



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

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# THE CHIEF JUSTICE’S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

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

## Chief Justice's Message

In this message, I will focus on two significant measures of productivity. These are (a) the case clearance rate, which is the number of cases disposed of compared with the number of cases entering the court system and (b) hearing date certainty which indicates the likelihood of a matter commencing on the date that it is set down for hearing.

The Easter Term Report of 2018 covering the period April 4, 2018 to July 31, 2018 reveals that overall, there has been an improvement in the case clearance rate. In particular, the clearance rate has improved significantly with three of the six divisions meeting the international benchmark of 90%. The divisions that met the standard are Matrimonial (104%), Probate (106%) and the Home Circuit Court (93.24%). The Gun Court also met the international benchmark of 90% clearance rate (111.39%). This movement in clearance rates indicate that the Supreme Court is making strides to reduce the current inventory of cases. It is important to note that the Home Circuit Court marked the most significant improvement. It exceeded 90% clearance rate for the first time in two and a half years and in addition, the figure represents a 57% improvement over the Hilary Term 2018.

The problem of hearing date certainty continues to plague the court. There has been an overall improvement of 6% over the Hilary Term 2018 and 3% over the same period last year (2017). The data show that there is a 72% probability of the matter scheduled for hearing going ahead without adjournment. This is an upward trend, which needs to be continued in order for the court to meet the stated target of 95% hearing date certainty to be achieved by 2025. The data shows that the Home Circuit Court continues to lag with a hearing date certainty of 55.93%

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while the Commercial Division is out front with 91.73%, a slight dip from the Hilary Term 2018 figure of over 92%.

In the civil divisions (Commercial, HCV, Probate and Matrimonial) the most prominent reasons emanating from court users for matters being adjourned are (a) documents either not being served or not served in time for the hearing and (b) absent litigants/attorneys at law. I wish to urge our court users to adhere to the timelines stated in the procedural rules and in the case management orders so that the matters can proceed on the date set down. The court has also contributed to adjournments by either wrongly listing matters or omitting matters from the hearing list. This points to the need for more robust internal procedures to eliminate the gaps which result in these reasons for adjournments. This is being addressed by way of moving to increase the staff so that those persons dedicated to managing the files and preparing the trial lists can direct their attention to those activities exclusively rather than having myriad duties that undermine the ability of the court to manage its processes in a manner that eliminates the twin problem of files being lost and matters being omitted from the hearing list.

I end with the positive observation that the court has experienced overall improvement in these two key measures of productivity – case clearance rate and hearing date certainty. In the next few weeks the report of the Michaelmas Term 2018 is due and I anticipate further improvement. I wish to thank our court users and court staff for the work put in to bring about the improvements noted in the report.

**Bryan Sykes, OJ, CD**

**Chief Justice of Jamaica**

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## EXECUTIVE SUMMARY

This statistical report provides extensive insights into case activity and performance of the Divisions of the Supreme Court in the Easter Term spanning April 04 – July 31, 2018. The data provided builds on the critical information garnered from the Hilary Term report of 2018, revealing important trends and setting the tone for operational and policy advances. 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 4274 new cases entered the Supreme Court across all Divisions in the Easter Term while 3337 cases were disposed. The HCV and Matrimonial Divisions with 1571 and 1366 respectively of the total number of new cases, accounted for the largest share while the Home Circuit Court with 148 new cases and the Revenue Division with 3 cases had the lowest count. The Probate and Matrimonial Divisions continue to account for a large proportion of cases disposed, together accounted for roughly 68% of all disposed matters in the Supreme Court for the Easter Term, 10 percentage points more than the previous Term. On the other hand, the Revenue Division and the Home Circuit Court account for the lowest number of disposed cases, although the Home Circuit Court disposed significantly more cases than the previous Term. When all Divisions are accounted for, the total number of new cases filed was 23.71% more than the Hilary Term of 2018. The aggregate number of cases disposed also rose significantly, with a leap of 52.29% when compared to the previous Term.

Among the major findings from this Term Report is that the average clearance rate across the four Divisions was roughly 78%, an increase of over 30 percentage points when compared to both the Hilary Term of 2018 and the annualized results from 2017. The case clearance rate provides a measure of the number of cases disposed, for every new case filed. The average of roughly 78% across the Divisions suggests that for every 100 new cases entered in the period,

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roughly 78 were also disposed (not necessarily from the new cases entered). Although this is a commendable improvement, the result indicates that there are still far more new cases entering the Supreme Court than the quantum disposed and that much more progress is needed in order to make significant inroads into the pre-existing case backlog. The targeted court-wide case clearance rate of between 130% and 140% which has been set by the Chief Justice for the Courts to achieve over the next six years is pivoted against what is deemed necessary to improve significantly improve the timely delivery of justice and also to greatly reduce the case backlog.

The case clearance rates for the Easter Term range from a low of 38.76% in the High Court Civil (HCV) Division to a high of 111.39% in the Gun Court. The results are quite instructive as four of the seven Divisions met the International standard by exceeding the 90% mark, with the Matrimonial and Probate Divisions and the Gun Court exceeding 100% and the Home Circuit Court exceeding the 90% for the first time in at least two and a half years. The Home Circuit Court was the most improved Division in this regard with a leap of roughly 57 percentage points when compared to the previous Term. The overall statistic on the case clearance rate gives profound insights into potential case flow and backlog problems across the Divisions of the Supreme Court.

Although there has been some marginal improvement in the Easter Term, 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 55.93% in the Home Circuit Court to an approximate high of approximately 91.73% in the Commercial Division for the Easter Term. The average date adherence across the Divisions for the period under examination was roughly 72%, an increase of 6 percentage points when compared to the Hilary Term of 2018 and 3 percentage points

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when compared to 2017. This result for the Term is an indication that there is a 72% 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 – claimant's documents to be filed, defendant documents not served, claimant's documents short served or not served, 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 documents and the lack of readiness of the Crown and defense. 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. The data continues to suggest that 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. A range of operational initiatives have commenced across the Divisions of the Supreme Court in an effort to improve hearing and trial date certainty. The Chief Justice has established a court-wide target of a 95% trial and hearing date certainty over the next six years. Indeed, if the targets set out by the Chief Justice for both the case clearance and trial and hearing date certainty rates are sustainably achieved over the next six years, the Jamaican judiciary would become poised to be in the top quintile of the most efficient and productive in the Caribbean and Latin American region. This would lay the foundation for sustainable economic growth and development and a more productive society.

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 68 requisitions

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per 100 case files while the HCV Division with roughly 11 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 Easter Term. The estimated average times taken for cases to be disposed ranged from a low of approximately 1 year and 6 months in the Probate 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 Easter Term was roughly 2 years and 2 months, consistent with the general trend over the past five Terms. The oldest matter to be disposed in the Easter Term was in the Matrimonial and High Court Civil Divisions, which saw a 26 -year-old and 25 year-old matter respectively being disposed. There were however several matters which took as low as between 0 and 6 months to be disposed across all the Divisions of the Supreme Court.

The overall weighted performance assessment of the various performance measures suggests that the Home Circuit Court is the most improved Division for the Easter Term however the Probate Division is the most efficient. The Divisions as a whole are however all showing positive signs which if sustained and improved upon, will set the foundation for the highest standard of output in the foreseeable years.

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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 Easter Term	Clearance Rate (%)	Trial/hearing certainty rate (%)	Average time to disposition
High Court Civil (HCV)	1571	609	40	38.76	63.91	3 years
Matrimonial	1366	1426	33	104.39	78.07	2.17 years
Probate	788	840	133	106.80	75.53	1.6 years
Commercial	242	145	44	60	91.73	2.48 years
Home Circuit Court	148	138	23	93.24	67.26	1.6 years
Gun Court	158	176	39	111.39	55.93	2 years
Revenue Division	1	3	N/A	N/A	N/A	N/A
<b>Gross/Average</b>	4274	3337	312	78	72.08	2.14 years

### 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,

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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.

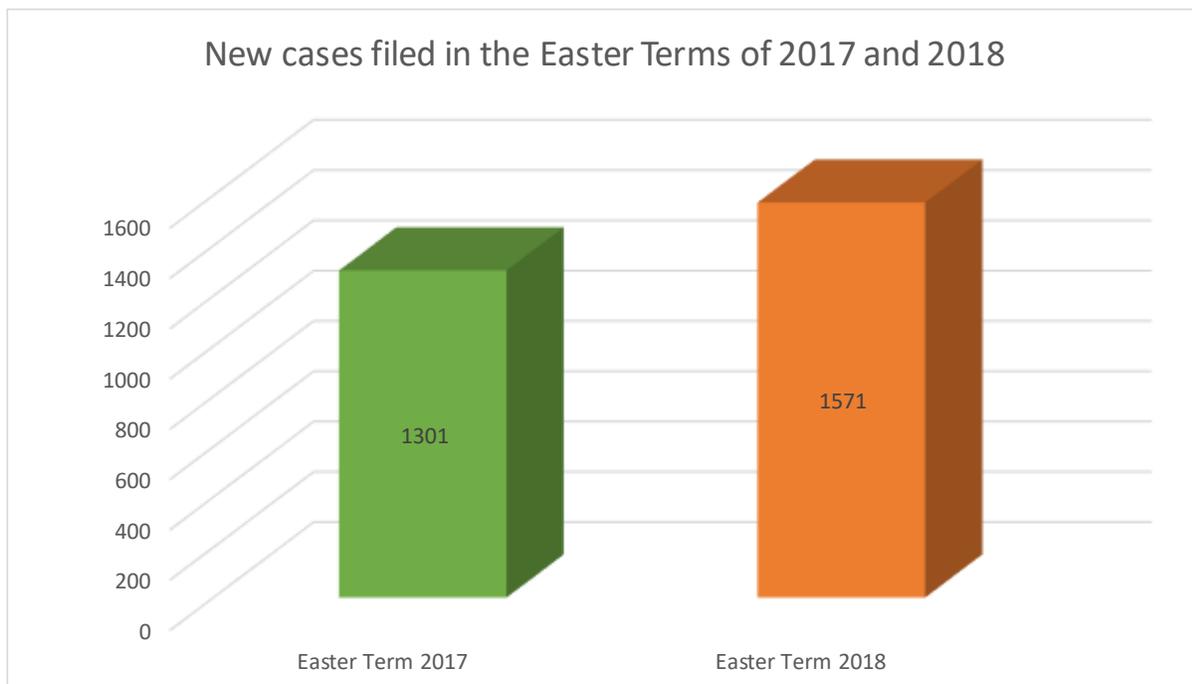
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## CHAPTER 1.0: HIGH COURT CIVIL DIVISION

This chapter provides a detailed analysis of case activity in the High Court Civil Division for the Easter Term ended July 31, 2018.

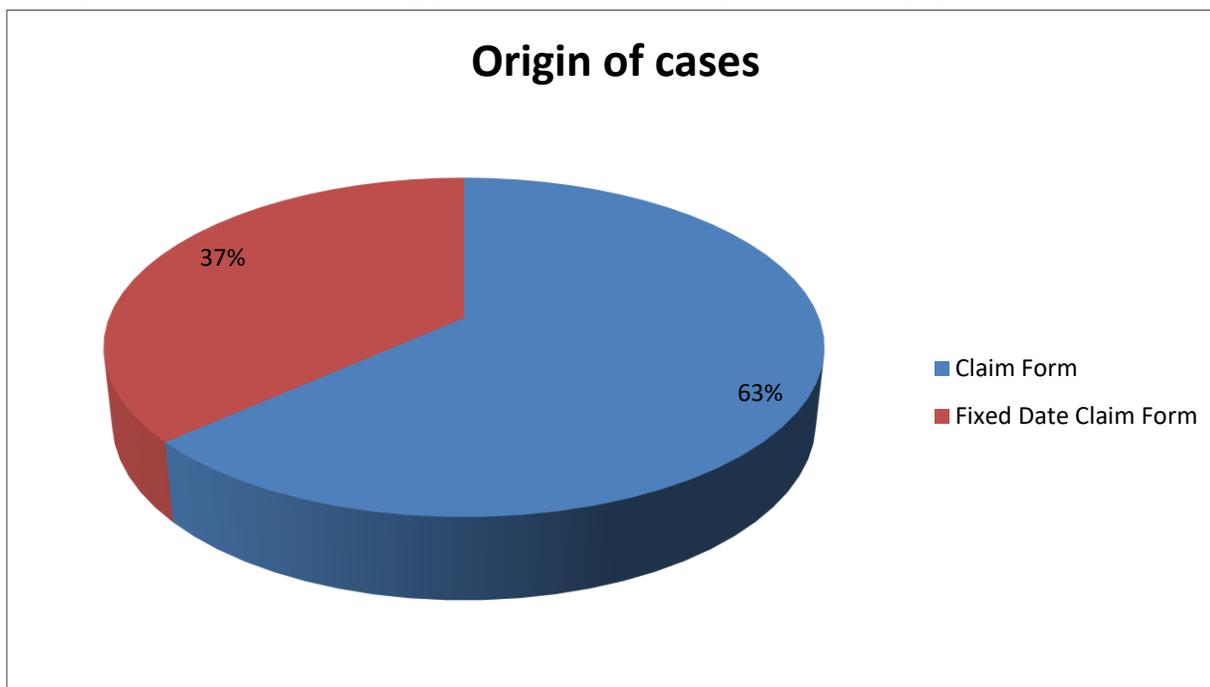
### **New cases filed**

One thousand, five hundred and seventy one new cases were filed in the Easter Term, representing a 5.29% increase over the previous Term and a 20.75% increase when compared



As shown in the above chart, there were 1571 new cases filed in the High Court Civil Division (HCV) in the Easter Term of 2018 compared to 1307 in corresponding period in 2017.

Chart 2.0: Claim Forms and Fixed Date Claim Forms for the Easter Term of 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 Easter Term in 2018. Of the 1571 new matters originating in either of these ways, 990 or 63%% were by way of a Claim Form while 581 or 37% originated by way of Fixed Date Claim Forms. This probability distribution is consistent with the corresponding period in 2017 and the Hilary Term of 2018, 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 Easter 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 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

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combined 2355 incidences of adjournments whether for continuance or avoidable reasons in the High Court Civil (HCV) Division during the Easter Term, 2018. This is an increase of 50.38% when compared to the previous Term.

**Table 1.0: Top 10 reasons for adjournment for the Easter Term ended July 31, 2018**

Reasons for adjournment	Frequency	Percentage
Claimant to file documents	292	12.40
For comments from NEPA to be filed (Restrictive covenant)	260	11.0
Claimants documents short served or not served	226	9.60
Claimant’s attorney absent	102	4.30
Claimant not available	96	4.10
Claimant’s attorney not ready	74	3.10
Defendant’s documents not served	71	3.00
Defendant to file documents	54	2.30
Defendant not found	48	2.00
File not found	45	1.90

**Total number of adjournments/continuance = 2355**

The above table summarizes the top twelve reasons for adjournment for the Easter Term of 2018 using the contextual definition outlined above. It is seen that the three dominant reasons for adjournment were for claimant to file documents with 292 or 12.40% of all events of adjournments/continuance, for comments from NEPA to be complied with (restrictive covenants) with 260 or 11.0% and claimants documents not served or short served with 226 or 9.60%. Adjournments due to claimant’s attorney absent with 102 or 4.30% and those due to

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claimant not available with 96 or 4.10 rounds off the top five reasons for adjournment in the High Court Civil Division for the Easter Term. The reasons for adjournment enumerated above, accounts for approximately 53.84% 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 in the previous Term 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 while others suggest the need for a robust engagement of external stakeholders such as the Bar association of Jamaica. Deficiencies in scheduling of matters is historically a critical problem across the Divisions of the Supreme Court, contributing to frequent adjournments, sub-optimal trial, and hearing date certainty ratios.

**Table 2.0: Frequent reasons for continuance for the Easter Term ended July 31, 2018**

Reasons for continuance	Frequency	Percentage
Pending outcome of another application	61	2.60
Part heard	22	0.90

**Total number of adjournments/continuance = 2355**

The above table summarises the most common reasons why cases in the HCV Division were delayed for 'continuance' during the Easter Term. It is seen that this list is led by matters pending the outcome of another application with 61 or 2.60% of the total reasons for adjournment/continuance.

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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 Easter Term ended July 31, 2018**

Reasons for continuance	Frequency	Percentage
Parties having discussion with a view to settlement	148	6.30
Medical report outstanding	36	1.53

**Total number of adjournment/continuance = 2355**

It is seen above that parties having discussions with a view to settlement with 148 incidences or 6.30% of the total and medical reports outstanding with 36 or 1.53% 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 2355 in the Easter Term includes cases with multiple adjournments. 1827 individual cases were associated with these adjournments thus for every 100 cases adjourned there were roughly 129 adjournments in the Easter Term, an increase of ten percentage points when compared to the previous Term.

**Table 4.0: Trial matters for the Easter Term ended July 31, 2018**

Trial matters	Frequency	Percentage (%)
Petition for winding up	3	0.21
Court Trials	671	47.09
Assessment of Damages	589	41.33
Trial in Chambers	162	11.37
<b>Total trial matters</b>	<b>1425</b>	<b>100</b>

The above table shows the breakdown of the progression of HCV pre-trial and trial matters for the Easter Term, 2018. There were 1425 combined occurrence of trial hearings in the Term, an

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increase of 55.57%. Of these 1425 occurrences, Court Trials led with 671 or 47.09% of the total. Assessment of Damages followed this with 589 or 41.33% of the total while Trails in Chamber with 161 or 11.37% of the matters ranks next. Petitions for winding up accounts for only 0.21% of the total trial matters. The relative distribution of trial matters shown in the table above were similar to that of the previous Term and the corresponding Term in 2017.

**Table 5.0 Trial/hearing date certainty for the Easter Term ended July 31, 2018**

<b>Trial/hearing dates set</b>	<b>Trial/hearing dates adjourned (excluding adjournments for continuance)</b>	<b>Trial/hearing date Certainty</b>
5486	1980	63.91%

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 5486, dates scheduled for either trial or some form of hearing, both in Court and in Chamber, 1980 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 1980. The resulting trial/hearing date certainty figure of 63.91% suggests that there is a roughly 64% 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 an increase of 4.21 percentage points when compared to the previous Term.

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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 Easter Term ended July 31, 2018**

<b>Number of available court days in the Hilary Term of 2018</b>	<b>Number of days' worth of assessment of damages scheduled (for 1 court)</b>	<b>Approximate ratio</b>
<b>83</b>	<b>589</b>	<b>7.10 days</b>

An important indicator of the problems associated with the scheduling of HCV matters comes from an assessment of the number of court days which were available in the Easter Term, 83 all told and the number of days' worth of assessment of damages which were scheduled (a total of 589). It is shown that for every court day available, approximately 7 days' worth of matters were scheduled during the Term. This is roughly the same as the average figure for 2017 as a whole and for the Hilary Term of 2018. The inevitable result of this is an abnormally high incidence of adjournments, which again underscores the need to urgently pursue interventions, which will bolster confidence in the Supreme Court's scheduling mechanism as a whole. One such intervention has already commenced which will see a fixed, more manageable number of matters scheduled each day for assessment of damages.

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

Number of available court days in 2017	Number of days' worth of court matters scheduled for court trial per court	Approximate ratio
<b>83</b>	<b>134</b>	<b>1.61</b>

Another important indicator of the problems associated with the scheduling of HCV matters comes from an assessment of the number of court days which were available in the Easter Term, 83 all told and the number of days' worth of court trials which were scheduled per court (a total of 134). It is shown that for every day available, just over a day and a half worth of matters were scheduled, a slight increase when compared to the previous Term but marginally better than the corresponding period in 2017. The evidence here again reaffirms the idea that there needs to be improvement in the scheduling mechanisms currently being employed. A better alignment of resources through more efficient courtroom utilisation and differentiated case management strategies are again integral in this regard.

**Table 7.0: Probability distribution of the incidence of adjournments/continuance for the Easter Term ended July 31, 2018**

Type of Incidence	Frequency	Percentage (%)
Case Management Conference	191	8.11
Pre-Trial Review	92	3.91
Trial in court	72	3.06
Assessment of damages	471	20.00
Judgment Summons Hearing	87	3.69
Applications	1442	61.15
<b>Total</b>	<b>2355</b>	<b>100</b>

As was the case throughout 2017 and in the first Term of 2018, the above table shows decisively that the vast majority of reasons for adjournments/continuance are associated with Applications, accounting for 61.15% of the total. Adjournments from Assessment of Damages

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and Case Management Conferences with 20.0% and 8.11% respectively of the total adjournments rank next. Notably, trial in court accounts for 3.06% of the adjournments, consistent with the trend over the past year and a half. Nevertheless, this could again be markedly improved through the adoption of differentiated case management practices. The distribution of the reasons for adjournment above are broadly consistent with the trend so far in 2018.

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 Easter Term ended July 31, 2018.**

Hearing dates set	Dates adjourned (excluding continuance)	Hearing date certainty (%)
589	423	28.18

One area in which adjournments are aplenty is with respect to the Assessment of Damages that accounts for 423 adjournments (excluding procedural adjournments) and again has a low hearing date credibility of 28.18%. This represents an improvement of 2.62 percentage points when compared to the previous Term. This suggests that the probability that a matter that is set for assessment will be heard without adjournment is approximately 28% 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 Easter Term ended July 31, 2018.**

Hearing dates set	Dates adjourned (excluding continuance)	Hearing date certainty (%)
517	154	70.21

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The hearing date certainty for Case Management Conferences is considerably higher than that of Assessment of Damages, accounting for 517 adjournments and a trial certainty of 70.21%, a decline of 1.32 percentage points when compared to the previous Term. This suggests that there is only a roughly 7 in 10 chances that a date scheduled for Case Management Conferences will not be adjourned. However, Case Management Conferences are among the court activities with the highest hearing date certainty, this outcome still falls below the international benchmark of 90% 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. Such a strategy is currently being pursued and the results will be progressively monitored.

**Table 10.0: Requisitions for the Easter Term ended July 31, 2018.**

Action	Frequency
Requisitions Issued	185
Responses to requisitions	73
Requisition response rate	39.46%
Requisitions per 100 case files	11.78

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 185 requisitions for the year. The ratio of cases filed to requisition was 11.78, which suggests that for every 100 case files there were roughly 12 requisitions. This represents an increase of 4.61 percentage points in the incidence of requisitions when compared to the previous Term.

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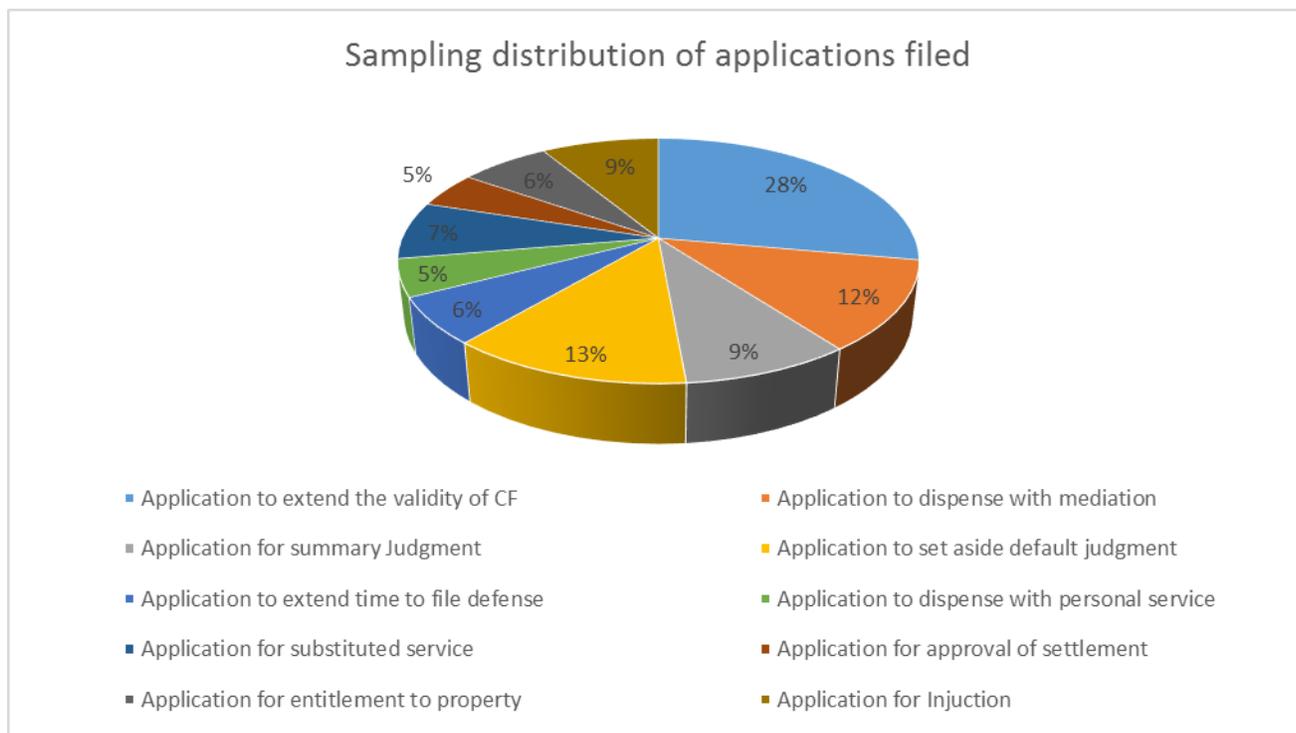
**Table 11.0: Chamber hearings for the Easter Term ended July 31, 2018.**

Hearings	Frequency	Percentage (%)
Oral Examination	8	0.20
Case Management Conference	517	14.81
Pre-trial review	298	12.73
Applications (Various)	3045	74.98
Judgment summons hearing	193	4.75
<b>Total</b>	<b>4061</b>	<b>100</b>

The above table summarizes the incidence of different types of Chamber hearings for the Easter Term. It is seen that the total number of hearings for the period was 4061, an increase of 46.34% when compared to the previous Term. The highest proportions were various applications with 3045 or 74.98% of the total number of hearings. The general applications category speaks to 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 517 or 14.81% of the total number while Judgment summons hearings with 193 or 4.75 % rounds off the top three Chamber Hearings for the Term. The proportional distribution of these hearings was broadly similar to that of the corresponding Term in 2017 and the previous Term in 2018.

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**Chart 3.0: Sampling distribution of the leading application types for the Easter Term ended July 31, 2018**



The above chart provides a sampling distribution of the most frequently occurring applications for the Easter Term of 2018. As with the previous Term, the largest proportion of this list is accounted for by applications to extend the validity of a claim form with 28% of the total. This is followed by applications to set aside default judgments and applications to dispense with mediation with 13% and 12% respectively of the sample of applications filed. Applications for injunction and those for substituted service with 9% and 7% respectively of the total applications rounds off the top five. Many of these types of applications also featured prominently in the previous Term and in the corresponding period in 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, as with previous reports 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

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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.

**Table 12: Methods of disposition for the Easter Term ended July 31, 2018**

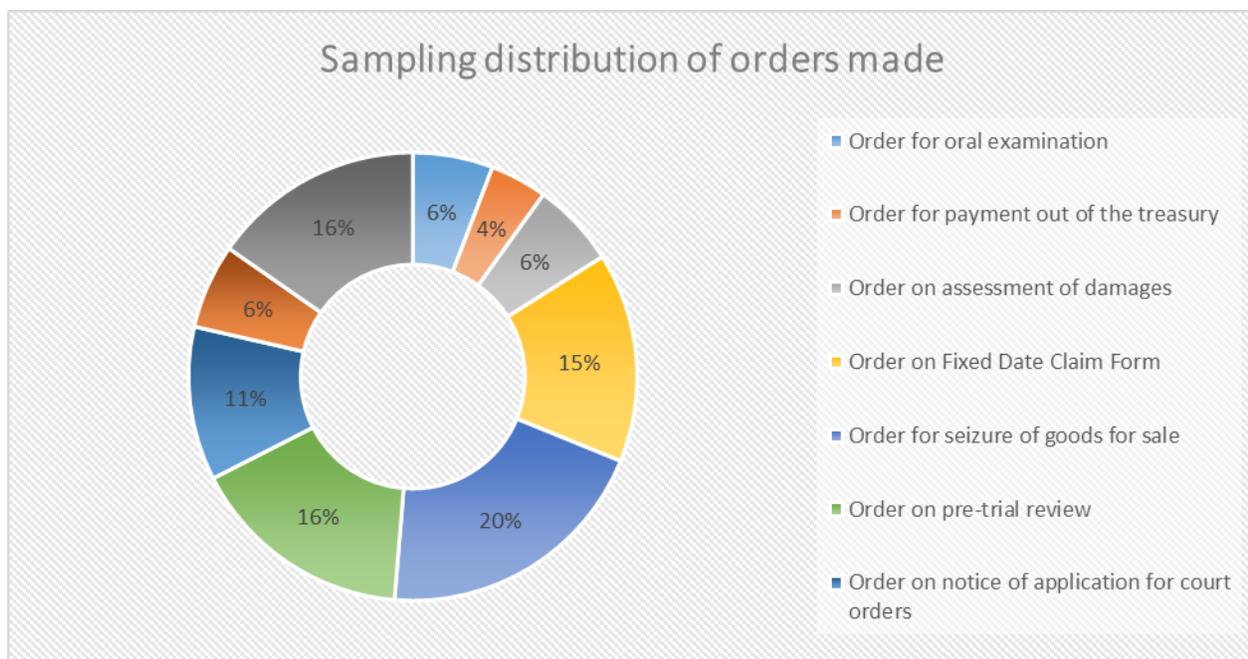
Method of Disposition	Frequency	Percentage (%)
Application Granted	212	34.8
Attorney Admitted to Bar	2	.3
Claim form expired	23	3.8
Consent Judgment	19	3.1
Consent Order	10	1.6
Damages Assessed	55	9.0
Dismissed	2	.3
Judgment	27	4.4
Judgment in Default of Acknowledging of Service	1	.2
Matter Completed at Case Management Conference	2	.3
Matter Completed at Mediation	2	.3
Matter Withdrawn	11	1.8
Settled through mediation	4	.7
Notice of Discontinuance	59	9.7
Order (Chamber/Court)	22	3.6
Matter settled	91	14.9
Settlement Order	1	.2
Struck Out	36	5.9
Transfer to Commercial	5	.8
Transfer to parish court	1	.2
Written Judgment Delivered	24	3.9
<b>Total</b>	<b>609</b>	<b>100.0</b>

An understanding of the distribution of the methods of case disposal is an essential metric to gaining insights into the efficiency of case handling in the courts and in operational planning. It is seen that there were 609 HCV cases disposed in the Easter Term, an increase of 55.36% when compared to the previous Term. The largest proportion, 212 or 34.80% were due to Applications

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Granted. This was followed by settlements with 91 or 14.90% of the total and Notices of Discontinuance with 59 or 9.70%. Damages Assessed with 55 or 9.0% and matters struck out with 36 or 5.90% rounds off the top five methods of disposition in the Easter Term. Of note is that only a small minority of the methods of disposal, 4 or 0.70% were completed by way of Mediation. Of equal noteworthiness is that 11 or 1.80% was disposed by way of matters withdrawn. Of the 609 HCV cases disposed in the Easter Term, 46 or 7.55% were from cases originating in 2018, suggesting modest rate of disposition year to date. The leading methods of disposition in this Term were also similar to those of 2017 as a whole and the first Term of 2018.

**Chart 4.0: Sampling distribution of the dominant types of orders for the Easter Term ended July 31, 2018.**



The above table provides a sampling distribution of the most frequently occurring orders made in the HCV Division for the Easter Term. The distribution is led by orders for seizure of goods for sale with an estimated 20%, followed by orders on assessments of damages and on pre-trial reviews with estimates of 16% each of the total sample of orders. Orders on Fixed Date Claim Forms and on Notices of Application for Court Orders with approximately 15% and 11%

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respectively of the orders made rounds off the top five orders in this sampling distribution.

These orders also featured prominently in 2017 and the first Term of 2018.

**Table 13.0: Time to disposition for the Easter Term ended July 31, 2018**

### Descriptive Statistics

Number of observations	609
Mean	36.2319
Median	24.5000
Mode	11.00
Std. Deviation	30.92000
Skewness	1.910
Std. Error of Skewness	.099
Range	300.00
Minimum	1.00
Maximum	301.00

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 Easter Term. The 609 cases disposed in the Term reveal an estimated average time to disposition was 36.23 months or approximately 3 years, the same as the average time taken in the previous Term. The oldest matter disposed in the year was 301 months old or roughly 25 years old while the lowest time that a matter took to be disposed was roughly a month. The most frequently occurring time to disposition for matters disposed in the period was however 11 months. The standard deviation of roughly 31 months or roughly 2.6 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 1.9 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.

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**Table 14.0: Breakdown of time to disposition for the Easter Term ended July 31, 2018**

<b>Time Intervals</b>	<b>Frequency</b>	<b>Percentage (%)</b>
0 – 12	180	29.56
13 - 24	124	20.36
25 – 36	68	11.16
4.00	46	7.55
5.00	191	31.36
<b>Total</b>	<b>609</b>	<b>100.0</b>

The above table provides a more detailed breakdown of the average time to disposition. It is seen that of the 609 matters disposed in the year, the largest proportion, 191 or 31.36% took four or more years 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 of a year or less accounted for 180 or 29.56% of the matters disposed. These two interval times also dominated the times to disposition in the previous Term. The time interval of 13-24 months accounts for the third highest proportion of the disposals with 124 or 20.36%. As with previous statistical reports, 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. As with the previous Term, 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 as such an approach will greatly improve hearing and trial date certainty.

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**Table 15.0: Clearance rate for the Easter Term ended July 31, 2018**

Cases filed	Cases disposed	Case clearance rate
1571	609	38.76%

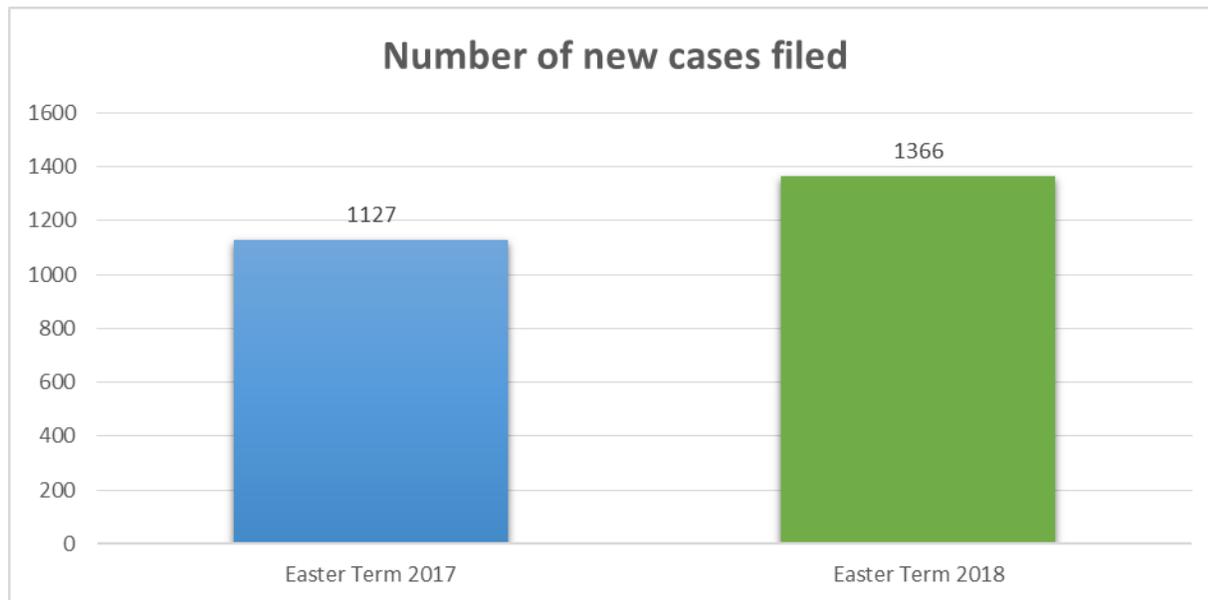
**\*46 or 7.55% of the cases disposed, originated in 2018**

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 38.76% seen above for the HCV Division, an increase of 12.54 percentage points when compared to the previous Term. This is an indication that for every 100 new cases filed in the period under examination, there were roughly 39 cases disposed. 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 Easter Term ended July 31, 2018.

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



One thousand three hundred and sixty six new cases were filed in Matrimonial Division in the Easter Term of 2018. This is an increase of 21.21% when compared to the Hilary Term in 2017, which saw 1127 new cases filed.

**Table 16.0: Petitions filed for the Easter Term ended July 31, 2018**

Type of petition	Frequency	Percentage
Amended petition for dissolution of marriage	702	33.95
Petition for dissolution of Marriage	1366	66.05
<b>Total petitions filed</b>	<b>2068</b>	<b>100</b>
Number of amendments per Petition	<b>0.51</b>	

The above table summarizes Petitions filed in the Easter Term. It is shown that 2068 Petitions were filed, 1366 or 66.05% were Petitions for dissolution of marriage, compared to 702 or 33.95% that were amended or further amendments to petitions for dissolution of marriage. The

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analysis further suggests that the ratio of Petitions to Amended Petitions is 0.51 or in other words for every 100 petitions for dissolution of marriage there is roughly 51 amended petitions for dissolution of marriage during the Term. This represents a 3-percentage points improvement when compared to the Hilary Term of 2018. The high incidence of amendments continue to constitute a source of delay in the timely and efficient delivery of dispositions. Continuous public sensitization is necessary to stem this tide. Such improvements are necessary to ensure that the targets set by the Chief Justice to significantly enhance the time taken to dispose of divorce cases.

**Table 17.0: Decrees Nisi and Decrees Absolute filed for the Easter Term ended July 31, 2018**

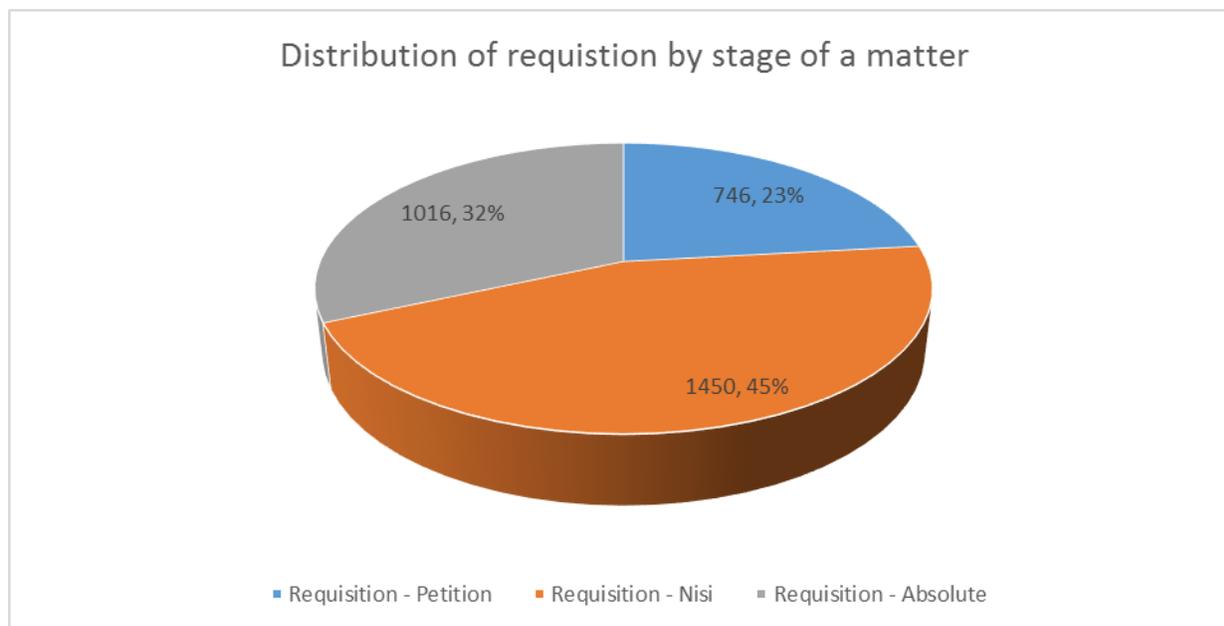
Case Status	Frequency
Decree Absolute	1940
Decree Nisi for dissolution of marriage	1946
Decree Nisi for nullity of marriage	9
<b>Total</b>	<b>3895</b>
<b>Ratio of Nisi to Absolute</b>	<b>0.997</b>

It is seen in the above table that for every 100 Decrees Absolute filed there were roughly 100 Decrees Nisi filed in the Easter 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. This is the closest the ratio of Decrees Nisi to Decrees Absolute has been since the commencement of these statistical reports in 2016, an indication that there may be an improvement in the rate of progression of the average matter towards disposition.

The incidence of requisitions have a profound impact on the rate at which divorce matters are able to progress through the court system. 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.

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**Chart 6.0: Distribution of the stages of requisitions for the Easter Term ended July 31, 2018**



As with previous reports, it is seen in the above chart that there is a greater probability that a requisition will be made at the stage of Decree Nisi, with an approximate incidence of 45%. 32% of the sample constituted requisitions at the stage of a Decree Absolute and a slightly lower proportion of 23 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. Significant interventions aimed at reducing procedural inefficiencies in the progression of matrimonial cases are currently being pursued, the results of which should be seen over the coming Terms.

**Table 18.0: Methods of Disposals for the Easter, 2018**

Method of disposition	Frequency	Percentage (%)
Decree Absolute Granted	1423	99.8
Decree Nullity Granted	3	0.20
<b>Total</b>	<b>1426</b>	<b>100.0</b>

The above table reveals that 1426 Matrimonial matters were disposed of in the Easter Term, 99.80% of which were by the method of Decrees Absolute Granted and the remaining 0.20% by way Decree Nullity Granted. This represents a marked increase of 247% in the number of cases

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disposed when compared to the Easter Term. Of the 1426 cases disposed, only 33 or 2.31% were from cases originating in 2018, an unsurprising result based on the pre-existing procedural factors which render the best-case average time to disposition for divorce cases to roughly 6 months. As stated, current revisions to such procedural deficiencies should significantly improve the time taken to dispose of divorce cases.

**Table 19.0: Requisitions summary for the Easter Term ended July 31, 2018.**

Action	Frequency
Requisitions	3212
Number of requisitions per 100 files	59%
Number of responses to requisitions	2170
Requisition response rate	67.56%

The incidence of requisitions is especially important in assessing the efficiency with which Matrimonial matters move through the court system. There were 3212 requisitions filed in the Easter Term, a significant increase over the Hilary Term of 2018. This producing a ratio of cases filed to requisitions of 59%, which suggests that for every 100 cases, filed there were 59 requisitions, a high rate by any measure but is reflective of steady, continuous improvements over the past two Terms. There were 2170 responses to requisitions made in the period, a response rate of roughly 68%, a major improvement of 57 percentage points when compared to the Hilary Term in 2018.

**Table 20.0: Time efficiency measures for the Easter Term ended July 31, 2018**

Efficiency measures	Days
Average days between Petitions filed and Decrees Nisi filed	30
Average days between requisitions issued and Decrees Nisi filed	30
Average days between Decrees Nisi filed and Decrees Absolute filed	63
Average days between requisitions issued and Decrees Absolute filed	25

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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 Easter 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 25 days. It takes on average four days longer, 30 days, between issuing a requisition and filing a Decree Nisi. The time interval between the filing of a Decree Nisi and a Decree Absolute is approximately 63 days or just about 2 months. Based on this data, if it was to be assumed that a randomly selected Matrimonial 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.

Major initiatives are currently being explored in the Matrimonial Division to significantly reduce the average time taken to dispose of Matrimonial cases.

**Table 21.0: Court/Chamber matters for the Easter Term ended July 31, 2018.**

Action	Frequency	Percentage (%)
Applications	160	48.00
Expedited Applications	62	18.62
Case Management Conference	73	21.92
Motion Hearing	23	6.91
Pre-trial Hearing	3	0.90
Trial (include Chambers)	12	3.60
<b>Total</b>	<b>333</b>	<b>100</b>

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The above table shows the distribution of the types of matters brought before the Court for the period under examination. The data shows that 333 Matrimonial matters were brought before either Court or Chamber of which the largest proportion, 160 or 48% were applications followed by 73 or 21.92%, which were Case Management Conference matters. The event with the third highest incidence in this category is expedited applications, which accounts for 62 or 18.62% of the total. The probability distributions of the events in this table are broadly consistent with that which was observed over the past three Terms. The combined number of Court and Chamber matters for the Easter Term increased by 28% when compared to the Hilary Term of 2018.

**Table 22.0: Top three types of applications in the Easter Term ended July 31, 2018**

Application type	Frequency	Percentage (%)
Application for custody and /or maintenance	24	10.81%
Application to dispense with personal service	27	12.16%
Application for joint custody	12	5.41%

Further analysis of the types of application and expedited applications brought before the Court suggests that applications to dispense with personal service with 25 or 11.26% accounted for the largest share. This is followed by applications for custody and/or maintenance with 24 or 10.81% of the total applications, while applications for entitlement to property with 12 or 5.41% which round off the top three types of applications. These top three application types account for roughly 28.38% of all application in the Matrimonial Division in the Easter Term of 2018. These three application types were also in the top five in the corresponding period in 2017.

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**Table 23.0: Top four reasons for adjournment for the Easter Term ended July 31, 2018**

Reasons for Adjournment	Frequency	Percentage (%)
No parties appearing	21	18.30
Claimant to file documents	17	14.80
Parties having discussions with a view to settlement	11	9.60
Claimant documents not served or short served	9	7.80
File not found	6	5.20

**Total number of adjournments (N) = 115**

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 115 adjournments in the Matrimonial Division in the Easter Term, an increase of 9.17% when compared to the previous Term. The largest proportion of these adjournments was due to no parties appearing, accounting for 18.30% of total adjournments. Claimant to file documents and parties having discussions with 14.80% and 9.60% 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 24.0: Trial/hearing date certainty for the Easter Term ended July 31, 2018**

Court/Chamber dates set	Dates adjourned (excluding continuance)	Hearing date certainty
333	73	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 333 dates scheduled in Court or Chamber in the Hilary Term, 73 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. This outcome is consistent with

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the average rate in the Matrimonial Division over the past three Terms. It is below the prescribed International standard of 92% - 100%. The Chief Justice has set a target of attaining a 95% trial and hearing date certainty across the Jamaican court system over the next six (6) years.

**Table 25.0: Time to disposition for the Easter Term ended July 31, 2018**

### Descriptive Statistics (in month)

Number of observations	1426
Mean	25.5659
Median	22.0000
Mode	11.00
Std. Deviation	22.10289
Skewness	3.340
Std. Error of Skewness	.065
Range	310.00
Minimum	0.55
Maximum	310.00

The above table summarizes the time disposition for the Easter Term. It is seen that of the 1426 matters disposed of in the Term, the estimated average time to disposition was roughly 26 months or just 2.17 years. This was roughly the same as the figures observed in the previous. The estimate of the most frequently occurring time to disposition was however 11 months while the estimated maximum time to disposition for matters disposed of in the Term was 310 months or roughly 26 years and the estimated minimum was 7 months. The scores had a standard deviation of roughly 22 months, which indicates a wide variation in the distribution of the times to disposition in the period. The skewness measure returns a large positive figure of approximately 3.340, 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 26.0: Breakdown of times to disposition for the Easter Term ended July 31, 2018**

Months	Frequency	Percent (%)
0 - 12	542	38.0
13 - 24	418	29.3
25 - 36	208	14.6
37 - 47	94	6.6
48 & over	164	11.5
<b>Total</b>	<b>1426</b>	<b>100.0</b>

The above table provides a more detailed breakdown of the estimated times to disposition for Matrimonial matters in the Easter Term. It is seen that of the 1426 matters disposed of in the Easter Term, the largest proportion, 542 or roughly 38% were disposed of in a time of between under a year. The second most disposals occurred within the period 13 -24 months, accounting for 418 or 29.30% of the total. Taken together this result suggests that 297 or 67.30% of Matrimonial matters disposed of in the Term were done in two years or less from the time of initiation, a decline of 4.8 percentage points when compared to the Hilary Term. 466 or roughly 32.68% of all Matrimonial matters disposed of in the Easter Term took more than two years to be disposed. It is of note that 164 or 11.50% 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. It is expected that this will significantly improve with the current procedural changes which are being pursued in the processing of divorces cases. The margin of error of these estimates is plus or minus 2 months or 0.17 years.

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**Table 27.0: Case clearance rate for the Easter Term ended July 31, 2018**

Cases filed	Cases disposed	Case clearance rate
1366	1426	104.39%

**\*2.31% of the cases originating in 2018 were disposed.**

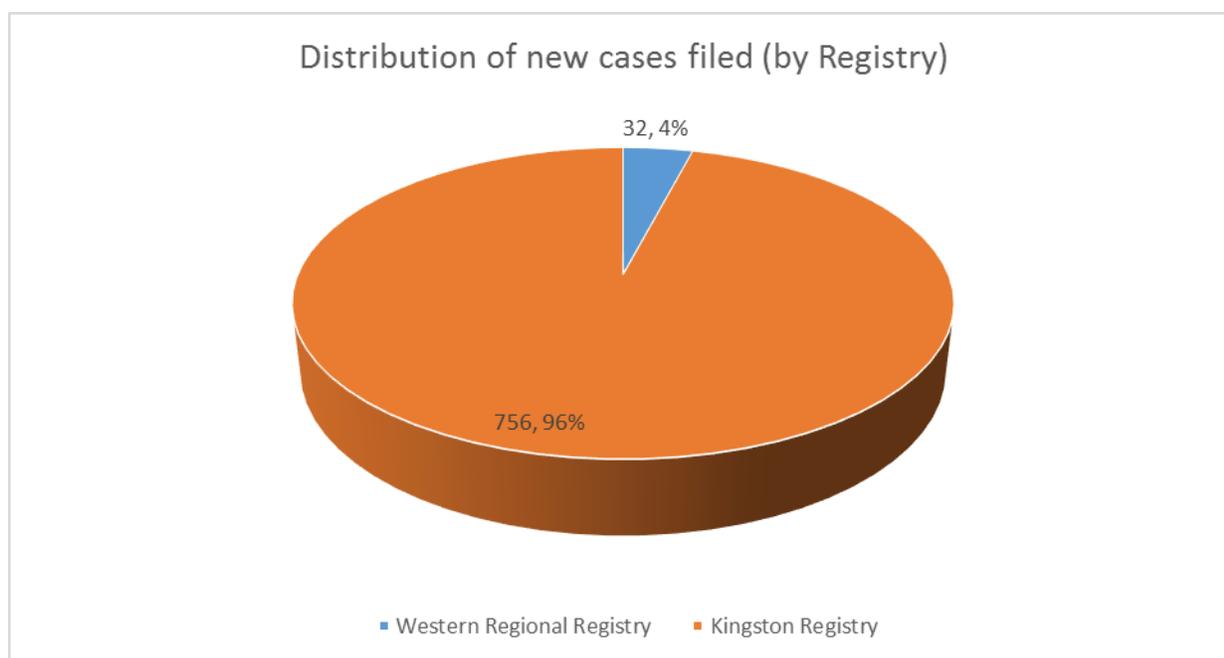
The above table shows that there were 1366 new cases filed in the Hilary Term and 1426 disposed. This produces a case clearance rate of 104.39%, suggesting that for every 100 new cases; roughly, 104 were disposed in the Term. This represents a sharp improvement of 60.28 percentage points when compared to the Hilary Term of 2018. The clearance rate gives a good impression of the true caseload that is being carried by the Matrimonial Division and thus in the Easter Term the rate of outgoing cases outstripped that of incoming cases. The improved clearance rate restores the positive trends which were observed in the 2017 data on the Matrimonial Division, although a much higher clearance rate will be needed over the coming years in order to significantly reduce the pre-existing backlog in the Matrimonial Division.

**CHAPTER 3.0: PROBATE AND ADMINISTRATION DIVISION**

This section turns to the analysis of the progression of matters in the Probate Division for the Easter Term ended July 31, 2018

There were 788 new probate cases filed at the Supreme Court in the Easter Term, an increase of 43.80% when compared to the previous Term. 756 of these matters were filed at the registry in Kingston while 32 were filed at the Western Registry. This is summarised in the below chart.

**Chart 7.0: 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:

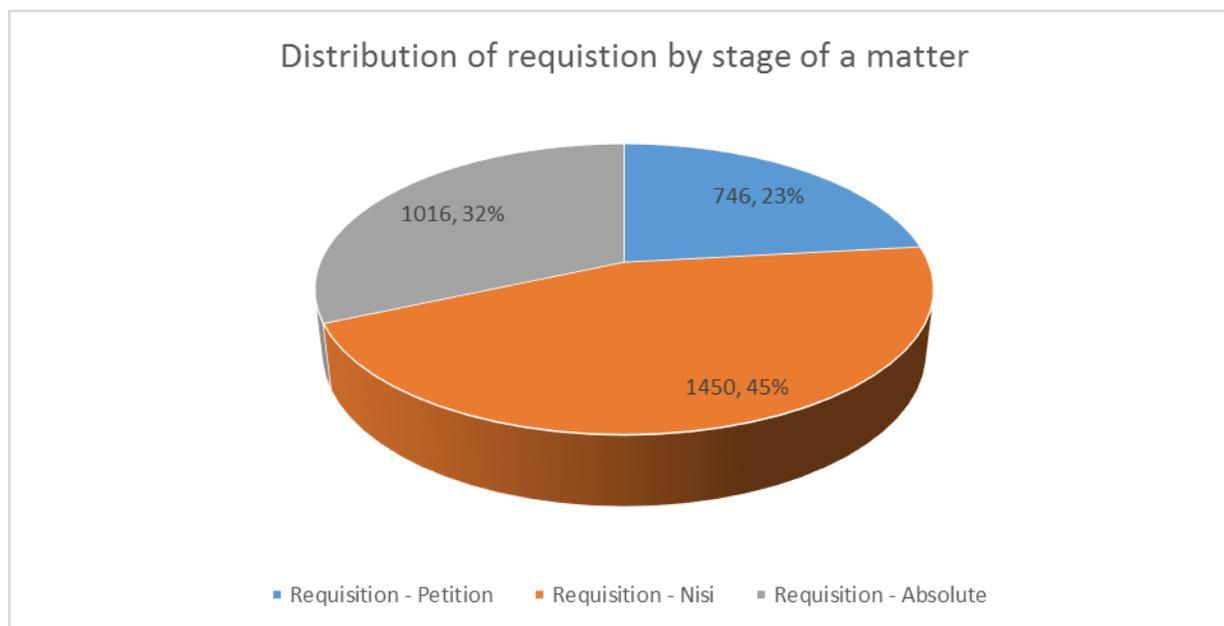
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**Table 28.0: Disaggregation of new Probate cases by jurisdiction/entity for the Easter Term ended July 31, 2018**

<b>Origin of matter</b>	<b>Frequency</b>	<b>Percentage (%)</b>
Probate Supreme Court Intestate	361	42.3
Probate Supreme Court Testate	347	40.6
Probate (Supreme Court)	29	3.40
Probate West Regional Registry (Intestate)	12	1.4
Probate West Regional Registry (Testate)	20	2.3
Probate Corporate Area Testate	6	6.70
Probate Corporate Area Intestate	2	0.20
Probate Hanover Testate	1	.1
Probate Instrument of Admin	3	.4
Probate Manchester Intestate	1	.1
Probate Manchester Testate	1	.1
Probate St. Catherine Resealing Intestate	9	1.1
Probate St. Catherine Resealing Testate	10	1.2
Probate St. Ann Intestate	10	1.2
Probate St. Ann Testate	7	.8
Probate St. Catherine Intestate	3	.4
Probate St. Elizabeth Intestate	5	.6
Probate St. Elizabeth Testate	3	.4
Probate St. James Intestate	3	.4
Probate St. James Testate	3	.4
Probate St. Mary Intestate	6	.7
Probate Trelawny Intestate	5	.6
Probate Trelawny Testate	2	.2
<b>Total</b>	<b>854</b>	<b>100.0</b>

The above table provides a detailed breakdown of the origin of each probate matter entered as at the end of the Easter Term. The breakdown for each entity is done by type of matter (i.e. Testate or Intestate). The overwhelming proportion of the matters, 788 or roughly 92.27% 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 St. Ann and St. Catherine rank next with 10 or 1.20% each of the number.

Chart 8.0: Distribution of the type of matters for the Easter Term ended July 31, 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 48% of the matters were Testate and 52% Intestate. This probability distribution is a slight reversal of the results from the previous Term, which had slightly more Testate matters filed.

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

Table 29.0: Oaths for the Easter Term ended Easter Term

Oaths	Frequency	Percentage (%)
Supplemental Oaths	56	6.64
Oaths	788	93.36
<b>Total Oaths</b>	<b>844</b>	<b>100</b>
<b>Ratio</b>	<b>7.11%</b>	

The above table suggests there were a combined total 844 oaths and supplemental oaths filed in the Easter Term, of which 788 or 93.36% were initial oaths filed, compared to 56 or 6.64% that were supplemental oaths. The ratio of oaths to supplemental oaths is 7.11%, which suggests that for every 100 oaths there were seven supplemental oaths filed during the Term, a considerable improvement of 52 percentage points when compared to the previous Term. This

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however represents an improvement of 47 percentage points when compared to the Hilary Term of 2018 and augurs well for a potentially improved rate of disposition and clearance in the Probate Division.

**Table 30.0: Action sequence for the Easter Term ended July 31, 2018**

Action Status	Frequency
Recommendations	690
*Granted	782
*Grants Signed	843
<b>Ratio of Recommendations to Granted Applications</b>	<b>1.22</b>
<b>Ratio of Granted Applications to Grants Signed</b>	<b>0.93</b>
<b>Ratio of Recommendations to Grants signed</b>	<b>01.22</b>

*\* 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 Easter Term of 2018, 690 recommendations were made while 782 were granted. This implies that for every 100 recommendations made there were 122 applications granted, with the important caveat being that some of these Granted Applications were for recommendations prior to the Easter Term. This measure may therefore at best be seen as a clearance rate but it strongly suggests that improvements in the productivity rate in the Probate Division. As for the proportion of recommendations made to Grants Signed, a ratio of 0.93 is observed, suggesting that for every 100 recommendations made there were 93 Grants Signed. This metric suggests a good rate of transition between recommendations and Grants Signed, improving by 19 percentage points when compared to the previous Term. The ratio of Granted Applications to Grants Signed is again even more impressive with a ratio of 1.22, suggesting that as a clearance rate for every 100 Granted Applications, there were 122 Grants signed (though not necessarily from the number Granted). This represents an improvement of 24 percentage points when compared to the previous Term.

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**Table 31.0: Cases filed and requisitions summary for the Easter Term ended July 31, 2018.**

Action Status	Frequency
Number of cases actioned	2634
Requisitions Issued	1183
Number of responses to requisitions	417
Number of requisitions per case file	0.45
Requisitions response rate	35.25%
Average days between final requisition filed and Grant of Probate/Administration	25

The number of requisitions made, the length of time that it takes for requisitions to be returned and the time to disposition after issuing requisitions, is important to understanding the efficiency of the flow of matters in the Probate Division. It is seen that for the Easter Term there was 1183 requisitions issued while 2638 individual matters were actioned in the period, representing a ratio of 0.45 requisitions per case file. This means that for every 100 cases actioned there were 45 requisitions issued, representing a modest increase of 9 percentage points when compared to the Hilary Term of 2018. There were 417 responses to requisitions, which were responded to in the period, producing a requisitions response rate of 35.25%, an increase of 13 percentage points when compared to the previous Term. Further analysis suggests that the average time from the issuing of final requisitions to the Grant of Probate was 25 days, an increase of 1 day when compared to the previous Term.

**Table 32.0: Methods of Disposal for the Easter Term ended July 31, 2018**

Methods of disposition	Frequency	Percent (%)
Grants Signed	830	98.81
Notice of Discontinuance	10	1.19
<b>Total</b>	<b>840</b>	<b>100.0</b>

The summary of the methods of disposal for the Probate Division for the Easter Term of 2018 is outlined in the above table. It is shown that of the 840 matters disposed in the period, the largest proportion, 830 or 98.81% was a result of various Grants Signed. Notices of

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Discontinuance account for the other 10 or 1.19% of the dispositions. When compared to the Hilary Term of 2018, there was a notable 69.62% increase in the number of cases disposed in the Probate Division.

**Table 33.0: Sampling Distribution of the methods of disposition for the Easter Term ended July 31, 2018**

Method of disposition	Frequency	Percentage (%)
Grant ad collegenda Bona signed	6	.71
Grant by Representation signed	1	.12
Grant of Admin De Bonis Non signed	13	1.55
Grant of Admin De Bonis Non W/A signed	7	.83
Grant of administration signed	332	39.52
Grant of Double Probate signed	2	.24
Grant of probate signed	401	47.74
Grant of Resealing signed	27	3.21
Letters of administration granted	1	.12
Letters of Administrator with W/A signed	40	4.76
Notice of Discontinuance noted	10	1.19
<b>Total</b>	<b>840</b>	<b>100.0</b>

The above table shows that there were 840 Probate cases disposed in the Easter Term of 2018, the largest proportion 401 or 47.74% were a result of Grants of Probate Signed, followed Grants of Administration Signed with 332 or 39.52%. Letters of Administration Signed rounds off the top three methods of disposition with 40 or 4.76% of the sample. These three methods also dominated the previous Term. Grants of Resealing Signed is the only other method of disposition of statistical significance in this probability distribution with 27 or 3.21%.

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**Table 34.0: Dominant reasons for adjournment of Probate matters for the Easter Term ended July 31, 2018.**

Reason	Frequency	Percentage (%)
Claimant to file documents	10	27.78
No parties appearing	4	15.0
Defendant to file documents	3	8.33
Claimant documents not served	3	8.33

**Total number of adjournments (N) = 36**

The top four reasons for adjournment for Probate matters that went to court in the Easter Term are summarized in the above table above. It is shown that of the 36 adjournments in the period, the largest proportion was for the reasons of claimant to file documents with 27.78%, no parties appearing, with 15.0% of the total ranked next while defendant to file documents and claimant documents not served with 8.33% each rounds off the top four reasons for adjournment for the Term. These four reasons are notably among the dominant reasons for adjournment across all civil Divisions of the Supreme Court.

**Table 35.0: Applications for the Easter Term ended July 31, 2018**

Nature of Applications	Frequency	Percentage
Applications	64	75.29
Express Applications	21	24.71
<b>Total</b>	<b>85</b>	<b>100.0</b>
<b>Ratio of express applications to applications</b>	<b>-</b>	<b>0.33</b>

The above table provides a basic summary of the types of court applications made in the Hilary Term and shows that there were 85 court applications in the period, of which 64 or 75.29% were standard applications while the remaining 21 or 24.71% were express applications. For every 10 applications made during the Term, there were roughly 33 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

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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 Easter Term ended July 31, 2018**

Application	Frequency	Percentage (%)
Application to prove copy will	20	23.53
Application for directions	9	10.59
Application to declare validity of will	3	3.53

**Number of observations (N) = 85**

The above provides a deeper analysis of the types of applications made during the period under examination. It is shown that applications to prove copy will accounts for the largest proportion of applications and expedited applications combined with 20 or 23.53% of the total, followed by applications for directions with 9 or 10.59 % of the total number of applications. The top three types of applications are rounded off by applications to declare the validity of a will with 3 or 3.53% of the total.

**Table 37.0: Trial/hearing date certainty for the Easter Term ended July 31, 2018**

Court/Chamber dates set	Dates adjourned (excluding adjournments for continuance)	Trial/Hearing date certainty
94	23	75.53%%

The above table addresses the extent of adherence with dates set for Court/Chamber matters in the Probate Division for the Easter Term. It is shown that there were 94 incidences of dates set were scheduled for Chamber or Court, 23 of which were adjourned for reasons other than ‘continuance’. This suggests a relatively strong trial/hearing date certainty ratio of 75.53%, an indication that for the Hilary Term there was a roughly 76% chance that a matter set for court would proceed without adjournment for reasons other than ‘continuance’. This represents an increase of approximately 8 percentage points when compared to the previous Term.

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**Table 38.0: Age of matters disposed in the Easter Term ended July 31, 2018**

## Descriptive Statistics

Number of observations	840
Mean	19.4810
Median	12.0000
Mode	12.00
Std. Deviation	20.74431
Skewness	3.430
Std. Error of Skewness	.084
Range	204.00
Minimum	1.00
Maximum	205.00

The above table provides a summary measure of the overall estimated times to disposition for the 840 cases disposed of in the Easter Term. The estimated average time to disposition is 19.48 months or approximately 1.6 years, an increase of two months when compared to the previous Term. 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 12 months each. The moderately large standard deviation of 20.74 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 205 months old or approximately 17 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 840 Probate cases disposed of in the Easter Term, 133 or 15.83% originated in 2018.

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**Table 39.0: Breakdown of times to disposition for the Easter Term ended July 31, 2018**

Months	Frequency	Percentage (%)
0 -12	471	56.1
13 - 24	188	22.4
25 - 36	89	10.6
37 – 47	33	3.9
48 & over	59	7.0
<b>Total</b>	<b>840</b>	<b>100.0</b>

The above table shows that of the 840 Probate matters disposed of in the year, the majority, 471 or 56.10% were disposed of in 12 months or less, followed by 188 or 22.40%, which were disposed of within a time interval of 13 to 24 months. Taken together this data suggests that an impressive estimated 78.50% of Probate matters which were disposed of in the Easter Term took two years or less. 10.60% each of the cases were disposed of in an estimated time frame of between 25 and 36 months, 3.90% took between 37 and 47 months and 7% 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 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 40.0: Case clearance rate for the Easter Term ended July 31, 2018**

Cases filed	Cases disposed	Case clearance rate (%)
788	840	106.60%

**\*133 or 15.83% of the 840 cases disposed, originated in the 2018**

Using the data on the number of cases filed and disposed of in the period under examination, a case clearance rate of approximately 106.60% is derived, an increase of 15.6 percentage points when compared to the previous Term. This suggests that for every 100 cases filed and active in the period, roughly 107 were disposed, a result, which indicates that there were more files disposed than new cases filed in the Probate Division during the Easter Term. This is the highest clearance rates among the Divisions of the Supreme Court for the Easter 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 Easter 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 Easter Term of 2018.

**Table 41.0: Distribution of the top five charges brought during the Easter Term ended July 31, 2018**

Charge	Frequency	Percentage (%)
Murder	121	48.59
Participating in a criminal organization	32	12.85
Sexual Intercourse with a person under 16	22	8.84
Rape	16	6.43
Grievous sexual assault	5	2.0
Buggery	4	1.61
Abduction of a child under 16 years	4	1.61
<b>Total</b>	<b>204</b>	<b>81.93</b>

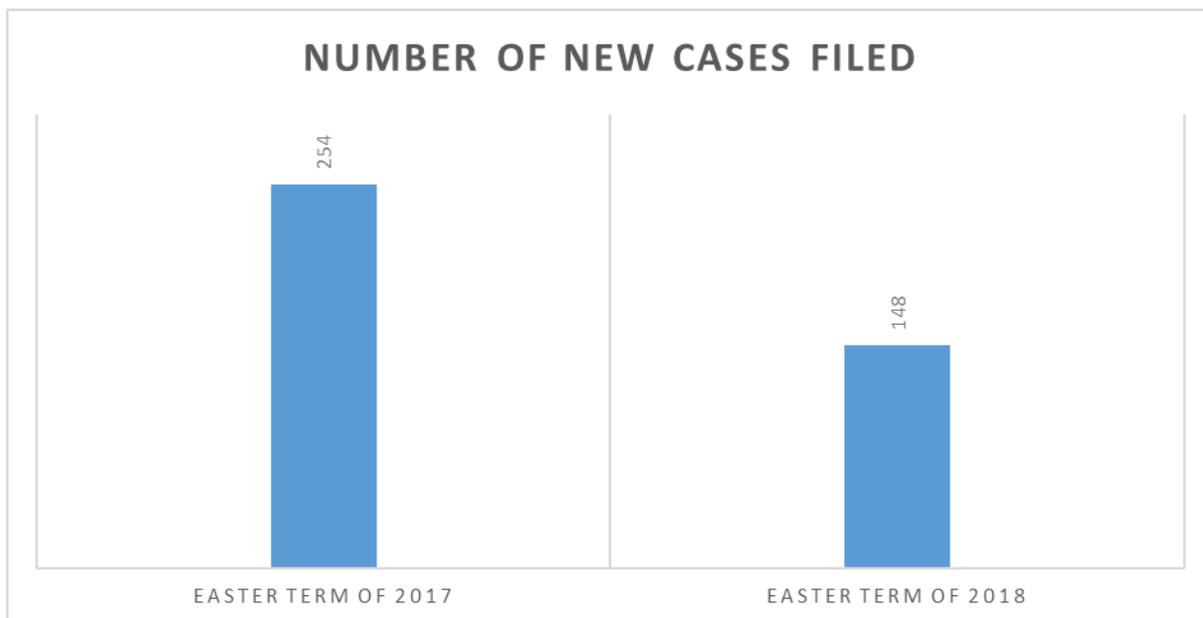
**Total number of charges brought (N) = 249**

The above table summarizes the distribution of top five charges associated with cases brought in the Easter Term of 2018. There were **148 new cases filed** at the Supreme Court during the quarter, representing 249 **charges**, a ratio of roughly 17 charges for every 10 cases, representing a marked improvement when compared to the Hilary Term of 2018. It is shown that of these 249 charges the largest proportion, 121 or 48.59% were murder matters. Rounding off the top four are participating in a criminal organization with 32 or 12.85%, sexual intercourse with a person under 16 with 22 matters or 8.84% and rape with 16 or 6.43% of the total. Three of these four charges were also among the most frequently occurring in the Easter Term of 2017. There was a 9.80% decline in the number of new cases file when compared to the Hilary Term although the number of individual charges increased by 24.50%. However when compared to the Easter Term of 2017 there was a roughly 42% decline in the number of new cases filed.

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2018. The top five charges account for 81.93% of the total charges brought in the Home Circuit Court during the Easter Term. Approximately 23% of the matters brought before the Home Circuit Court during the Easter Term were sexual matters, a marked decline when compared to the corresponding Term in 2017 and a modest fall when compared to the Hilary Term of 2018. A total of 1027 criminal cases, which is the equivalent of 1730 charges, came to court during the Easter 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 9.0: Comparison of criminal cases brought during the Easter Terms of 2017 and 2018**



The above chart shows that 148 roughly 42% less new criminal cases brought before the Home Circuit Court in the Easter Term of 2018 than that of 2017.

The ensuing analysis will highlight the common reasons for adjournment of matters in the Easter 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.

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**Table 42.0: Top six reasons for adjournment for the Hilary Term ended July 31, 2018**

Reason for adjournment	Frequency	Percentage	Stage of matter
For disclosure	69	9.91	Case Management
Witness absent	44	6.32	Trial
Statement outstanding	39	5.60	Case Management
Defense Counsel Absent	27	3.88	Trial
For file to be completed	21	3.02	Case Management
Forensic certificate outstanding	19	8.68	Case Management
<b>Total</b>	<b>219</b>	<b>31.47</b>	

**Total incidence of adjournments/continuance (N) = 696**

The above table provides a summary of the top six reasons for adjournment for Easter Term, 2018. It is shown that there was a combined 696 incidences of reasons for adjournment during the Term, with some matters having multiple adjournments. This is an increase of 25.18% when compared to the Hilary Term of 2018. The highest proportion, 69 or 9.91% were for the purpose of disclosure. 44 or 6.32% were due to the absenteeism of witnesses while statements outstanding followed this with 39 or 5.60%. Adjournments due to the absence of defense counsel and those for files to be completed with 27 or 3.88% and 21 or 3.02% respectively of the total rounds off the top five reasons for adjournment for the Easter Term. The top six reasons for adjournment listed above accounts for 31.47% of total incidences of adjournments/continuance for the Term.

Successive reports on case activity in the Home Circuit Court have shown that high incidence of adjournments have greatly contributed to a persistently low trial date certainty rate for criminal matters. This has for years succeeded in creating a self-fulfilling prophesy where overbooking of dates and unrealistic scheduling practices have become the order of the day. The Home Circuit

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Court has however stated to make significant strides in reversing this troubling trend. The Chief Justice has set a target for the minimum trial certainty rate of 95% to be achieved over the next six (6) years across the court system. As part of the new operating procedures, which are designed to facilitate achieving this target, the Home Circuit Court will begin the process of scheduling its own cases at the beginning of the Michaelmas Term of 2018. As part of this procedure, a more realistic number of cases will be scheduled on a weekly basis in each of the courtrooms dedicated to criminal matters. Case management in court will also be largely confined to the Plea and Case Management hearings, prior to matters proceeding to trial. At Case Management, the complexity of cases will be determined, matters will be scheduled in consultation with the Crown and the Defense and the weekly court list carefully managed by the Case Progression Officers. Technological support has been put in place in all criminal courts to manage conflicts, schedule matters in real time and generate electronic court lists, among other critical characteristics.

**Table 43.0: Top reasons for continuance for the Hilary Term ended July 31, 2018**

Reason for continuance	Frequency	Percentage (%)	Stage of matter
For Plea and Case Management	102	14.66	Case Management
For bail application	24	3.45	Trial
For trial	22	3.16	Trial

**Total incidence of adjournments/continuance (N) = 696**

It is seen in the above table that there were 102 incidences of continuance for plea and case management; representing 14.66% of the total reasons, 24 or 3.45% were for bail application and 22 or 3.16% for bail application. These were the three leading reasons in this category, together accounting for roughly 21.26% of the total reasons

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for adjournments/continuance. This represents a roughly 11-percentage point decline when compared to the Hilary Term in 2018.

**Table 44.0: Other leading reasons for adjournment/continuance for the Easter Term ended July 31, 2018.**

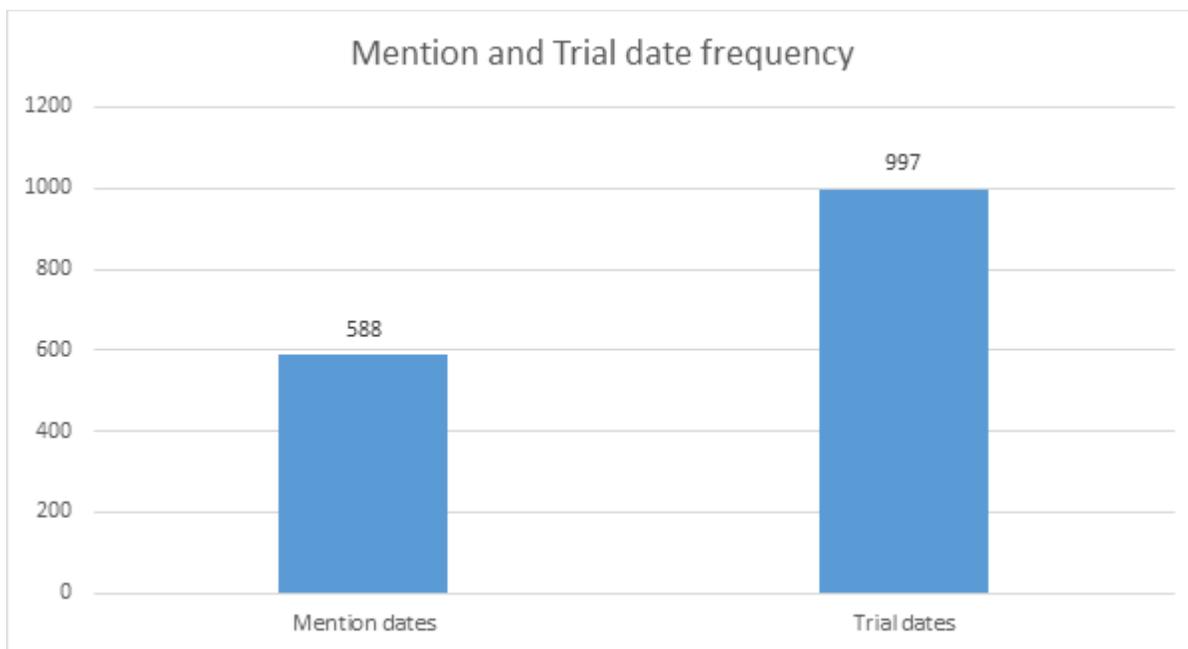
Reasons for continuance/adjournments	Frequency	Percentage (%)	Stage of matter
To settle legal Representation	91	13.07	Case Management
Papers to be served	45	6.47	Case Management
Assignment of legal aid	42	6.03	Case Management

**Total incidence of adjournments/continuance (N) = 696**

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 91 or 13.07% of the total. Papers to be served with 45 or 6.47% and adjournments for assignment of legal aid with 42 or 6.03% of the total follow this. These three reasons for adjournments/continuance were also the dominant ones in 2017 and in the Easter Term of 2018 in this category.

Importantly, there was an average of roughly six adjournments per criminal case traversed during the Easter Term.

Chart 10.0: Trial and mention matters/dates set for the Easter Term ended July 31, 2018



The above chart shows that there were 1585 dates set for either Trial or Mention Court in the Easter Term in 2018, 997 or roughly 63% of which were dates set for Mention Court while 588 or 37% represents dates set for Trial. This produces a ratio of 1: 0.59, which suggests that for every 100 matters mentioned there were 59 trial matters set down in the Term. Further analysis suggests that each case mentioned in court were mentioned on average of 2.6 times, which is another way of saying that every 10-mention cases were mentioned 26 times. Similarly, for cases, which were set for Trial, there was a scheduling incidence of 1.45 times per case, which suggests that 145 trial dates were set for every 100 distinct trial cases. This represents a marked increase of 35 dates per 100 cases when compared to the Hilary Term of 2018 but was broadly similar to the findings from the Easter Term of 2017.

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**Table 45.0: Trial/hearing date certainty for the Easter Term ended July 31, 2018**

<b>Number of hearing/trial dates Set</b>	<b>Number of adjournments (excluding adjournments for continuance)</b>	<b>Trial/hearing date certainty</b>
<b>1585</b>	<b>519</b>	<b>67.26%</b>

The date scheduling certainty for each Division of the Supreme Court is an important metric, which examines the extent to which dates, which are set for either hearing or trial, are adhered. 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 1585 court dates scheduled for either mention or trial during the Easter Term, 519 were adjourned for reasons other than continuity due to procedural factors, which are outside of the court’s control. This suggests a trial/hearing date certainty rate of roughly 67.26% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 67 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 improvement of roughly 38 percentage points when compared to the Hilary Term of 2018 and approximately 12 percentage points when compared to the corresponding Term in 2017. This is the highest trial date certainty recorded since the production of these statistical reports began in 2016 and is partly a result of the initiation of efforts ahead of the Michaelmas Term to enhance the efficiency with which matters are scheduled and to proportionally reduce the incidence of cases adjourned in the Home Circuit Court. The new methods of date scheduling and the enhanced case management practise are expected to significantly improve hearing date certainty in the Circuit Courts over the next few years, bringing the Jamaican courts in line with the International best practices and standards.

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**Table 46.0: Methods of case disposal for the Easter Term July 31, 2018**

Methods of disposition	Frequency	Percentage (%)
Accused Deceased	3	2.2
Adjourned Sine Die	1	.7
Committed to psychiatric facility	1	.7
Conditional Nolle Prosequere	2	1.4
Formal Verdict of Not Guilty – discharge	8	5.8
Found Guilty	7	5.1
Guilty Plea	46	33.3
No case submission upheld	1	.7
No case to answer - discharged	1	.7
No evidence offered- discharged	27	19.6
No further evidence offered discharged	17	12.3
No verdict entered	3	2.2
Nolle Prosequere	12	8.7
Not Guilty – Discharged	7	5.1
Plea guilty to a lesser charge	1	.7
Remitted to Parish Court	1	.7
<b>Total</b>	<b>138</b>	<b>100.0</b>

The above table summarizes the methods of disposal for the cases disposed of during the Easter Term of 2018. It is shown that 138 cases were disposed of in the Term. Guilty plea with 46 or 33.33% 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 27 or 19.60% of the total. No further evidence offered – discharged with 17 or 12.40% and Nolle Prosequere with 12 or 8.70% of the disposal methods rank next as the leading ways in which criminal cases were disposed of in Easter Term. The number of criminal cases disposed represent a marked increase of 115.63% when compared to the Hilary Term of 2018 an improvement of approximately 77% when compared to the Easter Term of 2017. Of the 138 criminal cases disposed of in the Term, 23 or 16.67% originated during that Term, the largest

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proportion of cases disposed in the originating Term, since these reports commenced in 2016. It is of interest that only 7 or 5.07% of the disposed cases were by way of a guilty verdict. The leading methods of disposition in this Term also featured prominently in the corresponding period in 2017 and the Hilary Term of 2018.

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

**Table 47.0: Overall criminal conviction rate for the Easter Term ended July 31, 2018.**

Total number of cases disposed	Total number of guilty outcomes	Conviction rate
138	53	<b>38.41%</b>

The above table shows that of the 138 criminal cases disposed of in the Easter Term, 53 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 38.41% which suggests that there is a roughly 38% probability that a matter could end in a guilty outcome. It reflects a 5 percentage points fall when compared to the corresponding period in 2017 and a roughly 6-percentage points improvement over the Hilary Term of 2018. 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 48.0: Conviction rate for sexual offences cases for the Easter Term ended July 31, 2018.**

Total number of cases concluded	Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas)	Conviction rate
67	30	<b>44.78%</b>

The above table shows that of the 67 sexual offence cases were concluded in the Easter Term, 30 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of roughly 45% that suggests a roughly 5 in 10 chance that a sexual offence matter could end in a guilty outcome. This is an approximate 15-percentage points decline when the Hilary Term of 2018.

**Table 49.0: Conviction rate for murder cases in the Easter Term ended**

Total number of cases concluded	Total number of guilty outcomes (i.e. guilty verdict or guilty plea)	Conviction rate
35	4	<b>11.42%</b>

The above table shows that of the 35 murder cases concluded in the Easter 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 11.42%, which suggests a roughly 1 in 10 chance that a murder matter could end in a guilty outcome. This outcome is 13.52 percentage points lower than the murder conviction rate for Hilary Term of 2018.

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**Table 50.0: Top five charges disposed as of in the Easter Term ended July 31, 2018**

Charge disposed	Frequency	Percentage (%)
Sexual Intercourse with a person under 16 years old	92	29.29
Murder	47	15.0
Rape	40	12.74
Aiding and abetting *SIWPUS information	12	3.80
Grievous sexual assault	12	3.80

\*SIWUS means

**Number of disposed charges (N) = 314**

The above data shows that of the 314 charges disposed of in the period under examination, an increase of roughly 224%. This is particularly impressive considering the increased burden on both the courts and the prosecution, resulting from the increase in criminal cases being committed by the parish courts. The largest proportion of the charges disposed were sexual intercourse with a person under 16, with 92 or 29.29% of the total. Murder matters with 47 or 15.0% of the total followed this. Rape charges comes next with 40 or 12.74% of the total, while aiding and abetting SIWUS and grievous sexual assault, each with 12 or 3.80% of the offences round off the top five. As with 2017 and the Hilary Term of 2018, murder and sexual offences are not only the dominant incoming but also the dominant outgoing cases. It is of particular note that roughly 52.55% of all disposed of in the Easter Term were sex related, a result that is broadly consistent with the findings from 2017 and the Hilary Term of 2018. The dominance of this offence in the criminal statistics again strongly suggests that there needs to be robust Case Management attention for these matters to support their timely disposition.

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Table 51.0: Methods of disposition for dominant case types in the Easter Term, 2018

		Dominant charges			Total
		Murder	Rape	Sexual Intercourse with a Person under Sixteen	
Methods of disposition	Accused Deceased	2 4.3%	1 2.5%	1 1.1%	4 2.2%
	Committed to psychiatric facility	1 2.2%	0 .0%	0 .0%	1 .6%
	Conditional Nolle Prosequere	1 2.2%	1 2.5%	0 .0%	2 1.1%
	Formal Verdict of Not Guilty – discharge	7 15.2%	3 7.5%	3 3.3%	13 7.3%
	Found Guilty	3 6.5%	1 2.5%	2 2.2%	6 3.4%
	Guilty Plea	1 2.2%	2 5.0%	40 43.5%	43 24.2%
	Hung Jury	0 .0%	1 2.5%	0 .0%	1 .6%
	No Case Submission upheld	0 .0%	1 2.5%	0 .0%	1 .6%
	No Case to Answer, Discharged	0 .0%	0 .0%	1 1.1%	1 .6%
	No Evidence offered discharged	4 8.7%	3 7.5%	23 25.0%	30 16.9%
	No further evidence offered discharged	10 21.7%	2 5.0%	19 20.7%	31 17.4%
	No verdict entered	3 6.5%	18 45.0%	1 1.1%	22 12.4%
	Nolle Prosequere	8 17.4%	1 2.5%	2 2.2%	11 6.2%
	Not Guilty – Discharged	3 6.5%	6 15.0%	0 .0%	9 5.1%
	Plea guilty to a lesser charge	3 6.5%	0 .0%	0 .0%	3 1.7%
	<b>Total</b>		<b>46</b> <b>100.0%</b>	<b>40</b> <b>100.0%</b>	<b>92</b> <b>100.0%</b>

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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 Easter Term. Starting with murder offences, the data suggests that the largest proportion of murder cases in the year were disposed by way of 'no evidence offered' and 'no further evidence offered' with a combined 14 or 30.40% of murder cases disposed in the Term. Matters disposed by way of Nolle Prosequere with 8 or 17.40% and matters ending with formal verdicts of not guilty with 7 or 15.20% of the total followed this. As it relates to rape cases, the data shows that matters disposed by way of no verdict entered with 18 or 45.0% of the disposals, not guilty verdicts with 6 or 15% and matters ending with formal verdicts of not guilty with 3 or 7.50% accounted for the largest share of cases disposed. As with 2017 and the Hilary Term of 2018 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, 43.50% of these cases were disposed of by way of guilty pleas. No evidence offered and no further evidence offered with 23 or 25% and 19 or 20.7% respectively accounted for the largest share of disposed cases. Overall, when all three of these major offences are considered, guilty pleas with 24.20% of all disposals, no further evidence offered and no evidence offered with 17.40% and 16.90% respectively accounted for the largest share of the cases disposed.

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 Easter Term in 2018. In order to explore this, a likelihood ratio test is administered, the results of which are shown in the table below:

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**Table 52.0: Likelihood ratio test of association between methods of disposition and type of case.**

	Value	Df	Asymp. Sig. (2-sided)
Likelihood Ratio	123.057	213	0.823
N of Valid Cases	76		

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 Easter Term.

**Table 53.0: Time to disposition for cases disposed in the Easter Term of 2018**

**Descriptive Statistics**

Number of cases disposed	138
Mean	18.6667
Median	11.0000
Mode	11.00
Std. Deviation	26.52924
Skewness	3.605
Std. Error of Skewness	.206
Range	166.00
Minimum	1.00
Maximum	167.00

The above table provides a descriptive summary of the time to disposition for criminal cases disposed of in the Easter Term. When compared to the Hilary Term of 2018, there was a 115% increase in the number of criminal cases disposed in the Home Circuit Court in the Easter Term. It is shown that the estimated average time to disposition for the cases disposed was approximately 18.67 months or approximately one and a half years. This is approximately similar to the results from the Hilary Term of 2018 and represents a roughly 9 months improvement when compared to the overall 2017 average. If this positive trend continues in 2018, the average time taken to dispose of criminal cases in the year will remain below 2 years,

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which is yardstick for measuring criminal case backlog. The estimated minimum time to disposition was 1 month and the estimated maximum was 167 months or almost 14 years. The high positive skewness of 3.605 indicates that there are at least a few large outlying values, which pulled the average time to disposition upwards. This is the individual scores around the mean. The fact that the average time to disposition for the Easter Term is under two years is quite an encouraging sign, considering that two years is the yardstick for defining a criminal case backlog.

**Table 54.0: Breakdown of time to disposition of cases for the Easter Term of 2018**

Months	Frequency	Percent
0 -12	105	76.1
13 - 24	12	8.7
24 - 36	8	5.8
37 - 47	2	1.4
48 & over	11	8.0
<b>Total</b>	<b>138</b>	<b>100.0</b>

The above table provides a summary of the estimated time to disposition for the cases disposed of during the Easter Term, 2018. It is shown that the overwhelming proportion of the 138 matters disposed took a year or less from initiation, accounting for exactly 105 or approximately 76.10% of all matters disposed. Twelve or 8.70% that were disposed in 13 to 24 months and 11 or 8.0% of matters took 48 and over months to be disposed, rounding off the intervals with the highest frequencies. Cumulatively, almost 85% of the matters disposed of in the period took two years or less while the remaining approximately 15% took over two years to be disposed. This is an improvement of five percentage points when compared to the Hilary Term of 2018. 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 85% of the criminal cases disposed in

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the Hilary Term took under two years is an encouraging sign which should see continuous improvements over the next few years as the Home Circuit Court embarks on autonomous scheduling of cases and a more scientific approach to the management of the court lists.

**Table 55: Time to disposition for charges disposed (from case file date) in the Easter Term, 2018**

### Descriptive statistics (in months)

Number of charges disposed	314
Mean	19.33
Median	12.0000
Mode	11.00
Std. Deviation	24.52924
Skewness	3.415
Std. Error of Skewness	.206
Range	167.00
Minimum	1.00
Maximum	170.00

The above table outlines descriptive statistical data on the length of time taken to dispose of charges (from the associated case file date) and provides an affirmation of the results gleaned from the earlier analysis of times to disposition for the cases disposed in the Easter Term. The average time to disposition shown is 1.5 years, which is roughly the same as that of the cases disposed in the period. Also similar were the maximum and minimum times of 14 years and 1 month respectively that was taken to dispose of charges in the period, computed from the case file date.

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**Table 56: Time to disposition for charges disposed (from date of charge) for the Easter Term of 2018**

Number of charges disposed [Sample]	166
Mean	65.00
Median	60.23
Mode	44.56
Std. Deviation	38.26907
Skewness	1.056
Std. Error of Skewness	.188
Minimum	2.0
Maximum	275.0

As with previous reports, the data summarized in the table 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 65 months or almost five and a half years. This is almost 4 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 and the Hilary Term of 2018, 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 1.056 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. Similar to the Hilary Term of 2018, the minimum time to disposition from the date of charge was estimated to be two months while the maximum estimated figure was 275 months or roughly twenty-three years. The margin of error of these estimates is 2 months.

**Table 57.0a: Breakdown of times to disposition by selected charges for the Easter Term ended July 31, 2018.**

			Time Intervals (months)					Total
			0 -12	13 -24	25 - 36	37 – 47	48 & over	
<b>Type case</b>	<b>Murder</b>	<b>Count</b>	14	2	7	5	19	47
		<b>% within time intervals</b>	10.7%	12.5%	87.5%	100.0%	100.0%	26.3%
	<b>Rape</b>	<b>Count</b>	34	6	0	0	0	40
		<b>% within time intervals</b>	26.0%	37.5%	.0%	.0%	.0%	22.3%
	<b>Sexual Intercourse with a Person under Sixteen</b>	<b>Count</b>	83	8	1	0	0	92
		<b>% within time intervals</b>	63.4%	50.0%	12.5%	.0%	.0%	51.4%
<b>Total</b>		<b>Count</b>	<b>131</b>	<b>16</b>	<b>8</b>	<b>5</b>	<b>19</b>	<b>179</b>
		<b>% within time intervals</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

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 Easter Term, 2018. It is seen that murder accounts for 100% of the charges disposed which were four years or more in age. As with the previous Term, 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 63.40 while 10.70% and 26.0% 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 87.50% of those disposals while the interval of just over one to two years was led by offences of sexual intercourse with a person under 16 with 50% of this interval.

**Table 57.0b: Breakdown of selected charges by time to disposition for the Easter Term ended July 31, 2018**

		Case Type			Total
		Murder	Rape	Sexual Intercourse with a Person under Sixteen	
<b>Time Interval 0 -12</b>	<b>Count</b>	14	34	83	131
	<b>% within case type</b>	29.8%	85.0%	90.2%	73.2%
<b>13 – 24</b>	<b>Count</b>	2	6	8	16
	<b>% within case type</b>	4.3%	15.0%	8.7%	8.9%
<b>25 – 36</b>	<b>Count</b>	7	0	1	8
	<b>% within case type</b>	14.9%	.0%	1.1%	4.5%
<b>37 – 47</b>	<b>Count</b>	5	0	0	5
	<b>% within case type</b>	10.6%	.0%	.0%	2.8%
<b>48 &amp; over</b>	<b>Count</b>	19	0	0	19
	<b>% within case type</b>	40.4%	.0%	.0%	10.6%
<b>Total</b>	<b>Count</b>	<b>47</b>	<b>40</b>	<b>92</b>	<b>179</b>
	<b>% within case type</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

The above tables detail the time taken to dispose of cases of murder, rape and sexual offences with persons under 16 in the Easter Term. As with the 2018 data, it is seen that the largest proportion of murder cases disposed took four or more years, accounting for 40.40% of the total while the next highest proportion of murder cases disposed occurred between 0 and 12 months, responsible for 29.80%. A decisively inverse distribution was again 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, 90.20 % of cases of sexual intercourse with a person under 16 and 85.0% of rape cases took a year or less to be disposed. It is notable that no rape case and only one sexual intercourse with a person under 16 matters took 2 years or

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less to be disposed, thus considerably militating against the probability of backlog classification. As with the 2017 analyses and that of the Hilary Term of 2018, 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 58.0: Proportional breakdown of time to disposition by selected charge type for the Easter Term ended July 31, 2018**

<b>Charge</b>	<b>Percentage of matters disposed of in 2 years or Less</b>	<b>Percentage of matters disposed of in more than 2 years</b>
<b>Murder</b>	34.10%	65.90%
<b>Sexual intercourse with a person under 16 years old</b>	98.90%	1.10%
<b>Rape</b>	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 34.10% of murder charges disposed of in the Term took 2 years and under, while 65.90% took over two years to be disposed. The proportion of disposed murder matters taking two years or less declined by 15.35 percentage points when compared to the previous Term. All cases of rape that were disposed of in the Easter Term took two years or less while 98.90% of the matters of sexual course with a person under 16 were disposed within that time. These results show good progress towards the attainment of enhanced efficiency in the disposition of cases in the Home Circuit Court.

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The length of time which different types of matters take to be disposed has significant implications for the way in which the court prioritizes it’s scheduling and resource allocation and therefore these results justify the current thrust to revise the way in which the court list is produced and managed in the Home Circuit Court.

**Table 59.0: Case clearance rate for the Easter Term, ended July 31, 2018**

Cases filed	Cases disposed	Case clearance rate
148	138*	93.24%

**\*23 or 16.67% of the cases disposed originated in 2018**

The case clearance rate of 93.24% shown above represents by far the highest result recorded in a Term over the past three years in the Home Circuit Court. It represents an improvement of 57.13 percentage points when compared to the Hilary Term of 2018. The result suggests a ratio of roughly 93 cases disposed for every 100 new cases brought, placing the Home Circuit Court among the top performers in the Supreme Court on this measure for the Term. This has occurred despite the 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 Easter Term ended July 31, 2018.

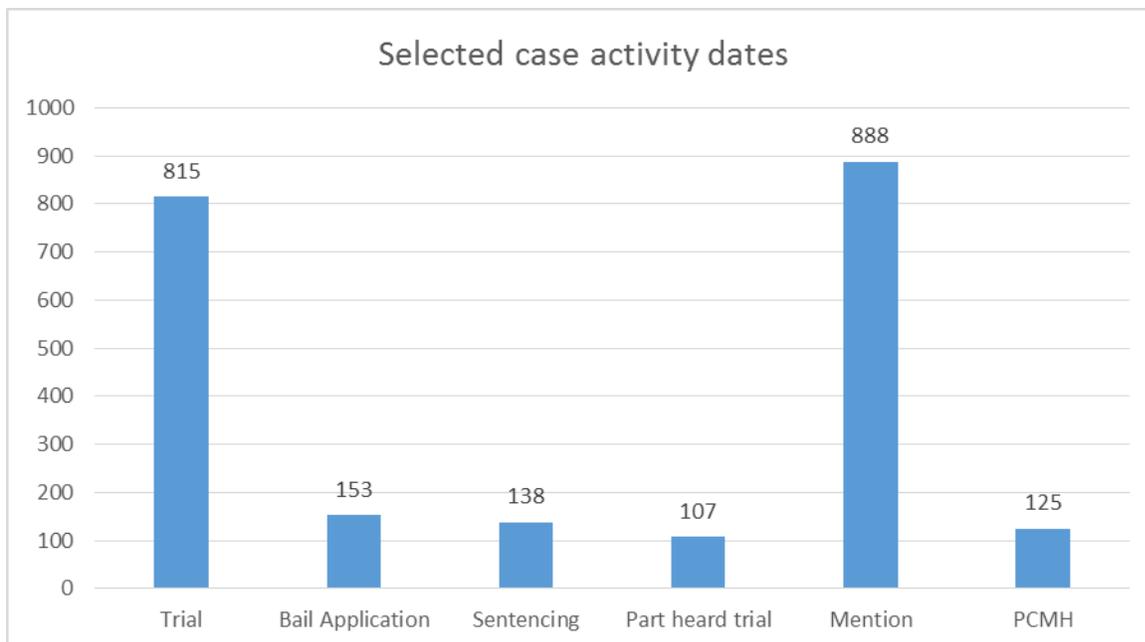
**Table 60.0: Top six charges filed during the Easter Term ended July 31, 2018**

<b>Charges filed</b>	<b>Frequency</b>	<b>Percentage (%)</b>
Illegal possession of Firearm	170	34.30
Shooting with intent	67	13.50
Illegal possession of Ammunition	76	15.40
Robbery with aggravation	44	8.90
Assault at Common Law	38	7.70
Wounding with intent	18	3.60
<b>Total</b>	<b>413</b>	<b>85.60</b>

**Total number of charges (N) = 495**

The above table provides a summary of the top six new charges, which were brought in the Gun Court in the Easter Term of 2018. It is seen that 413 new charges were filed in the period, the largest proportion of which, 170 or 34.30% were for illegal possession of firearm; well ahead of the next highest ranked charge of Illegal, possession of ammunition is next with 76 or 15.40%. The top three offences were rounded off by shooting with intent with 67 or 13.50% of the total. The 495 new charges entered in the Easter Term translates into 158 new cases filed in the period, which represents an 'inflation factor' of 3.13. This means that for every 100 cases entered, there were 313 charges. The top six charges in the previous Term and the Easter Term of 2017 was the same as that listed above. The number of new cases filed represents an increase of 16.58% when compared to the Hilary Term of 2018 and an increase of 11.26% when compared to the Easter Term of 2018. The number of new cases however fell by 9.49% when compared to the corresponding Term in 2017.

Chart 11.0: Summary of selected case activity dates for the Easter Term, 2018.



The above chart provides a summary of key court events/dates in the Easter Term, 2018. It is shown that there were 888 mention dates set in the period, compared to 815 trial dates. This produces a ratio of roughly 1:1.09, indicating that for every 100 trial dates there were 109 mention dates set. This implies a good transition rate between mention and trial during the Term. When compared to the Hilary Term of 2018, this represents a 37.25% increase in the number of mention dates and a 53.20% increase in the number of trial dates set. When compared to the Easter Term of 2017, the number of trial dates set showed a marginal decline of 9.75% however, there was a notable increase 53.63% in the number of mention dates. The data also suggests that there were 107 part-heard trial dates set in Gun Court for the Term. This is an indication that for every 100 trial dates there were roughly 13 part-heard trial dates, a roughly similar result to the previous Term. There were also 138 incidence of sentencing dates and 153 bail applications dates set during the Term as well as 125 plea and case management hearings (PCMH).

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Further analysis of the data suggests that there were roughly 2 mention dates per case in the Easter Term and roughly 13 trial dates for every 10-trial cases. These ratios are broadly similar to the results from the previous Term and the corresponding period in 2017.

**Table 61.0: Top eight reasons for adjournment/continuance for the Easter Term ended July 31, 2017**

Reason for adjournment	Frequency	Percentage (%)
Witness absent	293	24.60
Part heard	178	15.0
Crown not ready	101	8.50
Defense Counsel Absent	88	7.40
Miscellaneous documents outstanding	59	5.0
Legal Aid Assignment	56	4.70
Judge unavailable	52	4.40
Defense not ready	44	3.70
Ballistic certificate outstanding	44	3.70

**Total number of adjournments (N) = 1190**

The above table outlines the top eight reasons for adjournment/continuance of matters in the Gun Court for the Easter Term. There were 1190 incidences of adjournments/continuance during the Term, of which witness absent with 24.60%, part-heard incidences with 15.0% and crown not ready with 8.50% of the total, accounted for the top three. Also featuring prominently among the reasons for adjournment for the Term are adjournments resulting from the absenteeism of Defense Counsel and miscellaneous documents outstanding with 5% and 4.40% respectively of the total reasons for adjournment/continuance.

**Table 62.0: Trial/hearing date certainty for the Easter Term ended July 31, 2018**

Number of mention/trial dates Set	Number of adjournments (excluding adjournments for continuance)	Trial/hearing date certainty
2226	1245	55.93%

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The above table summarises the trial/hearing date certainty for the Gun Court in the Hilary Term. It is shown that of 2226 dates set for some form of hearing or trial during the Term, 1245 were adjourned for reasons other than continuance. This produces a trial/hearing date certainty ratio of 55.93% for the Easter Term, representing a decline of 14.19 percentage points when compared to the Hilary Term of 2018. The results suggest that for every 100 matters scheduled for some form of hearing or trial in the Easter Term, roughly 56 were able to proceed without adjournment. Considering that the Gun Court has maintained consistently high clearance rates over the past three Terms, the persistent modest trial/hearing date certainty rates that they have shown is quite interesting. This can however be explained by the fact that individual Gun Court matters are frequently scheduled within relatively short periods of time, leading to several adjournments which lower trial/hearing date certainty, even if the several matters are disposed over the same time frame.

**Table 63.0: Methods of case disposition for the Easter Term ended July 31, 2018**

Method of Disposition	Frequency	Percentage (%)
Accused Deceased	4	2.3
Bench Warrant	3	1.7
Committed to psychiatric facility	1	.6
Disposed (unspecified method)	14	8.0
Found Guilty	14	8.0
Guilty Plea	39	22.2
No Case Submission upheld	5	2.8
No Case to Answer, Discharged	1	.6
No Evidence offered discharged	54	30.7
No further evidence offered discharged	24	13.6
Nolle Prosequere	3	1.7
Not Guilty - Discharged	14	8.0

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Method of Disposition	Frequency	Percentage (%)
Accused Deceased	4	2.3
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Guilty Plea	39	22.2
No Case Submission upheld	5	2.8
No Case to Answer, Discharged	1	.6
No Evidence offered discharged	54	30.7
No further evidence offered discharged	24	13.6
Nolle Prosequere	3	1.7
Not Guilty - Discharged	14	8.0
<b>Total</b>	<b>176</b>	<b>100.0</b>

The above table summarizes the methods of disposition for the cases disposed in the Easter Term of 2018. It is seen that there were 176 cases disposed, a 25.71% improvement over the previous Term. The largest proportion of the cases disposed were a result of ‘no evidence offered’ or ‘no further evidence offered’ which together accounts for 80 or roughly 44.30% of the total. Next were disposals resulting from guilty pleas with 39 or 22.20% of the total. Guilty verdicts and not guilty verdicts with 14 or 8% each of the matters disposed rounds off the leading methods of disposition for the Easter Term. Of the 176 cases disposed in the Gun Court during the Easter Term only 39 or 22.16% were cases originating during said Term.

**Table 64.0: Conviction rate in the Gun Court for the Hilary Term ended July 31, 2018**

Number of cases disposed	Number of Guilty outcomes (i.e. guilty verdicts and guilty Pleas)	Conviction rate
176	53	<b>30.11%</b>

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The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the 176 cases, which were disposed in the Term, 53 were a result of either a guilty plea or a guilty verdict. This produces an overall conviction rate of 30.11% for Gun Court cases for the Easter Term, roughly the same as that for the Hilary Term. The following table delves further into the conviction rate, by the substantive matter.

**Table 65.0: Conviction rate by substantive matter in the Gun Court for the Easter Term ended July 31, 2018**

Substantive matter	Number of cases disposed	Number of Guilty outcomes	Conviction rate
Illegal possession of fire arm	68	21	<b>30.88%</b>
Illegal possession of ammunition	29	8	<b>27.59%</b>

It is seen in the above table that of the 68 disposed cases of illegal possession of a firearm, 21 were disposed by way of either a guilty verdict or a guilty plea, yielding a conviction rate of roughly 31%, roughly 3 percentage points higher than that of the Hilary Term. For the substantive matter of illegal possession of ammunition, eight of the 29 disposed cases were by way of guilty outcomes, yielding a conviction rate of 27.59%, just over a percentage point higher than that of the Hilary Term.

**Table 66.0: Top six charges disposed of in the Easter Term, ended July 31, 2018**

Charge	Frequency	Percentage (%)
Illegal possession of a firearm	224	43.70
Illegal possession of Ammunition	70	13.60
Shooting with intent	62	12.10
Robbery with aggravation	57	11.10
Wounding with intent	38	7.0
Assault at common law	19	3.70
<b>Total</b>	<b>470</b>	<b>91.62</b>

**Total number of charges (N) =513**

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The 176 cases that were disposed of in the Gun Court in the Easter Term equates to 513 charges, an average of roughly 29 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 43.70% and 13.60% respectively. This is followed by shooting with intent with 62 or 12.10% of the charges disposed. Robbery with aggravation with 57 or 11.10% and wounding with intent with 38 or 7.0% respectively rounds off the top five charges for the Term. These disposed charges enumerated in this table accounts for roughly 91.62% of the total number of charges disposed in the Gun Court in the Easter Term.

**Table 67.0: Time to disposition for cases disposed of in the Easter Term ended July 31, 2018**

### Descriptive Statistics (in months)

Number of observations	176
Mean	19.5284
Median	12.0000
Mode	11.00
Std. Deviation	17.77765
Skewness	1.684
Std. Error of Skewness	.183
Range	92.00
Minimum	1.00
Maximum	93.00

In the table above it is seen that there were 176 cases disposed in the Gun Court during the Easter Term. The estimated average time to disposition was roughly 19.53 months or roughly 1.63 years, an improvement of just under two months when compared to the previous Term. The estimated shortest time to disposal for a case disposed of in this period was roughly a month with a maximum of 93 months or seven and a quarter 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

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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 68.0: Breakdown of times to disposition from the case file date for the Easter Term ended July 31, 2018**

Months	Frequency	Percentage (%)
0 -12	93	52.8
13 - 24	46	26.1
25 - 36	16	9.1
37 - 47	8	4.5
48 & over	13	7.4
<b>Total</b>	<b>176</b>	<b>100.0</b>

The above table provides a more detailed breakdown of the times to disposition for cases disposed in the Easter Term. It is shown that the largest proportion of cases disposed were disposed of in under a year. This accounted for 52.80% of all the disposals, followed by approximately 26.10% of matters, which took, between 13 and 24 months to be disposed. Approximately 9% of the matters took between 25 and 36 months to be disposed, 4.50% took between 37 and 47 months and the remaining 7.40% took four years or more to be disposed. It is of interest to note that roughly 78.90% of all matters disposed in the period took two years or less, a promising sign for the Gun Court.

The consistency seen in the relatively large proportion of cases being disposed of in under two years augurs well for the ability of the Gun Court to significantly reduce its backlog count in the coming years. The time series data seen over the past year and a half suggests that the probability that a Gun Court case will be disposed of within two years of entering the High Court Division of the Gun Court is roughly 72%. Enhanced case management and case scheduling in the Gun Court will incrementally improve this figure in the coming years.

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**Table 69.0: Time to disposition from date charged, for charges disposed of in the Hilary Term ended July 31, 2018**

**Descriptive Statistics**

Number of observations	513
Mean	25.9073
Median	19.0000
Mode	14.00
Std. Deviation	17.08289
Skewness	1.341
Std. Error of Skewness	.129
Range	79.00
Minimum	1
Maximum	80.00

The above table shows that there were 513 charges disposed of in the Easter Term. It is seen that the estimated average time to disposition from the date of charge is approximately 26 months or just over 2 years. This is about seven 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 that fell below the mean than those which fell above it. 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 80 months or just over 6.7 years. The estimated minimum time to disposition from the time an offence was entered is roughly a month.

**Table 70.0: Breakdown of times to disposition from date charged, for the charges disposed in the Easter Term ended July 31, 2018.**

Months	Frequency	Percentage
0 -12	247	48.23
13 -24	120	23.45
25 – 36	66	12.80
37 – 47	28	5.41
48 & over	52	10.11
<b>Total</b>	<b>513</b>	<b>100.0</b>

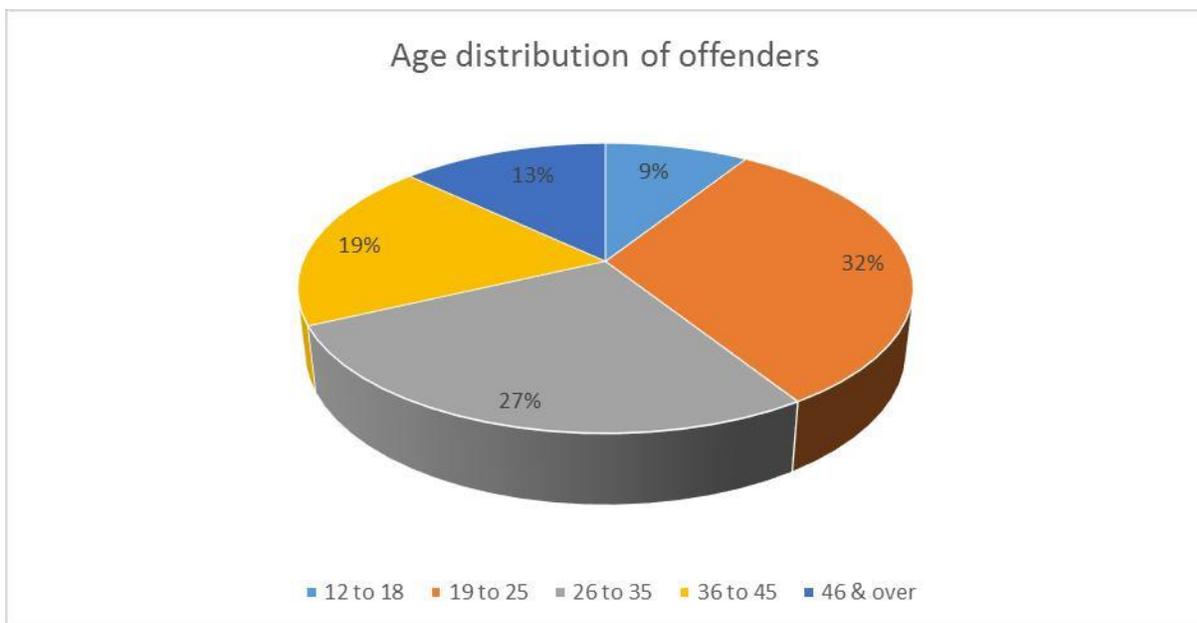
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The above table provides a further breakdown of the estimated time to disposition for charges disposed in the Easter Term, from the date of charge. The slight positive skewness displayed in the previous table is affirmed, as the scores here are mostly 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 247 or roughly 48.23% of the disposals and was followed by matters taking between 13 and 24 months to be disposed with 120 charges or 23.45%. A further 12.80% of the matters were disposed of within 25-36 months, 5.41% took between 37 and 47 months and the remaining proportion of 10.11% 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 Easter Term.

**Chart 12.0: Summary of age distribution of a sample of offenders in the Gun Court for the Easter Term ended July 31, 2018**

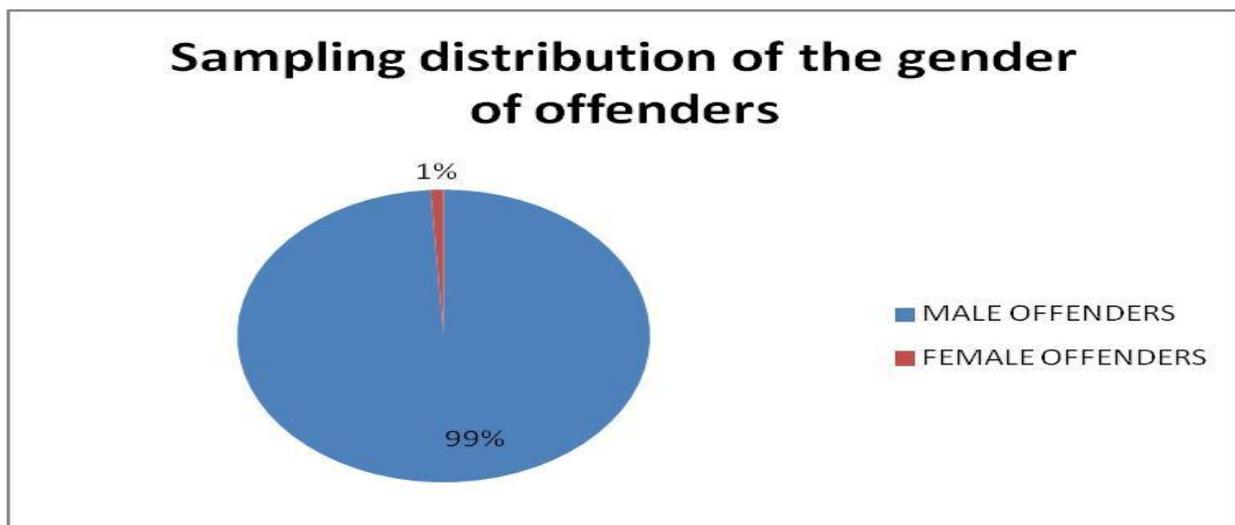


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As shown earlier, the offenses, which dominated the Gun Court for the Hilary Term, are illegal possession of firearm, illegal possession of ammunition, robbery with aggravation, shooting with intent and wounding with intent. Using a representative sample, the average age of persons charged in the year is roughly 31 years old with the oldest person charged being 62 years old and the youngest 14 years old. The modal age from this sample was 24, 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 Easter Term of 2018. This proportional distribution is similar to that of the Hilary Term of 2018 and the corresponding period in 2017.

In terms of gender distribution, using a sample of 60 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 previous Term. 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 Easter Term ended July 31, 2018.**



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**Table 71.0: Case clearance rate for the Easter Term ended July 31, 2018.**

Cases filed	Cases disposed	Case clearance rate
158	176	111.39%

**\*39 or 22.16% of the 176 cases disposed of, originated in 2018**

One hundred and fifty eight new cases were entered in the Gun Court during the Easter Term while 176 were disposed (including many which originated before the Term) leading to an impressive case clearance rate of 111.39% for the Term. This represents a decline of 3.36 percentage points when compared to the Hilary Term of 2018. The result translates into a generalization of roughly 111 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, a feat accomplished by the Gun Court for the third consecutive 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. The continuation of similar efforts continue to produce positive results in expediting the clearance of cases in the Gun Court.

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## **CHAPTER 6.0: COMMERCIAL DIVISION**

This chapter will present an analysis of case progression in the Commercial Division for the Easter Term ended July 31, 2018. Among the measures assessed are key performance metrics such as the case clearance and trial/hearing date certainty rates.

**Table 72.0: Cases filed in the Commercial Division in the Easter Term ended July 31, 2018**

<b>Division</b>	<b>Number of new cases filed</b>
<b>Commercial</b>	<b>242</b>

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 so far in 2018 suggests that the Division is on course to at least equal last year’s aggregate figure. The Easter Term recording 242 new cases, an increase of 26.70% when compared to the Hilary Term of 2018. The overwhelming proportion of these cases originated by way of Claim Forms.

**Table 73: Sampling distribution of the most common reasons for adjournment/continuance for the Easter Term ended July 31, 2018**

<b>Reasons for adjournment</b>	<b>Frequency</b>	<b>Percentage (%)</b>
Claimant documents not served	17	24.29
Defendant to comply with orders	6	8.57
Pending settlement	4	5.71
Claimant to file documents	4	5.71
For interested parties to be notified	4	5.71
Claimant documents/application not in order	4	5.71
Claimant to file documents	4	5.71
<b>Total</b>	<b>43</b>	<b>61.43</b>

**Number of observations (N) = 70**

The above table provides a sampling distribution of the top seven reasons for adjournment in the Commercial Division for the Easter Term. A total of 70 such incidences recorded reveal that claimant documents not served with 17 or 24.29% leads the list while defendant to comply with

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orders rank next with 6 or 8.57%. The other reasons for adjournment listed among the top seven each accounted for 4 or 5.71% of the adjournments in the Term. This top seven list accounts for approximately 61.43% of the total number of adjournments during the Term.

**Table 74.0: Chamber hearings for the Easter Term ended July 31, 2018**

Hearings	Frequency	Percentage (%)
Applications (Various)	365	83.33
Case Management Conference	27	6.16
Pre-trial review	44	10.05
Judgment summons hearing	2	0.46
<b>Total</b>	<b>438</b>	<b>100</b>

The above table summarizes Chamber hearings in the Commercial Division for the Easter Term. As with the HCV Division, the hearing of various applications for relief sought dominates with roughly 83.33% of the Chamber hearings. Pre-trial reviews with approximately 10.05% rank next and Case Management Conferences with 27 or 6.16% rounds off the top three Chamber hearings for the Term. There were 438 incidences of Chamber hearings in the Commercial Division for the Easter Term, an increase of 58.70% over the previous Term.

**Table 75.0: Trial dates during the Easter Term ended July 31, 2018**

Trial matter	Frequency	Percentage (%)
Trial in Chambers	31	14.42
Open Court Trial	181	84.19
Assessment of damages	3	1.40
<b>Total</b>	<b>215</b>	<b>100</b>

The above table outlines the list of the incidence of trial dates during the Easter Term of 2018. Open court trials with an incidence of 181 or 84.19% tops this list, followed by trial in chambers with 31 or 14.42% of the total. There were 215 incidences of trial dates during the Easter Term, an increase of 23% when compared to the previous Term.

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**Table 76.0: Trial/hearing date certainty for the Commercial Division in the Easter Term ended July 31, 2018**

Trial/hearing dates set	Trial/hearing dates adjourned (excluding adjournments for continuance)	Trial/hearing date certainty
653	54	91.73%

The Commercial Division ranks first among the Divisions of the Supreme Court with trial/hearing date certainty in the Easter Term with a rate of roughly eight adjournments for every 100 dates set. This equates to a trial/hearing date credibility of 91.73%, firmly in line with international benchmarks that prescribe a trial/hearing date certainty of 90% - 100%. This output was roughly the same as that of the Hilary Term of 2018. This strong result is partly due to the purposeful and scientific way in which scheduling of commercial cases is done, coupled with the fact that the Commercial Division has three committed Judges.

**Table 77.0: Requisitions summary for the Hilary Term ended July 31, 2018**

Requisitions Issued	Requisition Reponses	Requisitions clearance rate	Requisitions per 10 case files
51	*20	39.22%	2

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

The above table provides a summary of the response rate for requisitions issued in the Commercial Division in the Easter Term. It is shown that 51 requisitions were issued in the Term while there were 20 responses filed, thus producing a requisitions clearance rate of 39.22%. This requisition clearance rate suggests that during the Term, for every 10 requisitions issued, roughly four responses were filed. Additionally, there was an average incidence of two requisitions per 10 case files for the Term, suggesting that the incidence of requisitions may not be a source of protracted delays in the progression of commercial cases.

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**Table 78: Top five methods of disposition for the Easter Term ended July 31, 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
<b>Total</b>	<b>68</b>	<b>78.10</b>

**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 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 79.0: Time to disposition for Commercial cases disposed in the Easter Term ended July 31, 2018**

**Descriptive Statistics**

Number of observations	145
Mean	29.7310
Median	12.0000
Mode	11.00
Std. Deviation	31.04818
Skewness	.966
Std. Error of Skewness	.201
Range	96.00
Minimum	1.00
Maximum	97.00

The above table shows that the estimated average time to disposition for the 145 Commercial cases is 29.73 months or approximately 2.48 years, a pronounced increase of roughly 15

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months when compared to the previous Term. The maximum time to disposition observed from these cases is 97 months or just over eight years while the lowest is roughly a month. Despite the high average time to disposition, the median time taken was a year while the most frequent time taken to dispose of the matters was 11 months. There was relatively wide variation of the times to disposition in the Term as revealed by the high standard deviation of 31 months. Comparatively more of the times to disposition fell below the mean, as indicated by the positive skewness observed.

**Table 80.0: Breakdown of times to disposition for Commercial cases in the Easter Term ended July 31, 2018**

Months	Frequency	Percentage (%)
0 – 12	73	50.3
13 – 24	16	11.0
25 – 36	10	6.9
37 – 47	7	4.8
48 & over	39	26.9
<b>Total</b>	<b>145</b>	<b>100.0</b>

The above table provides a breakdown of the times to disposition for the sample of cases disposed of in the Commercial Division in the Easter Term of 2018. It is seen that the largest proportion of these cases were disposed of within a year, accounting for an overwhelming 50.30% of the disposals. This is followed by 11%, which took 13 to 24 months to be disposed. Taken together, roughly 61.30% of the cases in the Easter Term were disposed of within 2 years. This represents a decline of 38.70 percentage points in the number of cases disposed in two years or less when compared to the previous Term. It is of note that 39 or 26.90% of the cases disposed took four or more years to be disposed.

**Table 81.0: Case clearance rate for the Easter Term ended July 31, 2018**

Cases filed	Cases disposed	Case clearance rate
242	145*	59.92%

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

One hundred and ninety one new cases were filed in the Commercial Division for the Easter Term, while 145 cases were disposed. This yields a case clearance rate of 59.92%, up by 14.46 percentage points when compared to the previous Term. This result suggests that for every 10 new cases filed in the Term, roughly six 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 sub-section, the gross case clearance rate is used as a measure the ratio of incoming and outgoing cases in the Easter 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 82.0: Gross case clearance rate for the Easter Term ended July 31, 2018**

<b>Total new cases filed</b>	<b>Total cases disposed</b>	<b>Gross Case clearance rate</b>
<b>4273</b>	<b>3334</b>	<b>78%</b>

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 4273 new cases were filed/entered across the seven named Divisions reviewed in Easter Term. These results yield a gross clearance rate of roughly 78% an impressive increase of roughly 32 percentage points when compared to the Hilary Term of 2018 and by far the highest since these reports commenced in 2016. The result suggests that for every 100 cases filed/entered during the Term, roughly, 78 were also disposed. Though below the International standard of 90% -100%, the strides made augur well for the possibility of significant improvements in the timely delivery of justice in the coming

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years. Revisions to several operating procedures that are currently underway to bolster trial date certainty and improve case clearance rates will contribute greatly in this regard.

### Case Activity Summary for the Easter 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 Easter Term of 2018. A cumulative summary is also provided.

**Table 83.0: Aggregate case activity in the Easter Term ended July 31, 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)	1571	609	40	38.76	3 years
Matrimonial	1366	1426	33	104.39	2.17 years
Probate	788	840	133	106.80	1.6 years
Commercial	242	145	44	60	2.48 years
Home Circuit Court	148	138	23	93.24	1.6 years
Gun Court	158	176	39	111.39	2 years
Revenue Division	1	3	N/A	N/A	N/A
<b>Gross/Average</b>	<b>4274</b>	<b>3337</b>	<b>312</b>	<b>78</b>	<b>2.14 years</b>

The above table provides an important summary of case activity in the Supreme Court in the Easter Term of 2018. It is shown that 4274 new cases were filed/entered across all Divisions of the Supreme Court in the Term, an increase of 23.71% when compared to the previous Term. The High Court Civil (HCV) Division with 1571 cases or 36.77% of the cases accounts for the largest share of the new cases, followed by the Matrimonial Division with 1366 or 31.97% of the total and the Probate Division with 788 or 18.44% of the total. As with 2017 and the Hilary Term of 2018, an upward trend in caseload is observed for the Commercial Division, which

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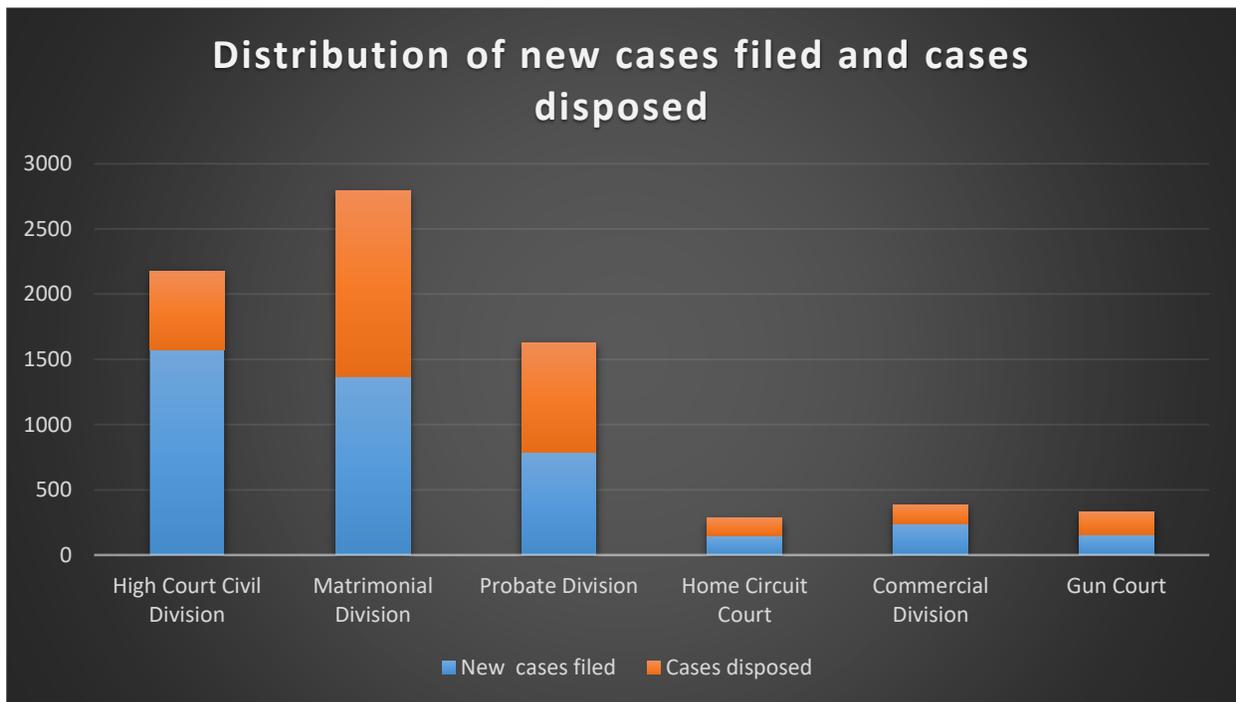
ranks fourth in new caseload for the Term. New cases entered in the Home Circuit Court accounted for 148 or 3.36% of the total number of cases. If this trend persists, it will fall well short of the figure for 2017. In the Chief Justice's Annual Statistics Report for 2017, it was forecasted that the total number of new cases filed in the Supreme Court in 2018 would be around 13,000. Based on the current trends, the forecast has been revised downwards to 12,500.

As with the gross outcomes in 2017 and the Hilary Term of 2018, the Probate and Matrimonial Divisions accounted for the largest share of the cases disposed with roughly 42.77% and 25.19% respectively of the total number of cases disposed in the Easter Term. The Probate Division accounted for the largest proportion of new cases filed/brought in the Supreme Court in the Easter Term, which were disposed. As far as clearance rates are concerned, the Gun Court as well as the Probate and Matrimonial Divisions all meet the International standard, with clearance rates over 100%, far outperforming the other Divisions. The most pronounced improvements in case clearance rate for the Term was however seen in the Home Circuit Court which had a faster than usual rate of disposition, resulting in a clearance of 93.24%. Not only did this Division meet the International standard for the first time in at least two years in a Term, but also there was an improvement of 57.13 percentage points when compared to the previous Term. There is expecting to be a slowing of the clearance rate for the Home Circuit Court in the short Term due to a new method of scheduling cases that has commenced. This new method will however bolster trial date certainty in the medium to long Term and contribute to a steady state improvement in the case clearance rate towards the target of 95% set by the Chief Justice for the next few years.

As was the case throughout 2017 and the first Term of 2018, 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 Commercial Division is again second, with an average time to disposition of 2.48 years while the Probate Division and Home Circuit Court with time to disposition of roughly 1.6 years account for the lowest times to disposition in the Term. The overall trend however suggests that among the Divisions of the Supreme Court, on average a case is likely to be disposed of fastest in the Probate Division.

**Chart 14.0: Distribution of new cases filed and case disposed across all Divisions in the Easter Term ended July 31, 2018.**



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

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## Judgments Reserved and Judgments Delivered

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

**Table 84.0: Summary of Judgments Reserved and Delivered for Easter Term ended July 31, 2018**

<b>Number of Judgments reserved</b>	<b>Total number of Judgments Delivered</b>	<b>Number of outstanding Judgments (from those reserved in the Hilary Term)</b>	<b>Clearance rate for Judgments ‘</b>	<b>Average time taken to deliver Judgments</b>
<b>37</b>	<b>53</b>	<b>37</b>	<b>143%</b>	<b>4.25 years</b>

There were 37 Judgments reserved in the Easter Term of 2018 while 53 were delivered, the overwhelming proportion of which were reserved in previous years. This produces a clearance rate for Judgments of 143% during the Easter Term. Despite this impressive clearance rate for the Easter Term, the average time taken to deliver Judgments in the Easter Term is 4.25 years. This must however be qualified by the fact that there was a wide variance in the times taken to deliver the Judgments and the average figured is skewed by the existence of Judgments dating back to between 2007 and 2010 which were delivered in the Term.

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

The Easter 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 statistical reports prepared each Term affords an opportunity to monitor the productivity and efficiency of the Supreme Court and thus informs the interventions which are necessary to promote a timely delivery of justice. As part of efforts to create an excellent court system, the Chief Justice has established the court-wide target of a trial date certainty of between 130% and 140% over the next six years and a case clearance rate of 95%. These reports will provide a measure of the progress made towards achieving the targets by consistently assessing a wide range of productivity indices.

This report produces a number of significant performance measures that allows for easy tracking of the output of the Divisions of the Supreme Court in both an absolute and comparative way. When compared to the data from 2017 and the Hilary Term of 2018, it is observed that there has been improvement in varying proportions in several key performance indicators. Most notable of these improvements is the improvement of over 30 percentage points in the overall case clearance rate in the Supreme Court for the Easter Term when compared to the average rate over the preceding five consecutive Terms. Contributing most notably to this performance are the Gun Court and the Probate and Matrimonial Divisions with clearance rates of over 100% and the Home Circuit Court with a clearance rate of over 90%. The clearance rate for five of the Divisions of the Supreme Court improved and only the High Court Civil Division was below a rate of 60% for the Term. Some of the improvements shown can be explained by process changes spearheaded by the Chief Justice, which are aimed at increasing the case flow processes. Such initiatives are still in their embryonic stages and should produce

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strong and sustainable results in the coming years. It is also of note that the Supreme Court as a whole also experienced improvements in the average time taken to dispose of cases in the Easter Term, when compared to the previous Term, with just over a month shorter. The most notable decline was with the Commercial Division while most other Divisions saw slight improvements. The overall trial and hearing date credibility rate also improved, climbing by 6 percentage points to roughly 72% when compared to the previous Term. The most pronounced improvement in this regard came from the Home Circuit Court, which saw an increase of roughly 38 percentage points. However, only the Commercial Division met the International standard on this measure.

Successive statistical reports have shown that case management and scheduling are the core of many of the delays in expediting the timely delivery of justice in the Supreme Court. These areas need to be dramatically improved to militate against the high incidence of adjournments and inspire greater confidence in the processes of the court. The Chief Justice is currently spearheading several initiatives to improve such processes across all Divisions of the Supreme Court, not least of which are the radical reforms to the way in which cases are scheduled and managed in the Home Circuit Court. The data again 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**

The recommendations made in the Hilary Term report of 2018 will be reiterated here as the decisive trends seen in previous reports have persisted. Several initiatives are currently underway in across the Divisions of the Supreme Court, which capture the essence of these recommendations.

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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 turnaround times of Decrees Absolutes scheduled for Judges are established. This must be

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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 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

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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.

4

## Glossary of Statistical Terms

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

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

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

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

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

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

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

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

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

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

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

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

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<sup>i</sup> Source:

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

<sup>ii</sup> Source:

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

