



Supreme Court Of Jamaica  
The Chief Justice's Annual Statistics  
Report for 2018

Prepared by: The Court Statistics Unit with the support of the  
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Kings Street, Kingston



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<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
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**TABLE OF CONTENTS**

The Chief Justice's Message.....	2
Executive Summary.....	5
Methodology and Structure of Report .....	12
Chapter 1.0: High Court Civil Division .....	14
Chapter 2.0: Matrimonial Division.....	40
Chapter 3.0: Probate and Administration Division.....	59
Chapter 4.0: Home Circuit Court.....	76
Chapter 5.0: High Court Division of the Gun Court.....	102
Chapter 6.0: Commercial Division.....	121
Chapter 7.0: Aggregate Case Activity and Reserved Judgments.....	131
Chapter 8.0: Conclusion and Recommendations.....	138
Glossary of Terms.....	143

### **Chief Justice's Message**

March 1, 2019 marked my first year in office as Chief Justice of Jamaica. The period March 2018 to December 2018 was spent understanding the details of the operation of the Supreme Court. During this time, I found that there are many persons within the Supreme Court including judges and court staff who are committed to making our legal system worthy of favourable comparison to the best legal systems worldwide. I wish to use this medium to commend the hardworking staff at the Supreme Court for their continued efforts to make our courts efficient. The statistics are moving in the right direction, and this is due entirely to the work that is being administratively as well as in the Registries.

The stated time standard of the judiciary is to have all matters, regardless of their complexity, completed within twenty-four months of entry into the court. Thus, an important measure is the average length of time it takes to dispose of matters. I am fully aware that an average does not tell the entire story. However, it must be noted that this report highlights that gross/weighted time for disposition of cases within the Supreme Court is 2.01 years. Of the five divisions of the Supreme Court, three had an average time of less than two years while two were over two years and one of those two divisions had an average time of disposition of three years. The Gun Court had less than two years as its average disposal time.

In 2017, only two divisions of the Supreme Court had an average disposal time of less than two years. All the other divisions and the Gun Court were over two years. The average time for disposal is gradually inching downwards.

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# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2018** ON THE SUPREME COURT

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In 2018, there was improvement in the clearance rate. Clearance rate speaks to the number of cases disposed of, compared with the number of cases coming into the court, regardless of when the cases are filed. The overall clearance rate for all divisions of the Supreme Court, the Gun Court, and the Revenue Court in 2018 was 57.14% while in 2017 it was 49.70%. To clear the backlog there must be a clearance rate of 131.81%.

A crucial factor in getting better results is increased trial/hearing date certainty, that is to say, the likelihood of commencing on the day it is listed to begin. The higher that percentage is, overtime, the more likely it is, the backlog will be reduced and eventually eliminated. While it is true to say that the measures need to be taken all together to get the most accurate picture, hearing date certainty is certainly the single most important measure, and when taken together with clearance rate, will give a good indication of court efficiency.

The overall hearing date certainty across all divisions of the court, and the Gun Court as well as the Revenue Court is 69.40%. To clear the backlog in six years the hearing date certainty needs to be 95.10%. This means a 24.70 percentage points increase in hearing date certainty.

Thus, the key performance indicators are a clearance rate of 131.81% and a hearing date certainty of 95.10%. If the court is not achieving these numbers each year for the next six years then we will fail to make our court one of the best in the world in six years in terms of performance.

I close on a note of optimism. There has been positive movement and that gives hope. The data tells us what needs to be done. This requires massive effort from all persons in the courts. That

said, I urge all stakeholders to partner with us on this new path to efficiency and achieving the objective of being the best in the Commonwealth Caribbean in three years and one of the best in the world in six years.

**Bryan Sykes OJ, CD**  
**Chief Justice of Jamaica**

## **EXECUTIVE SUMMARY**

This Annual Statistics Report on case activity in the Supreme Court for 2018 represents the second statistical report of this magnitude and scope, following up on the 2017 version. A range of data and performance measurements on the High Court Civil (HCV), Probate, Matrimonial and Commercial Divisions as well as the Home Circuit Court and Gun Court and the Revenue Court are included in this report. The results therefore provide important insights, which can potentially inform the operational efficiency of the Supreme Court and the policy design of the relevant state actors. In an effort to improve the efficiency of the Court system and to enhance the timely delivery of a high standard of justice to citizens, the Honourable Chief Justice has set out a series of performance targets for the judiciary for the next 3 – 6 years. Among these targets is the attainment of an average clearance rate of 130% and an average trial and hearing date certainty rate of 95% over the same period. The attainment of these performance targets would place Jamaica among the very best performing court systems in the World.

A total of 12,897 new cases entered the Supreme Court across the above named Divisions in 2018 while 8564 cases were disposed. The total number of new cases filed increased by 2.32% when compared to 2017 and is in the range forecasted at the beginning of 2018. The number of cases disposed however showed a marked increase of over 40% when compared to 2017. The High Court Civil (HCV) and Matrimonial Divisions with 5077 and 3825 respectively of the total number of new cases filed accounted for the largest share while the Gun Court with 431 new cases and the Revenue Division with 12 new cases had the lowest proportion. The Matrimonial

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# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2018** ON THE SUPREME COURT

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Division accounted for the largest share of cases disposed with 38.82% of all disposed cases in the Supreme Court in 2018, while the Probate Division with 2396 disposed cases or roughly 30% of total disposals ranked next.

Among the major findings from this Annual Statistics Report is that the average case clearance rate across the four Divisions was roughly 66.40%, a marked increase of roughly 17 percentage points when compared to 2017. 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 2018 range from a low of 33.33% in the High Court Civil Division to a high of 115.55% in the Gun Court. The overall statistic on the case clearance rate gives essential insights into potential case flow and backlog problems, as on average there were still significantly more incoming than outgoing cases in the Supreme Court in 2018. The overall clearance rate of roughly 66% in 2018 is well below the minimum standard set out by the Chief Justice for the Judiciary over the next 3 - 6 years however the 17-percentage points stride during the year is an indication of a positive trajectory. It is important to note that two of the Divisions in the Supreme Court met or exceeded the International standard for clearance rate in 2018, namely the Gun Court with 115.55% and the Probate Division with 100.67%. The Matrimonial Division with roughly 87% fell just short. This is an improvement over 2017, in which year only the Gun Court with 97.86% satisfied the International case clearance rate standard of 90% - 110% per annum.

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# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2018** ON THE SUPREME COURT

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The report also generated the estimated times to disposition for matters disposed in the respective Divisions in 2018. The estimated average times taken for cases to be disposed, range from a low of approximately 1 year and 7 months in the Probate Division to a high of roughly 3 years in the High Court Civil Division. The overall average time to disposition for the Divisions of the Supreme Court in 2018 was just over two years, roughly the same as 2017. The oldest matters disposed in 2018 were in the Probate and Matrimonial Divisions, which both saw a 26-year-old matter being disposed. There were however several matters which took as low as 0-6 months to be disposed across all the Divisions.

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 2018 was 67.03%, which suggests that 67 of every 100 cases disposed in the Supreme Court in 2018, were done within two years. This implies a case backlog rate of roughly 33% for cases disposed in the Supreme Court in 2018. Interestingly, the Home Circuit Court had the highest on-time case-processing rate in the Supreme Court for 2018 with 81.70, followed by the Probate and Commercial Divisions with 76.79% and 74.40% respectively. The High Court Civil (HCV) Division and the Matrimonial Division with the on-time case processing rates of 52.13% and 65.26% respectively had the lowest rates. Concomitantly, the Home Circuit Court (18.30%), the Probate Division (23.21%) and the Commercial Division (25.60%) had the lowest case backlog rate for cases disposed in 2018 while the High Court Civil (HCV) Division (47.87%) and Matrimonial Division (34.75%) had the highest case backlog rates.

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# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2018** ON THE SUPREME COURT

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Most Divisions of the Supreme Court continue to encounter severe challenges with the rate of strict adherence to dates set for hearing and trial due to the high incidence of adjournments. The hearing date certainty, which computes the rate of adherence to hearing dates scheduled, ranges from an approximate low of 65% in both the Home Circuit Court and the High Court Division of the Gun Court to a high of 92.42% in the Commercial Division in 2018. The weighted average hearing date certainty across all the Divisions for the period under examination was roughly 73.13%, an increase of 4.13% when compared to 2017. This is an indication that there is a just over 73% probability that a matter scheduled for hearing will go ahead without adjournment. Similar data on trial date certainty in isolation are also provided in the relevant chapters of the report. Among the prominent reasons for adjournment cited across this report are the non-appearance of parties and/or attorneys, absenteeism of witnesses and investigating officers, incomplete files, documents to be filed, statements outstanding and disclosure. These reasons span both internal factors within the court's control and factors outside of its direct autonomy. Therefore, the ethos of the solutions related to these issues is the need for enhanced case and records management, more robust systems of scheduling and stronger stakeholder engagements. A number of important process flow re-engineering and initiatives to enhance stakeholder engagement and cooperation are currently being pursued in the Supreme Court in an effort to reduce the incidence of adjournments, which are attributable to both internal and external deficiencies. The effect of these activities will be monitored and reported on in ensuing reports.

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# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2018** ON THE SUPREME COURT

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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 102 requisitions per 100 case files while the HCV Division with four requisitions per 100 case files ranked among the lowest incidence.

It is hereby forecasted that between 12500 and 13500 new cases will be filed/entered in the Supreme Court in 2019, with closer to 13,000 being most likely. Upcoming statistical reports in 2019 will detail additional performance measures for each Division related to courtroom utilization rates and case file integrity rates. The case file integrity rate was debuted in this report using proxy data from the High Court Civil Division, which shows an estimated case file integrity rate of 94.45% for 2018, an improvement of 12.10 percentage points when compared to 2017. The prescribed international standard for this measure is 100% so there is room for improvement but the direction is positive.

When the performance measurements are statistically weighted, the Probate Division was the best performing in the Supreme Court in 2018 while most other Divisions show promising signs for 2019 and beyond. 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 years.

# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

See below Supreme Court case activity summary for 2018:

Division	New cases Filed	Aggregate number of cases disposed	Number of cases disposed which originated in 2018	Clearance Rate (%)	Average time To Disposition	Overall hearing date Certainty rate (%)
High Court Civil (HCV)	5077	1692	186	33.33%	3 years	68.06%
Matrimonial	3825	3325	299	86.93%	2.14 years	70.54%
Probate	2380	2396	607	100.67%	1.57 years	70.35%
Commercial	675	332	95	49.19%	1.84 years	92.42%
Home Circuit Court	509	317	54	62.28%	1.64 years	64.95%
Gun Court	431	498	95	115.55%	1.92 years	65.46%
Revenue Division	7	4	-	57.14%	N/A	80.10%
<b>Gross/Weighted Average</b>	<b>12897</b>	<b>8564</b>	<b>1336</b>	<b>66.40%</b>	<b>2.01 years</b>	<b>73.13%</b>

# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

## Other aggregate Court performance measures

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

(i) **The on time case processing rate**

(ii) **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 backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of 2018. These measures are summarized in the table below:

### Selected performances metrics for the Supreme Court in 2018

Division of the Supreme Court	Resolved cases	Unresolved cases which had court activity in 2018	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Case backlog rate (%)
<b>High Court Civil</b>	1692	13219	882	1692	52.13%	47.87%
<b>Matrimonial Division</b>	3325	5956	2170	3325	65.26%	34.75%
<b>Probate Division</b>	2396	4911	1840	2396	76.79%	23.21%
<b>Commercial Division</b>	332	732	247	332	74.40%	25.60%
<b>Criminal Division</b>	317	1056	259	317	81.70%	18.30%
<b>Gun Court</b>	498	1205	340	498	68.27%	31.73%
<b>Gross/Weighted Average</b>	<b>8560</b>	<b>27079</b>	<b>5738</b>	<b>8560</b>	<b>67.03%</b>	<b>32.97%</b>

### **METHODOLOGY**

Guaranteeing the reliability and validity of the data used to produce the periodic statistics reports for the Jamaican Courts is of utmost importance as we seek to produce a data driven enterprise for policymaking and operational decisions. As a result, a robust and verifiable system of data production has been created in both the Parish Courts and the Supreme Court. At the Supreme Court, each Division has a set of data entry officers whose daily responsibility is to enter data on new cases and as necessary update all case activity and events as the matters traverse the courts. Such updates are done electronically using the Judicial 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.

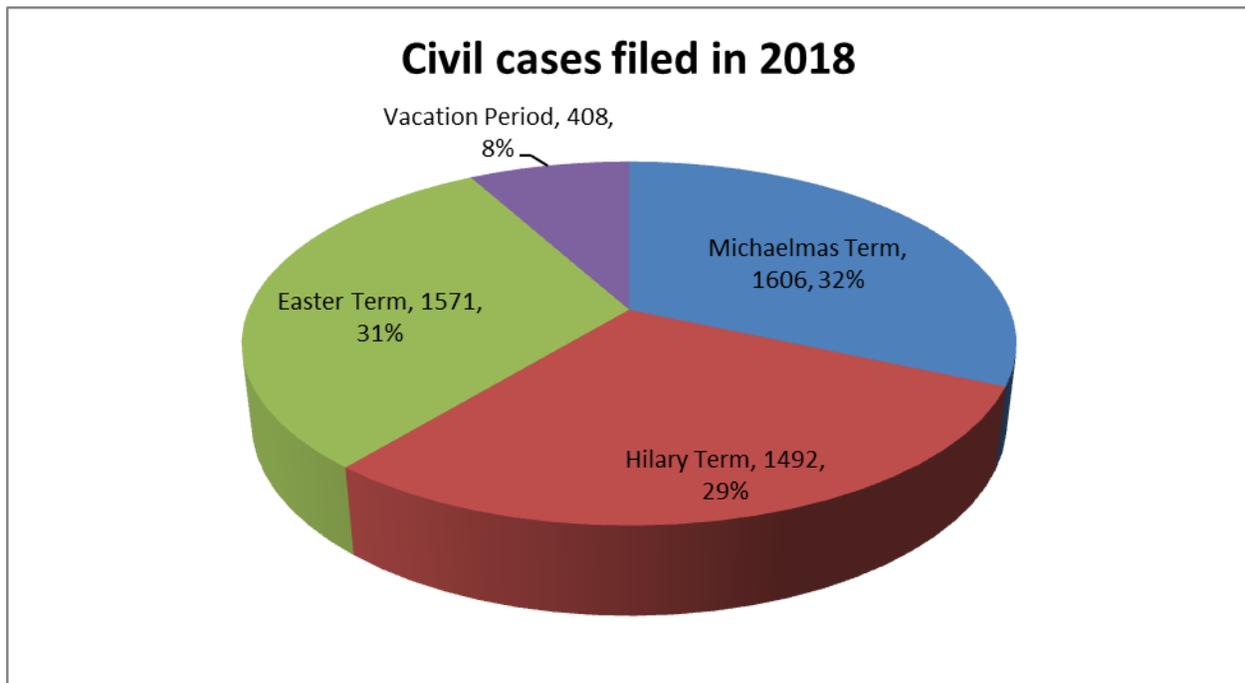
Once all data for the periods of interest are entered in the JEMS software and the necessary checks and balances completed, the data is then migrated to a Microsoft Excel friendly platform, from where it is extracted, the statistical data processed and reports generated. Statistical reports are generated for each of the three Terms, which constitutes the operating year for the Supreme Court, as well as for the vacation period 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.

### **Structure of Report**

This is a comprehensive statistical report on case activity in the various Divisions of the Supreme Court in 2018. 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 summarizes aggregate case activity across the Divisions of the Supreme Court and presents the 2018 clearance rate for civil Judgements reserved. 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 court excellence.

**CHAPTER 1.0: HIGH COURT CIVIL (HCV) DIVISION**

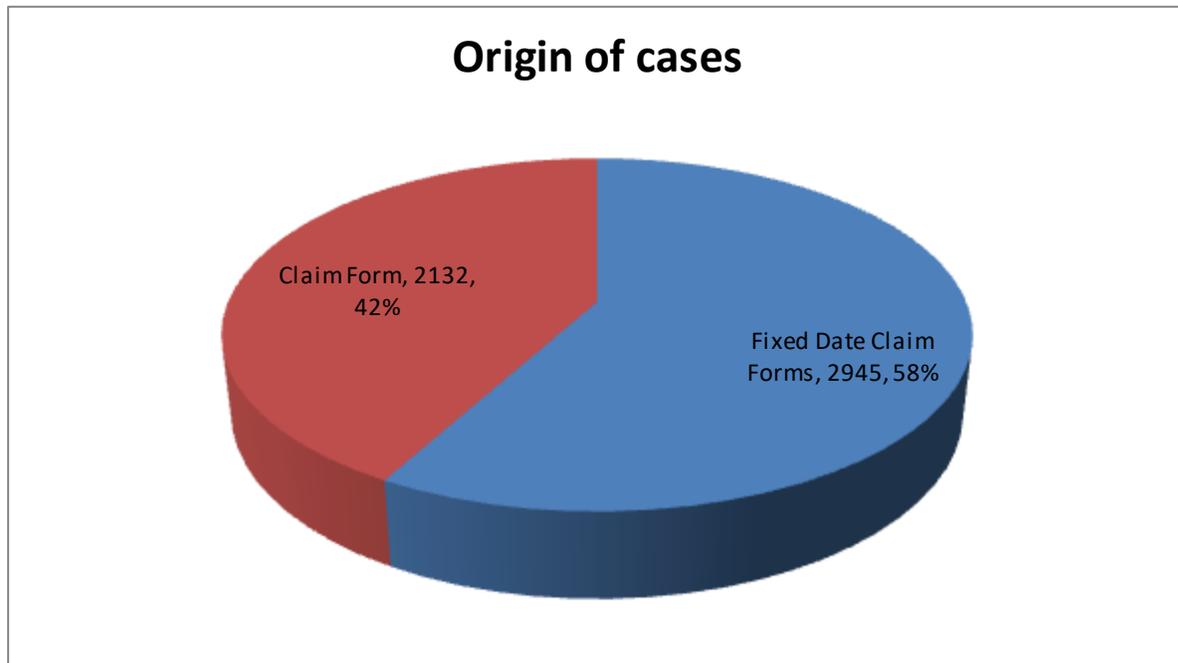
**Chart 1.0: New case summary for 2018**



**Total number of civil cases for 2018 = 5077**

The chart above provides summary of the number of cases filed in the High Court Civil Division (HCV) for 2018. A total of 5077 new HCV cases filed in the year, an increase of 15.49% when compared to 2017. The largest proportion of the new cases filed was in the Michaelmas Term, which accounted for 1606 or 32% of the new cases filed. The Easter Term with 1571 cases or 31% of the total and the Hilary Term with 1492 or 29% of the cases filed accounts for the next highest shares of the new cases filed in the High Court Civil Division (HCV) in 2018. The Vacation period accounted for 408 or 8% of the total number of new cases filed in 2018. The probability distribution of new cases filed in 2018 is similar to that seen in 2017.

Chart 2.0: Claim Forms and Fixed Date Claim Forms for the year ended December 2018



The above table enumerates the number and proportion of matters, which originated either using a Claim Form or Fixed Date Claim Form for 2018. Of the 5077 matters originating in either of these ways, 2945 or 58% was by way of a Claim Form while 2132 or 42% originated by way of Fixed Date Claim Form. This probability distribution is consistent with recent years, which have seen the number of matters originating by way of a Claim Form outstripping those originating by way of a Fixed Date Claim Form. A case that is filed on a Fixed Date Claim Form gets a specific date for court at the point of filing while a new matter filed on a Claim Form gets a court date subsequent to filing.

Tables 1.0 to 4.0 below provide an analysis of the reasons for adjournment or continuance of HCV cases in 2018. Contextual definitions of 'reasons for adjournment' and 'reasons for

<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
--	-------------

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 may not be a part of the essential 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 was a combined 6652 incidences of adjournments whether for continuance or avoidable reasons in the High Court Civil (HCV) Division during 2018.

**Table 1.0a: Top 15 reasons for adjournment for year ended December 2018**

Reasons for adjournment	Frequency	Percentage
Claimant to file documents	758	11.40
For comments from NEPA to be complied with (Restrictive covenant)	743	11.20
Claimant documents not served or short served	603	9.10
No parties appearing	583	8.80
Claimant's attorney absent	277	4.20
Claimant not available	245	3.70

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

2018

Defendant's documents not served or short served	189	2.80
File not found	189	2.80
Claimant's attorney not ready	174	2.60
Defendant's attorney absent	156	2.30
Defendant to file documents	148	2.20
Defendant not available	136	2.00
Claimant's documents not in order	121	1.80
Insufficient time	101	1.50
Claimant to file documents	93	1.40

**Total number of adjournments/continuance = 6652**

There were total of 6652 incidence of adjournments/continuance in 2018, a significant increase when compared to 2017. The above table summarizes the top fifteen reasons for adjournment for the year ended December 2018 using the contextual definition outlined above. It is seen that the three dominant reasons for adjournment were claimant to file documents with 758 or 11.40% of all events of adjournments/continuance, adjournments for comments from NEPA to be complied with (restrictive covenants) with 743 or 11.20% and claimant's documents not served or short served with 603 or 9.10%. Adjournments due to no parties appearing with 583 or 8.80% and claimant attorney absent with 277 or 4.20% rounds off the top five reasons for adjournment in the High Court Civil Division for 2018. The reasons for adjournment

enumerated above, accounts for approximately 68% of the total reasons for case adjournment/continuance in 2018. 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. Many of the reasons for adjournment strongly suggest weaknesses in case management and scheduling practices as a significant proportion of the reasons for adjournments/continuance are directly a result of factors, which could be classified as avoidable. These findings are similar to those in 2017 and in some cases have worsened. A number of internal deficiencies and external factors outside of the court's control have contributed to these adverse outcomes. These deficiencies require strong interventions to re-engineer internal processes to improve the efficiency of case handling and process flows and robust engagement of external stakeholders to improve compliance and cooperation with the standards necessary to expedite cases.

Indeed, specific, targeted interventions are necessary to stem the high incidence of particular reasons for adjournment. For example, from an internal standpoint, the continued high incidence of files not found can be addressed by strengthening internal validation processes. Bolstering the existing system of logging files in and out to individuals who use them at the various stages along the case flow continuum could be a source of enhancing the accountability and transparency of the file movement process and stemming the current worrying tide of files not being located in time for court. Furthermore, the electronic availability of copies of the files should be utilized in case of such eventualities and as such, the management of the readiness of files for court must be improved. As seen above, adjournments resulting from the absenteeism

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<b>THE CHIEF JUSTICE’S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
--	-------------

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of attorneys, claimants and defendants collectively remain a source of concern, accounting for roughly 20% of the total adjournments. Redressing these weaknesses require constant dialogue and improvements in cooperation with the Bar Association as well as more robust internal policy mechanisms. Such internal policy mechanisms could include the implementation of a sequencing mechanism where repeated attorney absenteeism for particular cases result in the new court dates for such cases be placed in a queue behind other matters which are progressing on schedule. It must be underscored that the effectiveness of the High Court Civil Division (HCV) in disposing of civil cases rests heavily on the cooperation and conduct of external stakeholders. This has implications for most of the vital performance measurements for the High Court Civil Division such as clearance and disposal rates and time to disposition however as highlighted there are internal processes which require re-engineering to improve process efficiencies and case file handling.

The apparent need to strengthen case management processes, reinforced by the large monthly caseload, suggests that there may be a need to examine the engagement of additional Case Progression Officers in the HCV Division.

**Table 1.0b: Case File Integrity Rate for the year ended December 2018**

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 (%)
<b>6652</b>	<b>369</b>	<b>94.45%</b>

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# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2018** ON THE SUPREME COURT

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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 369 combined incidences of adjournments due to these deficiencies in 2018, resulting in a case file integrity rate of 94.45%, which means that 5.55% 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 12.10 percentage points when compared to 2017. These are factors, which are controllable by the court and can be minimized by continued process re-engineering and streamlining which will in turn contribute appreciably to hearing date certainty. Such process re-engineering may include implementing a mechanism to place all documents filed in a given day of their respective files as close as possible to real time or at worst within 24 hours. Similarly, all officers who encounter files at each stage on the process flow continuum should be responsible for vetting said files to ensure that all manual records match with the concomitant electronic information. Such and related initiatives will require deliberate operational policy changes and raining throughout 2018.

**Table 2.0: Frequent reasons for continuance for the year ended December 2018.**

Reasons for continuance	Frequency	Percentage
Part heard	245	3.68
Pending settlement	112	1.70
Pending outcome of another application	192	2.90

**Total number of adjournments/continuance = 6652**

The above table summarises the most common reasons why cases in the HCV Division were delayed for 'continuance' throughout 2018. It is seen that this list is led by matters part heard with 245 or 3.68% of the total list of reasons for adjournment/continuance. This is followed by adjournments pending the outcome of another application with 192 or 2.90% and pending settlements with 112 or 1.70% of the total adjournments in 2018.

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.

# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

**Table 3.0: Frequent reasons for adjournment/continuance for the year ended December 2018**

Reasons for continuance	Frequency	Percentage
Parties having discussion with a view to settlement	407	6.10
Medical certificate outstanding	99	1.50

**Total number of adjournment/continuance = 6652**

It is seen above that parties having discussions with a view to settlement with 407 incidences or 6.10% of the total and medical reports outstanding with 99 or 1.50% of the total, accounts for the dominant share of the reasons for adjournment/continuance which falls in this category.

**Table 4.0: Trial matters and hearings for the year ended December 2018**

Trial matters/hearings	Frequency	Percentage
Petition for winding up	10	0.39
Court Trials	596	23.47
Motion Hearing	97	3.82
Assessment of Damages	1436	56.54
Trial in Chambers	401	15.79
<b>Total trial matters</b>	<b>2540</b>	<b>100</b>

The above table shows the breakdown of the progression of selected HCV pre-trial and trial matters for 2018. The table shows a 2540-combined occurrence of matters set for the selected types of hearings in 2018, of which Assessments of Damages with 1436 or 56.54% accounted for the largest share. This was followed by open court trials with 596 or 23.47% and trial in Chambers with 401 or 15.79% of the total. The list is rounded off by motion hearings with 97 or 3.82% of the total and petitions for winding up with 10 or 0.39%.

**Table 5.0 Hearing date certainty for the year ended December 2018**

Hearing dates set	Hearing dates adjourned (excluding adjournments for continuance)	Hearing date certainty (%)
13164	4204	68.06%

The overall hearing date certainty of a court provides a good metric of the extent to which dates, which are scheduled for either hearing are adhered to and therefore speaks to the reliability of the case scheduling process. Of the 13,164 matters scheduled for either trial or pre-trial hearings, both in Court and in Chamber, 4,956 were 'adjourned' on the initial date set. However, in order to get a pure measurement of scheduling certainty it is necessary to deduct those reasons for adjournment, which are for some form of 'continuance' or settlement. Hence, for example the counts for adjournments due to 'part heard' and issues regarding pending settlement are subtracted. The resulting hearing date certainty figure of 68.06% suggests that there is a roughly 68% 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 was approximately the same as 2017. 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 trial matters alone are isolated the trial certainty rate for the HCV Division is 74.50%, 6.44 percentage points higher than the overall hearing date certainty.

<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
--	-------------

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 Conferences.

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 2018**

Number of available court days in 2018	Number of days' worth of assessment of damages scheduled (for 1 court)	Approximate ratio
<b>206</b>	<b>1436</b>	<b>7 days</b>

An important indicator of the problems associated with the scheduling of HCV matters comes from an assessment of the number of court days which were available for the Supreme Court in 2018, 206 all told and the number of days' worth of assessment of damages which were scheduled (a total of 1450). It is shown that for every court day available, approximately 7 days' worth of matters were scheduled, creating a significant stress on the ability of the court to proceed without adjournments. This result has remained constant for the past three years'

worth of analyses and reinforces the idea that there needs to be enhanced case management and the continued pursuit of a scientific method of scheduling cases for Assessment of Damages.

**Table 6.0b: Index of scheduling efficiency for court trials in the HCV Division for the year ended December 2018**

Number of available court days in 2017	Number of days' worth of court matters scheduled for court trial per court	Approximate ratio
<b>206</b>	<b>320</b>	<b>1.55</b>

Another important indicator of the problems associated with the scheduling of HCV matters comes from an assessment of the number of court days which were available for the Supreme Court in the 2018, 206 all told and the number of days' worth of court trials which were scheduled per court (a total of 320). It is shown that for every day available, 1.55 days' worth of matters were scheduled, a reduction of 1.8 days when compared to 2017, representing a notable improvement. Despite the improvement, the data suggests that there needs to be continued focus on the science with which cases are scheduled for open court. An increase in physical and human capital may be needed to ensure that the High Court Civil Division (HCV) enhances the science of case scheduling geared towards improving productivity and the efficient use of judicial time.

**Table 7.0: Probability distribution of the incidence of adjournments/continuance for the year ended December 2018**

<u>Type of Incidence</u>	<u>Frequency</u>	<u>Percentage (%)</u>
Case Management Conference	605	9.10
Pre-Trial Review	325	4.89
Trial in court	164	2.47
Assessment of damages	1563	23.50
Judgment Summons Hearing	235	3.54
Applications	3759	56.51
<b>Total</b>	<b>6652</b>	<b>100</b>

The above table shows decisively that the vast majority of reasons for adjournments/continuance are associated with Applications, accounting for 56.51% of the total, an increase of 2.28 percentage points when compared to 2017. Adjournments from Assessment of Damages and Case Management Conferences with 23.50% and 9.10% respectively of the total adjournments rank next. The proportion of adjournments attributable to case management conferences increased slightly by 0.31% while adjournments at Assessments of Damages fell by 2.05 percentage points when compared to 2017. Of interest, that Trial in Court accounts for only 2.47% of the adjournments is an indication of a high trial/hearing certainty ratio. The implication of these collective findings is that there needs to be significant strengthening of the processes, which affect the readiness of matters to heard, thereby reducing the incidence of adjournments. This is a reaffirmation of the possible targeted interventions outlined earlier, which could stem the incidence of adjournments. Such

interventions warrant continued re-engineering on internal processes and strong engagement and cooperation from external stakeholders.

The analysis below highlights the two of the major contributors to adjournments – Assessment of Damages and Case Management Conferences and explores the magnitude of their contribution, through an examination of trial/hearing date certainty for these matters.

**Table 8.0: Hearing date certainty for Assessment of damages for the year ended December 2018**

Hearing dates set	Dates adjourned (excluding continuance)	Hearing date certainty (%)
1436	1010	29.67%

One area in which adjournments are aplenty is with respect to the Assessment of Damages, which accounts for 1010 adjournments (excluding procedural adjournments) and has a low hearing date credibility of 29.67%, a decline of 5.36 percentage points when compared to 2017. The probability that a matter that is set for assessment will be heard without adjournment is roughly 30% and implies that significant strengthening of the scheduling process for Assessment of Damages is firmly required at this stage. The cumulative average hearing date certainty for Assessment of Damages for the past three years is also roughly 30%.

**Table 9.0: Hearing date certainty for Case Management Conferences for the year ended December 2018**

Hearing dates set	Dates adjourned (excluding continuance)	Hearing date certainty
1547	426	72.46

The hearing date certainty for Case Management Conferences is considerably higher than that of Assessment of Damages, accounting for 426 adjournments and a trial certainty of 72.46%. This suggests that there is only a roughly 2.75 in 10 chances that a matter scheduled for Case Management Conferences will be adjourned. While this rate is considered to be above average, interventions to strengthening case management processes, which contribute to the readiness of a matter for hearing, would undoubtedly contribute to bolstering the scheduling certainty of Case Management Conferences. Case Management Conferences have a considerably higher hearing date certainty than Assessment of Damages, partly because such matters are scheduled to be heard at specific time intervals while a large number of Assessments of Damages are traditionally scheduled for hearing on the same day. The replication and strengthening of the scheduling methodology used for Case Management Conferences could assist in reducing the high probability of adjournment in the High Court Civil (HCV) Division.

**Table 10.0: Requisitions for the year ended December 2018**

Action	Frequency
Requisitions Issued	584
Responses to requisitions	41
Requisition response rate	7%
Requisitions per 100 case files	4

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. In the table above it is shown that there was 584 requisitions for the year. The ratio of cases filed to

requisition was calculated to be 1: 0.04, which suggests that for every 100 case files there were 4 requisitions, a notable improvement when compared to 2017. Continuous interventions aimed at reducing this incidence of requisitions should positively affect the efficiency of the progression of cases towards disposition in the High Court Civil (HCV) Division. The rate at which parties and their attorneys respond to requisitions can affect the rate of case disposition. The data shows a response rate of 7% for 2018, down by 4 percentage points when compared to 2017. One such intervention that has been implemented is the emailing of requisitions, which should expedite the rate at which the public responds, mirroring the incremental success seen since deploying a similar approach in the Matrimonial Division in 2017.

**Table 11.0: Judgments for the year ended December 2018**

Judgments	Frequency	Percentage
Judgments (Trial in Court/Assessment of damages)	319	26.0
'8Judgment on admission	60	5.0
Judgment in default of acknowledging service	370	31.0
Judgment in default of defence	96	8.0
Interlocutory Judgments	362	30.0
<b>Total Judgments</b>	<b>1207</b>	<b>100</b>

The above table provides a summary of the Judgments rendered during the life of HCV cases in 2018. As seen, Judgments in default of acknowledging service with 370 or 31% of total Judgments account for the largest proportion of the Judgments enumerated above. Interlocutory Judgments rank next with 362 or 30% of the total. The top three Judgments are

<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
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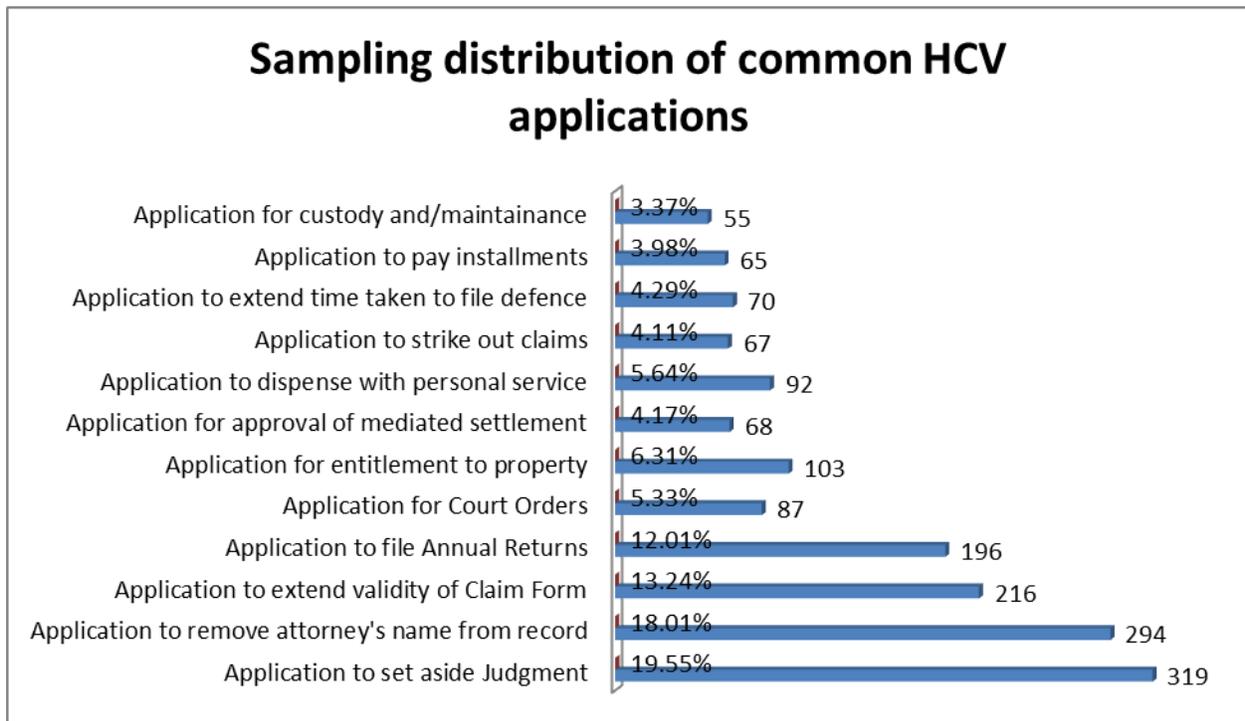
rounded off by Judgments in open court and at assessment of damages with 319 or 26.0% of the total.

**Table 12.0: Chamber hearings for the year ended December 2018**

Hearings	Frequency	Percentage (%)
Oral Examination	24	0.23
Case Management Conference	1557	15.04
Pre-trial review	789	7.62
Applications (Various)	7544	72.85
Judgment summons hearing	441	4.26
Total	10355	100

The above table summarizes the incidence of different types of Chamber hearings for 2018. It is seen that the total number of Chamber hearings for the period was 10355, an increase of 16.51% when compared to 2017. The highest proportions were various applications with 7544 or 72.85% of the total number of hearings, an increase of 18.71% when compared to 2017. 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 1557 or 13.75% of the total number, an increase of 27% when compared to 2017. Pre-trial reviews with 789 or 7.62% and Judgment summons hearings with 441 or 4.26% rounds off the top five Chamber Hearings for 2018.

Chart 3.0: Sampling distribution of the top ten application types for the year ended December 2018



The above chart provides a sampling distribution of the twelve most frequently occurring applications made in the High Court Civil Division in 2018. The largest proportion of this list is accounted for by applications to set aside Judgments with 319 applications or 19.55%. This is followed by applications to remove attorney’s name from record with 18.01% or 294 applications and 13.24% or 216 applications, which were to extend the validity of Claim Forms. Applications to file annual returns and applications for entitlement to property with 12.01% and 6.31% respectively of the applications rounds off the top five applications made in the High Court Civil Division in 2018. This probability distribution was markedly similar to that of 2017,

indicating a decisive trend. The 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, the fact that 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. The HCV Division may also be able to undertake targeted interventions to reduce the incidents of such applications as those to set aside judgments, to file defence and to remove attorney's name from record, all of which feature prominently in the above table.

**Table 13.0: Methods of disposition for the year ended December 2018**

Methods of Disposition	Frequency	Percentage (%)
Application Granted	548	32.4
Application Refused	1	.1
Attorney Admitted to Bar	6	.4
Claim form expire	49	2.9
Consent Judgment	53	3.1
Consent Order	26	1.5
Damages Assessed	121	7.2
Dismissed	6	.4
Final Order	1	.1
Judgment	70	4.1
Judgment in Default of Ack. of Service	1	.1
Judgment in Default of Defence	1	.1

<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
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Matter Completed at Case Management Conference	2	.1
Matter Completed at Mediation	7	.4
Matter Withdrawn	15	.9
Med - Settled Fully in Mediation	11	.7
Notice of Discontinuance noted	309	18.3
Order (Chamber Court)	65	3.8
Matter Settled	243	14.4
Settlement Order	1	.1
Struck Out	70	4.1
Transfer to Commercial	8	.5
Transfer to parish court	1	.1
Written Judgment Delivered	77	4.6
<b>Total</b>	<b>1692</b>	<b>100.0</b>

An understanding of the distribution of the methods of case disposal is an essential metric to gaining insights into the efficiency of case handling in the courts and into operational planning. It is seen that there were 1692 HCV cases disposed in 2018, a marked improvement of 59.17% when compared to 2017. The largest proportion of the cases disposed, 548 or 32.40% were because of Applications Granted. Notices of Discontinuance followed this with 309 or 18.30% of the total. Matters Assessed with 243 or 14.40%, damages assessed with 121 or 7.20% and written Judgments delivered with 77 or 4.60% of the total adjournments rounds off the top 5 methods of disposition in 2018. Of note is that only a small minority of the methods of disposal, 11 or 0.70% were completed by way of Mediation. Of similar note is that only 15 or 0.9% of the total number of disposals was because of Matters Withdrawn. Of the 1692 HCV

cases disposed of in 2018, only 186 or 10.99% were from cases originating in that year. This represents a mere 3.66% of the new cases filed in this Division in 2018.

**Table 14.0: Time to disposition for the year ended December 2018**

<b>Descriptive Statistics (in months)</b>	
Number of observations	1692
Mean	35.9474
Median	23.0000
Mode	9.00
Std. Deviation	31.67965
Variance	1003.600
Skewness	1.653
Std. Error of Skewness	.060
Range	301.00
Minimum	0.17
Maximum	301.00

One of the most important metrics, which can be used in assessing the efficiency of case handling, is the time to disposition. An understanding of this measure is crucial to influencing both internal and external policies, necessary to bolster the timely delivery of justice. The above table provides crucial insights on the average time to disposition of matters in the HCV Division for 2018. The 1692 cases disposed in the year reveal an estimated average time to disposition was 35.95 months or 3 years, an increase of 3 months when compared to 2017. The oldest matter disposed in the year was 301 months old or 25 years old while the lowest time that a matter took to disposition was less than a month. The most frequently occurring time to disposition in the period was 9 months or just over a year. The standard deviation of roughly 32 months or 2.66 years is indication of a wide variation of the durations to disposal around the mean and suggests that the times to disposition vary widely. The positive skewness of roughly

1.7 however indicates that there were more disposals, which took lower time to disposition than those, which took higher than the average time. The margin of error of these estimates is plus or minus 2 months or 0.17 years.

**Table 15.0: Breakdown of time to disposition for the year ended December 2018**

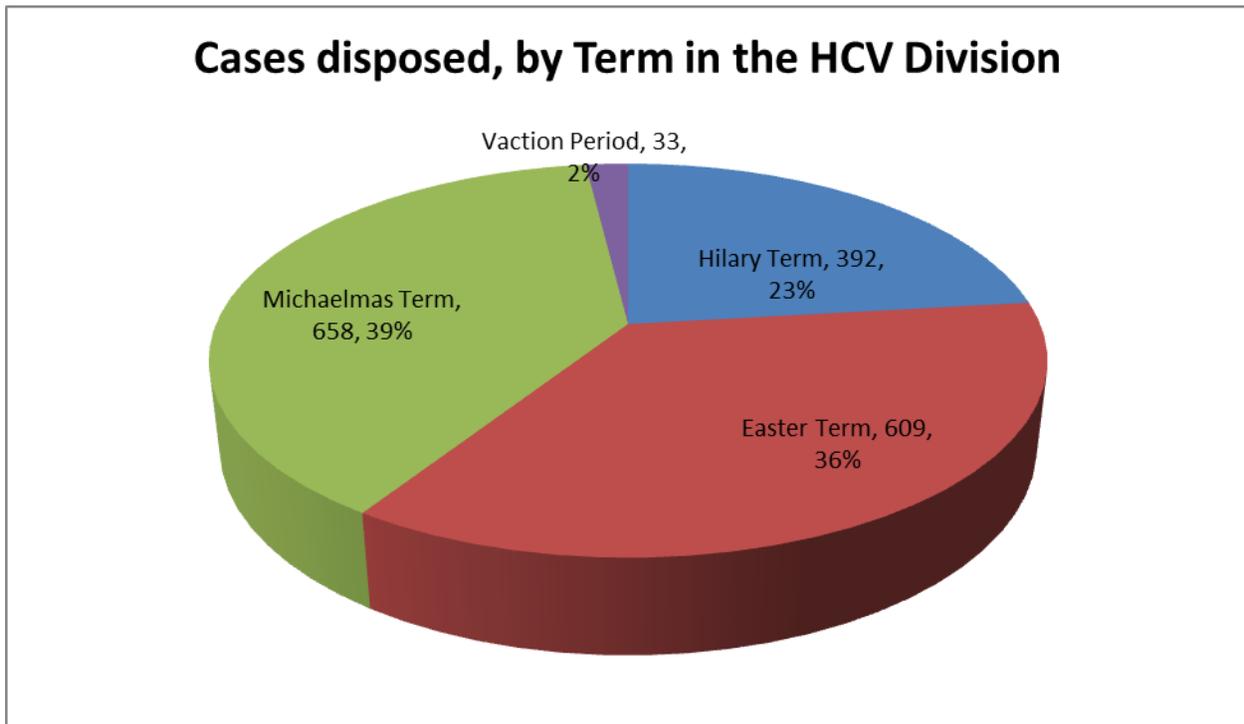
<b>Time Interval</b>	<b>Frequency</b>	<b>Percentage (%)</b>
0 – 12	466	27.6
13 – 24	416	24.6
25 – 36	182	10.8
37 – 47	108	6.4
48 & over	520	30.7
<b>Total</b>	<b>1692</b>	<b>100.0</b>

The above table provides a more detailed breakdown of the average time to disposition. It is seen that of the 1692 matters disposed in the year, the largest proportion, 510 or 30.70% took four years or more to be disposed. 466 matters or roughly 23%, which were disposed of in under a year, followed this. 416 or 24.60% of the matters took between 13 and 24 months to be disposed while 182 or 10.80% took between 25 and 36 months to be disposed and 108 or 6.40% took between 37 and 47 months to be disposed. It is of note that just over 52% of the matters disposed of in 2018 took two years or less, compared to roughly 48%, 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 or 0.17 years. The fact that the modal time to disposition is 9 months is very instructive as it

suggests that the current average time to disposition of well over 2 years can be significantly reduced. A number of process re-engineering initiatives are currently being 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 2018.

**Chart 4.0: Dispositions by Term in the HCV Division for 2018**



The above chart shows that the largest proportion of the 1692 cases disposed of in the HCV Division during 2018. The Michaelmas Term accounting for 658 or 39% of the total accounted for the highest proportion of cases disposed. 609 or 36% of cases, which were disposed in the

<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
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Easter Term and the Hilary Term, which accounted for 392 or 23% of the disposals, followed this. Only 33 cases or 2% of the total were disposed of in the Vacation Period.

**Table 16.0: Clearance rate for the year ended December 2018**

Cases filed	Cases disposed	Case clearance rate
<b>5077</b>	<b>1692*</b>	<b>33.33%</b>

**\*186 or 10.99% of the cases disposed, originated in 2018**

The case clearance rate is an important metric, which complements the case disposal rate. It is calculated as the ratio of incoming active cases to disposed cases. A ratio of 100% is an indication that for every new case filed, a pre-existing case is also disposed. It is an important measure in placing the time to disposition of matters into context and to providing a deeper understanding the case carriage burden that is being faced by the different Divisions. The ratio of 33.33% seen above for the High Court Civil (HCV) Division is an indication that for every 100 new cases filed in the period under examination, there were roughly 33 cases disposed (not necessarily of those filed in 2018). The result represents an increase of roughly 9 percentage points when compared to 2017 and is well below the desired standard. This low clearance rate could suggests that the case disposal rate in the Division is too low to sustain a continuously increasing burden and could suggest that the Division’s capability to handle its caseload is under-resourced or sub-optimized. It is important to 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 ratio.

**Other performance measures**

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

**(iii) The on time case processing rate**

**(iv) The case turnover ratio**

**(v) The disposition days**

**(vi) 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 2018. These measures are summarized in the table below:

**Table 17.0: Selected performances metrics for the High Court Civil (HCV) Division in 2018**

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 (%)	Case backlog rate (%)
<b>1692</b>	<b>13219</b>	<b>0.13</b>	<b>2808</b>	<b>882</b>	<b>1692</b>	<b>52.13%</b>	<b>47.87%</b>

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<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
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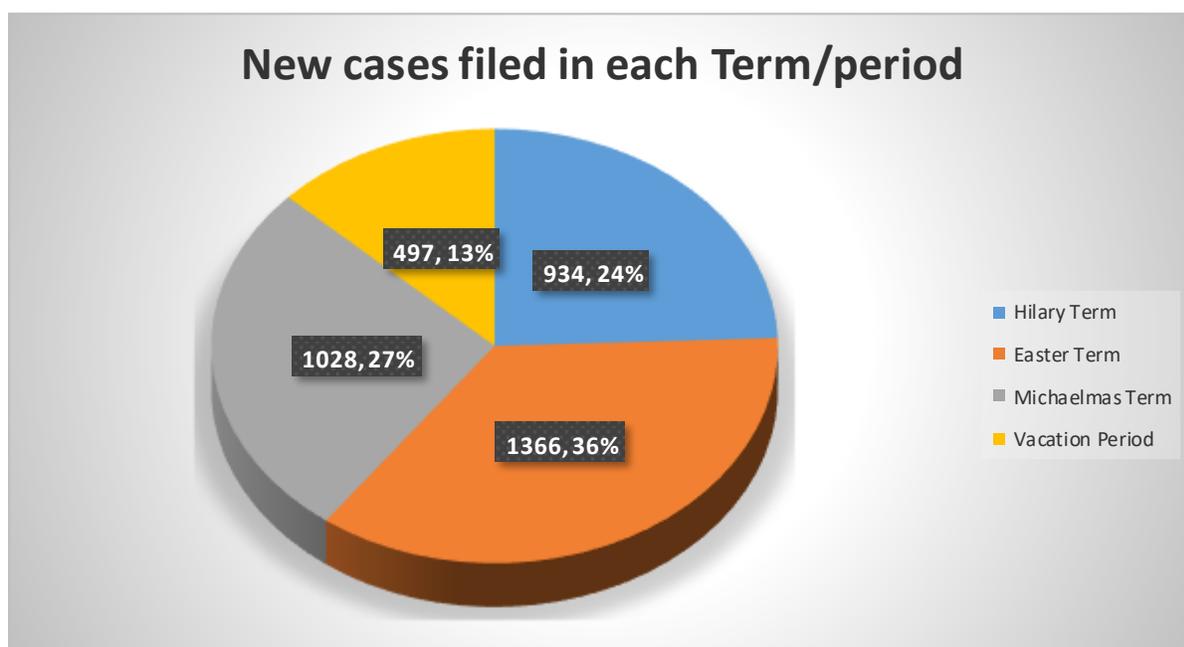
The results in the above table show a case turnover rate of 0.13, which is an indication that for every 100 cases, which were 'heard' in 2018 and still active at the end of the year, another 13 were disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the year will on average take 2808 more days or 7.7 more years to be disposed, barring special interventions.

A case is considered to be in a backlog classification if it is still active for over two years. Based on this general criterion, a case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the High Court Civil Division in 2018 is 52.13%, which reflects the proportion of High Court Civil cases in 2018, which were disposed within 2 years. Conversely, the case backlog rate is 47.87%, an indication that an estimated annual proportion of 48% 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 13219 cases, which had some court activity in 2018 and were still active at the end of the year, 6345 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 2018.

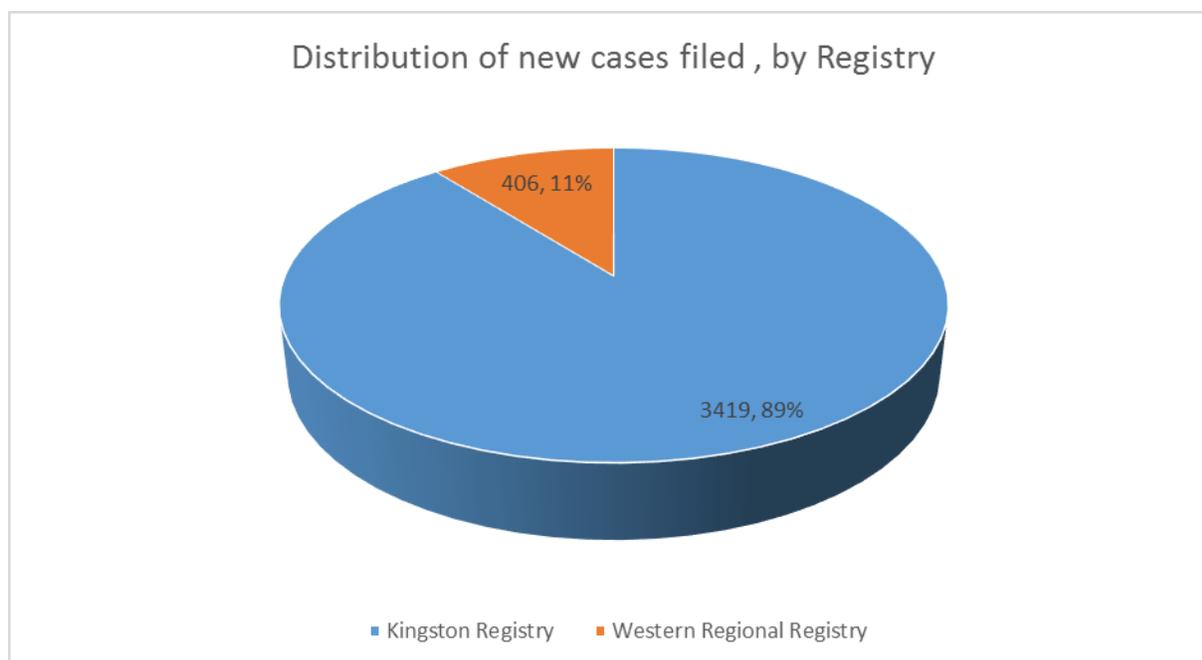
**Chart 5.0: Distribution of cases filed in the Matrimonial Division in 2018**



**Total number of new cases filed in the Matrimonial Division (N) = 3825**

A total of 3825 new Matrimonial cases were filed in 2018, an increase of 8.08% when compared to 2017. The above chart shows that largest proportion of Matrimonial cases filed in 2018 occurred during the Easter Term, which accounted for 36% or 1366 cases. This was followed by 27% or 1028 cases, which were filed during the Michaelmas Term. The Hilary Term accounted for 934 cases or 24% of the cases filed in 2018 while the Vacation period accounted for 497 cases or 13% of the total.

**Chart 6.0: Distribution of new cases filed in the Matrimonial Division, by Registry in 2018**



The above chart summarizes the distribution of new cases filed in the Matrimonial Division in 2018 at the Kingston and Montego Bay Registries respectively. It is shown that 3419 or 89% of the new cases filed took place at the Supreme Court Registry in Kingston while the remaining 406 or 11% were filed at the Registry in Montego Bay.

**Table 18.0: Petitions filed for the year ended December 2018.**

Type of petition	Frequency	Percentage
Amended petition for dissolution of marriage	2278	0.37
Petition for dissolution of marriage	3825	0.63
<b>Total Petitions filed</b>	<b>6103</b>	<b>100</b>
Number of amendments per petition	<b>0.60</b>	

The above table summarizes Petitions filed in 2018. It is shown that a total of 6103 Petitions (new or amended) were filed, 3825 or 63% were Petitions for dissolution of marriage, compared to 2268 or 37% which were amended or further amended Petitions for dissolution of marriage. The analysis further suggests that the ratio of Petitions to Amended Petitions is 0.60 or in other words for every 100 Petitions for dissolution of marriage there is roughly 60 amended Petitions for dissolution of marriage in 2018. Although there is an increase of about 8% taken together number of petitions filed, the ratio of petitions to amended petitions was similar to 2017. The high incidence of amendments constitutes a source of delays in the timely and efficient delivery of dispositions. Continued public education and process re-engineering is necessary to stem this tide. The Michaelmas Term saw a notable reduction in the ratio of Petitions to Amended Petitions when compared to the previous Terms. In order to achieve the targets set out by the Honourable Chief Justice, including significant improvements in the time taken to dispose of divorce cases to be as low as 4 months from the time of filing a petition, there will need to be a significant reduction in the number of amended and further amended petitions hereafter. The Court, attorneys and the public will need to be fully coordinated on the re-engineered case flow processes, their roles, and the implications of both their actions and inactions in contributing to the time taken to dispose of cases.

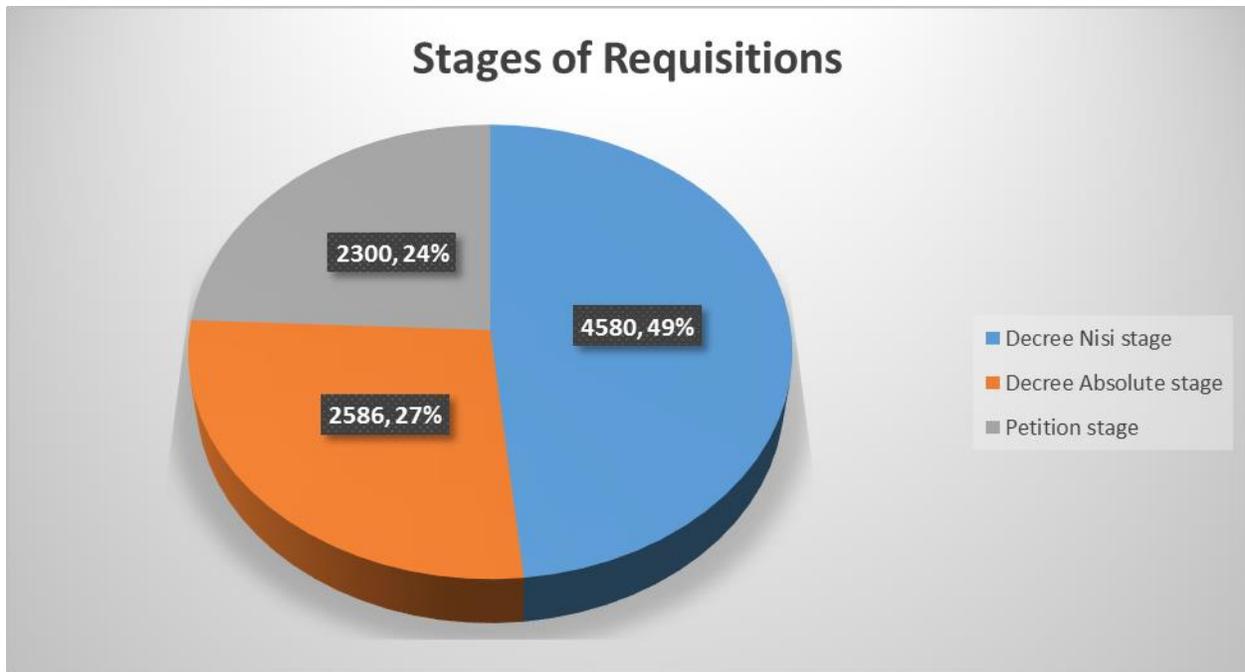
**Table 19.0: Decrees Nisi and Decrees Absolute filed for the year ended December 2018**

<b>Case Status</b>	<b>Frequency</b>
Decree Absolute	5359
Decree Nisi for dissolution of marriage	5460
Decree Nisi for nullity of marriage	11
Decree Nullity	8
<b>Total</b>	<b>10838</b>
<b>Ratio of Decrees Nisi to Decrees Absolute</b>	<b>0.98</b>

It is seen in the above table that for every 100 Decrees Nisi filed there were roughly 98 Decrees Absolute filed in 2018, a ratio of almost 1:1. 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 here suggests that there were roughly 2% more Decrees Nisi than Decrees Absolute filed in 2018. 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 a matrimonial matter’s lifecycle - Petition, Decrees Nisi and Decrees Absolute are shown in the chart below.

Chart 7.0: Distribution of the stages of requisitions for the year ended December 2018



The data suggests that a total of 9,466 requisitions were issued at the three primary stages of a divorces case at the Kingston and Montego Bay Supreme Court Registries combined, a notable increase of 22.65% when compared to 2017. 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 49% incidence. 27% of the total constituted requisitions at the stage of a Decrees Absolute and the lowest proportion of 24% of requisitions are associated with Petitions. This 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. An improved method of scheduling matters for review by Judges, which is currently being pursued, is expected to yield significant dividends in reducing the time that the

# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

Court takes to issue requisitions at the Decrees Nisi and Absolute stages, however it is of equal importance that attorneys and their clients respond to such requisitions in a timely and accurate manner. This synergy is critical to achieving the targeted efficiencies in the disposition of Matrimonial cases.

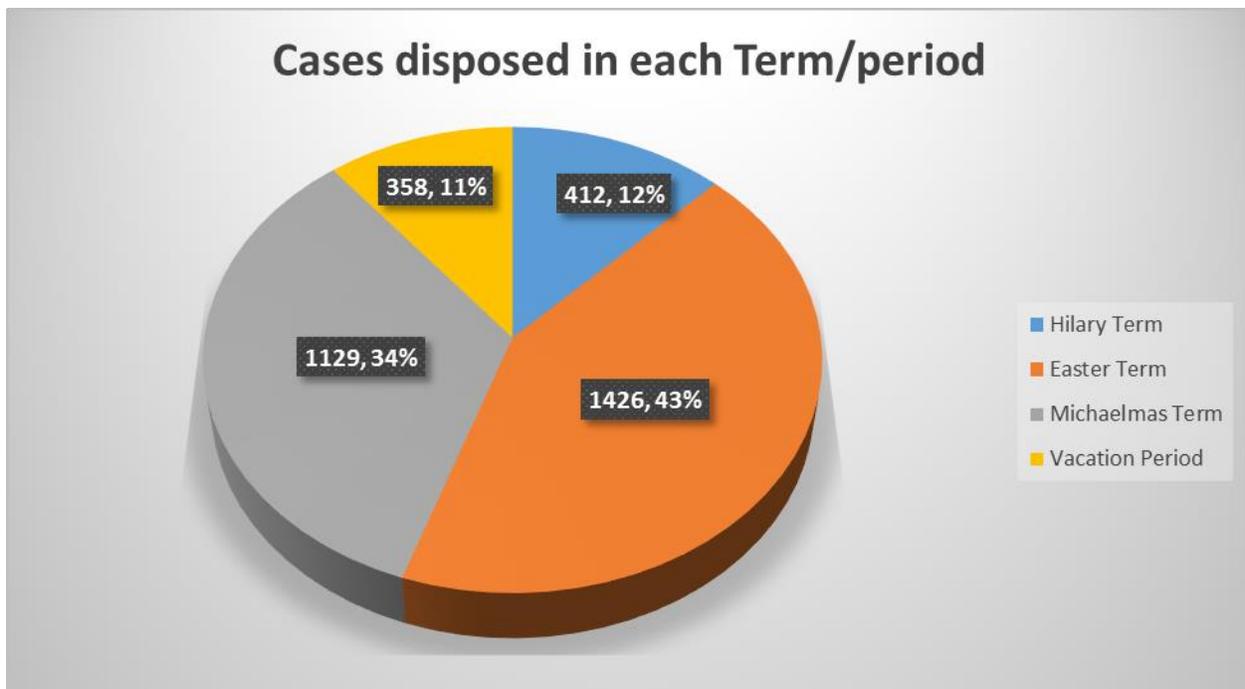
**Table 20.0: Methods of Disposals for the year ended December 2018**

Methods of Disposition	Frequency	Percent
Decree Absolute Granted (Kingston Registry)	3234	97.3
Decree Nullity Granted	12	.4
Notice of Discontinuance noted	3	.1
Decree Absolute Granted ( Western Registry)	76	2.3
<b>Total</b>	<b>3325</b>	<b>100.0</b>

The above table reveals that 3325 Matrimonial cases were disposed in 2018, a notable increase of 26.86% when compared to 2017. A proportion of 99.60% of the number disposed were by the method of Decrees Absolute Granted, 12 or 0.4% were by way of Decrees Nullity and 3 or 0.1% by way of Notices of Discontinuance. It is of note that 299 or 8.99% of the cases disposed of in 2018, actually originated in that year, representing an increase of 3.75 percentage points over 2017. This however represents a mere 7.80% of the new cases filed in 2018, an improvement of 3.93 percentage points when compared to 2017. If the process flow re-engineering and enhanced engagement of stakeholders yields the desired success, we should see a substantial increase in the proportion of 2019 cases filed which are disposed by the end of the year. If we assume that the same number of new cases will be filed in 2019 as in 2018 and

that the distribution of the cases filed across the Terms remain roughly equivalent and if we further assume that as a result requisitions are processed faster and remain at a minimum and that attorneys and their clients respond speedily to filing documents, then it is theoretically conceivable that upwards of 50% of the new cases filed in 2019 can be disposed, which would mean by extension that all cases filed in 2019 could theoretically be disposed before the end of 2020 regardless of their file date. This would mean that within a relatively short period, case backlog in the Matrimonial Division could be a thing of the past and that their on time case processing rate could reach a sustainable equilibrium point of 100%. As mentioned however, the case progression mechanism has to work with a high degree of efficiency for this to happen.

**Chart 7.0: Distribution of cases disposed in the year ended December 2018.**



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# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2018** ON THE SUPREME COURT

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It is seen in the above chart that of the 3325 cases, which were disposed, the largest proportion took place in the combined Easter Term, which accounted for 1426 or 43% of disposed cases. The Michaelmas Term with 1129 or 34% of disposed cases is next, followed by the Hilary Term with 412 or 12% of the disposed cases while the Vacation period accounted for 358 or 11%.

**Table 21.0: Requisitions summary for the year ended December 2018.**

Action	Frequency
Requisitions	9466
Number of requisitions per 100 files	102
Number of responses to requisitions	6128
Requisition response rate	64.74%

The incidence of requisitions is especially important in assessing the efficiency with which Matrimonial matters move through the court system. A total of 9466 requisitions were filed in 2018, a marked increase of 22.65% when compared to 2017. This produces a ratio of cases filed to requisitions of 1.02 which suggests that for every 100 cases filed on which there was activity in 2018, there were 102 requisitions, a considerably improvement over 2017. The notable increase in the number of requisitions issued was however outdone by a substantially greater increase in the number of responses to requisitions, which resulted a response rate of roughly 64.74%, an improvement of 32.54 percentage points when compared to 2017. Because of the ongoing process re-engineering in the Matrimonial Division, continuous improvements in this rate are anticipated in 2019, which should contribute appreciably to enhancing the case disposal rate.

<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT</b> <b>ON THE SUPREME COURT</b>	<b>2018</b>
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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)
	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	
<b>Petition/</b>					
	Retrieve file and maintain filing room (Records officer)	0		2	
<b>Decree Nisi/</b>					
	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
<b>Decree absolute</b>					
	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

<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
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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
<b>Stage 2</b>					
<b>Stage 2</b>	<b>Task</b>				
<b>Decree Nisi</b>	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
<b>Stage 3</b>					
<b>Stage 3</b>	<b>Task</b>				
<b>Decree Absolute</b>	Vetting of Decree Absolute by Senior officer	0	14	2	7
	Vetting and signing of Decree Absolute by Judge		5		1
<b>Total</b>			<b>131 (26wks)</b>		<b>78 (16wks)</b>

**Notes**

1. At stage one the current staff and proposed staff is the same three, this is so as formally the matrimonial department has three data entry clerk. However, these clerks are

currently assigned to attend court and chambers full time. The proposed is with the view of these data entry clerk be relived of court duties.

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

**Table 23.0: Court/Chamber matters for the year ended December 2018**

Action	Frequency	Percentage (%)
Applications	404	51.07
Expedited Applications	125	15.80
Case Management Conference	201	25.41
Motion Hearing	52	6.57
Pre-trial Hearing	8	1.01
Trial	1	0.13
<b>Total</b>	<b>791</b>	<b>100</b>

The above table shows the distribution of the types of matters brought before the Court for the period under examination. The data shows that 791 Matrimonial matters were brought before either Court or Chamber of which the largest proportion, 404 or 51.07% were applications followed by 201 or 25.41%, which were Case Management Conference matters. The event with the third highest incidence in this category is expedited applications, which accounts for 125 or 15.80% of the total. Motion Hearings with 52 or 6.57% and Pre-trial hearings with 8 or 1.01% 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 2017.

**Table 24.0: Top four types of applications in the year ended December 2018**

Application type	Frequency	Percentage (%)
Application for custody and /or maintenance	152	28.73
Application to dispense with personal service	76	14.37
Application for substituted service	26	4.91
Application for joint custody	23	4.35
Application to declare entitlement to property	23	4.35

Further analysis of the types of application brought before the Court suggests that applications for custody and/or maintenance with 152 or 28.73% accounted for the largest share. This is followed by applications to dispense with personal service with 76 or 14.37% of the total applications, while applications for substituted service with 26 or 4.91% and applications for entitlement to property and applications to declare entitlement to property with 23 or 4.35% each of the applications round off the . These top five application types account for roughly 56.71% of all application in the Matrimonial Division in 2018. The top four applications on the list were also the leading ones in 2017.

**Table 25.0: Top five reasons for adjournment for the year ended December 2018.**

Reasons for Adjournment	Frequency	Percentage (%)
Claimant to file documents	50	15.58
No parties appearing	45	14.02
Parties having discussions with a view to settlement	31	9.65
Claimant not served or short served	20	6.23
Defendant not available	16	4.98

**Total number of adjournments (N) = 321**

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 321 adjournments in the Matrimonial Division in 2018, representing an increase of 58.12% when compared to 2017. The largest proportion of these adjournments was due to documents to be filed by claimants with 50 or 15.58% of total adjournments. Interestingly, this was also among the leading reason for adjournment for the High Court Civil Division, reflecting a problem, which requires urgent operational intervention. No parties appearing with 45 or 14.02% and parties

having discussions with a view to settlement with 31 or 9.65% of the reasons for adjournments rounds off the top three. Claimant not served or short served and defendant nit available ranks next with 6.23% and 4.98% respectively. All five reasons for adjournment enumerated above also featured prominently in the list for the High Court Civil Division and in the 2017 report on open court matters in the Matrimonial Division, contributing to non-productive use of judicial time and slower rates of case disposal. Strengthening the case management apparatus and the key tributaries of contact with external stakeholders/parties will be vital to reducing these incidences.

**Table 26.0: Hearing date certainty for the year ended December 2018**

Court/Chamber hearing dates set	Hearing dates Date adjourned (excluding continuance)	Hearing date certainty rate (%)
791	233	70.54

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 791-combined incidence of Court and Chamber hearings in 2018, 233 were adjourned for reasons other than intrinsic procedural factors. This produces a reasonably high 70.54% hearing date certainty and suggests that for the year, a decline of 3.52 percentage points when compared to 2017. For every 100 matters scheduled is the approximate number that would be expected to proceed without adjournment is 71. When trial matters are isolated, the trial date certainty rate is 75.54%, 5 percentage points higher than the overall hearing date certainty rate.

**Table 27.0: Time to disposition for the year ended December 2018.**

**Descriptive Statistics (in months)**

Number of observations	3325
Mean	25.6241
Median	18.00
Mode	15.00
Std. Deviation	23.30448
Variance	543.099
Skewness	4.108
Std. Error of Skewness	.042
Range	312.00
Minimum	4.50
Maximum	316.00

The above table summarizes the time disposition for the year ended December 2018. It is seen that of the 3325 matters disposed of in the year, the estimated average time to disposition was roughly 25.62 months or just over 2 years and a month, an improvement of three months when compared to 2017. The estimate of the most frequently occurring time to disposition was however 15 months while the estimated maximum time to disposition for matters disposed of in the Term was 316 months or roughly 26 and a third years and the estimated minimum was 4.50 months. This minimum of 4.50 months is very instructive and may be indicative of the early signs of improvement resulting from the early mentioned process flow re-engineering in the Matrimonial Division, aimed at significantly reducing the average time to disposition. The scores had a standard deviation of roughly 23 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 4.1 which strongly indicates that a markedly larger proportion

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

**Table 28.0: Breakdown of times to disposition for the year ended December 2018**

Time Interval (months)	Frequency	Percent
0 – 12	1027*	30.9
13 – 24	1143	34.4
25 – 36	528	15.9
37 – 47	239	7.2
48 & over	388	11.7
<b>Total</b>	<b>3325</b>	<b>100.0</b>

**\*1.17% of Matrimonial cases originating in 2018 took 4 months or less to be disposed while 2.94% of such cases took 6 months or less to be disposed. Additionally, 2.58% of all Matrimonial cases disposed in 2018 (including some that originated in 2017) took 4 months or less while 5.43% were disposed in 6 months or less.**

The above table provides a more detailed breakdown of the estimated times to disposition for Matrimonial matters in 2018. It is seen that of the 3325 matters disposed of in 2018, the largest proportion, 1143 or roughly 34.40% were disposed of in a time of between 13 and 24 months. The second most disposals occurred within the period 0 - 12 months, accounting for 1027 or 30.90% of the total. Taken together this result suggests that 2170 or 65.26% of Matrimonial matters were disposed in the period were done in two years or less from the time of initiation. 1155 or roughly 34.74% of all Matrimonial matters disposed in the year took more than two years to be disposed. It is of note that 338 or 11.70% of the cases disposed in the Matrimonial Division in 2018 took four or more 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. With continued process re-engineering to reduce delays on the continuum as matters transit from initiation to disposition, this statistic could improve sharply. The margin of error of these estimates is plus or minus 2 months or 0.17 years. As stated earlier in this chapter, it has been established that under near ideal circumstances, Matrimonial cases can be disposed within 4 months. Using 2018 data, this report therefore establishes a baseline figure for this target, which reveals that only 1.17% of Matrimonial cases originating in 2018, which were disposed in said year, took 4 months or less while 2.94% of those originating cases were disposed within 6 months. By extension, of all cases disposed in 2018, 2.58% were disposed in 4 months or less while 5.43% were disposed in 6 months or less.

**Table 29.0: Case clearance rate for the year ended December 2018.**

Cases filed	Cases disposed	Case clearance rate
<b>3825</b>	<b>3325*</b>	<b>86.93%</b>

**\*299 or 8.99% of the 3325 cases disposed, originated in 2018.**

The above table shows that there were 3539 new cases filed in 2018 while 3325 were disposed. This produces a case clearance rate of 86.93%, suggesting that for every 100 new cases; roughly, 87 were disposed in the year. An important caveat is that the cases disposed of did not necessarily originate in the stated year. This measure gives a good impression of the true caseload that is being carried by the Matrimonial Division, the data clearly suggesting that there were more in coming than outgoing cases. It is however quite instructive that the result represents an approximately 14 percentage points improvement in the case clearance rate for

the Matrimonial Division when compared to 2017. This improvement augurs well for the potential of the Division to significantly increase its rate of disposition. As mentioned earlier, a number of new initiatives including enhanced judicial support for the Deputy Registrar and a re-engineering of the processes by which Decrees Nisi and Decrees Absolute are assigned to Judges for signing may at least in part be attributable to these notable improvements.

### **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) **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 2018. These measures are summarized in the table below:

# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

**Table 30.0: Selected performances metrics for the Matrimonial Division in 2018**

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 (%)	Case backlog rate (%)
<b>3325</b>	<b>5956</b>	<b>0.56</b>	<b>652 days</b>	<b>2170</b>	<b>3325</b>	<b>65.26%</b>	<b>34.74%</b>

The results in the above table shows a case turnover rate of 0.56, which is an indication that for every 100 cases, which were ‘heard’ in, 2018 and still active at the end of the year, another 56 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 652 more days or 1.78 more years to be disposed, barring special interventions.

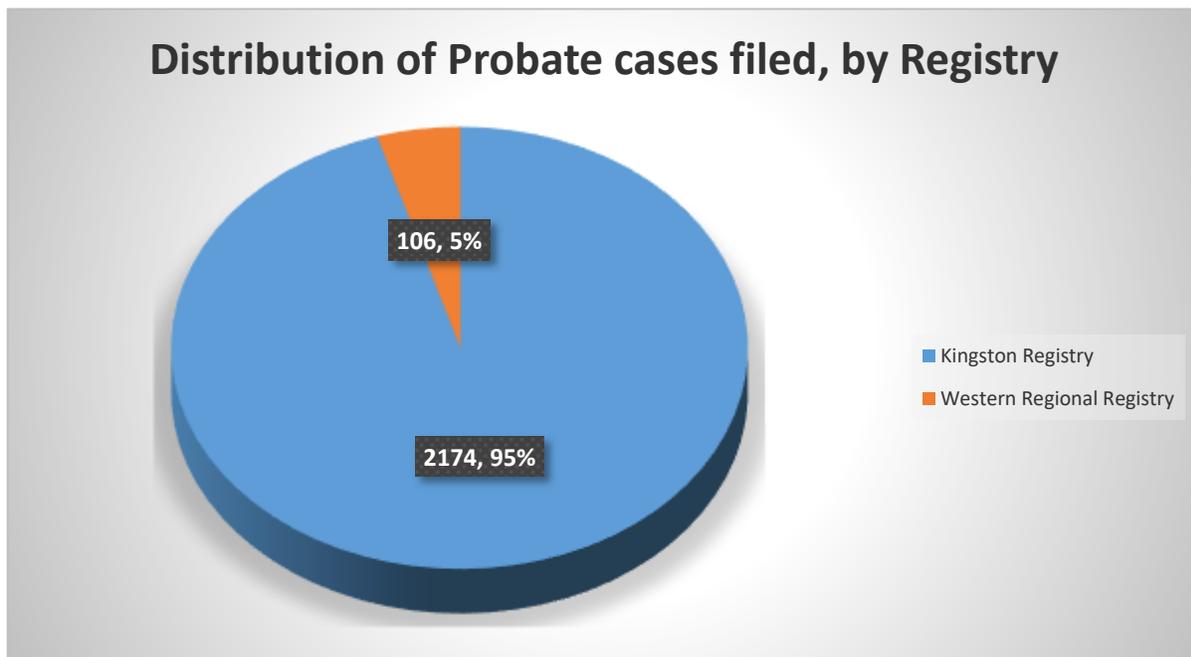
A case is considered to be in a backlog classification if it is still active for over two years. Based on this general criterion, a case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Matrimonial Division in 2018 is 65.26%, which reflects the proportion of Matrimonial cases in 2018, which were disposed within 2 years. Conversely, the case backlog rate is 34.74%, an indication that an estimated annual proportion of 35% 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 5956 cases, which had some court activity in 2018 and were still active at the end of the year, 2204 are expected to be in a backlog classification before being disposed.

**CHAPTER 3.0: PROBATE AND ADMINISTRATION DIVISION**

This section turns to the analysis of the progression of matters in the Probate Division for the year ended December 2018.

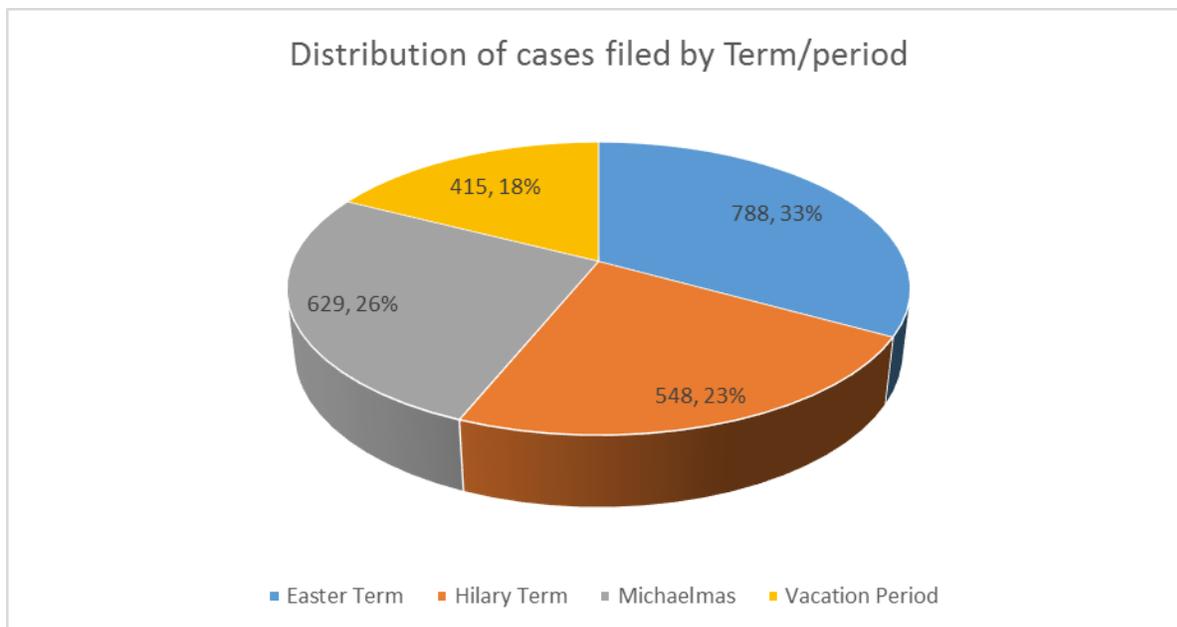
A total of 2380 new Probate Cases were filed in the year ended December 2018. The below table provides a distribution of the Oaths and Supplemental Oaths which were filed in the year. 106 of these cases were filed at the Western Regional Registry and the remaining 2274 were filed at the Registry in Kingston. This distribution is shown in the chart below:

**Chart 8.0: Distribution of Probate cases filed, by Registry in the year ended December 2018**



As shown in the above chart, 2174 or 95% of the new Probate cases filed in 2018 took place at the Registry in Kingston while the remaining 106 or 5% were filed at the Western Regional Registry in Montego Bay.

**Chart 9.0: Distribution of cases file by Term/period in the year ended December 2018**



The above chart shows the distribution of new cases filed across the three Terms in 2018 as well as the vacation period. The largest proportion of new cases were filed in Easter Term, which accounted for 788 or 33%, followed by the Michaelmas Term with 629 or 26% and the Hilary Term with 548 or 23%. The vacation period accounted for the lowest share with 415 or 18% of the new cases filed in 2018.

**Table 31.0: Oaths for the year ended December 2018**

Oaths	Frequency	Percentage (%)
Supplemental Oaths	1895	41.05
Oaths	2380	48.95
<b>Total Oaths</b>	<b>4616</b>	<b>100</b>
<b>Ratio</b>	<b>0.70</b>	

# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

The above table suggests there were a total of 4616 Oaths filed in 2018, of which 2380 or 48.95% were initial Oaths filed, compared to 1895 which were Supplemental Oaths. The ratio of Oaths to Supplemental Oaths is 0.70, which suggests that for every 100 Oaths there were 70 Supplemental Oaths filed during the year, a statistic which has potentially adverse implications for the speed of disposition of matters.

**Table 32.0: Sampling disaggregation of new Probate cases by jurisdiction/entity 2018**

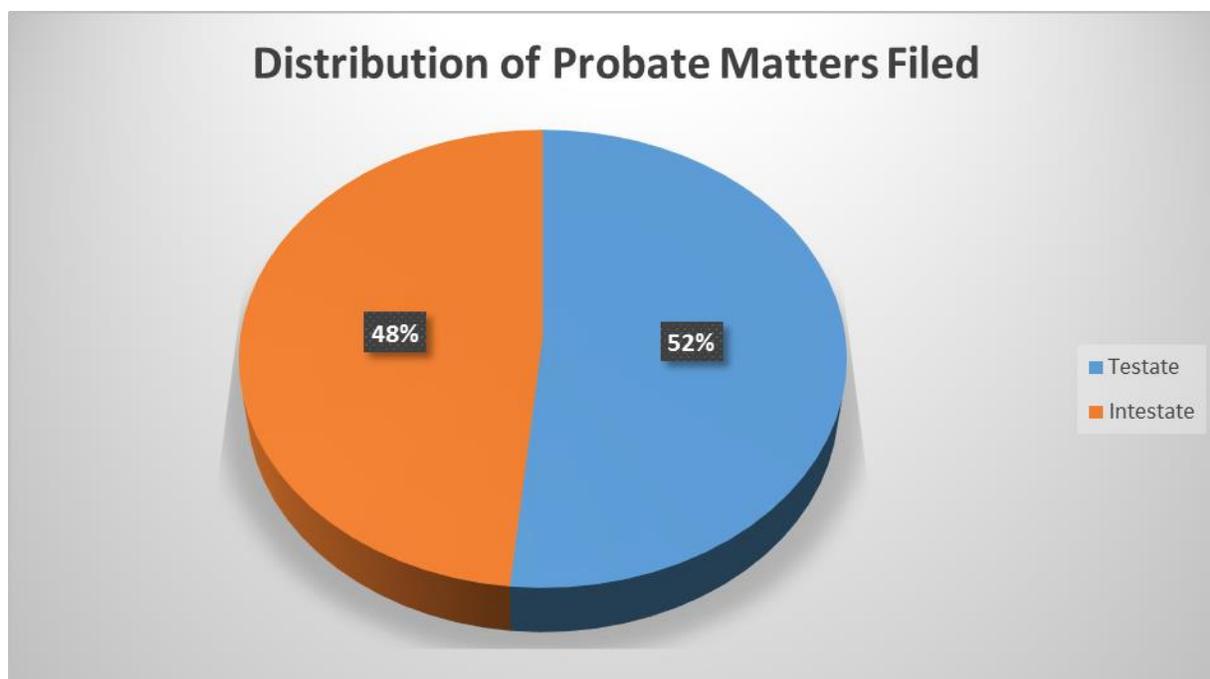
Probate case	Frequency	Percentage (%)
Estate (ES(P)): Supreme Court	72	2.6
Estate (ES(P)) Clarendon Intestate	6	.2
Estate (ES(P)) Clarendon Testate	4	.1
Estate (ES(P)) Corporate Area Intestate	51	1.8
Estate (ES(P)) Corporate Area Testate	2	.1
Estate (ES(P)) Hanover Intestate	14	.5
Estate (ES(P)) Hanover Testate	8	.3
Estate (ES(P)) Instrument Dist.	14	.5
Estate (ES(P)) Instrument of Admin	191	6.8
Estate (ES(P)) Manchester Intestate	4	.1
Estate (ES(P)) Manchester Testate	3	.1
Estate (ES(P)) Portland Intestate	1	.0
Estate (ES(P)) Portland Testate	1	.0
Estate (ES(P)) SC Resealing Intestate	18	.6
Estate (ES(P)) SC Resealing Testate	43	1.5
Estate (ES(P)) St. Ann Intestate	27	1.0
Estate (ES(P)) St. Ann Testate	12	.4
Estate (ES(P)) St. Catherine Intestate	5	.2
Estate (ES(P)) St. Elizabeth Intestate	18	.6
Estate (ES(P)) St. Elizabeth Testate	11	.4
Estate (ES(P)) St. James Intestate	23	.8
Estate (ES(P)) St. James Testate	5	.2

<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
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Estate (ES(P)) St. Mary Intestate	13	.5
Estate (ES(P)) St. Mary Testate	1	.0
Estate (ES(P)) St. Thomas Testate	1	.0
Estate (ES(P)) St. Thomas Intestate	10	.4
Estate (ES(P)) Supreme Ct Intestate	1092	38.8
Estate (ES(P)) Supreme Ct Testate	1024	36.3
Estate (ES(P)) Trelawny Intestate	19	.7
Estate (ES(P)) Trelawny Testate	5	.2
Estate (ES(P)) Westmoreland Intestate	7	.2
Estate (ES(P)) Westmoreland Testate	7	.2
Estate (ES(P)) WR Intestate	42	1.5
Estate (ES(P)) WR Testate	64	2.3
<b>Total</b>	<b>2818</b>	<b>100.0</b>

The above table provides a detailed breakdown of the origin of probate matters filed during 2018. The breakdown for each entity is done by type of matter (i.e. Testate or Intestate). The overwhelming proportion of the matters, roughly 84% originated at the Supreme Court Registry (Kingston or Montego Bay). 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 matters filed in the Corporate Area, St. Ann, St. Elizabeth, St. James and Trelawny (in that order) accounts for the largest share. Instruments of Administration filed at the Attorney General’s Office accounts the largest share of Probate matters outside of the Supreme Court Registries.

Chart 10.0: Distribution of the type of matters as of the year ended December 2018.



The above table provides a summary of the types of matters filed in the Probate Division in 2018. It is shown that 52% of the matters were Testate and 48% Intestate. This probability distribution is similar to recent years.

Table 33.0: Action sequence for the year ended December 2018

Action Status	Frequency
Recommendations	2018
*Granted	2291
*Grants Signed	2320
<b>Ratio of Recommendations to Granted Applications</b>	<b>1.14</b>
<b>Ratio of Granted Applications to Grants Signed</b>	<b>1.01</b>
<b>Ratio of Recommendations to Grants Signed</b>	<b>1.15</b>

*\* Some of these relate to cases originating before 2018*

The rate at which recommendations are made based on applications and at which these recommendations are granted and signed may be affected by several variables, both

# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

exogenous and endogenous to the Supreme Court. The measures therefore provide an important indication of the efficiency with which Probate applications are disposed. It is shown in the above table that for 2018, 2018 recommendations were made while 2291 were granted. This implies that for every 100 recommendations made there were 114 applications granted, with the important caveat being that some of these Granted Applications were for recommendations prior to 2018. This measure may therefore at best be seen as a clearance rate but it strongly suggests continuous, steady improvements in the productivity rate in the Probate Division. As for the proportion of recommendations made to Grants Signed, a ratio of 1.15 is observed, suggesting that for every 100 recommendations made there were 115 Grants Signed. This metric suggests a good rate of transition between recommendations and Grants Signed, continuously improving throughout 2018. The ratio of Granted Applications to Grants Signed is also more impressive with a ratio of 1.01, suggesting that for every 100 Granted Applications, there were 101 Grants signed (though not necessarily from the number Granted). Collectively, these results augur well for the probability of reducing the current time to disposition for Probate matters in the Supreme Court. The Division currently has one of the best disposition rates in the Supreme Court.

**Table 34.0: Case action and requisitions summary for the year ended December 2018**

Action Status	Frequency
Number of cases actioned	4911
Requisitions Issued	3611
Number of responses to requisitions	2244
Number of requisitions per case file	0.74
Requisitions response rate	62.14%
Average days between final requisition filed and Grant of Probate/Administration	21

The number of requisitions made, the length of time that it takes for requisitions to be returned and the time to disposition after issuing requisitions, are important to understanding the efficiency of the flow of matters in the Probate Division. It is seen that for 2018 there were 4911 requisitions issued while 4911 individual matters were actioned in the period, representing a ratio of 0.74 requisitions per case file. This means that for every 100 cases actioned there were 74 requisitions issued, a decline of 2 percentage points when compared to 2017. There were 2244 responses to requisitions in the Probate and Administration Division in 2018, producing a requisitions response rate of 62.14%, a slight decline of 2.6 percentage points when compared to 2017. Further analysis suggests that the average time from the issuing of final requisitions to the Grant of Probate was 21 days, a decline of 5 day when compared to 2017.

**Table 35.0: Methods of Disposal for the year ended December 2018**

Methods of disposition	Frequency	Percent (%)
Grants Signed	2320	96.83
Notice of Discontinuance	76	3.17
<b>Total</b>	<b>2396</b>	<b>100.0</b>

The summary of the methods of disposal for the Probate Division for the year are contained in the above table. It is shown that of the 2396 matters disposed in the period, the largest proportion, 2320 or 96.83% was a result of various Grants Signed. Notices of Discontinuance account for the other 76 or 3.17% of the dispositions.

# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

**Table 36.0 Sampling distribution of the methods of disposition as at the year ended December 2018**

Method of Disposition	Frequency	Percentage (%)
Cessate Grant signed	1	0.04
Grant ad collegenda Bona signed	6	0.25
Grant by Representation signed	2	0.08
Grant of Admin De Bonis Non signed	21	0.88
Grant of Admin De Bonis Non W/A signed	10	0.42
Grant of administration signed	972	40.57
Grant of Double Probate signed	5	0.21
Grant of probate signed	1064	44.24
Grant of Resealing signed	99	4.13
L/A Granted	6	0.25
Letters of Administration Signed	53	2.21
Letters of Administrator with W/A signed	81	3.38
Notice of Discontinuance noted	76	3.34
<b>Total</b>	<b>2396</b>	<b>100</b>

The above table shows that there were 2355 Probate cases disposed in 2018, the largest proportion 1064 or 44.24% were a result of Grants of Administration Signed, followed Grants of Probate Signed with 972 or 40.57%. Grants of Resealing Signed rounds off the top three methods of disposition with 99 or 4.13% of the total. Letters of Administration with Will Annex

with 81 or 3.38% and Notices of Discontinuance with 76 or 3.17% completes the five leading methods of disposition in the Probate and Administration Division in 2018.

**Table 37.0: Dominant reasons for adjournment of Probate matters for the year ended December 2018.**

Reason	Frequency	Percentage (%)
Claimant to file documents	22	22.20
Claimant documents not served or short served	14	14.10
No parties appearing	10	10.10
Claimant to comply with letters on minute sheet	7	7.10
File not found	6	6.10

**Total number of adjournments= 99**

The top five reasons for adjournment for Probate matters that went to court in 2018 are summarized in the above table above. It is shown that of the 99 adjournments in the period, the largest proportion were for the reasons of ‘claimant to file documents,’ and ‘claimant documents not served or short served,’ accounting for 22 or 22.22% and 14 or 14.10% respectively of the total reasons for adjournment in 2018. Parties not appearing with 10 or 10.10% of the adjournments rounds off the top three reasons. Claimant to comply with letters on minute sheer and files not found rounds off the top five reasons for adjournment with 7 or 7.10% and 6 or 6.10% respectively of the total adjournments. The majority of these reasons for adjournment were also prominent in the High Court Civil (HCV) and Matrimonial Divisions.

<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
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**Table 38.0: Applications for the year ended December 2018.**

Nature of Applications	Frequency	Percentage (%)
Applications	151	66.20
Express Applications	77	33.80
<b>Total</b>	<b>225</b>	<b>100.0</b>
<b>Ratio of express applications to applications</b>	-	<b>0.51</b>

The above table provides a basic summary of the types of court applications made in 2018 and shows that there were 225 Court Applications in the period, of which 151 or 66.20% were standard applications while the remaining 77 or 33.80% were express applications. For every 10 applications made during the year, there were roughly five express applications.

**Table 39.0: Top four types of applications for the year ended December 2018**

Application	Frequency	Percentage (%)
Application to prove copy will	61	27.11
Application for directions	20	8.89
Application to declare a will invalid	11	4.89
Application to revoke grant of probate	8	3.56

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 61 or 27.11% of the total, followed by applications for directions with 20 or

8.89% of the total number of applications. The top four types of applications are rounded off by applications to declare a will invalid with 11 or 4.89% of the total and applications to revoke grant of probate with 8 or 3.56%.

**Table 40.0: Hearing date certainty for the year ended December 2018**

Court/Chamber hearing dates set	Hearing dates adjourned (excluding continuance)	Hearing date certainty
253	75	70.35%

The above table addresses the extent of adherence with dates set for Court/Chamber matters in the Probate Division for 2018. It is shown that there were 253 incidences of dates set were scheduled for Chamber or Court, 75 of which were adjourned for reasons other than ‘continuance’. This suggests an overall hearing date certainty rate of 70.35%, an indication that for 2017 there was a roughly 70% chance that a matter set for court would proceed without adjournment for reasons other than ‘continuance’. When trial matters are isolated, the trial date certainty rate is 76.24%, 5.89 percentage points higher than the overall hearing date certainty rate.

**Table 41.0: Age of matters disposed for the year ended December 2018**

**Descriptive Statistics**

Number of observations	2396
Mean	18.8588
Median	12.0000
Mode	9.00
Std. Deviation	20.35448
Skewness	4.707
Std. Error of Skewness	.052
Range	316.00
Minimum	1.00
Maximum	317.00

The above table provides a summary measure of the overall estimated times to disposition for the 2396 cases disposed of in the year. The estimated average time to disposition is 18.86 months or approximately 1.6 years, a slight increase of three months when compared to 2018. 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 average time. This is supported by the results for the estimated median time to disposition of 12 months and the most frequently occurring time to disposition of just 9 months. The reasonably large standard deviation of 20.35 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 of in the year was 317 months old or approximately 26 years while there were a few

matters, which took roughly a month to be disposed, representing the lowest times to disposition in the year. Of the 2396 Probate cases disposed of in 2018, 607 or 25.33% originated in that year. This further represents 25.50% of new cases filed in 2017. The number of Probate and Administration cases disposed in 2018 represents a 56% increase when compared to 2017.

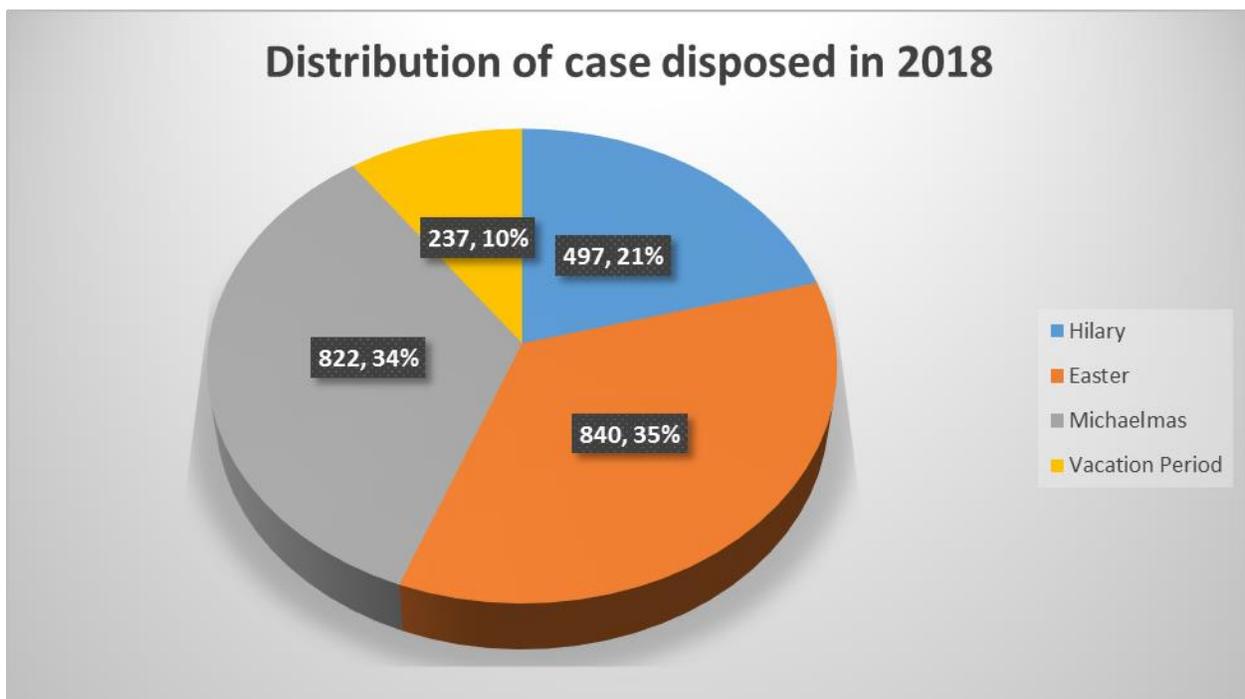
**Table 42.0: Breakdown of times to disposition for the year ended December 2018.**

Total	Frequency	Percentage (%)
0 -12	1228	51.25
13 – 24	613	25.58
25 – 36	258	10.77
37 – 47	128	5.34
48 & over	169	7.05
<b>Total</b>	<b>2396</b>	<b>100.0</b>

The above table shows that of the 2396 Probate matters disposed of in the year, the majority, 1228 or 51.25% were disposed of in 12 months or less, followed by 613 or 25.58%, which were disposed of within a time interval of 13 to 24 months. Taken together this data suggests that an impressive estimated 76.83% of Probate matters which were disposed of in 2018 took two years or less. 10.77% each of the cases were disposed of in an estimated time frame of between 25 and 36 months, 5.34% took between 37 and 47 months and 7.05% 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.

Based on the current ideal standard of 4 months for the disposition of Matrimonial cases, this report establishes a baseline for this target. Of the cases, originating in 2018, which were disposed in said year, 35 or 1.46% were disposed within 4 weeks while a total of 88 or 3.67% were disposed within 6 months. As indicated, there is currently a major initiative underway to re-engineer the processes in the Matrimonial Division to ensure that the conditions are in place to realize this target. This target is pivoted on the proviso that the public and attorneys minimize the incidence of errors in filing and speed up the rate of responses to actions required for matters to move ahead in the Court.

**Chart 11.0: Distribution of cases disposed in 2018**



The largest proportion of cases disposed in the Probate and Administration Division occurred in the Easter Term with 840 or 35% of the total while the Michaelmas Term with 822 or 34% and

the Hilary Term with 497 or 21% of the disposals rank next. The Vacation Period accounted for the lowest proportion of the disposals with 237 or 10% of the total.

**Table 43.0: Case clearance rate for the year ended December 2018**

Cases filed	Cases disposed	Case clearance rate
<b>2380</b>	<b>*2396</b>	<b>100.67%</b>

**\*607 of the 1535 cases disposed, originated in 2018.**

Using the data on the number of cases filed and disposed of in the period under examination, a case clearance rate of approximately 100.67% is derived. This suggests that for every 100 cases filed and active in the period, 101 were disposed, a result is consistent with the trend throughout 2018, indicating that there were roughly as many new cases filed, as there were cases, which were disposed. The Probate and Administration Division commenced a re-engineering of its case process flow in 2018, which has contributed positively to this outcome. All told, the Division consistently ranks among the best performing in the Supreme Court.

**Other performance measures**

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

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

# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

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 2018. These measures are summarized in the table below:

**Table 44.0: Selected performances metrics for the Probate and Administration Division in 2018**

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 (%)	Case backlog rate (%)
2396	4911	0.49	745 days	1840	2396	76.79	23.21%

The results in the above table shows a case turnover rate of 0.49, which is an indication that for every 100 cases, which were ‘heard’ in 2018 and still active at the end of the year, another 49 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 745 more days or 2 more years to be disposed, barring special interventions.

A case is considered to be in a backlog classification if it is still active for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time

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<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
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case-processing rate for the Probate and Administration Division in 2018 is 76.79%, which reflects the proportion of Probate and Administration cases in 2018, which were disposed within 2 years. Conversely, the case backlog rate is 23.21%, an indication that an estimated annual proportion of 23% 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 4911 cases, which had some court activity in 2018 and were still active at the end of the year, 1130 are expected to be in a backlog classification before being disposed.

# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

## CHAPTER 4.0: HOME CIRCUIT COURT

The analysis now turns to a look at the Home Circuit Court for 2018 in the Home Circuit Court.

**Table 45.0: Distribution of the top ten charges brought for 2018**

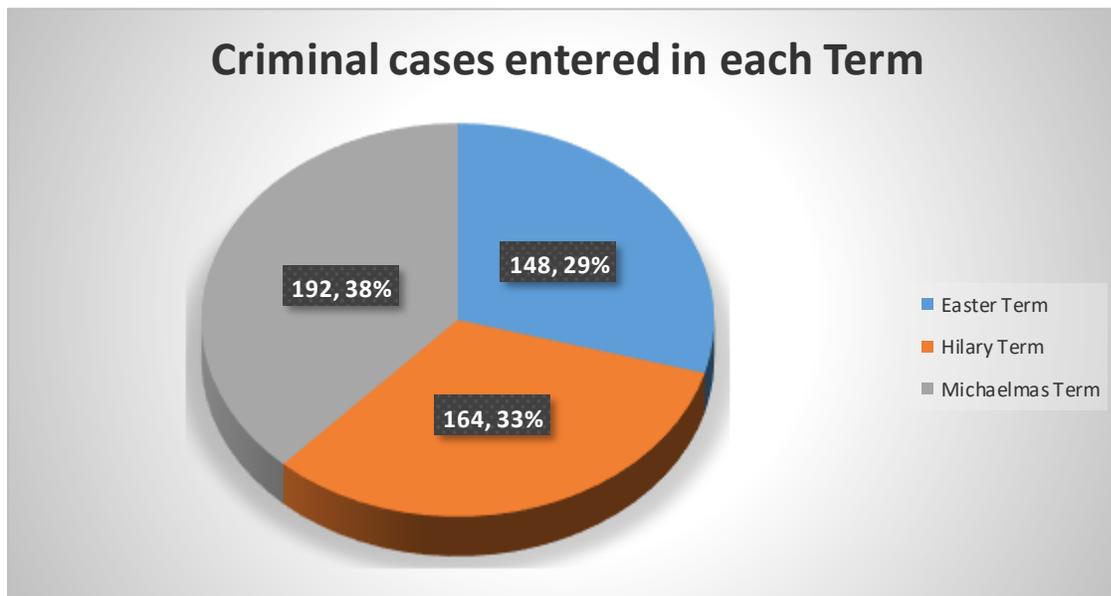
Charge	Frequency	Percentage (%)
Murder	351	40.50
Rape	87	10.28
Sexual Intercourse with a person under 16 years old	81	9.30
Participating in a Criminal Organization	51	5.80
Illegal Possession of Firearm	30	3.50
Grievous sexual assault	20	2.30
Possession of identify information	17	2.0
Buggery	16	1.80
Forcible abduction	15	1.7
Wounding with intent	14	1.60
<b>Total</b>	<b>682</b>	<b>78.75</b>

**Total number of charges brought (N) = 866**

The above table summarizes the distribution of top ten charges associated with cases brought in 2018. There were **509 new cases filed** at the Home Circuit Court during the year, representing **866 charges**, a ratio of roughly 17 charges for every 10 cases, as was the case in 2017. This result represents a decrease of 18.43% in the number of new cases filed in the Home Circuit Court in 2018. It is shown that of these 866 charges, the largest proportion, 351 or 40.50% were murder matters. This is followed by rape and sexual intercourse with a person under 16 years old with 87 or 10.28% and 81 or 9.30% respectively. Participating in Criminal Organization and Illegal possession of a firearm rank next with 51 or 5.80% and 30 or 3.50%

respectively while the top five offences is rounded off by grievous sexual assault with 20 or 2.30% of the total. It is of great interest that roughly 25.98% of the total number of charges brought in 2018 were sex related, substantially less than the 63 percent in 2017. The top 10 charges filed, accounts for 78.75% of the total. A total of 1373 criminal cases, which is the equivalent of 7391 charges, came to court in 2018, including many aged cases that predate said year, dating back to as far as 2003. The below chart provides a breakdown of the number of criminal cases brought, by Term.

**Chart 12.0: Criminal cases brought at the Supreme Court across Terms throughout 2018**



The above chart shows that of the 509 new cases brought to the Supreme Court in 2018, the majority, 192 or 38% occurred during the Michaelmas Term, followed by the Hilary Term with 164 new cases or 33% and the Easter Term with 148 or 29% of the new cases brought.

# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

The ensuing analysis will highlight the common reasons for adjournment of matters throughout 2018. As with the analysis of adjournments for the High Court Civil Division (HCV), a distinction will be made between those reasons classified under 'adjournments' and 'continuance' as earlier defined as well as those which could be categorized under either, depending on the stage of a matter.

**Table 46.0: Top ten reasons for adjournment for the year ended December 2018.**

Reason for adjournment	Frequency	Percentage	Stage of matter
For disclosure	194	9.32	Case Management
Plea and Case Management Form not completed	147	7.06	Case Management
Statement outstanding	115	5.53	Trial
Defence Counsel absent	92	4.42	Case Management/Trial
Accused not brought	92	4.42	Trial
For Investigating Officer to attend	83	3.99	Trial
Witness absent	76	3.65	Trial
For file to be completed	65	3.12	Case Management
Forensic certificate outstanding	59	2.84	Trial
Defendant not answering	49	2.35	Trial

**Total incidence of adjournments/continuance (N) =2081**

The above table provides a summary of the top ten reasons for adjournment for 2018. It is shown that there was a combined 2081 incidence of reasons for adjournment during the year, with some matters having multiple adjournments. This represents a marked decline of 53.11% when compared to the incidence of adjournments in 2017. The highest proportion were adjournments for disclosure with 194 or 9.32% of the total adjournments while adjournments for Plea and Case Management Forms to be complete with 147 or 7.06% ranks second.

Adjournments due to accused not brought and due to the absence of Defence Counsel each with 92 or 4.42% of total adjournments round off the top four reasons in 2018. Adjournments due to the absence of the Investigating Officer and those due to the absence of witnesses rank next with 83 or 3.99% and 76 or 3.65% respectively. It is of note that incomplete files featured in the top ten of the reasons for adjournment with 65 or 3.12% of the total, somewhat of an indictment on the internal case progression mechanics of the courts. Despite the significant decline in the overall incidence of adjournments in the Home Circuit Court in 2018, most of the reasons for adjournment listed in the above table continue to feature prominently and requires sustained, targeted interventions to reduce their incidence. For example, the consistency with which the absenteeism of the investigating officer, witnesses and Defence Attorneys have been contributing to the incidence of adjournments and hence waste of judicial time remains a cause for concern. It is however of note that in 2017 the absenteeism of Defence Attorneys accounted for the largest proportion of the reasons for adjournment in the Home Circuit Court with 422 incidences. This is compared to 92 in 2018, an almost 5-fold reduction – an encouraging sign that needs to be sustained.

The impressive reduction in the incidence of adjournments is due to fundamental revisions in the way in which cases are scheduled in the Home Circuit Court in the latter half of 2018 and the supporting strengthening of the way in which Case Management is administered. Among the critical changes has seen the Supreme Court take over the control of the scheduling of cases for Court from the Prosecution, a reduction in the average number of cases set for trial and the establishment of estimated duration for trial matters. Further, the establishment of a back-up

trial list in the event that court breaks down on any particular day and the use of a Transition Court during the Michaelmas Term to filter excess cases are crucial cogs. The re-engineering of business flow processes in the Criminal Registry and a robust sensitization of key stakeholders including the Defence, the Prosecution, and the Investigating arm of the police, Forensic and Medical services are also important planks of the revised operating practices in the Home Circuit Court. The results of these initiatives are quite evident so far in the profound reductions in the incidence of adjournments and improved trial date certainty, which will in turn increase the rate at which cases are disposed and the average time to disposition over the medium term.

The top 10 reasons for adjournment listed above accounts for 46.70%% of total incidences of adjournments/continuance in 2018, a notable increase of approximately 21 percentage points when compared to 2017.

**Table 47.0: Top reasons for continuance for the year ended December 2018**

Reason for continuance	Frequency	Percentage (%)	Stage of matter
For trial	24	1.15	Trial
For Plea and Case Management	37	1.78	Case Management
For bail application	62	2.98	Case Management
For sentencing	31	1.49	Trial

**Total incidence of adjournments/continuance (N) =2081**

It is seen in the above table that there were 24 incidences of continuance for trial; representing 1.15% of the total reasons, 37 or 1.78% were for plea and case management and 62 or 2.98% for bail application while 31 or 1.49% were for sentencing. These were the four leading reasons

in this category, together accounting for roughly 7.40% of the total reasons for adjournments/continuance, a significant decline when compared to 2017.

**Table 48.0: Other leading reasons for adjournment/continuance for the year ended December 2018**

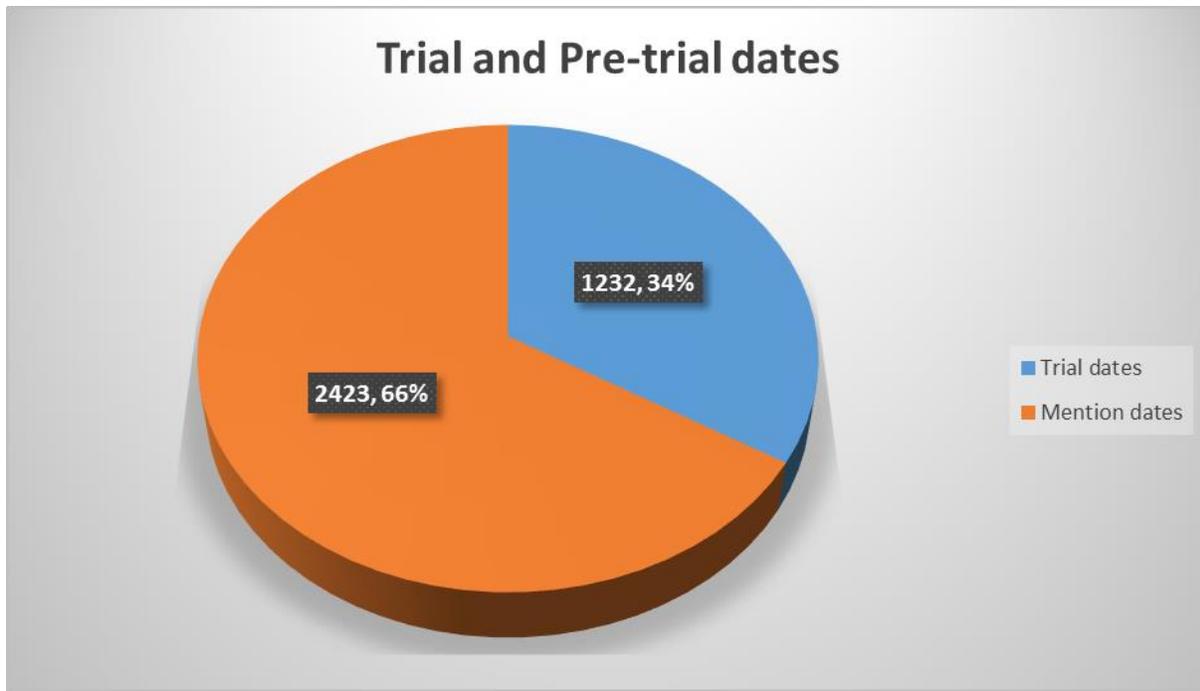
Reasons for continuance/adjournments	Frequency	Percentage (%)	Stage of matter
To settle legal representation	271	13.02	Case Management
Papers to be served	170	8.17	Case Management
Assignment of legal aid	119	5.72	Case Management

**Total incidence of adjournments/continuance (N) = 2081**

Among the reasons for continuance/adjournment of a criminal case, which could be either procedural or avoidable depending on the stage of a matter and the specific circumstances, are those, which are a result of the need to settle legal representation, accounting for 271 or 13.02% of the total. Papers to be served with 170 or 8.17% and adjournments for assignment of legal aid with 119 or 5.72% of the total follow this.

Importantly, there was an average of roughly 1.51 adjournments per criminal case for 2018 or 151 for every 100 cases. This is a significant decline of 5.49 adjournments per case file or 549 per 100 cases when compared to 2017, a profound improvement by any measure.

Chart 13.0: Trial and mention matters/dates set for the year ended December 2018



The above chart shows that there were a total 3655 dates set for either Trial or Mention Court in 2018, an increase of 6.03% when compared to 2017. This increase is particularly interesting within the context that there was a marked decrease in the incidence of adjournments in 2018. The reverse correlation has been observed for at least the past few years. 2423 or 66% of the court dates set were for Mention Court (now Case Management Court) while 1232 or 34% were for Trial Court. This produces a ratio of 1: 0.51, which suggests that for every 100 matters mentioned there were 51 trial matters set down in the year. It is of note that there was an increase of 22.71% in the number of trial dates set in 2018 when compared to 2017. The fact that there was a general decline in the incidence of adjournments magnifies the significance of this sizeable increase in the number of trial dates set in 2018. Further analysis suggests that

# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

each case mentioned in court were mentioned on average of 2.36 times, which is another way of saying that every 100-mention cases were mentioned 236 times. Similarly, for cases, which were set for Trial, there was a scheduling incidence of 2.12 times per case, which suggests that 212 trial dates were set for every 100-trial cases.

**Table 49.0: Hearing date certainty for the year ended December 2018**

Number of hearing dates set	Number of adjournments (excluding adjournments for continuance)	Hearing date certainty rate (%)
3655	1281	64.95%

The date scheduling certainty for each Division of the Supreme Court is an important metric, which examines the extent to which dates, which are set for either hearing or trial, are adhered to. A low result has implications for the capacity of the court to adequately estimate the length duration of a matter, for the capacity of Court Rooms and Judges to absorb certain caseload and for the general system of scheduling. In the table above it is shown that of 3665 Court dates scheduled for hearings in the period under study, 1281 were adjourned for reasons other than continuance. This suggests an overall hearing date certainty rate of roughly 65% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 65 are able to proceed without adjournment for reasons other than those procedural, for example for Trial, Bail Application, Sentencing and Plea and Case Management. This result represents an increase of roughly 10 percentage points when compared to 2017. The revised scheduling and case management processes in the Home Circuit Court have undoubtedly contributed to an

<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
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enhanced confidence in the dates set and thus in the preparation of the various stakeholders for court. There is still a long way to go to achieving the targeted trial and hearing date certainty of 95% which has being set out by the Chief Justice, but the evidence seen so far is quite promising. It is now imaginable that the Home Circuit Court could become one of the most efficient Divisions in the Supreme Court within the next five years, with high clearance rates and trial and hearing date certainty and a low to zero case backlog. When trial matters are isolated, the trial certainty rate revealed is 60.31%, 4.64 percentage points lower than the overall hearing date certainty rate.

**Table 50.0: Methods of case disposal for the year ended December 2018**

Methods of Disposition	Frequency	Percent
Accused Deceased	6	1.9
Adjourned Sine Die	1	.3
Committed to psychiatric facility	1	.3
Conditional Nolle Prosequere	4	1.3
Dismissed for Want of Prosecution	1	.3
Formal Verdict of Not Guilty - discharge	15	4.7
Found Guilty	25	7.9
Guilty Plea	112	35.3
No Case Submission upheld	2	.6
No Case to Answer, Discharged	2	.6
No Evidence offered discharged	55	17.4
No further evidence offered discharged	28	8.8
No verdict entered	8	2.5
Nolle Prosequere	23	7.3
Not Guilty - Discharged	24	7.6
Not indicted on this charge	2	.6
Plea guilty to a lesser charge	4	1.3

<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
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Remitted to Parish Court	3	.9
Transfer to Gun Court	1	.3
<b>Total</b>	<b>317</b>	<b>100.0</b>

The above table summarizes the methods of disposal for the cases disposed of during 2018. It is shown that 317 cases were disposed of in 2018, representing an impressive increase of 51.67% when compared to 2017. As with 2017, guilty pleas accounted for the largest share of cases disposed with 112 or 35.4% of the total number of disposals accounted for the largest share of disposals for the year. Accounting for the next highest proportion of total disposals were ‘no evidence offered’ with 55 or 17.40% and ‘no further evidence offered’ with 28 or 8.80% of the total. Guilty verdicts with 25 or 7.90%, not guilty outcomes with 24 or 7.60% and Nolle Prosequere with 23 or 7.30% of the total dispositions, round off the top five methods. Of the 317 criminal cases disposed of in 2017, 54 or 17.03% originated during that year.

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

**Table 51.0: Overall criminal conviction rate for 2018**

Total number of cases disposed	Total number of guilty outcomes	Conviction rate (%)
317	137	<b>43.22%</b>

The above table shows that of the 317 criminal cases disposed of in 2018, 137 were because of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of

43.22% which suggests that there is a roughly 43% probability that a matter could end in a guilty outcome, using 2018 as a proxy year. This data can be further disaggregated so that the conviction rates for some of the most frequently occurring offences are measured. In particular, the conviction rate on murder charges and sexual offence charges are detailed below.

**Table 52.0: Conviction rate for sexual offences cases for the year ended December 31, 2018**

Total number of cases concluded	Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas)	Conviction rate (%)
191	90	<b>47.12%</b>

The above table shows that of the 191 sexual offence cases were concluded in 2018, 90 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of roughly 47.12% which suggests a roughly 47% probability that a sexual offence matter could end in a guilty outcome, the same outcome as 2017.

**Table 53.0: Conviction rate for murder cases in the year ended December 2018**

Total number of cases concluded	Total number of guilty outcomes (i.e. guilty verdict or guilty plea)	Conviction rate
74	27	<b>36.49%</b>

The above table shows that of the 74 murder cases concluded in 2018, 27 of which were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 36.49% which suggests a roughly 36% probability that a murder matter could end in a guilty outcome, an increase of seven (7) percentage points when compared to 2017.

**Table 54.0: Top five charges disposed in the year ended December 2018**

Charge disposed	Frequency	Percentage (%)
Sexual Intercourse with a person under 16 years old	209	30.33
Murder	104	15.09
Rape	95	13.79
Grievous sexual assault	36	5.22
Forcible abduction	22	3.19

**Number of disposed charges (N) =689'**

The above data shows that of the 689 charges disposed of in 2018, an increase of 55.66% when compared to 2017. The largest proportion of these matters were sexual offences with a person under 16 with 209 or 30.33%. This was followed by murder with 104 or 15.09% of the total. Rape and grievous sexual assault comes next with 13.79% and 5.22% respectively. Grievous sexual assault and forcible abduction with 5.22% and 3.19% respectively rounds off the top five. Murder and sexual offences are not only the dominant incoming but also the dominant outgoing cases. It is of particular note that roughly 30% of cases disposed of in 2018 were sex related while also accounting for roughly 26% of all incoming cases. As seen earlier, sexual offences also demonstrated a conviction rate of roughly 47% in 2018, the same as 2018. The dominance of this offence in the criminal statistics strongly suggests that there needs to be robust Case Management attention for these matters to support their timely disposition.

# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

**Table 55.0: Methods of disposition for dominant case types in the year ended December 2018**

**Cross-tabulation of Methods of disposition \* Offences**

			Offences		
			Murder	Rape	Sexual Intercourse with a Person under Sixteen
<b>Disposition Methods</b>	<b>Accused Deceased</b>	Count	2	2	1
		% within	2.7%	3.1%	1.0%
	<b>Committed to psychiatric facility</b>	Count	1	0	0
		% within	1.4%	0.0%	0.0%
	<b>Conditional Nolle Prosequere</b>	Count	2	2	0
		% within	2.7%	3.1%	0.0%
	<b>Dismissed for Want of Prosecution</b>	Count	0	1	0
		% within	0.0%	1.6%	0.0%
	<b>Formal Verdict of Not Guilty – discharge</b>	Count	5	3	2
		% within	6.8%	4.7%	2.1%
	<b>Found Guilty</b>	Count	12	4	0
		% within	16.2%	6.3%	0.0%
	<b>Guilty Plea</b>	Count	15	16	59
		% within	20.3%	25.0%	60.8%
	<b>No Case Submission upheld</b>	Count	1	1	0
		% within	1.4%	1.6%	0.0%
	<b>No Case to Answer, Discharged</b>	Count	0	0	1
		% within	0.0%	0.0%	1.0%
	<b>No Evidence offered discharged</b>	Count	9	8	18
		% within	12.2%	12.5%	18.6%
<b>No further evidence offered discharged</b>	Count	6	7	10	
	% within	8.1%	10.9%	10.3%	
<b>No verdict entered</b>	Count	1	3	2	
	% within	1.4%	4.7%	2.1%	
<b>Nolle Prosequere</b>	Count	10	5	3	
	% within	13.5%	7.8%	3.1%	
<b>Not Guilty - Discharged</b>	Count	6	10	1	
	% within	8.1%	15.6%	1.0%	
<b>Not indicted on this charge</b>	Count	0	1	0	
	% within	0.0%	1.6%	0.0%	

# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

	% within	0.0%	1.6%	0.0%
<b>Plea guilty to a lesser charge</b>	Count	4	0	0
	% within	5.4%	0.0%	0.0%
<b>Transfer to Gun Court</b>	Count	0	1	0
	% within	0.0%	1.6%	0.0%
<b>Total</b>	<b>Count</b>	<b>74</b>	<b>64</b>	<b>97</b>
	<b>% within</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

The above table summarises the methods of disposal for the three criminal case types with the highest incidence of dispositions in 2018. Starting with murder, it is seen that the largest proportion of murder cases in the year were disposed by way of guilty pleas with 25% of the disposals. This was followed by disposals by guilty verdicts and Nolle Prosequere with 16.20% and 13.5% respectively of the murder cases disposed, rounding off the top three disposal methods. As it relates to rape cases, the data shows that guilty outcomes accounts for the largest share of disposals with 25% while not guilty outcomes and no evidence offered account for the next highest proportion of disposals with 15.60% and 12.5% respectively of the methods of disposition. As highlighted earlier, cases of sexual intercourse with a person less than 16 years old accounts for a significant proportion of both cases initiated and disposed of in 2018. As with 2017, the methods of disposition for these case types is highly skewed with the overwhelming majority, 60.80% being disposed of by way of guilty pleas in 2018. The next highest methods of disposition were 'no further evidence offered' and no further evidence offered with 18.60% and 10.30% respectively.

It is interesting to explore whether there is a statistically significant difference in the methods of disposition among the most frequently occurring criminal cases disposed in 2017. In order to explore this, a chi-square test is administered, the results of which are shown in the table below:

**Chi-Square Tests of association between methods of disposition and case type**

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	86.994 <sup>a</sup>	32	.000
Likelihood Ratio	95.200	32	.000
N of Valid Cases	235		

**Note: The level of significance is 0.05 or 5%**

The results in the above table reveal that probability values of less than 5%, which suggests that there is a statistically significant difference between the methods of disposition for the most frequently disposed cases. In other words, the methods of disposition vary significantly depending on the case type.

**Table 56.0: Time to disposition for cases disposed in the year ended December 2018**

<b>Descriptive Statistics (months)</b>	
Number of observations	317
Mean	19.6530
Median	12.0000
Mode	9.00
Std. Deviation	24.70995
Variance	610.582
Skewness	3.521
Std. Error of Skewness	.137

<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
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Range	168.00
Minimum	0.52
Maximum	168.00

The above table provides a descriptive summary of the time to disposition for criminal cases disposed of in 2018. It is shown that the estimated average time to disposition for the cases disposed of was approximately 19.65 months or just over a year and a half, a notable improvement of 10 months when compared to the average in 2017. This was aided by the fact that the majority of the cases disposed, originated in 2017, accounting for 60.25% while another 17% of the cases disposed originated in 2018. The estimated minimum time to disposition was 16 days and the estimated maximum was 168 months or 14 years. The large positive skewness of 3.521 indicates that the larger proportion of observations fell below the overall average. This is affirmed by the standard deviation of roughly 2 years, indicating a wide average variation of the individual scores around the mean.

**Table 57.0: Breakdown of time to disposition of cases for the year ended December 2018**

Time Interval (months)	Frequency	Percentage (%)
0 -12	177	55.8
13 – 24	82	25.9
25 – 35	18	5.7
36 – 47	16	5.0
48 & over	24	7.6
<b>Total</b>	<b>317</b>	<b>100.0</b>

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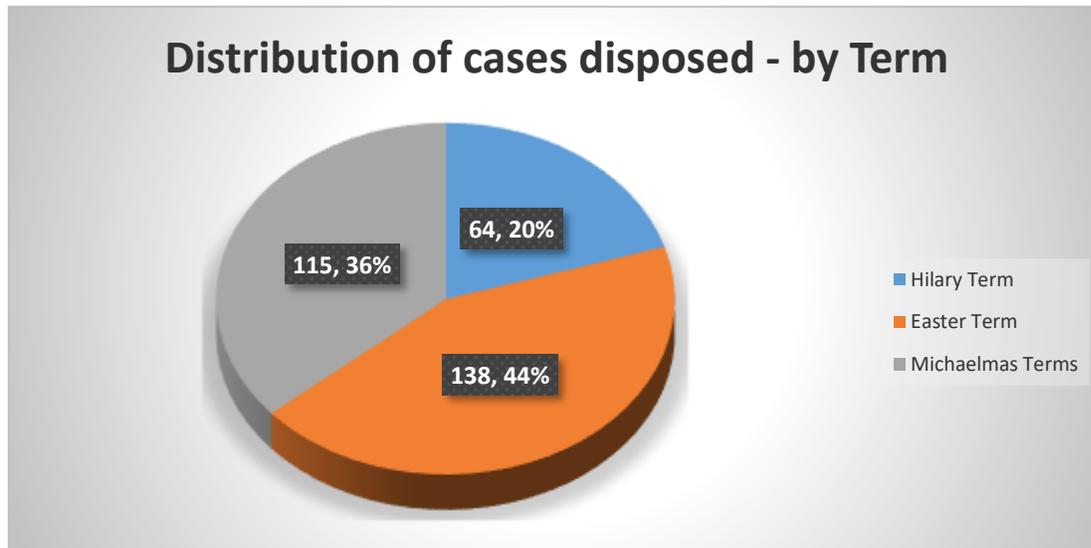
<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
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The above table provides a summary of the estimated time to disposition for the cases disposed during 2018. It is shown that the largest proportion of matters were disposed of within a year or less of initiation, accounting for exactly 177 or 55.80% of all matters disposed. 82 or 25.9%, which were disposed of in 13 to 24 months and 24 or 7.60% of matters, which took four or more years to be disposed, follow this. Cumulatively, almost 81.70% of the matters disposed of in the period took two years or less, an improvement of almost 11 percentage points when compared to 2017. The remaining 29% of cases disposed took over two years. Using 2018 data as a proxy, there is a much greater probability that a case in the Home Circuit Court will be disposed prior to falling into backlog, than thereafter. Continuous improvements in the case management practices in the Home Circuit Court 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 for 2018.

Chart 14.0: Cases disposed in each Term for the year ended December 2018



It is shown the above chart that the largest proportion of cases disposed in the Home Circuit Court occurred in the Easter Term, which accounted for 138 or 44% of the cases disposed. The Michaelmas Term with 115 or 36% comes next while the Hilary Term accounts for the lowest share with 64 or 20% of the cases disposed in 2018.

**Table 58: Time to disposition for charges disposed (from date charged) in the year ended December 2018**

**Descriptive statistics (in months)**

Number of observations	689
Mean	53.1451
Median	38.0000
Mode	36.00
Std. Deviation	48.90239
Skewness	3.155
Minimum	.52
Maximum	448.00

The above table provides interesting results on the average time taken to dispose of cases from ‘the date of charge’. It provides an opportunity to place into contribution of non-court actors to delays in the timely delivery of justice. The average time to disposition is shown to be roughly 4 years and five months, substantially higher than the average time of just over 1.5 years taken to dispose of the corresponding cases in the Home Circuit Court. The longest and shortest times to disposition of 37 years and 16 days respectively for disposed charges were also the same as for the actual cases disposed of in 2018. This marked difference of almost 3 year in the time taken to dispose of criminal matters (from date charged) and from the case is filed in the Home Circuit Court suggests that there are weaknesses in the investigative apparatus of the Police, which potentially hampers the timely delivery of justice to citizens. It is worth noting that the data set above on time to disposition from charge date is highly positively skewed suggesting that a decidedly larger proportion of the observations fell below the overall average, signifying that there were extreme values in the data. Further, the large standard deviation indicates a

wide spread of the times around the mean, affirming that the overall average was affected by large outlying values.

**Table 59: Time to disposition for charges disposed (from case file date) for year ended December 2018.**

**Descriptive Statistics (in months)**

Number of charges disposed	689
Mean	21.324
Median	16.00
Mode	12.00
Std. Deviation	23.2082
Skewness	3.012
Minimum	0.52
Maximum	168.00

The above table affirms the assertions made in the preceding analysis that suggests that there is a notable difference between the time from date of charge to date of disposition and from case file date to date of disposition. The average time shown above from the case file date associated with the charges to the date of case disposition is roughly a year and nine months, which is substantially less than the average time from charge date to date of disposition. Not surprisingly, much of the other measurements are similar to the earlier descriptive statistics highlighted on the time to disposition for cases resolved in the Home Circuit Court in 2018.

**THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT** **2018**  
**ON THE SUPREME COURT**

**Table 60.0a: Breakdown of time to disposition by selected charges for the year ended December 2018.**

		Time Intervals					Total
		0 -12	13 -24	25 – 36	37- 47	48 & over	
<b>Murder</b>	<b>Count</b>	22	15	8	8	21	74
	<b>% within</b>	16.5%	24.2%	100.0%	57.1%	100.0%	31.1%
<b>Rape</b>	<b>Count</b>	35	27	0	6	0	68
	<b>% within</b>	26.3%	43.5%	0.0%	42.9%	0.0%	28.6%
<b>Sexual Intercourse with a Person under Sixteen</b>	<b>Count</b>	76	20	0	0	0	96
	<b>% within</b>	57.1%	32.3%	0.0%	0.0%	0.0%	40.3%
<b>Total</b>	<b>Count</b>	133	62	8	14	21	238
	<b>% within</b>	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

The above table provides a summary of the length of time taken to dispose the three of the most frequently occurring criminal charges in 2018. It is seen that of the three types of criminal cases listed, sexual intercourse with a minor accounts for the largest share of cases disposed of in 12 months or less with 57.10% of the total. Murder and rape accounted for 26.30% and 16.50% respectively of the total number of cases disposed of in this timeline. Of the listed criminal case types which were disposed of in more than a year but less than two years, rape accounts for the largest proportion with 43.50% while 32.30% and 24.20% respectively were accounted for by sexual intercourse with a person under 16 and rape. Murder cases accounted for all disposed cases on this list that took between just over 2 years and 3 years, 57.10% of those matters which took between 3 and 4 years (not inclusive) and all cases in this list which took four or more years to be disposed. It is of note that the remaining 42.90% of cases, which

# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

took 3-4 years (not inclusive) to be disposed, were rape cases. Among these three dominant charges, murder accounted for all cases disposed, which had a duration of more than four years in the court system. It is clear from this data set that murder matters take considerably more time to be disposed than rape and sexual intercourse with a minor, though on average rape matters take a longer time than sexual intercourse with a minor to be disposed.

**Table 60.0b: Breakdown of selected charges by time to disposition for the year ended December 2018.**

Time Intervals					Total
		Murder	Rape	Sexual Intercourse with a Person under Sixteen	
0 -12	Count	22	35	76	133
	% within	29.7%	51.5%	79.2%	55.9%
13 -24	Count	15	27	20	62
	% within	20.3%	39.7%	20.8%	26.1%
25 – 36	Count	8	0	0	8
	% within	10.8%	0.0%	0.0%	3.4%
37 – 47	Count	8	6	0	14
	% within	10.8%	8.8%	0.0%	5.9%
48 & over	Count	21	0	0	21
	% within	28.4%	0.0%	0.0%	8.8%
<b>Total</b>	<b>Count</b>	<b>74</b>	<b>68</b>	<b>96</b>	<b>238</b>
	<b>% within</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

The above tables detail the time taken to dispose of cases of murder, rape and sexual offences with persons under 16 in 2018. It is seen that the largest proportion of murder cases disposed took under a year and four or more years, accounting for 29.70% and 28.49% respectively of

the 3 dominant criminal case types in the Home Circuit Court. The next highest proportion of murder cases disposed occurred within the period of just over a year to 2 years. 10.6% each of the cases disposed took between just over 2 years to 3 years and just over 3 years to 4 years respectively. As for sexual intercourse with a person under 16 years old, 79.2% were disposed within 12 months while the remaining 20.8% took between 13 and 24 months to be disposed. 51.5% of Rape cases were disposed of within 12 months while 39.70% took between 13 and 24 months to be disposed and 8.80% took between 3 and 4 years (exclusive) to be disposed. Evidently, 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 took the least time.

**Table 60c: Proportional breakdown of time to disposition by selected charge type for the year ended December 2018.**

Charge	Percentage of matters disposed of in 2 years or less	Percentage of matters disposed of in more than 2 years
<b>Murder</b>	50%	50%
<b>Sexual intercourse with a person under 16 years old</b>	100%	0.00%
<b>Rape</b>	91.20%	8.80%

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 50% of murder charges disposed in 2018 each took 2 years and under and over two years to be disposed. All matters of sexual intercourse with a person under 16 which were

disposed in the Home Circuit Court in 2018 took 2 years and under to be disposed while 91.20% of Rape cases took under 2 years and 8.80% over two years to be disposed. The length of time which different types of matters take to be disposed should have significant implications 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. The data for 2018 however strongly suggests that there is some progress the proportion of murder cases being disposed within 2 years, with an improvement of roughly 12 percentage points over 2017.

**Table 61.0: Case clearance rate for the year ended December 2018**

Cases filed	Cases disposed	Case clearance rate
509	317	62.28%

*Note: 54 or 17% of the cases disposed originated in 2018.*

The case clearance rate of 62.28% shown above is an indication that significantly more cases entered than those that were disposed in the Home Circuit Court in 2018. The result suggests a ratio of roughly 62 cases disposed for every 100 new ones brought, a major improvement of 29.28 percentage points. This improvement is largely a result of the re-engineering of the scheduling case mechanisms in the Home Circuit Court and improved case management practices. Indeed, since mid-2017, these processes have become far more court and Judge driven, slowly reversing the expectations of trial adjournments which were once common place

and inspiring greater confidence in the judicial processes. The Honourable Chief Justice has set a target of improving the trial and hearing date certainty rate to 95% over the next two years 3-6 years. The attainment of this target is an important cornerstone for higher disposal and clearance rates and a more efficient judicial system.

### **Other performance measures**

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

**(i) The on time case processing rate**

**(ii) The case turnover ratio**

**(iii) The disposition days**

**(iv) 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 2018. These measures are summarized in the table below:

<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
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**Table 62.0: Selected performances metrics for the Home Circuit Court in 2018**

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 (%)	Case backlog rate (%)
<b>317</b>	<b>1056</b>	<b>0.30</b>	<b>1216 days</b>	<b>259</b>	<b>317</b>	<b>81.70%</b>	<b>18.30%</b>

The results in the above table shows a case turnover rate of 0.30, which is an indication that for every 100 criminal cases, which were ‘heard’ in 2018 and still active at the end of the year, another 30 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 1216 more days or 3.33 more years to be disposed, barring special interventions.

A case is considered to be in a backlog classification if it is still active 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 2018 is 81.70%, which reflects the proportion of cases in 2018, which were disposed within 2 years. Conversely, the case backlog rate is 23.21%, an indication that an estimated annual proportion of 18.30% 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 1056 cases, which had some court activity in 2018 and were still active at the end of the year, 193 are expected to be in a backlog classification before being disposed.

**CHAPTER 5.0: HIGH COURT DIVISION OF THE GUN COURT**

The ensuing analyses provide an overview of case activity in the Gun Court in the year ended December 2018. 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 six charges filed in the year ended December 2018.**

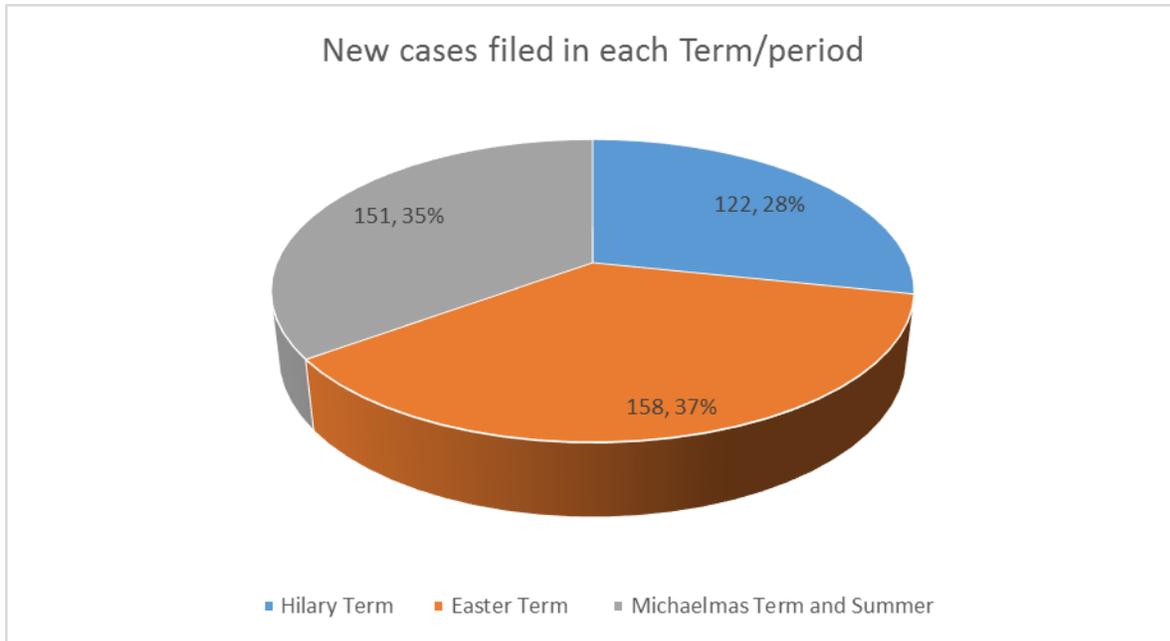
Charges filed	Frequency	Percentage (%)
Illegal possession of firearm	498	36.70
Illegal possession of ammunition	214	15.80
Shooting with intent	197	14.50
Robbery with aggravation	114	8.40
Assault at Common Law	97	7.10
Wounding with intent	64	4.70
<b>Total</b>	<b>1184</b>	

**Total number of charges (N) = 1358, the equivalent of 431 cases.**

The above table provides a summary of the top five charges, which were brought in the Gun Court during 2018. It is seen that of the 1358 charges, a decline of 5.69% when compared to 2017. The largest proportion of which, 498 or 36.70% were for illegal possession of firearm, well ahead of the next highest ranked charge of illegal possession of ammunition with a count of 214 or 15.80% of the total. Shooting with intent is next with 197 or 14.50% while robbery with aggravation with 114 or 8.40% and assault at common law with 97 or 7.10% rounds off the top 5 charges filed in the Gun Court for 2018. The 1358 new charges entered in 2018 translates

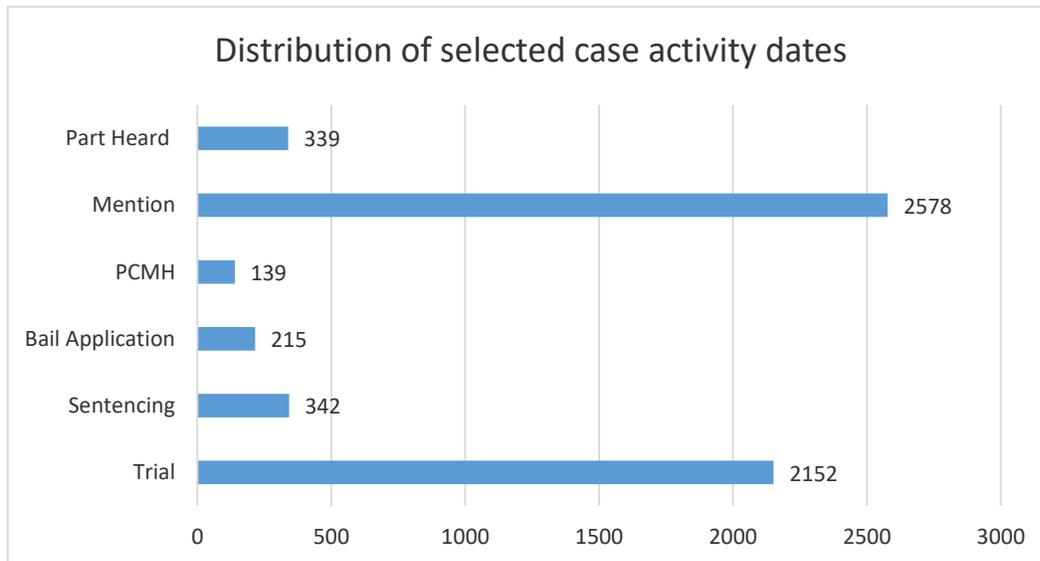
into 431 new cases filed in the year, a decline of a decline of 15.98%. This represents a ratio of 1:3.15, suggesting that for every 100 cases entered, there were 315 charges.

**Chart 15.0: Distribution of cases filed in each Term in 2018**



The above chart provides a breakdown of the number and proportion of the 431 new cases filed in the Gun Court in each Term/period in 2018. It is seen that the Easter Term with 158 or 37% of new cases filed, accounts for the largest proportion. 151 or roughly 35% of the cases were filed in the combined Michaelmas Term and Vacation period while the Hilary Term with 122 or 28% accounts for the balance of new cases file in 2018.

**Chart 16.0: Summary of selected case activity dates for the year ended December 2018**



*Note: PCMH means Plea and Case Management Hearing*

The above chart provides a summary of key court events/dates in the Gun Court for 2018. It is shown that there were 2152 trial dates set in the period, compared to 2578 mention dates. This produces a ratio of roughly 1:0.83, indicating that for every 100 mention dates there were 83 trial dates set, a reversal of the results in 2017, which saw 145 trial dates for every 100 mention dates. These figures indicate a notable slowing of the transition rate between mention and trial over 2017 and 2018. The data also suggests that there were 339 part-heard trial dates set in Gun Court for 2018, which indicates that for every 100 trial dates there, were roughly 16 part-heard trial dates, twice as many as 2017. There were also 342 incidence of sentencing, and 215 bail application dates set during 2018.

**Table 64.0: Frequently occurring reasons for adjournment for the year ended December 2018**

Reason for adjournment	Frequency	Percentage (%)
Witness absent	682	19.56
Crown not ready	231	6.62
Miscellaneous documents outstanding	173	4.96
Accused not brought	153	4.39
Ballistic certificate outstanding	133	3.81
Legal aid assignment	120	3.44
Statements outstanding	106	3.04
Judge Unavailable	92	2.64
Defence Counsel involved in another matter	85	2.44
For Investigating Officer to attend	61	1.75

**Total number of adjournments (N) = 3487**

The above table outlines the top reasons for adjournment in the Gun Court for 2018, excluding adjournments for bail application, matters part heard, and for plea and case management and for trial, which are enumerated separately. There were 3487 incidences of adjournments during the year; of which witness absent and part heard in progress were the leading ones with 19.56% and 10.15% respectively of the total. The lack of readiness of the Crown with 231 or 6.62% of the adjournments and miscellaneous documents outstanding with 173 or 4.96% of the adjournments rank next. Other documents outstanding include scene of crime reports, police officer statistics and outstanding miscellaneous certificates. Accused not brought with 153 or 4.39% and ballistic certificates outstanding with 133 or 3.81% rounds off the top 5 reasons for

adjournment in 2018. The top ten reasons for adjournment accounted for 52.65% of the total reasons for adjournment.

**Table 65.0: Frequently occurring reasons for continuance for the year ended December 2018.**

Reason for continuance	Frequency	Percentage (%)
Part-heard	354	10.15
For Trial	167	4.79
Bail application	131	3.76
Plea and case management	176	5.04

**Total number of adjournments (N) = 3487**

The above table provides a basic list of reasons for adjournment 2018, 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 354 part-heard matters representing 10.15% of the total adjournments. There were also 176 adjournments for Plea and Case Management Hearing, 167 or 4.79% for Trial and 131 or 3.76% for bail applications.

**Table 66.0: Hearing date certainty for the year ended December 2018**

Number of hearing dates Set	Number of adjournments (excluding adjournments for continuance)	Hearing date certainty rate (%)
5765	1991	65.46%

The above table summarises the overall hearing date certainty for the Gun Court in 2018. It is shown that of 5765 dates set for some form of hearing or trial during the Term, 1991 were adjourned for reasons other than continuance. This produces an overall date certainty rate of

# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

65.46% for the 2018, the culmination of progressive increases throughout the year. The results suggest that for every 100 matters scheduled for some form of hearing or trial in 2018, roughly 65 were able to proceed without adjournment. When trial matters are isolated the trial certainty rate is calculated to be 63.85%, 1.61 percentage points lower than the overall hearing date certainty rate. Considering that the Gun Court has maintained consistently high clearance rates over the past three Terms, the moderate trial and hearing date certainty rates that they have shown is quite interesting. This can however be explained by the fact that a large number of cases were set on a daily basis in Gun Court rooms throughout much of 2018. Thus although several cases were disposed, several others were also adjourned each week.

**Table 67.0: Methods of case disposition for the year ended December 2018.**

Methods of Disposition	Frequency	Percent
Accidentally Released by police	1	.2
Accused Deceased	9	1.8
Bench Warrant	13	2.6
Committed to psychiatric facility	1	.2
*Disposed	68	13.7
Found Guilty	41	8.2
Guilty Plea	105	21.1
No Case Submission upheld	12	2.4
No Case to Answer, Discharged	8	1.6
No Evidence offered discharged	129	25.9
No further evidence offered discharged	45	9.0
Nolle Prosequere	7	1.4

**THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT** **2018**  
**ON THE SUPREME COURT**

Not Guilty - Discharged	51	10.2
Not indicted on this charge	2	.4
Probation order made	1	.2
Transfer to Corporate Area PC.	2	.4
Transferred to circuit court	2	.4
Transferred to Family Court	1	.2
<b>Total</b>	<b>498</b>	<b>100.0</b>

*\*No electronic data available on the specific methods*

The above table summarizes the methods of disposition for the cases disposed in the Gun Court for the 2018. It is seen that there were 498 cases disposed, the largest proportion of which were a result of ‘no evidence offered’ which accounts for 129 or roughly 25.90% of the total. In a distant second were disposals resulting from guilty pleas with 105 or 21.10% of the total. Not guilty verdicts and no further evidence offered – discharged with 10.20% and 9.0% respectively of the total dispositions are next while guilty verdicts with 8.20% rounds off the top five methods. Of the 498 cases disposed in the Gun Court in 2018, 95 or 19.08% were cases originating in 2018. This further represents 16.76% of the new Gun Court cases filed in 2018. There was a slight decline Of 0.80% in the number of Gun Court cases disposed, when compared to 2017. This is the first

**Table 68.0: Conviction rate in the Gun Court for the year ended December 2018**

Number of cases disposed	Estimated Number of Guilty outcomes (i.e. guilty verdicts and guilty pleas	Conviction rate
498	166	<b>33.33%</b>

<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
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The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the 498 cases, which were disposed of in the year, an estimated 166 were a result of either a guilty plea or a guilty verdict. This produces an overall conviction rate of 33.33% for Gun Court cases for 2018, an increase of 11.42 percentage points when compared to 2017. 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 2018.**

Substantive matter	Number of cases disposed	Number of Guilty outcomes	Conviction rate
Illegal possession of fire arm	445	127	<b>28.54%</b>
Assault	30	10	<b>33.33%</b>

It is seen in the above table that of the 445 disposed cases of illegal possession of a firearm. 127 of these were disposed by way of either a guilty verdict or a guilty plea, yielding a conviction rate of roughly 28.54% while for the substantive matter of assault, 10 of the 30 disposed cases were by way of guilty outcomes, yielding a conviction rate of roughly 33.33%.

**Table 70.0: Top six charges disposed of in the year ended December 2018.**

Charge	Frequency	Percentage
Illegal possession of a firearm	601	41.90
Illegal possession of ammunition	212	14.80
Robbery with aggravation	176	12.30
Shooting with intent	151	10.50
Assault at common law	49	3.40
Wounding with intent	87	6.10
<b>Total</b>	<b>1276</b>	<b>89</b>

**Total number of charges (N) = 1434**

The 498 cases that were disposed in the Gun Court in 2018, representing 1434 charges, an average of roughly three 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 41.90% and 14.80% respectively. This is followed by robbery with aggravation with 176 or 12.30% of the charges disposed. Shooting with intent and assault with 10.50% and 3.40% respectively of the total rounds off the top 5 charges disposed in the year. The disposed charges enumerated in this table accounts for roughly 89% of the total number of charges disposed in the Gun Court in 2018.

**Table 71.0: Time to disposition from date charged, for charges disposed of in the year ended December 2018.**

**Descriptive Statistics (in months)**

Number of observations	1434
Mean	35.53
Median	31.67
Mode	23.00
Std. Deviation	20.43
Skewness	0.19
Minimum	3.00
Maximum	293

The above table shows that there were 1434 charges disposed of in 2018. It is seen that the estimated average time to disposition from the date of charge is approximately 36 months or roughly 3 years, a slight improvement of three months over the previous year. The data set for this measure is moderately positively skewed, indicating that there was a slightly greater proportion of times to disposition which fell below the mean than those which fell above it but most of the data points are clustered around the average. There are indeed at least a few comparatively large times to disposal in the data set, constituting outliers, which have pushed up the average time. The estimated maximum time to disposition for the data set is 293 months or just over 24.42 years. The estimated minimum time to disposition from the date of charge was entered is 3 months. It is of interest that the modal time to disposition is marginally under two years, which is an indication that a significant proportion of matters disposed in the period had a life of less than two years from the charged date.

**Table 72.0: Breakdown of times to disposition from date charged, for the charges disposed in the year ended December 2018.**

Months	Frequency	Percentage
0 -12	396	27.62
13 -24	380	26.50
25 – 36	210	14.64
37 – 47	308	21.48
48 & over	140	9.76
<b>Total</b>	<b>1434</b>	<b>100.0</b>

The above table provides a further breakdown of the estimated time to disposition for charges disposed in 2018, from the date of charge. The slight positive skewness displayed in the previous table is affirmed, as the scores here are mostly concentrated towards the lower intervals, though there is a fair spread of the scores throughout the intervals. The data shows that the largest proportion of the disposals using this method took a year or less. This interval accounted for 396 or 27.62% of the disposals and was followed by matters taking between 13 and 24 months to be disposed with 380 charges or 26.50%. A further 14.64% of the matters were disposed of within 25-36 months, 21.48% took between 37 and 47 months and the remaining proportion of 9.76% took four years or more to be disposed.

# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

**Table 73.0: Time to disposition for cases disposed of in the year ended December 2018.**

**Descriptive Statistics**

Number of observations	498
Mean	22.8032
Median	16.0000
Mode	7.00
Std. Deviation	22.77758
Variance	518.818
Skewness	2.962
Std. Error of Skewness	.109
Range	237.00
Minimum	0.50
Maximum	237.00

In the table above it is seen that there were 498 cases disposed of in the Gun Court during the year. The estimated average time to disposition was roughly 23 months or just under a year, approximately 4.5 months shorter than the average time to disposition in 2017. The estimated shortest time to disposal for a case disposed of in this period was about 15 days while the longest a case took to be disposed was 237 months or about 19.75 years. The distribution of the scores was highly positively skewed, an indication that significantly more of the estimated individual disposal times were lower than the reported mean. The average was pulled upwards by a few large outlying values that exist. This result is further affirmed by the relatively high standard deviation of almost 23 months, indicating some amount of variation in the scores around the mean. When compared to the length of time taken to dispose of matters from the date of charge, these results are notably lower, indicating, as seen with the Home Circuit Court that there may be a time lag in transiting case files to the Gun Court and is potentially a source

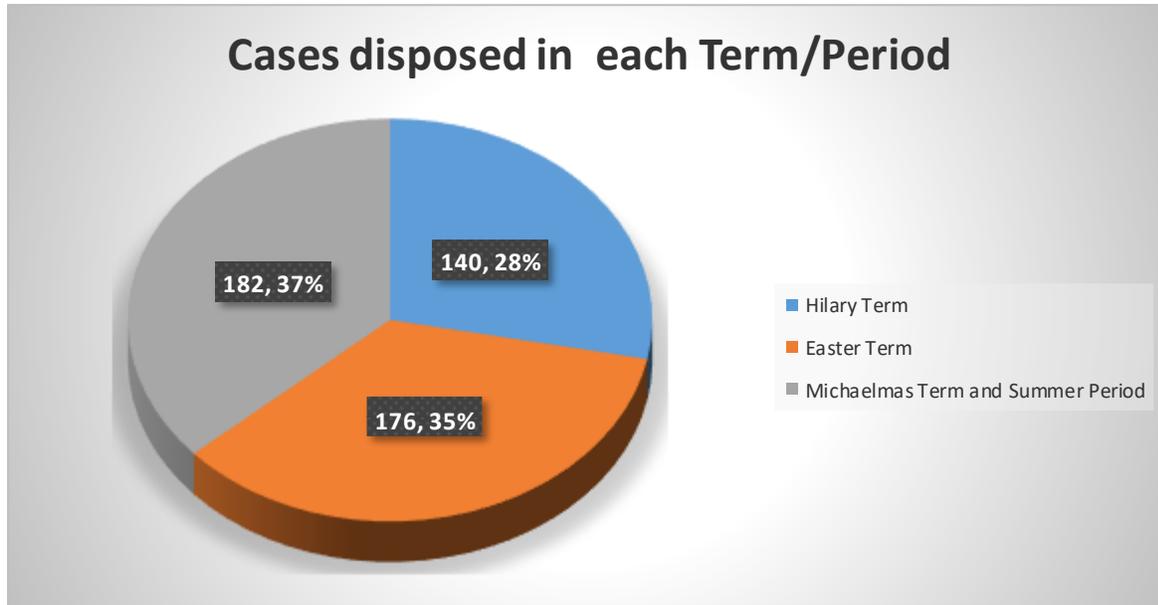
of delay in disposing of cases. Of the 498 cases disposed of in the Gun Court in 2018, 95 or 19.07% originated in that year. This further represents 22% of the new cases filed in 2018.

**Table 74.0: Breakdown of times to disposition from the time of offence for cases disposed in the year ended December 2018**

<b>Time Interval (months)</b>	<b>Frequency</b>	<b>Percentage (%)</b>
0 – 12	218	43.8
13 – 24	122	24.5
25 – 36	71	14.3
37 – 47	31	6.2
48 & over	56	11.2
<b>Total</b>	<b>498</b>	<b>100.0</b>

The above table provides a more detailed breakdown of the times to disposition for cases disposed in 2018. It is shown that the largest proportion of cases disposed were disposed of in under a year. This accounted for 43.80% of all the disposals, followed by approximately 24.50% of matters that took between 13 and 24 months to be disposed. Approximately 14.30% of the matters took between 25 and 36 months to be disposed, while 11.20% took four years or more to be disposed and 6.20% took between 37 and 47 months. It is of interest to note that roughly 68.30% of all matters disposed in the period took two years or less with 31.70% taking over two years.

**Table 17.0: Breakdown of cases disposed in each Term/Period of 2018**

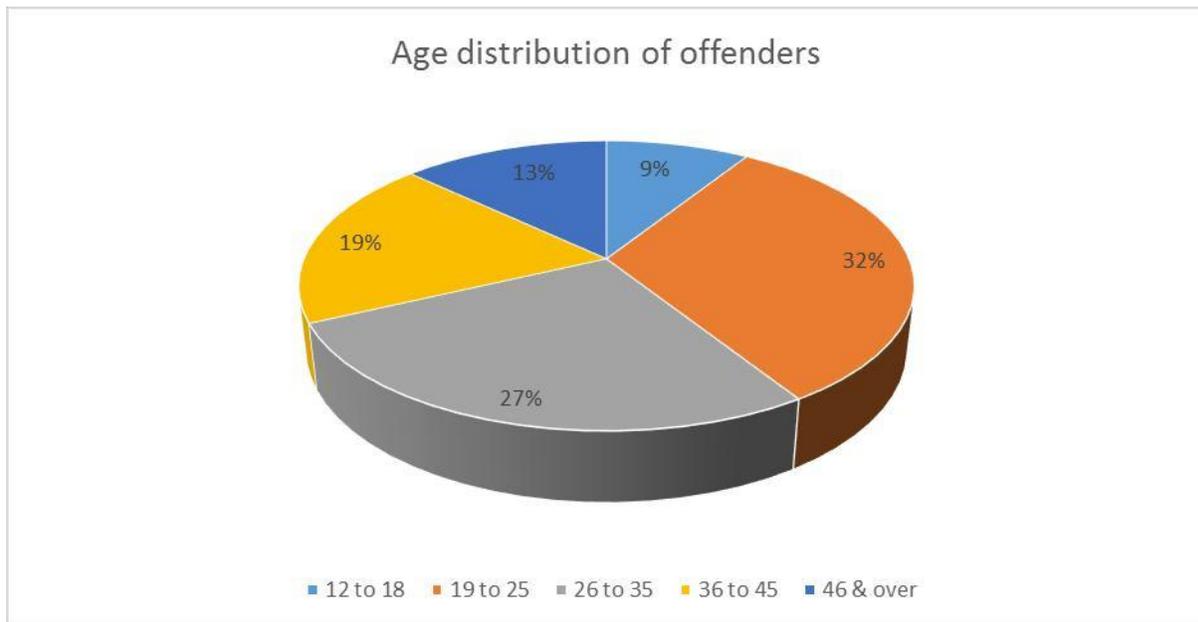


The above chart provides a summary of the distribution of Gun Court cases disposed in 2018. It is shown that the largest proportion of cases were disposed in the combined period of the Michaelmas Term and Vacation Period combined with 182 or 37% of the 498 Gun Court cases disposed during the year. This was followed by the Easter Term, which accounts for 176 or 35% and the Hilary Term with 140 or 28% of the disposals. This is similar to the distribution of cases disposed in the different periods in 2017.

**Demographic summary of Gun Court offenders**

This section provides a brief summary of the age and gender distribution of persons charged in 2018.

**Chart 18.0: Summary of age distribution of a sample of offenders in the Gun Court for the year ended December 2018**

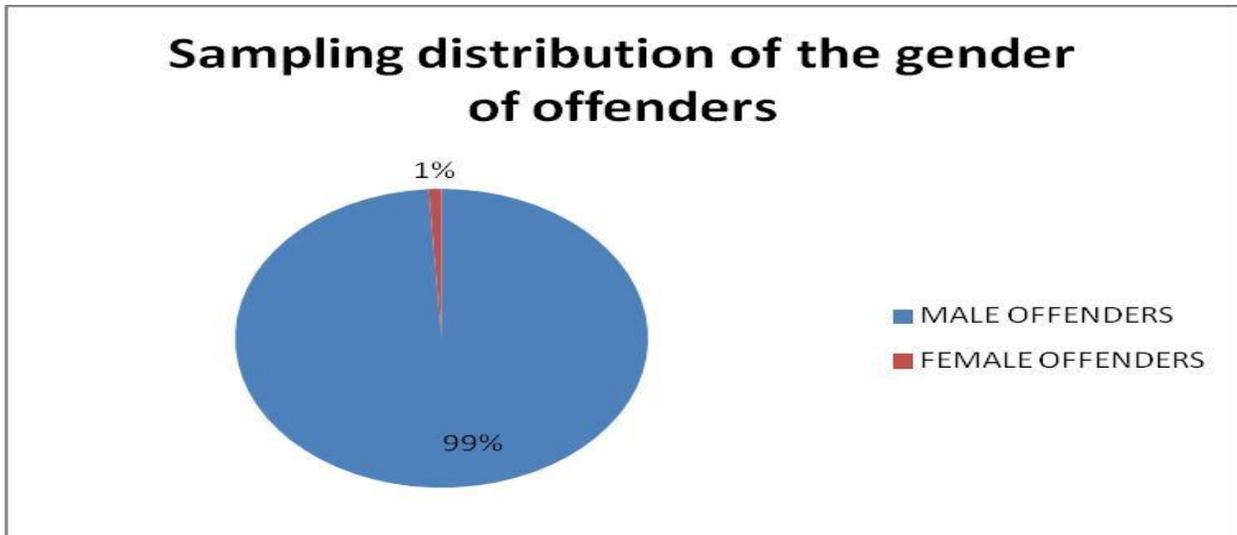


As shown earlier, the offenses, which dominated the Gun Court for 2018 are illegal possession of firearm, illegal possession of ammunition, robbery with aggravation, shooting with intent and wounding with intent. Using a representative sample, the average age of persons charged in the year is roughly 32 years old with the oldest person charged being 65 years old and the youngest 13 years old. The modal age from this sample was 23, an indication that a significant number of offenders are quite youthful. This notion is affirmed in the chart above where it is shown that from the sample 32% of the offenders were between 19 and years old, closely followed by the age group 26 to 35 years old with 27% of the offenders. The 36 to 45 age group comes next with 19% of the offenders. The youngest and oldest age categories of 12 – 18 and 46 and over respectively accounts for 9% and 13% respectively of the offenders brought before

the Gun Court in 2018. The age distribution observed in 2018 is markedly similar to the gross figures observed in 2017.

In terms of gender distribution, using a sample of 100 offenders the data shows that 99 or 99% were male and 1 or 1% female. This is exactly the same sampling distribution for gender, which was observed in the respective Terms. The overwhelming dominance of males in Gun Court offences continue to persist as a long held trend.

**Chart 19.0: Summary of gender distribution of a sample of offenders in the Gun Court for 2018.**



**Table 75.0: Case clearance rate for the year ended December 2018**

Cases filed	Cases disposed	Case clearance rate
<b>431</b>	<b>498*</b>	<b>115.55%</b>

**\*95 or 19.08% of the 498 cases disposed of, originated in 2018**

Four hundred and thirty one new cases were entered in the Gun Court during the year while 498 were disposed (including many which originated before the Term) leading to an impressive case clearance rate of 115.55% for the year. This result translates into a generalization of roughly 116 Gun Court cases disposed for every 100 new cases entered during the year. It represents one of the highest case clearance rate in the Supreme Court during the year and is an improvement of 17.69 percentage points when compared to 2017. The continuation of a specialised fast track court to dispose of Gun Court cases in 2018 and enhanced case management practices have contributed to this improvement.

**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) Case backlog rate**

<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
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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 case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of 2018. These measures are summarized in the table below:

**Table 76.0: Selected performances metrics for the Gun Court in 2018**

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 (%)	Case backlog rate (%)
498	1205	0.41	890 days	340	498	68.27%	31.73%

The results in the above table shows a case turnover rate of 0.41, which is an indication that for every 100 cases which were ‘heard’ in 2018 and still active, another 41 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 890 more days or 2.44 years to be disposed, barring special interventions.

A case is considered to be in a backlog classification if it is still active 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 2018 is 68.27%, which reflects the proportion of Gun

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<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
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Court cases in 2018, which were disposed within 2 years. Conversely, the case backlog rate is 31.37%, an indication that an estimated annual proportion of about 32% 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 1205 cases, which had some court activity in 2018 and were still active at the end of the year, 378 are expected to be in a backlog classification before being disposed.

**CHAPTER 6.0: COMMERCIAL DIVISION**

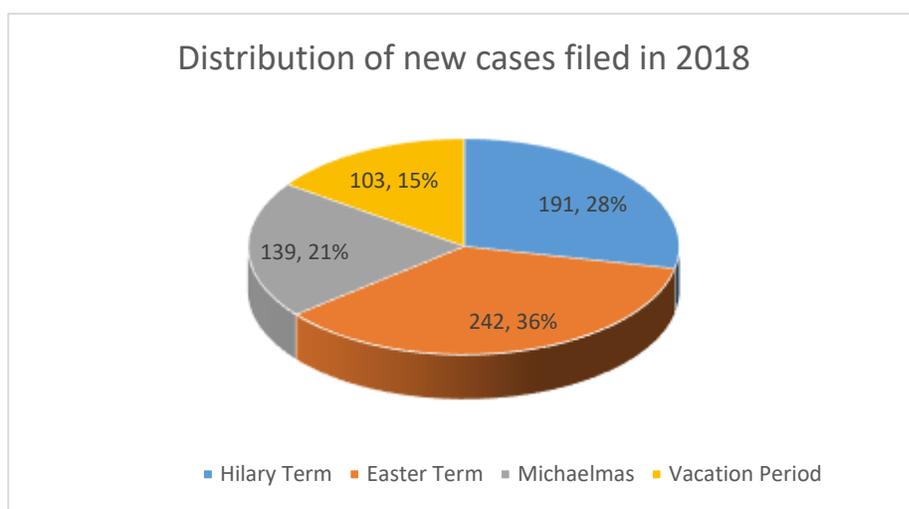
This chapter presents data on case activity in the Commercial Division in 2018 as well as important performance measurements and year on year comparisons where applicable.

**Table 77.0: Cases filed in the Commercial Division in 2018**

Division	Number of new cases filed
Commercial	675

The year 2017 was a record year for the Commercial Division in terms of the number of new cases filed as it recorded significant growth over the previous year. The 667 new commercial cases filed in 2017 was however marginally outstripped by the 675 new cases filed in 2018, an increase of 8 cases or 1.20%. The overwhelming proportion of these new cases originated by way of Claim Forms, accounting for over 80% of the number.

**Chart 20.0: Distribution of new Commercial cases filed in 2018 (by Term)**



# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

The above table shows that the largest proportion of cases filed in the Commercial Division in 2018 was in the Easter Term with 242 or 36.0% of the total. The Hilary Term followed with 139 or 21% and the Michaelmas Term with 191 or 28%. The Vacation period with 103 or 15% of the new cases filed rounds off the distribution.

**Table 78: Top five reasons in the Commercial Division for adjournment of commercial cases for the year ended December 31, 2018**

Reasons for adjournment	Frequency	Percentage (%)
Claimant's documents not served or short served	27	17.90
Defendant documents not served or short served	13	8.60
Defendant to comply with orders	8	5.30
Parties having discussion with a view to settlement	8	5.30
Claimant documents/application not in order	7	4.60
Claimant to file documents	8	5.30
Defendant not available	6	3.97
<b>Total</b>	<b>71</b>	<b>61.43</b>

**Number of observations (N) = 151**

The above table provides a sampling distribution of the top seven reasons for adjournment in the Commercial Division for 2018. A total of 151 such incidences recorded reveal that claimant documents not served with 27 or 17.91% leads the list while defendant's documents not served or short served ranks next with 13 or 8.60%. Parties having discussions with a view to settlement, defendant to comply with orders and claimant to file documents each with 8 or 5.30% of the adjournments share the third spot. Claimant's application/documents not in order and defendant not available with 7 or 4.60% and 6 or 3.97% respectively rounds off the top six reasons for adjournment of open court cases in the Commercial Division in 2018.

**Table 79.0: Chamber hearings for the year ended December 31, 2018**

Hearings	Frequency	Percentage (%)
Applications (Various)	985	82.91
Case Management Conference	74	6.23
Pre-trial review	119	10.02
Judgment summons hearing	10	0.84
<b>Total</b>	<b>1188</b>	<b>100</b>

The above table summarizes the 1188 Chamber hearings in the Commercial Division for 2018. As with the High Court Civil (HCV) Division, the hearing of various applications for relief sought dominates with roughly 82.91% of the Chamber hearings. Pre-trial reviews with 119 approximately 10.02% rank next and Case Management Conferences with 74 or 6.23% rounds off the top three Chamber hearings for 2018.

**Table 80.0: Trial dates set during the year ended December 31 2018**

Trial matter	Frequency	Percentage (%)
Trial in Chambers	58	8.38
Open Court Trial	616	89.03
Assessment of damages	18	2.60
<b>Total</b>	<b>616</b>	<b>100</b>

The above table shows that there were 616 incidences of trial dates in 2018. Open court trials with an incidence of 616 or 89.03% tops this list, followed by trial in chambers with 58 or 8.38% of the total. Assessment of damages with 18 or 2.60% of the total ranks next.

# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

**Table 80.0: Hearing date certainty in the Commercial Division in the year ended December 2018**

Hearing dates Set	Hearing dates adjourned (excluding adjournments for continuance)	Hearing date certainty
1804	137	92.42

The Commercial Division ranks first among the Divisions of the Supreme Court with hearing date certainty in 2018 with a rate of roughly 8 adjournments for every 100 dates set. This equates to a date certainty of 92.42%, firmly in line with international benchmarks that prescribe a trial/hearing date certainty of 90% - 100%. When trial dates are isolated, the trial date certainty rate is calculated to be 93.01%, 0.59 percentage points higher than the overall hearing date certainty rate. The Commercial Division has established a consistent trend of high scores on this measure since these publications began in 2017. This continued strong result is partly due to the purposeful and scientific way in which scheduling of commercial cases is done, coupled with the fact that the Commercial Division has three committed Judges.

**Table 81.0: Requisitions summary for the year ended December 31, 2018**

Requisitions Issued	Requisition Reponses	Requisitions clearance Rate	Requisitions per 100 case files
<b>163</b>	<b>*83</b>	<b>50.92%</b>	<b>12</b>

\*This figure includes requisitions filed on matters originating prior to 2018

The above table provides a summary of the response rate for requisitions issued in the Commercial Division in 2018. It is shown that 163 requisitions were issued in the year while

there were 83 responses filed, thus producing a requisitions clearance rate of 50.92%. This requisition clearance rate suggests that during the year, for every 10 requisitions issued, roughly five responses were filed. Additionally, there was an average incidence of twelve requisitions per 100 case files in the Commercial Division for the year, suggesting that the incidence of requisitions may not be a source of protracted delays in the progression of commercial cases.

**Table 82: Top five methods of disposition for the year ended December 31, 2018**

Methods of disposal	Frequency	Percentage (%)
Notices of Discontinuance	84	25.30
Judgment in default of acknowledging service	74	22.30
Final Judgment	53	16.0
Judgment on Admission	28	8.40
Consent Judgment	19	5.70
<b>Total</b>	<b>258</b>	<b>77.70</b>

**Number of observations (N) = 332**

The data suggests that 332 cases in the Commercial Division were disposed in 2018. Disposal by way of Notices of Discontinuance and Judgment in default of acknowledging were the most common method of disposal in the Division accounting for 25.30% and 22.30% respectively of the disposals. Final Judgments followed this with 53 or 16.0% and Judgments on Admission with 28 or 8.40%, rounding off the top three methods of disposal in the Term. The five methods of disposition enumerated in the table above, account for 77.70% of all disposals in the Term.

**Table 83.0: Time to disposition for Commercial cases disposed in the year ended December 31, 2018**

**Descriptive Statistics**

Number of observations	332
Mean	22.8253
Median	10.0000
Mode	7.00
Std. Deviation	27.74843
Variance	769.975
Skewness	2.186
Std. Error of Skewness	.134
Range	182.00
Minimum	.17
Maximum	182.00

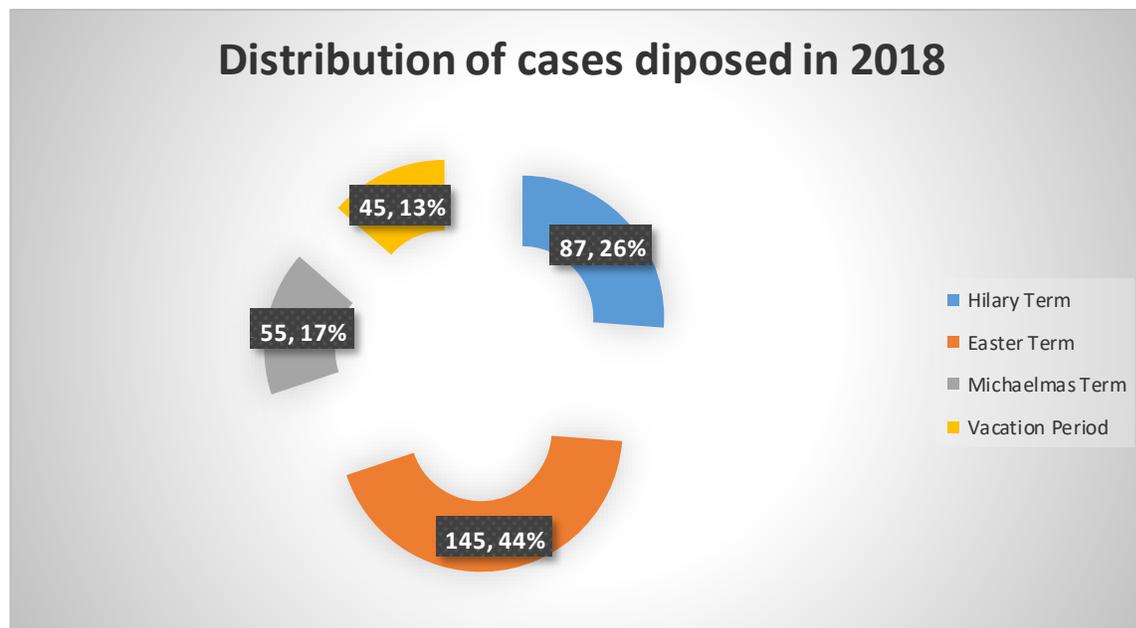
The above table shows that the estimated average time to disposition for the 332 Commercial cases disposed in 2018 is 22.83 months or approximately 1.9 years. The maximum time to disposition observed from these cases is 182 months or just over fifteen years while the lowest is under a month. Despite the moderately high average time to disposition, the median time taken was 10 months while the most frequent time taken to dispose of the matters was 7 months, quite competitive by International standards. There was relatively wide variation of the times to disposition in the Term as revealed by the high standard deviation of roughly 28 months. Comparatively more of the times to disposition fell below the mean, as indicated by the high positive skewness observed.

**Table 84.0: Breakdown of times to disposition for Commercial cases in 2018**

Time Interval (months)	Frequency	Percentage (%)
0 – 12	191	57.5
13 - 24	56	16.9
25 - 36	17	5.1
37 - 47	14	4.2
48 and over	54	16.3
<b>Total</b>	<b>332</b>	<b>100.0</b>

The above table provides a breakdown of the times to disposition for the sample of cases disposed of in the Commercial Division in 2018. It is seen that the largest proportion of these cases were disposed of within a year, accounting for an overwhelming 57.50% of the disposals. This is followed by 16.90%, which took 13 to 24 months to be disposed. Taken together, roughly 74.40% of the cases in 2018 were disposed of within 2 years. It is of note that 16.3% of the cases disposed took four years or more while 20.50% took more than 3 years to be disposed.

**Chart 21.0: Distribution of cases disposed in the Commercial Division in the year ended December 31 2018**



The above chart shows that the Easter Term accounted for the largest proportion of cases disposed in the Commercial Division in 2018 with 145 or 44% of the total. The Hilary Term with 87 or 26% of the total and the Michaelmas Term with 55 or 17% of the total follow this. Expectedly, the Vacation Period accounted for the smallest share of disposed cases with 45 or 13% of the cases disposed.

**Table 85.0: Case clearance rate for the Easter Term ended July 31, 2018**

Cases filed	Cases disposed	Case clearance rate
675	332*	49.19%

\*This figure includes cases filed before 2018. 95 of the cases filed in 2018 were disposed.

Six hundred and seventy five new cases were filed in the Commercial Division in 2018, while 332 cases were disposed which yields a case clearance rate of 49.19%. This result suggests that for every 100 new cases filed in the year, roughly 49 were disposed. Again, the cases disposed were not necessarily from those filed, as the clearance rate is simply a productivity ratio.

### **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) 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 2018. These measures are summarized in the table below:

# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

**Table 86.0: Selected performances metrics for the Commercial Division for the year ended**

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 (%)	Case backlog rate (%)
<b>332</b>	<b>754</b>	<b>0.44</b>	<b>830 days</b>	<b>247</b>	<b>332</b>	<b>74.40%</b>	<b>25.60%</b>

The results in the above table shows a case turnover rate of 0.44, which is an indication that for every 100 cases which were ‘heard’ in 2018 and still active, another 44 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 830 more days or 2.27 years to be disposed, barring special interventions.

A case is considered to be in a backlog classification if it remains active 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 2018 is 74.40%, which reflects the proportion of Commercial cases in 2018, which were dispose within 2 years. Conversely, the case backlog rate is 23.21%, an indication that an estimated annual proportion of 25.60% 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 754 cases, which had some court activity in 2018 and were still active at the end of the year, 193 are expected to be in a backlog classification before being disposed.

**CHAPTER 7.0: AGGREGATE CASE ACTIVITY AND RESERVED JUDGMENTS**

**Aggregate Case Clearance Rate**

Analysis of the productivity of the judiciary, subject to its resource constraints is an important metric for gauging efficiency and for informing policy and operational interventions. In this subsection, the gross case clearance rate is used as a measure the ratio of incoming and outgoing cases in the Supreme Court in 2018.

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

**Table 87.0: Gross case clearance rate for the year ended December 2018**

Total cases filed	Total cases disposed	Gross Case clearance rate
<b>12897</b>	<b>8564</b>	<b>66.40%</b>

The above table provides an aggregate summary of the clearance rates in the Divisions of the Supreme Court in 2018. The data suggests that 12897 new cases were filed/entered across the Divisions reviewed in 2018, an increase of less than 1% when compared to 2017. These results yield a gross clearance rate of roughly 66.40% a notable increase of roughly 17 percentage points when compared to 2017, suggesting that that for every 100 cases filed/entered during the year, roughly, 66 were also disposed. While this rate implies that there are still significantly

<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
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more incoming than outgoing cases in the Supreme Court, there is notable improvement, which is consistent with the targets set out by the Chief Justice of attaining a clearance in excess of 100% over the coming 3 -6 years.

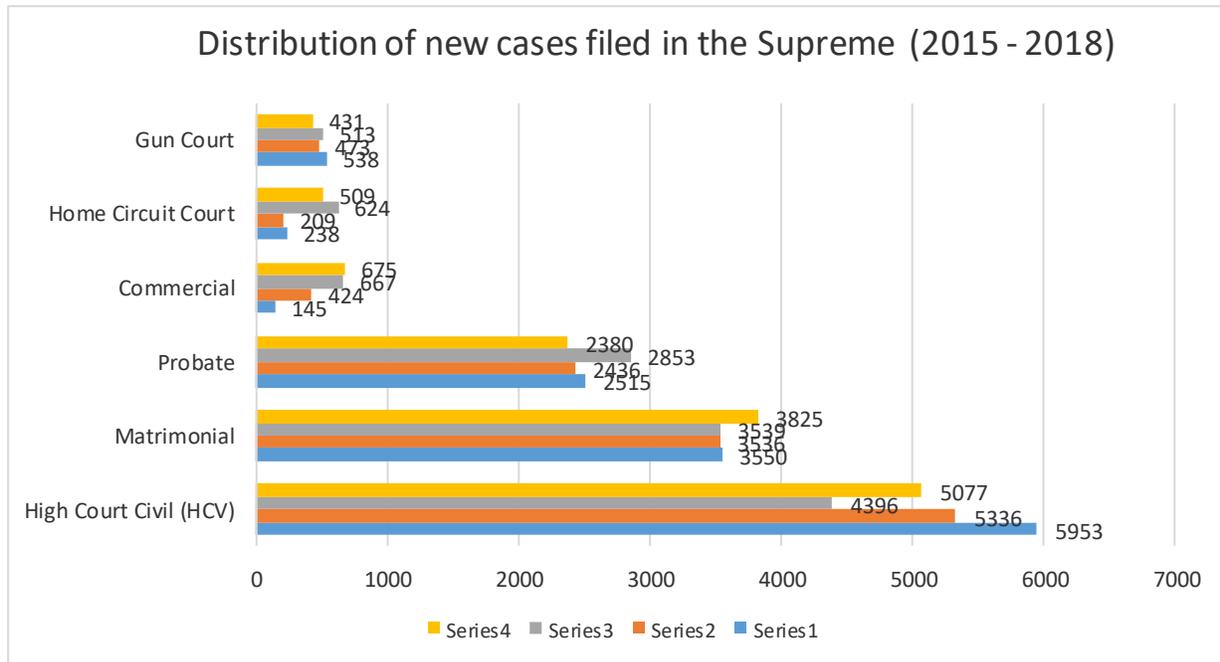
**Aggregate Case Counts 2015-2018**

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 2015-2018.

**Table 88.0: Number of new cases by Division for the years 2015-2018**

Division	Aggregate number of new cases in 2015	Aggregate number of new cases in 2016	Aggregate number of new cases in 2017	Aggregate number of new cases filed in 2018
<b>High Court Civil (HCV)</b>	5953	5336	4396	5077
<b>Matrimonial</b>	3550	3536	3539	3825
<b>Probate</b>	2515	2436	2853	2380
<b>Commercial</b>	145	424	667	675
<b>Home Circuit Court</b>	238	209	624	509
<b>Gun Court</b>	538	473	513	431
<b>Total</b>	<b>12939</b>	<b>12414</b>	<b>12592</b>	<b>12897</b>

Chart 22.0: Number of new cases by Division for the years 2015-2018



The above table and chart summarizes the progression of cases in the larger Divisions of the Supreme Court between 2015 and 2018. It is shown that the High Court Civil (HCV) Division has consistently demonstrated the largest share of new cases in the Supreme Court, averaging 5190 cases per annum over the period. There has however been noticeable decline in the number of new cases filed in this Division over the past two years. 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 3613 cases. Interestingly, 2018 accounted for the highest number of new cases filed in the Matrimonial Division over the above time series. 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 2546 cases per year. The Gun Court also demonstrates a steady progression of new cases over the three-year period with a high of 538

# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

new cases in 2015 and a low of 431 in 2018. The progression observed is however notably different from the other Divisions, particularly for the Commercial Division and Home Circuit Court which have both seen overall increases over the period. In particular, the data on the Commercial Division suggest that there has been a marked annual rise over the past three years, increasing by roughly 186% between 2015 and 2016 and approximately 61% between 2016 and 2017, levelling off between 2017 and 2018. As for the Home Circuit Court, the number of new cases brought in 2015 and 2016 was steady however aided by the new Committal Proceedings Act there was a major surge in 2017 which saw the number of new cases increasing by roughly 199% over 2016 before falling by 22.59% in 2018.

## Case Activity Summary for 2018

The below table provides a summary of the new cases filed, cases dispose and clearance rates for each Divisions of the Supreme Court in 2018. A cumulative summary is also provided.

**Table 89.0: Aggregate case activity in 2018**

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition	Hearing date certainty ratio (%)
High Court Civil (HCV)	5077	1692	33.33%	3 years	68.06%
Matrimonial	3825	3325	86.93%	2.14 years	70.54%
Probate	2380	2396	100.67%	1.57 years	70.35%
Commercial	675	332	49.19%	1.84 years	92.42%

<b>THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT</b>	<b>2018</b>
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<b>Home Circuit Court</b>	509	317	62.28%	1.64 years	64.95%
<b>Gun Court</b>	431	498	115.55%	1.92 years	65.46%
<b>Revenue Division</b>	7	4	57.14%	N/A	80.10%
<b>Gross/Average</b>	<b>12897</b>	<b>8564</b>	<b>66.40%</b>	<b>2.01 years</b>	<b>73.13</b>

The above table provides an important summary of case activity in the Supreme Court in 2018. It is shown that 12,897 cases were filed/entered across all Divisions of the Supreme Court in 2018. The High Court Civil (HCV) Division with 5077 cases or 36.37% of the cases account for the largest share of the new cases, followed by the Matrimonial Division with 3825 or 29.66% of the total and the Probate Division with 2380 or 18.45% of the total. The Commercial Division seems to have levelled off when compared to 2017, increasing by only eight cases. This upward trend is expected to continue over the next five years, partly due to greater public awareness of the functions of the Division and its increasing importance to investments and economic activity in Jamaica. The number of new High Court Civil cases filed in 2018 rebounded from a decline in 2017 but was still short of the count in 2015 and 2016. The general increase in the litigious nature of the Jamaican public however suggests that this general decline may be short lived, even though the capacity of the Parish Courts to handle larger valued civil cases has increased over the past few years. New cases entered in the Home Circuit Court accounted for 509 or 4.03% of the total number of cases, a decrease when compared to 2017 but the figure is expected to return to 2017 levels in 2019. The number of Probate and Revenue Division cases

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# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2018** ON THE SUPREME COURT

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are expected to remain generally steady in 2019. In light of the ensuing, it can be anticipated that the total number of new cases filed/brought in the Supreme Court in 2018 will be between 12500 and 13500 cases, likely settling close to the midpoint of about 13000 cases. This is similar to the projection at the beginning of 2018, which was true to script.

The Matrimonial and Probate Divisions accounted for the largest share of the cases disposed with roughly 38.83% and 27.98% respectively of the cases disposed. The Probate Division accounted for the largest proportion of new cases filed/brought in the Supreme Court in 2018, which were disposed. As far as clearance rates are concerned, the Gun Court and Probate Divisions with clearance rates of 155.55% and 100.67% respectively rank highest while the Commercial Division and the High Court Civil Division with 49.19% and 33.33% respectively have the lowest clearance rates. The overall case clearance rate for the Supreme Court is estimated at 66.40% an increase of roughly 17 percentage points when compared to 2017. The High Court Civil (HCV) Division accounted for the longest average time to disposition with cases taking an average of 3 years to be disposed. The Matrimonial Division is next with an average time to disposition of approximately 2 years and 2 months while the Probate Division and the Home Circuit Court with estimated average times to disposition of 1 year and 7 months and 1 year and 8 months respectively account for the lowest average times to disposition in 2018. The overall average time taken to dispose of the cases resolved in 2018 is just over 2 years. The Commercial Division is the only Division in the Supreme Court to have met the International standards for hearing date certainty in 2018, netting out at 92.42% while the Revenue Court comes in next with 80.10% and the Matrimonial and Probate Divisions with 70.54% and 70.35%

# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT 2018 ON THE SUPREME COURT

respectively. All other Divisions had overall hearing date certainty rates ranging from roughly 65% to 68.06%. The overall average hearing date certainty rate in 2018 was 73.13%, an improvement of 4.13 percentage points when compared to 2017.

## Judgments Reserved and Judgments Delivered

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

**Table 90.0: Summary of Judgments Reserved and Delivered in 2018**

Number of Judgments reserved	Number of Judgments delivered (from those reserved in 2018)	Total number of Judgments delivered in 2018	Number of outstanding Judgments (from those reserved in 2018)	Clearance rates for Judgments reserved (%)
<b>203</b>	<b>110</b>	<b>140</b>	<b>93</b>	<b>54.19%</b>

A total of 203 Judgments were reserved in 2018, an increase of 59.84% over 2017, 110 or 54.19% of which were delivered in said year, representing an increase of roughly 25 percentage points when compared to 2017. In total, 140 Judgments were delivered in 2018. Ninety of the Judgments reserved in 2018 were still outstanding at the end of the year. The large proportion of Judgments which were both reserved and delivered in 2018 is an indication of a significant emphasis on more recent Judgments however there is still a notable quantum of judgments reserved predating 2018 which are still outstanding.

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

This second Annual Statistics Report for the Supreme Court represents another important step in the effort in creating a more data driven and efficient judicial system and to improving access to information. The previous Annual Statistics Report in 2017 marked an important watershed moment in setting the foundations for Statistical Reporting to become an established part of policy design and planning for the Jamaican judiciary. This 2018 report represents an important continuation of this new *modus operandi*, establishes important comparisons and sets out vital benchmarks for the monitoring and evaluation of the performance targets set out by the Honourable Chief Justice for the Jamaican judiciary over the next 3 – 6 years. At the core of these targets is 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. In an effort to support the targets, a number of operational and process re-engineering is being undertaken across the Divisions of the Supreme Court. The upcoming term and annual reports will track the effect of these improvements on the performance of the Divisions.

There are a number of important strides in performance output, which are already being seen because of operational interventions in 2018. Among these improvements is the 18-percentage point improvement in the case clearance rate across the Divisions of the Supreme Court, leaping from 50% in 2017 to 68% in 2018. This implies that there were 18 more cases disposed for every 100 new cases filed in 2018. This improved performance was anchored by the High Court Division of the Gun Court, the Probate and Matrimonial Divisions, which all met the International standard of 90% - 110% on this measure. There was also a 4.13 percentage point

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# THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT **2018** ON THE SUPREME COURT

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increase in the overall trial and hearing date certainty in 2018, an early promising sign for the drive to improve the scheduling processes in the Supreme Court. The Commercial Division was the only Division of the Supreme Court, which met the annualized International standard of 92% - 100% on this measure in 2018, however some other Divisions continue to show promising signs, such as the Home Circuit Court, which had a 10-percentage point improvement in the combined trial and hearing date certainty in 2018. The year 2018 also saw an improvement in the average time taken to dispose of cases in the Supreme Court, improving by five months when compared to 2017. The overall average on-time case-processing rate in the Supreme Court in 2018 was roughly 67%, an indication that 67% of the cases disposed in 2018 were resolved within two years. Concomitantly, the case backlog rate across the Divisions of the Supreme Court was roughly 33%, an indication that roughly a third of cases disposed in 2018 were in backlog. The High Court Civil and the Matrimonial Divisions with on time case processing rates of 52.13% and 65.26% respectively and case backlog rates of 47.87% and 34.75% respectively account for the lowest proportion of cases disposed before reaching the backlog classification in 2018. On the other hand, the Home Circuit Court and Probate Division with on time case processing rates of 81.70% and 76.79% respectively and case backlog rates of 18.39% and 23.21% respectively account for the highest proportion of cases disposed prior to a backlog classification in 2018.

Despite the improvements noted, there are significant delay factors across all Divisions, which continue to affect the expeditious disposition of cases. One area that highlights these delay factors is the reasons for adjournment of court matters as well as the requisitions in especially

the Matrimonial and Probate Divisions. Among the prominent reasons for adjournment cited across this report are the non-appearance of parties and/or attorneys, absenteeism of witnesses and investigating officers, incomplete files, documents to be filed, statements outstanding and disclosure. These reasons span both internal factors within the court's control and factors outside of its direct autonomy. Therefore, the ethos of the solutions related to these issues is the need for enhanced case and records management, more robust systems of scheduling and stronger stakeholder engagements. Continuous process flow re-engineering and stakeholder engagement are required in the various Divisions of the Supreme Court to address these delay factors.

When the performance measurements are statistically weighted, the Home Circuit Court and the Probate Division were the best performing Divisions in the Supreme Court in 2018.

## **RECOMMENDATIONS**

There is no quick fix to the problems experienced by the Supreme Court in bolstering trial and hearing date certainty, bolstering case clearance and case disposal rates, reducing incidence of adjournments and requisitions and overall enhancing the timely disposition of cases, thus reducing the case backlog rate. The strides made in 2018 are due in part to the pursuit of some new approaches and process re-engineering in some Divisions of the Supreme Court. There is however a far way to go to positioning the judiciary to be the best in the Caribbean Region within the next three years and among the best in the world in the next 6 years. As seen, many

of the factors contributing to these problems are not directly controllable by the Supreme Court but several are, including the case management processes and the way in which matters are scheduled for court. These should be the starting points for the creation of system, which obligates external stakeholders such as defence attorney, and investigating officers improve court attendance. In this regard, I wish to propose the employment of two related models to managing scheduling and caseload – the Differentiated Case Management (DCM) mechanism and the Weighted Caseload Model (WCM).

The Differentiated Case Management (DCM) mechanism, which was also proposed in the Easter Term report of 2018, bears some similarities to the Express Chamber Resource that is employed in the civil Divisions to good effect to fast track cases. Differentiated case management is a technique that courts can use to create an efficient, tight-fitting assignment of cases for judges based on the specific characteristics of each case, much like putting a jigsaw puzzle together. By balancing complex cases that involve more time and resources with simpler cases that require less time and resources, a court can better utilize its judges and courtrooms. The way this can work is that when a case is filed, a determination of the expected time to complete the case should be made. Depending on the complexity of the case, it can be assigned to one of four tracks, from the least to most complex. A less complex case would be assigned to an expedited track (as per the current Express Chamber Resource). Cases in this track would have limited pre-trial deadlines and trials could possibly be set within 90 days of filing. By contrast, the most complex cases would be assigned to an extended track, where the trial date was set at months away. There could also two other intermediate tracks between the expedited and extended tracks, with varying trial date schedules. This kind of approach could potentially enhance

hearing/trial date certainty, improve courtroom utilization rates and over time significantly expedite the disposition of cases. In this regard, I recommend the establishment of clearly defined standards for turnaround times for Probate matters assigned to the Registrars and Matrimonial matters assigned to Judges. These should contribute appreciably to improving disposition times for these Divisions.

The basis of the Weighted Caseload Model is that it translates case filings into workload and computes judicial need based on total judicial workload. The caseload of the various Divisions of the Supreme Court vary in complexity with different types of cases requiring different amounts of judicial time and attention. The fundamental ethos of the Weighted Caseload Model is that it provides an accurate assessment of the judicial workload, which is associated with each case type while accounting for variations in caseload composition over time. For example, if the caseload of the Supreme Court remains the same over time but the number of serious crimes increase then the Weighted Caseload Model would show that more judicial resources to handle the increased workload. On the other hand, a model that is based on unweighted case filings would not reflect the additional judicial activity associated with the adjustment in the caseload composition. The Weighted Caseload Model is also versatile with respect to accommodating other variables that have an effect on judicial resources, such as the quantum of time that judges have to hear cases. A successfully implemented Weighted Caseload Model can radically transform the way in which cases are scheduled in the court system as a whole, enhancing efficiency, accountability, and the timely delivery of justice. The development of a Weighted Caseload Model for the Supreme Court requires the formulation of an advisory committee of judicial experts to inform policy perspectives and a sustained data

gathering exercise so as to properly and objectively establish the time taken and/or required to undertake particular judicial and quasi-judicial activities along the case flow continuum each Term.

Backlog prevention and reduction are important facets of a solid case management platform and as such, in addition to the above idea, I propose the formation of dynamic group of Supreme Court personnel in each Division or across Divisions, geared towards scientifically managing the scheduling of the aged caseload. I propose that this group be called the Backlog Reduction, Evaluation and Assessment Committee (**BREAC**). For this purpose all 'older' cases on the trial list of the court, however aged can be categorized by complexity, state of readiness and age in the court system. This list can be used on an ongoing basis as the ethos of informing the work of the **BREAC** group. The goal is to ultimately make significant reductions in the pre-existing case backlog in the Supreme Court and to marshal the process of revising the scheduling practices of the Court, thus making backlog prevention a priority in the near future.

The incidence of files not found, matters left off the court list and matters wrongly listed are among the factors contributing to the waste of judicial time, which are most directly controllable by the Supreme Court. Urgent steps must therefore be taken to strengthen the case file movement process and greater use of the available records in electronic case management software (JEMS) must be encouraged.

### Glossary of Statistical Terms

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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<sup>i</sup> Source:

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

<sup>ii</sup> Source:

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