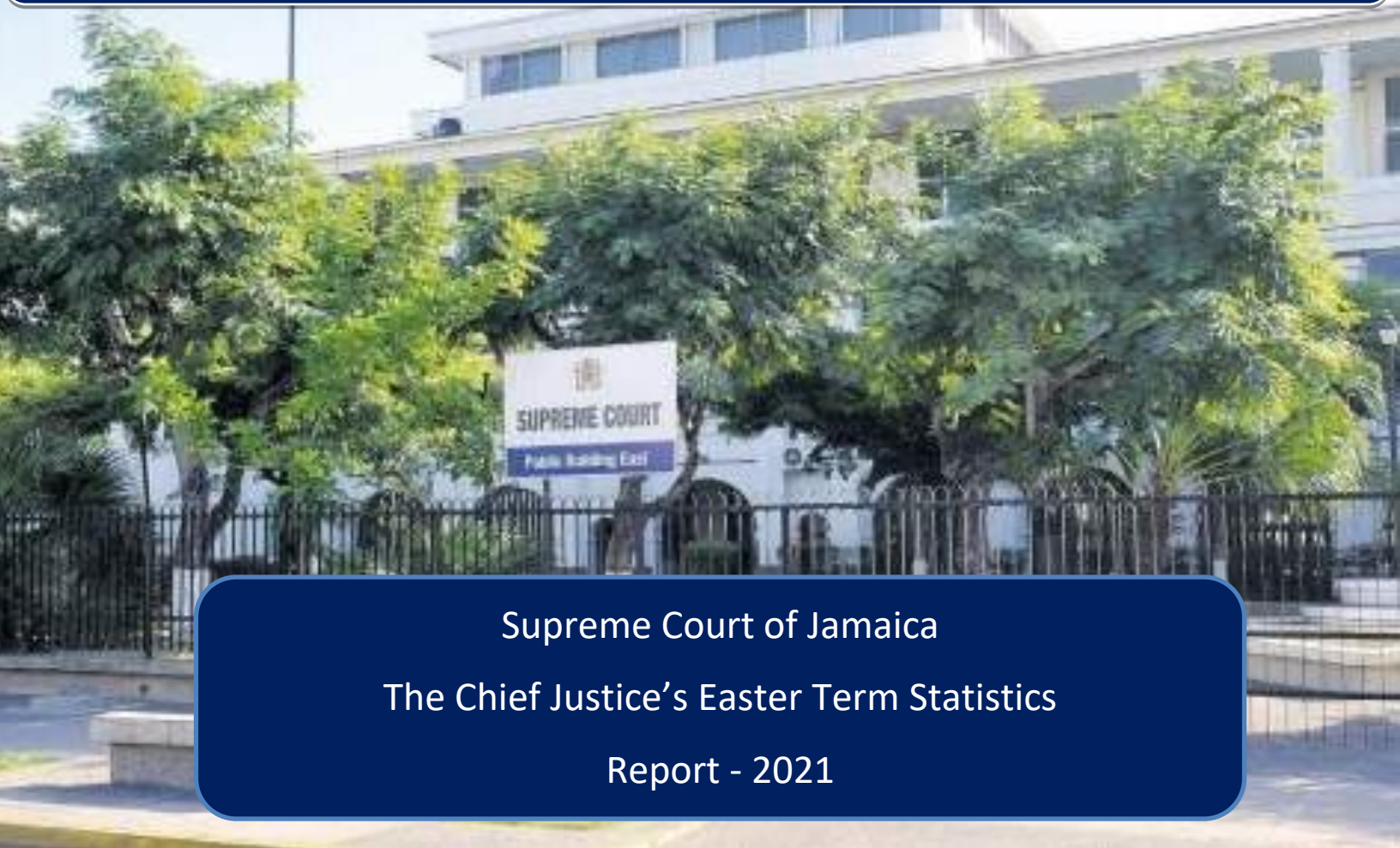


THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT FOR -2021



Supreme Court of Jamaica The Chief Justice's Easter Term Statistics Report - 2021

OVERALL QUANTITATIVE HIGHLIGHTS – EASTER TERM

	<u>2021</u>	<u>2020</u>	<u>2019</u>
Case clearance rate (%)	61.88	68.72	61
Hearing date certainty rate (%)	72.76	67.08	68.19
Case file integrity rate (%)	84.44	92.93	90.15
Average time to disposition of cases (years)	2.20	2.18	2.24
Clearance rate on outstanding Judgments (%)	138.46	318.52	100

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EXECUTIVE SUMMARY

The Easter Term report of 2021 represents another important step towards guaranteeing consistent statistical reporting and measurement of key performance output for the Divisions of the Supreme Court. As part of becoming a first class court system, the Honourable Chief Justice has set out vital quantitative targets which will bring the Jamaican judiciary in line with the bests in the World. Among these targets is the attainment of an overall trial date certainty rate of 95% and a weighted case clearance rate of 130% over the next 5-6 years across the court system. Since the Supreme Court accounts for a sizeable share of the total civil and criminal caseload in Jamaica, its success is crucial to the attainment of the overall targets. These targets hinge on the objective of reducing the court-wide net case backlog rate to less than 5% over the next 4-5 years.

As was the case throughout much of 2020, the Easter Term of 2021 was impacted by the COVID-19 pandemic, with activity in the Circuit Courts being especially affected due to the reliance on jury trials for a substantial proportion of cases. The Supreme Court has however continued to successfully deploy the combined use of virtual and in-person hearings which has aided in facilitating a resilient response and prevented significant declines in overall court activity. This adaptation also sets the framework for a new and more efficient way of administering justice in the post-pandemic era.

This Easter Term report contains a range of data and performance measurements on five Divisions of the Supreme Court in addition to the High Court Division of the Gun Court, the Revenue Court which are both housed at the Supreme Court, in addition to summary features

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on key activity in the Rural Circuit Courts (including the High Court Division of the Gun Court operating in the respective rural parishes). The report is extensive, covering several major areas of case flow progression and therefore provides important insights, which can potentially inform the operational efficiency of the Supreme Court and the policy design of the relevant state actors.

A total of 4921 new cases entered the Supreme Court across the above named Divisions/sections in the Easter Term of 2021 while 3045 cases were disposed. The total number of new cases filed in the Easter Term increased by 30.08% when compared to the corresponding period in 2020. Further, the number of cases disposed in the Easter Term of 2021 increased by 16.04% when compared to the corresponding period in 2020. The High Court Civil (HCV) and Matrimonial Divisions with counts of 1799 and 1580 respectively of the total number of new cases filed, accounted for the largest share of incoming cases while the Revenue Court accounted for the lowest share. As was the case in the Easter Term of 2020, the Matrimonial Division accounted for the largest share of disposals with 46.17% of all disposed cases in the Supreme Court in the Easter Term of 2021, while the Probate Division with 957 disposed cases or roughly 31.43% of the cases disposed ranks next.

Among the major findings from this Easter Term Report is that the weighted average case clearance rate across the Divisions was roughly 61.88%, a decrease of 6.84 percentage points when compared to the Easter Term of 2020. The case clearance rate provides a measurement of the number of cases disposed, for every new case entered in a given period. The average of roughly 62% across the Divisions suggests that for every 100 new cases entered in the period,

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roughly 62 were also disposed (not necessarily from the new cases entered). The case clearance rates for the Easter Term ranged from a low of 20.07% in the High Court Civil Division to a high of 128.47% in the High Court Division of the Gun Court. The Gun Court was followed by the Probate Division with a clearance rate of 90.97% and the Matrimonial Division with 88.99%. The overall statistic on the case clearance rate gives essential insights into potential case flow and backlog problems, as on average there continues to be significantly more incoming than outgoing cases in the Supreme Court in each Term. The overall clearance rate of roughly 62% in the Easter Term of 2021 is still well below the minimum standard set out by the Chief Justice for the judiciary over the course of the next 3 - 6 years.

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 2021. The estimated average times taken for cases to be disposed, range from a low of approximately 1 and 3 years in the Commercial and Probate Divisions to a high of four years and five months in the High Court Civil Division. The overall average time to disposition for the Divisions of the Supreme Court in the Easter Term of 2021 was roughly 26.36 months (2 years and roughly 2 month), about three months higher than that of the similar period in 2020. The oldest matter disposed in the Supreme Court in the Easter Term of 2021 occurred in the High Court Division of the Gun Court, with an age of 15 years at the time of closure. There were however several matters which took as low as 0-6 months to be disposed across all the Divisions of the Supreme Court during the Term.

The standard definition for a case backlog, which has been adopted throughout the Jamaican Court system, is a case that has been in the system for more than two years without being disposed. Using this yardstick, the overall on-time case processing rate for cases disposed in the Supreme Court in the Easter Term of 2021 was approximately 67.35%, which suggests that 67 of every 100 cases disposed in the Supreme Court in the period, were done within two years, a decline of 1.30 percentage points when compared to the corresponding period in 2020. This result implies that roughly 67% of the cases disposed in the Easter Term of 2021 were in a state of backlog at the time of disposition, representing a crude proxy of the case backlog rate in the Supreme Court for the Term. The Commercial and Probate Divisions with on time case processing rates of 82.90% and 87.80% respectively fared best on this metric in the Easter Term, thus also having the lowest crude case backlog rates for the period with 18.90% and 12.20% respectively. On the other hand, the High Court Civil Division and the Home Circuit Court recorded the lowest on-time case processing rates of 33.80% and 46.50% respectively. Concomitantly, the crude proxy case backlog rates for High Court Civil Division was 66.20% and 53.50% for the Home Circuit Court in the Easter Term.

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 case clearance rates in the long run. Similarly, in the long run higher hearing date certainty rates will correlate with lower case backlog rates,

thus there is a negative association between these two variables. The hearing date certainty, which computes the rate of adherence to hearing dates scheduled, ranges from an approximate low of 63% in the Home Circuit Court to a high of 79.40% in the Probate Division. None of the Divisions of the Supreme Court met the international standard of 92% - 100% on this measure in the Easter Term but the overall results showed resilience and promise. The weighted average hearing date certainty across all the Divisions in the Easter Term was roughly 72.76%, which is an indication that there was a roughly 73% probability that a matter scheduled for hearing will go ahead without adjournment. Similar data on the estimated trial date certainty rates in isolation are also provided in the relevant chapters of the report. The estimated trial date certainty rates are generally lower than the overall hearing date certainty rates in the Divisions of the Supreme Court.

Similar to previous reports, this report demonstrates decisively that external factors and third parties account for a sizeable share of the reasons for adjournment of cases and hence increased waiting time or delays in case dispositions. Despite this finding, the duty of the courts to effectively manage cases at all levels of progression in an effort to facilitate efficiency and compliance to the most optimal degree cannot be downplayed in analysing the issue of court delay. The prominent reasons for adjournment in are similar to those observed over the past three plus 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. An equally compelling problem however appears to be the absence of a 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 to the optimal usage of the court's time and their own time.

As part of the strategic plan of the judiciary, the Supreme Court is currently pursuing a range of structural and operational reforms which are expected to significantly bolster productivity within the coming 1-2 years.

Another critical efficiency measurement is the case file integrity rate which measures the proportion of cases which are scheduled for court and are able to proceed in a timely manner without being adjourned for reasons of missing or incomplete files, matters wrongly listed for court and other related factors which are attributable to the inefficient handling of records and case scheduling by the court's registries. Using the High Court Civil Division as a proxy, the data reveals that the case file integrity rate was 84.44%, a decline of 8.49 percentage points when compared to the Easter Term of 2020. This result suggests that for every 100 case files that were apart of court hearings in 2020, between 8 and 9 less were able to proceed, as compared to the Easter Term of 2020, without being adjourned for one of the named factors which impair case file integrity. The prescribed international standard for the case file integrity rate measure is 98% to 100%.

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Apart from the high frequency of adjournments, the relatively high incidence of requisitions is an impediment to the speed of disposition of civil matters. Among the civil divisions, the incidence of requisitions was highest in the Matrimonial Division with a rate of 62 requisitions per 100 case files while the Commercial Division with 1 requisitions per 100 case files had the lowest incidence.

The Supreme Court continues to perform impressively with the clearance of judgments reserved having recorded a rate of roughly 138.46% for the Easter Term, a result that is broadly in line with the annual forecast for 2021. The result implies that for every 10 judgments reserved, 14 are being delivered at the current rate. It is anticipated that the Supreme Court will become current, meaning, having no judgment outstanding for more than six months, by the end of the Easter Term of 2022.

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See below Supreme Court case activity summary for the Easter Term of 2021

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (months)	Hearing date Certainty ratio (%)
High Court Civil (HCV)	1799	361	20.07	53	71.97
Matrimonial	1580	1406	88.99	23.64	75.39
Probate	1052	957	90.97	15.40	79.40
Commercial	244	64	26.23	14.55	79.24
Home Circuit Court	98	71	72.45	28.27	63
Gun Court	144	185	128.47	23.30	67.54
Revenue Division	4	1	25.00%	-	70.25%
Gross/Weighted Average	4921	3045	61.88	26.36 (2.20 years)	72.76

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

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

(i) The on time case processing rate

(ii) Crude proxy case backlog rate

The on time case processing rate provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case backlog rate provides an estimated measurement of the proportion of cases, which are unresolved for more than two years as at end of the Easter Term of 2021. These measures are summarized in the table below:

Selected performances metrics for the Supreme Court for the Easter Term of 2021

Division of the Supreme Court	Resolved/Disposed cases	Unresolved cases which had court activity in 2020	Number of cases disposed within 2 years	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
High Court Civil (HCV)	361	6319	122	33.80	66.20
Matrimonial Division	1406	4076	1028	73.10	26.90
Probate Division	957	2037	840	87.80	12.20
Commercial Division	64	509	53	82.90	18.90
Home Circuit Court	71	796	33	46.50	53.50
Gun Court	185	388	150	80	20
Gross/Weighted Average	3044	14125	2226	67.35	32.95

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Major case activity and performance forecasts to keep in focus for 2021

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

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

Note: Forecasting done using the method of exponential smoothing

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

Forecast for Judgments Reserved and Delivered in 2021

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

Note: Forecasting done using the method of exponential smoothing

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

METHODOLOGY

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

Once all data for the periods of interest are entered in the JEMS software and the necessary checks and balances completed, the data is then migrated to a Microsoft Excel friendly platform, from where it is extracted, the statistical data processed and reports generated, primarily using the RStudio, Maple, Tableau 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 2021. Each of the first six chapters focus on case activity and performance metrics in the High Court Civil (HCV) Division, the Matrimonial Division, the Probate Division, the Commercial Division, the Home Circuit Court and the High Court Division of the Gun Court. The last two chapters summarize aggregate case activity across the Divisions of the Supreme Court, presents the clearance rate for civil Judgements, the courtroom utilization rate estimates and a case activity and key performance summary for the Rural Circuit Courts for the Easter Term of 2021. In each chapter, a wide range of measurements and other information are presented which places case and court activity in each Division in their peculiar perspectives and context. A glossary of statistical terms and key performance measures used in his reports are also outlined at the end of the report. The report is meant to be more of an information piece for both internal and external stakeholders, forming the basis for interventions geared at enhancing efficiency and fostering a culture of court excellence.

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CHAPTER 1.0: HIGH COURT CIVIL (HCV) DIVISION

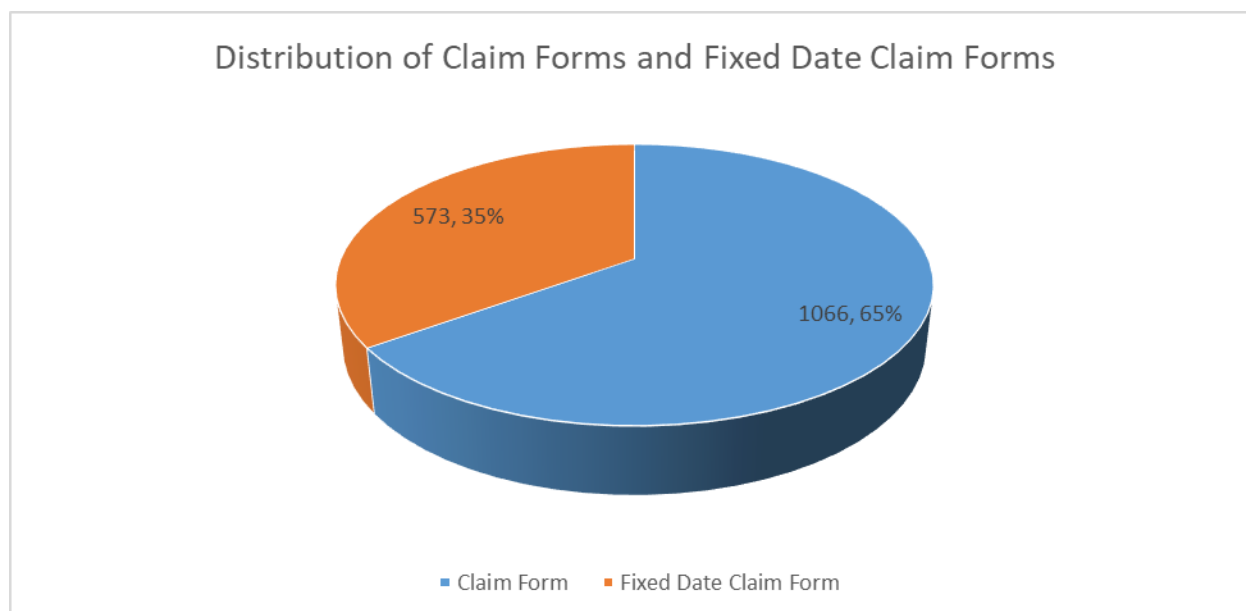
The ensuing analysis examines the various measures of the efficiency of case handling in the High Court Civil (HCV) Division for the Easter Term ended July 31, 2021.

New claims filed during the Easter Term of 2021

Number of new cases filed	1799
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A total of 1799 new cases were filed in the High Court Civil Division of the Supreme Court in the Hilary Term of 2021. This represents an increase of 10.44% in the number of new cases filed when compared to the corresponding period in 2020.

Chart 1.0: Claim Forms and Fixed Date Claim Forms for the Easter Term of 2021



Sample size = 1639

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The above chart highlights the proportional distribution of cases filed in the High Court Civil (HCV) Division in the Easter Term of 2021 which originated either by way of a Claim Form or Fixed Date Claim Form. This chart is generated using a sample of 1639 cases which were filed by way of either Claim Form or Fixed Date Claim Form in the Easter Term of 2021. The data shows that 1066 or 65% of this sample were filed by way of Claim Forms while 573 or 35% were filed by way of Fixed Date Claim Forms. In general, the number of matters filed by way of Claim Forms tend to outstrip those filed annually by way of Fixed Date Claim Forms in the High Court Civil Division of the Supreme Court. Other cases filed in a given period which are not done by way of a Claim Form or a Fixed Date Claim Form will be filed by Notices of Application which on average accounts for about 10% of total new cases filed. The method by which a case is filed, be it by way of a Claim Form, Fixed Date Claim Form or Notice of Application has an impact on the path in which the matters travel in the court. Matters filed by way of Claim Forms tend to have more processes along the case flow continuum and tend on average to take a longer time to be disposed than those filed by way of Fixed Date Claim Forms and Notices of Application, both of which tend to follow a very similar path.

Tables 1.0 to 4.0 below provide an analysis of the reasons for adjournment or continuance of HCV cases in the Easter Term of 2021. Contextual definitions of 'reasons for adjournment' and 'reasons for continuance' respectively are adopted for the purpose of clarity. The first of the three tables enumerate the list of the most common reasons for adjournment, which refers to factors that are usually not be a part of the fundamental, routine and unavoidable processes, or procedures for which a case is necessarily delayed. Using results from table 1.0, a proxy case file

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integrity rate is also computed for the High Court Civil (HCV) Division. The second table lists what may be considered as the main reasons for adjournment due to 'continuance'. Such reasons are defined as those that are intrinsic to the normal progression of a case towards disposition and are therefore largely unavoidable. Table 3.0 highlights reasons that could either satisfy the strict definition of adjournments or continuance depending on the specific circumstances. There were a combined 2239 incidences of adjournments whether for continuance or avoidable reasons in the High Court Civil (HCV) Division during the Easter Term of 2021. This represents a notable increase of 13.71% in the incidence of adjournments when compared to the corresponding period in 2020.

Table 1.0a: Dominant reasons for adjournment for the Easter Term of 2021

Reasons for adjournment	Frequency	Percentage (%)
Claimant to file documents	493	14.90
Files not found	431	13.00
Claimant's documents not served or short served	247	7.50
For comments from NEPA to be complied with	144	4.40
No parties appearing	133	4.00
Defendant to file documents	121	3.70
Matter referred to mediation	113	3.40

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SID report to be submitted along with comments of the LP	103	3.10
Claimant to comply with orders	101	3.10
For conformity with the requirements of the TCPA	79	2.40
Claimant's attorney not ready	77	2.30
To produce documents	67	2.00
Sub –Total	2109	63.80

Total number of adjournments and continuances observed = 3303

There were total of 3303 incidence of adjournments/continuance in the Easter Term of 2021, a notable increase when compared to the corresponding period in 2021. The above table summarizes the most frequently occurring reasons for adjournment for Easter Term, using the contextual definition outlined above. It is seen that the three dominant reasons for adjournment were claimants to file documents with 493 incidences or 14.90% of all events of adjournments/continuance, adjournments due to files not being found in time for hearings with 431 or 13.0% and the non-service of claimant's documents with 247 or 7.50% round off the top three. Adjournments to facilitate restrictive covenants with 144 or 4.40% and no parties appearing with 133 or 4.00% rounds off the top five reasons for adjournment in the High Court Civil Division for the Easter Term of 2021. The top fifteen reasons for adjournment enumerated above, accounts for approximately 63.80% of the total incidence of reasons for case adjournment/continuance in the Easter Term of 2021. As with previous reports, it is evident

that a significant proportion of the total adjournments were due to factors related to the lack of readiness or preparedness of case files and cases themselves, lack of compliance with court orders and the absenteeism of parties and attorneys for court hearings. While some of the reasons for adjournment suggest weaknesses in case flow management, record keeping and scheduling practices, a large proportion of the incidences of reasons for adjournment are associated with external factors which are not always directly controllable by the High Court Civil Division. An example of a major reason for adjournment for which the court is directly responsible is the incidence of files not found which features consistently on the top five list of reasons for adjournment. Adjournments of this nature often contribute to the inefficient use of judicial time and hampers the timely delivery of justice. Among the several reasons for adjournment which are due to external factor are adjournments for claimants and defendants respectively to file documents, due to absent parties and due to the lack of readiness of readiness of claimants' attorney. The delays resulting from the various adjournment incidences are an important contributor to the extensive waiting time currently being experienced in the High Court Civil Division of the Supreme Court.

Continued process flow re-engineering, enhanced stakeholder engagement and more efficient resource alignment will be required to bring redress to many of the deficiencies resulting in the continued high incidence of adjournments. Another essential facet of the transition to greater efficiency is the role of judges in establishing and enforcing firm standards for case adjournment such that the incidence of undue adjournments will be reduced over time and a new, more robust culture of collective responsibility among all the court's stakeholders emerge.

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There are some internal processes which are being engineered to support the optimal operation of the High Court Civil Division. These include the bolstering the resources needed to manage the timely placement of new documents on files, to more effectively track the movement of files with the aid of the available technology, retooling and enhancing the staff compliment in the Division and the creation of more specialized functions. The strength of the court's case management processes has a direct bearing on the incidence of adjournments, thus enhancing the science that is applied in deploying case management in the High Court Civil Division will be an important catalyst in fostering more robust case preparation, improving the compliance of parties with court requirements and hence the readiness of files for hearings to proceed.

Table 1.0b: Case File Integrity Rate for the Easter Term of 2021

Number of adjournments/continuance	Number of adjournments due to missing files, matters wrongly listed and matters left off the court list	Proxy Case File Integrity Rate (%)
3303	514	84.44%

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

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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 514 combined incidences of adjournments due to these deficiencies in the Easter Term of 2021, resulting in a case file integrity rate of 84.44%, which means that roughly 15.56% 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 fell by 8.49% when compared to the corresponding period in 2020. The High Court Civil Division continues to pursue progressive re-engineering of their records management processes, realignment and restructuring which are expected to immensely improve efficiency over the next 24 months.

Table 2.0: Frequent reasons for continuance for the Easter Term of 2021

Reasons for continuance	Frequency	Percentage (%)
Pending settlements	48	1.50
Part Heard	22	0.70

Total number of adjournments/continuances observed = 3303

The above table summarises the most common reasons why cases in the HCV Division were delayed for 'continuance' throughout the Easter Term of 2021. Featuring here are pending settlements with 48 or 1.50% of the total adjournments and continuances and matters adjourned part-heard with 22 or 0.70%.

The below table enumerates the leading reasons for delay in a matter which may either be strictly an adjournment or 'continuance', using the definitions outlined above, depending on

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the peculiar circumstances. In other words, either these reasons could be for 'adjournment' or 'continuance' depending on the stage or conditions of occurrence on the case flow continuum.

Table 3.0: Frequent reasons for adjournment/continuance for the Easter Term of 2021

Reasons for continuance	Frequency	Percentage
Parties having discussion with a view to settlement	108	3.30
Medical certificate outstanding	11	0.30

Total number of adjournment/continuance = 3303

It is seen above that parties having discussions with a view to settlement with 108 incidences or 3.30% of the total and medical certificates outstanding with 11 or 0.30% of the total, accounts for the dominant share of the reasons for adjournment/continuance which falls in this category for the Hilary Term.

Table 4.0: Incidence of cases which had trial and/or pre-trial hearings in Easter Term of 2021

Trial matters/hearings	Frequency	Percentage
Pre-Trial Reviews	183	26.33
Open Court Trials	161	23.17
Motion Hearing	20	2.88
Assessment of Damages	255	36.69
Trial in Chambers	76	10.94
Total cases	695	100

The above table shows the breakdown of the progression of selected HCV pre-trial and trial hearings for the Easter Term of 2021. The table shows a 695 cases in the Term which were scheduled for either motion hearing, assessments of damages, pre-trial review, trial in

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chambers or trial in open court. Assessments of damages accounted for the largest share of the list with 255 cases or 36.69%, followed by pre-trial reviews with 183 cases and trials in open court with 161 cases. It should be noted the number of cases of a particular type of hearing scheduled does not necessarily equate to the actual number of hearings or days of hearing set for the cases.

Table 5.0 Sampling distribution of hearing date certainty for the Easter Term of 2021

Hearing dates set	Hearing dates adjourned	Hearing date certainty (%)
3548	881	75.17

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 3548 dates scheduled for either trial or various pre-trial hearings, both in Court and in Chamber, revealed that 881 were 'adjourned'. The resulting estimated overall hearing date certainty figure of 75.17% suggests that there is a roughly 75% probability that a date set for a matter to be heard would proceed without adjournment, a commendable increase of 14.67 percentage points when compared to the corresponding period in 2020 and a possible sign that virtual hearings, which have become a norm could be having a positive effect. Such determinations however require more scientific inquiry. This result gives important insights into the extent to which judicial time is wasted by potentially avoidable adjournments and suggests that strong interventions by way of improved case management, scheduling and external stakeholder cooperation are vital to redressing these

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deficiencies. When trials in open court is isolated was the trial certainty rate for the HCV Division for the Easter Term of 2021 is estimated at 67.10% and when trial in chambers is isolated the estimate rate is 69.13%, both making noticeably improvements when compared to the corresponding period in 2020. These are resilient outcomes within the context of the multiple prevailing constraints being faced by the court system as a result of the COVID-19 pandemic.

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

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

Table 6.0a: Index of scheduling efficiency for Assessment of Damages in the HCV Division for the Easter Term of 2021

Number of available court days in the Easter Term of 2021	Number of days' worth of assessment of damages scheduled	Approximate ratio
82	255	3.11 days

An important indicator of the problems associated with the scheduling of High Court Civil (HCV) matters comes from an assessment of the number of court days which were available for the

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Supreme Court in the Easter Term of 2021, 82 all told. It is shown that for every court day available, approximately 3.11 days' worth of matters were scheduled, an increase of just over half days' worth of matters when compared to the Easter Term of 2020, representing a continued state of disequilibrium. The efforts to improve the scheduling of assessment of damage hearings in the High Court Civil Division continue to be a priority item as the Supreme Court seeks to reduce wastage of judicial time and curb unwarranted delays through the application of a more advanced science to its scheduling machinery.

Table 6.0b: Index of scheduling efficiency for Open Court Trials in the HCV Division for the Easter Term of 2021

Number of available court days in the Easter Term of 2021	Number of days' worth of court matters scheduled for court trial per court	Approximate ratio
82	79	0.99

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 2021, 56 all told, and the number of days' worth of Open Court trial time which were scheduled per court (a total of 82). It is shown that for every day available, a single days' worth of matters was scheduled, an ideal rate that is slightly better than that recorded in the Easter Term of 2020. The data suggests that there needs to be continued focus on the science with which cases are scheduled for trial. Sophisticated technological aids and an

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improvement in the allocation of human capital in this important area will be vital to realizing the required gains in efficiency.

Table 7.0a: Probability distribution of the incidence of adjournments/continuance for the Easter Term of 2021

<u>Stage/Type of Hearing</u>	<u>Incidence</u>	<u>Percentage (%)</u>
Case Management Conference	197	7.64
Pre-Trial Review	123	4.77
Trial in open court	293	11.37
Trial in chamber	189	7.33
Assessment of damages	398	15.44
Judgment Summons Hearing	156	6.05
Applications	1221	47.38
Total	2577	100

The above table takes a large, representative sample of reasons for adjournment and records the stages of the case flow process at which they are observed. It is seen that the largest proportion of the incidence of adjournments recorded occurred with applications, which accounted for 47.38% of observations, followed by adjournment incidences at Assessments of Damages hearings with 15.44% and adjournment incidences associated with Open Court trials with 11.37%, rounding off the top three observations in the probability distribution. The results suggest that interventions aimed at curbing the incidence of adjournments should be especially targeted at applications, trials in open court and assessments of damages. It is important to note that an incidence does not equate to a case as a single case may have several reasons for adjournment at a single hearing.

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Table 7.0b: Sampling distribution of the case flow process transition summary for the year ended December 31, 2020 [Extract from the 2020 Annual Report on the Supreme Court]

Number of cases on which defences were filed	Number of cases referred to Mediation	Number of cases on which mediation reports were received	Average time between filing of a defence and referral to mediation [For defences filed in 2020 only]	Average time between referral to mediation and receipt of mediation report [2020 referrals only]
1459	286	314	90 days	3.5 months

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

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

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

The overall sample case flow process transition summary for cases in the High Court Civil (HCV) Division, as extracted from the Chief Justice's Annual Report on the Supreme Court in 2020 suggests that there were 1459 cases on which defences were filed, while 286 cases were referred to mediation. The data further suggests that the High Court Civil Division received mediation reports relating to 314 cases in 2020. The average time taken to return a mediation report for the matters which were referred to mediation during 2020 was roughly 3.5 months, slightly higher than the required maximum of 90 days and the overall average response time tends to be longer. The sample statistics on the time interval between the filing of a defence and mediation referral is also quite insightful. Representative sample data taken suggests that on average it took approximately 90 days or three months after a defence is filed for a matter to be referred to mediation. The sample modal time interval was 22 days while the sample median was 45 days. Given that there are a number of outliers in the data set, the median might give a truer impression of the delay for this measurement. The shortest time interval recorded in the sample between the filing of a defence and referral to mediation is 2 days and the highest is 275 days or roughly 9 months. Further analysis is provided below.

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

Descriptive Statistics (days)

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

The above table is computed using a systematic random sample of 209 cases on which mediation reports were received between 2019 and 2020. The results show that the average time taken to receive these reports from the point of referral is an estimated 5.8 months with a wide standard deviation of 4.6 months. The maximum time was approximately 21 months while the minimum was less than a month. Interestingly the modal response time was slightly under two months and the median was roughly five months. Using the median or mean sample estimates, it is clear that the length of time taken for the mediation reports to be returned is considerably higher than the required 90 days and this is a source of delays in the already complex civil procedures, thus somewhat undermining the very purpose of mediation.

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

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86.48% of matters referred to mediation could have potentially progressed faster on the case flow continuum. These results draw into question the effectiveness of mediation and whether the mechanics surrounding its usage as means of expediting case disposition without wasting judicial time is in fact being achieved. Indeed, does mediation referrals potentially compound delays.

Table 8.0: Hearing date certainty for Assessment of damages for the Easter Term of 2021

Hearing dates set	Dates adjourned	Hearing date certainty (%)
264	74	71.97

As noted above, there has been a noticeable reduction in the number of dates scheduled for matters of assessments of damages. This resulted in a hearing date certainty rate of 71.97%, an improvement of 13.97 percentage points when compared to the Easter Term of 2020. Continued efforts to improve the scheduling practices for assessment of damages hearings will contribute markedly to improving the overall productivity of the High Court Civil Division through the more judicious use of judicial time. This is a priority of the High Court Civil Division in 2021.

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Table 9.0: Hearing date certainty for Case Management Conferences for the Easter Term of 2021

Hearing dates set	Dates adjourned (excluding adjournments for continuance)	Hearing date certainty
409	84	79.46%

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 79.46% in the Easter Term of 2021, an improvement of 6.24 percentage points when compared to the corresponding Term in 2020.

Table 10.0: Requisitions for the Easter Term of 2021

Action	Frequency
Requisitions Issued	198
Responses to requisitions	12
Requisition response rate	6.06%
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 198 requisitions for the Easter Term of 2021. The requisition response rate for the Term was 6.06%, 3.21 percentage points higher

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than the rate in the corresponding period in 2020. Continuous interventions aimed at increasing public sensitization on the proper and timely completion of documents filed by litigants and their attorneys at the various stages along the civil case flow continuum are vital to creating and sustaining improved outcomes in this area.

Table 11.0: Sampling distribution of Chamber hearings for the Easter Term of 2021

Hearings	Frequency	Percentage (%)
Oral Examination	5	0.18
Case Management Conference	409	14.53
Pre-trial review	231	8.21
Applications (Various)	2101	74.64
Judgment summons hearing	69	2.45
Total	2815	100

The above table summarizes the incidence of different types of chamber hearings for the Easter Term of 2021. It is seen that the total number of chamber hearing dates for the period was 2815, 17.59 percentage points higher than the corresponding Term in 2020. The highest proportions were various applications with 2101 or 74.64% of the total number of chamber hearings. The general applications category speaks to a non-exhaustive list of various types of applications (including expedited applications) which come before the High Court Civil (HCV) Division of the Supreme Court for adjudication, most typically as part of an existing case. Case Management Conferences was a distant second with an incidence of 409 or 14.53% of the total number. Pre-trial reviews with 231 or 8.21% and Judgment summons hearings with 69 or 2.45% rounds off the top five chamber hearings for the Easter Term of 2021.

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Table 12.0: Sampling distribution of common application types for the Easter Term of 2021

Type of Application	Frequency	Sample Proportion (%)
Application for first hearing	105	5.00
Application to declare entitlement to property	84	4.00
Application for injunction	57	2.71
Application to set aside default judgment	55	2.62
Application to dispense with mediation	44	2.09
Application for extensive of time to file defence	42	2.00
Application to remove attorney's name from record	41	1.95
Application to enter default judgments	37	1.76
Application to extend validity of Claim Form	33	1.57
Application to appoint legal guardian	31	1.48
Application for court orders	24	1.14
Sub-Total	553	26.32

Sample size = 2101

The above chart is derived from a sample of 2101 applications made in the High Court Civil Division in the Easter Term of 2021. It provides a distribution of the top eleven application types in this representative sample which reveals that applications for first hearing and those to encourage entitlement to property with 5.0% and 4.0% respectively had the highest incidences, while applications for injunction with 2.71%, applications to set aside default judgment with 2.62% and applications to dispense with mediation with 2.09% rounds off the top five applications in this representative sample.

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

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Table 13.0: Methods of disposition for the Easter Term of 2021

	Frequency	Valid Percent
Application Granted	50	13.9
Application Refused	2	.6
Claim form expire	24	6.6
Consent Judgment	4	1.1
Consent Order	14	3.9
Damages Assessed	29	8.0
Discontinued	26	7.2
Final Order	1	.3
Judgment	3	.8
Judgment Delivered	21	5.8
Judgment in Default of acknowledgment of service	1	.3
Matter Withdrawn	1	.3
Med - Settled Fully in Mediation	7	1.9
Notice of Discontinuance filed	101	28.0
Order (Chamber Court)	4	1.1
Order Granted for Transfer	1	.3
Mater Settled	57	15.8
Settlement Order	1	.3
Struck Out	7	1.9
Transfer to Commercial	3	.8
Written Judgment Delivered	4	1.1
Total	361	100.0

An understanding of the distribution of the methods of case disposal is an essential metric to gaining insights into the efficiency of case handling in the courts and into operational planning. It is seen that there were 361 High Court Civil (HCV) cases disposed in the Easter Term of 2021, a decline of approximately 45.69% when compared to the corresponding period in 2020. The largest proportion of the cases disposed, 101 or 28.0% were a result of notices of

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discontinuance filed, followed by matters settled with 57 or 15.80%. Applications granted with 50 or 13.90% and damages assessed with 29 or 8.0% rounds off the four leading methods of disposition in the High Court Civil Division in the Easter Term of 2021.

Table 15.0: Time to disposition for the Easter Term of 2021

Number of observations	361
Mean	53.0360
Median	48.0000
Mode	61.00
Std. Deviation	41.94899
Variance	1759.718
Skewness	1.418
Std. Error of Skewness	.128
Range	327.00
Minimum	2.00
Maximum	329.00

One of the most important metrics, which can be used in assessing the efficiency of case handling, is the time to disposition. An understanding of this measure is crucial to influencing both internal and external policies, necessary to bolster the timely delivery of justice. The above table provides crucial insights on the average time to disposition of matters in the HCV Division for the Easter Term of 2021. The 361 cases disposed in the Term reveal an estimated average time to disposition was 53 months or roughly four years and five months, an increase of approximately a year when compared to the Easter Term of 2020. The oldest matter disposed in the year was 329 months old or roughly 27 years old while the lowest time that a matter took to disposition was roughly two months. The median time to disposition was forty-eight months or approximately 4 years while the modal time to disposition was an instructive 61 months or

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five years. The standard deviation of roughly 42 months is indication of a wide variation of the durations to disposal around the mean and suggests that the times to disposition vary widely. The modest positive skewness of roughly 1.42 however suggests that there were proportionately more disposals, which took lower time to disposition than those which took higher than the average time. The margin of error of these estimates is plus or minus 2 months.

Table 16.0: Breakdown of time to disposition for the Easter Term of 2021

Time Interval (months)	Frequency	Percentage (%)
0 – 12	63	17.5
13 - 24	59	16.3
25 - 36	40	11.1
37 - 47	15	4.2
48 & over	184	51.0
Total	361	100.0

The above table provides a more detailed breakdown of the average time to disposition. It is seen that of the 361 matters disposed in the Easter Term, the largest proportion, 184 or 51.0% took four years or more to be disposed. 63 cases or roughly 17.50% of the cases were disposed within a year while 59 or 16.30% took 13 – 24 months to be completed. The remaining proportion of the cases disposed was accounted for by the interval 25 - 36 months with 11.10% and the 37 – 47 months' interval with the lowest proportion at 4.20%. It is of note that roughly 33.80% of the matters disposed in the Easter Term of 2021 took two years or less, compared to approximately 66.20%, which took more than two years during the year. Deficiencies including frequent adjournments, low trial/hearing certainty and the attendant problems with date

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scheduling certainty as well as the incidence of requisitions may be among the factors accounting for the majority of matters taking more than two years to be disposed. The margin of error of these estimates is plus or minus 2 months. A number of new process re-engineering initiatives are currently being either undertaken contemplated in the High Court Civil (HCV) Division, which are expected to eventually contribute appreciably to a reduction in the average time to disposition for the High Court Civil (HCV) Division.

Table 17.0: Clearance rate for the Easter Term of 2021

Cases filed	Cases disposed	Case clearance rate
1799	361	20.07%

**21 or 5.82% of the cases disposed, originated in the Easter Term of 2021*

The case clearance rate is an important metric, which complements the case disposal rate. It is calculated as the ratio of incoming active cases to disposed cases. A ratio of 100% is an indication that for every new case filed, a pre-existing case is also disposed. It is an important measure in placing the time to disposition of matters into context and to providing a deeper understanding the case carriage burden that is being faced by the different Divisions. In the Easter Term of 2021, the High Court Civil Division recorded a case clearance rate of 20.07%. This represents a decrease of 20.63 percentage points when compared to the corresponding Term of 2020 (i.e. the 2021 case clearance rate was just under half the figure in the corresponding period of 2020).

The Statistics Unit estimates that over the next 1-3 years, the High Court Civil Division will need to be averaging case clearance rates of between 70% and 85% in order to start seeing a meaningful reduction in the average time to disposition. In this range, it is computed that enough cases will start to get nearer future dates of appearance in order to see a tendency towards the optimization of the Division's production function, subject to a number of existing constraints, both directly controllable and others external to the Court.

Other performance measures

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

(i) The on time case processing rate

(ii) The case turnover ratio

(iii) The disposition days

(iv) The crude proxy case backlog rate

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 2021. These measures are summarized in the table below:

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Table 18.0: Selected performances metrics for the High Court Civil (HCV) Division in the Easter Term of 2021

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated disposal days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
361	6319	0.06	6083	122	361	33.80	66.20

The results in the above table show a case turnover rate of 0.06, which is an indication that for every 100 cases, which had some activity in the Easter Term of 2021, six cases were disposed, a reduction of roughly half when compared to the corresponding Term in 2020. This result forms part of the computation of the case disposal days which reveals that the on average the unresolved cases will take several more years to be disposed at the current rate.

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 2021 is 33.80%, which reflects the proportion of High Court Civil cases in the Easter Term, which were disposed within 2 years. Conversely, the crude proxy case backlog rate is estimated at 66.20%, an indication that an estimated annual proportion of 66% 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 6319 cases, which had some court activity in the Easter Term of 2021 and were still active at the end of the period, roughly 4183 are expected to be in a backlog classification before being disposed.

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CHAPTER 2.0: MATRIMONIAL DIVISION

The ensuing analysis examines the various measures of the efficiency of case handling in the Matrimonial Division for the Easter Term ended July 31, 2021.

Chart 19.0: Distribution of new cases filed in the Matrimonial Division in the Easter Term of 2021

Case Type	Frequency	Percentage
Matrimonial Nullity	3	.2
Matrimonial Petition with children	450	28.5
Matrimonial Petition	960	60.80
Matrimonial WR Nullity	1	.1
Matrimonial WR Petition	84	5.3
Matrimonial WR Petition Children	82	5.2
Total	1580	100.0

WR means Western Regional Registry. Where WR does not appear, the applicable filing is at the Western Regional Registry

The above chart summarizes the distribution of new cases filed in the Matrimonial Division in the Easter Term of 2021 at the Kingston and Western Regional Registries respectively. It is seen that a combined total of 1580 new cases were filed in the Matrimonial Division during the Term, representing an increase of 51.34% when compared to the corresponding Term in 2020. 167 of the new cases were filed at the Western Regional Registry of the Supreme Court, representing an increase of 51.82% when compared to the similar period in 2020. The remaining 1413 new cases were filed at the Matrimonial Registry at the Supreme Court in Kingston, an increase of 51.28 when compared to the Easter Term of 2020. It is of note that 532 or 33.67% of the matters involved children.

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Table 20.0: Petitions filed during the Easter Term of 2021

Type of petition	Frequency	Percentage (%)
Amended petition for dissolution of marriage	637	28.73
Petition for dissolution of marriage	1576	71.09
Petition for Nullity	4	0.18
Total Petitions filed	2217	100
Number of amendments per petition	0.40	

The above table summarizes petitions filed in the Easter Term of 2021. It is shown that a total of 2117 Petitions (new or amended) were filed, 1576 or 71.09% of which were petitions for dissolution of marriage, compared to 537 or 28.73% which were amended or further amended petitions for dissolution of marriage. The analysis further suggests that the ratio of petitions to amended petitions is 0.40 or in other words for every 100 Petitions for dissolution of marriage there is roughly 40 amended Petitions for dissolution of marriage in the Easter Term of 2021, an improvement of 12 percentage points when compared to the corresponding Term in 2020. The number of petitions for dissolution of marriage which were filed in the Easter Term of 2021 increased by 50.97% when compared to the Easter Term of 2020 while the number of amended petitions increased by 16.67%. The Matrimonial Division continues to make significant progress in clearing its case backlog, and up to the end of the Easter Term of 2021 there was a minimal number of cases with filings having outstanding actions from the registry for more than 16 weeks. This is a commendable feat which in practice it means that divorce cases filed in Matrimonial Division of the Supreme Court (either Registry location) which meet the required

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

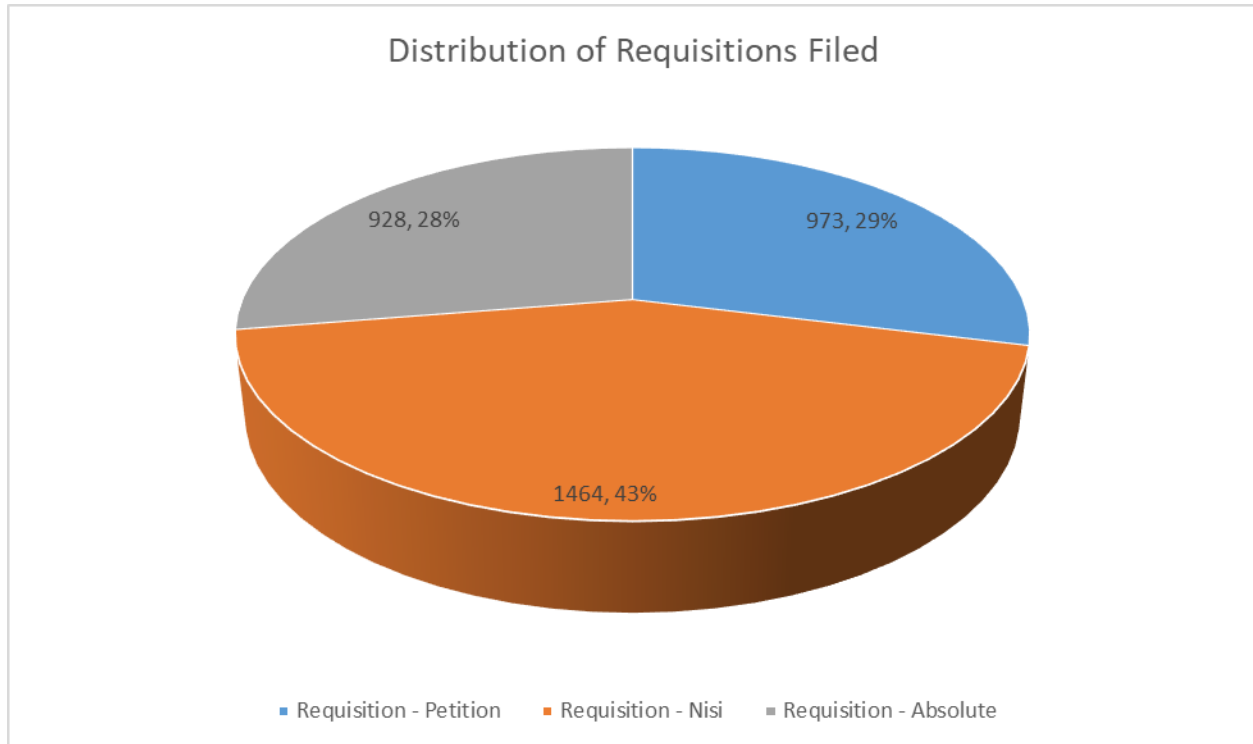
Table 21.0: Decrees Nisi and Decrees Absolute filed for the Easter Term of 2021

Case Status	Frequency
Decree Absolute	2147
Decree Nisi for dissolution of marriage	1132
Decree Nisi for Nullity of marriage	10
Total	3289
Ratio of Decrees Nisi to Decrees Absolute Filed	1.88

It is seen in the above table that for every 100 Decrees Nisi filed there were 188 Decrees Absolute filed in the Easter Term of 2021, a sizeable improvement of 88 percentage points when compared to the corresponding Term in 2020, by far the best ratio achieved in recent recorded history. 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 38.70% while the number of Decrees Nisi filed decreased by 35.60%. The stage of a matter at which requisitions have mostly occurred has an impact on the production rate for both Decrees Nisi and Decrees Absolute Granted.

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

Chart 6.0: Distribution of the stages of requisitions for the Easter Term of 2021



The data suggests that a total of 3365 requisitions were issued at the three primary stages of a divorces case at the Kingston and Western Regional Supreme Court Registries combined, an increase of 19.54% when compared to the corresponding. The number of requisitions filed each of the three stages of the case flow continuum increased when compared to the corresponding Term in 2020. In particular, the number of petitions filed increased by 41.68%, the number of Decrees Absolute filed increased by 46.32% and the number of Decrees Nisi filed increased by 0.62%. Progressive improvements in this arena augur well for the overall efforts in the Matrimonial Registry to improve the rate of case clearance and reduce the average time taken to dispose of cases. As with previous reports, it is seen in the above chart that there is a markedly greater probability that a requisition will be made at the stage of Decree Nisi, with an

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estimated 43% incidence, down by 4 percentage points when compared to the corresponding Term in 2020. 29% of the total represented requisitions at the stage of Petition and the lowest proportion of 28% of requisitions are associated with the Decree Absolute stage. There remains significant room for targeted interventions, particularly aimed at reducing the incidence of requisitions at the Decree Nisi stage in the Matrimonial Division of the Supreme Court.

Table 22.0: Methods of Disposals for the Easter Term of 2021

	Frequency	Percentage
Decree Absolute Granted	1200	85.3
Notice of Discontinuance noted	97	6.9
WR Decree Absolute Granted	109	7.8
Total	1406	100.0

NB: WR means Western Regional Registry

The above table reveals that 1406 matrimonial cases were disposed during the Easter Term of 2021, an impressive increase of 31.40% when compared to the corresponding period in 2020. A proportion of 93.10% or 1309 were attributable to Decrees Absolute Granted while 97 or 6.90% were due to Notices of Discontinuance filed. It is of note that 68 or 4.84% of the case disposed were filed in 2021. The ongoing process flow re-engineering and enhanced engagement of stakeholders should continue to drive improvements in this area in the remainder of 2021 and by the end of 2022 it is likely that up to 30% of new cases filed will be disposed in the same year of filing. The current trends suggest that the Matrimonial Division could conceivably realise the target of disposing the majority of cases filed within 4-6 months, however the case progression mechanism has to work with a high degree of efficiency for this to happen and the cooperation

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of the attorneys and litigants in properly filing documents and expeditiously responding to requisitions will be crucial.

It is of note that 1297 of the 1406 matrimonial cases disposed were attributable to the Kingston Registry while 109 were accounted for by the Western Regional Registry in Montego Bay. Both locations experienced increases in the absolute number of cases disposed in the Easter Term of 2021.

Table 23.0: Requisitions summary for the Easter Term of 2021

Action	Frequency
Requisitions	3386
Number of requisitions per 100 files	62
Number of responses to requisitions	1413
Requisition clearance rate (%)	41.73

The incidence of requisitions is especially important in assessing the efficiency with which matrimonial matters move through the court system. A total of 3386 requisitions were issued during the Easter Term of 2021, an increase of 20.28% when compared to the corresponding Term in 2020. This produces a ratio of cases filed to requisitions of 0.62 which suggests that for every 100 cases which had some activity during the Term, there were 62 requisitions issued. The number of responses to requisitions increased by 2.39% when compared to the corresponding Term in 2020 while the clearance rate for requisitions declined by 7.27 percentage points when compared to the Easter Term of 2020.

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

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Table 24.0: 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. Updating and scanning of signed petition in JEMS. Issuing notice via email.	0	3	2	1	

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	Vetting and signing of petition by Deputy Registrar	1	5	1	2
	Mandatory waiting period for service of petition and filing of application for decree nisi (14-84 days)		14		14
Stage 2	Task				
Decree Nisi	Vetting of Decree Nisi by Deputy Registrar & legal officers	1	40	2	20
	Vetting and signing of Decree Nisi by Judge		14		1
	Mandatory waiting period between granting of decree nisi and application for decree absolute		30		30
Stage 3	Task				
Decree Absolute	Vetting of Decree Absolute by Senior officer	0	14	2	7
	Vetting and signing of Decree Absolute by Judge		5		1
Total			131 (26wks)		78 (16wks)

Notes

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

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

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

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Table 25.0: Court/Chamber hearings for the Easter Term of 2021

Action	Frequency	Percentage (%)
Applications	141	50.54
Expedited Applications	13	4.66
Case Management Conference	89	31.90
Motion Hearing	21	7.53
Pre-trial Hearing	1	0.36
Trial	14	5.02
Total	279	100

The above table shows the distribution of the types of matters brought before the Court for the period under examination. The data shows that an incidence of 279 hearings either before open court or chamber, an increase of 11.60% when compared to the Easter Term of 2020. The largest proportion, 141 or 50.54% were applications followed by 89 or 31.90%, which were Case Management Conference matters. The event with the third highest incidence in this category is motion hearings, which accounts for 21 or 7.53% of the total. The probability distributions of the events in this table are broadly consistent with that which was observed in the previous two years.

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Table 26.0: Sampling distribution of the top four types of applications in the Easter Term of 2021

Application type	Frequency	Percentage (%)
Application for joint custody	28	18.18
Application to strike out petition	14	9.09
Applications for maintenance	13	8.44
Application for custody	12	7.79
Application to declare entitlement to property	10	6.49
Sub-Total	77	50.00

Further analysis of the type of applications brought before the Court suggests that applications for joint custody with 28 or 18.18% accounted for the largest share. This is followed by applications to strike out petition with 14 or 9.09% of the observations, while applications for maintenance and applications for custody with 8.44% and 7.79% respectively ranks next in the sampling distribution. Application to declare entitlement to property rounds off the top five applications in the Division for the Easter Term of 2021.

Table 27.0: Top five reasons for adjournment for the Easter Term of 2021

Reasons for Adjournment	Frequency	Percentage (%)
Claimant to file documents	25	14.50
Matter referred to mediation	14	8.10
Claimant to comply with order	10	5.80
Means report requested	10	5.80
No parties appearing	9	5.20
Sub-Total	68	39.40

Total incidence of adjournments (N) = 173

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As with all Divisions of the Supreme Court, an important metric of court efficiency is the reasons for adjournment of court matters. The data suggests that there were 173 incidence of adjournments in the Matrimonial Division for chamber and open court hearings in the Easter Term of 2021, representing a decline of 4.05 percentage points when compared to the Easter Term of 2020. The largest proportion of these adjournments was due to documents to be filed by the claimant which accounted for 25 or 14.50% of the incidence of adjournments. Matters referred to mediation with 14 or 8.10% of the adjournments, adjournments for claimants to comply with order and for means report with 10 or 5.80% each ranks next. The top five incidence of adjournment in the Easter Term was rounded off by no parties appearing with 5.20%. The listed reasons for adjournment account for 39.40% of the total incidence of adjournments in Easter Term of 2021. Continued effort to improve internal efficiency and to improve overall case management and external stakeholder engagement are critical to reducing delay and improving the timely resolution of cases which are heard in chamber or open court.

Table 28.0: Sampling distribution on hearing date certainty for the Easter Term of 2021

Court/Chamber hearing dates set	Hearing dates Date adjourned (excluding continuance)	Hearing date certainty rate (%)
382	94	75.39

The possible over-scheduling of cases is affirmed by the above table, which computes the date scheduling certainty of the Matrimonial Division. It is seen that of the representative sample of

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382 -combined incidence of Court and Chamber hearing dates in the Easter Term of 2021, 94 were adjourned. This produces a moderately strong hearing date certainty rate of 75.39 and suggests that for the Term there was a fractional decrease of 4.06 percentage points when compared to the Easter Term of 2020. For every 100 hearing dates scheduled, the approximate number that proceeded without adjournment in the Hilary Term is 75, a resilient result amidst adverse effects of the COVID-19 pandemic. When trial matters are isolated, the trial date certainty rate is 70.24%, roughly 4.76 percentage points below the similar period in 2020.

Table 29.0: Time to disposition for the Easter Term of 2021

Number of observations	1406
Mean	23.6373
Std. Error of Mean	.62898
Median	13.0000
Mode	12.00
Std. Deviation	23.58474
Variance	556.240
Skewness	3.716
Std. Error of Skewness	.065
Range	277.00
Minimum	2.00
Maximum	279.00

The above table summarizes the time disposition for the Easter Term of 2021. It is seen that of the 1406 matters disposed during the year, the estimated average time to disposition was roughly 23.64 months, or 2 years, marginally better than the corresponding period in 2020. The estimate of the most frequently occurring time to disposition was however roughly 12 months and the median 13 months, both showing positive signs for the continued reduction of the

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overall time to disposition in the Matrimonial Division. The oldest matter disposed was approximately fourteen years old. The scores had a standard deviation of roughly 24 months, which indicates a wide variation in the distribution of the times to disposition in the Easter Term. The skewness measure returns a large positive figure of approximately 3.716 which strongly indicates that a markedly larger proportion of the times to disposition were lower than the mean. The margin of error of these estimates is plus or minus 2 months or 0.17 years.

Table 30.0: Breakdown of times to disposition for the Easter Term of 2021

Time Interval (months)	Frequency	Percent
0 – 12	578	41.1
12 – 24	450	32.0
25 – 36	170	12.1
37 – 47	54	3.8
48 & over	154	11.0
Total	1406	100.0

The above table provides a more detailed breakdown of the estimated times to disposition for Matrimonial matters in the Easter Term of 2021. It is seen that of the 1406 matters disposed in the Term, the largest proportion, 578 or roughly 41.10% were disposed within a year, a quite commendable accomplishment, while the 450 or 32.0% which took 13 – 24 months to be disposed accounted for the next highest proportion. Taken together this result suggests that 1028 or 73.10% of Matrimonial Division matters which were disposed in the period were done in two years or less from the time of initiation. This is a less than 2 percentage points below the outcome recorded in the previous year. It is of note that 154 or 11.0% of the cases disposed in

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the Matrimonial Division in the Easter Term of 2021 took four or more years to be resolved, largely on account of lengthy delays in external filings from case parties. As with the previous two years, the estimates however clearly suggest that a decidedly larger proportion of matters, which were disposed during the year, took two years or less. The margin of error of these estimates is plus or minus 2 months or 0.17 years. It has been established that under near ideal circumstances, Matrimonial cases can be disposed within 4 months after filing, however in the Easter Term of 2020, less than 5% of the cases resolved satisfied this target, largely on account of the relatively slow rate of compliance with requisitions issued and the attendant errors in filings submitted to the registry by external parties. The Matrimonial Division continues to work on achieving optimal efficiency in its internal processes in order to guarantee the public that if filings made by litigants and attorneys meets the requisite standards and are requisitions are responded to in a timely manner then divorce cases can be resolved without delay.

Table 31.0a: Case clearance rate for the Easter Term of 2021

Cases filed	Cases disposed	Case clearance rate
1580	1406	88.99

***67 or 4.77% of the 923 cases disposed, originated in the Easter Term of 2021**

The above table shows that there were 1580 new cases filed in the Easter Term of 2021, while 1406 were disposed. This produces a case clearance rate of 88.99%, suggesting that for every 100 new cases; roughly, 89 were disposed during the Term. An important caveat is that the

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cases disposed did not necessarily originate in the stated year. The result represents a 13.50 percentage points decline in the clearance rate when compared to the corresponding period in 2020. The clearance rates for Matrimonial matters may also be broken down by location of registry, as shown below:

Table 31.0b: Case clearance rate for the Easter Term of 2021 (by registry location)

Registry location	Number of new cases filed	Cases disposed	Case clearance rate
Kingston Registry	1413	1297	91.79%
Montego Bay Registry	167	109	65.27%

The above table shows that when the case clearance rate is done by registry location, the Matrimonial Registry in Kingston cleared roughly 92 cases for every 100 new cases filed while the Western Regional Registry in Montego Bay cleared approximately 65 for every 100 cases filed. Both rates represent declines in performance when compared to the corresponding Term in 2020. In particular, the Kingston Registry experienced a decline of 12.67 percentage points while the registry in Montego Bay saw a fall of 6.55 percentage points when compared to 2020.

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Other performance measures

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

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

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

Table 31.0c: Selected performances metrics for the Matrimonial Division in the Easter Term of 2021

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated Disposition days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
1406	4076	0.35	1043 days	1028	1406	73.10	26.90

The results in the above table show a case turnover rate of 0.35, which is an indication that for every 100 cases, which had some activity during the Easter Term of 2021 and still active at the end of the Term, another 35 were disposed

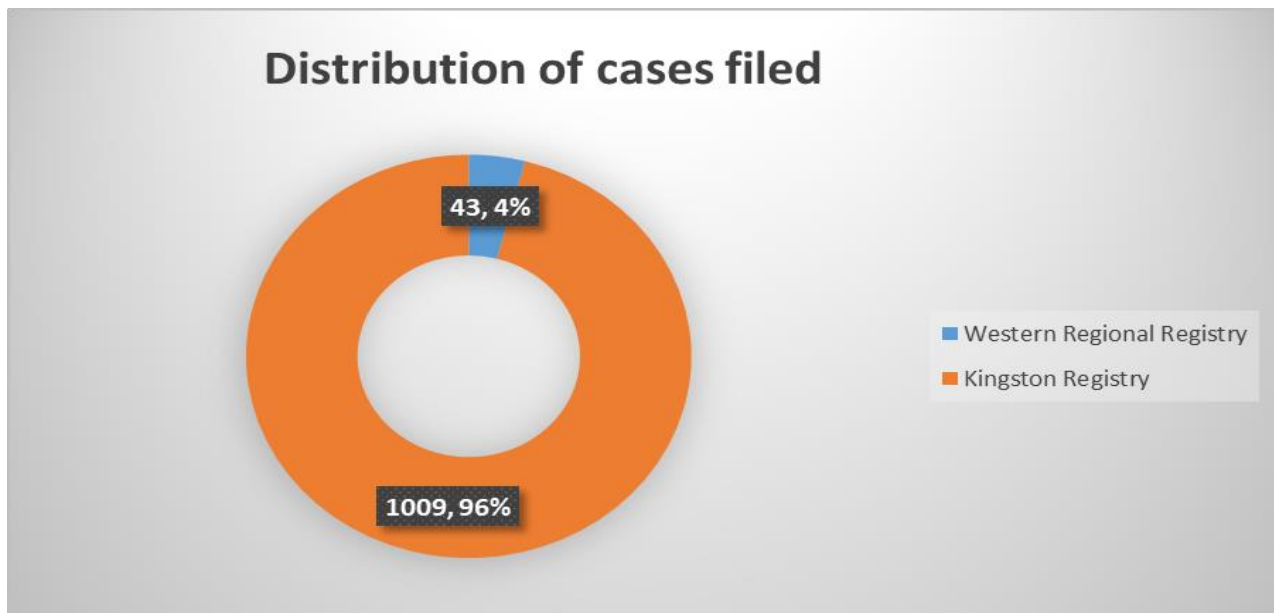
A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. Based on this general criterion, a case that is disposed within two years is considered to have been resolved on time. The on time case-processing rate for the Matrimonial Division in the Easter Term of 2021 is 73.10%, which reflects the proportion of Matrimonial cases handled in the period, which were disposed within 2 years. Conversely, the proxy case backlog rate is 26.90%, an indication that an estimated annual proportion of 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 4076 cases, which had some court activity in the Easter Term of 2021 and were still active at the end of the period, 1096 are expected to be in a backlog classification before being disposed.

CHAPTER 3.0: PROBATE AND ADMINISTRATION DIVISION

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

A total of 1052 new cases were filed in the Probate and Administration Division in the Easter Term of 2021, an increase of 38.06% when compared to the corresponding Term of 2020. 43 of these new cases were filed at the Western Regional Registry in Montego Bay and the remaining 1009 were filed at the Registry in Kingston. The output for the Western Regional Registry represents a 207.14% increase when compared to the number of new cases filed in the Easter Term of 2020 while the Kingston Registry saw a 34.89% increase over the similar period.

Chart 7.0: Distribution of Probate cases filed, by Registry in the Easter Term of 2021



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As shown in the above chart, 1009 or 96% of the new Probate cases filed in the Easter Term of 2021 took place at the Registry in Kingston while the remaining 43 or 4.0% were filed at the Western Regional Registry in Montego Bay.

Table 32.0: Summary of Oaths filed during the Easter Term of 2021

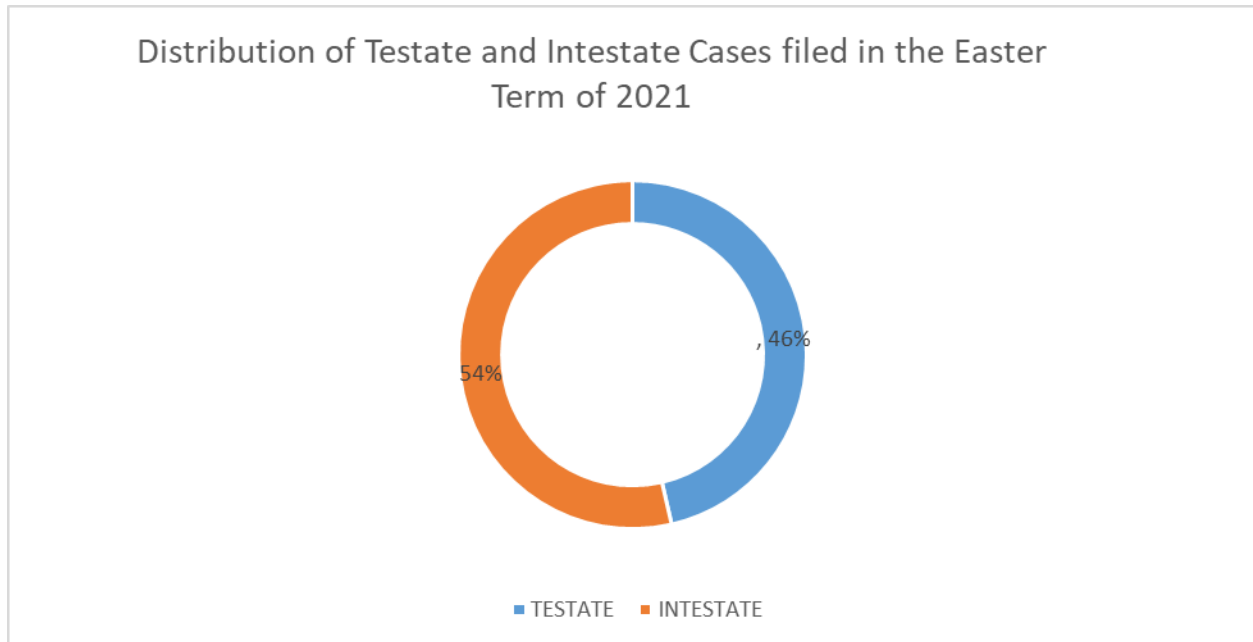
Oaths	Frequency	Percentage (%)
Supplemental Oaths	876	45.44
Oaths	1052	54.56
Total	1928	100
Ratio	0.83	

The above table suggests there were a total of 1052 Oaths filed in the Easter Term of 2021, of which 1052 or 54.56% were initial Oaths filed, compared to 876 or 45.44% which were Supplemental Oaths. The ratio of Oaths to Supplemental Oaths is 0.83, which suggests that for every 100 Oaths there were 83 Supplemental Oaths filed during the Easter Term of 2021, a statistic which has potentially adverse implications for the speed of disposition of matters but this is nonetheless an improvement of 10 percentage points when compared to the corresponding period in 2020. It is of note that the Supplemental Oaths in this data set are not all related to the cases filed in the Easter Term of 2021 and also includes further Supplemental Oaths filed. Continued intervention to reduce the incidence of Supplemental Oaths are an important part of the way forward as the Division seeks to persist in improving its productivity and becoming backlog free in the shortest possible time.

In 2019 the Deputy Registrar of the Probate and Administration Division was empowered to sign grants and thus dispose of Probate and Administration cases. Formerly, this officer could

grant a probate but the final sign-off which completes the case rested with the office of the Registrar. This operational change has so far been contributing positively to total productivity in the Probate Division.

Chart 8.0: Distribution of Testate and Intestate cases filed in the Easter Term of 2021



Sample size = 957

The above chart shows that an estimated 46% of the new cases filed in the Probate and Administration Division in the Easter Term of 2021 were Testate matters (matters with a Will in place prior to death) and 54% were Intestate (having no Will in place). These estimates were derived using a sample of 957 new cases filed during the Easter Term of 2021.

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Table 33.0: Sampling distribution of new Probate cases by jurisdiction/entity in the Easter Term of 2021

Case type and location	Frequency	Percentage (%)
Estate (ES(P)) : Probate	11	1.0
Estate (ES(P)): SC Resealing - Intestate	3	.3
Estate (ES(P)) : SC Resealing - Testate	16	1.5
Estate (ES(P)) : Supreme Court - Intestate	523	49.7
Estate (ES(P)) :Supreme Court - Testate	456	43.3
Estate (ES(P)) : WR Intestate	25	2.4
Estate (ES(P)) : WR Testate	18	1.7
Total	1052	100.0

In the above table, SC means Supreme Court, speaking specifically to the Registry in the Supreme Court. WR on the other hand means the Western Regional Supreme Court Registry in Montego Bay, St. James

The above table sums of the distribution of the 1052 new cases filed in the Probate and Administration Division during the Easter Term of 2021. It is seen that the largest proportion of the new cases filed were Intestate matters, cumulatively accounting for 52.38%. Testate matters with 46.58% of the new cases filed and Probates with 1.05% rounds off the top three case types in the distribution.

Table 34.0: Action sequence for the Easter Term of 2021

Action Status	Frequency
*Granted	887
*Grants Signed	882
Ratio of Granted Applications to Grants Signed	0.99

** Some of these relate to cases originating before the Easter Term of 2021*

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

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of 0.99, suggesting that for every 100 granted applications, there were 99 Grants signed (though not necessarily from the number granted). Although this result is quite high by any measure, it represents a decline of 10 percentage points when compared to the corresponding period in 2020.

Table 35.0: Case action and requisitions summary for the Easter Term of 2021

Action Status	Frequency
Number of cases actioned	2994
Requisitions Issued	1744
Number of responses to requisitions	1028
Number of requisitions issued per case file	0.58
Requisitions clearance rate	58.95%
Average days between final requisition filed and Grant of Probate/Administration	20

The number of requisitions made, the length of time that it takes for requisitions to be returned and the time to disposition after issuing requisitions, are important to understanding the efficiency of the flow of matters in the Probate Division. It is seen that there were 1744 requisitions issued while 2994 individual cases were actioned in the period, representing a ratio of 0.58 requisitions per case file actioned. This means that for every 100 cases actioned there were 58 requisitions issued, an improvement of 5 percentage points when compared to the Easter Term of 2020. There were 1028 responses to requisitions in the Probate and Administration Division during the Term, producing a requisitions clearance rate of 58.95%, an improvement of 10.34 percentage points when compared to the corresponding Term in 2020. Further analysis suggests that the average time from the issuing of final requisitions to the Grant of Probate was 20 days, an improvement of a day when compared to the Easter Term of

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2020. There was an increase of 73.71% in the number of requisitions issued in the Easter Term of 2021 when compared to the corresponding Term in 2020.

Table 36.0: Methods of Disposal for the Easter Term of 2021

Methods of Disposition	Frequency	Percentage (%)
Application Granted	14	1.5
Grant by Representation signed	1	.1
Grant of Admin De Bonis Non signed	5	.5
Grant of Admin De Bonis Non W/A signed	4	.4
Grant of administration signed	408	42.6
Grant of Double Probate signed	2	.2
Grant of probate signed	410	42.8
Grant of Resealing signed	32	3.3
Letters of Administrator with W/A signed	20	2.1
Notice of Discontinuance noted	34	3.6
WR Grant of administration signed	20	2.1
WR Grant of probate signed	7	.7
Total	957	100.0

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

The summary of the methods of disposal for the Probate and Administration Division for the year are contained in the above table. It is shown that of the 957 cases disposed in the Easter Term of 2021, an increase of 42.20% when compared to the Easter Term of 2020. The largest proportion, 909 or 94.98% was a result of various Grants Signed. Notices of discontinuance and matters disposed by an application granted account for the other 34 or 3.60% and 14 or 1.50% were disposed by applications granted. Grants of Administration signed and Grants of Probate signed with 408 or 42.60% and 410 or 42.80% accounts for the largest share of Grants Signed.

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Table 37.0: Dominant reasons for adjournment of Probate matters for the Easter Term of 2021

Reasons for adjournment	Frequency	Percentage (%)
Claimant to file documents	36	37.10
File not found	15	15.50
Claimant to comply with order	11	11.30
No parties appearing	5	5.20
Claimant's application/documents not in order	4	4.10
Sub-Total	71	73.20

Sample size = 97

The top four reasons for adjournment for Estate matters that went to Open Court in the Hilary Term of 2021. It is shown that of the 97 incidence of adjournments in the period, the largest proportion were for the reasons of 'claimant to file documents' which accounted for 37.10%. This was followed by adjournments due to files not found and for claimants to comply with order with 15.50% and 11.30% respectively of the total, rounding off the top three incidence of adjournments during the Term. As with previous reports, most of these reasons also featured prominently in the list of reasons for adjournment in the Matrimonial and High Court Civil Divisions during the Easter Term of 2021.

Table 38.0: Applications summary for the Easter Term of 2021

Nature of Applications	Frequency	Percentage (%)
Applications	124	96.12
Express Applications	5	3.88
Total	129	100.0
Ratio of express applications to applications	-	0.04

The above table provides a basic summary of the types of court applications made during the Easter Term of 2021 and shows that there were 129 court Applications in the period, of which

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124 or 96.12% were standard applications while the remaining 5 or 3.88% were express applications. For every 10 applications made during the year, there were roughly 4 express applications.

Among the most common applications filed in the Probate Division during the Easter Term of 2021 are applications to prove copy Will, application to admit copy Will, applications for directions and ex-parte applications to prove copy Will.

Table 40.0: Hearing date certainty for the Easter Term of 2021

Court/Chamber hearing dates set	Hearing dates adjourned (excluding continuance)	Hearing date certainty (%)
267	55	79.40

The above table addresses the extent of adherence with dates set for court/chamber matters in the Probate Division for the Easter Term of 2021. It is shown that there were 267 incidences of dates scheduled for Chamber or Court, 55 of which were adjourned. This produces an overall hearing date certainty rate of 79.40%, an indication that for the Easter Term of 2021 there was a roughly 81% chance that a matter set for court would proceed without the date being postponed. This is a decline of roughly 11.73 percentage points when compared to the corresponding period in 2020. When trial matters are isolated, the trial date certainty rate is 75%, 25 percentage points below the corresponding period in 2021.

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Table 41.0: Age of matters disposed for the Easter Term of 2021

Descriptive Statistics

Number of observations	957
Mean	15.3971
Std. Error of Mean	.66847
Median	12.0000
Mode	5.00
Std. Deviation	20.67944
Variance	427.639
Skewness	4.908
Std. Error of Skewness	.079
Range	241.00
Minimum	1.00
Maximum	242.00

The above table provides a summary measure of the overall estimated times to disposition for the 957 cases disposed in the Probate and Administration Division during the Easter Term of 2021. The estimated average time to disposition is 15.40 months or approximately 1.28 years, roughly the same as the corresponding period in 2020. This result was however acutely positively skewed by the existence of a few large times to disposition, which have markedly increased the overall average. This large positive skewness therefore suggests that the substantially larger proportion of the times to disposition were below the overall average time. This is supported by the results for the estimated median time to disposition of 12 months and the most frequently occurring time to disposition of just 5 months. The reasonably large standard deviation of approximately 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

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error of these estimates is plus or minus 2 months or 0.17 years. The oldest Probate matter disposed in the year was 242 months old or approximately 20 years old while there were a few matters, which took only a few months to be disposed.

Table 42.0: Breakdown of times to disposition for the Easter Term of 2021

Time Interval (months)	Frequency	Percentage
0 – 12	576	60.2
13 – 24	264	27.6
25 – 36	45	4.7
37 – 47	19	2.0
48 & over	53	5.5
Total	957	100.0

The above table shows that of the 957 Probate and Administration matters disposed in the Easter Term of 2021, the majority, 576 or 60.20% were disposed of in 12 months or less, followed by 264 or 27.60% which were disposed within a time interval of 13 to 24 months. Taken together this data suggests that an impressive approximated 87.80% of Probate and Administration matters which were disposed of in the Term took two years or less. 4.70% each of the cases were disposed in an estimated time frame of between 25 and 36 months, 2.0% took between 37 and 47 months and 5.50% took an estimated time of over 48 months or four years or more 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 augurs well for the current efforts to significantly reduce the length of time that it takes for cases to be disposed and potentially eliminate case backlog in the foreseeable future. These gains should improve public confidence in judicial processes geared towards at resolving

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Estate matters in the country and also have a positive effect on economic activity through higher real estate investments in shorter period of time. With one of the two lowest net backlog rates among the Divisions of the Supreme Court in the Easter Term of 2021, the Probate Division continues to make considerable strides in reducing the active case backlog and is expected to have a net backlog rate of under 5% by the end of 2021.

Table 43.0: Case clearance rate for the Easter Term of 2021

Cases filed	Cases disposed	Case clearance rate
1052	957*	90.97%

**320 or 33.44% of the 957 cases disposed, originated in the Easter Term of 2021. This further represents 30.42% of the new cases filed during the Easter Term.*

Using the data on the number of cases filed and disposed in the period under examination, a case clearance rate of approximately 90.97% is derived, an increase of 7.71 percentage points when compared to the corresponding Term in 2020. The result suggests that for every 100 cases filed and active in the Easter Term of 2020, roughly 91 were disposed. This output satisfied the international standard on the vital case clearance rate measurement.

Other performance measures

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

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

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

Table 44.0: Selected performances metrics for the Probate and Administration Division in the Easter Term of 2021

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated case disposition days for the unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
957	2037	0.47	777	840	957	87.80	12.20

The results in the above table shows a case turnover rate of 0.47, which is an indication that for every 100 cases, which had some action during the Easter Term of 2021 and still active at the end of the year, another 47 were disposed, a decline of 31 percentage points when compared to the Easter Term of 2020.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Probate Division in the Easter Term of 2021 is 87.80%, which reflects the proportion of cases in the Term, which were disposed within 2 years.

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Conversely, the case backlog rate is 12.20%, an indication that an estimated annual proportion of 12% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This is an improvement of roughly 3.90 percentage points when compared to the corresponding period in 2020, as the momentum continues towards eliminating net case backlog in this Division within the coming 8-12 months. The data further suggests that of the 2037 cases, which had some court activity in the Easter Term of 2021 and were still active at the end of the year, 249 are expected to be in a backlog classification before being disposed.

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CHAPTER 4.0: THE HOME CIRCUIT COURT

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

Table 45.0: Distribution of the top five new charges brought for the Easter Term of 2021

Charge	Frequency	Percentage (%)
Murder	52	36.40
Sexual Intercourse with a person under 16	23	16.10
Illegal possession of firearm	20	14.0
Rape	12	8.40
Illegal possession of ammunition	7	4.90
Sub-Total	114	79.80

Total number of charges brought (N) = 143

The above table summarizes the distribution of top five new charges associated with cases brought during the Easter Term of 2021. There were **98 new cases filed** at the Home Circuit Court during the Term, representing **143 charges**, a ratio of roughly 15 charges for every 10 new cases, an increase of 3 charges for every 10 cases filed when compared to the corresponding Term in 2020. The number of new cases filed represents a 55.56% increase when compared to the Easter Term of 2020. It is shown that of these 143 charges, the largest proportion, 52 or 36.40% were murder matters. This is followed by sexual intercourse with a person under 16 years old and illegal possession of firearm with 16.10% and 14.0% respectively. The top five list is rounded off by rape and illegal possession of ammunition. Sex related charges continue to occupy the largest share of the new matters filed, accounting for over 30% of this stock during the Term. The top six charges filed, accounts for 79.80 % of the total. 805

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criminal cases, which is the equivalent of 3051 charges, had some activity in the Home Circuit Court during the Easter Term of 2021, the oldest of which dates back to 2008. This case activity outcome represents a 2.55% increase when compared to the Easter Term of 2020.

Table 46.0: Dominant reasons for adjournment/continuance for the Easter Term of 2021

Reason for adjournment	Frequency	Percentage	Stage of matter
Defence Counsel Absence	299	29.78	Case Management
Defence and Prosecution to Engage in Discussions	93	9.26	Case Management
To settle legal representation	62	6.18	Case Management
Defence Counsel need time to take discussion	49	4.88	Case Management/Trial
Statements Outstanding	39	3.88	Case Management
Indictments to be served	36	3.59	Case Management
Scene of Crime (SOC) CD outstanding	33	3.29	Case Management
Forensic Certification Outstanding	30	2.99	Case Management
Ballistic Certificate Outstanding	28	2.79	Case Management
Accused unrepresented	26	2.59	Case Management/Trial
Papers to be served	25	2.49	Case Management
For disclosure	25	2.49	Case Management
For file to be completed	25	2.49	Case Management
Sub-Total	770	76.70	

Total incidence of adjournments/continuance (N) = 1004

The above table provides a summary of the top twenty reasons for adjournment in the Home Circuit Court for the Easter Term of 2021. It is shown that there was a combined 1004 incidence of reasons for adjournment during the Term, with some matters having multiple adjournments. This represents an encouraging 3.28% decline when compared to the Easter Term of 2020, a result which reflects a combination of generally improved case management and greater efficiency the Plea and Case Management Court which is emblematic of how robust judge leadership can be a catalyst for improved case flow. There is still a long way to go to creating a re-engineered culture of collective responsibility which is required among all the court's stakeholders in driving greater productivity. Ultimately, the court has a monumental responsibility to provide significant leadership in this regard in an effort to ensure optimum utilization of judicial resources and time and the gentle advances being made in the Plea and Case Management Court, particularly over the past two years is reflective of this mantra.

The dominant reasons for adjournment listed above continue to provide compelling evidence 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. 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. Nevertheless, the court cannot be absolved of the responsibility to engender, encourage, manage and incentivize the improvements which are required in stakeholder cooperation and compliance. Active judge case management, robust and impartial case management at the level of the registry,

standards setting and enforcement are all essential facets of the overall advances which are required to optimize the use of judicial resources, minimize delay and foster a more productive court system.

The overall incidence of reasons for adjournment suggests that external parties are directly responsible for over 80% of the reasons for delay as operationalized by this measurement. An examination of the dominant reasons for adjournment in the Easter Term of 2021 provides an affirmation of the ideas outlined. At the top of the list are adjournments due to the absence of defence counsel, accounting for 299 or 29.78% of the total incidence of adjournments in the Term. Both the private bar and legal aid attorneys share responsibility in this regard. The second highest ranking reason for adjournment on the list is adjournments for the defence and prosecution to engage in discussions. This is largely a procedural reason geared towards arriving at some form of settlement such as plea negotiation and is more strictly speaking a reason for continuance as this activity may be deemed to be routine and may aid in expediting a quick and efficient disposition. The next highest ranked reason on the list for the Easter Term of 2021 is adjournments for the defence and prosecution to engage in discussions which accounted for 9.26% of the total incidence. This is largely due to slow action or inaction on the part of Defence Attorneys and the Prosecution. Adjournments to settle legal representation ranked next with 6.18% of the incidence of adjournments in the Term ranked next and is another reason that is avoidable through stronger pre-court case management practices. The reasons for adjournment of statement outstanding, ballistic certificate outstanding, forensic report outstanding and Scene of Crime Certificate outstanding all feature prominently on the

list of leading reasons for adjournment of cases during the Term, the responsibility for which is largely shared in some proportion by the police and relevant state lab facilities.

The Criminal Registry of the Supreme Court continues to work on improving its overall efficiency in an effort to improve case management and to expedite case outcomes within the desired standard of two years or less. While it is clear however that the core causes of delays in the Home Circuit Court are largely due to factors concerning external parties, there is also a significant role for the judges and registry to play to mobilizing the broad line up of incentives which are required to promote a culture of collective responsibility, the absence of which also has some roots in broader institutional deficits in the country. 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 is however challenged by the large incidence of mostly avoidable adjournments.

The top 13 reasons for adjournment listed above accounts for 76.70%% of total incidences of adjournments/continuance in the Home Circuit Court in the Easter Term of 2021. The data suggest that there was an average incidence of adjournments of slightly more than one per case heard during the Easter Term. There is still however a long way to go to reaching the optimum equilibrium point of efficiency.

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Table 47.0: Hearing date certainty summary for the Easter Term of 2021

Type of hearings	Hearing date certainty rate (%)
Mention and Plea and Case Management Hearings	82.50
Bail Applications	67.86
Sentencing hearings	66.19
Trial hearings	38.43
Pre-Trial Review	72.60
Part-Heard	50.00
Total/Weighted Average	63.00

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 the overall hearing date certainty rate of roughly 63% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 63 were able to proceed without adjournment. This result remains well below the targeted 95% set out by the Honourable Chief Justice but the reform agenda continues as the Supreme Court aims at bringing redress to some of the root causes of court delay, both internal and external. The overall hearing date certainty rate for the Home Circuit Court represents an increase of just over 8.75 percentage points when compared to the

corresponding period in 2020. When trial matters are isolated, the trial certainty rate revealed is 38.43%, a decline of 12.93 percentage points when compared to the similar period in 2020. Plea and Case Management and mention hearing had a combined hearing date certainty rate of 82.50%, an estimated improvement of 30.09 percentage points when compared to the Easter Term of 2020.

Improving the overall hearing date certainty rate and the trial date certainty rate are of utmost importance to improving the performance of the court system. The court continues to work on improving the mechanism used to schedule cases for court hearings and in so doing to reduce the incidence of adjournments. As illustrated and discussed earlier, the cooperation and preparation of the prosecution, defence attorneys and other stakeholders as well as continuous improvements in case management within the Home Circuit Court are crucial to fostering the required gains. Some of the internal concerns, which will need to be reviewed as time progresses, are outlined below:

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

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

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

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

progression and hearing date certainty. The diligence of the Case Progression Officers in doing the necessary follow-ups is also a vital support cast in this regard.

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

Finally, in an effort to improve trial date certainty rate, which currently stands at the lowest among the hearing date certainty rates, consideration could be given to making it compulsory for an electronic trial readiness form to be filed by within a specified number of clear days ahead of the trial date so that the court can realign and redeploy its resources if necessary, thus potentially avoiding a wastage of judicial time and resources. This might be an efficient option to some pre-trial review hearings which will invariably lock a block of judicial resources.

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Table 50.0: Methods of case disposal for the Easter Term of 2021

Methods of Disposition	Frequency	Percentage (%)
Accused Deceased	2	2.8
Formal Verdict of Not Guilty - discharge	4	5.6
Found Guilty	2	2.8
Guilty Plea	24	33.8
No Case Submission upheld	1	1.4
No Evidence offered - discharged	14	19.7
No further evidence offered discharged	9	12.7
Nolle Prosequ*	10	14.1
Not Guilty - Discharged	4	5.6
Plea guilty to a lesser charge	1	1.4
Total	71	100.0

**Included for computational convenience*

The above table summarizes the methods of disposal for the cases disposed of during the Easter Term of 2021. It is shown that 71 cases were disposed during the Term, an increase of 29.09% when compared to the corresponding period in 2020. As per the trend over the last several Terms, guilty pleas accounted for the largest share of cases disposed, with 24 or 33.80% of the total number of disposals. Accounting for the next highest proportion of total resolutions was no evidence offered - discharged with 14 or 19.70%. Of the 71 cases disposed during the Hilary Term of 2021 in the Home Circuit Court, only 9 or 12.68% originated during in 2021.

An important measurement of efficiency in the criminal court is the conviction rate as displayed below.

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Table 51.0: Overall criminal conviction rate for the Easter Term of 2021

Total number of charges disposed	Total number of guilty outcomes	Conviction rate (%)
71	26	36.62%

The above table shows that of the 71 criminal charges disposed of in the Easter Term of 2021 in the Home Circuit Court, 26 were because of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 36.62% which suggests that there is a roughly 37% probability that a matter could end in a guilty outcome, using the 2021 Easter Term as a proxy. This represents an improvement of 14.29 percentage points when compared to the Easter Term of 2020. This data can be further disaggregated so that the conviction rates for some of the most frequently occurring charges are measured. In particular, the conviction rate on murder charges, sexual intercourse with a person under 16 and rape are documented below.

Table 52.0A: Conviction rate for charges of sexual Intercourse with a person under 16 for the Easter Term of 2021

Total number of chares concluded	Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas)	Conviction rate
35	17	48.57%

The above table shows that of the 35 matters of sexual intercourse with a person under 16 years which were concluded in the Easter Term of 2021, 17 were as a result of guilty outcomes,

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whether by way of a verdict or a plea, thus producing a conviction rate of 48.57% for this charge during the Term.

Table 52.0B: Conviction rate for cases of rape charges for the Easter Term of 2021

Total number of charges concluded	Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas)	Conviction rate
27	1	3.70%

The above table shows that of the 27 rape charges which were concluded in the Easter Term of 2021, none were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of roughly 3.70 for this charge during the Term.

Table 53.0: Conviction rate for murder cases in the Easter Term of 2021

Total number of charges concluded	Total number of guilty outcomes (i.e. guilty verdict or guilty plea)	Conviction rate
30	2	6.67%

The above table shows that of the 36 murder charges concluded during the Easter Term of 2021, 2 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 6.67% which suggests a roughly 7% probability that a murder matter could end in a guilty outcome during the Term.

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Table 54.0: Top five charges disposed in the Easter Term of 2021

Charge disposed	Frequency	Percentage (%)
Sexual Intercourse with a person under 16 years	35	17.00
Murder	30	15.30
Rape	27	13.80
Grievous Sexual Assault	16	8.20
Illegal possession of firearm	15	7.70
Sub-Total	123	62.00

Number of disposed charges (N) = 196

The above data shows that there were 196 charges disposed of in the Easter Term of 2021, an increase of 83.18% when compared to the corresponding period in 2020. The largest proportion of these matters was sexual intercourse with a person under 16 years with 35 or 17.0%. This was followed by murder with 30 or 15.30% of the total. Charges for rape and grievous sexual assault comes next with 13.80% and 8.20% respectively. Illegal possession of firearm with 7.70% rounds off the top five charges disposed during the Easter Term of 2021. Murder and sex related matters are again not only the dominant incoming but also the dominant outgoing cases. It is of particular note that roughly 43.37% of matters disposed of in the Easter Term of 2021 were sex related. The dominance of this charge in the criminal statistics again strongly suggests that there needs to be robust case management (including pre-court case management) attention for these matters to support their timely disposition.

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Table 55.0: Time to disposition for cases disposed in the Easter Term of 2021

Descriptive Statistics

Number of observation	71
Mean	28.2676
Std. Error of Mean	2.41915
Median	25.0000
Mode	11.00 ^a
Std. Deviation	20.38414
Variance	415.513
Skewness	1.180
Std. Error of Skewness	.285
Range	96.00
Minimum	2.00
Maximum	98.00

a. Multiple modes exist. The smallest value is shown

The above table provides a descriptive summary of the times to disposition for criminal cases disposed in the Easter Term of 2021. It is shown that the estimated average time to disposition for the cases disposed during the Term was approximately 28 months or two years and four months, which is roughly eight months worse than the corresponding period in 2020. There was a relatively wide spread in the year of origin with the largest share of cases disposed originating between 2017 and 2020, while the oldest individual case disposed dates back to 2013. The estimated minimum time to disposition was roughly two months and the estimated maximum was 98 months or roughly 8 years. The moderately positive skewness is an indication that the larger proportion of observations fell below the overall average while the relatively large standard deviation confirms the fairly wide spread of the data points around the series mean.

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Table 56.0: Breakdown of time to disposition of cases for the Easter Term of 2021

Time Interval (months)	Frequency	Percentage (%)
0 - 12	21	29.6
13 – 24	12	16.9
25 – 36	15	21.1
37 – 47	11	15.5
48 & over	12	16.9
Total	71	100.0

The above table provides a summary of the estimated time to disposition for the cases disposed in the Easter Term of 2021. It is shown that the largest proportion of matters disposed were resolved in under a year of initiation, accounting for 21 or 29.60 of the total. 15 or 21.10%, which were disposed within 25 – 36 months while 12 or 16.90% each took between 13 and 24 months and 48 months and the remaining 15.50% were disposed within 25 – 36 months. Cumulatively, 46.50% of the matters disposed during the Term took two years or less, roughly the same proportion as the corresponding Term in 2020. The remaining 54.50% of cases disposed took over two years to be resolved. Using this data as a proxy, there is a slightly greater probability that a case entered in the Home Circuit Courts will be disposed after reaching a backlog classification. Improvements in the science that is applied to scheduling and case management as a whole, paired with significant improvements in third party delay factors discussed earlier has the potential to reduce the probability of a case backlog to a remote incidence.

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Table 57: Time to disposition for charges disposed (from date of offence) in the Easter Term of 2021

Descriptive Statistics

Number of observations	196
Mean	49.6429
Std. Error of Mean	1.98521
Median	41.0000
Mode	32.00
Std. Deviation	27.79292
Variance	772.446
Skewness	1.266
Std. Error of Skewness	.174
Range	169.00
Minimum	1.00
Maximum	170.00

The above table provides interesting results on the average time taken to dispose of cases from the date of offence. The data set shows this average time to disposition to be roughly 4 years and a month, markedly higher than the mean time of roughly two years and four months taken to dispose of the corresponding cases from the point of entry into the Home Circuit Court. This marked difference suggests possible weaknesses in the investigative apparatus of the police as well prosecutorial and case management deficits which potentially hamper the timely delivery of justice to citizens. It is worth noting that the data set is positively skewed, suggesting that a larger proportion of the observations fell below the overall series average. Further, the moderately large standard deviation indicates a fairly wide spread of the data point (times) around the mean, affirming that the overall average was impacted by outlying values. The maximum time to disposition from the time of offence for the cases resolved during the Term is 170 months or roughly 14 years.

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Table 58.0: Case clearance rate for the Easter Term of 2021

Cases filed	Cases disposed	Case clearance rate
98	71	72.45

Note: 9 or 9.18% of the cases disposed originated in 2021.

The case clearance rate of 72.45% shown above is an indication that slightly more cases entered than those that were disposed in the Home Circuit Court in the Easter Term of 2021. The result suggests a ratio of roughly 72 cases disposed for every 100 new ones brought, a decline of 14.85 percentage points when compared to the Easter Term of 2020. The Honourable Chief Justice Mr. Bryan Sykes has set a target of improving the trial and hearing date certainty rate to 95% over the next 3-6 years. The attainment of this target is an important cornerstone for higher disposal and clearance rates and a more efficient judicial system. There is still some way to go towards sustainably attaining this target but the general direction is positive.

Other performance measures

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

(i) The on time case processing rate

(ii) The case turnover ratio

(iii) The disposition days

(iv) The crude proxy case backlog rate

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

Table 59.0: Selected performances metrics for the Home Circuit Court in the Easter Term of 2021

Resolved cases	Unresolved cases	Case turnover rate (%)	Disposition days	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
71	796	8.92	4091	33	71	46.50	53.50

The results in the above table shows a case turnover rate of roughly 0.09 which is an indication that for every 100 criminal cases which had some activity in the Home Circuit Court during the Easter Term of 2021, 9 was disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the Term will on average take over four more years to be disposed, barring special interventions or other peculiar circumstances.

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

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The on time case-processing rate for the Home Circuit Court in the Easter Term of 2021 is roughly 46.50, which reflects the proportion of cases resolved in the Term, which were disposed within 2 years. Conversely, the proxy case backlog rate is 53.50%, an indication that an estimated proportion of 54% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 796 cases, which had some court activity during the Easter Term and were still active at the end of the period, 426 are expected to be in a backlog classification before being disposed.

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CHAPTER 5.0: HIGH COURT DIVISION OF THE GUN COURT

The ensuing analyses provide an overview of case activity in the High Court Division of the Gun Court in the Easter Term ended July 31, 2021. In particular, this section outlines data related to matters initiated, matters disposed, adjournments and the distribution of trial and mention matters among other vital information during the Term.

Table 60.0: Top six charges filed in the Easter Term ended July 31, 2021

Charges filed	Frequency	Percentage (%)
Illegal possession of firearm	148	38.70
Illegal possession of ammunition	80	20.90
Shooting with intent	48	12.60
Assault at Common Law	30	7.90
Wounding with intent	21	5.50
Robbery with aggravation	12	3.10
Sub-Total		

Total number of new charges (N) = 382, the equivalent of 144 new cases.

The above table provides a summary of the top six charges, which were brought in the Gun Court in the Easter Term of 2021. There were 144 new charges filed in the Easter Term of 2021, an increase of 22.05% when compared to the corresponding Term in 2020. The largest proportion of these new cases filed was accounted for by illegal possession of firearm with 148 or 38.70%, well ahead of the next highest ranked charge of illegal possession of ammunition with a count of 80 or 20.90% of the total. Shooting with intent is next with 48 or 12.60% while wounding with intent with 21 or 5.50% and assault at common law with 30 or 7.90% rounds off the top 5 charges filed in the Gun Court in the Easter Term of 2021. The 382 new charges

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entered in the Easter Term of 2021 translate into 144 new cases filed during the Term, a 7.40% increase when compared to the corresponding Term in in 2020. This represents a ratio of 1:2.65, suggesting that for every 10 cases entered, there were roughly 27 charges.

Table 61.0: Sampling distribution of hearings during the Easter Term ended July 31, 2021

Type of Hearing	Frequency	Percentage (%)	Equivalent Number of Cases	Number of Hearings Per case
Mention	351	18.71	217	1.62
Plea and Case Management Hearing	368	19.62	200	1.84
Trial	492	26.23	267	1.84
Part Heard	306	16.31	96	3.19
Bail Applications	222	11.83	137	1.62
Sentencing	288	6.82	128	2.25
Total/Mean	2027	100	1045	1.94

Note: PCMH means Plea and Case Management Hearing

The above table provides a sampling distribution of hearings in the Gun Court during the Hilary Term ended July 31, 2021. In terms of dates set, trial hearings with an estimated 26.23% of dates set accounted for the largest proportion followed by plea and case management hearings with 19.62% and mention hearings with 18.71%, rounding off the top hearing events in terms of dates set during the Easter Term of 2021. Gun Court matters commence with mention and plea and case management hearings which together account for 38.33% of total number of hearing dates set and roughly 34.61% of the cases scheduled during the Term. Some matters heard at mention will proceed to Trial which accounts for 22.16% of the cases heard during the Easter

Term. The ratio of cases heard by way of mention or plea and case management hearings to cases proceeding to trial is 0.64 which means that for every 10 cases mentioned or heard in Plea and Case Management Court, roughly 6 proceeded to trial during the Term. The rate of progression to trial for cases heard in the Gun Court is an essential index for court planning and scheduling.

An examination of the number of hearings per case suggests that roughly three part-heard dates were set for each case at this stage of the case flow continuum, followed by sentencing which had two dates were set per case at this stage of case progression during the Easter Term, constituting the two highest among the various types of hearings, trailed by trials which had roughly two dates set per case at this stage of the case flow continuum during the Term. When combined, mention and plea and case management hearings had roughly 1.72 hearing dates set for every case convened at this stage during the Term. This is another way of saying that for every 10 cases mentioned or heard in the Plea and Case Management Court, there were 17 dates set. Bail applications and mentions had the lowest ratio of cases to hearing dates set during the Easter Term, each with a rate of 1.62. The higher the ratio of hearing dates set to cases heard, the greater the likelihood of court delay and therefore it is desirable that this ratio be reduced for all the types of hearings.

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Table 62.0: Sampling distribution of reasons for adjournment for the Easter Term ended July 31, 2021

Reason for adjournment	Frequency	Percentage (%)
Part heard in progress	250	11.90
Ballistic Certificate Outstanding	168	5.80
Statement Outstanding	91	4.30
Defence Counsel Absent	89	4.20
Other documents outstanding	82	3.90
Witness absent	61	2.90
For disclosure	61	2.90
Judge unavailable	60	2.90
To settle legal representation	53	2.50
DNA case summary outstanding	43	2.00
Matter not reached	41	2.0
Crown not ready to proceed	40	1.90
Social Enquiry Report Outstanding	39	1.90
Antecedence Outstanding	30	1.40
Medical Certification Outstanding	28	1.30
Sub-Total	1136	51.80

Total number of adjournments (N) = 2098

NB: Other documents outstanding include police officer statistics and outstanding miscellaneous certificates.

As was seen with the analysis of delay in other Division of the Supreme Court, a significant number of the reasons for adjournment listed are due to factors which may be classified as external to the court. Four of the top five reasons for adjournment for matters heard in the

Easter Term for example are a direct result of third party deficits. It is seen that outstanding ballistic certificates with 5.80% of the sampled reasons for adjournment, statements outstanding with 4.30% and Defence Counsel absent with 4.20% rounds accounts for the three leading reasons for adjournment in the Gun Court during the Easter Term. Also featuring prominently on the list of reasons for adjournment are outstanding DNA case summaries, outstanding medical certificates, outstanding Social Enquiry Report (SER), witnesses absent, disclosure, accused not brought and outstanding antecedents, all factors which are due to one or a combination of deficits among the court's external stakeholders, namely the police, the state lab services, correctional services and the prosecution. The reasons for adjournment of Judge unavailable, matters not reached and part heard matters in progress are the reasons for adjournment which are most directly attributable to the deficiencies in court operation. When all the reasons for adjournment are taken into account, external factors explicitly account for over 80% of the reasons for adjournment in the Easter Term. These findings affirm an important fact, which is that Gun court cases which are in a state of readiness are in large measure able to get an early date and progress relatively seamlessly towards disposition. This is consistent with the now well established trend of excellent output in the Gun Court, exhibited by case clearance rates consistently over 100% and a current net case backlog rate of under 5%.

Despite the finding that a significant proportion of the reasons for adjournment are due to factors outside of the direct control of the court, it is well established in case management literature that the courts, particularly through the active case management of judges have an extremely important role to play in setting firm standards regarding case adjournments, only

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granting such in exceptional situations. Such approaches are widely viewed in case management literature as being critical to re-engineering the court culture and the response of the various stakeholders to the established standards. These more stringent approaches must be coupled with the application of sound case scheduling practices and robust internal case management. The court therefore has an important role to play in reshaping the texture of conduct among the justice partners to become one of greater efficiency and embracement of collective responsibility in contributing to case readiness and more broadly speaking to the timely disposition of cases. A productive society is one in which the court system must be built on the principle of collective responsibility among all stakeholders.

Table 63.0: Hearing date certainty summary for the Easter Term ended July 31, 2021

Type of hearing dates	Number of hearing dates	Number of hearings dates adjourned	Hearing date certainty rate (%)
Mention hearings	351	104	70.37%
Plea and Case Management hearing	368	108	70.65
Bail Applications	492	125	74.59
Sentencing hearings	306	110	64.05
Trial hearings	222	85	61.71
Part Heard Hearings	288	126	56.25
Total/Overall Average	2027	658	67.54

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 a certain caseload and for the general system of scheduling. In the table above it is shown that of 2027 court dates scheduled for hearings in the period under study, 658 of which were adjourned. This suggests an overall hearing date certainty rate of roughly 67.54% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 68 are able to proceed without adjournment for reasons other than those procedural, for example for Trial, Bail Application, Sentencing and Plea and Case Management. This result is a 10.13 percentage points improvement when compared to the Easter Term of 2021. When trial matters are isolated, the trial date certainty rate revealed is 61.71%, 14.19 percentage points lower than the Easter Term of 2020. Despite this modest output, the Gun Court still managed to sustain a clearance rate of 100%, for an unprecedented ten consecutive Terms. One possible explanation for this corollary is that although trial dates are adjourned, the interval between hearings is relatively short, thus not adversely affecting the clearance of cases. Despite the fact that the Gun Court has managed to achieve unparalleled case clearance rates over the past few years, the performance could be even better if higher rates of trial date certainty were achieved. The inability to simultaneously achieve high case clearance rates and high trial date certainty rates creates a sub-optimal usage of judicial resources which means that the Gun Court is still not operating in a state of equilibrium. With just over half of trial dates proceeding as scheduled in the Gun Court, there is

still a far way to go to realizing its optimum productivity. As noted earlier, the lack of sufficient cooperation and compliance from the various stakeholders of the courts is an essential part of the calculus of court delay. However, it is the responsibility of the courts to assume leadership in marshalling the stakeholders to the common cause through robust judge management of cases, a sound case management apparatus at the level of the registry and more generally strong standards setting and enforcements so that the incentives line up to dissuade perverse, counter-productive activities on the part of stakeholders. It appears that without such mechanisms there will be no end to the vicious cycle of low trial date certainty and wastage of judicial time. One precise policy that could be considered to strengthen case readiness is to implement the utilization of a digitized trial readiness form which must be completed by both the defence and the prosecution within a clear number of days or weeks ahead of the scheduled trial date and for penalties by way of fines to be imposed in the event of non-compliance. Such tough measures, coupled with the other methods outlined may almost certainly assist in catalysing the cultural change that is necessary to bring the courts to its best possible equilibrium characterized by resource optimization, the least possible time to disposition and the highest output per available judicial resource.

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Table 64.0: Methods of case disposition for the Easter Term of 2021

Methods of Disposition	Frequency	Percent
Accused Deceased	2	1.1
Bench Warrant**	3	1.6
Dismissed for Want of Prosecution	1	.5
Found Guilty (Guilty Verdict)	29	15.7
Guilty Plea	33	17.8
No Case Submission upheld	6	3.2
No Case to Answer - Discharged	6	3.2
No Evidence offered - Discharged	49	26.5
No further evidence offered discharged	22	11.9
Nolle Prosequere**	4	2.2
Not Guilty - Discharged	26	14.1
Not indicted on this charge	1	.5
Transferred to circuit court	3	1.6
Total	185	100.0

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

The above table summarizes the methods of disposition for the cases disposed in the High Court Division of the Gun Court for the Easter Term of 2021. It is seen that there were 185 cases disposed or inactive, the largest proportion of which were a result of 'no evidence offered' which accounts for 49 or roughly 26.50% of the total. In second were disposals resulting from guilty pleas with 33 or 17.80% of the total. Guilty verdicts with 15.70% and not guilty verdicts with 14.10% rounds off the top four methods. Of the 185 cases disposed in the Gun Court in the Easter Term of 2021, 52 or 28.11% were cases originating in 2021, down by 3.90 percentage points when compared to 2021. The numbers of cases disposed in the Hilary Term of 2021 is 74.53% higher than that of the corresponding Term in 2020 where 106 cases were disposed.

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Table 65.0: Estimated Conviction rate in the Gun Court for the Easter Term of 2021

Number of charges disposed	Number of Guilty outcomes (i.e. guilty verdicts and guilty pleas)	Conviction Rate (%)
625	218	34.88%

The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the sample of 434 disposed charges in the Easter Term of 2021, an estimated 218 were a result of either a guilty pleas or a guilty verdict. This produces an overall conviction rate of 34.88% for Gun Court charges resolved in the Easter Term, an increase of 1.86 percentage points when compared to the similar Term in 2020. The following table delves further into the conviction rate, by the substantive matter.

Table 66.0: Conviction rate by selected substantive matter in the Gun Court for the Easter Term of 2021

Substantive matter	Number of cases disposed	Number of guilty outcomes (pleas and verdicts)	Conviction rate (%)
Illegal possession of fire arm	259	91	35.14
Illegal possession of ammunition	85	50	58.82
Shooting with Intent	66	14	21.21

It is shown in the above table that of the 259 charges of illegal possession of a firearm disposed, 91 were disposed by way of either a guilty verdict or a guilty plea, yielding a conviction rate of roughly 35.14%. 50 of the 85 charges of illegal possession of ammunition which were disposed

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in the Easter Term were a result of guilty outcomes, resulting in a conviction rate of 21.21%. 14 of the 66 matters of shooting with intent disposed in the Term were a result of guilty outcomes, resulting in a conviction rate of 21.21%.

Table 67.0: Top five charges disposed of in the Gun Court during the Easter Term of 2021

Charge	Frequency	Percentage
Illegal possession of a firearm	253	40.50
Illegal possession of ammunition	85	13.60
Shooting with intent	66	10.60
Robbery with aggravation	54	8.60
Assault at Common Law	29	4.60
Sub-Total	487	77.90

Total number of charges (N) = 625

The 185 cases that were disposed in the High Court Division of the Gun Court in the Easter Term of 2021, representing 625 charges, an average of roughly 34 charges per 10 cases. The table above details the five most frequently occurring charges disposed of in the Gun Court during the year. Illegal possession of a firearm and illegal possession of ammunition accounts for the largest proportion of disposed charges with 40.50% and 13.60% respectively. This is followed by shooting with intent with 10.60% of the charges disposed. Robbery with aggravation and assault at common law with 8.60% and 4.60% respectively of the total rounds off the top five charges disposed in the Gun Court in the Easter Term of 2021. The disposed charges enumerated in this table accounts for roughly 77.90% of the total number of charges disposed in the Gun Court during the Term. There was a 2.95 percentage points decline in the number of charges disposed when compared to the corresponding Term in 2020.

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Table 68.0: Descriptive statistics on times to disposition for the Easter Term ended July 31, 2021

Descriptive Statistics (in months)

Number of observations	185
Mean	23.2973
Std. Error of Mean	3.81361
Median	12.0000
Mode	12.00
Std. Deviation	51.87069
Variance	2690.569
Skewness	6.097
Std. Error of Skewness	.179
Range	449.00
Minimum	1.00
Maximum	450.00

The above table summarizes the time taken to dispose of cases in the Easter Term of 2021, counting from the date cases were filed in the High Court Division of the Gun Court. It is seen that the estimated average time to disposition from the date of charge is approximately 23 months, which is four months longer than the mean time in the similar period in 2020. The estimated maximum time to disposition for the data set is 450 months or almost 37.5 years (dating back to 1994) while the minimum is roughly a month. The modal and median times to disposition were approximately both a year, a fairly promising sign for the ability of the Gun Court to dispose a significant proportion of its cases before they fall into a state of backlog. The standard deviation was quite high, indicating that the individual scores were widely dispersed around the mean.

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Table 69.0: Breakdown of times to disposition for cases resolved in the Easter Term of 2021

Time Interval (months)	Frequency	Percentage (%)
0 -12	107	57.8
13 – 24	43	23.2
25 – 36	18	9.7
37 – 47	4	2.2
48 & cover	13	7.0
Total	185	100.0

The above table provides a further breakdown of the estimated time to disposition for the cases disposed in the Easter Term of 2021, counting from the case file date. The sizeable positive skewness displayed in the previous table is affirmed, as the scores here are mostly concentrated towards the lower intervals in the distribution. The data shows that the largest proportion of the disposals using this method took a year or less. This interval accounted for 107 or 57.80% of the disposals and was followed by cases taking between 13 and 24 months to be disposed with 43 cases or 23.20%. A further 9.70% each of the matters were disposed within 25-36 months, 2.20% were disposed in 37-47 months and the remaining 7.0% took four or more years to be disposed. An encouraging 80.0% of the cases disposed took two years or less from the case file date, an improvement of 8.30 percentage points when compared to the corresponding Term in 2020.

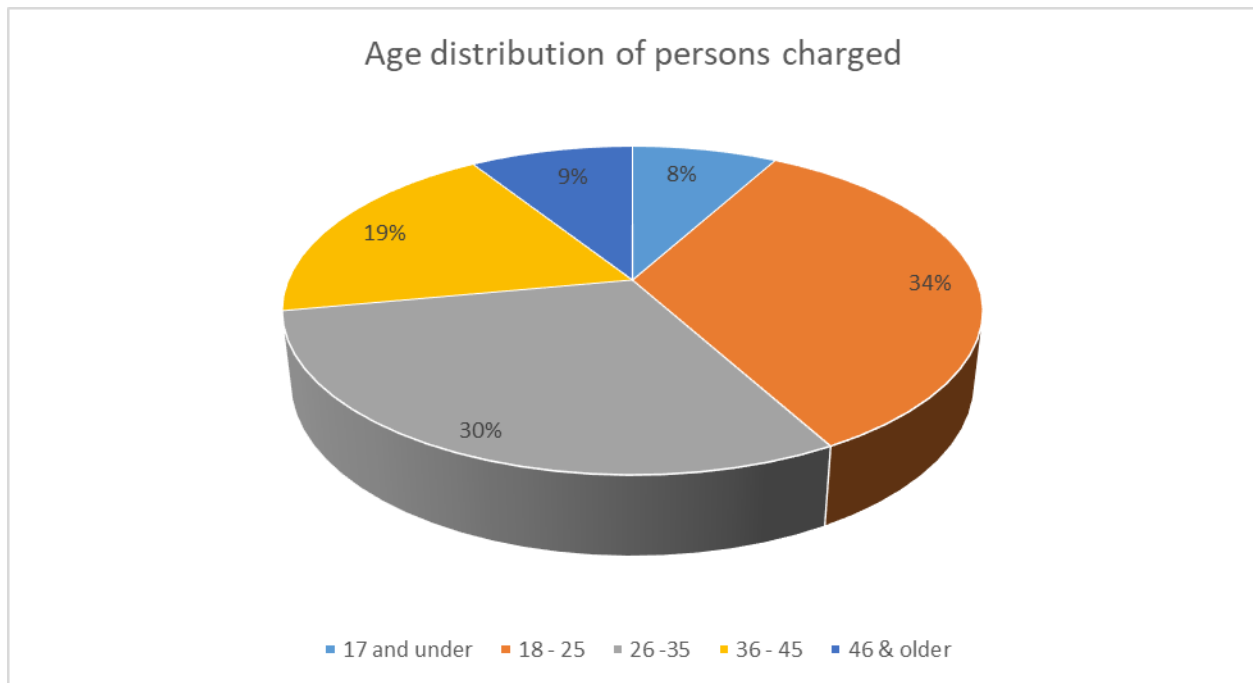
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Demographic summary of persons charged and brought before the High Court Division of the Gun Court in the Easter Term of 2021

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

Chart 18.0: Summary of age distribution of a sample of persons charged in the High Court Division of the Gun Court during the Easter Term of 2021

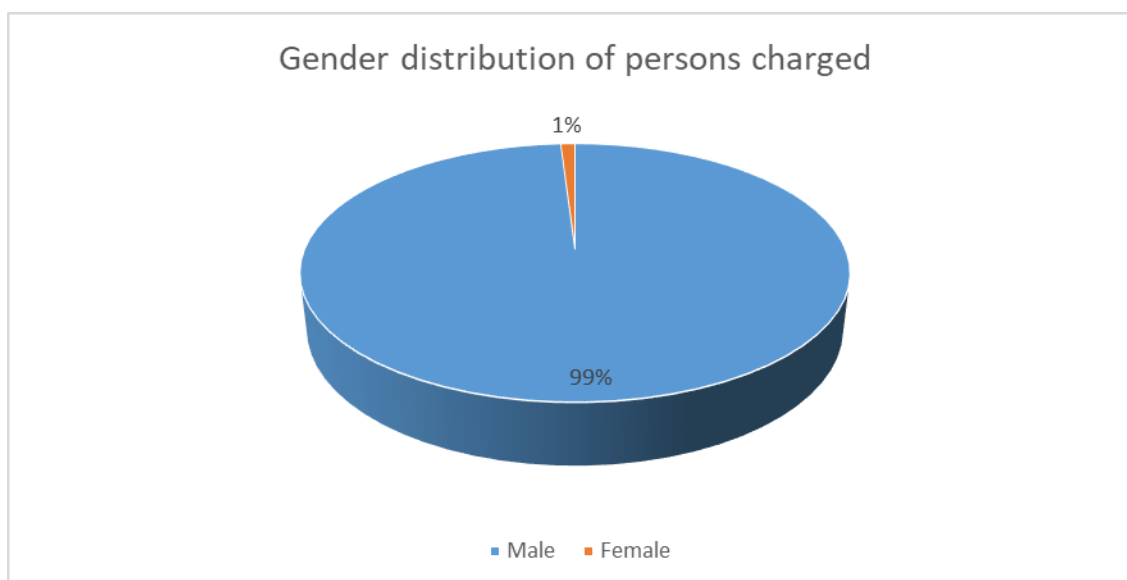


The age distribution of persons charged in the Easter Term of 2021 was markedly similar to that of the similar period in 2020. As indicated earlier, the dominant charges filed in the Gun Court for the Easter Term of 2021 are illegal possession of firearm, illegal possession of ammunition, robbery with aggravation, shooting with intent and wounding with intent. Using a representative sample, the average age of persons charged in the year is roughly 26 years old with the oldest person charged being 57 years old and the youngest 13 years old. The modal age from this sample was 24, an indication that a significant number of the persons charged are

quite youthful. This is affirmed in the chart above where it is shown that from the sample 34% of the persons charged were between 18 and 25 years old, closely followed by the age group 26 to 35 years old with 30% of the persons charged. The 36 to 45 age group comes next with 19% of the persons charged. The youngest and oldest age categories of 17 and under and 46 and over respectively accounts for 8% and 9% respectively of the person charged who were brought before the Gun Court in in the Easter Term of 2021.

In terms of gender distribution, using a sample of 100 persons charged in relation to matters brought before the Gun Court in the Easter Term of 2021, the data shows that 99 or 99% were male and 1 or 1% female. This is exactly the same sampling distribution for gender, which was observed in the corresponding period in 2020. The overwhelming dominance of males in charges entering the High Court Division of the Gun Court continue to persist as a long held trend.

Chart 19.0: Summary of gender distribution of a sample of persons charged who were brought before the High Court Division of the Gun Court in the Easter Term of 2021



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Table 70.0: Case clearance rate for the Easter Term of 2021

Cases filed	Cases disposed	Case clearance rate
144	185	128.47%

**52 or 28.11% of the disposed cases originated in 2021.*

One hundred and fifteen new cases were filed in the High Court Division of the Gun Court in the Easter Term of 2021 while 185 were also disposed or inactivated (including many which originated before the Term) leading to a clearance rate of exactly 128.47% for the Term, an improvement of 49.37 percentage points when compared to the similar period in 2020. This result translates into a generalization that an estimated 128 Gun Court cases were resolved for every 100 new cases entered during the year. It represents one of the highest case clearance rates in the Supreme Court during the Term, a continuation of a long trend of dominance on this measurement for the Gun Court.

Other performance measures

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

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

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

Table 71.0: Selected performances metrics for the High Court Division of the Gun Court in the Easter Term of 2021

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated disposition days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy case backlog rate (%)
185	388	0.48	760	150	185	80	20

The results in the above table shows a case turnover rate of 0.48, which is an indication that for every 100 cases which had some activity during the Easter Term, 48 were disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the year will on average take a year to be disposed, barring special interventions or other unanticipated circumstances. This result reflects a trend of sustained improvements over the past few years.

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

The on time case-processing rate for the Gun Court in the Easter Term of 2021 is approximately 80%, which reflects the proportion of Gun Court cases in the Term, which were disposed within 2 years. Conversely, the crude proxy case backlog rate is 20%, an indication that an estimated annual proportion of about this proportion 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 388 cases, which had some court activity in the Easter Term of 2020 and were still active at the end of the period, 78 are expected to be in a backlog classification before being disposed. This is an improvement of 8.30 percentage points when compared to the Hilary Term of 2020, the continuation of 3-4 years of solid advances towards the prospect of a backlog free Gun Court in the foreseeable future.

CHAPTER 6.0: COMMERCIAL DIVISION

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

Table 72.0: Cases filed in the Commercial Division in the Easter Term of 2021

Division	Number of new cases filed
Commercial	244

The efficient progression of cases in the Commercial Division of the Supreme Court is a vital signal for economic activity, potentially bolstering investments and long run economic growth and development. This potential exists because in a growing economy, commercial disputes will invariably rise and the need for confidence in the timely and efficient resolution of such matters is of utmost importance to the viability of business activity.

Two hundred and forty-four new cases were filed in the Commercial Division of the Supreme Court during the Easter Term of 2021, a decline of 62.67% when compared to the corresponding Term in 2020.

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Table 73: Sampling distribution of the top five reasons for adjournment for cases heard in the Commercial Division in the Easter Term of 2021

Reasons for adjournment	Frequency	Percentage (%)
Claimant's documents not served or short served	5	15.10
Claimant to comply with order	4	7.50
Claimant's attorney absent	4	7.50
Claimant to file documents	3	5.70
Parties having discussions with a view to settlement	3	5.70
Defendant to comply with orders	3	5.70
Defendant to not available	3	5.70
Sub-Total	25	52.90

Number of observations (N) = 53

The above table provides a sampling distribution of the top six reasons for adjournment in the Commercial Division for the Easter Term of 2021. A total of 53 such incidences sampled reveal that claimant's documents not served or short served with 5 or 15.10% has the highest incidence, followed by adjournments for claimants to comply with order and claimant's attorney absent each with 4 or 7.50%. Ranking next in terms of frequency are claimant to file documents, parties having discussion with a view to settlement, defendant to comply with orders and defendant not available each with 3 or 5.70% of the incidence of reasons for adjournment recorded during the Term. The top six reasons for adjournment listed above accounts for 52.90% of the sample utilized. These leading reasons for adjournment listed are largely attributable to factors which are not within the realm of direct court control.

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Table 74.0: Sampling distribution of Chamber hearings for the Easter Term of 2021

Hearings	Frequency	Percentage (%)
Applications (Various)	361	77.63
Case Management Conference	25	5.38
Pre-trial review	44	9.46
Commercial Taxation	18	3.87
Oral Examination	2	0.43
Judgment summons hearing	15	3.23
Total	465	100

The above table summarizes a sample of 465 chamber hearings scheduled in the Commercial Division for the Easter Term of 2021. As with the High Court Civil (HCV) Division, the hearing of various applications for relief sought dominates the list with roughly 77.63% of the chamber hearings. Pre-trial reviews with 44 or 9.46% rank next and Case Management Conferences with 25 or 5.38% rounds off the top three chamber hearings in the Commercial Division for the Easter Term of 2021.

Table 75.0: Distribution of trial dates for the Easter Term of 2021

Trial matter	Hearing days set (including adjourned dates)	Equivalent Number of Cases
Trial in Open Court	104	22
Open Chamber	-	-

The above table suggests that 104 days' worth of trial scheduled in Open Court during the Easter Term of 2021, which corresponded to 22 cases and translates to between 4 and 5 days of Open Court Trial per case.

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Table 76.0: Sampling distribution of hearing date certainty in the Commercial Division for the Easter Term of 2021

Type of hearings	Estimated Hearing date certainty rate (%)
Case Management Conferences	86.0
Trials in Open Court	76.5
Applications	77.9
All hearings	79.24

The above table breaks down the hearing date certainty rates for the three dominant types of hearings and also gives the overall rate for the Easter Term of 2021. It is shown that Case Management Conferences had an estimated hearing date certainty rate of 86.0% for the Term, while Trials in Open Court registered a hearing date certainty rate of 76.50%, an improvement of 33.80 percentage points when compared to the corresponding Term in 2020. The various applications registered an overall hearing date certainty rate of 77.90% for the Term while the overall estimated hearing date certainty rate for all types of hearings combined in the Commercial Division was an estimated 79.24%. These are encouraging results for the Commercial Division which once led the Supreme Court on hearing date certainty rates.

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Table 77.0: Sample case flow process transition summary for the year ended December 31, 2020 [Extracted from the 2020 Annual Report]

Number of cases on which defences were filed	Number of cases referred to Mediation	Mediation Report Return Rate (%)	Average time between filing of a defence and referral to mediation [for matters on which defence was filed in 2020]	Average time between referral to mediation and receipt of mediation report [2020 referrals only]
115	73	6.85%	62 days	6 months

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

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

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

The sample case flow process transition summary for cases in the Commercial Division in 2020 suggests that there were 115 cases on which defences were filed (the equivalent of 156 matters), while 73 cases (the equivalent of 90 referrals) were referred to mediation. Of the stated 115 cases on which defences were filed in 2020, 57 were referred to mediation during the year, a referral rate of roughly 50%. The data further suggests that the Commercial Division had a mediation report return rate of 6.85% which means that for every 10 matters referred to mediation during the year, roughly 1 report was returned (not necessarily from the stock of referrals during the year). This result suggests that the availability of mediation reports fell well behind the rate at which matters were referred to mediation in 2020. Furthermore, approximately 25% of the reports returned were successful and 75% unsuccessful. Considering that a mediation report should take on average 90 days to be returned by the relevant mediation centre, this is an interesting statistic which gives insights into the speed of the mediation process, a potential impediment to the progression of cases in the Commercial Division. The average time taken to return a mediation report for the matters which were referred to mediation during the year was roughly six months, twice the expected time but the

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overall average time can be a bit longer. The transition between the filing of a defence and referral to mediation by the Division appears to be slower than desired and may also be inimical to case flow progression. The statistics on the time interval between the filing of a defence and mediation referral is also quite insightful. The data shows that on average it took approximately 62 days or two months after a defence is filed for a matter to be referred to mediation while the modal time was 22 days and the median was 45 days. The shortest time interval recorded in the sample between the filing of a defence and referral to mediation is 2 days and the highest is 275 days or roughly 9 months.

Table 78.0: Requisitions summary for the Easter Term of 2021

Requisitions Issued	Requisition Reponses	Requisitions clearance Rate	Requisitions per 100 case files
18	*3	16.67%	1

**This figure includes requisitions filed on matters originating prior to the Easter Term of 2021*

The above table provides a summary of the response rate for requisitions issued in the Commercial Division in the Easter Term of 2021. It is shown that 18 requisitions were issued in the year while there were 3 responses filed, thus producing a requisitions clearance rate of 16.67%. This requisition clearance rate suggests that during the Easter Term, for every 10 requisitions issued, roughly 1 or 2 responses were filed. Additionally, there was an average incidence of 1 requisitions per 100 case files in the Commercial Division for the Term.

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Table 79.0: Methods of disposition for the Easter Term of 2021

Methods of Disposition	Frequency	Percent
Agreed to pay by installment	2	3.1
Application Granted	10	15.6
Claim form expire	1	1.6
Consent Judgment	3	4.7
Matter discontinued	11	17.20
Judgment	7	10.9
Judgment Delivered	4	6.3
Judgment in Default of Acknowledgment of Service	6	9.4
Judgment in Default of Defence	4	6.3
Judgment on Admission	9	14.1
Order Granted for Transfer	1	1.6
Settled	4	6.3
Settlement Order	1	1.6
Transfer to Commercial	1	1.6
Total	64	100.0

The data suggests that 64 cases in the Commercial Division were disposed in the Easter Term, an increase of 16.36% when compared to the corresponding Term in 2020. Disposals by way of notices of discontinuance filed with 11 or 17.20% and applications granted with 10 or 15.60% led the list of dispositions while judgments on admission with 9 or 14.10% ranked next. The top four methods of disposition were rounded off by judgments in default of acknowledgment of service with 9.40%.

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Table 80.0: Time to disposition for Commercial cases disposed in the Easter Term of 2021

Descriptive Statistics (in months)

Number of observation	64
Mean	14.5469
Median	11.0000
Mode	12.00
Std. Deviation	17.09073
Variance	292.093
Skewness	3.353
Std. Error of Skewness	.299
Range	109.00
Minimum	2.00
Maximum	111.00

The above table shows that the estimated average time to disposition for the 64 Commercial cases disposed in the Easter Term of 2021 is 14.55 months or a year and roughly 2 months, which is roughly eight months more than the corresponding period in 2020. The modal time to disposition was 12 months and the median 11 months, representing positive signs for the total productivity of the Commercial Division. The standard deviation was relatively high, indicating a fairly wide variation of the data points around the mean while the skewness is a large positive figure which indicates proportionately more of the times to disposition were less than the overall mean.

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Table 81.0: Breakdown of times to disposition for Commercial cases in the Easter Term of 2021

	Frequency	Percentage (%)
0 -12	44	68.8
13 - 24	9	14.1
25 – 36	6	9.4
37 - 47	3	4.7
48 & over	2	3.1
Total	64	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 2021. It is seen that the largest proportion of these cases were disposed within a year, accounting for an overwhelming 68.80% of the disposals. This is followed by 9 or 14.10%, which took between 13 and 24 months to be disposed while the 6 or 9.40% which took four or more years to be disposed rounds off the top three methods of disposition in the Easter Term. Taken together, the data suggest that an impressive 82.90% of the cases disposed in the Commercial Division in the Easter Term of 2021 were resolved within 2 years and the remaining 18.10% took two years or more before final resolution.

Table 82.0: Case clearance rate for the Commercial Division for the Easter Term of 2021

Cases filed	Cases disposed	Case clearance rate
244	64*	26.23%

**This figure includes cases filed before the Easter Term of 2021. 23 or 35.94% of the cases disposed in the Easter Term of 2021 were filed in said year.*

Two hundred and forty-four new cases were filed in the Commercial Division in the Easter Term of 2021, while 64 cases were disposed which yields a case clearance rate of 26.23%. This

result suggests that for every 10 new cases filed in the Term, roughly 3 were disposed. Again, the cases disposed were not necessarily from those filed, as the clearance rate is simply a productivity ratio. This result represents a 10.44 percentage points decline when compared to the Easter Term of 2020.

Other performance measures

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

(i) The on time case processing rate

(ii) The case turnover ratio

(iii) The disposition days

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

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Table 83.0: Selected performances metrics for the Commercial Division for the Easter Term of 2021

Resolved cases	Unresolved cases	Case turnover rate (%)	Disposition days	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
64	509	0.13	2808	53	64	82.90	18.10

The results in the above table shows a case turnover rate of 0.13, which is an indication that for every 100 cases which had some action during the Easter Term and were still active, another 13 were disposed, an improvement of 4 percentage points when compared to the corresponding Term in 2020.

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 2021 is an impressive 82.90%, which reflects the proportion of Commercial cases in the period, which were disposed within 2 years. Conversely, the crude proxy case backlog rate is 18.10%, an indication that an estimated annual proportion of 18.10% 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 509 cases, which had some court activity in the Easter Term and were still active at the end of the period, 92 are expected to be in a backlog classification before being disposed.

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

Aggregate Case Clearance Rate

Analysis of the productivity of the judiciary, subject to its resource constraints is an important metric for gauging efficiency and for informing policy and operational interventions. In this subsection, the gross case clearance rate is used as a measure the ratio of incoming and outgoing cases in the Supreme Court in the Easter Term of 2021.

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

Table 84.0: Gross case clearance rate for the Easter Term of 2020

Total cases filed	Total cases disposed	Gross Case clearance rate (%)
4921	3045	61.88

The above table provides an aggregate summary of the clearance rates in the Divisions of the Supreme Court in the Easter Term of 2021. The data suggests that 4921 new cases were filed/entered across the Divisions reviewed in the Easter Term of 2021, a 30.08% increase when compared to the Easter Term of 2020. These results yield a gross clearance rate of roughly

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61.88%, representing a decline of 7.48 percentage points when compared to the corresponding period in 2020, and suggesting that that for every 100 cases filed/entered during the Term, roughly, 62 were also disposed. There is still some way to go for the Supreme Court to achieve the targeted strategic goals for the case clearance rate. The Gun Court, the Probate and Matrimonial Divisions have consistently led the way among the larger Divisions/sections on this key performance indicator and are best positioned to meet the targeted quantitative goal of consistently attaining a clearance rate of between 90% and 110% and thus clearing their net case backlog. Any significant improvement in the overall performance of the Supreme Court will require dramatic improvements in the High Court Civil Division, given the significant share of total case activity that it accounts for.

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Aggregate Case Counts 2016-2020

The below table provides a count of the number of new cases filed/entered in the larger Divisions of the Supreme Court for the years 2016-2020.

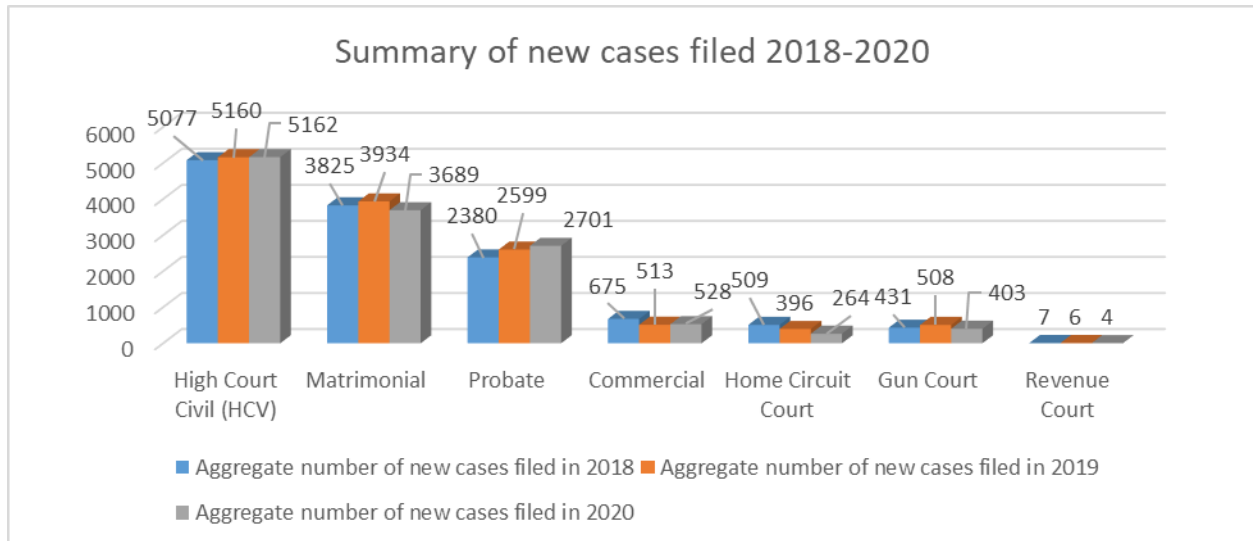
Table 85.0: Number of new cases by selected Divisions for the years 2016-2020

Division	Aggregate number of new cases in 2016	Aggregate number of new cases in 2017	Aggregate number of new cases filed in 2018	Aggregate number of new cases filed in 2019	Aggregate number of new cases filed in 2020
High Court Civil (HCV)	5336	4396	5077	5160	5162
Matrimonial	3536	3539	3825	3934	3689
Probate	2436	2853	2380	2599	2701
Commercial	424	667	675	513	528
Home Circuit Court	209	624	509	396	264
Gun Court	473	513	431	508	403
Revenue Court	-	12	7	6	4
Total	12414	12604	12904	13116	12751

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



The above table and chart summarizes the progression of cases in the larger Divisions of the Supreme Court between 2018 and 2020. It is shown that the High Court Civil (HCV) Division has consistently demonstrated the largest share of new cases in the Supreme Court, averaging 5133 cases per annum over the period. The Matrimonial Division accounts for the second highest case count each year over the period, maintaining a count within a steady band and averaging of 3816 cases. The Probate Division accounts for third highest share of new cases over the period and demonstrates general consistency over the period, recording an average of 2560 new cases per year. There is a noticeable general decline in the number of new cases filed in the Home Circuit over the three-year period which recorded an overall average of 390 cases. The number of new cases filed in the Gun Court fluctuated over the time series and this Division recorded an average of 447 over the time series. The Commercial Division experienced some fluctuation over the three-year period, peaking at 675 in 2018 and averaging 572 new cases over the series.

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Table 86.0: Summary of new cases filed and cases disposed in the Supreme Court (2019 – 2020)

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

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Case Activity Summary for the Easter Term of 2021

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

Table 87.0: Aggregate case activity for the Easter Term of 2021

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (months)	Hearing date Certainty ratio (%)
High Court Civil (HCV)	1799	361	20.07	53	71.97
Matrimonial	1580	1406	88.99	23.64	75.39
Probate	1052	957	90.97	15.40	79.40
Commercial	244	64	26.23	14.55	79.24
Home Circuit Court	98	71	72.45	28.27	63
Gun Court	144	185	128.47	23.30	67.54
Revenue Division	4	1	25.00%	-	70.25%
Gross/Weighted Average	4921	3045	61.88	26.36 (2.20 years)	72.76

The above table provides an important summary of case activity in the Supreme Court in the Easter Term of 2021. It is shown that 4921 cases were filed/entered across the stated Divisions of the Supreme Court during the Term. The High Court Civil (HCV) Division with 1799 cases or

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roughly 36.56% accounts for the largest share of the new cases filed, followed by the Matrimonial Division with 1580 or 32.11% of the total and the Probate Division with 1052 or 21.38%.

Consistent with the trends in recent years, the Matrimonial and Probate Divisions accounted for the largest share of the cases disposed with roughly 46.17% and 31.43% respectively of the total while the High Court Civil Division accounted for the third largest share of cases disposed in the Easter Term of 2021 with 11.86%. The Gun Court with 128.47%, and the Probate and Matrimonial Divisions with 90.97% and 88.99% respectively registered the highest case clearance rates in the Easter Term. The overall case clearance rate for the Supreme Court in the Easter Term was estimated at 61.88%, a fall of 7.48 percentage points when compared to the corresponding Term in 2020. The High Court Civil Division accounted for the longest average time to disposition with cases taking an average of roughly 53 months (4 years and 5 months) to be disposed. The home Circuit Court is next with an average time to disposition of approximately 28.27 months (2 years and roughly 4 months) while the Commercial Division and the Probate Division with estimated average times to disposition of 14.55 months (1 year and 2.55 months) and 15.40 months (1 year and 3.4 months) respectively account for the lowest average times to disposition in the Easter Term of 2021. The overall weighted average time taken to dispose of the cases resolved in the Easter Term is 32.14 months (2.68 years). None of the Divisions of the Supreme Court met the international standard on hearing date certainty in the Easter Term of 2021, however there were several promising performances. The overall average hearing date certainty rate was 72.76%, with a modest variance observed among the

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Divisions on this measurement. The Probate Division led this the overall hearing date certainty rate with an output of 79.40%, followed by the Commercial and Matrimonial Divisions with rates of 79.24% and 75.39% respectively.

Judgments Reserved and Judgments Delivered

This sub-section provides a summary of the civil Judgments reserved and delivered in the Easter Term of 2021.

Table 88.0: Summary of Judgments Reserved and Delivered in the Easter Term of 2021

Number of Judgments reserved on cases	Number of Judgments delivered on cases	Clearance rate for case Judgments (%)	Number of Judgments reserved on applications	Number of judgments/rulings delivered on applications	Clearance rates for rulings on application (%)
65	90	138.46%	34	8	23.53%

A total of 65 case judgements were reserved in the Easter Term of 2021, an increase of 140.74% when compared to the Easter Term of 2020, while 90 judgments were delivered, an increase of 4.65% when compared to the corresponding period in 2020. This output led to a commendable clearance rate on judgments of 138.46%. This result means that for every 10 judgments which were reserved in the Easter Term of 2020, roughly 14 judgments were delivered. Although this is a healthy output, it represents a decline when compared to the Hilary Term of 2020. The general improvement in the clearance of judgments at the Supreme Court over the past two years is consistent with the impetus of the Chief Justice to significantly increase the rate of judgments delivered, making it possible for a new judgment reserved to be

delivered within 3-6 months, subject to complexity. The average age of cases on which judgments were delivered in the Easter Term of 2021 was 2.65 years and the overwhelming majority delivered were reserved prior to the start of the Term.

Various applications are made during the life of a civil case on which judgments may be reserved. The analysis of the clearance rate on judgments on applications is an important supplement to the analysis of judgments and the overall outcome of a case as timely rulings on applications have a direct correlation with the timely delivery of judgments on substantive cases. The data suggests that there were 34 judgments reserved on applications during the Easter Term of 2021 while 8 were delivered, producing a clearance rate for judgments on applications of 23.53% which substantially below the clearance rate on final judgments on cases as a whole. This outcome is 49.39 percentage points below the rate in the corresponding Term in 2020.

Estimated Courtroom Utilization Rate in the Easter Term of 2021

Using a sample of cases heard in open court in the Easter Term of 2021, the courtroom utilization rate for the Supreme Court was estimated to be 55.40%, suggesting that just about 3 of every 5 available courtroom hours were utilized during the Term, a result which draws sharply into question the need for a further investigation into the optimality of the current practice of long distance scheduling in the civil division of the Supreme Court. The margin of error of the estimated courtroom utilization rate is plus or minus 2.5%. This data must be interpreted within the context that a notable proportion of hearings are currently being

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conducted virtually, consistent with the new digital thrust ushered in by the COVID-19 pandemic.

Chapter 8.0: Rural Circuit Court Case Activity and Key Performance Summary for the Easter Term of 2021

Table 1.0: Summary of case activity in the Rural Circuit Courts for the Easter Term of 2021

Circuit Court	Number of new cases entered	Number of cases disposed or which became inactive during the Term	Case clearance rates (%)	Number of cases traversed/active at end of sittings - Circuit	Number of cases traversed/active at end of sittings –Division of the Gun Court High Court	Trial Date Certainty Rate (%)	Average time to disposition (months)
Hanover	28	20	71.43	70	N/A	67	7.50
*Westmoreland	132	32	24.24	272	N/A	49.49	7.7
St. James	41	32	78.05	149	N/A	51.23	11.25
Western Regional Gun Court	92	212	230.43	N/A	716	54.55	22.86
St. Elizabeth	50	21	42	136	46	58	18.50
Manchester	87	38	43.68	386	98	12.12	7.13
Trelawny	36	28	77.78	79	N/A	87.50	6.80
St. Ann	34	33	97.06	106	62	35.90	8.60
St. Catherine	48	40	83.33	368	N/A	25.00	11.30
St. Mary	32	25	78.13	140	20	51.90	14.60
Portland	12	9	75	76	15	15.00	5.80
*Clarendon	-	-	-	215	56	-	-
St. Thomas	30	74	246.66	192	50	60.15	10.95

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Total/Weighted Average	622	564	90.68	2189	1063	47.32	11.08
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**Estimated from the 2021 Hilary Term data*

The above summary data on case activity in the Rural Circuit Courts (including sittings of the High Court Division of the Gun Court in the rural parishes) during the Easter Term of 2021 suggests an overall weighted average case clearance rate of 90.68% for the period. The above summary also presents the trial date certainty rates over the period. The results suggest that the overall estimated weighted average trial date certainty rate across the locations was 47.32. The cases which were resolved across the various locations in the period in question had an average time to disposition of roughly 11 months ranging from a low of approximately 6.8 months in Trelawny to a high of almost two years at the Western Regional Gun Court.

Further analysis suggests that the overall estimated conviction rate in the Rural Circuit Courts and the High Court Division of the Gun Court in the rural parishes were 44.50% and 46.32% respectively during the Easter Term of 2021.

CHAPTER 8.0: CONCLUSION AND RECOMMENDATIONS

Comprehensive reports of this nature are critical tools in informing the interventions which are necessary to bolster the support mechanisms and augment the operational adjustments which are needed to improve the timely delivery of high quality decisions. The ethos of these targets centre on the attainment of a minimum combined average trial and hearing date certainty rate of 95% and a minimum average clearance rate of 130% across the court system. Attaining these targets would yield a highly desirable net case backlog rate of under 5% and place the Jamaican judiciary among the best in the world within the coming 3-4 years.

In the Easter Term of 2021, the Supreme court recorded an overall average case clearance rate of 61.88%, 6.84 percentage points below the rate recorded in the corresponding Term in 2020 and 8.12 percentage points below the forecasted rate of 70% for 2021. The High Court Division of the Gun Court continued its impressive run of clearance rates exceeding 100%, recording an output of 128.47% for the Term of 2021, the highest rate recorded in the Supreme Court for the period. The Probate Division was the second best performer on this metric for the Easter Term of 2021 with a case clearance rate 90.97% and also accounted for one of the highest incidence of cases disposed. The Matrimonial Division also continued its impressive run with a case clearance rate of 88.99%. The overall results on the case clearance rate metric suggests that most divisions performed commendably during the Easter Term, however modest results in the High Court Division, the largest Division in the Supreme Court and the Commercial Division were constraints. Despite the overall decline in the case clearance rate, the Supreme Court made gains in the overall hearing date certainty rate when compared to the corresponding

period in 2020. Most divisions experienced advances on this important measurement with the Commercial Division, which once dominated this area, experiencing the biggest gain of 21.11 percentage points. In the long run there is expected to be a direct association between the hearing date certainty rate and the case clearance rate, such that a sustained increase in the hearing date certainty rate should trigger an increase in the case clearance rate. This relationship does not however necessarily manifest in the short run, as observed in the Easter Term of 2021 for the Supreme Court as a whole. This is because there are several independent variables which impact on case clearance rate apart from the hearing or trial date certainty but in the long run the strength of the correlation between these two variables is particularly pronounced.

On the matter of judgments, the Supreme Court recorded a clearance rate on judgments of 138.46% in the Easter Term, which is roughly 21.54 percentage points below the forecasted annual rate for 2021. This output is less than that the result in the corresponding Term in 2020 but is well above the average performances on this metric.

The overall direction of the Supreme Court is positive and continues to show resilience amidst the general downturn in some areas of activity brought about by the COVID-19 pandemic. The continuous pursuit of initiatives which will sustainably improve productivity and efficiency in the Divisions of the Supreme Court is crucial to realizing the quantitative targets being pursued as part of the strategic plan of the judiciary. In some instances, such initiatives may require radical reform.

The Divisions of the Supreme Court have been embarking on important operational reforms in line with the judiciary's strategic plan. For example, revisions to the mechanisms used to schedule cases in the High Court Civil Division, the creation of greater judicial specialization, the reorientation of roles and functions and other structural reforms are currently underway and such re-engineering are expected to reduce the delay time along critical areas of the case flow continuum, leading up to trial, for those matters that reach that stage. If these reforms yield the desired success, it is expected that within the next 1-2 years there will be a significant improvement in productivity and a reversal of the inefficient scheduling practices of the past.

Glossary of Statistical Terms

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Source:

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

ⁱ *Source:*

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

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

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

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

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

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

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

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

Crude Proxy: A rough estimate

