

PRACTICE DIRECTION NO 4 OF 2021: CHAMBER HEARINGS IN CIVIL CASES

SUPREME COURT OF JUDICATURE OF JAMAICA

This Practice Direction is issued by the Honourable Chief Justice in respect of all civil matters regardless of division or court in which such cases are listed.

GENERAL

1. This Practice Direction comes into effect on Thursday, January 7, 2021 and applies to all hearing in chambers in civil matters regardless of the division in which the matter is filed or listed.
2. Practice Direction (NO 11) of 2020 is revoked.
3. Litigants are strongly encouraged to have as many applications as possible disposed of on paper.
4. Parties who wish to have any matter listed to indicate a settlement in Chambers should send an email entitled with the name and number of the matter followed by an indication that the matter has been settled. There is no need to file an application supported by an affidavit. An email sent to the relevant official registry address with the draft order as an attachment or captured in the body of the email will be sufficient. A hearing will only be necessary in the event that the Judge does not approve of the draft order and wishes to hear further from the parties. The email addresses for the various registries are as listed below:

(i) for the civil registry (HCV) – the email address is
civilregistry@supremecourt.gov.jm;

(ii) for the matrimonial division –the email address is
matrimonial@supremecourt.gov.jm;

(iii) for the probate division – the email address is probate@supremecourt.gov.jm;

(iv) for the commercial division –the email address is commercialregistry@supremecourt.gov.jm;

(v) for the Revenue Court – the email address is revenuecourt@supremecourt.gov.jm.

5. The hearing referred to in paragraph 4 shall be by teleconferencing, video conferencing, or any other means of electronic communication unless the Judge specifically indicates that the hearing shall be in person.

6. All counsel and self-represented litigants must include in the footnote in all documents filed in the registries a current:

(i) e-mail address;

(ii) civic address; and

(iii) telephone numbers (i.e. landline(s) and cellular phone(s)),

so that the court can communicate with the parties.

7. Where any of the parties are juridical persons or unincorporated bodies the contact information referred to in paragraph six (6) must include contact information of the legal departments, law firm, or counsel representing the party.

8. No part of the proceedings in chambers is to be recorded by the parties, their attorneys-at-law or anyone acting on their behalf without the approval of the

presiding Judge and a note to that effect shall be made on the minute sheet and the formal order.

9. In none of the circumstances covered by these guidelines is the Judge, or any of the parties, or their attorneys-at-law permitted to make any arrangements for hearing of any matter in chambers, or for the hearing of matters without such arrangements being made through and by an authorized officer.
10. There shall be no private communication between the Judge and any of the parties or their attorneys-at-law in respect of any matter.
11. All communication between the Judge and the parties and/or their attorneys-at-law in respect of any matter must be done through an authorized officer.
12. Cases where the litigants are seventy years (70) years old and older and cases involving minors must be given priority.
13. Practice Direction (NO 8) of 2020 dated the 2nd day of September 2020 applies.

Definitions

14. "Authorized Officer" means the Registrar of the Supreme Court, Deputy Registrar of any Division of the Supreme Court, Registrar of the Revenue Court, and any person including the Court Administrator in any registry authorized by the Registrar or Deputy Registrar of any Division of the Supreme Court, and the Revenue Court.
15. "Judge" in this Practice Direction means Judge of the Supreme Court, and Master-in-Chambers.

16.“Paper hearing” means a matter where the Judge determines the matter without oral submissions.

17.“Remote delivery” means a Judge handing down a judgment to counsel and/or parties in chamber from a separate location or handing down a judgment where neither the parties nor the Judge is present in a physical chamber but are able to see and/or hear each other.

18.“Remote hearing” means proceedings taking place by means of telephone conference call, video-conferencing or any other form of electronic communication.

19.“Remote location” means any place other than the chambers where a trial or hearing is taking place.

Delivery of judgments

20. Where judgments are to be delivered in chambers, an authorized person will have prior communication with the attorneys-at-law for the parties, or the parties themselves where they are self-represented so that they can be present when judgment is being delivered.

21.The general rule is that judgments are to be remotely delivered unless the Judge determines otherwise.

22.If the judgment is to be delivered in-person the ‘Health Guidelines Governing Access To All the Court of Jamaica’ dated May 27, 2020 apply.

Chamber hearings

23. The general rule is that in-person chamber hearings are prohibited unless they can occur in a manner consistent with 'Health Guidelines Governing Access To All the Court of Jamaica' dated May 27, 2020.
24. Where the hearing in chambers is being conducted remotely counsel is required to connect to the virtual hearing room at least 15 minutes before the scheduled time slot.
25. Where counsel or the litigants do not have access to the required technology, this should be indicated by counsel to the court using the email addresses referred to in paragraph 4.
26. In final hearings of applications for restrictive covenants, counsel desirous of presenting the Duplicate Certificate of Title for consideration by the Masters-in-Chambers, must obtain a certified copy of the Duplicate Certificate of Title from the Office of the Registrar of Titles and lodge same at the civil registry no later than three (3) days before the hearing.

Chamber hearings on paper

27. Parties desirous of having a paper hearing should so indicate by placing in bold at the top of the application the following words: **TO BE HEARD ON PAPER.**
28. Matters meeting the following criteria are suitable for paper hearings:
- (i) the hearing can conveniently be dealt with on paper;
 - (ii) all the material to be considered by the judicial officer is captured in the affidavit and/or other relevant documents;

- (iii) no oral evidence is necessary;
- (iv) no cross examination is necessary.

Revenue Court and Commercial Division

29. All interim proceedings in the Revenue Court and the Commercial Division are to be heard remotely unless the presiding Judge otherwise permits.

Hearings before the Master in Chambers

30. All matters before the Master in Chambers shall be by remote hearing unless the Master decides otherwise after hearing from the parties.

Dated this 5th day of January 2021



Bryan Sykes OJ, CD

Chief Justice