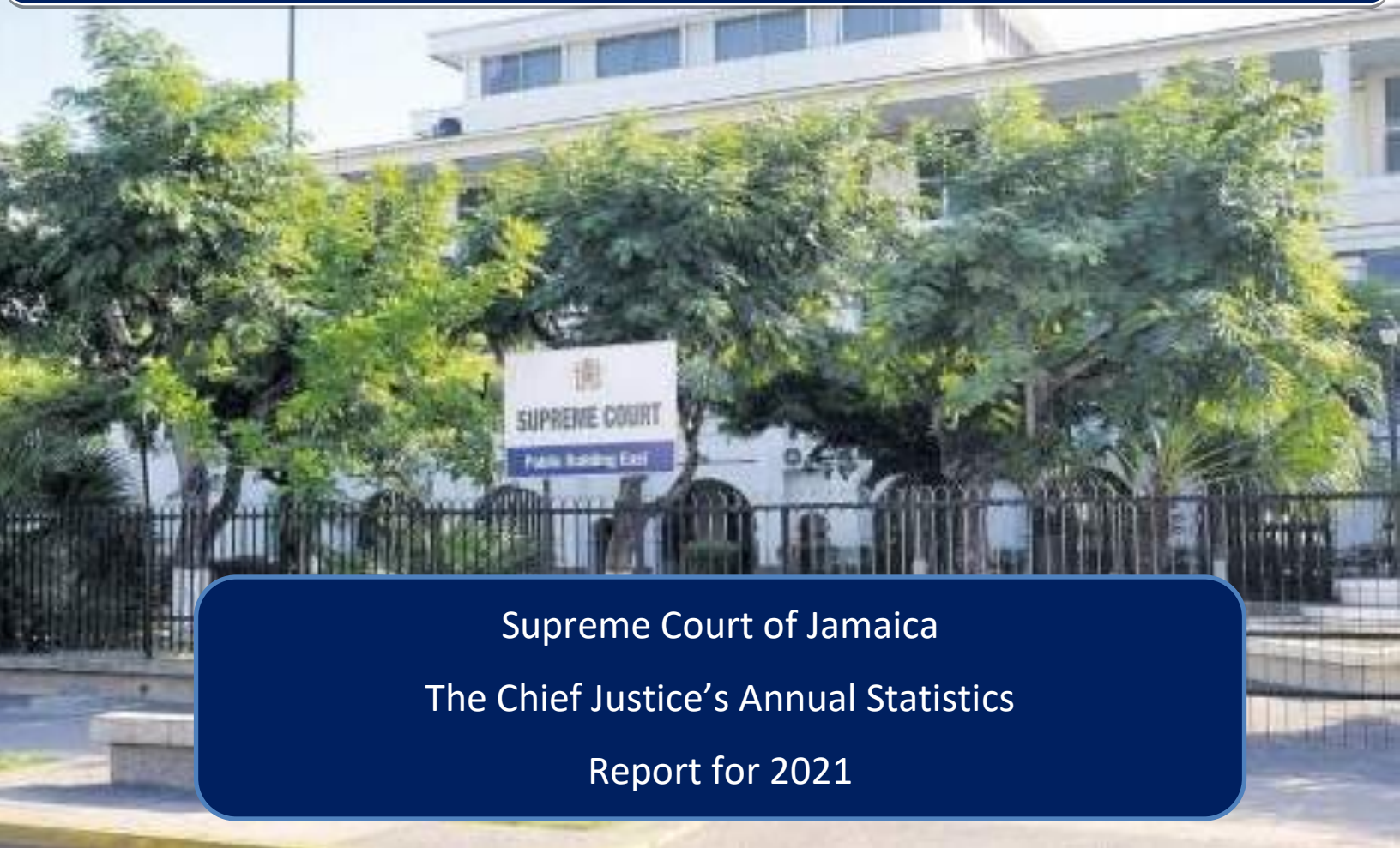


THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT FOR 2021



Supreme Court of Jamaica The Chief Justice's Annual Statistics Report for 2021

OVERALL QUANTITATIVE HIGHLIGHTS

| | <u>2021</u> | <u>2020</u> | <u>2019</u> |
|--|--------------|--------------|--------------|
| Case clearance rate (%) | 60.37 | 65.90 | 58.91 |
| Hearing date certainty rate (%) | 73.14 | 65 | 59.36 |
| Case file integrity rate (%) | 85.27 | 94.56 | 91.04 |
| Average time to disposition of cases (years) | 2.08 | 2.08 | 2.21 |
| Clearance rate on outstanding Judgments (%) | 189 | 234 | 189 |

| | |
|--|-------------|
| THE CHIEF JUSTICE’S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

TABLE OF CONTENTS

| | |
|---|-----|
| Executive Summary | 2 |
| Methodology and Structure of Report | 13 |
| Chapter 1.0: High Court Civil Division..... | 15 |
| Chapter 2.0: Matrimonial Division | 41 |
| Chapter 3.0: Probate and Administration Division | 61 |
| Chapter 4.0: Home Circuit Court..... | 77 |
| Chapter 5.0: High Court Division of the Gun Court | 99 |
| Chapter 6.0: Commercial Division | 117 |
| Chapter 7.0: Aggregate Case Activity, Judgments, Courtroom Utilization and Guest Contribution | 129 |
| Chapter 8.0: Conclusion and Recommendations | 136 |
| Glossary of Terms..... | 142 |

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

EXECUTIVE SUMMARY

This Annual Statistics Report on case activity in the Supreme Court for 2021 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. 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 extensive, covering several major areas of case flow progression and therefore provides

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

important insights, which can potentially inform the operational efficiency of the Supreme Court and the policy design of the relevant state actors.

Despite the fact the Supreme Court had lower than the pre-pandemic number of days available for hearings in 2021 due to a series of state imposed lock downs and short days, there was an overall increase in case activity and the number of new cases filed. This was aided by the movement of a significant proportion of daily hearings from in-person to either the virtual space by video conference or by teleconference. Only 12.50% of civil hearings held in 2021 were conducted in-person. 64.20% were done by videoconference and the remaining 23.40% were done via teleconference. These statistics represents significant shift in the modus operandi of the Supreme Court and creates 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.

A total of 14460 new cases entered the Supreme Court across all Divisions/sections in 2021 while 8730 cases were disposed. The total number of new cases filed in 2021 increased by 13.35% when compared to 2020 and is the largest intake in a single year in at least the past decade. The number of cases disposed in 2021 however decreased by 3.85% when compared to 2020. The High Court Civil (HCV) and Matrimonial Divisions with 5526 and 4381 respectively of the total number of new cases filed accounted for the largest share while the Revenue Court and the Insolvency Division each with 10 or less new cases filed account for the lowest shares. As was the case in the previous four years, the Matrimonial Division accounted for the largest

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

share of disposals with 44.20% of all disposed cases in the Supreme Court in 2021, while the Probate Division with 2539 disposed cases or roughly 29.08% of the cases disposed ranks next.

Among the major findings from this Annual Statistics Report is that the average case clearance rate across the four Divisions was roughly 60.37%, a decrease of 5.52 percentage points when compared to 2020. The case clearance rate provides a measure of the number of cases disposed, for every new case entered/filed. The average of roughly 60% across the Divisions suggests that for every 100 new cases entered in the period, roughly 60 were also disposed (not necessarily from the new cases entered). The case clearance rates for 2021 range from a low of 26.71% in the High Court Civil Division to a high of 110.67% in the High Court Division of the Gun Court. The Matrimonial Division had the second highest case clearance rate in the Supreme Court in 2021 with a rate of 88.08%, followed by the Probate Division with 78.08%. It is of note that the Home Circuit Court continues on the path of relatively stable performances in 2021, registering a case clearance rate of 72.79%, placing the Criminal Division among the best performers in the Supreme Court on this metric. The overall statistic on the case clearance rate gives essential insights into potential case flow and backlog problems, as on average there continued to be significantly more incoming than outgoing cases in the Supreme Court in 2021. The overall clearance rate of roughly 60% in 2021 is well below the minimum standard set out by the Chief Justice for the judiciary over the next three years, however the overall performance of the Supreme Court during the year is classified as stable.

The report also generated the estimated times to disposition for matters disposed in the respective Divisions of the Supreme Court in 2021. The estimated average times taken for cases

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

to be disposed, range from a low of approximately 1 year and 4 months in the Commercial Division to a high of 4 years and 1 months in the High Court Civil Division. The overall average time to disposition for the Divisions of the Supreme Court in 2021 was 25 months (2 years and 1 month), roughly the same as 2020. The oldest matter disposed in the Supreme Court in 2021 occurred in the Gun Court with an age of 37.5 years at the time of closure. There were however several matters which took as low as 0-6 months to be disposed across all the Divisions of the Supreme Court during the 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 for more than two years without being disposed. Using this yardstick, the overall on-time case processing rate for cases disposed in the Supreme Court in 2021 was approximately 68.10% which suggests that 68 of every 100 cases disposed were done within two years, representing a roughly 2.46 percentage points improvement when compared to 2020. This result implies that roughly 31.90% of the cases disposed in 2021 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 Commercial and Probate Divisions with on time case processing rates of 84.91% and 85.94% respectively fared best on this metric in 2021, thus also having the lowest crude gross case backlog rates at the end of the year with 15.09% and 14.06% respectively. On the other hand, the High Court Civil Division and the Home Circuit Court recorded the lowest on-time case processing rates of 37% and 46.40% respectively. Concomitantly, the crude proxy gross case backlog rates for High Court Civil Division was 63% and 53.60% for the Home Circuit Court in 2021.

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

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 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 65.11% in the Gun Court to a high of 79.85% in the Commercial Division in 2021. None of the Divisions of the Supreme Court met the international standard of 92% - 100% on this measure in 2021. The weighted average hearing date certainty across all the Divisions of the Supreme Court in 2021 was roughly 73.14%, which is an indication that there was a roughly 73% probability that a matter scheduled for hearing will go ahead without adjournment. Despite not meeting the international standards, this result represents an impressive improvement of 13.14 percentage points when compared to 2020 and is therefore a firm step in the right direction. 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 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 2021 are similar to

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

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 significant efforts are being made to minimize and eventually eliminate these incidences. For example, there are training and resourcing initiatives underway to bolster the court's case management, and scheduling apparatus. The greater problem however appears to be the absence of culture of collective responsibility where all court participants/stakeholders fully embrace that they play a crucial role in contributing to efficient case progression and thus optimal usage of the court's time and their own time. It appears that unless this culture is engendered and that the weaknesses identified among the relevant case participants/stakeholders in this report are aggressively addressed then the Supreme Court, even at its most optimal resource utilization will not be able to dispose of its cases within the shortest conceivable times. The existing constraints present a complexity in scheduling of hearings with matters getting longer future dates than they could otherwise. A possible consideration for solution to this challenge is presented in the final chapter of this report.

It was mentioned above that one of the dominant reasons for adjournment in 2021 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

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

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 85.27%, a decline of 9.29 percentage points when compared to 2020. This result suggests that for every 100 case files that were part of court hearings in 2021, nine less were able to proceed, as compared to 2020, 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 2021 was highest in the Matrimonial Division with a ratio of 101 requisitions per 100 case files while the High Court Civil Division with 6 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 Probate Divisions of the Supreme Court.

One of the most positive outcomes for the Supreme Court in 2021 was the significant improvement in the clearance of outstanding judgments. In this regard, the Supreme Court recorded the highest clearance rate for outstanding judgments seen since this type of reporting began, netting a rate of 188.62%. This result suggests that for every 10 new judgments reserved during the year, roughly 19 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

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

Justice's thrust to have judgments reserved delivered within three months, except for complex judgments which should take a maximum time of six months after being reserved to be delivered.

It is forecasted below that in 2022, 14192 new cases will be filed across the Divisions of the Supreme Court while it is projected that 9371 will be disposed. Thus, the forecasted clearance rate for the Supreme Court in 2022 is 66.03% which would be roughly 6 percentage points higher than 2021. Unfortunately, at the current rate, 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 the Matrimonial and Probate Divisions are showing good ability to keep pace with incoming cases and thus effectively manage case congestion.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

See below Supreme Court case activity summary for 2021:

| Division | New cases Filed | Aggregate number of cases disposed | Clearance Rate (%) | Average time To Disposition (months) | Hearing Date Certainty Rate (%) |
|------------------------|-----------------|------------------------------------|--------------------|--------------------------------------|---------------------------------|
| High Court Civil (HCV) | 5526 | 1476 | 26.71 | 49.57 | 79.21 |
| Matrimonial | 4381 | 3859 | 88.08 | 23.25 | 66.45 |
| Probate | 3252 | 2539 | 78.08 | 16.63 | 70.23 |
| Commercial | 575 | 179 | 31.13 | 15.83 | 79.85 |
| Home Circuit Court | 305 | 222 | 72.79 | 29.00 | 76.14 |
| Gun Court | 403 | 446 | 110.67 | 20.00 | 65.11 |
| Revenue Division | 8 | 7 | 87.50 | 20.00 | 75.00 |
| Insolvency Division | 10 | 2 | 20.00% | - | - |
| Gross/Weighted Average | 14460 | 8730 | 60.37 | 24.90 | 73.14 |

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

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

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 2021

| Division of the Supreme Court | Resolved/Disposed cases | Unresolved cases which had some administrative or court activity in 2021 | Number of cases disposed within 2 years | On-time case processing rate (%) | Crude Proxy Case backlog rate (%) |
|-------------------------------|-------------------------|--|---|----------------------------------|-----------------------------------|
| High Court Civil (HCV) | 1476 | 11965 | 547 | 37 | 63 |
| Matrimonial Division | 3859 | 5832 | 2841 | 73.62 | 26.38 |
| Probate Division | 2539 | 3450 | 2182 | 85.94 | 14.06 |
| Commercial Division | 179 | 834 | 152 | 84.91 | 15.09 |
| Home Circuit Court | 222 | 955 | 103 | 46.40 | 53.60 |
| Gun Court | 446 | 459 | 360 | 80.71 | 19.29 |
| Gross/Weighted Average | 8721 | 23495 | 6185 | 68.10 | 31.90 |

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Vital Forecasts:

Forecast of case activity in the Divisions of the Supreme Court in 2022

| Division | Forecasted number of new cases | Forecasted number of disposed cases | Forecasted Case Clearance Rate (%) |
|--------------------------------------|--------------------------------|-------------------------------------|------------------------------------|
| High Court Civil Division | 5750 | 2255 | 39.22 |
| Matrimonial Division | 4050 | 3527 | 87.09 |
| Probate and Administration Division | 3025 | 2634 | 87.07 |
| Home Circuit Court | 345 | 247 | 70.59 |
| High Court Division of the Gun Court | 415 | 451 | 108.67 |
| Commercial Division | 582 | 239 | 41.07 |
| Revenue Division | 10 | 7 | 70.00 |
| Insolvency Division | 12 | 9 | 75.00 |
| Admiralty | 3 | 2 | 66.67 |
| Total/Weighted Average | 14192 | 9371 | 66.03 |

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 2022 as well as the projected case clearance rates. The forecasted number of new cases entering the Supreme Court in 2022 is 14192 while the forecasted number of disposed cases across the Divisions/sections is 9371. These predicted values would produce a weighted case clearance rate of 66.03% in 2022.

Forecast for Judgments Reserved and Delivered in 2022

| Forecasted number of Judgments Reserved | Forecasted number of Judgments Delivered | Forecasted clearance rate on Judgments (%) |
|---|--|--|
| 135 | 220 | 162.96 |

Note: Forecasting done using the method of exponential smoothing

The Supreme Court is expected to sustain its positive direction in clearing outstanding judgments in 2022. Using the method of exponential smoothing, it is forecasted that 220 judgments will be delivered by the Supreme Court in 2022 and 135 new ones will be reserved. This produces a forecasted clearance rate on judgments of 162.96% in 2022, which suggests that for every 10 judgments reserved in 2022, 16 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.

| | |
|--|------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|------|

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

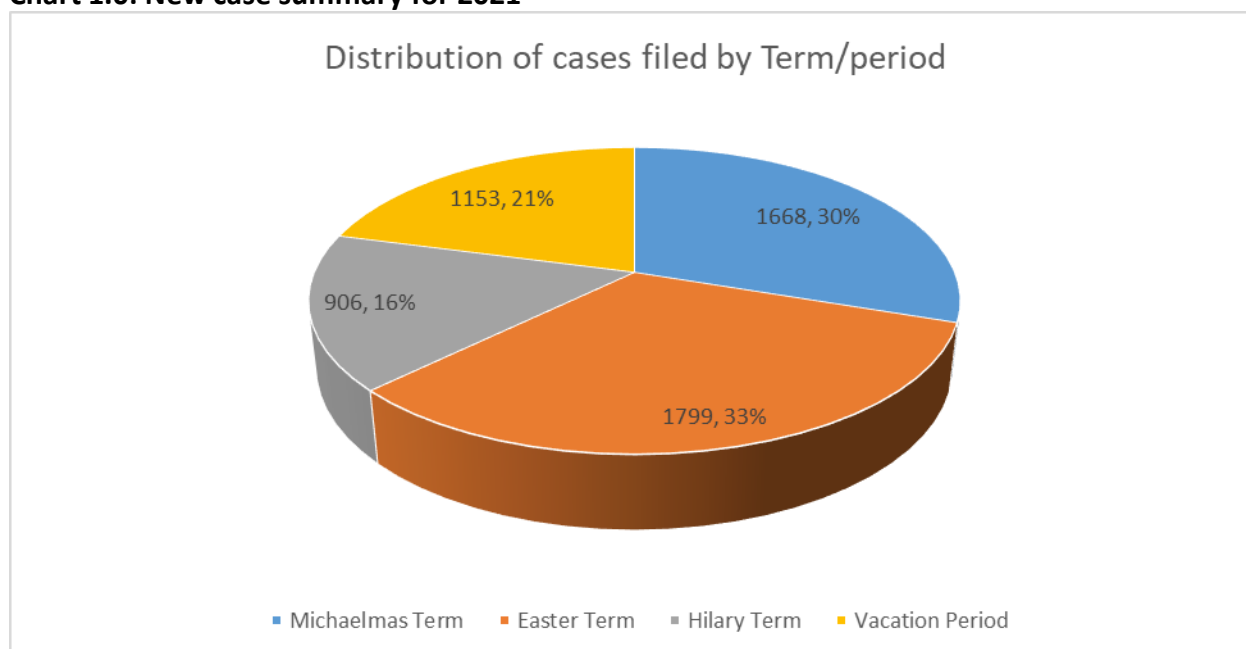
This is a comprehensive statistical report on case activity in the various Divisions of the Supreme Court in 2022. Each of the first six chapters focus on case activity and performance metrics in the High Court Civil (HCV) Division, the Matrimonial Division, the Probate Division, the Commercial Division, 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.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

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, 2021. 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 2021

Chart 1.0: New case summary for 2021



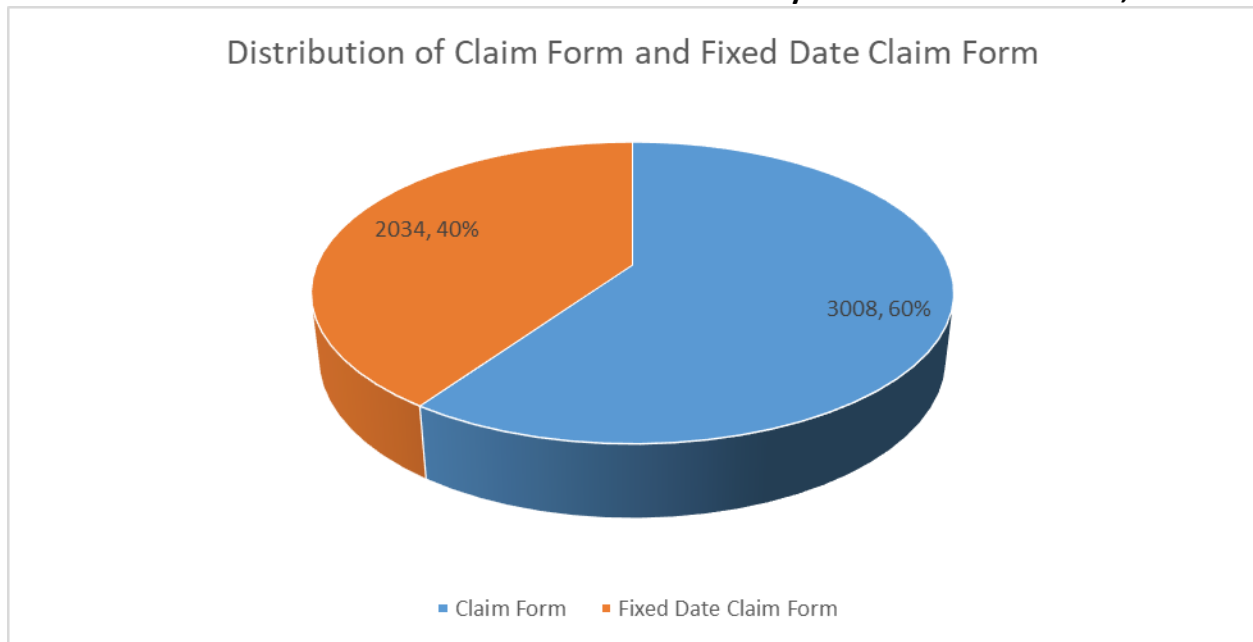
NB: Total number of civil cases for 2021 = 5526. The vacation period is used here to refer to the time between the end of the Easter Term and the start of the Michaelmas Term and between the Hilary Term and the Easter Term.

The chart above provides summary of the number of cases filed in the High Court Civil Division (HCV) for 2021. A total of 5526 new HCV cases filed in the year, a slight increase of 7.05% when compared to the previous year. The largest proportion of the new cases filed was in the Easter Term, which accounted for 1799 or 33% of the new cases. The Michaelmas Term with 1668 cases or 30% of the total and the Vacation Period with 1153 or 21% of the cases filed accounts for the next highest shares of the new cases filed in the High Court Civil Division (HCV) in 2021.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

The High Court Civil Division exceeded the number of new cases forecasted at the beginning of the year by 543 cases or 10.90%.

Chart 2.0: Claim Forms and Fixed Date Claim Forms for the year ended December 31, 2021



Sample size = 5042

The above chart highlights the proportional distribution of cases filed in the High Court Civil (HCV) Division in 2021 which originated either by way of a Claim Form or Fixed Date Claim Form. This chart is generated using a sample of 5042 cases which were filed by way of either Claim Form or Fixed Date Claim Form in 2021. The data shows that 3008 or 60% of this sample were filed by way of Claim Forms while 2034 or 40% were filed by way of Fixed Date Claim Forms. 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 in the High Court Civil Division of the Supreme Court. Other cases filed in a given year which are not done by way of a Claim Form or a Fixed Date Claim Form will be filed by notices of application which on average accounts for an

estimated 9% of total new cases filed. 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.

Tables 1.0a and 2.0 below provides an analysis of the reasons for adjournment or continuance of High Court Civil cases in 2021. Contextual definitions of 'reasons for adjournment' and 'reasons for continuance' respectively are adopted for the purpose of clarity. The first of the three tables enumerate the list of the most common reasons for adjournment, which refers to factors, which are usually not a part of the fundamental and often routine and unavoidable processes, or procedures for which a case is necessarily delayed. Using results from table 1.0, a proxy case file integrity rate is also computed for the High Court Civil (HCV) Division. The second table lists what may be considered as the main reasons for adjournment due to 'continuance'. Such reasons are defined as those that are intrinsic to the normal progression of a case towards disposition and are therefore largely unavoidable.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Table 1.0a: Leading reasons for adjournment for year ended December 31, 2021

| Reasons for adjournment | Frequency | Percentage |
|---|-----------|------------|
| Claimant to file documents | 1548 | 17.50 |
| File not found | 1093 | 12.40 |
| Claimant's documents not served or short served | 584 | 6.60 |
| Defendant to file documents | 484 | 5.10 |
| For comments from NEPA to be complied with | 375 | 4.20 |
| Matter referred to mediation | 361 | 4.10 |
| No parties appearing | 354 | 4.00 |
| Claimant to comply with order | 354 | 4.00 |
| Surveyors ID Report to be submitted as well as Local Planning Authority | 209 | 2.70 |
| Claimant's attorney not ready | 171 | 1.90 |
| For conformity with Town and Country Planning Authority | 147 | 1.70 |
| Claimant's attorney absent | 144 | 1.60 |
| Defendant's documents not served or short served | 143 | 1.60 |
| To produce documents | 122 | 1.40 |
| Claimant's application/documents not in order | 121 | 1.40 |

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

| | | |
|------------------------------------|-------------|--------------|
| Wrongly listed | 115 | 1.30 |
| Claimant not available | 107 | 1.20 |
| Defendant's attorney not available | 95 | 1.10 |
| Sub-Total | 6527 | 73.80 |

Total number of adjournments/continuance = 8837

There were total of 8837 incidence of adjournments/continuance in 2021, an increase of 42.95% when compared to 2020, a year in which court activity was acutely impacted by the COVID-19 pandemic. The above table summarizes the top fifteen reasons for adjournment for the year ended December 2021, using the contextual definition outlined above. It is seen that the three dominant reasons for adjournment were claimants to file documents with 1548 or 17.50% of all events of adjournments/continuance, adjournments due to files not found with 1093 or 12.40% and adjournments due to the non-service or short service of claimants' documents with 584 or 6.60%. Adjournments for defendants to file documents with 454 or 5.10% and for comments from NEPA to be complied with 375 or 4.20% rounds off the top five reasons for adjournment in the High Court Civil Division for 2021. The top eighteen reasons for adjournment enumerated above, accounts for approximately 73.80% of the total reasons for case adjournment/continuance in 2021. 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. While some of the reasons for adjournment strongly suggest weaknesses in

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

case flow management, record keeping and scheduling practices, the overwhelming majority of the incidences of reasons for adjournment are associated with external factors which are not directly controllable by the High Court Civil Division. An example of a major reason for adjournment for which the court is directly responsible is the incidence of files not found which features consistently on the top five list of reasons for adjournment. Adjournments of this nature often contribute to the inefficient use of judicial time and hampers the timely delivery of justice. As indicated, the data shows that several of the reasons for adjournment are however due to external factors which have also featured prominently in all previous reports. It is clear that there will need to be deliberate policy undertaken to reduce the incidence of adjournments caused by the various factors listed. The delays resulting from these adjournments are evidently a big part of the current lengthy postponements being experienced in some cases in the High Court Civil Division of the Supreme Court.

Continued process flow re-engineering, enhanced stakeholder engagement and more efficient resource alignment will be required to bring redress to many of the deficiencies resulting in the continued high incidence of adjournments. The needed improvements will also be helped by the upcoming introduction of an advanced case management and scheduling software in the court system which will assist in the optimal management of all judicial resources. This system, called the Judicial Case Management System will be operational in all divisions of the Supreme Court by the Michaelmas Term of 2022.

There are some internal processes which are being engineered to support the optimal operation of the High Court Civil Division. These include the bolstering the resources needed to

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

manage the timely placement of new documents on files and to more effectively track the movement of files with the aid of the available technology. The strength of the court's case management processes has a direct bearing on the incidence of adjournments, thus enhancing the science that is applied in deploying case management in the High Court Civil Division will be an important catalyst in fostering more robust case preparation, improving the compliance of parties with court requirements and hence the readiness of files for hearings to proceed.

Table 1.0b: Case File Integrity Rate for the year ended December 31, 2021

| 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 (%) |
|------------------------------------|---|------------------------------------|
| 8837 | 1302 | 85.27% |

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 336 combined incidences of adjournments due to these deficiencies in 2021, resulting in a case file integrity rate of 85.27%, which means that roughly 14.73% of the total

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

adjournments were due to one or more of factors that affect case file integrity. Using the same parameters, the case file integrity rate decreased sharply by 14.73% when compared to 2020. A re-engineering of the document management processes in the High Court Civil Division and a strengthening of the human resources in the records section of this Division are being pursued to create a sustainable system of marshalling file readiness. This will redound to the benefit of the High Court Civil Division in improving the rate of progression of cases filed to mediation and to court hearings and thus promote a timelier scheduling and other actions leading up to the disposition of cases filed. It will also contribute to an improvement of the rate of handling of notices of discontinuances filed which will assist in improving the timely disposition of cases.

Table 2.0: Frequent reasons for continuance for the year ended December 31, 2021

| Reasons for continuance | Frequency | Percentage |
|--|-----------|------------|
| Pending outcome of another application | 122 | 1.40 |
| Pending settlement | 92 | 1.00 |
| Part Heard Applications | 20 | 0.23 |

Total number of adjournments/continuance = 8837

The above table summarises the most common reasons why cases in the HCV Division were delayed for 'continuance' throughout 2021. It is seen that this list is led by matters pending outcome of another application with 122 or 1.40% of the total list of reasons for adjournment/continuance. This is followed by matters adjourned pending settlement with 92 or 1.00% of the combined incidence of adjournments and continuances in 2021.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Table 3.0: Selected trial and pre-trial case counts for the year ended December 31, 2021

| Trial matters/hearings | Frequency | Percentage |
|-------------------------------|------------------|-------------------|
| Court Trials | 412 | 32.34 |
| Motion Hearing | 48 | 3.77 |
| Assessment of Damages | 614 | 48.19 |
| Trial in Chambers | 200 | 15.70 |
| Total trial matters | 1274 | 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 2021. The table shows a 1274 combined cases which were heard across the four listed types of hearings, of which cases heard for assessments of damages with 614 or 48.19% accounted for the largest share while open court trials with 412 or 32.34% of the total ranked next. The 200 cases which had trials in chamber and the 48 or 3.77% which had motion hearings rounds off the list.

Table 4.0 Sampling distribution of hearing date certainty for the year ended December 31, 2021

| Hearing dates set | Hearing dates adjourned (excluding adjournments for continuance) | Hearing date certainty (%) |
|--------------------------|---|-----------------------------------|
| 9845 | 2047 | 79.21 |

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 9845 dates scheduled for either trial or various pre-trial hearings, both in Court and in Chamber, revealed that 2047 were 'adjourned' on the date

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

set for commencement. The resulting estimated overall hearing date certainty figure of 79.21% suggests that there is a roughly 79% 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 notable 14.64 percentage points increase when compared to the previous year. 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 19.11 percentage points when compared to 2020 and when trial in chambers is isolated the estimate rate is 70.54%, an improvement of 9.85 percentage points when compared to 2020. These results represent resilient outcomes with these important indicators of court performance emerging better than the pre-COVID period, partly aided by the creative use of virtual hearings as a substitute for face to face hearings in a high percentage of matters heard in the High Court Civil Division during the year.

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

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

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

Table 5.0a: Index of scheduling efficiency for Assessment of Damages in the HCV Division for the year ended December 31, 2021

| Number of available court days in 2021 | Number of days' worth of assessment of damages scheduled | Approximate ratio |
|--|--|-------------------|
| 186 | 705 | 3.79 |

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 2021, 186 all told and the number of days' worth of assessment of damages which were scheduled (a total of 705). It is shown that for every court day available, approximately 4 days' worth of matters were scheduled, roughly the same as 2020 and still higher than the equilibrium level that is required to curtail adjournments of dates set and the associated sub-optimization of judicial time. Although this ratio is approximately the same as the previous years' output, it is at the least 3 points better than the four years preceding 2020. The efforts to improve the scheduling of assessment of damage hearings in the High Court Civil Division will remain a top priority in 2022 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).

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

Table 5.0b: Index of scheduling efficiency for court trials in the HCV Division for the year ended December 31, 2021

| Number of available court days in 2021 | Number of days' worth of court matters scheduled for court trial per court | Approximate ratio |
|--|--|-------------------|
| 186 | 224 | 1.20 |

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 2021, 186 all told, and the number of days' worth of court trials which were scheduled per court (a total of 224). It is shown that for every day available, 1.20 days' worth of matters were scheduled, an improvement of 1422 points in this approximate ratio when compared to 2020, 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.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Table 6.0a: Probability distribution of the incidence of adjournments/continuance for the year ended December 31, 2021

| <u>Type of Incidence</u> | <u>Frequency</u> | <u>Percentage (%)</u> |
|----------------------------|------------------|-----------------------|
| Case Management Conference | 201 | 6.83 |
| Pre-Trial Review | 164 | 5.58 |
| Trial in open court | 398 | 13.53 |
| Trial in chamber | 210 | 7.14 |
| Assessment of damages | 153 | 5.20 |
| Judgment Summons Hearing | 137 | 4.66 |
| Applications | 1678 | 57.06 |
| Total | 2941 | 100.00 |

The above table takes a large, representative sample of reasons for adjournment and records the stages of the case flow process at which they are observed. The results here are broadly similar to those which were observed in the previous two years. Trial hearings account for a combined 20.67% of the adjournments in the sample while case management conferences account for 6.83% but it was the incidence of adjournments at the applications stage which again took the spotlight, accounting for 57.06% of the total incidence of adjournments. Pre-trial reviews and judgment summons hearings 5.58% 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.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Table 6.0b: Sampling distribution of the case flow process transition summary for the year ended December 31, 2021

| Number of cases on which defences were filed | Number of cases referred to Mediation | Number of cases on which mediation reports were received | Average time between filing of a defence and referral to mediation [For defences filed in 2021 only] | Average time between referral to mediation and receipt of mediation report [2021 referrals only] |
|--|---------------------------------------|--|--|--|
| 1947 | 386 | 432 | 93 days | 3.85 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

The overall sample case flow process transition summary for cases in the High Court Civil (HCV) Division in 2021 suggests that there were 1947 cases on which defences were filed, while 386 cases were referred to mediation. The data further suggests that the High Court Civil Division received mediation reports relating to 432 cases during the year. The average time taken to return a mediation report for the matters which were referred to mediation during 2021 was roughly 3.85 months, slightly higher than the required maximum of 90 days and the overall average response time tends to be longer. The sample statistics on the time interval between the filing of a defence and mediation referral is also quite insightful. Representative sample data taken suggests that on average it took approximately 93 days or three months after a defence is filed for a matter to be referred to mediation. The sample modal time interval was 25 days while the sample median was 48 days. Given that there are a number of outliers in the data set, the median might give a truer impression of the delay for this measurement. The shortest time interval recorded in the sample between the filing of a defence and referral to mediation is 2 days and the highest is 287 days or roughly 9 and a half months. Further analysis is provided below.

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

Table 6.0c: Sample distribution summary of the average times taken for the Supreme Court to receive mediation reports (2019 -2021)

Descriptive Statistics (days)

| | |
|------------------------|--------|
| Sample size | 230 |
| Mean | 178.23 |
| Median | 157.00 |
| Mode | 73 |
| Std. Deviation | 142.17 |
| Skewness | 0.448 |
| Std. Error of Skewness | .271 |
| Range | 625 |
| Minimum | <30 |
| Maximum | 640 |

The above table is computed using a systematic random sample of 230 cases on which mediation reports were received between 2019 and 2021. The results show that the average time taken to receive these reports from the point of referral is an estimated 5.9 months with a wide standard deviation of 4.7 months. The maximum time was approximately 21 months while the minimum was less than a month. Interestingly the modal response time was just over two months and the median was roughly five months. Using the median or mean sample estimates, it is clear 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.

Further analysis suggests that from a sample of 3805 High Court Civil (HCV) matters referred to mediation between 2019 and 2021, 694 were reported as settled in the official reports received, a success rate of 18.24%, which may be considered as quite modest. It suggests that

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021**

ON THE SUPREME COURT

81.76% of matters referred to mediation could have potentially progressed faster on the case flow continuum. These results draw into question the effectiveness of mediation and whether the mechanics surrounding its usage as means of expediting case disposition without wasting judicial time is in fact being achieved. Indeed, does mediation referrals potentially compound delays.

Table 7.0: Hearing date certainty for Assessment of damages for the year ended December 31, 2021

| Hearing dates set | Dates adjourned (excluding adjournments for continuance) | Hearing date certainty (%) |
|-------------------|--|----------------------------|
| 705 | 113 | 83.97% |

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 83.97%, an increase of 14.45 percentage points when compared to 2020. 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 2021.

Table 8.0: Hearing date certainty for Case Management Conferences for the year ended December 31, 2021

| Hearing dates set | Dates adjourned (excluding adjournments for continuance) | Hearing date certainty |
|-------------------|--|------------------------|
| 935 | 154 | 83.53% |

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021**

ON THE SUPREME COURT

Case management conferences form an important part of the preparation of cases for further judicial activities. Matters scheduled for case management conferences will typically be set for a fixed time and day in accordance with the available resources. These matters had a hearing date certainty of 83.53% in 2021, an improvement of 6.46 percentage points when compared to 2020, representing a resilient and commendable outcome.

Table 9.0: Requisitions for the year ended December 31, 2021

| Action | Frequency |
|---|-----------|
| Requisitions Issued | 843 |
| Responses to requisitions | 40 |
| Requisition response rate | 4.75% |
| Requisitions per 100 case files (approximation) | 6 |

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 843 requisitions for the year. The requisition response rate for 2021 was 4.75%, fractionally higher than 2020. 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.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Table 10.0: Chamber hearing case count distribution for the year ended December 31, 2021

| Type of hearing | Frequency | Percentage (%) |
|----------------------------|-------------|----------------|
| Oral Examination | 10 | 0.20 |
| Case Management Conference | 620 | 12.09 |
| Pre-trial review | 531 | 10.36 |
| Applications (Various) | 3883 | 75.74 |
| Judgment summons hearing | 93 | 1.81 |
| Number of cases | 5127 | 100 |

The above table summarizes the distribution of case counts for matters heard in Chamber in the High Court Civil Division in 2021. It is seen that the total number of cases heard in Chamber hearings for the year was 5127, the highest proportions of which were applications of various types with 3883 cases heard or 75.74% 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 12.09% of the listed case types heard in Chamber during the year while pre-trial reviews with 531 cases heard or 10.36% and Judgment summons hearings with 93 cases heard or 1.81% of the list rounds off the top five Chamber Hearings in 2021.

Among the leading types of applications filed in 2021 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.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Table 11.0: Methods of disposition for the year ended December 31, 2021

| Methods of Disposition | Frequency | Percentage (%) |
|--|-------------|----------------|
| Application Granted | 62 | 4.2 |
| Application Refused | 13 | .9 |
| Expiration of claim form | 105 | 7.1 |
| Consent Judgment | 18 | 1.2 |
| Consent Order | 28 | 1.9 |
| Damages Assessed | 64 | 4.3 |
| Dismissed | 2 | .1 |
| Final Order | 28 | 1.9 |
| Judgment | 19 | 1.3 |
| Judgment Delivered | 55 | 3.70 |
| Judgment in Default of Acknowledgment of Service | 3 | .2 |
| Judgment in Default of Defense | 2 | .1 |
| Judgment on Admission | 1 | .1 |
| Matter Withdrawn | 8 | .5 |
| Med - Parties Settled Prior to Mediation | 1 | .1 |
| Med - Settled Fully in Mediation | 9 | .6 |
| Notice of Discontinuance noted | 856 | 58.0 |
| Order (Chamber Court) | 28 | 1.9 |
| Order Granted for Transfer | 1 | .1 |
| Settlement | 142 | 9.6 |
| Struck Out | 24 | 1.6 |
| Transfer to Commercial | 5 | .3 |
| Transfer to Family Division | 1 | .1 |
| Transfer to Probate Division | 1 | .1 |
| Total | 1476 | 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 1476 HCV cases disposed in 2021, a sharp decrease of 35.21% when compared to 2020. The largest proportion of the cases disposed, 850 or almost 58.0% were a

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

result of notices of discontinuance filed, followed by the expiration of claim forms with 105 or 7.10%, matters settled with 142 or 9.60%, damages assessed with 64 or 4.30%, applications granted with 62 or 4.20% and judgments delivered with 55 or 3.70% rounds off the top six methods of disposition in the High Court Civil Division in 2021. The number of High Court Civil cases disposed in 2021 fell well short of the forecasted figure of 2623 by 43.73%.

Table 12.0: Time to disposition for the year ended December 31, 2021

Descriptive Statistics (months)

| | |
|------------------------|----------|
| Number of observations | 1476 |
| Mean | 49.5705 |
| Median | 39.0000 |
| Mode | 9.00 |
| Std. Deviation | 40.34510 |
| Variance | 1627.727 |
| Skewness | 1.127 |
| Std. Error of Skewness | .064 |
| Range | 328.00 |
| Minimum | 1.00 |
| Maximum | 329.00 |

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 2021. The 1476 cases disposed in the year reveal an estimated average time to disposition was 49.57 months or roughly 4 years and 3 months. The oldest matter disposed in the year was 329 months old or roughly 11 years old while the lowest time that a matter took to disposition

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021**

ON THE SUPREME COURT

was roughly a month. The median time to disposition was forty months or approximately 3 years and four months while the mode was 9 months. The standard deviation of roughly 40 months or 3 years and 4 months is indication of a wide variation of the durations to disposal around the mean and suggests that the times to disposition vary widely. The positive skewness of roughly 1.13 however 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, 2021

| Date Interval | Frequency | Percent |
|---------------|-------------|--------------|
| 0 – 12 | 274 | 18.6 |
| 13 – 24 | 272 | 18.4 |
| 25 – 36 | 176 | 11.9 |
| 37 – 47 | 168 | 11.4 |
| 48 & over | 586 | 39.7 |
| Total | 1476 | 100.0 |

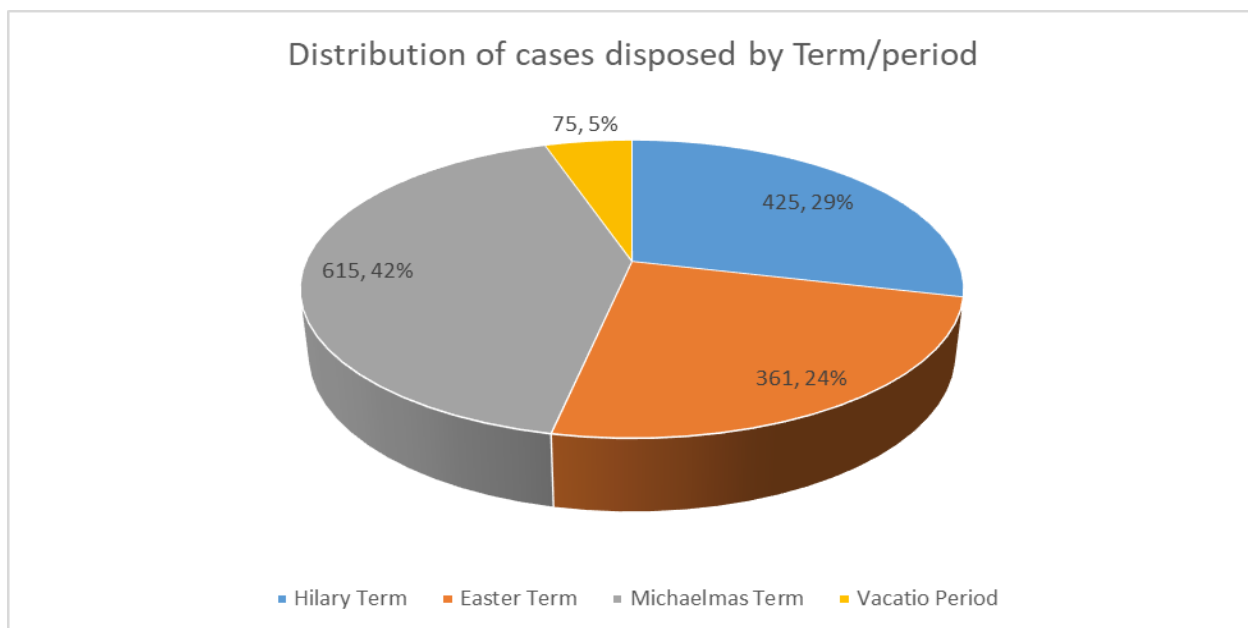
The above table provides a more detailed breakdown of the average time to disposition. It is seen that of the 1476 matters disposed in the year, the largest proportion, 586 or 39.70% took four years or more to be disposed. 274 cases or roughly 18.60% of the cases disposed took a year or less while 272 or 18.40% 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 11.40% and the 25 – 36 months' interval with 168 or 11.90% of the disposals. It is of note that roughly 37% of the matters disposed of in 2021 took two years or less, compared to approximately 63%, which took more than two years during the year. Deficiencies including

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

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. A number of new process re-engineering initiatives are currently being either undertaken contemplated 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 2021.

Chart 3.0: Dispositions by Term in the HCV Division for December 31, 2021



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 1476 cases disposed of in the High Court Civil Division during 2021. The Michaelmas Term accounted for the highest proportion of

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

cases disposed with 615 or 42%. 425 or 29% of the cases resolved were disposed in the Hilary Term, while 361 or 24% were resolved in the Easter Term and the remaining 75 or 5.0% were disposed in the vacation period.

Table 14.0: Clearance rate for the year ended December 31, 2021

| Cases filed | Cases disposed | Case clearance rate |
|-------------|----------------|---------------------|
| 5526 | 1476 | 26.71% |

***176 or 11.92% of the cases disposed, originated in 2021**

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 2021, the High Court Civil Division recorded a case clearance rate of 26.71%, representing a 17.41 percentage points decline when compared to the previous year. This decline in the number of cases filed outstripped the increase in the number of new cases filed in 2021. The Statistics Unit estimates that over the next 1-3 years, the High Court Civil Division will need to be averaging case clearance rates of between of 65% and 80% in order to start seeing a meaningful reduction in the average time to disposition. In this range, it is computed that enough cases will start to get nearer future dates of appearance in order to see a tendency towards the optimization of the Division's production function, subject to a number of existing constraints, both directly controllable and others external to the Court. The current quantitative trend does not however

suggest that such targets will realistically be attained anytime soon. The actual case clearance rate in 2021 was roughly half of the forecasted rate at the beginning of the year.

Other performance measures

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

(i) The on time case processing rate

(ii) The case turnover ratio

(iii) The disposition days

(iv) The crude proxy case backlog rate

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally, the crude proxy case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of 2021. These measures are summarized in the table below:

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Table 15.0: Selected performances metrics for the High Court Civil (HCV) Division in 2021

| 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 (%) |
|----------------|------------------|------------------------|--|---|--------------------------------|----------------------------------|-----------------------------------|
| 1476 | 11965 | 0.12 | 3042 | 546 | 930 | 37% | 63% |

The results in the above table show a case turnover rate of 0.12, which is an indication that for every 100 cases, which were ‘heard’ in 2021 and still active at the end of the year, another 12 were disposed, a decline of 9 percentage points when compared to 2020. 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 2021 is 37%, 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 63%, an indication that an estimated annual proportion of 63% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. The crude backlog rate increased by 2 percentage points when compared to 2020. The results suggest that of the

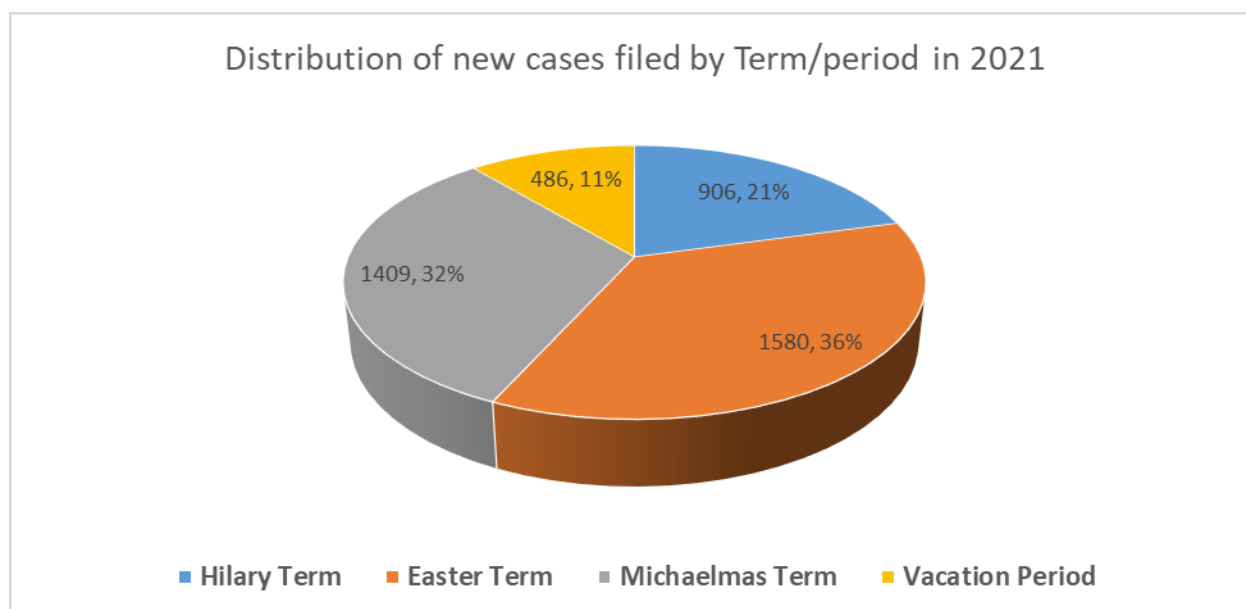
| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

11965 cases, which had some court activity in 2021 and were still active at the end of the year, roughly 7,548 are expected to be in a backlog classification before being disposed.

CHAPTER 2.0: MATRIMONIAL DIVISION

The ensuing analysis examines the various measures of the efficiency of case handling in the Matrimonial Division for the year ended December 2021.

Chart 4.0: Distribution of cases filed in the Matrimonial Division in 2021

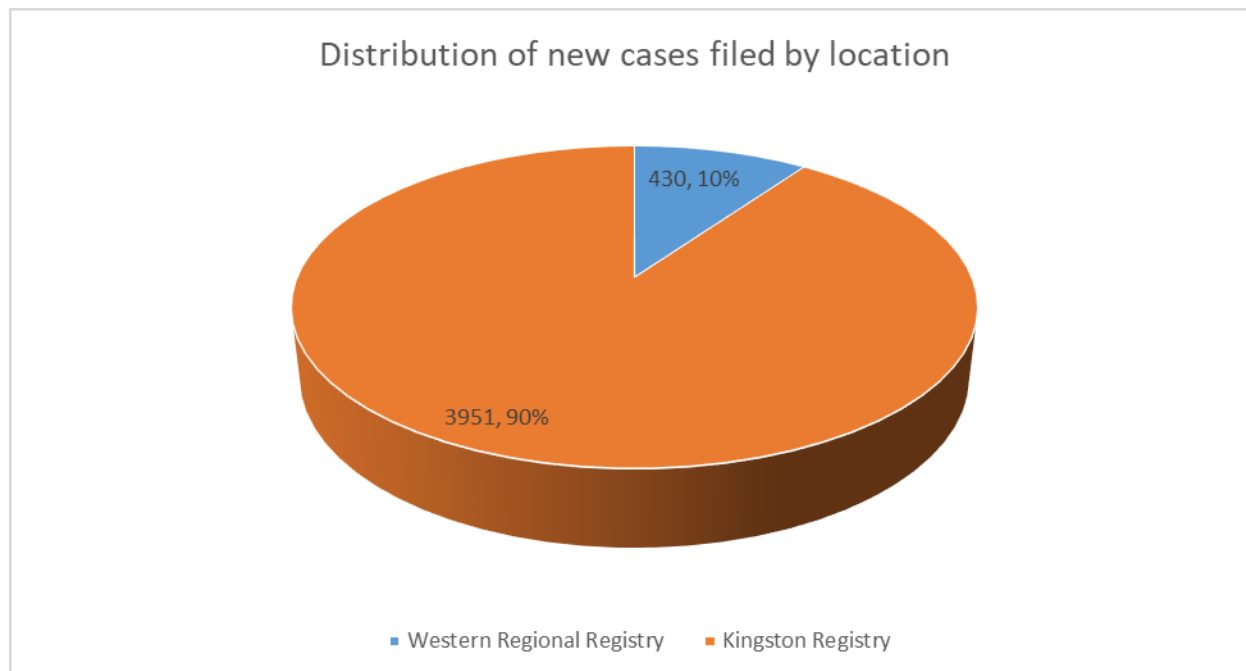


Total number of new cases filed in the Matrimonial Division (N) = 4381

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 4381 new Matrimonial cases were filed in 2021, a notable increase of 18.76% when compared to 2020. The above chart shows that largest proportion of Matrimonial cases filed in 2021 occurred during the Easter Term, which accounted for 36% or 1580 cases. This was followed by approximately 32% which were filed in the Michaelmas Term and 21% in the Easter Terms. The vacation period accounted for the remaining 11% of the new cases filed.

Chart 5.0: Distribution of new cases filed in the Matrimonial Division, by Registry in 2021



The above chart summarizes the distribution of new cases filed in the Matrimonial Division in 2021 at the Kingston and Western Regional Registries respectively. It is shown that 3295 or 89% of the new cases filed took place at the Supreme Court Registry in Kingston while the remaining 394 or 11% were filed at the Registry in Montego Bay. While the relative share of new cases filed is roughly the same as that of 2020, both registries saw notable increases in the number of new cases filed in 2021. The Kingston Registry saw a growth of 19.91% in the number of new cases filed while the Western Regional Registry experienced an increase of 9.14%.

It is of note that as a whole, 33.99% of the Matrimonial cases filed involved children while 0.23% were petitions for Nullity.

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

Table 16.0: Petitions filed for the year ended December 31, 2021

| Type of petition | Frequency | Percentage (%) |
|--|-------------|----------------|
| Petition for dissolution of marriage | 4231 | 56.52 |
| Amended petition for dissolution of marriage | 3245 | 43.35 |
| Petition for Nullity | 10 | 0.13 |
| Total Petitions filed | 7486 | 100 |
| Number of amendments per petition | 0.77 | |

***Includes petitions involving children**

The above table summarizes petitions filed in 2021. It is shown that a total of 8094 Petitions (new or amended) were filed, 4231 or 56.52% were petitions for dissolution of marriage, compared to 3245 or 43.35% which were amended or further amended petitions for dissolution of marriage. The analysis further suggests that the ratio of petitions to amended petitions is 0.77 or in other words for every 100 Petitions for dissolution of marriage there is roughly 77 amended Petitions for dissolution of marriage in 2021, an improvement of 2 percentage points when compared to the previous years. The number of petitions for dissolution of marriage which were filed in 2021 decreased by 15.0% when compared to 2020 while the number of amended petitions fell by 12.87%. The second consecutive year of decline in the number of amended petitions filed represents an encouraging sign for the probability of disposing more Matrimonial cases, faster. In 2021, the Matrimonial Division continued to make significant progress in clearing its case backlog, reaching the point by the end of December 2021. Currently, any case filing which meet the required standards of accuracy and completeness as

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

published on the website of the Supreme Court will quite probably be able to obtain a disposal within 4-6 months.

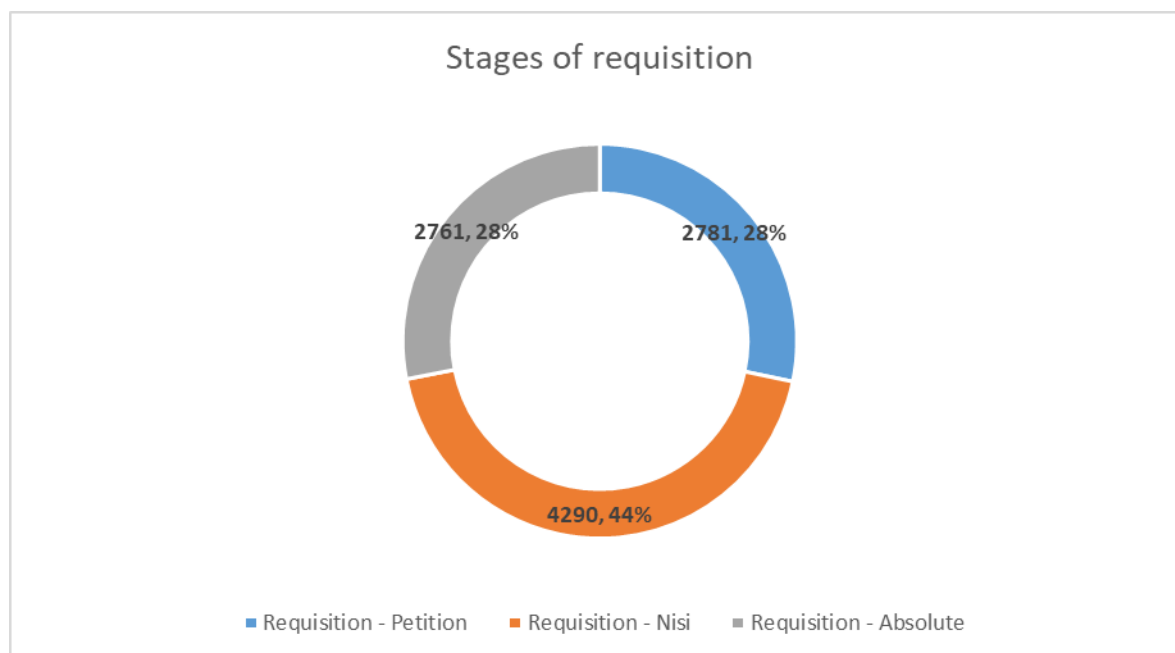
Table 17.0: Decrees Nisi and Decrees Absolute filed for the year ended December 31, 2021

| Case Status | Frequency |
|--|--------------|
| Decree Absolute | 6235 |
| Decree Nisi for dissolution of marriage | 5590 |
| Decree Nisi for nullity of marriage | 27 |
| Total | 11852 |
| Ratio of Decrees Nisi to Decrees Absolute Filed | 0.90 |

It is seen in the above table that for every 100 Decrees Nisi filed there were roughly 90 Decrees Absolute filed in 2021, a slight decline of 2 percentage points when compared to 2020. One caveat to note is that Decrees Nisi and Decrees Absolute would have originated at various times outside of this specific period of analysis. The data suggests that the number of Decrees Absolute filed increased by a notable 25% while the number of Decrees Nisi filed decreased by 3.0%. 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, 2021



The data suggests that a total of 9832 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 5.13 when compared to 2020. The number of requisitions filed at the petition stage increased by 6.06% when compared to 2020 while the number filed at the Decree Nisi stage fell sharply by 8.92%. The number of requisitions filed at the Decree Absolute stage increased by 36.68%. The decline in the number of requisitions filed in relation to Decrees Nisi is quite encouraging as this is consistently the stage of the case flow continuum where the highest proportion of requisitions are issued. 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 44% incidence, down by 6 percentage points when compared to 2020. 28% each of the total constituted requisitions at the stage of Petition and Decrees Absolute

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

respectively. Despite the improvements observed, the data continues to suggest that specific interventions are needed particularly at the stage of Decrees Nisi in order to bolster the speed of disposition of matters by reducing the incidence of requisitions. Operational measures currently being pursued should contribute to continued gains in this area in 2022. 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, 2021

| Methods of Disposition | Frequency | Percent |
|-----------------------------------|-------------|--------------|
| Decree Absolute Granted | 3363 | 87.1 |
| Finalized by death of Respondent | 5 | .1 |
| Notice of Discontinuance noted | 222 | 5.8 |
| Struck Out | 8 | .2 |
| WR Decree Absolute Granted | 259 | 6.7 |
| WR Notice of Discontinuance noted | 2 | .1 |
| Total | 3859 | 100.0 |

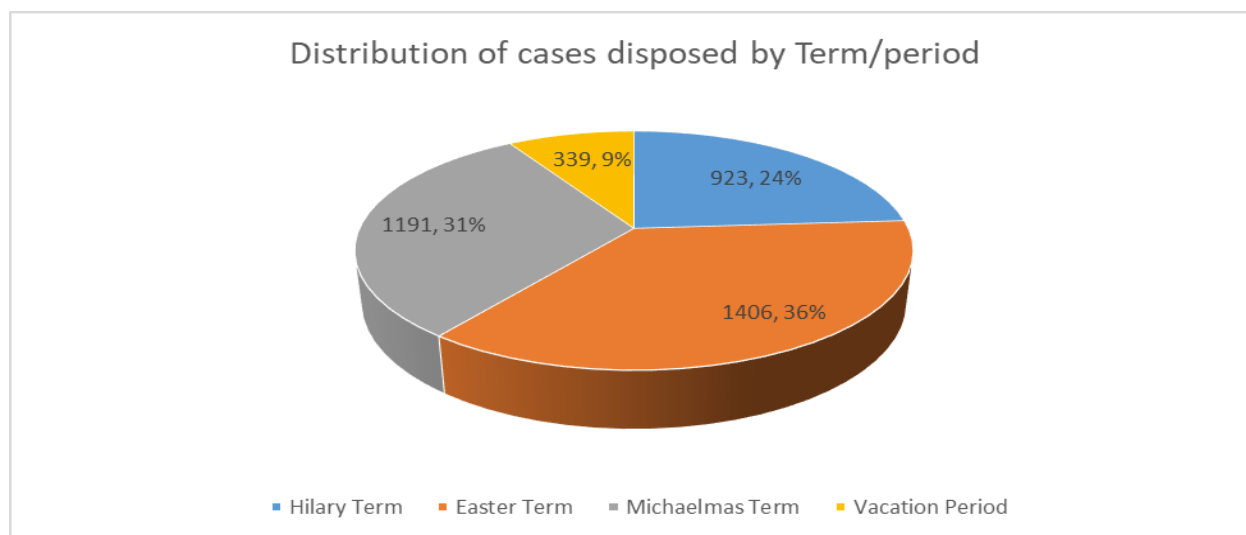
NB: WR means Western Regional Registry

The above table reveals that 3859 Matrimonial cases were disposed in 2021, an increase 29.28% when compared to 2020. A proportion of 93.80% or 3622 were attributable to Decrees Absolute Granted while 224 or 5.90% were due to Notices of Discontinuance filed, accounting for the top two methods of disposition in 2021. Matters struck out and those disposed by due to the death of the respondent rounds off the list of methods of disposition for matters resolved in the Matrimonial Division in 2020. It is of note that 587 or 15.21% of the cases disposed of in 2021, actually originated in that year, an impressive improvement of 119% when compared to 2020. This further represents a mere 13.30% of the new cases filed in 2021, a

decline in proportion of 6.04 percentage points when compared to 2020. The ongoing process flow re-engineering and enhanced engagement of stakeholders should continue to drive improvements in this area in 2022 and by the end of 2022 it is likely that up to 25% of new cases filed will be disposed in the same year of filing. The current trends suggest that the Matrimonial 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 3598 of the 3859 Matrimonial cases disposed were attributable to the Kingston Registry while 261 were accounted for by the Western Regional Registry in Montego Bay. Both locations experienced increases in the absolute number of cases disposed in 2021.

Chart 7.0: Distribution of cases disposed in the year ended December 31, 2021



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 3859 cases, which were disposed, the largest proportion were disposed in the Easter and Michaelmas Terms with roughly 36% and 31% respectively of the total. The Hilary Term with 923 or 24% of the disposed cases is next, followed by the vacation period with 339 or 9%.

Table 19.0: Requisitions summary for the year ended December 31, 2021

| Action | Frequency |
|--------------------------------------|-----------|
| Requisitions | 9832 |
| Number of requisitions per 100 files | 101 |
| Number of responses to requisitions | 5739 |
| Requisition response rate | 58.37% |

The incidence of requisitions is especially important in assessing the efficiency with which Matrimonial matters move through the court system. A total of 9832 requisitions were issued in 2021, a decrease of 12.15% when compared to 2020. This produces a ratio of cases filed to requisitions of 1.01 which suggests that for every 100 cases filed on which there was activity in 2021, there were 101 requisitions, an increase/worsening by 6 percentage points when compared to the previous year. The number of responses to requisitions fell by roughly 1.70 percentage points when compared to 2020, but this is expected to improve in 2022 as the overall efficiency of the Matrimonial 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.

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

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

| Stage 1 | Task | Existing Staff | Current time (days) | Proposed Staff | Proposed Time (days) |
|--|--|----------------|---------------------|----------------|----------------------|
| Petition/ Decree Nisi/ Decree absolute | Receive document and record skeleton party and document information in JEMS | 2 | 3 | 3 | 1 |
| | Enter and scanning of documents in JEMS | 3 | | 3 | |
| | Update of case party information in JEMS | | | | |
| | | | | | |
| | Retrieve file and maintain filing room (Records officer) | 0 | | 2 | |
| | | | | | |
| | Sorting of manual documents – punching and placing of documents on file, writing of party information and suit number on file jacket | 0 | 3 | 4 | 1 |
| | | | | | |
| Record in JEMS file location and move manual file to physical location. | 0 | 3 | 2 | 1 | |
| Updating and scanning of signed petition in JEMS. | | | | | |
| Issuing notice via email. | | | | | |
| | | | | | |

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

| | | | | | |
|------------------------|---|---|----------------|---|---------------|
| | Vetting and signing of petition by Deputy Registrar | 1 | 5 | 1 | 2 |
| | Mandatory waiting period for service of petition and filing of application for decree nisi (14-84 days) | | 14 | | 14 |
| | | | | | |
| Stage 2 | Task | | | | |
| Decree Nisi | Vetting of Decree Nisi by Deputy Registrar & legal officers | 1 | 40 | 2 | 20 |
| | | | | | |
| | Vetting and signing of Decree Nisi by Judge | | 14 | | 1 |
| | Mandatory waiting period between granting of decree nisi and application for decree absolute | | 30 | | 30 |
| | | | | | |
| Stage 3 | Task | | | | |
| Decree 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 relieved of court duties.

2. At stage two in addition to the existing deputy registrar and legal officer, the proposal is for one additional legal officer (GLG/LO1) for the proposed time line to be achieved.
3. At stage two, if the signing of decree nisi by judge/master within one day is to be achieved, files must be processed by judge/master on the day and within the time the decree nisi is scheduled and return to the matrimonial registry on the same day.
4. At stage two – for the processing decree nisi with 20 days is to be achieved it is proposed that two senior officers are available at stage one, sorting and vetting, to pre vet application for decree nisi
5. At stage three, if the signing of decree absolute by judge within one day is to be achieved, judges must process files on the day and within the time the decree absolute is scheduled and return to the matrimonial registry on the same day.
6. The proposal supports the following standards
 - a. Upon filing of petition, the matrimonial department will respond within **5 working days**. The response will be communicated by email if available or manual notice in the notice box, for the signed petition to be collected or to collect requisition to petition.
 - b. Upon filing of application for decree nisi, the matrimonial department will respond within **23 working days**. The response will be communicated by email if available or manual notice in the notice box, for the signed decree nisi to be collected or to collect requisition to decree nisi.
 - c. Upon filing of application for decree absolute, the matrimonial department will respond within **11 working days**. The response will be communicated by email if available or manual notice in the notice box, for the signed decree absolute to be collected or to collect requisition to decree absolute.
7. This model is built on the assumption of expeditious responses from the attorneys and their clients so as to eliminate delays.

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

Table 21.0: Court/Chamber hearings for the year ended December 31, 2021

| Action | Frequency | Percentage (%) |
|----------------------------|------------|----------------|
| Applications | 426 | 55.32 |
| Expedited Applications | 41 | 5.32 |
| Case Management Conference | 198 | 25.71 |
| Motion Hearing | 53 | 6.88 |
| Pre-trial Hearing | 10 | 1.30 |
| Trial | 42 | 5.45 |
| Total | 770 | 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 770 hearings either before open court or chamber, a decline of 18.65% when compared to 2020. The largest proportion, 426 or 55.32% were applications followed by 198 or 25.71%, 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 41 or 5.32% 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.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Table 22.0: Top four types of applications in the year ended December 31, 2021

| Application type | Frequency | Percentage (%) |
|---|-----------|----------------|
| Application for custody and maintenance | 66 | 14.13 |
| Applications for custody | 44 | 9.42 |
| Application for substituted service | 39 | 8.35 |
| Application for joint custody | 27 | 5.78 |

Further analysis of the types of application brought before the Court suggests that applications for custody/maintenance with 66 or 14.13% accounted for the largest share. This is followed by applications for custody with 44 or 9.42% of the observations, while applications for substituted service with 39 or 8.35% and applications for joint custody with 27 or 5.78% each of the applications round off the top four applications in the sample. These top four application types account for roughly 37.68% of the applications in the Matrimonial Division in 2021.

Table 23.0: Top five reasons for adjournment for the year ended December 31, 2021

| Reasons for Adjournment | Frequency | Percentage (%) |
|---|-----------|----------------|
| Claimant to file documents | 47 | 12.02 |
| Claimant's documents not served or short served | 26 | 6.65 |
| File not found | 26 | 6.65 |
| Referral to mediation | 25 | 6.39 |
| No parties appearing | 23 | 5.88 |
| Defendant to file documents | 20 | 5.12 |

Total incidence of adjournments (N) = 391

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 391 incidence of

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

adjournments in the Matrimonial Division for chamber and open court hearings in 2021, representing an increase of 3.99% when compared to 2020. The largest proportion of these adjournments were for claimants to file documents with 47 or 12.02%, claimant's documents not served or short served and files not found each with 26 or 6.65% and referrals to mediation with 25 or 6.39%. Adjournments due to no parties appearing and for defendants to file documents with 5.88% and 5.12% respectively rounds off top six reasons for adjournment during the year. The listed reasons for adjournment account for 42.71% of the total incidence of adjournments in 2021. 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, 2021

| Court/Chamber hearing dates set | Hearing dates Date adjourned (excluding continuance) | Hearing date certainty rate (%) |
|---------------------------------|--|---------------------------------|
| 760 | 255 | 66.45% |

The possible over-scheduling of cases is affirmed by the above table, which computes the date scheduling certainty of the Matrimonial Division. It is seen that of the 760 -combined incidence of Court and Chamber hearings in 2021, 248 were adjourned for reasons other than intrinsic procedural factors. This produces a moderate 66.45% hearing date certainty rate, an increase of 4.66 percentage points when compared to 2020. For every 100 hearing dates scheduled, the approximate number that proceeded without adjournment in 2021 is 66. When trial matters

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

are isolated, the trial date certainty rate is 62.29%, a 2.17 percentage points improvement when compared to 2020.

Table 25.0: Time to disposition for the year ended December 31, 2021

| | |
|--------------------------|----------|
| Number of cases disposed | 3859 |
| Overall Mean/Average | 23.2529 |
| Median | 16.0000 |
| Mode/Most frequent time | 8.00 |
| Std. Deviation | 24.56210 |
| Variance | 603.297 |
| Skewness | 4.431 |
| Std. Error of Skewness | .039 |
| Range | 368.00 |
| Minimum | 2.00 |
| Maximum | 370.00 |

The overall average time to disposition of all cases resolved in the Matrimonial Division in 2021 is roughly 23 months. The modal/most frequently occurring time to disposition was however eight (8) months. The high positive skewness suggests that a substantial portion of the cases disposed were resolved in less than the overall average time. 15.21% of the cases disposed in 2021 originated in said year while 13.40% or 587 of the cases filed in 2021 were disposed in said year. 90 of the cases filed in 2021 took six months or less to be disposed while only 10 were disposed in 4 months or less.

The oldest matter disposed was approximately 31 years old while on the other end of the spectrum there were matters filed which disposed within a two months, most likely due to discontinuances. The scores had a standard deviation of roughly 25 months, which indicates a

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

wide variation in the distribution of the times to disposition in the period. The skewness measure returns a large positive figure of approximately 4.43 which strongly indicates that a markedly larger proportion of the times to disposition were lower than the mean. The margin of error of these estimates is plus or minus 2 months or 0.17 years.

Table 26.0: Breakdown of times to disposition for the year ended December 31, 2021

| Months | Frequency | Percent |
|--------------|-------------|--------------|
| 0 - 12 | 1524 | 39.5 |
| 13 – 24 | 1317 | 34.1 |
| 25 - 36 | 454 | 11.8 |
| 37 – 47 | 184 | 4.8 |
| 48 & over | 380 | 9.8 |
| Total | 3859 | 100.0 |

The above table provides a more detailed breakdown of the estimated times to disposition for Matrimonial matters in 2021. It is seen that of the 3859 matters disposed in 2021, the largest proportion, 1524 or roughly 39.50% were disposed within a year, followed by the 1317 or 34.10% which were disposed in 13 – 24 months. Taken together this result suggests that 2841 or 73.60% of Matrimonial 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 3.10 percentage points when compared to 2020. 454 or roughly 11.80% of all Matrimonial matters disposed in 2021 took between 25 and 36 months to be disposed. It is of note that 380 or 9.80% of the cases disposed in the Matrimonial Division in 2021 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

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

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, Matrimonial cases can be disposed within 4 months after filing, however in 2021 less than 20% 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 Matrimonial Division continues to work on achieving optimal efficiency in its internal processes in order to guarantee the public that if filings made by litigants and attorneys meets the requisite standards and are requisitions are responded to in a timely manner then divorce cases can be resolved without delay.

Table 27.0a: Case clearance rate for the year ended December 31, 2021

| Cases filed | Cases disposed | Case clearance rate |
|-------------|----------------|---------------------|
| 4381 | 3859 | 88.08 |

* It is of note that 587 or 15.21% of the cases disposed of in 2021, actually originated in that year, an impressive improvement of 119% when compared to 2020. This further represents a mere 13.30% of the new cases filed in 2021, a decline in proportion of 6.04 percentage points when compared to 2020.

The above table shows that there were 4381 new cases filed in 2021 while 3859 were disposed. This produces a case clearance rate of 88.08%, suggesting that for every 100 new cases; roughly 88 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 seven percentage points increase in the clearance rate when compared to 2020. The number of Matrimonial cases disposed in 2021 is 27.65% above the forecasted number at the beginning of the year. The clearance rates for Matrimonial matters may also be broken down by location of registry, as shown below:

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

Table 27.0b: Case clearance rate for the year ended December 31, 2021 (by registry location)

| Registry location | Number of new cases filed | Cases disposed | Case clearance rate |
|----------------------|---------------------------|----------------|---------------------|
| Kingston Registry | 3951 | 3598 | 91.07% |
| Montego Bay Registry | 430 | 261 | 60.71% |

The above table shows that when the case clearance rate is done by registry location, the Matrimonial Registry in Kingston cleared roughly 91 cases for every 100 new cases filed while the Western Regional Registry in Montego Bay cleared approximately 61 for every 100 cases filed. Both Registries experienced an increase in the absolute number of cases disposed in 2021 when compared to 2020. The Kingston Registry disposed of 20.41% more cases than in 2020 while the Montego Bay Registry resolved 9.66% more cases than in 2020. The case clearance rates for both registries in 2021 were however roughly the same as that of 2020. 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**

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

(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 2021. These measures are summarized in the table below:

Table 28.0: Selected performances metrics for the Matrimonial Division in 2021

| 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 (%) |
|----------------|------------------|------------------------|---|---|--------------------------------|----------------------------------|-----------------------------------|
| 3859 | 5832 | 0.66 | 553 days | 2841 | 3859 | 73.62 | 26.38 |

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, 2021 and still active at the end of the year, another 66 were disposed. This result forms part of the computation of the case disposal days which

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

reveals that the cases that went to court which were unresolved at the end of the year will on average take 553 days or 1.52 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 Matrimonial Division in 2021 is approximately 73.62%, which reflects the proportion of Matrimonial cases in 2021, which were disposed within 2 years. Conversely, the proxy case backlog rate is 26.38%, an indication that an estimated annual proportion of 26% 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 5871 cases, which had some court activity in 2021 and were still active at the end of the year, 1516 are expected to be in a backlog classification before being disposed. This expected value is likely to be substantially lowered in 2022, given the current trend in the Matrimonial Division.

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

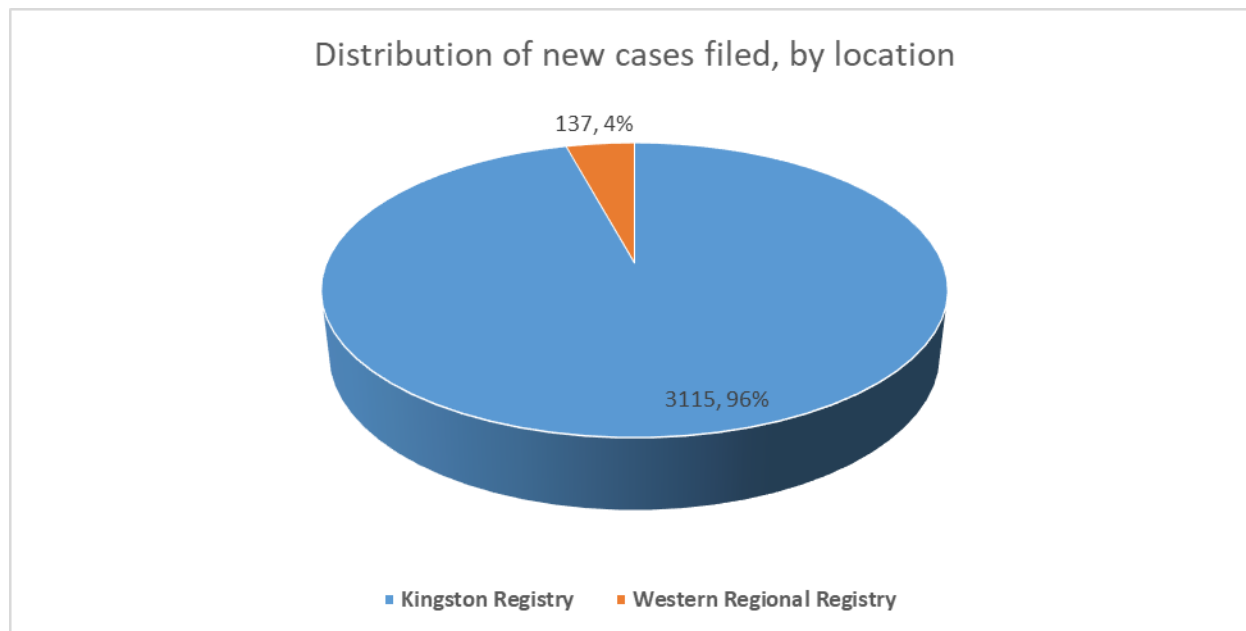
CHAPTER 3.0: PROBATE AND ADMINISTRATION DIVISION

This section turns to the analysis of the progression of matters in the Probate and Administration Division for the year ended December 31, 2021.

A total of 3252 new Estate Cases were filed in the Probate and Administration Division in the year ended December 2021, an increase of 20.40% when compared to 2020. 137 of these new cases were filed at the Western Regional Registry, an increase of 63.09% when compared to the previous year while the remaining 3115 were filed at the Registry in Kingston. The output for the Kingston Regional Registry represents a 19% increase in the number of new cases filed when compared to 2020. The number of new estate cases filed in 2021 is 22.11% above the 2663 which were forecasted at the beginning of the year.

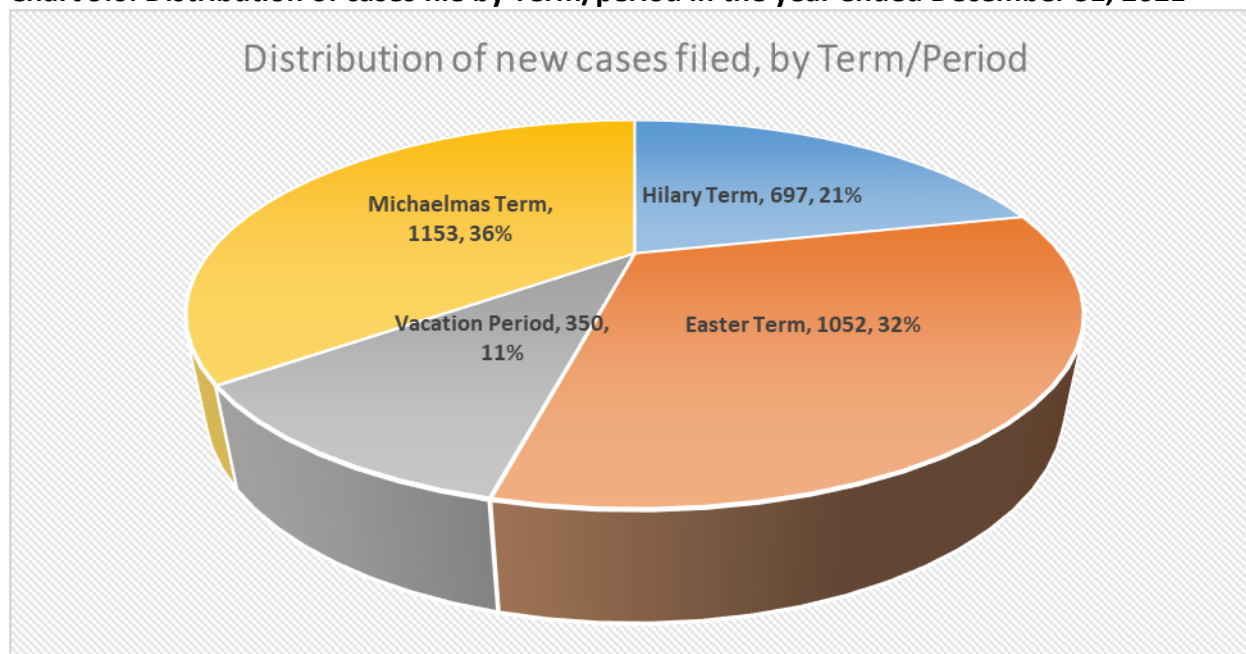
Separately, there were 282 instruments of administration filed in 2021, representing 7.35% of all new matters handled by the Probate and Administration Division during the year. A further 298 or 7.78% of the new matters handled by the division during the year were in relation to requests for Parish Court Certificates. The 3252 new estate cases filed in 2021 represent 84.86% of new matters handled by the Division.

Chart 8.0: Distribution of Probate cases filed, by Registry in the year ended December 31, 2021



As shown in the above chart, 3115 or 96% of the new Probate cases filed in 2021 took place at the Registry in Kingston while the remaining 137 or 4% were filed at the Western Regional Registry in Montego Bay. This distribution is broadly typical to that observed in previous years.

Chart 9.0: Distribution of cases file by Term/period in the year ended December 31, 2021



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 2021.

The largest proportion of new cases was filed in the Michaelmas Term with 1153 or 36%, followed by the Easter Term which accounted for 1052 or 32% and the Hilary Term with 697 or 21% of the new cases filed during the year. The vacation period accounted for the lowest share of the new cases filed during the year with 350 or 11% of the new cases filed during the year.

Table 29.0: Summary of Oaths filed during the year ended December 31, 2021

| Oaths | Frequency | Percentage (%) |
|--------------------|-------------|----------------|
| Supplemental Oaths | 2878 | 46.95 |
| Oaths | 3252 | 53.05 |
| Total | 6130 | 100 |
| Ratio | 0.88 | |

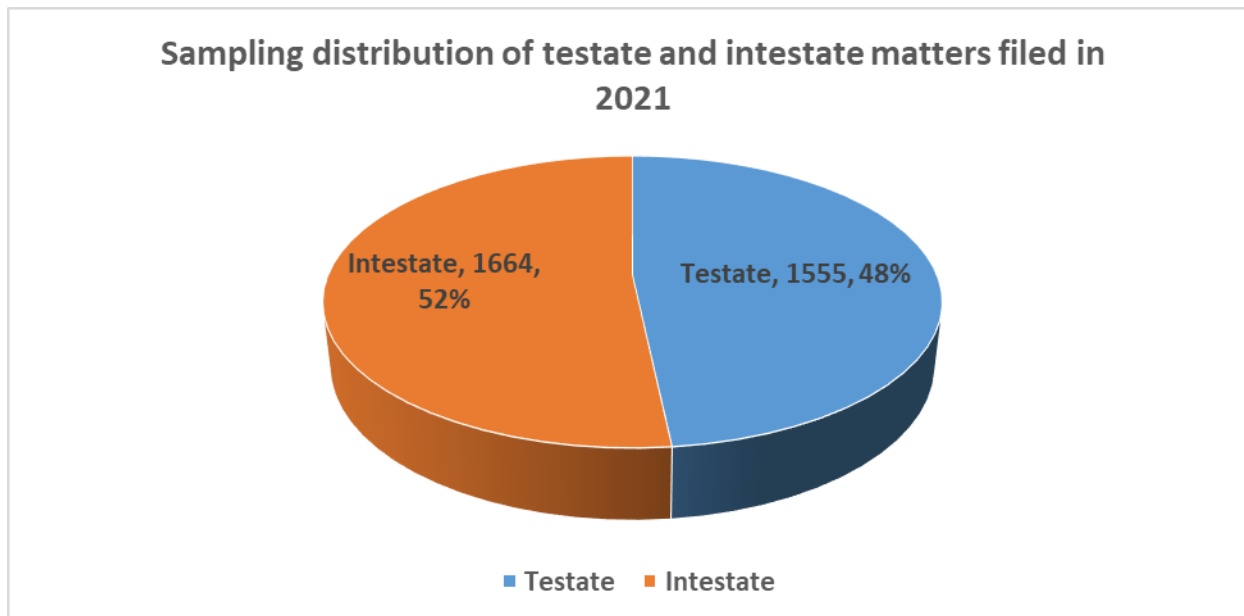
| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

The above table suggests there were a total of 6130 combined Oaths and supplemental Oaths filed in 2021, of which 3252 or 53.05% were initial Oaths filed, compared to 2878 or 46.95% which were Supplemental Oaths. The ratio of Oaths to Supplemental Oaths is 0.88, which suggests that for every 100 Oaths there were 88 Supplemental Oaths filed during the year, a statistic which has potentially adverse implications for the speed of disposition of matters but this is nonetheless an improvement of two percentage points when compared to the previous year, the second consecutive year of improvement. It is of note that the Supplemental Oaths in this data set are not all related to the cases filed in 2021 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 Probate and Administration 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 is becoming 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.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Table 30.0b: Sampling Distribution of Testate and Intestate cases filed as at December 31, 2021



Sample size = 3219

The above chart shows that an estimated 48% of the new cases filed in the Probate and Administration Division in 2021 were Testate matters (matters with a Will in place prior to death) and 52% were Intestate (having no Will in place). These estimates were derived using a sample of 3219 cases filed in 2021.

Table 31.0: Action sequence for the year ended December 31, 2021

| Action Status | Frequency |
|---|-------------|
| *Granted | 2479 |
| *Grants Signed | 2373 |
| Ratio of Granted Applications to Grants Signed | 0.96 |

**** Some of these relate to cases originating before 2021***

In the process of disposing a typical matter handled by the Deputy Registrar, a case will be granted after satisfactory review and then the Grant is signed which closes the case. In the above data we elucidate the ratio of granted applications to Grants signed which reveals a ratio

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

of 0.96, suggesting that for every 100 granted applications, there were 96 Grants signed (though not necessarily from the number granted). This is a decline of six percentage points when compared to 2020 but is by any measure an outstanding result.

Table 32.0: Case action and requisitions summary for the year ended December 31, 2021

| Action Status | Frequency |
|--|-----------|
| Number of cases actioned | 5989 |
| Requisitions Issued | 5205 |
| Number of responses to requisitions | 3761 |
| Number of requisitions issued per case file | 0.87 |
| Requisitions response rate | 72.06% |
| Average days between final requisition filed and Grant of Probate/Administration | 21 |

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 Probate Division. It is seen that there were 5205 requisitions issued while 5989 individual matters were actioned in the period, representing a ratio of 0.87 requisitions per case file actioned. This means that for every 100 cases actioned there were 87 requisitions issued, an increase when compared to the previous year. There were 3761 responses to requisitions in the Probate and Administration Division in 2021, producing a requisitions response rate of 72.26%, an improvement of 2.46 percentage points when compared to the previous year. Further analysis suggests that the average time from the issuing of final requisitions to the Grant of Probate was 21 days, an improvement of 2 days when compared to 2020. There was an increase of 23.26% in the number of requisitions issued

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

in 2021 when compared to the previous year while the number of responses filed to requisitions issued increased by 27.62% over the same period.

Table 33.0: Methods of Disposal for the year ended December 31, 2021

| Methods of Disposition | Frequency | Percent |
|--|-------------|--------------|
| Application Granted | 25 | 1.0 |
| Claim form expired | 1 | .0 |
| Grant ad collegenda Bona signed | 2 | .1 |
| Grant by Representation signed | 2 | .1 |
| Grant of Admin De Bonis Non signed | 14 | .5 |
| Grant of Admin De Bonis Non W/A signed | 14 | .5 |
| Grant of administration signed | 1175 | 45.4 |
| Grant of Double Probate signed | 5 | .2 |
| Grant of probate signed | 975 | 37.7 |
| Grant of Resealing signed | 105 | 4.1 |
| Letters of Administrator with W/A signed | 58 | 2.2 |
| Matter Withdrawn | 2 | .1 |
| Notice of Discontinuance noted | 96 | 3.7 |
| Witness Summons Issued | 1 | .0 |
| WR Grant of administration signed | 43 | 1.7 |
| WR Grant of probate signed | 19 | .7 |
| WR Grant of Resealing signed | 1 | .0 |
| WR Notice of Discontinuance noted | 1 | .0 |
| Total | 2539 | 100.0 |

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

The summary of the methods of disposal for the Probate and Administration Division for the year are contained in the above table. It is shown that of the 2539 cases disposed in 2021, a notable increase of 12.89% when compared to 2020. The largest proportion, 2463 or 97.0% was a result of various Grants Signed. Notices of Discontinuance and matters disposed by an application granted and expired claim forms account for the combined remaining 125 or 3.84%

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

of the dispositions. Grants of Administration signed and Grants of Probate signed with 1175 or 46.28% and 975 or 38.40% accounts for the largest share of Grants Signed. Separately, the Probate and Administration Division issued 49 Parish Court Certificates in 2021. The Probate and Administration Division exceeded the forecast for case dispositions by 8.92% in 2021.

Table 34.0: Dominant reasons for adjournment of Probate matters for the year ended December 31, 2021

| Reasons for adjournment | Frequency | Percentage (%) |
|---|-----------|----------------|
| Claimant to file documents | 75 | 31.80 |
| File not found | 29 | 12.10 |
| Claimant's documents not served or short served | 24 | 10.00 |
| Claimant to comply with order | 16 | 6.70 |
| Attorney unavailable | 12 | 5.00 |

Total number of adjournments = 239

The top five reasons for adjournment for Probate matters that went to court in 2021 are summarized in the above table above. It is shown that of the 239 incidence of adjournments in the period, the largest proportion were for the reasons of 'claimant to file documents' which accounted for 75 or 31.80% of the total. This was followed by adjournments due to files not found and claimant's documents not served or short served with 12.10% and 10.0% respectively of the total number of adjournments. The top five reasons for adjournment is rounded off by those for claimant to comply with order and attorney unavailable with 6.70% and 5.0% respectively. As with previous reports, most of these reasons also featured prominently in the list of reasons for adjournment in the Matrimonial and High Court Civil Divisions during the year.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Table 35.0: Applications for the year ended December 31, 2021

| Nature of Applications | Frequency | Percentage (%) |
|--|------------|----------------|
| Applications | 325 | 89.78 |
| Express Applications | 37 | 10.22 |
| Total | 362 | 100.0 |
| Ratio of express applications to applications | - | 0.11 |

The above table provides a basic summary of the types of court applications made in 2021 and shows that there were 362 Court Applications in the period, of which 325 or 89.78% were standard applications while the remaining 37 or 10.22% were express applications. For every 10 applications made during the year, there was roughly 1 express application.

Table 36.0: Top four types of applications for the year ended December 31, 2021

| Application | Frequency | Percentage (%) |
|---------------------------------|-----------|----------------|
| Application to prove copy will | 91 | 25.14 |
| Application for directions | 27 | 7.46 |
| Application to revoke Grant | 19 | 5.25 |
| Applications to admit copy will | 18 | 4.97 |

The above provides a deeper analysis of the types of applications made during the period under examination. It is shown that applications to prove copy will account for the largest proportion of applications with 91 or 25.14% of the total, followed by applications for directions with 27 or 7.46% 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. Some of these applications utilized the available express option.

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

Table 37.0: Hearing date certainty for the year ended December 31, 2021

| Court/Chamber hearing dates set | Hearing dates adjourned (excluding continuance) | Hearing date certainty (%) |
|---------------------------------|---|----------------------------|
| 383 | 114 | 70.23% |

The above table addresses the extent of adherence with dates set for court/chamber matters in the Probate Division for 2021. It is shown that there were 383 incidences of dates scheduled for Chamber or Court, 114 of which were adjourned for reasons other than ‘continuance’. This produces an overall hearing date certainty rate of 70.23%, an indication that for 2021 there was a roughly 70.23% chance that a matter set for court would proceed without the date being adjourned. This is an increase of roughly 9.65 percentage points when compared to 2020. When trial matters are isolated, the trial date certainty rate is roughly 60%, 15 percentage points above the figure in 2020.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Table 38.0: Age of matters disposed for the year ended December 31, 2021

Descriptive Statistics (in months)

| | |
|------------------------|----------|
| Number of observations | 2539 |
| Mean | 16.6262 |
| Median | 10.0000 |
| Mode | 8.00 |
| Std. Deviation | 22.38636 |
| Variance | 501.149 |
| Skewness | 5.324 |
| Std. Error of Skewness | .049 |
| Range | 319.00 |
| Minimum | <2.00 |
| Maximum | 321.00 |

The above table provides a summary measure of the overall estimated times to disposition for the 2539 cases disposed during the year. The estimated average time to disposition is 16.63 months or approximately 1.4 years, roughly the same as 2020. 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 10 months and the most frequently occurring time to disposition of just 8 months. The reasonably large standard deviation of 22.39 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 Probate matter disposed in the

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

year was 321 months old or approximately 27 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 Probate cases disposed of in 2021, an impressive 968 or 38.13% originated in that year, roughly 1 percentage point better than 2020.

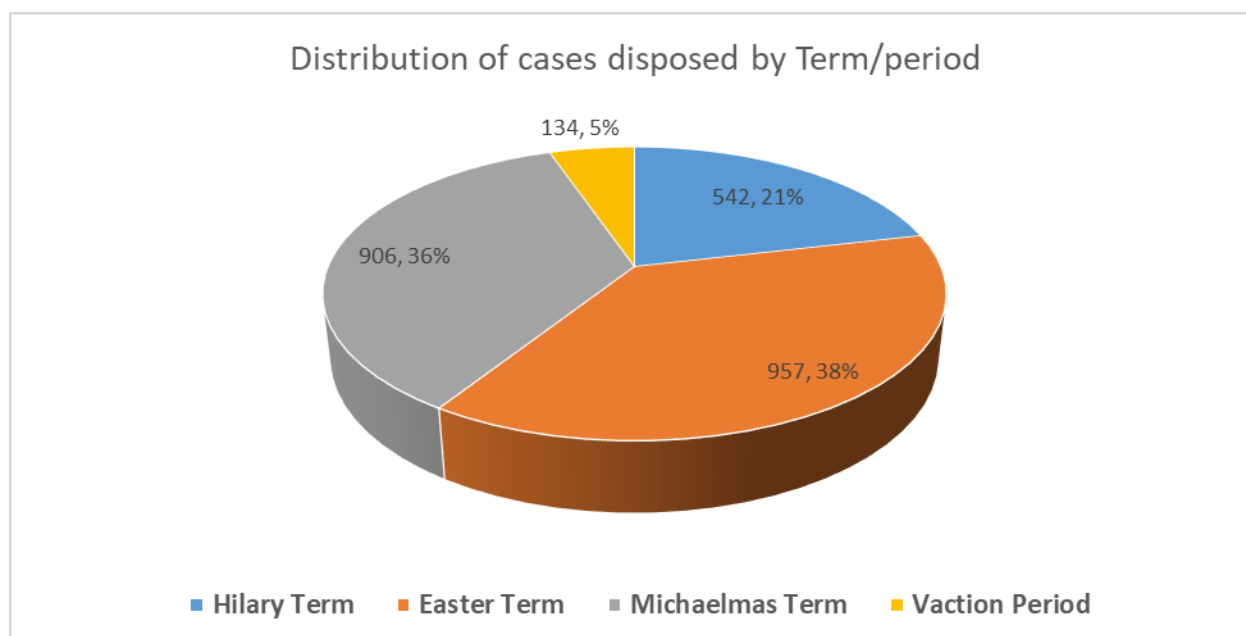
Table 39.0: Breakdown of times to disposition for the year ended December 31, 2021

| Time Interval | Frequency | Percent |
|---------------|-------------|--------------|
| 0 – 12 | 1613 | 63.5 |
| 13 – 24 | 569 | 22.4 |
| 25 – 36 | 136 | 5.4 |
| 37 – 47 | 66 | 2.6 |
| 48 & over | 155 | 6.1 |
| Total | 2539 | 100.0 |

The above table shows that of the 2539 Probate and Administration matters disposed in the year, the majority, 1613 or 63.50% were disposed of in 12 months or less, followed by 569 or 22.40%, which were disposed of within a time interval of 13 to 24 months. Taken together this data suggests that an impressive approximated 85.90% of Probate and Administration matters which were disposed of in 2021 took two years or less. 5.40% each of the cases were disposed within an estimated time frame of between 25 and 36 months, 2.60% took between 37 and 47 months and 6.10% 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 2021 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. In 2021, the Probate and Administration Division again made considerable strides in reducing the active case backlog and as at the end of December 2021, which now stands at less than 10%.

Chart 10.0: Distribution of cases disposed in 2021



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 largest proportion of cases disposed in the Probate Division occurred in the Easter Term with 957 or 38% of the total, just ahead of the Michaelmas Term with 906 disposals or 36% of the total, while the Hilary Term with 542 or 21% of the disposals rank next. The vacation period accounted for the lowest share of cases disposed with 134 or 5.0%.

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

Table 40.0: Case clearance rate for the year ended December 31, 2021

| Cases filed | Cases disposed | Case clearance rate |
|-------------|----------------|---------------------|
| 3252 | 2539 | 78.08% |

**968 or 29.77% of the new cases filed in 2021 were disposed (disposal rate)*

Using the data on the number of cases filed and disposed in the period under examination, a case clearance rate of approximately 78.08% is derived, a decline of 5.18 percentage points when compared to 2020. The result suggests that for every 100 cases filed and active in the 2021, roughly 78 were disposed. It is a rare event that this division fails to meet the International standard of 90% - 100%, nevertheless the results show tremendous resilience. The Division experienced impressive gains in the number of cases disposed in 2021 but this was outpaced by the increase in the number of new cases filed, hence the fall in the case clearance rate. The Probate Division continued its process flow re-engineering throughout 2021 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**

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

(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 2021. These measures are summarized in the table below:

Table 41.0: Selected performances metrics for the Probate and Administration Division in 2021

| 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 (%) |
|----------------|------------------|------------------------|--|---|--------------------------------|----------------------------------|-----------------------------------|
| 2539 | 3450 | 0.74 | 493 days | 2182 | 2539 | 85.94 | 14.06 |

The results in the above table shows a case turnover rate of 0.74, which is an indication that for every 100 cases, which were 'heard' in 2021 and still active at the end of the year, another 74 were disposed, a decline of 4 percentage points when compared to 2020. This result forms part of the computation of the case disposal days which reveals that the cases that went to court

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

which were unresolved at the end of the year will on average take 493 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 Probate and Administration Division in 2021 is 85.94%, which reflects the proportion of cases in 2021, which were disposed within 2 years. Conversely, the case backlog rate is 14.06%, an indication that an estimated annual proportion of 14% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This is an improvement of roughly 2 percentage points when compared to 2020, the second consecutive year of notable gains. The data further suggests that of the 3450 cases, which had some court activity in 2021 and were still active at the end of the year, 485 are expected to be in a backlog classification before being disposed.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

CHAPTER 4.0: THE HOME CIRCUIT COURT

The analysis now turns to a look at case activity in the Home Circuit Court for 2021.

Table 42.0: Distribution of the top six new charges brought for 2021

| Charge | Frequency | Percentage (%) |
|---|-----------|----------------|
| Murder | 144 | 24.57 |
| Sexual Intercourse with a person under 16 | 86 | 14.68 |
| Illegal possession of firearm | 69 | 11.77 |
| Rape | 64 | 10.92 |
| Grievous sexual assault | 29 | 4.95 |
| Illegal possession of ammunition | 27 | 4.61 |
| Wounding with intent | 19 | 3.24 |

Total number of charges brought (N) = 586

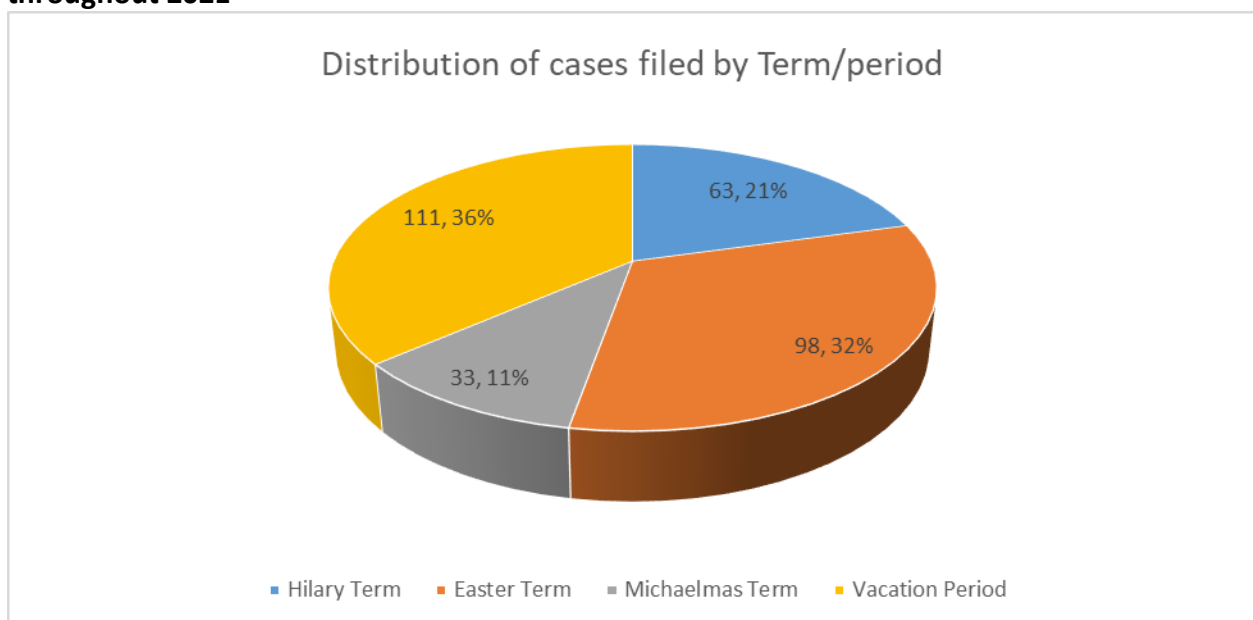
The above table summarizes the distribution of top six charges associated with cases brought in 2021. There were **305 new cases filed** at the Home Circuit Court during the year, representing **586 charges**, a ratio of roughly 19 charges for every 10 new cases, an increase 5 charges for every 10 cases when compared to 2021. The number of new cases filed represents a 15.53% increase when compared to 2020. It is shown that of these 586 charges, the largest proportion, 144 or 24.57% were murder matters. This is followed by sexual intercourse with a person under 16 and illegal possession of firearm with 86 or 14.68% and 69 or 11.77% respectively. Rape with 64 or 10.92% of the total and grievous sexual assault with 29 or 4.95% respectively of the new charges filed during the year 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 roughly 33.96% of this stock in 2021. The top six charges filed, accounts

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

for 74.74% of the total. It was forecasted at the beginning of 2021 that 388 new criminal cases would be filed in the Home Circuit Court during the year, however the 305 which were actually filed is 21.39% below the forecasted figure.

1177 criminal cases, which is the equivalent of 7933 charges, had some activity in the Home Circuit Court in 2021, the oldest of which dates back to 1996. This case activity outcome represents an 1.03% increase when compared to 2020. The below chart provides a breakdown of the number of criminal cases brought, by Term.

Chart 12.0: Distribution of new criminal cases brought at the Home Circuit Court across Terms throughout 2021



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

The above chart shows that of the 305 new cases brought to the Home Circuit Court in 2021, the largest proportion of 111 or 36% were filed during the vacation period, followed by 98 or

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

32% which were filed during the Easter Term and 63 or 21% which were filed during the Hilary Term.

The ensuing analysis will highlight the common reasons for adjournment of matters throughout 2021. As with the analysis of adjournments for the other Divisions some of the listed reasons may strictly speaking be considered as continuances, meaning that they are routine and procedural factors while others are avoidable and therefore adjournments in the purest sense of the definition. This section makes a clear attempt at identifying the true reasons for the incidences of delay in the progression of cases in the Home Circuit Court as well as the responsible entities and some possible steps that can be taken to foster improvements.

Table 43.0: Leading reasons for adjournment/continuance for the year ended December 2021

| Reason for adjournment | Frequency | Percentage | Stage of matter |
|--|-----------|------------|-----------------------|
| Defence Counsel Absent | 628 | 24.70 | Case Management |
| Defence and Prosecution to Engage in Discussions | 294 | 11.60 | Case Management |
| For legal aid assignment | 171 | 6.70 | Case Management |
| Defence Counsel needs time to take instruction | 138 | 5.40 | Case Management |
| Indictment to be served | 137 | 5.40 | Case Management |
| For disclosure to be made | 99 | 3.90 | Case Management |
| Accused unrepresented | 81 | 3.20 | Case Management |
| Statement outstanding | 77 | 3.0 | Case Management |
| Papers to be served | 70 | 2.80 | Case Management |
| Forensic certificate outstanding | 65 | 2.60 | Case Management/Trial |

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

| | | | |
|-----------------------------------|-------------|-------------|-----------------------|
| Ballistic certificate outstanding | 63 | 2.50 | Case Management/Trial |
| File to be completed | 56 | 2.20 | Case Management/Trial |
| Scene of Crime CD Outstanding | 50 | 2.0 | Case Management/Trial |
| Sub-Total | 1929 | 76.0 | |

Total incidence of adjournments/continuance (N) = 2545

The above table provides a summary of the leading reasons for adjournment in the Home Circuit Court for 2021. It is shown that there was a combined 2545 incidence of reasons for adjournment during the year, with some matters having multiple adjournments. This represents an increase of 1.07% in the incidence of adjournments when compared to 2020 as there continues to be recurrent causes of delay which are severely hampering case progression.

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

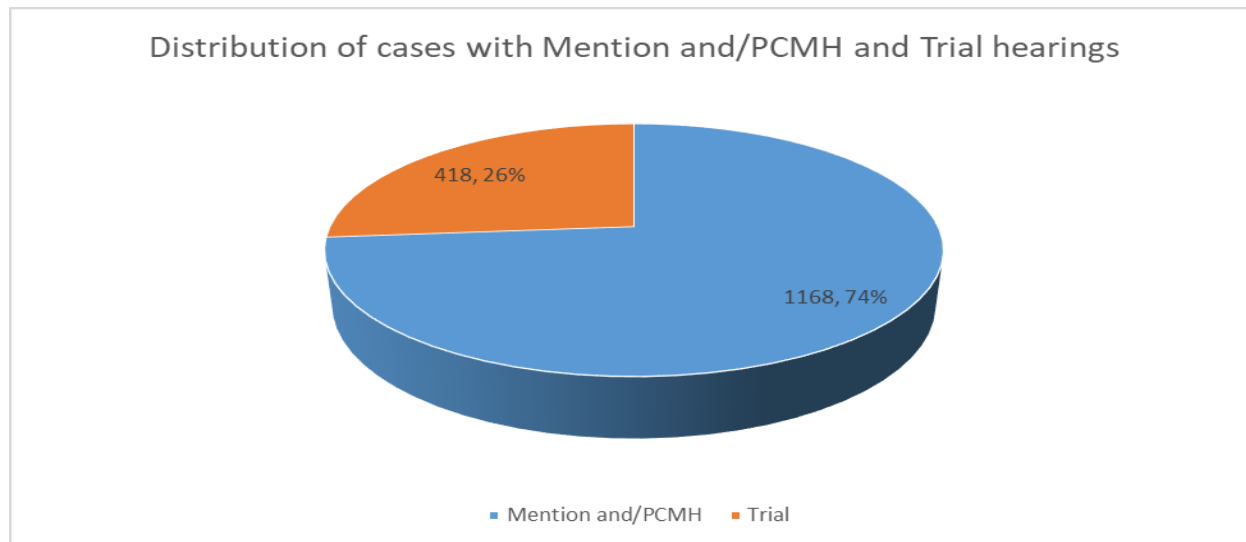
reasons for adjournment suggests that external parties are directly responsible for over 86% of the reasons for delay as operationalized by this measurement. An examination of the leading reasons for adjournment in 2021 provides an affirmation of the ideas outlined. At the top of the list are adjournments due to the absence of defence counsel, accounting for 628 or 24.70% of the total incidence of adjournments for the year. Both the private bar and legal aid attorneys share responsibility in this regard. The second highest ranking reason for adjournment on the list is 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 is more strictly speaking a reason for continuance as this activity may be deemed to be routine and may aid in expediting a quick and efficient disposition. 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, for papers to be served and 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 ability of the Home Circuit Court to effectively and efficiently schedule cases requires some improvement and the attention of the court's leadership is fully invested in finding scientific resolutions in this regard. The overall effectiveness of the scheduling science in the Home Circuit Court continues to be constrained by a high incidence of adjournments which can be largely associated with third party inefficiencies.

The leading reasons for adjournment listed in the above Table accounts for 76.0%% of total incidences of adjournments/continuance in the Home Circuit Court in 2021. The data suggest that there were roughly 2.25 adjournments per case heard in the Home Circuit Court in 2021, slightly higher than the figure for 2020.

Chart 12.0: Sampling distribution of trial and mention cases for the year ended December 31, 2021



| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

The above chart shows that there were a total 1586 cases which were scheduled for either Trial or Mention Court (now Plea and Case Management Court - PCMH) in 2021. 418 or 26% of the distribution set were for Trial Court while 1168 or 74% were for Plea and Case Management/Mention Court. This produces a ratio of 1:0.36, which suggests that for every 100 matters mentioned there were 36 trial matters set during in the year. Further analysis suggests that each case mentioned in court were mentioned on average of 2.25 times which is another way of saying that every 10-mention cases were mentioned roughly 23 times, marginally higher than 2020. For cases, which were set for Trial, there was a scheduling incidence of roughly 3.5 times per case, which suggests that 35 trial dates were set for every 10-trial case, a decline/improvement of 5 trial dates per 10 trial cases when compared to 2020. As with 2020, the Circuit Courts were acutely impacted by the inability to conduct jury trials as a result of physical limitations. The setting of judge only trials was however successfully pursued as an option in some cases. An estimated 36.36% of cases set for trial were Judge only matters.

Table 44.0: Hearing date certainty summary for the year ended December 31, 2021

| Type of hearings | Hearing date certainty rate (%) |
|--|---------------------------------|
| Mention and/Plea and Case Management Hearing | 81 |
| Bail Applications | 71 |
| Sentencing hearings | 73 |
| Trial hearings | 69* |
| Total/Overall Average | 76.14 |

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

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. There were 4375 court dates scheduled for hearings in the Home Circuit Court in 2021, 1074 of which were adjourned. This suggests an overall hearing date certainty rate of roughly 76.14% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 76.14% 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. This result represents an improvement of 16.14 percentage points when compared to 2020 which was more severely hit by rescheduling of dates due to the COVID-19 pandemic. This is a good show of resilience in another year in which jury trials were largely absent from the court's schedule due to the pandemic. When trial matters are isolated, the trial certainty rate revealed is 69%, an improvement of 14.53 percentage points when compared to 2020 while Plea and Case Management Conferences had a hearing date certainty rate of 81%, an improvement of 11.46 percentage points over the previous year. It is important to note that the trial date certainty rate stated in the above table is adjusted for dates which were necessarily rescheduled due to the absence of jury trials in 2021 owing to the continued effects of the COVID-19 pandemic. The trial date certainty rate plummets to a mere 29.54% for the Home Circuit Court when the necessary mathematical adjustments are not made.

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

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. A major step taken at the end of 2021 is the introduction of an advanced web based case management system called the Judicial Case Management System (JCMS) in the Criminal Division of the Supreme Court. This software will assist markedly in improving the effectiveness of the scheduling apparatus in the Division and in bolstering the overall efficiency of case management. As 2022 progresses, these gains will become more and more evident as the Criminal Division, which along with the High Court Division of the Gun Court and the Revenue Court are the first in the Supreme Court to introduce the use of this system which will be deployed court-wide over the ensuing months.

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

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

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 case disposal for the year ended December 31, 2021

| Methods of Disposition | Frequency | Percent |
|--|------------|--------------|
| Accused Deceased | 10 | 4.5 |
| Dismissed | 1 | .5 |
| Formal Verdict of Not Guilty - discharge | 13 | 5.9 |
| Found Guilty | 10 | 4.5 |
| Guilty Plea | 67 | 30.2 |
| No Case Submission upheld | 2 | .9 |
| No Evidence offered discharged | 29 | 13.1 |
| No further evidence offered discharged | 32 | 14.40 |
| Nolle Prosequ* | 39 | 17.6 |
| Not Guilty - Discharged | 17 | 7.7 |
| Plea guilty to a lesser charge | 1 | .5 |
| Remitted to Parish Court | 1 | .5 |
| Total | 222 | 100.0 |

**Included for computational convenience*

The above table summarizes the methods of disposal for the cases disposed of during 2021. It is shown that 222 cases were disposed of in 2021, a decline of 11% when compared to 2020. As with the last three years, guilty pleas accounted for the largest share of cases disposed, with 67 or 30.20% of the total number of disposals. Accounting for the next highest proportion of total were Nolle Prosequi with 39 or 17.60% of the total. No further evidence offered – discharged and no evidence offered – discharged with 32 or 14.40% and 29 or 13.10% respectively

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

accounts for the next highest share of disposition methods. Of the 305 cases disposed in 2021 in the Home Circuit Court, 32 or 10.49% originated during that year. The number of cases disposed in the Home Circuit Court in 2021 is 9.39% 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, 2021

| Total number of charges disposed | Total number of guilty outcomes | Conviction rate (%) |
|-------------------------------------|---------------------------------|---------------------|
| 623 | 139 | 22.31 |

The above table shows that of the 6243 criminal charges disposed of in 2021 in the Home Circuit Court, 139 were because of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 22.31% which suggests that there is a roughly 22% probability that a matter could end in a guilty outcome, using 2021 as a proxy year. This represents a decrease of 9.78 percentage points when compared to 2020. This data can be further disaggregated so that the conviction rates for some of the most frequently occurring charges are measured. In particular, the conviction rate on murder charges, sexual intercourse with a person under 16 and rape are documented below.

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

Table 47.0A: Conviction rate for charges of sexual Intercourse with a person under 16 for the year ended December 31, 2021

| Total number of chares concluded | Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas) | Conviction rate (%) |
|----------------------------------|--|---------------------|
| 105 | 45 | 42.86 |

The above table shows that of the 105 cases of sexual intercourse with a person under 16 years which were concluded in 2021, 45 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of roughly 42.86% which suggests a roughly 43% probability that a matter of sexual intercourse with a person under 16 could end in a guilty outcome.

Table 47.0B: Conviction rate for cases of rape for the year ended December 31, 2021

| Total number of charges concluded | Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas) | Conviction rate (%) |
|-----------------------------------|--|---------------------|
| 62 | 5 | 8.06 |

The above table shows that of the 62 rape charges which were concluded in 2021, 5 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of roughly 8.06% which suggests a roughly 8% probability that a rape matter could end in a guilty outcome in 2021. This outcome represents a decrease of 4.90 percentage points when compared to 2020.

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

Table 48.0: Conviction rate for murder cases in the year ended December 31, 2021

| Total number of charges concluded | Total number of guilty outcomes (i.e. guilty verdict or guilty plea) | Conviction rate |
|-----------------------------------|--|-----------------|
| 125 | 26 | 20.80 |

The above table shows that of the 125 murder cases concluded in 2021, 26 of which were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 20.80% which suggests a roughly 21% probability that a murder matter could end in a guilty outcome, a 5.30 percentage point decrease increase when compared to 2020.

Table 49.0: Top six charges disposed in the year ended December 31, 2021

| Charge disposed | Frequency | Percentage (%) |
|---|-----------|----------------|
| Murder | 125 | 20.10 |
| Sexual intercourse with a person under 16 | 105 | 16.90 |
| Rape | 62 | 10.00 |
| Illegal possession of firearm | 57 | 9.10 |
| Grievous sexual assault | 36 | 5.80 |
| Wounding with intent | 28 | 4.50 |

Number of disposed charges (N) = 623

The above data shows that there were 623 charges disposed of in 2021, an increase of 10.46% when compared to 2020. The largest proportion of these matters was murder with 125 or 20.10%. This was followed by sexual intercourse with a person under 105 years with 16.90% of the total. Rape with 62 or 10.0% and illegal possession of firearm with 57 or 9.10% ranks next. Murder and sex related matters are again not only the dominant incoming but also the dominant outgoing cases. It is of particular note that over 38.84% of matters disposed in 2021

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

were sex related while also accounting for roughly 33.96% of all incoming cases. The dominance of this charge in the criminal statistics again strongly suggests that there needs to be robust case management (including pre-court case management) attention for these matters to support their timely disposition.

Table 50.0: Descriptive statistics on the times to disposition of cases for the year ended December 31, 2021

Descriptive Statistics (months)

| | |
|------------------------|----------|
| Number of observations | 222 |
| Mean | 29.0991 |
| Median | 25.0000 |
| Std. Deviation | 21.58848 |
| Variance | 466.063 |
| Skewness | 3.124 |
| Std. Error of Skewness | .163 |
| Range | 171.00 |
| Minimum | 6.00 |
| Maximum | 178.00 |

The above table provides a descriptive statistical summary on the times to disposition for matters resolved in the Home Circuit Court in 2021. The overall average time to disposition seen is 29 months or 2.4 years, an improvement of almost 6 months when compared to 2020. The median time disposition to disposition was 25 months or roughly two years, which is a promising outcome based on the 24 months of reasonable to resolution which is established by the Jamaican judiciary. 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 high positive figure which is an indication that a

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021**

ON THE SUPREME COURT

proportionately larger share of the times to disposition fell below the overall mean time to disposition. The maximum time taken to dispose cases in the Home Circuit Court during the year was 178 months or roughly 15 years while the minimum time to disposition was approximately 6 months.

It is of note that the average time between the charge date and disposition is 35 months, which is 6 months longer than the mean time between case filing and disposition.

Table 51.0: Breakdown of time to disposition of cases for the year ended December 31, 2021

Descriptive Statistics (months)

| Time Interval (months) | Frequency | Percentage (%) |
|------------------------|------------|----------------|
| 0 – 12 | 32 | 14.4 |
| 13 – 24 | 71 | 32.0 |
| 25 – 36 | 74 | 33.3 |
| 37 – 47 | 33 | 14.9 |
| 48 & over | 12 | 5.4 |
| Total | 222 | 100.0 |

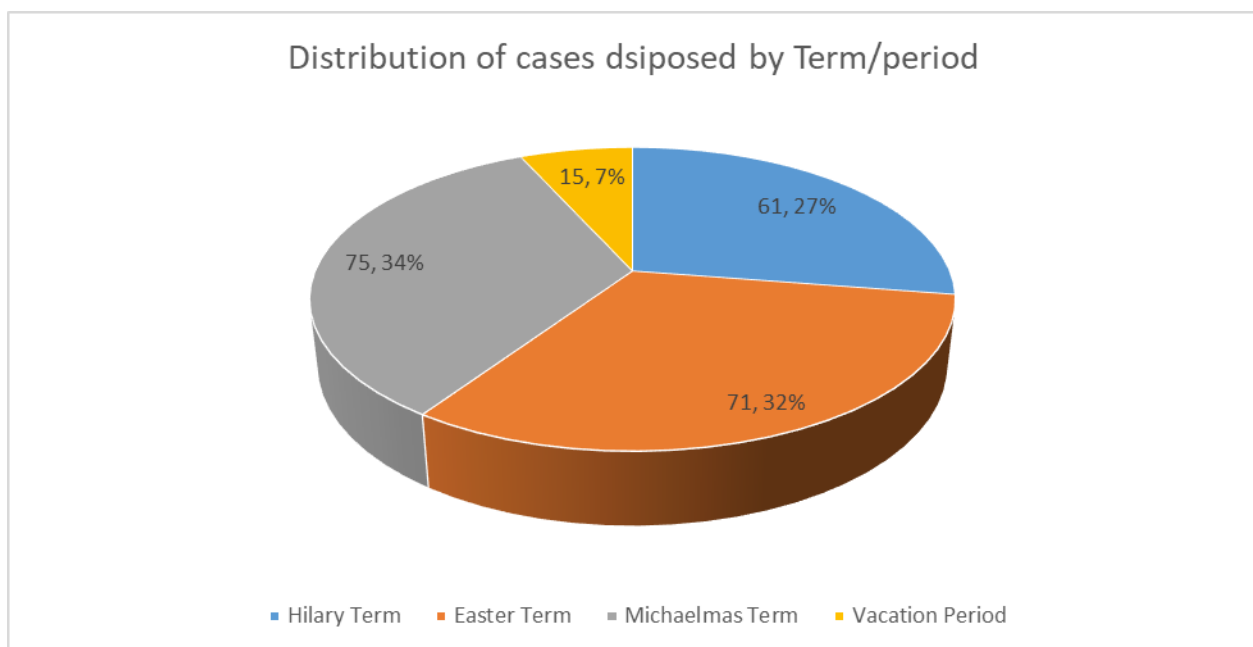
The above table provides a summary of the estimated time to disposition for the cases disposed during 2021. It is shown that the largest proportion of matters disposed took between 25 and 36 months of initiation, accounting for 74 or 33.30% of the total. 71 or 32.0%, which were disposed in 13 – 24 months ranks next, followed by matters taking 27 – 47 months to be disposed, rounding off the top three interval times to disposition. Cumulatively, 46.40 of the matters disposed in the year took two years or less a fall of 3.10 percentage points when compared to the previous year. The remaining 53.60% of cases disposed took over two years to be disposed. Using 2021 data as a proxy, there is a roughly 54% chance that a case entering the

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

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.

The chart below provides a breakdown of the distribution of cases disposed by Term in 2021.

Chart 13.0: Cases disposed in each Term for the year ended December 2021



It is shown the above chart that the largest proportion of cases disposed in the Home Circuit Court occurred in the Michaelmas Term, which accounted for 75 or 34% of the cases disposed. The Easter Term with 71 or 32% comes next while the Hilary Term accounts for the lowest share with 61 or 27% of the cases disposed in 2021.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Table 52.0a: Breakdown of selected charges by time to disposition for the year ended December 31, 2021

| Time Intervals (months) | | Murder | Rape | Sexual Intercourse with a Person under Sixteen | Totals |
|--------------------------|----------|---------------|---------------|--|---------------|
| 0 – 12 | Count | 0 | 24 | 92 | 116 |
| | % within | 0.0% | 38.7% | 87.6% | 39.7% |
| 13 - 24 | Count | 1 | 28 | 9 | 38 |
| | % within | 0.8% | 45.2% | 8.6% | 13.0% |
| 25 - 36 | Count | 63 | 1 | 0 | 64 |
| | % within | 50.4% | 1.6% | 0.0% | 21.9% |
| 37 - 47 | Count | 41 | 3 | 4 | 48 |
| | % within | 32.8% | 4.8% | 3.8% | 16.4% |
| 48 & over | Count | 20 | 6 | 0 | 26 |
| | % within | 16.0% | 9.7% | 0.0% | 8.9% |
| Total | Count | 125 | 62 | 105 | 292 |
| | % within | 100.0% | 100.0% | 100.0% | 100.0% |

The above table details the time taken to dispose of cases of murder, rape and sexual offences with persons under 16 in 2021. It is seen that the largest proportion of murder cases disposed took between 25 - 36 months and 37 – 47 months respectively, accounting for 50.40% and 32.80% respectively of the total. The next highest proportion of murder cases disposed took 4 or more years, accounting for 16.0% of the disposals. As for sexual intercourse with a person under 16 years old, 87.60% were disposed within 12 months while 8.60% took between 13 and 24 months to be disposed and 3.80%, which took between 37 and 47 months to be disposed, comes next. The largest proportion of rape matters (45.20%) were disposed in 13 – 24 months, followed by 38.70% which were disposed within a year and 9.70% which took four or more years to be disposed. As with the 2020 data, it is evident that of these three dominant offences,

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

murder cases take considerably more time to be disposed while cases of sexual intercourse with a person under 16 years old takes the least time.

Table 52b: Proportional breakdown of time to disposition by selected charge type for the year ended December 31, 2021

| Charge | Percentage of matters disposed of in 2 years or less (%) | Percentage of matters disposed of in more than 2 years (%) |
|--|--|--|
| Murder | 0.80 | 99.20 |
| Sexual intercourse with a person under 16 years old | 96.20 | 3.80 |
| Rape | 83.90% | 16.10% |

The above table furthers the previous one by directly highlighting the relative lengths of time that it takes for the most frequently occurring types of matters to be disposed. It is seen that only 0.80% of murder charges disposed in 2021 each took 2 years and under while a concerning 99.20% took over two years to be disposed. 96.20% of the matters of sexual intercourse with a person under 16 years were disposed within two years and the remaining 3.80% took over two years to be disposed in the Home Circuit Court in 2021. As it regards rape cases, which were disposed, 83.90% took 2 years or less to be disposed while 16.10% took over two years. The length of time which different types of matters take to be disposed has significant implications for the way in which the Court prioritizes it's scheduling and resource allocation and these results should therefore inform the interventions, which are necessary to bolster the case

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

disposal rates. It is again evident that in the Home Circuit Court, murder cases contribute significantly to the criminal case backlog, warranting special attention.

Table 53.0: Case clearance rate for the year ended December 31, 2021

| Cases filed | Cases disposed | Case clearance rate |
|-------------|----------------|---------------------|
| 305 | 222 | 72.79% |

Note: 34 or 12.88% of the cases disposed originated in 2021. This represents the criminal case disposal rate in the Supreme Court in 2021.

The case clearance rate of 72.79% shown above is an indication that more cases entered than those that were disposed in the Home Circuit Court in 2021. The result suggests a ratio of roughly 73 cases disposed for every 100 new ones brought, a decline of 2.97 percentage points when compared to 2020. This represents the third consecutive year that the Home Circuit Court has recorded a case clearance rate of over 70%, the first such sequence on record. 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. There is still a long way to go and there are new and acute challenges to contend with amidst the COVID-19 pandemic. 2022 will be a year of interesting challenges and new beginnings, especially with the introduction of the new Judicial Case Management System (JCMS) which is expected to significantly bolster efficiency.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

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 2021. These measures are summarized in the table below:

Table 54.0: Selected performances metrics for the Home Circuit Court in 2021

| 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 (%) |
|----------------|------------------|------------------------|------------------|---|--------------------------------|----------------------------------|-----------------------------------|
| 222 | 955 | 0.23 | 1587 | 103 | 119 | 46.40% | 53.60% |

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

The results in the above table shows a case turnover rate of 0.23, which is an indication that for every 100 criminal cases, which were 'heard' in 2021 and still active at the end of the year, another 23 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 4.83 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 2021 is 46.40%, which reflects the proportion of cases resolved in 2021, which were disposed within 2 years. Conversely, the proxy case backlog rate is 53.60%, 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 955 cases, which had some court activity in 2021 and were still active at the end of the year, 521 are expected to be in a backlog classification before being disposed.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

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, 2021. 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 five charges filed in the year ended December 31, 2021

| Charges filed | Frequency | Percentage (%) |
|----------------------------------|-------------|----------------|
| Illegal possession of firearm | 447 | 39.20 |
| Illegal possession of ammunition | 241 | 21.10 |
| Shooting with intent | 150 | 13.10 |
| Assault at common law | 72 | 6.30 |
| Wounding with intent | 72 | 6.30 |
| Robbery with aggravation | 54 | 4.70 |
| Sub-Total | 1036 | 90.70 |

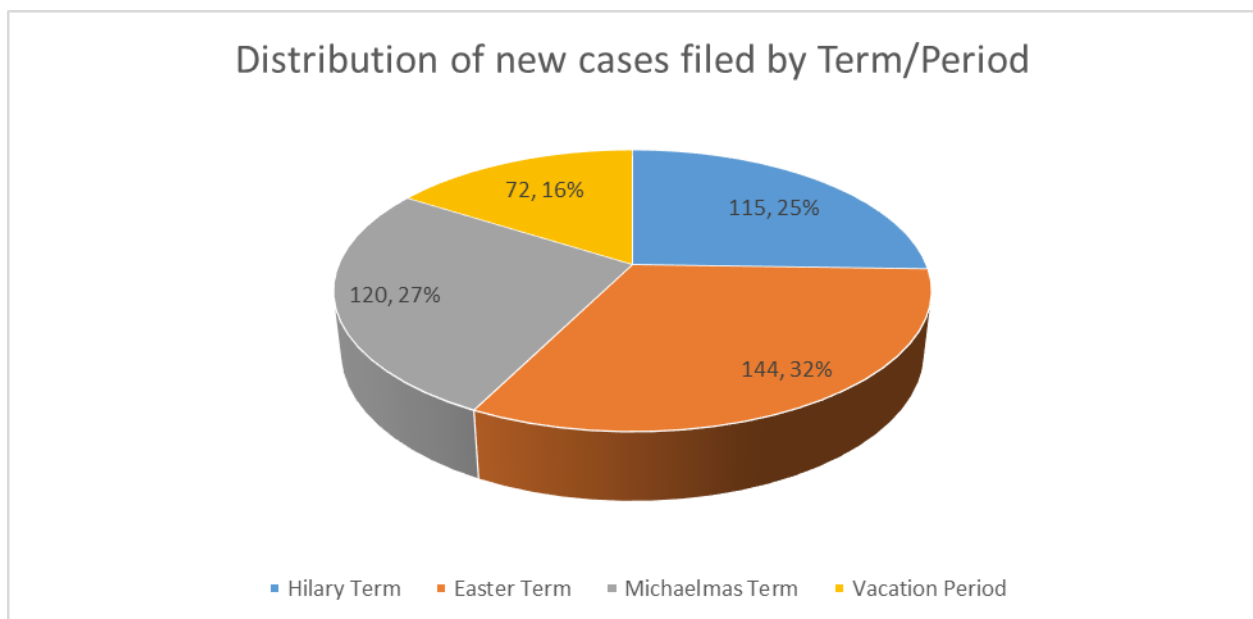
Total number of charges (N) = 1141, the equivalent of 403 cases.

The above table provides a summary of the top six charges, which were brought in the Gun Court during 2021. It is seen that of the 1141 charges, an increase of 14.82% when compared to 2020, a reversal of three consecutive years of decline in this measurement. The largest proportion of which, 447 or 39.20% were for illegal possession of firearm, well ahead of the next highest ranked charge of illegal possession of ammunition with a count of 241 or 21.10% of the total. Shooting with intent is next with 150 or 13.10% while assault at common law and wounding with intent each with 72 or 6.30% of the total rounds off the top 5 charges filed in

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

the Gun Court for 2021. The 1141 new charges entered in 2021 translate into 451 new cases filed in the year, an increase of 11.91% when compared to the previous year. This represents a ratio of 1:2.52, suggesting that for every 100 cases entered, there were 252 charges. The number of new cases filed in the High Court Division of the Gun Court in 2021 is 3.43% lower than the number forecasted at the beginning of 2021.

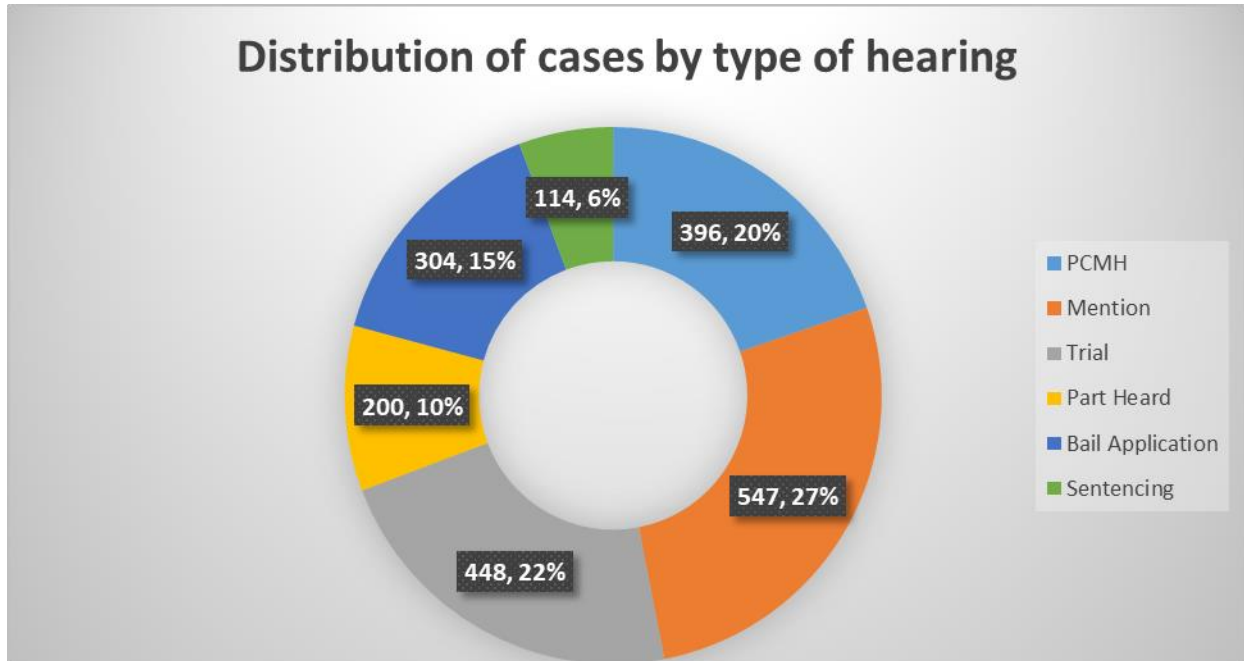
Chart 14.0: Distribution of cases filed in each Term in 2021



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 451 new cases filed in the Gun Court in each Term/period in 2021. It is seen that the Easter Term with 144 or 32% of new cases filed, accounts for the largest proportion. 120 or roughly 27% of the cases were filed in the Michaelmas Term while the Hilary Term with 115 or 25% and the vacation period with 72 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 2021. 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 hearings during the year accounted for the dominant share of cases heard with 27% of cases heard, trials with 22% of cases heard and plea and case management hearings with 20% of cases heard during the year accounted for the top three proportion of cases by incidence and types of hearing during the year. It is of note that cases which had sentencing hearings accounted for the lowest share of hearings during the year with 6% of the total incidence. Across all hearing types, a total of 856 cases were heard in the Gun Court in 2021.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Table 56.0: Most frequently occurring reasons for adjournment for the year ended December 31, 2021

| Reason for adjournment | Frequency | Percentage (%) |
|--|-------------|----------------|
| Ballistic Certificate Outstanding | 534 | 8.50 |
| Statement outstanding | 403 | 6.40 |
| Part heard in progress | 401 | 6.40 |
| Other documents outstanding* | 268 | 4.20 |
| Defence Counsel Absent | 255 | 4.30 |
| For Disclosure | 199 | 3.20 |
| Forensic Certificate Outstanding | 188 | 3.00 |
| Scene of Crime Statement Outstanding | 175 | 2.80 |
| Scene of Crime CD Outstanding | 164 | 2.60 |
| Witness absent | 156 | 2.50 |
| Medical Certificate Outstanding | 131 | 2.10 |
| To settle legal representation | 131 | 2.10 |
| Judge unavailable | 122 | 1.90 |
| Accused not brought | 110 | 1.70 |
| Social Enquiry Report (SER) Outstanding | 101 | 1.60 |
| Antecedence Outstanding | 85 | 1.30 |
| Crown not ready | 78 | 1.20 |
| Matter not reached | 61 | 1.00 |
| Defence Counsel needs time to take instruction | 52 | 0.80 |
| Sub-Total | 3614 | 57.60 |

Total number of adjournments and continuances (N) = 6308

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

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

The above table outlines the top reasons for adjournment in the Gun Court for 2021, excluding adjournments for bail application, matters part heard, and for plea and case management and for trial, which are enumerated separately. There were 6308 overall incidences of adjournments during the year, an increase of 25.78% when compared to 2020. 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 the highest share of adjournment incidences with 534 or 8.50%, followed by outstanding statements and part heard matters in progress with 403 or 6.40% and 401 or roughly the same percentage respectively. 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. The top nineteen reasons for adjournment accounted for roughly 57.60% of the 6308 documented incidences. It is evident that a vast majority of incidence of delays caused by adjournments are attributable to third parties and not to inadequate court resources, including Judges and support staff and courtrooms. More efficient utilization of the existing facilities can be attained with much greater cooperation for external bodies towards reducing the incidence of avoidable adjournments which invariably wastes judicial time and resources and creates inefficient resource outcomes.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Table 57.0: Frequently occurring reasons for continuance for the year ended December 31, 2021

| Reason for continuance | Frequency | Percentage (%) |
|----------------------------------|-----------|----------------|
| Plea and Case Management Hearing | 533 | 8.40 |
| Bail Application | 427 | 6.80 |
| Trial | 426 | 6.80 |
| Sentencing | 240 | 3.80 |

Total number of adjournments and continuances (N) = 6308

The above table provides a basic list of reasons for adjournment 2021, which are considered as intrinsic to the natural progression of a case or are merely procedural and are therefore termed as reasons for continuance. It is seen that during the year there were 533 incidence of adjournments for Plea and Case Management hearings, accounting for 8.40% of the total, followed by adjournments for bail application with 471 incidences or 9.40% and adjournments for trial with 426 incidences or 6.80%, rounding off the top three reasons for continuance.

Table 58.0: Hearing date certainty summary for the year ended December 31, 2021

| Type of hearing dates | Number of hearing dates set | Number of hearings dates adjourned | Hearing date certainty rate (%) |
|----------------------------------|-----------------------------|------------------------------------|---------------------------------|
| Mention hearings | 1100 | 328 | 70.18 |
| Plea and Case Management hearing | 900 | 302 | 66.44 |
| Bail Applications | 953 | 380 | 60.13 |
| Sentencing hearings | 316 | 121 | 61.71 |
| Trial hearings | 1107 | 396 | 64.23 |
| Total/Overall Average | 4376 | 1527 | 65.11 |

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

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. In the table above it is shown that of 4376 court dates scheduled for hearings in the period under study, 1527 were adjourned. This suggests an overall hearing date certainty rate of roughly 65.11% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 65 are able to proceed without adjournment for reasons other than those procedural, for example for Trial, Bail Application, Sentencing and Plea and Case Management. Interestingly this was a marginal 0.60 percentage points below the rate recorded in 2020. When trial matters are isolated, the trial certainty rate revealed is 64.23%, 2.50 percentage points higher than the rate in 2020. Despite this modest output, the Gun Court still managed to sustain a clearance rate of 100%, an unprecedented four years on the trot. One possible explanation for this corollary is that although trial dates are adjourned, the interval between hearings is relatively short, thus not adversely affecting the clearance of cases. The Gun Court Registry seems to have largely mastered the art of calendar management, being able to quickly deploy and set new dates shortly after adjournments and to shift matters to available resources. There are some lessons to be learned from what has been observed in the High Court Division of the Gun Court over the past 4-5 years. Empirically, the Gun Court has defied expectations with respect to the case clearance rates based on their consistently modest trial and overall hearing date certainty rates. Based on the trend with

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

respect to hearing and trial date rates in the Gun Court, lower case clearance rates are anticipated, but a peculiar method of scheduling, banking on intimate knowledge of the cases and an acute awareness of the resources available at their disposition at any time has allowed this Court to consistently maintain the highest case clearance rate of any single court in Jamaica and represents an intriguing case study for case management and scheduling pundits.

Table 59.0: Methods of case disposition for the year ended December 31, 2021

| Methods of Disposition | Frequency | Percentage |
|--|------------|--------------|
| Accuse Escape Custody | 1 | .2 |
| Accused Deceased | 8 | 1.8 |
| Admonished and discharged | 1 | .2 |
| Bench Warrant** | 4 | .9 |
| Dismissed for Want of Prosecution | 1 | .2 |
| Disposed* | 10 | 2.2 |
| Found Guilty | 67 | 15.0 |
| Guilty Plea | 101 | 22.6 |
| No Case Submission Upheld | 14 | 3.1 |
| No Case to Answer, Discharged | 11 | 2.5 |
| No Evidence offered - discharged | 104 | 23.3 |
| No further evidence offered - discharged | 49 | 11.0 |
| Nolle Prosequere** | 11 | 2.5 |
| Not Guilty - Discharged | 56 | 12.6 |
| Not indicted on this charge | 1 | .2 |
| Transferred to circuit court | 5 | 1.1 |
| Transferred to Family Court | 1 | .2 |
| Transferred to Parish Court | 1 | .2 |
| Total | 446 | 100.0 |

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

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

The above table summarizes the methods of disposition for the cases disposed in the High Court Division of the Gun Court for the 2021. It is seen that there were 446 cases disposed or

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

inactive, the largest proportion of which were a result of 'no evidence offered' which accounts for 104 or roughly 23.30% of the total. In second were disposals resulting from guilty pleas with 101 or 22.6% of the total. Guilty verdicts and not guilty verdicts with 15.0% and 12.60% respectively of the total dispositions are next while no further evidence offered – discharged with 11.0% rounds off the top five methods. Of the 446 cases disposed in the Gun Court in 2021, 145 or 32.51% were cases originating in said year, up by 10.69 percentage points when compared to 2020. There was 4.70% reduction in the number of cases disposed in 2021 when compared to 2020.

Table 60.0: Estimated Conviction rate in the Gun Court for the year ended December 31, 2021

| Number of charges disposed | Number of Guilty outcomes (i.e. guilty verdicts and guilty pleas | Conviction rate (%) |
|----------------------------|--|---------------------|
| 1476 | 543 | 36.79 |

The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the sample of 1476 disposed charges in 2021, an estimated 543 were a result of either a guilty plea or a guilty verdict. This produces an overall conviction rate of 36.79% for Gun Court charges resolved in 2021, approximately 8.03 percentage points above the rate in the previous year. The following table delves further into the conviction rate, by the substantive matter.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021**

ON THE SUPREME COURT

Table 61.0: Conviction rate by selected substantive matter in the Gun Court for the year ended December 31, 2021

| Substantive matter | Number of cases disposed | Number of guilty outcomes (pleas and verdicts) | Conviction rate (%) |
|----------------------------------|--------------------------|--|---------------------|
| Illegal possession of fire arm | 616 | 228 | 37.01 |
| Illegal possession of ammunition | 243 | 140 | 57.61 |
| Shooting with Intent | 154 | 37 | 24.03 |

It is shown in the above table that of the 616 charges of illegal possession of a firearm disposed, 228 were disposed by way of either a guilty verdict or a guilty plea, yielding a conviction rate of roughly 37.01%. 140 of 243 charges of illegal possession of ammunition which were disposed in 2021 were a result of guilty outcomes, resulting in a conviction rate of 57.61%. 37 of the 154 matters of shooting with intent disposed in 2021 were a result of guilty outcomes, resulting in a conviction rate of 24.03%.

Table 62.0: Top six charges disposed of in the year ended December 31, 2021

| Charge | Frequency | Percentage |
|----------------------------------|-------------|--------------|
| Illegal possession of a firearm | 616 | 41.73 |
| Illegal possession of ammunition | 243 | 16.46 |
| Shooting with intent | 154 | 10.43 |
| Robbery with aggravation | 130 | 8.81 |
| Wounding with intent | 91 | 6.17 |
| Assault at Common Law | 63 | 4.27 |
| Total | 1297 | 87.87 |

Total number of charges (N) = 1476

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

The 446 cases that were disposed in the High Court Division of the Gun Court in 2021, representing 1476 charges, an average of roughly 33 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 41.73% and 16.46% respectively. This is followed by shooting with intent with 10.43% of the charges disposed. Robbery with aggravation and wounding with intent with 6.17% and 4.27% of the total rounds off the top five charges disposed in the Gun Court in 2021. The disposed charges enumerated in this table accounts for roughly 87.87% of the total number of charges disposed in the Gun Court in 2021. There was a mere 0.34 percentage points decrease in the number of charges disposed when compared to 2020.

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

Descriptive Statistics (months)

| | |
|------------------------|----------|
| Number of observations | 446 |
| Mean | 19.9910 |
| Median | 11.0000 |
| Mode | 5.00 |
| Std. Deviation | 37.80167 |
| Variance | 1428.966 |
| Skewness | 7.553 |
| Std. Error of Skewness | .116 |
| Range | 450.00 |
| Minimum | .00 |
| Maximum | 450.00 |

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

The above table summarizes the time taken to dispose of cases in the Gun Court in 2021, counting from the date cases were filed. It is seen that the estimated average time to disposition from the date of case is approximately 20 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 450 months or almost 15 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 five and eleven 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 446 cases disposed in the High Court Division of the Gun Court in 2021 is 1.98% below the number forecasted at the beginning of 2021.

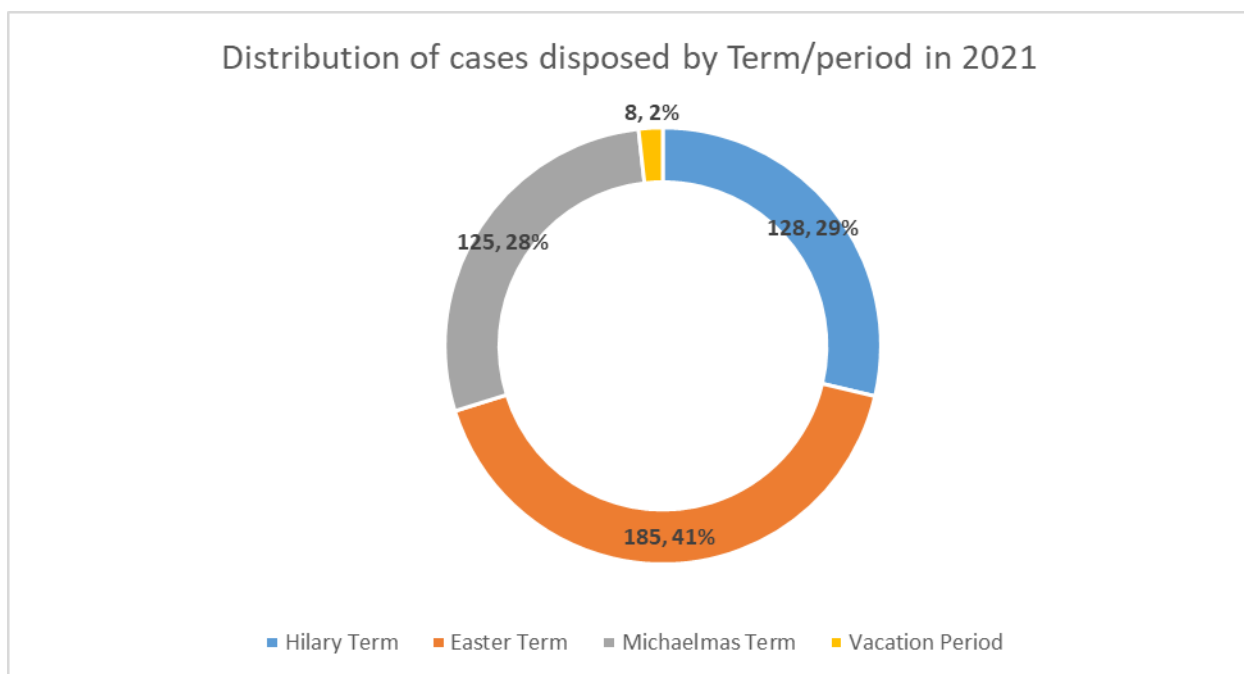
Table 64.0: Breakdown of times to disposition (from case file date) for the cases disposed in the year ended December 31, 2021

| Time interval | Frequency | Percent |
|---------------|------------|--------------|
| 0 – 12 | 258 | 57.8 |
| 13 – 24 | 102 | 22.9 |
| 25 – 36 | 39 | 8.7 |
| 37 – 47 | 22 | 4.9 |
| 48 & over | 25 | 5.6 |
| Total | 446 | 100.0 |

The above table provides a further breakdown of the estimated time to disposition for the cases disposed in 2021, 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 258 or 57.80% of the disposals and was followed by cases taking between 13 and 24 months to be disposed with 140 cases or 22.90%. A further 8.70% of the matters were disposed within 25-36 months, 5.60% took four or more years to be disposed and the remaining 4.90% took between 37 and 47 months. Interestingly 80.70% of the cases disposed took two years or less from the case file date, an improvement of just over 6.20 percentage points when compared to 2020.

Table 16.0: Breakdown of cases disposed in each Term/Period of 2021



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.

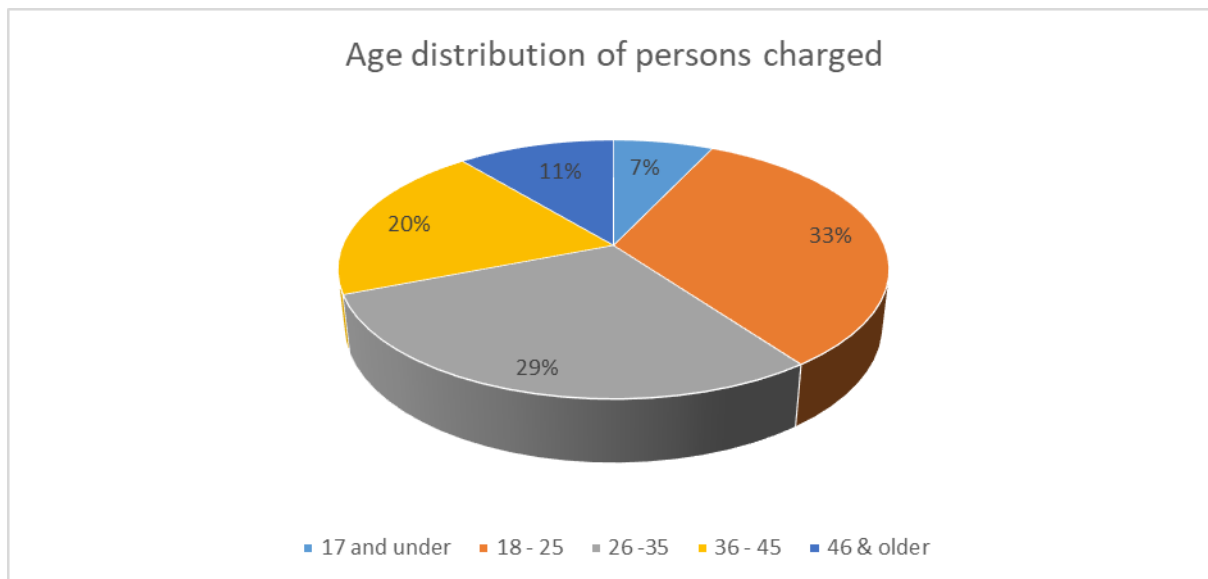
The above chart provides a summary of the distribution of Gun Court cases disposed in 2021. It is shown that the largest proportion of cases was disposed in the Easter Term with 185 or 41%

of the 446 Gun Court cases disposed during the year. This was followed by the Hilary Term, which accounts for 128 or 29% and the Michaelmas Term with 125 or 28% of the disposals.

Demographic summary of persons charged and brought before the Gun Court in 2021

This section provides a brief summary of the age and gender distribution of persons charged who were brought before the Gun Court in 2021.

Chart 17.0: Summary of age distribution of a sample of persons charged in the Gun Court for the year ended December 31, 2021

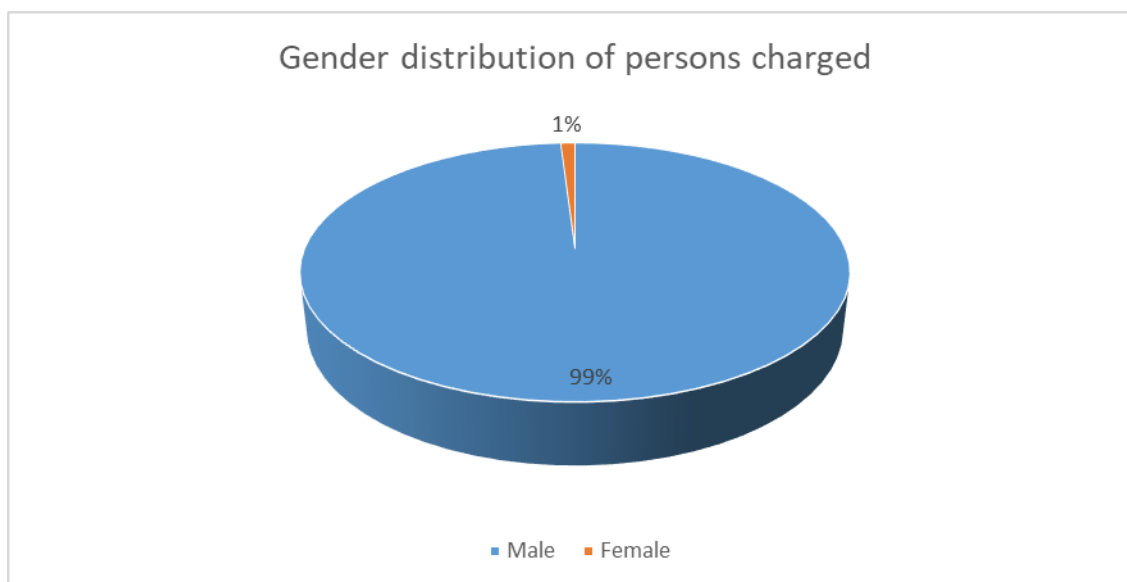


The age distribution of persons charged in 2021 was markedly similar to that of 2020. As with 2020, the dominant offences filed in the Gun Court for 2020 are illegal possession of firearm, illegal possession of ammunition, robbery with aggravation, shooting with intent and wounding with intent. Using a representative sample, the average age of persons charged in the year is roughly 27 years old with the oldest person charged being 58 years old and the youngest 13 years old. The modal age from this sample was 24, an indication that a significant number of

the persons charged are quite youthful. This is affirmed in the chart above where it is shown that from the sample 33% of the persons charged were between 18 and 25 years old, closely followed by the age group 26 to 35 years old with 29% of the persons charged. The 36 to 45 age group comes next with 20% of the persons charged. The youngest and oldest age categories of 17 and under and 46 and over respectively accounts for 7% and 11% respectively of the person charged who were brought before the Gun Court in 2021.

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 2019. 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



THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Table 65.0: Case clearance rate for the year ended December 31, 2021

| Cases filed | Cases disposed | Case clearance rate |
|-------------|----------------|---------------------|
| 403 | 446 | 110.67% |

**146 or 32.74% of the 446 disposed cases originated in 2021. This percentage represents the disposal rate.*

Four hundred and three new cases were filed in the High Court Division of the Gun Court in 2021 while 446 were also disposed or inactivated (including many which originated before the Term) leading to a clearance rate of exactly 110.67% for the 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 represents the highest case clearance rates in the Supreme Court during the year, a very resilient result when one considers the peculiar challenges faced by the court system in 2021 due to the COVID-19 pandemic. 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 2021 is 13.24 percentage points above the figure forecasted at the beginning of the year.

Other performance measures

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

(i) The on time case processing rate

(ii) The case turnover ratio

(iii) The disposition days

(iv) The crude proxy case backlog rate

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally, the crude proxy case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of 2021. These measures are summarized in the table below:

Table 66.0: Selected performances metrics for the Gun Court in 2021

| 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 (%) |
|----------------|------------------|------------------------|---|---|--------------------------------|----------------------------------|-----------------------------------|
| 446 | 459 | 1.03 | 357 | 360 | 446 | 80.71 | 19.29 |

The results in the above table shows a case turnover rate of 1,03, which is an indication that for every 100 cases which were 'heard' in 2021 and still active, 103 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 five years.

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

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 2021 is approximately 80.71%, which reflects the proportion of Gun Court cases in 2021, which were disposed within 2 years. Conversely, the crude proxy case backlog rate is 19.29%, an indication that an estimated annual proportion of about 19% 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 459 cases, which had some court activity in 2021 and were still active at the end of the year, roughly 89 are expected to be in a backlog classification before being disposed. The crude proxy backlog rates improved by just over seven percentage points in 2021 when compared to 2020, 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

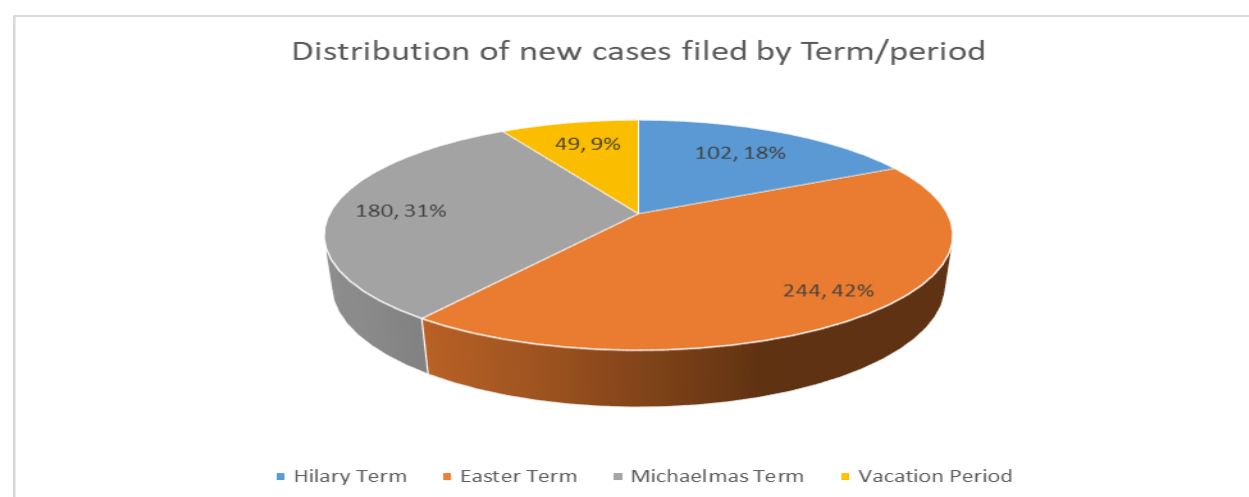
This chapter presents data on case activity in the Commercial Division in 2021 as well as important performance measurements and year on year comparisons where applicable.

Table 67.0: Cases filed in the Commercial Division in 2021

| Division | Number of new cases filed |
|------------|---------------------------|
| Commercial | 528 |

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. 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 2021 (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.

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

The above table shows that the largest proportion of cases filed in the Commercial Division in 2021 was in the Easter Term which accounted for 242 or 42% of the cases filed. The Michaelmas Term followed with 181 or 31% and the Hilary Term with 102 or 18% while the vacation period accounted for the remaining 49 or 9% of the new cases filed.

Table 68.0: Sampling distribution of the top six reasons in the Commercial Division for adjournment of commercial cases for the year ended December 31, 2021

| Reasons for adjournment | Frequency | Percentage (%) |
|---|-----------|----------------|
| Claimant to file documents | 18 | 10.80 |
| Claimant's documents not served or short served | 15 | 9.00 |
| Defendant to file documents | 13 | 7.80 |
| Claimant to comply with order | 12 | 7.20 |
| Defendant to comply with order | 12 | 7.20 |
| Defendant not available | 10 | 6.0 |
| Sub-Total | 80 | 48.0 |

Number of observations (N) = 166

The above table provides a sampling distribution of the top six reasons for adjournment in the Commercial Division for 2021. A total of 166 such incidences sampled reveal that claimant to file documents with 18 or 10.80%, claimant's documents not served or short served with 15 or 9.0% and defendant to file documents with 13 or 7.80% accounted for the top three reasons for adjournment in the Commercial Division in 2021. The top six reasons for adjournment documented from the sample accounts for 48.0% of the total. These leading reasons for adjournment listed are largely attributable to factors which are not within the direct realm of direct court control.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Table 69.0: Sampling distribution of cases with chamber hearings for the year ended December 31, 2021

| Hearings | Frequency | Percentage (%) |
|----------------------------|------------|----------------|
| Applications (Various) | 366 | 75.46 |
| Case Management Conference | 47 | 9.69 |
| Pre-trial review | 64 | 13.20 |
| Judgment summons hearing | 8 | 1.65 |
| Total | 485 | 100 |

The above table summarizes a sample of 485 cases which had chamber hearings in the Commercial Division during 2021. As with the High Court Civil (HCV) Division, the hearing of various applications for relief sought dominates the list with roughly 75.46% of the matters with chamber hearings. Pre-trial reviews with 64 or 13.20% rank next and Case Management Conferences with 47 or 9.69% rounds off the top three chamber hearings in the Commercial Division for 2021.

Table 70.0: Proportional distribution of cases which had trials in chamber, assessments of damages and in open court hearings in 2021

| Trial matter | Percentage (%) |
|------------------------|----------------|
| Trial in Chambers | 1.82 |
| Open Court Trial | 92.73 |
| Assessments of Damages | 5.45 |
| Total | 100 |

The above estimates show that cases with trials in open court accounted for roughly 93% of the cases which had hearings of either trials in open court, trials in chamber or assessments of damages in 2021. This was followed by cases with assessments of damages with 5.45% of this

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

list and trial in chamber with 1.82%. Trials in chamber and in open court and assessments of damages all tend to demand similar levels of judicial time and resources and are hence assessed together in this sampling distribution. This type of analysis provides crucial insights into trial activity which accounted for less than 15% of overall judicial activity in the Commercial Division in 2021.

Table 71.0a: Sampling distribution of hearing date certainty in the Commercial Division for the year ended December 31, 2021

| Type of hearings | Estimated Hearing date certainty rate (%) |
|--|---|
| Case Management Conferences | 87.25 |
| Trials in Chamber, Trials in Open Court and Assessments of Damages | 65.38 |
| All hearings | 79.85 |

The above table breaks down the hearing date certainty rates for two significant types of hearings and also gives the overall rate for 2021. It is shown that Case Management Conferences had an estimated hearing date certainty rate of 87.25% for the year, up by 13.44 percentage points when compared to 2020, while the combined weighted hearing date certainty rate for trials in chamber, assessments of damages and open court is estimated to be 65.38%, an increase of 15.38 percentage points when compared to the previous year. The overall hearing date certainty rate when all types of hearings are considered is approximately 79.85%, a notable increase of 17.80 percentage points over 2020. The general improvement in

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021**

ON THE SUPREME COURT

the hearing date certainty of the Commercial Division is a step in the right direction as over time this will translate into higher case clearance rates and generally greater productivity. The efficiency of the Commercial Division is an important signal for economic activity in Jamaica.

Table 71.0b: Sample case flow process transition summary for the year ended December 31, 2021

| 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 in 2021] | Average time between referral to mediation and receipt of mediation report [2021 referrals only] |
|--|---------------------------------------|----------------------------------|---|--|
| 108* | 42** | 11.90% | 65 days | 5.5 months |

Note: The above data 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

The sample case flow process transition summary for cases in the Commercial Division in 2021 suggests that there were 108 cases on which defences were filed (the equivalent of 149 matters), while 42 cases (the equivalent of 50 referrals) were referred to mediation. The data further suggests that the Commercial Division had a mediation report return rate of 11.90% 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 5.5 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 65 days or two months after a defence is filed for a matter to be referred to mediation while the modal time was 25 days and the median was 40 days. The shortest time interval recorded in the sample between the filing of a defence and referral to mediation is 5 days and the highest is 270 days or roughly 9 months. These results are broadly similar to those from 2020. The overall success rate of mediation for the past two years for matters referred from the Commercial Division is less than 20%.

Table 72.0: Requisitions summary for the year ended December 31, 2021

| Requisitions Issued | Requisition Responses | Requisitions clearance Rate | Requisitions per 100 case files |
|---------------------|-----------------------|-----------------------------|---------------------------------|
| 92 | 50* | 54.35% | 10 |

*This figure includes requisitions filed on matters originating prior to 2021

The above table provides a summary of the response rate for requisitions issued in the Commercial Division in 2021. It is shown that 92 requisitions were issued in the year while there were 50 responses filed, thus producing a requisitions clearance rate of 54.35%, an increase of 15.02 percentage points when compared to 2020. This requisition clearance rate suggests that during the year, for every 10 requisitions issued, roughly 5 responses were filed. Additionally, there was an average incidence of 9 requisitions per 100 case files in the Commercial Division for the year.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Table 73: Methods of disposition for the year ended December 31, 2021

| Methods of Disposition | Frequency | Percentage (%) |
|--|------------|----------------|
| Agreed to pay by installment | 2 | 1.1 |
| Application Granted | 26 | 14.5 |
| Claim form expire | 1 | .6 |
| Consent Judgment | 9 | 5.0 |
| Consent Order | 1 | .6 |
| Notice of Discontinuance Noted | 19 | 10.60 |
| Final Judgments | 43 | 24.10 |
| Judgment in Default of Acknowledgment of Service | 31 | 17.3 |
| Judgment in Default of Defense | 12 | 6.7 |
| Judgment on Admission | 13 | 7.3 |
| Matter Discontinued | 9 | 5.0 |
| Matter Withdrawn | 1 | .6 |
| Order Granted for Transfer | 1 | .6 |
| Settled | 5 | 2.8 |
| Transferred | 6 | 3.4 |
| Total | 179 | 100.0 |

The data suggests that 179 cases in the Commercial Division were disposed in 2021, a decrease of 13.53% when compared to 2020. Disposals by way of final judgments with 43 or 24.10% led the list of dispositions while judgment in default of acknowledging service with 31 or 17.30% ranked next. The top three methods of disposition were rounded off by applications granted with 26 or 14.50%. Also featuring prominently on this list are notices of discontinuance with 19 or 10.60% of the total dispositions in 2021.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Table 74.0: Time to disposition for Commercial cases disposed in the year ended December 31, 2021

Descriptive Statistics (months)

| | |
|------------------------|-------------------|
| Number of observations | 179 |
| Mean | 15.8324 |
| Median | 9.0000 |
| Mode | 8.00 ^a |
| Std. Deviation | 16.43902 |
| Variance | 270.241 |
| Skewness | 2.834 |
| Std. Error of Skewness | .182 |
| Range | 110.00 |
| Minimum | 1.00 |
| Maximum | 111.00 |

a. Multiple modes exist. The smallest value is shown

The above table shows that the estimated average time to disposition for the 207 Commercial cases disposed in 2021 is 15.83 months or just over 1 year and 3 months, an improvement of 2 months when compared to 2020, a second consecutive year of improvement for the Commercial Division. The maximum time to disposition observed from these cases is just over nine and a quarter years old while the lowest is roughly a month. It is of note that the modal time to disposition for the year is roughly 8 months while the median is 9 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 2021 took less time than the overall mean. 54 or 30.17% of the commercial cases disposed in 2021 originated in said year. This is a decline of 1.71 percentage points when compared to 2020.

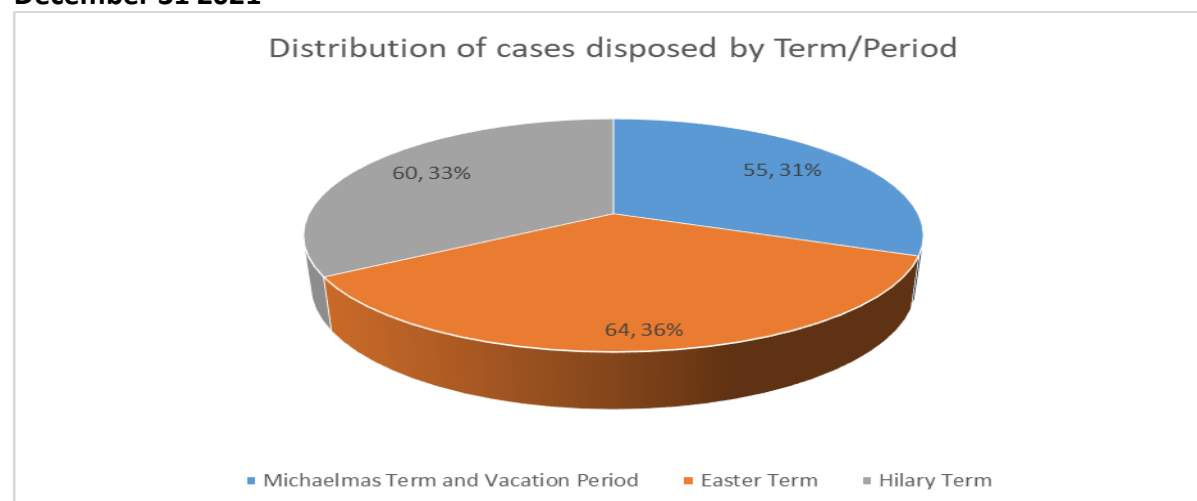
THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Table 75.0: Breakdown of times to disposition for Commercial cases in 2021

| Time Interval (months) | Frequency | Percentage (%) |
|---------------------------|------------|----------------|
| 0 – 12 | 94 | 52.51 |
| 13 – 24 | 58 | 32.40 |
| 25 – 36 | 10 | 5.6 |
| 37 – 47 | 9 | 5.0 |
| 48 7 over | 8 | 4.5 |
| Total | 179 | 100.0 |

The above table provides a breakdown of the times to disposition for the cases disposed in the Commercial Division in 2021. It is seen that the largest proportion of these cases were disposed of within a year, accounting for an impressive 52.51% of the disposals. This is followed by 58 or 32.40%, which took between 13 and 24 months to be disposed while the 10 or 5.60% which took four or more years to be disposed rounds off the top three times to disposition for the year. Taken together, the data suggest that an impressive 84.91% of the cases disposed in the Commercial Division in 2021 were resolved within 2 years.

Chart 20.0: Distribution of cases disposed in the Commercial Division in the year ended December 31 2021



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 CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

The above chart shows that the combined Easter Term accounted for the largest proportion of cases disposed in the Commercial Division in 2021 with 64 or 36% of the total. The Hilary Term with 60 or 33% of the total and the combined Michaelmas and vacation periods with 60 or 33% of the total follows.

Table 76.0a: Case clearance rate for the Commercial Division for the year ended December 31, 2021

| Cases filed | Cases disposed | Case clearance rate |
|-------------|----------------|---------------------|
| 575 | 179* | 31.13% |

**This figure includes cases filed before 2021. 54 or 9.39% of the cases filed in 2021 were disposed.*

Five hundred and seventy-five new cases were filed in the Commercial Division in 2021, while 179 cases were disposed which yields a case clearance rate of 31.13%. 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 an 8.07 percentage points decline when compared to 2020.

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**

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

(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 2021. These measures are summarized in the table below:

Table 77.0: Selected performances metrics for the Commercial Division for 2021

| 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 (%) |
|----------------|------------------|------------------------|------------------|---|--------------------------------|----------------------------------|-----------------------------------|
| 179 | 834 | 0.21 | 1738 days | 152 | 179 | 84.91 | 15.09 |

The results in the above table shows a case turnover rate of 0.21, which is an indication that for every 100 cases which were 'heard' in 2021 and still active, another 21 were disposed, a decline of 8 percentage points when compared to 2020. 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 4.76 years to be disposed, barring special interventions and other outcomes.

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

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 2021 is an impressive 84.91%, which reflects the proportion of Commercial cases in 2021, which were disposed within 2 years. Conversely, the crude proxy case backlog rate is a commendable 15.09%, an indication that an estimated annual proportion of roughly 15% 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 834 cases which had some court activity in 2021 and were still active at the end of the year, 126 are expected to be in a backlog classification before being disposed.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

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 2021.

Table 78.0a: Gross case clearance rate for the year ended December 31, 2021

| Total cases filed | Total cases disposed | Gross Case clearance rate |
|-------------------|----------------------|---------------------------|
| 14460 | 8758 | 60.37% |

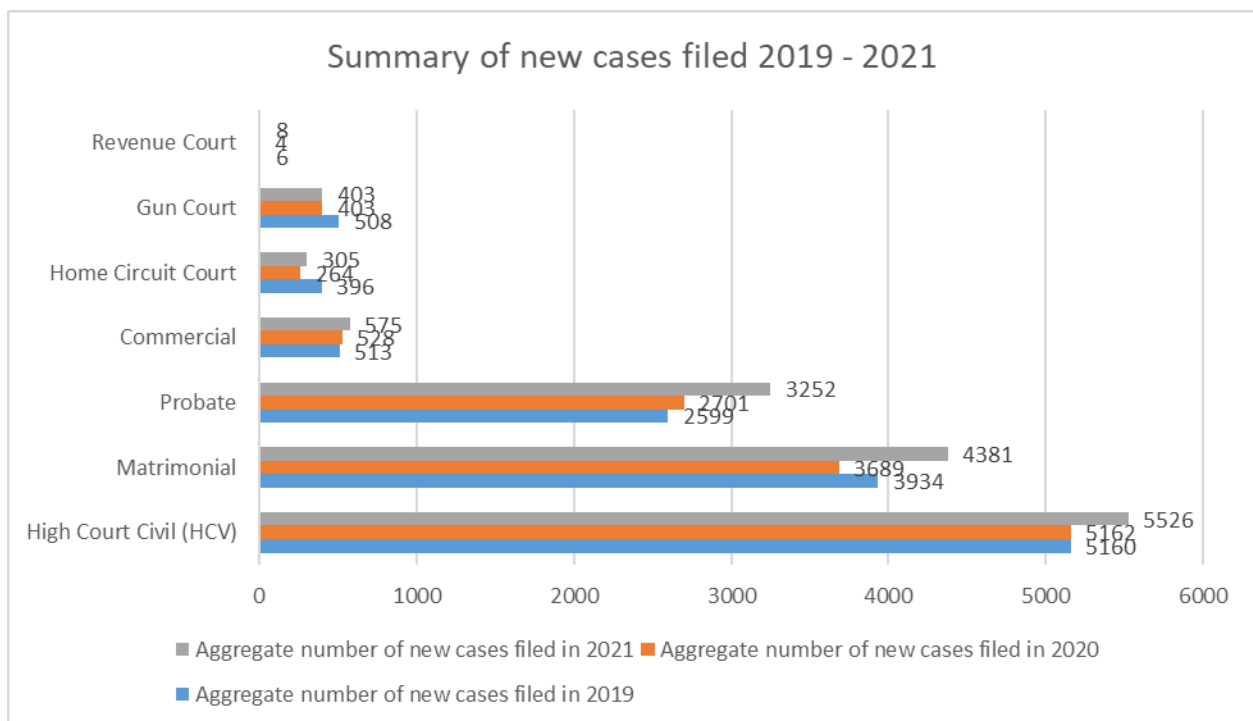
The above table provides an aggregate summary of the clearance rates in the Divisions of the Supreme Court in 2021. The data suggests that 14460 new cases were filed/entered across the Divisions reviewed in 2021, a notable increase of roughly 13.35% when compared to 2020. These results yield a gross clearance rate of roughly 60.37% representing a decline of 5.52 percentage points when compared to 2020 and suggesting that that for every 100 cases filed/entered during the year, roughly, 60 were also disposed. In 2021, the Divisions with the highest case clearance rates were the Gun Court with a typically impressive 110.67%, the Matrimonial Division with 88.08% and the Revenue Court with 87.50%.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Aggregate Case Counts 2019-2021

The below chart provides a count of the number of new cases filed/entered in the Divisions of the Supreme Court for the years 2019 - 2021

Chart 21.0: Number of new cases by Division for the years 2019- 2021



The above chart summarizes the progression of cases in the Divisions of the Supreme Court between 2019 and 2021. It is shown that the High Court Civil (HCV) Division has consistently demonstrated the largest share of new cases in the Supreme Court, averaging 5283 cases per annum over the period. The Matrimonial Division accounts for the second highest case count each year over the period, maintaining a count within a fairly steady band and averaging of 4001 cases. The Probate Division accounts for third highest share of new cases over the period and demonstrates general consistency over the period, recording an average of 2851 new cases

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

per year. The Probate Divisions shows the most consistent growth in the number of new cases filed each year over the three-year period of analysis, increasing sharply each year by an average of 12.16% while the High Court Civil Division and the Commercial Division also illustrated a generally linear slope in the annual rate of increase in the number of new cases filed over the period.

Table 78.0b: Summary of new cases filed and cases disposed in the Supreme Court (2020 – 2021)

| Division | Aggregate number of new cases filed in 2020 | Aggregate number of cases disposed in 2020 | Case Clearance Rate (%) - 2020 | Aggregate number of new cases filed in 2021 | Aggregate number of cases disposed in 2021 | Case Clearance Rate (%) - 2021 |
|------------------------|---|--|--------------------------------|---|--|--------------------------------|
| High Court Civil (HCV) | 5162 | 2278 | 44.13 | 5526 | 1476 | 26.71 |
| Matrimonial | 3689 | 2985 | 81.0 | 4381 | 3859 | 88.08 |
| Probate | 2701 | 2249 | 83.27 | 3252 | 2539 | 78.08 |
| Commercial | 528 | 207 | 39.20 | 575 | 179 | 31.13 |
| Home Circuit Court | 264 | 200 | 75.76 | 305 | 222 | 72.79 |
| Gun Court | 403 | 468 | 65.71 | 403 | 446 | 110.67 |
| Revenue Court | 4 | 6 | 80.00 | 8 | 7 | 87.50 |
| Total | 12751 | 8393 | 65.82 | 14460 | 8728 | 60.36 |

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

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

Case Activity Summary for 2021

The below table provides a summary of core case activity for each Divisions of the Supreme Court in 2021.

Table 79.0: Aggregate case activity in 2021

| Division | New cases Filed | Aggregate number of cases disposed | Clearance Rate (%) | Average time To Disposition (months) | Hearing Date Certainty Rate (%) |
|-------------------------------|-----------------|------------------------------------|--------------------|--------------------------------------|---------------------------------|
| High Court Civil (HCV) | 5526 | 1476 | 26.71 | 49.57 | 79.21 |
| Matrimonial | 4381 | 3859 | 88.08 | 23.25 | 66.45 |
| Probate | 3252 | 2539 | 78.08 | 16.63 | 70.23 |
| Commercial | 575 | 179 | 31.13 | 15.83 | 79.85 |
| Home Circuit Court | 305 | 222 | 72.79 | 29.00 | 76.14 |
| Gun Court | 403 | 446 | 110.67 | 20.00 | 65.11 |
| Revenue Division | 8 | 7 | 87.50 | 20.00 | 75.00 |
| Insolvency Division | 10 | 2 | 20.00% | - | - |
| Gross/Weighted Average | 14460 | 8730 | 60.37 | 24.90 | 73.14 |

The above table provides an important summary of case activity in the Supreme Court in 2021.

It is shown that 14460 cases were filed/entered across the Divisions of the Supreme Court during the year, the highest number in at least the last decade. The High Court Civil (HCV) Division with 5526 cases or 38.22% accounts for the largest share of the new cases filed,

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021**

ON THE SUPREME COURT

followed by the Matrimonial Division with 4381 or 30.30% of the total and the Probate Division with 3252 or 22.25% of the total. In the 2020 annual report for the Supreme Court, it was forecasted that the total number of new cases filed/brought in the Supreme Court in 2021 would be 12829 cases and thus the actual number of new cases filed exceeds the forecasted number by 12.71%.

Similar to recent years, the Matrimonial and Probate Divisions accounted for the largest share of the cases disposed in 2021 with roughly 44.20% and 29.08% respectively of the total, followed by the High Court Civil Division with 16.91% of the disposals. As with the past four years, the Gun Court, Probate Division and Matrimonial Division had the highest case clearance rates among the larger Divisions in 2021. The Gun Court recorded a case clearance rate of 110.67%, while the Matrimonial Division recorded a case clearance rate of 88.08% and the Probate Division with rate of 78.08%. Although the Revenue Court has minimal case activity each year, it is also notable that this court recorded an impressive case clearance rate of 87.50% and currently does not have a case backlog. The overall case clearance rate for the Supreme Court in 2021 is estimated at 60.37%, a decline of roughly 5.52 percentage points when compared to 2020. The High Court Civil (HCV) Division accounted for the longest average time to disposition with cases taking an average of roughly 50 months (4 years and 2 months) to be disposed. The Home Circuit Court is next with an average time to disposition of approximately 29 months (2 years and 5 months) while Commercial and Probate Divisions with estimated average times to disposition of 15.83 months (roughly 1 year and 4 months) and 16.63 months (1 year and 5 months) respectively account for the lowest average times to

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021**

ON THE SUPREME COURT

disposition in 2021. The overall weighted average time taken to dispose of the cases resolved in 2021 is 25 months (two years and 1 month), approximately the same as the previous year. None of the Divisions of the Supreme Court met the international standard on hearing date certainty in 2021. The overall average hearing date certainty rate was 73.14%, an increase of 8.14 percentage points when compared to 2020. The Commercial Division with a rate of 79.85% and the High Court Civil Division with 79.21% had the highest output in the Supreme Court on this metric in 2021.

Judgments Reserved and Judgments Delivered

This sub-section provides a summary of the civil judgments reserved and delivered in 2021

Table 80.0: Summary of Judgments Reserved and Delivered in 2021

| 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 (%) |
|---------------------------------------|--|-----------------------------------|--|---|--|
| 123 | 232 | 188.62% | 134 | 62 | 46.27% |

A total of 123 judgements were reserved in 2021, an increase of 10.81 percentage points when compared to 2020, while 232 judgments were delivered, a decrease of 10.78% when compared to the previous year. This output led to an impressive clearance rate of roughly 189%, a decline 45 percentage points when compared to 2020. This result means that for every 10 judgments which were reserved in 2021, 19 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

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

Supreme Court in delivering timely judgments. The average age of cases on which judgments were delivered in 2021 was roughly 3.25 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. In 2021, the Supreme Court exceeded the forecasted clearance rate on judgments by 29.23 percentage points, outstripping the forecasted number of judgments delivered by 9.43%.

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 134 judgments reserved on applications in 2021 while 62 were delivered. This produced a clearance rate for judgments on applications of 46.27%, a noticeable decline when compared to 2020.

Estimated Courtroom/Hearing Utilization Rate in 2021

Using a sample of cases heard in open court in 2021, the courtroom utilization rate for the Supreme Court was estimated to be 59%, suggesting that just about 3 of every 5 available hours for hearings were utilized in 2021. 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, Probate and Matrimonial Divisions in 2021

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 2021 is summarized below.

Table 81.0: Sampling distribution of the modes of hearing for civil matters in the Supreme Court in 2021

| | Frequency | Percentage (%) |
|------------------|--------------|----------------|
| In person | 1513 | 12.5 |
| Teleconference | 2840 | 23.4 |
| Video conference | 7796 | 64.2 |
| 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 64.20% of hearings conducted, while teleconferences accounted for 23.40% and In-person hearings accounted for 12.50% of this representative sample of hearings in 2021. The general improvement in hearing date certainty rate which was experienced with civil cases in 2021 is partly a result the mass movement of cases online, a process which started in 2020, but have now becoming customary place. It has essentially removed courtroom space as a constraint on court productivity, paving the way for greater efficiency in the court's operation.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

CHAPTER 8.0: CONCLUSION AND RECOMMENDATIONS

The 2021 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. The last two calendar years have been particularly challenging for the Jamaican judiciary as several aspects of court operation have been adversely impacted by the COVID-19 pandemic.

The Supreme Court continued to show great resilience throughout 2021 with the civil divisions moving a substantial portion of open court hearings to the virtual space thus removing physical courtroom space as a constraint to total productivity. With the additional operating improvements being pursued by the court's leadership, including the creation of specialized tracks for different case types and the attendant deployment of Differentiated Case

| | |
|--|-------------|
| THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT | 2021 |
|--|-------------|

Management (DCM) particularly in civil cases, the Supreme Court is expected to experience major advances in efficiency over the next few years. The strategy of Differentiated Case Management rests on the principle that cases are assigned to resources based on complexity and type. The variables included in determining efficiency includes the likely duration, the likely or existing number of applications, the number of parties involved in a case and case party dynamics. Differentiated Case Management has been used with tremendous success in other jurisdictions around the world and it is expected to reap rich dividends in a Supreme Court that is becoming increasing data and target driven and which is energized by a more scientific approach to case management and decision making.

In 2021, the Supreme Court as a whole experienced a notable increase in the overall hearing date certainty rate, recording a commendable 73.14%, 8.14 percentage points higher than 2020. Despite this improvement in the hearing date certainty rate, there was a decline of 5.52 percentage points in the overall case clearance rate. In 2022, the Supreme Court experienced a record number of new cases filed and this offset gains in efficiency and case disposals in some divisions, which partly accounted for the decline in overall case clearance rate. The average time to disposition which is another critical metric for case monitoring and planning remained roughly the same in 2021 when compared to 2020, netting out at roughly 25 months. The overall performance of the Supreme Court in 2021 may be best classified as stable, relative to the previous years. The Gun Court continues to be a key performer, with a case clearance rate of over 100% while the Matrimonial and Probate Divisions continue to make a vital contribution to total output with the highest incidence of cases resolved during the year. The Home Circuit

Court is also showing signs of progress, continuing the trend from 2020 while the Commercial Division is showing improvement in some key areas and the High Court Division is making strides with its overall hearing date certainty and structural reforms. There is however still a long way to go, especially for the High Court Civil Division in reversing the current unacceptably long average times to disposition and long waiting times for trial and other hearing dates.

RECOMMENDATIONS

Having identified the core causes of the delays being experienced in both criminal and civil matters, the report strongly recommends that aggressive steps be taken to encourage a culture of collective responsibility among all court participants, including litigants, attorneys, the police, the prosecution and others so that it is well understood that delays, however small or great, carries with it a potentially catalytic effect on the court's calendar often resulting in significant delay in the administration of justice. With the high annual volume of incoming cases in the Supreme Court, delays of any kind will often mean a substantial extension in waiting time for matters to progress along the case flow continuum towards disposition. Unless the core causes of delay are addressed and unless a culture of collective responsibility is developed, it is conceivable that resource constraints will be constantly compounded, delay exacerbated even further and productivity will fall in the divisions which rely heavily on open court activity.

In order to reverse the long current long waiting times for trial and other hearing dates and the overall long average time to disposition for especially the High Court Civil Division, one of two solutions are proposed. The first and most radical is comprehensive case flow management reform and a systematic rescheduling of dates on the current calendar. These undertakings are enormous logistical exercises that will require dedicated resources but would likely add

tremendous value to the current policy of Differentiated Case Management which is being pioneered by the Honourable Chief Justice Mr. Bryan Sykes. Comprehensive case flow management reform would include the establishment of several intermediate and overall targets in order to drive accountability and performance.

Secondly, this report proposes that consideration be given to the limited employment of a ***double fixing and filtering system*** of scheduling as was applied in Singapore in the 1980s to bring its case backlog under control and to optimise the use of judicial time and limited physical space. Under this system, an additional case is assigned for hearing at the same time and resources as another case, very much like a back-up list. For simplicity we may call these the primary and secondary matters scheduled for a specific date and time. If the time set for the primary case was vacated ahead of schedule then the secondary item would take the slot, however if the primary case proceeded on schedule, the secondary case is immediately transferred to a courtroom which had disposed of its cases ahead of schedule. Such a court that becomes available due to the disposing of a case ahead of schedule is called a filter court. Theoretically therefore, there may be several filter courts available at any given time but the reverse is also probable which is that none may be available. However, because there would only be a limited introduction of such a system to target specific kinds of cases, the probability of having no contingency, or filter court available is relatively remote. Further study of the resource capacities and constraints as well as the relative courtroom utilization rates would have to be pursued in order to determine the full feasibility of adopting some version of such a system in the High Court Division of the Supreme Court. One of the main drawbacks would be

that some attorneys and litigants would have to wait until a date and the attendant resources become available in what might be the unlikely event that no filter court is available when the primary matters proceeds. If such a policy were to be successful, the main benefit would however be that the probability of cases getting closer dates and resolutions could be significantly increased. When this method was tried in the Singapore Courts in the 1980s, the result was that up to 15 more cases which appeared unlikely to go to trial or which seemed likely to be brief trials were assigned each day to a filter court. As indicated, a scientific study to determine the feasibility of some variant of such a strategy in the High Court Civil Division may be recommendable in order to explore possible solutions to the distance scheduling which is currently being experienced in many instances.

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.

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2021** ON THE SUPREME COURT

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