Augustus Robateau, for himself.

Mr. Hubert E. Elrington S.C., Counsel for the Applicant.

**DECISION ON APPLICATION FOR ADMISSION TO THE LEGAL
PROFESSION**

Introduction:

[1] Mr. Robateau applies under section 6(1)(c) of the *Legal Profession Act*¹ for admission as an Attorney-at-Law in Belize. I have dismissed the application on the ground that Mr. Robateau does not meet the requirements for admission. Over time, the requirements for admission have changed. It is no help to a party to appeal to past practice when the governing legislation has been amended. One can no longer be admitted to practice law in Belize without a Legal Education Certificate unless

¹ Cap. 320, The Substantive Laws of Belize, Rev. Ed. 2020.

the person is admitted or qualified to practice law in another CARICOM nation. Practice experience in Belize or any other jurisdiction is no longer sufficient.

[2] In preparing to set the matter down for a hearing, I reviewed the Fixed Date Claim Form and the accompanying affidavit with exhibits and did not see evidence that Mr. Robateau was “qualified to practice law in a CARICOM Member state” as required by the *Legal Profession Act*. I invited Mr. Robateau to make submissions on that point. Written submissions were provided on Mr. Robateau’s behalf by Mr. Hubert E. Elrington S.C.

[3] After reviewing the submissions, I elected to exercise the discretion granted to me by Rule 26.1(o) of the *Supreme Court (Civil Procedure) Rules 2005* to deal with the matter on written submissions. I find that the Fixed Date Claim Form and written submissions demonstrate a fundamental misunderstanding of the requirements of admission to practice law in Belize. I wished to save Mr. Robateau the experience of assembling his family and friends for what he hoped would be a joyous occasion only to learn that his application was dismissed.

Issue:

[4] The central issue to be decided is:

Whether Mr. Robateau meets the requirements under the *Legal Profession Act* to be admitted as an Attorney-at-law?

Analysis:

[5] Mr. Robateau filed a Fixed Date Claim Form for an order of the court to be entered on the Roll and admitted to practice as an Attorney in Belize. The requirements for admission are set out in subsection 6(1) of the *Legal Profession Act*:

6(1) A person who after the commencement of this section applies to be admitted to practice law, and who satisfies the Supreme Court that he—

- (a) is a national of a CARICOM Member State and holds a Bachelor of Laws Degree and a Legal Education Certificate;
- (b) is a national of a CARICOM Member State who is admitted to practice law in a CARICOM Member State; or
- (c) holds a Bachelor of Laws Degree or its equivalent granted by a Commonwealth University, and possesses suitable practical experience

and competence and is qualified to practice law in a CARICOM Member State,

and is of good character, shall upon compliance with the requirements of this Act, and unless that person is exempt from the requirements under, on payment to the Registrar of the appropriate fee for registration, be admitted to practice law and be entered on the Roll by order of the Court.

Mr. Robateau applied for admission under subsection 6(1)(c).

[6] I find the requirements for admission under subsection 6(1)(c) are:²

1. Hold a LLB or equivalent from a Commonwealth University;
2. Possess suitable practical experience and competence; and
3. Be qualified to practice law in a CARICOM Member State;

All applicants must also:

4. Be of good character; and
5. Unless exempt, paid the prescribed fee for Registration to the Registrar of the High Court.

These requirements are cumulative meaning if any one is not fulfilled, Mr. Robateau cannot be admitted to practice law in Belize.

[7] Only the third requirement is at issue in the present application. Mr. Elrington asserts that if the court adopts the “Literal Rule of Statutory Interpretation” and gives the words in subsection 6(1)(c) their natural and ordinary meaning, Mr. Robateau satisfies the requirements for admission. He argues that Belize is a CARICOM Member State and because the subsection does not read “qualified in a CARICOM Member State *except Belize*,” he ought to be admitted.

[8] I do not find Mr. Elrington’s interpretation sound. A natural and ordinary reading of subsection 6(1)(c) necessarily implies the words *except Belize* because of the use of the word *qualified* instead of *qualify*. Subsection 6(1) of the *Legal Profession Act* contains an exhaustive list of ways to qualify for admission to practice law in Belize. One cannot be *qualified* before they satisfy the qualifications. As already mentioned, the requirements of subsection 6(1)(c) are cumulative. Given that

² Cap. 320, The Substantive Laws of Belize, Rev. Ed. 2000.

no applicant would apply under (c) if they qualified under (a) or (b), the only reasonable interpretation of (c) is that an applicant must be qualified to practice law in a CARICOM Member State other Belize.

[9] The reasonableness of this interpretation is underscored when one considers the amendments to the admission requirements that have been made overtime. Subsection 6(1) previously read:

6(1) A person who after the commencement of this Act applies to the Supreme Court to be admitted to practise law, and who satisfies the Supreme Court that he-

(a) is a Belizean citizen and holds a Legal Education Certificate; or

(b) has obtained adequate training in the law and is suitably qualified and competent to practise law in Belize; or

(c) possesses suitable practical experience and competence and is qualified to practise law in any country which the Chief Justice, after consultation with the Council, designates by Order published in the *Gazette* as having a sufficiently analogous system of laws,

and is of good character, shall upon compliance with the requirements of this Act, and unless that person is exempt therefrom, on payment to the Registrar of the appropriate fee for registration and upon payment to the Bar Association of the annual subscription in respect of membership of that Association, be admitted to practise law and be entered on the Roll by order of the court.

Under the previous criteria, Mr. Robateau likely would qualify under (b) or (c). The amendments, however, expressly did away with the ability to be admitted with training and practice experience alone. The effect of the amendments was to drastically narrow who is eligible for admission as a lawyer in Belize.

[10] The amendments have accomplished two things. First, applicants must demonstrate experience with the law and legal systems within the CARICOM region. And second, if an applicant does not have a Legal Education Certificate, they are only permitted to practice law in Belize if they have qualified and/or been admitted to practice in another CARICOM Member State. References to CARICOM Member States in the amendments undoubtedly were influenced by the need to ensure the

Legal Profession Act complies with Belize's obligations under the *Treaty of Chaguaramas*.

[11] That many lawyers have practiced law without meeting the new requirements is of no consequence to Mr. Robateau's application. Their admissions are not precedents to which I am bound. For those admitted prior to the amendments, Section 5 of the *Legal Profession Act* expressly grandfathered their admissions:

5. Upon the commencement of this Act, the Registrar shall without application or the payment of any fee cause to be entered on the Roll the particulars specified in section 4 (1)(a) to (c) in respect of every person known to him who immediately prior to the commencement of this Act—

(a) was a person admitted and enrolled as a solicitor of the Supreme Court; or

(b) was a person entitled to practice in the courts of Belize by virtue of the Law Officers Act.

Moreover, Section 6(1) begins with "A person who after the commencement of this section applies to be admitted to practice law..." thereby signally any new application is to be assessed on the criteria contained in the amended section.

[12] If after the amendments were passed, someone was admitted under subsection 6(1)(c) without having been qualified to practice law in a CARICOM Member State other than Belize, that admission was an error of law. I am, likewise, not bound to follow that decision.

[13] In his submissions, Mr. Elrington appears to suggest that an Attorney-at-Law who has worked *ex-officio* pursuant to Section 8 of the *Legal Profession Act* can qualify under subsection 6(1)(c) without being qualified in CARICOM Member State other in Belize. That is not a fair reading of either subsection 6(1)(c) or Section 8. Section 8 provides:

8(1) Notwithstanding section 6, a person who holds an office of law officer of the Government specified in Schedule II, or as designated by the Attorney General from time to time by Order published in the *Gazette* shall, be entitled *ex officio* to be admitted and enrolled as an attorney-at-law without payment of a fee and so long as he continues to hold the office or to exercise and perform

the duties of the office the person shall be entitled to practice law in all courts in Belize without holding a Practicing Certificate.

(2) Upon termination of appointment, a law officer of Government shall not be entitled to practice law unless and until admitted and enrolled in the ordinary way pursuant to section 6, but in that event his admission and enrolment shall date retroactively to the date when he was first admitted to practice and enrolled pursuant to sub-section (1).

Section 8 “entitles” a person holding a law officer appointment to practice, for so long as they hold that position, without the court hearing an application for admission. The only other requirement that is waived for Attorneys who seek admission and a practice certificate under section 8 is the fee payment. Subsection (2) makes it clear that upon termination of the law officer appointment, a person is not entitled to practice law without applying to the court for admission and meeting the requirements of subsection 6(1)(c).

[14] Finally, the *Legal Profession Act* has not provided the court with discretion to change these requirements or to consider additional factors when assessing an application for admission to practice law. Therefore, Mr. Elrington’s request that I consider whether Mr. Robateau’s admission to the practice of law is beneficial to Belize is misplaced. That is a consideration for the legislature who set these requirements.

Disposition:

[15] The Application of Mr. Ewart Isaac Augustus Robateau to be admitted to practice law in Belize is dismissed.

August 14, 2023

Patricia Farnese
Justice of the High Court