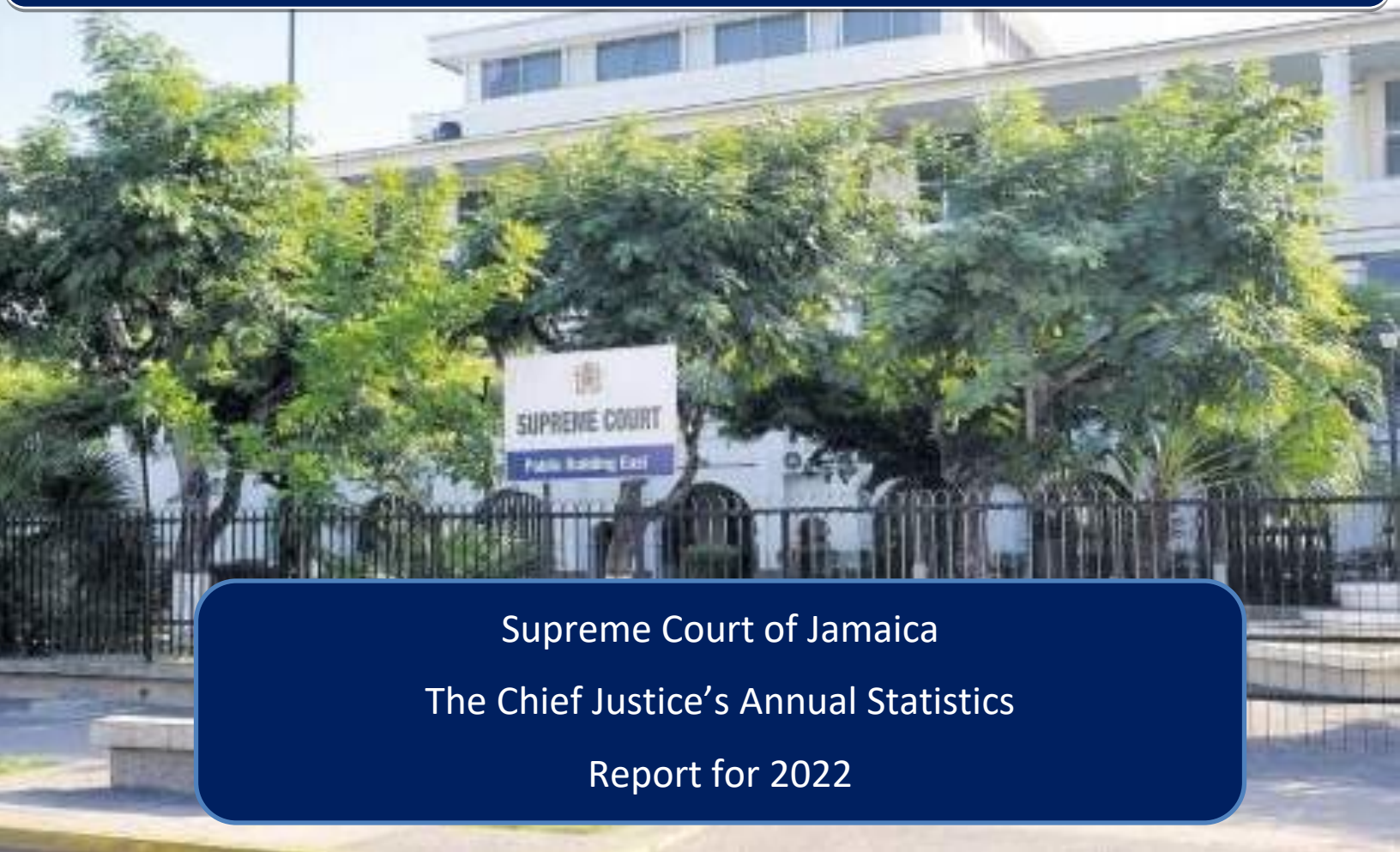


THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT FOR 2022



Supreme Court of Jamaica The Chief Justice's Annual Statistics Report for 2022

OVERALL QUANTITATIVE HIGHLIGHTS

	<u>2022</u>	<u>2021</u>	<u>2020</u>
Case clearance rate (%)	74.95	60.37	65.90
Hearing date certainty rate (%)	75.04	73.14	65
Case file integrity rate (%)	96.53	85.27	94.56
Average time to disposition of cases (years)	2.39	2.08	2.08
Clearance rate on outstanding Judgments (%)	142.47	189	234

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EXECUTIVE SUMMARY

This Annual Statistics Report on case activity in the Supreme Court for 2022 represents a significant continuation of the application of scientific analyses to case activity, thereby establishing a solid grasp of the interventions which are necessary to engender the development of a first class court system. As part of becoming a first class court system, the Honourable Chief Justice Mr. Bryan Sykes has set out vital quantitative targets which will bring the Jamaican judiciary in line with the bests in the world. Among these targets is the attainment of an overall trial date certainty rate of 95% and a weighted case clearance rate of 130% over the next three years across the court system. Since the Supreme Court accounts for a sizeable share of the total civil and criminal caseload in Jamaica, its success is crucial to the attainment of the overall targets. These targets hinge on the objective of reducing the court-wide net case backlog rate to less than 5% over the next three years. This means that by that time no more than 5% of active cases in the courts should be over 24 months old at any given time. Like some other jurisdictions, the Jamaican court system defines 24 months as a reasonable maximum time for the resolution of all cases, regardless of complexity. Apart from providing the scientific evidence necessary to inform interventions, these statistical reports also provide a basis for monitoring and evaluating the progression towards the realization of the targets set out by the judiciary.

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

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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.

In the 2021 annual report, it was documented that the statistics indicated a movement of a significant number of civil hearings to the virtual space, represented a potentially seismic shift in the modus operandi of the Supreme Court and thus creating an opportunity for momentous gains in efficiency in the coming years as physical courtroom space is almost eliminated as an important constraint on total productivity. This prediction started to become a reality in a serious way in 2022 with a further sizeable increase in the number of civil hearings conducted virtually, coinciding with major productivity gains, though some of this correlation may be explained by other factors.

A total of 13870 new cases entered the Supreme Court across all Divisions/sections in 2022 while 10,396 cases were disposed. The total number of new cases filed in 2022 decreased by 4.08% when compared to 2021 and is the second largest intake in a single year in at least the past decade. The number of cases disposed in 2022 however increased by 16.03% when compared to 2021. The Family and High Court Civil Divisions with 4796 and 4076 respectively of the total number of new cases filed accounted for the largest share of new cases filed while the Revenue Court and the Admiralty Division each with under 10 new cases filed account for the lowest shares. As was the case in the previous four years, the Family Division accounted for the largest share of disposals with 3682 or 35.42% of all disposed cases in the Supreme Court in 2022, while the High Court Civil Division with 3216 or 30.93% of the cases disposed ranks next.

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Among the major findings from this Annual Statistics Report is that the average case clearance rate across the four Divisions was roughly 74.95%, a notable increase of 14.58 percentage points when compared to 2021, 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 75% across the Divisions suggests that for every 100 new cases entered in the period, roughly 75 were also disposed (not necessarily from the new cases entered). The case clearance rates for 2022 range from a low of 26.27% in the Commercial Division to a high of 275.0% in the Revenue Court. The High Court Division of the Gun Court had the second highest case clearance rate in the Supreme Court with 108.13%, followed by the High Court Civil Division with 78.90%, its highest annual output on record. The distribution of the case clearance rates across most divisions show great promise and in particular the record case clearance rate registered by the High Court Civil Division is a direct result of a number of targeted interventions which have started to bring positive results.

The report also generated the estimated times to disposition for matters disposed in the respective Divisions of the Supreme Court in 2022. The estimated average times taken for cases to be disposed, range from a low of approximately 14 months in the High Court Division of the Gun Court to a high of roughly 57 months in the High Court Civil Division. The overall average time to disposition for the Divisions of the Supreme Court in 2022 was approximately 29 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

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being disposed. Using this yardstick, the overall on-time case processing rate for cases disposed in the Supreme Court in 2022 was approximately 62.46% which suggests that 62 of every 100 cases disposed were done within two years, representing a roughly 5.64 percentage points decline when compared to 2020. This result implies that roughly 37.54% of the cases disposed in 2022 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 86.80% and 85.70% respectively had the highest on-time case processing rates for 2022, thus also having the lowest crude gross case backlog rates at the end of the year with 14.20% and 14.30% 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 70.06% in the Estate Division to a high of 81.60% in the High Court Civil Division in 2022. The weighted average hearing date certainty across all the Divisions of the Supreme Court in 2022 was roughly 75.04%, which is an indication that there was a roughly 75% probability that a matter scheduled for hearing will go ahead without adjournment. Despite not meeting the

international standards, this result represents a 1.90 percentage points improvement over the previous year and one of the highest overall hearing date certainty rates on record for the Supreme Court. 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 2022 are similar to those observed over the past four 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 2022 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 96.53%, a notable improvement of 11.26 percentage points when compared to the previous year. This result suggests that for every 100 case files that were part of court hearings in 2022, 11 more were able to proceed, as compared to 2021, 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 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 2022 was highest in the Matrimonial Division with a ratio of 104 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 Matrimonial and Estate Divisions of the Supreme Court.

One of the most positive outcomes for the Supreme Court in 2022 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 142.47%. This result suggests that for every 10 new judgments reserved during the year, roughly 14 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

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months, except for complex judgments which should take a maximum time of six months after being reserved to be delivered.

It is forecasted below that in 2023, 14120 new cases will be filed across the Divisions of the Supreme Court while it is projected that 10739 will be disposed. Thus, the forecasted clearance rate for the Supreme Court in 2023 is 73.59% which would be a percentage point below the actual figure in 2022. The Supreme Court as a whole is unlikely to meet the critical quantitative targets set out in the strategic plan, however there are some individual Divisions/sections which are on course to meet most targets. As a shining example, the High Court Division of the Gun Court has already successfully reduced its net backlog rate to below 5% while most other divisions are showing good ability to keep pace with incoming cases and thus effectively manage case congestion. The case of the High Court Civil Division in this report, recording among the highest case clearance rates and the highest hearing date certainty rate is a shining example of what effective planning and execution can do in an institution.

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See below Supreme Court case activity summary for 2022:

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (months)	Hearing Date Certainty Rate (%)
High Court Civil (HCV)	4076	3216	78.90	56.75	81.60
Family	4796	3682	74.60	24.34	70.06
Estate	3728	2749	73.74	17.96	76.03
Commercial	609	160	26.27	19.54	78.85
Home Circuit Court	267	174	73.50	36.66	73.50
Gun Court	369	399	108.13	14.0	72.70
Revenue Division	4	11	275.00	31.31	79.15
Insolvency Division	14	3	21.43	-	-
Admiralty Division	7	2	28.57	-	-
Gross/Weighted Average	13,870	10,396	74.95	28.65	75.04

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

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estimated measurement of the proportion of cases, which are unresolved for more than two years as at end of 2021. These measures are summarized in the table below:

Selected performances metrics for the Supreme Court in 2022

Division of the Supreme Court	Resolved/Dispos ed 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)	3216	9464	650	20.50	79.50
Family Division	3682	6737	2745	74.60	25.40
Estate Division	2539	2782	2386	86.80	14.20
Commercial Division	160	884	128	80.00	20.00
Home Circuit Court	207	174	103	46.40	53.60
Gun Court	369	376	342	85.70	14.30
Total/Weighted Average	10173	20417	6354	62.46	37.54

Vital Forecasts:

Forecast of case activity in the Divisions of the Supreme Court in 2023

Division	Forecasted number of new cases	Forecasted number of disposed cases	Forecasted Case Clearance Rate (%)
High Court Civil Division	4250	3350	78.82
Family Division	4750	3710	78.11
Estate Division	3825	2825	73.86
Home Circuit Court	305	220	72.13
High Court Division of the Gun Court	395	405	102.53
Commercial Division	570	210	36.84
Revenue Division	12	10	83.33
Insolvency Division	10	7	70.00
Admiralty	3	2	66.67
Total/Weighted Average	14120	10739	73.59

Note: Forecasting done using the method of exponential smoothing

The above table provides a forecast of the number of cases file and disposed in each Division/section of the Supreme Court in 2023 as well as the projected case clearance rates. The forecasted number of new cases entering the Supreme Court in 2023 is 14120 while the forecasted number of disposed cases across the Divisions/sections is 10739. These predicted values would produce a weighted case clearance rate of 73.59% in 2023.

Forecast for Judgments Reserved and Delivered in 2023

Forecasted number of Judgments Reserved	Forecasted number of Judgments Delivered	Forecasted clearance rate on Judgments (%)
205	282	137.56

Note: Forecasting done using the method of exponential smoothing

The Supreme Court is expected to sustain its positive direction in clearing outstanding judgments in 2023. Using the method of exponential smoothing, it is forecasted that 282 judgments will be delivered by the Supreme Court in 2023 and 205 new ones will be reserved. This produces a forecasted clearance rate on judgments of 137.56% in 2023, which suggests that for every 10 judgments reserved in that year, roughly 14 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.

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.

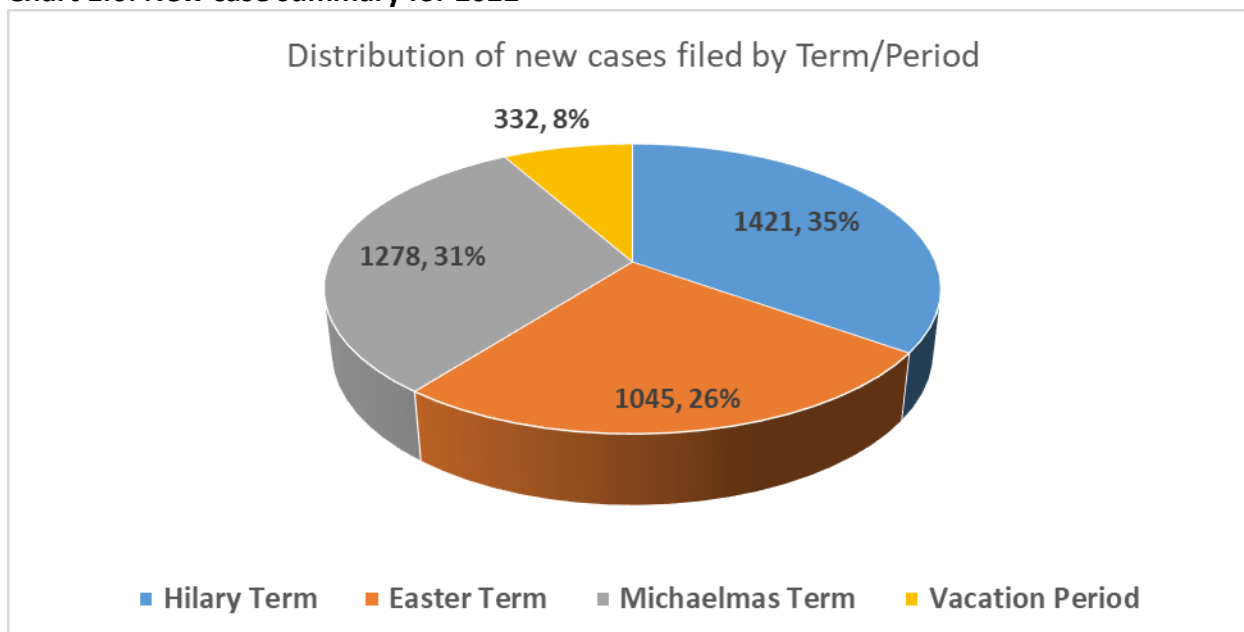
Structure of Report

This is a comprehensive statistical report on case activity in the various Divisions of the Supreme Court in 2022. 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 2022 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, 2022. 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 2022.

Chart 1.0: New case summary for 2022

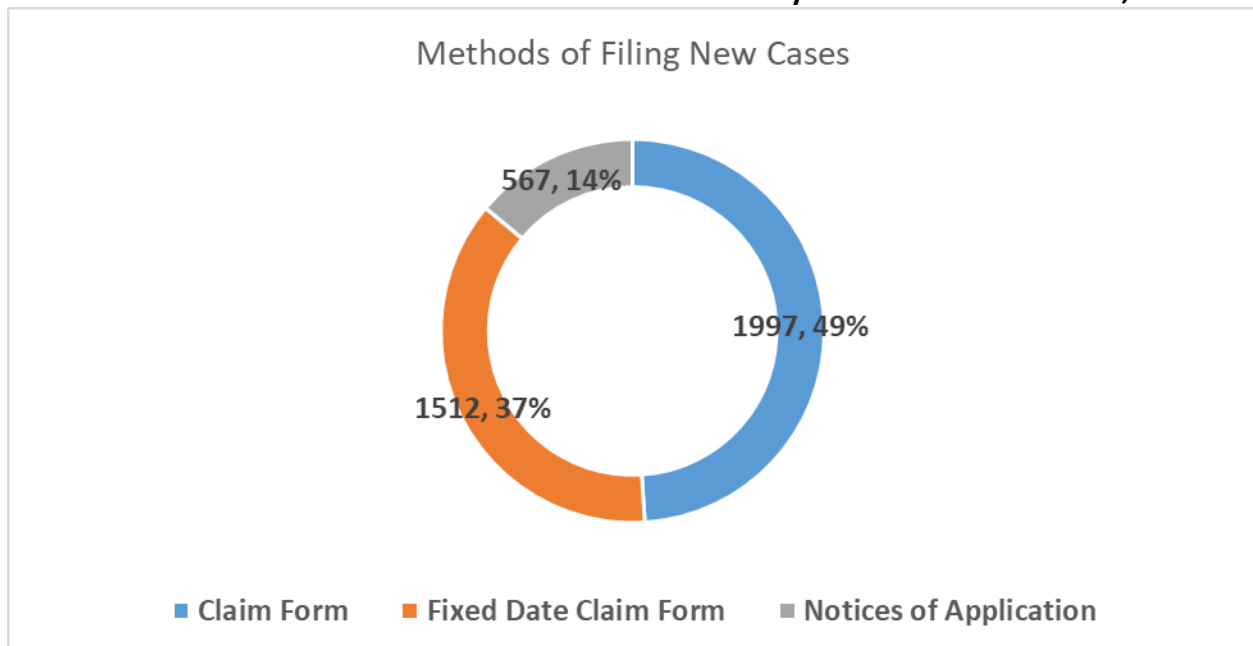


NB: Total number of civil cases for 2022 = 4076. The vacation period is used here to refer to the time between the end of the Easter Term and the start of the Michaelmas Term and between the Hilary Term and the Easter Term.

The chart above provides summary of the number of cases filed in the High Court Civil Division (HCV) for 2022. A total of 4076 new HCV cases filed in the year, substantial decrease of 26.24% when compared to the previous year. This substantial decline means that for the first time in recent history, the High Court Civil Division has been overtaken as the largest Division in the Supreme Court in terms of new case inflow, yielding to the Family and Estate Divisions. This result might be due to a combination of factors, among which are the creation of the Family

and Estate Divisions which now presides over a large number of specialized open court hearings which were once handled by the High Court Civil Division. Additionally, the well-publicized long waiting times for trial dates in the High Court Civil Division as well as the overall long average times to disposition in this Division may have increased the probability of parties choosing to settle instead of litigate. The largest proportion of the new cases filed was in the Hilary Term, which accounted for 1421 or 35% of the new cases. The Michaelmas Term with 1278 cases or 31% of the total and the Easter Term with 1045 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 2022. The High Court Civil Division fell short of the number of new cases forecasted at the beginning of the year by 1674 cases or 29.11%.

Chart 2.0: Claim Forms and Fixed Date Claim Forms for the year ended December 31, 2022



Number of observations = 4076

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The above chart highlights the proportional distribution of the mode of filing cases in the High Court Civil Division in 2022. The data shows that 1997 or 49% of this sample were filed by way of Claim Forms while 1512 or 37% were filed by way of Fixed Date Claim Forms and the remainder 567 or 14% 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 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 2022.

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Table 1.0a: Leading reasons for adjournment for year ended December 31, 2022

Reasons for adjournment	Frequency	Percentage
Claimant to file documents	2417	21.20
Defendant to file documents	681	6.0
Claimant's documents not served or short served	651	5.70
No parties appearing	515	4.50
To produce documents	499	4.40
Claimant to comply with order	487	4.30
Matter referred to mediation	443	3.90
Parties having discussion with a view to settlement	421	3.70
For comments from NEPA to be complied with	337	2.90
Defendant not available	294	2.60
Claimant not available	260	2.30
File not found	231	2.0
Claimant's attorney absent	195	1.70
Pending settlement	194	1.70
Judge unavailable	180	1.60

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Defendant's documents not served or short served	174	1.50
Matter reverted to pre-trial	170	1.50
Defendant's attorney absent	161	1.40
Claimant's attorney not ready	142	1.20
Adjournment for chamber hearing	141	1.20
Sub-Total	8593	75.30

Total number of adjournments/continuance = 11425

There were total of 11425 incidence of adjournments/continuance in 2022, an increase of 29.29% when compared to 2021, a year in which court activity was acutely impacted by the COVID-19 pandemic. The above table summarizes the top twenty reasons for adjournment for the year ended December 2022, using the contextual definition outlined above. It is seen that the three dominant reasons for adjournment were claimants to file documents with 2417 or 21.20% of all events of adjournments/continuance, adjournments for defendants to file document with 681 or 6.0% of the adjournments and adjournments due to claimant's documents not served or short served with 651 or 5.70%. Adjournments due to no parties appearing with 515 or 4.50% and to produce documents with 499 or 4.40% rounds off the top five reasons for adjournment in the High Court Civil Division for 2022. The top twenty reasons for adjournment enumerated above, accounts for approximately 75.30% of the total reasons for case adjournment/continuance in 2022. 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.

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 months, bringing unrepresented case clearance rates to the Division.

Table 2.0: Case File Integrity Rate for the year ended December 31, 2022

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 (%)
11425	397	96.53%

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 397 combined incidences of adjournments due to these deficiencies in 2022,

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resulting in a case file integrity rate of 96.53%, which means that roughly 3.47% of the total adjournments were due to one or more of factors that affect case file integrity. Using the same parameters, the case file integrity rate increased sharply by 11.26 percentage points when compared to 2021.

Table 3.0: Selected trial and pre-trial case counts for the year ended December 31, 2022

Trial matters/hearings	Frequency	Percentage
Court Trials	399	29.73
Motion Hearing	47	3.50
Assessment of Damages	641	47.76
Trial in Chambers	255	19.00
Total trial matters	1342	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 2022. The table shows a 1342 combined cases which were heard across the four listed types of hearings, of which cases heard for assessments of damages with 641 or 47.76% accounted for the largest share while open court trials with 399 or 29.73% of the total ranked next. The 255 cases which had trials in chamber and the 47 or 3.50% which had motion hearings rounds off the list.

Table 4.0 Sampling distribution of hearing date certainty for the year ended December 31, 2022

Hearing dates set	Hearing dates adjourned (excluding adjournments for continuance)	Hearing date certainty (%)
12493	2299	81.60

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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 12493 dates scheduled for either trial or various pre-trial hearings, both in Court and in Chamber, revealed that 2299 were 'adjourned' on the date set for commencement. The resulting estimated overall hearing date certainty figure of 81.60% 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 is a marginal increase of 2.39 percentage points when compared to 2021. When trials in open court is isolated, the trial certainty rate for the HCV Division for 2021 is estimated at 73.11%, an improvement of 0.69 percentage points when compared to 2021 and when trial in chambers is isolated the estimate rate is 72.60%, an improvement of 2.06 percentage points when compared to 2021. These results represent resilient outcomes and augurs well for future prospects, particularly within the context of the current re-engineering of the HCV Registry that is currently being undertaken.

The ensuing analysis will go further into explaining where on the continuum of a matter traversing the system are 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, 2022

Number of available court days in 2022	Number of days' worth of assessment of damages scheduled	Approximate ratio
217	641	2.95

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 2022, 217 all told and the number of days' worth of assessment of damages which were scheduled (a total of 641). It is shown that for every court day available, approximately 3 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. The efforts to improve the scheduling of assessment of damage hearings in the High Court Civil Division will remain a top priority in 2023 as the Supreme Court seeks to reduce wastage of judicial time and unwarranted delays through the application of a more advanced science to its scheduling machinery and the adoption of the new, advanced Judicial Case Management System (JCMS).

Table 5.0b: Index of scheduling efficiency for court trials in the HCV Division for the year ended December 31, 2022

Number of available court days in 2021	Number of days' worth of court matters scheduled for court trial per court	Approximate ratio
217	200	1.09

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 2022, 217 all told, and the number of days' worth of court trials which were scheduled per court (a total of 200). It is shown that for every day available, 1.09 days' worth of matters were scheduled, an improvement of 0.11 points in this approximate ratio when compared to the previous year, reflecting improved scheduling efficiency for trial matters. In practical terms, this means that a relatively manageable number and duration of trials were scheduled on the Division's calendar throughout the year. It is therefore not surprising that there was a notable improvement in the trial date certainty rate in 2021. The introduction of new, advanced technology by way of the Judicial Case Management System (JCMS) to support this function is anticipated in 2022 and will have a radical impact on overall court management and scheduling practices which will potentially improve productivity and reduce delays.

Table 6.0a: Probability distribution of the incidence of adjournments/continuance for the year ended December 31, 2022

Type of Hearing	Incidence	Percentage
Case Management Conference	212	6.96
Pre-Trial Review	171	5.62
Trial in open court	401	13.17
Trial in chamber	204	6.70
Assessment of damages	158	5.19
Judgment Summons Hearing	142	4.66
Applications	1756	57.69
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 19.87% of the adjournments in the sample while case management conferences account for 6.96% but it was the incidence of adjournments at the applications stage which again took the spotlight, accounting for 57.69% of the total incidence of adjournments. Pre-trial reviews and judgment summons hearings 5.62% and 4.66% 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 6.0b: Sampling distribution of the case flow process transition summary for the year ended December 31, 2022

Sample of cases on which defences were filed	Sample of cases referred to Mediation	Sample of cases on which mediation reports were received	Average time between filing of a defence and referral to mediation [For defences filed in 2022 only]	Average time between referral to mediation and receipt of mediation report [2022 referrals only]
1836	401	422	95 days	3.91 months

*Note: The above data set represents estimated values 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 1836 cases on which defences were filed, from which 401 cases were referred to mediation and a further 422 mediation reports received, the data suggests that the estimated average time taken to return a mediation report for the matters which were referred to mediation during 2022 was roughly 3.91 months, slightly higher than the required maximum of 90 days (3 months). The data further suggests that on average it took approximately 95 days or roughly three months after a defence is filed for a matter to be referred to mediation.

When mediation reports received, regardless of year of referral are accounted for, the average time taken to receive these reports from the point of referral is an estimated 5.5 months with a wide standard deviation of 4.5 months. It is evident that the length of time taken for the mediation reports to be returned is considerably higher than the required 90 days and this is a source of delays in the already complex civil procedures, thus somewhat undermining the very purpose of mediation. This is consistent with the findings from the previous years' report. The current success rate for matters referred to mediation is less than 20%.

Table 7.0: Hearing date certainty for Assessment of damages for the year ended December 31, 2022

Hearing dates set	Dates adjourned (excluding adjournments for continuance)	Hearing date certainty (%)
937	173	81.54%

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%, a slight decline of 2.43 percentage points when compared to 2021. Continued 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 2023.

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Table 8.0: Hearing date certainty for Case Management Conferences for the year ended December 31, 2022

Hearing dates set	Dates adjourned (excluding adjournments for continuance)	Hearing date certainty
1546	240	84.48%

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 84.48% in 2022, an improvement of 0.95 percentage points when compared to 2021, representing a resilient and commendable outcome.

Table 9.0: Requisitions for the year ended December 31, 2022

Action	Frequency
Requisitions Issued	205
Responses to requisitions	33
Requisition clearance rate	16.10%
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 205 requisitions for the year. The requisition clearance rate for 2022 was 16.10% which is 11.35 percentage points higher than

the 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, 2022

Type of hearing	Frequency	Percentage (%)
Oral Examination	6	0.10
Case Management Conference	1017	16.53
Pre-trial review	879	14.28
Applications (Various)	4149	67.42
Judgment summons hearing	103	1.67
Number of cases	6154	100

The above table summarizes the distribution of case counts for matters heard in Chamber in the High Court Civil Division in 2022. It is seen that the total number of cases heard in Chamber hearings for the year was 6154, the highest proportions of which were applications of various types with 4149 cases heard or 67.42% 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. Case Management Conferences was a distant second with 620 cases or 16.53% of the listed case types heard in Chamber during the year while pre-trial reviews with 879 cases heard or 14.28% and Judgment summons hearings with 103 cases heard or 1.67% of the list rounds off the top five Chamber Hearings in 2022.

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Among the leading types of applications filed in 2022 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, 2022

Methods of Disposition	Frequency	Percent
Application Granted	402	12.5
Application Refused	30	.9
Attorney Admitted to Bar	54	1.7
Claim form expire	108	3.4
Claim Form Invalid	3	.1
Company complied	5	.2
Consent Judgment	24	.7
Consent Order	52	1.6
Damages Assessed	119	3.7
Dismissed	2	.1
Dismissed through Backlog Reduction	9	.3
Disposed 2014	1	.0
Final Order	144	4.5
Judgment	24	.7
Judgment Delivered	54	1.7
Judgment in Default of Ack. of Service	13	.4
Judgment in Default of Defence	6	.2
Judgment on Admission	4	.1
Matter Completed at Mediation	2	.1
Matter Withdrawn	20	.6
Med - Settled Fully in Mediation	15	.5
Notice of Discontinuance noted	1582	49.20
Order (Chamber Court)	52	1.6
Settled	299	9.3
Settlement Order	10	.3

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Struck Out	144	4.5
Transfer to Civil	1	.0
Transfer to Commercial	2	.1
Transfer to Criminal	1	.0
Transfer to Family division	2	.1
Transfer to Parish court	4	.1
Transfer to Estate Division	1	.0
Written Judgment Delivered	27	.8
Total	3216	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 3216 HCV cases disposed in 2022, a dramatic increase of 117.89% when compared to the previous year. The largest proportion of the cases disposed, 1582 or 49.20% were a result of notices of discontinuance, followed by the applications granted with 402 or 12.50%, while matters struck out and final orders made were next each with 144 or 4.50% and the top methods of disposition in the High Court Civil Division in 2022 was closed out by damages assessed with 119 or 3.70%. The number of High Court Civil cases disposed in 2022 exceeded the forecasted figure of 2255 by 42.62%.

Table 12.0: Time to disposition for the year ended December 31, 2022

Descriptive Statistics

Number of observations	3216
Mean	56.7537
Median	51.0000
Mode	45.0000
Std. Deviation	34.71412
Skewness	1.031
Std. Error of Skewness	.043
Range	309.00
Minimum	2.00
Maximum	311.00

One of the most important metrics, which can be used in assessing the efficiency of case handling, is the time to disposition. An understanding of this measure is crucial to influencing both internal and external policies, necessary to bolster the timely delivery of justice. The above table provides crucial insights on the average time to disposition of matters in the HCV Division for 2022. The 3216 cases disposed in the year reveal an estimated average time to disposition was 56.75 months or roughly 4 years and 9 months. The oldest matter disposed in the year was 311 months old or roughly 26 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 51 months while the mode was 45 months. The positive skewness of roughly 1.03 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.

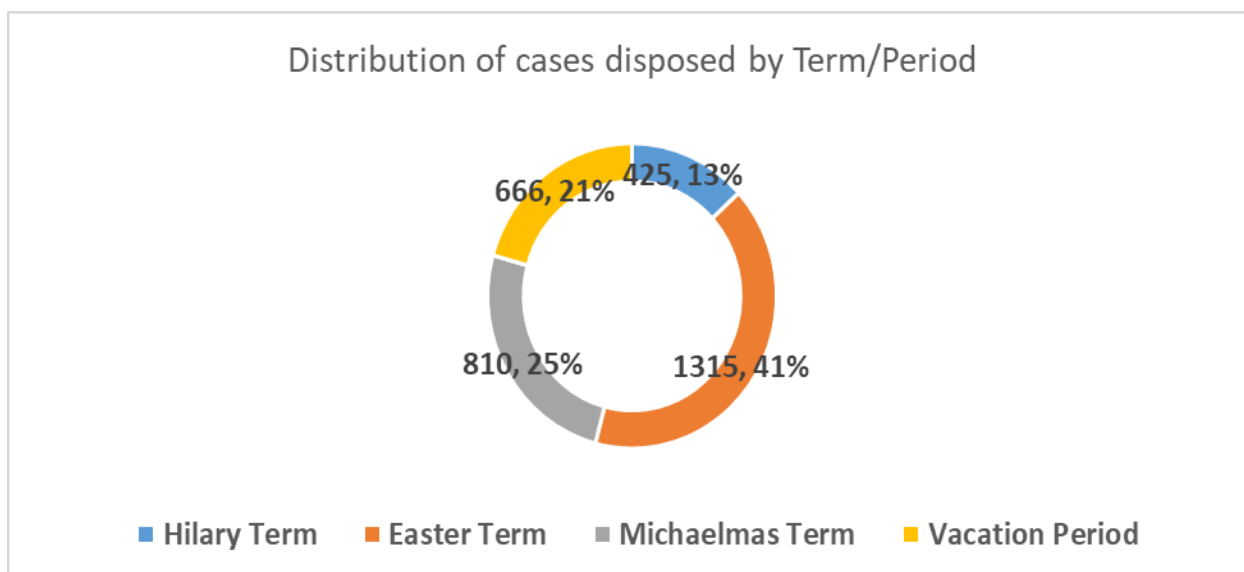
Table 13.0: Breakdown of time to disposition for the year ended December 31, 2022

Date Interval	Frequency	Percent
0 – 12	334	10.4
13 – 24	326	10.1
25 – 36	227	7.1
37 – 47	378	11.8
48 & over	1951	60.7
Total	3216	100.0

The above table provides a more detailed breakdown of the average time to disposition. It is seen that of the 3216 matters disposed in the year, the largest proportion, 1951 or 60.70% took four years or more to be disposed. 334 cases or roughly 10.40% of the cases disposed took a year or less while 326 or 10.10% 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 11.80% and the 25 – 36 months' interval with 7.10% of the disposals. It is of note that roughly 20.50% of the matters disposed of in 2022 took two years or less, compared to approximately 79.50%, 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 2022.

Chart 3.0: Dispositions by Term in the HCV Division for December 31, 2022



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 3216 cases disposed of in the High Court Civil Division during 2022. The Easter Term accounted for the highest proportion of cases disposed with 1315 or 41%. 810 or 25% of the cases resolved were disposed in the Michaelmas Term, while 666 or 21% were resolved in the vacation period and the remaining 425 or 13.0% were disposed during the Hilary Term.

Table 14.0: Clearance rate for the year ended December 31, 2022

Cases filed	Cases disposed	Case clearance rate
4076	3216	78.90%

***130 or 4.04% of the cases disposed, originated in 2022**

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 2022, the High Court Civil Division recorded a case clearance rate of 78.90%, representing an unprecedented 52.19 percentage points increase when compared to the previous year. 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 case clearance rate represented the highest on record for this Division and is 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. The 2022 results are very encouraging.

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**

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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 2022

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 (%)
3216	9464	0.34	1059	650	2566	20.50	79.50

The results in the above table show a case turnover rate of 0.34, which is an indication that for every 100 cases, which were ‘heard’ in 2022 and still active at the end of the year, another 34 were disposed, an improvement of 22 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 3042 days to be disposed, barring special interventions or other unanticipated circumstances.

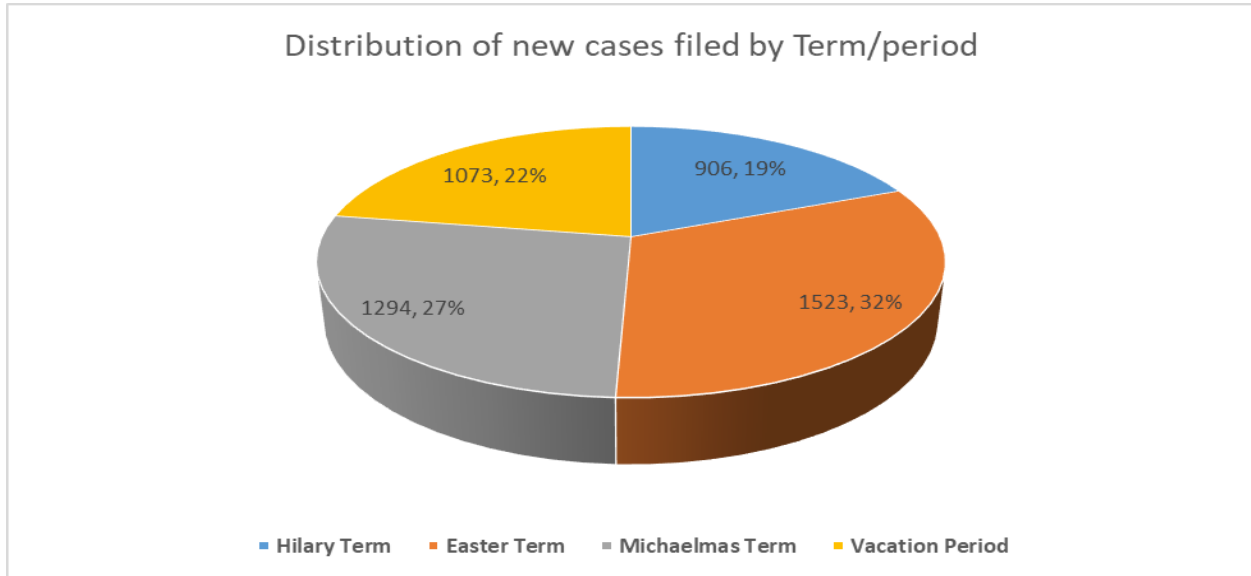
A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. Based on this general criterion, a case that is resolved within two years is considered to

have been resolved on time. The on time case-processing rate for the High Court Civil Division in 2022 is 20.50%, 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 79.50%, an indication that an estimated annual proportion of 80% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. The results suggest that of the 9464 cases, which had some court activity in 2022 and were still active at the end of the year, roughly 7,524 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 2022.

Chart 4.0: Distribution of cases filed in the Matrimonial Division in 2022

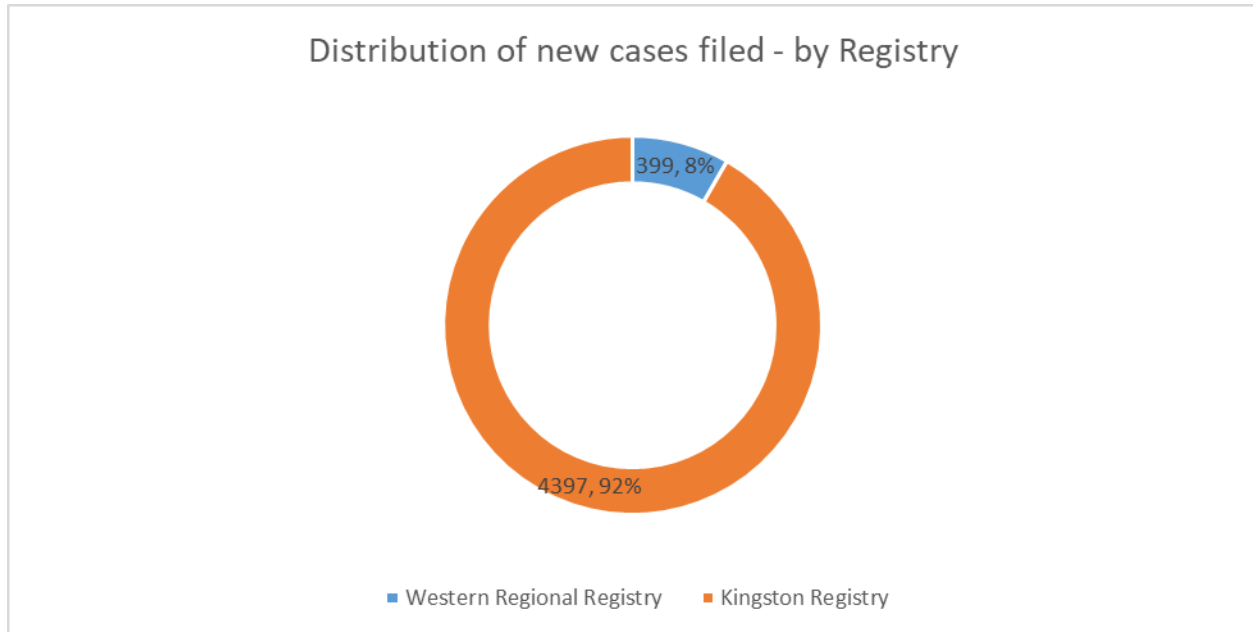


Total number of new cases filed in the Matrimonial Division (N) = 4381

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 4796 new Family cases were filed in 2022, an increase of 9.47% when compared to 2021. The above chart shows that largest proportion of Family cases filed in 2022 occurred during the Easter Term, which accounted for 32% or 1523 cases. This was followed by approximately 27% which were filed in the Michaelmas Term and 22% in the vacation period. The Hilary Term accounted for the remaining 19% of the new cases filed.

Chart 5.0: Distribution of new cases filed in the Matrimonial Division, by Registry in 2022



The above chart summarizes the distribution of new cases filed in the Matrimonial Division in 2022 at the Kingston and Western Regional Registries respectively. It is shown that 4397 or 92% of the new cases filed took place at the Supreme Court Registry in Kingston while the remaining 399 or 8% were filed at the Registry in Montego Bay. The Kingston Registry saw a growth of 33.44% in the number of new cases filed while the Western Regional Registry experienced a fractional increase of 1.27%

It is of note that as a whole, 33.38% of the Matrimonial cases filed involved children while 0.17% were petitions for nullity.

Table 16.0: Petitions filed for the year ended December 31, 2022

Type of petition	Frequency	Percentage (%)
Petition for dissolution of marriage	4341	54.53
Amended petition for dissolution of marriage	3612	45.37
Petition for Nullity	8	0.10
Total Petitions filed	7961	100
Number of amendments per petition	0.83	

*Includes petitions involving children

The above table summarizes petitions filed in 2022. It is shown that a total of 7961 Petitions (new or amended) were filed, 4341 or 54.53% 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 0.83 or in other words for every 100 Petitions for dissolution of marriage there is roughly 83 amended Petitions for dissolution of marriage in 2022, a slight worsening of 6 percentage points when compared to the previous year. Both the number of petitions and the number of amended petitions increased in 2022, the former increasing by 2.60% and the latter by 11.31%. The Family Division continued to make generally good strides in 2022 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.

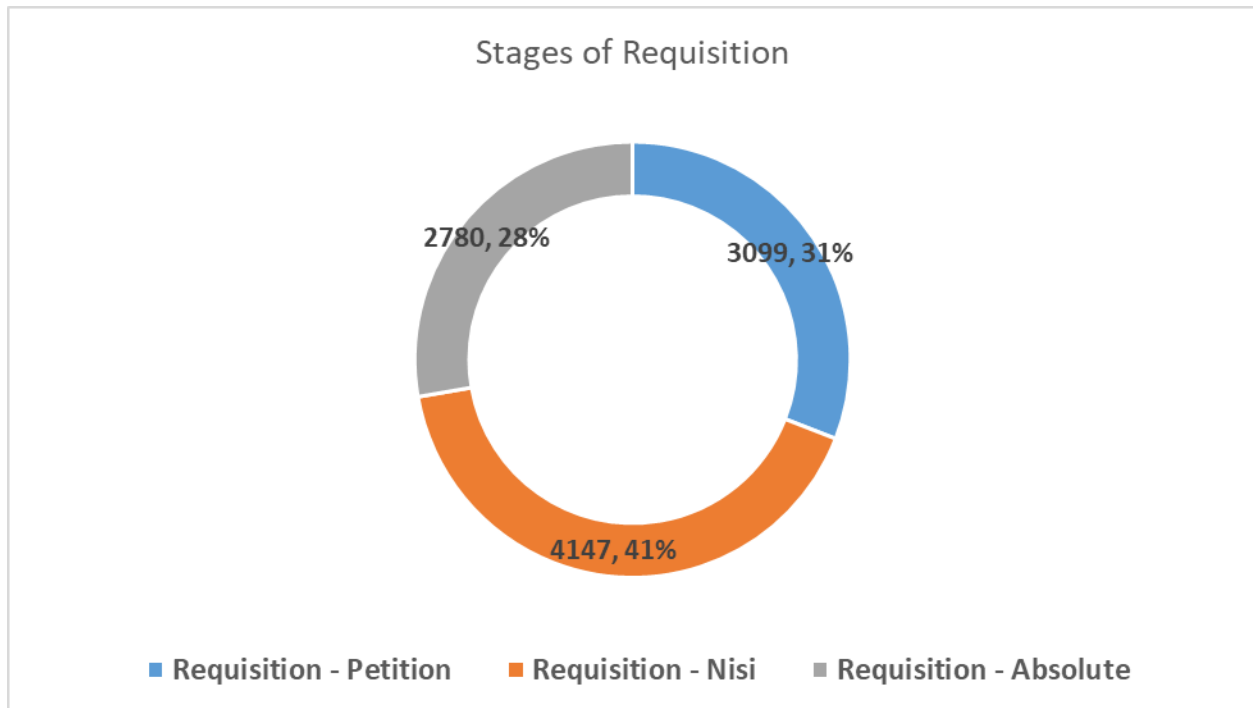
Table 17.0: Decrees Nisi and Decrees Absolute filed for the year ended December 31, 2022

Case Status	Frequency
Decree Absolute	5753
Decree Nisi for dissolution of marriage	5992
Decree Nisi for nullity of marriage	15
Total	
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 2022, an improvement of 6 percentage points when compared to 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 fell by 7.73% while the number of Decrees Nisi filed increased by 7.73%. 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, 2022



The data suggests that a total of 10026 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 1.97% when compared to 2021. The number of requisitions filed at the petition stage increased by 11.43% when compared to 2021 while the number filed at the Decree Nisi increased by 3.33%. The number of requisitions filed at the Decree Absolute stage fell by 0.69%. The overall increases in the number of petitions filed is partly associated with the general increase in case activity in the family Division in 2022. 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 41% incidence while petitions filed at the Decrees Absolute and Petition stages accounted for 28% and 31% respectively of the total. The data

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continues to suggest that specific interventions are needed particularly at the stage of Decrees Nisi in order to bolster the speed of disposition of matters by reducing the incidence of requisitions. Operational measures currently being pursued should contribute to continued gains in this area in 2023. 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, 2022

Methods of Disposition	Frequency	Percent
Agreed to pay by installment	3	.1
Claim form expire	1	.0
Decree Absolute Granted	3110	84.5
Decree Nullity Granted	2	.1
Dismissed	3	.1
Final Order	41	1.1
Finalized by death of Petitioner	3	.1
Finalized by death of Respondent	1	.0
Matter Discontinued	6	.2
Matter Withdrawn	4	.1
Notice of Discontinuance noted	206	5.6
Settled	2	.1
Settlement Order	1	.0
Struck Out	33	.9
Transfer to family division	2	.1
WR Decree Absolute Granted	251	6.8
WR Notice of Discontinuance noted	13	.4
Total	3682	100.0

NB: WR means Western Regional Registry

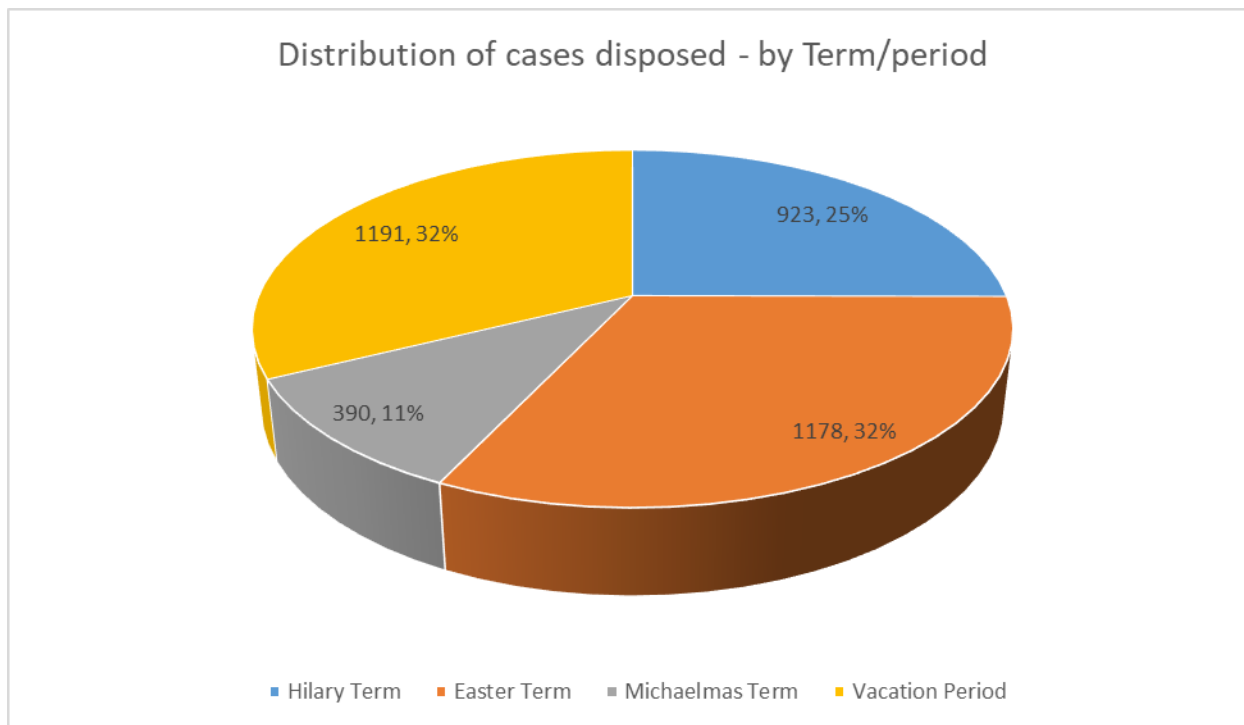
NB: 490 or 13.31% of the cases disposed in 2022 were originated in said year.

The above table reveals that 3682 Matrimonial cases were disposed in 2022, a decline of 4.59% when compared to 2021. A proportion of 91.30% or 3361 were attributable to Decrees Absolute Granted while 219 or 6.00% were due to Notices of Discontinuance filed, accounting

for the top two methods of disposition in 2022. Matters disposed by final order and matter struck out accounted for the next largest proportions of the methods of disposition with 1.10% and 0.90% respectively of the methods of disposition. It is of note that 490 or 13.31% of the cases disposed of in 2022, actually originated in said year, an impressive improvement of 119% when compared to 2021. This further represents 13.30% of the new cases filed in 2022, a decline in proportion of 1.91 percentage points when compared to 2021. The ongoing process flow re-engineering and enhanced engagement of stakeholders should continue to drive improvements in this area in 2023 and by the end of 2023 it is likely that up to 20% 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 3418 or 92.83% of the 3682 family cases disposed were attributable to the Kingston Registry while 264 or 7.17% were accounted for by the Western Regional Registry in Montego Bay. The Kingston Registry experienced a decline in cases disposed while the Western Regional Registry saw a partial increase.

Chart 7.0: Distribution of cases disposed in the year ended December 31, 2022



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 3682 cases, which were disposed, the largest proportion were disposed in the vacation period and the Easter Term, each with roughly 32%. The Hilary Term with 923 or 25% of the disposed cases is next, followed by the Michaelmas Term with 390 or 11%.

Table 19.0: Requisitions summary for the year ended December 31, 2022

Action	Frequency
Requisitions Issued	10419
Number of requisitions per 100 files	104
Number of responses to requisitions	3794
Requisition response rate	36.41%

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The incidence of requisitions is especially important in assessing the efficiency with which Family matters move through the court system. A total of 10419 requisitions were issued in 2022, an increase of 5.97% when compared to 2021. This produces a ratio of cases filed to requisitions of 1.04 which suggests that for every 100 cases filed on which there was activity in 2022, there were 104 requisitions, an increase/worsening by 3 percentage points when compared to the previous year. The number of responses to requisitions fell by roughly 21.96 percentage points when compared to 2021, but this is expected to improve in 2022 as the overall efficiency of the Family Registry continues tends towards an optimal point, buoyed by the influx of more human capital and gains from greater efficiencies in labour specialization.

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/	Receive document and record skeleton party and document information in JEMS	2	3	3	1
	Enter and scanning of documents in JEMS	3		3	
	Update of case party information in JEMS				
	Retrieve file and maintain filing	0		2	

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Decree Nisi/ Decree absolute	room (Records officer)				
	Sorting of manual documents – punching and placing of documents on file, writing of party information and suit number on file jacket	0	3	4	1
	Record in JEMS file location and move manual file to physical location. Updating and scanning of signed petition in JEMS. Issuing notice via email.	0	3	2	1
	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

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	Mandatory waiting period between granting of decree nisi and application for decree absolute		30		30
Stage 3					
Stage 3	Task				
Decree Absolute	Vetting of Decree Absolute by Senior officer	0	14	2	7
	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 relived 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, 2022

Action	Frequency	Percentage (%)
Applications	676	66.14
Case Management Conference	219	21.43
Motion Hearing	31	3.03
Pre-trial Hearing	18	1.76
Trial	78	7.63
Total	1022	100

The above table shows the distribution of the types of matters brought before the Court for the period under examination. The data shows that an incidence of 1022 hearings either before open court or chamber, an increase of 32.73% when compared to 2021. The largest proportion, 676 or 66.14% were applications followed by 219 or 21.43%, which were Case Management Conference (CMCS) matters. The event with the third highest incidence in this category is

motion hearings, which accounts for 53 or 6.88% of the total. Trials with 42 or 5.45% and Expedited Applications with 31 or 3.03% 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 four types of applications in the year ended December 31, 2022

Application type	Frequency	Percentage (%)
Application for division of property	40	5.90
Applications to be appointed legal guardian	27	4.00
Application for maintenance	22	3.30
Application to declare entitlement to property	22	3.30
Application for declaration of paternity	21	3.10

Further analysis of the types of application brought before the Court suggests that applications for division of property with 40 or 5.90% accounted for the largest share. This is followed by applications for appointment of legal guardian with 27 or 4.00% of the observations, while applications for maintenance with 22 or 3.30% and applications for entitlement to property with 22 or 3.30% each of the applications round off the top four applications in the sample. These top five application types which are listed account for roughly 19.60% of the applications in the Family Division in 2022.

Table 23.0: Leading reasons for adjournment for the year ended December 31, 2022

Reasons for Adjournment	Frequency	Percentage (%)
Claimant/applicant to file documents	133	31.90
Claimant's attorney needs time to take instruction	33	8.0
Parties having discussion with a view to settlement	31	7.50
Part Heard in Progress	30	7.30
Applicant to file documents	19	4.60
Claimant's application not served or part served	19	4.60
Matter left off the court list	13	3.10
Wrongly listed	13	3.10
Pending the outcome of another application	12	2.90

Total incidence of adjournments (N) = 413

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 413 incidence of adjournments in the Family Division for chamber and open court hearings in 2022, representing an increase of 5.63% when compared to 2021. The largest proportion of these adjournments were for claimants to file documents with 133 or 31.90%, claimant's attorney needs time to take instructions with 33 or 8.0% and parties having discussions with a view to settlement with 31 or 7.50% rounding off the top three incidence. The listed reasons for adjournment account for 70.10% of the total incidence of adjournments in 2022. 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, 2022

Court/Chamber hearing dates set	Hearing dates Date adjourned	Hearing date certainty rate (%)
1022	306	70.06%

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 1022 combined incidence of Court and Chamber hearings in 2022, 306 were adjourned for reasons other than intrinsic procedural factors. This produces a moderate 70.06% hearing date certainty rate, an increase of 3.61 percentage points when compared to 2021. For every 100 hearing dates scheduled, the approximate number that proceeded without adjournment in 2022 is 70. When trial matters are isolated, the trial date certainty rate is 65%, a 5.06 percentage points improvement when compared to 2021.

Table 25.0: Time to disposition for the year ended December 31, 2022

Descriptive Statistics (in months)

Number of observations	3682
Mean	24.3368
Median	16.0000
Mode	11.00
Std. Deviation	29.73110
Skewness	4.718
Std. Error of Skewness	.040
Range	418.00
Minimum	3.00
Maximum	421.00

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The overall average time to disposition of all cases resolved in the Family Division in 2022 is roughly 24 months. The modal/most frequently occurring time to disposition was however eleven months and the median 16 months. The 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 35 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 30 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, 2022

Months	Frequency	Percent
0 - 12	1491	40.5
13 - 24	1254	34.1
25 - 36	398	10.8
37 - 47	190	5.2
48 & over	349	9.5
Total	3682	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 Matrimonial matters in 2022. It is seen that of the 3682 matters disposed in 2022, the largest proportion, 1491 or roughly 40.50% were disposed within a year, followed by the 1254 or

34.10% which were disposed in 13 – 24 months. Taken together this result suggests that 2745 or 74.60% of Family Division matters which were disposed during the year were done in two years or less from the time of initiation. This is an improvement of 1 percentage point when compared to 2021. 398 or roughly 10.80% of all Family matters disposed in 2022 took between 25 and 36 months to be disposed. It is of note that 349 or 9.50% of the cases disposed in the Family Division in 2022 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 circumstances, Family cases can be disposed within 4-6 months after filing, however in 2022 less than 15% 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.

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Table 27.0a: Case clearance rate for the year ended December 31, 2022

Cases filed	Cases disposed	Case clearance rate
4796	3682	76.77%

* It is of note that 490 or 13.31% of the cases disposed of in 2022, actually originated in that year. This further represents a mere 13.30% of the new cases filed in 2022, a decline in proportion of 6.04 percentage points when compared to 2021.

The above table shows that there were 4796 new cases filed in 2022 while 3682 were disposed. This produces a case clearance rate of 76.77%, suggesting that for every 100 new cases; roughly 77 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 11.31 percentage points drop in the clearance rate when compared to 2021. The number of family cases disposed in 2022 is 4.39% 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, 2022 (by registry location)

Registry location	Number of new cases filed	Cases disposed	Case clearance rate
Kingston Registry	4397	3418	77.73%
Montego Bay Registry	399	264	66.17%

The above table shows that when the case clearance rate is done by registry location, the Family Registry in Kingston cleared roughly 78 cases for every 100 new cases filed while the Western Regional Registry in Montego Bay cleared approximately 66 for every 100 cases filed. The clearance rate for the Kingston Registry is roughly 13.34 percentage points lower than it

was in 2021 while the Western Regional Registry recorded an increase of 5.46 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 2022. These measures are summarized in the table below:

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Table 28.0: Selected performances metrics for the Family Division in 2022

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 (%)
3682	6737	0.55	553 days	2745	3682	74.60	25.40

The results in the above table show a case turnover rate of 0.66, which is an indication that for every 100 cases, which were handled in, 2022 and still active at the end of the year, another 55 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 664 days or roughly 1.82 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 2022 is approximately 74.60%, which reflects the proportion of Family cases in 2022, which were disposed within 2 years. Conversely, the proxy case backlog rate is 25.40%, 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 6837 cases, which had some court activity in 2022 and were still active at the end of the year, 1737 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.

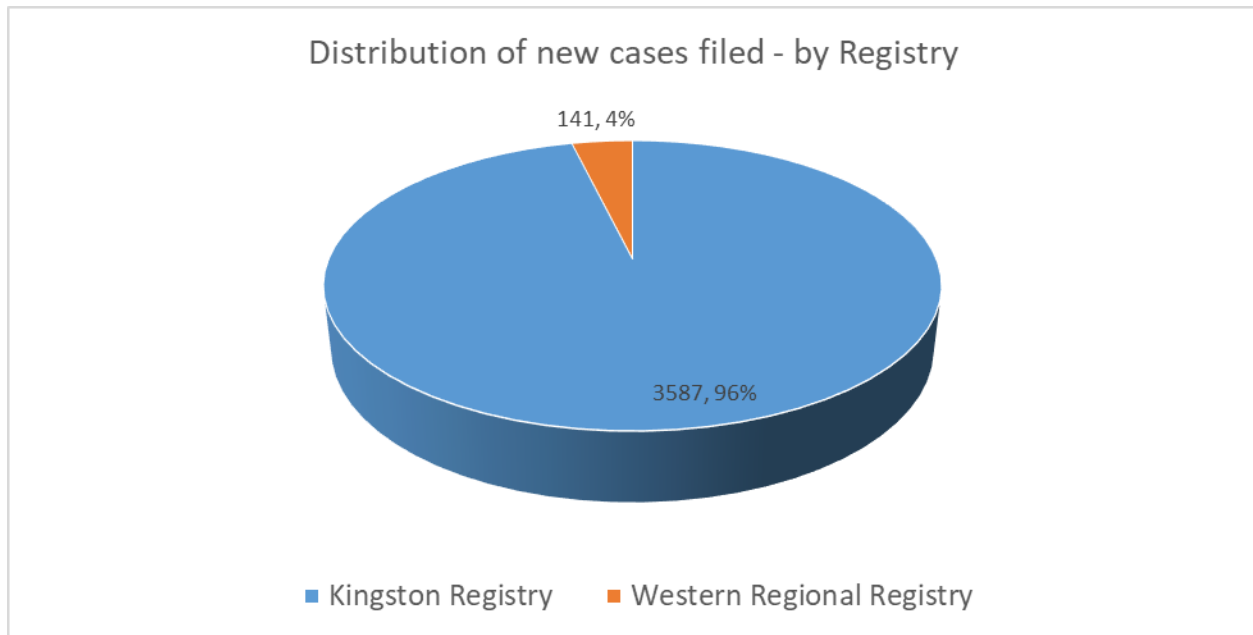
CHAPTER 3.0: ESTATE DIVISION

This section turns to the analysis of the progression of matters in the Estate Division for the year ended December 31, 2022.

A total of 3728 new Estate cases were filed in the Estate Division in the year ended December 2022, an increase of 14.64% when compared to 2021. 141 of these new cases were filed at the Western Regional Registry, an increase of 2.92% when compared to the previous year while the remaining 3587 were filed at the Registry in Kingston. The output for the Kingston Regional Registry represents a 15.15% increase in the number of new cases filed when compared to 2021. The number of new estate cases filed in 2022 is 23.24% above the 3025 which were forecasted at the beginning of the year. The Estate Division has seen progressive increases in the number of new cases filed over the past 18 months due to the fact that a number of open court cases which were formerly heard in the High Court Civil Division are now rightly dealt with in the Estate Division as part of the Chief Justice's reforms to create greater specialization and efficiency.

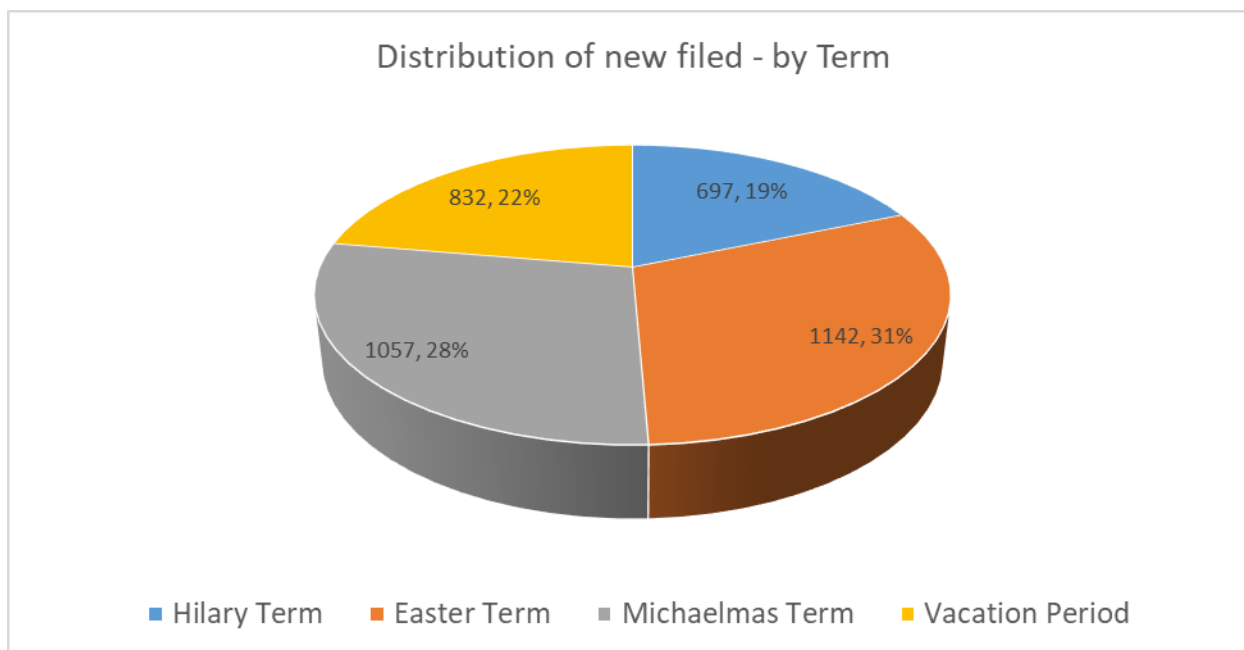
Separately, there were 357 instruments of administration filed in 2022, representing 8.57% of all new matters handled by the Estate Division during the year. A further 82 or 1.97% of the new matters handled by the division during the year were in relation to requests for Parish Court Certificates. The 3728 new estate cases filed in 2022 represent 89.466% of new matters handled by the Division.

Chart 8.0: Distribution of Estate cases filed, by Registry in the year ended December 31, 2022



As shown in the above chart, 3587 or 96% of the new Estate cases filed in 2022 took place at the Registry in Kingston while the remaining 141 or 4% were filed at the Western Regional Registry in Montego Bay. This percentage distribution is exactly the same as the results in 2021.

Chart 9.0a: Distribution of cases file by Term/period in the year ended December 31, 2022



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 2022.

The largest proportion of new cases was filed in the Easter Term with 1142 or 31%, followed by the Michaelmas Term which accounted for 1057 or 28% and the vacation period with 832 or 22% of the new cases filed during the year. The Hilary Term accounted for the lowest share of the new cases filed during the year with 697 or 19% of the new cases filed during the year.

Table 29.0: Summary of Oaths filed during the year ended December 31, 2022

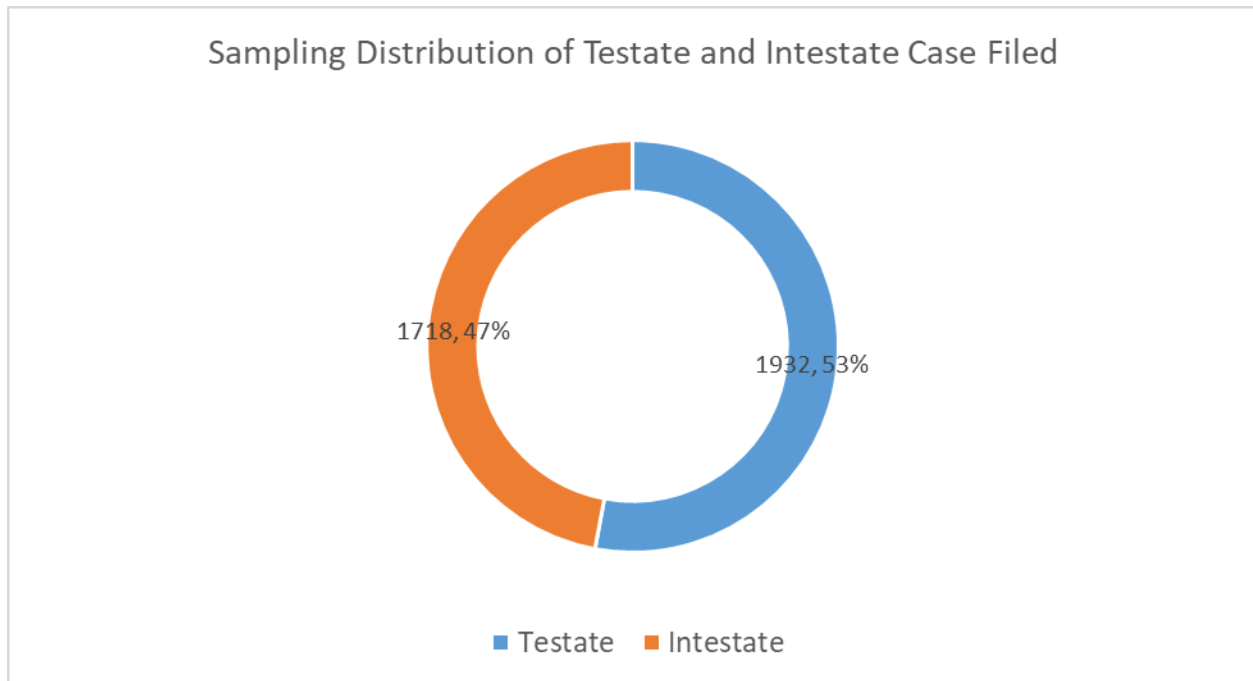
Oaths	Frequency	Percentage (%)
Supplemental Oaths	3160	41.78
Oaths	3728	54.12
Total	6888	100
Ratio	0.77	

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The above table suggests there were a total of 6888 combined Oaths and supplemental Oaths filed in 2022, of which 3728 or 54.12% were initial Oaths filed, compared to 3160 or 41.78% which were Supplemental Oaths. The ratio of Oaths to Supplemental Oaths is 0.77, which suggests that for every 100 Oaths there were 77 Supplemental Oaths filed during the year, an improvement of 10 percentage points when compared to 2021. 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.

In 2019 the Deputy Registrar of the Estate Division was empowered to sign grants and thus dispose of Probate and Administration cases. Formerly, this officer could grant a probate but the final sign-off which completes the case rested with the office of the Registrar. It has become increasingly evident that this strategic move is contribute markedly to reducing the average time taken to dispose of estate cases through improving the overall efficiency of the case flow progression.

Chart 9.0b: Sampling Distribution of Testate and Intestate cases filed as at December 31, 2022



Sample size = 3650

The above chart shows that an estimated 47% of the new cases filed in the Estate Division in 2022 were Testate matters (matters with a Will in place prior to death) and 53% were Intestate (having no Will in place). These estimates were derived using a sample of 3650 cases filed in 2022 and is similar to the distribution for 2021.

Table 31.0: Action sequence for the year ended December 31, 2022

Action Status	Frequency
*Granted	2575
*Grants Signed	2395
Ratio of Granted Applications to Grants Signed	0.93

** Some of these relate to cases originating before 2022. *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

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above data we elucidate the ratio of granted applications to Grants signed which reveals a ratio of 0.93, suggesting that for every 100 granted applications, there were 93 Grants signed (though not necessarily from the number granted). This is a decline of 3 percentage points when compared to 2021 but is by any measure an outstanding result.

Table 32.0: Case action and requisitions summary for the year ended December 31, 2022

Action Status	Frequency
Number of cases actioned	5531
Requisitions Issued	1872
Number of responses to requisitions	4278
Number of requisitions issued per case file	34
Requisitions clearance rate	228.53%
Average days between final requisition filed and Grant of Probate/Administration	22

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 1872 requisitions issued while 5531 individual matters were actioned in the period, representing a ratio of 0.34 requisitions per case file actioned. This means that for every 100 cases actioned there were 34 requisitions issued, a notable improvement of 53 percentage points when compared to 2021. 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 even shorter disposal times and higher case clearance rates. There were 4278 responses to requisitions in the Estate Division in 2022, producing a requisitions response rate of 228.53%, an improvement of 156.27 percentage points when compared to the previous year. Further analysis suggests that the

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average time from the issuing of final requisitions to the Grant of Probate was 20 days, an improvement of 1 day when compared to 2021. There was a decrease of 100.91% in the number of requisitions issued in 2022 when compared to the previous year while the number of responses filed to requisitions issued increased by 6.26% over the same period.

Table 33.0: Methods of Disposal for the year ended December 31, 2022

Methods of Disposition	Frequency	Percentage (%)
Application Granted	45	1.6
Application Refused	1	0.0
Claim form expire	2	0.1
Consent Order	2	0.1
Grant ad collegenda Bona signed	2	0.1
Grant by Representation signed	2	0.1
Grant of Admin De Bonis Non signed	17	0.6
Grant of Admin De Bonis Non W/A signed	16	0.6
Grant of administration signed	1237	45.0
Grant of Double Probate signed	10	0.4
Grant of probate signed	1028	37.4
Grant of Resealing signed	83	3.0
Letters of Administrator with W/A signed	85	3.1
Matter Withdrawn	3	0.1
Notice of Discontinuance noted	114	4.1
Struck Out	2	0.1
Witness Summons Issued	1	0.0
WR Grant of administration signed	72	2.6
WR Grant of probate signed	23	0.8
WR Grant of Resealing signed	3	0.1
WR Notice of Discontinuance noted	1	0.0
Total	2749	100.0

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

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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 2749 cases disposed in 2022, an increase of 8.28% when compared to 2021. The largest proportion, 2395 or 87.12% 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 115 or 4.18% and 45 or 1.64% respectively. Grants of Administration signed and Grants of Probate signed with 1309 or 47.62% and 1028 or 37.40% accounts for the largest share of Grants Signed. Separately, the Estate Division issued 23 Parish Court Certificates in 2022. The Estate Division also exceeded the forecast for case dispositions by 4.37% in 2022.

Table 34.0: Dominant reasons for adjournment of Estate matters for the year ended December 31, 2022

Reasons for adjournment	Frequency	Percentage (%)
Claimant to file documents	83	29.70
Claimant's documents not served or short served	30	10.80
Claimant's application document not in order	20	7.20
No parties appearing	17	6.10
Defendant to file documents	16	5.70
To produce documents	10	3.60
File not found	9	3.20
Claimant to comply with order	9	3.20
Matter referred to mediation	8	3.20
Claimant's attorney absent	6	2.20
Sub-Total	208	74.90

Total number of adjournments = 279

The top ten reasons for adjournment for Estate matters that went to court in 2022 are summarized in the above table above. It is shown that of the 279 incidence of adjournments in the period, the largest proportion were for the reasons of 'claimant to file documents' which

accounted for 83 or 29.70% of the total. This was followed by adjournments due to claimant’s documents not served or short served and claimant’s application not in order with 10.80% and 7.20% respectively of the total number of adjournments. The top five reasons for adjournment is rounded off by no parties appearing and defendant to file documents with 6.10% and 5.70% 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, 2022

Variable	Frequency
Applications	522
Corresponding number of cases	277
Number of applications per case	1.88

The above table reveals that 522 applications were filed in the Estate Division in 2022 corresponding to 277 cases, thus revealing a number of applications per case of roughly 1.9. 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: Top four types of applications for the year ended December 31, 2022

Application	Frequency	Percentage (%)
Application to prove copy will	169	27.93
Application for directions	39	6.45
Application to be declared spouse	30	
Applications to revoke grant	7	1.16

Sample size = 605 applications

The above provides a deeper analysis of the dominant types of applications made in 2022. It is shown that applications to prove copy will account for the largest proportion of applications with 169 or 27.93% of the total, followed by applications for directions with 39 or 6.45% of the total number of applications. The top four types of applications are rounded off by applications to revoke Grants and applications to admit Copy Will.

Table 37.0: Hearing date certainty for the year ended December 31, 2022

Court/Chamber hearing dates set	Hearing dates adjourned (excluding continuance)	Hearing date certainty (%)
605	145	76.03

The above table addresses the extent of adherence with dates set for court/chamber matters in the Estate Division for 2022. It is shown that there were 605 incidences of dates scheduled for Chamber or Court, 145 of which were adjourned for reasons other than ‘continuance’. This produces an overall hearing date certainty rate of 76.03%, an indication that for 2022 there was a roughly 76.03% chance that a matter set for court would proceed without the date being adjourned. This is an increase of roughly 5.80 percentage points when compared to 2021. When trial matters are isolated, the trial date certainty rate is roughly 63%, 3 percentage points above the figure in 2021.

Table 38.0: Age of matters disposed for the year ended December 31, 2022

Descriptive Statistics (in months)

Number of observations	2749
Mean	17.9578
Median	11.0000
Mode	10.00
Std. Deviation	25.43752
Skewness	6.034
Std. Error of Skewness	.047
Range	400.00
Minimum	1.00
Maximum	401.00

The above table provides a summary measure of the overall estimated times to disposition for the 2749 cases disposed during the year. The estimated average time to disposition is roughly 18 months or approximately 1.5 years, slightly higher than the previous year's figure of 1.4 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 11 months and the most frequently occurring time to disposition of just 10 months. The reasonably large standard deviation of 25.44 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 33 years old while there were a few matters, which took under two months to be disposed, representing the lowest times to disposition in the year. Of the 2249 Estate cases disposed of in 2022, an impressive 1025 or 45.58% originated in that year, roughly 7.45 percentage point better than 2021.

Table 39.0: Breakdown of times to disposition for the year ended December 31, 2022

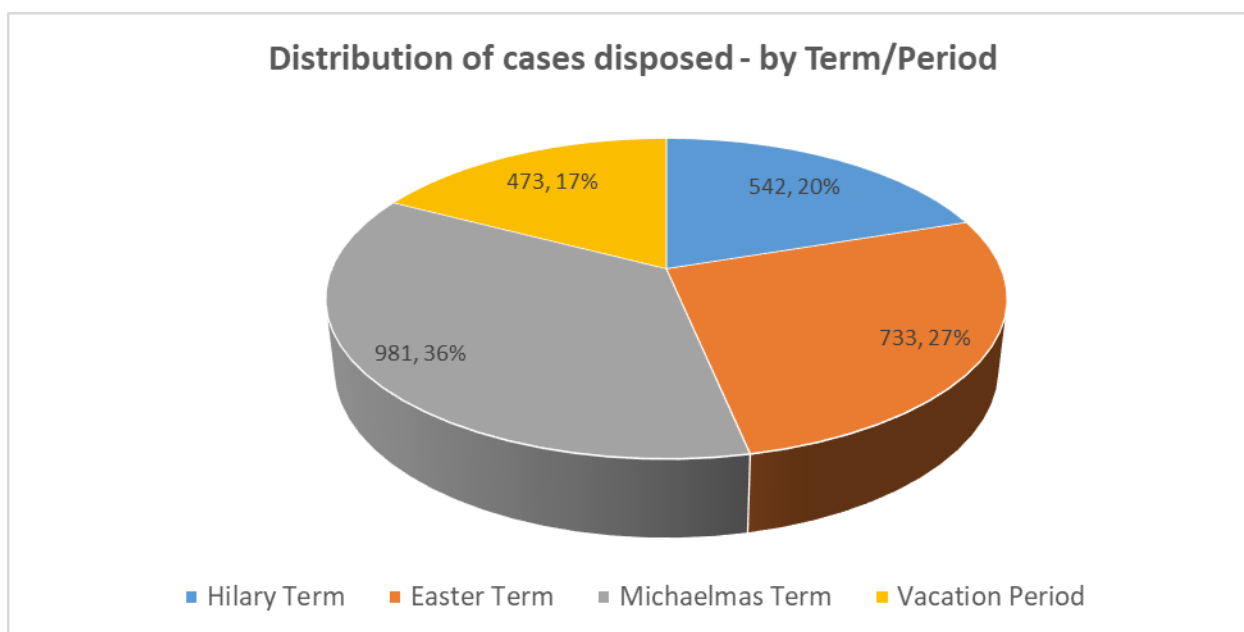
Date Interval	Frequency	Percent
0 - 12	1825	66.4
13 - 24	561	20.4
25 - 36	145	5.3
37 - 47	64	2.3
48 & over	154	5.6
Total	2749	100.0

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 2749 estate matters disposed in the year, the majority, 1825 or 66.40% were disposed of in 12 months or less, followed by 561 or 20.40%, which were disposed of within a time interval of 13 to 24 months. Taken together this data suggests that an impressive approximated 86.80% of Estate Division matters which were disposed of in 2022 took two years or less. 5.30% 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 5.60% 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 2022 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 2022



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 981 or 36% of the total, just ahead of the Easter Term with 733 disposals or 27% of the total, while the Hilary Term with 542 or 20% of the disposals rank next. The vacation periods accounted for the lowest share of cases disposed with 473 or 17.0%.

Table 40.0: Case clearance rate for the year ended December 31, 2022

Cases filed	Cases disposed	Case clearance rate
3728	2749	73.74%

**1025 or 45.58% of the cases disposed originated in 2022, roughly 7.45 percentage point better than 2021. 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 73.74% is derived, a decline of 4.37 percentage points when compared to 2021. The result suggests that for every 100 cases filed and active in the 2022, roughly 74 were disposed. The Division experienced gains in the number of cases disposed in 2022 but this was outpaced by the increase in the number of new cases filed, hence the fall in the case clearance rate. The Estate Division has seen a sharp increase in the number of new cases filed due to the fact that a number of open court cases which were formerly heard in the High Court Civil Division are now rightly dealt with in the Estate Division as part of the Chief Justice's reforms to create greater specialization and efficiency.

The Estate Division continued its process flow re-engineering throughout 2022 and the improvements are expected to reap significant economies of scale in the short run, further reinforcing the position of the Division among the top performing business units in the Supreme Court and creating the impetus necessary to attain the performance targets which have been set out by the Honourable Chief Justice 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 41.0: Selected performances metrics for the Estate Division in 2022

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 (%)
2749	2782	0.99	369	2386	2749	86.80	14.20

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The results in the above table shows a case turnover rate of 0.99, which is an indication that for every 100 cases, which were 'heard' in 2022 and still active at the end of the year, another 99 were disposed, an improvement of 25 percentage points when compared to 2021. 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 369 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 2022 is 86.80%, which reflects the proportion of cases in 2022, which were disposed within 2 years. Conversely, the case backlog rate is 14.20%, an indication that an estimated annual proportion of roughly 14% of cases are 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 2782 cases, which had some court activity in 2022 and were still active at the end of the year, 389 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 2022.

Table 42.0: Top 10 new charges brought for 2022

Charge	Frequency	Percentage (%)
Murder	162	17.10
Sexual intercourse with a person under 16	123	12.90
Rape	108	11.40
Illegal possession of firearm	107	11.30
Illegal possession of ammunition	57	6.00
Grievous Sexual Assault	45	4.70
Conspiracy to Murder	30	3.20
Wounding with intent	29	3.10
Indecent Assault	23	2.40
Being part of a criminal organization	20	2.10

Total number of charges brought (N) = 950

The above table summarizes the distribution of top six charges associated with cases brought in 2022. There were **321 new cases filed** at the Home Circuit Court during the year, representing **950 charges**, a ratio of roughly 30 charges for every 10 new cases, an increase 11 charges for every 10 cases when compared to 2021. The number of new cases filed represents a 5.25% increase when compared to 2021. It is shown that of these 905 charges, the largest proportion, 162 or 17.10% were sexual intercourse with a person under 16 matters. This is followed by sexual intercourse with a person under 16 and rape with 123 or 12.90% and 108 or 11.90% respectively of the total. Illegal possession of firearm with 107 or 11.30% of the total and illegal

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possession of ammunition with 57 or 6.00% respectively of the new charges filed rounds off the top five charges filed in the Home Circuit Court during the year. Sex related charges continue to occupy the largest share of the new matters filed, accounting for over 40% of this stock in 2022. The top 10 charges filed, accounts for 74.20% of the total. It was forecasted at the beginning of 2022 that 345 new criminal cases would be filed in the Home Circuit Court during the year, however the 321 which were actually filed is 6.96% below the forecasted figure.

1267 criminal cases, which is the equivalent of 5611 charges, had some activity in the Home Circuit Court in 2022, the oldest of which dates back to 1996. This case activity outcome represents an 7.65% decrease when compared to 2021. The below chart provides a breakdown of the number of criminal cases brought, by Term.

Table 43.0: Leading reasons for adjournment/continuance for the year ended December 2022

Reason for adjournment	Frequency	Percentage	Stage of matter
Defence and Prosecution to engage in discussion	253	5.80	Case Management
To Settle Legal Representation	226	5.20	Case Management
Defense Counsel Absent	199	4.60	Case Management
For Disclosure	157	3.60	Case Management
Defence Counsel Needs Time to Take Instruction	140	3.20	Case Management
Statement Outstanding	133	3.40	Case Management
For I/O to attend court	119	2.70	Case Management
Forensic Certificate Outstanding	113	2.60	Case Management
Ballistic Certificate Outstanding	95	2.20	Case Management
For File to be Completed	91	2.10	Case Management

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For Bail Application	88	2.00	Case Management/Trial
Other Documents Outstanding	88	2.00	Case Management/Trial
For Antecedence	77	1.80	Case Management/Trial
CPCD Outstanding	76	1.70	Case Management/Trial
Matter not reached	76	1.70	Case Management/Trial
Witness cannot be located	71	1.60	Case Management/Trial
Accused did not appear	67	1.50	Case Management/Trial
Crown to take Instructions	65	1.50	Case Management/Trial
Indictments to be served	63	1.40	Case Management
Witness absent	63	1.40	Trial
Awaiting DNA sample report	59	1.40	Trial
Sub-Total	2319	53.40	

Total incidence of adjournments/continuance (N) = 4354

The above table provides a summary of the leading reasons for adjournment in the Home Circuit Court for 2022. It is shown that there was a combined 4354 incidence of reasons for adjournment during the year, with some matters having multiple adjournments.

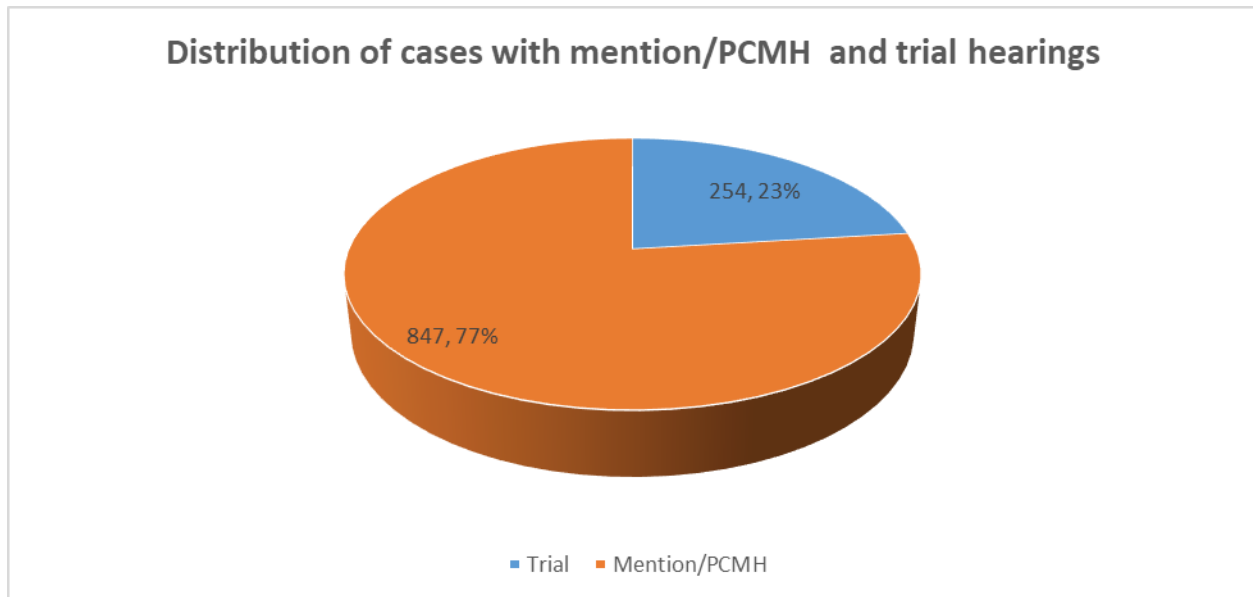
There is again compelling evidence from the above list of reasons for adjournment, suggesting that third party entities, namely the defence bar, the police, the prosecution, the state lab services contribute significantly to the delays experienced in the progression of cases in the Home Circuit Court. 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 75% of the reasons for delay as operationalized by this measurement. An examination of the leading reasons for adjournment in 2022 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 indictments to be served and for files to be completed are further examples of third party responsibility for case adjournments in the Home Circuit Court. In these cases, the prosecution bears primary responsibility.

The Criminal Registry of the Supreme Court continues to work on improving its overall efficiency in an effort to improve case management and to expedite case outcomes within the desired overall standard of two years or less. It is clear however that the core causes of delays in the Home Circuit Court are largely due to factors concerning external parties. The traditional claim that the inadequacy of courtrooms is a significant cause of delays should also be refuted as the courtroom utilization rate of under 70% suggests that there is some spare resource capacity, albeit in limited proportion in the Supreme Court.

The leading reasons for adjournment listed in the above Table accounts for 53.40%% of total incidences of adjournments/continuance in the Home Circuit Court in 2022. The data suggest that there were roughly 3.45 adjournments per case heard in the Home Circuit Court in 2021, which is 1.20 percentage points higher than 2021.

Chart 12.0: Sampling distribution of trial and mention cases for the year ended December 31, 2022



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The above chart shows that there were a total 1150 cases which were scheduled for either Trial or Mention Court (now Plea and Case Management Court - PCMH) in 2022. 254 or 23% of the distribution set were for Trial Court while 847 or 77% were for Plea and Case Management/Mention Court. This produces a ratio of 1 trial case to almost 3 mention/plea and case management cases heard during the year. Further analysis suggests that each case mentioned in court were mentioned on average of roughly 2 times per case, approximately the same as the previous year. For cases, which were set for Trial, there was a scheduling incidence of roughly 3.3 times per case, which suggests that 33 trial dates were set for every 10-trial case, roughly the same as the previous year. In 2022, an estimated 83.20% of trials heard in the Home Circuit Court were Judge only trials while an estimated 16.80% involved Judge and Jury.

Table 44.0: Hearing date certainty summary for the year ended December 31, 2022

Type of hearings	Hearing date certainty rate (%)
Mention and/Plea and Case Management Hearing	83
Bail Applications	72
Sentencing hearings	74
Trial hearings	65
Total/Overall Average	73.50

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 73.50%, a decline of 2.64 percentage points when compared to the previous year. This is another way of saying that for every 100 criminal matters scheduled for court, roughly 73.50% 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. The overall result reflects the continued recovery of the Home Circuit Court from the adverse effects of the COVID-19 pandemic on its scheduling apparatus. When trial matters are isolated, the trial certainty rate revealed is 65%, a decline of 4 percentage points when compared to the previous year, while Plea and Case Management Conferences had a hearing date certainty rate of 83%, an improvement of 2.0 percentage points over the previous year.

Continuously improving the trial and overall hearing date certainty rates are of utmost importance to improving the efficiency of the court system. The court continues to work on improving the mechanism used to schedule cases for hearings and in so doing aid in reducing the incidence of adjournments. The recent implementation of the Judicial Case Management System (JCMS) in the Criminal Division of the Supreme Court is expected to have a profound effect on advancing the efficiency of the scheduling apparatus in this division and in so doing bolster the overall hearing date certainty rate.

As illustrated and discussed earlier, the cooperation and preparation of the prosecution, defence attorneys and other stakeholders as well as improved case management within the

Home Circuit Court are also crucial the attainment of fostering the required gains. Some of the internal concerns, which will need to be reviewed as time progresses, are outlined below:

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

Another set of concerns surround the utility of the Plea and Case Management Court as under the new Committal Proceedings Act, some of the case management that usually takes place in the lower courts now take place in the Supreme Court. Plea and case management conferences at the Supreme Court may not always therefore be principally focussed on trial readiness but also aspects of case file readiness, which were previously handled at the parish court level. This arguably increases the average length of case management conferences and potentially creates

added scheduling complexities in the Home Circuit Court. Here, the strength of the Case Progression Officers who help to marshal the readiness of cases is critical and must necessarily be always strong in order to sustain efficient use of judicial time. Any weaknesses in pre-case management also threaten the ability to guarantee that a back-up trial list will be successful.

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

Table 45.0: Methods of disposal for the year ended December 31, 2022

Methods of Disposition	Frequency	Percentage (%)
Under a disability that he cannot be tried/ unfit to plead	1	.2
Accused deceased	8	1.7
ARA discontinued case against accused	1	.2
Conditional Nolle Prosequi entered	1	.2
Formal Verdict of Guilty	1	.2
Formal verdict of not guilty	20	4.2
Found guilty	33	6.9
Found not guilty	41	8.6
Matter settled	1	.2
Matter Transferred to St. James Circuit Court	1	.2
No evidence offered	51	10.6
No Evidence offered discharged	1	.2
No further evidence offered	113	22.9
No further evidence offered discharged	4	.8
No Verdict Taken	1	.2
Nolle Prosequi*	72	15.0
Not Indicted	27	5.6
Not indicted on this charge	1	.2
Other	4	.8
Other Methods	1	.2
Plea guilty	94	19.6
Plead guilty to a lesser charge	2	.4
Transferred to Gun Court	2	.4
Withdrawn	1	.2
Total	479	100.0

**Included for computational convenience*

The above table summarizes the methods of disposal for the charges disposed of during 2022.

It is shown that 479 charges were disposed during the year, the equivalent of 174 cases.

Charges disposed by way of no further evidence offered accounted for the highest share of

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charges disposed with 113 or 22.90%, followed by charges disposed by way of guilty pleas with 94 or 19.60% and disposals by way of no evidence offered with 51 or 10.60%, rounding off the top three. It is of note that note that Nolli Prosequi accounted for a combined 73 or 15.20% of the charges listed in this table, however strictly speaking these are really inactive matters which are nevertheless included here for computational convenience. Approximately 10% of the charges disposed in 2022, originated during that year. The number of cases disposed in the Home Circuit Court in 2022 is 29.55% 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, 2022

Total number of charges disposed	Total number of guilty outcomes	Conviction rate (%)
479	127	26.51%

The above table shows that of the 479 criminal charges disposed of in 2022 in the Home Circuit Court, 127 were due to guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 26.51% which suggests that there is a roughly 27% probability that a matter could end in a guilty outcome, using 2022 as a proxy year. This represents a decrease of 4.20 percentage points when compared to 2021. This data can be further disaggregated so that the conviction rates for some of the most frequently occurring charges are measured. In particular,

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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, 2022

Total number of chares concluded	Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas)	Conviction rate (%)
56	21	43.75

The above table shows that of the 56 charges of sexual intercourse with a person under 16 years which were concluded in 2022, 21 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of roughly 43.75% which suggests a roughly 44% probability that a matter of sexual intercourse with a person under 16 could end in a guilty outcome. The outcome represents a 0.89 percentage points increase when compared to 2021.

Table 47.0B: Conviction rate for cases of rape for the year ended December 31, 2022

Total number of charges concluded	Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas)	Conviction rate (%)
40	6	15.00

The above table shows that of the 40 rape charges which were concluded in 2021, 6 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of roughly 15% which suggests a roughly 15% probability that a rape matter could end in a

guilty outcome in 2022. This outcome represents an increase of roughly 7 percentage points when compared to the previous year.

Table 48.0: Conviction rate for murder cases in the year ended December 31, 2022

Total number of charges concluded	Total number of guilty outcomes (i.e. guilty verdict or guilty plea)	Conviction rate (%)
133	32	24.06

The above table shows that of the 133 murder charges concluded in 2022, 32 of which were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 24.06% which suggests a roughly 24% probability that a murder matter could end in a guilty outcome, a 3.26 percentage point increase when compared to 2021.

Table 49.0: Top six charges disposed in the year ended December 31, 2022

Charge disposed	Frequency	Percentage (%)
Murder	133	27.77
Illegal possession of firearm	59	12.32
Sexual intercourse with a person under 16	56	11.69
Rape	40	8.35
Grievous sexual assault	32	6.68
Wounding with intent	18	3.76

Number of disposed charges (N) = 479

The above data shows that there were 479 charges disposed of in 2022, a decrease of 30.06% when compared to 2021. The largest proportion of these matters was murder with 133 or 27.77%. This was followed by illegal possession of firearm with 59 or 12.32% of the total. Sexual intercourse with a person under 16 with 56 or 11.69% and rape with 40 or 8.35% 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 cases for the year ended December 31, 2022

Descriptive Statistics (in months)

Number of observations	174
Mean	36.6608
Median	36.5300
Mode	19.62 ^a
Std. Deviation	27.13069
Skewness	1.352
Std. Error of Skewness	.199
Range	146.57
Minimum	.30
Maximum	146.87

a. Multiple modes exist. The smallest value is shown

The above table provides a descriptive statistical summary on the times to disposition for matters resolved in the Home Circuit Court in 2022. The overall average time to disposition seen is 36.66 months or approximately 3 years, a decline of roughly 7 months when compared to 2021. The median time disposition to disposition is also roughly 37 months while the mode falls below the 2-year backlog benchmark at roughly 20 months. The standard deviation of the distribution is moderately large 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

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Home Circuit Court during the year was 147 months or roughly 12.25 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, 2022

Descriptive Statistics (months)

Months	Frequency	Percentage(%)
0 – 12	38	26.95
13 – 24	28	19.86
25 – 36	27	19.15
37 – 47	33	23.40
48 & over	48	34.04
Total	174	100.0

The above table provides a summary of the estimated time to disposition for the cases disposed during 2022. It is shown that the largest proportion of matters disposed took four years or more to be disposed, accounting for 48 or 34.04%. This was followed by 38 or 26.96% which took 12 months or less to be disposed and 33 or 23.40% which took between 37 and 47 months to be disposed. Cumulatively, 46.81 of the matters disposed in the year took two years or less, roughly the same as the previous year. The remaining 53.19% of cases disposed took over two years to be disposed. Using 2022 data as a proxy, there is a roughly 53% 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, 2022

Cases filed	Cases disposed	Case clearance rate (%)
267	174	65.17

Note: 17 or 9.77% of the cases disposed originated in 2022. This represents the criminal case disposal rate for the year.

The case clearance rate of 65.17% shown above is an indication that more cases entered than those that were disposed in the Home Circuit Court in 2022. The result suggests a ratio of roughly 65 cases disposed for every 100 new ones brought, a decline of 7.62 percentage points when compared to 2021. This is the first time that the annual case clearance rate for the Home Circuit Court has slipped below 70% over the past four 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**

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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 53.0: Selected performances metrics for the Home Circuit Court in 2022

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 (%)
174	1093	0.16	2250	103	174	46.81	53.19

The results in the above table shows a case turnover rate of 0.16, which is an indication that for every 100 criminal cases, which were ‘heard’ or handled in 2022 and still active at the end of the year, another 16 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 1587 or 6.25 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 2022 is 46.81%, which reflects

the proportion of cases resolved in 2022, which were disposed within 2 years. Conversely, the proxy case backlog rate is 53.19%, an indication that an estimated proportion of 54% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 1093 cases, which had some court activity in 2022 and were still active at the end of the year, 581 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, 2022. 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 six charges filed in the year ended December 31, 2022

Charges filed	Frequency	Percentage (%)
Illegal possession of firearm	482	37.80
Illegal possession of ammunition	275	21.60
Shooting with intent	135	10.60
Robbery with aggravation	86	6.70
Assault at Common Law	78	6.10
Wounding with intent	56	4.40
Sub-Total	1112	87.20

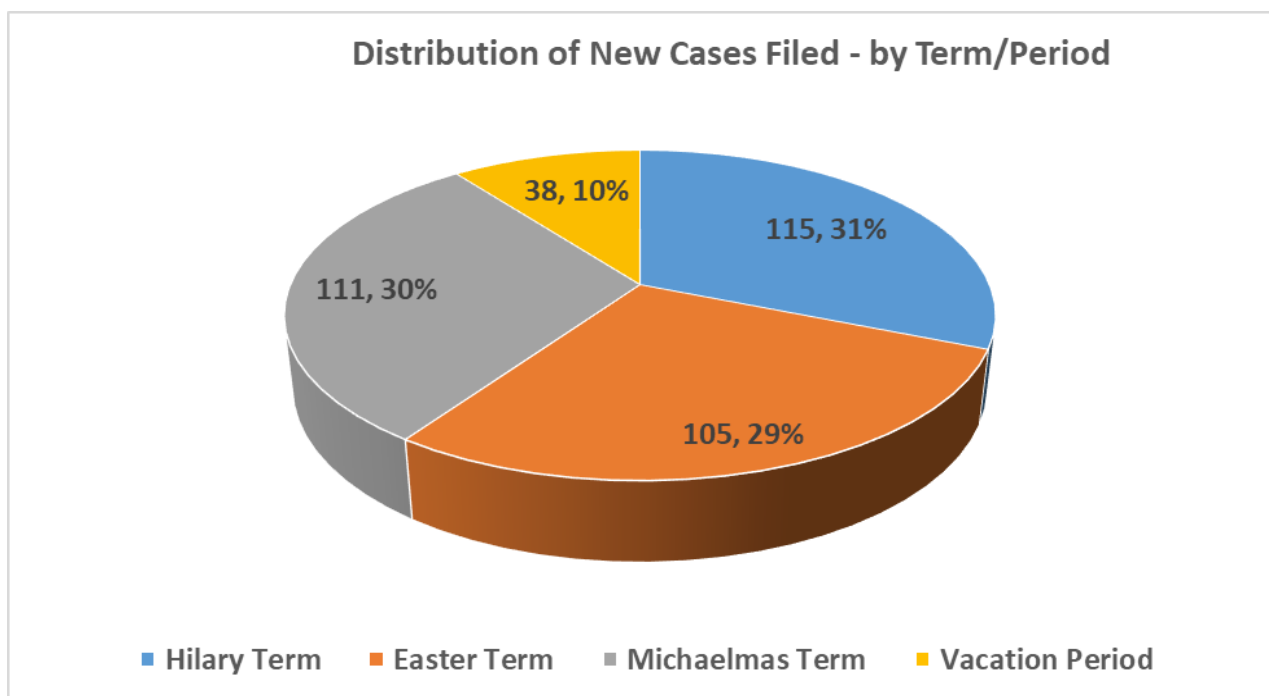
Total number of charges (N) = 1275, the equivalent of 369 cases.

The above table provides a summary of the top six charges, which were brought in the Gun Court during 2022. It is seen that of the 1275 charges, an increase of 11.74% when compared to 2021, the second consecutive year of increase. The largest proportion of new charges filed, 482 or 37.80% were for illegal possession of firearm, well ahead of the next highest ranked charge of illegal possession of ammunition with a count of 275 or 21.60% of the total. Shooting with intent is next with 135 or 10.60% while robbery with aggravation and assault at common law with 86 or 6.70% and 78 or 6.10% respectively rounds off the top five charges filed in the High Court Division of the Gun Court in 2022. The 1275 new charges entered in 2022 translate into

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369 new cases filed in the year, a decline of 18.18% when compared to 2021. This represents an approximate ratio of 1:3.45, suggesting that for every 100 cases entered, there were roughly 345 charges. The number of new cases filed in the High Court Division of the Gun Court in 2022 is just 6.96% higher than the number forecasted at the beginning of said year.

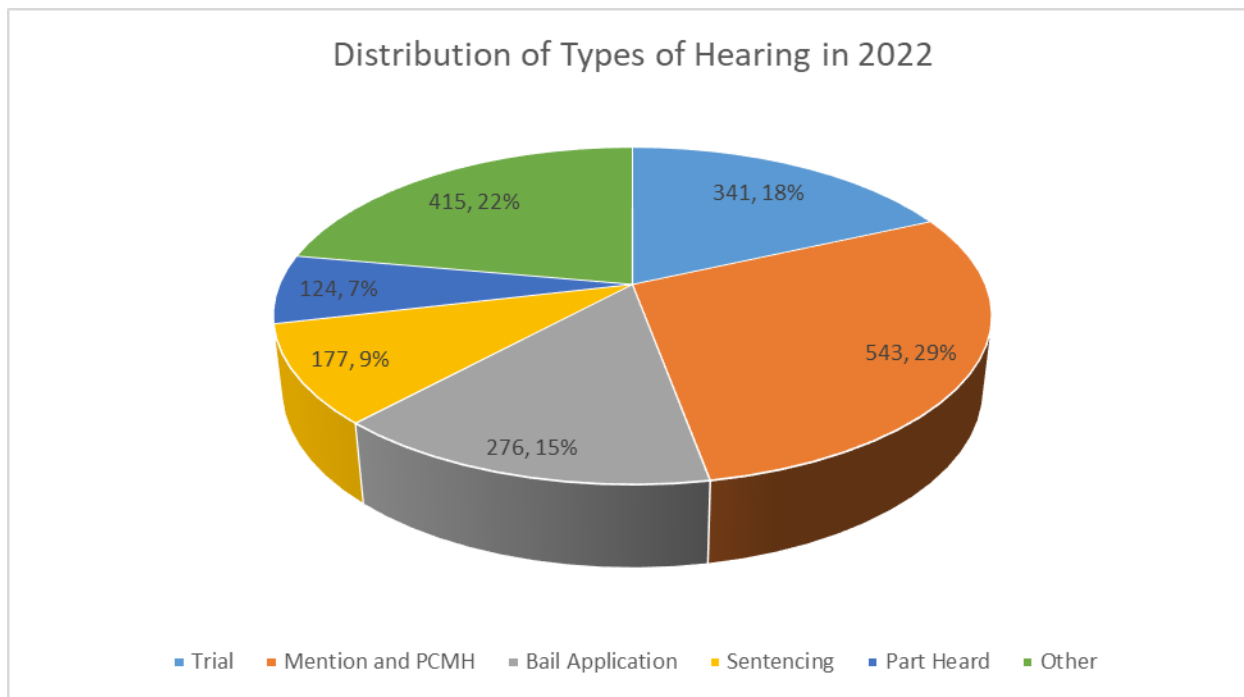
Chart 14.0: Distribution of cases filed in each Term in 2022



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 369 new cases filed in the Gun Court in each Term/period in 2022. It is seen that the Easter Term with 115 or 31% of new cases filed, accounts for the largest proportion. 111 or roughly 30% of the cases were filed in the Michaelmas Term while the Hilary Term with 105 or 29% and the vacation period with 38 or 16% rounds off the distribution of new cases filed in the Gun Court in 2021.

Chart 15.0: Summary of selected hearing activity dates for the year ended December 31, 2021



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 2022. 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. The number of cases with mention and plea and case management hearings during the year accounted for the dominant share of cases heard with 29% of cases heard, trials with 18% of cases heard and bail application hearings with 15% of cases heard during the year accounted for the top three proportion of cases by incidence and types of hearing during the year, apart from the category “other” which includes new first before the court hearings. 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

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with these other types of hearings for efficiency purposes. Notably, sentencing hearings accounted for 9% of the hearings while part heard hearings accounted for 7%.

Table 56.0: Most frequently occurring reasons for adjournment for the year ended December 31, 2022

Reason for adjournment	Frequency	Percentage (%)
For file to be completed	1197	12.80
For disclosure	808	8.60
Ballistic Certificate Outstanding	642	6.90
Statement Outstanding	465	5.00
Other documents outstanding*	365	3.90
Scene of Crime Certificate Outstanding	357	3.80
Scene of Crime Statement Outstanding	356	3.80
Forensic Certificate Outstanding	224	2.40
Witness Absent	200	2.10
Medical Certificate Outstanding	195	2.10
Defence Counsel Absent	174	1.90
Accused not brought	169	1.80
Further statement outstanding	155	1.70
CFCD Outstanding	153	1.60
For antecedents	146	1.60
Defence Counsel needs time to take Instruction	140	1.50
Investigating Officer Absent	140	1.50
To Settle Legal Representation	129	1.40
Matter not reached	128	1.40
For Social Enquiry Report (SER)	115	1.20

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Sub-Total	6258	67
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Total number of adjournments and continuances (N) = 9342

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 2022, excluding adjournments for bail application, matters part heard, and for plea and case management and for trial, which are enumerated separately. There were 9342 overall incidences of adjournments during the year, a notable increase of 49.28% when compared to 2021. 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 642 or 6.90. 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 1197 or 12.80% 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 67% of the 9342 documented incidences. 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.

Table 57.0: Proxy trial date certainty summary for the year ended December 31, 2022

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	945	258	72.70%

The Gun Court utilizes three dedicated courtrooms for trial. In 2022, these three rooms tallied an impressive 945 days’ worth of trial dates set which is an average of 315 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 invariably also contributes to the adjournments. Not surprisingly therefore 258 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 2022 was therefore 72.70%, suggesting that roughly 7 in every 10 trial dates set were able to proceed on schedule without being postponed. This is an improvement of 8.47 percentage points when compared to the previous year.

Table 58.0: Methods of disposition for the year ended December 31, 2022

Methods of Disposition	Frequency	Percent
Accused Deceased	24	1.9
Admonished and Discharged	3	.2
Found Guilty	125	10.1
Found Not Guilty	145	11.7
No Case Submission Upheld	44	3.6
No Evidence Offered	304	24.6
No Further Evidence Offered	144	11.7
Nolle Prosequi**	74	6.0
Plea Guilty	249	20.2
Remitted to Parish Court	25	2.0
Other*	98	7.9
Total Charges Disposed	1235	100.0

*No electronic data available on the specific method of disposition

**Inactive cases, included here for computational convenience

In 2022, the Gun Court disposed of 399 cases, the equivalent of 1235 charges or roughly three charges per cases. This is a decline of 47 cases or 10.54% when compared to 2021. The leading methods of disposition for the year were no evidence offered with an estimated 24.60%, guilty pleas with an estimated 20.20%, not guilty outcomes and no further evidence offered with roughly 11.70% each. Guilty outcomes together accounted for an estimated 30.30% of the disposals, which represents the approximate case conviction rate for the year.

Table 59.0: Estimated Conviction rate in the Gun Court for the year ended December 31, 2022

Number of charges disposed	Number of Guilty outcomes (i.e. guilty verdicts and guilty pleas)	Conviction rate (%)
1235	374	30.30

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The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the sample of 1235 disposed charges in 2022, an estimated 374 were a result of either a guilty plea or a guilty verdict. This produces an overall conviction rate of 30.30% for Gun Court charges resolved in 2022, approximately 6.49 percentage points above 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, 2022

Substantive matter	Number of cases disposed	Number of guilty outcomes (pleas and verdicts)	Conviction rate (%)
Illegal possession of fire arm	504	256	50.79
Illegal possession of ammunition	225	109	48.44
Shooting with Intent	117	13	11.11

It is shown in the above table that of the 504 charges of illegal possession of a firearm disposed, 256 were disposed by way of either a guilty verdict or a guilty plea, yielding a conviction rate of roughly 50.79%, an increase of 13.78 percentage points. 109 of 225 charges of illegal possession of ammunition which were disposed in 2022 were a result of guilty outcomes, resulting in a conviction rate of 48.44%, a decline of 91.7 percentage points when compared to the previous year. 13 of the 117 matters of shooting with intent disposed in 2022 were a result of guilty outcomes, resulting in a conviction rate of 11.11%, a fall of 12.92 percentage points when compared to 2021.

Table 62.0: Top six charges disposed of in the year ended December 31, 2022

Charge	Frequency	Percentage
Illegal possession of a firearm	504	40.10
Illegal possession of ammunition	225	18.20
Shooting with intent	117	9.50
Wounding with Intent	89	7.20
Robbery with aggravation	83	6.70
Assault occasioning bodily harm	49	4.0
Total	1067	85.70

Total number of charges (N) = 1235

The 399 cases that were disposed in the High Court Division of the Gun Court in 2022, representing 1235 charges, an average of roughly 32 charges per 10 cases. The table above details the six most frequently occurring charges disposed of in the Gun Court during the year. Illegal possession of a firearm and illegal possession of ammunition accounts for the largest proportion of disposed charges with 40.10% and 18.20% respectively. This is followed by shooting with intent with 9.50% of the charges disposed and wounding with intent with 7.20%. Robbery with aggravation and assault occasioning bodily harm with 6.70% and 4.00% of the total rounds off the top six charges disposed in the Gun Court in 2022. The disposed charges enumerated in this table accounts for roughly 85.70% of the total number of charges disposed in the Gun Court in 2022. There was a mere 2.17 percentage points decrease in the number of charges disposed when compared to 2021.

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Table 63.0: Time to disposition (from case file date) for cases disposed of in the year ended December 31, 2021

Descriptive Statistics

Number of observations	399
Mean	14.2633
Median	9.1700
Mode	12.65
Std. Deviation	16.37625
Skewness	3.325
Std. Error of Skewness	.122
Range	127.40
Minimum	.03
Maximum	127.43

The above table summarizes the time taken to dispose of cases in the Gun Court in 2022 counting from the date cases were filed. It is seen that the estimated average time to disposition from the date of case is approximately 14 months. The data set for this measure is highly positive, indicating that there was a significantly greater proportion of times to disposition fell below the overall series mean. The estimated maximum time to disposition for the data set is approximately 127 months or almost 11 years. The estimated minimum time to disposition from the date of filing was under a month. The modal and median times to disposition were approximately 13 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 399 cases disposed in the High Court Division of the Gun Court in 2022 is 11.53% below the number forecasted at the beginning of 2022.

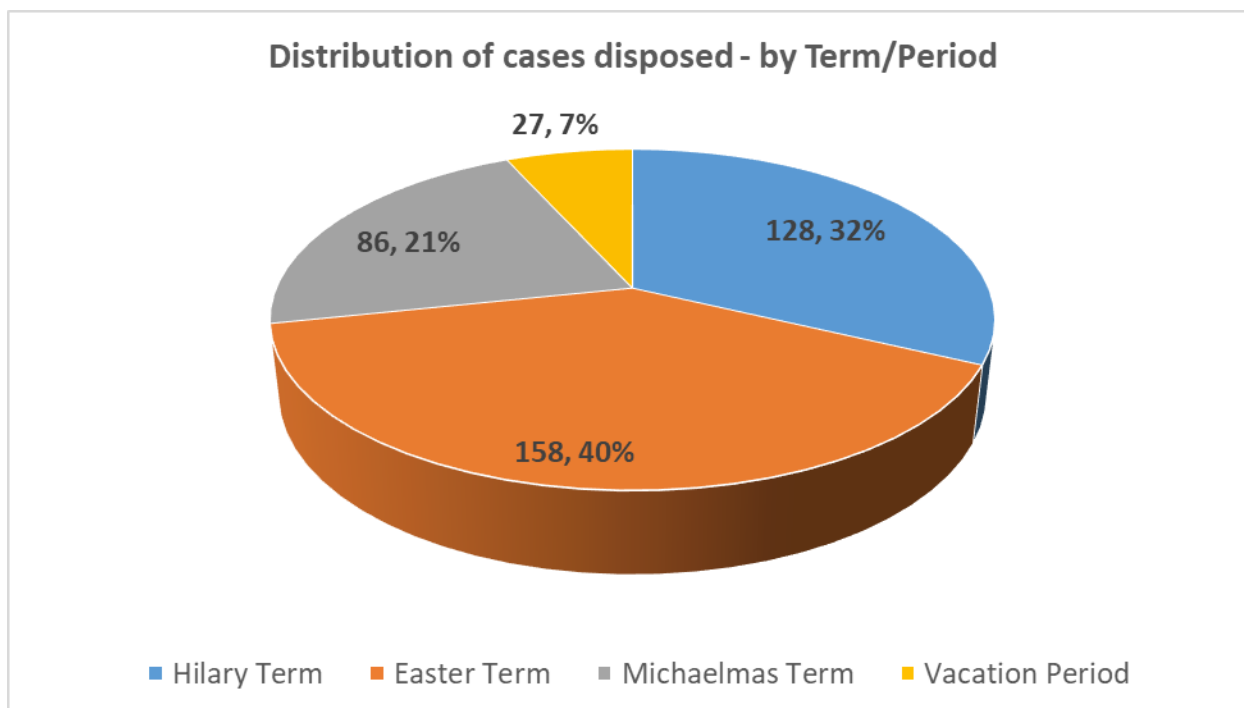
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Table 64.0: Breakdown of times to disposition (from case file date) for the cases disposed in the year ended December 31, 2022

Time Interval (months)	Frequency	Percent
0 - 12	247	61.9
13 - 24	95	23.8
25 - 36	30	7.5
37 - 47	8	2.0
48 & over	19	4.8
Total	399	100.0

The above table provides a further breakdown of the estimated time to disposition for the cases disposed in 2022, 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 247 or 61.90% of the disposals and was followed by cases taking between 13 and 24 months to be disposed with 95 cases or 23.80%. A further 7.50% of the matters were disposed within 25-36 months, 4.80% took four or more years to be disposed and the remaining 2.00% took between 37 and 47 months. Interestingly 85.70% of the cases disposed took two years or less from the case file date, an improvement of just over 5.00 percentage points when compared to 2021.

Table 16.0: Breakdown of cases disposed in each Term/Period of 2022



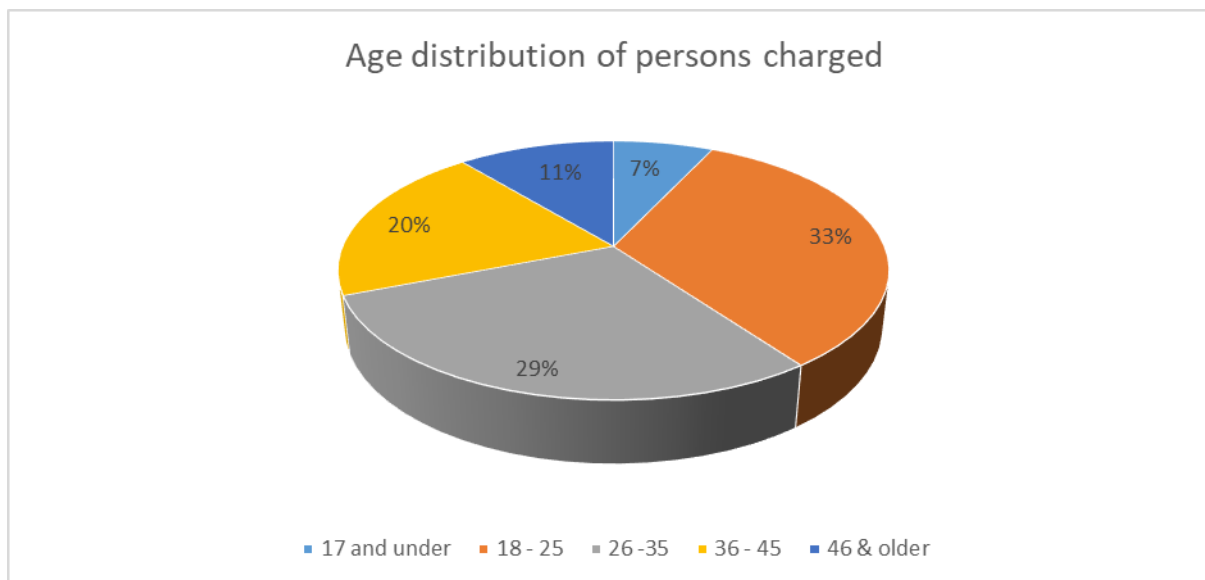
Note: The summer period refers to the period between the end of the Easter Term and the start of the Michaelmas Term and between the Hilary Term and the Easter Term.

The above chart provides a summary of the distribution of Gun Court cases disposed in 2022. It is shown that the largest proportion of cases was disposed in the Easter Term with 158 or 40% of the 399 Gun Court cases disposed during the year. This was followed by the Hilary Term, which accounts for 128 or 32% and the Michaelmas Term with 86 or 21% of the disposals.

Demographic summary of persons charged and brought before the Gun Court in 2022

This section provides a brief summary of the age and gender distribution of persons charged who were brought before the Gun Court in 2022.

Chart 17.0: Summary of age distribution of a sample of persons charged in the Gun Court for the year ended December 31, 2022



The age distribution of persons charged in 2022 was roughly the same as that of 2021. Among the dominant charges filed in the Gun Court for 2022 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 26 years old with the oldest person charged being 59 years old and the youngest 13 years old. The modal age from this sample was 23, 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 2022.

In terms of gender distribution, using a sample of 100 persons charged in relation to matters brought before the Gun Court in 2021, 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 2021. 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 2021

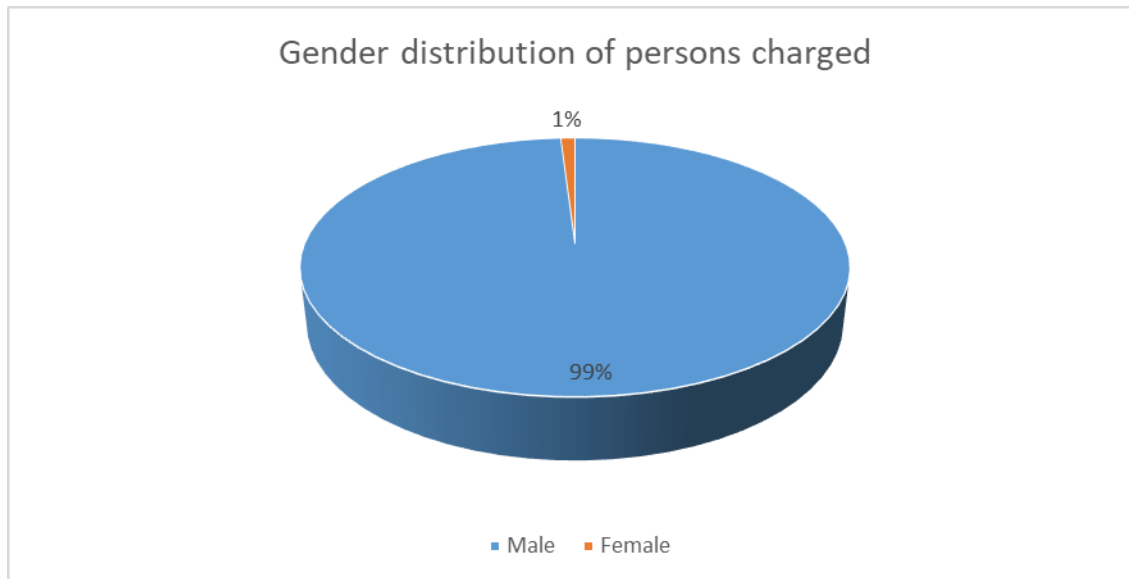


Table 65.0: Case clearance rate for the year ended December 31, 2022

Cases filed	Cases disposed	Case clearance rate
369	399	108.13%

**127 or 31.82% of the 399 disposed cases originated in 2022. This percentage represents the disposal rate.*

Three hundred and sixty-nine new cases were filed in the High Court Division of the Gun Court in 2022 while 399 were also disposed or inactivated (including many which originated before

the Term) leading to a clearance rate of 108.13% for the year, a decline of 2.54 percentage points when compared to the previous year. This result translates into a generalization that an estimated 11 Gun Court cases were resolved for every 10 new cases entered during the year. It again represents the highest case clearance rates in the Supreme Court during the year, cementing the Gun Court's place as the single most consistent top performing entity in the Jamaican court system over the past five years. The Hanover Parish Court is the only other entity which has demonstrated similar consistency within the last few years. The Gun Court had a major advantage over the Home Circuit Court in that all its matters are Judge only which allowed for above average case activity to be sustained throughout much of the year. The case clearance rate recorded by the High Court Division of the Gun Court in 2022 was less than 1 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

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cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally, the 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 66.0: Selected performances metrics for the Gun Court in 2022

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 (%)
399	376	1.06	344	342	399	85.70	14.30

The results in the above table shows a case turnover rate of 1.06, which is an indication that for every 100 cases which were ‘heard’ in 2022 and still active, 106 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 six 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 2022 is approximately 85.70%, which reflects the proportion of Gun Court cases in 2022, which were disposed within 2 years.

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Conversely, the crude proxy case backlog rate is 14.30%, an indication that an estimated annual proportion of about 14% 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 376 cases, which had some court activity in 2022 and were still active at the end of the year, roughly 54 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 five years of solid advances towards the prospect of a backlog free Gun Court in the foreseeable future.

CHAPTER 6.0: COMMERCIAL DIVISION

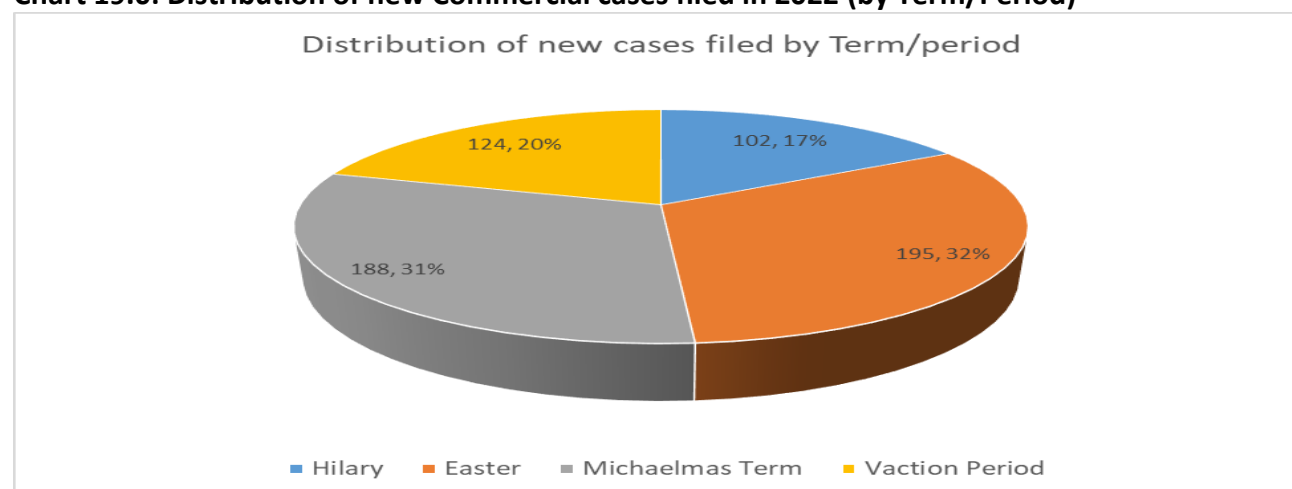
This chapter presents data on case activity in the Commercial Division in 2022 as well as important performance measurements and year on year comparisons where applicable.

Table 67.0: Cases filed in the Commercial Division in 2022

Division	Number of new cases filed
Commercial	609

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. 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 2022 (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 2022 was in the Easter Term which accounted for 195 or 32% of the cases filed. The Michaelmas Term followed with 188 or 31% and the vacation period with 124 or 20% while the Hilary Term accounted for the remaining 102 or 17% 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, 2022

Reasons for adjournment	Frequency	Percentage (%)
Claimant to file documents	36	9.80
Defendant to file documents	36	9.80
Part Heard in Progress	29	7.90
Pending settlement	22	6.00
Parties having discussion with a view to settlement	20	5.50
Defendant documents not served	16	4.40
Claimant document short served	13	3.60
Defendant not available	12	3.30
Judge unavailable	10	2.70
Sub-Total	193	53.0

Number of observations (N) = 366

The above table provides a sampling distribution of the top six reasons for adjournment in the Commercial Division for 2022. A total of 193 such incidences sampled reveal that claimant to file documents with 36 or 9.80%, defendant to file documents with 36 or 9.80% and part heard in progress with 29 or 7.90% accounted for the top three reasons for adjournment in the Commercial Division in 2022. The listed reasons for adjournment documented from the sample accounts for 53.0% of the total.

Table 69.0: Sampling distribution of cases with chamber hearings for the year ended December 31, 2022

Hearings	Frequency	Percentage (%)
Applications (Various)	850	77.34
Pre-Trial Review	120	10.92
Case Management Conference	96	8.74
Judgment summons hearing	33	3.00
Total	1099	100

The above table summarizes a sample of 1099 cases which had chamber hearings in the Commercial Division during 2022. As with the High Court Civil (HCV) Division, the hearing of various applications for relief sought dominates the list with roughly 77.34% of the matters with chamber hearings. Pre-trial reviews with 120 or 10.92% rank next and Case Management Conferences with an incidence of 96 or 8.74% rounds off the top three chamber hearings in the Commercial Division for 2022.

Table 70.0: Proportional distribution of cases which had trials in chamber, assessments of damages and in open court hearings in 2022

Trial matter	Percentage (%)
Trial in Chambers	5.22
Open Court Trial	94.78
Total	100

The above estimates show that cases with trials in open court accounted for roughly 95% of the trials heard in the Commercial Division in 2022 while trials in chamber accounted for the remaining approximately 5%.

Table 71.0a: Sampling distribution of hearing date certainty in the Commercial Division for the year ended December 31, 2022

Type of hearings	Estimated Hearing date certainty rate (%)
Case Management Conferences	86.50
Trials in Chamber and Trials in Open Court	55.97
All hearings	78.85

The above table breaks down the hearing date certainty rates for two significant types of hearings and also gives the overall rate for 2022. It is shown that Case Management Conferences had an estimated hearing date certainty rate of 86.50% for the year, down slightly by 0.75 percentage points when compared to 2021, while the combined weighted hearing date certainty rate for trials in chamber, assessments of damages and open court is estimated to be 55.97%, a decline of 9.41 percentage points when compared to 2021. The overall hearing date certainty rate when all types of hearings are considered is approximately 78.85%, a marginal decline of 1 percentage point when compared to 2021. 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.

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Table 71.0b: Sample case flow process transition summary as at the year ended December 31, 2022

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, 2022

Requisitions Issued	Requisition Reponses	Requisitions clearance Rate	Requisitions per 100 case files
161	146*	90.68%	15

*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 2022. It is shown that 161 requisitions were issued in the year while there were 146 responses filed, thus producing a requisitions clearance rate of 90.68%, a sizeable improvement of 36.33 percentage points when compared to the previous year. This requisition clearance rate suggests that during the year, for every 10 requisitions issued, roughly 9 responses were filed. Additionally, there was an average incidence of 15 requisitions per 100 case files in the Commercial Division for the year, an increase of 5 percentage points when compared to 2021.

Table 73: Methods of disposition for the year ended December 31, 2022

Method of Disposition	Frequency	Percentage
Application Granted	1	.6
Application Refused	1	.6
Consent Judgment	2	1.3
Consent Order	3	1.9
Final Judgments	18	11.3
Judgment Delivered	4	2.5
Judgment in Default of Acknowledgment of Service	71	44.4
Judgment in Default of Defence	7	4.4
Judgment on Admission	3	1.9
Matter Discontinued	29	18.1
Matter Withdrawn	1	.6
Settled	6	3.8
Struck Out	5	3.1
Transferred	8	5.0
Written Judgment Delivered	1	.6
Total	160	100.0

The data suggests that 160 cases in the Commercial Division were disposed in 2022, a decrease of 10.61% when compared to 2021. Disposals by way of judgment in default of acknowledgment of service with 71 or 44.40% led the list of dispositions while matters discontinued with 29 or 18.10% ranked next. The top three methods of disposition were rounded off by final judgments with 11.30%.

Table 74.0: Time to disposition for Commercial cases disposed in the year ended December 31, 2022

Descriptive Statistics (in months)

Number of observations	160
Mean	19.5375
Median	12.0000
Mode	11.00
Std. Deviation	19.85510
Skewness	3.275
Std. Error of Skewness	.192
Range	144.00
Minimum	3.00
Maximum	147.00

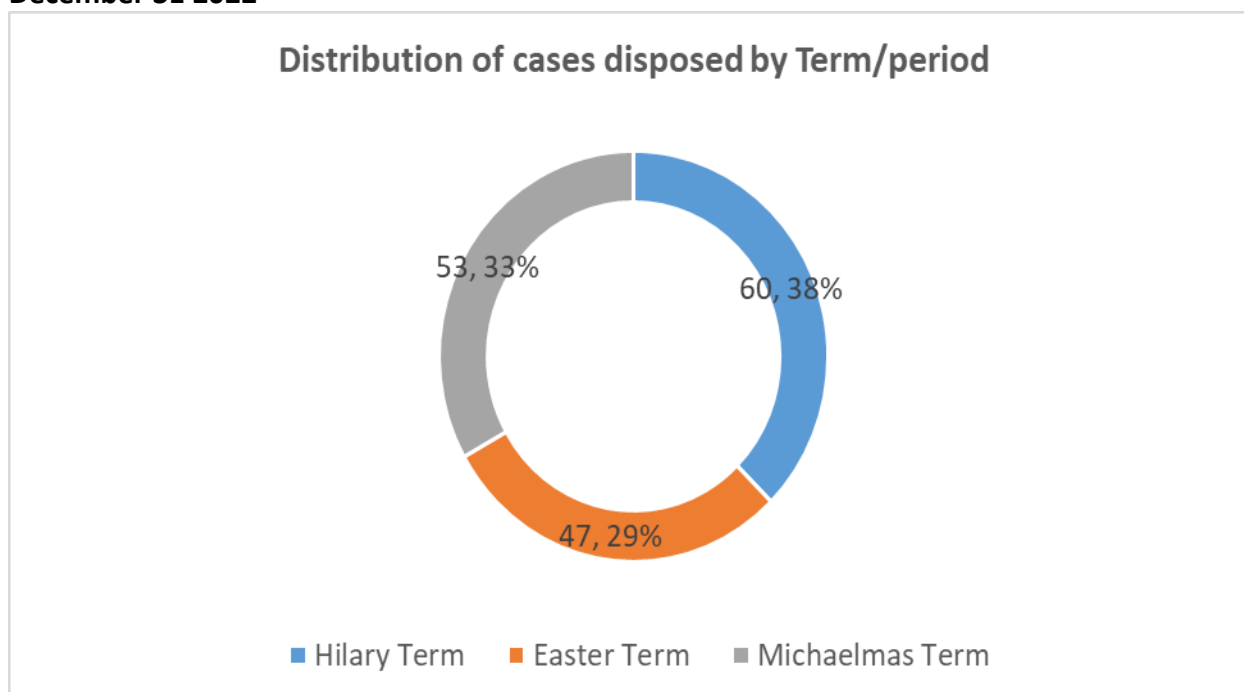
The above table shows that the estimated average time to disposition for the 160 Commercial cases disposed in 2022 is 19.54 months or just over 1 year and 7 months, four months longer than 2021. The maximum time to disposition observed from these cases is just over 12 years old while the lowest is roughly 3 months. It is of note that the median time to disposition for 2022 is roughly a year while the modal value is 11 months, encouraging signs for continued improvements in the overall time taken to resolve commercial matters. The high positive skewness observed also suggests that the significantly larger proportion of the commercial cases disposed in 2022 took less time than the overall mean, in which case the median is more useful for inferential purposes. 45 or 28.13% of the commercial cases disposed in 2022 originated in said year, which is a decline of 2.04 percentage points when compared to 2021.

Table 75.0: Breakdown of times to disposition for Commercial cases in 2022

Interval (months)	Frequency	Percentage
0 -12	81	50.6
13 - 24	47	29.4
25 - 36	11	6.9
37 - 47	10	6.3
48 & over	11	6.9
Total	160	100.0

The above table provides a breakdown of the times to disposition for the cases disposed in the Commercial Division in 2022. It is seen that the largest proportion of these cases were disposed of within a year, accounting for an impressive 50.60% of the disposals. This is followed by 47 or 29.40%, which took between 13 and 24 months to be disposed while the 11 or 6.90% 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 80% of the cases disposed in the Commercial Division in 2022 were resolved within 2 years.

Chart 20.0: Distribution of cases disposed in the Commercial Division in the year ended December 31 2022



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 Hilary Term accounted for the largest proportion of cases disposed in the Commercial Division in 2022 with 60 or 38% of the total. The Michaelmas Term with 53 or 33% of the total and the Easter Term with 47 or 29.0% of the total follows.

Table 76.0a: Case clearance rate for the Commercial Division for the year ended December 31, 2022

Cases filed	Cases disposed	Case clearance rate
609	160*	26.27%

*This figure includes cases filed before 2022. 45 or 7.39% of the cases filed in 2022 were disposed.

Six hundred and nine new cases were filed in the Commercial Division in 2022, while 160 cases were disposed which yields a case clearance rate of 26.27%. This result suggests that for every

100 new cases filed in the year, roughly 31 were disposed. Again, the cases disposed were not necessarily from those filed, as the clearance rate is simply a productivity ratio. This result represents a 4.86 percentage points decline when compared to 2021.

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 2022. These measures are summarized in the table below:

Table 77.0: Selected performances metrics for the Commercial Division for 2022

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 (%)
160	884	0.18	2028 days	128	160	80	20

The results in the above table shows a case turnover rate of 0.18, which is an indication that for every 100 cases which were ‘heard’ in 2022 and still active, another 18 were disposed, a decline of 3 percentage points when compared to 2021. 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 2.42 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 2022 is a commendable 80.0%, which reflects the proportion of Commercial cases in 2022, which were disposed within 2 years. Conversely, the crude proxy case backlog rate stands at 20% of active cases, an indication that an estimated annual proportion of roughly 20% 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 884 cases which had some court activity in 2022 and were still active at the end of the year, 177 are expected to be in a backlog classification before being disposed.

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 2022.

Table 78.0a: Gross case clearance rate for the year ended December 31, 2022

Total cases filed	Total cases disposed	Gross Case clearance rate (%)
13870	10396	74.95

The above table provides an aggregate summary of the clearance rates in the Divisions of the Supreme Court in 2022. The data suggests that 13870 new cases were filed/entered across the Divisions reviewed in 2022, a decline of roughly 4.08% when compared to 2021. These results yield a gross clearance rate of roughly 74.95%, representing a notable increase of 14.58 percentage points when compared to 2021 and suggesting that that for every 100 cases filed/entered during the year, roughly, 75 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 (2021 – 2022)

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 2021	Aggregate number of cases disposed in 2021	Case Clearance Rate (%) - 2021
High Court Civil (HCV)	4076	3216	78.90	5526	1476	26.71
Family	4796	3682	74.60	4381	3859	88.08
Estate	3728	2749	73.74	3252	2539	78.08
Commercial	609	160	26.27	575	179	31.13
Home Circuit Court	267	174	73.50	305	222	72.79
Gun Court	369	399	108.13	403	446	110.67
Revenue Court	4	11	275.00	8	7	87.50
Total	13849	10291	75.03	14460	8728	60.36

*The Insolvency and Admiralty Divisions are excluded from this Table.

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Case Activity Summary for 2022

The below table provides a summary of core case activity for each Divisions of the Supreme Court in 2022.

Table 79.0: Aggregate case activity in 2022

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (months)	Hearing Date Certainty Rate (%)
High Court Civil (HCV)	4076	3216	78.90	56.75	81.60
Family	4796	3682	74.60	24.34	70.06
Estate	3728	2749	73.74	17.96	76.03
Commercial	609	160	26.27	19.54	78.85
Home Circuit Court	267	174	73.50	36.66	73.50
Gun Court	369	399	108.13	14.0	72.70
Revenue Division	4	11	275.00	31.31	79.15
Insolvency Division	14	3	21.43	-	-
Admiralty Division	7	2	28.57	-	-
Gross/Weighted Average	13,870	10,396	74.95	28.65	75.04

The above table provides an important summary of case activity in the Supreme Court in 2022.

It is shown that 13870 new cases were filed/entered across the Divisions of the Supreme Court during the year, the second highest number in at least the last decade. The Family Division

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eclipsed the High Court Civil Division as the division having the largest intake of cases with 4796 or 34.56%. In the 2021 annual report for the Supreme Court, it was forecasted that the total number of new cases filed/brought in the Supreme Court in 2022 would be 14120 cases and thus the actual number of new cases filed fell short of this projected figure by 1.77%.

The Family and High Court Civil Divisions had the highest share of cases disposed in the Supreme Court in 2022 with roughly 35.42% and 30.93% respectively of the total, followed by the Estate Division with 26.44% of the disposals. The Gun Court occupied its customary position as the unit within the Supreme Court with the highest case clearance rate (apart from the relatively small Revenue Division), with a rate of 108.13%, followed by the High Court Civil Division which registered its highest annual case clearance rate on record with 78.90% while the Family Division ranked next with a rate of 74.60%. The overall case clearance rate for the Supreme Court in 2022 was the highest overall on record with 74.95%, an increase of 14.58 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 57 months to be disposed. The Home Circuit Court is next with an average time to disposition of approximately 37 months while the Gun Court and the Estate Divisions with estimated average times to disposition of 14 months 18 months respectively took the shortest time on average to dispose of the cases resolved. The overall weighted average time taken to dispose of the cases resolved in 2022 is approximately 29 months, slightly 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 2022. The overall

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average hearing date certainty rate was 73.14%, an increase of roughly 1.90 percentage points when compared to 2021. The High Court Civil Division and the Revenue Division with hearing date certainty rates of 81.60% and 79.15% respectively, followed by the Commercial Division with 78.85% accounted for the highest hearing date certainty rates in 2022.

Judgments Reserved and Judgments Delivered

This sub-section provides a summary of the civil judgments reserved and delivered in 2022

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 (%)
219	312	142.47%	228	120	52.63%

A total of 219 judgements were reserved in 2022, an increase of 78.05 percentage points when compared to 2021, while 312 judgments were delivered, an increase of 34.48 percentage points when compared to the previous year. This output led to an impressive clearance rate of roughly 142%, a decline 46.15 percentage points when compared to 2021. This result means that for every 10 judgments which were reserved in 2022, 14 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 2022 was roughly 3 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 228 judgments reserved on applications in 2021 while 120 were delivered. This produced a clearance rate for judgments on applications of 52.63%, an increase of 6.36 percentage points when compared to 2021.

Estimated Courtroom/Hearing Utilization Rate in 2022

Using a sample of cases heard in open court in 2022, the courtroom utilization rate for the Supreme Court was estimated to be 58%, suggesting that just about 3 of every 5 available hours for hearings were utilized in 2022. 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 2022

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 2022 is summarized below.

Table 81.0: Sampling distribution of the modes of hearing for civil matters in the Supreme Court in 2022

	Frequency	Percentage (%)
Hybrid	74	0.50
Teleconference	247	1.50
Video conference	15730	98.00
Totals	12149	100.0

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 98.00% of hearings conducted, while teleconferences accounted for 1.50% and hybrid hearings accounted for 0.50% of this representative sample of hearings in 2022. The general improvement in hearing date certainty rate in the High Court Civil Division over the past two 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 2022 Chief Justice's Annual Statistics Report for the Supreme Court represents an important item on the court's calendar, providing critical insights into the strengths and weaknesses in the performance of the various Divisions as well as the monitoring of variances between actual and expected standards. Such results are critical tools in informing the interventions which are necessary to bolster the support mechanisms and augment the operational adjustments which are needed to improve the timely delivery of a high standards of justice. The ethos of these targets centre on the attainment of a minimum combined average trial and hearing date certainty rate of 95% and a minimum average clearance rate of 130% across the court system. Emerging from extensive statistical work on measuring the state of affairs and performance of the Divisions of the Supreme Court over the past few years has been a year by year projection for the next three years which are required to achieve the expressed targets. Attaining these targets would place the Jamaican judiciary among the best in the world over this time frame.

A number of structural and operational reforms have been pursued in the divisions of the Supreme Court over the past 4-5 years in an effort to bolster productivity and in so doing improve service deliveries to the citizenry and in turn lay the foundation for orderly economic development and growth in Jamaica. Over the past twelve months for example a number of micro projects have been launched by the Chief Justice in the High Court Civil Division, including the commencement of operational reforms. The result is that the High Court Civil Division registered its highest case clearance rate on record with a commendable return of 78.90%, an

impressive climb of 52.19 percentage points when compared to the previous year. The Supreme Court as a whole also registered its highest case clearance rate on record with a return of 74.95% and a promising overall hearing date certainty rate of 75.04%. The Estate and Family Divisions continue to make a notable impact on the overall performance of the Supreme Court, maintaining commendable case clearance rates despite a surge in the number of new cases filed. The overall average time to disposition in the Supreme Court went up by roughly 4 months in comparison to the previous year, largely due a thrust to major thrust to clear backlogged cases in the High Court Civil Division. Nevertheless, the Estate Division, Gun Court, Family Division and Commercial Divisions all recorded average times to disposition of roughly 24 months or less, with the share of cases disposed in each of these divisions taking less than 12 months.

The Supreme Court also continued a strong showing with the delivery of judgments in 2022, with a judgment delivery rate of 142.47%, the third consecutive year that this key metric exceeds 100%. Case file integrity rate also made notable gains in 2022 while the courtroom utilization rate remains relatively stable, as virtual hearings become increasingly the order of the day in the civil divisions.

The results decisively suggest that as a whole the Supreme Court is showing its most consistent signs of progress across a range of metrics and this augurs well for the previously seeming unlikely prospect that this court could harmoniously and sustainably achieve its strategic performance goals within the foreseeable future.

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/BestPracticeCaseAgeClearanceRates.pdf>

ⁱ *Source:*

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

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

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

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

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

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

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

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