



Supreme Court Of Jamaica

The Chief Justice's Easter Term Statistics Report for the Supreme Court

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

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THE CHIEF JUSTICE'S MESSAGE

The overall statistics for the Easter Term for the Supreme Court has highlighted some significant challenges, which as a Court we must work assiduously to overcome. While the overall statistics are cause for concern, we have seen some positives that give hope.

In all Divisions of the Supreme Court (except the Civil Division and Criminal Division) as well as the Gun Court, the average time to disposition from entry into the court is under 24 months. It should be noted that all sexual offences matters and 47.50% of all murder cases are disposed of in under 24 months from the date of entry into the court.

The error rate for documents submitted to the Matrimonial Division remains unacceptably high and continues to affect the granting of Decrees Absolute within the stipulated 16 weeks. The Matrimonial Division issues request for corrections at the alarmingly high rate of 62 per 100 files. That is, nearly two thirds or nearly 66.66%, of all files submitted have errors. This means that valuable time is spent correcting errors that ought not to be present. This is still occurring despite the collation and distribution of a list of common errors to the legal profession and the availability of this list on the Court's website.

Despite the fact that there was a 15.54% decrease in the total number of new cases across all divisions when compared to the Easter Term of 2018, the total number of cases disposed of was just about two-thirds of the total number of cases entering the Court.

The clearance rate is consistent with what has just been stated. For this term, the overall clearance rate was approximately 61%, a fall of roughly 17 percentage points when compared to the Easter Term of 2018.

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There has been no improvement in the performance of the Civil Division of the court; the Division recorded a clearance rate of 12.03% for the period. The average time for matters to be disposed of in the Civil Division is roughly 48 months which is twice the stated time standard of 24 months for disposal of cases from the time of entry into the court. To address this issue, in 2020 a special committee will be established to focus exclusively on the operations of the Civil Division with a view to improving efficiency.

In the Criminal Division of Home Circuit Court, the trial date certainty rate is 29.94%, which suggests that there are still grave issues with scheduling criminal trials. In an effort to improve this metric, the measure of having the same judge in each of the trial courts and mention courts is to be implemented for the Michaelmas Term 2019. By the Hilary Term of 2020, the shortlist in respect of cases that can be brought forward is to be fully implemented.

The performance for the quarter is not indicative of where we want to be, and much more work is required in order for us to reach our shared goal of being the best in the Caribbean in three years and one of the best in the world in six years. All is not lost; what is required now is commitment and sacrifice, with the existing resources that we have, to make the system more efficient for the people of Jamaica.

Bryan Sykes OJ, CD.

Chief Justice of Jamaica

EXECUTIVE SUMMARY

This Easter Term Report on case activity in the Supreme Court provides an important basis upon which to gain important insights into a range of operational interventions geared towards improving the efficiency with cases are processed, scheduled and heard in the various Divisions of the Supreme Court. The Easter Term of 2019 spanned the period April 24 – July 31, 2019. As with previous reports, a range of data and performance measurements on the High Court Civil (HCV), Probate, Matrimonial and Commercial Divisions as well as the Home Circuit Court and Gun Court and the Revenue Court are included in this report. The results therefore provide essential information, which can assist in continuously improving the operational efficiency of the Supreme Court and the policy design of the relevant state actors. In an effort to improve the efficiency of the Court system and to enhance the timely delivery of a high standard of justice to citizens, the Honourable Chief Justice has set out a series of performance targets for the judiciary for the next 3 – 6 years, commencing April 01 2019. Among these targets is the attainment of an average clearance rate of 130% and an average trial date certainty rate of 95% over the same period. The attainment of these performance targets would place Jamaica among the very best performing court systems in the World and reduce the net backlog rate below 5%.

A total of 3610 new cases entered the Supreme Court across the above named Divisions in the Easter Term of 2019 while 2202 cases were disposed. The total number of new cases filed decreased by 15.54% when compared to the corresponding period in 2018 while the number of

cases disposed decreased by 34.01%. The High Court Civil (HCV) and Matrimonial Divisions with 1297 and 1195 respectively of the total number of new cases filed accounted for the largest share while the Gun Court with 115 new cases, the Home Circuit Court with 111 and the Revenue Division with 1 new cases had the lowest proportion. The Matrimonial Division accounted for the largest share of cases disposed with 1038 or 47.14% of all disposed cases in the Supreme Court during the Easter Term, while the Probate Division with 683 disposed cases or roughly 31.02% of total disposals ranked next.

Among the major findings from this Easter Term Statistics Report is that the weighted average case clearance rate across the four Divisions was roughly 61%, a fall of roughly 17 percentage points when compared to the Easter Term of 2018. The case clearance rate provides a measure of the number of cases disposed, for every new case entered. The weighted average of roughly 61% across the Divisions suggests that for every 100 new cases entered in the period, roughly 61 were also disposed (not necessarily from the new cases entered). The case clearance rates for the Easter Term range from a low of 12.03% in the High Court Civil Division to a high of 142.61% in the Gun Court. The overall statistic on the case clearance rate gives essential insights into potential case management and backlog problems, as on average there were still significantly more incoming than outgoing cases in the Supreme Court in the 2019 Easter Term. The overall clearance rate of roughly 61% in the Term is well below the minimum standard set out by the Chief Justice for the Judiciary over the next 3 - 6 years but current reforms being undertaken bode well for the near future. The Gun Court and the Probate Division continues the pace setting trends established over the past two years as leaders on the clearance rate

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measurement while the Home Circuit Court and the Matrimonial Division with 89.19% and 87% respectively rank next.

The report also generated the estimated times to disposition for matters disposed in the respective Divisions in the Easter Term. The estimated average times taken for cases to be disposed, range from a low of approximately 1.42 years in the Probate Division to a high of roughly 4.20 years in the High Court Civil Division. The overall average time to disposition for the Divisions of the Supreme Court in the Easter Term of 2019 was 2 years and 3 months, slightly higher than that of the Easter Term of 2018. The oldest matters disposed in the Easter Term was a 33-year-old matter that was disposed in the Gun Court. There were however several matters which took as low as 0-6 months to be disposed across all the Divisions.

The standard definition for a case backlog, which has been adopted throughout the Jamaican Court system, is a case that has been in the system for more than two years without being disposed. Using this yardstick, the overall on-time case-processing rate for cases disposed in the Supreme Court in the Easter Term of 2019 was 65.61%, which suggests that roughly 66 of every 100 cases disposed in the Supreme Court in the Easter Term, were done within two years. This implies a case backlog rate of roughly 34% for cases disposed in the Supreme Court in the Easter Term. Despite having a modest clearance rate, the Commercial Division again had one of the highest on-time case-processing rate of 77.59% in the Term, along with the Home Circuit Court with 77.78%. The High Court Civil (HCV) Division and the Gun Court with the on-time case processing rates of 6.61% and 59.76% respectively had the lowest rates. Concomitantly, the Commercial Division with 22.41% and the Home Circuit Court with 22.22% had the lowest case

backlog rate for cases disposed in the Easter Term while the High Court Civil (HCV) Division (93.39%) and Gun Court (40.24%) had the highest case backlog rates.

Most Divisions of the Supreme Court continue to encounter severe challenges with the rate of strict adherence to dates set for hearing and trial due to the high incidence of adjournments. The hearing date certainty, which computes the rate of adherence to hearing dates scheduled, ranges from an approximate low of 33.33% in the Revenue Division to a high of 90.47% in the Commercial Division in the Easter Term. The weighted average hearing date certainty across all the Divisions for the period under examination was roughly 68.19%, a fall of 3.89 percentage points when compared to the corresponding period in 2018. This is an indication that there is a just over 68% probability that a matter scheduled for a hearing will go ahead without being delayed to a future start date. Similar data on trial date certainty in isolation are also provided in the relevant chapters of the report. As with the Hilary Term report, among the prominent reasons for adjournment cited across this report are the non-appearance of parties and/or attorneys, absenteeism of witnesses and investigating officers, incomplete and missing files, documents to be filed, statements outstanding, matters wrongly listed and disclosure. These reasons span both internal factors within the court's control and factors outside of its direct autonomy. These reasons for adjournment have remained consistent over several consecutive Term and annual reports over the past three years. The ethos of the solutions related to these issues is the need for enhanced case and records management, more robust systems of scheduling and stronger stakeholder engagements. A number of important process flow re-engineering and initiatives to enhance stakeholder engagement and cooperation are currently

being pursued in the Supreme Court in an effort to reduce the incidence of adjournments, which are attributable to both internal and external deficiencies. The results of such interventions are starting to have an effect on major operations and should reap significant dividends over the next two years.

Apart from the high frequency of adjournments, the relatively high incidence of requisitions is an impediment to the speed of disposition of civil matters. Among the Civil Divisions, the incidence of requisitions was highest in the Matrimonial Division with a ratio of 62 requisitions per 100 case files while the HCV Division with 3 requisitions per 100 case files ranked among the lowest incidence.

The case file integrity rate debuted in the Annual Statistics Report for 2018. It provides a measurement of the proportion of cases, which are not adjourned due to factors that are directly controllable by the court's registries, namely missing files, incomplete files, court list omissions and incorrect listings for court. Using proxy data from the High Court Civil Division, the case file integrity rate was estimated to be a commendable 90.15%, which is below the minimum prescribed International standard of 98%, and suggests that there is still significant room for improvement. The case file integrity rate is influenced by the availability, readiness, accuracy and completeness of a case file, which are products of the overall strength of case management practices and policies.

Sustaining the trend observed in the Hilary Term, the Easter Term saw the number of judgments delivered at least keeping pace with the number of judgments reserved with a ratio

of exactly 1:1. This augurs well for the current thrust to eliminate the backlog of outstanding judgments in the Supreme Court. The average age of judgments delivered in the Easter Term was roughly 5 years and 2 months. With the current momentum, this is expected to be significantly reduced in the coming 12-18 months.

The overall results from the Easter Term report show some promising signs but there is still much to be desired. Continuous, clinical interventions in operational procedures will be required to foster and sustain the leaps, which are necessary to achieve the goal of becoming the best court system in the Caribbean Region in the next three years and among the best in the World in the next six years. Attaining the targets set out for the judiciary by the Honourable Chief Justice are attained in the coming 3-6 years, would mean that by 2025 the Jamaican courts will be able to provide a reasonable guarantee of a high probability of case disposition with 2 years across case types.

When the performance measurements are mathematically weighted, the Probate Division stands out as the best overall performing Division in the Supreme Court, a feat achieved for the fourth consecutive Term.

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See below Supreme Court case activity summary for the Easter Term of 2019:

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition	Hearing date certainty rate (%)
High Court Civil (HCV)	1297	156	12.03%	4.20 years	69.51%
Matrimonial	1195	1038	87%	1.92 years	77.23%
Probate	720	683	95%	1.42 years	78.0%
Commercial	171	58	33.92%	1.54years	90.47%
Home Circuit Court	111	99	89.19%	2.44 years	63.13%
Gun Court	115	164	142.60	1.92 years	67.82%
Revenue Division	1	4	-	-	33.33
Total/Weighted Average	3610	2202	61%	2.24 years	68.19%

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 of 2019. These measures are summarized in the table below:

Selected performances metrics for the Supreme Court in the Easter Term of 2019

Division of the Supreme Court	Resolved cases	Unresolved cases which had court activity in 2018	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Case backlog rate (%)
High Court Civil	121	6522	8	156	6.61%	93.39%
Matrimonial Division	1038	1802	716	1038	68.98%	31.01%
Probate Division	683	1046	504	683	73.79%	26.21%
Commercial Division	58	458	45	58	77.59%	22.41%
Home Circuit Court	99	707	71	99	77.78	22.22
Gun Court	164	572	98	164	59.76	40.24
Gross/ Weighted Average	2163	11107	1442	2198	65.61%	34.39

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 and Gun Court. These reports culminate with an Annual Statistics Report. Such reports are published on the website of the Supreme Court however interim data required by stakeholders may be requested through the office of the Chief Justice.

Structure of Report

This is a comprehensive statistical report on case activity in the various Divisions of the Supreme Court in the Easter Term 2019. 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 summarizes aggregate case activity across the Divisions

of the Supreme Court and presents the 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 court excellence.

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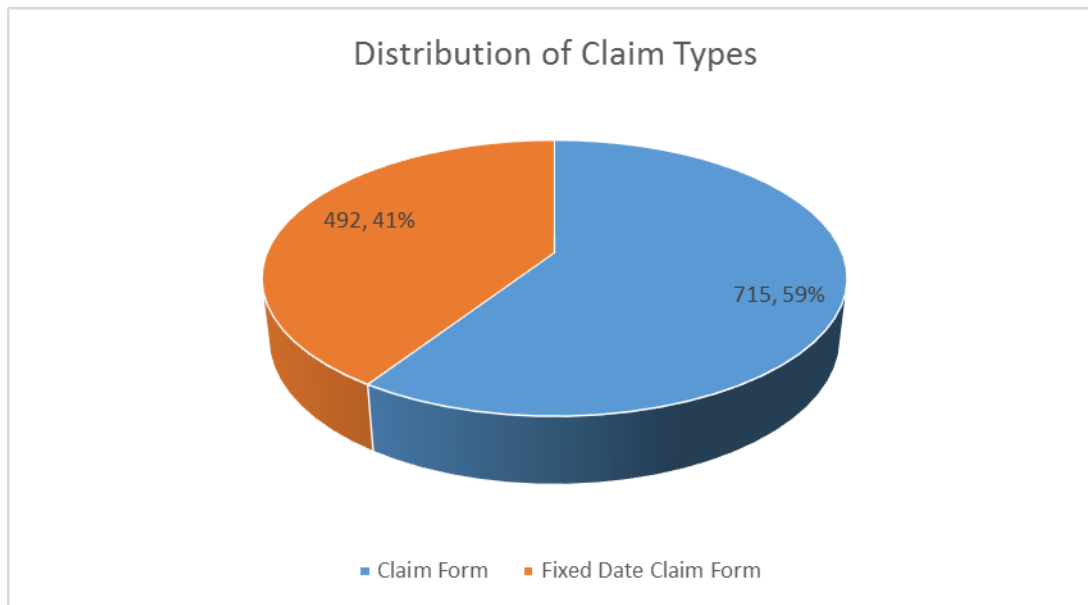
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CHAPTER 1.0: HIGH COURT CIVIL (HCV) DIVISION

Chart 1.0: New cases filed in the Easter Term of 2019

HCV cases	Frequency	Percentage (%)
Number of new cases filed	1297	100.0

Chart 1.0: Claim Forms and Fixed Date Claim Forms for the Easter Term of 2019



The above table enumerates the number and proportion of matters, which originated either using a Claim Form or Fixed Date Claim Form for the Easter Term of 2019. Of the 1207 matters originating in of these ways, either 715 or 59% were by way of a Claim Forms while 492 or 41% originated by way of Fixed Date Claim Forms. This probability distribution is consistent with recent years, which have seen the number of matters originating by way of a Claim Form outstripping those originating by way of a Fixed Date Claim Form. 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.

Tables 2.0a – 2.0d below provide an analysis of the reasons for adjournment or continuance of HCV cases in the Easter Term of 2019. 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 1.0, a proxy case file integrity rate is also computed for the High Court Civil (HCV) Division. The second table lists what may be considered as the main reasons for adjournment due to ‘continuance’. Such reasons are defined as those that are intrinsic to the normal progression of a case towards disposition and are therefore largely unavoidable. Table 3.0 highlights reasons that could either satisfy the strict definition of adjournments or continuance depending on the specific circumstances. There was a combined 2527 incidences of adjournments whether for continuance or avoidable reasons in the High Court Civil (HCV) Division during the Easter Term.

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Table 2.0a: Top 10 reasons for adjournment for the Easter Term of 2019

Reasons for adjournment	Frequency	Percentage
Claimant to file documents	351	13.90
For comments from NEPA to be complied with (Restrictive covenant)	243	9.60
Claimant documents not served or short served	200	7.90
No parties appearing	170	6.70
Matter referred to mediation	124	4.91
File not found	116	4.60
Defendant to file documents	87	3.44
Claimant not available	58	2.30
Claimant's attorney absent	58	2.30
Claimant's application /documents not in order	57	2.26

Total number of adjournments/continuance = 2527

There were total of 2527 incidence of adjournments/continuance in the Easter Term of 2019, representing an increase of 2.06% when compared to the previous Term and an increase of 7.30% when compared to the Easter Term of 2018. The above table summarizes the top ten reasons for adjournment for the Easter Term of 2019 using the contextual definition outlined above. It is seen that the three dominant reasons for adjournment were claimant to file

documents with 351 or 13.90% of all events of adjournments/continuance, adjournments for comments from NEPA to be complied with (restrictive covenants) with 243 or 9.60% and no parties appearing with 170 or 6.70%. Adjournments due to mediation referrals with 124 or 4.91% and adjournments due to files not found with 116 or 4.60% rounds off the top five reasons for adjournment in the High Court Civil Division for the Easter Term of 2019. The reasons for adjournment enumerated above, accounts for approximately 57.93% of the total reasons for case adjournment/continuance in the Easter Term. It is again 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. Some of the reasons for adjournment strongly suggest weaknesses in case management and scheduling practices as a significant proportion of the reasons for adjournments/continuance are directly a result of factors, which could be classified as avoidable. These findings are broadly similar to those in over the past several reports. It needs to be noted that a number of internal deficiencies and external factors outside of the court's control have contributed to these adverse outcomes. These deficiencies require strong interventions to re-engineer internal processes to improve the efficiency of case handling and process flows and robust engagement of external stakeholders to improve compliance and cooperation with the standards necessary to expedite cases.

Indeed, specific, targeted interventions are necessary to stem the high incidence of particular reasons for adjournment. For example, from an internal standpoint, the continued high incidence of files not found can be addressed by strengthening internal validation processes.

Bolstering the existing system of logging files in and out to individuals who use them at the various stages along the case flow continuum could be a source of enhancing the accountability and transparency of the file movement process and stemming the current worrying tide of files not being located in time for court. Furthermore, the electronic availability of copies of the files should be utilized in case of such eventualities and as such, the management of the readiness of files for court must be improved. As seen above, adjournments resulting from the absenteeism of attorneys, claimants and defendants collectively remain a source of concern, accounting for over 12% of the total adjournments. Another sizeable proportion of the adjournments are due to the lack of readiness of documents filed by claimants and defendants. Redressing these weaknesses require constant dialogue and improvements in cooperation with the Bar Association as well as more robust internal policy mechanisms. The effectiveness of the High Court Civil Division (HCV) in disposing of civil cases rests heavily on the cooperation and conduct of external stakeholders. This has implications for most of the vital performance measurements for the High Court Civil Division such as clearance and disposal rates and time to disposition however as highlighted there are internal processes which require re-engineering to improve process efficiencies and case file handling.

The apparent need to strengthen case management processes, reinforced by the large monthly caseload, suggests that there may be a need to examine the engagement of additional Case Progression Officers in the HCV Division and more specialized training.

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Table 2.0b: Case File Integrity Rate for the Easter Term of 2019

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 (%)
2527	249	90.15%

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 are used to compute a proxy rate for the case file integrity. The table shows that there were 249 combined incidences of adjournments due to these deficiencies in the Easter Term, resulting in a case file integrity rate of 90.15%, which means that 9.85% of the total adjournments were due to one or more of factors that affect case file integrity. Using the same parameters, the case file integrity rate increased by 2.41 percentage points when compared to the Easter Term of 2018 but shows a 6.10 percentage points decline when compared to the Hilary Term of 2019. The prescribed international standard for the case file integrity rate is 98% to 100%. The factors affecting the case file integrity rate are controllable by the court and can be minimized by continued process re-engineering and streamlining which will in turn contribute appreciably to hearing date certainty. Such process re-engineering may include

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implementing a mechanism to place all documents filed in a given day in their respective files as close as possible to real time or at worst within 24 hours. Similarly, all officers who encounter files at each stage on the process flow continuum should be responsible for vetting said files to ensure that all manual records match with the concomitant electronic information. Such and related initiatives will require deliberate operational policy changes.

Table 2.0c: Frequent reasons for continuance for the Easter Term of 2019

Reasons for continuance	Frequency	Percentage
Pending settlement	37	1.22
Pending outcome of another application	32	1.27

Total number of adjournments/continuance = 2527

The above table summarises the most common reasons why cases in the HCV Division were delayed for 'continuance' throughout the Easter Term of 2019. It is seen that this list is led by matters pending a settlement with 37 or 1.22% of the total list of reasons for adjournment/continuance. This is followed by adjournments pending the outcome of another application with 32 or 1.27% of the total adjournments in the Easter Term of 2019.

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 2.0d: Frequent reasons for adjournment/continuance for the Easter Term of 2019

Reasons for continuance	Frequency	Percentage
Parties having discussion with a view to settlement	106	4.19
Medical certificate outstanding	10	0.40

Total number of adjournment/continuance = 2527

It is seen above that parties having discussions with a view to settlement with 106 incidences or 4.19% of the total and medical certificates outstanding with 10 or 1.50% of the total, accounts for the dominant share of the reasons for adjournment/continuance which falls in this category.

Table 3.0: Trial matters and hearings for the Easter Term of 2019

Trial matters/hearings	Frequency	Percentage
Court Trials	438	52.71
Motion Hearing	22	2.63
Assessment of Damages	220	26.28
Trial in Chambers	157	18.76
Total trial matters	837	100.00

The above table shows the breakdown of the progression of selected HCV pre-trial and trial incidences for the Easter Term of 2019. The table shows an 837-combined occurrence of matters set for the selected types of hearings in the Easter Term of 2019, of which open court trials with 438 incidences or 52.71% accounted for the largest share. Assessments of Damages followed this with 220 or 26.28% of the total and trials in chamber with 157 or 18.76% of the

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total incidences. The list is rounded off by motion hearings with 22 or 2.63% of the total incidences.

Table 4.0 Hearing date certainty for the Easter Term of 2019

Hearing dates set	Hearing dates adjourned (excluding adjournments for continuance)	Hearing date certainty (%)
4165	1270	69.51%

The overall hearing date certainty of a court provides a good metric of the extent to which dates, which are scheduled for either hearing are adhered to and therefore speaks to the reliability of the case scheduling process. Of the 4165 incidences of either pre-trial, trial or enforcement hearings, both in Court and in Chamber, 1270 were 'adjourned' on the initial date set. However, in order to get a pure measurement of scheduling certainty it is necessary to deduct those reasons for adjournment, which are for some form of 'continuance' or settlement. Hence, for example the counts for adjournments due to 'part heard' and issues regarding pending settlement are subtracted. The resulting hearing date certainty figure of 69.51% suggests that there is a roughly 70% probability that a date set for a matter to be heard would proceed without adjournment for reasons other than some form of 'continuance' or settlement. This is an increase of 5.60 -percentage point when compared to the Easter Term of 2018 and an increase of 1.31 percentage points when compared to the previous Term. This result gives important insights into the extent to which judicial time is wasted by potentially avoidable adjournments and again suggests that strong interventions by way of improved case

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management, scheduling and external stakeholder cooperation are vital to redressing these deficiencies. When trial matters alone are isolated the trial certainty rate for the HCV Division is 67.21%, 2.30 percentage points lower than the overall hearing date certainty rate.

The ensuing analysis will go further into explaining where on the continuum of a matter traversing the system adjournments are most likely to occur. This will involve an analysis, termed a breakout analysis that will examine the incidence of adjournments particularly at Assessment of Damages and Case Management Conferences.

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

Table 5.0a: Index of scheduling efficiency for Assessment of Damages in the HCV Division for the Easter Term of 2019

Number of available court days in the Hilary Term of 2109	Number of days' worth of Assessment of Damages scheduled (for 1 court)	Approximate ratio
64	220	3.44

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 2019, 64 all told and the number of days' worth of assessment of damages which were scheduled (a total of 220). It is shown that for every court day available, approximately 3.44 days' worth of matters were scheduled, a dramatic improvement when

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compared to the 7 days' worth of matters scheduled during the Easter Term of 2018. This improvement is consistent with the trends so far in 2019 and is due largely to the revised scheduling practices for Assessments of Damages however, there is still much room for improvement as it is still a major source of adjournments of civil cases. There was an over 50% reduction in the number of matters set for Assessment of Damages during the Easter Term, contributing more efficient scheduling.

Table 5.0b: Index of scheduling efficiency for court trials in the HCV Division for the Easter Term of 2019

Number of available court days in 2019	Number of days' worth of court matters scheduled for court trial per court	Approximate ratio
64	88	1.38

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 2019, 64 all told and the number of days' worth of court trials which were scheduled per court (a total of 88). It is shown that for every day available, 1.38 days' worth of matters were scheduled, an improvement of 0.23 percentage points when compared to the Easter Term of 2018 and a 0.07 percentage points lower than the previous Term. Despite the overall improvement, the data suggests that there needs to be continued focus on the science with which cases are scheduled for open court. An increase in physical and human

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capital may be needed to ensure that the High Court Civil Division (HCV) enhances the science of case scheduling geared towards improving productivity and the efficient use of judicial time.

Table 6.0: Probability distribution of the incidence of adjournments/continuance for the Easter Term of 2019

<u>Type of Incidence</u>	<u>Frequency</u>	<u>Percentage (%)</u>
Case Management Conference	138	5.46
Pre-Trial Review	132	5.22
Trial in court	134	5.30
Assessment of damages	164	6.50
Judgment Summons Hearing	72	2.85
Applications	1887	74.67
Total	2527	100

The above table shows decisively that the vast majority of reasons for adjournments/continuance are associated with Applications, accounting for 74.67% of the total, a notable increase of 30.86 percentage points when compared to the corresponding period in 2018. Adjournments from Assessment of Damages and Case Management Conferences with 6.50% and 5.46% respectively of the total adjournments rank next. When compared to the Easter Term of 2018, there were notable declines in the share of total adjournments attributable to both of these types of hearings, with Assessment of Damages accounting for 13.50 percentage points less and Case Management Conferences accounting for 2.65 percentage points less. The implication of these collective findings is that there needs to be significant strengthening of the processes, which affect the readiness of matters to heard, thereby reducing the incidence of adjournments. This is a reaffirmation of the possible targeted interventions outlined earlier, which could stem the incidence of adjournments. Such

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interventions warrant continued re-engineering on internal processes and strong engagement and cooperation from external stakeholders.

The data again strongly suggests that robust interventions to reduce the incidence of adjournments at Assessments of Damages and Applications will be an important part of charting the way forward in improving both hearing and trial date certainty rates in the High Court Civil Division and hence bolster the traditionally low case clearance rate in this Division.

Table 7.0: Hearing date certainty for Assessment of Damages for the Easter Term of 2019

Hearing dates set	Dates adjourned (excluding continuance)	Hearing date certainty (%)
220	128	41.82%

Over the past year, there has been a reduction in the number of matters being scheduled for Assessment of Damages thus reducing the incidence of adjournments and fostering a more manageable court list. The ratio of dates adjourned to dates set remain high, despite some improvements in the hearing date certainty rates for Assessment of Damages. The hearing date certainty rate for Assessment of Damages shown above is 41.82%, 13.64 percentage points higher than the rate in the corresponding period of 2018 and roughly 5 percentage points higher than the Easter Term of 2018. Using these latest results as a proxy, the probability that a matter that is set for Assessment of Damages will be heard without adjournment is roughly 42%. There continues to be a pressing need for significant strengthening of the scheduling

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process for Assessment of Damages. The cumulative average hearing date certainty for Assessment of Damages for the past three years is also roughly 36%.

Table 8.0: Hearing date certainty for Case Management Conferences for the Easter Term of 2019

Hearing dates set	Dates adjourned (excluding continuance)	Hearing date certainty (%)
478	116	75.94 %

The hearing date certainty for Case Management Conferences is considerably higher than that of Assessment of Damages, accounting for 130 adjournments and a hearing date certainty rate of 75.94%. This suggests that there is a roughly 25 in 100 chances that a matter scheduled for Case Management Conferences will be adjourned for reasons other than continuance. While this rate is considered to be above average, interventions to strengthening case management processes, which contribute to the readiness of a matter for hearing, would undoubtedly contribute to bolstering the scheduling certainty of Case Management Conferences. Case Management Conferences have a considerably higher hearing date certainty than Assessment of Damages, partly because such matters are scheduled to be heard at specific time intervals while until recently a significant number of Assessments of Damages were traditionally scheduled for hearing on the same day. Already it is seen that the adoption of a more purposeful scheduling of Assessments of Damages is producing positive outcomes.

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Table 9.0: Requisitions for the Easter Term of 2019

Action	Frequency
Requisitions Issued	206
Responses to requisitions	74
Requisition clearance rate	35.92%
Requisitions per 100 case files	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. In the table above it is shown that there was 201 requisitions for the Term. The ratio of cases filed to requisition was calculated to be 1: 0.03, which suggests that for every 100 case files there were three requisitions, a roughly 9-percentage point improvement when compared to the Easter Term of 2018. As with other civil operations in the Supreme Court, continuous interventions aimed at reducing this incidence of requisitions should positively affect the efficiency of the progression of cases towards disposition in the High Court Civil (HCV) Division. The rate at which parties and their attorneys respond to requisitions can affect the rate of case disposition. One such intervention that has been implemented is the emailing of requisitions, which should expedite the rate at which the public responds, mirroring the incremental success seen since deploying a similar approach in the Matrimonial Division over the past three Terms.

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Table 11.0: Sampling distribution of Judgments for the Easter Term of 2019

Judgments	Frequency	Percentage
Judgments (Trial in Court/Assessment of damages)	214	65.44
Judgment on admission	12	3.67
Judgment in default of acknowledging service	2	0.61
Judgment in default of defence	2	0.61
Interlocutory Judgments	97	29.66
Total Judgments	327	100

The above table provides a sampling distribution of the Judgments rendered during the life of HCV cases in the Easter Term of 2019. As seen, Judgments in open court with 214 or 65.44% of total Judgments account for the largest proportion of the Judgments enumerated above. Interlocutory Judgments rank next with 97 or 29.66% of the total. The top three Judgments in this sampling distribution is rounded off by Judgments on admission with 12 or 3.67% of the total sample.

Table 12.0: Sampling distribution of chamber hearings for the Easter Term of 2019

Hearings	Frequency	Percentage (%)
Oral Examination	4	0.12
Case Management Conference	478	14.94
Pre-trial review	187	5.85
Applications (Various)	2398	74.96
Judgment summons hearing	132	4.13
Total	3199	100

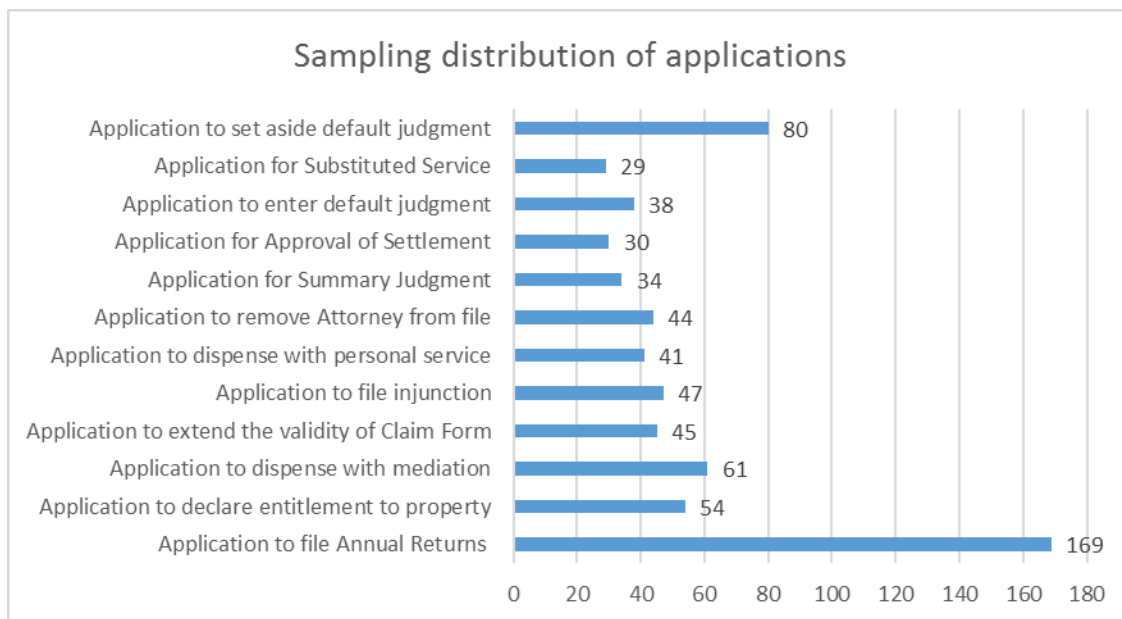
The above table provides a sampling distribution the incidence of different types of Chamber hearings for the Easter Term of 2019. It is seen that the total sample size of Chamber hearings for the period was 3199, a decrease of roughly 21.22% when compared to the Easter Term of

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2018. The highest proportions were various applications with 2398 or 74.96% of the total sample. The general applications category speaks to a non-exhaustive list of various types of applications (including expedited applications) which come before the High Court Civil (HCV) Division. Case Management Conferences was a distant second with an incidence of 478 or 14.94% of the sample. Pre-trial reviews with 187 or 5.85 and Judgment summons hearings with 132 or 4.13% rounds off the top five Chamber Hearings in this sampling distribution for the Easter Term of 2019.

Chart 2.0: Sampling distribution of the top ten application types for the Easter Term of 2019



The above chart provides a sampling distribution of the fourteen of the most frequently occurring applications made in the High Court Civil Division in the Hilary Term of 2019. Among the leading application types noted in this chart are applications to file Annual Returns, applications for furs hearing, applications to dispense with mediation, applications for

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injunction and applications for entitlement to property. Applications now constitute by far the leading source of adjournments in the High Court Civil Division and it is critical that strategies be systematically developed to curtail this critical source of delay in the timely disposition of civil matters.

Table 12.0: Methods of disposition for the Easter Term of 2019

Method of Disposition	Frequency	Percent
Damages Assessed	1	.6
Dismissed	1	.6
Final Order	1	.6
Notice of Discontinuance noted	90	57.69
Settled	3	1.92
Struck Out	18	11.54
Transfer to parish court	1	.6
Judgments	41	26.28
Total	156	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 156 High Court Civil (HCV) cases disposed in the Easter Term of 2019, a decline of roughly 74% when compared to the Easter Term of 2018. The largest proportion of the cases disposed, 90 or 57.69% were a result of Notices of Discontinuance filed. Judgments with 41 or 26.28% and matters struck out with 18 or 11.54% round off the top three disposition methods in the period.

Table 13.0: Time to disposition for the Easter Term of 2019

Descriptive Statistics (in months)

Number of observations	156
Mean	50.1322
Median	48.0000
Mode	47.00
Std. Deviation	20.96383
Skewness	1.036
Std. Error of Skewness	.220
Range	106.00
Minimum	15.00
Maximum	121.00

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 High Court Civil (HCV) Division for the Easter Term of 2019. The 156 cases disposed in the year reveal an estimated average time to disposition was 50.13 months or 4.20 years, an increase of roughly a year and 2 months when compared to the corresponding period in 2018. The oldest matter disposed in the year was 121 months old or almost 10 years old while the lowest time that a matter took to disposition was 15 months. The most frequently occurring time to disposition in the period was 47 months or 3.9 years. The standard deviation of roughly 21 months is indication of a wide variation of the durations to disposal around the mean and suggests that the times to disposition vary widely. The positive skewness of roughly 1.04 however indicates

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that there were more disposals, which took lower time to disposition than those, which took higher than the average time. The margin of error of these estimates is plus or minus 2 months or 0.17 years.

Table 14.0: Breakdown of time to disposition for the Easter Term of 2019

Time Interval (months)	Frequency	Percentage (%)
13 - 24	17	10.90
25 – 36	30	19.23
37 – 47	37	23.72
48 & over	72	46.15
Total	156	100.0

The above table provides a more detailed breakdown of the average time to disposition. It is seen that of the 156 matters disposed in the year, the largest proportion, 72 or 46.15% took four years or more to be disposed. 37 matters or roughly 23.72% took between 37 and 47 months to be disposed. 30 or 19.23% of the matters took between 25 and 36 months to be disposed while 17 or 10.90% took under a year to be disposed. It is of note that none of the cases disposed were under a year old and roughly three quarters (70.0%) of the matters disposed of in the Term took more than two years to be disposed. Deficiencies including frequent adjournments, low trial/hearing certainty and the attendant problems with date scheduling certainty as well as the incidence of requisitions may be among the factors accounting for the majority of matters taking more than two years to be disposed. The margin of error of these estimates is plus or minus 2 months or 0.17 years. These times to disposition

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seen here are a reflection of a consistent trend in the High Court Civil Division, requiring significant process re-engineering to improve the situation.

Table 15.0: Clearance rate for the Easter Term of 2019

Cases filed	Cases disposed	Case clearance rate
1297	156	12.03%

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 ratio of 12.03% 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 12 cases disposed (not necessarily of those filed in the Easter Term). The result represents a decline of roughly 59 percentage points when compared to the corresponding period in 2018 and is well below the desired standard. This low clearance rate could suggests that the case disposal rate in the Division is far too low to sustain a continuously increasing burden and could suggest that the Division's capability to handle its caseload is under-resourced or sub-optimized.

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Other performance measures

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

(iii) The on time case processing rate

(iv) The case turnover ratio

(v) The disposition days

(vi) 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 2019.

These measures are summarized in the table below:

Table 16.0: Selected performances metrics for the High Court Civil (HCV) Division in the Easter Term of 2019

Resolved cases	Unresolved cases	Case turnover rate	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Case backlog rate (%)
156	6487	0.02	17	156	10.90	89.10

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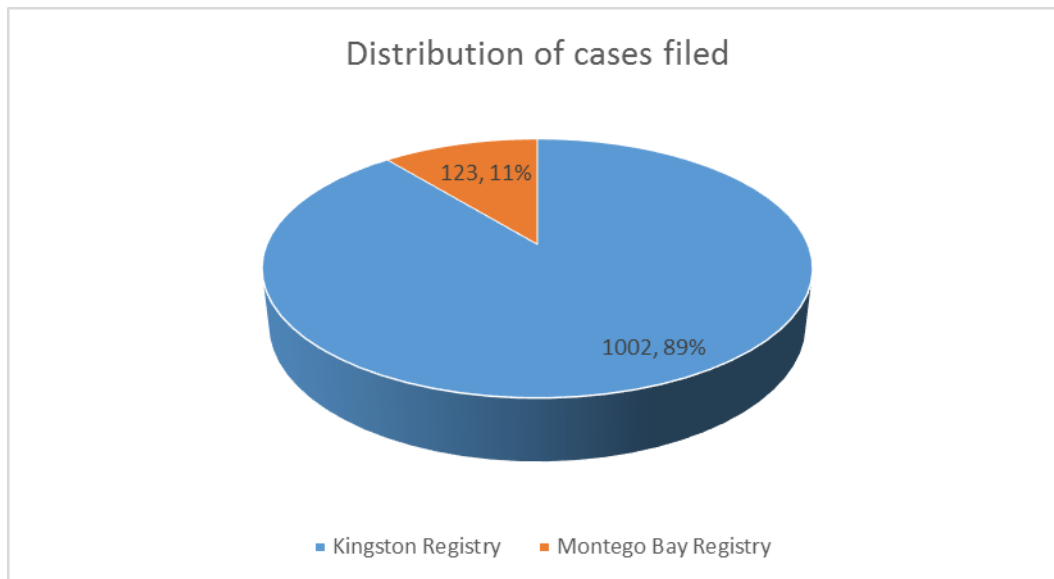
The results in the above table show a case turnover rate of 0.02, which is an indication that for every 100 cases, which were heard in Easter Term of 2019 and still active at the end of the year, another five were disposed.

A case is considered to be in a backlog classification if it is unresolved 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 2019 is 10.90%, which reflects the proportion of High Court Civil cases in the Easter Term, which were disposed within 2 years. Conversely, the case backlog rate is 93.39%, an indication that an estimated annual proportion of 89.10% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 6487 cases, which had some court activity in the Easter Term and were still active at the end of the year, 5780 are expected to be in a backlog classification before being disposed.

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 of 2019.

Table 3.0: Distribution of cases filed in the Matrimonial Division in the Easter Term of 2019



The above table shows that there were 1125 new Matrimonial cases filed in the Supreme Court during the Easter Term of 2019. The majority of these matters, 1002 or 89% were filed at the Kingston Registry. The remaining 123 or 11% were filed at the Montego Bay Registry. The proportion of new cases filed which the Western Regional Registry accounts for. This probability distribution was similar to that of the Hilary Term of 2019.

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Table 17.0: Petitions filed during the Easter Term of 2019

	Frequency	Percentage
Amended petition for dissolution of marriage	2078	64.88%
Petition for dissolution of marriage	1125	35.12%
Total Petitions filed	3203	100
Number of amendments per petition	1.85	

The above table summarizes Petitions filed in the Easter Term of 2019. It is shown that 3203 Petitions (new or amended) were filed, 1125 or 35.12% were Amended Petitions for dissolution of marriage, compared to 1125 or 34% which were petitions for dissolution of marriage. The analysis further suggests that the ratio of Petitions to Amended Petitions is 1.85 or in other words for every 100 Petitions for dissolution of marriage there is roughly 185 amended Petitions for dissolution of marriage in the Easter Term of 2019. The relatively high incidence of amendments constitutes a source of delays in the timely and efficient delivery of dispositions. Proactive steps are being taken to increase public education on the correct way to file documents as well as to reengineer the processes of the registry. In order to achieve the targets set out by the Honourable Chief Justice, including significant improvements in the time taken to dispose of divorce cases to be as low as 4 months from the time of filing a petition, there will need to be sustained and significant reductions in the incidence of amended petitions. The Court, attorneys and the public will need to be fully coordinated on the re-engineered case flow

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processes, their roles, and the implications of both their actions and inactions in contributing to the time taken to dispose of cases.

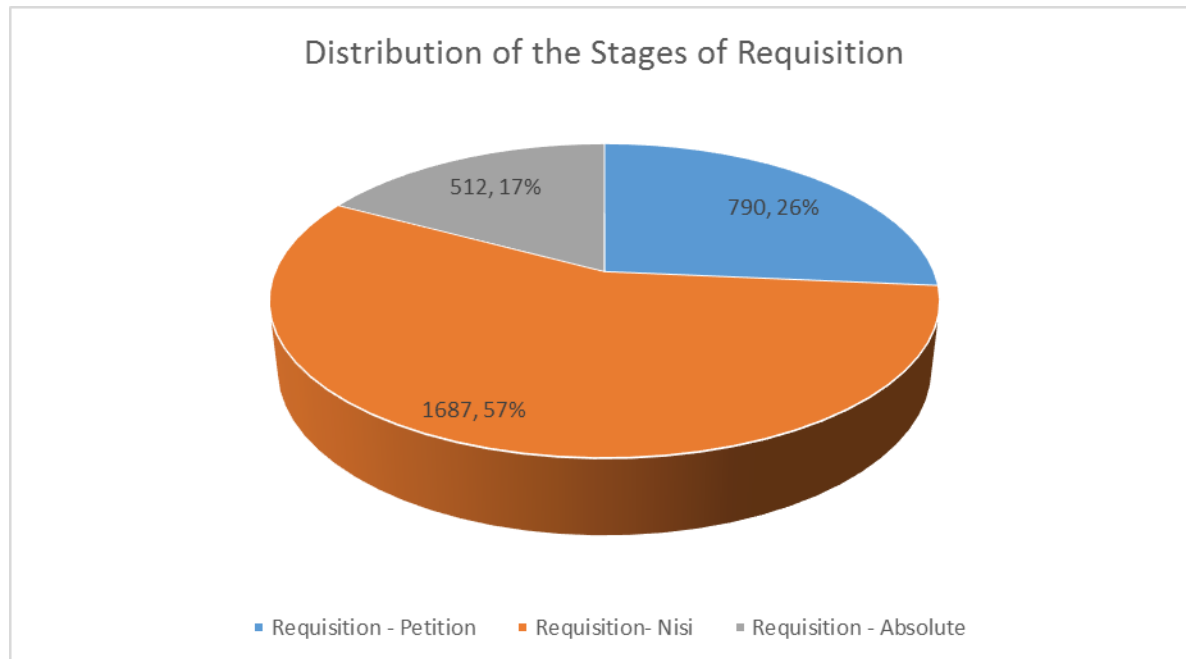
Table 18.0: Decrees Nisi and Decrees Absolute filed for the Easter Term of 2019

Case Status	Frequency
Decree Absolute	1437
Decree Nisi for dissolution of marriage	1691
Decree Nisi for nullity of marriage	5
Total	3133
Ratio of Decrees Nisi to Decrees Absolute	0.85

It is seen in the above table that for every 100 Decrees Nisi filed there were roughly 85 Decrees Absolute filed in the Easter Term of 2019, a ratio of 1:0.85. One caveat to note is that Decrees Nisi and Decrees Absolute would have originated at various times outside of this specific period of analysis. There was a marginal decline in both the number of Decrees Nisi and Decrees Absolute filed in the Easter Term when compared to the corresponding period in 2018, however, by any measure, the current rate of progression from Decree Nisi to Decree Absolute is showing encouraging signs.

The stage of a matter at which requisitions have mostly occurred has an impact on the production rate for both Decrees Nisi and Decrees Absolute Granted. A sampling distribution of the incidence of requisitions at the key stages of a matrimonial matters' lifecycle - Petition, Decrees Nisi and Decrees Absolute are shown in the chart below.

Chart 4.0: Distribution of the stages of requisitions for the Easter Term of 2019



The data suggests that 2989 requisitions were issued at the three primary stages of a divorces case at the Kingston and Montego Bay Supreme Court Registries combined an increase of 1.67% when compared to the previous Term but a noticeable decline of 7.46% when compared to the Easter Term of 2018. 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 57% incidence. 26% of the total constituted requisitions at the stage of Petition and the lowest proportion of 17% of requisitions are associated with Petitions. Despite the generally steady improvements, the data continues to suggest that specific interventions are needed particularly at the stage of Decrees Nisi in order to bolster the speed of disposition of matters by reducing the incidence of requisitions. An improved method of scheduling matters for review by Judges, which is currently being pursued, is expected to yield significant dividends in reducing the time

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that the Court takes to issue requisitions at the Decrees Nisi and Absolute stages, however it is of equal importance that attorneys and their clients respond to such requisitions in a timely and accurate manner. This synergy remains critical to achieving the targeted efficiencies in the disposition of Matrimonial cases.

Table 19.0: Methods of Disposals for the Easter Term of 2019

Methods of Disposition	Frequency	Percentage (%)
Decree Absolute Granted	1025	98.80
Decree Nullity Granted	9	.9
Notice of Discontinuance noted	4	.4
Total	1038	100.0

The above table reveals that 1038 Matrimonial cases were disposed in the Easter Term of 2019, a notable increase of 30.57% when compared to the previous Term. A proportion of 98.80% of the number disposed were by the method of Decrees Absolute Granted, 9 or 0.90% were by way of Decrees Nullity and 4 or 0.4% by way of Notices of Discontinuance. 70 or 6.74% of the cases disposed occurred at the Western Regional Supreme Court Registry in Montego Bay. 51 of the cases disposed in the Easter Term were cases that originated since 2019. This result continues to raise some concerns over the ability of the current processes in the Matrimonial Division to meet the objective of disposing of divorce petitions within 4 week of filing, assuming that all documents filed are in place and correctly completed. The large number of requisitions issued along the case flow continuum, especially at the Decree Nisi stage, the relatively high incidence of amended petitions and internal process flows are at the core of the apparent deficits in realizing the targets set out.

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Table 20.0: Requisitions summary for the Easter Term of 2019

Action	Frequency
Requisitions	2989
Number of requisitions per 100 files	62
Number of responses to requisitions	1494
Requisition response rate	49.98%

The incidence of requisitions is especially important in assessing the efficiency with which Matrimonial matters move through the court system. 2989 requisitions were filed in the Easter Term of 2019, a marked increase of 6.94% when compared to the Easter Term of 2018. 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 2019 Easter Term, there were 62 requisitions, an improvement of 3-percentage point when compared to the corresponding period in 2018. There was a decline of roughly 18 percentage points in the rate of response to requisitions when compared to the corresponding Term in 2018, however when compared to the previous Term there was an improvement of 4.46 percentage points. There is much room for improvement on this measure, requiring continued public engagement and process flow re-engineering but the trends are generally positive.

Table 21.0: 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)
	Receive document and record skeleton party and document information in JEMS	2	3	3	1

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Petition/ Decree Nisi/ Decree absolute	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
	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				

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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.

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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 to eliminate delays.

Table 22.0: Court/Chamber dates for the Easter Term of 2019

Action	Frequency	Percentage (%)
Applications	113	50.45
Expedited Applications	27	12.05
Case Management Conference	55	24.55
Motion Hearing	14	6.25
Pre-trial Hearing	2	0.89
Trial (Including trial in Chambers)	13	5.80
Total	224	100

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The above table shows the distribution of the types of matters brought before the Court for the period under examination. The data shows that 224 Matrimonial dates were actioned in either Court or Chamber of which the largest proportion, 113 or 50.45% were applications followed by 55 or 24.55%, which were Case Management Conference matters. The event with the third highest incidence on this list is expedited applications with 27 or 12.05% while motion hearings with 14 or 6.25% and trial matters with 13 or 5.80% rounds off the top five. The probability distributions of the events in this table are broadly consistent with that which was observed in the previous Term.

Table 23.0: Top four types of applications in the Easter Term of 2019

Application type	Frequency	Percentage (%)
Application for Decree Absolute	42	25.93%
Application to dispense with personal service	24	14.81
Application for maintenance	12	7.41
Application for joint custody	11	6.79

Further analysis of the types of application brought before the Court suggests that applications for custody and/or maintenance with 42 or 25.93% accounted for the largest share. This is followed by applications to dispense with personal service with 24 or 14.81% of the total applications, while applications for maintenance with 12 or 7.41% and applications for joint custody with 11 or 6.79% each of the applications round off the top 4 application types. These application types account for roughly 54.94% of all applications in the Matrimonial Division in

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the Easter Term of 2019. The top four applications on the list were also among the leading ones in 2018.

Table 24.0: Top five reasons for adjournment for the Easter Term of 2019

Reasons for Adjournment	Frequency	Percentage (%)
No parties appearing	15	12.20
Claimant to file documents	14	11.38
File not found	10	8.13
Matter not assigned to Judge list	8	6.50
Claimant's documents not served or short served	8	6.50

Total number of adjournments (N) = 123

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 123 adjournments in the Matrimonial Division in the Easter Term of 2019 representing an increase of 6.96% when compared to the Easter Term of 2018. The largest proportion of these adjournments was due to no parties appearing with 15 or 12.20% of total adjournments. This continues to be among the leading reasons for adjournment for the civil divisions. Claimant to file documents with 14 or 11.38% and file not found with 10 or 8.13% of the reasons for adjournments rounds off the top three. Claimant not served or short served and matter not assigned to Judge each with 8 or 6.50% ranks next. Many adjournments contribute to non-productive use of judicial time and slower rates of case disposal. Strengthening the case management apparatus and the key tributaries of contact with external stakeholders/parties will be vital to reducing these incidences.

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Table 25.0: Hearing date certainty for the Easter Term of 2019

Court/Chamber hearing dates set	Hearing dates Date adjourned (excluding continuance)	Hearing date certainty rate (%)
224	51	77.23%

The above Table shows that of the 224 - combined incidence of Court and Chamber hearings in the Easter Term of 2019, 51 were adjourned for reasons other than intrinsic procedural factors. This produces a promising hearing date certainty rate of 77.23%, an improvement of 1.41 percentage points when compared to the previous Term and a slight decline of 0.84 percentage points when compared to the 2018 Easter Term. For every 100 hearings scheduled, the approximate number that would be expected to proceed without adjournment is 77. When trial matters are isolated, the trial date certainty rate is 70%, 7.23 percentage points lower than the overall hearing date certainty rate.

Table 26.0: Time to disposition for the Easter Term of 2019

Descriptive Statistics

Number of observations	1038
Mean	23.1127
Median	14.0000
Mode	12.00
Std. Deviation	21.59020
Skewness	4.671
Std. Error of Skewness	.076
Range	328.00
Minimum	1.00
Maximum	329.00

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The above table summarizes the time disposition for the Easter Term of 2019. It is seen that of the 1038 matters disposed of in the Term, the estimated average time to disposition was roughly 23.11 months or roughly 1.93 years, approximately 3 months lower than the corresponding Term in 2018. The estimate of the most frequently occurring time to disposition was however, 1 year while the estimated maximum time to disposition for matters disposed in the Term was 329 months or roughly 27 years and the estimated minimum was roughly 1 month. The minimum time to disposition of one month, coupled with the most frequently occurring time to disposition of 12 months is an indication that the Matrimonial Division may be poised to realize much lower times to disposition in the coming months. The target is to have significantly more matters being disposed in 16 weeks. The skewness measure returns a large positive figure of approximately five 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 27.0: Breakdown of times to disposition for the Easter Term of 2019

Time Interval	Frequency	Percentage (%)
0 -12	391	37.7
13 – 24	325	31.3
25 – 36	170	16.4
37 – 47	44	4.2
48 and over	108	10.4
Total	1038	100.0

Note - 51 or 4.91% of all cases disposed in the Easter Term, originated in 2019

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The above table provides a more detailed breakdown of the estimated times to disposition for Matrimonial matters in the Easter Term of 2019. It is seen that of the 1038 matters disposed of in the Term, the largest proportion 391 or 37.70% were disposed within a year, which is an encouraging sign. The second most disposals occurred within the period 13 - 24 months, accounting for 325 or 31.30% of the total. Taken together this result suggests that 716 or 68.98% of Matrimonial matters were disposed in the period were done in two years or less from the time of initiation. 323 or roughly 31.12% of all Matrimonial matters disposed in the year took more than two years to be disposed. It is of note that 108 or 10.40% of the cases disposed in the Matrimonial Division in the Easter Term took four or more years. The estimates however clearly suggest that a decidedly larger proportion of matters, which were disposed during the year, took two years or less. With continued process re-engineering to reduce delays on the continuum as matters transit from initiation to disposition, this statistic could improve sharply. The margin of error of these estimates is plus or minus 2 months or 0.17 years.

Table 28.0: Case clearance rate for the Easter Term of 2019

Cases filed	Cases disposed	Case clearance rate
1195	1038	87%

** Note: 4.91% of all cases disposed in the Easter Term originated in 2019.*

The above table shows that there were 1195 new cases filed in the Easter Term of 2019 while 1038 were disposed. This produces a case clearance rate of approximately 87%, suggesting that for every 100 new cases; roughly, 87 were disposed during the Term. This represents an

improvement of roughly 15.83 percentage points when compared to the previous Term. This measure gives a good impression of the true caseload that is being carried by the Matrimonial Division, the data clearly suggesting that there were more incoming than outgoing cases. The improvements noted augurs well for the potential of the Division to significantly increase its rate of disposition. As mentioned earlier, a number of new initiatives including enhanced judicial support for the Deputy Registrar and continued re-engineering of the processes by which Decrees Nisi and Decrees Absolute are assigned to Judges for signing may at least in part be attributable to these improvements.

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

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cases, which have been active for over two years as at the end of the 2019 Easter Term. These measures are summarized in the table below:

Table 29.0: Selected performances metrics for the Matrimonial Division in the Easter Term of 2019

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 (%)
1038	1802	0.58	629 days	716	1038	68.98%	31.02%

The results in the above table shows a case turnover rate of 0.58, which is an indication that for every 100 cases, which were 'heard' In the Easter Term and still active at the end of the year, another 51 were disposed, an impressive stride of 30 percentage points when compared to the previous Term. 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 629 more days or 1.75 more years to be disposed, barring special interventions or unforeseen circumstances.

A case is considered to be in a backlog classification if it is unresolved 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 2018 is 68.98%, which reflects the proportion of Matrimonial cases in the Easter Term, which were disposed within 2 years. Conversely, the case backlog rate is 31.02%, an indication that an estimated annual proportion of 31% of cases are likely to fall into a backlog classification based

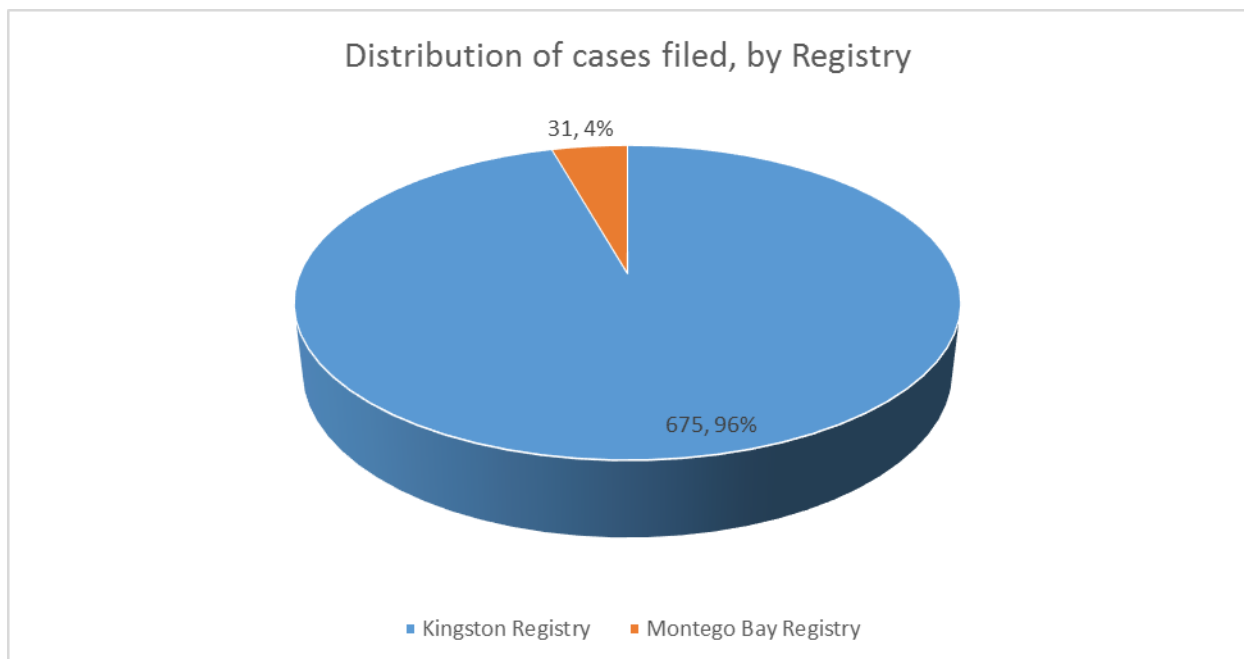
on the current case disposition and case clearance rates. This further suggests that of the 1802 cases, which had some court activity in 2018 and were still active at the end of the Term, 829 are expected to be in a backlog classification before being disposed.

CHAPTER 3.0: PROBATE AND ADMINISTRATION DIVISION

This section turns to the analysis of the progression of matters in the Probate Division for the Easter Term of 2019.

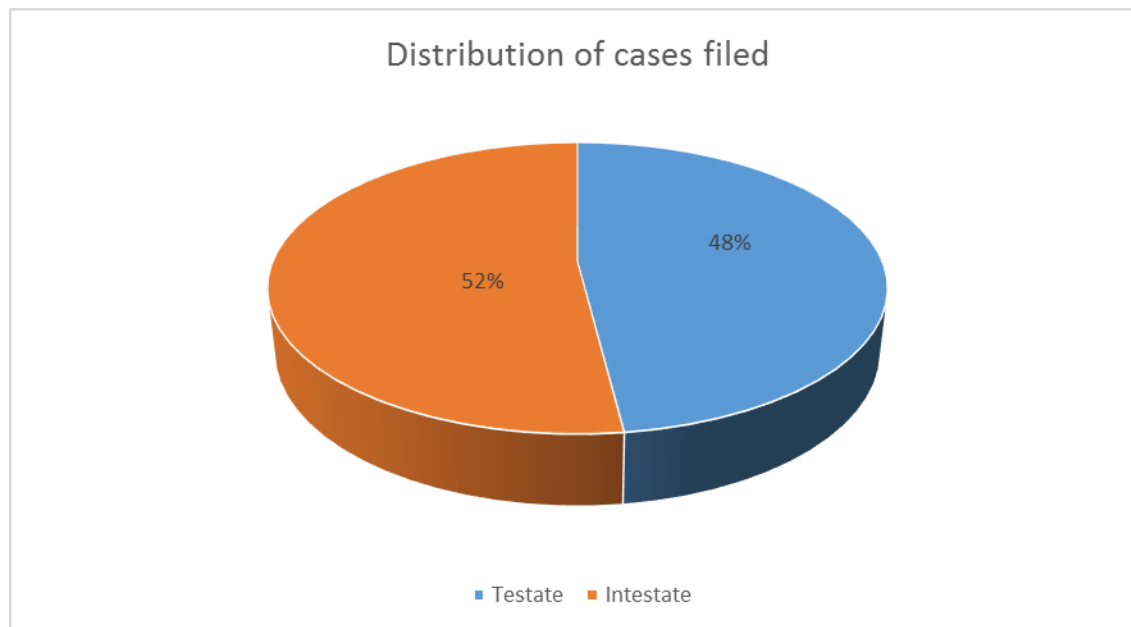
A total of 720 new Probate Cases were filed in the Easter Term, just 12 cases more than the previous Term and roughly 4% lower than the corresponding Term in 2018. 31 of these cases were filed at the Western Regional Registry and the remaining 689 were filed at the Registry in Kingston. This distribution is shown in the chart below:

Chart 5.0: Distribution of Probate cases filed, by Registry in the Easter Term of 2019



As shown in the above chart, 689 or 96% of the new Probate cases filed in the Easter Term took place at the Registry in Kingston while the remaining 31 or roughly 4% were filed at the Western Regional Registry in Montego Bay.

Chart 6.0: Distribution of the types of cases filed in the Estate Term of 2019



The above chart shows that 52% of the Estate matters filed in the Probate Division in the Easter Term of 2019 were testate matters while another 48% were Intestate. Testate matters involve a valid will and Intestate matters do not.

Table 30.0: Oaths for the Easter Term of 2019

Oaths	Frequency	Percentage (%)
Supplemental Oaths	1038	59.04
Oaths	720	40.96
Total Oaths	1758	100
Ratio	1.44	

The above table suggests there were 1758 Oaths filed in the Easter Term of 2019, of which 720 or 40.96% were initial Oaths filed, compared to 59.04% or 1038 which were Supplemental Oaths. The ratio of Oaths to Supplemental Oaths is 1.44, which suggests that for every 100

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Oaths there were 144 Supplemental Oaths filed during the year, a statistic that has potentially adverse implications for the speed of disposition of matters.

Table 31.0: Sampling disaggregation of new Probate cases by jurisdiction/entity in the Easter Term of 2019

Type of matter	Frequency	Percentage (%)
Estate (ES(P)) – Supreme Court	43	4.9
Estate (ES(P)) Corporate Area Intestate	7	.8
Estate (ES(P)) Corporate Area Testate	1	.1
Estate (ES(P)) Hanover Intestate	5	.6
Estate (ES(P)) Hanover Testate	3	.3
Estate (ES(P)) Instrument of Admin	95	10.9
Estate (ES(P)) Manchester Intestate	11	1.3
Estate (ES(P)) Manchester Testate	2	.2
Estate (ES(P)) SC Resealing Intestate	3	.3
Estate (ES(P)) SC Resealing Testate	11	1.3
Estate (ES(P)) St. Ann Intestate	5	.6
Estate (ES(P)) St. Ann Testate	2	.2
Estate (ES(P)) St. Elizabeth Intestate	5	.6
Estate (ES(P)) St. Elizabeth Testate	3	.3
Estate (ES(P)) St. James Intestate	1	.1
Estate (ES(P)) St. Mary Intestate	2	.2
Estate (ES(P)) St. Mary Testate	1	.1
Estate (ES(P)) Supreme Ct Intestate	344	39.5
Estate (ES(P)) Supreme Ct Testate	288	33.1
Estate (ES(P)) Trelawny Intestate	3	.3
Estate (ES(P)) Westmoreland Intestate	2	.2
Estate (ES(P)) Westmoreland Testate	3	.3
Estate (ES(P)) WR Intestate	18	2.1
Estate (ES(P)) WR Testate	13	1.5
Total	871	100.0

**WR means Western Regional Supreme Court Registry in Montego Bay

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The above table provides a detailed breakdown of the origin of probate matters filed during the Easter Term of 2019. The breakdown for each entity is done by type of matter (i.e. Testate or Intestate). The overwhelming proportion of the matters, roughly 82.66% originated at the Supreme Court Registry (Kingston or Montego Bay). The Supreme Court only administratively facilitates the others, which originate from the Parish Courts, the Attorney General's Chambers among other entities. Among the Parish Courts, Probate matters filed in the Manchester Parish Court, the Corporate Area Parish Court – Criminal Division and the St. Ann and St. Elizabeth Parish Courts account for notable shares. Instruments of Administration filed at the Attorney General's Office accounts the largest share of Probate matters outside of the Supreme Court Registries.

Table 32.0: Grants summary for the Easter Term of 2019

Action Status	Frequency
Granted	659
*Grants Signed	683
Ratio of Granted Applications to Grants Signed	1.04

** Some of Grants Signed were based on Grants made prior to the Easter Term of 2019*

The rate at which recommendations are made based on applications and at which these recommendations are granted and signed may be affected by several variables, both exogenous and endogenous to the Supreme Court. The measures therefore provide an important indication of the efficiency with which Probate applications are disposed. The above output reveals that for every 100 Grants of Probate made during the Easter Term, 104 Grants were signed, including many, which would have been granted prior to the Easter Term. The data suggests that there is at least a relatively high transition rate between the fundamental

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stages of recommendation of a Grant, matter granted and Grant Signed, which terminates a Probate case. The rate observed suggests the fastest since this type of reporting began in 2016 and can be attributed to the empowerment of the Deputy Registrar to both grant a probate of whatever variety and also to sign it.

Table 33.0: Case action and requisitions summary for the Easter Term of 2019

Action Status	Frequency
Number of cases actioned	2329
Requisitions Issued	1111
Number of responses to requisitions	494
Number of requisitions per 100 case files	48
Requisitions response rate	44.46%
Average days between final requisition filed and Grant of Probate/Administration	20

The number of requisitions made, the length of time that it takes for requisitions to be returned and the time to disposition after issuing requisitions, are important to understanding the efficiency of the flow of matters in the Probate Division. It is seen that for the Easter Term of 2019 there were 1111 requisitions issued while 2329 individual matters were actioned in the period, representing a ratio of 48 requisitions per 100 case files. This means that for every 100 cases actioned there were 48 requisitions issued, an increase of 3 percentage points when compared to the corresponding Term in 2018. There were 494 responses to requisitions in the Probate and Administration Division in the Easter Term of 2019, producing a requisitions response rate of 44.46%, an improvement of roughly 9 percentage points when compared to the corresponding period in 2018. Further analysis suggests that the average time from the

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issuing of final requisitions to the Grant of Probate was 20 days, a decline of 5 days when compared to the Easter Term of 2018.

Table 34.0: Methods of Disposal for the Easter Term of 2019

Methods of disposition	Frequency	Percent (%)
Grants Signed	671	98.24
Notice of Discontinuance	12	1.76
Total	683	100.0

The summary of the methods of disposal for the Probate Division for the year are contained in the above table. It is shown that of the 683 cases disposed in the period, the largest proportion, 671 or 98.24% was a result of various Grants Signed. Notices of Discontinuance account for the other 12 or 1.76% of the dispositions. There was a decline of 18.69% in the number of cases disposed when compared to the Easter Term of 2018. The new policy of empowering the Deputy Registrar to sign Grants of Probate is expected to have a monumental effect on the overall productivity of the Division, considerably shortening the length of time that it takes for matters to be disposed.

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Table 35.0 Sampling distribution of the methods of disposition for the Easter Term of 2019

Method of Disposition	Frequency	Percent
Grant by Representation signed	2	0.29
Grant of Admin De Bonis Non signed	11	1.61
Grant of Admin De Bonis Non W/A signed	4	0.59
Grant of administration signed	281	41.14
Grant of Double Probate signed	4	0.59
Grant of probate signed	306	44.80
Grant of Resealing signed	34	4.98
Letters of Administrator with W/A signed	21	3.07
Notice of Discontinuance noted	12	1.76
WR Grant of administration signed	2	0.29
WR Grant of probate signed	6	0.88
Total	683	100.0

Note: *WR means Western Registry of the Supreme Court in Montego Bay*

The above table shows that there were 683 Probate cases disposed in the Easter Term of 2019, the largest proportion 306 or 44.80% were a result of Grants of Probate Signed, followed Grants of Administration Signed with 281 or 41.14%. Grants of Resealing Signed rounds off the top three methods of disposition with 34 or 4.98% of the total. Letters of Administration with Will Annex with 21 or 3.07% and Notices of Discontinuance with 12 or 1.76% completes the five leading methods of disposition in the Probate and Administration Division in the Easter Term.

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Table 36.0: Dominant reasons for adjournment of Probate matters for the Easter Term of 2019

Reason	Frequency	Percentage (%)
Claimant to file documents	12	26.70
No parties appearing	7	15.60
Claimant's documents not served or short served	6	13.30
Claimant's documents not in order	5	11.10
File not found	5	11.10

Total number of adjournments= 45

The top five reasons for adjournment for Probate matters that went to court in the Easter Term are summarized in the above table above. It is shown that of the 45 adjournments in the period, the largest proportion were for the reasons of 'claimant to file documents,' and 'no parties appearing,' with 12 or 26.70% and 7 or 15.60% respectively of the total reasons for adjournment in the Easter Term. Claimant's documents not served or short served with 6 or 13.30% of the adjournments rounds off the top 3 reasons. Claimant's documents not in order and files not found each with 5 or 11.10% rounds off the top five reasons for adjournment in the Term. The majority of these reasons for adjournment were also prominent in the High Court Civil (HCV) and Civil Division.

Table 37.0: Applications for the Easter Term of 2019

Nature of Applications	Frequency	Percentage (%)
Applications	54	72.0
Express Applications	21	28.0
Total	75	100.0
Ratio of express applications to applications	-	0.39

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The above table provides a basic summary of the types of court applications made in the Easter Term of 2019 and shows that there were 75 court applications in the period, of which 54 or 72.0% were standard applications while the remaining 21 or 28% were express applications. For every 10 applications made during the year, there were roughly four express applications.

Table 38.0: Top three types of applications for the Easter Term of 2019

Application	Frequency	Percentage (%)
Application to prove copy will	24	32.0
Application for directions	5	6.67
Application to remove attorney's name from record	5	6.67

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 24 or 32.0% of the total, followed by applications for directions and applications to remove attorney's name from record, each with 5 or 6.67% of the total number of applications.

Table 39.0: Hearing date certainty for the Easter Term of 2019

Court/Chamber hearing dates set	Hearing dates adjourned (excluding continuance)	Hearing date certainty (%)
87	19	78.16%

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The above table addresses the extent of adherence with dates set for Court/Chamber matters in the Probate Division for the Easter Term of 2019. It is shown that there were 87 incidences of dates set were scheduled for Chamber or Court, 19 of which were adjourned for reasons other than 'continuance'. This suggests an overall hearing date certainty rate of 78.16%, an indication that for the Hilary Term there was a roughly 78% chance that a matter set for court would proceed without adjournment for reasons other than 'continuance'.

Table 40.0: Age of matters disposed for the Easter Term of 2019

Descriptive Statistics (in months)	
Number of observations	683
Mean	17.0398
Median	12.0000
Mode	8.00
Std. Deviation	20.08937
Skewness	4.590
Std. Error of Skewness	.088
Range	255.00
Minimum	1.00
Maximum	253.00

The above table provides a summary measure of the overall estimated times to disposition for the 701 cases disposed of in the Easter Term. The estimated average time to disposition is 17 months or approximately 1.4 years, an improvement of 2 months when compared to the Easter 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

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below the overall average time. This is supported by the results for the estimated median time to disposition of 12 months and the most frequently occurring time to disposition of 8 months. The reasonably large standard deviation of 20.09 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 253 months old or approximately 21 years while there were a few matters, which took roughly a month to be disposed, representing the lowest times to disposition in the year. Of the 683 Probate cases disposed of in the Easter Term of 2019, 177 or 25.92% originated in 2019, a very positive sign for the current interventions being undertaken to reduce the average time to disposition.

Table 41.0: Breakdown of times to disposition for the Easter Term of 2019

Time Intervals (months)	Frequency	Percentage (%)
0 - 12	290	42.46
13 – 24	214	31.33
25 – 36	91	13.32
37 – 47	29	4.25
48 & over	59	8.64
Total	683	100.0

The above table shows that of the 683 Probate matters disposed of in the Easter Term, the majority, 290 or 42.46% were disposed of in 12 months or less, followed by 214 or 31.33%, which were disposed of within a time interval of 13 to 24 months. Taken together this data suggests that an impressive estimated 73.79% of Probate matters which were disposed of in

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the Easter Term took two years or less. 13.32% each of the cases were disposed of in an estimated time frame of between 25 and 36 months, 4.25% took between 37 and 47 months and 8.64% 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.

Table 42.0: Case clearance rate for the Easter Term of 2019

Cases filed	Cases disposed	Case clearance rate
720	683	95%

***25.92% of the 177 cases disposed during the Easter Term, originated in 2019.**

Using the data on the number of cases filed and disposed of in the period under examination, a case clearance rate of approximately 95% is derived. This suggests that for every 100 cases filed and active in the period, 95 were disposed, a decline of 11.60 percentage points when compared to the corresponding Term in 2018. The Probate and Administration Division continues to re-engineer its case process flow, which will yield string productivity outcomes over the next 12 months, setting the pace as one of the most efficient facets of the Jamaican court system. All told, the Probate Division consistently ranks statistically as the best performing Division of the Supreme Court.

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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 in 2019.

These measures are summarized in the table below:

Table 43.0: Selected performances metrics for the Probate and Administration Division in the Easter Term of 2019

Resolved cases	Unresolved cases	Case turnover rate	Estimated case disposition days for the unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Case backlog rate (%)
683	1646	0.41	890 days	504	683	73.79%	26.21%

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The results in the above table shows a case turnover rate of 0.41, which is an indication that for every 100 cases, which were 'heard' in 2018 and still active at the end of the year, 41 cases were disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the year will on average take 890 more days or 2.4 more years to be disposed, barring special interventions.

A case is considered to be in a backlog classification if it is unresolved for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Probate and Administration Division in the Easter Term of 2019 is 73.79%, which reflects the proportion of Probate and Administration cases in the Term, which were disposed within 2 years. Conversely, the case backlog rate is 26.21%, an indication that an estimated annual proportion of 26% 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 1646 cases, which had some court activity in the Easter Term of 2019 and were still active at the end of the year, 428 are expected to be in a backlog classification before being disposed.

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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 of 2019.

Table 44.0: Distribution of the top five charges brought for the Easter Term of 2019

Charge	Frequency	Percentage (%)
Murder	40	22.70
Rape	27	15.30
Sexual Intercourse with a person under 16	20	11.40
Grievous Sexual Assault	12	6.80
Forcible Abduction	7	4.0
Total sample	106	60.23

Total number of charges brought (N) = 176

The above table summarizes the distribution of top five charges associated with cases brought in the Easter Term of 2019. There were **111 new cases filed** at the Home Circuit Court during the Term, representing **176 charges**, a ratio of roughly 16 charges for every 10 cases. This result represents a decrease of 39.34% in the number of new cases filed when compared to the Hilary Term of 2019 and a decline of 25% when compared to the Easter Term of 2018. It is shown that of these 106 charges, the largest proportion, 40 or 22.70% were murder matters. This is followed sexual intercourse with a person under 16 years old and rape with 20 or 11.40% and 27 or 15.30% respectively. Forcible Abduction and Grievous Sexual Assault rounds off the top five offences with 4.0% and 6.80% respectively. It is of interest that roughly 45.45% of the total number of charges brought in the Easter Term of 2019 were sex related, roughly 2.30 percentage points higher than that of the Hilary Term of 2019. The top five charges filed,

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accounts for 60.23% of the total. 806 criminal cases, which is the equivalent of 2400 charges, came to court in the Term, including many aged cases that predate 2019, dating back to as far as 1988.

Table 45.0: Top ten reasons for adjournment for the Easter Term of 2019

Reason for adjournment	Frequency	Percentage	Stage of matter
Statements outstanding	107	12.19	Case Management
Forensic Certificate Outstanding	61	6.95	Trial
Ballistics Certificate Outstanding	59	6.72	Trial
For Disclosure	47	5.35	Case Management/Trial
Defense Counsel to take instruction	45	5.13	Case Management/Trial
For Investigating Officer to Attend	42	4.78	Trial
F'or file to be completed	39	4.44	Case Management/Trial
For Social Enquiry Report to be served	31	3.53	Case Management
For antecedence	20	2.28	Case Management
Accused not brought	19	2.16	Trial
Crown to take instruction	18	2.05	Case Management/Trial

Total incidence of adjournments/continuance (N) =878

The above table provides a summary of the top ten reasons for adjournment for the Easter Term of 2019. It is shown that there was a combined 878 incidence of reasons for adjournment during the Term, with some matters having multiple adjournments. This represents a decline of 8.35% when compared to the Hilary Term of 2019 but an increase of 26.15% when compared to the Easter Term of 2018. The highest proportion were adjournments due to statements outstanding and forensic certificates outstanding with 107 or 12.19% and 61 or 6.95% respectively while adjournments for outstanding ballistic certificates ranks third. Adjournments

for disclosure and for defence counsel to take instruction with 5.35% and 5.13% respectively rounds off the top five reasons for adjournment. These top five reasons for adjournment alone account for adjournment alone account for roughly 36.34% of the total and are largely due to delays from external stakeholders. It is of note that incomplete files featured in the top ten of the reasons for adjournment with 39 or 4.40% of the total, adversely affecting the case file integrity rate of the Home Circuit Court. This is somewhat of an indictment on the internal case progression and case management mechanics of the courts. The increase in the incidence of adjournments seen when compared to the Easter Term of 2018 is a cause for concern and highlights continued weaknesses in the way in which cases are being scheduled in the Home Circuit Court. It is notable that when compared to the Hilary Term of 2019, there was a decline in the incidence of adjournments, however this can partly be attributed to the fact that the number of cases brought into open court in the Easter Term is 7.46% less than the Hilary Term of the same year. The recurrence of particular reasons for adjournment across Terms and years is also a continued cause for concern. For example, the consistency with which the absenteeism of the investigating officer, outstanding statements and outstanding forensic and ballistic reports occur are standouts, which require tailored policy interventions. The proportion of adjournments which are due to the absenteeism of defence attorneys continues to show improvement, falling out of the top ten reasons for adjournment for the first time since this type of reporting began. Continuous improvements to the scheduling practices of the Home Circuit Court are necessary in order to reduce the incidence of adjournments at all phases of case flow progression and to bolster both hearing and trial date certainty rates, seen as crucial

to eliminating both pre-existing and new backlog cases over the next 3-6 years. There is indeed much still to be achieved in bolstering the efficient processing, commencement, scheduling and disposition of cases in the Home Circuit Court.

In the latter half of 2019, the Home Circuit started the process of scheduling its own cases for court hearings, consistent with international best practices. The fundamental aim of this new policy is to improve the reliability of the scheduling practices in the Home Circuit Court. Although there has been some notable progress as seen for example by the generally lower incidence of adjournments and steady improvements in the confidence in the scheduling mechanism, there is still a far way to go towards perfecting the science. The absence of a viable contingency list of back-up cases continue to the bane of the new policy, which if not urgently addressed, poses the short term risk of reversing the steady strides made in improving both clearance rates and trial date certainty rates over the past year and a half. The interventions to bring the necessary redress are expected to be aggressively pursued in the Michaelmas Term of 2019 with sustainable outcomes anticipated over the next 2-3 Terms.

The top 10 reasons for adjournment listed above accounts for 55.58% of total incidences of adjournments/continuance in the 2019 Easter Term.

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Table 46.0: Other leading reasons for adjournment/continuance for the Easter Term of 2019

Reasons for continuance/adjournments	Frequency	Percentage (%)	Stage of matter
To settle legal representation	49	5.58	Case Management
Papers to be served	102	11.62	Case Management
Assignment of legal aid	31	3.53	Case Management

Total incidence of adjournments/continuance (N) = 878

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, which are a result of the need to settle legal representation, accounting for 49 or 5.58% of the total. Papers to be served with 102 or 11.62% and adjournments for assignment of legal aid with 31 or 3.53% of the total follow this.

The number of adjournments per case file varied in the Easter Term depending on the stage of a matter. Matters at the trial stage however had the highest incidence of adjournments per case with an average of roughly three while matters set for bail hearings had the lowest mean number of adjournments per case. These results have direct implications for the trial and hearing date certainty rates, which are assessed later in this report.

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Table 47.0: Trial and mention hearings for the Easter Term of 2019

Type of Hearing	Frequency	Percentage (%)	Cumulative Percent
Bail Application	142	9.3	9.3
Pre-trial hearings	8	.5	9.8
Mention matters	628	41.2	51.0
Sentencing hearings	126	8.3	59.3
Trials	354	23.2	82.5
Plea and Case Management Hearings	267	17.5	100.0
Total	1525	100.0	

The above chart shows that there were a total 1525 dates set for court during the Easter Term, including sentencing, bail application and trial dates as well as plea and case management/mention, and pre-trial hearings. This is an increase of 1.33% when compared to the Hilary Term of 2019. 41.20% of the hearing dates set were for mention, 23.20% were for trial, 9.30% for bail hearings and 8.30% for sentencing. Pre-trial reviews accounted for 8 or 0.50% of the hearings, the lowest proportion.

Table 48.0: Hearing date certainty summary for the Easter Term of 2019

Type of hearings	Number of hearing dates set	Number of hearings set which were adjourned for reasons other than continuance	Hearing date certainty rate (%)
Mention hearings	628	160	74.52%
Plea and Case Management hearing	267	67	74.91%

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Bail Applications	142	27	80.99
Pre-Trial hearings	8	3	62.40%
Sentencing hearings	126	57	54.76%
Trial hearings	354	248	29.94%
Total/Overall Average	1525	562	63.15%

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 1525 court dates scheduled for hearings in the period under study, 562 were adjourned for reasons other than continuance. This suggests an overall hearing date certainty rate of roughly 63.15% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 63 are able to proceed without adjournment for reasons other than those procedural, for example for Trial, Bail Application, Pre-trial hearing, Sentencing and Plea and Case Management. This result represents an increase of almost 3.15 percentage points when compared to the Hilary Term of 2019. As indicated, the revised scheduling and case management processes in the Home Circuit Court should contribute to an enhanced confidence in the dates set and thus in the preparation of the various stakeholders for court. There is still a long way to go to achieving the targeted trial and hearing date certainty of 95%, which has being set out by the Chief Justice, but the overall evidence year to date shows some potential. It is imaginable that the Home Circuit

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Court could become one of the most efficient Divisions in the Supreme Court within the next six years, with high clearance rates and trial and hearing date certainty and a low to zero case backlog. When trial matters are isolated, the trial certainty rate revealed is 29.94%, 27.37 percentage points lower than the rate in the Hilary Term and 33.21 percentage points lower than the overall hearing date certainty rate. This outcome suggest that the new scheduling mechanism is yet to realize the objective of improving the efficiency of the overall scheduling apparatus of the Home Circuit Court.

Table 49.0: Methods of case disposal for the Easter Term of 2019

	Frequency	Percentage (%)
Accused Deceased	1	1.0
Formal Verdict of Not Guilty - discharge	1	1.0
Found Guilty	12	12.1
Guilty Plea	41	41.418
No Case Submission upheld	1	1.0
No Evidence offered discharged	16	16.2
No further evidence offered discharged	10	10.1
Nolle Proseque	7	7.1
Not Guilty - Discharged	7	7.1
Plea guilty to a lesser charge	2	2.0
Transfer to Gun Court	1	1.0
Total	99	100.0

The above table summarizes the methods of disposal for the cases disposed of during the Easter Term of 2019. It is shown that 99 cases were disposed of in the Term, representing a

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decrease of 28.26% when compared to the corresponding Term in 2018 but an improvement of 19.28% when compared to the Hilary Term of 2019. Of the 99 criminal cases disposed of in the Term, 41 or 41.40% were a result of guilty pleas. Cases discharged due to no evidence offered and those disposed due to guilty verdicts accounted for 16 or 16.20% and 12 or 12.10% respectively of the total, rounding off the top three methods. Cases disposed by Nolle Prosequere and by not guilty outcomes - discharged accounted for the next highest shares of cases disposed with 7.10% each of the total.

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

Table 50.0: Overall criminal conviction rate for the Easter Term of 2019

Total number of cases disposed	Total number of guilty outcomes	Conviction rate (%)
99	53	53.54%

The above table shows that of the 99 criminal cases disposed of in the Easter Term of 2019, 53 were because of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 53.54% which suggests that there is a roughly 54% probability that a matter could end in a guilty outcome, using the Term as a proxy. This represents an increase of roughly 20 percentage points when compared to the Hilary Term of 2019. This data can be further disaggregated so that the conviction rates for some of the most frequently occurring offences

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are measured. In particular, the conviction rate on murder charges and sexual offence charges are detailed below.

Table 51.0: Conviction rate for sexual offences cases for the 2019 Easter Term

Total number of cases concluded	Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas)	Conviction rate (%)
16	9	56.25%

The above table shows that of the sexual offence cases were concluded in the Easter Term of 2019, 9 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of roughly 56.25% which suggests a roughly 56% probability that a sexual offence matter could end in a guilty outcome, which is 1.25 percentage points lower than that of the previous Term.

Table 52.0: Conviction rate for murder cases in the Easter Term of 2019

Total number of cases concluded	Total number of guilty outcomes (i.e. guilty verdict or guilty plea)	Conviction rate (%)
26	9	34.62%

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The above table shows that of the 26 murder cases concluded in the Easter Term of 2019, 9 of which were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 34.62% which suggests a roughly 35% probability that a murder matter could end in a guilty outcome, a decrease of roughly fifteen (15) percentage points when compared to the Easter Term of 2018.

Table 53.0: Top five charges disposed in the Easter Term of 2019

Charge disposed	Frequency	Percentage (%)
Murder	41	25.90
Sexual intercourse with a person under 16	22	13.90
Rape	20	12.70
Grievous Sexual Assault	10	6.30
Wounding with intent	8	5.10

Number of disposed charges (N) =158

The above data shows that of the 158 charges disposed in the Easter Term of 2019, a decrease of 49.68% when compared to the Easter Term of 2018. The largest proportion of these matters were murder matters with 41 or 25.90%. This was followed by sexual intercourse with a person under 16 with 22 or 13.90% of the total. Rape and grievous sexual assault comes next with 12.70% and 6.30% respectively while wounding with intent rounds off the top five disposed charges for the Term. Murder and sexual offences are not only the dominant incoming but also the dominant outgoing cases. It is of particular note that roughly 34.81% of cases disposed of in the Easter Term were sex related while also accounting for roughly 45.45% of all incoming cases. As seen earlier, sexual offences also demonstrated a conviction rate of roughly 56.25% in the Easter Term. The persistent dominance of this offence in the criminal statistics strongly

suggests that there needs to be robust Case Management attention for these matters to support their timely disposition.

Table 54.0: Time to disposition for cases disposed in the Easter Term of 2019

Descriptive Statistics (in months)

Number of observations	99
Mean	28.5253
Std. Error of Mean	4.37272
Median	21.0000
Mode	23.00
Std. Deviation	43.50800
Variance	1892.946
Skewness	5.735
Std. Error of Skewness	.243
Range	376.00
Minimum	1.00
Maximum	378.00

The above table provides a descriptive summary of the time to disposition for criminal cases disposed of in the Easter Term of 2019. It is shown that the estimated average time to disposition for the cases disposed was approximately 28.53 months or 2.4 years, roughly the same as the Hilary Term of 2019 but 8 months longer than the corresponding Term in 2018. The majority of cases disposed during the Term originated between 2017 and 2019, with 17.17% originating in 2019 itself. The estimated minimum time to disposition was 1 month and the estimated maximum was 378 months or 31.50 years. The large positive skewness of 5.74 indicates that the overwhelming proportion of observations fell below the overall average. This is affirmed by the standard deviation of just over 1.45 years, indicating a relatively wide variation of the individual scores around the mean.

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Table 55.0: Breakdown of time to disposition of cases for the Easter Term of 2019

Time Interval	Frequency	Percentage (%)
0 – 12	38	38.4
13 – 24	33	33.3
25 – 36	11	11.1
37 – 47	3	3.0
48 & over	14	14.1
Total	99	100.0

The above table provides a summary of the estimated time to disposition for the cases disposed in the Easter Term of 2019. It is shown that the largest proportion of matters were disposed of within 0 - 12 months of initiation, accounting for 38 or 38.40% of all matters disposed. 33 or 33.30% which took between 13 and 24 months to be disposed and 14 or 14.10% of cases, which took 4 years or more to be disposed, follow this. Cumulatively, 71.70% of the cases disposed in the period took two years or less, a decline of 13.30 percentage points when compared to the Easter Term of 2018 and a fall of 4.2 percentage points when compared to the previous Term. The remaining 28.30% of cases disposed took over two years. Using this data as a proxy, there is a moderately high probability that a case in the Home Circuit Court will be disposed prior to falling into backlog. Continuous improvements in the case management practices and scheduling in the Home Circuit Court has the potential to reduce the probability of a case backlog to a remote incidence.

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Table 56: Time to disposition for charges disposed (from date charged) in the Easter Term of 2019

Descriptive statistics (in months)

Number of observations	158
Mean	47.143
Median	39.0000
Mode	37.00
Std. Deviation	41.989
Skewness	3.155
Minimum	1.00
Maximum	395.00

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 4 years, substantially higher than the average time of just over 2.40 years taken to dispose of the corresponding cases in the Home Circuit Court during the Term. The longest and shortest times to disposition of 33 years and approximately 1 month respectively for disposed charges were also the same as for the actual cases disposed of in the Easter Term of 2019. As with previous reports, this marked difference of roughly a year and a half in the time taken to dispose of criminal matters (from date charged) and from the case is filed in the Home Circuit Court again suggests that there are weaknesses in the investigative apparatus of the Police, which potentially hampers the timely delivery of justice to citizens. It is worth noting that the data set above on time to disposition from charge date is highly positively skewed suggesting that a decidedly larger proportion of the observations fell below the overall average, signifying that there were extreme values in the data. Further, the large standard deviation indicates a wide

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spread of the times around the mean, affirming that the overall average was affected by large outlying values.

Table 57: Time to disposition for charges disposed (from case file date) for Easter Term of 2019

Descriptive Statistics (in months)

Number of charges disposed	158
Mean	29.324
Median	23.0
Mode	20.00
Std. Deviation	24.112
Skewness	2.423
Minimum	1.00
Maximum	378.00

The above table affirms the assertions made in the preceding analysis that suggests that there is a notable difference between the time from date of charge to date of disposition and from case file date to date of disposition. The average time shown above from the case file date associated with the charges to the date of case disposition is roughly 2.4 years, which is substantially less than the average time from charge date to date of disposition. Not surprisingly, much of the other measurements are similar to the earlier descriptive statistics highlighted on the time to disposition for cases resolved in the Home Circuit Court in the Easter Term of 2019.

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Table 58.0a: Breakdown of time to disposition by selected charges for Easter Term of 2019

			Time Interval				
			0 -12	13 - 24	25 - 36	37 - 47	48 & over
Offences	Murder		0 0.0%	19 59.4%	4 100.0%	5 100.0%	12 100.0%
	Rape		15 53.6%	4 12.5%	0 0.0%	0 0.0%	0 0.0%
	Sexual Intercourse with a Person under Sixteen		13 46.4%	9 28.1%	0 0.0%	0 0.0%	0 0.0%
	Total		28 100.0%	32 100.0%	4 100.0%	5 100.0%	12 100.0%

The above table provides a summary of the length of time taken to dispose the three of the most frequently occurring criminal charges in the Easter Term of 2019. It is seen that of the three types of criminal cases listed, rape accounts for the largest share of cases disposed of in 12 months or less with 53.60% of the total. Sexual intercourse with a person under 16 years old and murder accounted for 46.40% and 0% respectively of the total number of cases disposed in this timeline. Of the listed criminal case types which were disposed of in more than a year but less than or equal to two years, murder accounts for the largest proportion with 59.40% while 28.10% and 12.50% respectively were accounted for by sexual intercourse with a person under 16 and rape. Murder accounted for all of the cases covered in these tables, which took more than 2 years to be disposed.

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Table 58.0b: Breakdown of selected charges by time to disposition for the Easter Term of 2019

		Offences			Total
		Murder	Rape	Sexual Intercourse with a Person under Sixteen	
Time Interval	0 -12	0 0.0%	15 78.9%	13 59.1%	28 34.6%
	13 – 24	19 47.5%	4 21.1%	9 40.9%	32 39.5%
	25 - 36	4 10.0%	0 0.0%	0 0.0%	4 4.9%
	37 - 47	5 12.5%	0 0.0%	0 0.0%	5 6.2%
	48 & over	12 30.0%	0 0.0%	0 0.0%	12 14.8%
	Total	40 100.0%	19 100.0%	22 100.0%	81 100.0%

The above tables detail the time taken to dispose of cases of murder, rape and sexual offences with persons under 16 in in the Easter Term. It is seen that the largest proportion of murder cases disposed took between 13 and 24 months and 4 or more years respectively to be disposed, accounting for 47.50% and 30.0% respectively of the times to disposition. The next highest proportion of murder cases disposed in the Term took between 37 and 47 months to be disposed. As for sexual intercourse with a person under 16 years old, 59.10% each of these offences took a year or less and the remaining 40.90% took between 13 and 24 months respectively to be disposed. The largest proportion of the rape cases disposed (78.90%) took between 13 and 24 months to be disposed while the remaining 21.20% took between 13 and

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24 months to be disposed. Evidently, of these three dominant offences, murder cases take considerably more time to be disposed while cases of sexual intercourse with a person under 16 years old took the least time.

Table 58.0C: Proportional breakdown of time to disposition by selected charge type for the Easter Term of 2019

Charge	Percentage of matters disposed of in 2 years or less	Percentage of matters disposed of in more than 2 years
Murder	47.50%	52.50%
Sexual intercourse with a person under 16 years old	100%	0%
Rape	100%	0%

The above table furthers the previous one by directly highlighting the relative lengths of time that it takes for the most frequently occurring types of matters to be disposed. It is seen that roughly 47.50% of murder charges disposed in 2019 Easter Term took 2 years and under compared to 100% each for matters of sexual intercourse with a minor and rape cases. The length of time, which different types of matters take to be disposed, should have significant implications for the way in which the court prioritizes its scheduling and resource allocation and these results should therefore inform the interventions, which are necessary to bolster the case disposal rates. It is evident that in the Home Circuit Court, murder cases contribute significantly to the criminal case backlog. The proportion of murder cases disposed within 2 years however saw an improvement of 18.40 percentage points when compared to the Easter Term of 2018.

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Table 60.0: Case clearance rate for the Easter Term of 2019

Cases filed	Cases disposed	Case clearance rate
111	99	89.19%

Note: 17 or 17.17% of the disposals were cases, which originated in 2019

The case clearance rate of 89.19% shown above is an indication that significantly more cases entered than those that were disposed in the Home Circuit Court in the Easter Term. The result suggests a ratio of roughly 89 cases disposed for every 100 new ones brought, a major improvement of 4.05 percentage points when compared to the Easter Term of 2018 but a 43.83 percentage points increase when compared to the 2019 Hilary Term. The Honourable Chief Justice has set a target of improving the trial and hearing date certainty rate to 95% over the next two years 3-6 years. The attainment of this target is an important cornerstone for higher disposal and clearance rates and a more efficient judicial system. The clearance rate recorded over the past three Terms in the Supreme Court has seen some amount of fluctuation but should settle at an equilibrium rate within the next 18 months as the new schedule mechanism continues to improve.

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. These measures are summarized in the table below:

Table 61.0: Selected performances metrics for the Home Circuit Court in the Easter Term of 2019

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 (%)	Case backlog rate (%)
99	707	0.14	2607	71	99	77.78%	22.22%

The results in the above table shows a case turnover rate of 0.14, which is an indication that for every 100 criminal cases, which were heard in the 2019 Easter Term and still active at the end of said Term, another 14 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 2607 more days or roughly 7 more years to be disposed, barring special interventions.

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A case is considered to be in a backlog classification if it is unresolved for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Home Circuit Court in the Easter Term of 2019 is 77.78%, which reflects the proportion of cases in the Term, which were disposed within 2 years. Conversely, the case backlog rate is 22.22%, an indication that an estimated annual proportion of 22% 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 cases, which had some court activity in the Term and were still active at the end of the Term, 178 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 the 2019 Easter Term. In particular, this section outlines data related to matters initiated, matters disposed, adjournments and the distribution of trial and mention matters during the year.

Table 62.0: Top six charges filed in the Easter Term of 2019

Charges filed	Frequency	Percentage (%)
Illegal possession of firearm	106	40.15
Illegal possession of ammunition	49	18.56
Shooting with intent	39	14.77
Robbery with aggravation	17	6.44
Assault at Common Law	19	7.20
Wounding with intent	11	4.17
Total	241	

Total number of charges (N) = 264 charges, the equivalent of 115 cases.

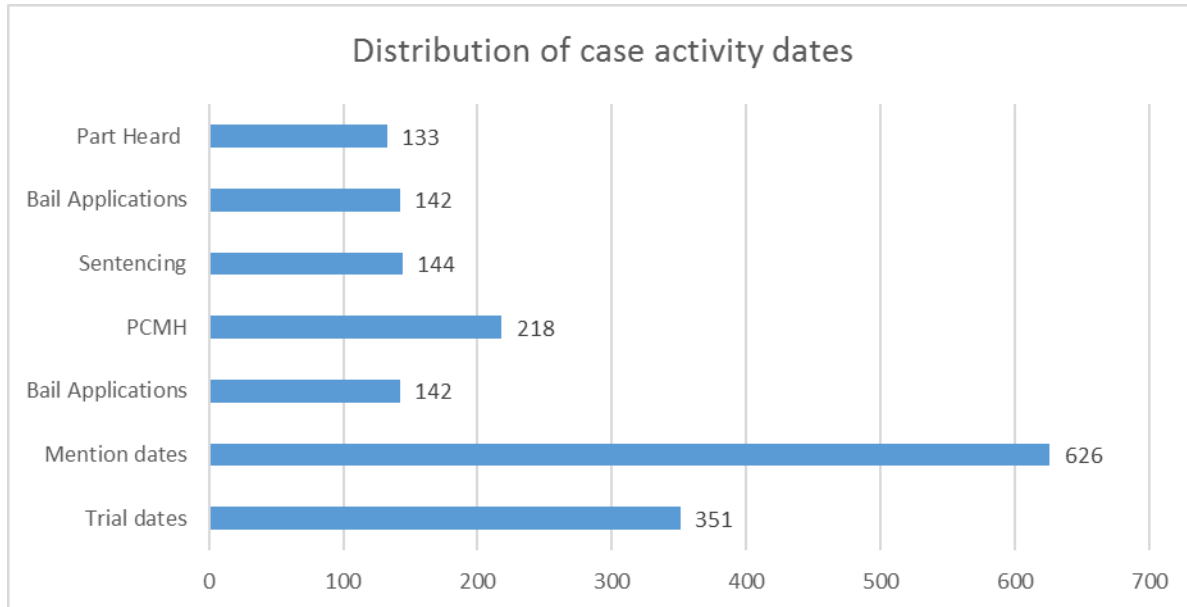
The above table provides a summary of the top six charges, which were brought in the Gun Court during the Easter Term of 2019. It is seen that of the 264 charges, a decline of 46.67% when compared to the corresponding period in 2018. The largest proportion of which, 106 or 40.15% were for illegal possession of firearm, well ahead of the next highest ranked charge of illegal possession of ammunition with a count of 49 or 18.56% of the total. Shooting with intent is next with 39 or 14.77% while robbery with aggravation with 17 or 6.44% and assault at common law with 19 or 7.20% rounds off the top 5 charges filed in the Gun Court during the Easter Term. The 264 new charges entered in the Easter Term translates into 115 new cases

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filed in the Term, a decrease of 22.22% over the corresponding Term in 2018. This represents a ratio of 1:2.30, suggesting that for every 100 new cases entered, there were 230 charges.

Chart 9.0: Summary of selected case activity dates for the Easter Term of 2019



Note: PCMH means Plea and Case Management Hearing

The above chart provides a summary of key court events/dates in the Gun Court for the Easter Term of 2019. It is shown that there were 351 trial dates set in the period, compared to 626 mention and plea and case management dates. This produces a ratio of roughly 1:0.56, indicating that for every mention dates there were roughly 56 trial dates set, a decrease of 35.78 percentage points when compared to the Easter Term of 2018. The data also suggests that there were 133 part-heard trial dates set in Gun Court during the Easter Term, which indicates that for every 10 trial dates there were roughly four part-heard trial dates. There were also 144 incidence of sentencing dates, and 141 bail-hearing dates set during the Term. 572

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cases were scheduled for 2539 court appearances over the period, representing 44 appearances for every 10 cases. The total number of cases scheduled represents a slight decline when compared to the corresponding period in 2018, in keeping with the efforts to bolster trial and hearing date certainty rates in the Gun Court.

Table 63.0: Frequently occurring reasons for adjournment for the Easter Term of 2019

Reason for adjournment	Frequency	Percentage (%)
Ballistic certificate outstanding	109	7.27
Defense Counsel Absent	70	4.67
Social Enquiry Report Outstanding	67	4.47
Witness absent	69	4.60
Statements outstanding	66	4.40
Medical certificate outstanding	52	3.47
To settle legal representation	48	3.20
Accused not brought	41	2.73
Defense Counsel involved in another matter	35	2.33
Forensic Certificate Outstanding	28	1.87

Total number of adjournments (N) = 1500 adjournments

The above table outlines the top reasons for adjournment in the Gun Court for the Easter Term of 2019, excluding adjournments for bail application, matters part heard, and for plea and case management and for trial, which are enumerated separately. There were 1500 incidences of adjournments during the Term; of which ballistic certificates outstanding was the leading source with 7.27%. Defense counsel absent with 70 or 4.67% and Social Enquiry Report outstanding with 67 or 4.47% and witness absent with 69 or 4.60% respectively of the

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adjournments rank next. Adjournments due to statements outstanding with 66 or 4.40% and medical certificates outstanding with 52 or 3.47% complete the list of leading reasons for adjournment for the Term. The top ten reasons for adjournment account for 39.0% of the total adjournment reasons.

Table 64.0: Frequently occurring reasons for continuance for Easter Term of 2019

Reason for continuance	Frequency	Percentage (%)
For sentencing	35	2.33
For Trial	131	8.73
Bail application	152	10.13
Plea and case management	247	16.47

Total number of adjournments/continuance (N) = 1500

The above table provides a basic list of reasons for adjournment for the Easter Term of 2019, 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 in this category adjournments for plea and case management hearings with 247 or 16.47% and adjournments for bail applications hearings with 152 or 10.13% are the leading reasons. Adjournments for trial and sentencing also feature prominently among the reasons for continuance.

Table 66.0a: Trial date certainty for Easter Term of 2019

Number of trial dates Set	Number of adjournments (excluding adjournments for continuance)	Trial date certainty rate (%)
351	138	60.68%

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The above table summarises the trial date certainty for the Gun Court in the Easter Term of 2019. It is shown that of 351 trial dates set during the Term, 138 were adjourned for reasons other than continuance. This produces an overall hearing date certainty rate of 60.68% for the Easter Term of 2019, an increase of roughly 4.75 percentage points when compared to the figure in the corresponding period of 2018. The results suggest that for every 100 matters scheduled for some form of hearing or trial in the Easter Term, roughly 61 were able to proceed without adjournment. The roughly 61% trial date certainty rate recorded in the Easter Term of 2019 also represents a decline of roughly 3 percentage points when compared to the Hilary Term of 2019. The overall hearing date certainty rate for the Gun Court during the Easter Term was 67.82%, 7.14 percentage points higher than the trial date certainty rate.

Table 66.0: Methods of case disposition for the Easter Term of 2019

Methods of Disposition	Frequency	Percentage (%)
Accused Deceased	1	.6
Disposed	11	6.7
Found Guilty	23	14.0
Guilty Plea	24	14.6
No Case Submission upheld	3	1.8
No Case to Answer, Discharged	3	1.8
No Evidence offered discharged	48	29.3
No further evidence offered discharged	23	14.0
Nolle Prosequere	3	1.8
Not Guilty - Discharged	23	14.0
Transferred to Family Court	1	.6

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Transferred to St. Catherine Parish Court	1	.6
Total	164	100.0

The above table summarizes the methods of disposition for the cases disposed in the Gun Court for the Easter Term of 2019. It is seen that there were 164 cases disposed, the largest proportion of which were a result of 'no evidence offered' which accounts for 48 or roughly 29.30% of the total. In second were disposals resulting from guilty pleas with 24 or 14.60% of the total. Not guilty outcomes, guilty verdicts and no further evidence offered – discharged each with 23 or 14% of the disposition methods rank next. Of the 164 cases disposed in the Gun Court in the Easter Term of 2019, 39 or 23.70% were cases originating in the 2019. This further represents 33.91% of the new Gun Court cases filed in the Easter Term. There was a decrease of 6.82% in the number of cases disposed when compared to the corresponding period in 2018.

Table 67.0: Conviction rate in the Gun Court for the Easter Term of 2019

Number of cases disposed	Estimated Number of Guilty outcomes (i.e. guilty verdicts and guilty pleas	Conviction rate (%)
164	47	28.66%

The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the 164 cases, which were disposed of in the Term, an estimated 47 were a result of either a guilty plea or a guilty verdict. This produces an overall conviction rate of 28.66% for Gun Court cases for the Easter Term of 2019, a fall of 1.45 percentage points when compared to the

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corresponding period in 2018. The following table delves further into the conviction rate, by the substantive matter.

Table 68.0: Conviction rate by selected substantive matter in the Gun Court for the Easter Term of 2019 (data sample)

Substantive matter	Number of cases disposed	Number of Guilty outcomes	Conviction rate
Illegal possession of fire arm	75	24	32.00%
Illegal Possession of ammunition	10	3	30.00%

It is seen in the above table that of the sample of 75 disposed cases of illegal possession of a firearm 24 of these were disposed by way of either a guilty verdict or a guilty plea, yielding a conviction rate of roughly 18.75%. As for the substantive matter of illegal possession of ammunition, 3 of a sample of 10 such dispositions were by way of guilty outcomes, producing a conviction rate of 30%.

Table 69.0: Top six charges disposed of in the Easter Term of 2019

Charge	Frequency	Percentage
Illegal possession of a firearm	212	41.20
Illegal possession of ammunition	73	14.20
Robbery with aggravation	37	7.20
Shooting with intent	58	11.30
Assault at common law	21	4.10
Wounding with intent	41	8.00
Total	442	

Total number of charges (N) = 515

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The 164 cases that were disposed in the Gun Court during the Easter Term of 2019, representing 515 charges, an average of roughly three charges per case. The table above details the six most frequently occurring charges disposed of in the Gun Court during the year. Illegal possession of a firearm and illegal possession of ammunition accounts for the largest proportion of disposed charges with 41.20% and 14.20% respectively. This is followed by shooting with intent with 58 or 11.30% of the charges disposed. Robbery with aggravation and wounding with intent with 7.20% and 8.00% respectively of the total rounds off the top 5 charges disposed in the Term. The disposed charges enumerated in this table accounts for roughly 85.83% of the total number of charges disposed in the Gun Court in the Easter Term of 2019.

Table 70.0: Time to disposition from date charged, for charges disposed in the Easter Term of 2019

Descriptive Statistics

Descriptive Statistics	90
Mean	30.25
Median	23.25
Mode	19.23
Std. Deviation	29.34
Skewness	2.987
Range	129.00
Minimum	3.00
Maximum	395.00

a. Multiple modes exist. The smallest value is shown

The above table is computed using a sample of 90 charges disposed in the Easter Term of 2019.

It is seen that the estimated average time to disposition from the date of charge is

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approximately 30 months or 2.5 years, 4 months longer than the corresponding Term in 2018. The data set for this measure is strongly positively skewed, indicating that there was a notably greater proportion of times to disposition that fell below the mean than those, which fell above it. The estimated maximum time to disposition for the data set is 395 months or almost 33 years. The estimated minimum time to disposition from the date of charge was entered is 3 months. It is of interest that the modal time to disposition was 19 months, an indication that many cases were disposed well before the 2-year barometer, which is used to classify cases in a state of backlog.

Table 71.0: Breakdown of times to disposition from date charged, for the charges disposed in the Easter Term of 2019

Month	Frequency	Percentage (%)
0 -12	19	21.11
13 – 24	31	34.44
25 – 36	15	16.67
37 – 47	14	15.56
48 & over	11	12.22
Total	90	100.0

The above table provides a further breakdown of the estimated time to disposition for charges disposed in the Easter Term of 2019, from the date of charge. The relatively positive skewness displayed in the previous table is affirmed, as the scores here are mostly concentrated towards the lower intervals. The data shows that the largest proportion of the disposals using this method took between just over a year to 2 years. This interval accounted for 34.44% of the sample of the disposals and was followed by matters taking under a year to be disposed with

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21.1% of the sample. A further 16.67% of the matters were disposed within 25-36 months while 15.56% took between 37 and 47 months. 12.22% took between four years or more to be disposed. It is of note that an estimated 55.55% of the charges were disposed in two years or less.

Table 72.0: Time to disposition for cases disposed of in the Easter Term of 2019

Descriptive Statistics (in months)	
Number of observations	164
Mean	26.5610
Median	18.5000
Mode	14.00
Std. Deviation	33.26455
Variance	1106.530
Skewness	5.034
Std. Error of Skewness	.190
Range	328.00
Minimum	.57
Maximum	328.00

In the table above it is seen that there were 164 cases disposed in the Gun Court during the Easter Term. The estimated average time to disposition was roughly 27 months or two and a quarter years, nine months higher than the average time taken in the Easter Term of 2018. The estimated shortest time to disposal for a case disposed in this period was under a month while the longest a case took to be disposed was 328 months or about 27 years. The distribution of the scores was highly positively skewed, an indication that proportionately more of the estimated individual disposal times were lower than the reported mean. This result is further affirmed by the relatively high standard deviation of approximately 33 months, indicating some amount of variation in the scores around the mean. The average time from date charged to

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date disposed was roughly 3 months longer than that of the time between date case filed and date disposed. Of the 164 cases disposed of in the Gun Court during the Easter Term, 39 or 23.78% originated during the year. This further represents 33.91% of the new cases filed during the Term.

Table 73.0: Breakdown of times to disposition for cases disposed during the Easter Term of 2019

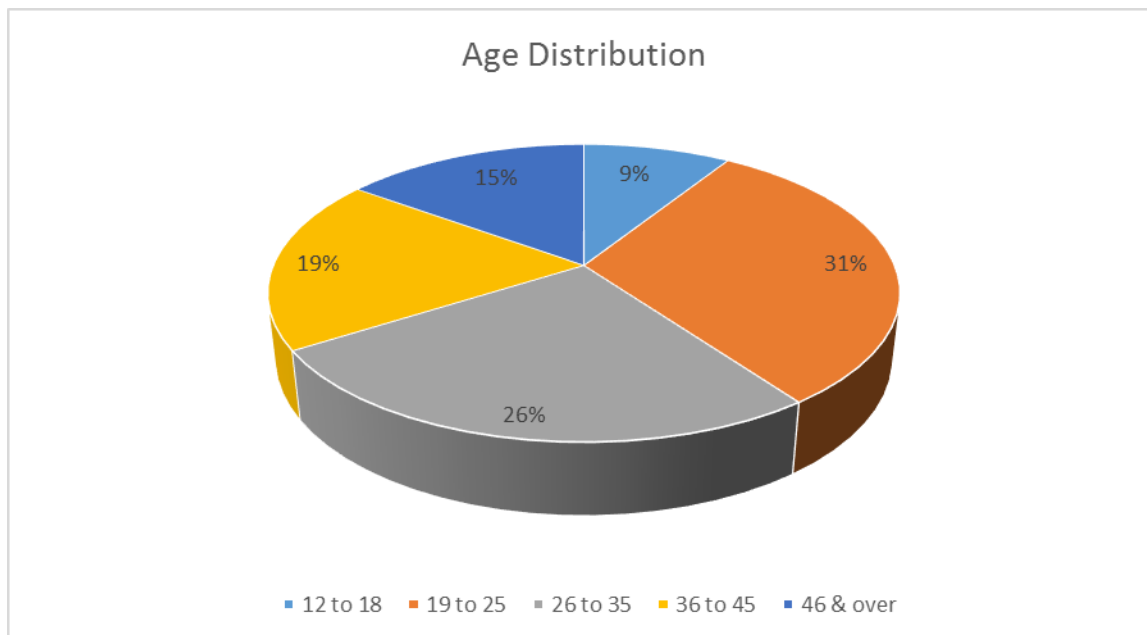
Time Interval (months)	Frequency	Percentage (%)
0 – 12	55	33.5
13 – 24	43	26.2
25 – 36	24	14.6
37 – 47	15	9.1
48 & over	27	16.5
Total	164	100.0

The above table provides a more detailed breakdown of the times to disposition for cases disposed in the Easter Term of 2019. It is shown that the largest proportion of cases disposed were disposed of within a year. This accounted for 33.50% of all the disposals, followed by approximately 26.20% of matters that took between 13 and 24 months to be disposed. Approximately 14.60% of the matters took between 25 and 36 months to be disposed, while 9.10% took between 37 and 47 months and 16.50% took four or more years. It is of interest to note that roughly 59.70% of all matters disposed in the Term took two or less, broadly consistent with the general trend seen in the Gun Court over the past two years.

Demographic summary of Gun Court offenders

This section provides a brief summary of the age and gender distribution of offenders in the Gun Court in the Easter Term of 2019.

Chart 10.0: Summary of age distribution of a sample of offenders in the Gun Court for the Easter Term of 2019

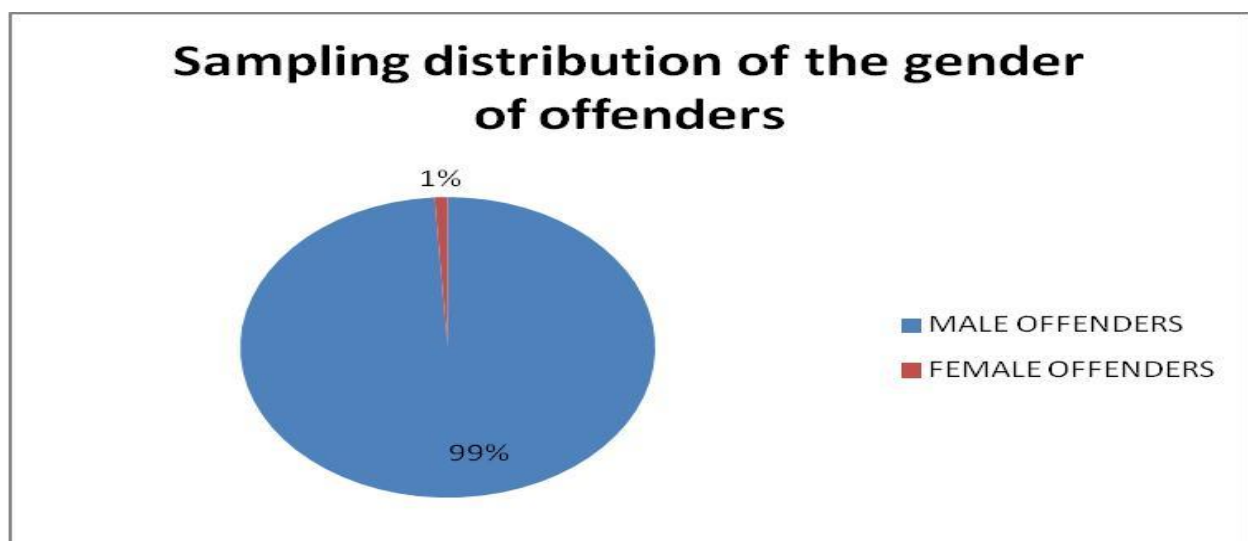


As shown earlier, the offenses, which dominated the Gun Court for the Easter Term are illegal possession of firearm, illegal possession of ammunition, robbery with aggravation, shooting with intent and wounding with intent. Using a representative sample of 60 accused persons, the average age of persons charged in the year is roughly 29 years old with the oldest person charged being 55 years old and the youngest 14 years old. The modal age from this sample was 23, an indication that a significant number of offenders are quite youthful. This notion is affirmed in the chart above where it is shown that from the sample 31% of the offenders were

between 19 and years old, closely followed by the age group 26 to 35 years old with 26% of the offenders. The 36 to 45 age group comes next with 19% of the offenders. The youngest and oldest age categories of 12 – 18 and 46 and over respectively accounts for 9% and 15% respectively of the offenders brought before the Gun Court in the Easter Term of 2019. Interestingly this probability distribution was the same as that observed in the Hilary Term of 2019.

In terms of gender distribution, using a sample of 90 offenders the data shows that 99 or 99% were male and 1 or 1% female. This is exactly the same sampling distribution for gender, which was observed in the corresponding Term in 2018 and the Hilary Term of 2019. The overwhelming dominance of males in Gun Court offences continue to persist as a long held trend.

Chart 11.0: Summary of gender distribution of a sample of offenders in the Gun Court for the Easter Term of 2019.



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Table 75.0: Case clearance rate for the Easter Term of 2019

Cases filed	Cases disposed	Case clearance rate
115	164	142.61%

***39 or 23.78% of the 164 cases disposed of, originated in 2019**

One hundred and fifteen new cases were entered in the Gun Court during the year while 164 were disposed (including many which originated before the Term) leading to an impressive case clearance rate of 142.61% for the Term. This result is the highest recorded in the Supreme Court since this type of reporting began in 2016 however, it is aided by a significant decline in the number of new cases, which fell by 27.22%. This result translates into a generalization of roughly 143 Gun Court cases disposed for every 100 new cases entered during the Term. The result represents an improvement of 31.22 percentage points when compared to the corresponding period in 2018. The continuation of a specialised fast track court to dispose of Gun Court cases and enhanced scheduling practices continues to have an appreciable effect on the rate of clearance.

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 Easter Term of 2019. These measures are summarized in the table below:

Table 76.0: Selected performances metrics for the Gun Court in the Easter Term of 2019

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 (%)
164	572	0.29	1258 days	98	164	59.76	40.24

The results in the above table shows a case turnover rate of 0.29, which is an indication that for every 100 cases, which were heard in the Easter Term of 2019 and still active, 29 cases were disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the year will on average take 1258 more days or 3.45 years 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 Gun Court in 2018 is 59.76%, which reflects the proportion of Gun Court cases in the Easter Term, which were disposed within 2 years. Conversely, the case backlog rate is 40.24%, an indication that an estimated annual proportion of about 40% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This is an increase of 21 percentage points when compared to the corresponding period in 2018. This further suggests that of the 572 cases, which had some court activity in the Easter Term of 2019 and were still active at the end of the Term, 230 are expected to be in a backlog classification before being disposed.

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CHAPTER 6.0: COMMERCIAL DIVISION

This chapter presents data on case activity in the Commercial Division in the Easter Term of 2019 as well as important performance measurements and year on year comparisons where applicable.

Table 77.0: Cases filed in the Commercial Division in the Easter Term of 2019

Division	Number of new cases filed
Commercial	171

Case activity in the Commercial Division continues to show growth, with the number of new cases filed for example continuing to show general increases over the past two years. 171 new commercial cases were filed in the Easter Term of 2019, a 23.02% increase when compared to the previous Term. The overwhelming proportion of these new cases originated by way of Claim Forms, accounting for over 90% of the number.

Table 78.0: Top four reasons for adjournment in the Commercial Division for the Easter Term of 2019

Reasons for adjournment	Frequency	Percentage (%)
Pending settlement	9	19.15
Defendant's documents not served or short served	8	17.02
Defendant's attorney absent	6	12.77
Claimant's documents not served or short served	4	6.38
Sub-total	27	100.0

Sample size (N) =47

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The above table provides a sampling distribution of the reasons for adjournment in the Commercial Division for the Easter Term of 2019. The most frequently observed adjournments from a sample of 47 are detailed in this table. It is seen that matters adjourned for pending settlements with 19.15% of the sample, defendant documents not served or short served with 17.02% and defendant's attorney absent with 12.77% rounded off the top three proportions in the sample.

Table 79.0: Chamber hearings for the Easter Term of 2019

Hearings	Frequency	Percentage (%)
Applications (Various)	413	87.50
Case Management Conference	29	6.14
Pre-trial review	23	4.87
Judgment summons hearing	7	1.48
Total	472	100

The above table summarizes the 472 Chamber hearings in the Commercial Division for the Easter Term of 2019. As with the High Court Civil (HCV) Division, the hearing of various applications for relief sought dominates with roughly 87.50% of the Chamber hearings. Pre-trial reviews with 29 approximately 6.14% rank next and Case Management Conferences with 23 or 4.87% rounds off the top three Chamber hearings for the Easter Term of 2019.

Table 80.0: Hearing date certainty in the Commercial Division in the Easter Term of 2019

Hearing dates Set	Hearing dates adjourned (excluding adjournments for continuance)	Hearing date certainty
472	45	90.47%

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The Commercial Division ranks first among the Divisions of the Supreme Court with hearing date certainty in the Easter Term of 2019 with a rate of roughly 10 adjournments for every 100 dates set. This equates to a date certainty of 90.47%, in line with international benchmarks that prescribe a trial/hearing date certainty of 90% - 100%. When trial dates are isolated, the trial date certainty rate is calculated to be 78%, 22.47 percentage points lower than the overall hearing date certainty rate. The Commercial Division has established a consistent trend of high scores on this measure since these publications began in 2017. This continued strong result is partly due to the purposeful and scientific way in which scheduling of commercial cases is done, coupled with the fact that the Commercial Division has three committed Judges.

Table 82.0: Requisitions summary for the Easter Term of 2019

Requisitions Issued	Requisition Reponses	Requisitions clearance Rate	Requisitions per 100 case files
44	16*	36.36%	3

*This figure includes requisitions filed on matters originating prior to 2019

The above table provides a summary of the response rate for requisitions issued in the Commercial Division in the Easter Term of 2019. It is shown that 44 requisitions were issued in the year while there were 16 responses filed, thus producing a requisitions clearance rate of 36.36%. This requisition clearance rate suggests that during the year, for every 10 requisitions issued, roughly four responses were filed, approximately the same as the Easter Term of 2018. Additionally, there was an average incidence of three requisitions per 100 case files in the Commercial Division for the Term, an improvement of six percentage points when compared to the previous Term and a 1-percentage point worse than the corresponding Term in 2018.

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Table 83: Top five methods of disposition for the Easter Term of 2019

Methods of Disposition	Frequency	Percentage (%)
Application Refused	1	1.7
Claim form expire	1	1.7
Consent Judgment	1	1.7
Judgment	5	8.6
Judgment in Default of Acknowledging of Service	12	20.7
Judgment in Default of Defence	6	10.3
Judgment on Admission	9	15.5
Med - Settled Fully in Mediation	1	1.7
Notice of Discontinuance noted	10	17.2
Order (Chamber Court)	2	3.4
Order for seizure and sale	1	1.7
Settled	1	1.7
Struck Out	2	3.4
Transfer to Commercial	4	6.9
Written Judgment Delivered	2	3.4
Total	58	100.0

Number of observations (N) = 58

The data suggests that 58 cases in the Commercial Division were disposed in the Easter Term of 2019. Disposal by way of Judgments in Default of Acknowledging Service, Judgment on Admission, Judgments in Default of Defense and Notices of Discontinuance account for the highest share of cases disposed during the Term.

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Table 84.0: Time to disposition for Commercial cases disposed in the Easter Term of 2019

Number of observations	58
Mean	18.4483
Median	12.5000
Mode	13.00
Std. Deviation	15.91113
Variance	253.164
Skewness	1.372
Std. Error of Skewness	.314
Range	60.00
Minimum	1.00
Maximum	61.00

The above table shows that the estimated average time to disposition for the 58 Commercial cases disposed in the Easter Term of 2019 is 18.45 months or roughly, 1.6 years. The maximum time to disposition observed from these cases is approximately 61 months or approximately 5 years while the lowest is roughly a month. Despite the moderately high average time to disposition, the median time taken was approximately a year while the most frequent time taken to dispose of the matters was 13 months, which is competitive by International standards. There was modest variation of the times to disposition in the Term as revealed by the moderate standard deviation of roughly 16 months. Comparatively more of the times to disposition fell below the mean, as indicated by the moderately high positive skewness observed.

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Table 85.0: Breakdown of times to disposition for Commercial cases in Easter Term of 2019

Date Interval	Frequency	Percentage (%)
0 – 12	29	50.0
13 – 24	16	27.6
25 – 36	6	10.3
37 – 47	1	1.7
48 & over	6	10.3
Total	58	100.0

The above table provides a breakdown of the times to disposition for the sample of cases disposed of in the Commercial Division in the Easter Term of 2019. It is seen that the largest proportion of these cases were disposed of within a year and between 13 and 24 months respectively with 29 or 50% and 16 or 27.60% respectively of the disposals. This is followed by 10.30%, which took between 25 and 36 months to be disposed. Taken together, 77.60% of the disposed cases in the Easter Term of 2019 were disposed of within 2 years.

Table 86.0: Case clearance rate for the Easter Term of 2019

Cases filed	Cases disposed	Case clearance rate
171	58*	33.92%

***This figure includes cases filed before 2018. 13 of the cases disposed in the Easter Term, originated in 2019.**

One hundred and seventy one new cases were filed in the Commercial Division in the Easter Term of 2019, while 58 cases were disposed which yields a case clearance rate of 33.92%, 26 percentage points lower than the corresponding period in 2018 and roughly 9 percentage points higher than the previous Term. This result suggests that for every 100 new cases filed in

the year, roughly 33 were disposed. Again, the cases disposed were not necessarily from those filed, as the clearance rate is simply a productivity ratio. The overall clearance rate so far in 2019 is notable less than the figures observed in 2018 however the full year figures will afford a more meaningful metric for interpretation.

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:

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Table 87.0: Selected performances metrics for the Commercial Division for the Easter Tem of 2019

Resolved cases	Unresolved cases	Case turnover rate	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Case backlog rate (%)
58	458	0.13	45	58	77.59	22.41%

The results in the above table shows a modest case turnover rate of 0.13, which is an indication that for every 100 cases that were heard in the Term and still active, another eight were disposed. These results are interesting considering that the Commercial Division enjoys a comparatively high trial date certainty rate. As indicated earlier however, the strength of the correlation between the clearance rate and the trial date certainty rate is a medium to long-term concept and it is theoretically possible that due to longer average disposal times, a Division could have high trial and hearing date certainty rates but a low clearance rate.

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 is 77.59%, which reflects the proportion of Commercial cases in the Term, which were disposed within 2 years. Conversely, the case backlog rate is 22.41%, an indication that an estimated annual proportion of 22.41% 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 451 cases, which had some court activity

during the Term and were still active at the end of said Term, 101 are expected to be in a backlog classification before being disposed.

CHAPTER 7.0: AGGREGATE CASE ACTIVITY AND RESERVED 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 2019.

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 87.0: Gross case clearance rate for the Easter Term of 2019

Total cases filed	Total cases disposed	Gross Case clearance rate
3610	2202	60.72%

The above table provides an aggregate summary of the clearance rates in the Divisions of the Supreme Court in the Easter Term of 2019. The data suggests that 3610 new cases were

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filed/entered across the Divisions reviewed in the Term, a decrease of roughly 7% when compared to the corresponding Term in 2018. These results yield a gross clearance rate of roughly 61%, a fall of 17 percentage points when compared to the corresponding Term in 2018, suggesting that that for every 100 cases filed/entered during the Term, roughly, 61 were also disposed.

Aggregate Case Counts

Case Activity Summary for the Easter Term of 2019

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition	Hearing date certainty rate
High Court Civil (HCV)	1297	156	12.03%	4.20 years	69.51%
Matrimonial	1195	1038	87%	1.92 years	77.23%
Probate	720	683	95%	1.42 years	78.0%
Commercial	171	58	33.92%	1.54years	90.47%
Home Circuit Court	111	99	89.19%	2.44 years	63.13%
Gun Court	115	164	142.60	1.92 years	67.82%
Revenue Division	1	4	-	-	33.33
Total/Weighted Average	3610	2202	61%	2.24 years	68.19%

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The above table provides an important summary of case activity in the Supreme Court in the Easter Term of 2019. It is shown that 3610 cases were filed/entered across all Divisions of the Supreme Court in the Easter Term. The High Court Civil (HCV) Division with 1297 cases or 35.93% of the cases account for the largest share of the new cases, followed by the Matrimonial Division with 1195 or 33.10% of the total and the Probate Division with 720 or 19.94% of the total. All Divisions except the Revenue Division experienced declines in the number of new cases filed when compared to the Easter Term of 2018. The number of new cases filed decreased by 15.52% when compared to the corresponding Term of 2018.

As is customary, the Matrimonial and Probate Divisions accounted for the largest share of the cases disposed with roughly 47.14% and 31.02% respectively of the cases disposed. These two Divisions also accounted for the largest proportion of new cases filed/brought in the Supreme Court in the Easter Term, which were disposed. As far as clearance rates are concerned, the Gun Court and Probate Divisions with clearance rates of 142.60% and 95% respectively again rank highest, while the Commercial Division and the High Court Civil Division with 12.03% and 33.92% respectively have the lowest clearance rates. The overall case clearance rate for the Supreme Court is estimated at 61%, a decline of 17 percentage points when compared to the Easter Term of 2018. The High Court Civil (HCV) Division again accounted for the longest average time to disposition with cases taking an average of 4.20 years to be disposed. The Home Circuit Court comes in next with an average time to disposition of 2.44 years while the Probate and Commercial Divisions with estimated average times to disposition of 1.42 years

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and 1.54 years respectively in the Easter Term. The overall average time taken to dispose of the cases resolved during the Easter Term is 2.24 years. The Commercial Division is again the only Division in the Supreme Court to have met the International standards for hearing date certainty in the Easter Term of 2019, netting out at 90.47% while the Probate Division comes in next with 78%. On the lower end of the spectrum on this measurement were the Home Circuit Court with 63.13% and the Revenue Division with 33.33%. The weighted average hearing date certainty rate for the Term was 68.19%, indicating that for every 100 hearing dates set; roughly, 68 were able to proceed on schedule without being adjourned to a future date.

Judgments Reserved and Judgments Delivered

This sub-section provides a summary of the Civil Judgments reserved and delivered in 2018.

Table 90.0: Summary of Judgments Reserved and Delivered in the Easter Term of 2019

Number cases on which Judgments were reserved	Number of Judgments delivered (from those reserved in the Easter Term)	Number of cases on which Judgments were delivered in the Easter Term	Number of outstanding Judgments (from those reserved in the Easter Term)	Clearance rates for Judgments reserved (%)
41	1	41	40	100%

A total of 41 Judgments were reserved in the Easter Term of 2019, 1 or 2.44% of which were delivered in said Term. Interestingly there were also 41 Judgments delivered on cases in the Easter Term, leading to a clearance rate on judgments reserved of 100%. This suggests that for every 10 judgments, which were reserved in the Term, roughly 10 were also delivered. Forty of

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the Judgments reserved in the Easter Term were still outstanding at the end of said Term. As far as related statistics are concerned there were 50 judgments reserved on applications during the Term and 49 rulings on applications. These results show decisively that judgments delivered kept pace with judgments delivered during the Easter Term.

CHAPTER 8.0: CONCLUSION AND RECOMMENDATIONS

This Easter Term report represents the continuation of giant steps being made by the Jamaican judicial system in creating a highly performance driven court system. As the Economist Magazine puts it “the world most important resource is not oil, it is instead data”. Data drives understanding, performance, and the old adage that what gets measured gets attention is never truer than what is currently being witnessed in the Jamaican court system. Moreover, the consistent production of these Term reports provide a viable basis upon which the performance of the courts can be monitored and evaluated with respect to the targets, which have being set out by the Chief Justice over the coming 3-6 years. Chief of these targets is the attainment of an overall average clearance rate of 130% for the Jamaican court system and a weighted average trial date certainty rate of 95% over the next six years, commencing April 01, 2019.

Statistical analyses of a single Term does not provide a serious basis for generalization however, it provides important insights and clues into the projected path for the year. Unlike the Hilary Term, the Easter Term saw declines in both the case clearance and hearing date certainty rates when compared to the corresponding period in 2018. In particular, the overall clearance rate fell by 17 percentage points while the overall hearing date certainty rate had a decline of 3.89 percentage points. The overall average time to disposition declined when compared to the Easter Term of 2018, with matters taking on average roughly a month longer to be disposed. The ratio of judgments reserved to judgments delivered continue to show steady strides with a rate 1:1 during the Easter Term, suggesting that for every Judgment Reserved, a Judgment was

also delivered. This means that the Civil Divisions were keeping up with the backlog in the outstanding Judgments during the Term but will need to eventually start having more Judgments delivered than reserved in order to eliminate the backlog. The average time taken to deliver judgments handed down in the Easter Term is 5.16 years however the current trajectory of judgments delivered keeping pace with judgments reserved should, if sustained completely reverse this trend within 12-18 months. The Commercial Division was the only Division of the Supreme Court, which met the annualized International standard of 92% - 100% on this measure in the Easter Term as they did in 2018. The Probate and Matrimonial Divisions continue to fare reasonable well on this measure while much work is still needed to improve this measure in the Gun Court and Home Circuit Court as well as the High Court Civil Division, which have consistently ranked the lowest on this measure. Despite the revised method of scheduling cases in the Home Circuit Court, which is expected to yield dividends over the medium term, concerns persist about the short-term trade-off between the trial date certainty rate and the clearance rate, which could result in some matters staying longer in the criminal justice system. A levelling off is however expected in the coming 18 – 24 months.

Concomitantly, the case backlog rate across the Divisions of the Supreme Court was 33.33%, an indication that just over a third of cases disposed in the Easter Term were in backlog. The High Court Civil Division and the Gun Court with on time case processing rates of 33.43% and 60.40% respectively and case backlog rates of 93.39% and 59.76% respectively account for the lowest proportion of cases disposed before reaching the backlog classification in the Easter Term. On the other hand, the Home Circuit Court and the Commercial Division with on time case

processing rates of 77.78% and 77.59% respectively and case backlog rates of 22.22% and 22.41% respectively account for the highest proportion of cases disposed prior to a backlog classification in the Term.

Despite the improvements noted, there are significant delay factors across all Divisions, which continue to affect the expeditious disposition of cases. One area that highlights these delay factors is the reasons for adjournment of court matters as well as the requisitions in especially the Matrimonial and Probate Divisions. Among the prominent reasons for adjournment cited across this report are the non-appearance of parties, absenteeism of witnesses and investigating officers, incomplete files, documents to be filed, statements outstanding and disclosure. These reasons span both internal factors within the court's control and factors outside of its direct autonomy. Therefore, the ethos of the solutions related to these issues is the need for enhanced case and records management, more robust systems of scheduling and stronger stakeholder engagements. Continuous process flow re-engineering and stakeholder engagement are required in the various Divisions of the Supreme Court to address these delay factors. The observed reasons for adjournment across all Divisions of the Supreme Court have continuously featured prominently over the past three years.

When the performance measurements are statistically weighted, the Probate Division stands out as the best overall performing Division in the Supreme Court, a feat achieved for the fifth consecutive Term.

RECOMMENDATIONS

There are some positives emerging from this Term Report however there is still much to be done to improve the scheduling processes of the court- applying a more exact science to the way in which the resources of the court are deployed to support the timely disposition of cases across all Divisions. The core of the recommendations below are fundamentally reinforcements of the ones from the Hilary Term of 2019.

The report highlighted that an improved, more scientific approach is currently deployed in the Home Circuit Court aimed at improving hearing and trial date certainty. This objective of guaranteeing trial date certainty hinges on sound case management practices and agreements among the attorneys, the prosecution and the court on amicable dates and estimated duration of matters. After almost a year into these reforms, there have only been piecemeal improvements as the overall trial date certainty rate for the Home Circuit Court has barely improved. The success of the reforms will heavily hinge on the ability of the Home Circuit Court to effectively establish a stand-by pool of cases, which can be drawn on in the event that matters set for firm dates are not able to proceed. Failing this, a situation could arise where neither the trial date certainty rate nor the clearance rate improve in the medium term and matters take longer on average to be disposed. This threat should therefore be given maximum priority. So far, we have seen improvements in the case clearance rate but this is partly because of the decline in the number of new cases filed in the Home Circuit Court.

The Matrimonial Division continues to make strides in improving the timely disposition of cases. It has been established that a matrimonial case can be disposed of within 16 weeks if properly filed. There is however very little statistical evidence of this happening with any

degree of regularity despite improvements in public education and continue re-engineering of the case flow processes in the Matrimonial Division. A systematic look of what else needs to be done to further increase the probability of meeting the stated target should be pursued.

Continued strengthening of case flow management practices and business process re-engineering needs to be pursued consistently across all Divisions however, such appears to be particularly warranted in the High Court Civil Division, which has consistently seen the most modest performance output among the Divisions of the Supreme Court. The Probate Division continues to make strides as the pace setter in creating an efficient operating model in the Supreme Court. The Gun Court is showing resilience, despite its continued challenges with low modest hearing and trial date certainty rates while as mentioned, the Home Circuit Court is expected to make considerable strides in the next few years based on the current re-engineering of processes being pursued. Similar can be said of the Matrimonial Division which has nonetheless being resilient on most performance measures. The Judge driven schedule of the Commercial Division continues to return positive results for the hearing date certainty rates but there is much room for improving its clearance rate. Attention needs to be given to the High Court Civil Division (HCV) - complex and multi-tiered as its case paths are, the consistently frail productivity outcomes for this Division are a cause for concern. In the Easter Term, many of the HCV metrics worsened.

The court system as a whole needs a more sophisticated, scientific mechanism to schedule cases for hearings and trial. A scheduling mechanism in which cases are scheduled based the availability of date and time slots, courtrooms and Judges and in which date and resource conflicts of various types are efficiently managed, is crucial in this regard. It is hoped that the

new Judicial Case Management System (JCMS) will provide this facility, which should markedly affect the efficiency of the courts, promoting a more timely delivery of justice.

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 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 without starting, 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.

ⁱ Source:

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

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2019

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