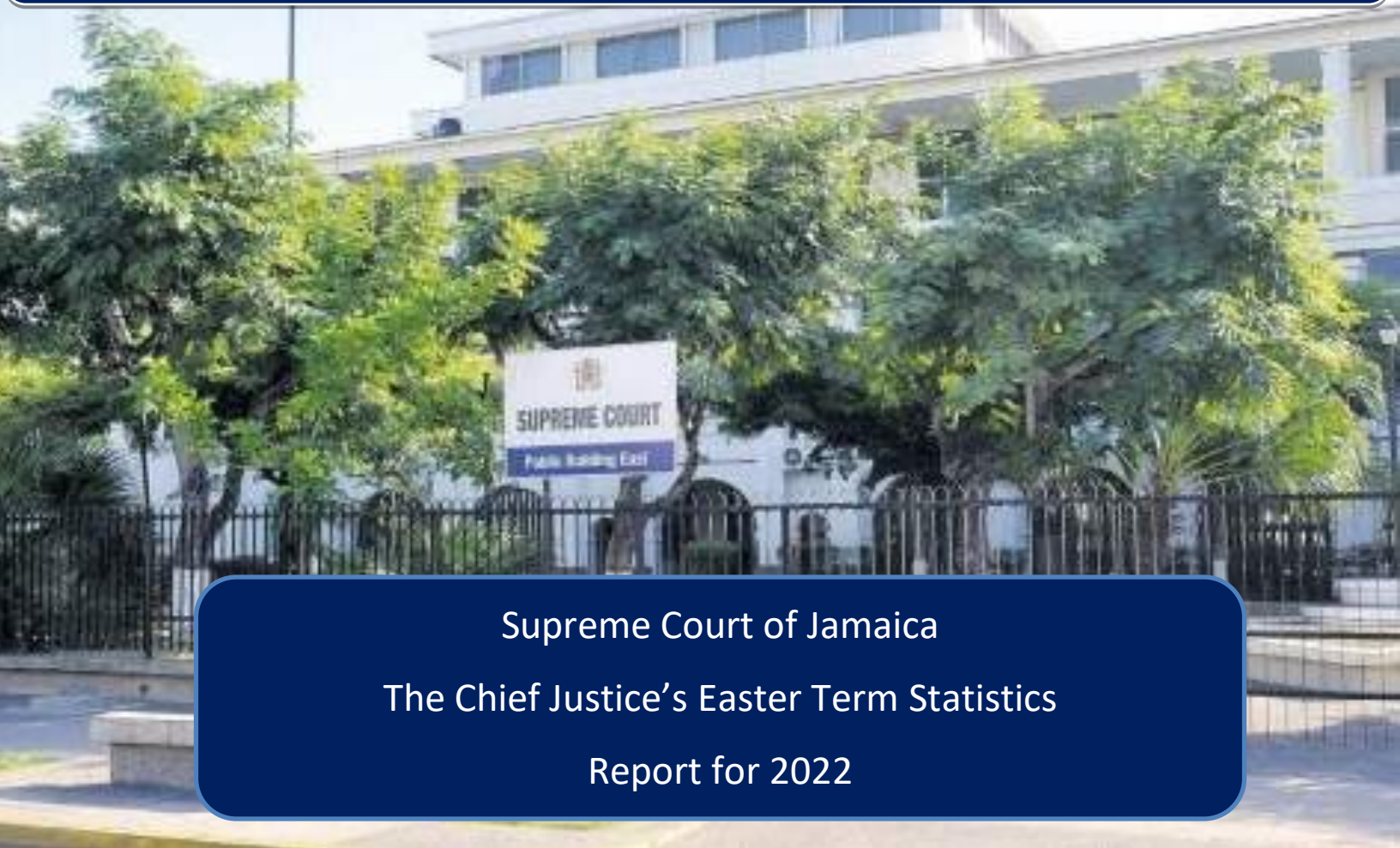


THE CHIEF JUSTICE'S STATISTICS REPORT ON THE SUPREME COURT FOR THE EASTER TERM OF 2022



Supreme Court of Jamaica The Chief Justice's Easter Term Statistics Report for 2022

OVERALL QUANTITATIVE HIGHLIGHTS (EASTER TERM)

	<u>2022</u>	<u>2021</u>	<u>2020</u>
Case clearance rate (%)	86.37	61.88	68.72
Hearing date certainty rate (%)	79.72	72.76	67.08
Case file integrity rate (%)	96.40	84.44	92.93
Average time to disposition of cases (years)	2.60	2.20	2.18
Clearance rate on outstanding Judgments (%)	140.85	138.46	318.52

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EXECUTIVE SUMMARY

This 2022 Easter Term Report on case activity in the Supreme Court represents another significant continuation of the application of the scientific analyses to case activity, thereby establishing a solid grasp of the interventions which are necessary to engender the development of a first class court system. As part of becoming a first class court system, the Honourable Chief Justice, Mr. Bryan Sykes has set out vital quantitative targets which will bring the Jamaican judiciary in line with the bests in the world. Among these targets is the attainment of an overall trial date certainty rate of 95% and a weighted case clearance rate of 130% over the next 2-3 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 2-3 years. This means that by that time no more than 5% of active cases in the courts should be over 24 months old. The Jamaican court system defines 24 months as a reasonable maximum time for the resolution of all cases, regardless of complexity. Apart from providing the scientific evidence necessary to inform interventions, these statistical reports also provide a basis for monitoring and evaluating the progression towards the realization of the targets set out by the judiciary. After three years of strategic planning and execution, the Jamaican judiciary is currently among the most productive judiciaries in the Caribbean region. There is a dearth of adequately reported statistics in some countries in the region, however when compared to jurisdictions such as Trinidad and Tobago, the Organization of Eastern Caribbean State (OECS) and Belize, the overall case clearance rate

in the Jamaican court system over the period in question is the highest. The Jamaican judiciary stands out on this metric particularly in the civil and criminal jurisdictions of the parish courts but is slightly outperformed by both Trinidad and Tobago and the OECS in the Supreme Court jurisdiction while the Jamaican Appeal Court leads is ahead of other territories mentioned.

This Easter Term report contains a range of data and performance measurements on all Divisions of the Supreme Court in addition to the High Court Division of the Gun Court and the Revenue Court which are both housed at the Supreme Court and utilizes its resources. The report is extensive, covering several major areas of case flow progression and therefore provides crucial insights, which can potentially inform the operational efficiency of the Supreme Court and the policy design of the relevant state actors.

A total of 4042 new cases entered the Supreme Court across all Divisions/sections in the Easter Term while 3491 cases were disposed. The total number of new cases filed in Term decreased by a notable 17.86% when compared to the corresponding period in the previous year. The number of cases disposed in the Term however increased by 14.65% when compared to the similar period last year. The Family Division and the Estate Division and with 1523 or 37.68% and 1142 or 28.25% respectively of the total number of new cases filed accounted for the largest shares of incoming cases in the Term, relegating the HCV Division to third for the first time in recent recorded history on case inflows. This is partly on account of the transfer of some cases which would ordinarily be filed in the High Court Civil Division to the Family and Estate Divisions (formerly Matrimonial and Probate). For the first time in recent recorded history, the High Court Civil Division however accounted for the largest share of cases disposed with 1315

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or 37.67% of the total, followed by the Family and Estate Divisions respectively with 33.74% and 21% respectively.

Among the major findings from this Easter Term Statistics Report is that the average case clearance rate in the Supreme Court as a whole was 86.37%, a rise of just over 24 percentage points when compared to the corresponding period in 2021. The case clearance rate provides a measure of the number of cases disposed, for every new case entered/filed in a given period. The average of roughly 86% across the Divisions suggests that for every 100 new cases entered in the period, roughly 86 were also disposed (not necessarily from the new cases entered). The case clearance rates for the Easter Term of 2022 range from a low of 24.10% in the Commercial Division to a high of 177.42% in the Home Circuit Court. The High Court Division of the Gun Court had the second highest case clearance rate in the Supreme Court in the Term with typically impressive rate of 150.48%, followed by the High Court Civil Division with a record 125.84%. It will be interesting to see how the Supreme Court ends 2022 in terms of case clearance rate, however the forecasts at this stage is that it will exceed 70% for the first time in at least recent recorded history, bringing it a step closer to achieving key efficiency targets set out by the Honourable Chief Justice, Mr. Bryan Sykes.

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 2022. The estimated average times taken for cases to be disposed, range from a low of approximately 16 months in the High Court Division of the Gun Court to a high of approximately 56 months in the High Court Civil

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Division. The overall average time to disposition for the Divisions of the Supreme Court in the Easter Term was roughly 31 months, which is about 7 months higher than the usual average.

The standard definition of a case backlog, which has been adopted by the Jamaican Court system, is a case that has been in the system for more than two years without being disposed. Using this yardstick, the overall on-time case processing rate for cases disposed in the Supreme Court in the Easter Term of 2022 was approximately 62.09% which suggests that 62 of every 100 cases disposed were done within two years, representing a roughly 5.26 percentage points decline when compared to similar period in the previous year. This result implies that roughly 37% of the cases disposed in the Easter Term were in a state of backlog at the time of disposition, representing a crude proxy of the overall gross case backlog rate for the Supreme Court. The Estate Division and the High Court Division of the Gun Court with on time case processing rates of 84.70% and 81.50% respectively fared best on this metric in the Easter Term, thus also having the lowest crude gross case backlog rates at the end of the period with 15.30% and 18.50% respectively. On the other hand, the High Court Civil Division and the Home Circuit Court recorded the lowest on-time case processing rates of 15.29% and 35% respectively. Concomitantly, the crude proxy gross case backlog rates for High Court Civil Division was 84.71% and 65% for the Home Circuit Court at the end of the Easter Term of 2022.

The hearing date certainty rate is a vital measure of the robustness of the case management and scheduling apparatus in the court system. It provides an indication of the likelihood that dates set for hearings will proceed on schedule without adjournment. In the long run, the hearing date certainty rate will be positively correlated with the clearance rate, thus the higher

the hearing date certainty rates, the higher the clearance rates over time. Similarly, in the long run higher hearing date certainty rates will correlate with lower case backlog rates, thus there is a negative association between these two variables. The hearing date certainty, which computes the rate of adherence to hearing dates scheduled, ranges from an approximate low of 77.25% in the Commercial Division to a high of 85.96% in the Estate Division in the Easter Term of 2022. It was only the second time in recent recorded history that all the Divisions of the Supreme Court exceeded the 75% mark on hearing date certainty. Despite this commendable achievement, none of the Divisions of the Supreme Court met the international standard of 92% - 100% on this measure for the Term, but the strides made are noteworthy. The weighted average hearing date certainty across all the Divisions of the Supreme Court in the Easter Term of 2022 was roughly 79.72%, which is an indication that there was a roughly 80% probability that a matter scheduled for hearing will go ahead without adjournment. Despite not meeting the international standards, this result represents an overall improvement of 6.96 percentage points when compared to the corresponding period in 2021. Similar data on the estimated trial date certainty rates in isolation are also provided in the relevant chapters of the report. The estimated trial date certainty rates are generally lower than the overall hearing date certainty rates in the Divisions of the Supreme Court.

This report demonstrates decisively that external factors and third parties account for a sizeable share of the reasons for adjournment of cases and hence persistently long waiting time or delays in case dispositions. The prominent reasons for adjournment in the Easter Term of 2022 are similar to those observed over the past 5 years of statistical reporting. Among the

common reasons for adjournment cited in this report are the non-appearance of parties and/or attorneys, absenteeism of witnesses and investigating officers, incomplete files, files not found, documents to be filed, statements outstanding, ballistic and forensic reports outstanding among others. Some factors contributing to delays are within the court's sphere of direct influence and significant efforts are being made to minimize and eventually eliminate these incidences. The greater problem however appears to be the absence of culture of collective responsibility where all court participants/stakeholders fully embrace that they play a crucial role in contributing to efficient case progression and thus optimal usage of the court's time and their own time. It appears that unless this culture is engendered and that the weaknesses identified among the relevant case participants/stakeholders in this report are aggressively addressed, then the Supreme Court, even at its most optimal resource utilization will not be able to dispose of its cases within the shortest conceivable times. The existing constraints present a complexity in scheduling of hearings with matters getting longer future dates than they could otherwise. There are however major targeted reform efforts which are currently underway in the Supreme Court, geared towards backlog reduction, more efficient scheduling, greater specialization of judicial assignments and broader structural reforms aimed at bolstering productivity. It is forecasted that within the next 2-4 years these reforms will start to yield genuine advances in the overall efficiency of case processing.

The casefile integrity rate measures the proportion of cases which are scheduled for court and are able to proceed in a timely manner without being adjourned for reasons of missing, lost or incomplete files, matters wrongly listed for court and other related factors which are

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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 96.42%, an increase of 11.98 percentage points when compared to the corresponding period in 2021. This result suggests that for every 100 case files that were part of court hearings in the Easter Term of 2022, roughly 12 more were able to proceed, as compared to the corresponding period in 2021, without being adjourned due to one of the named factors which impair case file integrity. The prescribed international standard for the case file integrity rate measure is 98% - 100%.

Apart from the high frequency of adjournments, the relatively high incidence of requisitions is an impediment to the speed of disposition of civil matters. Among the civil divisions, the incidence of requisitions in the Easter Term of 2022 was highest in the Family Division with a ratio of 55 requisitions per 100 case files while the High Court Civil Division with roughly 1 requisition per 100 case files had the lowest incidence. Continuous reductions in the incidence of requisitions issued is crucial to ongoing efforts to bolster efficiency in especially the Family and Estate Divisions of the Supreme Court.

The Civil Divisions of the Supreme Court continue to perform commendably with the rate of delivery of Judgments, reversing years of a chronic backlog. The Easter Term of 2022 registered a clearance rate on final judgments reserved of 140.85%, suggesting that 14 judgments delivered during the period for every 10 judgments reserved.

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The below tables provide case activity summary for the Easter Term of 2022 as well as critical on-time case processing rates, crude gross backlog rates and key performance forecast for 2022 which were generated at the beginning of the year.

See below Supreme Court case activity summary for the Easter Term of 2022:

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (months)	Hearing Date Certainty Rate (%)
High Court Civil (HCV)	1045	1315	125.84	56.23	80.08
Matrimonial	1523	1178	77.35	22.13	80.35
Probate	1142	733	64.19	18.67	85.96
Commercial	195	47	24.10	23.15	79.56
Home Circuit Court	31	55	177.42	43	77.50 77.25
Gun Court	105	158	150.48	15.84	79.04
Revenue Division	1	5	500%	39.50	78.00
Gross/Weighted Average	4042.00	3491.00	86.37	31.22	79.72

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

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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 2021. These measures are summarized in the table below:

Selected performances metrics for the Supreme Court in the Easter Term of 2022

Division of the Supreme Court	Resolved/Disposed cases	Unresolved cases which had some administrative or court activity in 2021	Number of cases disposed within 2 years	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
High Court Civil (HCV)	13115	5798	201	15.29	84.71
Matrimonial Division	1178	4268	884	75.04	24.96
Probate Division	733	2682	621	84.70	15.30
Commercial Division	47	538	38	81	19
Home Circuit Court	55	729	19	35	65
Gun Court	158	380	-	81.50	18.50
Gross/Weighted Average	15286	14395	1763	62.09	37.91

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Vital Forecasts:

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

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

Note: Forecasting done using the method of exponential smoothing

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

Forecast for Judgments Reserved and Delivered in 2022

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

Note: Forecasting done using the method of exponential smoothing

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

METHODOLOGY

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

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

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 2022. Each of the first six chapters focus on case activity and performance metrics in the High Court Civil (HCV) Division, the Family Division, the Estate Division, the Commercial Division, the Home Circuit Court and the High Court Division of the Gun Court. The last two chapters summarize aggregate case activity across the Divisions of the Supreme Court, presents the clearance rate for civil Judgements and the courtroom utilization rate estimates for the Easter Term of 2022. 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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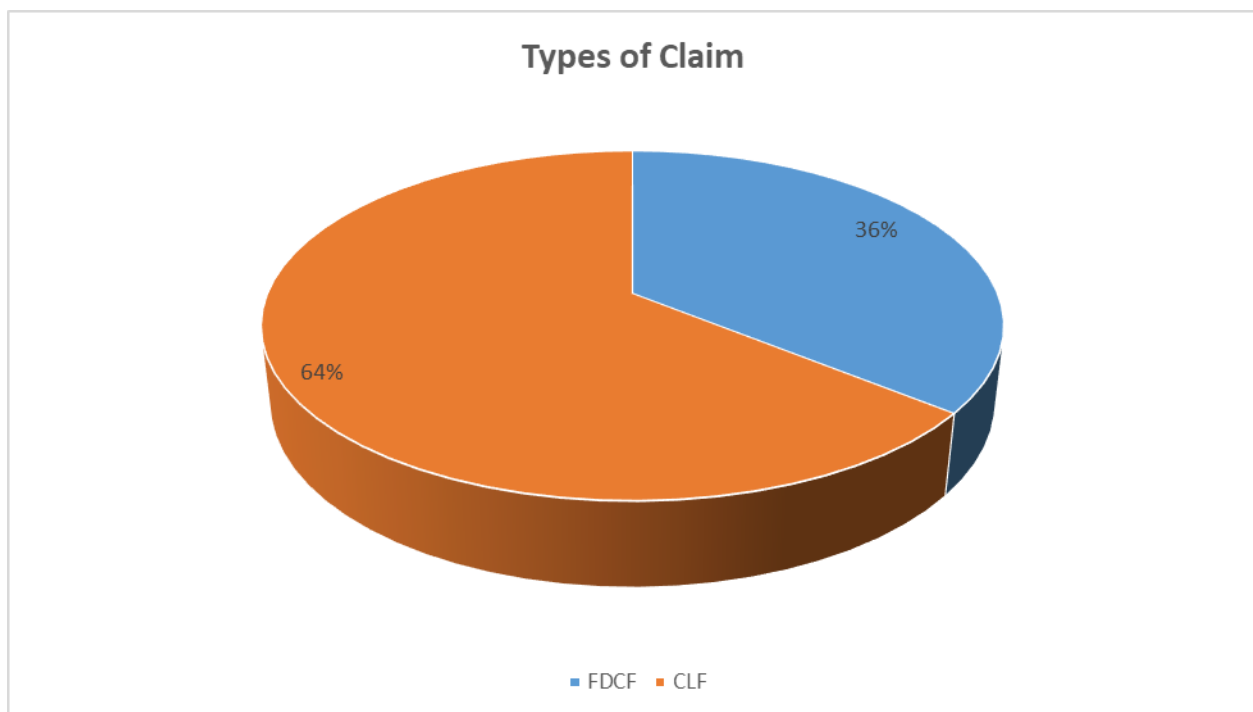
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CHAPTER 1.0: HIGH COURT CIVIL (HCV) DIVISION

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, 2022.

A total of 1045 new cases were file in the High Court Civil Division during the Easter Term of 2022. This represents a decline of 41.92% when compared to the Easter Term of 2021. The below chart provides a summary of the breakdown of the new cases filed in terms of the primary methods of origin, that is, whether they were filed by way of a Claim Form or Fixed Date Claim Form. Notably, there are a minority of matters filed in the High Court Civil Division which are done by means of Notices of Application.

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



Population size = 1045

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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 2022 which originated either by way of a Claim Form or Fixed Date Claim Form. This chart is generated using a sample of 1045 cases which were filed by way of either Claim Form or Fixed Date Claim Form in the Easter Term of 2022. The data shows that 669 or 64% of this sample were filed by way of Claim Forms while 376 or 36% were filed by way of Fixed Date Claim Forms. In general, the number of matters filed by way of Claim Forms tend to outstrip those filed annually by way of Fixed Date Claim Forms in the High Court Civil Division of the Supreme Court. Other cases filed in a given year which are not done by way of a Claim Form or a Fixed Date Claim Form will be filed by notices of application which on average accounts for an estimated 8% of total new cases filed. The method by which a case is filed, be it by way of a Claim Form, Fixed Date Claim Form or Notice of Application has an impact on the path that the matters travel in the court. Matters filed by way of Claim Forms tend to have more processes along the case flow continuum and tend on average to take a longer time to be disposed than those filed by way of Fixed Date Claim Forms and Notices of Application, both of which tend to follow a very similar path.

Tables 1.0a and 2.0 below provides an analysis of the reasons for adjournment or continuance of High Court Civil cases in the Easter Term of 2022. Contextual definitions of 'reasons for adjournment' and 'reasons for continuance' respectively are adopted for the purpose of clarity. The first of the three tables enumerate the list of the most common reasons for adjournment, which refers to factors, which are usually not a part of the fundamental and often routine and unavoidable processes, or procedures for which a case is necessarily delayed. Using results

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from table 1.0, a proxy case file integrity rate is also computed for the High Court Civil (HCV) Division. The second table lists what may be considered as the main reasons for adjournment due to 'continuance'. Such reasons are defined as those that are intrinsic to the normal progression of a case towards disposition and are therefore largely unavoidable.

Table 1.0a: Leading reasons for adjournment for the Easter Term ended July 31, 2022

Reasons for adjournment	Frequency	Percentage
Claimant to file documents	802	19.70
Defendant to file documents	248	6.10
Respondent to file documents	228	5.60
Claimant to comply with order	211	5.20
For documents to be produced	205	5.0
No parties appearing	169	4.10
Mediation Referrals	150	3.70
Defendant not available	123	3.00
For Comments from NEPA to be complied with	117	2.90
File not found	98	2.40
Claimant not available	90	2.20

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Matter to be reverted to Pre-Trial Review	63	1.50
Defendant document not served	60	1.50
For conformity with requirements of the TCPA	59	1.40
Sub-Total	2623	64.30

Total number of adjournments/continuance = 4074

There were total of 4074 incidence of adjournments/continuance in the Easter Term of 2022, an increase of 23.34% when compared to the corresponding Term in 2021. The above table summarizes the top fourteen reasons for adjournment for the Easter Term of 2022, using the contextual definition outlined above. It is seen that the three dominant reasons for adjournment were claimants to file documents with 802 or 19.70% of all events of adjournments/continuance, adjournments for defendants to file documents with 248 or 6.10% and respondents to file documents with 228 or 5.60%. Adjournments for claimants to comply with order and for documents to be produced with 5.20% and 5.0% respectively rounds off the top five. The top fourteen reasons for adjournment enumerated above, accounts for approximately 64.30% of the total reasons for case adjournment/continuance in the Easter Term of 2022. As with previous reports, it is evident that a significant proportion of the total adjournments were due to factors related to the lack of readiness or preparedness of case files and cases themselves and the absenteeism of parties and attorneys for court hearings. While some of the reasons for adjournment strongly suggest weaknesses in case flow management, record keeping and scheduling practices, the overwhelming majority of the incidences of

reasons for adjournment are associated with external factors which are not directly controllable by the High Court Civil Division. 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 list of dominant reasons for adjournment. Adjournments of this nature often contribute to the inefficient use of judicial time and hampers the timely delivery of justice. As indicated, the data shows that several of the reasons for adjournment are however due to external factors which have also featured prominently in all previous reports. It is clear that there will need to be deliberate policy undertaken to reduce the incidence of adjournments caused by the various factors listed. The delays resulting from these adjournments are evidently a big part of the current lengthy postponements being experienced in some cases in the High Court Civil Division of the Supreme Court.

Continued process flow re-engineering, enhanced stakeholder engagement and more efficient resource alignment will be required to bring redress to many of the deficiencies resulting in the continued high incidence of adjournments. The needed improvements will also be helped by the upcoming introduction of an advanced case management and scheduling software in the court system which will assist in the optimal management of all judicial resources. This system, called the Judicial Case Management System will be operational in all divisions of the Supreme Court by the Michaelmas Term of 2023.

There are some internal processes which are being engineered to support the optimal operation of the High Court Civil Division. These include the bolstering the resources needed to manage the timely placement of new documents on files and to more effectively track the

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

Table 1.0b: Case File Integrity Rate for the Easter Term ended July 31, 2022

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 (%)
4074	144	96.47%

In the very strictest sense, the case file integrity rate measures the proportion of time that a case file is fully ready and available in a timely manner for a matter to proceed. Hence, any adjournment, which is due to the lack of readiness of a case file or related proceedings for court at the scheduled time, impairs the case file integrity rate. Case file integrity is based on three pillars - availability, completeness and accuracy. In the above table, the number of adjournments resulting from missing files, matters wrongly listed for court and matters left off the court list is used to compute a proxy rate for the case file integrity. The table shows that there were 144 combined incidences of adjournments due to these deficiencies in the Easter Term of 2022, resulting in a case file integrity rate of 96.47%, which means that roughly 3.57% of the total adjournments were due to one or more of factors that affect case file integrity.

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Using the same parameters, the case file integrity rate increased by 12.03% when compared to the corresponding period in 2021. A re-engineering of the document management processes in the High Court Civil Division and a strengthening of the human resources in the records section of this Division continued to be pursued to create a sustainable system of marshalling file readiness. This will redound to the benefit of the High Court Civil Division in improving the rate of progression of cases filed to mediation and to court hearings and thus promote a timelier scheduling and other actions leading up to the disposition of cases filed. It will also contribute to an improvement of the rate of handling of notices of discontinuances filed which will assist in improving the timely disposition of cases.

Table 2.0: Frequent reasons for continuance for the Easter Term ended July 30, 2022

Reasons for continuance	Frequency	Percentage
Parties having discussions with a view to settle	151	3.70
Pending settlement	72	1.80

Total number of adjournments/continuance = 4074

The above table summarises the most common reasons why cases in the HCV Division were delayed for 'continuance' during the Easter Term of 2022. It is seen that this list is led by pending settlements with 151 or 3.70% of the total list of reasons for adjournment/continuance. This is followed by matters adjourned pending settlement with 72 or 1.80% of the combined incidence of adjournments and continuances during the Easter Term of 2022.

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Table 3.0: Selected trial and pre-trial case counts for the Easter Term ended July 31, 2022

Trial matters/hearings	Frequency	Percentage
Court Trials	139	25.79
Motion Hearing	10	1.86
Assessment of Damages	281	52.13
Trial in Chambers	109	20.22
Total trial matters	539	100

The above table shows the breakdown of the case counts associated with selected HCV pre-trial and trial hearings in the High Court Civil Division in the Easter Term of 2022. The table shows 539 combined cases which were heard across the four listed types of hearings, of which cases heard for assessments of damages with 281 or 52.13% accounted for the largest share while open court trial cases with 139 or 25.79% of the total ranked next. The 109 cases or 20.22% of the total which had trials in chamber and the 10 cases or 1.86% which had motion hearings rounds off the list.

Table 4.0 Sampling distribution of hearing date certainty for the Easter Term ended July 31, 2022

Hearing dates set	Hearing dates adjourned (excluding adjournments for continuance)	Hearing date certainty (%)
4368	870	80.08

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 4368 dates scheduled for either trial or various pre-

trial hearings, both in Court and in Chamber, revealed that 870 were 'adjourned' on the date set for commencement. The resulting estimated overall hearing date certainty figure of 80.08% suggests that there is a roughly 80% probability that a date set for a matter to be heard would proceed without adjournment for reasons other than some form of 'continuance' or settlement. This is a small decline of 4.36 percentage points when compared to the corresponding period in 2021. When trials in open court is isolated, the trial certainty rate for the HCV Division for the Easter Term of 2022 is estimated at 70.00%, an improvement of 2.90 percentage points when compared to the corresponding period in 2021 and when trial in chambers is isolated the estimate rate is 74.32%, an improvement of 5.19 percentage points when compared to the corresponding period in 2021. These results represent resilient outcomes as the HCV continues its aggressive reform agenda to improve the efficient processing of cases and the overall productivity of the registry.

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

The 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.

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Table 5.0a: Index of scheduling efficiency for Assessment of Damages in the HCV Division for the Easter Term ended July 31, 2022

Number of available court days in 2021	Number of days' worth of assessment of damages scheduled	Approximate ratio
72	344	4.78

An important indicator of the problems associated with the scheduling of HCV matters comes from an assessment of the number of court days which were available for the Supreme Court during the Easter Term of 2022, 72 all told and the number of days' worth of assessment of damages which were scheduled (a total of 344). It is shown that for every court day available, approximately 5 days' worth of matters were scheduled, representing a worsening by 2 days when compared to the corresponding period in 2021. This represents a reversal of the generally good progress in reducing the number of Assessments of Damages matters scheduled over the past 3-4 years, with a cumulative reduction of over three days of matters per day. The efforts to improve the scheduling of assessment of damage hearings in the High Court Civil Division will remain a top priority as 2022 progresses as the Supreme Court seeks to reduce wastage of judicial time and unwarranted delays through the application of a more advanced science to its scheduling machinery and the adoption of the new, advanced Judicial Case Management System (JCMS).

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Table 5.0b: Index of scheduling efficiency for court trials in the HCV Division for the Easter Term ended July 31, 2022

Number of available court days in 2021	Number of days' worth of court matters scheduled for court trial per court	Approximate ratio
72	91	1.26

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 2022, 72 all told, and the number of days' worth of court trials which were scheduled per court (a total of 91). It is shown that for every day available, 1.26 days' worth of matters were scheduled, an increase 0.27 percentage points when compared to the corresponding period in 2021. In practical terms, this means that a relatively manageable number and duration of trials were scheduled on the Division's calendar throughout the Term. There was a slight improvement in trial date certainty rate despite the slight worsening of the scheduling efficiency score outlined above. The introduction of new, advanced technology by way of the Judicial Case Management System (JCMS) to support this function is anticipated in the Michaelmas Term of 2023 and will have a radical impact on overall court management and scheduling practices which will potentially improve productivity and reduce delays.

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Table 6.0a: Probability distribution of the incidence of adjournments/continuance for the Easter Term ended July 31, 2022

Type of Incidence	Frequency	Percentage (%)
Case Management Conference	189	6.83
Pre-Trial Review	163	5.89
Trial in open court	249	9.00
Trial in chamber	208	7.52
Assessment of damages	181	6.54
Judgment Summons Hearing	152	5.50
Applications	1624	58.71
Sample Size	2766	100

The above table takes a large, representative sample of reasons for adjournment and records the stages of the case flow process at which they are observed. The results here are broadly similar to those which were observed in the previous two years. Trial hearings account for a combined 16.52 of the adjournments in the sample while case management conferences account for 6.83% but it was the incidence of adjournments at the applications stage which again took the spotlight, accounting for 58.71% of the total incidence of adjournments. Pre-trial reviews and judgment summons hearings 5.89% and 5.50% respectively of the sample rounds off the list. As stated earlier, continued improvements in the overall scheduling apparatus of the High Court Civil (HCV) Division will be crucial to reducing the persistently high incidence of adjournments which delay the disposition of cases and contribute to a sizeable case backlog.

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Tables 6.0b and 6.0c are extracts from the annual 2021 report.

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

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

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

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

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

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

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mediation is 2 days and the highest is 287 days or roughly 9 and a half months. Further analysis is provided below.

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

Descriptive Statistics (days)	
Sample size	230
Mean	178.23
Median	157.00
Mode	73
Std. Deviation	142.17
Skewness	0.448
Std. Error of Skewness	.271
Range	625
Minimum	<30
Maximum	640

The above table is computed using a systematic random sample of 230 cases on which mediation reports were received between 2019 and 2021. The results show that the average time taken to receive these reports from the point of referral is an estimated 5.9 months with a wide standard deviation of 4.7 months. The maximum time was approximately 21 months while the minimum was less than a month. Interestingly the modal response time was just over two months and the median was roughly five months. Using the median or mean sample estimates, it is clear that the length of time taken for the mediation reports to be returned is considerably higher than the required 90 days and this is a source of delays in the already complex civil procedures, thus somewhat undermining the very purpose of mediation. This is consistent with the findings from the previous years' report.

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Further analysis suggests that from a sample of 3805 High Court Civil (HCV) matters referred to mediation between 2019 and 2021, 694 were reported as settled in the official reports received, a success rate of 18.24%, which may be considered as quite modest. It suggests that 81.76% of matters referred to mediation could have potentially progressed faster on the case flow continuum. These results draw into question the effectiveness of mediation and whether the mechanics surrounding its usage as means of expediting case disposition without wasting judicial time is in fact being achieved. Indeed, does mediation referrals potentially compound delays.

Table 7.0: Hearing date certainty for Assessment of damages for the Easter Term ended April 08, 2022

Hearing dates set	Dates adjourned (excluding adjournments for continuance)	Hearing date certainty (%)
344	103	70.06

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 70.06%, a marked improvement of 1.91 percentage points when compared to the corresponding period in 2021. This coincides with the depletion of the scheduling efficiency index for these types of hearings which was discussed earlier. 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 court time. This remains a priority of the High Court Civil Division going into the Michaelmas Term of 2022.

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Table 8.0: Hearing date certainty for Case Management Conferences for the Easter Term ended July 31, 2022

Hearing dates set	Dates adjourned (excluding adjournments for continuance)	Hearing date certainty
480	59	87.71%

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 87.71% in the Easter Term of 2022, an improvement of 8.25 percentage points when compared to the comparable period in 2021, representing a resilient and commendable outcome.

Table 9.0: Requisitions for the Easter Term ended July 31, 2022

Action	Frequency
Requisitions Issued	44
Responses to requisitions	6
Requisition clearance rate	13.64%
Requisitions per 100 case files (approximation)	< 1

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 44 requisitions for the Term. The

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requisition clearance rate for Easter Term of 2022 was 13.64%, an improvement of 7.58 points when compared to the corresponding period in 2021. 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 10.0: Chamber hearing case count distribution for the Easter Term ended July 31, 2022

Type of hearing	Frequency	Percentage (%)
Oral Examination	5	0.16
Case Management Conference	421	13.81
Pre-trial review	395	12.96
Applications (Various)	2183	71.60
Judgment summons hearing	45	1.48
Number of cases	3049	100

The above table summarizes the distribution of case counts for matters heard in Chamber in the High Court Civil Division in the Easter Term of 2022. It is seen that the total number of cases heard in Chamber hearings for the Term was 3049, the highest proportions of which were applications of various types with 2183 cases heard or 71.60% of the list. The general applications category speaks to a non-exhaustive list of various types of applications (including expedited applications) which come before the High Court Civil (HCV) Division. Case Management Conferences was a distant second with 427 cases or 13.81% of the listed case types heard in Chamber during the Term while pre-trial reviews with 395 cases heard or 12.92%

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and Judgment summons hearings with 45 cases heard or 1.48% of the list rounds off the top five Chamber Hearings during the Easter Term.

Among the leading types of applications filed in the Easter Term of 2022 were applications to file annual returns, applications for injunction, applications for first hearing, applications for court orders and applications for extension of time to file defense.

Table 11.0: Methods of disposition for the Easter Term ended July 31, 2022

Methods of Disposition	Frequency	Percentage (%)
Application Granted	258	19.6
Application Refused	20	1.5
Attorney Admitted to Bar	54	4.1
Claim form expire	59	4.5
Consent Judgment	5	.4
Consent Order	28	2.1
Damages Assessed	37	2.8
Final Order	68	5.2
Judgments	42	4.9
Judgment in Default of acknowledgement of service	12	.9
Judgment in Default of Defense	4	.3
Judgment on Admission	1	.1
Matter Withdrawn	11	.8
Med - Settled Fully in Mediation	13	1.0
Notice of Discontinuance noted	508	38.60
Order (Chamber Court)	32	2.4
Settled	116	8.8
Settlement Order	2	.2
Struck Out	42	3.2
Transfer to Commercial	1	.1
Transfer to parish court	2	.2
Total	1315	100.0

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An understanding of the distribution of the methods of case disposal is an essential metric to gaining insights into the efficiency of case handling in the courts and into operational planning. It is seen that there were 1315 HCV cases disposed in the Easter Term of 2022, a sizeable increase of 264.27% when compared to the Easter Term of 2021. The largest proportion of the cases disposed, 508 or almost 38.60% were a result of notices of discontinuance filed, followed by the matters settled with 116 or 8.80 and applications granted with 258 or 19.60% rounding off the top three methods of disposal for the Term.

Table 12.0: Time to disposition for the Easter Term ended July 31, 2021

Descriptive Statistics (months)

Number of observation	1315
Mean	56.2798
Median	62.0000
Mode	62.00
Std. Deviation	25.63556
Skewness	-.345
Std. Error of Skewness	.067
Range	216.00
Minimum	2.00
Maximum	218.00

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 2022. The 1315 cases disposed in the year reveal an estimated average

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time to disposition was 56.28 months or roughly 4 years and 8 months, an increase of 4 months when compared to the corresponding period in 2021. The oldest matter disposed in the year was 218 months old or roughly 7.3 years old while the lowest time that a matter took to disposition was roughly two months. The median and modal times to disposition was 62 months or approximately 5.20 years. The standard deviation of roughly 26 months or just over 2 years is indication of a relatively wide variation of the durations to disposal around the mean and suggests that the times to disposition vary widely. The modest negative skewness suggests that there were proportionately more disposals which had an average time to disposition which fell above the overall mean time to disposition. The margin of error of these estimates is plus or minus 2 months.

Table 13.0: Breakdown of time to disposition for the Easter Term ended July 31, 2022

Method of Disposition	Frequency	Percentage (%)
0 - 12	106	8.1
13 – 24	95	7.2
25 – 36	64	4.9
37 – 47	36	2.7
48 & over	1014	77.1
Total	1315	100.0

The above table provides a more detailed breakdown of the average time to disposition. It is seen that of the 1315 cases disposed during the Easter Term, the largest proportion, 1014 or 77.10% took four years or more to be disposed. 106 cases or roughly 8.10% of the cases disposed took a year or less while 95 or 7.20% took between 13 and 24 months to be disposed. The remaining proportion of the cases disposed was accounted for by the intervals 25 – 36

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months with 64 or 4.90% and the 37 - 47 months' interval with 36 or 2.70% of the disposals. It is of note that only about 15.30% of the matters disposed of in the Easter Term took two years or less, compared to approximately 84.70%, which took more than two years during the year. The High Court Civil Division historically contends with a number of structural issues which currently predisposes many matters to a relatively long times to disposition. This includes, the length of time of matters referred to mediation which often fails, the high incidence of avoidable adjournments and weakness in date the scheduling apparatus of the Division. A number of projects are currently underway to redress these and other structural deficiencies and in so doing produce a more sustainable system of operation which will eventually see cases being disposed much faster in years to come.

Table 14.0: Clearance rate for the Easter Term ended July 31, 2022

Cases filed	Cases disposed	Case clearance rate
1045	1315	125.84%%

***15 or 1.14% of the cases disposed, originated in 2022.**

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 2022, the High Court Civil Division recorded a case clearance rate of 125.84, a record case clearance rate for any Term or year for this Division. It represents a 105.77

percentage points increase when compared to the corresponding period in 2021. This impressive and unanticipated result was assisted by the two quantitative factors – firstly there was a decline in the number of new cases filed declined significantly by 39.56% while the number of cases disposed increased by an impressive 72.55%.

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 2022. These measures are summarized in the table below:

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Table 15.0: Selected performances metrics for the High Court Civil (HCV) Division in the Easter Term of 2022

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 (%)
1315	5798	0.23	1587	201	1315	15.29	84.71

The results in the above table show a case turnover rate of 0.23, which is an indication that for every 100 cases, which were 'heard' in the Easter Term of 2022 and still active at the end of the period, a record increase of 17 percentage points when compare to the corresponding period in 2021.

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 2022 is only roughly 15.29% which reflects the proportion of High Court Civil cases in the Term, which were disposed within 2 years. Conversely, the crude proxy case backlog rate is estimated at 84.71%, an indication that an estimated annual proportion of 85% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. The crude backlog rate fell by 18.51 percentage points when compared to the corresponding period in 2021. The results suggest that of the 5798 cases which had some court activity in the Easter Term and were still active at the end of the period, roughly 4911 are expected to be in a backlog classification before being disposed. This result confirms that the High Court Civil Division is in a severe state of backlog.

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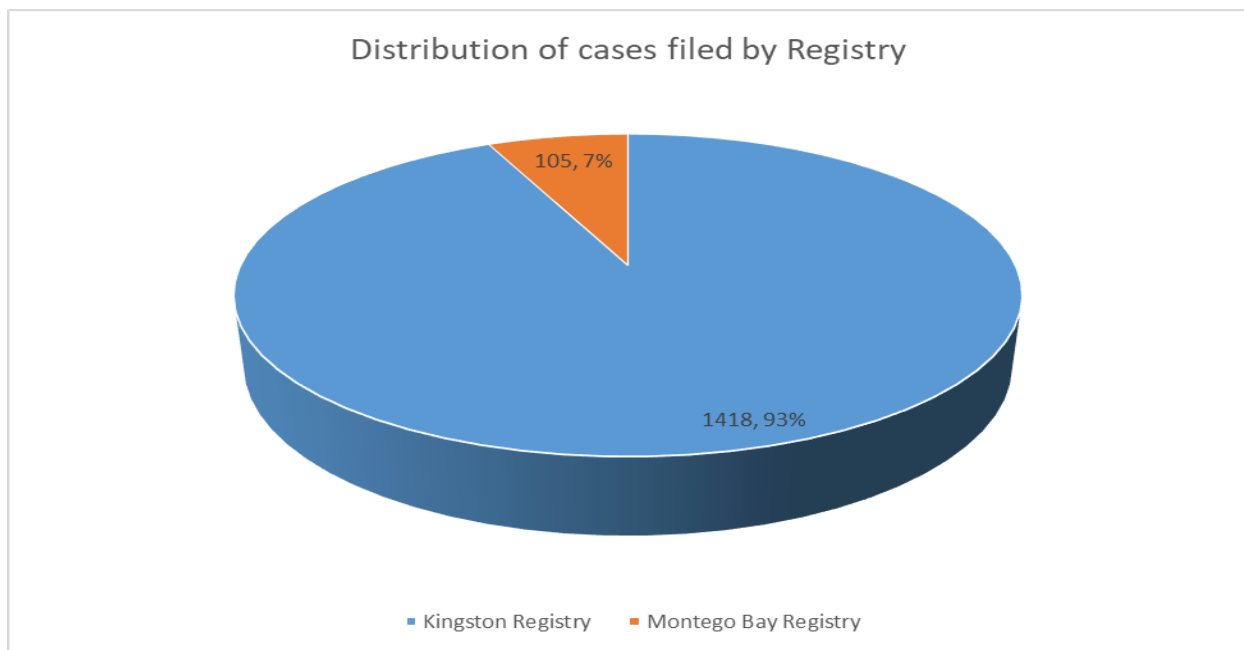
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CHAPTER 2.0: FAMILY DIVISION

The ensuing analysis examines the various measures of the efficiency of case handling in the Family Division for the Easter Term ended July 31, 2022.

A total of 1523 new cases were filed in the Kingston and Montego Bay Registries of the Western Regional Family Court during the Easter Term of 2022.

Chart 2.0: Distribution of new cases filed in the Family Division, by Registry in the Easter Term of 2022



The above chart summarizes the distribution of new cases filed in the Family Division in the Easter Term of 2022 at the Kingston and Western Regional Registries respectively. It is shown that 1418 or 93% of the new cases filed took place at the Supreme Court Registry in Kingston while the remaining 105 or 7% were filed at the Registry in Montego Bay. When compared to the Easter Term of 2021, this output reflects a 0.35% increase in the number of new cases filed at the Kingston Registry and a 37% decline in the number of new cases filed at the Western

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Regional Registry. There was an overall increase of 3.61% in the number of new cases filed across both registries. The overall increases are partly explained by the formation of the Family Division which now sees all new family matters which were previously heard in Open Court or Chamber in the High Court Civil Division being redirected to the Matrimonial Division which now has its own specialized judges.

Table 16.0a: Breakdown of cases filed in the Family Division in the Easter Term of 2022

Case Subtype	Frequency	Percentage (%)
Matrimonial FD	64	4.2
Matrimonial FD Custody	4	.3
Matrimonial FD Declaration of Paternity	6	.4
Matrimonial FD Division of Property	26	1.7
Matrimonial FD Divorce	805	52.9
Matrimonial FD Divorce- With Children	466	30.6
Matrimonial FD Guardianship & Custody	21	1.4
Matrimonial FD Guardianship	5	.3
Matrimonial FD Maintenance	4	.3
Matrimonial FD Mental Health Act	13	.9
Matrimonial FD Miscellaneous	2	.1
Matrimonial FD Nullity	2	.1
Matrimonial FD WR Divorce	71	4.7
Matrimonial FD WR Divorce- With Children	34	2.2
Total	1523	100.0

***WR means Western Regional**

The above table provides a breakdown of the nature and location of new matters filed in the Matrimonial Division during the Easter Term of 2022. As is typical, the largest proportion of the new cases filed were divorce matters (with or without children involved) which accounted for 1376 or 90.35%. More specifically divorce matters filed involving children accounted for 500 or

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32.83% of the divorce cases filed. Matters of guardianship and custody as well as division of property and declaration of paternity accounted for the next highest proportion of divorce cases filed during the Easter Term of 2022.

Table 16.0b: Petitions filed for the Easter Term ended July 31, 2022

Type of petition	Frequency	Percentage (%)
Petition for dissolution of marriage*	1376	61.50
Amended petition for dissolution of marriage	859	38.40
Petition for Nullity	2	0.09
Total Petitions filed	2237	
Number of amendments per petition	0.51	

*Includes petitions involving children

The above table summarizes petitions filed in the Easter Term of 2022. It is shown that a total of 2237 Petitions (new or amended) were filed, 1376 or 61.50% were petitions for dissolution of marriage, compared to 859 or 38.40% which were amended or further amended petitions for dissolution of marriage. The analysis further suggests that the ratio of petitions to amended petitions is 0.51 or in other words for every 100 Petitions for dissolution of marriage there is roughly 51 amended Petitions for dissolution of marriage during the Easter Term of 2022, a decline of 11 percentage points when compared to the corresponding Term in 2021. The number of petitions for dissolution of marriage which were filed in the Easter Term of 2022 declined by 12.69% when compared to the corresponding period in 2021, while the number of amended petitions filed increased by 34.85%. There needs to be a sustainable reduction in the

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number of amended requisitions filed per requisition in order for the public to realize the true gains from the significant improvements in the operational efficiency of the Matrimonial Division which have resulted from far reaching process flow reforms over the past 3-4 years.

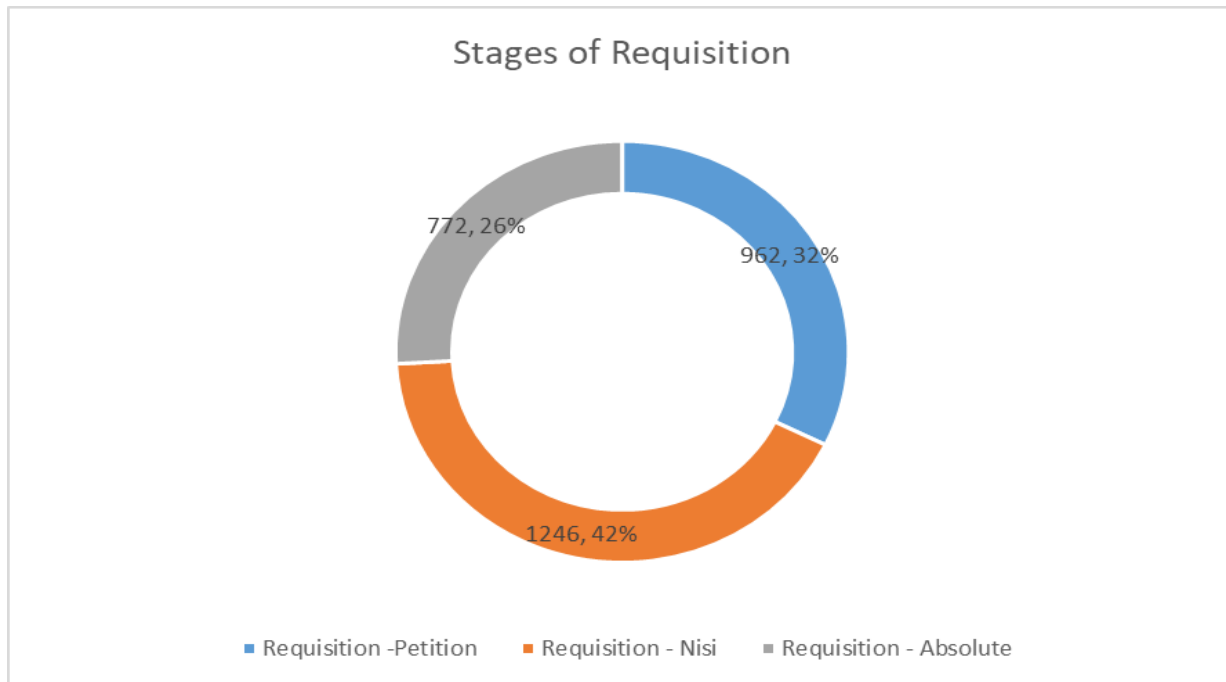
Table 17.0: Decrees Nisi and Decrees Absolute filed for the Easter Term ended July 31, 2022

Case Status	Frequency
Decree Absolute	1273
Decree Nisi for dissolution of marriage	1587
Decree Nisi for nullity of marriage	2
Total	2860
Ratio of Decrees Nisi to Decrees Absolute Filed	0.80

It is seen in the above table that for every 100 cases on which Decrees Nisi were filed during the Easter Term of 2022, there were roughly 80 Decrees Absolute filed during the period, a slight decline when compared to the corresponding period in 2021. One caveat to note is that Decrees Nisi and Decrees Absolute would have originated at various times outside of this specific period of analysis. Decrees Absolute were filed in relation to 1273 cases in the Easter Term, while Decrees Nisi were filed in relation to 1587 cases during the period.

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

Chart 3.0: Distribution of the stages of requisitions for the Easter Term ended July 31, 2022



The data suggests that a total of 2980 requisitions were issued at the three primary stages of a divorces case at the Kingston and Western Regional Supreme Court Registries combined, a decline of 11.44 percent when compared to the corresponding Term in 2021. The number of requisitions filed at the petition stage decreased by 1.13 percentage when compared to the corresponding Term in 2021 while the number filed at the Decree Nisi stage fell sharply by 14.89%. The number of requisitions filed at the Decree Absolute stage decreased by 16.81%. The decline in the number of requisitions filed at each of the three major stages of requisitions is a very positive sign, indicating that the probability of both correct filings and timely case dispositions are potentially improving. As with previous reports, it is seen in the above chart that there is a greater probability that a requisition will be made at the stage of Decree Nisi,

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with an estimated 22% incidence, down by 1 percentage points when compared to the proportion accounted for in the corresponding Term in 2021. 32% of the requisitions were filed at the petition stage and 26% at the Decree Absolute stage.

Despite the comparative decline in the number of requisitions filed, the data continues to suggest that the high incidence of requisitions continue to be a thorn for the Matrimonial Division which has undergone significant process flow re-engineering over the past four years and now seeks to guarantee that once all case filings for petitions made are in order and satisfactory, a divorce can be granted within 4-6 months.

Table 18.0: Methods of Disposal for the Easter Term ended July 31, 2022

Method of Disposition	Frequency	Percent
Agreed to pay by installment	1	.1
Decree Absolute Granted	1049	89.0
Finalized by death of Petitioner	1	.1
Matter Withdrawn	1	.1
Notice of Discontinuance noted	64	5.4
Struck Out	1	.1
Transfer to family division	1	.1
WR Decree Absolute Granted	55	4.7
WR Notice of Discontinuance noted	5	.4
Total	1178	100.0

NB: WR means Western Regional Registry

The above table reveals that 1178 Matrimonial cases were disposed during the Easter Term of 2022, a decline of 16.22 percent when compared to the corresponding Term in 2021. A proportion of 93.70% or 1104 were attributable to Decrees Absolute Granted while 69 or 5.80% were due to Notices of Discontinuance filed, accounting for the top two methods of disposition

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in the Easter Term of 2022. It is of note that 62 of the cases disposed in the Matrimonial Division during the Easter Term of 2022 actually originated in 2022. As indicated earlier, a high incidence of requisitions continues to be a deterrent to the overall speed of disposition of cases in the Matrimonial Division of the Supreme Court and this will need to be improved in order to realize the fullness of the gains from a now significantly more efficient and better organized registry. This will require further education and the compliance of the attorneys. There has however been a general improvement in the overall average time to disposition of divorce cases filed, a result that appears to be largely a result of operational and logistical improvements in the processes of the Matrimonial Registry.

It is of note that 1118 or 94.91% of the 1178 Matrimonial cases disposed were attributable to the Kingston Registry while 60 or 5.09% were accounted for by the Western Regional Registry in Montego Bay. Both locations experienced declines in the absolute number of cases disposed in 2021.

Table 19.0: Requisitions summary for the Easter Term ended July 31, 2022

Action	Frequency
Requisitions Issued	2980
Number of requisitions per 100 files	55
Number of responses to requisitions	534
Requisition response rate	17.92%

The incidence of requisitions is especially important in assessing the efficiency with which Matrimonial matters move through the court system. A total of 2980 requisitions were issued during the Easter Term of 2022, a decline of 11.99% when compared to the corresponding Term

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in 2021. This produces a ratio of cases handled to requisitions of 0.55 which suggests that for every 100 cases handled on which there was activity during the Easter Term there were 55 requisitions filed. The requisitions response rate fell by 23.81 percentage points when compared to the Easter Term of 2021, a result which may have potential adverse consequences for productivity over the next few years.

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

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

Stage 1	Task	Existing Staff	Current time (days)	Proposed Staff	Proposed Time (days)
Petition/ Decree Nisi/ Decree	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	0	3	4	1

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absolute	number on file jacket				
	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
	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				

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

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- c. Upon filing of application for decree absolute, the matrimonial department will respond within **11 working days**. The response will be communicated by email if available or manual notice in the notice box, for the signed decree absolute to be collected or to collect requisition to decree absolute.
7. This model is built on the assumption of expeditious responses from the attorneys and their clients so as to eliminate delays.

Table 21.0: Court/Chamber hearings for the Easter Term ended July 31, 2021

Action	Frequency	Percentage (%)
Applications	195	68.42
Case Management Conference	61	21.40
Motion Hearing	7	2.46
Pre-trial Hearing	7	2.46
Trial	15	5.26
Total	285	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 285 hearings either before open court or chamber, an increase of 2.15% when compared to the Easter Term of 2021, a result that is partly on account of the transfer of open court matrimonial cases which would usually be heard in the High Court Civil Division to the Matrimonial Division. This is part of a broader effort in to streamline case process flows in the Supreme Court to create greater levels of efficiency and productivity. The largest proportion, 195 or 68.42% were applications followed by 61 or 21.40%, which were Case Management Conference (CMCS) matters. The hearing event with the third highest incidence in this category is trials which accounts for 15 or 5.26% of the total.

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The dominant types of applications filed in the Matrimonial Division during the Easter Term were applications for custody and maintenance, including spousal maintenance, applications to declare entitlement to property, applications to appoint legal guardian and applications to declare entitlement to property. There was an overall increase of 38.30% in the number of applications filed in the Matrimonial Division in the Easter Term of 2022 when compared to the corresponding period in 2021.

Table 22.0: Top five reasons for adjournment for the Easter Term ended July 31, 2022

Reasons for Adjournment	Frequency	Percentage (%)
Claimant to file documents	33	33.0
No parties appearing	12	12.0
Parties having discussion	10	10.0
Defendant to file documents	7	7.00
Claimant's documents not served or short served	4	4.00

Total incidence of adjournments (N) = 100

As with all Divisions of the Supreme Court, an important metric of court efficiency are the reasons for adjournment of court matters. The data suggests that there were 100 incidence of adjournments in the Matrimonial Division for chamber and open court hearings in the Easter Term of 2022, an increase of 47.06%% when compared to the corresponding period in 2021. The largest proportion of these adjournments were for claimants to file documents with 33%, defendants to file documents with 12% and no parties appearing with 10%. The listed reasons for adjournment account for 66.0% of the total incidence of adjournments in the Easter Term of 2022. The Matrimonial Division continues to make efforts to improve internal efficiency,

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enhance overall case management and to bolster external stakeholder engagement which is critical to reducing delay and improving the timely resolution of cases which are heard in chamber or open court.

Table 23.0: Hearing date certainty for the Easter Term ended July 31, 2022

Court/Chamber hearing dates set	Hearing dates Date adjourned (excluding continuance)	Hearing date certainty rate
285	56	80.35%

The Matrimonial Division has shown improvement in the overall hearing date certainty rate, despite the significant increase in the number of hearings. It is seen that of the 285 -combined incidence of Court and Chamber hearings in the Easter Term of 2022, 56 were adjourned for reasons other than intrinsic procedural factors. This produces a moderate 80.35% hearing date certainty rate, an increase of 4.96 percentage points when compared to the corresponding period in 2021. For every 100 hearing dates scheduled, the approximate number that proceeded without adjournment in the Term is 80. When trial matters are isolated, the trial date certainty rate is 73.33%, a 3.09percentage points improvement when compared to the Easter Term of 2021.

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Table 24.0: Time to disposition for the year ended July 31, 2022

Descriptive Statistics (months)

Number of observations	1178
Mean	22.1306
Median	13.0000
Mode	12.00
Std. Deviation	24.18434
Skewness	4.767
Std. Error of Skewness	.072
Minimum	2.00
Maximum	354.00

The overall average time to disposition of all cases resolved in the Family Division during the Easter Term of 2022 is roughly 22.13 months. The modal/most frequently occurring time to disposition was however twelve (12) months and the median is 13 months. The high positive skewness suggests that a substantial portion of the cases disposed were resolved in less than the overall average time.

The oldest matter disposed was approximately 30 years old while on the other end of the spectrum there a few matters filed which were disposed within two months, due to discontinuances. The scores had a standard deviation of roughly 24 months, which indicates a wide variation in the distribution of the times to disposition in the period. The skewness measure returns a large positive figure of approximately 4.8 which strongly indicates that a markedly larger proportion of the times to disposition were lower than the overall mean. The margin of error of these estimates is plus or minus 2 months or 0.17 years.

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Table 25.0: Breakdown of times to disposition for the Easter Term ended July 31, 2022

Time Interval (months)	Frequency	Percent
0 – 12	505	42.87
13 – 24	379	32.17
25 – 36	127	10.78
37 – 47	67	5.69
48 & over	100	8.49
Total	1178	100.0

The above table provides a more detailed breakdown of the estimated times to disposition for Family matters in the Easter Term of 2021. It is seen that of the 1178 matters disposed during the Term, the largest proportion, 505 or roughly 42.87% were disposed within a year, followed by the 379 or 32.17% which were disposed in 13 – 24 months. Taken together this result suggests that 884 or 75.04% of Family Division matters which were disposed during the quarter were done in two years or less from the time of initiation, an increase of 1.94 percentage points when compared to the corresponding period in 2021. 127 or roughly 10.78% of all family matters disposed in the Easter Term of 2022 took between 25 and 36 months to be disposed. It is of note that 100 or 8.49% of the cases disposed in the Family Division in the Easter Term of 2022 took four or more years to be resolved, largely on account of lengthy delays in external filings from case parties. The margin of error of these estimates is plus or minus 2 months or 0.17 years. It has been established that under near ideal circumstances, Family cases can be disposed within 4 months after filing, however in the Easter Term of 2022, less than 5% of the cases resolved met this standard. Through its successful pursuit of process flow re-engineering,

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the Matrimonial Division has made considerably strides towards guaranteeing the public that if filings made by litigants and attorneys meets the requisite standards and requisitions are responded to in a timely manner then divorce cases can be resolved without delay (i.e. within 4 – 6 months).

Table 26.0a: Case clearance rate for the Easter Term ended July 31, 2022

Cases filed	Cases disposed	Case clearance rate
1523	1178	77.35%

* Only 62 of the cases disposed during the Easter Term, originated in 2022

The above table shows that there were 1523 new cases filed during the Easter Term of 2022 while 1178 were disposed. This produces a case clearance rate of 77.35%, suggesting that for every 100 new cases; roughly 77 were disposed in the Easter Term. An important caveat is that the cases disposed did not necessarily originate in the stated year. The result represents a roughly 11.64 percentage points decline when compared to the Easter Term of 2021. As a whole there has been an increase in the number of cases filed in the Family Division over the past 12 months, largely on account of a change in process which now sees a number of family cases which would ordinarily be filed in the High Court Civil Division, now being filed and heard in the Family Division.

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Table 26.0b: Case clearance rate for the Easter Term ended (by registry location)

Registry location	Number of new cases filed	Cases disposed	Case clearance rate
Kingston Registry	1418	1118	78.84%
Montego Bay Registry	105	60	57.14%

The above table shows that when the case clearance rate is done by registry location, the Family Registry in Kingston cleared roughly 79 cases for every 100 new cases filed while the Western Regional Registry in Montego Bay cleared approximately 57 for every 100 cases filed. Both Registries experienced a decline in the absolute number of cases disposed during the Easter Term of 2022 when compared to the corresponding period in 2021. The case clearance rate for the Kingston Registry fell by 12.95 percentage points while the rate for the Montego Bay Registry fell by 8.13 percentage points when compared to the Easter Term in 2021. The slight declines in case clearance rate are not causes for concern at this time as the overall productivity of the Matrimonial Division has remained reasonable high.

Other performance measures

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

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

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(iv) The crude proxy case backlog rate

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

Table 27.0: Selected performances metrics for the Matrimonial Division in the Easter Term of 2022

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 (%)
1178	4268	0.28	1304 days	884	1178	75.04	24.96

The results in the above table show a case turnover rate of 0.28, which is an indication that for every 100 cases, which were handled in the Easter Term of 2022 and still active at the end of the Term, another 28 were disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the Term will on average take 1304 days or 3.57 more years to be disposed, barring special interventions. This metric does not however always have significant practical meaning when focussing on a single Term of court activity.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. Based on this general criterion, a case that is disposed within two years is considered to have been resolved on time. The on time case-processing rate for the Family Division in the Easter Term of 2022 is approximately 75.04%, which reflects the proportion of Family cases in the Easter Term of 2022, which were disposed within 2 years. Conversely, the proxy case backlog rate is 24.96%, an indication that an estimated annual proportion of roughly 25% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 4268 cases, which had some court activity during the Easter Term and were still active at the end of the period, 1065 are expected to be in a backlog classification before being disposed. This is slightly better by 1.94 percentage points when compared to the corresponding period in 2021.

CHAPTER 3.0: ESTATE DIVISION

This section turns to the analysis of the progression of matters in the Probate and Administration Division for the Easter Term ended July 31, 2022.

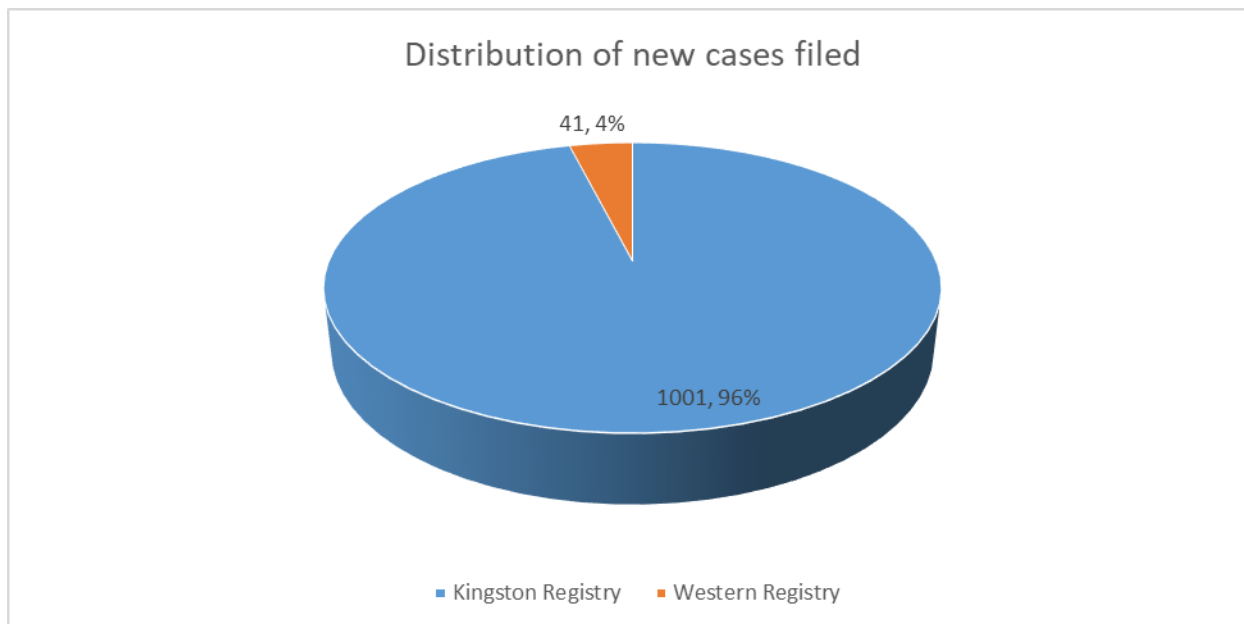
A total of 1142 new Estate Cases were filed in the Estate Division during the Easter Term, a notable increase of 64.08% when compared to the corresponding period in 2021, the second year of increase. 41 of these new cases were filed at the Western Regional Registry, an increase of 241.67% when compared to the comparable period in 2021 while the remaining 1001 were filed at the registry in Kingston. The output for the Kingston Registry represents a 46.34% increase in the number of new cases filed when compared to the similar period in 2021.

Separately, there were 158 instruments of administration filed during the Easter Term of 2022 while 54 of the matters handled by the division during the period were in relation to requests for Parish Court Certificates. The 1142 new estate cases filed in the Easter Term of 2022 represents 84.34% of the total number of cases which had some activity during the period.

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Chart 4.0: Distribution of Estate cases filed, by Registry in the year ended July 31, 2022



As shown in the above chart, 1001 or 96 of the new Estate cases filed in the Easter Term took place at the Registry in Kingston while the remaining 41 or 4% were filed at the Western Regional Registry in Montego Bay. This distribution is broadly typical to that observed in previous periods.

Table 28.0: Summary of Oaths filed during the Easter Term ended July 31, 2022

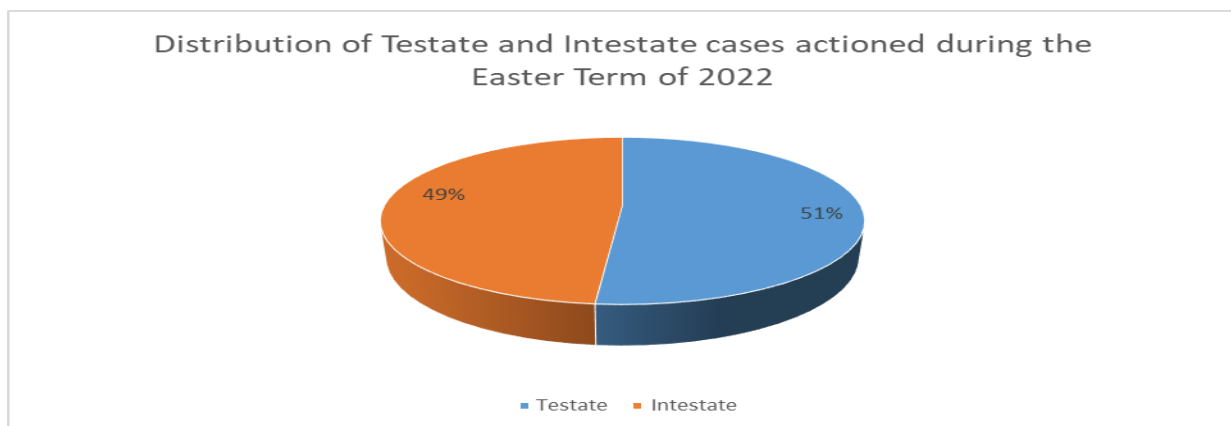
Oaths	Frequency	Percentage (%)
Supplemental Oaths	821	41.82
Oaths	1142	58.18
Total	1963	100
Ratio	0.72	

The above table suggests there were a total of 1963 combined Oaths and supplemental Oaths filed in the Easter Term of 2022, of which 1142 or 58.18% were initial Oaths filed, compared to 821 or 41.82% which were Supplemental Oaths. The ratio of Oaths to Supplemental Oaths is

0.72, which suggests that for every 100 Oaths there were 72 Supplemental Oaths filed during the Term, a statistic which represents an improvement of 13 percentage points when compared to the corresponding Term in 2021. It is of note that the Supplemental Oaths in this data set are not all related to the cases filed during the Easter Term of 2022 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.

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

Table 5.0: Sampling Distribution of Testate and Intestate cases filed during the Easter Term ended July 31, 2022



Sample size = 1020

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Using a sample of 10120 cases, the above chart shows that an estimated 51% of the new cases filed in the Estate Division during the Easter Term of 2022 were Testate matters (matters with a Will in place prior to death) and 49% were Intestate (having no Will in place). This proportional distribution is broadly similar to the distribution seen over the last few years.

Table 29.0: Action sequence for the Easter Term ended July 31, 2021

Action Status	Frequency
*Granted	704
*Grants Signed	703
Ratio of Granted Applications to Grants Signed	0.999

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

In the process of disposing a typical matter handled by the Deputy Registrar, a case will be granted after satisfactory review and then the Grant is signed which closes the case. In the above data we elucidate the ratio of granted applications to Grants signed which reveals a ratio of 0.999, suggesting that for every 100 granted applications, there were 100 Grants signed (though not necessarily from the number granted). This is an improvement of 12 percentage points when compared to the corresponding period in 2021.

Table 30.0: Case action and requisitions summary for the Easter Term ended July 31, 2022

Action Status	Frequency
Number of cases actioned	3415
Requisitions Issued	1785
Number of responses to requisitions	862
Number of requisitions issued per case file	0.52
Requisitions clearance rate	48.29%
Average days between final requisition filed and Grant of Probate/Administration	19

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The number of requisitions made, the length of time that it takes for requisitions to be retuned and the time to disposition after issuing requisitions, are important to understanding the efficiency of the flow of matters in the Estate Division. It is seen that there were 1785 requisitions issued while 3415 individual matters were actioned in the period, representing a ratio of 0.52 requisitions per case file actioned. This means that for every 100 cases actioned there were 52 requisitions issued, an increase of 2 percentage points when compared to the corresponding period in 2021. There were 839 responses to requisitions in the Estate Division in the Easter Term of 2022, producing a requisitions clearance rate of 48.29% an improvement of 0.78 percentage points when compared to the corresponding period in 2021. Further analysis suggests that the average time from the issuing of final requisitions to the Grant of Estate was 19 days, an improvement of 1 day when compared to the similar period in 2021. The number of requisitions issued in the Estate Division during the Easter Term increased by 50.63% when compared to the similar period in 2021 but this is largely on account of the notable increase of 28.55% in case activity in the Estate Division in 2022 as a whole.

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Table 31.0: Methods of Disposal for the Easter Term ended July 31, 2021

Method of Disposition	Frequency	Percent
Application Granted	5	.7
Grant of Admin De Bonis Non signed	2	.3
Grant of Admin De Bonis Non W/A signed	4	.5
Grant of administration signed	320	43.7
Grant of Double Probate signed	4	.5
Grant of probate signed	292	39.8
Grant of Resealing signed	21	2.9
Letters of Administrator with W/A signed	23	3.1
Notice of Discontinuance noted	27	3.7
WR Grant of administration signed	22	3.0
WR Grant of probate signed	12	1.6
WR Grant of Resealing signed	1	.1
Total	733	100.0

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

The summary of the methods of disposal for the Estate Division for the Term are contained in the above table. It is shown that of the 733 cases disposed during the Easter Term of 2022, a significant increase of 35.24% when compared to the corresponding period in 2021. The largest proportion, 678 or 92.50% was a result of various Grants Signed. Letters of Administration W/A signed with 3.10%, notices of discontinuance with 27 or 3.10% and applications granted 0.70%. Separately, the Estate Division issued 6 Parish Court Certificates during the Easter Term of 2021.

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Table 32.0: Dominant reasons for adjournment of Probate matters for the Easter Term ended July 31, 2022

Reasons for adjournment	Frequency	Percentage (%)
Claimant to file documents	21	30.90
Claimant's documents not served or short served	11	16.20
Defendant to file documents	6	8.80
Applicant to comply with order	3	4.40
Files not found	3	4.40
Matter referred to mediation	3	4.40

Total number of adjournments = 68

The top six reasons for adjournment for Probate matters that went to court in the Easter Term of 2022 are summarized in the above table above. It is shown that of the 68 incidence of adjournments in the period, the largest proportion were for the reasons of 'claimant to file documents' which accounted for 21 or 30.90% of the total. This was followed by adjournments due to claimant's documents not served or short served and for defendants to file documents with 16.20% and 8.80% respectively of the total number of adjournments. 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.

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Table 33.0: Applications for the Easter Term ended July 31, 2022

Type of Hearing	Frequency	Percent
Applications	141	79.21
Case Management Conference	4	2.25
Pre-Trial Review	9	5.06
Trial in Chamber	7	3.93
Trial in Open Court	17	9.55
Total	178	100

The above table provides a summary of the types of hearings conducted in Chamber and Open Court in the Estate Division during the Easter Term of 2022. The hearing of applications with roughly 79% of the total was dominant followed by trials and pre-trial reviews with 13.48% and 5.06% respectively.

Table 34.0: Top four types of applications for the Easter Term ended July 31, 2022

Application	Frequency	Percentage (%)
Application to prove copy Will	51	36.17
Application for directions	11	7.80
Application to revoke a grant of probate	9	6.38
Applications to declare Will null and void	4	

The above provides a deeper analysis of the types of applications made during the Easter Term of 2022. It is shown that applications to prove copy will account for the largest proportion of applications with 51 or 36.17% of the total, followed by applications for directions with 11 or

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7.80% of the total number of applications. The top four types of applications are rounded off by applications to declare a spouse and to declare a Will null and void each with 6.00%.

Table 35.0: Hearing date certainty for the Easter Term ended July 31, 2022

Court/Chamber hearing dates set	Hearing dates adjourned (excluding continuance)	Hearing date certainty (%)
178	25	85.96

The above table addresses the extent of adherence with dates set for court/chamber matters in the Probate Division for the Easter Term of 2022. It is shown that there were 178 incidences of dates scheduled for Chamber or Court, 35 of which were adjourned for reasons other than 'continuance'. This produces an overall hearing date certainty rate of 85.96%, an indication that for the Easter Term there was a roughly 86% chance that a matter set for court would proceed without the date being adjourned. This is an increase of 6.56 percentage points when compared to the similar period in 2021. When trial matters are isolated, the trial date certainty rate is roughly 76.65%, roughly 81.65percentage points above the corresponding figure in the Easter Term of 2021.

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Table 36.0: Age of matters disposed for the Easter Term ended July 31, 2022

Descriptive Statistics (in months)

Number of observation	733
Mean	18.6862
Median	12.0000
Mode	11.00
Std. Deviation	29.48056
Skewness	5.740
Std. Error of Skewness	.090
Range	399.00
Minimum	2.00
Maximum	401.00

The above table provides a summary measure of the overall estimated times to disposition for the 733 cases disposed during the Easter Term. The estimated average time to disposition is 18.70 months or approximately a year and a half, three months longer than the corresponding period in 2021. This result was however acutely positively skewed by the existence of a few large times to disposition, which have markedly increased the average. This large positive skewness therefore suggests that the substantially larger proportion of the times to disposition were below the overall average time. This is supported by the results for the estimated median and modal times to disposition for the Term which are 12 and 11 months respectively. The reasonably large standard deviation of 29.48 months supports the deduction that there were scores that varied widely from the mean, in this case skewing the average upwards. The margin of error of these estimates is plus or minus 2 months or 0.17 years. The oldest Probate matter disposed in the year was 401 months or roughly 33 years old while there were a few matters,

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which took roughly two months to be disposed, representing the lowest times to disposition in the year. Of the 733 Estate cases disposed during the Easter Term of 2022, 217 originated during the year.

Table 37.0: Breakdown of times to disposition for the Estate Term ended April 08, 2022

Time Interval (months)	Frequency	Percentage (%)
0 - 12	425	58.0
13 - 24	196	26.7
25 – 36	34	4.6
37 – 47	19	2.6
48 & over	59	8.0
Total	733	100.0

The above table shows that of the 733 Estate matters disposed in the year, the majority, 425 or 58.0% were disposed in 12 months or less, followed by 196 or 26.70%, which were disposed within a time interval of 13 to 24 months. Taken together this data suggests that an impressive approximated 84.70% of Probate and Administration matters which were disposed of in the Easter Term took two years or less. 4.600% each of the cases were disposed within an estimated time frame of between 25 and 36 months, 2.60% took between 37 and 47 months and 8.0% took an estimated time of over 48 months or more than four years to be disposed. The margin of error of these estimates is plus or minus 2 months or 0.17 years. The relatively high proportion of cases disposed within a year and two years respectively continues to augur well for the current efforts to significantly reduce the length of time that it takes for cases to be disposed and potentially eliminate case backlog in the foreseeable future. These gains should

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

Table 38.0: Case clearance rate for the Estate Term ended April 08, 2022

Cases filed	Cases disposed	Case clearance rate
1142	733	64.19%

**5 or 0.5% of the new cases filed during the Easter Term of 2022 were disposed*

Using the data on the number of cases filed and disposed in the period under examination, a case clearance rate of approximately 64.19% is derived, a decline of 26.78 percentage points when compared to the corresponding period in 2021. The result suggests that for every 100 cases filed and active in the 2021, roughly 64 were disposed. This is the lowest case clearance rate recorded by the Estate Division in over five years, largely on account of the stated increase in the number of new cases filed, outpacing the number of cases disposed. The Estate Division continued its process flow re-engineering throughout the Estate Term and the improvements are expected to reap significant economies of scale in the short run, further reinforcing the position of the Division among the top performing business units in the Supreme Court and creating the impetus necessary to attain the performance targets which have been set out by the Honourable Chief Justice Mr. Bryan Sykes.

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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 Estate Term of 2022. These measures are summarized in the table below:

Table 39.0: Selected performances metrics for the Probate and Administration Division in the Easter Term of 2022

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
733	2682	0.27	1352	621	733	84.70%	15.30%

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The results in the above table shows a case turnover rate of 0.27, which is an indication that for every 100 cases, which were 'heard' during the Easter Term of 2022 and still active at the end of the period, another 27 were disposed, a decline of 20 percentage points when compared to corresponding period in 2021. 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 1352 days or just over 3.75 years, barring special interventions.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Estate Division in the Easter Term of 2022 is 84.70%, which reflects the proportion of cases in the Easter Term of 2022, which were disposed within 2 years. Conversely, the case backlog rate is 15.30%, an indication that an estimated annual proportion of 15% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This is a decline of roughly 3.10 percentage points when compared to the Easter Term of 2021. The data further suggests that of the 2682 cases, which had some court activity in the Easter Term of 2022 and were still active at the end of the period, 410 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 2022.

Table 40.0: Distribution of the leading new charges brought for the Easter Term ended July 31, 2022

Charge	Frequency	Percentage (%)
Being Part of a Criminal Organization	18	13.60
Rape	16	12.10
Illegal Possession of Firearm	10	7.60
Murder	9	6.80
Illegal Possession of Ammunition	9	6.80
Sexual Intercourse with a person under 16 years	8	6.10
Facilitating the Commission of a Serious Offense	8	6.10
Sub-Total	78	59.10

Total number of charges brought (N) = 132

The above table summarizes the distribution of top six charges associated with cases brought in the Easter Term of 2022. There were **31 new cases filed** at the Home Circuit Court during the Easter Term, representing **132 charges**, a ratio of roughly 43 charges for every 10 new cases, an increase 28 charges for every 10 cases when compared to the Easter Term of 2021. The number of new cases filed decreased by 68.37 percent when compared to the Easter Term of 2021. It is shown that of these 132 charges, the largest proportion, 18 or 13.60% were murder matters. This is followed by rape with 16 or 12.10% and illegal possession of firearm with 10 or 7.60%. Sex related charges continue to occupy the largest share of the new matters filed, accounting

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for over 40% of this stock in the Easter Term of 2022. The top six charges filed, accounts for 78% of the total.

784 criminal cases had some administrative or judicial activity or both in the Home Circuit Court during the Easter Term of 2022, the oldest of which dates back to 1996. This case activity outcome represents a decrease of 2.61% when compared to the corresponding period in 2021.

Table 41.0: Leading reasons for adjournment/continuance for the Easter Term ended July 31, 2022

Reason for adjournment	Frequency	Percentage
Defence and Prosecution to Engage in Discussions	60	8.20
Defence Counsel Absent	29	4.00
For Investigating Officer to Attend	26	3.50
For Disclosure	21	2.90
Defence Counsel Needs Time	18	2.50
Witness Cannot be Located	18	2.50
CFCD Outstanding	16	2.20
Statements Outstanding	16	2.20
Miscellaneous documents outstanding*	16	2.20
Legal aid assignment	15	2.00
Matter not reached	14	1.90
Ballistic Certificate Outstanding	13	1.80
To settle legal representation	13	1.80
Complainant Absent	12	1.60
Witness Absent	12	1.60
Sub-Total	299	39.30

Total incidence of adjournments/continuance (N) = 773

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The above table provides a summary of the leading reasons for adjournment in the Home Circuit Court for the Easter Term of 2022. It is shown that there was a combined 773 incidence of reasons for adjournment during the Term, with some matters having multiple adjournments. This is roughly the same as the incidence of adjournments in the Easter Term of 2022.

An examination of the leading reasons for adjournment in the Easter Term of 2022 reveals that the top of the list are adjournments for discussions between the defence and the prosecution, accounting for 60 or 8.20% of the total incidence of adjournments, followed by adjournments due to the absence counsel that with 29 or 4.00% and adjournments for investigating officer to attend court with 26 or 3.50%, rounding off the top three reasons for adjournments during the period. The top five reasons for adjournment for the Term is rounded off by disclosure with 2.90% and adjournments due to attorneys needing time with 2.50%.

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

suggests that the overall management of the plea and case management court during the Easter Term was fair.

There continues to be compelling evidence from the above list of reasons for adjournment, suggesting that third party entities, namely the defence bar, the police, the prosecution, the state lab services contribute significantly to the delays experienced in the progression of cases in the Home Circuit Court. Indeed, the data suggests that only a small share of the reasons for adjournment listed are attributable to deficits in the court's operational procedures. In fact, in many ways the data strongly suggests that once criminal cases are ready they tend to move at a fairly rapid pace towards disposition and many of the roadblocks to case progression are primarily due to the named third party entities. The Supreme Court continues to work assiduously on improving the skill sets of its case progression officers and in bolstering the general efficiency of the operating procedures and scheduling apparatus of the criminal registry. Over the past two years, the Plea and Case Management Court has for example being strengthened and the incidence of adjournments in this court reduced. The overall incidence of reasons for adjournment suggests that external parties are directly responsible for over 85% of the reasons for delay as operationalized by this measurement. The Criminal Registry of the Supreme Court continues to work on improving its overall efficiency in an effort to improve case management and to expedite case outcomes within the desired overall standard of two years or less. It is clear however that the core causes of delays in the Home Circuit Court are largely due to factors concerning external parties. The traditional claim that the inadequacy of courtrooms is a significant cause of delays should also be refuted as the courtroom utilization

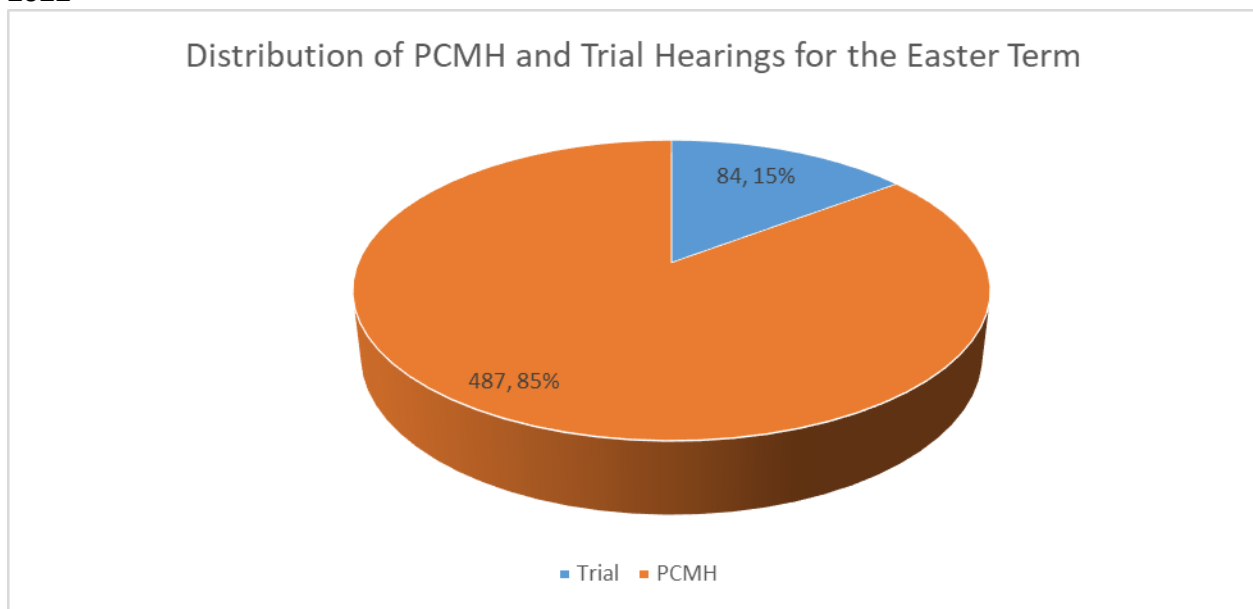
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rate of under 70% suggests that there is some spare resource capacity, albeit in limited proportion in the Supreme Court. The ability of the Home Circuit Court to effectively and efficiently schedule cases requires some improvement and the attention of the court's leadership is fully invested in finding scientific resolutions in this regard. The overall effectiveness of the scheduling science in the Home Circuit Court continues to be constrained by a high incidence of adjournments which can be largely associated with third party inefficiencies.

The leading reasons for adjournment listed in the above Table accounts for 44.10% of total incidences of adjournments/continuance in the Home Circuit Court in the Easter Term of 2022. The data suggest that there were roughly 2.04 adjournments per case heard in the Home Circuit Court in during the Easter Term of 2022.

Chart 6.0: Sampling distribution of trial and mention cases for the Easter Term ended July 31, 2022



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The above chart shows that there were a total 568 cases which were scheduled for either Trial or Mention Court (now Plea and Case Management Court - PCMH) in the Easter Term of 2022. 84 or 15% of the distribution set were for Trial Court while 487 or 85% were for Plea and Case Management/Mention Court. This produces a ratio of 1:0.17, which suggests that for every 100 matters mentioned there were 17 trial matters set during in the Term. Further analysis suggests that each case mentioned in court were mentioned on average of 1.40 times which is another way of saying that every 10-mention cases were mentioned roughly 14 times. For cases, which were set for Trial, there was a scheduling incidence of roughly 2 days per case, which suggests that 20 trial days were set for every 10-trial case. At least 65% of trial hearings were conducted by Judge only in the Home Circuit Court during the Easter Term of 2022.

Table 42.0: Hearing date certainty summary for the Easter Term ended July 31, 2022

Type of hearings	Hearing date certainty rate (%)
Mention and/Plea and Case Management Hearing	84.50
Bail Applications	78
Sentencing hearings	79
Trial hearings	67.50
Total/Overall Average	77.25

The date scheduling certainty for each Division of the Supreme Court is an important metric, which examines the extent to which dates, which are set for various types of hearings, are adhered. A low result has implications for the capacity of the court to adequately estimate the

duration of a matter, for the capacity of courtrooms and Judges to absorb certain caseload and for the general system of scheduling. The data suggests that roughly 22 of every 100 hearing dates set during the Easter Term of 2022 were adjourned. This suggests an overall hearing date certainty rate of roughly 77.25% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 77 were able to proceed without adjournment for reasons other than those procedural, for example for Trial, Bail Application, Pre-trial hearing, Sentencing and Plea and Case Management. This result represents an improvement of 14.50 percentage points when compared to the corresponding period in 2021. When trial matters are isolated, the trial certainty rate revealed is 67.50%, an improvement of 29.07 percentage points when compared to the corresponding period in 2021 while Plea and Case Management Conferences had a hearing date certainty rate of 84.50%, an improvement of 2 percentage points when compared to the corresponding period in 2021. The improvements noted in the trial date certainty rate is partly a result of the recommencement of jury trials in 2022.

Continuously improving the trial and overall hearing date certainty rates are of utmost importance to improving the efficiency of the court system. The court continues to work on improving the mechanism used to schedule cases for hearings and in so doing aid in reducing the incidence of adjournments. A major step taken at the end of 2021 is the introduction of an advanced web based case management system called the Judicial Case Management System (JCMS) in the Criminal Division of the Supreme Court. This software will assist markedly in improving the effectiveness of the scheduling apparatus in the Division and in bolstering the overall efficiency of case management. As 2022 progresses, these gains will become more and

more evident as the Criminal Division, which along with the High Court Division of the Gun Court and the Revenue Court are the first in the Supreme Court to introduce the use of this system which will be deployed court-wide over the ensuing months.

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

Firstly, the setting of a limited number of trial matters each week requires great precision in estimating the length of time that such trials will last. Failure to do this with accuracy and through the application of a scientific approach in consultation with all relevant parties will likely result in an under-utilization of judicial time either by way of many matters ending earlier than proposed or trials lasting longer than expected which could affect subsequent matters scheduled for the particular courtrooms. Furthermore, if the estimated duration of trials is not precisely determined then the proposed back up list, which should be triggered when a firmly set trial matter breaks down in court, will prove very difficult to manage and could potentially worsen the currently fragile trial date certainty rates. In like manner, there are also some concerns over whether the scheduling of the start time for trial matters should be restricted to particular days in each week. It could be argued that unless the estimated duration of trials set is precise or near precise then imposing such restrictions could sub-optimize the use of judicial time.

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

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

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There were 55 cases disposed during the Easter Term of 2022. The dominant methods of disposition over the period were matters disposed due to no further evidence offered, guilty pleas and guilty verdicts.

Table 43.0: Descriptive statistics on the times to disposition of cases for Easter Term ended July 31, 2022

Descriptive Statistics (Days)

Number of observation	55
Mean	1209.7818
Median	1251.0000
Mode	9.00 ^a
Std. Deviation	979.64405
Skewness	1.266
Std. Error of Skewness	.322
Range	4397.00
Minimum	9.00
Maximum	4406.00

a. Multiple modes exist. The smallest value is shown

The above table provides a descriptive statistical summary on the times to disposition for matters resolved in the Home Circuit Court in the Easter Term of 2022. The overall average time to disposition seen is approximately 1210 days, 43 months or 3.50 years, a decline of roughly 15 roughly 4 months when compared to the corresponding period in 2021. The median time to disposition is approximately 42 months while the most frequently occurring time to disposition in the period was 9 months. The standard deviation of the distribution is moderately large which is an indication that there is relatively large dispersion of the times to disposition during the year. The skewness of the distribution is moderately positive which is an indication that a

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proportionately larger share of the times to disposition fell below the overall mean time to disposition. The maximum time taken to dispose cases in the Home Circuit Court during the year was roughly 12 years while the minimum time to disposition was approximately 9 days.

It is of note that the average time between the charge date and disposition is roughly 52 months, which is a year longer than the mean time between case filing and disposition in the Home Circuit Court.

Table 44.0: Breakdown of time to disposition of cases for the Easter Term ended Easter Term ended July 31, 2022

Time Interval	Frequency	Percent
0 – 12	12	21.8
13 – 24	7	12.7
25 – 36	8	14.5
37 – 47	8	14.5
48 & over	20	36.4
Total	55	100.0

The above table provides a summary of the estimated time to disposition for the 55 cases disposed in the Home Circuit Court during the Easter Term of 2022. It is shown that the largest proportion of matters disposed took 4 or more years, accounting for 20 or 36.40% of the disposals. This is followed by matters disposed within a year, accounting for 12 or 21.80% of the disposals, producing an interesting dichotomy in the distribution. 14.50% each of the disposals took between 25 and 36 and 37 – 47 months respectively. Cumulatively, 34.70% of the matters disposed in the Easter Term took two years or less, a decline of 11.80 percentage points when compared to the corresponding period in 2021. The remaining 63.60% of cases disposed took over two years to be disposed. Using 2022 Easter Term data as a proxy, there is a roughly 64%

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chance that a case entering the Home Circuit Court will fall into a state of backlog, using the 24 months' definition of reasonable time which is established in the Jamaican judiciary. Improvements in the science that is applied to scheduling and case management as a whole, paired with significant improvements in third party delay factors discussed earlier has enormous potential to reduce the probability of a case backlog to a remote incidence.

Table 45: Proportional breakdown of time to disposition by selected charge type for the year ended December 31, 2021 [extracted from 2021 annual report]

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

Note: The above data set is extracted from the 2021 annual report due to sample size issues in the 2022 Easter Term data

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

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

Table 46.0: Case clearance rate for the Easter Term ended July 31, 2022

Cases filed	Cases disposed	Case clearance rate
31	55	177.42%

Both the number of new cases filed and the number of cases disposed in the Home Circuit Court during the Easter Term experienced notable declines, however the decline in the number of new cases filed was much more pronounced, contributing to a record case clearance rate of 177.42% for the Term. This represents a 104.97 percentage points increase when compared to the corresponding period in 2021. Incidentally the number of cases disposed fell by 22.53% when compared to the corresponding Term in 2021.

Other performance measures

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

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

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(iv) The crude proxy case backlog rate

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

Table 47.0: Selected performances metrics for the Home Circuit Court in the Easter Term of 2022

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 (%)
55	729	0.08	4563	19	36	35	65

The results in the above table shows a case turnover rate of 0.08, which is an indication that for every 100 criminal cases, which were 'heard' in the Easter Term of 2022 and still active at the end of the year, another 8 were disposed.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Home Circuit Court in the Easter Term of 2022 is 35.0%, which reflects the proportion of cases resolved during the Term which were disposed

within 2 years. Conversely, the proxy case backlog rate is 65.0%, an indication that an estimated proportion of 65.0% 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 729 cases, which had some court activity during the Term and were still active at the end of the year, 598 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, 2022. In particular, this section outlines data related to matters initiated, matters disposed, adjournments and the distribution of trial and mention matters during the year.

Table 48.0: Top five charges filed in the Easter Term ended July 31, 2022

Charges filed	Frequency	Percentage (%)
Illegal possession of firearm	120	36.0
Illegal possession of ammunition	69	20.70
Shooting with intent	44	13.20
Assault at Common Law	28	8.40
Wounding with intent	18	5.40
Robbery with aggravation	16	4.80
Sub-Total	295	88.50

Total number of charges (N) = 333, the equivalent of 130 cases.

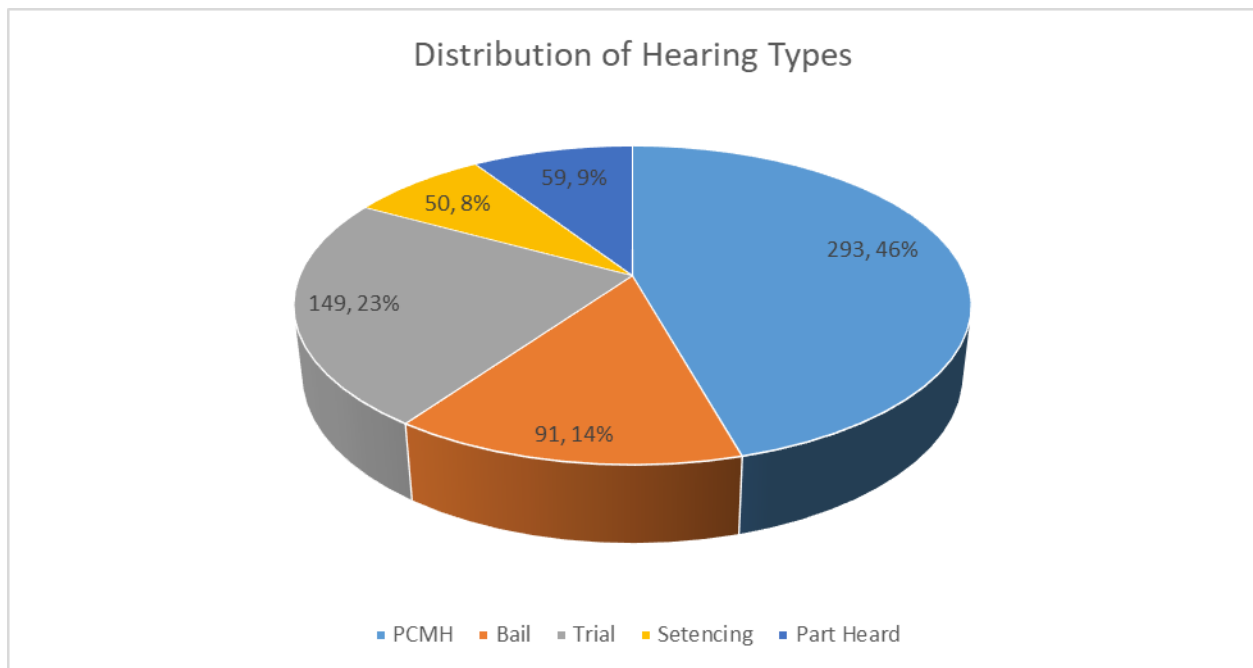
The above table provides a summary of the top six charges, which were brought in the Gun Court during the Easter Term of 2022. It is seen that a total of 33 charges were filed in the Gun Court during the Term, a decrease of 12.83% when compared to the corresponding period in 2021. The largest proportion of these charges was accounted for by illegal possession of firearm with 120 or 36.0%, followed by illegal possession of ammunition with 69 or 20.70% and shooting with intend with 44 or 13.20%, rounding off the top three incidence of charges for the Term. The 333 new charges entered during the Easter Term of 2022 translate into 105 new

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cases filed in the period, a decline of 27.08% when compared to the corresponding period in 2021. This represents a ratio of 1:3.17, suggesting that for every 100 cases entered, there were 317 charges.

Chart 7.0: Summary of selected hearing activity dates for the Easter Term ended July 31, 2022



Note: PCMH means Plea and Case Management Hearing

The above chart provides a summary of cases heard in the Gun Court by the type of hearing in the Easter Term of 2022. The cases counted in this chart are not mutually exclusive as a single case may have had several different types of hearings throughout the year. The number of cases with Plea and Case Management hearings during the year accounted for the dominant share of cases heard with 35% of cases heard, trials with 149 or 23% of cases heard and bail application hearings with 91 or 14% of cases heard during the Easter Term accounted for the top three proportion of cases by incidence and types of hearing. It is of note that cases which

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had sentencing hearings accounted for the lowest share of hearings during the Easter Term with 9% of the total incidence. Across the stated hearing types, there was a total of 642 cases were heard in the Gun Court during the Easter Term of 2022.

Table 49.0: Most frequently occurring reasons for adjournment for the Easter Term ended July 31, 2022

Reason for adjournment	Frequency	Percentage (%)
Disclosure	507	13.10
File to be completed	454	11.80
Ballistic Certificate Outstanding	246	6.10
Statement Outstanding	183	4.70
Scene of Crime Statement Outstanding	138	3.60
Scene of Crime CD Outstanding	139	3.60
Other documents outstanding	136	3.50
Forensic Certificate Outstanding	107	2.80
Part Heard in Progress	96	2.50
Medical Certificate Outstanding	86	2.20
Witness Absent	85	2.20
CFCD Outstanding	69	1.80
Full statement outstanding	62	1.60
Crown not ready	57	1.50
Sub-Total	2365	61

Total number of adjournments and continuances (N) = 3863. *NB: Other documents outstanding include scene of crime reports, police officer statistics and outstanding miscellaneous certificates.*

The above table outlines the top reasons for adjournment in the Gun Court for the Easter Term of 2022, excluding adjournments for bail application, matters part heard, and for plea and case

management and for trial. There were 3863 overall incidences of adjournments during the Easter Term, an increase of 83.13% when compared to the corresponding period in 2021. As with the Home Circuit Court, the list affirms a major role of third party entities in delayed case progression in the High Court Division of the Gun Court. These include adjournments for disclosure, outstanding forensic and ballistic certificates and other outstanding scientific reports and statements, incomplete files and adjournments to settle legal representation. These top fourteen reasons for adjournment listed accounted for roughly 61% of the documented incidences. It is evident that a vast majority of incidence of delays caused by adjournments are attributable to third parties and not to inadequate court resources, including Judges and support staff and courtrooms. More efficient utilization of the existing facilities can be attained with much greater cooperation for external bodies towards reducing the incidence of avoidable adjournments which invariably wastes judicial time and resources and creates inefficient resource outcomes.

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Table 50.0: Hearing date certainty summary for the Easter Term ended July 31, 2022

Type of hearing dates	Number of hearing dates scheduled	Number of hearing dates adjourned	Estimated hearing date certainty rate (%)
Plea and Case Management/Mention Hearing	554	87	84.30
Bail Applications	133	29	78.20
Sentencing hearings	116	38	67.24
Trial hearings	237	64	73.00
Total/Overall Average	1040	218	79.04

The date scheduling certainty for each Division of the Supreme Court is an important metric, which examines the extent to which dates, which are set for various types of hearings, are adhered. A low result has implications for the capacity of the court to adequately estimate the duration of a matter, for the capacity of courtrooms and Judges to absorb certain caseload and for the general system of scheduling. In the table above it is shown that of 1040 court dates scheduled for hearings in the period under study, 218 were adjourned. This suggests an overall hearing date certainty rate of roughly 79% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 79 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 is an impressive improvement of 11.46 percentage points when compared to the Easter Term of 2021. When trial matters are isolated, the trial certainty rate revealed is 73.0%, a notable 11.29 percentage points higher than the rate in the

corresponding period in 2021. The Gun Court continues to maintain a high rate of case clearance rate despite relatively modest returns on its trial date certainty output. One possible explanation for this corollary is that although trial dates are adjourned, the interval between hearings is relatively short, thus not adversely affecting the clearance of cases. The Gun Court Registry seems to have largely mastered the art of calendar management, being able to quickly deploy and set new dates shortly after adjournments and to shift matters to available resources. There are some vital lessons to be learned from what has been observed in the High Court Division of the Gun Court over the past 5 years. Empirically, the Gun Court has defied expectations with respect to the case clearance rates based on their consistently modest trial and overall hearing date certainty rates. Based on the trend with respect to hearing and trial date rates in the Gun Court, lower case clearance rates are anticipated, but a peculiar method of scheduling, banking on intimate knowledge of the cases and an acute awareness of the resources available at their disposition at any time has allowed this Court to consistently maintain the highest case clearance rate of any single court in Jamaica and represents an intriguing case study for case management and scheduling pundits.

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Table 51.0: Methods of case disposition for the Easter Term ended July 31, 2022

	Frequency	Percent
Accused Deceased	18	4.0
Admonished and Discharged	2	.4
**Conditional Nolle Prosequi	12	2.6
Found Guilty	45	9.9
Found Not Guilty	55	12.1
No Case Submission Upheld	28	6.2
No Evidence Offered	125	27.60
No Further Evidence Offered	61	13.5
**Nolle Prosequi	12	2.6
Plea Guilty	74	16.3
Remitted to Parish Court	21	4.6
Total	453	100.0

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

The above table summarizes the methods of disposition for the charges disposed in the High Court Division of the Gun Court for the Easter Term of 2022. It is seen that there were 453 charges which became disposed or inactive, the largest proportion of which were a result of no evidence offered – discharged and guilty pleas which accounted for 125 or 27.60% and 74 or 16.30% respectively of the total. In third were disposals resulting from no further evidence offered with 61 or 13.50%. It is of note that there were twenty-four Nolle Presque which were issued during the Easter Term leading to those matters becoming inactive. Inactive cases are included in this list for convenience and effect. in 2021. The 453 cases disposed represent 158 cases, a decline of 14.59% when compared to the corresponding period in 2021.

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Table 52.0: Estimated Conviction rate in the Gun Court for the Easter Term ended July 31, 2022

Number of charges disposed	Number of Guilty outcomes (i.e. guilty verdicts and guilty pleas)	Conviction rate (%)
453	120	26.49

The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the 453 disposed charges in the Easter Term of 2022, 120 were a result of either a guilty plea or a guilty verdict. This produces an overall conviction rate of 26.49% for Gun Court charges resolved during the Term, approximately 8.39 percentage points below the rate in the corresponding period in 2021. The following table delves further into the conviction rate, by the substantive matter.

Table 53.0: Conviction rate by selected substantive matter in the Gun Court for the Easter Term ended July 30, 2022

Substantive matter	Number of charges disposed	Number of guilty outcomes (pleas and verdicts)	Conviction rate (%)
Illegal possession of fire arm	189	49	25.93
Illegal possession of ammunition	69	26	37.68
Assault (various forms)	21	4	19.05

It is shown in the above table that of the 189 charges of illegal possession of a firearm disposed, 49 were disposed by way of either a guilty verdict or a guilty plea, yielding a conviction rate of roughly 25.93%. 26 of 69 charges of illegal possession of ammunition which were disposed in

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the Easter Term of 2022 were a result of guilty outcomes, resulting in a conviction rate of 37.68%. 4 of the 21 assault matters which were disposed in the Easter Term were a result of guilty outcomes, resulting in a conviction rate of 19.05%.

Table 54.0: Top five charges disposed of in the Easter Term ended July 31, 2022

Charge	Frequency	Percentage
Illegal possession of a firearm	189	41.72
Illegal possession of ammunition	69	15.23
Shooting with intent	57	12.58
Wounding with intent	33	7.28
Robbery with aggravation	35	7.73
Sub-Total	383	84.55

Total number of charges (N) = 453

The 3453 charges that were disposed in the High Court Division of the Gun Court in the Easter Term of 2022. The table above details the five most frequently occurring charges disposed in the Gun Court during the Easter Term. Illegal possession of a firearm and illegal possession of ammunition accounts for the largest proportion of disposed charges with 41.72% and 15.23% respectively. This is followed by shooting with intent and wounding with intent with 12.58% and 7.28% respectively of the total. The disposed charges enumerated in this table accounts for roughly 84.55% of the total number of charges disposed in the Gun Court in the Easter Term of 2022.

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Table 55.0: Time to disposition (from case file date) for charges disposed of during the Easter Term ended July 31, 2022

Descriptive Statistics

Number of Observations	453
Mean	15.8389
Median	12.0000
Mode	12.00
Std. Deviation	15.24514
Skewness	2.893
Std. Error of Skewness	.115
Range	119.00
Minimum	1.00
Maximum	120.00

The above table summarizes the time taken to dispose of cases in the Gun Court in the Easter Term of 2022, counting from the date cases were filed. It is seen that the estimated average time to disposition from the date of case is approximately 16 months, an improvement of 7 months when compared to the corresponding period in 2021. The data set for this measure is strongly positively skewed, indicating that there is a markedly greater proportion of times to disposition fell below the overall series mean. The estimated maximum time to disposition for the data set is 120 months or almost 10 years. The estimated minimum time to disposition from the date of filing was roughly a month. The modal and median times to disposition were both 12 months, promising signs for the ability of the Gun Court to dispose a significant proportion of its cases before they fall into a state of backlog. The standard deviation was fairly high, indicating that the individual scores were widely dispersed around the mean.

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Table 56.0: Breakdown of times to disposition (from case file date) for the cases disposed in the Easter Term ended July 31, 2022

Time Interval	Frequency	Percent
0 – 12	249	55.0
13 – 24	120	26.5
25 – 36	54	11.9
37 – 47	10	2.2
48 & over	20	4.4
Total	453	100.0

The above table provides a further breakdown of the estimated time to disposition for the charges disposed in the Easter Term of 2022, counting from the case file date. The positive skewness displayed in the previous table is affirmed, as the scores here are mostly concentrated towards the lower intervals in the distribution. The data shows that the largest proportion of the disposals using this method took a year or less. This interval accounted for 249 or 55.0% of the disposals and was followed by cases taking between 13 and 24 months to be disposed with 120 charges or 26.50%. A further 11.90% of the matters were disposed within 25 - 36 months, 2.20% took 37 – 47 months and the remaining 4.40% took four or more years. Interestingly 81.50% of the cases disposed took two years or less from the case file date, an improvement of approximately 1.50 percentage points when compared to the corresponding period in 2021, further reducing both the net and gross backlog rates in the Gun Court.

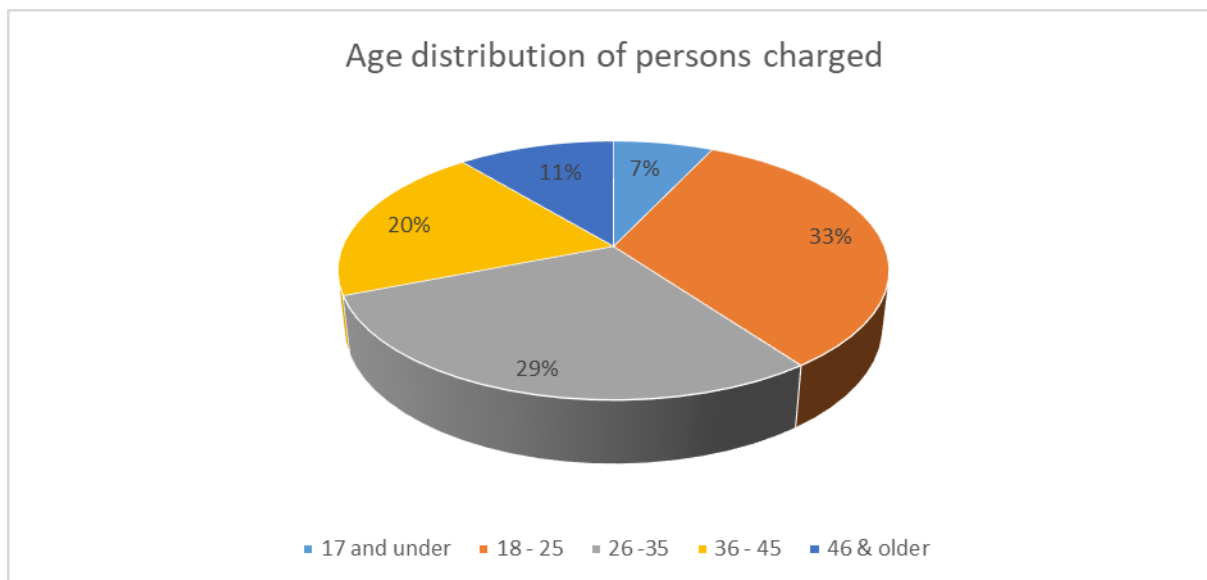
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Demographic summary of persons charged and brought before the Gun Court in the Easter Term of 2022

This section provides a brief summary of the age and gender distribution of persons charged who were brought before the Gun Court in the Easter Term of 2022.

Chart 8.0: Summary of age distribution of a sample of persons charged in the Gun Court for the Easter Term ended July 30, 2022



The age distribution of persons charged in the Easter Term of 2022 was markedly similar to that of 2021 as a whole. As with 2021, the dominant offences filed in the Gun Court for Easter Term are illegal possession of firearm, illegal possession of ammunition, robbery with aggravation, shooting with intent and wounding with intent. Using a representative sample, the average age of persons charged in the year is roughly 27 years old with the oldest person charged being 58 years old and the youngest 13 years old. The modal age from this sample was 24, an indication that a significant number of the persons charged are quite youthful. This is affirmed in the chart above where it is shown that from the sample 33% of the persons charged were between 18

and 25 years old, closely followed by the age group 26 to 35 years old with 29% of the persons charged. The 36 to 45 age group comes next with 20% of the persons charged. The youngest and oldest age categories of 17 and under and 46 and over respectively accounts for 7% and 11% respectively of the person charged who were brought before the Gun Court in the Easter Term of 2022.

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 2022, 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 2021. The overwhelming dominance of males in charges entering the High Court Division of the Gun Court continue to persist as a long held trend.

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Chart 9.0: 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 2022

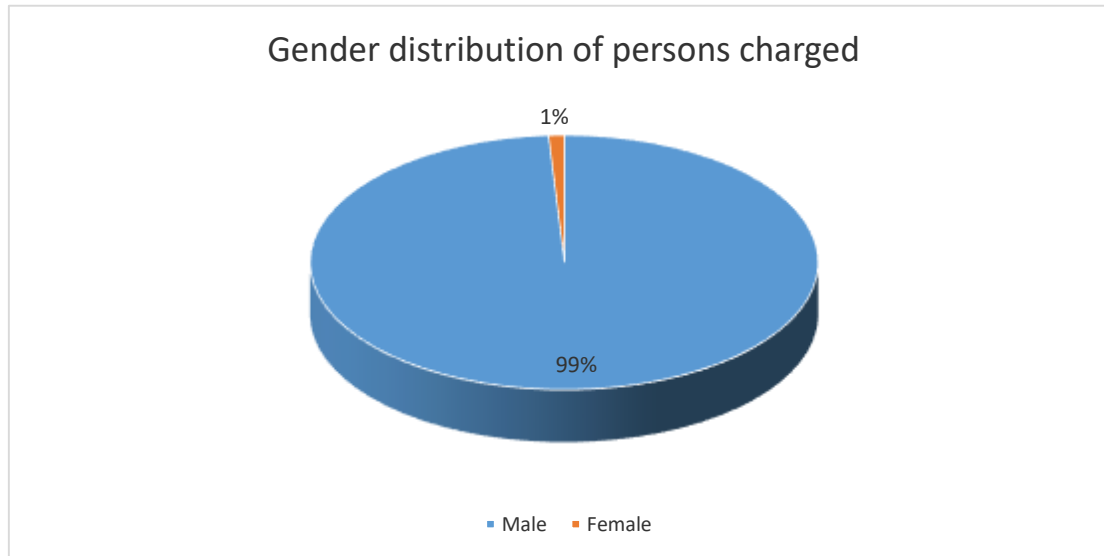


Table 57.0: Case clearance rate for the Easter Term ended July 31, 2022

Cases filed	Cases disposed	Case clearance rate
105	158	150.48%

Approximately 24.28% of the cases disposed originated during the Easter Term of 2022.

One hundred and five cases were filed in the High Court Division of the Gun Court in the Easter Term of 2022 while 158 cases were also disposed or inactivated (including many which originated before the Term) leading to a clearance rate of exactly 150.48% for the period. This result translates into a generalization that an estimated 15 Gun Court cases were resolved for every 10 new cases entered during the Easter Term, a decline of 23.61 percentage points when compared to the corresponding period in 2021.

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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 2022. These measures are summarized in the table below:

Table 58.0: Selected performances metrics for the Gun Court in the Easter Term of 2022

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated disposition days for unresolved cases	On-time case processing rate (%)	Crude Proxy case backlog rate (%)
158	380	0.42	857	81.50	18.50

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The results in the above table shows a case turnover rate of 1.03, which is an indication that for every 100 cases which were 'heard' during the Easter Term of 2021 and still active, 26 pre-existing cases were disposed.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Gun Court in the Easter Term of 2022 is approximately 81.50%, which reflects the proportion of Gun Court cases in the Easter Term of 2022, which were disposed within 2 years. Conversely, the crude proxy case backlog rate is 18.50%, an indication that an estimated annual proportion of about 18.50% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 380 cases, which had some court activity in the Easter Term of 2022 and were still active at the end of the period, roughly 74 are expected to be in a backlog classification before being disposed. The crude proxy backlog rate improved by 1.50 percentage points when compared to the similar period in 2021.

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CHAPTER 6.0: COMMERCIAL DIVISION

This chapter presents data on case activity in the Commercial Division in the Easter Term of 2022 as well as important performance measurements and year on year comparisons where applicable.

Table 59.0: Cases filed in the Commercial Division in the Easter Term ended July 31, 2022

Division	Number of new cases filed
Commercial	195

2017 and 2018 were record years for the Commercial Division in terms of the number of new cases filed with 667 and 675 respectively. 2019 and 2020 saw successive years of decline however 2021 saw an increase of 8.90% in the number of new cases filed when compared to 2020. In the Easter Term of 2022, 195 new cases were filed, a decline of 20.08 percent when compared to the corresponding period in 2021. The productivity of the Commercial Division is important in sending signals to economic agents in a country.

Table 60.0: Sampling distribution of the top six reasons for adjournment/continuance in the Commercial Division for the Easter Term ended July 31, 2020

Reasons for adjournment	Percentage (%)
Claimant to file documents	11.0
Defendant to file documents	9.20
Pending Settlement	6.40
Judge Unavailable	6.40
Part Heard in Progress	6.40
Sub-Total	39.40

Number of observations (N) = 109

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The above table provides a sampling distribution of the top five reasons for adjournment in the Commercial Division for the Easter Term of 2022. A total of 109 such incidences sampled reveal that adjournments for claimants to file documents with 11.0% was the most common reason for adjournment of matters heard in the Commercial Division during the Easter Term. This is followed by adjournments for defendants to file documents with 9.20%, adjournments pending a settlement, adjournments due to a part heard in progress and due to Judge unavailability, each with 6.40% rounds off the leading reasons for adjournment during the Term. The top five reasons for adjournment/continuance documented from the sample accounts for 39.40% of the number of observations. These leading reasons for adjournment listed are largely attributable to factors which are not within the direct realm of direct court control.

Table 61.0: Sampling distribution of cases with chamber hearings for the Easter Term ended July 31, 2022

Hearings	Frequency	Percentage (%)
Applications (Various)	172	79.26
Case Management Conference	15	6.91
Pre-trial review	22	10.14
Judgment summons hearing	8	3.69
Total	217	100

The above table summarizes a sample of 217 cases which had chamber hearings in the Commercial Division during the Easter Term of 2022. As with the High Court Civil (HCV) Division, the hearing of various applications for relief sought dominates the list with roughly 79.26% of the matters with chamber hearings. Pre-trial reviews with 22 or 10.14% rank next

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and Case Management Conferences with 15 or 6.91% rounds off the top three chamber hearings in the Commercial Division for the Easter Term of 2022.

Table 62.0: Proportional distribution of cases which had trials in chamber or in open court hearings in the Easter Term ended July 31, 2022

Trial matter	Percentage (%)
Trial in Chambers	6.25
Open Court Trial	93.75
Total	100

The above estimates show that cases with trials in open court accounted for roughly 94% of the cases which had hearings of either trials in open court or trials in chamber during the Easter Term of 2022. Trials in chamber account for 6.25% of trial hearings during the Term. Trials in chamber and in open court demand similar levels of judicial time and resources and are hence assessed together in this sampling distribution. This type of analysis provides crucial insights into trial activity which accounted for less than 10% of overall judicial activity in the Commercial Division during the Easter Term.

Table 63.0a: Sampling distribution of hearing date certainty in the Commercial Division for the Easter Term ended July 31, 2022

Type of hearings	Estimated Hearing date certainty rate (%)
Case Management Conferences	82.61
Trials in Chamber, Trials in Open Court and Assessments of Damages	66.67
All hearings combined	79.56

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The above table breaks down the hearing date certainty rates for two significant types of hearings and also gives the overall rate for the Easter Term of 2022. It is shown that Case Management Conferences had an estimated hearing date certainty rate of 82.61% for the period, down by 3.39 percentage points when compared to the corresponding period in 2021, while the combined weighted hearing date certainty rate for trials in chamber, assessments of damages and open court is estimated to be 66.67%, a decline of 9.83 percentage points when compared to the corresponding period in 2021. The overall hearing date certainty rate when all types of hearings are considered is approximately 79.56%, an improvement of 0.32 percentage points over the corresponding period in 2021. The continued general improvement in the hearing date certainty of the Commercial Division is a step in the right direction as over time this will translate into higher case clearance rates and generally greater productivity. The efficiency of the Commercial Division is an important signal for economic activity in Jamaica.

Table 63.0b: Sample case flow process transition summary for the year ended December 31, 2021 [Extract from the annual report for 2021]

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

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

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

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

The sample case flow process transition summary for cases in the Commercial Division in 2021 suggests that there were 108 cases on which defences were filed (the equivalent of 149

matters), while 42 cases (the equivalent of 50 referrals) were referred to mediation. The data further suggests that the Commercial Division had a mediation report return rate of 11.90% which means that for every 10 matters referred to mediation during the year, roughly 1 report was returned (not necessarily from the stock of referrals during the year), a result that is roughly the same as that of the previous year. This result suggests that the availability of mediation reports is falling well behind the rate at which matters were referred to mediation. Considering that a mediation report should take on average 90 days to be returned by the relevant mediation centre, this is an interesting statistic which gives insights into the delays in the mediation process, a potential impediment to the progression of cases in the Commercial Division. The average time taken to return a mediation report for the matters which were referred to mediation during the year was roughly 5.5 months, which is almost twice the expected time but the overall average time can be a bit longer. The transition between the filing of a defence and referral to mediation by the Division appears to be slower than desired and may also be inimical to case flow progression. The statistics on the time interval between the filing of a defence and mediation referral is also quite insightful. The data shows that on average it took approximately 65 days or two months after a defence is filed for a matter to be referred to mediation while the modal time was 25 days and the median was 40 days. The shortest time interval recorded in the sample between the filing of a defence and referral to mediation is 5 days and the highest is 270 days or roughly 9 months. These results are broadly similar to those from 2020. The overall success rate of mediation for the past two years for matters referred from the Commercial Division is less than 20%.

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Table 64.0: Requisitions summary for the Easter Term ended July 31, 2022

Requisitions Issued	Requisition Responses	Requisitions clearance Rate	Requisitions issued per 100 case files
*54	49	90.74%	9

*This figure includes requisitions filed on matters originating prior to the Easter Term of 2022

The above table provides a summary of the response rate for requisitions issued in the Commercial Division in the Easter Term of 2022. It is shown that 54 requisitions were issued during the Easter Term while there were 49 responses filed, thus producing a requisitions clearance rate of 90.74%, an increase of 74.07 percentage points when compared to the corresponding period in 2021. This requisition clearance rate suggests that during the Easter Term, for every 10 requisitions issued, roughly 9 responses were filed – an impressive outcome. Additionally, there was an average incidence of 9 requisitions per 100 case files in the Commercial Division for the Term, up by 8 percentage points when compared to the similar period in 2021.

Table 65: Methods of disposition for the Easter Term ended July 31, 2022

Method of Disposition	Frequency	Percentage (%)
Consent Judgment	1	2.1
Consent Order	1	2.1
Judgments Delivered	7	14.80
Judgment in Default of Acknowledgement of Service	18	38.3
Judgment in Default of Defence	4	8.5
Judgment on Admission	1	2.1
Matter Discontinued	8	17.00
Settled	4	8.5
Struck Out	2	4.3
Transferred Out	1	2.1
Total	47	100.0

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The data suggests that 47 cases in the Commercial Division were disposed in the Easter Term of 2022, a decrease of 26.56% when compared to the corresponding period in 2021. Disposals by way of judgments in default of acknowledging with 18 or 38.30% led the list of dispositions followed by matters discontinued with 17% and judgments delivered with 14.80%.

Table 66.0: Time to disposition for Commercial cases disposed in the Easter Term ended July 31, 2022

Number of Observations	47
Mean	23.1489
Median	12.0000
Mode	4.00
Std. Deviation	30.36659
Skewness	2.397
Std. Error of Skewness	.347
Range	143.00
Minimum	2.00
Maximum	145.00

The above table shows that the estimated average time to disposition for the 47 Commercial cases disposed in the Easter Term of 2022 is 23.15 months or just under 2 years, roughly 10 months higher than the output in the corresponding period in 2021. The maximum time to disposition observed from these cases is roughly 5 years while the lowest is roughly 2 months. The positive skewness observed also suggests that the larger proportion of the commercial cases disposed in the Easter Term of 2022 took less time than the overall mean. Only one case originating in 2022 in the Commercial Division was disposed during the Easter Term.

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Table 66.0: Breakdown of times to disposition for Commercial cases resolved in the Easter Term

Time Interval (months)	Frequency	Percentage (%)
0 - 12	24	51.1
13 - 24	14	29.8
25 – 36	1	2.1
48 &over	8	17.0
Total	47	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 of within a year, accounting for an impressive 51.10% of the disposals. This is followed by 14 or 29.80%, which took between 13 and 24 months to be disposed while the 8 or 17.0% which took 48 months or older to be resolved, rounding off the top three times to disposition for the period. Taken together, the data suggest that a commendable 80.90% of the cases disposed in the Commercial Division in the Easter Term of 2022 were resolved within 2 years. These results suggest that the overall average was skewed by outlying or extreme value in the dataset.

Table 67.0: Case clearance rate for the Commercial Division for the Easter Term ended July 31, 2022

Cases filed	Cases disposed	Case clearance rate
195	47	24.10%

NB: 17 or 36.17% of the cases disposed during the Easter Term were filed in 2022

One hundred and ninety-five new cases were filed in the Commercial Division in the Easter Term of 2022, while 47 cases were disposed which yields a case clearance rate of 24.10%. This

result suggests that for every 100 new cases filed in the year, roughly 24 were disposed, a decline of 2.13 percentage points when compared to the similar period in 2021.

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 2022.

These measures are summarized in the table below:

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Table 68.0: Selected performances metrics for the Commercial Division for the Easter Term of 2022

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 (%)
47	538	0.09	4056 days	38	47	81	19

The results in the above table shows a case turnover rate of 0.09, which is an indication that for every 100 cases which were ‘heard’ in the Easter Term of 2022 and still active, another 9 were disposed, a decline of 4 percentage points when compared to the corresponding period in 2021.

A case is considered to be in a backlog classification if it remains unresolved for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Commercial cases in the Easter Term of 2021, is a commendable 81% which reflects the proportion of Commercial cases in the Easter Term of 2022, which were disposed within 2 years. Conversely, the crude proxy case backlog rate is a commendable 19%, an indication that an estimated annual proportion of roughly 19% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 538 cases which had some court activity during the Easter Term and were still active at the end of the period, 102 are expected to be in a backlog classification before being disposed.

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

Aggregate Case Clearance Rate

Analysis of the productivity of the judiciary, subject to its resource constraints is an important metric for gauging efficiency and for informing policy and operational interventions. Among the key measures of court productivity is the case clearance rate. The below table provides a summary of the collective case clearance rate for the Divisions of the Supreme Court in the Easter Term of 2021.

Table 69.0a: Gross case clearance rate for the Easter Term ended July 31, 2022

Total cases filed	Total cases disposed	Gross Case clearance rate
4042	3491	86.37%

The above table provides an aggregate summary of the clearance rates in the Divisions of the Supreme Court in the Easter Term of 2022. The data suggests that 4042 new cases were filed/entered across the Divisions reviewed during the Term, a notable decrease of roughly 17.86%. There were 3491 cases disposed across the Divisions of the Supreme Court during the Easter Term, an increase of 12.78% when compared to the corresponding period in 2021. These results yield a record case clearance rate of 86.37% for the Supreme Court as a whole, a dramatic increase of 24.49 percentage points when compared to the Easter Term of 2021, representing the first time in at least the last decade that the Supreme Court has exceeded a case clearance rate of 70% in a single Term. Among the most outstanding results for the Term

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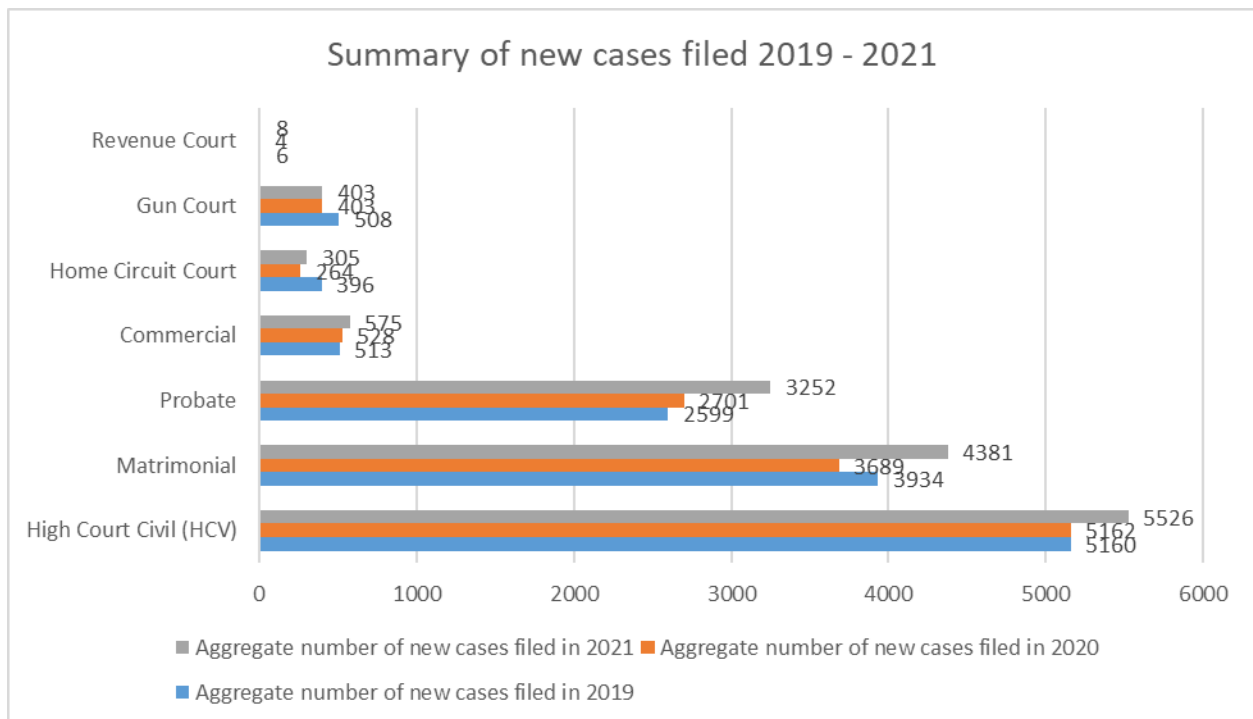
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came from the traditionally poor performing High Court Civil Division which exceeded a 100% case clearance rate for the first time on record, leaping from a usual average of between 20% and 40%. The Home Circuit Court also recorded a record case clearance rate of over 100% but this was aided by a significant drop in the number of new cases filed. The Gun Court continued its impressive run by recording a case clearance rate of roughly 150%, reaffirming its place as one of the country's elite performing courts.

Aggregate Case Counts 2019-2021

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

Chart 10.0: Number of new cases by Division for the years 2019- 2021



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The above chart summarizes the progression of cases in the Divisions of the Supreme Court between 2019 and 2021. It is shown that the High Court Civil (HCV) Division has consistently demonstrated the largest share of new cases in the Supreme Court, averaging 5283 cases per annum over the period. The Matrimonial Division accounts for the second highest case count each year over the period, maintaining a count within a fairly steady band and averaging of 4001 cases. The Probate Division accounts for third highest share of new cases over the period and demonstrates general consistency over the period, recording an average of 2851 new cases per year. The Probate Divisions shows the most consistent growth in the number of new cases filed each year over the three-year period of analysis, increasing sharply each year by an average of 12.16% while the High Court Civil Division and the Commercial Division also illustrated a generally linear slope in the annual rate of increase in the number of new cases filed over the period.

Table 70.0b: Summary of new cases filed and cases disposed in the Supreme Court (2020 – 2021)

Division	Aggregate number of new cases filed in 2020	Aggregate number of cases disposed in 2020	Case Clearance Rate (%) - 2020	Aggregate number of new cases filed in 2021	Aggregate number of cases disposed in 2021	Case Clearance Rate (%) - 2021
High Court Civil (HCV)	5162	2278	44.13	5526	1476	26.71
Family	3689	2985	81.0	4381	3859	88.08
Estate	2701	2249	83.27	3252	2539	78.08
Commercial	528	207	39.20	575	179	31.13
Home Circuit	264	200	75.76	305	222	72.79

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Court						
Gun Court	403	468	65.71	403	446	110.67
Revenue Court	4	6	80.00	8	7	87.50
Total	12751	8393	65.82	14460	8728	60.36

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

Case Activity Summary for the Easter Term of 2022

The below table provides a summary of core case activity for each Divisions of the Supreme Court in the Easter Term of 2022.

Table 71.0: Aggregate case activity in the Easter Term of 2022

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (months)	Hearing Date Certainty Rate (%)
High Court Civil (HCV)	1045	1315	125.84	56.23	80.08
Family	1523	1178	77.35	22.13	80.35
Estate	1142	733	64.19	18.67	85.96
Commercial	195	47	24.10	23.15	79.56
Home Circuit Court	31	55	177.42	43	77.50 77.25
Gun Court	105	158	150.48	15.84	79.04
Revenue Division	1	5	500%	39.50	78.00
Gross/Weighted Average	4042.00	3491.00	86.37	31.22	79.72

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The above table provides an important summary of case activity in the Supreme Court in the Easter Term of 2022. It is shown that 4042 cases were filed/entered across the Divisions of the Supreme Court during the Term. The Family Division has so far in 2022 taken over as the Division with the largest new case load, again eclipsing the High Court Civil Division which traditionally leads in this area. The High Court Civil Division had the third highest new case load for the Easter Term, as the Estate Division accounted for the second largest share of new cases filed during the period.

For the first time in recorded history, the High Court Civil Division accounted for the highest share of new cases filed during a Term, accounting for 37.67% of the cases disposed in the period. This is followed by the Family Division with 33.74% and the Estate Division with 21% of the total disposed. As mentioned, the Home Circuit Court, the High Court Division of the Gun Court and the High Court Civil Division recorded the three highest case clearance rates during the Easter Term while the Estate, Matrimonial and High Court Civil Divisions recorded the highest hearing date certainty rates over the period, each with over 80%.

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Judgments Reserved and Judgments Delivered

This sub-section provides a summary of the civil judgments reserved and delivered in the Easter Term of 2022.

Table 72.0: Summary of Judgments Reserved and Delivered in the Easter Term ended July 31, 2022

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 (%)
71	100	140.85%	85	48	56.47%

A total of 71 judgements were reserved in the Easter Term of 2022, an increase of 9.23 percentage when compared to the corresponding period in 2021, while 100 judgments were delivered, an increase of 2.91% when compared to the corresponding period in 2021. This output led to an impressive clearance rate of roughly 140.85%, an increase of 2.39 percentage points when compared to the Easter Term of 2021. This result means that for every 10 judgments which were reserved during the Easter Term of 2022, roughly 14 were delivered. This result continues to be reflective of overall enhancement in the productivity of the Supreme Court in delivering timely judgments. The average age of cases on which judgments were delivered in the Easter Term of 2022 was roughly 3.7 years and the overwhelming majority delivered were reserved within the past 18 months. The Chief Justice has set a standard for all judgments reserved in the Supreme Court to be delivered within three months of reservation,

except for complex cases which should take a maximum time of six months after reservation to be delivered.

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 85 judgments reserved on applications in the Easter Term of 2021 while 48 were delivered. This produced a clearance rate for judgments on applications of 56.47%, an increase of 32.94 percentage points when compared to the corresponding period in 2021.

Estimated Courtroom/Hearing Utilization Rate in the Easter Term of 2022

Using a sample of cases heard in open court in the Easter Term of 2022, the courtroom utilization rate for the Supreme Court was estimated to be 55%, suggesting that just about 2.75 of every 5 available hours for hearings were utilized in the period. The significant and successful use of virtual hearings, particularly in relation to civil matters in the Supreme Court has essentially eliminated available physical courtroom space as a resource constraint to total productivity of the Supreme Court as whole and the civil divisions in particular. This is expected to contribute positively to the utilization of judicial time going forward.

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Modes of hearing in the Civil, Probate and Matrimonial Divisions

Table 73.0: Sampling distribution of the modes of hearing for civil matters in the Supreme Court in 2021 [Extracted from the 2021 Annual Report]

Mode of Hearing	Frequency	Percentage (%)
In person	382	9.17
Teleconference	174	4.17
Video conference	3611	86.66
Totals	12149	100.0

It is seen in the above sample summary that the overwhelming majority of hearings conducted in the combined High Court Civil, Commercial, Family and Estate Divisions of the Supreme Court were done by video conference, accounting for an estimated 86.66% of hearings conducted, while teleconferences accounted for 4.17% and In-person hearings accounted for 9.17% of this representative sample of hearings in the period. This data suggests that there has been a combined increase in the proportion of matters conducted by virtual hearings (video conferences and teleconferences combined) by 3.23 percentage points when compared to 2021. The general improvement in hearing date certainty rate which is being observed in civil cases since the latter part of 2021 is partly a result the mass movement of cases online, a process which started in 2020, but have now becoming customary place. It has essentially removed courtroom space as a constraint on court productivity, paving the way for greater efficiency in the court's operation.

CHAPTER 8.0: CONCLUSION AND RECOMMENDATIONS

The findings from the Easter Term report on the Supreme Court are indeed quite instructive and revealing. Among the critical findings were that the Supreme Court registered its highest clearance rate on record for any single Term for at least the past decade, with a return of 86.37%, suggesting that for every 100 new cases filed in the period, roughly 86 cases were disposed, a leap of just over 24 percentage points when compared to the corresponding period in 2021. Among the top performing units in the Supreme Court over the period were the High Court Division of the Gun Court which recorded a typically impressive case clearance rate of 150.48%, continuing a long run of leading performances, however among the most impressive results for the Term came from the High Court Civil Division which registered a record case clearance rate of 125.84%, aided by a sharp decline in the number of new cases filed and a marked improvement in the processing of notices of discontinuances which were backlogged. It is also of note that the Home Circuit Court registered a record case clearance rate of 177.42%, the highest in the Easter Term but this was not due to an increase in the number of cases disposed but instead a marked decline in the number of new cases filed during the period.

Despite the sizeable increase in the overall case clearance rate of the Supreme Court over the period, there was a noticeable increase in the average time to disposition, which rose by over 7 months to 31 months. The overall hearing date certainty rate continues to remain fairly stable with an overall average of just under 80% across Divisions.

It is left to be seen whether the productivity gains made by the Supreme Court as a whole during the Easter Term will translate into sustainable improvements over the short to medium term. The Honourable Chief Justice of Jamaica, Mr. Bryan Sykes is currently leading several reform efforts which are expected to bolster operating and judicial efficiency in a meaningful way over the medium term. An important example of such reforms already making a significant impact on the operations of the Supreme Court comes from the clearance rate on judgments which has stood at well over 100% for the past 24 months, allowing for a sizeable reduction of the backlog of judgments reserved.

Glossary of Statistical Terms

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

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

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

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

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

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

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

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

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

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

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

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