



Supreme Court Of Jamaica
The Chief Justice's Annual Statistics
Report for 2017

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THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT | 2017 ON THE SUPREME COURT

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CHIEF JUSTICE'S MESSAGE

Over the last two years' significant efforts have been made to optimize the use of the JEMS Case Management software at the Supreme Court in seeking to ensure that data on a range of variables are adequately captured. This was done with the assistance of a statistician, working closely with the Information Technology and other court staff and staff assigned by the Ministry of Justice. This project has been successfully applied in the Civil, Matrimonial, Commercial and Probate Divisions of the Civil Registries of the Supreme Court as well as the Home Circuit Court and Gun Courts and is supported by a robust data validation system. This initiative forms part of a broader, ongoing court-wide effort to digitize all records. As a result of these initiatives, the Supreme Court is now in a position to extract and report on a range of statistical data, including case load, case clearance and disposal rates and the length of time that it takes for matters to be disposed of in the various Divisions. Among other things, such data provide the Supreme Court with an opportunity to establish time standards for the delivery of justice across all Divisions.

It has always been my desire to create a data driven court system where statistics form the basis of informing both operational and policy decisions and the recent progress made has been exceptional. I anticipate that in the coming years these improvements will have a transformational impact on the Jamaican judiciary, by strengthening and enhancing the timeliness for the delivery of justice to our citizens.

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A comprehensive Statistical Report is prepared on case activity in all Divisions of the Supreme Court for each Term, in addition to an Annual Report. These reports are publicly available on the website of the Supreme Court.

This annual report for 2017 is the first comprehensive Statistical Report of its kind for the Supreme Court and therefore represents a significant step. It presents a summary of essential data on case activity in the Civil, Matrimonial, Probate and Commercial Divisions of the Supreme Court as well as for the Home Circuit Court and the Gun Court. The statistical team is committed to working towards the improvement of our Justice sector in this important area of record keeping.

I would like to thank all members of staff and stakeholders who have contributed to the steady strides being made in improving data collection and statistics as well as critical supporting processes such as records and case flow management.

Hon Zaila McCalla, OJ

Chief Justice

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EXECUTIVE SUMMARY

This is a seminal Annual Statistical Report for 2017 on case activity in the Supreme Court. A range of data on the High Court Civil (HCV), Probate, Matrimonial and Commercial Divisions as well as the Home Circuit Court and Gun Court are included in this report. The results therefore provide important insights which can potentially inform the operational efficiency of the Supreme Court and the policy design of the relevant state actors.

A total of 11937 new cases entered the Supreme Court across the HCV, Probate and Matrimonial Divisions in 2017 while 5933 cases were disposed for these same Divisions. A further 667 new cases were filed in the Commercial Division in the year, bringing the total number of new cases filed in the Supreme Court in 2017 to 12604. The HCV and Matrimonial Divisions with 4396 and 3539 respectively of the total number of new cases accounted for the largest share while the Gun Court with 513 new cases and the Revenue Division with 12 cases had the lowest numbers. The Matrimonial Division accounted for over 40% of all cases disposed in the Supreme Court in 2017, with 2621 cases while the 3 cases disposed of in the Revenue Division was the least among the Divisions.

Among the major findings from this Annual Report is that the average case clearance rate across the four Divisions was roughly 50%. The case clearance rate provides a measure of the number of cases disposed, for every new case entered. The average of roughly 50% across the Divisions suggests that for every 100 new cases entered in the period; roughly 50 were also disposed (not necessarily from the new cases entered). The case clearance rates for 2017 range from a low of 24.18% in the High Court Civil Division to a high of 97.86% in the Gun Court. The

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overall statistic on the case clearance rate gives essential insights into potential case flow and backlog problems as on average there twice as many new cases entered as cases disposed in 2017.

Most Divisions of the Supreme Court continue to encounter severe challenges with the rate of strict adherence to dates set for hearing or trial due to the high incidence of adjournments. The trial and hearing date certainty which computes the rate of adherence to dates scheduled, ranges from an approximate low of roughly 54% in the Criminal Division to an approximate high of approximately 80.50% in the Probate Division for 2017. The average date adherence across the Divisions for the period under examination was roughly 69%. This is an indication that there is a 69% probability that a matter scheduled for hearing or trial will go ahead without adjournment. Among the prominent reasons for adjournment cited across the Divisions are files not found, the non-appearance of parties and/or attorneys, matters wrongly listed and matters left off the court list. These reasons span both internal factors within the court's control and factors outside of its direct autonomy. Therefore, the ethos of the solutions related to these issues is the need for enhanced case and records management, more robust systems of scheduling and stronger stakeholder engagements.

Apart from the high frequency of adjournments, the relatively high incidence of requisitions is an impediment to the speed of disposition of civil matters. Among the Civil Divisions, the incidence of requisitions was highest in the Matrimonial Division with a ratio of 215 requisitions per 100 case files while the HCV Division with 28 requisitions per 100 case files ranked among the lowest incidence.

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The report also generated the estimated times to disposition for matters disposed of in the respective Divisions in 2017. The estimated average times taken for cases to be disposed, ranged from a low of approximately a year and four months in the Probate Division to a high of roughly 2 years and 9 months in the High Court Civil Division. The overall average time to disposition for the Divisions of the Supreme Court in 2017 was 2 years and 1 month. The oldest matter to be disposed of in the period under examination was in the Probate Division which saw a 39-year-old matter being disposed. There were however several matters which took as low as 0-6 months to be disposed across all the Divisions.

It is forecasted that between 12500 and 13500 new cases will be filed/entered in the Supreme Court in 2018, with close to 13,000 being most likely. See below Supreme Court case activity summary for 2017:

Division	New cases filed	Aggregate number of cases disposed	Number of cases disposed which originated in 2017	Clearance rate (%)	Average time to disposition
High Court Civil (HCV)	4396	1063	100	24.18%	2 years and 9 months
Matrimonial	3539	2621	137	74.06%	2 years and 3 months
Probate	2853	1535	537	54.43%	1 year and 4 months
Commercial	667	N/A	N/A	N/A	1 year and 5 months
Home Circuit Court	624	209	86	33.49%	2 years and 4 months
Gun Court	513	502	102	97.86%	2 years and five months
Revenue Division	12	3	0	25%	N/A
Total/Gross	12,604	5933	962	49.70%*	

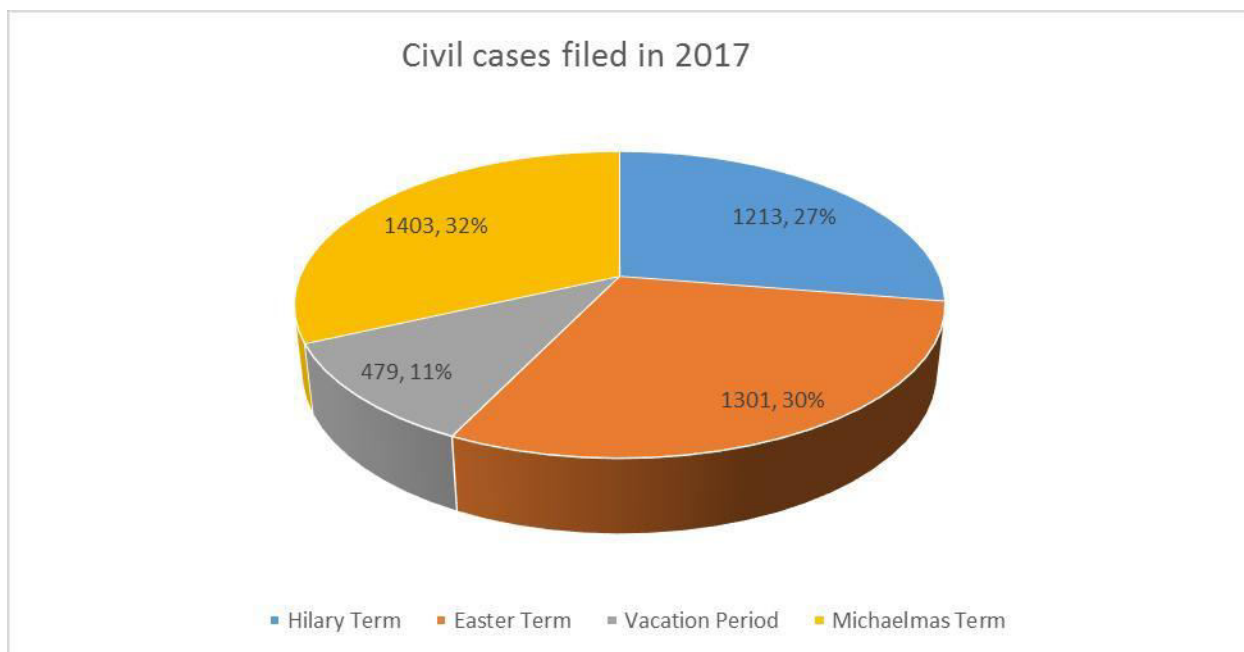
METHODOLOGY

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

Once all data for the periods of interest are entered in the JEMS software and the necessary checks and balances completed, the data is then migrated to an excel friendly platform, from where it is extracted, the statistical data processed and reports generated. Statistical reports are generated for each of the three Terms which constitutes the operating year for the Supreme Court, as well as for the summer period for the Civil Registries. These reports culminate with an Annual 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.

CHAPTER 1.0: HIGH COURT CIVIL DIVISION

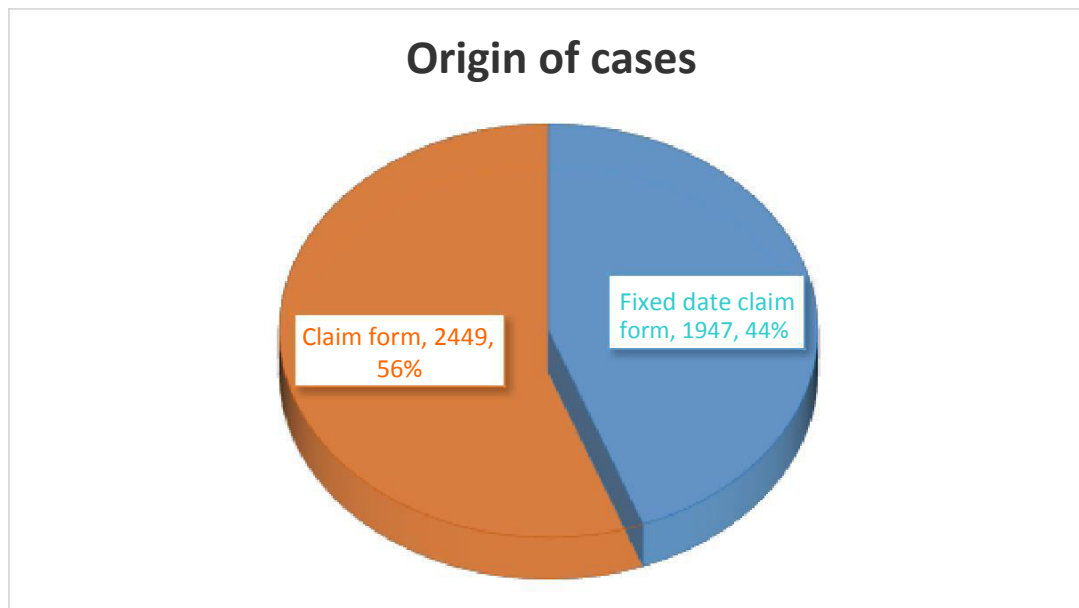
Chart 1.0: New case summary for 2017



Total number of civil cases for 2017 = 4396

The chart above provides summary of some the number of cases filed in the High Court Civil Division (HCV) for 2017. A total of 4396 new HCV cases filed in the year, the largest proportion of which, 1403 or 31.92% were filed during the Michaelmas Term. The vacation period with 479 new cases or 10.90% of the total expectedly accounted for the lowest proportion while the Hilary Term with 1213 or 27.59% and the Easter Term with 1301 or 29.60% rounds off the count.

Chart 2.0: Claim Forms and Fixed Date Claim Forms for the year ended December, 2017.



The above table enumerates the number and proportion of matters which originated either using a Claim Form or Fixed Date Claim Form for 2017. Of the 4396 matters originating in either of these ways, 2449 or 55.71% was by way of a Claim Form while 1947 or 44.29% originated by way of Fixed Date Claim Form. This probability distribution is consistent with recent years which have seen the number of matters originating by way of a Claim Form outstripping those originating by way of a Fixed Date Claim Form.

Tables 1.0 to 4.0 below provide an analysis of the reasons for adjournment or continuance of civil cases in 2017. Contextual definitions of 'reasons for adjournment' and 'reasons for continuance' respectively are adopted for the purpose of clarity. The first of the two tables enumerate the list of the most common reasons for adjournment which refers to factors which may not be a part of the essential processes or procedures for which a case is necessarily

delayed. The second table lists what may be considered as the main reasons for adjournment due to 'continuance'. Such reasons are defined as those which are intrinsic to the normal progression of a case towards disposition and are therefore largely unavoidable. There were a combined total of 4195 incidences of adjournments whether for continuance or avoidable reasons in the High Court Civil (HCV) Division during 2017.

Table 1.0: Top 14 reasons for adjournment for year ended December, 2017.

Reasons for adjournment	Frequency	Percentage
File not found	713	16.22
No parties appearing	552	12.56
Claimant's documents not served or short served	384	8.74
For comments from NEPA to be complied with (Restrictive covenant)	282	6.41
Claimant to file documents	274	6.23
Claimant's attorney absent	159	3.62
Claimant not available	145	3.30
Defendant not available	114	2.59
Wrongly listed	103	2.34
Defendant's attorney absent	97	1.41
Medical certificate outstanding	62	1.25

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Matter left off the court list	55	1.14
Matter not reached	50	1.25
Judge/Courtroom unavailable	43	0.98
For Social Enquiry Report	42	0.96

Total number of adjournments/continuance = 4195

The above table summarizes the top ten reasons for adjournment for the year ended December, 2017 using the contextual definition outlined above. It is seen that the three dominant reasons for adjournment were ‘files not found’ with 713 or 16.22% of all events of adjournments/continuance, no parties appearing with 552 or 12.56% and claimant’s documents not served or short served with 384 or 8.74%. Adjournments for comments from NEPA with 282 or 6.41% and claimant to file documents rounds off the top five reasons for adjournment in the High Court Civil Division for 2017. The reasons for adjournment enumerated above, accounts for approximately 70% of the total reasons for case adjournment/continuance in 2017. 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. Many of the reasons for adjournment strongly suggest weaknesses in case management and scheduling practices as a significant proportion of the reasons for adjournments/continuance are directly a result of factors which could be classified as avoidable.

Specific, targeted interventions may also be necessary to stem the high incidence of particular reasons for adjournment. For example, the acutely high incidence of files not found (accounting for 16% of the total adjournments) as well as matters left off the court list and matters wrongly listed can be addressed by strengthening internal validation processes. Bolstering the existing system of logging files in and out to individuals who use them at the various stages along the case flow continuum could be a source of enhancing the accountability and transparency of the file movement process and stemming the current worrying tide of files not being located in time for court. Furthermore, the electronic availability of copies of the files should be utilized in case of such eventualities and as such the management of the readiness of files for court must be improved. Adjournments resulting from the absenteeism of attorneys, claimants and defendants collectively remain a source of concern, accounting for roughly 8% of the total adjournments. Redressing these weaknesses require constant dialogue and improvements in cooperation with the Bar Association as well as more robust internal policy mechanisms. Such internal policy mechanisms could include the implementation of a sequencing mechanism where repeated attorney absenteeism for particular cases result in the new court dates for such cases be placed in a queue behind other matters which are progressing on schedule. It is of interest that there were only 43 incidences of matters adjourned as a result of the unavailability of a courtroom or judge in the entire 2017, accounting directly for just less than 1% of the total number of High Court Civil adjournments throughout the year.

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

Table 2.0: Frequent reasons for continuance for the year ended December, 2017.

Reasons for continuance	Frequency	Percentage
Part heard	259	5.89
Pending settlement	83	1.89
Pending outcome of another application	42	0.96

Total number of adjournments/continuance = 4195

The above table summarizes the most common reasons why cases in the HCV Division were delayed for 'continuance' throughout 2017. It is seen that this list is led by matters part heard with 259 or 9.9% of the total list of reasons for adjournment/continuance. This is followed by pending settlements with 83 or 1.89% and adjournments pending the outcome of another application with 42 or 0.96% of the total adjournments.

The below table enumerates the leading reasons for delay in a matter which may not always be strictly an adjournment or 'continuance', using the definitions outlined above. In other words, these reasons could be either for 'adjournment' or 'continuance' depending on the stage and circumstances of occurrence on the case flow continuum.

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Table 3.0: Frequent reasons for adjournment/continuance for the year ended December, 2017

Reasons for continuance	Frequency	Percentage
Parties having discussion with a view to settlement	193	4.39
Medical report outstanding	62	1.41

Total number of adjournment/continuance = 4195

It is seen above that parties having discussions with a view to settlement with 193 incidences or 4.39% of the total and medical reports outstanding with 62 or 1.41% of the total, accounts for the dominant share of the reasons for adjournment/continuance which falls in this category.

Table 4.0: Trial matters for the year ended December, 2017

Trial matters	Frequency	Percentage
Petition for winding up	13	0.37
Court Trials	1487	42.33
Motion Hearing	120	3.41
Assessment of Damages	1450	41.28
Trial in Chambers	443	12.61
Total trial matters	3513	100

The above table shows the breakdown of the progression of HCV pre-trial and trial matters for 2017. There were 3513 combined occurrence of trial hearings in 2017. Of these 3513 occurrences, Court Trials led with 1487 or 38.93% of the total. This was followed by Assessment of Damages with 1450 or 41.28% of the total while Trails in Chamber with 443 or 12.61% of the matters ranks next. Motion Hearings with 3.41% and Petition for winding up with 0.37% rounds off the frequency distribution.

Table 5.0 Trial/hearing date certainty for the year ended December, 2017.

Trial/hearing dates set	Trial/hearing dates adjourned (excluding adjournments for continuance)	Trial/hearing date certainty
11,415	3684	67.73%

The date scheduling certainty of a court provides a good metric of the extent to which dates which are scheduled for either hearing or trial are adhered to and therefore speaks to the reliability of the case scheduling process. Of the 11,415 matters scheduled for either trial or pre-trial hearings, both in Court and in Chamber, 4195 were adjourned. However, in order to get a pure measurement of scheduling certainty it is necessary to deduct those reasons for adjournment which are for some form of ‘continuance’ or settlement. Hence for example the counts for adjournments due to ‘part heard’ and issues regarding pending settlement are subtracted. The resulting trial/hearing date certainty figure of 67.73% suggests that there is a roughly 68% probability that a date set for a matter to be heard or for trial, will proceed without adjournment for reasons other than some form of ‘continuance’ or settlement. This result gives important insights into the extent to which judicial time is wasted by potentially avoidable adjournments and suggests that strong interventions by way of improved case management, scheduling and external stakeholder cooperation are vital to redressing these deficiencies.

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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 break-out analysis which will examine the incidence of adjournments particularly at Assessment of Damages and Case Management Conferences.

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

Table 6.0a: Index of scheduling efficiency for Assessment of Damages in the HCV Division for the year ended December, 2017

Number of available court days in 2017	Number of days' worth of assessment of damages scheduled (for 1 court)	Approximate ratio
210	1450	7 days

An important indicator of the problems associated with the scheduling of HCV matters comes from an assessment of the number of court days which were available in 2017, 210 all told and the number of days' worth of assessment of damages which were scheduled (a total of 1450). It is shown that for every court day available, approximately 7 days' worth of matters were scheduled, creating a significant stress on the ability of the court to proceed without adjournments. This evidence reinforces the idea that there needs to be a major revision of the methods used to schedule matters for assessment court.

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Table 6.0b: Index of scheduling efficiency for court trials in the HCV Division for the year ended December, 2017

Number of available court days in 2017	Number of days' worth of court matters scheduled for court trial per court	Approximate ratio
210	703	3.35

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 in the year, 210 all told and the number of days' worth of court trials which were scheduled per court (a total of 703). It is shown that for every day available, roughly 3 days' worth of matters were scheduled, reinforcing the strain on the capacity of the court to proceed without adjournments. The evidence again reaffirms the idea that there needs to be a major revision of the scheduling mechanisms currently being employed. An increase in physical and human capital will be needed to ensure that the court is able to adequately revisit its scheduling practices.

Table 7.0: Probability distribution of the incidence of adjournments/continuance for the year ended December, 2017

Type of Incidence	Frequency	Percentage (%)
Case Management Conference	369	8.79
Pre-Trial Review	194	4.62
Trial in court	89	2.12
Assessment of damages	1072	25.55
Judgment Summons Hearing	199	4.75
Applications	2272	54.17
Total	4195	100

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The above table shows decisively that the vast majority of reasons for adjournments/continuance are associated with Applications, accounting for 54.17% of the total. Adjournments from Assessment of Damages and Case Management Conferences with 25.55% and 8.79% respectively of the total adjournments rank next. It is of interest that Trial in Court accounts for only 2.12% of the adjournments which is an indication of a high trial/hearing credibility ratio. The implication of these collective findings is that there needs to be significant strengthening of the processes which impact on the readiness of matters to heard, thereby reducing the incidence of adjournments. This is a reaffirmation of the possible targeted interventions outlined earlier which could stem the incidence of adjournments.

The analysis below highlights the two of the major contributors to adjournments – Assessment of Damages and Case Management Conferences and explores the magnitude of their contribution, through an examination of trial/hearing date certainty for these matters.

Table 8.0: Hearing date certainty for Assessment of damages for the year ended December, 2017

Hearing dates set	Dates adjourned (excluding continuance)	Hearing date certainty
1450	942	35.03

One area in which adjournments are aplenty is with respect to the Assessment of Damages which accounts for 942 adjournments (excluding procedural adjournments) and has a low hearing date credibility of 35.03%. This suggests that the probability that a matter that is set for

assessment will be heard without adjournment is just over 35% and implies that significant strengthening of the scheduling process for Assessment of Damages is firmly required.

Table 9.0: Hearing date certainty for Case Management Conferences for the year ended December, 2017

Hearing dates set	Dates adjourned (excluding continuance)	Hearing date certainty
1223	325	73.43

The hearing date certainty for Case Management Conferences is considerably higher than that of Assessment of Damages, accounting for 325 adjournments and a trial certainty of 73.43%. This suggests that there is only a roughly 2.5 in 10 chances that a matter scheduled for Case Management Conferences will be adjourned. While this is not necessarily a cause for concern, strengthening Case Management processes which contribute to the readiness of a matter for hearing would contribute to bolstering the scheduling certainty of Case Management Conferences. Case Management Conferences have a considerably higher hearing date certainty than Assessment of Damages, partly because such matters are scheduled to be heard at specific time intervals while assessments of damages are all scheduled for hearing on the same day. The replication and strengthening of the scheduling methodology used for Case Management Conferences could therefore assist in reducing the high probability of adjournment in the HCV Division.

Table 10.0: Requisitions for the year ended December, 2017.

Action	Frequency
Requisitions Issued	1234
Responses to requisitions	146
Requisition response rate	11.83
Requisitions per case file	0.28

In considering the efficiency with which civil matters flow through the court system, the number of requisitions and the ratio of requisitions to case files is an important metric. In the table above it is shown that there was a total of 1234 requisitions for the year. The ratio of cases filed to requisition was calculated to be 1: 0.28 which suggests that for every 100 case files there were 28 requisitions or roughly speaking an average of 3 requisitions per 10 HCV case file. Interventions aimed at reducing this incidence of requisitions should positively impact on the efficiency of the progression of cases towards disposition in the HCV Division. One such intervention that has been implemented is the emailing of requisitions which should expedite the rate at which the public responds, mirroring the incremental success seen since deploying a similar approach in the Matrimonial Division.

Table 11.0: Judgments for the year ended December, 2017

Judgments	Frequency	Percentage
Judgments (Trial in Court/Assessment of damages)	298	32.57
Judgment on admission	67	7.32
Judgment in default of acknowledging service	456	49.84
Judgment in default of defense	94	10.27
Total Judgments	915	100

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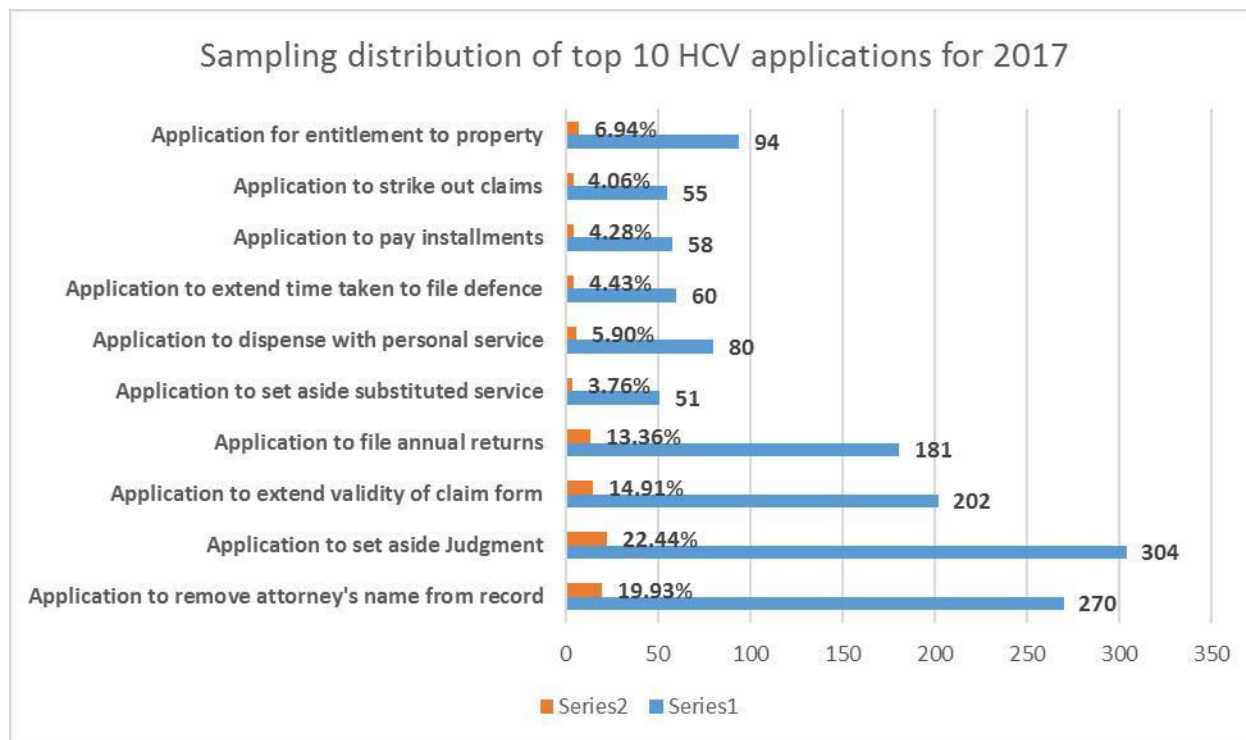
The above table provides a summary of the Judgments rendered throughout the life of HCV cases in 2017. As seen, Judgments from trial in court or assessment of damages with 298 or 32.57% of total Judgments account for the largest proportion of the Judgments enumerated above. This is followed by Judgments in default of acknowledging service with 456 or 49.84% of the Judgments. The top three Judgments are rounded off by Judgments in default of defense with 94 or 10.27% of the total. The top three Judgments in the period under examination were also the top three in the previous reports produced.

Table 12.0: Chamber hearings for the year ended December, 2017.

Hearings	Frequency	Percentage (%)
Oral Examination	26	0.29
Case Management Conference	1223	13.75
Pre-trial review	848	9.53
Applications (Various)	6355	71.46
Judgment summons hearing	441	4.96
Total	8893	100

The above table summarizes the incidence of different types of hearings for the year. It is seen that the total number of hearings for the period was 8893. The highest proportions were various applications with 6355 or 71.46% of the total number of hearings. The general applications category speaks a non-exhaustive list of various types of applications which come before the HCV Division. Case Management Conferences was a distant second with an incidence of 1223 or 13.75% of the total number while Pre-trial reviews with 848 or 9.53% and Judgment summons hearings with 441 or 4.96% rounds off the top five Chamber Hearings for the year.

Chart 3.0: Sampling distribution of the top ten application types for the year ended December, 2017



The above chart provides a sampling distribution of the ten most frequently occurring application. The largest proportion of this list is accounted for by applications to set aside Judgments with 304 applications or 22.44%. This is followed by applications to remove attorney's name from record with 19.93% or 270 applications and 15.51% or 202 applications which were to extend the validity of Claim Forms. Applications to file annual returns and applications for entitlement to property with 13.36% and 6.94% respectively of the applications rounds off the top five. The high incidences of these application types provide significant insights into a range of factors which contribute an occupation of judicial time, some of which can be improved through targeted interventions. For example, the fact that applications to

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extend the validity of a Claim Form ranks so prominently among the types of applications filed provide a clear suggestion that a system of tracking such applications could be established in which reminders are provided to the relevant parties well in advance of the expiration date. The need to bolster the case progression management processes is thus reinforced.

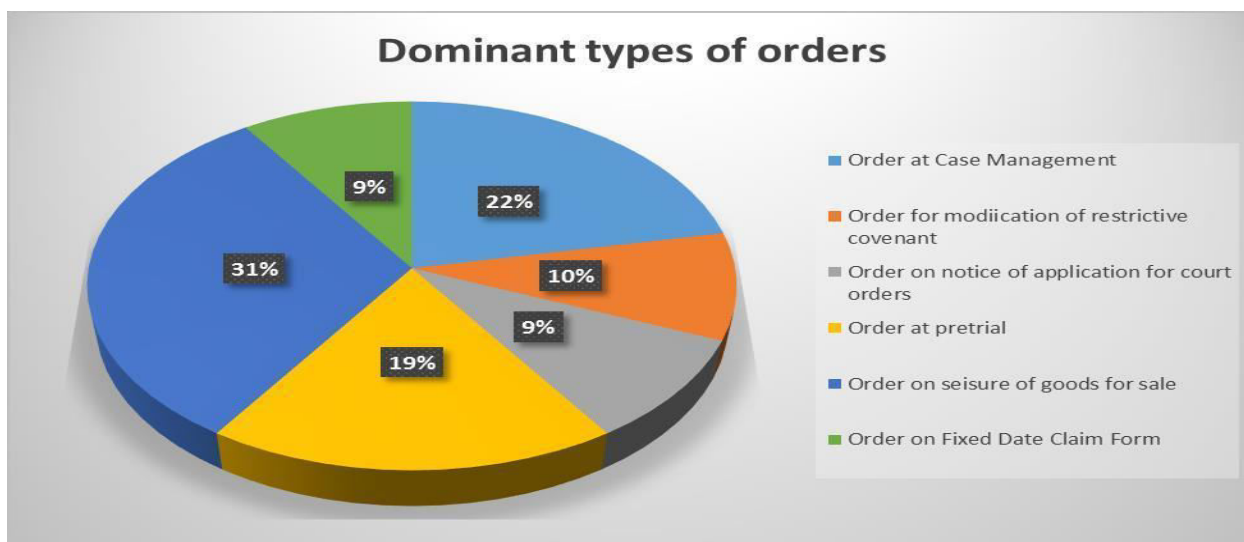
Table 13: Methods of disposition for the year ended December, 2017

Methods of Disposition	Frequency	Percent
Application Granted	465	43.7
Application Refused	6	.6
Attorney Admitted to Bar	7*	.7
Claim Form expire	11	1.0
Consent Judgment	45	4.2
Consent Order	7	.7
Damages Assessed	86	8.1
Dismissed	4	.4
Judgment	44	4.1
Matter Completed at Mediation	10	.9
Matter Withdrawn	6	.6
Med - Settled Fully in Mediation	3	.3
Notice of Discontinuance noted	77	7.2
Order (Chamber Court)	2	.2
Settled	201	18.9
Settlement Order	2	.2
Struck Out	41	3.9
Transfer to Commercial	10	.9
Written Judgment Delivered	36	3.4
Total	1063	100.0

*Figure incomplete due to procedural factors.

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 in operational planning. It is seen that there were 1063 HCV cases disposed in 2017, of which the largest proportion, 465 or 43.70% were as a result of Applications Granted. This was followed by Matters Settled with 201 or 18.90% of the total. Damages Assessed with 86 or 8.10%, notices of discontinuance with 77 or 7.20% and consent Judgment with 45 or 4.20% of the total dispositions rounds off the top five methods of disposition in 2017. Of note is that only a small minority of the methods of disposal, 10 or 0.90% were completed by way of Mediation. Of similar note is that only 6 or 0.6% of the total number of disposals were as a result of Matters Withdrawn. Of the 1063 HCV cases disposed of in 2017, only 100 or 9.41% were from cases originating in that year. This represents a mere 2.27% of the new cases filed in this Division in 2017.

Chart 4.0: Sampling distribution of the dominant types of orders for the year ended December, 2017.



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The above table summarizes the top seven orders made in the HCV Division for the year ended December, 2017. There were a total of 3210 orders made in the year. Of these top seven orders, 31% were Orders on Seizure of Goods for Sale while 22% were Orders at Case Management and 19% were Orders at Pre-Trial. Orders on Restrictive Covenants with 10% of the sample rounds the top four orders in 2017.

Table 14.0: Time to disposition for the year ended December, 2017

Time to disposition (in month)

Number of observations	1063
Mean	32.9078
Median	23.0000
Mode	13.00
Std. Deviation	29.69764
Skewness	2.022
Minimum	3.00
Maximum	223.00

One of the most important metrics which can be used in assessing the efficiency of case handling is the time to disposition. An understanding of this measure is crucial to influencing both internal and external policies, necessary to bolster the timely delivery of justice. The above table provides crucial insights on the average time to disposition of matters in the HCV Division for 2017. The 1063 cases disposed in the year reveal an estimated average time to disposition was 32.47 months or 2.74 years, a result that is broadly consistent with previous analyses. The oldest matter disposed in the year was 223 months old or 18.60 years old while the lowest time that a matter took to disposition was roughly 3 months. The most frequently occurring time to disposition in the period was 13 months or just over a year. The standard deviation of roughly

30 months or 2.75 years is indication of a wide variation of the durations to disposal around the mean and suggests that the times to disposition vary widely. The positive skewness of roughly 2 however indicates that there were more disposals which took lower time to disposition than those which took higher than the average time. The margin of error of these estimates is plus or minus 2 months or 0.17 years.

Table 15.0: Breakdown of time to disposition for the year ended December, 2017

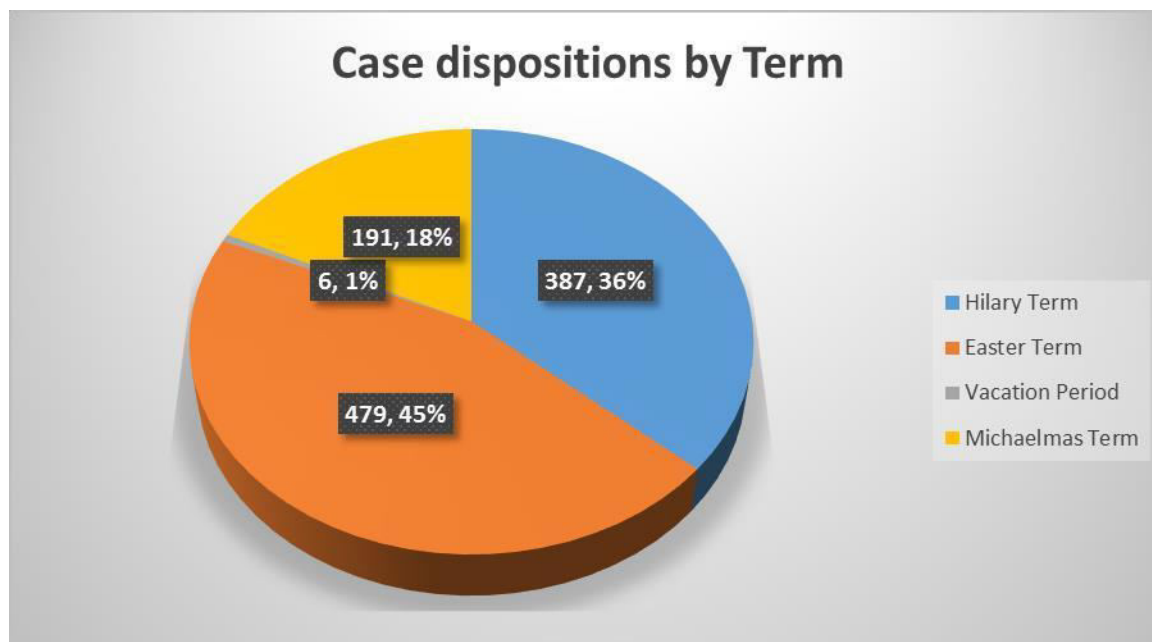
Time Intervals	Frequency	Percent
0 – 12	243	22.9
13 - 24	388	36.5
25 - 36	104	9.8
37 - 47	103	9.7
48 & over	225	21.2
Total	1063	100.0

The above table provides a more detailed breakdown of the average time to disposition. It is seen that of the 387 matters disposed in the year, the largest proportion, 388 or 36.50% took between 13 and 24 months (just over 1 year to 2 years) to be disposed. This was followed by 243 matters or roughly 23% which were disposed of in under a year. 225 or 21.2% of the matters took 4 or more years to be disposed while it was almost equal for the age categories 25 – 36 and 37 – 47, with 9.8 and 9.7% respectively of the matters disposed falling in those intervals. It is of note that just over 59% of the matters disposed of in 2017 took two years or less, compared to roughly 41% which took more than two years during the year. Deficiencies including frequent adjournments, low trial/hearing certainty and the attendant problems with date scheduling certainty as well as the incidence of requisitions may be among the factors

accounting for the majority of matters taking more than two years to be disposed. The margin of error of these estimates is plus or minus 2 months or 0.17 years. The fact that the modal time to disposition is 13 months is very instructive as it suggests that the current average time to disposition of well over 2 years can be significantly reduced. This outcome is largely the result of continuous targeted intervention spearheaded by an HCV Scheduling Committee which is styled as the Express Chamber Resource. Under this intervention the matters which are most likely to be disposed within the shortest time were assigned to a specific court and expedited accordingly. It is expected that the average time to disposition for the High Court Civil Division will reach a steady state of roughly 2 years over the next two years however the improvements could be more impressive if a more robust and systematic approach is taken to Case Management. An augmented, Cross-Divisional approach of this nature could greatly assist in promoting a timelier movement of cases towards disposition.

The below chart provides a breakdown of the number of cases disposed of, by Term in the High Court Civil Division throughout 2017.

Chart 4.0: Dispositions by Term in the HCV Division for 2017



The above chart shows that the largest proportion of the 1063 cases disposed of in the HCV Division during 2017, took place in the Easter Term, accounting for 479 or 45% of the total. This was followed by 387 or 36% in the Hilary Term and the Michaelmas Term which accounted for 191 or 18% of the disposals. Only 6 cases or 1% of the total were disposed of in the Vacation Period.

Table 16.0: Clearance rate for the year ended December, 2017.

Cases filed	Cases disposed	Case clearance rate
4396	1063*	24.18%

*100 or 9.41% of the cases disposed, originated in 2017.

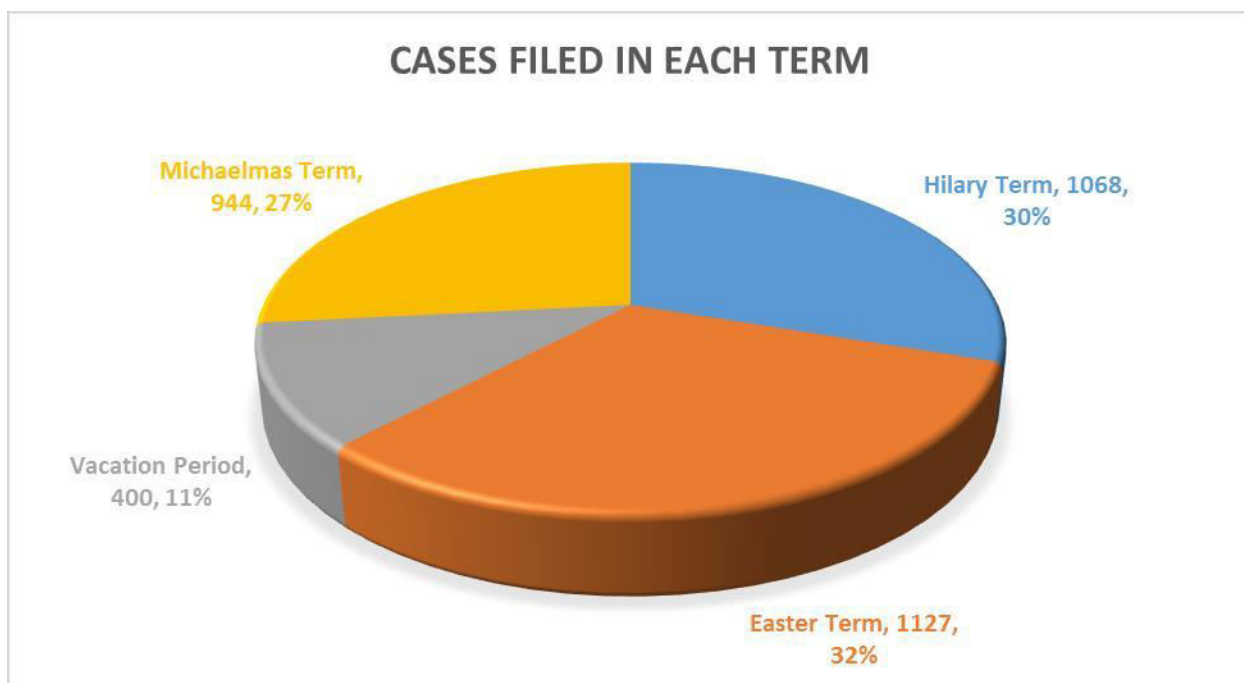
The case clearance rate is an important metric which complements the case disposal rate. It is calculated as the ratio of incoming active cases to disposed cases. A ratio of 100% is an

indication that for every new case filed, a pre-existing case is also disposed. It is an important measure in placing the time to disposition of matters into context and to providing a deeper understanding the case carriage burden that is being faced by the different Divisions. The ratio of 24.18% seen above for the HCV Division is an indication that for every 100 new cases filed in the period under examination, there were roughly 24 cases disposed. This clearance rate is broadly consistent with the findings from the previous periods of analysis. The result could suggest that either the case disposal rate in the Division is too low to sustain a continuously increasing burden and / or that the Division's capability to handle its case load is under-resourced. It is important to point out that at least some of the disposed cases used in this computation may have originated in previous periods as the clearance rate is meant to be a productivity ratio.

CHAPTER 2.0: MATRIMONIAL DIVISION

The ensuing analysis examines the various measures of the efficiency of case handling in the Matrimonial Division for the year ended December, 2017.

Chart 5.0: Distribution of cases filed in the Matrimonial Division in 2017



Total number of new cases filed in the Matrimonial Division (N) = 3539

A total of 3539 new Matrimonial cases were filed in 2017. The above chart shows that largest proportion of Matrimonial cases filed in 2017 occurred during the Easter Term, accounting for 1127 or 32%. This was followed by the Hilary Term with 1068 or 30% of the new cases filed, while the Michaelmas Term and Vacation Period respectively accounts for 27% and 11% respectively of the total.

Table 17.0: Petitions filed for the year ended December, 2017.

Type of petition	Frequency	Percentage
Amended petition for dissolution of Marriage	2067	42.35
Petition for dissolution of marriage	3585	57.65
Total Petitions filed	5652	100
Number of amendments per petition	0.58	

The above table summarizes Petitions filed in 2017. It is shown that a total of 5652 Petitions were filed, 3585 or 57.65% were Petitions for dissolution of marriage, compared to 2067 or 42.35% which were amended Petitions for dissolution of marriage. The analysis further suggests that the ratio of Petitions to Amended Petitions is 0.58 or in other words for every 100 Petitions for dissolution of marriage there is roughly 58 amended Petitions for dissolution of marriage in 2017. The high incidence of amendments constitutes a source of delays in the timely and efficient delivery of dispositions. Greater public sensitization may be necessary to stem this tide. An initiative commenced in 2017 involving the window postings form completion models at the point of filing a petition and to email such models along with requisitions sent out on a daily basis is so far yielding incremental success. The Michaelmas Term saw a notable reduction in the ratio of Petitions to Amended Petitions when compared to the previous Terms, a possible testament to the improvement seen so far. The effectiveness of these and other interventions will be continuously monitored in 2018.

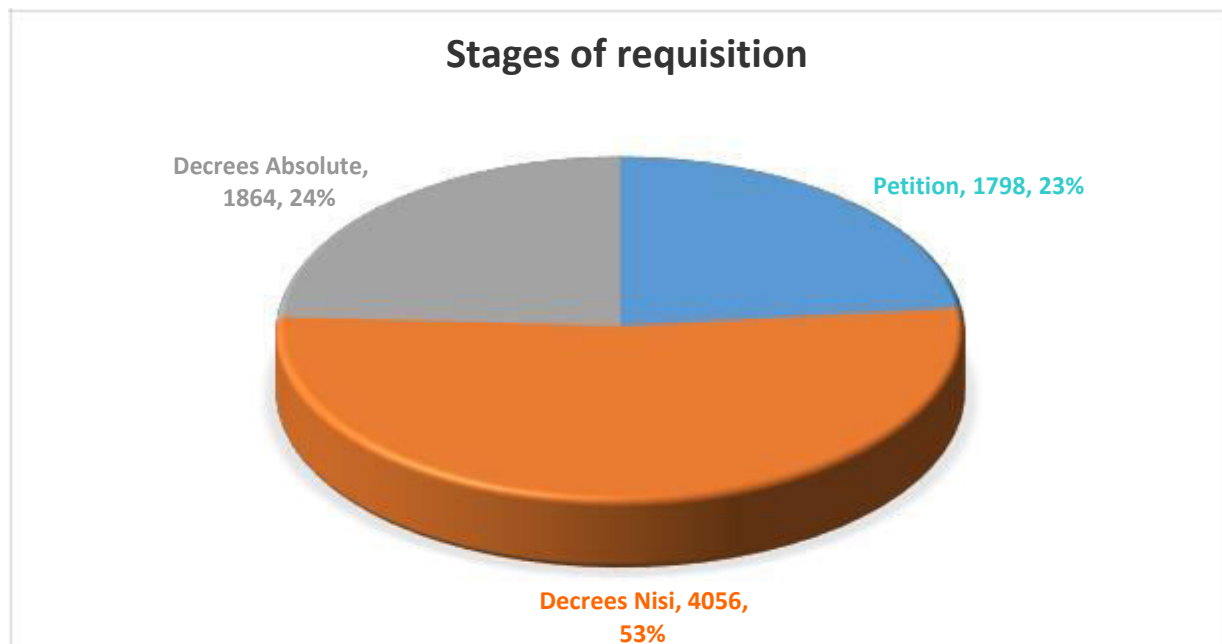
Table 18.0: Decrees Nisi and Decrees Absolute filed for the year ended December, 2017

Case Status	Frequency
Decree Absolute	5435
Decree Nisi for dissolution of marriage	6433
Decree Nisi for nullity of marriage	17
Total	11885
Ratio of Nisi to Absolute	1.18

It is seen in the above table that for every 100 Decrees Absolute filed there were roughly 118 Decrees Nisi filed in 2017. One caveat to note is that Decrees Nisi and Decrees Absolute would have originated at various times outside of this specific period of analysis. The data here suggests that there were 18% more Decrees Nisi than Decrees Absolute filed in 2017. The stage of a matter at which requisitions have mostly occurred has an impact on the production rate for both Decrees Nisi and Decrees Absolute Granted.

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

Chart 6.0: Distribution of the stages of the year ended December, 2017



It is seen in the above chart that there is a markedly greater probability that a requisition will be made at the stage of Decree Nisi, with an estimated 53% incidence. 24% of the sample constituted requisitions at the stage of a Decrees Absolute and the lowest proportion of 23% of requisitions are associated with Petitions. This data suggests that specific interventions are needed at the stage of Decrees Nisi in order to bolster the speed of movement of matters by reducing the incidence of requisitions. It is suggested that a scheduling mechanism whereby files are logged to Judges, with affixed timelines should be implemented. It is anticipated that such a mechanism will be pursued during 2018.

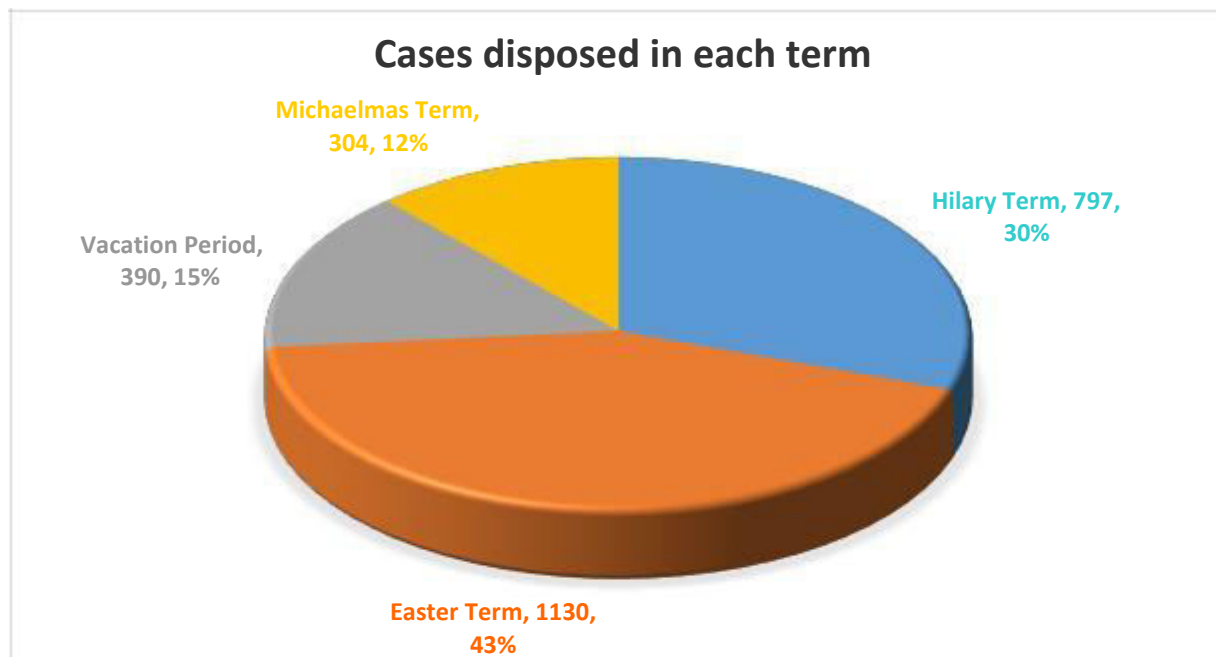
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Table 19.0: Methods of Disposals for the year ended December, 2017.

Method of disposition	Frequency	Percentage (%)
Decree Absolute Granted	2617	99.8
Notice of Discontinuance noted	4	.2
Total	2621	100.0

The above table reveals that a total of 2621 Matrimonial matters were disposed of in 2017, 99.80% of which were by the method of Decrees Absolute Granted and the remaining 0.20% by way of Notices of Discontinuance. It is of note that only 137 or 5.24% of the cases disposed of in 2017, actually originated in that year. This represents a mere 3.87% of the new cases filed in 2017 however this should not necessary be interpreted as an adverse finding as a typical Matrimonial case will take 6-7 months to be disposed, under ideal conditions.

Chart 7.0: Distribution of cases disposed in the year ended December, 2017.



It is seen in the above chart that of the 2621 cases which were disposed, the largest proportion took place in the Easter Term which accounted for 43% of the disposals. The Hilary Term with 30% of the disposals was next while the Vacation Period with 15% and the Michaelmas Term with 12% accounts for the lower shares.

Table 20.0: Requisitions summary for the year ended December, 2017.

Action	Frequency
Requisitions	7718
Number of requisitions per 100 files	215
Number of responses to requisitions	2485
Requisition response rate	32.20%

The incidence of requisitions is especially important in assessing the efficiency with which Matrimonial matters move through the court system. A total of 7718 requisitions were filed in

2017 producing a ratio of cases filed to requisitions of 2.15. This suggests that for every 100 cases filed there were 215 requisitions, a considerably high rate by any measure. There were 2485 responses to requisitions made in the period, a response rate of roughly 32.20. The rate of response has shown progressive improvements throughout 2017, largely as a result of instituting of a robust system of daily emailing of requisitions. Continuous improvements in this rate are anticipated in 2018 which will contribute appreciably to enhancing the case disposal rate.

Table 21.0: Time efficiency measures for the year ended December, 2017

Efficiency measures	Days
Average days between Petitions filed and Decrees Nisi filed	31
Average days between requisitions issued and Decrees Nisi filed	28
Average days between Decrees Nisi filed and Decrees Absolute filed	63.25
Average days between requisitions issued and Decrees Absolute filed	24

The above table provides vital insights into the efficiency with which cases move along the continuum from initiation to disposition. It is shown that it took on average 31 days or 1 month between the filing of a petition and the filing of a Decree Nisi in 2017. The data further suggests that the estimated average number of days between the issuing of a final requisition and the filing of a Decree Absolute is 24 days. It takes on average four days longer, 28 days, between issuing a requisition and filing a Decree Nisi. The time interval between the filing of a Decree Nisi and a Decree Absolute is approximately 63.25 days or just about 2 months. Based on this

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data, if it was to be assumed that a randomly selected Matrimonial matter follows the average time from Petition to disposition, with a maximum of 1 requisition at each stage and a maximum delay of 30 days each between the filing and granting of Decrees Nisi and Decrees Absolute respectively, then it is conceivable that a Matrimonial matter could be disposed of within 6 to 7 months. It must therefore be extrapolated that the incidence of multiple requisitions for some files is likely a key source of delays in the Matrimonial Division and thus attributable to the long time taken to dispose of matters. The data shown here provides important benchmarks for measuring the effectiveness of interventions aimed at bolstering disposal rates through a reduction in the incidence of requisitions and a general shortening of the timeline between each stage on the data flow continuum in the Matrimonial Division.

Table 22.0: Court/Chamber matters for the year ended December, 2017

Action	Frequency	Percentage (%)
Applications	396	48.55
Expedited Applications	80	10.53
Case Management Conference	150	19.74
Motion Hearing	94	12.37
Pre-trial Hearing	4	0.53
Trial	36	4.74
Total	760	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 a total of 760 Matrimonial matters were brought before either Court or Chamber of which the largest proportion, 396 or 48.55% were applications followed by 150 or 19.74% which were Case Management Conference matters. The event with the third highest incidence in this category is motion hearings which accounts

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for 94 or 12.37% of the total. Expedited Applications with 80 or 10.53% and trial matters with 36 or 4.74% of the total rounds off the top five events enumerated in this category. The probability distributions of the events in this table are broadly consistent with that which was observed throughout year.

Table 23.0: Top four types of applications in the year ended December, 2017

Application type	Frequency	Percentage (%)
Application for custody and /or maintenance	108	29.27
Application for substituted service	51	12.88
Application to dispense with personal service	48	12.12
Application for entitlement of property	34	9.21

Further analysis of the types of application brought before the Court suggests that applications for custody and/or maintenance with 108 or 29.27% accounted for the largest share. This is followed by applications for substituted service with 51 or 12.88% of the total applications, while applications to dispense with personal service with 48 or 12.12% and applications for entitlement to property with 34 or 9.21% which round off the top four types of applications. These top four application types account for roughly 61% of all application in the Matrimonial Division in 2017. These four application types were also in the top five in the previous periods of analysis.

Table 24.0: Top five reasons for adjournment for the year ended December, 2017.

Reasons for Adjournment	Frequency	Percentage (%)
File not found	60	29.56
Matter left off court list	31	15.27
No parties appearing	17	8.37
Matter left off court list	10	4.93
Claimant to file documents	10	4.93

Total number of adjournments (N) = 203

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 a total of 203 adjournments in the Matrimonial Division in 2017. The largest proportion of these adjournments was due to files not found, accounting for 29.56% of total adjournments. Interestingly, this was also the leading reason for adjournment for the High Court Civil Division, reflecting a problem which requires urgent operational intervention. Matters left off the courts list with 31 or 15.27% and no parties appearing with 17 or 8.37% of the reasons for adjournments rounds off the top three. Matters left off the court list and claimant to file documents, each with 10 or 4.93% rank next. All five reasons for adjournment enumerated above also featured prominently in the list for the High Court Civil Division, contributing to non-productive use of judicial time and slower rates of case disposal. Strengthening the case management apparatus and the key tributaries of contact with external stakeholders/parties will be vital to reducing these incidences.

Table 25.0: Trial/hearing date certainty for the year ended December, 2017

Court/Chamber dates set	Date adjourned	Date scheduling certainty
760	194	74.47%

The possible over-scheduling of cases is affirmed by the above table which computes the date scheduling certainty of the Matrimonial Division. It is seen that of the 760 matters scheduled in Court or Chamber in 2017, 194 were adjourned for reasons other than intrinsic procedural factors. This produces a reasonably high 74.47% date scheduling certainty and suggests that for the year, the Matrimonial Division did fairly well with the management of its court schedule. For every 100 matters scheduled is the approximate number that would be expected to proceed without adjournment is 74.

Table 26.0: Time to disposition for the year ended December, 2017

Descriptive Statistics (in month)

Number of observations	2621
Mean	26.9783
Median	20.0000
Mode	13.00
Std. Deviation	23.15663
Skewness	3.602
Std. Error of Skewness	.048
Minimum	6.00
Maximum	319.00

The above table summarizes the time disposition for the year ended December, 2017. It is seen that of the 2621 matters disposed of in the year, the estimated average time to disposition was

roughly 27 months or 2 and a quarter year. This is quite an interesting result as the average time to disposition for the Terms individually was also exactly the same and may therefore be indicative of a decisive trend. The estimate of the most frequently occurring time to disposition was however 20 months while the estimated maximum time to disposition for matters disposed of in the Term was 319 months or roughly 27 years and the estimated minimum was 6 months. The scores had a standard deviation of roughly 23 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 3.60 which strongly indicates that a markedly larger proportion of the times to disposition were lower than the mean. The margin of error of these estimates is plus or minus 2 months or 0.17 years.

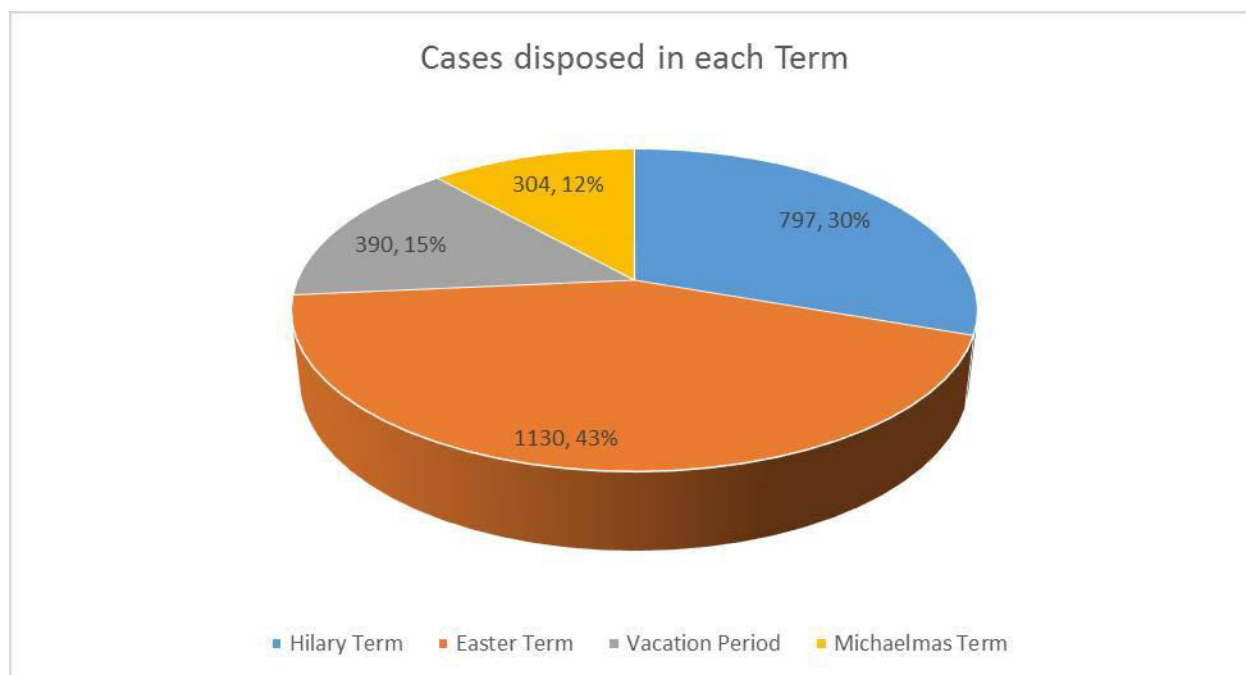
Table 27.0: Breakdown of times to disposition for the year ended December, 2017.

Time Interval (in months)	Frequency	Percentage (%)
0 – 12	551	21.0
13 – 24	1056	40.3
25 – 36	463	17.7
37 – 47	220	8.4
48 & over	331	12.6
Total	2621	100.0

The above table provides a more detailed breakdown of the estimated times to disposition for Matrimonial matters in 2017. It is seen that of the 2621 matters disposed of in 2017, the largest proportion, 1056 or roughly 40% were disposed of in a time of between 13 and 24 months. The second most disposals occurred within the time frame 0 - 12 months, accounting for 551 or 21% of the total. Taken together this result suggests that 1607 or 61.31% of Matrimonial

matters disposed of in the period were done in two years or less from the time of initiation. 1014 or roughly 36.8% of all Matrimonial matters disposed of in the year took more than two years to be disposed. It is of note that 331 or 12.6% of the cases disposed in the Matrimonial Division in 2017 took 4 or more years. The estimates however clearly suggest that a decidedly larger proportion of matters which were disposed of during the year took two years or less. With a strengthening of case management to reduce delays on the continuum as matters transit from initiation to disposition, this statistic could improve sharply. The margin of error of these estimates is plus or minus 2 months or 0.17 years.

Chart 8.0: Distribution of Matrimonial cases disposed in 2017



The above chart shows the distribution of cases disposed in the major periods in 2017. It is seen that the Easter Term decidedly accounted for the largest proportion of cases disposed with 1130 or 43%. This was followed by the Hilary Term with 797 or 30% of the disposals. The

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Vacation Period with 12% of the disposals and the Michaelmas Term with 304 or 12% rounds off the distribution.

Table 28.0: Case clearance rate for the year ended December, 2017.

Cases filed	Cases disposed	Case clearance rate
3539	2621*	74.06%

***137 or 3.87% of the 2621 cases disposed of, originated in 2017.**

The above table shows that there were 3539 new cases filed in the year. This produces a case clearance rate of 74.06%, suggesting that for every 100 new cases; roughly 74 were disposed in the year. An important caveat is that the cases disposed of did not necessarily originate in the stated year. This measure gives a good impression of the true case load that is being carried by the Matrimonial Division, the data clearly suggesting that there were more in-coming than outgoing cases. This could be a symptom of both an increase in the incidence of new cases filed in the Division in 2017 and a moderate rate of disposal of existing matters in the system. Strong support for the Deputy Registrar of the Matrimonial Division is required to ensure that the vetting process for files is expedited to promote a timely progression of files to the Judges. Again, efforts to reduce the incidence of requisitions through greater public education and continuous efforts to email requisitions to attorneys in a timely manner should over time contribute markedly to enhancing the rate of disposition in the Division. These collective efforts could potentially make major cuts into the time to disposition for Matrimonial matters. It is

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important to point out that at least some of the disposed cases used in this computation may have originated in previous periods at the clearance rate is meant to be a ratio.

CHAPTER 3.0: PROBATE DIVISION

This section turns to the analysis of the progression of matters in the Probate Division for the year ended December, 2017.

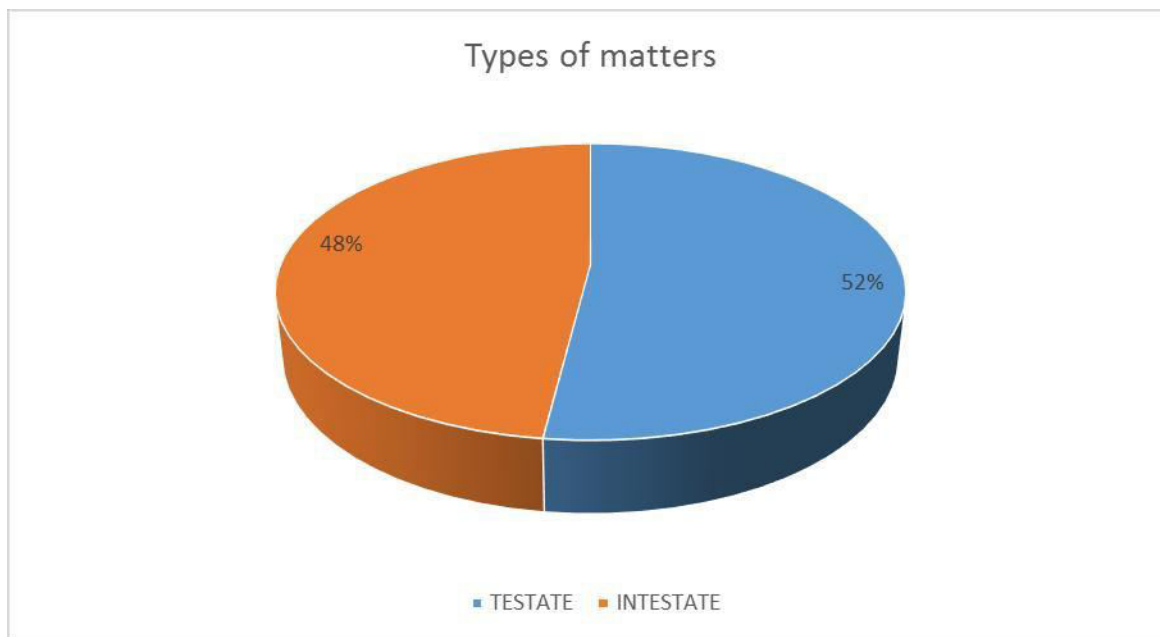
A total of 2853 new Probate Cases were filed in the year ended December, 2017. The below table provides a distribution of the Oaths and Supplemental Oaths which were file in the year.

Table 29.0: Oaths for the year ended December, 2017.

Oaths	Frequency	Percentage (%)
Supplemental Oaths	1895	41.05
Oaths	2721	48.95
Total Oaths	4616	100
Ratio	0.70	

The above table suggests there were a total of 4616 Oaths filed in the period under examination, of which 2721 or 48.95% were initial Oaths filed, compared to 1895 which were Supplemental Oaths. The ratio of Oaths to Supplemental Oaths is 0.70 which suggests that for every 100 Oaths there were 70 Supplemental Oaths filed during the year, a statistic which has potentially adverse implications for the speed of disposition of matters.

Chart 9.0: Distribution of the type of matters as of the year ended December, 2017.



The above table provides a summary of the types of matters filed in the Probate Division in 2017. It is shown that 56% of the matters were Testate and 44% Intestate. This probability distribution is not dissimilar to recent years.

Table 30.0: Action sequence for the year ended December, 2017

Action Status	Frequency
Recommendations	1619
*Granted	2430
Grant Signed	983
Ratio of Recommendations to Granted Applications	1.45
Ratio of Recommendations to Grants signed	0.61

** Some of these relate to cases originating before 2017*

The rate at which recommendations are made based on applications and at which these recommendations are granted and signed may be affected by several variables, both exogenous and endogenous to the Supreme Court. The measures therefore provide an

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important indication of the efficiency with which Probate applications are disposed of. It is shown in the above table that during 2017, 1619 recommendations while 2430 were granted. This implies that for every 100 recommendations made there were 145 applications granted, with the important caveat being that some of these Granted Applications were for recommendations prior to 2017. This measure may therefore at best be seen as a clearance rate. As for the proportion of recommendations made to Grants Signed, the ratio is far less impressive as the figure of 0.61 suggests that for every 100 recommendations made there were 61 Grants Signed. This metric suggests a moderate rate of transition between recommendations and Grants Signed and therefore it may be necessary to explore mechanisms to bolster the rate of transition and efficiency on the continuum from recommendations to Applications Granted to Grants Signed.

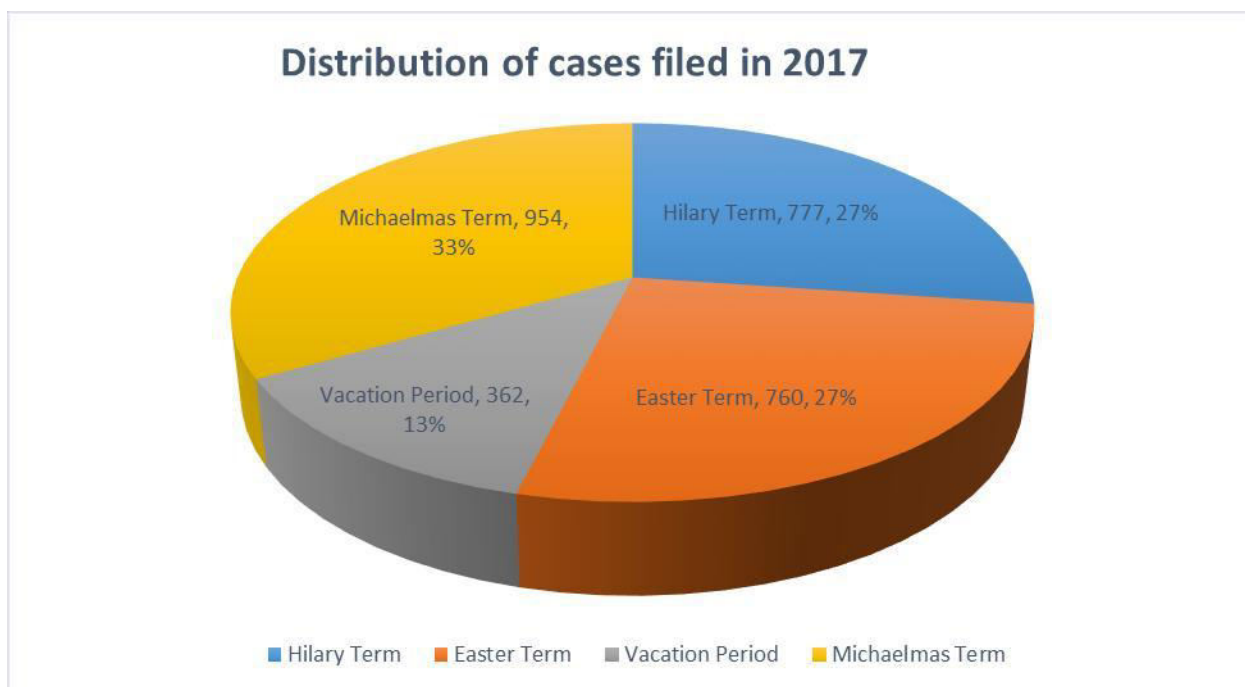
Table 31.0: Cases filed and requisitions summary for the year ended December, 2017

Action Status	Frequency
New cases filed	2853
Requisitions Issued	2171
Number of responses to requisitions	1848
Number of requisitions per case file	0.76
Requisitions response rate	0.65
Average days between final requisition filed and Grant of Probate/Administration	26

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, is important to understanding the efficiency of the flow of matters in the Probate Division. It is seen that for the year ended December, 2017, there was a total of 1848 requisitions issued while 2853 new matters were

filed, representing a ratio of 0.76 requisitions per case file during the year. This means that for every 100 cases there were 76 requisitions. This high incidence of requisitions is undoubtedly contributing adversely to the time to disposition of cases filed in the Probate Division. The rate of responses to requisitions issued in 2017 was 0.65, suggesting that for every 100 requisitions issues there were 65 responses. Further analysis suggests that the average time from the issuing of final requisitions to the Grant of Probate was 26 days.

Chart 10.0: Distribution of cases filed in 2017



The above table provides a breakdown of the cases filed in 2017 in the Probate Division. It is seen that the largest proportion of new cases filed were in the Michaelmas and Hilary Terms with 33% and 27% respectively of the 2853 new cases for the year. The Easter Term follows

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closely behind the Hilary Term with roughly 27% as well while the Vacation Period with 13% accounts for the lowest proportion.

Table 32.0: Methods of Disposal for the year ended December, 2017.

Methods of disposition	Frequency	Percent (%)
Granted (Resealed)	58	3.8
Instrument Issued	235	15.3
L/A Granted	593	38.6
Notice of Discontinuance	7	.5
Probate Granted	641	41.8
Struck Out	1	.1
Total	1535	100.0

The methods of disposal for the Probate Division for the year ended December, 2017 are summarized in the above table. It is shown that of the 1535 matters disposed of in the period, the largest proportion, 641 or 41.80% was a result of Probates Granted. This is followed by Letters of Administration with 593 or 38.60% of the total number of disposals and Instruments issued rounds off the top three methods with 235 or 15.30% of the total.

Table 33.0: Dominant reasons for adjournment of Probate matters for the year ended December, 2017.

Reason	Frequency	Percentage (%)
File not found	13	25.00
No parties appearing	12	23.08
Claimant to file documents	8	15.38
Claimant's documents not serve on defendant	5	9.62
Claimant's attorney absent	3	5.77

Total number of adjournments= 52

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The top five reasons for adjournment for Probate matters that went to court in 2017 are summarized in the above table above. It is shown that of the adjournments in the period, the largest proportion was for the reasons of 'file not found,' and 'no parties appearing,' accounting for 13 or 25% and 12 or 23.08% respectively of the total reasons for adjournment in 2017. Claimant to file documents rounds off the top three reasons for adjournment with 8 or 15.38% of the total. It is of concern that files not found again features among the top reasons for adjournment, having topped the list for both the HCV and Matrimonial Divisions.

Table 34.0: Applications for the year ended December, 2017.

Nature of Applications	Frequency	Percentage
Applications	166	73.78
Express Applications	59	26.22
Total	225	100.0
Ratio of express applications to applications	-	0.36

The above table provides a basic summary of the types of court applications made in 2017 and shows that there were a total of 225 Court Applications in the period, of which 166 or 73.78% were standard applications while the remaining 59 or 26.22% were express applications. For every 10 applications made during the year, there were roughly 4 express applications.

Table 35.0: Top four types of applications for the year ended December, 2017

Application	Frequency	Percentage (%)
Application to prove copy will	54	24.0
Application for directions	17	7.56
Application for court orders	14	6.22
Application to remove Executor	12	5.33

The above provides a deeper analysis of the types of applications made during the period under examination. It is shown that applications to prove copy will account for the largest proportion of applications with 54 or 24.0% of the total, followed by applications for directions with 17 or 7.56 % of the total number of applications. The top four types of applications are rounded off by applications for court orders with 14 or 6.22% of the total and applications to remove executors with 12 or 5.33%.

Table 36.0: Trial/hearing date certainty for the year ended December, 2017

Court/Chamber dates set	Date adjourned	Trial/Hearing date certainty
241	47	80.50%

The above table addresses the extent of adherence with dates set for Court/Chamber matters in the Probate Division for the 2017. It is shown that there were 241 incidences of dates set were scheduled for Chamber or Court, 47 of which were adjourned for reasons other than 'continuance'. This suggests a relatively strong trial/hearing date certainty ratio of 80.50%, an

indication that for 2017 there was a roughly 81% chance that a matter set for court would proceed without adjournment for reasons other than 'continuance'.

Table 37.0: Age of matters disposed for the year ended December, 2017

Descriptive Statistics (in months)

Number of observations	1535
Mean	15.6964
Median	10.0000
Mode	7.00
Std. Deviation	22.01328
Skewness	8.355
Std. Error of Skewness	.062
Minimum	.16
Maximum	467.00

The above table provides a summary measure of the overall estimated times to disposition for the 1535 cases disposed of in the year. The estimated average time to disposition is 15.70 months or approximately 1.3 years. 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 average time. This is supported by the results for the estimated median time to disposition of 10 months and the most frequently occurring time to disposition of just 7 months. The reasonably large standard deviation of 22.01 months supports the deduction that there were scores which varied widely from the mean, in this case skewing the mean upwards. The margin of error of these estimates is plus or minus 2 months or 0.17 years. The oldest Probate matter disposed of in the year was 467 months old or almost 39 years while

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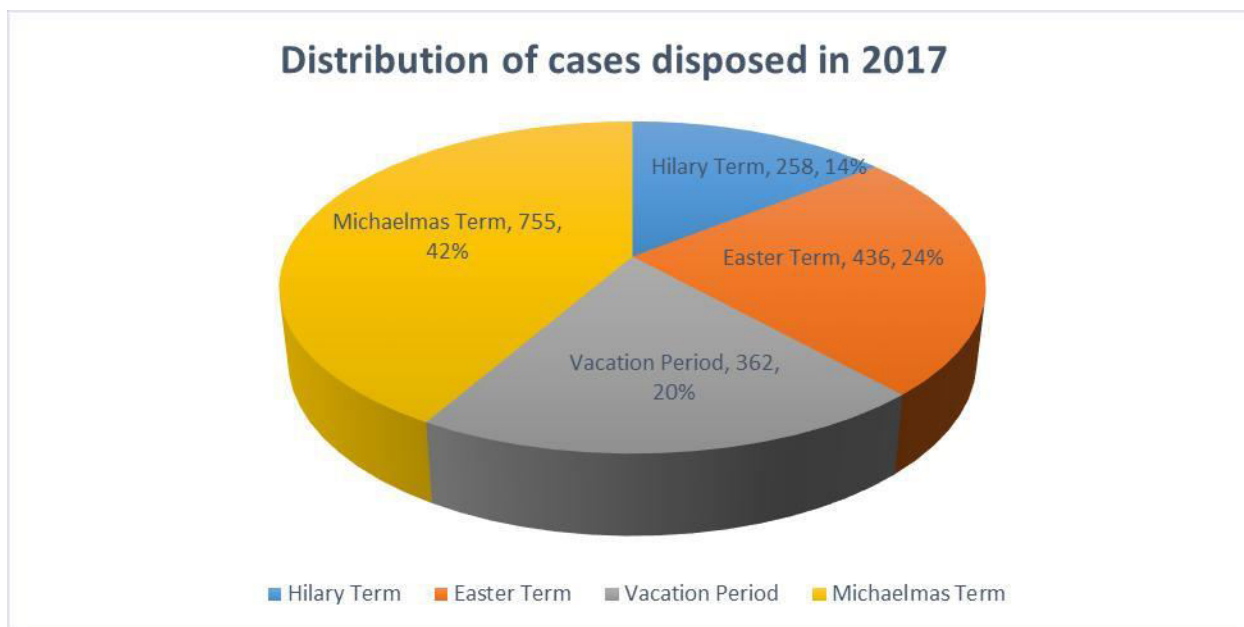
there were a few matters which took just under a month to be disposed, representing the lowest times to disposition in the year. Of the 1535 Probate cases disposed of in 2017, 537 or 35% originated in that year. This further represents 18.82% of new cases filed in 2017.

Table 38.0: Breakdown of times to disposition for the year ended December, 2017.

Time Interval	Frequency	Percentage (%)
0 -12	996	64.9
13- 24	330	21.5
25- 36	90	5.9
37- 47	37	2.4
48& over	82	5.3
Total	1535	100.0

The above table shows that of the 1535 Probate matters disposed of in the year, the majority, 996 or 64.90% were disposed of in 12 months or less, followed by 330 or 21.50% which were disposed of within a time interval of 13 to 24 months. Taken together this data suggests that a fairly impressive estimated 86.4% of Probate matters which were disposed of in 2017 took two years or less. 5.9% each of the cases were disposed of in an estimated time frame of between 25 and 36 months, 2.4% took between 37 and 47 months and 5.3% took over an estimated time of over 48 months or more than four years to be disposed. The margin of error of these estimates is plus or minus 2 months or 0.17 years.

Chart 11.0: Distribution of cases disposed in 2017



The largest proportion of cases disposed in the Probate Division occurred in the Michaelmas Term with 42% of the total while the Easter Term with 24% and the Vacation Period with 20% of the disposals rank next. The Hilary Term accounted for the lowest proportion of the disposals.

Table 39.0: Case clearance rate for the year ended December, 2017

Cases filed	Cases disposed	Case clearance rate
2853	*1535	54.43%

***537 of the 1535 cases disposed, originated in 2017.**

Using the data on the number of cases filed and disposed of in the period under examination, a case clearance rate of approximately 54% is derived. This suggests that for every 100 cases filed

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and active in the period, 54 were disposed, a result which indicates that there were more files coming in than going out in the year. Targeted interventions are needed to stem this imbalance between the rates of incoming and outgoing cases, thus improving the case clearance rate. It is important to emphasize that some of the disposed cases used in this computation originated prior to 2017 and thus the clearance is simply a productivity index.

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CHAPTER 4.0: HOME CIRCUIT COURT

The analysis now turns to a look at the Home Circuit Court for 2017 in the Home Circuit Court.

Table 40.0: Distribution of the top ten charges brought for 2017.

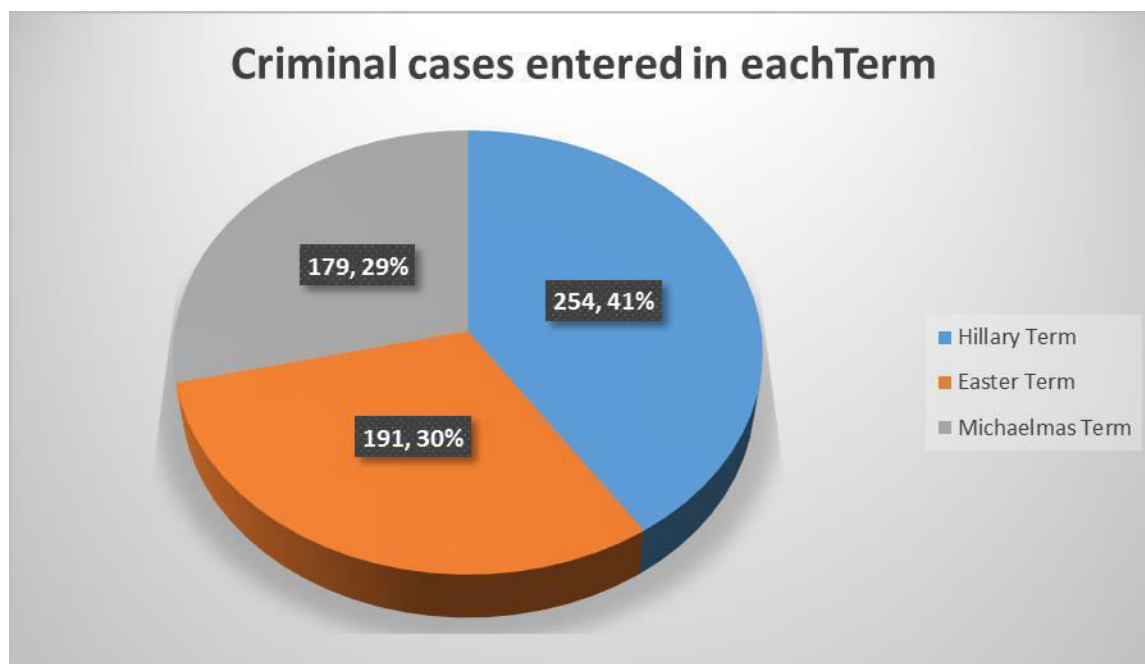
Charge	Frequency	Percentage (%)
Murder	221	21.20
Sexual Intercourse with a person under 16 years old	189	18.16
Rape	159	15.30
Grievous sexual assault	58	5.60
Forcible abduction	40	3.80
Aiding and abetting rape	32	3.10
Wounding with intent	29	2.80
Buggery	24	2.30
Sexual touching	23	2.20
Leadership in a criminal organization	21	2.00
Total	796	76.54

Total number of charges brought (N) = 1041

The above table summarizes the distribution of top ten charges associated with cases brought in 2017. There were **624 new cases filed** at the Supreme Court during the year, representing a total of **1041 charges**, a ratio of roughly 17 charges for every 10 cases. It is shown that of these 1041 charges the largest proportion, 221 or 21.20% were murder matters. This is followed by charges of sexual intercourse with a person under 16 years old with 189 or 18.16% of the total, while rape with 159 or 15.30%, grievous sexual assault with 58 or 5.60% and forcible abduction with 40 or 3.80% rounds off the top five charges entered in the Home Circuit Court for 2017. The top ten charges account for 76.37% of the total charges brought in the Home Circuit Court

in 2017. It is of great interest that roughly 63% of the total number of charges brought in 2017 represents sexual related matters, a result which is consistent with the findings in 2016. A total of 1129 criminal cases, which is the equivalent of 3454 charges, came to court in 2017, including many aged cases which predate 2017, dating back to as far as 2002. The below chart provides a breakdown of the number of criminal cases brought, by Term.

Chart 12.0: Criminal cases brought at the Supreme Court across Terms throughout 2017



The above chart shows that of the 624 new cases brought to the Supreme Court in 2017, the majority, 254 or 41% occurred during the Hilary Term, followed by the Easter Term with 191 new cases or 30% and the Michaelmas Term with 179 or 29% of the new cases brought.

The ensuing analysis will highlight the common reasons for adjournment of matters throughout 2017. As with the analysis of adjournments for the High Court Civil Division (HCV), a distinction

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will be made between those reasons classified under 'adjournments' and 'continuance' as earlier defined as well as those which could be categorized under either, depending on the stage of a matter.

Table 41.0: Top ten reasons for adjournment for the year ended December, 2017.

Reason for adjournment	Frequency	Percentage	Stage of matter
Defense counsel absent	422	9.51	Trial
Plea and case management form not completed	118	2.66	Case Management
For disclosure	101	2.28	Case Management
Accused not brought	97	2.19	Trial
Statement outstanding	91	2.05	Case Management
For investigating officer to attend	84	1.89	Case Management
To take steps under section 31D	55	1.24	Case Management
Defense counsel involved in another matter	50	1.13	Trial
Crown to take instruction	49	2.20	Trial
Forensic certificate outstanding	27	0.61	Case Management

Total incidence of adjournments/continuance (N) =4438

The above table provides a summary of the top ten reasons for adjournment for 2017. It is shown that there was a combined 4438 incidence of reasons for adjournment during the year, with some matters having multiple adjournments. The highest proportion, 422 or 9.51% were due to the absenteeism of defense counsel. This was followed by a notable 118 or 2.66% of the total which were due to incomplete Plea and Case Management Forms and adjournments for Disclosure with 101 or 2.28%. Adjournments due to the accused not brought with 97 or 2.19% of total adjournments, adjournments due to statements outstanding with 91 or 2.05% and

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adjournments for investigating officer to attend court with 84 or 1.89% were ranked fifth and sixth respectively. Aside from the reasons for adjournment enumerated in the above table, adjournments for the investigating officer to attend court, adjournments to take steps to proceed under section 31D, those due to defense counsel's involvement in other matters, for the crown to take instruction as well as due to outstanding forensic reports account for a notable proportions of the total adjournments in 2017. The top 10 reasons for adjournment listed above accounts for 25.76% of total incidences of adjournments/continuance for the year.

The nature of many of the adjournments enumerated above suggests that a more robust case management system in which matters are not set for trial unless it is absolutely ready and in which matters are allotted expected durations before the court, could be pursued. This can be done with a view to enhancing the confidence in and adequacy of the Supreme Court's scheduling process and also ultimately reduce incidence of adjournments and speed up the disposition rates. The cooperation of important stakeholders such as the attorneys, investigating officers and the crown are crucial to realizing the improvements needed.

Table 42.0: Top reasons for continuance for the year ended December, 2017

Reason for continuance	Frequency	Percentage (%)	Stage of matter
For trial	1076	24.25	Trial
For Plea and Case Management	1000	22.53	Case Management
For bail application	231	5.21	Case Management

Total incidence of adjournments/continuance (N) =4438

It is seen in the above table that there were 1076 incidences of continuance for trial; representing 24.25% of the total reasons, 1000 or 22.53% were for plea and case management

and 231 or 5.21% for bail application. These were the three leading reasons in this category, together accounting for roughly 52% of the total reasons for adjournments/continuance.

Table 43.0: Other leading reasons for adjournment/continuance for the year ended December, 2017

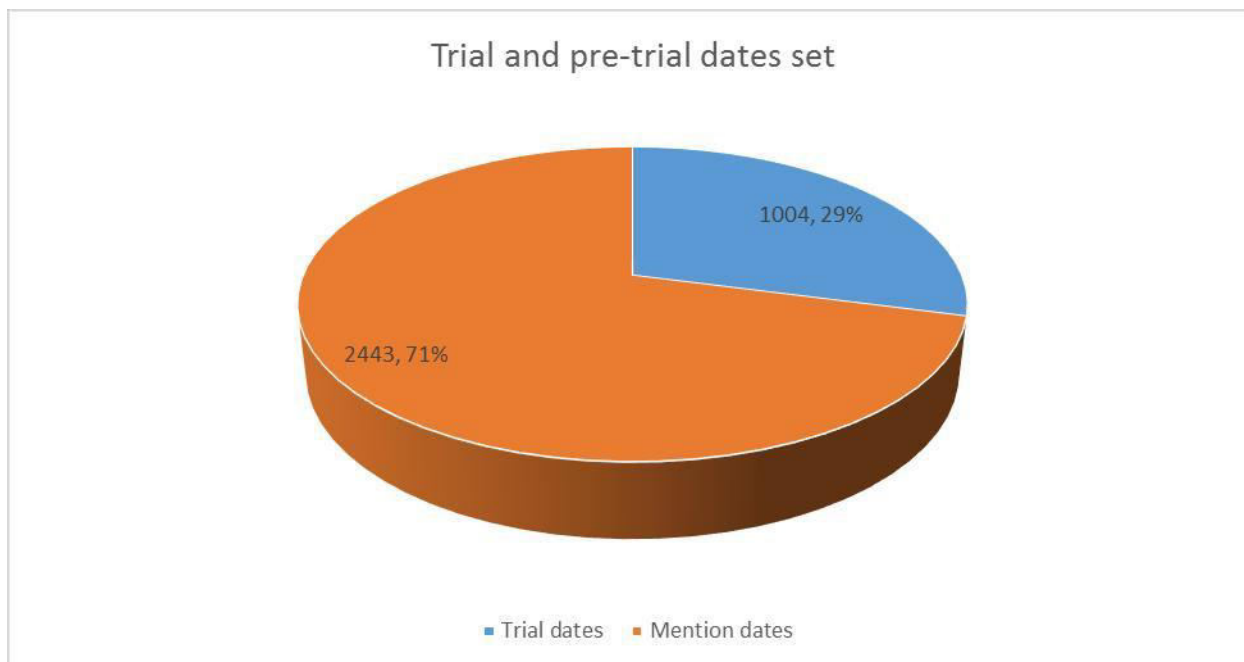
Reasons for continuance/adjournments	Frequency	Percentage (%)	Stage of matter
To settle legal representation	245	5.52	Case Management
Papers to be served	146	3.29	Case Management
Assignment of legal aid	119	2.68	Case Management

Total incidence of adjournments/continuance (N) =4438

Among the reasons for continuance/adjournment of a criminal case which could be either procedural or avoidable depending on the stage of a matter and the specific circumstances are those which are a result of the need to settle legal representation, accounting for 245 or 5.52% of the total. This is followed by papers to be served with 146 or 3.29% and adjournments for assignment of legal aid with 119 or 2.68% of the total.

Importantly, there was an average of roughly 7 adjournments per criminal case for 2017.

Chart 13.0: Trial and mention matters/dates set for the year ended December, 2017.



The above chart shows that there were a total 3447 dates set for either Trial or Mention Court in 2017, 2443 or 71% of which were dates set for Mention Court while 1004 or 29% represents dates set for Trial. This produces a ratio of 1: 0.43 which suggests that for every 100 matters mentioned there were 43 trial matters set down in the year. Further analysis suggests that each case mentioned in court were mentioned on average of 2.43 times, which is another way of saying that every 100 mention cases were mentioned 243 times. Similarly, for cases which were set for Trial, there was a scheduling incidence of 1.04 times per case, which suggests that 104 trial dates were set for every 100 trial cases.

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Table 44.0: Trial/hearing date certainty for the year ended December, 2017

Number of hearing/trial dates set	Number of adjournments (excluding adjournments for continuance)	Trial/hearing date certainty
3447	1874	54.37%

The date scheduling certainty for each Division of the Supreme Court is an important metric which examines the extent to which dates which are set for either hearing or trial are adhered to. A low result has implications for the capacity of the court to adequately estimate the length duration of a matter, for the capacity of Court Rooms and Judges to absorb certain caseloads and for the general system of scheduling. In the table above it is shown that of 3447 Court dates scheduled in the period under study, 1874 were adjourned for reasons other than continuity by way of a Trial or Plea and Case Management hearing. This suggests a scheduling certainty rate of roughly 54.37% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 54 are able to proceed without adjournment for reasons other than those procedural, for example for Trial, Bail Application and Plea and Case Management. Though a modest result, sharp improvements were seen in the Michaelmas Term, possibly partly on account of the Sentence Reduction Days mechanism and in spite of the marked increase in committals from the Parish Courts. This modest date certainty is both reflected and influenced by the high incidence of adjournments which are due to factors such as the absenteeism of attorneys, witnesses and investigating officers. It creates a self-fulfilling

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prophesy as the expectation that matters will be adjourned leads to actions which reinforces negligent practices that contribute to it.

Table 45.0: Methods of case disposal for the year ended December, 2017

Method of disposition	Frequency	Percentage (%)
Accused Deceased	3	1.4
Formal Verdict of Not Guilty – Discharged	8	3.8
Found Guilty	21	10.0
Guilty Plea	74	35.4
No Case Submission upheld	2	1.0
No Case to Answer, Discharged	3	1.4
No Evidence offered-discharged	28	13.4
No further evidence offered-discharged	16	7.7
Nolle Proseque	25	12.0
Not Guilty – Discharged	21	10.0
Plead guilty to a lesser charge	2	1.0
Remitted to Parish Court	6	2.9
Total	209*	100.0

**This excludes bench warrants and conditional Nolle Proseque which were formerly treated as inactive but are now being included in the disposal count and will thus be reflected in future reports.*

The above table summarizes the methods of disposal for the cases disposed of during 2017. It is shown that a total of 209 cases were disposed of in 2017. Guilty plea with 74 or 35.4% of the total number of disposals accounted for the largest share of disposals for the year. Accounting for the next highest proportion of total disposals was ‘no evidence offered’ with 28 or 13.4% of the total. Nolle Proseque with 25 or 12% of the disposal methods and not guilty outcomes and guilty outcomes, each with 21 or 10% of the total rank next as the leading ways in which

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criminal cases were disposed of in 2017. Of the 209 criminal cases disposed of in 2017, 86 or 41.14% originated during that year.

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

Table 46.0: Overall criminal conviction rate for 2017

Total number of cases disposed	Total number of guilty outcomes	Conviction rate
209	95	45.45%

The above table shows that of the 209 criminal cases disposed of in 2017, 95 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 45.45% which suggests that there is a roughly 46% probability that a matter could end in a guilty outcome. This data can be further disaggregated so that the conviction rates for some of the most frequently occurring offences are measured. In particular, the conviction rate on murder charges and sexual offence charges are detailed below.

Table 47.0: Conviction rate for sexual offences cases for the year ended December 30, 2017.

Total number of cases concluded	Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas)	Conviction rate
218	103	47.25%

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The above table shows that of the 218 sexual offence cases were concluded in 2017, 103 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of roughly 47.25% which suggests a roughly 47% probability that a sexual offence matter could end in a guilty outcome.

Table 48.0: Conviction rate for murder cases in the year ended December, 2017.

Total number of cases concluded	Total number of guilty outcomes (i.e. guilty verdict or guilty plea)	Conviction rate
80	23	28.75%

The above table shows that of the 80 murder cases concluded in 2017, 23 of which were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 29% which suggests a roughly 29% probability that a murder matter could end in a guilty outcome.

Table 49.0: Top five charges disposed in the year ended December, 2017

Charge disposed	Frequency	Percentage (%)
Murder	161	36.40
Sexual Intercourse with a person under 16 years old	76	17.2
Rape	36	8.10
Grievous sexual assault	19	4.30
Acquisition of criminal property	16	3.60

Number of disposed charges (N) =442

The above data shows that of the 442 charges disposed of in the period under examination, the largest proportion of which was murder charges, accounting for 161 disposals or 36.40. This was followed by sexual intercourse with a person under 16 years old with 75 or 17.00% of the total. Rape and grievous sexual assault comes next with 4.30% and 3.60% respectively. Acquisition of criminal property with 16 or 3.60% of the total number of disposed charges in the year, round off the top five. Murder and sexual offences are not only the dominant incoming but also the dominant outgoing cases. It is of particular note that roughly 33% of cases disposed of in 2017 were sex related while also accounting for roughly 63% of all incoming cases. As seen earlier, sexual offences also demonstrated a conviction rate of roughly 47% in 2017. The dominance of this offence in the criminal statistics strongly suggests that there needs to be robust Case Management attention for these matters to support their timely disposition.

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Table 50.0: Methods of disposition for dominant case types in the year ended December, 2017

Method of disposition	Accused Deceased	Case type		
		Murder	Rape	Sexual Intercourse with a Person under Sixteen
		1	1	0
		1.3%	3.1%	0.0%
Formal Verdict of Not Guilty – discharge		5	2	0
		6.3%	6.3%	0.0%
Found Guilty		16	2	1
		20.0%	6.3%	1.6%
Guilty Plea		7	4	49
		8.8%	12.5%	80.3%
No Case Submission upheld		2	0	0
		2.5%	0.0%	0.0%
No Case to Answer, Discharged		3	0	0
		3.8%	0.0%	0.0%
No Evidence offered discharged		16	5	2
		20.0%	15.6%	3.3%
No further evidence offered discharged		3	5	5
		3.8%	15.6%	8.2%
Nolle Prosequere		19	2	0
		23.8%	6.3%	0.0%
Not Guilty - Discharged		6	10	4
		7.5%	31.3%	6.6%
Plead guilty to a lesser charge		1	1	0
		1.3%	3.1%	0.0%
Remitted to Parish Court		1	0	0
		1.3%	0.0%	0.0%
Total		80	32	61
		100.0%	100.0%	100.0%

The above table summarizes the methods of disposal for the three criminal case types with the highest incidence of dispositions in 2017. Starting with murder, it is seen that the largest proportion of murder cases in the year were disposed by way of Nolle Prosequere with 23.8% of

the disposals. This was followed by disposals by way of 'no evidence offered' and guilty verdicts, each accounting for 20% of murder cases disposed of in 2017, which rounds off the top three methods of disposition for murder cases. As it relates to rape cases, the data shows that not guilty outcomes accounts for the largest share of disposals with 31.3% while the methods of 'no evidence offered' and 'no further evidence offered' accounts for the next highest proportion of disposals, each with 15.60% of the disposals. As highlighted earlier, cases of sexual intercourse with a person less than 16 years old accounts for the largest proportion of both cases initiated and disposed of in 2017. The methods of disposition for these case types are highly skewed with the overwhelming majority, 80.3% being disposed of by way of guilty pleas. The next highest methods of disposition were 'no further evidence offered' and not guilty outcomes with 8.20% and 6.0% each.

It is interesting to explore whether there is a statistically significant difference in the methods of disposition among the most frequently occurring criminal cases disposed in 2017. In order to explore this, a chi-square test is administered, the results of which are shown in the table below:

Table 51.0: Chi-square test of association between methods of disposition and type of case.

Statistical Test	Value	Degrees of Freedom	Probability values
Pearson Chi-Square	124.662	22	.000
Likelihood Ratio	133.731	22	.000
N of Valid Cases	173		

Level of significance = 0.05 or 5%

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The results in the above table reveal that probability values of less than 5% which suggests that there is a statistically significant difference between the methods of disposition for the most frequently disposed cases. In other words, the methods of disposition vary significantly depending on the case type.

Table 52.0: Time to disposition for cases disposed in the year ended December, 2017

Descriptive Statistics (in months)

Number of observations	209
Mean	28.3876
Median	13.0000
Mode	5.00
Std. Deviation	30.19596
Skewness	1.963
Std. Error of Skewness	.168
Minimum	0.52
Maximum	153.00

The above table provides a descriptive summary of the time to disposition for criminal cases disposed of in 2017. It is shown that the estimated average time to disposition for the cases disposed of was approximately 28 months or 2 years and 4 months. This represents an improvement when compared to recent years and is aided by the fact that roughly 41% of the cases disposed of in 2017 originated in that year. The estimated minimum time to disposition was 16 days and the estimated maximum was 153 months or almost 13 years. The positive skewness of 1.963 indicates that there are at least a few large outlying values which pulled the average time to disposition upwards. This is affirmed by the standard deviation of roughly 2.5 years, indicating a wide average variation of the individual scores around the mean.

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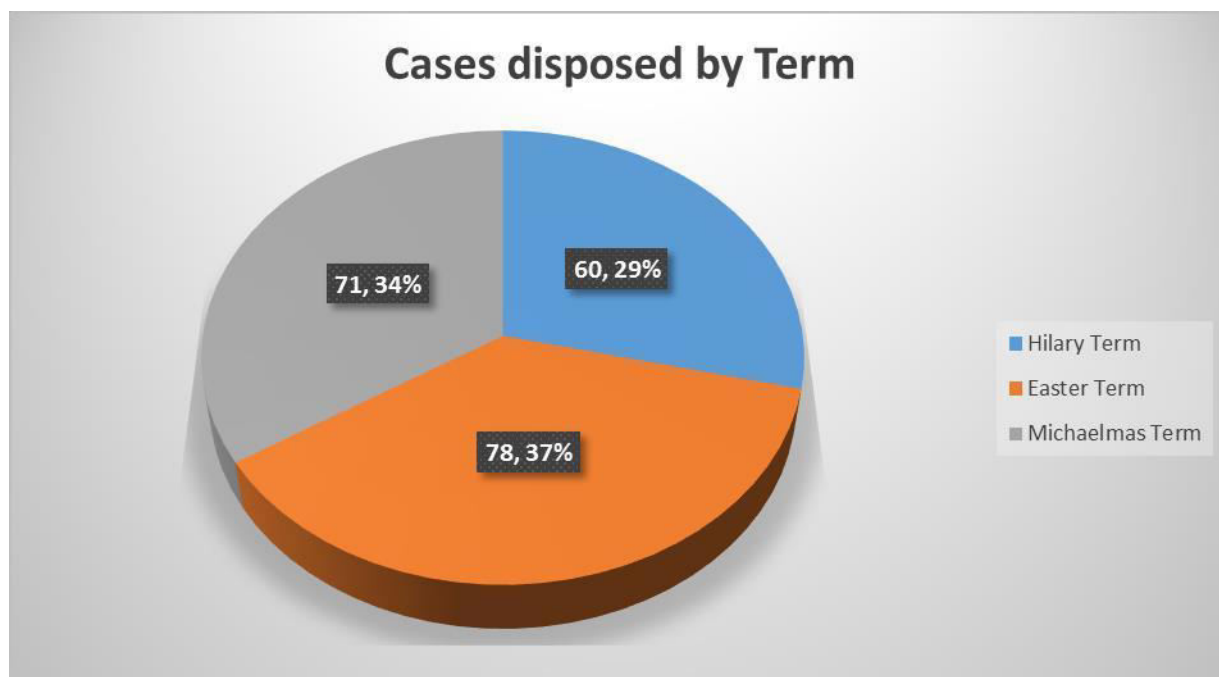
Table 53.0: Breakdown of time to disposition of cases for the year ended December, 2017

Time Intervals	Frequency	Percentage (%)
0 -12	108	51.7
13-24	40	19.1
25-39	13	6.2
37-47	12	5.7
48 & over	36	17.2
Total	209	100.0

The above table provides a summary of the estimated time to disposition for the cases disposed of during 2017. It is shown that the largest proportion of matters were disposed of in a year or less of initiation, accounting for exactly 108 or 51.7% of all matters disposed. This is followed by 40 or 19.1% which were disposed of in 13 to 24 months and 36 or 17.2% of matters which took 4 or more years to be disposed. Cumulatively, almost 71% of the matters disposed of in the period took two years or less while the remaining 29% took over two years to be disposed. The relatively large proportion of matters taking two or more years to be disposed is cause for concern and requires deliberate policy interventions, however it must be noted that there has also been an improvement in the proportion of matters disposed on in two years or less.

The chart below provides a breakdown of the distribution of cases disposed by Term for 2017.

Chart 14.0: Cases disposed in each Term for the year ended December, 2017



The above chart shows that there wasn't a marked disparity in the number of cases disposed of over the three Terms throughout 2017. It is seen that the largest proportion of 78 or 37% of the 209 cases disposed took place in the Easter Term. This is followed by 71 or 34% which were disposed of in the Michaelmas Term and 60 or 29% which were disposed of during the Hilary Term.

Table 54: Time to disposition for charges disposed (from case file date) in the year ended December, 2017

Descriptive statistics (in months)

Number of charges disposed	1041
Mean	30.59
Median	12.0000
Mode	10.00
Std. Deviation	27.9209
Skewness	2.00
Minimum	.052
Maximum	153.00

The above table provides an affirmation of the results gleaned from the analysis of times to disposition for charges, measuring from the case file date. The average time to disposition is shown to be roughly 2 years and five months, slightly higher than the time to disposition for criminal cases in the same period. The longest and shortest times to disposition of 13.5 years and 16 days respectively for disposed charges were also the same as for the actual cases disposed of in 2017.

Table 55: Time to disposition for charges disposed (from date of charge) for year ended December, 2017.

Descriptive Statistics (in months)

Number of charges disposed	1041
Mean	41.00
Median	38.00
Mode	35.00
Std. Deviation	34.2082
Skewness	0.263
Minimum	3.00
Maximum	160.00

The data summarized in the tables above suggests that there is a marked contrast between the time to disposition from the case file date and the time to disposition from the time the offences were committed. It is shown that the estimated average disposition time from the date the offences were committed to the time the matters were disposed is 41 months or almost three and a half years. This is over a year more than the average disposition time from a case is filed to the date of disposition and implies that there might be deficiencies in the investigative systems which leads to charges being filed or in the general process of transferring files to the Supreme Court for trial. This result was similar to the findings from the analysis done in 2016, in that the average time to disposition from the time offences was committed markedly exceeded the average disposition time when calculated from the case file date. The slight positive skewness of 0.263 suggests that a large proportion of the times to disposition were concentrated around the average although proportionately more of these times were less than the mean, indicating the existence of at least a few disposed cases which took considerably higher than the average time. The minimum time to disposition from the date of charge was estimated at three months while the maximum estimated figure was 160 months or roughly thirteen and a third years. The margin of error of these estimates is 2 months or 0.17 days.

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Table 56.0a: Breakdown of time to disposition by selected charges for the year ended December, 2017.

		Time interval by case type				
		Time Interval (in months)				
		0-12	13-24	25-36	37-47	48 & over
Case type	Murder	18 22.2%	13 46.4%	10 66.7%	6 75.0%	33 80.5%
	Rape	15 18.5%	7 25.0%	4 26.7%	2 25.0%	4 9.8%
	Sexual Intercourse with a Person under Sixteen	48 59.3%	8 28.6%	1 6.7%	0 0.0%	4 9.8%
	Total	81 100.0%	28 100.0%	15 100.0%	8 100.0%	41 100.0%

The above table provides a summary of the length of time taken to dispose the four of the most frequently occurring criminal charges in 2017. It is seen that of the three types of criminal cases listed, sexual intercourse with a minor account for the largest share of cases disposed of in 12 months or less with 59.30% of the total. Murder and rape accounted for 22.20% and 18.50% respectively of the total number of cases disposed of in this timeline. Of the listed criminal case types which were disposed of in more than a year but less than two years, murder accounts for the largest proportion with 46.4% while 28.6% and 25% respectively were accounted for by sexual intercourse with a person under 16 and rape. Murder cases accounted for the overwhelming share of disposed cases on this list which took over three years, accounting for 75% of those disposals which took between 3 and 4 years (not inclusive) and 80.5% of those matters taking four or more years to be disposed. It is of note that 25% of cases which took 3-4

years (not inclusive) to be disposed were rape cases while 9.8% each of matters of sexual intercourse with persons under 16 years old took four or more years to be disposed.

Table 36.0b: Breakdown of selected charges by time to disposition for the year ended December, 2017.

	Case type		
	Murder	Rape	Sexual Intercourse with a Person under Sixteen
Time Interval (in months) 0-12	18 22.5%	15 46.9%	48 78.7%
13-24	13 16.3%	7 21.9%	8 13.1%
25-36	10 12.5%	4 12.5%	1 1.6%
37-47	6 7.5%	2 6.3%	0 0.0%
48 & over	33 41.3%	4 12.5%	4 6.6%
Total	80 100.0%	32 100.0%	61 100.0%

The above tables detail the time taken to dispose of cases of murder, rape and sexual offences with persons under 16 in 2017. It is seen that the largest proportion of murder cases disposed took 4 or more years, accounting for 41.3% of the total while the next highest proportion of murder cases disposed occurred within a year, responsible for 22.5%. A somewhat reverse distribution was true of cases of rape and sexual intercourse with persons under 16 which saw the largest proportion of disposed cases taking a year or less. In particular, 78.7% of cases of sexual intercourse with a person under 16 and 46.9% of rape cases took a year or less to be disposed. It is notable that although 6.6% of cases of sexual intercourse with a person under 16

took 4 or more years to be disposed, a cumulative percentage of 91.8% were disposed of in 2 years or less. Further, although 12.5% of rape cases took two years or less to be disposed, roughly 69% were disposed of in two years or less. Evidently, of these three dominant offences, murder cases take considerably more time to be disposed while cases of sexual intercourse with a person under 16 years old took the least time.

Table 36.0c: Proportional breakdown of time to disposition by selected charge type for the year ended December, 2017.

Charge	Percentage of matters disposed of in 2 years or Less	Percentage of matters disposed of in more than 2 years
Murder	38.80%	61.20%
Sexual intercourse with a person under 16 years old	91.80%	9.20%
Rape	68.80%	31.20%

The above table furthers the previous one by directly highlighting the relative lengths of time that it takes for the most frequently occurring types of matters to be disposed. It is seen that roughly 38.80% of murder charges disposed of in 2017 took 2 years and under, while 61.20% took over two years to be disposed. It is again of note that an aggregate proportion of 41.3% of murder cases disposed of in the year took 4 or more years to be disposed. As for sexual offences with a person under 16 years old, 91.80% each took 2 years and under and 9.20% took over two years to be disposed while 0.00% took 4 or more years to be disposed. Approximately 69% of rape charges took 2 years and under to be disposed of in 2017 while

roughly 31% took over two years. As stated earlier, 12.50% of the rape cases disposed in the year took 4 or more years.

The length of time which different types of matters take to be disposed should have significant implications for the way in which the Court prioritizes it's scheduling and resource allocation and these results should therefore inform the interventions which are necessary to bolster the case disposal rates.

Table 57.0: Case clearance rate for the year ended December, 2017

Cases filed	Cases disposed	Case clearance rate
624	209	33.49%

The case clearance rate of 33.49% shown above is an indication that significantly more cases entered than those which were disposed in the Home Circuit Court in 2017. The result suggests a ratio of roughly 33 cases disposed for every 100 new cases brought and is indicative of a potential buildup of a criminal case backlog in the Supreme Court. This problem could potentially be compounded by the larger number of matters being committed from the Parish Courts to the Supreme Court due to the new Committal Proceedings Act. As the time series expands, the trends will become decisively clearer.

CHAPTER 5.0: HIGH COURT DIVISION OF THE GUN COURT

The ensuing analyses provide an overview of case activity in the Gun Court in the year ended December, 2017. In particular, this section outlines data related to matters initiated, matters disposed, adjournments and the distribution of trial and mention matters during the year.

Table 58.0: Top six charges filed in the year ended December, 2017.

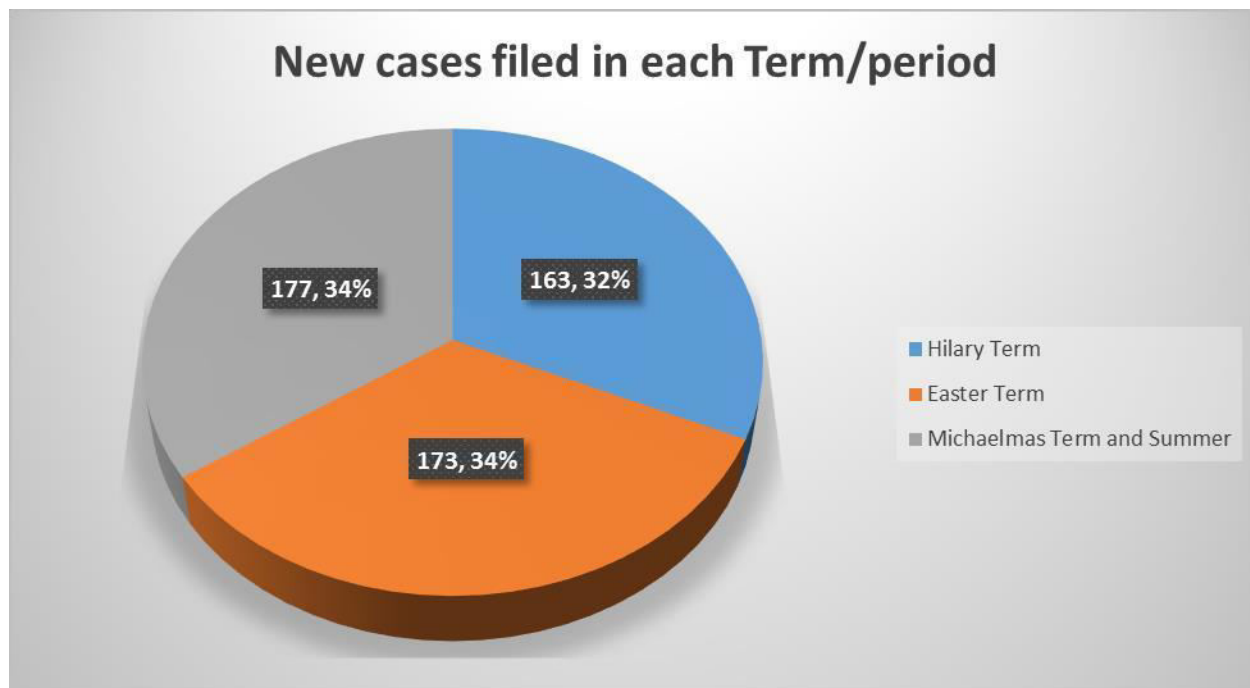
Charges filed	Frequency	Percentage (%)
Illegal possession of firearm	584	40.56
Illegal possession of ammunition	300	20.83
Shooting with intent	184	12.78
Robbery with aggravation	115	7.99
Assault at Common Law	93	6.46
Wounding with intent	39	2.71
Total	1315	

Total number of charges (N) = 1440

The above table provides a summary of the top five charges which were brought in the Gun Court during 2017. It is seen that of the 1440 charges were filed in the period, the largest proportion of which, 584 or 40.56% were for illegal possession of firearm, well ahead of the next highest ranked charge of illegal possession of ammunition with a count of 300 or 20.83% of the total. Shooting with intent is next with 184 or 12.78% while robbery with aggravation with 115 or 7.99% and assault at common law with 93 or 6.46% rounds off the top five charges filed in the Gun Court for 2017. The 1440 new charges entered in 2017 translates into 513 new

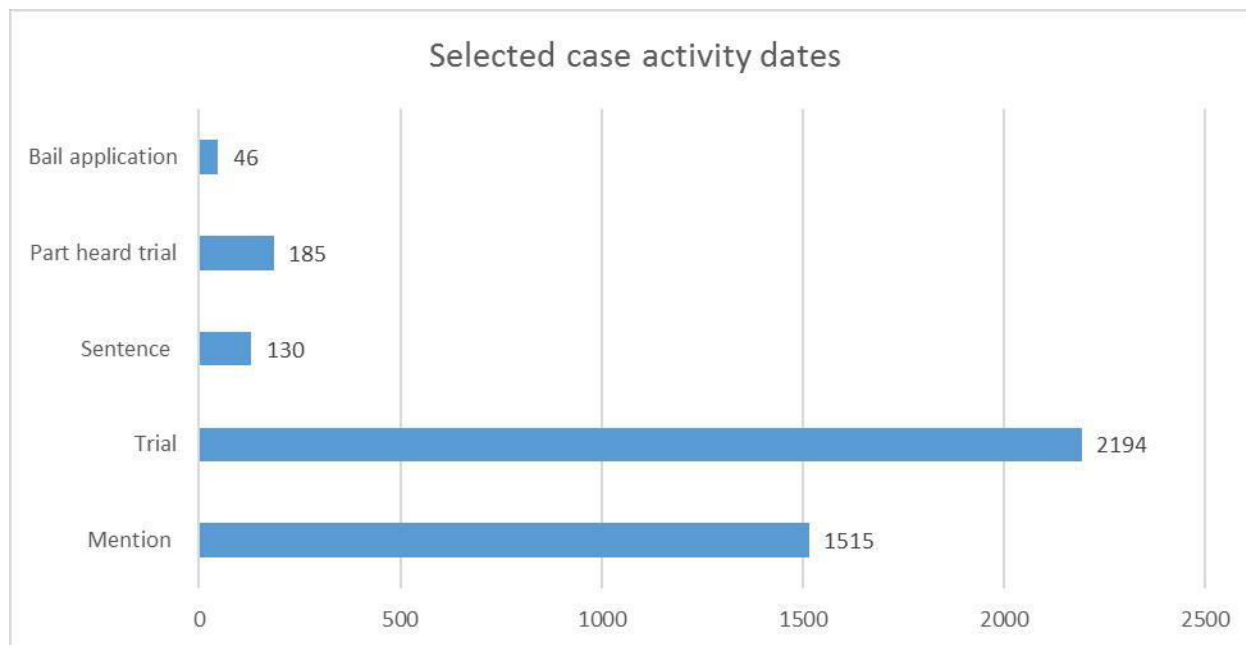
cases filed in the year which represents a ratio 1:2.81, suggesting that for every 100 cases entered, there were 281 charges.

Chart 15.0: Distribution of cases filed in each Term/period in 2017.



The above chart provides a breakdown of the number and proportion of the 513 new cases filed in the Gun Court in each Term/period in 2017. It is seen that the combined periods of the Michaelmas Term and summer period with 177 or 34% of new cases filed, accounts for the largest proportion. This is followed closely by 173 or roughly 34% which were filed in the Easter Term and 163 or 32% which were filed in Hilary Term. As stated earlier, a combined 513 Gun Court cases were disposed of in 2017.

Chart 16.0: Summary of selected case activity dates for the year ended December, 2017



The above chart provides a summary of key court events/dates in the Gun Court for 2017. It is shown that there were 2194 trial dates set in the period, compared to 1515 mention dates. This produces a ratio of roughly 1:1.45, indicating that for every 100 mention dates there were 145 trial dates set, a figure which intimates that there is either potentially a high transition rate from mention to trial matters in the Gun Court or that trial matters have a much higher incidence of adjournments, necessitating significantly more court dates on the continuum towards disposal. The data also suggests that there were 185 part-heard trial dates set in Gun Court for 2017 which indicates that for every 100 trial dates there were roughly 8 part-heard trial dates. There were also 130 incidence of sentencing and 46 bail applications date set during 2017.

Table 59.0: Frequently occurring reasons for adjournment for the year ended December, 2017

Reason for adjournment	Frequency	Percentage (%)
Witness absent	342	20.40
Crown not ready	186	11.10
Defense not ready	102	6.10
Ballistic report outstanding	95	5.70
Other documents outstanding	88	5.30
Defense counsel absent	58	3.50
Judge/Courtroom unavailable	54	8.03
Accused not brought	51	3.00
Statement outstanding	37	2.20
For disclosure	29	1.70

Total number of adjournments (N) = 1675

The above table outlines the top reasons for adjournment in the Gun Court for 2017, excluding adjournments for bail application, matters part heard, and for plea and case management and for trial which are enumerated separately. There were a total of 1675 incidences of adjournments during the year; of which witness absent and the lack of readiness of the crown were the leading ones with 20.40% and 11.10% respectively of the total. The lack of readiness of the defense with 102 or 6.10% of the adjournments and ballistic reports outstanding with other documents not ready with 95 or 5.70% of the adjournments rank next. Other documents outstanding, including scene of crime reports, police officer statistics and outstanding ballistic certificates rounds off the top five reasons for adjournment in 2017 with 88 or 5.30%.

The absenteeism of defense attorneys, medical certificate outstanding, Judge/Courtroom unavailable and accused not brought also featured prominently among the reasons for adjournment in the Gun Court for 2017.

Table 60.0: Frequently occurring reasons for continuance for the year ended December, 2017.

Reason for continuance	Frequency	Percentage (%)
Part-heard	217	13.0
Bail application	59	3.50
Plea and case management	82	4.80

Total number of adjournments (N) = 1675

The above table provides a basic list of reasons for adjournment 2017 which are considered as intrinsic to the natural progression of a case or are merely procedural and are therefore termed as reasons for continuance. It is seen that during the year there were 217 part-heard matters representing 13.0% of the total adjournments. There were also 59 bail applications while 82 matters were continued for Plea and Case Management.

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Table 61.0: Methods of case disposition for the year ended December, 2017

Methods of disposition	Frequency	Percentage (%)
Accused Deceased	17	3.4
Bench Warrant	3	.6
Dismissed for Want of Prosecution	2	.4
*Disposed	42	8.4
Found Guilty	52	10.4
Guilty Plea	58	11.6
No Case Submission upheld	16	3.2
No Case to Answer, Discharged	9	1.8
No Evidence offered- Discharged	201	40.0
No further evidence offered- Discharged	29	5.8
Nolle Prosequere	11	2.2
Not Guilty – discharged	49	9.8
Not indicted on this charge	1	.2
Probation order made	9	1.8
Transfer to H. W. T. R. M. C.	2	.4
Transferred to Family Court R. M.	1	.2
Total	502	100.0

*No electronic data available on the exact method

The above table summarizes the methods of disposition for the cases disposed in the Gun Court for the 2017. It is seen that there were 502 cases disposed, the largest proportion of which were a result of 'no evidence offered' which accounts for 201 or roughly 40% of the total. In a distant second were disposals resulting from guilty pleas with 58 or 11.60% of the total. Guilty and not guilty verdicts with 10.40% and 9.80% respectively of the total dispositions are next

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while accused deceased and no case submissions with 3.40% each of the total, rounds off the top five methods. Of the 502 cases disposed of in the Gun Court in 2017, 86 or 17.13% were cases originating in 2017. This further represents 16.76% of the new Gun Court cases filed in 2017.

Table 62.0: Conviction rate in the Gun Court for the year ended December, 2017

Number of cases disposed	Number of Guilty outcomes (i.e. guilty verdicts and guilty pleas)	Conviction rate
502	110	21.91%

The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the 502 cases which were disposed of in the year, 110 were a result of either a guilty plea or a guilty verdict. This produces an overall conviction rate of 21.91% for Gun Court cases for 2017.

The following table delves further into the conviction rate, by the substantive matter.

Table 63.0: Conviction rate by substantive matter in the Gun Court for the year ended December, 2017.

Substantive matter	Number of cases Disposed	Number of Guilty outcomes	Conviction rate
Illegal possession of fire arm	478	100	20.92%
Illegal possession of ammunition	18	10	55.56%

It is seen in the above table that of the 478 disposed cases of illegal possession of a firearm, 100 were disposed by way of either a guilty verdict or a guilty plea, yielding a conviction rate of

roughly 21% while for the substantive matter of illegal possession of ammunition, 10 of the 18 disposed cases were by way of guilty outcomes, yielding a conviction rate of roughly 56%.

Table 64.0: Top six charges disposed of in the year ended December, 2017.

Charge	Frequency	Percentage
Illegal possession of a Firearm	598	43.00
Illegal possession of Ammunition	338	17.10
Robbery with Aggravation	121	8.20
Shooting with intent	118	8.50
Assault	89	6.2
Wounding with intent	71	5.10
Total	1335	95.97

Total number of charges (N) = 1391

The 502 cases which were disposed of in the Gun Court in 2017, representing 1391 charges, an average of roughly 3 charges per case. The table above details the six most frequently occurring charges disposed of in the Gun Court during the year. Illegal possession of a firearm and illegal possession of ammunition accounts for the largest proportion of disposed charges with 43.0% and 17.10% respectively. This is followed by robbery with aggravation with 121 or 8.20% of the charges disposed. Shooting with intent and assault with 8.50% and 6.20% respectively of the total rounds off the top five charges disposed in the year. These disposed charges enumerated in this table accounts for roughly 96% of the total number of charges disposed in the Gun Court in 2017.

Table 65.0: Time to disposition from date charged, for charges disposed of in the year ended December, 2017.

Descriptive Statistics (in months)

Number of observations	1391
Mean	39.53
Median	34.67
Mode	21.00
Std. Deviation	20.43
Skewness	0.71
Minimum	3.00
Maximum	343

The above table shows that there were 1391 charges disposed of in 2017. It is seen that the estimated average time to disposition from the date of charge is approximately 40 months or roughly 3 years and 3 months. The data set for this measure is moderately positively skewed, indicating that there were a slightly greater proportion of times to disposition which fell below the mean than those which fell above it but most of the data points are clustered around the average. There are indeed at least a few comparatively large times to disposal in the data set, constituting outliers which have pushed up the average time. The estimated maximum time to disposition for the data set is 343 months or just over 28.5 years. The estimated minimum time to disposition from the time an offence was entered is 3 months. It is of interest that the modal time to disposition is marginally under two years, which is an indication that the majority of matters disposed in the period had a life of less than two years from the charged date.

Table 66.0: Breakdown of times to disposition from date charged, for the charges disposed in the year ended December, 2017.

Months	Frequency	Percentage
0 -12	405	29.12
13 -24	356	25.59
25 – 36	208	14.95
37 – 47	130	9.35
48 & over	292	20.99
Total	1391	100.0

The above table provides a further breakdown of the estimated time to disposition for charges disposed in 2017, from the date of charge. The slight positive skewness displayed in the previous table is affirmed as the scores here are mostly concentrated towards the lower intervals, though there is a fair spread of the scores throughout the intervals. The data shows that the largest proportion of the disposals using this method took a year or less. This interval accounted for 405 or 29.12% of the disposals and was followed by matters taking between 13 and 24 months to be disposed with 356 charges or 25.59%. A further 14.95% of the matters were disposed of within 25-36 months, 9.35% took between 37 and 47 months and the remaining proportion of 2.99% took four years or more to be disposed.

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Table 67.0: Time to disposition for cases disposed of in the year ended December, 2017.

Descriptive Statistics (in months)

Number of observations	502
Mean	29.7112
Median	19.0000
Mode	4.00
Std. Deviation	37.90068
Skewness	3.474
Std. Error of Skewness	.109
Minimum	.08
Maximum	332.00

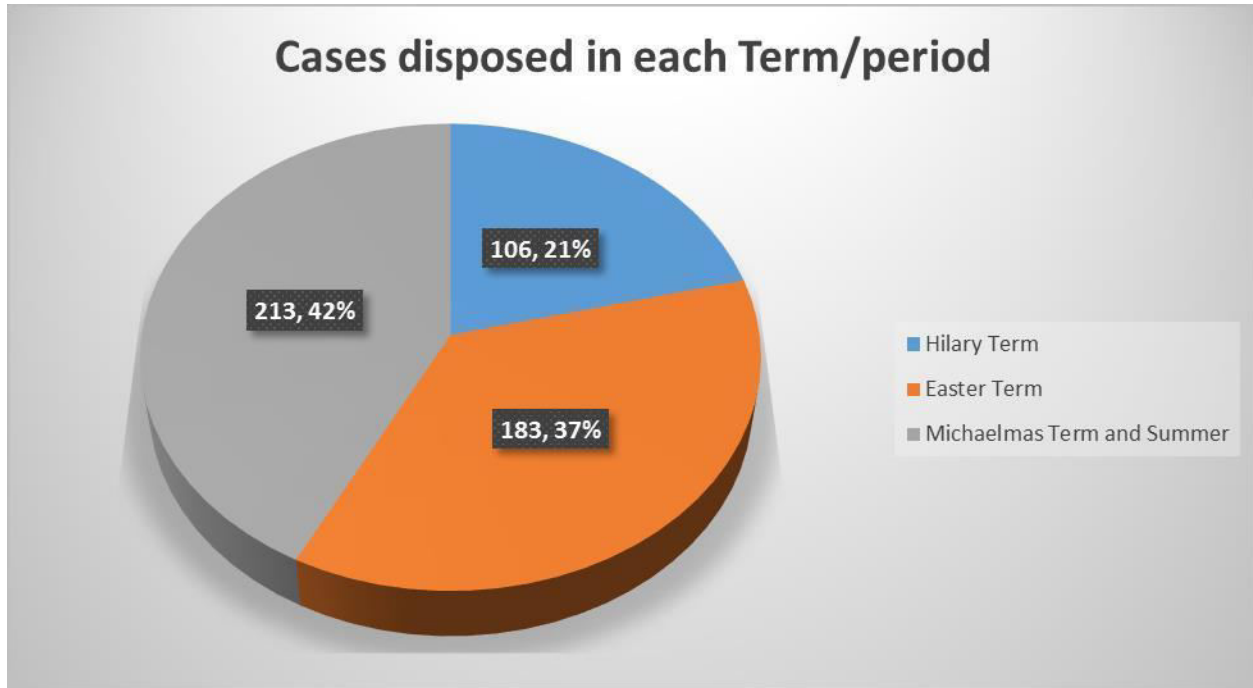
In the table above it is seen that there were 502 cases disposed of in the Gun Court during the year. The estimated average time to disposition was roughly 29.71 months or roughly 2 years and 6 months. The estimated shortest time to disposal for a case disposed of in this period was about a month with a maximum of 332 months or 28 years. The distribution of the scores was highly positively skewed, an indication that significantly more of the estimated individual disposal times were lower than the reported mean. The average was pulled upwards by a few large outlying values that exist. This result is further affirmed by the relatively high standard deviation of almost 38 months, indicating some amount of variation in the scores around the mean. When compared to the length of time taken to dispose of matters from the date of charge, these results are notably lower, indicating, as seen with the Home Circuit Court that there may be a time lag in transiting case files to the Gun Court and is potentially a source of delay in disposing of cases. Of the 502 cases disposed of in the Gun Court in 2017, 86 or 17.13% originated in that year. This further represents 16.76% of the new cases filed in 2017.

Table 68.0: Breakdown of times to disposition from the time of offence for cases disposed in the year ended December, 2017

Time interval (in months)	Frequency	Percent
0 -12	188	37.5
13 – 24	119	23.7
25 – 36	75	14.9
37 – 47	47	9.4
48 & over	73	14.5
Total	502	100.0

The above table provides a more detailed breakdown of the times to disposition for cases disposed of in 2017. It is shown that the largest proportion of cases disposed was disposed of in under a year. This accounted for 37.50% of all the disposals, followed by approximately 23.70% of matters which took between 13 and 24 months to be disposed. Approximately 15% of the matters took between 25 and 36 months to be disposed, 9.40% took between 37 and 47 months and the remaining 14.50% took four years or more to be disposed. It is of interest to note that roughly 61.20% of all matters disposed of in the period took two years or less with 38.80% taking over two years.

Table 17.0: Breakdown of cases disposed in each Term/period of 2017

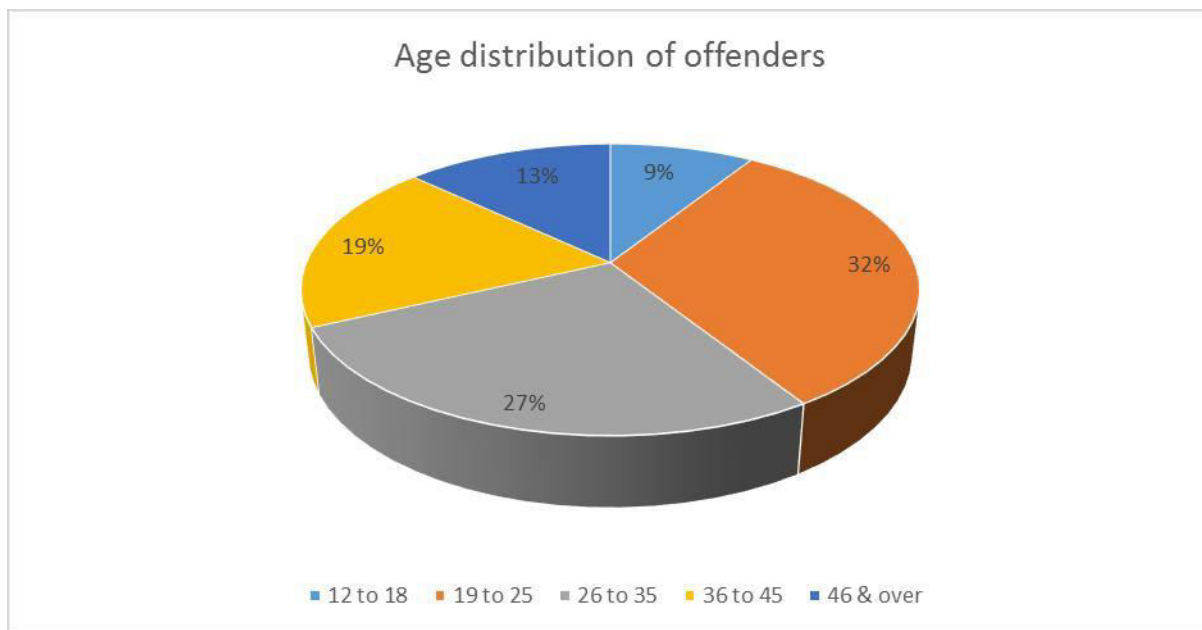


The above chart provides a summary of the distribution of Gun Court cases disposed of in 2017. It is shown that the largest proportion of cases were disposed in the combined period of the Michaelmas Term and summer period with 213 or 42% of the 502 Gun Court cases disposed during the year. This was followed by the Easter Term which accounts for 183 or 37% and the Hilary Term with 106 or 21% of the disposals.

Demographic summary of Gun Court offenders

This section provides a brief summary of the age and gender distribution of persons charged in 2017.

Chart 18.0: Summary of age distribution of a sample of offenders in the Gun Court for the year ended December, 2017



As shown earlier, the offenses which dominated the Gun Court for the year are illegal possession of fire arm, illegal possession of ammunition, robbery with aggravation, shooting with intent and assault. Using a representative sample, the average age of persons charged in the year is roughly 33 years old with the oldest person charged being 65 years old and the youngest 13 years old. The modal age from this sample was 23, an indication that a significant number of offenders are quite youthful. This notion is affirmed in the chart above where it is shown that from the sample 32% of the offenders were between 19 and 25 years old, closely

followed by the age group 26 to 35 years old with 27% of the offenders. The 36 to 45 age group comes next with 19% of the offenders. The youngest and oldest age categories of 12 – 18 and 46 and over respectively accounts for 9% and 13% respectively of the offenders brought before the Gun Court in 2017.

In terms of gender distribution, using a sample of 200 offenders the data shows that 99 or 99% were male and 1 or 1% female. This is exactly the same sampling distribution for gender which was observed in the respective Terms.

Chart 19.0: Summary of gender distribution of a sample of offenders in the Gun Court for the year ended December, 2017

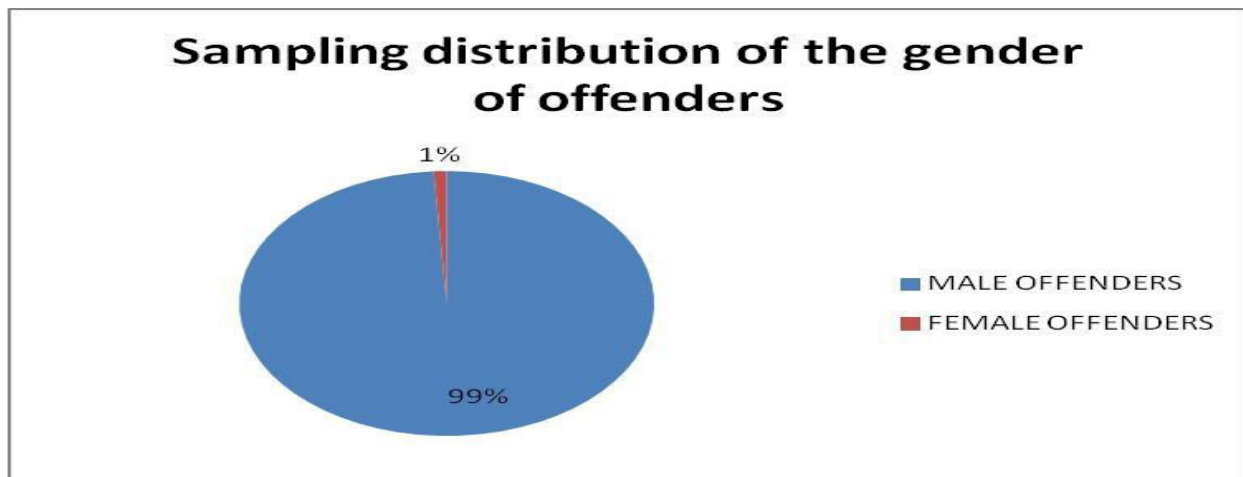


Table 69.0: Case clearance rate for the year ended December, 2017.

Cases filed	Cases disposed	Case clearance rate
513	502*	97.86%

*102 or 20.32% of the 502 cases disposed of, originated in 2017

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Five hundred and thirteen new cases were entered in the Gun Court during the year while 502 were disposed (including many which originated before the Term) leading to an impressive case clearance rate of 97.86% for the year. This result translates into a generalization of roughly 98 Gun Court cases disposed for every 100 new cases entered during the year. It represents one of the highest case clearance rates in the Supreme Court during the year. The establishment of a specialized fast track court to dispose of Gun Court cases in 2017 as well as sentence reduction days appears to have contributed to this improved productivity index.

CHAPTER 6.0: COMMERCIAL DIVISION

The Commercial Division came fully on board in using the optimized data capture platform in the middle of 2017 and therefore some of the data reported in this section are partial. Such distinctions and qualifications will be made as necessary.

Table 70.0: Cases filed in the Commercial Division in 2017

Division	Number of new cases filed
Commercial	667

A total of 667 new cases were filed in the Commercial Division in 2017, the overwhelming proportion of which were by way of a Claim Form.

Table 71: Sampling distribution of the leading methods of disposition for the year ended December, 2017.

Methods of disposal	Frequency	Percentage (%)
Consent Judgment	5	10.0
Judgments	14	28.0
Notice of discontinuance noted	11	22.0
Matter settled	3	6.0
Matters transferred	8	16.0
Total	42	72.0

Number of observations (N) = 50

The data entry platform for the Commercial Division was strengthening progressively throughout 2017 and as such electronic data on disposals in the Division is incomplete. Most of

The disposals reflected in this sample therefore took place in the final Term of 2017 - Michaelmas Term. Using a sample size of fifty cases disposed, the above table shows that Judgments and notices of discontinuance were the most common method of disposal in the Commercial Division accounting for 28% and 22% respectively of the disposals. This was followed by matters transferred with 16% of the disposals.

Table 72.0: Time to disposition for Commercial cases

Descriptive Statistics (in months)

Number of observations	50
Mean	17.5200
Median	16.0000
Mode	16.00 ^a
Std. Deviation	15.26399
Skewness	1.328
Std. Error of Skewness	.337
Minimum	3.00
Maximum	56.00

a. Multiple modes exist. The smallest value is shown

The above table shows that the estimated average time to disposition, using a sample of 50 Commercial cases is 17.52 months or about a year and five months, the second lowest of all Divisions of the Supreme Court, behind the Probate Division. The maximum time to disposition from this sample of cases is 56 months or just over four and a half years while the lowest is just three months. There was a greater proportion of scores in the sample of disposed cases which fell below the mean, as revealed by the positive skewness of the data set.

Table 73.0: Breakdown of times to disposition

Time to disposition (in months)	Frequency	Percentage (%)
0 -12	23	46.0
13 – 24	16	32.0
25 – 36	3	6.0
37 – 47	4	8.0
48 & over	4	8.0
Total	50	100.0

The above table provides a breakdown of the times to disposition for the sample of cases disposed of in the Commercial Division in 2017. It is seen that the largest proportion of these cases were disposed of within a year, accounting for 46% of the disposals. This is followed by 32% which took 13 to 24 months to be disposed. Taken together, 78% of the cases in this sample were disposed of with 2 years. These results are consistent with the inferences made from the previous table.

CHAPTER 7.0: AGGREGATE CASE ACTIVITY AND RESERVED JUDGMENTS

Aggregate Case Clearance Rate

Analysis of the productivity of the judiciary, subject to its resource constraints is an important metric for gauging efficiency and for informing policy and operational interventions. In this subsection the gross case clearance rate is used as a measure the ratio of incoming and outgoing cases in the Supreme Court in 2017.

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

Table 72.0: Gross case clearance rate for the year ended December, 2017

Total cases filed	Total cases disposed	Gross Case clearance rate
11937*	5933	49.70%

*Excluding new cases filed in the Commercial Division

The above table provides an aggregate summary of the clearance rates using the data from the Home Circuit Court, Gun Court, Matrimonial, Probate, Revenue and HCV Divisions. The data suggests that a total of 11937 new cases were filed/entered across the six named Divisions reviewed in 2017. These results yield a gross clearance rate of roughly 49.70% an increase of which suggests that for every 100 cases filed/entered during the year, roughly 50 were also

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disposed. This is an indication that there were twice as many incoming than outgoing cases in the Supreme Court as a whole in 2017.

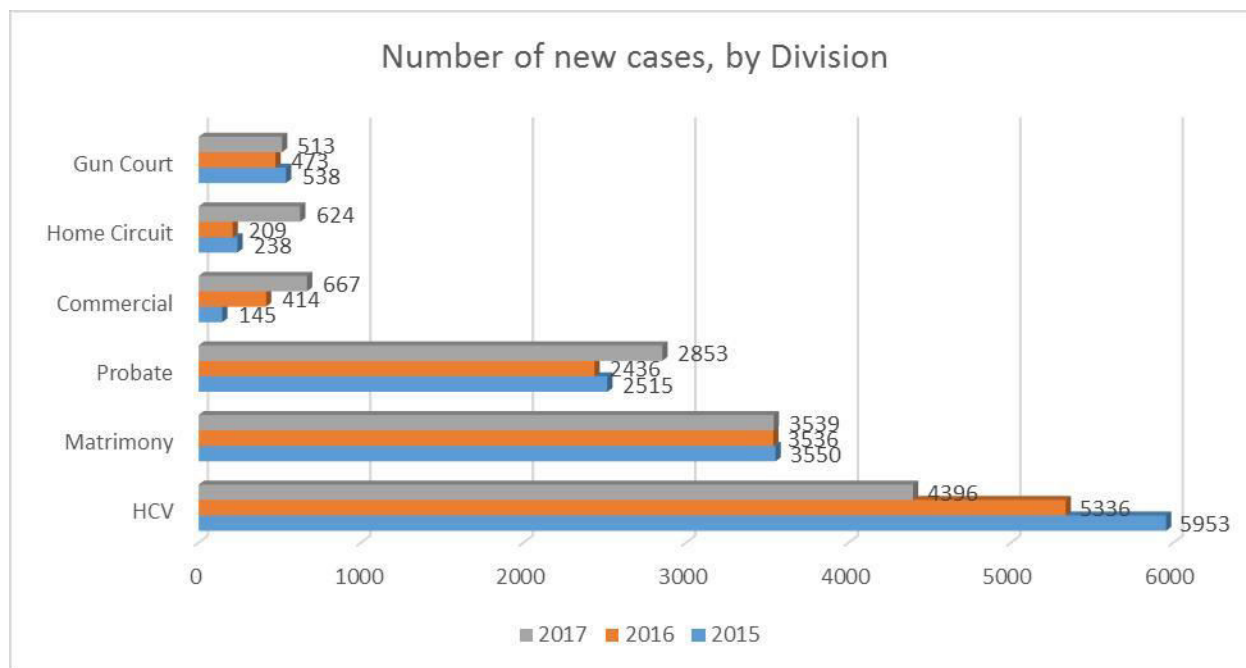
Aggregate Case Counts 2015-2017

The below table provides a count of the number of new cases filed/entered in the larger Divisions of the Supreme Court for the years 2015-2017.

Table 74.0: Number of new cases by Division for the years 2015-2017

Division	Aggregate number of new cases in 2015	Aggregate number of new cases in 2016	Aggregate number of new cases in 2017
High Court Civil (HCV)	5953	5336	4396
Matrimonial	3550	3536	3539
Probate	2515	2436	2853
Commercial	145	424	667
Home Circuit Court	238	209	624
Gun Court	538	473	513
Total	12939	12414	12592

Chart 20.0: Number of new cases by Division for the years 2015-2017



The above table and chart summarizes the progression of cases in the larger Divisions of the Supreme Court between 2015 and 2017. It is shown that the High Court Civil (HCV) Division has consistently demonstrated the largest share of new cases in the Supreme Court over the period. There has however been steady decline in the number of new cases filed in this Division over the three-year period, cumulatively falling by 26.15% over this time. The Matrimonial Division accounts for the second highest case count each year over the period, maintaining a notably steady count, ranging between a high of 3550 in 2015 and a low of 3536 in 2016, fluctuating only marginally over the three years. The Probate Division accounts for third highest share of new cases over the period and also demonstrates a consistency over 2015 and 2016, where only a marginal fall was seen. There was however a sharp increase in 2017 which saw the highest recorded number of 2853 new cases over the period. The Gun Court also demonstrates

a steady progression of new cases over the three-year period with a high of 573 new cases in 2015 and a low of 473 in 2016. The progression observed is however notably different from the other Divisions, for the Commercial Division and Home Circuit Court which have both seen overall increases over the period. In particular, the data on the Commercial Division suggest that there has been a marked annual rise over the past three years, increasing by roughly 186% between 2015 and 2016 and approximately 61% between 2016 and 2017. As for the Home Circuit Court, the number of new cases brought in 2015 and 2016 was fairly steady however aided by the new Committal Proceedings Act there was a major surge in 2017 which saw the number of new cases increasing by roughly 199% over 2016.

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Case Activity Summary for 2017

The below table provides a summary of the new cases filed, cases dispose and clearance rates for each Divisions of the Supreme Court in 2017. A cumulative summary is also provided.

Table 75.0: Aggregate case activity in 2017.

Division	New cases filed	Aggregate number of cases disposed	Number of cases disposed which originated in 2017	Clearance rate (%)	Average time to disposition
High Court Civil (HCV)	4396	1063	100	24.18%	2 years and 9 months
Matrimonial	3539	2621	137	74.06%	2 years and 3 months
Probate	2853	1535	537	54.43%	1 year and 4 months
Commercial	667	N/A	N/A	N/A	1.5 years
Home Circuit Court	624	209	86	33.49%	2 years and 4 months
Gun Court	513	502	102	97.86%	2.5 years
Revenue Division	12	3	0	25%	N/A
Total/Gross	12,604	5933	962	49.70%*	

***This figure excludes the Commercial Division**

The above table provides an important summary of case activity in the Supreme Court in 2017.

It is shown that a total of 12,604 new cases were filed/entered across all Divisions of the Supreme Court in 2017. The High Court Civil (HCV) Division with 4396 cases or 34.88% of the cases accounts for the largest share of the new cases, followed by the Matrimonial Division with 3539 or 28.08% of the total and the Probate Division with 2853 or 22.64% of the total. The

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Commercial Division experienced the most pronounced growth in new cases filed with 57.3% increase. This upward trend is expected to continue in 2018, partly due to greater public awareness of the functions of the Division. The number of new High Court Civil cases filed in 2017 continue the downward trend of the past few years, resulting from the greater capacity of the Parish Courts to handle civil matters. The general increases in the litigious nature of the Jamaican public however suggest that this decline may be slow and incremental in the coming years. New cases entered in the Home Circuit Court accounted for 624 or 4.95% of the total number of cases. This is an increase over recent years and is expected to continue growing in 2018. The number of Probate and Revenue Division cases is expected to remain generally steady in 2018. In light of the ensuing, it can be anticipated that the total number of new cases filed/brought in the Supreme Court in 2018 will be between 12500 and 13500 cases, likely settling close to the midpoint of about 13000 cases.

The Matrimonial and Probate Divisions accounted for the largest share of the cases disposed with roughly 44% and 26% respectively of the cases disposed. The largest proportion of new cases filed/brought in the Supreme Court in 2017 which were disposed of was accounted for by the Probate Division. As far as clearance rates are concerned, the Gun Court and Matrimonial Divisions with clearance rates of 97.86% and 74.06% respectively rank highest while the Revenue Division and the High Court Civil Division with 25% and 24.18% respectively have the lowest clearance rates. The overall case clearance rate for the Supreme Court is estimated at 50% which suggests that there were twice as many incoming than outgoing cases in 2017, indicative of mounting stress on existing judicial resources.

The longest average time to disposition was accounted for by the High Court Civil (HCV) Division with cases taking an average of 2 years and 9 months to be disposed. The Matrimonial Division is next with an average time to disposition of 2 years and four months while the Commercial and Probate Divisions with estimated average times of a year and 6 months and a year and four months respectively account for the lowest times to disposition in 2017.

Judgments Reserved and Judgments Delivered

This sub-section provides a summary of the Civil Judgments reserved and delivered in 2017.

Table 76.0: Summary of Judgments Reserved and Delivered in 2017

Number of Judgments reserved	Number of Judgments delivered (from those reserved in 2017)	Total number of Judgments delivered	Number of outstanding Judgments (from those reserved in 2017)
127	37	127	90

A total of 127 Judgments were reserved in 2017, 37 or 29.13% of which were delivered. In total, 127 Judgments were delivered in 2017, the overwhelming proportion of which was reserved in previous years. Ninety of the Judgments reserved in 2017 were still outstanding at the end of the year.

CHAPTER 8.0: CONCLUSION AND RECOMMENDATION

This annual report for the Supreme Court represents an important step in the effort in creating a more data driven court system and to improving access to information. Although there is no comprehensive data from prior years for the necessary comparisons to be adequately established, this report creates a vital foundation and critical watershed for the creation of a sustainable system of data capture and reporting. The data harnessed should form the basis of informing crucial policy and operational decisions which will bolster resource alignment and a more efficient allocation of resources in the Supreme Court.

As with the previous reports, among the critical findings from this report is that the HCV and Home Circuit Courts are particularly heavily impacted by a very high incidence of adjournments and low trial date certainty rates. In both of these Divisions and in others, it appears that a large proportion of these adjournments, over 30% all told, are due to issues associated with files not found, absenteeism of attorneys or parties not showing up and documents not being ready for court. This again draws into sharp focus the potential need for more physical and human resources and a more robust system of scheduling matters for court, for enhanced case management strategies and for strong methods of engagement of stakeholders, including the attorneys and parties, to increase court attendance.

It is also of vital note that the combined periods of analysis so far have revealed an approximate average time to disposition of roughly 2.11 years or roughly 25 months across all Divisions. The High Court Civil, Matrimonial and Home Circuit Courts and the Gun Court all demonstrate

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average times to disposition of over 2 years for the matters disposed in 2017, with the High Court Civil Division ranking highest with a time of 2.74 year or roughly 33 months. The Probate and Commercial Divisions with average times to disposition of fewer than two years demonstrate the best outcomes in this regard, with the Probate Division having the lowest time of 1.30 years or approximately 16 months.

Despite the resource constraints being experienced by the Supreme Court, it is necessary to establish time standards which inform the time taken to dispose of cases in the respective Divisions of the Supreme Court. This will strengthen the commitment both internally and externally to an established ethic and also eventually improve public confidence in the system.

It is also evident from the analyses so far that the Supreme Court as a whole has significantly more incoming than outgoing matters which has resulted in the court experiencing generally modest gross clearance rate. The overall average clearance rate for the 2017 is roughly 50%, an indication that over the period the Supreme Court has experienced two times more new cases filed than cases disposed. This has potentially adverse implications for the buildup of a backlog of cases and requires deliberate, targeted policy interventions.

There is generally high incidence of requisitions in the Civil Divisions is cause for concern and stands out among the leading causes of delay in the disposition of cases. The number and incidence of requisitions in the Matrimonial Division is particularly acute with a rate of over 200 requisitions to every 100 case files. This problem requires special targeted measures which are centrally managed. One recommendation for which there is much conviction is to have a

system of scheduling Matrimonial cases and accordingly assigning them to judges with clearly defined turnaround times established.

RECOMMENDATIONS

A number of other recommendations were highlighted in this report for the different Divisions, geared towards redressing many of the deficiencies which have been identified. These recommendations were developed in consultation with the respective Divisions. Among the major recommendations cited is the need to stem the high incidence of adjournments by ensuring that that specific court rooms are dedicated to dealing with matters which are ready for trial or which have a greater probability of being disposed within a shorter space of time. This is consistent with the express resource facility which was devised by the scheduling committee in the High Court Civil Division, which has shown positive results. It is also consistent with the use of Court Room 7 as a specialized medium for expediting the disposal of Gun Court cases. Applying an adapted approach across all Divisions could potentially have a marked positive effect on disposal rates and the efficient use of judicial time.

The report identified that Assessment of Damages is a particularly sore area with multiple adjournments in the High Court Civil Division. It is recommended that a stronger system of scheduling be implemented for these matters where specific time slots be set for hearings. This would be done in such a way that a limited number of matters for assessment of damage which are ready for hearing are scheduled each day, with a built in contingency of other ready cases in the event of delays with those scheduled. Such a measure should gradually redress the current situation in which many days' worth of Assessment of Damages matters are in effect being

scheduled for single court days, inevitably leading to multiple adjournments and a sub-optimal use of judicial time.

The large number of adjournments resulting from reasons such as matters wrongly listed the inability to locate files and matters left off the court list can be addressed by strengthening the internal systems of data validation in the respective Divisions. It is also recommended that a Case Progression and Records Management Team be established at the Supreme Court to provide oversight to matters of scheduling, file movement and control and general case file handing in the relevant Divisions.

In an effort to reduce the incidence of requisitions in the Civil Divisions, it has also been recommended that the instructions for completing the relevant documents accompany the emails which are sent out with the requisitions. This will function as a means of supplementing the posting of instructional guides for the public at the relevant customer service windows. Such an approach is currently being piloted in the Matrimonial Division.

The reasons for delays in the progression of matters through the court system greatly intimate the need for a more robust system of case management and as such an examination of the possibility of increasing the number of Case Progression Officers should be pursued. This is consistent with the recommendation made to establish clearly defined time standards for the disposition of cases in each Division.

The data suggests that there are a number of cases in the court system which have taken much longer than the average or expected time to be disposed. Several aged cases remain active at

the end of 2017 and as such it is recommended that a special court be assigned to expedite the disposition of such cases through a deliberate, highly organized system of scheduling and case flow management.

The overall judicial burden being carried by the Supreme Court Judges and support staff are quite significant. The average case load of between 300 and 400 cases per year, per High Court Judge across the Divisions, exceeds the recommended international benchmark and has dire consequences for both case clearance and disposal rates. Any holistic effort to remedy the deficiencies in the court system should therefore encapsulate increasing the number of High Court Judges and the requisite support staff.

The overarching results from the statistical analysis for 2017 could form the basis for important policy considerations and the strengthening of the operational procedures of the Supreme Court, thereby transforming the efficiency with which the entity does business.

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APPENDIX

List of criminal charges for 2017

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid	1	.1	.1	.1
Abduction	17	1.6	1.6	1.7
Abduction of a child under 16	18	1.7	1.7	3.5
Aid and Abetting Forcible Abduction	2	.2	.2	3.7
Aiding and Abetting Rape	32	3.1	3.1	6.7
Aiding and Abetting SIWPUS	3	.3	.3	7.0
Arson	3	.3	.3	7.3
Assault	3	.3	.3	7.6
Assault at Common Law	3	.3	.3	7.9
Assault Occasioning Bodily Harm	14	1.3	1.3	9.2
Assault Occasioning Grievous Bodily Harm	4	.4	.4	9.6
Assault with Intent to Rape	2	.2	.2	9.8
Attempt to pervert the course of justice	1	.1	.1	9.9
Attempted Murder	4	.4	.4	10.3
Attempted Rape	4	.4	.4	10.7
Being armed with an offensive weapon	1	.1	.1	10.8
Breaches of the law reform	2	.2	.2	11.0
Buggery	24	2.3	2.3	13.3
Burglary	3	.3	.3	13.5
Carnal Abuse	3	.3	.3	13.8
Causing death by dangerous driving	2	.2	.2	14.0
Causing grievous bodily harm with intent	2	.2	.2	14.2
Child Pornography	2	.2	.2	14.4
Conspiracy to defraud	5	.5	.5	14.9
Conspiracy to murder	19	1.8	1.8	16.7
Counselling/Inciting Sexual Touching	1	.1	.1	16.8
Cruelty to child	1	.1	.1	16.9
Encouraging violation of a child fewer than 16 years	2	.2	.2	17.1
Encouraging violation of child on premises	1	.1	.1	17.2
Forcible Abduction	40	3.8	3.8	21.0
Forfeiture of Assets Proceedings	1	.1	.1	21.1
Forgery	3	.3	.3	21.4
Grievous sexual assault	58	5.6	5.6	27.0

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Gross Indecency	6	.6	.6	27.6
House holder encouraging violation of child under 16	2	.2	.2	27.8
Illegal Importation of Ammunition	1	.1	.1	27.9
Illegal Importation of Firearm	2	.2	.2	28.0
Illegal Possession of Ammunition	5	.5	.5	28.5
Illegal Possession of Firearm Incest	20	1.9	1.9	30.5
Indecent assault	6	.6	.6	31.0
Inflicting grievous bodily harm	14	1.3	1.3	32.4
Kidnapping	2	.2	.2	32.6
Knowingly possessing identity information	4	.4	.4	32.9
Larceny by trick	1	.1	.1	33.0
Leadership in a criminal organization	1	.1	.1	33.1
Living on the earnings of prostitution	1	.1	.1	33.2
Making Use of a Firearm to Commit a Felony	21	2.0	2.0	35.3
Malicious Destruction of Property	1	.1	.1	35.4
Manslaughter	1	.1	.1	35.4
Misprision of Felony Murder	2	.2	.2	35.6
Obtaining property by false presence	7	.7	.7	36.3
Participating in a criminal organization	2	.2	.2	36.5
Possession of identity information	221	21.2	21.2	57.7
Procuring drugs to procure abortion	4	.4	.4	58.1
Procuring drugs to procure an abortion	3	.3	.3	58.4
Rape	10	1.0	1.0	59.4
Robbery with Aggravation	2	.2	.2	59.6
Robbery With Violence	1	.1	.1	59.7
Sexual Grooming	1	.1	.1	59.7
Sexual Intercourse with a mentally disordered Person	3	.3	.3	75.9
Sexual Intercourse with a Person under Sixteen	1	.1	.1	76.0
Sexual Intercourse with a Person fewer than Sixteen Count 1	188	18.1	18.1	94.0
Sexual Touching	1	.1	.1	94.1
Shooting with Intent	23	2.2	2.2	96.3
	4	.4	.4	96.7

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Trafficking persons	3	.3	.3	97.0
Uttering Forged Documents	1	.1	.1	97.1
Violation of a Mentally Challenged Person	1	.1	.1	97.2
Wounding with Intent	29	2.8	2.8	100.0
Total	1041	100.0	100.0	