



Supreme Court of Jamaica
The Chief Justice's Hilary Term
Report, 2018

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THE CHIEF JUSTICE’S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT

2018

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The Chief Justice's Message

This report reflects the continued commitment of the judiciary towards greater openness and accountability to the people that we serve. It highlights the work of all divisions of the Supreme Court for the Hilary term, which runs from the period January 8 to March 23, 2018. The statistics presented in this report indicates that there is much work to be done to increase the efficiency of the court even within the context of resource constraints.

There are two performance measures I wish to mention. These are the case clearance rate and trial/hearing date certainty. The case clearance rate measures how many cases were disposed of per 100 new cases coming into the court over a specific period. The trial/hearing date certainty measures how likely it is that a listed matter will commence on the scheduled date.

While there is an overall decline in case clearance rates performance measure, there were some areas of encouragement and hope. The High Court Division of the Gun Court had a clearance rate of 114.75%, that is to say, for every 100 cases entering the High Court Division of the Gun Court approximately 115 cases were disposed of. This measure augurs well for the reduction of backlog in the Gun Court. The Probate Division of the Supreme Court had a case clearance rate of over 90%. These two divisions have exceeded international standards for this measure of court efficiency.

On the very important measure of court efficiency which is trial/hearing date certainty. The average hearing date certainty across all divisions of the court was 66%. The minimum standard considered acceptable is 80%. The Criminal Division, the lowest ranked performer for the period, had a hearing date certainty of 29.64% for the quarter under review. Given this percentage, it should not be surprising that criminal cases take a long time to be disposed of.

This is unacceptable. Specific measures are being undertaken to improve this statistic. These measures include, but are not limited to reduced number of cases set for trial on any given day, thereby increasing the likelihood of the listed case commencing.

On the other hand, the Commercial Division was the best performing at 92.46% hearing date certainty. This meant that the judges of that Division as well as the attorneys at law who litigate there showed great commitment to a high standard of practice, which was itself the product of proper preparation. The judges and attorneys at law in that court ought to be commended.

The report also highlights the fact that the performance of the Supreme Court, overall, fell below that of the same period last year and the entire 2017. The evidence, for this first quarter, is that for every 100 new cases that came in, only 46 cases were disposed of when compared to the same period in 2017.

The report highlights the fact that the overall case clearance rate for all divisions in the court was down by 1 percentage point that is from 47% to 46% during this quarter when compared with the same period last year. What this means is that for every 100 new cases coming into the court only 46 cases were disposed of. This has implications for any effort to reduce backlog and keep up with current new case filings. This means that greater monitoring of the cases as they flow through the courts is required and where necessary, appropriate steps are to be taken to increase the case flow without sacrificing quality and fairness. That is the challenge, which we must meet. Speed does not have to be the enemy of fairness. It is also true that a slow pace is no guarantee of better justice in any given case.

This message is one of openness and hope. We, the Judiciary openly acknowledge that we are not where we need to be. There is much work to be done. There are encouraging signs that we can make great progress over time. The High Court Division of the Gun Court, the Commercial Division as well as the Probate Division shows what is possible with commitment of judges,

attorneys at law, and court staff allied with an effective strategy. This Chief Justice is committed to making our court system the best in the Caribbean and one of the best in the world in terms of efficiency and fairness.

Bryan Sykes OJ, CD

Chief Justice of Jamaica

EXECUTIVE SUMMARY

This statistical report provides extensive insights into case activity and performance of the Divisions of the Supreme Court in the Hilary Term spanning January 08 – March 23, 2018. The data provided builds on the critical information garnered from the Chief Justice's Annual Report in 2018, reveals important trends and sets the tone for operational and policy interventions. Data on all Divisions of the Supreme Court are included in this report, namely the Home Circuit Court and Gun Court, the Revenue, Commercial, Matrimonial and Probate Divisions as well as the High Court Civil Division, which is decidedly the largest in the Supreme Court.

A total of 3454 new cases entered the Supreme Court across all Divisions in the Hilary Term while 1592 cases were disposed. The HCV and Matrimonial Divisions with 1492 and 934 respectively of the total number of new cases, accounted for the largest share while the Gun Court with 122 new cases and the Revenue Division with 3 cases had the lowest numbers. The Probate and Matrimonial Divisions together accounted for over 57% of all cases disposed in the Supreme Court in the Hilary Term, with 497 and 412 cases respectively disposed. On the other hand, the Revenue Division and the Home Circuit Court account for the lowest number of disposed cases. When all Divisions are accounted for, there is a marginal decline in the number of new cases when compared to the Hilary Term of 2017.

Among the major findings from this Term Report is that the average clearance rate across the four Divisions was roughly 46%, down by 1 percentage point when compared to the corresponding period in 2017 and by 4 percentage points when compared to the annualized

average in 2017. The case clearance rate provides a measure of the number of cases disposed, for every new case filed. The average of roughly 46% across the Divisions suggests that for every 100 new cases entered in the period, roughly 46 were also disposed (not necessarily from the new cases entered). The case clearance rates for the Term range from a low of 26.22% in the High Court Civil (HCV) Division to a high of 114.75% in the Gun Court. This clearance rates emerging from this Term report are quite instructive as two Divisions, namely the Probate Division and the Gun Court have met the International standard of over 90% for their clearance rates. This is an interesting result as in the corresponding period in 2017 none of the Divisions met this standard and in the Annual Report of said year, only the Gun Court met the standard. These results augur well for the probability of both militating against cases falling into backlog and indeed reducing the existing backlog of cases. The overall statistic on the case clearance rate gives profound insights into potential case flow and backlog problems, as on average there are a little more than twice as many new cases filed as cases disposed in the Hilary Term.

As with 2017, most Divisions of the Supreme Court continue to encounter severe challenges with the rate of strict adherence to dates set for hearing or trial due to the high incidence of adjournments. The trial and hearing date certainty, which computes the rate of adherence to date scheduled, ranges from an approximate low of roughly 29.64% in the Home Circuit Court to an approximate high of approximately 92.46% in the Commercial Division for the Hilary Term. The average date adherence across the Divisions for the period under examination was roughly 66%, down by 3 percentage points when compared to the 2017 average. This is an indication that there is a 66% probability that a matter scheduled for a hearing or trial date will

go ahead without adjournment. Among the prominent reasons for adjournment cited in the Civil Divisions are - files not found, the non-appearance of parties and/or attorneys, matters wrongly listed and matters left off the court list. In the Home Circuit Court and Gun Court, the most prominent delay factors of this nature are the absenteeism of defence counsel, witnesses absent, outstanding statements and the lack of readiness of the Crown. These reasons span both internal factors within the court's control and factors outside of its direct autonomy. Therefore, the ethos of the solutions related to these issues is the need for enhanced case and records management, more robust systems of scheduling and stronger stakeholder engagements. Contrary to common assertions that the shortage of courtrooms is a primary source of inefficiency in the courts, the data strongly suggests that what is needed is more sophisticated systems of case management, date scheduling and stakeholder cooperation. Improving these areas will undoubtedly tilt the balance of history in favour of a far more productive court system and a much more timely delivery of justice to the people of Jamaica. Such improvements are at the centre of the transformation of the Jamaican economy and society, reinforcing the well-established fact in development literature, which suggests that the strength of the judiciary is a critical foundation of economic expansion.

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 65 requisitions per 100 case files while the HCV Division with roughly 7 requisitions per 100 case files ranked among the lowest incidence.

The report also generated the estimated times to disposition for matters disposed in the respective Divisions in the Hilary Term. The estimated average times taken for cases to be disposed, ranged from a low of approximately 1 year and 2 months in the Commercial Division to a high of roughly 3 years in the High Court Civil (HCV) Division. The overall average time to disposition for the Divisions of the Supreme Court in the Hilary Term was roughly 2 years and 3 months, essentially the same as the corresponding period in 2017. The oldest matter to be disposed of in the Hilary Term was in the High Court Civil (HCV) Division, which saw a 21 -year-old matter being disposed. There were however several matters which took as low as 0-6 months to be disposed across all the Divisions of the Supreme Court.

The overall weighted performance assessment suggests that the Probate and Commercial Divisions as well as the Gun Court were the best performing Divisions for the Hilary Term. On the contrary, the Home Circuit Court and the High Court Civil (HCV) Divisions are the poorest performing.

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The below table provides a summary of some of the key statistics highlighted above.

Division	New cases filed	Aggregate number of cases disposed	Number of cases disposed which originated in the Hilary Term	Clearance Rate (%)	Average time to disposition	Hearing/Trial date Certainty ratio (%)
High Court Civil (HCV)	1492	392	5	26.22	3 years	59.20
Matrimonial	934	412	0	44.11	2.25 years	78.07
Probate	548	497	2	90.69	1.4 years	67.27
Commercial	191	87	1	45.46	1.16 years	92.46
Home Circuit Court	164	64	2	39	1.6 years	29.64
Gun Court	122	140	4	114.75	1.8 years	70.12
Revenue Division	3	0	0	0	N/A	N/A
Gross/Average	3454	1592	14	46.09%	2.24 years	66.12

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 Enforcement Management System (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 an 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 summer period for the Civil Registries. These reports culminate with an Annual 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.

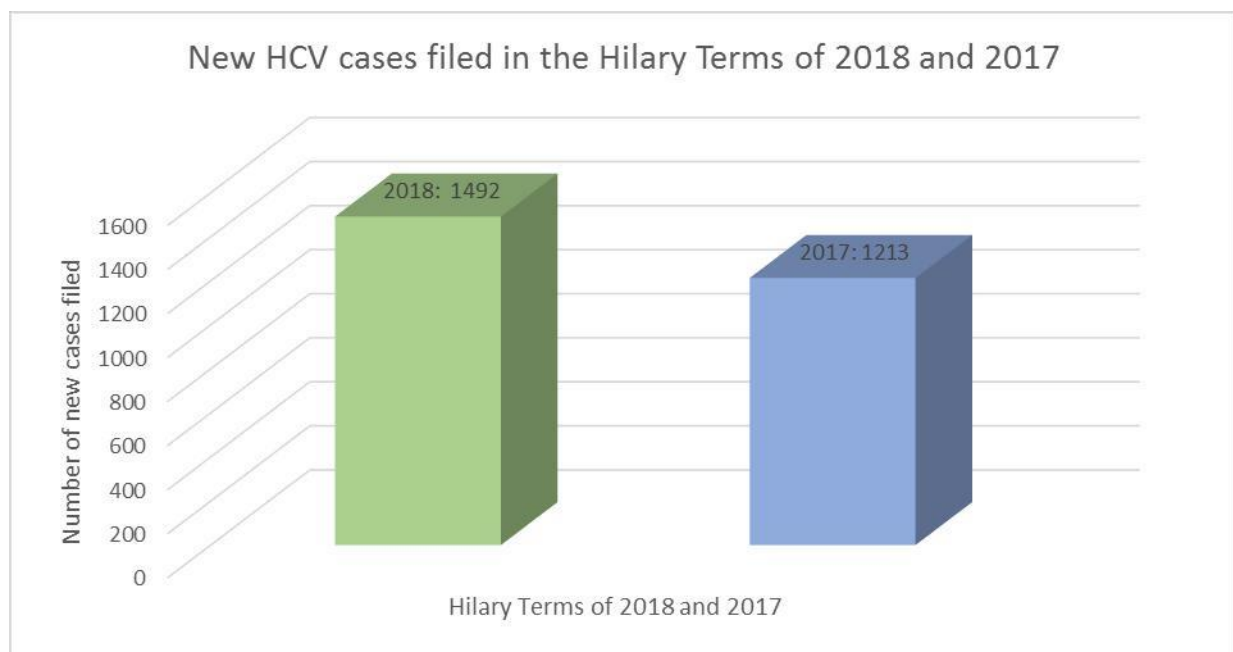
CHAPTER 1.0: HIGH COURT CIVIL DIVISION

This chapter provides a detailed analysis of case activity in the High Court Civil Division for the Hilary Term of 2018.

New cases filed

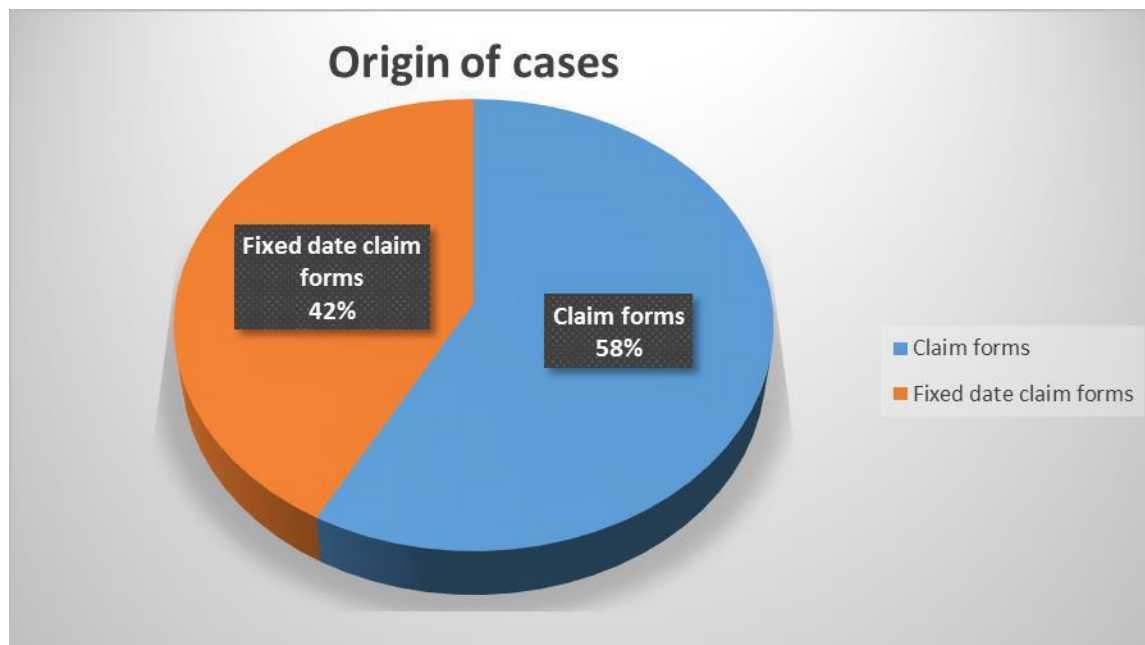
One thousand, four hundred and ninety two new cases were filed in the Hilary Term, representing a 23% increase over the corresponding period in 2017.

Chart 1.0: Comparison of new HCV cases filed in the Hilary Terms of 2018 and 2017



As shown in the above chart, there were 1495 new cases filed in the High Court Civil Division (HCV) in the Hilary Term of 2018 compared to 1213 in corresponding period in 2017.

Chart 2.0: Claim Forms and Fixed Date Claim Forms for the Hilary Term, ended March 23, 2018



The above table enumerates the number and proportion of matters, which originated either using a Claim Form or Fixed Date Claim Form for the Hilary Term in 2018. Of the 1495 new matters originating in either of these ways, 867 or 58%% were by way of a Claim Form while 628 or 42% originated by way of Fixed Date Claim Forms. This probability distribution is consistent with the corresponding period in 2017, which has seen the number of matters originating by way of a Claim Form outstripping those originating by way of a Fixed Date Claim Form.

Tables 1.0 to 4.0 below provide an analysis of the reasons for adjournment or continuance of civil cases in the Hilary Term of 2018. Contextual definitions of 'reasons for adjournment' and 'reasons for continuance' respectively are adopted for the purpose of clarity. The first of the two tables enumerate the list of the most common reasons for adjournment, which refers to

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factors, which may not be a part of the essential processes, or procedures for which a case is necessarily delayed. The second table lists what may be considered as the main reasons for adjournment due to 'continuance'. Such reasons are defined as those, which are intrinsic to the normal progression of a case towards disposition and are therefore largely unavoidable. There was a combined 1566 incidences of adjournments whether for continuance or avoidable reasons in the High Court Civil (HCV) Division during the Hilary Term, 2018.

Table 1.0: Top 10 reasons for adjournment for the Hilary Term ended March 23, 2018

Reasons for adjournment	Frequency	Percentage
For comments from NEPA to be complied with (restrictive covenants)	172	11.0
Claimant to file settlement documents	167	10.70
No parties appearing	161	10.30
Claimant's documents not served or short served	120	7.70
File not found	77	4.90
Claimant's attorney absent	67	4.30
Claimant not available	55	3.50
Judge/Courtroom unavailable	39	2.50
Wrongly listed	36	2.30
Matter left off court list	36	2.30

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Defendant's documents not served or short served	36	2.30
Claimant to comply with order	29	1.90

Total number of adjournments/continuance = 1566

The above table summarizes the top ten reasons for adjournment for the Hilary Term of 2018 using the contextual definition outlined above. There were 1566 adjournments in the Term, a notable increase of 32.71% when compared to the corresponding period on 2017. It is seen that the three dominant reasons for adjournment were 'adjournments for comments from NEPA to be complied with' accounting for 172 or 11% of all events of adjournments/continuance, claimant to file settlement documents with 167 or 10.70% and no parties appearing with 161 or 10.30%. Adjournments due to claimant's documents not served or short served with 120 or 7.70% and those due to files not found with 77 or 4.90% rounds off the top five reasons for adjournment in the High Court Civil Division for the Hilary Term. The reasons for adjournment enumerated above, accounts for approximately 63.70% of the total reasons for case adjournment/continuance in the Term. It is again 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 and attorneys for court. These reasons for adjournment also featured prominently across all three Terms in 2017 and strongly suggest weaknesses in case management and scheduling practices as a significant proportion of the reasons for adjournments/continuance are directly a result of factors that could be classified as avoidable.

Specific, targeted interventions may also be necessary to stem the high incidence of particular reasons for adjournment. Some of these reasons for adjournment are directly controllable by the Supreme Court, for example, adjournments due to matters wrongly listed, matters left off the court list and files not found which together account for 9.5% of the adjournments. Strengthening the existing system of logging the movement of files along the case flow continuum could be a source of enhancing the accountability and transparency of the file movement process and thus reducing the incidence of files not been found for court. Over the past few years, the reliability of the records scanned into the Judicial Enforcement Management Software (JEMS) has considerably improved and thus in the event of the absence of physical files, electronic records can be relied on going forward, as a means of moving ahead with court proceedings. Adjournments resulting from the absenteeism of attorneys, claimants and defendants collectively remain a source of concern, accounting for roughly 18% of the total adjournments. Pursuing robust strategies to redress these weaknesses through engagement of the Bar Association as well as more robust internal policy mechanisms are important avenues in this respect. Increasing hearing date certainty for civil matters through a more realistic method of scheduling is a critical foundation for curbing these types of adjournments. It is of note that 39 or 2.50% of the adjournments were a result of the unavailability of judges or courtrooms in the Hilary Term.

Deficiencies in scheduling of matters is a critical problem across the Supreme Court. This report offers a workable solution for fixing such deficits using existing resources. This is outlined in the final chapter of the report.

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Table 2.0: Frequent reasons for continuance for the Hilary Term ended March 23, 2018

Reasons for continuance	Frequency	Percentage
Pending outcome of another application	52	3.30
Part heard	29	1.89

Total number of adjournments/continuance = 1556

The above table summarises the most common reasons why cases in the HCV Division were delayed for 'continuance' during the Hilary Term. It is seen that this list is led by matters pending the outcome of another application with 52 or 3.30% of the total reasons for adjournment/continuance.

The below table enumerates the leading reasons for delay in a matter which may not always be strictly an adjournment or 'continuance', using the definitions outlined above. In other words, either these reasons could be for 'adjournment' or 'continuance' depending on the stage or circumstances of occurrence on the case flow continuum.

Table 3.0: Frequent reasons for adjournment/continuance for the Hilary Term ended March 23, 2018

Reasons for continuance	Frequency	Percentage
Parties having discussion with a view to settlement	102	6.50
Medical report outstanding	26	1.70

Total number of adjournment/continuance = 1556

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It is seen above that parties having discussions with a view to settlement with 102 incidences or 6.50% of the total and medical reports outstanding with 26 or 1.70% of the total, accounts for the dominant share of the reasons for adjournment/continuance which falls in this category.

The total number of adjournments of 1556 in the Hilary Term includes cases with multiple adjournments. 1322 individual cases were associated with these adjournments thus for every 100 cases adjourned there were roughly 118 adjournments in the Hilary Term.

Table 4.0: Trial matters for the Hilary Term ended March 23, 2018

Trial matters	Frequency	Percentage
Petition for winding up	2	0.02
Court Trials	401	43.78
Assessment of Damages	399	43.56
Trial in Chambers	114	12.44
Total trial matters	916	100

The above table shows the breakdown of the progression of HCV pre-trial and trial matters for the Hilary Term, 2018. There were 916 combined occurrence of trial hearings in 2017. Of these 916 occurrences, Court Trials led with 401 or 43.78% of the total. Assessment of Damages followed this with 399 or 43.56% of the total while Trails in Chamber with 114 or 12.44% of the matters ranks next. Petitions for winding up accounts for only 0.02% of the total trial matters. The relative distribution of trial matters shown in the table above were similar to that of the Hilary Term in 2017. There was an increase of 17.29% in the number of trial matters in the Hilary Term of 2018 when compared to the corresponding Term in 2017.

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Table 5.0 Trial/hearing date certainty for the Hilary Term ended March 23, 2018

Trial/hearing dates set	Trial/hearing dates adjourned (excluding adjournments for continuance)	Trial/hearing date certainty
3488	1423	59.20%

The date scheduling certainty of a court provides a good metric of the extent to which dates that are scheduled for either hearing or trial are adhered to and therefore speaks to the reliability of the case scheduling process. Of the 3488, dates scheduled for either trial or some form of hearing, both in Court and in Chamber, 1556 were adjourned. However, in order to get a pure measurement of scheduling certainty it is necessary to deduct those reasons for adjournment that are for some form of 'continuance' or settlement. Hence, for example the counts for adjournments due to 'part heard' and issues regarding pending outcomes of other applications are subtracted. This yields a figure of 1423. The resulting trial/hearing date certainty figure of 59.20% suggests that there is a roughly 59% probability that a date set for a matter to be heard or for trial, will proceed without adjournment for reasons other than some form of 'continuance' or settlement. This represents a decline of 8.97 percentage points when compared to the Hilary Term in 2017 that had a trial/hearing date certainty of 68.17%. This decline is a cause for concern and requires strong interventions to curb the incidence of adjournments.

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The ensuing analysis will go further into explaining the stages of a matter where adjournments have the greatest likelihood of occurring. This will involve an analysis, termed a breakout analysis that will examine the incidence of adjournments for particular court events.

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

Table 6.0a: Index of scheduling efficiency for Assessment of Damages in the HCV Division for the Hilary Term ended March 23, 2108

Number of available court days in the Hilary Term of 2018	Number of days' worth of assessment of damages scheduled (for 1 court)	Approximate ratio
54	399	7.38 days
2		

An important indicator of the problems associated with the scheduling of HCV matters comes from an assessment of the number of court days which were available in the Hilary Term, 54 all told and the number of days' worth of assessment of damages which were scheduled (a total of 399). It is shown that for every court day available, approximately 7 days' worth of matters were scheduled. This is the same as the average figure for 2017 as a whole and for the Hilary Term of that year. The inevitable result of this is an abnormally high incidence of adjournments,

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which again underscores the need to urgently pursue interventions, which will bolster confidence in the Supreme Court's scheduling mechanism as a whole.

Table 6.0b: Index of scheduling efficiency for court trials in the HCV Division for the Hilary Term, ended March 23, 2018

Number of available court days in 2017	Number of days' worth of court matters scheduled for court trial per court	Approximate ratio
54	80	1.48

Another important indicator of the problems associated with the scheduling of HCV matters comes from an assessment of the number of court days which were available in the Hilary, 54 all told and the number of days' worth of court trials which were scheduled per court (a total of 80). It is shown that for every day available, roughly one and half days' worth of matters were scheduled, reinforcing the strain on the capacity of the court to proceed without adjournments. This result is similar to that of the Hilary Term in 2017 but represents an improvement of roughly 2 days' worth of cases when compared to the overall annualized figure in 2017. The evidence here again reaffirms the idea that there needs to be a major revision of the scheduling mechanisms currently being employed. A better alignment of resources through more efficient courtroom utilisation and differentiated case management strategies are integral in this regard.

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Table 7.0: Probability distribution of the incidence of adjournments/continuance for the Hilary Term ended March 23, 2018

Type of Incidence	Frequency	Percentage (%)
Case Management Conference	117	7.52
Pre-Trial Review	85	5.46
Trial in court	40	2.57
Assessment of damages	297	19.09
Judgment Summons Hearing	48	3.12
Applications	969	62.28
Total	1556	100

As was the case throughout 2017, the above table shows decisively that the vast majority of reasons for adjournments/continuance are associated with Applications, accounting for 62.28% of the total. Adjournments from Assessment of Damages and Case Management Conferences with 19.09% and 7.52% respectively of the total adjournments rank next. Notably, trial in Court accounts for only 2.57% of the adjournments that is consistent with the progressive trend in 2017. Nevertheless, this could be markedly improved through the adoption of differentiated case management practices that shall be discussed in detail in the last chapter of the report. The distribution of the reasons for adjournment above are broadly consistent with the trend in 2017.

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

Table 8.0: Hearing date certainty for Assessment of damages for the Hilary Term ended March 23, 2018

Hearing dates set	Dates adjourned (excluding continuance)	Hearing date certainty
399	297	25.56

One area in which adjournments are aplenty is with respect to the Assessment of Damages that accounts for 301 adjournments (excluding procedural adjournments) and has a low hearing date credibility of 25.56%. This represents a decline of 8.45 percentage points when compared to the Hilary Term in 2017. This suggests that the probability that a matter that is set for assessment will be heard without adjournment is approximately 26% and again implies that a revised method of caseload management and pursuit of differentiated scheduling practices is a necessary way forward.

Table 9.0: Hearing date certainty for Case Management Conferences for the Hilary Term ended March 23, 2018

Hearing dates set	Dates adjourned (excluding continuance)	Hearing date certainty
411	117	71.53

The hearing date certainty for Case Management Conferences is considerably higher than that of Assessment of Damages, accounting for 117 adjournments and a trial certainty of 71.53%. This suggests that there is only a roughly 7 in 10 chances that a date scheduled for Case Management Conferences will not be adjourned. Though Case Management Conferences are among the court activities with the highest hearing date certainty, this outcome still falls below

the international benchmark of 80% and thus there is still much work to be done in improving efficiency in this area. Case Management Conferences have a considerably higher hearing date certainty than Assessment of Damages, partly because such matters are scheduled to be heard at specific time intervals while assessments of damages are all scheduled for hearing on the same day. The employment of a strategy of differentiated case management will assist in fostering the improvements needed.

Table 10.0: Requisitions for the Hilary Term ended March 23, 2018

Action	Frequency
Requisitions Issued	107
Responses to requisitions	21
Requisition response rate	19.6%
Requisitions per 100 case files	7.17

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 measurement. In the table above it is shown that there was 107 requisitions for the year. The ratio of cases filed to requisition was 7.17, which suggests that for every 100 case files there were roughly 7 requisitions. This represents an impressive improvement of 18.83 percentage points when compared to the Hilary Term of 2017.

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Table 11.0: Judgments for the Hilary Term ended March 23, 2018

Judgments	Frequency	Percentage
Judgments (Trial in Court/Assessment of damages)	136	79.07
Judgment on admission	6	3.45
Judgment in default of acknowledging service	19	11.05
Judgment in default of defence	11	6.40
Total Judgments	172	100

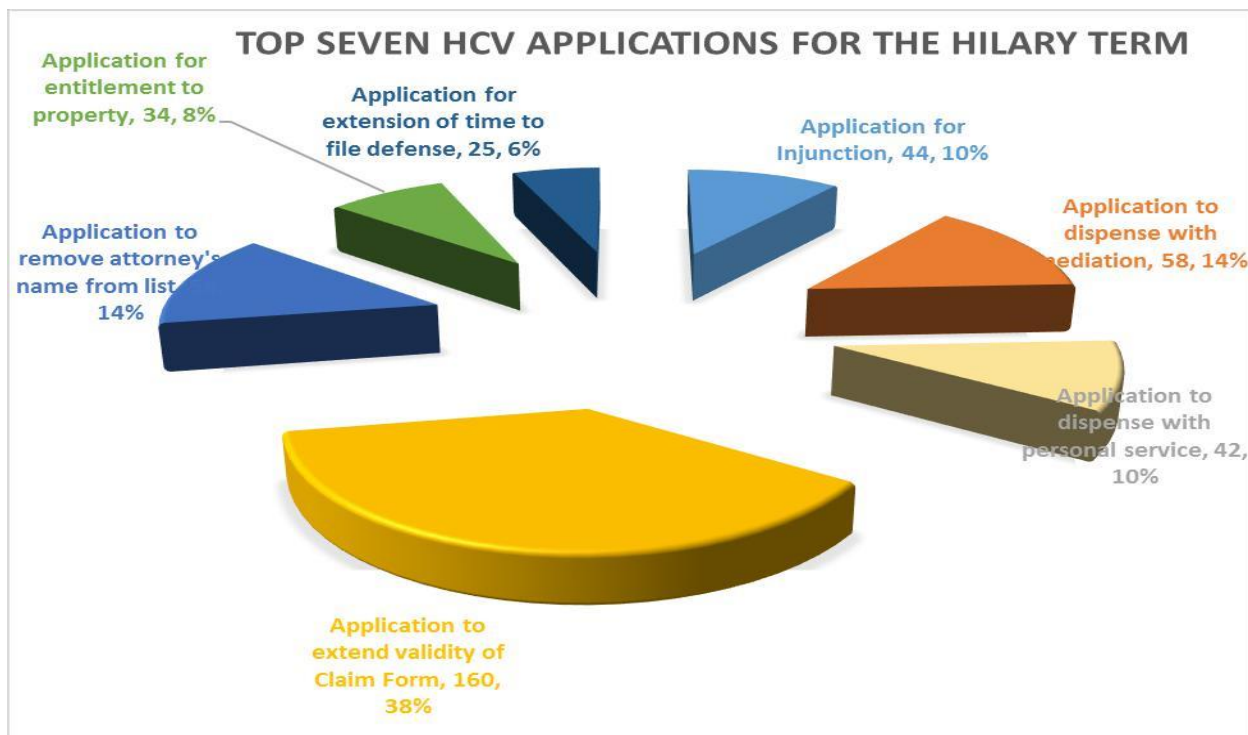
The above table provides a summary of the Judgments rendered during the life of HCV cases for the Hilary Term. As seen, Judgments from trial in court or assessment of damages with 136 or 79.07% of total Judgments account for the largest proportion of the Judgments enumerated above. This is followed by Judgments in default of acknowledging service with 19 or 11.05% of the Judgments. The top three Judgments are rounded off by Judgments in default of defence with 11 or 6.40% of the total. The top three Judgments in the period under examination were also the top three in the corresponding Term in 2017. The total number of Judgments using the classifications listed above, declined by 44.51% when compared to the Hilary Term of 2017.

Table 12.0: Chamber hearings for the Hilary Term ended March 23, 2018

Hearings	Frequency	Percentage (%)
Oral Examination	9	0.32
Case Management Conference	411	14.81
Pre-trial review	24	0.86
Applications (Various)	2204	79.42
Judgment summons hearing	127	4.58
Total	2775	100

The above table summarizes the incidence of different types of hearings for the Hilary Term. It is seen that the total number of hearings for the period was 2775, an increase of 1.57% when compared to the corresponding Term in 2017. The highest proportions were various applications with 2204 or 79.42% of the total number of hearings. The general applications category speaks a non-exhaustive list of various types of applications that are sought on the continuum of the progression of cases in the HCV Division. Case Management Conferences was a distant second with an incidence of 411 or 14.81% of the total number while Judgment summons with 127 or 4.58 % rounds off the top three Chamber Hearings for the Term. The proportional distribution of these hearings was broadly similar to that of the Hilary Term in 2017.

Chart 3.0: Sampling distribution of the top ten application types for the Hilary Term ended March 23, 2018



The above chart provides a sampling distribution of the seven most frequently occurring applications for the Hilary Term of 2018. The largest proportion of this list is accounted for by applications to extend the validity of a claim form with 160 or an estimated 38% of the total. This is followed by applications to dispense with mediation and applications to remove attorney's name from list, each with 58 or an estimated 14% are jointly ranked next on the list. Applications for injunction and those to dispense with personal service with roughly 10% each of the total applications rounds off the top five. Many of these types of applications also featured prominently in the Hilary Term of 2017. They provide important insights into potential delay factors in the timely disposition of civil matters. Not all of the potential delay factors regarding applications are directly controllable by the Supreme Court however; an example of one standout is fact that applications to extend the validity of a Claim Form ranks so prominently among the types of applications filed. This provides a clear suggestion that a mechanism for tracking such applications could be established in which automated reminders are provided to the relevant parties well in advance of and close to the expiration date. This function can be subsumed into the role of the Case Progression Officers in the Civil Division.

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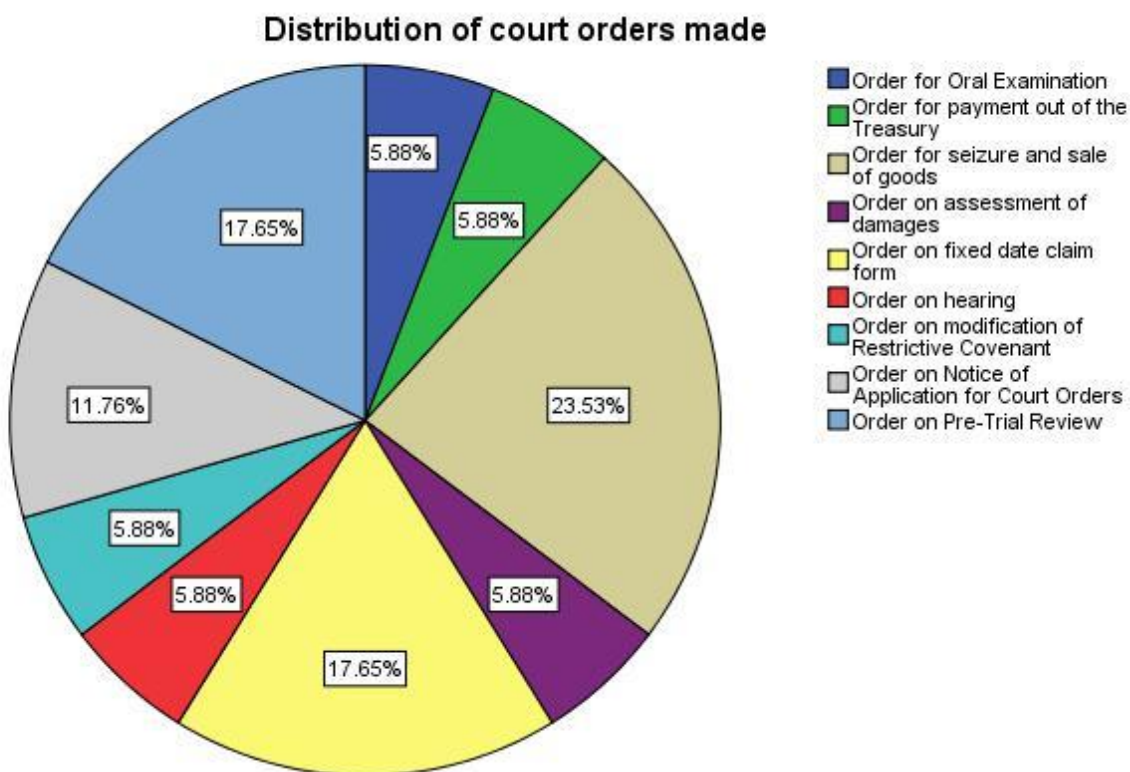
Table 13: Methods of disposition for the Hilary Term ended March 23, 2018

Method of Disposition	Frequency	Percent
Application Granted	160	40.8
Attorney Admitted to Bar	2	.5
Claim form expire	3	.8
Consent Judgment	17	4.3
Consent Order	7	1.8
Damages Assessed	20	5.1
Dismissed	1	.3
Final Order	1	.3
Judgment	22	5.6
Matter Completed at Mediation	3	.8
Matter Withdrawn	3	.8
Notice of Discontinuance noted	50	12.8
Order (Chamber Court)	1	.3
Settled	60	15.3
Struck Out	18	4.6
Transfer to Commercial	1	.3
Written Judgment Delivered	23	5.9
Total	392	100.0

An understanding of the distribution of the methods of case disposal is an essential metric to gaining insights into the efficiency of case handling in the courts and in operational planning. It is seen that there were 392 HCV cases disposed in the Hilary Term, of which the largest proportion, 160 or 40.80% were because of Applications Granted. This was followed by settlements with 60 or 15.30% of the total and written judgments with 23 or 5.90%. Damages Assessed with 20 or 5.10% and Judgments with 22 or 5.60% rounds off the top five methods of

disposition in the Hilary Term. Of note is that only a small minority of the methods of disposal, 3 or 0.80% were completed by way of Mediation. Of equal noteworthiness is that a similar number of disposals was because of matters withdrawn. Of the 392 HCV cases disposed in the Hilary Term, only 5 or 1.28% were from cases originating in 2018, suggesting a slow rate of disposition. Matters disposed by way of settlements and granted applications topped the list of methods of disposition in the Hilary Term of 2017.

Chart 4.0: Sampling distribution of the dominant types of orders for the Hilary Term ended March 23, 2018



The above table provides a sampling distribution of the most frequently occurring orders made in the HCV Division for the Hilary Term. The distribution is led by orders for seizure of goods for sale with an estimated 23.53%, orders on fixed date claim forms and on pre-trial reviews with

an estimated 17.65% each and orders on Notices of Application for Court Orders with an approximate 11.76% of the orders made. These orders also featured prominently in the Hilary Term of 2017.

Table 14.0: Time to disposition for the Hilary Term ended March 23, 2018

Number of observations	392
Mean	36.2908
Median	21.0000
Mode	9.00
Std. Deviation	34.90480
Variance	1218.345
Skewness	1.784
Std. Error of Skewness	.123
Range	248.00
Minimum	.60
Maximum	248.00

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 Hilary Term. The 392 cases disposed in the Term reveal an estimated average time to disposition was 36.30 months or approximately 3 years, an increase of roughly 4 months when compared to the corresponding Term in 2017. The oldest matter disposed in the year was 248 months old or roughly 21 years old while the lowest time that a matter took to be disposed was less than a month. The most frequently occurring time to disposition for matters disposed in the period was however 9 months. The standard deviation of roughly 35 months or just shy of 3

years is indication of a wide variation of the durations to disposal around the mean and suggests that the times to disposition are widely spread. The positive skewness of roughly 1.8 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 months or 0.17 years.

Table 15.0: Breakdown of time to disposition for the Hilary Term ended March 23, 2018

Times to disposition		
Months	Frequency	Percentage (%)
0 -12	157	40.1
13 -24	55	14.0
25 – 36	35	8.9
37- 47	22	5.6
48 & over	123	31.4
Total	392	100.0

The above table provides a more detailed breakdown of the average time to disposition. It is seen that of the 392 matters disposed in the year, the largest proportion, 157 or 40.10% took a year or less to be disposed. Interestingly, the time interval with the next highest proportion of the dispositions was at the other end of the spectrum, as the time interval 48 and over months (i.e. 4 years or more) accounted for 123 or roughly 31.40% of the total. The time interval of 13-24 months accounts for the third highest proportion of the disposals with 55 or 14%. As with the reports of 2017, deficiencies including frequent adjournments, low trial/hearing certainty and the attendant problems with date scheduling as well as the incidence of requisitions may be among the factors accounting for the relatively high average time taken to dispose of civil

cases. The margin of error of these estimates is plus or minus 2 months or 0.17 years. The fact that the modal time to disposition is less than a year is very instructive as it suggests that the current average time to disposition can be markedly reduced. The reinforcement and augmentation of a differentiated case management approach, through the scientific scheduling of cases will greatly strengthen the probability of realizing a much faster disposition of cases. This will be detailed in the final chapter of the report that also outlines strategies for a more proactive approach to backlog prevention and reduction.

Table 16.0: Clearance rate for the Hilary Term of 2018

Cases filed	Cases disposed	Case clearance rate
1495	392	26.22%

***4 or 1.02% of the cases disposed, originated in 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 26.22% seen above for the HCV Division is an indication that for every 100 new cases filed in the period under examination, there were roughly 26 cases disposed. This represents a decline of approximately 6 percentage points when compared to the Hilary Term of 2017. As with previous reports, the result could suggest that either the case disposal rate in the Division is too

low to sustain a continuously increasing burden and / or that the Division's capability to handle its caseload is under-resourced. It is important to point out that most of the disposed cases used in this computation originated in previous periods as the clearance rate is meant to be a productivity ratio.

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 ended March 23, 2018.

Chart 5.0: Distribution of new cases filed in the Matrimonial Division in the Hilary Terms of 2017 and 2018



Nine hundred and thirty four new cases were filed in Matrimonial Division in the Hilary Term of 2018. This is a decline of 12.54% when compared to the Hilary Term in 2017, which saw 1069 new cases filed.

The below chart shows the distribution of new matrimonial cases filed between the Kingston and Western Regional Registries of the Supreme Court. It is shown that the overwhelming proportion of these new cases were filed at the Kingston Registry, accounting for 864 or 93%.

Chart 6.0: Distribution of cases filed in the Matrimonial Division for the Hilary Term of 2018 (by Registry)

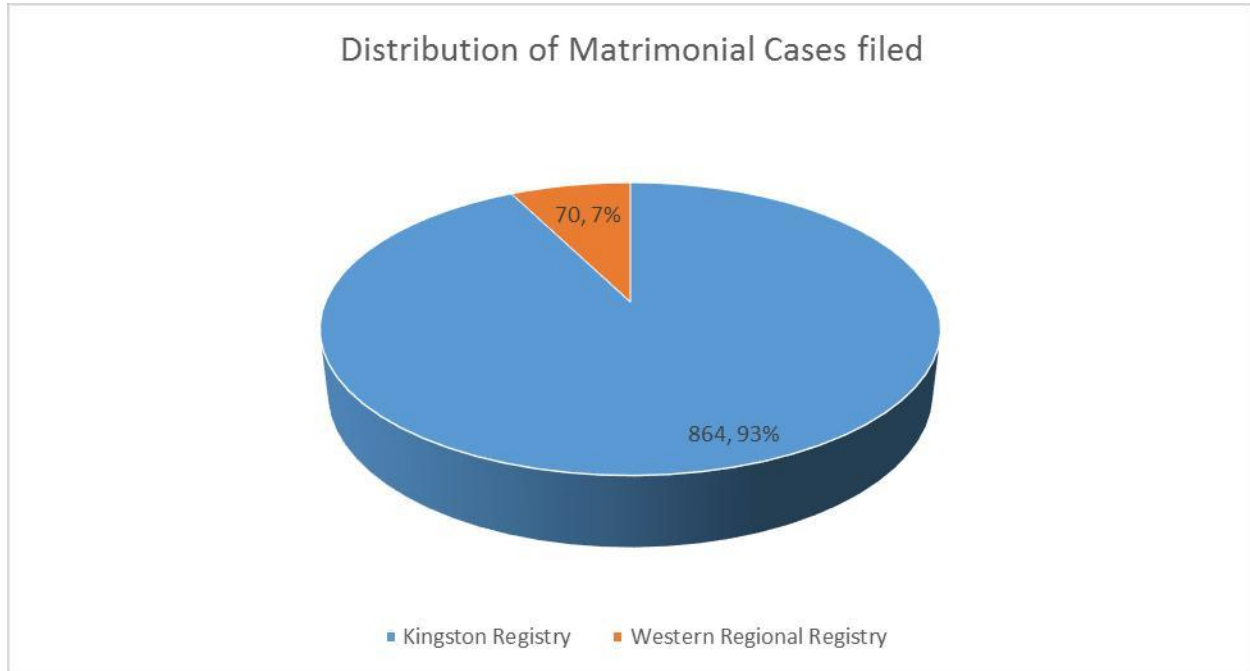


Table 17.0: Petitions filed for the Hilary Term ended March 23, 2018

Type of petition	Frequency	Percentage
Amended petition for dissolution of marriage	511	35.36
Petition for dissolution of marriage	934	64.64
Total petitions filed	1445	100
Number of amendments per petition	0.54	

The above table summarizes Petitions filed in the Hilary Term. It is shown that 1445 Petitions were filed, 934 or 64.64% were Petitions for dissolution of marriage, compared to 511 or 35.36% that were amended or further amendments to petitions for dissolution of marriage. The

analysis further suggests that the ratio of Petitions to Amended Petitions is 0.54 or in other words for every 100 petitions for dissolution of marriage there is roughly 54 amended petitions for dissolution of marriage during the Term. The high incidence of amendments constitutes a source of delay in the timely and efficient delivery of dispositions. Greater public sensitization may be necessary to stem this tide. The number of amended petitions however fell markedly when compared to the Hilary Term in 2017, a drop of roughly 34%. This augurs well for the intended objective of significantly enhancing the time to disposition for petitions filed in the Matrimonial Division.

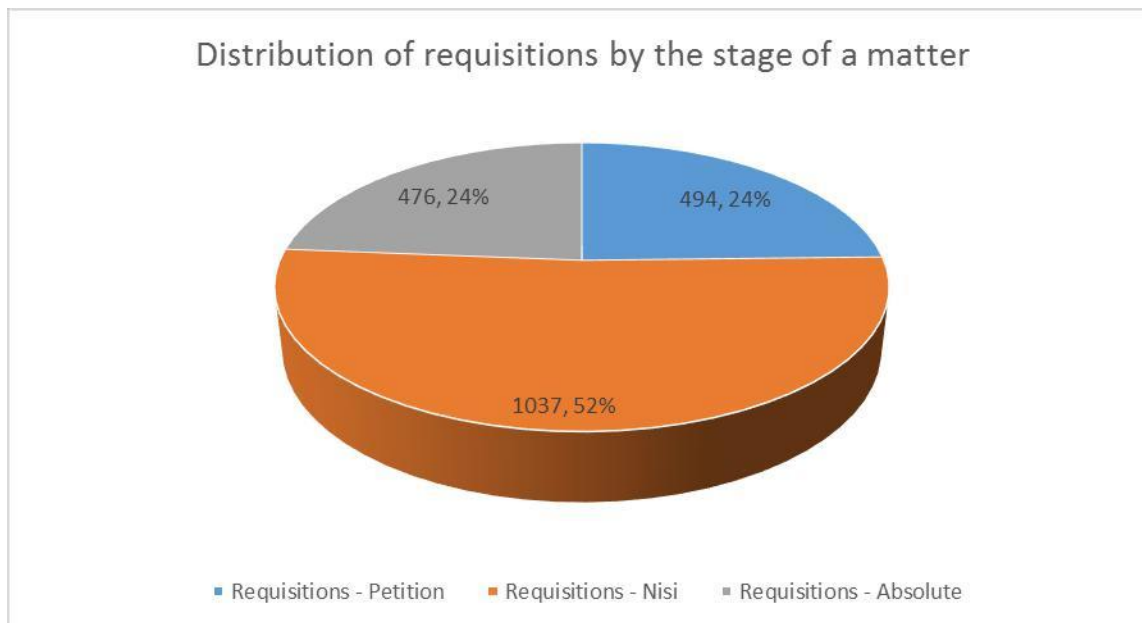
Table 18.0: Decrees Nisi and Decrees Absolute filed for the Hilary Term ended March 23, 2018

Case Status	Frequency
Decree Absolute	1200
Decree Nisi for dissolution of marriage	1242
Decree Nisi for nullity of marriage	4
Total	1446
Ratio of Nisi to Absolute	0.97

It is seen in the above table that for every 100 Decrees Absolute filed there were roughly 97 Decrees Nisi filed in the Hilary Term. 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 slightly more Decrees Absolute than Decrees Nisi filed in the Term, a reversal of the common trend. The stage of a matter at which requisitions have mostly occurred has an impact on the production rate for both Decrees Nisi and Decrees Absolute Granted.

A sampling distribution of the incidence of requisitions at the key stages of a matrimonial matter's lifecycle: Petition, Decrees Nisi and Decrees Absolute are shown in the chart below.

Chart 7.0: Distribution of the stages of requisitions for the Hilary Term, 2018



As with previous reports, 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 approximate incidence of 51.7%. 24.6% of the sample constituted requisitions at the stage of a Decree Absolute and a slightly lower proportion of 23.7% of requisitions occurred at the Petition stage. As with the previous analysis, this data suggests that specific interventions are particularly needed at the Decrees Nisi stage in order to bolster the speed of movement of matters by reducing the incidence of requisitions. The pursuit of a scheduling mechanism whereby files are logged to Judges, with predefined turnaround times and quotas will aid this process greatly.

Table 19.0: Methods of Disposals for the Hilary Term, 2018

Method of disposition	Frequency	Percentage (%)
Decree Absolute Granted	411	99.8
Notice of Discontinuance noted	1	.2
Total	412	100.0

The above table reveals that 412 Matrimonial matters were disposed of in the Hilary Term, 99.80% of which were by the method of Decrees Absolute Granted and the remaining 0.20% by way of Notices of Discontinuance. None of the cases originating in the Hilary Term was disposed of, an unsurprising outcome considering intrinsic procedural factors and the peculiarities of the case flow in the Division, which render the current expected best case of between 4 and 6 months as the average time to disposition. The number of Matrimonial cases disposed in this Hilary Term represents a marked decline when compared to the corresponding Term in 2017, representing a 48.31% decline.

Table 20.0: Requisitions summary for the Hilary Term, 2018

Action	Frequency
Requisitions	2009
Number of requisitions per 100 files	65
Number of responses to requisitions	202
Requisition response rate	10.05%

The incidence of requisitions is especially important in assessing the efficiency with which Matrimonial matters move through the court system. There were 2009 requisitions filed in the Hilary Term, producing a ratio of cases filed to requisitions of 0.65. This suggests that for every 100 cases filed there were 65 requisitions, a high rate by any measure but a notable

improvement when compared to the corresponding Term in 2017, which had an incidence of 126 requisitions per 100 case files. There were 202 responses to requisitions made in the period, a response rate of roughly 10%, a decline of 4 percentage points when compared to the Hilary Term in 2017. The rate of response showed progressive improvements throughout 2017, which ended with an overall average disposal rate of just over 32%. The reasons for this notable regression therefore warrants further investigation.

Table 21.0: Time efficiency measures for the Hilary Term ended March 23, 2018

Efficiency measures	Days
Average days between Petitions filed and Decrees Nisi filed	30
Average days between requisitions issued and Decrees Nisi filed	29
Average days between Decrees Nisi filed and Decrees Absolute filed	64
Average days between requisitions issued and Decrees Absolute filed	24

The above table provides vital insights into the efficiency with which cases move along the continuum from initiation to disposition. It is shown that it took on average 30 days or 1 month between the filing of a petition and the filing of a Decree Nisi in the Hilary Term of 2018. The data further suggests that the estimated average number of days between the issuing of a final requisition and the filing of a Decree Absolute is 24 days. It takes on average four days longer, 29 days, between issuing a requisition and filing a Decree Nisi. The time interval between the filing of a Decree Nisi and a Decree Absolute is approximately 64 days or just about 2 months. Based on this data, if it was to be assumed that a randomly selected Matrimonial matter

follows the average time from petition to disposition, with a maximum of 1 requisition at each stage and a maximum delay of 30 days each between the filing and granting of Decrees Nisi and Decrees Absolute respectively, then it is conceivable that a Matrimonial matter could be disposed of within 6 months. It must therefore be extrapolated that the incidence of multiple requisitions for some files is likely a key source of delays in the Matrimonial Division and thus attributable to the long time taken to dispose of matters. The data shown here provides important benchmarks for measuring the effectiveness of interventions aimed at bolstering disposal rates through a reduction in the incidence of requisitions and a general shortening of the timeline between each stage on the data flow continuum in the Matrimonial Division.

Table 22.0: Court/Chamber matters for the Hilary Term ended March 23, 2018

Action	Frequency	Percentage (%)
Applications	89	33.08
Expedited Applications	20	7.43
Case Management Conference	51	18.96
Motion Hearing	12	4.46
Pre-trial Hearing	4	1.49
Trial	13	4.83
Total	269	100

The above table shows the distribution of the types of matters brought before the Court for the period under examination. The data shows that 269 Matrimonial matters were brought before either Court or Chamber of which the largest proportion, 89 or 33.08% were applications followed by 51 or 18.96%, which were Case Management Conference matters. The event with the third highest incidence in this category is expedited applications, which accounts for 20 or 7.43% of the total. The probability distributions of the events in this table are broadly

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consistent with that which was observed in the Hilary Term of 2017 and indeed across the 3 Terms in 2017.

Table 23.0: Top three types of applications in the Hilary Term ended March 23, 2018

Application type	Frequency	Percentage (%)
Application for custody and /or maintenance	23	21.11%
Application to dispense with personal service	19	17.43%
Application for entitlement of property	5	4.59%

Further analysis of the types of application brought before the Court suggests that applications for custody and/or maintenance with 23 or 21.11% accounted for the largest share. This is followed by applications to dispense with personal service with 19 or 17.43% of the total applications, while applications for entitlement to property with 5 or 4.59% which round off the top three types of applications. These top three application types account for roughly 43.13% of all application in the Matrimonial Division in the Hilary Term of 2018. These three application types were also in the top five in the corresponding period in 2017.

Table 24.0: Top four reasons for adjournment for the Hilary Term, 2018

Reasons for Adjournment	Frequency	Percentage (%)
No parties appearing	10	16.67
Claimant to file documents	9	15
Parties having discussions	5	8.33
Claimant's attorney absent	4	4.93

Total number of adjournments (N) = 60

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 60 adjournments

in the Matrimonial Division in 2017. The largest proportion of these adjournments was due to no parties appearing, accounting for 16.67% of total adjournments. Claimant to file documents and parties having discussions with 15% and 8.33% respectively of the total rounds off the top three reasons for adjournment. These reasons for adjournment 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 25.0: Trial/hearing date certainty for the Hilary Term ended March 23, 2018

Court/Chamber dates set	Dates adjourned (excluding continuance)	Hearing date certainty
269	59	78.07%

Deficiencies in case scheduling is again affirmed by the results in the above table, which computes the date scheduling certainty for the Matrimonial Division. It is seen that of the 269 matters scheduled in Court or Chamber in the Hilary Term, 59 were adjourned for reasons other than intrinsic procedural factors. This produces a reasonably high 78.07%% hearing date certainty and suggests that for the Term, the Matrimonial Division did fairly well with the management of its court schedule. For every 100 matters scheduled is the approximate number that would be expected to proceed without adjournment is 78. Incidentally, the hearing date certainty for the Matrimonial Division was the same in the Hilary Term of 2017.

Table 26.0: Time to disposition for the Hilary Term ended March 23, 2018

Descriptive Statistics (in month)

Number of observations	412
Mean	23.6602
Median	19.0000
Mode	19.00
Std. Deviation	20.61219
Variance	424.862
Skewness	2.143
Range	134.00
Minimum	7.00
Maximum	141.00

The above table summarizes the time disposition for the Hilary Term. It is seen that of the 421 matters disposed of in the Term, the estimated average time to disposition was roughly 24 months or 2 years. This is an improvement compared to the Hilary Term of 2017, which saw an average time to disposition of 2 and a quarter years. The estimate of the most frequently occurring time to disposition was however 19 months while the estimated maximum time to disposition for matters disposed of in the Term was 141 months or roughly 12 years and the estimated minimum was 7 months. The scores had a standard deviation of roughly 21 months, which indicates a wide variation in the distribution of the times to disposition in the period. The skewness measure returns a relatively large positive figure of approximately 2.14, which strongly indicates that the 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 27.0: Breakdown of times to disposition for the Hilary Term ended March 23, 2018

Time Interval (in months)	Frequency	Percentage (%)
0 – 12	145	35.20
13 – 24	152	36.90
25 – 36	47	11.40
37 – 47	25	6.10
48 & over	43	10.40
Total	421	100.0

The above table provides a more detailed breakdown of the estimated times to disposition for Matrimonial matters in the Hilary Term. It is seen that of the 421 matters disposed of in the Hilary Term, the largest proportion, 152 or roughly 37% were disposed of in a time of between 13 and 24 months. The second most disposals occurred within the period 0 - 12 months, accounting for 145 or 35.20% of the total. Taken together this result suggests that 297 or 72.10% of Matrimonial matters disposed of in the Term were done in two years or less from the time of initiation. 124 or roughly 27.90% of all Matrimonial matters disposed of in the Hilary Term took more than two years to be disposed. It is of note that 43 or 10.40% of the cases disposed in the Matrimonial Division in the Term took four or more years. The estimates however clearly suggest that a decidedly larger proportion of matters, which were disposed of during the Term, took two years or less. With a strengthening of case management to reduce delays on the continuum as matters transit from initiation to disposition, this statistic could improve sharply. The margin of error of these estimates is plus or minus 2 months or 0.17 years.

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Table 28.0: Case clearance rate for the Hilary Term, ended March 23, 2018

Cases filed	Cases disposed	Case clearance rate
934	412*	44.11%

***0% of the cases originating in 2018 were disposed.**

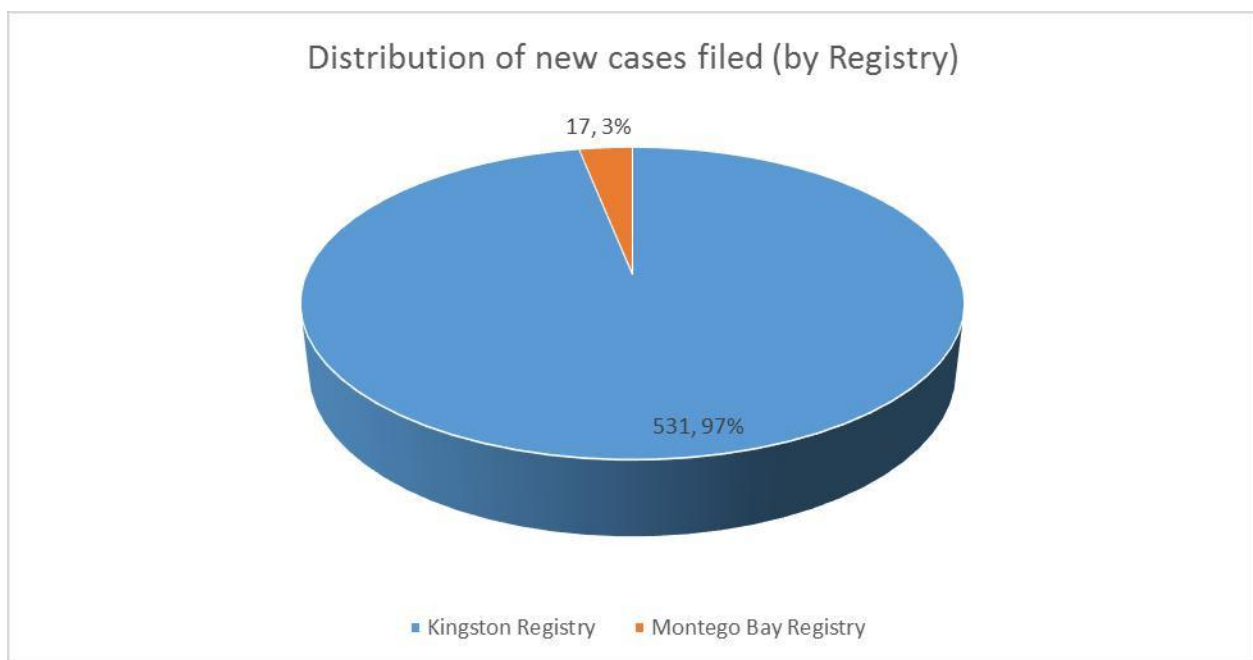
The above table shows that there were 934 new cases filed in the Hilary Term and 412 disposed. This produces a case clearance rate of 44.11%, suggesting that for every 100 new cases; roughly, 44 were disposed in the Term. This represents a notable decline of roughly 31 percentage points when compared to the corresponding period in 2017. The clearance rate gives a good impression of the true caseload that is being carried by the Matrimonial Division, the data clearly suggesting that there were far more in coming than outgoing cases. A slower disposal rate compounded by resource constraints and delay factors associated with the relatively unstandardized way in which Matrimonial matters are 'scheduled' for hearing by Judges are sources of this decline in productivity. Bolstering the existing direct assistance to the Deputy Registrar in vetting case files, creating a more structured system of scheduling matters to Judges and greater public education to reduce the incidence of requisitions will go a far way towards restoring the upward trajectory seen in 2017 with the clearance rate.

CHAPTER 3.0: PROBATE AND ADMINISTRATION DIVISION

This section turns to the analysis of the progression of matters in the Probate Division for the Hilary Term ended March 23, 2018.

There were 548 new probate cases filed at the Supreme Court in the Hilary Term. 531 of these matters were filed at the registry in Kingston while 17 were filed at the Western Registry. This is summarised in the below chart.

Chart 8.0: Distribution of new Probate cases filed in the Hilary Term ended March 23, 2018 (by Registry)



The below table provides a granulation of probate matters by jurisdiction/entity of origin, including the two Registries of the Supreme Court:

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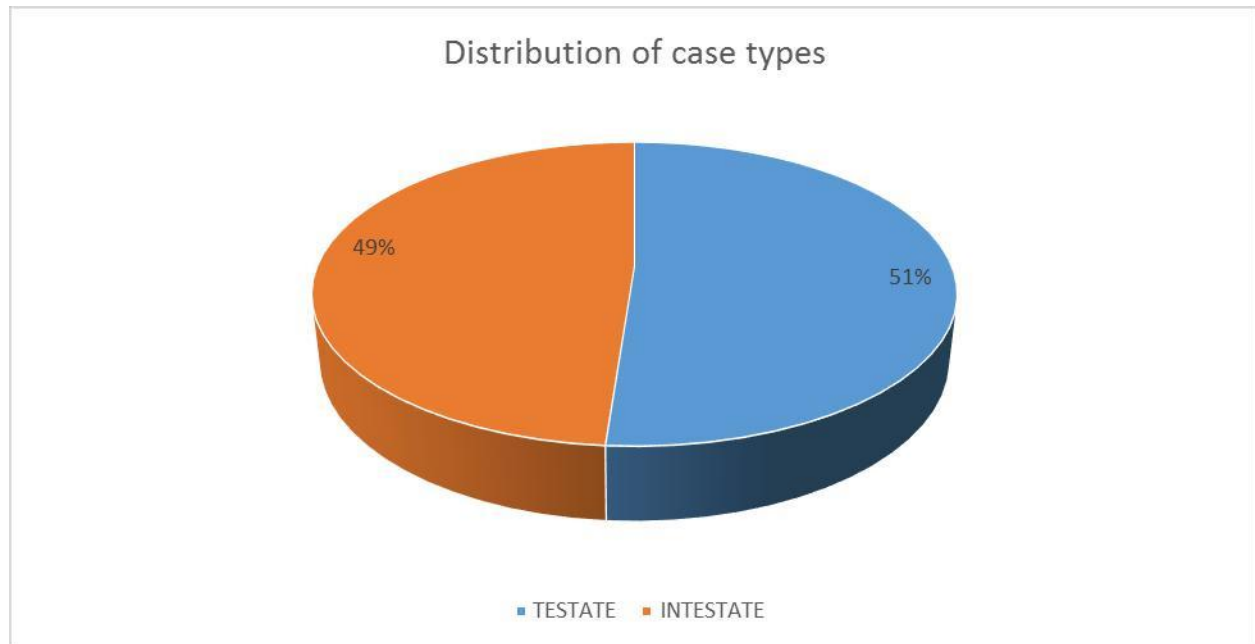
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Table 28.0: Disaggregation of new Probate cases by jurisdiction/entity for the Hilary Term ended March 23, 2017

Jurisdiction/Entity of Origin	Frequency	Percentage (%)
Probate Supreme Ct Intestate	259	42.50
Probate Supreme Ct Testate	228	37.40
Probate (Supreme Court)	40	6.57
Probate Corporate Area Intestate	32	5.3
Probate Hanover Intestate	3	.5
Probate Hanover Testate	2	.3
Probate Instrument of Admin	1	.2
Probate SC Resealing Intestate	1	.2
Probate SC Resealing Testate	7	1.1
Probate St. Catherine Intestate	2	.3
Probate St. James Intestate	6	1.0
Probate St. Mary Intestate	3	.5
Probate St. Mary Testate	1	.2
Probate St. Thomas Intestate	3	.5
Probate Supreme Ct Intestate	259	42.5
Probate Supreme Ct Testate	228	37.4
Probate Trelawny Intestate	4	.7
Probate West Regional Intestate	5	.8
Probate West Regional Testate	12	2.0
Total	609	100.0

The above table provides a detailed breakdown of the origin of each probate matter entered as at the end of the Hilary Term. The breakdown for each entity is done by type of matter (i.e. Testate or Intestate). The overwhelming proportion of the matters, 548 or roughly 90% of which originated at the Supreme Court Registry in Kingston or the Western Regional Registry in Montego Bay. The Supreme Court only administratively facilitates the others. Probate matters from the Corporate Area rank next with 32 or 5.3% of the number.

Chart 9.0: Distribution of the type of matters for the Hilary Term ended March 23, 2018



The above table provides a summary of the types of matters filed in the Probate Division in the Hilary Term. It is shown that 51% of the matters were Testate and 49% Intestate. This probability distribution is similar to the distribution observed in the corresponding period in 2017.

The below table provides a distribution of the Oaths and Supplemental Oaths which were file in the Term.

Table 29.0: Oaths for the Hilary Term ended March 23, 2018

Oaths	Frequency	Percentage (%)
Supplemental Oaths	325	37.23
Oaths	548	62.77
Total Oaths	873	100
Ratio	0.59	

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The above table suggests there were a combined total 861 oaths and supplemental oaths filed in the Hilary Term, of which 544 or 62.77% were initial oaths filed, compared to 325 or 37.33 that were supplemental oaths. The ratio of oaths to supplemental oaths is 0.59, which suggests that for every 100 oaths there were 59 supplemental oaths filed during the Term, a statistic that has potentially adverse implications for the speed of disposition of matters. This however represents an improvement of 47 percentage points when compared to the Hilary Term of 2017 and augurs well for a potentially improved rate of disposition and clearance in the Probate Division.

Table 30.0: Action sequence for the Hilary Term ended March 23, 2018

Action Status	Frequency
Recommendations	364
*Granted	478
*Grants Signed	490
Ratio of Recommendations to Granted Applications	1.38
Ratio of Granted Applications to Grants Signed	0.98
Ratio of Recommendations to Grants signed	0.74

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

The rate at which recommendations are made based on applications and at which these recommendations are granted and signed may be affected by several variables, both exogenous and endogenous to the Supreme Court. The measures therefore provide an important indication of the efficiency with which Probate applications are disposed. It is shown in the above table that during the Hilary Term of 2018, 364 recommendations were made while 478 were granted. This implies that for every 100 recommendations made there were 138 applications granted, with the important caveat being that some of these Granted Applications were for recommendations prior to the Hilary Term. This measure may therefore at best be

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seen as a clearance rate. As for the proportion of recommendations made to Grants Signed, a ratio of 0.74 is observed, suggesting that for every 100 recommendations made there were 74 Grants Signed. This metric suggests a good rate of transition between recommendations and Grants Signed. The ratio of Granted Applications to Grants Signed is even more impressive with a ratio of 0.98, suggesting that as a clearance rate for every 100 Granted Applications, there were 98 Grants signed (though not necessarily from the number Granted).

Table 31.0: Cases filed and requisitions summary for the Hilary Term ended March 23, 2018

Action Status	Frequency
Number of cases actioned	1967
Requisitions Issued	712
Number of responses to requisitions	158
Number of requisitions per case file	36
Requisitions response rate	22%
Average days between final requisition filed and Grant of Probate/Administration	24

The number of requisitions made, the length of time that it takes for requisitions to be retuned and the time to disposition after issuing requisitions, is important to understanding the efficiency of the flow of matters in the Probate Division. It is seen that for the Hilary Term there was 712 requisitions issued while 1967 individual matters were actioned in the period, representing a ratio of 0.36 requisitions per case file. This means that for every 100 cases actioned there were 36 requisitions issued, representing a dramatic improvement of 42 percentage points when compared to the Hilary Term of 2017. The rate of responses to requisitions issued in 2017 was 22%, suggesting that for every 100 requisitions issues there

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were 22 responses in Term. Further analysis suggests that the average time from the issuing of final requisitions to the Grant of Probate was 24 days.

Table 32.0: Methods of Disposal for the Hilary Term ended March 23, 2018

Methods of disposition	Frequency	Percent (%)
Grants Signed	490	98.59
Notice of Discontinuance	7	1.41
Total	497	100.0

The summary of the methods of disposal for the Probate Division for the Hilary Term of 2018 is outlined in the above table. It is shown that of the 497 matters disposed in the period, the largest proportion, 490 or 98.59% was a result of various Grants Signed. Notices of Discontinuance account for the other 7 or 1.41% of the dispositions with 7 or 1.41% of the total. When compared to the Hilary Term of 2017 there was a marked 93% increase in the number of cases disposed.

Table 33.0: Sampling Distribution of the methods of disposition for the Hilary Term ended March 23, 2018

Method of Disposition	Frequency	Percentage (%)
Grant of Admin De Bonis Non Signed	4	1.09
Grant of Admin De Bonis Non W/A Signed	1	.27
Grant of Administration Signed	105	28.53
Grant of Double Probate Signed	2	.54
Grant of Probate Signed	162	44.02
Grant of Resealing Signed	24	6.52
Letters of Administration Granted	5	1.37
Letters of Administration Signed	51	13.86
Letters of Administrator with W/A Signed	7	1.90

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Notice of Discontinuance noted	7	1.90
Total	368	100.0

The above table uses a sample of 368 Probate cases disposed in the Hilary Term of 2018 and provide a solid estimate of the distribution of the methods of disposition, with a margin of error of plus or minus 5%. It is shown from this sampling distribution; the largest proportion 162 or 44.02% were a result of Grants of Probate Signed, followed Grants of Administration Signed with 105 or 28.53%. Letters of Administration Signed rounds off the top three methods of disposition with 51 or 13.86% of the sample. These three methods appear to be by far the leading methods of disposition in the Hilary Term. Grants of Resealing Signed is the only other method of disposition of statistical significance in this probability distribution with 24 or 6.52%.

Table 34.0: Dominant reasons for adjournment of Probate matters for the Hilary Term ended March 23, 2018

Reason	Frequency	Percentage (%)
Claimant to file documents	3	15.0
Claimant to comply with order	3	15.0
No parties appearing	3	15.0
File not found	2	10.0

Total number of adjournments (N) = 20

The top five reasons for adjournment for Probate matters that went to court in the Hilary Term are summarized in the above table above. It is shown that of the 20 adjournments in the period, the largest proportion was for the reasons of claimant to file documents, claimant to comply with order and no parties appearing, each with 15.0% of the total. Files not found with 10% of the total reasons for adjournment rounds off the top four methods. These four reasons

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are notably among the dominant reasons for adjournment across all civil Divisions of the Supreme Court.

Table 35.0: Applications for the Hilary Term ended March 23, 2018

Nature of Applications	Frequency	Percentage
Applications	21	43.80
Express Applications	27	56.30
Total	48	100.0
Ratio of express applications to applications	-	0.36

The above table provides a basic summary of the types of court applications made in the Hilary Term and shows that there were 48 Court Applications in the period, of which 21 or 43.80% were standard applications while the remaining 27 or 56.30% were express applications. For every 10 applications made during the Term, there were roughly 13 express applications. Express applications are facilitated across the Civil Registries in an effort to expedite cases, which meet specific criteria, and is employed as a means of promoting a higher case disposal rate for civil matters. It is a form of differentiated case management, which is addressed, in the concluding chapter.

Table 36.0: Top three types of applications for the Hilary Term ended March 23, 2018

Application	Frequency	Percentage (%)
Application to prove copy will	14	29.17
Application for directions	7	14.58
Application for injunctions	4	8.33

Number of observations (N) = 48

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 and expedited applications combined with 14 or 29.70% of the total, followed by applications for directions with 7 or 14.58 % of the total number of applications. The top three types of applications are rounded off by applications for Injunctions with 4 or 8.33% of the total.

Table 36.0: Trial/hearing date certainty for the Hilary Term ended March 23, 2018

Court/Chamber dates set	Dates adjourned (excluding adjournments for continuance)	Trial/Hearing date certainty
55	18	67.27%%

The above table addresses the extent of adherence with dates set for Court/Chamber matters in the Probate Division for the Hilary Term. It is shown that there were 55 incidences of dates set were scheduled for Chamber or Court, 18 of which were adjourned for reasons other than 'continuance'. This suggests a relatively strong trial/hearing date certainty ratio of 67.27%, an indication that for the Hilary Term there was a roughly 67.27% chance that a matter set for court would proceed without adjournment for reasons other than 'continuance'. This represents a decline of approximately 11 percentage points when compared to the Hilary Term of 2017.

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Table 37.0: Age of matters disposed in the Hilary Term ended March 23, 2018

Descriptive Statistics (in months)

Number of observations	497
Mean	16.3903
Std. Error of Mean	.61427
Median	9.00
Mode	9.00
Std. Deviation	13.69426
Skewness	3.268
Std. Error of Skewness	.110
Range	140.00
Minimum	1.00
Maximum	141.00

The above table provides a summary measure of the overall estimated times to disposition for the 497 cases disposed of in the Hilary Term. The estimated average time to disposition is 16.39 months or approximately 1.4 years. This result was however strongly positively skewed by the existence of a few large times to disposition, 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 average time. This is supported by the results for the estimated modal and median times to disposition of 9 months each. The moderately large standard deviation of 13.69 months supports the deduction that there were scores, which varied widely from the mean, in this case skewing the mean upwards. The margin of error of these estimates is plus or minus 2 months or 0.17 years. The oldest Probate matter disposed of in the year was 141 months old or almost 12 years while there were a few matters, which took roughly a month to be disposed, representing the lowest times to disposition in the year. Of the 497 Probate cases disposed of in the Hilary Term, 2 or 0.004% originated in that year.

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Table 38.0: Breakdown of times to disposition for the Hilary Term ended March 23, 2018

Time Interval	Frequency	Percentage (%)
0 -12	289	58.10
13– 24	131	26.40
25– 36	46	9.30
37– 47	21	4.20
48& over	10	2.00
Total	497	100.0

The above table shows that of the 497 Probate matters disposed of in the year, the majority, 289 or 58.10% were disposed of in 12 months or less, followed by 131 or 26.40%, which were disposed of within a time interval of 13 to 24 months. Taken together this data suggests that an impressive estimated 84.50% of Probate matters which were disposed of in the Hilary Term took two years or less. 9.30% each of the cases were disposed of in an estimated time frame of between 25 and 36 months, 4.20% took between 37 and 47 months and 2% 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. Of the Divisions in the Supreme Court, the Probate Division, along with the Commercial Division ranks best in terms of the probability that a case will be disposed of within two years and the lowest probability that a case will fall in any type of backlog classification.

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Table 39.0: Case clearance rate for the year ended December 2017

Cases filed	Cases disposed	Case clearance rate
548	*497	90.69%

***2 of the 497 cases disposed, originated in the Hilary Term of 2018.**

Using the data on the number of cases filed and disposed of in the period under examination, a case clearance rate of approximately 91% is derived. This suggests that for every 100 cases filed and active in the period, roughly 91 were disposed, a result, which indicates that there were slightly more files coming in than going out in the Term. This is among the highest clearance rates among the Divisions of the Supreme Court for the Hilary Term and is in line with the prescribed international standards of an annualised clearance rate of 90%-110%.

It is important to emphasize that the vast majority of the disposed cases used in this computation originated prior to the Hilary Term and thus the clearance is simply a productivity index.

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CHAPTER 4.0: HOME CIRCUIT COURT

The analysis now turns to a look at the Home Circuit Court for the Hilary Term of 2018.

Table 40.0: Distribution of the top ten charges brought during the Hilary Term ended March 23, 2018

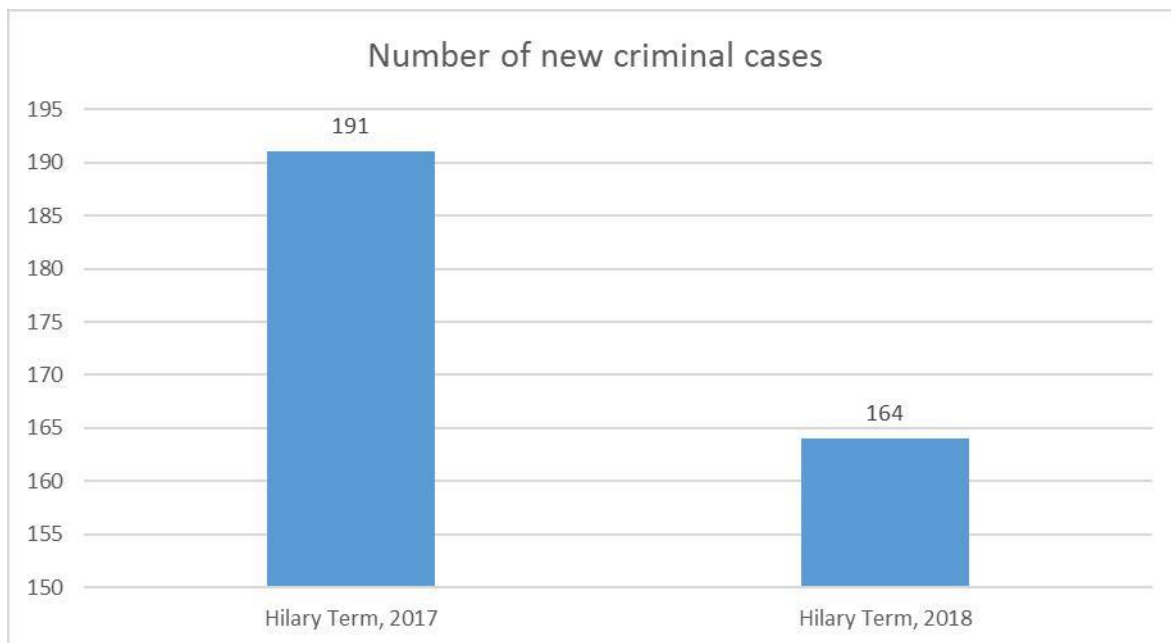
Charge	Frequency	Percentage (%)
Murder	70	35.0
Rape	30	15
Sexual Intercourse with a person under 16	19	9.50
Forcible abduction	9	4.50
Possession of Identity theft	8	4.0
Aiding and abetting rape	6	3.0
Indecent assault	6	3.0
Buggery	6	3.0
Sexual touching	6	3.0
Grievous sexual assault	4	2.00
Total	164	82.0

Total number of charges brought (N) = 200

The above table summarizes the distribution of top ten charges associated with cases brought in the first quarter of 2018. There were **164 new cases filed** at the Supreme Court during the quarter, representing 200 **charges**, a ratio of roughly 12 charges for every 10 cases. It is shown that of these 200 charges the largest proportion, 70 or 35.0% were murder matters. This is followed by rape with 30 charges or 15% and charges of sexual intercourse with a person under 16 years old with 19 or 9.50% of the total. Forcible abduction and possession identify theft with rounds off the top five charges entered in the Home Circuit Court for the Hilary Term,

2018. The top ten charges account for 82% of the total charges brought in the Home Circuit Court during the Hilary Term. Just over a third of the cases brought before the Home Circuit Court during the Hilary Term were sexual matters, a marked decline when compared to the overall proportion in 2017 and the corresponding Term in 2017. A total of 856 criminal cases, which is the equivalent of 1886 charges, came to court during the Hilary Term, including many aged cases, which predate the Term, dating back to as far as 2004. The below chart provides a breakdown of the number of criminal cases brought, by Term.

Chart 10.0: Comparison of criminal cases brought during the Hilary Terms of 2017 and 2018



The above chart shows that 27 or roughly 14% less new criminal cases brought before the Home Circuit Court in the Hilary Term of 2018 than that of 2017.

The ensuing analysis will highlight the common reasons for adjournment of matters in the Hilary Term of 2018. As with the analysis of adjournments for the High Court Civil Division (HCV), a distinction will be made between those reasons classified under 'adjournments' and 'continuance' as earlier defined as well as those which could be categorized under either, depending on the stage of a matter.

Table 41.0: Top seven reasons for adjournment for the Hilary Term ended March 23, 2018

Reason for adjournment	Frequency	Percentage	Stage of matter
For disclosure	56	10.10	Case Management
Defense counsel absent	33	5.90	Trial
Statement outstanding	33	5.90	Case Management
Witness absent	22	4.00	Trial
For file to be completed	18	3.20	Case Management
Defendant not answering	16	2.90	Trial
Defence counsel needs time to take instructions	9	1.60	Trial

Total incidence of adjournments/continuance (N) = 556

The above table provides a summary of the top ten reasons for adjournment for Hilary Term, 2018. It is shown that there was a combined 556 incidence of reasons for adjournment during the Term, with some matters having multiple adjournments. The highest proportion, 56 or 10.10% were for the purpose of disclosure. 33 or 5.90% each of the total, which were due to the absenteeism of Defence Counsel and statements outstanding, followed this. Adjournments due to the witness absent with 22 or 4% of the total and those for files to be completed with 18 or 3.20% of the total rounds off the top five reasons for adjournment for the Hilary Term. The top seven reasons for adjournment listed above accounts for 33.60% of total

incidences of adjournments/continuance for the Term. The total incidence of delays due to adjournments or continuance declined by a notable 12% when compared to the Hilary Term in 2017.

As with previous reports, the nature of many of the adjournments enumerated above suggests that a more robust case management system in which matters are not set for trial unless they are ready and in which matters are allotted expected durations before the court, could be pursued. This can be done with a view to enhancing the confidence in and adequacy of the Supreme Court's scheduling process and also ultimately reduce incidence of adjournments and speed up the disposition rates. The cooperation of important stakeholders such as the attorneys, investigating officers and the Crown are crucial to realising the improvements needed. A transition to the point of autonomous scheduling of cases by the Supreme Court will also contribute appreciably to alleviating these problems.

Table 42.0: Top reasons for continuance for the Hilary Term ended March 23, 2018

Reason for continuance	Frequency	Percentage (%)	Stage of matter
For Plea and Case Management	33	5.90	Case Management
For sentencing	14	2.50	Trial
For bail application	10	1.80	Case Management

Total incidence of adjournments/continuance (N) =556

It is seen in the above table that there were 33 incidences of continuance for plea and case management; representing 5.90% of the total reasons, 14 or 2.50% were for plea and case management and 10 or 1.80% for bail application. These were the three leading reasons in this category, together accounting for roughly 10% of the total reasons for

adjournments/continuance. This represents a six-percentage point decline when compared to the Hilary Term in 2017.

Table 43.0: Other leading reasons for adjournment/continuance for the Hilary Term ended Marcy 31, 2018

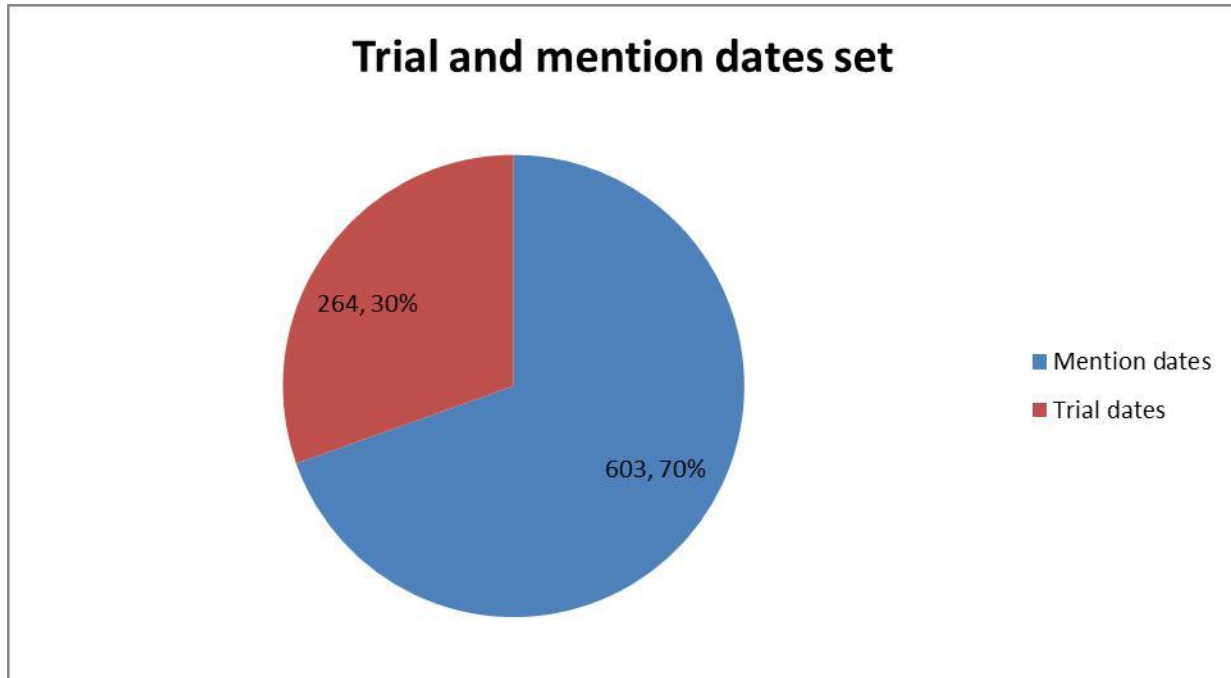
Reasons for continuance/adjournments	Frequency	Percentage (%)	Stage of matter
To settle legal representation	96	17.30	Case Management
Papers to be served	56	10.10	Case Management
Assignment of legal aid	27	4.90	Case Management

Total incidence of adjournments/continuance (N) = 556

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, which are a result of the need to settle legal representation, accounting for 96 or 17.30% of the total. Papers to be served with 56 or 10.10% and adjournments for assignment of legal aid with 27 or 4.90% of the total follow this. These three reasons for adjournments/continuance were also the dominant ones in 2017 in this category.

Importantly, there was an average of roughly seven adjournments per criminal case for the Hilary Term.

Chart 11.0: Trial and mention matters/dates set for the Hilary Term ended March 23, 2018.



The above chart shows that there were a total of 867 dates set for either Trial or Mention Court in the Hilary Term in 2018, 603 or 70% of which were dates set for Mention Court while 264 or 30% represents dates set for Trial. This produces a ratio of 1: 0.44, which suggests that for every 100 matters mentioned there were 44 trial matters set down in the Term. Further analysis suggests that each case mentioned in court were mentioned on average of 2.5 times, which is another way of saying that every 10 mention cases were mentioned 25 times. Similarly, for cases, which were set for Trial, there was a scheduling incidence of 1.10 times per case, which suggests that 110 trial dates were set for every 100 distinct trial cases. These results are broadly similar to those derived for the Hilary Term in 2017 as well as the annual average figures for that year.

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Table 44.0: Trial/hearing date certainty for the year ended March 23, 2018

Number of hearing/trial dates set	Number of adjournments (excluding adjournments for continuance)	Trial/hearing date certainty
867	600	29.64%

The date scheduling certainty for each Division of the Supreme Court is an important metric, which examines the extent to which dates, which are set for either hearing or trial, are adhered. A low result has implications for the capacity of the court to adequately estimate the length duration of a matter, for the capacity of courtrooms and Judges to absorb certain caseloads and for the general system of scheduling. In the table above it is shown that of 867 court dates scheduled for either mention or trial in the Hilary Term, 600 were adjourned for reasons other than continuity due to procedural factors, which are outside of the court's control. This suggests a scheduling certainty rate of roughly 29.64% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 30 are able to proceed without adjournment for reasons other than those procedural, for example for Trial, Bail Application and Plea and Case Management. This represents a sharp decline of 24.73 percentage points when compared to the average in 2017 but is roughly similar to the figure in the Hilary Term of 2017. This low date certainty is both reflected and influenced by the high incidence of adjournments which are due to factors such as the absenteeism of attorneys, witnesses and investigating officers as well as statements outstanding. It creates a self-fulfilling prophesy as the expectation that matters will be adjourned leads to actions which reinforces

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negligent practices that contribute to it. It is strongly recommended that the scheduling practices of the Supreme Court be urgently revised to redress this key source of inefficiency.

Table 45.0: Methods of case disposal for the Hilary Term ended Mar 23, 2018

Methods of Disposition	Frequency	Percent
Accused Deceased	4	6.3
Conditional Nolle Prosequere	1	1.6
Formal Verdict of Not Guilty – Discharge	3	4.7
Found Guilty	3	4.7
Guilty Plea	18	28.1
No Case Submission upheld	1	1.6
No Evidence offered discharged	15	23.4
No further evidence offered Discharged	4	6.3
No verdict entered	5	7.8
Nolle Prosequere	6	9.4
Not Guilty – Discharged	2	3.1
Remitted to Parish Court	2	3.1
Total	64	100.0

The above table summarizes the methods of disposal for the cases disposed of during the Hilary Term of 2018. It is shown that 64 cases were disposed of in the Term. Guilty plea with 18 or 28.10% of the total number of disposals accounted for the largest share of disposals for the Term. Accounting for the next highest proportion of total disposals was 'no evidence offered' with 15 or 23.40% of the total. Nolle Proseques with 6 or 9.40% of the disposal methods and 'no verdict entered' with 5 or 7.80% of the total rank next as the leading ways in which criminal cases were disposed of in Hilary Term. Of the 64 criminal cases disposed of in the Term, only 2

or 3.1% originated during that Term. It is of interest that only 3 or 4.7% of the disposed cases were by way of a guilty verdict. The top two methods of disposal in the Term also lead the list of disposal methods in 2017.

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

Table 46.0: Overall criminal conviction rate for the Hilary Term, 2018

Total number of cases disposed	Total number of guilty outcomes	Conviction rate
64	21	32.81%

The above table shows that of the 64 criminal cases disposed of in the Hilary Term, 21 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 32.81% which suggests that there is a roughly 33% probability that a matter could end in a guilty outcome. This represents a fall of 20.53 percentage points when compared to the Hilary Term of 2017. This data can be further disaggregated so that the conviction rates for some of the most frequently occurring offences are measured. In particular, the conviction rate on murder charges and sexual offence charges are detailed below.

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Table 47.0: Conviction rate for sexual offences cases for the Hilary Term ended March 23, 2018.

Total number of cases concluded	Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas)	Conviction rate
20	12	60%

The above table shows that of the 20 sexual offence cases were concluded in the Hilary Term, 12 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of roughly 60% that suggests a roughly 6 in 10 chance that a sexual offence matter could end in a guilty outcome. This is a 12.75 percentage points decline when compared to the overall average in 2017.

Table 48.0: Conviction rate for murder cases in the Hilary Term ended March 23, 2018.

Total number of cases concluded	Total number of guilty outcomes (i.e. guilty verdict or guilty plea)	Conviction rate
16	4	25.0%

The above table shows that of the 16 murder cases concluded in the Hilary Term, 2018, 4 of which were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 25%, which suggests a roughly 3 in 10 chance that a murder

matter could end in a guilty outcome. This outcome is 4 percentage points lower than the average conviction rate for murder matters in 2017.

Table 49.0: Top five charges disposed as of in the Hilary Term ended March 23, 2018

Charge disposed	Frequency	Percentage (%)
Sexual Intercourse with a person under 16 years old	32	32.99
Murder	16	16.49
Rape	13	13.40
Possession of identity information	6	6.19
Grievous sexual assault	6	6.19

Number of disposed charges (N) = 97

The above data shows that of the 97 charges disposed of in the period under examination, the largest proportion of which were murder charges, accounting for 24 disposals or 32.99%. This was followed by sexual intercourse with a person under 16 years old with 16 or 16.49% of the total. Rape comes next with 13 or 13.40% of the total, while possession of identity information and grievous sexual assault, each with 6 or 6.19% respectively of the offences round off the top five. As with 2017, murder and sexual offences are not only the dominant incoming but also the dominant outgoing cases. It is of particular note that roughly 43% of all disposed of in the Hilary Term were sex related, a result that is broadly consistent with the findings from 2017. The dominance of this offence in the criminal statistics strongly suggests that there needs to be robust Case Management attention for these matters to support their timely disposition.

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Table 50.0: Methods of disposition for dominant case types in the Hilary Term, 2018

Dominant cases by methods of disposition				
		Dominant case types		
		Murder	Rape	Sexual Intercourse with a Person under Sixteen
Methods of disposition	Accused Deceased	2 12.5%	1 10.0%	0 0.0%
	Conditional Nolle Prosequere	0 0.0%	1 10.0%	0 0.0%
	Formal Verdict of Not Guilty – discharge	1 6.3%	0 0.0%	1 5.0%
	Found Guilty	2 12.5%	1 10.0%	0 0.0%
	Guilty Pleas	4 25.0%	1 10.0%	12 60.0%
	No Case Submission upheld	1 6.3%	0 0.0%	0 0.0%
	No Evidence offered discharged	3 18.8%	0 0.0%	2 10.0%
	No further evidence offered discharged	0 0.0%	2 20.0%	1 5.0%
	No verdict entered	1 6.3%	1 10.0%	2 10.0%
	Nolle Prosequere	2 12.5%	1 10.0%	2 10.0%
	Not Guilty - Discharged	0 0.0%	1 10.0%	0 0.0%
	Remitted to Parish Court	0 0.0%	1 10.0%	0 0.0%
Total		16 100.0%	10 100.0%	20 100.0%

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The above table summarises the methods of disposal for the three criminal case types with the highest incidence of dispositions in the Hilary Term. Starting with murder offences, the data suggests that the largest proportion of murder cases in the year were disposed by way of guilty pleas accounting for 25.0% of the disposals. This was followed by disposals by way of 'no evidence offered' with 19% of murder cases disposed in the Term. As it relates to rape cases, the data shows that there was a uniform spread among the methods of disposition. As highlighted earlier, cases of sexual intercourse with a person less than 16 years old accounts for the largest proportion of both cases initiated and disposed during the Term. The majority, 60% of these cases were disposed of by way of guilty pleas. 'No verdict entered' and Nolle Prosequere shared the next highest methods of disposition with 10% each of the total.

It is interesting to explore whether there is a statistically significant difference in the methods of disposition among the most frequently occurring criminal cases disposed in the Hilary Term in 2018. In order to explore this, a likelihood ratio test is administered, the results of which are shown in the table below:

Table 51.0: Likelihood ratio test of association between methods of disposition and type of case.

	Value	Df	Asymp. Sig. (2-sided)
Likelihood Ratio	113.057	209	0.807
N of Valid Cases	64		

The results in the above table reveal that probability values of more than 5%, which suggests that there is no statistically significant difference between the methods of disposition for the most frequently disposed cases. In other words, the methods of disposition did not vary significantly depending on the case type during the Hilary Term.

Table 52.0: Time to disposition for cases disposed in the Hilary Term, ended March 23, 2018

Descriptive Statistics

Number of observations	64
Mean	19.2188
Median	9.0000
Mode	8.00
Std. Deviation	26.69907
Variance	712.840
Skewness	3.712
Range	156.00
Minimum	7.00
Maximum	163.00

The above table provides a descriptive summary of the time to disposition for criminal cases disposed of in the Hilary Term. It is shown that the estimated average time to disposition for the cases disposed of was approximately 19.22 months or one and a half years. This represents a marked improvement of just under 6 months when compared to the cases disposed of in the Hilary Term of 2017 and of roughly 9 months when compared to the overall 2017 average. The estimated minimum time to disposition was 7 months and the estimated maximum was 163 months or almost 13.5 years. The high positive skewness of 3.712 indicates that there are at least a few large outlying values, which pulled the average time to disposition upwards. This is affirmed by the standard deviation of roughly 2.25 years, indicating a wide average variation of

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the individual scores around the mean. The fact that the average time to disposition for the Hilary Term is under two years is quite an encouraging sign, considering that two years is the yardstick for defining a criminal case backlog.

Table 53.0: Breakdown of time to disposition of cases for the Hilary Term ended March 23, 2018

Times to disposition		
Months	Frequency	Percent
0 -12	44	68.8
13 -24	7	10.9
25 -36	8	12.5
37- 47	0	
48 & over	5	7.8
Total	64	100.0

The above table provides a summary of the estimated time to disposition for the cases disposed of during the Hilary Term, 2018. It is shown that the overwhelming proportion of the matters disposed took a year or less from initiation, accounting for exactly 44 or approximately 69% of all matters disposed. Eight or 12.5% that were disposed in 25 to 36 months and 7 or 10.90% of matters took between 13 and 24 months to be disposed. Five or 7.8% of the matters took 4 '2years or over to be disposed. Cumulatively, almost 80% of the matters disposed of in the period took two years or less while the remaining approximately 20% took over two years to be disposed. As indicated, the benchmark currently applied in measuring and classifying a criminal case in backlog is two years; that is criminal cases active for over two years are considered to be in backlog. The fact that just about 80% of the criminal cases disposed in

the Hilary Term took under two years is an encouraging sign and can be significantly bolstered by the employment of autonomous scheduling of cases by the Home Circuit Court.

Table 54: Time to disposition for charges disposed (from case file date) in the Hilary Term, 2018

Descriptive statistics (in months)

Number of observations	97
Mean	19.3196
Median	8.0000
Mode	8.00
Std. Deviation	23.83736
Skewness	2.768
Std. Error of Skewness	.245
Range	115.00
Minimum	.75
Maximum	115.00

The above table provides an affirmation of the results gleaned from the analysis of times to disposition for charges, measuring from the case file date. The average time to disposition is shown to 1 year and 6 months that is roughly the same as that of the cases disposed over the same period. The longest time to disposition of 13.5 years is similar to that of the actual cases disposed in the period while the shortest time to disposition was 23 days, which is substantially less than that of disposed cases as a whole.

Table 55: Time to disposition for charges disposed (from date of charge) for the Hilary Term, 2018

Descriptive Statistics

Number of observations	97
Mean	60.0619
Median	44.0000
Mode	30.00
Std. Deviation	47.00616
Skewness	1.615
Std. Error of Skewness	.245
Range	274.00
Minimum	1.00
Maximum	275.00

The data summarized in the tables above suggests that there is a marked contrast between the times to disposition from the case file date and that from the time the offences were committed. It is shown that the estimated average disposition time from the date the offences were committed to the time the matters were disposed is 60 months or five years. This is 3.5 years more than the average time to disposition from a case is filed to the date of disposition. This implies that there may be major deficiencies in the investigative systems of the police. This result is similar to the findings from the analysis done in 2017, in that the average time to disposition from the time offences was committed markedly exceeded the average disposition time when calculated from the case file date. The slight positive modest positive skewness of 1.615 suggests that a fair proportion of the times to disposition were concentrated around the average although proportionately more of these times were less than the mean, indicating the existence of at least a few disposed cases, which took considerably higher than the average

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time. The minimum time to disposition from the date of charge was estimated to be a month while the maximum estimated figure was 275 months or roughly twenty-three years. The margin of error of these estimates is 2 months or 0.17 days.

Table 56.0a: Breakdown of times to disposition by selected charges for the Hilary Term ended March 23, 2018

		Time interval by case type					
			Time Interval (in months)				
		0-12	13-24	25-36	37-47	48 & over	
Case type	Murder		3	0	5	0	8
			4.10%	0.00%	50.0%	00.0%	88.90%
	Rape		10	3	0	0	0
			13.70%	60.0%	26.7%	0.0%	0.0%
	Sexual Intercourse with a Person under Sixteen		33	1	0	0	0
			45.21%	20.0%	0.0%	0.0%	0.0%
Total offences disposed			73	5	10	0	9

The above table provides a summary of the length of time taken to dispose the four of the most frequently occurring criminal charges in the Hilary term, 2018. It is seen that of the three types of criminal cases listed, murder accounts for the largest share of charges which are 4 years or older in age with 88.90%. None of the matters of rape or sexual intercourse with a person under 16 years old was in the system for that length of time. Of the listed criminal case, types that were disposed of in a year or less, sexual intercourse with a person under 16 accounts for the largest proportion with 45.21% while 13.70% and 4.10% respectively was accounted for by murder and rape. Murder cases accounted for the overwhelming share of disposed cases on

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the list that took between two and three years, accounting for 50% of those disposals while the interval of in just over one to two years was led by rape offences with 60% of this interval.

Table 36.0b: Breakdown of selected charges by time to disposition for the Hilary Term ended March 23, 2018

	Case type		
	Murder	Rape	Sexual Intercourse with a Person under Sixteen
Time Interval (in months) 0-12	3 18.75%	10 76.92%	33 97.06%
13-24	0 0.00%	3 23.08%	1 2.94%
25-36	5 31.25%	0 0.00%	0 0.00%
37-47	0 0.0%	0 0.00%	0 0.00%
48 & over	8 50.0%	0 0.00%	0 0.00%
Total	16 100.0%	13 100.0%	34 100.0%

The above tables detail the time taken to dispose of cases of murder, rape and sexual offences with persons under 16 in the Hilary Term. As with the 2017 data, it is seen that the largest proportion of murder cases disposed took four or more years, accounting for 50% of the total while the next highest proportion of murder cases disposed occurred between 25 and 36 months, responsible for 31.30%. A decisively inverse distribution was true of cases of rape and sexual intercourse with persons under 16, which saw the largest proportion of disposed cases taking a year or less. In particular, 97.06% of cases of sexual intercourse with a person under 16 and 76.92% of rape cases took a year or less to be disposed. It is notable that all rape and

sexual intercourse with a person under 16 matters that were disposed took 2 years or less, thus avoiding backlog classification. As with the 2017 analyses, of these three dominant offences, murder cases took considerably more time to be disposed while cases of sexual intercourse with a person under 16 years old took the least time.

Table 36.0c: Proportional breakdown of time to disposition by selected charge type for the Hilary Term ended March 23, 2018

Charge	Percentage of matters disposed of in 2 years or less	Percentage of matters disposed of in more than 2 years
Murder	18.75%	81.25%
Sexual intercourse with a person under 16 years old	100%	0.00%
Rape	100%	0.00%

The above table furthers the previous one by directly highlighting the relative lengths of time that it takes for the most frequently occurring types of matters to be disposed. It is seen that 18.75% of murder charges disposed of in the Term took 2 years and under, while 81.25% took over two years to be disposed. The proportion of disposed murder matters taking two years or less declined markedly when compared to the Hilary Term in 2017 and to the overall average in 2017. All cases of rape and sexual offences with a person under 16 that were disposed of in the Hilary Term took two years or less. Although the larger proportion of such cases took two years or less to be disposed of in the Hilary Term of 2017, these results represent a sharp improvement.

The length of time which different types of matters take to be disposed should have significant implications for the way in which the court prioritizes it's scheduling and resource allocation and these results should therefore inform the interventions that are necessary to bolster the case disposal rates.

Table 57.0: Case clearance rate for the Hilary Term, ended March 23, 2018

Cases filed	Cases disposed	Case clearance rate
164	64	39%

The case clearance rate of 39% shown above is an indication that significantly more cases entered than those that were disposed in the Home Circuit Court in the Hilary Term. Though well below the desired standard, it represents an improvement of roughly 8 percentage points when compared to the Hilary Term in 2017. The result suggests a ratio of roughly 39 cases disposed for every 100 new cases brought. The consistently low clearance rate observed in the Home Circuit Court is indicative of a potential build up of a criminal case backlog. This problem could be compounded by the anticipated larger number of committals from the Parish Courts to the Supreme Court due to the new Committal Proceedings Act.

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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 the Term ended March 23, 2018.

Table 58.0: Top six charges filed during the Hilary Term ended March 23, 2018

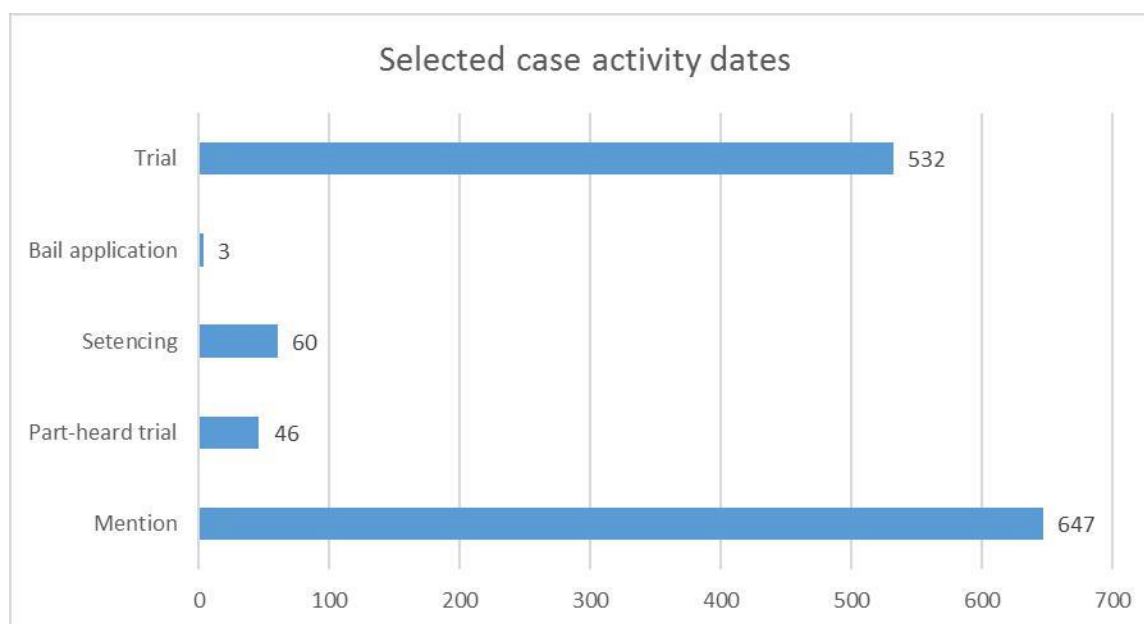
Charges filed	Frequency	Percentage (%)
Illegal possession of firearm	148	36.50
Shooting with intent	71	17.50
Illegal possession of ammunition	65	16.00
Robbery with aggravation	38	9.40
Wounding with intent	21	5.20
Assault at Common Law	20	4.90
Total	363	89.50

Total number of charges (N) = 406

The above table provides a summary of the top six new charges, which were brought in the Gun Court in the Hilary Term of 2018. It is seen that 406 new charges were filed in the period, the largest proportion of which, 148 or 36.50% were for illegal possession of firearm, well ahead of the next highest ranked charge of shooting with intent with a count of 71 or 17.50% of the total. Illegal possession of ammunition is next with 65 or 16.0% while robbery with aggravation with 38 or 9.40%, wounding with intent with 21 or 5.20% and assault at common law with 20 or 4.90% rounds off the top 5 charges filed in the Gun Court for the Hilary Term. The 406 new charges entered in the Hilary Term translates into 122 new cases filed in the period, which represents an 'inflation factor' of 3.33 that for every 100 cases entered, there were 333

charges. The top six charges in the Hilary Term of 2017 was also the same as that listed above. There was however, a notable decline in the number of new cases filed for the Hilary Term in 2018, which was 25% less than that of the corresponding period in 2017.

Chart 16.0: Summary of selected case activity dates for the Hilary Term, 2018



The above chart provides a summary of key court events/dates in the Hilary Term, 2018. It is shown that there were 647 mention dates set in the period, compared to 532 trial dates. This produces a ratio of roughly 1:1.22, indicating that for every 100 mention dates there were 122 trial dates set. This implies a moderately good transition rate from mention to trial during the Term. The data also suggests that there were 46 part-heard trial dates set in Gun Court for the Term. This is an indication that for every 100 trial dates there were roughly 14 part-heard trial dates. There were also 60 incidence of sentencing and 3 bail applications dates set during the Term.

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Further analysis of the data suggests that there were roughly 2 mention dates per case in the Hilary Term and roughly 12 trial dates for every 10 trial cases.

Table 59.0: Top six reasons for adjournment for the Hilary Term ended Marcy 23, 2018

Reason for adjournment	Frequency	Percentage (%)
Witness absent	149	35.73
Crown not ready	69	16.50
Accused not brought	18	4.30
Defense Counsel involved in another matter	15	3.60
Judge unavailable	14	3.40
Defense not ready	14	3.60

Total number of adjournments (N) = 417

The above table outlines the top six reasons for adjournment in the Gun Court for the Hilary Term. There were 417 incidences of adjournments during the Term, of which witness absent and the lack of readiness of the crown were the leading ones with 35.73% and 16.50% respectively of the total. Also featuring prominently among the reasons for adjournment for the Term are adjournments resulting from the accused not being brought to court, the involvement of defense counsel in another matter and the lack of readiness of the defense. It is also of note that **46 or 11%** of the total delays in a case associated with an adjournment or continuance were due to matters **part heard**.

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Table 60.0: Trial/hearing date certainty for the Hilary Term ended March 23, 2018

Number of hearing/trial dates set	Number of adjournments (excluding adjournments for continuance)	Trial/hearing date certainty
1242	371	70.12%

The above table summarises the trial/hearing date certainty for the Gun Court in the Hilary Term. It is shown that of 1242 dates set for some form of hearing or trial during the Term, 371 were adjourned for reasons other than continuance. This produces a trial/hearing date certainty ratio of 70.12% for the Hilary Term. This suggests that for every 100 matters scheduled for some form of hearing or trial in the Hilary Term, roughly 70 were able to proceed without adjournment.

Table 61.0: Methods of case disposition for the Hilary Term ended March 23, 2018

Methods of Disposition	Frequency	Percentage (%)
Accidentally release by police	1	.7
Accused deceased	1	.7
Bench Warrant	6	4.3
Disposed (unspecified)	22	15.7
Found Guilty	15	10.7
Guilty Plea	26	18.6
No Case to Answer – discharged	5	3.6
No Evidence offered – discharged	37	26.4
No further evidence offered discharged	10	7.1
Nolle Prosequere	1	.7
Not Guilty – Discharged	10	7.1

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Not indicted on this charge	3	2.1
Probation order made	1	.7
Transfer to H. W. T. R. M. C.	1	.7
Transferred to Family Court R. M.	1	.7
Total	140	100.0

The above table summarizes the methods of disposition for the cases disposed in the Hilary Term of 2018. It is seen that there were 140 cases disposed, the largest proportion of which were a result of 'no evidence offered' which accounts for 26 or roughly 26.40% of the total. In a second were disposals resulting from guilty pleas with 26 or 18.60% of the total. Guilty verdicts with 10.7% of the matters disposed, not guilty verdicts and no further evidence offered – discharged each with 7.10% rounds off the top five methods of disposition for the Hilary Term. Of the 140 cases disposed of in the Gun Court during the Term only 4 or 2.86% were cases originating during said Term.

Table 62.0: Conviction rate in the Gun Court for the Hilary Term ended March 23, 2018

Number of cases disposed	Number of Guilty outcomes (i.e. guilty verdicts and guilty pleas	Conviction rate
140	41	29.29%

The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the 140 cases, which were disposed in the Term, 41 were a result of either a guilty plea or a guilty verdict. This produces an overall conviction rate of 29.29% for Gun Court cases for the

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Hilary Term. The following table delves further into the conviction rate, by the substantive matter.

Table 63.0: Conviction rate by substantive matter in the Gun Court for the Hilary Term ended March 23, 2018

Substantive matter	Number of cases disposed	Number of Guilty outcomes	Conviction rate
Illegal possession of fire arm	57	16	28.07%
Illegal possession of ammunition	23	6	26.09%

It is seen in the above table that of the 57 disposed cases of illegal possession of a firearm, 16 were disposed by way of either a guilty verdict or a guilty plea, yielding a conviction rate of roughly 28%. For the substantive matter of illegal possession of ammunition, six of the 23 disposed cases were by way of guilty outcomes, yielding a conviction rate of roughly 26.09%.

Table 64.0: Top six charges disposed of in the Hilary Term, ended March 23, 2018

Charge	Frequency	Percentage (%)
Illegal possession of a firearm	147	41.30
Illegal possession of ammunition	58	16.30
Robbery with aggravation	49	13.80
Wounding with intent	25	7.00
Shooting with intent	23	6.50
Assault at common law	14	3.90
Total	316	88.80

Total number of charges (N) =356

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The 140 cases that were disposed of in the Gun Court in the Hilary Term equates to 356 charges, an average of roughly 25 charges for every 10 cases. The table above details the six 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 41.30% and 16.30% respectively. This is followed by robbery with aggravation with 49 or 13.81% of the charges disposed. Wounding with intent and shooting with intent with 7% and 6.50% respectively rounds off the top five. These disposed charges enumerated in this table accounts for roughly 88.80% of the total number of charges disposed in the Gun Court in the Hilary Term.

Table 65.0: Time to disposition for cases disposed of in the Hilary Term ended March 23, 2018

Descriptive Statistics (in months)

Number of observations	140
Mean	21.3143
Median	19.0000
Mode	7.00
Std. Deviation	17.75537
Skewness	1.313
Std. Error of Skewness	.205
Range	79.00
Minimum	.50
Maximum	79.00

In the table above it is seen that there were 140 cases disposed in the Gun Court during the Hilary Term. The estimated average time to disposition was roughly 21.31 months or roughly 1.8 years. The estimated shortest time to disposal for a case disposed of in this period was

under a month with a maximum of 79 months or just over six and a half years. The distribution of the scores demonstrated a modest positive skew, an indication that slightly more of the estimated individual disposal times were lower than the reported mean. The average was pulled upwards by a few large outlying values that exist. This result is further affirmed by the relatively high standard deviation of almost 18 months, indicating some amount of variation in the scores around the mean.

Table 66.0: Breakdown of times to disposition from the case file date for the Hilary Term ended March 2018

Time interval (in months)	Frequency	Percent
0 -12	65	46.40
13 – 24	36	25.70
25 – 36	17	12.10
37 – 47	7	5.0
48 & over	15	10.70
Total	140	100.0

The above table provides a more detailed breakdown of the times to disposition for cases disposed in the Hilary Term. It is shown that the largest proportion of cases disposed were disposed of in under a year. This accounted for 46.40% of all the disposals, followed by approximately 25.70% of matters, which took, between 13 and 24 months to be disposed. Approximately 12% of the matters took between 25 and 36 months to be disposed, 5% took between 37 and 47 months and the remaining 15% took four years or more to be disposed. It is of interest to note that roughly 72% of all matters disposed in the period took two years or less, a promising sign for the Gun Court.

Although the Hilary Term in 2017 also saw a larger proportion of cases disposed, taking under two years, the average time to disposition for the Hilary Term in 2018 was considerably shorter. In the Hilary Term in 2017, the average time taken to disposition for cases disposed was 2.5 years as opposed to 1.8 years in the corresponding period in 2018, an improvement of approximately 8 months.

Table 67.0: Time to disposition from date charged, for charges disposed of in the Hilary Term ended March 23, 2018

Descriptive Statistics

Number of observations	356
Mean	23.9073
Median	17.0000
Mode	11.00
Std. Deviation	18.08289
Skewness	1.641
Std. Error of Skewness	.129
Range	78.00
Minimum	.55
Maximum	79.00

The above table shows that there were 356 charges disposed of in the Hilary Term. It is seen that the estimated average time to disposition from the date of charge is approximately 24 months or roughly 2 years. This is three months longer than the average time taken to dispose of cases (from the case file date). The data set for this measure is moderately positively skewed, indicating that there were a slightly greater proportion of times to disposition which fell below the mean than those which fell above it but most of the data points are clustered around the average. There are indeed at least a few comparatively large times to disposal in the data set,

constituting outliers, which have pushed up the average time. The estimated maximum time to disposition for the data set is 79 months or just over 6.6 years. The estimated minimum time to disposition from the time an offence was entered is under a month.

Table 68.0: Breakdown of times to disposition from date charged, for the charges disposed in the Hilary Term ended March 23, 2018.

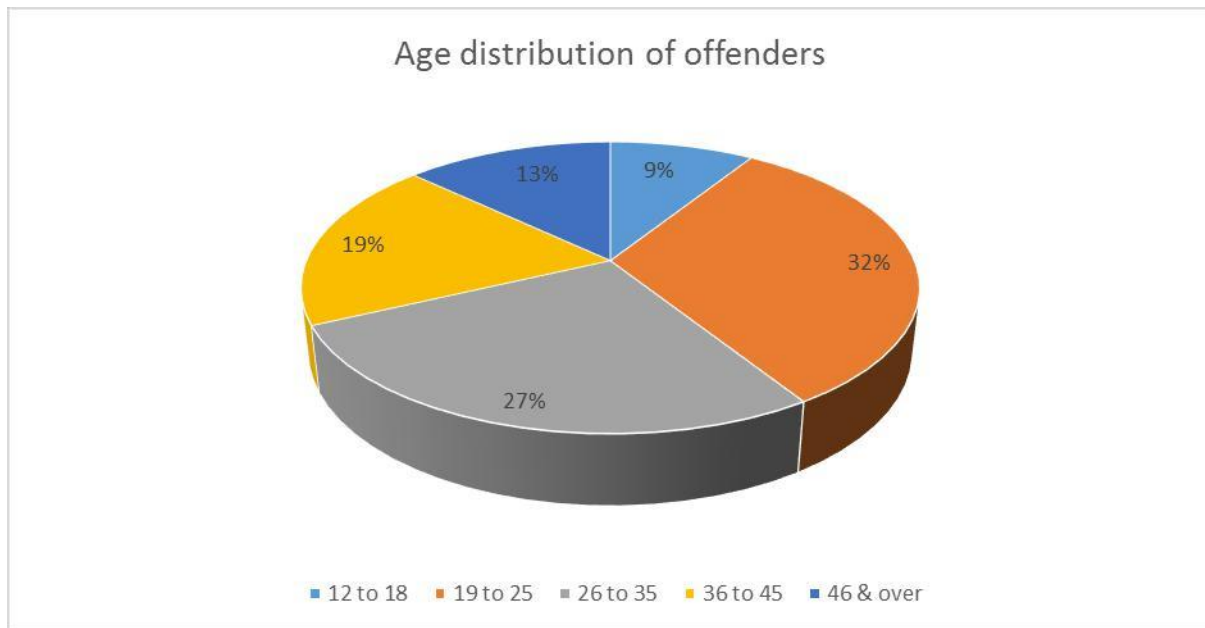
Months	Frequency	Percentage
0 -12	135	37.90
13 -24	122	34.30
25 – 36	49	13.80
37 – 47	19	5.30
48 & over	31	8.70
Total	1391	100.0

The above table provides a further breakdown of the estimated time to disposition for charges disposed in the Hilary Term, from the date of charge. The slight positive skewness displayed in the previous table is affirmed, as the scores here are mostly concentrated towards the lower intervals, though there is a fair spread of the scores throughout the intervals. The data shows that the largest proportion of the disposals using this method took a year or less. This interval accounted for 135 or roughly 38% of the disposals and was followed by matters taking between 13 and 24 months to be disposed with 122 charges or 34.30%. A further 13.80% of the matters were disposed of within 25-36 months, 5.30% took between 37 and 47 months and the remaining proportion of 8.70% took four years or more to be disposed.

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.

Chart 12.0: Summary of age distribution of a sample of offenders in the Gun Court for the Hilary Term March 23, 2018

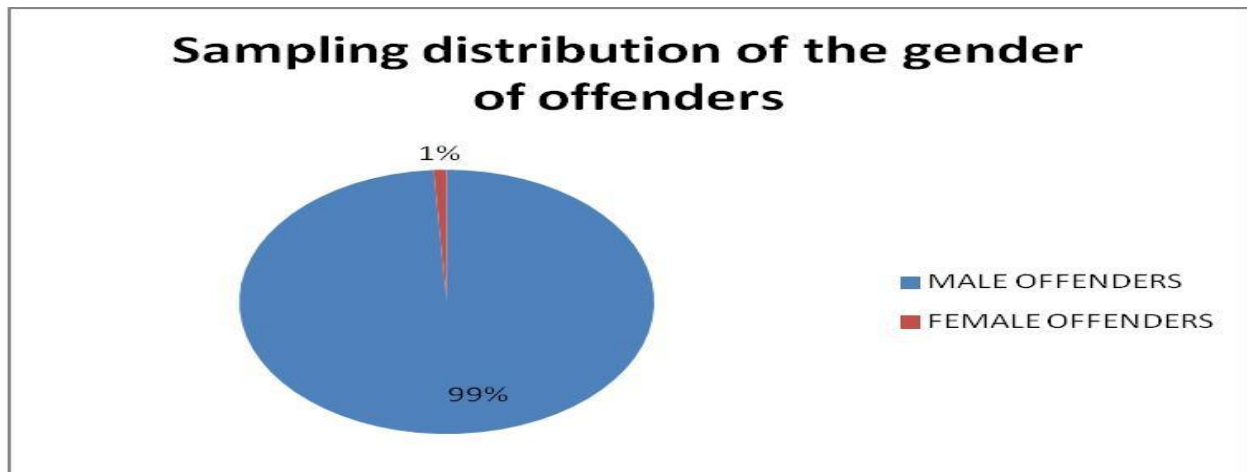


As shown earlier, the offenses, which dominated the Gun Court for the Hilary Term, are illegal possession of firearm, illegal possession of ammunition, robbery with aggravation, shooting with intent and wounding with intent. Using a representative sample, the average age of persons charged in the year is roughly 32 years old with the oldest person charged being 65 years old and the youngest 13 years old. The modal age from this sample was 23, an indication that a significant number of offenders are quite youthful. This notion is affirmed in the chart above where it is shown that from the sample 32% of the offenders were between 19 and 25

years old, closely followed by the age group 26 to 35 years old with 27% of the offenders. The 36 to 45 age group comes next with 19% of the offenders. The youngest and oldest age categories of 12 – 18 and 46 and over respectively accounts for 9% and 13% respectively of the offenders brought before the Gun Court in the Hilary Term of 2018. The age distribution observed in this Term is markedly similar to the gross figures observed in 2017.

In terms of gender distribution, using a sample of 55 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 the respective Terms. The overwhelming dominance of males in Gun Court offences continue to persist as a long held trend.

Chart 13.0: Summary of gender distribution of a sample of offenders in the Gun Court for the Hilary Term, 2018



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Table 69.0: Case clearance rate for the Hilary Term, 2018

Cases filed	Cases disposed	Case clearance rate
122	140*	114.75%

***4 or 2.86% of the 140 cases disposed of, originated in 2017**

One hundred and twenty two new cases were entered in the Gun Court during the year while 140 were disposed (including many which originated before the Term) leading to an impressive case clearance rate of 114.75% for the Term. This result translates into a generalization of roughly 115 Gun Court cases disposed for every 100 new cases entered during the year. It represents the highest case clearance rate in the Divisions of the Supreme Court during the Term. This result is a further improvement from the gross clearance rate of just shy of 100% in 2017, a year characterized by the establishment of a specialised fast track court to dispose of Gun Court cases as well as sentence reduction days, which appears to have contributed markedly to this operational index.

CHAPTER 6.0: COMMERCIAL DIVISION

There is continued optimization of the data collection platform and therefore some of the data reported in this section are not as extensive as the other Divisions covered. This Chapter nevertheless provides critical insights into the operations of the Commercial Division.

Table 70.0: Cases filed in the Commercial Division in the Hilary Term ended March 23, 2018

Division	Number of new cases filed
Commercial	191

The year 2017 was a record year for the Commercial Division in terms of the number of new cases filed as it recorded significant growth over the previous year. The evidence from the Hilary Term suggests that the Division is on course to at least equal last year's aggregate figure, recording 191 new cases in the Hilary Term. The overwhelming proportion of these cases originated by way of Claim Forms.

Table 71: Sampling distribution of the most common reasons for adjournment for the Hilary Term ended March 23, 2018

Reasons for adjournment	Frequency	Percentage (%)
Parties having discussions with a view to settlement	5	13.89
Defendant documents not served or short served	4	11.11
Claimant's documents not served or short served	4	11.11
Defendant's attorney absent	2	5.55
Defendant not available	2	5.55
Judge Recuses self from matter	2	5.55
Claimant to file documents	2	5.55
Total	21	58.33

Number of observations (N) = 36

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The above table provides a sampling distribution of the reasons for adjournment in the Commercial Division in the Hilary Term. A total of 36 such incidences recorded reveal that parties having discussions with a view to settlement with 5 or 13.89% leads the list while defendant's documents not served or short served and claimant's documents bot served or short served each with 4 or 11.11% rank next. Among other reasons for adjournment featuring on the list, which were prominent in the data on the HCV Division, are the absence of defence attorney and the unavailability of defendants.

Table 72.0: Chamber hearings for the Hilary Term ended March 23, 2018

Hearings	Frequency	Percentage (%)
Applications (Various)	218	78.99
Case Management Conference	22	7.97
Pre-trial review	35	12.68
Judgment summons hearing	1	0.36
Total	276	100

The above table summarizes Chamber hearings in the Commercial Division for the Hilary Term. As with the HCV Division, the hearing of various applications for relief sought dominates with roughly 79% of the Chamber hearings. Pre-trial reviews with approximately 13% rank next and Case Management Conferences with 22 or 7.87% rounds off the top three Chamber hearings with roughly 8% the total. There were 276 incidences of Chamber hearings in the Commercial Division for the Hilary Term.

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Table 73.0: Trial matters for the Hilary Term ended March 23, 2018

Trial matter	Frequency	Percentage (%)
Trial in Chambers	24	13.71
Court Trial	148	84.57
Assessment of damages	3	0.02
Total	175	100

The above table outlines the list of trial matters in the Hilary Term of 2018. Court trials with an incidence of 148 or 84.57% tops this list, followed by trial in chambers with 13.71% of the total. There were 175 incidences of trial in the Hilary Term.

Table 74.0: Trial/hearing date certainty for the Commercial Division in the Hilary Term ended Marx 23, 2018

Trial/hearing dates set	Trial/hearing dates adjourned (excluding adjournments for continuance)	Trial/hearing date certainty
451	34	92.46%

The Commercial Division is leads the Supreme Court with trial/hearing date certainty in the Hilary Term with a rate of only eight adjournments for every 100 dates set. This equates to a trial/hearing date credibility of roughly 92%, firmly in line with international benchmarks that prescribe a trial/hearing date certainty of 90% - 100%.

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Table 75.0: Requisitions summary for the Hilary Term ended March 23, 2018

Requisitions Issued	Requisition Reponses	Requisitions clearance rate	Requisitions per 10 case files
40	*21	52.50%	5

*This figure may include requisitions filed on matters originating before the Hilary Term of 2018

The above table provides a summary of the response rate for requisitions issued in the Commercial Division in the Hilary Term. It is shown that 40 requisitions were issued in the Term while there were 21 responses filed, thus producing a clearance rate of 52.50%. This requisition clearance rate suggests that during the Term, for every 10 requisitions issued, roughly 5 responses were filed. Additionally, there was an average incidence of five requisitions per 10 case files for the Hilary Term.

Table 76: Top five methods of disposition for the Hilary Term ended March 23, 2018

Methods of disposal	Frequency	Percentage (%)
Judgments	30	34.50
Notice of discontinuance	13	14.90
Judgment in default of acknowledging service	12	13.80
Consent Judgment	7	8.0
Judgments on admission	6	6.90
Total	68	78.10

Number of observations (N) = 87

The data suggests that 87 cases in the Commercial Division were disposed in the Hilary Term. Disposal by way of Judgments and Notices of Discontinuance were the most common method of disposal in the Division accounting for 34.50% and 14.90% respectively of the disposals. This

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was followed by Judgments in default of acknowledging service with 13.80% of the total, rounding off the top three methods of disposal in the Term. The five methods of disposition enumerated in the table above, account for 85% of all disposals in the Term.

Table 77.0: Time to disposition for Commercial cases disposed in the Hilary Term ended March 23, 2018

Descriptive Statistics (in months)	
Number of observations	87
Mean	14.6552
Median	8.0000
Mode	8.00
Std. Deviation	13.76111
Variance	189.368
Skewness	3.101
Std. Error of Skewness	.258
Range	92.00
Minimum	1.2
Maximum	92.00

The above table shows that the estimated average time to disposition for the 87 Commercial cases is 14.65 months or just about a year and two months, the lowest of all Divisions of the Supreme Court, behind the Probate Division. The maximum time to disposition from this sample of cases is 92 months or just over seven and a half years while the lowest is just under two months. There was a greater proportion of scores in the data set of disposed cases, which fell below the mean, as revealed by the strong positive skewness of the data set, and interestingly the modal time to disposition was 8 months, indicative of significant potential concerning a quick turnaround time in the disposition of Commercial cases.

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Table 78.0: Breakdown of times to disposition for Commercial cases in the Hilary Term ended March 23, 2018

Time to disposition (in months)	Frequency	Percentage (%)
0 -12	58	66.70
13 – 24	20	23.0
25 – 36	3	3.40
37 – 47	3	3.40
48 & over	3	3.40
Total	87	100.0

The above table provides a breakdown of the times to disposition for the sample of cases disposed of in the Commercial Division in the Hilary Term of 2018. It is seen that the largest proportion of these cases were disposed of within a year, accounting for an overwhelming 66.70% of the disposals. This is followed by 23% which took 13 to 24 months to be disposed. Taken together, roughly 90% of the cases in the Hilary Term were disposed of with 2 years. These results are consistent with the inferences made from the previous table and augurs well for the productivity in the Commercial Division.

Table 79.0: Case clearance rate for the Hilary Term ended March 23, 2018

Cases filed	Cases disposed	Case clearance rate
191	87*	45.46%

***This figure includes cases filed before 2018**

One hundred and ninety one new cases were filed in the Commercial Division for the Hilary Term, while 87 cases were disposed. This yields a case clearance rate of 45.46%, suggesting that

for every 20 new cases filed in the Term, roughly nine were disposed. Again, the cases disposed were not necessarily from those filed, as the clearance rate is simply a productivity ratio.

CHAPTER 7.0: AGGREGATE CASE ACTIVITY AND RESERVED 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 Hilary Term of 2018.

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 is measuring by the ratio of new cases filed/entered to cases disposed of in a particular period, regardless of when the disposed cases originated.

Table 72.0: Gross case clearance rate for the Hilary Term ended March 23, 2018

Total new cases filed	Total cases disposed	Gross Case clearance rate
3454	1592	46.09%

²

The above table provides an aggregate summary of the clearance rates using the data from the Home Circuit Court, Gun Court, Matrimonial, Commercial, Probate, Revenue and High Court Civil Divisions. The data suggests that 3437 new cases were filed/entered across the seven

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named Divisions reviewed in Hilary Term. These results yield a gross clearance rate of roughly 46.32% an increase of which suggests that for every 100 cases filed/entered during the Term, roughly, 46 were also disposed. This is an indication that there were twice as many incoming than outgoing cases in the Supreme Court as a whole in the Term and is consistent with the case carriage burden observed throughout 2017. This result represents a roughly 4-percentage point decline when compared to the average clearance rate in 2017 and a decline of 1 percentage point when compared to the Hilary Term of said year.

Case Activity Summary for the Hilary Term of 2018

The below table provides a summary of the new cases filed, cases dispose and clearance rates for each Divisions of the Supreme Court in the Hilary Term of 2018. A cumulative summary is also provided.

Table 75.0: Aggregate case activity in the Hilary Term ended March 23, 2018

Division	New cases filed	Aggregate number of cases disposed	Number of cases disposed which originated in the Hilary Term	Clearance Rate (%)	Average time to disposition
High Court Civil (HCV)	1492	392	5	26.22	3 years
Matrimonial	934	412	0	44.11	2.25 years
Probate	548	497	2	90.69	1.4 years
Commercial	191	87	1	45.46	1.16 years
Home Circuit Court	164	64	2	29.64	1.6 years
Gun Court	122	140	4	114.75	1.8 years

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Revenue Division	3	0	0	0%	N/A
Gross/Average	3454	1592	14	46.09%	2.24 years

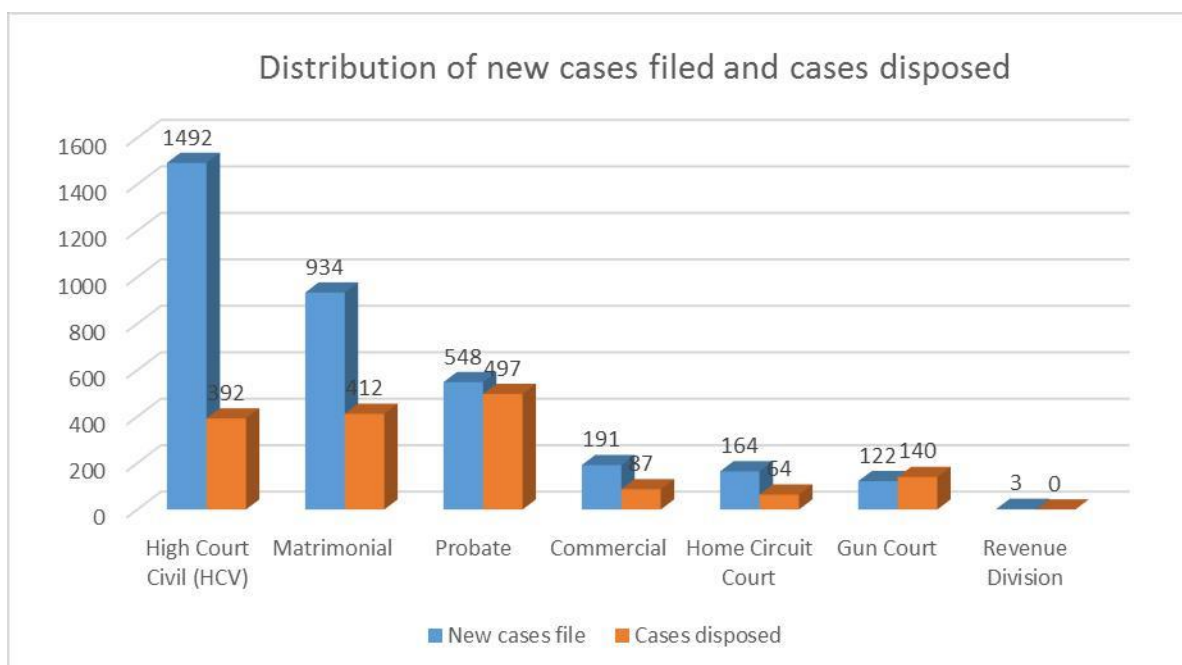
The above table provides an important summary of case activity in the Supreme Court in the Hilary Term of 2018. It is shown that 3454 new cases were filed/entered across all Divisions of the Supreme Court in the Term. The High Court Civil (HCV) Division with 1492 cases or 43.19% of the cases accounts for the largest share of the new cases, followed by the Matrimonial Division with 934 or 27.04% of the total and the Probate Division with 548 or 15.87% of the total. As with 2017, an upward trend in caseload is observed for the Commercial Division, which ranks fourth in new caseload for the Term. New cases entered in the Home Circuit Court accounted for 164 or 4.75% of the total number of cases. If this trend persists, it will fall well short of the figure for 2017. In the Chief Justice's Annual Statistics Report for 2017, it was forecasted that the total number of new cases filed in the Supreme Court in 2018 would be around 13,000. This is well on course, based on the trends observed so far in the year.

As with the gross outcomes in 2017, the Probate and Matrimonial Divisions accounted for the largest share of the cases disposed with roughly 31% and 26% respectively of the total number of cases disposed in the Hilary Term. The Probate Division accounted for the largest proportion of new cases filed/brought in the Supreme Court in the Hilary Term, which were disposed. As far as clearance rates are concerned, the Gun Court and Probate Divisions have far outperformed the others, each producing outcomes that are in line with International benchmarks. The Gun Court with a case clearance rate of roughly 115% stands out in this

regard while the Probate Divisions with 90.69 is in good standing. The Matrimonial Division was consistently among the top Divisions in clearance rates throughout 2017 but plummeted considerably in the Hilary Term of 2018. The High Court Civil Division and the Home Circuit Court with clearance rates of under 30% are in an undesirable position, falling well below International benchmarks and adversely affecting the overall average clearance rate in the Supreme Court.

As was the case throughout 2017, the High Court Civil (HCV) Division accounted for the longest average time to disposition with cases taking an average of 3 years to be disposed. The Matrimonial Division is again second, with an average time to disposition of 2 years and four months while the Commercial and Probate Divisions with estimated average times of 1 year and two months and 1 year and 5 months respectively account for the lowest times to disposition in the Term.

Chart 14.0: Distribution of new cases filed and case disposed across all Divisions in the Hilary Term ended March 23, 2018.



The above chart provides a graphic summary of the data on case clearance, which is discussed in the preceding table.

Judgments Reserved and Judgments Delivered

This sub-section provides a summary of the civil Judgments reserved and delivered in the Hilary Term of 2018.

Table 76.0: Summary of Judgments Reserved and Delivered for the Hilary Term ended March 23, 2018

Number of Judgments reserved	Number of Judgments delivered (from those reserved in 2017)	Total number of Judgments delivered	Number of outstanding Judgments (from those reserved in the Hilary Term)
19	3	26	16

There were 19 Judgments reserved in the Hilary Term of 2018, 3 or 26.62% of which were delivered. In total, 26 Judgments were delivered in the Term, the overwhelming proportion of which were reserved in previous years. Sixteen of the Judgments reserved in the Hilary Term were still outstanding at the end of said Term.

CHAPTER 8.0: CONCLUSION AND RECOMMENDATIONS

The Hilary Term report of 2018 provides comprehensive insights into the performance of the Divisions of the Supreme Court on an individual basis as well as of the Court as a whole. It represents an essential continuation of the entrenchment of the statistical reporting as an important facet of the modus operandi of the judicial system.

The report produces a number of significant performance measures that allows for easy tracking of the performance of the Divisions of the Supreme Court in both an absolute and comparative way. When compared to the data from 2017, it is observed that as whole there has been very little fundamental changes in the important performance measures. The overall clearance rate of 46% is similar to that of 2017 while the overall average time taken to dispose of cases of 2.24 years is broadly similar to the trends in 2017. The overall trial/hearing date certainty is also broadly similar to that of the Hilary Term of 2017 and the annualised average. Furthermore, the total case count and number of disposed cases does not depict any marked variations from the figures in the Hilary Term of 2017. The recurrent reasons for adjournment which function as key delay factors and the high incidence of requisitions remains a strong reality.

Despite the broad similarities observed with the gross measures from the Hilary Term of 2017 and the overall trends in that year, some important results require highlighting. Among these are that the Commercial Division the Probate Division and Gun Court both with clearance rates of over 90% show immense promise, firmly in line with international standards. On the

contrary, the Matrimonial Division, which had one of the highest clearance rates among the Divisions in 2017, experienced a marked decline of over 30% in the Hilary Term. It is also of concern that the average time taken to dispose of cases in the High Court Civil (HCV) Division continues to be around 3 years, higher than all other Divisions. Despite some improvement in the average time taken to dispose of cases disposed in the Home Circuit Court during the Hilary Term, it remains, on balance, between the two poorest performing Divisions with an especially low hearing/trial credibility ratio of just under 30% and a clearance rate of only 39%. The problems plaguing the Home Circuit Court are multifaceted and complex and requires broad stakeholder collaboration. At the nucleus of the problems, however is case management and scheduling which if dramatically improved will militate against the high incidence of adjournments and inspire greater confidence in the processes of the court. The data unequivocally dismisses the long promoted viewpoint that the Supreme Court requires more courtrooms before it can resolve problems of inefficiency, pointing instead to the need for an overhaul of its scheduling and case management practices and processes as an important catalyst.

RECOMMENDATIONS

There is no quick fix to the problems experienced by the Supreme Court in bolstering trial and hearing date credibility, bolstering case clearance and case disposal rates, reducing incidence of adjournments and requisitions and overall enhancing the timely disposition of cases. Many of the factors contributing to these problems are not directly controllable by the Supreme Court

but several are, including the case management processes and the way in which matters are scheduled for court. These should be the starting points for the creation of system, which obligates external stakeholders such as defence attorney, and investigating officers improve court attendance. In this regard, I propose the employment of a Differentiated case Management (DCM) mechanism, which bears some similarities to the Express Chamber Resource that is employed in the civil Divisions to good effect to fast track cases. Differentiated case management is a technique that courts can use to create an efficient, tight-fitting assignment of cases for judges based on the specific characteristics of each case, much like putting a jigsaw puzzle together. By balancing complex cases that involve more time and resources with simpler cases that require less time and resources, a court can better utilize its judges and courtrooms. The way this can work is that when a case is filed, a determination of the expected time to complete the case should be made. Depending on the complexity of the case, it can be assigned to one of four tracks, from the least to most complex. A less complex case would be assigned to an expedited track (as per the current Express Chamber Resource). Cases in this track would have limited pre-trial deadlines and trials could possibly be set within 90 days of filing. By contrast, the most complex cases would be assigned to an extended track, where the trial date was set at months away. There could also two other intermediate tracks between the expedited and extended tracks, with varying trial date schedules. This kind of approach could potentially enhance hearing/trial date certainty, improve courtroom utilization rates and over time significantly expedite the disposition of cases. With regard to the Matrimonial Division, I recommend that clearly defined and agreed standards for the

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turnaround times of Decrees Absolutes scheduled for Judges are established. This must be coupled with the provision of additional judicial support to the Deputy Registrar. These are considered essentials if the desired significant improvements in the time taken to dispose of Matrimonial cases are to be realised. The establishment of clearly defined standards for turnaround times for Probate matters assigned to the Registrars are also critical to improving disposition times for this Division.

Backlog prevention and reduction are important facets of a solid case management platform and as such, I propose the formation of dynamic group of Supreme Court personnel in each Division or across Divisions, geared towards scientifically managing the scheduling of the aged caseload. I propose that this group be called the Backlog Reduction, Evaluation and Assessment Committee (**BREAC**). For this purpose all 'older' cases on the trial list of the court, however aged can be categorized by complexity, state of readiness and age in the court system. This list can be used on an ongoing basis as the ethos of informing the work of the **BREAC** group. The goal is to ultimately make significant reductions in the pre-existing case backlog in the Supreme Court and to marshal the process of revising the scheduling practices of the Court, thus making backlog prevention a priority in the near future.

The incidence of files not found, matters left off the court list and matters wrongly listed are among the factors contributing to the waste of judicial time, which are most directly controllable by the Supreme Court. Urgent steps must therefore be taken to strengthen the

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case file movement process and greater use of the available records in electronic case management software (JEMS) must be encouraged.

The slowness of data production in the existing electronic case management platform (JEMS) is a cause for concern and this compounds the ability of the Supreme Court to rely on electronic records to proceed with cases and to respond to information requests. I strongly recommend that a coordinated effort be made to redress this problem as it poses a threat to the viability of the data extraction and production mechanisms and is a source of inefficiency.

The Supreme Court is indeed showing much resilience amidst the constraints experienced however; there is much to be done to accomplish the desired international benchmarks in efficiency and timely delivery of justice across all Divisions. The current operational policy revisions pursued bears much promise in this regard.

Glossary of Statistical Terms

- 1) **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%.
- 2) **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: The clearance rate could therefore exceed 100% but the disposal rate has a maximum value of 100%.
- 3) **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%
- 4) **Court room 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
- 5) **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

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that given the resources currently at a court's disposal and its degree of efficiency, it is carrying 1.5 times its capacity.

- 6) 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.
- 7) 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.
- 8) 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.
- 9) Range:** This a 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.

