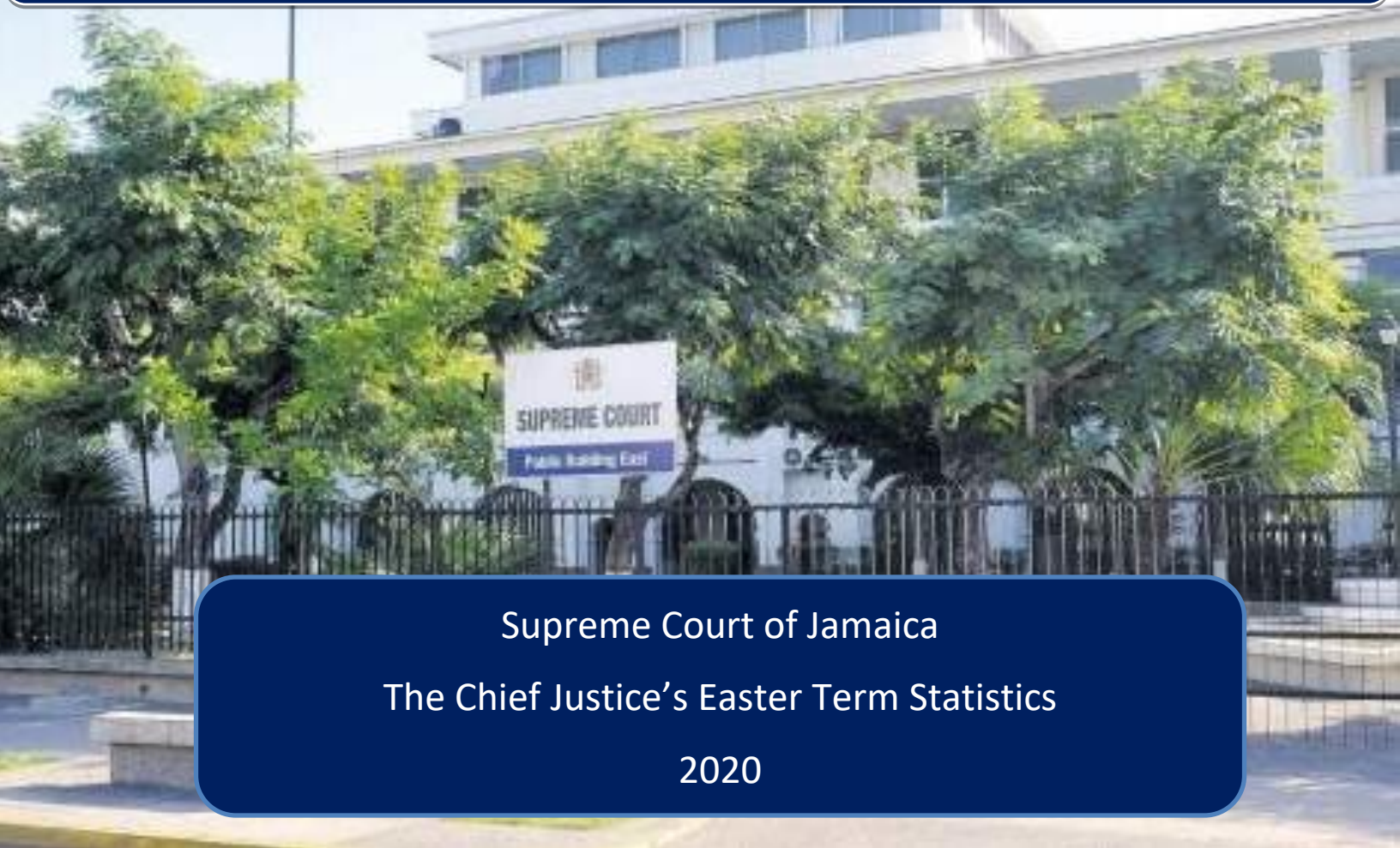


THE CHIEF JUSTICE'S EASTER TERM STATISTICS REPORT ON THE SUPREME COURT - 2020



Supreme Court of Jamaica The Chief Justice's Easter Term Statistics 2020

OVERALL QUANTITATIVE HIGHLIGHTS

	<u>Easter Term of 2019</u>	<u>Easter Term of 2020</u>
Case clearance rate (%)	61	68.72
Hearing date certainty rate (%)	68.19	67.08
Case backlog rate (%)	34.39	29.50
Case file integrity rate (%)	90.15	92.93
Average time to disposition of cases (years)	2.24	2.18
Clearance rate on Judgments Reserved (%)	100	318.52

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EXECUTIVE SUMMARY

As part of becoming a first class court system, the Honourable Chief Justice has set out some 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 average 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 case backlog rate to less than 5% over the period. Apart from providing the scientific evidence necessary to inform interventions, these statistical reports also provide a basis for monitoring and evaluating the progression towards the realization of the targets set out by the judiciary. As with the latter part of the Hilary Term, the Easter Term of 2020, brought unprecedented challenges as the better part of nearly two months of court activity were lost due to the COVID-19 pandemic. This resulted in a significant reduction in the number of hearings held in the Easter Term when compared to the typical levels. The Supreme Court nevertheless demonstrated immense resilience, to the extent that by the end of the Easter Term of 2020, there were no clear signs that as a whole the court had lost major ground on the road to increasing the momentum towards meeting the key quantitative targets set out in the strategic plan. To put this in some context, the Supreme Court entered both the Hilary and Easter Terms of 2020 behind on some of the key numerical targets, but were no worse off on these measures at the end of the Easter Term. The main

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challenge will be to rebalance and improve the scheduling apparatus of the Court so that the anticipated lagged effects are well managed.

The show of resilience in the Supreme Court is seen in several of the key performance metrics assessed during the Easter Term. Although the results from the Term do not form the basis for wholesale generalizations, the results are nonetheless quite instructive. As a whole, there was an 8.36 percentage points increase in the case clearance rate in the Easter Term of 2020, above the corresponding Term in 2019. Interestingly, this occurred while the Supreme Court experienced an increase in both the number of new cases filed and the number of cases disposed across its divisions, a result that is even more interesting when one considers that there was a decline of 30% in the incidence of hearings when compared to the similar period in 2019. The Matrimonial Division recorded the highest clearance rate for the Easter Term, registering a rate of 102.49%, followed by the Probate Division with a case clearance rate of 88.32%. The Home Circuit Court with a case clearance rate of 87.30% rounds off the top three divisions on this measurement for the Term. The overall case clearance rate across the divisions of the Supreme Court for the Easter Term was 69.36%.

There were 3783 new cases filed in the Supreme Court during the Easter Term, an increase of 4.79% when compared to the corresponding Term in 2019. The High Court Civil Division with 1629 or 43.06% accounted for the largest share of new cases filed, followed by the Matrimonial and Probate Divisions with 27.60% and 20.14% respectively. 2624 cases were disposed in the Easter Term of 2020, an improvement of 19.16% when compared to the corresponding 2019 Term. The Matrimonial Division disposed of the most cases in the Term, accounting for 40.78%

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of the disposals, followed by the Probate Division and the High Court Civil Division with 25.65% and 25.27% respectively.

Despite the adverse effects of the COVID-19 pandemic on the overall incidence of hearings and court activity, the Supreme Court recorded a weighted average hearing date certainty rate of 67.08% in the Easter Term. This rate was however adjusted to reflect cases scheduled after the actual reopening of near normal court operations at the beginning of June 2020. The output is 1.11 percentage point below the rate recorded in the Supreme Court in the similar 2019 Term. The Probate Division recorded the highest hearing date certainty rate for the Term with 91.13%, followed by the Matrimonial Division with a rate of 79.45%. These divisions, along with the Revenue Division however had comparatively less court and chamber hearings than the other divisions.

The Supreme Court also showed tremendous resilience with the average time taken to dispose cases which were resolved in the Easter Term of 2020. The data shows that the on average it took 1.95 years across the divisions of the Supreme Court, a marginal improvement when compared to the Easter Term of 2019. The Probate Division and the Gun Court had the lowest average times to disposition in the Term, the continuation of an impressive trend. Only the High Court Civil Division recorded average times to disposition of over 2 years for matters resolved during the Term. The Supreme Court continues to show promising results in this area, the desire being to reduce the number of cases taking more than two years to be resolved to below 5% of the active caseload. There is still some way to go in this regard as the proxy case backlog rate recorded in the Easter Term was 31.35%, nevertheless this represented an improvement of

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3.02 percentage points when compared to the corresponding 2019 period. The Probate Division with a proxy case backlog rate of 15% maintains its recent trend of having the lowest estimated case backlog rate in the Supreme Court. The Matrimonial Division with a proxy case backlog rate of 25.30% was next best for the Easter Term on this measurement.

Capping the resilient performance shown by the divisions of the Supreme Court was the record clearance rate of 318.52% which was registered for judgments during the Easter Term, a 218.52 percentage points improvement when compared to the similar 2019 period. This result is however skewed by the lower than normal incidence of judgments reserved due to the reduced frequency of hearings in the Term. Over the past four and a half years, the mean time taken for a judgment to be delivered (from the date judgments are reserved) is 7.8 months with a standard deviation of 4.5 months, however, when the last 2.5 years are isolated, the mean time that taken to deliver judgments (again from date judgments reserved) is notably less, at 4.3 months, with a standard deviation of 3.2 months.

The case file integrity rate for the High Court Civil Division was 92.93% for the Easter Term of 2020, an increase of 2.78 percentage points when compared to the similar period in 2019.

When the performances of the various divisions of the Supreme Court are statistically weighted, the Matrimonial and Probate Divisions were strongest for the Easter Term of 2020.

The tables below provide a summary of some of the keys performance metrics in the Easter Term of 2020 across the divisions of the Supreme Court.

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Supreme Court case activity summary for the Easter Term of 2020

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (years)	Hearing date Certainty ratio (%)
High Court Civil (HCV)	1629	663	40.70	3.40	60.50
Matrimonial	1044	1070	102.49	1.91	79.45
Probate	762	673	88.32	1.30	91.13
Commercial	150	55	36.67	1.82	58.13
Home Circuit Court	63	55	87.30	1.66	54.25
Gun Court	134	106	79.10	1.62	57.41
Revenue Division	1	2	-	-	-
Gross/Weighted Average	3783	2624	69.36	1.95	67.08%

Other aggregate Court performance measures

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

(i) The on time case processing rate

(ii) Case backlog rate

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

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measurement of the proportion of cases, which have been active for over two years as at the end of the Easter Term. These measures are summarized in the table below:

Selected performances metrics for the Supreme Court in the Easter Term of 2020

Division of the Supreme Court	Resolved/Disposed cases	Unresolved cases which had court activity in the Term	Number of cases disposed within 2 years	On-time case processing rate (%)	Case backlog rate (%)
High Court Civil (HCV)	663	5096	341	51.40	48.60
Matrimonial Division	1070	3486	800	74.70	25.30
Probate Division	673	1483	571	85	15
Commercial Division	55	330	36	65.45	34.55
Criminal Division	55	767	26	63.64	36.36
Gun Court	106	508	76	71.70	28.30
Gross/Weighted Average	2624	11670	1850	68.65	31.35

METHODOLOGY

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

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

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Structure of Report

This is a comprehensive statistical report on case activity in the various Divisions of the Supreme Court in the Easter Term of 2020. 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 and present the 2020 Easter Term clearance rate for civil judgements reserved. In each chapter, a wide range of measurements and other information are presented which places case and court activity in each Division in their peculiar perspectives and context. A glossary of statistical terms and key performance measures used in his reports are also outlined at the end of the report. The report is meant to be more of an information piece for both internal and external stakeholders, forming the basis for interventions geared at enhancing efficiency and court excellence.

Disclaimer

The numbers that are reflected in the case activity summary in the annual report may vary slightly from those quoted in the individual Term reports throughout the year due to occasional constraints with timely access to all records and other mitigating factors. Methodological adjustments may also result in slight variations in comparative figures across periods.

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CHAPTER 1.0: HIGH COURT CIVIL (HCV) DIVISION

The ensuing analysis examines the various measures of the efficiency of case handling in the High Court Civil (HCV) Division for the Easter Term of 2020.

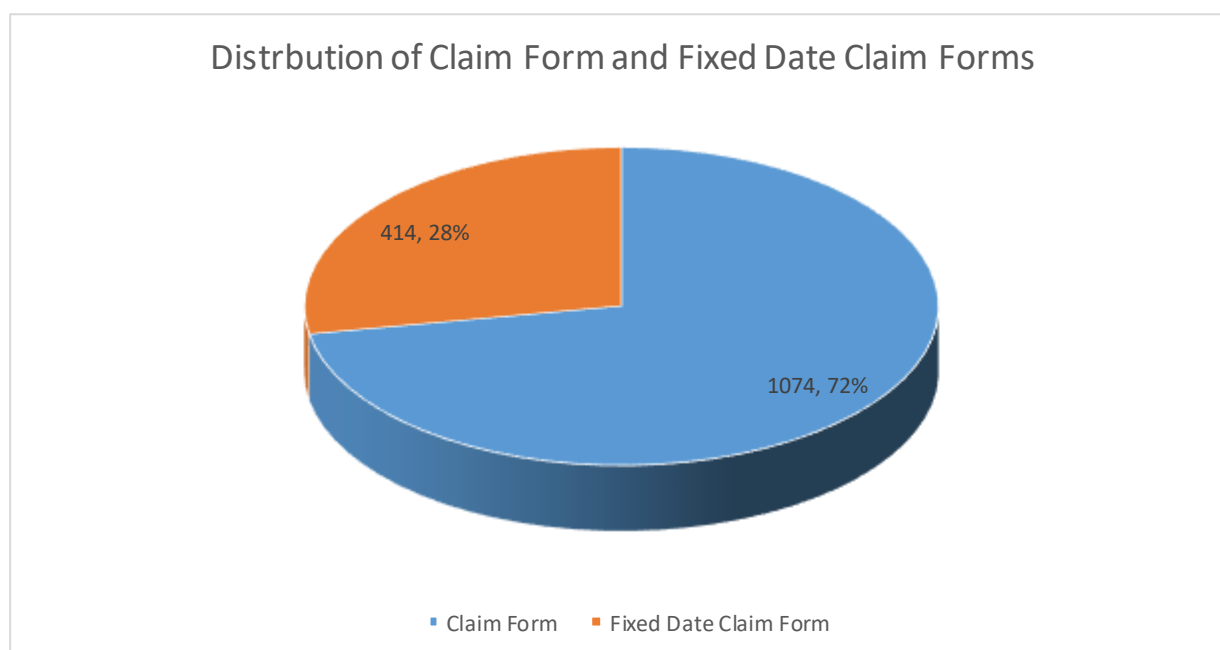
The below table outlines the number of new cases filed in the High Court Civil Division during the Easter Term.

Table 1.0: New cases filed in the Easter Term of 2020

HCV	Frequency	Percentage (%)
New Cases	1629	100.0

1629 new cases were filed in the High Court Civil (HCV) Division in the Easter Term of 2020, representing an increase of 25.60% when compared to the Easter Term of 2019.

Chart 1.0: Distribution of Claim Forms and Fixed Date Claim Forms for the Easter Term ended July 31, 2019



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The above chart highlights the number and proportion of matters, which originated either using a Claim Form or Fixed Date Claim Form during the Easter Term of 2020. Of the 1488 cases originating in either of these ways, 1074 or 72% was by way of a Claim Forms while 414 or 28% originated by way of Fixed Date Claim Forms. This is a shift compared to recent Terms which saw a much closer proportional distribution. A case that is filed on a Fixed Date Claim Form gets a specific date for court at the point of filing while a new matter filed on a Claim Form gets a court date subsequent to filing. A minority, roughly 8.66% of cases filed in the Easter Term originated by way of Notices of Application.

Tables 1.0 to 4.0 below provide an analysis of the reasons for adjournment or continuance of HCV cases in the Easter Term of 2020. Contextual definitions of 'reasons for adjournment' and 'reasons for continuance' respectively are adopted for the purpose of clarity. The first of the three tables enumerate the list of the most common reasons for adjournment, which refers to factors, which may not be a part of the essential processes, or procedures for which a case is necessarily delayed. Using results from table 2.0a, a proxy case file integrity rate is also computed for the High Court Civil 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 1839 incidences of adjournments whether for continuance or avoidable reasons in the High Court Civil (HCV) Division during the Easter Term of 2020. This represents a fall of 27.23% when

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compared to the corresponding period in 2019. This is heavily explained by the decline in the court activity arising from the suspension of court due to the COVID-19 pandemic towards the end of March, 2020.

Table 2.0a: Top 10 reasons for adjournment for Easter Term ended July 31, 2020

Reasons for adjournment	Frequency	Percentage (%)
Suspension of court activity due to the COVID-19 pandemic	307	16.69
Claimant to file documents	215	11.69
For comments from NEPA to be complied with (restrictive covenant)	129	7.01
Claimant's documents not served or short served	111	6.04
File not found	71	3.86
No parties appearing	61	3.32
Matter referred to mediation	61	3.32
Defendant to file documents	53	2.88
SID Report to be submitted along with comments from LP	49	2.66
Wrongly listed	41	2.23
Sub-Total	1098	59.7

Total number of adjournments/continuance = 1839

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There were total of 1839 incidence of adjournments/continuance in the Easter Term of 2020, a notable decline when compared to the Easter Term of 2020. The above table summarizes the top ten reasons for adjournment for the Easter Term ended July 31, 2020 using the contextual definition outlined above. It is seen that the three dominant reasons for adjournment were due to the suspension of court activity due to the COVID-19 pandemic with 307 or 16.69 of all events of adjournments/continuance, adjournments for claimants to file documents with 215 or 11.69% and restricted covenants with 129 or 7.01% of the incidence of adjournments round off the top three. Claimants documents not served or short served with 111 or 6.04% and files not found with 71 or 3.86% ranks next. The top ten reasons for adjournment enumerated above, accounts for approximately 59.70% of the total reasons for case adjournment/continuance in the Easter Term of 2020. As with previous reports, it is evident that a significant proportion of the total adjournments were due to factors related to the lack of readiness or preparedness of case files and cases themselves and the absenteeism of parties for court hearings. Many of the reasons for adjournment continue to suggest weaknesses in case management, record keeping and scheduling practices which account for a significant proportion of the reasons for adjournments/continuance are directly a result of factors, which could be classified as avoidable. A plethora of the commonly observed reasons for adjournment contribute to the inefficient use of judicial time and hampers the timely delivery of justice. Continued process flow re-engineering, enhanced stakeholder engagement and efficient resource alignment will be required to bring redress to many of the deficiencies resulting in the continued high incidence of adjournments. The needed improvements will also be helped by

the introduction of the Judicial Case Management System (JCMS) in 2021 which will assist in the optimal management of all judicial resources.

There continue to be some internal processes which are being re-engineered to support the prime operation of the High Court Civil Division. These include the bolstering the resources needed to manage the timely placement of new documents on files and to more effectively track the movement of files with the aid of the available technology. The strength of the court's case management processes has a direct bearing on the incidence of adjournments, thus enhancing the science that is applied in deploying case management in the High Court Civil Division will be an important catalyst in fostering more robust case preparation, improving the compliance of parties with court requirements and hence the readiness of files for hearings to proceed. The new leadership of the High Court Civil Division is currently pursuing an aggressive realignment of job functions and day to day issues relating to case management and the timely progression of tasks and actions among interdependent arms of the Registry of the High Court Civil Division. The results may not be immediate, especially with the prevailing challenges of the day, however the High Court Civil Division is expected to make significant gains in productivity and output within the next 12 months. The productivity of the High Court Civil Division is at the critical to the overall statistical output of the Supreme Court as it has a profound impact on weighted measures of the key scientific metrics such as the case clearance rate, the case backlog rate and the hearing and trial date certainty rates, given its significant case activity volume.

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Table 2.0b: Case File Integrity Rate for the Easter Term ended July 31, 2020

Number of adjournments/continuance	Number of adjournments due to missing files, matters wrongly listed and matters left off the court list	Proxy Case File Integrity Rate (%)
1839	130	92.93%

In the very strictest sense, the case file integrity rate measures the proportion of time that a case file is fully ready and available in a timely manner for a matter to proceed. Hence, any adjournment, which is due to the lack of readiness of a case file or related proceedings for court at the scheduled time, impairs the case file integrity rate. Case file integrity is based on three pillars - availability, completeness and accuracy. In the above table, the number of adjournments resulting from missing files, matters wrongly listed for court and matters left off the court list is used to compute a proxy rate for the case file integrity. The table shows that there were 130 combined incidences of adjournments due to these deficiencies in the Easter Term of 2020, resulting in a case file integrity rate of 92.93%, representing an improvement of 2.78% when compared to the Easter Term of 2019. Continued re-engineering of the document management processes in the High Court Civil Division and a strengthening of the human resources in the records section of this Division are being pursued as a strategy to create a sustainable system of marshalling file readiness. This will redound to the benefit of the Division in improving the rate of progression of cases filed to mediation and to court hearings and thus promote a timelier scheduling and other actions leading up to the disposition of cases filed. It will also contribute to an improvement of the rate of handling of notices of discontinuances

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filed which will assist in improving the timely disposition of cases. The expected introduction of the new Judicial Case Management System (JCMS) in 2021 will also facilitate significant advances in efficiency in this regard.

Table 2.0c: Frequent reasons for continuance for the Easter Term ended July 31, 2020

Reasons for continuance	Frequency	Percentage (%)
Pending settlement	15	0.82
Pending outcome of another application	23	1.25

Total number of adjournments/continuance = 1839

The above table summarises the most common reasons why cases in the HCV Division were delayed for 'continuance' during the Easter Term of 2020. Two dominant reasons falling in this category are highlighted, namely pending the outcome of another application with 0.82 and pending settlements with 1.25%.

The below table enumerates the leading reasons for delay in a matter which may either be strictly an adjournment or 'continuance', using the definitions outlined above, depending on the peculiar circumstances. In other words, either these reasons could be for 'adjournment' or 'continuance' depending on the stage or conditions of occurrence on the case flow continuum.

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Table 3.0: Frequent reasons for adjournment/continuance for the Easter Term of 2020

Reasons for continuance	Frequency	Percentage (%)
Parties having discussion with a view to settlement	62	3.37
Medical certificate outstanding	10	0.54

Total number of adjournment/continuance = 1839

It is seen above that parties having discussions with a view to settlement with 62 incidences or 3.37% of the total and medical reports outstanding with 10 or 0.54% of the total, accounts for the dominant share of the reasons for adjournment/continuance which falls in this category.

Table 4.0: Selected hearing events for the Easter Term of 2020

Hearings	Frequency	Percentage
Court Trials	364	50.14
Motion Hearing	20	2.75
Assessment of Damages	200	27.55
Trial in Chambers	142	19.56
Total trial matters	726	100

The above table shows the breakdown of the progression of common selected hearing events set during the Easter Term of 2020. 726 - combined incidences of matters set for the selected types of hearings in the Easter Term are shown, of which trials in open court accounted for the largest share with 364 or 50.14% of the total. In the Easter Term of 2019, trials in open court also lead this list. The incidence of assessments of damages hearings ranked next with 200 or 27.55% followed by trial in chambers with 142 or 19.56%. All hearing types on this list, except trial in chambers experienced declines when compared to the corresponding period in 2019, on

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account of the overall decline in the incidence of hearings in the Easter Term due to the COVID-19 pandemic. The incidence of open court hearing events for example fell by 16.89% while hearing events for assessment of damages fell by 9.09% when compared to the Easter Term of 2019. There is a general thrust in the High Court Civil Division to set more realistic numbers of matters per day for trials and assessments of damages and this is expected to yield positive results over the coming Terms, bolstered by advances in overall case management practices in the Division. This consistent with the current thrust in the judiciary to significantly improve hearing date certainty rates and in so doing improve the delivery of justice.

Table 5.0 Hearing date certainty for the Easter Term ended July 31, 2020

Hearing dates set	Hearing dates adjourned	Hearing date certainty (%)
2843	1123	60.50%

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 sizeable, representative sample of 2843 dates scheduled for Court and Chamber hearings, revealed that 1123 were 'adjourned' on the date set for commencement. The resulting hearing date certainty figure of 60.50% suggests that there is a roughly 60% probability that a date set for a matter to be heard would proceed on schedule. This was approximately 9.0 percentage points lower than the outcome in the corresponding period in 2019, a reasonable show of resilience in light of the constraints of the COVID-19

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pandemic which saw a large number of dates being rescheduled and vacated. When trials are isolated, the results reveal a trial date certainty rate of 39.94% for the Term, again severely impacted by several adjourned and vacated dates associated with the downturn in court activity caused by the COVID-19 pandemic. The trial date certainty rate gains 8.96 percentage points when the period of suspension of open court activity is isolated in the computation of the trial certainty rate for the High Court Civil Division in the Easter Term of 2020.

The ensuing analysis will go further into explaining where on the continuum of a matter traversing the system are adjournments 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 in the Easter Term of 2020.

Table 6.0a: Index of scheduling efficiency for Assessment of Damages in the HCV Division for the Easter Term ended July 31, 2020.

Number of available court days in the Easter Term	Number of days' worth of assessment of damages scheduled (for 1 court)	Approximate ratio
77	200	2.60

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 Easter Term of 2020, 77 all told and the number of days' worth of assessment of damages

which were scheduled (a total of 200). It is shown that for every court day available, approximately 2.60 days' worth of matters were scheduled, consistent with the downward trend observed over the past four Terms. This is an improvement of 0.84 points when compared to the Easter Term of 2019. The implication of this sustained improvement is greater hearing date certainty for assessments of damages and by extension potentially better use of judicial time for High Court Civil (HCV) matters as a whole. This is a promising outcome considering that the assessments of damages account for a sizeable share of case activity in the High Court Civil Division. Historically, the unrealistically high scheduling incidence for assessments of damages each day has tied up judicial time and resources and fostered sub-optimal outcomes. In 2018 the number of days' worth of assessments of damages scheduled each day was as high as seven but since then there has been a decisive downward trend due to aggressive efforts to improve the scheduling apparatus. The vast majority of the event dates included in the computation was scheduled in advance of the suspension of regular court activity due to the COVID-19 pandemic and therefore there was no need to adjust the index outlined in the table.

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Table 6.0b: Index of scheduling efficiency for court trials in the HCV Division for the Easter Term ended July 31, 2020

Number of available court days in 2017	Number of days' worth of court matters scheduled for court trial per court	Approximate ratio
77	73	0.95

Another important indicator of the problems associated with the scheduling of HCV matters comes from an assessment of the number of court days which were available for the Supreme Court in the Easter Term of 2020, 77 all told and the number of days' worth of court trials which were scheduled per court (a total of 73). It is shown that for every day available, 0.95 days' worth of matters were scheduled, the best ratio recorded since this type of reporting began in 2016, eclipsing the previous record in the Hilary Term of 2020 and partly reflective of the thrust to improve the use of judicial time and resources in the courts through more efficient scheduling and case management practices. These results were however aided by the reduction in open court activity resulting from the COVID-19 pandemic. The HCV is working aggressively to improve its scheduling practices as well as case management and this should yield positive results over the next few Terms.

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Table 7.0: Hearing date certainty for Assessment of damages for the Easter Term ended July 31, 2020

Hearing dates set	Dates adjourned)	Hearing date certainty (%)
200	84	58.0%

Assessment of damages has shown a gradual turnaround in the certainty rates of its hearings over the past eighteen months. This is largely on account of the setting of a more realistic number of matters per day and enhanced case management. Not surprisingly however, due to the reduction in court activity as a result of the COVID-19 pandemic, the hearing date certainty rate for assessments of damages experienced a dip when compared to the Hilary Term of 2020. The result is however a 16.18 percentage points increase when compared to the Easter Term of 2019, a good show of resilience amidst the constraints. In the coming Terms, continued improvements in scheduling and case management in the High Court Civil Division should yield significant process in the efficient use of judicial time committed to handling these matters.

Table 8.0: Hearing date certainty for Case Management Conferences for the Easter Term ended July 31, 2020

Hearing dates set	Dates adjourned (excluding adjournments for continuance)	Hearing date certainty
239	64	73.22%

Case management conferences form an important part of the preparation of cases or further judicial activities. Matters scheduled for case management conferences will typically be set for a fixed time and day in accordance with the available resources. These matters had a hearing

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date certainty of 73.22% in the Easter Term of 2020, a decline of 2.72 percentage points when compared to the corresponding period in 2020, a show of resilience amidst the constraints and an indication that there are indeed incremental advances in the scheduling and case management practices in the High Court Civil (HCV) Division.

The hearing and trial date certainty metrics for the Easter Term of 2020 may not provide representative data on case activity however it remains clear that significant work needs to be done in improving the scheduling apparatus of the court and to improving case management and general preparation of cases for judicial activity.

Table 9.0: Requisitions for the Easter Term ended July 31, 2020

Action	Frequency
Requisitions Issued	176
Responses to requisitions	5
Requisition clearance rate (%)	2.84%
Requisitions per 100 case files actioned	3

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 176 requisitions for the Term. The ratio of cases actioned to requisitions was calculated to be approximately 1:0.03, which suggests that for every 100 case files there were roughly 3 requisitions, the same as the corresponding Term

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in 2019. The data shows a requisition clearance rate of 2.84% for the Easter Term of 2020, a decrease of roughly 33.08 percentage points when compared to the similar period in 2019. Since March 2020 the clearance rate for requisitions filed have plummeted considerably, correlating with the general reduction in court activity as a result of the COVID-19 pandemic. Continuous interventions aimed at increasing public sensitization on the proper and timely completion of documents filed by litigants and their attorneys at the various stages along the civil case flow continuum are vital to creating and sustaining improved outcomes in this area.

Table 10.0: Incidence of Chamber Hearings dates for the Easter Term ended July 31, 2020

Hearings	Frequency	Percentage (%)
Oral Examination	5	0.21
Case Management Conference	239	9.98
Pre-trial review	221	9.23
Applications (Various)	1878	78.45
Judgment summons hearing	51	2.13
Total	2394	100

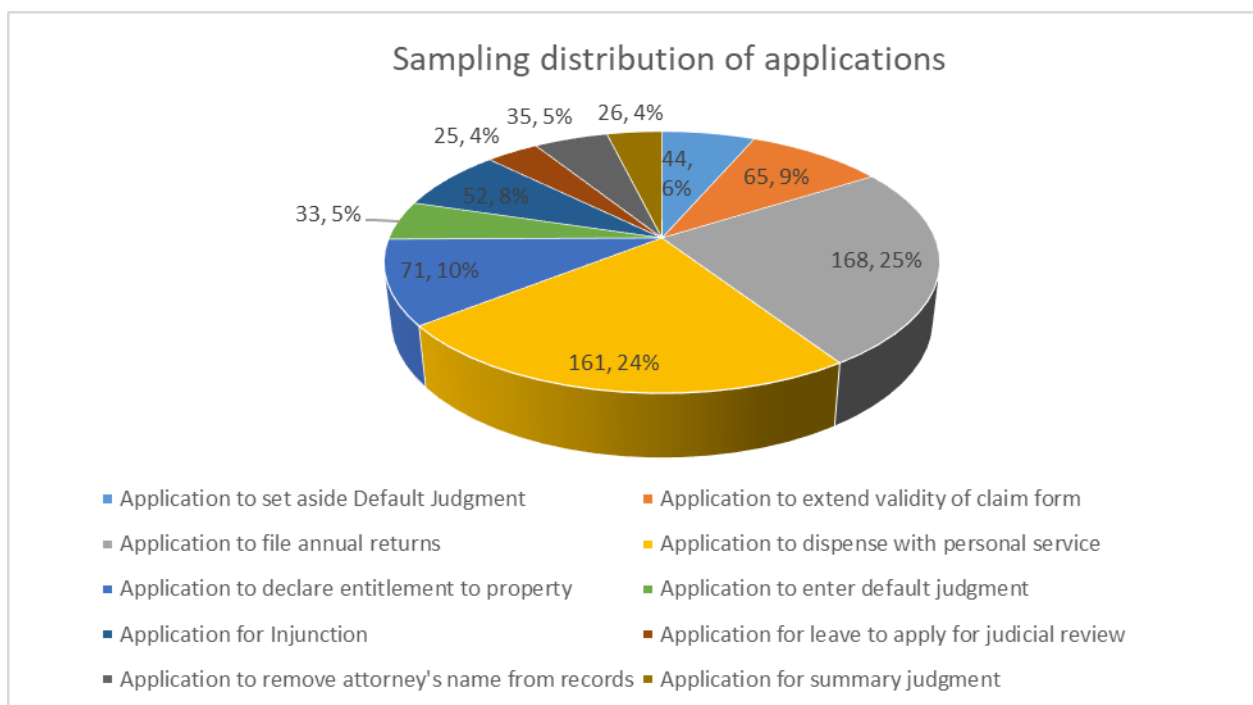
The above table summarizes the incidence of different types of chamber hearings for the Easter Term of 2020. It is seen that the total incidence of chamber hearings for the period was 2394, a decrease of 25.16% when compared to the corresponding period in 2019. The highest proportions were various applications with 1878 or 78.45% of the total number of hearings, a reduction of 21.68% when compared to the similar period in 2019. The general applications category speaks to a non-exhaustive list of various types of applications (including expedited applications) which come before the High Court Civil (HCV) Division. Case management

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conferences was a distant second with an incidence of 239 or 9.98% of the total number, a fall of 50% percentage points when compared to the 2019 Easter Term. Pre-trial reviews with 221 or 9.23% and Judgment summons hearings with 51 or 2.13% rounds off the top five incidences of chamber hearings for the Hilary Term of 2020.

Chart 3.0: Sampling distribution of the top ten application types for the Easter Term ended July 31, 2020



The above chart summarizes the distribution of 10 common types of applications filed spread among 680 applications made in the High Court Civil Division during the Easter Term of 2020. Among the types of applications featuring most prominently are applications to dispense with mediation, applications to dispense with personal service, applications to file annual returns,

applications to extend validity of claim forms and applications to declare entitlement to property.

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

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Table 11.0: Methods of disposition for the Easter Term ended July 31, 2020

Application	Frequency	Percentage (%)
Application Granted	213	32.1
Application Refused	8	1.2
Attorney Admitted to Bar	3	.5
Claim form expire	22	3.3
Consent Judgment	6	.9
Consent Order	4	.6
Damages Assessed	23	3.5
Final Order	4	.6
Judgment	24	3.6
Judgment in Default of Ack of Service	3	.5
Judgment on Admission	1	.2
Matter Withdrawn	4	.6
Med - Settled Fully in Mediation	1	.2
Notice of Discontinuance noted	276	41.6
Order (Chamber Court)	3	.5
Settled	35	5.3
Struck Out	9	1.4
Transfer to parish court	1	.2
Judgments Delivered	23	3.50
Total	663	100.0

An understanding of the distribution of the methods of case disposal is an essential metric to gaining insights into the efficiency of case handling in the courts and into operational planning. It is seen that there were 663 HCV cases disposed in the Easter Term of 2020, a dramatic improvement of 325% when compared to the corresponding period in 2019 and an increase of roughly 16 percent when compared to the Hilary Term of 2020. The largest proportion of the cases disposed, 276 or almost 41.60% were a result of notices of discontinuance filed, followed

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by Applications Granted with 213 or 32.10% and settlements with 35 or 5.30%. Judgments and damages assessed rounds off the top five methods of disposition in the High Court Civil Division for the Easter Term of 2020.

Table 14.0: Time to disposition for the Easter Term ended July 31, 2020

Descriptive Statistics

Number of observations	663
Mean	40.7376
Mode	14.00
Std. Deviation	38.41553
Variance	1475.753
Skewness	1.027
Std. Error of Skewness	.095
Range	264.00
Minimum	1.00
Maximum	265.00

One of the most important metrics, which can be used in assessing the efficiency of case handling, is the time to disposition. An understanding of this measure is crucial to influencing both internal and external policies, necessary to bolster the timely delivery of justice. The above table provides crucial insights on the average time to disposition of matters in the HCV Division for the Easter Term of 2020. The 663 cases disposed in the Term reveal an estimated average time to disposition was 40.74 months or roughly 3 years and 5 months, an improvement of nine months when compared to the corresponding period in 2019. The oldest matter disposed in the year was 265 months old or almost 22 years old while the lowest time that a matter took to disposition was less than a month. The most frequently occurring time to disposition in the period was 14 months or just over a year. The standard deviation of roughly 38.42 months is

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indication of a wide variation of the durations to disposal around the mean and suggests that the times to disposition vary widely. The positive skewness of roughly 1.03 however indicates that proportionately more of the cases disposed took less than the overall average time, a result that is not surprising considering that both the median and modes are notably less than the mean. The margin of error of these estimates is plus or minus 2 months.

Table 15.0: Breakdown of time to disposition for the Easter Term ended July 31, 2020

Date Intervals	Frequency	Percentage (%)
0 - 12	235	35.4
13 - 24	106	16.0
25 - 36	29	4.4
37 - 47	14	2.1
48 and over	279	42.1
Total	663	100.0

The above table provides a more detailed breakdown of the average time to disposition. It is seen that of the 663 matters disposed in the Hilary Term, the largest proportion 279 or 42.10% took four years or more to be disposed. 235 matters or roughly 35.40% of the cases disposed took a year or less while 106 or 16.0% took between 13 and 24 months to be disposed. The remaining proportion of the cases disposed was accounted for by the intervals 25 - 36 months with 29 or 4.40% and 37 – 47 months with 14 or 2.10%. It is of note that only 51.40% of the matters disposed of in the Easter Term took two years or less, compared to roughly 48.60%, which took more than two years to be disposed. The margin of error of these estimates is plus or minus 2 months. The fact that the modal time to disposition is only 14 months is instructive as it speaks to what could potentially become a norm in the High Civil Division with stronger

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case management, file management and scheduling apparatuses. A number of process re-engineering initiatives are currently underway in the High Court Civil (HCV) Division, which are expected to eventually contribute appreciably to a reduction in the average time to disposition over the coming two Terms.

Table 16.0: Clearance rate for the Easter Term ended

Cases filed	Cases disposed	Case clearance rate (%)
1629	663*	40.70%

***143 or 21.57% of these disposed cases originated in 2020**

The case clearance rate is an important metric, which complements the case disposal rate. It is calculated as the ratio of incoming active cases to disposed cases. A ratio of 100% is an indication that for every new case filed, a pre-existing case is also disposed. It is an important measure in placing the time to disposition of matters into context and to providing a deeper understanding the case carriage burden that is being faced by the different Divisions. The rate of 40.70% seen above for the High Court Civil (HCV) Division is an indication that for every 100 new cases filed in the period under examination, there were roughly 48 cases disposed (not necessarily of those filed in the Easter Term of 2020). The result represents a notable 28.67 percentage points increase when compared to the Easter Term of 2019. In the Hilary and Easter Terms of 2020, the High Court Civil Division has made noticeable strides in the rate of clearance of cases with an over 25 percentage points weighted average improvement since the beginning of 2020.

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Other performance measures

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

(i) The on time case processing rate

(ii) The case turnover ratio

(iii) The disposition days

(iv) Case backlog rate

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally, the case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Easter Term of 2020.

These measures are summarized in the table below:

Table 17.0: Selected performances metrics for the High Court Civil (HCV) Division in the Easter Term ended July 31, 2020

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated disposal days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Case backlog rate (%)
663	5096	13.01%	2808 days	341	322	51.40%	48.60%

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The results in the above table show a case turnover rate of 13.01%, which is an indication that for every 100 cases, which were 'heard' in the Easter Term of 2020 and still active at the end of the Term, another 12 were disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the Term will on average take 2808 days or 7.80 years to be disposed, barring special interventions or other unanticipated circumstances.

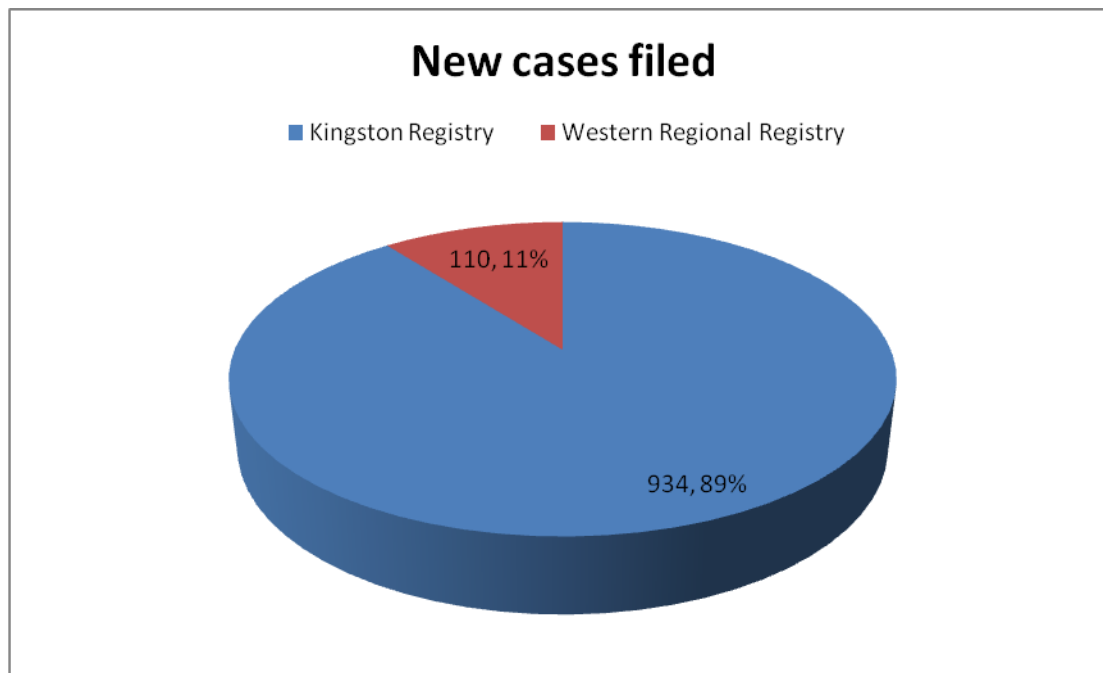
A case is considered to be in a backlog classification if it is still active for over two years. Based on this general criterion, a case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the High Court Civil Division in the Easter Term of 2020 is 51.40%, which reflects the proportion of High Court Civil cases in the Term, which were disposed within 2 years. Conversely, the case backlog rate is 48.60%, an indication that an estimated proportion of 49% 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 5096 cases, which had some court activity in the Easter Term of 2020 and were still active at the end of the Term, at least 2477 are expected to fall into in a backlog classification before being disposed. The case backlog rate in the High Court Civil Division improved by 37.70 percentage points when compared to the Easter Term of 2019, a quite significant improvement, though this result should not be used for generalizations at this time. There was an estimated 31.44% in the number of cases handled in the High Court Civil Division in the Easter Term of 2020, when compared to the similar period in 2019.

CHAPTER 2.0: MATRIMONIAL DIVISION

The ensuing analysis examines the various measures of the efficiency of case handling in the Matrimonial Division for the Easter Term ended July 31, 2020.

The below chart summarizes the distribution of new cases filed in the Matrimonial Division in the Easter Term of 2020 between the Kingston and Montego Bay Registries of the Supreme Court.

Chart 6.0: Distribution of new Matrimonial cases filed in the Easter Term of 2020



A total 1044 new cases were filed in the Matrimonial Division of the Supreme Court during the Easter Term of 2020. 110 or 10.54% of these cases were filed at the Western Regional Registry in Montego Bay while 934 or 89% were filed at the Kingston Registry. The number of new cases

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filed in the Matrimonial Division in the Easter Term of 2020 represents a 7.20% decline when compared to the Easter Term of 2019.

Table 18.0: Petitions filed for the Easter Term ended July 31, 2020

Type of petition	Frequency	Percentage (%)
Amended petition for dissolution of marriage	546	34.34
Petition for dissolution of marriage and Petitions for Nullity	1044	65.66
Total Filings	1590	100
Number of amendments per petition	0.52	

The above table summarizes Petitions filed in the Easter Term of 2020. It is shown that a total of 1590 Petitions (new or amended) were filed, 1044 or 65.66% were Petitions for dissolution of marriage or petitions for nullity of marriage, compared to 546 or 34.34% which were amended or further amended Petitions for dissolution of marriage. The analysis further suggests that the ratio of Petitions to Amended Petitions is 0.52 or in other words for every 100 petitions for dissolution of marriage there is roughly 52 amended Petitions for dissolution of marriage in the Easter Term of 2020. As mentioned earlier, there was a slight decrease in the number of petitions filed but the ratio of petitions filed and their proportional distribution is markedly similar to that of the Easter Term of 2019. The continued relatively high incidence of amendments constitutes a source of delays in the timely and efficient delivery of dispositions. There however continues to be steady strides in the rate of compliance with requisitions or the turnaround time for requisition responses over the past 24 months. There is continued momentum in the Matrimonial Division to re-engineer and improve the work flow processes in

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an effort to significantly reduce the time taken to dispose of divorce cases to as little as 4 months where there is full compliance, accurate and timely filings from attorneys and litigants. The general progress has been stable as the case clearance rates are now at a much higher base equilibrium point, slightly more cases are being disposed in under 8 months and the overall average time to disposition is falling. In fact, in the Easter Term of 2020, the Matrimonial Division recorded the highest clearance rate of all Divisions in the Supreme Court and one of its highest ever recorded rates, a testament to its resilience amidst the constraints imposed by COVID-19 and to the continued process re-engineering in the Division.

Table 19.0: Decrees Nisi and Decrees Absolute filed for the Easter Term ended July 31, 2020

Case Status	Frequency
Decree Absolute	1548
Decree Nisi for dissolution of marriage	1613
Decree Nisi for nullity of marriage	5
Total	3166
Ratio of Decrees Nisi to Decrees Absolute	0.96

It is revealed in the above table that for every 100 Decrees Nisi filed there were roughly 96 Decrees Absolute filed in the Easter Term of 2020, an improvement of 11 percentage points for every 100 when compared to the Easter Term of 2019. The returns so far for 2020 in this regard represent decisive progress when compared to previous years as the rate of transition from the Decree Nisi to Decree Absolute stage of a Matrimonial case has seen a sharp increase. One caveat to note is that Decrees Nisi and Decrees Absolute would have originated at various times outside of this specific period of analysis. The data here suggests that there were roughly 4.03%

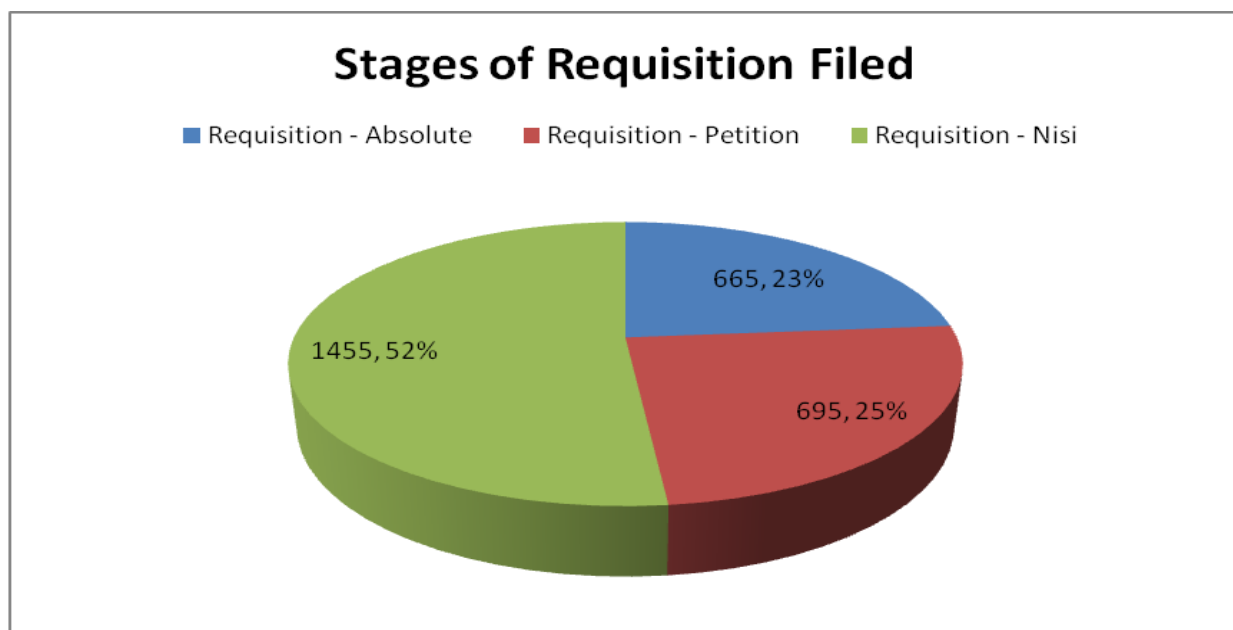
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more Decrees Nisi than Decrees Absolute filed in the Easter Term of 2020. The stage of a matter at which requisitions have mostly occurred has an impact on the production rate for both Decrees Nisi and Decrees Absolute Granted. When compared to the Easter Term of 2019, there was a 12.24% increase in the number of Decrees Nisi filed while the number of Decrees Nisi filed decreased by 4.61% over the same comparable period.

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

Chart 7.0: Distribution of the stages of requisitions for the Easter Term ended July 31, 2020



The data suggests that a total of 2815 requisitions were issued at the three primary stages of a divorces case at the Kingston and Montego Bay Supreme Court Registries combined a notable decrease of 5.82% when compared to the corresponding Term in 2019. The number of requisitions filed at the petition stage decreased by 12.03% when compared to the Easter Term

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of 2019 while the number filed at the Decree Nisi stage decreased by roughly 13.75% over the comparable period. The number of requisitions filed at the Decree Absolute stage however experienced an increase of 29.88% when compared to the similar period in 2019. These results are generally positive and encouraging and it is anticipated that there will be a furtherance of this path as the Matrimonial Division continues to experience notable advances in efficiency. As with the previous Term, 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 52% incidence, down by 5 percentage points when compared to the similar period in 2019. 23% of the total constituted requisitions at the stage of a Decrees Absolute, up by 6 percentage points when compared to the Easter Term of 2019 while 25% of the requisitions were associated with the petition stage of a matter, a fall of 1 percentage point when compared to the Easter Term of 2019.

Table 20.0: Methods of Disposals for the Easter Term ended July 31, 2019

Methods of Disposition	Frequency	Percent
Decree Absolute Granted	950	88.8
Decree Nullity Granted	1	.1
Notice of Discontinuance noted	40	3.7
WR Decree Absolute Granted	74	6.9
WR Notice of Discontinuance noted	5	.5
Total	1070	100.0

NB: WR means Western Registry

The above table reveals that 1070 Matrimonial cases were disposed in the Easter Term of 2020, an increase of 3.08% when compared to the Easter Term of 2019. The number of Matrimonial

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cases disposed in the Easter Term of 2020 is one of the highest recorded in a single Term. A proportion of 95.70% or 1025 were attributable to Decrees Absolute Granted while 40 or 4.20% were due to Notices of Discontinuance filed, accounting for the top two methods of disposition in the Easter Term of 2020. Decrees Nullity granted with 1 or 0.10% rounds off the three methods of disposition. 42 or 3.93% of the cases disposed originated in 2020, which means that they were disposed in seven months or less. This represents a further 4.02% of the new cases filed in the Term. The ongoing process flow re-engineering and enhanced engagement of stakeholders should continue to drive improvements in this area in the Michaelmas Term of 2020 and by 2021-22, it is forecasted that up to 25% of new cases filed will be disposed in the same year of filing. 57% of the cases disposed during the Easter Term were filed in 2019, the majority of which took a year or less to be disposed. Cases filed in 2018 accounted for 20.37% of the cases disposed in the Term, a further affirmation of the downward trending time to disposition of matrimonial cases. The current trends suggest that the Matrimonial Division could conceivably realise the target of disposing the majority of cases filed within six months, however as before the case progression mechanism has to work with a high degree of efficiency for this to happen and the cooperation of the attorneys in properly filing documents and expeditiously responding to requisitions will be crucial. In the same way that open court and some chamber hearings are given a specific hearing date and time slot, internal efficiency in the handling of matrimonial cases in the Supreme Court could possibly be bolstered by a similar approach, thus guaranteeing time standards for the movement of case files along the case flow continuum. It is of note that 782 (92.60%) of the Matrimonial cases disposed were

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attributable to the Kingston Registry while 79 (7.40%) were accounted for by the Western Registry in Montego Bay.

Table 21.0: Requisitions summary for the Easter Term ended July 31, 2020

Action	Frequency/Rate
Requisitions	2815
Number of requisitions per 100 files	62
Number of responses to requisitions	1380
Requisition clearance rate	49%

The incidence of requisitions is especially important in assessing the efficiency with which Matrimonial matters move through the court system. A total of 2815 requisitions were filed in the Easter Term of 2020, a decrease of 5.82% when compared to the corresponding period in 2019. This produces a ratio of cases filed to requisitions of 0.62 which suggests that for every 100 cases filed on which there was activity in the Easter Term of 2020, there were 62 requisitions, an improvement of three percentage points for every 100 cases when compared to the similar period in 2019. The number of responses to requisitions fell by 7.63 percent while the requisition response rate improved by roughly 1 percentage point when compared to the corresponding period in 2019. These declines are partly due to the down turn in court activity in the Easter Term due to the COVID-19 pandemic.

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Table 22.0: Outline of ideal delivery time standard and process flow for the disposition of divorce matters

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

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

Notes

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

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

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

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Table 23.0: Court/Chamber matters for the Easter Term ended July 31, 2020

Action	Frequency	Percentage (%)
Applications	129	51.6
Expedited Applications	51	20.4
Case Management Conference	54	21.6
Motion Hearing	7	2.8
Pre-Trial Review	1	0.4
Trial	8	3.2
Total	250	100

The above table shows the distribution of the types of matters brought before the Court for the period under examination. The data shows that an incidence of 250 hearings either before Court or Chamber of which the largest proportion, 129 or 51.60% were applications followed by 54 or 21.6%, which were Case Management Conference matters. The event with the third highest incidence in this category is expedited applications, which accounts for 51 or 20.4% of the total. Motion Hearings with 7 or 2.80% and Trials with 8 or 3.20% of the total rounds off the top 5 events enumerated in this category. The probability distributions of the events in this table are broadly consistent with that which was observed in the similar 2019 period.

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Table 24.0: Sampling distribution of the top six types of applications in Easter Term July 31, 2020

Application type	Frequency	Percentage (%)
Ex-parte application for substituted service	26	14.44
Application for maintenance	17	9.44
Application for custody and maintenance	12	6.67
Application to dispense with personal service	11	6.11
Application for joint custody	10	5.56
Application to remove attorney's name from record	5	2.78

Sample size = 180

Further analysis of the types of application brought before the Court was done using a sample of 180 filed, the results of which suggests that ex-parte applications for substituted service with 14.44% of the applications, applications for maintenance with 9.44% and applications for custody and maintenance with 6.67% accounted for the three largest shares of the applications. This is followed by applications to dispense with personal service with 6.11% and applications for joint custody with 5.56% of the applications rounding off the top five. These top six application types account for roughly 45% of the representative sample application in the Matrimonial Division in the Easter Term of 2020 and have consistently featured in the upper quintile over the past three years.

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Table 25.0: Top five reasons for adjournment for the Easter Term ended July 31, 2020

Reasons for Adjournment	Frequency	Percentage (%)
COVID-19 Pandemic	37	29.37
Claimant to file documents – Executed Consent Order	16	12.70
No parties appearing	7	5.56
Parties having discussions in relation to children	7	5.56
Claimant's Attorney could not be reached	5	3.87

Total incidence of adjournments (N) = 126

As with all Divisions of the Supreme Court, an important metric of court efficiency are the reasons for adjournment of court matters. The data suggests that there were 126 incidences of adjournments in the Matrimonial Division in the Easter Term of 2020, representing a slight increase of 2.44% when compared to the Easter Term of 2019. The largest proportion of these adjournments was a direct result of the downturn in court activity caused by the COVID-19 pandemic, accounting for 29.37%. Claimants to file documents with 16%, no parties appearing with and parties having discussions in relation to children each with 5.56% rounds off the top four types of adjournment of matters heard conventionally in the Matrimonial Division during the Easter Term of 2020. Continuous engagement of external stakeholders and the general strengthening of the case management processes are vital to reducing the incidence of case adjournments which are often counter-productive and inefficient.

Table 26.0: Hearing date certainty for the Easter Term ended July 31, 2020

Court/Chamber hearing dates set	Hearing dates Date adjourned	Hearing date certainty rate (%)
253	52	79.45%

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The above data reveals that of 253 -combined incidence of court and chamber hearing dates set for the Easter Term of 2020, 52 were adjourned. This produces a moderately high hearing date certainty rate of 79.45%, a 2.22 percentage points increase when compared to the 77.23% hearing date certainty rate recorded in the similar 2019 period. This promising result suggests that for every 100 matters scheduled is the approximate number that would be expected to proceed without adjournment is 75. When trial matters are isolated, the trial date certainty rate is 75%, 5 percentage points higher than the similar period in 2019.

Table 27.0: Time to disposition for the Easter Term ended July 31, 2020

Descriptive Statistics (months)

Number of observations	1070
Mean	22.8860
Median	13.0000
Mode	12.00
Std. Deviation	23.74825
Skewness	4.471
Std. Error of Skewness	.075
Range	286.00
Minimum	3.00
Maximum	289.00

The above table summarizes the time disposition for the Easter Term ended. It is seen that of the 1070 matters disposed of in the Easter Term, the estimated average time to disposition was roughly 22.89 months, an improvement of roughly three months when compared to the corresponding time period in 2019. The estimate of the most frequently occurring time to disposition was however 12 months and the median 13 months, encouraging signs for the targeted reduction in the average time taken to resolve cases filed in this Division. The oldest

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matter disposed was roughly 24 years old while on the other end of the spectrum there were matters disposed within 6 months. The scores had a standard deviation of roughly 23.75 months, which indicates a wide variation in the distribution of the times to disposition in the period. The skewness measure returns a large positive figure of approximately 4.47 which strongly indicates that a markedly larger proportion of the times to disposition were lower than the mean. The margin of error of these estimates is plus or minus 2 months or 0.17 years.

Table 28.0: Breakdown of times to disposition for the Easter Term ended July 31, 2020

Time Intervals (months)	Frequency	Percentage (%)
0 – 12	483	45.1
13 – 24	317	29.6
25 – 36	126	11.8
37 – 47	39	3.6
48 and over	105	9.8
Total	1070	100.0

Note: 3.93% of the cases disposed in the Easter Term took 6 months or less

The above table provides a more detailed breakdown of the estimated times to disposition for Matrimonial matters in the Easter Term of 2020. It is seen that of the 1070 matters disposed in the Easter Term, the largest proportion, 483 or roughly 45.10% were disposed within 12 months, an improvement of 7.40 percentage points when compared to the Easter Term of 2019. The second most disposals occurred within the period 13 - 24 months, accounting for 317 or 29.60% of the total. Taken together this result suggests that 800 or 74.70% of Matrimonial matters were disposed in the period were done in two years or less from the time of initiation. This is an improvement of 5.74 percentage points when compared to the corresponding period in the Easter Term of 2020. 270 or roughly 25.20% of all Matrimonial matters disposed in the

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Easter Term took more than two years to be resolved. It is of note that 105 or 9.80% of the cases disposed in the Matrimonial Division in the Easter Term took four or more years. The proportion of cases being disposed in under a year continues to increase each Term and it is expected that with continued innovation, stakeholder engagement and process re-engineering, a high percentage of Matrimonial cases will be disposed in 8 months or less. The margin of error of these estimates is plus or minus 2 months or 0.17 years.

Table 29.0a: Case clearance rate for the Easter Term ended July 31, 2020

Cases filed	Cases disposed	Case clearance rate
1044	1070	102.49%

***3.93% cases disposed, originated in 2020.**

The above table shows that there were 1044 new cases filed in the Easter Term of 2020 while 1070 were disposed. This produces a case clearance rate of 102.49%, suggesting that for every 100 new cases; roughly, 102 were disposed in the Term. This result is one of the best registered by the Matrimonial Division since records began in 2016 and represents a 15.49 percentage points increase when compared to the Easter Term of 2019. It is reflective of a series of strong and consistent gains in productivity made by the Matrimonial Division over the past two years.

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Table 29.0b: Case clearance rate for the Easter Term ended July 31, 2020 (by registry location)

Registry location	Number of new cases filed	Cases disposed	Case clearance rate
Kingston Registry	934	965	103.43%
Montego Bay Registry	110	79	71.82%

The above table shows that when the case clearance rate is done by registry location, the Matrimonial Registry in Kingston cleared roughly 103 cases for every 100 new cases filed while the registry in Montego Bay cleared approximately 72 for every 100 cases filed. The Western Registry in Montego Bay has not historically had the same relatively seamless access to Judges and Masters as the Kingston registry for review of matters at the relevant stages; however, this situation is improving and should have a positive impact on their clearance rate in the coming months.

Other performance measures

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

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

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The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally, the case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Easter Term in 2020.

These measures are summarized in the table below:

Table 30.0: Selected performances metrics for the Matrimonial Division in the Easter Term of 2020

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated Disposition days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Case backlog rate (%)
1070	3486	0.31	1177	800	270	74.7%	25.3%

The results in the above table show a case turnover rate of 0.31, which is an indication that for every 100 cases, which were handled in the Easter Term of 2020 and still active at the end of the Term, another 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 Term will on average take 1177 more days or 3.27 years to be disposed, barring special interventions. This metric is however more useful when considered over a longer period of time, typically a year.

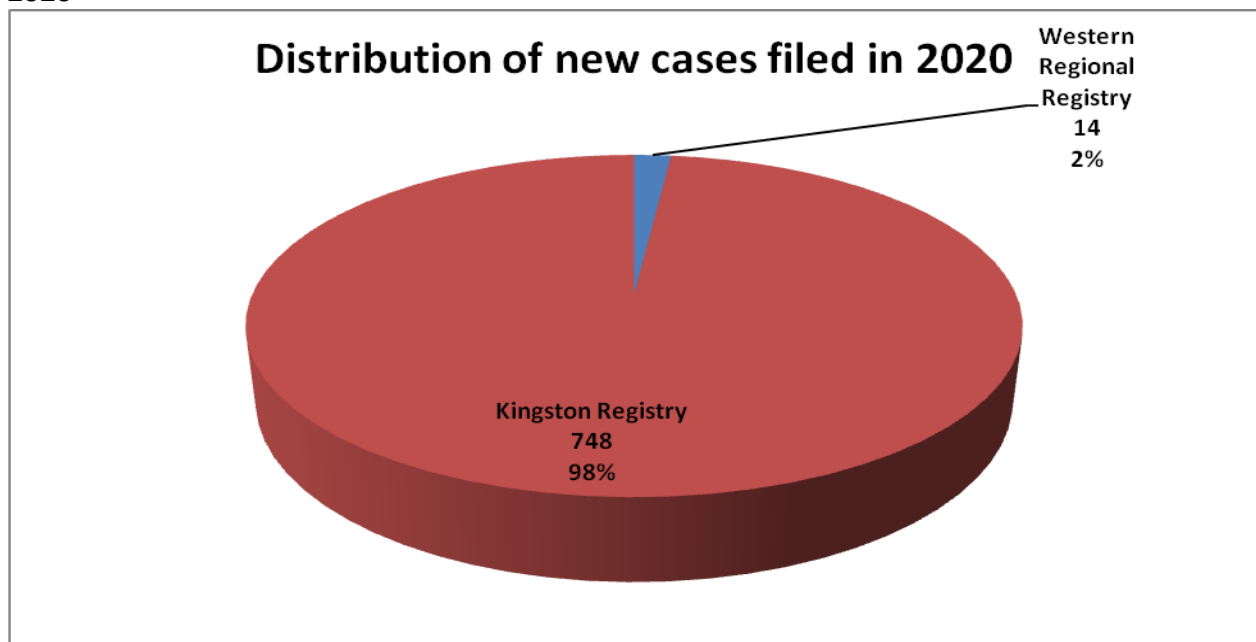
A case is considered to be in a backlog classification if it is still active for over two years. Based on this general criterion, a case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Matrimonial Division in the Easter Term of 2020 is 74.7%, which reflects the proportion of Matrimonial cases in 2020, which were disposed within 2 years. Conversely, the case backlog rate is 25.3%, an indication that an estimated annual proportion of 25% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 3486 cases, which had some court activity in the Easter Term of 2020 and were still active at the end of the Term, 872 are expected to be in a backlog classification before being disposed. This is an improvement of roughly six percentage points when compared to the Easter Term of 2019. Continued improvements in the case clearance rate in the Matrimonial Division are forecasted to result in a net backlog rate of under 5% by the end of 2022. The Matrimonial Division did not experience a notable decline in overall case activity in the Easter Term of 2020, when compared to the similar Term in 2019.

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 abbreviated Easter Term ended July 31, 2020.

A total of 762 new Probate Cases were filed in the Easter Term of 2020, an increase of 5.83% when compared to the Easter Term of 2019. 14 of these new cases were filed at the Western Regional Registry and the remaining 748 were filed at the Registry in Kingston. This distribution is shown in the chart below:

Chart 8.0: Distribution of Probate cases filed, by Registry in the Easter Term ended July 31, 2020



As shown in the above chart, 748 or roughly 98% of the new Probate cases filed in the Easter Term of 2020 took place at the Registry in Kingston while the remaining 14 or approximately 2% were filed at the Western Regional Registry in Montego Bay. The number of new cases filed at

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the Kingston Registry in the Easter Term of 2020 increased by 7.47% when compared to the corresponding Term in 2019 while the number of new cases filed at the registry in Montego Bay increased by 5.48% over the same comparative period. The increase observed at the Kingston Registry is interesting considering that the Term was comparatively short due to the suspension of court resulting from the COVID-19 pandemic.

Table 31.0: Oaths filed for the Easter Term ended July 31, 2019

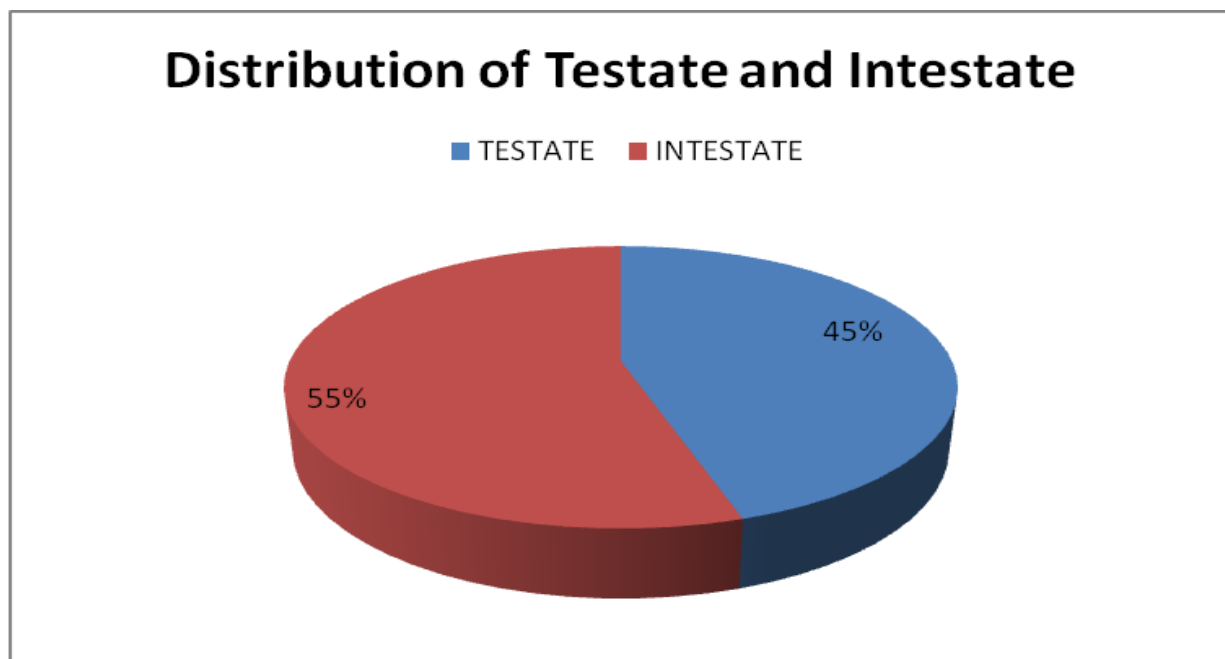
Oaths	Frequency	Percentage (%)
Supplemental Oaths	368	48.29
Oaths	394	51.71
Total	762	100
Ratio	0.93	

The above table suggests there were a total of 762 Oaths filed in the Easter Term of 2020, of which 394 or 51.71% were initial Oaths filed, compared to 368 or 48.29% which were Supplemental Oaths. The ratio of Oaths to Supplemental Oaths is 0.93, which suggests that for every 100 Oaths there were approximately 93 Supplemental Oaths filed during the Easter Term, a statistic which has potentially adverse implications for the speed of disposition of matters. It is of note that the Supplemental Oaths in this data set are not all related to the cases filed in the Easter Term of 2020 and also includes further Supplemental Oaths filed. Reducing the ratio of Supplemental Oaths to Oaths will further improve the rate of clearance of cases and reduce the average time to disposition.

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 signs off which completes the case rested with the office of the Registrar. Over time this change should make a marked contribution to reducing the average time taken to dispose of a probate case and improve the efficient handling of these cases.

Table 31.0b: Distribution of Testate and Intestate cases handled during the Easter Term ended July 31, 2020



The above chart shows that an estimated 45% of the new cases handled in the Probate and Administration Division in the Easter Term of 2020 were testate matters (matters with a Will in place prior to death) and 55% were Intestate (having no Will in place).

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Table 32.0: Sampling disaggregation of new Probate cases by jurisdiction/entity in Easter Term of 2020

Type of matter	Frequency	Percentage (%)
Estate (ES(P)) – Supreme Court Probate	17	2.0
Estate (ES(P)) Clarendon Intestate	2	.2
Estate (ES(P)) Hanover Intestate	3	.4
Estate (ES(P)) Instrument Dist	6	.7
Estate (ES(P)) Instrument of Administration	58	6.9
Estate (ES(P)) SC Resealing Intestate	10	1.2
Estate (ES(P)) SC Resealing Testate	22	2.6
Estate (ES(P)) St. Ann Intestate	8	.9
Estate (ES(P)) St. Ann Testate	3	.4
Estate (ES(P)) St. Elizabeth Intestate	1	.1
Estate (ES(P)) St. Elizabeth Testate	2	.2
Estate (ES(P)) St. James Intestate	7	.8
Estate (ES(P)) St. James Testate	2	.2
Estate (ES(P)) St. Mary Intestate	2	.2
Estate (ES(P)) St. Mary Testate	1	.1
Estate (ES(P)) Supreme Ct Intestate	390	46.2
Estate (ES(P)) Supreme Ct Testate	291	34.4
Estate (ES(P)) Trelawny Intestate	4	.5
Estate (ES(P)) Westmoreland Intestate	2	.2
Estate (ES(P)) WR Intestate	7	.8
Estate (ES(P)) WR Testate	7	.8
Total	845	100.0

Using sample data, the above table provides a detailed breakdown of the origin of probate matters filed during the Easter Term of 2020. The breakdown for each entity is done by type of matter (i.e. Testate or Intestate). The overwhelming proportion of the matters, an estimated 84.26% of this sample originated at the Supreme Court Registry (Kingston or Montego Bay).

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The Supreme Court only administratively facilitates the others, which originate from the Parish Courts, the Attorney General's Chambers, among other entities. As is typical, Instruments of Administration filed at the Attorney General's Office accounts the largest share of Probate and Administration matters outside of the Supreme Court Registries.

Table 33.0: Action sequence for the Easter Term ended July 31, 2020

Action Status	Frequency
*Granted	606
*Grants Signed	658
Ratio of Granted Applications to Grants Signed	1.09

** Some of these relate to cases originating before the Hilary Term of 2020*

In this section of the report, we would typically explore the rate of transition between cases recommended by the Deputy Registrar for Granting to being Granted and then to Grants being signed to dispose the relevant cases. As stated earlier, the Deputy Registrar now assumes all these roles so there is no longer a need for a slot called "recommended for Grant". Thus, we elucidate the ratio of Granted Applications to Grants Signed which reveals a ratio of 1.09, suggesting that for every 100 Granted Applications, there were 109 Grants signed (though not necessarily from the number Granted). This is an improvement of five percentage points when compared to the Easter Term in 2019. Continuous improvements in this regard are expected to gain in intensity later in 2020/21 as the requisite economies of scale in the operation of the Division are realized and the operations of the courts normalize.

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Table 34.0: Case action and requisitions summary for the Easter Term ended July 31, 2020

Action Status	Frequency
Number of cases auctioned	2156
Requisitions Issued	1004
Number of responses to requisitions	488
Number of requisitions issued per case file	0.47
Requisitions clearance rate (%)	48.61%
Average days between final requisition filed and Grant of Probate/Administration	21

The number of requisitions made, the length of time that it takes for requisitions to be returned and the time to disposition after issuing requisitions, are important to understanding the efficiency of the flow of matters in the Probate Division. It is seen that for the Easter Term of 2020 there were 1004 requisitions issued while 2156 individual matters were actioned in the period, representing a ratio of 0.53 requisitions per case file. This means that for every 100 cases actioned there were 53 requisitions issued during the Easter Term of 2020. There were 1137 responses to requisitions in the Probate and Administration Division in the Term, producing a requisitions response rate of 48.61%, an improvement of just over 4.15 percentage points when compared to the corresponding period in 2019. Further analysis suggests that the average time from the issuing of final requisitions to the Grant of Probate was 21 days, an improvement of a day when compared to the similar period in 2019.

Table 35.0: Methods of Disposal for the Easter Term ended July 31, 2020

Methods of disposition	Frequency	Percent (%)
Grants Signed	658	97.78
Notice of Discontinuance	13	1.93
Application Granted	2	0.30
Total	673	100.0

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The summary of the methods of disposal for the Probate and Administration Division for the Easter Term are contained in the above table. It is shown that of the 673 cases disposed in the Easter Term of 2020, a marginal decrease of 1.46% when compared to the corresponding period in 2019. The largest proportion, 658 or 97.78% was a result of various Grants Signed. Notices of Discontinuance and applications granted account for the remaining 13 or 1.93% and 2 or 0.30% respectively of the dispositions.

Table 36.0: Distribution of the methods of disposition as at the Hilary Term ended April 03, 2020

Methods of Disposition	Frequency	Percentage (%)
Application Granted	2	.3
Grant by Representation signed	1	.1
Grant of Admin De Bonis Non signed	7	1.0
Grant of Admin De Bonis Non W/A signed	5	.7
Grant of Administration signed	341	50.7
Grant of Double Probate signed	1	.1
Grant of Probate signed	248	36.8
Grant of Resealing signed	24	3.6
Letters of Administrator with W/A signed	24	3.6
Notice of Discontinuance noted	13	1.8
Struck Out	1	.1
WR Grant of Administration signed	6	.9
WR Grant of Probate signed	1	.1
Total	673	100.0

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

The above table shows that there were 673 Probate cases disposed in the Easter Term of 2020, the largest proportion 347 or 51.60% were a result of Grants of Administration signed, followed

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by Grants of Administration signed with 248 or 36.90%. Letters of administration with will annex signed and grants of resealing signed each with 24 or 3.60% rounds off the leading methods of disposition in the Probate and Administration Division for the Easter Term of 2020.

Table 37.0: Sampling distribution of Easter Term ended July 31, 2020

Reasons for adjournment	Frequency	Percentage (%)
Claimant to file documents	14	28.0%
Disaster – COVID 19	7	14.0%
File not found	6	12.0%
Claimant's documents not served or short served	4	8.00

Total number of adjournments = 50

The top four reasons for adjournment for Probate matters that went to court in the Easter Term of 2020 are summarized in the above table above. It is shown that of a sample of 50 incidence of adjournments in the period, the largest proportion were for the reasons of 'claimant to file documents' which accounted for 14 or 28.0% of the total. This was followed by adjournments due to the COVID-19 pandemic with 14.0% while adjournments because of files not found with 6 or 12% and those due claimants' documents not served or short served with 4 or 8% rounds off this sampling distribution for the Easter Term.

Table 38.0: Applications for the Easter Term ended July 31, 2020

Nature of Applications	Frequency	Percentage (%)
Applications	51	69.86
Express Applications	22	30.14
Total	73	100.0
Ratio of express applications to applications	-	0.43

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The above table provides a basic summary of the types of court applications made in the Easter Term of 2020 and shows that there were 73 court applications in the period, of which 51 or 69.86% were standard applications while the remaining 22 or 30.14% were express applications. For every 10 applications made during the year, there were between 4 and 5 express applications.

Table 39.0: Top four types of applications for the Easter Term ended July 31, 2020

Application	Frequency	Percentage (%)
Application to prove copy will	22	30.14
Application to revoke grant of probate	6	8.22
Application for directions	5	6.85
Application for injunctive relief	4	5.48

The above provides a deeper analysis of the types of applications made during the period under examination. It is shown that applications to prove copy will account for the largest proportion of applications with 22 or 30.14% of the total, followed by applications to revoke grant of probate with 6 or 8.22% of the applications. The top four types of applications are rounded off by applications for directions with 5 or 6.85% and application for injunctive relief with 4 or 5.48% of the applications. Some of these applications may have utilized the available express option.

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Table 40.0: Hearing date certainty for the Easter Term ended July 31, 2020

Court/Chamber hearing dates set	Hearing dates adjourned	Hearing date certainty
79	7	91.13%

The above table addresses the extent of adherence with dates set for Court/Chamber matters in the Probate Division for the Easter Term of 2020. It is shown that there were 79 incidences of dates scheduled for Chamber or Court, 7 of which were adjourned. This produces an overall hearing date certainty rate of 91.13%, an indication that for Term, suggesting that there was a roughly 91% chance that a date set for a hearing would proceed without adjournment. This represents an increase of 12.97 percentage points when compared to Easter Term of 2019. There were only two trial matters registered for the Term, both of which proceeded on schedule, thereby producing a trial date certainty rate of 100%.

Table 41.0: Sampling distribution of the age of matters disposed for the Easter Term ended July 31, 2020

Descriptive Statistics (Months)	
Number of observations	673
Mean	15.6909
Median	11.0000
Mode	6.00
Std. Deviation	23.61578
Variance	557.705
Skewness	5.396
Std. Error of Skewness	.094
Range	299.00
Minimum	1.00
Maximum	300.00

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The above table provides a summary measure of the overall estimated times to disposition using a sample of 673 cases disposed during the Easter Term of 2020. This represents a decline of 1.46% when compared to the Easter Term of 2019, a quite resilient result considering that our activity was significantly reduced due to the COVID-19 pandemic. The estimated average time to disposition is 15.69 months or approximately 1.3 years, an improvement of roughly a month when compared to the Hilary Term of 2019. This result was however acutely positively skewed by the existence of a few large times to disposition, which have markedly increased the average. This large positive skewness therefore suggests that the substantially larger proportion of the times to disposition were below the overall average time. This is supported by the results for the estimated median and modal times to disposition of 11 months. The reasonably large standard deviation of 23.61 months supports the deduction that there were scores that varied widely from the mean, in this case skewing the average upwards. The margin of error of these estimates is plus or minus 2 months or 0.17 years. The oldest Probate matter disposed of in the year was 300 months old or approximately 27.27 years old while there were a few matters, which took under a month or less to be disposed, representing the lowest times to disposition in the Term. Approximately 3.26% of the Probate cases disposed in the Easter Term originated in 2020.

These results and the trends seen over the past two years reveal decisively that the Probate Division is poised to achieve the desired international standard on net case backlog rate of below 5% by the end of the Hilary Term of 2021. This is a commendable accomplishment by any stretch of the imagination and in any jurisdiction as the timely resolution of estate matters is an

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important cornerstone of economic activity. Thus the progress being made in the Probate Division is likely to have a positive impact on economic growth outcomes in the foreseeable future.

Table 42.0: Interval estimates of the times to disposition for the Easter Term ended July 31, 2020

Time Interval (months)	Frequency	Percentage (%)
0 -12	440	65.4
13 - 24	131	19.5
25 - 36	42	6.2
37 - 47	18	2.7
48 & Over	42	6.2
Total	673	100.0

The above table shows that of a sample of 673 Probate and Administration matters disposed of in the Easter Term, the majority, 440 or 65.40% were disposed of in 12 months or less, followed by 131 or 19.50%, which were disposed of within a time interval of 13 to 24 months. Taken together this data suggests that a staggering 84.90% of Probate and Administration matters which were disposed in the Easter Term of 2020 took two years or less. 6.20% each of the cases were disposed of in an estimated time frame of between 25 and 36 months, 2.70% took between 37 and 47 months and 6.20% took over an estimated time of over 48 months or more than four years to be disposed. The margin of error of these estimates is plus or minus 2 months or 0.17 years. The relatively high proportion of cases disposed within a year and two years respectively continues to augur well for the current efforts to significantly reduce the length of time that it takes for cases to be disposed in the Probate and Administration Division and indeed to reduce the net case backlog rate to below 5% in relatively short order. These

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continuous gains will 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 and business resolutions in a shorter period of time.

Table 43.0: Case clearance rate for the Easter Term ended July 31, 2020

Cases filed	Cases disposed	Case clearance rate
762	673	88.32%

**226 or 326% of the 673 cases disposed in the Easter Term, originated in 2020. This further represents 2.89% of the new cases filed during the Term.*

Using the data on the number of cases filed and disposed in the period under examination, a case clearance rate of approximately 88.32% is derived, a highly resilient output within the context of significantly reduced case activity due to the COVID-19 pandemic. This suggests that for every 100 cases filed and active in the period, roughly 88 cases were disposed, representing a decline of roughly 6.68 percentage points when compared to the Easter Term of 2019. This is the first time in three years that the Probate Division has not exceeded the international standard on case clearance rate; however, the output remains one of the strongest in the entire court system in 2020.

Other performance measures

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

(i) The on time case processing rate

(ii) The case turnover ratio

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(iii) The disposition days

(iv) Case backlog rate

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally, the case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Easter Term of 2020.

These measures are summarized in the table below:

Table 44.0: Selected performances metrics for the Probate and Administration Division in the Easter Term of 2020

Resolved cases	Unresolved cases which were heard	Case turnover rate (%)	Estimated case disposition days for the unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	Estimated on-time case processing rate (%)	Estimated case backlog rate (%)
673	1483	0.45	811 days	571	102	85	15

The results in the above table shows a case turnover rate of 0.45, which is an indication that for every 100 cases, which were 'heard' in the Easter Term of 2020 and still active at the end of the period, another 45 were disposed, exactly the same as the outcome from the Easter Term of 2020. 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 811 days to be disposed, barring special interventions.

A case is considered to be in a backlog classification if it is still active for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Probate and Administration Division in the Easter Term of 2020 is approximately 85% which reflects the proportion of Probate and Administration cases in the Hilary Term, which were disposed within 2 years. Conversely, the case backlog rate is roughly 15%, one the lowest case backlog rates on recorded history, an indication that an estimated annual proportion of 15% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This is an improvement of roughly 11 percentage points when compared to the Easter Term of 2019, the continuation of a decisive downward trend. The data further suggests that of the 1483 cases, which had some court activity in the Easter Term and were still active at the end of the period, 222 are expected to be in a backlog classification before being disposed. The Probate Division did not experience any notable decline in overall case activity in the Easter Term of 2020, when compared to the corresponding Term in 2019.

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CHAPTER 4.0: HOME CIRCUIT COURT

The analysis now turns to a look at case activity in the Home Circuit Court for the Easter Term ended July 31, 2020.

Table 45.0: Distribution of the top four charges brought for the Easter Term of 2020

Charge	Frequency	Percentage (%)
Sexual Intercourse with a person under 16	28	37.84
Murder	15	20.27
Rape	13	17.57
Illegal possession of firearm	5	6.76
Sub- Total	61	82.43

Total number of charges brought (N) = 74

The above table summarizes the distribution of top ten charges associated with cases brought in the Easter Term of 2020. There were **63 new cases filed** at the Home Circuit Court during the Term, representing **74 charges**, a ratio of roughly 12 charges for every 10 cases filed. This result represents a 57.95% decrease in the number of new cases filed. It is shown that of these 74 charges, the largest proportion, 28 or 30.33% were matters of sexual intercourse with a person under 16 with 28 or 37.84%. This is followed by murder and rape with 15 or 20.27% and 13 or 17.57% respectively of the total. Illegal possession of firearm with 5 or 6.76% of the number of charges filed in the Criminal Division of the Supreme Court in the Easter Term of 2020 rounds off the top four list of charges. As with all previous reports, sexual offences accounted for a large share of new cases file with roughly 63.51%. The top 4 charges filed, accounts for 82.43% of the total number of charges filed in the Easter Term of 2020. 785 cases had some activity in

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the Home Circuit Court during the Easter Term of 2020, including many aged cases that predate said year, dating back to as far as 2006.

Table 46.0: Top ten reasons for adjournment for the Easter Term ended July 31, 2020

Reason for adjournment	Frequency	Percentage	Stage of matter
Defence and prosecution to engage in discussions	118	11.37	Case Management
Defence Counsel Absent	107	10.31	Case Management/Trial
Chain of custody statement outstanding	85	8.19	Case Management
Plea and case management forms to be completed	64	6.17	Case Management
Accused not brought	48	4.62	Case Management/Trial
Defendant not answering	46	4.43	Case Management/Trial
For disclosure	46	4.43	Case Management
Investigating Officer Absent	45	4.34	Case Management/Trial
Ballistic Certificate Outstanding	44	4.24	Case Management
File not available	35	3.37	Case Management
Sub – Total	638	61.70	

Total incidence of adjournments/continuance (N) = 1038

The above table provides a summary of the top ten reasons for adjournment for the Easter Term of 2020. It is shown that there was a combined 1038 incidence of reasons for adjournment during the Term, with some matters having multiple adjournments. The highest proportion was adjournments due to discussions between the prosecutions and the defence with 118 or 11.37% of the total adjournments while adjournments due to the absence of defence counsel with 107 or 10.31% rank next. Adjournments resulting for chain of custody

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statements outstanding with 85 or 8.19% and adjournments for plea and case management form to be completed with 64 or 6.17% come in next. Adjournments due to the accused not being brought with 48 or 4.62% rounds off the five most frequently occurring reasons for adjournment in the Home Circuit Court for the Easter Term. It is notable to underscore that incomplete files and plea and case management forms to be completed ranks in the top ten of the reasons for adjournment in the Easter Term of 2020, as it has done for the past several Terms. Interestingly, the Easter Term of 2020 saw a 28.64% increase in the incidence of recorded adjournments, when compared to the similar period in 2019.

The top 10 reasons for adjournment listed above accounts for 61.70% of total incidences of adjournments/continuance in the Home Circuit Court in the Easter Term of 2020, an increase of roughly 6.12 percentage points when compared to the corresponding period in 2019.

Table 47.0: Other leading reasons for adjournment/continuance for the Easter Term ended July 31, 2020

Reasons for continuance/adjournments	Frequency	Percentage (%)	Stage of matter
To settle legal representation	35	3.37	Case Management
Assignment of legal aid	28	2.70	Case Management
For papers to be served	36	3.47	Case Management

Total incidence of adjournments/continuance (N) = 1038

Among the reasons for continuance/adjournment of a criminal case, which could be either procedural or avoidable depending on the stage of a matter and the specific circumstances, are those to settle legal representation with 35 or 3.37%. Adjournments for assignment of legal aid

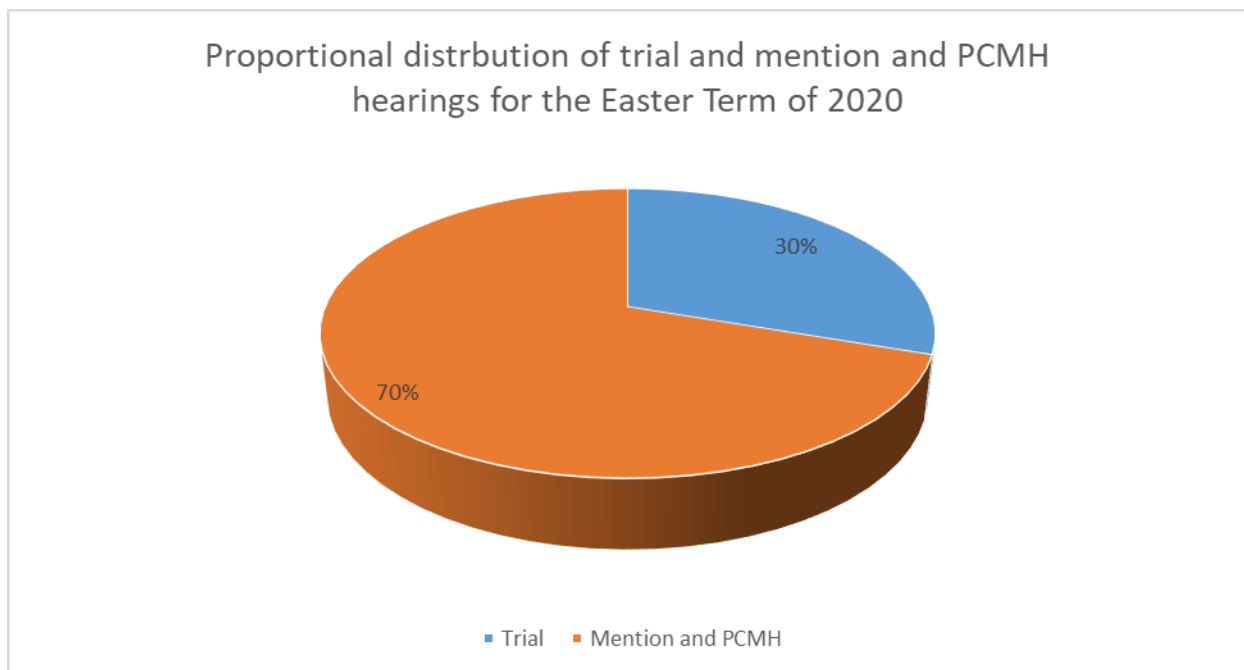
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with 28 or 2.70% and adjournments for papers to be served with 36 or 3.47% of the total follow this.

Importantly, there was an average of roughly 1.32 adjournments per criminal case which had some activity in the Easter Term of 2020.

Chart 13.0: Trial and mention matters/dates during the Easter Term ended July 31, 2020



PCMH: Means Plea and Case Management Hearing

The data suggests that there was a 7:3 ratio of plea and case management hearings to trial hearings in the Easter Term of 2020, that is, 70% of the hearings in the Home Circuit Court were either mention or plea or case management dates while the remaining 30% were trial dates. This is markedly different from the distribution observed in the corresponding period in 2019 which saw a roughly equal likelihood of both of these categories of hearings.

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Table 48.0: Estimated hearing date certainty summary for the Easter Term ended July 31, 2020

Type of hearings	Number of hearing dates set	Number of hearing dates adjourned	Hearing date certainty rate
Mention and Plea and Case Management Hearings	1266	602	52.45%
Bail Applications	54	13	75.93%
Sentencing hearings	74	30	59.46%
Trial hearings	549	409	25.50%
Total/Overall Average	1943	1054	54.25%

The date scheduling certainty for each Division of the Supreme Court is an important metric, which examines the extent to which dates, which are set for various types of hearings, are adhered. A low result has implications for the capacity of the court to adequately estimate the duration of a matter, for the capacity of courtrooms and Judges to absorb certain caseload and for the general system of scheduling. In the table above it is shown that of 1943 court dates scheduled for hearings in the period under study, 1054 were adjourned. This suggests an overall hearing date certainty rate of roughly 54.25% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 54 were able to proceed without adjournment for reasons other than those procedural, for example for Trial, Bail Application, Sentencing and Mention and Plea and Case Management. This is an 8.9 percentage points decline when compared to the Easter Term of 209. This result remains well below the targets set out by the Honourable Chief Justice but some of the interventions to improve this output

are in their infancy and expected to reap significant dividends in the upcoming Terms. When trial matters are isolated, the trial certainty rate revealed is 25.50%, a 4.44 percentage points decline when compared to the Easter Term of 2019 and well below the targeted rate of 95%, which is set by the Chief Justice to be achieved over a six-year period but this must be interpreted within the context of the COVID-19 pandemic which has had a dramatic effect on the ability of the Home Circuit Court to proceed with some trials. Plea and Case Management Hearings and Mention matters had hearing date certainty rate of 52.45% in the Easter Term of 2020, a decline of 22.46 percentage points when compared to the corresponding period in 2019.

Improving the overall hearing date certainty rate and the trial date certainty rate continues to be 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. The cooperation and preparation of the prosecution, defence attorneys and other stakeholders as well as improved case management within the Home Circuit Court are crucial the attainment of fostering the required gains. Some of the internal concerns, which may need to be reviewed as time progresses, are outlined below, as they were in the 2019 annual report and the Hilary Term Report of 2020:

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 as obtains currently. 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, some of the case management that usually takes place in the lower courts now take place in the Supreme Court. 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.

It is not possible to aggressively pursue all the stated paths towards improving trial and overall hearing date certainty rate in the short run due to the COVID-19 pandemic and as the Home Circuit Court is hard pressed to maintain a high frequency of hearings overall and trials involving jury in particular, it is expected that many key productivity indices will plummet for the rest of 2020. The Honourable Chief Justice and the judiciary are however pursuing several strategies which could reverse the current trends. In these strategies the use of advance technology, which forms an important axis of the court's model of transformation and ushering into the digital era. The expected introduction of the Judicial Case Management System (JCMS) in 2021 is expected to be a core part of this thrust, along with the employment of more standard available technologies. Significant aspects of the transformation will indeed require legislative support which are an important ethos in the overall process.

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Table 49.0: Methods of disposition for the Easter Term ended July 31, 2020

Methods of Disposition	Frequency	Percent
Accused Deceased	5	9.1
Found Guilty	5	9.1
Guilty Plea	23	41.8
No evidence offered - discharged	10	18.2
No further evidence offered discharged	1	1.8
Nolle Prosequ*	6	10.9
Not Guilty - Discharged	4	7.3
Plead guilty to a lesser charge	1	1.8
Total	55	100.0

**Inactive cases.*

The above table summarizes the methods of disposal for the cases disposed of during the Easter Term ended July 31, 2020. It is shown that 55 cases were disposed of in the Term, a decline of 44.44% when compared to the Easter Term of 2019. Disposals by way of guilty pleas with 23 or 41.80% and those by way of no evidence offered – discharged with 10 or 18.20% accounts for the highest rates of disposal in the Term. Matters which ended in a guilty verdict with 9.10% and matters made inactive by way of Nolle Prosequi with 10.90% rank next among the listed methods of disposition in the table above.

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Table 50.0: Overall criminal conviction rate for the Easter Term ended July 31, 2020

Total number of cases resolved	Total number of guilty outcomes	Conviction rate (%)
55	28	50.91%

The above table shows that of the 55 criminal cases disposed of in the Easter Term of 2020, 28 were because of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 50.91% which suggests that there is a roughly 51% probability that a matter could end in a guilty outcome, using the Easter Term of 2020 as a proxy period. This represents a 2.63 percentage points increase when compared to the Easter Term of 2019. The table below provides a breakdown of the conviction rate for some of the more commonly occurring charges in the Easter Term of 2020

Table 51.0: Top six charges disposed in the Easter Term ended July 31, 2020

Charge disposed	Frequency	Percentage (%)
Forgery	15	14.0
Sexual intercourse with a person under 16 years old	11	10.30
Rape	9	8.40
Facilitating a serious offence by criminal organization	9	8.40
Participating in a criminal organization	9	8.40
Being part of a criminal organization	6	5.60

Number of disposed charges (N) = 107

The above data shows that a summary of 107 charges disposed of in the Easter Term of 2020, a decline of 32.28% when compared to the Easter Term of 2019. The largest proportion of these matters was murder with 15 or 14%. This was followed by sexual intercourse with a person

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under 16 with 11 or 10.30% while the charges of rape, facilitating a serious offence by a criminal organization and participating in a criminal organization, each with 9 or 8.40% ranks next. The top six list of charges disposed in the Easter Term is rounded off by the offence of being part of a criminal organization with 6 or 5.90% of the total number of charges disposed during the Term. It is of particular note that roughly 23.36% of cases disposed of the Easter Term were sex related, a decline of 22.09 percentage points when compared to the Easter Term of 2019. This decline may be largely on account of the decreased number of hearings, especially trial hearings in the Term. The number of sexual offence charges disposed in the Easter Term also represents roughly 24.75 of all incoming cases in the period. The top six charges listed above accounts for 55.14% of the total number of charges disposed in the Term. Despite the decline, the continued popularity of this offence in the criminal statistics again strongly suggests that there needs to be robust Case Management attention for these matters to support their timely disposition.

Table 52.0: Time to disposition for cases disposed in the Easter Term ended July 31, 2020

Descriptive Statistics (in months)

Number of observations	55
Mean	19.9273
Median	13.0000
Mode	13.00
Std. Deviation	15.88134
Variance	252.217
Skewness	1.510
Std. Error of Skewness	.322
Range	84.00
Minimum	1.00

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Maximum	85.00
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The above table provides a descriptive summary of the time to disposition for criminal cases disposed of in the Easter Term of 2020. It is shown that the estimated average time to disposition for the cases disposed during the year was approximately 20 months or roughly 1.67 years, an 8.5 months' improvement when compared to the corresponding period in 2019. This improvement is partly aided by the types of charges which dominated the disposition list during the Easter Term – largely less complex matters due to the constraints on the ability to host regular sittings of trials with jury. There was a wide spread in the year of origin with the lion share of cases disposed originating in 2017 and 2019 while the oldest individual case disposed dates back to 2013. Twelve of the cases disposed in the Home Circuit Court in the Easter Term of 2020 originated in 2020. The estimated minimum time to disposition was a month and the estimated maximum was 85 months or just over 7 years. The moderate positive skewness observed is an indication that the larger proportion of observations fell below the overall average. The standard deviation is also relatively high, an indication of a fairly wide spread of scores in the data set.

Table 57.0: Breakdown of time to disposition of cases for the Easter Term ended July 31, 2020

Time Interval (months)	Frequency	Percentage (%)
0 - 12	19	34.5
13 - 24	16	29.1
25 - 36	12	21.8
37 - 47	6	10.9
48 and over	2	3.6
Total	55	100.0

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The above table provides a summary of the estimated time to disposition for the cases disposed during the Easter Term of 2020. It is shown that the largest proportion of matters was disposed less than 12 months old, accounting for 19 or 34.50% of the disposed cases. Cases taking between 13 and 24 months with 16 or 29.10% and those taking between 25 and 36 months to be resolved with 12 or 21.80% ranks next. Cumulatively, 63.60% of the matters disposed in the year took two years or less, a decline of roughly 8.10 percentage points when compared to the similar 2020 period. The remaining 36.40% of cases disposed took over two years to be disposed. Using the Easter Term data as a proxy, there would be a greater probability that a case in the Home Circuit Court will be disposed after falling into a state of backlog, than prior, roughly 64 out of every 100 cases filed. This is however based a small sample size and in an abnormal period of court operation due to the COVID-19 pandemic and would therefore be more meaningful with at least a longer time series. Nevertheless, the findings are insightful.

Table 58: Time to disposition for charges disposed (from date charged) in the Easter Term ended July 31, 2020

Descriptive statistics (in months)

Number of observations	107
Mean	51.3925
Std. Error of Mean	2.39396
Median	54.0000
Mode	78.00
Std. Deviation	24.76332
Variance	613.222
Skewness	-.171
Std. Error of Skewness	.234
Kurtosis	-.932
Std. Error of Kurtosis	.463

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Range	105.00
Minimum	1.07
Maximum	106.00

The above table provides interesting results on the average time taken to dispose of cases from 'the date of charge'. It provides an opportunity to place into contribution of non-court actors to delays in the timely delivery of justice. The average time to disposition is shown to be roughly 51 months 4.28 years, substantially higher than the average time of 1.67 years (20 months) taken to dispose of the corresponding cases after entry into the Home Circuit Court. This is a very telling statistic which suggests that the building of a case is a significant factor explaining the total length of time that an average criminal matters stays in the criminal justice system before being resolved. The longest and shortest times to disposition of 8.83 years (106 months) and just over a month respectively for disposed charges. This marked difference of over 31 months (2.58 years) in the time taken to dispose of criminal matters (from date charged) and from the case is filed in the Home Circuit Court suggests that there are chronic weaknesses in the investigative apparatus of the Police as well prosecutorial deficits which potentially hamper the timely delivery of justice to citizens. It is worth noting that the data set above on time to disposition from charge date is slightly negatively skewed suggesting that marginally more of the observations fell above the overall average. Further, the moderate standard deviation indicates some spread in the distribution of the times to disposition around the series mean in this data series for the Easter Term of 2020.

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Table 59.0: Case clearance rate for the Easter Term ended July 31, 2020

Cases filed	Cases disposed	Case clearance rate
63	55	87.30%

Note: 21.82% the cases disposed originated in the Easter Term of 2020, originated in 2020.

The case clearance rate of 87.30% shown above is an indication that slightly more cases entered than those that were disposed in the Home Circuit Court in the Easter Term of 2020. The result suggests a ratio of roughly 9 cases disposed for every 10 new ones brought, a marginal decline when compared to the Easter Term of 2019 but a result that was largely influenced by the general downturn in court activity resulting from the COVID-19 pandemic. The Home Circuit continue continues to work assiduously on improving its case scheduling practices however the gains in clearance rate and trial date certainty fluctuate and are yet to demonstrate any steady state equilibrium. The attainment of this steady state equilibrium will be further compounded by the prevailing disruption to scheduling and general court operation resulting from the Hilary Term of the COVID-19 pandemic.

Other performance measures

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

(i) The on time case processing rate

(ii) The case turnover ratio

(iii) The disposition days

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(iv) Case backlog rate

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally, the case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Easter Term of 2020.

These measures are summarized in the table below:

Table 62.0: Selected performances metrics for the Home Circuit Court in the Easter Term of 2020

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 (%)	Proxy case backlog rate (%)
55	730	7.53%	> 4.0 years	35	55	63.64%	36.36%

The results in the above table reveal a case turnover rate of 7.53% which shows that for every 100 cases which had some administrative or open court activity in the Easter Term of 2020 and still active at the end of said Term, another 7 was disposed. This result forms part of the computation of the case disposal days which reveals that the cases that had some judicial or administrative activity which were unresolved at the end of the Easter Term will on average

take over 4 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 still active for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Home Circuit Court in the Easter Term of 2020 is 63.64%, which reflects the proportion of cases in 2020, which were disposed within 2 years. Conversely, the estimated case backlog rate is 36.36% which is an indication that approximately 36.36% 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 785 cases, which had some activity in the Easter Term of 2020 and were still active at the end of the year, 285 are expected to be in a backlog classification before being disposed.

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CHAPTER 5.0: HIGH COURT DIVISION OF THE GUN COURT

The ensuing analyses provide an overview of case activity in the Gun Court in Easter Term ended July 30, 2020. 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 five charges filed in the Easter Term ended July 30, 2020

Charges filed	Frequency	Percentage (%)
Illegal possession of firearm	130	41.53
Illegal possession of ammunition	61	19.49
Shooting with intent	32	10.22
Robbery with aggravation	24	7.67
Wounding with intent	24	7.67
Total	271	86.58

Total number of charges (N) = 313, the equivalent of 134 new cases.

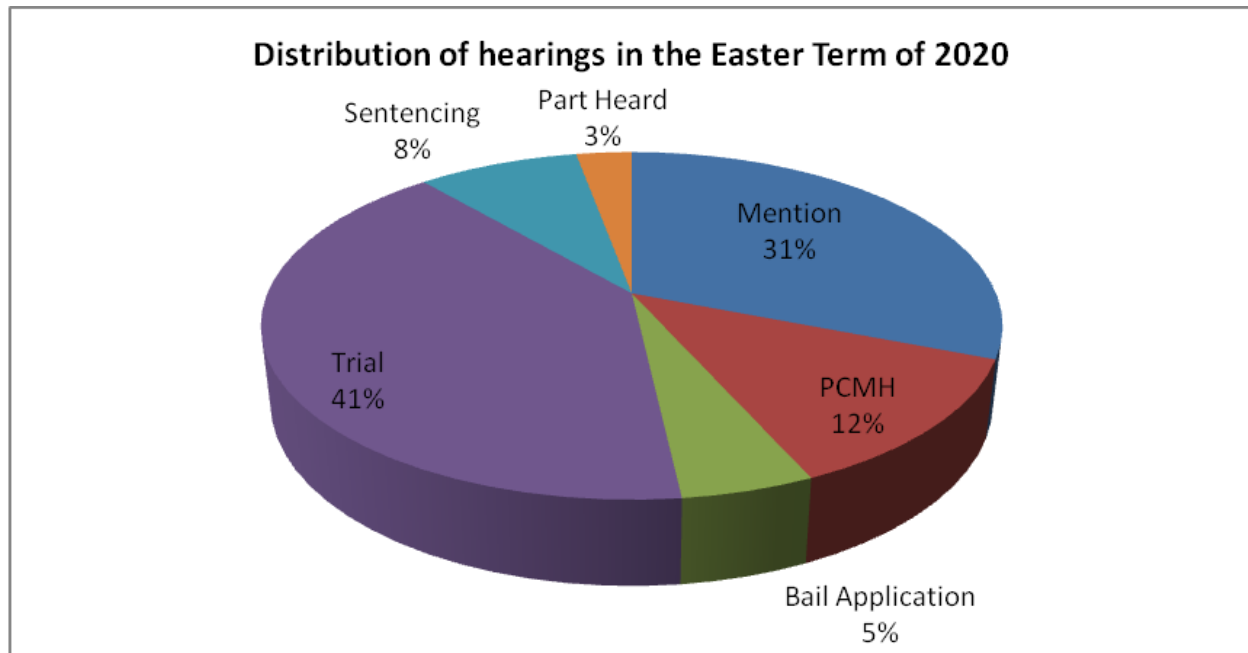
The above table provides a summary of the top five charges, which were brought in the Gun Court during the Easter Term of 2020. It is seen that 313 new charges were filed in the Gun Court during the period, an increase of 15.50% when compared to the Easter Term of 2019. The largest proportion of which, 130 or 41.53% were for illegal possession of firearm, well ahead of the next highest ranked charge of illegal possession of ammunition with a count of 61 or 19.49% of the total. Shooting with intent is next with 32 or 10.22% while robbery with aggravation and wounding with intent, each with 24 or 7.67% of new charges filed rounds off the top five new charges filed in the Gun Court during the Easter Term of 2020. The 313 new charges entered in the Easter Term of 2020 translate into 134 new cases filed in the Term, a

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decrease of 16.52% when compared to the corresponding Term in 2019. This represents a ratio of 1:2.34, suggesting that for every 10 cases entered, there were roughly 23 charges.

Chart 16.0: Summary of selected case activity dates for the Easter Term ended July 31, 2020



Note: PCMH means Plea and Case Management Hearing

The above chart provides a summary of key court events/dates in the Easter Term of 2020. It is shown that Trial matters accounted for 41% of Gun Court hearings in the Term, while Mention hearings with 31% and Plea and Case Management Hearings with 31% and 12% respectively of the Gun Court hearings in the Term rank next. In the comparable Easter Term of 2019, trial matters accounted for a substantially less 18.5% of the hearings while mentions accounted for 33.02% and 11.50% were attributable to Plea and Case Management Hearings (PCMS). Sentencing, bail application and part heard hearing dates each accounted for under 10% of Gun Court hearings in the Easter Term of 2020. There was a fall of 16.09% in the number of hearings

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in the Gun Court in the Easter Term of 2020 when compared to the corresponding period in 2019.

Table 64.0: Frequently occurring reasons for adjournment for the Easter Term ended June 30, 2020

Reason for adjournment	Frequency	Percentage (%)
Ballistic Certificate Outstanding	68	5.96
Natural Disaster	62	5.44
Defence Counsel	60	5.26
Complainant absent	58	5.09
Statements Outstanding	39	3.42
Part heard in progress	36	3.16
Accused not brought	36	3.16
Social Enquiry Report Ordered	29	2.54
Antecedence Outstanding	23	2.02
Sub-Total	411	36.05

Sample size of adjournments and continuances sampled (N) = 1140

The above table outlines a sampling distribution of the leading reasons for adjournment in the Gun Court for the Easter Term of 2020, excluding adjournments for bail application, matters part heard, and for plea and case management and for trial, which are enumerated separately under continuance. There were 1140 incidences of adjournments during the Term; of which the adjournments due to outstanding ballistic reports with 68 or 5.96% accounted for the largest share followed by adjournments due to the COVID-19 pandemic with 62 or 5.44% and those due to the absence of defence counsel with 60 or 5.26% of the total. Adjournments due to the

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absence of the complainant with 58 or 5.09% and those due to part heard matters in progress with 36 or 3.16% account for the next highest proportions of the reasons for adjournment registered in the Gun Court during the Easter Term of 2020. The top nine reasons for adjournment accounted for 36.05% of the 1140 reasons for adjournment in the Gun Court during the Easter Term of 2020.

Table 65.0: Distribution of the common reasons for continuance for the Easter Term ended July 31, 2020

Reason for continuance	Frequency	Percentage (%)
Plea and Case Management Hearing (PCMH)	253	22.19
Bail Application	175	15.35
Trial	59	5.18
Sentencing	47	4.12

Total number of adjournments and continuances (N) = 1140

The above table provides a sampling distribution of reasons for adjournment in the Easter Term of 2020 which are considered as intrinsic to the natural progression of a case or are merely procedural and are therefore termed as reasons for continuance. It is seen that during the Term there were 253 adjournments for Plea and Case Management hearings, accounting for 22.19% of the total, followed by adjournments for bail application with 175 or 15.35% and adjournments for trial with 59 or 5.18%, rounding off the top three reasons for continuance.

As a result of the overall decline in court activity associated with the COVID-19 pandemic there was a fall of 24% in the number of reasons for adjournment registered in the Easter Term in 2020 when compared to the corresponding period in 2019.

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Table 66.0: Hearing date certainty summary for the Easter Term of 2020

Type of hearings	Number of hearing dates set	Number of hearings dates set which were adjourned	Estimated Hearing date certainty rate (%)
Mention	493	189	61.66
Plea and Case Management Hearing	196	56	71.43
Bail Applications	78	18	76.92
Sentencing hearings	134	57	57.46
Trial hearings	644	338	47.52
Total/Overall Average	1545	658	57.41

The date scheduling certainty for each Division of the Supreme Court is an important metric, which examines the extent to which dates, which are set for various types of hearings, are adhered. A low result has implications for the capacity of the court to adequately estimate the duration of a matter, for the capacity of courtrooms and Judges to absorb certain caseload and for the general system of scheduling. In the table above it is shown that of 1545 court dates scheduled for hearings in the period under study, 658 were adjourned. This suggests an overall hearing date certainty rate of roughly 57.41% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 57 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 outcome is 10.41 percentage points lower than the figure for the Easter Term of 2020. When trial matters are isolated, the trial certainty rate revealed is

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47.52%, 13.16 percentage points lower than the rate in the Easter Term of 2019. The decline in the overall hearing and trial date certainty rates in the Gun Court for the Easter Term correlates with a notable fall in the case clearance rate for the period.

Table 67.0: Methods of case disposition for the Easter Term ended July 31, 2020

Method of disposal	Frequency	Percent
Accused Deceased	1	0.94
Admonished and discharged	1	0.94
Warrant (Inactive)*	6	5.66
Found Guilty	13	12.26
Guilty Plea	22	20.75
No Case Submission upheld	1	0.94
No Evidence offered discharged	18	16.98
No further evidence offered discharged	14	13.21
Nolle Prosequere	1	0.94
Not Guilty – Discharged	29	27.36
Total	106	100

**Matters on which bench warrants are issued are inactive but are included in this table for statistical purposes only as such matters are included in the computation of the gross case clearance rate.*

The above table summarizes the methods of disposition for the cases disposed in the Gun Court for the Easter Term of 2020. It is seen that there were 106 cases resolved; the largest proportion of which were a result of cases discharged due to not guilty outcomes which accounts for 29 or roughly 27.36% of the total. In second were disposals resulting from guilty pleas with 22 or 20.75% while cases discharged as a result of no evidence being offered with 18 or 16.98% and guilty verdicts with 13 or 12.26% ranks next in the share of methods used to dispose the cases resolved in the Gun Court during the Easter Term. Of the 106 cases disposed

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in the Gun Court in the Easter Term, 28 or 26.42% were cases originating in 2020. When compared to the Easter Term of 2019, there a notable 35.37% decline in the number of cases disposed. This decline can however be largely explained by the suspension of open court activity towards the end of the term resulting from the effects of the COVID1-19 pandemic.

Table 68.0: Estimated Conviction rate in the Gun Court for the Easter Term ended July 31, 2020

Number of cases disposed	Number of Guilty outcomes (i.e. guilty verdicts and guilty pleas)	Conviction rate
106	35	33.02%

The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the 106 disposed cases in the Easter Term of 2020, an estimated 35 were a result of either a guilty plea or a guilty verdict. This produces an overall conviction rate of 33.02% for Gun Court cases in the Easter Term, an increase of 4.36 percentage points when compared to the Easter Term of 2019.

Table 69.0: Top six charges disposed of in the Easter Term of 2020

Charge	Frequency	Percentage (%)
Illegal Possession of Firearm	149	41.97
Illegal Possession of Ammunition	58	16.34
Shooting with intent	36	10.14
Robbery with aggravation	25	7.04
Assault at Common Law	19	5.35

Total number of disposed charges is 355

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The 106 cases that were resolved in the Gun Court in the Easter Term of 2020 represented 355 charges, an average of roughly 3.35 charges per case. The table above details the five most frequently occurring charges disposed of in the Gun Court during the Term. Illegal possession of a firearm and illegal possession of ammunition accounts for the largest proportion of disposed charges with 41.97% and 16.34% respectively. This is followed by shooting with intent with 41 or 9.26% of the charges disposed. Robbery with aggravation with 33 or 7.45% and wounding with intent with 36 or 10.14% of the total rounds off the top 5 charges disposed in the Gun Court during the Easter Term. The disposed charges enumerated in this table accounts for roughly 80.85% of the total number of charges disposed in the Term. There was marked decline of 31.07% in the number of charges disposed, when compared to the Easter Term of 2019.

Table 70.0: Time to disposition from case file date, for cases disposed of in Easter Term ended July 31, 2020

Descriptive Statistics (in months)	
Number of observations	106
Mean	19.4528
Median	13.0000
Mode	13.00
Std. Deviation	18.96470
Variance	359.660
Skewness	2.264
Std. Error of Skewness	.235
Range	95.00
Minimum	1.00
Maximum	97.00

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The above table summarizes the time taken to dispose of cases in the Gun Court in Easter Term of 2020 counting from the date cases were filed. It is seen that the estimated average time to disposition from the date of charge is approximately 19.45 months or 1.62 years with a standard deviation of 18.96, suggesting some amount of spread of the individual scores around the mean. The data set on the times to disposition are shown to be moderately positively skewed, an indication that a larger proportion of the scores in the series fell below the overall average time to disposition. It is therefore not surprising that the median and modal times to disposition both stood at a commendable 13 months for the Easter Term. The estimated maximum time to disposition for the data set is 97 months or just over eight years. The estimated minimum time to disposition from the date of filing was just under a month. The Gun Court experienced an unusually low ratio of income to outgoing cases for the Easter Term but the overall output was nonetheless commendable, suggesting that the Gun Court would not have lost any considerable ground in terms of staying on course with its principal targets, despite the adverse effects of COVID-19.

Table 71.0: Breakdown of times to disposition for cases resolved during the Easter Term of 2020

Time Intervals (months)	Frequency	Percentage (%)
0 – 12	41	38.7
13 – 24	35	33.0
25 – 36	14	13.2
37 – 47	9	8.5
48 & over	7	6.6
Total	106	100.0

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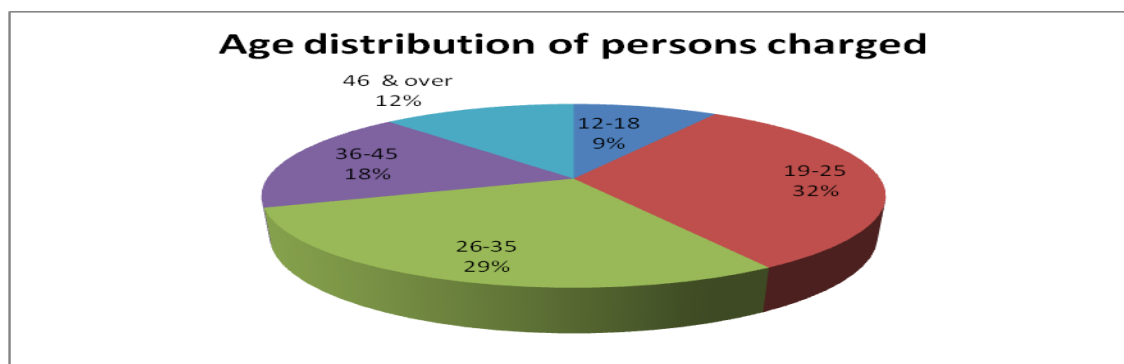
2020

The above table provides a further breakdown of the estimated time to disposition for the Gun Court cases disposed in the Easter Term of 2020, computed from the case file date. The relatively strong positive skewness shown is affirmed by the fact that the largest proportion of the disposals using this method took a year or less. This interval accounted for 41 or 38.70% of the disposals and was followed by cases taking between 13 and 24 months to be disposed with 35 cases or 33.0%. A further 13.20% of the matters were disposed within 25-36 months, 8.50% took between 37 and 47 months and the remaining proportion of 6.60% took four years or more to be disposed. Interestingly 71.70% of the cases disposed took two years or less from the case file date. The proportion of Gun court cases resolved in the Easter Term of 2020 was 11.40 percentage points higher than the corresponding Term in 2019. This is a very promising sign the prospects of the Gun Court eliminate its case backlog over the next three court Terms.

Demographic summary of Gun Court offenders

This section provides a brief summary of the age and gender distribution of persons charged in the Hilary Term of 2020.

Chart 18.0: Summary of age distribution of a sample of offenders in the Gun Court for the Easter Term ended July 31, 2020



The age distribution of offenders in Term was markedly similar to that of 2019. The dominant offences filed in the period 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 29 years old with the oldest person charged being 57 years old and the youngest is 13 years old. The modal age from this sample was 23, an indication that a significant number of offenders are quite youthful. This is affirmed in the chart above where it is shown that from the sample 32% of the persons charged were between 19 and 25 years old, closely followed by the age group 26 to 35 years old with 29% of the offenders. The 36 to 45 age group comes next with 18% of the offenders. The youngest and oldest age categories of 12 – 18 and 46 and over accounted for 9% and 12% respectively of the offenders brought before the Gun Court in the Easter Term of 2020.

In terms of gender distribution, using a sample of 100 persons charged 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 2018. The overwhelming dominance of males in Gun Court offences continue to persist as a long held trend.

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Chart 19.0: Summary of gender distribution of a sample of persons charged in the Easter Term ended July 31, 2020

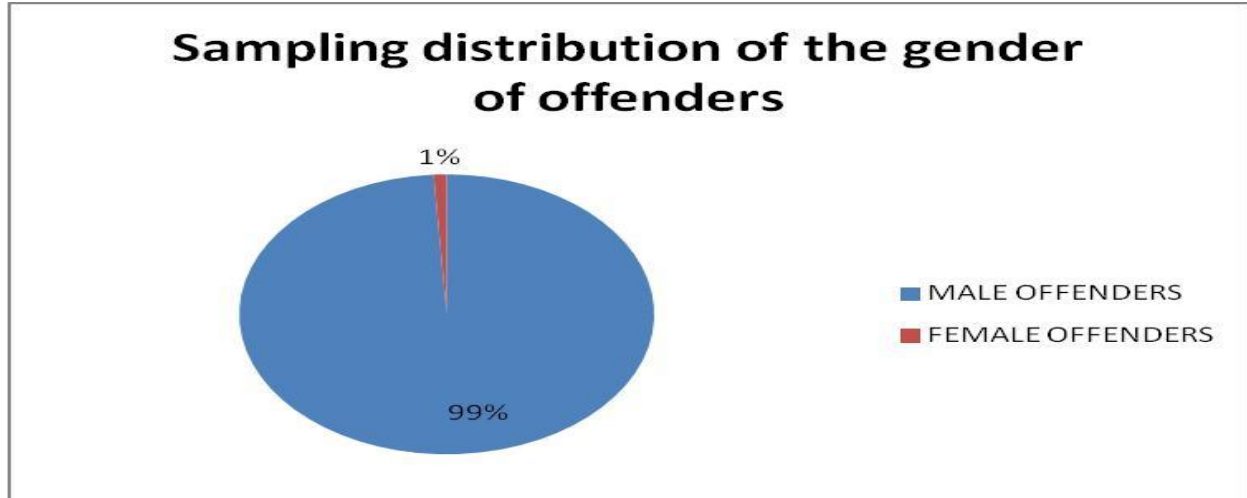


Table 72.0: Case clearance rate for the Easter Term ended July 31, 2020

Cases filed	Cases disposed	Case clearance rate
134	106	79.10%

***28 or 26.42% of the 106 cases resolved in the Easter Term originated in 2020.**

One hundred and thirty-four new cases were filed in the Gun Court in the Easter Term of 2020 while 106 were also disposed (including many which originated before the Term) leading to a clearance rate of exactly 79.10% for the Term. This is the lowest case clearance rate registered by the Gun Court in almost three years, a dramatic fall of 63.51 percentage points when compared to the Easter Term of 2019. This dip in productivity is largely a result of the decline in open court activity due to the COVID-19 pandemic which led to well over a month of lost time. Despite the fall in productivity, the Gun Court remains on course to reduce its net case backlog rate to below 10% by the summer of 2021.

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Other performance measures

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

(i) The on time case processing rate

(ii) The case turnover ratio

(iii) The disposition days

(iv) Case backlog rate

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

Table 73.0: Selected performances metrics for the Gun Court in the Easter Term of 2020

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated disposition days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Case backlog rate (%)
106	508	0.21	1738	76	106	71.70	28.30

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The results in the above table show a case turnover rate of 0.21, which is an indication that for every 100 active cases handled in the Easter Term, another 21 were disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the Term will on average take 4.76 years to be disposed, though this is highly unlikely given the interventions that the leadership of the Gun Court are likely to make to reverse this mathematical expectation. These results should not form the basis for generalization, given the peculiar circumstances of the Term which significantly impaired the expected rate of productivity in the Gun Court.

A case is considered to be in a backlog classification if it is still active for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Gun Court in 2019 is 71.70%, which reflects the proportion of Gun Court cases in the Easter Term of 2020, which were disposed within 2 years. Conversely, the case backlog rate for Easter Term is 28.30%, a significant leap when compared to Hilary Term of 2020 but this is expected to be sharply reversed over the next two Terms as the incidence of hearings tends towards optimality. This further suggests that of the 508 cases, which had some court activity in the Easter Term and were still active at the end of said Term, 144 are expected to be in a backlog classification before being disposed, but this mathematical expectation has a high probability of reversal given the trends over the past nine consecutive court Terms. The High Court Division of the Gun Court experienced a roughly 12 percentage points decline in overall case activity when compared to the similar Term in 2019.

CHAPTER 6.0: COMMERCIAL DIVISION

This chapter presents data on case activity in the Commercial Division in the Easter Term of 2020 as well as important performance measurements and year on year comparisons where applicable.

Table 74.0: Cases filed in the Commercial Division in the Easter Term of 2020

Division	Number of new cases filed
Commercial	150

For context, in 2017 and 2018 were record years for the Commercial Division in terms of the number of new cases filed with 667 and 675 respectively. In 2019, the Division however saw a dip of 24 percentage points when compared to 2018, registering 513 new cases. Nevertheless, the figure is well above pre-2017 levels and continues to reflect the greater public awareness of the Division among actors as a means of bringing resolution to matters.

In the Easter Term of 2020, 150 new cases were filed, a decline of 12.28% when compared to the Easter Term of 2019.

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Table 75: Leading reasons for adjournment of commercial cases for the Easter Term ended July 31, 2020

Reasons for adjournment	Frequency	Percentage (%)
Appeal pending	2	6.25
Claimant's Attorney need time to take instructions	2	6.25
Claimant's documents not served or short served	4	12.5
Covid-19 Pandemic	12	37.5
Matter referred to mediation	4	12.5
Notice of change of attorney filed	2	6.25
Parties having discussion with view of settlement	4	12.5
To produce document/s	2	6.25
Total	32	100.0

Sample size (N) = 32

The above table provides a sampling distribution of the reasons for adjournment in the Commercial Division in the Easter Term of 2020. A total of 32 adjournments samples reveal that adjournments due to the COVID-19 pandemic with 12 or 37.50% of the sample, followed by adjournments for referrals to mediation, parties having discussions with a view to settlement and claimant's documents not served or short served each with 4 or 12.50% of the sample. The prominence of the COVID-19 pandemic as a reason for adjournment in this sampling distribution is not surprising as the better part of two months of the Term had significantly less than normal case activity.

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Table 76.0: Chamber hearings set for the Easter Term ended July 31, 2020

Hearings	Frequency	Percentage (%)
Applications (Various)	210	76.64%
Case Management Conference	14	5.11%
Commercial Taxation	20	7.30%
Pre-trial review	23	8.39%
Judgment summons hearing	4	1.46%
Oral Examination	3	1.09%
Total	274	100

The above table summarizes the distribution of 274 chamber hearings which were set in the Commercial Division for the Easter Term of 2020. As with the High Court Civil (HCV) Division, the hearing of various applications for relief sought dominates with roughly 76.64% of the chamber hearings. Pre-trial reviews with 23 or approximately 8.39% of the sample rank next while commercial taxation hearings with 20 or 7.30% rounds off the top three chamber hearings in the Commercial Division for the Easter Term of 2020.

A far as open court trials are concerned, there were 89 trial dates scheduled for the Easter Term of 2020 while there was a single trial in chamber.

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Table 77.0: Sampling distribution for the hearing date certainty in the Commercial Division for the Easter Term ended July 31, 2020

Type of hearings	Sample of hearing dates set	Hearing dates adjourned)	Proxy hearing date certainty rate (%)
Case Management Conferences	14	3	78.57%
Trials in Open Court	89	51	42.70%
Chamber Hearings and Trials Combined	363	152	58.13%

The Commercial Division recorded an estimated hearing date certainty rate of 58.13% in the Easter Term of 2020, a show of some resilience in light of the fact that there was a major loss in time for hearings and thus overall case activity in the Term. The hearing date certainty rate for Case Management Conferences remained fairly strong with an output of roughly 79% while there was an estimated 4 in 10 chance that a trial date was able to proceed as scheduled during the Term. The overall hearing date certainty estimate for the Commercial Division for the Easter Term of 2020, represents a 4.48 percentage points decline when compared to the Hilary Term of 2020. These results are not however the basis for generalizations due to the abnormally low case activity levels which fell well below expectations as a result of the COVID-19 pandemic.

Table 78.0: Requisitions summary for the Easter Term ended July 31, 2020

Requisitions Issued	Requisition Reponses	Requisitions clearance Rate	Requisitions per 100 case files
23	10*	43.48%	4

**May include requisitions issued before the Term*

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The above table provides a summary of the response rate for requisitions issued in the Commercial Division in the Easter Term of 2020. It is shown that 10 requisitions were issued during the term while there were 10 responses filed, thus producing a requisitions clearance rate of 43.48%. This requisition clearance rate suggests that during the Term, for every 10 requisitions issued, roughly 4 responses were filed. This output represents an improvement of 1 response per requisition issued during the Easter Term of 2020.

Table 79: Methods of disposition for the Easter Term ended July 31, 2020

Methods of Disposition	Frequency	Percentage (%)
Application Granted	2	3.6
Consent Judgment	1	1.8
Consent Order	2	3.6
Final Order	9	16.4
Final Judgment	7	12.7
Judgment in Default of Acknowledgment of Service	8	14.5
Judgment in Default of Defence	4	7.3
Judgment on Admission	1	1.8
Matter Withdrawn	1	1.8
Notice of Discontinuance noted	8	14.5
Order for seizure and sale	4	7.3
Settled	3	5.5
Settlement Order	1	1.8
Struck Out	1	1.8
Transfer to Commercial	2	3.6
Written Judgment Delivered	1	1.8
Total	55	100.0

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The data suggests that 55 cases in the Commercial Division were disposed in the Easter Term of 2020, representing a decrease of 5.17% when compared to the corresponding Term in 2019. Despite the fact that there was substantially less court activity in the Easter Term of 2020, when compared to the Hilary Term of said year, there was a marginal increase of 10%. Disposals by of final orders made with 16.40% of the disposals, notices of discontinuance noted and judgments entered in default of acknowledging service each with 14.50% ranks next, followed by final judgments with 12.70% of the dispositions.

Table 80.0: Time to disposition for Commercial cases disposed in the Easter Term ended July 31, 2020

Descriptive Statistics

Number of observations	55
Mean	21.8182
Median	12.0000
Std. Deviation	26.09036
Variance	680.707
Skewness	1.778
Std. Error of Skewness	.322
Kurtosis	2.727
Std. Error of Kurtosis	.634
Range	108.00
Minimum	.17
Maximum	108.00

The above table shows that the estimated average time to disposition for the 55 Commercial cases disposed in the Easter Term is 21.82 months, a decline of 3.67 months when compared to the Easter Term of 2019. The maximum time to disposition observed from these cases is 108 months or 9 years old while the lowest is under a month. It is of note that the median time to disposition in the Term was a year. The standard deviation of the scores was quite high,

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suggesting some amount of dispersion of the data points around the mean and in fact that there might be outliers in the data set. The relatively high positive skewness further suggests that proportionately more of the scores in the data set fell below the overall mean.

Table 81.0: Breakdown of times to disposition for Commercial cases in the Easter Term ended July 31, 2020

Time Interval (months)	Frequency	Percentage (%)
0 -12	30	54.5
13 - 24	6	10.9
25 - 36	9	16.4
37 - 47	3	5.5
48 & over	7	12.7
Total	55	100.0

The above table provides a breakdown of the times to disposition for the cases disposed during the Commercial Division in the Easter Term of 2020. It is seen that the largest proportion of these cases were disposed within a year, accounting for notable 54.50% of the disposals. This is followed by 16.40%, which took between 25 and 36 months to be disposed and 7 or 12.70% which took 4 years or more to be resolved. A notable 65.80% of the cases disposed were resolved within two years while the remaining 45.50% took more than two years to be disposed. In the Easter Term of 2019, 77.60% of the cases disposed were resolved within two years, hence the Easter Term of 2020 declined by 23.10 percentage points in this regard.

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Table 82.0: Case clearance rate for the Easter Term ended July 31, 2020

Cases filed	Cases disposed	Case clearance rate
150	55*	36.67%

**This figure includes cases filed before 2020. 16 or 29.0% of the cases disposed in the Easter Term of 2020, originated in 2020.*

One hundred and fifty new cases were filed in the Commercial Division in the Easter Term of 2020, while 55 cases were disposed which yields a case clearance rate of 36.67%. This result suggests that for every 100 new cases filed in the year, roughly 37 were disposed. Again, the cases disposed were not necessarily from those filed, as the clearance rate is simply a productivity ratio. The result represents a 2.75 percentage points increase when compared to the Easter Term of 2019 and is it is also 5.81 percentage points higher than the Hilary Term of 2020.

Other performance measures

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

(i) The on time case processing rate

(ii) The case turnover ratio

(iii) The disposition days

(iv) 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

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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. These measures are summarized in the table below:

Table 83.0: Selected performances metrics for the Commercial Division for the Easter Term ended July 31, 2020

Resolved cases	Unresolved cases that had activity in the Hilary Term	Case turnover rate (%)	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Proxy case backlog rate (%)
55	330	0.17	36	55	65.45%	34.55%

The results in the above table show a case turnover rate of 0.17, which is an indication that for every 100 cases which were 'heard' in the Easter Term and still active at the end of the Term, another 14 were disposed. This represents an improvement of 4 percentage points when compared to the Easter Term of 2019. A case is considered to be in a backlog classification if it remains active for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Commercial cases in the Easter Term of 2020 is an estimated 65.45%, which reflects the proportion of resolved Commercial Division cases in the Easter Term, which were disposed within 2 years. On time case processing rates and proxy backlog rates are more meaningful when examined over a full year. Nevertheless, figures from each Term provide insights into the progress being made in

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reducing both the net and gross backlog rates in the courts. There was a balance of 330 active cases which had some court or administrative activity in the Term and were unresolved. The Easter Term of 2020 saw a roughly 30% reduction in general case activity when compared to the Easter Term of 2019.

CHAPTER 7.0: AGGREGATE CASE ACTIVITY AND OUTSTANDING JUDGMENTS

Aggregate Case Clearance Rate

Analysis of the productivity of the judiciary, subject to its resource constraints is an important metric for gauging efficiency and for informing policy and operational interventions. In this subsection, the gross case clearance rate is used as a measure the ratio of incoming and outgoing cases in the Supreme Court in the Easter Term of 2020.

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 85.0: Gross case clearance rate for the Easter Term ended July 31, 2020

Total cases filed	Total cases disposed	Gross Case clearance rate
3783	2624	69.36%

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The above table provides an aggregate summary of the clearance rates in the Divisions of the Supreme Court in the Easter Term of 2020. The data suggests that 3783 new cases were filed/entered across the Divisions of the Supreme Court in the Term, an increase of 4.79% when compared to the corresponding period in 2019. These results yield a gross clearance rate of roughly 69.36%, representing an increase of 8.36 when compared to the Easter Term of 2019 and suggesting that for every 100 cases filed/entered during the year, roughly, 69 were also disposed. The number of cases disposed increased by 19.16% when compared to the similar period in 2019.

Case Activity Summary for the Easter Term ended July 31, 2020

The below table provides a summary of the new cases filed, cases disposed and clearance rates for each Divisions of the Supreme Court in the Easter Term of 2020. A cumulative summary is also provided.

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Table 89.0: Aggregate case activity in the Easter Term ended July 31, 2020

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (years)	Hearing date Certainty ratio (%)
High Court Civil (HCV)	1629	663	40.70	3.40	60.50
Matrimonial	1044	1070	102.49	1.91	79.45
Probate	762	673	88.32	1.30	91.13
Commercial	150	55	36.67	1.82	58.13
Home Circuit Court	63	55	87.30	1.66	54.25
Gun Court	134	106	79.10	1.62	57.41
Revenue Division	1	2	-	-	-
Gross/Weighted Average	3783	2624	69.36	1.95	67.08%

Note: The overall clearance and hearing date certainty rates are both weighted averages.

The above table provides an important summary of case activity in the Supreme Court in the Easter Term of 2020. It is shown that 3783 cases were filed/entered across the Divisions of the Supreme Court in the Easter Term of 2020. The High Court Civil (HCV) Division with 1629 cases or 43.06% accounts for the largest share of the new cases filed, followed by the Matrimonial Division with 1045 or 27.62% of the total.

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The largest share of the cases disposed with roughly 40.78% and 25.65% respectively were the Matrimonial and Probate Divisions. As far as clearance rates are concerned, the Matrimonial and Probate Divisions with clearance rates of 102.49% and 88.32% respectively were the leaders while recent traditional leaders the Home Circuit Court placed third with 87.30%. The overall case clearance rate for the Supreme Court is estimated at 69.36%, an improvement of 8.36 percentage points higher than the rate recorded in the Easter Term of 2019. The High Court Civil (HCV) Division accounted for the longest average time to disposition with cases taking an average of 3.40 years to be disposed. The Probate Division and the Gun Court with estimated average times to disposition of 1.30 and 1.62 years respectively account for the lowest average times to disposition in the Term. The overall average time taken to dispose of the cases resolved in the Easter Term was just under 2 years. None of the Divisions of the Supreme Court met the international standard on hearing date certainty in the Term but this is not surprising based on the significant impact of the COVID-19 pandemic on case activity. The overall average hearing date certainty rate was 67.08% and performance in this area was led by the Matrimonial and Probate Divisions with 91.13% and 79.45% respectively. The computations of the hearing date certainty rates were adjusted for matters which were directly affected by the suspension of open court activity for much of the first two months of the Easter Term.

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Judgments Reserved and Judgments Delivered for the Easter Term ended July 31, 2020

This sub-section provides a summary of the civil Judgments reserved and delivered in the Easter Term of 2020.

Table 90.0: Summary of Judgments Reserved and Delivered in the Easter Term of 2020

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 (%)
27	86	318.52%	48	35	72.92%

A total of 27 judgements were reserved in the shortened Easter Term of 2020, while 86 judgments were delivered, leading to yet another record clearance rate on judgments of 318.52%. This result means that for every judgment which was reserved in the Easter Term of 2020, another 3 were delivered. This output eclipses the rate of 207% in the Hilary Term of 2020 and is consistent with the impetus of the Chief Justice to significantly increase the number and pace of outstanding judgments delivered in the court system. The average age of cases on which judgments were delivered in the Easter Term of 2020 was roughly 4.2 months, with the oldest case on which judgment was delivered, dating back to a 2005 filing date.

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 on 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 48 judgments reserved on applications in the Easter Term of 2020 while 35 were delivered. This produced a clearance rate for judgments on applications of 72.92%.

Over the past four and a half years, the mean time taken for a judgment to be delivered (from the date judgments are reserved) is 7.8 months with a standard deviation of 4.5 months, however, when the last 2.5 years are isolated, the mean time that taken to deliver judgments (again from date judgments reserved) is notably less, at 4.3 months, with a standard deviation of 3.2 months.

There were nineteen part heard civil matters in shortened Easter Term of 2020.

CHAPTER 8.0: CONCLUSION

There was a general decline in case activity across all Divisions of the Supreme Court in the Easter Term of 2020, as the better part of two months out of the Term was lost due to the COVID-19 pandemic, leading to wholesale rescheduling of dates for various types of hearings. Trials with jury was particularly hard hit as the judiciary continues to work assiduously in trying to find a creative solution. Despite variances in outcomes, the Divisions of the Supreme Court have demonstrated enormous resilience and at the end of the Easter Term remained broadly within the same performance trajectory established over the previous four Terms. In fact, as a whole the Supreme Court experienced an increase of 8.36 percentage points in case clearance rate when compared to the Easter Term of 2019 and a marginal reduction in the average age of cases disposed during the Term. Even more profound is the fact that there was an increase of 4.79% in the number of new cases filed during the Easter Term of 2020, when compared to the corresponding Term in 2019 while the number of cases disposed rose by 19.16%. The Supreme Court also showed enormous resilience in the Easter Term in terms of the clearance of judgments, registering a record rate of 318.52%. This was however skewed by the decline in the incidence of hearings, leading to a lower than typical number of judgments reserved, although judgments delivered maintained a steady uptick. Equally significant is the fact that the proxy case backlog rate recorded for the Easter Term of 2020 fell by 4.89 percentage points when compared to the Easter Term of 2019.

Taken together, these results show enormous resilience in a period of time when significant time was lost and there were significantly less hearings than usual due to the effects of the COVID-19 pandemic. In general, therefore, up to the end of the Easter Term of 2020, despite the operational challenges compounded by large scale rescheduling of cases due to the COVID-19 pandemic, there was no quantitative indication that the Supreme Court needed to revise the core performance targets set out in the strategic plan of the judiciary.

The court system will be hard pressed to sustain strong output in the final Term of 2020 and into 2021 but the signs are promising as the court's leadership makes a significant push towards digitization and the utilization of virtual hearings as a substitute for onsite hearings, where possible, all of which come on the heels of the scheduled introduction of an advanced case management, scheduling and data mining system throughout the courts (i.e. the Judicial Case Management System - JCMS). The next 12 months are therefore expected to be interesting and exciting times for the Jamaican judiciary.

Glossary of Statistical Terms

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Case backlog: A case that is in the court system for more than two years without disposition. The **gross backlog rate** measures the proportion of all cases filed within a given period which remain unresolved for a period of over two years. The **net backlog rate** on the other hand measures the proportion of active cases filed in a given period which are unresolved for over two years.

Percentile Rank: This refers to the percentage of scores that are equal to or less than a given score. Percentile ranks, like percentages, fall on a continuum from 0 to 100. For example, a

percentile rank of 45 indicates that 45% of the scores in a distribution of scores fall at or below the score at the 35th percentile.

Percentile ranks are useful when you want to quickly understand how a particular score compares to the other scores in a distribution of scores. For instance, knowing a court disposed 300 cases in a given period doesn't tell you much. You don't know how many case disposals were possible, and even if you did, you wouldn't know how that court's score compared to the rest of the courts. If, however, you were told that the court scored at the 80th percentile, then you would know that this court did as well or better than 80% of the courts in case disposals.

Difference between percentage and percentile changes: The difference between percentage and percentage points, the latter is strictly used to compare two percentages, for example, if the clearance rate in 2018 was 89% and the clearance rate in 2019 is 100%, then the appropriate expression to compare these would be "an 11 percentage points increase". However, if we are comparing two absolute numbers, say, 1000 cases were disposed in 2018, and 1500 in 2019, then there would be a 50% increase in cases disposed.

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

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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.

Source:

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

ⁱ *Source:*

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

