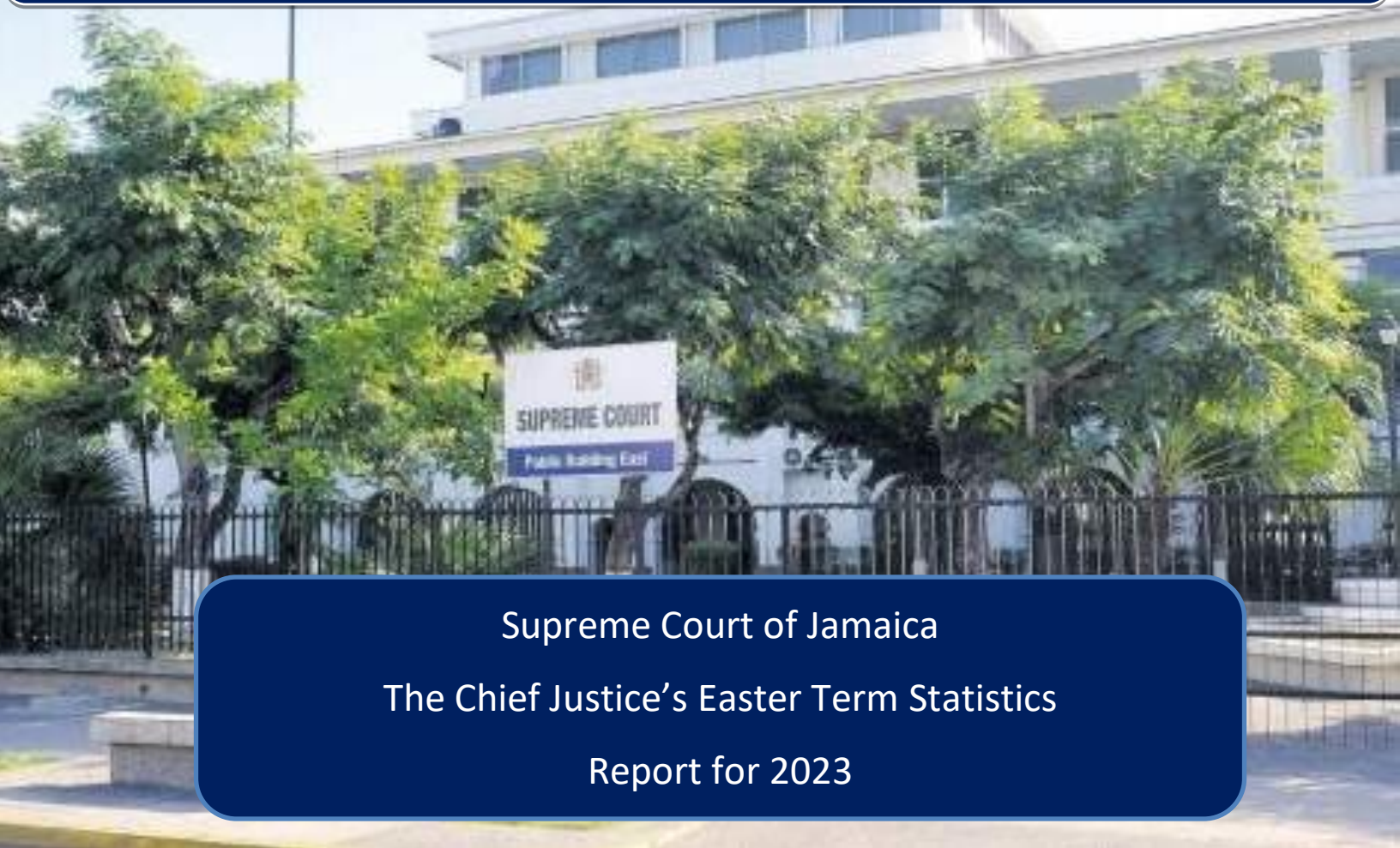


# THE CHIEF JUSTICE'S STATISTICS REPORT ON THE SUPREME COURT FOR THE EASTER TERM OF 2023



## Supreme Court of Jamaica The Chief Justice's Easter Term Statistics Report for 2023

### OVERALL QUANTITATIVE HIGHLIGHTS (EASTER TERM)

	<u>2023</u>	<u>2022</u>	<u>2021</u>
Case clearance rate (%)	<b>74.19</b>	<b>86.37</b>	<b>61.88</b>
Hearing date certainty rate (%)	<b>79.76</b>	<b>79.72</b>	<b>72.76</b>
Case file integrity rate (%)	<b>97.92</b>	<b>96.40</b>	<b>84.44</b>
Average time to disposition of cases (years)	<b>2.60</b>	<b>2.60</b>	<b>2.20</b>
Clearance rate on outstanding Judgments (%)	<b>69.18</b>	<b>140.85</b>	<b>138.46</b>

---

# THE CHIEF JUSTICE’S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

---

**2023**

## TABLE OF CONTENTS

Executive Summary .....	2
Methodology and Structure of Report .....	10
Chapter 1.0: High Court Civil Division.....	13
Chapter 2.0: Family Division .....	35
Chapter 3.0: Estate Division.....	54
Chapter 4.0: Home Circuit Court.....	67
Chapter 5.0: High Court Division of the Gun Court .....	81
Chapter 6.0: Commercial Division .....	91
Chapter 7.0: Aggregate Case Activity, Judgments, Courtroom Utilization and Guest Contribution .....	101
Chapter 8.0: Conclusion and Recommendations .....	108
Glossary of Terms.....	110

---

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

---

**2023**

## **EXECUTIVE SUMMARY**

The Jamaican judiciary is currently experiencing a watershed moment marked by significant changes in its overall performance. To date the most notable improvements have been seen in the parish courts, however the Supreme Court is also making steady progress in some key areas and as the strategies and policies that drive these changes persist it is expected that in the foreseeable future the case clearance rate will attain the desired heights and accordingly the backlog rates be suppressed to sustainable levels. At the core of its strategic plan, the judiciary has set out to attain a backlog free status, a feat which requires substantial mobilization of resources and the pursuit of deliberate strategy which are so far yielding positive outcomes.

This Easter Term report contains a range of data and performance measurements on all Divisions of the Supreme Court, in addition to the High Court Division of the Gun Court and the Revenue Court which are both housed at the Supreme Court and utilizes its resources. The report is extensive, covering several major areas of case flow progression and therefore provides crucial insights, which can potentially inform the operational efficiency of the Supreme Court and the policy design of the relevant state actors. Among the key highlights from this report is that for the first time in three years, the Supreme Court recorded a clearance rate on judgments of below 100%, netting 69.18%, a significant decline of 71.67 percentage points when compared to the corresponding period in 2022. The result is partly due to the overall decline in the number of outstanding judgments over the past few years due to special initiatives of the Chief Justice such as having special judgment writing days. It may not be a

---

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

---

**2023**

cause for alarm at this stage as there was also a significant increase of 83.10% in the number of judgments reserved. The outcome from the Michaelmas Term will be very instructive in this regard.

A total of 4499 new cases were entered the Supreme Court across all Divisions/sections in the Easter Term of 2023 while 3338 cases were disposed. The total number of new cases filed in Term fell by 11.31% when compared to the corresponding period of the previous year. The number of cases disposed in the Term decreased by 4.38% when compared to the similar period last year. The Family Division and the High Court Civil (HCV) Division with 1477 or 32.83% and 1274 or 28.32% respectively of the total number of new cases filed accounted for the largest shares of incoming cases in the Easter Term.

Among the other major findings from this Easter Term Statistics Report is that the weighted average case clearance rate across the four Divisions was roughly 74.19%, a decrease of roughly 19.24 percentage points when compared to the corresponding period in 2022. The case clearance rate provides a measure of the number of cases disposed, for every new case entered/filed in a given period. The average of roughly 74% across the Divisions suggests that for every 100 new cases entered in the period, roughly 74 were also disposed (not necessarily from the new cases entered). The case clearance rates for the Easter Term of 2023 range from a low of 23.96% in the Commercial Division to a high of 113.46% in the High Court Division of the Gun Court. The Family Division had the second highest case clearance rate in the Supreme Court in the Term with a rate of 88.42%, followed by the High Court Civil Division with 75.12%. The overall clearance rate of roughly 74.19% for the Easter Term is the fourth consecutive Term

---

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

---

**2023**

that the Supreme Court has exceeded the 70% mark and is an indication of a higher equilibrium rate of output for the Supreme Court as a whole, although there are variances across divisions.

The report also generated the estimated times to disposition for matters resolved in the respective Divisions of the Supreme Court in the Easter Term of 2023. The estimated average times taken for cases to be disposed range from a low of 19.50 months (1 year and 7 months) in the Estate Division to a high of 56 months (4 years and 8 months) in the High Court Civil Division. The overall average time to disposition for the Divisions of the Supreme Court in the period was roughly 31.17 months (roughly 2 years and 7 month), approximately the same as the corresponding period in the previous year.

The standard definition of a case backlog, which has been adopted by the Jamaican Court system is a case that has been in the system 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 the Easter Term of 2023 was approximately 61.34% which suggests that roughly 61 of every 100 cases disposed were done within two years, roughly the same as the previous year. This result implies that roughly 38.66% of the cases disposed in the Easter Term were in a state of backlog at the time of disposition, representing a crude proxy of the overall gross case backlog rate for the Supreme Court. The Estate and Family Divisions with on time case processing rates of 84% and 75% respectively fared best on this metric in the Easter Term, thus also having the lowest gross case backlog rates at the end of the period with 16% and 25% respectively. Despite its steady progress over consecutive Terms, the High Court Civil Division recorded the lowest on-time case processing rates for the Easter Term with an output of 30%.

The hearing date certainty rate is a vital measure of the robustness of the case management and scheduling apparatus in the court system. It provides an indication of the likelihood that dates set for hearings will proceed on schedule without adjournment. In the long run, the hearing date certainty rate will be positively correlated with the clearance rate, thus the higher the hearing date certainty rates, the higher the clearance rates over time. Similarly, in the long run higher hearing date certainty rates will correlate with lower case backlog rates, thus there is a negative association between these two variables. The hearing date certainty, which computes the rate of adherence to hearing dates scheduled, ranges from an approximate low of 73.50% in the Home Circuit Court to a high of 85.47% in the Family Division in the Easter Term of 2023. The weighted average hearing date certainty across all the Divisions of the Supreme Court in the Easter Term of 2023 was roughly 79.76%, which is an indication that there was a roughly 80% probability that a matter scheduled for hearing will proceed without adjournment. Similar data on the estimated trial date certainty rates in isolation are also provided in the relevant chapters of the report. The estimated trial date certainty rates are generally lower than the overall hearing date certainty rates in the Divisions of the Supreme Court.

This report again demonstrates decisively that external factors and third parties account for a sizeable share of the reasons for adjournment of cases and hence persistently long waiting time or delays in case dispositions. The prominent reasons for adjournment in the Easter Term of 2023 are similar to those observed over the past 5.5 years of statistical reporting. Among the common reasons for adjournment cited in this report are the non-appearance of parties and/or

attorneys, absenteeism of witnesses and investigating officers, incomplete files, files not found, documents to be filed, statements outstanding, ballistic and forensic reports outstanding among others. Some factors contributing to delays are within the court's sphere of direct influence and significant efforts are being made to minimize and eventually eliminate these incidences. The greater problem however appears to be the absence of culture of collective responsibility where all court participants/stakeholders fully embrace that they play a crucial role in contributing to efficient case progression and thus optimal usage of the court's time and their own time. It appears that unless this culture is engendered and that the weaknesses identified among the relevant case participants/stakeholders in this report are aggressively addressed, then the Supreme Court, even at its most optimal resource utilization will not be able to dispose of its cases within the shortest conceivable times. The existing constraints present a complexity in scheduling of hearings with matters getting longer future dates than they could otherwise. There are however major targeted reform efforts which are currently underway in the Supreme Court, geared towards backlog reduction, more efficient scheduling, greater specialization of judicial assignments and broader structural reforms aimed at bolstering productivity. It is forecasted that within the next 2 years these reforms will start to yield genuine advances in the overall efficiency of case processing.

The casefile integrity rate measures the proportion of cases which are scheduled for court and are able to proceed in a timely manner without being adjourned for reasons of missing, lost or incomplete files, matters wrongly listed for court and other related factors which are attributable to the inefficient handling of records and case scheduling by the court's registries.

---

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

---

**2023**

Using the High Court Civil Division as a proxy, the data reveals that the case file integrity rate was 98.60%, an increase of 2.18 percentage points when compared to the corresponding period in 2022. This result suggests that for every 100 case files that were part of court hearings in the Easter Term of 2023, roughly 2 more were able to proceed, as compared to the corresponding period in 2022, without being adjourned due to one of the named factors which impair case file integrity. The prescribed international standard for the case file integrity rate measure is 98% - 100%.

The below tables provide case activity summary for the Easter Term of 2023 as well as critical on-time case processing rates, crude gross backlog rates and key performance forecast for 2023.



# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

See below Supreme Court case activity summary for the Easter Term of 2023:

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (months)	Hearing Date Certainty Rate (%)
High Court Civil (HCV)	1274	957	75.12	56	81.79
Estate	1137	781	68.69	19.50	81.62
Family	1477	1306	88.42	24.29	85.47
Commercial	285	121	42.46	20.82	85.15
Home Circuit Court	217	52	23.96	30.52	73.50
Gun Court	104	118	113.46	35.87	75.32
Revenue Division	5 -	3	60.00%	-	75.50
Gross/Weighted Average	4499	3338	74.19	31.17	79.76

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

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

(i) The on time case processing rate

(ii) Crude proxy case backlog rate

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

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

## Selected performances metrics for the Supreme Court in the Easter Term of 2023

Division of the Supreme Court	Resolved/Disposed cases	Unresolved cases which had some administrative or court activity in 2021	Number of cases disposed within 2 years	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
High Court Civil (HCV)	957	6415	284	30	70
Family Division	1306	4728	978	75	25
Estate Division	781	2204	656	84	16
Commercial Division	121	487	90	74.40	26.60
Home Circuit Court	52	884	31	58	42
Gun Court	118	371	55	46.61	53.39
Gross/Weighted Average	<b>3335</b>	<b>15089</b>	<b>2094</b>	<b>61.34</b>	<b>38.66</b>

## Vital Forecasts:

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

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

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

*Note: Forecasting done using the method of exponential smoothing*

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

## **Forecast for Judgments Reserved and Delivered in 2023**

<b>Forecasted number of Judgments Reserved</b>	<b>Forecasted number of Judgments Delivered</b>	<b>Forecasted clearance rate on Judgments (%)</b>
205	282	137.56

*Note: Forecasting done using the method of exponential smoothing*

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

## **METHODOLOGY**

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

inside court by the Clerks. In order to assure the integrity of the data that is entered in JEMS, data validators are specially assigned to scrutinize case files on a daily basis to ensure consistency with the electronic data and adequacy of data capture.

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

### **Structure of Report**

This is a comprehensive statistical report on case activity in the various Divisions of the Supreme Court in the Easter Term of 2023. Each of the first six chapters focus on case activity and performance metrics in the High Court Civil (HCV) Division, the Family Division, the Estate Division, the Commercial Division, the Home Circuit Court and the High Court Division of the Gun Court. The last two chapters summarize aggregate case activity across the Divisions of the Supreme Court, presents the clearance rate for civil Judgements and the courtroom utilization rate estimates for the Easter Term of 2023. In each chapter, a wide range of measurements and other information are presented which places case and court activity in each Division in their

---

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

---

**2023**

peculiar perspectives and context. A glossary of statistical terms and key performance measures used in his reports are also outlined at the end of the report. The report is meant to be more of an information piece for both internal and external stakeholders, forming the basis for interventions geared at enhancing efficiency and fostering a culture of court excellence.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

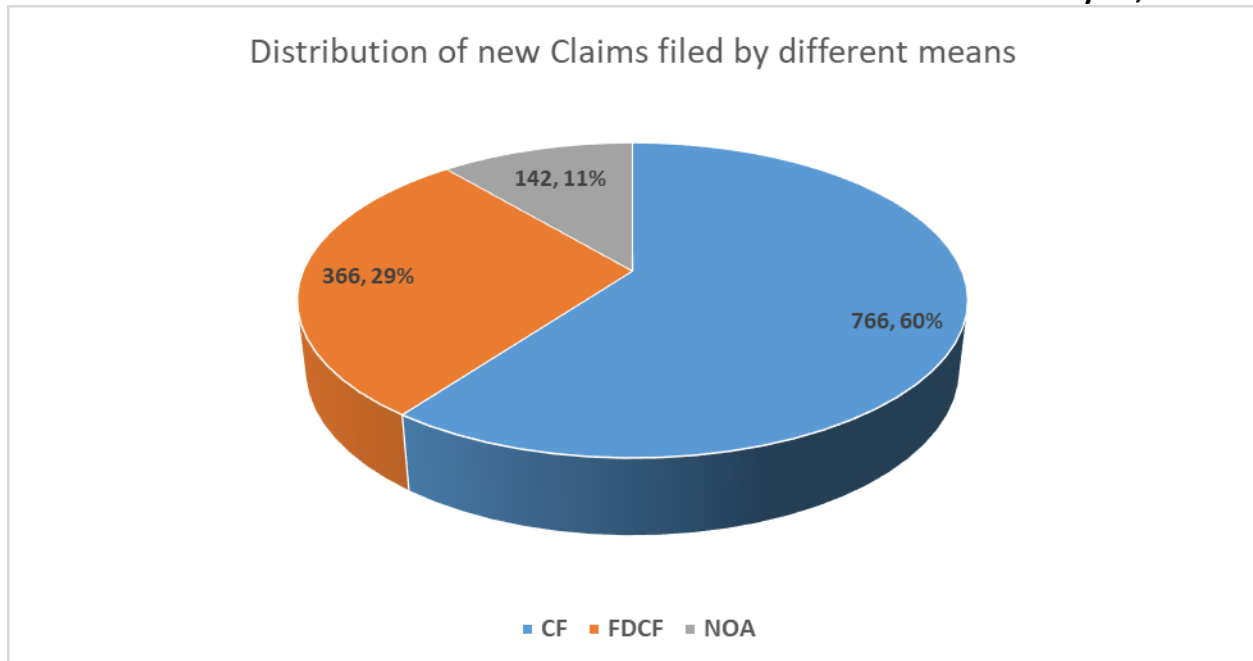
2023

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

The ensuing analysis examines the various measures of the efficiency of case handling in the High Court Civil (HCV) Division for the Easter Term ended July 31, 2023.

A total of 1274 new cases were file in the High Court Civil Division during the Easter Term of 2023, representing a 21.91% increase when compared to the corresponding period in 2022. The below chart provides a summary of the breakdown of the new cases filed in terms of the primary methods of origin, that is, whether they were filed by way of a Claim Form or Fixed Date Claim Form. Notably, there are a minority of matters filed in the High Court Civil Division which are done by means of Notices of Application.

**Chart 1.0: Claim Forms and Fixed Date Claim Forms for the Easter Term ended July 31, 2023**



**Population size = 1274**

---

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

---

**2023**

The above chart highlights the proportional distribution of cases filed in the High Court Civil (HCV) Division in the Easter Term of 2023 which originated either by way of a Claim Form or Fixed Date Claim Form. The data shows that 766 or 60% of this sample were filed by way of Claim Forms while 366 or 29% were filed by way of Fixed Date Claim Forms and the remaining 142 or 11% were filed by way of Notice of Application. In general, the number of matters filed by way of Claim Forms tend to outstrip those filed annually by way of Fixed Date Claim Forms and Notices of Application in the High Court Civil Division of the Supreme Court. The method by which a case is filed, be it by way of a Claim Form, Fixed Date Claim Form or Notice of Application has an impact on the path that the matters travel in the court. Matters filed by way of Claim Forms tend to have more processes along the case flow continuum and tend on average to take a longer time to be disposed than those filed by way of Fixed Date Claim Forms and Notices of Application, both of which tend to follow a very similar path.

Tables 1.0 below provides an analysis of the reasons for adjournment of High Court Civil cases in the Easter Term of 2023.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 1.0a: Leading reasons for adjournment for the Easter Term ended July 31, 2023**

Reasons for adjournment	Frequency	Percentage
Claimant to file documents	1027	21.0
Claimant's documents not served or short served	477	9.70
Defendant to file documents	300	6.10
Claimant to comply with order	286	5.8
Judge ill	231	4.70
Parties having discussion	221	4.50
No parties appearing	185	3.80
Pending settlement	119	2.40
Claimant not available	115	2.30
Claimant's attorney absent	115	2.30
Matter referred to mediation	114	2.30
Claimant's documents not served or short served	113	2.30
Letter indicating "no objection" outstanding	108	2.20
Defendant's attorney absent	91	1.90
Claimant's attorney needs time to take instruction	89	1.80



# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

<b>Sub-Total</b>	<b>3591</b>	<b>73.10</b>
------------------	-------------	--------------

**Total number of adjournments/continuance = 4912**

There were total of 4912 incidence of adjournments/continuance in the Easter Term of 2023, an increase of 20.57% when compared to the corresponding Term in 2022. The above table summarizes the top fifteen reasons for adjournment for the Easter Term of 2023, using the contextual definition outlined above. It is seen that the three dominant reasons for adjournment were claimants to file documents with 1027 or 21.0% of all events of adjournments/continuance, adjournments for defendants to file documents with 200 or 5.60% and claimant's documents not served or short served with 364 or 7.40%. Adjournments for defendants to file documents with an incidence of 300 or 6.10%, adjournments for claimants to comply with order with 286 or 5.80% and adjournments due the illness of Judges with 231 or 4.70% rounds off the top five reasons for adjournment during the Easter Term of 2023. The top fifteen reasons for adjournment enumerated above, accounts for approximately 73.10% of the total reasons for case adjournment/continuance in the period. As with previous reports, it is evident that a significant proportion of the total adjournments were due to factors related to the lack of readiness or preparedness of case files and cases themselves and the absenteeism of parties and attorneys for court hearings. While some of the reasons for adjournment strongly suggest weaknesses in case flow management, record keeping and scheduling practices, the overwhelming majority of the incidences of reasons for adjournment are associated with external factors which are not directly controllable by the High Court Civil Division.

A special team of Judges and court staff have been convened by the Honourable Chief Justice of Jamaica to oversee a series of reforms to the High Court Civil Division. As a result, a number of simultaneous targeted projects are currently being pursued to improve the efficiency with matters are scheduled for court and assigned to Judges and to strengthen the registry processes which surround case flow and case progression management. The last twelve months of pursuing these initiatives have yielded rich dividends with the High Court Civil Division defying all statistical odds to emerge as one of the better performing divisions in the Supreme Court in terms of case clearance rate. It is anticipated that the reforms will eventually have a meaningful impact on reducing both the net and gross backlog rates in the Supreme Court to sustainable levels. Much of these reforms are however being undertaken from the supply side. According to Priest (1989) in his famed congestion hypothesis, deep reforms such as those currently being undertaken in the High Court Civil Division of the Supreme Court can have a material influence on reducing the case backlog, however the hypothesis purports that this will cause an attendant increase in demand as litigants will respond to a more efficient court operation by increasing demand thus placing a strain on the supply of judicial services. Based on this hypothesis there will therefore invariably be some amount of delay at the equilibrium level that a court has to tolerate. However, the objective should be to achieve an equilibrium point where the level of delay is at its lowest and the corresponding average time taken to dispose of cases is also at its lowest. The persistent efforts of the High Court Civil Division of the Supreme Court are showing ominous signs of being able to achieve this steady state sustainable equilibrium point in the foreseeable future.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 1.0b: Case File Integrity Rate for the Easter Term ended July 31, 2023**

<b>Number of adjournments/continuance</b>	<b>Number of adjournments due to missing files, matters wrongly listed and matters left off the court list</b>	<b>Proxy Case File Integrity Rate (%)</b>
<b>4912</b>	<b>102</b>	<b>97.92%</b>

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 50 combined incidences of adjournments due to these deficiencies in the Easter Term of 2023, resulting in a case file integrity rate of 97.92%, which means that roughly 2.08% 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 1.45 percentage points when compared to the corresponding period in 2022. A re-engineering of the document management processes in the High Court Civil Division and a strengthening of the human resources in the records section of this Division continued to be pursued to create a sustainable system of marshalling file readiness. This will redound to the benefit of the High Court Civil Division in improving the rate of progression of cases filed to mediation and to court hearings

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

and thus promote a timelier scheduling and other actions leading up to the disposition of cases filed. It will also contribute to an improvement of the rate of handling of notices of discontinuances filed which will assist in improving the timely disposition of cases.

**Table 2.0: Selected trial and pre-trial case counts for the Easter Term ended July 31, 2023**

<b>Trial matters/hearings</b>	<b>Frequency</b>	<b>Percentage</b>
Court Trials	161	37.79
Motion Hearing	18	4.23
Assessment of Damages	156	36.62
Trial in Chambers	91	21.36
<b>Total trial matters</b>	<b>426</b>	<b>37.79</b>

The above table shows the breakdown of the case counts associated with selected pre-trial and trial hearings in the High Court Civil Division in the Easter Term of 2023. The table shows 426 combined cases which were heard across the four listed types of hearings, of trials in open court with 161 or 37.79% accounted for the largest share while assessments of damages with 156 or 36.62% of the total ranked next. The 91 cases or 21.36% of the total which had trials in chamber and the 18 cases or 4.23% which had motion hearings rounds off the list.

**Table 3.0 Sampling distribution of hearing date certainty for the Easter Term ended July 31, 2023**

<b>Hearing dates set</b>	<b>Hearing dates adjourned (excluding adjournments for continuance)</b>	<b>Hearing date certainty (%)</b>
3212	585	81.79

---

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

---

**2023**

The overall hearing date certainty of a court provides a good metric of the extent to which dates, which are scheduled for hearings are adhered to and therefore speaks to the reliability of the case scheduling process. A sample of 3212 dates scheduled for either trial or various pre-trial hearings, both in Court and in Chamber, revealed that 585 were 'adjourned' on the date set for commencement. The resulting estimated overall hearing date certainty figure of 81.79% suggests that there is a roughly 82% probability that a date set for a matter to be heard would proceed without adjournment for reasons other than some form of 'continuance' or settlement. This is an increase of roughly 2 percentage points when compared to the corresponding period in 2022. When trials in open court is isolated, the trial certainty rate for the HCV Division for the Easter Term of 2023 is estimated at 74.00%, an improvement of just 1 percentage point when compared to the corresponding period in 2022 and when trial in chambers is isolated the estimate rate is 74%, an improvement of 4 percentage points when compared to the corresponding period in 2022. These results represent resilient outcomes as the HCV continues its aggressive reform agenda to improve the efficient processing of cases and the overall productivity of the registry.

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

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

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 4.0a: Index of scheduling efficiency for Assessment of Damages in the HCV Division for the Easter Term ended July 31, 2023**

<b>Number of available court days in the Easter Term of 2023</b>	<b>Number of days' worth of assessment of damages scheduled</b>	<b>Approximate ratio</b>
<b>77</b>	<b>197</b>	<b>2.56</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 during the Easter Term of 2023, 77 all told and the number of days' worth of assessment of damages which were scheduled (a total of 197). It is shown that for every court day available, approximately 2.6 days' worth of matters were scheduled, an improvement of roughly 2 days when compared to the corresponding period in 2022, a clear signal of improvements in the efficiency with cases are being scheduled for these matters. Historically, a high incidence of adjournments has plagued the assessment of damages courts. The latest improvements seen are partly a result of the creation of a docket system which allows for specific Judges to preside over cases to their closure. This creates the opportunity for higher levels of efficiency in case flow progression management and this appears to be yielding incremental success. There is

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

indeed still some way to go and continuous reforms needed to attain the desired level of equilibrium in hearing date certainty and case clearance.

**Table 4.0b: Index of scheduling efficiency for court trials in the HCV Division for the Easter Term ended July 31, 2023**

<b>Number of available court days in the Easter Term of 2023</b>	<b>Number of days' worth of court matters scheduled for court trial per court</b>	<b>Approximate ratio</b>
<b>77</b>	<b>174</b>	<b>2.26</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 Easter Term of 2023, 77 all told, and the number of days' worth of court trials which were scheduled per court (a total of 174). It is shown that for every day available, 2.26 days' worth of matters were scheduled, an increase of 1 day when compared to the corresponding period in 2022. In practice this implies that the High Court Civil Division was slightly less efficient with scheduling and the use of judicial time for open court trials when compared to the corresponding period in 2022. Hence, continued vigilance and reforms are required in this area, however it should be significantly helped by the ongoing plans to create a more Judge managed system of scheduling and case progression management in the division, anchored by a docketing system.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 5.0a: Probability distribution of the incidence of adjournments/continuance for the Easter Term ended July 31, 2023**

Type of Incidence	Frequency	Percentage (%)
Case Management Conference	272	7.55
Pre-Trial Review	201	5.58
Trial in open court	321	8.91
Trial in chamber	282	7.83
Assessment of damages	245	6.80
Judgment Summons Hearing	190	5.27
Applications	2091	58.05
<b>Total</b>	<b>3602</b>	<b>100.00</b>

The above table takes a large, representative sample of reasons for adjournment and records the stages of the case flow process at which they are observed. The results here are broadly similar to those which were observed in the previous two years. Trial hearings account for a combined 16.74% of the adjournments in the sample while case management conferences account for 7.55% but it was the incidence of adjournments at the applications stage which again took the spotlight, accounting for 58.05% of the total incidence of adjournments. Pre-trial reviews and judgment summons hearings 5.58% and 5.27% respectively of the sample rounds off the list. As stated earlier, continued improvements in the overall scheduling apparatus of the High Court Civil (HCV) Division will be crucial to reducing the persistently high incidence of adjournments which delay the disposition of cases and contribute to a sizeable case backlog.



# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

2023

Tables 6.0b and 6.0c are extracts from a previous annual report.

**Table 6.0b: Sampling distribution of the case flow process transition summary**

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

*Note: The above data set represents estimated values based on data available at the time of reporting*

*Note that the number of mediation referrals and the number of cases referred to mediation are not necessary equivalents*

*Note that the number of cases on which defences were filed and the number of defences filed are not necessary equivalents*

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

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

2023

**Table 6.0c: Sample distribution summary of the average times taken for the Supreme Court to receive mediation reports (2019 -2022)**

Descriptive Statistics (days)	
Sample size	250
Mean	182.35
Median	162.00
Mode	75
Std. Deviation	134.54
Skewness	0.798
Minimum	<30
Maximum	650

The above table is computed using a systematic random sample of 250 cases on which mediation reports were received between 2019 and 2022. The results show that the average time taken to receive these reports from the point of referral is an estimated 6 months with a wide standard deviation of 4.5 months. The maximum time was approximately 22 months while the minimum was less than a month. Interestingly the modal response time was roughly 2.5 years while the mode is approximately 5.40 months. Using the median or mean sample estimates, it is clear that the length of time taken for the mediation reports to be returned is considerably higher than the required 90 days and this is a source of delays in the already complex civil procedures, thus somewhat undermining the very purpose of mediation. This is consistent with the findings from the previous years' report.

Further analysis suggests that from a sample of 4258 High Court Civil (HCV) matters referred to mediation between 2019 and 2022, 830 were reported as settled in the official reports received, a success rate of 19.49%, which may be considered as quite modest. It suggests that

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

80.51% of matters referred to mediation could have potentially progressed faster on the case flow continuum. These results draw into question the effectiveness of mediation and whether the mechanics surrounding its usage as means of expediting case disposition without wasting judicial time is in fact being achieved. Indeed, does mediation referrals potentially compound delays.

**Table 7.0: Hearing date certainty for Assessment of damages for the Easter Term ended July 31, 2023**

Hearing dates set	Dates adjourned (excluding adjournments for continuance)	Hearing date certainty (%)
197	41	79.19%

As noted above, there has been a noticeable reduction in the number of dates scheduled for matters of assessments of damages. Concomitantly, the hearing date certainty rate for assessment of damages matters increased by 9.13 percentage points to 79.19%. There is a natural empirical and practical correlation between improving the scheduling efficiency index and improving the hearing date certainty rate. That is, better utilization of judicial time through more efficient scheduling invariable results in more certain dates and this ultimately translates into higher output.

**Table 8.0: Hearing date certainty for Case Management Conferences for the Easter Term ended July 31, 2023**

Hearing dates set	Dates adjourned (excluding adjournments for continuance)	Hearing date certainty
900	96	89.33%

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

Case management conferences form an important part of the preparation of cases for further judicial activities. Matters scheduled for case management conferences will typically be set for a fixed time and day in accordance with the available resources. These matters had a hearing date certainty of 88.33% in the Easter Term of 2023, an improvement of 1.62 percentage points when compared to the comparable period in 2022, representing a resilient and commendable outcome.

**Table 9.0: Requisitions for the Easter Term ended July 31, 2023**

Action	Frequency
Requisitions Issued	125
Responses to requisitions	3
Requisition clearance rate	2.40%
Requisitions per 100 case files (approximation)	2

In considering the efficiency with which civil matters flow through the court system, the number of requisitions and the ratio of requisitions to case files is an important metric. The rate at which responses to requisitions are filed and the share quantum of requisitions issued can have a profound impact on the length of time that it takes for some civil matters to be disposed. In the table above it is shown that there were 125 requisitions for the Term. The requisition clearance rate for Easter Term of 2023 was 2.40%, the same as the corresponding period in 2022. Continuous interventions aimed at increasing public sensitization on the proper and timely completion of documents filed by litigants and their attorneys at the various stages along the civil case flow continuum are vital to creating and sustaining improved outcomes in this area.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 10.0: Chamber hearing case count distribution for the Easter Term ended July 31, 2023**

Type of hearing	Frequency	Percentage (%)
Case Management Conference	700	22.65
Pre-trial review	539	17.44
Applications (Various)	1810	58.58
Judgment summons hearing	41	1.33
<b>Number of cases</b>	<b>3090</b>	<b>100.00</b>

The above table summarizes the distribution of case counts for matters heard in Chamber in the High Court Civil Division in the Easter Term of 2023. It is seen that the total number of cases heard in Chamber hearings for the Term was 3090, the highest proportions of which were applications of various types with 1810 cases heard or 58.58% of the list. The general applications category speaks to a non-exhaustive list of various types of applications which come before the High Court Civil (HCV) Division. Case management conferences were a distant second with 700 cases or 22.65% of the listed case types heard in Chamber during the period while pre-trial reviews with 539 cases heard or 17.44% and Judgment summons hearings with 41 cases heard or 1.33% of the list rounds off the top five chamber hearings during the Easter Term.

Among the leading types of applications filed in the Easter Term of 2023 were applications to file annual returns, applications for injunction, applications for first hearing, applications for court orders and applications for extension of time to file defense.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 11.0: Methods of disposition for the year Easter Term ended July 31, 2023**

Method of Disposition	Frequency	Percent
Application Granted	104	10.9
Application Refused	12	1.3
Attorney Admitted to Bar	2	.2
Claim form expire	29	3.0
Claim Form Invalid	3	.3
Company complied	3	.3
Consent Judgment	11	1.1
Consent Order	29	3.0
Damages Assessed	45	4.7
Discontinued	101	10.6
Dismissed	36	3.8
Dismissed through Special Backlog Reduction Project	2	.2
Final Order	64	6.7
Judgment	7	.7
Judgment Delivered	20	2.1
Matter Withdrawn	15	1.6
Notice of Discontinuance noted	203	21.2
Order (Chamber Court)	19	2.0
Order Granted for Transfer	1	.1
Settled	148	15.5
Settlement Order	1	.1
Struck Out	92	9.6
Transfer to Civil (Ordered)	1	.1
Transfer to Commercial (Ordered )	1	.1
Transfer to parish court	1	.1
Written Judgment Delivered	7	.7
<b>Total</b>	<b>957</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.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

2023

It is seen that there were 957 High Court Civil cases disposed in the Easter Term of 2023, a decrease of 27.22% from the lofty heights achieved in the corresponding period in 2022. The largest proportion of the cases disposed, 203 or roughly 21.20% were a result of notices of discontinuance filed, followed by the matters settled with 148 or 15.50% and applications granted with 104 or 10.90%.

**Table 12.0: Time to disposition for the Easter Term ended July 31, 2023**

## Descriptive Statistics (months)

Number of observation	957
Mean	55.9958
Median	48.0000
Mode	13.00
Std. Deviation	42.96530
Skewness	.986
Std. Error of Skewness	.079
Range	288.00
Minimum	2.00
Maximum	290.00

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 the Easter Term of 2023. The 957 cases disposed in the year reveal an estimated average time to disposition was 56 months or roughly 4 years and 8 months, the same as the comparable period in 2022. The oldest matter disposed in the year was 312 months old or roughly 24 years old while the lowest time that a matter took to disposition was roughly two

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

2023

months. The median time to disposition is 48 months while the mode stands at 13 months. time to disposition was 4. The standard deviation is an indication of a modest variation variation of the durations to disposal around the mean and suggests that the times to disposition do not on average vary widely.

**Table 13.0: Breakdown of time to disposition for the Easter Term ended July 31, 2023**

Time Interval (months)	Frequency	Percent
0 – 12	146	15.3
13 – 24	138	14.4
25 – 36	112	11.7
37 – 47	75	7.8
48 & over	486	50.8
<b>Total</b>	<b>957</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 957 cases disposed during the Easter Term, the largest proportion, 486 or 50.80% took four years or more to be disposed. 146 cases or roughly 15.30% of the cases disposed took a year or less while 138 or 14.40% took between 13 and 24 months to be disposed. The remaining proportion of the cases disposed was accounted for by the intervals 25 – 36 months with 112 or 11.70% and the 37 - 47 months' interval with 75 or 7.80% of the disposals. It is of note that roughly 29.70 of the matters disposed of in the Easter Term took two years or less, compared to approximately 70.30%, which took more than two years during the year. The High Court Civil Division historically contends with a number of structural issues which currently predisposes many matters to a relatively long times to disposition. This includes, the length of time of matters referred to mediation which often fails, the high incidence of



# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

avoidable adjournments and weakness in date the scheduling apparatus of the Division. A number of projects are currently underway to redress these and other structural deficiencies and in so doing produce a more sustainable system of operation which will eventually see cases being disposed much faster in years to come.

**Table 14.0: Clearance rate for the Easter Term ended July 31, 2023**

Cases filed	Cases disposed	Case clearance rate
1274	957	75.12%

The case clearance rate is an important metric, which complements the case disposal rate. It is calculated as the ratio of incoming active cases to disposed cases. A ratio of 100% is an indication that for every new case filed, a pre-existing case is also disposed. It is an important measure in placing the time to disposition of matters into context and to providing a deeper understanding the case carriage burden that is being faced by the different Divisions. In the Easter Term of 2023, the High Court Civil Division recorded a case clearance rate of 75.12%, representing a decline of 50.72 percentage points when compared to the corresponding period in 2022. The Statistics Unit now estimates that over the next 18 months, the High Court Civil Division will need to be comfortably averaging case clearance rates of between of over 80%. Within this range, it is computed that enough cases will start to get nearer future dates of appearance in order to see a tendency towards the optimization of the Division's production function, subject to a number of existing constraints, both directly controllable and others

external to the Court. The current quantitative trend does not however suggest that such targets will realistically be attained anytime soon.

### **Other performance measures**

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

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

**(ii) The case turnover ratio**

**(iii) The disposition days**

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

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

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

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

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated disposal days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
957	6415	0.15	2433	284	957	30	70

The results in the above table show a case turnover rate of 0.15, which is an indication that for every 100 cases, which were 'heard' in the Easter Term of 2023 and still active at the end of the period, another 15 were disposed, 8 percentage points lower than the corresponding period in 2022.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. Based on this general criterion, a case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the High Court Civil Division in the Easter Term of 2023 is roughly 30% which reflects the proportion of High Court Civil cases in the period which were disposed within 2 years. Conversely, the crude proxy case backlog rate is estimated at 70%, an indication that an estimated annual proportion of 70% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. The crude backlog rate is an improvement of over 14 percentage points when compared to the corresponding period in 2022. The results suggest that of the 6485 cases, which had some court activity in the Easter Term of 2023 and were still active at the end of the period, roughly 4491 are expected to be in a backlog classification before being disposed.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

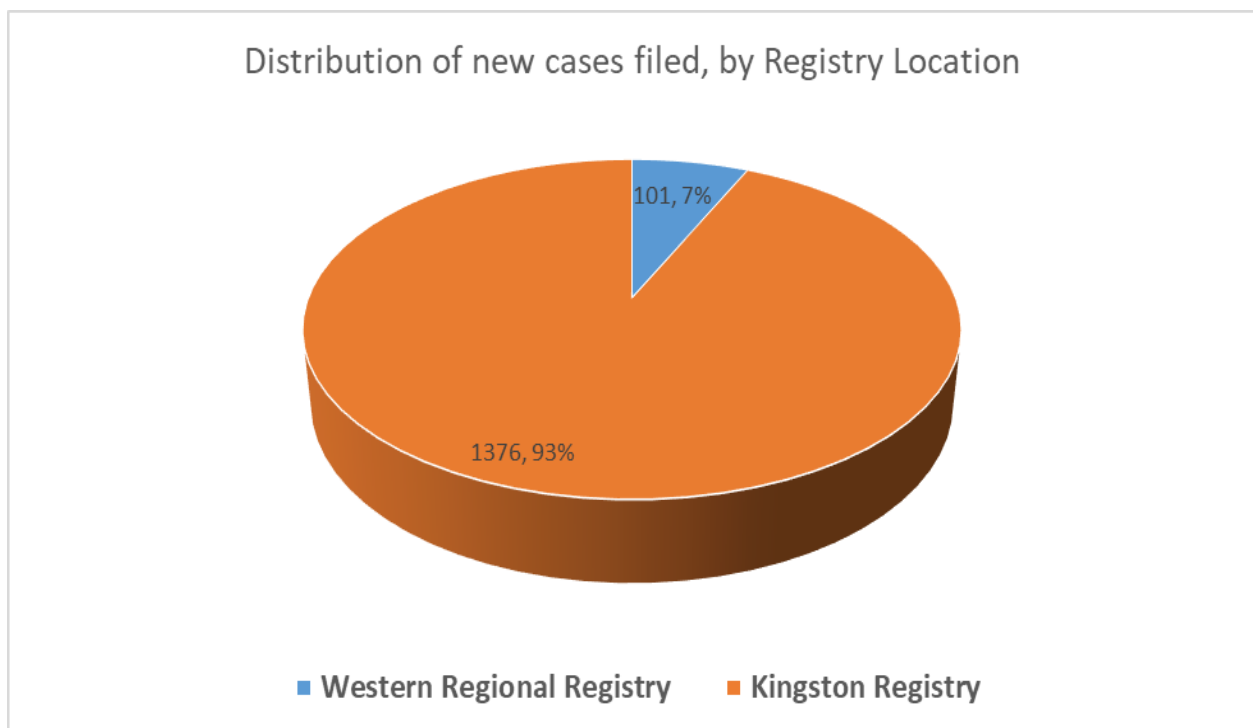
2023

## **CHAPTER 2.0: FAMILY DIVISION**

The ensuing analysis examines the various measures of the efficiency of case handling in the Family Division for the Easter Term ended July 31, 2023.

A total of 1477 new cases were filed in the Kingston and Montego Bay Registries of the Western Regional Family Court during the Easter Term of 2023.

**Chart 2.0: Distribution of new cases filed in the Family Division, by Registry in 2023**



The above chart summarizes the distribution of new cases filed in the Family Division in the Easter Term of 2023 at the Kingston and Western Regional Registries respectively. It is shown that 1376 or 93% of the new cases filed took place at the Supreme Court Registry in Kingston while the remaining 101 or 7% were filed at the Registry in Montego Bay. This proportional

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

distribution was roughly the same as that of the corresponding period in 2022. The number of new cases filed at the Western Regional Registry remains the same as that of the corresponding period in 2022 while the number of new cases filed at the registry in Kingston decreased by roughly 7%.

**Table 16.0a: Breakdown of cases filed in the Family Division in the Easter Term of 2023**

Type of cases	Frequency	Percent
Matrimonial FD	21	1.4
Matrimonial FD Declaration of Paternity	3	.2
Matrimonial FD Division of Property	40	2.7
Matrimonial FD Divorce	803	54.4
Matrimonial FD Divorce-children	459	31.1
Matrimonial FD Guardianship & Custody	27	1.8
Matrimonial FD Guardianship	8	.5
Matrimonial FD Maintenance	3	.2
Matrimonial FD Mental Health Act	10	.7
Matrimonial FD Nullity	2	.1
Matrimonial FD WR Divorce	62	4.2
Matrimonial FD WR Divorce-children	39	2.6
<b>Total</b>	<b>1477</b>	<b>100.0</b>

\*WR means Western Regional

The above table provides a breakdown of the nature and location of new matters filed in the Family Division during the Easter Term of 2023. As is typical, the largest proportion of the new cases filed were divorce matters (with or without children involved) which accounted for 1363 or 92.28%. More specifically divorce matters filed involving children accounted for 498 or 33.72% of the divorce cases filed. Matters division of property and guardianship accounted for next highest proportion of divorce cases filed during the Easter Term of 2023.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 16.0b: Petitions filed for the Easter Term ended July 31, 2023**

Type of petition	Frequency	Percentage (%)
Petition for dissolution of marriage*	1363	66.17
Amended petition for dissolution of marriage	695	33.74
Petition for Nullity	2	0.10
<b>Total Petitions filed</b>	<b>2060</b>	<b>100.00</b>
Number of amendments per petition	<b>0.51</b>	

\*Includes petitions involving children

The above table summarizes petitions filed in the Easter Term of 2023. It is shown that a total of 2020 Petitions (new or amended) were filed, 1363 or 66.17% were petitions for dissolution of marriage, compared to 695 or 33.74% which were amended or further amended petitions for dissolution of marriage. The analysis further suggests that the ratio of petitions to amended petitions is 0.51 or in other words for every 100 Petitions for dissolution of marriage there is roughly 51 amended Petitions for dissolution of marriage during the Easter Term of 2023, the same as the corresponding period in 2022. The number of petitions for dissolution of marriage which were filed in the Easter Term of 2023 decreased fractionally by 0.94% while the number of amended petitions filed decreased by 19.09% There continues to be a need for a sustainable reduction in the number of amended requisitions filed per requisition in order for the public to realize the true gains from the significant improvements in the operational efficiency of the Family Division which have resulted from far reaching process flow reforms over the 4 years.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

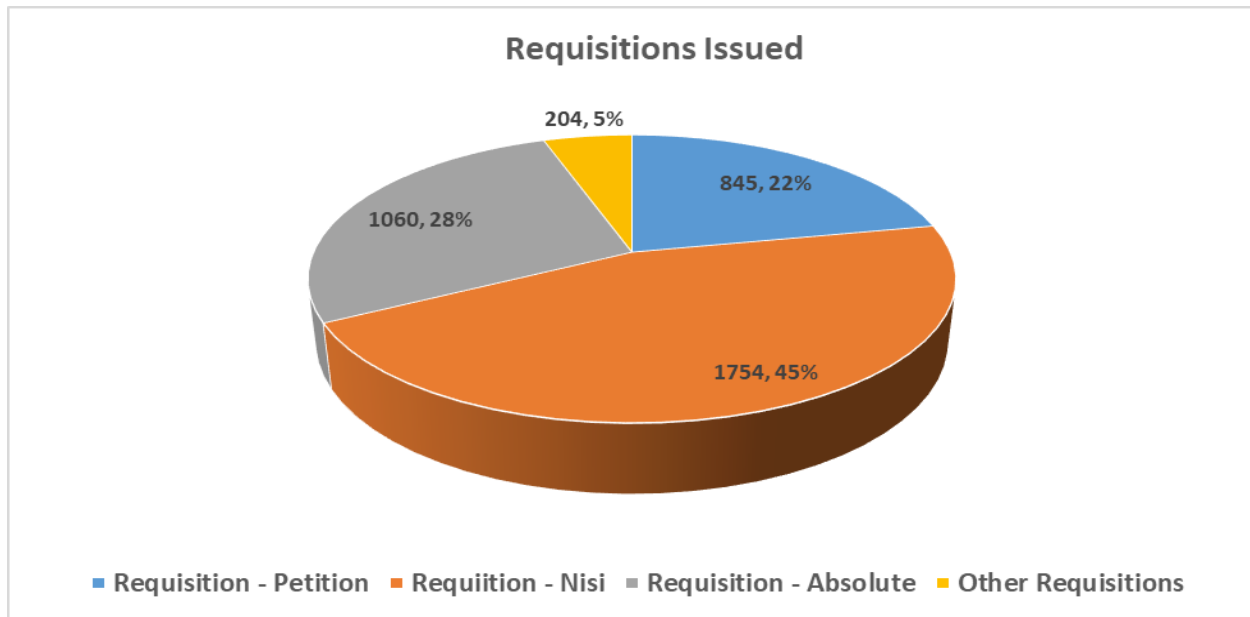
**Table 17.0: Decrees Nisi and Decrees Absolute filed for the Easter Term ended July 31, 2023**

<b>Case Status</b>	<b>Frequency</b>
Decree Absolute	2053
Decree Nisi for dissolution of marriage	1960
Decree Nisi for nullity of marriage	3
<b>Total</b>	<b>4016</b>
<b>Ratio of Decrees Nisi to Decrees Absolute Filed</b>	<b>1.05</b>

It is seen in the above table that for every 100 Decrees Nisi filed there were roughly 105 Decrees Absolute filed during the Easter Term of 2023, a notable increase of 25 percentage points when compared to the corresponding period in 2022. This results suggests that there has been a sizeable increase. One caveat to note is that Decrees Nisi and Decrees Absolute would have originated at various times outside of this specific period of analysis. The data suggests that the number of Decrees Absolute filed increased by an impressive 61.27% while the number of Decrees Nisi filed decreased by 23.50% when compared to the corresponding period in 2022. The stage of a matter at which requisitions have mostly occurred has an impact on the production rate for both Decrees Nisi and Decrees Absolute Granted.

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

**Chart 3.0: Distribution of the stages of requisitions for the Easter Term ended July 31, 2023**



The data suggests that a total of 3863 requisitions were issued across the Kingston and Western Regional Supreme Court Registries of the Family Division, an increase of 29.63 percent when compared to the corresponding Term in 2022. The number of requisitions filed at the petition stage decreased by 12.16% when compared to the corresponding Term in 2022, while the number filed at the Decree Nisi stage increased sharply by 40.77%. The number of requisitions filed at the Decree Absolute stage decreased by 37.31% when compared to the corresponding period in 2022. As with previous reports, it is seen in the above chart that there is a greater probability that a requisition will be made at the stage of Decree Nisi, with an estimated 45% incidence, while roughly 28% of the proportion of requisitions were filed at the Absolute stage and 22% at the petition stage.



# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

The data decisively suggests that the high incidence of requisitions continue to be a challenge for the Family Division, particularly at the Decree Nisi stage.

**Table 18.0: Methods of Disposals for the Easter Term ended July 31, 2023**

Methods of Disposition	Frequency	Percent
Claim Form Invalid	1	.1
Consent Order	9	.7
Decree Absolute Granted	1061	81.2
Decree Absolute set aside	1	.1
Decree Nullity Granted	2	.2
Dismissed	8	.6
Final Judgment	2	.2
Final Order	53	4.1
Finalized by death of Petitioner	1	.1
Matter Discontinued	5	.4
Matter Withdrawn	6	.5
Notice of Discontinuance noted	56	4.3
Settlement Order	1	.1
Struck Out	21	1.6
Transfer to Civil (Ordered)	2	.2
Transfer to family division (Ordered)	1	.1
WR Decree Absolute Granted	75	5.7
WR Notice of Discontinuance noted	1	.1
<b>Total</b>	<b>1306</b>	<b>100.0</b>

**NB: WR means Western Regional Registry**

The above table reveals that 1306 Family cases were disposed during the Easter Term of 2023, a decline of 10.87% when compared to the corresponding Term in 2022. A proportion of 86.90% or 1136 were attributable to Decrees Absolute Granted while 57 or 4.40% were due to Notices of Discontinuance filed, accounting for the top two methods of disposition in the Easter Term of 2023. As indicated earlier, a high incidence of requisitions continues to be a deterrent

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

2023

to the overall speed of disposition of cases in the Family Division of the Supreme Court and this will need to be improved in order to realize the fullness of the gains from a now significantly more efficient and better organized registry. This will require further education and the compliance of the attorneys. There has however been a notable general improvement in the overall average time to disposition of divorce cases filed, a result that appears to be largely a result of operational and logistical improvements in the processes of the Family Registry.

It is of note that 1230 or 94.18% of the 1218 Matrimonial cases disposed in the Easter Term of 2023 were attributable to the Kingston Registry while 76 or 5.82% were accounted for by the Western Regional Registry in Montego Bay. The Kingston Registry experienced an increase of 10.01% in the number of cases disposed while the Montego Bay Registry experienced an increase of 2.67% when compared to the corresponding Term in 2022.

**Table 19.0: Requisitions summary for the Easter Term ended July 31, 2023**

Action	Frequency
Requisitions Issued	3863
Number of requisitions per 100 files	64
Number of responses to requisitions	968
Requisition response rate	25.06%

The incidence of requisitions is especially important in assessing the efficiency with which Family matters move through the court system. A total of 3863 requisitions were issued during the Easter Term of 2023, an increase of 29.63% when compared to the corresponding Term in 2022. This produces a ratio of cases handled to requisitions issued of 0.64 which suggests that for every 100 cases handled on which there was activity during the Easter Term there were 64

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

requisitions filed, exactly the same as the corresponding period in in 2022. The requisitions response rate increased by 7.92 percentage points when compared to the Easter Term of 2022.

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

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

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

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

	Updating and scanning of signed petition in JEMS.  Issuing notice via email.				
	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>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>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

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

2023

Total			131 (26wks)		78 (16wks)
-------	--	--	----------------	--	---------------

## Notes

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

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 21.0: Court/Chamber hearings for the Easter Term ended July 31, 2023**

Action	Frequency	Percentage (%)
Applications	457	74.80
Case Management Conference	103	16.86
Motion Hearing	7	1.15
Pre-trial Hearing	13	2.13
Trial	31	5.07
<b>Total</b>	<b>611</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 an incidence of 611 hearings either before open court or chamber, slightly more than twice that of the corresponding period in 2022. This is part of a broader effort in to streamline case process flows in the Supreme Court to create greater levels of efficiency and productivity. The largest proportion, 457 or 74.80% were applications followed by 103 or 16.86%, which were Case Management Conference (CMC) matters. The hearing event with the third highest incidence in this category is trials which accounts for 31 or 5.07% of the total.

Among the dominant types of applications filed in the Family Division during the Easter Term were applications for custody and maintenance, including spousal maintenance, applications to declare entitlement to property, applications to appoint legal guardian and applications for substituted service.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

2023

**Table 22.0: Top five reasons for adjournment for the Easter Term ended July 31, 2023**

Reasons for Adjournment	Frequency	Percentage (%)
Claimant to file documents	69	32.70
Additional documents to be filed	20	9.50
Parties having discussions with a view to settlement	19	9.00
Applicants documents not served or short served	19	9.00
Defendant to file documents	16	7.60

**Total incidence of adjournments (N) = 711**

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 711 incidence of adjournments in the Family Division for chamber and open court hearings in the Estate Term of 2023, a seven-fold increase when compared to the corresponding period in 2022, largely on account of the increased number of hearings. The largest proportion of these adjournments were for claimants to file documents with 69 or 32.70%, additional documents to be filed with 20 or 9.50% parties having discussions with a view to settlement and applicant's documents not served or short served each with 19 or 9.00% and defendant to file documents with 16 or 7.60%. The listed reasons for adjournment account for 67.80% of the total incidence of adjournments in the Easter Term of 2023. The Family Division continues to make efforts to improve internal efficiency, enhance overall case management and to bolster external stakeholder engagement which is critical to reducing delay and improving the timely resolution of cases which are heard in chamber or open court.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 23.0: Hearing date certainty for the Easter Term ended July 31, 2023**

Court/Chamber hearing dates set	Hearing dates Date adjourned (excluding continuance)	Hearing date certainty rate
771	112	85.47%

The Family Division has shown improvement in the overall hearing date certainty rate, despite the significant increase in the number of hearings. It is seen that of the 711 -combined incidence of Court and Chamber hearings in the Easter Term of 2023, 112 were adjourned for reasons other than intrinsic procedural factors. This produces a moderate 85.47% hearing date certainty rate, an increase of 5.12 percentage points when compared to the corresponding period in 2022. For every 100 hearing dates scheduled, the approximate number that proceeded without adjournment in the Term is approximately 85. When trial matters are isolated, the trial date certainty rate is 73%, roughly the same as that of the Easter Term of 2022.



# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

2023

**Table 24.0: Time to disposition for the Easter Term ended July 31, 2023**

## **Descriptive Statistics (months)**

Number of observations	1306
Mean	24.2856
Median	13.0000
Mode	12.00
Std. Deviation	31.05245
Skewness	4.463
Std. Error of Skewness	.068
Minimum	2.00
Maximum	317.00

The overall average time to disposition of all cases resolved in the Family Division during the Easter Term of 2023 is roughly 24 months. The modal/most frequently occurring time to disposition was however 13 months and the median is 12 months. The high positive skewness suggests that a substantial portion of the cases disposed were resolved in less than the overall average time.

The oldest matter disposed was approximately 26 years old while on the other end of the spectrum there a few matters filed which were matters filed which disposed within two months, due to discontinuances. The scores had a standard deviation of roughly 31 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 4.5 which strongly indicates that a markedly larger proportion of the times to disposition were lower than the overall mean. The margin of error of these estimates is plus or minus 2 months or 0.17 years.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 25.0: Breakdown of times to disposition for the Easter Term ended July 31, 2023**

Time Interval	Frequency	Percent
0 - 12	575	44.0
13 - 24	403	30.9
25 - 36	142	10.9
37 - 47	46	3.5
48 & over	140	10.7
<b>Total</b>	<b>1306</b>	<b>100.0</b>

The above table provides a more detailed breakdown of the estimated times to disposition for Family matters in the Easter Term of 2023. It is seen that of the 1306 matters disposed during the Term, the largest proportion, 575 or roughly 44.0% were disposed within a year, followed by the 403 or 30.90% which were disposed in 13 – 24 months. Taken together this result suggests that 978 or 74.90% of Family Division matters which were disposed during the Term were done in two years or less from the time of initiation, a decline of 0.14 percentage points when compared to the corresponding period in 2022. 142 or roughly 10.90% of all Matrimonial matters disposed in the Easter Term of 2023 took between 25 and 36 months to be disposed. It is of note that 140 or 10.70% of the cases disposed in the Family Division in the Easter Term of 2023 took four or more years to be resolved, largely on account of lengthy delays in external filings from case parties. As with the previous 4 years, the estimates however clearly suggest that a decidedly larger proportion of matters, which were disposed of during the year, took two years or less. The margin of error of these estimates is plus or minus 2 months or 0.17 years. It has been established that under near ideal circumstances, Family cases can be disposed within 4-6 months after filing, however in the Easter Term of 2023, less than 5% of the cases resolved

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

met this standard. Through its successful pursuit of process flow re-engineering, the Family Division has made considerably strides towards guaranteeing the public that if filings made by litigants and attorneys meets the requisite standards and requisitions are responded to in a timely manner then divorce cases can be resolved without delay (i.e. within 4 – 6 months).

**Table 26.0a: Case clearance rate for the Easter Term ended July 31, 2023**

Cases filed	Cases disposed	Case clearance rate
1477	1306	88.42%

The above table shows that there were 1477 new cases filed during the Easter Term of 2023 while 1218 were disposed. This produces a case clearance rate of 88.42%, suggesting that for every 100 new cases; roughly 88 were disposed in the Term. The result represents a roughly 11.07 percentage points increase when compared to the Easter Term of 2023.

**Table 26.0b: Case clearance rate for the Easter Term ended July 31, 2023 (by registry location)**

Registry location	Number of new cases filed	Cases disposed	Case clearance rate
Kingston Registry	1376	1230	89.39%
Montego Bay Registry	101	76	75.25%

The above table shows that when the case clearance rate is done by registry location, the Family Registry in Kingston cleared roughly 89 cases for every 100 new cases filed while the

Western Regional Registry in Montego Bay cleared approximately 75 for every 100 cases. The results are indicative of increases in output and productivity for both registries.

### **Other performance measures**

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

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

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

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 27.0: Selected performances metrics for the Matrimonial Division in the Easter Term of 2023**

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated Disposition days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
1306	4728	0.28	1303 days	978	1306	75%	25%

The results in the above table show a case turnover rate of 0.28, which is an indication that for every 100 cases, which were handled in the Easter Term of 2023 and still active at the end of the Term, another 28 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 Term will on average take 1303 days or 3.61 more years to be disposed, barring special interventions. This metric does not however always have significant practical meaning when focussing on a single Term of court activity.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. Based on this general criterion, a case that is disposed within two years is considered to have been resolved on time. The on time case-processing rate for the Family Division in the Easter Term of 2023 is approximately 75%, which reflects the proportion of Family cases in the Easter Term of 2023, which were disposed within 2 years. Conversely, the proxy case backlog rate is 25%, an indication that an estimated annual proportion of roughly 25% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 4728 cases, which had some court activity during the Easter Term and were still active at the end of the period, 1182 are expected to be in a backlog

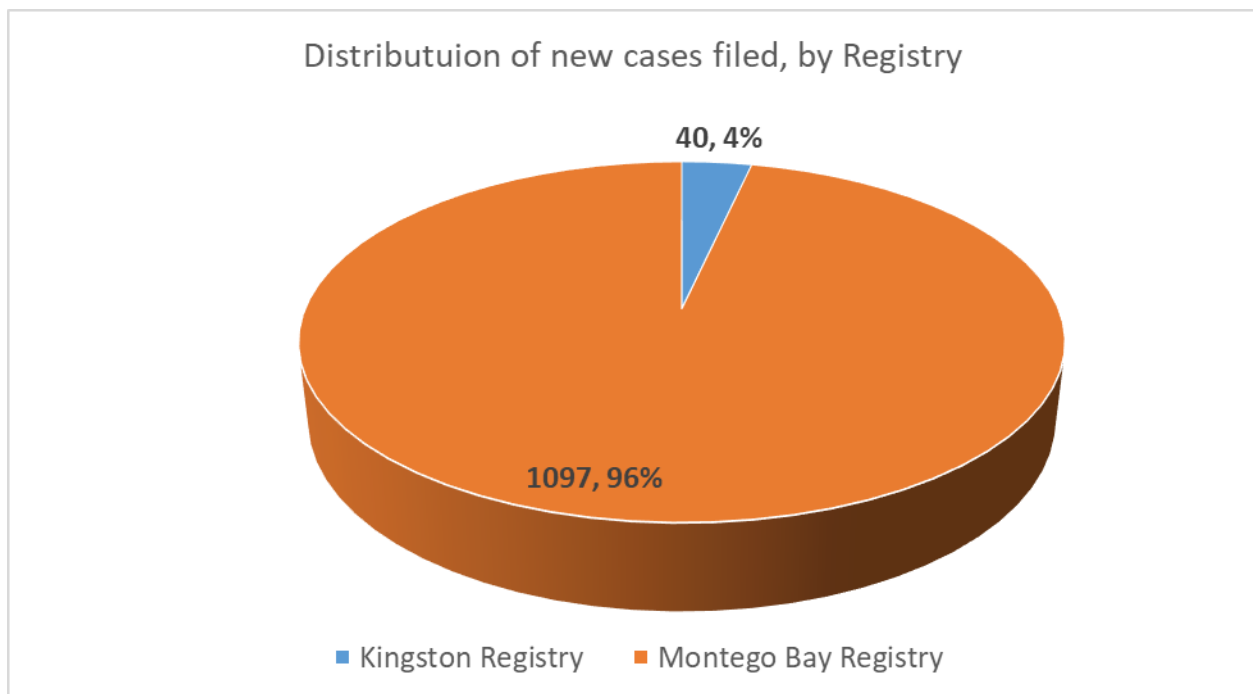
classification before being disposed. This is a slight worsening by roughly 11% when compared to the corresponding Term in 2023.

### CHAPTER 3.0: ESTATE DIVISION

This section turns to the analysis of the progression of matters in the Probate and Administration Division for the Easter Term ended July 31, 2023.

A total of 1137 new cases were filed in the Estate Division during the Easter Term, representing a slight decline of 0.26% when compared to the corresponding period in 2022. 40 or 3.52% of these new cases were filed at the Western Regional Registry, a fall of 2.44% when compared to the comparable period in 2022 while the remaining 1097 were filed at the registry in Kingston. The output for the Kingston Registry represents a 0.36% increase in the number of new cases filed when compared to the similar period in 2022.

**Chart 4.0: Distribution of Estate cases filed, by Registry in the Easter Term ended July 31, 2023**



# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

As shown in the above chart, 1097 or 96% of the new Estate cases filed in the Easter Term took place at the Registry in Kingston while the remaining 40 or 4% were filed at the Western Regional Registry in Montego Bay. This distribution is broadly typical to that observed in previous periods.

**Table 28.0: Summary of Oaths filed during the Easter Term ended July 31, 2023**

Oaths	Frequency	Percentage (%)
Supplemental Oaths	1050	48.00
Oaths	1137	52.00
<b>Total</b>	<b>2187</b>	<b>100</b>
<b>Ratio</b>	<b>0.92</b>	

The above table suggests there were a total of 2187 combined Oaths and supplemental Oaths filed in the Easter Term of 2023, of which 1137 or 52.00% were initial Oaths filed, compared to 1050 or 48.00% which were Supplemental Oaths. The ratio of Oaths to Supplemental Oaths is 0.92, which suggests that for every 100 Oaths there were 92 Supplemental Oaths filed during the Term, a statistic which has potentially adverse implications for the speed of disposition of matters, an increase of 21 percentage points when compared to the Easter Term of 2022. It is of note that the Supplemental Oaths in this data set are not all related to the cases filed during the Easter Term of 2023 and also includes further Supplemental Oaths filed. Continued intervention to reduce the incidence of Supplemental Oaths are an important part of the way forward as the Division seeks to persist in improving its productivity and becoming backlog free in the shortest possible time.

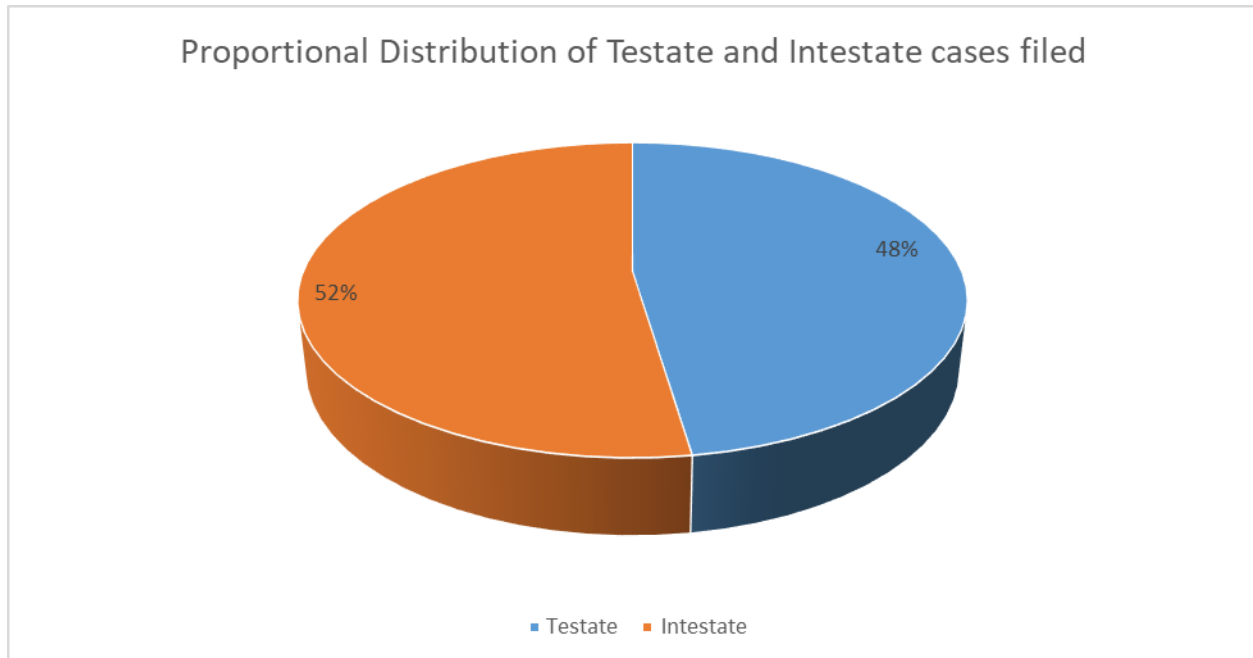


# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

2023

Over the past five years, the Estate Division has established itself as a model of efficiency in the Supreme Court, with consistent performances ranking them among the highest case clearance rates and lowest times to disposition. Continued process flow re-engineering will ensure that the efficiency of the Probate Division continues to improve over the course of the rest of the year, guaranteeing high service levels to the Jamaican public.

**Table 5.0: Sampling Distribution of Testate and Intestate cases filed during the Easter Term ended July 31, 2023**



**Sample size = 1015**

Using a sample of 841 cases, the above chart shows that an estimated 48% of the new cases filed in the Probate and Administration Division during the Hilary Term of 2023 were Testate matters (matters with a Will in place prior to death) and 52% were Intestate (having no Will in place). This proportional distribution is similar to the corresponding period in 2022.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 29.0: Action sequence for the Easter Term ended July 31, 2023**

Action Status	Frequency
*Granted	694
*Grants Signed	671
<b>Ratio of Granted Applications to Grants Signed</b>	<b>0.97</b>

*\* Some of these relate to cases originating before 2023*

In the process of disposing a typical matter handled by the Registrar, a case will be granted after satisfactory review and then the Grant is signed which closes the case. In the above data we elucidate the ratio of granted applications to Grants signed which reveals an impressive ratio of 0.97, suggesting that for every 100 granted applications, there were 97 Grants signed (though not necessarily from the number granted). This is a slight decline of 2 percentage points when compared to the previous year.

**Table 30.0: Case action and requisitions summary for the Easter Term ended July 31, 2023**

Action Status	Frequency
Number of cases actioned	3596
Requisitions Issued	1164
Number of responses to requisitions	679
Number of requisitions issued per case file	0.32
Requisitions clearance rate	58.33%
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 Estate Division. It is seen that there were 1164 requisitions issued while 3596 individual matters were actioned in the period, representing a ratio of 0.32 requisitions per case file actioned. This means that for every 100 cases actioned there were 32 requisitions issued, a decline of 18 points when compared to the previous year.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

There were 679 responses to requisitions in the Estate Division in the Easter Term of 2023, producing a requisitions response rate of 58.33%, an increase of 6.33 percentage points when compared to the corresponding period in 2022. Further analysis suggests that the average time from the issuing of final requisitions to the Grant of Probate was 21 days, a decline of 2 days when compared to the similar period in 2022. The number of requisitions issued in the Estate Division during the Easter Term declined by 34.79% when compared to the similar period in 2022.

**Table 31.0: Methods of Disposal for the Easter Term ended July 31, 2023**

Methods of Disposition	Frequency	Percent
Application Granted	19	2.4
Application Refused	5	.6
Claim form expire	1	.1
Consent Order	1	.1
Final Order	2	.3
Grant ad collegenda Bona signed	1	.1
Grant by Representation signed	3	.4
Grant of Admin De Bonis Non signed	5	.6
Grant of Admin De Bonis Non W/A signed	6	.8
Grant of administration signed	344	44.0
Grant of Double Probate signed	2	.3
Grant of probate signed	265	33.9
Grant of Resealing signed	28	3.6
Letters of Administrator with W/A signed	26	3.3
Matter Withdrawn	2	.3
Notice of Discontinuance noted	50	6.4
Struck Out	3	.4
WR Grant of administration signed	13	1.7
WR Grant of probate signed	4	.5
WR Notice of Discontinuance noted	1	.1
<b>Total</b>	<b>781</b>	<b>100.0</b>

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

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

The summary of the methods of disposal for the Estate Division for the year are contained in the above table. It is shown that of the 781 cases disposed during the Easter Term of 2023, an increase of 6.55% when compared to the corresponding period in 2022. The largest proportion, 671 or 85.92% was a result of various Grants Signed. Notices of Discontinuance and matters disposed by applications granted account for the next highest proportions of the methods of disposition. 18 or 2.30% of the cases disposed originated at the Western Regional Registry.

**Table 32.0: Dominant reasons for adjournment of Estate matters for the Easter Term ended July 31, 2023**

Reasons for adjournment	Frequency	Percentage (%)
Claimant to file documents	40	29.20
Defendant to file documents	16	11.70
Claimant's application not in order	15	10.90
No parties appearing	9	6.60
Claimant's documents not served or short served	6	6.70

**Total number of adjournments = 137**

The top five reasons for adjournment for Estate matters that went to court in the Easter Term of 2023 are summarized in the above table above. It is shown that of the 137 incidence of adjournments in the period, the largest proportion were for the reasons of 'claimant to file documents' which accounted for 40 or 29.20% of the total. This was followed by adjournments for defendants to file documents and no parties appearing with 11.70% and 10.90% respectively of the total number of adjournments. The overall incidence of case adjournments increased by 53.93% when compared to the corresponding rates in 2022.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 33.0: Applications for the Easter Term ended July 31, 2023**

Type of Hearing	Frequency	Percent
Application	284	88.47
Case Management Conference	9	2.80
Pre-Trial Review	15	4.67
Trial in Chamber	7	2.18
Trial in Open Court	6	1.87
<b>Total</b>	<b>321</b>	<b>100.0</b>

The above table provides a summary of the types of hearings conducted in Chamber and Open Court in the Estate Division during the Easter Term of 2023. The hearing of applications with roughly 88.47% of the total was dominant followed by pre-trial reviews with 15 or 4.67% and case management conferences with 2.80%. Applications to prove copy will and applications for directions account for the highest shares of applications filed.

**Table 35.0: Hearing date certainty for the Easter Term ended July 31, 2023**

Court/Chamber hearing dates set	Hearing dates adjourned (excluding continuance)	Hearing date certainty (%)
321	59	81.62%

The above table addresses the extent of adherence with dates set for court/chamber matters in the Estate Division for the Easter Term of 2023. It is shown that there were 321 incidences of dates scheduled for Chamber or Court, 59 of which were adjourned for reasons other than 'continuance'. This produces an overall hearing date certainty rate of 81.62%, an indication that for the Easter Term there was a roughly 81% chance that a matter set for court would proceed

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

2023

without the date being adjourned. This is a decline of 4.34 percentage points when compared to the similar period in 2022. When trial matters are isolated, the trial date certainty rate is roughly 75%, which is 1.65 percentage points below the corresponding period in 2022.

**Table 36.0: Age of matters disposed for the Easter Term ended July 31, 2023**

## Descriptive Statistics (months)

Number of observations	781
Mean	19.5032
Median	13.0000
Mode	13.00
Std. Deviation	31.21471
Variance	974.358
Skewness	5.161
Std. Error of Skewness	.087
Range	271.00
Minimum	2.00
Maximum	269.00

The above table provides a summary measure of the overall estimated times to disposition for the 781 cases disposed during the Easter Term. The estimated average time to disposition is 19.50 months or approximately 1.63 years, slightly higher than that of the Easter Term of 2022. This result was however acutely positively skewed by the existence of a few large times to disposition, which have markedly increased the average. This large positive skewness therefore suggests that the substantially larger proportion of the times to disposition were below the overall average time. The standard deviation of 31.21 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 0.15 years. The oldest

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

Estate matter disposed in the Easter Term was 269 months or roughly 22.42 years old while there were a few matters, which took as low as two months to be disposed, representing the lowest times to disposition in the period. Of the 781 Estate cases disposed during the Easter Term of 2023, 122 or 15.62% originated in 2023.

**Table 37.0: Breakdown of times to disposition for the Easter Term ended July 31, 2023]**

Time Interval (months)	Frequency	Percent
0 – 12	370	47.4
13 – 24	286	36.6
25 – 36	64	8.2
37 – 47	14	1.8
48 & over	47	6.0
<b>Total</b>	<b>781</b>	<b>100.0</b>

The above table shows that of the 781 Estate matters disposed in the Easter Term, the largest proportion of which, 370 or 47.40% were disposed in 12 months or less, followed by 286 or 36.60%, which were disposed within a time interval of 13 to 24 months. Taken together this data suggests that an impressive approximated 84% Estate matters which were disposed of in the Easter Term took two years or less. 8.20% each of the cases were disposed within an estimated time frame of between 25 and 36 months, 1.80% took between 37 and 47 months and 6.00% took an estimated time of over 48 months or more than four years to be disposed. The margin of error of these estimates is plus or minus 2 months or 0.17 years. The relatively high proportion of cases disposed within a year and two years respectively continues to augur well for the current efforts to significantly reduce the length of time that it takes for cases to be disposed and potentially eliminate case backlog in the foreseeable future. These gains should

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

continue to improve public confidence in judicial processes geared towards resolving Estate matters in the country and also have a positive effect on economic activity through higher real estate investments in shorter period of time. The Estate Division continues to make considerable strides in reducing its case backlog.

**Table 38.0: Case clearance rate for the Easter Term ended July 31, 2023**

Cases filed	Cases disposed	Case clearance rate
1137	781	68.69%

Using the data on the number of cases filed and disposed in the period under examination, a case clearance rate of approximately 68.69% is derived, an increase of 4.50 percentage points when compared to the corresponding period in 2022. The result suggests that for every 100 cases filed and active in the Hilary Term, roughly 69 were disposed. It is a rare event that this division fails to meet the International standard of 90% - 100%, nevertheless the results show tremendous resilience. The Division experienced impressive gains in the number of cases disposed in the period but this was outpaced by the increase in the number of new cases filed, hence the fall in the case clearance rate. The Estate Division continued its process flow re-engineering throughout the Hilary Term and the improvements are expected to continue to reap significant economies of scale in the short run, further reinforcing the position of the Division among the top performing business units in the Supreme Court and creating the



impetus necessary to attain the performance targets which have been set out by the Honourable Chief Justice Mr. Bryan Sykes.

### **Other performance measures**

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

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

**(ii) The case turnover ratio**

**(iii) The disposition days**

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

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

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 39.0: Selected performances metrics for the Estate Division in the Easter Term of 2023**

Resolved cases	Unresolved cases	Case turnover rate	Estimated case disposition days for the unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate	Crude Proxy Case backlog rate
781	2204	0.35	1043 days	656	781	84%	16%

The results in the above table shows a case turnover rate of 0.35, which is an indication that for every 100 cases, which were ‘heard’ during the Easter Term of 2023 and still active at the end of the period, another 35 were disposed, an improvement of 7 percentage points when compared to the corresponding period in 2022. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the year will on average take 1043 days or just under 3 years, barring special interventions.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Estate Division in the Easter Term of 2023 is roughly 84%, which reflects the proportion of cases in the Easter Term of 2023, which were disposed within 2 years. Conversely, the case backlog rate is 16%, an indication that an estimated annual proportion of 16% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This is a slight increase of roughly 0.70 percentage points when compared to the Easter Term of 2022. The data further suggests that of the 2204

---

## THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

---

**2023**

cases, which had some court activity in the Easter Term of 2023 and were still active at the end of the period, 353 are expected to be in a backlog classification before being disposed.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

2023

## CHAPTER 4.0: THE HOME CIRCUIT COURT

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

### Table 40.0: Distribution of the top six new charges brought for the Easter Term ended July 31, 2023

A total of 217 new cases were filed in the Criminal Division of the Supreme Court during the Easter Term of 2023. This is an increase of 64.39% when compared to the Easter Term of 2022.

### Table 40.0: Leading reasons for adjournment for the Easter Term of 2023

Reason for adjournment	Frequency	Percentage
Matter not reached	65	3.60
Defence and prosecution to engage in discussions	56	3.10
To settle legal representation	45	2.50
For disclosure	43	2.40
For investigating officer to attend	43	2.40
Crown to take instruction	38	2.10
Defence Counsel Absent	38	2.10
For bail application	38	2.10
Ballistic Certificate Outstanding	36	2.00
For antecedence	29	1.60
<b>Sub-Total</b>	<b>431</b>	<b>23.90</b>

*Note: Total number of adjournments 1788*

The above table provides a summary of the leading reasons for adjournment in the Home Circuit Court for the Easter Term of 2023. An examination of the prominent reasons for adjournment in the period reveals that the leading reason for adjournment was due to matters

not reached with 65 or 3.60%, followed by adjournments for the defence and prosecution to engage in discussions with 56 or 3.10% and adjournments to settle legal representation with 45 or 2.50%, rounding off the top three. Other commonly occurring reasons for adjournment during the Easter Term include adjournments to settle legal representation, adjournments for disclosure and adjournments for investigating officer to attend court, adjournments for Crown to take instruction and defence council absent.

When the data is further disaggregated, it is revealed that the main reasons for delay at the Plea and Case Management and Mention are those due to outstanding ballistic certificates, outstanding forensic certificates, statements outstanding, CFCD outstanding, accused absent, the defence needing time to take instructions and for the defence and prosecution to engage in discussions. The data further reveals that there was moderate incidence of repeats of the reasons for adjournment at the trial stage which would have occurred previously at the plea and case management stage for cases making that progression. The data reveals that the dominant reasons for adjournment at the trial stage were adjournments for investigating officer to attend, accused absent and defence counsel absent. The overall evidence here suggests that the overall management of the plea and case management court during the Hilary Term was fair.

There continues to be compelling evidence from the above list of reasons for adjournment, suggesting that third party entities, namely the defence bar, the police, the prosecution, the state lab services contribute significantly to the delays experienced in the progression of cases in the Home Circuit Court. Indeed, the data suggests that only a small share of the reasons for

adjournment listed are attributable to deficits in the court's operational procedures. In fact, in many ways the data strongly suggests that once criminal cases are ready they tend to move at a fairly rapid pace towards disposition and many of the roadblocks to case progression are primarily due to the named third party entities. The Supreme Court continues to work assiduously on improving the skill sets of its case progression officers and in bolstering the general efficiency of the operating procedures and scheduling apparatus of the criminal registry. Over the past two and a half years, the Plea and Case Management Court has for example being strengthened and the incidence of adjournments in this court reduced. The overall incidence of reasons for adjournment suggests that external parties are directly responsible for over 85% of the reasons for delay as operationalized by this measurement. The Criminal Registry of the Supreme Court continues to work on improving its overall efficiency in an effort to improve case management and to expedite case outcomes within the desired overall standard of two years or less. It is clear however that the core causes of delays in the Home Circuit Court are largely due to factors concerning external parties. The traditional claim that the inadequacy of courtrooms is a significant cause of delays should also be refuted as the courtroom utilization rate of under 65% suggests that there is some spare resource capacity, albeit in limited proportion in the Supreme Court. The ability of the Home Circuit Court to effectively and efficiently schedule cases requires some improvement and the attention of the court's leadership is fully invested in finding scientific resolutions in this regard. The overall effectiveness of the scheduling science in the Home Circuit Court continues to be constrained

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

by a high incidence of adjournments which can be largely associated with third party inefficiencies.

The data suggest that there were roughly 2 adjournments per case heard in the Home Circuit Court in during the Easter Term of 2023.

**Table 41.0: Hearing date certainty summary for the Easter Term ended July 31, 2023**

Type of hearings	Hearing date certainty rate (%)
Mention and/Plea and Case Management Hearing	84
Bail Applications	76
Sentencing hearings	76
Trial hearings	66
<b>Total/Overall Average</b>	<b>75.50</b>

The date scheduling certainty for each Division of the Supreme Court is an important metric, which examines the extent to which dates, which are set for various types of hearings, are adhered. A low result has implications for the capacity of the court to adequately estimate the duration of a matter, for the capacity of courtrooms and Judges to absorb certain caseload and for the general system of scheduling. The data suggests that roughly 24 of every 100 hearing dates set during the Easter Term of 2023 were adjourned. This suggests an overall hearing date certainty rate of roughly 76% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 76 were able to proceed without adjournment for reasons other than those procedural, for example for Trial, Bail Application, Pre-trial hearing, Sentencing and

Plea and Case Management. This result is just over 1 percentage point less than that of the corresponding period in 2022. When trial matters are isolated, the trial certainty rate revealed is 66%, a decline of 1.50 percentage points when compared to the corresponding period in 2022 while Plea and Case Management Conferences had a hearing date certainty rate of 84%, a decline of roughly 0.50 percentage points when compared to the corresponding period in 2022.

Continuously improving the trial and overall hearing date certainty rates are of utmost importance to enhancing the efficiency of the court system. The court continues to work on improving the mechanism used to schedule cases for hearings and in so doing aid in reducing the incidence of adjournments.

As illustrated and discussed earlier, the cooperation and preparation of the prosecution, defence attorneys and other stakeholders as well as improved case management within the Home Circuit Court are also crucial the attainment of fostering the required gains. Some of the internal concerns, which will need to be reviewed as time progresses, are outlined below:

Firstly, the setting of a limited number of trial matters each week requires great precision in estimating the length of time that such trials will last. Failure to do this with accuracy and through the application of a scientific approach in consultation with all relevant parties will likely result in an under-utilization of judicial time either by way of many matters ending earlier than proposed or trials lasting longer than expected which could affect subsequent matters scheduled for the particular courtrooms. Furthermore, if the estimated duration of trials is not precisely determined then the proposed back up list, which should be triggered when a firmly



set trial matter breaks down in court, will prove very difficult to manage and could potentially worsen the currently fragile trial date certainty rates. In like manner, there are also some concerns over whether the scheduling of the start time for trial matters should be restricted to particular days in each week. It could be argued that unless the estimated duration of trials set is precise or near precise then imposing such restrictions could sub-optimize the use of judicial time.

Another set of concerns surround the utility of the Plea and Case Management Court as under the new Committal Proceedings Act, some of the case management that usually takes place in the lower courts now take place in the Supreme Court. Plea and case management conferences at the Supreme Court may not always therefore be principally focussed on trial readiness but also aspects of case file readiness, which were previously handled at the parish court level. This arguably increases the average length of case management conferences and potentially creates added scheduling complexities in the Home Circuit Court. Here, the strength of the Case Progression Officers who help to marshal the readiness of cases is critical and must necessarily be always strong in order to sustain efficient use of judicial time. Any weaknesses in pre-case management also threaten the ability to guarantee that a back-up trial list will be successful.

Poor hearing and trial date certainty rates, as obtains currently, may also be a function of the lack of adequate compliance with court orders and weak pre-case management practices. The speed and adequacy of compliance with orders such as those for outstanding documents to be furnished, for the defence and prosecution to agree on facts and for plea and case

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

management forms to be returned so that issues can be understood are impediments to case progression and hearing date certainty.

**Table 42.0: Sampling distribution of the Methods of disposal for Easter Term ended July 31, 2023**

Method of Disposition	Frequency	Percent
Accused deceased	2	1.5
Formal verdict of not guilty	14	10.3
Found guilty	5	3.7
Found not guilty	18	13.2
Matter settled	1	.7
No evidence offered	16	11.8
No Evidence Offered	4	2.9
No further evidence offered	17	12.5
Nolle Prosequi*	32	23.5
Not Indicted	12	8.8
Other	3	2.2
Plea guilty	5	3.7
Transferred to Parish Court	6	4.4
Withdrawn	1	.7
<b>Total</b>	<b>136</b>	<b>100.0</b>

*\*Included for computational convenience*

The above table summarizes the methods of disposal for a sample of charges disposed during the Easter Term of 2023. A total of 52 cases were disposed in the Home Circuit Court during the Term, a decline of 5.45% when compared to the corresponding period in 2023. Apart from Nolle Prosequi entered by the DPP, matters disposed due to persons found not guilty accounted for the highest share of charges disposed with 13.20%, followed by matters disposed due to no further evidence offered and no evidence offered with 12.50% and 11.80%

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

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

**Table 43.0: Distribution of Criminal conviction rate for the Easter Term ended July 31, 2023**

Sample of charges disposed	Total number of guilty outcomes	Estimated Conviction rate (%)
136	10	7.35%

The above table shows that of the sample of 136 criminal charges disposed in the Home Circuit Court, 10 were because of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 7.35% which suggests that there is a roughly 7% probability that a matter could end in a guilty outcome, using the Easter Term of 2023 as a proxy.

**Table 43.0b: Methods of Disposition and Conviction Rate for Murder Charges in the Easter Term of 2023**

Methods of Disposition	Frequency	Percent
Formal verdict of not guilty	3	12.5
Found guilty	1	4.2
Found not guilty	5	20.8
No evidence offered	4	16.7
Nolle Prosequi	10	41.7
Not Indicted	1	4.2
<b>Total</b>	<b>24</b>	<b>100.0</b>

As shown above, 24 murder charges were resolved during the Easter Term of 2023, of which only 1 of 4.20% was as a result of a guilty outcome, thus the conviction rate for murder charges

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

for the Term is 4.20%. The dominant manner in which charges were disposed was by of Nolle Prosequi entered by the DPP and no evidence offered.

**Table 43.0c: Methods of Disposition and Conviction Rate for Sex related Charges in the Easter Term of 2023**

Methods of Disposition	Frequency	Percentage
Accused deceased	2	4.3
Formal verdict of not guilty	7	14.9
Found guilty	1	2.1
Found not guilty	8	17.0
No evidence offered	8	17.0
No further evidence offered	14	29.8
Nolle Prosequi	2	4.3
Not Indicted	3	6.4
Other	1	2.1
Plea guilty	1	2.1
<b>Total</b>	<b>47</b>	<b>100.0</b>

A total of forty-seven sex related charges were disposed in the Home Circuit Court during the Easter Term of 2023, 2 or 4.20% of which were a result of guilty outcomes, hence the conviction rate for sex related charges for the Easter Term of 2023 was 4.20%, the same as murder.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

2023

**Table 44.0: Descriptive statistics on the times to disposition of all charges for Easter Term ended July 31, 2023**

## Descriptive Statistics (months)

Number of observations	136
Mean	30.5158
Median	15.8979
Mode	16.76 <sup>a</sup>
Std. Deviation	31.67745
Skewness	.690
Std. Error of Skewness	.208
Range	122.72
Minimum	1,00
Maximum	120.28

The above table provides a descriptive statistical summary on the times to disposition for matters resolved in the Home Circuit Court in the Easter Term of 2023. The overall average time to disposition seen is 30 months or 2.50 years, a decline of a year when compared to the corresponding period in 2022. The skewness of the distribution is weakly positive which is an indication that a slightly proportionately larger share of the times to disposition fell below the overall mean time to disposition. The maximum time taken to dispose cases in the Home Circuit Court during the year was 120 months or roughly 4 years while the minimum time to disposition was approximately a month.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 45.0: Breakdown of time to disposition of charges for the Easter Term ended July 31, 2023**

## Descriptive Statistics (months)

Time Interval	Frequency	Percent
0 - 12	58	42.6
13 - 24	22	16.20
25 - 36	2	1.5
37 - 47	10	7.4
48 & over	44	32.4
<b>Total</b>	<b>136</b>	<b>100,0</b>

The above table provides a summary of the estimated time to disposition for the 136 cases disposed in the Home Circuit Court during the Easter Term of 2023. It is shown that the largest proportion of matters disposed took a year or less to be disposed, accounting for 42.60% of the disposals. This is followed by matters taking 48 months or more to be disposed which accounted for 32.40% of the total and matters which took between 37 and 47 months to be disposed which accounted for 7.40% of the total. Approximately 2% of the disposals took 25 – 36 months to be resolved, rounding off the intervals. Cumulatively, 58.80% of the matters disposed in the period took two years or less, an improvement of 24.40 percentage points when compared to the corresponding Term in 2022. The remaining 42.20% of cases disposed took over two years to be disposed. Using 2023 Easter Term data as a proxy, there is a roughly 59% chance that a case entering the Home Circuit Court will fall into a state of backlog, using the 24 months' definition of reasonable time which is established in the Jamaican judiciary. Improvements in the science that is applied to scheduling and case management as a whole,

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

paired with significant improvements in third party delay factors discussed earlier has enormous potential to reduce the probability of a case backlog to a remote incidence.

**Table 46.0: Case clearance rate for the Easter Term ended July 31, 2023**

Cases filed	Cases disposed	Case clearance rate
217	52	23.96%

In the Easter Term of 2023, the Home Circuit Court recorded an overall case clearance rate of 23.96%, representing a significant decline of 153.46 percentage points when compared to the corresponding period in 2022. This result is partly influenced by a sharp increase in the number of new cases filed as the number of cases disposed did not fall by much when compared to the Easter Term of 2022.

## **Other performance measures**

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

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

**(ii) The case turnover ratio**

**(iii) The disposition days**

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

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally, the crude proxy case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Hilary Term of 2022. These measures are summarized in the table below:

**Table 47.0: Selected performances metrics for the Home Circuit Court in the Easter Term of 2023**

Resolved cases	Unresolved cases	Case turnover rate (%)	Disposition days	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
52	884	0.06	6083	31	52	58.00	42.00

The results in the above table shows a case turnover rate of 0.05, which is an indication that for every 100 criminal cases, which were active in the Easter Term of 2023 and still active at the end of the Term, another 6 were disposed.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Home Circuit Court in the Easter Term of 2023 is approximately 58%, which reflects the proportion of cases resolved during the Term which were disposed within 2 years. Conversely, the proxy case backlog rate is approximately 42%, an



---

## THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

---

**2023**

indication that an estimated proportion of 42% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 884 cases, which had some court activity during the Ester Term and were still active at the end of the period, 371 are expected to be in a backlog classification before being disposed.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

2023

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

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

**One hundred and four new Gun Court cases** were filed during the Easter Term of 2023, a decline of 1 or 0.95% when compared to the corresponding period in 2022. The dominant charges filed in the period were illegal possession of firearm, illegal possession of ammunition and shooting with intent.

**Table 48.0a: Most frequently occurring reasons for adjournment for the Easter Term ended July 31, 2023**

Reason for Adjournment	Frequency	Percent
For file to be completed	565	13.30
Ballistic Certificate Outstanding	295	7.0
Statements Outstanding	255	6.0
For disclosure	241	5.70
DNA Result Outstanding	177	4.20
Scene of Crime Statement Outstanding	176	4.10
Scene of Crime CD Outstanding	165	3.90
Crown not ready	118	2.80
For Antecedent	116	2.70
Matter not reached	104	2.50
Witness Absent	96	2.30
Defense Counsel Absent	95	2.20
Subpoena Witness	92	2.20
Medical Certificate Outstanding	92	2.20
Forensic Certificate Outstanding	90	2.10
Other documents outstanding	65	1.50
Defense Counsel need time to take instruction	59	1.40
Accused not brought	49	1.20

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

Medical Certificate Outstanding	44	1.9
CFCD Outstanding	36	1.5
<b>Sub-Total</b>	<b>1821</b>	<b>77.60</b>

Total number of adjournments and continuances (N) =1821. *NB: Other documents outstanding include scene of crime reports, police officer statistics and outstanding miscellaneous certificates.*

The above table outlines the top reasons for adjournment in the Gun Court for the Easter Term of 2023, including continuances. At the top of the list were adjournments for file to be completed with 565 or 13.30%, ballistic certificate outstanding with 295 or 7.00%, statements outstanding with 255 or 6.0% and adjournments for disclosure with 241 or 5.70%. As with previous reports, a significant proportion of the reasons for adjournment are due to third party factors. The situation continues to necessitate targeted engagement by the judiciary.

**Table 49.0b: Stages of Adjournment**

Stages of Adjournment	Frequency	Percentage
Application for Bail	682	16.1
Application for Release of Motor Vehicle	2	.0
Mention	1392	32.8
New (first before Court)	452	10.6
Other	9	.2
Part Heard	365	8.6
PCMH and Bail Application	64	1.5
Plea and Case Management	290	6.8
Sentence	127	3.0
Trial with Judge and Jury	2	.0
Trial with Judge Only	859	20.2
<b>Total</b>	<b>4244</b>	<b>100.0</b>

The above dataset provides a summary of the stages of adjournments (including continuances) for matters adjourned during the Easter Term of 2023. It is seen that the largest proportion of

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

these adjournments took place at the mention stage accounting for 32.80%, followed by adjournments at the trial stage with roughly 20.20% and adjournments at the new – first before the court stage with 10.60% and at the plea and case management stage with 6.80%.

**Table 50.0a: Distribution of types of hearings for the Easter Term ended July 31, 2023**

Type of Hearing	Frequency	Percentage (%)
Application for Bail	190	11.1
Application for Release of Motor Vehicle	2	.1
Mention	437	25.6
New (first before court)	2	.1
New (first before Court)	112	6.6
Other	17	1.0
Part Heard	227	13.3
PCMH and Bail Application	32	1.9
Plea and Case Management	151	8.8
Sentence	89	5.2
Trial with Judge and Jury	1	.1
Trial with Judge Only	447	26.2
<b>Total</b>	<b>1707</b>	<b>100.0</b>

Trials accounted for the highest incidence of hearings during the Easter Terms of 2023, accounting for 26.3% of the total while mention court hearings with 25.60% was next and bail application hearings and part heard hearings round off the tops four incidences of hearings.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 50.0b: Hearing date certainty summary for the Easter Term ended July 31, 2023**

Type of hearing dates	Estimated hearing date certainty rate (%)
Mention hearings	77.05
Plea and Case Management hearing	84.05
Bail Applications	80.00
Sentencing hearings	74.25
Trial hearings	61.25
<b>Total/Overall Average</b>	<b>75.32</b>

The date scheduling certainty for each Division of the Supreme Court is an important metric, which examines the extent to which dates, which are set for various types of hearings, are adhered. A low result has implications for the capacity of the court to adequately estimate the duration of a matter, for the capacity of courtrooms and Judges to absorb certain caseload and for the general system of scheduling. In the table above it is shown that an overall hearing date certainty rate of roughly 75.32% was recorded which is another way of saying that for every 100 criminal matters scheduled for court, roughly 75 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 represents a decline of roughly 4 percentage points when compared to the Easter Term of 2022. When trial matters are isolated, the trial certainty rate revealed is 61.25%, a notable decline of just over 11.75 percentage points when compared to the Easter Term of 2022, the second consecutive quarter of contraction.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 51.0: Methods of case disposition for the Easter Term ended July 31, 2023**

Methods of Disposition	Frequency	Percentage
Accused Deceased	3	1.0
Conditional Nolle Prosequi	3	1.0
Found Guilty	28	9.3
Found Not Guilty	42	13.9
Guilty Plea	1	.3
No Case Submission Upheld	25	8.3
No Evidence Offered	67	22.20
No Further Evidence Offered	63	20.9
Nolle Prosequi	16	5.3
Plea Guilty	33	10.9
Remitted to Parish Court	3	1.0
Transferred to Gun Court	13	4.3
Transferred to Parish Court	5	1.7
<b>Total</b>	<b>302</b>	<b>100.0</b>

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

The above table summarizes the methods of disposition for the charges disposed in the High Court Division of the Gun Court for the Easter Term of 2023. It is seen that there were 302 charges which became disposed or inactive, the largest proportion of which were a result of no evidence offered – discharged and guilty pleas which accounted for 67 or 22.20% and 63 or 20.90% respectively of the total. In third were disposals due to persons found not guilty with 28 or 13.90%. The 302 charges disposed is the equivalent of 118 unique cases, representing a marked decline of 25.32% when compared to the Easter Term of 2022.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 52.0: Estimated Conviction rate in the Gun Court for the Easter Term ended July 31, 2023**

Number of charges disposed	Number of Guilty outcomes (i.e. guilty verdicts and guilty pleas)	Conviction rate (%)
302	29	9.60

The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the 302 disposed charges in the Easter Term of 2023, 29 were a result of either a guilty plea or a guilty verdict. This produces an overall conviction rate of 9.60% for Gun Court charges resolved during the Term, approximately 16.89 percentage points below the rate in the corresponding period in 2022. The following table delves further into the conviction rate, by the substantive matter.

**Table 53.0: Conviction rate by selected substantive matter in the Gun Court for the Easter Term ended July 31, 2023**

Substantive matter	Number of charges disposed	Number of guilty outcomes (pleas and verdicts)	Conviction rate (%)
Illegal possession of fire arm	102	29	<b>28.43</b>
Illegal possession of ammunition	45	23	<b>51%</b>
Assault (various forms)	39	0	<b>0.00%</b>

It is shown in the above table that of the 102 charges of illegal possession of a firearm disposed, 29 were disposed by way of either a guilty verdict or a guilty plea, yielding a conviction rate of

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

2023

roughly 28.43%, a decline of 2.50 percentage points when compared to the corresponding period in 2022. 23 of 45 charges of illegal possession of ammunition which were disposed in the Easter Term of 2023 were a result of guilty outcomes, resulting in a conviction rate of 51%, an increase of 13.32 percentage points when compared to the corresponding period in 2022. None of the 39 assault charges which were disposed in the Easter Term were a result of guilty outcomes, resulting in a conviction rate of 0.00%, a decline of 19.05 percentage points when compared to the corresponding period in 2022.

**Table 54.0: Time to disposition (from case file date) for charges disposed of in the Easter Term ended July 31, 2023**

## Descriptive Statistics (in months)

Number of charges disposed	302
Mean	35.8727
Median	27.2050
Std. Deviation	36.02888
Variance	1298.080
Skewness	2.858
Std. Error of Skewness	.140
Range	287.68
Minimum	1.00
Maximum	284.42

The above table summarizes the time taken to dispose of cases in the Gun Court in the Easter Term of 2023, counting from the date cases were filed. It is seen that the estimated average time to disposition from the date of case is approximately 36 months, a dramatic increase of roughly 20 months when compared to the corresponding period in 2022. The data set for this



# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

2023

measure is positively skewed, indicating that proportionately more of the times to disposition fell below the overall series mean. The estimated maximum time to disposition for the data set is approximately 9 years. The estimated minimum time to disposition from the date of filing was roughly a month. The median time to disposition of roughly 27 months is notably lower than the mean time. The 80 cases disposed in the High Court Division of the Gun Court in the Hilary Term represents a 29.82% decline when compared to the corresponding period in 2022.

**Table 55.0: Breakdown of times to disposition (from case file date) for the charges disposed in the Easter Term ended July 31, 2023**

Date Interval	Frequency	Percentage (%)
0 - 12	85	28.15
12 - 24	56	18.54
25 - 36	46	15.23
37 - 47	37	12.25
48 & over	78	25.83
<b>Total</b>	<b>302</b>	<b>100.0</b>

The above table provides a further breakdown of the estimated time to disposition for the charges disposed in the Easter Term of 2023, counting from the case file date. The data shows that the largest proportion of the disposals using this method took a year or less. This interval accounted for 85 or 28.15% of the disposals and was followed by charges taking over 48 months to be disposed with 78 or 25.83%. A further 18.54% of the charges were disposed within 25-36 months, 15.23% took 25 – 36 months and the remaining 12.25% took between 37 and 47 months to be disposed. Roughly 47% of the cases disposed were resolved within two years.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

It must be noted that the increase in the number of cases dispose which took more than two years is largely a result of inactive cases in the gross backlog which were reactivated.

**Table 56.0: Case clearance rate for the Easter Term ended July 31, 2023**

Cases filed	Cases disposed	Case clearance rate
104	118	113.46%

One hundred and four new cases were filed in the High Court Division of the Gun Court in the Easter Term of 2023 while 118 cases were also disposed or inactivated (including many which originated before the Term) leading to a clearance rate of exactly 113.46% for the period. This output represents a 37.02 percentage points decline when compared to the corresponding period in 2022.

## **Other performance measures**

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

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

**(ii) The case turnover ratio**

**(iii) The disposition days**

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

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

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

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

**Table 57.0: Selected performances metrics for the Gun Court in the Easter Term of 2023**

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated disposition days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy case backlog rate (%)
118	371	0.32	1141	55	118	46.61	53.39

The results in the above table shows a case turnover rate of 0.32, which is an indication that for every 100 cases which were 'heard' during the Easter Term of 2023 and still active, 32 pre-existing cases were disposed.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Gun Court in the Easter Term of 2023 is approximately 46.61%, which reflects the proportion of Gun Court cases in the Easter Term of 2023, which were disposed within 2 years.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

## **CHAPTER 6.0: COMMERCIAL DIVISION**

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

**Table 58.0: Cases filed in the Commercial Division in the Easter Term ended July 31, 2023**

Division	Number of new cases filed
Commercial	285

In the Easter Term of 2023, 285 new cases were filed, an increase of 46.15% when compared to the corresponding period in 2022. The Commercial Division currently steadily averages over 500 new cases per year and its productivity is important in sending signals to economic agents in a country.

**Table 59.0: Sampling distribution of the top six reasons for adjournment/continuance in the Commercial Division for the Easter Term ended July 31, 2023**

Reasons for adjournment	Percentage (%)
Claimant to file documents	11.50
Claimant's document not served	10.10
Part Heard in Progress	10.10
Defendant to file documents	7.90
Matter referred to mediation	7.90
Parties having discussions with a view to settlement	7.20
<b>Sub-Total</b>	<b>54.70</b>

**Number of observations (N) = 139**

The above table provides a sampling distribution of the top five reasons for adjournment in the Commercial Division for the Easter Term of 2023. A total of 128 such incidences sampled reveal that adjournments due to claimant to file documents with 11.50%, claimant's documents not

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

served with 10.10 and part-heard in progress each with 10.10% accounted for the top three reasons for adjournment/continuance in the Commercial Division for the Easter Term. The top six reasons for adjournment/continuance documented from the sample accounts for 54.70% of the total. These leading reasons for adjournment listed are largely attributable to factors which are not within the direct realm of direct court control.

**Table 60.0: Sampling distribution of cases with chamber hearings for the Easter Term ended July 31, 2023**

Hearings	Frequency	Percentage (%)
Applications (Various)	259	50.49
Case Management Conference	39	7.60
Pre-trial review	22	4.29
Judgment summons hearing	193	37.62
<b>Total</b>	<b>513</b>	100.00

The above table summarizes a sample of 513 cases which had chamber hearings in the Commercial Division during the Easter Term of 2023. As with the High Court Civil (HCV) Division, the hearing of various applications for relief sought dominates the list with roughly 50.49% of the matters with chamber hearings. Judgment summons hearings with 193 or 37.62% and case management conference with 39 or 7.60% rounds off the top three incidence of chamber hearings.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 61: Sampling distribution of hearing date certainty in the Commercial Division for the Easter Term ended July 31, 2023**

Type of hearings	Estimated Hearing date certainty rate (%)
Case Management Conferences	90.05
Trials in Chamber, Trials in Open Court and Assessments of Damages	70.50
All hearings combined	85.15

The above table breaks down the hearing date certainty rates for two significant types of hearings and also gives the overall rate for the Easter Term of 2023. It is shown that Case Management Conferences had an estimated hearing date certainty rate of 90.05% for the period, up by 7.44 percentage points when compared to the corresponding period in 2022, while the combined weighted hearing date certainty rate for trials in chamber, assessments of damages and open court is estimated to be 70.50%, an increase of 3.83 percentage points when compared to the corresponding period in 2022. The overall hearing date certainty rate when all types of hearings are considered is approximately 85.15%, an increase of 5.59 percentage points over the corresponding period in 2022. The continued general improvement in the hearing date certainty of the Commercial Division is a step in the right direction as over time this will translate into higher case clearance rates and generally greater productivity. The efficiency of the Commercial Division is an important signal for economic activity in Jamaica.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 62: Sample case flow process transition summary for the year ended December 31, 2021 [Extract]**

Number of cases on which defences were filed	Number of cases referred to Mediation	Mediation Report Return Rate (%)	Average time between filing of a defence and referral to mediation [for matters on which defence was filed in 2021]	Average time between referral to mediation and receipt of mediation report [2021 referrals only]
<b>108*</b>	<b>42**</b>	<b>11.90%</b>	<b>65 days</b>	<b>5.5 months</b>

*Note: The above data represents estimated values based on data available at the time of reporting*

*Note that the number of mediation referrals and the number of cases referred to mediation are not necessary equivalents*

*Note that the number of cases on which defences were filed and the number of defences filed are not necessary equivalents*

The sample case flow process transition summary for cases in the Commercial Division in 2021 suggests that there were 108 cases on which defences were filed (the equivalent of 149 matters), while 42 cases (the equivalent of 50 referrals) were referred to mediation. The data further suggests that the Commercial Division had a mediation report return rate of 11.90% which means that for every 10 matters referred to mediation during the year, roughly 1 report was returned (not necessarily from the stock of referrals during the year), a result that is roughly the same as that of the previous year. This result suggests that the availability of mediation reports is falling well behind the rate at which matters were referred to mediation. Considering that a mediation report should take on average 90 days to be returned by the relevant mediation centre, this is an interesting statistic which gives insights into the delays in the mediation process, a potential impediment to the progression of cases in the Commercial Division. The average time taken to return a mediation report for the matters which were referred to mediation during the year was roughly 5.5 months, which is almost twice the expected time but the overall average time can be a bit longer. The transition between the filing of a defence and referral to mediation by the Division appears to be slower than desired

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

and may also be inimical to case flow progression. The statistics on the time interval between the filing of a defence and mediation referral is also quite insightful. The data shows that on average it took approximately 65 days or two months after a defence is filed for a matter to be referred to mediation while the modal time was 25 days and the median was 40 days. The shortest time interval recorded in the sample between the filing of a defence and referral to mediation is 5 days and the highest is 270 days or roughly 9 months. These results are broadly similar to those from 2020. The overall success rate of mediation for the past two years for matters referred from the Commercial Division is less than 20%.

**Table 63.0: Requisitions summary for the Easter Term ended July 31, 2023**

Requisitions Issued	Requisition Responses	Requisitions clearance Rate	Requisitions issued per 100 case files
69	68	98.55%	26

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

The above table provides a summary of the response rate for requisitions issued in the Commercial Division in the Easter Term of 2023. It is shown that 69 requisitions were issued in the year while there were 68 responses filed, thus producing a requisitions clearance rate of 98.55%, an increase of 7.98 percentage points when compared to the corresponding period in 2022. This requisition clearance rate suggests that during the Easter Term, for every 10 requisitions issued, a roughly equivalent number of responses were filed. Additionally, there was an average incidence of 26 requisitions per 100 case files in the Commercial Division for the Term.



# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 64: Methods of disposition for the Easter Term ended July 31, 2023**

Methods of Disposition	Frequency	Percent
Agreed to pay by installment	5	4.1
Application Granted	11	9.1
Application Refused	4	3.3
Consent Order	3	2.5
Discontinued	11	9.1
Judgment	3	2.5
Judgment Delivered	1	.8
Judgment in Default of acknowledge of Service	47	38.8
Judgment in default of defence	1	.8
Judgment on Admission	2	1.7
Matter Discontinued	16	13.2
Matter Withdrawn	5	4.1
Settled	2	1.7
Struck Out	3	2.5
Transfer to Commercial (Ordered )	3	2.5
Written Judgment Delivered	4	3.3
<b>Total</b>	<b>121</b>	<b>100.0</b>

The data suggests that 121 cases in the Commercial Division were disposed in the Easter Term of 2023, an increase of 61.16% when compared to the corresponding period in 2022. Disposals by way of judgments in default of acknowledging with 47 or 38.80% led the list of dispositions while matters discontinued and judgments on admission rank next.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

2023

**Table 65.0: Time to disposition for Commercial cases disposed in the Easter Term ended July 31, 2023**

## Descriptive Statistics (in months)

Number of observations	121
Mean	20.8182
Median	13.0000
Mode	13.00
Std. Deviation	18.06378
Skewness	1.963
Std. Error of Skewness	.220
Range	80.00
Minimum	3.00
Maximum	83.00

The above table shows that the estimated average time to disposition for the 121 Commercial cases disposed in the Easter Term of 2023 is 20.82 months or approximately 1 year and nine months, just over two months shorter than the average in the corresponding period in 2022. The maximum time to disposition observed from these cases is roughly 7 years while the lowest is roughly three months. It is of note that the modal and median times to disposition were both 13 months, encouraging signs of continued progress in the overall time taken to resolve commercial matters. The positive skewness observed also suggests that the proportionately more of the commercial cases disposed in the Easter Term of 2023 took less time than the overall mean.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 66.0: Breakdown of times to disposition for Commercial cases resolved in the Easter Term ended July 31, 2023**

Time Interval (months)	Frequency	Percent
0 – 12	52	43.0
12 – 24	38	31.4
25 – 36	15	12.4
37 – 47	16	13.2
Total	121	100.0

The above table provides a breakdown of the times to disposition for the cases disposed in the Commercial Division in the Easter Term of 2023. It is seen that the largest proportion of these cases were disposed of within a year, accounting for an impressive 43.0% of the disposals. This is followed by 38 or 31.40%, which took between 12 and 24 months to be disposed and 16 or 13.20% and 15 or 12.40% respectively which took between 37 – 47 months and 25 – 36 months to be disposed. Taken together, the data suggest that a commendable 79.70% of the cases disposed in the Commercial Division in the Hilary Term of 2032 were resolved within 2 years.

**Table 67.0: Case clearance rate for the Commercial Division for Easter Term ended July 31, 2023**

Cases filed	Cases disposed	Case clearance rate
285	121	42.46%

Two hundred and eighty-five new cases were filed in the Commercial Division in the Easter Term of 2023, while 121 cases were disposed which yields a case clearance rate of 42.46%. This result suggests that for every 100 new cases filed in the year, roughly 43 were disposed,

an improvement of roughly 18.36 percentage points when compared to the corresponding period in 2022.

### **Other performance measures**

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

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

**(ii) The case turnover ratio**

**(iii) The disposition days**

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

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

These measures are summarized in the table below:

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 68.0: Selected performances metrics for the Commercial Division for the Easter Term of 2023**

Resolved cases	Unresolved cases	Case turnover rate (%)	Disposition days	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
121	487	0.25	1460 days	90	31	74.40	26.60

The results in the above table shows a case turnover rate of 0.25, which is an indication that for every 100 cases which were 'heard' in the Easter Term of 2023 and still active, another 25 were disposed, an increase of 16 percentage points when compared to the corresponding period in 2022.

A case is considered to be in a backlog classification if it remains unresolved for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Commercial cases in the Easter Term of 2023, is a commendable 74.40% which reflects the proportion of Commercial cases in the Easter Term of 2023, which were disposed within 2 years. Conversely, the crude proxy case backlog rate is a commendable 26.60%, an indication that an estimated annual proportion of roughly 27% 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 487 cases which had some activity during the Easter Term and were still active at the end of the period, 131 are expected to be in a backlog classification before being disposed.

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

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

### **Aggregate Case Clearance Rate**

Analysis of the productivity of the judiciary, subject to its resource constraints is an important metric for gauging efficiency and for informing policy and operational interventions. Among the key measures of court productivity is the case clearance rate. The below table provides a summary of the collective case clearance rate for the Divisions of the Supreme Court in the Easter Term of 2023.

**Table 69.0a: Gross case clearance rate for the Easter Term of 2023**

<b>Total cases filed</b>	<b>Total cases disposed</b>	<b>Gross Case clearance rate</b>
<b>4499</b>	<b>3338</b>	<b>74.19</b>

The above table provides an aggregate summary of the clearance rates in the Divisions of the Supreme Court in the Easter Term of 2023. The data suggests that 4499 new cases were filed/entered across the Divisions reviewed during the Term, a decrease of roughly 11.31% when compared to the corresponding period in 2022. There were 3338 cases disposed across the Divisions of the Supreme Court during the Easter Term, a decrease of 4.38% when compared to the corresponding period in 2022. These results yield an overall case clearance rate of roughly 74.19% representing a decline of 12.18 percentage points when compared to the corresponding period in 2022 and suggesting that that for every 100 cases filed/entered during the period, roughly, 74 were also disposed. In the Easter Term of 2023, the Divisions

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

with the highest case clearance rates were the High Court Division of the Gun Court with 113.46%, the Family Division with 88.42% and the High Court Civil Division with 75.12%.

## Aggregate Case Activity for the past two calendar years

**Table 70.0b: Summary of new cases filed and cases disposed in the Supreme Court (2021 – 2022)**

Division	Aggregate number of new cases filed in 2022	Aggregate number of cases disposed in 2022	Case Clearance Rate (%) - 2022	Aggregate number of new cases filed in 2021	Aggregate number of cases disposed in 2021	Case Clearance Rate (%) - 2021
High Court Civil (HCV)	4076	3216	78.90	5526	1476	26.71
Family	4796	3682	74.60	4381	3859	88.08
Estate	3728	2749	73.74	3252	2539	78.08
Commercial	609	160	26.27	575	179	31.13
Home Circuit Court	267	174	73.50	305	222	72.79
Gun Court	369	399	108.13	403	446	110.67
Revenue Court	4	11	275.00	8	7	87.50
<b>Total</b>	<b>13849</b>	<b>10291</b>	<b>75.03</b>	<b>14460</b>	<b>8728</b>	<b>60.36</b>

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

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

## Case Activity Summary for the Easter Term of 2023

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

**Table 71.0: Aggregate case activity in the Easter Term of 2023**

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (months)	Hearing Date Certainty Rate (%)
High Court Civil (HCV)	1274	957	75.12	56	81.79
Estate	1137	781	68.69	19.50	81.62
Family	1477	1306	88.42	24.29	85.47
Commercial	285	121	42.46	20.82	85.15
Home Circuit Court	217	52	23.96	30.52	73.50
Gun Court	104	118	113.46	35.87	75.32
Revenue Division	5	3	60.00%	-	75.50
Gross/Weighted Average	4499	3338	74.19	31.17	79.76



---

## THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

---

**2023**

The above table provides an important summary of case activity in the Supreme Court in the Easter Term of 2023. It is shown that 4499 cases were filed/entered across the Divisions of the Supreme Court during the Term. For the first time in recorded history, the number of new cases filed in a Term was not accounted for by the High Court Civil Division as the Family Division lead the way with 1477 new cases filed or 32.83%. The High Court Civil Division with 1274 new cases filed or 28.32% and the Estate Division with 1137 or 25.27% accounts for the next highest shares of new cases filed during the Easter Term.

The Family Division and the High Court Civil Division with 1306 or 39.13% and 957 or 28.67% respectively account for the highest share of case disposed during the Easter Term of 2023. The High Court Division of the Gun Court and the Family Division with case clearance rates of 113.46% and 88.42% recorded the highest case clearance rates, followed by the High Court Civil Division with a case clearance rate of 75.12%. The overall case clearance rate for the Supreme Court for the Easter Term of 2023 is roughly 74.19%, a decline of 12.18 percentage points when compared to the corresponding period in 2022. The High Court Civil (HCV) Division accounted for the longest average time to disposition with cases taking an average of roughly 56 months (4 years and 4 months) to be disposed. The High Court Division of the Gun Court is next with an average time to disposition of approximately 35.87 months (approximately 3 years) while Estate and Commercial Divisions with estimated average times to disposition of 19.50 months (roughly 1 year and 6 months) and 20.82 months (1 year and 7 months) respectively account for the lowest average times to disposition for matters resolved in the Easter Term of 2023. The overall weighted average time taken to dispose of the cases resolved in the period was roughly

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

31 months (two years and 7 month), approximately the same as the previous year. The Divisions of the Supreme Court remained steady on hearing date certainty rates during the Easter Term, registering an overall outcome of 79.76%, roughly the same as that of the corresponding period in 2022.

## **Judgments Reserved and Judgments Delivered**

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

**Table 72.0: Summary of Judgments Reserved and Delivered in the Easter Term of 2023**

<b>Number of Judgments reserved on cases</b>	<b>Number of Judgments delivered on cases</b>	<b>Clearance rate for case Judgments</b>	<b>Number of Judgments reserved on applications</b>	<b>Number of judgments/rulings delivered on applications</b>	<b>Clearance rates for rulings on application (%)</b>
<b>136</b>	<b>94</b>	<b>69.18%</b>	<b>130</b>	<b>80</b>	<b>61.54%</b>

A total of 136 judgements were reserved in the Easter Term of 2023 while a total of 94 judgments were delivered. This output led to a modest clearance rate of 69.18%, the first time that the judgment delivery rate has fallen below the 100% mark in the Supreme Court in 3 years. The result represents a 71.67 percentage points decline when compared to the corresponding period in 2022. The decline may be partly explained by the general decline in outstanding judgments in the civil divisions and the increased demand for civil adjudication but there may also be underlying operational inefficiencies which require further investigation. Notably, the number of judgments reserved increased by roughly 83% so the decline in the

judgments clearance rate may not be cause for alarm at this stage. In terms of rulings on applications, it is seen that there were 130 rulings on applications reserved during the Easter Term of 2023 while 80 were disposed, producing a clearance rate on rulings on application of 61.54%, an improvement of 5.07 percentage points when compared to the corresponding period in 2022.

### **Estimated Courtroom/Hearing Utilization Rate in the Easter Term of 2023**

Using a sample of cases heard in open court in the Easter Term of 2023, the courtroom utilization rate for the Supreme Court was estimated to be 57%, roughly the same as the corresponding period in 2022 and suggests that just about 3 of every 5 available hours for hearings were utilized in the period. The significant and successful use of virtual hearings, particularly in relation to civil matters in the Supreme Court has essentially eliminated available physical courtroom space as a resource constraint to total productivity of the Supreme Court as whole and the civil divisions in particular. This is expected to contribute positively to the utilization of judicial time going forward.

### **Modes of hearing in the Civil, Probate and Matrimonial Divisions in the Easter Term of 2023**

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

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

**2023**

**Table 73.0: Sampling distribution of the modes of hearing for civil matters in the Supreme Court in the Easter Term of 2023**

	Percentage (%)
In person	5.94
Teleconference	0.05
Video conference	94.01
<b>Totals</b>	<b>100.0</b>

*Sample size = 5977*

It is seen in the above sample summary that the overwhelming majority of hearings conducted in the combined High Court Civil, Commercial, Family and Estate Divisions of the Supreme Court were done by video conference, accounting for an estimated 94.01% of hearings conducted, while in person hearings accounted for 5.94% and teleconferences accounted for 0.05% of this representative sample of hearings in the period. The general improvement in hearing date certainty rate which is being observed in civil cases since the latter part of 2021 is partly a result the mass movement of cases online, a process which started in 2020, but have now becoming customary place. It has essentially removed courtroom space as a constraint on court productivity, paving the way for greater efficiency in the court's operation.

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

The Easter Term of 2023 has been very revealing for all Divisions of the Supreme Court. It has further affirmed the stability of the Family Division as a consistent performer across all critical metrics, while asserting the productivity of the Estate Division with respect to the moderate time taken to dispose of cases. It has also concretized the resilience of the High Court Division of the Gun Court which continues to exceed the 100% mark on case clearance rate despite recent legislative changes which have increased the penalty for Gun offences and in turn decreased the propensity for guilty pleas. The report also affirms that the Home Circuit Court is regressing across several key measures, for example recording its lowest case clearance rate of 23.96% in over two years. On the contrary, the High Court Civil Division continues to show tremendous signs of stability, recording a case clearance rate of over 70% for the fourth consecutive Term. The output in the High Court Civil Division is buoyed by a range of targeted backlog reduction projects which are yielding consistently strong results. The report asserts that the Commercial Division which has always showed potential with respect to relatively modest times taken to dispose of cases resolved, is showing some signs of progress in terms of hearing date certainty and less so in terms of case clearance rate. The Revenue Division, which is backlog free continues to deliver strong returns.

As a whole the results show that the Supreme Court has now reached a new, higher equilibrium point in terms of its overall output, however the progress in the traditionally weak High Court Civil Division is now being partly negated by the poor showing of the Home Circuit Court. Nevertheless, the overall direction is positive but there is still much work to be done to get

most of the Divisions to point where registering a case clearance rate of over 100% become the norm and not the exception. This is the point where meaningful overall backlog reduction will take place. The Gun Court and the Revenue Court continue to maintain net backlog rates of under 5%, a feat which is critical to the attainment of a highly productive judiciary. Both the criminal and civil division of the parish courts have also attained this target, placing these divisions among the best performing in the Caribbean and Latin American region. The Rural Circuit Courts, some Divisions of the Supreme Court and the Traffic Courts are currently the furthest from achieving this target in the Jamaican court system.

### 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.

*Source:*

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

# THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT

2023

*s.pdf*

<sup>i</sup> Source:

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

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

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

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

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

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

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

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

**Crude Proxy:** A rough estimate

