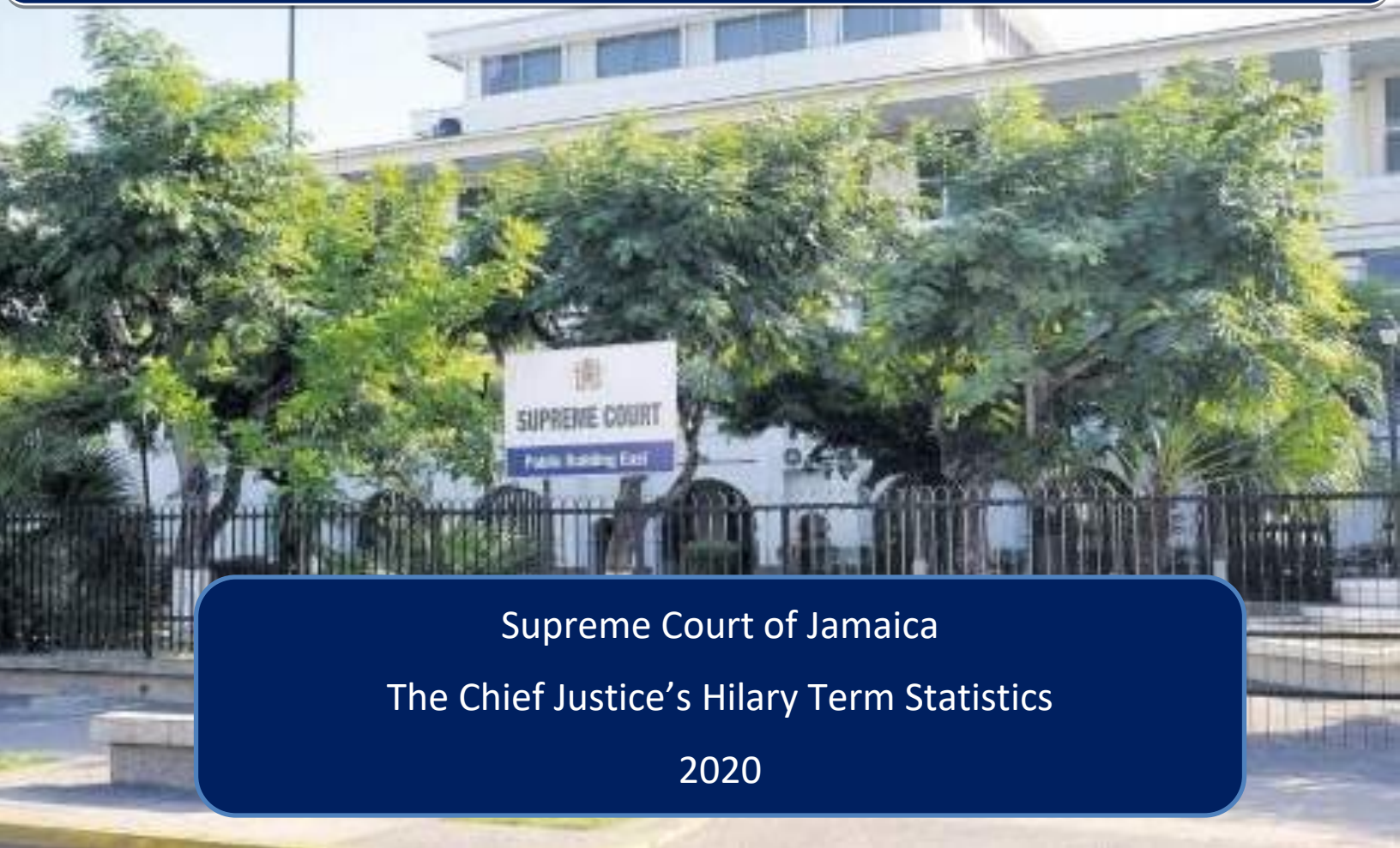


# THE CHIEF JUSTICE'S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT - 2020



## Supreme Court of Jamaica The Chief Justice's Hilary Term Statistics 2020

### OVERALL QUANTITATIVE HIGHLIGHTS

	<u>Hilary Term of 2019</u>	<u>Hilary Term of 2020</u>
Case clearance rate (%)	54.18	73.20
Hearing date certainty rate (%)	71.13	67.51
Case backlog rate (%)	35.64	30.57
Case file integrity rate (%)	96.20	93.19
Average time to disposition of cases (years)	2.16	2.01

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## **EXECUTIVE SUMMARY**

As part of becoming a first class court system, the Honourable Chief Justice has set out some vital quantitative targets which will bring the Jamaican judiciary in line with the bests in the world. Among these targets is the attainment of an overall trial date certainty rate of 95% and a weighted average case clearance rate of 130% over the next 5 – 6 years across the court system. Since the Supreme Court accounts for a sizeable share of the total civil and criminal caseload in Jamaica, its success is crucial to the attainment of the overall targets. These targets hinge on the objective of reducing the court-wide case backlog rate to less than 5% over the period. Apart from providing the scientific evidence necessary to inform interventions, these statistical reports also provide a basis for monitoring and evaluating the progression towards the realization of the targets set out by the judiciary. The Hilary Term report of 2020 comes on the heels of a challenging period for the court system in which the COVID-19 global pandemic disrupted normal court proceedings towards the end of this Term and into the Easter Term, creating a severe test of resilience. The performance of the Supreme Court in the Hilary Term shows some noted improvements when compared to 2019 and underscores the potential strength of the system.

A range of data and performance measurements on the High Court Civil (HCV), Probate, Matrimonial and Commercial Divisions as well as the Home Circuit Court and Gun Court and the Revenue Court are included in this Term report. The results provide important insights, which can potentially inform the operational efficiency of the Supreme Court and the policy design of the relevant state actors.

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A total of 3266 new cases entered the Supreme Court across the above named Divisions in the Hilary Term while 2391 cases were disposed. The total number of new cases filed in the Hilary Term decreased by 15.82% when compared to the corresponding period in 2019. The number of cases disposed however increased by 1.37%. The High Court Civil (HCV) and Matrimonial Divisions with 1184 and 1045 respectively of the total number of new cases filed accounted for the largest share while the Gun Court with 100 new cases and the Revenue Division with 0 new cases had the lowest proportions. As observed in the trends over the past two years, the Matrimonial Division accounts for the highest absolute and relative share of cases disposed in the Hilary Term with 894 or 37.39%.

Among the major findings from the Hilary Term Statistics Report is that the weighted average case clearance rate across the four Divisions was roughly 73.21%, an improvement of 19.03 percentage points when compared to the corresponding period in 2019. This result represents one of the highest documented case clearance rates for the Supreme Court in any Term in recent years. The outcome is partly helped by the relatively large fall in the number of new cases filed, compared to a slight increase in the number of cases disposed. The case clearance rate provides a measure of the number of cases disposed, for every new case entered. The average of roughly 73% across the Divisions suggests that for every 100 new cases entered in the period, roughly 73 were also disposed (not necessarily from the new cases entered). The case clearance rates for the Hilary Term ranged from a low of 30.86% in the Commercial Division to a high of 128% in the High Court Division of the Gun Court. The Probate Division

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ranked second on case clearance rate for the Term with a rate of 102.52% followed by the Matrimonial Division with 84.07%.

The report also generated the estimated times to disposition for matters disposed in the respective Divisions of the Supreme Court in the Hilary Term of 2020. The estimated average times taken for cases to be disposed, range from a low of approximately 1 year in the Commercial Division to a high of 3 years and 6 months in the High Court Civil Division. The overall average time to disposition for the Divisions of the Supreme Court in 2019 was roughly 2 years, a slight improvement when compared to both the Hilary Term of 2019 and the 2019 year as a whole. The oldest matters disposed in the Supreme Court in 2019 occurred in the Probate Division, with an age of 27.58 years at the time of closure. There were however several matters which took as low as 0-6 months to be disposed across all the Divisions.

The standard definition for a case backlog, which has been adopted throughout the Jamaican Court system, is a case that has been in the system for more than two years without being disposed. Using this yardstick, the overall on-time case-processing rate for cases disposed in the Supreme Court in the Hilary Term of 2020 was 69.43%, which suggests that roughly 69 of every 100 cases disposed in the Supreme Court in the Hilary Term of 2020, were done within two years, roughly the same as the closing figure in 2019. The results imply that there was a case backlog rate of roughly 31% for cases disposed in the Supreme Court in the Hilary Term. The Commercial Division and the Gun Court with on-time case processing rates of 84.38% and 81% respectively fared best on this metric in the Term, thus also having the lowest backlog rates at the end of the year with 15.62% and 19% respectively. On the other hand, the High Court Civil

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Division and the Criminal Division with on-time case processing rates of 42.73% and 45.60% respectively registered the lowest rates. Concomitantly, the case backlog rates for these two Divisions were 57.27% and 54.40% at the end of the Hilary Term.

The hearing date certainty rate is a vital measure of the robustness of the case management and scheduling apparatus in the court system. It provides an indication of the likelihood that dates set for hearings will proceed on schedule without adjournment. In the long run, the hearing date certainty rate will be positively correlated with the clearance rate, thus the higher the hearing date certainty rates, the higher the clearance rates in the long run. Similarly, in the long run higher hearing date certainty rates will correlate with lower case backlog rates, thus there is a negative association between these variables. The hearing date certainty, which computes the rate of adherence to hearing dates scheduled, ranges from an approximate low of 60% in the Revenue Division to a high of 84.07% in the Matrimonial Division. None of the Divisions of the Supreme Court met the international standard of 92% - 100% on this measure in the Hilary Term. The weighted average hearing date certainty across all the Divisions for the period under examination was roughly 67.51%, a decrease of 3.62 percentage points when compared to the corresponding period in 2019. This is an indication that there is a roughly 68% probability that a matter scheduled for hearing will go ahead without adjournment. Similar data on trial date certainty in isolation are also provided in the relevant chapters of the report. Trial date certainty rates have been shown to be generally lower than hearing date certainty rates in the Divisions of the Supreme Court. The prominent reasons for adjournment in the Hilary Term of 2020 are broadly similar to those observed over the past 3.5 years of statistical reporting.

Among the prominent reasons for adjournment cited across this report are the non-appearance of parties and/or attorneys, absenteeism of witnesses and investigating officers, documents to be filed, scientific documents and statements outstanding and disclosure. These reasons span both internal factors within the court's control and factors outside of its direct autonomy and can be improved through stronger case management and scheduling practices and more deliberate stakeholder engagement. Incremental progress is being made in all these areas.

The case file integrity rate measures the proportion of cases which are scheduled for court and are able to proceed in a timely manner without being adjourned for reasons of missing or incomplete files, matters wrongly listed for court and other related factors which are attributable to the inefficient handling of records and case scheduling by the court's registries. It is therefore an important metric in gauging the strength of record management practices in the courts. Using the High Court Civil Division as a proxy, the data reveals that the case file integrity rate for the High Court Civil Division was 93.19%, down by 3.01 percentage points when compared to the corresponding period in 2019. This result suggests that for every 100 case files that were apart of court hearings in the Hilary Term, three less were able to proceed in the 2020 Hilary Term, compared to the corresponding period in 2019, due to the inefficient handling of records as well as scheduling and case management deficits. The prescribed international standard for the case file integrity rate measure is 100%.

Apart from the high frequency of adjournments, the relatively high incidence of requisitions is an impediment to the speed of disposition of civil matters. Among the Civil Divisions, the incidence of requisitions was highest in the Matrimonial Division with a ratio of 59 requisitions

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per 100 case files while the Commercial Division had the lowest incidence with fewer than 5 per 100 case files handled.

In 2019, the Supreme Court registered a record clearance rate on judgments reserved of 189%. This rate was eclipsed in the Hilary Term of 2020 which saw a clearance rate on judgments reserved of roughly 207%. This result suggests that for every 10 new judgments reserved during the Term, roughly 21 judgements were delivered. The related figures for rulings on application were also promising with a clearance rate of roughly 71.74%, suggesting that for every 10 rulings reserved on applications in the Hilary Term, 7 were delivered. As with 2019, these positive results augur well for the prospects of improving the disposal outcomes for the civil divisions and will redound to the benefit of the wider society and economy.

The results for the Hilary Term show that there is much room for improvement but there are also some very encouraging results which potentially position the Supreme Court for greater strides in productivity outcomes. This has happening despite the challenges mentioned earlier but the courts will be hard pressed to sustain improvements for the remainder of 2020. The resilience of the system will indeed be truly tested.



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See below Supreme Court case activity summary for the Hilary Term of 2020

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (years)	Hearing date Certainty ratio (%)
High Court Civil (HCV)	1184	571	48.23	3.48	66.52
Matrimonial	1045	894	85.55	1.75	84.07
Probate	674	691	102.52	1.47	77.14
Commercial	162	50	30.86	1.01	62.71
Home Circuit Court	101	57	56.44	3.02	62.72
Gun Court	100	128	128	1.35	59.40
Revenue Division	0	0	-	-	60%
Gross/Weighted Average	3266	2391	73.21%	2.01	67.51%

## Other aggregate Court performance measures

Among other important performance, which allow for the tracking of court performance are:

(i) The on time case processing rate

(ii) Case backlog rate

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case backlog rate provides a

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measurement of the proportion of cases, which have been active for over two years as at the end of the Hilary Term. These measures are summarized in the table below:

## Selected performances metrics for the Supreme Court in the Hilary Term of 2020

Division of the Supreme Court	Resolved/Disposed cases	Unresolved cases which had court activity in 2019	Number of cases disposed within 2 years	On-time case processing rate (%)	Case backlog rate (%)
High Court Civil (HCV)	571	4921	244	42.73	57.27
Matrimonial Division	894	3562	678	78.47	21.53
Probate Division	691	1449	560	81	19
Commercial Division	50	440	44	88	12
Criminal Division	57	767	26	45.60	54.40
Gun Court	128	434	108	84.38	15.62
Gross/Weighted Average	<b>2391</b>	<b>11482</b>	<b>1660</b>	<b>69.43%</b>	<b>30.57%</b>

## METHODOLOGY

Guaranteeing the reliability and validity of the data used to produce the periodic statistics reports for the Jamaican Courts is of utmost importance as we seek to produce a data driven enterprise for policymaking and operational decisions. As a result, a robust and verifiable system of data production has been created in both the Parish Courts and the Supreme Court. At the Supreme Court, each Division has a set of data entry officers whose daily responsibility is

to enter data on new cases and as necessary update all case activity and events as the matters traverse the courts. Such updates are done electronically using the Judicial Enhancement Management Software (JEMS) software, which has been evolved to cater for a wider range of data capture and reporting needs. In all Divisions, live court data is also recorded in JEMS from inside court by the Clerks. In order to assure the integrity of the data that is entered in JEMS, data validators are specially assigned to scrutinize case files on a daily basis to ensure consistency with the electronic data and adequacy of data capture.

Once all data for the periods of interest are entered in the JEMS software and the necessary checks and balances completed, the data is then migrated to a Microsoft Excel friendly platform, from where it is extracted, the statistical data processed and reports generated. Statistical reports are generated for each of the three Terms, which constitutes the operating year for the Supreme Court, as well as for the vacation period for the Civil Registries. These reports culminate with an Annual Statistics Report. Such reports are published on the website of the Supreme Court however interim data required by stakeholders may be requested through the office of the Chief Justice.

### **Structure of Report**

This is a comprehensive statistical report on case activity in the various Divisions of the Supreme Court in the Hilary Term of 2020. Each of the first six chapters focus on case activity and performance metrics in the High Court Civil (HCV) Division, the Matrimonial Division, the Probate Division, the Commercial Division, the Home Circuit Court and the High Court Division

of the Gun Court. The last two chapters summarize aggregate case activity across the Divisions of the Supreme Court and present the 2020 Hilary Term clearance rate for civil Judgements reserved. In each chapter, a wide range of measurements and other information are presented which places case and court activity in each Division in their peculiar perspectives and context. A glossary of statistical terms and key performance measures used in his reports are also outlined at the end of the report. The report is meant to be more of an information piece for both internal and external stakeholders, forming the basis for interventions geared at enhancing efficiency court excellence.

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## CHAPTER 1.0: HIGH COURT CIVIL (HCV) DIVISION

The ensuing analysis examines the various measures of the efficiency of case handling in the High Court Civil (HCV) Division for the Hilary Term ended April 03, 2020.

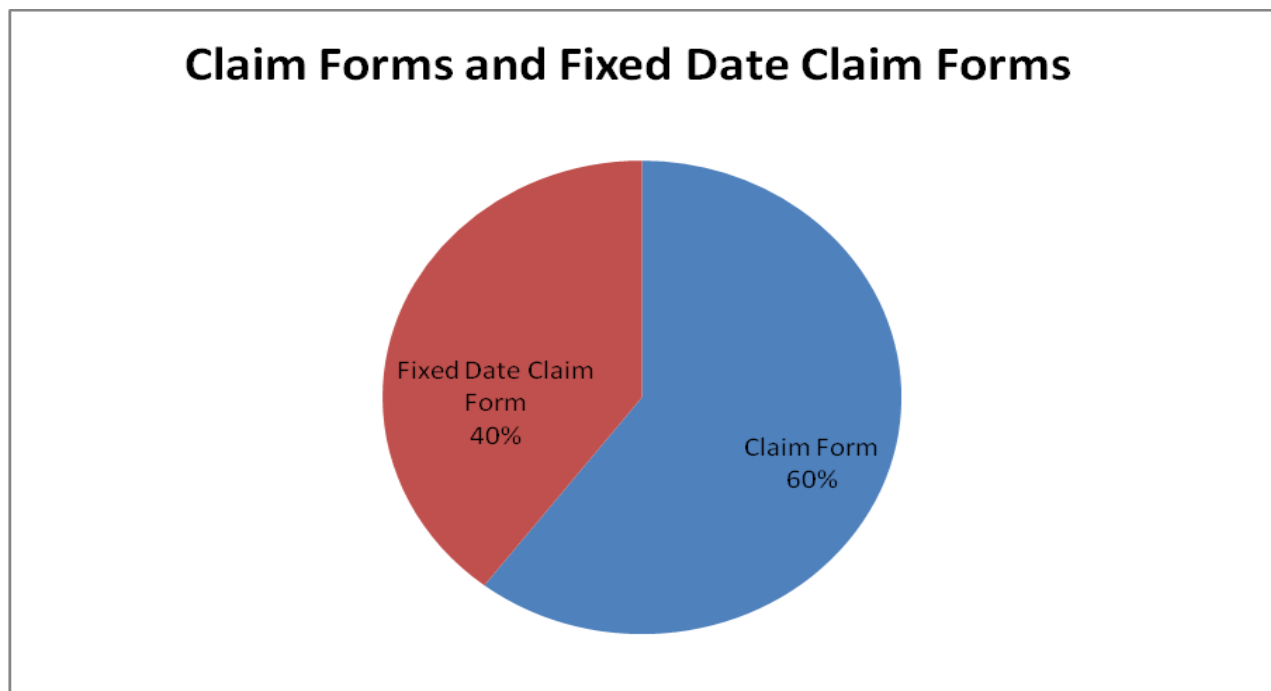
The below table outlines the number of new cases filed in the High Court Civil Division during the Hilary Term.

**Table 1.0: New cases filed in the Hilary Term of 2020**

HCV	Frequency	Percentage (%)
New Cases	1184	100.0

1184 new cases were filed in the High Court Civil (HCV) Division in the Hilary Term of 2020, representing a drop of 26.0% when compared to the corresponding period in 2019.

**Chart 1.0: Distribution of Claim Forms and Fixed Date Claim Forms for the Hilary Term ended April 03, 2020**



The above chart highlights the number and proportion of matters, which originated either using a Claim Form or Fixed Date Claim Form during the Hilary Term of 2020. Of the 1156 cases originating in either of these ways, 694 or 60% was by way of a Claim Forms while 462 or 39% originated by way of Fixed Date Claim Forms. This probability distribution is consistent with recent years, 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. A case that is filed on a Fixed Date Claim Form gets a specific date for court at the point of filing while a new matter filed on a Claim Form gets a court date subsequent to filing. A small minority of cases are filed by way of Notices of Application.

Tables 1.0 to 4.0 below provide an analysis of the reasons for adjournment or continuance of HCV cases in the Hilary Term of 2020. Contextual definitions of 'reasons for adjournment' and 'reasons for continuance' respectively are adopted for the purpose of clarity. The first of the three tables enumerate the list of the most common reasons for adjournment, which refers to factors, which may not be a part of the essential processes, or procedures for which a case is necessarily delayed. Using results from table 2.0a, a proxy case file integrity rate is also computed for the High Court Civil Division. The second table lists what may be considered as the main reasons for adjournment due to 'continuance'. Such reasons are defined as those that are intrinsic to the normal progression of a case towards disposition and are therefore largely unavoidable. Table 3.0 highlights reasons that could either satisfy the strict definition of adjournments or continuance depending on the specific circumstances. There was a combined 1969 incidences of adjournments whether for continuance or avoidable reasons in the High

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Court Civil (HCV) Division during the Hilary Term of 2020. This represents a fall of 20.48% when compared to the corresponding period in 2019. This is partly explained by the decline in the court activity arising from the suspension of court due to the COVID-19 pandemic towards the end of March, 2020.

**Table 2.0a: Top 10 reasons for adjournment for Hilary Term ended April 03, 2020**

Reasons for adjournment	Frequency	Percentage
Attorney for judgment creditor to file documents	273	13.86
Claimant's documents not served or sort served	166	8.43
No parties appearing	146	7.41
For comments from NEPA to be complied with (restrictive covenant)	143	7.26
File not found	87	4.42
Matter referred to mediation	73	3.71
Open Court suspension due to the COVID-19 pandemic	57	2.89
Judge unavailable	51	2.59
Defendant to file documents	51	2.59
Defendant's not available	41	0.54

**Total number of adjournments/continuance = 1969**

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There were total of 1969 incidence of adjournments/continuance in the Hilary Term of 2020, a notable increase when compared to 2018. The above table summarizes the top ten reasons for adjournment for the Hilary Term ended April 03, 2020 using the contextual definition outlined above. It is seen that the three dominant reasons for adjournment were those for attorney for judgment creditor to file documents with 273 or 13.86 of all events of adjournments/continuance, adjournments due to claimant's documents not served or short served with 166 or 8.43% and adjournments due to parties not appearing with 146 or 7.41% of the incidence of adjournments round off the top three. Adjournments for comments from NEPA to be complied with and due to files not found with 4.42% and 3.71% respectively of the reasons for adjournment round off the top five reasons. The top ten reasons for adjournment enumerated above, accounts for approximately 55.27% of the total reasons for case adjournment/continuance in the Hilary Term of 2020. As with previous reports, it is evident that a significant proportion of the total adjournments were due to factors related to the lack of readiness or preparedness of case files and cases themselves and the absenteeism of parties for court hearings. Many of the reasons for adjournment continue to suggest weaknesses in case management, record keeping and scheduling practices which account for a significant proportion of the reasons for adjournments/continuance are directly a result of factors, which could be classified as avoidable. A plethora of the commonly observed reasons for adjournment contribute to the inefficient use of judicial time and hampers the timely delivery of justice. Continued process flow re-engineering, enhanced stakeholder engagement and efficient resource alignment will be required to bring redress to many of the deficiencies resulting in the



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continued high incidence of adjournments. The needed improvements will also be helped by the use of an advanced case management and scheduling software in the court system which will assist in the optimal management of all judicial resources.

There are some internal processes which are being engineered to support the optimal operation of the High Court Civil Division. These include the bolstering the resources needed to manage the timely placement of new documents on files and to more effectively track the movement of files with the aid of the available technology. The strength of the court's case management processes has a direct bearing on the incidence of adjournments, thus enhancing the science that is applied in deploying case management in the High Court Civil Division will be an important catalyst in fostering more robust case preparation, improving the compliance of parties with court requirements and hence the readiness of files for hearings to proceed. The High Court Civil Division is expected to make significant gains in these areas in the foreseeable future.

**Table 2.0b: Case File Integrity Rate for the Hilary Term ended April 03, 2020**

<b>Number of adjournments/continuance</b>	<b>Number of adjournments due to missing files, matters wrongly listed and matters left off the court list</b>	<b>Proxy Case File Integrity Rate (%)</b>
<b>1969</b>	<b>134</b>	<b>93.19%</b>

In the very strictest sense, the case file integrity rate measures the proportion of time that a case file is fully ready and available in a timely manner for a matter to proceed. Hence, any

adjournment, which is due to the lack of readiness of a case file or related proceedings for court at the scheduled time, impairs the case file integrity rate. Case file integrity is based on three pillars - availability, completeness and accuracy. In the above table, the number of adjournments resulting from missing files, matters wrongly listed for court and matters left off the court list is used to compute a proxy rate for the case file integrity. The table shows that there were 134 combined incidences of adjournments due to these deficiencies in the Hilary Term of 2020, resulting in a case file integrity rate of 93.19%, which means that roughly 6.81% of the total adjournments were due to one or more of factors that affect case file integrity. Using the same parameters, the case file integrity rate fell by 3.01 percentage points when compared to the Hilary Term of 2019. A re-engineering of the document management processes in the High Court Civil Division and a strengthening of the human resources in the records section of this Division are being pursue as a strategy to create a sustainable system of marshalling file readiness. This will redound to the benefit of the Division in improving the rate of progression of cases filed to mediation and to court hearings and thus promote a timelier scheduling and other actions leading up to the disposition of cases filed. It will also contribute to an improvement of the rate of handling of notices of discontinuances filed which will assist in improving the timely disposition of cases. The expected introduction of the new Judicial Case Management System (JCMS) in 2021 will also facilitate significant advances in efficiency in this regard.

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**Table 2.0c: Frequent reasons for continuance for the Hilary Term ended April 03, 2020**

Reasons for continuance	Frequency	Percentage (%)
Pending settlement	23	1.17
Pending outcome of another application	39	1.98

**Total number of adjournments/continuance = 1967**

The above table summarises the most common reasons why cases in the HCV Division were delayed for 'continuance' during the Hilary Term of 2020. Two dominant reasons falling in this category are highlighted, namely pending the outcome of another application with 1.98% and pending settlements with 1.17%.

The below table enumerates the leading reasons for delay in a matter which may either be strictly an adjournment or 'continuance', using the definitions outlined above, depending on the peculiar circumstances. In other words, either these reasons could be for 'adjournment' or 'continuance' depending on the stage or conditions of occurrence on the case flow continuum.

**Table 3.0: Frequent reasons for adjournment/continuance for the Hilary Tem ended April 03, 2020**

Reasons for continuance	Frequency	Percentage
Parties having discussion with a view to settlement	86	4.37
Medical certificate outstanding	11	0.56

**Total number of adjournment/continuance = 1969**

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It is seen above that parties having discussions with a view to settlement with 86 incidences or 4.37% of the total and medical reports outstanding with 11 or 0.56% of the total, accounts for the dominant share of the reasons for adjournment/continuance which falls in this category.

**Table 4.0: Selected hearing events for the Hilary Term of 2020**

Hearings	Frequency	Percentage
Court Trials	334	52.52
Motion Hearing	13	2.04
Assessment of Damages	181	28.46
Trial in Chambers	108	16.98
<b>Total trial matters</b>	<b>636</b>	<b>100</b>

The above table shows the breakdown of the progression of common selected hearing events set during the Hilary Term of 2020. 636-combined occurrence of matters set for the selected types of hearings in the Hilary Term are shown, of which trials in open court accounted for the largest share with 334 or 52.52% of the total. In the Hilary Term of 2020, trials in open court also lead this list. The incidence of assessments of damages hearings ranked next with 181 or 28.46% followed by trial in chambers with 108 or 16.98%. All hearing types on this list experienced declines when compared to the corresponding period in 2019, on account of the overall decline in the incidence of hearings in the Hilary Term due to the COVID-19 pandemic. The incidence of open court hearing events for example fell by 25.11% while hearing events for assessment of damages fell by 28.74% when compared to the Hilary Term of 2019. It is however important to note that due to improvements in case management and scheduling for assessments of damages over the past two years, the number of hearing events has been on a

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general decline. This consistent with the current thrust in the judiciary to significantly improve hearing date certainty rates and in so doing improve the delivery of justice.

**Table 5.0 Hearing date certainty for the Hilary Term ended April 03, 2020**

Hearing dates set	Hearing dates adjourned (excluding adjournments for continuance)	Hearing date certainty (%)
2967	994	66.50%

The overall hearing date certainty of a court provides a good metric of the extent to which dates, which are scheduled for hearings are adhered to and therefore speaks to the reliability of the case scheduling process. A sample of 2967 dates scheduled for Court and Chamber hearings, revealed that 994 were 'adjourned' on the date set for commencement. The resulting hearing date certainty figure of 66.50% suggests that there is a roughly 67% probability that a date set for a matter to be heard would proceed on schedule. This was approximately 1.70 percentage points lower than the outcome in the corresponding period in 2019. This result is encouraging considering that the last two weeks of the Hilary Term experienced higher than usual incidence of date adjournments compared to previous years. 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 engagement are vital to redressing these deficiencies. When trials in open court and in chamber are isolated, the trial certainty rate for the HCV Division is 43.21%, just under half of the desired rate.

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The ensuing analysis will go further into explaining where on the continuum of a matter traversing the system are adjournments most likely to occur. This will involve an analysis, termed a breakout analysis that will examine the incidence of adjournments particularly at assessment of damages and case management conference hearings.

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 in the Hilary Term of 2020.

**Table 6.0a: Index of scheduling efficiency for Assessment of Damages in the HCV Division for the Hilary Term ended April 03, 2020**

Number of available court days in the Hilary Term	Number of days' worth of assessment of damages scheduled (for 1 court)	Approximate ratio
66	181	2.74

***Note: The above count of dates scheduled takes into account the***

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 for the Supreme Court in the Hilary Term of 2020, 66 all told and the number of days' worth of assessment of damages which were scheduled (a total of 181). It is shown that for every court day available, approximately 2.74 days' worth of matters were scheduled, consistent with the downward trend observed over the past four Terms. The implication of this sustained improvement is greater hearing date certainty for assessments of damages and by extension potentially better use of judicial time for High Court Civil (HCV) matters as a whole. This is particularly noteworthy

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considering that the assessments of damages account for a sizeable share of case activity in the High Court Civil Division. Historically, the unrealistically high scheduling incidence for assessments of damages each day has tied up judicial time and resources and fostered sub-optimal outcomes. In 2018 the number of days' worth of assessments of damages scheduled each day was as high as seven. The vast majority of the event dates included in this computation was scheduled in advance of the suspension of regular court activity due to the COVID-19 pandemic and therefore there was no need to adjust the index outlined in the table.

**Table 6.0b: Index of scheduling efficiency for court trials in the HCV Division for the Hilary Term ended April 03, 2020**

<b>Number of available court days in 2017</b>	<b>Number of days' worth of court matters scheduled for court trial per court</b>	<b>Approximate ratio</b>
<b>66</b>	<b>67</b>	<b>1.02</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 for the Supreme Court in the Hilary Term of 2020, 205 all told and the number of days' worth of court trials which were scheduled per court (a total of 67). It is shown that for every day available, 1.02 days' worth of matters were scheduled, the best ratio recorded since this type of reporting began in 2016, reflecting of the thrust to improve the use of judicial time and resources in the courts through more efficient scheduling and case management practices. This vital aspect of

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court planning will be greatly strengthened with the anticipated introduction of the new Judicial Case Management System (JCMS) in 2020.

**Table 7.0: Hearing date certainty for Assessment of damages for the Hilary term ended April 03, 2020**

Hearing dates set	Dates adjourned)	Hearing date certainty (%)
181	54	70.17%

Assessment of damages hearings continue to show positive signs with a 31.19 percentage points increase in hearing date certainty rate when compared to the Hilary Term of 2019, an improvement that is heavily linked to the creation of a far more realistic weekly load schedule for these matters. Although the scheduling apparatus of the Supreme Court is currently under strain, these improvements should continue and will be an important part of the thrust in the High Court Civil Division to reverse sub-optimal use of judicial time and resources.

**Table 8.0: Hearing date certainty for Case Management Conferences for Hilary Term ended April 03, 2020**

Hearing dates set	Dates adjourned (excluding adjournments for continuance)	Hearing date certainty
307	45	85.34%

Case management conferences form an important part of the preparation of cases or further judicial activities. Matters scheduled for case management conferences will typically be set for a fixed time and day in accordance with the available resources. These matters had a hearing date certainty of 85.34% in the Hilary Term of 2020, a marked improvement of 14.20



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percentage points when compared to the corresponding period in 2019, another positive sign resulting from incremental advances in the scheduling and case management apparatus of the High Court Civil (HCV) Division.

Despite the improvements noted above, the High Court Civil Division continues to struggle generally with a high incidence of adjournments. Adjournments during hearings of applications continue to be acutely high, accounting for roughly 60% of date adjournments. Trial adjournments also continue to feature quite prominently as reflected by the relatively low trial date certainty rate highlighted earlier. Interventions are currently being pursued in these and other operational areas which should make a significant impact on reversal of these trends in the coming years.

The court system as a whole will be pressured to maintain a high rate of efficiency in case clearance and hearing date certainty in the short run due to the significant number of matters requiring rescheduling especially in the Easter Term of 2020, due to the COVID-19 pandemic. The resilience of the system will be tested as the courts continue to fulfil its strategic objectives, central to which are strong quantitative outcomes on several key indicators including hearing date certainty rates.

**Table 9.0: Requisitions for the Hilary Term ended April 03, 2020**

Action	Frequency
Requisitions Issued	152
Responses to requisitions	13
Requisition response rate	8.55%
Requisitions per 100 case files	3

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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. The rate at which responses to requisitions are filed and the share quantum of requisitions issued can have a profound impact on the length of time that it takes for some civil matters to be disposed. In the table above it is shown that there were 152 requisitions for the Term. The ratio of cases filed to requisition was calculated to be approximately 1:0.03, which suggests that for every 100 case files there were roughly 3 requisitions, the same as the corresponding Term in 2019. The data shows a requisition response rate of 8.55% for the Hilary Term of 2020, a decrease of roughly 25.78 percentage points when compared to the similar period in 2019. Continuous interventions aimed at increasing public sensitization on the proper and timely completion of documents filed by litigants and their attorneys at the various stages along the civil case flow continuum are vital to creating and sustaining improved outcomes in this area.

**Table 10.0: Incidence of Chamber Hearings for the Hilary Term ended April 03, 2020**

Hearings	Frequency	Percentage (%)
Oral Examination	3	0.13
Case Management Conference	307	13.35
Pre-trial review	220	9.57
Applications (Various)	1675	72.86
Judgment summons hearing	94	4.89
<b>Total</b>	<b>2299</b>	<b>100</b>

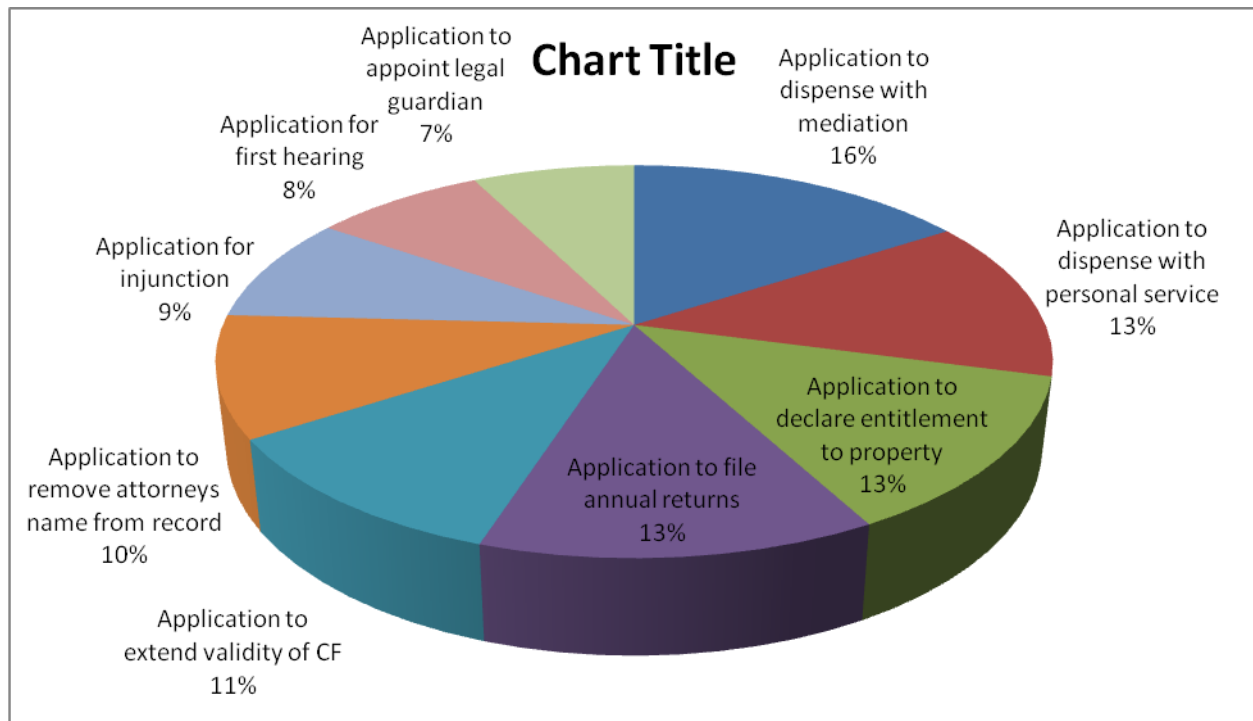
The above table summarizes the incidence of different types of chamber hearings for the Hilary Term of 2020. It is seen that the total incidence of chamber hearings for the period was 2299, a decrease of 30.12% when compared to the corresponding period in 2019. The highest

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proportions were various applications with 1675 or 72.86% of the total number of hearings, a reduction of 32.16% when compared to the similar period in 2019. The general applications category speaks to a non-exhaustive list of various types of applications (including expedited applications) which come before the High Court Civil (HCV) Division. Case management conferences was a distant second with an incidence of 307 or 13.35% of the total number, a fall of 31.78 percentage points when compared to the 2019 Hilary Term. Pre-trial reviews with 220 or 9.57% and Judgment summons hearings with 94 or 4.89% rounds off the top five incidences of chamber hearings for the Hilary Term of 2020.

**Chart 3.0: Sampling distribution of the top ten application types for the Hilary Term ended April 03, 2020**



The above chart summarizes the distribution of 10 common types of applications filed spread among 240 applications made in the High Court Civil Division during the Hilary Term of 2020.

Among the types of applications featuring most prominently are applications to dispense with mediation, applications to dispense with personal service, applications to file annual returns and applications to extend validity of claim forms.

The high incidences of these application types provide significant insights into a range of factors, which contribute the occupation of judicial time, some of which can be improved through targeted interventions. For example, as with previous reports the fact those applications to extend the validity of a Claim Form ranks so prominently among the types of 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. Applications account for well over a third of judicial activity in the High Court Civil Division and thus their management and scheduling are important planks in the efficient management of civil cases. Improving the efficiency of case file management can make a meaningful difference to both the incidence of certain types of applications filed and the rate at which applications are scheduled and disposed. These in turn have potentially enormous implications for the operational effectiveness and productivity of the High Court Civil Division and thus require constant attention and deliberate intervention and support.

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**Table 11.0: Methods of disposition for the Hilary Term of 2020**

Methods of Disposition	Frequency	Percent
Application Granted	107	18.7
Application Refused	6	1.1
Attorney Admitted to Bar	1	.2
Claim form expired	18	3.2
Consent Judgment	5	.9
Consent Order	6	1.1
Damages Assessed	28	4.9
Dismissed	2	.4
Final Order	43	7.5
Judgments	22	3.9
Judgment in Default of Defence	1	.2
Matter Withdrawn	11	1.9
Notice of Discontinuance noted	231	40.5
Order (Chamber Court)	3	.5
Settled	67	11.7
Struck Out	10	1.8
Transfer to Commercial	2	.4
Written Judgment Delivered	8	1.4
<b>Total</b>	<b>571</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 into operational planning. It is seen that there were 571 HCV cases disposed in the Hilary Term of 2020, a dramatic improvement of 68.93% when compared to the corresponding period in 2019. The largest proportion of the cases disposed, 231 or almost 40.50% were a result of notices of discontinuance filed, followed by Applications Granted with 107 or 18.70% and settlements

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with 67 or 11.70%. Final orders made with 43 or 7.50% of the disposals rounds off the top three methods of disposal while damages assessed and final judgments complete the top five methods.

**Table 14.0: Time to disposition for the Hilary Term ended April 03, 2020**

Number of observations	571
Mean	41.7513
Std. Error of Mean	1.48754
Median	32.0000
Mode	7.00
Std. Deviation	35.54569
Skewness	1.163
Std. Error of Skewness	.102
Range	176.00
Minimum	.17
Maximum	176.00

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 for the Hilary Term of 2020. The 571 cases disposed in the Term reveal an estimated average time to disposition was 41.78 months or 3 years and 6 months, an increase of 17 months when compared to the corresponding period in 2019. The oldest matter disposed in the year was 176 months old or almost 15 years old while the lowest time that a matter took to disposition was less than a month. The most frequently occurring time to disposition in the period was 7

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months or just over half a year. The standard deviation of roughly 35.55 months is indication of a wide variation of the durations to disposal around the mean and suggests that the times to disposition vary widely. The positive skewness of roughly 1.16 however indicates that there were more disposals, which took lower time to disposition than those, which took higher than the average time. The margin of error of these estimates is plus or minus 2 month.

**Table 15.0: Breakdown of time to disposition for the Hilary Term ended April 03, 2020**

Time Interval	Frequency	Percent
0 – 12	163	28.5
13 – 24	81	14.2
25 – 36	52	9.1
37 – 47	94	16.5
48 and over	181	31.7
<b>Total</b>	<b>571</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 571 matters disposed in the Hilary Term, the largest proportion 181 or 31.70% took four years or more to be disposed. 163 matters or roughly 28.50% of the cases disposed took a year or less while 94 or 16.50% took between 37 and 47 months to be disposed. The remaining proportion of the cases disposed was accounted for by the intervals 13 -24 months with 81 or 14.20% and 25 – 36 months with 52 or 9.10%. It is of note that only 42.70% of the matters disposed of in the Hilary Term took two years or less, compared to roughly 57.30%, which took more than two years to be disposed. Deficiencies including frequent adjournments, low trial/hearing certainty and the attendant problems with date scheduling certainty as well as

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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 2 months. The fact that the modal time to disposition is only 7 months is instructive as it speaks to what could potentially become a norm in the High Civil Division with stronger case management, file management and scheduling apparatuses. A number of process re-engineering initiatives are currently being either undertaken contemplated in the High Court Civil (HCV) Division, which are expected to eventually contribute appreciably to a reduction in the average time to disposition for the High Court Civil (HCV) Division.

**Table 16.0: Clearance rate for the year ended April 03, 2020**

Cases filed	Cases disposed	Case clearance rate (%)
1184	571*	48.23%

**\*8 or 1.40% of these disposed cases originating during the Hilary Term.**

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 rate of 48.23% seen above for the High Court Civil (HCV) Division is an indication that for every 100 new cases filed in the period under examination, there were roughly 48 cases disposed (not necessarily of those filed in the Hilary Term of 2020). The result represents a notable 27.10 percentage points increase when compared to the Hilary Term of 2019. The HCV case clearance



rate remains is too low to sustain a continuously increasing caseload and affirms conclusively that the Division's capability to handle its case carriage is both under-resourced and sub-optimized. Significant redesign of the scheduling mechanism utilized in the High Court Civil Division will contribute appreciable to improved performance. The introduction of new case management technologies in the 2020/21 fiscal years are expected to greatly assist this cause.

### **Other performance measures**

Among other important performance, which allow for the tracking of court performance are:

**(i) The on time case processing rate**

**(ii) The case turnover ratio**

**(iii) The disposition days**

**(iv) Case backlog rate**

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally the case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Hilary Term of 2020. These measures are summarized in the table below:

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**Table 17.0: Selected performances metrics for the High Court Civil (HCV) Division in the Hilary Term of 2020**

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated disposal days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Case backlog rate (%)
571	4921	11.60%	3147	244	571	42.73%	57.27%

The results in the above table show a case turnover rate of 11.60%, which is an indication that for every 100 cases, which were 'heard' in the Hilary Term of 2020 and still active at the end of the Term, another 12 were disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the Term will on average take 3147 more days or 8.62 more years to be disposed, barring special interventions or other unanticipated circumstances.

A case is considered to be in a backlog classification if it is still active for over two years. Based on this general criterion, a case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the High Court Civil Division in the Hilary Term of 2020 is 42.73%, which reflects the proportion of High Court Civil cases in the Term, which were disposed within 2 years. Conversely, the case backlog rate is 57.72%, an indication that an estimated proportion of 57.27% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 4921 cases, which had some court activity in 2020 and were still active at the end of the Term, roughly 2103 are expected to fall into in a backlog classification before being disposed. The case

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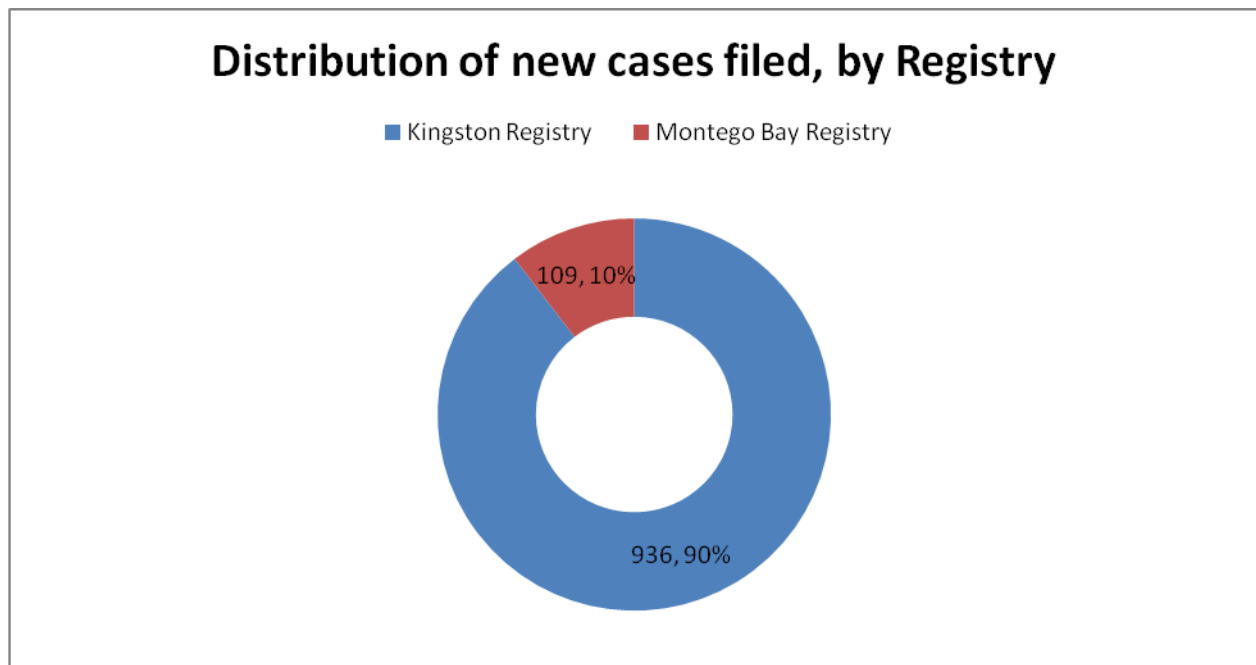
backlog rate in the High Court Civil Division fell by 4.95 percentage points when compared to the similar period in 2019.

### **CHAPTER 2.0: MATRIMONIAL DIVISION**

The ensuing analysis examines the various measures of the efficiency of case handling in the Matrimonial Division for the Hilary Term of 2020.

The below chart summarizes the distribution of new cases filed in the Matrimonial Division in the Hilary Term of 2020 between the Kingston and Montego Bay Registries of the Supreme Court.

**Chart 6.0: Distribution of new Matrimonial cases filed in the Hilary Term of 2020**



A total 1045 new cases were filed in the Matrimonial Division of the Supreme Court during the Hilary Term of 2020. 109 or 10% of these cases were filed at the Western Regional Registry in Montego Bay while 936 or 90% were filed at the Kingston Registry. The number of new cases

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filed in the Matrimonial Division in the Hilary Term of 2020 represents a 6.45% decline when compared to the Hilary Term of 2019.

**Table 18.0: Petitions filed for the Hilary Term ended**

Type of petition	Frequency	Percentage (%)
Amended petition for dissolution of marriage	544	34.24
Petition for dissolution of marriage and Petitions for Nullity	1045	65.78
<b>Total Filings</b>	<b>1589</b>	<b>100</b>
Number of amendments per petition	<b>0.52</b>	

The above table summarizes Petitions filed in the Hilary Term of 2020. It is shown that a total of 1589 Petitions (new or amended) were filed, 1045 or 65.78% were Petitions for dissolution of marriage or petitions for nullity of marriage, compared to 544 or 34.24% which were amended or further amended Petitions for dissolution of marriage. The analysis further suggests that the ratio of Petitions to Amended Petitions is 0.52 or in other words for every 100 petitions for dissolution of marriage there is roughly 52 amended Petitions for dissolution of marriage in the Hilary Term of 2020. As mentioned earlier, there was a slight decrease in the number of petitions filed but the ratio of petitions filed and their proportional distribution is markedly similar to that of the Hilary Term of 2019. The continued relatively high incidence of amendments constitutes a source of delays in the timely and efficient delivery of dispositions. Although the distribution is similar to 2019, there continues to be steady strides in the rate of compliance with requisitions or the turnaround time for requisition responses over the past 18 months. There is continued momentum in the Matrimonial Division to re-engineer and improve

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the work flow processes in an effort to significantly reduce the time taken to dispose of divorce cases to as little as 4 months where there is full compliance, accurate and timely filings from attorneys and litigants. The general progress has been stable as the case clearance rates are now at a much higher base equilibrium point, slightly more cases are being disposed in under 8 months and the overall average time to disposition is falling.

**Table 19.0: Decrees Nisi and Decrees Absolute filed for the Hilary Term ended April 03, 2020**

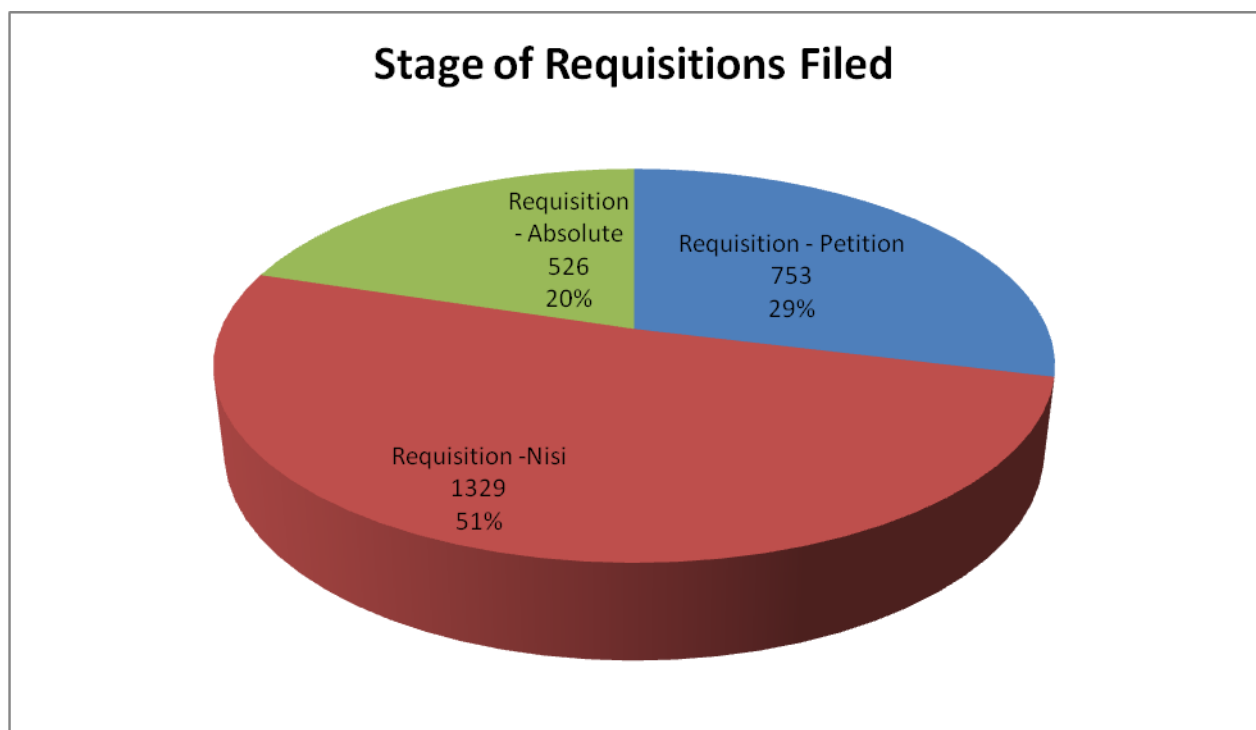
Case Status	Frequency
Decree Absolute	1342
Decree Nisi for dissolution of marriage	1392
Decree Nisi for nullity of marriage	7
<b>Total</b>	<b>2741</b>
<b>Ratio of Decrees Nisi to Decrees Absolute</b>	<b>0.96</b>

It is revealed in the above table that for every 100 Decrees Nisi filed there were roughly 96 Decrees Absolute filed in 2019, an improvement of 13 percentage points for every 100 when compared to the Hilary Term of 2019. 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 roughly 3.73% more Decrees Nisi than Decrees Absolute filed in the Hilary Term of 2020. 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. It is interesting to note that when compared to the Hilary Term of 2019, the number of Decrees Nisi filed fell sharply by 18.07 percentage points when compared to the

corresponding Term in 2019 while the number of Decrees Absolute filed increased marginally by 2.84 percentage points when compared to the Hilary Term of 2019.

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 7.0: Distribution of the stages of requisitions for the Hilary Term ended April 03, 2020**



The data suggests that a total of 2608 requisitions were issued at the three primary stages of a divorces case at the Kingston and Montego Bay Supreme Court Registries combined a notable decrease of 11.26 percentage points when compared to the corresponding Term in 2019. The number of requisitions filed at the petition stage decreased by 5.40% when compared to the Hilary Term of 2019 while the number filed at the Decree Nisi stage decreased by roughly

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15.13%. The number of requisitions filed at the Decree Absolute stage also experienced a decline, falling by 8.84% when compared to the corresponding Term in 2019. These results are quite positive and encouraging and it is anticipated that there will be a continuation of this path as the Matrimonial Division continues to experience notable advances in efficiency. As with the previous year, it is seen in the above chart that there is a markedly greater probability that a requisition will be made at the stage of Decree Nisi, with an estimated 51% incidence, down by 2 percentage points when compared to the similar period in 2019. 29% of the total constituted requisitions at the stage of a Decrees Absolute, also down by 2 percentage points when compared to the Hilary Term of the and the lowest proportion of 20% of requisitions are associated with Petitions, the same as the proportion in the similar 2019 period. The progress reported here suggests that the operational interventions are yielding results which should be highly transformational in the coming periods.

**Table 20.0: Methods of Disposals for the year ended April 03, 2020**

Methods of Disposition	Frequency	Percent
Decree Absolute Granted	745	86.2
Decree Nullity Granted	1	.1
Notice of Discontinuance noted	36	4.2
WR Decree Absolute Granted	80	9.3
WR Notice of Discontinuance noted	2	.2
<b>Total</b>	<b>864</b>	<b>100.0</b>

**NB: WR means Western Registry**



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The above table reveals that 864 Matrimonial cases were disposed in the Hilary Term of 2020, a decline of 16.84% when compared to the Hilary Term of 2019, representing an increase of 12.45%. This is an impressive increase considering that some time was lost in the latter part of the Term. A proportion of 86.20% or 825 were attributable to Decrees Absolute Granted while 38 or 4.40% were due to Notices of Discontinuance filed, accounting for the top two methods of disposition in the Hilary Term of 2020. Decrees Nullity granted with 1 or 0.10% rounds off the top three methods of disposition. As with the Hilary Term of 2019, none of the cases disposed in the Term originated in 2020. This is not surprising as the vast majority of Matrimonial cases will require a minimum of between 4 and 6 months to be disposed. The ongoing process flow re-engineering and enhanced engagement of stakeholders should continue to drive improvements in this area in 2020 and by 2021-22, it is forecasted that over 25% of new cases filed will be disposed in the same year of filing. 49.77% of the cases disposed during the year were filed in 2019, the majority of which took a year or less to be disposed. The current trends suggest that the Matrimonial Division could conceivably realise the target of disposing the majority of cases filed within 4-6 months, however as before the case progression mechanism has to work with a high degree of efficiency for this to happen and the cooperation of the attorneys in properly filing documents and expeditiously responding to requisitions will be crucial. In the same way that open court and some chamber hearings are given a specific hearing date and time slot, internal efficiency in the handling of Matrimonial cases in the Supreme Court could possibly be bolstered by a similar approach, thus guaranteeing time standards for the movement of case files along the case flow continuum. It is of note that 782

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(90.51%) of the Matrimonial cases disposed were attributable to the Kingston Registry while 82 (9.49%) were accounted for by the Western Registry in Montego Bay.

**Table 21.0: Requisitions summary for the Hilary Term ended April 03, 2020**

Action	Frequency
Requisitions	2608
Number of requisitions per 100 files	59
Number of responses to requisitions	1201
Requisition response rate	46.05

The incidence of requisitions is especially important in assessing the efficiency with which Matrimonial matters move through the court system. A total of 2608 requisitions were filed in the Hilary Term of 2020, a decrease of 11.26% when compared to the corresponding period in 2019. This produces a ratio of cases filed to requisitions of 0.59 which suggests that for every 100 cases filed on which there was activity in the Hilary Term of 2019, there were 59 requisitions, a decline by 5 percentage points for every 100 cases when compared to the similar period in 2019. The number of responses to requisitions fell by 10.24 percentage points while the requisition response rate improved by less than 1 percentage point when compared to the corresponding period in 2019.

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**Table 22.0: Outline of ideal delivery time standard and process flow for the disposition of divorce matters**

Stage 1	Task	Existing Staff	Current time (days)	Proposed Staff	Proposed Time (days)
<b>Petition/     Decree Nisi/   Decree absolute</b>	Receive document and record skeleton party and document information in JEMS	2	3	3	1
	Enter and scanning of documents in JEMS	3		3	
	Update of case party information in JEMS				
	Retrieve file and maintain filing room (Records officer)	0		2	
	Sorting of manual documents – punching and placing of documents on file, writing of party information and suit number on file jacket	0	3	4	1
Record in JEMS file location and move manual file to physical location.  Updating and scanning of signed petition in JEMS.  Issuing notice via email.	0	3	2	1	

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	Vetting and signing of petition by Deputy Registrar	1	5	1	2
	Mandatory waiting period for service of petition and filing of application for decree nisi (14-84 days)		14		14
<b>Stage 2</b>	<b>Task</b>				
<b>Decree Nisi</b>	Vetting of Decree Nisi by Deputy Registrar & legal officers	1	40	2	20
	Vetting and signing of Decree Nisi by Judge		14		1
	Mandatory waiting period between granting of decree nisi and application for decree absolute		30		30
<b>Stage 3</b>	<b>Task</b>				
<b>Decree Absolute</b>	Vetting of Decree Absolute by Senior officer	0	14	2	7
	Vetting and signing of Decree Absolute by Judge		5		1
<b>Total</b>			131 (26wks)		78 (16wks)

## Notes

1. At stage one the current staff and proposed staff is the same three, this is so as formally the matrimonial department has three data entry clerk. However, these clerks are

currently assigned to attend court and chambers full time. The proposed is with the view of these data entry clerk be relieved of court duties.

2. At stage two in addition to the existing deputy registrar and legal officer, the proposal is for one additional legal officer (GLG/LO1) for the proposed time line to be achieved.
3. At stage two, if the signing of decree nisi by judge/master within one day is to be achieved, files must be processed by judge/master on the day and within the time the decree nisi is scheduled and return to the matrimonial registry on the same day.
4. At stage two – for the processing decree nisi with 20 days is to be achieved it is proposed that two senior officers are available at stage one, sorting and vetting, to pre vet application for decree nisi
5. At stage three, if the signing of decree absolute by judge within one day is to be achieved, judges must process files on the day and within the time the decree absolute is scheduled and return to the matrimonial registry on the same day.
6. The proposal supports the following standards
  - a. Upon filing of petition, the matrimonial department will respond within **5 working days**. The response will be communicated by email if available or manual notice in the notice box, for the signed petition to be collected or to collect requisition to petition.
  - b. Upon filing of application for decree nisi, the matrimonial department will respond within **23 working days**. The response will be communicated by email if available or manual notice in the notice box, for the signed decree nisi to be collected or to collect requisition to decree nisi.
  - c. Upon filing of application for decree absolute, the matrimonial department will respond within **11 working days**. The response will be communicated by email if available or manual notice in the notice box, for the signed decree absolute to be collected or to collect requisition to decree absolute.
7. This model is built on the assumption of expeditious responses from the attorneys and their clients so as to eliminate delays.

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**Table 23.0: Court/Chamber matters for the Hilary Term ended April 03, 2020**

Action	Frequency	Percentage (%)
Applications	96	52.75
Expedited Applications	30	16.48
Case Management Conference	36	19.78
Motion Hearing	11	6.04
Pre-trial Hearing	1	0.55
Trial	8	4.40
<b>Total</b>	<b>182</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 an incidence of 182 hearings either before Court or Chamber of which the largest proportion, 96 or 52.75% were applications followed by 30 or 16.48%, which were Case Management Conference matters. The event with the third highest incidence in this category is expedited applications, which accounts for 11 or 6.04% of the total. Motion Hearings with 11 or 6.04% and Trials with 8 or 4.40% of the total rounds off the top 5 events enumerated in this category. The probability distributions of the events in this table are broadly consistent with that which was observed in 2019.

**Table 24.0: Sampling distribution of the top four types of applications in the Hilary Term ended April 03, 2020**

Application type	Frequency	Percentage (%)
Application to dispense with personal service	18	18.00
Ex party application for substituted service	17	17.00
Application for joint custody	12	12.00
Application to remove attorney's name from record	5	5.00

**Sample size = 100**

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Further analysis of the types of application brought before the Court was done using a sample of 100 of the 126 filed, the results of which suggests that applications to dispense personal service with 18.0% accounted for the largest share. This is followed by ex-party applications for substituted service with 17% of the sample, while applications for joint custody with 12.0% and applications for entitlement to remove attorney's name with 5.0% each of the applications round off the top four applications in the sample. These top four application types account for roughly 41.27% of the representative sample application in the Matrimonial Division in the Hilary Term of 2020 and have consistently featured in the upper quintile over the past three years.

**Table 25.0: Top five reasons for adjournment for the Hilary Term ended April 03, 2020**

Reasons for Adjournment	Frequency	Percentage (%)
Attorney for petitioner to file and serve documents	17	17.0
No parties appearing	16	16.0
For Social Enquiry Report	8	8.0
File not found	6	6.0
Respondent to file documents	5	5.0

**Total incidence of adjournments (N) = 100**

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 100 adjournments in the Matrimonial Division in the Hilary Term of 2020, representing a decrease of 22.48% when compared to the Hilary Term of 2019. The largest proportion of these adjournments was for petitioner to file and serve documents with 17% of total adjournments. No parties appearing with 16%, files not found with 8% and adjournments for Social Enquiry

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Report with 8% of the reasons for adjournments rounds off the top four. Most of these reasons for adjournment enumerated above also featured prominently in the list for the High Court Civil Division, contributing to non-productive use of judicial time and slower rates of case disposal. Strengthening the case management apparatus and the key tributaries of contact with external stakeholders/parties will be vital to reducing these incidences.

**Table 26.0: Hearing date certainty for the Hilary Term ended April 03, 2020**

<b>Court/Chamber hearing dates set</b>	<b>Hearing dates Date adjourned</b>	<b>Hearing date certainty rate (%)</b>
182	29	84.07%

The above data reveals that of 182 -combined incidence of court and chamber hearings in the Hilary Term of 2020, 29 were adjourned. This produces a reasonably high hearing date certainty rate of 84.07%, an 8.25 percentage points increase when compared to the 75.82% hearing date certainty rate recorded in the similar 2019 period. This promising result suggests that for every 100 matters scheduled is the approximate number that would be expected to proceed without adjournment is 84. When trial matters are isolated, the trial date certainty rate is 75%, a 4.75 percentage points decline when compared to the similar period in 2019.



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**Table 27.0: Time to disposition for the Hilary Term ended April 03, 2020**

Descriptive Statistics (months)	
Number of observations	864
Mean	21.4016
Median	19.0000
Mode	7.00
Std. Deviation	25.05155
Skewness	3.874
Std. Error of Skewness	.083
Range	230.00
Minimum	6.00
Maximum	236.00

The above table summarizes the time disposition for the Hilary Term ended April 03, 2020. It is seen that of the 864 matters disposed of in the year, the estimated average time to disposition was roughly 21.40 months, an improvement of three and a half months when compared to the corresponding time period in 2019. The estimate of the most frequently occurring time to disposition was however 7 months and the median 19 months, encouraging signs for the targeted reduction in the average time taken to resolve cases filed in this Division. The oldest matter disposed were 19.67 years old while on the other end of the spectrum there were matters disposed within 6 months. The scores had a standard deviation of roughly 25 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 3.87 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 2 months or 0.17 years.

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**Table 28.0: Breakdown of times to disposition for the year ended April 03, 2020**

Months	Frequency	Percent
0 – 12	430	49.8
13 – 24	248	28.7
25 – 36	86	10.0
37 – 47	30	3.5
48 and over	70	8.1
<b>Total</b>	<b>864</b>	<b>100.0</b>

*Note: 0% of the cases disposed in the Hilary Term took 4 weeks*

The above table provides a more detailed breakdown of the estimated times to disposition for Matrimonial matters in the Hilary Term of 2020. It is seen that of the 864 matters disposed in 2019, the largest proportion, 430 or roughly 49.80% were disposed within 12 months, a notable improvement compared to the Hilary Term of 2019 which saw 284 cases being disposed within 12 months. The second most disposals occurred within the period 13 - 24 months, accounting for 248 or 28.70% of the total. Taken together this result suggests that 678 or 78.47% of Matrimonial matters were disposed in the period were done in two years or less from the time of initiation. This is an improvement of 8.47 percentage points when compared to the corresponding period in the Hilary Term of 2020. 186 or roughly 21.53% of all Matrimonial matters disposed in the Hilary Term took more than two years to be resolved. It is of note that 70 or 8.10% of the cases disposed in the Matrimonial Division in the Hilary Term took four or more years. The proportion of cases being disposed in under a year is increasing each period and it is expected that with continued innovation, stakeholder engagement and process re-engineering, a high percentage of Matrimonial cases will be disposed in 8 months or less. The margin of error of these estimates is plus or minus 2 months or 0.17 years.

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**Table 29.0a: Case clearance rate for the Hilary Term ended April 03, 2019**

Cases filed	Cases disposed	Case clearance rate
1045	894	85.55%

**\*0% cases disposed, originated in 2020.**

The above table shows that there were 1045 new cases filed in the Hilary Term of 2020 while 894 were disposed. This produces a case clearance rate of 85.55%, suggesting that for every 100 new cases; roughly, 86 were disposed in the Term. This measure gives a good impression of the true caseload that is being carried by the Matrimonial Division, the data clearly suggesting that there were more in coming than outgoing cases. This result represents a 14.38 percentage points increase when compared to the Hilary Term of 2019.

**Table 29.0b: Case clearance rate for the Hilary Term ended April 03, 2020 (by registry location)**

Registry location	Number of new cases filed	Cases disposed	Case clearance rate
Kingston Registry	936	782	83.55%
Montego Bay Registry	109	82	75.23%

The above table shows that when the case clearance rate is done by registry location, the Matrimonial Registry in Kingston cleared roughly 84 cases for every 100 new cases filed while the registry in Montego Bay cleared approximately 75 for every 100 cases filed. The Western

Registry in Montego Bay has not historically had the same relatively seamless access to Judges and Masters as the Kingston registry for review of matters at the relevant stages; however this situation is improving and should have a positive impact on their clearance rate in the coming months.

### **Other performance measures**

Among other important performance, which allow for the tracking of court performance are:

(i) **The on time case processing rate**

(ii) **The case turnover ratio**

(iii) **The disposition days**

(iv) **Case backlog rate**

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally the case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Hilary Term in 2020.

These measures are summarized in the table below:

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**Table 30.0: Selected performances metrics for the Matrimonial Division in the Hilary Term, of 2020**

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated Disposition days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Case backlog rate (%)
864	3562	0.24	1521 days	678	864	78.47%	21.53%

The results in the above table show a case turnover rate of 0.24, which is an indication that for every 100 cases, which were handled in the Hilary Term of 2020 and still active at the end of the Term, another 24 were disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the Term will on average take 1521 more days or 4.16 more years to be disposed, barring special interventions. This metric is however more useful when considered over a longer period of time, typically a year.

A case is considered to be in a backlog classification if it is still active for over two years. Based on this general criterion, a case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Matrimonial Division in the Hilary Term of 2020 is 78.47%, which reflects the proportion of Matrimonial cases in 2020, which were disposed within 2 years. Conversely, the case backlog rate is 21.53%, an indication that an estimated annual proportion of 22% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 3562 cases, which had some court activity in the Hilary Term of 2020 and were still active at the end

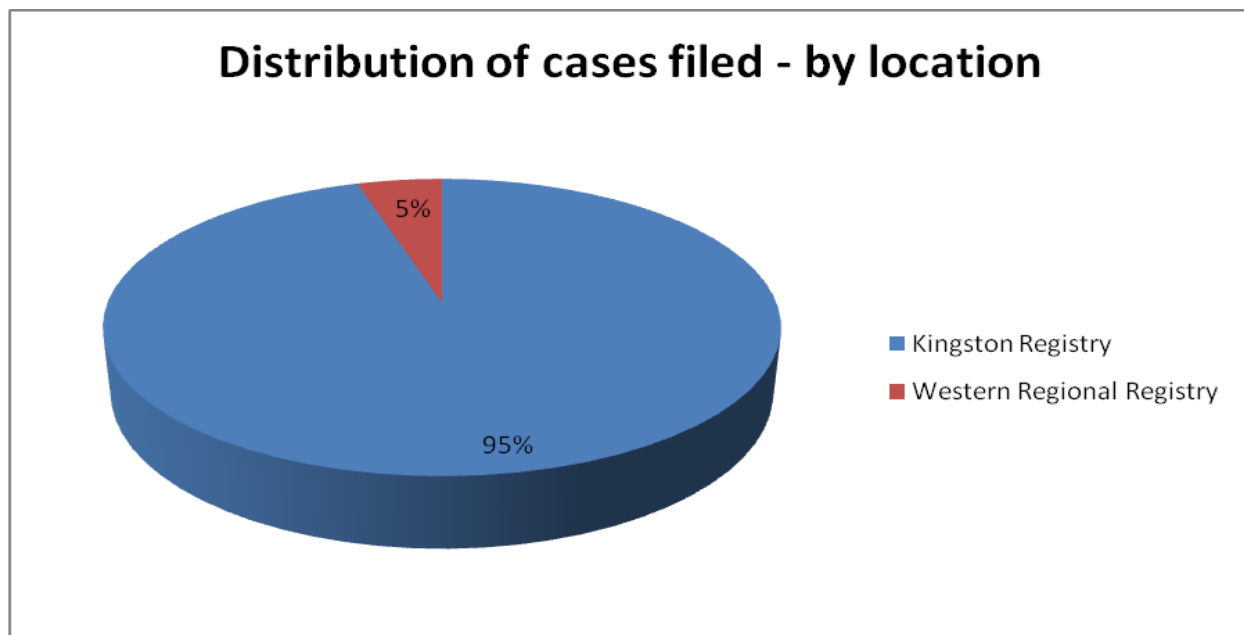
of the Term, 767 are expected to be in a backlog classification before being disposed. This is a notable improvement when compared to the previous year and if the current general rate of improvements continues at the current pace in this Division, it will be near backlog free by 2026. Thus, faster rates of clearance can ensure that this target is achieved in a much shorter time.

### CHAPTER 3.0: PROBATE AND ADMINISTRATION DIVISION

This section turns to the analysis of the progression of matters in the Probate and Administration Division for the Hilary Term ended April 03, 2020.

A total of 674 new Probate Cases were filed in the Hilary Term of 2020, a decrease of 4.80% when compared to the Hilary Term of 2019. 32 of these new cases were filed at the Western Regional Registry and the remaining 642 were filed at the Registry in Kingston. This distribution is shown in the chart below:

**Chart 8.0: Distribution of Probate cases filed, by Registry in the Hilary Term ended April 03, 2020**



As shown in the above chart, 642 or roughly 95% of the new Probate cases filed in the Hilary term of 2020 took place at the Registry in Kingston while the remaining 32 or approximately 5%

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were filed at the Western Regional Registry in Montego Bay. This proportional distribution is similar to that seen throughout 2019.

**Table 31.0: Oaths filed for the Hilary Term ended April 03, 2020**

Oaths	Frequency	Percentage (%)
Supplemental Oaths	631	48.28
Oaths	676	51.72
<b>Total</b>	<b>1307</b>	<b>100</b>
<b>Ratio</b>	<b>0.93</b>	

The above table suggests there were a total of 1307 Oaths filed in the Hilary Term of 2020, of which 676 or 51.72% were initial Oaths filed, compared to 631 or 48.28 which were Supplemental Oaths. The ratio of Oaths to Supplemental Oaths is 0.93, which suggests that for every 100 Oaths there were approximately 93 Supplemental Oaths filed during the Hilary Term, a statistic which has potentially adverse implications for the speed of disposition of matters. It is of note that the Supplemental Oaths in this data set are not all related to the cases filed in the Hilary Term of 2020 and also includes further Supplemental Oaths filed. Reducing the ratio of Supplemental Oaths to Oaths will further improve the rate of clearance of cases and reduce the average time to disposition.

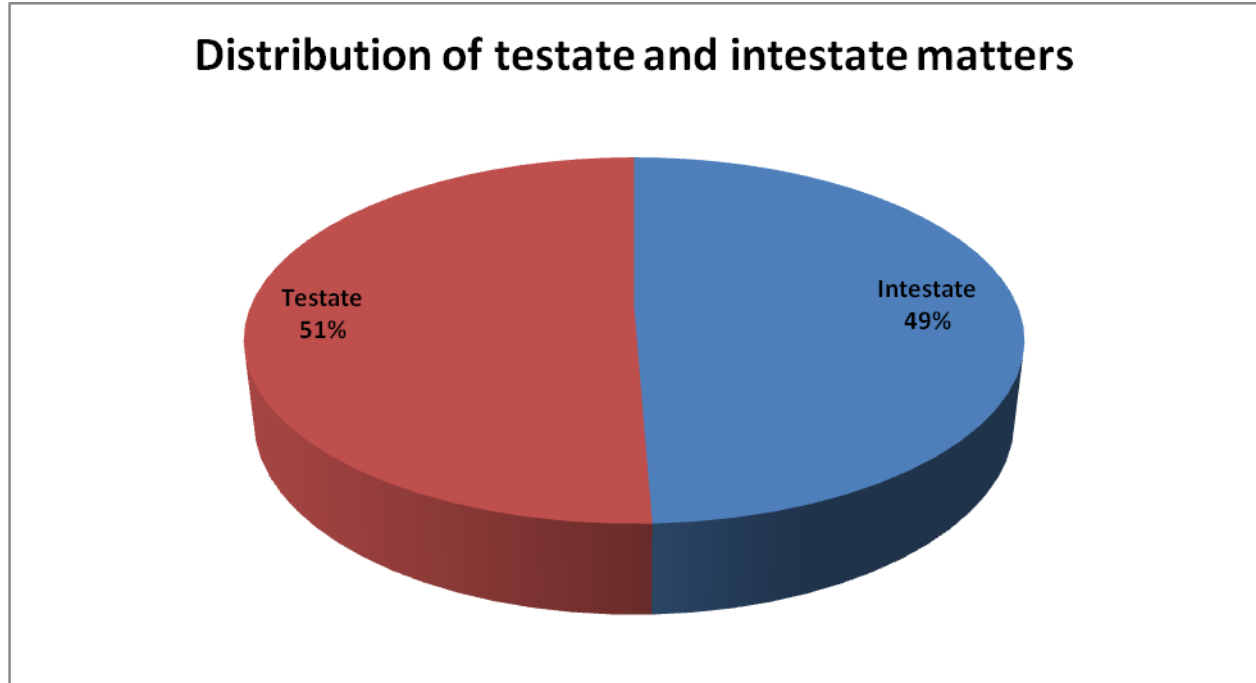
In 2019 the Deputy Registrar of the Probate and Administration Division was empowered to sign grants and thus dispose of Probate and Administration cases. Formerly, this officer could grant a probate but the final sign off which completes the case rested with the office of the Registrar. Over time this change should make a marked contribution to reducing the average time taken to dispose of a probate case and improve the efficient handling of these cases.



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**Table 31.0b: Distribution of Testate and Intestate cases filed in the Hilary Term ended April 03, 2020**



The above chart shows that an estimated 51% of the new cases filed in the Probate and Administration Division in the Hilary Term were testate matters (matters with a Will in place prior to death) and 49% were Intestate (having no Will in place).

**Table 32.0: Sampling disaggregation of new Probate cases by jurisdiction/entity in the Hilary Term of 2020**

Probate cases filed	Frequency	Percentage (%)
Estate (ES(P)): Various	40	5.1
Estate (ES(P)) Instrument of Admin	51	6.5
Estate (ES(P)) Manchester Intestate	3	.4
<b>Estate (ES(P)) SC Resealing Intest</b>	<b>6</b>	<b>.8</b>
<b>Estate (ES(P)) SC Resealing Testate</b>	<b>19</b>	<b>2.4</b>
Estate (ES(P)) St. Ann Intestate	2	.3

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Estate (ES(P)) St. Ann Testate	1	.1
Estate (ES(P)) St. Elizabeth Intest	2	.3
Estate (ES(P)) St. Elizabeth Testat	3	.4
Estate (ES(P)) St. James Intestate	5	.6
Estate (ES(P)) St. James Testate	1	.1
<b>Estate (ES(P)) Supreme Ct Intestate</b>	<b>311</b>	<b>40.0</b>
<b>Estate (ES(P)) Supreme Ct Testate</b>	<b>289</b>	<b>37.1</b>
Estate (ES(P)) Trelawny Intestate	5	.6
Estate (ES(P)) Trelawny Testate	2	.3
Estate (ES(P)) Westmoreland Intesta	5	.6
Estate (ES(P)) Westmoreland Testate	1	.1
<b>Estate (ES(P)) WR Intestate</b>	<b>16</b>	<b>2.1</b>
<b>Estate (ES(P)) WR Testate</b>	<b>16</b>	<b>2.1</b>
<b>Total</b>	<b>778</b>	<b>100.0</b>

Using sample data, the above table provides a detailed breakdown of the origin of probate matters filed during the Hilary Term of 2020. The breakdown for each entity is done by type of matter (i.e. Testate or Intestate). The overwhelming proportion of the matters, an estimated 84% of this sample originated at the Supreme Court Registry (Kingston or Montego Bay). The Supreme Court only administratively facilitates the others, which originate from the Parish Courts, the Attorney General's Chambers, among other entities. Instruments of Administration filed at the Attorney General's Office accounts the largest share of Probate and Administration matters outside of the Supreme Court Registries.

**Table 33.0: Action sequence for the Hilary Term ended April 03, 2020**

Action Status	Frequency
*Granted	618
*Grants Signed	669
<b>Ratio of Granted Applications to Grants Signed</b>	<b>1.08</b>

*\* Some of these relate to cases originating before the Hilary Term of 2020*

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In this section of the report, we would typically explore the rate of transition between cases recommended by the Deputy Registrar for Granting to being Granted and then to Grants being signed to dispose the relevant cases. As stated earlier, the Deputy Registrar now assumes all these roles so there is no longer a need for a slot called “recommended for Grant”. Thus, we elucidate the ratio of Granted Applications to Grants Signed which reveals a ratio of 1.08, suggesting that for every 100 Granted Applications, there were 108 Grants signed (though not necessarily from the number Granted). Continuous improvements in this regard are expected to gain in intensity later in 2020 as the requisite economies of scale in the operation of the Division are realized and the operations of the courts normalize.

**Table 34.0: Case action and requisitions summary for the Hilary Term ended April 03, 2020**

Action Status	Frequency
Number of cases auctioned	2127
Requisitions Issued	1137
Number of responses to requisitions	465
Number of requisitions issued per case file	0.53
Requisitions response rate	40.90%
Average days between final requisition filed and Grant of Probate/Administration	23

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, are important to understanding the efficiency of the flow of matters in the Probate Division. It is seen that for the Hilary Term of 2020 there were 1137 requisitions issued while 2127 individual matters were actioned in the period, representing a ratio of 0.53 requisitions per case file. This means that for every 100 cases actioned there were 53 requisitions issued during the Hilary Term of 2020. There were

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1137 responses to requisitions in the Probate and Administration Division in the Term, producing a requisitions response rate of 40.90%, an improvement of just over 2 percentage points when compared to the corresponding period in 2019. Further analysis suggests that the average time from the issuing of final requisitions to the Grant of Probate was 23 days, a decline of 3 day when compared to 2019.

**Table 35.0: Methods of Disposal for the Hilary Term ended April 03, 2020**

Methods of disposition	Frequency	Percent (%)
Grants Signed	669	96.82
Notice of Discontinuance	21	3.04
Application Granted	1	0.14
<b>Total</b>	<b>691</b>	<b>100.0</b>

The summary of the methods of disposal for the Probate and Administration Division for the year are contained in the above table. It is shown that of the 691 cases disposed in the Hilary Term of 2020, a decrease of 1.43% when compared to the corresponding period in 2019. The largest proportion, 669 or 96.82% was a result of various Grants Signed. Notices of Discontinuance and applications granted account for the remaining 21 or 3.04% and 1 or 0.14% respectively of the dispositions.

**Table 36.0: Distribution of the methods of disposition as at the Hilary Term ended April 03, 2020**

Method of Disposition	Frequency	Percent
Application Granted	1	0.14
Grant of Admin De Bonis Non signed	6	0.87
Grant of Admin De Bonis Non W/A signed	8	1.16
Grant of administration signed	264	38.21
Grant of Double Probate signed	4	0.58

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Grant of probate signed	306	44.28
Grant of Resealing signed	24	3.47
Letters of Administrator with W/A signed	34	4.92
Notice of Discontinuance noted	18	2.60
WR Grant of administration signed	6	0.87
WR Grant of probate signed	16	2.32
WR Grant of Resealing signed	2	0.29
WR Notice of Discontinuance noted	1	0.14
WR Grant of Admin De Bonis Non W/A signed	1	0.14
<b>Total</b>	<b>691</b>	<b>100.00</b>

*\*WR is Western Registry, \*\*W/A is with Will Annex*

The above table shows that there were 691 Probate cases disposed in the Hilary Term of 2020, the largest proportion 306 or 44.28% were a result of Grants of Probate signed, followed by Grants of Administration signed with 264 or 38.21%. Letters of administration with will annex signed rounds off the top three methods of disposition with 34 or 4.92% of the total. Grants of resealing signed with 24 or 3.47% and Notices of Discontinuance with 18 or 2.60% completes the five leading methods of disposition in the Probate and Administration Division in the 2020 Hilary Term.

**Table 37.0: Sampling distribution of Hilary Term ended April 03, 2020**

Reasons for adjournment	Frequency	Percentage (%)
Claimant to file documents	10	24.39
Applicant to comply with requisition	3	7.32
Claimant's application/documents not in order	2	4.88
Defendant to settle legal representation	2	4.88
Claimant's documents not served or short served	2	4.88

**Total number of adjournments = 41**

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The top five reasons for adjournment for Probate matters that went to court in the Hilary Term of 2020 are summarized in the above table above. It is shown that of a sample of 41 incidence of adjournments in the period, the largest proportion were for the reasons of 'claimant to file documents' which accounted for 10 or 24.39% of the total. This was followed by adjournments for applicants to comply with requisition with 7.32% while adjournments because the claimants documents is not in order, for defendants to settle legal representation and because claimants documents are not served or short served each with 4.88% rounds off this sampling distribution. Most of these reasons also featured prominently on the list of reasons for adjournment in previous years in the civil divisions as a whole.

**Table 38.0: Applications for the Hilary Term ended April 03, 2020**

Nature of Applications	Frequency	Percentage (%)
Applications	40	69
Express Applications	18	31
<b>Total</b>	<b>58</b>	<b>100.0</b>
<b>Ratio of express applications to applications</b>	<b>-</b>	<b>0.45</b>

The above table provides a basic summary of the types of court applications made in the Hilary Term of 2020 and shows that there were 58 court applications in the period, of which 40 or 69% were standard applications while the remaining 18 or 31% were express applications. For every 10 applications made during the year, there were between 4 and 5 express applications.

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**Table 39.0: Top four types of applications for the Hilary Term end April 03, 2020**

Application	Frequency	Percentage (%)
Application to prove copy will	14	24.14
Application for directions	6	10.34
Application for Injunction	5	8.62
Application to revoke grant of administration	4	6.90

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 account for the largest proportion of applications with 14 or 24.14% of the total, followed by applications for directions with 6 or 10.34% of the applications. The top four types of applications are rounded off by applications to revoke grant of administration with 4 or 6.90 % of the applications. Some of these applications may have utilized the available express option.

**Table 40.0: Hearing date certainty for the year ended April 03, 2020**

Court/Chamber hearing dates set	Hearing dates adjourned	Hearing date certainty
70	16	77.14%

The above table addresses the extent of adherence with dates set for Court/Chamber matters in the Probate Division for the Hilary Term of 2020. It is shown that there were 70 incidences of

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dates scheduled for Chamber or Court, 16 of which were adjourned. This produces an overall hearing date certainty rate of 77.14%, an indication that for Hilary Term there was a roughly 77% chance that a date set for a hearing would proceed without adjournment. This is a fall of roughly 2.24 percentage points when compared to Hilary Term of 2019. When trial matters are isolated, the trial date certainty rate is 37.50%, however this must be understood within the context that a comparatively small number of trial dates were set and able to proceed in the latter weeks of the Term.

**Table 41.0: Sampling distribution of the age of matters disposed for the Hilary Term ended April 03, 2020**

Descriptive Statistics (in months)	
Number of observations	679
Mean	17.6701
Median	9.0000
Mode	9.00
Std. Deviation	24.87877
Variance	618.953
Skewness	5.489
Std. Error of Skewness	.094
Range	331.00
Minimum	.16
Maximum	331.00

The above table provides a summary measure of the overall estimated times to disposition using a sample of 679 cases disposed during the Hilary Term of 2020. The estimated average time to disposition is 17.67 months or approximately 1.5 years, broadly consistent with the trends over the past few years but 5 months shorter than of the Hilary Term of 2019. This result was however acutely positively skewed by the existence of a few large times to disposition,



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which have markedly increased the average. This large positive skewness therefore suggests that the substantially larger proportion of the times to disposition were below the overall average time. This is supported by the results for the estimated median and modal times to disposition of 9. The reasonably large standard deviation of 24.88 months supports the deduction that there were scores that varied widely from the mean, in this case skewing the average upwards. The margin of error of these estimates is plus or minus 2 months or 0.17 years. The oldest Probate matter disposed of in the year was 331 months old or approximately 27.6 years old while there were a few matters, which took under a month to be disposed, representing the lowest times to disposition in the Term. Approximately 3.76% of the Probate cases disposed in the Hilary Term originated in 2020.

**Table 42.0: Interval estimates of the times to disposition for the Hilary Term ended April 03, 2020**

Time Intervals (in months)	Frequency	Percent
0 - 12	475	70.0
13 - 24	85	12.5
25 – 36	49	7.2
37 – 47	30	4.4
48 & Over	40	5.9
<b>Sample size</b>	<b>679</b>	<b>100.0</b>

The above table shows that of a sample of 679 Probate and Administration matters disposed of in the Hilary Term, the majority, 475 or 70% were disposed of in 12 months or less, followed by 85 or 12.50%, which were disposed of within a time interval of 13 to 24 months. Taken together this data suggests that an impressive approximated 82.50% of Probate and Administration

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matters which were disposed in the Hilary Term of 2020 took two years or less. 7.20% each of the cases were disposed of in an estimated time frame of between 25 and 36 months, 4.40% took between 37 and 47 months and 5.90% took over an estimated time of over 48 months or more than four years to be disposed. The margin of error of these estimates is plus or minus 2 months or 0.17 years. The relatively high proportion of cases disposed within a year and two years respectively continues to augur well for the current efforts to significantly reduce the length of time that it takes for cases to be disposed in the Probate and Administration Division. These continuous gains will improve public confidence in judicial processes geared towards at resolving estate matters in the country and also have a positive effect on economic activity through higher real estate investments in shorter period of time.

**Table 43.0: Case clearance rate for the Hilary Term ended April 03, 2020**

Cases filed	Cases disposed	Case clearance rate
674	691	102.52%

*\*26 or 3.76% of the 691 cases disposed, originated in the Hilary Term. This further represents 3.86% of the new cases filed during the year.*

Using the data on the number of cases filed and disposed in the period under examination, a case clearance rate of approximately 102.52% is derived, again meeting the International standard. This suggests that for every 100 cases filed and active in the period, roughly 102 cases were disposed, representing an improvement of 3.51 percentage points when compared to the Hilary Term of 2019. The Probate Division continued its process flow re-engineering throughout 2019 and the improvements are expected to reap significant economies of scale over the next

few years further reinforcing the position of the Probate Division among the top two performing Divisions in the Supreme Court and creating the impetus necessary to attain the performance targets which have been set out by the Honourable Chief Justice Bryan Sykes.

### **Other performance measures**

Among other important performance, which allow for the tracking of court performance are:

**(i) The on time case processing rate**

**(ii) The case turnover ratio**

**(iii) The disposition days**

**(iv) Case backlog rate**

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally the case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Hilary Term of 2020.

These measures are summarized in the table below:

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**Table 44.0: Selected performances metrics for the Probate and Administration Division in the Hilary Term of 2020**

Resolved cases	Unresolved cases which were heard	Case turnover rate (%)	Estimated case disposition days for the unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Case backlog rate (%)
691	1449	0.48	760 days	560	691	81%	19%

The results in the above table shows a case turnover rate of 0.48, which is an indication that for every 100 cases, which were 'heard' in the Hilary Term of 2020 and still active at the end of the period, another 48 were disposed, exactly the same as the outcome from the Hilary Term of 2019. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the year will on average take 760 more days or just over two years, barring special interventions.

A case is considered to be in a backlog classification if it is still active for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Probate and Administration Division in 2019 is 81%, which reflects the proportion of Probate and Administration cases in the Hilary Term, which were disposed within 2 years. Conversely, the case backlog rate is 19%, an indication that an estimated annual proportion of 19% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This is an improvement of roughly 7 percentage points when compared to the Hilary Term of 2019 and is consistent with the overall 2019 outcome. The data further suggests that of the 1449 cases, which had some court activity in the

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Hilary Term and were still active at the end of the period, 560 are expected to be in a backlog classification before being disposed.

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## CHAPTER 4.0: HOME CIRCUIT COURT

The analysis now turns to a look at case activity in the Home Circuit Court for the Hilary Term of 2020.

**Table 45.0: Distribution of the top five charges brought for the Hilary Term of 2020**

Charge	Frequency	Percentage (%)
Murder	37	30.33
Sexual Intercourse with a person under 16 years old	25	20.49
Rape	16	13.11
Grievous Sexual Assault	5	4.10
Robbery with aggravation	4	3.28
<b>Sub- Total</b>	<b>87</b>	<b>71.31</b>

**Total number of charges brought (N) = 122**

The above table summarizes the distribution of top ten charges associated with cases brought in the Hilary Term of 2020. There were **101 new cases filed** at the Home Circuit Court during the Term, representing **122 charges**, a ratio of roughly 13 charges for every 10 cases filed. This result represents a 45.36% decrease in the number of new cases filed. It is shown that of these 122 charges, the largest proportion, 37 or 30.33% were murder matters. This is followed by sexual intercourse with a person under 16 years old and rape with 25 or 30.33% and 16 or 13.11% respectively of the total. Grievous sexual assault and robbery with aggravation with 4.10% and 3.28% each of the number of charges filed in the Criminal Division of the Supreme Court in the Hilary Term of 2020 rounds off the top five list of charges. As with all previous reports, sexual offences accounted for a large share of new cases file with roughly 39%. The top 5 charges filed, accounts for 71.31% of the total number of charges filed in the Hilary Term of

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2020. 767 criminal cases, which is the equivalent of 1275 charges, had some activity in the Home Circuit Court in the Hilary Term of 2019, including many aged cases that predate said year, dating back to as far as 2005.

**Table 46.0: Top ten reasons for adjournment for the Hilary Term ended April 03, 2020**

Reason for adjournment	Frequency	Percentage	Stage of matter
Defence Counsel Absent	117	17.16	Case Management/Trial
Defence and prosecution to engage in discussions	52	7.62	Case Management
For disclosure	47	6.89	Case Management/Trial
Statement outstanding	41	6.02	Case Management
Ballistic Certificate Outstanding	31	4.55	Trial
Indictment to be served	28	4.11	Case Management/Trial
Plea and Case Management Form to be completed	26	3.81	Case Management
SOC CD Outstanding	25	3.67	Case Management
For file to be complete	21	3.08	Case Management
Forensic certificate outstanding	19	2.79	Trial

**Total incidence of adjournments/continuance (N) = 682**

The above table provides a summary of the top ten reasons for adjournment for the Hilary Term of 2020. It is shown that there was a combined 682 incidence of reasons for adjournment during the Term, with some matters having multiple adjournments. The highest proportion was adjournments due to the absence of defence counsel with 117 or 17.16% of the total adjournments while adjournments for the defence and prosecution to engage in discussions with 52 or 7.62% ranks next. Adjournments for disclosure with 41 or 6.02% and those due to outstanding ballistic certificates with 31 or 4.55% rounds off the top 4 reasons for adjournment

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in the Hilary Term of 2020. Adjournments due to outstanding scene of crime CD and for file to be completed with 25 or 3.67% and 21 or 3.08% respectively of the total adjournments rank next. It is of note that incomplete files and plea and case management forms to be completed ranks in the top ten of the reasons for adjournment in the Hilary Term of 2020. The data suggests that the incidence of adjournments fell by 28.81 when compared to the corresponding Term in 2019. Despite the significant decline in the overall incidence of adjournments in the Home Circuit Court in the Hilary Term of 2020, most of the reasons for adjournment listed in the above table continue to feature prominently and requires sustained, targeted interventions to reduce their incidence. There has been a progressive decline in the share of adjournments accounted for by the absenteeism of attorneys; however there was a reversal of this positive trend in the Hilary Term of 2020 which saw this reason again accounting for the highest share of the disposals.

The top 10 reasons for adjournment listed above accounts for 59.68%% of total incidences of adjournments/continuance in the Home Circuit Court in the Hilary Term of 2020, an increase of roughly 6.68 percentage points when compared to the corresponding period in 2019.

**Table 47.0: Other leading reasons for adjournment/continuance for the Hilary Term ended April 03, 2020**

Reasons for continuance/adjournments	Frequency	Percentage (%)	Stage of matter
To settle legal representation	25	3.67	Case Management
Assignment of legal aid	24	3.52	Case Management
For papers to be served	13	1.91	Case Management



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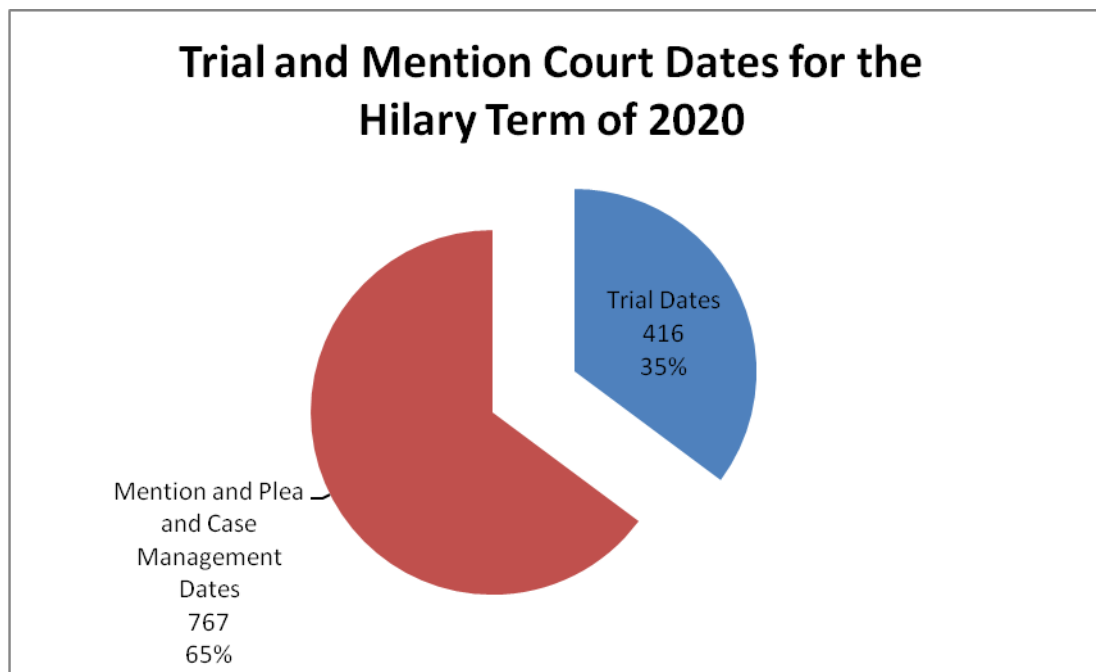
2020

**Total incidence of adjournments/continuance (N) = 682**

Among the reasons for continuance/adjournment of a criminal case, which could be either procedural or avoidable depending on the stage of a matter and the specific circumstances, are those to settle legal representation with 25 or 3.67%. Adjournments for assignment of legal aid with 24 or 3.52% and adjournments for papers to be served with 13 or 1.91% of the total follow this.

Importantly, there was an average of roughly 1.83 adjournments per criminal case heard in the Hilary Term of 2020, a marginal improvement when compared to the corresponding period in 2019.

**Chart 13.0: Trial and mention matters/dates during the Hilary Term of 2020**



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The above chart shows that there were a total 1183 dates for either Trial or Plea and Case Management and Mention Court during the Hilary Term of 2020, a decrease of 10.04% when compared to corresponding period in 2019. 767 or 65% of the court dates were for Mention Court (now Case Management Court) while 416 or 35% were for Trial Court. This produces a ratio of 1:0.54, which suggests that for every 100 mentions and plea and case management dates during the Term there were 54 trial dates. There was an increase of 27.22% in the number of trial dates when compared to the similar 2019 period. However, the number of mention dates increased by roughly 22.37% when compare to the Hilary Term of 2019. Further analysis suggests that each case mentioned in the Home Circuit Court had a scheduling incidence of 1.60 for each case while cases set for Trial had a scheduling incidence of 2.59 times per case.

**Table 48.0: Estimated hearing date certainty summary for the Hilary Term ended April 03, 2020**

Type of hearings	Number of hearing dates set	Number of hearing dates adjourned	Hearing date certainty rate
Mention and Plea and Case Management Hearings	767	151	80.31%
Bail Applications	82	24	70.73%
Sentencing hearings	87	29	66.67%
Trial hearings	416	300	27.88%
<b>Total/Overall Average</b>	<b>1352</b>	<b>504</b>	<b>62.72%</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 various types of hearings, are adhered. A low result has implications for the capacity of the court to adequately estimate the duration of a matter, for the capacity of courtrooms and Judges to absorb certain caseload and for the general system of scheduling. In the table above it is shown that of 1352 court dates scheduled for hearings in the period under study, 504 were adjourned. This suggests an overall hearing date certainty rate of roughly 62.72% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 63 were able to proceed without adjournment for reasons other than those procedural, for example for Trial, Bail Application, Sentencing and Mention and Plea and Case Management. This result remains well below the targets set out by the Honourable Chief Justice but some of the interventions to improve this output are in their infancy and expected to reap significant dividends in the upcoming Terms. When trial matters are isolated, the trial certainty rate revealed is 27.88%, still well below the targeted rate of 95%, which is set by the Chief Justice to be achieved over a six-year period. It is of note that Plea and Case Management conferences had a commendable hearing date certainty rate of 80.31%. The overall hearing date certainty rate increased by 2.57% when compared to the corresponding Term in 2019.

Improving the overall hearing date certainty rate and the trial date certainty rate are of utmost importance to improving the performance of the court system. The court continues to work on improving the mechanism used to schedule cases for court hearings and in so doing to reduce the incidence of adjournments. The cooperation and preparation of the prosecution, defence

attorneys and other stakeholders as well as improved case management within the Home Circuit Court are crucial the attainment of fostering the required gains. Some of the internal concerns, which may need to be reviewed as time progresses, are outlined below, as they were in the 2019 annual report:

Firstly, the setting of a limited number of trial matters each week requires great precision in estimating the length of time that such trials will last. Failure to do this with accuracy and through the application of a scientific approach in consultation with all relevant parties will likely result in an under-utilization of judicial time either as many matters will end earlier than proposed or trials lasting longer than expected which could affect subsequent matters scheduled for the particular courtrooms. Furthermore, if the estimated duration of trials is not precisely determined then the proposed back up list, which should be triggered when a firmly set trial matter breaks down in court, will prove very difficult to manage and could potentially worsen the currently fragile trial date certainty rates. In like manner, there are also some concerns over whether the scheduling of the start time for trial matters should be restricted to particular days in each week as obtains currently. It could be argued that unless the estimated duration of trials set are precise or near precise then imposing such restrictions could sub-optimize the use of judicial time.

Another set of concerns surround the utility of the Plea and Case Management Court as under the new Committal Proceedings, some of the case management that usually takes place in the lower courts now take place in the Supreme Court. Case management conferences at the

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Supreme may not always therefore be principally focussed on trial readiness but also aspects of case file readiness, which were previously handled at the parish court level. This arguably increases the average length of case management conferences and potentially creates added scheduling complexities in the Home Circuit Court. Here, the strength of the Case Progression Officers who help to marshal the readiness of cases is critical and must necessarily be always strong in order to sustain efficient use of judicial time. Any weaknesses in pre-case management also threaten the ability to guarantee that a back-up trial list will be successful.

Poor hearing and trial date certainty rates, as obtains currently, may also be a function of the lack of adequate compliance with court orders and weak pre-case management practices. The speed and adequacy of compliance with orders such as those for outstanding documents to be furnished, for the defence and prosecution to agree on facts and for plea and case management forms to be returned so that issues can be understood are impediments to case progression and hearing date certainty. The diligence of the Case Progression Officers in doing the necessary follow-ups is also a vital support cast in this regard.

**Table 49.0: Methods of disposition for the Hilary Term ended April 03, 2020**

Methods of Disposition	Frequency	Percent
Accused Deceased	2	3.5
Formal Verdict of Not Guilty - discharge	1	1.8
Guilty Verdict	6	10.5
Guilty Plea	7	12.3
No evidence offered - discharged	10	17.5
No further evidence offered – discharged	9	15.8
Nolle Prosequere (Inactive cases)	10	17.5
Not Guilty – discharged	8	14.0

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Not indicted on this charge	2	3.5
Plead guilty to a lesser charge	2	3.5
<b>Total</b>	<b>57</b>	<b>100.0</b>

The above table summarizes the methods of disposal for the cases disposed of during the Hilary Term of 2020. It is shown that 57 cases were disposed of in the Hilary Term, a decline of 31.33% when compared to the Hilary Term of 2019. Disposals by way of no evidence offered – discharged and Nolle Prosequere (which are strictly speaking inactive cases) accounted for the largest share of the disposals in the Term with 17.50% each. This was followed by matters disposed by way of no further evidence offered – discharged with 15.80% and not guilty outcomes, leading to a discharge with 14.0%, rounding off the top four methods of disposition during the Term.

A crucial measure of efficiency in the criminal court is the conviction rate as displayed below.

**Table 51.0: Overall criminal conviction rate for the Hilary Term ended April 03, 2020**

<b>Total number of cases disposed</b>	<b>Total number of guilty outcomes</b>	<b>Conviction rate (%)</b>
57	15	<b>26.32%</b>

The above table shows that of the 57 criminal cases disposed of in 2019, 13 were because of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of

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26.32% which suggests that there is a roughly 26 probability that a matter could end in a guilty outcome, using the Hilary Term of 2020 as a proxy period. This represents a 7.41 percentage points decline when compared to the Hilary Term of 2019. The table below provides a breakdown of the conviction rate for some of the more commonly occurring charges in the Hilary Term.

**Table 52.0: Criminal conviction rate for selected charges during the Hilary Term ended April 03, 2020**

Charge	Total number of cases disposed	Total number of guilty outcomes	Conviction rate (%)
Murder	36	8	<b>22.22%</b>
Rape	19	4	<b>21.05%</b>
Sexual Intercourse with a person under 16	11	2	<b>18.18%</b>

The above data provides a breakdown of the conviction rates for selected criminal charges disposed during the Hilary Term of 2020. It is seen that murder matters had a conviction rate of 22.22% while rape and sexual intercourse with a person under 16 has conviction rates of 21.05% and 18.18% respectively. The conviction rate for all three listed charges declined when compared to the Hilary Term of 2019 and the cumulative results from 2019 as a whole.

**Table 52.0: Top five charges disposed in the Hilary Term ended April 03, 2020**

Charge disposed	Frequency	Percentage (%)
Murder	36	31.00
Rape	19	16.40
Sexual Intercourse with a person under 16	11	9.50
Illegal possession of firearm	10	8.60

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Grievous sexual assault	8	6.90
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***Number of disposed charges (N) = 116***

The above data shows that a summary of 116 charges disposed of in the Hilary Term of 2020, a decline of 33.71% when compared to the Hilary Term of 2020. The largest proportion of these matters was murder with 36 or 31%. This was followed by rape with 19 or 16.40% of the total. Sexual intercourse with a person under 16 and illegal possession of firearm comes next with 9.50% and 8.60% respectively while the top five is rounded off by grievous sexual assault with 8 or 6.90%. Murder and sexual offences are again not only the dominant incoming but also the dominant outgoing cases. It is of particular note that roughly 41.38% of cases disposed of the Hilary Term were sex related while also accounting for roughly 39% of all incoming cases. The dominance of this offence in the criminal statistics again strongly suggests that there needs to be robust Case Management attention for these matters to support their timely disposition.

**Table 53.0: Time to disposition for cases disposed in the Hilary Term ended April 03, 2020**

## Descriptive Statistics (in months)

Number of observations	57
Mean	36.1930
Median	31.0000
Mode	32.00
Std. Deviation	31.04285
Skewness	2.311
Std. Error of Skewness	.316
Kurtosis	6.704
Std. Error of Kurtosis	.623
Range	168.00
Minimum	7.00
Maximum	175.00



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The above table provides a descriptive summary of the time to disposition for criminal cases disposed of in the Hilary Term of 2020. It is shown that the estimated average time to disposition for the cases disposed during the year was approximately 36 months or roughly three years, a decline of roughly eight months when compared to the corresponding period in 2019. There was a wide spread in the year of origin with the lion share of cases disposed originating in 2017 and 2018 while the oldest individual case disposed dates back to 2005. None of the cases dispose originated in 2020. The estimated minimum time to disposition was 7 months and the estimated maximum was 175 months or just over 14.5 years. The relatively large positive skewness observed is an indication that the larger proportion of observations fell below the overall average. The standard deviation is also relatively high, an indication of a fairly wide spread of scores in the data set.

**Table 57.0: Breakdown of time to disposition of cases for the Hilary Term ended April 03, 2020**

Time Interval (in months)	Frequency	Percent
0 – 12	8	14.0
13 – 24	18	31.6
25 – 36	18	31.6
37 – 47	2	3.5
48 & over	11	19.3
<b>Total</b>	<b>57</b>	<b>100.0</b>

The above table provides a summary of the estimated time to disposition for the cases disposed during the Hilary Term of 2020. It is shown that the largest proportion of matters was disposed within 13 to 24 and 25 to 36 months respectively, each with 18 or 31.60%. 11 or 19.30%, which

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were disposed in 48 month or higher and 8 or 14.0% of matters, which were disposed within a year, follow this. Cumulatively, 45.60% of the matters disposed in the year took two years or less, a decline of roughly 21.90 percentage points when compared to the similar 2019 period. The remaining 54.40% of cases disposed took over two years to be disposed. Using the Hilary Term data as a proxy, there would be a greater probability that a case in the Home Circuit Court will be disposed after falling into a state of backlog, than prior, roughly 54 out of every 100 cases filed. This is however based a small sample size and would be more meaningful with at least a longer time series. Nevertheless, the findings are insightful.

**Table 58: Time to disposition for charges disposed (from date charged) in the Hilary Term ended April 03, 2020**

## Descriptive statistics (in months)

Number of observations	116
Mean	60.5678
Median	46.0000
Mode	39.00
Std. Deviation	51.122
Skewness	0.2850
Minimum	9.50
Maximum	204.00

The above table provides interesting results on the average time taken to dispose of cases from 'the date of charge'. It provides an opportunity to place into contribution of non-court actors to delays in the timely delivery of justice. The average time to disposition is shown to be roughly 5 years, substantially higher than the average time of 3 years taken to dispose of the corresponding cases after entry into the Home Circuit Court. The longest and shortest times to disposition of 17 years and roughly 9.5 months respectively for disposed charges. This marked

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difference of over three and a half years in the time taken to dispose of criminal matters (from date charged) and from the case is filed in the Home Circuit Court suggests that there are chronic weaknesses in the investigative apparatus of the Police as well prosecutorial deficits which potentially hamper the timely delivery of justice to citizens. It is worth noting that the data set above on time to disposition from charge date is slightly positively skewed suggesting that marginally more of the observations fell below the overall average. Further, the relatively large standard deviation indicates a fairly wide spread of the times around the series mean.

**Table 59.0: Case clearance rate for the Hilary Term ended April 03, 2020**

Cases filed	Cases disposed	Case clearance rate
101	57	56.44%

**Note: 0% the cases disposed originated in the Hilary Term of 2020, originated in 2020.**

The case clearance rate of 56.44% shown above is an indication that more cases entered than those that were disposed in the Home Circuit Court in the Hilary Term of 2020. The result suggests a ratio of roughly 56 cases disposed for every 100 new ones brought, an improvement of 11.08 percentage points when compared to the Hilary Term of 2019. The Home Circuit continue continues to work assiduously on improving its case scheduling practices however the gains in clearance rate and trial date certainty fluctuate and are yet to demonstrate any steady state equilibrium.

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## Other performance measures

Among other important performance, which allow for the tracking of court performance are:

(i) The on time case processing rate

(ii) The case turnover ratio

(iii) The disposition days

(iv) Case backlog rate

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally the case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Hilary Term of 2020.

These measures are summarized in the table below:

**Table 62.0: Selected performances metrics for the Home Circuit Court in the Hilary Term of 2020**

Resolved cases	Unresolved cases	Case turnover rate (%)	Disposition days	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Case backlog rate (%)
57	767	7.43%	> 4.0 years	26	57	45.60	54.40%

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The results in the above table reveal a case turnover rate of 7.43% which shows that for every 100 cases which had some administrative or open court activity in the Hilary Term of 2020 and still active at the end of said Term, another 7 was disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the Term will on average take over 4 more years to be disposed, barring special interventions or other peculiar circumstances.

A case is considered to be in a backlog classification if it is still active for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Home Circuit Court in the Hilary Term of 2020 is 45.60%, which reflects the proportion of cases in 2020, which were disposed within 2 years. Conversely, the estimated case backlog rate is 54.40% which is an indication that approximately 54% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 767 cases, which had some court activity in 2019 and were still active at the end of the year, 417 are expected to be in a backlog classification before being disposed.

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## CHAPTER 5.0: HIGH COURT DIVISION OF THE GUN COURT

The ensuing analyses provide an overview of case activity in the Gun Court in Hilary Term ended April 03, 2020. In particular, this section outlines data related to matters initiated, matters disposed, adjournments and the distribution of trial and mention matters during the Term.

**Table 63.0: Top five charges filed in the Hilary Term ended April 03, 2020**

Charges filed	Frequency	Percentage (%)
Illegal possession of firearm	99	39.90
Illegal possession of ammunition	49	19.80
Shooting with intent	30	12.10
Robbery with aggravation	18	7.30
Assault at common law	15	6.0
<b>Total</b>	<b>211</b>	<b>85.08</b>

*Total number of charges (N) = 248, the equivalent of 100 cases.*

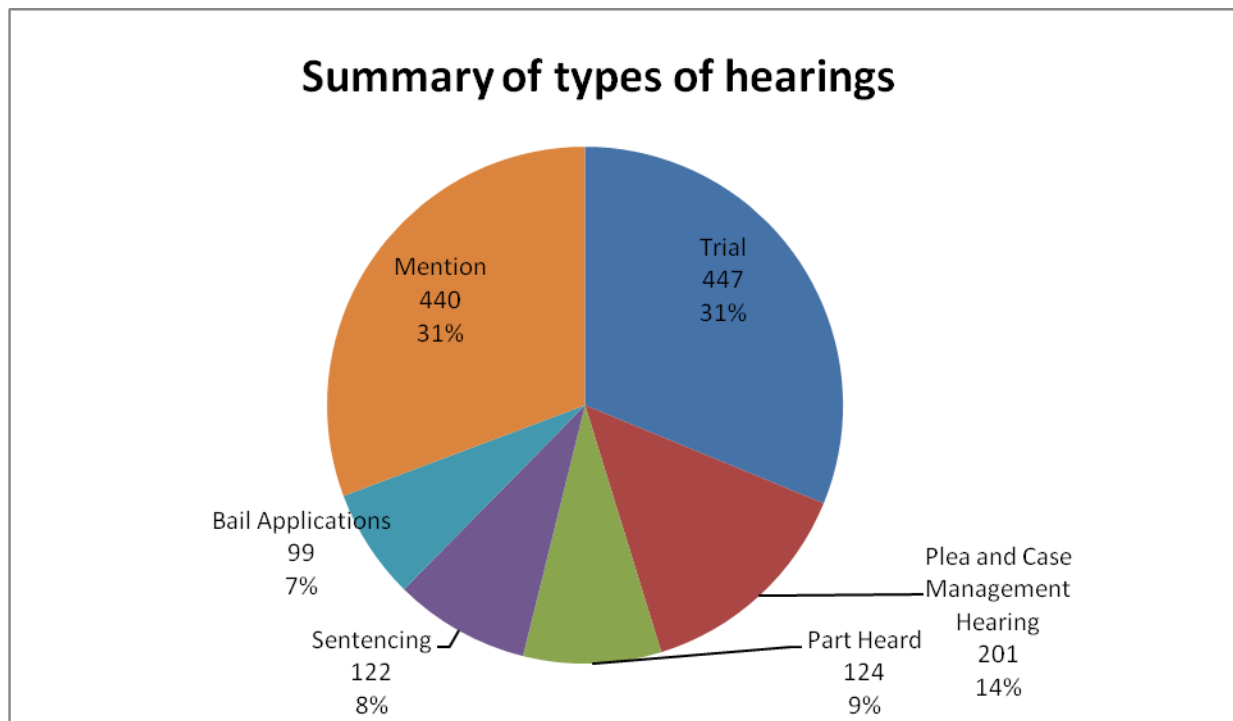
The above table provides a summary of the top five charges, which were brought in the Gun Court during the Hilary Term of 2020. It is seen that 248 new charges were filed in the Gun Court during the period, a decline of 38.92% when compared to the Hilary Tem of 2019. The largest proportion of which, 99 or 39.90% were for illegal possession of firearm, well ahead of the next highest ranked charge of illegal possession of ammunition with a count of 49 or 19.80% of the total. Shooting with intent is next with 30 or 12.10% while robbery with aggravation with 18 or 7.30% and assault at common law with 15 or 6.0% rounds off the top 5 charges filed in the Gun Court for the Hilary Term of 2020. The 248 new charges entered in the

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Hilary Term of 2020 translate into 100 new cases filed in the Term, a decrease of 18.03% when compared to the corresponding 2019 period. This represents a ratio of 1:2.48, suggesting that for every 100 cases entered, there were 248 charges.

**Chart 16.0: Summary of selected case activity dates for the Hilary Term ended April 03, 2019**



**Note:** PCMH means Plea and Case Management Hearing

The above chart provides a summary of key court events/dates in the Hilary Term of 2020. It is shown that there were 447 trial dates set in the period, compared to 440 mention dates, both representing increases when compared to the Hilary Term of 2019 while a further 201 plea and case management dates were set, representing 14% of the hearings sampled. Taken together this produces a ratio of roughly 70 trial dates for every 100 mention and plea and case management dates. The data also suggests that there were 124 part-heard trial dates set in Gun Court in the Hilary Term, which is a decrease of 15.65% when compared to the Hilary Term

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of 2019 and indicates that for every 100 trial dates set there were roughly 28 part-heard trial dates, an improvement of 12 percentage points when compared to the Hilary Term of 2019. There were also 122 incidence of sentencing, a decrease of 2.40% when compared to the Hilary Term of 2019 and 99 bail application dates set during the Term, a decrease of 2.56% when compared to the Hilary Term of 2019. A total of 1433 hearing dates were set in the Gun Court over the course of the Hilary Term, representing a notable decline when compared to the corresponding period in 2019.

**Table 64.0: Frequently occurring reasons for adjournment for the Hilary Term ended April 03, 2020**

Reason for adjournment	Frequency	Percentage (%)
Defence Council Absent	148	9.31
Witness absent	100	6.29
Ballistic Certificate Outstanding	81	5.10
Investigating Officer Absent	71	4.47
Accused not brought	63	3.96
Social Enquiry Report Outstanding	57	3.59
Antecedents Outstanding	48	3.02
Judge Unavailable	42	2.64
Defence counsel needs time to take instruction	38	2.39
SOC CD outstanding	29	1.83
<b>Sub-Total</b>	<b>677</b>	<b>42.61</b>

**Sample size of adjournments and continuances sampled (N) = 1589**



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The above table outlines a sampling distribution of the leading reasons for adjournment in the Gun Court for Hilary Term of 2020, excluding adjournments for bail application, matters part heard, and for plea and case management and for trial, which are enumerated separately. There were 1589 incidences of adjournments during the Term; of which the absenteeism of Defence Counsel and witness absent were the leading ones with 9.31% and 6.29% respectively of the total. Adjournments due to outstanding ballistic certificates and for Investigating Officers with 5.10% and 4.41% respectively rank next. Adjournments due to the accused not brought and for outstanding Social Enquiry Reports with 3.96% and 3.59% respectively rounds off the top five reasons in the Hilary Term of 2020. The top ten reasons for adjournment accounted for 42.61% of the 1589 reasons for adjournment in the Gun Court during the Hilary Term of 2020.

**Table 65.0: Distribution of the common reasons for continuance for the Hilary Term ended April 03, 2019**

Reason for continuance	Frequency	Percentage (%)
Plea and Case Management Hearing	148	9.31
Bail Application	114	7.17
Sentencing	108	6.80
Trial	51	3.21

**Total number of adjournments and continuances (N) = 1589**

The above table provides a sampling distribution of reasons for adjournment in the Hilary Term of 2020 which are considered as intrinsic to the natural progression of a case or are merely procedural and are therefore termed as reasons for continuance. It is seen that during the Term there were 148 adjournments for Plea and Case Management hearings, accounting for 9.31% of

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the total, followed by adjournments for bail application with 114 or 7.17% and adjournments for sentencing with 108 or 6.80%, rounding off the top three reasons for continuance.

**Table 66.0: Hearing date certainty summary for the Hilary Term ended April 03, 2020**

Type of hearings	Number of hearing dates set	Number of hearings dates set which were adjourned	Hearing date certainty rate (%)
Mention and Plea and Case Management Hearings	642	246	61.68
Bail Applications	99	29	70.71
Sentencing hearings	224	116	48.21
Trial hearings	447	182	59.28
<b>Total/Overall Average</b>	<b>1412</b>	<b>573</b>	<b>59.42</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 various types of hearings, are adhered. A low result has implications for the capacity of the court to adequately estimate the duration of a matter, for the capacity of courtrooms and Judges to absorb certain caseload and for the general system of scheduling. In the table above it is shown that of 1412 court dates scheduled for hearings in the period under study, 573 were adjourned. This suggests an overall hearing date certainty rate of roughly 59.42% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 59 are able to proceed without adjournment for reasons other than those procedural, for example for Trial, Bail Application, Sentencing and

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Plea and Case Management. This outcome is 1.6 percentage points lower than the figure for the Hilary Term of 2019. When trial matters are isolated, the trial certainty rate revealed is 59.28%, 4.72 percentage points lower than the rate in the Hilary Term of 2019. Despite this modest output, the Gun Court still managed to achieve an impressive clearance rate of 128%. One possible explanation for this is that although trial dates are adjourned, the interval between hearings is relatively short, thus not adversely affecting the clearance of cases.

**Table 67.0: Methods of case disposition for the Hilary Term ended April 03, 2020**

Method of Disposition	Frequency	Percentage (%)
Accused Deceased	1	.80
Guilty Verdict	8	6.3
Guilty Plea	31	24.20
No case submission upheld	3	2.30
No case to answer, discharged	1	.80
No Evidence offered – discharged	43	33.60
No further evidence offered – discharged	15	11.70
Nolle Prosequere	2	1.60
Not Guilty – Discharged	22	17.20
Transferred to circuit court	2	1.60
<b>Total</b>	<b>128</b>	<b>100.0</b>

*\*No electronic data available on the specific methods*

The above table summarizes the methods of disposition for the cases disposed in the Gun Court for the Hilary Term of 2019. It is seen that there were 128 cases disposed, the largest proportion of which were a result of matters discharged due to no evidence offered which accounts for 43 or roughly 33.60% of the total. In second were disposals resulting from guilty

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pleas with 31 or 24.20% of the total. Not guilty verdicts and matters discharged due to no further evidence offered with 17.20% and 11.70% respectively of the total dispositions are next while guilty verdicts with 10.0% rounds off the top five methods. Of the 128 cases disposed in the Gun Court in the Hilary Term, 18 or 14.06% were cases originating in the Term, representing the disposal rate. When compared to the Hilary Term of 2019, there was a roughly 14.10% decline in the number of cases disposed. This decline can however be explained by the suspension of open court activity towards the end of the term resulting from spikes in the COVID-19 pandemic.

**Table 68.0: Estimated Conviction rate in the Gun Court for the Hilary Term ended April 03, 2020**

<b>Number of cases disposed</b>	<b>Number of Guilty outcomes (i.e. guilty verdicts and guilty pleas</b>	<b>Conviction rate</b>
128	40	<b>31.25%</b>

The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the 128 disposed cases in the Hilary Term of 2020, an estimated 40 were a result of either a guilty plea or a guilty verdict. This produces an overall conviction rate of 31.25% for Gun Court cases in the Hilary Term, an increase of 11.79 percentage points when compared to the Hilary Term of 2019.

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**Table 69.0: Top six charges disposed of in the Hilary Term ended April 03, 2020**

Charge	Frequency	Percentage (%)
Illegal Possession of Firearm	169	38.15
Illegal Possession of Ammunition	92	20.78
Shooting with intent	41	9.26
Robbery with aggravation	33	7.45
Wounding with intent	21	4.74

**Total number of disposed charges is 443**

The 128 cases that were disposed in the Gun Court in the Hilary Term of 2020, representing 443 charges, an average of roughly 3.46 charges per case. The table above details the five most frequently occurring charges disposed of in the Gun Court during the Term. Illegal possession of a firearm and illegal possession of ammunition accounts for the largest proportion of disposed charges with 38.15% and 20.78% respectively. This is followed by shooting with intent with 41 or 9.26% of the charges disposed. Robbery with aggravation with 33 or 7.45% and wounding with intent with 21 or 4.74% of the total rounds off the top 5 charges disposed in the Gun Court during the Hilary Term. The disposed charges enumerated in this table accounts for roughly 80.36% of the total number of charges disposed in the Term. There was 13.14% decrease in the number of charges filed when compared to the Hilary Term of 2019.

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**Table 70.0: Time to disposition from case file date, for cases disposed of in Hilary Term ended April 03, 2020**

Descriptive (in months)	
Number of observations	128
Mean	16.1875
Std. Error of Mean	1.84892
Median	8.0000
Mode	7.00
Std. Deviation	20.91819
Skewness	3.636
Std. Error of Skewness	.214
Minimum	.15
Maximum	152.00

The above table summarizes the time taken to dispose of cases in the Gun Court in the Hilary Term of 2020, counting from the date cases were filed. It is seen that the estimated average time to disposition from the date of charge is approximately 16 months or 1.3 years. The data set for this measure is strongly positive, indicating that there was a significantly greater proportion of times to disposition fell below the overall mean than those which fell above it. It is therefore not surprising that the median and modal times to disposition are at an impressive 8 and 7 months respectively. The estimated maximum time to disposition for the data set is 152 months or roughly 5 years. The estimated minimum time to disposition from the date of filing was under a month. Not surprisingly, based on the observations outlined, the standard deviation is quite large, indicating a wide variation of scores in the data series. These results reflect considerably progress in the Gun Court as the Registry's long record of clearance rates over 100% is now translating into significant reductions in the average time taken to dispose of

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cases, a long run condition that is inevitable and will eventually eliminate or at least bring the case backlog rate to a sustainable and optimal rate.

**Table 71.0: Breakdown of times to disposition from case file date, for the charges disposed in the Hilary Term of 2020**

Month	Frequency	Percent
0 – 12	81	63.3
13 – 24	27	21.1
25 – 36	11	8.6
37 – 47	3	2.3
48 and over	6	4.7
<b>Total</b>	<b>128</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 of 2020, computed from the case file date. The strong positive skewness displayed in the previous table is affirmed, as the scores here are heavily concentrated towards the lower intervals. The data shows that the largest proportion of the disposals using this method took a year or less. This interval accounted for 81 or 63.30% of the disposals and was followed by cases taking between 13 and 24 months to be disposed with 27 cases or 21.10%. A further 8.60% of the matters were disposed within 25-36 months, 2.30% took between 37 and 47 months and the remaining proportion of 4.70% took four years or more to be disposed. Interestingly 84.40% of the cases disposed took two years or less from the case file date.

It is of note that the average time between charged date and date of case disposition was notably higher than the time to disposition from the case file date. The former recorded an

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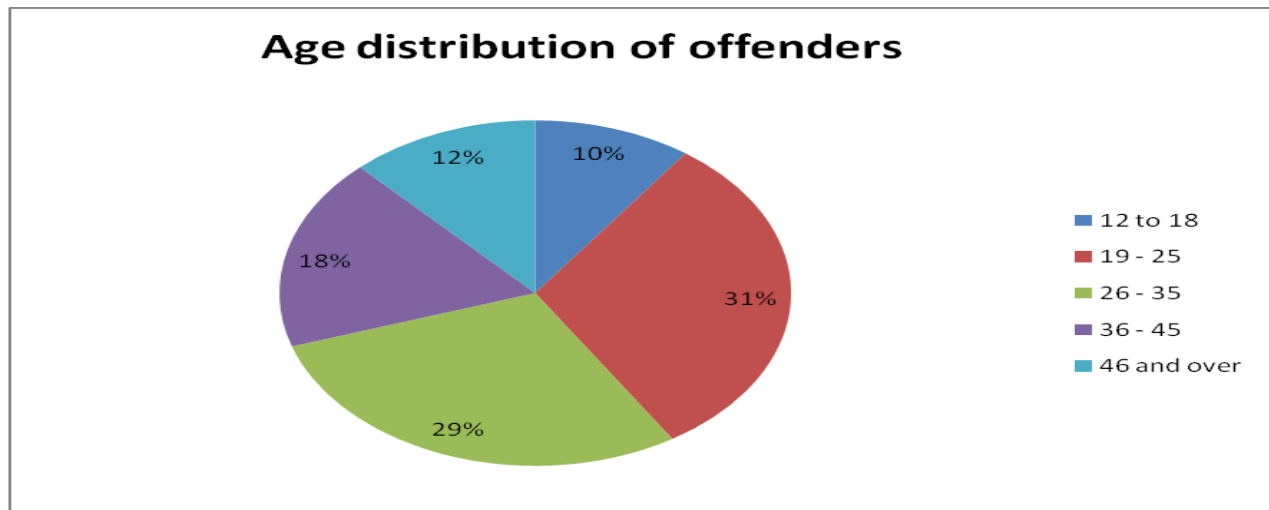
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average of 2.05 years which is roughly 8 months longer than the time to disposition from the date the case is filed in the Gun Court.

## Demographic summary of Gun Court offenders

This section provides a brief summary of the age and gender distribution of persons charged in the Hilary Term of 2020.

**Chart 18.0: Summary of age distribution of a sample of offenders in the Gun Court for the Hilary Term ended April 03, 2020**



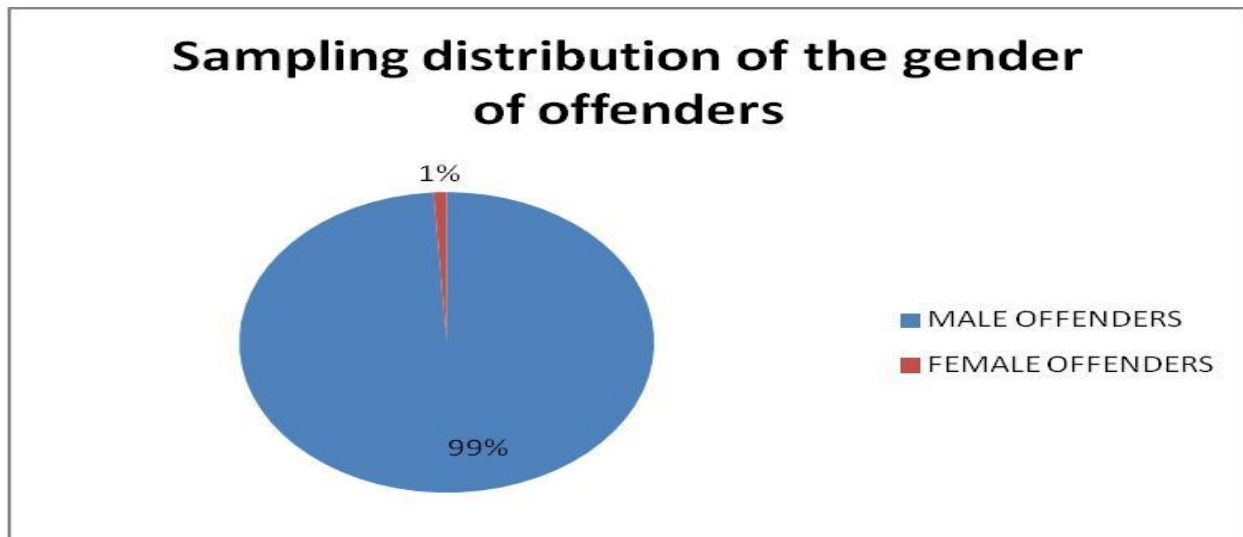
The age distribution of offenders in Term was markedly similar to that of 2019. The dominant offences filed in the period are illegal possession of firearm, illegal possession of ammunition, robbery with aggravation, shooting with intent and wounding with intent. Using a representative sample, the average age of persons charged in the year is roughly 28.50 years old with the oldest person charged being 54 years old and the youngest is 13 years old. The modal age from this sample was 24, an indication that a significant number of offenders are quite youthful. This is affirmed in the chart above where it is shown that from the sample 31%



of the offenders were between 19 and 25 years old, closely followed by the age group 26 to 35 years old with 29% of the offenders. The 36 to 45 age group comes next with 18% of the offenders. The youngest and oldest age categories of 12 – 18 and 46 and over accounted for 10% and 12% respectively of the offenders brought before the Gun Court in the Hilary Term of 2020.

In terms of gender distribution, using a sample of 100 offenders the data shows that 99 or 99% were male and 1 or 1% female. This is exactly the same sampling distribution for gender, which was observed in 2018. The overwhelming dominance of males in Gun Court offences continue to persist as a long held trend.

**Chart 19.0: Summary of gender distribution of a sample of offenders in the Hilary Term of 2020.**



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**Table 72.0: Case clearance rate for the Hilary Term ended April 03, 2020**

<b>Cases filed</b>	<b>Cases disposed</b>	<b>Case clearance rate</b>
<b>100</b>	<b>128*</b>	<b>128%</b>

**\*18 or 14.06% of the 128 disposed cases originated in the Hilary Term of 2020.**

One hundred new cases were filed in the Gun Court in the Hilary Term of 2020 while 128 were also disposed (including many which originated before the Term) leading to a clearance rate of exactly 128% for the year. This result is the highest clearance rate for the Supreme Court in the Hilary Term, as the Gun Court continues to establish itself as a model registry. The result represents an increase of 12.5 percentage points when compared to the Hilary Term of 2019 and comes despite reductions in both new cases filed and cases disposed, resulting from the suspension of court activity associated with the COVID-19 pandemic towards the end of the Term. Strong scheduling and case management practices in the Gun Court have contributed to its consistently strongly clearance rates, ranking among the best in the entire court system and constantly meeting or exceeding the International standard on clearance rates.

## **Other performance measures**

Among other important performance, which allow for the tracking of court performance are:

**(i) The on time case processing rate**

**(ii) The case turnover ratio**

**(iii) The disposition days**

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## **(iv) Case backlog rate**

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally the case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Term. These measures are summarized in the table below:

**Table 73.0: Selected performances metrics for the Gun Court in the Hilary Term of 2020**

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated disposition days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Case backlog rate (%)
128	434	0.29	1258	108	128	84.38	15.62

The results in the above table show a case turnover rate of 0.29, which is an indication that for every 100 active cases handled in the Hilary Term, another 29 were disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the Term will on average take 3.49 years to be disposed, though this is highly unlikely given the interventions that the leadership of the Gun Court are likely to make to reverse this mathematical expectation.

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A case is considered to be in a backlog classification if it is still active for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Gun Court in 2019 is 84.38%, which reflects the proportion of Gun Court cases in the Hilary Term of 2020, which were disposed within 2 years. Conversely, the case backlog rate is 15.62%, likely one of the lowest recorded backlog rates in this Division in any Term or year in recent history. This further suggests that of the 569 cases, which had some court activity in the Hilary Term and were still active at the end of the Term, 68 are expected to be in a backlog classification before being disposed. These results represent constant steady strides in the overall performance of the Gun Court, representing a near 270 degrees turnaround in the trends seen 4-5 year ago.

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## **CHAPTER 6.0: COMMERCIAL DIVISION**

This chapter presents data on case activity in the Commercial Division in the Hilary Term of 2020 as well as important performance measurements and year on year comparisons where applicable.

**Table 74.0: Cases filed in the Commercial Division in the Hilary Term of 2020**

Division	Number of new cases filed
Commercial	162

For context, in 2017 and 2018 were record years for the Commercial Division in terms of the number of new cases filed with 667 and 675 respectively. In 2019, the Division however saw a dip of 24 percentage points when compared to 2018, registering 513 new cases. Nevertheless the figure is well above pre-2017 levels and continues to reflect the greater public awareness of the Division among actors as a means of bringing resolution to matters.

In the Hilary Term of 2020, 162 new cases were filed, an increase of 16.55% when compared to the corresponding Term in 2019.

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**Table 75: Top five reasons for adjournment of commercial cases for the Hilary Term of 2020**

Reasons for adjournment	Frequency	Percentage (%)
Defendant not available	6	17.6
Defendant attorney needs time to take instruction	2	5.9
For representation to be settled	2	5.9
Claimant's documents not served or short served	6	17.6
Pending settlement	2	5.9
Judge recuses herself	2	5.9
Judgment creditor to file documents	6	17.6
Judgment debtor to file documents	2	5.9
Claimant's attorney needs time to take instructions	2	5.9
Claimant's attorney to comply with order	2	5.9
Defendant's attorney to comply with order	2	5.9
<b>Total</b>	<b>34</b>	<b>100.0</b>

**Sample size (N) = 34**

The above table provides a sampling distribution of the reasons for adjournment in the Commercial Division in the Hilary Term of 2020. A total of 34 adjournments samples reveal that defendants not available, claimant's documents not served or short served and judgment creditor to file documents, each with 6 or 17.60% of the sample leads the list while all other adjournments listed equally account for 5.90% of the sample. It is evident from this list that a significant proportion of the adjournments sampled are associated with factors which are outside of the direct control of the Commercial Division.

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**Table 76.0: Chamber hearings for the Hilary Term ended April 03, 2020**

Hearings	Frequency	Percentage (%)
Applications (Various)	207	76.38
Case Management Conference	19	7.01
Commercial Taxation	16	5.90
Pre-trial review	15	5.54
Judgment summons hearing	11	4.06
Oral Examination	3	1.11
<b>Total</b>	<b>271</b>	<b>100</b>

The above table summarizes the distribution of 271 chamber hearings in the Commercial Division for 2020. As with the High Court Civil (HCV) Division, the hearing of various applications for relief sought dominates with roughly 76.38% of the chamber hearings. Case management conferences with 19 or approximately 7.01% of the sample rank next while commercial taxation hearings with 16 or 5.90% rounds off the top three chamber hearings in the Commercial Division for the Hilary Term of 2020.

**Table 77.0: Trial dates set during the Hilary Term ended April 03, 2020**

Trial matter	Frequency	Percentage (%)
Open Court Trial	60	42.25
Assessment of damages	82	57.75
<b>Total</b>	<b>142</b>	<b>100</b>

The above table shows that there were 142 incidences of trial dates in the Hilary Term of 2020. Assessments of damages with an incidence of 82 or 57.75% tops this list, followed by open court trials with 60 or 42.25% of the total.

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**Table 78.0: Hearing date certainty in the Commercial Division for the Hilary Term ended April 03, 2020**

Type of hearings	Number of hearing dates set	Hearing dates adjourned)	Hearing date certainty rate (%)
Case Management Conferences	19	4	78.95%
Trials in Open Court	60	29	51.67%
Chamber Hearings and Trials Combined	413	154	62.71%

The commercial Division made gains of over 10 percentage points in its overall hearing date certainty rate when compared to the annual output for 2019. The table breaks down the hearing date certainty rates for two significant types of hearings and also gives the overall rate for the Hilary Term. It is shown that Case Management Conferences had an estimated hearing date certainty rate of 78.95% for the Term while the hearing date certainty rate for trials in open court was 51.67% and the overall hearing date certainty rate when all types of hearings are considered is 62.71%, suggesting that for every 100 hearing dates set for commercial cases in the Hilary Term, roughly 62 proceeded on schedule. A low to moderate hearing date certainty has potentially adverse consequences for the timely disposition of cases and the overall rate of case clearance. The rates recorded by the Commercial Division in the Hilary Term represent a mild rebound from significant dips in 2019.



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**Table 79.0: Requisitions summary for the Hilary Term ended Aril 03, 2020**

Requisitions Issued	Requisition Reponses	Requisitions clearance Rate
27	6*	22.22%

*\*May include requisitions issued before the Term*

The above table provides a summary of the response rate for requisitions issued in the Commercial Division in the Hilary Term of 2020. It is shown that 27 requisitions were issued during the term while there were 6 responses filed, thus producing a requisitions clearance rate of 22.22%. This requisition clearance rate suggests that during the Term, for every 10 requisitions issued, roughly 2 responses were filed.

**Table 80: Methods of disposition for the Hilary Term ended April 03, 2020**

Method of Disposition	Frequency	Percentage (%)
Consent Judgment	1	2.0
Final Judgment	10	20.0
Judgment in Default of Ack. of Service	15	30.0
Judgment in Default of Defence	6	12.0
Judgment on Admission	4	8.0
Notice of Discontinuance noted	9	18.0
Order Granted for Transfer	1	2.0
Transfer to Commercial	4	8.0
Total	50	100.0

The data suggests that 50 cases in the Commercial Division were disposed in the Hilary Term of 2020. Despite the lower number of actual days of hearings due to the significant reduction in court activity resulting from the COVID-19 pandemic, this output represents a 47% increase when compared to the corresponding period in 2019. Disposals by of judgments in default of

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acknowledging service with 15 or 30% lead the list of dispositions while 10 or 20% were attributable to final judgments. The top three methods of disposition were rounded off by notices of discontinuance with 9 or 18%. Also featuring prominently on this list are judgments in default of defence with 16 or 12% of the dispositions.

**Table 81.0: Time to disposition for Commercial cases disposed in the Hilary Term ended April 03, 2020**

## Descriptive Statistics (in months)

Number of observations	50
Mean	12.1200
Median	8.0000
Mode	7.00
Std. Deviation	11.05947
Variance	122.312
Skewness	2.017
Std. Error of Skewness	.337
Range	55.00
Minimum	.16
Maximum	55.00

The above table shows that the estimated average time to disposition for the 50 Commercial cases disposed in the Hilary Term is 12.12 months or roughly a year. The maximum time to disposition observed from these cases is 55 months or 4 years and 7 months old while the lowest is under a month. The average time to disposition observed above represents an improvement of just over 4 months when compared to the corresponding period in 2019 and is the best average time to disposition recording in any Division of the Supreme Court in any formal Term or Annual report, since this type of reporting began in 2016. It is of note that the modal time to disposition for 2019 is 7 months and the median time is 8 months, encouraging

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signs for continued improvements in the resolution of commercial matters. The positive skewness observed also suggests that the larger proportion of the commercial cases disposed in the Hilary Term took less time than the overall mean. 6 or 12.00% of the commercial cases disposed in the Hilary Term originated in that Term.

**Table 82.0: Breakdown of times to disposition for Commercial cases in the Hilary Term of 2020**

Time Intervals	Frequency	Percent
0 – 12	37	74.0
13 -24	7	14.0
25 – 36	4	8.0
37 – 47	1	2.0
48 and over	1	2.0
<b>Total</b>	<b>50</b>	<b>100.0</b>

The above table provides a breakdown of the times to disposition for the cases disposed during the Commercial Division in the Hilary Term of 2020. It is seen that the largest proportion of these cases were disposed within a year, accounting for an overwhelming 74% of the disposals. This is followed by 14%, which took between a 13 months and 2 years to be disposed while 4 or 8.0% which took between 25 and 36 months to be disposed rounds off the top three times to disposition for the Hilary Term. Taken together, an impressive 88% of the cases disposed during the Hilary Term of 2020 took two years or less to be resolved, a 5.60 percentage points improvement when compared to the corresponding period in 2019.

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**Table 83.0: Case clearance rate for the Hilary Term of 2020**

Cases filed	Cases disposed	Case clearance rate
162	50*	30.86%

*\*This figure includes cases filed before 2020. 6 or 12.0% of the cases filed in the Hilary Term were disposed.*

One hundred and sixty two new cases were filed in the Commercial Division in the Hilary Term of 2020, while 50 cases were disposed which yields a case clearance rate of 30.86%. This result suggests that for every 100 new cases filed in the year, roughly 31 were disposed. Again, the cases disposed were not necessarily from those filed, as the clearance rate is simply a productivity ratio. Although the clearance rate is 6.40 percentage points higher than that of the corresponding period in 2019, the premature end to the Term appears to have had an adverse impact on the result.

## **Other performance measures**

Among other important performance, which allow for the tracking of court performance are:

**(i) The on time case processing rate**

**(ii) The case turnover ratio**

**(iii) The disposition days**

**(iv) Case backlog rate**

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of

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cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally the case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Hilary Term. These measures are summarized in the table below:

**Table 84.0: Selected performances metrics for the Commercial Division for the Hilary Term of 2020**

Resolved cases	Unresolved cases that had activity in the Hilary Term	Case turnover rate (%)	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Case backlog rate (%)
50	440	0.11	44	6	88%	12%

The results in the above table show a case turnover rate of 0.11, which is an indication that for every 100 cases which were 'heard' in the Hilary Term and still active at the end of the Term, another 11 were disposed. This represents an improvement of 3 percentage points when compared to the corresponding period in 2019. A case is considered to be in a backlog classification if it remains active for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Commercial cases in in the Hilary Term of 2020 is 88%, which reflects the proportion of resolved Commercial Division cases in the Hilary Term, which were disposed within 2 years. On time case processing rates and backlog rates are more meaningful when examined over a full year. Nevertheless figures from each Term provide insights into the progress being made in

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reducing both the net and gross backlog rates in the courts. There was a balance of 440 active cases which had some 'court activity' in the Hilary Term and were unresolved.

### CHAPTER 7.0: AGGREGATE CASE ACTIVITY AND OUTSTANDING JUDGMENTS

#### Aggregate Case Clearance Rate

Analysis of the productivity of the judiciary, subject to its resource constraints is an important metric for gauging efficiency and for informing policy and operational interventions. In this subsection, the gross case clearance rate is used as a measure the ratio of incoming and outgoing cases in the Supreme Court in the Hilary Term of 2020.

The below table provides a summary of the collective case clearance rate for the Divisions of the Supreme Court. It is important to again 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 productivity index. It measures the ratio of new cases filed/entered to cases disposed of in a particular period, regardless of when the disposed cases originated.

**Table 85.0: Gross case clearance rate for the Hilary Term ended April 03, 2020**

Total cases filed	Total cases disposed	Gross Case clearance rate
3266	2391	73.21%

The above table provides an aggregate summary of the clearance rates in the Divisions of the Supreme Court in the Hilary Term of 2020. The data suggests that 3266 new cases were filed/entered across the Divisions of the Supreme Court in the Term, a 15.82% decline when compared to the corresponding period in 2019. These results yield a gross clearance rate of roughly 73.21%, representing an improvement of 19.03 percentage points when compared to the Hilary Term of 2019 and suggesting that that for every 100 cases filed/entered during the

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year, roughly, 73 were also disposed. This improvement is partly helped by a sharp decline in the number of new cases filed, partly on account of the suspension of open court activity towards the end of the Term due to the COVID-19 pandemic. The number of cases disposed however increased by 1.37% but was significantly outweighed by the fall in the number of new cases filed.

## Case Activity Summary for the Hilary Term of 2020

The below table provides a summary of the new cases filed, cases disposed and clearance rates for each Divisions of the Supreme Court in the Hilary Term of 2020. A cumulative summary is also provided.

**Table 89.0: Aggregate case activity in the Hilary Term of 2020**

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (years)	Hearing date Certainty ratio (%)
High Court Civil (HCV)	1184	571	48.23	3.48	66.52
Matrimonial	1045	894	85.55	1.75	84.07
Probate	674	691	102.52	1.47	77.14
Commercial	162	50	30.86	1.01	62.71
Home Circuit Court	101	57	56.44	3.02	62.72
Gun Court	100	128	128	1.35	59.40
Revenue	0	0	-	-	60%



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Division					
Gross/Weighted Average	3266	2391	73.21%	2.01	67.51%

The above table provides an important summary of case activity in the Supreme Court in the Hilary Term of 2020. It is shown that 3266 cases were filed/entered across the Divisions of the Supreme Court in the Hilary Term of 2020. The High Court Civil (HCV) Division with 1184 cases or 39.34% accounts for the largest share of the new cases filed, followed by the Matrimonial Division with 1045 or 32% of the total.

The largest share of the cases disposed with roughly 37.39% and 28.90% respectively were the Matrimonial and Probate Divisions. As far as clearance rates are concerned, the Gun Court and Probate Divisions with clearance rates of 128% and 102.52% respectively were the leaders. These two Divisions have solidly led the Supreme Court on this critical performance measurement for the past three and a half years. The overall case clearance rate for the Supreme Court is estimated at 73.21%, a quite commendable result and one of the highest recorded for single Term since this type of statistical reporting commenced in 2016. The High Court Civil (HCV) Division accounted for the longest average time to disposition with cases taking an average of 3.48 years to be disposed. The Home Circuit Court is next with an average time to disposition of approximately 3 years while the Probate Division and the Commercial Division with estimated average times to disposition of 1.47 and 1.01 years respectively account for the lowest average times to disposition in the Term. The overall average time taken to dispose of the cases resolved in the Hilary Term was just over 2 years. None of the Divisions

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of the Supreme Court met the international standard on hearing date certainty in the Term. The overall average hearing date certainty rate was 67.51% and performance in this area was led by the Matrimonial and Probate Divisions with 84.07% and 77.14% respectively. All Divisions recorded hearing date certainty rates of 60% or higher for the Term, another first since this type of reporting began.

## **Judgments Reserved and Judgments Delivered**

This sub-section provides a summary of the civil Judgments reserved and delivered in the Hilary Term of 2020.

**Table 90.0: Summary of Judgments Reserved and Delivered in the Hilary Term of 2020**

<b>Number of Judgments reserved on cases</b>	<b>Number of Judgments delivered on cases</b>	<b>Clearance rate for case Judgments (%)</b>	<b>Number of Judgments reserved on applications</b>	<b>Number of judgments/rulings delivered on applications</b>	<b>Clearance rates for rulings on application (%)</b>
<b>43</b>	<b>89</b>	<b>206.98%</b>	<b>46</b>	<b>33</b>	<b>71.74%</b>

A total of 43 judgements were reserved in the Hilary Term of 2020, while 89 judgments were delivered, leading to yet another impressive clearance rate of 206.98%. This result means that for every judgment which was reserved in the Hilary Term of 2020, another 2 were delivered. This output eclipses the rate of 189% recorded for 2019 and is consistent with the impetus of the Chief Justice to significantly increase the number and pace of outstanding judgments delivered in the court system. The average age of cases on which judgments were delivered in

the Hilary Term of 2020 was roughly 69 months or 5.76 years, with the oldest case on which judgment was delivered, dating back to 2005.

Various applications are made during the life of a civil case on which judgments may be reserved. The analysis of the clearance rate on judgments on applications is an important supplement to the analysis of judgments on the overall outcome of a case as timely rulings on applications have a direct correlation with the timely delivery of judgments on substantive cases. The data suggests that there were 46 judgments reserved on applications in the Hilary Term of 2019 while 33 were delivered. This produced a clearance rate for judgments on applications of 71.74.

### **CHAPTER 8.0: CONCLUSION AND RECOMMENDATIONS**

The 2020 Hilary Term report for the Supreme Court shows signs of progress and promise despite the fact that open court activity was largely suspended towards the end of said Term due to the COVID-19 pandemic. The Supreme Court experienced a 15.82% fall in the number of new cases filed, while registering a 1.37% increase in the number of cases disposed when compared to the corresponding period in 2019. The net effect of these shifts was a rise of 19.07% in the clearance rate across the Divisions in the Term. This means that the Supreme Court disposed of roughly 19 more cases for every 100 new cases filed, when compared to the corresponding period in 2019. This is quite a positive development within the context of the targets set out by the Chief Justice for the Jamaican court system to become the best in the Caribbean Region in the next 2-3 years and among the best in the world in the next 5-6 years. The full impact of the COVID-19 pandemic on the performance of the court system is left to be seen, however it is certain that the resilience of the courts will be heavily tested as it seeks to keep pace with the key quantitative targets of achieving a case clearance rate of roughly 130% and a trial date certainty rate of approximately 95% over the next five years. At the ethos of building such resilient responses are improvements to the science that is applied in scheduling cases for court and chamber and the use of technological aides to drive the innovation. The overall hearing date certainty rate in the Supreme Court for the Hilary Term was 67.51%, just over 8 percentage points better than the closing figure in 2019 and roughly 3.62 percentage points less than the Hilary Term of 2019. This less than desirable but steady output continues to show promise. The overall time to disposition across the divisions of the Divisions of the

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## THE CHIEF JUSTICE'S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT

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**2020**

Supreme Court was roughly 2 years, the yardstick used for classifying cases as being in a state of backlog. This average has seen a steady, though slow decline over the past two years and can be significantly bolstered by consistently higher case clearance rates. The Supreme Court registered a case backlog rate of 30.57% in the Hilary Term of 2020, suggesting that the probability of a case reaching a state of backlog prior to being disposed was roughly 31%. This was exactly the same as the closing figure in 2019 but roughly 5 percentage points better than that seen in the Hilary Term of 2019.

The Gun Court and the Probate Division continues to be the top performers in the Supreme Court on the important measurement of the case clearance rates, recording 128% and 102.52% respectively for the Term. The Matrimonial Division also continues to its pace as one of the most improved Divisions over the past two years, with a case clearance rate of 85.55% while also registering the highest hearing date certainty rate of 84.07%. Interestingly, only two of the Divisions, namely the High Court Civil Division and the Home Circuit Court had average times to disposition exceeding 2 years in the Hilary Term, a promising sign for one of the cornerstone elements of the strategic plan for the judiciary which aims to greatly improve the timely delivery of justice. On the matter of timely delivery of justice, the civil divisions of the Supreme Court was able to record a case a clearance rate on judgments reserved of 206.98% in the Hilary Term, eclipsing the 189% for 2019 as a whole, an affirmation of the significant impetus to enhance efficiency.

As a whole the Supreme Court is showing general signs of improved productivity and its resilience in sustaining such strides is being severely tested due to the impact of the COVID-19

pandemic on the general court activity. A significant number of hearings were rescheduled during the months of April and May in particular, due to the reduction and in some cases suspension of open court activity. This has created a domino effect for the scheduling “algorithm” in the Supreme Court which may adversely affect several metrics, if not carefully managed over the next 8 - 12 months.

### **RECOMMENDATIONS**

A case in the Jamaican court system is considered to be in a state of backlog if it is unresolved for a period of more than two years. Scheduling cases with trial dates too far into the future goes against the logic associated with the definition of a case backlog, which is that two years is considered as a reasonable time within which to complete all activities necessary to resolve a case regardless of its complexity. In order for this to work the courts will have to reach a point where its caseload is more manageable. This depends largely on sustaining a healthy and consistent case clearance rate in the measure of over 100%, based on the current state of affairs. Until that point is reached the Supreme Court will need to consider further revisions to the way in which cases are scheduled, possibly deepened the application of the principles of Weighted Caseload Management (WCM) as well as further training of staff involved in case management and scheduling . In general, there is a greater science that has to be applied to the way in which cases are scheduled and this will be helped by the application of advanced technology which is expected to come on stream when the new Judicial Case Management System (JCMS) is introduced in 2021. The weaknesses in scheduling are shown by the struggles of the Supreme Court in maintaining healthy hearing and trial date certainty rates. The data

suggests that improvements in this area are at the core of what is required to transform the operations of the court into a more productive entity.

The court system is energized and the improvements seen are partly a result of a more goal oriented approach to policy and planning. Systemic changes take time but the consistently high output from the Gun Court, Probate and recently the Matrimonial Division and the record clearance of judgments is a sign that the target of becoming one of the best court systems in the world in the next 5 – 6 years is indeed possible.

### Glossary of Statistical Terms

**Clearance rate:** The ratio on incoming to outgoing cases or of new cases filed to cases disposed, regardless of when the disposed cases originated. For example, in a given Term 100 new cases were filed and 110 were disposed (including cases originating before that Term) the clearance rate is 110/100 or 110%.

**Note:** The clearance rate could therefore exceed 100% but the disposal rate has a maximum value of 100%.

A persistent case clearance rate of less than 100% will eventually lead to a backlog of cases in the court system. The inferred international benchmark for case clearance rates is an average of 90%-110 annualized. This is a critical foundation to backlog prevention in the court system. <sup>i</sup>

**Disposal rate:** As distinct from clearance rate, the disposal rate is the proportion of new cases filed which have been disposed in a particular period. For example if 100 new cases are filed in a particular Term and 80 of those cases were disposed in said Term, then the disposal rate is 80%.

**Note:** A persistent case clearance rate of less than 100% will eventually lead to a backlog of cases in the court system. <sup>ii</sup>

**Trial/hearing date certainty:** This is the proportion of dates set for trial or hearing which proceed without adjournment. For example, if 100 trial dates are set in a particular Term and 40 are adjourned, then the trial certainty rate would be 60%. The international standard for this measure is between 92% and 100%.



**Courtroom utilization rate:** The proportion of courtrooms in full use on a daily basis or the proportion of hours utilized in a courtroom on a daily basis. The international standard for this rate is 100%.

**Case congestion rate:** The ratio of pending cases to cases disposed in a given period. It is an indication of how fatigued a court is, given the existing state of resources and degree of efficiency. A case congestion rate of 150% for example, is an indication that given the resources currently at a court's disposal and its degree of efficiency, it is carrying 1.5 times its capacity.

**Case File Integrity Rate:** Measures the proportion of time that a case file is fully ready and available in a timely manner for a matter to proceed. Hence, any adjournment, which is due to the lack of readiness of a case file or related proceedings for court at the scheduled time, impairs the case file integrity rate. The international benchmark for the casefile integrity is 100%

**Standard deviation:** This is a measure of how widely spread the scores in a data set are **around** the average value of that data set. The higher the standard deviation, the higher the variation of the raw scores in the data set, from the average score. A low standard deviation is an indication that the scores in a data set are clustered around the average.

**Outlier:** An outlier is a value that is either too small or too large, relative to the majority of scores/trend in a data set.

**Skewness:** This is measure of the distribution of scores in a data set. It gives an idea of where the larger proportion of the scores in a data set can be found. Generally, if skewness is positive as revealed by a positive value for this measure, this suggests that a greater proportion of the scores in the data set are at the lower end. If the skewness is negative as revealed by a negative value for this measure, it generally suggests that a greater proportion of the scores are at the higher end. If the skewness measure is approximately 0, then there is roughly equal distribution of scores on both the higher and lower ends of the average figure.

**Range:** This is a measure of the spread of values in a data set, calculated as the highest minus the lowest value. A larger range score may indicate a higher spread of values in a data set.

**Case backlog:** A case that is in the court system for more than two years without disposition.

*Source:*

<http://courts.mi.gov/Administration/SCAO/Resources/Documents/bestpractice/BestPracticeCaseAgeClearanceRates.pdf>

<sup>i</sup> *Source:*

<http://courts.mi.gov/Administration/SCAO/Resources/Documents/bestpractice/BestPracticeCaseAgeClearanceRates.pdf>

**Hilary Term:** The first of the High Court Terms, usually spanning the period from early January to just before the start of Easter. In 2019, the Easter Term ran from January 07 – April 12.

**Easter Term:** The second of the High Court Terms, usually spanning some days after the end of Easter through to the end of July. In 2019, the Easter Term was between April 25 and July 31.

**Michaelmas Term:** The Term in the High Court which usually spans a period from mid-September through to a few days before Christmas. In 2019, the Michaelmas Term spanned September 16 through to December 20.

**Weighted Average:** Weighted average is a calculation that takes into account the varying degrees of significance of the groups or numbers in a data set. In calculating a weighted average for a particular variable, the individual scores or averages for each group are multiplied by the weight or number of observations in each of those groups, and summed. The outcome is then divided by the summation of the number of observations in all groups combined. For example, if we wish to calculate the weighted average clearance rate for the parish courts, the product of the clearance rate and number of cases for each court are computed, added, and then divided by the total number of cases across all the parish courts. This means that a court with a larger caseload has a greater impact on the case clearance rate than a smaller court.

A weighted average can be more accurate than a simple average in which all numbers in a data set are assigned an identical weight.

**Continuance and Adjournment:** In a general sense, any delay in the progression of a hearing in which a future date/time is set or anticipated for continuation is a form of adjournment. However, in order to make a strict distinction between matters which are adjourned for procedural factors and those which are generally avoidable, court statistics utilizes the terms 'continuance' and 'adjournment'. Here, 'continuance' is used strictly to describe situations in which future dates are set due to procedural reasons and 'adjournments' is used to describe the circumstances in which future dates of appearance are set due to generally avoidable reasons. For example, adjournments for another stage of hearing, say from a plea and case management hearing to a trial hearing or from the last date of trial to a sentencing date are classified as 'continuance' but delays for say, missing or incomplete files, due to outstanding medical reports or attorney absenteeism are classified as 'adjournments'. Adjournments as defined in this document have an adverse effect on hearing date certainty rates but continuances do not.