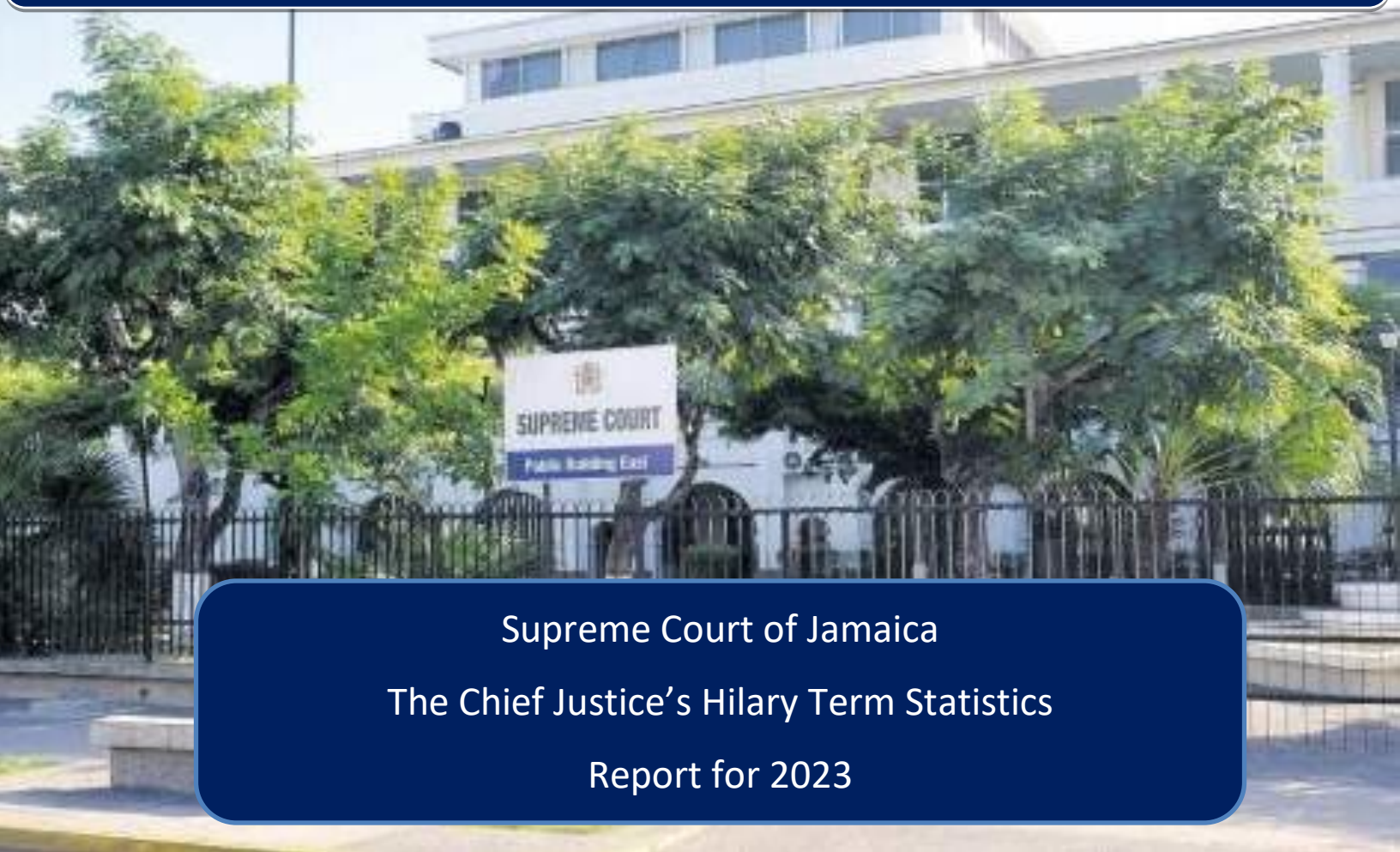


THE CHIEF JUSTICE'S STATISTICS REPORT ON THE SUPREME COURT FOR THE HILARY TERM OF 2023



Supreme Court of Jamaica The Chief Justice's Hilary Term Statistics Report for 2023

OVERALL QUANTITATIVE HIGHLIGHTS (HILARY TERM)

	<u>2023</u>	<u>2022</u>	<u>2021</u>
Case clearance rate (%)	79.09	59.85	65.90
Hearing date certainty rate (%)	79.89	80.83	76.77
Case file integrity rate (%)	98.60	85.27	84.68
Average time to disposition of cases (years)	2.37	2.24	2.23
Clearance rate on outstanding Judgments (%)	146.88	135.53	160

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EXECUTIVE SUMMARY

This 2023 Hilary Term Report on case activity in the Supreme Court represents the continuation of the application of the scientific analyses to case activity, thereby establishing a solid grasp of the interventions which are necessary to engender the development of a first class court system. The Supreme Court accounts for a sizeable share of the total civil and criminal caseload in Jamaica and its success is crucial to the attainment of the overall strategic targets established by the judiciary, all geared towards bolstering total productivity. Apart from providing the scientific evidence necessary to inform interventions, these statistical reports also provide a basis for monitoring and evaluating the progression towards the realization of the targets set out by the judiciary.

This Hilary Term report contains a range of data and performance measurements on all Divisions of the Supreme Court, in addition to the High Court Division of the Gun Court and the Revenue Court which are both housed at the Supreme Court and utilizes its resources. The report is extensive, covering several major areas of case flow progression and therefore provides crucial insights, which can potentially inform the operational efficiency of the Supreme Court and the policy design of the relevant state actors. Among the key highlights from this report are that it is only the second time in recorded history that the Supreme Court has recorded an overall case clearance rate of over 75%, the overall hearing date certainty rate is roughly 80%, the average trial date certainty rate over 70%, the rate at which judgments are delivered is almost 150% and the case file integrity rate over 98%, all suggesting that the Supreme Court is now approaching a steady state growth path in total productivity.

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A total of 3439 new cases entered the Supreme Court across all Divisions/sections in the Hilary Term of 2023 while 2720 cases were disposed. The total number of new cases filed in Term fell by 13.81% when compared to the corresponding period of the previous year. The number of cases disposed in the Term however increased by 12.13% when compared to the similar period last year. The Family Division and the High Court Civil (HCV) Division with 1228 and 1092 respectively of the total number of new cases filed accounted for the largest shares of incoming cases in the Hilary Term. The Family Division is now established as the Division with the highest number of incoming cases in the Supreme Court, with the High Court Civil Division in second. The Family Division maintains its customary position as the Division with the highest number of cases disposed, accounting for 44.78% of disposed cases in the Supreme Court for the Term, while the High Court Civil Division with 29.52% of the cases disposed ranks next.

Among the major findings from this Hilary Term Statistics Report is that the weighted average case clearance rate across the four Divisions was roughly 79.09%, a notable increase of roughly 19.24 percentage points when compared to the corresponding period in 2022. The case clearance rate provides a measure of the number of cases disposed, for every new case entered/filed in a given period. The average of roughly 79% across the Divisions suggests that for every 100 new cases entered in the period, roughly 79 were also disposed (not necessarily from the new cases entered). The case clearance rates for the Hilary Term of 2023 range from a low of 46.09% in the Commercial Division to a high of 99.19% in the Family Division of the Gun Court. The Criminal Division had the second highest case clearance rate in the Supreme Court in the Term with a rate of 95.83%, followed by the Gun Court with 86.02%. The overall clearance

rate of roughly 79% for the Hilary Term is one of the highest on record for the Supreme Court of Jamaica which is now exhibiting growth pattern similar to those shown by the parish courts five years ago. The parish courts are now undoubtedly among the best performing in the Caribbean and Latin American region.

The report also generated the estimated times to disposition for matters disposed in the respective Divisions of the Supreme Court in the Hilary Term of 2023. The estimated average times taken for cases to be disposed range from a low of approximately 1 year and 4 months in the Commercial Division to a high of approximately 4 years and 4 months in the High Court Civil Division. The overall average time to disposition for the Divisions of the Supreme Court in the period was roughly 28.42 months (roughly 2 years and 4 month), slightly higher than the corresponding period in the previous year.

The standard definition of a case backlog, which has been adopted by the Jamaican Court system is a case that has been in the system for more than two years without being disposed. Using this yardstick, the overall on-time case processing rate for cases disposed in the Supreme Court in the Hilary Term of 2023 was approximately 64.85% which suggests that roughly 65 of every 100 cases disposed were done within two years, representing a roughly 9 percentage points decline when compared to similar period in the previous year. This result implies that roughly 35.12% of the cases disposed in the Hilary Term were in a state of backlog at the time of disposition, representing a crude proxy of the overall gross case backlog rate for the Supreme Court. The Estate and Commercial Divisions with on time case processing rates of 85.98% and 78.13% respectively fared best on this metric in the Hilary Term, thus also having

the lowest gross case backlog rates at the end of the period with 14.02% and 21.87% respectively. On the other hand, the High Court Civil Division and the Home Circuit Court recorded the lowest on-time case processing rates of 36% and 34.80% respectively, thus having the highest incidence of cases in backlog.

The hearing date certainty rate is a vital measure of the robustness of the case management and scheduling apparatus in the court system. It provides an indication of the likelihood that dates set for hearings will proceed on schedule without adjournment. In the long run, the hearing date certainty rate will be positively correlated with the clearance rate, thus the higher the hearing date certainty rates, the higher the clearance rates over time. Similarly, in the long run higher hearing date certainty rates will correlate with lower case backlog rates, thus there is a negative association between these two variables. The hearing date certainty, which computes the rate of adherence to hearing dates scheduled, ranges from an approximate low of 75.41% in the Gun Court to a high of 84.21% in the Commercial Division in the Hilary Term of 2023. Despite this commendable achievement, none of the Divisions of the Supreme Court met the international standard of 92% - 100% on this measure for the Term, but the strides made are noteworthy. The weighted average hearing date certainty across all the Divisions of the Supreme Court in the Hilary Term of 2023 was roughly 79.89%, which is an indication that there was a roughly 80% probability that a matter scheduled for hearing will go ahead without adjournment. These are promising signs for the Supreme Court, further affirmation that it may now have started to experience a steady state growth in productivity. Similar data on the estimated trial date certainty rates in isolation are also provided in the relevant chapters of the

report. The estimated trial date certainty rates are generally lower than the overall hearing date certainty rates in the Divisions of the Supreme Court.

This report demonstrates decisively that external factors and third parties account for a sizeable share of the reasons for adjournment of cases and hence persistently long waiting time or delays in case dispositions. The prominent reasons for adjournment in the Hilary Term of 2023 are similar to those observed over the past 5 years of statistical reporting. Among the common reasons for adjournment cited in this report are the non-appearance of parties and/or attorneys, absenteeism of witnesses and investigating officers, incomplete files, files not found, documents to be filed, statements outstanding, ballistic and forensic reports outstanding among others. Some factors contributing to delays are within the court's sphere of direct influence and significant efforts are being made to minimize and eventually eliminate these incidences. The greater problem however appears to be the absence of culture of collective responsibility where all court participants/stakeholders fully embrace that they play a crucial role in contributing to efficient case progression and thus optimal usage of the court's time and their own time. It appears that unless this culture is engendered and that the weaknesses identified among the relevant case participants/stakeholders in this report are aggressively addressed, then the Supreme Court, even at its most optimal resource utilization will not be able to dispose of its cases within the shortest conceivable times. The existing constraints present a complexity in scheduling of hearings with matters getting longer future dates than they could otherwise. There are however major targeted reform efforts which are currently underway in the Supreme Court, geared towards backlog reduction, more efficient scheduling,

greater specialization of judicial assignments and broader structural reforms aimed at bolstering productivity. It is forecasted that within the next 2 years these reforms will start to yield genuine advances in the overall efficiency of case processing.

The casefile integrity rate measures the proportion of cases which are scheduled for court and are able to proceed in a timely manner without being adjourned for reasons of missing, lost or incomplete files, matters wrongly listed for court and other related factors which are attributable to the inefficient handling of records and case scheduling by the court's registries. Using the High Court Civil Division as a proxy, the data reveals that the case file integrity rate was 98.60%, an increase of 1.73 percentage points when compared to the corresponding period in 2022. This result suggests that for every 100 case files that were part of court hearings in the Hilary Term of 2023, roughly 2 more were able to proceed, as compared to the corresponding period in 2022, without being adjourned due to one of the named factors which impair case file integrity. The prescribed international standard for the case file integrity rate measure is 98% - 100%.

The Civil Divisions of the Supreme Court continue to perform commendably with the rate of delivery of Judgments, reversing years of a chronic backlog. The Hilary Term of 2023 registered a clearance rate on final judgments reserved of 146.88%, suggesting that 14 judgments delivered during the period for every 10 judgments reserved. The result is an increase of roughly 9 percentage points compared to the corresponding period in 2022.

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The below tables provide case activity summary for the Hilary Term of 2023 as well as critical on-time case processing rates, crude gross backlog rates and key performance forecast for 2023.

See below Supreme Court case activity summary for the Hilary Term of 2023:

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (months)	Hearing Date Certainty Rate (%)
High Court Civil (HCV)	1092	803	73.53	52.09	81.25
Family	1228	1027	99.19	25.64	83
Estate	841	699	83.16	18.74	80.80
Commercial	128	59	46.09	16.66	84.21
Home Circuit Court	48	46	95.83	38.87	77.67
Gun Court	93	80	86.02	18.53	75.41
Revenue Division	9 -	6	66.67%	-	78.25
Gross/Weighted Average	3439	2720	79.09	28.42	79.89

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

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

- (i) The on time case processing rate
- (ii) Crude proxy case backlog rate

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

Selected performances metrics for the Supreme Court in the Hilary Term of 2023

Division of the Supreme Court	Resolved/Disposed cases	Unresolved cases which had some administrative or court activity in 2021	Number of cases disposed within 2 years	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
High Court Civil (HCV)	803	5682	389	36	64
Family Division	1218	4211	940	77.69	22.31
Estate Division	699	2166	601	85.98	14.90
Commercial Division	32	432	25	78.13	21.78
Home Circuit Court	46	940	16	34.80	65.20
Gun Court	80	431	62	77.50	22.50
Gross/Weighted Average	2878	13862	2033	64.85	35.12

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Vital Forecasts:

Forecast of case activity in the Divisions of the Supreme Court in 2023

Division	Forecasted number of new cases	Forecasted number of disposed cases	Forecasted Case Clearance Rate (%)
High Court Civil Division	4250	3350	78.82
Family Division	4750	3710	78.11
Estate Division	3825	2825	73.86
Home Circuit Court	305	220	72.13
High Court Division of the Gun Court	395	405	102.53
Commercial Division	570	210	36.84
Revenue Division	12	10	83.33
Insolvency Division	10	7	70.00
Admiralty	3	2	66.67
Total/Weighted Average	14120	10739	73.59

Note: Forecasting done using the method of exponential smoothing

The above table provides a forecast of the number of cases file and disposed in each Division/section of the Supreme Court in 2023 as well as the projected case clearance rates. The forecasted number of new cases entering the Supreme Court in 2023 is 14120 while the forecasted number of disposed cases across the Divisions/sections is 10739. These predicted values would produce a weighted case clearance rate of 73.59% in 2023.

Forecast for Judgments Reserved and Delivered in 2023

Forecasted number of Judgments Reserved	Forecasted number of Judgments Delivered	Forecasted clearance rate on Judgments (%)
205	282	137.56

Note: Forecasting done using the method of exponential smoothing

The Supreme Court is expected to sustain its positive direction in clearing outstanding judgments in 2023. Using the method of exponential smoothing, it is forecasted that 282 judgments will be delivered by the Supreme Court in 2023 and 205 new ones will be reserved. This produces a forecasted clearance rate on judgments of 137.56% in 2023, which suggests that for every 10 judgments reserved in that year, roughly 14 judgments are expected to be delivered

METHODOLOGY

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

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

Structure of Report

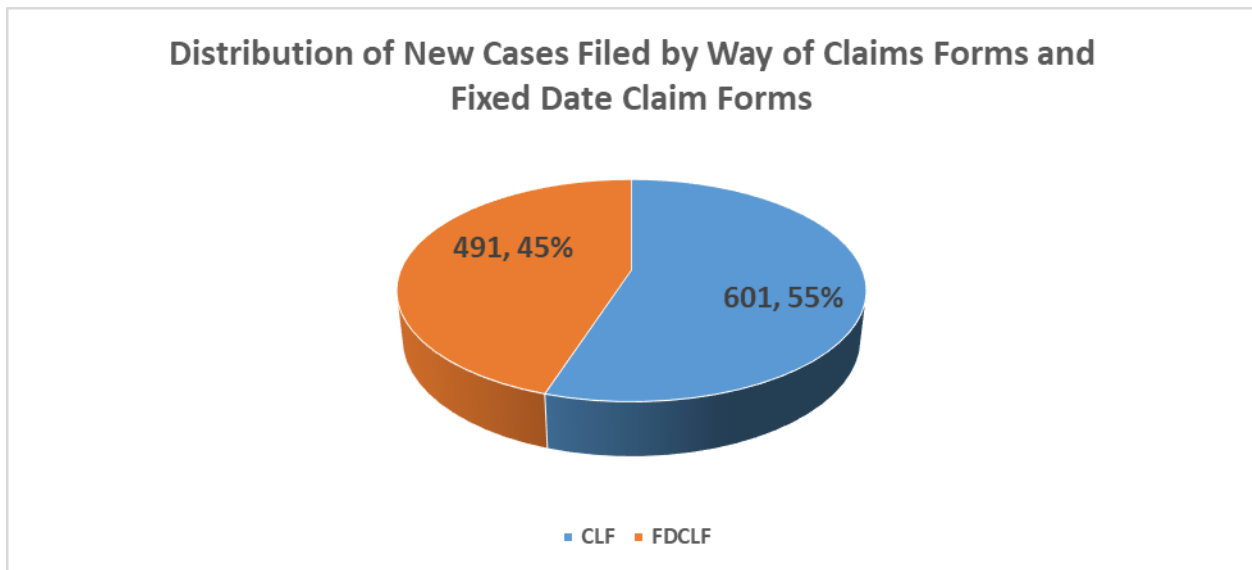
This is a comprehensive statistical report on case activity in the various Divisions of the Supreme Court in the Hilary Term of 2023. Each of the first six chapters focus on case activity and performance metrics in the High Court Civil (HCV) Division, the Family Division, the Estate Division, the Commercial Division, the Home Circuit Court and the High Court Division of the Gun Court. The last two chapters summarize aggregate case activity across the Divisions of the Supreme Court, presents the clearance rate for civil Judgements and the courtroom utilization rate estimates for the Hilary Term of 2023. In each chapter, a wide range of measurements and other information are presented which places case and court activity in each Division in their peculiar perspectives and context. A glossary of statistical terms and key performance measures used in his reports are also outlined at the end of the report. The report is meant to be more of an information piece for both internal and external stakeholders, forming the basis for interventions geared at enhancing efficiency and fostering a culture of court excellence.

CHAPTER 1.0: HIGH COURT CIVIL (HCV) DIVISION

The ensuing analysis examines the various measures of the efficiency of case handling in the High Court Civil (HCV) Division for the Hilary Term ended March 31, 2023.

A total of 1092 new cases were file in the High Court Civil Division during the Hilary Term of 2023. The below chart provides a summary of the breakdown of the new cases filed in terms of the primary methods of origin, that is, whether they were filed by way of a Claim Form or Fixed Date Claim Form. Notably, there are a minority of matters filed in the High Court Civil Division which are done by means of Notices of Application.

Chart 1.0: Claim Forms and Fixed Date Claim Forms for the Hilary Term ended March 31, 2023



Population size = 1092

The above chart highlights the proportional distribution of cases filed in the High Court Civil (HCV) Division in the Hilary Term of 2023 which originated either by way of a Claim Form or Fixed Date Claim Form. This chart is generated using a sample of 1092 cases which were filed by

way of either Claim Form or Fixed Date Claim Form in the Hilary Term of 2023. The data shows that 601 or 55% of this sample were filed by way of Claim Forms while 491 or 45% were filed by way of Fixed Date Claim Forms. In general, the number of matters filed by way of Claim Forms tend to outstrip those filed annually by way of Fixed Date Claim Forms in the High Court Civil Division of the Supreme Court. Other cases filed in a given year which are not done by way of a Claim Form or a Fixed Date Claim Form will be filed by notices of application which on average accounts for an estimated 8% of total new cases filed. The method by which a case is filed, be it by way of a Claim Form, Fixed Date Claim Form or Notice of Application has an impact on the path that the matters travel in the court. Matters filed by way of Claim Forms tend to have more processes along the case flow continuum and tend on average to take a longer time to be disposed than those filed by way of Fixed Date Claim Forms and Notices of Application, both of which tend to follow a very similar path.

Tables 1.0 below provides an analysis of the reasons for adjournment of High Court Civil cases in the Hilary Term of 2023.

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Table 1.0a: Leading reasons for adjournment for the Hilary Term ended March 31, 2023

Reasons for adjournment	Frequency	Percentage
Claimant to file documents	742	20.8
Defendant to file documents	200	5.6
Claimant documents not served or short served	196	5.5
Claimant to comply with order	174	4.9
Parties having discussion with a view to settlement	159	4.5
Defendant not available	135	3.8
No parties appearing	131	3.7
Defendant attorney absent	127	3.6
For documents to be produced	127	3.6
Referred to mediation	124	3.5
Sub-Total	2115	59.40

Total number of adjournments/continuance = 3559

There were total of 3559 incidence of adjournments/continuance in the Hilary Term of 2023, an increase of 28.81% when compared to the corresponding Term in 2022. The above table summarizes the top ten reasons for adjournment for the Hilary Term of 2023, using the contextual definition outlined above. It is seen that the three dominant reasons for

adjournment were claimants to file documents with 742 or 20.80% of all events of adjournments/continuance, adjournments for defendants to file documents with 200 or 5.60% and claimant's documents not served or short served with 196 or 5.50%. Adjournments for claimants to comply with order and due to parties having discussion with a view to settlement rounds off the top five reasons for adjournment in the High Court Civil Division in the Hilary Term of 2023. The top ten reasons for adjournment enumerated above, accounts for approximately 59.40% of the total reasons for case adjournment/continuance in the period. As with previous reports, it is evident that a significant proportion of the total adjournments were due to factors related to the lack of readiness or preparedness of case files and cases themselves and the absenteeism of parties and attorneys for court hearings. While some of the reasons for adjournment strongly suggest weaknesses in case flow management, record keeping and scheduling practices, the overwhelming majority of the incidences of reasons for adjournment are associated with external factors which are not directly controllable by the High Court Civil Division. An example of a major reason for adjournment for which the court is directly responsible is the incidence of files not found which features consistently on the top five list of reasons for adjournment. Adjournments of this nature often contribute to the inefficient use of judicial time and hampers the timely delivery of justice. As indicated, the data shows that several of the reasons for adjournment are however due to external factors which have also featured prominently in all previous reports. It is clear that there will need to be deliberate policy undertaken to reduce the incidence of adjournments caused by the various factors listed. The delays resulting from these adjournments are evidently a big part of the

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current lengthy postponements being experienced in some cases in the High Court Civil Division of the Supreme Court.

Continued process flow re-engineering, enhanced stakeholder engagement and more efficient resource alignment will be required to bring redress to many of the deficiencies resulting in the continued high incidence of adjournments. There are some internal processes which are being engineered to support the optimal operation of the High Court Civil Division. These include the bolstering the resources needed to manage the timely placement of new documents on files and to more effectively track the movement of files with the aid of the available technology. The strength of the court’s case management processes has a direct bearing on the incidence of adjournments, thus enhancing the science that is applied in deploying case management in the High Court Civil Division will be an important catalyst in fostering more robust case preparation, improving the compliance of parties with court requirements and hence the readiness of files for hearings to proceed.

Table 1.0b: Case File Integrity Rate for the Hilary Term ended March 31, 2023

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 (%)
3559	50	98.60%

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 50 combined incidences of adjournments due to these deficiencies in the Hilary Term of 2023, resulting in a case file integrity rate of 98.60%, which means that roughly 1.40% of the total adjournments were due to one or more of factors that affect case file integrity. Using the same parameters, the case file integrity rate increased by 2.33 percentage points when compared to the corresponding period in 2022. A re-engineering of the document management processes in the High Court Civil Division and a strengthening of the human resources in the records section of this Division continued to be pursued to create a sustainable system of marshalling file readiness. This will redound to the benefit of the High Court Civil Division in improving the rate of progression of cases filed to mediation and to court hearings and thus promote a timelier scheduling and other actions leading up to the disposition of cases filed. It will also contribute to an improvement of the rate of handling of notices of discontinuances filed which will assist in improving the timely disposition of cases.

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Table 2.0: Selected trial and pre-trial case counts for the Hilary Term ended March 31, 2023

Trial matters/hearings	Frequency	Percentage
Court Trials	202	40.48
Motion Hearing	20	4.01
Assessment of Damages	159	31.86
Trial in Chambers	118	23.65
Total trial matters	499	100

The above table shows the breakdown of the case counts associated with selected HCV pre-trial and trial hearings in the High Court Civil Division in the Hilary Term of 2023. The table shows 499 combined cases which were heard across the four listed types of hearings, of trials in open court with 202 or 40.48% accounted for the largest share while assessments of damages with 159 or 31.86% of the total ranked next. The 118 cases or 23.65% of the total which had trials in chamber and the 20 cases or 4.01% which had motion hearings rounds off the list.

Table 3.0 Sampling distribution of hearing date certainty for the Hilary Term ended March 31, 2022

Hearing dates set	Hearing dates adjourned (excluding adjournments for continuance)	Hearing date certainty (%)
3008	564	81.25

The overall hearing date certainty of a court provides a good metric of the extent to which dates, which are scheduled for hearings are adhered to and therefore speaks to the reliability of the case scheduling process. A sample of 3008 dates scheduled for either trial or various pre-trial hearings, both in Court and in Chamber, revealed that 564 were ‘adjourned’ on the date

set for commencement. The resulting estimated overall hearing date certainty figure of 81.25% suggests that there is a roughly 81% 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 2.79 percentage points when compared to the corresponding period in 2022. When trials in open court is isolated, the trial certainty rate for the HCV Division for the Hilary Term of 2023 is estimated at 71.00%, an improvement of just 1 percentage point when compared to the corresponding period in 2022 and when trial in chambers is isolated the estimate rate is 74%, an improvement of 0.23 percentage points when compared to the corresponding period in 2022. These results represent resilient outcomes as the HCV continues its aggressive reform agenda to improve the efficient processing of cases and the overall productivity of the registry.

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

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

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Table 4.0a: Index of scheduling efficiency for Assessment of Damages in the HCV Division for the Hilary Term ended March 31, 2023

Number of available court days in 2021	Number of days' worth of assessment of damages scheduled	Approximate ratio
62	187	3.02

An important indicator of the problems associated with the scheduling of HCV matters comes from an assessment of the number of court days which were available for the Supreme Court during the Hilary Term of 2023, 62 all told and the number of days' worth of assessment of damages which were scheduled (a total of 187). It is shown that for every court day available, approximately 3 days' worth of matters were scheduled, roughly the same as the corresponding period in 2022 and still higher than the equilibrium level that is required to curtail adjournments of dates set and the associated sub-optimization of judicial time. Although this ratio is approximately the same as the previous years' output, it represents generally good progress over the past 4 years, with a cumulative reduction of over three days of matters per day over that period. The efforts to improve the scheduling of assessment of damage hearings in the High Court Civil Division remains a top priority as 2023.

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Table 4.0b: Index of scheduling efficiency for court trials in the HCV Division for the Hilary Term ended March 31, 2023

Number of available court days in 2021	Number of days' worth of court matters scheduled for court trial per court	Approximate ratio
62	79	1.27

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 2023, 62 all told, and the number of days' worth of court trials which were scheduled per court (a total of 79). It is shown that for every day available, 1.27 days' worth of matters were scheduled, a fractional decline of 0.01 percentage points when compared to the corresponding period in 2022. In practical terms, this means that a relatively manageable number and duration of trials were scheduled on the Division's calendar during the Hilary Term. There was however a slight improvement in trial date certainty rate despite the slightly worsening of the scheduling efficiency score outlined above.

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Table 5.0a: Probability distribution of the incidence of adjournments/continuance for the Hilary Term ended March 31, 2023

Type of Incidence	Frequency	Percentage (%)
Case Management Conference	254	7.15
Pre-Trial Review	214	6.02
Trial in open court	328	9.21
Trial in chamber	280	7.86
Assessment of damages	246	6.91
Judgment Summons Hearing	185	5.19
Applications	2052	57.66
Total	3559	100.00

The above table takes a large, representative sample of reasons for adjournment and records the stages of the case flow process at which they are observed. The results here are broadly similar to those which were observed in the previous two years. Trial hearings account for a combined 17.07% of the adjournments in the sample while case management conferences account for 7.15% but it was the incidence of adjournments at the applications stage which again took the spotlight, accounting for 57.66% of the total incidence of adjournments. Pre-trial reviews and judgment summons hearings 6.02% and 5.19% respectively of the sample rounds off the list. As stated earlier, continued improvements in the overall scheduling apparatus of the High Court Civil (HCV) Division will be crucial to reducing the persistently high incidence of adjournments which delay the disposition of cases and contribute to a sizeable case backlog.

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

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

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

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

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

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

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

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

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

Descriptive Statistics (days)

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

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

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

Table 7.0: Hearing date certainty for Assessment of damages for the Hilary Term March 31, 2023

Hearing dates set	Dates adjourned (excluding adjournments for continuance)	Hearing date certainty (%)
159	54	66.03

As noted above, there has been a noticeable reduction in the number of dates scheduled for matters of assessments of damages. However, the hearing date certainty rate declined by 7.10 percentage points, netting out at 66.03%. This is not a surprising result given that the scheduling efficiency index didn’t improve over the comparable period. Continued efforts to improve the scheduling practices for assessment of damages hearings will contribute markedly to improving the overall productivity of the High Court Civil Division through the more judicious use of judicial time. This remains a priority of the High Court Civil Division in the remaining Terms in 2023.

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Table 8.0: Hearing date certainty for Case Management Conferences for the Hilary Term ended March 31, 2023

Hearing dates set	Dates adjourned (excluding adjournments for continuance)	Hearing date certainty
415	49	88.19%

Case management conferences form an important part of the preparation of cases for further judicial activities. Matters scheduled for case management conferences will typically be set for a fixed time and day in accordance with the available resources. These matters had a hearing date certainty of 88.19% in the Hilary Term of 2023, an improvement of 1.17 percentage points when compared to the comparable period in 2022, representing a resilient and commendable outcome.

Table 9.0: Requisitions for the Hilary Term ended March 31, 2023

Action	Frequency
Requisitions Issued	89
Responses to requisitions	6
Requisition clearance rate	6.74%
Requisitions per 100 case files (approximation)	3

In considering the efficiency with which civil matters flow through the court system, the number of requisitions and the ratio of requisitions to case files is an important metric. The rate at which responses to requisitions are filed and the share quantum of requisitions issued can have a profound impact on the length of time that it takes for some civil matters to be disposed. In the table above it is shown that there were 89 requisitions for the Term. The

requisition clearance rate for Hilary Term of 2023 was 6.74%, the same as the corresponding period in 2022. Continuous interventions aimed at increasing public sensitization on the proper and timely completion of documents filed by litigants and their attorneys at the various stages along the civil case flow continuum are vital to creating and sustaining improved outcomes in this area.

Table 10.0: Chamber hearing case count distribution for the Hilary Term ended March 31, 2022

Type of hearing	Frequency	Percentage (%)
Case Management Conference	415	16.54
Pre-trial review	423	16.86
Applications (Various)	1648	65.68
Judgment summons hearing	23	0.92
Number of cases	2509	100.00

The above table summarizes the distribution of case counts for matters heard in Chamber in the High Court Civil Division in the Hilary Term of 2023. It is seen that the total number of cases heard in Chamber hearings for the Term was 2509, the highest proportions of which were applications of various types with 1648 cases heard or 65.68% of the list. The general applications category speaks to a non-exhaustive list of various types of applications which come before the High Court Civil (HCV) Division. Pre-trial reviews were a distant second with 423 cases or 16.86% of the listed case types heard in Chamber during the period while case management conferences with 415 cases heard or 16.54% and Judgment summons hearings

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with 23 cases heard or 0.92% of the list rounds off the top five Chamber Hearings during the Hilary Term.

Among the leading types of applications filed in the Hilary Term of 2023 were applications to file annual returns, applications for injunction, applications for first hearing, applications for court orders and applications for extension of time to file defense.

Table 11.0: Methods of disposition for the year Hilary Term ended March 31, 2023

Method of Disposition	Frequency	Percent
Application Granted	64	8.0
Application Refused	8	1.0
Claim form expire	17	2.1
Claim Form Invalid	3	.4
Company complied	7	.9
Consent Judgment	3	.4
Consent Order	17	2.1
Damages Assessed	46	5.7
Dismissed	61	7.6
Other	6	.7
Disposed SC12	1	.1
Final Order	79	9.8
Judgment	6	.7
Judgment Delivered	14	1.7
Judgment in Default of Ack of Service	1	.1
Matter Withdrawn	15	1.9
Med - Settled Fully in Mediation	1	.1
Notice of Discontinuance	206	25.70
Order (Chamber Court)	44	5.5
Settled	129	16.1
Settlement Order	1	.1
Struck Out	61	7.6
Transfer to Commercial (Ordered)	1	.1

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Transfer to family division (Ordered)	1	.1
Written Judgment Delivered	11	1.4
Total	803	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 803 HCV cases disposed in the Hilary Term of 2023, an increase of 101.25% when compared to the corresponding period in 2022. The largest proportion of the cases disposed, 149 or almost 18.60% were a result of notices of discontinuance filed, followed by the matters settled with 129 or 16.10% and final orders with 79 or 9.80% rounding off the top three.

Table 12.0: Time to disposition for the Hilary Term ended March 31, 2023

Descriptive Statistics (months)

Number of observations	803
Mean	52.0946
Median	45.0000
Mode	9.00
Std. Deviation	41.65023
Variance	1734.742
Skewness	1.624
Std. Error of Skewness	.086
Range	310.00
Minimum	2.00
Maximum	312.00

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

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table provides crucial insights on the average time to disposition of matters in the HCV Division for the Hilary Term of 2023. The 803 cases disposed in the year reveal an estimated average time to disposition was 52.09 months or roughly 4.3 years and 8 months, an increase of roughly 7 months when compared to the corresponding period in 2022. The oldest matter disposed in the year was 312 months old or roughly 26 years old while the lowest time that a matter took to disposition was roughly two months. The median time to disposition was thirty-four months or approximately 34 while the mode was 9 months. The standard deviation is an indication of a wide variation of the durations to disposal around the mean and suggests that the times to disposition vary widely. The positive skewness however suggests that there were proportionately more disposals, which took lower time to disposition than those which took higher than the average time. The margin of error of these estimates is plus or minus 2 months.

Table 13.0: Breakdown of time to disposition for the year ended March 31, 2023

Time Interval (months)	Frequency	Percent
0 – 12	159	19.8
13 – 24	130	16.2
25 – 36	89	11.1
37 – 47	59	7.3
48 & over	366	45.6
Total	803	100.0

The above table provides a more detailed breakdown of the average time to disposition. It is seen that of the 803 cases disposed during the Hilary Term, the largest proportion, 366 or 45.60% took four years or more to be disposed. 159 cases or roughly 19.80% of the cases

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disposed took a year or less while 68 or 17.0% took between 37 and 47 months to be disposed. The remaining proportion of the cases disposed was accounted for by the intervals 13 – 24 months with 130 or 16.20% and the 25 - 36 months' interval with 89 or 11.10% of the disposals. It is of note that roughly 36% of the matters disposed of in the Hilary Term took two years or less, compared to approximately 64%, which took more than two years during the year. The High Court Civil Division historically contends with a number of structural issues which currently predisposes many matters to a relatively long times to disposition. This includes, the length of time of matters referred to mediation which often fails, the high incidence of avoidable adjournments and weakness in date the scheduling apparatus of the Division. A number of projects are currently underway to redress these and other structural deficiencies and in so doing produce a more sustainable system of operation which will eventually see cases being disposed much faster in years to come.

Table 14.0: Clearance rate for the Hilary Term ended March 31, 2023

Cases filed	Cases disposed	Case clearance rate
1092	803	73.53%

***6 or 0.75% of the cases disposed, originated during the Hilary Term of 2023**

The case clearance rate is an important metric, which complements the case disposal rate. It is calculated as the ratio of incoming active cases to disposed cases. A ratio of 100% is an indication that for every new case filed, a pre-existing case is also disposed. It is an important measure in placing the time to disposition of matters into context and to providing a deeper understanding the case carriage burden that is being faced by the different Divisions. In the

Hilary Term of 2023, the High Court Civil Division recorded a case clearance rate of 73.53%, representing a 41.58 percentage points increase when compared to the previous year. The Statistics Unit estimates that over the next 1-3 years, the High Court Civil Division will need to be averaging case clearance rates of between of over 80% in order to start seeing a meaningful reduction in the average time to disposition. In this range, it is computed that enough cases will start to get nearer future dates of appearance in order to see a tendency towards the optimization of the Division's production function, subject to a number of existing constraints, both directly controllable and others external to the Court. The current quantitative trend does not however suggest that such targets will realistically be attained anytime soon.

Other performance measures

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

(i) The on time case processing rate

(ii) The case turnover ratio

(iii) The disposition days

(iv) The crude proxy case backlog rate

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to

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be disposed. Additionally, the crude proxy case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Hilary Term of 2022. These measures are summarized in the table below:

Table 15.0: Selected performances metrics for the High Court Civil (HCV) Division in the Hilary Term of 2023

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated disposal days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
803	5682	0.14	2607	289	803	36	64

The results in the above table show a case turnover rate of 0.14, which is an indication that for every 100 cases, which were ‘heard’ in the Hilary Term of 2022 and still active at the end of the period, another 14 were disposed, an improvement of 8 percentage points when compared to the corresponding period in 2022.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. Based on this general criterion, a case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the High Court Civil Division in the Hilary Term of 2023 is roughly 36% which reflects the proportion of High Court Civil cases in the period which were disposed within 2 years. Conversely, the crude proxy case backlog rate is estimated at 64%, an indication that an estimated annual proportion of 64% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. The crude backlog rate increased by 4 percentage points when compared to

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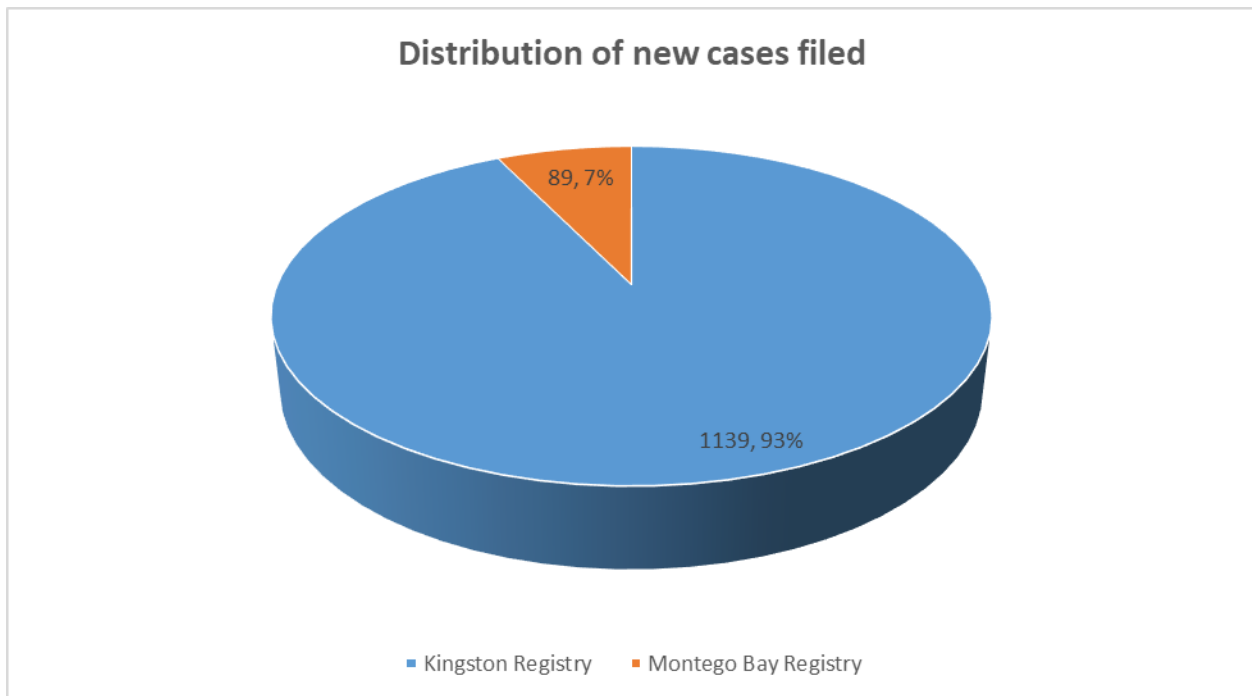
the corresponding period in 2022. The results suggest that of the 6485 cases, which had some court activity in the Hilary Term of 2023 and were still active at the end of the period, roughly 3966 are expected to be in a backlog classification before being disposed.

CHAPTER 2.0: FAMILY DIVISION

The ensuing analysis examines the various measures of the efficiency of case handling in the Family Division for the Hilary Term ended March 31, 2023.

A total of 1228 new cases were filed in the Kingston and Montego Bay Registries of the Western Regional Family Court during the Hilary Term of 2023.

Chart 2.0: Distribution of new cases filed in the Matrimonial Division, by Registry in 2023



The above chart summarizes the distribution of new cases filed in the Matrimonial Division in the Hilary Term of 2023 at the Kingston and Western Regional Registries respectively. It is shown that 1139 or 93% of the new cases filed took place at the Supreme Court Registry in Kingston while the remaining 89 or 7% were filed at the Registry in Montego Bay. When compared to the Hilary Term of 2022, this output reflects a 9.02 % decrease in the number of

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new cases filed at the Kingston Registry and a 23.93% fall in the number of new cases filed at the Western Regional Registry in Montego Bay. There was a notable overall increase of 9.79% in the number of new cases filed in the Family Division in 2023.

Table 16.0a: Breakdown of cases filed in the Matrimonial Division in the Hilary Term of 2023

Type of Matter	Frequency	Percent
Matrimonial FD	6	.5
Matrimonial FD Custody	1	.1
Matrimonial FD Declaration of Paternity	1	.1
Matrimonial FD Division of Property	31	2.5
Matrimonial FD Divorce	691	56.3
Matrimonial FD Divorce-children	368	30.0
Matrimonial FD Guardianship & Custody	17	1.4
Matrimonial FD Guardianship	8	.7
Matrimonial FD Mental Health Act	13	1.1
Matrimonial FD Miscellaneous	1	.1
Matrimonial FD Nullity	2	.2
Matrimonial FD WR Divorce	67	5.5
Matrimonial FD WR Divorce-children	22	1.8
Total	1228	100.0

***WR means Western Regional**

The above table provides a breakdown of the nature and location of new matters filed in the Matrimonial Division during the Hilary Term of 2023. As is typical, the largest proportion of the new cases filed were divorce matters (with or without children involved) which accounted for 1148 or 93.49%. More specifically divorce matters filed involving children accounted for 368 or 29.97% of the divorce cases filed. Matters of guardianship and custody as well as division of property and declaration of paternity accounted for the accounted for next highest proportion of divorce cases filed during the Hilary Term of 2023.

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Table 16.0b: Petitions filed for the Hilary Term ended March 31, 2023

Type of petition	Frequency	Percentage (%)
Petition for dissolution of marriage*	1148	61.99
Amended petition for dissolution of marriage	702	37.90
Petition for Nullity	2	0.11
Total Petitions filed	1852	100.00
Number of amendments per petition	0.61	

*Includes petitions involving children

The above table summarizes petitions filed in the Hilary Term of 2023. It is shown that a total of 1852 Petitions (new or amended) were filed, 1148 or 61.99% were petitions for dissolution of marriage, compared to 702 or 37.90% which were amended or further amended petitions for dissolution of marriage. The analysis further suggests that the ratio of petitions to amended petitions is 0.61 or in other words for every 100 Petitions for dissolution of marriage there is roughly 61 amended Petitions for dissolution of marriage during the Hilary Term of 2022, an increase of 8 percentage points when compared to 2022. The number of petitions for dissolution of marriage which were filed in the Hilary Term of 2023 decreased by a notable 11.35% while the number of amended petitions filed decreased by 2.23% There continues to be a need for a sustainable reduction in the number of amended requisitions filed per requisition in order for the public to realize the true gains from the significant improvements in the operational efficiency of the Matrimonial Division which have resulted from far reaching process flow reforms over the past 3-4 years. This is the most profound change in divorce cases

ever seen in the history of the Supreme Court of Jamaica. The Estate Division also had string returns during the year with output of 65% over the period.

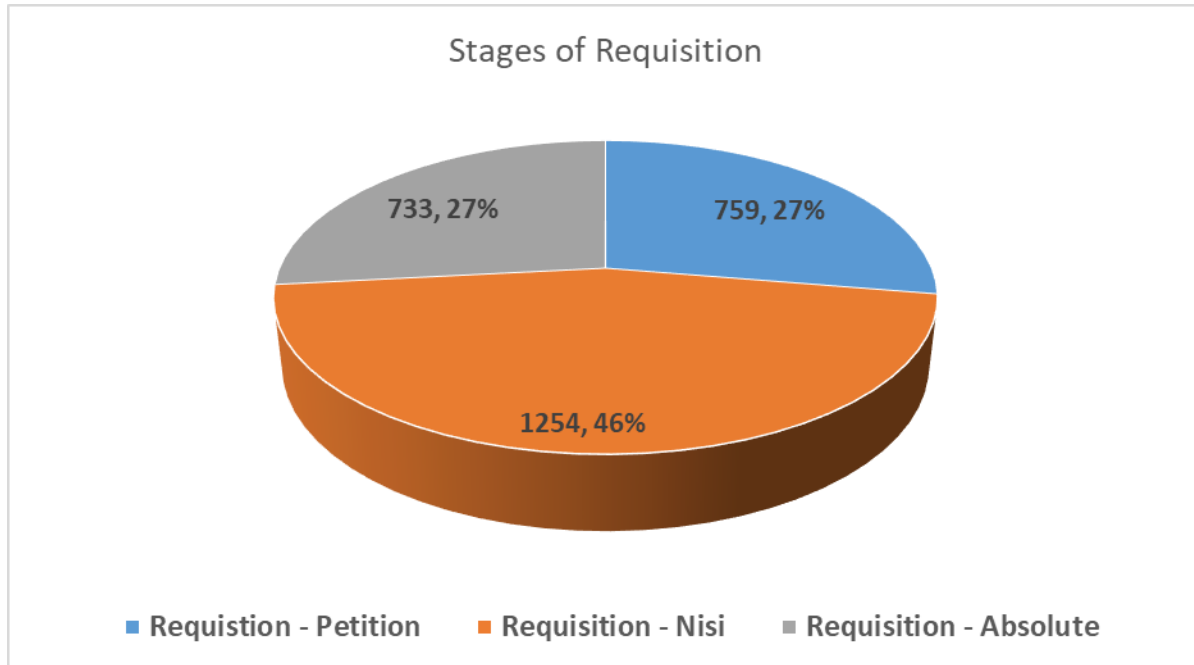
Table 17.0: Decrees Nisi and Decrees Absolute filed for the Hilary Term ended March 31, 2023

Case Status	Frequency
Decree Absolute	1729
Decree Nisi for dissolution of marriage	1588
Decree Nisi for nullity of marriage	3
Total	3288
Ratio of Decrees Nisi to Decrees Absolute Filed	0.99

It is seen in the above table that for every 100 Decrees Nisi filed there were roughly 109 Decrees Absolute filed during the Hilary Term of 2023, a notable increase of 10 percentage points when compared to the corresponding period in 2022. One caveat to note is that Decrees Nisi and Decrees Absolute would have originated at various times outside of this specific period of analysis. The data suggests that the number of Decrees Absolute filed increased by 6.07% while the number of Decrees Nisi filed decreased by 3.83% when compared to 2022. The stage of a matter at which requisitions have mostly occurred has an impact on the production rate for both Decrees Nisi and Decrees Absolute Granted.

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

Chart 3.0: Distribution of the stages of requisitions for the year ended April 08, 2022



The data suggests that a total of 2746 requisitions were issued at the three primary stages of a divorces case at the Kingston and Western Regional Supreme Court Registries combined, an increase of 7.10 percent when compared to the corresponding Term in 2022. The number of requisitions filed at the petition stage decreased by 8.66% when compared to the corresponding Term in 2022, while the number filed at the Decree Nisi stage increased sharply by 30.49%. The number of requisitions filed at the Decree Absolute stage decreased by 5.05% when compared to 2022. As with previous reports, it is seen in the above chart that there is a greater probability that a requisition will be made at the stage of Decree Nisi, with an estimated 46% incidence, while roughly 27% each of the proportion of requisitions were filed at the petition and Decree Nisi stages.

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The data decisively suggests that the high incidence of requisitions continue to be a challenge for the Family Division, particularly at the Decree Nisi stage.

Table 18.0: Methods of Disposals for the Hilary Term ended March 31, 2023

Methods of Disposition	Frequency	Percent
Claim form expire	2	.2
Consent Judgment	1	.1
Consent Order	1	.1
Decree Absolute Granted	906	74.4
Dismissed	2	.2
Final Judgment	1	.1
Final Order	30	2.5
Matter Discontinued	9	.7
Matter Withdrawn	1	.1
Notice of Discontinuance noted	46	3.8
Struck Out	81	6.7
WR Decree Absolute Granted	134	11.0
WR Notice of Discontinuance noted	4	.3
Total	1218	100.0

NB: WR means Western Regional Registry

The above table reveals that 1218 Family cases were disposed during the Hilary Term of 2023, an increase 15.68% when compared to the corresponding Term in 2022. A proportion of 85.39% or 1040 were attributable to Decrees Absolute Granted while 50 or 4.11% were due to Notices of Discontinuance filed, accounting for the top two methods of disposition in the Hilary Term of 2023. As indicated earlier, a high incidence of requisitions continues to be a deterrent to the overall speed of disposition of cases in the Family Division of the Supreme Court and this will need to be improved in order to realize the fullness of the gains from a now significantly more efficient and better organized registry. This will require further education and the

compliance of the attorneys. There has however been a notable general improvement in the overall average time to disposition of divorce cases filed, a result that appears to be largely a result of operational and logistical improvements in the processes of the Family Registry.

It is of note that 1080 or 88.67% of the 1218 Matrimonial cases disposed in the Hilary Term of 2023 were attributable to the Kingston Registry while 50 or 11.33% were accounted for by the Western Regional Registry in Montego Bay. The Kingston Registry experienced an increase of 13.56% in the number of cases disposed while the Montego Bay Registry experienced an increase of 34.21% when compared to the corresponding Term in 2022.

Table 19.0: Requisitions summary for the Hilary Term ended March 31, 2023

Action	Frequency
Requisitions Issued	2746
Number of requisitions per 100 files	51
Number of responses to requisitions	438
Requisition response rate	15.97%

The incidence of requisitions is especially important in assessing the efficiency with which Matrimonial matters move through the court system. A total of 2746 requisitions were issued during the Hilary Term of 2023, an increase of 7.10% when compared to the corresponding Term in 2022. This produces a ratio of cases handled to requisitions issued of 0.51 which suggests that for every 100 cases handled on which there was activity during the Hilary Term there were 51 requisitions filed, exactly the same as the corresponding period in in 2021. The requisitions response rate fell by 4.78 percentage points when compared to the Hilary Term of

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2021, a result which may have potential adverse consequences for productivity over the next few years.

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

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

Stage 1	Task	Existing Staff	Current time (days)	Proposed Staff	Proposed Time (days)
	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				
Petition/					
	Retrieve file and maintain filing room (Records officer)	0		2	
Decree Nisi/					
	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
Decree absolute					
	Record in JEMS file location and move manual file to physical location.	0	3	2	1

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	Updating and scanning of signed petition in JEMS. Issuing notice via email.				
	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

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Total			131 (26wks)		78 (16wks)
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Notes

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

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Table 21.0: Court/Chamber hearings for the Hilary Term ended March 31, 2023

Action	Frequency	Percentage (%)
Applications	177	59.00
Case Management Conference	79	26.33
Motion Hearing	12	4.00
Pre-trial Hearing	2	0.67
Trial	30	10.00
Total	300	100

The above table shows the distribution of the types of matters brought before the Court for the period under examination. The data shows that an incidence of 300 hearings either before open court or chamber, a notable increase of 68.54% when compared to the Hilary Term of 2021, a result that is partly on account of the transfer of open court matrimonial cases which would usually be heard in the High Court Civil Division to the Matrimonial Division. This is part of a broader effort in to streamline case process flows in the Supreme Court to create greater levels of efficiency and productivity. The largest proportion, 177 or 59% were applications followed by 79 or 26.33%, which were Case Management Conference (CMC) matters. The hearing event with the third highest incidence in this category is trials which accounts for 30 or 10.0% of the total.

Among the dominant types of applications filed in the Family Division during the Hilary Term were applications for custody and maintenance, including spousal maintenance, applications to declare entitlement to property, applications to appoint legal guardian and applications for substituted service.

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Table 22.0: Top five reasons for adjournment for the Hilary Term ended March 31, 2023

Reasons for Adjournment	Frequency	Percentage (%)
Claimant to file documents	28	17.18
Defendant to file documents	21	12.88
Claimant's application/documents not in order	21	12.88
Parties having discussions with a view to settle	14	8.56
Matter referred to mediation	14	8.56
Claimant's documents not served or short served	12	7.36

Total incidence of adjournments (N) = 163

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 163 incidence of adjournments in the Family Division for chamber and open court hearings in the Hilary Term of 2023, an increase of 81.11% when compared to the corresponding period in 2022. This result is commendable considering that there has been an almost 65% increase in court activity in the Family Division over the comparable period. The largest proportion of these adjournments were for claimants to file documents with 28 or 21.10%, defendants to file documents with 10 or 11.10% and no parties appearing with 8 or 17.18%. Adjournments for defendants to file documents with 21 or 12.88% and claimant's documents/application not in order with an equivalent amount. The listed reasons for adjournment account for 67.48% of the total incidence of adjournments in the Hilary Term of 2023. The Family Division continues to make efforts to improve internal efficiency, enhance overall case management and to bolster external stakeholder engagement which is critical to reducing delay and improving the timely resolution of cases which are heard in chamber or open court.

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Table 23.0: Hearing date certainty for the Hilary Term ended March 31, 2023

Court/Chamber hearing dates set	Hearing dates Date adjourned (excluding continuance)	Hearing date certainty rate
300	51	83%

The Family Division has shown improvement in the overall hearing date certainty rate, despite the significant increase in the number of hearings. It is seen that of the 300 -combined incidence of Court and Chamber hearings in the Hilary Term of 2023, 51 were adjourned for reasons other than intrinsic procedural factors. This produces a moderate 83% hearing date certainty rate, a decline of 3 percentage points when compared to the corresponding period in 2022. For every 100 hearing dates scheduled, the approximate number that proceeded without adjournment in the Term is 83. When trial matters are isolated, the trial date certainty rate is 74%, a 0.67 percentage points improvement when compared to the Hilary Term of 2022.

Table 24.0: Time to disposition for the year ended March 31, 2023

Number of observations	1218
Mean	25.6437
Median	13.0000
Mode	8.00
Std. Deviation	31.91620
Variance	1018.644
Skewness	3.400
Std. Error of Skewness	.070
Range	342.00
Minimum	7.00
Maximum	349.00

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The overall average time to disposition of all cases resolved in the Family Division during the Hilary Term of 2023 is roughly 25.64 months. The modal/most frequently occurring time to disposition was however eight (8) months and the median is 13 months. The high positive skewness suggests that a substantial portion of the cases disposed were resolved in less than the overall average time.

The oldest matter disposed was approximately 29 years old while on the other end of the spectrum there a few matters filed which were matters filed which disposed within three months, due to discontinuances. The scores had a standard deviation of roughly 32 months, which indicates a wide variation in the distribution of the times to disposition in the period. The skewness measure returns a large positive figure of approximately 6 which strongly indicates that a markedly larger proportion of the times to disposition were lower than the overall mean.

The margin of error of these estimates is plus or minus 2 months or 0.17 years.

Table 25.0: Breakdown of times to disposition for the Hilary Term ended March 31, 2023

Time Interval (months)	Frequency	Percent
0 - 12	607	49.8
13 - 24	333	27.3
25 – 36	95	7.8
37 – 47	43	3.5
48 & over	140	11.5
Total	1218	100.0

The above table provides a more detailed breakdown of the estimated times to disposition for Family matters in the Hilary Term of 2023. It is seen that of the 1218 matters disposed during the Term, the largest proportion, 607 or roughly 49.80% were disposed within a year, followed by the 333 or 27.30% which were disposed in 13 – 24 months. Taken together this result suggests that 940 or 77.10% of Family Division matters which were disposed during the Term were done in two years or less from the time of initiation, a decline of 1.30 percentage points when compared to the corresponding period in 2022. 95 or roughly 7.80% of all Matrimonial matters disposed in the Hilary Term of 2023 took between 25 and 36 months to be disposed. It is of note that 140 or 11.50% of the cases disposed in the Family Division in the Hilary Term of 2023 took four or more years to be resolved, largely on account of lengthy delays in external filings from case parties. As with the previous 3.5years, the estimates however clearly suggest that a decidedly larger proportion of matters, which were disposed of during the year, took two years or less. The margin of error of these estimates is plus or minus 2 months or 0.17 years. It has been established that under near ideal circumstances, Family cases can be disposed within 4-6 months after filing, however in the Hilary Term of 2023, less than 4% of the cases resolved met this standard. Through its successful pursuit of process flow re-engineering, the Family Division has made considerably strides towards guaranteeing the public that if filings made by litigants and attorneys meets the requisite standards and requisitions are responded to in a timely manner then divorce cases can be resolved without delay (i.e. within 4 – 6 months).

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Table 26.0a: Case clearance rate for the Hilary Term ended March 31, 2023

Cases filed	Cases disposed	Case clearance rate
1228	1218*	99.19%

* Only 2 of the cases disposed during the Hilary Term, originated during said Term

The above table shows that there were 1228 new cases filed during the Hilary Term of 2023 while 1218 were disposed. This produces a case clearance rate of 99.19%, suggesting that for every 100 new cases; roughly 99 were disposed in the Term. The result represents a roughly 24.19 percentage points increase when compared to the Hilary Term of 2022.

Table 26.0b: Case clearance rate for the Hilary Term ended March 31, 2023 (by registry location)

Registry location	Number of new cases filed	Cases disposed	Case clearance rate
Kingston Registry	1139	1080	94.82%
Montego Bay Registry	89	138	155.06%

The above table shows that when the case clearance rate is done by registry location, the Matrimonial Registry in Kingston cleared roughly 95 cases for every 100 new cases filed while the Western Regional Registry in Montego Bay cleared approximately 155 for every 100 cases. The results are indicative of significant increases in output and productivity for both registries.

Other performance measures

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

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

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally, the crude proxy case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Hilary Term of 2023. These measures are summarized in the table below:

Table 27.0: Selected performances metrics for the Matrimonial Division in the Hilary Term of 2023

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated Disposition days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
1218	4211	0.29	1259 days	940	1218	77.69	22.31

The results in the above table show a case turnover rate of 0.29, which is an indication that for every 100 cases, which were handled in the Hilary Term of 2023 and still active at the end of the Term, another 29 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 1259 days or 3.50 more years to be disposed, barring special interventions. This metric does not however always have significant practical meaning when focussing on a single Term of court activity.

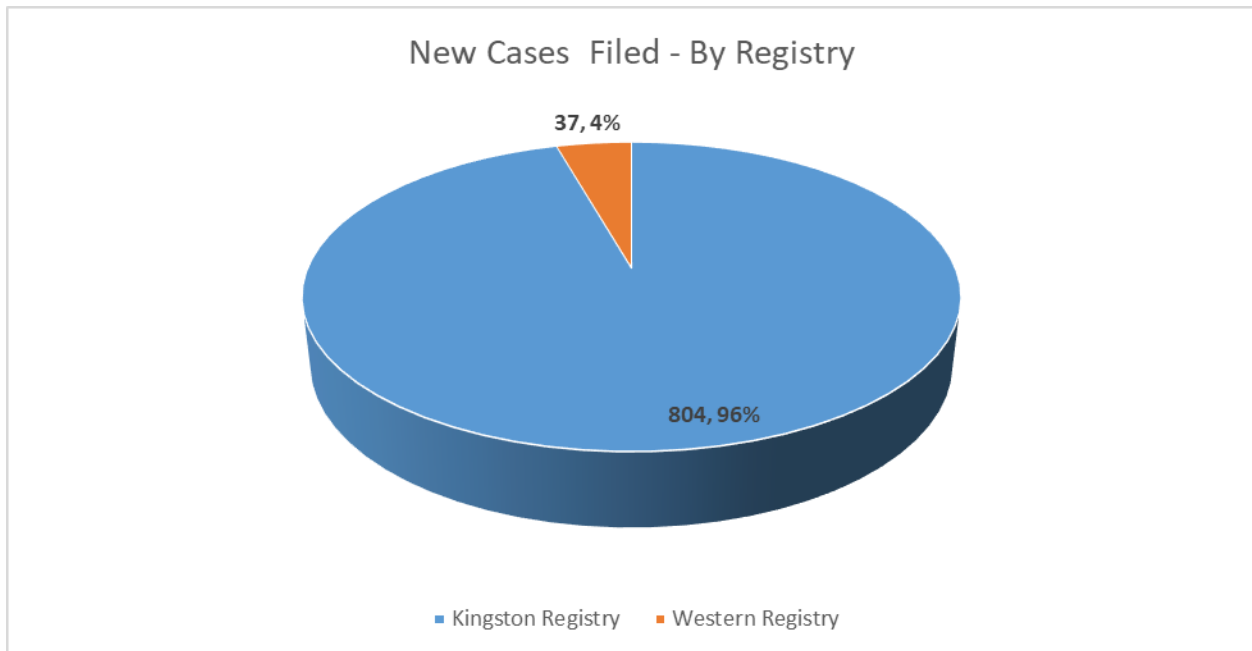
A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. Based on this general criterion, a case that is disposed within two years is considered to have been resolved on time. The on time case-processing rate for the Family Division in the Hilary Term of 2023 is approximately 77.69%, which reflects the proportion of Family cases in the Hilary Term of 2023, which were disposed within 2 years. Conversely, the proxy case backlog rate is 22.31%, an indication that an estimated annual proportion of roughly 22% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 4211 cases, which had some court activity during the Hilary Term and were still active at the end of the period, 939 are expected to be in a backlog classification before being disposed. This is a slight worsening by roughly 6.50% when compared to the corresponding Term in 2022.

CHAPTER 3.0: ESTATE DIVISION

This section turns to the analysis of the progression of matters in the Probate and Administration Division for the Hilary Term ended March 31, 2023.

A total of 841 new Estate Cases were filed in the Probate and Administration Division during the Hilary Term, representing a decline of 17.14% when compared to the corresponding period in 2022. 37 of these new cases were filed at the Western Regional Registry, an increase of 19.35% when compared to the comparable period in 2022 while the remaining 804 were filed at the registry in Kingston. The output for the Kingston Registry represents a 18.29% increase in the number of new cases filed when compared to the similar period in 2022.

Chart 4.0: Distribution of Probate cases filed, by Registry in the year ended April 08, 2022



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As shown in the above chart, 804 or 96% of the new Probate cases filed in the Hilary Term took place at the Registry in Kingston while the remaining 37 or 4% were filed at the Western Regional Registry in Montego Bay. This distribution is broadly typical to that observed in previous periods.

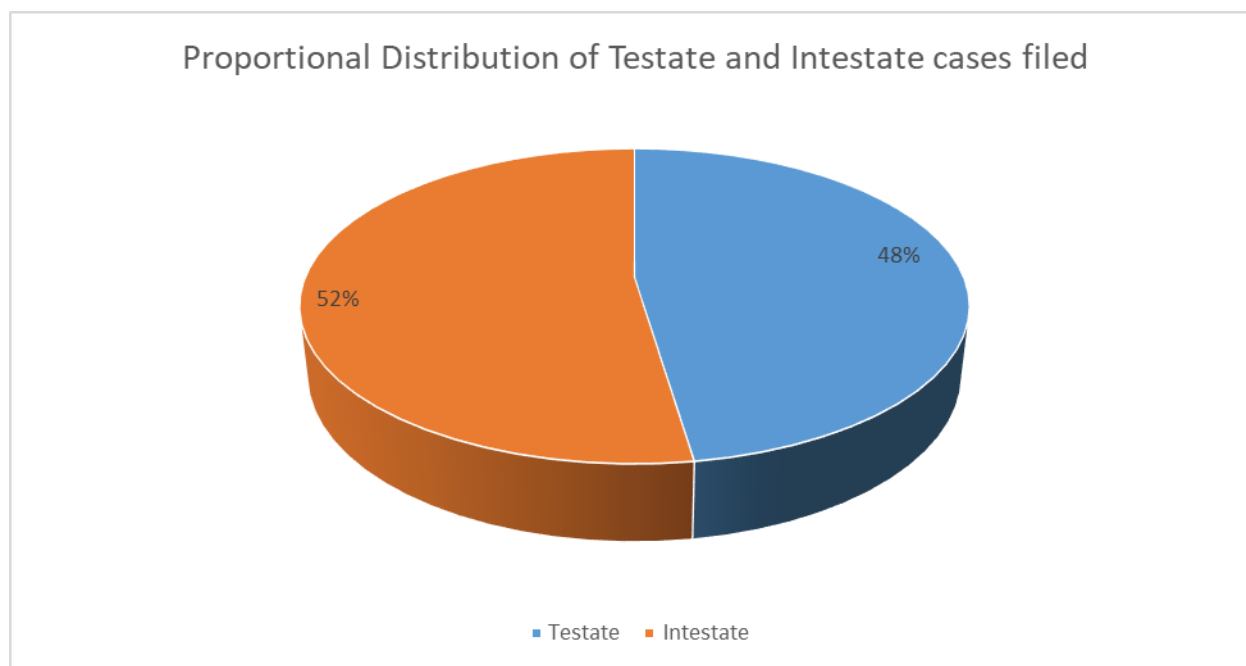
Table 28.0: Summary of Oaths filed during the Hilary Term ended March 31, 2023

Oaths	Frequency	Percentage (%)
Supplemental Oaths	776	48.00
Oaths	841	52.00
Total	1617	100
Ratio	0.93	

The above table suggests there were a total of 1617 combined Oaths and supplemental Oaths filed in the Hilary Term of 2023, of which 841 or 52.00% were initial Oaths filed, compared to 776 or 48.00% which were Supplemental Oaths. The ratio of Oaths to Supplemental Oaths is 0.93, which suggests that for every 100 Oaths there were 93 Supplemental Oaths filed during the Term, a statistic which has potentially adverse implications for the speed of disposition of matters, an increase of 4 percentage points when compared to the Hilary Term of 2022. It is of note that the Supplemental Oaths in this data set are not all related to the cases filed during the Hilary Term of 2023 and also includes further Supplemental Oaths filed. Continued intervention to reduce the incidence of Supplemental Oaths are an important part of the way forward as the Division seeks to persist in improving its productivity and becoming backlog free in the shortest possible time.

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

Table 5.0: Sampling Distribution of Testate and Intestate cases filed during the Hilary Term ended March 31, 2023



Sample size = 1015

Using a sample of 841 cases, the above chart shows that an estimated 48% of the new cases filed in the Probate and Administration Division during the Hilary Term of 2023 were Testate matters (matters with a Will in place prior to death) and 52% were Intestate (having no Will in place). This proportional distribution is similar to the corresponding period in 2022.

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Table 29.0: Action sequence for the Hilary Term ended March 31, 2023

Action Status	Frequency
*Granted	525
*Grants Signed	627
Ratio of Granted Applications to Grants Signed	0.84

** Some of these relate to cases originating before 2023*

In the process of disposing a typical matter handled by the Deputy Registrar, a case will be granted after satisfactory review and then the Grant is signed which closes the case. In the above data we elucidate the ratio of granted applications to Grants signed which reveals a ratio of 0.84, suggesting that for every 100 granted applications, there were 84 Grants signed (though not necessarily from the number granted). This is a decline of 13 percentage points when compared to the previous year.

Table 30.0: Case action and requisitions summary for the Hilary Term ended March 31, 2023

Action Status	Frequency
Number of cases actioned	2865
Requisitions Issued	1023
Number of responses to requisitions	493
Number of requisitions issued per case file	0.35
Requisitions clearance rate	48.19%
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 Estate Division. It is seen that there were 1015 requisitions issued while 2865 individual matters were actioned in the period, representing a ratio of 0.35 requisitions per case file actioned. This means that for every 100 cases actioned

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there were 35 requisitions issued, a decline of 18 points when compared to the previous year. There were 839 responses to requisitions in the Estate Division in the Hilary Term of 2022, producing a requisitions response rate of 48.19%, a decline of 4.81 percentage points when compared to the corresponding period in 2022. Further analysis suggests that the average time from the issuing of final requisitions to the Grant of Probate was 20 days, an improvement of 1 day when compared to the similar period in 2021. The number of requisitions issued in the Estate Division during the Hilary Term increased by 35.38% when compared to the similar period in 2022.

Table 31.0: Methods of Disposal for the Hilary Term ended March 31, 2023

Methods of Disposition	Frequency	Percent (%)
Application Granted	16	2.3
Application Refused	1	.1
Claim form expire	1	.1
Consent Order	1	.1
Final Order	3	.4
Grant by Representation signed	1	.1
Grant of Admin De Bonis Non signed	4	.6
Grant of Admin De Bonis Non W/A signed	7	1.0
Grant of administration signed	255	36.5
Grant of Double Probate signed	1	.1
Grant of probate signed	285	40.8
Grant of Resealing signed	30	4.3
Letters of Administrator with W/A signed	20	2.9
Matter Withdrawn	1	.1
Notice of Discontinuance noted	34	4.9
WR Grant of administration signed	18	2.6
WR Grant of probate signed	20	2.9
WR Grant of Resealing signed	1	.1
Total	699	100.0

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

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The summary of the methods of disposal for the Estate Division for the year are contained in the above table. It is shown that of the 699 cases disposed during the Hilary Term of 2023, a significant increase of 8.03% when compared to the corresponding period in 2022. The largest proportion, 642 or 91.90% was a result of various Grants Signed. Notices of Discontinuance and matters disposed by applications granted account for the next highest proportions of the methods of disposition. 39 or 5.65% of the cases disposed originated at the Western Regional Registry.

Table 32.0: Dominant reasons for adjournment of Probate matters for the Hilary Term ended March 31, 2023

Reasons for adjournment	Frequency	Percentage (%)
Claimant to file documents	22	24.70
Claimant's documents not served or short served	13	14.60
No parties appearing	9	10.10
Claimant documents not served or short served	6	6.70
To produce documents	6	6.70

Total number of adjournments = 89

The top five reasons for adjournment for Estate matters that went to court in the Hilary Term of 2023 are summarized in the above table above. It is shown that of the 89 incidence of adjournments in the period, the largest proportion were for the reasons of 'claimant to file documents' which accounted for 22 or 24.70% of the total. This was followed by adjournments due to claimant's documents not served or short served and no parties appearing with 14.60% and 10.10% respectively of the total number of adjournments. The overall incidence of case adjournments increased by 15.58% when compared to the corresponding rates in 2022.

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Table 33.0: Applications for the Hilary Term ended March 31, 2023

Type of Hearing	Frequency	Percent
Application	194	86.61
Case Management Conference	6	2.68
Pre-Trial Review	6	2.68
Trial in Chamber	9	4.02
Trial in Open Court	9	4.02
Total	224	100.0

The above table provides a summary of the types of hearings conducted in Chamber and Open Court in the Estate Division during the Hilary Term of 2023. The hearing of applications with roughly 86.61% of the total was dominant followed by trials in chamber and trials in open court with 4.02% each. Applications to prove copy will and applications for directions account for the highest shares of applications filed.

Table 35.0: Hearing date certainty for the Hilary Term ended March 31, 2023

Court/Chamber hearing dates set	Hearing dates adjourned (excluding continuance)	Hearing date certainty (%)
224	43	80.80%

The above table addresses the extent of adherence with dates set for court/chamber matters in the Estate Division for the Hilary Term of 2023. It is shown that there were 224 incidences of dates scheduled for Chamber or Court, 43 of which were adjourned for reasons other than ‘continuance’. This produces an overall hearing date certainty rate of 80.80%, an indication that

for the Hilary Term there was a roughly 81% chance that a matter set for court would proceed without the date being adjourned. This is a decline of 1.52 percentage points when compared to the similar period in 2022. When trial matters are isolated, the trial date certainty rate is roughly 70%, roughly 3.33 percentage points below the corresponding figure in the Hilary Term of 2022.

Table 36.0: Age of matters disposed for the Hilary Term ended April 08, 2022

Descriptive Statistics (months)

Number of observations	6999
Mean	18.7382
Median	9.0000
Mode	9.00
Std. Deviation	25.98333
Variance	675.133
Skewness	4.718
Std. Error of Skewness	.092
Range	289.00
Minimum	.20
Maximum	289.00

The above table provides a summary measure of the overall estimated times to disposition for the 289 cases disposed during the Hilary Term. The estimated average time to disposition is 18.74 months or approximately 1.57 years, slightly higher than that of the Hilary Term of 2021. This result was however acutely positively skewed by the existence of a few large times to disposition, which have markedly increased the average. This large positive skewness therefore suggests that the substantially larger proportion of the times to disposition were below the overall average time. This is supported by the results for the estimated median and modal

times to disposition for the Hilary Term were both 9 months. The reasonably large standard deviation of 25.98 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 Estate matter disposed in the Hilary Term was 289 months or roughly 24 years old while there were a few matters, which took under two months to be disposed, representing the lowest times to disposition in the year. Of the 699 Probate cases disposed during the Hilary Term of 2022, only five originated during the Term.

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

Time Interval	Frequency	Percent
0 - 12	495	70.8
13 - 24	106	15.2
25 - 36	33	4.7
37 - 47	21	3.0
48 & over	44	6.3
Total	699	100.0

The above table shows that of the 699 Estate matters disposed in the Hilary Term, the majority, 495 or 70.80% were disposed in 12 months or less, followed by 106 or 15.20%, which were disposed within a time interval of 13 to 24 months. Taken together this data suggests that an impressive approximated 86% of Probate and Administration matters which were disposed of in the Hilary Term took two years or less. 4.70% each of the cases were disposed within an estimated time frame of between 25 and 36 months, 3.0% took between 37 and 47 months and 6.30% took an estimated time of over 48 months or more than four years to be disposed. The margin of error of these estimates is plus or minus 2 months or 0.17 years. The relatively high

proportion of cases disposed within a year and two years respectively continues to augur well for the current efforts to significantly reduce the length of time that it takes for cases to be disposed and potentially eliminate case backlog in the foreseeable future. These gains should continue to improve public confidence in judicial processes geared towards resolving Estate matters in the country and also have a positive effect on economic activity through higher real estate investments in shorter period of time. The Estate Division continues to make considerable strides in reducing its case backlog.

Table 38.0: Case clearance rate for the Hilary Term March 31, 2023

Cases filed	Cases disposed	Case clearance rate
841	699	83.16%

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

Using the data on the number of cases filed and disposed in the period under examination, a case clearance rate of approximately 83.16% is derived, an increase of 8.16 percentage points when compared to the corresponding period in 2022. The result suggests that for every 100 cases filed and active in the Hilary Term, roughly 83 were disposed. It is a rare event that this division fails to meet the International standard of 90% - 100%, nevertheless the results show tremendous resilience. The Division experienced impressive gains in the number of cases disposed in the period but this was outpaced by the increase in the number of new cases filed, hence the fall in the case clearance rate. The Estate Division continued its process flow re-engineering throughout the Hilary Term and the improvements are expected to continue to reap significant economies of scale in the short run, further reinforcing the position of the

Division among the top performing business units in the Supreme Court and creating the impetus necessary to attain the performance targets which have been set out by the Honourable Chief Justice Mr. Bryan Sykes.

Other performance measures

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

(i) The on time case processing rate

(ii) The case turnover ratio

(iii) The disposition days

(iv) The crude proxy case backlog rate

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally, the crude proxy case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Hilary Term of 2023. These measures are summarized in the table below:

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Table 39.0: Selected performances metrics for the Probate and Administration Division in the Hilary Term of 2023

Resolved cases	Unresolved cases	Case turnover rate	Estimated case disposition days for the unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate	Crude Proxy Case backlog rate
699	2166	0.32	1141 days	601	699	85.98%	14.02%

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’ during the Hilary Term of 2023 and still active at the end of the period, another 32 were disposed, a decline of 1 percentage point when compared to corresponding period in 2022. 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 1141 days or just over 3 years, barring special interventions.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Estate Division in the Hilary Term of 2023 is roughly 86%, which reflects the proportion of cases in the Hilary Term of 2023, which were disposed within 2 years. Conversely, the case backlog rate is 14.02%, an indication that an estimated annual proportion of 14% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This is a slight increase of roughly 0.47 percentage points when compared to the Hilary Term of 2022. The data further suggests that of

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the 2166 cases, which had some court activity in the Hilary Term of 2023 and were still active at the end of the period, 303 are expected to be in a backlog classification before being disposed.

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CHAPTER 4.0: THE HOME CIRCUIT COURT

The analysis now turns to a look at case activity in the Home Circuit Court for the Hilary term of 2023.

Table 40.0: Distribution of the top six new charges brought for the Hilary Term ended March 31, 2022

A total of 48 new cases were filed in the Criminal Division of the Supreme Court during the Hilary Term of 2023. This is a decline of 47.25% when compared to the Hilary Term of 2022.

Table 40.0: Leading reasons for adjournment for the Hilary Term ended March 31, 2022

Reason for adjournment	Frequency	Percentage
Ballistic Certificate Outstanding	186	13.60
For Disclosure	160	3.10
Miscellaneous documents outstanding	141	2.80
Defence Counsel Absent	102	2.0
Other documents outstanding	35	3.00
Statements Outstanding	96	190
Matter not reached	92	1.80
For antecedence	85	1.60
Witness absent	69	1.40
SOC statement outstanding	65	1.30
Sub-Total	1031	32.50

The above table provides a summary of the leading reasons for adjournment in the Home Circuit Court for the Hilary Term of 2023. An examination of the leading reasons for adjournment in the period reveals that the leading reason for adjournment was due to

outstanding ballistic certificates with 186 or 13.60%, followed by adjournments for disclosure with 160 or 3.10% and adjournments due to miscellaneous documents outstanding with 141 or 2.80% rounds off the top 3 reasons for adjournment for the Term. Other commonly occurring reasons for adjournment during the Hilary Term include outstanding statements, defence council absent, matters not reached, adjournments for antecedence and Scene of Crime Certificate Outstanding.

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

There continues to be compelling evidence from the above list of reasons for adjournment, suggesting that third party entities, namely the defence bar, the police, the prosecution, the state lab services contribute significantly to the delays experienced in the progression of cases in the Home Circuit Court. Indeed, the data suggests that only a small share of the reasons for

adjournment listed are attributable to deficits in the court's operational procedures. In fact, in many ways the data strongly suggests that once criminal cases are ready they tend to move at a fairly rapid pace towards disposition and many of the roadblocks to case progression are primarily due to the named third party entities. The Supreme Court continues to work assiduously on improving the skill sets of its case progression officers and in bolstering the general efficiency of the operating procedures and scheduling apparatus of the criminal registry. Over the past two years, the Plea and Case Management Court has for example being strengthened and the incidence of adjournments in this court reduced. The overall incidence of reasons for adjournment suggests that external parties are directly responsible for over 85% of the reasons for delay as operationalized by this measurement. The Criminal Registry of the Supreme Court continues to work on improving its overall efficiency in an effort to improve case management and to expedite case outcomes within the desired overall standard of two years or less. It is clear however that the core causes of delays in the Home Circuit Court are largely due to factors concerning external parties. The traditional claim that the inadequacy of courtrooms is a significant cause of delays should also be refuted as the courtroom utilization rate of under 65% suggests that there is some spare resource capacity, albeit in limited proportion in the Supreme Court. The ability of the Home Circuit Court to effectively and efficiently schedule cases requires some improvement and the attention of the court's leadership is fully invested in finding scientific resolutions in this regard. The overall effectiveness of the scheduling science in the Home Circuit Court continues to be constrained

by a high incidence of adjournments which can be largely associated with third party inefficiencies.

The data suggest that there were roughly 2 adjournments per case heard in the Home Circuit Court in during the Hilary Term of 2023.

Table 41.0: Hearing date certainty summary for the Hilary Term ended March 31, 2023

Type of hearings	Hearing date certainty rate (%)
Mention and/Plea and Case Management Hearing	82
Bail Applications	75
Sentencing hearings	76
Trial hearings	65
Total/Overall Average	77.67

The date scheduling certainty for each Division of the Supreme Court is an important metric, which examines the extent to which dates, which are set for various types of hearings, are adhered. A low result has implications for the capacity of the court to adequately estimate the duration of a matter, for the capacity of courtrooms and Judges to absorb certain caseload and for the general system of scheduling. The data suggests that roughly 22 of every 100 hearing dates set during the Hilary Term of 203 were adjourned. This suggests an overall hearing date certainty rate of roughly 78% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 78 were able to proceed without adjournment for reasons other than those procedural, for example for Trial, Bail Application, Pre-trial hearing, Sentencing and

Plea and Case Management. This result is roughly the same as the outcome in the corresponding period of 2022. When trial matters are isolated, the trial certainty rate revealed is 65%, a decline of 3 percentage points when compared to the corresponding period in 2022 while Plea and Case Management Conferences had a hearing date certainty rate of 82%, a decline of roughly 4 percentage points when compared to the corresponding period in 2022.

Continuously improving the trial and overall hearing date certainty rates are of utmost importance to improving the efficiency of the court system. The court continues to work on improving the mechanism used to schedule cases for hearings and in so doing aid in reducing the incidence of adjournments. A major step taken at the end of 2021 is the introduction of an advanced web based case management system called the Judicial Case Management System (JCMS) in the Criminal Division of the Supreme Court. This software will assist markedly in improving the effectiveness of the scheduling apparatus in the Division and in bolstering the overall efficiency of case management. As 2023 progresses, these gains will become more and more evident as the Criminal Division, which along with the High Court Division of the Gun Court and the Revenue Court are the first in the Supreme Court to introduce the use of this system which will be deployed court-wide over the ensuing months.

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

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

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

be always strong in order to sustain efficient use of judicial time. Any weaknesses in pre-case management also threaten the ability to guarantee that a back-up trial list will be successful.

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

Table 42.0: Sampling distribution of the Methods of disposal for the Hilary Term ended March 31, 2023

Method of Disposition	Frequency	Percent
Accused deceased	4	5.6
Formal verdict of not guilty	2	2.8
Found guilty	2	2.8
Found not guilty	5	7.0
No evidence offered	26	36.6
No further evidence offered	2	2.8
Nolle Prosequi*	14	19.7
Not Indicted	14	19.7
Plea bargain	1	1.4
Plea guilty	1	1.4
Total	71	100.0

**Included for computational convenience*

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The above table summarizes the methods of disposal for a sample of charges disposed during the Hilary Term of 2023. A total of 46 cases were disposed in the Home Circuit Court during the Term, a decline of 8% when compared to the corresponding period in 2022. Matters disposed due to no evidence offered account for the highest share of charges disposed with 36.60%. A useful measure of efficiency in the criminal court is the conviction rate as displayed below.

Table 43.0: Sampling Distribution of Criminal conviction rate for the Hilary Term ended March 31, 2023

Sample of charges disposed	Total number of guilty outcomes	Estimated Conviction rate (%)
71	3	4.23

The above table shows that of the sample of 71 criminal charges disposed in the Home Circuit Court, 3 were because of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 4.23% which suggests that there is a roughly 4% probability that a matter could end in a guilty outcome, using the Hilary Term of 2023 as a proxy. This represents a decrease of 30.59 percentage points when compared to the corresponding period in 2022.

Table 44.0: Descriptive statistics on the times to disposition of charges for Hilary Term ended March 31, 2023

Descriptive Statistics (months)

Number of observations	46
Mean	38.8696
Median	35.0000
Mode	13.00 ^a
Std. Deviation	27.32244
Variance	746.516
Skewness	1.913
Std. Error of Skewness	.350
Range	151.00
Minimum	6.00
Maximum	157.00

a. Multiple modes exist. The smallest value is shown

The above table provides a descriptive statistical summary on the times to disposition for matters resolved in the Home Circuit Court in the Hilary Term of 2023. The overall average time to disposition seen is 39 months or 3.25 years, an increase of 7.5 months when compared to the corresponding period in 2022. The median time to disposition was 35 months or roughly 2.90 years while the most frequently occurring time to disposition in the period was 13 months from entering the Home Circuit Court. The standard deviation of the distribution is relatively large which is an indication that there is relatively large dispersion of the times to disposition during the year. The skewness of the distribution is moderately positive which is an indication that a proportionately larger share of the times to disposition fell below the overall mean time to disposition. The maximum time taken to dispose cases in the Home Circuit Court during the

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year was 157 months or roughly 13 years while the minimum time to disposition was approximately 6 months.

Table 45.0: Breakdown of time to disposition of cases for the Hilary Term ended March 31, 2023

Descriptive Statistics (months)

Time Interval (months)	Frequency	Percent
0 - 12	4	8.7
13 - 24	12	26.1
25 - 36	9	19.6
37 - 47	7	15.2
48 & over	14	30.4
Total	46	100.0

The above table provides a summary of the estimated time to disposition for the 50 cases disposed in the Home Circuit Court during the Hilary Term of 2023. It is shown that the largest proportion of matters disposed took four or more years, accounting for 30.40% of the disposals. This is followed by matters taking 13 – 24 months with 26.10% of the disposals and 19.60% which took between 25 and 36 months to be disposed. Approximately 20% of the disposals took 37 – 47 months to be resolved, rounding off the intervals with the highest frequency for the Term. Cumulatively, 34.80% of the matters disposed in the period took two years or less, a fall of 5.20 percentage points when compared to the corresponding period in 2022. The remaining 65.20% of cases disposed took over two years to be disposed. Using 2023

Hilary Term data as a proxy, there is a roughly 65% chance that a case entering the Home Circuit Court will fall into a state of backlog, using the 24 months’ definition of reasonable time which is established in the Jamaican judiciary. Improvements in the science that is applied to scheduling and case management as a whole, paired with significant improvements in third party delay factors discussed earlier has enormous potential to reduce the probability of a case backlog to a remote incidence.

Table 46.0: Case clearance rate for the Hilary Term ended March 31, 2022

Cases filed	Cases disposed	Case clearance rate
48	46	95.83%

In the Hilary Term of 2023, the Home Circuit Court recorded an overall case clearance rate of 95.83%, representing an increase of 18.33 percentage points when compared to the corresponding period in 2022. This represents one of the highest case clearance rate recorded by the Home Circuit Court in a single Term. The result is influenced by a sharp decline in the number of new cases filed when compared to the corresponding period in 2022.

Other performance measures

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

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

(iii) The disposition days

(iv) The crude proxy case backlog rate

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

Table 47.0: Selected performances metrics for the Home Circuit Court in the Hilary Term of 2023

Resolved cases	Unresolved cases	Case turnover rate (%)	Disposition days	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
46	940	0.05	7300	16	30	34.80	65.20

The results in the above table shows a case turnover rate of 0.05, which is an indication that for every 100 criminal cases, which were active in the Hilary Term of 2023 and still active at the end of the year, another 5 were disposed.

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

The on time case-processing rate for the Home Circuit Court in the Hilary Term of 2023 is

34.80%, which reflects the proportion of cases resolved during the Term which were disposed within 2 years. Conversely, the proxy case backlog rate is 65.20%, an indication that an estimated proportion of 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 940 cases, which had some court activity during the Term and were still active at the end of the period, 611 are expected to be in a backlog classification before being disposed.

CHAPTER 5.0: HIGH COURT DIVISION OF THE GUN COURT

The ensuing analyses provides an overview of case activity in the High Court Division of the Gun Court in the Hilary Term ended March 31, 2023. In particular, this section outlines data related to matters initiated, matters disposed, adjournments and the distribution of trial and mention matters during the year.

Ninety-three new Gun Court cases were filed during the Hilary Term of 2023, a decrease of 28.46% when compared to the corresponding period in 2022. The dominant charges filed in the period were illegal possession of firearm, illegal possession of ammunition and shooting with intent.

Table 48.0a: Most frequently occurring reasons for adjournment for the Hilary Term ended March 31, 2022

Reason for Adjournment	Frequency	Percent
For file to be completed	372	15.9
Ballistic Certificate Outstanding	182	7.8
Other Documents Outstanding	141	6.0
For disclosure	123	5.2
Part Heard	111	4.7
Statement Outstanding	96	4.1
Matter not Reached	92	3.9
Adjourned Trial date set	69	2.9
Defence Counsel Absent	65	2.8
For Antecedent	65	2.8
SOC Statement Outstanding	65	2.8
SOC CD Outstanding	62	2.6
Subpoena Witnesses	55	2.3
Forensic Certificate Outstanding	54	2.3
Sentencing	49	2.1
To Settle Legal Representation	48	2.0
Accused not Brought	46	2.0
Witness Absent	46	2.0

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Medical Certificate Outstanding	44	1.9
CFCD Outstanding	36	1.5
Sub-Total	1821	77.60

Total number of adjournments and continuances (N) = 2347. *NB: Other documents outstanding include scene of crime reports, police officer statistics and outstanding miscellaneous certificates.*

The above table outlines the top reasons for adjournment in the Gun Court for the Hilary Term of 2023, including continuances. At the top of the list were adjournments for file to be completed with 372 or 15.90%, ballistic certificate outstanding with 182 or 7.80%, miscellaneous documents outstanding with 141 or 6.0% and adjournments for disclosure with 123 or 5.20%. As with previous reports, a significant proportion of the reasons for adjournment are due to third party factors. The situation continues to necessitate targeted engagement by the judiciary.

Table 49.0b: Stages of Adjournment

Type of Hearing	Frequency	Percent
Hearing - Application for Bail	377	12.7
Hearing - Mention	649	27.7
Hearing - New (first before Court)	259	11.0
Hearing - Part Heard	183	7.8
Hearing - Plea and Case Management	376	16.0
Hearing - Sentence	91	3.9
Hearing - Trial Readiness Hearing	9	0.4
Hearing - Trial with Judge Only	403	17.1
Total	2347	100.0

The above dataset provides a summary of the stages of adjournments (including continuances) for matters adjourned during the Hilary Term of 2023. It is seen that the largest proportion of these adjournments took place at the mention stage accounting for 27.70%, followed by

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adjournments at the trial stage with 17.10% and adjournments at the plea and case management stage with 16% and adjournments for bail application with 12.70%.

Table 50.0: Hearing date certainty summary for the Hilary Term ended March 31, 2023

Type of hearing dates	Estimated hearing date certainty rate (%)
Mention hearings	78.12
Plea and Case Management hearing	84.21
Bail Applications	79.54
Sentencing hearings	75.02
Trial hearings	60.15
Total/Overall Average	75.41

The date scheduling certainty for each Division of the Supreme Court is an important metric, which examines the extent to which dates, which are set for various types of hearings, are adhered. A low result has implications for the capacity of the court to adequately estimate the duration of a matter, for the capacity of courtrooms and Judges to absorb certain caseload and for the general system of scheduling. In the table above it is shown that an overall hearing date certainty rate of roughly 75.41% was recorded which is another way of saying that for every 100 criminal matters scheduled for court, roughly 75 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 represents a decline of just under 2 percentage points when

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compared to the Hilary Term of 2022. When trial matters are isolated, the trial certainty rate revealed is 72.20%, a notable decline of just over 12 percentage points when compared to the Hilary Term of 2022.

Table 51.0: Methods of case disposition for the Hilary Term ended March 31, 2023

Method of Disposition	Frequency	Percent
**Conditional Nolle Prosequi	6	2.5
Found Guilty	24	9.9
Found Not Guilty	25	10.3
No Case Submission Upheld	16	6.6
No Evidence Offered	81	33.3
No Further Evidence Offered	33	13.6
No Verdict Taken	5	2.1
Plea Guilty	49	20.2
Remitted to Parish Court	4	1.6
Total	243	100.0

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

The above table summarizes the methods of disposition for the charges disposed in the High Court Division of the Gun Court for the Hilary Term of 2023. It is seen that there were 243 charges which became disposed or inactive, the largest proportion of which were a result of no evidence offered – discharged and guilty pleas which accounted for 81 or 33.30% and 49 or 20.20% respectively of the total. In third were disposals due to no further evidence offered with 33 or 13.60%. The 243 charges disposed is the equivalent of 80 unique cases, representing a marked decline of 29.82% when compared to the Hilary Term of 2022.

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Table 52.0: Estimated Conviction rate in the Gun Court for the Hilary Term ended March 31, 2023

Number of charges disposed	Number of Guilty outcomes (i.e. guilty verdicts and guilty pleas)	Conviction rate (%)
243	49	20.16

The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the 243 disposed charges in the Hilary Term of 2023, 73 were a result of either a guilty plea or a guilty verdict. This produces an overall conviction rate of 20.16% for Gun Court charges resolved during the Term, approximately 7.03 percentage points below the rate in the corresponding period in 2022. The following table delves further into the conviction rate, by the substantive matter.

Table 53.0: Conviction rate by selected substantive matter in the Gun Court for the Hilary Term ended March 31, 2023

Substantive matter	Number of charges disposed	Number of guilty outcomes (pleas and verdicts)	Conviction rate (%)
Illegal possession of fire arm	102	32	31.37
Illegal possession of ammunition	46	25	54.35
Assault (various forms)	14	2	4.55

It is shown in the above table that of the 102 charges of illegal possession of a firearm disposed, 32 were disposed by way of either a guilty verdict or a guilty plea, yielding a conviction rate of roughly 31.37%, a decline of 7.60 percentage points when compared to the corresponding

period in 2022. 25 of 46 charges of illegal possession of ammunition which were disposed in the Hilary Term of 2023 were a result of guilty outcomes, resulting in a conviction rate of 54.35%, a decline of 3.72 percentage points when compared to the corresponding period in 2022. 1 of the 22 assault matters which were disposed in the Hilary Term were a result of guilty outcomes, resulting in a conviction rate of 4.55%, a decline of 9.75 percentage points when compared to the corresponding period in 2022.

Table 54.0: Time to disposition (from case file date) for charges disposed of in the Hilary Term ended March 31, 2023

Descriptive Statistics (months)

Number of observations	243
Mean	18.5350
Median	10.0000
Mode	8.00
Std. Deviation	14.98490
Variance	224.547
Skewness	1.826
Std. Error of Skewness	.156
Range	83.00
Minimum	.17
Maximum	83.00

The above table summarizes the time taken to dispose of cases in the Gun Court in the Hilary Term of 2023, counting from the date cases were filed. It is seen that the estimated average time to disposition from the date of case is approximately 19 months, an increase of 5 months when compared when compared to the corresponding period in 2022. The data set for this measure is positively skewed, indicating that proportionately more of the times to disposition fell below the overall series mean. The estimated maximum time to disposition for the data set

is 83 months or almost 7 years. The estimated minimum time to disposition from the date of filing was under a month. The modal and median times to disposition were approximately 10 and 8 months respectively, promising signs for the ability of the Gun Court to dispose a significant proportion of its cases before they fall into a state of backlog. The standard deviation was relatively high, indicating that the individual scores were widely dispersed around the mean. The 80 cases disposed in the High Court Division of the Gun Court in the Hilary Term represents a 29.82% decline when compared to the corresponding period in 2022.

Table 55.0: Breakdown of times to disposition (from case file date) for the charges disposed in the Hilary Term ended March 31, 2023

Time Interval	Frequency	Percent
0 – 12	134	55.1
13 - 24	53	21.8
25 - 36	41	16.9
37 - 47	6	2.5
48 & over	9	3.7
Total	243	100.0

The above table provides a further breakdown of the estimated time to disposition for the charges disposed in the Hilary Term of 2023, counting from the case file date. The positive skewness displayed in the previous table is affirmed, as the scores here are mostly concentrated towards the lower intervals in the distribution. The data shows that the largest proportion of the disposals using this method took a year or less. This interval accounted for 134 or 55.10% of the disposals and was followed by charges taking between 13 and 24 months to be disposed with 53 charges or 21.80%. A further 16.90% of the charges were disposed

within 25-36 months, 2.50% took 37 – 47 months and the remaining 3.70% took four or more years. Interestingly 76.90% of the cases disposed took two years or less from the case file date, a decline of 9.60 percentage points when compared to the corresponding period in 2022.

Table 56.0: Case clearance rate for the Hilary Term ended March 31, 2022

Cases filed	Cases disposed	Case clearance rate
93	80	86.02%

Ninety-three new cases were filed in the High Court Division of the Gun Court in the Hilary Term of 2023 while 80 cases were also disposed or inactivated (including many which originated before the Term) leading to a clearance rate of exactly 87.69% for the period. This output represents a 1.61 percentage points decline when compared to the corresponding period in 2022.

Other performance measures

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

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

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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 crude proxy case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Hilary Term of 2023. These measures are summarized in the table below:

Table 57.0: Selected performances metrics for the Gun Court in the Hilary Term of 2023

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated disposition days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy case backlog rate (%)
80	431	0.19	1921	62	80	77.50	22.50

The results in the above table shows a case turnover rate of 0.19, which is an indication that for every 100 cases which were ‘heard’ during the Hilary Term of 2023 and still active, 19 pre-existing cases were disposed.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Gun Court in the Hilary Term of 2023 is approximately 77.50%, which reflects the proportion of Gun Court cases in the Hilary Term of 2022, which were disposed within 2 years. Conversely, the crude proxy case backlog rate is 22.50%, an

indication that an estimated annual proportion of about 22.50% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 431 cases, which had some court activity in the Hilary Term of 2022 and were still active at the end of the period, roughly 97 are expected to be in a backlog classification before being disposed. The crude proxy backlog rates declined by 11 percentage points when compared to the corresponding period in 2022.

CHAPTER 6.0: COMMERCIAL DIVISION

This chapter presents data on case activity in the Commercial Division in the Hilary Term of 2023 as well as important performance measurements and year on year comparisons where applicable.

Table 58.0: Cases filed in the Commercial Division in the Hilary Term ended March 31, 2023

Division	Number of new cases filed
Commercial	128

In the Hilary Term of 2023, 128 new cases were filed, an increase of 7.81% when compared to the corresponding period in 2022. The Commercial Division currently steadily averages over 500 new cases per year and its productivity is important in sending signals to economic agents in a country.

Table 59.0: Sampling distribution of the top six reasons for adjournment/continuance in the Commercial Division for the Hilary Term ended March 31, 2022

Reasons for adjournment	Percentage (%)
Claimant documents not served	18.80
Claimant to file documents	11.70
Judge Unavailable	7.00
Parties having discussions with a view to settlement	6.30
Defendant’s documents not served or short served	5.50
Matter not listed	5.50
Matter referred to mediation	4.70
Sub-Total	59.50

Number of observations (N) = 128

The above table provides a sampling distribution of the top five reasons for adjournment in the Commercial Division for the Hilary Term of 2023. A total of 128 such incidences sampled reveal

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that adjournments due to claimant's documents not served with 18.80%, claimant to file document with 11.70% and adjournments due to the unavailability of Judges with 7.0% accounted for the top three reasons for adjournment/continuance in the Commercial Division for the Hilary Term. The top seven reasons for adjournment/continuance documented from the sample accounts for 59.0% of the total. These leading reasons for adjournment listed are largely attributable to factors which are not within the direct realm of direct court control.

Table 60.0: Sampling distribution of cases with chamber hearings for the Hilary Term ended March 31, 2023

Hearings	Frequency	Percentage (%)
Applications (Various)	268	74.24
Case Management Conference	44	12.19
Pre-trial review	28	7.76
Judgment summons hearing	21	5.82
Total	361	100

The above table summarizes a sample of 361 cases which had chamber hearings in the Commercial Division during the Hilary Term of 2023. As with the High Court Civil (HCV) Division, the hearing of various applications for relief sought dominates the list with roughly 74.24% of the matters with chamber hearings. Pre-trial reviews with 28 or 7.76% rank next and Case Management Conferences with 44 or 12.19% rounds off the top three chamber hearings in the Commercial Division for the Hilary Term of 2023.

Table 61: Sampling distribution of hearing date certainty in the Commercial Division for the Hilary Term ended March 31, 2023

Type of hearings	Estimated Hearing date certainty rate (%)
Case Management Conferences	89.01
Trials in Chamber, Trials in Open Court and Assessments of Damages	75.15
All hearings combined	84.21

The above table breaks down the hearing date certainty rates for two significant types of hearings and also gives the overall rate for the Hilary Term of 2023. It is shown that Case Management Conferences had an estimated hearing date certainty rate of 89.01% for the period, up by 0.44 percentage points when compared to the corresponding period in 2022, while the combined weighted hearing date certainty rate for trials in chamber, assessments of damages and open court is estimated to be 75.15%, a decline of 1.39 percentage points when compared to the corresponding period in 2022. The overall hearing date certainty rate when all types of hearings are considered is approximately 84.21%, a marginal decline of 0.34 percentage points over the corresponding period in 2022. The continued general improvement in the hearing date certainty of the Commercial Division is a step in the right direction as over time this will translate into higher case clearance rates and generally greater productivity. The efficiency of the Commercial Division is an important signal for economic activity in Jamaica.

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Table 62: Sample case flow process transition summary for the year ended December 31, 2021 [Extract]

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

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

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

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

The sample case flow process transition summary for cases in the Commercial Division in 2021 suggests that there were 108 cases on which defences were filed (the equivalent of 149 matters), while 42 cases (the equivalent of 50 referrals) were referred to mediation. The data further suggests that the Commercial Division had a mediation report return rate of 11.90% which means that for every 10 matters referred to mediation during the year, roughly 1 report was returned (not necessarily from the stock of referrals during the year), a result that is roughly the same as that of the previous year. This result suggests that the availability of mediation reports is falling well behind the rate at which matters were referred to mediation. Considering that a mediation report should take on average 90 days to be returned by the relevant mediation centre, this is an interesting statistic which gives insights into the delays in the mediation process, a potential impediment to the progression of cases in the Commercial Division. The average time taken to return a mediation report for the matters which were referred to mediation during the year was roughly 5.5 months, which is almost twice the expected time but the overall average time can be a bit longer. The transition between the filing of a defence and referral to mediation by the Division appears to be slower than desired

and may also be inimical to case flow progression. The statistics on the time interval between the filing of a defence and mediation referral is also quite insightful. The data shows that on average it took approximately 65 days or two months after a defence is filed for a matter to be referred to mediation while the modal time was 25 days and the median was 40 days. The shortest time interval recorded in the sample between the filing of a defence and referral to mediation is 5 days and the highest is 270 days or roughly 9 months. These results are broadly similar to those from 2020. The overall success rate of mediation for the past two years for matters referred from the Commercial Division is less than 20%.

Table 63.0: Requisitions summary for the Hilary Term ended March 31, 2023

Requisitions Issued	Requisition Reponses	Requisitions clearance Rate	Requisitions issued per 100 case files
55	48	87.28%	10

*This figure includes requisitions filed on matters originating prior to 2021

The above table provides a summary of the response rate for requisitions issued in the Commercial Division in the Hilary Term of 2023. It is shown that 55 requisitions were issued in the year while there were 48 responses filed, thus producing a requisitions clearance rate of 87.28%, an increase of 18.86 percentage points when compared to the corresponding period in 2022. This requisition clearance rate suggests that during the Hilary Term, for every 10 requisitions issued, roughly 9 responses were filed. Additionally, there was an average incidence of 10 requisitions per 100 case files in the Commercial Division for the Term.

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Table 64: Methods of disposition for the Hilary Term ended March 31, 2022

Methods of Disposition	Frequency	Percent
Application Granted	2	3.4
Application Refused	1	1.7
Consent Judgment	1	1.7
Consent Order	1	1.7
Discontinued	2	3.4
Dismissed for Want of Prosecution	1	1.7
Judgment Delivered	2	3.4
Judgment in Default of Acknowledgment of Service	30	50.8
Judgment in Default of Defence	3	5.1
Judgment on Admission	4	6.8
Matter Discontinued	12	20.3
Total	59	100.0

The data suggests that 59 cases in the Commercial Division were disposed in the Hilary Term of 2023, an increase of 84.38% when compared to the corresponding period in 2022. Disposals by way of judgments in default of acknowledging with 30 or 50.80% led the list of dispositions while matters discontinued and judgments on admission rank next.

Table 65.0: Time to disposition for Commercial cases disposed in the Hilary Term ended March 31, 2022

Descriptive Statistics (months)

Number of observation	59
Mean	16.6610
Median	9.0000
Mode	8.00
Std. Deviation	16.16468
Variance	261.297
Skewness	2.083
Std. Error of Skewness	.311
Range	74.00
Minimum	7.00
Maximum	81.00

The above table shows that the estimated average time to disposition for the 59 Commercial cases disposed in the Hilary Term of 2023 is 16.67 months or just over 1 year and 4 months, two months shorter than the average in the corresponding period in 2022. The maximum time to disposition observed from these cases is roughly 6.75 years while the lowest is roughly seven months. It is of note that the modal and median times to disposition were 8 and 9 months respectively, encouraging signs of continued progress in the overall time taken to resolve commercial matters. The positive skewness observed also suggests that the proportionately more of the commercial cases disposed in the Hilary Term of 2023 took less time than the overall mean. None of the cases disposed in the Hilary Term had their origins in that period.

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Table 66.0: Breakdown of times to disposition for Commercial cases resolved in the Hilary Term ended March 31, 2022

Date Interval	Frequency	Percent
0 - 12	43	72.9
13 - 24	4	6.8
25 – 36	5	8.5
37 – 47	4	6.8
48 & over	3	5.1
Total	59	100.0

The above table provides a breakdown of the times to disposition for the cases disposed in the Commercial Division in the Hilary Term of 2021. It is seen that the largest proportion of these cases were disposed of within a year, accounting for an impressive 72.90% of the disposals. This is followed by 5 or 8.50%, which took between 25 and 36 months to be disposed while the 4 each or 6.80% which took between 13 and 24 months and 37 and 47 months respectively to be resolved, rounding off the top three times to disposition for the period. Taken together, the data suggest that a commendable 79.70% of the cases disposed in the Commercial Division in the Hilary Term of 2032 were resolved within 2 years.

Table 67.0: Case clearance rate for the Commercial Division for the Hilary Term ended March 31, 2023

Cases filed	Cases disposed	Case clearance rate
128	59	46.09%

One hundred and thirty-two new cases were filed in the Commercial Division in the Hilary Term of 2023, while 59 cases were disposed which yields a case clearance rate of 46.09%. This result suggests that for every 100 new cases filed in the year, roughly 46 were disposed, an

improvement of roughly 23 percentage points when compared to the corresponding period in 2022.

Other performance measures

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

(i) The on time case processing rate

(ii) The case turnover ratio

(iii) The disposition days

(iv) The crude proxy case backlog rate

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally, the case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Hilary Term of 2023.

These measures are summarized in the table below:

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Table 68.0: Selected performances metrics for the Commercial Division for the Hilary Term of 2023

Resolved cases	Unresolved cases	Case turnover rate (%)	Disposition days	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
59	498	0.12	3041 days	47	12	79.70	20.30

The results in the above table shows a case turnover rate of 0.12, which is an indication that for every 100 cases which were ‘heard’ in the Hilary Term of 2023 and still active, another 12 were disposed, an increase of 5 percentage points when compared to the corresponding period in 2022.

A case is considered to be in a backlog classification if it remains unresolved for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Commercial cases in the Hilary Term of 2023, is a commendable 79.70% which reflects the proportion of Commercial cases in the Hilary Term of 2023, which were disposed within 2 years. Conversely, the crude proxy case backlog rate is a commendable 20.30%, an indication that an estimated annual proportion of roughly 20% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 498 cases which had some court activity during the Hilary Term and were still active at the end of the period, 101 are expected to be in a backlog classification before being disposed.

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

Aggregate Case Clearance Rate

Analysis of the productivity of the judiciary, subject to its resource constraints is an important metric for gauging efficiency and for informing policy and operational interventions. Among the key measures of court productivity is the case clearance rate. The below table provides a summary of the collective case clearance rate for the Divisions of the Supreme Court in the Hilary Term of 2023.

Table 69.0a: Gross case clearance rate for the Hilary Term ended April 08, 2022

Total cases filed	Total cases disposed	Gross Case clearance rate
3439	2720	79.09

The above table provides an aggregate summary of the clearance rates in the Divisions of the Supreme Court in the Hilary Term of 2023. The data suggests that 3439 new cases were filed/entered across the Divisions reviewed during the Term, a decrease of roughly 13.87% when compared to the corresponding period in 2022. There were 2720 cases disposed across the Divisions of the Supreme Court during the Hilary Term, an increase of 13.81% when compared to the corresponding period in 2022. These results yield a gross clearance rate of roughly 79.09% representing a rise of 19.24 percentage points when compared to the corresponding period in 2021 and suggesting that that for every 100 cases filed/entered during the period, roughly, 79 were also disposed. In the Hilary Term of 2023, the Divisions with the

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highest case clearance rates were the Family Division with 99.19%, followed by the Criminal Division with 95.83% and the Gun Court with roughly 86.02%.

Aggregate Case Activity for the past two calendar years

Table 70.0b: Summary of new cases filed and cases disposed in the Supreme Court (2021 – 2022)

Division	Aggregate number of new cases filed in 2022	Aggregate number of cases disposed in 2022	Case Clearance Rate (%) - 2022	Aggregate number of new cases filed in 2021	Aggregate number of cases disposed in 2021	Case Clearance Rate (%) - 2021
High Court Civil (HCV)	4076	3216	78.90	5526	1476	26.71
Family	4796	3682	74.60	4381	3859	88.08
Estate	3728	2749	73.74	3252	2539	78.08
Commercial	609	160	26.27	575	179	31.13
Home Circuit Court	267	174	73.50	305	222	72.79
Gun Court	369	399	108.13	403	446	110.67
Revenue Court	4	11	275.00	8	7	87.50
Total	13849	10291	75.03	14460	8728	60.36

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

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Case Activity Summary for the Hilary Term of 2023

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

Table 71.0: Aggregate case activity in the Hilary Term of 2023

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (months)	Hearing Date Certainty Rate (%)
High Court Civil (HCV)	1092	803	73.53	52.09	81.25
Family	1228	1027	99.19	25.64	83
Estate	841	699	83.16	18.74	80.80
Commercial	128	59	46.09	16.66	84.21
Home Circuit Court	48	46	95.83	38.87	77.67
Gun Court	93	80	86.02	18.53	75.41
Revenue Division	9	6	66.67%	-	78.25
Gross/Weighted Average	3439	2720	79.09	28.42	79.89

The above table provides an important summary of case activity in the Supreme Court in the Hilary Term of 2022. It is shown that 3993 cases were filed/entered across the Divisions of the Supreme Court during the Term. For the first time in recorded history, the number of new cases filed in a Term was not accounted for by the High Court Civil Division as the Matrimonial Division lead the way with 1369 new cases filed or 34.28%. The High Court Civil Division with

1250 new cases filed or 31.30% and the Probate Division with 1015 or 25.42% accounts for the next highest shares of new cases filed during the Hilary Term.

Similar to recent years, the Matrimonial and Probate Divisions accounted for the largest share of the cases disposed in the Hilary Term with roughly 42.97% and 31.80% respectively of the total, followed by the High Court Civil Division with 16.69% of the disposals. As with the past four years, the Gun Court, Probate Division and Matrimonial Division had the highest case clearance rates among the larger Divisions in 2021. The Gun Court recorded a case clearance rate of 87.69%, while the Matrimonial Division recorded a case clearance rate of 75.02% and the Probate Division with rate of 75%, accounting for the leading performers on this metric for the period. The overall case clearance rate for the Supreme Court for the Hilary Term of 2022 is roughly 59.85%, a decline of 4.97 percentage points when compared to the corresponding period in 2021. The High Court Civil (HCV) Division accounted for the longest average time to disposition with cases taking an average of roughly 50 months (4 years and 2 months) to be disposed. The Home Circuit Court is next with an average time to disposition of approximately 45 months (3 years and 9 months) while Commercial and Probate Divisions with estimated average times to disposition of 17.72 months (roughly 1 year and 6 months) and 18.70 months (1 year and 7 months) respectively account for the lowest average times to disposition for matters resolved in the Hilary Term of 2022. The overall weighted average time taken to dispose of the cases resolved in the period was roughly 27 months (two years and 3 month), approximately the same as the previous year. The Divisions of the Supreme Court demonstrated general progress with hearing date certainty rates during the Hilary Term,

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registering an overall outcome of 80.83%, an improvement of 4.06 percentage points when compared to the similar period in 2021.

Judgments Reserved and Judgments Delivered

This sub-section provides a summary of the civil judgments reserved and delivered in the Hilary Term of 2023.

Table 72.0: Summary of Judgments Reserved and Delivered in the Hilary Term of 2023

Number of Judgments reserved on cases	Number of Judgments delivered on cases	Clearance rate for case Judgments	Number of Judgments reserved on applications	Number of judgments/rulings delivered on applications	Clearance rates for rulings on application (%)
64	94	146.88%	14	15	107.14

A total of 64 judgements were reserved in the Hilary Term of 2023 while a total of 94 judgments were delivered. This output led to an impressive clearance rate of roughly 146.88%, an increase of approximately 11.35 percentage points when compared to the similar period in 2022. This result means that for every 10 judgments which were reserved in the Hilary Term of 2023, roughly 15 were delivered. The Chief Justice has set a standard for all judgments reserved in the Supreme Court to be delivered within three months of reservation, except for complex cases which should take a maximum time of six months after reservation to be delivered.

Various applications are made during the life of a civil case on which judgments may be reserved. The analysis of the clearance rate on judgments on applications is an important

supplement to the analysis of judgments and the overall outcome of a case as timely rulings on applications have a direct correlation with the timely delivery of judgments on substantive cases. The data further suggests that there were 14 judgments reserved on applications in the Hilary Term of 2023, while 15 were delivered. This produced a clearance rate for judgments on applications of 107.14%, an increase of 50.67 percentage points when compared to the corresponding period in 2022.

Estimated Courtroom/Hearing Utilization Rate in the Hilary Term of 2023

Using a sample of cases heard in open court in the Hilary Term of 2023, the courtroom utilization rate for the Supreme Court was estimated to be 55%, suggesting that just about 3.30 of every 5 available hours for hearings were utilized in the period. The significant and successful use of virtual hearings, particularly in relation to civil matters in the Supreme Court has essentially eliminated available physical courtroom space as a resource constraint to total productivity of the Supreme Court as whole and the civil divisions in particular. This is expected to contribute positively to the utilization of judicial time going forward.

Modes of hearing in the Civil, Probate and Matrimonial Divisions in the Hilary Term of 2023

In response to the COVID-19 pandemic in 2020, the Supreme Court started moving a significant proportion of its hearings online in order to mitigate potentially crippling effects on court operations. Since then virtual hearings have steadily become a mainstream part of the daily operations of the court.

Table 73.0: Sampling distribution of the modes of hearing for civil matters in the Supreme Court in the Hilary Term of 2023

	Percentage (%)
In person	7.75
Teleconference	2.00
Video conference	90.25
Totals	100.0

It is seen in the above sample summary that the overwhelming majority of hearings conducted in the combined High Court Civil, Commercial, Family and Estate Divisions of the Supreme Court were done by video conference, accounting for an estimated 90.25% of hearings conducted, while in person hearings accounted for 7.75% and teleconferences accounted for 2.00% of this representative sample of hearings in the period. The general improvement in hearing date certainty rate which is being observed in civil cases since the latter part of 2021 is partly a result the mass movement of cases online, a process which started in 2020, but have now becoming customary place. It has essentially removed courtroom space as a constraint on court productivity, paving the way for greater efficiency in the court’s operation.

CHAPTER 8.0: CONCLUSION AND RECOMMENDATIONS

The results of the Hilary Term report of 2023 has confirmed that the Supreme Court is now decisively turning towards a steady state growth path. It is only the second time in recorded history that the Supreme Court has recorded a case clearance rate of over 75%, both in very recent time, while overall hearing date certainty rate is roughly 80%, average trial date certainty rate over 70%, the rate at which judgments are delivered is almost 150% and the case file integrity rate over 98%. These figures augur well for the probability of sustaining the current thrust by the Honourable Chief Justice of Jamaica, Mr. Bryan Sykes, to establish a highly productive and service oriented system that delivers the highest standard of justice for the Jamaica citizenry. The last five years have been a watershed moment for the Jamaican judiciary, over which time it has seen its highest recorded productivity rates. As the court seek to infuse new technology into its operations to convert its manual processes to digital over the coming years, coupled with improved service and investments in critical infrastructure, it is expected that there will be a full transition to one of the most advanced judiciaries in region.

The Supreme Court still faces a number of challenges, which vary by Division. These include high incidence of adjournments and requisitions and wide variances in service efficiency, but the courts have shown that careful planning and strong interventions which are guided by data, coupled with persistence and vision can make a profound difference over time.

Glossary of Statistical Terms

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Source:

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

s.pdf

ⁱ Source:

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

Hilary Term: The first of the High Court Terms, usually spanning the period from early January to just before the start of Easter. In 2019, the Easter Term ran from January 07 – April 12.

Easter Term: The second of the High Court Terms, usually spanning some days after the end of Easter through to the end of July. In 2019, the Easter Term was between April 25 and July 31.

Michaelmas Term: The Term in the High Court which usually spans a period from mid-September through to a few days before Christmas. In 2019, the Michaelmas Term spanned September 16 through to December 20.

Weighted Average: Weighted average is a calculation that takes into account the varying degrees of significance of the groups or numbers in a data set. In calculating a weighted average for a particular variable, the individual scores or averages for each group are multiplied by the weight or number of observations in each of those groups, and summed. The outcome is then divided by the summation of the number of observations in all groups combined. For example, if we wish to calculate the weighted average clearance rate for the parish courts, the product of the clearance rate and number of cases for each court are computed, added, and then divided by the total number of cases across all the parish courts. This means that a court with a larger caseload has a greater impact on the case clearance rate than a smaller court.

A weighted average can be more accurate than a simple average in which all numbers in a data set are assigned an identical weight.

Continuance and Adjourment: In a general sense, any delay in the progression of a hearing in which a future date/time is set or anticipated for continuation is a form of adjournment. However, in order to make a strict distinction between matters which are adjourned for procedural factors and those which are generally avoidable, court statistics utilizes the terms 'continuance' and 'adjournment'. Here, 'continuance' is used strictly to describe situations in which future dates are set due to procedural reasons and 'adjournments' is used to describe the circumstances in which future dates of appearance are set due to generally avoidable reasons. For example, adjournments for another stage of hearing, say from a plea and case management hearing to a trial hearing or from the last date of trial to a sentencing date are classified as 'continuance' but delays for say, missing or incomplete files, due to outstanding medical reports or attorney absenteeism are classified as 'adjournments'. Adjournments as defined in this document have an adverse effect on hearing date certainty rates but continuances do not.

Exponential smoothing: Exponential smoothing of time series data assigns exponentially decreasing weights for newest to oldest observations. In other words, the older the data, the less priority ("weight") the data is given; newer data is seen as more relevant and is assigned more weight.

Crude Proxy: A rough estimate

