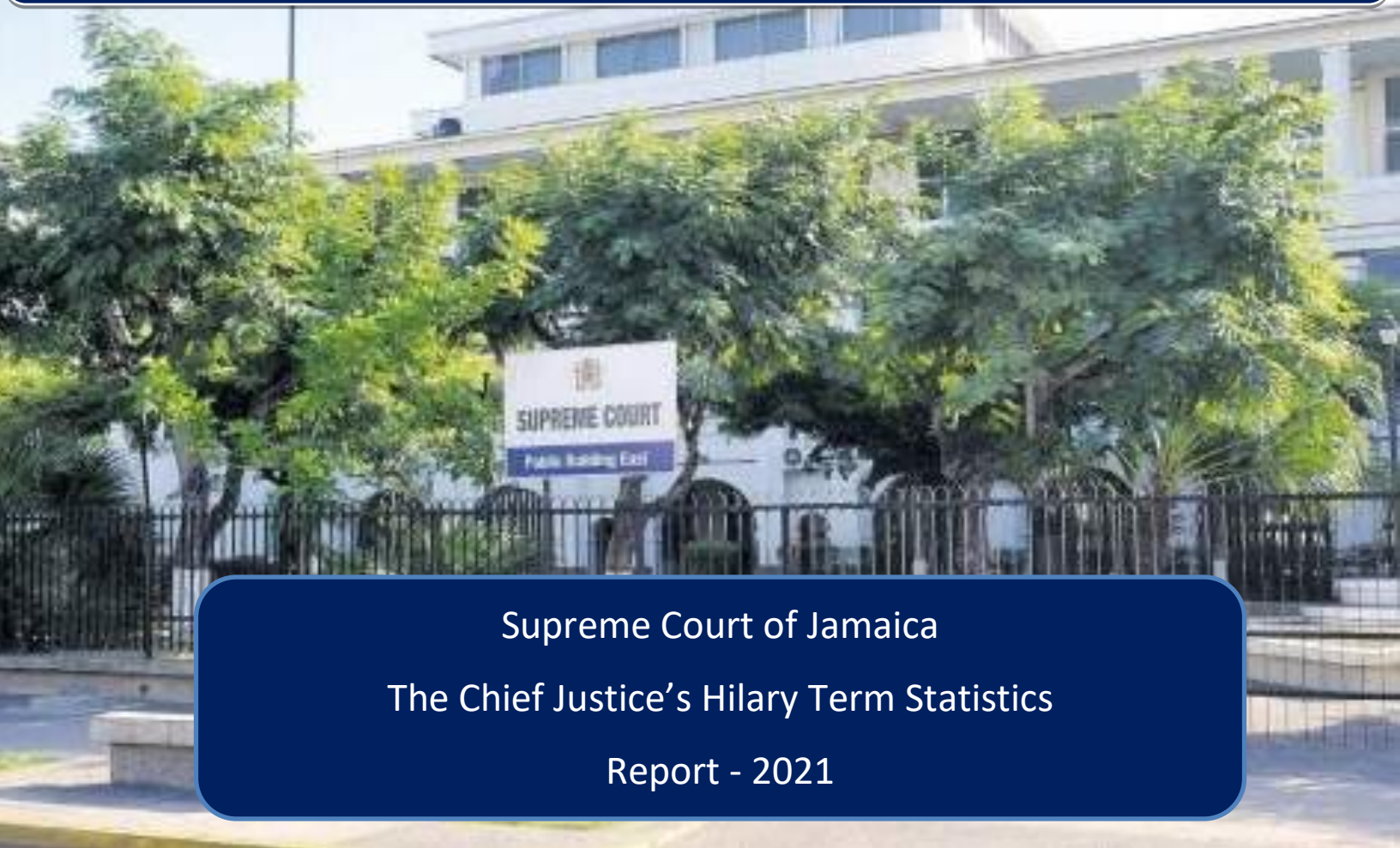


# THE CHIEF JUSTICE'S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT FOR -2021



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

### OVERALL QUANTITATIVE HIGHLIGHTS – HILARY TERM

	<u>2021</u>	<u>2020</u>	<u>2019</u>
Case clearance rate (%)	<b>64.82</b>	<b>73.21</b>	<b>58.91</b>
Hearing date certainty rate (%)	<b>76.77</b>	<b>67.51</b>	<b>59.36</b>
Case file integrity rate (%)	<b>84.68</b>	<b>93.19</b>	<b>91.04</b>
Average time to disposition of cases (years)	<b>2.23</b>	<b>2.08</b>	<b>2.21</b>
Clearance rate on outstanding Judgments (%)	<b>160</b>	<b>234</b>	<b>189</b>

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

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**2021**

## TABLE OF CONTENTS

The Chief Justice’s Message.....	2
Executive Summary .....	5
Methodology and Structure of Report .....	15
Chapter 1.0: High Court Civil Division.....	17
Chapter 2.0: Matrimonial Division .....	42
Chapter 3.0: Probate and Administration Division .....	61
Chapter 4.0: Home Circuit Court.....	75
Chapter 5.0: High Court Division of the Gun Court .....	96
Chapter 6.0: Commercial Division .....	114
Chapter 7.0: Aggregate Case Activity, Judgments and Courtroom Utilization.....	126
Chapter 7.0: Case activity and key performance summary – Rural Circuit Courts .....	134
Chapter 8.0: Conclusion and Recommendations .....	136
Glossary of Terms.....	142

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

**2021**

## **Chief Justice's Message for Hilary Term Report 2021 – Supreme Court**

As has been the case since August 2016, the statistical report for the Supreme Court continues to show excellence in some areas and grave weaknesses in others. Overall, the hearing date certainty has shown steady increase from 59.36% in 2019, 67.51% in 2020 to 75.77% in this Hilary Term 2021. The clearance rate for the period is 64.82% which is higher than the 59.36% of 2019, but below the 73.21% of 2020.

The High Court Division of the Gun Court, now joined by the Revenue Court, are beacons of excellence. The Gun Court registered a clearance rate of 111.30% while the Revenue Court showed significant improvement with a clearance rate of 200%. While the Gun Court will miss the target of being completely backlog free by June 2021, it is safe to say, that there are less than twenty active cases in that court that are older than 2019. It appears that by March 2021, the Gun Court will be completely backlog free, the first time that any court in Jamaica has achieved that within living memory.

The Revenue Court has improved its operations to such an extent that all outstanding cases will be heard and judgments delivered no later than December 2021. This will be another first in living memory.

The Matrimonial and Probate Divisions continue to provide excellent service to our stakeholders. The time standards of sixteen weeks from filing to final disposition for divorces, probate and letters of administration have largely held during the Hilary Term 2021 once court users submit documents that are accurate.

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

---

**2021**

The Commercial Division continues its success, in that on average cases are disposed of within one year of filing.

The Criminal and Civil Divisions of the Supreme Court continue to experience challenges in meeting the benchmarks outlined in the strategic plan. The suspension of jury trials since March 2020 because of the COVID 19 pandemic has adversely affected the disposal of cases. It appears that defendants are reluctant to have their matters tried by a judge sitting without a jury. However, this lull in jury trials enabled the hearing of bench trials in the High Court Division of the Gun Court which in turn led to high clearance rate of cases in that Division.

In addressing the delays in the Civil Division, four new initiatives will be implemented in the Michaelmas Term 2021. They are

- A. Masters in Chambers will hear more matters that would normally have been heard by Judges;
- B. More Judges will sit in open court thereby increasing the number of matters heard and determined;
- C. Judges will be assigned to the Civil Division for longer periods of time; and
- D. The establishment of a Family Division with dedicated Judges.

The last two initiatives (C and D) are designed to address the issue of part-heard civil trials that tend to drag on for extended periods of time because the Judges hearing these matters were assigned duties in the Criminal Division.

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

---

**2021**

The long outstanding question of adequate staffing of the registries in the Supreme Court is also being addressed. The Ministry of Finance and Planning has been working with the Supreme Court to review the staff structure of the court with a view to determining its adequacy. That process is largely completed and the problem of insufficient staff will be ameliorated within the coming months. It is expected that the results from these initiatives will be seen by March 2022.

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

### EXECUTIVE SUMMARY

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

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

This Hilary Term report contains a range of data and performance measurements on five Divisions of the Supreme Court in addition to the High Court Division of the Gun Court, the

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

---

**2021**

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

A total of 3306 new cases entered the Supreme Court across the above named Divisions/sections in the Hilary Term of 2021 while 2143 cases were disposed. The total number of new cases filed in the Hilary Term decreased by 1.22% when compared to the corresponding period in 2020, falling slightly below the forecasted figure. Further, the number of cases disposed in the Hilary Term of 2021 declined by 11.57% when compared to the corresponding period in 2020. The High Court Civil (HCV) and Matrimonial Divisions with counts of 1421 and 906 respectively of the total number of new cases filed, accounted for the largest share of incoming cases while the Revenue Court accounted for the lowest share. As was the case in the Hilary Term of 2020, the Matrimonial Division accounted for the largest share of disposals with 43.07% of all disposed cases in the Supreme Court in the Hilary Term of 2021, while the Probate Division with 542 disposed cases or roughly 25.29% of the cases disposed ranks next.

Among the major findings from this Hilary Term Report is that the average case clearance rate across the four Divisions was roughly 64.82%, a decrease of 2.69 percentage points when compared to the Hilary Term of 2020. The case clearance rate provides a measurement of the number of cases disposed, for every new case entered in a given period. The average of roughly

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

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**2021**

65% across the Divisions suggests that for every 100 new cases entered in the period, roughly 65 were also disposed (not necessarily from the new cases entered). The case clearance rates for the Hilary Term ranged from a low of 29.91% in the High Court Civil Division to a high of 200% in the Revenue Court. Among the Divisions with moderate to heavy case activity, the High Court Division of the Gun Court had the highest case clearance rate with 111.30%, followed by the Matrimonial Division with 101.88%. The overall statistic on the case clearance rate gives essential insights into potential case flow and backlog problems, as on average there continued to be significantly more incoming than outgoing cases in the Supreme Court in the Hilary Term of 2021. The overall clearance rate of roughly 65% in the Hilary Term of 2021 is still well below the minimum standard set out by the Chief Justice for the judiciary over the course of the next 3 - 6 years.

The report also generated the estimated times to disposition for matters disposed in the respective Divisions of the Supreme Court in the Hilary Term of 2021. The estimated average times taken for cases to be disposed, range from a low of approximately 1 year in the Commercial Division to a high of four and a half years in the High Court Civil Division. The overall average time to disposition for the Divisions of the Supreme Court in 2020 was roughly 27 months (2 years and 3 month), about three months higher than that of the similar period in 2020. The oldest matter disposed in the Supreme Court in the Hilary Term of 2021 occurred in the High Court Division of the Gun Court, with an age of 23.75 years at the time of closure. There were however several matters which took as low as 0-6 months to be disposed across all the Divisions of the Supreme Court during the Term.



The standard definition for a case backlog, which has been adopted throughout the Jamaican Court system, is a case that has been in the system for more than two years without being disposed. Using this yardstick, the overall on-time case processing rate for cases disposed in the Supreme Court in the Hilary Term of 2021 was approximately 71.90%, which suggests that 72 of every 100 cases disposed in the Supreme Court in the period, were done within two years, an improvement of 2.47 percentage points when compared to the corresponding period in 2020. This result implies that roughly 28.10% of the cases disposed in the Hilary Term of 2021 were in a state of backlog at the time of disposition, representing a crude proxy of the case backlog rate in the Supreme Court for the Term. The Commercial and Probate Divisions with on time case processing rates of 90% and 85.79% respectively fared best on this metric in the Hilary Term, thus also having the lowest crude case backlog rates for the period with 10% and 14.21% respectively. On the other hand, the High Court Civil Division and the Home Circuit Court recorded the lowest on-time case processing rates of 36.50% and 54.10% respectively. Concomitantly, the crude proxy case backlog rates for High Court Civil Division was 63.50% and 45.90% for the Home Circuit Court in the Hilary Term.

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

thus there is a negative association between these two variables. The hearing date certainty, which computes the rate of adherence to hearing dates scheduled, ranges from an approximate low of 64.70% in the Home Circuit Court to a high of 84.82% in the Matrimonial Division. None of the Divisions of the Supreme Court met the international standard of 92% - 100% on this measure in the Hilary Term but the overall results showed resilience and promise. The weighted average hearing date certainty across all the Divisions in the Hilary Term was roughly 76.77%, which is an indication that there was a roughly 77% probability that a matter scheduled for hearing will go ahead without adjournment. Similar data on the estimated trial date certainty rates in isolation are also provided in the relevant chapters of the report. The estimated trial date certainty rates are generally lower than the overall hearing date certainty rates in the Divisions of the Supreme Court.

Similar to previous reports, this report demonstrates decisively that external factors and third parties account for a sizeable share of the reasons for adjournment of cases and hence increased waiting time or delays in case dispositions. Despite this finding, the duty of the courts to effectively manage cases at all levels of progression in an effort to facilitate efficiency and compliance to the most optimal degree cannot be downplayed in analysing the issue of court delay. The prominent reasons for adjournment in are similar to those observed over the past three plus years of statistical reporting. Among the common reasons for adjournment cited in this report are the non-appearance of parties and/or attorneys, absenteeism of witnesses and investigating officers, incomplete files, files not found, documents to be filed, statements outstanding, ballistic and forensic reports outstanding among others. Some factors contributing

to delays are within the court's sphere of direct influence and significant efforts are being made to minimize and eventually eliminate these incidences. An equally compelling problem however appears to be the absence of a culture of collective responsibility where all court participants/stakeholders fully embrace that they play a crucial role in contributing to efficient case progression and thus to the optimal usage of the court's time and their own time. It appears that unless this culture is engendered and that the weaknesses identified among the relevant case participants/stakeholders in this report are aggressively addressed then the Supreme Court, even at its most optimal resource utilization will not be able to dispose of its cases within the shortest conceivable times. The existing constraints present a complexity in scheduling of hearings with matters getting longer future dates than they could otherwise. A possible consideration for solution to this challenge is presented in the final chapter of this report.

Another critical efficiency measurement is the case file integrity rate which measures the proportion of cases which are scheduled for court and are able to proceed in a timely manner without being adjourned for reasons of missing or incomplete files, matters wrongly listed for court and other related factors which are attributable to the inefficient handling of records and case scheduling by the court's registries. Using the High Court Civil Division as a proxy, the data reveals that the case file integrity rate was 84.68%, a decline of 8.51 percentage points when compared to the Hilary Term of 2020. This result suggests that for every 100 case files that were apart of court hearings in 2020, between 8 and 9 less were able to proceed, as compared to the Hilary Term of 2020, without being adjourned for one of the named factors which impair

case file integrity. The prescribed international standard for the case file integrity rate measure is 98% to 100%.

Apart from the high frequency of adjournments, the relatively high incidence of requisitions is an impediment to the speed of disposition of civil matters. Among the civil divisions, the incidence of requisitions was highest in the Matrimonial Division with a rate of 57 requisitions per 100 case files while the Commercial Division with 6 requisitions per 100 case files had the lowest incidence.

The Supreme Court continues to perform impressively with the clearance of judgments reserved having recorded a rate of roughly 160% for the Hilary Term, a result that is consistent with the annual forecast for 2021. The result implies that for every 10 judgments reserved, 16 are being delivered at the current rate. It is anticipated that the Supreme Court will become current, meaning, having no judgment outstanding for more than six months, by the end of 2021.

On a balance of analysis of the key performance metrics, the High Court Division of the Gun Court and the Matrimonial Division were the two leading performers in the Supreme Court for the Hilary Term of 2021.

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

**2021**

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

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (months)	Hearing date Certainty ratio (%)
High Court Civil (HCV)	1421	425	29.91	54.78	79.43
Matrimonial	906	923	101.88	21	84.82
Probate	697	542	77.76	17.62	80.70
Commercial	102	60	58.82	12	77.74
Home Circuit Court	63	61	96.83	34.61	70.0
Gun Court	115	128	111.30	21	64.70
Revenue Division	2	4	200	-	80.0
Gross/Weighted Average	3306	2143	64.82	26.84 months (2.23 years)	76.77

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

**2021**

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

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

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

**(ii) Crude proxy case backlog rate**

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

**Selected performances metrics for the Supreme Court for the Hilary Term of 2021**

Division of the Supreme Court	Resolved/Disposed cases	Unresolved cases which had court activity in 2020	Number of cases disposed within 2 years	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
High Court Civil (HCV)	425	4056	155	36.50	63.50
Matrimonial Division	923	3115	743	80.50	19.50
Probate Division	542	1883	465	85.79	14.21
Commercial Division	60	406	54	90	10
Home Circuit Court	61	656	28	54.10	45.90
Gun Court	128	410	93	73	27
Gross/Weighted Average	2139	10526	1538	71.90	28.10

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

**2021**

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

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

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

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

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

### Forecast for Judgments Reserved and Delivered in 2021

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

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

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

### METHODOLOGY

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

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



### Structure of Report

This is a comprehensive statistical report on case activity in the various Divisions of the Supreme Court in the Hilary Term of 2021. Each of the first six chapters focus on case activity and performance metrics in the High Court Civil (HCV) Division, the Matrimonial Division, the Probate Division, the Commercial Division, the Home Circuit Court and the High Court Division of the Gun Court. The last two chapters summarize aggregate case activity across the Divisions of the Supreme Court, presents the clearance rate for civil Judgements, the courtroom utilization rate estimates and a case activity and key performance summary for the Rural Circuit Courts for the Hilary Term of 2021. In each chapter, a wide range of measurements and other information are presented which places case and court activity in each Division in their peculiar perspectives and context. A glossary of statistical terms and key performance measures used in his reports are also outlined at the end of the report. The report is meant to be more of an information piece for both internal and external stakeholders, forming the basis for interventions geared at enhancing efficiency and fostering a culture of court excellence.

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

**2021**

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

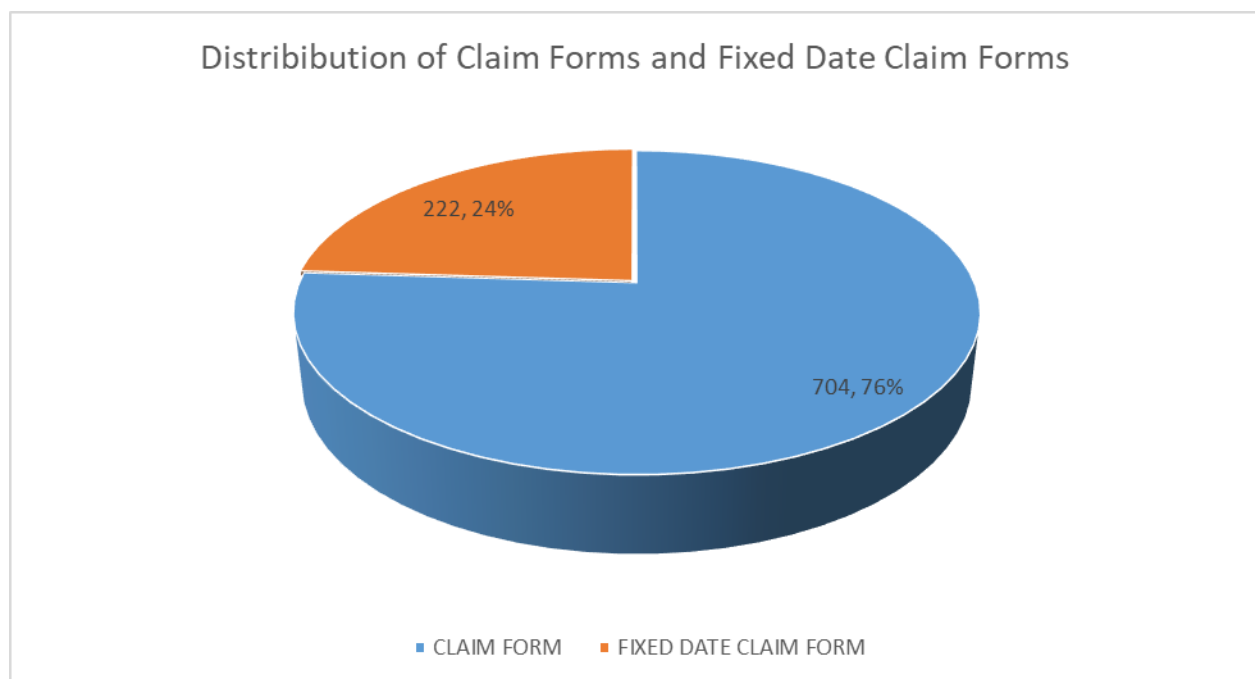
The ensuing analysis examines the various measures of the efficiency of case handling in the High Court Civil (HCV) Division for the Hilary Term ended March 26, 2021.

### **New claims filed during the Hilary Term of 2021**

<b>Number of new cases filed</b>	<b>1421</b>
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A total of 1421 new cases were filed in the High Court Civil Division of the Supreme Court in the first quarter of 2021. This represents an increase of 20.02% in the number of new cases filed when compared to the corresponding period in 2020.

### **Chart 1.0: Claim Forms and Fixed Date Claim Forms for the Hilary Term of 2021**



**Sample size = 926**

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

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**2021**

The above chart highlights the proportional distribution of cases filed in the High Court Civil (HCV) Division in the Hilary Term of 2020 which originated either by way of a Claim Form or Fixed Date Claim Form. This chart is generated using a sample of 926 cases which were filed by way of either Claim Form or Fixed Date Claim Form in the Hilary Term of 2021. The data shows that 704 or 76% of this sample were filed by way of Claim Forms while 222 or 24% were filed by way of Fixed Date Claim Forms. In general, the number of matters filed by way of Claim Forms tend to outstrip those filed annually by way of Fixed Date Claim Forms in the High Court Civil Division of the Supreme Court. Other cases filed in a given period which are not done by way of a Claim Form or a Fixed Date Claim Form will be filed by Notices of Application which on average accounts for about 10% of total new cases filed. The method by which a case is filed, be it by way of a Claim Form, Fixed Date Claim Form or Notice of Application has an impact on the path in which the matters travel in the court. Matters filed by way of Claim Forms tend to have more processes along the case flow continuum and tend on average to take a longer time to be disposed than those filed by way of Fixed Date Claim Forms and Notices of Application, both of which tend to follow a very similar path.

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

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

**2021**

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

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

Reasons for adjournment	Frequency	Percentage (%)
Claimant to file documents	358	16.0
Files not found	293	13.10
Claimant's documents not served or short served	177	7.90
Mediation Referrals	121	5.40
For comments from NEPA to be complied with (Restrictive Covenants)	105	4.70
No parties appearing	83	3.70
Defendant to file documents	73	3.30

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

**2021**

SID report to be submitted along with comments of the LP	61	2.70
Claimant to comply with orders	59	2.60
For conformity with the requirements of the TCPA	54	2.40
Claimant's attorney not ready	52	2.30
Defendant's documents not served or short served	44	2.00
<b>Sub –Total</b>	<b>1434</b>	<b>66.10</b>

**Total number of adjournments and continuances observed = 2239**

There were total of 2239 incidence of adjournments/continuance in the Hilary Term of 2021, a notable increase when compared to the corresponding period in 2020. The above table summarizes the most frequently occurring reasons for adjournment for Hilary Term, using the contextual definition outlined above. It is seen that the three dominant reasons for adjournment were claimants to file documents with 358 incidences or 16% of all events of adjournments/continuance, adjournments due to files not being found in time for hearings with 293 or 13.10% and the non-service of claimant's documents with 177 or 7.90 round off the top three. Adjournments for mediation referrals and to facilitate restrictive covenants with 121 or 5.40% and 105 or 4.70% rounds off the top five reasons for adjournment in the High Court Civil Division for the Hilary Term of 2021. The top fifteen reasons for adjournment enumerated above, accounts for approximately 66.10% of the total incidence of reasons for case adjournment/continuance in the Hilary Term of 2021. As with previous reports, it is evident

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

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

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

**2021**

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

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

<b>Number of adjournments/continuance</b>	<b>Number of adjournments due to missing files, matters wrongly listed and matters left off the court list</b>	<b>Proxy Case File Integrity Rate (%)</b>
<b>2239</b>	<b>343</b>	<b>84.68</b>

In the very strictest sense, the case file integrity rate measures the proportion of time that a case file is fully ready and available in a timely manner for a matter to proceed. Hence, any adjournment, which is due to the lack of readiness of a case file or related proceedings for court at the scheduled time, impairs the case file integrity rate. Case file integrity is based on three pillars - availability, completeness and accuracy. In the above table, the number of

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

**2021**

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 343 combined incidences of adjournments due to these deficiencies in the Hilary Term of 2021, resulting in a case file integrity rate of 84.68%, which means that roughly 15.32% of the total adjournments were due to one or more of factors that affect case file integrity. Using the same parameters, the case file integrity rate fell by 8.51% when compared to the corresponding period in 2020. The High Court Civil Division continues to pursue progressive re-engineering of their records management processes, realignment and restructuring which are expected to immensely improve efficiency over the next 24 months.

**Table 2.0: Frequent reasons for continuance for the Hilary Term of 2021**

Reasons for continuance	Frequency	Percentage (%)
Pending settlements	18	0.80
Part Heard	16	0.71

**Total number of adjournments/continuances observed = 2239**

The above table summarises the most common reasons why cases in the HCV Division were delayed for 'continuance' throughout the Hilary Term of 2021. Featuring here are pending settlements with 0.80% of the total adjournments and continuances and matters adjourned part-heard with 16 or 0.71%.

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



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

**2021**

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

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

Reasons for continuance	Frequency	Percentage
Parties having discussion with a view to settlement	67	3.0
Medical certificate outstanding	9	0.40

**Total number of adjournment/continuance = 6182**

It is seen above that parties having discussions with a view to settlement with 67 incidences or 3.00% of the total and medical reports outstanding with 9 or 0.40% of the total, accounts for the dominant share of the reasons for adjournment/continuance which falls in this category for the Hilary Term.

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

Trial matters/hearings	Frequency	Percentage
Pre-Trial Reviews	165	29.78
Open Court Trials	121	21.84
Motion Hearing	25	4.51
Assessment of Damages	183	33.03
Trial in Chambers	60	10.83
<b>Total cases</b>	<b>554</b>	<b>100</b>

The above table shows the breakdown of the progression of selected HCV pre-trial and trial hearings for the Hilary Term of 2021. The table shows a 554 cases in the Term which were scheduled for either motion hearing, assessments of damages, pre-trial review, trial in chambers or trial in open court. Assessments of damages accounted for the largest share of the

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

**2021**

list with 183 cases or 33.03%, followed by pre-trial reviews with 165 cases and trials in open court with 121 cases. It should be noted the number of cases of a particular type of hearing scheduled does not necessarily equate to the actual number of hearings or days of hearing set for the cases.

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

Hearing dates set	Hearing dates adjourned	Hearing date certainty (%)
2543	523	79.43

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 2543 dates scheduled for either trial or various pre-trial hearings, both in Court and in Chamber, revealed that 523 were 'adjourned'. The resulting estimated overall hearing date certainty figure of 79.43% suggests that there is a roughly 79% probability that a date set for a matter to be heard would proceed without adjournment, a commendable increase of 12.93 percentage points when compared to the corresponding period in 2020 and a possible sign that virtual hearing, which have become a norm could be having a positive effect. Such determinations however require more scientific inquiry. This result gives important insights into the extent to which judicial time is wasted by potentially avoidable adjournments and suggests that strong interventions by way of improved case management, scheduling and external stakeholder cooperation are vital to redressing these deficiencies. When trials in open court is isolated was the trial certainty rate for the HCV

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

**2021**

Division for the Hilary Term of 2021 is estimated at 57.82% and when trial in chambers is isolated the estimate rate is 68.93%, both improving by more than 10 percentage points when compared to the corresponding period in 2020. These are resilient outcomes within the context of the multiple prevailing constraints being faced by the court system as a result of the COVID-19 pandemic.

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

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

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

<b>Number of available court days in the Hilary Term of 2021</b>	<b>Number of days' worth of assessment of damages scheduled</b>	<b>Approximate ratio</b>
<b>56</b>	<b>185</b>	<b>3.29 days</b>

An important indicator of the problems associated with the scheduling of HCV matters comes from an assessment of the number of court days which were available for the Supreme Court in the Hilary Term of 2021, 56 all told, a decline of 15.15% when compared to the 2021. It is

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

**2021**

shown that for every court day available, approximately 3.29 days' worth of matters were scheduled, an increase of just over half days' worth of matters when compared to the Hilary Term of 2020, representing a continued state of disequilibrium. The efforts to improve the scheduling of assessment of damage hearings in the High Court Civil Division continue to be a priority item as the Supreme Court seeks to reduce wastage of judicial time and curb unwarranted delays through the application of a more advanced science to its scheduling machinery.

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

<b>Number of available court days in the Hilary Term of 2021</b>	<b>Number of days' worth of court matters scheduled for court trial per court</b>	<b>Approximate ratio</b>
<b>56</b>	<b>56</b>	<b>1.00</b>

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

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

2021

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

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

<u>Stage/Type of Hearing</u>	<u>Incidence</u>	<u>Percentage (%)</u>
Case Management Conference	179	7.99
Pre-Trial Review	106	4.73
Trial in open court	270	12.08
Trial in chamber	143	6.39
Assessment of damages	345	15.41
Judgment Summons Hearing	102	4.56
Applications	1094	48.86
<b>Total</b>	<b>2239</b>	<b>100</b>

The above table takes a large, representative sample of reasons for adjournment and records the stages of the case flow process at which they are observed. It is seen that the largest proportion of the incidence of adjournments recorded occurred with applications, which accounted for 48.86% of observations, followed by adjournment incidences at Assessments of Damages hearings with 15.41% and adjournment incidences associated with Open Court trials with 12.08%, rounding off the top three observations in the probability distribution. The results suggest that interventions aimed at curbing the incidence of adjournments should be especially targeted at applications, trials in open court and assessments of damages. It is important to note that an incidence does not equate to a case as a single case may have several reasons for adjournment at a single hearing.

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

**2021**

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

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

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

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

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

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

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

2021

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

**Descriptive Statistics (days)**

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

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

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

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

**2021**

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

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

Hearing dates set	Dates adjourned	Hearing date certainty (%)
185	89	51.89

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 51.89%, a decline of 18.30 percentage points when compared to the Hilary Term of 2020. Continued efforts to improve the scheduling practices for assessment of damages hearings will contribute markedly to improving the overall productivity of the High Court Civil Division through the more judicious use of judicial time. This is a priority of the High Court Civil Division in 2021.

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

Hearing dates set	Dates adjourned (excluding adjournments for continuance)	Hearing date certainty
220	34	84.55%

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



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

**2021**

a fixed time and day in accordance with the available resources. These matters had a hearing date certainty of 84.55% in the Hilary Term of 2021, a slight improvement of 0.21 percentage points when compared to the corresponding Term in 2020.

**Table 10.0: Requisitions for the Hilary Term of 2021**

Action	Frequency
Requisitions Issued	113
Responses to requisitions	10
Requisition response rate	8.85%
Requisitions per 100 case files (approximation)	2

In considering the efficiency with which civil matters flow through the court system, the number of requisitions and the ratio of requisitions to case files is an important metric. The rate at which responses to requisitions are filed and the share quantum of requisitions issued can have a profound impact on the length of time that it takes for some civil matters to be disposed. In the table above it is shown that there were 113 requisitions for the Hilary Term of 2021. The requisition response rate for the Term was 8.85%, marginally higher than the rate in the corresponding period in 2020. Continuous interventions aimed at increasing public sensitization on the proper and timely completion of documents filed by litigants and their attorneys at the various stages along the civil case flow continuum are vital to creating and sustaining improved outcomes in this area.

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

**2021**

**Table 11.0: Sampling Distribution on Judgments for the Hilary Term of 2021**

Judgments	Frequency	Percentage (%)
Final Judgment/Judgment after assessment/Judgment after trial/Formal Judgment	36	20.69
Judgments	21	12.07
Judgment on admission	9	5.17
Judgments in default (Judgments in Default of Acknowledging Service and Judgments in Default of Defence)	62	35.63
Interlocutory Judgments	45	25.82
Consent Judgment	1	0.57
<b>Total Judgments</b>	<b>174</b>	<b>100</b>

The above table provides a sample of the Judgments rendered during the life of HCV cases in the Hilary Term of 2021. As seen, Judgments in default with 62 or 35.63% of the sample, Interlocutory judgments with 45 or 25.82% and final judgments regarding assessments of damages, formal judgments and trials with 36 or 20.69% accounted for the three largest share of the sample.

**Table 12.0a: Chamber hearings for the Hilary Term of 2021**

Hearings	Frequency	Percentage (%)
Oral Examination	6	0.26
Case Management Conference	220	9.62
Pre-trial review	193	8.44
Applications (Various)	1638	71.65
Judgment summons hearing	229	10.02
<b>Total</b>	<b>2286</b>	<b>100</b>

The above table summarizes the incidence of different types of chamber hearings for the Hilary Term of 2021. It is seen that the total number of chamber hearing dates for the period was

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

**2021**

2286, roughly the same as the corresponding Term in 2020. The highest proportions were various applications with 1638 or 71.65% of the total number of chamber hearings. The general applications category speaks to a non-exhaustive list of various types of applications (including expedited applications) which come before the High Court Civil (HCV) Division of the Supreme Court for adjudication, most typically as part of an existing case. Case Management Conferences was a distant second with an incidence of 220 or 9.62% of the total number. Pre-trial reviews with 193 or 8.44% and Judgment summons hearings with 65 or 10.02% rounds off the top five chamber hearings for the Hilary Term of 2021.

**Table 13.0: Sampling distribution of common application types for the Hilary Term of 2021**

Type of Application	Frequency	Sample Proportion (%)
Application to dispense with personal service	88	5.37
Application to set aside default judgment	57	3.48
Application to remove attorney from record	55	3.36
Application to extend time to file defence	51	3.11
Application for first hearing	46	2.81
Application to declare entitlement to property	42	2.56
Application for Injunction	42	2.56
Application to extend validity of Claim Form	23	1.40
Application for court order	22	1.34
Application for substituted service	17	1.04
Application for summary judgment	17	1.04
<b>Sub-Total</b>	<b>460</b>	<b>28.08</b>

Sample size = 1638

The above chart is derived from a sample of 1638 applications made in the High Court Civil Division in the Hilary Term of 2021. It provides a distribution of the top eleven application types in this representative sample which reveals that applications to dispense with personal service and to set aside default judgments with 5.37% and 3.48% respectively had the highest incidences, while applications to remove attorney from record with 3.36%, applications to extend validity to file defense with 3.11% and applications for first hearing with 2.81% rounds off the top five applications in this representative sample.

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

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

**2021**

**Table 14.0: Methods of disposition for the Hilary Term of 2021**

Methods of Disposition	Frequency	Percentage (%)
Application Granted	9	2.1
Application Refused	10	2.4
Expiration of Claim Form	66	15.5
Consent Judgment	7	1.6
Consent Order	11	2.6
Damages Assessed	23	5.4
Discontinued	15	3.5
Dismissed	1	.2
Final Order	27	6.4
Judgment	10	2.4
Judgment Delivered	12	2.7
Judgment in Default of Defence	2	.5
Judgment on Admission	2	.5
Matter Withdrawn	5	1.2
Med - Parties Settled Prior to Mediation	1	.2
Med - Settled Fully in Mediation	2	.5
Notice of Discontinuance noted	170	40.0
Order (Chamber Court)	7	1.6
Settled	39	9.2
Struck Out	5	1.2
Transferred	1	.2
<b>Total</b>	<b>425</b>	<b>100.0</b>

An understanding of the distribution of the methods of case disposal is an essential metric to gaining insights into the efficiency of case handling in the courts and into operational planning. It is seen that there were 425 HCV cases disposed in the Hilary Term of 2021, a decline of approximately 34.54% when compared to the corresponding period in 2020. The largest proportion of the cases disposed, 170 or 40.0% were a result of notices of discontinuance filed,

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

**2021**

followed by the expiration of Claim Forms with 66 or 15.50%. Final Orders made with 27 or 6.40% and damages assessed with 23 or 5.40% rounds off the fur leading methods of disposition in the High Court Civil Division in the Hilary Term of 2021.

**Table 15.0: Time to disposition for the Hilary Term of 2021**

## Descriptive Statistics

Number of observations	425
Mean	54.7788
Median	44.0000
Mode	20.00
Std. Deviation	40.82681
Variance	1666.828
Skewness	.680
Std. Error of Skewness	.118
Range	202.00
Minimum	1.00
Maximum	203.00

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 Hilary Term of 2021. The 425 cases disposed in the Term reveal an estimated average time to disposition was 54.78 months or roughly four and a half years, an increase of a year when compared to the Hilary Term of 2020. The oldest matter disposed in the year was 203 months old or roughly 17 years old while the lowest time that a matter took to disposition was roughly a month. The median time to disposition was forty months or approximately 3 years

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

**2021**

and eight months while the modal time to disposition was an instructive 20 months. The standard deviation of roughly 41 months or 3 years and 5 months is indication of a wide variation of the durations to disposal around the mean and suggests that the times to disposition vary widely. The modest positive skewness of roughly 0.86 however suggests that there were proportionately more disposals, which took lower time to disposition than those which took higher than the average time. The margin of error of these estimates is plus or minus 2 months.

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

Date Interval	Frequency	Percentage (%)
0 – 12	57	13.4
13 – 24	98	23.1
25 – 36	51	12.0
37 – 47	34	8.0
48 and over	185	43.5
<b>Total</b>	<b>425</b>	<b>100.0</b>

The above table provides a more detailed breakdown of the average time to disposition. It is seen that of the 425 matters disposed in the Hilary Term, the largest proportion, 185 or 43.50% took four years or more to be disposed. 98 cases or roughly 23.10% of the cases disposed took between 13 and 24 months to be disposed while 57 or 13.40% took a year or less to be completed. The remaining proportion of the cases disposed was accounted for by the interval 25 - 36 months with 12.0% and the 37 – 47 months' interval with the lowest proportion at 8.00%. It is of note that roughly 36.50% of the matters disposed in the Hilary Term of 2021 took two years or less, compared to approximately 63.50%, which took more than two years during

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

**2021**

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

**Table 17.0: Clearance rate for the Hilary Term of 2021**

Cases filed	Cases disposed	Case clearance rate
1421	425	29.91%

*\*4 or 0.94% of the cases disposed, originated in the Hilary Term of 2021 (i.e. the disposal rate)*

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 Hilary Term of 2021, the High Court Civil Division recorded a case clearance rate of 29.91% or roughly 30%. This represents a decrease of 18.32 percentage points when compared to the corresponding Term of 2020.



The Statistics Unit estimates that over the next 1-3 years, the High Court Civil Division will need to be averaging case clearance rates of between of 65% and 80% in order to start seeing a meaningful reduction in the average time to disposition. In this range, it is computed that enough cases will start to get nearer future dates of appearance in order to see a tendency towards the optimization of the Division's production function, subject to a number of existing constraints, both directly controllable and others external to the Court.

### **Other performance measures**

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

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

**(ii) The case turnover ratio**

**(iii) The disposition days**

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

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

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

**2021**

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

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated disposal days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
425	4897	0.09	4056	155	425	36.50	63.50

The results in the above table show a case turnover rate of 0.09, which is an indication that for every 100 cases, which had some activity in the Hilary Term of 2021, nine cases were disposed, a reduction of roughly three percentage points when compared to the corresponding Term in 2020. This result forms part of the computation of the case disposal days which reveals that the on average the unresolved cases will take several more years to be disposed at the current rate.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. Based on this general criterion, a case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the High Court Civil Division in the Hilary Term of 2021 is 36.50%, which reflects the proportion of High Court Civil cases in the year, which were disposed within 2 years. Conversely, the crude proxy case backlog rate is estimated at 63.50%, an indication that an estimated annual proportion of 64% 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 4897 cases, which had some court activity in the Hilary Term of 2021 and were still active at the end of the period, roughly 3110 are expected to be in a backlog classification before being disposed.

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

**2021**

## **CHAPTER 2.0: MATRIMONIAL DIVISION**

The ensuing analysis examines the various measures of the efficiency of case handling in the Matrimonial Division for the Hilary Term ended March 26, 2021.

**Chart 19.0: Distribution of new cases filed in the Matrimonial Division**

Description	Frequency	Percentage (%)
Matrimonial Petition (without children)	518	57.17
Matrimonial – Nullity	2	.2
Matrimonial Petition (with children)	283	31.2
Matrimonial (WR) Petition (without children)	61	6.7
Matrimonial (WR) Petition (with children)	42	4.6
<b>Total</b>	<b>906</b>	<b>100.0</b>

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

The above chart summarizes the distribution of new cases filed in the Matrimonial Division in the Hilary Term of 2021 at the Kingston and Western Regional Registries respectively. It is seen that a combined total of 906 new cases were filed in the Matrimonial Division during the Term, representing a decline of 13.30% when compared to the corresponding Term in 2020. 103 new cases were filed at the Western Regional Registry of the Supreme Court, representing an increase of 14.44% when compared to the similar period in 2020. The remaining 803 new cases were filed at the Matrimonial Registry at the Supreme Court in Kingston, a decline of 14.21% when compared to the Hilary Term of 2020. It is of note that 325 or 35.87% of the matters involved children.

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

**2021**

**Table 20.0: Petitions filed during the Hilary Term of 2021**

Type of petition	Frequency	Percentage (%)
Amended petition for dissolution of marriage	487	34.96
Petition for dissolution of marriage	904	64.90
Petition for Nullity	2	0.14
<b>Total Petitions filed</b>	<b>1393</b>	<b>100</b>
Number of amendments per petition	<b>0.54</b>	

The above table summarizes petitions filed in the Hilary Term of 2021. It is shown that a total of 1393 Petitions (new or amended) were filed, 904 or 64.90% of which were petitions for dissolution of marriage, compared to 487 or 34.96% which were amended or further amended petitions for dissolution of marriage. The analysis further suggests that the ratio of petitions to amended petitions is 0.54 or in other words for every 100 Petitions for dissolution of marriage there is roughly 54 amended Petitions for dissolution of marriage in the Hilary Term, a slight decline of 2 percentage points when compared to the corresponding Term in 2020. As indicated, the number of petitions for dissolution of marriage which were filed in the Hilary Term of 2021 decreased by 13.49% when compared to the Hilary Term of 2020 while the number of amended petitions also fell by 10.48%. The continuous decline in the number of amended petitions filed represents an encouraging sign for the probability of disposing more Matrimonial cases, faster. The Matrimonial Division continues to make significant progress in clearing its case backlog, and up to the end of the Hilary Term of 2021 there was only a minimal number of cases with filings having outstanding actions from the registry for more than 16 weeks. This is an outstanding feat which in practice it means that divorce cases filed in

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

**2021**

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

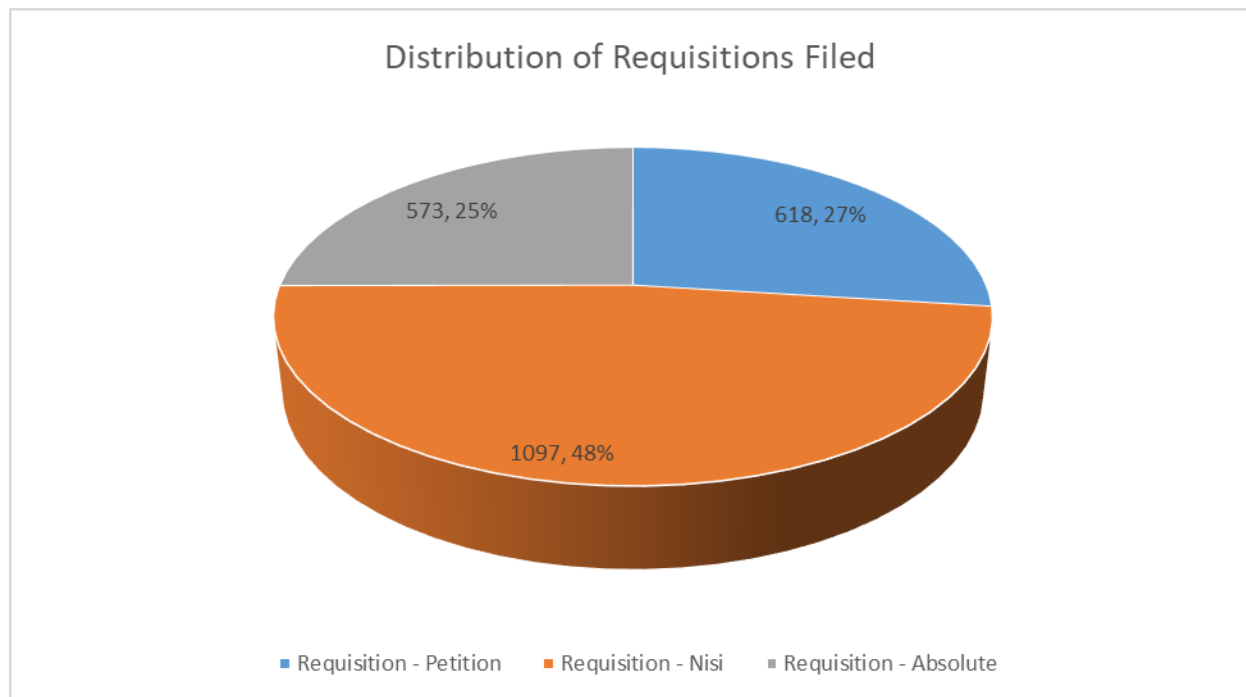
**Table 21.0: Decrees Nisi and Decrees Absolute filed for the Hilary Term of 2021**

Case Status	Frequency
Decree Absolute	1340
Decree Nisi for dissolution of marriage	1132
Decree Nisi for Nullity of marriage	8
<b>Total</b>	<b>2480</b>
<b>Ratio of Decrees Nisi to Decrees Absolute Filed</b>	<b>1</b>

It is seen in the above table that for every 100 Decrees Nisi filed there were also exactly 100 Decrees Absolute filed in the Hilary Term of 2021, an improvement of four percentage points when compared to the corresponding Term in 2020, the best ratio achieved in recent recorded history. One caveat to note is that Decrees Nisi and Decrees Absolute would have originated at various times outside of this specific period of analysis. The data suggests that the number of Decrees Absolute filed decreased by 0.15% while the number of Decrees Nisi filed decreased by 18.40%. The stage of a matter at which requisitions have mostly occurred has an impact on the production rate for both Decrees Nisi and Decrees Absolute Granted.

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

**Chart 6.0: Distribution of the stages of requisitions for the Hilary Term of 2021**



The data suggests that a total of 2288 requisitions were issued at the three primary stages of a divorces case at the Kingston and Western Regional Supreme Court Registries combined, a notable decrease of 12.27% when compared to the corresponding Term in 2020. There were encouraging signs along the case flow progression as all stages of requisition experienced declines when compared to 2019. The number of requisitions filed at the petition stage decreased by 17.93% when compared to the corresponding Term in 2020 while the number filed at the Decree Nisi stage fell sharply by 17.46%. The number of requisitions filed at the Decree Absolute stage however increased by 8.94%. Continued improvements in this arena augur well for the overall efforts in the Matrimonial Registry to improve the rate of case clearance and reduce the average time taken to dispose of cases. It is instructive that the

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

**2021**

Matrimonial Division has seen a sharp improvement in its case clearance rate for the Hilary Term of 2021 while also seeing a notable decline in the incidence of requisitions filed. As with previous reports, it is seen in the above chart that there is a markedly greater probability that a requisition will be made at the stage of Decree Nisi, with an estimated 48% incidence, down by 3 percentage points when compared to the corresponding Term in 2020. 27% of the total represented requisitions at the stage of Petition and the lowest proportion of 25% of requisitions are associated with the Decree Absolute stage. Despite the commendable improvements there is significant room for targeted interventions, particularly aimed at reducing the incidence of requisitions at the Decree Nisi stage.

**Table 22.0: Methods of Disposals for the Hilary Term of 2021**

Methods of Disposition	Frequency	Percent
Decree Absolute Granted	778	84.3
Notice of Discontinuance noted	41	4.4
WR Decree Absolute Granted	103	11.2
WR Decree Nullity Granted	1	.1
<b>Total</b>	<b>923</b>	<b>100.0</b>

**NB: WR means Western Regional Registry**

The above table reveals that 923 matrimonial cases were disposed during the Hilary Term of 2021, a decline of 6.83% when compared to the corresponding period in 2020. A proportion of 95.50% or 881 were attributable to Decrees Absolute Granted while 41 or 4.40% were due to Notices of Discontinuance filed, accounting for the top two methods of disposition in the Hilary Term of 2021. Decrees Nullity granted with 1 or 0.10% rounds off the methods of disposition for the Hilary Term of 2021. It is of note that only 2 or 0.22% of the cases disposed during the

Hilary Term of 2021 actually originated in during the Term, a result that is not surprising considering that based on standard processes the fastest disposed divorce cases will take up to 16 weeks or four months. The ongoing process flow re-engineering and enhanced engagement of stakeholders should continue to drive improvements in this area in the remainder of 2021 and by the end of 2022 it is likely that up to 30% of new cases filed will be disposed in the same year of filing. The current trends suggest that the Matrimonial Division could conceivably realise the target of disposing the majority of cases filed within 4-6 months, however the case progression mechanism has to work with a high degree of efficiency for this to happen and the cooperation of the attorneys and litigants in properly filing documents and expeditiously responding to requisitions will be crucial.

It is of note that 819 of the 923 matrimonial cases disposed were attributable to the Kingston Registry while 104 were accounted for by the Western Regional Registry in Montego Bay. Both locations experienced increases in the absolute number of cases disposed in the Hilary Term of 2021.



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

**2021**

**Table 23.0: Requisitions summary for the year ended December 31, 2020**

Action	Frequency
Requisitions	2288
Number of requisitions per 100 files	57
Number of responses to requisitions	1021
Requisition clearance rate (%)	44.62

The incidence of requisitions is especially important in assessing the efficiency with which matrimonial matters move through the court system. A total of 2288 requisitions were issued during the Hilary Term of 2021, a decline 12.27% when compared to the corresponding Term in 2020. This produces a ratio of cases filed to requisitions of 0.57 which suggests that for every 100 cases which had some activity during the Term, there were 57 requisitions issued. The number of responses to requisitions fell by roughly 15% when compared to the corresponding Term in 2020, but the potential effects of this on the efficient progression of cases along the case flow continuum appears to have been offset by the larger proportional decline in the number of requisitions issued

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.

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

2021

**Table 24.0: Outline of ideal delivery time standard and process flow for the disposition of divorce matters**

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

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

**2021**

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

## Notes

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

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

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

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

**2021**

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

Action	Frequency	Percentage (%)
Applications	102	57.30
Expedited Applications	17	9.55
Case Management Conference	23	12.92
Motion Hearing	20	11.24
Pre-trial Hearing	3	1.69
Trial	13	7.30
<b>Total</b>	<b>178</b>	<b>100</b>

The above table shows the distribution of the types of matters brought before the Court for the period under examination. The data shows that an incidence of 178 hearings either before open court or chamber, a slight decline of 2.20% when compared to the Hilary Term of 2020. The largest proportion, 102 or 51.62% were applications followed by 23 or 23.88%, which were Case Management Conference matters. The event with the third highest incidence in this category is motion hearings, which accounts for 20 or 11.24% of the total. The probability distributions of the events in this table are broadly consistent with that which was observed in the previous two years.

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

Application type	Frequency	Percentage (%)
Application for substitute service	20	16.81
Application for maintenance	13	10.92
Applications for custody/joint custody	11	9.24
Ex-parte application for substituted service	9	7.56

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

2021

Further analysis of the type of applications brought before the Court suggests that applications for substituted service with 20 or 15.14% accounted for the largest share. This is followed by applications for maintenance with 13 or 10.92% of the observations, while applications for custody or joint custody and ex-parte applications for substituted service with 9.24% and 7.56% respectively rounds off the sampling distribution.

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

Reasons for Adjournment	Frequency	Percentage (%)
Claimant's documents not served or short served	12	14.10
File not found	11	12.90
Claimant to file documents	9	10.60
No parties appearing	7	8.20
Parties having discussions with a view to settle	4	5.33

**Total incidence of adjournments (N) = 85**

As with all Divisions of the Supreme Court, an important metric of court efficiency is the reasons for adjournment of court matters. The data suggests that there were 85 incidence of adjournments in the Matrimonial Division for chamber and open court hearings in the Hilary Term of 2021, representing a decline of 15 percentage points when compared to the Hilary Term of 2020. The largest proportion of these adjournments was due to the downturn in court activity resulting from the short service or non-service of claimant's documents. Adjournments due to files not found and due to outstanding document filings from claimants with 11 or 12.90% and 9 or 10.60% respectively rounds off the top three reasons for adjournment during the Hilary Term. The listed reasons for adjournment account for 51.13% of the total incidence of adjournments in 2021 Hilary Term. Continued effort to improve internal efficiency and to improve overall case management and external stakeholder engagement are critical to

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

**2021**

reducing delay and improving the timely resolution of cases which are heard in chamber or open court.

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

<b>Court/Chamber hearing dates set</b>	<b>Hearing dates Date adjourned (excluding continuance)</b>	<b>Hearing date certainty rate (%)</b>
178	27	84.83%

The possible over-scheduling of cases is affirmed by the above table, which computes the date scheduling certainty of the Matrimonial Division. It is seen that of the representative sample of 178 -combined incidence of Court and Chamber hearing dates in the Hilary Term of 2021, 27 were adjourned. This produces a fairly strong hearing date certainty rate of 84.83 and suggests that for the Term there was a fractional decrease of 0.76 percentage points when compared to the Hilary Term of 2020. For every 100 hearing dates scheduled, the approximate number that proceeded without adjournment in the Hilary Term is 85, a resilient result amidst the COVID-19 pandemic. When trial matters are isolated, the trial date certainty rate is 69.20%, roughly 6 percentage points below the similar period in 2020.

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

**2021**

**Table 29.0: Time to disposition for the Hilary Term of 2021**

Descriptions Statistics (Months)	
Number of observations	923
Mean	20.9592
Median	19.4000
Mode	8.30
Std. Deviation	19.72975
Variance	389.263
Skewness	3.029
Std. Error of Skewness	.080
Range	165.26
Minimum	1.17
Maximum	166.43

The above table summarizes the time disposition for the Hilary Term of 2021. It is seen that of the 923 matters disposed during the year, the estimated average time to disposition was roughly 20.96 months, or roughly 1.75 years, marginally better than the corresponding period in 2020. The estimate of the most frequently occurring time to disposition was however roughly 8 months and the median 19 months, both showing positive signs for the continued reduction of the overall time to disposition in the Matrimonial Division. The oldest matter disposed was approximately fourteen years old. The scores had a standard deviation of roughly 20 months, which indicates a wide variation in the distribution of the times to disposition in the Hilary Term. The skewness measure returns a large positive figure of approximately 3.03 which strongly indicates that a markedly larger proportion of the times to disposition were lower than the mean. The margin of error of these estimates is plus or minus 2 months or 0.17 years.



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

**2021**

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

Time Interval (Months)	Frequency	Percentage (%)
0 - 12	429	46.5
13 – 24	314	34.0
25 – 36	81	8.8
37 – 47	40	4.3
48 and over	59	6.4
<b>Total</b>	<b>923</b>	<b>100.0</b>

The above table provides a more detailed breakdown of the estimated times to disposition for Matrimonial matters in the Hilary Term of 2021. It is seen that of the 923 matters disposed in the Term, the largest proportion, 429 or roughly 46.50% were disposed within a year, a quite commendable accomplishment, while the 314 or 34.0% which took 13 – 24 months to be disposed accounted for the next highest proportion. Taken together this result suggests that 743 or 80.50% of Matrimonial Division matters which were disposed in the period were done in two years or less from the time of initiation. This is a slight improvement of 2.03 percentage points when compared to the corresponding period in 2020. It is of note that 59 or 6.40% of the cases disposed in the Matrimonial Division in the Hilary Term of 2021 took four or more years to be resolved, largely on account of lengthy delays in external filings from case parties. As with the previous two years, the estimates however clearly suggest that a decidedly larger proportion of matters, which were disposed during the year, took two years or less. The margin of error of these estimates is plus or minus 2 months or 0.17 years. It has been established that under near ideal circumstances, Matrimonial cases can be disposed within 4 months after filing, however in 2020 less than 5% of the cases resolved satisfied this target, largely on account of

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

**2021**

the slow rate of compliance with requisitions issued and the attendant errors in filings submitted to the registry by external parties. The Matrimonial Division continues to work on achieving optimal efficiency in its internal processes in order to guarantee the public that if filings made by litigants and attorneys meets the requisite standards and are requisitions are responded to in a timely manner then divorce cases can be resolved without delay.

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

Cases filed	Cases disposed	Case clearance rate
906	923	101.88%

**\*4 or 0.43% of the 923 cases disposed, originated in the Hilary Term of 2021**

The above table shows that there were 906 new cases filed in the Hilary Term of 2020, while 923 were disposed. This produces a case clearance rate of 101.88%, suggesting that for every 100 new cases; roughly, 102 were disposed during the Term. An important caveat is that the cases disposed did not necessarily originate in the stated year. The result represents a 16.33 percentage points increase in the clearance rate when compared to the corresponding period in 2020. The clearance rates for Matrimonial matters may also be broken down by location of registry, as shown below:

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

**2021**

**Table 31.0b: Case clearance rate for the Hilary Term of 2020 (by registry location)**

Registry location	Number of new cases filed	Cases disposed	Case clearance rate
Kingston Registry	906	819	90.40%
Montego Bay Registry	103	104	100.97%

The above table shows that when the case clearance rate is done by registry location, the Matrimonial Registry in Kingston cleared roughly 90 cases for every 100 new cases filed while the Western Regional Registry in Montego Bay cleared approximately 101 for every 100 cases filed. Notably, there has been steady improvement in the general process flow at the Western Regional Registry as well as the access to Judges and Masters and this is now being reflected in the rate of output. Both Registries continue to make operational improvements which will have a profound impact the efficient progression of cases.

## **Other performance measures**

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

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

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

**2021**

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

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

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated Disposition days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
923	3115	0.30	1217 days	743	923	80.50	19.50

The results in the above table show a case turnover rate of 0.30, which is an indication that for every 100 cases, which had some activity during the Hilary Term of 2021 and still active at the end of the Term, another 30 were disposed

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. Based on this general criterion, a case that is disposed within two years is considered to have been resolved on time. The on time case-processing rate for the Matrimonial Division in the Hilary Term of 2021 is 80.50%, which reflects the proportion of Matrimonial cases handled in the period, which were disposed within 2 years. Conversely, the proxy case backlog rate is

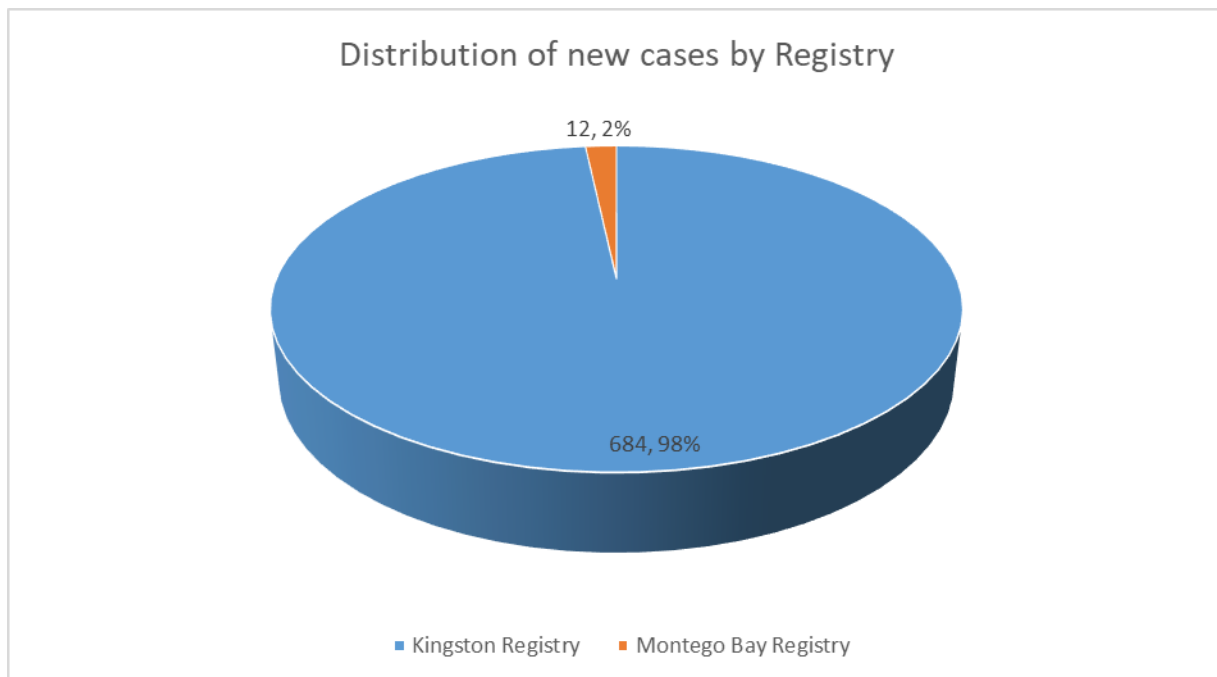
19.50%, an indication that an estimated annual proportion of 20% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 3115 cases, which had some court activity in 2020 and were still active at the end of the period, 623 are expected to be in a backlog classification before being disposed.

### **CHAPTER 3.0: PROBATE AND ADMINISTRATION DIVISION**

This section turns to the analysis of the progression of matters in the Probate and Administration Division for the Hilary Term ended March 26, 2021.

A total of 696 new cases were filed in the Probate and Administration Division in the Hilary Term of 2021, an increase of 3.26% when compared to the corresponding Term of 2020. 12 of these new cases were filed at the Western Regional Registry in Montego Bay and the remaining 684 were filed at the Registry in Kingston. The output for the Western Regional Registry represents a 62.50% decline in the number of new cases filed when compared to the Hilary Term of 2020 while the Kingston Registry saw a 6.54% increase over the similar period.

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



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

**2021**

As shown in the above chart, 696 or 98% of the new Probate cases filed in the Hilary Term of 2021 took place at the Registry in Kingston while the remaining 12 or 2.0% were filed at the Western Regional Registry in Montego Bay.

**Table 32.0: Summary of Oaths filed during the Hilary Term of 2021**

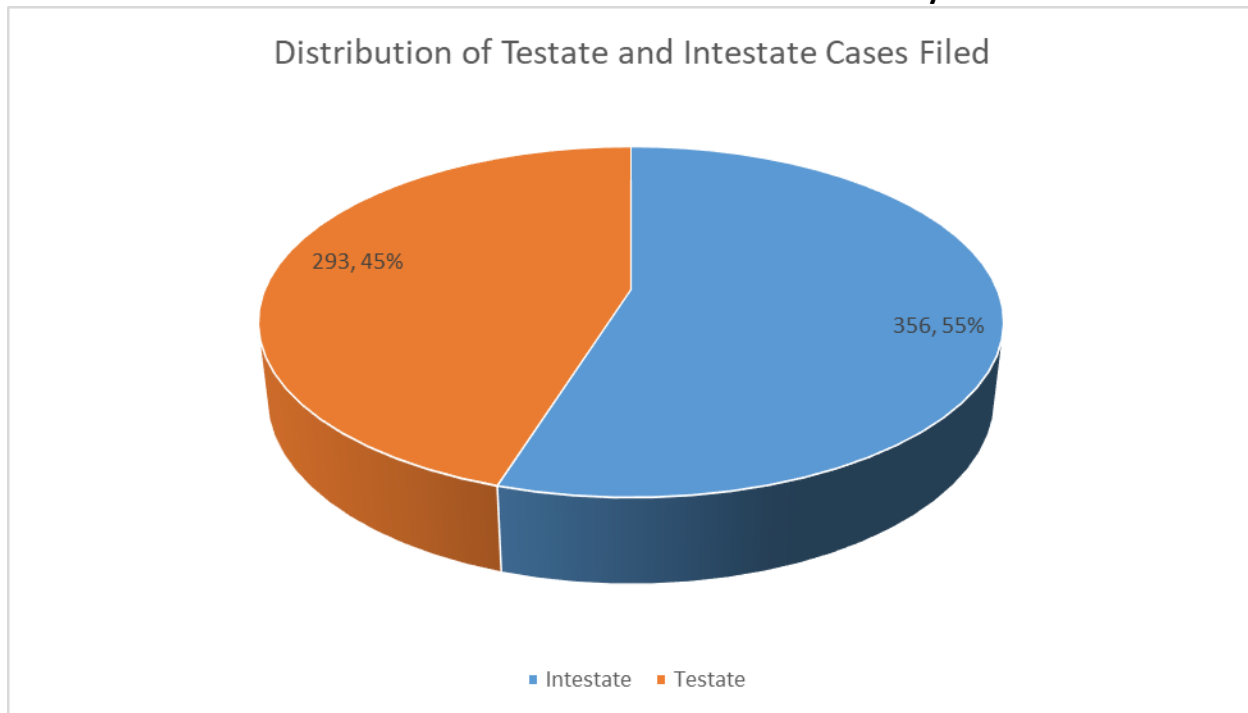
Oaths	Frequency	Percentage (%)
Supplemental Oaths	590	45.88
Oaths	696	54.12
<b>Total</b>	<b>1286</b>	<b>100</b>
<b>Ratio</b>	<b>0.85</b>	

The above table suggests there were a total of 696 Oaths filed in the Hilary Term of 2021, of which 696 or 54.12% were initial Oaths filed, compared to 590 or 45.88% which were Supplemental Oaths. The ratio of Oaths to Supplemental Oaths is 0.85, which suggests that for every 100 Oaths there were 85 Supplemental Oaths filed during the Hilary Term, a statistic which has potentially adverse implications for the speed of disposition of matters but this is nonetheless an improvement of eight percentage points when compared to the corresponding period in 2020. It is of note that the Supplemental Oaths in this data set are not all related to the cases filed in the Hilary Term of 2021 and also includes further Supplemental Oaths filed. Continued intervention to reduce the incidence of Supplemental Oaths are an important part of the way forward as the Division seeks to persist in improving its productivity and becoming backlog free in the shortest possible time.

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

grant a probate but the final sign-off which completes the case rested with the office of the Registrar.

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



**Sample size = 649**

The above chart shows that an estimated 45% of the new cases filed in the Probate and Administration Division in 2020 were Testate matters (matters with a Will in place prior to death) and 55% were Intestate (having no Will in place). These estimates were derived using a sample of 649 new cases filed during the Hilary Term of 2021.



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

**2021**

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

Case Type Description	Frequency	Percentage (%)
SC Probate	33	4.7
SC Resealing Intestate	5	.7
SC Resealing Testate	9	1.3
SC Intestate	350	50.2
SC Testate	287	41.2
WR Intestate	6	.9
WR Testate	6	.9
<b>Total</b>	<b>696</b>	<b>100.0</b>

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

The above table sums of the distribution of the 696 new cases filed in the Probate and Administration Division during the Hilary Term of 2021. It is seen that the largest proportion of the new cases filed were Intestate matters, cumulatively accounting for 51.15%. Intestate matters with 42.10% of the new cases filed and Probates with 4.70% rounds off the top three case types in the distribution.

**Table 34.0: Action sequence for the Hilary Term of 2021**

Action Status	Frequency
*Granted	594
*Grants Signed	522
<b>Ratio of Granted Applications to Grants Signed</b>	<b>0.88</b>

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

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

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

**2021**

of 0.88, suggesting that for every 100 granted applications, there were 88 Grants signed (though not necessarily from the number granted). This represents a decline of 20 percentage points when compared to the corresponding period in 2020.

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

Action Status	Frequency
Number of cases actioned	2375
Requisitions Issued	1185
Number of responses to requisitions	563
Number of requisitions issued per case file	0.50
Requisitions clearance rate	47.51%
Average days between final requisition filed and Grant of Probate/Administration	20

The number of requisitions made, the length of time that it takes for requisitions to be returned and the time to disposition after issuing requisitions, are important to understanding the efficiency of the flow of matters in the Probate Division. It is seen that there were 1185 requisitions issued while 2375 individual cases were actioned in the period, representing a ratio of 0.50 requisitions per case file actioned. This means that for every 100 cases actioned there were 50 requisitions issued, an improvement of 3 percentage points when compared to the Hilary Term of 2020. There were 563 responses to requisitions in the Probate and Administration Division during the Term, producing a requisitions clearance rate of 47.51%, an improvement of 6.61 percentage points when compared to the corresponding Term in 2020. Further analysis suggests that the average time from the issuing of final requisitions to the Grant of Probate was 20 days, an improvement of 3 days when compared to the Hilary Term of

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

**2021**

2020. There was an increase of 4.22% in the number of requisitions issued in the Hilary Term of 2021 when compared to the corresponding Term in 2020.

**Table 36.0: Methods of Disposal for the Hilary Term of 2021**

Methods of Disposition	Frequency	Percentage (%)
Application Granted	4	0.74
Grant ad Collegenda Bona signed	1	0.18
Grant of Admin De Bonis Non signed	6	1.11
Grant of Admin De Bonis Non W/A signed	3	0.55
Grant of administration signed	272	50.18
Grant of Double Probate signed	1	0.18
Grant of probate signed	198	36.53
Grant of Resealing signed	22	4.06
Letters of Administrator with W/A signed	13	2.40
Notice of Discontinuance noted	16	2.95
WR Grant of administration signed	6	1.11
<b>Total</b>	<b>542</b>	<b>100.0</b>

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

The summary of the methods of disposal for the Probate and Administration Division for the year are contained in the above table. It is shown that of the 542 cases disposed in the Hilary Term of 2021, a decrease of 21.56 percent when compared to the Hilary Term of 2020. The largest proportion, 522 or 96.31% was a result of various Grants Signed. Notices of discontinuance and matters disposed by an application granted account for the other 16 or 2.95% and 4 or 0.74% were disposed by applications granted. Grants of Administration signed

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

**2021**

and Grants of Probate signed with 272 or 52.11% and 198 or 37.93% accounts for the largest share of Grants Signed.

**Table 37.0: Dominant reasons for adjournment of Probate matters for the Hilary term of 2021**

Reasons for adjournment	Frequency	Percentage (%)
Claimant to file documents	12	29.30
Claimant's documents to be served	10	17.20
No parties appearing	5	8.60
File not found	5	8.60
<b>Sub-Total</b>	<b>32</b>	<b>63.70</b>

**Sample size = 58**

The top four reasons for adjournment for Estate matters that went to Open Court in the Hilary Term of 2021. It is shown that of the 58 incidence of adjournments in the period, the largest proportion were for the reasons of 'claimant to file documents' which accounted for 29.30%. This was followed by adjournments for claimant's documents to be served and due to no parties appearing with 10 or 17.20% while adjournments due to no parties appearing and files not found each with 5 or 8.60% rounds off the top four reasons for adjournment in the Hilary Term of 2021. 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 Hilary Term.

**Table 38.0: Applications summary for the Hilary Term of 2021**

Nature of Applications	Frequency	Percentage (%)
Applications	54	68.35
Express Applications	25	31.65
<b>Total</b>	<b>79</b>	<b>100.0</b>
<b>Ratio of express applications to applications</b>	<b>-</b>	<b>0.46</b>

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

**2021**

The above table provides a basic summary of the types of court applications made during the Hilary Term of 2021 and shows that there were 227 Court Applications in the period, of which 165 or 72.69% were standard applications while the remaining 62 or 27.31% were express applications. For every 10 applications made during the year, there were roughly four express applications.

**Table 39.0: Top four types of applications for the Hilary Term of 2021**

Application	Frequency	Percentage (%)
Application to prove copy Will	20	25.32
Application to admit copy Will	6	16.67
Application for directions	6	16.67
Ex-parte Application to Prove Copy Will	4	11.11
<b>Sub-Total</b>	<b>36</b>	<b>100.00</b>

***Total number of observations = 79***

The above table provides a summary of the leading applications filed in the Probate and Administration Division during the Hilary Term of 2021. It is seen that applications to prove Copy Will with 25.32% of the applications followed by applications to admit copy Will and applications for directions with 16.675 each accounts for the three leading applications in the Term. Applications often provide a medium through which disputes or other issues for clarification can be resolved in an estate case and therefore forms an important part of case processes in the Probate and Administration Division where the vast majority of cases are resolved by way of 'paper based reviews' from the Deputy Registrar of the Division.

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

**2021**

**Table 40.0: Hearing date certainty for the Hilary Term of 2021**

<b>Court/Chamber hearing dates set</b>	<b>Hearing dates adjourned (excluding continuance)</b>	<b>Hearing date certainty (%)</b>
83	16	80.70

The above table addresses the extent of adherence with dates set for court/chamber matters in the Probate Division for the Hilary Term of 2021. It is shown that there were 83 incidences of dates scheduled for Chamber or Court, 16 of which were adjourned. This produces an overall hearing date certainty rate of 80.70%, an indication that for 2021 there was a roughly 81% chance that a matter set for court would proceed without the date being adjourned. This is an improvement of roughly 3.56 percentage points when compared to 2020. When trial matters are isolated, the trial date certainty rate is 75%, roughly twice the rate observed in the corresponding period in 2020.

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

**2021**

**Table 41.0: Age of matters disposed for the Hilary Term of 2021**

## **Descriptive Statistics (months)**

Number of observations	542
Mean	17.6218
Median	10.0000
Mode	9.00
Std. Deviation	21.04249
Variance	442.786
Skewness	4.232
Std. Error of Skewness	.105
Range	221.00
Minimum	3.00
Maximum	228.00

The above table provides a summary measure of the overall estimated times to disposition for the 542 cases disposed in the Probate and Administration Division during the Hilary Term of 2021. The estimated average time to disposition is 17.62 months or approximately 1.47 years, roughly the same as the corresponding period in 2020. This result was however acutely positively skewed by the existence of a few large times to disposition, which have markedly increased the overall average. This large positive skewness therefore suggests that the substantially larger proportion of the times to disposition were below the overall average time. This is supported by the results for the estimated median time to disposition of 10 months and the most frequently occurring time to disposition of just 9 months. The reasonably large standard deviation of approximately 21 months supports the deduction that there were scores that varied widely from the mean, in this case skewing the average upwards. The margin of

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

**2021**

error of these estimates is plus or minus 2 months or 0.17 years. The oldest Probate matter disposed in the year was 228 months old or approximately 19 years old while there were a few matters, which took only a few months to be disposed.

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

Time Interval (months)	Frequency	Percent
0 – 12	392	72.3
13 – 24	73	13.5
25 – 36	25	4.6
37 – 47	16	3.0
48 & over	36	6.6
<b>Total</b>	<b>542</b>	<b>100.0</b>

The above table shows that of the 542 Probate and Administration matters disposed in the Hilary Term of 2021, the majority, 392 or 72.30% were disposed of in 12 months or less, followed by 73 or 13.50% which were disposed within a time interval of 13 to 24 months. Taken together this data suggests that an impressive approximated 85.80% of Probate and Administration matters which were disposed of in the Term took two years or less. 4.60% each of the cases were disposed in an estimated time frame of between 25 and 36 months, 3.0% took between 37 and 47 months and 6.60% took an estimated time of over 48 months or four years or more to be disposed. The margin of error of these estimates is plus or minus 2 months or 0.17 years. The relatively high proportion of cases disposed within a year and two years respectively augurs well for the current efforts to significantly reduce the length of time that it takes for cases to be disposed and potentially eliminate case backlog in the foreseeable future. These gains should



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

**2021**

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

**Table 43.0: Case clearance rate for the Hilary Term of 2021**

Cases filed	Cases disposed	Case clearance rate
697	542*	77.76%

*\*6 or 1.11% (disposal rate) of the 542 cases disposed, originated in the Hilary Term of 2021. This further represents 0.86% of the new cases filed during the Hilary Term.*

Using the data on the number of cases filed and disposed in the period under examination, a case clearance rate of approximately 77.76% is derived, a noticeable decline of 24.76 percentage points when compared to the corresponding Term in 2020. The result suggests that for every 100 cases filed and active in the Hilary Term of 2020, roughly 78 were disposed. This is a rare event that this division fails to meet the International standard of 90% - 100%, nevertheless the results continue to show good resilience. The Probate Division continued its process flow re-engineering during the Hilary Term of 2021 and the improvements are expected to reap significant economies of scale in the short run, further reinforcing the position of the Division among the leading performing business units in the Supreme Court and creating the impetus necessary to attain the performance targets which have been set out by the Honourable Chief Justice Bryan Sykes.

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

**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 crude proxy case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Hilary Term of 2021. These measures are summarized in the table below:

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

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated case disposition days for the unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
542	1833	0.30	1217	465	542	85.79	14.21

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

---

**2021**

The results in the above table shows a case turnover rate of 0.30, which is an indication that for every 100 cases, which had some action during the Hilary Term of 2021 and still active at the end of the year, another 30 were disposed, a decline of 18 percentage points when compared to the Hilary Term of 2020.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Probate Division in the Hilary Term of 2021 is 85.79%, which reflects the proportion of cases in the Term, which were disposed within 2 years. Conversely, the case backlog rate is 14.21%, an indication that an estimated annual proportion of 14% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This is an improvement of roughly 4.79 percentage points when compared to the corresponding period in 2020, as the momentum continues towards eliminating net case backlog in this Division within the coming 8-12 months. The data further suggests that of the 1833 cases, which had some court activity in the Hilary Term of 2021 and were still active at the end of the year, 260 are expected to be in a backlog classification before being disposed.

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

**2021**

## **CHAPTER 4.0: THE HOME CIRCUIT COURT**

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

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

Charge	Frequency	Percentage (%)
Rape	20	20.20
Sexual Intercourse with a person under 16	17	17.20
Murder	16	16.20
Grievous Sexual Assault	6	6.10
Buggery	6	6.10
<b>Sub-Total</b>	<b>65</b>	<b>59.70</b>

**Total number of charges brought (N) = 99**

The above table summarizes the distribution of top five new charges associated with cases brought during the Hilary Term of 2020. There were **63 new cases filed** at the Home Circuit Court during the Term, representing **99 charges**, a ratio of roughly 16 charges for every 10 new cases, an increase of 3 charges for every 10 cases filed when compared to the corresponding Term in 2020. The number of new cases filed represents a 18.85% decline when compared to the Hilary Term of 2020. It is shown that of these 99 charges, the largest proportion, 20 or 20.20% were rape cases. This is followed by murder and sexual intercourse with a person under 16 years old with 17.20% and 16.20% respectively. Grievous sexual assault and buggery each with 6.10% rounds of the top five incidence of new charges brought in the Hilary Term of 2021. Sex related charges continue to occupy the largest share of the new matters filed, accounting for roughly 54.55% of this stock during the Term. The top six charges filed, accounts for 59.70%

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

**2021**

of the total. 717 criminal cases, which is the equivalent of 1941 charges, had some activity in the Home Circuit Court during the Hilary Term of 2021, the oldest of which dates back to 2006. This case activity outcome represents an 6.52% decline when compared to the Hilary Term of 2020.

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

Reason for adjournment	Frequency	Percentage	Stage of matter
Both Defence Counsel Absent	151	25.50	Case Management
Defence and Prosecution to Engage in Discussions	36	6.30	Case Management
For disclosure to be made	29	5.10	Case Management
For indictments to be served	24	4.20	Case Management
To settle legal representation	23	3.90	Case Management/Trial
Forensic Certificate Outstanding	22	3.90	Case Management/Trial
Ballistic Certificate Outstanding	22	3.90	Case Management
Statements Outstanding	22	3.90	Case Management
For file to be completed	21	3.70	Case Management
Papers to be served	18	3.20	Case Management
Witnesses cannot be located	14	2.50	Trial
Scene of Crime CD Outstanding	14	2.50	Case Management
<b>Sub-Total</b>	<b>396</b>	<b>68.60</b>	

**Total incidence of adjournments/continuance (N) = 570**

The above table provides a summary of the top twenty reasons for adjournment in the Home Circuit Court for the Hilary Term of 2021. It is shown that there was a combined 570 incidence of reasons for adjournment during the Term, with some matters having multiple adjournments.

This represents an encouraging 16.42% decline when compared to the Hilary Term of 2020, a result which reflects a combination of generally improved case management and greater efficiency the Plea and Case Management Court which is emblematic of how robust judge leadership can be a catalyst for improved case flow. There is still a long way to go to creating a re-engineered culture of collective responsibility which is required among all the court's stakeholders in driving greater productivity. Ultimately, the court has a monumental responsibility to provide significant leadership in this regard in an effort to ensure optimum utilization of judicial resources and time and the gentle advances being made in the Plea and Case Management Court, particularly over the past two years is reflective of this mantra.

There dominant reasons for adjournment listed above continue to provide compelling evidence that third party entities, namely the defence bar, the police, the prosecution, the state lab services contribute significantly to the delays experienced in the progression of cases in the Home Circuit Court. In many ways the data strongly suggests that once criminal cases are ready they tend to move at a fairly rapid pace towards disposition and many of the roadblocks to case progression are primarily due to the named third party entities. Nevertheless, the court cannot be absolved of the responsibility to engender, encourage, manage and incentivize the improvements which are required in stakeholder cooperation and compliance. Active judge case management, robust and impartial case management at the level of the registry, standards setting and enforcement are all essential facets of the overall advances which are required to optimize the use of judicial resources, minimize delay and foster a more productive court system.

The overall incidence of reasons for adjournment suggests that external parties are directly responsible for over 85% of the reasons for delay as operationalized by this measurement. An examination of the dominant reasons for adjournment in the Hilary Term of 2021 provides an affirmation of the ideas outlined. At the top of the list are adjournments due to the absence of defence counsel, accounting for 151 or 25.50% of the total incidence of adjournments in the Term. Both the private bar and legal aid attorneys share responsibility in this regard. The second highest ranking reason for adjournment on the list is adjournments for the defence and prosecution to engage in discussions. This is largely a procedural reason geared towards arriving at some form of settlement such as plea negotiation and is more strictly speaking a reason for continuance as this activity may be deemed to be routine and may aid in expediting a quick and efficient disposition. The next highest ranked reason on the list for the Hilary Term of 2021 is for disclosure to be made and for indictments to be served, accounting for 5.10% and 4.20% respectively of the total incidence. These two reasons for adjournment are largely due to slow action or inaction on the part of Defence Attorneys and the Prosecution. Adjournments to settle legal representation ranked next with 23 or 3.90% of the incidence of adjournments in the Term, another reason that is avoidable through stronger pre-court case management practices. The reasons for adjournment of statement outstanding, ballistic certificate outstanding, forensic report outstanding and Scene of Crime Certificate outstanding all feature prominently on the list of leading reasons for adjournment of cases during the Term, the responsibility for which is largely shared in some proportion by the police and relevant state lab facilities.

The Criminal Registry of the Supreme Court continues to work on improving its overall efficiency in an effort to improve case management and to expedite case outcomes within the desired standard of two years or less. While it is clear however that the core causes of delays in the Home Circuit Court are largely due to factors concerning external parties, there is also a significant role for the judges and registry to play to mobilizing the broad line up of incentives which are required to promote a culture of collective responsibility, the absence of which also has some roots in broader institutional deficits in the country. The traditional claim that the inadequacy of courtrooms is a significant cause of delays should also be refuted as the courtroom utilization rate of under 65% suggests that there is some spare resource capacity, albeit in limited proportion in the Supreme Court. The ability of the Home Circuit Court to effectively and efficiently schedule cases requires some improvement and the attention of the court's leadership is fully invested in finding scientific resolutions in this regard. The overall effectiveness of the scheduling science in the Home Circuit Court is however challenged by the large incidence of mostly avoidable adjournments.

The top 12 reasons for adjournment listed above accounts for 68.60%% of total incidences of adjournments/continuance in the Home Circuit Court in the Hilary Term of 2021. The data suggest that there was an average incidence of adjournments of less than one per case, the first in recorded history for the Home Circuit Court, a reflection of some positive momentum and more proactive case management. There is still however a long way to go to reaching the optimum equilibrium point of efficiency.



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

**2021**

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

Type of hearings	Hearing date certainty rate (%)
Mention	82.45
Plea and Case Management Hearings	95.08
Bail Applications	75.38
Sentencing hearings	78.26
Trial hearings	53.80
Pre-Trial Review	79.17
<b>Total/Weighted Average</b>	<b>70</b>

The date scheduling certainty for each Division of the Supreme Court is an important metric which examines the extent to which dates, which are set for various types of hearings, are adhered. A low result has implications for the capacity of the court to adequately estimate the duration of a matter, for the capacity of courtrooms and Judges to absorb certain caseload and for the general system of scheduling. In the table above it is shown that the overall hearing date certainty rate of roughly 70% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 70 were able to proceed without adjournment. This result remains well below the targeted 95% set out by the Honourable Chief Justice but the reform agenda continues as the Supreme Court aims at bringing redress to some of the root causes of court delay, both internal and external. The overall hearing date certainty rate for the Home Circuit

Court represents an increase of just over 7 percentage points when compared to the corresponding period in 2020. When trial matters are isolated, the trial certainty rate revealed is 53.80%, an improvement of 25.92 percentage points when compared to the similar period in 2020. Plea and Case Management conferences had a hearing date certainty rate of 95.08%, an estimated improvement of 15 percentage points when compared to the Hilary Term of 2020. The improvements noted, particularly in the Plea and Case Management Court are quite commendable, however there is still some way to go towards attaining an equilibrium point which is characterized by the lowest possible mean time to disposition and the highest possible output.

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

Firstly, the setting of a limited number of trial matters each week requires great precision in estimating the length of time that such trials will last. Failure to do this with accuracy and through the application of a scientific approach in consultation with all relevant parties will likely result in an under-utilization of judicial time either as many matters will end earlier than

proposed or trials lasting longer than expected which could affect subsequent matters scheduled for the particular courtrooms. Furthermore, if the estimated duration of trials is not precisely determined then the proposed back up list, which should be triggered when a firmly set trial matter breaks down in court, will prove very difficult to manage and could potentially worsen the currently fragile trial date certainty rates. In like manner, there are also some concerns over whether the scheduling of the start time for trial matters should be restricted to particular days in each week. It could be argued that unless the estimated duration of trials set is precise or near precise then imposing such restrictions could sub-optimize the use of judicial time.

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

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

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

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

**Table 50.0: Methods of case disposal for the Hilary Term of 2021**

Methods of Disposition	Frequency	Percentage (%)
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# THE CHIEF JUSTICE'S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT

**2021**

Accused Deceased	3	4.9
Dismissed	1	1.6
*Disposed	2	3.3
Formal Verdict of Not Guilty – discharged	5	8.2
Found Guilty	1	1.6
Guilty Plea	17	27.9
No Evidence offered - discharged	9	14.8
No further evidence offered – discharged	9	14.8
**Nolle Proseque	10	16.4
Not Guilty - Discharged	3	4.9
Remitted to Parish Court	1	1.6
<b>Total</b>	<b>61</b>	<b>100.0</b>

*\*\*Included for computational convenience*

*\*Specific methods unavailable at time of reporting*

The above table summarizes the methods of disposal for the cases disposed of during the Hilary Term of 2021. It is shown that 61 cases were disposed during the Term, an increase of 7% when compared to the corresponding period in 2020. As per the trend over the last several Terms, guilty pleas accounted for the largest share of cases disposed, with 17 or 27.90% of the total number of disposals. Accounting for the next highest proportion of total resolutions was Nolle Proseque entered with 10 or 16.40% and 'no evidence offered' and 'no further evidence offered' each with 9 or 14.80% of the disposals. The top five methods of disposition during the Term is rounded off by formal verdicts of not guilty which account for 8.20% of the cases disposed. Of the 61 cases disposed during the Hilary Term of 2021 in the Home Circuit Court, only 3 or 4.92% originated during the Term. This also represents 0.48% of the new cases entered during the Term.

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

**2021**

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

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

Total number of charges disposed	Total number of guilty outcomes	Conviction rate (%)
61	18	29.51%

The above table shows that of the 61 criminal charges disposed of in the Hilary Term of 2021 in the Home Circuit Court, 18 were because of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 29.51% which suggests that there is a roughly 30% probability that a matter could end in a guilty outcome, using the 2021 Hilary Term as a proxy. This represents an improvement of 3.19 percentage points when compared to the Hilary Term of 2020. This data can be further disaggregated so that the conviction rates for some of the most frequently occurring charges are measured. In particular, the conviction rate on murder charges, sexual intercourse with a person under 16 and rape are documented below.

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

Total number of chares concluded	Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas)	Conviction rate
13	0	0%

The above table shows that of the 13 matters of sexual intercourse with a person under 16 years which were concluded in the Hilary Term of 2021, none were as a result of guilty

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

**2021**

outcomes, whether by way of a verdict or a plea, thus producing a conviction rate of 05 for this charge during the Term, 18.18% less than the similar period in 2020.

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

Total number of charges concluded	Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas)	Conviction rate
15	0	0%

The above table shows that of the 15 rape charges which were concluded in the Hilary Term of 2021, none were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of roughly 0%, 21.05% less than the corresponding period in 2020.

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

Total number of charges concluded	Total number of guilty outcomes (i.e. guilty verdict or guilty plea)	Conviction rate
36	3	8.33%

The above table shows that of the 36 murder charges concluded during the Hilary Term of 2021, 3 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 8.33% which suggests a roughly 8% probability that a murder matter could end in a guilty outcome during the Term, a 22.22 percentage point decrease when compared to the corresponding period in 2020.

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

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

**2021**

Charge disposed	Frequency	Percentage (%)
Murder	36	27.10
Rape	15	11.30
Sexual Intercourse with a person under 16	13	9.80
Illegal possession of firearm	12	9.00
Grievous sexual assault	7	5.30
<b>Sub-Total</b>	<b>112</b>	<b>63.60</b>

**Number of disposed charges (N) = 133**

The above data shows that there were 133 charges disposed of in the Hilary Term of 2021, an increase of 14.66% when compared to the corresponding period in 2020. The largest proportion of these matters was murder with 36 or 27.10%. This was followed by rape with 15 or 11.30% of the total. Charges of sexual intercourse with a person under 16 and illegal possession of firearm comes next with 9.80% and 9.00% respectively. Grievous sexual assault with 5.30% rounds off the top five charges disposed during the Hilary Term of 2021. Murder and sex related matters are again not only the dominant incoming but also the dominant outgoing cases. It is of particular note that roughly 33.83% of matters disposed of in the Hilary Term of 2021 were sex related while also accounting for roughly 54.55% of all incoming cases. The dominance of this charge in the criminal statistics again strongly suggests that there needs to be robust case management (including pre-court case management) attention for these matters to support their timely disposition.

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

Number of observations	61
Mean	34.6066
Median	31.0000



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

**2021**

Mode	20.00 <sup>a</sup>
Std. Deviation	33.68743
Variance	1134.843
Skewness	2.220
Std. Error of Skewness	.306
Range	176.00
Minimum	<1
Maximum	176.00

a. Multiple modes exist. The smallest value is shown

The above table provides a descriptive summary of the times to disposition for criminal cases disposed in the Hilary term of 2021. It is shown that the estimated average time to disposition for the cases disposed during the Term was approximately 35 months or just shy of three years, a month better than the corresponding period in 2020. There was a relatively wide spread in the year of origin with the largest share of cases disposed originating between 2017 and 2020, while the oldest individual case disposed dates back to 2006. The estimated minimum time to disposition was less than a month and the estimated maximum was 176 months or almost 15 years. The moderately large skewness of 2.22 indicates that the larger proportion of observations fell below the overall average. The relatively large standard deviation confirms the fairly wide spread of the data points in the series.

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

Time Intervals	Frequency	Percentage (%)
0 – 12	17	27.9
13 – 24	11	18.0
25 – 36	14	23.0

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

**2021**

37 – 47	11	18.0
48 & over	8	13.1
<b>Total</b>	<b>61</b>	<b>100.0</b>

The above table provides a summary of the estimated time to disposition for the cases disposed in the Hilary Term of 2021. It is shown that the largest proportion of matters disposed were resolved in under a year of initiation, accounting for 17 or 27.9% of the total. 14 or 23.0%, which were disposed within 25 – 36 months and 11 or 18% each which took between 13 and 24 months and between 37 and 47 months follow this. Cumulatively, 45.90% of the matters disposed during the Term took two years or less, roughly the same proportion as the corresponding Term in 2020. The remaining 54.10% of cases disposed took over two years to be resolved. Using this data as a proxy, there is a slightly greater probability that a case entered in the Home Circuit Courts will be disposed after reaching a backlog classification. Improvements in the science that is applied to scheduling and case management as a whole, paired with significant improvements in third party delay factors discussed earlier has the potential to reduce the probability of a case backlog to a remote incidence.

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

## Descriptive statistics (in months)

Number of observations	133
Mean	51.3459
Median	34.0000

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

**2021**

Mode	18.00
Std. Deviation	43.67876
Variance	1907.834
Skewness	1.539
Std. Error of Skewness	.210
Range	189.00
Minimum	<1
Maximum	189.00

The above table provides interesting results on the average time taken to dispose of cases from the date of offence. The data set shows this average time to disposition to be roughly 4 years and 3 months, markedly higher than the mean time of roughly three years taken to dispose of the corresponding cases after entry into the Home Circuit Court. This marked difference suggests possible weaknesses in the investigative apparatus of the police as well prosecutorial and case management deficits which potentially hamper the timely delivery of justice to citizens. It is worth noting that the data set is positively skewed, suggesting that a larger proportion of the observations fell below the overall series average. Further, the relatively large standard deviation indicates a wide spread of the data point (times) around the mean, affirming that the overall average was affected by large outlying values. The maximum time to disposition from the time of offence for the cases resolved during the Term is 189 months or roughly 16 years.

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

**2021**

**Table 59.0a: Breakdown of selected charges by time to disposition for the Hilary Term of 2021**

Time intervals (months)		Charge			Total
		Murder	Rape	Sexual Intercourse with a Person under Sixteen years old	
<b>0 - 12</b>	Count	1	2	1	4
	% within Charge	2.8%	13.3%	7.7%	6.2%
<b>12 -24</b>	Count	3	1	4	8
	% within Charge	8.3%	6.7%	30.8%	12.5%
<b>48 &amp; over</b>	Count	32	12	8	52
	% within Charge	88.9%	80.0%	61.5%	81.2%
<b>Total</b>	<b>Count</b>	<b>36</b>	<b>15</b>	<b>13</b>	<b>64</b>
	<b>% within Charge</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>

The above table highlights the times taken to dispose of the dominant charges in the Home Circuit Court during the Hilary Term of 2021. For murder charges, it is seen that of the 36 charges resolved during the Term, the overwhelming majority of 32 or 88.90% took more than four years to be resolved while 8.30% took between 12 and 24 months to be resolved and 2.80% were resolved within a year. The overwhelming majority of rape charges disposed during the Hilary Term also took four or more years, accounting for 80% of the 15 charges resolved. 6.70% of these charges took between 12 and 24 months to be disposed while 13.30% were disposed within a year. 61.50% of the charges of sexual intercourse with a person under 16 years which were resolved in the Hilary Term took four years or more to be disposed while 30.80% were resolved within 12 – 24 months and 7.70% were completed within a year. As a whole, 81.20% of these three charges which were resolved took four or more years while 12.50% took between 12 and 24 months to be resolve and 6.20% were resolved within 12 months.

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

**2021**

**Table 59b: Proportional breakdown of time to disposition by selected charge type for the Hilary Term of 2021**

Charge	Percentage of matters disposed of in 2 years or less	Percentage of matters disposed of in more than 2 years
<b>Murder</b>	2.80%	97.20%
<b>Sexual intercourse with a person under 16 years old</b>	7.70%	92.30%
<b>Rape</b>	13.30%	86.70%

The above table furthers the previous one by directly highlighting the relative lengths of time that it takes for the most frequently occurring types of matters to be disposed. It is seen that roughly 2.80 of murder charges disposed in the Hilary Term of 2021 took 2 years and under while 97.20% took over two years to be disposed. 7.70% of the matters of sexual intercourse with a person under 16 years were disposed within two years and the remaining 92.30% took over two years to be disposed in the Home Circuit Court in the Hilary Term of 2021. As it regards rape cases, which were disposed, 13.30% took 2 years or less to be disposed while 86.70% took over two years. The length of time which different types of matters take to be disposed has significant implications for the way in which the Court prioritizes it's scheduling and resource allocation and these results should therefore inform the interventions, which are necessary to bolster the case disposal rates.

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

**2021**

**Table 60.0: Case clearance rate for the Hilary Term of 2021**

Cases filed	Cases disposed	Case clearance rate
63	61	96.83%

*Note: 3 or 4.92% of the cases disposed originated in the Hilary Term of 2021. This represents the criminal case disposal rate in the Supreme Court in 2020.*

The case clearance rate of 96.83% shown above is an indication that slightly more cases entered than those that were disposed in the Home Circuit Court in the Hilary Term of 2021. The result suggests a ratio of roughly 97 cases disposed for every 100 new ones brought, a marked increase of 40.39 percentage points when compared to the Hilary Term of 2020. This is the highest case clearance rate for the Home Circuit Court in recorded history by Term or year. The Honourable Chief Justice Mr. Bryan Sykes has set a target of improving the trial and hearing date certainty rate to 95% over the next 3-6 years. The attainment of this target is an important cornerstone for higher disposal and clearance rates and a more efficient judicial system. There is still some way to go towards sustainably attaining this target but the general direction is positive.

## **Other performance measures**

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

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

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

**2021**

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

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

**Table 62.0: Selected performances metrics for the Home Circuit Court in the Hilary Term of 2021**

Resolved cases	Unresolved cases	Case turnover rate (%)	Disposition days	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
61	656	0.093	3925	28	61	54.10	45.90

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

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Home Circuit Court in the Hilary Term of 2021 is 54.10%, which reflects the proportion of cases resolved in the Term, which were disposed within 2 years. Conversely, the proxy case backlog rate is 45.90%, an indication that an estimated proportion of 46% 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 656 cases, which had some court activity during the Hilary Term and were still active at the end of the period, 301 are expected to be in a backlog classification before being disposed.



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

**2021**

## **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 Hilary Term ended March 26, 2021. In particular, this section outlines data related to matters initiated, matters disposed, adjournments and the distribution of trial and mention matters during the Term.

**Table 63.0: Top six charges filed in the Hilary Term ended March 26, 2021**

Charges filed	Frequency	Percentage (%)
Illegal possession of firearm	110	43.14
Illegal possession of ammunition	60	23.53
Shooting with intent	32	12.55
Robbery with aggravation	20	7.84
Assault at common law	12	4.71
Assault	10	3.92
<b>Sub-Total</b>	<b>244</b>	<b>95.69</b>

*Total number of charges (N) = 255, the equivalent of 115 cases.*

The above table provides a summary of the top six charges, which were brought in the Gun Court in the Hilary Term of 2021. There were 255 new charges filed in the Hilary Term of 2021, an increase of 2.82% when compared to the corresponding Term in 2020. The largest proportion of these new cases filed was accounted for by illegal possession of firearm with 110 or 43.14%, well ahead of the next highest ranked charge of illegal possession of ammunition with a count of 60 or 23.53% of the total. Shooting with intent is next with 32 or 12.55% while robbery with aggravation with 20 or 7.84% and assault at common law with 12 or 4.71% rounds

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

**2021**

off the top 5 charges filed in the Gun Court in the Hilary Term of 2021. The 255 new charges entered in the Hilary Term of 2021 translate into 115 new cases filed during the Term, a 15% increase when compared to the corresponding Term in 2019. This represents a ratio of 1:2.22, suggesting that for every 10 cases entered, there were 22 charges.

**Table 64.0: Sampling distribution of hearings during the Hilary Term ended March 26, 2021**

Type of Hearing	Frequency	Percentage (%)	Equivalent Number of Cases	Number of Hearings Per case
Mention	267	19.19	195	1.40
Plea and Case Management Hearing	316	22.72	184	1.72
Trial	357	25.66	201	1.87
Part Heard	146	10.50	55	2.65
Bail Applications	150	10.78	107	1.40
Sentencing	155	11.14	39	3.97
<b>Total</b>	<b>1391</b>	<b>100.00</b>	<b>781</b>	<b>1.78</b>

*Note: PCMH means Plea and Case Management Hearing*

The above table provides a sampling distribution of hearings in the Gun Court during the Hilary Term ended March 26, 2021. In terms of dates set, trial hearings with an estimated 25.66% of dates set accounted for the largest proportion followed by plea and case management hearings with 22.72% and mention hearings with 19.19%, rounding off the top hearing events in terms of dates set during the Hilary Term of 2021. Gun Court matters commence with mention and plea and case management hearings which together account for 41.91% of total number of hearing dates set and roughly 48.53% of the cases scheduled during the Term. Some matters heard at mention will proceed to Trial which accounts for 25.745 of the cases heard during the Term.

The ratio of cases heard by way of mention or plea and case management hearings to cases proceeding to trial is 0.53 which means that for every 10 cases mentioned or heard in Plea and Case Management Court, roughly 5 proceeded to trial during the Term. The rate of progression to trial for cases heard in the Gun Court is an essential index for court planning and scheduling. An examination of the number of hearings per case suggests that roughly four sentencing dates were set per case during the Term which is the highest among the various types of hearings, followed by trials which had roughly two trial dates set per case proceeding to this stage during the Term. When combined, mention and plea and case management hearings had roughly 1.5 hearing dates set for every case convened at this stage during the Term. This is another way of saying that for every 10 cases mentioned or heard in the Plea and Case Management Court, there were 15 dates set. Bail applications had the lowest ratio of cases to hearing dates set during the Hilary Term. The higher the ratio of hearing dates set to cases heard, the greater the likelihood of court delay and therefore it is desirable that this ratio be reduced for all the types of hearings.

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

**2021**

**Table 65.0: Sampling distribution of reasons for adjournment for the Hilary Term ended March 26, 2020**

Reason for adjournment	Frequency	Percentage (%)
Ballistic Certificate Outstanding	127	8.40
Statements Outstanding	88	5.80
Defence Counsel Absent	79	5.20
Other documents outstanding	74	4.90
Part Heard in Progress	74	4.90
Social Enquiry Report	64	4.22
Forensic Certificate Outstanding	60	4.00
Disclosure	57	3.80
Witness Absent	48	3.20
Scene of Crime CD Outstanding	36	2.40
Accused not brought	35	2.30
Scene of Crime Statement Outstanding	35	2.30
Medical Certificate Outstanding	33	2.20
To Settle Legal Representative	32	2.10
Antecedent Outstanding	23	1.50
<b>Sub-Total</b>	<b>865</b>	<b>57</b>

**Total number of adjournments (N) = 1516**

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

As was seen with the analysis of delay in other Division of the Supreme Court, a significant number of the reasons for adjournment listed are due to factors which may be classified as external to the court. Four of the top five reasons for adjournment for matters heard in the Hilary Term for example are a direct result of third party deficits. It is seen that outstanding

ballistic certificates with 8.40% of the sampled reasons for adjournment, statements outstanding with 5.80% and Defence Counsel absent with 5.20% rounds accounts for the three leading reasons for adjournment in the Gun Court during the Hilary Term. Also featuring prominently on the list of reasons for adjournment are outstanding forensic certificates, outstanding medical certificates, outstanding scene of crime CD and scene of crime statements, witnesses absent, disclosure, accused not brought and outstanding antecedents, all factors which are due to one or a combination of deficits among the court's external stakeholders, namely the police, the state lab services, correctional services and the prosecution. In fact, in the top fifteen reasons for adjournment listed above for the Gun Court in the Hilary Term, only one reason, that of part heard in progress can be explicitly attributed to the operational issues in the court itself. When all the reasons for adjournment are taken into account, external factors explicitly account for over 80% of the reasons for adjournment in the Hilary Term. These findings affirm an important fact, which is that Gun court cases which are in a state of readiness are in large measure able to get an early date and progress relatively seamlessly towards disposition. This is consistent with the now well established trend of excellent output in the Gun Court, exhibited by case clearance rates consistently over 100% and a current net case backlog rate of under 5%.

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

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

**2021**

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

**Table 65.0: Hearing date certainty summary for the Hilary Term ended March 26, 2020**

Type of hearing dates	Number of hearing dates	Number of hearings dates adjourned	Hearing date certainty rate (%)
Mention hearings	267	54	79.78
Plea and Case Management hearing	316	99	68.67
Bail Applications	150	32	91.04
Sentencing hearings	155	87	43.87
Trial hearings	357	151	57.70
Part Heard Hearings	146	68	53.42
<b>Total/Overall Average</b>	<b>1391</b>	<b>491</b>	<b>64.70</b>

The date scheduling certainty for each Division of the Supreme Court is an important metric, which examines the extent to which dates, which are set for various types of hearings, are adhered. A low result has implications for the capacity of the court to adequately estimate the duration of a matter, for the capacity of courtrooms and Judges to absorb a certain caseload and for the general system of scheduling. In the table above it is shown that of 1391 court dates scheduled for hearings in the period under study, 491 were adjourned. This suggests an overall hearing date certainty rate of roughly 64.70% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 65 are able to proceed without adjournment for reasons other than those procedural, for example for Trial, Bail Application, Sentencing and Plea and Case Management. This result is a 5.28 percentage points improvement when compared to the Hilary Term of 2020. When trial matters are isolated, the trial certainty rate revealed is 57.70%, 1.58 percentage points lower than the Hilary Term of 2020. Despite this modest output, the Gun Court still managed to sustain a clearance rate of 100%, for an unprecedented ten consecutive Terms. One possible explanation for this corollary is that although trial dates are adjourned, the interval between hearings is relatively short, thus not adversely affecting the clearance of cases. Despite the fact that the Gun Court has managed to achieve unparalleled case clearance rates over the past few years, the performance could be even better if higher rates of trial date certainty were achieved. The inability to simultaneously achieve high case clearance rates and high trial date certainty rates creates a sub-optimal usage of judicial resources which means that the Gun Court is still not operating in a state of equilibrium. With just over half of trial dates proceeding as scheduled in the Gun Court, there is

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



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

**2021**

**Table 67.0: Methods of case disposition for the Hilary Term of 2021**

Methods of Disposition	Frequency	Percentage (%)
Accused Deceased	3	2.3
Admonished and discharged	1	.8
Other Disposed*	10	7.8
Found Guilty	14	10.9
Guilty Plea	25	19.5
No Case Submission upheld	3	2.3
No Case to Answer, Discharged	2	1.6
No Evidence offered - Discharged	32	25.0
No further evidence offered discharged	8	6.3
Nolle Prosequ**	4	3.1
Not Guilty – Discharged	20	15.6
Transferred to Circuit Court	1	.8
Transferred to Parish Court	5	3.9
<b>Total</b>	<b>128</b>	<b>100.0</b>

*\*No electronic data available on the specific method of disposition at the time of reporting*

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

The above table summarizes the methods of disposition for the cases disposed in the High Court Division of the Gun Court for the Hilary Term of 2021. It is seen that there were 128 cases disposed or inactive, the largest proportion of which were a result of 'no evidence offered' which accounts for 32 or roughly 25.0% of the total. In second were disposals resulting from guilty pleas with 25 or 19.50% of the total. Not guilty verdicts and guilty verdicts with 15.60% each of the total dispositions are next while guilty verdict – discharged with 10.90% rounds off the top five methods. Of the 128 cases disposed in the Gun Court in the Hilary Term of 2021, 13 or 10.16% were cases originating in the Hilary Term of 2021, down by 3.90 percentage points when compared to 2021. The numbers of cases disposed in the Hilary Term of 2021 is exactly the same as the corresponding period in 2020.

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

**2021**

**Table 68.0: Estimated Conviction rate in the Gun Court for the Hilary Term of 2021**

Number of charges disposed	Number of Guilty outcomes (i.e. guilty verdicts and guilty pleas)	Conviction Rate (%)
434	132	30.41

The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the sample of 434 disposed charges in the Hilary Term of 2021, an estimated 132 were a result of either a guilty plea or a guilty verdict. This produces an overall conviction rate of 30.41% for Gun Court charges resolved in the Hilary Term, a fall of 0.84 percentage points when compared to the similar Term in 2020. The following table delves further into the conviction rate, by the substantive matter.

**Table 69.0: Conviction rate by selected substantive matter in the Gun Court for the Hilary Term of 2021**

Substantive matter	Number of cases disposed	Number of guilty outcomes (pleas and verdicts)	Conviction rate (%)
Illegal possession of fire arm	189	60	<b>31.75</b>
Illegal possession of ammunition	68	32	<b>47.06</b>
Shooting with Intent	54	16	<b>29.63</b>

It is shown in the above table that of the 189 charges of illegal possession of a firearm disposed, 60 were disposed by way of either a guilty verdict or a guilty plea, yielding a conviction rate of roughly 31.51%. 32 of the 68 charges of illegal possession of ammunition which were disposed

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

**2021**

in the Hilary Term were a result of guilty outcomes, resulting in a conviction rate of 47.06%. 16 of the 54 matters of shooting with intent disposed in the Term were a result of guilty outcomes, resulting in a conviction rate of 29.63%.

**Table 70.0: Top five charges disposed of in the Gun Court during the Hilary Term of 2021**

Charge	Frequency	Percentage
Illegal possession of a firearm	189	43.55
Illegal possession of ammunition	68	15.67
Shooting with intent	54	12.44
Robbery with aggravation	38	8.76
Wounding with intent	28	6.45
<b>Sub-Total</b>	<b>377</b>	<b>86.87</b>

**Total number of charges (N) = 434**

The 128 cases that were disposed in the High Court Division of the Gun Court in the Hilary Term of 2021, representing 434 charges, an average of roughly 34 charges per 10 cases. The table above details the five most frequently occurring charges disposed of in the Gun Court during the year. Illegal possession of a firearm and illegal possession of ammunition accounts for the largest proportion of disposed charges with 43.55% and 15.67% respectively. This is followed by shooting with intent with 12.44% of the charges disposed. Robbery with aggravation and wounding with intent with 8.76% and 6.45% of the total rounds off the top five charges disposed in the Gun Court in the Hilary Term of 2021. The disposed charges enumerated in this table accounts for roughly 86.87% of the total number of charges disposed in the Gun Court during the Term. There was a 2.03% decline in the number of charges disposed when compared to the corresponding Term in 2020.

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

**2021**

**Table 71.0: Descriptive statistics on times to disposition for the Hilary Term ended March 26, 2021**

## **Descriptive Statistics (Months)**

Number of observations	128
Mean	21.1406
Median	9.0000
Mode	7.00
Std. Deviation	29.57407
Variance	874.626
Skewness	5.919
Std. Error of Skewness	.214
Range	285.00
Minimum	.17
Maximum	285.00

The above table summarizes the time taken to dispose of cases in the Hilary Term of 2021, counting from the date cases were filed in the High Court Division of the Gun Court. It is seen that the estimated average time to disposition from the date of charge is approximately 21 months, which is five months longer than the mean time in the similar period in 2020. The estimated maximum time to disposition for the data set is 285 months or almost 24 years while the minimum is under a month. The modal and median times to disposition were approximately seven and nine months respectively, 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 quite high, indicating that the individual scores were widely dispersed around the mean.

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

**2021**

**Table 72.0: Breakdown of times to disposition for cases resolved in the Hilary Term of 2021**

Time Interval	Frequency	Percentage (%)
0 – 12	71	55.5
13 - 24	22	17.2
25 – 36	13	10.2
37 -47	13	10.2
48 & over	9	7.0
<b>Total</b>	<b>128</b>	<b>100.0</b>

The above table provides a further breakdown of the estimated time to disposition for the cases disposed in the Hilary Term of 2021, 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 71 or 55.50% of the disposals and was followed by cases taking between 13 and 24 months to be disposed with 22 cases or 17.20%. A further 10.20% each of the matters were disposed within 25-36 months and 37-47 months respectively. An encouraging 72.70% of the cases disposed took two years or less from the case file date, a decline of 11.70 percentage points when compared to the corresponding Term in 2020.

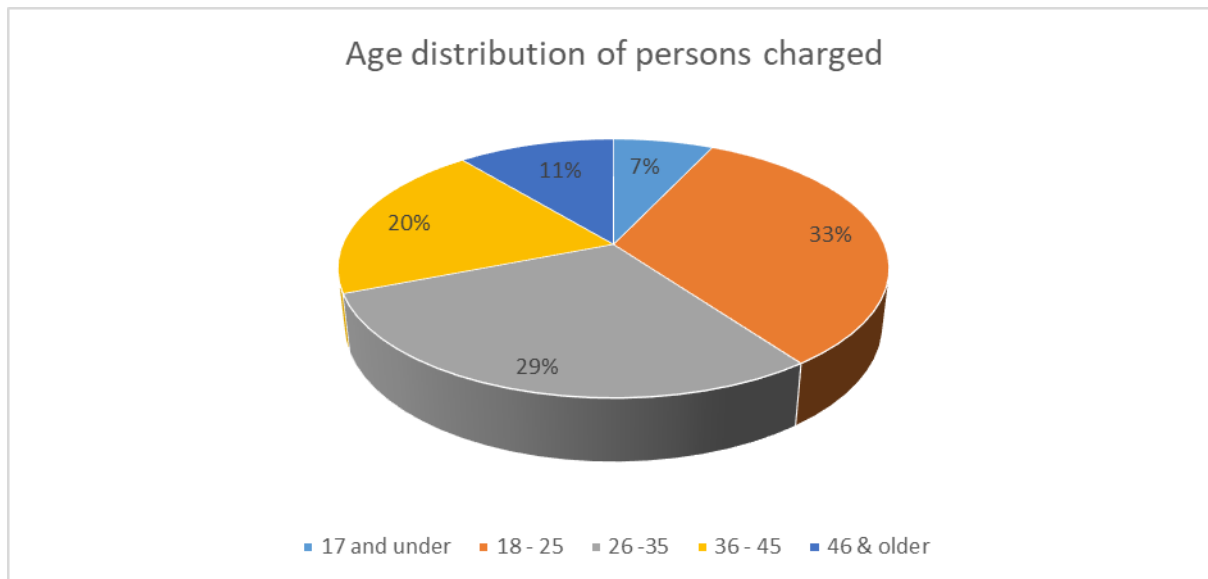
# THE CHIEF JUSTICE'S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT

2021

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

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

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



The age distribution of persons charged in the Hilary Term of 2021 was markedly similar to that of the similar period in 2020. As indicated earlier, the dominant charges filed in the Gun Court for the Hilary Term of 2021 are illegal possession of firearm, illegal possession of ammunition, robbery with aggravation, shooting with intent and wounding with intent. Using a representative sample, the average age of persons charged in the year is roughly 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

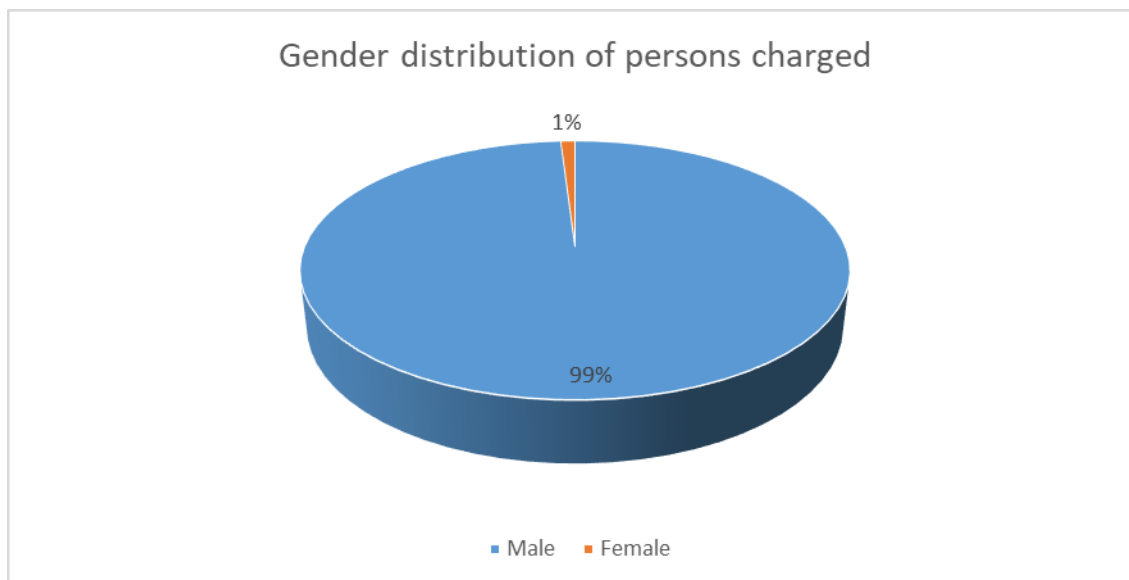
# THE CHIEF JUSTICE'S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT

2021

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 in the Hilary Term of 2021.

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

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



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

**2021**

**Table 73.0: Case clearance rate for the Hilary Term of 2021**

Cases filed	Cases disposed	Case clearance rate
115	128	111.30%

*\*13 or 10.16% of the disposed cases originated in Hilary Term of 2021. This percentage represents the disposal rate.*

One hundred and fifteen new cases were filed in the High Court Division of the Gun Court in the Hilary Term of 2021 while 128 were also disposed or inactivated (including many which originated before the Term) leading to a clearance rate of exactly 111.30% for the Term, a decline of 16.70 percentage points when compared to the similar period in 2020. This result translates into a generalization that an estimated 111 Gun Court cases were resolved for every 100 new cases entered during the year. It represents one of the highest case clearance rates in the Supreme Court during the Term, a continuation of a long trend for the Gun Court. The disposal rate in the Gun Court for the Term was 10.16%.

## **Other performance measures**

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

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



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

**2021**

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

**Table 74.0: Selected performances metrics for the High Court Division of the Gun Court in the Hilary Term of 2021**

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated disposition days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy case backlog rate (%)
128	410	0.31	365	93	128	73	27

The results in the above table shows a case turnover rate of 0.31, which is an indication that for every 100 cases which had some activity during the Hilary Term, 31 were disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the year will on average take a year to be disposed, barring special interventions or other unanticipated circumstances. This result reflects a trend of sustained improvements over the past few years.

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

The on time case-processing rate for the Gun Court in the Hilary Term of 2021 is approximately 73%, which reflects the proportion of Gun Court cases in the Term, which were disposed within 2 years. Conversely, the crude proxy case backlog rate is 27%, an indication that an estimated annual proportion of about 27% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 410 cases, which had some court activity in 2020 and were still active at the end of the year, 111 are expected to be in a backlog classification before being disposed. The crude proxy backlog rates fell by 11.38 percentage points in the Hilary Term, of 2021 when compared to the corresponding period in 2020, the continuation of 3-4 years of solid advances towards the prospect of a backlog free Gun Court in the foreseeable future.

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

**2021**

## **CHAPTER 6.0: COMMERCIAL DIVISION**

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

**Table 75.0: Cases filed in the Commercial Division in the Hilary Term of 2021**

Division	Number of new cases filed
Commercial	102

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

One hundred and two new cases were filed in the Commercial Division of the Supreme Court during the Hilary Term of 2021, a decline of 37.04% when compared to the corresponding Term in 2020.

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

**2021**

**Table 76: Sampling distribution of the top five reasons for adjournment for cases heard in the Commercial Division in the Hilary Term of 2021**

Reasons for adjournment	Frequency	Percentage (%)
Claimant's documents not served or short served	9	13.80
Claimant to comply with order	8	12.30
Claimant to file documents	7	10.80
Defendant to comply with orders	7	10.80
Defendant's documents not served or short served	6	9.20
Defendant to file documents	5	7.70
<b>Sub-Total</b>	<b>42</b>	<b>64.60</b>

**Number of observations (N) = 65**

The above table provides a sampling distribution of the top six reasons for adjournment in the Commercial Division for the Hilary Term of 2021. A total of 65 such incidences sampled reveal that claimant's documents not served or short served with 9 or 13.80% has the highest incidence, followed by adjournments for claimants to comply with order with 8 or 12.30%, claimant to file documents and defendant to comply with orders each with 7 or 10.80% of the incidence of reasons for adjournment. The top six reasons for adjournment listed above accounts for 64.60% of the sample. These leading reasons for adjournment listed are largely attributable to factors which are not within the realm of direct court control.

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

**2021**

**Table 77.0: Sampling distribution of Chamber hearings for the Hilary Term of 2021**

Hearings	Frequency	Percentage (%)
Applications (Various)	216	76.06
Case Management Conference	16	5.63
Pre-trial review	35	12.32
Commercial Taxation	11	3.87
Oral Examination	5	1.76
Judgment summons hearing	1	0.35
<b>Total</b>	<b>284</b>	<b>100</b>

The above table summarizes a sample of 284 Chamber hearings scheduled in the Commercial Division for the Hilary Term of 2021. As with the High Court Civil (HCV) Division, the hearing of various applications for relief sought dominates the list with roughly 76.06% of the Chamber hearings. Pre-trial reviews with 35 or 12.32% rank next and Case Management Conferences with 16 or 5.63% rounds off the top three Chamber hearings in the Commercial Division for the Hilary Term of 2021.

**Table 78.0: Distribution of trial dates for the Hilary Term of 2021**

Trial matter	Percentage (%)	Equivalent Number of Cases
Trial in Open Court	45	16
Open Chamber	-	-

The above table suggests that 45 days' worth of trial scheduled in Open Court during the Hilary Term of 2021, which corresponded to 16 cases and translates to almost 3 days of Open Court Trial per case.

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

**2021**

**Table 79.0a: Sampling distribution of hearing date certainty in the Commercial Division for the Hilary Term of 2021**

Type of hearings	Estimated Hearing date certainty rate (%)
Case Management Conferences	81.25
Trials in Open Court	76.50
Applications	79.63
<b>All hearings</b>	<b>77.24</b>

The above table breaks down the hearing date certainty rates for the three dominant types of hearings and also gives the overall rate for the Hilary Term of 2021. It is shown that Case Management Conferences had an estimated hearing date certainty rate of 81.25% for the Term, while Trials in Open Court registered a hearing date certainty rate of 76.50%, an improvement of 34.25 percentage points when compared to the corresponding Term in 2020. The various applications registered an overall hearing date certainty rate of 79.63% for the Term while the overall estimated hearing date certainty rate for all types of hearings combined in the Commercial Division was 77.24%. These are encouraging results for the Commercial Division which once led the Supreme Court on hearing date certainty rates.

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

**2021**

**Table 79.0b: Sample case flow process transition summary for the year ended December 31, 2020 [Extracted from the 2020 Annual Report]**

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

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

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

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

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

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

2021

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

**Table 80.0: Requisitions summary for the Hilary Term of 2021**

Requisitions Issued	Requisition Reponses	Requisitions clearance Rate	Requisitions per 100 case files
25	*2	8.0%	6

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

The above table provides a summary of the response rate for requisitions issued in the Commercial Division in the Hilary Term of 2021. It is shown that 25 requisitions were issued in the year while there were 2 responses filed, thus producing a requisitions clearance rate of 8.0%. This requisition clearance rate suggests that during the year, for every 10 requisitions issued, roughly 1 response were filed. Additionally, there was an average incidence of 6 requisitions per 100 case files in the Commercial Division for the year.



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

**2021**

**Table 81.0: Methods of disposition for the Hilary Term of 2021**

Methods of Disposition	Frequency	Percentage (%)
Application Granted	10	16.7
Consent Judgment	4	6.7
Discontinued	1	1.7
Disposed	1	1.7
Judgments	21	35.0
Judgment in Default of Acknowledgment of Service	11	18.3
Judgment in Default of Defense	2	3.3
Matter Withdrawn	1	1.7
Notice of Discontinuance noted	7	11.7
Transfer to Commercial	2	3.3
<b>Total</b>	<b>60</b>	<b>100.0</b>

The data suggests that 60 cases in the Commercial Division were disposed in the Hilary Term, an increase of 20% when compared to the corresponding Term in 2020. Disposals by way of judgment with 21 or 35% led the list of dispositions while applications granted with 10 or 16.70% ranked next. The top three methods of disposition were rounded off by judgments in default of acknowledgment of service with 11 or 18.30%. Also featuring prominently on this list are notices of discontinuance with 7 or 11.70% of the total dispositions in the Hilary Term of 2021.

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

**2021**

**Table 82.0: Time to disposition for Commercial cases disposed in the Hilary Term of 2021**

Number of observations	60
Mean	14.0000
Std. Error of Mean	1.97055
Median	8.5000
Mode	8.00
Std. Deviation	15.26378
Variance	232.983
Skewness	2.759
Std. Error of Skewness	.309
Range	80.00
Minimum	1.00
Maximum	81.00

The above table shows that the estimated average time to disposition for the 60 Commercial cases disposed in the Hilary Term of 2021 is 14 months or a year and 2 months, which is roughly two months more than the corresponding period in 2020. Interestingly, the modal and median times to disposition are 8 and 8.5 month respectively, an indication that a significant proportion of cases are being resolved in much shorter times than the overall mean which may be affected by outlying values. The standard deviation therefore was not surprisingly quite high while the relatively large positive skewness is an indication that a larger proportion of scores in the dataset fell below the overall series mean. The maximum time to disposition recorded in the Commercial Division in the Hilary Term was 81 months or 6.75 years while the minimum was roughly a month.

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

**2021**

**Table 83.0: Breakdown of times to disposition for Commercial cases in the Hilary Term of 2021**

Time Intervals	Frequency	Percentage (%)
0 – 12	44	73.3
13 – 24	10	16.7
25 – 36	2	3.3
37 – 47	1	1.7
48 and over	3	5.0
<b>Total</b>	<b>60</b>	<b>100.0</b>

The above table provides a breakdown of the times to disposition for the cases disposed in the Commercial Division in the Hilary Term of 2021. It is seen that the largest proportion of these cases were disposed within a year, accounting for an overwhelming 73.30% of the disposals. This is followed by 10 or 16.70%, which took between 13 and 24 months to be disposed while the 3 or 5.00% which took four or more years to be disposed rounds off the top three methods of disposition in the Hilary Term. Taken together, the data suggest that an impressive 90% of the cases disposed in the Commercial Division in the Hilary Term of 2021 were resolved within 2 years and the remaining 10.0% took two years or more before final resolution. This the highest proportion of cases resolved in under two years in any Division in a single Term in recent recorded history.

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

**2021**

**Table 84.0a: Case clearance rate for the Commercial Division for the Hilary Term of 2021**

Cases filed	Cases disposed	Case clearance rate
102	60*	58.82%

*\*This figure includes cases filed before the Hilary Term of 2021. 7 or 11.67% of the cases filed in the Hilary Term of 2021 were disposed. This percentage is the disposal rate for the Term.*

One hundred and two new cases were filed in the Commercial Division in the Hilary Term of 2021, while 60 cases were disposed which yields a case clearance rate of 58.82%. This result suggests that for every 10 new cases filed in the Term, roughly 6 were disposed. Again, the cases disposed were not necessarily from those filed, as the clearance rate is simply a productivity ratio. This result represents a 27.96 percentage points improvement when compared to the Hilary Term of 2020 and is one of the highest case clearance rates recorded by this Division in any single Term over the past few years.

## Other performance measures

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

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

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

**2021**

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 Hilary Term of 2021.

These measures are summarized in the table below:

**Table 85.0: Selected performances metrics for the Commercial Division for the Hilary Term of 2021**

Resolved cases	Unresolved cases	Case turnover rate (%)	Disposition days	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
60	406	0.15	2433 days	54	60	90.0%	10.0%

The results in the above table shows a case turnover rate of 0.15, which is an indication that for every 100 cases which had some action during the Hilary Term and were still active, another 15 were disposed, an improvement of 4 percentage points when compared to the corresponding Term in 2020.

A case is considered to be in a backlog classification if it remains unresolved for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Commercial cases in the Hilary Term of 2021 is an impressive 90.0%, which reflects the proportion of Commercial cases in the period, which were disposed

within 2 years. Conversely, the crude proxy case backlog rate is 10.0%, an indication that an estimated annual proportion of 10.0% 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 406 cases, which had some court activity in the Hilary Term and were still active at the end of the period, 41 are expected to be in a backlog classification before being disposed.

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

**2021**

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

### **Aggregate Case Clearance Rate**

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

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

**Table 86.0: Gross case clearance rate for the Hilary Term of 2020**

<b>Total cases filed</b>	<b>Total cases disposed</b>	<b>Gross Case clearance rate (%)</b>
<b>3306</b>	<b>2143</b>	<b>64.82</b>

The above table provides an aggregate summary of the clearance rates in the Divisions of the Supreme Court in the Hilary Term of 2021. The data suggests that 3306 new cases were filed/entered across the Divisions reviewed in the Hilary Term of 2021, a 1.22% decline when compared to the Hilary Term of 2020. These results yield a gross clearance rate of roughly 64.82%, representing a decline of 8.39 percentage points when compared to the corresponding

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

**2021**

period in 2020, and suggesting that that for every 100 cases filed/entered during the Term, roughly, 65 were also disposed. There is still some way to go for the Supreme Court to achieve the targeted strategic goals for the case clearance rate. The Gun Court, the Probate and Matrimonial Divisions have consistently led the way among the larger Divisions/sections on this key performance indicator and are best positioned to meet the targeted quantitative goal of consistently attaining a clearance rate of between 90% and 110% and thus clearing their net case backlog. Any significant improvement in the overall performance of the Supreme Court will require dramatic improvements in the High Court Civil Division, given the significant share of total case activity that it accounts for.

## Aggregate Case Counts 2016-2020

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

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

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

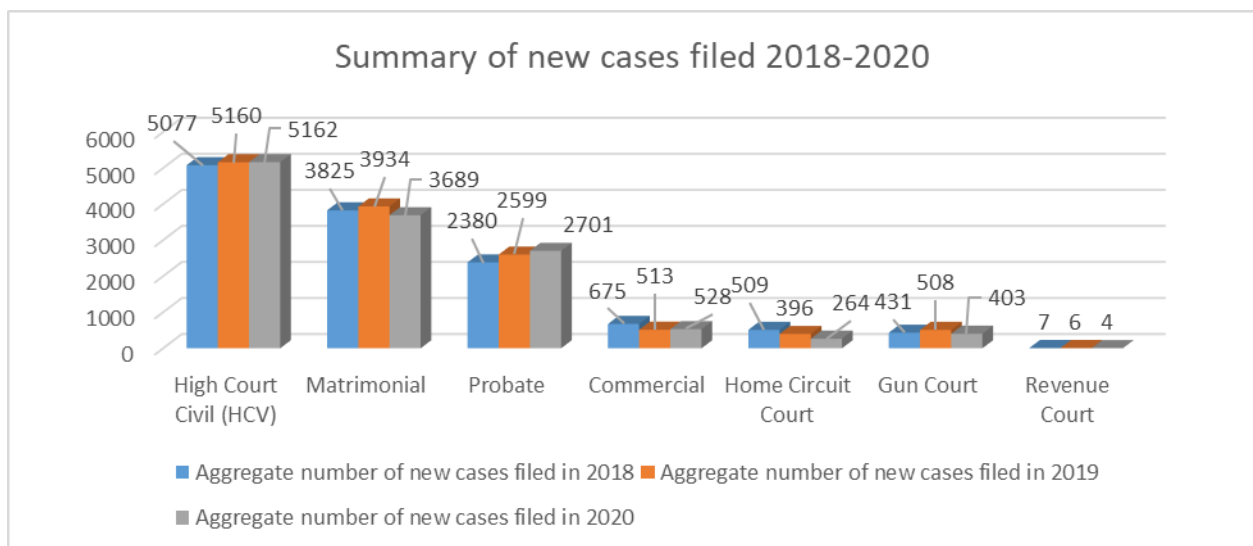


# THE CHIEF JUSTICE'S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT

**2021**

<b>Gun Court</b>	473	513	431	508	403
<b>Revenue Court</b>	-	12	7	6	4
<b>Total</b>	<b>12414</b>	<b>12604</b>	<b>12904</b>	<b>13116</b>	<b>12751</b>

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



The above table and chart summarizes the progression of cases in the larger Divisions of the Supreme Court between 2018 and 2020. It is shown that the High Court Civil (HCV) Division has consistently demonstrated the largest share of new cases in the Supreme Court, averaging 5133 cases per annum over the period. The Matrimonial Division accounts for the second highest case count each year over the period, maintaining a count within a steady band and averaging of 3816 cases. The Probate Division accounts for third highest share of new cases over the period and demonstrates general consistency over the period, recording an average of 2560 new cases per year. There is a noticeable general decline in the number of new cases filed in

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

**2021**

the Home Circuit over the three-year period which recorded an overall average of 390 cases.

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

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

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

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

**2021**

## Case Activity Summary for the Hilary Term of 2021

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

**Table 88.0: Aggregate case activity for the Hilary Term of 2021**

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (months)	Hearing date Certainty ratio (%)
High Court Civil (HCV)	1421	425	29.91	54.78	79.43
Matrimonial	906	923	101.88	21	84.82
Probate	697	542	77.76	17.62	80.70
Commercial	102	60	58.82	12	77.74
Home Circuit Court	63	61	96.83	34.61	70.0
Gun Court	115	128	111.30	21	64.70
Revenue Division	2	4	200	-	80.0
Gross/Weighted Average	3306	2143	64.82	26.84 months (2.23 years)	76.77

The above table provides an important summary of case activity in the Supreme Court in the Hilary Term of 2021. It is shown that 3306 cases were filed/entered across the stated Divisions of the Supreme Court during the Term. The High Court Civil (HCV) Division with 1421 cases or

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

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**2021**

roughly 43% accounts for the largest share of the new cases filed, followed by the Matrimonial Division with 906 or 28.92% of the total and the Probate Division with 697 or 20.87%.

Similar to recent years, the Matrimonial and Probate Divisions accounted for the largest share of the cases disposed with roughly 38.60% and 22.67% respectively of the total while the High Court Civil Division accounted for the third largest share of cases disposed in the Hilary Term of 2021 with 17.77%. The Gun Court, Matrimonial Division and the Home Circuit Court had the highest case clearance rates in the Hilary Term of 2021, outside of the Revenue Court which is comparatively small Division. The Gun Court recorded a case clearance rate of 111.30%, while the Matrimonial Division recorded a case clearance rate of 101.88% and the Home Circuit Court recorded a rate of 96.83%. The overall case clearance rate for the Supreme Court is estimated at 64.81%, a fall of 8.40 percentage points when compared to the corresponding Term in 2020. The High Court Civil (HCV) Division accounted for the longest average time to disposition with cases taking an average of roughly 55 months (4 years and 7 months) to be disposed. The Home Circuit Court is next with an average time to disposition of approximately 35 months (almost 3 years) while the Probate Division and the Commercial Division with estimated average times to disposition of 17.62 months (1 year and 5 months) and 12 months (1 year) respectively account for the lowest average times to disposition in the Hilary Term of 2021. The overall weighted average time taken to dispose of the cases resolved in the Hilary Term is 26.84 months (two years and 3 month). None of the Divisions of the Supreme Court met the international standard on hearing date certainty in the Hilary Term of 2021, however there were several promising performances. The overall average hearing date certainty rate was 76.77%, with a

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

**2021**

modest variance observed among the Divisions on this measurement. Outside of the Revenue Division which recorded a hearing date certainty rate of 80% in the Term, the Matrimonial Division led this the overall hearing date certainty rate with an output of 84.82%, followed by the Probate Division and HCV Divisions with rates of 80.70% and 79.43% respectively.

## **Judgments Reserved and Judgments Delivered**

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

**Table 89.0: Summary of Judgments Reserved and Delivered in the Hilary Term of 2021**

Number of Judgments reserved on cases	Number of Judgments delivered on cases	Clearance rate for case Judgments (%)	Number of Judgments reserved on applications	Number of judgments/rulings delivered on applications	Clearance rates for rulings on application (%)
30	48	160%	19	8	42.11

A total of 30 case judgements were reserved in the Hilary Term of 2021 a decrease of 30.23% when compared to the Hilary Term of 2020, while 48 judgments were delivered, a decline of 30.23% when compared to the corresponding period in 2020. This output led to a commendable clearance rate on judgments of 160%. This result means that for every 10 judgments which were reserved in the Hilary Term of 2020, 16 judgments were delivered. This represents a slight decline when compared to the corresponding Term in 2020. The general improvement in the clearance of judgments at the Supreme Court over the past two years is consistent with the impetus of the Chief Justice to significantly increase the rate of judgments

delivered, making it possible for a new judgment reserved to be delivered within 3-6 months, subject to complexity. The average age of cases on which judgments were delivered in 2020 was roughly 2.35 years and the overwhelming majority delivered were reserved prior to 2021.

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 19 judgments reserved on applications during the Hilary Term of 2021 while 8 were delivered, producing a clearance rate for judgments on applications of 42.11% which substantially below the clearance rate on final judgments on cases as a whole.

There were 21 part heard incidences recorded during the Hilary Term of 2021.

### **Estimated Courtroom Utilization Rate in the Hilary Term of 2021**

Using a sample of cases heard in open court in the Hilary Term of 2021, the courtroom utilization rate for the Supreme Court was estimated to be 57.80%, suggesting that just about 3 of every 5 available courtroom hours were utilized during the Term, a result which draws sharply into question the need for a further investigation into the optimality of the current practice of long distance scheduling in the civil division of the Supreme Court. The margin of error of the estimated courtroom utilization rate is plus or minus 2.0%.

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

**2021**

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

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

Circuit Court	Number of new cases entered	Number of cases disposed or which became inactive during the Term	Case clearance rates (%)	Number of cases traversed/active at end of sittings - Circuit	Number of cases traversed/active at end of sittings –Division of the Gun Court High Court	Trial Date Certainty Rate (%)	Average time to disposition (months)
Hanover	23	11	47.83	56	N/A	64	5.8
Westmoreland	132	32	24.24	272	N/A	49.49	7.7
St. James	26	23	88.46	165	N/A	39.29	10.48
Western Regional Gun Court	65	71	109.23	N/A	517	52.38	23.77
St. Elizabeth	36	19	52.78	124	46	60	20.93
Manchester	155	35	22.58	395	109	64.29	7.2
*Clarendon	-	-	-	215	56	-	-
Trelawny	20	24	120	58	N/A	72.54	6.58
St. Ann	37	32	86.49	147	49	81.68	12.17
St. Catherine	64	24	37.50	345	N/A	58.50	6.90
St. Mary	25	13	52	3	64	69.15	7.15
Portland	11	11	100	37	15	67.50	9.73
St. Thomas	44	31	69.82	250	53	65.34	11.33
<b>Total/Weighted Average</b>	<b>638</b>	<b>326</b>	<b>51.10</b>	<b>2067</b>	<b>909</b>	<b>62</b>	<b>10.81</b>

*\*Incomplete data available at the point of reporting. Note: Data updates above are as at the end of March, 2021.*

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

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**2021**

The above summary data on case activity in the Rural Circuit Courts (including sittings of the High Court Division of the Gun Court in the rural parishes) during the Hilary Term of 2021 suggests an overall weighted average case clearance rate of 51.60% for the period, ranging from a high of 109.23% in the Western Regional Gun Court and 100% in Portland to a low of 22.88% and 24.24% in Manchester and Westmoreland respectively. The above summary also presents the trial date certainty rates over the period. The results suggest that the overall estimated weighted average trial date certainty rate across the locations was 62%, ranging from a low of 39.29% and 49.49% in St. James and Westmoreland respectively to a high of 81.68% and 72.54% in the St. Ann and Trelawny locations respectively. The cases which were resolved across the various locations in the period in question had an average time to disposition of roughly 11 months ranging from a low of approximately 6 months in Hanover to a high of almost two years at the Western Regional Gun Court.

Further analysis suggests that the overall estimated conviction rate in the Rural Circuit Courts and the High Court Division of the Gun Court in the rural parishes were 43.49% and 46.71% respectively during the Hilary Term of 2021.



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

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

In the Hilary Term of 2021, the Supreme court recorded an overall average case clearance rate of 64.82%, 8.39 percentage points below the rate recorded in the corresponding Term in 2020 and 5.18 percentage points below the forecasted rate of 70% for 2021. This decline in overall performance was primarily driven by declines in the output of the High Court Civil and Probate Divisions. The High Court Division of the Gun Court continued its impressive run of clearance rates exceeding 100%, recording an output of 111.30% for the Hilary Term of 2021, the highest rate recorded in the Supreme Court for the period, aside from the Revenue Court. The Matrimonial Division was the second best performer on this metric for the Hilary Term of 2020 with a rate 101.88% and also contributed the largest number of disposed cases to the overall output. The Home Circuit Court which saw a sharp reduction in overall case activity because of the suspension of jury trials, linked to the COVID-19 pandemic, registered its highest case clearance rate in recorded history in a single Term with an output of 96.83%. The Commercial Division had the biggest gains in case clearance rate for the Hilary Term of 2021 when

compared to the similar period in 2020 with a 27.96 percentage points improvement. The overall results on the case clearance rate metric decisively suggests that most Divisions performed quite creditably in the Hilary Term, however the largest Division of the Supreme Court – the High Court Civil Division experienced a decline of 18.32 percentage points and the Probate and Administration Division which is the third largest, experienced a fall of 24.76 percentage points over the comparable period. Together, these declines negated the progress made by other Divisions, hence the overall decline in the Supreme Court's case clearance rate output. Despite the overall decline in the case clearance rate, the Supreme Court gained a commendable 9.26 percentage points on the overall hearing date certainty rate when compared to the corresponding period in 2020. All Divisions experienced advances on this important measurement with the Commercial Division, which once dominated this area, experiencing the biggest gain of 15.03 percentage points. In the long run there is expected to be a direct association between the hearing date certainty rate and the case clearance rate, such that a sustained increase in the hearing date certainty rate should trigger an increase in the case clearance rate. This relationship does not however necessarily manifest in the short run, as observed in the Hilary Term of 2021 for the Supreme Court as a whole. This is because there are several independent variables which impact on case clearance rate apart from the hearing or trial date certainty but in the long run the strength of the correlation between these two variables is particularly pronounced.

On the matter of judgments, the Supreme Court recorded a clearance rate on judgments of 160% in the Hilary Term, which is exactly the same as the forecasted annual rate for 2021. This

output is less than that the result in the corresponding Term in 2020 but is well above the average performances on this metric.

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

### **RECOMMENDATIONS – [Extracted from the Chief Justices' Annual Report on the Supreme Court for 2020]**

Having identified the core causes of the delays being experienced in both criminal and civil matters, the report strongly recommends that aggressive steps be taken to encourage a culture of collective responsibility among all court participants, including litigants, attorneys, the police, the prosecution and others so that it is well understood that delays, however small or great, carries with it a potentially catalytic effect on the court's calendar often resulting in significant delay in the administration of justice. With the high annual volume of incoming cases in the Supreme Court, delays of any kind will often mean a significant extension in waiting time for matters to progress along the case flow continuum towards disposition. Unless the core causes of delay are addressed and unless a culture of collective responsibility is developed, it is conceivable that resources constraints will be constantly compounded, delay exacerbated even further and productivity will fall in the divisions which rely heavily on open court activity. Below

is a special recommendation for consideration on the manner in which cases could be scheduled in especially, but not limited to the High Court Civil Division of the Supreme Court.

### **Recommendations concerning the Scheduling Matrix in the High Court Civil Division**

It is seen that the High Court Civil Division, like others in the Supreme Court experiences modest hearing and trial date certainty rates. The results from 2020 are indeed a strong show of resilience but there is a deeper problem which is somewhat unspoken in the mathematics. In 2020 the High Court Civil Division of the Supreme Court started setting future dates to as far as 2026, and by 2021 the Division will start issuing 2027 dates and maybe after. This is largely due to the perceived unavailability of the primary resources of courtroom space and available judges to secure closer dates, on account of large case volumes. The direct implication of this is that the court is technically scheduling cases into backlog. A backlog is defined as cases which have been filed for over two years without being substantively resolved in the courts. The practical realities are that civil cases tend to follow more complex paths than criminal matters which makes it harder to forecast the average lifespan of some civil cases in the courts. This particular complexity and the resource constraints notwithstanding, the scheduling of cases that far into the future brings into question several issues. The High Court Civil Division is exploring a scientific solution to this problem which will see a reversal of the current trend as the fact is that at the current rate there will simply be no respite anytime soon and the aggressive quantitative targets set out for the Jamaican judiciary in its surge to become the best in the Caribbean region in the next 2-3 years and among the very bests in the world by 2025/26 would be compromised.

Against the above background, this report proposes that consideration be given to the limited employment of a ***double fixing and filtering system*** of scheduling as was applied in Singapore in the 1980s to bring its case backlog under control and to optimise the use of judicial time and limited physical space. Under this system, an additional case is assigned for hearing at the same time and resources as another case, very much like a back-up list. For simplicity we may call these the primary and secondary matters scheduled for a specific date and time. If the time set for the primary case was vacated ahead of schedule then the secondary item would take the slot, however if the primary case proceeded on schedule, the secondary case is immediately transferred to a courtroom which had disposed of its cases ahead of schedule. Such a court that becomes available due to the disposing of a case ahead of schedule is called a filter court. Theoretically therefore, there may be several filter courts available at any given time but the reverse is also probable which is that none may be available. However, because there would only be a limited introduction of such a system to target specific kinds of cases, the probability of having no contingency, or filter court available is relatively remote. Further study of the resource capacities and constraints as well as the relative courtroom utilization rates would have to be pursued in order to determine the full feasibility of adopting some version of such a system in the High Court Division of the Supreme Court. One of the main drawbacks would be that some attorneys and litigants would have to wait until a date and the attendant resources become available in what might be the unlikely event that no filter court is available when the primary matters proceeds. If such a policy were to be successful, the main benefit would however be that the probability of cases getting closer dates and resolutions could be

significantly increased. When this method was tried in the Singapore Courts in the 1980s, the result was that up to 15 more cases which appeared unlikely to go to trial or which seemed likely to be brief trials were assigned each day to a filter court. As indicated, a scientific study to determine the feasibility of some variant of such a strategy in the High Court Civil Division may be recommendable in order to explore possible solutions to the distance scheduling which is currently being experienced in some instances.

### Glossary of Statistical Terms

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

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

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

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

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

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

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

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

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

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

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



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

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

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

*Source:*

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

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**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

