

---

SUPREME COURT, JAMAICA

---

January 07 to April 07, 2017

THE HILARY TERM  
STATISTICAL REPORT  
2017

Prepared by the Statistics Unit with the support of the Information  
Technology Unit

Supreme Court  
Jamaica

**Table of Contents**

Introduction.....3

Executive Summary.....4

High Court Civil (HCV report).....5

Matrimonial Division report.....25

Probate Division report.....35

Home Circuit Court report.....45

Gun Court report .....62

Conclusion.....77

---

**Introduction**

Over the past months significant efforts have been made to optimize the use of the JEMS software at the Supreme Court to ensure that data on a range of variables are adequately captured. This was done with the assistance of a statistician, working closely with other court staff and staff assigned by the Ministry of Justice. This project has so far been successfully applied in the HCV, Matrimonial and Probate Divisions as well as the Home Circuit Court and Gun Court and is supported by a recently implemented data validation system. Several training exercises were undertaken in the various Divisions of the Supreme Court and the piloting of the systems implemented commenced in November, 2016. This report represents a summary of some essential data extracts for the High Court Civil (HCV) and Matrimonial Divisions as well as for the Home Circuit Court and Gun Court. Efforts are currently underway to organize and optimize the data capture mechanism in the Commercial Division of the Supreme Court. The analysis carried out in this report is based on case activity for the Hilary Term dating from January 07<sup>th</sup> to April 07<sup>th</sup>, 2017.

**Hon Zaila McCalla, OJ**

**Chief Justice**

---

**Executive Summary**

This report was generated based on data extracts from JEMS for the Hilary term ended April 07<sup>th</sup>, 2017. The report presents preliminary findings on the High Court Civil (HCV), Probate and Matrimonial Divisions as well as the Home Circuit Court and Gun Court. As with the report for the last two months of the Michaelmas Term in 2016, these results produce important insights into a range of measures for each Division which can potentially inform the operational efficiency and of the Supreme Court and the policy design of the relevant state actors.

A total of 3412 cases were filed across the HCV, Probate, Matrimonial, Criminal and Gun Court Divisions in the Hilary Term while 1608 cases were disposed for these same Divisions during the Term. The HCV and Matrimonial Divisions with 1213 and 1068 respectively of the total cases filed accounted for the largest share while the Home Circuit Court with 191 new cases had the lowest number. The Matrimonial Division accounted for almost 50% of all cases disposed in the Supreme Court during the Hilary term, with 797 while the 60 cases disposed of in the Home Circuit Court was the least among the Divisions.

Among the major findings for Hilary term is that the average case clearance rate across the four Divisions was roughly 47%, approximately the same when compared to the previous analysis for the Michaelmas term in 2016, indicative of a decisive trend. The case clearance rate provides a measure of the number of cases disposed, for every new case filed. The average of roughly 47% across the Divisions suggests that for every 100 new cases filed in the period; roughly 47 were also disposed (not necessarily originating in the same period). The clearance rates for the Hilary Term ranged from a low of 31% in the Home Circuit Court to a high of 75%

---

in the Matrimonial Division. The overall statistic on the case clearance rate gives essential insights into potential case flow problems as on average there are significantly more cases being filed than the number being disposed (over twice as many).

As with the previous report, it was found that most Divisions have challenges with the rate of strict adherence to dates set for hearing or trial due to the generally high incidence of adjournments. The trial and hearing date certainty which computes the rate of adherence to dates scheduled, ranges from an approximate low of roughly 30% in the HCV Division to an approximate high of approximately 78% in the Matrimonial Division for Hilary Term. The average date adherence across the Divisions for the period under examination was roughly 64%. This is an indication that there is a 64% probability that a matter scheduled for hearing or trial will go ahead without adjournment for reasons other than 'continuance.' Among the prominent reasons for adjournment cited across the Divisions is absenteeism of attorneys at-law and parties involved in a matter as well as files not found. At the heart of the solutions related to these issues is the need for enhanced case management, stakeholder engagements and scheduling.

Consistent with the previous report on the Michaelmas Term is the finding of a fairly high incidence of requisitions, which is an impediment to the speed of disposition of civil matters. Among the Civil Divisions, the incidence of requisitions were highest in the Probate Division with a ratio of 144 requisitions per 100 case files while the HCV Division with 26 requisitions per 100 case files had the lowest incidence. The report also successfully generated the estimated times to disposition for matters disposed of in each of the five Divisions in the Hilary Term. The

---

estimated average times taken for cases to be disposed, ranged from a low of approximately 1.2 years or about 14 months in the Probate Division to a high of just over 2.67 years or roughly 32 months in the HCV Division. The HCV Division also had the highest average time to disposition in the previous analysis done. The overall average time to disposition for the five Divisions included in this report was 2.3 years or about 27.6 months. The oldest matter to be disposed of in the period under examination was in the Home Circuit Court which saw a 27.67 year old matter being disposed. As with the previous report there were also matters which took as low as 0-6 months to be disposed across all Divisions reviewed.

# STATISTICAL REPORT ON THE SUPREME COURT FOR THE HILARY TERM

2017

## High Court Civil (HCV) Division

**Table 1.0: New case summary for the Hilary Term ended April 07<sup>th</sup>, 2017**

Action	Frequency	Valid Percent
New cases filed	1213	100.00

The table above provides basic summary of some the number of cases filed in the High Court Civil Division (HCV) for the Hilary Term, 2017. It is shown that there were a total of 1213 new were HCV cases filed in the period.

**Table 2.0: Claim forms and fixed date claim forms for the Hilary Term ended April 07<sup>th</sup>, 2017**

Action	Frequency	Percentage (%)
Fixed date claim form	549	45.26
Claim form	660	54.74
<b>Total</b>	<b>1213</b>	<b>100</b>

The above table enumerates the number and proportion of matters which originated either using a claim form or fixed date claim form for the Hilary Term. Of the 1213 matters originating in either of these ways, 660 or 54.74% was by way of a claim form while 549 or 45.26% originated by way of fixed date claim form. This probability distribution is consistent with previous reports which have seen the number of matters originating by way of a claim form outstripping those originating by way of a fixed date claim form.

**Table 3.0: Top ten reasons for adjournment for the Hilary Term ended April 07, 2017**

Reasons for adjournment	Frequency	Percentage
No parties appearing	167	14.2
Claimant's documents not served on the defendant	141	11.9
For comments from NEPA to be complied with (restrictive covenant)	108	9.2
File not found	96	8.1
Claimant's attorney absent	76	6.4
Claimant to file documents	64	5.4
Claimant not available	56	4.7
Defendant not available	49	4.2
Defendant's attorney absent	47	4.0
Parties having discussion with a view of settlement	40	3.4

**Total incidence of adjournments (N) = 1180**

The above table summarizes the top ten reasons for adjournment for the Hilary Term. It is seen that the three dominant reasons for adjournment were 'no parties appearing' with 167 or 14.2% of the total adjournments, claimant's documents not served on the defendant with 141 or

11.9% and restrictive covenants with 108 or 9.2%. File not found with 96 or 8.1% of the total adjournments and claimant's attorney absent with 76 or 6.4% rounds off the top five reasons for adjournment, all of which featured prominently in the previous two reports produced on activity in the HCV Division. The top ten reasons for adjournment which are enumerated above, accounts for 71.5% of the total number of adjournments in the Hilary Term. It is quite instructive that roughly 59% of the total adjournments were due to factors related to the lack of readiness or preparedness of cases, parties or their attorneys for court. As with the previous two reports, these reasons for adjournment seem to suggest weaknesses in case management as a significant proportion of the adjournments appear to be a result of factors which could be classified as avoidable. It is of note that part heard matters accounted for 39 or 3.3% of the total adjournments in the Hilary Term while pending settlements accounted for 22 or 1.9%. Apart from adjournments due to pending settlement, parties having discussions with a view to settlement and part-heard, the reasons for adjournment which are listed, seems generally escapable with more robust case management, the right balance of resources and a highly efficient scheduling matrix. Specific, targeted interventions may also be necessary to stem the high incidence of particular reasons for adjournment. For example, the high incidence of files not found (accounting for 8.1% of the total adjournments) can be addressed by strengthening the existing system of logging files in and out to individuals who use them at the various stages along the case flow continuum. This will enhance the accountability and transparency of the file movement process and stem the current tide. As it regards attorney absenteeism as a key source of adjournments, it has been suggested that the Judges be encouraged to impose

sanctions on those who are repeatedly guilty of absenteeism. If such sanctions are successful there will be a monumental improvement in the efficient use of judicial time. Consideration could also be given to the implementation of a sequencing mechanism where repeated attorney absenteeism for particular cases result in new court dates for such cases be placed in a queue behind other matters which are progressing on schedule.

The apparent need to strengthen case management processes, reinforced by the large monthly case load, suggests that there may be a need to examine the engagement of additional case progression officers in the HCV Division. There was a total of 1180 incidence of adjournments in the Hilary Term, 1079 of which were due to reasons other than part-heard matters, pending settlements or parties having discussions with a view to arriving at a settlement.

**Table 4.0: Trial matters for the Hilary Term ended April 07<sup>th</sup>, 2017**

<b>Trial matters</b>	<b>Frequency</b>	<b>Percentage</b>
Petition for winding up	6	0.77
Court trials	161	20.61
Motion hearing	48	6.15
Assessment of damages	438	56.08
Trial in Chambers	128	16.39
<b>Total trial matters</b>	<b>781</b>	<b>100</b>

The above table shows the breakdown of the progression of HCV pre-trial and trial matters for the stated period. There were a total of 781 combine occurrences of trial hearings in the Hilary Term. Of these 781 occurrences, assessment of damages dominated with 438 or 38.93% of the total. This was followed by Case Management conferences with 334 matters or 56.08% of the total while court trials with 161 matters or 20.61% ranks next. Trial in Chambers with 128 or

16.39% rounds off the list. This percentage distribution is quite similar to that observed in the two previous reports produced.

**Table 5.0 Trial/hearing date certainty for the Hilary Term ended April 07<sup>th</sup>, 2017**

Trial/hearing dates set	Trial/hearing dates adjourned (excluding part-heard and pending settlement)	Trial/hearing date certainty
3515	1119	68.17%

The date scheduling certainty of a Court provides a good metric of the extent to which dates which are scheduled for either hearing or trial are adhered to and therefore speaks to the reliability of the case scheduling process. Of the 3515 matters scheduled for either trial or pre-trial, both in Court or in Chamber, 1180 were adjourned. However, in order to get a pure measurement of scheduling certainty it is necessary to deduct those reasons for adjournment which are for some form of ‘continuance’ or settlement. Hence the counts for adjournments due to ‘part heard’ and issues regarding pending settlement are subtracted. The resulting trial/hearing date certainty figure of 68.17% suggests that there is a roughly 68% probability that a date set for a matter to be heard or for trial, will proceed without adjournment for reasons other than some form of ‘continuance’ or settlement. This result gives important insights into the extent to which judicial time is wasted by potentially avoidable adjournments and suggests that strong interventions by way of improved case management, scheduling and external stakeholder cooperation are vital to redressing these deficiencies.

The ensuing analysis will go further into explaining where on the continuum of a matter traversing the system adjournments are most likely to occur. This will involve an analysis, termed a break-out analysis which will examine the incidence of adjournments particularly at Assessment of Damages and Case Management Conferences.

The below tables provide indices of scheduling efficiency in the Supreme Court by measuring the number of days of matters being scheduled for assessment of damages and court trials respectively compared to the number of available court days.

**Table 6.0a: Index of scheduling efficiency for Assessment of Damages in the HCV Division for the Hilary Term ended April 07<sup>th</sup>, 2017**

<b>Number of available court days in the Hilary Term</b>	<b>Number of days' worth of assessment of damages scheduled</b>	<b>Approximate ratio</b>
<b>65</b>	<b>438</b>	<b>7 days</b>

An important indicator of the problems associated with the scheduling of HCV matters comes from an assessment of the number of court days which were available in the Hilary Term, 65 all told and the number of days worth of assessment of damages which were scheduled (a total of 438). It is shown that for every court day available, 7 days' worth of matters were scheduled, creating a significant stress on the ability of the court to proceed without adjournments. This

evidence reinforces the idea that there needs to be a major revision of the methods used to schedule matters for assessment court.

**Table 6.0b: Index of scheduling efficiency for court trials in the HCV Division for the Hilary Term ended April 07<sup>th</sup>, 2017**

Number of available court days in the Hilary Term	Number of days' worth of court matters scheduled for court trial per court	Approximate ratio
<b>65</b>	<b>97</b>	<b>1.49 days</b>

Another important indicator of the problems associated with the scheduling of HCV matters comes from an assessment of the number of court days which were available in the Hilary, 65 all told and the number of days' worth of court trials which were scheduled per court (a total of 97). It is shown that for every day available, close to one and a half days worth of matters were scheduled, reinforcing the strain on the capacity of the court to proceed without adjournments. The evidence again reaffirms the idea that there needs to be a major revision of the scheduling mechanisms currently being employed. An increase in physical and human capital will be needed to ensure that the court is able to adequately revisit its scheduling practices.

# STATISTICAL REPORT ON THE SUPREME COURT FOR THE HILARY TERM

**2017**

**Table 7.0: Sampling distribution of the incidence of adjournments for the Hilary Term ended April 07<sup>th</sup>, 2017**

<u>Type of Incidence</u>	<u>Frequency</u>	<u>Percentage</u>
Case Management		
Conference	94	8.64
Pre-Trial Review	55	4.66
Trial in court	28	2.37
Assessment of damages	289	24.49
Judgment Summons Hearing	50	4.24
Applications	664	56.27
<b>Total</b>	<b>1180</b>	<b>100</b>

The above table shows decisively that the vast majority of adjournments are associated with applications, accounting for 56.27% of the total. Adjournments from assessment of damages and Case Management Conferences with 24.49% and 8.64% respectively of the total adjournments rank next. It is of interest that trial in court accounts for only 1.61% of the adjournments which is an indication of a high trial/hearing credibility ratio. The implication of these collective findings is that there needs to be significant strengthening of the processes which impact on the readiness of matters to heard, thereby reducing the incidence of adjournments. This is a reaffirmation of the possible targeted approaches outlined earlier which could stem the incidence of adjournments.

The analysis below highlights the two of the major contributors to adjournments – Assessment of Damages and Case Management Conferences and explores the magnitude of their contribution, through an examination of trial/hearing date certainty for these matters.

**Table 8.0: Hearing date certainty for Assessment of damages for the Hilary Term ended April 07<sup>th</sup>, 2017**

Hearing dates set	Dates adjourned (excluding part-heard and pending settlement)	Hearing date certainty
438	289	34.01%

One area in which adjournments are aplenty is with respect to the Assessment of Damages which accounts for 289 adjournments and has a hearing date credibility of 34.01%. This suggests that the probability that a matter that is set for assessment will be heard without adjournment is just over 34% and implies that significant strengthening of the scheduling process for Assessment of Damages is required.

**Table 9.0: Hearing date certainty for Case Management Conferences for the Hilary Term ended April 7<sup>th</sup>, 2017**

Hearing dates set	Dates adjourned (excluding part-heard and pending settlement)	Hearing date certainty
334	94	71.86%

The hearing date certainty for Case Management Conferences is considerably higher than that of Assessment of Damages, accounting for 56 adjournments and a trial certainty of 71.86%. This suggests that there is only a 3 in 10 chance that a matter scheduled for Case Management

Conferences will be adjourned. While this is not necessarily a cause for concern, strengthening case management processes which contribute to the readiness of a matter for hearing would contribute to bolstering the scheduling certainty of Case Management Conferences. Case Management Conferences have a considerably higher hearing date certainty than Assessment of Damages, partly because such matters are scheduled to be heard at specific time intervals while assessments of damages are all scheduled for hearing on the same day. The replication and strengthening of the scheduling methodology used for Case management Conferences could therefore assist in reducing the high probability of adjournment in the HCV Division.

**Table 10.0: Requisitions for the Hilary Term ended April 07<sup>th</sup>, 2017**

Action	Frequency
Requisitions	319
Number of requisitions per case file	0.26

In considering the efficiency with which civil matters flow through the court system, the number of requisitions and the ratio of requisitions to case files is an important metric. In the table above it is shown that there was a total of 319 requisitions for the two months ended, February 28, 2017. The ratio of cases filed to requisition was calculated to be 1: 0.26 which suggests that for every 100 case files there were 26 requisitions or roughly speaking an average of 3 requisitions per 10 HCV case file. Interventions aimed at reducing this incidence of requisitions should positively impact on the efficiency of the progression of cases towards disposition in the HCV Division. One such intervention that has been implemented is the

emailing of requisitions which should expedite the rate at which the public responds, mirroring the incremental success seen since deploying a similar approach in the Matrimonial Division.

**Table 11.0: Judgments for the Hilary Term ended April 07<sup>th</sup>, 2017**

Judgments	Frequency	Percentage
Judgments (Trial in Court/Assessment of damages)	123	39.68
Judgment on admission	29	9.35
Judgment in default of acknowledging service	93	30.00
Judgment in default of defence	41	13.23
Judgment in default	24	7.74
<b>Total Judgments</b>	<b>310</b>	<b>100</b>

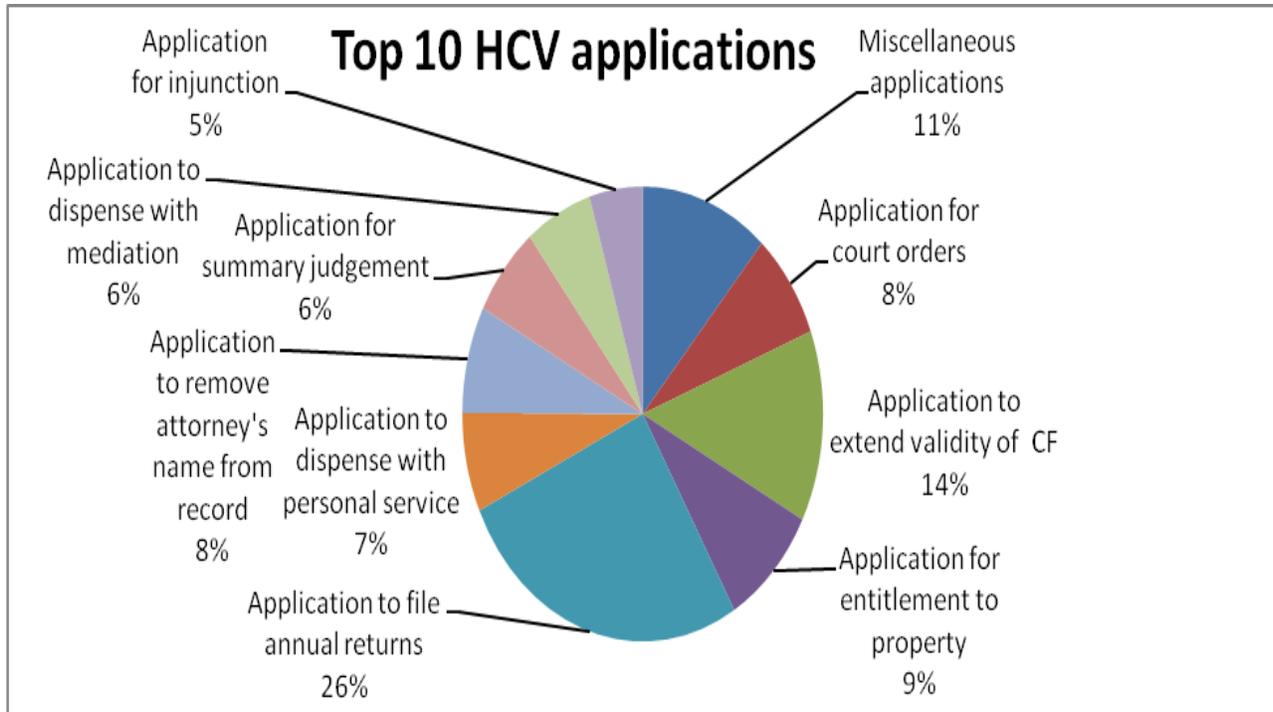
The above table provides a summary of the Judgments rendered during the life of HCV cases for the Hilary Term. As seen, Judgments from trial in court or assessment of damages with 123 or 39.68% of total Judgments account for the largest proportion of the Judgments enumerated above. This is followed by Judgments in default of acknowledging service with 93 or 30% of the Judgments. The top three Judgments are rounded off by Judgments in default of defence with 41 or 13.23% of the total. The top three Judgments in the period under examination were also the top three in the previous reports produced. There is an inverse association between Judgments in default of acknowledging service and the incidence of requisitions as well as between Judgments in default of defence and incidence of requisitions. This relationship will be empirically underscored once the Easter Term report is produced to allow for a comparison to the Hilary Term output.

**Table 12.0: Chamber hearings for the Hilary Term ended April 07<sup>th</sup>, 2017**

Hearings	Frequency	Percentage (%)
Oral Examination	9	0.33
Case Management Conference	334	12.22
Pre-trial review	299	10.94
Applications (Various)	1947	71.27
Judgment summons hearing	145	5.31
<b>Total</b>	<b>2732</b>	<b>100%</b>

The above table summarizes the incidence of different types of hearings for the Hilary Term. It is seen that the total number of hearings for the period was 2,732. The highest proportions were general applications with 1947 or 71.27% of the total number of hearings. The general applications category speaks a range of various types of non-exhaustive applications which come before the HCV Division. Case Management Conferences was a distant second with an incidence of 334 or 12.22% of the total number while Pre-trial reviews with 299 or 10.94% and Judgement summons hearings with 145 or 5.31% rounds off the top four chamber hearings for the Hilary Term. These findings are broadly consistent with the findings from the two previous reports produced.

Chart 1.0: Top ten application types for the Hilary Term ended April 07<sup>th</sup>, 2017



The above chart provides a more detailed breakdown of the ‘general applications’ sub-category which was enumerated in the previous table. The largest proportion of the top ten applications, as shown above, is accounted for by applications to file annual returns with 150 applications or 26%. This is followed by applications to extend the validity of CF and general applications with 13% or 77 applications and 11% or 65 applications respectively of this cohort. Application for entitlement to property with 9% or 50 applications and application for court orders with 8% or 43 applications rounds off the top five. The high incidences of these application types provide significant insights into a range of factors which contribute an occupation of judicial time, some of which can be improved through targeted interventions. For example, the fact that applications to extend the validity of a claim form ranks so prominently among the types of

# STATISTICAL REPORT ON THE SUPREME COURT FOR THE HILARY TERM

**2017**

applications filed provide a clear suggestion that a system of tracking such applications could be established in which reminders are provided to the relevant parties well in advance of the expiration date. The need to bolster the case progression management processes is thus reinforced.

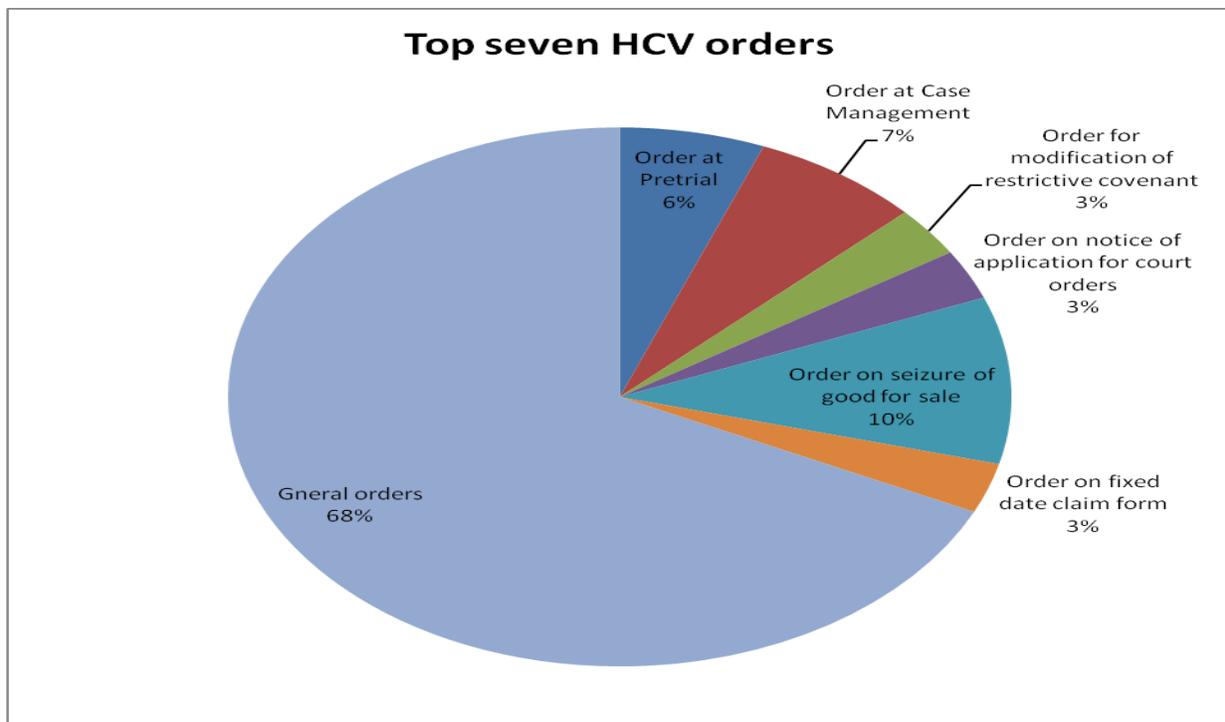
**Table 13: Methods of disposition for the Hilary Term ended April 07<sup>th</sup>, 2017**

<b>Method of Disposal</b>	<b>Frequency</b>	<b>Percentage</b>
Application Granted	150	38.8
Application Refused	2	.5
Attorney Admitted to Bar	3	.8
Claim form expired	5	1.3
Consent Judgment	22	5.7
Consent Order	1	.3
Damages Assessed	28	7.2
Dismissed	2	.5
Judgment	10	2.6
Matter Completed at Mediation	4	1.0
Matter Withdrawn	6	1.6
Notice of Discontinuance	44	11.4
Settled	78	20.5
Struck Out	14	3.6
Transfer to Commercial	3	.8
Written Judgment Delivered	14	3.6
<b>Total</b>	<b>387</b>	<b>100.0</b>

An understanding of the distribution of the methods of case disposal is an essential metric to gaining insights into the efficiency of case handling in the courts and in operational planning. It is seen that there were 387 HCV cases disposed for the two month period, of which the largest

proportion, 150 or 38.8% were as a result of applications granted. This was followed by matters settled with 78 or 20.5% of the total. Notices of Discontinuance were next with 44 or 11.4% of the total disposals. Damages assessed with 28 or 7.2% and consent judgement with 22 or 5.7% of the total adjournments rounds off the top five methods of disposition in the Hilary Term. Of note is that only a small minority of the methods of disposal, 4 or 1.0% were completed by way of mediation. Of similar note is that only 6 or 1.6% of the total number of disposals were as a result of matters withdrawn.

**Chart 2.0: Top seven orders for the Hilary Term ended April 07<sup>th</sup>, 2017**



The above table summarizes the top seven orders made in the HCV Division for the Hilary Term. There were a total of 882 orders made in the Term. Of these top seven orders, 68% were general court/chamber orders, followed by orders on seizure of goods for sale with 10%, orders

at case management with 7% and orders at pre-trial with 6% of this cohort rounding off the top four orders made. Orders for the modification of restrictive covenant, orders on notice of application for court orders and order on fixed date claim forms with 3% each of this top echelon, rounds off the top seven orders made.

**Table 14.0: Time to disposition for the Hilary Term ended April 07<sup>th</sup>, 2017**

Descriptive Statistics	
Number Disposed	387
Mean	32.4651
Median	20.0000
Mode	9.00
Std. Deviation	30.45962
Skewness	1.763
Std. Error of Skewness	.124
Minimum	3.00
Maximum	211.00

One of the most important metrics which can be used in assessing the efficiency of case handling is the time to disposition. An understanding of this measure is crucial to influencing both internal and external policies, necessary to bolster the timely delivery of justice. The above table provides crucial insights on the average time to disposition of matters in the HCV Division in the Hilary Term, 2017. The 387 cases disposals of in the Term reveal an estimated average time to disposition was 32.47 months or 2.7 years, a result that is broadly consistent with previous analyses. The oldest matter disposed in this period was 211 months old or 17.5 years old while the lowest time that a matter took to disposition was roughly 3 months. The most frequently occurring time to disposition in the period was 9 months or roughly three quarters

of a year. The standard deviation of roughly 30 months or 2.75 years is indication of a wide variation of the durations to disposal around the mean and suggests that the times to disposition vary widely. The modest positive skewness of 1.763 however indicates that there were more disposals which took lower time to disposition than those which took higher. The margin of error of these estimates is plus or minus 3 months or 0.25 years.

**Table 15.0: Breakdown of time to disposition for the Hilary Term ended April 07<sup>th</sup>, 2017**

<b>Months</b>	<b>Frequency</b>	<b>Valid Percent</b>
0 – 12	167	43.2
13 - 24	54	14.0
25 - 36	39	10.1
37 - 47	31	8.0
48 & over	96	24.8
<b>Total</b>	<b>387</b>	<b>100.0</b>

The above table provides a more detailed breakdown of the average time to disposition. It is seen that of the 387 matters disposed in the period, the majority, 167 or 43.2% % took between 0 and 12 months ( 1year) to be disposed. This was followed by 96 matters or roughly 25% which took 48 and over months to be disposed. 14.0% or 54 matters took between 13 and 24 months to be disposed while 10.1% or 39 matters had a time to disposition of between 25 and 36 months. It is of note that just over 57% of the matters were disposed of within two years, compared to roughly 43% which took more than two years during the Hilary Term. Some of the deficiencies identified earlier, including frequent adjournments, low trial/hearing certainty and the attendant problems with date scheduling certainty as well as the incidence of requisitions may be among the factors accounting for the majority of matters taking more than

two years to be disposed. The margin of error of these estimates is plus or minus 3 months or 0.25 years. The result of a modal time to disposition of nine months and that the largest proportion of cases disposed of in the Hilary Term took a year or less, is quite instructive. This outcome is largely the result of a targeted intervention spearheaded by an HCV scheduling committee styled as the Express Chamber Resource. Under this intervention the matters which are most likely to be disposed within the shortest time were assigned to a specific court and expedited accordingly. An augmented, cross-Divisional approach of this nature could greatly assist in promoting a more timely movement of cases towards disposition.

**Table 16.0: Clearance rate for the Hilary Term ended April 07, 2017.**

<b>Cases filed</b>	<b>Cases disposed</b>	<b>Case clearance rate</b>
<b>1213</b>	<b>387</b>	<b>32%</b>

The case clearance rate is an important metric which complements the case disposal rate. It is calculated as the ratio of incoming active cases to disposed cases. A ratio of 100% is an indication that for every new case filed, a pre-existing case is also disposed. It is an important measure in placing the time to disposition of matters into context and to providing a deeper understanding the case carriage burden that is being faced by the different Divisions. The ratio of 32.0% seen above for the HCV Division is an indication that for every 100 new cases filed in the period under examination, there were roughly 32 cases disposed. This clearance rate is broadly consistent with the findings from the previous periods of analysis. The result could

# STATISTICAL REPORT ON THE SUPREME COURT FOR THE HILARY TERM

2017

suggest that either the case disposal rate in the Division is too low to sustain a continuously increasing burden and / or that the Division's capability to handle its case load is under-resourced. . It is important to point out that at least some of the disposed cases used in this computation may have originated in previous periods at the clearance rate is meant to be a ratio.

## **Matrimonial Division**

The ensuing analysis examines the various measures of the efficiency of case handling in the Matrimonial Division for the two month ended February 28, 2017.

**Table 14.0: Petitions filed for the Hilary Term ended April 07, 2017.**

<b>Type of petition</b>	<b>Frequency</b>	<b>Percentage</b>
Amended petition for dissolution of marriage	773	41.99
Petition for dissolution of marriage	1068	58.01
<b>Total petitions filed</b>	<b>1841</b>	<b>100</b>
Number of amendments per petition	<b>0.72</b>	

The above table summarizes petitions filed over the stated period. It is shown that a total of 1841 petitions were filed. 1068 or 58.01% were petitions for dissolution of marriage, compared to 773 or 41.99% which were amended petitions for dissolution of marriage. The analysis further suggests that the ratio of petitions to amended petitions is 0.72 or in other words for every 100 petitions for dissolution of marriage there is roughly 72 amended petitions for dissolution of marriage in the Hilary Term. These results are broadly consistent with that of the two recent previous analyses, indicative of a high incidence of amendments which constitutes a

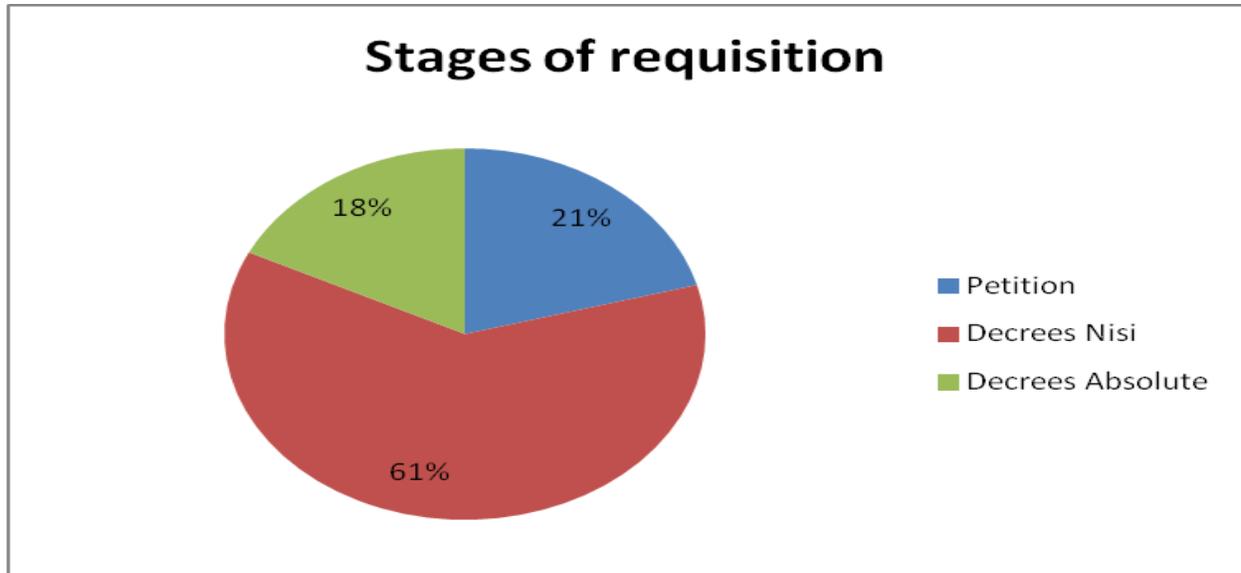
source of delays in the timely and efficient delivery of dispositions. Greater public sensitization may be necessary to stem this tide. An initiative is currently underway to do window postings of models of how to complete the relevant forms at the point of filing a petition and an additional initiative which will involve the emailing of such models along with requisitions sent out on a daily basis, will be pursued. The effectiveness of these approaches will be monitored as the year progresses, underscoring the imperative for a robust approach to curbing the high incidence of amended petitions.

**Table 15.0: Decrees Nisi and Decrees Absolute filed for the Hilary Term ended April 07, 2017**

Case Status	Frequency
Decree Absolute	1475
Decree Nisi for dissolution of marriage	2002
<b>Total</b>	<b>3477</b>
<b>Ratio of Nisi to Absolute</b>	<b>1.36</b>

It is seen in the above table that for every 100 Decrees Absolute filed there were roughly 136 Decrees Nisi filed in the period. One caveat to note is that Decrees Nisi and Decrees Absolute would have originated at various times outside of this specific period of analysis. The data here suggests that there were 36% more Decrees Nisi than Decrees Absolute filed in the Hilary Term. The stage of a matter at which requisitions have mostly occurred has an impact on the production rate for both Decrees Nisi and Decrees Absolute granted. A sampling distribution of the incidence of requisitions at the key stages of a matrimonial matter’s lifecycle; Petition, Decrees Nisi and Decrees Absolute are shown in the chart below.

Chart 3.0: Sampling Distribution of the stages of the Hilary Term ended April 07, 2017



Using a sampling distribution from 1137 requisition, it is seen in the above chart that there appears to be a significantly greater probability that a requisition will be made at the stage of Decree Nisi, with an estimated 61% incidence. 21% of the sample constituted requisitions at the stage of a Petition and the lowest proportion of 18% of requisitions are associated with Decrees Absolute. This data suggests that specific interventions may be needed at the stage of Decrees Nisi in order to bolster the speed of movement of matters by reducing the incidence of requisitions. It is suggested that a scheduling mechanism whereby files are logged to Judges, with affixed timelines should be implemented.

Table 16.0: Methods of Disposals for the Hilary Term ended April 07, 2017

Method of Disposal	Frequency	Percent
Decrees Absolute Granted	797	100.00
<b>Total</b>	<b>797</b>	<b>100.00</b>

The above table reveals that a total of 797 Matrimonial matters were disposed of in the two month period under study, all of which were by the method of Decrees Absolute Granted. This is consistent with the trend from the recent previous analyses in which this method of disposition was singularly dominant.

**Table 17.0: Requisitions summary for the Hilary Term ended April 07, 2017**

Action	Frequency
Requisitions	2320
Number of requisitions per 100 files	126
Number of responses to requisitions	325
Requisition response rate	14%

The incidence of requisitions is especially important in assessing the efficiency with which Matrimonial matters move through the court system. A total of 2320 requisitions were filed during the Hilary Term, consistent with the monthly trend observed over the past six months. The analysis further suggests that the ratio of cases filed to requisitions issued during this period is 1.26, suggesting that for every 100 cases filed there were 126 requisitions, the highest rate registered from the analyses done over the past six months. There were 325 responses to requisitions made in the period, a response rate of roughly 14%, higher than the rate observed in both of the two recent previous periods of analysis. Though well below the desired mark, this could be an indication that the new system of emailing requisitions is showing some positive signs.

**Table 18.0: Time efficiency measures for the Hilary Term ended April 07<sup>th</sup>, 2017**

Efficiency measures	Days
Average days between Petitions filed and Decrees Nisi filed	31
Average days between requisitions issued and Decrees Nisi filed	28
Average days between Decrees Nisi filed and Decrees Absolute filed	63.25
Average days between requisitions issued and Decrees Absolute filed	24

The above table provides vital insights into the efficiency with which cases move along the continuum from initiation to disposition. It is shown that it took on average 31 days or 1 month between the filing of a petition and the filing of a Decree Nisi during the Hilary Term. The data further suggests that the estimated average number of days between the issuing of a final requisition and the filing of a Decree Absolute is 24 days. It takes on average four days longer, 28 days, between issuing a requisition and filing a Decree Nisi. The time interval between the filing of a Decree Nisi and a Decree Absolute is approximately 63.25 days or just about 2 months. Based on this data, if it was to be assumed that a randomly selected Matrimonial matter follows the average time from petition to disposition, with a maximum of 1 requisition at each stage and a maximum delay of 30 days each between the filing and granting of Decrees Nisi and Decrees Absolute respectively, then it is conceivable that a Matrimonial matter could be disposed of within 6 to 7 months. It must therefore be extrapolated that the incidence of multiple requisitions for some files is likely a key source of delays in the Matrimonial Division

and thus attributable to the long time taken to dispose of matters. The data shown here provides important benchmarks for measuring the effectiveness of interventions aimed at bolstering disposal rates through a reduction in the incidence of requisitions and a general shortening of the timeline between each stage on the data flow continuum in the Matrimonial Division.

**Table 19.0: Court/chamber matters for the Hilary Term ended April 07<sup>th</sup>, 2017**

<b>Action</b>	<b>Frequency</b>	<b>Valid Percentage</b>
Applications	110	50.69
Expedited Applications	22	10.14
CMC	45	25.42
Motion hearing	27	12.44
Pre-trial hearing	2	0.92
Trial	11	5.07
<b>Total</b>	<b>217</b>	<b>100</b>

The above table shows the distribution of the types of matters brought before the Court for the period under examination. The data shows that a total of 217 matrimonial matters were brought before either court or chamber of which the largest proportion, 110 or 50.69% were general applications followed by 45 or 25.42% which were CMC matters. The event with the third highest incidence in this category is motion hearings which accounts for 27 or 12.44% of the total. Expedited applications with 22 or 10.14% and trial matters with 11 or 5.07% of the total rounds off the top five events enumerated in this category. The probability distributions of the events in this table are broadly consistent with that which was observed in the previous two reports.

# STATISTICAL REPORT ON THE SUPREME COURT FOR THE HILARY TERM

**2017**

**Table 19.0: Top four types of applications in the Hilary Term ended April 07<sup>th</sup>, 2017**

Application type	Frequency	Percentage
Application for substituted service	23	20.91
Application for custody and /or maintenance	29	26.36
Application to dispense with personal service	10	9.10
Application for entitlement of property	6	5.45

Further analysis of the types of application brought before the court suggests that applications for custody and/or maintenance with 29 or 25% accounted for the largest share. This is followed by applications for substituted service with 23 or 20.91% of the total applications, while applications to dispense with personal service with 10 or 9.10% and applications for joint custody with 6 or 5.45% which round off the top four types of applications. These four application types were also in the top five in the previous periods of analysis.

**Table 20.0: Top five reasons for adjournment for the Hilary Term ended April 07<sup>th</sup>, 2017**

Reasons for Adjournment	Frequency	Valid Percentage
No parties appearing	14	29.17
Claimant to file documents	5	10.42
Matter left off court list	5	10.42
File not found	4	8.33
Defendant not available	3	6.25

**Total number of adjournments (N) = 48**

As with all Divisions of the Supreme Court, an important metric of court efficiency are the reasons for adjournment of court matters. The data suggests that there were a total of 48 adjournments in the Hilary Term. The largest proportion of these adjournments was due to the non-appearance of parties which each accounted for 14 or roughly 29% of the total number of

adjournments. Matters left off the court list and claimant’s documents to be filed, each with 5 or 10.42% of the adjournments round off the top three. In the previous reports, these five reasons for adjournment also featured prominently. As with the HCV Division, the large incidence of non-appearance of parties is a cause for concern, contributing to non-productive usage of judicial time. Strengthening the case management apparatus and the key tributaries of contact with external stakeholders/parties will be vital to reducing these incidences.

**Table 21.0: Trial/hearing date certainty for the Hilary Term ended April 07<sup>th</sup>, 2017**

<b>Court/Chamber dates set</b>	<b>Date adjourned</b>	<b>Date certainty</b>
217	48	77.88%

The possible over-scheduling of cases is affirmed by the above table which computes the date scheduling certainty of the Matrimonial Division. It is seen that of the 217 matters scheduled in court or chamber in the Hilary Term, 48 were adjourned for reasons other than “continuance”. This produces a reasonably high 77.88% date scheduling certainty and suggests that for the period under examination, the Matrimonial Division did fairly well with the management of its court schedule. For every 100 matters scheduled is the approximate number that would be expected to proceed without adjournment is 78.

**Table 22.0: Time to disposition for the two Hilary Term ended April 07<sup>th</sup>, 2017**

Descriptive Statistics	
Number of Dispositions	797
Mean	27.1355
Median	20.0000
Mode	20.00
Std. Deviation	21.77002
Skewness	4.308
Std. Error of Skewness	.087
Minimum	7.00
Maximum	319.00

The above table summarizes the time disposition for the Hilary Term ended April 07<sup>th</sup>, 2017. It is seen that of the 797 matters disposed of in the Term, the estimated average time to disposition was roughly 27 months or 2 and a quarter years. This is quite an interesting result as the average time to disposition for the recent previous two reports was also roughly 2 years and may therefore be suggestive of a decisive trend. The estimate of the most frequently occurring time to disposition was however 20 months while the estimated maximum time to disposition for matters disposed of in the Term was 319 months or roughly 27 years and the estimated minimum was 7 months. The scores had a standard deviation of roughly 22 months which indicates a wide variation in the distribution of the times to disposition in the period. The skewness measure returns a large positive figure of approximately 4.31 which strongly indicates that a markedly larger proportion of the times to disposition were lower than the mean. The margin of error of these estimates is plus or minus 3 months or 0.25 years.

**Table 23.0: Breakdown of times to disposition for the Hilary Term ended April 07<sup>th</sup>, 2017**

<b>Months</b>	<b>Frequency</b>	<b>Valid Percent</b>
0 - 12	187	23.5
13 - 24	324	40.7
25 -36	125	15.7
37 - 47	70	8.8
48 & Over	91	11.4
<b>Total</b>	<b>797</b>	<b>100.0</b>

The above table provides a more detailed breakdown of the estimated times to disposition for Matrimonial matters in the Hilary Term ended April 07<sup>th</sup>, 2017. It is seen that of the 797 matters disposed of in the Term, the largest proportion, 324 or roughly 41% were disposed of in a time of between 13 and 24 months. The second most disposals occurred within the time frame 0 - 12 months, accounting for 187 or 23.5% of the total. This is a similar finding to the recent previous analyses which also had the greatest proportion of disposals falling in these two time intervals. Taken together this result suggests that 511 or 64.2% of Matrimonial matters disposed of in the period were done in two years or less of the time of initiation. 286 or roughly 36.8% of all Matrimonial matters disposed of in the Hilary Term took more than two years to be disposed. The estimates however clearly suggest that a decidedly larger proportion of matters which were disposed of during the Term took two years or less. With a strengthening of case management to reduce delays on the continuum as matters transit from initiation to disposition, this statistic could improve sharply. The margin of error of these estimates is plus or minus 3 months or 0.25 years.

**Table 24.0: Case clearance rate for the Hilary Term ended April 07<sup>th</sup>, 2017.**

Cases filed	Cases disposed	Case clearance rate
<b>1068</b>	<b>797</b>	<b>74.63%</b>

The above table shows that there were 1841 new cases filed in the period under examination, compared to 797 which were disposed. This produces a case clearance rate of 74.63%, suggesting that for every 100 new cases; roughly 75 were disposed in the Hilary Term. An important caveat is that the cases disposed of did not necessarily originate in the stated Term. This measure gives a good impression of the true case load that is being carried by the Matrimonial Division, the data clearly suggesting that there are significantly more in-coming than outgoing cases in the Division. This could be a symptom of both an increase in the incidence of new cases filed in the Division and a modest rate of disposal of existing matters in the system. Strong support for the Deputy Registrar of the Matrimonial Division is required to ensure that the vetting process for files is expedited to support a timely progression of files to the Judges. Again, efforts to reduce the incidence of requisitions through greater public education and continuous efforts to email requisitions to attorneys in a timely manner should over time contribute markedly to enhancing the rate of disposition in the Division. These collective efforts could potentially make major cuts into the time to disposition for matrimonial matters. It is important to point out that at least some of the disposed cases used in this

computation may have originated in previous periods at the clearance rate is meant to be a ratio.

**Probate Division**

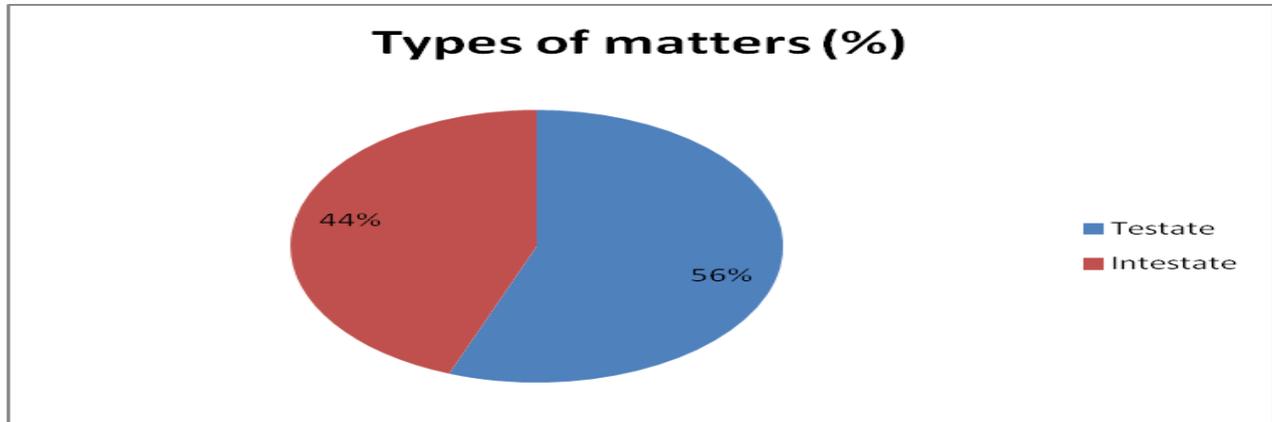
This section turns to the analysis of the progression of matters in the Probate Division for the Hilary Term.

**Table 24.0: Oaths for the Hilary Term ended April 07<sup>th</sup>, 2017**

Oaths	Frequency	Percentage (%)
Supplemental Oaths	643	51.30
Oaths	593	48.49
<b>Total Oaths</b>	<b>1236</b>	<b>100</b>
<b>Ratio</b>	<b>1.08</b>	

The above table suggests there were a total of 1236 Oaths filed in the period under examination, of which 634 or 52.02% were initial Oaths filed, compared to 592 which were Supplemental Oaths. The ratio of Oaths to Supplemental Oaths is 1.08 which suggests that for every 100 Oaths there were 108 Supplemental Oaths filed in the period, a statistic which could have adverse implications for the speed of disposition of matters. This high ratio of Supplemental Oaths to Oaths is consistent with the results gleaned from the two month report ended December 31, 2016.

Chart 2.0: Type of matters as of the Hilary Term ended April 07<sup>th</sup>, 2017.



The above table provides a summary of the types of matters filed in the Probate Division for the Hilary Term, 2017. It is shown that there is a close to equal distribution, with 56% of the matters being Testate and 44% Intestate. This probability distribution is similar to that gleaned from the previous report in which Testate matters outnumbered Intestate however the margin of difference increased by roughly 9 percentage points.

Table 25.0: Action sequence for the Hilary Term ended April 07<sup>th</sup>, 2017

Action Status	Frequency
Recommendations	436
Granted	258
Grant Signed	N/A
<b>Ratio of Recommendations to Granted Applications</b>	<b>0.59</b>
<b>Ratio of Recommendations to Grants signed</b>	<b>N/A</b>

The rate at which recommendations are made based on applications and at which these recommendations are granted and signed may be affected by several variables, both exogenous and endogenous to the courts. The measures therefore provide an important indication of the efficiency with which Probate applications are disposed of. It is shown in the

above table that during the period under examination, 436 recommendations were made, 258 of which were granted in the Hilary Term. The analysis therefore suggests that for every 100 recommendations made there were 59 Applications Granted. Complete data on the number of grants signed was not available for this report however in the previous report there was a wide disparity between the number of matters granted and grants signed. This was a cause for concern as there were markedly more applications granted than grants signed in the related Term. At that time it was hypothesized that the disparity highlighted may have been seasonal however it is still left to be seen as to whether it might be more of a trend. It may therefore be necessary to explore mechanisms to enhance the rate of transition and efficiency on the continuum from recommendations to applications granted to grants signed.

**Table 26.0: Cases filed and requisitions summary for the Hilary Term ended April 07<sup>th</sup>, 2017**

Action Status	Frequency
New cases filed	777
Requisitions Issued	1118
Number of requisitions per case file	1.44
Average days between final requisition filed and Grant of Probate	22

The number of requisitions made, the length of time that it takes for requisitions to be returned and the time to disposition after issuing requisitions, is important to understanding the efficiency of the flow of matters in the Probate Division. It is seen that for the Hilary Term ended April 07<sup>th</sup>, 2017 there was a total of 1118 requisitions issued while 777 new matters were filed, representing a ratio of 1.44 requisitions per case file during this period. This means that for every 100 cases there were 144 requisitions. This result is the highest among the Civil Divisions included in this report and insinuates that the high incidence of requisitions could be

contributing adversely to the time to disposition in the Division. Further analysis suggests that the average time from the issuing of final requisitions to the Grant of Probate was 22 days.

**Table 27.0: Methods of Disposal for the Hilary Term ended April 07<sup>th</sup>, 2017**

Method of disposition	Frequency	Percentage
Granted (Reseal)	16	6.20
L/A Granted	91	35.27
Probate Granted	151	58.53
<b>Total</b>	<b>258</b>	<b>100.0</b>

The methods of disposal for the Probate Division for the Hilary Term are summarized in the above table. It is shown that of the 258 matters disposed of in the period, the largest proportion, 151 or 58.53% was a result of Probates Granted. This is followed by Letters of Administration with 91 or 35.27% of the total number of disposals, representing a reversal of first and second place when compared to the previous period of analysis, while 16 or 5.4% of the disposals were accounted for by Resealed Grants.

**Table 28.0: Reasons for adjournment of Probate matters for the Hilary Term ended April 07<sup>th</sup>, 2017**

Reason	Frequency	Percentage (%)
No parties appearing	5	31.25
Claimant to file document	5	31.25
Claimant's attorney absent	2	12.25
Part heard	1	6.25
File not found	1	6.25
Judge unavailable	1	6.25
No parties appearing	1	6.25
<b>Total</b>	<b>16</b>	<b>100</b>

# STATISTICAL REPORT ON THE SUPREME COURT FOR THE HILARY TERM

**2017**

The reasons for adjournment for Probate matters that go to court are summarized in the above table above. It is shown that of the nine adjournments in the period, the largest proportion was for the reasons of ‘no parties appearing,’ and ‘claimant’s to file documents,’ both accounting for 5 of 31.25% each of the reasons for adjournment. The absence of a claimant’s attorney with 2 or 12.25% of total adjournments was next. All other reasons for adjournment, including the unavailability of a Judge, possibly due to over-scheduling, claimant’s attorney absent, matter left off the court list and file not found, each accounted for one of the reasons for adjournment.

**Table 29.0: Applications for the Hilary Term ended April 07<sup>th</sup>, 2017**

Nature of Applications	Frequency	Percentage
Applications	44	63.77
Express Applications	25	36.23
<b>Total</b>	<b>69</b>	<b>100.0</b>
<b>Ratio of applications to express applications</b>	-	<b>57%</b>

The above table provides a basic summary of the types of court applications made in the Hilary Term and shows that there were a total of 69 Court applications in the period, of which 44 or 65.2% were standard applications while the remaining 25 or 34.8% were express applications. For every 10 applications made during the Term, there were roughly 6 express applications.

**Table 30.0: Top four types of applications for the Hilary Term ended April 07<sup>th</sup>, 2017**

<b>Application</b>	<b>Frequency</b>	<b>Percentage (%)</b>
Application to prove copy will	20	28.9
Application for directions	9	12.9
Application for court orders	7	10.2
General application	4	5.8

The above provides a deeper analysis of the types of applications made during the period under examination. It is shown that applications to prove copy will accounts for the largest proportion of applications with 20 or 28.9% of the total, followed by applications for directions with 9 or 12.9% of the total number of applications. The top four types of applications are rounded off by applications for court orders with 7 or 10.2% of the total and general applications with 4 or 5.8%.

**Table 31.0: Trial/hearing date certainty for the Hilary Term ended April 07<sup>th</sup>, 2017**

<b>Court/Chamber dates set</b>	<b>Date adjourned</b>	<b>Trial/Hearing date certainty</b>
69	15	78.26%

The above table addresses the extent of adherence with dates set for Court/Chamber matters in the Probate Division for the Hilary Term ended April 07<sup>th</sup>, 2017. It is shown that of 69 matters which were scheduled for Court, nine were adjourned for reasons other than ‘continuance’. This suggests a relatively strong trial/hearing date certainty ratio of 78.26%, an indication that

there during the Hilary Term there was a 78% chance that a matter set for court would proceed without adjournment for reasons other than ‘continuance’.

**Table 32.0: Age of matters disposed for the Hilary Term ended April 07, 2017**

Descriptive Statistics

Number of dispositions	258
Mean	14.43
Median	9.00
Mode	8.63
Std. Deviation	13.40
Skewness	1.755
Minimum	3.00
Maximum	69.00

The above table provides a summary measure of the overall estimated times to disposition for the 258 cases disposed of in the term. The estimated average time to disposition is 14.43 months or just over a year. This result was however positively skewed by the existence of some large outliers. This is affirmed by the positive skewness of 1.755 which shows that the larger proportion of the times to disposition were below the average time. This is supported by the results for the estimated median time to disposition of nine months and the most frequently occurring time to disposition of just over eight and a half months. The considerably reasonably large standard deviation of 13.40 months supports the deduction that there were scores which varied widely from the mean, in this case skewing the mean upwards. The margin of error of these estimates is plus or minus 3 months or 0.25 years. The oldest Probate matter disposed of in the Hilary Term was 69 months old or almost 6 years while there were a few matters which

took just under 3 months to be disposed, representing the lowest time to disposition in the Term.

**Table 33.0: Breakdown of times to disposition for the Hilary Term ended April 07<sup>th</sup>, 2017**

Months	Frequency	Percentage
0 – 12	171	66.3
13 – 24	52	20.1
25 – 36	14	5.4
37 – 47	14	5.4
48 & over	7	2.7
<b>Total</b>	<b>258</b>	<b>100.0</b>

The above table shows that of the 258 Probate matters disposed of in the Hilary Term. It is estimated that the majority, 171 or 66.3% were disposed of in 12 months or less, followed by 52 or 20.1% which were disposed of within a time interval of 13 to 24 months. Taken together this data suggests that a fairly impressive estimated 86.4% of Probate matters which were disposed of in the Hilary Term took two years or less. 5.4% each of the cases were disposed of in an estimated time frame of between 25 and 36 and 37 and 47 months respectively. A further 2.7% took over an estimated time of over 48 months or four years to be disposed. The margin of error of these estimates is plus or minus 3 months or 0.25 years.

**Table 34.0: Case clearance rate for the Hilary Term ended April 07, 2016.**

<b>Cases filed</b>	<b>Cases disposed</b>	<b>Case clearance rate</b>
<b>777</b>	<b>258</b>	<b>33.20%</b>

Using the data on the number of cases filed and disposed of in the period under examination, a case clearance rate of approximately 33% is derived. This suggests that for every 100 cases filed and active in the period, 33 were disposed a result which indicates that there were markedly more files coming in than going out in the period. When compared to the previous analysis done in the two month period ended December, 2016, this represents an improvement in the case clearance rate of roughly 4 percentage points however the result still strongly suggests that there were considerably more incoming than outgoing cases. If this trend can be generalized then urgent, targeted interventions are needed to stem this imbalance between the rates of incoming and outgoing cases, thus improving the case clearance rate. It is important to point out that at least some of the disposed cases used in this computation may have originated in previous periods at the clearance rate is meant to be a ratio.

**Home Circuit Court**

The analysis now turns to a look at the Home Circuit Court for the Hilary Term ended April 07, 2017 in the Home Circuit Court.

**Table 25.0: Distribution of the top six charges filed during the Hilary Term ended April 07<sup>th</sup>, 2017.**

Charge	Frequency	Percentage (%)
Sexual intercourse with a person under 16 years	73	29.0
Rape	58	23.0
Murder	19	7.5
Grievous sexual assault	18	7.1
Forcible abduction	13	5.2
Sexual touching	9	3.6
<b>Total</b>	<b>190</b>	<b>75.4</b>

**Total number of charges filed (N) = 252**

The above table summarizes the distribution of top six charges associated with cases filed during the Hilary Term, 2017. There were **191 new cases files** in the period, representing a total of **252 charges**, a ratio of 13 charges for every 10 cases. It is shown that of these 252 charges the largest proportion, 73 or 29% represented sexual intercourse with a person under sixteen years old. This is followed by rape with 58 or 23% of the total, while murder with 19 or 7.5% and grievous sexual assault with 18 or 7.1% rounds off the top four charges filed in the Home Circuit Court for the Hilary Term. Forcible abductions with 13 or 5.2% of the total and sexual touching with 9 or 3.6% account for the next highest proportion of the total number of charges. These top six charges account for 75.4% of the total charges filed in the Home Circuit Court

during the Hilary Term. It is of great interest that roughly 68% of the total number of charges filed in the Hilary Term represents sexual related matters, a result which is consistent with the findings on the Michaelmas Term in 2016. A total of 438 criminal cases came to court in the period under study, including many aged cases which predate 2017.

**Table 26.0: Top seven reasons for adjournment for the Hilary Term ended April 07<sup>th</sup>, 2017**

Reason for adjournment	Frequency	Percentage
For trial	347	28.00
For Plea and Case Management	230	18.50
Defence Counsel Absent	198	16.00
For bail application	51	4.10
To settle legal representation	49	3.90
Papers to be served	30	2.40
For investigating officer to attend	27	2.20

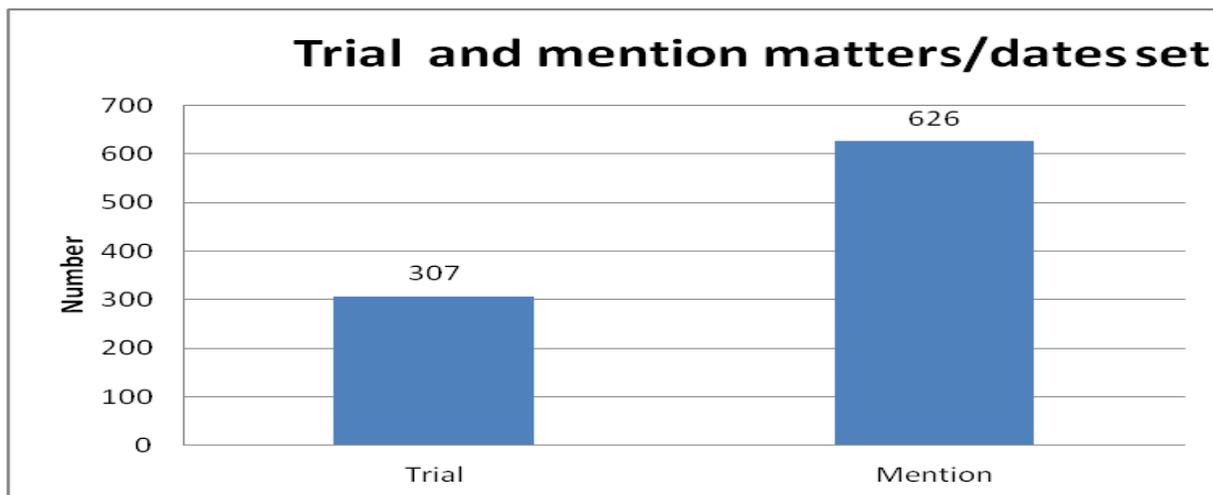
**Total incidence of adjournments (N) =1241**

The above table provides a summary of the top eight reasons for adjournment for the Hilary Term. It is shown that there was a combined 1241 incidence of reasons for adjournment during the Term, with some matters having multiple adjournments. The highest proportion, 347 or 28.00% were for trial. This was followed by a notable 230 or 18.50% which were for plea and case management and 198 or 16.00% which were due to the absence of defence counsel. Adjournments for bail application with 51 or 4.03% of total adjournments, adjournments for bail application with 25 or 4.10% and adjournments to settle legal representation with 49 or 3.9% were ranked fourth and fifth respectively. Aside from the reasons for adjournment enumerated in the above table, adjournments for sentencing, to take steps to proceed under

section 31D, for the crown to take instruction as well as due to the accused not being brought to court and the absenteeism of the witness, all account for a notable proportions of the total adjournments in the Hilary Term.

As with other Divisions of the Supreme Court and previous reports produced, it is of concern that the absenteeism of attorneys, investigating officers and witnesses feature so prominently among the reasons for adjournment. This suggests that a more robust case management system in which is not set for trial unless it is absolutely ready for trial and in which there is a dedicated period for such matters, could be pursued. This can be done with a view to enhancing the confidence in and adequacy of the Supreme Court’s scheduling process and also ultimately reduce incidence of adjournments and speed up the disposition rates. It is of note that reasons for adjournment due to matters part heard numbered 15 or 1.2% of total adjournments in the Hilary Term.

**Chart 5.0: Trial and mention matters/dates set in the Hilary Term ended April 07<sup>th</sup>, 2017**



The above chart shows that there were a total 933 dates set for either trial or mention court in Hilary Term, 626 or 67.10% of which were dates set for mention court while 307 or 32.9% represents dates set for trial. This produces a ratio of 1: 0.49 which suggests that for every 100 matters mentioned there were 49 trial matters set down in the Hilary Term. Further analysis suggests that each case mentioned in court, were mentioned on average of 1.67 times, which is another way of saying that every 100 mention cases were mentioned 167 times. Similarly for cases which were set for trial, there was a scheduling incidence of 1.39 times per case, which suggests that 139 trial dates were set for every 100 trial cases.

**Table 27.0: Trial/hearing date certainty for the Hilary Term ended April 07<sup>th</sup>, 2017**

Number of hearing/trial dates set	Number of adjournments (excluding adjournments for trial or PCMH)	Trial/hearing date certainty
<b>933</b>	<b>649</b>	<b>30.44%</b>

The date scheduling certainty for each Division of the Supreme Court is an important metric which examines the extent to which dates which are set for either hearing or trial are adhered to. A low result has implications for the capacity of the court to adequately estimate the length duration of a matter, for the capacity of court rooms and Judges to absorb certain case loads and for the general system of scheduling. In the table above it is shown that of 933 Court dates scheduled in the period under study, 649 were adjourned for reasons other than continuity by way of a trial or plea and case management hearing. This suggests a scheduling certainty rate of roughly 30% which is another way of saying that for every 100 criminal matters scheduled for

court, roughly 30 are able to proceed without adjournment for reasons other than for trial, plea and case management or simply ‘continuance’. This finding is consistent with the results from the two recent prior reports, remaining quite low and is likely to have been adversely impacted by the marked increase in committals from the Parish Courts. This low credibility is both reflected and influenced by the high incidence of adjournments which are due to factors such as the absenteeism of attorneys, witnesses and investigating officers. The low credibility creates a self fulfilling prophesy as the expectation that matters will be adjourned leads to actions which reinforces negligent practices that contribute to it.

**Table 28.0: Case disposal methods for the Hilary Term ended April 07<sup>th</sup>, 2017**

Methods of Disposition	Frequency	Percentage
Accused Deceased	1	1.7
Formal Verdict of Not Guilty - discharge	2	3.3
Found Guilty	4	6.7
Guilty Plea	27	45.0
No Evidence offered discharged	9	15.0
No further evidence offered discharged	4	6.7
Nolle Prosequere	4	6.7
Not Guilty - Discharged	8	13.3
Plea guilty to a lesser charge	1	1.7
<b>Total</b>	<b>60</b>	<b>100.0</b>

The above table summarizes the methods of disposal for the cases disposed of during the Hilary Term. It is shown that a total of 60 cases were disposed of in the Term. Guilty plea with 27 or 45% of the total number of disposals accounted for the largest share of disposals for the Term.

Accounting for the next highest proportion of total disposals was ‘no evidence offered’ with 9 or 15% of the total. Not guilty outcomes with 8 or 13.3% accounted for the third largest share of the methods of disposition. Guilty verdicts, Nolle Prosequere and no evidence offered rank next, each with 4 or 6.7% of the methods of disposal for the Hilary Term. A crucial measure of efficiency in the criminal court is the conviction rate as displayed below.

**Table 29.0: Overall criminal conviction rate for the Hilary Term ended April 07<sup>th</sup>, 2017**

<b>Total number of cases disposed</b>	<b>Total number of guilty outcomes</b>	<b>Conviction rate</b>
60	32	<b>53.33%</b>

The above table shows that of the 60 criminal cases disposed of in the Hilary Term, 32 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 53.33% which suggests that there is a roughly 53% probability that a matter could end in a guilty outcome. This data can be further disaggregated so that the conviction rates for some of the most frequently occurring offences are measured. In particular, the conviction rate on murder charges and sexual offence charges are detailed below:

**Table 30.0: Conviction rate for sexual offences cases for the Hilary Term ended April 07<sup>th</sup>, 2017**

Total number of cases disposed	Total number of guilty outcomes	Conviction rate
23	20	<b>87%</b>

The above table shows that of the 23 sexual offence cases were disposed of in the Hilary Term, 20 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a high conviction rate of roughly 87% which suggests a roughly 87% probability that a sexual offence matter could end in a guilty outcome.

**Table 31.0: Conviction rate for murder cases in the Hilary Term ended April 07<sup>th</sup>, 2017**

Total number of cases disposed	Total number of guilty outcomes	Conviction rate
13	4	<b>31%</b>

The above table shows that of the 13 murder cases disposed of in the Hilary Term, 4 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 31% which suggests a roughly 31% probability that a murder matter could end in a guilty outcome.

**Table 32.0: Top seven charges disposed in the Hilary ended April 07<sup>th</sup>, 2017**

Charges	Frequency	Percentage
Murder	22	20.80
Sexual Intercourse with a Person under Sixteen	20	18.90
Rape	14	13.20
Wounding with intent	9	8.50
Grievous sexual assault	8	7.50
Indecent assault	4	3.80
Felonious wounding	3	2.80

**Number of disposed charges (N) =106**

The above data shows that of the 106 charges disposed of in the period under examination, the largest proportion of 20.80% were murder charges. This was followed by sexual intercourse with a person under 16 years old with 20 or 18.90% of the total. Rape and wounding with intent comes next with 12.9% and 9.7% respectively rank next. Grievous sexual assault with 8 or 7.50% of the total number of disposed charges in the Term, round off the top five. As with the two recent statistical reports done on the Home Circuit Court, murder and sexual offences are not only the dominant incoming but also the dominant outgoing cases. It is of particular note that roughly 40% of cases disposed of in the Hilary Term were sex related while also accounting for roughly 61% of all incoming cases. As seen earlier, sexual offences also enjoyed a high conviction rate 87% in the Hilary Term. The dominance of this offence in the criminal statistics strongly suggests that there needs to be robust case management attention for these matters to support their timely disposition.

# STATISTICAL REPORT ON THE SUPREME COURT FOR THE HILARY TERM

**2017**

**Table 33.0: Methods of disposition for the dominant case types in the Hilary Term ended April 07<sup>th</sup>, 2017.**

Methods of disposition	Accused Deceased	% within Count	Case type		
			Murder	Rape	Sexual Intercourse with a person under 16 years old
			0.0%	0.0%	0.0%
		0	0	0	0
	<b>Formal Verdict of Not Guilty – discharged</b>	% within Count	7.7%	7.7%	0.0%
		1	1	0	
	<b>Found Guilty</b>	% within Count	23.1%	7.7%	0.0%
		3	1	0	
	<b>Guilty Plea</b>	% within Count	7.7%	0.0%	87.0%
		1	0	20	
	<b>No evidence offered – discharged</b>	% within Count	7.7%	30.8%	8.7%
		1	4	2	
	<b>No further evidence offered- discharged</b>	% within Count	0.0%	15.4%	4.3%
		0	2	1	
	<b>Nolle Prosequere</b>	% within Count	23.1%	7.7%	0.0%
		3	1	0	
	<b>Not Guilty - discharged</b>	% within Count	30.8%	23.1%	0.0%
		4	3	0	
	<b>Plea guilty to a lesser charge</b>	% within Count	0.0%	7.7%	0.0%
		0	1	0	
	<b>Total</b>	% within Count	100.0%	100.0%	100.0%
		<b>13</b>	<b>13</b>	<b>23</b>	

The above table summarises the methods of disposal for the three criminal case types with the highest incidence of dispositions in the Hilary Term. Starting with murder, it is seen that the largest proportion of murder cases in the Term were disposed by way of Not Guilty outcomes,

which accounted for 30.8%. This was followed by disposals by way of Nolle Prosequere and Guilty verdicts, each accounting for 23.1% of murder cases disposed of in the Term. 7.7% each of the methods of disposition for criminal cases were a result of Guilty Plea, no evidence offered and Formal Verdicts of Not Guilty. There was an equal number of murder and rape cases disposed of in the Hilary Term however the distribution of the methods of disposal were somewhat different. The data shows that the largest proportion of rape cases disposed of in the Hilary Term was either as a result no evidence being offered or no further being evidence offered, together accounting for 46.2% of the methods used to dispose of rape cases. Not Guilty outcomes with 23.1% and Nolle Prosequere, Formal Verdict of Not Guilty, Found Guilty and pleading guilty to a lesser charge each account for 7.7% of the total disposal of rape cases in the Term. As highlighted earlier, cases of sexual intercourse with a person less than 16 years old accounts for the largest proportion of both cases initiated and disposed of in the Hilary Term. The methods of disposition for these case types are highly skewed with the overwhelming majority, 87% being disposed of by way of guilty pleas. The remaining 13% were disposed of either by way of no evidence offered or no further evidence offered.

**Table 33.0: Time to disposition for cases disposed in the Hilary Term ended April 07<sup>th</sup>, 2017 (in months)**

Descriptive statistics

Number of cases disposed	60
L2Mean	23.0333
Median	14.0000
Mode	2.00
Std. Deviation	28.72014
Skewness	2.238
Std. Error of Skewness	.309
Minimum	0.51
Maximum	153.00

The above table provides a descriptive summary of the time to disposition for criminal cases disposed of in the Hilary Term, 2017. It is shown that the estimated average time to disposition for cases disposed of in the Term, was approximately 23 months or just fewer than two years. This represents a considerable improvement when compared to the statistical report which was produced for the two months ended December 31, 2016, which saw an average time to disposition of 3.5 years. The estimated minimum time to disposition was 16 days and estimated maximum was 153 months or almost 13 years. The skewness measure revealed a figure of 2.238, indicating that there are at least a few large outlying values which pulled the average time to disposition upwards. This is affirmed by the standard deviation of roughly 2 months, indicating a wide average variation of the individual scores around the mean.

**Table 34.0: Breakdown of time to disposition of cases for the Hilary Term ended April 07<sup>th</sup>, 2017 (in months).**

<b>Months</b>	<b>Frequency</b>	<b>Percentage</b>
0 - 12	30	50.0
13 - 24	13	21.7
25 - 36	5	8.3
37 - 47	2	3.3
48 & over	10	16.7
<b>Total</b>	<b>60</b>	<b>100.0</b>

The above table provides a summary of the estimated time to disposition for the cases disposed of during the Hilary Term ended April 07<sup>th</sup>, 2017. It is shown that the largest proportions of matters were disposed of in a year or less of initiation, accounting for exactly 30 or 50% of all matters disposed. This is followed by 13 or 21.7% which were disposed of in 13 to 24 months and 10 or 16.7% of matters which took 4 or more years to be disposed. Cumulatively, almost 72% of the matters disposed of in the period took two years or less while the remaining 28% took over two years to be disposed. The proportion of matters taking under two years to be disposed represents a sharp improvement of roughly 13 percentage points, when compared to the analysis done on dispositions for the two months ended December 31, 2016.

**Table 35: Time to disposition for charges disposed (from case file date) in the Hilary Term ended April 07<sup>th</sup>, 2017**

Descriptive statistics

Number of charges disposed	106
Mean	24.4151
Median	9.0000
Mode	8.00
Std. Deviation	27.9209
Skewness	1.668
Std. Error of Skewness	.235
Minimum	.0.51
Maximum	153.00

The above table provides an affirmation of the results gleaned from the analysis of times to disposition for charges, measuring from the case file date. The average time to disposition is shown to be roughly 2 years, almost exactly the same as the time to disposition for criminal cases in the same period. The longest and shortest times to disposition of 13.5 years and 16 days respectively for disposed charges were also the same as for the actual cases disposed of in the Hilary Term.

**Table 35: Time to disposition for charges disposed (from date of charge) for Hilary Term ended April 07<sup>th</sup>, 2017**

Descriptive Statistics

Number of charges disposed	106
Mean	41.00
Median	39.00
Mode	37.00
Std. Deviation	38.2082
Skewness	1.894
Std. Error of Skewness	.421
Minimum	3.00
Maximum	160.00

The data summarized in the tables above suggests that there is a marked contrast between the time to dispositions from the case file date and the time to disposition from the time the offences were committed. It is shown that the estimated average disposition time from the date the offences were committed to the time the matters were disposed is 41 months or almost three and a half years. This is roughly one and a half years more than the average disposition time from a case is filed to the date of disposition and implies that there might be deficiencies in the investigative systems which leads to charges being filed or in the general process of transferring files to the Supreme Court for trial. This result was similar to the findings from the analysis done on the last two months of the Michaelmas Term in 2016, in that the average time to disposition from the time offences was committed markedly exceeds the average disposition time when calculated from the case file date. In the case of the prior analysis, the average difference was roughly three years, compared to 1.5 years in this Hilary Term report. The moderate positive skewness of 1.894 is an indication that proportionately more of the times to disposition were less than the mean, suggesting the existence of at least a few disposed cases which took considerably higher than the average time. The minimum time to disposition from the date of charge was estimated at three months while the maximum estimated figure was 160 months or roughly thirteen and a third years.

# STATISTICAL REPORT ON THE SUPREME COURT FOR THE HILARY TERM

**2017**

**Table 36.0a: Breakdown of time to disposition by charge type for Hilary Term ended April 07<sup>th</sup>, 2017 (selected charges).**

		Charges by times to disposition					Total Count
		Time to disposition in months					
		0 – 12	13 - 24	25 - 36	37 – 47	48 & over	
<b>Murder</b>	Count	9	3	0	1	9	22
	% within	15.5%	20.0%	0.0%	33.3%	34.6%	
<b>Rape</b>	Count	8	1	2	0	3	14
	% within	13.8%	6.7%	50.0%	0.0%	11.5%	
<b>Sexual Intercourse with a Person under Sixteen</b>	Count	8	2	1	0	9	20
	% within	13.8%	13.3%	25.0%	0.0%	34.6%	
<b>Wounding with Intent</b>	Count	6	0	0	0	3	9
	% within	10.3%	0.0%	0.0%	0.0%	11.5%	

The above table provides a summary of the length of time taken to dispose the four of the most frequently occurring criminal charges in the Hilary Term. It is seen that murder and sexual intercourse with a minor have the greatest incidence of charges taking the longest time to disposition, that of 48 months (or 4 years) and over. Roughly 34.6% each of all charges taking this time to be disposed are respectively murder and sexual intercourse with a person under 16 years. 11.5% each of charges taking this long are matters of rape and wounding with intent. The dominance of murder charges as those taking the longest to be disposed is affirmed by the fact that in the next highest time interval of 37-47 months, it accounts for a third of all matters taking that long to be disposed.

**Table 36.0b: Proportional breakdown of time to disposition by charge type for the Hilary Term ended April 07<sup>th</sup>, 2017 (selected charges).**

<b>Charge</b>	<b>Percentage of matters disposed of in 2 years or less</b>	<b>Percentage of matters disposed of in more than 2 years</b>
<b>Murder</b>	55%	45%
<b>Sexual intercourse with a person under 16 years old</b>	50%	50%
<b>Rape</b>	64%	36%
<b>Wounding with intent</b>	67%	33%

The above table furthers the previous one by directly highlighting the relative lengths of time that it takes for the most frequently occurring types of matters to be disposed. It is seen that roughly 55% of murder charges disposed of in the Hilary Term took 2 years and under, while 45% took over years to be disposed. It is of note that an aggregate proportion of 41% of murder charges disposed of in the Term took 4 or more years to be disposed. As for sexual offences with a person under 16 years old, 50% each took 2 years and under and over two years to be disposed with an equivalent proportion to murder while an aggregate proportion of 45%, took 4 years or more to be disposed. Approximately 64% of rape charges took 2 years and under to be disposed of in the Term while roughly 36% took over two years. Notably, 2 an aggregate proportion of 21% of rape charges disposed of in the Hilary Term took 4 years or more. Wounding with intent is seen to be taking a decidedly shorter average time to disposition than

the other three charges in the above table with roughly 67% of such matters taking 2 years or less to be disposed. Interestingly however the remaining 33% which took over two years took 4 years or more to be disposed.

The length of time which different types of matters take to be disposed should have significant implications for the way in which the court prioritizes its scheduling and resource allocation and therefore as the time series data builds up, the trends observed will be even more decisive.

**Table 37.0: Case clearance rate for the Hilary Term ended April 07<sup>th</sup>, 2017**

<b>Cases filed</b>	<b>Cases disposed</b>	<b>Case clearance rate</b>
<b>191</b>	<b>60</b>	<b>31.41%</b>

The case clearance rate of 68.18% shown above is an indication that significantly more cases entered than those which were disposed in the Home Circuit Court in the period under examination. This represents an almost 10 percentage point decline in the clearance rate when compared to the previous period of analysis. The result suggests a ratio of roughly 31 cases disposed for every 100 new cases filed. This result represents a roughly 16 percentage point decline when compared to the analysis done on the last two months of the Michaelmas Term. The average clearance rate of roughly 39% over both periods of analysis is however indicative of a potential build up of a criminal case backlog in the Supreme Court. This problem could potentially be compounded by the larger number of matters being committed from the Parish

Courts to the Supreme Court due to the new Committal Proceedings Act. As the time series expands, the trends will become decisively clearer.

**Gun Court**

The ensuing analyses provide an overview of the Gun Court in the Hilary Term ended April 07<sup>th</sup>, 2017. In particular, this section outlines data related to matters initiated, matters disposed, adjournments and the distribution of trial and mention matters during the Term. Intense work is currently underway to bolster the data capture capabilities of the Gun Court, to include the full range of variables which are currently extracted for the Home Circuit Court.

**Table 37.0: Top five charges filed in the Hilary Term ended April 07<sup>th</sup>, 2017**

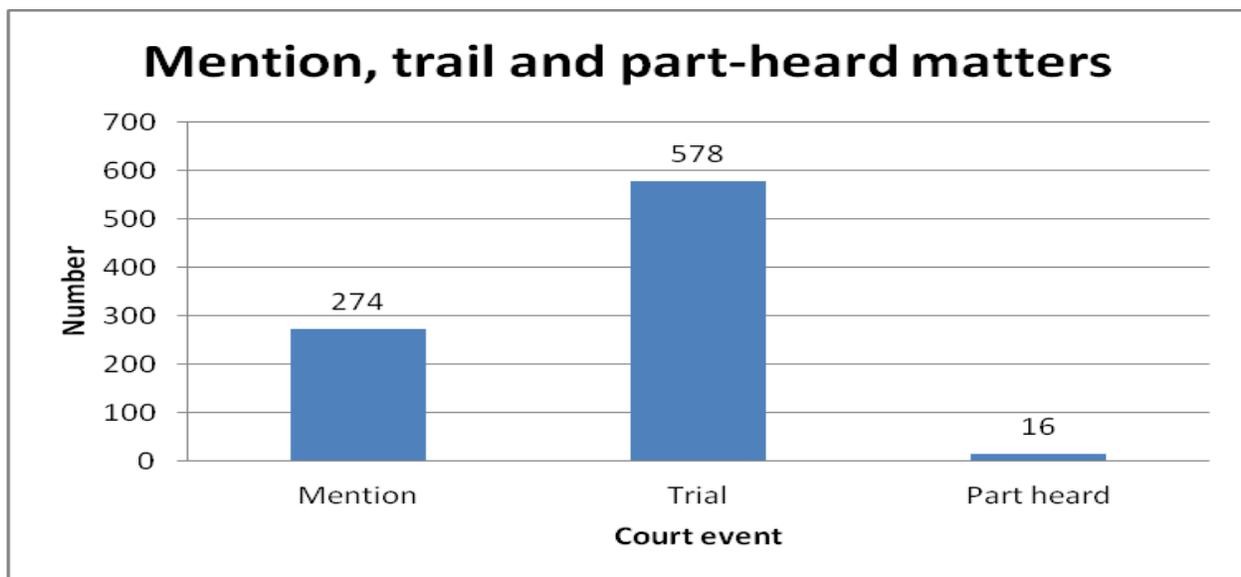
Charges filed	Frequency	Percentage
Illegal possession of firearm	160	43.2
Illegal possession of ammunition	65	17.6
Shooting with intent	45	12.2
Assault	35	9.4
Robbery with aggravation	33	8.9
<b>Total</b>	<b>338</b>	<b>91.3</b>

**Total number of charges = 370**

The above table provides a summary of the top seven charges which were filed in the Hilary Term, 2017. It is seen that of the 370 charges were filed in the period, the majority, 160 or 43.20%% were for illegal possession of firearm, well ahead of the next highest ranked charge of illegal possession of ammunition with a count of 65 or 17.6% of the total. Shooting with intent

with intent ranks next with 45 or 12.2% of the total number of charges while assault (including assault at common law, assault occasioning grievous bodily harm and assault with intent to rob) with 35 or 9.4% of the total charges and robbery with aggravation with 33 or 8.9% rounds off the top five charges filed in the Gin Court during the Hilary term. The 370 new charges filed in the Hilary Term translate into 163 new cases filed in the period which represents a ratio 1:1.98, suggesting that for every 100 cases filed there were 198 charges filed.

**Chart 6.0: Summary of court events/dates for the Hilary Term ended April 07<sup>th</sup>, 2017**



The above chart provides a summary of key court events/dates in the Gun Court for the Hilary Term ended April 07, 2017. It is shown that there were 578 trial dates set in the period, compared to 274 mention dates. This produces a ratio of roughly 1:2.10, indicating that for every 100 mention dates there were 210 trial dates set, a figure which intimates that there is either potentially a high transition rate from mention to trial matters in the Gun Court or that

trial matters have a much higher incidence of adjournments, necessitating significantly more court dates on the continuum towards disposal. The data also suggests that there were 16 part heard matters in Gun Court for the Hilary Term which indicates that for every 100 trial dates there were roughly 3 part-heard matters, a commendable ratio by any standard. Further analysis suggests that there were 155 mention dates set for every 100 cases mentioned and 122 trial dates set for every 100 trial cases.

**Table 38.0: Sampling distribution of the top seven reasons for adjournment for the Hilary Term ended April 07<sup>th</sup>, 2017**

Reason for adjournment	Frequency	Percentage (%)
Part heard	16	25.00
For trial	16	25.00
Judge unavailable	4	6.25
For sentencing	4	6.25
Witness cannot be located	4	6.25
Defence counsel absent	3	4.69
Defence counsel involved in another matter	3	4.69

**Total number of adjournments (N) = 64**

The above table outlines the top seven reasons for adjournment in the Gun Court for the Hilary Term, using a sample of 64 adjournments. The data suggests that the top two reasons for adjournment were adjournments of mention matter for trial and part heard matters each with 25% of the adjournments. The unavailability of a Judge due to other matters in progress, adjournments for sentencing and the inability to locate witnesses share third place with 6.25% of the adjournments in this sampling distribution. The absence of defence attorneys as well as their involvement in other matters completes the top seven with 4.69% each of the sample data. With the exception of the relative prominence of part-heard matters, this list of dominant reasons for adjournment in the Gun Court is largely consistent with the data from the Home Circuit Court and provides crucial insights. This is however only a sampling distribution as comprehensive data on all adjournments from the Gun Court were not available for the Hilary Term. This is because the electronic facility which serves this purpose and the attendant training of the data entry personnel were only recently finalized. A fulsome output will however be available when the Easter Term report is produced in August, 2017.

**Table 39.0: Methods of case disposition for the Hilary Term ended April 07<sup>th</sup>, 2017**

<b>Methods of Disposition</b>	<b>Frequency</b>	<b>Percentage</b>
Accused Deceased	4	3.8
Bench Warrant Ordered	1	.9
Found Guilty	11	10.4
Guilty Plea	12	11.3
No Case Submission upheld	3	2.8
No Case to Answer, Discharged	2	1.9
No Evidence offered discharged	49	46.2
No further evidence offered- discharged	8	7.5
Not Guilty – Discharged	14	13.2
Probation order made	2	1.9
<b>Total</b>	<b>106</b>	<b>100.0</b>

The above table summarizes the methods of disposition for the cases disposed in the Gun Court for the Hilary Term. It is seen that there were 106 cases disposed, the largest proportion of which were a result of absence of ‘no evidence offered’ which accounts for 49 or roughly 46% of the total. In a distant second were disposals resulting from not guilty verdicts with 14 or 13.2% of the total. Guilty pleas and guilty verdicts with 11.3% and 10.4% respectively account for the next largest proportions and the top five methods of disposition is rounded off by ‘no further evidence offered’ with 7.5% of the total dispositions.

# STATISTICAL REPORT ON THE SUPREME COURT FOR THE HILARY TERM

**2017**

**Table 40.0: Conviction rate in the Gun Court for the Hilary Term ended April 07<sup>th</sup> , 2017**

Number of cases disposed	Number of Guilty outcomes	Conviction rate
106	23	21.70%

The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the 106 cases which were disposed of in the Hilary Term, 23 were a result of either a guilty plea or a guilty verdict. This produces an overall conviction rate of 21.70% for Gun Court cases for the Term. The following table delves further into the conviction rates by the substantive matter in each case.

**Table 41.0: Conviction rate by substantive matter in the Gun Court for the Hilary Term ended April 07<sup>th</sup>, 2017**

Substantive matter	Number of cases disposed	Number of Guilty outcomes	Conviction rate
Illegal possession of fire arm	100	20	20%
Illegal possession of ammunition	5	3	60%

It is seen in the above table that of the 100 disposed cases of illegal possession of a firearm, 20 were disposed by way of either a guilty verdict or a guilty plea, yielding a conviction rate of 20% while for the substantive matter of illegal possession of ammunition, 3 of the 5 disposition were by way of guilty outcomes, yielding a conviction rate of 60%.

# STATISTICAL REPORT ON THE SUPREME COURT FOR THE HILARY TERM

**2017**

**Table 42.0: Top six charges disposed of in the Hilary Term ended April 07<sup>th</sup>, 2017**

Charge	Frequency	Percentage
Illegal possession of a firearm	147	41.2
Illegal possession of ammunition	50	14
Assault	41	11.3
Robbery with aggravation	39	10.9
Shooting with intent	37	10.4
Wounding	17	4.8
<b>Total</b>	<b>331</b>	<b>92.60</b>

**Total number of charges (N) = 357**

The 106 cases which were disposed of in the Gun Court during the Hilary Term, representing 357 charges, an average of roughly three charges per case. The table above details the eight most frequently occurring charges disposed of in the Gun Court during the Hilary Term. Illegal possession of a firearm and illegal possession of ammunition accounts for the largest proportion of disposed charges with 41.2% and 14% respectively. This is followed by and assault (including assault occasioning bodily harm and assault at common law) and robbery with aggravation with 11.3% and 10.9% respectively of all charges disposed of in the Term. Shooting with intent with 10.4% of the disposed charges rounds off the top five while wounding (including unlawful wounding and wounding with intent) is the next most frequently occurring charges in the Term with 4.8% of the total. This is notable because these are the most popular case types which are both initiated and disposed in the Home Circuit Court in the Hilary and the

Michaelmas Terms. These top six disposed charges, account for roughly 91.6% of the total number of charges disposed in the Gun Court during the Hilary Term, 2017.

**Table 43.0: Time to disposition from date charged, for charges disposed of in the Hilary Term ended April 07<sup>th</sup>, 2017 (In months).**

Descriptive Statistics

Number	357
Mean	41.4189
Median	34.5000
Mode	17.00
Std. Deviation	18.1452
Skewness	1.346
Std. Error of Skewness	.199
Minimum	3.00
Maximum	341

The above table shows that there were 357 charges disposed of in the Hilary Term. It is seen that the estimated average time to disposition from the date of charge is approximately 41 months or almost 3.5 years. The data set for this measure is moderately positively skewed, indicating that there were a greater proportion of times to disposition which fell below the mean than those which fell above it. There are therefore at least a few comparatively large times to disposal in the data set, constituting outliers. The estimated maximum time to disposition for the data set is 341 months roughly 28 years. The estimated minimum time to disposition from the time an offence was filed is 3 months. It is of interest that the modal time to disposition is under two years which is an indication that the majority of matters disposed in the period had a life of less than two years from the charged date.

**Table 44.0: Breakdown of times to disposition from date charged, for the charges disposed in the Hilary Term ended April 07<sup>th</sup>, 2017.**

<b>Months</b>	<b>Frequency</b>	<b>Percentage</b>
0 -12	67	18.77
13 -24	121	33.89
25 - 36	93	26.05
37 - 47	52	14.57
48 & over	24	6.72
<b>Total</b>	<b>357</b>	<b>100.0</b>

The above table provides a further breakdown of the estimated time to disposition for charges disposed in the Hilary Term, from the date of charge. The positive skewness displayed in the previous table is affirmed as the scores here are mostly concentrated towards the lower intervals. The data shows that the largest proportion of the disposals, using this method took between 13 and 24 months to be disposed. This interval accounted for roughly 34% of the disposals and was followed by matters taking between 25 and 36 months to be disposed with 121 charges or 26.05%. A further 18.77% of the matters were disposed within a year, 52 or 14.57% took between 37 and 47 months and the remaining 24 or 6.72% took four years or more to be disposed.

**Table 45.0: Time to disposition for cases disposed of in the Hilary Term ended April 07<sup>th</sup>, 2017 (in months)**

Descriptive Statistics

Number	106
Mean	30.1333
Median	20.0000
Mode	9.00
Std. Deviation	42.69549
Skewness	4.936
Std. Error of Skewness	.236
Minimum	0.58
Maximum	332.00

In the table above it is seen that there were 106 cases disposed of in the Gun Court during the Hilary Term. The estimated average time to disposition (from file date) was roughly 30 months or two and a half years, an increase of three quarters of a year or 9 months when compared to the analysis done for the last two months of the Michaelmas Term in 2016. The estimated shortest time to disposal for a case disposed of in this period was under a month with a maximum of 332 months or 27.67 years. The distribution of the scores was highly positively skewed, an indication that significantly more of the estimated individual disposal times were lower than the reported mean. The average was pulled upwards by a few large outlying values that exist. This result is further affirmed by the relatively high standard deviation of roughly almost 43 months, indicating some wide variation of scores around the mean. When compared to the length of time taken to dispose of matters from the date of charge, these results are markedly lower, indicating, as seen with the Home Circuit Court that there may be a time lag in

transiting case files to the Gun Court and is potentially a source of delay in disposing of cases from the court system.

**Table 46.0: Breakdown of times to disposition from the time of offence for cases disposed in the Hilary Term ended April 07<sup>th</sup>, 2017.**

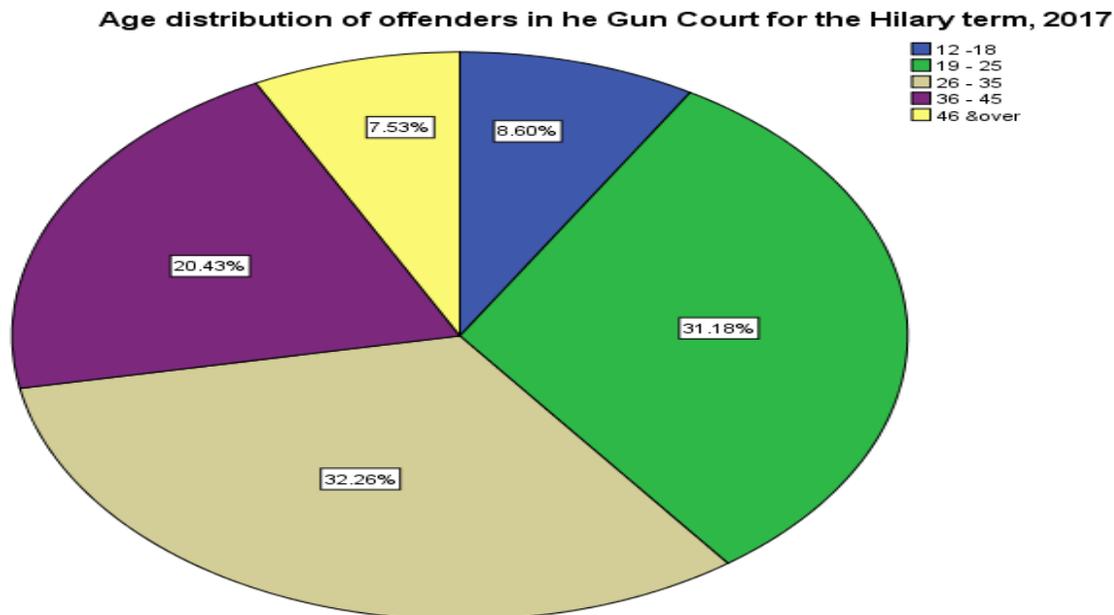
Months	Frequency	Percentage
0 – 12	38	35.85
13 - 24	23	21.70
25 - 36	21	19.81
37 – 47	15	14.15
48 & over	9	8.49
Total	106	100.0

The above table provides a more detailed breakdown of the times to disposition for cases disposed of in the Hilary Term. As with the individual charges disposed of in the period, it is shown that the largest proportion of cases disposed fall in the time interval of 0 - 12 months. This accounted for roughly 36% of all the disposals, followed by roughly 22% of matters which were took between 13 and 24 months to be disposed. Approximately 20% of the matters took between 25 and 36 months to be disposed, 14.15% took between 37 and 47 months and the remaining 8.49% took four years or more to be disposed. It is of interest to note that roughly 58% of all matters disposed of in the period took two years or less.

**Demographic summary of Gun Court offenders for the Hilary term ended April 07<sup>th</sup>, 2017**

This section provides a brief summary of the age and gender distribution of persons charged in the Gun Court during the Hilary term, using a sample of 93 offenders.

**Chart 7.0: Summary of age distribution of a sample of offenders in the Gun Court for the Hilary Term ended April 07<sup>th</sup>, 2017**

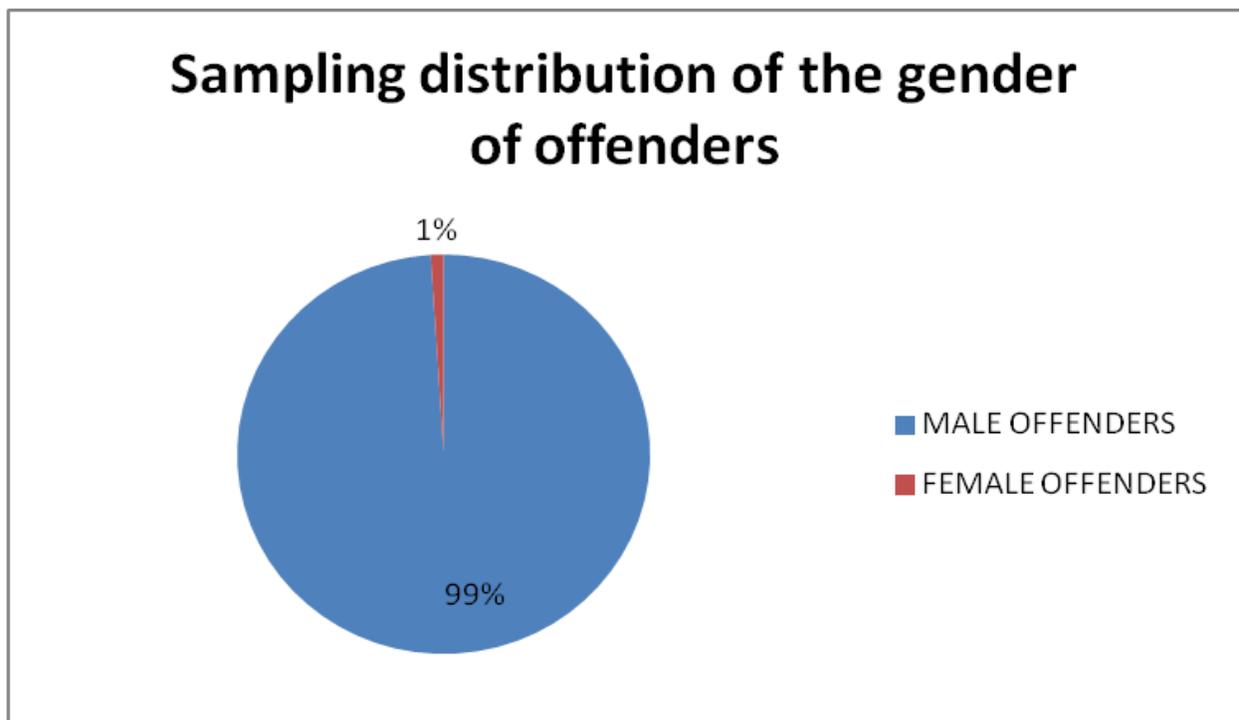


As shown earlier, the offenses which dominated the Gun Court for the Hilary term are illegal possession of fire arm, illegal possession of ammunition, robbery with aggravation and various types of assault. The average age of persons charged in the Hilary Term, using a sample of 93 offenders is roughly 30 years old with the oldest person charged being 64 years old and the youngest 12 years old. The modal age from this sample was 21, an indication that a significant number of offenders are quite youthful. This notion is affirmed in the chart above where it is

shown that from the sample 32.26% of the offenders were between 26 and 35 years old, closely followed by the age group 19 to 25 years old with 31.18% of the offenders. The age group of 36 to 45 comes next with 20.43% of the offenders. It is of note that the youngest age category of 12-18 years old account for 8.60% of the sample while the oldest age category of 46 and over accounts for the lowest proportion, 7.53%.

In terms of age distribution, using a sample of 100 offenders the data shows that 99 or 99% were male and 1 or 1% female. This distribution is reflected in the chart below.

**Chart 8.0: Summary of gender distribution of a sample of offenders in the Gun Court for the Hilary Term ended April 07<sup>th</sup>, 2017**



**Table 47.0: Case clearance rate for the Hilary Term ended April 07<sup>th</sup>, 2017.**

Cases filed	Cases disposed	Case clearance rate
<b>163</b>	<b>106</b>	<b>65.03%</b>

One hundred and sixty three active cases were filed in the period under examination while there were 106 cases disposed, leading to a case clearance rate of 65.03% for the Hilary Term, an improvement of just over six percentage points when compared to analysis carried out on the last two months of the Michaelmas Term in 2016. This result translates into a generalization of 65 cases disposed for every 100 new cases filed for the period. Despite the improvement, this result is broadly consistent with the findings for the Supreme Court as a whole which indicates that there are markedly more matters coming in than those being disposed. The below table provides a summary of the collective case clearance rate for the five Divisions reviewed in this document. It is important to point out that at least some of the disposed cases used in this computation may have originated in previous periods as the clearance rate is meant to be a ratio of new cases filed to cases disposed of in a particular period of time, regardless of when the disposed cases originated.

**Table 48.0: Gross case clearance rate for the Hilary Term ended April 07<sup>th</sup>, 2017**

Total cases filed	Total cases disposed	Gross Case clearance rate
<b>3412</b>	<b>1608</b>	<b>47.13%</b>

The above table provides an aggregate summary of the clearance rates using the data from the Home Circuit Court, Gun Court, Matrimonial and HCV Divisions. The data suggests that a total of 3330 cases were filed across the four Divisions reviewed in the period of analysis. Over the same two months period, 1602 cases were disposed, yielding a gross clearance rate of roughly 47%. When mathematically generalized, this result suggests that for every 100 cases filed and active in the period there were 47 disposals. This is approximately the same figure for the analysis done on the last two months of the Michaelmas term, remaining stable despite the notable increase in committal of criminal matters from the Parish Courts.

The overall data suggests some inconsistency in the clearance rates for all Divisions when compared to the previous report on the last two months of the Michaelmas Term with the HCV and Probate Divisions demonstrating marginal changes while the Gun Court and Matrimonial saw pronounced movements. The true average clearance rate across all Divisions will become clearer as the time series expands.

### **Conclusion**

This report represents the second major statistical report produced on the Supreme Court since November, 2016. Whilst the time series analyses which have been built up so far do not constitute an adequate basis upon which to make wholesale generalizations, there have been some notable trends so far which are quite insightful. These trends could form the basis for policy and operational interventions which could potentially have a dramatic effect on enhancing efficiency across all Divisions in the Supreme Court. Among the critical findings to date is that the HCV and Home Circuit Courts are particularly heavily impacted by a very high incidence of adjournments and low trial date certainty. In both of these Divisions and in others, it appears that a large proportion of these adjournments, over 25% are due to issues associated with the absenteeism of attorneys or parties not showing up, documents not being ready for court or files not found. This draws into sharp focus the potential need for more physical and human resources and a more robust system of scheduling matters for court, for enhanced case management strategies and for strong methods of engagement with the attorneys and parties to increase court attendance.

It is also of vital note that the combined periods of analysis so far have revealed an approximate average time to disposition of roughly 2.3 years across the Divisions. The HCV, Matrimonial and Home Circuit Courts and the Gun Court have all demonstrated an average time to disposition of over 2 years for matters disposed of in the latter half of the Michaelmas term in 2016 and the Hilary term in 2017. The Probate Division has however shown an average time to disposition of less than 2 years over the same times.

It is also evident from the analyses so far that the Supreme Court as a whole has significantly more incoming than outgoing matters which has resulted in the court experiencing generally modest gross clearance rate. The overall average clearance rate for the latter half of the Michaelmas term and the Hilary term is roughly 47%, an indication that over the period the Supreme Court has experienced two times more new cases filed than cases disposed. This has potentially adverse implications for the build up of a backlog of cases and requires deliberate, targeted policy interventions.

It is also of note that a high incidence of requisitions appear to be a trend with some Divisions averaging more than one requisition per case file. A special, pointed intervention may be required to stem this high incidence as it constitutes a major source of delay in the timely movement of matters through the court system.

A number of recommendations were highlighted in this report for the different Divisions, geared towards redressing many of the deficiencies which have been identified. These recommendations were developed in consultation with the respective Divisions. Among the major general recommendations cited is the need to stem the high incidence of adjournments by ensuring that that specific court rooms are dedicated to dealing with matters which are ready for trial or which have a greater probability of being disposed within a shorter space of time. This is consistent with the express resource facility which was devised by the scheduling committee in the HCV Division, which has shown positive results. It is also consistent with the use of court room seven as a specialized medium for expediting the disposal of Gun Court cases. Applying an adapted approach across all Divisions could potentially have a marked

positive effect on disposal rates and the efficient use of judicial time. The report identified that Assessment of Damages is a particularly sore area with multiple adjournments in the HCV Division. It is recommended that a stronger system of scheduling be implemented for these matters where specific time slots be set for hearings. This should gradually redress the current situation in which many days worth of Assessment of Damages matters are in effect being scheduled for single court days, inevitably leading to multiple adjournments and a sub-optimal use of judicial time.

In an effort to reduce the incidence of requisitions in the Civil Divisions, it has also been recommended that the instructions for completing the relevant documents accompany the emails which are sent out with the requisitions, as a means of supplementing the posting of notices such guides for the public at the relevant customer service windows. Such an approach is currently being piloted in the Matrimonial Division.

The reasons for delays in the progression of matters through the court system greatly intimate the need for a more robust system of case management and as such an examination of the possibility of increasing the number of case progression officers should be pursued.

The overall results from the statistical analysis of the Hilary Term could form the basis for important policy considerations and the strengthening of the strengthening of operational procedures