



Supreme Court Of Jamaica

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

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

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Chief Justice's Message

The statistics for the Hilary Term of the court continue to show that the lofty goals that have been outlined are in fact achievable. There continues to be positive movements in the Divisions of the court and the signs are encouraging that the international benchmarks are attainable.

The Probate Division of the Supreme Court with a clearance rate of 99.01% and the Gun Court (not part of the Supreme Court but included for ease of reference) with a clearance rate of 115.6% met the international standard of at least 90%. The Matrimonial Division is at 71.17%. This statistic emphasises the fact that the Probate and Matrimonial Divisions are largely responsible for the improved case clearance rates of the Supreme Court from 46% to 54%. This improvement while recognised is not even 50% of the case clearance rate (130%) needed to clear the backlog case over the next six years. Despite the low clearance rates, the positive is that two Divisions of the Supreme Court (Matrimonial and Probate) and the Gun Court met the average time standard (> 24 months) for final disposition of cases from the time they enter the court.

Of particular concern is the very low clearance rate of the Civil Division, which stands at 21.33%. When this is combined with the low hearing date certainty of 68.20%, the consequence is that the average time between entry into the civil system to final disposition is 3.36 years, that is to say, at least one year over the time standard of 24 months. By contrast, the Commercial Division has a low clearance rate of 24.26%, but a hearing date certainty of 94.64%. The result has been that average time from entry to disposition of cases is 1.4 years. The Gun Court presents the reverse: a high clearance rate of 115.50% and a low hearing date certainty of 60.15%. In the Gun Court, the average time to disposition is 1.92 years.

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While not conclusive, these statistics suggest that there is some correlation between hearing date certainty, clearance rates and the average time a case takes from filing to final disposition. The correlation seems to be this: if the clearance rate is low and the hearing date certainty is low then it is likely that the average time of disposition will increase.

Other than the Commercial Division, no other Division and neither did the Gun Court have a hearing date certainty of greater than 80%. This is a matter of concern and would need closer examination in order to determine why this is the case.

Thus, the message from this data is that with a high hearing date certainty and a high clearance rate, there is likely to be reduced average time to disposition. If this correlation is established and sustained, over the next six years the backlog in the courts would be reduced. The measures that achieve this will have to be sustained as part of the continuous cycle of improvement which will mean that the backlog will never return.

While there are some positive developments in terms of the clearance rates and hearing date certainty, there is still more that has to be done. This requires focus, determination and effective implementation of strategies and tactics to bring about the desired result.

With the commitment of all persons and our court users, the goal of being the best in the Caribbean in three years and one of the best in two years is attainable.

Bryan Sykes OJ, CD

Chief Justice of Jamaica

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EXECUTIVE SUMMARY

This Hilary Term Report on case activity in the Supreme Court provides an important basis upon which to gain initial 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 Hilary Term of 2019 spanned the period January 07 – Apr 12. 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 important insights, 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.

A total of 3880 new cases entered the Supreme Court across the above named Divisions in the Hilary Term of 2019 while 2102 cases were disposed. The total number of new cases filed increased by 12.33% when compared to the corresponding period in 2018 while the number of cases disposed increased by 28%. The High Court Civil (HCV) and Matrimonial Divisions with 1600 and 1117 respectively of the total number of new cases filed accounted for the largest

share while the Gun Court with 129 new cases and the Revenue Division with 4 new cases had the lowest proportion. The Matrimonial Division accounted for the largest share of cases disposed with 37.82% of all disposed cases in the Supreme Court during the Hilary Term, while the Probate Division with 701 disposed cases or roughly 18.07% of total disposals ranked next.

Among the major findings from this Hilary Term Statistics Report is that the average case clearance rate across the four Divisions was roughly 54.18%, an increase of roughly 8 percentage points when compared to the Hilary Term of 2018. The case clearance rate provides a measure of the number of cases disposed, for every new case entered. The average of roughly 54% across the Divisions suggests that for every 100 new cases entered in the period, roughly 54 were also disposed (not necessarily from the new cases entered). The case clearance rates for 2018 range from a low of 21.13% in the High Court Civil Division to a high of 115.50% in the Gun Court. The overall statistic on the case clearance rate gives essential insights into potential case flow and backlog problems, as on average there were still significantly more incoming than outgoing cases in the Supreme Court in the 2019 Hilary Term. The overall clearance rate of roughly 54% in 2018 is well below the minimum standard set out by the Chief Justice for the Judiciary over the next 3 - 6 years however the 8-percentage points stride during the Term is an indication of a positive trajectory. As with the 2018 Annual Report, two of the Divisions in the Supreme Court met or exceeded the International standard for clearance rate in the Term, namely the Gun Court with 115.50% and the Probate Division with 99.01%. The Matrimonial Division with 71.17% came in next. These three Divisions have consistently

accounted for the highest share of cases disposed and leading clearance rate for the better part of the over the past two years.

The report also generated the estimated times to disposition for matters disposed in the respective Divisions in the Hilary Term. The estimated average times taken for cases to be disposed, range from a low of approximately 1.4 years in the Commercial Division to a high of roughly 3.36 years in the High Court Civil Division. The overall average time to disposition for the Divisions of the Supreme Court in the Hilary Term of 2019 was just over two years, slightly less than in the Hilary Term of 2018. The oldest matters disposed in the Hilary Term took place in the Probate and Matrimonial Divisions, which both saw a 26-year-old matter being disposed. 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 Hilary Term of 2019 was 64.64%, which suggests that roughly 65 of every 100 cases disposed in the Supreme Court in the Hilary Term, were done within two years. This implies a case backlog rate of roughly 35.36% for cases disposed in the Supreme Court in the Hilary Term. Despite having a modest clearance rate, the Commercial Division had the highest on-time case-processing rate of 82.35% in the Term, followed by the Probate and Matrimonial Divisions with 74.18% and 70% respectively. The High Court Civil (HCV) Division and the Gun Court with the on-time case processing rates of 33.43% and 60.40% respectively had the lowest

rates. Concomitantly, the Commercial Division (17.65%), the Probate Division (25.82%) and the Matrimonial Division (30%) had the lowest case backlog rate for cases disposed in the Hilary Term while the High Court Civil (HCV) Division (66.57%) and Gun Court (39.60%) 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 60.15% in the Home Circuit Court to a high of 94.64% in the Commercial Division in the Term. The weighted average hearing date certainty across all the Divisions for the period under examination was roughly 71.13%, an increase of 5.01 percentage points when compared to the corresponding period in 2018. This is an indication that there is a just over 71% probability that a matter scheduled for a hearing will go ahead without being delayed to a future date. Similar data on trial date certainty in isolation are also provided in the relevant chapters of the 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 remainder of 2019 into 2020.

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 64 requisitions per 100 case files while the HCV Division with three requisitions per 100 case files ranked among the lowest incidence.

The case file integrity rate debuted in the Annual Statistics Report for 2018. Using proxy data from the High Court Civil Division, the case file integrity rate was estimated to be a commendable 96.20%, slightly below the minimum prescribed International standard of 98%, indicating however that there is room for improvement. The case file integrity rate is influenced by the availability, readiness, accuracy and completeness of a case file.

The overall results from the Hilary Term report continue to show some promising signs. Continuous, clinical interventions in operational procedures will be required to sustain the improvements and to make quantum leaps towards the major goals set out for the judiciary over the next 3-6 years period.

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

Division	New cases Filed	Aggregate number of cases disposed	Number of cases disposed which originated in the Hilary Term	Clearance Rate (%)	Average time To Disposition	Overall hearing date Certainty rate (%)
High Court Civil (HCV)	1600	338	2	21.13%	3.36years	68.20%
Matrimonial	1117	795	0	71.17%	2 years	75.82%
Probate	708	701	18	99.01%	1.9 years	79.38%
Commercial	139	34	19	24.46%	1.4 years	94.64
Home Circuit Court	139	149	11	45.36%	2.40years	60.15%
Gun Court	129	149	4	115.50%	1.92 years	61.02
Revenue Division	4	2	-	50%	-	67.67%
Weighted Average	3880	2102	54.18	54.18	2.16 years	71.13

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

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The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Hilary Term of 2019. These measures are summarized in the table below:

Selected performances metrics for the Supreme Court in 2018

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	338	6367	113	338	33.43%	66.57%
Matrimonial Division	795	3818	557	795	70%	30%
Probate Division	701	1458	520	701	74.18%	25.82%
Commercial Division	34	422	28	34	82.35%	17.65%
Home Circuit Court	83	788	50	83	67.47%	32.53%
Gun Court	149	470	90	149	60.40	39.60
Gross/Average	2100	13323	1358	2100	64.64	35.36

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 Hilary 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 Hilary 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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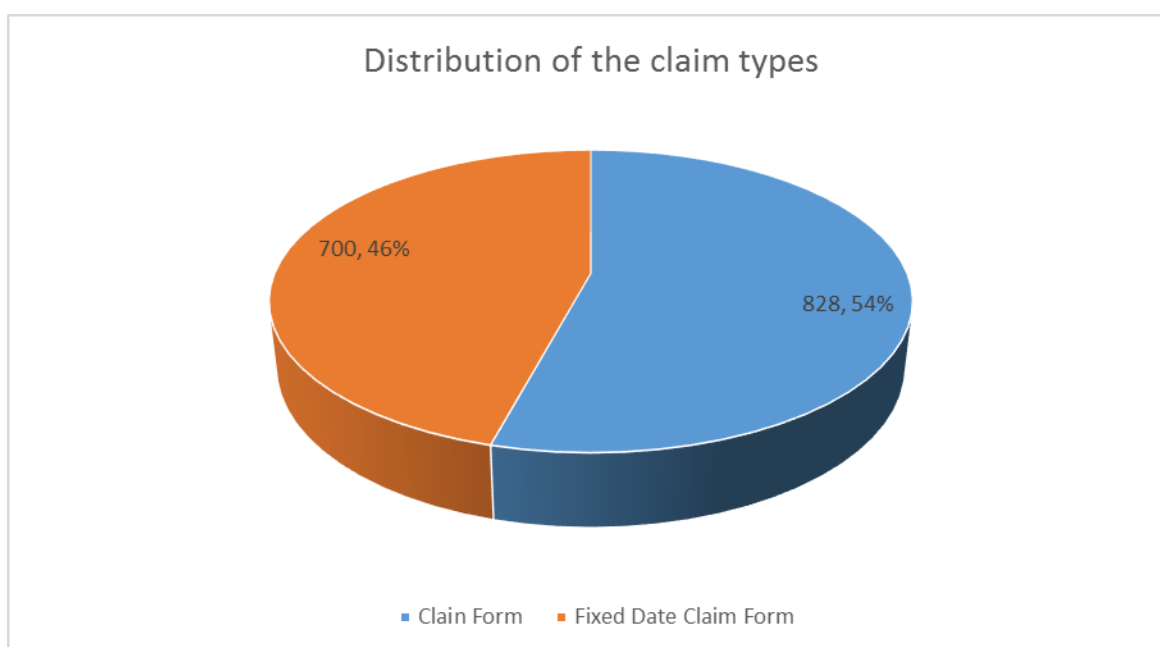
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CHAPTER 1.0: HIGH COURT CIVIL (HCV) DIVISION

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

HCV cases	Frequency	Percentage (%)
Number of new cases filed	1600	100.0

Chart 1.0: Claim Forms and Fixed Date Claim Forms for the Hilary 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 Hilary Term of 2019. Of the 1528 matters originating in of these ways, either 828 or 54% were by way of a Claim Forms while 700 or 46% 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 - d below provide an analysis of the reasons for adjournment or continuance of HCV cases in 2018. 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 2476 incidences of adjournments whether for continuance or avoidable reasons in the High Court Civil (HCV) Division during the Hilary Term.

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

Reasons for adjournment	Frequency	Percentage
Claimant to file documents	372	15.00
For comments from NEPA to be complied with (Restrictive covenant)	268	10.80
Claimant documents not served or short served	262	10.60
No parties appearing	205	8.30
Defendant to file documents	109	4.40
Matter referred to mediation	88	3.60
File not found	64	2.60
Claimant not available	57	2.30
Insufficient time	53	2.10
Defendant absent	49	2.00

Total number of adjournments/continuance = 2476

There were total of 2476 incidence of adjournments/continuance in the Hilary Term of 2018, a significant, a 59.13% increase when compared to the Hilary Term of 2018. The above table summarizes the top ten reasons for adjournment for the year ended December 2018 using the contextual definition outlined above. It is seen that the three dominant reasons for adjournment were claimant to file documents with 372 or 15.40% of all events of

adjournments/continuance, adjournments for comments from NEPA to be complied with (restrictive covenants) with 268 or 10.80% and no parties appearing with 262 or 10.60%. Adjournments for defendants to file documents with 205 or 8.30% and adjournments due to referral of matters to mediation with 88 or 3.60% rounds off the top five reasons for adjournment in the High Court Civil Division for the Hilary Term of 2019. The reasons for adjournment enumerated above, accounts for approximately 61.70% of the total reasons for case adjournment/continuance in the Hilary Term. It 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 similar to those in over the past several reports. 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 15% of the total adjournments. Redressing these weaknesses require constant dialogue and improvements in cooperation with the Bar Association as well as more robust internal policy mechanisms. Such internal policy mechanisms could include the implementation of a sequencing mechanism where repeated attorney absenteeism for particular cases result in the new court dates for such cases be placed in a queue behind other matters which are progressing on schedule. It must be underscored that 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.

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Table 2.0b: Case File Integrity Rate for the Hilary 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 (%)
2476	94	96.20%

In the very strictest sense, the case file integrity rate measures the proportion of time that a case file is fully ready and available in a timely manner for a matter to proceed. Hence, any adjournment, which is due to the lack of readiness of a case file or related proceedings for court at the scheduled time, impairs the case file integrity rate. Case file integrity is based on three pillars - availability, completeness and accuracy. In the above table, the number of adjournments resulting from missing files, matters wrongly listed for court and matters left off the court list is used to compute a proxy rate for the case file integrity. The table shows that there were 369 combined incidences of adjournments due to these deficiencies in the Hilary Term, resulting in a case file integrity rate of 96.20%, which means that 3.80% 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 8.21 percentage points when compared to the Hilary Term of 2018. 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 implementing a mechanism to place all documents filed in a given day of their respective files

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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 and raining throughout 2019.

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

Reasons for continuance	Frequency	Percentage
Pending settlement	29	1.70
Pending outcome of another application	46	1.90

Total number of adjournments/continuance = 2476

The above table summarises the most common reasons why cases in the HCV Division were delayed for 'continuance' throughout the Hilary Term of 2019. It is seen that this list is led by matters pending a settlement with 29 or 1.70% of the total list of reasons for adjournment/continuance. This is followed by adjournments pending the outcome of another application with 46 or 1.90% and pending settlements with 112 or 1.70% of the total adjournments in the Hilary 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 Hilary Term of 2019

Reasons for continuance	Frequency	Percentage
Parties having discussion with a view to settlement	121	4.90
Medical certificate outstanding	13	1.50

Total number of adjournment/continuance = 2476

It is seen above that parties having discussions with a view to settlement with 121 incidences or 4.90% of the total and medical certificates outstanding with 13 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 Hilary Term of 2019

Trial matters/hearings	Frequency	Percentage
Court Trials	446	50.80
Motion Hearing	30	3.42
Assessment of Damages	254	28.93
Trial in Chambers	148	16.86
Total trial matters	878	50.100

The above table shows the breakdown of the progression of selected HCV pre-trial and trial incidences for the Hilary Term of 2019. The table shows an 878-combined occurrence of matters set for the selected types of hearings in the Hilary Term of 2019, of which open court trials with 446 incidences or 50.80% accounted for the largest share. Assessments of Damages followed this with 254 or 28.93% of the total and trials in chamber with 148 or 16.86% of the

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total incidences. The list is rounded off by motion hearings with 30 or 3.42% of the total incidences.

Table 4.0 Hearing date certainty for the Hilary Term of 2019

Hearing dates set	Hearing dates adjourned (excluding adjournments for continuance)	Hearing date certainty (%)
3716	1182	68.20%

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 3716 incidences of either trial or pre-trial hearings, both in Court and in Chamber, 1182 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 68.20% suggests that there is a roughly 68% 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 9-percentage point when compared to the Hilary Term of 2018. 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 management, scheduling and external stakeholder cooperation are vital to redressing these

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deficiencies. When trial matters alone are isolated the trial certainty rate for the HCV Division is 70.45%, 2.25 percentage points higher 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 Hilary 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
68	254	3.74 days

An important indicator of the problems associated with the scheduling of HCV matters comes from an assessment of the number of court days which were available for the Supreme Court in the Hilary Term of 2019, 68 all told and the number of days' worth of assessment of damages which were scheduled (a total of 254). It is shown that for every court day available,

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approximately 3.74 days' worth of matters were scheduled, a dramatic improvement when compared to the 7 days' worth of matters scheduled during the Hilary Term of 2019. This improvement 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 a 36.34% reduction in the number of matters set for Assessment of Damages during the Hilary Term, contributing appreciably to the

Table 5.0b: Index of scheduling efficiency for court trials in the HCV Division for the Hilary 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
68	89	1.31

Another important indicator of the problems associated with the scheduling of HCV matters comes from an assessment of the number of court days which were available for the Supreme Court in the Hilary Term of 2019, 68 all told and the number of days' worth of court trials which were scheduled per court (a total of 89). It is shown that for every day available, 1.31 days' worth of matters were scheduled, an improvement of 0.17 percentage points when compared to the Hilary Term of 2018. Despite the 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 capital may be needed to ensure that the High Court Civil Division (HCV)

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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 Hilary Term of 2019

<u>Type of Incidence</u>	<u>Frequency</u>	<u>Percentage (%)</u>
Case Management Conference	130	5.25
Pre-Trial Review	125	4.89
Trial in court	126	2.47
Assessment of damages	155	6.26
Judgment Summons Hearing	63	4.32
Applications	1877	75.81
Total	2476	100

The above table shows decisively that the vast majority of reasons for adjournments/continuance are associated with Applications, accounting for 75.81% of the total, a notable increase of 13.53 percentage points when compared to the corresponding period in 2018. Adjournments from Assessment of Damages and Case Management Conferences with 6.26% and 5.25% respectively of the total adjournments rank next. When compared to the Hilary 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 12.83 percentage points less and Case Management Conferences accounting for 2.27 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 Hilary Term of 2019

Hearing dates set	Dates adjourned (excluding continuance)	Hearing date certainty (%)
254	155	38.98%

One area in which adjournments are aplenty is with respect to the Assessment of Damages, which accounts for 254 adjournments (excluding procedural adjournments) and has a comparatively low hearing date credibility of 38.98%, a notable improvement of 13.42 percentage points when compared to the Hilary Term of 2018. The probability that a matter that is set for assessment will be heard without adjournment is roughly 40% and implies that significant strengthening of the scheduling process for Assessment of Damages is firmly required at this stage. The cumulative average hearing date certainty for Assessment of Damages for the past three years is also roughly 34%.

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

Hearing dates set	Dates adjourned (excluding continuance)	Hearing date certainty (%)
450	130	71.11 %

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 71.11%. This suggests that there is only a roughly 3 in 10 chances that a matter scheduled for Case Management Conferences will be adjourned. 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 a large number of Assessments of Damages are 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.

Table 9.0: Requisitions for the Hilary Term of 2019

Action	Frequency
Requisitions Issued	201
Responses to requisitions	69
Requisition clearance rate	34.33%
Requisitions per 100 case files	3

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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 4-percentage point improvement when compared to the Hilary Term of 2018. 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 two Terms.

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

Judgments	Frequency	Percentage
Judgments (Trial in Court/Assessment of damages)	151	63.45
Judgment on admission	14	5.88
Judgment in default of acknowledging service	4	1.68
Judgment in default of defence	2	0.84
Interlocutory Judgments	67	28.15
Total Judgments	238	100

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The above table provides a sampling distribution of the Judgments rendered during the life of HCV cases in the Hilary Term of 2019. As seen, Judgments in open court with 151 or 63.45% of total Judgments account for the largest proportion of the Judgments enumerated above. Interlocutory Judgments rank next with 67 or 28.15% of the total. The top three Judgments in this sampling distribution is rounded off by Judgments on admission with 14 or 5.88% of the total sample.

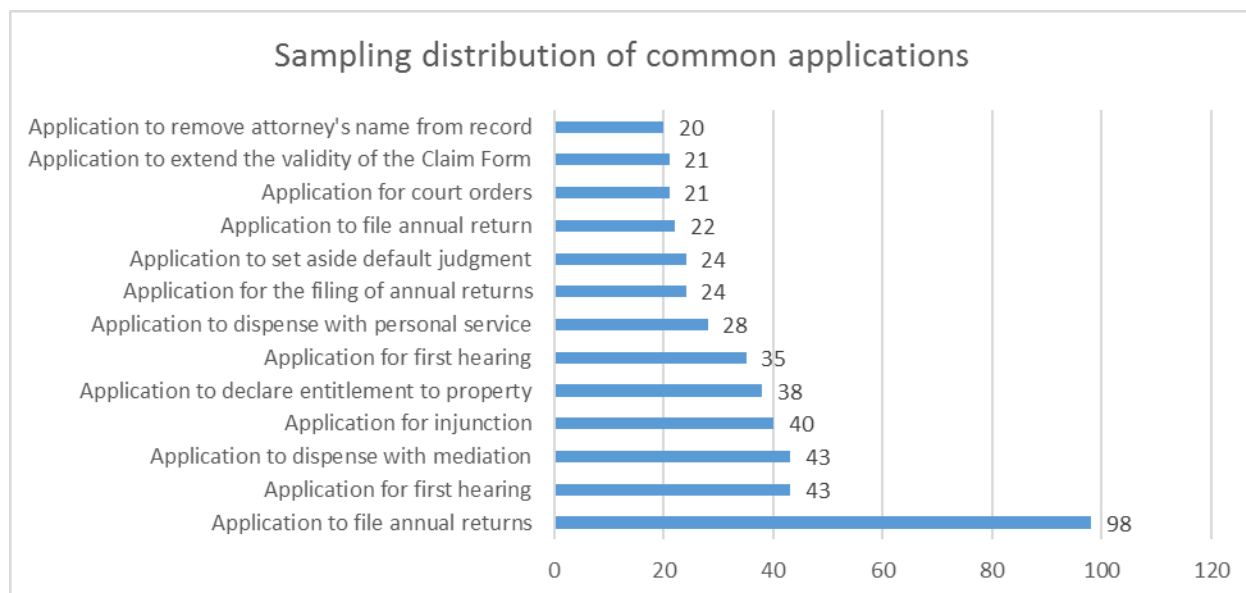
Table 12.0: Sampling distribution of chamber hearings for the Hilary Term of 2019

Hearings	Frequency	Percentage (%)
Oral Examination	2	0.06
Case Management Conference	450	13.68
Pre-trial review	255	7.75
Applications (Various)	2469	75.05
Judgment summons hearing	114	3.47
Total	3290	100

The above table provides a sampling distribution the incidence of different types of Chamber hearings for the Hilary Term of 2019. It is seen that the total sample size of Chamber hearings for the period was 3290, an increase of 18.56% when compared to the Hilary Term of 2018. The highest proportions were various applications with 2469 or 75.05% 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 450 or 13.68% of the sample. Pre-trial reviews with 255 or 7.75 and Judgment summons hearings with 114 or 3.47%

rounds off the top five Chamber Hearings in this sampling distribution for the Hilary Term of 2019.

Chart 2.0: Sampling distribution of the top ten application types for the Hilary Term of 2018



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 first hearing, applications to dispense with mediation, applications for 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.

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

Methods of Disposition	Frequency	Percent
Application Granted	5	1.5
Claim form expire	11	3.3
Consent Judgment	6	1.8
Consent Order	3	.9
Damages Assessed	11	3.3
Judgment	8	2.4
Med - Settled Fully in Mediation	5	1.5
Notice of Discontinuance noted	201	59.5
Order (Chamber Court)	51	15.1
Settled	32	9.5
Struck Out	4	1.2
Transfer to Civil	1	.3
Total	338	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 338 High Court Civil (HCV) cases disposed in the Hilary Term of 2019, a decline of 13.78% when compared to the Hilary Term of 2018. The largest proportion of the cases disposed, 201 or 59.50% were a result of Notices of Discontinuance filed. Matters disposed by way of Court Orders and matters settled with 51 or 15.10% and 32 or 9.50% respectively rank next. Damages and assessed and the expiration of claim forms each with 11 or 3.30% of the total round of the top five methods of disposition for the High Court Civil Division during the Hilary Term. Of the 338 HCV cases disposed of in the Hilary Term, only 2 or 0.59%

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were from cases originating in that Term. This represents a mere 0.13% of the new cases filed in this Division in 2018.

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

Descriptive Statistics

Number of observations	338
Mean	40.3639
Median	34.0000
Mode	34.00
Std. Deviation	27.49860
Skewness	1.229
Std. Error of Skewness	.133
Range	155.00
Minimum	.00
Maximum	155.00

One of the most important metrics, which can be used in assessing the efficiency of case handling, is the time to disposition. An understanding of this measure is crucial to influencing both internal and external policies, necessary to bolster the timely delivery of justice. The above table provides crucial insights on the average time to disposition of matters in the HCV Division for the Hilary Term of 2019. The 338 cases disposed in the year reveal an estimated average time to disposition was 40.36 months or 3.36 years, an increase of roughly 4 months when compared to the corresponding period in 2018. The oldest matter disposed in the year was 155 months old or almost 13 years old while the lowest time that a matter took to disposition was less than a month. The most frequently occurring time to disposition in the period was 34 months or just under 3 years. The standard deviation of roughly 27 months is indication of a wide variation of the durations to disposal around the mean and suggests that the times to

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disposition vary widely. The positive skewness of roughly 1.23 however indicates 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 Hilary Term of 2019

Time Intervals (months)	Frequency	Percentage (%)
0 -12	49	14.5
13 – 24	64	18.9
25 – 36	80	23.7
37 – 47	24	7.1
48 & over	121	35.8
Total	338	100.0

The above table provides a more detailed breakdown of the average time to disposition. It is seen that of the 338 matters disposed in the year, the largest proportion, 121 or 35.80% took four years or more to be disposed. 80 matters or roughly 24% took between 25 and 36 months to be disposed. 64 or 18.90% of the matters took between 13 and 24 months to be disposed while 49 or 14.50% took under a year to be disposed and 24 or 7.10% took between 37 and 47 months to be disposed. It is of note that roughly 67% 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

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minus 2 months or 0.17 years. These times to disposition 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 Hilary Term of 2018

Cases filed	Cases disposed	Case clearance rate
1600	338*	21.13%

***2 or 0.59% of the cases disposed, originated in the Hilary Term**

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 21.13% 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 21 cases disposed (not necessarily of those filed in the Hilary Term). The result represents an increase of roughly 5 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 Hilary 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 Hilary 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 (%)
338	6367	0.05	113	338	33.43%	66.57%

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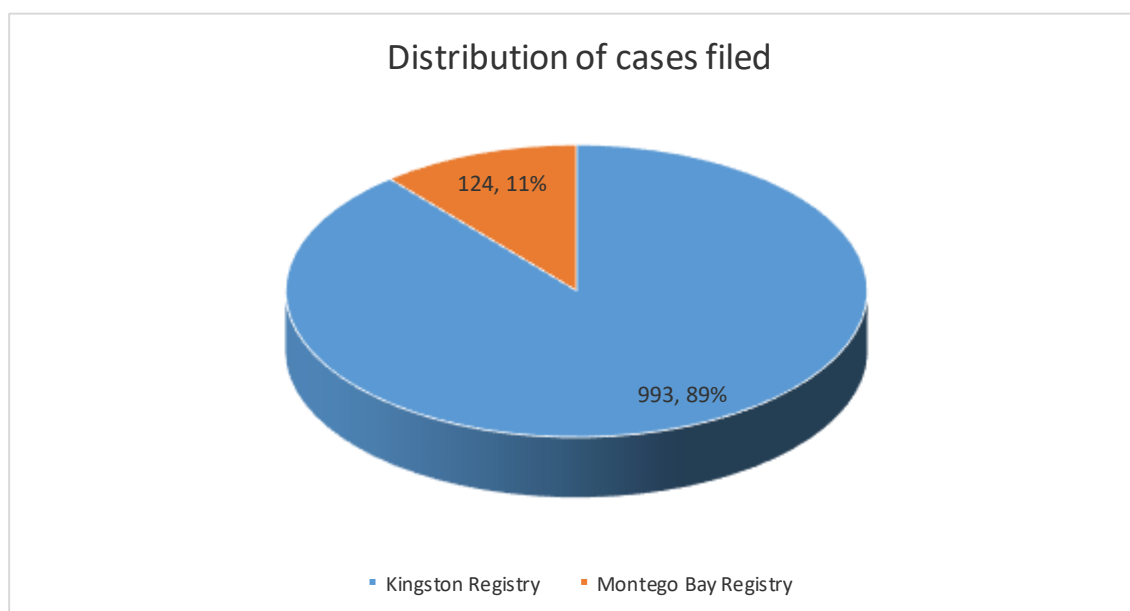
The results in the above table show a case turnover rate of 0.05, which is an indication that for every 100 cases, which were 'heard' in Hilary Term of 2019 and still active at the end of the year, another five were disposed.

A case is considered to be in a backlog classification if it is still active for over two years. Based on this general criterion, a case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the High Court Civil Division in the Hilary Term of 2019 is 33.43%, which reflects the proportion of High Court Civil cases in the Hilary Term, which were disposed within 2 years. Conversely, the case backlog rate is 66.57%, an indication that an estimated annual proportion of 67% 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 6367 cases, which had some court activity in the Hilary Term and were still active at the end of the year, 4239 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 Hilary Term of 2019.

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



The above table shows that there were 1117 new Matrimonial cases filed in the Supreme Court during the Hilary Term of 2019. The majority of these matters, 993 or 88.89% were filed at the Kingston Registry. The remaining 124 or 11.10% were filed at the Montego Bay Registry. The proportion of new cases filed which are accounted for by the Western Regional Registry increased by four percentage points when compared to the Hilary Term of 2018.

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Table 17.0: Petitions filed during the Hilary Term of 2019

	Frequency	Percentage
Amended petition for dissolution of marriage	575	0.34
Petition for dissolution of marriage	1117	0.66
Total Petitions filed	1692	100
Number of amendments per petition	0.52	

The above table summarizes Petitions filed in the Hilary Term of 2019. It is shown that a total of 1497 Petitions (new or amended) were filed, 1117 or 66% were Petitions for dissolution of marriage, compared to 575 or 34% which were amended or further amended Petitions for dissolution of marriage. The analysis further suggests that the ratio of Petitions to Amended Petitions is 0.52 or in other words for every 100 Petitions for dissolution of marriage there is roughly 52 amended Petitions for dissolution of marriage in the Hilary Term of 2019. This represents a reduction of 2 percentage points when compared to the Hilary Term of 2019. The relatively high incidence of amendments constitutes a source of delays in the timely and efficient delivery of dispositions. Continued public education and process re-engineering is necessary to stem this tide. 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 processes, their roles,

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

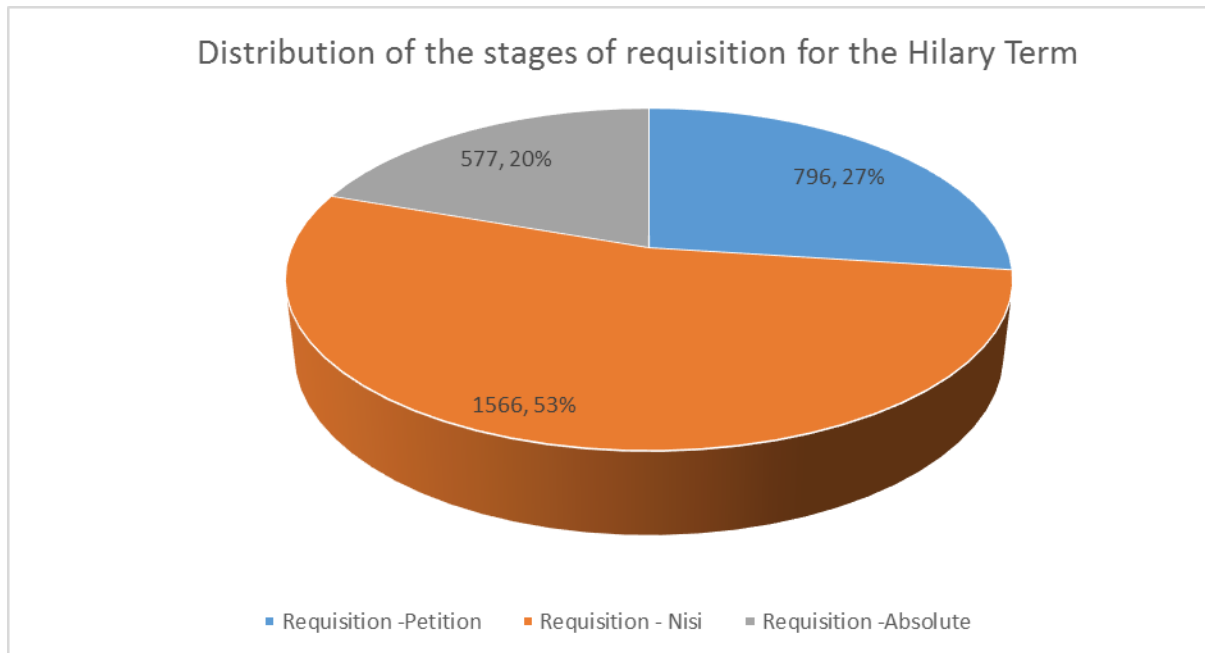
Table 18.0: Decrees Nisi and Decrees Absolute filed for the Hilary Term of 2019

Case Status	Frequency
Decree Absolute	1305
Decree Nisi for dissolution of marriage	1699
Decree Nisi for nullity of marriage	4
Total	3008
Ratio of Decrees Nisi to Decrees Absolute	0.77

It is seen in the above table that for every 100 Decrees Nisi filed there were roughly 77 Decrees Absolute filed in the Hilary Term of 2019, a ratio of 1:0.77. One caveat to note is that Decrees Nisi and Decrees Absolute would have originated at various times outside of this specific period of analysis. The data here suggests that there were 20 less Decrees Absolute filed for every 100 Decrees Nisi filed when compared to the Hilary Term of 2018. There was however, a significant increase of 36.80 percentage points in the number of Decrees Nisi filed, when compared to the corresponding Term in 2018. Using the same comparison, the number of Decrees Absolute Filed increased by 8.75 percentage points when compared to the Hilary Term of 2018. Hence, the proportionately larger increase in the number of Decrees Nisi filed, largely explains the notable reduction in the ratio of Decrees Nisi to Decrees Absolute filed in the Hilary Term of 2019. 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 matter's lifecycle - Petition, Decrees Nisi and Decrees Absolute are shown in the chart below.

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



The data suggests that 2939 requisitions were issued at the three primary stages of a divorces case at the Kingston and Montego Bay Supreme Court Registries combined a notable increase of 46.43% when compared to the Hilary 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 53% incidence. 27% of the total constituted requisitions at the stage of a Decrees Absolute and the lowest proportion of 20% of requisitions are associated with Petitions. This 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

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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 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 is critical to achieving the targeted efficiencies in the disposition of Matrimonial cases.

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

Method of Disposition	Frequency	Percentage (%)
Decree Absolute Granted	708	89.1
Decree Nullity Granted	8	1.0
Notice of Discontinuance noted	2	.3
WR Decree Absolute Granted	76	9.6
WR Notice of Discontinuance noted	1	.1
Total	795	100.0

The above table reveals that 795 Matrimonial cases were disposed in the Hilary Term of 2019, a notable increase of 92.96% when compared to the Hilary Term of 2018. A proportion of 98.70% of the number disposed were by the method of Decrees Absolute Granted, 8 or 1.0% were by way of Decrees Nullity and 3 or 0.4% by way of Notices of Discontinuance. 77 or 9.80% of the cases disposed occurred at the Western Regional Supreme Court Registry in Montego Bay. It is instructive that none of the 795 cases disposed in the Hilary Term were cases that originated in said Term. This result creates some concerns over the ability of the current processes in the

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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.

Table 20.0: Requisitions summary for the Hilary Term of 2019

Action	Frequency
Requisitions	2939
Number of requisitions per 100 files	64
Number of responses to requisitions	1338
Requisition response rate	45.52%

The incidence of requisitions is especially important in assessing the efficiency with which Matrimonial matters move through the court system. 2939 requisitions were filed in the Hilary Term of 2019, a marked increase of 46.43% when compared to the Hilary Term of 2018. This produces a ratio of cases filed to requisitions of 0.64, which suggests that for every 100 cases, filed on which there was activity in the 2019 Hilary Term, there were 64 requisitions, an improvement of 1 percentage point when compared to the corresponding period in 2018. There a significant increase of roughly 35 percentage points in the rate of response to requisitions, a positive sign, which is possibly indicative of increased awareness and cooperation from external stakeholders. Because of the ongoing process re-engineering in the Matrimonial Division, continuous improvements in this rate is anticipated in mid to late 2019, which should contribute appreciably to enhancing the case disposal rate.

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

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

Notes

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

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

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

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

Action	Frequency	Percentage (%)
Applications	132	54.10
Expedited Applications	4	1.64
Case Management Conference	82	33.60
Motion Hearing	9	3.69
Pre-trial Hearing	5	2.05
Trial	10	4.10
Judgment Summons Hearing	2	0.82
Total	244	100

The above table shows the distribution of the types of matters brought before the Court for the period under examination. The data shows that 244 Matrimonial dates were actioned in either Court or Chamber of which the largest proportion, 132 or 54.10% were applications followed by 82 or 33.60%, which were Case Management Conference matters. The event with the third highest incidence in this category is trial matters, which accounts for 10 or 4.10% of the total. Motion Hearings with nine or 3.69% and Pre-trial hearings with 5 or 2.05% of the total rounds off the top 5 events enumerated in this category. The 244 dates enumerated above is the equivalent of 219 cases. The probability distributions of the events in this table are broadly consistent with that which was observed in the Hilary Term of 2018.

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

Application type	Frequency	Percentage (%)
Application for custody and /or maintenance	32	23.53
Application to dispense with personal service	28	20.59
Application for substituted service	18	13.24
Application for joint custody	10	7.35

Further analysis of the types of application brought before the Court suggests that applications for custody and/or maintenance with 32 or 23.53% accounted for the largest share. This is followed by applications to dispense with personal service with 28 or 20.59% of the total applications, while applications for substituted service with 18 or 13.24% and applications for joint custody with 10 or 7.35% each of the applications round off the top 4 application types. These application types account for roughly 64.71% of all application in the Matrimonial Division in the Hilary 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 Hilary Term of 2019

Reasons for Adjournment	Frequency	Percentage (%)
No parties appearing	20	14.39
Claimant to serve documents	18	13.95
Parties having discussions with a view to settlement	13	10.08
Defendant's application/documents not in order	8	6.20
Claimant's documents not served or short served	8	6.20

Total number of adjournments (N) = 129

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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 129 adjournments in the Matrimonial Division in the Hilary Term of 2019 representing an increase of 115% when compared to the Hilary Term of 2018. The largest proportion of these adjournments was due to no parties appearing with 20 or 14.39% of total adjournments. This continues to be among the leading reasons for adjournment for the civil divisions. Claimant to serve documents with 18 or 13.95% and parties having discussions with a view to settlement with 13 or 10.08% of the reasons for adjournments rounds off the top three. Claimant not served or short served and defendant's documents not served or short served each with 8 or 6.20% ranks next. All five reasons for adjournment enumerated above also featured prominently in the list for the High Court Civil Division and in the 2018 report on open court matters in the Matrimonial Division, contributing 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.

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

Court/Chamber hearing dates set	Hearing dates Date adjourned (excluding continuance)	Hearing date certainty rate (%)
244	59	75.82

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The possible over-scheduling of cases is affirmed by the above table, which computes the date scheduling certainty of the Matrimonial Division. It is seen that of the 244 -combined incidence of Court and Chamber hearings in the Hilary Term of 2019, 59 were adjourned for reasons other than intrinsic procedural factors. This produces a reasonably high 76% hearing date certainty and suggests that for the year, a decline of 2.25 percentage points when compared to the Hilary Term of 2018. For every 100 matters scheduled is the approximate number that would be expected to proceed without adjournment is 76. When trial matters are isolated, the trial date certainty rate is 70.25%, 3 percentage points higher than the overall hearing date certainty rate.

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

Descriptive Statistics

Number of observations	795
Mean	24.9107
Median	19.0000
Mode	8.00
Std. Deviation	25.24182
Variance	637.149
Skewness	4.047
Std. Error of Skewness	.087
Range	303.00
Minimum	6.00
Maximum	309.00

The above table summarizes the time disposition for the Hilary Term of 2019. It is seen that of the 795 matters disposed of in the Term, the estimated average time to disposition was roughly 24.91 months or roughly 2 years, approximately the same as the Hilary Term of 2018. The estimate of the most frequently occurring time to disposition was however, 8 months while the

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estimated maximum time to disposition for matters disposed of in the Term was 309 months or roughly 26 and the estimated minimum was roughly 6 months. The minimum time to disposition of six months, coupled with the most frequently occurring time to disposition of 8 months is an indication that the Matrimonial Division may be poised to realize much lower time 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 4 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 Hilary Term of 2019

Time Interval (in months)	Frequency	Percentage (%)
0 -12	284	35.7
13 – 24	273	34.3
25 – 36	109	13.7
37 – 47	40	5.0
48 & over	89	11.2
Total	795	100.0

Note: 0% of all cases disposed in the Hilary Term originated in said Term

The above table provides a more detailed breakdown of the estimated times to disposition for Matrimonial matters in the Hilary Term of 2019. It is seen that of the 795 matters disposed of in the Term, the largest proportion, 284 or roughly 35.70% were disposed within a year, quite an encouraging sign. The second most disposals occurred within the period 13 - 24 months, accounting for 273 or 34.30% of the total. Taken together this result suggests that 557 or 70% of Matrimonial matters were disposed in the period were done in two years or less from the

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time of initiation. 238 or roughly 30% of all Matrimonial matters disposed in the year took more than two years to be disposed. It is of note that 89 or 11.20% of the cases disposed in the Matrimonial Division in the Term took four or more years. The estimates however clearly suggest that a decidedly larger proportion of matters, which were disposed of 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 Hilary Term of 2019

Cases filed	Cases disposed	Case clearance rate
1117	795*	71.17%

** Note: 0% of all cases disposed in the Hilary Term originated in said Term*

The above table shows that there were 1117 new cases filed in the Hilary Term of 2019 while 795 were disposed. This produces a case clearance rate of 71.17%, suggesting that for every 100 new cases; roughly, 71 were disposed in the year. This represents an improvement of roughly 27 percentage points when compared to the Hilary Term of 2018. 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 in coming than outgoing cases. This 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 a 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 notable 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 cases, which have been active for over two years as at the end of the 2019 Hilary Term. These measures are summarized in the table below:

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Table 29.0: Selected performances metrics for the Matrimonial Division in the Hilary 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 (%)
795	3818	0.21	1738 days	557	795	70%	30%

The results in the above table shows a case turnover rate of 0.21, which is an indication that for every 100 cases, which were 'heard' in, 2018 and still active at the end of the year, another 21 were disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the year will on average take 1738 more days or 4.76 more years to be disposed, barring special interventions.

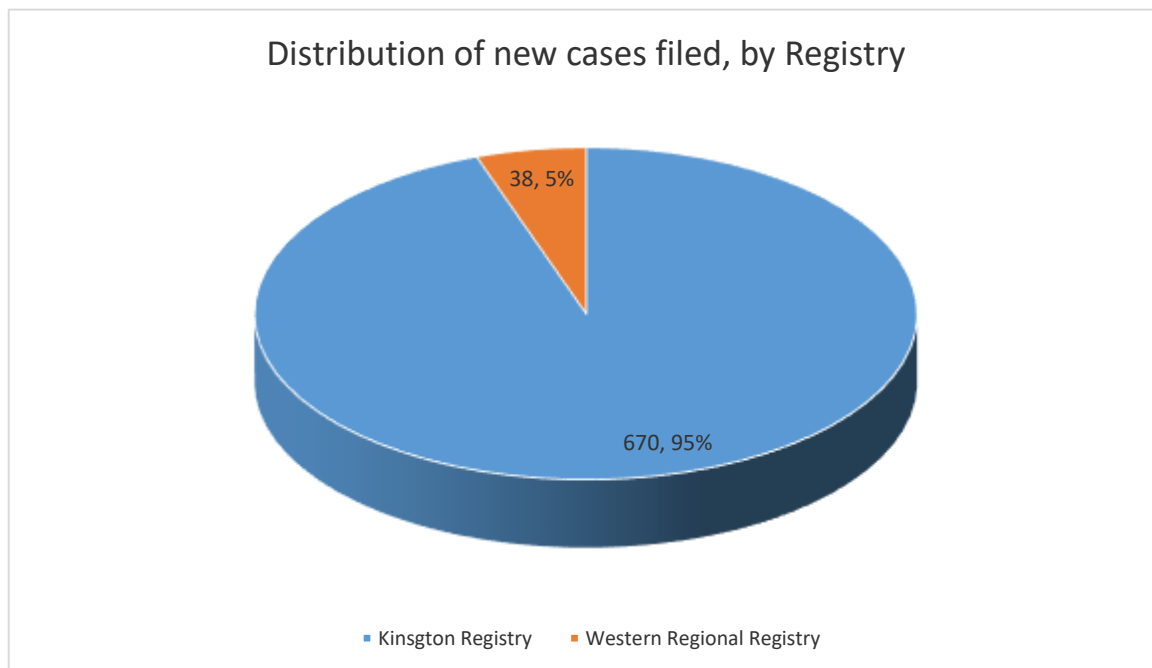
A case is considered to be in a backlog classification if it is still active for over two years. Based on this general criterion, a case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Matrimonial Division in 2018 is 70%, which reflects the proportion of Matrimonial cases in 2018, which were disposed within 2 years. Conversely, the case backlog rate is 30%, an indication that an estimated annual proportion of 35% 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 3818 cases, which had some court activity in 2018 and were still active at the end of the year, 2673 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 Hilary Term of 2019.

A total of 708 new Probate Cases were filed in the Hilary Term. 38 of these cases were filed at the Western Regional Registry and the remaining 670 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 Hilary Term of 2019

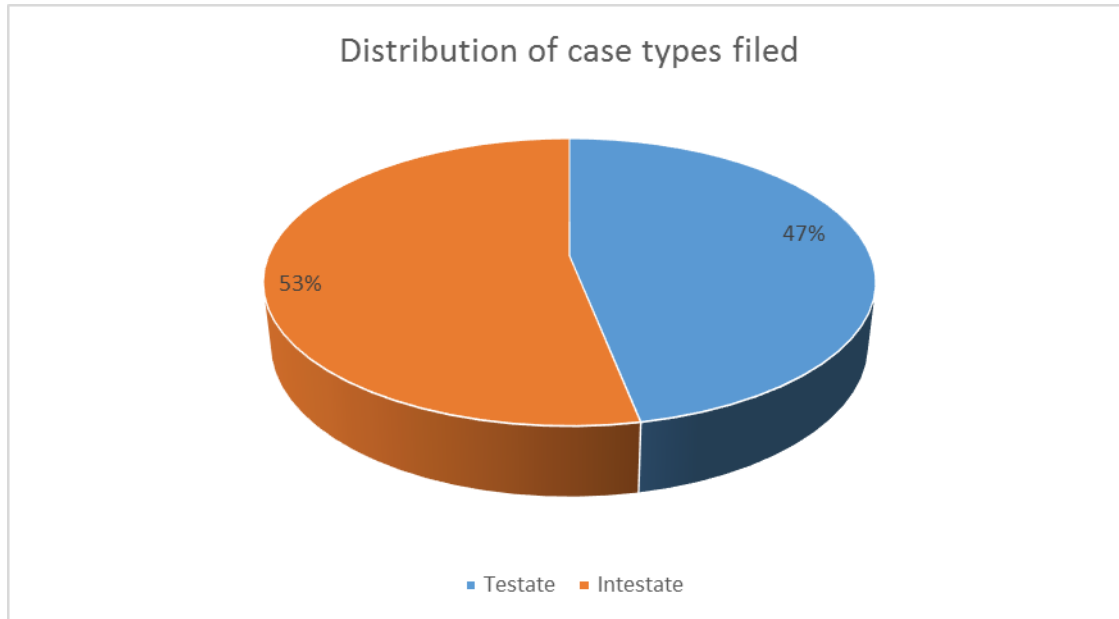


As shown in the above chart, 670 or 95% of the new Probate cases filed in the Hilary Term took place at the Registry in Kingston while the remaining 38 or 5% were filed at the Western Regional Registry in Montego Bay.

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Chart 6.0: Distribution of the types of cases filed in the Hilary Term of 2018



The above chart shows that 53% of the Estate matters filed in the Probate Division in the Hilary Term of 2019 were testate matters while another 47% were Intestate. Testate matters involve a valid will and Intestate matters do not.

Table 30.0: Oaths for the Hilary Term of 2019

Oaths	Frequency	Percentage (%)
Supplemental Oaths	676	48.85
Oaths	708	51.15
Total Oaths	1384	100
Ratio	0.95	

The above table suggests there were 4616 Oaths filed in the Hilary Term of 2019, of which 708 or 51.15% were initial Oaths filed, compared to 48.85% which were Supplemental Oaths. The ratio of Oaths to Supplemental Oaths is 0.95, which suggests that for every 100 Oaths there

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were 95 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 Hilary Term of 2019

Probate cases filed	Frequency	Percent
Estate (ES(P))	28	3.4
Estate (ES(P)) Corporate Area Intestate	1	.1
Estate (ES(P)) Corporate Area Testate	2	.2
Estate (ES(P)) Instrument of Admin	79	9.6
Estate (ES(P)) SC Resealing Intestate	2	.2
Estate (ES(P)) SC Resealing Testate	11	1.3
Estate (ES(P)) St. Ann Intestate	3	.4
Estate (ES(P)) St. Elizabeth Intestate	3	.4
Estate (ES(P)) St. Elizabeth Testate	1	.1
Estate (ES(P)) St. James Intestate	10	1.2
Estate (ES(P)) Supreme Ct Intestate	334	40.6
Estate (ES(P)) Supreme Ct Testate	295	35.9
Estate (ES(P)) Trelawny Intestate	8	1.0
Estate (ES(P)) Trelawny Testate	2	.2
Estate (ES(P)) Westmoreland Intestate	4	.5
Estate (ES(P)) Westmoreland Testate	1	.1
Estate (ES(P)) WR Intestate	16	1.9
Estate (ES(P)) WR Testate	22	2.7
Total	822	100.0

The above table provides a detailed breakdown of the origin of probate matters filed during the Hilary 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 86% originated at the

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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 St. James Parish Court, the Trelawny and Westmoreland Parish Courts (in that order) accounts for the largest share. 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 he Hilary Term of 2019

Action Status	Frequency
Granted	360
*Grants Signed	683
Ratio of Granted Applications to Grants Signed	1.90

** Some of Grants Signed were based on Grants made prior to the Hilary 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 Hilary Term, 190 Grants were signed, including many, which would have been granted prior to the Hilary Term. This represents a marked improvement of 92 percentage points when compared to the Hilary Term of 2018. The data suggests that there is at least a relatively high transition rate between the fundamental stages of recommendation of a Grant, matter granted and Grant Signed, which terminates a Probate case.

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

Action Status	Frequency
Number of cases actioned	2159
Requisitions Issued	796
Number of responses to requisitions	297
Number of requisitions per 100 case files	14
Requisitions response rate	37%
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 Hilary Term of 2019 there were 796 requisitions issued while 2159 individual matters were actioned in the period, representing a ratio of 14 requisitions per 100 case files. This means that for every 100 cases actioned there were 14 requisitions issued a decline of 61 percentage points when compared to the Hilary Term of 2018. There were 297 responses to requisitions in the Probate and Administration Division in the Hilary Term of 2018, producing a requisitions response rate of 37%, an improvement of 15 percentage points when compared to the corresponding period in 2018. Further analysis suggests that the average time from the issuing of final requisitions to the Grant of Probate was 20 days, a decline of 4 days when compared to the Hilary Term of 2018.

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

Methods of disposition	Frequency	Percent (%)
Grants Signed	683	96.83
Notice of Discontinuance	18	3.17
Total	701	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 701 matters disposed in the period, the largest proportion, 683 or 97.43% was a result of various Grants Signed. Notices of Discontinuance account for the other 18 or 2.57% of the dispositions.

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

Methods of disposition	Frequency	Percentage (%)
Application Granted	4	0.57
Grant ad collegenda Bona signed	1	0.14
Grant by Representation signed	2	0.29
Grant of Admin De Bonis Non signed	3	0.43
Grant of Admin De Bonis Non W/A signed	8	1.14
Grant of administration signed	250	35.66
Grant of probate signed	320	45.65
Grant of Resealing signed	34	4.85
Letters of Administrator with W/A signed	24	3.42

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Notice of Discontinuance noted	15	2.14
WR Grant of administration signed	18	2.57
WR Grant of probate signed	19	2.71
WR Notice of Discontinuance noted	3	0.43
Total	701	100.0

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

The above table shows that there were 701 Probate cases disposed in the Hilary Term of 2019, the largest proportion 339 or 48.36% were a result of Grants of Administration Signed, followed Grants of Probate Signed with 268 or 38.23%. Grants of Resealing Signed rounds off the top three methods of disposition with 34 or 4.85% of the total. Letters of Administration with Will Annex with 24 or 3.42% and Notices of Discontinuance with 18 or 2.57% completes the five leading methods of disposition in the Probate and Administration Division in the Hilary Term.

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

Reason	Frequency	Percentage (%)
Claimant's documents not served or short served	9	19.60
Claimant to file documents	9	19.60
No parties appearing	7	15.20
Matter not properly before court	4	8.70
Claimant's documents not in order	3	6.50

Total number of adjournments= 46

The top five reasons for adjournment for Probate matters that went to court in the Hilary Term are summarized in the above table above. It is shown that of the 46 adjournments in the

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period, the largest proportion were for the reasons of 'claimant's documents not served or short served,' and 'claimant to file documents,' each accounting for 9 or 19.60% and 7 or 15.20% respectively of the total reasons for adjournment in the Hilary Term. Parties not appearing with 7 or 10.10% of the adjournments rounds off the top three reasons. Matter not properly before the court with 4 or 8.70% and claimant's documents not in order with 3 or 6.50% rounds off the top five or 6.50% of the reasons for adjournment in the Term. The majority of these reasons for adjournment were also prominent in the High Court Civil (HCV) and Matrimonial Divisions.

Table 37.0: Applications for the Hilary Term of 2019

Nature of Applications	Frequency	Percentage (%)
Applications	66	72.53
Express Applications	25	27.47
Total	91	100.0
Ratio of express applications to applications	-	0.38

The above table provides a basic summary of the types of court applications made in the Hilary Term of 2019 and shows that there were 91 court applications in the period, of which 66 or 72.53% were standard applications while the remaining 25 or 27.47% were express applications. For every 10 applications made during the year, there were roughly four express applications.

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

Application	Frequency	Percentage (%)
Application to prove copy will	22	24.20
Application for directions	5	5.50
Application to remove attorney's name from record	4	4.40

The above provides a deeper analysis of the types of applications made during the period under examination. It is shown that applications to prove copy will account for the largest proportion of applications with 22 or 24.20% of the total, followed by applications for directions with 5 or 5.50% of the total number of applications. The top three types of applications are rounded off by applications to remove attorney's name from record with 4 or 4.40% of the total.

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

Court/Chamber hearing dates set	Hearing dates adjourned (excluding continuance)	Hearing date certainty (%)
97	20	79.38

The above table addresses the extent of adherence with dates set for Court/Chamber matters in the Probate Division for the Hilary Term of 2019. It is shown that there were 97 incidences of dates set were scheduled for Chamber or Court, 20 of which were adjourned for reasons other than 'continuance'. This suggests an overall hearing date certainty rate of 79.38%, an indication

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that for the Hilary Term there was a roughly 79% 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 Hilary Term of 2019

Description Statistics

Number of observations	701
Mean	22.6762
Median	13.0000
Mode	9.00
Std. Deviation	27.87563
Skewness	5.038
Std. Error of Skewness	.092
Range	311.00
Minimum	2.00
Maximum	313.00

The above table provides a summary measure of the overall estimated times to disposition for the 701 cases disposed of in the Hilary Term. The estimated average time to disposition is 22.68 months or approximately 1.9 years, a slight increase of six months when compared to the Hilary Term of 2019. This result was however acutely positively skewed by the existence of a few large times to disposition, which have markedly increased the average. This large positive skewness therefore suggests that the substantially larger proportion of the times to disposition were below the overall average time. This is supported by the results for the estimated median time to disposition of 13 months and the most frequently occurring time to disposition of just 9 months. The reasonably large standard deviation of 27.88 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

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Probate matter disposed of in the year was 313 months old or approximately 26 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 701 Probate cases disposed of in the Hilary Term of 2019, 18 or 2.57% originated in that year. This further represents 2.54% of new cases filed in the Term. The number of Probate and Administration cases disposed in the Hilary Term of 2019 represents a 41% increase when compared to 2018.

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

Time Intervals (months)	Frequency	Percentage (%)
0 -12	301	42.9
13 – 24	219	31.2
25 – 36	91	13.0
37 – 47	29	4.1
48 & over	61	8.7
Total	701	100.0

The above table shows that of the 701 Probate matters disposed of in the year, the majority, 301 or 42.90% were disposed of in 12 months or less, followed by 219 or 31.20%, which were disposed of within a time interval of 13 to 24 months. Taken together this data suggests that an impressive estimated 74.10% of Probate matters which were disposed of in the Hilary Term took two years or less. 13.0% each of the cases were disposed of in an estimated time frame of between 25 and 36 months, 4.10% took between 37 and 47 months and 8.70% 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.

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

Cases filed	Cases disposed	Case clearance rate
708	701	99.01%

***2.57% of the 18 cases disposed, originated in the Hilary Term of 2019.**

Using the data on the number of cases filed and disposed of in the period under examination, a case clearance rate of approximately 99.01% is derived. This suggests that for every 100 cases filed and active in the period, 99 were disposed. The Probate and Administration Division commenced a re-engineering of its case process flow in 2018, which has contributed positively to this outcome. All told, the Probate Division consistently ranks among the best performing in the Supreme Court.

Other performance measures

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

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

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

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cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally the case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Hilary Term in 2019.

These measures are summarized in the table below:

Table 43.0: Selected performances metrics for the Probate and Administration Division in the Hilary 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 (%)
701	1458	0.48	760 days	520	701	74.18%	25.82

The results in the above table shows a case turnover rate of 0.48, which is an indication that for every 100 cases, which were 'heard' in 2018 and still active at the end of the year, another 48 were disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the year will on average take 760 more days or 2 more 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 Probate and Administration Division in the Hilary Term of 2019 is 74.18%, which reflects the proportion of Probate and Administration cases in the Term, which

were disposed within 2 years. Conversely, the case backlog rate is 25.82%, 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 1458 cases, which had some court activity in the Hilary Term of 2019 and were still active at the end of the year, 376 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 Hilary Term of 2019.

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

Charge	Frequency	Percentage (%)
Murder	78	39.60
Sexual Intercourse with a person under 16 years old	39	19.80
Rape	33	16.80
Forcible Abduction	9	4.60
Possession of identify Information	6	3.0
Total	165	83.80

Total number of charges brought (N) = 197

The above table summarizes the distribution of top five charges associated with cases brought in the Hilary Term of 2019. There were **183 new cases filed** at the Home Circuit Court during the Term, representing **197 charges**, a ratio of roughly 11 charges for every 10 cases. This result represents an increase of 11.59% in the number of new cases filed when compared to the Hilary Term of 2018. It is shown that of these 197 charges, the largest proportion, 78 or 39.60% were murder matters. This is followed sexual intercourse with a person under 16 years old and rape with 39 or 19.80% and 33 or 16.80% respectively. Forcible Abduction and Possession of Identity Information round off the top five offences with 4.60% and 3.0% respectively. It is of interest that roughly 43.15% of the total number of charges brought in the Hilary Term of 2019 were sex related, roughly 10 percentage points higher than that of the Hilary Term of 2018. The top five charges filed, accounts for 83.80% of the total. 871 criminal cases, which is

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the equivalent of 2467 charges, came to court in the Term, including many aged cases that predate 2019, dating back to as far as 2005.

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

Reason for adjournment	Frequency	Percentage	Stage of matter
For disclosure	78	8.10	Case Management
Defence counsel needs time to take instructions	27	2.80	Trial
Statement outstanding	78	8.10	Case Management
Defence Counsel absent	32	3.30	Case Management/Trial
Accused not brought	30	3.10	Trial
For Investigating Officer to attend	69	7.20	Trial
For file to be completed	52	5.40	Case Management
Forensic certificate outstanding	58	6.10	Trial
Ballistic Certificate Outstanding	56	5.80	Trial
Accused not brought	30	3.10	Trial

Total incidence of adjournments/continuance (N) =958

The above table provides a summary of the top ten reasons for adjournment for the Hilary Term of 2019. It is shown that there was a combined 958 incidence of reasons for adjournment during the Term, with some matters having multiple adjournments. This represents a marked increase when compared to the Hilary Term of 2018, however there were many more matters heard in the Hilary Term of 2019 when compared to the corresponding period on 2018. The highest proportion were adjournments for disclosure and due to statements outstanding, each with 78 or 8.10% of the total adjournments while adjournments for adjournments for the Investigating Officer to attend ranks third. Adjournments due to outstanding ballistic certificates and those due to outstanding forensic certificates rank next with 5.80% and 6.10%

respectively. These top five reasons for adjournment alone account for adjournment alone account for roughly 35% 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 52 or 5.40% 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 Hilary 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. 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, witnesses and Defence Attorneys have been contributing to the incidence of adjournments and hence waste of judicial time remains a cause for concern. This concern is also quite founded for the incidence of adjournments due to statements outstanding and outstanding forensic and ballistic certificates. It is however of note that there has been a steady decline since mid-2018 in the incidence of adjournments resulting from the absenteeism of Defence Council. 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 the 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. The increase in the incidence of adjournments seen in the Hilary Term is a reversal of the downward trend observed in the

latter half of 2018 but it can partly be explained by the fact that the Hilary Term of 2019 had more court days than that of 2018, which affects the Term-on-Term comparison.

In the latter half of 2018, the Supreme Court take - over the control of the scheduling of cases for Court from the Prosecution, reduced the average number of cases set for trial and established estimated duration for trial matters. Further, the establishment of a back-up trial list in the event that court breaks down on any particular day and the use of a Transition Court during the Michaelmas Term of 2018 to filter excess cases are crucial cogs of the new policy. The re-engineering of business flow processes in the Criminal Registry and a robust sensitization of key stakeholders including the Defence, the Prosecution, and the Investigating arm of the police, Forensic and Medical services remain critical to the revised operating practices in the Home Circuit Court. The main reasons for the reversal of trends seen in the Hilary Term of 2019 stem from the fact that the back-up system has not being fully implemented, case management needs continued strengthening and the continued weaknesses in the consistency of external stakeholders.

The top 10 reasons for adjournment listed above accounts for 53% of total incidences of adjournments/continuance in the 2019 Hilary Tem, a notable increase of approximately 11 percentage points when compared to the corresponding Term in 2018.

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Table 46.0: Top reasons for continuance for the Hilary Term

Reason for continuance	Frequency	Percentage (%)	Stage of matter
For trial	16	1.67	Trial
For Plea and Case Management	12	1.25	Case Management
For bail application	12	1.25	Case Management
For sentencing	18	1.87	Trial

Total incidence of adjournments/continuance (N) =958

It is seen in the above table that there were 16 incidences of continuance for trial; representing 1.67% of the total reasons, 12 or 1.26% each were for plea and case management and bail application and 18 or 1.87% were for bail application while 18 or 1.87% were for sentencing. These were the four leading reasons in this category, together accounting for roughly 76.04% of the total reasons for adjournments/continuance in the Hilary Term of 2019.

Table 47.0: Other leading reasons for adjournment/continuance for the Hilary Term of 2019

Reasons for continuance/adjournments	Frequency	Percentage (%)	Stage of matter
To settle legal representation	68	7.20	Case Management
Papers to be served	133	13.90	Case Management
Assignment of legal aid	40	4.20	Case Management

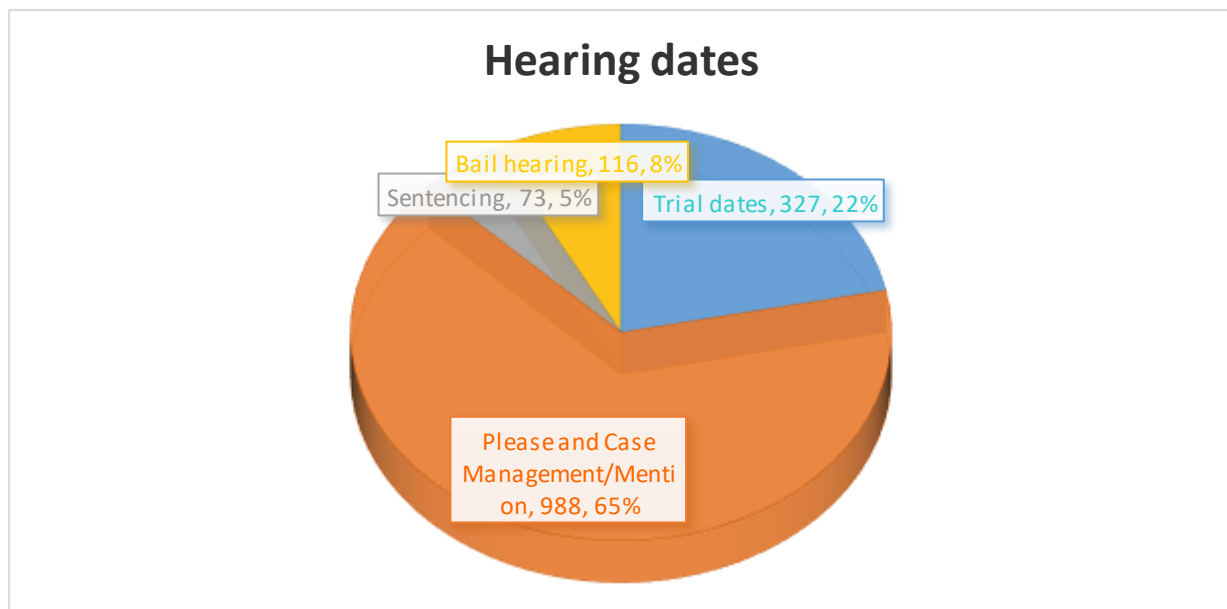
Total incidence of adjournments/continuance (N) = 958

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 68 or 7.20%

of the total. Papers to be served with 133 or 13.90% and adjournments for assignment of legal aid with 40 or 4.20% of the total follow this.

Importantly, there was an average of roughly two adjournments per criminal case in the Hilary Term of 2019, suggesting that for every 100 cases there were two dates set. In particular, there were 477 cases, which went to court in the Hilary Term, which were adjourned 958 times. Although the incidence of adjournments in the Hilary Term of 2019 have increased when compared to the corresponding period in 2018, the number of adjournments per criminal case has fallen slightly.

Chart 8.0: Trial and mention matters/dates set for the Term of 2019



The above chart shows that there were a total 1504 dates set for court during the Hilary Term, including sentencing, bail application and trial dates as well as plea and case

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management/mention hearings. Sixty five percentage of the dates set were for Plea and Case Management/Mention, 22% were for trial, 8% for bail hearings and 73% for sentencing

Table 48.0: Hearing date certainty for the Hilary Term of 2019

Number of hearing dates set	Incidence of adjournments (excluding adjournments for continuance)	Hearing date certainty rate (%)
1504	905	60.15%

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 either hearing or trial, are adhered to. A low result has implications for the capacity of the court to adequately estimate the length duration of a matter, for the capacity of Court Rooms and Judges to absorb certain caseload and for the general system of scheduling. In the table above it is shown that of 1504 Court dates scheduled for hearings in the period under study, 905 were adjourned for reasons other than continuance. This suggests an overall hearing date certainty rate of roughly 60% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 60 are able to proceed without adjournment for reasons other than those procedural, for example for Trial, Bail Application, Sentencing and Plea and Case Management. This result represents an increase of almost 30 percentage points when compared to the Hilary Term of 2018. The revised scheduling and case management processes in the Home Circuit Court have undoubtedly contributed 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

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targeted trial and hearing date certainty of 95% which has being set out by the Chief Justice, but the evidence seen so far is quite promising. It is now imaginable that the Home Circuit Court could become one of the most efficient Divisions in the Supreme Court within the next five 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 57.31%, 2.84 percentage points lower than the overall hearing date certainty rate.

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

Method of Disposition	Frequency	Percentage (%)
Accused Deceased	1	1.2
Found Guilty	8	9.6
Guilty Plea	20	24.1
No Case Submission upheld	2	2.4
No Evidence offered discharged	27	32.5
No further evidence offered discharged	9	10.8
Nolle Proseque	11	13.3
Not Guilty - Discharged	5	6.0
Total	83	100.0

The above table summarizes the methods of disposal for the cases disposed of during the Hilary Term of 2019. It is shown that 83 cases were disposed of in the Term, representing an impressive increase of 29.69% when compared to the corresponding period in 2018. Of the 83 criminal cases disposed of in the Term, 27 or 32.50% were a result of no evidence offered while guilty pleas accounted for the next highest share of cases disposed with 20 or 24.10% of the total. Nolle Proseque with 11 or 13.30% and no further evidence offered with 9 or 10.80%

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rounds off the top four methods of disposition during the Hilary Term. 19 or 22.89% of the disposals were cases, which originated during the Hilary Term.

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 Hilary Term of 2019

Total number of cases disposed	Total number of guilty outcomes	Conviction rate (%)
83	28	33.73%

The above table shows that of the 83 criminal cases disposed of in the Hilary Term of 2019, 28 were because of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 33.73% which suggests that there is a roughly 34% probability that a matter could end in a guilty outcome, using the Term as a proxy. This represents a decline of roughly 26 percentage points when compared to the Hilary Term of 2018. This data can be further disaggregated so that the conviction rates for some of the most frequently occurring offences are measured. In particular, the conviction rate on murder charges and sexual offence charges are detailed below.

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

Total number of cases concluded	Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas)	Conviction rate (%)
20	11	55%

The above table shows that of the 20 sexual offence cases were concluded in the Hilary Term of 2019, 11 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of roughly 55% which suggests a roughly 55% probability that a sexual offence matter could end in a guilty outcome, which is five percentage points lower than that of the corresponding period in 2018.

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

Total number of cases concluded	Total number of guilty outcomes (i.e. guilty verdict or guilty plea)	Conviction rate
20	10	50%

The above table shows that of the 20 murder cases concluded in the Hilary Term of 2019, 10 of which were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 50% which suggests a roughly 50% probability that a murder

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matter could end in a guilty outcome, an increase of twenty five (25) percentage points when compared to the Hilary Term of 2018.

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

Charge disposed	Frequency	Percentage (%)
Murder	42	24.0
Sexual intercourse with a person under 16	29	16.60
Rape	17	9.70
Wounding with intent	12	6.90
Being part of a criminal organization	8	4.60
Grievous sexual assault	8	4.60

Number of disposed charges (N) =175

The above data shows that of the 175 charges disposed in the Hilary Term of 2019, an increase of 80.41% when compared to the Hilary Term of 2018. The largest proportion of these matters were murder matters with 42 or 24.0%. This was followed by sexual intercourse with a person under 16 with 29 or 16.60% of the total. Rape and wounding with intent comes next with 9.70% and 6.90% respectively. Grievous sexual assault and being part of a criminal organization with 4.60% each rounds off the top six offences 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 39% of cases disposed of in the Hilary Term were sex related while also accounting for roughly 20% of all incoming cases. As seen earlier, sexual offences also demonstrated a conviction rate of roughly 55% in the Hilary Term. The 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.

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

Descriptive Statistics

Number of observations	83
Mean	28.4699
Median	21.0000
Mode	22.00
Std. Deviation	26.81069
Variance	718.813
Skewness	2.659
Std. Error of Skewness	.264
Range	143.00
Minimum	1.00
Maximum	144.00

The above table provides a descriptive summary of the time to disposition for criminal cases disposed of in the Hilary Term of 2018. It is shown that the estimated average time to disposition for the cases disposed was approximately 28.50 months or 2.4 years, an increase of 10 months when compared to the average in the Hilary Term of 2018. Despite the fact that just over 22% of all cases disposed originated in the Hilary Term, there is wide spread in the originating years for the cases disposed. The estimated minimum time to disposition was 1 month and the estimated maximum was 144 months or 12 years. The moderately large positive skewness of 2.659 indicates that the larger proportion of observations fell below the overall average. This is affirmed by the standard deviation of just over 2 years, indicating a wide average variation of the individual scores around the mean.

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

Months	Frequency	Percentage (%)
0 - 12	15	18.1
13 -24	41	49.4
25 - 36	14	16.9
37 – 47	2	2.4
48 & over	11	13.3
Total	83	100.0

The above table provides a summary of the estimated time to disposition for the cases disposed in the Hilary Term of 2019. It is shown that the largest proportion of matters were disposed of within 13 – 24 months of initiation, accounting for 41 or 49.40% of all matters disposed. 15 or 18.10%, which were disposed within a year and 14 or 16.90% of matters, which took between 25 and 36 months, follow this. Cumulatively, almost 67.50% of the matters disposed of in the period took two years or less, a decline of 12.50 percentage points when compared to the Hilary Term of 2018. The remaining 32.50% of cases disposed took over two years. Using this data as a proxy, there is a well over 50% 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 Hilary Term of 2019

Descriptive statistics (in months)

Number of observations	175
Mean	48.143
Median	40.0000
Mode	38.00
Std. Deviation	48.90239
Skewness	2.955
Minimum	0.51
Maximum	440.00

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. The longest and shortest times to disposition of 37 years and 15 days respectively for disposed charges were also the same as for the actual cases disposed of in the Hilary Term of 2019. 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

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deviation indicates a wide 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 year ended December 2018.

Descriptive Statistics (in months)

Number of charges disposed	175
Mean	28.324
Median	21.0
Mode	19.00
Std. Deviation	23.112
Skewness	2.712
Minimum	1.00
Maximum	144.00

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 in the Hilary Term of 2019.

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Table58.0a: Breakdown of time to disposition by selected charges for Hilary Term of 2019

			Time Intervals (months)					Total
			0 -12	13 -24	25 - 36	37 – 47	48 & over	
Offences	Murder		4 22.2%	8 25.8%	7 50.0%	3 100.0%	17 100.0%	39 47.0%
	Rape		2 11.1%	11 35.5%	3 21.4%	0 0.0%	0 0.0%	16 19.30%
	Sexual Intercourse with a Person under Sixteen		12 66.7%	12 38.7%	4 28.6%	0 0.0%	0 0.0%	28 33.70
Total			18 100.0%	31 100.0%	14 100.0%	3 100.0%	17 100.0%	83 100.00

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 Hilary Term of 2019. It is seen that of the three types of criminal cases listed, sexual intercourse with a minor accounts for the largest share of cases disposed of in 12 months or less with 66.70% of the total. Murder and rape accounted for 22.20% and 11.10% 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, sexual intercourse with a minor accounts for the largest proportion with 38.70% while 35.50% and 25.80% respectively were accounted for by rape and murder. Murder cases accounted for 50% of the disposed cases on the list that took between just over 2 years, 3 years, and all of the cases matters taking over three years to be disposed. It is clear from this data set that murder matters take considerably more time to be disposed than rape

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and sexual intercourse with a minor, though on average rape matters take a longer time than sexual intercourse with a minor to be disposed.

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

		Charges			Total
		Murder	Rape	Sexual Intercourse with a Person under Sixteen	
Interval	0 - 12	4 10.3%	2 12.5%	12 42.9%	18 21.7%
	13 - 24	8 20.5%	11 68.8%	12 42.9%	31 37.3%
	25 - 36	7 17.9%	3 18.8%	4 14.3%	14 16.9%
	37 - 47	3 7.7%	0 0.0%	0 0.0%	3 3.6%
	48 & over	17 43.6%	0 0.0%	0 0.0%	17 20.5%
Total		39 100.0%	16 100.0%	28 100.0%	83 100.0%

The above tables detail the time taken to dispose of cases of murder, rape and sexual offences with persons under 16 in in the Hilary 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 43.60% and 20.50% respectively of the times to disposition. The next highest proportion of murder cases disposed in the Term took between 25 and 36 months to be disposed. As for sexual intercourse with a person under 16 years old, 42.9% each of these

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offences took a year or less and between 13 and 24 months respectively to be disposed and all were disposed within three years . The largest proportion of the rape cases disposed (68.80%) took between 13 and 24 months to be disposed while a cumulative 81.30% were disposed in 2 years or less and all were disposed within 3 years. 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 Hilary 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	30.80%	69.40%
Sexual intercourse with a person under 16 years old	85.80%	14.20%
Rape	81.30%	18.70%

The above table furthers the previous one by directly highlighting the relative lengths of time that it takes for the most frequently occurring types of matters to be disposed. It is seen that roughly 31% of murder charges disposed in 2019 Hilary Term took 2 years and under compared to 85.80% of matters of sexual intercourse with a minor and 81.30% of 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 it's scheduling and resource allocation and these results should therefore inform the interventions, which are necessary to bolster the

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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 in the Hilary Term of 2019 is however roughly 12 percentage points higher than the corresponding period in 2018.

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

Cases filed	Cases disposed	Case clearance rate
183	83	45.36%

Note: 19 or 22.89% of the disposals were cases, which originated during the Hilary Term.

The case clearance rate of 45.36% shown above is an indication that significantly more cases entered than those that were disposed in the Home Circuit Court in the Hilary Term. The result suggests a ratio of roughly 45 cases disposed for every 100 new ones brought, a major improvement of 6 percentage points when compared to the Hilary Term of 2018. This improvement is partly a result of the re-engineering of the scheduling case mechanisms in the Home Circuit Court and improved case management practices. Indeed, since mid-2018, these processes have become far more court and Judge driven, slowly reversing the expectations of trial adjournments which were once common place and inspiring greater confidence in the judicial processes. 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.

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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 Hilary Term. These measures are summarized in the table below:

Table 61.0: Selected performances metrics for the Home Circuit Court in the Hilary 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 (%)
83	788	0.11	3318 days	56	83	67.47%	32.53%

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The results in the above table shows a case turnover rate of 0.11, which is an indication that for every 100 criminal cases, which were 'heard' in the 2019 Hilary Term and still active at the end of said Term, another 11 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 3318 more days or roughly 9 more 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 Home Circuit Court in the Hilary Term of 2019 is 67.47%, which reflects the proportion of cases in the Term, which were disposed within 2 years. Conversely, the case backlog rate is 32.53%, an indication that an estimated annual proportion of 32.53% 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 871 cases, which had some court activity in the Term and were still active at the end of the Term, 283 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 Hilary 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 Hilary Term of 2019

Charges filed	Frequency	Percentage (%)
Illegal possession of firearm	142	35.70
Illegal possession of ammunition	65	16.30
Shooting with intent	64	10.10
Robbery with aggravation	28	7.00
Assault at Common Law	24	6.00
Wounding with intent	16	4.00
Total	339	

Total number of charges (N) = 398 charges, the equivalent of 129 cases.

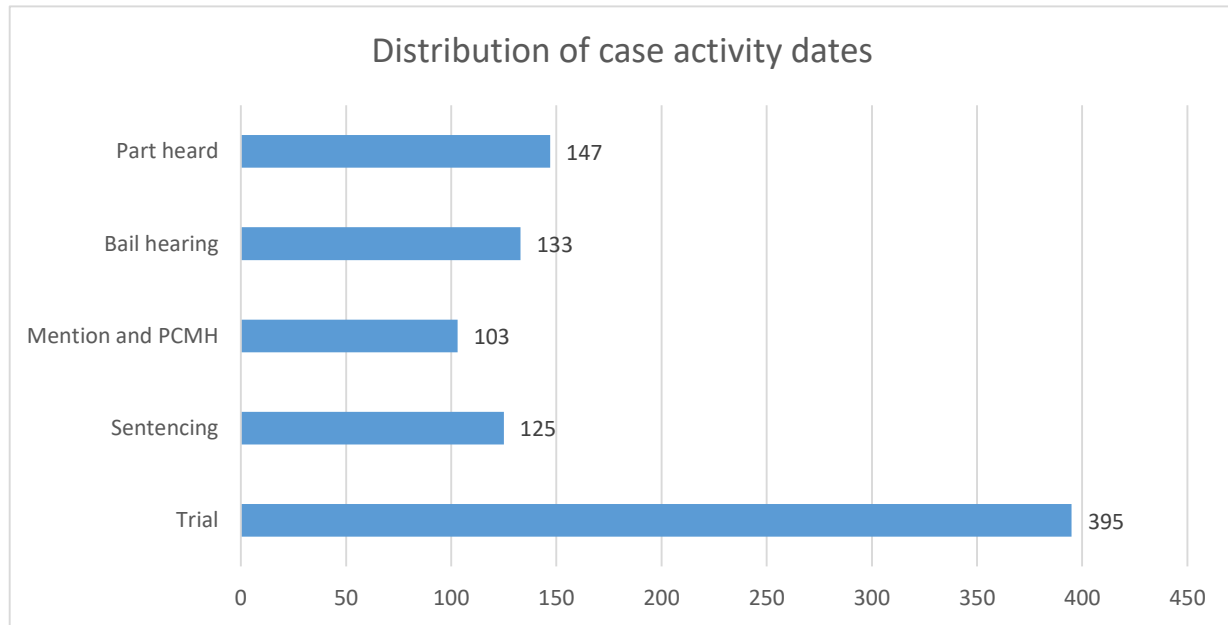
The above table provides a summary of the top six charges, which were brought in the Gun Court during the Hilary Term of 2019. It is seen that of the 398 charges, a decline of 1.97% when compared to the corresponding period in 2018. The largest proportion of which, 142 or 35.701% were for illegal possession of firearm, well ahead of the next highest ranked charge of illegal possession of ammunition with a count of 65 or 15.80% of the total. Shooting with intent is next with 64 or 10.10% while robbery with aggravation with 28 or 7.0% and assault at common law with 24 or 6.0% rounds off the top 5 charges filed in the Gun Court during the Hilary Term. The 398 new charges entered in the Hilary Term translates into 129 new cases

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filed in the year, an increase of 5.74% over the corresponding Term in 2018 This represents a ratio of 1:3.09, suggesting that for every 100 cases entered, there were 309 charges.

Chart 9.0: Summary of selected case activity dates for the Hilary 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 Hilary Term of 2019. It is shown that there were 395 trial dates set in the period, compared to 103 mention and plea and case management dates. This produces a ratio of roughly 1:3.83, indicating that for every 10 mention dates there were roughly 38 trial dates set, an increase of 16 percentage points when compared to the Hilary Term of 2018. The data also suggests that there were 147 part-heard trial dates set in Gun Court during the Hilary Term, which indicates that for every 10 trial dates there were roughly four part-heard trial dates. There were also 125 incidence of sentencing, and 133 bail hearing dates set during the Term. 619 cases were

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scheduled for 2722 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 Hilary Term of 2019

Reason for adjournment	Frequency	Percentage (%)
Witness absent	77	7.30
Ballistic certificate outstanding	70	6.60
Other documents outstanding	56	5.30
Accused not brought	55	5.20
Crown not ready	34	3.20
Medical certificate outstanding	32	3.00
Defence council involved in another matter	21	2.00
Judge unavailable	20	1.90
For file to be completed	19	1.80
Forensic Certificate Outstanding	15	1.40

Total number of adjournments (N) = 1061 adjournments

The above table outlines the top reasons for adjournment in the Gun Court for the Hilary 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 1061 incidences of adjournments during the Term; of which witness absent was the leading source with 7.30%. Ballistic certificates outstanding and other miscellaneous documents outstanding with 70 or 6.60% and 56 or 5.30% respectively of the adjournments rank next. Adjournments due to the

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accused not brought with 55 or 5.20% and the lack of readiness of the Crown with 34 or 3.20% of the adjournments round off the top 5 reasons. Outstanding medical certificates, the involvement of attorneys in other matters, forensic certificate outstanding, the unavailable of Judges and incomplete files complete the top reasons for adjournment for the Term. The top ten reasons for adjournment account for 38.20% of the total adjournment reasons.

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

Reason for continuance	Frequency	Percentage (%)
Part-heard	20	1.90
For sentence indication	50	4.70
For Trial	70	6.60
Bail application	131	12.30
Plea and case management	125	11.80

Total number of adjournments (N) = 1061

The above table provides a basic list of reasons for adjournment for the Hilary 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 bail application hearings with 131 or 12.30% and adjournments for plea and case management hearings with 125 or 11.80% are the leading reasons. Adjournments for trial, sentencing and part heard also feature prominently among the reasons for continuance.

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Table 66.0: Hearing date certainty for Hilary Term of 2019

Number of hearing dates Set	Number of adjournments (excluding adjournments for continuance)	Hearing date certainty rate (%)
2722	1061	61.02

The above table summarises the overall hearing date certainty for the Gun Court in the Hilary Term of 2018. It is shown that of 2722 dates set for some form of hearing or trial during the Term, 1061 were adjourned for reasons other than continuance. This produces an overall hearing date certainty rate of 61.02% for the Hilary Term of 2019, a decline of roughly 4 percentage points when compared to the overall figure in 2018. The results suggest that for every 100 matters scheduled for some form of hearing or trial in 2018, roughly 61 were able to proceed without adjournment. When trial matters are isolated, the trial certainty rate is calculated to be 64%, roughly the same as the overall figure in 2018. Considering that the Gun Court has maintained consistently high clearance rates over the year, the moderate trial and hearing date certainty rates that they have shown is quite interesting. This can however be explained by the fact that matters in the Gun Court are Judge driven with shorter time intervals between hearing dates for individual cases.

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

Method of Disposition	Frequency	Percent
Accused Deceased	2	1.3
Bench Warrant	1	.7
*Disposed	34	22.8
Found Guilty	11	7.4
Guilty Plea	18	12.1
No Case Submission upheld	1	.7
No Case to Answer, Discharged	4	2.7
No Evidence offered discharged	42	28.2
No further evidence offered discharged	11	7.4
Nolle Prosequere	4	2.7
Not Guilty – Discharged	16	10.7
Probation order made	1	.7
Transfer to Corporate Area Criminal Court	1	.7
Transferred to circuit court	1	.7
Transferred to Family Court	2	1.3
Total	149	100.0

**No electronic data available on the specific methods*

The above table summarizes the methods of disposition for the cases disposed in the Gun Court for the Hilary Term of 2019. It is seen that there were 149 cases disposed, the largest proportion of which were a result of 'no evidence offered' which accounts for 42 or roughly 28.20% of the total. In second were disposals resulting from guilty pleas with 18 or 12.10% of the total. Not guilty verdicts and guilty verdicts with 10.70% comes in next while no further

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evidence offered and guilty verdicts with 7.40% each rounds off the top five methods of disposition. Of the 149 cases disposed in the Gun Court in the Hilary Term of 2019, 11 or 7.38% were cases originating in the Term. This further represents 3.24% of the new Gun Court cases filed in 2018. There was an increase of 6.04% 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 Hilary Term of 2019

Number of cases disposed	Estimated Number of Guilty outcomes (i.e. guilty verdicts and guilty pleas	Conviction rate (%)
149	29	19.46%

The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the 149 cases, which were disposed of in the Term, an estimated 29 were a result of either a guilty plea or a guilty verdict. This produces an overall conviction rate of 19.46% for Gun Court cases for the Hilary Term of 2019, an increase of 9.83 percentage points when compared to the 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 Hilary Term of 2019

Substantive matter	Number of cases disposed	Number of Guilty outcomes	Conviction rate
Illegal possession of fire arm	144	27	18.75%
Illegal Possession of ammunition	5	2	40.00%

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It is seen in the above table that of the 149 disposed cases of illegal possession of a firearm. 27 of these were disposed by way of either a guilty verdict or a guilty plea, yielding a conviction rate of roughly 18.75% while for the substantive matter of illegal possession of ammunition, 5 of the 2 disposed cases were by way of guilty outcomes, yielding a conviction rate of roughly 40.00%.

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

Charge	Frequency	Percentage
Illegal possession of a firearm	209	40.98
Illegal possession of ammunition	64	12.55
Robbery with aggravation	48	9.41
Shooting with intent	55	10.78
Assault at common law	29	5.69
Wounding with intent	36	7.06
Total	441	

Total number of charges (N) = 510

The 149 cases that were disposed in the Gun Court in 2018, representing 510 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 40.98% and 12.55% respectively. This is followed by shooting with intent with 55 or 10.78% of the charges disposed. Robbery with aggravation and wounding with intent with 9.41% and 7.06% respectively of the total rounds off the top 5 charges disposed in the Term.

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The disposed charges enumerated in this table accounts for roughly 86.46% of the total number of charges disposed in the Gun Court in the Hilary Term of 2019.

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

Descriptive Statistics	
Descriptive Statistics	59
Mean	25.1017
Median	19.0000
Mode	11.00 ^a
Std. Deviation	20.20558
Variance	408.265
Skewness	3.293
Std. Error of Skewness	.311
Range	129.00
Minimum	5.00
Maximum	134.00

a. Multiple modes exist. The smallest value is shown

The above table is computed using a sample of 59 charges disposed in the Hilary Term of 2019. It is seen that the estimated average time to disposition from the date of charge is approximately 25 months or 2 years and a month, roughly the same as the Hilary Term of 2018. The data set for this measure is highly positively skewed, indicating that there was a greater proportion of times to disposition which fell below the mean than those which fell above it but most of the data points are clustered around the average. There are indeed at least a few comparatively large times to disposal in the data set, constituting outliers, which have pushed up the average time. The estimated maximum time to disposition for the data set is 134 months or just over 11 years. The estimated minimum time to disposition from the date of

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charge was entered is 5 months. It is of interest that both the median and modal times to disposition are under 2 years, an indication that a significant proportion of matters disposed in the period had a life of less than two years from the charged date.

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

Month	Frequency	Percentage (%)
0 -12	12	20.3
13 – 24	28	47.5
25 – 36	8	13.6
37 – 47	8	13.6
48 & over	3	5.1
Total	59	100.0

The above table provides a further breakdown of the estimated time to disposition for charges disposed in the Hilary Term of 2019, from the date of charge. The large 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 47.50% of the sample of the disposals and was followed by matters taking under a year to be disposed with 20.30% of the sample. A further 13.60% each of the matters were disposed of within 25-36 months and 37 – 47 months respectively. 5.10% took between four years or more to be disposed. It is of note that an estimated 67.80% of the charges were disposed in two years or less.

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

Descriptive Statistics

Number of observations	149
Mean	23.0604
Median	21.0000
Mode	9.00
Std. Deviation	24.54566
Variance	602.490
Skewness	1.304
Std. Error of Skewness	.199
Range	116.00
Minimum	.23
Maximum	116.00

In the table above it is seen that there were 149 cases disposed of in the Gun Court during the Hilary Term. The estimated average time to disposition was roughly 23 months or under 2 years, slightly higher than the taken to dispose of cases during the Hilary Term of 2018. The estimated shortest time to disposal for a case disposed of in this period was roughly a week while the longest a case took to be disposed was 116 months or about 9.7 years. The distribution of the scores was moderately 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 25 months, indicating some amount of variation in the scores around the mean. The differences between the average time taken to dispose of cases, from date of charge and from the date the case file is opened were not markedly different during the Hilary Term. Of the 149 cases disposed of in

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the Gun Court during the Hilary Term, 11 or 7.38% originated during the Term. This further represents 8.53% of the new cases filed during the Term.

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

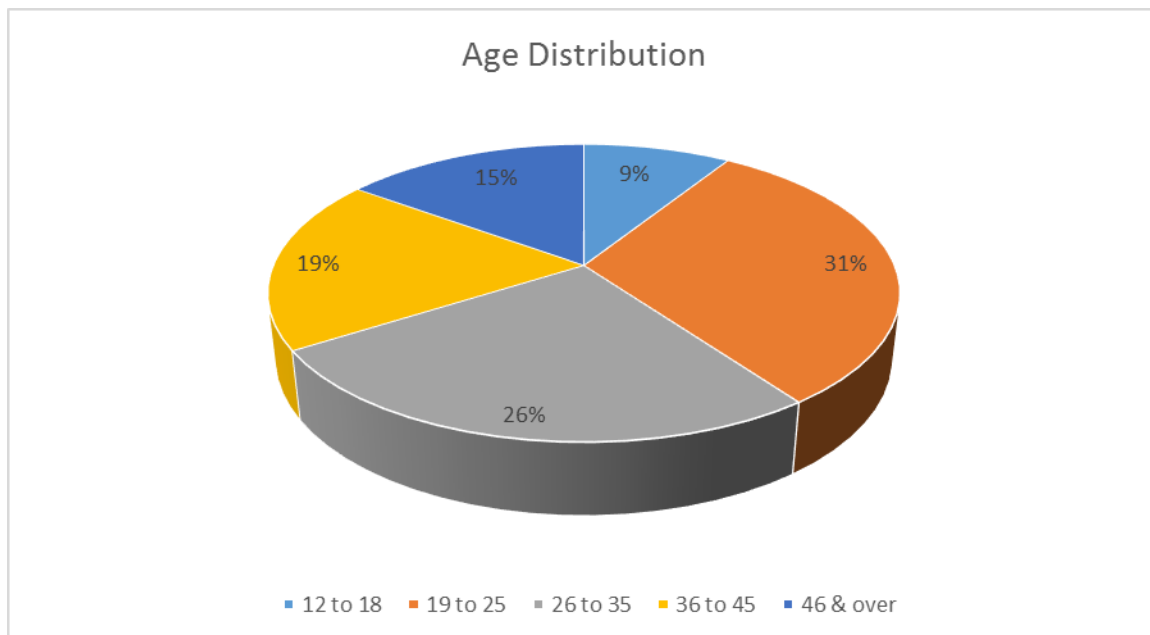
Months	Frequency	Percentage (%)
0 -12	47	31.5
13 - 24	43	28.9
25 – 36	18	12.1
37 – 47	13	8.7
48 & over	28	18.8
Total	149	100.0

The above table provides a more detailed breakdown of the times to disposition for cases disposed in the Hilary Term of 2019. It is shown that the largest proportion of cases disposed were disposed of within a year. This accounted for 31.50% of all the disposals, followed by approximately 28.90% of matters that took between 13 and 24 months to be disposed. Approximately 12.10% of the matters took between 25 and 36 months to be disposed, while 8.70% took k between 37 and 47 months and 18.80% took four or more years. It is of interest to note that roughly 60.40% 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 Hilary Term of 2019.

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

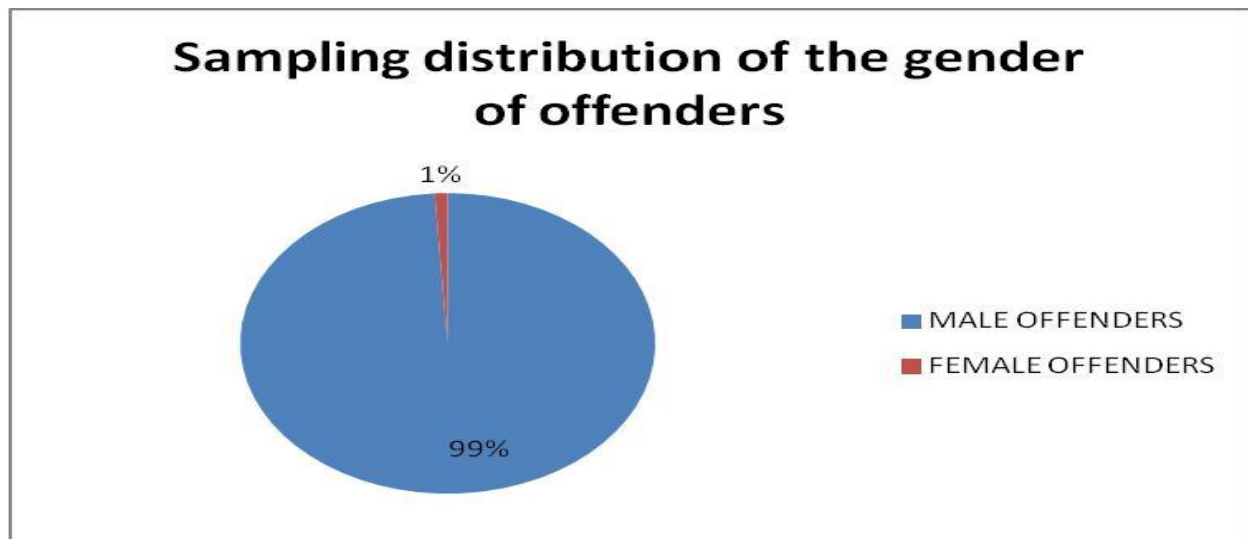


As shown earlier, the offenses, which dominated the Gun Court for 2018 are illegal possession of firearm, illegal possession of ammunition, robbery with aggravation, shooting with intent and wounding with intent. Using a representative sample, the average age of persons charged in the year is roughly 30 years old with the oldest person charged being 57 years old and the youngest 13 years old. The modal age from this sample was 22, 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 Hilary Term of 2019. The age distribution observed in the Term is markedly similar to the gross figures observed in the corresponding period in 2018.

In terms of gender distribution, using a sample of 110 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. 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 2019.



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

Cases filed	Cases disposed	Case clearance rate
129	149*	115.50%

***11 or 7.38% of the 498 cases disposed of, originated in 2018**

Four hundred and thirty one new cases were entered in the Gun Court during the year while 149 were disposed (including many which originated before the Term) leading to an impressive case clearance rate of 115.50% for the Term. This result translates into a generalization of roughly 116 Gun Court cases disposed for every 100 new cases entered during the year. It represents one of the highest case clearance rate in the Supreme Court during the year and is an improvement of just under one percentage point when compared to the corresponding period in 2018. The continuation of a specialised fast track court to dispose of Gun Court cases in the Term and enhanced scheduling practices have contributed to this improvement.

Other performance measures

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

(i) The on time case processing rate

(ii) The case turnover ratio

(iii) The disposition days

(iv) Case backlog rate

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

Table 76.0: Selected performances metrics for the Gun Court in the Hilary 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 (%)
149	470	0.32	1140 days	90	149	60.40%	39.60%

The results in the above table shows a case turnover rate of 0.32, which is an indication that for every 100 cases, which were 'heard' in the Hilary Term of 2019 and still active, another 32 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 1140 more days or 3.12 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 60.40%, which reflects the proportion of Gun

Court cases in 2018, which were disposed within 2 years. Conversely, the case backlog rate is 39.60%, 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 8 percentage points when compared to 2018 as a whole. This further suggests that of the 619 cases, which had some court activity in the Hilary Term of 2019 and were still active at the end of the Term, 248 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 Hilary 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 Hilary Term of 2019

Division	Number of new cases filed
Commercial	139

Over the past two year, the Commercial Division has seen significant increases in the number of new cases filed. 139 new cases were filed in the Hilary Term of 2019, a 27.23% reduction when compared to the corresponding period in 2018. The overwhelming proportion of these new cases originated by way of Claim Forms, accounting for over 90% of the number.

Table 78.0: Reasons for adjournment in the Commercial Division for the Hilary Term of 2019

Reasons for adjournment	Frequency	Percentage (%)
Claimant not available	2	7.1
Defendant not available	2	7.1
Defendant's attorney not ready	1	3.6
Defendant's attorney absent	2	7.1
Defendant to settle legal representation	2	7.1
Defendant's documents not served or short served	2	7.1
Claimant's attorney not ready	2	7.1
Claimant's documents not served	2	7.1
Claimant's attorney absent	1	3.6

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Pending settlements	2	7.1
No parties appearing	1	3.6
Parties having discussions with a view to settlement	1	3.6
Claimant to file and serve documents	3	10.7
Claimant's attorney needs time to take instructions	1	3.6
Claimant's attorney needs time to locate witness	1	3.6
Claimant's documents not in order	3	10.7
Total	28	100.0

Number of observations (N) = 28

The above table provides a sampling distribution of the reasons for adjournment in the Commercial Division for the Hilary Term of 2019. 28 such incidences recorded reveal that there was no particularly dominant reason for adjournment in the Commercial Division in 2019. Among the most frequently occurring reasons for adjournment featured are claimant to file and serve documents and claimant's documents not in order.

Table 79.0: Chamber hearings for the Hilary Term of 2019

Hearings	Frequency	Percentage (%)
Applications (Various)	305	83.56
Case Management Conference	16	4.38
Pre-trial review	30	8.22
Judgment summons hearing	14	3.84
Total	365	100

The above table summarizes the 365 Chamber hearings in the Commercial Division for the Hilary Term of 2019. As with the High Court Civil (HCV) Division, the hearing of various applications for relief sought dominates with roughly 83.56% of the Chamber hearings. Pre-

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trial reviews with 30 approximately 8.22% rank next and Case Management Conferences with 16 or 6.23% rounds off the top three Chamber hearings for the Hilary Term of 2019.

Table 80.0: Trial dates set during the Hilary Term of 2019

Trial matter	Frequency	Percentage (%)
Trial in Chambers	7	70.0
Open Court Trial	3	30.0
Total	10	100

The above table shows that there were 10 incidences of trial dates in the Hilary Term of 2019. Open court trials with an incidence of 7 or 70.0% tops this list, followed by trial in chambers with 3 or 30.0% of the total.

Table 81.0: Hearing date certainty in the Commercial Division in the Hilary Term of 2019

Hearing dates Set	Hearing dates adjourned (excluding adjournments for continuance)	Hearing date certainty
375	20	94.67%

The Commercial Division ranks first among the Divisions of the Supreme Court with hearing date certainty in the Hilary Term of 2019 with a rate of roughly 5 adjournments for every 100 dates set. This equates to a date certainty of 94.67%, firmly 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 90%, 4.67 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

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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 Hilary Term of 2019

Requisitions Issued	Requisition Reponses	Requisitions clearance Rate	Requisitions per 100 case files
39	*10	74.36%	9

*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 Hilary Term of 2019. It is shown that 39 requisitions were issued in the year while there were 10 responses filed, thus producing a requisitions clearance rate of 74.36%. This requisition clearance rate suggests that during the year, for every 10 requisitions issued, roughly, seven responses were filed, a 20% improvement when compared to the Hilary Term of 2018. Additionally, there was an average incidence of nine requisitions per 100 case files in the Commercial Division for the Term, a significant improvement when compared to the Hilary Term of 2018, suggesting that the incidence of requisitions may not be a source of protracted delays in the progression of commercial cases.

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

Method of Disposition	Frequency	Percentage (%)
Consent Judgment	6	17.6
Final Judgment	5	14.7
Judgment in defence of counter claim	3	8.8
Judgment in Default of Ack. of Service	1	2.9
Judgment in Default of Defence	1	2.9
Judgment on Admission	9	26.5
Notice of Discontinuance noted	5	14.7
Settled	1	2.9
Transfer to Civil	2	5.9
Transfer to Commercial	1	2.9
Total	34	100.0

Number of observations (N) = 34

The data suggests that 34 cases in the Commercial Division were disposed in the Hilary Term of 2019. Disposal by way of Judgments on Admission, Consent Judgements, Final Judgment s 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 Hilary Term of 2019

Descriptive Statistics (months)

Number of observations	34
Mean	16.5526
Median	14.0650
Mode	7.40 ^a
Std. Deviation	11.70641
Variance	137.040
Skewness	.995
Std. Error of Skewness	.403
Range	43.56
Minimum	.37
Maximum	43.93

a. Multiple modes exist. The smallest value is shown

The above table shows that the estimated average time to disposition for the 34 Commercial cases disposed in the Hilary Term of 2019 is 16.55 months or roughly, 1.4 years. The maximum time to disposition observed from these cases is approximately 44 months or 3.67 years while the lowest is under a month. Despite the moderately high average time to disposition, the median time taken was 14 months while the most frequent time taken to dispose of the matters was roughly 7 months, quite 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 12 months. Comparatively more of the times to disposition fell below the mean, as indicated by the high positive skewness observed.

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

Time intervals (months)	Frequency	Percentage (%)
0 -12	14	41.2
13 -24	14	41.2
25 – 36	2	5.9
37 - 47	4	11.8
Total	34	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 Hilary 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 14 or 41.20% of the disposals. This is followed by 11.80%, which took between 37 and 47 months to be disposed. Taken together, 82.40% of the disposed cases in the Hilary Term of 2019 were disposed of within 2 years.

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

Cases filed	Cases disposed	Case clearance rate
139	34*	24.46%

***This figure includes cases filed before 2018. Four of the cases filed in the Hilary Term of 2019**

One hundred and thirty nine new cases were filed in the Commercial Division in the Hilary Term of 2019, while 34 cases were disposed which yields a case clearance rate of 24.46%, a dramatic decline of 21.63 percentage points when compared to the corresponding period in 2018. This result suggests that for every 100 new cases filed in the year, roughly 24 were

disposed. Again, the cases disposed were not necessarily from those filed, as the clearance rate is simply a productivity ratio. The clearance rate interpretations will become more meaningful for the Commercial Division over a longer time series. The expected positive correlation between hearing date certainty and clearance rates is a medium term concept.

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 Hilary 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 (%)
34	422	0.08	28	34	82.35%	17.65%

The results in the above table shows a modest case turnover rate of 0.08, 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 Hilary Term is 82.35%, which reflects the proportion of Commercial cases in the Term, which were disposed within 2 years. Conversely, the case backlog rate is 17.65%, an indication that an estimated annual proportion of 17.65% 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 422 cases, which had some court activity

during the Term and were still active at the end of said Term, 74 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 Hilary 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 Hilary Term of 2019

Total cases filed	Total cases disposed	Gross Case clearance rate
3880	2102	54.18%

The above table provides an aggregate summary of the clearance rates in the Divisions of the Supreme Court in the Hilary Term of 2019. The data suggests that 3880 new cases were filed/entered across the Divisions reviewed in the Term an increase of 12.33% when compared

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to the corresponding Term in 2018. These results yield a gross clearance rate of roughly 54.18% a notable increase of roughly 8 percentage points when compared to the corresponding Term in 2018, suggesting that that for every 100 cases filed/entered during the Term, roughly, 54 were also disposed.

Aggregate Case Counts

Case Activity Summary for the Hilary 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)	1600	338	21.13%	3.36years	68.20
Matrimonial	1117	795	71.17%	2 years	75.82
Probate	708	701	99.01%	1.90 years	79.38
Commercial	139	34	24.46%	1.4 years	94.64
Home Circuit Court	183	83	45.36%	2.40years	60.15
Gun Court	129	149	115.50%	1.92 years	61.02
Revenue Division	4	2	50%	-	67.67
Weighted Average	3880	2102	54.18	2.16 years	71.13

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The above table provides an important summary of case activity in the Supreme Court in the Hilary Term of 2019. It is shown that 3880 cases were filed/entered across all Divisions of the Supreme Court in the Hilary Term. The High Court Civil (HCV) Division with 1600 cases or 41.24% of the cases account for the largest share of the new cases, followed by the Matrimonial Division with 1117 or 28.79% of the total and the Probate Division with 708 or 18.25% of the total. All Divisions except the Commercial Division experienced increases in the number of new cases filed when compared to the Hilary Term of 2018. This translates into an overall increase of 426 cases or 12.31% in the number of new cases filed in the Hilary Term of 2019.

The Matrimonial and Probate Divisions accounted for the largest share of the cases disposed with roughly 19.62% and 23.67% respectively of the cases disposed. The Commercial and Probate Divisions respectively accounted for the largest proportion of new cases filed/brought in the Supreme Court in the Hilary Term, which were disposed. As far as clearance rates are concerned, the Gun Court and Probate Divisions with clearance rates of 115.50% and 99.01% respectively again rank highest, while the Commercial Division and the High Court Civil Division with 24.46% and 21.13% respectively have the lowest clearance rates. The overall case clearance rate for the Supreme Court is estimated at 54.18% an increase of roughly 8 percentage points when compared to the corresponding period in 2018. The High Court Civil (HCV) Division again accounted for the longest average time to disposition with cases taking an average of 3.36 years to be disposed. The Home Circuit Court comes in next with an average time to disposition of 2.40 years while the Probate Division and the Home Circuit Court with

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estimated average times to disposition of 1.90 years and 1.40 years respectively in the Hilary Term. The overall average time taken to dispose of the cases resolved in 2018 is just over 2 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 Hilary Term of 2019, netting out at 94.64% while the Matrimonial Division comes in next with 75.81%. On the lower end of the spectrum on this measurement were the Home Circuit Court with 60.15% and the Gun Court at 61.02%. The weighted average hearing date certainty rate for the Term was 71.71%, indicating that for every 100 hearing dates set; roughly, 72 were able to proceed on schedule without bin 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 Hilary Term of 2019

Number of Judgments reserved	Number of Judgments delivered (from those reserved in the Hilary Term)	Total number of Judgments delivered in the Hilary Term	Number of outstanding Judgments (from those reserved in the Hilary Term)	Clearance rates for Judgments reserved (%)
57	3	134	54	235%

A total of 57 Judgments were reserved in the Hilary Term of 2019, 3 or 5.26% of which were delivered in said Term. In total, 134 Judgments were delivered in the Hilary Term of 2019, producing a clearance rate of 235%. This suggests that for every 10 judgments, which were

reserved in the Term, roughly 24 were delivered. Fifty-four of the Judgments reserved in the Hilary Term were still outstanding at the end of the Term. The significant increase of 99 percentage points in the clearance rate for Judgments Reserved is largely a result of a special intervention spearheaded by the Honourable Chief Justice that seeks to reserve designated blocks of time for the preparation of outstanding Judgements.

CHAPTER 8.0: CONCLUSION AND RECOMMENDATIONS

This Hilary 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. The Hilary Term of 2019 saw improvements in both the case clearance rate and overall hearing date certainty rates when compared to the corresponding period in 2018. In particular, the overall clearance rate improved by 8 percentage points while the overall hearing date certainty rate climbed by 5.01 percentage points. The overall average time to disposition also improved by two months. Taken together and coupled with the quantum increase in the clearance rates for Judgements, these are positive signs for 2019. 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

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Hilary 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 remain 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 months.

Concomitantly, the case backlog rate across the Divisions of the Supreme Court was roughly 35.36%, an indication that just over a third of cases disposed in the Hilary Term were in backlog. The High Court Civil and the Gun Court with on time case processing rates of 33.43% and 60.40% respectively and case backlog rates of 66.57% and 39.60% respectively account for the lowest proportion of cases disposed before reaching the backlog classification in the Hilary Term. On the other hand, the Commercial and Probate Division with on time case processing rates of 82.35% and 74.18% respectively and case backlog rates of 17.65% and 25.82% 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.

When the performance measurements are statistically weighted, the Probate Division yet again stands out as the best overall performing Division in the Supreme Court. This Division held this rank throughout 2018 and much of 2017.

RECOMMENDATIONS

There are indeed several positives emerging from this Term report, not least of which are the overall improvements in the case clearance and hearing date certainty rates. There is however much still 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 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. The sustainability of this approach will however hinge on the ability of the Home Circuit Court to quickly and 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.

The Matrimonial Division continues to make some solid 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 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/hearing date certainty: This is the proportion of dates set for trial or hearing which proceed without adjournment. For example, if 100 trial dates are set in a particular

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

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

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

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

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

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

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

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

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

ⁱ Source:

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

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