

THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT FOR 2020

Supreme Court of Jamaica The Chief Justice's Annual Statistics Report for 2020

OVERALL QUANTITATIVE HIGHLIGHTS

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

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The Chief Justice's Message

The Supreme Court made slight improvements in performance in 2020 when compared with 2019. This is heartening given that all courts 2020 were greatly affected by the COVID 19 pandemic. The impact of the pandemic was reflected in a number of ways. The courts reduced hearing except for emergency cases beginning on March 23, 2021 until June 1, 2021 which saw a gradual return to full services. This post June 2021 was characterized by increased use of electronic platforms such as Zoom to conduct hearings in civil and criminal cases. The new physical distancing norms became our daily reality. The total number of new cases fell by 2.74% when compared with 2019. The number of days for hearing matters fell by 32.68% when compared with 2019.

There were encouraging signs of improvement The average clearance rate increased to 65.89% up from 58.91% in 2019. The High Court Division of the Gun Court continued the trend of excellent performance there with a clearance rate of 116.13%. The overall average time to disposition for cases fell from 2.21 years to 2.08 years. On the question of delivery of outstanding judgments, the clearance rate is 234% that is 234 judgments are being delivered for every 100 reserved. In 2019, this was 189.

In 2020 the Civil Division recorded its highest clearance rate (44.13%) of the past six years. This was an increase of 27 percentage points over 2019. While the improvement is significant it remains low. For any meaningful change improvement to take place over the next 36 months, the average clearance rate needs to be between 65% to 80%.

Bryan Sykes OJ, CD
Chief Justice

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EXECUTIVE SUMMARY

This Annual Statistics Report on case activity in the Supreme Court for 2020 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 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 5-6 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 5-6 years. 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 2020 annual review is the most extensive to date, canvassing the nucleus of case activity in all Divisions of the Supreme Court and providing necessary context.

2020 was a special year for the Jamaican society due to the impact of the COVID-19 pandemic which saw a general downturn in economic and other activity from which the court system was not spared. As a result of the general downturn in activity and the suspension of normal court activity in the larger part of the Easter Term and the very latter fraction of the Hilary Term, the Supreme Court had 32.68% less days available for court sittings than under normal

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circumstances. 2020 saw a roughly 16% decline in overall case activity in the Supreme Court when compared to 2019 but the Court still managed to register improvements in several key performance areas, while sustaining stability in others and experiencing some declines. The overall performance was however one of unquestionable resilience. The creative and successful use of the virtual space to conduct hearings was a critical part of the court's adjustment to the new physical distancing norms and remains part of the way forward in 2021. This innovation reduced the magnitude of the effects of the pandemic on court activity in 2020.

This annual report contains a range of data and performance measurements on the seven 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. The report is extensive, covering several major areas of case flow progression and therefore provides important insights, which can potentially inform the operational efficiency of the Supreme Court and the policy design of the relevant state actors.

A total of 12757 new cases entered the Supreme Court across the above named Divisions/sections in 2020 while 8406 cases were disposed. The total number of new cases filed in 2020 decreased by 2.74% when compared to 2019, falling slightly below the forecasted figure. The number of cases disposed in 2020 however increased by 8.08% when compared to 2019. The High Court Civil (HCV) and Matrimonial Divisions with 5162 and 3689 respectively of the total number of new cases filed accounted for the largest share while the Revenue Court, Insolvency and Admiralty Divisions each with under 10 new cases filed account for the lowest shares. As was the case in 2019, the Matrimonial Division accounted for the largest share of

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disposals with 35.51% of all disposed cases in the Supreme Court in 2020, while the Probate Division with 2249 disposed cases or roughly 26.5% 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 65.90%, an increase of roughly 6.98 percentage points when compared to 2019. The case clearance rate provides a measure of the number of cases disposed, for every new case entered. The average of roughly 66% across the Divisions suggests that for every 100 new cases entered in the period, roughly 66 were also disposed (not necessarily from the new cases entered). The case clearance rates for 2020 range from a low of 39.20% in the Commercial Division to a high of 300% in the Insolvency Division. Among the Divisions with moderate to heavy case activity, the High Court Division of the Gun Court had the highest case clearance rate with 116.13%, followed by the Probate Division with 83.27%. 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 2020. The overall clearance rate of roughly 66% in 2020 is still well below the minimum standard set out by the Chief Justice for the Judiciary over the next 3 - 6 years.

The report also generated the estimated times to disposition for matters disposed in the respective Divisions of the Supreme Court in 2020. The estimated average times taken for cases to be disposed, range from a low of approximately 1 year and 5 months in the Probate Division to a high of 3 years and 8 months in the High Court Civil Division. The overall average time to disposition for the Divisions of the Supreme Court in 2020 was 25 months (2 years and 1

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month), a month and a half lower than the result from 2019. The oldest matter disposed in the Supreme Court in 2020 occurred in the Probate Division, with an age of 27.58 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 in 2020.

The standard definition for a case backlog, which has been adopted throughout 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 2020 was approximately 65.64%, which suggests that 66 of every 100 cases disposed in the Supreme Court in 2020, were done within two years, representing a roughly 4 percentage points decline when compared to 2019. This result implies that roughly 34.36% of the cases disposed in 2020 were in a state of backlog at the time of disposition, representing a crude proxy of the case backlog rate in the Supreme Court in 2020. The Commercial and Probate Divisions with on time case processing rates of 86.50% and 83.90% respectively fared best on this metric in 2020, thus also having the lowest crude case backlog rates at the end of the year with 13.50% and 16.10% respectively. On the other hand, the High Court Civil Division and the Home Circuit Court recorded the lowest on-time case processing rates of 39% and 49.50% respectively. Concomitantly, the crude proxy case backlog rates for High Court Civil Division was 61% and 50.50% for the Home Circuit Court in 2020.

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

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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 60.0% in the Home Circuit Court to a high of 80% in the Revenue Court. None of the Divisions of the Supreme Court met the international standard of 92% - 100% on this measure in 2020. The weighted average hearing date certainty across all the Divisions in 2020 was roughly 65%, which is an indication that there was a roughly 65% probability that a matter scheduled for hearing will go ahead without adjournment. 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 2020 are similar to those observed over the past three 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

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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 apparatuses and practices. 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 2020 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 or incomplete files, matters wrongly listed for court and other related factors which are attributable to the inefficient handling of records and case scheduling by the court's registries. Using the High Court Civil Division as a proxy, the data reveals that the case file integrity rate was 94.56%, an improvement of 3.52 percentage points when compared to 2019. This result suggests that for every 100 case files that were apart of court hearings in 2020, 3 to 4 more were able to

proceed, as compared to 2019, without being adjourned for 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 was highest in the Matrimonial Division with a ratio of 95 requisitions per 100 case files while the High Court Civil Division with 6 requisitions per 100 case files had the lowest incidence.

One of the most positive outcomes for the Supreme Court in 2020 was the significant improvement in the clearance of outstanding judgments. In this regard, the Supreme Court recorded the highest clearance for outstanding judgments seen since this type of reporting began, netting a rate of 234%. This result suggests that for every 10 new judgments reserved during the year, roughly 23 judgements were delivered, an improvement of 45 percentage points when compared to 2019. The related figures for rulings on application were also impressive with a clearance rate of roughly 119%, suggesting that for every 10 rulings reserved on applications in 2020, 12 were delivered.

The High Court Division of the Gun Court, the Probate and Matrimonial Divisions are the leading performing Divisions for 2020 when the full range of metrics are considered. Continuous, clinical interventions in operational procedures will be required to sustain the improvements and to make quantum leaps towards the major goals set out for the judiciary over the next 3-6

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years. It is hereby forecasted below that in 2021, 12829 new cases will be filed across the Divisions of the Supreme Court while it is forecasted that 8937 will be disposed. Thus, the forecasted clearance rate for the Supreme Court in 2021 is 70%.

See below Supreme Court case activity summary for 2020:

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (months)	Hearing Date Certainty Rate (%)
High Court Civil (HCV)	5162	2278	44.13	44.30	64.67
Matrimonial	3689	2985	81.00	23.29	61.79
Probate	2701	2249	83.27	16.30	60.58
Commercial	528	207	39.20	17.13	62.05
Home Circuit Court	264	200	75.76	29.14	60.00
Gun Court	403	468	116.13	19.85	65.71
Revenue Division	4	6	150	-	80.0
Insolvency Division	3	9	300	-	-
Admiralty Division	3	4	133.33	-	-
Gross/Weighted Average	12757	8406	65.90	25	65

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

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

(i) The on time case processing rate

(ii) Crude proxy case backlog rate

The on time case processing rate provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case backlog rate provides an estimated measurement of the proportion of cases, which are unresolved for more than two years as at end of 2020. These measures are summarized in the table below:

Selected performances metrics for the Supreme Court in 2020

Division of the Supreme Court	Resolved/Disposed cases	Unresolved cases which had court activity in 2020	Number of cases disposed within 2 years	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
High Court Civil (HCV)	2278	10784	887	39	61
Matrimonial Division	2985	5871	2105	70.52	29.48
Probate Division	2249	2889	1887	83.90	16.10
Commercial Division	207	705	179	86.50	13.50
Home Circuit Court	200	965	99	49.50	50.50
Gun Court	468	462	348	73.35	26.65
Gross/Weighted Average	8387	21676	5505	65.64	34.36

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Vital Forecasts:

Forecast of case activity in the Divisions of the Supreme Court in 2021

Division	Forecasted number of new cases	Forecasted number of disposed cases	Forecasted Case Clearance Rate (%)
High Court Civil Division	4983	2623	52.64
Matrimonial Division	3735	3023	80.94
Probate and Administration Division	2663	2331	87.53
Home Circuit Court	388	245	63.14
High Court Division of the Gun Court	467	455	97.43
Commercial Division	576	242	42.01
Revenue Division	7	5	71.43
Insolvency Division	5	7	140.0
Admiralty	5	6	120.0
Total/Weighted Average	12829	8937	70

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 2021 as well as the projected case clearance rates. The forecasted number of new cases entering the Supreme Court in 2021 is 12829 while the forecasted number of disposed cases across the Divisions/sections is 8937. These predicted values would produce a weighted case clearance rate of 70% in 2021.

Forecast for Judgments Reserved and Delivered in 2021

Forecasted number of Judgments Reserved	Forecasted number of Judgments Delivered	Forecasted clearance rate on Judgments (%)
133	212	159.39

Note: Forecasting done using the method of exponential smoothing

Having registered record clearance rates for judgments in 2020, the Supreme Court is expected to sustain such momentum in 2021 as illustrated by the projected case clearance rate on judgments of 159.39%. This means that in 2021 the Supreme Court is expected to dispose roughly 16 judgments for every 10 judgments reserved.

METHODOLOGY

Guaranteeing the reliability and validity of the data used to produce the periodic statistics reports for the Jamaican Courts is of utmost importance as we seek to produce a data driven enterprise for policymaking and operational decisions. As a result, a robust and verifiable system of data production has been created in both the Parish Courts and the Supreme Court. In the Supreme Court, each Division has a set of data entry officers whose daily responsibility is to enter data on new cases and as necessary update all case activity and events as the matters traverse the courts. Such updates are done electronically using the Judicial Enhancement Management Software (JEMS) software, which has been evolved to cater for a wider range of data capture and reporting needs. In all Divisions, live court data is also recorded in JEMS from inside court by the Clerks. In order to assure the integrity of the data that is entered in JEMS, data validators are specially assigned to scrutinize case files on a daily basis to ensure consistency with the electronic data and adequacy of data capture.

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

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

Structure of Report

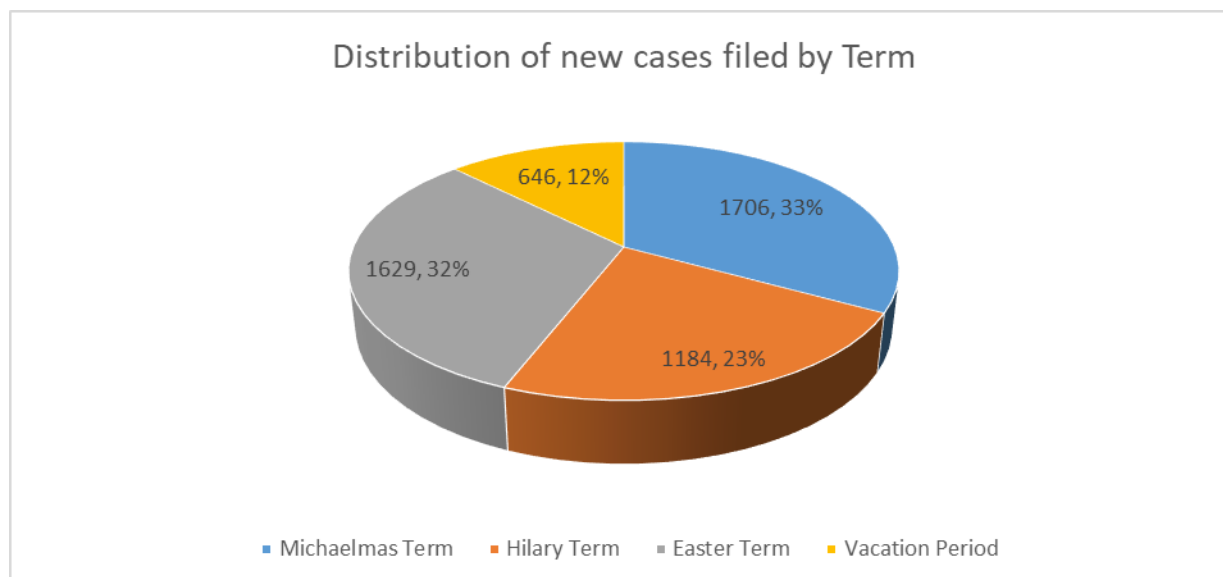
This is a comprehensive statistical report on case activity in the various Divisions of the Supreme Court in 2020. Each of the first six chapters focus on case activity and performance metrics in the High Court Civil (HCV) Division, the Matrimonial Division, the Probate Division, the Commercial Division, 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 2020 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.

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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, 2020. 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 2020.

Chart 1.0: New case summary for 2020

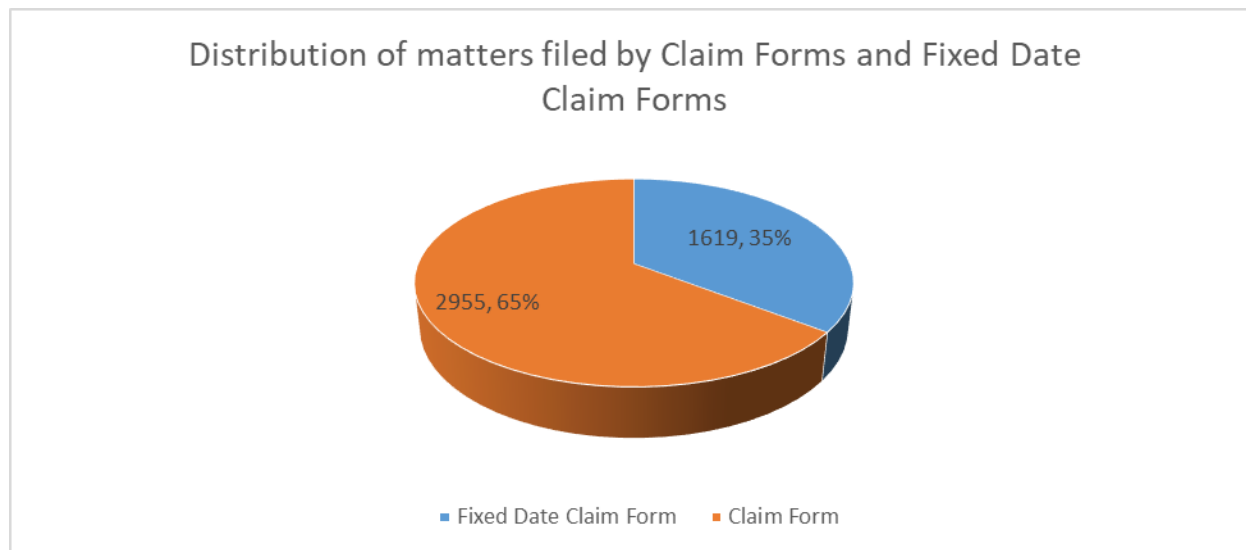


NB: Total number of civil cases for 2020 = 5162. The vacation period is used here to refer to the time between the end of the Easter Term and the start of the Michaelmas Term and between the Hilary Term and the Easter Term.

The chart above provides summary of the number of cases filed in the High Court Civil Division (HCV) for 2020. A total of 5162 new HCV cases filed in the year, a slight increase of only 2 cases or 0.04% when compared to 2019. The largest proportion of the new cases filed was again in the Michaelmas Term, which accounted for 1706 or 33% of the new cases. The Easter Term with 1629 cases or 32% of the total and the Easter Term with 1184 or 23% of the cases filed

accounts for the next highest shares of the new cases filed in the High Court Civil Division (HCV) in 2020. The vacation period accounted for 646 or 12% of the new cases filed in 2020.

Chart 2.0: Claim Forms and Fixed Date Claim Forms for the year ended December 31, 2020



Sample size = 4574

The above chart highlights the proportional distribution of cases filed in the High Court Civil (HCV) Division in 2020 which originated either by way of a Claim Form or Fixed Date Claim Form. This chart is generated using a sample of 4574 cases which were file by way of either Clam Form or Fixed Date Claim Form in 2020. The data shows that 2955 or 65% of this sample were filed by way of Claim Forms while 1619 or 35% 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 about

11% 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 in which 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 1.0 to 4.0 below provide an analysis of the reasons for adjournment or continuance of HCV cases in 2020. 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 be 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. Table 3.0 highlights reasons that could either satisfy the strict definition of adjournments or continuance depending on the specific circumstances. There were a combined 6182 incidences of adjournments whether for continuance or avoidable reasons in the High Court Civil (HCV) Division during 2020. This represents a sizeable decline of 18.26% in the number incidence of adjournments when

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compared to 2019, a positive development, although this was partly aided by a general decline in open court and chamber activity, largely on account of the COVID-19 pandemic.

Table 1.0a: Top 15 reasons for adjournment for year ended December 31, 2020

Reasons for adjournment	Frequency	Percentage
Claimant to file documents	874	14.14
COVID – 19 pandemic (suspension of court activity)	484	7.83
Claimant's documents not served or short served	467	7.55
For comments from NEPA to be complied with (Restrictive Covenants)	455	7.36
File not found	254	4.11
Matter referred to mediation	217	3.51
Defendant to file documents	172	2.78
Claimant's Attorney Absent	129	2.09
Claimant to comply with Case Management Conference (CMC) order	124	2.01
Claimant not available	94	1.52
Judgment debtor absent	94	1.52
Claimant's application/documents not in order	94	1.52
Claimant's attorney not ready	93	1.50

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Defendant's attorney absent	89	1.44
Wrongly listed	82	1.33
Sub -Total		

Total number of adjournments/continuance = 6182

There were total of 6182 incidence of adjournments/continuance in 2020, a notable decline when compared to 2019, partly on account of the general fall in court activity. The above table summarizes the top fifteen reasons for adjournment for the year ended December 2020, using the contextual definition outlined above. It is seen that the three dominant reasons for adjournment were claimants to file documents with 874 or 14.14% of all events of adjournments/continuance, adjournments due to the suspension of court activity resulting from the COVID-19 pandemic with 484 or 7.83% and adjournments due to claimants not being served or short served, with 484 or 7.83% of the incidence of adjournments round off the top three. Adjournments for comments from NEPA to be complied with (i.e. Restrictive Covenants) with 467 or 7.55% and files not found with 25 or 4.11% rounds off the top five reasons for adjournment in the High Court Civil Division for 2020. The top fifteen reasons for adjournment enumerated above, accounts for approximately 60.21% of the total reasons for case adjournment/continuance in 2020. 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

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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. For example, documents to be filed by claimants, claimant's attorney absent or not ready, defendant's attorney absent, claimant unavailable, claimant to comply with case management conference (CMC) order, claimant's documents/application not in order and judgement debtor absent were all among the leading reasons for adjournment in 2020 and 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. Such system

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is likely to be introduced during the 2021/22 fiscal year and is expected to revolutionize court operations across the island.

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 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. Towards the end of Chapter 7.0, there is a special featured contribution from the Deputy Registrar of the High Court Civil Division, Ms. Janelle Knibb. This outlines a raft of initiatives being undertaken to improve international operating efficiency in the registry.

Table 1.0b: Case File Integrity Rate for the year ended December 31, 2020

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 (%)
6182	336	94.56%

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 2020, resulting in a case file integrity rate of 94.56%, which means that roughly 5.44% of the total adjournments were due to one or more of factors that affect case file integrity. Using the same parameters, the case file integrity rate increased by 3.52 percentage points when compared to 2019. 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.

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Table 2.0: Frequent reasons for continuance for the year ended December 31, 2020

Reasons for continuance	Frequency	Percentage
Part heard	65	1.05
Pending settlement	55	0.89
Pending outcome of another application	79	1.28

Total number of adjournments/continuance = 6182

The above table summarises the most common reasons why cases in the HCV Division were delayed for 'continuance' throughout 2020. It is seen that this list is led by matters pending outcome of another application with 79 or 1.28% of the total list of reasons for adjournment/continuance. This is followed by matters adjourned part-heard with 65 or 1.05% of the combined incidence of adjournments and continuances in 2020.

The below table enumerates the leading reasons for delay in a matter which may either be strictly an adjournment or 'continuance', using the definitions outlined above, depending on the peculiar circumstances. In other words, either these reasons could be for 'adjournment' or 'continuance' depending on the stage or conditions of occurrence on the case flow continuum.

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Table 3.0: Frequent reasons for adjournment/continuance for the year ended December 31, 2020

Reasons for continuance	Frequency	Percentage
Parties having discussion with a view to settlement	228	3.67
Medical certificate outstanding	22	0.36

Total number of adjournment/continuance = 6182

It is seen above that parties having discussions with a view to settlement with 228 incidences or 3.67% of the total and medical reports outstanding with 39 or 0.52% of the total, accounts for the dominant share of the reasons for adjournment/continuance which falls in this category.

Table 4.0: Selected trial and pre-trial hearings for the year ended December 31, 2020

Trial matters/hearings	Frequency	Percentage
Court Trials	1085	51.89
Motion Hearing	60	2.87
Assessment of Damages	567	27.12
Trial in Chambers	379	18.13
Total trial matters	2091	100

The above table shows the breakdown of the progression of selected HCV pre-trial and trial hearings for 2020. The table shows a 2091 combined occurrence of hearings in 2020, of which trials in open court accounted for the largest share with 1085 or 52.14% of the total. Assessment of damages registered the second continuous year of decline with 576 or 27.12% of the list, a decline of 16.98% when compared to 2019, which had experienced a roughly 52% decline in hearing incidence when compared to 2018. This was followed by trials in chamber

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with 379 or 18.13% of the list while motion hearings with 2.87% close off the shares of these hearings.

Table 5.0 Sampling distribution of hearing date certainty for the year ended December 31, 2020

Hearing dates set	Hearing dates adjourned (excluding adjournments for continuance)	Hearing date certainty (%)
9126	3224	64.67

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 9123 dates scheduled for either trial or various pre-trial hearings, both in Court and in Chamber, revealed that 3224 were 'adjourned' on the date set for commencement. The resulting estimated overall hearing date certainty figure of 64.67% suggests that there is a roughly 65% probability that a date set for a matter to be heard would proceed without adjournment for reasons other than some form of 'continuance' or settlement. This result gives important insights into the extent to which judicial time is wasted by potentially avoidable adjournments and suggests that strong interventions by way of improved case management, scheduling and external stakeholder cooperation are vital to redressing these deficiencies. When trials in open court is isolated was the trial certainty rate for the HCV Division for 2020 is estimated at 54% and when trial in chambers is isolated the estimate rate is 60.69%. These results represent resilient outcomes, particularly within the context of the COVID-19 pandemic which caused several unanticipated date adjournments,

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particularly in the Easter Term which was significantly reduced due to the suspension of normal court activity for over 60% of this period. The sampling distribution taken to compute these results isolated the period of time between late March and June 2020 when court activity was largely suspended and only a substantially smaller number of hearings therefore possible. The hearing and trial date certainty rates computed throughout this report were normalized for the purposes of comparability across similar data sets.

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.

Table 6.0a: Index of scheduling efficiency for Assessment of Damages in the HCV Division for the year ended December 31, 2020

Number of available court days in 2020	Number of days' worth of assessment of damages scheduled	Approximate ratio
138	567	4 days

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

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2020, 138 all told (a decline of 32.68% when compared to 2019, largely due to the suspension of court activity for the larger part of the Easter Term, associated with the COVID-19 pandemic) and the number of days' worth of assessment of damages which were scheduled (a total of 567). It is shown that for every court day available, approximately 4 days' worth of matters were scheduled, an increase of a day when compared to 2019 but still not at an equilibrium level to curtail adjournments of dates set and the associated sub-optimization of judicial time. Although this result represents an increase of 1 day when compared to 2019 it is still three days better than both 2018 and 2017. The efforts to improve the scheduling of assessment of damage hearings in the High Court Civil Division will remain a top priority in 2021 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.

Table 6.0b: Index of scheduling efficiency for court trials in the HCV Division for the year ended December 31, 2020

Number of available court days in 2020	Number of days' worth of court matters scheduled for court trial per court	Approximate ratio
138	362	2.62

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 2020, 138 all told, and the number of days' worth of court trials which were

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scheduled per court (a total of 362). It is shown that for every day available, 2.62 days' worth of matters were scheduled, slightly higher than that of 2019, representing a marginal decline in productivity. The data suggests that there needs to be continued focus on the science with which cases are scheduled for trial. Sophisticated technological aids and an improvement in the allocation of human capital in this important area will be vital to realizing the required gains in efficiency. The introduction of new, advanced technology by way of the Judicial Case Management System (JCMS) to support this function is anticipated in the 2021/22 fiscal year and will have a radical impact on overall court management and scheduling practices which will potentially improve productivity and reduce delays.

Table 7.0a: Probability distribution of the incidence of adjournments/continuance for the year ended December 31, 2020

Type of Incidence	Frequency	Percentage (%)
Case Management Conference	197	7.09
Pre-Trial Review	159	5.72
Trial in open court	391	14.07
Trial in chamber	204	7.34
Assessment of damages	149	5.36
Judgment Summons Hearing	127	4.57
Applications	1552	55.85
Total	2779	100

The above table takes a large, representative sample of reasons for adjournment and records the stages of the case flow process at which they are observed. The results here are broadly similar to those which were observed in 2019 which had registered notable improvements compared to 2018. The incidence of adjournments at assessment of damages hearings

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continued the downward trend noted in 2020, which may have been partly influenced by the general downturn in court activity. The overall improvements in the incidence of adjournments resulting from assessment of damages hearings over the past two years can be largely attributed to the reduction in the number of such matters scheduled on a daily basis. Under the new methodology, matters are scheduled with the readiness and likelihood of proceeding being the primary considerations. Trial hearings account for a combined 21.41% of the adjournments in the sample while case management conferences account for 7.09% and applications account for the largest proportion of the adjournments in the sample with 55.85%. Pre-trial reviews and judgment summons hearings 5.72% and 4.57% 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 case backlog.

Table 7.0b: Sampling distribution of the case flow process transition summary for the year ended December 31, 2020

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 2020 only]	Average time between referral to mediation and receipt of mediation report [2020 referrals only]
1459	286	314	90 days	3.5 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 2020 suggests that there were 1459 cases on which defences were filed, while 286

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cases were referred to mediation. The data further suggests that the High Court Civil Division received mediation reports relating to 314 cases in 2020. The average time taken to return a mediation report for the matters which were referred to mediation during 2020 was roughly 3.5 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 90 days or three months after a defence is filed for a matter to be referred to mediation. The sample modal time interval was 22 days while the sample median was 45 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 275 days or roughly 9 months. Further analysis is provided below.

Table 7.0c: Sample distribution summary of the average times taken for the Supreme Court to receive mediation reports (2019 -2020)

Descriptive Statistics (days)	
Number of observations	209
Mean	174.92
Median	153.00
Mode	66
Std. Deviation	138.410
Variance	19157.251
Skewness	1.445
Std. Error of Skewness	.271
Range	628
Minimum	<30
Maximum	638

The above table is computed using a systematic random sample of 209 cases on which mediation reports were received between 2019 and 2020. The results show that the average time taken to receive these reports from the point of referral is an estimated 5.8 months with a wide standard deviation of 4.6 months. The maximum time was approximately 21 months while the minimum was less than a month. Interestingly the modal response time was slightly under 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.

Further analysis suggests that from a sample of 2322 High Court Civil (HCV) matters referred to mediation between 2018 and 2020, 315 were reported as settled in the official reports received, a success rate of 13.52%, which may be considered as quite modest. It suggests that 86.48% 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.

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Table 8.0: Hearing date certainty for Assessment of damages for the year ended December 31, 2020

Hearing dates set	Dates adjourned (excluding adjournments for continuance)	Hearing date certainty (%)
567	173	69.49%

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 69.49%, a decline of 10.31 percentage points when compared to 2019. 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 2020.

Table 9.0: Hearing date certainty for Case Management Conferences for the year ended December 31, 2020

Hearing dates set	Dates adjourned (excluding adjournments for continuance)	Hearing date certainty
920	211	77.07%

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 77.07% in 2020, an improvement of 11 percentage points when compared to 2019, representing a resilient and commendable outcome.

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Table 10.0: Requisitions for the year ended December 31, 2020

Action	Frequency
Requisitions Issued	727
Responses to requisitions	33
Requisition response rate	4.54
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 727 requisitions for the year. The requisition response rate for 2020 was 4.54%, a notable decline of 8.39 percentage points when compared to 2019. The general downturn in court activity resulting from the COVID-19 pandemic would have had a direct bearing on this sizeable decline in the requisition response rate in 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.

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Table 11.0: Sampling Judgments for the year ended December 31, 2020

Judgments	Frequency	Percentage
Final Judgment/Judgment after assessment/Judgment after trial/Formal Judgment	206	21.80
Judgments	102	10.79
Judgment on admission	37	3.92
Judgments in default (Judgments in Default of Acknowledging Service and Judgments in Default of Defence)	348	36.83
Interlocutory Judgments	244	25.82
Consent Judgment	8	0.85
Total Judgments	945	100

The above table provides a sample of the Judgments rendered during the life of HCV cases in 2020. As seen, Judgments in default with 348 or 36.83% of the sample, Interlocutory judgments with 244 or 25.82% and final judgments regarding assessments of damages, formal judgments and trials with 206 or 21.80% accounted for the three largest share of the sample.

Table 12.0a: Chamber hearings for the year ended December 31, 2020

Hearings	Frequency	Percentage (%)
Oral Examination	13	0.17
Case Management Conference	920	11.84
Pre-trial review	679	8.74
Applications (Various)	5931	76.31
Judgment summons hearing	229	2.95
Total	7772	100

The above table summarizes the incidence of different types of Chamber hearings for 2020. It is seen that the total number of Chamber hearings for the period was 7772, a decrease of 20.30% when compared to 2019. The highest proportions were various applications with 5931 or

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76.31% of the total number of hearings, a reduction of 18.66% when compared to 2019. 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 an incidence of 920 or 11.84% of the total number, a fall of 32.85% when compared to 2019. Pre-trial reviews with 679 or 8.74% and Judgment summons hearings with 229 or 2.95% rounds off the top five Chamber Hearings for 2020.

Table 13.0: Sampling distribution of fifteen common application types for the year ended December 31, 2020

Type of Application	Frequency	Sample Proportion (%)
Application to file annual returns	247	20.21
Application to declare entitlement to property	125	10.23
Application to extend the validity of the Claim Form	109	8.92
Application to dispense with mediation	95	7.77
Application to dispense with personal service	93	7.61
Application for injunction	86	7.04
Application to set aside default judgment	75	6.14
Application to enter default judgment	62	5.07
Ex parte application to extend validity of claim form	55	4.50
Application for extension of time to file Defence	54	4.42
Application to remove attorneys name from record	54	4.42
Application to declare spouse	47	3.85
Application to appoint legal guardian	44	3.60
Application to extend time to file Defence	39	3.19
Application for first hearing	37	3.03
Sample Size	1222	

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The above chart is derived from a sample of 1222 applications made in the High Court Civil Division in 2020. It summarizes the top fifteen application types in this representative sample which reveals that applications to file annual returns and applications to declare entitlement to property with 20.21% and 10.23% respectively had the highest incidences, while applications to extend the validity of Claim Forms with 8.92%, applications to dispense with mediation with 7.77% and applications to dispense with personal service with 7.61% rounds off the top five applications in this representative sample.

The consistently high incidences of these application types provide significant insights into a range of factors, which contribute an occupation of judicial time, some of which can be improved through targeted interventions. For example, as with previous reports the fact those applications to extend the validity of a Claim Form ranks so prominently among the types of applications filed provide a clear suggestion that a system of tracking such applications could be established in which reminders are provided to the relevant parties well in advance of the expiration date. The need to bolster the case progression management processes is thus reinforced. Applications account for well over a third of judicial activity in the High Court Civil Division and thus their management and scheduling are important planks in the efficient management of civil cases. Improving the efficiency of case file management can make a meaningful difference to both the incidence of certain types of applications filed and the rate at which applications are scheduled and disposed. These in turn have potentially enormous implications for the operational effectiveness and productivity of the High Court Civil Division and thus require constant attention and deliberate intervention and support.

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Table 14.0: Methods of disposition for the year ended December 31, 2020

Methods of Disposition	Frequency	Percentage (%)
Application Granted	365	16.0
Application Refused	20	.9
Attorney Admitted to Bar	18	.8
Claim form expire	99	4.3
Consent Judgment	14	.6
Consent Order	28	1.2
Damages Assessed	68	3.0
Discontinued	4	.2
Dismissed	5	.2
Final Order	79	3.5
Judgment	60	2.6
Judgment Delivered	17	.7
Judgment in Default of Acknowledgment of Service	9	.4
Judgment in Default of Defence	8	.4
Judgment on Admission	2	.1
Matter Withdrawn	20	.9
Med - Settled Fully in Mediation	2	.1
Med - Settled Partially in Mediation	2	.1
Notice of Discontinuance noted	1158	50.8
Order (Chamber Court)	55	2.4
Settled	155	6.8
Struck Out	27	1.2
Transfer to Commercial Division	4	.2
Transfer to Criminal Division	1	.0
Transfer to Parish Court	1	.0
Written Judgment Delivered	57	2.5
Total	2278	100.0

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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 2278 HCV cases disposed in 2020, a marked increase of approximately 61.15% when compared to 2019 and the highest number of cases disposed in this Division in at least the past six years. The largest proportion of the cases disposed, 1158 or almost 50.80% were a result of notices of discontinuance filed, followed by applications granted with 365 or 16.0%. Matters settled with 155 or 6.80%, final order with 79 or 3.50% and the expiration of Claim Forms with 99 or 4.30% rounds off the top three methods of disposition in the High Court Civil Division in 2020.

Table 15.0: Time to disposition for the year ended December 31, 2020

Descriptive Statistics (months)

Number of observations	2278
Mean	44.3007
Median	40.0000
Mode	4.00
Std. Deviation	35.18064
Variance	1237.677
Skewness	.964
Std. Error of Skewness	.051
Kurtosis	.958
Std. Error of Kurtosis	.103
Range	265.00
Minimum	<1
Maximum	265.00

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

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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 2020. The 2278 cases disposed in the year reveal an estimated average time to disposition was 44.30 months or 3 years and 7 months, roughly similar to 2019. The oldest matter disposed in the year was 265 months old or roughly 22 years old while the lowest time that a matter took to disposition was less than a month. The median time to disposition was forty months or approximately 3 years and four months. The standard deviation of roughly 35 months or 2 years and 9 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 0.96 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 16.0: Breakdown of time to disposition for the year ended December 31, 2020

Date Interval (months)	Frequency	Percent
0 – 12	482	21.2
13 – 24	405	17.8
25 – 36	187	8.2
37 – 47	229	10.1
48 and over	975	42.8
Total	2278	100.0

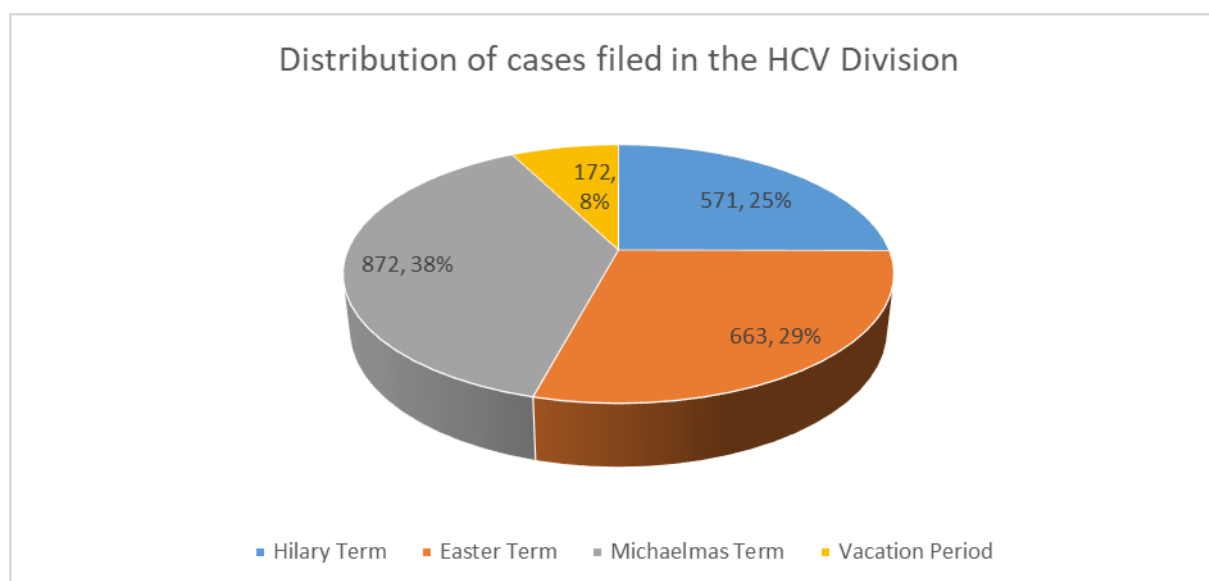
The above table provides a more detailed breakdown of the average time to disposition. It is seen that of the 2278 matters disposed in the year, the largest proportion, 975 or 42.80% took four years or more to be disposed. 482 cases or roughly 21.20% of the cases disposed took a

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year or less while 405 or 17.80% 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 10.10% and the 25 – 36 months' interval with the lowest proportion at 8.20%. It is of note that roughly 39% of the matters disposed of in 2020 took two years or less, compared to approximately 61%, which took more than two years during the year. Deficiencies including frequent adjournments, low trial/hearing certainty and the attendant problems with date scheduling certainty as well as the incidence of requisitions may be among the factors accounting for the majority of matters taking more than two years to be disposed. The margin of error of these estimates is plus or minus 2 months. 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 2020.

Chart 4.0: Dispositions by Term in the HCV Division for December 31, 2020



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 2278 cases disposed of in the High Court Civil Division during 2020. The Michaelmas Term accounted for the highest proportion of cases disposed with 872 or 38%. 663 or 29% of the cases resolved were disposed in the Easter Term, with 571 or 25% being disposed in the Hilary Term and 172 or 8% being disposed in the vacation period.

Table 17.0: Clearance rate for the year ended December 31, 2020

Cases filed	Cases disposed	Case clearance rate
5162	2278	44.13%

***238 or 10.45% of the cases disposed, originated in 2020**

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 2020, the High Court Civil Division recorded its highest case clearance rate in at least the past six years, netting out at 44.13%, a notable increase of roughly 27 percentage points when compared to 2019. Despite the commendable output, the case clearance rate in the High Court Civil Division remains low to make any meaningful impact on the reduction of delays in the waiting time for the disposition of cases. 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.

Other performance measures

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

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

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The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally, the crude proxy case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of 2020. These measures are summarized in the table below:

Table 18.0: Selected performances metrics for the High Court Civil (HCV) Division in 2020

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 (%)
2278	10784	0.21	1738	887	2278	39%	61%

The results in the above table show a case turnover rate of 0.21, which is an indication that for every 100 cases, which were 'heard' in 2020 and still active at the end of the year, another 21 were disposed, an improvement of 14 points when compared to 2019. 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 1738 more days or 4.83 more years to be disposed, barring special interventions or other unanticipated circumstances.

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

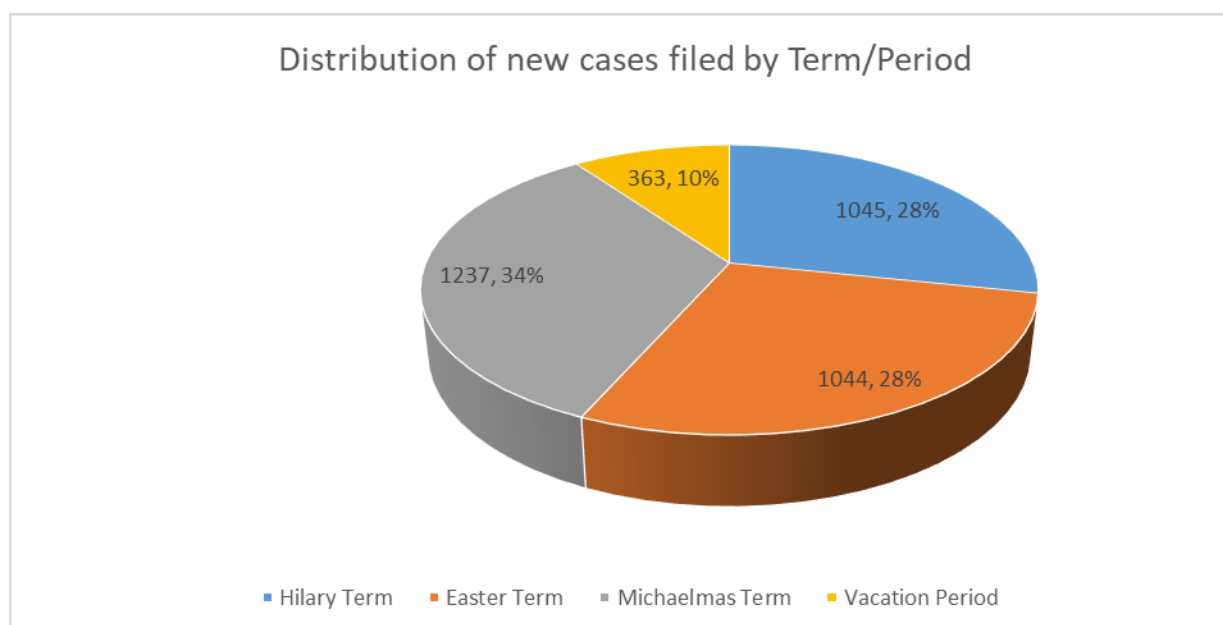
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have been resolved on time. The on time case-processing rate for the High Court Civil Division in 2020 is 39%, which reflects the proportion of High Court Civil cases in the year, which were disposed within 2 years. Conversely, the crude proxy case backlog rate is estimated at 61%, an indication that an estimated annual proportion of 61% 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 10784 cases, which had some court activity in 2020 and were still active at the end of the year, roughly 6578 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 2020

Chart 5.0: Distribution of cases filed in the Matrimonial Division in 2020

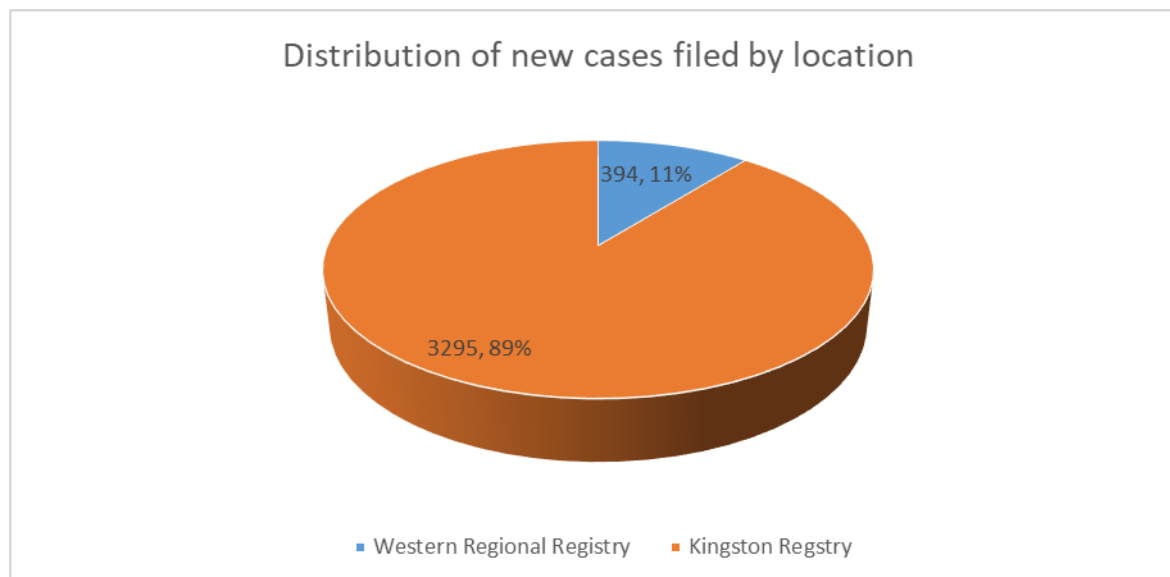


Total number of new cases filed in the Matrimonial Division (N) = 3689

NB: The summer 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 3689 new Matrimonial cases were filed in 2020, a decrease of 6.23% when compared to 2019. This decline is a reversal of the trends observed over the previous three years. The above chart shows that largest proportion of Matrimonial cases filed in 2020 occurred during the Michaelmas Term, which accounted for 34% or 1237 cases. This was followed by approximately 28% each which were filed in the Hilary and Easter Terms respectively. The vacation period accounted for the remaining 10% of the new cases filed.

Chart 6.0: Distribution of new cases filed in the Matrimonial Division, by Registry in 2020



The above chart summarizes the distribution of new cases filed in the Matrimonial Division in 2020 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 the same as that of 2019, both registries saw marginal decreases in the number of new cases filed in 2020. The Kingston Registry saw a decline of 6.18% in the number of new cases filed while the Western Regional Registry experienced a decline of 6.64%.

It is of note that as a whole, 32.15% of the Matrimonial cases filed involved children while 0.27% were petitions for Nullity.

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Table 18.0: Petitions filed for the year ended December 31, 2020

Type of petition	Frequency	Percentage (%)
Amended petition for dissolution of marriage	2875	43.80
Petition for dissolution of marriage	3679	56.05
Petition for Nullity	10	0.15
Total Petitions filed	6564	100
Number of amendments per petition	0.79	

The above table summarizes petitions filed in 2020. It is shown that a total of 6564 Petitions (new or amended) were filed, 3679 or 56.05% were petitions for dissolution of marriage, compared to 2875 or 43.80% which were amended or further amended petitions for dissolution of marriage. The analysis further suggests that the ratio of petitions to amended petitions is 0.79 or in other words for every 100 Petitions for dissolution of marriage there is roughly 79 amended Petitions for dissolution of marriage in 2020, an improvement of 2 percentage points when compared to 2019. The number of petitions for dissolution of marriage which were filed in 2020 decreased by 6.48% when compared to 2019 while the number of amended petitions fell by 9.62%. The decline in the number of amended petitions filed represents an encouraging sign for the probability of disposing more Matrimonial cases, faster. In 2020, the Matrimonial Division made significant progress in clearing its case backlog, reaching the point by the end of December 2020 where there was no case with filings with outstanding action from the registry for more than 16 weeks. This is a phenomenal accomplishment by any measure and in practice it means that divorce cases filed in Matrimonial Division of the Supreme Court (either Registry

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location) which meet the required standards of accuracy and completeness as published on the website of the Supreme Court will quite probably be able to obtain a disposal within 6-8 months.

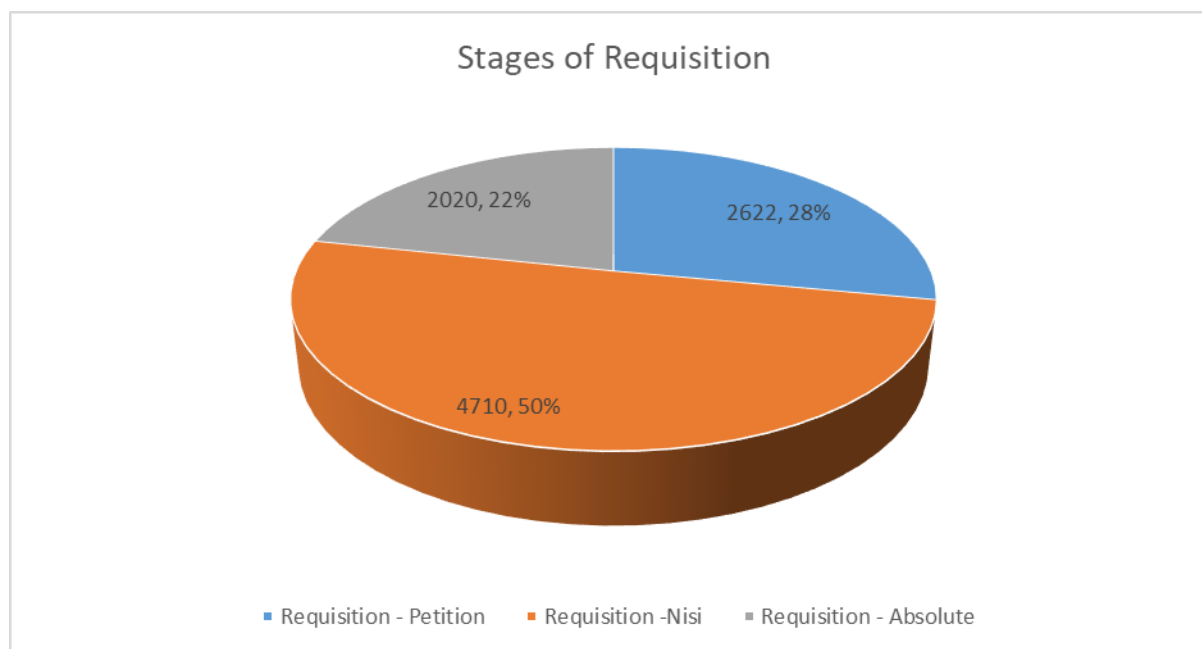
Table 19.0: Decrees Nisi and Decrees Absolute filed for the year ended December 31, 2020

Case Status	Frequency
Decree Absolute	4988
Decree Nisi for dissolution of marriage	5427
Decree Nisi for nullity of marriage	18
Total	10433
Ratio of Decrees Nisi to Decrees Absolute Filed	0.92

It is seen in the above table that for every 100 Decrees Nisi filed there were roughly 92 Decrees Absolute filed in 2020, an improvement of nine percentage points when compared to 2019. 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 0.34% while the number of Decrees Nisi filed decreased by 9.04%. 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 7.0: Distribution of the stages of requisitions for the year ended December 31, 2020



The data suggests that a total of 9352 requisitions were issued at the three primary stages of a divorces case at the Kingston and Western Regional Supreme Court Registries combined, a decrease of 12.24% when compared to 2019. There were encouraging signs along the case flow progression as all stages of requisition experienced declines when compared to 2019. The number of requisitions filed at the petition stage decreased by 5.50% when compared to 2019 while the number filed at the Decree Nisi stage fell sharply by 20.22%. The number of requisitions filed at the Decree Absolute stage also declined by 2.02%. Continued improvements in this arena augur well for the overall efforts in the Matrimonial Registry to improve the rate of case clearance and reduce the average time taken to dispose of cases. 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 50% incidence,

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down by 5 percentage points when compared to 2019. 28% of the total constituted requisitions at the stage of Petition and the lowest proportion of 22% of requisitions are associated with the Decree Absolute stage. 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 2021.

Table 20.0: Methods of Disposals for the year ended December 31, 2020

Methods of Disposition	Frequency	Percentage (%)
Decree Absolute Granted	2595	86.9
Decree Nullity Granted	2	.1
Notice of Discontinuance noted	150	5.0
WR Decree Absolute Granted	230	7.7
WR Notice of Discontinuance noted	8	.3
Total	2985	100.0

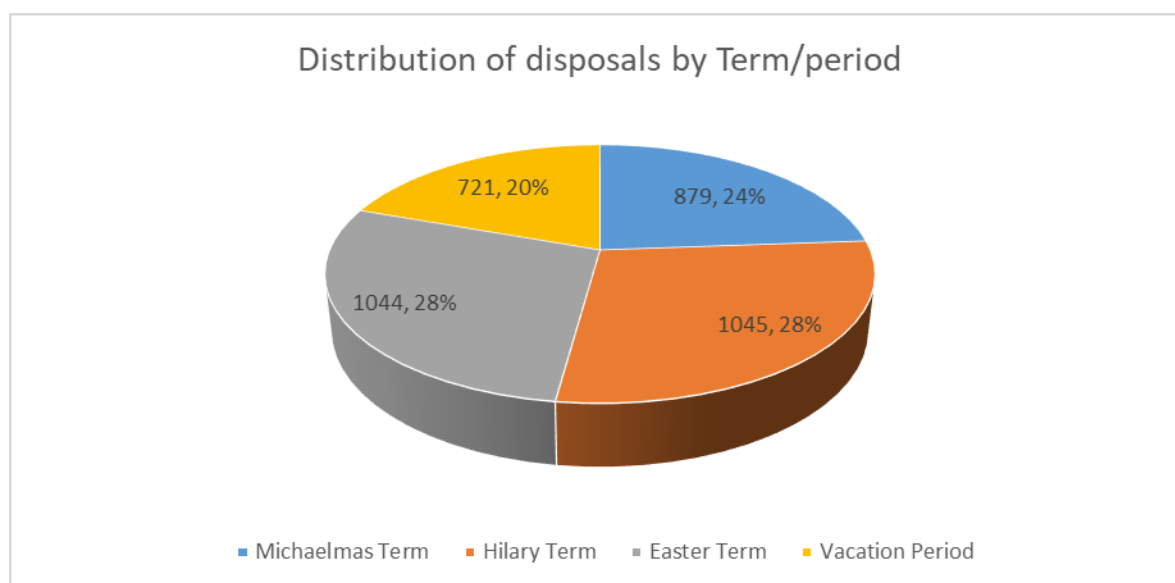
NB: WR means Western Regional Registry

The above table reveals that 2985 Matrimonial cases were disposed in 2020, a decline of 8.69% when compared to 2019. A proportion of 94.60% or 3202 were attributable to Decrees Absolute Granted while 158 or 5.30% were due to Notices of Discontinuance filed, accounting for the top two methods of disposition in 2020. Decrees Nullity granted with 2 or 0.10% rounds off the methods of disposition for 2020. It is of note that 268 or 8.98% of the cases disposed of in 2020, actually originated in that year, a slight decline in proportion of 3.96 percentage points when compared to 2019. This however represents a mere 7.26% of the new cases filed in 2020, a decline in proportion of 3.49 percentage points when compared to 2019. The ongoing process flow re-engineering and enhanced engagement of stakeholders should continue to drive

improvements in this area in 2021 and by the end of 2022 it is likely that up to 30% 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 4-6 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 2747 of the 2985 Matrimonial cases disposed were attributable to the Kingston Registry while 238 were accounted for by the Western Regional Registry in Montego Bay. Both locations experienced a decline in the absolute number of cases disposed in 2020.

Chart 7.0: Distribution of cases disposed in the year ended December 31, 2020



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

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It is seen in the above chart that of the 2985 cases, which were disposed, the largest proportion were disposed in the Easter and Hilary Terms each with roughly 28% of the total. The Michaelmas Term with 879 or 24% of the disposed cases is next, followed by the vacation period with 721 or 20%.

Table 21.0: Requisitions summary for the year ended December 31, 2020

Action	Frequency
Requisitions	9361
Number of requisitions per 100 files	95
Number of responses to requisitions	5623
Requisition response rate	60.07%

The incidence of requisitions is especially important in assessing the efficiency with which Matrimonial matters move through the court system. A total of 9361 requisitions were filed in 2019, a decrease of 12.15% when compared to 2020. This produces a ratio of cases filed to requisitions of 0.95 which suggests that for every 100 cases filed on which there was activity in 2019, there were 95 requisitions, a reduction/improvement of 47 requisitions for every 100 cases when compared to 2019. The number of responses to requisitions fell by roughly 5 percentage points when compared to 2019, but this is expected to be reversed in 2021 as the overall efficiency of the Matrimonial Registry continues to improve and litigants and attorneys become more knowledgeable of filing requirement standards and more confident in timely case resolutions.

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.

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Table 22.0: Outline of ideal delivery time standard and process flow for the disposition of divorce matters

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

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	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.

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Table 23.0: Court/Chamber hearings for the year ended December 31, 2020

Action	Frequency	Percentage (%)
Applications	335	51.62
Expedited Applications	101	15.56
Case Management Conference	155	23.88
Motion Hearing	32	4.93
Pre-trial Hearing	4	0.62
Trial	22	3.39
Total	649	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 649 hearings either before open court or chamber, a slight decline of 3.99% when compared to 2019. The largest proportion, 335 or 51.62% were applications followed by 155 or 23.88%, which were Case Management Conference matters. The event with the third highest incidence in this category is expedited applications, which accounts for 101 or 15.56% of the total. Motion Hearings with 32 or 4.93% and Trials with 22 or 3.39% of the total rounds off the top 5 events enumerated in this category. The probability distributions of the events in this table are broadly consistent with that which was observed in the previous two years.

Table 24.0: Top four types of applications in the year ended December 31, 2020

Application type	Frequency	Percentage (%)
Ex-parte application for substitute service	66	15.14
Application for custody and /maintenance	63	14.45
Application for to dispense with personal service	39	8.94
Application for joint custody	27	6.93

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Further analysis of the types of application brought before the Court suggests that ex-parte applications for substituted service with 66 or 15.14% accounted for the largest share. This is followed by applications for custody and/maintenance with 63 or 14.45% of the observations, while applications to dispense with personal service with 39 or 8.94% and applications for joint custody with 27 or 6.93% each of the applications round off the top four applications in the sample. These top four application types account for roughly 45.46% of the applications in the Matrimonial Division in 2020.

Table 25.0: Top five reasons for adjournment for the year ended December 31, 2020

Reasons for Adjournment	Frequency	Percentage (%)
COVID-19 pandemic	51	13.60
Claimant to file documents	47	12.50
No parties appearing	34	9.00
File not found	23	6.10
Referral to mediation	14	3.70

Total incidence of adjournments (N) = 376

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 376 incidence of adjournments in the Matrimonial Division for chamber and open court hearings in 2020, representing an increase of 5.92% when compared to 2019. The largest proportion of these adjournments was due to the downturn in court activity resulting from the COVID-19 pandemic, accounting for 13.60% of the total adjournments. Adjournments for claimants to file documents and due to no parties appearing with 47 or 12.50% and 34 or 9.00% respectively rounds off the top three reasons for adjournment during the year. Adjournment due to files not found and for referral to mediation round off the top five incidences of adjournment with 6.10% and 3.70%

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respectively. The listed reasons for adjournment account for 44.90% of the total incidence of adjournments in 2020. 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 26.0: Hearing date certainty for the year ended December 31, 2020

Court/Chamber hearing dates set	Hearing dates Date adjourned (excluding continuance)	Hearing date certainty rate (%)
649	248	61.79%

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 649 -combined incidence of Court and Chamber hearings in 2020, 248 were adjourned for reasons other than intrinsic procedural factors. This produces a moderate 61.79% hearing date certainty and suggests that for the year, a fractional decrease of 0.02 percentage points when compared to 2019. For every 100 hearing dates scheduled, the approximate number that proceeded without adjournment in 2020 is 62, a resilient result amidst the COVID-19 pandemic. When trial matters are isolated, the trial date certainty rate is 60.12%, a 5.58 percentage points improvement when compared to 2019.

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Table 27.0: Time to disposition for the year ended December 31, 2020

Descriptive Statistics (months)

Number of observations	2985
Mean	23.2854
Median	17.0000
Mode	12.00
Std. Deviation	23.94873
Variance	573.542
Skewness	3.969
Std. Error of Skewness	.045
Range	296.00
Minimum	.18
Maximum	296.00

The above table summarizes the time disposition for the year ended December 2020. It is seen that of the 2985 matters disposed of in the year, the estimated average time to disposition was roughly 23.29 months, or just under two years, roughly the same as that of 2019. The estimate of the most frequently occurring time to disposition was however 12 months and the median 17 months, both of which represents continued encouraging signs for the targeted reduction in the average time taken to resolve cases filed in this Division. The oldest matter disposed was 24.67 years old while on the other end of the spectrum there were matters filed which disposed within a month, most likely due to discontinuances. The scores had a standard deviation of roughly 24 months, which indicates a wide variation in the distribution of the times to disposition in the period. The skewness measure returns a large positive figure of approximately 3.97 which strongly indicates that a markedly larger proportion of the times to

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disposition were lower than the mean. The margin of error of these estimates is plus or minus 2 months or 0.17 years.

Table 28.0: Breakdown of times to disposition for the year ended December 31, 2020

Time Interval (months)	Frequency	Percentage (%)
0 - 12	973	32.6
13 - 24	1132	37.9
25 – 36	480	16.1
37 – 47	153	5.1
48 & over	247	8.3
Total	2985	100.0

The above table provides a more detailed breakdown of the estimated times to disposition for Matrimonial matters in 2020. It is seen that of the 2985 matters disposed in 2020, the largest proportion, 1132 or roughly 37.90% were disposed in 13 - 24 months, while the second most disposals occurred within a year, accounting for 973 or 32.60% of the total. Taken together this result suggests that 2105 or 70.50% of Matrimonial Division matters which were disposed in the period were done in two years or less from the time of initiation. This is a slight decline of 2.69 percentage points when compared to 2019. 880 or roughly 29.50% of all Matrimonial matters disposed in 2020 took more than two years to be resolved. It is of note that 247 or 8.30% of the cases disposed in the Matrimonial Division in 2020 took four or more years to be resolved, largely on account of lengthy delays in external filings from case parties. As with the previous two years, the estimates however clearly suggest that a decidedly larger proportion of matters, which were disposed of during the year, took two years or less. The margin of error of these

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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 2020 less than 5% of the cases resolved satisfied this target, largely on account of the 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 29.0a: Case clearance rate for the year ended December 31, 2020

Cases filed	Cases disposed	Case clearance rate
3689	2985	81%

***268 or 8.88% of the 3269 cases disposed, originated in 2020**

The above table shows that there were 3689 new cases filed in 2020 while 2985 were disposed. This produces a case clearance rate of 81.0%, suggesting that for every 100 new cases; roughly, 81 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 two percentage points decline in the clearance rate when compared to 2019, a result that would have been much stronger had it not been for the general reduction in activity caused by the COVID-19 pandemic in 2020. The clearance rates for Matrimonial matters may also be broken down by location of registry, as shown below:

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Table 29.0b: Case clearance rate for the year ended December 31, 2020 (by registry location)

Registry location	Number of new cases filed	Cases disposed	Case clearance rate
Kingston Registry	3295	2985	90.59%
Montego Bay Registry	394	238	60.41%

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 60 for every 100 cases filed. The Western Registry in Montego Bay has not historically had the same relatively seamless access to Judges and Masters as the Kingston registry for review of matters at the relevant stages; however, this situation is improving and should have a positive impact on their clearance rate in the coming periods. Both registries continue to make operational improvements which will have a profound impact the efficient progression of cases.

Other performance measures

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

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

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(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 2020. These measures are summarized in the table below:

Table 30.0: Selected performances metrics for the Matrimonial Division in 2020

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 (%)
2985	5871	0.51	716 days	2105	2985	70.52	29.48

The results in the above table show a case turnover rate of 0.51, which is an indication that for every 100 cases, which were handled in, 2020 and still active at the end of the year, another 51 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 716 more days or 1.96 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

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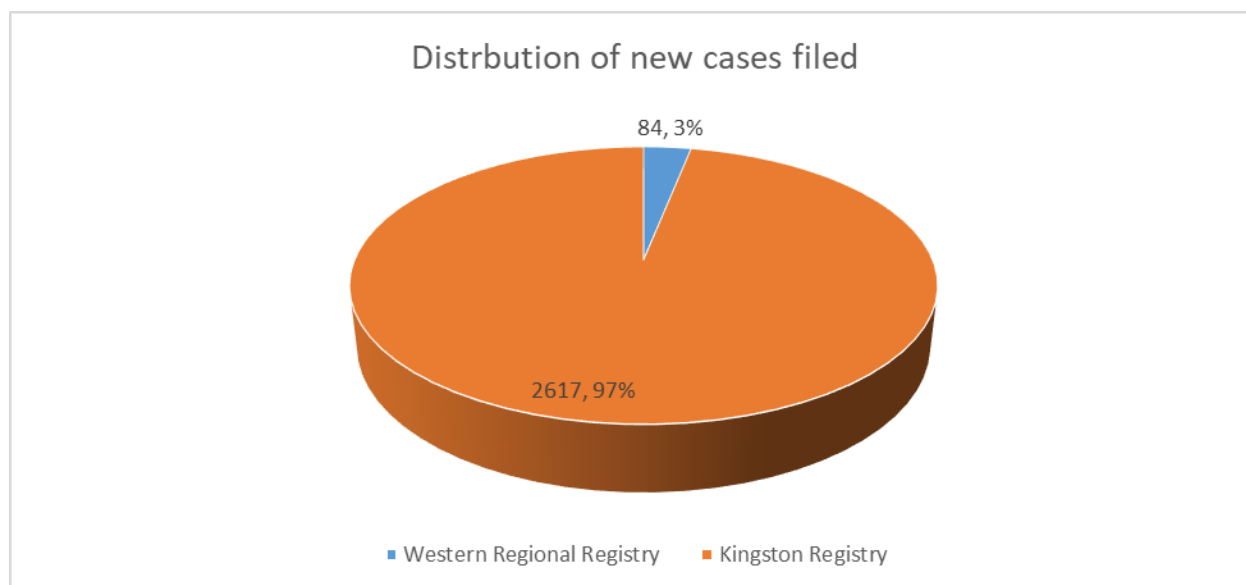
have been resolved on time. The on time case-processing rate for the Matrimonial Division in 2020 is 70.52%, which reflects the proportion of Matrimonial cases in 2020, which were disposed within 2 years. Conversely, the proxy case backlog rate is 29.48%, an indication that an estimated annual proportion of 30% 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 2020 and were still active at the end of the year, 1731 are expected to be in a backlog classification before being disposed. This expected value is likely to be substantially lowered in 2021, given the current trend in the Matrimonial Division.

CHAPTER 3.0: PROBATE AND ADMINISTRATION DIVISION

This section turns to the analysis of the progression of matters in the Probate and Administration Division for the year ended December 31, 2020.

A total of 2701 new Probate Cases were filed in the year ended December 2020, an increase of 3.92% when compared to 2019. In 2019 there was an increase of 9.20% in the number of new cases filed when compared to 2018. 84 of these new cases were filed at the Western Regional Registry and the remaining 2617 were filed at the Registry in Kingston. The output for the Regional Registry represents a 33.33% decline in the number of new cases filed when compared to 2019.

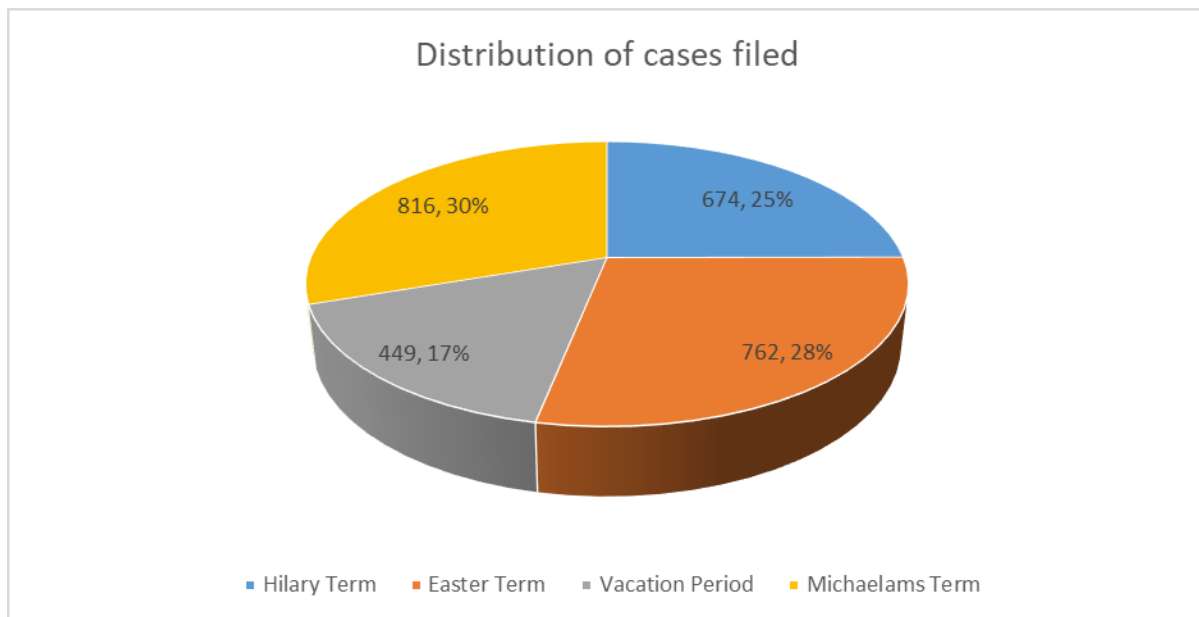
Chart 8.0: Distribution of Probate cases filed, by Registry in the year ended December 31, 2020



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As shown in the above chart, 2701 or 97% of the new Probate cases filed in 2020 took place at the Registry in Kingston while the remaining 84 or 3.11% 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, 2020



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 2020. The largest proportion of new cases was filed in the Michaelmas Term with 816 or 30%, followed by the Easter Term which accounted for 762 or 28% and the Hilary Term with 674 or 25% 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 449 or 17% of the new cases filed during the Term.

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Table 31.0: Summary of Oaths filed during the year ended December 31, 2020

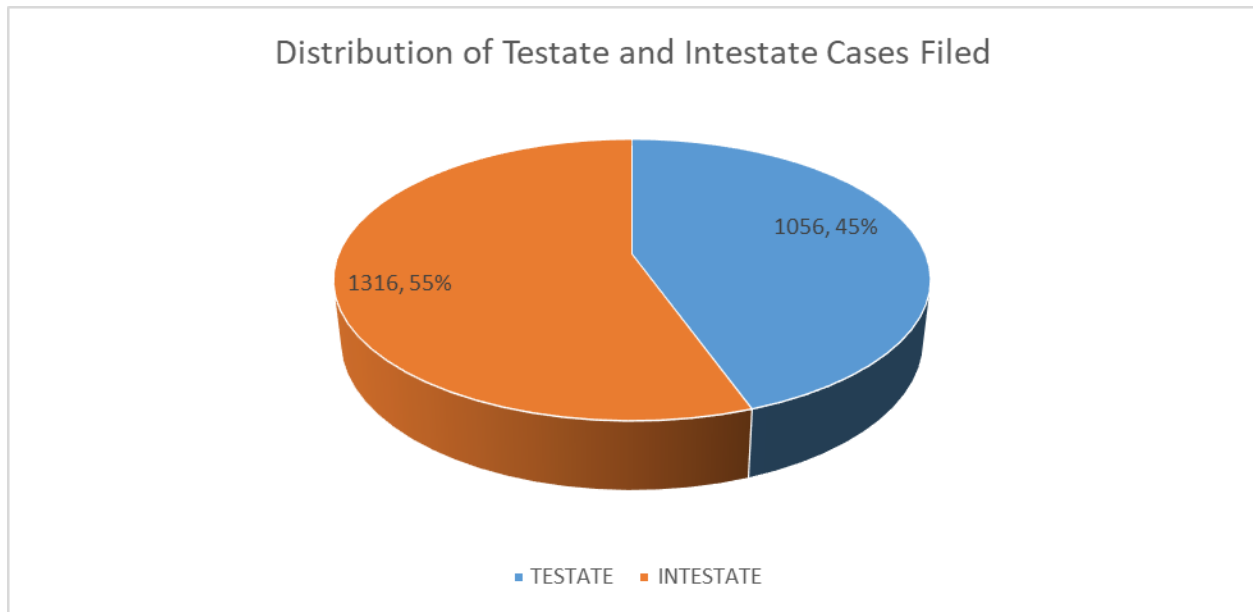
Oaths	Frequency	Percentage (%)
Supplemental Oaths	2423	47.29
Oaths	2701	52.71
Total	5124	100
Ratio	0.90	

The above table suggests there were a total of 5124 Oaths filed in 2020, of which 2701 or 52.71% were initial Oaths filed, compared to 2701 or 47.29% which were Supplemental Oaths. The ratio of Oaths to Supplemental Oaths is 0.90, which suggests that for every 100 Oaths there were 90 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 nine percentage points when compared to the previous year. It is of note that the Supplemental Oaths in this data set are not all related to the cases filed in 2020 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 anticipated that over time this change should contribute markedly to reducing the average time taken to dispose of a probate case and improving the efficient handling of these cases.

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Table 31.0b: Distribution of Testate and Intestate cases filed as at December 31, 2020



Sample size = 2372

The above chart shows that an estimated 45% of the new cases filed in the Probate and Administration Division in 2020 were Testate matters (matters with a Will in place prior to death) and 55% were Intestate (having no Will in place). These estimates were derived using a sample of 2372 cases filed in 2020.

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Table 32.0: Sampling distribution of new Probate cases by jurisdiction/entity in 2020

Location/Entity	Frequency	Percentage (%)
Estate (ES(P))	125	4.2
Estate (ES(P)) Clarendon Intestate	5	.2
Estate (ES(P)) Clarendon Testate	1	.0
Estate (ES(P)) Hanover Intestate	13	.4
Estate (ES(P)) Hanover Testate	1	.0
Estate (ES(P)) Instrument Dist.	69	2.3
Estate (ES(P)) Instrument of Admin	109	3.6
Estate (ES(P)) Manchester Intestate	9	.3
Estate (ES(P)) Portland Intestate	1	.0
Estate (ES(P)) SC Resealing Intestate	33	1.1
Estate (ES(P)) SC Resealing Testate	72	2.4
Estate (ES(P)) St. Ann Intestate	16	.5
Estate (ES(P)) St. Ann Testate	7	.2
Estate (ES(P)) St. Elizabeth Intestate	12	.4
Estate (ES(P)) St. Elizabeth Testate	10	.3
Estate (ES(P)) St. James Intestate	12	.4
Estate (ES(P)) St. James Testate	2	.1
Estate (ES(P)) St. Mary Intestate	3	.1
Estate (ES(P)) St. Mary Testate	3	.1
Estate (ES(P)) Supreme Ct Intestate	1323	44.1
Estate (ES(P)) Supreme Ct Testate	1064	35.5
Estate (ES(P)) Trelawny Intestate	11	.4
Estate (ES(P)) Trelawny Testate	2	.1
Estate (ES(P)) Westmoreland Intestate	8	.3
Estate (ES(P)) Westmoreland Testate	2	.1
Estate (ES(P)) WR Intestate	45	1.5
Estate (ES(P)) WR Testate	39	1.3
Sample Size	2997	100.0

Using a sample of 2997, the above table provides a detailed breakdown of the origin of probate matters filed in 2020. The breakdown for each entity is done by type of matter (i.e. Testate,

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Intestate or Instruments of Administration). The overwhelming proportion of the matters, 2701 or roughly 90.12% originated at the Supreme Court Registry (Kingston or Western Regional Registry). The Supreme Court only administratively facilitates the others, which originate from the Parish Courts, the Attorney General's Chambers, among other entities. Among the Parish Courts, Probate and Administration matters filed in the Hanover, St. Elizabeth, Trelawny and St. James accounts for the largest shares. Instruments of Administration filed at the Attorney General's Office accounts the largest share of Probate and Administration matters outside of the Supreme Court Registries.

Table 33.0: Action sequence for the year ended December 31, 2020

Action Status	Frequency
*Granted	2144
*Grants Signed	2189
Ratio of Granted Applications to Grants Signed	1.02

** Some of these relate to cases originating before 2020*

In the process of disposing a typical matter handled by the Deputy Registrar, a case will be granted after satisfactory review and then the Grant is signed which closes the case. In the above data we elucidate the ratio of granted applications to Grants signed which reveals a ratio of 1.02, suggesting that for every 100 granted applications, there were 102 Grants signed (though not necessarily from the number granted). This is by any measure an outstanding result and is partly accounted for by the powers of signing a granted application which were bestowed on the Deputy Registrar within the past year.

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Table 34.0: Case action and requisitions summary for the year ended December 31, 2020

Action Status	Frequency
Number of cases actioned	5138
Requisitions Issued	4222
Number of responses to requisitions	2947
Number of requisitions issued per case file	0.82
Requisitions response rate	69.80%
Average days between final requisition filed and Grant of Probate/Administration	23

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 4222 requisitions issued while 5138 individual matters were actioned in the period, representing a ratio of 0.82 requisitions per case file actioned. This means that for every 100 cases actioned there were 82 requisitions issued, an increase when compared to the previous year. There were 2947 responses to requisitions in the Probate and Administration Division in 2020, producing a requisitions response rate of 69.80%, an improvement of 5.29 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 23 days, an increase of 3 days when compared to 2019. There was an increase of 8.03% in the number of requisitions issued in 2020 when compared to the previous year while the number of responses filed to requisitions issued increased by 16.90% over the same period.

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Table 35.0: Methods of Disposal for the year ended December 31, 2020

Method of Disposition	Frequency	Percentage (%)
Application Granted	4	.2
Grant by Representation signed	3	.1
Grant of Admin De Bonis Non signed	23	1.0
Grant of Admin De Bonis Non W/A signed	20	.9
Grant of administration signed	1019	45.4
Grant of Double Probate signed	5	.2
Grant of probate signed	893	39.8
Grant of Resealing signed	87	3.9
Letters of Administrator with W/A signed	88	3.9
Notice of Discontinuance noted	60	2.5
Struck Out	2	.1
WR Grant of administration signed	20	.9
WR Grant of probate signed	21	.9
WR Grant of Resealing signed	2	.1
WR Notice of Discontinuance noted	1	.0
WR Grant of Admin De Bonis Non W/A signed	1	.0
Total	2249	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 2249 cases disposed in 2020, a decrease of 10.47 percent when compared to 2019. The largest proportion, 2189 or 97.33% was a result of various Grants Signed. Notices of Discontinuance and matters disposed by an application granted account for the other 55 or 2.45% and 4 or 0.18% of the dispositions. Grants of Administration signed and Grants of Probate signed with 1039 or 46.20% and 914 or 40.64% accounts for the largest share of Grants Signed.

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Table 37.0: Dominant reasons for adjournment of Probate matters for the year ended December 31, 2020

Reasons for adjournment	Frequency	Percentage (%)
Claimant to file documents	43	27.0
Natural Disaster (COVID-19)	13	8.20
File not found	12	7.50
Claimant's Documents Not Served	11	6.90
No parties appearing	10	6.30

Total number of adjournments = 159

The top five reasons for adjournment for Probate matters that went to court in 2020 are summarized in the above table above. It is shown that of the 159 incidence of adjournments in the period, the largest proportion were for the reasons of 'claimant to file documents' which accounted for 43 or 27.0% of the total. This was followed by adjournments due to the COVID-19 pandemic and files not found with 8.20% and 7.50% respectively of the total number of adjournments. The top five reasons for adjournment is rounded off by non-service of claimant's documents and no parties appearing. 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.

Table 38.0: Applications for the year ended December 31, 2020

Nature of Applications	Frequency	Percentage (%)
Applications	165	72.69
Express Applications	62	27.31
Total	227	100.0
Ratio of express applications to applications	-	0.38

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The above table provides a basic summary of the types of court applications made in 2020 and shows that there were 227 Court Applications in the period, of which 165 or 72.69% were standard applications while the remaining 62 or 27.31% were express applications. For every 10 applications made during the year, there were roughly four express applications.

Table 39.0: Top four types of applications for the year ended December 31, 2020

Application	Frequency	Percentage (%)
Application to prove copy will	43	18.94
Application for directions	20	8.81
Application to revoke Grant	14	6.17
Ex-parte Application to Prove Copy Will	8	3.52

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 43 or 28.10% of the total, followed by applications for directions with 20 or 8.81% of the total number of applications. The top four types of applications are rounded off by applications to revoke Grants and Ex-parte applications to prove copy Will. Some of these applications utilized the available express option.

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Table 40.0: Hearing date certainty for the year ended December 31, 2020

Court/Chamber hearing dates set	Hearing dates adjourned (excluding continuance)	Hearing date certainty (%)
241	95	60.58

The above table addresses the extent of adherence with dates set for court/chamber matters in the Probate Division for 2020. It is shown that there were 241 incidences of dates scheduled for Chamber or Court, 95 of which were adjourned for reasons other than 'continuance'. This produces an overall hearing date certainty rate of 60.58%, an indication that for 2020 there was a roughly 61% chance that a matter set for court would proceed without the date being adjourned. This is a fall of roughly 0.16 percentage points when compared to 2019. When trial matters are isolated, the trial date certainty rate is 45%, 5 percentage points below the figure in 2019 however there were significantly less trials than usual and thus the 2020 results are by no means a basis for generalizations.

Table 41.0: Age of matters disposed for the year ended December 31, 2020

Descriptive Statistics (in months)

Number of observations	2249
Mean	16.2955
Median	9.0000
Mode	7.00
Std. Deviation	24.25699
Skewness	5.555
Std. Error of Skewness	.052
Range	330.00
Minimum	1.00
Maximum	331.00

The above table provides a summary measure of the overall estimated times to disposition for the 2249 cases disposed during the year. The estimated average time to disposition is 16.30 months or approximately 1.4 years, an improvement of roughly two months when compared to 2019. 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 9 months and the most frequently occurring time to disposition of just 7 months. The reasonably large standard deviation of 24.26 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 year was 331 months old or approximately 27.60 years old while there were a few matters, which took roughly a month to be disposed, representing the

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lowest times to disposition in the year. Of the 2249 Probate cases disposed of in 2020, an impressive 835 or 37.13% originated in that year, roughly 4 percentage points better than 2019.

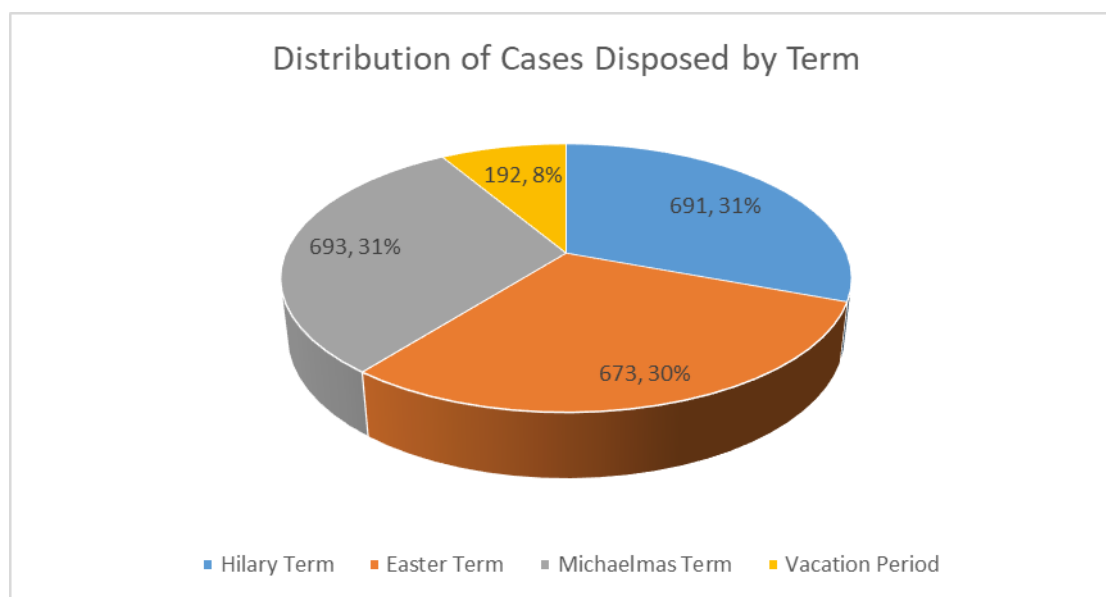
Table 42.0: Breakdown of times to disposition for the year ended December 31, 2020

Time Interval	Frequency	Percentage (%)
0 – 12	1476	65.63
13 – 24	411	18.27
25 – 36	147	6.54
37 – 47	86	3.82
48 & Over	129	5.74
Total	2249	100.0

The above table shows that of the 2249 Probate and Administration matters disposed in the year, the majority, 1476 or 65.63% were disposed of in 12 months or less, followed by 411 or 18.27%, which were disposed of within a time interval of 13 to 24 months. Taken together this data suggests that an impressive approximated 83.90% of Probate and Administration matters which were disposed of in 2020 took two years or less. 6.54% each of the cases were disposed of in an estimated time frame of between 25 and 36 months, 3.82% took between 37 and 47 months and 5.74% took over an estimated time of over 48 months or more than four years to be disposed. The margin of error of these estimates is plus or minus 2 months or 0.17 years. The relatively high proportion of cases disposed within a year and two years respectively and the increased proportion of 2020 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 2020, the Probate Division made considerable strides in reducing the active case backlog and as at the end of December 2020.

Chart 11.0: Distribution of cases disposed in 2020



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 Michaelmas Term with 693 or 31% of the total, just ahead of the Hilary Term with 691 disposals which is roughly the same proportion as the Michaelmas Term while the Easter Term with 673 or 30% of the disposals rank next. The vacation period accounted for the lowest share of cases disposed with 192 or 8.0%.

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Table 43.0: Case clearance rate for the year ended December 31, 2020

Cases filed	Cases disposed	Case clearance rate
2701	2249	83.26%

**835 or 37.13% (disposal rate) of the 2249 cases disposed, originated in 2020. This further represents 30.91% of the new cases filed during the year.*

Using the data on the number of cases filed and disposed in the period under examination, a case clearance rate of approximately 83.26% is derived, a decline of 16.28 percentage points when compared to 2019. The result suggests that for every 100 cases filed and active in the 2020, roughly 83 were disposed. This is a rare event that this division fails to meet the International standard of 90% - 100%, nevertheless the results show tremendous resilience, especially within the context of the general impediments to court activity caused by the COVID-19 pandemic. The Probate Division continued its process flow re-engineering throughout 2020 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 two 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 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**

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(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 2020. These measures are summarized in the table below:

Table 44.0: Selected performances metrics for the Probate and Administration Division in 2020

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 (%)
2249	2889	0.78	468 days	1887	2249	83.90	16.10

The results in the above table shows a case turnover rate of 0.78, which is an indication that for every 100 cases, which were 'heard' in 2020 and still active at the end of the year, another 78 were disposed, a decline of 17 percentage points when compared to 2019. This result forms part of the computation of the case disposal days which reveals that the cases that went to

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court which were unresolved at the end of the year will on average take 468 more 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 Division in 2020 is 83.90%, which reflects the proportion of cases in 2020, which were disposed within 2 years. Conversely, the case backlog rate is 16.10%, an indication that an estimated annual proportion of 16% 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 4 percentage points when compared to 2019, the second consecutive year of notable gains. The data further suggests that of the 2889 cases, which had some court activity in 2020 and were still active at the end of the year, 465 are expected to be in a backlog classification before being disposed.

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CHAPTER 4.0: THE HOME CIRCUIT COURT

The analysis now turns to a look at case activity in the Home Circuit Court for 2020.

Table 45.0: Distribution of the top six new charges brought for 2020

Charge	Frequency	Percentage (%)
Sexual Intercourse with a person under 16 years	108	28.88
Murder	78	20.86
Rape	51	13.64
Forgery	14	3.74
Grievous Sexual Assault	11	2.94
Illegal Possession of Firearm	10	2.67
Total	272	72.72

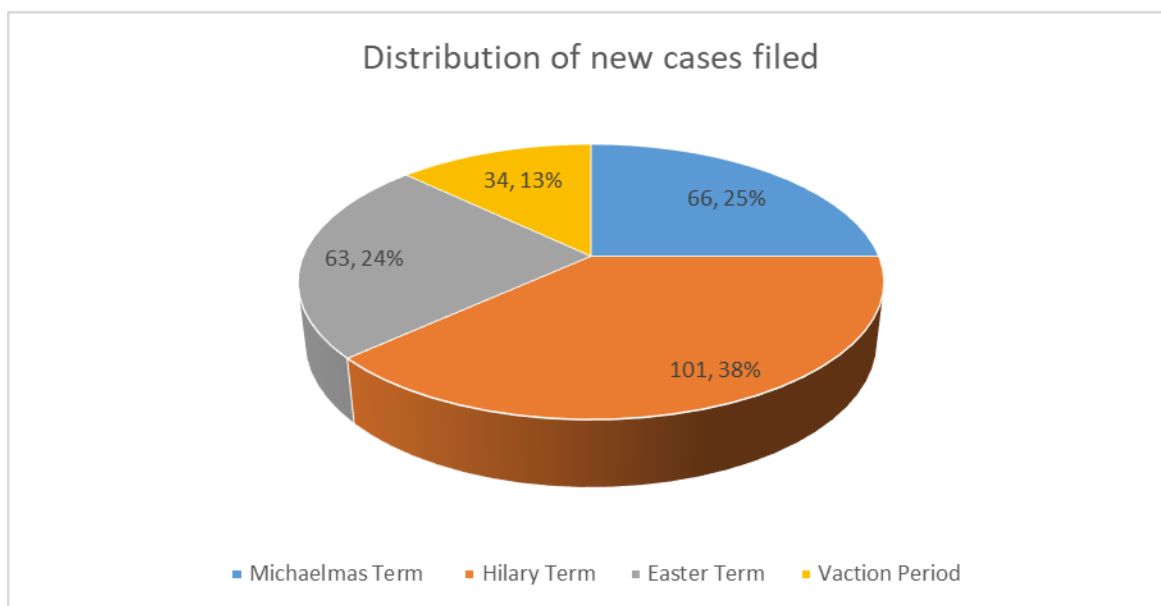
Total number of charges brought (N) = 374

The above table summarizes the distribution of top six charges associated with cases brought in 2020. There were **264 new cases filed** at the Home Circuit Court during the year, representing **374 charges**, a ratio of roughly 14 charges for every 10 new cases, a decline of 4 charges for every 10 cases when compared to 2019. The number of new cases filed represents a 33.33% decline when compared to 2019. It is shown that of these 374 charges, the largest proportion, 108 or 28.88% were matters of sexual intercourse with a person under 16 years old. This is followed by murder and rape with 78 or 20.86% and 51 or 13.64% respectively. Forgery with 3.74% of the total and grievous sexual assault and illegal possession of firearm with 2.94% and 2.67% respectively of the new charges filed during the year rounds off the top six list. Sex related charges continue to occupy the largest share of the new matters filed, accounting for roughly 48% of this stock in 2020. The top six charges filed, accounts for 72.72% of the total.

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1165 criminal cases, which is the equivalent of 7468 charges, had some activity in the Home Circuit Court in 2020, the oldest of which dates back to 2005. This case activity outcome represents an 8.91% decline when compared to 2019. 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 2020



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 264 new cases brought to the Home Circuit Court in 2020, the majority, 101 or 38% occurred during the Hilary Term, followed by the Michaelmas Term with 66 new cases or 25% and the Easter Term with 63 or 24% of the new cases brought.

The ensuing analysis will highlight the common reasons for adjournment of matters throughout 2020. 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

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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 46.0: Top twenty reasons for adjournment/continuance for the year ended December 2020.

Reason for adjournment	Frequency	Percentage	Stage of matter
Defence Counsel Absent	368	14.61	Case Management
Defence and Prosecution to Engage in Discussions	250	9.93	Case Management
For Plea and Case Management Form to be completed	195	7.74	Case Management
Statement Outstanding	183	7.27	Case Management/Trial
For Disclosure	117	4.65	Case Management
Investigating Officer Absent	110	4.37	Case Management/Trial
Ballistic Certificate Outstanding	109	4.33	Case Management
For Legal Aid Assignment	95	3.77	Case Management
Forensic Report Outstanding	92	3.65	Case Management/Trial
Indictment to be served	90	3.57	Case Management
To settle legal representation	84	3.34	Case Management/Trial
Papers to be served	82	3.26	Case Management
Defendant not answering	77	3.06	Case Management/Trial
Accused not brought	77	3.06	Case Management/Trial
For file to be completed	68	2.70	Case Management
SOC CD Outstanding	63	2.50	Case Management
For Social Enquiry Report	59	2.34	Trial
Defence Counsel to take Instructions	48	1.91	Case Management/
For antecedents	48	1.91	Case Management

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Crown to take instructions	28	1.11	Case Management
Sub-Total	2243	89.08	

Total incidence of adjournments/continuance (N) = 2518

The above table provides a summary of the top twenty reasons for adjournment in the Home Circuit Court for 2020. It is shown that there was a combined 2518 incidence of reasons for adjournment during the year, with some matters having multiple adjournments. This represents a decline of 17.06% in the incidence of adjournments when compared to 2019, a result which reflects a combination of generally improved case management, a stronger Plea and Case Management Court and a general reduction in the number of hearings in 2020.

There is 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 particularly strengthened and the incidence of adjournments in this court significantly reduced. The overall incidence of reasons for adjournment suggests that external parties are directly responsible for over 85% of

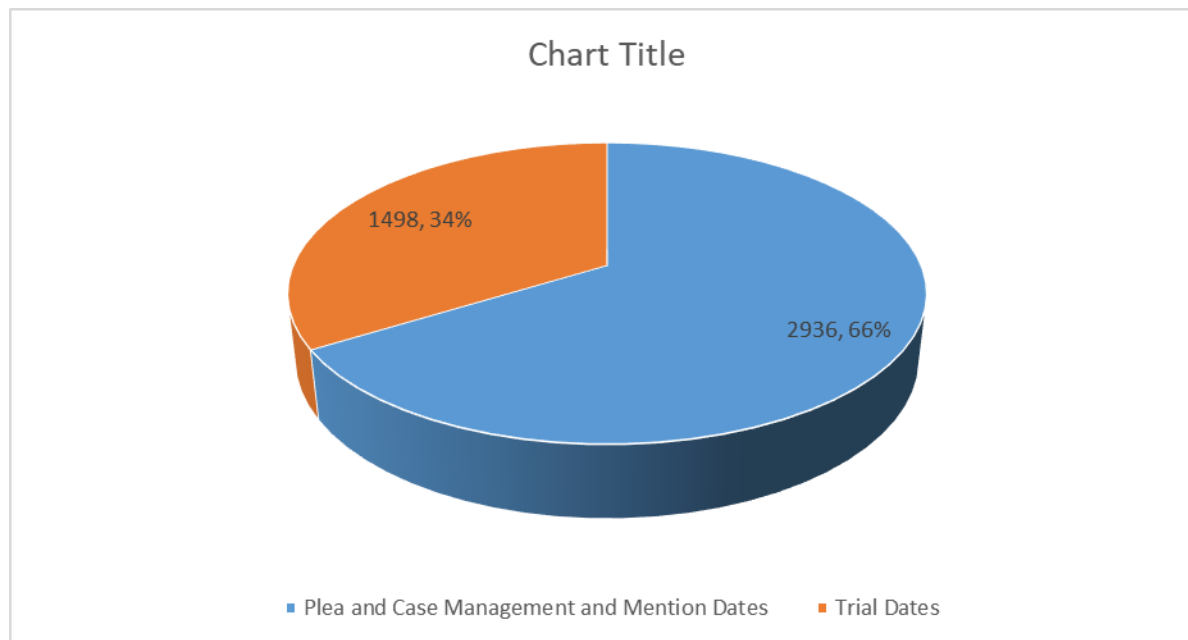
the reasons for delay as operationalized by this measurement. An examination of top twenty reasons for adjournment in 2020 provides an affirmation of the ideas outlined. At the top of the list are adjournments due to the absence of defence counsel, accounting for 368 or 14.61% of the total incidence of adjournments in 2020. 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 third highest ranked reason on the list is for plea and case management forms to be completed. This reason is one that is avoidable through more expeditious actions from both the defence and the prosecution and its high incidence contributes to delays in the progression of cases from the Plea and Case Management Court. 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. The absence of investigating officers at the relevant hearings, adjournments for antecedents and accused not brought are other examples of common reasons for adjournment in which the police bears responsibility. 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 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 is however challenged by the large incidence of adjournments which can be largely associated with third party inefficiencies.

The top 20 reasons for adjournment listed above accounts for 89.08%% of total incidences of adjournments/continuance in the Home Circuit Court in 2020. The data suggest that there were roughly two adjournments per case heard in the Home Circuit Court in 2020.

Chart 13.0: Trial and mention dates set for the year ended December 31, 2020



The above chart shows that there were a total 4434 dates set for either Trial or Mention Court (now Plea and Case Management Court) in 2020, a decline of roughly 5% when compared to 2019. 3013 or 66% of the court dates set were for Mention Court while 1498 or 34% were for Trial Court. This produces a ratio of 1:0.50, which suggests that for every 100 matters mentioned there were 50 trial dates set down in the year. Further analysis suggests that each case mentioned in court were mentioned on average of 2.38 times which is another way of saying that every 100-mention cases were mentioned 238 times, a reduction of 27 mentions per 100 cases when compared to 2019. Interestingly there were 1.83 plea and case management hearings for every case that went into this court in 2020, suggesting that an average of slightly less than two plea and case management hearings per case or more precisely about 18 such hearings for every 10 cases entering this court. This is a promising sign as the

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Home Circuit Court seeks to strengthen the conduct of hearings in the plea case management court through tighter marshalling of the readiness of individual cases and lowering incidence of granting adjournments. For cases, which were set for Trial, there was a scheduling incidence of roughly 4 times per case, which suggests that 40 trial dates were set for every 10-trial cases, a result that represents a doubling of the outcome in 2019. This was partly influenced by the mass rescheduling of trial dates due to the Covid-19 pandemic. The Home Circuit Court showed resilience in managing its schedule in 2020, a year in which the court system as a whole had to find creative ways of rescheduling and conducting hearings so as to sustain some semblance of measure of optimal service. The Circuit Courts were acutely impacted due to the inability to conduct jury trials as a result of physical limitations. The setting of judge only trials was successfully pursued as an option in a small proportion of cases.

Table 48.0: Hearing date certainty summary for the year ended December 31, 2020

Type of hearings	Number of hearing dates set	Number of hearing dates adjourned	Hearing date certainty rate
Mention	2007	876	56.35%
Plea and Case Management Hearings	929	283	69.54
Bail Applications	216	91	57.87%
Sentencing hearings	256	129	49.61
Trial hearings	1498	682	54.47%
Total/Overall Average	4906	2061	60%

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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 4906 court dates scheduled for hearings in the period under study, 2061 were adjourned. This suggests an overall hearing date certainty rate of roughly 60% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 60 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 remains well below the targets set out by the Honourable Chief Justice but the reform agenda continues as the Supreme Court aims at bringing redress to some of the root causes of court delay, both internal and external. The overall hearing date certainty rate for the Home Circuit Court represents an increase of 3.62 percentage points when compared to 2019, a resilient result amidst the peculiar constraints faced by the court system in 2020 resulting from the COVID-19 pandemic. When trial matters are isolated, the trial certainty rate revealed is 54.47% while Plea and Case Management conferences had a hearing date certainty rate of 69.54%, both improvements when compared to 2019.

Improving the overall hearing date certainty rate and the trial date certainty rate are of utmost importance to improving the performance of the court system. The court continues to work on improving the mechanism used to schedule cases for court hearings and in so doing to reduce

the incidence of adjournments. 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 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 as many matters will end 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 may not always therefore be principally focussed on trial readiness but also aspects of case file readiness, which were previously handled at the parish court level. This arguably increases the average length of case management conferences and potentially creates added scheduling complexities in the Home Circuit Court. Here, the strength of the Case Progression Officers who help to marshal the readiness of cases is critical and must necessarily be always strong in order to sustain efficient use of judicial time. Any weaknesses in pre-case management also threaten the ability to guarantee that a back-up trial list will be successful.

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

As a solution to the scheduling and adjournment challenges faced by the Home Circuit Court, a double fixing and filtering method, similar to that articulated earlier in the concluding chapter may be considered but this will require careful, scientific management and precision and strong cooperation and planning in order to realize the targeted benefits, instead of deepening the problem.

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Table 50.0: Methods of case disposal for the year ended December 31, 2020

Method of Disposition	Frequency	Percentage (%)
Accused Deceased	8	4.0
Formal Verdict of Not Guilty – discharge	1	.5
Found Guilty	16	8.0
Found Guilty to a lesser offense	2	1.0
Guilty Plea	70	35.0
No evidence offered - discharged	38	19.0
No further evidence offered discharged	18	9.0
*Nolle Prosequi (<i>Inactive cases</i>)	26	13.0
Not Guilty - Discharged	15	7.5
Not indicted on this charge	2	1.0
Plea guilty to a lesser charge	4	2.0
Total	200	100.0

**Included for computational convenience*

The above table summarizes the methods of disposal for the cases disposed of during 2019. It is shown that 200 cases were disposed of in 2020, a decline of 35.28% when compared to 2019. As with the last three years, guilty pleas accounted for the largest share of cases disposed, with 70 or 36.20% of the total number of disposals. Accounting for the next highest proportion of total resolutions was ‘no evidence offered’ with 38 or 19.00% and Nolle Prosequi with 26 or 13.0% of the total. Guilty verdicts with 16 or 8.0% of the cases disposed and ‘No further evidence offered’ with 18 or 9.0% rounds off the top five methods of disposal. Of the 309 cases disposed in 2020 in the Home Circuit Court, 34 or 12.88% originated during that year.

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

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Table 51.0: Overall criminal conviction rate for the year ended December 31, 2020

Total number of charges disposed	Total number of guilty outcomes	Conviction rate (%)
564	181	32.09%

The above table shows that of the 564 criminal charges disposed of in 2020 in the Home Circuit Court, 181 were because of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 32.09% which suggests that there is a roughly 32% probability that a matter could end in a guilty outcome, using 2019 as a proxy year. This represents a decrease of 14.84 percentage points when compared to 2019. This data can be further disaggregated so that the conviction rates for some of the most frequently occurring offences are measured. In particular, the conviction rate on murder charges, sexual intercourse with a person under 16 and rape are documented below.

Table 52.0A: Conviction rate for charges of sexual Intercourse with a person under 16 for the year ended December 31, 2020

Total number of chares concluded	Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas)	Conviction rate (%)
125	51	40.80

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The above table shows that of the 125 cases of sexual intercourse with a person under 16 years which were concluded in 2019, 51 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of roughly 40.80% which suggests a roughly 40% probability that a matter of sexual intercourse with a person under 16 could end in a guilty outcome.

Table 52.0B: Conviction rate for cases of rape for the year ended December 31, 2020

Total number of charges concluded	Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas)	Conviction rate (%)
54	7	12.96%

The above table shows that of the 54 rape charges which were concluded in 2020, 7 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of roughly 12.96% which suggests a roughly 13% probability that a rape matter could end in 2020. This outcome represents a decrease of 7.67 percentage points when compared to 2019.

Table 53.0: Conviction rate for murder cases in the year ended December 31, 2020

Total number of charges concluded	Total number of guilty outcomes (i.e. guilty verdict or guilty plea)	Conviction rate
98	15	15.31%

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The above table shows that of the 98 murder cases concluded in 2020, 15 of which were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 15.31% which suggests a roughly 15% probability that a murder matter could end in a guilty outcome, a 20.10 percentage point decrease when compared to 2019.

Table 54.0: Top six charges disposed in the year ended December 31, 2020

Charge disposed	Frequency	Percentage (%)
Murder	98	17.40
Sexual Intercourse with a person under 16 years old	79	14.00
Facilitating serious offence by a criminal organization	64	11.30
Rape	54	9.60
Illegal possession of firearm	36	6.40
Grievous sexual assault	18	3.20

Number of disposed charges (N) = 564

The above data shows that there were 564 charges disposed of in 2020, a decrease of 27.88% when compared to 2019. The largest proportion of these matters was murder with 98 or 17.40%. This was followed by sexual intercourse with a person under 16 years with 79 or 14.0% of the total. Facilitating serious offence by a criminal organization and rape charges comes next with 11.30% and 9.60% respectively. Illegal possession of firearm with 36 or 6.40% rounds off the top five charges disposed in 2020. 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 30% of matters disposed of in 2020 were sex related while also accounting for roughly 48% 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 55.0: Time to disposition for cases disposed in the year ended December 31, 2020

Description (in months)

Number of observations	200
Mean	29.1350
Std. Error of Mean	1.83921
Median	25.0000
Mode	13.00
Std. Deviation	26.01037
Variance	676.539
Skewness	2.422
Std. Error of Skewness	.172
Kurtosis	8.000
Std. Error of Kurtosis	.342
Range	175.00
Minimum	<1
Maximum	175.00

The above table provides a descriptive summary of the time to disposition for criminal cases disposed of in 2020. It is shown that the estimated average time to disposition for the cases disposed during the year was approximately 29 months or just over two years and five months, an increase of roughly two months when compared to 2019. There was a wide spread in the year of origin with the lion share of cases disposed originating in 2018 and 2019 respectively while the oldest individual case disposed dates back to 2005. The estimated minimum time to disposition was 16 days and the estimated maximum was 175 months or just over 30 years. The moderately large skewness of 2.422 indicates that the larger proportion of observations fell below the overall average. The standard deviation of roughly 2 years and 2 months indicates a wide average variation of the individual scores around the mean.

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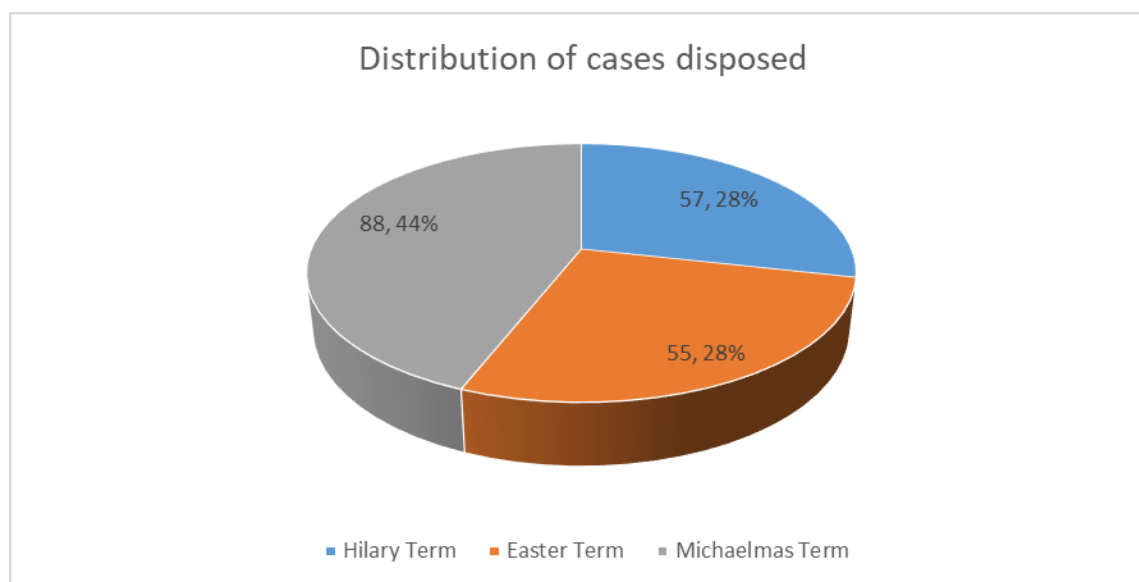
Table 56.0: Breakdown of time to disposition of cases for the year ended December 31, 2020

Time Interval (months)	Frequency	Percent
0 – 12	51	25.5
13 – 24	48	24.0
25 – 36	54	27.0
37 – 47	21	10.5
48 & over	26	13.0
Total	200	100.0

The above table provides a summary of the estimated time to disposition for the cases disposed during 2020. It is shown that the largest proportion of matters disposed took between 25 and 36 months of initiation, accounting for 54 or 27.0% of the total. 51 or 25.50%, which were disposed within a year and 48 or 24.0% of matters which took between 13 and 24 months to be disposed, follow this. Cumulatively, 49.50% of the matters disposed in the year took two years or less, an improvement of roughly 16.90 percentage points when compared to 2019. The remaining 51.50% of cases disposed took over two years to be disposed. Using 2020 data as a proxy, there is a roughly equal probability that a case entered in the Home Circuit Court will be disposed before or after falling into a backlog classification. 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 the 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 2020.

Chart 14.0: Cases disposed in each Term for the year ended December 2020



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 88 or 44% of the cases disposed. The Hilary Term with 57 or 28% comes next while the Easter Term accounts for the lowest share with 55 or 28% of the cases disposed in 2020

Table 57: Time to disposition for charges disposed (from date of offence) in the year ended December 2020

Descriptive statistics (in months)

Number of observations	564
Mean	58.6099
Std. Error of Mean	1.63902
Median	55.0000
Mode	78.00
Std. Deviation	38.92467
Variance	1515.130

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Skewness	3.592
Std. Error of Skewness	.103
Kurtosis	30.484
Std. Error of Kurtosis	.205
Range	468.00
Minimum	1.00
Maximum	469.00

The above table provides interesting results on the average time taken to dispose of cases from the date of offence. The data set shows this average time to disposition to be roughly 4 years and 11 months, substantially higher than the average time of just over 2 years and 5 months taken to dispose of the corresponding cases after entry into the Home Circuit Court. This marked difference of roughly two and a half years in the time taken to dispose of criminal matters (from date of offence) and from the case is filed in the Home Circuit Court suggests possible weaknesses in the investigative apparatus of the police as well prosecutorial and case management deficits which potentially hamper the timely delivery of justice to citizens. It is worth noting that the data set is highly positively skewed, suggesting that a decidedly larger proportion of the observations fell below the overall average, an indication that there may be extreme values in the distribution of the data points. Further, the relatively large standard deviation indicates a wide spread of the data point (times) around the mean, affirming that the overall average was affected by large outlying values.

Table 58.0: Breakdown of time to disposition of charges (from date of offence) for the year ended December 31, 2020

Date Interval	Frequency	Percentage (%)
0 – 12	39	6.9
13 – 24	41	7.3
25 – 36	67	11.9
37 – 47	67	11.9
48 & over	350	62.1
Total	564	100.0

The above table provides a breakdown of the distribution of the times to disposition from date of offence for matters resolved in the Home Circuit Court in 2020. It is shown that the overwhelming majority of 62.10% of these matters took 4 or more years to be disposed, followed by an equal proportion of 11.90% which either took between 25 and 36 months to be disposed or between 37 and 47 months to be disposed. The remaining 14.20% took under two years to be disposed.

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Table 59.0a: Breakdown of selected charges by time to disposition for the year ended December 31, 2020

Time Period (in months)		Charge			Total
		Murder	Rape	Sexual Intercourse with a Person under Sixteen	
0 – 12	Count	14	6	52	72
	% within Charge	14.3%	11.1%	65.8%	31.2%
13 – 24	Count	13	18	9	40
	% within Charge	13.3%	33.3%	11.4%	17.3%
25 – 36	Count	28	20	13	61
	% within Charge	28.6%	37.0%	16.5%	26.4%
37 – 47	Count	8	10	5	23
	% within Charge	8.2%	18.5%	6.3%	10.0%
48 & over	Count	35	0	0	35
	% within Charge	35.7%	0.0%	0.0%	15.2%
Total	Count	98	54	79	231
	% within Charge	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 2020. It is seen that the largest proportion of murder cases disposed took four or more years and between 25 and 36 months respectively, accounting for 35.7% and 28.60% respectively of the total. The next highest proportion of murder cases disposed occurred within 12 months of entry into the Home Circuit Court, accounting for 14.30% of the murder matters disposed. As for sexual intercourse with a person under 16 years old, 65.80% were disposed within 12 months while 16.50% took between 25 and 36 months to be disposed and 11.40%, which took between 13 and 24 months to be disposed, comes next. The largest proportion of rape matters (37%) took between 25 and 36 months to be disposed and 33.30%

took which took between 13 and 24 months to be resolved came next while the 18.50% which took between 37 and 47 months to be disposed rounds of the largest shares of the time interval distribution for this charge. As with the 2019 data, it is evident that of these three dominant offences, 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 59b: Proportional breakdown of time to disposition by selected charge type for the year ended December 31, 2020

Charge	Percentage of matters disposed of in 2 years or less	Percentage of matters disposed of in more than 2 years
Murder	27.60%	72.40%
Sexual intercourse with a person under 16 years old	77.20%	22.80%
Rape	44.40%	55.60%

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 roughly 27.60 of murder charges disposed in 2020 each took 2 years and under and 72.40% took over two years to be disposed. 77.20% of the matters of sexual intercourse with a person under 16 years were disposed within two years and the remaining 22.80% took over two years to be disposed in the Home Circuit Court in 2020. As it regards rape cases, which were disposed, 44.40% took 2 years or less to be disposed while 55.60% took over two years. The length of time which different types of matters take to be disposed has significant implications

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for the way in which the Court prioritizes its scheduling and resource allocation and these results should therefore inform the interventions, which are necessary to bolster the case disposal rates. It is evident that in the Home Circuit Court, murder cases contribute significantly to the criminal case backlog, warranting special attention.

Table 60.0: Case clearance rate for the year ended December 31, 2020

Cases filed	Cases disposed	Case clearance rate
264	200	75.76%

Note: 34 or 12.88% of the cases disposed originated in 2020. This represents the criminal case disposal rate in the Supreme Court in 2020.

The case clearance rate of 75.76% shown above is an indication that more cases entered than those that were disposed in the Home Circuit Court in 2020. The result suggests a ratio of roughly 76 cases disposed for every 100 new ones brought, a decline of 2.24 percentage points when compared to 2019. This represents the second consecutive year that the Home Circuit Court has registered a case clearance rate of over 75%, signs of gradual improvements in the strength of case management in the Home Circuit Court. 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. 2021 will be a year of interesting challenges and possibly new beginnings.

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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 2020. These measures are summarized in the table below:

Table 62.0: Selected performances metrics for the Home Circuit Court in 2020

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 (%)
200	965	0.21	1738	99	200	49.50%	50.50%

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The results in the above table shows a case turnover rate of 0.21, which is an indication that for every 100 criminal cases, which were 'heard' in 2020 and still active at the end of the year, another 21 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 1738 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 2020 is 49.50%, which reflects the proportion of cases resolved in 2020, which were disposed within 2 years. Conversely, the proxy case backlog rate is 50.50%, an indication that an estimated proportion of 51% 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 965 cases, which had some court activity in 2020 and were still active at the end of the year, 487 are expected to be in a backlog classification before being disposed.

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CHAPTER 5.0: HIGH COURT DIVISION OF THE GUN COURT

The ensuing analyses provide an overview of case activity in the High Court Division of the Gun Court in the year ended December 31, 2020. 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 63.0: Top five charges filed in the year ended December 31, 2020

Charges filed	Frequency	Percentage (%)
Illegal possession of firearm	394	40.53
Illegal possession of ammunition	179	18.42
Shooting with intent	120	12.35
Robbery with aggravation	72	7.41
Assault at common law	71	7.30
Assault	57	5.86
Sub-Total	893	91.87

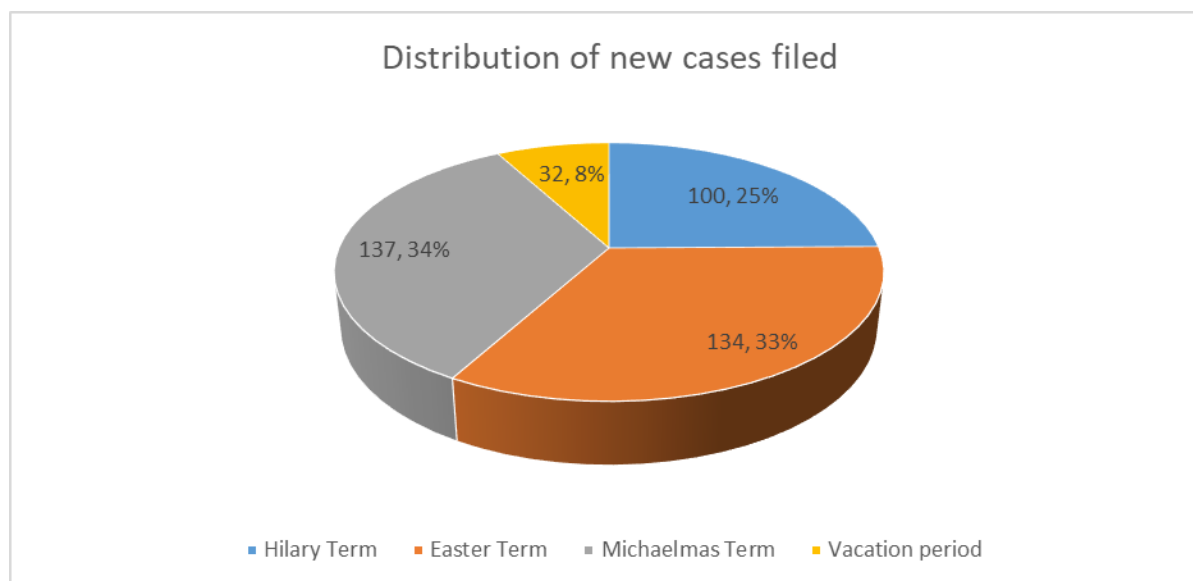
Total number of charges (N) = 972, the equivalent of 403 cases.

The above table provides a summary of the top six charges, which were brought in the Gun Court during 2020. It is seen that of the 972 charges, a notable decline of 19.60% when compared to 2019, representing the third successive year of decline. The largest proportion of which, 394 or 40.53% were for illegal possession of firearm, well ahead of the next highest ranked charge of illegal possession of ammunition with a count of 179 or 18.42% of the total. Shooting with intent is next with 120 or 12.35% while robbery with aggravation with 72 or 7.41% and assault at common law with 57 or 5.86% rounds off the top 5 charges filed in the

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Gun Court for 2020. The 972 new charges entered in 2020 translate into 403 new cases filed in the year, a decrease of 20.67% when compared to 2019. This represents a ratio of 1:2.41, suggesting that for every 100 cases entered, there were 241 charges.

Chart 15.0: Distribution of cases filed in each Term in 2020

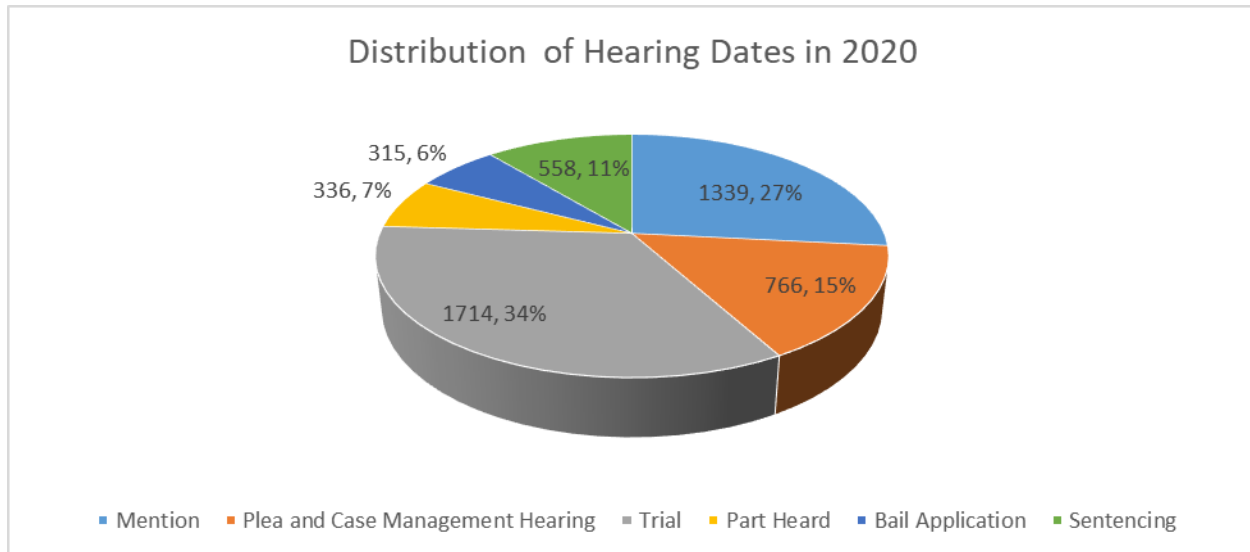


Note: The Vacation Period refers to the time between the end of the Easter Term and the start of the Michaelmas Term and between the Hilary Term and the Easter Term.

The above chart provides a breakdown of the number and proportion of the 403 new cases filed in the Gun Court in each Term/period in 2020. It is seen that the Michaelmas Term with 137 or 34% of new cases filed, accounts for the largest proportion. 134 or roughly 33% of the cases were filed in the Easter Term while the Hilary Term with 100 or 25% and the vacation period with 32 or 8% rounds off the distribution of new cases filed in the Gun Court in 2020.

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Chart 16.0: Summary of selected hearing activity dates for the year ended December 31, 2020



Note: PCMH means Plea and Case Management Hearing

The above chart provides a summary of key court events/dates in the Gun Court for 2020. It is shown that there were 1714 trial dates set in the period, compared to 1339 mention dates, representing increases and decreases respectively when compared to 2019. Additionally, there were 766 plea and case management dates during the years. When combined, the ratio of plea and case management dates to trial dates is 1:0.81, indicating that for every 100 mention and plea and case management dates there were 81 trial dates set, a 12-percentage point improvement in the transition rate between mention and trial when compared to 2019. The data also suggests that there were 336 part-heard trial dates set in Gun Court for 2020, which is a decrease when compared to 2019 and indicates that for every 100 trial dates set there were roughly 20 part-heard trial dates, an improvement when compared to 2019. There were also

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558 incidence of sentencing, an increase when compared to 2019 and 315 bail application dates during 2020, also a decrease from 2019.

Table 64.0: Frequently occurring reasons for adjournment for the year ended December 31, 2020

Reason for adjournment	Frequency	Percentage (%)
Ballistic Certificate Outstanding	324	6.50
Witness absent	302	6.00
Defence Counsel Absent	290	5.80
Part heard in progress	260	5.30
Statement Outstanding	199	4.00
Accused not brought	164	3.30
Social Enquiry Outstanding	161	3.20
Antecedent Outstanding	122	2.40
SOC CD Outstanding	103	2.10
Medical Certificate Outstanding	98	2.00
Other documents outstanding	89	1.80
Investigating Officer Absent	86	1.70
Sub-Total	2198	44.10

Total number of adjournments (N) = 5015

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

The above table outlines the top reasons for adjournment in the Gun Court for 2020, excluding adjournments for bail application, matters part heard, and for plea and case management and for trial, which are enumerated separately. There were 5015 overall incidences of adjournments during the year, an increase of 5.18% when compared to 2019. As with the Home

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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 324 or 6.50%, followed by absent witnesses and absence defence attorneys accounting for 6.0% and 5.80% respectively of the incidence of adjournments. Outstanding medical reports, outstanding statement, SOC CD outstanding, absent investigating officers, 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 ten reasons for adjournment accounted for roughly 44% of the 5015 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 invariable wastes judicial time and resources and creates inefficient resource outcomes.

Table 65.0: Frequently occurring reasons for continuance for the year ended December 31, 2020

Reason for continuance	Frequency	Percentage (%)
Plea and Case Management Hearing	743	14.80
Bail Application	471	9.40
Trial	321	6.40
Sentencing	259	2.90

Total number of adjournments (N) = 5015

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The above table provides a basic list of reasons for adjournment 2020, 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 743 adjournments for Plea and Case Management hearings, accounting for 14.80% of the total, followed by adjournments for bail application with 471 or 9.40% and adjournments for trial with 321 or 6.40%, rounding off the top three reasons for continuance.

Table 66.0: Hearing date certainty summary for the year ended December 30, 2020

Type of hearing dates	Number of hearing dates	Number of hearings dates adjourned	Hearing date certainty rate (%)
Mention hearings	1339	402	70%
Plea and Case Management hearing	766	285	62.79%
Bail Applications	315	87	72.38%
Sentencing hearings	558	179	67.92%
Trial hearings	1714	656	61.73%
Total/Overall Average	4692	1609	65.71%

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 4692 court dates

scheduled for hearings in the period under study, 1609 were adjourned. This suggests an overall hearing date certainty rate of roughly 65.71% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 66 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 0.65 percentage points better than the rate recorded in 2019. When trial matters are isolated, the trial certainty rate revealed is 61.73%, 3.39 percentage points higher than the rate in 2019. Despite this modest output, the Gun Court still managed to sustain a clearance rate of 100%, an unprecedented three 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 3-4 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 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

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any single court in Jamaica and represents an intriguing case study for case management and scheduling pundits.

Table 67.0: Methods of case disposition for the year ended December 31, 2020

Method of Disposition	Frequency	Percentage (%)
Accused Deceased	8	1.7
Admonished and discharged	1	.2
**Bench Warrants Issued (<i>Inactive cases</i>)	10	2.1
*Disposed	1	.2
Found Guilty	61	13.0
Guilty Plea	103	22.0
No Case Submission upheld	12	2.6
No Case to Answer - discharged	11	2.4
No Evidence offered - discharged	136	29.1
No further evidence offered - discharged	50	10.7
Nolle Prosequere	9	1.9
Not Guilty - Discharged	61	13.0
Transferred to circuit court	3	.6
Transferred to Family Court	1	.2
Transferred to St. Catherine PC	1	.2
Total	468	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 2020. It is seen that there were 468 cases disposed or inactive, the largest proportion of which were a result of 'no evidence offered' which accounts for 136 or roughly 29.10% of the total. In a distant second were disposals resulting from guilty pleas with 103 or 22.0% of the total. Not guilty verdicts and guilty verdicts with 13.0% each of the total dispositions are next while no further evidence offered – discharged with 10.70%

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rounds off the top five methods. Of the 468 cases disposed in the Gun Court in 2020, 131 or 27.99% were cases originating in 2020, up by 6.23 percentage points when compared to 2019. There was 7.87% reduction in the number of cases disposed in 2020 when compared to 2019.

Table 68.0: Estimated Conviction rate in the Gun Court for the year ended December 31, 2020

Number of charges disposed	Number of Guilty outcomes (i.e. guilty verdicts and guilty pleas	Conviction rate
1481	426	28.76%

The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the sample of 1481 disposed charges in 2020, an estimated 426 were a result of either a guilty plea or a guilty verdict. This produces an overall conviction rate of 28.76% for Gun Court charges resolved in 2020, approximately the same rate as 2019. The following table delves further into the conviction rate, by the substantive matter.

Table 69.0: Conviction rate by selected substantive matter in the Gun Court for the year ended December 31, 2020

Substantive matter	Number of cases disposed	Number of guilty outcomes (pleas and verdicts)	Conviction rate
Illegal possession of fire arm	603	190	31.51%
Illegal possession of ammunition	257	119	46.30%
Shooting with Intent	146	20	13.70%

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It is shown in the above table that of the 603 charges of illegal possession of a firearm disposed, 190 were disposed by way of either a guilty verdict or a guilty plea, yielding a conviction rate of roughly 31.51%. 119 of 257 charges of illegal possession of ammunition which were disposed in 2020 were a result of guilty outcomes, resulting in a conviction rate of 46.30%. 20 of the 146 matters of shooting with intent disposed in 2020 were a result of guilty outcomes, resulting in a conviction rate of 13.70%.

Table 70.0: Top six charges disposed of in the year ended December 31, 2020

Charge	Frequency	Percentage
Illegal possession of a firearm	603	40.70
Illegal possession of ammunition	257	17.40
Shooting with intent	146	9.90
Robbery with aggravation	131	8.80
Wounding with intent	80	5.40
Assault at Common Law	68	4.59
Total	1285	86.77

Total number of charges (N) = 1481

The 498 cases that were disposed in the High Court Division of the Gun Court in 2020, representing 1481 charges, an average of roughly 3 charges per case. The table above details the six most frequently occurring charges disposed of in the Gun Court during the year. Illegal possession of a firearm and illegal possession of ammunition accounts for the largest proportion of disposed charges with 40.70% and 17.40% respectively. This is followed by shooting with intent with 9.90% of the charges disposed. Robbery with aggravation and wounding with intent with 8.80% and 5.40% of the total rounds off the top five charges

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disposed in the Gun Court in 2020. The disposed charges enumerated in this table accounts for roughly 86.77% of the total number of charges disposed in the Gun Court in 2020. There was an 11.85 percentage points decrease in the number of charges disposed when compared to 2019.

Table 71.0: Time to disposition (from case file date) for cases disposed of in the year ended December 31, 2020

Descriptive Statistics (months)

Number of observations	468
Mean	19.8541
Median	15.0000
Mode	7.00
Std. Deviation	23.75720
Variance	564.405
Skewness	4.965
Std. Error of Skewness	.112
Range	301.00
Minimum	.17
Maximum	301.00

The above table summarizes the time taken to dispose of cases in the Gun Court in 2020, counting from the date cases were filed. It is seen that the estimated average time to disposition from the date of charge is approximately 20 months, an improvement of roughly six months when compared to 2019. 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 301 months or almost 10 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 seven and fifteen months respectively, promising signs for the ability of the Gun Court to dispose a significant proportion

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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.

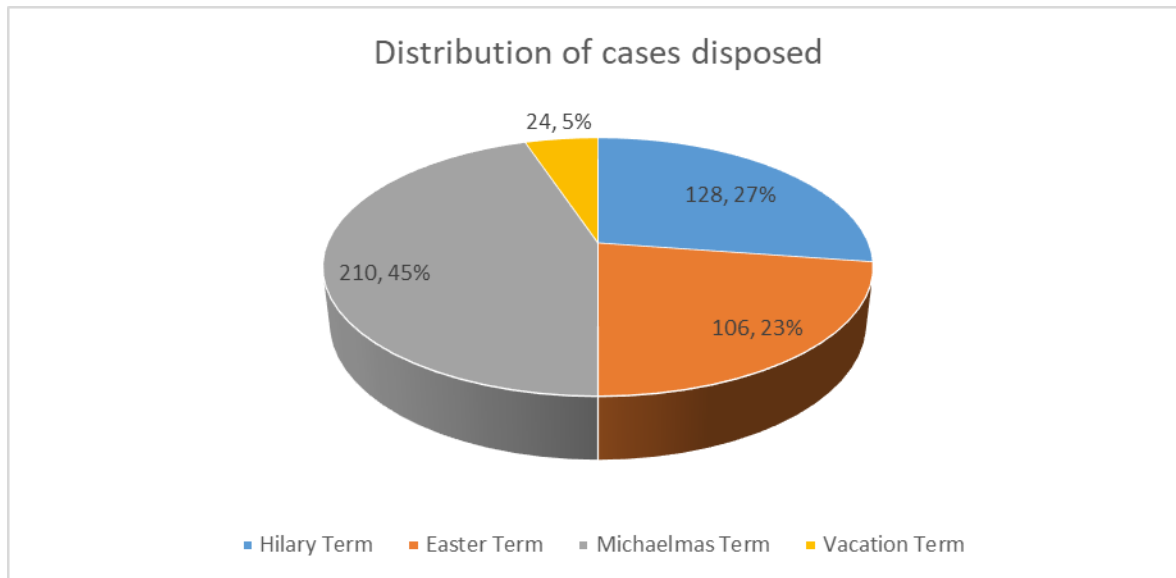
Table 72.0: Breakdown of times to disposition (from case file date) for the cases disposed in the year ended December 31, 2020

Time Interval	Frequency	Percentage (%)
0 – 12	208	44.44
13 – 24	140	29.91
25 – 36	63	13.46
37 – 47	24	5.13
48 & over	33	7.05
Total	468	100.0

The above table provides a further breakdown of the estimated time to disposition for the cases disposed in 2020, 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 208 or 44.44% of the disposals and was followed by cases taking between 13 and 24 months to be disposed with 140 cases or 29.91%. A further 13.46% of the matters were disposed within 25-36 months, 7.05% took four or more years to be disposed and the remaining 5.13% took between 37 and 47 months. Interestingly 74.35% of the cases disposed took two years or less from the case file date, an improvement of just over 11 percentage points when compared to 2019.

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Table 17.0: Breakdown of cases disposed in each Term/Period of 2020



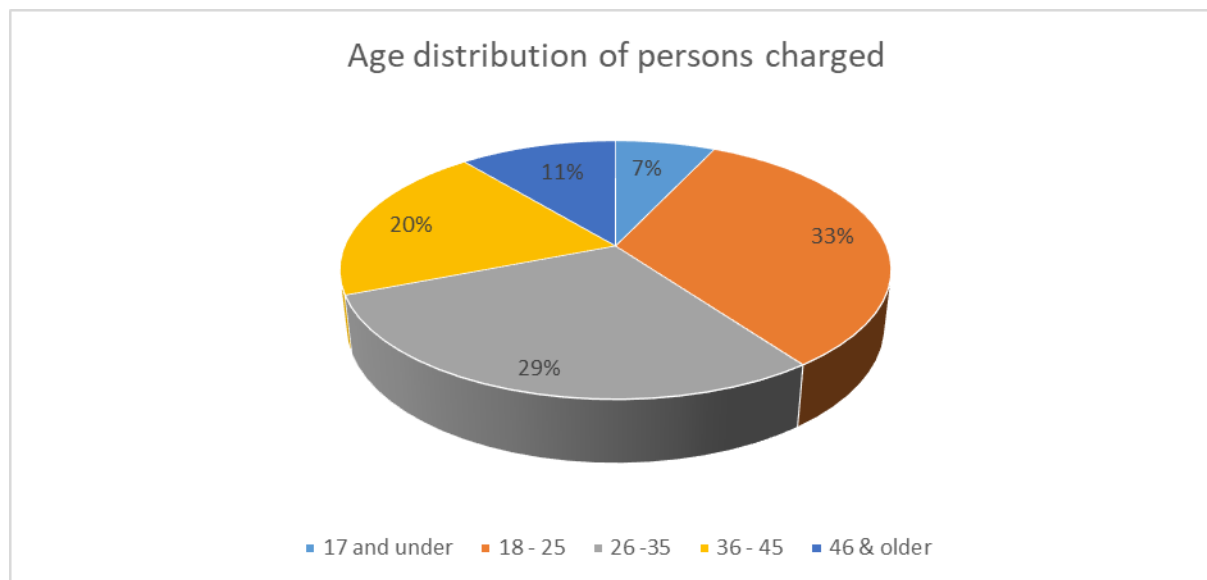
Note: The summer period refers to the period between the end of the Easter Term and the start of the Michaelmas Term and between the Hilary Term and the Easter Term.

The above chart provides a summary of the distribution of Gun Court cases disposed in 2020. It is shown that the largest proportion of cases was disposed in the combined Michaelmas Term with 210 or 45% of the 468 Gun Court cases disposed during the year. This was followed by the Hilary Term, which accounts for 128 or 27% and the Easter Term with 106 or 23% of the disposals.

Demographic summary of persons charged and brought before the Gun Court in 2020

This section provides a brief summary of the age and gender distribution of persons charged who were brought before the Gun Court in 2020.

Chart 18.0: Summary of age distribution of a sample of persons charged in the Gun Court for the year ended December 31, 2020



The age distribution of persons charged in 2020 was markedly similar to that of 2019. As with 2019, 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 2020.

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In terms of gender distribution, using a sample of 100 persons charged in relation to matters brought before the Gun Court in 2020, 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 19.0: Summary of gender distribution of a sample of persons charged who were brought before the High Court Division of the Gun Court in 2020

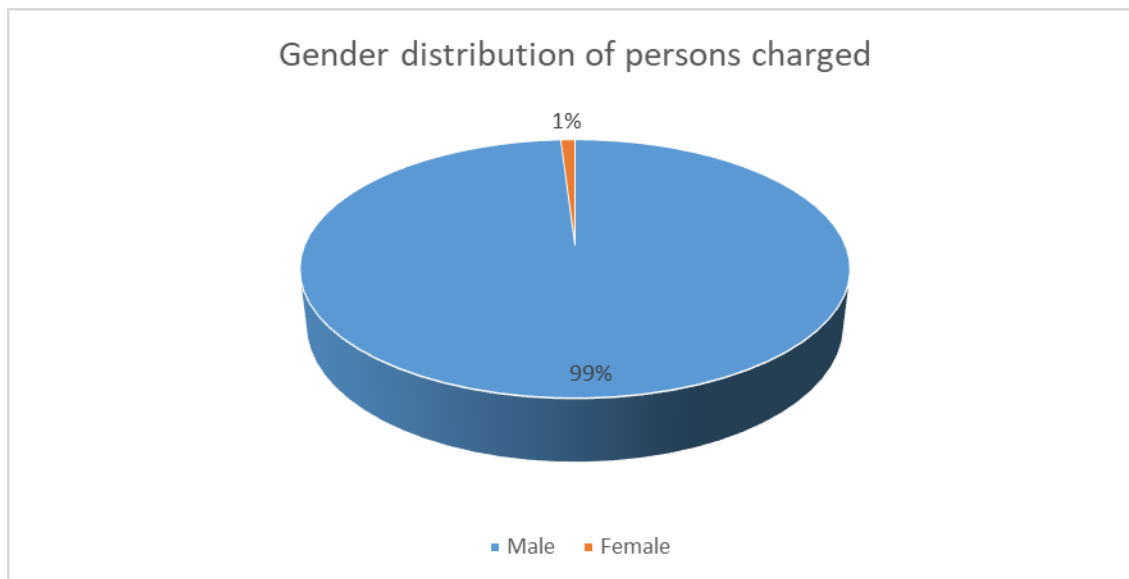


Table 73.0: Case clearance rate for the year ended December 31, 2020

Cases filed	Cases disposed	Case clearance rate
403	468	116.13%

**131 or 27.99% of the 468 disposed cases originated in 2020. This percentage represents the disposal rate.*

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Four hundred and three new cases were filed in the High Court Division of the Gun Court in 2020 while 468 were also disposed or inactivated (including many which originated before the Term) leading to a clearance rate of exactly 116.13% for the year. This result translates into a generalization that an estimated 116 Gun Court cases were resolved for every 100 new cases entered during the year. It represents one of 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 2020 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.

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

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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 2020. These measures are summarized in the table below:

Table 74.0: Selected performances metrics for the Gun Court in 2020

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 (%)
468	462	0.996	366	348	468	73.35	26.65

The results in the above table shows a case turnover rate of 0.996, which is an indication that for every 100 cases which were ‘heard’ in 2020 and still active, 100 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 few years.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Gun Court in 2020 is 73.35%, which reflects the proportion of Gun Court cases in 2020, which were disposed within 2 years. Conversely, the crude proxy case backlog rate is 26.65%, an indication that an estimated annual proportion of about 26% of cases are likely to fall into a backlog classification based on the current case

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disposition and case clearance rates. This further suggests that of the 462 cases, which had some court activity in 2020 and were still active at the end of the year, 120 are expected to be in a backlog classification before being disposed. The crude proxy backlog rates improved by just over nine percentage points in 2020 when compared to 2019, the continuation of 3-4 years of solid advances towards the prospect of a backlog free Gun Court in the foreseeable future.

CHAPTER 6.0: COMMERCIAL DIVISION

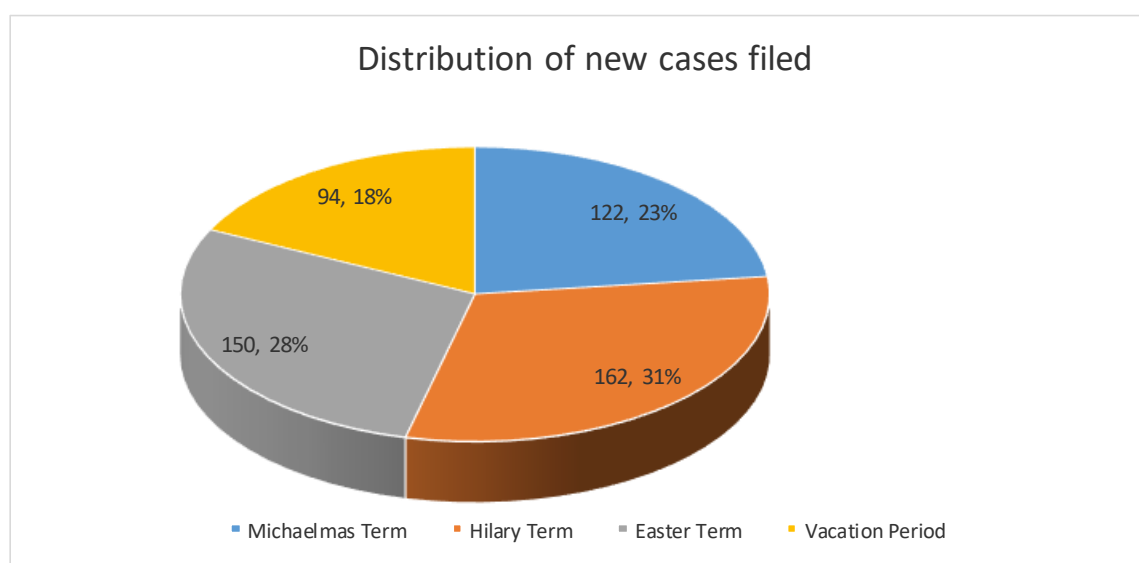
This chapter presents data on case activity in the Commercial Division in 2020 as well as important performance measurements and year on year comparisons where applicable.

Table 75.0: Cases filed in the Commercial Division in 2020

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. In 2019, the Division however saw a dip of 24 percent when compared to 2018, registering 513 new cases. 2020 registered a small increase of 2.92% when compared to 2019 with 528 new cases filed. The productivity of the Commercial Division is important in sending signals to economic agents in a country.

Chart 20.0: Distribution of new Commercial cases filed in 2020 (by Term/Period)



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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 table shows that the largest proportion of cases filed in the Commercial Division in 2020 was in the Hilary Term which accounted for 162 or 31% of the cases filed. The Easter Term followed with 150 or 28% and the Michaelmas Term with 122 or 23% while the vacation period accounted for the remaining 94 or 18% of the new cases filed.

Table 76: Sampling distribution of the top five reasons in the Commercial Division for adjournment of commercial cases for the year ended December 31, 2020

Reasons for adjournment	Frequency	Percentage (%)
Claimant's documents not served or short served	12	11.40
Parties having discussions with a view to settlement	10	9.50
Referred to Mediation	10	9.50
Defendant not available	6	5.70
Natural Disaster (COVID-19 Pandemic)	6	5.70
Sub-Total	44	41.80

Number of observations (N) = 105

The above table provides a sampling distribution of the top five reasons for adjournment in the Commercial Division for 2020. A total of 105 such incidences sampled reveal that claimant's documents not served or short served with 12 or 11.40% has the highest incidence followed by referrals to mediation and parties having discussions with a view to settlement each with 10 or 9.50% of the incidence of reasons for adjournment. The top five reasons for adjournment documented from the sample accounts for 41.90% of the total. These leading reasons for adjournment listed are largely attributable to factors which are not within the realm of direct court control.

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Table 77.0: Sampling distribution of chamber hearings for the year ended December 31, 2020

Hearings	Frequency	Percentage (%)
Applications (Various)	598	81.25
Case Management Conference	43	5.84
Pre-trial review	77	10.46
Judgment summons hearing	18	2.45
Total	736	100

The above table summarizes a sample of 736 chamber hearings scheduled in the Commercial Division for 2020. As with the High Court Civil (HCV) Division, the hearing of various applications for relief sought dominates the list with roughly 81.25% of the chamber hearings. Pre-trial reviews with 77 or 10.46% rank next and Case Management Conferences with 43 or 5.84% rounds off the top three chamber hearings in the Commercial Division for 2020.

Table 78.0: Proportional distribution of trial dates for the year ended December 31, 2020

Trial matter	Percentage (%)
Trial in Chambers	66.67
Open Court Trial	33.33
Total	100

The above estimates show that trials in chamber accounted for roughly two third of the trials held in the Commercial Division in 2020 while open court trials accounted for the remaining third. This was an unusually low incidence of trial court activity in the Commercial Division when compared to recent years, partly on account of the general downturn in court activity during the year, resulting from the COVID-19 pandemic.

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Table 79.0a: Sampling distribution of hearing date certainty in the Commercial Division for the year ended December 31, 2020

Type of hearings	Estimated Hearing date certainty rate (%)
Case Management Conferences	73.81
Trials in Chamber and in Open Court	50
All hearings	62.05

The above table breaks down the hearing date certainty rates for two significant types of hearings and also gives the overall rate for 2020. It is shown that Case Management Conferences had an estimated hearing date certainty rate of 73.81% for the year while the combined weighted hearing date certainty rate for trials in chamber and open court is 50% and the overall hearing date certainty rate when all types of hearings are considered is approximately 62%, suggesting that for every 100 hearing dates set for commercial cases in 2020, 62 proceeded on schedule. A low to moderate hearing date certainty has potentially adverse consequences for the timely disposition of cases and the overall rate of case clearance. Despite the creativity of the Supreme Court as a whole in moving many hearings to the virtual space in response to the impact of the COVID-19 pandemic on the ability to host the usual quantum of face to face hearings, all Divisions had an overall hearing date certainty rate below the internationally prescribed standard of 92% and over. The overall results are nonetheless a show of resilience.

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Table 79.0b: Sample case flow process transition summary for the year ended December 31, 2020

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 2020]	Average time between referral to mediation and receipt of mediation report [2020 referrals only]
115	73	6.85%	62 days	6 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 2020 suggests that there were 115 cases on which defences were filed (the equivalent of 156 matters), while 73 cases (the equivalent of 90 referrals) were referred to mediation. Of the stated 115 cases on which defences were filed in 2020, 57 were referred to mediation during the year, a referral rate of roughly 50%. The data further suggests that the Commercial Division had a mediation report return rate of 6.85% 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). This result suggests that the availability of mediation reports fell well behind the rate at which matters were referred to mediation in 2020. Furthermore, approximately 25% of the reports returned were successful and 75% unsuccessful. 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 speed of 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 six months, 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 62 days or two months after a defence is filed for a matter to be referred to mediation while the modal time was 22 days and the median was 45 days. 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 275 days or roughly 9 months.

Table 80.0: Requisitions summary for the year ended December 31, 2020

Requisitions Issued	Requisition Reponses	Requisitions clearance Rate	Requisitions per 100 case files
89	*35	39.33%	10

*This figure includes requisitions filed on matters originating prior to 2020

The above table provides a summary of the response rate for requisitions issued in the Commercial Division in 2020. It is shown that 89 requisitions were issued in the year while there were 35 responses filed, thus producing a requisitions clearance rate of 39.33%. This requisition clearance rate suggests that during the year, for every 10 requisitions issued, roughly 4 responses were filed. Additionally, there was an average incidence of 10 requisitions per 100 case files in the Commercial Division for the year.

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Table 81: Methods of disposition for the year ended December 31, 2020

Methods of Disposition	Frequency	Percentage (%)
Application Granted	4	1.9
Application Refused	4	1.9
Consent Judgment	3	1.4
Consent Order	8	3.9
Dismissed	2	1.0
Final Order	32	15.5
Judgment	36	17.4
Judgment in default of defence of counter claim	1	.5
Judgment in default of acknowledgment of defence	35	16.9
Judgment in default of defense	15	7.2
Judgment on Admission	9	4.3
Matter Withdrawn	3	1.4
Notice of Discontinuance noted	28	13.5
Order (Chamber Court)	1	.5
Order for seizure and sale	7	3.4
Order Granted for Transfer	1	.5
Settled	6	2.9
Struck Out	1	.5
Transferred	6	2.9
Written Judgment Delivered	5	2.4
Total	207	100.0

The data suggests that 207 cases in the Commercial Division were disposed in 2020, an increase of 26.22% when compared to 2019. Disposals by way of final judgments with 36 or 17.40% led the list of dispositions while judgment in default of acknowledging service with 35 or 16.90% ranked next. The top three methods of disposition were rounded off by final orders with 32 or 15.50%. Also featuring prominently on this list are notices of discontinuance with 28 or 13.50% of the total dispositions in 2020.

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Table 82.0: Time to disposition for Commercial cases disposed in the year ended December 31, 2020

Descriptive Statistics (Months)

Number of observations	207
Mean	17.1256
Median	12.0000
Mode	13.00
Std. Deviation	18.49623
Variance	342.110
Skewness	3.187
Std. Error of Skewness	.169
Range	112.00
Minimum	3.00
Maximum	115.00

The above table shows that the estimated average time to disposition for the 207 Commercial cases disposed in 2020 is 17.13 months or just over 1 year and 5 months, an improvement of five months when compared to 2019. The maximum time to disposition observed from these cases is just over nine and a half years old while the lowest is roughly three months. It is of note that the modal time to disposition for 2019 is 13 months while the median is 12 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 2019 took less time than the overall mean. 66 or 31.88% of the commercial cases disposed in 2020 originated in said year. This is a gain of 2.74 percentage points when compared to 2019.

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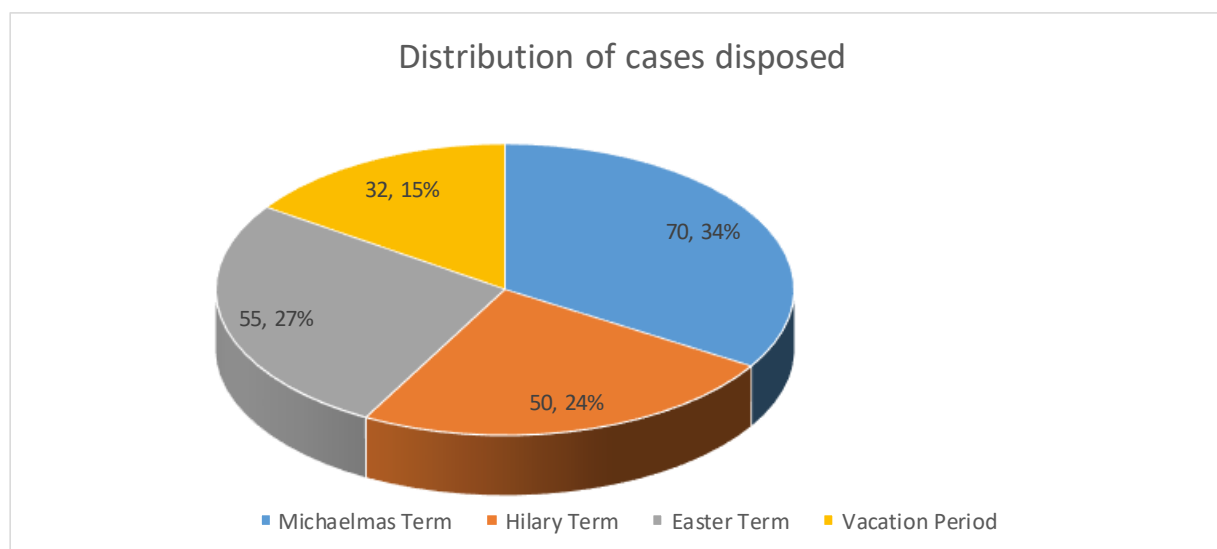
Table 83.0: Breakdown of times to disposition for Commercial cases in 2020

Date Interval	Frequency	Percentage (%)
0 - 12	111	53.6
13 – 24	68	32.9
25 – 36	10	4.8
37 – 47	7	3.4
48 & Over	11	5.3
Total	207	100.0

The above table provides a breakdown of the times to disposition for the cases disposed in the Commercial Division in 2020. It is seen that the largest proportion of these cases were disposed of within a year, accounting for an overwhelming 53.60% of the disposals. This is followed by 68 or 32.90%, which took between 13 and 24 months to be disposed while the 11 or 5.30% which took four or more years to be disposed rounds off the top three methods of disposition in the year. Taken together, the data suggest that an impressive 86.50% of the cases disposed in the Commercial Division in 2020 were resolved within 2 years and the remaining 13.50% took two years or more before final resolution.

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Chart 21.0: Distribution of cases disposed in the Commercial Division in the year ended December 31 2020



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

The above chart shows that the combined Michaelmas Term and summer periods accounted for the largest proportion of cases disposed in the Commercial Division in 2020 with 70 or 34% of the total. The Easter Term with 55 or 27% of the total and the Hilary Term with 50 or 24% of the total follows. The vacation period accounted for the lowest share of the cases disposed with 32 or 15% of the total.

Table 84.0a: Case clearance rate for the Commercial Division for the year ended December 31, 2020

Cases filed	Cases disposed	Case clearance rate
528	207*	39.20%

**This figure includes cases filed before 2020. 66 or 12.50% of the cases filed in 2020 were disposed. This percentage is the disposal rate for 2020.*

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Five hundred and twenty-eight new cases were filed in the Commercial Division in 2020, while 207 cases were disposed which yields a case clearance rate of 39.20%. This result suggests that for every 100 new cases filed in the year, roughly 39 were disposed. Again, the cases disposed were not necessarily from those filed, as the clearance rate is simply a productivity ratio. This result represents a 7.23 percentage points improvement when compared to 2019.

Table 84.0a: Case clearance rate for the Insolvency and Admiralty Divisions for the year ended December 31, 2020

Divisions	Number of new cases filed	Number of cases disposed	Case Clearance Rate (%)
Insolvency	3	4	133.33%
Admiralty	3	9	300%

Case activity in the Insolvency and Admiralty Divisions of the Supreme Court which are operationally handled by the Commercial Registry reveals that the Admiralty Division has 3 new cases filed and 9 disposed, producing a case clearance rate of 300% while the Insolvency Division also had 3 new cases filed but disposed of 4 cases, produced a case clearance rate of 133.33%.

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

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(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 2020. These measures are summarized in the table below:

Table 85.0: Selected performances metrics for the Commercial Division for 2020

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 (%)
207	705	0.29	1259 days	179	207	86.50	13.50

The results in the above table shows a case turnover rate of 0.29, which is an indication that for every 100 cases which were 'heard' in 2020 and still active, another 29 were disposed, an improvement of 8 percentage points when compared to 2019. 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 3.45 years to be disposed, barring special interventions and other outcomes.

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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 2020 is an impressive 86.50%, which reflects the proportion of Commercial cases in 2020, which were disposed within 2 years. Conversely, the crude proxy case backlog rate is 13.50%, an indication that an estimated annual proportion of 13.50% 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 705 cases, which had some court activity in 2020 and were still active at the end of the year, 95 are expected to be in a backlog classification before being disposed.

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

Aggregate Case Clearance Rate

Analysis of the productivity of the judiciary, subject to its resource constraints is an important metric for gauging efficiency and for informing policy and operational interventions. In this subsection, the gross case clearance rate is used as a measure the ratio of incoming and outgoing cases in the Supreme Court in 2020.

The below table provides a summary of the collective case clearance rate for the Divisions of the Supreme Court. It is important to again point out that at least some of the disposed cases used in this computation may have originated in previous periods as the clearance rate is meant to be a productivity index. It measures the ratio of new cases filed/entered to cases disposed of in a particular period, regardless of when the disposed cases originated.

Table 86.0: Gross case clearance rate for the year ended December 31, 2020

Total cases filed	Total cases disposed	Gross Case clearance rate
12757	8406	65.89%

The above table provides an aggregate summary of the clearance rates in the Divisions of the Supreme Court in 2019. The data suggests that 12757 new cases were filed/entered across the Divisions reviewed in 2020, a 2.74% decline when compared to 2019. These results yield a gross clearance rate of roughly 65.89%, representing an improvement of 6.98 percentage points when compared to 2019 and suggesting that that for every 100 cases filed/entered

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during the year, roughly, 66 were also disposed. The improvement is commendable particularly within the context of the general decline in court activity in 2020 as a result of the COVID-19 pandemic. There is still some way to go for the Supreme Court to achieve the targeted strategic goals for the case clearance rate. The Gun Court, the Probate and Matrimonial Divisions have consistently led the way among the larger Divisions/sections on this key performance indicator and are best positioned to meet the targeted quantitative goal of consistently attaining a clearance rate of between 90% and 110% and thus clearing their net case backlog.

Aggregate Case Counts 2015-2019

The below table provides a count of the number of new cases filed/entered in the larger Divisions of the Supreme Court for the years 2016-2018.

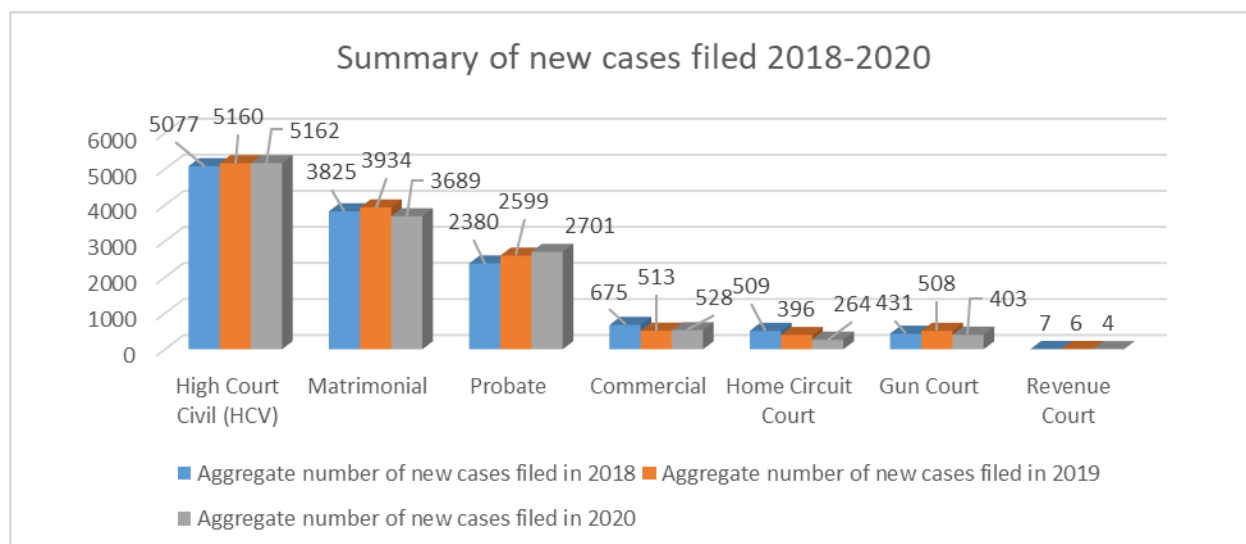
Table 87.0: Number of new cases by selected Divisions for the years 2016-2020

Division	Aggregate number of new cases in 2016	Aggregate number of new cases in 2017	Aggregate number of new cases filed in 2018	Aggregate number of new cases filed in 2019	Aggregate number of new cases filed in 2020
High Court Civil (HCV)	5336	4396	5077	5160	5162
Matrimonial	3536	3539	3825	3934	3689
Probate	2436	2853	2380	2599	2701
Commercial	424	667	675	513	528
Home Circuit Court	209	624	509	396	264
Gun Court	473	513	431	508	403

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Revenue Court	-	12	7	6	4
Total	12414	12604	12904	13116	12751

Chart 22.0: Number of new cases by Division for the years 2018-2020



The above table and chart summarizes the progression of cases in the larger Divisions of the Supreme Court between 2018 and 2020. It is shown that the High Court Civil (HCV) Division has consistently demonstrated the largest share of new cases in the Supreme Court, averaging 5133 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 steady band and averaging of 3816 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 2560 new cases per year. There is a noticeable general decline in the number of new cases filed in the Home Circuit over the three-year period which recorded an overall average of 390 cases.

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The number of new cases filed in the Gun Court fluctuated over the time series and this Division recorded an average of 447 over the time series. The Commercial Division experienced some fluctuation over the three-year period, peaking at 675 in 2018 and averaging 572 new cases over the series.

Table 87.0b: Summary of new cases filed and cases disposed in the Supreme Court (2019 – 2020)

Division	Aggregate number of new cases filed in 2019	Aggregate number of cases disposed in 2019	Case Clearance Rate (%) - 2019	Aggregate number of new cases filed in 2020	Aggregate number of cases disposed in 2020	Case Clearance Rate (%) - 2020
High Court Civil (HCV)	5160	885	17.15	5162	2278	44.13
Matrimonial	3934	3269	83.1	3689	2985	81.0
Probate	2599	2587	99.54	2701	2249	83.27
Commercial	513	164	31.97	528	207	39.20
Home Circuit Court	396	309	78.03	264	200	75.76
Gun Court	508	508	100	403	468	65.71
Revenue Court	6	5	83.33	4	6	80.00
Total	13116	7727	58.91	12751	8393	65.82

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Case Activity Summary for 2020

The below table provides a summary of core case activity for each Divisions of the Supreme Court in 2020.

Table 88.0: Aggregate case activity in 2020

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (months)	Hearing date Certainty ratio (%)
High Court Civil (HCV)	5162	2278	44.13	44.30	67.89
Matrimonial	3689	2985	81.00	23.29	61.79
Probate	2701	2249	83.27	16.30	60.58
Commercial	528	207	39.20	17.13	62.05
Home Circuit Court	264	200	75.76	29.14	60.00
Gun Court	403	468	116.13	19.85	65.71
Revenue Division	4	6	150	-	80.0
Insolvency Division	3	9	300	-	-
Admiralty Division	3	4	133.33	-	-
Gross/Weighted Average	12757	8406	65.90	25	65

The above table provides an important summary of case activity in the Supreme Court in 2020.

It is shown that 12757 cases were filed/entered across the Divisions of the Supreme Court during the year. The High Court Civil (HCV) Division with 5162 cases or 40.46% accounts for the

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largest share of the new cases filed, followed by the Matrimonial Division with 3689 or 28.92% of the total and the Probate Division with 2701 or 21.17% of the total. In the 2019 annual report for the Supreme Court, it was forecasted that the total number of new cases filed/brought in the Supreme Court in 2020 would be between 13000 and 13800 cases, likely settling close to the upper limit. The 12757 new cases filed in 2020 fell slightly short of this projection.

Similar to recent years, the Matrimonial and Probate Divisions accounted for the largest share of the cases disposed with roughly 35.51% and 26.75% respectively of the total. The High Court Civil Division accounted for the second largest share of cases disposed in 2020 with 2278 or 27.10% while the Probate Division with 2249 or 26.75% accounted for the third largest share of the cases disposed. As with the past three years, the Gun Court, Probate Division and Matrimonial Division had the highest case clearance rates in 2020, outside of the small Divisions (i.e. Insolvency and Admiralty Divisions and the Revenue Court). The Gun Court recorded a case clearance rate of 116.13%, while the Probate Division recorded a case clearance rate of 83.27% and the Matrimonial Division with rate of 81% ranks third. The overall case clearance rate for the Supreme Court is estimated at 65.89%, an increase of roughly 6.98 percentage points when compared to 2019. The High Court Civil (HCV) Division accounted for the longest average time to disposition with cases taking an average of roughly 44 months (3 years and 8 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 the Probate Division and the Commercial Division with estimated average times to disposition of 16.30 months (1 year and 4 months) and 17.13

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months (1 year and 5 months) respectively account for the lowest average times to disposition in 2020. The overall weighted average time taken to dispose of the cases resolved in 2020 is 25 months (two years and 1 month). None of the Divisions of the Supreme Court met the international standard on hearing date certainty in 2020. The overall average hearing date certainty rate was 65%, with a small variance observed among the Divisions on this measurement. Outside of the Revenue Division which recorded a hearing date certainty rate of 80% in 2020, the Gun Court led this the overall hearing date certainty rate for 2020 with a rate of 65.71%, followed by the High Court Civil and Commercial Divisions with rates of 64.62% and 62.05% respectively. Hearing and trial date certainty rates computed in 2020 were normalized for the purposes of comparability across similar time series.

Judgments Reserved and Judgments Delivered

This sub-section provides a summary of the civil Judgments reserved and delivered in 2020

Table 89.0: Summary of Judgments Reserved and Delivered in 2020

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 (%)
111	260	234%	86	102	118.60%

A total of 111 judgements were reserved in 2020, a decrease of 17.16 percentage points when compared to 2019, while 260 judgments were delivered, a slight increase of 2.36% when compared to 2019. This output led to an impressive clearance rate of 234%, the highest

annualized figure in recorded history. This result means that for every 10 judgments which were reserved in 2020, 23 were delivered. This represents an increase of 45 percentage points when compared to 2019 and is consistent with the impetus of the Chief Justice to significantly increase the rate of judgments delivered, making it possible for a new judgment reserved to be delivered within 3-6 months, subject to complexity. The average age of cases on which judgments were delivered in 2020 was roughly 3.85 years and the overwhelming majority delivered were reserved prior to said year.

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 86 judgments reserved on applications in 2020 while 102 were delivered. This produced a clearance rate for judgments on applications of 118.60%, a promising sign for the continued improvements in the rate at which judgments are delivered going forward and for the overall timely progression of civil matters towards resolution.

Estimated Courtroom Utilization Rate in 2020

Using a sample of cases heard in open court in 2020, the courtroom utilization rate for the Supreme Court was estimated to be 56%, suggesting that just about 3 of every 5 available courtroom hours were utilized in 2020, a result which draws sharply into question the need for a further investigation into the optimality of the current practice of long distance scheduling in

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the civil division of the Supreme Court. The margin of error of the estimated courtroom utilization rate is plus or minus 3.5%. The period of suspension of court activity due to the COVID-19 pandemic was excluded from this sample estimate.

Guest Contribution from the Deputy Registrar of the High Court Civil Division

As a contribution to this report, the Deputy Registrar of the High Court Civil Division of the Supreme Court, Ms. Janelle Knibb highlights some of the initiatives undertaken by this Division to improve day to day operating efficiency.

Initiatives from Supervisors:

- Prioritizing Actioning the Notice of Discontinuances

In 2020, resources were diverted to have the above captioned documents checked to be signed off on by the Registrar. This contributed markedly to improving the stock of cases disposed.

- Strategic Listing of Court Clerks

The Court Administrators have been making efforts to strategically list individuals as court clerks taking into consideration their registry duties and the likely impact on overall registry functions.

- Sorting of Documents

In 2020, approximately 7 members of staff volunteered to sort and batch documents that were accumulating in the Registry and needed to go to the filing room.

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- Paper Wars 2020 Edition

During the long legal vacation period in 2020, staff were divided into teams and reassigned to help clear the backlog of documents in the filing room.

- Search & Rescue – This is an initiative undertaken to have dedicated staff search through unfiled batches of documents in the filing room to locate urgent action documents such as mediation reports, defences and applications.

- Special Operations - Manual checks were done of Chambers and Cabinets and lists were submitted by Judges of files in their possession to ensure the case file location feature on the case management software (JEMS) was accurate and reliable. Additionally, the storage area for Bundles was re-sorted and purged.

- Third Battalion - Personnel such as those preparing the court list were also given additional tasks effective once their desks were current. These included assisting with the sorting of recently filed documents.

- Reassignment of Personnel

Personnel were reassigned duties to ensure documents are sorted immediately after scanning before being handed over to filing room personnel.

- Filing Room Makeover

From November 9, 2020 staff were invited to dedicate 8:30-9:00 am to assisting in the filing room.

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- Training

Supervisors utilized holiday periods for intervention and general training

- Rest Your Feet Use Your Hands

In order to relieve the pressure at the Registry Window which due to a temporary shortage of court clerks is currently manned by one individual, attorneys have been encouraged to contact the court using the email address civilregistry@supremecourt.gov.jm for all issues concerning scheduling, court hearing, electronic bundles and the court list. And, civil@supremecourt.gov.jm for all other issues pertaining to the Division.

Staff Initiatives:

- Window Clerks

Window Clerks are facilitating the expediting of the processing of key action documents such as the Defence and Applications by taking personal responsibility for these documents and submitting them directly, after scanning, to the responsible officers as well as assisting with retrieving the files.

- Scheduling Officer

The scheduling officer is personally retrieving and preparing the files to facilitate applications to extend the validity of the claim form so that urgent hearings can be accommodated.

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CHAPTER 8.0: CONCLUSION AND RECOMMENDATIONS

The 2020 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 three years has been a year by year projection for the next 5-6 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. 2020 was a particularly challenging year for the Jamaican Court system due to the general downturn in court activity associated with the COVID-19 pandemic.

Despite the general downturn in court activity, the Divisions of the Supreme Court illustrated significant resilience throughout 2020. In particular, the overall case clearance rate in the Supreme Court netted out at approximately 65.89% at the end of 2020, an increase of 6.98 percentage points when compared to 2019. Among the larger Divisions/sections, the Gun Court and the Probate Division were again the leaders on this measure, with rates of 116.13% and 83.27% respectively, The High Court Civil Division and the Commercial Division with rates of

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44.30% and 39.20% respectively had the lowest output on this measurement in 2020, disposing of 44 and 39 cases respectively for every 100 new cases filed. Notably, the Home Circuit Court with a case clearance rate of almost 76% continued the above average performance on this measurement seen registered in 2019, a reversal of the mean to below the trends of the previous years. The Matrimonial Division also continued to illustrate stability with a commendable case clearance rate of 81% in 2020. As noted in earlier in this report, for comparative purposes the data used to compute the hearing date certainty rate was normalized and the large portion of hearings adjourned during the period of suspension of court activity isolated. Although, none of the Divisions of the Supreme Court met the International standard on hearing date certainty rate in 2020, as was the case in 2019, an overall rate of 65% was registered, an increase of 5.64 percentage points when compared to 2019. The Gun Court with a modest rate of 65.71% was the leader on this measure, followed by the High Court Civil and Commercial Divisions, however the variance in the rates across the Divisions was quite minimal. There was a slight increase of roughly a month in the overall average time taken to dispose of cases resolved in the Supreme Court in 2020. Cases took the longest to be disposed in the High Court Civil (HCV) Division with an average of 3 years and 8 months while the Probate Division disposed of cases the fastest on average with an output of 1 year and roughly 4 months.

Remarkably, the Supreme Court recorded its highest clearance rate on outstanding judgments in 2020, since this type of reporting began, eclipsing 2019 by netting out at 243% while the clearance rate on judgments reserved on applications also scaled the 100% mark for the second

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year in a row, closing the year at 118.60%. These results augur well for the targeted goal of improving the timely resolution of civil cases and have been aided by efforts to schedule the delivery of judgments in the same way that any other hearing is scheduled and the reservation of specific periods/times for Judges to prepare outstanding judgments for delivery. At the current rate, the public can be assured that the majority of judgments will be delivered within 3-6 months of being reserved in the Supreme Court. Despite the resilient performances outlined, when compared to 2019, the Supreme Court as a whole had more disposed cases in 2020 which took more than two years, a difference of 3.15 percentage points.

The report shows decisively that substantial improvement is needed in several areas of performance in the Supreme Court, among which is the vital need to reduce the incidence of delays by reducing the high frequency of adjournments which often results in a wastage of judicial resources and time and contributes profoundly to the long dates currently being given to cases in the High Court Civil (HCV) Division. The science that is applied to the manner in which cases are scheduled continues to improve but there is still some way to go. The mechanics of scheduling, general issues of case readiness and preparation are at the core of the transformation required to engender the gains in efficiency which are required to usher the Supreme Court towards meeting the vital quantitative targets set out in the strategic plan of the judiciary. The report extensively discussed the causes of delay linked to adjournments in especially the Home Circuit Court, the High Court Division of the Gun Court and the High Court Civil (HCV) Division and found conclusively that external parties involved in cases, such as defence attorneys and the police account for a significant proportion of the causes of delay,

which compounds the resource constraints with which the Court must plan and organize its calendar.

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 significant 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 resources constraints will be constantly compounded, delay exacerbated even further and productivity will fall in the divisions which rely heavily on open court activity. Below is a special recommendation for consideration on the manner in which cases could be scheduled in especially, but not limited to the High Court Civil Division of the Supreme Court.

Recommendations concerning the Scheduling Matrix in the High Court Civil Division

It is seen that the High Court Civil Division, like others in the Supreme Court experiences modest hearing and trial date certainty rates. The results from 2020 are indeed a strong show of resilience but there is a deeper problem which is somewhat unspoken in the mathematics. In 2020 the High Court Civil Division of the Supreme Court started setting future dates to as far as

2026, and by 2021 the Division will start issuing 2027 dates and maybe after. This is largely due to the perceived unavailability of the primary resources of courtroom space and available judges to secure closer dates, on account of large case volumes. The direct implication of this is that the court is technically scheduling cases into backlog. A backlog is defined as cases which have been filed for over two years without being substantively resolved in the courts. The practical realities are that civil cases tend to follow more complex paths than criminal matters which makes it harder to forecast the average lifespan of some civil cases in the courts. This particular complexity and the resource constraints notwithstanding, the scheduling of cases that far into the future brings into question several issues. The High Court Civil Division is exploring a scientific solution to this problem which will see a reversal of the current trend as the fact is that at the current rate there will simply be no respite anytime soon and the aggressive quantitative targets set out for the Jamaican judiciary in its surge to become the best in the Caribbean region in the next 2-3 years and among the very bests in the world by 2025/26 would be compromised.

Against the above background, 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 no 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 some instances.

Glossary of Statistical Terms

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

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

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

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

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

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

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

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

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

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

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

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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