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SUPREME COURT, JAMAICA

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April 19 to July 31, 2017

# THE EASTER TERM STATISTICAL REPORT 2017

Prepared by the Statistics Unit with the support of the Information  
Technology Unit

Supreme Court  
Jamaica

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## **Introduction**

Over the past year significant efforts have been made to optimize the use of the JEMS software at the Supreme Court to ensure that data on a range of variables are adequately captured. This was done with the assistance of a statistician, working closely with other court staff and staff assigned by the Ministry of Justice. This project has so far been successfully applied in the HCV, Matrimonial and Probate Divisions as well as the Home Circuit Court, and Gun Court and is supported by a recently implemented data validation system. Several training exercises were undertaken in the various Divisions of the Supreme Court and the piloting of the systems implemented commenced in November, 2016. This report represents a summary of some essential data extracts for the High Court Civil (HCV) and Matrimonial Divisions as well as for the Home Circuit Court and Gun Court. The organization and optimization of the data capture mechanism in the Commercial Division of the Supreme Court is currently at an advanced stage while a data capture system for the rural Circuit Courts is currently being piloted. The analysis carried out in this report is based on case activity for the Easter Term from April 19 to July 31, 2017

**Hon Zaila McCalla, O.J.**

**Chief Justice**

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**Executive Summary**

This report was generated based on data extracts from JEMS for the Easter Term ended July 31, 2017. The report presents preliminary findings on the High Court Civil (HCV), Probate and Matrimonial Divisions as well as the Home Circuit Court and Gun Court. These results produce important insights into a range of measures for each Division which can potentially inform the operational efficiency and of the Supreme Court and the policy design of the relevant state actors.

A total of 3435 cases were filed across the HCV, Probate, Matrimonial, Criminal and Gun Court Divisions in the Easter Term, representing a marginal increase of 0.67% when compared to the Hilary Term while 2266 cases were disposed, an increase of roughly 41%. The HCV and Matrimonial Divisions with 1301 and 1127 respectively of the total number of new cases filed accounted for the largest share while the Home Circuit Court and Gun Court with 254 and 173 new cases had the lowest number. The Matrimonial Division accounted for roughly 50% of all cases disposed in the Supreme Court during the Easter Term, with 1130 disposals while the 78 cases disposed of in the Home Circuit Court was the least among the Divisions.

Among the major findings for Easter Term is that the average case clearance rate across the four Divisions was roughly 65%, an impressive 18 percentage points increase when compared to the Hilary Term. The case clearance rate provides a measure of the number of cases disposed, for every new case filed. The average of roughly 65% across the Divisions suggests that for every 100 new cases filed in the period; roughly 65 were also disposed (not necessarily originating in the same period). The clearance rates for the Easter Term ranged from a low of

30.71% in the HCV Division to a high of 105.78% in the Gun Court. The overall statistic on the case clearance rate gives essential insights into potential case flow problems as despite the improvements there are significantly more cases being filed than the number being disposed.

As with the Hilary Term report, it was found that most Divisions have challenges with the rate of strict adherence to dates set for hearing or trial due to the generally 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 56%% in the Home Circuit Court to an approximate high of 81% in the Matrimonial Division for Easter Term. The average date adherence across the Divisions for the period under examination was roughly 68%, an increase of 4 percentage points when compared to the Hilary Term. This is an indication that there is a 68% probability that a matter scheduled for hearing or trial will go ahead without adjournment for reasons other than 'continuance.' Among the prominent reasons for adjournment cited across the Divisions are the inability to locate files, documents to be served, no parties appearing and the absenteeism of attorneys at-law. At the heart of the solutions related to these issues is the need for enhanced case and records management, stakeholder engagements and scheduling.

Consistent with the previous report on the Hilary Term is the finding of a fairly high incidence of requisitions, which is an impediment to the speed of disposition of civil matters. Among the Civil Divisions, the incidence of requisitions was highest in the Probate Division with a ratio of 132 requisitions per 100 case files while the HCV Division with 22 requisitions per 100 case files had the lowest incidence. The report also successfully generated the estimated times to

disposition for matters disposed of in each of the five Divisions in the Hilary Term. The estimated average times taken for cases to be disposed, ranged from a low of approximately 1.6 years or 18 months in the Probate Division to a high of just over 2.87 years or roughly 32 months in the HCV Division. The HCV Division also had the highest average time to disposition in the Hilary Term. The overall average time to disposition for the five Divisions included in this report was 2.25 years, approximately the same as the Hilary Term. The oldest matter to be disposed of in the Easter Term was in the Probate Division which saw a 39-year-old matter being disposed. As with the Hilary Term there were also many matters which were disposed of within three months across all Divisions reviewed for the Easter Term.

The report also computes a judicial productivity index which measures the number of cases disposed per Judge employed to the Supreme Court during the Easter Term. Excluding probate matters and matters disposed of in the rural circuit courts, the average number of cases disposed per Judge was employed was 55 cases. However, when Judges engaged in the rural circuit court during the Easter Term are excluded, the average rises to 80 cases disposed per Judge.

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## High Court Civil (HCV) Division

**Table 1.0: New case summary for the Easter Term ended July 31, 2017**

Action	Frequency	Valid Percent
New cases filed	1301	100.00

The table above provides basic summary of some the number of cases filed in the High Court Civil Division (HCV) for the Easter Term, 2017. It is shown that there were a total of 1301 new were HCV cases filed in the period, an increase of 7.25% when compared to the Hilary Term.

**Table 2.0: Claim forms and fixed date claim forms for the Easter Term ended July 31, 2017**

Action	Frequency	Percentage (%)
Fixed date claim form	549	42.20
Claim form	752	57.80
<b>Total</b>	<b>1301</b>	<b>100.00</b>

The above table enumerates the number and proportion of matters which originated either using a claim form or fixed date claim form for the Hilary Term. Of the 1301 matters originating in either of these ways, 752 or 57.80% was by way of a claim form while 549 or 45.26% originated by way of fixed date claim form. These figures suggest that 13.94% increase in the number of claim forms and a 12.96% increase in the number of fixed date claim forms. This probability distribution is consistent with previous reports 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 3.0 and 4.0 below provide an analysis of the reasons for adjournment or continuance of civil cases during the Easter Term. The first of the two tables enumerate the list of the most common reasons for adjournment which are due to factors which may not be a part of the essential processes 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 intrinsic to the normal progression of a case towards disposition and are therefore largely unavoidable. There was a combined total of 1739 incidences of adjournments whether for continuance or avoidable reasons in the High Court Civil Division during the Easter Term. This represents a substantial increase of roughly 47% when compared to the Hilary Term.

**Table 3.0: Frequent reasons for adjournment for the Easter Term ended July 31, 2017**

Reasons for adjournment	Frequency	Percentage
No parties appearing	198	11.4
File not found	303	17.4
Claimants documents not served/short served	186	10.7
Claimant's attorney absent	51	2.9
Wrongly listed	27	1.6

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For comments from NEPA to be filed (restrictive covenants)	64	3.7
Matter left off the court list	23	1.3
Claimant to file documents	155	8.9
Defendant's documents not served	27	1.6
Matter discontinued	39	2.2

The above table summarizes the top ten reasons for adjournment for the Hilary Term, excluding those which may be considered as essential to case progression. It is seen that the three dominant reasons for adjournment were 'file not found' with 303 or 17.4% of all events of adjournments/continuance, no parties appearing with 198 or 11.4% and claimant's documents not served or short served with 186 or 10.7%. Claimant to file documents with 186 or 10.9% and adjournments for comments from NEPA to be filed rounds off the top five reasons for adjournment, all of which featured prominently in the Hilary Term report. The increase in the number of times files could not be found as a reason for adjournment was particularly pronounced, rising by roughly 216%. The reasons for adjournment enumerated above, accounts for approximately 61% of the total reasons for case adjournment/continuance during the Easter Term. As with the Hilary Term, a significant proportion of the total adjournments were due to factors related to the lack of readiness or preparedness of cases and the absenteeism of parties and attorneys for court. Many of the reasons for adjournment strongly suggest weaknesses in

case management 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 high incidence of files not found (accounting for 17.4% of the total adjournments) can be addressed by strengthening the existing system of logging files in and out to individuals who use them at the various stages along the case flow continuum. This will enhance the accountability and transparency of the file movement process and stem the current tide. When compared to the Hilary Term, there is a notable decline of over 50% in the number of adjournments in the HCV Division which can be attributed to attorney absenteeism. This reason for adjournment however remains a source of concern and requires constant dialogue and improvements in cooperation and internal policy mechanisms to keep it under control. It was suggested in the Hilary Term report that the Judges be encouraged to impose sanctions on those who are repeatedly guilty of absenteeism. If such sanctions are successful there will be a monumental improvement in the efficient use of judicial time. Consideration could also be given to 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. 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 4.0: Frequent reasons for continuance for the Easter Term ended July 31, 2017**

Reasons for continuance	Frequency	Percentage
Part heard	172	9.9
Pending settlement	43	2.5
Pending outcome of application	25	1.4
Parties having discussion with a view to settlement	94	5.4

The above table summarises the common reasons why cases in the HCV Division were delayed for continuance during the Easter Term. It is seen that this list is lead by matters part heard with 172 or 9.9% of the total list of reasons for adjournment/continuance. This is followed by the reason of parties having discussion with a view to settlement with 94 or 5.4% and pending settlements with 43 or 2.5% rounding off the top three.

**Table 5.0: Trial matters for the Easter Term ended July 31, 2017**

Trial matters	Frequency	Percentage
Petition for winding up	3	0.24
Court trials	519	42.20
Motion hearing	43	3.40
Assessment of damages	529	43.29
Trial in Chambers	136	10.47
<b>Total trial matters</b>	<b>1230</b>	<b>100</b>

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The above table shows the breakdown of the progression of HCV pre-trial and trial matters for the Easter Term. There were a total of 1230 combined occurrences of trial matters in the Easter Term, an increase of roughly 57% when compared to the Hilary Term. Of these 1230 occurrences, assessment of damages dominated with 529 or 43.20% of the total. This was followed by court trials with 519 matters or 42.20% of the total while trial in chambers with 136 or 10.47% of matters ranks next. Motion hearings with 43 or 3.40% and petitions for winding up with 3 or 0.24% rounds off the list. When compared to the Hilary Term, there was a significant increase in the number of court trials by 222% while there was a 20.78% increase in the number of assessment of damages. There was also a 6.25% increase in the number of trial in chambers and a 200% increase in the number of petitions for winding down. The number of motion hearings fell by 10.42%. The overall probability distribution of these trial events was similar to that of the Hilary Term.

**Table 6.0 Trial/hearing date certainty for the Easter Term ended July 31, 2017**

<b>Trial/hearing dates set</b>	<b>Trial/hearing dates adjourned (excluding reasons for continuance)</b>	<b>Trial/hearing date certainty</b>
4789	1405	70.66%

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 4789 dates scheduled for either trial or pre-trial, both in Court or in Chamber, 1405 were adjourned for some form of 'continuance' or

settlement. The resulting trial/hearing date certainty figure of 70.66% suggests that there is a roughly 71% 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 represents an improvement of almost 2.5 percentage points when compared to the Hilary Term. 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 strengthening the certainty of dates which are set for trial and hearings.

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 examines 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 Easter Term ended July 31, 2017**

<b>Number of available court days in the Hilary Term</b>	<b>Number of days' worth of assessment of damages scheduled</b>	<b>Approximate ratio</b>
<b>76</b>	<b>529</b>	<b>7 days</b>

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 the Easter Term, 76 all told and the number of days' worth of assessment of damages which were scheduled (a total of 529). It is shown that for every court day available, 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. Although there were more court days and more assessments of damage in the Easter Term than the Hilary Term the number of days' worth of matters been scheduled remains at 7 days. This trend is an indication that a stronger system of scheduling matters is needed and moreover there may be a shortage of courtrooms to cater to a more efficient spread of matters scheduled.

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**Table 6.0b: Index of scheduling efficiency for court trials in the HCV Division for Easter Term ended July 31, 2017**

Number of available court days in the Hilary Term	Number of days' worth of court matters scheduled for court trial per court	Approximate ratio
76	291	3.83 days

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 Easter Term, 76 all told and the number of days' worth of court trials which were scheduled per court (a total of 291). It is shown that for every day available, close to four days' worth of matters was 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 Easter Term ended July 31, 2017**

<u>Type of Incidence</u>	<u>Frequency</u>	<u>Percentage</u>
Case Management		
Conference	114	6.54
Pre-Trial Review	71	4.10
Trial in court	56	3.21
Assessment of damages	386	22.23

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## Judgment Summons

Hearing	73	4.21
Applications	1039	59.75
<b>Total</b>	<b>1739</b>	<b>100</b>

The above table shows decisively that the vast majority of the incidence of adjournments is associated with applications, accounting for 59.75% of the total. Adjournments from assessment of damages and Case Management Conferences with 22.23% and 6.54% respectively of the total adjournments rank next. It is of interest that trial in court accounts for only 3.21% of the adjournments which is an indication of a high trial date certainty. The share of total adjournments attributable to the listed events is broadly similar to that observed in the Hilary Term. 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 progress through the various stages on the continuum towards disposition. It also provides a reaffirmation of the need to explore the targeted approaches 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 Easter Term ended July 31, 2017**

Hearing dates set	Dates adjourned	Hearing date certainty
529	386	27.03%

One area in which adjournments are aplenty is with respect to the Assessment of Damages which accounts for 386 adjournments and has a hearing date credibility of 27.03%. This suggests that the probability that a matter that is set for assessment will be heard without adjournment is roughly 27% and implies that significant strengthening of the scheduling and support processes for Assessment of Damages is required. There was a roughly 7 percentage points decline when compared to the Hilary Term, an occurrence which could be partly attributed to the significant increase in the number of assessments.

**Table 9.0: Hearing date certainty for Case Management Conferences for the Easter Term ended July 31, 2017**

Hearing dates set	Dates adjourned	Hearing date certainty
436	114	73.85%

The hearing date certainty for Case Management Conferences is considerably higher than that of Assessment of Damages, accounting for 114 adjournments and a trial certainty of 73.85%.

This suggests that there is only a 3 in 10 chance that a matter scheduled for Case Management Conferences will be adjourned, the same as the Hilary Term. 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 Easter Term ended July 31, 2017**

Action	Frequency
Requisitions	288
Number of requisitions per case file	22

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 288 requisitions for the Easter Term. This represents an 11.66% decline in the number of requisitions when compared to the Hilary Term. The ratio of cases filed to requisition was calculated to be 1: 0.22 which suggests that for every 100 case files there were 22 requisitions or roughly speaking an average of 2 requisitions per 10 HCV case file. This reflects a 4 percentage point improvement over the Hilary Term.

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 will soon be 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 and Probate Divisions.

**Table 11.0: Judgments for the Easter Term ended July 31, 2017**

<b>Judgments</b>	<b>Frequency</b>	<b>Percentage</b>
Judgments (Trial in Court/Assessment of damages)	75	27.17
Judgments on admission	29	10.51
Judgments in default of acknowledging service	142	51.45
Judgments in default of defence	30	10.87
<b>Total Judgments</b>	<b>276</b>	<b>100</b>

The above table provides a summary of specific Judgments rendered during the life of HCV cases for the Easter Term. A total of 276 such Judgements were rendered, reflecting a decline of 10.97% when compared to the Hilary Term. Judgments in default of acknowledging service with 142 or 51.45% of the total judgments accounts for the largest proportion. This is followed Judgments from trial in court or assessment of damages with 75 or 27.17% of total Judgments while Judgments in default of defence with 30 or 10.87% and Judgements on admission with 29 or 10.51% rounds off the list. There inverse association between Judgments in default of acknowledging service and the incidence of requisitions as well as between Judgments in

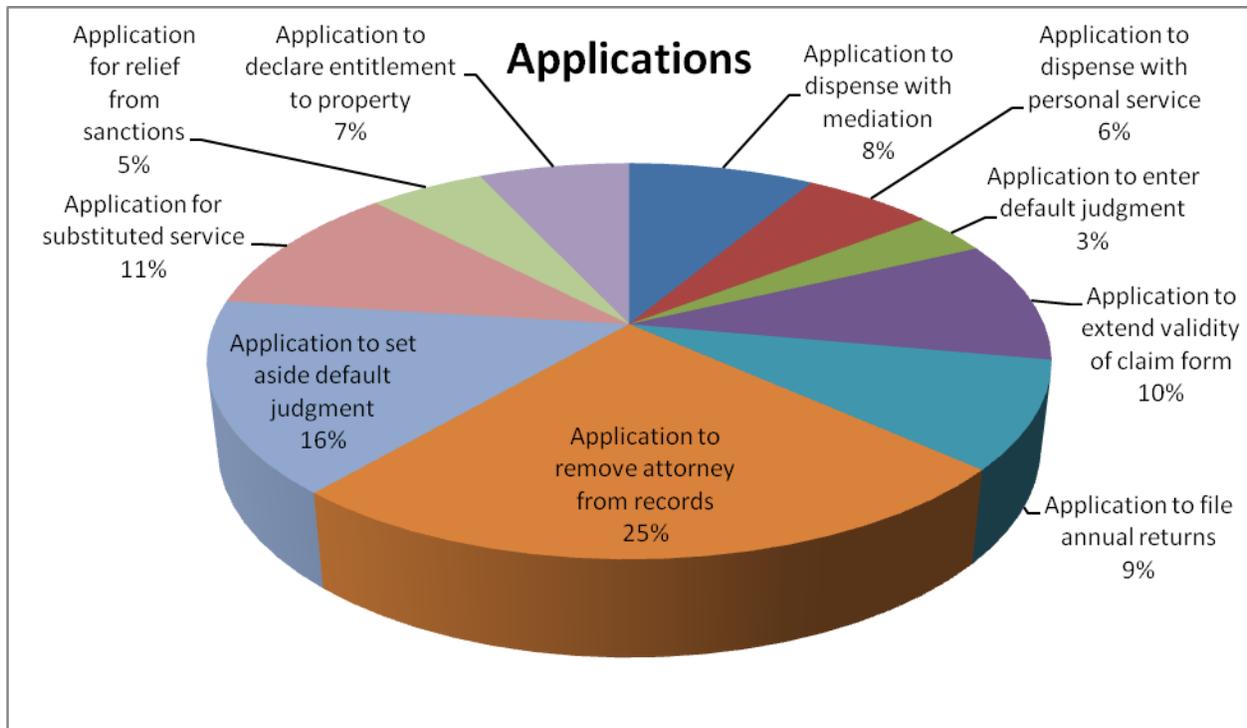
default of defence and incidence of requisitions are affirmed by the results seen. The numbers of requisitions issued fell while both of these Judgements increased.

**Table 12.0: Chamber hearings for the Easter Term ended July 31, 2017**

Hearings	Frequency	Percentage (%)
Oral Examination	9	0.25
Case Management Conference	436	12.25
Pre-trial review	269	7.56
Applications (Various)	2652	74.52
Judgment summons hearing	193	5.42
<b>Total</b>	<b>3559</b>	<b>100%</b>

The above table summarizes the incidence of different types of hearings for the Easter Term. It is seen that the total number of hearings for the period was 3559, an increase of 30.27% when compared to the Hilary Term. As with the Hilary Term, the highest proportions were applications (including expedited applications) with 2652 or 74.52% of the total number of hearings. The number of applications in the Easter Term increased by 13.28% when compared to the Hilary Term. This applications category speaks a range of various types of non-exhaustive applications which come before the HCV Division. Case Management Conferences (CMC) was a distant second with an incidence of 436 or 12.25% of the total number, an increase of 31% when compared to the Hilary Term. Pre-trial reviews with 269 or 7.56% and Judgement summons hearings with 193 or 5.42% rounds off the top four chamber hearings for the Easter Term. These findings are broadly consistent with the findings from the Hilary Term.

**Chart 1.0: Top ten application types for the Easter Term ended July 31, 2017**



The above chart provides a breakdown of the dominant types of applications made in the HCV Division during the Easter Term. The largest proportion of the top ten applications, as shown above, is accounted for by applications to remove attorney from records with 26%. This is followed by applications to set aside default judgments with 16% of the applications and applications for substituted service with 11%. Applications to extend the validity of claim form with 10% and applications to file annual returns with 9% rounds off the top five most frequently occurring applications during the Easter Term. The high incidences of some application types provide 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 large number of applications to extend validity of claim forms provides a clear suggestion that a system of

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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 in the HCV Division is therefore reinforced.

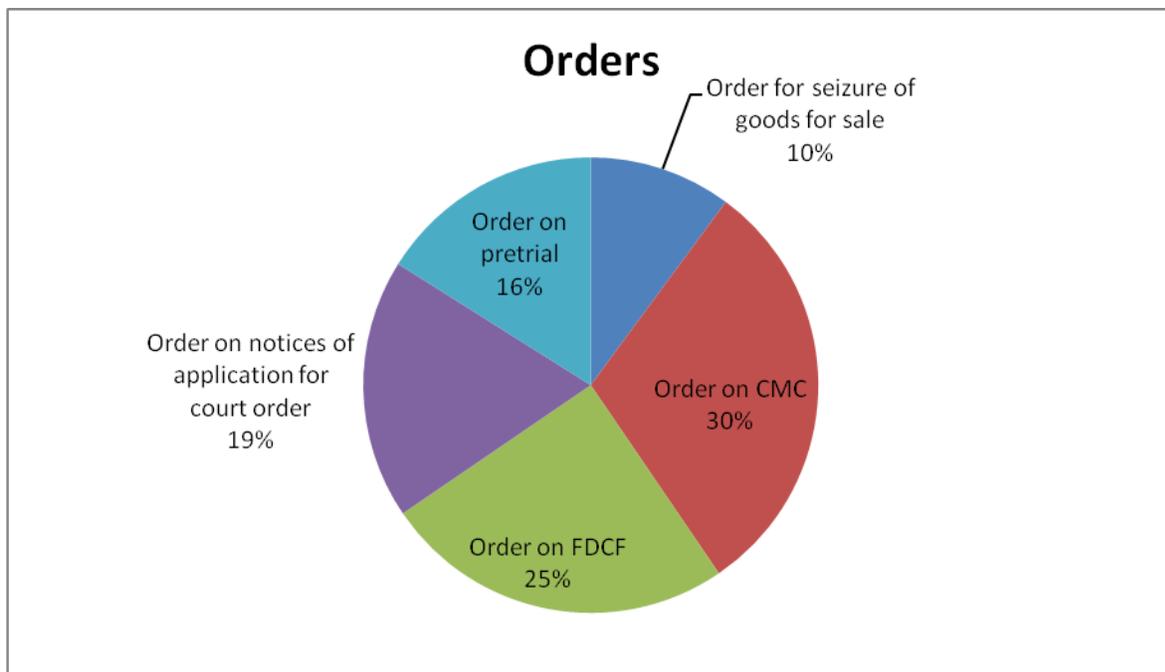
**Table 13: Methods of disposition for the Easter Term ended July 31, 2017**

<b>Method of disposition</b>	<b>Frequency</b>	<b>Percentage (%)</b>
Application Granted	205	42.8
Application Refused	3	.6
Claim form expire	5	1.0
Consent Judgment	23	4.8
Consent Order	6	1.3
Damages Assessed	52	10.9
Dismissed	2	.4
Judgment	30	6.3
Settled Fully in Mediation	7	1.4
Notice of Discontinuance noted	32	6.7
Order (Chamber Court)	2	.4
Settled	68	14.2
Settlement Order	1	.2
Struck Out	19	4.0
Transfer to Commercial	1	.2
Written Judgment Delivered	23	4.8
<b>Total</b>	<b>479</b>	<b>100.0</b>

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 479 HCV cases disposed in the Easter Term, of which the largest proportion, 205 or 42.8% were as a result of applications granted. This was followed by matters settled with 68 or 14.2% of the total. These were also the two leading methods of disposal in the Hilary Term. Damages assessed and notices of discontinuance are next with 52 or 10.9% and 32 or 6.7% respectively of the methods of disposal in the Easter Term. It is again noteworthy that only a small minority of the methods of disposal, 3 or 0.6% were completed by way of mediation.

**Chart 2.0: Frequently occurring orders for the Easter Term ended July 31, 2017**



The above table summarizes some of the most frequently occurring orders in the HCV Division for the Easter Term. There were a total of 1003 orders made in the Term. Of the top five orders for which data is available, 30% were orders on case management conferences (CMC), followed by orders on fixed date claim forms (FDCM) with 25%, order on notices of application for court

order with 18% and orders at pre-trial with 16%. The chart is rounded off by orders for seizure of goods for sake with 10%. These five orders also featured prominently during the Hilary Term.

**Table 14.0: Time to disposition for the Easter Term ended July 31, 2017**

**Descriptive Statistics**

Number of observations	479
Mean	34.4342
Median	24.0000
Mode	13.00
Std. Deviation	31.78990
Skewness	1.913
Std. Error of Skewness	.112
Minimum	1.00
Maximum	226.00

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 in the Easter Term, 2017. The 479 cases disposals of in the Term reveal an estimated average time to disposition was 34.43 months or 2.87 years, an increase of roughly 2 months when compared to the Hilary Term. The oldest matter disposed in this period was 226 months old or 18.83 years old while the shortest time that a matter took to disposition was roughly a month. The most frequently occurring time to disposition in the period was 13 months or just over a year. The standard deviation of roughly 32 months or 2.67 years is indication that the times to

disposition vary widely around the mean. The modest positive skewness of 1.91 however indicates that there were more disposals which took lower time to disposition than those which took higher. The margin of error of these estimates is plus or minus 3 months or 0.25 years.

**Table 15.0: Breakdown of time to disposition for the Easter Term ended July 31, 2017**

Months	Frequency	Percent
0 – 12	142	29.6
13 – 24	112	23.4
25 – 36	61	12.7
37- 47	40	8.4
48 & over	124	25.9
<b>Total</b>	<b>479</b>	<b>100.0</b>

The above table provides a more detailed breakdown of the average time to disposition. It is seen that of the 479 matters disposed in the period, the majority, 142 or 29.6% took between 0 and 12 months (1 year) to be disposed. This was followed by 124 matters or roughly 26% which took 48 and over months to be disposed. 23.4% or 112 matters took between 13 and 24 months to be disposed while 12.7% or 61 matters had a time to disposition of between 25 and 36 months. It is of note that just over 53% of the matters were disposed of within two years, a decline of 4 percentage points when compared to the Hilary Term, while roughly 47% took more than two years. Some of the deficiencies identified earlier, 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 3 months or 0.25 years. The result of a modal time to disposition of

13 months and that the largest proportion of cases disposed of in the Easter Term took a year or less, is quite instructive. This outcome is largely the result of a targeted intervention spearheaded by an HCV scheduling committee styled as the Express Chamber Resource (ECR). 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. An augmented, cross-Divisional approach of this nature could greatly assist in promoting a timelier movement of cases towards disposition.

**Table 16.0: Clearance rate for the Easter Term ended July 31, 2017**

<b>Cases filed</b>	<b>Cases disposed</b>	<b>Case clearance rate</b>
<b>1301</b>	<b>439</b>	<b>33.74%</b>

The case clearance rate is an important metric which complements the case disposal rate. It is calculated as the ratio of incoming 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 33.74% seen above for the HCV Division in the Easter Term is an indication that for every 100 new cases filed in the period under examination, there were roughly 34 cases disposed. This represents a 1.74 percentage point improvement when compared to the Hilary Term. As with the Hilary Term, this result could either suggest the case disposal rate in the Division is too low to sustain a

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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 at the clearance rate is meant to be a ratio.

## **Matrimonial Division**

The ensuing analysis examines the various measures of the efficiency of case handling in the Matrimonial Division for the Easter Term ended July 31, 2017.

**Table 14.0: Petitions filed for the Easter Term ended July 31, 2017.**

<b>Type of petition</b>	<b>Frequency</b>	<b>Percentage</b>
Amended petition for dissolution of marriage	773	40.69
Petition for dissolution of marriage	1127	59.31
<b>Total petitions filed</b>	<b>1900</b>	<b>100</b>
Number of amendments per petition	<b>0.69</b>	

The above table summarizes petitions filed over the stated period. It is shown that a total of 1900 petitions were filed in the Easter Term, an increase of 3.2% over the Hilary Term. 1127 or 59.31% were petitions for dissolution of marriage, compared to 773 or 40.69% which were amended petitions for dissolution of marriage. The analysis further suggests that the ratio of petitions to amended petitions is 0.69 or in other words for every 100 petitions for dissolution of marriage there is roughly 69 amended petitions for dissolution of marriage in the Easter Term. This represents an improvement of 3 percentage points when compared to the Hilary

Term. These results are broadly consistent with those of the Hilary Term in which a high incidence of amended petitions was found to be a key source of delay in the progression of matters towards disposition. Greater public sensitization may be necessary to stem this tide. Two related efforts have been undertaken by the Matrimonial Division in an effort to stem this tide. One of these involves the emailing of standard document models for the filing of petitions to the attorneys during the process of emailing requisitions and the second is to post such models at the receiving windows in the Matrimonial Division. These initiatives have seen modest success so far however the positive impact should become more visible over time.

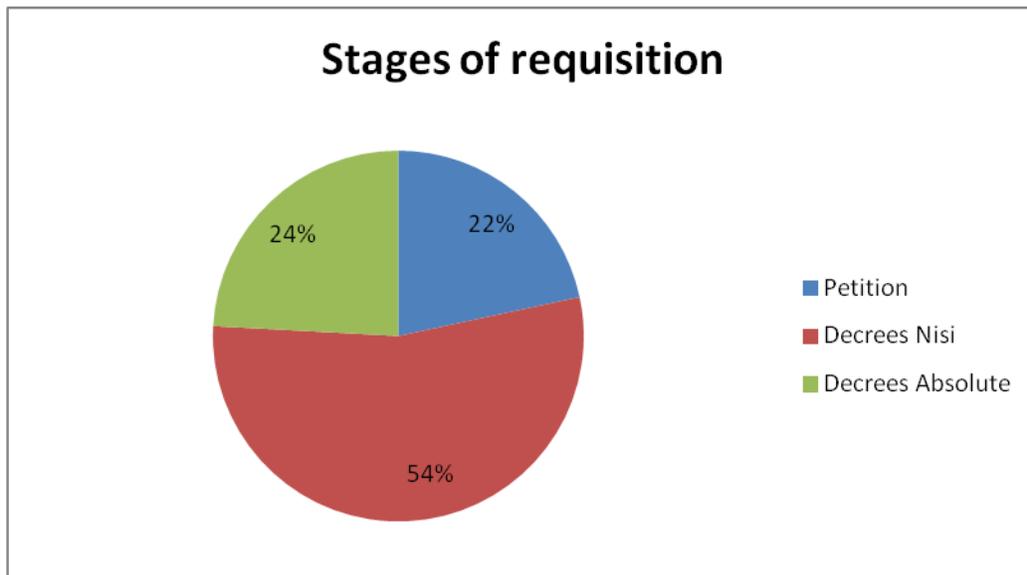
**Table 15.0: Decrees Nisi and Decrees Absolute filed for the Easter Term ended July 31, 2017**

Case Status	Frequency
Decree Absolute	1694
Decree Nisi for dissolution of marriage	2089
<b>Total</b>	<b>3477</b>
<b>Ratio of Nisi to Absolute</b>	<b>1.23</b>

It is seen in the above table that for every 100 Decrees Absolute filed there were roughly 123 Decrees Nisi filed in the period. 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 23% more Decrees Nisi than Decrees Absolute filed in the Hilary Term. The number of Decrees Absolute granted increased by 14.85% when compared to the Hilary Term while the number of Decrees Nisi increased by 4.35%. The stages of a matter at which requisitions have mostly occurred have 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 3.0: Sampling Distribution of the stages of the Easter Term ended July 31, 2017**



Using a sampling distribution from 3417 requisition, it is seen in the above chart that there appears to be a significantly greater probability that a requisition will be made at the stage of Decree Nisi, with an estimated 54% incidence, a 7 percentage point decrease compared to the Hilary Term. 22% of the sample constituted requisitions at the stage of a Petition, representing a 1 percentage point increase when compared to the Hilary Term. The lowest proportion of 24% of requisitions is associated with Decrees Absolute which is a 6 percentage point increase over the Hilary Term. As with the Hilary Term, this data suggests that specific interventions may be 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.

**Table 16.0: Methods of Disposals for the Easter Term ended July 31, 2017**

Method of Disposal	Frequency	Percent
Decrees Absolute Granted	1129	99.99
Notices of discontinuance	1	0.1
<b>Total</b>	<b>1130</b>	<b>100.00</b>

The above table reveals that a total of 1130 Matrimonial matters were disposed of in the Easter Term, 99.99% of which were by the method of Decrees Absolute Granted and the remaining 0.1% by way of a notice of discontinuance. This represents a 41.78% increase in the number of matters disposed in the Matrimonial Division when compared to the Hilary Term.

**Table 17.0: Requisitions summary for the Easter Term ended July 31, 2017**

Action	Frequency
Requisitions	3417
Number of requisitions per 100 files	126
Number of responses to requisitions	325
Requisition response rate	14%

The incidence of requisitions is especially important in assessing the efficiency with which Matrimonial matters move through the court system. A total of 3417 requisitions were filed during the Easter Term, representing a 42.28% increase when compared to the Hilary Term. The analysis further suggests that the ratio of cases filed to requisitions issued during this period is 1.26, suggesting that for every 100 cases filed there were 126 requisitions, the highest rate registered from the analyses done over the past six months. There were 325 responses to

requisitions made in the period, a response rate of roughly 14%, higher than the rate observed in both of the two recent previous periods of analysis. Though well below the desired mark, this could be an indication that the new system of emailing requisitions is showing some positive signs.

**Table 18.0: Time efficiency measures for the Easter Term ended July 31, 2017**

Efficiency measures	Days
Average days between Petitions filed and Decrees Nisi filed	32
Average days between requisitions issued and Decrees Nisi filed	30
Average days between Decrees Nisi filed and Decrees Absolute filed	65.25
Average days between requisitions issued and Decrees Absolute filed	25

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 32 days or roughly a 1 month between the filing of a petition and the filing of a Decree Nisi during the Easter Term. 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 25 days. It takes on average five days longer, 30 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 65.25 days or just over 2 months. Based on this 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

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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 most case files is likely a key source of delays in the Matrimonial Division and thus attributable to the long time taken to dispose of matters. As shown in earlier analyses, despite the notable improvements in the number of matters disposed in the Easter Term, the high incidence of requisitions continues to be an impediment. 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 19.0: Court/chamber matters for the Easter Term ended July 31, 2017**

<b>Action</b>	<b>Frequency</b>	<b>Valid Percentage</b>	<b>Percentage change (%)</b>
Applications	160	53.16	45.45
Expedited Applications	34	11.30	54.55
CMC	63	20.93	40.00
Motion hearing	31	10.30	4.25
Pre-trial hearing	2	0.66	100
Trial	11	3.65	0
<b>Total</b>	<b>301</b>	<b>100</b>	

The above table shows the distribution of the types of matters brought before the Court during the Easter Term. The data shows that a total of 301 matrimonial matters were brought before

either court or chamber in the Easter Term, an increase of 39.25%. The largest proportion, 160 or 53.16% were Applications followed by 63 or 20.92% which were Case Management Conferences (CMC) matters. The event with the third highest incidence in this category is expedited applications with 34 or 11.30% of the total. Motion hearings with 31 or 10.30% and trial matters with 11 or 3.65%, rounds off the top five events enumerated in this category. Most of these events experienced increases when compared to the Hilary Term. For example, applications and expedited applications grew by 45.45% and 55.55% respectively of the total incidence of court events in the Easter Term. The probability distributions of the events in this table are broadly consistent with that which was observed in the previous Hilary Term.

**Table 19.0: Top five types of applications in the Easter Term ended July 31, 2017**

Application type	Frequency	Percentage
Application to dispense with personal service	20	12.50
Application for substituted service	18	11.25
Application for custody and /or maintenance	15	9.40
Application for court order	8	5.00
Application to remove attorney's name from record	7	4.38

Further analysis of the types of application brought before the court suggests that applications to dispense with personal service with 20 or 12.5% of the total applications, accounted for the largest share. This is followed by applications for substituted service with 18 or 11.25% of the total, while applications for custody and/or maintenance with 15 or 9.40%, applications for court order with 8 or 5.00% and application to remove attorney's name from record with 7 or

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4.38% rounds off the top five types of applications. Four of these application types were also in the top five for the Hilary Term.

**Table 20.0: Top five reasons for adjournment/continuance for the Easter Term ended July 31, 2017**

Reasons for Adjournment	Frequency	Percentage
File not found	20	25.97
Part heard	13	16.88
Matter left off court list	11	14.29
No parties appearing	8	10.39
Parties having discussions with a view to settlement	7	9.09

**Total number of adjournments (N) = 77**

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 77 adjournments in the Easter Term. The largest proportion of these adjournments was due to files not found which accounted for 20 or 25.97% of the total number of adjournments. Matters part-heard and matters left off the court list with 16.88% and 14.29% respectively of the adjournments round off the top three. These five reasons for adjournment also featured prominently in the Hilary Term report. As with the HCV Division, the incidence of non-appearance of parties is a cause for concern, contributing to non-productive usage of judicial time. Strengthening the case management apparatus and the key tributaries of contact with external stakeholders/parties will be vital to reducing these occurrences.

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**Table 21.0: Trial/hearing date certainty for the Easter Term ended July 31, 2017**

<b>Court/Chamber dates set</b>	<b>Date adjourned</b>	<b>Date certainty</b>
301	57	81.06%

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 301 matters scheduled in court or chamber in the Easter Term, 57 were adjourned for reasons other than those which are fundamentally linked to the intrinsic progression of a case. This produces a reasonably high date scheduling certainty of 81.06% and suggests that for the period under examination, the Matrimonial Division did quite well with the management of its court schedule. For every 100 matters scheduled, the approximate number that would be expected to proceed without avoidable adjournment is 81.

**Table 22.0: Time to disposition for the two Easter Term ended July 31, 2017**

**Descriptive Statistics**

Number of observations	1130
Mean	27.7212
Median	22.5000
Mode	13.00
Std. Deviation	23.18137
Skewness	3.137
Std. Error of Skewness	.073
Range	240.00
Minimum	7.00
Maximum	240.00

The above table summarizes the time disposition for the Hilary Term ended July 31, 2017. It is seen that of the 1130 matters disposed of in the Term, the estimated average time to disposition was roughly 27.72 months or 2 and a third years. This result is quite instructive as the average time taken to dispose of all Matrimonial matters since November 2016 is also about two years, clearly indicative of a decisive trend. The estimate of the most frequently occurring time to disposition was however 13 months down by a notable 7 months when compared to the Hilary Term. This modal figure is an indication that a larger proportion of matters took a much faster time to be disposed in the Easter Term as compared to the Hilary Term. The average time to disposition of just over two years was therefore significantly skewed by the existence of a few matters which took an abnormally long time to be disposed. It is seen that the estimated maximum time to disposition for matters disposed of in the Term was 240 months or roughly 20 years and the estimated minimum was 7 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 3.14 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 3 months or 0.25 years.

**Table 23.0: Breakdown of times to disposition for the Easter Term ended July 31, 2017**

Months	Frequency	Percentage (%)
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0 – 12	263	23.3
13 -24	405	35.8
25 – 36	217	19.2
37 – 48	115	10.2
48 & over	130	11.5
<b>Total</b>	<b>1130</b>	<b>100.0</b>

The above table provides a more detailed breakdown of the estimated times to disposition for Matrimonial matters in the Easter Term ended July 31, 2017. It is seen that of the 1130 matters disposed of in the Term, the largest proportion, 405 or roughly 36% 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 263 or 23.3% of the total. This is markedly similar to the findings from the Hilary Term which also had the greatest proportion of disposals falling in these two time intervals. Taken together this result suggests that 668 or 59.1% of Matrimonial matters disposed of in the Easter Term were done in two years or less of the time of initiation. 362 or roughly 40.9% of all Matrimonial matters disposed of in the Term took more than two years to be disposed. The estimates however clearly suggest that a decidedly larger proportion of matters which were disposed of during the Term 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, coming much closer to the desired standard of a 6 to 7 months' average time to disposition. The margin of error of these estimates is plus or minus 3 months or 0.25 years.

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**Table 24.0: Case clearance rate for the Easter Term ended July 31, 2017.**

<b>Cases filed</b>	<b>Cases disposed</b>	<b>Case clearance rate</b>
<b>1127</b>	<b>1130</b>	<b>100.27%</b>

The above table shows that there were 1127 new cases filed in the Hilary Term compared to 1130 which were disposed. The cases disposed could have originated in any period in or prior to the Easter Term and therefore the clearance rate which simply computes the ratio of cases disposed to new cases filed is merely a productivity index. These figures produce a case clearance rate of 100.27%, suggesting that for every 100 new cases; roughly 100 were disposed in the Easter Term. This represents a 24 percentage point increase when compared to the Hilary Term. The case clearance rate provides a good impression of case burden that is being carried by the Matrimonial Division, the data clearly suggesting that there were as many incoming as there are outgoing cases in the Division during the Easter Term. The Matrimonial Division has demonstrated continuously strong case clearance rates over the past twelve months. In order to sustain these improvements, strong support for the Deputy Registrar of the Matrimonial Division is required to ensure that the vetting process for files is expedited to support a timely progression of files to the Judges. 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.

**Probate Division**

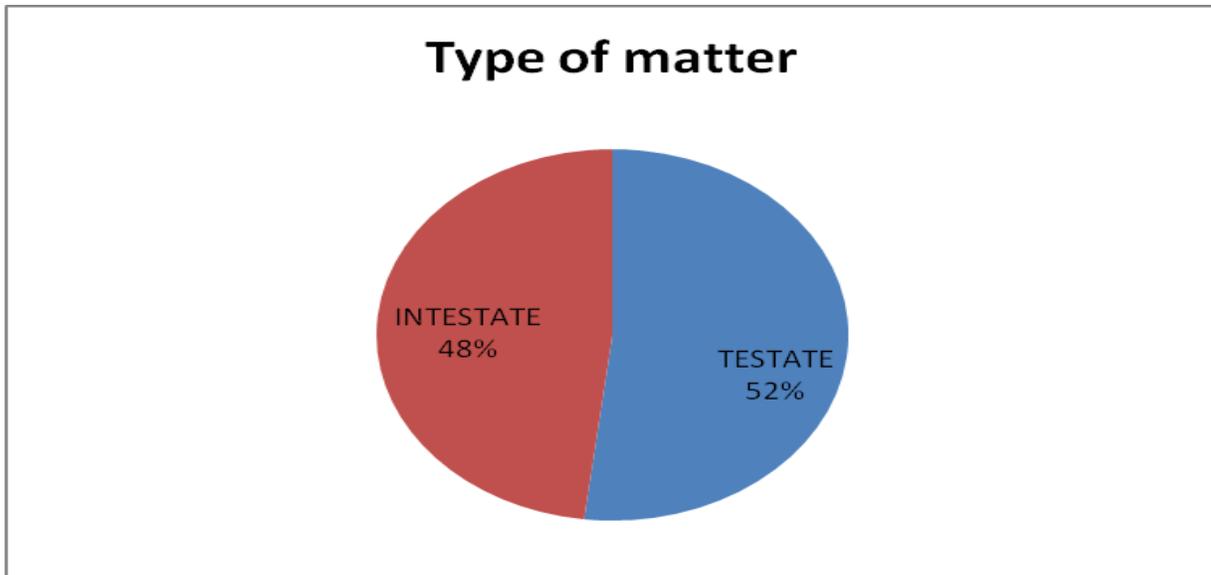
This section turns to the analysis of the progression of matters in the Probate Division for the Easter Term, 2017.

**Table 24.0: Oaths for the Easter Term ended July 31, 2017**

<b>Oaths</b>	<b>Frequency</b>	<b>Percentage (%)</b>
Supplemental Oaths	613	44.65
Oaths	760	55.35
<b>Total Oaths</b>	<b>1373</b>	<b>100</b>
<b>Ratio</b>	<b>0.81</b>	

The above table suggests there were a total of 1373 oaths filed during the Easter Term, of which 760 or 55.35% were initial Oaths filed, compared to 613 which were Supplemental Oaths. The ratio of Oaths to Supplemental Oaths is 0.81 which suggests that for every 100 Oaths there were 81 Supplemental Oaths filed in the Term, an improvement of 19 percentage points when compared to the Hilary Term. Despite the improvements, this is still a high ratio of Supplemental Oaths to Oaths, the curbing of which may require greater public education and stakeholder engagement to improve the accuracy with which oaths are filed.

Chart 2.0: Type of matters for the Easter Term ended July 31, 2017.



The above table provides a summary of the types of matters filed in the Probate Division for the Easter Term, 2017. It is shown that there is a close to equal distribution, with 52% of the matters being Testate and 48% Intestate. This probability distribution is similar to that gleaned from the Hilary Term in which Testate matters outnumbered Intestate however the margin of difference fell by roughly 4 percentage points.

Table 25.0: Action sequence for the Easter Term ended July 31, 2017

Action Status	Frequency
Recommendations	193
Granted	463
Grant Signed	349
<b>Ratio of Recommendations to Granted Applications</b>	<b>2.40</b>

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<b>Ratio of Recommendations to Grants Signed</b>	<b>1.81</b>
<b>Ratio of Granted Applications to Grants Signed</b>	<b>0.75</b>

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 courts. The measures therefore provide an important indication of the efficiency with which Probate applications are disposed. It is shown in the above table that during the period under examination, 193 recommendations were made while there were 463 matters granted. An important caveat here is that the number of matters granted may exceed the number of recommendations made because some of those grants are made for matters originating in previous periods. The analysis therefore suggests that for every 10 recommendations made in the Easter Term, there were 24 granted and for every 10 recommendations made there were 18 grants signed. Further analysis suggests that for every 10 applications granted an average of between 7 and 8 grants were signed. It is again important to point out here that the grants signed could have been based on applications signed in a previous period. These measures are therefore productivity indices which give a metric of the clearance rates from recommendations to granted applications to grants signed.

**Table 26.0: Cases filed and requisitions summary for the Easter Term ended July 31, 2017**

<b>Action Status</b>	<b>Frequency</b>
New cases filed	940
Requisitions Issued	1238
Number of requisitions per case file	1.32
Number of requisitions responded to	587

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Requisition response rate	47.42%
Average days between final requisition filed and Grant of Probate	24

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 Easter Term there was a total of 1238 requisitions issued while 940 new matters were filed, representing a ratio of 1.32 requisitions per case file during this period. This means that for every 100 cases there were 132 requisitions. The number of new cases filed increased by roughly 21% when compared to the Hilary Term while the number of requisitions increased by roughly 11%. This number of requisitions and the ratio of requisitions to cases shown here is among the highest in the Civil Divisions. The ratio of new cases filed to requisitions issued however improved by 12 percentage points when compared to the Hilary Term, an outcome which is partly a result on a more comprehensive system of emailing requisitions to the relevant parties. Undoubtedly, this has a perverse effect on the timely disposition of cases in the Probate Division. Further analysis suggests that the average time from the issuing of final requisitions to the Grant of Probate was 24 days during the Easter Term, up from 22 in the Hilary Term.

**Table 27.0: Methods of Disposal for the Easter Term ended July 31, 2017**

Methods of disposal	Frequency	Percentage (%)
(Reseal) Granted	13	3.0
Instrument Issued	17	3.9

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Letters of Administration Granted	231	53.0
Probate Granted	175	40.1
<b>Total</b>	<b>436</b>	<b>100.0</b>

The methods of disposal for the Probate Division for the Easter Term are summarized in the above table. It is shown that of the 436 matters disposed of in the period, the largest proportion, 231 or 53% was a result of letters of administration granted. This is followed by probates granted with 175 or 40.1% of the total number of disposals, representing a reversal of first and second place when compared to the Hilary Term, while 17 or 3.9% of the disposals were accounted for by Instruments issued and 13 or 3% by resealed grants. There was an overall increase of roughly 70% in the number of probate cases disposed in the Easter Term.

**Table 28.0: Top five reasons for adjournment/continuance of Probate matters for the Easter Term ended July 31, 2017**

Reason	Frequency	Percentage (%)
Claimant to file documents	8	26.7
No parties appearing	4	13.3
Part heard	3	10.0
Claimant's documents not served on defendant	3	10.0
Insufficient time	3	10.0

**Total number of adjournments (N) = 30**

The reasons for adjournment for Probate matters that went to court in the Easter Term are summarized in the above table above. There were a total of 30 adjournments/continuance in the Term, the largest proportion of which was for the reasons of 'claimant to file documents,' with 8 or 26.7% followed by 'no parties appearing' with 4 or 13.3%. Matters part-heard,

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claimant’s documents not served on defendant and insufficient time are next with 3 or 10% each of the total adjournments. Files not found and matters discontinued are the next most frequently occurring reasons for adjournment with 2 or 6.7% each of the total.

**Table 29.0: Applications for the Easter Term ended July 31, 2017**

Nature of Applications	Frequency	Percentage (%)
Applications	53	72.60
Express Applications	20	27.40
<b>Total</b>	<b>73</b>	<b>100.0</b>
<b>Ratio of applications to express applications</b>	-	<b>37.74%</b>

The above table provides a basic summary of the types of court applications made in the Easter Term and shows that there were a total of 73 court applications in the period, of which 53 or 72.6% were standard applications while the remaining 20 or 27.40% were express applications. For every 10 applications made during the Term, there were roughly 4 express applications during the Term.

**Table 30.0: Top four types of applications for the Easter Term ended July 31, 2017**

Application	Frequency	Percentage (%)
Application to prove copy will	23	31.4
Application for directions	6	8.2
Application for court orders	3	4.1
General application	3	4.1

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 23 or 31.4% of the total, followed by applications for directions with 6 or 8.2% of the total number of applications. The top four types of applications are rounded off by applications for court orders and applications to remove executors, each with 3 or 4.1% of the total.

**Table 31.0: Trial/hearing date certainty for the Easter Term**

Court/Chamber dates set	Date adjourned (excluding part heard and pending settlements)	Trial/Hearing date certainty
72	25	65.27%

The above table addresses the extent of adherence with dates set for Court/Chamber matters in the Probate Division for the Easter Term ended July 31, 2017. It is shown that of 72 matters which were scheduled for court or chamber, 25 were adjourned for reasons other than ‘continuance’. This produces a date certainty of 65.27%, a decline of roughly 13 percentage points when compared to the Hilary Term. This result means that there was a roughly 65% chance that a matter scheduled for court or chamber would proceed without adjournment for reasons other than ‘continuance’.

**Table 32.0: Age of matters disposed for the Easter Term ended July 31, 2017**

**Descriptive Statistics**

Number of observations	436
Mean	18.9518
Median	11.0000
Mode	11.00
Std. Deviation	30.43070
Skewness	8.855
Std. Error of Skewness	.117
Minimum	3.00
Maximum	472.00

The above table provides a summary measure of the overall estimated times to disposition for the 436 cases disposed of in the term. The estimated average time to disposition is roughly 18.95 or just over a year and a half. This represents an increase of 4 months when compared to the Hilary Term. This result was however having a very large positive skewness which is an indication that a substantial proportion of the cases disposed took less than the mean time and therefore this mean was pulled upwards by the existence of the minority of matters which took an abnormally long time to be disposed. This idea is supported by the fact that both the median and the most commonly observe time to disposition for Probate cases was 11 months during the Easter Term. This shows good promise for the targeted average time to disposal of cases in this Division of 6- 12 months. The margin of error of these estimates is plus or minus 3 months or 0.25 years. The oldest Probate matter disposed of in the Easter Term was an alarming 472

months old or almost 39 years (a 1978 matter) while there were a few matters which took roughly 3 months to be disposed, representing the lowest time to disposition in the Term.

**Table 33.0: Breakdown of times to disposition for the Easter Term ended July 31, 2017**

Months	Frequency	Percent
0 -12	305	70.0
13 – 24	76	17.4
25 – 36	17	3.9
37 – 47	9	2.1
48 & over	29	6.7
<b>Total</b>	<b>436</b>	<b>100.0</b>

The above table affirms the analysis of the earlier descriptive statistics on the times to disposition for matters in the Probate Division during the Easter Term. It is shown that the overwhelming majority of such matters, 305 or 70%, were disposed of within a year. This was followed by 76 or 17.4% of matters which were disposed of in a time of between 13 and 24 months while the 29 or 6.7% which took 4 years or more to be disposed ranks next. It is of great interest that over 87% of all Probate matters which were disposed of in the Easter Term took 2 year or less. When compared to the Hilary Term, the distribution of the times to disposition for matters disposed of during the Easter Term in the Division shows sharp improvements. These times are also the best among all the Divisions included in this report. The margin of error of these estimates is plus or minus 3 months or 0.25 years.

**Table 34.0: Case clearance rate for the Easter Term ended July 31, 2017**

<b>Cases filed</b>	<b>Cases disposed</b>	<b>Case clearance rate</b>
<b>760</b>	<b>436</b>	<b>57.37%</b>

Using the data on the number of cases filed and disposed during the Easter Term, a case clearance rate of approximately 57.37% is derived, and an uptick of an impressive 22 percentage points when compared to the Hilary Term. This suggests that for every 100 cases filed and active in the period, 57 were disposed a result which indicates a result which indicates greater productivity in the Division during the Term. The result however also indicates that there were significantly more new than disposed cases during the Term and so targeted policy interventions are needed to curb those factors such inhibit timely case disposals and to also bolster the resources needed to effectively handle the increasing case load.

**Home Circuit Court**

The analysis now turns to a look at the Home Circuit Court for the Hilary Term ended July 31, 2017 in the Home Circuit Court.

**Table 35.0: Distribution of the top six charges entered during the Easter Term ended July 31, 2017.**

Charge	Frequency	Percentage (%)
Sexual intercourse with a person under 16 years	86	19.6
Rape	82	18.7
Murder	64	14.6
Grievous sexual assault	29	6.6
Aiding and abetting rape	22	5.0
Forcible abduction	21	4.8

**Total number of charges filed (N) = 438**

The above table summarizes the distribution of top six charges associated with cases filed during the Easter Term, 2017. There were **254 new cases files** in the period, representing a total of **438 charges**, a ratio of 17 charges for every 10 cases. The number of new cases entered before the Home Circuit Court in the Term increased by 33.68%. It is shown that of these 438 charges the largest proportion, 86 or 19.6% represented sexual intercourse with a person under sixteen years old. This is followed by rape with 82 or 18.7% of the total, while murder with 64 or 14.6% and grievous sexual assault with 29 or 6.6% rounds off the top four charges filed in the Home Circuit Court for the Easter Term. Forcible abductions with 21 or 4.8% of the total and sexual touching with 12 or 2.7% account for the next highest proportion of the total number of charges. The top six charges account for 69.4% of the total charges entered in the Home

Circuit Court during the Easter Term. It is of interest that roughly 56% of the total number of charges filed in the Easter Term was sexual matters, a result which is consistent with the findings from the Hilary Term report.

#### **Analysis of continuance and adjournments**

Adjournments constitute an important reason for the delays in the timely disposition of cases in the court system. Some of these adjournments are simply a result of the intrinsic and unavoidable processes that a case must undergo. Others are however either completely outside of the direct control of the court or are due to internal factors which may be controllable by the court and must therefore be distinguished. For analytical purposes adjournments which are either outside of the control of the court or are internally controllable are referred to as 'reasons for adjournment' and those which are deemed to be a routine part of the processes needed to move a matter through the critical stages in case progression are classified as 'reasons for continuance'. The analysis of these two categories is done for the two key stages of case management and trial which aids in providing further perspective to the adjournments.

The below tables will highlight the most common reasons for adjournment and continuance respectively during the Easter Term and also provides a categorization by case management and trial stages. There was a combined total of 1366 incidence of continuance or adjournments for the Easter Term, an increase of 10.16% when compared to the Hilary Term.

**Table 36.0: Top six reasons for adjournment for the Easter Term ended July 31, 2017**

Reason for adjournment	Frequency	Percentage (%)	Stage of progression
Accused not brought	42	3.07	Trial
Defence counsel absent	151	11.05	Trial
Witness absent	29	2.12	Trial
Defendant not answering	36	2.64	Case management
For investigating officer to attend	40	2.93	Case management
For disclosure	27	1.98	Case management

**Total incidence of adjournments (N) =1366**

The above table provides a summary of the top six reasons for adjournment for the Easter Term. The reasons listed here are those which can be considered as occurring due to strictly avoidable reasons or reasons outside of the court’s direct control and the proportions computed are as a fraction of the sum of reasons for continuance and adjournments. It is of note that there could be multiple adjournments even due to the same reason for a single case so there are notably more adjournments than cases in the Term. The highest proportion, 151 or 11.05% were a result of the absence of defence counsel. This was followed by 42 or 3.07% which were attributable to the accused not brought to court. Adjournments for investigating officer to attend court with 40 or 2.93% of the total come next while matters adjourned due to the defendant not answering with 36 or 2.64% of the total rounds off the top four reasons. The number of these reasons which occur at the case management and trial stages is evenly split at

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3 each with 68.31% of these top six reasons for adjournment occurring at the trial stage and the remaining 31.69% at the case management stage. A total of 488 cases were entered before the Home Circuit Court in the Easter Term, inclusive of cases originating prior to 2017.

**Table 37.0: Top five reasons for continuance for the Easter Term ended July 31, 2017**

Reason for continuance	Frequency	Percentage (%)	Stage of progression
Trial date set	315	23.06	Trial
Plea and case management	307	22.47	Case management
Bail application	81	5.93	Case management
Sentencing	18	1.31	Case management
To verify death of the accused	10	0.73	Case management

**Total incidence of adjournments (N) =1366**

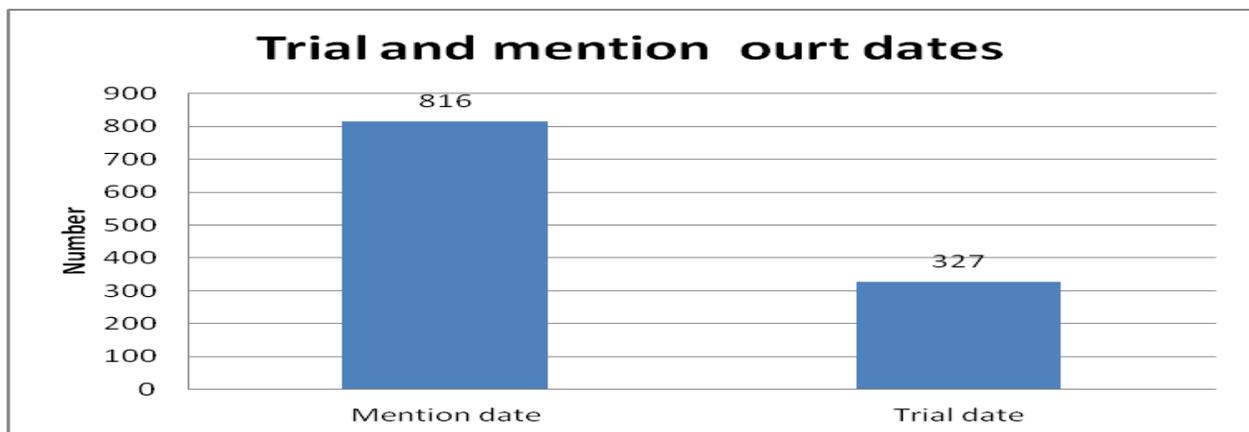
The above table highlights the top five reasons for which criminal cases in the Home Circuit Court were adjourned for continuance during the Easter Term. Leading this list with 315 or 23.06% of the total list of reasons for adjournments and continuance is the reason of trial date set. This is followed by continuance due to plea and case management with 307 or 22.47% and bail applications with 81 or 5.93% of the total which rounds off the top three. Four of these top five reasons for continuance are associated with the case management stage of a cases and the other with the trial stage. Taken together, of the top ten reasons which are either strictly due to

continuance or to adjournments, six are related to case management however. The data also suggests that over 53.5% of the total adjournments were for reasons of continuance.

Among the other reasons for adjournment which featured prominently which are not on the lists above are adjournments to settle legal representation, adjournments for assignment of legal aid and adjournments due to statements outstanding.

Consistent with the Hilary Term, it is of concern that the absenteeism of attorneys, investigating officers and witnesses feature so prominently among the reasons for adjournment. This suggests that a more robust case management system in which is not set for trial unless it is absolutely ready for trial and in which there is a dedicated period for such matters, 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. It is of note that for the Easter Term there was 8 reasons for continuance due to matters part-heard, compared to 15 such incidence in the Hilary Term.

**Chart 5.0: Trial and mention matters/dates set in the Easter Term ended July 31, 2017**



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The above chart shows that there were a total 1143 dates set for either trial or mention court in the Easter Term, representing an increase of 22.50% when compared to the Hilary Term. 816 or 71.39% of this number were dates set for mention court while 327 or 28.61% represents dates set for trial. This produces a ratio of 1:0.40 which suggests that for every 100 matters mentioned there were 40 trial matters set down in the Easter Term. There were 238 individual cases which were tried and 488 mentioned in the Easter Term. This suggests that each case mentioned in court, were mentioned on average of 1.67 times, which is another way of saying that every 100 mention cases were mentioned 167 times. This was exactly the same frequency seen in the Easter Term. Similarly, for cases which were set for trial, there was a scheduling incidence of 1.38 times per case, which suggests that 138 trial dates were set for every 100 trial cases. This was also roughly the same ratio seen in the Hilary Term.

**Table 38.0: Trial/hearing date certainty for the Hilary Term ended April 07<sup>th</sup>, 2017**

<b>Number of hearing/trial dates set</b>	<b>Number of adjournments (excluding adjournments for trial or PCMH)</b>	<b>Trial/hearing date certainty</b>
<b>1143</b>	<b>731</b>	<b>55.55%</b>

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 case loads and for the general system of scheduling. In the table above it is shown that of 1143 Court

dates scheduled in the period under study, 731 were adjourned for reasons other than continuance (as defined earlier). This suggests a scheduling certainty rate of roughly 56% which is another way of saying that for every 100 criminal matters scheduled for court or chamber, roughly 56 are able to proceed without adjournment for reasons other than for continuance. This modest result 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. The moderate date certainty creates a self fulfilling prophesy as the expectation that matters will be adjourned leads to actions which reinforces negligent practices that contribute to it.

**Table 39.0: Case disposal methods for the Easter Term ended July 31, 2017**

<b>Method of Disposition</b>	<b>Frequency</b>	<b>Percentage (%)</b>
Formal Verdict of Not Guilty – discharged	3	3.8
Found Guilty	10	12.8
Guilty Plea	24	30.8
No Case Submission upheld	1	1.3
No Case to Answer – discharged	1	1.3
No Evidence offered- discharged	10	12.8
No further evidence offered- discharged	3	3.8
Nolle Prosequere	12	15.4
Not Guilty – discharged	10	12.8

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Plea guilty to a lesser charge	1	1.3
Remitted to Parish Court	3	3.8
<b>Total</b>	<b>78</b>	<b>100.0</b>

The above table summarizes the methods of disposal for the cases disposed of during the Easter Term. It is shown that a total of 78 cases were disposed of in the Term. Guilty plea with 24 or 30.8% of the total number of disposals accounted for the largest share of disposals for the Term. Accounting for the next highest proportion of total disposals was Nolle Prosequere with 12 or 15.4% of the total. Not guilty outcomes, guilty outcomes and no evidence offered each with 10 or 12.8% accounted for the joint third largest share of the methods of disposition in the Easter Term. A crucial measure of efficiency in the Home Circuit Court is the conviction rate as displayed below.

**Table 40.0: Overall criminal conviction rate for the Easter Term ended July 31, 2017**

<b>Total number of cases disposed</b>	<b>Total number of guilty outcomes</b>	<b>Conviction rate</b>
78	34	<b>43.59%</b>

The above table shows that of the 60 criminal cases disposed of in the Hilary Term, 32 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 43.59% which suggests that there is a roughly 44% probability that a matter ended in a

guilty outcome. This represents a 9.74 percentage point decline when compared to the Hilary Term. 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 41.0: Conviction rate for sexual offences cases for the Easter Term ended July 31, 2017**

Total number of cases disposed	Total number of guilty outcomes	Conviction rate
29	24	<b>82.76%</b>

The above table shows that of the 29 sexual offence cases were disposed of in the Hilary Term, 24 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a high conviction rate of roughly 83% which suggests a roughly 83% probability that a sexual offence matter could end in a guilty outcome. This is a 4 percentage point decline in the conviction rate for sex offences when compared to the Hilary Term.

**Table 42.0: Conviction rate for murder cases in the Easter Term ended July 31, 2017**

Total number of cases disposed	Total number of guilty outcomes	Conviction rate
32	11	<b>35%</b>

The above table shows that of the 32 murder cases disposed of in the Hilary Term, 11 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 35% which suggests a roughly 35% probability that a murder matter could end in a guilty outcome. This represents a 4 percentage point improvement when compared to the Hilary Term.

**Table 43.0: Top seven charges disposed in the Easter Term ended July 31, 2017**

Charges	Frequency	Percentage
Murder	62	47.7
Sexual Intercourse with a Person under Sixteen	14	10.80
Rape	13	10.0
Grievous sexual assault	7	5.40
Manslaughter	4	3.10
Robbery with aggravation	4	3.10
Wounding with intent	3	2.30

**Number of disposed charges (N) =130**

The above data shows that of the 130 charges disposed of in the Home Circuit Court during the Easter Term, a 22.64% increase over the Hilary Term. The largest proportion of 47.7% was murder charges. This was followed by sexual intercourse with a person under 16 years old with 14 or 10.80% of the total. Rape with 13 or 10% of the charges disposed and grievous sexual assault with 7 or 5.4% rank next. The top five charges disposed is completed by manslaughter and robbery with aggravation each with 4 or 3.1% of the total dispositions. As with the Hilary

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report on the Home Circuit Court murder and sexual offences are not only the dominant incoming but also the dominant outgoing cases. It is of particular note that roughly 28% of charges disposed in the Easter Term were sex related while also accounting for roughly 56% of all incoming cases. As seen earlier, sexual offences also demonstrated a high conviction rate 82% in the Easter Term. The dominance of this offence in the criminal statistics strongly suggests that there needs to be robust case management attention for these matters to support their timely disposition.

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**Table 43.0: Methods of disposition for the dominant case types in the Easter Term ended July 31, 2017.**

		Charge Type		
		Murder	Rape	Sexual Intercourse with a Person under Sixteen
Methods of Disposition	Formal Verdict of Not Guilty - discharge	1 1.6%	1 7.7%	0 0.0%
	Found Guilty	4 6.5%	0 0.0%	2 13.3%
	Guilty Plea	0 0.0%	0 0.0%	6 40.0%
	No Case Submission upheld	4 6.5%	0 0.0%	0 0.0%
	No Case to Answer, Discharged	1 1.6%	0 0.0%	0 0.0%
	No Evidence offered discharged	16 25.8%	1 7.7%	2 13.3%
	No further evidence offered discharged	3 4.8%	3 23.1%	0 0.0%
	No verdict entered	5 8.1%	0 0.0%	1 6.7%
	Nolle Prosequere	27 43.5%	1 7.7%	0 0.0%
	Not Guilty - Discharged	1 1.6%	7 53.8%	4 26.7%
	Total	62 100.0%	13 100.0%	15 100.0%

The above table summarises the methods of disposal for the three criminal case types with the highest incidence of dispositions in the Easter Term. It is seen that the largest proportion of the 62 murder cases disposed in the Term were done by way of Nolle Prosequere which accounted

for 43.5% of such disposals. This was followed by the methods of no evidence offered and no verdict entered with 25.8% and 8.1% respectively of murder matters disposed. As for rape cases, the data shows that the dominant method of disposal for such matters was not guilty outcomes with 53.8%, followed by no further evidence offered with 23.1%. It was noted earlier in this section that sexual intercourse with persons under the age of 16 accounts for a large number of criminal matters in the Home Circuit Court. Of the 15 such matters disposed in the Easter Term, the majority, 40% were disposed of by way of guilty plea, followed by not guilty outcomes with 26.7%

**Table 44.0: Time to disposition for cases disposed in the Easter Term ended July 31, 2017**

<u>Descriptive measure</u>	<u>Months</u>
Mean	27.81
Median	23.0
Mode	3.00
Std. Deviation	29.46
Skewness	1.091
Range	92.48
Minimum	0.52
Maximum	94.00

**Number of cases disposed (N) = 78**

The above table provides a descriptive summary of the time to disposition for criminal cases disposed of in the Easter Term, 2017. It is shown that the estimated average time to disposition for cases disposed of in the Term, was approximately 27.8 months or roughly 2 years and 3 months. This represents an increase of roughly 4 months when compared to the Hilary Term however the figure is lower than the average time to disposition of 3.5 years which was seen in

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the Michaelmas Term in 2016. The estimated minimum time to disposition was 16 days and estimated maximum was 94 months or roughly 7 years and 10 months. The positive skewness measure revealed a figure of 1.091 indicates that slightly more of the times to disposition for cases disposed in the Easter Term are less than the overall average time.

**Table 45.0: Breakdown of time to disposition of cases for Easter Term ended July 31, 2017.**

<b>Months</b>	<b>Frequency</b>	<b>Percentage (%)</b>
0 - 12	37	47.4
13 - 24	17	21.8
25 - 36	3	3.8
37 - 47	6	7.7
48 & over	15	19.2
<b>Total</b>	<b>78</b>	<b>100.0</b>

The above table provides a summary of the estimated time to disposition for the cases disposed of during the Easter Term ended July 31, 2017. It is shown that the largest proportions of matters were disposed of in a year or less of initiation, accounting for 37 or 47.4% of all matters disposed. This is followed by 17 or 21.8% which were disposed of in 13 to 24 months and 15 or 19.2% of matters which took 4 or more years to be disposed. Cumulatively, about 69% of the cases disposed of in the period took two years or less while the remaining 31% took over two years to be disposed. The proportion of matters taking under two years to be disposed represents a slight decline of roughly 3 percentage points when compared to Hilary Term.

**Table 46: Time to disposition for charges disposed (from case file date) in the Easter Term ended July 31, 2017**

<u>Descriptive measures</u>	<u>Months</u>
Mean	35.28
Median	32.00
Mode	25.00
Std. Deviation	23.19
Skewness	0.44
Range	96.48
Minimum	0.52
Maximum	97.00

**Number of charges disposed (N) = 130**

The above table summarises the time to disposition for charges disposed of during the Easter Term. The average time to disposition is shown to be roughly 2 years and 11 months which is somewhat higher than the time to disposition for cases during the Term. The longest and shortest times to disposition of 8 years and 16 days respectively for the charges disposed, are approximately the same as for cases disposed. The modal time to disposition of 25 months or just over two years is however closer to the average time to disposition for cases during the Term. The modest positive skewness figure of 0.44 further suggests that the times to disposition for the charges were reasonably normally distributed with a slightly larger proportion of the scores falling below the mean.

**Table 47: Time to disposition for charges disposed (from date of charge) for Easter Term ended July 31, 2017.**

Descriptive measure	Months
Mean	47.00
Median	42.00
Mode	39.00
Std. Deviation	30.43
Skewness	0.263
Minimum	3.00
Maximum	110

**Number of charges disposed (N) = 130**

The data summarized in the tables above suggests that there is a notable contrast between the time to dispositions 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 47 months or almost four years. This is roughly one and two third years more than the average disposition time from a case is brought before the Home Circuit Court to the date of disposition and implies that there might be deficiencies in the investigative systems which leads to charges being made or in the general process of transferring files to the Home Circuit Court for case management and trial. This result is similar to the findings from the Hilary term which also saw the average time to disposition from the time offences was committed markedly exceeding the average disposition time when calculated from the time matters are brought before the court. The results from the Hilary Term showed a 1.5-year difference between the two measures. The moderate positive skewness of 0.263 is an indication that the times to disposition are

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approximately normally distributed though there are slightly more of the scores below the average than above it. The minimum time to disposition from the date of charge was estimated at three months while the maximum estimated figure was 110 months or roughly nine years.

**Table 48.0a: Breakdown of time to disposition by charge type for Easter Term ended July 31, 2017 (selected charges).**

	Time to disposition (in months)				
	0 - 12	13 - 24	25 - 36	37 -47	48 & over
Count	5	3	7	1	46
% within	8.1%	4.8%	11.3%	1.6%	74.2%
Count	3	6	3	0	1
% within	23.1%	46.2%	23.1%	0.0%	7.7%
Count	10	2	0	2	0
% within	71.4%	14.3%	0.0%	14.3%	0.0%
Count	<b>18</b>	<b>11</b>	<b>10</b>	<b>3</b>	<b>47</b>
% within	20.2%	12.4%	11.2%	3.4%	52.8%

The above table provides a summary of the length of time taken to dispose the three dominant criminal charges in the Easter Term. Starting with an analysis of murder matters, the data shows that the overwhelming proportion of such matters, 74.2% all told took 4 or more years compared to only 8.1% which were disposed of within a year. For the sexual intercourse with a person under 16 years old, the data suggested the diametric opposite with 71.4% of such matters being disposed within a year. Rape matters had a more symmetric distribution of times

to disposition, with the largest proportion 46.2% taking between 13 months and two years to be disposed.

**Table 49.0b: Proportional breakdown of time to disposition by charge type for the Easter Term ended July 31, 2017 (selected charges).**

Charge	Percentage of matters disposed of in 2 years or less	Percentage of matters disposed of in more than 2 years
<b>Murder</b>	12.9%	87.1%
<b>Sexual intercourse with a person under 16 years old</b>	85.7%	14.3%
<b>Rape</b>	69.3%	30.7%

The above table furthers the previous one by directly highlighting the relative lengths of time that it takes for the three most frequently occurring types of matters to be disposed. Two years is used as a yardstick measure because it is the time period most often associated with measuring cases in backlog in the court system. It is seen that only 12.90% of murder charges disposed in the Easter Term took 2 years and under, down by a dramatic 42% when compared to the Hilary Term. The remaining 87.1% took 4 years or more. As for sexual offences with a person under 16 years old, 85.7% of these matters took 2 years and under to be disposed, up by a notable 35.7% when compared to the Hilary Term. Approximately 69% of rape charges took 2 years and under to be disposed of in the Easter Term while roughly 31% took over two 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 therefore as the time series data continues to build up, the trends observed will be even more decisive.

**Table 50.0: Case clearance rate for the Easter Term ended July 31, 2017**

<b>New cases brought</b>	<b>Cases disposed</b>	<b>Case clearance rate</b>
<b>254</b>	<b>78</b>	<b>30.71%</b>

The case clearance rate of 30.71% shown above is an indication that significantly more cases entered than those which were disposed in the Home Circuit Court in the Easter Term. This result is very similar to that of the Hilary Term which saw a clearance rate of 31.41%, therefore there is a modest 0.7 percentage point decline. The result suggests a ratio of roughly 31 cases disposed for every 100 new cases brought. The average clearance rate of roughly 31.06% so far this year in the Home Circuit Court is indicative of a potential build up of a criminal case backlog. This problem could potentially be compounded by the larger number of matters being committed from the Parish Courts due to the new Committal Proceedings Act. As the time series expands, the trends will become decisively clearer.

**Gun Court**

The ensuing analyses provide an overview of case activity in the Gun Court in the Easter Term ended July 31, 2017. In particular, this section outlines data related to matters initiated, matters disposed, adjournments and the distribution of trial and mention matters during the Term.

**Table 51.0: Top five charges filed in the Easter Term ended July 31, 2017**

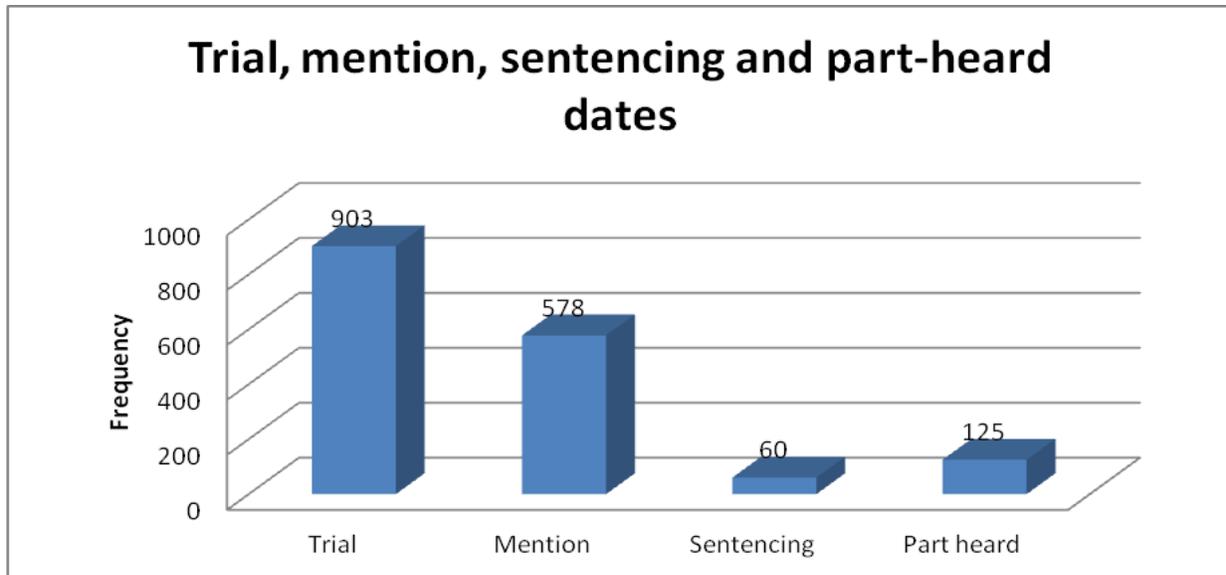
<b>Charges filed</b>	<b>Frequency</b>	<b>Percentage</b>
Illegal possession of firearm	180	40.40
Illegal possession of ammunition	101	22.70
Shooting with intent	49	11.0
Robbery with aggravation	28	6.30
Wounding with intent	15	3.40
<b>Total</b>	<b>373</b>	<b>83.80</b>

**Total number of charges (N)= 445**

The above table provides a summary of the top five charges which were entered during the Easter Term, 2017. It is seen that of the 445 charges were filed in the period, the majority, 180 or 40.40% were for illegal possession of firearm, well ahead of the next highest ranked charge of illegal possession of ammunition with a count of 101 or 22.50% of the total. Shooting with intent is next with 49 or 11.0% while robbery with aggravation with 28 or 6.30% and wounding with intent with 15 or 3.40% rounds off the top five charges entered in the Gun Court during the Easter Term. The 445 new charges entered in the Easter Term translates into 173 new

cases filed in the Term which represents a ratio 1:2.73, suggesting that for every 100 cases entered, there were 273 charges.

**Chart 6.0: Summary of court events/dates for the Easter Term ended July 31, 2017**



The above chart provides a summary of key court events/dates in the Gun Court for the Hilary Easter Term ended July 31 2017. It is shown that there were 903 trial dates set in the period, compared to 578 mention dates. This produces a ratio of roughly 1:1.56, indicating that for every 100 mention dates there were 156 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 125 part-heard matters in Gun Court for the Easter Term which indicates that for every 100 trial

dates there were roughly 7 part-heard matters. There were also 60 incidence of sentencing during the Easter Term.

**Table 52.0: Frequently occurring reasons for adjournment for the Easter Term ended July 31, 2017.**

Reason for adjournment	Frequency	Percentage (%)
Witness absent	158	16.92
Crown not ready	91	9.74
Medical certificate outstanding	27	2.89
Statement outstanding	27	2.89
Defence attorney absent	25	2.68
Accused not brought	32	3.43
Ballistic certificate outstanding	75	8.03
Other documents outstanding	76	8.14

**Total number of adjournments (N) = 934**

The above table outlines the top reasons for adjournment in the Gun Court for the Easter Term, excluding adjournments for bail application, matters part heard and for plea and case management which are enumerated separately. There were a total of 934 incidences of adjournments during the Term of which witness absent and the lack of readiness of the crown

were the leading ones with 16.92% and 9.74% respectively of the total. Other documents outstanding, including scene of crime reports, police officer statistics and outstanding ballistic certificates rank next with 8.14% and 8.03% respectively of the total adjournments.

The absenteeism of defence attorneys, medical certificate outstanding and accused not brought also features prominently among the reasons for adjournment in the Gun Court during the Easter Term.

**Table 53.0: Frequently occurring reasons for continuance for the Easter Term ended July 31, 2017.**

Reason for continuance	Frequency	Percentage (%)
Part-heard	142	15.20
Bail application	40	4.28
Plea and case management	23	2.46

**Total number of adjournments (N) = 934**

The above table provides a basic list of reasons for adjournment during the Easter Term which are considered as intrinsic to the natural progression of a case and are therefore termed as reasons for continuance. It is seen that during the Term there were 142 part-heard matters representing 15.20% of the total adjournments. There were also 40 bail applications while 23 matters were continued for plea and case management.

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**Table 54.0: Methods of case disposition for the Easter Term ended July 31, 2017**

<b>Methods of disposition</b>	<b>Frequency</b>	<b>Percent</b>
Accused Deceased	7	3.8
Found Guilty	13	7.1
Guilty Plea	20	10.9
No case submission upheld	7	3.8
No case to answer, discharged	3	1.6
No Evidence offered- discharged	81	44.3
No further evidence offered- discharged	1	.5
Nolle Prosequere	5	2.7
Not Guilty - Discharged	11	6.0
Probation order made	1	.5
*Dispositions not classified	34	18.6
<b>Total</b>	<b>183</b>	<b>100.0</b>

**\*No electronic data was available on the methods used to dispose these matters**

The above table summarizes the methods of disposition for the cases disposed in the Gun Court for the Easter Term. It is seen that there were 183 cases disposed, the largest proportion of which were a result of absence of ‘no evidence offered’ which accounts for 81 or roughly 44.3% of the total. In a distant second were disposals resulting from guilty pleas with 20 or 10.9% of the total. Guilty and not guilty verdicts with 7.1% and 6.0% respectively of the total dispositions are next while accused deceased and no case submissions with 3.8% each of the total, rounds off the top six methods.

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**Table 55.0: Conviction rate in the Gun Court for the Easter Term ended July 31, 2017**

Number of cases disposed	Number of Guilty outcomes	Conviction rate
183	33	18.03%

The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the 183 cases which were disposed of in the Easter Term, 33 were a result of either a guilty plea or a guilty verdict. This produces an overall conviction rate of 18.03% for Gun Court cases for the Term. The following table delves further into the conviction rates by the substantive matter in each case.

**Table 56.0: Conviction rate by substantive matter in the Gun Court for the Easter Term ended July 31, 2017.**

Substantive matter	Number of cases disposed	Number of Guilty outcomes	Conviction rate
Illegal possession of fire arm	162	39	24.00%
Illegal possession of ammunition	9	4	44.44%

It is seen in the above table that of the 162 disposed cases of illegal possession of a firearm, 39 were disposed by way of either a guilty verdict or a guilty plea, yielding a conviction rate of 24% while for the substantive matter of illegal possession of ammunition, 4 of the 9 disposition were by way of guilty outcomes, yielding a conviction rate of 44.44%.

**Table 57.0: Top six charges disposed of in the Easter Term ended July 31, 2017**

Charge	Frequency	Percentage
Illegal possession of a firearm	202	43.3
Illegal possession of ammunition	81	17.4
Shooting with intent	42	9.0
Robbery with aggravation	38	8.2
Wounding with intent	24	5.2
Assault	29	6.2
<b>Total</b>	<b>416</b>	<b>92.60</b>

**Total number of charges (N) = 466**

The 183 cases which were disposed of in the Gun Court during the Easter Term, representing 466 charges, an average of roughly three charges per case. The table above details the six most frequently occurring charges disposed of in the Gun Court during the Easter Term. Illegal possession of a firearm and illegal possession of ammunition accounts for the largest proportion of disposed charges with 43.3% and 17.4% respectively. This is followed by shooting with intent with 42 or 9% of the charges disposed. Robbery with aggravation and wounding with intent with 8.2% and 5.2% respectively of the total rounds off the top five charges disposed in the Easter Term. These top six disposed charges are the same as in the Hilary Term and accounts for roughly 89% of the total number of charges disposed in the Gun Court during the Easter Term.

**Table 58.0: Time to disposition from date charged, for charges disposed of in the Easter Term ended July 31, 2017 (In months).**

Descriptive Statistics

Number of observations	466
Mean	37.478
Median	32.5000
Mode	19.00
Std. Deviation	19.1952
Skewness	0.96
Minimum	3.00
Maximum	147

The above table shows that there were 466 charges disposed of in the Easter Term. It is seen that the estimated average time to disposition from the date of charge is approximately 37 months or just over 3 years. The data set for this measure is moderately positively skewed, indicating that there were a greater proportion of times to disposition which fell below the mean than those which fell above it but most of the data points are clustered around the average. There are indeed at least a few comparatively large times to disposal in the data set, constituting outliers. The estimated maximum time to disposition for the data set is 147 months or just over 12 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 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 59.0: Breakdown of times to disposition from date charged, for the charges disposed in the Easter Term ended July 31, 2017**

<b>Months</b>	<b>Frequency</b>	<b>Percentage</b>
0 -12	94	20.17
13 -24	161	34.55
25 – 36	99	21.24
37 – 47	71	15.24
48 & over	41	8.80
<b>Total</b>	<b>466</b>	<b>100.0</b>

The above table provides a further breakdown of the estimated time to disposition for charges disposed in the Easter Term, from the date of charge. The positive skewness displayed in the previous table is affirmed as the scores here are mostly concentrated towards the lower intervals. The data shows that the largest proportion of the disposals, using this method took between 13 and 24 months to be disposed. This interval accounted for 161 or 34.55% of the disposals and was followed by matters taking between 25 and 36 months to be disposed with 99 charges or 21.24%. A further 20.17% of the matters were disposed within a year, 71 or 15.4% took between 37 and 47 months and the remaining 41 or 8.80% took four years or more to be disposed.

**Table 60.0: Time to disposition for cases disposed of in the Easter Term ended July 31, 2017**

**Descriptive Statistics**

Number of observations	183
Mean	26.6393
Median	18.0000
Mode	16.00
Std. Deviation	20.68101
Skewness	1.697
Std. Error of Skewness	.180
Minimum	1.00
Maximum	138.00

In the table above it is seen that there were 183 cases disposed of in the Gun Court during the Easter Term. The estimated average time to disposition was roughly 26.64 months or two years and 2 months, a decrease of 3 months when compared to the Hilary Term. The estimated shortest time to disposal for a case disposed of in this period was about a month with a maximum of 138 months or 11.5 years. The distribution of the scores was positively skewed, an indication that 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 roughly almost 21 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 markedly 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.

**Table 61.0: Breakdown of times to disposition from the time of offence for cases disposed in the Easter Term ended July 31, 2017**

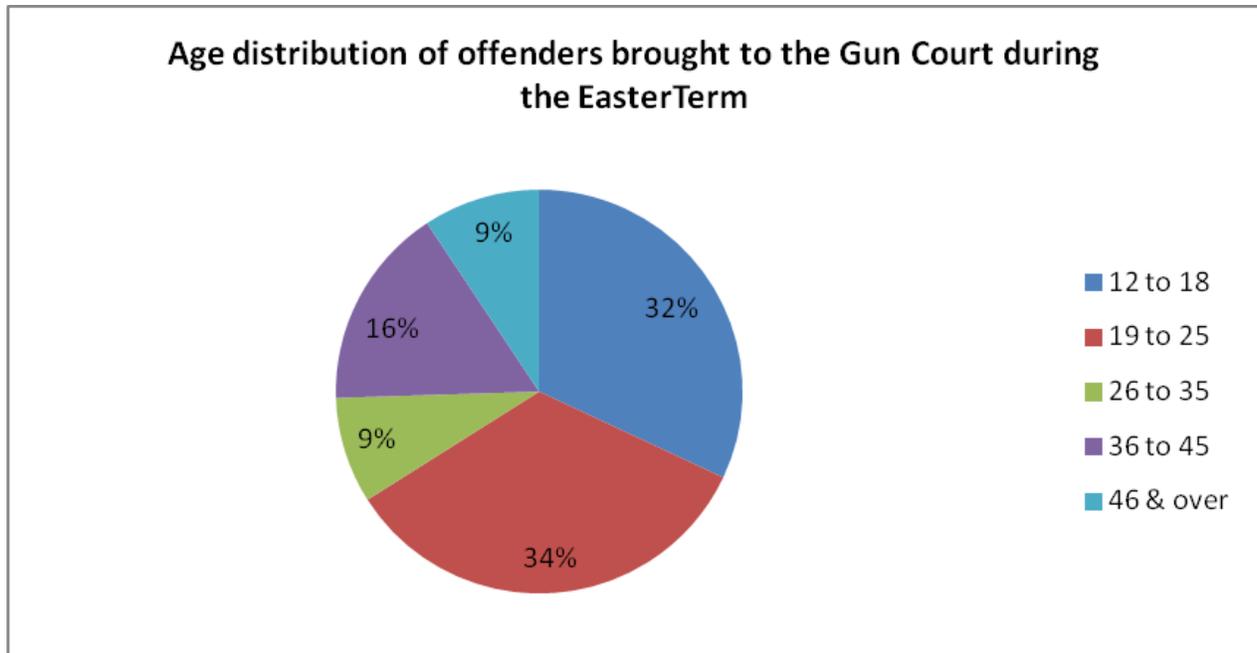
<b>Months</b>	<b>Frequency</b>	<b>Percentage (%)</b>
0 – 12	39	21.3
13 – 24	57	31.1
25 – 36	36	19.7
37 – 47	23	12.6
48 & over	28	15.3
<b>Total</b>	<b>183</b>	<b>100.0</b>

The above table provides a more detailed breakdown of the times to disposition for cases disposed of in the Easter Term. It is shown that the largest proportion of cases disposed fall in the time interval of 13 – 24 months. This accounted for roughly 31% of all the disposals, followed by approximately 21.3% of matters which took 12 months or under to be disposed. Approximately 20% of the matters took between 25 and 36 months to be disposed, 12.6% took between 37 and 47 months and the remaining 15.3 % took four years or more to be disposed. It is of interest to note that roughly 52% of all matters disposed of in the period took two years or less.

**Demographic summary of Gun Court offenders for the Easter Term ended July 31, 2017**

This section provides a brief summary of the age and gender distribution of persons charged in the Gun Court during the Easter Term.

**Chart 7.0: Summary of age distribution of a sample of offenders in the Gun Court for the Easter Term ended July 31, 2017**

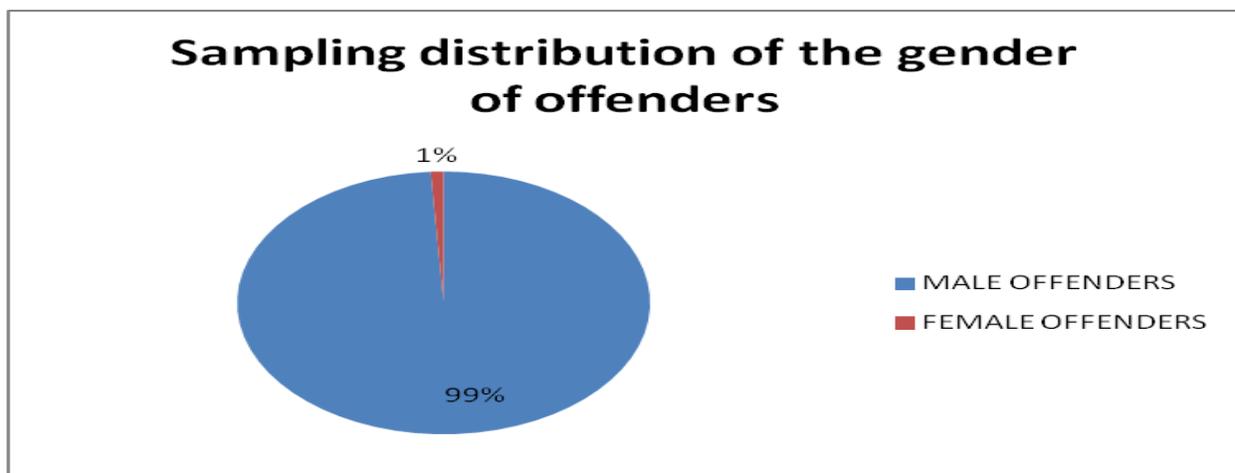


As shown earlier, the offenses which dominated the Gun Court for the Easter Term are illegal possession of fire arm, illegal possession of ammunition, robbery with aggravation, shooting with intent and assault. Using a representative sample, the average age of persons charged in the Easter Term is roughly 32 years old with the oldest person charged being 65 years old and the youngest 13 years old. The modal age from this sample was 22, an indication that a significant number of offenders are quite youthful. This notion is affirmed in the chart above where it is shown that from the sample 34% of the offenders were between 26 and 35 years old, closely followed by the age group 19 to 25 years old with 32% of the offenders. The 36 to

45 age group comes next with 16.2% of the offenders. The youngest and oldest age categories of 12 – 18 and 46 and over respectively accounts for 9% each of the offenders brought before the Gun Court during the Easter Term.

In terms of age distribution, using a sample of 100 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 during the Hilary Term.

**Chart 8.0: Summary of gender distribution of a sample of offenders in the Gun Court for the Easter Term ended July 31, 2017.**



**Table 62.0: Case clearance rate for the Easter Term ended July 31, 2017**

Cases filed	Cases disposed	Case clearance rate
<b>173</b>	<b>183</b>	<b>105.78%</b>

# STATISTICAL REPORT ON THE SUPREME COURT FOR THE EASTER TERM

**2017**

One hundred and seventy-three new cases were entered in the Gun Court during the Easter Term while 183 were disposed (including many which originated before the Term) leading to an impressive case clearance rate of 105.78% for the Easter Term, an improvement of just over forty percentage points when compared to the Hilary Term. This result translates into a generalization of roughly 106 cases disposed for every 100 new cases entered during the Term. It represents the highest case clearance rate in the Supreme Court during the Easter Term. The establishment of a specialised fast track court to dispose of Gun Court cases appears to have contributed to this improved productivity index.

The below table provides a summary of the collective case clearance rate for the five Divisions reviewed in this document. 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 63.0: Gross case clearance rate for the Easter Term ended July 31, 2017**

<b>Total cases filed</b>	<b>Total cases disposed</b>	<b>Gross Case clearance rate</b>
<b>3435</b>	<b>2266</b>	<b>65.97%</b>

The above table provides an aggregate summary of the clearance rates using the data from the Home Circuit Court, Gun Court, Matrimonial, Probate and HCV Divisions. The data suggests that

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a total of 3435 new cases were filed/entered across the five Divisions reviewed in the Hilary Term. This represents a modest increase of only 0.67% when compared to the Hilary Term. 2266 cases were also disposed during the Easter Term, an increase of 41%. These results yield a gross clearance rate of roughly 65.97% an increase of 18.97 percentage points over the Hilary Term. When mathematically generalized, this result suggests that for every 100 cases filed/entered during the Easter Term, roughly 66 were also disposed.

The overall data suggests some inconsistency in the clearance rates for all Divisions when compared to the Hilary Term. The Gun Court, HCV and Probate Divisions demonstrated increases in the case clearance rate while the Home Circuit Court and Matrimonial Division saw declines, all of varying magnitudes.

**Table 64.0: Judicial productivity index for the Easter Term ended July 31, 2017**

Number of High Court cases disposed (excluding the rural circuit courts and probate matters)	Number of High Court Judges	Judicial productivity index
<b>1830</b>	<b>33</b>	<b>55</b>

The above table computes the judicial productivity index which measures the number of cases disposed per Judge employed at the Supreme Court during the Easter Term. The data suggests that an average of 55 cases were disposed per Judge employed. This excludes the number of

cases disposed in the rural circuit courts and probate matters disposed. These exclusions are due to the unavailability data on the rural circuit courts and the fact that the Judges do not get directly involved in the disposal of probate matters at the Supreme Court. 23 of the 33 Judges were consistently engaged at the High Court during the Easter Term with the others assuming duties in the rural circuit. Using this figure, the judicial productivity index for the Term would stand at roughly 80 disposed cases per Judge.

### **Conclusion**

This report reveals important trends that could form the basis for policy and operational interventions which could potentially have a dramatic effect on enhancing efficiency across all Divisions in the Supreme Court. As with the Hilary Term, one of the critical findings during the Easter Term is that the HCV Division and the Home Circuit Court are particularly heavily impacted by a very high incidence of adjournments and low trial date certainty. In both of these Divisions and in the others, it appears that a large proportion of these adjournments, over 20% are either due to issues associated with files not found, the absenteeism of attorneys or parties not showing up for court and documents not being ready for court. This was also the case during the Hilary Term although the incidence of attorney absenteeism as a proportion of total adjournments saw a notable decline while those due to files not found saw a particularly dramatic increase. These deficiencies again draw into sharp focus the need for more physical and human resources and a more robust system of scheduling matters for court, for enhanced case management strategies, greater use of the digitized platform to locate file information and

for stronger methods of engagement with 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 2.25 years across the Divisions, roughly the same as the Hilary Term. All Divisions, except the Probate Division demonstrated average times to disposition of more than two years.

It is also evident from the year to date analyses that the Supreme Court as a whole has significantly more incoming than outgoing matters which has resulted in the Court experiencing a generally modest gross clearance rate. The overall average clearance rate for the year so far is 56.5%, an indication that over the period the Supreme Court has experienced markedly more incoming than disposed cases. This has potentially adverse implications for the build up of a backlog of cases and requires deliberate, targeted policy interventions.

It is also of note that a high incidence of requisitions appears to be a trend with some Divisions averaging more than one requisition per case file. A special, focussed intervention may be required to stem this high incidence as it constitutes a major source of delay in the timely movement of matters through the court system.

A number of 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 general 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 period of time. This is consistent with the express resource facility which was devised by the scheduling committee in the HCV Division, which has shown positive results. It is also consistent with the use of court room seven 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 and Applications are particularly sore areas with multiple adjournments in the HCV Division. It is recommended that a stronger system of scheduling be implemented for these matters where specific time slots be set for hearings. This 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.

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, as a means of supplementing the posting of notices such 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.

The overall results from the statistical analysis of the Hilary Term could form the basis for important policy considerations and the strengthening of the strengthening of operational procedures.