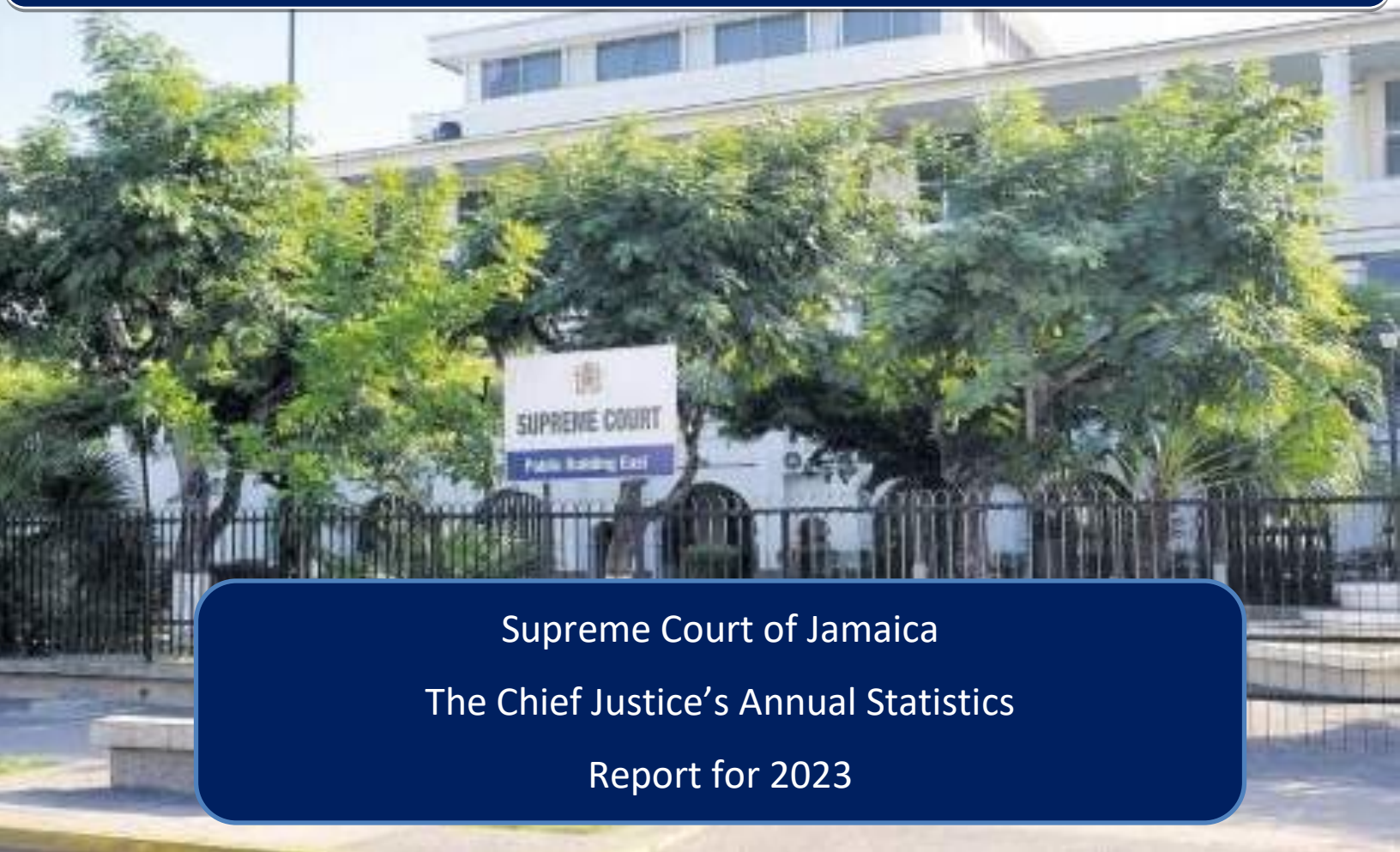


THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT FOR 2023



Supreme Court of Jamaica The Chief Justice's Annual Statistics Report for 2023

OVERALL QUANTITATIVE HIGHLIGHTS

	<u>2023</u>	<u>2022</u>	<u>2021</u>
Case clearance rate (%)	76.56	74.95	60.37
Hearing date certainty rate (%)	74.39	75.04	73.14
Case file integrity rate (%)	97.47	96.53	85.27
Average time to disposition of cases (years)	2.76	2.39	2.08
Clearance rate on outstanding Judgments (%)	106.80	142.47	189

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Message for Supreme Court Report 2023

The 2023 report confirms steady progress. The average clearance for the entire Supreme Court was passed 76.56%, representing an increase of 1.61%. This is the first time that the Supreme Court, as a whole, passed 75% and the second consecutive year that it has attained a clearance rate of 70%. Between 2017 and 2021 the average clearance rate ranged from approximately 50% in 2017 to 65% in 2020 and finally 60.37% in 2021. Thus two consecutive years of a clearance rate of over 70% is good to note but reminds us of how far the Supreme Court needs to go to become backlog free. All divisions of the Supreme Court need clearance rates ranging from 110.55% to 135.5% over the next ten years to achieve and maintain a backlog free status using a 24-month time standard.

This report highlights the important fact that there are still too many adjournments of trials in the Civil Division of the court. In 2023 the trial date certainty for open court trial declined by 4.36% to 68.75%. For Chamber trials there was a 2.36% decline to 70.14%. In addition, 55.36% of applications are adjourned. This is particularly alarming since applications of various types account for 63.36% of total matters heard in Chambers. The high rate of adjournment for applications means that cases are not proceeding apace to final resolution leading to a backlog of cases in the Civil Division.

The High Court Division of the Gun Court (Kingston) continues to be a beacon of excellence and is maintaining its backlog free status. The clearance rate was 81.36%. It is to be noted that 81.60% of cases were disposed of within 24 months. This represents a decline of 4.10% which may be the consequence of the new firearms law which carries mandatory minimum sentences of fifteen years. It must be noted that the new firearms legislation places the back log free status at risk because there are fewer guilty pleas. Despite this the average time to disposition was 15 months. Another risk is the delay in completing the files. The forensic services have not improved their internal efficiency and this results in inordinately long times for forensic certificates to be submitted. Nonetheless, the time standard has been revised downwards and

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the new time standards are: simple possession cases – 6 months; shooting cases and robberies – 9 months; and all other cases – 12 months.

The Family Division recorded significant progress in 2023. The clearance rate improved by 12.22% to 89.95% in the Kingston Registry and by 31.94% in the Montego Bay Western Registry to 98.11%. The overall clearance rate for both registries was 90.53%. The data also shows that further improvement is possible if attorneys at law and others provide the documents necessary on a timely basis. For example, cases that took more than four years was largely the result of litigants' tardiness in filing documents on time.

The High Court Civil Division has passed 60% clearance rate moving from the sub 30% region. An important factor that has accounted for this improvement is an increase in hearing date certainty to 81.74%. The hearing date certainty needs to be at least 90% but preferably 95%. The trend is moving in the right direction.

It must be a matter of concern that in the Criminal Division the greatest impediment to the speedy trial of cases is third parties, namely the defence, the prosecution, the police, the forensic services. The data advise that a small share of reasons for the delay can be attributed to the courts' operational procedures. External parties are responsible for 70% of adjournments. Among the main reasons for adjournment are the absence of a ballistic certificate, the absence of a forensic report, and the absence of cyber reports on electronic devices. The trial date certainty for matters in the Home Circuit Court was 51%, a decline of 14 percentage points while the case clearance rate was 53.43%, a decline of 11.74 percentage points from 2022.

The Revenue Court continues its path of excellence with a clearance rate of greater than 100%.

The performance of the Commercial Division is mixed. The data say that 324 cases were disposed of in 2023 which is an increase of 102.5% yet trial date certainty was down to 40%, a fall of 15.97% from 2022. It appears that the mediation process is not producing the desired result because a three-year sample of cases referred to mediation indicate a success rate of

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under 20%. Despite these humps, 76.60% of cases were disposed within 24 months while 9.3% took four years or more. That is to say more than three quarters of cases in the division were disposed of within the time standard of 24 months.

An important development that came out of the COVID 19 pandemic was the move to on line hearings. That trend continued in 2023 where 93.64% of hearings in the Family, Commercial, Civil and Probate Divisions were done by video conferencing. Teleconferencing was done in 6.24% of the cases with in person hearings accounting for 0.12% of hearings. The result has been greater access to the court whereby parties and their counsel need not travel to the court building to conduct proceedings. This reduces the cost of travel, the time spent travelling to the court, finding parking and other attendant costs. The court will be moving to improve the quality of technology used in on line hearings.

There is still more that must be done to bring our courts to world class standards. The longest journey, it has been said, begins with the first step. The journey to court excellence continues.

Let me thank all who have contributed to the steady rise in performance over the last six years. The Judiciary remains committed to using all available techniques and technology to innovate in delivery of justice. Progress is being made and with sustained effort the results will be seen.

The Chief Justice's Message

**The Honourable Mr. Justice Bryan Sykes, CD, OJ.
Chief Justice of Jamaica**

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EXECUTIVE SUMMARY

The 2023 Chief Justice's Annual Statistics Report for the Supreme Court provides an affirmation that this court has found a new, higher equilibrium point in productivity. The overall case clearance rate for the Supreme Court outstripped the 70% mark for the second consecutive year, surpassing the 75% mark for the first time on record. All Divisions of the Supreme Court also recorded case clearance rates above the 50% mark for the first time on record. These signs suggest that a range of operational reforms currently being pursued in the Supreme Court are making positive progress, even though the overall dent in the case backlog rate is still relatively slow. A higher equilibrium case clearance rate is required for significant inroads to be made into the case backlog, however with persistent reforms and strategic interventions, continuously guided by the data and the infusion of technology to bolster scientific scheduling, it is conceivable that within the next 18-24 months a more decisive shift in the total productivity of the Supreme Court will be seen.

This annual report contains a range of data and performance measurements on all Divisions of the Supreme Court in addition to the High Court Division of the Gun Court and the Revenue Court which are both housed at the Supreme Court and utilizes its resources. The report is extensive, covering several major areas of case flow progression and therefore provides important insights, which can potentially inform the operational efficiency of the Supreme Court and the policy design of the relevant state actors.

A total of 13521 new cases entered the Supreme Court across all Divisions/sections in 2023 while 10,396 cases were disposed. The total number of new cases filed in 2023 decreased by

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2.52% when compared to the previous year and is among the largest intake in a single year in at least the past decade. The number of cases disposed in 2023 also decreased when compared to the previous year (dipping by 0.43%). The Family and High Court Civil Divisions with 4499 and 4264 respectively of the total number of new cases filed accounted for the largest share of new cases filed while the Revenue Court with under 10 new cases filed account for the lowest share. As was the case in the previous four years, the Family Division accounted for the largest share of disposals with 4073 or 39.35% of all disposed cases in the Supreme Court in 2023, while the Estate Division with 2778 or 26.84% of the cases disposed ranks next.

Among the major findings from this Annual Statistics Report is that the average case clearance rate across the Divisions/Sections was roughly 76.56%, an increase of 1.61 percentage points when compared to the previous year, the highest overall annual case clearance rate on record for the Supreme Court. The case clearance rate provides a measure of the number of cases disposed, for every new case entered/filed. The average of roughly 77% across the Divisions/Sections suggests that for every 100 new cases entered in the period, roughly 77 were also disposed (not necessarily from the new cases entered). The case clearance rates for 2023 range from a low of 53.11% in the Commercial Division to a high of 112.50% in the Revenue Court. The Family Division had the second highest case clearance rate in the Supreme Court with 90.53%, followed by the High Court Division of the Gun Court with 81.36%. The case clearance rate result of 63.46% for the High Court Civil Division is noteworthy as it has surpassed the 60% mark for the second consecutive year, emerging from sub-30% averages.

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The report also generated the estimated times to disposition for matters disposed in the respective Divisions of the Supreme Court in 2023. The estimated average times taken for cases to be disposed, range from a low of approximately 15 months in the High Court Division of the Gun Court to a high of roughly 52 months in the High Court Civil Division. The overall average time to disposition for the Divisions of the Supreme Court in 2023 was approximately 33 months, four months longer than in the previous year.

The standard definition of a case backlog, which has been adopted by the Jamaican Court system, is a case that has been in the system/jurisdiction for more than two years without being disposed. Using this yardstick, the overall on-time case processing rate for cases disposed in the Supreme Court in 2023 was approximately 64.56% which suggests that roughly 65 of every 100 cases disposed were done within two years, representing a roughly 2 percentage points increase when compared to the previous year. This result implies that roughly 35.45% of the cases disposed in 2023 were in a state of backlog at the time of disposition, representing a crude proxy of the overall gross case backlog rate for the Supreme Court. The Estate Division and the High Court Division of the Gun Court with 84.74% and 81.60% respectively had the highest on-time case processing rates for 2023, thus also having the lowest crude gross case backlog rates at the end of the year with 15.26% and 18.40% respectively.

The hearing date certainty rate is a vital measure of the robustness of the case management and scheduling apparatus in the court system. It provides an indication of the likelihood that dates set for hearings will proceed on schedule without adjournment. In the long run, the hearing date certainty rate will be positively correlated with the case clearance rate, thus the

higher the hearing date certainty rates, the higher the clearance rates in the long run. Similarly, in the long run higher hearing date certainty rates will correlate with lower case backlog rates, thus there is a negative association between these two variables. The hearing date certainty, which computes the rate of adherence to hearing dates scheduled, ranges from an approximate low of 67.25% in the Home Circuit Court to a high of 81.74% in the High Court Civil Division in 2023. The weighted average hearing date certainty across all the Divisions of the Supreme Court in 2023 was roughly 74.39%, which is an indication that there was a roughly 74% probability that a matter scheduled for hearing will go ahead without adjournment. This result represents a 0.65 percentage point decline when compared to the previous year. Similar data on the estimated trial date certainty rates in isolation are also provided in the relevant chapters of the report. The estimated trial date certainty rates are generally lower than the overall hearing date certainty rates in the Divisions of the Supreme Court.

This report demonstrates decisively that external factors and third parties continue to account for a sizeable share of the reasons for adjournment of cases and hence increased waiting time or delays in case dispositions. The prominent reasons for adjournment in 2023 are similar to those observed over the past five years of statistical reporting. Among the common reasons for adjournment cited in this report are the non-appearance of parties and/or attorneys, absenteeism of witnesses and investigating officers, incomplete files, files not found, documents to be filed, statements outstanding, ballistic and forensic reports outstanding among others. Some factors contributing to delays are within the court's sphere of direct

influence and it is imperative that this be rectified through the strengthening of case management practices.

It was mentioned above that one of the dominant reasons for adjournment in 2023 is files not found which has an adverse effect on another critical metric called the case file integrity rate. This rate measures the proportion of cases which are scheduled for court and are able to proceed in a timely manner without being adjourned for reasons of missing, lost or incomplete files, matters wrongly listed for court and other related factors which are attributable to the inefficient handling of records and case scheduling by the court's registries. Using the High Court Civil Division as a proxy, the data reveals that the case file integrity rate was 97.47%, a slight improvement of 0.94 percentage points when compared to the previous year. This result suggests that for every 100 case files that were part of court hearings in 2023, roughly 97 were able to proceed without being adjourned due to one of the named factors which impair case file integrity. The prescribed international standard for the case file integrity rate measure is 98% - 100%.

Apart from the high frequency of adjournments, the relatively high incidence of requisitions is an impediment to the speed of disposition of civil matters. Among the civil divisions, the incidence of requisitions in 2023 was highest in the Family Division with a ratio of 254 requisitions per 100 case files while the High Court Civil Division with 2 requisitions per 100 case files had the lowest incidence. Continuous reductions in the incidence of requisitions issued is crucial to ongoing efforts to bolster efficiency in especially the Family and Estate Divisions of the Supreme Court.

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One of the most positive outcomes for the Supreme Court in 2023 was the continued progress in the clearance of outstanding judgments. In this regard, the Supreme Court recorded another strong year with a rate judgments clearance rate of 106.80%. This result suggests that for every 10 new judgments reserved during the year, roughly 11 judgements were delivered, which is a decline when compared to the previous year but the general trend over the past three years is consistent with the Chief Justice's thrust to have judgments reserved delivered within three months, except for complex judgments which should take a maximum time of six months after being reserved to be delivered.

It is forecasted that in 2024, 13655 new cases will be filed across the Divisions/Sections of the Supreme Court while it is projected that 10771 will be disposed. Thus, the forecasted clearance rate for the Supreme Court in 2024 is 74.45% which would be 2.11 percentage points below the actual case clearance rate in 2023.

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See below Supreme Court case activity summary for 2023:

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (months)	Hearing Date Certainty Rate (%)
High Court Civil (HCV)	4264	2706	63.46	52.26	81.74
Family	4499	4073	90.53	25.10	71.18
Estate	3452	2778	80.47	19.05	76.82
Commercial	610	324	53.11	20.24	77.50
Home Circuit Court	350	187	53.43	39.93	67.25
Gun Court	338	275	81.36%	15.39	71
Revenue Division	8	9	112.50	60	75.25
Gross/Weighted Average	13521	10352	76.56	33.14	74.39

See below summary of the on-time case processing rate and the proxy case backlog rate (%)

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

(i) The on time case processing rate

(ii) Crude proxy case backlog rate

The on time case processing rate provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case backlog rate provides an estimated measurement of the proportion of cases, which are unresolved for more than two years as at end of 2023. These measures are summarized in the table below:

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Selected performances metrics for the Supreme Court in 2023

Division of the Supreme Court	Resolved/Disposed cases	Unresolved cases which had some administrative or court activity in 2021	Number of cases disposed within 2 years	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
High Court Civil (HCV)	2706	10615	939	34.70	65.30
Family Division	6795	4073	3051	75	25
Estate Division	2778	3984	2354	84.74	15.26
Commercial Division	324	949	347	76	24
Home Circuit Court	187	1207	66	35.29	64.71
Gun Court	275	446	224	81.60	18.40
Total/Weighted Average	13065	21274	6981	64.56	35.45

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Vital Forecasts:

Forecast of case activity in the Divisions of the Supreme Court in 2024

Division	Forecasted number of new cases	Forecasted number of disposed cases	Forecasted Case Clearance Rate (%)
High Court Civil Division	4263	3045	71.43
Family Division	4503	4002	88.87
Estate Division	3603	2906	80.66
Home Circuit Court	335	205	61.19
High Court Division of the Gun Court	340	300	88.24
Commercial Division	601	305	50.75
Revenue Division	10	8	83.33
Total/Weighted Average	13655	10771	74.45

Note: Forecasting done using the method of exponential smoothing

The above table provides a forecast of the number of cases filed and disposed in each Division/Section of the Supreme Court in 2024 as well as the projected case clearance rates. The forecasted number of new cases entering the Supreme Court in 2024 is 13655 while the forecasted number of disposed cases across the Divisions/Sections is 10771. These predicted values would produce a weighted case clearance rate of 74.45% in 2024.

Forecast for Judgments Reserved and Delivered in 2023

Forecasted number of Judgments Reserved	Forecasted number of Judgments Delivered	Forecasted clearance rate on Judgments (%)
250	267	106.80

Note: Forecasting done using the method of exponential smoothing

The Supreme Court is expected to sustain its positive direction in clearing outstanding judgments in 2024. Using the method of exponential smoothing, it is forecasted that 267 judgments will be delivered by the Supreme Court in 2024 and 250 new ones will be reserved. This produces a forecasted clearance rate on judgments of 106.80% in 2024, which suggests that for every 10 judgments reserved in that year, roughly 11 judgments are expected to be delivered.

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

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

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As an important statistical note, the date certainty rates computed throughout this report were normalized using natural log transformation and standardization for the purposes of comparability. This was done to account for significant unavoidable incidence of date adjournments resulting from the suspension of court activity for the larger part of the Easter Term and a small fraction of the Hilary Term due to the COVID-19 pandemic which had heavily skewed the data sets for this variable.

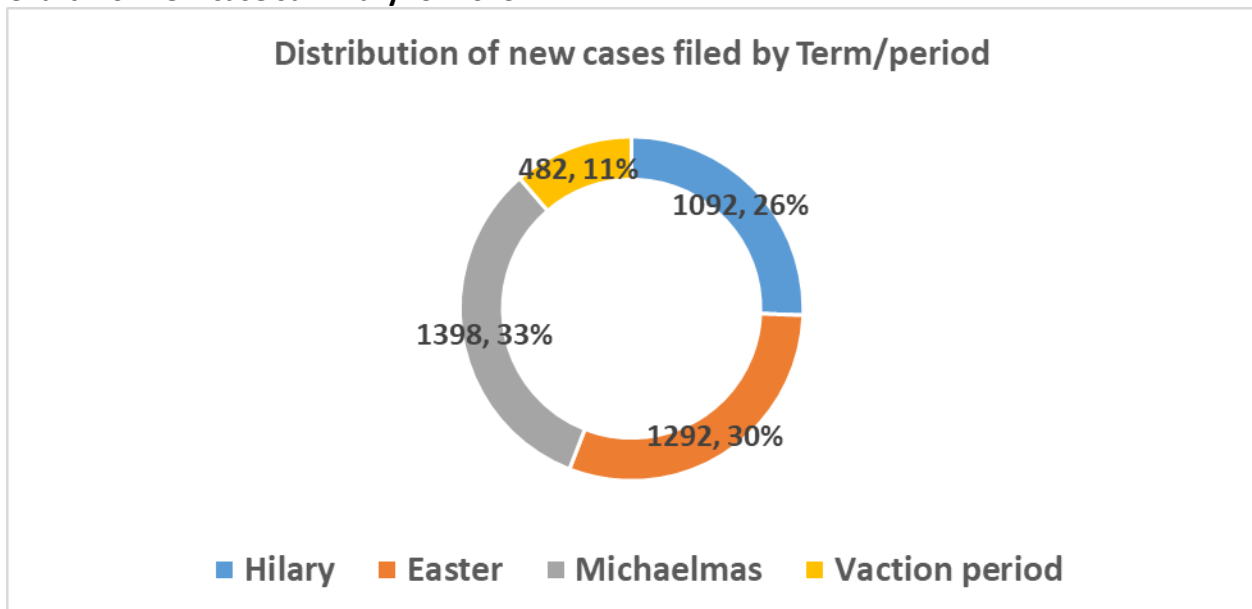
Structure of Report

This is a comprehensive statistical report on case activity in the various Divisions of the Supreme Court in 2023. Each of the first six chapters focus on case activity and performance metrics in the High Court Civil (HCV) Division, the Matrimonial Division, the Probate Division, the Commercial Division, the Home Circuit Court and the High Court Division of the Gun Court. The last two chapters summarize aggregate case activity across the Divisions of the Supreme Court, presents the 2023 clearance rate for civil Judgements and the courtroom utilization rate estimates. In each chapter, a wide range of measurements and other information are presented which places case and court activity in each Division in their peculiar perspectives and context. A glossary of statistical terms and key performance measures used in his reports are also outlined at the end of the report. The report is meant to be more of an information piece for both internal and external stakeholders, forming the basis for interventions geared at enhancing efficiency and fostering a culture of court excellence.

CHAPTER 1.0: HIGH COURT CIVIL (HCV) DIVISION

The ensuing analysis examines the various measures of the efficiency of case handling in the High Court Civil (HCV) Division for the year ended December 31, 2023. The below chart provides a summary of the breakdown of new cases filed in the High Court Civil Division across the different Terms/periods in 2023.

Chart 1.0: New case summary for 2023

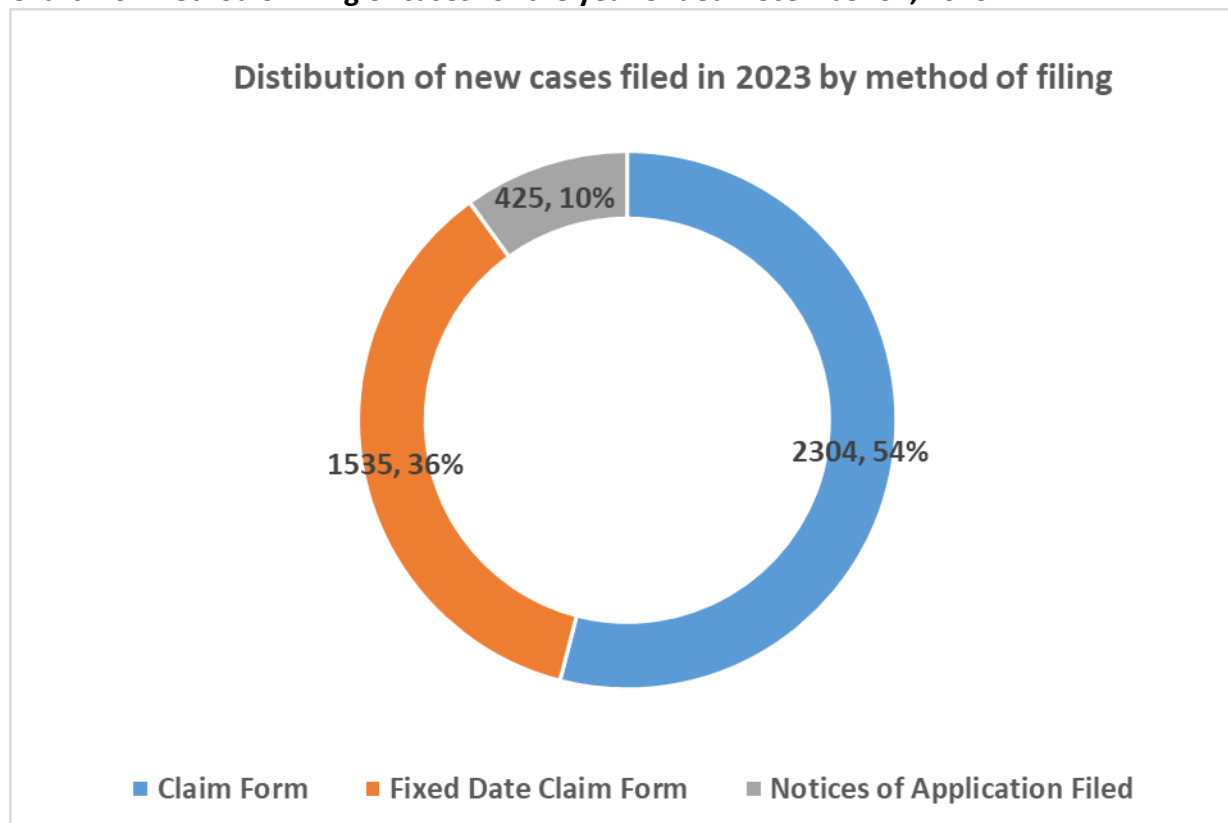


NB: Total number of civil cases for 2023 = 4264. The vacation period is used here to refer to the time between the end of the Easter Term and the start of the Michaelmas Term and between the Hilary Term and the Easter Term.

The chart above provides summary of the number of cases filed in the High Court Civil Division (HCV) for 2023. A total of 4264 new HCV cases filed in the year, an increase of 4.61% when compared to the previous year. The largest proportion of the new cases filed was in the Michaelmas Term, which accounted for 1398 or 33% of the new cases. The Easter Term with 1292 cases or 30% of the total and the Hilary Term with 1092 or 26% of the cases filed accounts for the next highest shares of the new cases filed in the High Court Civil Division (HCV) in 2023.

The number of new cases filed in the civil division in 2023 was a mere 0.33% above the forecasted figure of 4250.

Chart 2.0: Method of filing of cases for the year ended December 31, 2023



Number of observations = 4264

The above chart highlights the proportional distribution of the mode of filing cases in the High Court Civil Division in 2023. The data shows that 2304 or 54% of this cases were filed by way of Claim Forms while 1535 or 36% were filed by way of Fixed Date Claim Forms and the remainder 425 or 10% were filed by way of Notices of Application. In general, the number of matters filed by way of Claim Forms tend to outstrip those filed annually by way of Fixed Date Claim Forms and Notices of Application in the High Court Civil Division of the Supreme Court. The method by which a case is filed, be it by way of a Claim Form, Fixed Date Claim Form or Notice of

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Application has an impact on the path that the matters travel in the court. Matters filed by way of Claim Forms tend to have more processes along the case flow continuum and tend on average to take a longer time to be disposed than those filed by way of Fixed Date Claim Forms and Notices of Application, both of which tend to follow a very similar path.

The table below provides an analysis of the reasons for adjournment or continuance of High Court Civil cases in 2023.

Table 1.0a: Leading reasons for adjournment for year ended December 31, 2023

Reasons for adjournment	Frequency	Percentage
Application to file documents	2685	20.50
Claimant's documents not served or short served	813	6.20
Defendant to file documents	743	5.70
Claimant to comply with order	706	5.40
No parties appearing	575	4.40
Judge ill	497	3.80
Claimant not available	409	3.10
Matter referred to mediation	345	2.60
Claimant's attorney absent	287	2.20
Defendant absent	286	2.20

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To produce documents	276	2.10
Pending settlement	270	2.10
Defendant’s documents not served	269	2.10
Letter indicating no objections outstanding	241	1.80
Sub-Total	8402	64.20

Total number of adjournments/continuance = 13105

There were total of 13105 incidence of adjournments in 2023, an increase of 14.70% when compared to 2022. The above table summarizes the top fifteen reasons for adjournment for the year ended December 2023 in which it is seen that the three dominant reasons for adjournment were applications to file documents with 2685 or 20.50% of all events of the adjournments, adjournments due to claimant’s documents not served or short served with 813 or 6.20% of the adjournments and adjournments for defendants to file documents with 743 or 5.70%. Adjournments for claimants to comply with order and due to no parties appearing with 5.40% and 4.40% rounds off the top five reasons for adjournment in the High Court Civil Division for 2022. The top fifteen reasons for adjournment enumerated above, accounts for approximately 64.20% of the total reasons for case adjournment/continuance in 2023. As with previous reports, it is evident that a significant proportion of the total adjournments were due to factors related to the lack of readiness or preparedness of case files and cases themselves and the absenteeism of parties and attorneys for court hearings.

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There are currently several ongoing projects and reforms in the High Court Civil Division which have been engineered by the Chief Justice and a dedicated backlog reduction team. These initiatives are expected to turnaround the productivity of the High Court Civil Division marked over the next 18-24 months, bringing unrepresented case clearance rates to the Division.

Table 2.0: Case File Integrity Rate for the year ended December 31, 2023

Number of adjournments/continuance	Number of adjournments due to missing files, matters wrongly listed and matters left off the court list	Proxy Case File Integrity Rate (%)
13105	331	97.47%

In the very strictest sense, the case file integrity rate measures the proportion of time that a case file is fully ready and available in a timely manner for a matter to proceed. Hence, any adjournment, which is due to the lack of readiness of a case file or related proceedings for court at the scheduled time, impairs the case file integrity rate. Case file integrity is based on three pillars - availability, completeness and accuracy. In the above table, the number of adjournments resulting from missing files, matters wrongly listed for court and matters left off the court list is used to compute a proxy rate for the case file integrity. The table shows that there were 331 combined incidences of adjournments due to these deficiencies in 2023, resulting in a case file integrity rate of 97.47%, which means that roughly 2.53% of the total adjournments were due to one or more of factors that affect case file integrity. Using the same

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parameters, the case file integrity rate increased sharply by 0.97 percentage points when compared to 2022.

Table 3.0: Selected trial and pre-trial case counts for the year ended December 31, 2023

Trial matters/hearings	Frequency	Percentage
Court Trials	411	39.14
Motion Hearing	56	5.33
Assessment of Damages	384	36.57
Trial in Chambers	199	18.95
Total trial matters	1050	100

The above table shows the breakdown of the case counts associated with selected HCV pre-trial and trial hearings in the High Court Civil Division in 2023. The table shows a 1050 combined cases which were heard across the four listed types of hearings, of which cases heard for assessments of damages with 384 or 36.57% accounted for the largest share while open court trials with 411 or 39.14% of the total ranked next. The 199 cases which had trials in chamber and the 56 or 5.33% which had motion hearings rounds off the list.

Table 4.0 Sampling distribution of hearing date certainty for the year ended December 31, 2023

Hearing dates set	Hearing dates adjourned (excluding adjournments for continuance)	Hearing date certainty (%)
16125	2944	81.74

The overall hearing date certainty of a court provides a good metric of the extent to which dates, which are scheduled for hearings are adhered to and therefore speaks to the reliability of

the case scheduling process. A sample of 16125 dates scheduled for either trial or various pre-trial hearings, both in Court and in Chamber, revealed that 2944 were 'adjourned' on the date set for commencement. The resulting estimated overall hearing date certainty figure of 81.74% suggests that there is a roughly 82% probability that a date set for a matter to be heard would proceed without adjournment for reasons other than some form of 'continuance' or settlement. This result was exactly the same as that of the previous year. When trials in open court is isolated, the trial certainty rate for the HCV Division for 2023 is estimated at 68.75%, a decline of 4.36 percentage points when compared to 2022 and when trial in chambers is isolated the estimate rate is 70.14%, a decline of 2.36 percentage points when compared to 2022.

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

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

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Table 5.0a: Index of scheduling efficiency for Assessment of Damages in the HCV Division for the year ended December 31, 2023

Number of available court days in 2023	Number of days' worth of assessment of damages scheduled	Approximate ratio
218	384	1.76

An important indicator of the problems associated with the scheduling of HCV matters comes from an assessment of the number of court days which were available for the Supreme Court in 2023, 218 all told and the number of days' worth of assessment of damages which were scheduled (a total of 384). It is shown that for every court day available, approximately 1-2 days' worth of matters were scheduled, an improvement of a full day when compared to the previous year which is reflective of better use of judicial time. These results reflect continued improvement in the effectiveness of scheduling and management of the assessment of damages court.

Table 5.0b: Index of scheduling efficiency for court trials in the HCV Division for the year ended December 31, 2023

Number of available court days in 2023	Number of days' worth of court matters scheduled for court trial per court	Approximate ratio
218	205	1.06

Another important indicator of the problems associated with the scheduling of HCV matters comes from an assessment of the number of court days which were available for the Supreme Court in the 2023, 218 all told, and the number of days’ worth of court trials which were scheduled per court (a total of 205). It is shown that for every day available, 1.06 days’ worth of matters were scheduled, materially the same as the previous year. There continues to be a need to implement a more scientific method of scheduling which simultaneously accounts for a number of probabilistic variables. The anticipated implementation of an advanced case management system will be tremendously useful in this respect.

Table 6.0: Probability distribution of the incidence of adjournments/continuance for the year ended December 31, 2023

Type of Hearing	Incidence	Percentage
Case Management Conference	223	7.36
Pre-Trial Review	183	6.04
Trial in open court	423	13.96
Trial in chamber	209	6.90
Assessment of damages	164	5.41
Judgment Summons Hearing	151	4.98
Applications	1678	55.36
Sample size	3044	100

The above table takes a large, representative sample of reasons for adjournment and records the stages of the case flow process at which they are observed. The results here are broadly similar to those which were observed in the previous two years. Trial hearings account for a combined 20.86% of the adjournments in the sample while case management conferences

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account for 7.36% but it was the incidence of adjournments at the applications stage which again took the spotlight, accounting for 55.36% of the total incidence of adjournments. Pre-trial reviews and judgment summons hearings 6.04% and 4.98% respectively of the sample rounds off the list. As stated earlier, continued improvements in the overall scheduling apparatus of the High Court Civil (HCV) Division will be crucial to reducing the persistently high incidence of adjournments which delay the disposition of cases and contribute to a sizeable case backlog.

Table 7.0: Hearing date certainty for Assessment of damages for the year ended December 31, 2023

Hearing dates set	Dates adjourned (excluding adjournments for continuance)	Hearing date certainty (%)
551	91	83.48%

As noted above, there has been a noticeable reduction in the number of dates scheduled for matters of assessments of damages. This resulted in a hearing date certainty rate of 81.54%, an increase of 1.94 percentage points when compared to the previous year. Continuous efforts to improve the scheduling practices for assessment of damages hearings will contribute markedly to improving the overall productivity of the High Court Civil Division through the more judicious use of judicial time. This remains a priority of the High Court Civil Division in 2024.

Table 8.0: Hearing date certainty for Case Management Conferences for the year ended December 31, 2023

Hearing dates set	Dates adjourned (excluding adjournments for continuance)	Hearing date certainty (%)
1760	291	83.47

Case management conferences form an important part of the preparation of cases for further judicial activities. Matters scheduled for case management conferences will typically be set for a fixed time and day in accordance with the available resources. These matters had a hearing date certainty of 83.47% in 2023, a decline of 1.01 percentage points when compared to 2022, but nonetheless a resilient and commendable outcome.

Table 9.0: Requisitions for the year ended December 31, 2023

Action	Frequency
Requisitions Issued	361
Responses to requisitions	61
Requisition clearance rate	16.90%
Requisitions per 100 case files (approximation)	2

In considering the efficiency with which civil matters flow through the court system, the number of requisitions and the ratio of requisitions to case files is an important metric. The rate at which responses to requisitions are filed and the share quantum of requisitions issued can have a profound impact on the length of time that it takes for some civil matters to be disposed. In the table above it is shown that there were 361 requisitions for the year. The requisition clearance rate for 2023 was 16.90% which is 0.80 percentage points higher than the

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previous year. Continuous interventions aimed at increasing public sensitization on the proper and timely completion of documents filed by litigants and their attorneys at the various stages along the civil case flow continuum are vital to creating and sustaining improved outcomes in this area.

Table 10.0: Chamber hearing case count distribution for the year ended December 31, 2023

Type of hearing	Frequency	Percentage (%)
Oral Examination	10	0.17
Case Management Conference	1002	16.64
Pre-trial review	1117	18.55
Applications (Various)	3814	63.36
Judgment summons hearing	77	1.28
Number of cases	6020	100

The above table summarizes the distribution of case counts for matters heard in Chamber in the High Court Civil Division in 2023. It is seen that the total number of cases heard in Chamber hearings for the year was 6020, the highest proportions of which were applications of various types with 3814 cases heard or 63.36% of the list. The general applications category speaks to a non-exhaustive list of various types of applications (including expedited applications) which come before the High Court Civil (HCV) Division. Pre-trial reviews were a distant second with 1117 cases or 18.55% of the listed case types heard in Chamber during the year while case management conferences with 1002 cases heard or 16.64% and Judgment summons hearings with 77 cases heard or 1.28% of the list rounds off the top five Chamber Hearings in 2023.

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Among the leading types of applications filed in 2023 were applications to file annual returns, applications for injunction, applications for first hearing, applications to dispense with mediation, applications to set aside default judgments, applications for court orders and applications to remove the names of attorneys from record.

Table 11.0: Methods of disposition for the year ended December 31, 2023

Methods of Disposition	Frequency	Percentage
Application Granted	331	12.2
Application Refused	35	1.3
Attorney Admitted to Bar	2	.1
Claim form expire	91	3.4
Claim Form Invalid	12	.4
Company complied	23	.8
Consent Judgment	19	.7
Consent Order	69	2.5
Damages Assessed	133	4.9
Dismissed	107	4.0
Dismissed through Backlog Reduction Project	9	.3
Disposed SC12	2	.1
Final Order	219	8.1
Fixed date Claim form expire	1	.0
Judgment	24	.9
Judgment Delivered	66	2.4
Judgment in default of acknowledging service	2	.1
Matter Withdrawn	34	1.3
Med - Settled Fully in Mediation	3	.1
Med - Settled Partially in Mediation	1	.0
Notice of Discontinuance noted	804	29.8
Order (Chamber Court)	68	2.5
Order Granted for Transfer	1	.0
Settled	374	13.8
Struck Out	240	8.9

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Transfer to Commercial (Ordered)	4	.1
Transfer to family division (Ordered)	3	.1
Transfer to parish court	1	.0
Written Judgment Delivered	28	1.0
Total	2706	100.0

An understanding of the distribution of the methods of case disposal is an essential metric to gaining insights into the efficiency of case handling in the courts and into operational planning. It is seen that there were an unprecedented 2706 HCV cases disposed in 2023, a decline of 15.86% when compared to the previous year. The largest proportion of the cases disposed, 804 or 29.80% were a result of notices of discontinuance, followed by matters settled with 374 or 13.80%, while applications granted and final orders made were next with 12.20% and 8.10% respectively, followed by disposals by the method of being struck out accounting for 8.90%, rounding off the top five methods of disposition in the High Court Civil Division in 2023. The number of High Court Civil cases disposed in 2023 fell short of the forecasted figure of 3350 by 19.22%.

**Table 12.0: Time to disposition for the year ended December 31, 2023
Descriptive Statistics (months)**

Number of observation	2706
Mean	52.2621
Median	39.0000
Mode	9.00
Std. Deviation	43.65304
Skewness	1.479
Std. Error of Skewness	.047
Range	333.00
Minimum	< 2
Maximum	333.00

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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 2023. The 2706 cases disposed in the year reveal an estimated average time to disposition was 52.26 months or roughly 4 years and 4 months. The oldest matter disposed in the year was 333 months old or roughly 11 years old while the lowest time that a matter took to disposition was roughly two months. The median time to disposition was forty months or approximately 39 months while the mode was 9 months. The positive skewness of roughly 1.48 suggests that there were proportionately 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.

Table 13.0: Breakdown of time to disposition for the year ended December 31, 2023

Time Interval (months)	Frequency	Percent
0 - 12	482	17.8
13 - 24	457	16.9
25 - 36	347	12.8
37 - 47	233	8.6
48 & over	1187	43.8
Total	2706	100.0

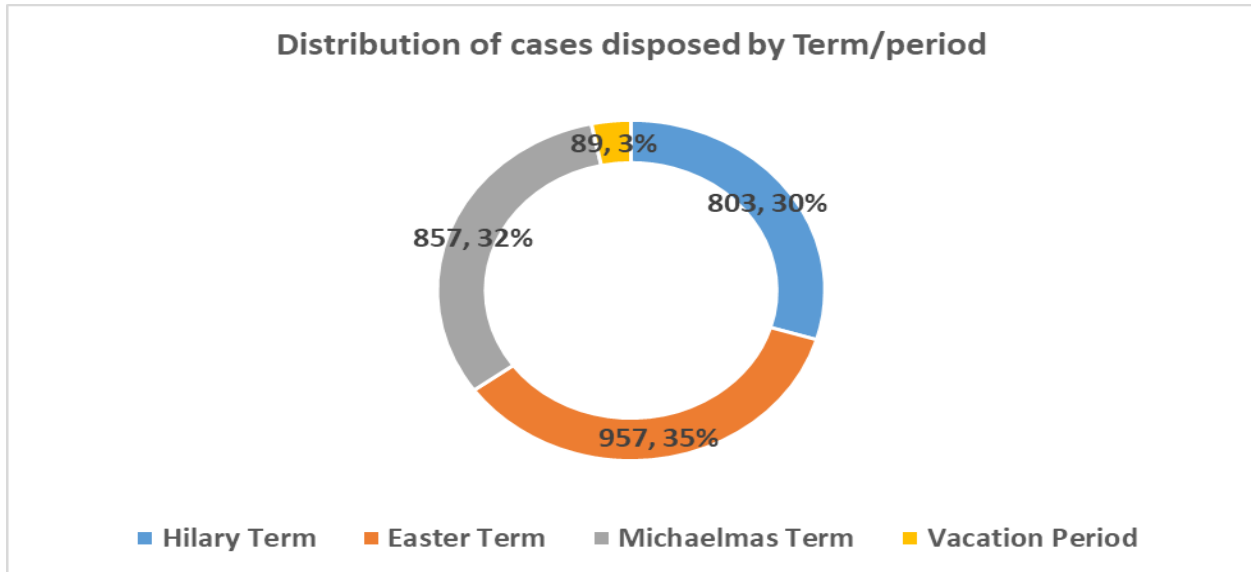
The above table provides a more detailed breakdown of the average time to disposition. It is seen that of the 2706 matters disposed in the year, the largest proportion, 1187 or 43.80% took four years or more to be disposed. 482 cases or roughly 17.80% of the cases disposed took a

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year or less while 457 or 16.90% took between 13 and 24 months to be disposed. The remaining proportion of the cases disposed was accounted for by the intervals 37 – 47 months with 8.60% and the 25 – 36 months' interval with 12.80% of the disposals. It is of note that roughly 34.70% of the matters disposed of in 2023 took two years or less, compared to approximately 65.30%, which took more than two years during the year. Deficiencies including frequent adjournments, low trial/hearing certainty and the attendant problems with date scheduling certainty as well as the incidence of requisitions may be among the factors accounting for the majority of matters taking more than two years to be disposed. The margin of error of these estimates is plus or minus 2 months. As indicated earlier, a number of new process re-engineering initiatives are underway in the High Court Civil (HCV) Division, which are expected to eventually contribute appreciably to a reduction in the average time to disposition for the High Court Civil (HCV) Division.

The below chart provides a breakdown of the number of cases disposed of, by Term in the High Court Civil Division throughout 2023.

Chart 3.0: Dispositions by Term in the HCV Division for December 31, 2023



Note: The vacation period refers to the time between the end of the Easter Term and the beginning of the Michaelmas Term and between the Hilary Term and the Easter Term

The above chart shows that the largest proportion of the 2706 cases disposed of in the High Court Civil Division during 2023. The Easter Term accounted for the highest proportion of cases disposed with 957 or 35%. 857 or 32% of the cases resolved were disposed in the Michaelmas Term, while 803 or 30% were vacation period.

Table 14.0: Clearance rate for the year ended December 31, 2023

Cases filed	Cases disposed	Case clearance rate
4264	2706	63.46%

*229 or 5.37% of the cases disposed, originated in 2023

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. In 2023, the High Court Civil Division recorded a case clearance rate of 63.46%, 15.44 percentage points below the previous year but well above the average rate of prior years. The High Court Civil Division will need to continue increasing their case clearance rate until it exceeds 100% in order to start making a serious dent into its sizeable backlog. Nevertheless, the 2022 and 2023 case clearance rate represented the highest annual outcomes on record for this Division and are the result of several simultaneous projects which are being engineered by the backlog reduction committee which is spearheaded by the Honourable Chief Justice of Jamaica, Mr. Bryan Sykes.

Other performance measures

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

- (i) The on time case processing rate**
- (ii) The case turnover ratio**
- (iii) The disposition days**
- (iv) The crude proxy case backlog rate**

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to

be disposed. Additionally, the crude proxy case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of 2022. These measures are summarized in the table below:

Table 15.0: Selected performances metrics for the High Court Civil (HCV) Division in 2023

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated disposal days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
2706	10615	0.25	1460	939	1767	34.70	65.30

The results in the above table show a case turnover rate of 0.25, which is an indication that for every 100 cases, which were ‘heard’ in 2023 and still active at the end of the year, another 35 were disposed, a decline of 9 percentage points when compared to the previous year. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the year will on average take 1460 days (4 years) to be disposed, barring special interventions or other unanticipated circumstances.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. Based on this general criterion, a case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the High Court Civil Division in 2023 is 34.70%, which reflects the proportion of High Court Civil cases in the year, which were disposed within 2 years. Conversely, the crude proxy case backlog rate is estimated at 65.30%, an indication that an estimated annual proportion of 65% of cases are likely to fall into

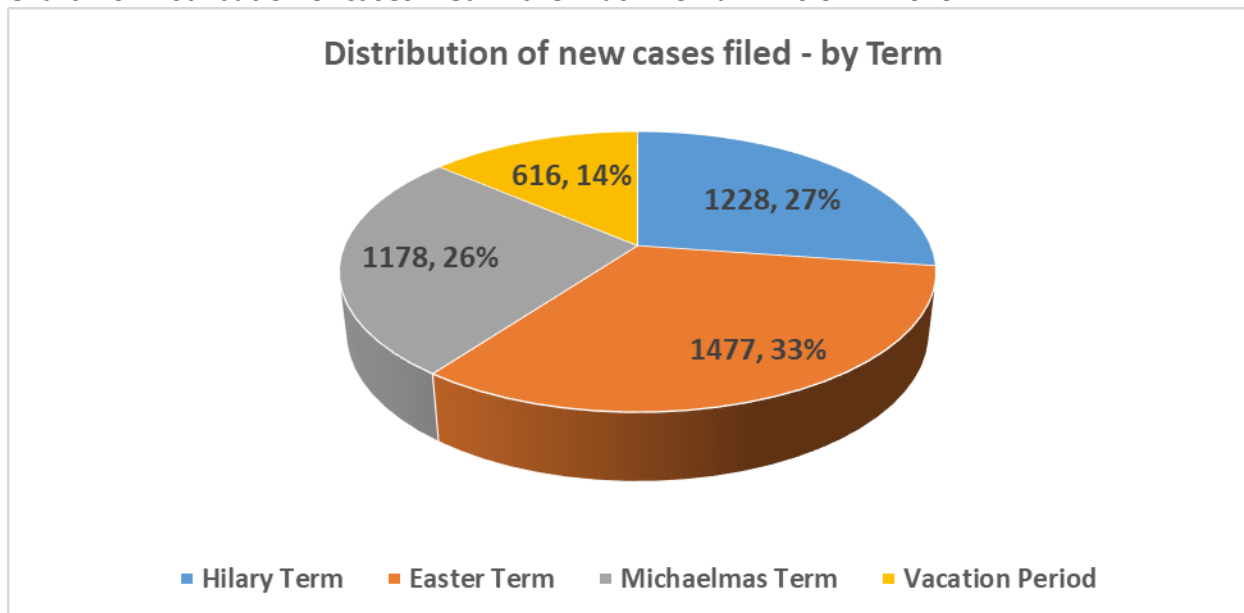
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a backlog classification based on the current case disposition and case clearance rates. The results suggest that of the 10615 cases, which had some court activity in 2023 and were still active at the end of the year, roughly 6932 are expected to be in a backlog classification before being disposed.

CHAPTER 2.0: FAMILY DIVISION

The ensuing analysis examines the various measures of the efficiency of case handling in the Family Division for the year ended December 2023.

Chart 4.0: Distribution of cases filed in the Matrimonial Division in 2023

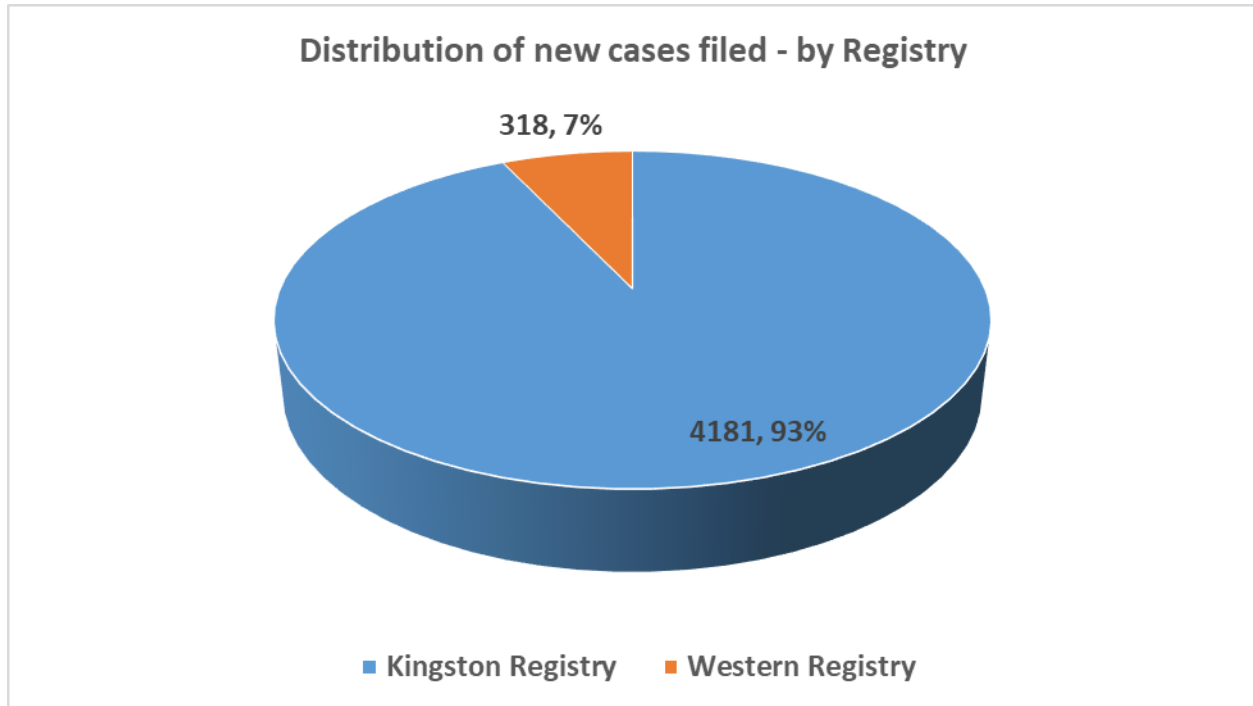


Total number of new cases filed in the Matrimonial Division (N) = 4381

NB: The vacation period refers to the timeframe between the end of the Easter Term and the start of the Michaelmas Term and between the Hilary Term and the Easter Term.

A total of 4499 new Family cases were filed in 2023, a decrease of 6.19% when compared to 2022. The above chart shows that largest proportion of Family cases filed in 2022 occurred during the Easter Term, which accounted for 33% or 1477 cases. This was followed by approximately 27% or 1228 which were filed in the Hilary Term and 26% in the Michaelmas Term. The vacation period accounted for the remaining 14% of the new cases filed.

Chart 5.0: Distribution of new cases filed in the Matrimonial Division, by Registry in 2023



The above chart summarizes the distribution of new cases filed in the Family Division in 2023 at the Kingston and Western Regional Registries respectively. It is shown that 4499 or 93% of the new cases filed took place at the Supreme Court Registry in Kingston while the remaining 318 or 7% were filed at the Registry in Montego Bay. The Kingston Registry saw a decline of 4.91% in the number of new cases filed while the Western Regional Registry experienced a decline of 6.77%.

It is of note that as a whole, 32.63% of the Family cases filed involved children while 0.24% were petitions for nullity.

Table 16.0: Petitions filed for the year ended December 31, 2023

Type of petition	Frequency	Percentage (%)
Petition for dissolution of marriage	4499	54.30
Amended petition for dissolution of marriage	3786	45.70
Petition for Nullity	11	0.10
Total Petitions filed	8296	100
Number of amendments per petition	0.84	

*Includes petitions involving children

The above table summarizes petitions filed in 2023. It is shown that a total of 8296 Petitions (new or amended) were filed, 4499 or 54.30% were petitions for dissolution of marriage, compared to 3612 or 45.37% which were amended or further amended petitions for dissolution of marriage. The analysis further suggests that the ratio of petitions to amended petitions is 0.84 or in other words for every 100 Petitions for dissolution of marriage there is roughly 84 amended Petitions for dissolution of marriage in 2023, a slight decline of 1 percentage point when compared to the previous year. Both the number of petitions and the number of amended petitions increased in 2023, the former increasing by 3.64% and the latter by 4.82%. The Family Division continued to make generally good strides in 2023 in reducing its case backlog and reducing the processing time for new cases filed. Currently, any case filing which meet the required standards of accuracy and completeness as published on the website of the Supreme Court will quite probably be able to obtain a disposal within 4-6 months.

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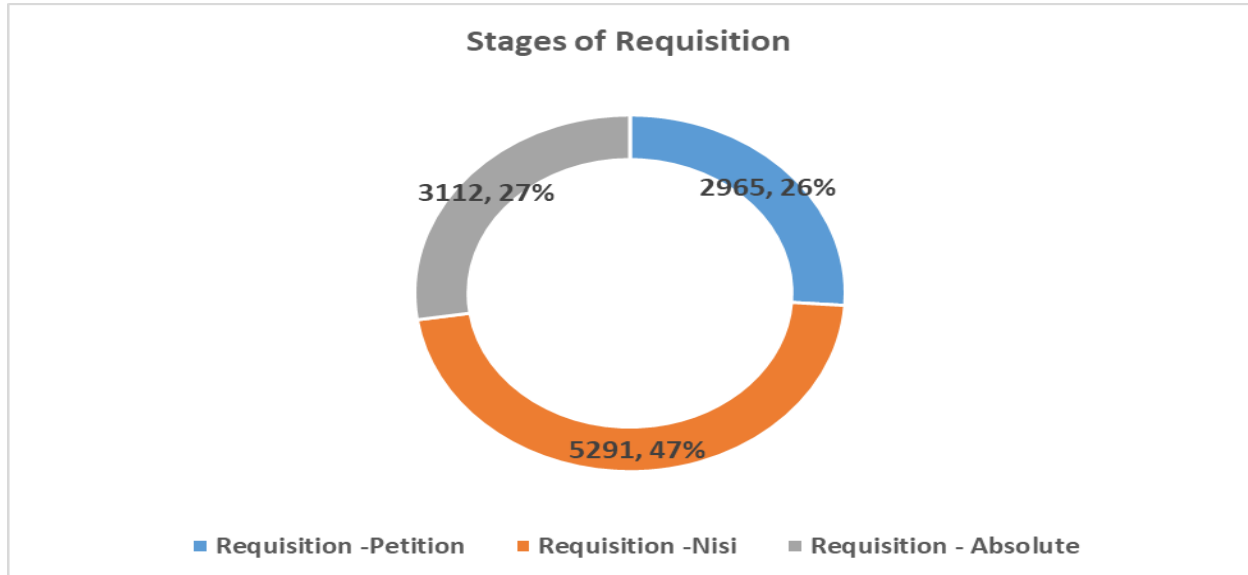
Table 17.0: Decrees Nisi and Decrees Absolute filed for the year ended December 31, 2023

Case Status	Frequency
Decree Absolute	6285
Decree Nisi for dissolution of marriage	6024
Decree Nisi for nullity of marriage	11
Total	12309
Ratio of Decrees Nisi to Decrees Absolute Filed	0.96

It is seen in the above table that for every 100 Decrees Nisi filed there were roughly 96 Decrees Absolute filed in 2023, the same as the previous year. One caveat to note is that Decrees Nisi and Decrees Absolute would have originated at various times outside of this specific period of analysis. The data suggests that the number of Decrees Absolute filed increased by 4.71% while the number of Decrees Nisi filed increased by 0.47%. The stage of a matter at which requisitions have mostly occurred has an impact on the production rate for both Decrees Nisi and Decrees Absolute Granted.

A sampling distribution of the incidence of requisitions at the key stages of the typical lifecycle of a matrimonial matter - Petition, Decrees Nisi and Decrees Absolute is shown in the chart below.

Chart 6.0: Distribution of the stages of requisitions for the year ended December 31, 2023



The data suggests that a total of 11366 requisitions were issued at the three primary stages of a divorces case at the Kingston and Western Regional Supreme Court Registries combined, an increase of 9.09% when compared to 2022. The number of requisitions filed at the petition stage decreased by 6.21% when compared to 2022 while the number filed at the Decree Nisi increased by 27.59%. The number of requisitions filed at the Decree Absolute stage increased by 11.94% when compared to the previous year. The overall increases in the number of petitions filed is partly associated with the general increase in case activity in the family Division in 2023. As with previous reports, it is seen in the above chart that there is a markedly greater probability that a requisition will be made at the stage of Decree Nisi, with an estimated 47% incidence while petitions filed at the Decrees Absolute and Petition stages accounted for 27% and 26% respectively of the total. The data continues to suggest that specific interventions are needed particularly at the stage of Decrees Nisi in order to bolster the speed of disposition of

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matters by reducing the incidence of requisitions. Further operational measures currently being pursued should contribute to continued gains in this area in 2024. These advances will be crucial to ensuring that the divorce matters can be concluded ideally within 4-6 months or at most 8-12 months of filing.

Table 18.0: Methods of Disposals for the year ended December 31, 2023

Methods of Disposition	Frequency	Percent
Claim form expire	2	.0
Claim Form Invalid	1	.0
Consent Judgment	1	.0
Consent Order	16	.4
Decree Absolute Granted	3244	79.6
Decree Absolute set aside	1	.0
Decree Nullity Granted	3	.1
Dismissed	12	.3
Final Judgment	3	.1
Final Order	147	3.6
Finalized by death of Petitioner	2	.0
Finalized by death of Respondent	1	.0
Fixed date Claim form expire	3	.1
Judgment	1	.0
Matter Discontinued	17	.4
Matter Withdrawn	9	.2
Notice of Discontinuance noted	175	4.3
Settlement Order	1	.0
Struck Out	118	2.9
Transfer to Civil (Ordered)	2	.0
Transfer to family division (Ordered)	2	.0
WR Decree Absolute Granted	294	7.2
WR Notice of Discontinuance noted	18	.4
Total	4073	100.0

NB: WR means Western Regional Registry

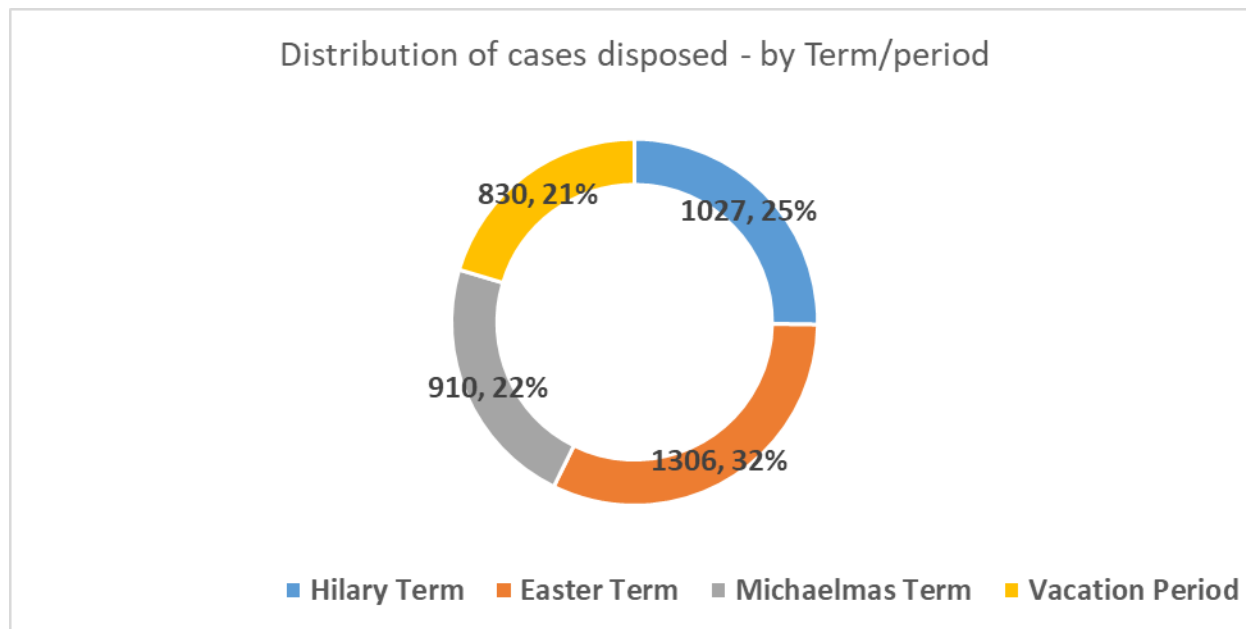
NB: 492 or 10.94 % of the cases disposed in 2022 were originated in said year.

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The above table reveals that 4073 Family cases were disposed in 2023, an increase of 10.62% when compared to 2022. A proportion of 86.86% or 3538 were attributable to Decrees Absolute Granted while 193 or 4.74% were due to Notices of Discontinuance filed, accounting for the top two methods of disposition in 2023. Matters disposed by final order and matter struck out accounted for the next largest proportions of the methods of disposition with 3.60% and 2.90% respectively of the methods of disposition. It is of note that 492 or 12.10% of the cases disposed of in 2023, actually originated in said year, a slight increase of 0.41 percentage points when compared to the previous year. This further represents 10.94% of the new cases filed in 2023, a decline in proportion of 2.36 percentage points when compared to 2022. The ongoing process flow re-engineering and enhanced engagement of stakeholders should continue to drive improvements in this area in 2024 and by the end of said year, it is likely that up to 15% of new cases filed will be disposed in the same year of filing. The current trends suggest that the Family Division could conceivably realise the target of disposing the majority of cases filed within 6-8 months, however the case progression mechanism has to work with a high degree of efficiency for this to happen and the cooperation of the attorneys and litigants in properly filing documents and expeditiously responding to requisitions will be crucial.

It is of note that 3761 or 92.34% of the 4073 family cases disposed were attributable to the Kingston Registry while 312 or 7.66% were accounted for by the Western Regional Registry in Montego Bay. The Kingston Registry experienced a 10.04% increase in the number of cases disposed while the Western Regional Registry experienced an 18.18% increase.

Chart 7.0: Distribution of cases disposed in the year ended December 31, 2023



NB: The vacation period refers to the time between the end of the Easter Term and the start of the Michaelmas Term and between the Hilary Term and the Easter Term

It is seen in the above chart that of the 4073 cases, which were disposed, the largest proportion were disposed in the Easter and Hilary Terms with 1306 or 32% and 1027 or 25% respectively of the disposals. The Michaelmas Term with 910 or 22% and the vacation period with 830 or 21% round off the distribution.

Table 19.0: Requisitions summary for the year ended December 31, 2023

Action	Frequency
Requisitions Issued	11366
Number of requisitions per 100 files	254
Number of responses to requisitions	574
Requisition response rate	5.05%

The incidence of requisitions is especially important in assessing the efficiency with which Family matters move through the court system. A total of 11366 requisitions were issued in

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2023, an increase of 9.09% when compared to 2022. This produces a ratio of cases filed to requisitions of 2.54 which suggests that for every 100 cases filed on which there was activity in 2023, there were 254 requisitions, more than doubling the figure in the previous year. The number of responses to requisitions fell sharply when compared to the previous year.

Below is an outline of the ideal delivery standard and process flow for the disposition of divorce matters in the Matrimonial Division of the Supreme Court.

Table 20.0: Outline of ideal delivery time standard and process flow for the disposition of divorce matters

Stage 1	Task	Existing Staff	Current time (days)	Proposed Staff	Proposed Time (days)
Petition/ Decree Nisi/ Decree absolute	Receive document and record skeleton party and document information in JEMS	2	3	3	1
	Enter and scanning of documents in JEMS Update of case party information in JEMS	3		3	
	Retrieve file and maintain filing room (Records officer)	0		2	
	Sorting of manual documents – punching and placing of documents on file, writing of party information and suit number on file jacket	0	3	4	1

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	Record in JEMS file location and move manual file to physical location. Updating and scanning of signed petition in JEMS. Issuing notice via email.	0	3	2	1
	Vetting and signing of petition by Deputy Registrar	1	5	1	2
	Mandatory waiting period for service of petition and filing of application for decree nisi (14-84 days)		14		14
Stage 2	Task				
Decree Nisi	Vetting of Decree Nisi by Deputy Registrar & legal officers	1	40	2	20
	Vetting and signing of Decree Nisi by Judge		14		1
	Mandatory waiting period between granting of decree nisi and application for decree absolute		30		30
Stage 3	Task				
Decree	Vetting of Decree Absolute by	0	14	2	7

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Absolute	Senior officer				
	Vetting and signing of Decree Absolute by Judge		5		1
Total			131 (26wks)		78 (16wks)

Notes

1. At stage one the current staff and proposed staff is the same three, this is so as formally the matrimonial department has three data entry clerk. However, these clerks are currently assigned to attend court and chambers full time. The proposed is with the view of these data entry clerk be relieved of court duties.
2. At stage two in addition to the existing deputy registrar and legal officer, the proposal is for one additional legal officer (GLG/LO1) for the proposed time line to be achieved.
3. At stage two, if the signing of decree nisi by judge/master within one day is to be achieved, files must be processed by judge/master on the day and within the time the decree nisi is scheduled and return to the matrimonial registry on the same day.
4. At stage two – for the processing decree nisi with 20 days is to be achieved it is proposed that two senior officers are available at stage one, sorting and vetting, to pre vet application for decree nisi
5. At stage three, if the signing of decree absolute by judge within one day is to be achieved, judges must process files on the day and within the time the decree absolute is scheduled and return to the matrimonial registry on the same day.
6. The proposal supports the following standards
 - a. Upon filing of petition, the matrimonial department will respond within **5 working days**. The response will be communicated by email if available or manual notice in the notice box, for the signed petition to be collected or to collect requisition to petition.
 - b. Upon filing of application for decree nisi, the matrimonial department will respond within **23 working days**. The response will be communicated by email if available or manual notice in the notice box, for the signed decree nisi to be collected or to collect requisition to decree nisi.

- c. Upon filing of application for decree absolute, the matrimonial department will respond within **11 working days**. The response will be communicated by email if available or manual notice in the notice box, for the signed decree absolute to be collected or to collect requisition to decree absolute.
- 7. This model is built on the assumption of expeditious responses from the attorneys and their clients so as to eliminate delays.

Table 21.0: Court/Chamber hearings for the year ended December 31, 2023

Action	Frequency	Percentage (%)
Applications	1153	71.84
Case Management Conference	302	18.82
Motion Hearing	20	1.25
Pre-trial Hearing	35	2.18
Trial	95	5.92
Total	1605	71.84

The above table shows the distribution of the types of matters brought before the Court for the period under examination. The data shows that an incidence of 1605 hearings either before open court or chamber, an increase of 57.04% when compared to the previous year. The largest proportion, 1153 or 71.84% were applications followed by 302 or 18.82%, which were Case Management Conference (CMCs) matters. The event with the third highest incidence in this category is trials (chamber and open court combined), which accounts for 95 or 5.92% of the total. Pre-trial hearings with 35 or 2.18% and motion hearings with 20 or 1.25% of the total rounds off the top 5 events enumerated in this category. The probability distributions of the events in this table are broadly consistent with that which was observed in the previous two years.

Table 22.0: Top five types of applications in the year ended December 31, 2023

Application type	Frequency	Percentage (%)
Application for division of property	216	18.73
Applications to manage affairs	89	7.72
Application to appoint legal guardian	70	6.40
Application to declare entitlement to property	66	5.72
Application for declaration of paternity	22	1.91

Sample size/number of observations =1153

Further analysis of the types of application brought before the Court suggests that applications for division of property with 216 or 18.73% accounted for the largest share. This is followed by applications to manage affairs with 89 or 7.72% of the observations, while applications to appoint legal guardian with 70 or 6.40% and applications to declare entitlement to property with 66 or 5.72% each of the applications round off the top four applications in the sample. These top five application types which are listed account for roughly 40.40% of the applications in the Family Division in 2023.

Table 23.0: Leading reasons for adjournment for the year ended December 31, 2023

Reasons for Adjournment	Frequency	Percentage (%)
Claimant to file documents	153	24.30
Defendant to file documents	62	9.80
Referred to mediation	56	8.90
Claimant's application/documents not in order	46	7.30
Parties having discussions with a view to settlement	46	7.30
Claimant's documents not served or short served	39	6.20

Total incidence of adjournments (N) = 630

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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 630 incidence of adjournments in the Family Division for chamber and open court hearings in 2023, representing an increase of 5.25% when compared to the previous year. The largest proportion of these adjournments were for claimants to file documents with 153 or 24.30%, defendant to file documents with 62 or 9.80% and referrals to mediation with 56 or 8.90% rounding off the top three incidence. The listed reasons for adjournment account for 63.80% of the total incidence of adjournments in 2023. Continued effort to improve internal efficiency and to improve overall case management and external stakeholder engagement are critical to reducing delay and improving the timely resolution of cases which are heard in chamber or open court.

Table 24.0: Hearing date certainty for the year ended December 31, 2023

Court/Chamber hearing dates set	Hearing dates Date adjourned	Hearing date certainty rate (%)
1520	438	71.18

The possible over-scheduling of cases is affirmed by the above table, which computes the date scheduling certainty of the Family Division. It is seen that of the 1510 combined incidence of Court and Chamber hearings in 2023, 438 were adjourned for reasons other than intrinsic procedural factors. This produces a moderate 71.18% hearing date certainty rate, an increase of 1.12 percentage points when compared to 2022. For every 100 hearing dates scheduled, the approximate number that proceeded without adjournment in 2023 is 71. When trial matters

are isolated, the trial date certainty rate is 67%, a 2.0 percentage points improvement when compared to 2022.

Table 25.0: Time to disposition for the year ended December 31, 2023

Number of observations	4073
Mean	25.1014
Median	15.0000
Mode	8.00
Std. Deviation	32.40892
Variance	1050.338
Skewness	4.510
Std. Error of Skewness	.038
Range	356.00
Minimum	.00
Maximum	356.00

The overall average time to disposition of all cases resolved in the Family Division in 2023 is roughly 25 months. The modal/most frequently occurring time to disposition was however eleven months and the median 15 months. The acutely high positive skewness suggests that a substantial portion of the cases disposed were resolved in less than the overall average time. In situations like these, the median is thought to be a better measure of central tendency than the mean.

The oldest matter disposed was approximately 30 years old while on the other end of the spectrum there were matters filed which disposed within a three months, most likely due to discontinuances or open court proceedings. The scores had a standard deviation of roughly 32

months, which indicates a wide variation in the distribution of the times to disposition in the period. The margin of error of these estimates is plus or minus 2 months or 0.17 years.

Table 26.0: Breakdown of times to disposition for the year ended December 31, 2023

Date Interval	Frequency	Percent
0 - 12	1612	39.6
13 – 24	1439	35.3
25 – 36	413	10.1
37 – 47	176	4.3
48 & over	433	10.6
Total	4073	100.0

Note: The average time taken to dispose of cases resolved in 1 year in the above table is 9.5 months.

The above table provides a more detailed breakdown of the estimated times to disposition for family matters in 2023. It is seen that of the 4073 matters disposed in 2023, the largest proportion, 1612 or roughly 39.60% were disposed within a year, followed by the 1439 or 35.30% which were disposed in 13 – 24 months. Taken together this result suggests that 3051 or 74.90% of Family Division matters which were disposed during the year were done in two years or less from the time of initiation, roughly the same as 2022. 413 or roughly 10.10% of all Family matters disposed in 2023 took between 25 and 36 months to be disposed. While 176 or 4.30% took between 37 and 47 months to be disposed. It is of note that 433 or 10.60% of the cases disposed in the Family Division in 2023 took four or more years to be resolved, largely on account of lengthy delays in external filings from case parties. As with the previous three years, the estimates however clearly suggest that a decidedly larger proportion of matters, which were disposed of during the year, took two years or less. The margin of error of these estimates is plus or minus 2 months or 0.17 years. It has been established that under near ideal

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circumstances, Family cases can be disposed within 4-6 months after filing, however in 2023 less than 12% of the cases resolved satisfied this target, largely on account of the often slow rate of compliance with requisitions issued and the attendant errors in filings submitted to the registry by external parties. The Family Division continues to work on achieving optimal efficiency in its internal processes in order to guarantee the public that if filings made by litigants and attorneys meets the requisite standards and are requisitions are responded to in a timely manner then divorce cases can be resolved without delay.

Table 27.0a: Case clearance rate for the year ended December 31, 2023

Cases filed	Cases disposed	Case clearance rate
4499	4073	90.53%

*** It is of note that 490 or 12.03% of the cases disposed of in 2023, actually originated in that year. This further represents a mere 12.03% of the new cases filed in 2023, a decline in proportion of 1.27 percentage points when compared to 2022.**

The above table shows that there were 4499 new cases filed in 2023 while 4073 were disposed. This produces a case clearance rate of 90.53%, suggesting that for every 100 new cases; roughly 91 were disposed in the year. An important caveat is that the cases disposed did not necessarily originate in the stated year. The result represents a roughly 13.76 percentage points improvement in the case clearance rate when compared to the previous year. The number of family cases disposed in 2023 is 9.78% above the forecasted number at the beginning of the year. The clearance rates for family matters may also be broken down by location of registry, as shown below:

Table 27.0b: Case clearance rate for the year ended December 31, 2023 (by registry location)

Registry location	Number of new cases filed	Cases disposed	Case clearance rate
Kingston Registry	4181	3761	89.95%
Montego Bay Registry	318	312	98.11%

The above table shows that when the case clearance rate is done by registry location, the Family Registry in Kingston cleared roughly 90 cases for every 100 new cases filed while the Western Regional Registry in Montego Bay cleared approximately 98 for every 100 cases filed. The clearance rate for the Kingston Registry is roughly 12.22 percentage points higher than it was in 2022 while the Western Regional Registry recorded an increase of 31.94 percentage points. The Western Registry in Montego Bay has not historically had the same relatively seamless access to Judges and Masters as the Kingston registry for review of matters at the relevant stages; however, this situation is improving and should have a positive impact on their clearance rate in the coming periods. Both registries continue to make operational improvements which will have a profound impact the efficient progression of cases.

Other performance measures

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

- (i) **The on time case processing rate**
- (ii) **The case turnover ratio**
- (iii) **The disposition days**

(iv) **The crude proxy case backlog rate**

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally, the crude proxy case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of 2023. These measures are summarized in the table below:

Table 28.0: Selected performances metrics for the Family Division in 2023

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated Disposition days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	Approximate On-time case processing rate (%)	Approximate Crude Proxy Case backlog rate (%)
4073	6795	0.60	606 days	3051	4073	75.00	25.00

The results in the above table show a case turnover rate of 0.60, which is an indication that for every 100 cases, which were handled in, 2023 and still active at the end of the year, another 60 were disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the year will on average take 606 days or roughly 1.67 more years to be disposed, barring special interventions.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. Based on this general criterion, a case that is disposed within two years is considered to

have been resolved on time. The on time case-processing rate for the Family Division in 2023 is approximately 75.00%, which reflects the proportion of Family cases in 2023, which were disposed within 2 years. Conversely, the proxy case backlog rate is approximately 25.00%, an indication that an estimated annual proportion of 25% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 6795 cases, which had some court activity in 2023 and were still active at the end of the year, 1699 are expected to be in a backlog classification before being disposed. This expected value is likely to be substantially lowered in 2023, given the current trend in the Family Division.

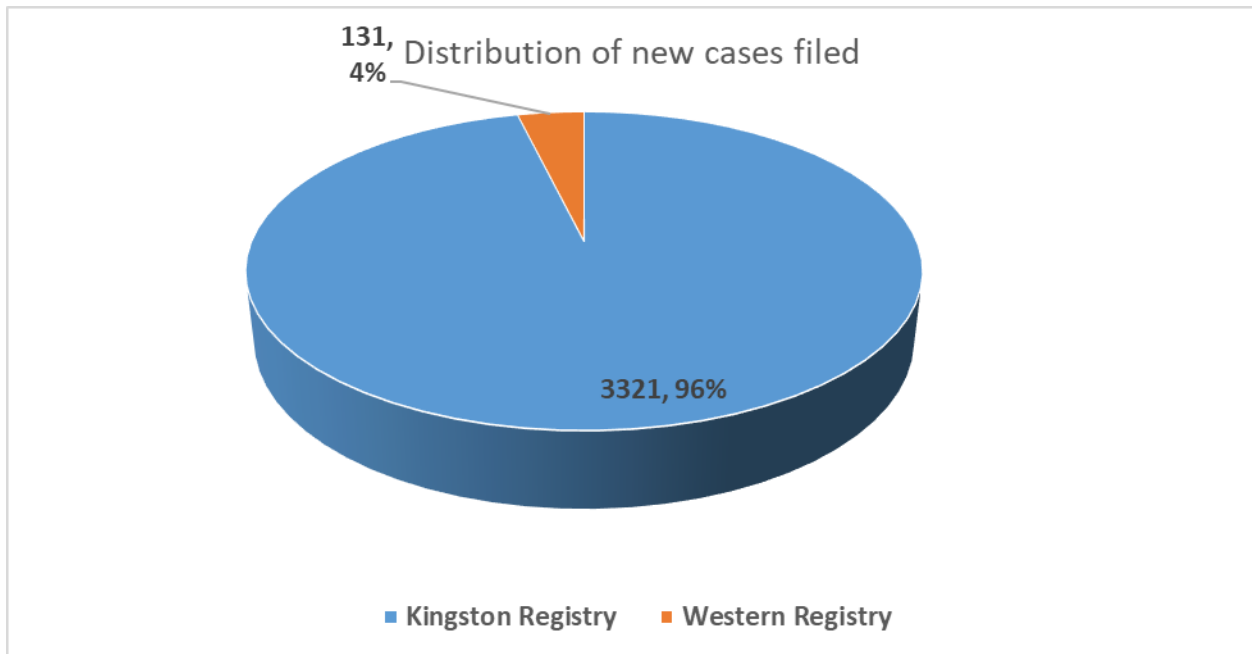
CHAPTER 3.0: ESTATE DIVISION

This section turns to the analysis of the progression of matters in the Estate Division for the year ended December 31, 2023.

A total of 3452 new Estate cases were filed in the Estate Division in the year ended December 2023, an increase of 7.40% when compared to 2022. 131 of these new cases were filed at the Western Regional Registry, a decrease of 7.09% when compared to the previous year while the remaining 3321 were filed at the Registry in Kingston. The output for the Kingston Regional Registry represents a 7.42% decrease in the number of new cases filed when compared to 2022. The number of new estate cases filed in 2023 is 9.75% below the 3825 which were forecasted at the beginning of the year.

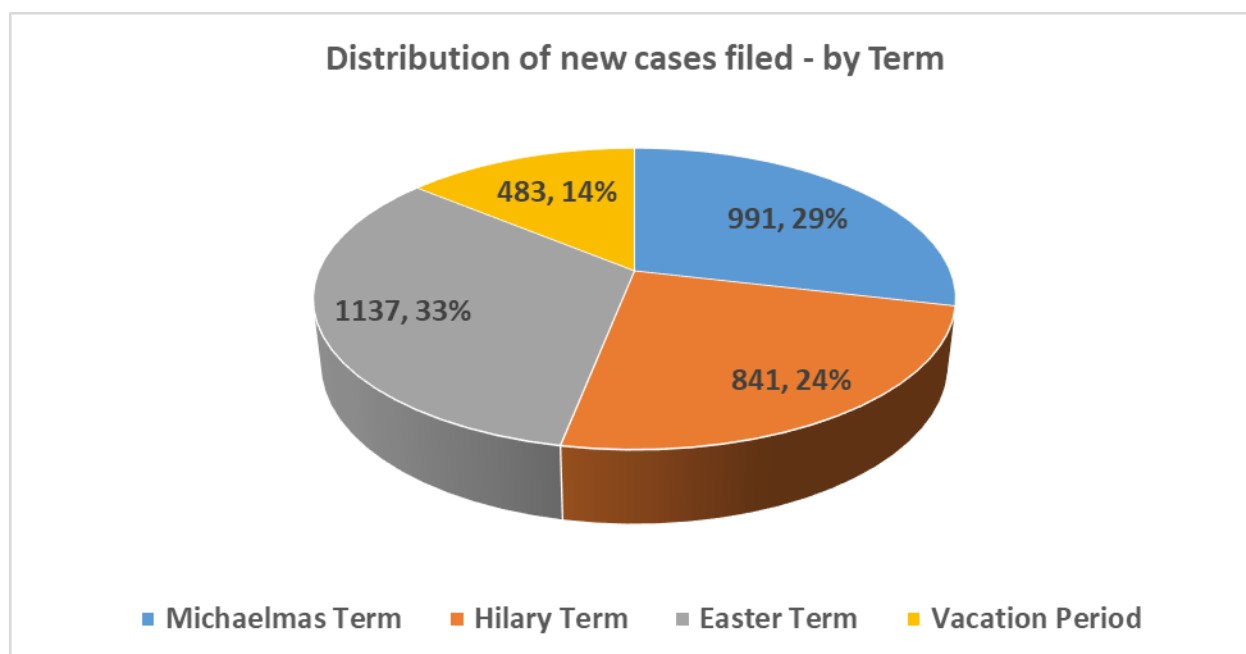
Separately, there were 48 instruments of administration filed in 2023, representing 1.37% of all new matters handled by the Estate Division during the year. A further 5 or 0.14% of the new matters handled by the division during the year were in relation to requests for Parish Court Certificates. The 3452 new estate cases filed in 2023 represent 98.49% of new matters handled by the Division.

Chart 8.0: Distribution of Estate cases filed, by Registry in the year ended December 31, 2023



As shown in the above chart, 3321 or 96.21% of the new Estate cases filed in 2023 took place at the Registry in Kingston while the remaining 121 or 3.79% were filed at the Western Regional Registry in Montego Bay. This percentage distribution is roughly similar to the results in 2022.

Chart 9.0a: Distribution of cases file by Term/period in the year ended December 31, 2023



NB: The vacation period referred to above is the time frame between the end of the Hilary Term and the beginning of the Easter Term and between the end of the Easter Term and the beginning of the Michaelmas Term.

The above chart shows the distribution of new cases filed across the Terms/periods in 2023.

The largest proportion of new cases was filed in the Easter Term with 1137 or 38%, followed by the Michaelmas Term which accounted for 991 or 34% and the Hilary Term with 841 or 24% of the new cases filed during the year. The vacation period accounted for the lowest share of the new cases filed during the year with 483 or 14% of the new cases filed during the year.

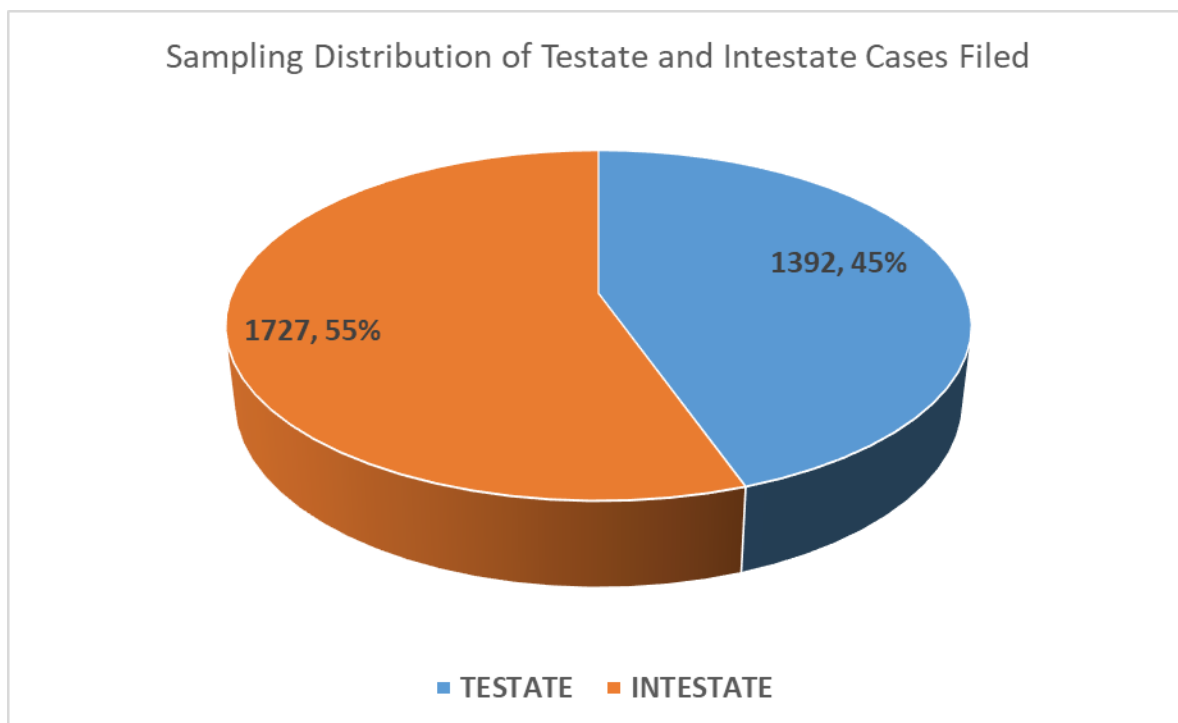
Table 29.0: Summary of Oaths filed during the year ended December 31, 2023

Oaths	Frequency	Percentage (%)
Supplemental Oaths	2784	0.45
Oaths	3452	0.55
Total	6236	100
Ratio	0.80	

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The above table suggests there were a total of 6236 combined Oaths and supplemental Oaths filed in 2023, of which 3452 or 55% were initial Oaths filed, compared to 2784 or 45% which were Supplemental Oaths. The ratio of Oaths to Supplemental Oaths is 0.80, which suggests that for every 100 Oaths there were 80 Supplemental Oaths filed during the year, 3 percentage points more than the previous year. It is of note that the Supplemental Oaths in this data set are not all related to the cases filed in 2022 and also includes further Supplemental Oaths filed. Continued intervention to reduce the incidence of Supplemental Oaths are an important part of the way forward as the Division seeks to persist in improving its productivity and becoming backlog free in the shortest possible time.

Chart 9.0b: Sampling Distribution of Testate and Intestate cases filed as at December 31, 2023



Sample size = 3119

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The above chart shows that an estimated 45% of the new cases filed in the Estate Division in 2023 were Testate matters (matters with a Will in place prior to death) and 55% were Intestate (having no Will in place). These estimates were derived using a sample of 3119 cases filed in 2023.

Table 31.0: Action sequence for the year ended December 31, 2023

Action Status	Frequency
*Granted	2575
*Grants Signed	2548
Ratio of Granted Applications to Grants Signed	0.99

** Some of these relate to cases originating before 2023. *Excludes Applications Granted.*

In the process of disposing a typical matter handled by the Deputy Registrar, a case will be granted after satisfactory review and then the Grant is signed which closes the case. In the above data we elucidate the ratio of granted applications to Grants signed which reveals a ratio of 0.99, suggesting that for every 100 granted applications, there were 99 Grants signed (though not necessarily from the number granted). This outstanding result is 5 percentage points above the previous years’ figure.

Table 32.0: Case action and requisitions summary for the year ended December 31, 2023

Action Status	Frequency
Number of cases actioned	6762
Requisitions Issued	4105
Number of responses to requisitions	N/A
Number of requisitions issued per 100 case files actioned	60
Requisitions clearance rate	N/A
Average days between final requisition filed and Grant of Probate/Administration	20

The number of requisitions made, the length of time that it takes for requisitions to be returned and the time to disposition after issuing requisitions, are important to understanding the efficiency of the flow of matters in the Estate Division. It is seen that there were 4015 requisitions issued while 6762 individual matters were actioned in the period, representing a ratio of 60 requisitions per 100 case files actioned, an improvement of 27 percentage points when compared to the previous year. This is a clear sign that the incidence of requisitions per case file has fallen significantly and if trend persists, the Estate Division will experience shorter disposal times and higher case clearance rates. Further analysis suggests that the average time from the issuing of final requisitions to the Grant of Probate was 20 days, an improvement of 2 days when compared to 2022.

Table 33.0: Methods of Disposal for the year ended December 31, 2023

Methods of Disposition	Frequency	Percent
Application Granted	75	2.7
Application Refused	8	.3
Claim form expire	2	.1
Consent Order	4	.1
Final Order	7	.3
Grant ad collegenda Bona signed	1	.0
Grant by Representation signed	7	.3
Grant of Admin De Bonis Non signed	11	.4
Grant of Admin De Bonis Non W/A signed	21	.8
Grant of administration signed	1213	43.7
Grant of Double Probate signed	3	.1
Grant of probate signed	1019	36.7
Grant of Resealing signed	116	4.2
Judgment	1	.0
Letters of Administrator with W/A signed	78	2.8
Matter Withdrawn	4	.1
Notice of Discontinuance noted	124	4.5
Struck Out	4	.1
WR Grant of administration signed	47	1.7
WR Grant of probate signed	31	1.1
WR Grant of Resealing signed	1	.0
WR Notice of Discontinuance noted	1	.0
Total	2778	100.0

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

The summary of the methods of disposal for the Estate Division for the year are contained in the above table. It is shown that of the 2778 cases disposed in 2023, an increase of 1.05% when compared to 2022. The largest proportion, 2548 or 91.72% was a result of various Grants Signed. Notices of Discontinuance and matters disposed by an applications granted accounted

for the next highest shares of cases disposed with 125 or 4.50% and 75 or 2.70% respectively. Grants of Administration signed and Grants of Probate signed with 1213 or 43.70% and 1019 or 36.70% accounts for the largest share of Grants Signed. The Estate Division fell short of the forecasted number of disposed cases by 1.66%.

Table 34.0: Dominant reasons for adjournment of Estate matters for the year ended December 31, 2023

Reasons for adjournment	Frequency	Percentage (%)
Claimant to file documents	110	28.90
Claimant's documents not in order	31	8.10
Defendant to file documents	29	7.60
Claimant's documents not served or short served	28	7.30
No parties appearing	25	6.60
Claimant to comply with order	17	4.50
Sub-Total	240	63

Total number of adjournments = 381

The leading reasons for adjournment for Estate matters that went to court in 2023 are summarized in the above table above. It is shown that of the 381 incidence of adjournments in the period, the largest proportion were for the reasons of 'claimant to file documents' which accounted for 110 or 28.90% of the total. This was followed by adjournments due to claimant's documents not in order and defendant to file documents with 31 or 8.10% and 29 or 7.60% respectively of the total number of adjournments. The top five reasons for adjournment is rounded off by claimant's documents not served or short served and no parties appearing with 7.30% and 6.60% respectively. As with previous reports, most of these reasons also featured prominently in the list of reasons for adjournment in the Family and High Court Civil Divisions during the year.

Table 35.0: Applications summary for the year ended December 31, 2023

Variable	Frequency
Applications	746
Corresponding number of cases	372
Number of applications per case	2

The above table reveals that 746 applications were filed in the Estate Division in 2023 corresponding to 372 cases, thus revealing a number of applications per case of roughly 2.0, approximately the same ratio as the previous year. This means that there were approximately two applications per case on which they were filed. The number of applications per case is an important metric because in general a higher incidence of applications per case correlates with greater delays in case progression and hence case disposition.

Table 36.0: Leading applications for the year ended December 31, 2023

Application	Frequency	Percentage (%)
Application to prove copy will	181	24.26
Application to be declared spouse	89	11.93
Application for directions	43	5.74

Sample size = 746 applications

The above provides a deeper analysis of the dominant types of applications made in 2023. It is shown that applications to prove copy will account for the largest proportion of applications with 181 or 24.26% of the total, followed by application to be declared spouse with 89 or 11.93% of the total number of applications and applications for directions with 43 or 5.74%. This data set was derived from a sample of 746 application incidences.

Table 37.0: Hearing date certainty for the year ended December 31, 2023

Court/Chamber hearing dates set	Hearing dates adjourned (excluding continuance)	Hearing date certainty (%)
873	205	76.52

The above table addresses the extent of adherence with dates set for court/chamber matters in the Estate Division for 2023. It is shown that there were 873 incidences of dates scheduled for Chamber or Court, 205 of which were adjourned for reasons other than ‘continuance’. This produces an overall hearing date certainty rate of 76.52%, an indication that for 2023 there was a roughly 76.52% chance that a matter set for court would proceed without the date being adjourned. This is an increase of roughly 0.49 percentage points when compared to 2022. When trial matters are isolated, the trial date certainty rate is roughly 67%, 4 percentage points above the figure in 2022.

Table 38.0: Age of matters disposed for the year ended December 31, 2023

Descriptive Statistics (in months)

Number of observations	2778
Mean	19.0536
Median	12.0000
Mode	9.00
Std. Deviation	27.65392
Skewness	5.936
Std. Error of Skewness	.046
Minimum	2.00
Maximum	380.00

The above table provides a summary measure of the overall estimated times to disposition for the 2778 cases disposed during the year. The estimated average time to disposition is roughly 19 months or approximately 1.6 years, slightly higher than the previous year's figure of 1.5 years. This result was however acutely 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 overall average time. This is supported by the results for the estimated median time to disposition of 12 months and the most frequently occurring time to disposition of just 9 months. The reasonably large standard deviation of 27.65 months supports the deduction that there were scores that varied widely from the mean, in this case skewing the average upwards. The margin of error of these estimates is plus or minus 2 months or 0.17 years. The oldest

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Probate matter disposed in the year was 401 months old or approximately 32 years old while there were a few matters, which took under three months to be disposed, representing the lowest times to disposition in the year. Of the 2778 Estate cases disposed of in 2023, a notable 755 or 27.18% originated in that year, roughly 18.40 percentage points below 2022.

Table 39.0: Breakdown of times to disposition for the year ended December 31, 2023

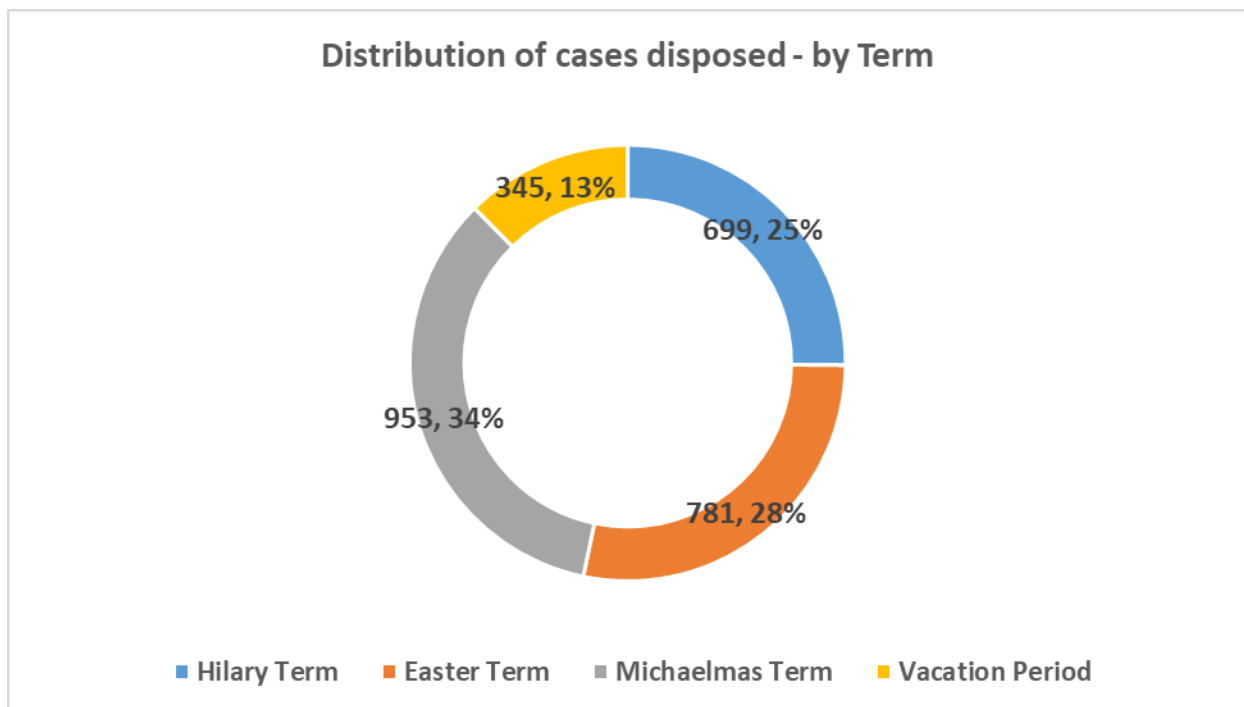
Date Interval	Frequency	Percent
0 - 12	1496	53.9
13 – 24	858	30.9
25 – 36	198	7.1
37 – 47	67	2.4
48 & over	159	5.7
Total	2778	100.0

Note: The average time taken to dispose of cases resolved in 1 year in the above table is approximately 8 months.

The above table shows that of the 2778 estate matters disposed in the year, the majority, 1496 or 53.90% were disposed of in 12 months or less, followed by 858 or 30.90%, which were disposed of within a time interval of 13 to 24 months. Taken together this data suggests that an impressive approximated 84.80% of Estate Division matters which were disposed of in 2023 took two years or less. 7.10% each of the cases were disposed within an estimated time frame of between 25 and 36 months, 2.30% took between 37 and 47 months and 5.70% took an estimated time of over 48 months or more than four years to be disposed. The margin of error of these estimates is plus or minus 2 months or 0.17 years. The relatively high proportion of cases disposed within a year and two years respectively and the increased proportion of 2023 cases which were disposed in said year continues to augur well for the current efforts to significantly reduce the length of time that it takes for cases to be disposed and potentially

eliminate case backlog in the foreseeable future. These gains should improve public confidence in judicial processes geared towards at resolving Estate matters in the country and also have a positive effect on economic activity through higher real estate investments in shorter period of time.

Chart 10.0: Distribution of cases disposed in 2023



NB: The vacation periods referred to above is the time frame between the end of the Hilary Term and the beginning of the Easter Term and between the end of the Easter Term and the beginning of the Michaelmas Term.

The largest proportion of cases disposed in the Estate Division occurred in the Michaelmas Term with 953 or 34% of the total, just ahead of the Easter Term with 781 disposals or 28% of the total, while the Hilary Term with 699 or 25% of the disposals rank next. The vacation periods accounted for the lowest share of cases disposed with 345 or 13.0%.

Table 40.0: Case clearance rate for the year ended December 31, 2023

Cases filed	Cases disposed	Case clearance rate
3452	2778	80.47%

**755 or 27.18% of the cases disposed originated in 2023, roughly 18.40 percentage point below 2022. This represents the case disposal rate.*

Using the data on the number of cases filed and disposed in the period under examination, a case clearance rate of approximately 80.47%, an increase of 6.73 percentage points when compared to the previous year. The result suggests that for every 100 cases filed and active in the 2023, roughly 80 to 81 were disposed.

The Estate Division has reinforced its standing as one of the top performing divisions in the Supreme Court on most of the key performance indicators.

Other performance measures

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

- (i) The on time case processing rate**
- (ii) The case turnover ratio**
- (iii) The disposition days**
- (iv) The crude proxy case backlog rate**

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

cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally, the crude proxy case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of 2023. These measures are summarized in the table below:

Table 41.0: Selected performances metrics for the Estate Division in 2023

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated case disposition days for the unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
2778	3984	0.70	521	2354	2778	84.74	15.26

The results in the above table shows a case turnover rate of 0.70, which is an indication that for every 100 cases, which were ‘heard’ in 2023 and still active at the end of the year, another 70 were disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the year will on average take 521 days or just over a year, barring special interventions.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Estate Division in 2023 is 84.74%, which reflects the proportion of cases in 2023, which were disposed within 2 years. Conversely, the case backlog rate is 15.26%, an indication that an estimated annual proportion of roughly 15% of cases are

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likely to fall into a backlog classification based on the current case disposition and case clearance rates. This output is roughly the same as that of the previous year. The data further suggests that of the 3984 cases, which had some court activity in 2023 and were still active at the end of the year, 608 are expected to be in a backlog classification before being disposed.

CHAPTER 4.0: THE HOME CIRCUIT COURT

The analysis now turns to a look at case activity in the Home Circuit Court for 2023.

Table 42.0: Top 10 new charges brought for 2023

Charge	Frequency	Percentage (%)
Murder	157	16.10
Rape	104	10.60
Illegal possession of firearm	82	8.40
Sexual intercourse with a person under 16	81	8.30
Grievous sexual assault	63	6.40
Illegal possession of firearm	53	6.40
Wounding with intent	43	4.40
Forcible abduction	28	2.90
Indecent assault	20	2.0
Sexual touching	19	1.90
Sub-Total	631	65.50

Total number of charges brought (N) = 978

The above table summarizes the distribution of top six charges associated with cases brought in 2023. There were **350 new cases filed** at the Home Circuit Court during the year, representing **978 charges**, a ratio of roughly 28 charges for every 10 new cases, a decrease of 2 charges for every 10 cases when compared to 2022. The number of new cases filed represents a 9.03% increase when compared to 2022. It is shown that of these 978 charges, the largest proportion, 157 or 16.10% were murder matters. This is followed by rape with 104 or 10.60% and illegal possession of firearm with 82 or 8.40% rounding off the top 3. Sex related charges continue to occupy the largest share of the new matters filed, accounting for over 30% of this stock in 2023.

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The top 10 charges filed, accounts for 65.50% of the total. It was forecasted at the beginning of 2023 that 305 new criminal cases would be filed in the Home Circuit Court during the year, however the 350 which were actually filed is 14.75% above the forecasted figure.

1394 criminal cases, which is the equivalent of 5611 charges, had some activity in the Home Circuit Court in 2023, the oldest of which dates back to 1996. This case activity outcome represents an 10.02% decrease when compared to 2022 The below chart provides a breakdown of the number of criminal cases brought, by Term.

Table 43.0a: Leading reasons for adjournment/continuance for the year ended December 2023

Reason for adjournment	Frequency	Percentage
Defence and prosecution to engage in discussion	205	4.13
Defense Counsel Absent	200	4.02
For Disclosure	138	2.78
Crown to take instruction	133	2.68
For Investigating Officer to attend Court	133	2.68
To settle legal representation	116	2.33
For bail application	119	2.39
Matter not reached	113	2.27
Statement outstanding	105	2.11
Defense Counsel needs time to take instruction	96	1.93
For file to be completed	96	1.93
Forensic Certificate Outstanding	80	1.61
Awaiting DNA sample report	77	1.55
For antecedence	77	1.55
Ballistic Certificate Outstanding	75	4.13

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Sub-Total	1763	35.48
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Total incidence of adjournments/continuance (N) = 4969

The above table provides a summary of the leading reasons for adjournment in the Home Circuit Court for 2023. It is shown that there was a combined 1763 incidence of reasons for adjournment during the year, with some matters having multiple adjournments.

There is again compelling evidence from the above list of reasons for adjournment, suggesting that third party entities, namely the defence bar, the police, the prosecution, the state lab services contribute significantly to the delays experienced in the progression of cases in the Home Circuit Court. Indeed, the data suggests that only a small share of the reasons for adjournment listed are attributable to deficits in the court’s operational procedures. In fact, in many ways the data strongly suggests that once criminal cases are ready they tend to move at a fairly rapid pace towards disposition and many of the roadblocks to case progression are primarily due to the named third party entities. The Supreme Court continues to work assiduously on improving the skill sets of its case progression officers and in bolstering the general efficiency of the operating procedures and scheduling apparatus of the criminal registry. Over the past two years, the Plea and Case Management Court has for example being strengthened and the incidence of adjournments in this court reduced. The overall incidence of reasons for adjournment suggests that external parties are directly responsible for over 70% of the reasons for delay as operationalized by this measurement. An examination of the leading reasons for adjournment in 2023 provides an affirmation of the ideas outlined. At the top of the list are adjournments for the defence and prosecution to engage in discussions. This is largely a procedural reason geared towards arriving at some form of settlement such as plea

negotiation. This may also be more strictly viewed as a reason for continuance as this activity may be deemed to be routine and may aid in expediting a quick and efficient disposition. The second highest ranked reason for adjournment was the absence of defence counsel in which case both the private bar and legal aid attorneys share responsibility, followed by adjournments for disclosure which rounds off the top three reasons. The reasons for adjournment of statement outstanding, ballistic certificate outstanding, forensic report outstanding and SOC CD (CFCD) outstanding all feature prominently on the list of leading reasons for adjournment of cases, the responsibility for which is largely shared in some proportion by the police and relevant state lab facilities. Adjournments for files to be completed are further examples of third party responsibility for case adjournments in the Home Circuit Court. In such instances, the prosecution bears primary responsibility.

The leading reasons for adjournment listed in the above Table accounts for 35.48% of total incidences of adjournments/continuance in the Home Circuit Court in 2023. The data suggest that there were roughly 3.56 adjournments per case heard in the Home Circuit Court in 2023, which is 0.11 percentage points higher than 2022.

A further breakdown of the dominant reasons for adjournment at the pleas and case management and trial stages respectively for 2023 in the Home Circuit Court are summarized below:

Table 43.0b: Sampling distribution of dominant reasons for adjournment at the plea and case management stage for the year ended December 31, 2023

Reason for adjournment	Frequency	Percentage
Defence and prosecution to engage in discussion	123	5.10
Defence Counsel absent	101	4.20
For disclosure	94	3.90
For Investigating Officer to attend	68	2.80
For file to be completed	63	2.60
Crown to take instruction	59	2.40
Forensic certificate outstanding	54	2.20
Statement outstanding	54	2.20
Defence Counsel requires time to take instruction	49	2.20
Ballistic certificate outstanding	43	1.80
Sub-Total	708	29.40

Sample size = 2420

Table 43.0c: Sampling distribution of dominant reasons for adjournment at the trial stage for the year ended December 31, 2023

Reason for adjournment	Frequency	Percentage
Witness absent	33	6.40
Matter not reached	26	5.10
Crown not ready	19	3.70
Witness cannot be located	18	3.50
Crown to take instructions	16	3.10
Complainant absent	13	2.50
Defence Counsel Absent	11	2.10
Defence Counsel needs time to take instruction	9	1.80
For Investigating Officer to attend	9	1.80
For Social Enquiry Report	8	1.60
Sub-Total	162	31.60

Sample size = 514

Table 44.0: Hearing date certainty summary for the year ended December 31, 2023

Type of hearings	Hearing date certainty rate (%)
Mention and/Plea and Case Management Hearing	81
Bail Applications	68
Sentencing hearings	69
Trial hearings	51
Total/Overall Average	67.25

The date scheduling certainty for each Division of the Supreme Court is an important metric, which examines the extent to which dates, which are set for various types of hearings, are adhered. A low result has implications for the capacity of the court to adequately estimate the duration of a matter, for the capacity of courtrooms and Judges to absorb certain caseload and for the general system of scheduling. The Home Circuit Court recorded an overall hearing date certainty rate of 67.25%, a decline of 6.25 percentage points when compared to the previous year. This is another way of saying that for every 100 criminal matters scheduled for court, roughly 67.25% were able to proceed without adjournment for reasons other than those procedural, for example for Trial, Bail Application, Pre-trial hearing, Sentencing and Plea and Case Management. When trial matters are isolated, the trial certainty rate revealed is 51%, a decline of 14 percentage points when compared to the previous year, while Plea and Case Management Conferences had a hearing date certainty rate of 81%, a decline of 2.0 percentage points over the previous year.

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The two years of successive decline in both trial date certainty rate and overall hearing date certainty rate a combined result of third party issues outlined earlier and potentially deficits in internal case management, signalling a potential need for further training interventions. There is also the need to revisit the manner in which cases are scheduled as overbooking of courtrooms continues to be a problem. Enhancing the use of the Judicial Case Management System (JCMS) and the development and application of Differentiated Case Management (DCM) tracks for criminal cases in the high court are possible paths that can be pursued in optimizing improving hearing and trial date certainty going forward.

Table 45.0: Methods of disposal for the year ended December 31, 2023

Methods of Disposition	Frequency	Percent
Accused deceased	11	2.0
Dismissed	1	.2
Formal verdict of not guilty	16	3.0
Found guilty	46	8.5
Found not guilty	47	8.7
Matter settled	1	.2
No Case Submission Upheld	19	3.5
No evidence offered	105	20.03
No Evidence Offered	4	.7
No further evidence offered	67	12.4
Nolle Prosequi*	121	23.09
Not Indicted	46	8.50
Other	5	.9
Plea bargain	1	.2
Plea guilty	31	5.7
Plead guilty to a lesser charge	1	.2
Transferred to Gun Court	6	1.1
Transferred to Parish Court	13	2.4
Withdrawn	1	.2

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Total	542	100.0
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**Included for computational convenience*

The above table summarizes the methods of disposal for the charges disposed of during 2023. It is shown that 542 charges were disposed during the year, the equivalent of 187 cases. Charges disposed by way of no further evidence offered accounted for the highest share of charges disposed with 105 or 20.03%, followed by charges disposed by way of not guilty verdicts with 47 or 8.70% and guilty verdicts and no indictments entered each with 46 or 8.50%, rounding off the top three. It is of note that note that Nolle Prosequi accounted for a combined 121 or 23.09% of the charges listed in this table, however strictly speaking these are inactive matters which are nevertheless included here for computational convenience. Approximately 8.40% of the charges disposed in 2023, originated during that year. The number of cases technically resolved in the Home Circuit Court in 2023 is 15.0% below the forecasted rate at the start of the year.

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

Table 46.0: Overall criminal conviction rate for the year ended December 31, 2023

Total number of charges disposed	Total number of guilty outcomes	Conviction rate (%)
542	77	14.21%

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The above table shows that of the 542 criminal charges disposed of in 2023 in the Home Circuit Court, 77 were due to guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 14.21% which suggests that there is a roughly 14% probability that a matter could end in a guilty outcome, using 2023 as a proxy year. This represents a decrease of 12.31 percentage points when compared to the previous year. This data can be further disaggregated so that the conviction rates for some of the most frequently occurring charges are measured. In particular, the conviction rate on murder charges, sexual intercourse with a person under 16 and rape are documented below.

Table 47.0A: Conviction rate for charges of sexual Intercourse with a person under 16 for the year ended December 31, 2023

Total number of chares concluded	Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas)	Conviction rate (%)
65	19	29.23

The above table shows that of the 65 charges of sexual intercourse with a person under 16 years which were concluded in 2023, 19 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of roughly 29.23% which suggests a roughly 29.23% probability that a matter of sexual intercourse with a person under 16 could end in a guilty outcome. The outcome represents a 14.52 percentage points decrease when compared to 2022.

Table 47.0B: Conviction rate for cases of rape for the year ended December 31, 2023

Total number of charges concluded	Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas)	Conviction rate (%)
48	8	16.67

The above table shows that of the 48 rape charges which were concluded in 2023, 8 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of roughly 16.67% which suggests a roughly 17% probability that a rape matter could end in a guilty outcome in 2023. This outcome represents an increase of roughly 2 percentage points when compared to the previous year.

Table 48.0: Conviction rate for murder cases in the year ended December 31, 2023

Total number of charges concluded	Total number of guilty outcomes (i.e. guilty verdict or guilty plea)	Conviction rate (%)
101	10	7.62

The above table shows that of the 101 murder charges concluded in 2023, 10 of which were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 7.62% which suggests a roughly 8% probability that a murder matter could end in a guilty outcome, 16.44 percentage points decline when compared to the previous year.

Table 49.0: Top six charges disposed in the year ended December 31, 2023

Charge disposed	Frequency	Percentage (%)
Murder	101	18.60
Sexual intercourse with a person under 16	65	12.0
Illegal possession of firearm	49	9.10
Rape	48	8.90
Grievous sexual assault	23	4.20
Wounding with intent	23	4.20

Number of disposed charges (N) = 542

The above data shows that there were 542 charges disposed of in 2023, an increase of 13.15% when compared to 2022. The largest proportion of these matters was murder with 101 or 18.60%. This was followed by sexual intercourse with a person under 16 with 65 or 12.00% of the total. Illegal possession of firearm with 49 or 9.10% and rape with 48 or 8.90% ranks next. Murder and sex related matters are again not only the dominant incoming but also the dominant outgoing cases.

Table 50.0: Descriptive statistics on the times to disposition of charges for the year ended December 31, 2023

Descriptive Statistics (months)

Number of observation	187
Mean	39.9262
Median	37.6200
Std. Deviation	27.03201
Variance	730.730
Skewness	1.496
Std. Error of Skewness	.172
Range	191.90
Minimum	<1
Maximum	191.90

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The above table provides a descriptive statistical summary on the times to disposition for matters resolved in the Home Circuit Court in 2023. The overall average time to disposition seen is approximately 40 months or approximately 3 years, an increase of roughly 4 months when compared to the previous year. The median time disposition to disposition is roughly 37 months while the standard deviation of the distribution is moderately high which is an indication that there is fairly large dispersion of the times to disposition during the year. The skewness of the distribution is a moderately positive figure which is an indication that a proportionately larger share of the times to disposition fell below the overall mean time to disposition. The maximum time taken to dispose cases in the Home Circuit Court during the year was 192 months or roughly 6.40 years while the minimum time to disposition was less than a month.

Table 51.0: Breakdown of time to disposition of cases for the year ended December 31, 2023

Descriptive Statistics (months)

Time Interval (months)	Frequency	Percent
0 - 12	21	11.23
13 - 24	45	24.06
25 - 36	26	13.90
37 - 47	28	14.97
48 & over	67	35.83
Total	187	100.00

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The above table provides a summary of the estimated time to disposition for the cases disposed during 2023. It is shown that the largest proportion of matters disposed took four years or more to be disposed, accounting for 67 or 35.83%. This was followed by 45 or 24.06% which took between 24 and 36 months to be disposed and 28 or 14.97% which took between 37 and 47 months to be disposed. Cumulatively, 35.29 of the matters disposed in the year took two years or less, 11.52 percentage points less than the previous year. The remaining 64.17% of cases disposed took over two years to be disposed. Using 2023 data as a proxy, there is a roughly 64% chance that a case entering the Home Circuit Court will fall into a state of backlog, using the 24 months’ definition of reasonable time which is established in the Jamaican judiciary. Improvements in the science that is applied to scheduling and case management as a whole, paired with significant improvements in third party delay factors discussed earlier has enormous potential to reduce the probability of a case backlog to a remote incidence.

Table 52.0: Case clearance rate for the year ended December 31, 2023

Cases filed	Cases disposed	Case clearance rate (%)
350	187	53.43

Note: 9 or 4.81% of the cases disposed originated in 2023. This represents the criminal case disposal rate for the year.

The case clearance rate of 53.43% shown above is an indication that more cases entered than those that were disposed in the Home Circuit Court in 2023. The result suggests a ratio of roughly 53 cases disposed for every 100 new ones brought, a decline of 11.74 percentage points when compared to 2022. This is the second time that the annual case clearance rate for

the Home Circuit Court has slipped below 70% over the past five years. The Honourable Chief Justice Mr. Bryan Sykes has set a target of improving the trial and hearing date certainty rate to 95% over the next 3-6 years. The attainment of this target is an important cornerstone for higher disposal and clearance rates and a more efficient judicial system.

Other performance measures

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

(i) The on time case processing rate

(ii) The case turnover ratio

(iii) The disposition days

(iv) The crude proxy case backlog rate

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally, the crude proxy case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of 2023. These measures are summarized in the table below:

Table 53.0: Selected performances metrics for the Home Circuit Court in 2023

Resolved cases	Unresolved cases	Case turnover rate (%)	Disposition days	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
187	1207	0.15	2351	66	187	35.29	64.71

The results in the above table shows a case turnover rate of 0.15, which is an indication that for every 100 criminal cases, which were ‘heard’ or handled in 2023 and still active at the end of the year, another 15 was disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the year will on average take 2351 or 6.44 more years to be disposed, barring special interventions or other peculiar circumstances.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Home Circuit Court in 2023 is 35.29%, which reflects the proportion of cases resolved in 2023, which were disposed within 2 years. Conversely, the proxy case backlog rate is 64.71%, an indication that an estimated proportion of 65% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 1207 cases, which had some court activity in 2023 and were still active at the end of the year, 781 are expected to be in a backlog classification before being disposed.

CHAPTER 5.0: HIGH COURT DIVISION OF THE GUN COURT

The ensuing analyses provide an overview of case activity in the High Court Division of the Gun Court in the year ended December 31, 2023. In particular, this section outlines data related to matters initiated, matters disposed, adjournments and the distribution of trial and mention matters during the year.

Table 55.0: Top ten charges filed in the year ended December 31, 2023

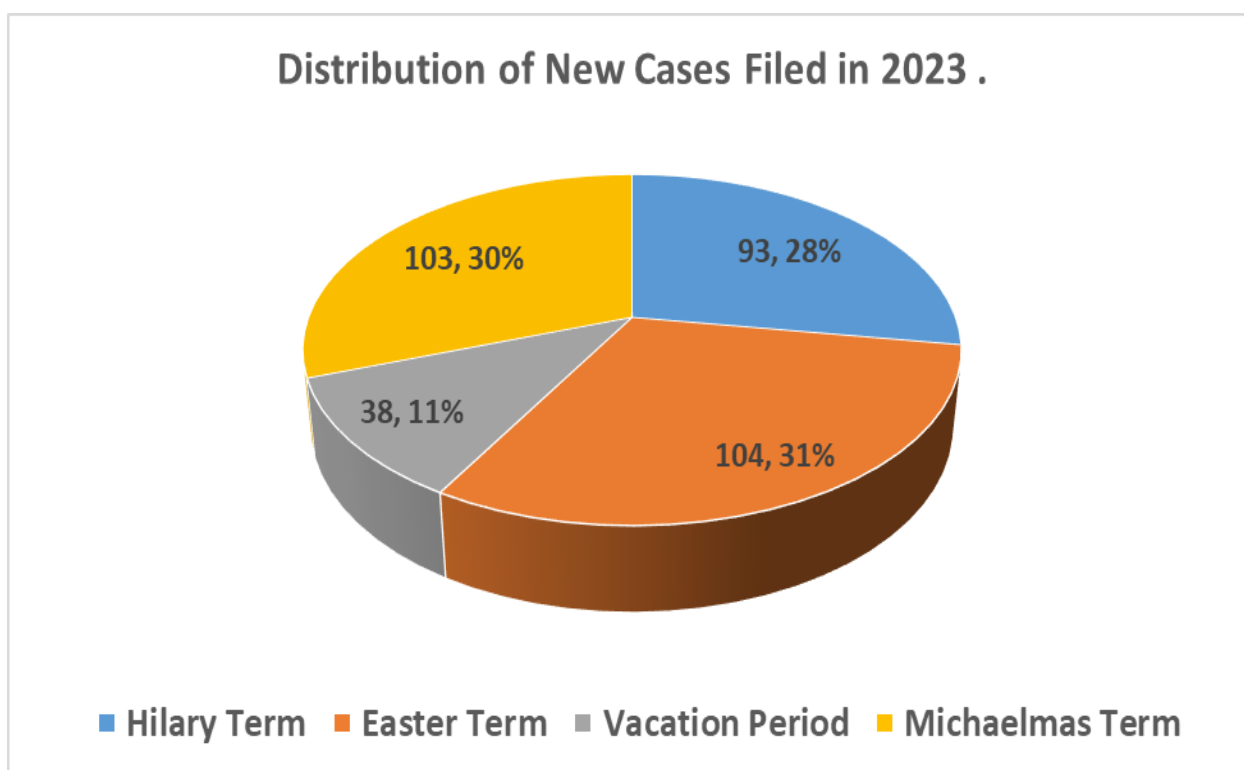
Charges filed	Frequency	Percentage (%)
Possession of prohibited weapon	334	26.30
Unauthorized possession of ammunition	155	12.20
Shooting with intent	96	7.50
Assault at Common Law	81	6.40
Robbery with Aggravation	59	4.60
Illegal possession of firearm	57	4.50
Illegal possession of ammunition	42	3.30
Unauthorized possession of prohibited weapon	38	3.0
Use of firearm to commit a felony	34	2.70
Assault occasioning bodily harm	24	1.90
Sub-Total	1112	87.20

Total number of charges (N) = 1272, the equivalent of 338 cases.

The above table provides a summary of the top ten charges, which were brought in the Gun Court during 2023. It is seen that of the 1272 charges, a decline of 0.24% when compared 2022. The largest proportion of new charges filed, 334 or 26.30% were for possession of prohibited weapon, well ahead of the next highest ranked charge of unauthorized possession of ammunition with a count of 155 or 12.2% of the total. Shooting with intent is next with 96 or

7.50% while assault at common law with 81 or 6.40% and robbery with aggravation with 59 or 4.60% rounds off the top five charges filed in the High Court Division of the Gun Court in 2023. The 1272 new charges entered in 2023 translate into 338 new cases filed in the year, a decline of 8.40% when compared to 2022. This represents an approximate ratio of 1:3.76, suggesting that for every 100 cases entered, there were roughly 376 charges. The number of new cases filed in the High Court Division of the Gun Court in 2023 is 14.43% lower than the figure forecasted at the beginning of the year.

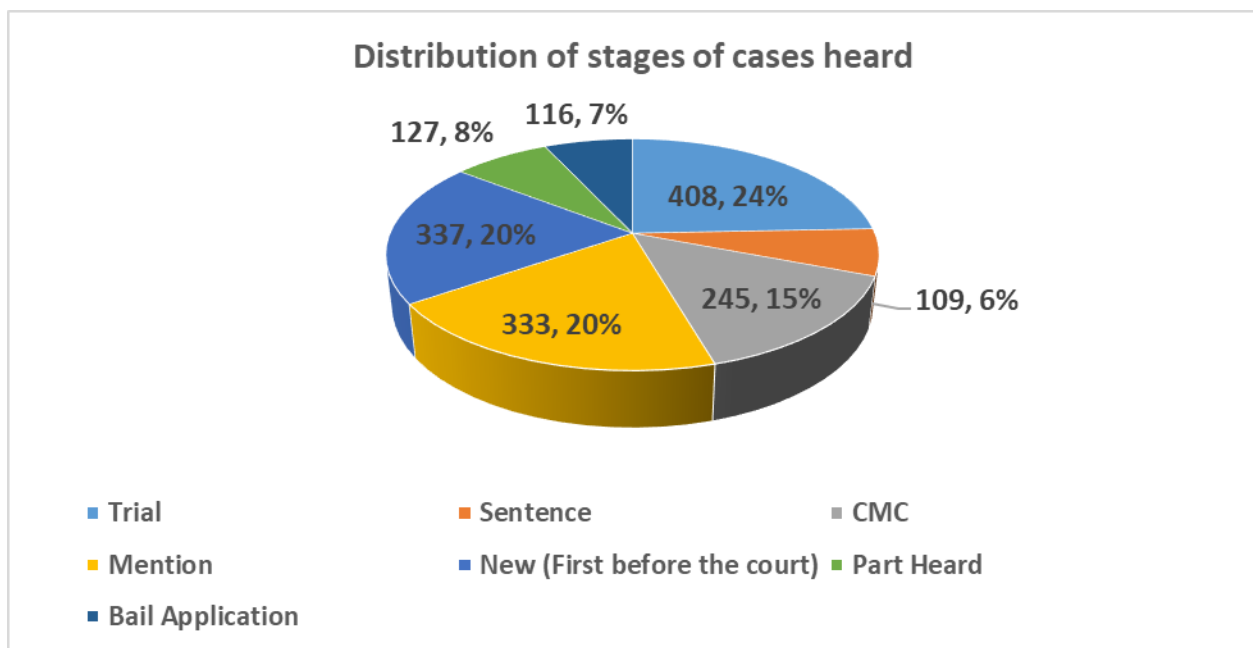
Chart 14.0: Distribution of cases filed in each Term in 2023



Note: The Vacation Period refers to the time between the end of the Easter Term and the start of the Michaelmas Term and between the Hilary Term and the Easter Term.

The above chart provides a breakdown of the number and proportion of the 338 new cases filed in the Gun Court in each Term/period in 2023. It is seen that the Easter Term with 104 or 31% of new cases filed, accounts for the largest proportion. 103 or roughly 30% of the cases were filed in the Michaelmas Term while the Hilary Term with 93 or 28% and the vacation period with 38 or 11% rounds off the distribution of new cases filed in the Gun Court in 2023.

Chart 15.0: Summary of cases heard for the year ended December 31, 2023



Note: PCMH means Plea and Case Management Hearing

The above chart provides a summary of cases heard in the Gun Court by the type of hearing in 2023. The cases counted in this chart are not mutually exclusive as a single case may have had several different types of hearings throughout the year. All told there were 721 Gun Court cases heard at various stages throughout 2023. The number of cases with trial and new (first before the court) hearings with 408 or 24% and 337 or 20% respectively accounted for the largest

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share of case hearings, followed by cases mentioned with 333 or 20% and cases with case management conference hearings with 245 or 15%. It is of note that some of the matters counted as “Mention and Plea and Case Management hearings” included bail application hearings which were pooled with these other types of hearings for efficiency purposes. Notably, cases with sentencing hearings accounted for 9% of hearings while cases with part heard hearings accounted for 8% of hearings throughout the year.

Table 56.0a: Most frequently occurring reasons for adjournment for the year ended December 31, 2023

Reason for adjournment	Frequency	Percentage (%)
For file to be completed	1445	14.10
Ballistic Certificate Outstanding	700	6.80
For disclosure	535	5.20
Statement Outstanding	527	5.10
Scene of Crime (SOC) Statement Outstanding	391	3.80
Scene of Crime CD Outstanding	376	3.70
Defence Counsel Absent	251	2.50
Matter Not Reached	242	2.40
Crown Not Ready	241	2.40
Medical Certificate Outstanding	235	2.30
For Antecedence	233	2.30
Other documents outstanding*	223	2.20
Subpoena of witness	215	2.10
Forensic Certificate Outstanding	205	2.00
Accused Not Brought	177	1.70
Witness Absent	173	1.70

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Defence Counsel Needs Time to Take Instruction	150	1.50
To Settle Legal Representation	140	1.40
Further Statement Outstanding	124	1.20
Judge Unavailable	122	1.20
Sub-Total	6705	63.90

Total number of adjournments and continuances (N) = 10238

NB: Other documents outstanding include scene of crime reports, police officer statistics and outstanding miscellaneous certificates.

The above table outlines the top reasons for adjournment in the Gun Court for 2023, excluding adjournments for bail application, matters part heard, and for plea and case management and for trial, which are enumerated separately. There were 10238 overall incidences of adjournments during the year, an increase of 9.59% when compared to 2022. As with the Home Circuit Court, the list affirms a major role of third party entities in delayed case progression in the High Court Division of the Gun Court. It is seen for example that outstanding ballistic certificates for which combined responsibility lies with the police and state lab services accounts for one of the highest share of adjournment incidences, accounting for 700 or 6.80. Outstanding medical reports and forensic reports, defence counsel absent, outstanding statement, Scene of Crime CD and statement outstanding, witnesses absent, outstanding antecedence and accused not brought are all examples of other prominent reasons for adjournment which contribute in a profound way to delays in the High Court Division of the Gun Court. However, it is interesting that the leading reason for adjournment during the year were adjournments for files to be completed, accounting for 1445 or 14.10% of the total. This is an example of shared internal and external responsibility as a prominent reason for

adjournment. These top twenty reasons for adjournment accounted for roughly 63.90% of the 10238 documented incidences, which is 3.10 percentage points lower than that of the previous year. It is clear from this list that the Gun Court, which is currently one of the top performing entities in the Jamaican court system, can be more efficient with greater enforcement and compliance with the required standards from external stakeholders and stronger internal case progression management in order to curtail this relatively high incidence of adjournments.

A further breakdown of the dominant reasons for adjournment at the trial and plea and case management stages respectively in the High Court Division of the Gun Court in 2023 are summarized below. The results affirm that third party deficiencies are central to the delays.

Table 56.0b: Sampling distribution of dominant reasons for adjournment at the plea and case management stage for the year ended December 31, 2023

Reason for adjournment	Frequency	Percentage
File to be completed	877	21.0
Ballistic Certificate Outstanding	380	9.10
For disclosure	343	8.20
Statements Outstanding	266	6.40
DNS Results Outstanding	283	5.60
SOC Statements Outstanding	206	4.90
SOC CD Outstanding	204	4.90
Forensic Certificate Outstanding	145	3.50
Medical Certificate Outstanding	137	3.30
CFCD Outstanding	69	1.70
Sub-Total	29.10	68.60

Sample size = 4170

Table 56.0c: Sampling distribution of dominant reasons for adjournment at the trial stage for the year ended December 31, 2023

Reason for adjournment	Frequency	Percentage
Crown not ready	221	11.0
Matter not reached	203	10.40
Subpoena of witness	195	9.70
Witness absent	148	7.40
Defence Counsel Absent	137	6.80
Part heard in progress	64	3.20
Investigating Officer Absent	57	2.80
Judge Unavailable	51	2.50
For Social Enquiry Report	51	2.50
Defence not ready	39	1.90
Sub-Total	1166	58.20

Sample size = 2002

Table 57.0: Proxy trial date certainty summary for the year ended December 31, 2023

Type of hearing dates	Number of hearing days set across trial courts	Number of hearings days adjourned across trial courts	Hearing date certainty rate (%)
Trial	1131	328	71%

The Gun Court utilizes three dedicated courtrooms for trial. In 2023, these three rooms tallied an impressive 1131 days' worth of trial dates set which is an average of 377 days per court. This is an implausible outcome since there were only approximately 211 days available for court activity in the year. This suggests that courtrooms were often overbooked for trial which

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invariably also contributes to the relatively high incidence of adjournments observed. Not surprisingly therefore 328 of the trial days' set were adjourned but this would have also included a number of adjournments which are due to external factors discussed earlier in the analysis of reasons for adjournment. The resulting trial date certainty rate for the Gun Court in 2023 was therefore 71%, suggesting that roughly 7 in every 10 trial dates set were able to proceed on schedule without being postponed. This result of 71% is a slight decline of 1.70 percentage points when compared to the 2022.

Table 58.0: Methods of disposition for the year ended December 31, 2023

Methods of Disposition	Frequency	Percent
Accused Deceased	10	1.3
Conditional Nolle Prosequi	11	1.4
Found Guilty	78	10.1
Found Not Guilty	98	12.7
No Case Submission Upheld	50	6.5
No Evidence Offered	218	28.10
No Further Evidence Offered	128	16.6
No Verdict Taken	5	.6
Nolle Prosequi	22	2.8
Other	9	1.2
Plea Guilty	125	16.10
Remitted to Parish Court	13	1.7
Transferred to the Circuit Court	4	.5
Transferred to Parish Court	2	.3
Total	773	100.0

**No electronic data available on the specific method of disposition*

***Inactive cases, included here for computational convenience*

In 2023, the Gun Court disposed of 275 cases, the equivalent of 773 charges or roughly 2.81 charges per cases. This is a decline of 124 cases or 31.08% when compared to 2021. The leading

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methods of disposition for the year were no evidence offered with an estimated 28.10% and no further evidence offered with 16.60%, followed by guilty pleas with an estimated 16.10% rounding off the top three. Guilty outcomes together accounted for 203 or 26.20% of the disposals during the year.

Table 59.0: Estimated Conviction rate in the Gun Court for the year ended December 31, 2023

Number of charges disposed	Number of Guilty outcomes (i.e. guilty verdicts and guilty pleas)	Conviction rate (%)
773	203	26.20

The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the sample of 773 disposed charges in 2023, an estimated 203 were a result of either a guilty plea or a guilty verdict. This produces an overall conviction rate of 26.20% for Gun Court charges resolved in 2023, approximately 4.10 percentage points below the rate in the previous year. The following table delves further into the conviction rate, by the substantive matter.

Table 60.0: Conviction rate by selected substantive matter in the Gun Court for the year ended December 31, 2023

Substantive matter	Number of charges disposed	Number of guilty outcomes (pleas and verdicts)	Conviction rate (%)
Illegal possession of fire arm	260	83	31.92
Illegal possession of ammunition	113	60	53.10
Shooting with Intent	78	7	8.97
Possession of a Prohibited Weapon	27	9	33.33

It is shown in the above table that of the 260 charges of illegal possession of a firearm disposed, 83 were disposed by way of either a guilty verdict or a guilty plea, yielding a conviction rate of roughly 31.92%, a decline of 18.87 percentage points when compared to the previous year. 60 of 113 charges of illegal possession of ammunition which were disposed in 2023 were a result of guilty outcomes, resulting in a conviction rate of 53.10%, an increase of 4.66 percentage points when compared to the previous year. 7 of the 78 matters of shooting with intent disposed in 2023 were a result of guilty outcomes, resulting in a conviction rate of 8.97%, a fall of 2.14 percentage points when compared to 2022. The conviction rate for possession of prohibited weapons for the year was 33.33%.

Table 62.0: Top six charges disposed of in the year ended December 31, 2023

Charge	Frequency	Percentage (%)
Illegal possession of a firearm	260	33.64
Illegal possession of ammunition	113	14.62
Shooting with intent	76	9.83
Robbery with aggravation	54	6.99
Wounding with intent	41	5.30
Assault at Common Law	25	3.23
Total	569	73.61

Total number of charges (N) = 773

The 275 cases that were disposed in the High Court Division of the Gun Court in 2023, representing 773 charges, an average of roughly 28 charges per 10 cases. The table above details the six most frequently occurring charges disposed of in the High Court Division of the

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Gun Court during the year. Illegal possession of a firearm and illegal possession of ammunition accounts for the largest proportion of disposed charges with 33.64% and 14.62% respectively. This is followed by shooting with intent with 9.83% of the charges disposed and wounding with intent with 6.99%. Robbery with aggravation and wounding with intent with 9.83% and 6.99% of the total rounds off the top six charges disposed in the Gun Court in 2023. The disposed charges enumerated in this table accounts for roughly 73.61% of the total number of charges disposed in the Gun Court in 2023. There was a 37.41% reduction in the number of charges disposed in the Gun Court when compared to 2022.

Table 63.0: Time to disposition (from case file date) for cases disposed of in the year ended December 31, 2023

Descriptive Statistics	
Number of observations	773
Mean	15.3933
Median	11.00
Mode	9.00
Std. Deviation	15.92422
Variance	253.581
Skewness	2.579
Std. Error of Skewness	.088
Minimum	1
Maximum	118.00

The above table summarizes the time taken to dispose of cases in the Gun Court in 2023 counting from the date cases were filed. It is seen that the estimated average time to disposition from the date of case is approximately 15 months. The dataset exhibits a positive skewness, indicating that there was a significantly greater proportion of times to disposition fell

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below the overall series mean. The estimated maximum time to disposition for the data set is approximately 118 months or almost 10 years. The estimated minimum time to disposition from the date of filing was roughly a month. The modal and median times to disposition were approximately 11 and 9 months respectively, promising signs for the ability of the Gun Court to dispose a significant proportion of its cases before they fall into a state of backlog. The standard deviation was quite high, indicating that the individual scores were widely dispersed around the mean. The 275 cases disposed in the High Court Division of the Gun Court in 2023 is 47.27% below the number forecasted at the beginning of 2023.

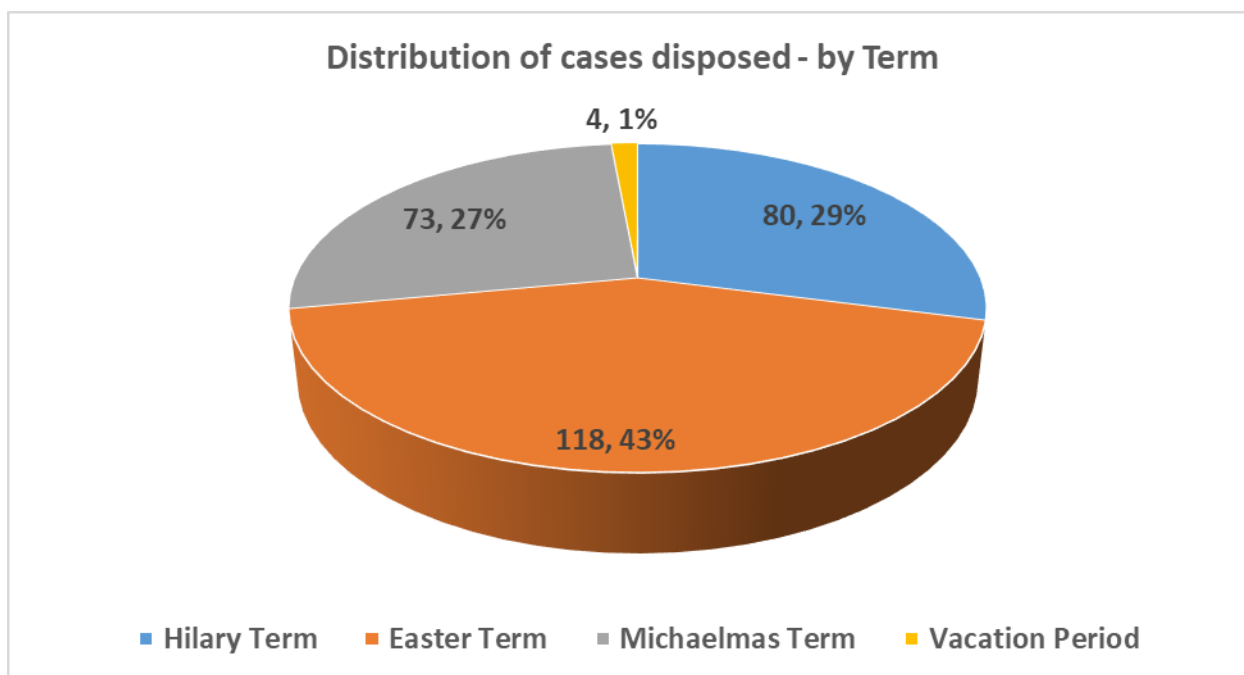
Table 64.0: Breakdown of times to disposition (from case file date) for the charges disposed in the year ended December 31, 2023

Time Interval (months)	Frequency	Percent
0 – 12	417	53.9
13 – 24	214	27.7
25 – 36	83	10.7
37 – 47	22	2.8
48 & over	37	4.8
Total	773	100.0

The above table provides a further breakdown of the estimated time to disposition for the charges disposed in 2023, counting from the case file date. The positive skewness displayed in the previous table is affirmed, as the scores here are mostly concentrated towards the lower intervals in the distribution. The data shows that the largest proportion of the disposals using this method took a year or less. This interval accounted for 417 or 53.90% of the disposals and was followed by cases taking between 13 and 24 months to be disposed with 214 cases or 27.70%. A further 10.70% of the matters were disposed within 25-36 months, 4.80% took four

or more years to be disposed and the remaining 2.80% took between 37 and 47 months. Interestingly 81.60% of the cases disposed took two years or less from the case file date, a decline of 4.10 percentage points when compared to 2022.

Table 16.0: Breakdown of cases disposed in each Term/Period of 2023



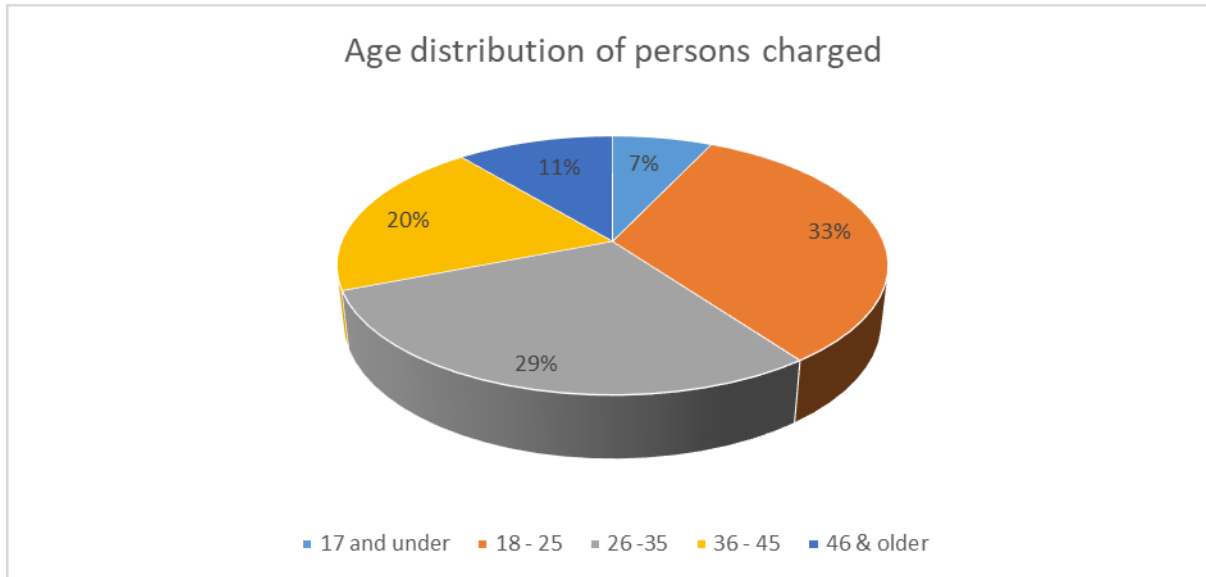
Note: The summer period refers to the period between the end of the Easter Term and the start of the Michaelmas Term and between the Hilary Term and the Easter Term.

The above chart provides a summary of the distribution of Gun Court cases disposed in 2023. It is shown that the largest proportion of cases was disposed in the Easter Term with 118 or 43% of the 275 Gun Court cases disposed during the year. This was followed by the Hilary Term, which accounts for 80 or 29% and the Michaelmas Term with 73 or 27% of the disposals.

Demographic summary of persons charged and brought before the Gun Court in 2023

This section provides a brief summary of the age and gender distribution of persons charged who were brought before the Gun Court in 2023.

Chart 17.0: Summary of age distribution of a sample of persons charged in the Gun Court for the year ended December 31, 2023



The age distribution of persons charged in 2023 was roughly the same as that of 2022. Among the dominant charges filed in the Gun Court for 2023 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 27 years old with the oldest person charged being 58.50 years old and the youngest 13 years old. The modal age from this sample was 24, an indication that a significant number of the persons charged are quite youthful. This is affirmed in the chart above where it is shown that from the sample 33% of the persons charged were between 18 and 25 years old, closely followed by the age group 26 to 35 years old with 29% of the persons charged. The 36 to 45 age group comes next with 20% of the persons charged. The youngest and oldest age categories of 17 and under and 46 and over respectively accounts for 7% and 11% respectively of the person charged who were brought before the Gun Court in 2023.

In terms of gender distribution, using a sample of 100 persons charged in relation to matters brought before the Gun Court in 2023, 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 2022. The overwhelming dominance of males in charges entering the High Court Division of the Gun Court continue to persist as a long held trend.

Chart 18.0: Summary of gender distribution of a sample of persons charged who were brought before the High Court Division of the Gun Court in 2023

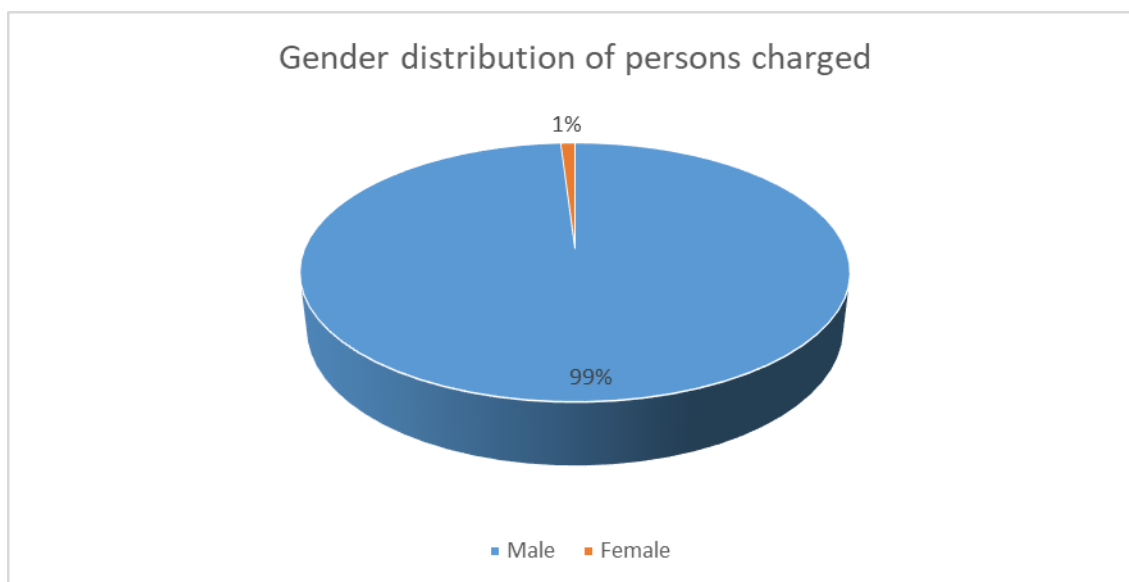


Table 65.0: Case clearance rate for the year ended December 31, 2023

Cases filed	Cases disposed	Case clearance rate
338	275	81.36%

**31 or 11.23% of the 275 disposed cases originated in 2023. This percentage represents the disposal rate.*

Three hundred and thirty-eight new cases were filed in the High Court Division of the Gun Court in 2023 while 275 were also disposed or inactivated (including many which originated before

the Term) leading to a clearance rate of 81.36% for the year, a notable decline of 26.77 percentage points when compared to the previous year. This result translates into a generalization that an estimated 8 Gun Court cases were resolved for every 10 new cases entered during the year and despite being a commendable outcome it is the Gun Court's lowest output in over 5 calendar years. Nevertheless, the Gun Court continues to maintain its enviable standing among the elite performing courts in the Jamaican judiciary, although with the general slide in its conviction rate that is forecasted largely as a result of the new legislation which mandates the minimum sentence for convicts for possession of illegal firearm to 15 years, the overall case clearance rate for the Gun Court is expected to experience sizeable decline. The case clearance rate recorded by the High Court Division of the Gun Court in 2023 is 21.17 percentage point below the figure forecasted at the beginning of the year.

Other performance measures

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

- (i) The on time case processing rate**
- (ii) The case turnover ratio**
- (iii) The disposition days**
- (iv) The crude proxy case backlog rate**

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

cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally, the crude proxy case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of 2023. These measures are summarized in the table below:

Table 66.0: Selected performances metrics for the Gun Court in 2023

Resolved cases	Unresolved cases	Case turnover rate	Estimated disposition days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy case backlog rate (%)
275	446	0.62	581	224	275	81.60	18.40

The results in the above table shows a case turnover rate of 0.62, which is an indication that for every 100 cases which were ‘heard’ in 2023 and still active, 62 pre-existing cases were disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the year will on average take a year to be disposed, barring special interventions or other unanticipated circumstances. This result reflects a trend of sustained improvements over the past seven years.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Gun Court in 2023 is approximately 81.60%, which reflects the proportion of Gun Court cases in 2023, which were disposed within 2 years.

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Conversely, the crude proxy case backlog rate is 18.40%, an indication that an estimated annual proportion of about 18% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This is an increase of roughly 4 percentage points when compared to the previous year and suggests that of the 446 cases, which had some court activity in 2023 and were still active at the end of the year, roughly 82 are expected to be in a backlog classification before being disposed. The crude proxy backlog rates improved by roughly 5 percentage points in 2022 when compared to 2021, the continuation of six years of solid advances towards the prospect of a backlog free Gun Court in the foreseeable future.

CHAPTER 6.0: COMMERCIAL DIVISION

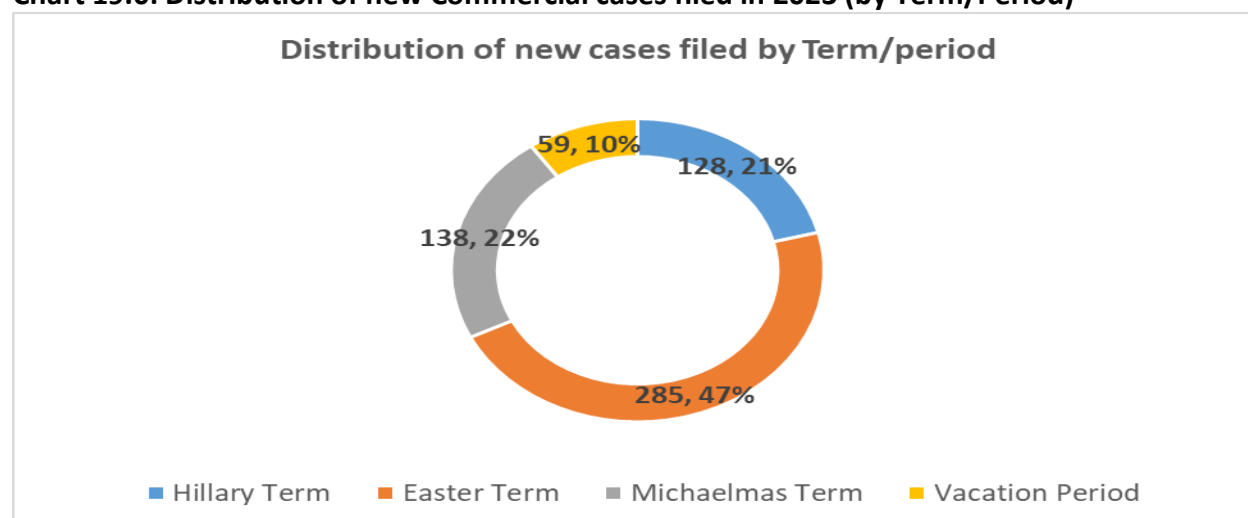
This chapter presents data on case activity in the Commercial Division in 2023 as well as important performance measurements and year on year comparisons where applicable.

Table 67.0: Cases filed in the Commercial Division in 2023

Division	Number of new cases filed
Commercial	610

2017 and 2018 were record years for the Commercial Division in terms of the number of new cases filed with 667 and 675 respectively. 2019 and 2020 saw successive years of decline however 2021 saw an increase of 8.90% in the number of new cases filed when compared to 2020. In 2022, 609 new cases were filed in the Commercial Division, an increase of 5.36% over 2021 and in 2023 610 new commercial cases were filed, an increase of 0.16%. The productivity of the Commercial Division is important in sending signals to economic agents in a country.

Chart 19.0: Distribution of new Commercial cases filed in 2023 (by Term/Period)



NB: The vacation period referred to above is the time frame between the end of the Hilary Term and the beginning of the Easter Term and between the end of the Easter Term and the beginning of the Michaelmas Term.

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The above table shows that the largest proportion of cases filed in the Commercial Division in 2023 was in the Easter Term which accounted for 285 or 47% of the cases filed. The Michaelmas Term followed with 138 or 22% and the Hilary Term with 128 or 21% while the vacation period accounted for the remaining 59 or 10% of the new cases filed.

Table 68.0: Sampling distribution of the leading reasons in the Commercial Division for adjournment of commercial cases for the year ended December 31, 2023

Reasons for adjournment	Frequency	Percentage (%)
Claimant's document's not served or short served	45	11.10
Claimant to file documents	45	11.10
Pending settlement	26	6.40
Matter referred to mediation	26	6.40
Part heard in progress	23	5.70
Defendant documents filed late	22	5.40
Defendant to file document	22	5.40
Sub-Total	209	51.50

Number of observations (N) = 406

The above table provides a sampling distribution of the top six reasons for adjournment in the Commercial Division for 2023. A total of 209 such incidences sampled reveal that claimant's documents not served or short served with 45 or 9.80%, claimant to file documents with 45 or 11.10% and pending settlement with 26 or 6.40% accounted for the top three reasons for adjournment in the Commercial Division in 2023. The listed reasons for adjournment documented from the sample accounts for 51.50% of the total.

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Table 69.0: Sampling distribution of cases with chamber hearings for the year ended December 31, 2023

Hearings	Frequency	Percentage (%)
Applications (Various)	768	70.59
Case Management Conferences	183	16.82
Pre-Trial Review	104	9.56
Judgment summons hearing	33	3.03
Total	1088	100

The above table summarizes a sample of 1088 cases which had chamber hearings in the Commercial Division during 2023. As with the High Court Civil (HCV) Division, the hearing of various applications for relief sought dominates the list with roughly 70.59% of the matters with chamber hearings. Case Management Conferences with 183 or 16.82% rank next and Pre-Trial Reviews with an incidence of 104 or 9.56% rounds off the top three chamber hearings in the Commercial Division for 2023.

Sample data suggests that the trials conducted in the Commercial Division in 2023 were open court trials.

Table 70.0a: Sampling distribution of hearing date certainty in the Commercial Division for the year ended December 31, 2023

Type of hearings	Estimated Hearing date certainty rate (%)
Case Management Conferences	83.50
Trials in Open Court	40.00
All hearings	77.50

The above table breaks down the hearing date certainty rates for two significant types of hearings and also gives the overall rate for 2023. It is shown that Case Management Conferences had an estimated hearing date certainty rate of 83.50% for the year, down slightly by 3.0 percentage points when compared to 2022, while the combined weighted hearing date certainty rate for trials is estimated to be 40%, a decline of 15.97 percentage points when compared to 2022. The overall hearing date certainty rate when all types of hearings are considered is approximately 77.50%, a marginal decline of 1.35 percentage point when compared to 2022. The efficiency of the Commercial Division is an important signal for investment activity in Jamaica and thus it is important that this division continues to work on improving its trial date certainty rates.

Table 71.0b: Sample case flow process transition summary

Number of cases on which defences were filed	Number of cases referred to Mediation	Mediation Report Return Rate (%)	Average time between filing of a defence and referral to mediation [for matters on which defence was filed]	Average time between referral to mediation and receipt of mediation report
111	45	12.50%	68 days	5.8 months

*Note: The above data represents sample estimates based on data available at the time of reporting
 Note that the number of mediation referrals and the number of cases referred to mediation are not necessary equivalents
 Note that the number of cases on which defences were filed and the number of defences filed are not necessary equivalents*

Using a sample of 111 cases on which defences were filed and 45 cases which were referred to mediation, the data suggests that the Commercial Division had a mediation report return rate of 12.50% which means that for every 10 matters referred to mediation during the year, roughly 1 report was returned (not necessarily from the stock of referrals during the year), a result that is roughly the same as that of the previous year. This result suggests that the availability of mediation reports is falling well behind the rate at which matters were referred

to mediation. Considering that a mediation report should take on average 90 days to be returned by the relevant mediation centre, this is an interesting statistic which gives insights into the delays in the mediation process, a potential impediment to the progression of cases in the Commercial Division. The average time taken to return a mediation report for the matters which were referred to mediation during the year was roughly 5.8 months, which is almost twice the expected time but the overall average time can be a bit longer. The transition between the filing of a defence and referral to mediation by the Division appears to be slower than desired and may also be inimical to case flow progression. The statistics on the time interval between the filing of a defence and mediation referral is also quite insightful. The data shows that on average it took approximately 68 days or just over two months after a defence is filed for a matter to be referred to mediation while the modal time was 30 days and the median was 41 days. The shortest time interval recorded in the sample between the filing of a defence and referral to mediation is 7 days and the highest is 275 days or roughly 9 months. These results are broadly similar to those from 2021. The overall success rate of mediation for the past three years for matters referred from the Commercial Division is less than 20%.

Table 72.0: Requisitions summary for the year ended December 31, 2023

Requisitions Issued	Requisition Reponses	Requisitions clearance Rate	Requisitions per 100 case files
229	217*	94.76%	18

*This figure includes requisitions filed on matters originating prior to 2022

The above table provides a summary of the response rate for requisitions issued in the Commercial Division in 2023. It is shown that 229 requisitions were issued in the year while

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there were 217 responses filed, thus producing a requisitions clearance rate of 94.76%, a sizeable improvement of 4.08 percentage points when compared to the previous year. This requisition clearance rate suggests that during the year, for every 10 requisitions issued, between 9 and 10 were filed. Additionally, there was an average incidence of 18 requisitions per 100 case files in the Commercial Division for the year, an increase of 3 percentage points when compared to 2022.

Table 73: Methods of disposition for the year ended December 31, 2023

Methods of disposition	Frequency	Percent
Agreed to pay by installment	15	4.6
Application Granted	20	6.2
Application Refused	9	2.8
Claim form expire	2	.6
Consent Judgment	3	.9
Consent Order	4	1.2
Dismissed for Want of Prosecution	2	.6
Judgment	9	2.8
Judgment Delivered	5	1.5
Judgment in Default of Acknowledging of Service	115	35.5
Judgment in Default of Defence	8	2.5
Judgment on Admission	11	3.4
Matter Discontinued	83	25.70
Matter Withdrawn	10	3.1
Settled	9	2.8
Settlement Order	1	.3
Struck Out	4	1.2
Transfer to Civil	7	2.0
Written Judgment Delivered	7	2.2
Total	324	100.0

The data suggests that 324 cases in the Commercial Division were disposed in 2023, an impressive increase of 102.50% when compared to 2022. Disposals by way of judgment in default of acknowledgment of service with 115 or 35.50% led the list of dispositions while matters discontinued with 83 or 25.70% ranked next. The top three methods of disposition were rounded off by applications granted with 20 or 6.20%.

Table 74.0: Time to disposition for Commercial cases disposed in the year ended December 31, 2023

Descriptive Statistics (months)

Number of observations	324
Mean	20.0463
Median	13.0000
Mode	8.00 ^a
Std. Deviation	18.40449
Skewness	2.240
Std. Error of Skewness	.135
Range	113.00
Minimum	3.00
Maximum	116.00

a. Multiple modes exist. The smallest value is shown

The above table shows that the estimated average time to disposition for the 324 Commercial cases disposed in 2023 is 20 months or just over 1 year and 8 months, roughly the same as the previous year. The maximum time to disposition observed from these cases is roughly 10 years old while the lowest is roughly 3 months. It is of note that the median time to disposition for 2023 is roughly a year while the modal value is 8 months, encouraging signs for continued improvements in the overall time taken to resolve commercial matters. 35 or 10.80% of the

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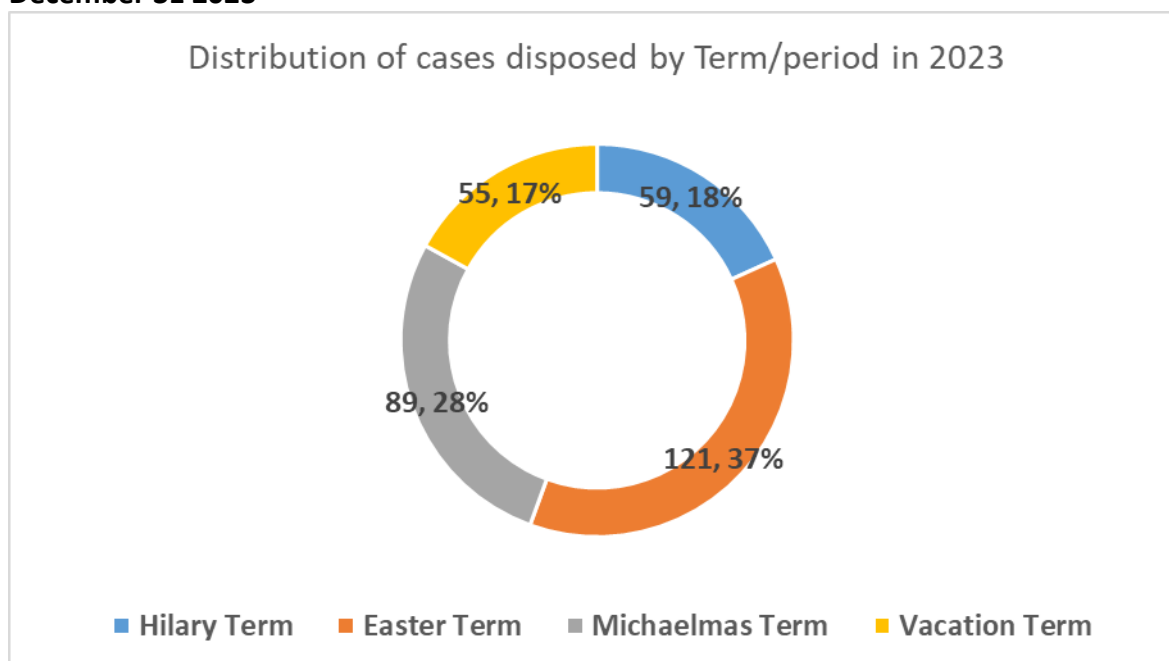
commercial cases disposed in 2023 originated in said year, which is a decline of 17.33 percentage points when compared to 2022.

Table 75.0: Breakdown of times to disposition for Commercial cases in 2023

Time Intervals (months)	Frequency	Percent
0 - 12	159	49.1
13 – 24	89	27.5
25 – 36	31	9.6
37 – 47	15	4.6
48 & over	30	9.3
Total	324	100.0

The above table provides a breakdown of the times to disposition for the cases disposed in the Commercial Division in 2023. It is seen that the largest proportion of these cases were disposed of within a year, accounting for an impressive 49.10% of the disposals. This is followed by 89 or 27.50%, which took between 13 and 24 months to be disposed while the 31 or 9.60% which took 25 – 36 months and four or more years respectively to be disposed rounds off the top three times to disposition for the year. Taken together, the data suggest that a commendable 76.60% of the cases disposed in the Commercial Division in 2023 were resolved within 2 years.

Chart 20.0: Distribution of cases disposed in the Commercial Division in the year ended December 31 2023



NB: The vacation period refers to the time between the Easter Term and the Michaelmas Term and between the Hilary Term and Easter Term

The above chart shows that the Easter Term accounted for the largest proportion of cases disposed in the Commercial Division in 2023 with 121 or 37% of the total. The Michaelmas Term with 89 or 28% of the total and the Hilary Term with 59 or 18.0% of the total follows.

Table 76.0a: Case clearance rate for the Commercial Division for the year ended December 31, 2023

Cases filed	Cases disposed	Case clearance rate
610	324*	53.11%

**This figure includes cases filed before 2022. 35 or 5.73% of the cases filed in 2023 were disposed.*

Six hundred and ten new cases were filed in the Commercial Division in 2023, while 324 cases were disposed which yields a case clearance rate of 53.11%. This result suggests that for every 100 new cases filed in the year, roughly 53 were disposed. Again, the cases disposed were not

necessarily from those filed, as the clearance rate is simply a productivity ratio. This result represents a 26.27 percentage points improvement when compared to the previous year.

Other performance measures

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

(i) The on time case processing rate

(ii) The case turnover ratio

(iii) The disposition days

(iv) The crude proxy case backlog rate

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally, the case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of 2023. These measures are summarized in the table below:

Table 77.0: Selected performances metrics for the Commercial Division for 2023

Resolved cases	Unresolved cases	Case turnover rate (%)	Disposition days	Number of cases disposed within 2 years	Total number of cases disposed	Approximate On-time case processing rate (%)	Approximate Crude Proxy Case backlog rate (%)
324	949	0.34	1073 days	247	324	76	24

The results in the above table shows a case turnover rate of 0.134, which is an indication that for every 100 cases which were ‘heard’ in 2023 and still active, another 34 were disposed, a decline of 16 percentage points when compared to 2022. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the year will on average take an estimated 2.86 years to be disposed, barring special interventions and other outcomes.

A case is considered to be in a backlog classification if it remains unresolved for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Commercial cases in 2023 is a commendable 76.0%, which reflects the proportion of Commercial cases in 2023, which were disposed within 2 years. Conversely, the crude proxy case backlog rate stands at 24% of active cases, an indication that an estimated annual proportion of roughly 24% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 949 cases which had some court activity in 2023 and were still active at the end of the year, 199 are expected to be in a backlog classification before being disposed.

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CHAPTER 7.0: Aggregate Case Activity, Outstanding Judgments, Courtroom Utilization and Guest Contribution from a selected Division of the Supreme Court

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. Among the key measures of court productivity is the case clearance rate. The below table provides a summary of the collective case clearance rate for the Divisions of the Supreme Court in 2023.

Table 78.0a: Gross case clearance rate for the year ended December 31, 2023

Total cases filed	Total cases disposed	Gross Case clearance rate (%)
13521	10352	76.56

The above table provides an aggregate summary of the clearance rates in the Divisions of the Supreme Court in 2023. The data suggests that 13521 new cases were filed/entered across the Divisions reviewed in 2023, a decline of roughly 2.51% when compared to 2022. These results yield a gross clearance rate of roughly 76.56%, representing an increase of 1.61 percentage points when compared to 2022 and suggesting that that for every 100 cases filed/entered during the year, roughly, 77 were also disposed.

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Aggregate Case Activity for the past two calendar years

Table 78.0b: Summary of new cases filed and cases disposed in the Supreme Court (2022 – 2023)

Division	Aggregate number of new cases filed in 2022	Aggregate number of cases disposed in 2022	Case Clearance Rate (%) - 2022	Aggregate number of new cases filed in 2023	Aggregate number of cases disposed in 2023	Case Clearance Rate (%) - 2023
High Court Civil (HCV)	4076	3216	78.90	4264	2706	63.46
Family	4796	3682	74.60	4499	4073	90.53
Estate	3728	2749	73.74	3452	2778	80.47
Commercial	609	160	26.27	610	324	53.11
Home Circuit Court	267	174	73.50	350	187	53.43
Gun Court	369	399	108.13	338	275	81.36
Revenue Court	4	11	275.00	8	9	112.50
Total	13849	10391	75.03*	13521	10352	76.56

**Excludes Insolvency and Admiralty Cases and thus deviates from the overall case clearance rate of 74.95% in 2022.*

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Case Activity Summary for 2023

The below table provides a summary of core case activity for each Divisions of the Supreme Court in 2023.

Table 79.0: Aggregate case activity in 2023

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (months)	Hearing Date Certainty Rate (%)
High Court Civil (HCV)	4264	2706	63.46	52.26	81.74
Family	4499	4073	90.53	25.10	71.18
Estate	3452	2778	80.47	19.05	76.82
Commercial	610	324	53.11	20.24	77.50
Home Circuit Court	350	187	53.43	39.93	67.25
Gun Court	338	275	81.36%	15.39	71
Revenue Division	8	9	112.50	60	75.25
Gross/Weighted Average	13521	10352	76.56	33.14	74.39

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The above table provides an important summary of case activity in the Supreme Court in 2023. It is shown that 13521 new cases were filed/entered across the Divisions of the Supreme Court during the year, the third highest number in at least the last decade. The Family Division eclipsed the High Court Civil Division as the division having the largest intake of cases with 4499 or 33.27%. In the 2022 annual report for the Supreme Court, it was forecasted that the total number of new cases filed/brought in the Supreme Court in 2023 would be 14120 cases and thus the actual number of new cases filed fell short of this projected figure by 4.24%.

The Family and Estate Divisions had the highest share of cases disposed in the Supreme Court in 2023 with roughly 39.34% and 26.84% respectively of the total, followed by the High Court Civil Division with 26.14% of the disposals. The Family Division eclipsed the High Court Division of the Supreme Court as the sectional unit within the report (apart from the relatively small Revenue Division), which recorded the highest case clearance rate, netting out at 90.53% for the year, followed by the High Court division of the Gun Court and the Estate Division with case clearance rates of 81.36% and 80.47% respectively. The overall estimated case clearance rate for the Supreme Court in 2023 was the highest overall on record with 76.56%, a slight increase of 1.61 percentage points when compared to the previous year. The High Court Civil (HCV) Division accounted for the longest average time to disposition with cases taking an average of roughly 52 months to be disposed. The Home Circuit Court is next with an average time to disposition of approximately 40 months while the Gun Court and the Estate Divisions with estimated average times to disposition of 15 months 19 months respectively took the shortest time on average to dispose of the cases resolved. The overall weighted average time taken to

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dispose of the cases resolved in 2023 is approximately 33 months, longer by roughly 4 months when compared to the previous year. As with the previous year, none of the Divisions of the Supreme Court met the international standard on hearing date certainty in 2023. The overall average hearing date certainty rate was 74.39%, a small decrease of roughly 0.65 percentage points when compared to 2022. The High Court Civil Division and the Commercial Division with hearing date certainty rates of 81.74% and 77.50% respectively, followed by the Estate Division with 76.82% accounted for the highest hearing date certainty rates in 2023.

Judgments Reserved and Judgments Delivered

This sub-section provides a summary of the civil judgments reserved and delivered in 2023

Table 80.0: Summary of Judgments Reserved and Delivered in 2022

Number of Judgments reserved on cases	Number of Judgments delivered on cases	Clearance rate for case Judgments (%)	Number of Judgments reserved on applications	Number of judgments/rulings delivered on applications	Clearance rates for rulings on application (%)
281	325	115.66	252	259	102.78

A total of 281 judgements were reserved in 2023, an increase of 28.31% when compared to 2022, while 325 judgments were delivered, an increase of 4.17% when compared to the previous year. This output led to a clearance rate of roughly 115.66%, a decline 26.34 percentage points when compared to 2022. This result means that for every 10 judgments which were reserved in 2023, 11 judgments were delivered. Although this result is a decline when compared to the previous year, it is reflective of overall enhancement in the productivity

of the Supreme Court in delivering timely judgments. The average age of cases on which judgments were delivered in 2023 was roughly 2.55 years and the overwhelming majority delivered were reserved prior to said year. The Chief Justice has set a standard for all judgments reserved in the Supreme Court to be delivered within three months of reservation, except for complex cases which should take a maximum time of six months after reservation to be delivered.

Various applications are made during the life of a civil case on which judgments may be reserved. The analysis of the clearance rate on judgments on applications is an important supplement to the analysis of judgments and the overall outcome of a case as timely rulings on applications have a direct correlation with the timely delivery of judgments on substantive cases. The data suggests that there were 252 judgments reserved on applications in 2023 while 259 were delivered. This produced a clearance rate for judgments on applications of 102.78%, an impressive increase of 50.16 percentage points when compared to the previous year.

Estimated Courtroom/Hearing Utilization Rate in 2023

Using a sample of cases heard in open court in 2023, the courtroom utilization rate for the Supreme Court was estimated to be 59%, suggesting that just about 3 of every 5 available hours for hearings were utilized in 2023. The significant and successful use of virtual hearings, particularly in relation to civil matters in the Supreme Court has essentially eliminated available physical courtroom space as a resource constraint to total productivity of the Supreme Court as

whole and the civil divisions in particular. This is expected to contribute positively to the utilization of judicial time going forward.

Modes of hearing in the Civil, Estate and Family Divisions in 2023

In response to the COVID-19 pandemic in 2020, the Supreme Court started moving a significant proportion of its hearings online in order to mitigate potentially crippling effects on court operations. Since then virtual hearings have steadily become a mainstream part of the daily operations of the court, the story of which in 2023 is summarized below.

Table 81.0: Sampling distribution of the modes of hearing for civil matters in the Supreme Court in 2023

	Frequency	Percentage (%)
Teleconferences	1006	6.24
In person	19	0.12
Video conference	15100	93.64
Totals	16125	100

It is seen in the above sample summary that the overwhelming majority of hearings conducted in the combined High Court Civil, Commercial, Matrimonial and Probate Divisions of the Supreme Court were done by video conference, accounting for an estimated 93.64% of hearings conducted, while teleconferences accounted for 6.24% and in-person hearings accounted for 0.12% of the hearings in 2023. The general improvement in hearing date certainty rate in the High Court Civil Division over the past three years is partly a result the mass movement of cases online. It has essentially removed courtroom space as a constraint on court productivity, paving the way for greater efficiency in the court’s operation.

CHAPTER 8.0: CONCLUSION

The Supreme Court of Jamaica continue to make steady strides in becoming more efficient in its overall utilization of judicial time and in its clearance of cases. The focus on strategic leadership, operational planning and policy coordination which are continuously driven by the data have made a positive impact on the daily operations of the court. It has brought about a reorientation of practice and thought processes to the way in which business is done which is contributing appreciably to a re-engineering of the court's operations. There have been similar happenings in the lower courts which have seen faster and more decisive results than the Supreme Court. In the Supreme Court, the results of a fairly aggressive reform agenda being engineered by the Honourable Chief Justice have not yet made a profound difference to the overall reduction of the court's backlog but the signs are positive. The High Court Division of the Gun Court now has a backlog rate of under 5%, the Estate Division disposes of cases on average within 15 months, both the Estate and Family Divisions now register case disposal rates of over 80% fairly consistently, the High Court Civil Division appears to have found a new equilibrium case clearance rate that is decisively over 50% within the last two years, coming from a consistent low of under 30%, the Home Circuit Court now also has a settled equilibrium case clearance rate of over 50%, although it experiences some fluctuations and the Revenue Court is almost backlog free. Although some of these accomplishments may not necessarily qualify as "game changer", they certainly form the foundations for judicial excellence in years to come, if these gains can be built on constructively and consolidated. Such efforts can be greatly aided by the assimilation of an advanced case management system that bolsters the scheduling science

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that is applied across the divisions of the Supreme Court and the employment of more effective and holistic case management practices.

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. ⁱ

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. ⁱⁱ

Trial/hearing date certainty: This is the proportion of dates set for trial or hearing which proceed without adjournment. For example, if 100 trial dates are set in a particular Term and

40 are adjourned, then the trial certainty rate would be 60%. The international standard for this measure is between 92% and 100%.

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

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

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

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

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

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

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

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

Source:

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

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s.pdf

ⁱ Source:

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

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

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

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

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

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

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

Exponential smoothing: Exponential smoothing of time series data assigns exponentially decreasing weights for newest to oldest observations. In other words, the older the data, the less priority ("weight") the data is given; newer data is seen as more relevant and is assigned more weight.

Crude Proxy: A rough estimate

