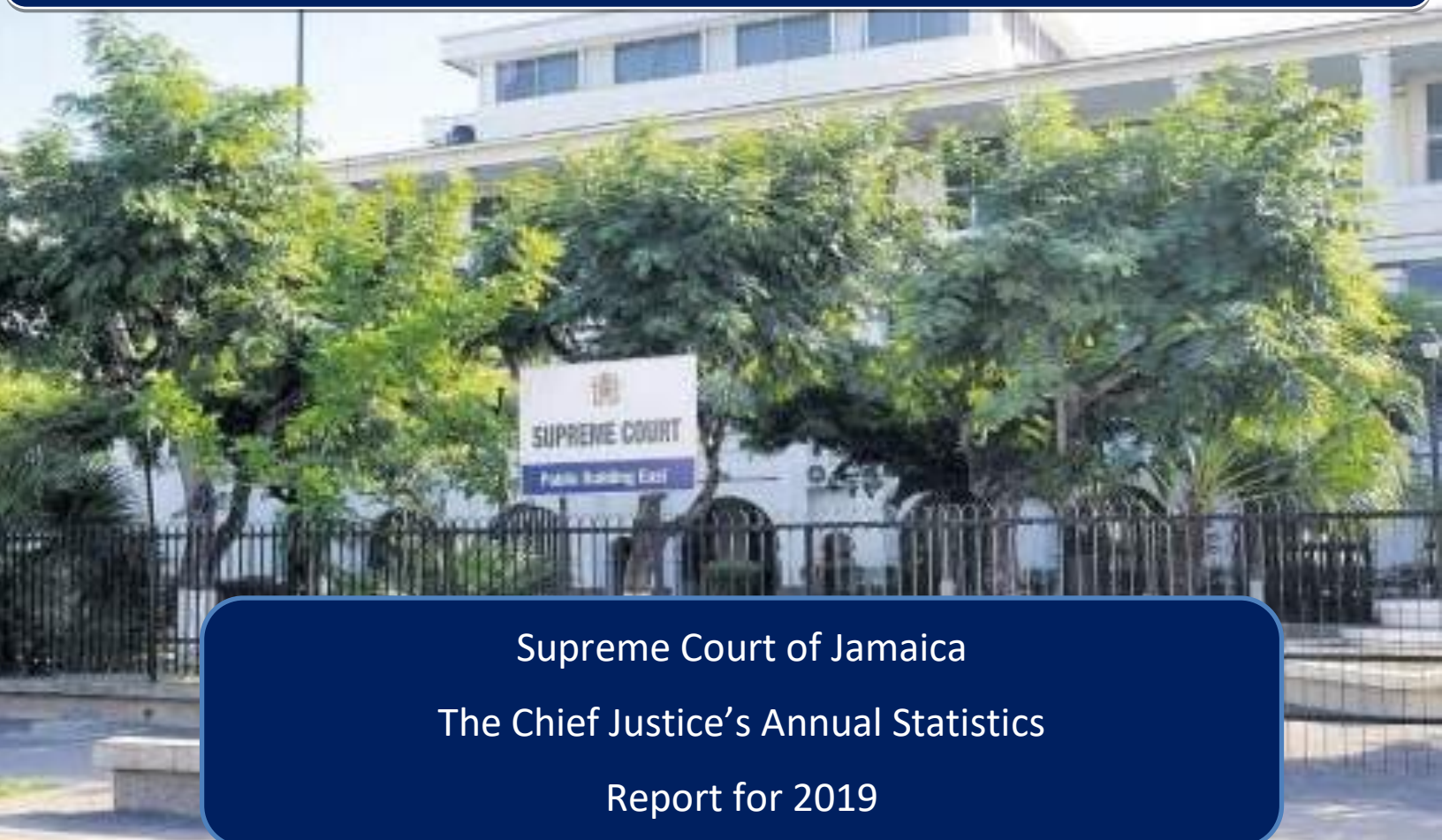


THE CHIEF JUSTICE'S ANNUAL STATISTICS REPORT ON THE SUPREME COURT FOR 2019



Supreme Court of Jamaica The Chief Justice's Annual Statistics Report for 2019

OVERALL QUANTITATIVE HIGHLIGHTS

	<u>2018</u>	<u>2019</u>
Case clearance rate (%)	66.40	58.91
Hearing date certainty rate (%)	73.13	59.36
Case backlog rate (%)	32.97	30.89
Case file integrity rate (%)	94.45	91.04
Average time to disposition of cases (years)	2.01	2.21
Clearance rate on outstanding Judgments (%)	54.19	189

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The Chief Justice's Message

The 2019 Annual Statistical Report for the Supreme Court is a mixed one, with both positives and negatives. On the positive side the measure of reserving Fridays for judgment preparation and delivery is bearing fruit. This measure was introduced in 2019 to deal with outstanding judgments. Not all judgments have been cleared but there has been substantial improvement in the delivery of judgments. The net clearance rate of delivery of outstanding judgments was 189% which means that for every 100 new judgments reserved, 189 were delivered.

Mention must be made of the Matrimonial Division which has substantially improved the handling of divorce petitions and are processing these requests in less than 16 weeks.

The Gun Court and Probate Divisions continue, as they have done over the last three years, to lead on clearance rates. The clearance rates were 100% and 99.54% respectively. As impressive as these figures are it must be noted that the overall clearance rate across the court was 58.09%, a reduction of 8.31% from 2018.

There continues to be significant challenges in the Civil Division and it continues to underperform. The statistics for the year indicate that the Civil Division was the least productive of all the Divisions with a clearance rate of just 17.15%, that is to say, only roughly 17 cases are being disposed of for every 100 cases entering the court. This, in part, explains why hearing dates, in the Civil Division, are being set in 2023 and 2024.

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No Division within the court met the hearing date standard of 95%. The average hearing date standard for 2019 was 59.36% which represents a decrease of 13.77% when compared to 2018.

This is consistent with high rates of adjournment and low productivity.

To address these pressing issues the Civil Division will be adopting differentiated case management principles ('DCM') which should result in less complex cases going through to completion faster with more complex cases taking longer. Complementing this will be better file management and improved internal workflow processes. The engagement of the Judges and Staff in this Division will continue as there is much work to be done.

I wish to thank the Judges and staff for the work they have done to ensure these small gains and I ask that we continue to support and suggest initiatives that can help to advance our strategic vision, to be the best in the Caribbean in three years and among the best in the world in six years.

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EXECUTIVE SUMMARY

This Annual Statistics Report on case activity in the Supreme Court for 2019 represents a significant continuation of the application of scientific analyses to case activity, thereby establishing a solid grasp of the interventions which are necessary to engender the development of a first class court system. As part of becoming a first class court system, the Honourable Chief Justice has set out some vital quantitative targets which will bring the Jamaican judiciary in line with the bests in the World. Among these targets is the attainment of an overall trial date certainty rate of 95% and a weighted case clearance rate of 130% over the next six years across the court system. Since the Supreme Court accounts for a sizeable share of the total civil and criminal caseload in Jamaica, its success is crucial to the attainment of the overall targets. These targets hinge on the objective of reducing the court-wide case backlog rate to less than 5% over the next 5-6 years. Apart from providing the scientific evidence necessary to inform interventions, these statistical reports also provide a basis for monitoring and evaluating the progression towards the realization of the targets set out by the judiciary.

A range of data and performance measurements on the High Court Civil (HCV), Probate, Matrimonial and Commercial Divisions as well as the Home Circuit Court and Gun Court and the Revenue Court are included in this annual report. As indicated, the results therefore provide important insights, which can potentially inform the operational efficiency of the Supreme Court and the policy design of the relevant state actors.

A total of 13116 new cases entered the Supreme Court across the above named Divisions in 2019 while 7727 cases were disposed. The total number of new cases filed in 2019 increased by

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1.69% when compared to 2018 and is in the range forecasted at the beginning of the year. The number of cases disposed however decreased by almost 10%, a slight reversal of the trend observed in the previous year which saw a roughly 40% increase in cases disposed. The High Court Civil (HCV) and Matrimonial Divisions with 5953 and 3934 respectively of the total number of new cases filed accounted for the largest share while the Home Circuit Court with 396 new cases and the Revenue Division with 6 new cases had the lowest proportions. As was the case in 2018, the Matrimonial Division accounted for the largest share of cases disposed with 42.31% of all disposed cases in the Supreme Court in 2019, while the Probate Division with 2587 disposed cases or roughly 33.48% of total disposals ranked next.

Among the major findings from this Annual Statistics Report is that the average case clearance rate across the four Divisions was roughly 58.09%, a decline of roughly 8.31 percentage points when compared to 2018, another partial reversal of the trend in 2018 which saw a 17 percentage points increase over the previous year. The case clearance rate provides a measure of the number of cases disposed, for every new case entered. The average of roughly 58% across the Divisions suggests that for every 100 new cases entered in the period, roughly 58 were also disposed (not necessarily from the new cases entered). The case clearance rates for 2019 range from a low of 17.15% in the High Court Civil Division to a high of 100% in the Gun Court. The overall statistic on the case clearance rate gives essential insights into potential case flow and backlog problems, as on average there continued to be significantly more incoming than outgoing cases in the Supreme Court in 2019. The overall clearance rate of roughly 58% in 2018 is well below the minimum standard set out by the Chief Justice for the Judiciary over the

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next 3 - 6 years. The Gun Court with a clearance rate of 100% and the Probate Division with 92.89% had the highest clearance rates in 2019, a feat they also attained in 2018 while meeting the International standard in both years. The Matrimonial and Revenue Divisions with roughly 83% rank next. The High Court Civil Division and the Commercial Division registered the lowest hearing date certainty rates for 2019 with 53.35% and 52.48% respectively.

The report also generated the estimated times to disposition for matters disposed in the respective Divisions in 2019. The estimated average times taken for cases to be disposed, range from a low of approximately 1 year and 7 months in the Probate Division to a high of three years and 9 months in the High Court Civil Division. The overall average time to disposition for the Divisions of the Supreme Court in 2019 was 2.21 years, slightly worse than the 2.01 years recorded in 2018. The oldest matters disposed in the Supreme Court in 2019 occurred in the Home Circuit Court, with an age of 32.25 years at the time of closure. There were however several matters which took as low as 0-6 months to be disposed across all the Divisions.

The standard definition for a case backlog, which has been adopted throughout the Jamaican Court system, is a case that has been in the system for more than two years without being disposed. Using this yardstick, the overall on-time case-processing rate for cases disposed in the Supreme Court in 2019 was 69.11%, which suggests that 69 of every 100 cases disposed in the Supreme Court in 2019, were done within two years, representing a two percentage points improvement when compared to the previous year. The results imply that there was a case backlog rate of roughly 31% for cases disposed in the Supreme Court in 2019, an improvement of two percentage points when compared to 2018. The Probate and Matrimonial Divisions with

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on time case processing rates of 80% and 73.19% respectively fared best on this metric in 2019, thus also having the lowest backlog rates at the end of the year with 20% and 26.61% respectively. On the other hand, the High Court Civil Division and the Commercial Division with on time case processing rates of 28.48% and 57.92% respectively registered the lowest on time case processing rates. Concomitantly, the case backlog rates for these two Divisions were 71.52% and 42.08% at the end of 2019.

The hearing date certainty rate is a vital measure of the robustness of the case management and scheduling apparatus in the court system. It provides an indication of the likelihood that dates set for hearings will proceed on schedule without adjournment. In the long run, the hearing date certainty rate will be positively correlated with the clearance rate, thus the higher the hearing date certainty rates, the higher the clearance rates in the long run. Similarly, in the long run higher hearing date certainty rates will correlate with lower case backlog rates, thus there is a negative association between these variables. The hearing date certainty, which computes the rate of adherence to hearing dates scheduled, ranges from an approximate low of 52.48% in the Commercial Division to a high of 65.06% in the Gun Court. None of the Divisions of the Supreme Court met the international standard of 92% - 100% on this measure in 2019. In 2018, the Commercial Division was the only Division to meet this standard. The weighted average hearing date certainty across all the Divisions for the period under examination was roughly 59.36%, a decrease of 13.77 percentage points when compared to 2018. This is an indication that there is a roughly 59% probability that a matter scheduled for hearing will go ahead without adjournment. Similar data on trial date certainty in isolation are

also provided in the relevant chapters of the report. Trial date certainty rates have been shown to be generally lower than hearing date certainty rates in the Divisions of the Supreme Court. The prominent reasons for adjournment in 2019 are similar to those observed over the past three years of statistical reporting. Among the prominent reasons for adjournment cited across this report are the non-appearance of parties and/or attorneys, absenteeism of witnesses and investigating officers, incomplete files, missing files, documents to be filed, statements outstanding and disclosure. These reasons span both internal factors within the court's control and factors outside of its direct autonomy. Therefore, the ethos of the solutions related to these issues is the need for enhanced case and records management, more robust systems of scheduling and stronger stakeholder engagements. Such solutions are currently being pursued across the Divisions of the Supreme Court and should contribute to significant gains in productivity throughout 2020 and 2021. The anticipation of a highly sophisticated case management system called the Judicial Case Management System (JCMS) is expected to also assist in strengthening these solutions and considerably improve the efficiency of case processing in the Supreme Court.

It was mentioned above that one of the dominant reasons for adjournment is missing and incomplete files, both of which are among the factors that adversely affect another critical metric called the case file integrity rate. This measures the proportion of cases which are scheduled for court and are able to proceed in a timely manner without being adjourned for reasons of missing or incomplete files, matters wrongly listed for court and other related factors which are attributable to the inefficient handling of records and case scheduling by the

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court's registries. Using the High Court Civil Division as a proxy, the data reveals that the case file integrity rate for the High Court Civil Division was 91.04%, down from 94.45% in 2018, a decline of 3.41 percentage points. This result suggests that for every 100 case files that were apart of court hearings in 2019, 3 more were not able to proceed in 2019 as compared to 2018, due to the inefficient handling of records as well as scheduling and case management deficits. The prescribed international standard for the case file integrity rate measure is 100%.

Apart from the high frequency of adjournments, the relatively high incidence of requisitions is an impediment to the speed of disposition of civil matters. Among the Civil Divisions, the incidence of requisitions was highest in the Matrimonial Division with a ratio of 65 requisitions per 100 case files while the HCV Division with four requisitions per 100 case files ranked among the lowest incidence.

One of the most positive outcomes for the Supreme Court in 2019 was the significant improvement in the clearance of outstanding judgments. In this regard, the Supreme Court recorded the highest clearance for outstanding judgments seen since this type of reporting began, netting a rate of 189%. This result suggests that for every 100 new judgments reserved during the year, 189 judgements were delivered. The related figures for rulings on application were also impressive with a clearance rate of roughly 130%, suggesting that for every 10 rulings reserved on applications in 2019, 13 were delivered. These positive results augur well for the prospects of improving the disposal outcomes for the civil divisions in 2020 and after and will redound to the benefit of the wider society and economy.

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When the performance measurements are statistically weighted, the Gun Court and the Probate Division were the best performing in the Supreme Court in 2019, followed by the Matrimonial Division. Continuous, clinical interventions in operational procedures will be required to sustain the improvements and to make quantum leaps towards the major goals set out for the judiciary over the next 3-6 years. It is hereby forecasted that between 13000 and 13800 new cases will be filed/entered in the Supreme Court in 2020, with closer to 13,800 being most likely.

See below Supreme Court case activity summary for 2019:

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (years)	Hearing date Certainty ratio (%)
High Court Civil (HCV)	5160	885	17.15	3.72	53.35
Matrimonial	3934	3269	83.10	1.88	61.81
Probate	2599	2587	99.54	1.57	60.74
Commercial	513	164	31.97	1.58	52.48
Home Circuit Court	396	309	78.03	2.38	64.95
Gun Court	508	508	100%	2.15	65.06
Revenue Division	6	5	83.33%	N/A	57.15
Gross/Weighted Average	13116	7727	58.91	2.21	59.36

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Other aggregate Court performance measures

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

(i) **The on time case processing rate**

(ii) **Case backlog rate**

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

Selected performances metrics for the Supreme Court in 2019

Division of the Supreme Court	Resolved/Disposed cases	Unresolved cases which had court activity in 2019	Number of cases disposed within 2 years	On-time case processing rate (%)	Case backlog rate (%)
High Court Civil (HCV)	885	13279	252	28.48%	71.52%
Matrimonial Division	3269	5954	2395	73.19%	26.61%
Probate Division	2587	2469	2063	80%	20%
Commercial Division	164	798	95	57.92%	42.08%
Criminal Division	309	970	205	66%	34%
Gun Court	508	569	327	64.37%	35.63%
Gross/Weighted Average	7722	24939	5337	69.11%	30.89%

METHODOLOGY

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

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

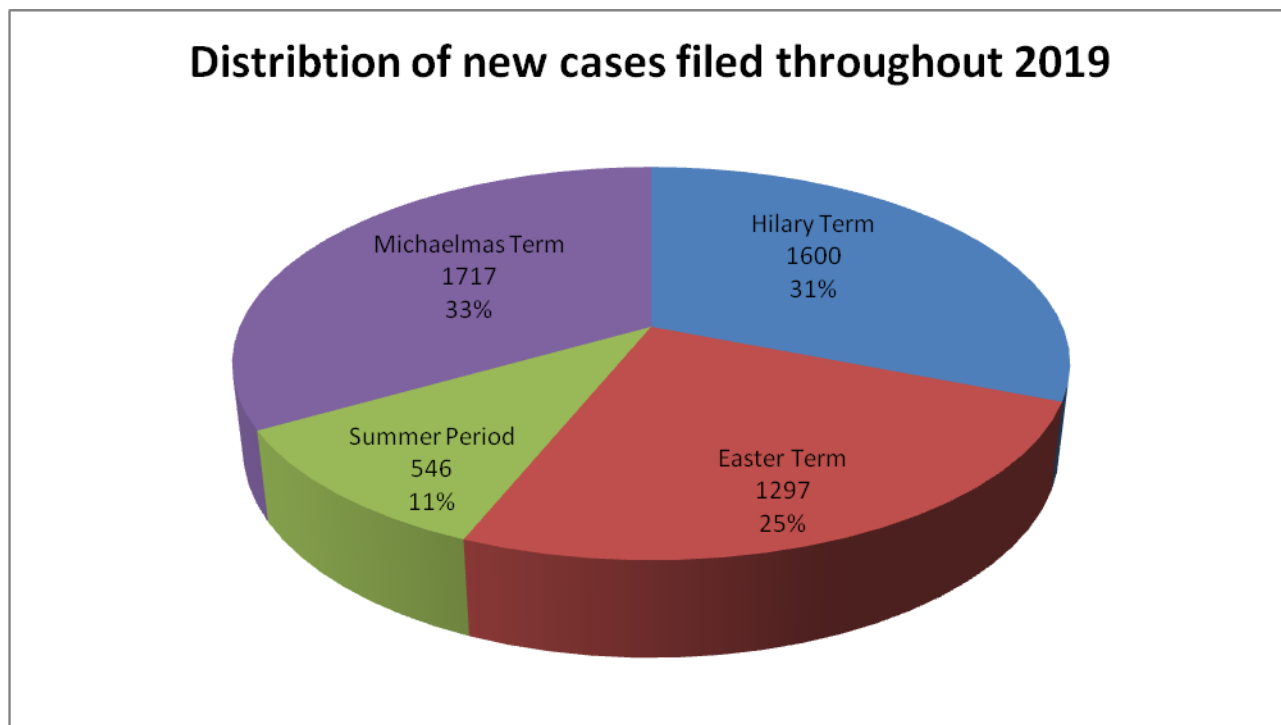
Structure of Report

This is a comprehensive statistical report on case activity in the various Divisions of the Supreme Court in 2019. Each of the first six chapters focus on case activity and performance metrics in the High Court Civil (HCV) Division, the Matrimonial Division, the Probate Division, the Commercial Division, the Home Circuit Court and the High Court Division of the Gun Court. The last two chapters summarize aggregate case activity across the Divisions of the Supreme Court and presents the 2019 clearance rate for civil Judgements reserved. In each chapter, a wide range of measurements and other information are presented which places case and court activity in each Division in their peculiar perspectives and context. A glossary of statistical terms and key performance measures used in his reports are also outlined at the end of the report. The report is meant to be more of an information piece for both internal and external stakeholders, forming the basis for interventions geared at enhancing efficiency court excellence.

CHAPTER 1.0: HIGH COURT CIVIL (HCV) DIVISION

The ensuing analysis examines the various measures of the efficiency of case handling in the High Court Civil (HCV) Division for the year ended December 31, 2019. The below chart provides a summary of the breakdown of new cases filed in the High Court Civil Division across the different Terms/periods in 2019.

Chart 1.0: New case summary for 2019

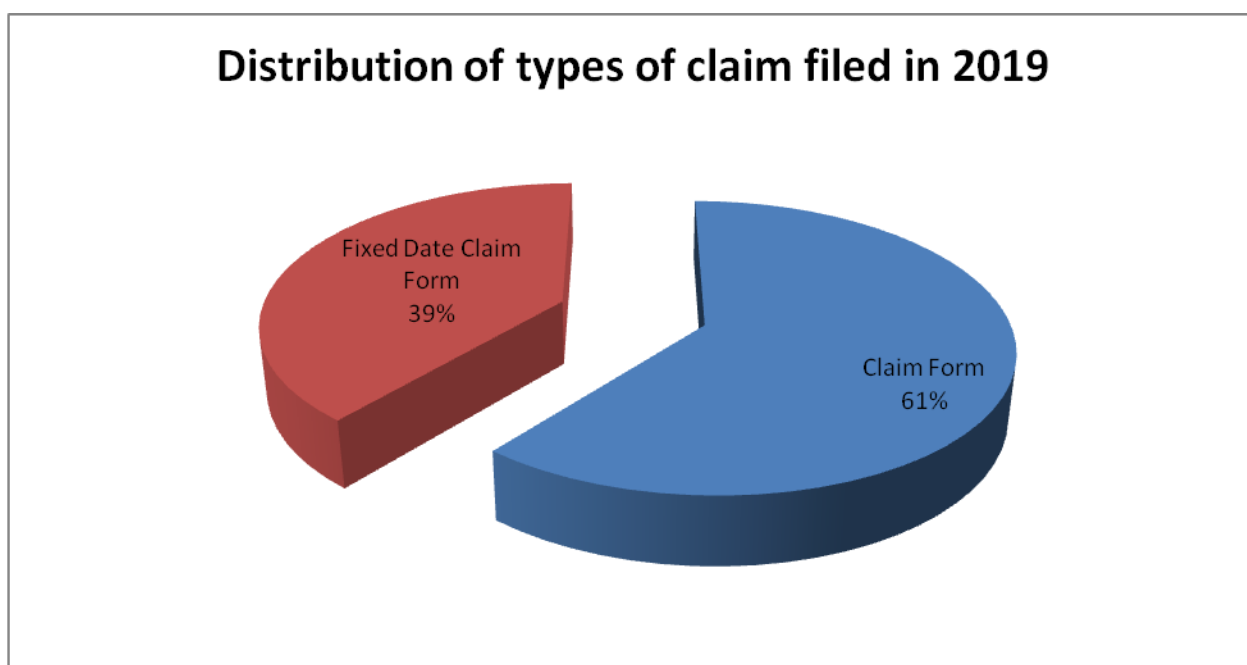


NB: Total number of civil cases for 2019 = 5160. The summer period is used here to refer to the time between the end of the Easter Term and the start of the Michaelmas Term.

The chart above provides summary of the number of cases filed in the High Court Civil Division (HCV) for 2019. A total of 5160 new HCV cases filed in the year, a slight increase of 1.63% when compared to 2018. The largest proportion of the new cases filed was again in the Michaelmas Term, which accounted for 1717 or 33% of the new cases filed. The Hilary Term with 1600 cases

or 31% of the total and the Easter Term with 1297 or 25% of the cases filed accounts for the next highest shares of the new cases filed in the High Court Civil Division (HCV) in 2019. The summer period accounted for 546 or 11% of the total number of new cases filed in 2019. The probability distribution of new cases filed in 2019 is similar to that seen in both 2018 and 2017.

Chart 2.0: Claim Forms and Fixed Date Claim Forms for the year ended December 31, 2019



The above table enumerates the number and proportion of matters, which originated either using a Claim Form or Fixed Date Claim Form for 2019. Of the 5160 cases originating in either of these ways, 3148 or 61% was by way of a Claim Forms while 2012 or 39% originated by way of Fixed Date Claim Forms. This probability distribution is consistent with recent years, which have seen the number of matters originating by way of a Claim Form outstripping those originating by way of a Fixed Date Claim Form. A case that is filed on a Fixed Date Claim Form

gets a specific date for court at the point of filing while a new matter filed on a Claim Form gets a court date subsequent to filing.

Tables 1.0 to 4.0 below provide an analysis of the reasons for adjournment or continuance of HCV cases in 2019. Contextual definitions of 'reasons for adjournment' and 'reasons for continuance' respectively are adopted for the purpose of clarity. The first of the three tables enumerate the list of the most common reasons for adjournment, which refers to factors, which may not be a part of the essential processes, or procedures for which a case is necessarily delayed. Using results from table 1.0, a proxy case file integrity rate is also computed for the High Court Civil (HCV) Division. The second table lists what may be considered as the main reasons for adjournment due to 'continuance'. Such reasons are defined as those that are intrinsic to the normal progression of a case towards disposition and are therefore largely unavoidable. Table 3.0 highlights reasons that could either satisfy the strict definition of adjournments or continuance depending on the specific circumstances. There was a combined 7563 incidences of adjournments whether for continuance or avoidable reasons in the High Court Civil (HCV) Division during 2019. This is an increase of 13.70% when compared to 2018.

Table 1.0a: Top 10 reasons for adjournment for year ended December 31, 2019

Reasons for adjournment	Frequency	Percentage
Claimant to file documents	1075	14.21
Claimant's documents not served or short served	719	9.82
For comments from NEPA to be complied with (Restrictive Covenant)	657	8.69
No parties appearing	553	7.32
File not found	454	6.00
Defendant to file documents	278	3.68
Claimant's attorney absent	190	2.51
Claimant not available	169	2.23
Judge unavailable	134	1.77
Claimant's application/documents not in order	133	1.77

Total number of adjournments/continuance = 7563

There were total of 7563 incidence of adjournments/continuance in 2019, a notable increase when compared to 2018. The above table summarizes the top fifteen reasons for adjournment for the year ended December 2019 using the contextual definition outlined above. It is seen that the three dominant reasons for adjournment were claimant to file documents with 1075 or 14.21% of all events of adjournments/continuance, adjournments due to claimant's documents

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not served or short served with 719 or 9.80% and adjournments for comments from NEPA to be complied with, with 657 or 8.69% of the incidence of adjournments round off the top three. Adjournments due to no parties appearing with 553 or 7.32% and files not found with 454 or rounds off the top five reasons for adjournment in the High Court Civil Division for 2019. The top ten reasons for adjournment enumerated above, accounts for approximately 58% of the total reasons for case adjournment/continuance in 2019. As with previous reports, it is evident that a significant proportion of the total adjournments were due to factors related to the lack of readiness or preparedness of case files and cases themselves and the absenteeism of parties and attorneys for court hearings. Many of the reasons for adjournment strongly suggest weaknesses in case management, record keeping and scheduling practices which account for a significant proportion of the reasons for adjournments/continuance are directly a result of factors, which could be classified as avoidable. A case in point is that the incidence of files not found features in the top five reasons for adjournment during the year. These findings are similar to those in 2017 and 2018 and in some cases have worsened. A plethora of the reasons contribute to the inefficient use of judicial time and hampers the timely delivery of justice. Continued process flow re-engineering, enhanced stakeholder engagement and efficient resource alignment will be required to bring redress to many of the deficiencies resulting in the continued high incidence of adjournments. The needed improvements will also be helped by the use of an advanced case management and scheduling software in the court system which will assist in the optimal management of all judicial resources. Such system is likely to be introduced during 2020 and is expected to revolutionize court operations across the island.

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There are some internal processes which are being engineered to support the optimal operation of the High Court Civil Division. These include the bolstering the resources needed to manage the timely placement of new documents on files and to more effectively track the movement of files with the aid of the available technology. The strength of the court's case management processes has a direct bearing on the incidence of adjournments, thus enhancing the science that is applied in deploying case management in the High Court Civil Division will be an important catalyst in fostering more robust case preparation, improving the compliance of parties with court requirements and hence the readiness of files for hearings to proceed.

Table 1.0b: Case File Integrity Rate for the year ended December 31, 2019

Number of adjournments/continuance	Number of adjournments due to missing files, matters wrongly listed and matters left off the court list	Proxy Case File Integrity Rate (%)
7568	689	91.04%

In the very strictest sense, the case file integrity rate measures the proportion of time that a case file is fully ready and available in a timely manner for a matter to proceed. Hence, any adjournment, which is due to the lack of readiness of a case file or related proceedings for court at the scheduled time, impairs the case file integrity rate. Case file integrity is based on three pillars - availability, completeness and accuracy. In the above table, the number of adjournments resulting from missing files, matters wrongly listed for court and matters left off the court list is used to compute a proxy rate for the case file integrity. The table shows that

there were 689 combined incidences of adjournments due to these deficiencies in 2019, resulting in a case file integrity rate of 91.04%%, which means that roughly 9% of the total adjournments were due to one or more of factors that affect case file integrity. Using the same parameters, the case file integrity rate fell by 3.40 percentage points when compared to 2018. A re-engineering of the document management processes in the High Court Civil Division and a strengthening of the human resources in the records section of this Division are going to be crucial to create a sustainable system of marshalling file readiness. This will redound to the benefit of the Division in improving the rate of progression of cases filed to mediation and to court hearings and thus promote a timelier scheduling and other actions leading up to the disposition of cases filed. It will also contribute to an improvement of the rate of handling of notices of discontinuances filed which will assist in improving the timely disposition of cases.

Table 2.0: Frequent reasons for continuance for the year ended December 31, 2019

Reasons for continuance	Frequency	Percentage
Part heard	267	3.53
Pending settlement	98	1.29
Pending outcome of another application	125	1.65

Total number of adjournments/continuance = 7563

The above table summarises the most common reasons why cases in the HCV Division were delayed for ‘continuance’ throughout 2019. It is seen that this list is led by matters part heard with 267 or 3.53% of the total list of reasons for adjournment/continuance. This is followed by

adjournments pending the outcome of another application with 125 or 1.65% and pending settlements with 98 or 1.29% of the total adjournments in 2019.

The below table enumerates the leading reasons for delay in a matter which may either be strictly an adjournment or 'continuance', using the definitions outlined above, depending on the peculiar circumstances. In other words, either these reasons could be for 'adjournment' or 'continuance' depending on the stage or conditions of occurrence on the case flow continuum.

Table 3.0: Frequent reasons for adjournment/continuance for the year ended December 31, 2019

Reasons for continuance	Frequency	Percentage
Parties having discussion with a view to settlement	338	4.47
Medical certificate outstanding	39	0.52

Total number of adjournment/continuance = 7563

It is seen above that parties having discussions with a view to settlement with 338 incidences or 4.47% of the total and medical reports outstanding with 39 or 0.52% of the total, accounts for the dominant share of the reasons for adjournment/continuance which falls in this category.

Table 4.0: Trial matters and hearings for the year ended December 31, 2019

Trial matters/hearings	Frequency	Percentage
Court Trials	1302	52.14
Motion Hearing	78	3.12
Assessment of Damages	683	27.35
Trial in Chambers	434	17.38
Total trial matters	2497	100

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The above table shows the breakdown of the progression of selected HCV pre-trial and trial matters for 2019. The table shows a 2497-combined occurrence of matters set for the selected types of hearings in 2019, of which trials in open court accounted for the largest share accounted for the largest share with 1302 or 52.14% of the total. In 2018, assessments of damages led this list however such hearings featured in second place on the 2019 list with an incidence of 683. The incidence of assessments of damages hearings declined by roughly 52% when compared to 2018 while the incidence of trials in open court more than doubled when compared to 2018. This was followed by trials in chamber with 434 or 17.38% of these hearings while motion hearings with 3.12% close off this list.

Table 5.0 Hearing date certainty for the year ended December 31, 2019

Hearing dates set	Hearing dates adjourned (excluding adjournments for continuance)	Hearing date certainty (%)
11863	5534	53.35%

The overall hearing date certainty of a court provides a good metric of the extent to which dates, which are scheduled for hearings are adhered to and therefore speaks to the reliability of the case scheduling process. A sample of 11863 dates scheduled for either trial or pre-trial hearings, both in Court and in Chamber, revealed that 5534 were ‘adjourned’ on the date set for commencement. The resulting hearing date certainty figure of 53.35% suggests that there is a roughly 53% probability that a date set for a matter to be heard would proceed without adjournment for reasons other than some form of ‘continuance’ or settlement. This was

approximately 14 percentage points lower than the average over 2017 and 2018. This result gives important insights into the extent to which judicial time is wasted by potentially avoidable adjournments and suggests that strong interventions by way of improved case management, scheduling and external stakeholder cooperation are vital to redressing these deficiencies. When trials in open court and in chamber are isolated, the trial certainty rate for the HCV Division is 44.25%, just under half of the desired rate.

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

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

Table 6.0a: Index of scheduling efficiency for Assessment of Damages in the HCV Division for the year ended December 31, 2019

Number of available court days in 2018	Number of days’ worth of assessment of damages scheduled (for 1 court)	Approximate ratio
205	683	3 days

An important indicator of the problems associated with the scheduling of HCV matters comes from an assessment of the number of court days which were available for the Supreme Court in 2019, 205 all told and the number of days' worth of assessment of damages which were scheduled (a total of 683). It is shown that for every court day available, approximately 3 days' worth of matters were scheduled, a notable reduction by roughly 4 days when compared to 2018 but still not at an equilibrium level to curtail adjournments of dates set and the associated waste of judicial time. The improvements seen have resulted from special interventions in the case scheduling mechanism which has seen a reduction in the number of matters of assessment of damages set each day. A robust effort is being made to set fewer, more realistic dates, which should have a profound effect on the efficient use of judicial time as time progresses.

Table 6.0b: Index of scheduling efficiency for court trials in the HCV Division for the year ended December 31, 2019

Number of available court days in 2017	Number of days' worth of court matters scheduled for court trial per court	Approximate ratio
206	434	2.11

Another important indicator of the problems associated with the scheduling of HCV matters comes from an assessment of the number of court days which were available for the Supreme Court in the 2019, 205 all told and the number of days' worth of court trials which were scheduled per court (a total of 434). It is shown that for every day available, 2.11 days' worth of

matters were scheduled, slightly higher than that of 2018, representing a notable improvement. Despite the improvement, the data suggests that there needs to be continued focus on the science with which cases are scheduled for trial. Sophisticated technological aids and an improvement in the allocation of human capital in this important area will be vital to realizing the required gains in efficiency. The introduction of new, advanced technology to support this function is anticipated by late 2020 and will have a radical impact on overall court management and scheduling practices.

Table 7.0: Probability distribution of the incidence of adjournments/continuance for the year ended December 31, 2019

Type of Incidence	Frequency	Percentage (%)
Case Management Conference	477	10.39
Pre-Trial Review	198	4.31
Trial in court	786	17.12
Assessment of damages	150	3.27
Judgment Summons Hearing	198	4.31
Applications	2783	60.61
Total	4592	100

The above table takes a large, representative sample of reasons for adjournment and records the stages of the case flow process at which they are observed. The table reveals some interesting changes when compared to 2018. Most noticeable is the considerably lower proportion of the sample of adjournments which is accounted for by assessments of damages, a proportion of 3.27%, compared to 23.50% in 2018. This can be largely attributed to the significant reduction in the number of such matters scheduled on a daily basis. It is also notable that the proportion of adjournments which are associated with trials in open court increased

when compared to 2018. These hearings account for 17.12% of the adjournments in the sample while case management conferences account for 10.39% and applications account for the largest proportion of the adjournments in the sample with 60.61%. Pre-trial reviews and judgment summons hearings each with 4.31% of the sample rounds off the list.

As stated earlier, continued improvements in the overall scheduling apparatus of the High Court Civil (HCV) Division will be crucial to reducing the persistently high incidence of adjournments which delay the disposition of cases and contribute to case backlog.

Table 8.0: Hearing date certainty for Assessment of damages for the year ended December 31, 2019

Hearing dates set	Dates adjourned (excluding adjournments for continuance)	Hearing date certainty (%)
683	138	79.80%

As noted above, there has been a noticeable reduction in the number of dates scheduled for matters of assessments of damages. This resulted in significantly greater certainty in hearings commencing as scheduled, shown by a hearing date certainty rate of 79.80%, an improvement of roughly 50 percentage points when compared to 2018, underscoring the potency and potential gains that can be made from setting more realistic court dates and a more manageable caseload each day.

Table 9.0: Hearing date certainty for Case Management Conferences for the year ended December 31, 2019

Hearing dates set	Dates adjourned (excluding adjournments for continuance)	Hearing date certainty
899	305	66.07

Case management conferences form an important part of the preparation of cases or further judicial activities. Matters scheduled for case management conferences will typically be set for a fixed time and day in accordance with the available resources. These matters had a hearing date certainty of 66.07% in 2019, a decline of 6.39 percentage points when compared to 2018. These results suggests that in 2018, there were roughly 6 less certain hearings dates set for every 100 case management conferences in 2019, as compared to 2018.

Table 10.0: Requisitions for the year ended December 31, 2019

Action	Frequency
Requisitions Issued	611
Responses to requisitions	79
Requisition response rate	12.93%
Requisitions per 100 case files	4

In considering the efficiency with which civil matters flow through the court system, the number of requisitions and the ratio of requisitions to case files is an important metric. The rate at which responses to requisitions are filed and the share quantum of requisitions issued can have a profound impact on the length of time that it takes for some civil matters to be disposed. In the table above it is shown that there were 611 requisitions for the year. The ratio

of cases filed to requisition was calculated to be 1:0.04, which suggests that for every 100 case files there were 4 requisitions, the same as 2018. The data shows a response rate of 12.93% for 2018, an increase of roughly 6 percentage points when compared to 2018. Continuous interventions aimed at increasing public sensitization on the proper and timely completion of documents filed by litigants and their attorneys at the various stages along the civil case flow continuum are vital to creating and sustaining improved outcomes in this area.

Table 11.0: Sampling Judgments for the year ended December 31, 2019

Judgments	Frequency	Percentage
Judgments (Trial in Court/Assessment of damages)	387	31.36
Judgment on admission	65	5.27
Judgment in default of acknowledging service	382	30.96
Judgment in default of defence	98	7.94
Interlocutory Judgments	302	24.47
Total Judgments	1234	100

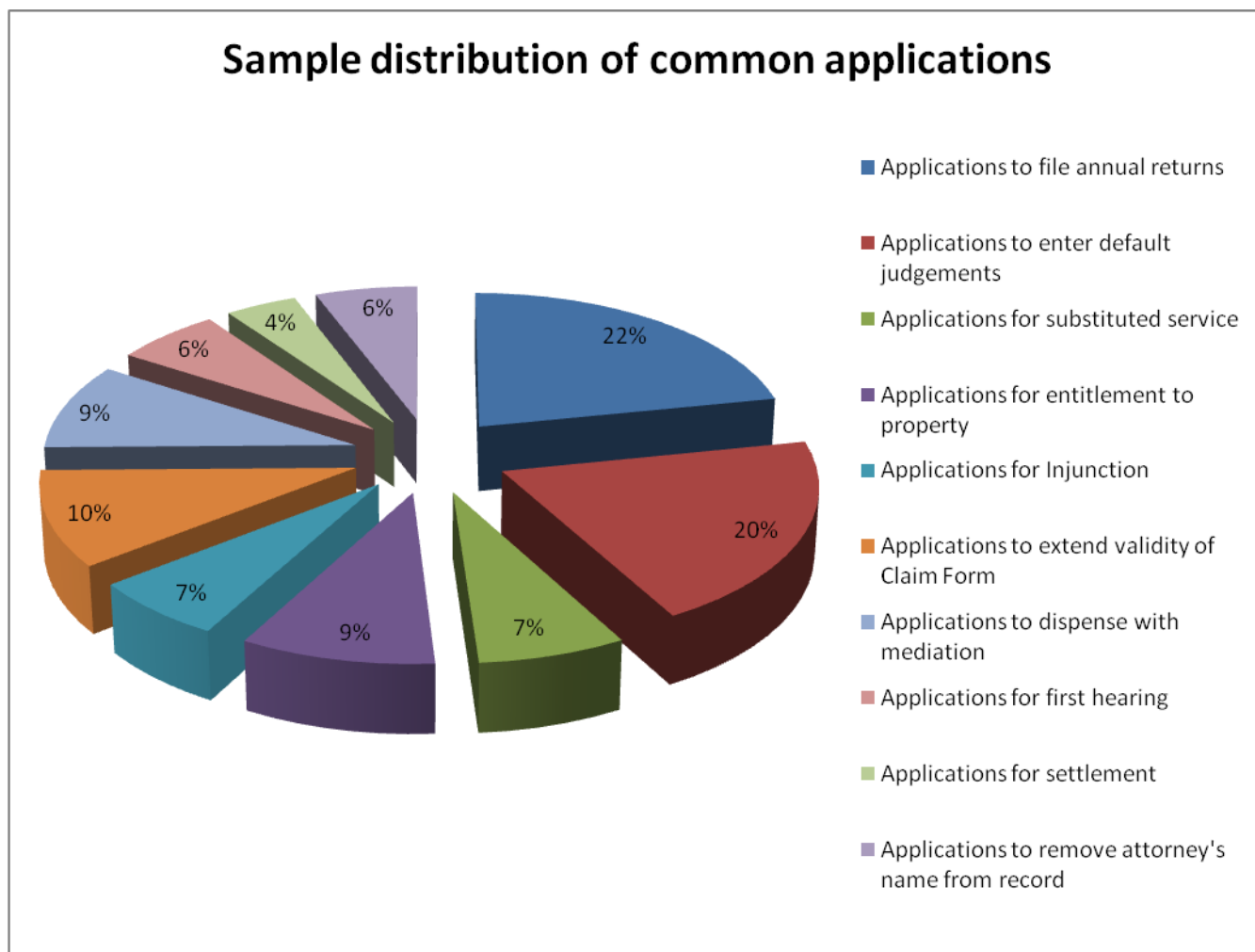
The above table provides a sample of the Judgments rendered during the life of HCV cases in 2018. As seen, Judgments associated with trial in court and assessments of damages with 387 or 31.36% of total Judgments account for the largest proportion of the enumerated sample. Judgments in default of acknowledging service with 382 or 30.96% and Interlocutory Judgments with 302 or 24.47% of the sample rounds off the top three in the list.

Table 12.0: Chamber hearings for the year ended December 31, 2019

Hearings	Frequency	Percentage (%)
Oral Examination	11	0.11
Case Management Conference	1370	14.05
Pre-trial review	692	7.10
Applications (Various)	7292	74.77
Judgment summons hearing	387	3.97
Total	9752	100

The above table summarizes the incidence of different types of Chamber hearings for 2019. It is seen that the total number of Chamber hearings for the period was 9752, a decrease of 5.82% when compared to 2018. The highest proportions were various applications with 7292 or 74.77% of the total number of hearings, a reduction of 3.34% when compared to 2018. The general applications category speaks to a non-exhaustive list of various types of applications (including expedited applications) which come before the High Court Civil (HCV) Division. Case Management Conferences was a distant second with an incidence of 1370 or 14.05% of the total number, a fall of 12.01 percentage points when compared to 2018. Pre-trial reviews with 692 or 7.10% and Judgment summons hearings with 387 or 3.97% rounds off the top five Chamber Hearings for 2019.

Chart 3.0: Sampling distribution of the top ten application types for the year ended December 31, 2019



The above chart is derived from a sample of 5213 applications made in the High Court Civil Division in 2019. It summarizes the top ten application types in this representative sample which reveals that applications to file annual returns and applications to extend validity of claim forms with 22% and 20% respectively had the highest incidences, while applications to extend the validity of Claim Forms with 10%, applications to dispense with mediation and for entitlements to property with 9% rounds off the top five application types in the sample.

The high incidences of these application types provide significant insights into a range of factors, which contribute an occupation of judicial time, some of which can be improved through targeted interventions. For example, as with previous reports the fact those applications to extend the validity of a Claim Form ranks so prominently among the types of applications filed provide a clear suggestion that a system of tracking such applications could be established in which reminders are provided to the relevant parties well in advance of the expiration date. The need to bolster the case progression management processes is thus reinforced. Applications account for well over a third of judicial activity in the High Court Civil Division and thus their management and scheduling are important planks in the efficient management of civil cases. Improving the efficiency of case file management can make a meaningful difference to both the incidence of certain types of applications filed and the rate at which applications are scheduled and disposed. These in turn have potentially enormous implications for the operational effectiveness and productivity of the High Court Civil Division and thus require constant attention and deliberate intervention and support.

Table 13.0: Methods of disposition for the year ended December 31, 2019

Methods of Disposition	Frequency	Percentage (%)
Application Granted	6	0.68
Claim form expired	11	1.24
Consent Judgment	6	0.68
Consent Order	4	0.45
Damages Assessed	14	1.58
Dismissed	1	0.11
Final Order	4	0.45
Final Judgment	18	2.03
Settled Fully in Mediation	7	0.79
Notice of Discontinuance noted	438	49.49
Order (Chamber Court)	54	6.10
Settlements	68	7.68
Struck Out	23	2.60
Transferred	2	0.22
Judgments Delivered	229	25.88
Total	885	100.0

An understanding of the distribution of the methods of case disposal is an essential metric to gaining insights into the efficiency of case handling in the courts and into operational planning. It is seen that there were 885 HCV cases disposed in 2019, a marked decline of approximately 47% when compared to 2018, reverting to 2017 levels. The largest proportion of the cases disposed, 438 or almost 49.49% were a result of notices of discontinuance filed, followed by Judgements delivered with 229 or 25.88% and settlements with 68 or 7.68%. Orders made with 54 or 6.10% of the disposals and matters struck out with 23 or 2.60% rounds off the top five methods of disposition in the High Court Civil Division in 2019.

Table 14.0: Time to disposition for the year ended December 31, 2019

Descriptive Statistics (in months)

Number of observations	885
Mean	44.6492
Median	43.0000
Mode	19.00
Std. Deviation	27.25268
Skewness	1.067
Std. Error of Skewness	.095
Range	206.00
Minimum	0.16
Maximum	206.00

One of the most important metrics, which can be used in assessing the efficiency of case handling, is the time to disposition. An understanding of this measure is crucial to influencing both internal and external policies, necessary to bolster the timely delivery of justice. The above table provides crucial insights on the average time to disposition of matters in the HCV Division for 2019. The 885 cases disposed in the year reveal an estimated average time to disposition was 44.64 months or 3 years and 9 months, an increase of 9 months when compared to 2018. The oldest matter disposed in the year was 206 months old or just over 17 years old while the lowest time that a matter took to disposition was less than a month. The most frequently occurring time to disposition in the period was 19 months or just over a year and a half. The standard deviation of roughly 27 months or 2 years and 3 months is indication of a wide variation of the durations to disposal around the mean and suggests that the times to disposition vary widely. The positive skewness of roughly 1.1 however indicates that there were

more disposals, which took lower time to disposition than those, which took higher than the average time. The margin of error of these estimates is plus or minus 2 month.

Table 15.0: Breakdown of time to disposition for the year ended December 31, 2019

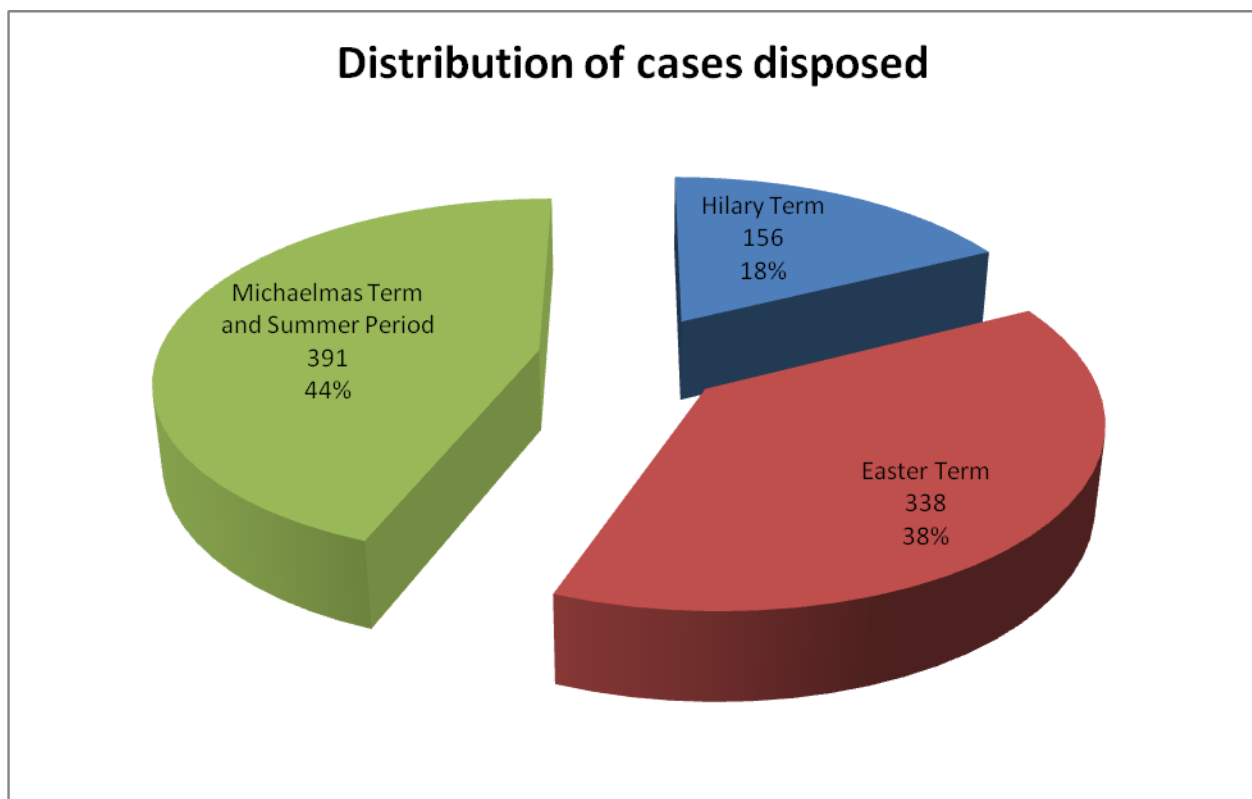
Method of Disposition	Frequency	Percentage (%)
0 – 12	120	13.56
13 -24	132	14.92
25 – 36	155	17.51
47 – 57	172	19.44
58 and over	306	34.58
Total	885	100.0

The above table provides a more detailed breakdown of the average time to disposition. It is seen that of the 885 matters disposed in the year, the largest proportion, 306 or 34.58% took four years or more to be disposed. 172 matters or roughly 19.44% of the cases disposed took between 25 and 376 months while 155 or 17.51% took between 25 and 36 months to be disposed. The remaining proportion of the cases disposed was accounted for by the intervals 13 -24 months with 14.92% and a year or less with the lowest proportion at 13.56%. It is of note that only 28.48% of the matters disposed of in 2019 took two years or less, compared to roughly 71.52%, which took more than two years during the year. Deficiencies including frequent adjournments, low trial/hearing certainty and the attendant problems with date scheduling certainty as well as the incidence of requisitions may be among the factors accounting for the majority of matters taking more than two years to be disposed. The margin of error of these estimates is plus or minus 2 months. The fact that the modal time to disposition is 19 months is instructive as it speaks to what could potentially become a norm in

the High Civil Division with stronger case management, file management and scheduling apparatuses. A number of process re-engineering initiatives are currently being either undertaken contemplated in the High Court Civil (HCV) Division, which are expected to eventually contribute appreciably to a reduction in the average time to disposition for the High Court Civil (HCV) Division.

The below chart provides a breakdown of the number of cases disposed of, by Term in the High Court Civil Division throughout 2019.

Chart 4.0: Dispositions by Term in the HCV Division for December 31, 2019



Note: The summer period refers to the time between the end of the Easter Term and the beginning of the Michaelmas Term.

The above chart shows that the largest proportion of the 885 cases disposed of in the High Court Civil Division during 2019. The combined Michaelmas Term and Summer Period

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accounted for the highest proportion of cases disposed with 391 or 44%. 338 or 38% of cases, which were disposed in the Easter Term and 156 or 18% were disposed during the Hilary Term.

Table 16.0: Clearance rate for the year ended December 31, 2019

Cases filed	Cases disposed	Case clearance rate
5160	885	17.15%

***133 or 14.24% of the cases disposed, originated in 2019**

The case clearance rate is an important metric, which complements the case disposal rate. It is calculated as the ratio of incoming active cases to disposed cases. A ratio of 100% is an indication that for every new case filed, a pre-existing case is also disposed. It is an important measure in placing the time to disposition of matters into context and to providing a deeper understanding the case carriage burden that is being faced by the different Divisions. The rate of 17.15% seen above for the High Court Civil (HCV) Division is an indication that for every 100 new cases filed in the period under examination, there were roughly 17 cases disposed (not necessarily of those filed in 2019). The result represents a 16.18 percentage points decline in the disposal rate for the High Court Civil Division when compared to 2018. As with 2018, this low clearance rate could suggests that the case disposal rate in the Division is too low to sustain a continuously increasing burden and affirms conclusively that the Division's capability to handle its caseload is both under-resourced and sub-optimized. It is important to point out that at least some of the disposed cases used in this computation may have originated in previous periods as the clearance rate is meant to be a productivity ratio.

Other performance measures

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

(i) The on time case processing rate

(ii) The case turnover ratio

(iii) The disposition days

(iv) Case backlog rate

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally the case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of 2019. These measures are summarized in the table below:

Table 17.0: Selected performances metrics for the High Court Civil (HCV) Division in 2018

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated disposal days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Case backlog rate (%)
885	13279	0.07	3214	252	885	28.48%	71.52%

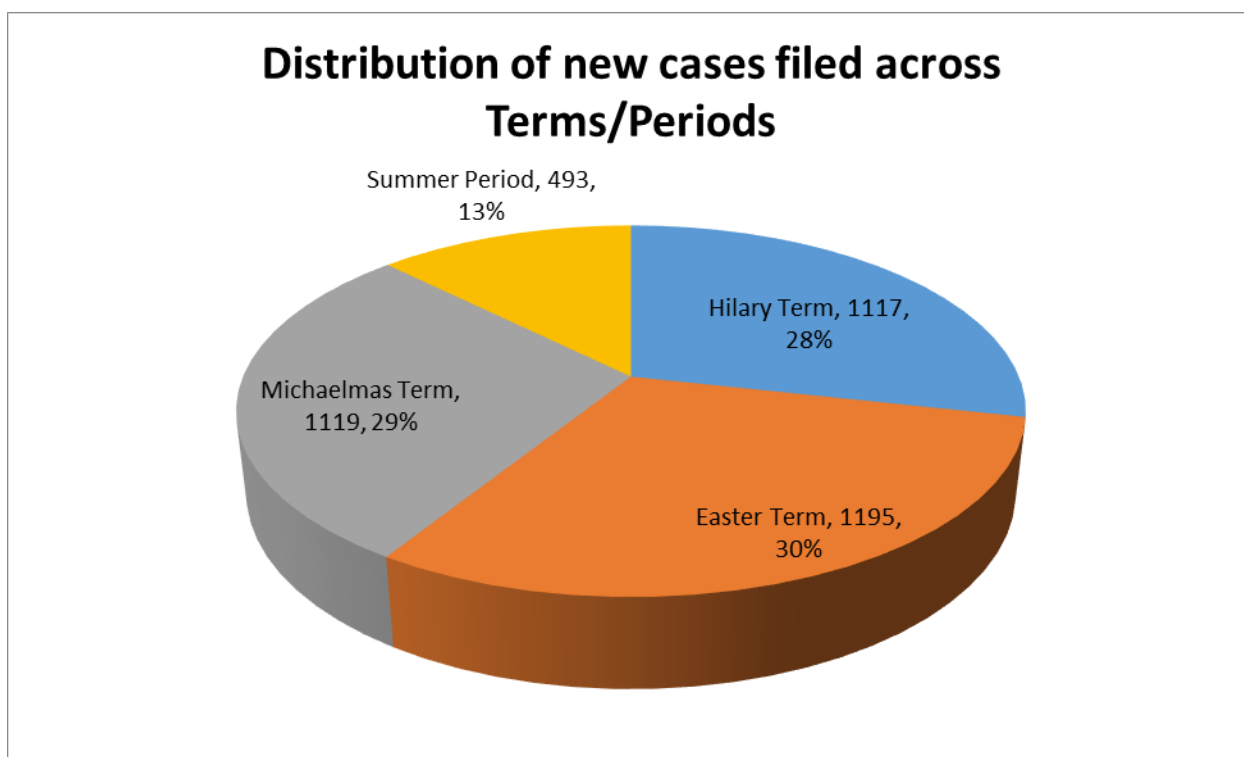
The results in the above table show a case turnover rate of 0.07, which is an indication that for every 100 cases, which were 'heard' in 2019 and still active at the end of the year, another 7 were disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the year will on average take 3214 more days or 8.8 more years to be disposed, barring special interventions or other unanticipated circumstances.

A case is considered to be in a backlog classification if it is still active for over two years. Based on this general criterion, a case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the High Court Civil Division in 2019 is 28.48%, which reflects the proportion of High Court Civil cases in the year, which were disposed within 2 years. Conversely, the case backlog rate is 71.52%, an indication that an estimated annual proportion of 72% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 13279 cases, which had some court activity in 2019 and were still active at the end of the year, roughly 9428 are expected to be in a backlog classification before being disposed.

CHAPTER 2.0: MATRIMONIAL DIVISION

The ensuing analysis examines the various measures of the efficiency of case handling in the Matrimonial Division for the year ended December 2019.

Chart 5.0: Distribution of cases filed in the Matrimonial Division in 2019.



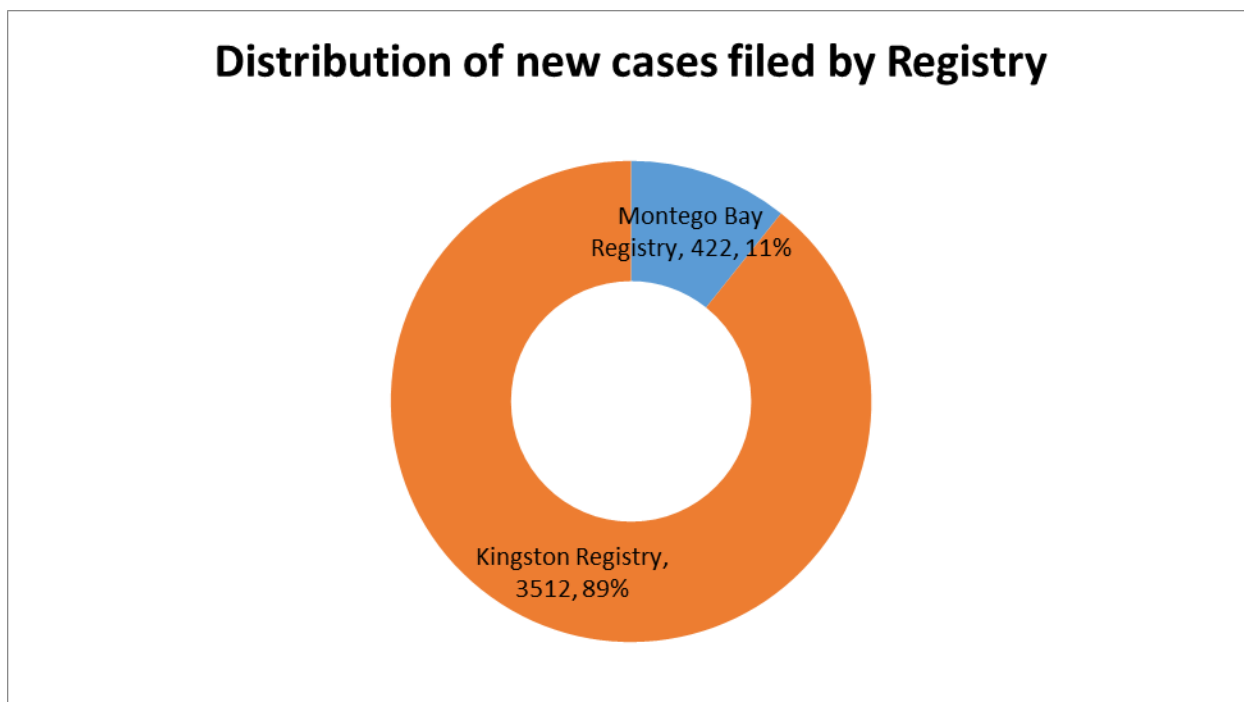
Total number of new cases filed in the Matrimonial Division (N) = 3934

NB: The summer period refers to the timeframe between the end of the Easter Term and the start of the Michaelmas Term.

A total of 3934 new Matrimonial cases were filed in 2019, an increase of 2.08% when compared to 2018 and represents the third consecutive year increase in the number of new cases filed. The above chart shows that largest proportion of Matrimonial cases filed in 2019 occurred during the Easter Term, which accounted for 30% or 1195 cases. This was followed by 29% or 1119 cases, which were filed during the Michaelmas Term. The Hilary Term accounted for 1117

cases or 28% of the cases filed in 2019 while the summer period accounted for 493 cases or 13% of the total.

Chart 6.0: Distribution of new cases filed in the Matrimonial Division, by Registry in 2019



The above chart summarizes the distribution of new cases filed in the Matrimonial Division in 2019 at the Kingston and Montego Bay Registries respectively. It is shown that 3512 or 89% of the new cases filed took place at the Supreme Court Registry in Kingston while the remaining 422 or 11% were filed at the Registry in Montego Bay. While the overall share of new cases filed is the same as 2018, both Registries saw marginal increases in the number of new cases filed.

Table 18.0: Petitions filed for the year ended December 31, 2019

Type of petition	Frequency	Percentage (%)
Amended petition for dissolution of marriage	3181	44.71
Petition for dissolution of marriage	3934	55.29
Total Petitions filed	7115	100
Number of amendments per petition	0.81	

The above table summarizes Petitions filed in 2019. It is shown that a total of 7155 Petitions (new or amended) were filed, 3934 or 55.29% were Petitions for dissolution of marriage, compared to 3181 or 44.77% which were amended or further amended Petitions for dissolution of marriage. The analysis further suggests that the ratio of Petitions to Amended Petitions is 0.81 or in other words for every 100 Petitions for dissolution of marriage there is roughly 81 amended Petitions for dissolution of marriage in 2019. As mentioned earlier, there was a slight increase in the number of petitions filed but the number of amended petitions filed increased by a proportion of 39.64%. The continued relatively high incidence of amendments constitutes a source of delays in the timely and efficient delivery of dispositions. Continued public education and process re-engineering is necessary to stem this tide. Nevertheless the increase in the number of amended petitions filed may also be an indication of an increase in the rate of compliance with requisitions or the turnaround time for requisition responses. The number of petitions filed throughout 2019 was fairly uniformly distributed throughout the three Terms in 2019. In order to achieve the targets set out by the Honourable Chief Justice, including significant improvements in the time taken to dispose of divorce cases to be as low as

4 months from the time of filing a petition, there will need to a significant reduction in incidence of requisitions which are sources of the amended petitions filed. The Supreme Court, the attorneys and the public will need to be fully coordinated in the re-engineered case flow processes, their roles, and the implications of both their actions and inactions in contributing to the time taken to dispose of cases.

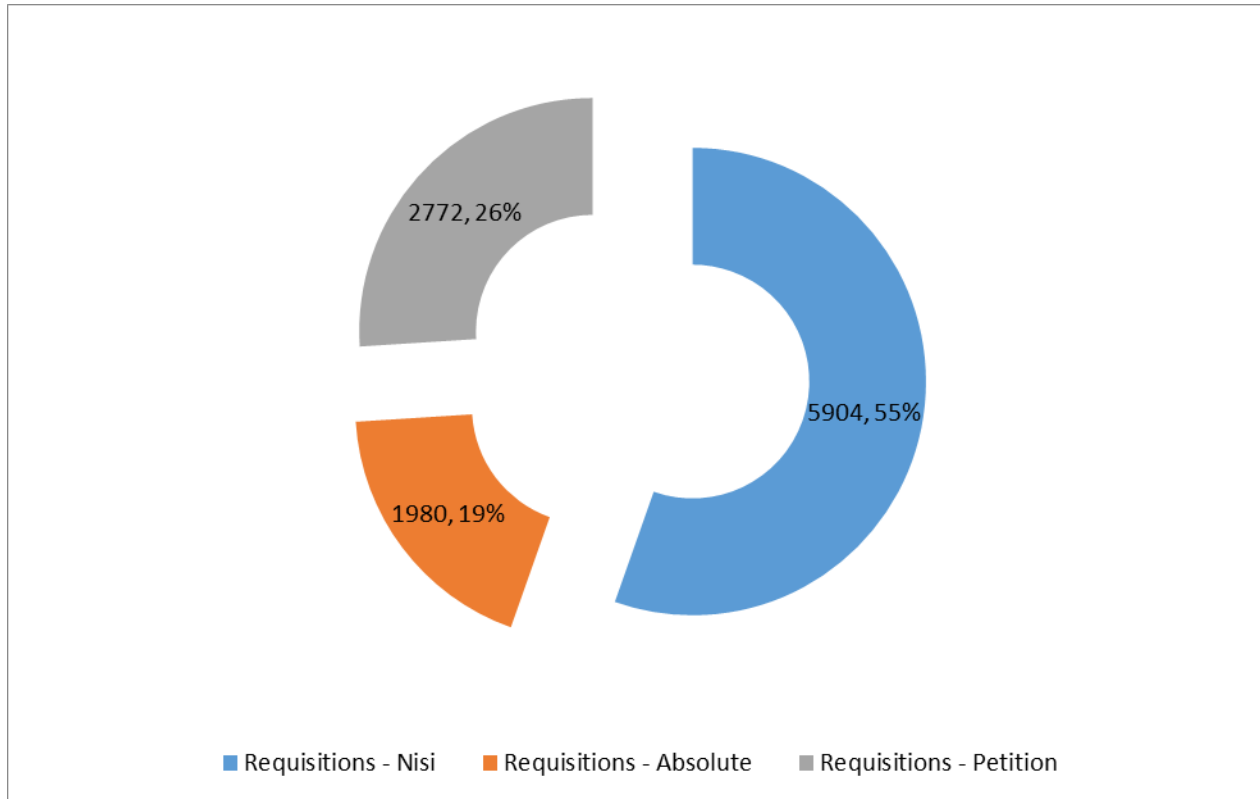
Table 19.0: Decrees Nisi and Decrees Absolute filed for the year ended December 31, 2019

Case Status	Frequency
Decree Absolute	4971
Decree Nisi for dissolution of marriage	5986
Decree Nisi for nullity of marriage	15
Total	10972
Ratio of Decrees Nisi to Decrees Absolute	0.83

It is seen in the above table that for every 100 Decrees Nisi filed there were roughly 83 Decrees Absolute filed in 2019, a decline of 15 percentage points for every 100 when compared to 2018. 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 roughly 17% more Decrees Nisi than Decrees Absolute filed in 2019. The stage of a matter at which requisitions have mostly occurred has an impact on the production rate for both Decrees Nisi and Decrees Absolute Granted.

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

Chart 7.0: Distribution of the stages of requisitions for the year ended December 31, 2019



The data suggests that a total of 10,656 requisitions were issued at the three primary stages of a divorces case at the Kingston and Montego Bay Supreme Court Registries combined an increase of 12.57% when compared to 2018. The number of requisitions filed at the petition stage increased by 20.52% when compared to 2018 while the number filed at the Decree Nisi stage increased by roughly 29%. The number of requisitions filed at the Decree Absolute stage however declined by 23.43% when compared to 2018. The rise in the number of petitions is not surprising considering the increase shown earlier in the number of amended petitions filed. It is seen in the above chart that there is a markedly greater probability that a requisition will be made at the stage of Decree Nisi, with an estimated 55% incidence, up from 49% in 2018. 26%

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of the total constituted requisitions at the stage of a Decrees Absolute and the lowest proportion of 19% of requisitions are associated with Petitions. This data continues to suggest that specific interventions are needed particularly at the stage of Decrees Nisi in order to bolster the speed of disposition of matters by reducing the incidence of requisitions. Operational measures currently being pursued should contribute to improving this situation in 2020.

Table 20.0: Methods of Disposals for the year ended December 31, 2019

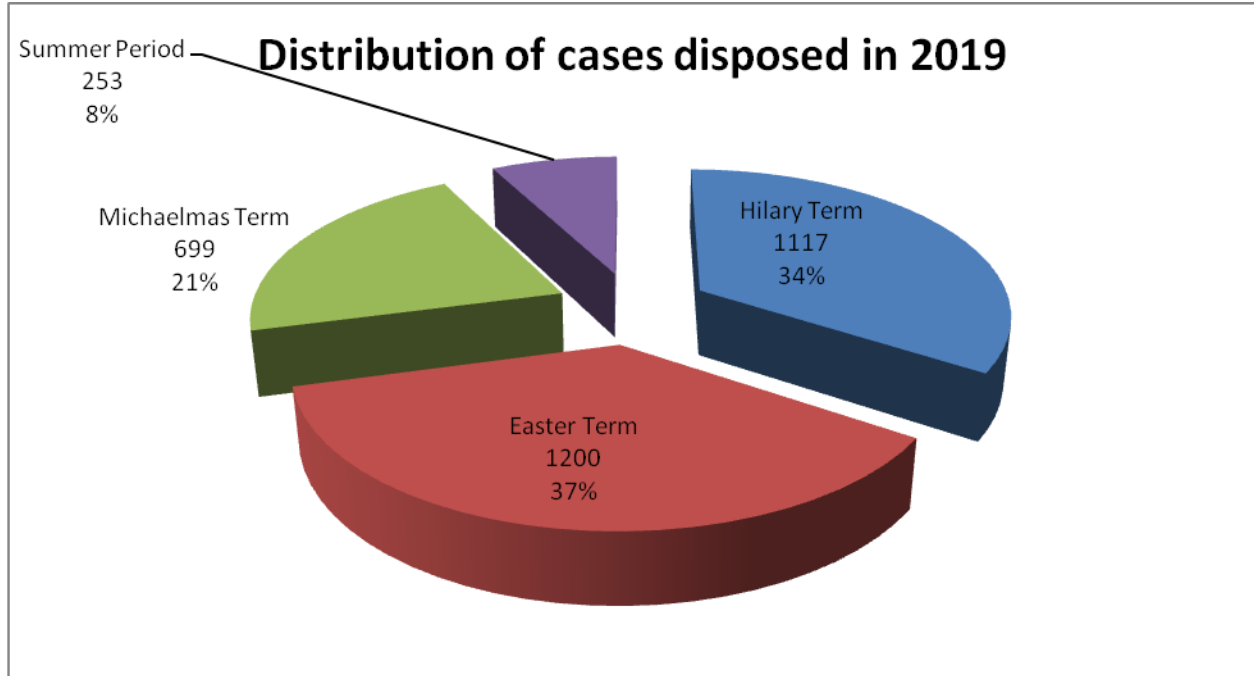
Methods of Disposition	Frequency	Percentage (%)
Decree Absolute Granted	2950	90.24
Decree Nullity Granted	18	.055
Notice of Discontinuance noted	32	0.98
WR Decree Absolute Granted	252	7.71
WR Notice of Discontinuance noted	9	0.28
Judgments delivered	8	0.24
Total	3269	100.0

NB: WR means Western Registry

The above table reveals that 3269 Matrimonial cases were disposed in 2019, a decline of 16.84% when compared to 2018. A proportion of 97.95% or 3202 were attributable to Decrees Absolute Granted while 32 or 0.98% were due to Notices of Discontinuance filed, accounting for the top two methods of disposition in 2019. Decrees Nullity granted with 18 or 0.55% rounds off the top three methods of disposition. It is of note that 423 or 12.94% of the cases disposed of in 2019, actually originated in that year, representing an increase of 41.47% when compared to 2018. This however represents a mere 10.75% of the new cases filed in 2019, an improvement of 2.95 percentage points when compared to 2018. The ongoing process flow re-

engineering and enhanced engagement of stakeholders should continue to drive improvements in this area in 2020 and by 2021-22, it is forecasted that over 25% of new cases filed will be disposed in the same year of filing. The current trends suggest that the Matrimonial Division could conceivably realise the target of disposing the majority of cases filed within 4-6 months, however the case progression mechanism has to work with a high degree of efficiency for this to happen and the cooperation of the attorneys in properly filing documents and expeditiously responding to requisitions will be crucial. In the same way that open court and some chamber hearings are given a specific hearing date and time slot, internal efficiency in the handling of Matrimonial cases in the Supreme Court could possibly be bolstered by a similar approach, thus guaranteeing time standards for the movement of case files along the case flow continuum. It is of note that 3000 of the Matrimonial cases disposed were attributable to the Kingston Registry while 261 were accounted for by the Western Registry in Montego Bay.

Chart 7.0: Distribution of cases disposed in the year ended December 31, 2019.



NB: The summer period refers to the time between the end of the Hilary Term and the start of the Michaelmas Term.

It is seen in the above chart that of the 3269 cases, which were disposed, the largest proportion took place in the combined Easter Term, which accounted for 1200 or 37% of disposed cases.

The Hilary Term with 1117 or 34% of disposed cases is next, followed by the Michaelmas Term with 699 or 21% of the disposed cases while the summer period accounted for 253 or 8%.

Table 21.0: Requisitions summary for the year ended December 31, 2019.

Action	Frequency
Requisitions	10656
Number of requisitions per 100 files	143
Number of responses to requisitions	6991
Requisition response rate	65.61%

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The incidence of requisitions is especially important in assessing the efficiency with which Matrimonial matters move through the court system. A total of 10656 requisitions were filed in 2019, an increase of 12.57% when compared to 2018. This produces a ratio of cases filed to requisitions of 1.43 which suggests that for every 100 cases filed on which there was activity in 2019, there were 143 requisitions, a decline by 41 percentage points for every 100 cases. The number of responses to requisitions increased by 14.08%, showing promising signs for continued improvements in 2020. The increase in the number of responses to requisitions issued was however partly offset by the increase in the number of new requisitions filed, thus the requisition response rate only improved by just under 1 percentage point when compared to 2018.

Table 22.0: Outline of ideal delivery time standard and process flow for the disposition of divorce matters

Stage 1	Task	Existing Staff	Current time (days)	Proposed Staff	Proposed Time (days)
	Receive document and record skeleton party and document information in JEMS	2	3	3	1
	Enter and scanning of documents in JEMS	3		3	
	Update of case party information in JEMS				
Petition/					
Decree	Retrieve file and maintain filing room (Records officer)	0		2	

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Nisi/ Decree absolute	Sorting of manual documents – punching and placing of documents on file, writing of party information and suit number on file jacket	0	3	4	1
	Record in JEMS file location and move manual file to physical location. Updating and scanning of signed petition in JEMS. Issuing notice via email.	0	3	2	1
	Vetting and signing of petition by Deputy Registrar	1	5	1	2
	Mandatory waiting period for service of petition and filing of application for decree nisi (14-84 days)		14		14
Stage 2	Task				
Decree Nisi	Vetting of Decree Nisi by Deputy Registrar & legal officers	1	40	2	20
	Vetting and signing of Decree Nisi by Judge		14		1
	Mandatory waiting period between granting of decree nisi and application for decree		30		30

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	absolute				
Stage 3	Task				
Decree Absolute	Vetting of Decree Absolute by Senior officer	0	14	2	7
	Vetting and signing of Decree Absolute by Judge		5		1
Total			131 (26wks)		78 (16wks)

Notes

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

- b. Upon filing of application for decree nisi, the matrimonial department will respond within **23 working days**. The response will be communicated by email if available or manual notice in the notice box, for the signed decree nisi to be collected or to collect requisition to decree nisi.
 - c. Upon filing of application for decree absolute, the matrimonial department will respond within **11 working days**. The response will be communicated by email if available or manual notice in the notice box, for the signed decree absolute to be collected or to collect requisition to decree absolute.
7. This model is built on the assumption of expeditious responses from the attorneys and their clients so as to eliminate delays.

Table 23.0: Court/Chamber matters for the year ended December 31, 2019

Action	Frequency	Percentage (%)
Applications	369	54.59
Expedited Applications	93	13.76
Case Management Conference	169	25.0
Motion Hearing	42	6.21
Pre-trial Hearing	8	1.18
Trial	33	4.88
Total	676	100

The above table shows the distribution of the types of matters brought before the Court for the period under examination. The data shows that an incidence of 676 hearings either before Court or Chamber of which the largest proportion, 369 or 54.59% were applications followed by 169 or 25.00%, which were Case Management Conference matters. The event with the third highest incidence in this category is expedited applications, which accounts for 93 or 13.76% of the total. Motion Hearings with 42 or 6.21% and Trials with 33 or 4.88% of the total rounds off the top 5 events enumerated in this category. The probability distributions of the events in this table are broadly consistent with that which was observed in 2018.

Table 24.0: Top four types of applications in the year ended December 31, 2019

Application type	Frequency	Percentage (%)
Application to dispense with personal service	68	22.67
Application for substituted service	39	13.00
Application for joint custody	28	7.76
Application to remove attorney's name	23	6.37

Further analysis of the types of application brought before the Court was done using a sample of 300 of the 361 filed, suggests that applications to dispense personal service with 68 or 22.67% accounted for the largest share. This is followed by applications for substituted service with 39 or 13% of the sample, while applications for joint custody with 28 or 7.76% and applications for entitlement to remove attorney's name with 23 or 6.37% each of the applications round off the top four applications in the sample. These top four application types account for roughly 52.67% of the representative sample application in the Matrimonial Division in 2019 and have consistently featured in the top quintile over the past three years.

Table 25.0: Top six reasons for adjournment for the year ended December 31, 2019

Reasons for Adjournment	Frequency	Percentage (%)
Claimant to file documents	51	14.37
No parties appearing	43	12.11
File nor found	29	8.17
Parties having discussions with a view to settlement	22	6.20
Defendant to file documents	18	5.07
Claimant's documents not served or short served	17	4.79

Total incidence of adjournments (N) = 355

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As with all Divisions of the Supreme Court, an important metric of court efficiency are the reasons for adjournment of court matters. The data suggests that there were 355 adjournments in the Matrimonial Division in 2019, representing an increase of 10.59% when compared to 2018. The largest proportion of these adjournments was due to documents to be filed by claimants with 51 or 14.37% of total adjournments. No parties appearing with 43 or 12.11%, files not found with 29 or 8.17% and parties having discussions with a view to settlement with 22 or 6.20% of the reasons for adjournments rounds off the top four. Defendant to file documents and claimant's documents not served or short served with 5.07% and 4.79% respectively completes the top six. Most of these reasons for adjournment enumerated above also featured prominently in the list for the High Court Civil Division, contributing to non-productive use of judicial time and slower rates of case disposal. Strengthening the case management apparatus and the key tributaries of contact with external stakeholders/parties will be vital to reducing these incidences.

Table 26.0: Hearing date certainty for the year ended December 31, 2019

Court/Chamber hearing dates set	Hearing dates Date adjourned (excluding continuance)	Hearing date certainty rate (%)
673	257	61.81%

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 676 -combined incidence of Court and Chamber hearings in 2019, 257 were adjourned for reasons other than intrinsic

procedural factors. This produces a reasonably high 61.81% hearing date certainty and suggests that for the year, a decline of 8.73 percentage points when compared to 2018. For every 100 matters scheduled is the approximate number that would be expected to proceed without adjournment is 62. When trial matters are isolated, the trial date certainty rate is 54.54%, a 21 percentage points decline when compared to 2018.

Table 27.0: Time to disposition for the year ended December 31, 2019

Descriptive Statistics (in months)

Number of observations	3269
Mean	22.5370
Median	15.0000
Mode	9.00
Std. Deviation	23.00146
Skewness	4.681
Std. Error of Skewness	.043
Range	341.00
Minimum	4.00
Maximum	342.00

The above table summarizes the time disposition for the year ended December 2019. It is seen that of the 3269 matters disposed of in the year, the estimated average time to disposition was roughly 22.53 months, an improvement of three months when compared to 2018 and 6 months when compared to 2017. The estimate of the most frequently occurring time to disposition was however 9 months and the median 15 months, encouraging signs for the targeted reduction in the average time taken to resolve cases filed in this Division. The oldest matters disposed were 28.5 years old while on the other end of the spectrum there matters disposed within 4 months.

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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 4.7 which strongly indicates that a markedly larger proportion of the times to disposition were lower than the mean. The margin of error of these estimates is plus or minus 2 months or 0.17 years.

Table 28.0: Breakdown of times to disposition for the year ended December 31, 2019

Date Interval	Frequency	Percent
0 -12	1281	39.19
13 -24	1114	34.0
25 – 36	398	12.17
37 – 47	174	5.32
48 & over	302	9.24
Total	3269	100.0

Note: 1.03% of the cases disposed in 2019 took 16 weeks or less and more generally 3.86% took 24 weeks or less.

The above table provides a more detailed breakdown of the estimated times to disposition for Matrimonial matters in 2019. It is seen that of the 3269 matters disposed in 2019, the largest proportion, 1281 or roughly 39.19% were disposed within 12 months, a notable improvement compared to 2018 which saw the largest share of matters taking between 13 and 24 months to be disposed. The second most disposals occurred within the period 13 -24 months, accounting for 1114 or 34.0% of the total. Taken together this result suggests that 2395 or 73.19% of Matrimonial matters were disposed in the period were done in two years or less from the time of initiation. This is an improvement of 7.93 percentage points when compared to 2018. 870 or roughly 26.61% of all Matrimonial matters disposed in 2019 took more than two years to be resolved. It is of note that 302 or 9.24% of the cases disposed in the Matrimonial Division in

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2019 took four or more years. As with 2018, the estimates however clearly suggest that a decidedly larger proportion of matters, which were disposed of during the year, took two years or less. Although only a small proportion of disposed cases were resolved within the targeted 4 months, the improvement in the proportion of cases disposed within 12 months is a step in the right direction and augurs well for the expected improvements in 2020. The margin of error of these estimates is plus or minus 2 months or 0.17 years. As stated earlier in this chapter, it has been established that under near ideal circumstances, Matrimonial cases can be disposed within 4 months. A low proportion of the cases disposed took 4 months or less in 2019, with 1.03% of all cases disposed while a proportion of 3.86% of the cases disposed in 2019 took 6 months or less to be disposed. Though quite low, these statistics reinforce the possibility that Matrimonial cases can be disposed in as low as 16 weeks; however this requires strict compliance with the requiring standards for filing and responses from attorneys and litigants and also efficient case flow processes in the Matrimonial Division.

Table 29.0a: Case clearance rate for the year ended December 31, 2019

Cases filed	Cases disposed	Case clearance rate
3934	3269	83.10%

***423 or 12.94% of the 3269 cases disposed, originated in 2019.**

The above table shows that there were 3934 new cases filed in 2019 while 3269 were disposed. This produces a case clearance rate of 83.10%, suggesting that for every 100 new cases; roughly, 83 were disposed in the year. An important caveat is that the cases disposed of did not

necessarily originate in the stated year. This measure gives a good impression of the true caseload that is being carried by the Matrimonial Division, the data clearly suggesting that there were more in coming than outgoing cases. Although the result represents a fall of 4 percentage points in 2018, it is roughly 11 percentage points better than 2017. This general improvement augurs well for the potential of the Division to significantly increase its rate of disposition. The impetuses to enhance judicial support for the Deputy Registrar and to re-engineer the processes by which Decrees Nisi and Decrees Absolute are assigned to Judges for continues in strides and are expected to reap rich dividends in 2020 and beyond. The clearance rates for Matrimonial matters may also be broken down by location of registry, as shown below:

Table 29.0b: Case clearance rate for the year ended December 31, 2019 (by registry location)

Registry location	Number of new cases filed	Cases disposed	Case clearance rate
Kingston Registry	3512	3008	85.65%
Montego Bay Registry	422	261	61.85%

The above table shows that when the case clearance rate is done by registry location, the Matrimonial Registry in Kingston cleared roughly 86 cases for every 100 new cases filed while the registry in Montego Bay cleared approximately 62 for every 100 cases filed. The Western Registry in Montego Bay has not historically had the same relatively seamless access to Judges and Masters as the Kingston registry for review of matters at the relevant stages; however this

situation is improving and should have a positive impact on their clearance rate in the coming months.

Other performance measures

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

(i) **The on time case processing rate**

(ii) **The case turnover ratio**

(iii) **The disposition days**

(iv) **Case backlog rate**

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally the case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of 2019. These measures are summarized in the table below:

Table 30.0: Selected performances metrics for the Matrimonial Division in 2019

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated Disposition days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Case backlog rate (%)
3269	5954	0.55	667 days	2395	3269	73.19	26.61

The results in the above table show a case turnover rate of 0.55, which is an indication that for every 100 cases, which were handled in, 2019 and still active at the end of the year, another 55 were disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the year will on average take 667 more days or 1.82 more years to be disposed, barring special interventions. These outcomes were roughly the same as those observed in 2018.

A case is considered to be in a backlog classification if it is still active for over two years. Based on this general criterion, a case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Matrimonial Division in 2019 is 73.19%, which reflects the proportion of Matrimonial cases in 2019, which were disposed within 2 years. Conversely, the case backlog rate is 26.61%, an indication that an estimated annual proportion of 27% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 5962 cases, which had some court activity in 2019 and were still active at the end of the year, 1584 are expected to be in a backlog classification before being disposed. This is a notable improvement

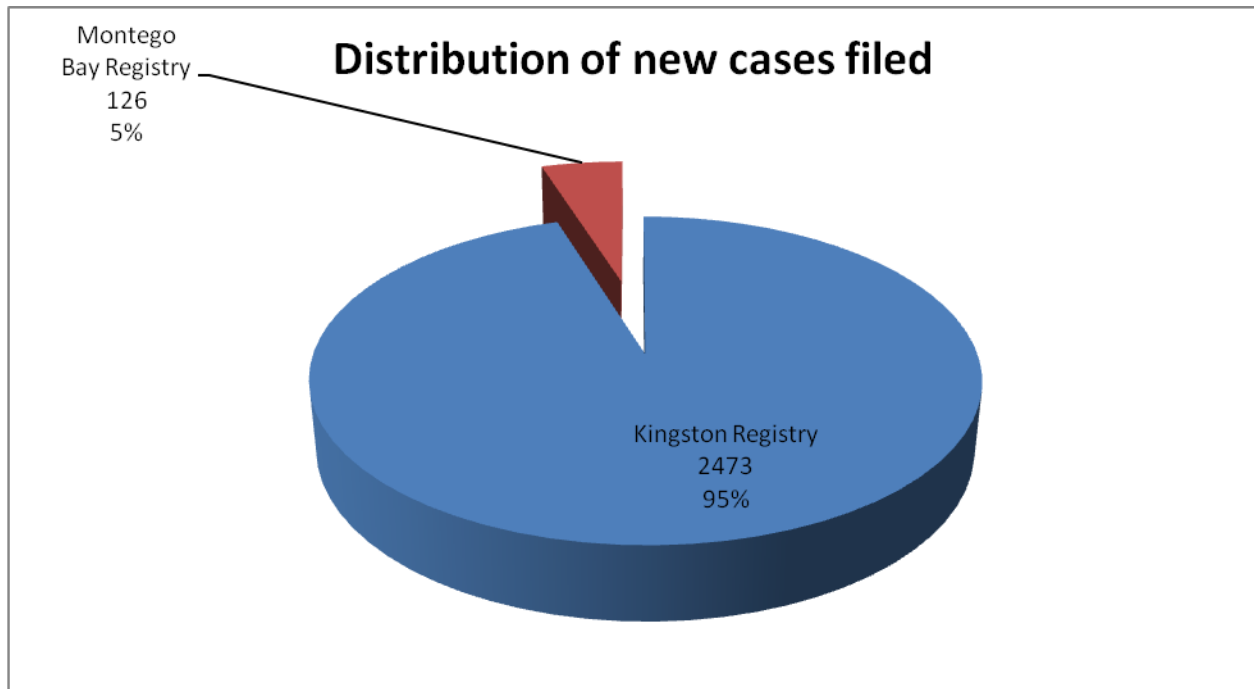
when compared to the previous year however a backlog of cases continue to exist in the Matrimonial Division. If the current general rate of improvements continues at the current pace in this Division, it will be near backlog free by 2026. Thus, faster rates of clearance can ensure that this target is achieved in a much shorter time.

CHAPTER 3.0: PROBATE AND ADMINISTRATION DIVISION

This section turns to the analysis of the progression of matters in the Probate and Administration Division for the year ended December 31, 2019.

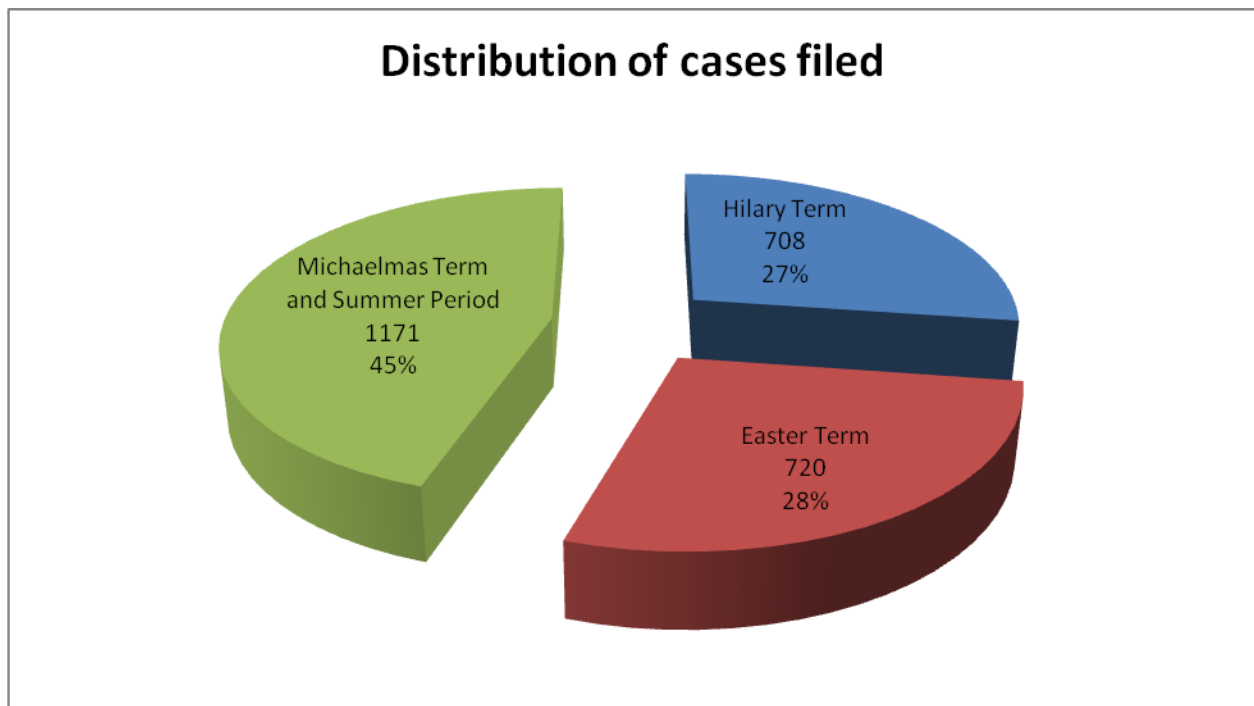
A total of 2599 new Probate Cases were filed in the year ended December 2019, an increase of 9.20% when compared to 2018. 126 of these new cases were filed at the Western Regional Registry and the remaining 2473 were filed at the Registry in Kingston. This distribution is shown in the chart below:

Chart 8.0: Distribution of Probate cases filed, by Registry in the year ended December 31, 2019



As shown in the above chart, 2473 or 95% of the new Probate cases filed in 2019 took place at the Registry in Kingston while the remaining 126 or 5% were filed at the Western Regional Registry in Montego Bay.

Chart 9.0: Distribution of cases file by Term/period in the year ended December 31, 2019



NB: The summer period referred to above is the time frame between the end of the Easter Term and the beginning of the Michaelmas Term.

The above chart shows the distribution of new cases filed across the Terms/periods in 2019. The largest proportion of new cases was filed in the combined Michaelmas Term and summer period with 1171 or 45% of the new cases filed, followed by the Easter Term which accounted for 720 or 26% and the Hilary Term with 708 or 27% of the new cases filed during the year.

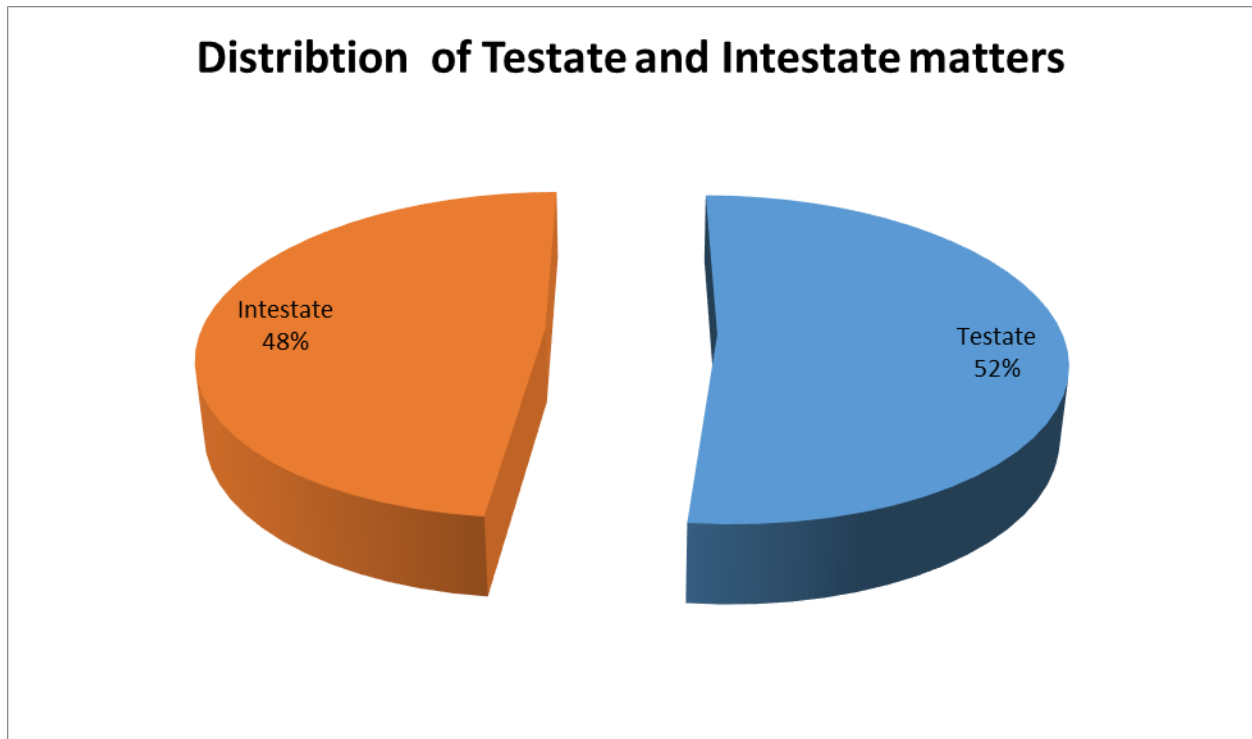
Table 31.0a: Oaths filed for the year ended December 31, 2019

Oaths	Frequency	Percentage (%)
Supplemental Oaths	2520	48.47
Oaths	2599	49.99
Total	5119	100
Ratio	0.97	

The above table suggests there were a total of 5119 Oaths filed in 2019, of which 2599 or 49.99% were initial Oaths filed, compared to 2520 or 48.47 which were Supplemental Oaths. The ratio of Oaths to Supplemental Oaths is 0.97, which suggests that for every 100 Oaths there were 97 Supplemental Oaths filed during the year, a statistic which has potentially adverse implications for the speed of disposition of matters. It is of note that the Supplemental Oaths in this data are not all related to the cases filed in 2019 and also includes further Supplemental Oaths filed. Nevertheless it is instructive that the ratio is this large and suggests the need for targeted interventions to reduce these incidences and thereby further improve the rate of clearance of cases and reduce the average time to disposition.

In 2019 the Deputy Registrar of the Probate and Administration Division was empowered to sign grants and thus dispose of Probate and Administration cases. Formerly, this officer could grant a probate but the final sign off which completes the case rested with the office of the Registrar. Over time this change should make a marked contribution to reducing the average time taken to dispose of a probate case and improve the efficient handling of these cases.

Table 31.0b: Distribution of Testate and Intestate cases filed.



The above chart shows that an estimated 48% of the new cases filed in the Probate and Administration Division in 2019 were Testate matters (matters with a Will in place prior to death) and 52% were Intestate (having no Will in place).

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Table 32.0: Sampling disaggregation of new Probate cases by jurisdiction/entity in 2019

Type of matter and applicable location	Frequency	Percentage (%)
Estate (ES(P)) : Various	129	4.3
Estate (ES(P)) Clarendon Intestate	2	.1
Estate (ES(P)) Corporate Area Intes	1	.0
Estate (ES(P)) Corporate Area Testa	2	.1
Estate (ES(P)) Hanover Intestate	4	.1
Estate (ES(P)) Hanover Testate	2	.1
Estate (ES(P)) Instrument of Admin	209	6.9
Estate (ES(P)) Manchester Intestate	1	.0
Estate (ES(P)) Manchester Testate	1	.0
Estate (ES(P)) SC Resealing Intest	18	.6
Estate (ES(P)) SC Resealing Testate	50	1.7
Estate (ES(P)) St. Ann Intestate	14	.5
Estate (ES(P)) St. Ann Testate	2	.1
Estate (ES(P)) St. Elizabeth Intest	8	.3
Estate (ES(P)) St. Elizabeth Testat	4	.1
Estate (ES(P)) St. James Intestate	11	.4
Estate (ES(P)) St. James Testate	2	.1
Estate (ES(P)) St. Mary Intestate	1	.0
Estate (ES(P)) St. Mary Testate	2	.1
Estate (ES(P)) Supreme Ct Intestate	1284	42.7

Estate (ES(P)) Supreme Ct Testate	1110	36.9
Estate (ES(P)) Trelawny Intestate	13	.4
Estate (ES(P)) Trelawny Testate	1	.0
Estate (ES(P)) Westmoreland Intestate	7	.2
Estate (ES(P)) Westmoreland Testate	5	.2
Estate (ES(P)) WR Intestate	65	2.2
Estate (ES(P)) WR Testate	62	2.1
Sample size	3010	100.0

Using sample data, the above table provides a detailed breakdown of the origin of probate matters filed during 2019. The breakdown for each entity is done by type of matter (i.e. Testate or Intestate). The overwhelming proportion of the matters, roughly 86% originated at the Supreme Court Registry (Kingston or Montego Bay). The Supreme Court only administratively facilitates the others, which originate from the Parish Courts, the Attorney General's Chambers, among other entities. Among the Parish Courts, Probate and Administration matters filed in the St. Ann, St. Elizabeth, St. James and Trelawny and Westmoreland accounts for the largest shares. Instruments of Administration filed at the Attorney General's Office accounts the largest share of Probate and Administration matters outside of the Supreme Court Registries.

Table 33.0: Action sequence for the year ended December 31, 2019

Action Status	Frequency
*Granted	2266
*Grants Signed	2512
Ratio of Granted Applications to Grants Signed	1.11

** Some of these relate to cases originating before 2019*

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In this section of the report, we would typically explore the rate of transition between cases recommended by the Deputy Registrar for Granting to being Granted and then to Grants being signed to dispose the relevant cases. As stated earlier, the Deputy Registrar now assumes all these roles so there is no a longer a need for a slot called “recommended for Grant”. Thus, we elucidate the ratio of Granted Applications to Grants Signed which reveals a ratio of 1.11, suggesting that for every 100 Granted Applications, there were 111 Grants signed (though not necessarily from the number Granted), representing an improvement of 9 percentage points when compared to 2018 and likely explained by the new powers accorded to the Deputy Registrar. The improvements in this regard should be more profound in 2020 as the requisite economies of scale in the operation of the Division are realized.

Table 34.0: Case action and requisitions summary for the year ended December 31, 2019

Action Status	Frequency
Number of cases auctioned	5056
Requisitions Issued	3908
Number of responses to requisitions	2521
Number of requisitions issued per case file	0.50
Requisitions response rate	64.51%
Average days between final requisition filed and Grant of Probate/Administration	20

The number of requisitions made, the length of time that it takes for requisitions to be returned and the time to disposition after issuing requisitions, are important to understanding the efficiency of the flow of matters in the Probate Division. It is seen that for 2018 there were 3908 requisitions issued while 5056 individual matters were actioned in the period, representing a ratio of 0.50 requisitions per case file. This means that for every 100 cases

actioned there were 50 requisitions issued, a reduction of 24 percentage points when compared to the previous year. There were 2521 responses to requisitions in the Probate and Administration Division in 2019, producing a requisitions response rate of 64.51%, a slight decline of 2.37 percentage points when compared to 2018. Further analysis suggests that the average time from the issuing of final requisitions to the Grant of Probate was 20 days, a decline of 1 day when compared to 2018.

Table 35.0: Methods of Disposal for the year ended December 31, 2019

Methods of disposition	Frequency	Percent (%)
Grants Signed	2512	97.10
Notice of Discontinuance	70	2.71
Applications Granted	5	0.19
Total	2587	100.0

The summary of the methods of disposal for the Probate and Administration Division for the year are contained in the above table. It is shown that of the 2512 matters disposed in 2019, an increase of 7.97% when compared to 2018. The largest proportion, 2517 or 97.10% was a result of various Grants Signed. Notices of Discontinuance and matters disposed by an application granted account for the other 70 or 2.71% and 5 or 0.19% of the dispositions.

Table 36.0 Sampling distribution of the methods of disposition as at the year ended December 31, 2019

Methods of Disposition	Frequency	Percent
Application Granted	5	.2
Grant ad Collegenda Bona signed	2	.1
Grant by Representation signed	6	.2
Grant of Admin De Bonis Non signed	24	.9
Grant of Admin De Bonis Non W/A signed**	21	.8
Grant of administration signed	1067	41.2
Grant of Double Probate signed	6	.2
Grant of probate signed	1119	43.4
Grant of Resealing signed	112	4.4
Letters of Administrator with W/A signed	93	3.6
Notice of Discontinuance noted	67	2.3
*WR Grant of administration signed	26	1.0
WR Grant of probate signed	35	1.4
WR Notice of Discontinuance noted	3	.1
WR Grant of Admin De Bonis Non W/A signed	1	.0
Total	2587	100.0

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

The above table shows that there were 2587 Probate cases disposed in 2019, the largest proportion 1154 or 44.80% were a result of Grants of Probate signed, followed by Grants of

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Administration signed with 1093 or 42.20%. Grants of Resealing signed rounds off the top three methods of disposition with 112 or 4.40% of the total. Letters of Administration with Will Annex with 93 or 3.60% and Notices of Discontinuance with 70 or 2.40% completes the five leading methods of disposition in the Probate and Administration Division in 2019.

Table 37.0: Dominant reasons for adjournment of Probate matters for the year ended December 31, 2019

Reasons for adjournment	Frequency	Percentage (%)
Claimant to file documents	34	25.0
Claimant documents not served or short served	17	12.50
No parties appearing	17	12.50
File not found	9	6.60
Claimant's document/application not in order	9	6.60

Total number of adjournments = 136

The top five reasons for adjournment for Probate matters that went to court in 2019 are summarized in the above table above. It is shown that of the 136 incidence of adjournments in the period, the largest proportion were for the reasons of 'claimant to file documents' which accounted for 34 or 25.0% of the total. This was followed by 'claimant documents not served or short served,' and no parties appearing, both accounting for 17 or 12.50% each of the incidence of adjournment in 2019. Files not found and claimant's documents/applications not in order with 6.60% each of the adjournments round off the top five. As with previous reports, most of these reasons also featured prominently in the list of reasons for adjournment in the Matrimonial and High Court Civil Divisions in 2019.

Table 38.0: Applications for the year ended December 31, 2019

Nature of Applications	Frequency	Percentage (%)
Applications	167	68.72
Express Applications	76	31.28
Total	243	100.0
Ratio of express applications to applications	-	0.46

The above table provides a basic summary of the types of court applications made in 2019 and shows that there were 243 Court Applications in the period, of which 167 or 68.60% were standard applications while the remaining 76 or 31.28% were express applications. For every 10 applications made during the year, there were roughly five express applications.

Table 39.0: Top four types of applications for the year ended December 31, 2019

Application	Frequency	Percentage (%)
Application to prove copy will	68	28.10
Application for directions	21	8.68
Application for Emergency Grant	10	4.13
Application to remove Executor	8	3.31

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 68 or 28.10% of the total, followed by applications for directions with 21 or 8.68% of the total number of applications. The top four types of applications are rounded off by

applications to remove Executor with 8 or 3.31% of the applications. Some of these applications utilized the available express option.

Table 40.0: Hearing date certainty for the year ended December 31, 2019

Court/Chamber hearing dates set	Hearing dates adjourned (excluding continuance)	Hearing date certainty
242	95	60.74%

The above table addresses the extent of adherence with dates set for Court/Chamber matters in the Probate Division for 2019. It is shown that there were 242 incidences of dates scheduled for Chamber or Court, 95 of which were adjourned for reasons other than ‘continuance’. This produces an overall hearing date certainty rate of 60.74%, an indication that for 2019 there was a roughly 61% chance that a matter set for court would proceed without adjournment for reasons other than ‘continuance’. This is a fall of roughly 9 percentage points when compared to 2018. When trial matters are isolated, the trial date certainty rate is 50%, 26.40 percentage points below the figure in 2018 and 10.74 percentage points lower than the hearing date certainty rate in this Division in 2019.

Table 41.0: Age of matters disposed for the year ended December 31, 2019

Descriptive Statistics (in months)

Number of observation	2587
Mean	18.8700
Median	10.0000
Mode	7.00
Std. Deviation	24.06262
Skewness	4.933
Std. Error of Skewness	.048
Range	329.00
Minimum	.00
Maximum	329.00

The above table provides a summary measure of the overall estimated times to disposition for the 2587 cases disposed during the year. The estimated average time to disposition is 18.87 months or approximately 1.6 years, exactly the same as 2018. This result was however acutely positively skewed by the existence of a few large times to disposition, which have markedly increased the average. This large positive skewness therefore suggests that the substantially larger proportion of the times to disposition were below the overall average time. This is supported by the results for the estimated median time to disposition of 10 months and the most frequently occurring time to disposition of just 7 months (down by 2 months when compared to 2018). The reasonably large standard deviation of 24.06 months supports the deduction that there were scores that varied widely from the mean, in this case skewing the average upwards. The margin of error of these estimates is plus or minus 2 months or 0.17 years. The oldest Probate matter disposed of in the year was 329 months old or approximately

27 years old while there were a few matters, which took roughly a month to be disposed, representing the lowest times to disposition in the year. Of the 2587 Probate cases disposed of in 2019, 847 or 32.74% originated in that year, roughly 7 percentage points better than 2018.

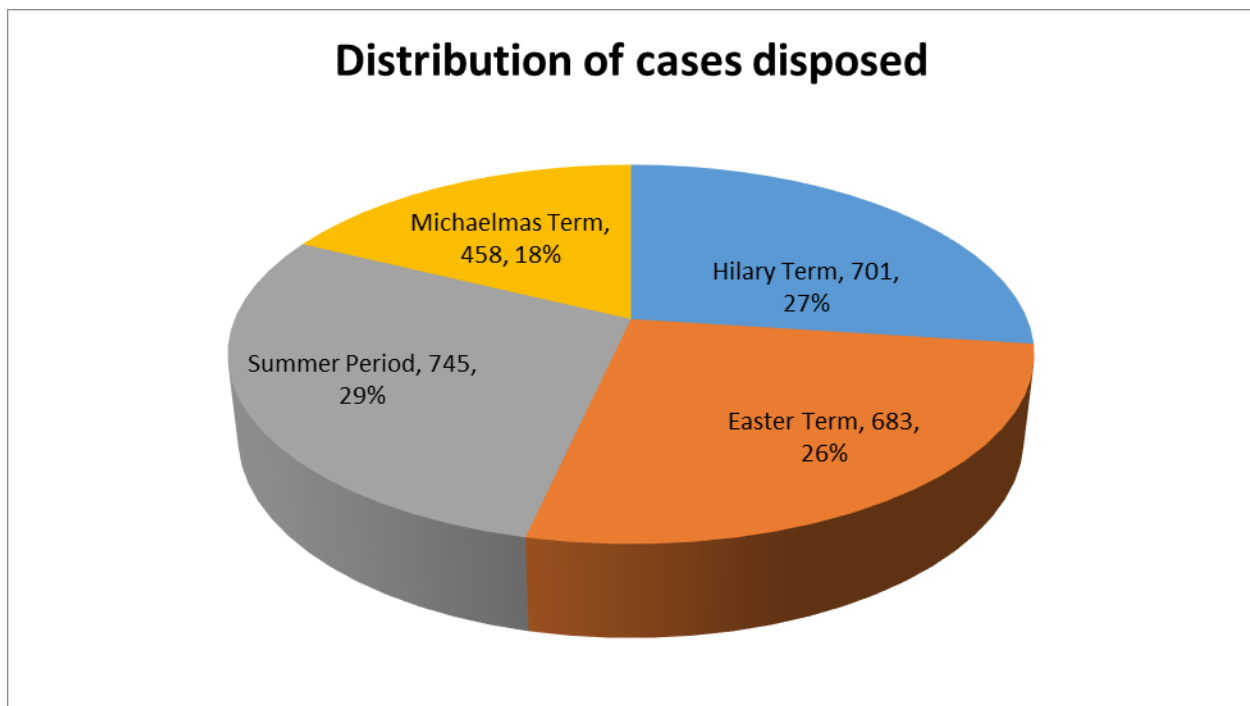
Table 42.0: Breakdown of times to disposition for the year ended December 31, 2019

Time Interval (months)	Frequency	Percentage (%)
0 – 12	1465	56.63
13 – 24	598	23.12
25 – 36	227	8.77
37 – 47	108	4.21
48 & over	109	7.27
Total	2587	100.0

The above table shows that of the 2587 Probate and Administration matters disposed of in the year, the majority, 1465 or 56.63% were disposed of in 12 months or less, followed by 598 or 23.12%, which were disposed of within a time interval of 13 to 24 months. Taken together this data suggests that an impressive approximated 80% of Probate and Administration matters which were disposed of in 2019 took two years or less. 8.77% each of the cases were disposed of in an estimated time frame of between 25 and 36 months, 4.21% took between 37 and 47 months and 7.27% took over an estimated time of over 48 months or more than four years to be disposed. The margin of error of these estimates is plus or minus 2 months or 0.17 years. The relatively high proportion of cases disposed within a year and two years respectively and the increased proportion of 2019 cases which were disposed in said year augurs well for the current efforts to significantly reduce the length of time that it takes for cases to be disposed.

These gains should improve public confidence in judicial processes geared towards at resolving Estate matters in the country and also have a positive effect on economic activity through higher real estate investments in shorter period of time.

Chart 11.0: Distribution of cases disposed in 2019



Note: The Summer Period refers to the time between the end of the Easter Term and the start of the Michaelmas Term

The largest proportion of cases disposed in the Probate and Administration Division occurred in the Summer Period with 745 or 29% of the total while the Hilary Term with 701 or 27% and the Easter Term with 683 or 26% of the disposals rank next. The Michaelmas Term accounted for the lowest proportion of the disposals with 458 or 18% of the total.

Table 43.0: Case clearance rate for the year ended December 31, 2019

Cases filed	Cases disposed	Case clearance rate
2599	2587	99.54%

**847 or 32.74% of the 2587 cases disposed, originated in 2019. This further represents 32.59% of the new cases filed during the year.*

Using the data on the number of cases filed and disposed in the period under examination, a case clearance rate of approximately 99.54% is derived, again meeting the International standard. This suggests that for every 100 cases filed and active in the period, almost the same number was disposed, a result is consistent with the trend throughout 2019. This represents a decline of roughly 1.13 percentage points when compared to 2018. The Probate Division continued its process flow re-engineering throughout 2019 and the improvements are expected to reap significant economies of scale in 2020, further reinforcing the position of the Probate Division among the top two performing Divisions in the Supreme Court and creating the impetus necessary to attain the performance targets which have been set out by the Honourable Chief Justice Bryan Sykes.

Other performance measures

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

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

(iv) Case backlog rate

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally the case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of 2019. These measures are summarized in the table below:

Table 44.0: Selected performances metrics for the Probate and Administration Division in 2019

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated case disposition days for the unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Case backlog rate (%)
2587	2469	0.95	379 days	2063	2587	80%	20%

The results in the above table shows a case turnover rate of 0.95, which is an indication that for every 100 cases, which were ‘heard’ in 2019 and still active at the end of the year, another 95 were disposed, an improvement of 46 percentage points when compared to 2018. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the year will on average take 379 more days or just over a year, barring special interventions.

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A case is considered to be in a backlog classification if it is still active for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Probate and Administration Division in 2019 is 80%, which reflects the proportion of Probate and Administration cases in 2019, which were disposed within 2 years. Conversely, the case backlog rate is 20%, an indication that an estimated annual proportion of 20% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This is an improvement of 3 percentage points when compared to 2018. The data further suggests that of the 2469 cases, which had some court activity in 2019 and were still active at the end of the year, 493 are expected to be in a backlog classification before being disposed.

CHAPTER 4.0: HOME CIRCUIT COURT

The analysis now turns to a look at case activity in the Home Circuit Court for 2019.

Table 45.0: Distribution of the top ten charges brought for 2019

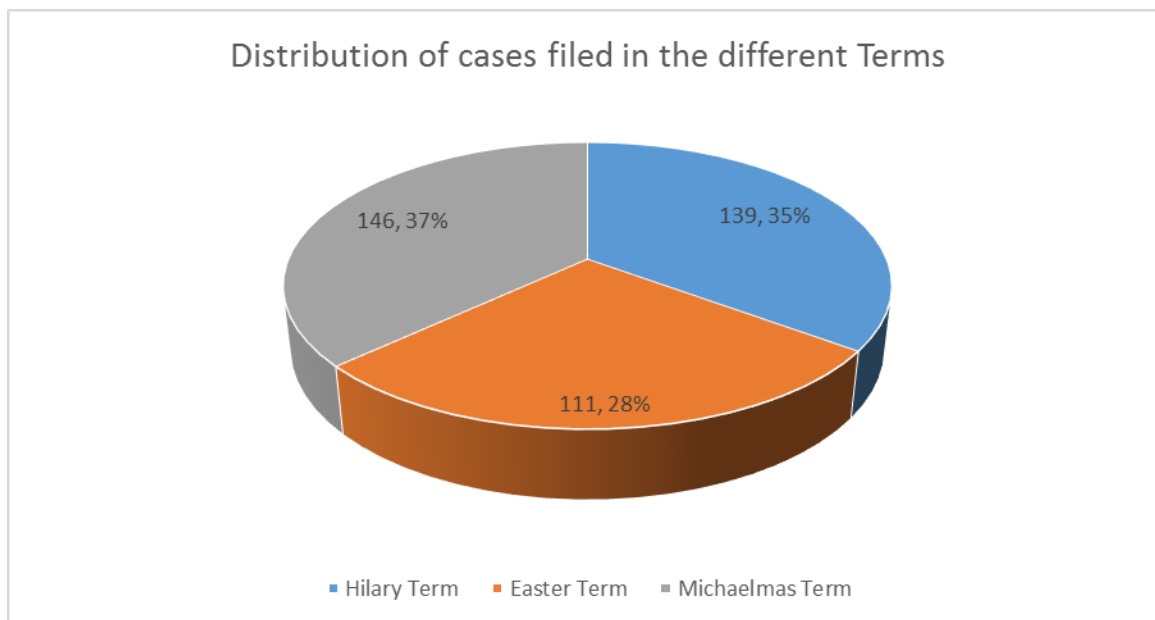
Charge	Frequency	Percentage (%)
Murder	153	21.30
Rape	89	12.40
Sexual Intercourse with a person under 16 years old	103	14.40
Illegal Possession of Firearm	72	10.0
Illegal Possession of Ammunition	44	6.10
Grievous sexual assault	31	4.30
Forcible Abduction	23	3.20
Conspiracy to murder	16	2.20
Wounding with intent	17	2.40
Possession of identity information	15	2.10
Total	563	78.40

Total number of charges brought (N) = 717

The above table summarizes the distribution of top ten charges associated with cases brought in 2019. There were **396 new cases filed** at the Home Circuit Court during the year, representing **717 charges**, a ratio of roughly 18 charges for every 10 cases, quite similar to the proportion in 2017 and 2018. This result represents another year of decrease in the number of new cases filed in the Home Circuit Court with a decline of 22.20% when compared to 2018. It is shown that of these 717 charges, the largest proportion, 153 or 21.30% were murder matters. This is followed by sexual intercourse with a person under 16 years old and rape with 103 or 14.40% and 89 or 12.40% respectively. Illegal possession of firearm and illegal

possession of ammunition with 72 or 10% and 44 or 6.10% respectively rank next while the while the top five offences is rounded off by grievous sexual assault with 23 or 3.20% of the total. It is of interest that roughly 35% of the total number of charges brought in 2019 was sex related, 11 percentage points higher than in 2018. The top 10 charges filed, accounts for 78.40% of the total, roughly the same as 2018. 1279 criminal cases, which is the equivalent of 7695 charges, had some activity in the Home Circuit Court in 2019, including many aged cases that predate said year, dating back to as far as 1988. The below chart provides a breakdown of the number of criminal cases brought, by Term.

Chart 12.0: Criminal cases brought at the Supreme Court across Terms throughout 2019



The above chart shows that of the 396 new cases brought to the Home Circuit Court in 2019, the majority, 146 or 37% occurred during the Michaelmas Term, followed by the Hilary Term with 139 new cases or 35% and the Easter Term with 111 or 28% of the new cases brought.

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The ensuing analysis will highlight the common reasons for adjournment of matters throughout 2019. As with the analysis of adjournments for the High Court Civil Division (HCV), some distinction will be made between those reasons classified under 'adjournments' and 'continuance' as earlier defined as well as those which could be categorized under either, depending on the stage of a matter.

Table 46.0: Top ten reasons for adjournment for the year ended December 2019.

Reason for adjournment	Frequency	Percentage	Stage of matter
Statements outstanding	246	8.10	Case Management
For Disclosure	215	7.10	Case Management
Defence Counsel Absent	154	5.10	Case Management/Trial
Ballistic Certificates Outstanding	149	4.90	Case Management
Forensic Certificate Outstanding	143	4.70	Case Management
Defence and Prosecution to engage in discussion	142	4.70	Case Management/Trial
Plea and Case Management Form Incomplete	136	4.50	Case Management
For Investigating Officer to Attend	135	4.40	Case Management/Trial
For file to be completed	133	4.40	Case Management
Defence Counsel needs time to take instructions	74	2.40	Case Management/Trial

Total incidence of adjournments/continuance (N) = 3036

The above table provides a summary of the top ten reasons for adjournment for 2019. It is shown that there was a combined 3036 incidence of reasons for adjournment during the year, with some matters having multiple adjournments. The highest proportion was adjournments due to outstanding statements with 246 or 8.10% of the total adjournments while

adjournments for disclosure with 215 or 7.10% ranks next. Adjournments due to the absence of defence counsel and those due to outstanding ballistic certificates with 154 or 5.10% and 149 or 4.90% respectively of total adjournments round off the top 4 reasons in 2019. Adjournments due to outstanding forensic certificates and those to facilitate discussions between the defence and the prosecution rank next with 143 or 4.70% and 142 or 4.70% respectively of the total adjournments. It is of note that incomplete files featured in the top ten of the reasons for adjournment with 133 or 4.40% of the total, negatively affecting the case file integrity rate. Despite the significant decline in the overall incidence of adjournments in the Home Circuit Court in 2019, most of the reasons for adjournment listed in the above table continue to feature prominently and requires sustained, targeted interventions to reduce their incidence. For example, the consistency with which the absenteeism of the investigating officer, witnesses and defence attorneys have been contributing to the incidence of adjournments and hence waste of judicial time remains a cause for concern. It is however of note that over the past two years there has been a steady reduction in the incidence of adjournments, which are attributable to absent attorneys.

The top 10 reasons for adjournment listed above accounts for 50.30%% of total incidences of adjournments/continuance in the Home Circuit Court in 2019, an increase of roughly 5 percentage points when compared to 2018.

Table 47.0: Other leading reasons for adjournment/continuance for the year ended December 31, 2019

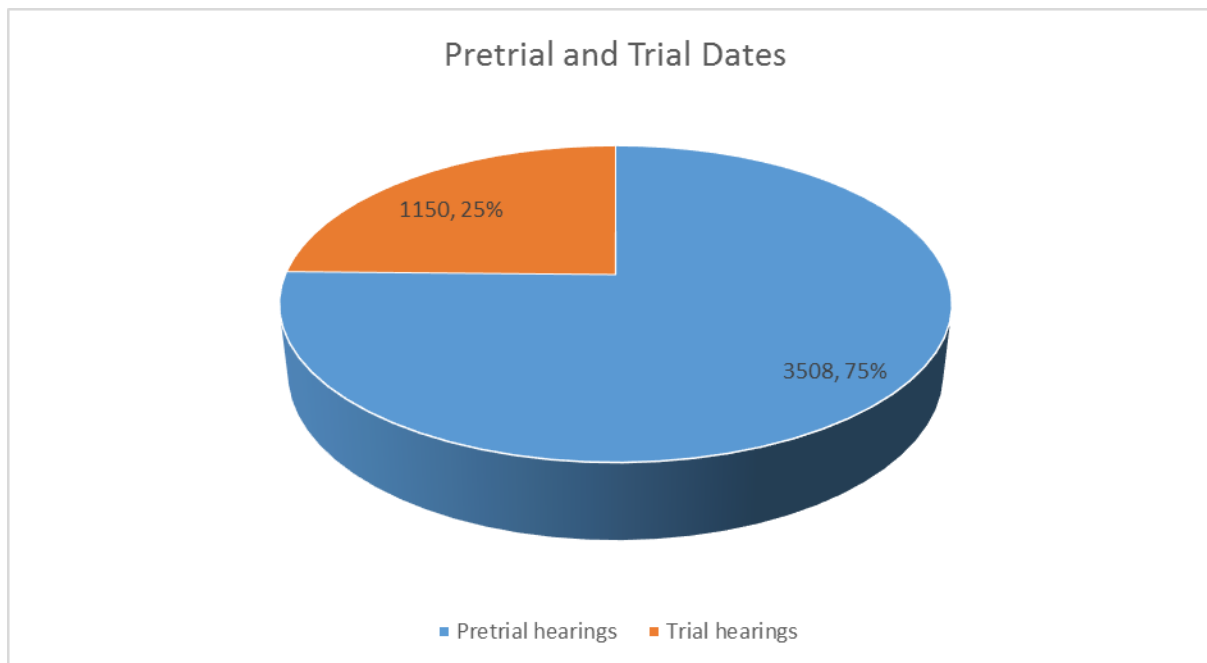
Reasons for continuance/adjournments	Frequency	Percentage (%)	Stage of matter
Papers to be served	289	9.50	Case Management
To settle legal representation	146	4.80	Case Management
Assignment of legal aid	99	3.30	Case Management

Total incidence of adjournments/continuance (N) = 3036

Among the reasons for continuance/adjournment of a criminal case, which could be either procedural or avoidable depending on the stage of a matter and the specific circumstances, are those, which are for papers to be served with 289 or 9.50% of the total. Adjournments for legal representation with 146 or 4.80% and adjournments for assignment of legal aid with 99 or 3.30% of the total follow this.

Importantly, there was an average of roughly 2.37 adjournments per criminal case for 2019 or 237 for every 100 cases.

Chart 13.0: Trial and mention matters/dates set for the year ended December 31, 2019



The above chart shows that there were a total 4658 dates set for either Trial or Mention Court in 2019, an increase of 21.53% when compared to 2018. 3508 or 75% of the court dates set were for Mention Court (now Case Management Court) while 1150 or 25% were for Trial Court. This produces a ratio of 1:0.44, which suggests that for every 100 matters mentioned there were 44 trial matters set down in the year. Consistent with the thrust to set a smaller number of more realistic trial dates in the Home Circuit Court, there was a reduction of 25.81% in the number of trial dates set during throughout 2019. However, the number of mention dates increased by roughly 45% when compare to 2018. This decline can be largely explained by the greater scope of case management, which is required in the Home Circuit Court due to the new Committal Proceedings Act. Under this Act, the extent of preliminary hearings in the parish courts is reduced, transferring some case management functions to the Home Circuit Court.

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Further analysis suggests that each case mentioned in court were mentioned on average of 2.65 times which is another way of saying that every 100-mention cases were mentioned 265 times. Similarly, for cases, which were set for Trial, there was a scheduling incidence of 2.12 times per case, which suggests that 212 trial dates were set for every 100-trial cases.

Table 48.0: Hearing date certainty summary for the year ended December 31, 2019

Type of hearings	Number of hearing dates set	Number of hearing dates adjourned	Hearing date certainty rate
Mention	1908	1006	47.27%
Plea and Case Management Hearings	876	319	63.58%
Bail Applications	404	154	61.88%
Pre-Trial hearings	24	8	66.67%
Sentencing hearings	296	137	59.11%
Trial hearings	1150	810	29.56%
Total/Overall Average	4658	2434	47.75%

The date scheduling certainty for each Division of the Supreme Court is an important metric, which examines the extent to which dates, which are set for various types of hearings, are adhered. A low result has implications for the capacity of the court to adequately estimate the duration of a matter, for the capacity of courtrooms and Judges to absorb certain caseload and for the general system of scheduling. In the table above it is shown that of 4658 court dates scheduled for hearings in the period under study, 2434 were adjourned for reasons other than

continuance. This suggests an overall hearing date certainty rate of roughly 47.75% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 48 were able to proceed without adjournment for reasons other than those procedural, for example for Trial, Bail Application, Pre-trial hearing, Sentencing and Plea and Case Management. This result remains well below the targets set out by the Honourable Chief Justice but some of the interventions to improve this output are in their infancy and expected to reap significant dividends in the upcoming Terms. When trial matters are isolated, the trial certainty rate revealed is 29.56%, well below the targeted rate of 95%, which is set by the Chief Justice to be achieved over a six-year period. It is of note that Plea and Case Management conferences had a hearing date certainty rate of 63.58%. The end of the Hilary Term of 2020 will mark the end of the first year of the surge towards the stated target. If achieved, it would place Jamaica among the most efficient judicial systems in the World.

Improving the overall hearing date certainty rate and the trial date certainty rate are of utmost importance to improving the performance of the court system. The court continues to work on improving the mechanism used to schedule cases for court hearings and in so doing to reduce the incidence of adjournments. The cooperation and preparation of the prosecution, defence attorneys and other stakeholders as well as improved case management within the Home Circuit Court are crucial the attainment of fostering the required gains. Some of the internal concerns, which may need to be reviewed as time progresses, are outlined below:

Firstly, the setting of a limited number of trial matters each week requires great precision in estimating the length of time that such trials will last. Failure to do this with accuracy and

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

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

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

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

Table 50.0: Methods of case disposal for the year ended December 31, 2019

Methods of Disposition	Frequency	Percentage (%)
Accused Deceased	4	1.3
Formal Verdict of Not Guilty – discharge	6	1.9
Found Guilty	33	10.7
Guilty Plea	112	36.2
No Case Submission upheld	3	1.0
No Evidence offered- discharged	60	19.4
No further evidence offered- discharged	32	10.4
Nolle Proseque	37	12.0
Not Guilty – Discharged	15	4.9
Order to Pay Fines	1	.3
Plea guilty to a lesser charge	4	1.3
Remitted to Parish Court	1	.3
Transfer to Gun Court	1	.3
Total	309	100.0

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The above table summarizes the methods of disposal for the cases disposed of during 2019. It is shown that 309 cases were disposed of in 2019, a slight decline of 2.52% when compared to 2018 but roughly 50% higher than 2017. As with the last two years, guilty pleas accounted for the largest share of cases disposed accounting for 112 or 36.20% of the total number of disposals. Incidentally, this was the same as the number of guilty pleas in 2018. Accounting for the next highest proportion of total disposals was 'no evidence offered' with 60 or 19.40% and Nolle Prosequi with 37 or 12.0% of the total. Guilty verdicts with 33 or 10.70% of the cases disposed and 'No further evidence offered' with 32 or 10.40% rounds off the top five methods of disposal. Of the 309 cases disposed in 2019 in the Home Circuit Court, 55 or 17.80% originated during that year.

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

Table 51.0: Overall criminal conviction rate for the year ended December 31, 2019

Total number of cases disposed	Total number of guilty outcomes	Conviction rate (%)
309	145	46.93%

The above table shows that of the 309 criminal cases disposed of in 2019, 145 were because of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 46.93% which suggests that there is a roughly 47% probability that a matter could end in a

guilty outcome, using 2019 as a proxy year. This represents an increase of 3.71 percentage points when compared to 2018. This data can be further disaggregated so that the conviction rates for some of the most frequently occurring offences are measured. In particular, the conviction rate on murder charges, sexual intercourse with a person under 16 and rape are documented below.

Table 52.0A: Conviction rate for cases of sexual Intercourse with a person under 16 for the year ended December 31, 2019

Total number of cases concluded	Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas)	Conviction rate (%)
92	48	52.17

The above table shows that of the 92 cases of sexual intercourse with a person under 16 years which were concluded in 2019, 48 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of roughly 52.17% which suggests a roughly 52% probability that a matter of sexual intercourse with a person under 16 could end in a guilty outcome.

Table 52.0B: Conviction rate for cases of rape with a person under 16 years old for the year ended December 31, 2019

Total number of cases concluded	Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas)	Conviction rate (%)
63	13	20.63

The above table shows that of the 63 rape which were concluded in 2019, 13 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of roughly 20.63% which suggests a roughly 21% probability that a rape matter could end in 2019.

Table 53.0: Conviction rate for murder cases in the year ended December 31, 2019

Total number of cases concluded	Total number of guilty outcomes (i.e. guilty verdict or guilty plea)	Conviction rate
93	33	35.48%

The above table shows that of the 93 murder cases concluded in 2019, 33 of which were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 35.48% which suggests a roughly 35% probability that a murder matter could end in a guilty outcome, a 1.01 percentage point decrease when compared to 2018.

Table 54.0: Top five charges disposed in the year ended December 31, 2019

Charge disposed	Frequency	Percentage (%)
Sexual Intercourse with a person under 16 years old	125	16.0
Murder	156	19.90
Rape	85	10.90
Grievous sexual assault	36	4.60
Wounding with intent	27	3.50

Number of disposed charges (N) = 782

The above data shows that of the 782 charges disposed of in 2019, an increase of 13.50% when compared to 2018. The largest proportion of these matters was sexual offences with a person under 16 with 125 or 16%. This was followed by murder with 156 or 19.90% of the total. Rape and grievous sexual assault comes next with 10.90% and 4.60% respectively. Wounding with intent with 27 or 3.50% rounds off the top five disposed charges in 2019. Murder and sexual offences are again not only the dominant incoming but also the dominant outgoing cases. It is of particular note that roughly 38.20% of cases disposed of in 2019 were sex related while also accounting for roughly 35% of all incoming cases. The dominance of this offence in the criminal statistics again strongly suggests that there needs to be robust Case Management attention for these matters to support their timely disposition.

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Table 55.0a: Methods of disposition for dominant case types in the year ended December 31, 2019

Crosstabulation of dominant offences and methods of disposition

		Offence			Total
		Murder	Rape	Sexual Intercourse with a Person under Sixteen	
Methods of Disposition	Accused Deceased	3 3.3%	0 0.0%	0 0.0%	3 1.7%
	Formal Verdict of Not Guilty – discharge	4 4.4%	0 0.0%	1 1.5%	5 2.8%
	Found Guilty	18 20.0%	1 4.2%	3 4.5%	22 12.2%
	Guilty Plea	21 23.3%	8 33.3%	34 51.5%	63 35.0%
	No Case Submission upheld	2 2.2%	0 0.0%	0 0.0%	2 1.1%
	No Evidence offered – discharged	15 16.7%	8 33.3%	14 21.2%	37 20.6%
	No further evidence offered – discharged	6 6.7%	1 4.2%	6 9.1%	13 7.2%
	Nolle Prosequere	13 14.4%	3 12.5%	5 7.6%	21 11.7%
	Not Guilty – Discharged	5 5.6%	2 8.3%	2 3.0%	9 5.0%
	Order to Pay Fines	1 1.1%	0 0.0%	0 0.0%	1 0.6%
	Plea guilty to a lesser charge	2 2.2%	1 4.2%	0 0.0%	3 1.7%
	Remitted to Parish Court	0 0.0%	0 0.0%	1 1.5%	1 0.6%
	Total	90 100.0%	24 100.0%	66 100.0%	180 100.0%

Using a sample of 180 cases disposed, the above table summarises the methods of disposal for the three criminal case types with the highest incidence of dispositions in 2019. Starting with murder, it is seen that the largest proportion of murder cases in the year were disposed by way of guilty pleas with 23.30% of the disposals. Murder matters disposed by no evidence offered – discharged with 16.70% and Nolle Proseque with 14.40% followed this. As it relates to rape cases, the sample data shows that guilty pleas and no evidence offered – discharged accounts for the largest share of disposals each with 33.30% while Nolle Proseque account for the next highest proportion of the disposals with 12.50%. Guilty pleas and no evidence offered – discharged with 51.50% and 21.20% accounts for the highest share of matters of sexual intercourse with persons under 16, which were disposed in 2019. Nolle Proseque with 9.10% accounts for the next highest share of the methods of disposition of these matters in 2019. When these three offences are considered together, guilty pleas with 35%, no evidence offered – discharged with 20.60% and Nolle Proseque with 11.70% accounts for the highest share of matters disposed.

It is interesting to explore whether there is a statistically significant difference in the methods of disposition among the most frequently occurring criminal cases disposed in 2019. In order to explore this, a chi-square test is administered, the results of which are shown in the table below:

Table 55.0b: Chi-Square Tests of association between methods of disposition and case type

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	72.114 ^a	32	.000
Likelihood Ratio	75.200	32	.000
N of Valid Cases	180		

Note: The level of significance is 0.05 or 5%

The results in the above table reveal that probability values of less than 5%, which suggests that there is a statistically significant difference between the methods of disposition for the most frequently disposed cases. In other words, the methods of disposition vary significantly according to case type. This is not surprising, considering that the dominant methods of disposition across the offences in the sample are quite homogenous.

Table 56.0: Time to disposition for cases disposed in the year ended December 31, 2019

Descriptive Statistics (in months)

Number of observations	309
Mean	27.3722
Std. Error of Mean	1.85717
Median	20.0000
Mode	23.00
Std. Deviation	32.64599
Variance	1065.760
Skewness	4.951
Std. Error of Skewness	.139
Kurtosis	41.114
Std. Error of Kurtosis	.276
Range	371.00
Minimum	.50
Maximum	371.00

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The above table provides a descriptive summary of the time to disposition for criminal cases disposed of in 2019. It is shown that the estimated average time to disposition for the cases disposed during the year was approximately 27.37 months or just over two years and three months, a decline of roughly 8 months when compared to the average in 2018. There was a wide spread in the year of origin with the lion share of cases disposed originating in 2017 and 2018 respectively while the oldest individual case disposed dates back to 1988 and 2006 respectively. The estimated minimum time to disposition was 16 days and the estimated maximum was 371 months or just over 30 years. The large positive skewness of 4.951 indicates that the larger proportion of observations fell below the overall average. This is affirmed by the standard deviation of roughly 2 years and 8 months, indicating a wide average variation of the individual scores around the mean.

Table 57.0: Breakdown of time to disposition of cases for the year ended December 31, 2019

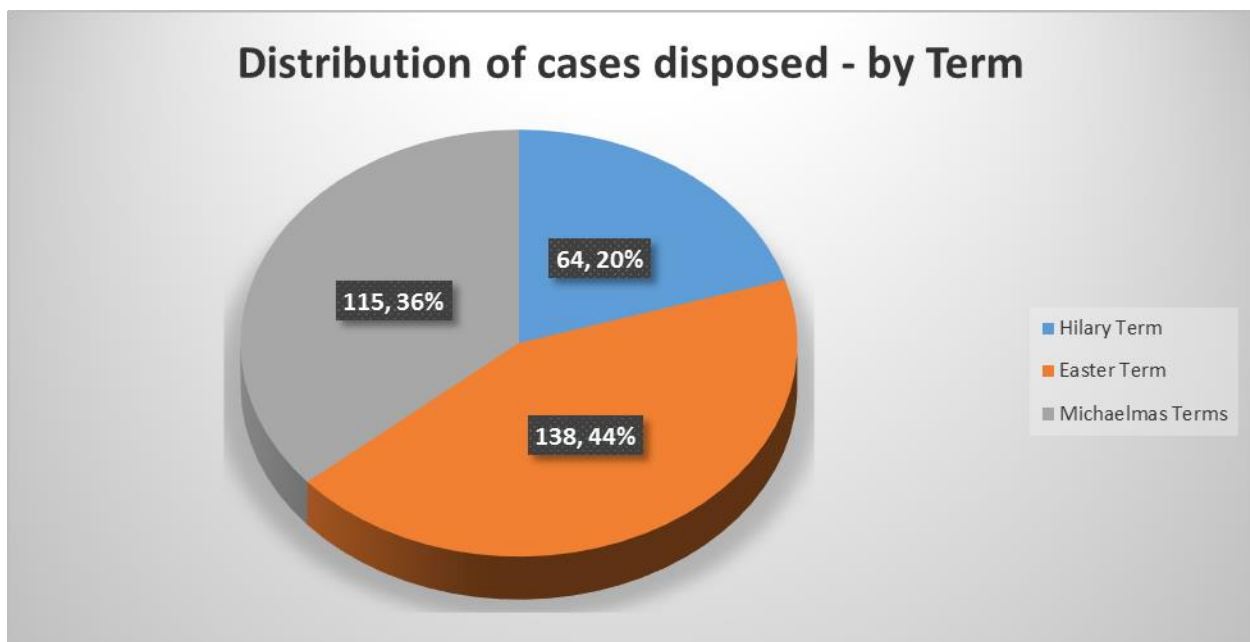
Time Interval (months)	Frequency	Percentage (%)
0 – 12	104	33.7
13 -24	101	32.7
25 - 36	53	17.2
37 – 47	12	3.9
48 and over	39	12.6
Total	309	100.0

The above table provides a summary of the estimated time to disposition for the cases disposed during 2019. It is shown that the largest proportion of matters was disposed within a year or less of initiation, accounting for 104 or 33.70% of all matters disposed. 101 or 32.70%, which

were disposed in 13 to 24 months and 53 or 17.20% of matters, which took between 25 and 36 months to be disposed, follow this. Cumulatively, 66.40% of the matters disposed in the year took two years or less, an improvement of roughly 15 percentage points when compared to 2018. The remaining 34.60% of cases disposed took over two years to be disposed. Using 2019 data as a proxy, there is a greater probability that a case in the Home Circuit Court will be disposed prior to falling into backlog, than thereafter, roughly 66 out of every 100 cases filed. Improvements in the science that is applied to scheduling and case management as a whole has the potential to reduce the probability of a case backlog to a remote incidence.

The chart below provides a breakdown of the distribution of cases disposed by Term for 2019.

Chart 14.0: Cases disposed in each Term for the year ended December 2018



It is shown the above chart that the largest proportion of cases disposed in the Home Circuit Court occurred in the Easter Term, which accounted for 138 or 44% of the cases disposed. The Michaelmas Term with 115 or 36% comes next while the Hilary Term accounts for the lowest share with 64 or 20% of the cases disposed in 2018.

Table 58: Time to disposition for charges disposed (from date charged) in the year ended December 2018

Descriptive statistics (in months)

Number of observations	717
Mean	57.1451
Median	42.0000
Mode	38.00
Std. Deviation	50.328
Skewness	3.54
Minimum	3.2
Maximum	387

The above table provides interesting results on the average time taken to dispose of cases from 'the date of charge'. It provides an opportunity to place into contribution of non-court actors to delays in the timely delivery of justice. The average time to disposition is shown to be roughly 5 years and nine months, substantially higher than the average time of just over 2 years and 3 months taken to dispose of the corresponding cases after entry into the Home Circuit Court. The longest and shortest times to disposition of 32.25 years and roughly 3 months respectively for disposed charges. This marked difference of over three and a half years in the time taken to dispose of criminal matters (from date charged) and from the case is filed in the Home Circuit Court suggests that there are chronic weaknesses in the investigative apparatus of the Police as well prosecutorial deficits which potentially hamper the timely delivery of justice to citizens. It

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is worth noting that the data set above on time to disposition from charge date is highly positively skewed suggesting that a decidedly larger proportion of the observations fell below the overall average, signifying that there were extreme values in the data. Further, the large standard deviation indicates a wide spread of the times around the mean, affirming that the overall average was affected by large outlying values.

Table 59.0a: Breakdown of time to disposition by selected charges for the year ended December 31, 2019.

Crosstabulation between offence disposed and time to disposition								
			Time Interval (months)					Total
			0 – 12	13 - 24	25 – 36	37 – 47	48 & over	
Type of offense	Murder	Count	24	38	17	19	58	156
		% within	22.9%	31.1%	31.5%	90.5%	90.6%	42.6%
	Rape	Count	22	39	20	0	4	85
		% within	21.0%	32.0%	37.0%	0.0%	6.2%	23.2%
	Sexual Intercourse with a Person under Sixteen	Count	59	45	17	2	2	125
		% within	56.2%	36.9%	31.5%	9.5%	3.1%	34.2%
Total	Count	105	122	54	21	64	366	
	% within	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	

The above table provides a summary of the length of time taken to dispose the three of the most frequently occurring criminal charges in 2019. As with 2018, it is seen that of the three types of criminal cases listed, sexual intercourse with a minor accounts for the largest share of cases disposed in 12 months or less with 56.20% of the total. Murder and rape accounted for 22.90% and 21% respectively of the total number of matters disposed of in this timeline. Of the listed criminal case types, which were disposed of between 13 and 24 months, sexual intercourse with a person under 16 also accounts for the largest proportion with 36.90% while

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32% and 31.10% respectively were accounted for by rape and murder. Rape cases accounted for the largest share of the cases taking between 25 and 36 months with 37% while murder and sexual intercourse with a person under 16 accounted for 31.50% each of this list. Among this list of offences, murder matters accounted for 90.50% of matters, which took between 37 and 47 months to be disposed while sexual intercourse with a person under 16 accounts for the remaining proportion with 9.50%. For matters taking 4 years or more to be disposed, murder also accounted for 90.50% while rape accounted for 6.20% and sexual intercourse with a person under 16 accounts for the remaining 3.10%.

Table 59.b: Breakdown of selected charges by time to disposition for the year ended December 31, 2019.

		Crosstabulation of offences disposed			Total
		Murder	Rape	Sexual Intercourse with a Person under Sixteen	
Time Interval (months)	0 - 12	24 15.4%	22 25.9%	59 47.2%	105 28.7%
	13 - 24	38 24.4%	39 45.9%	45 36.0%	122 33.3%
	25 - 36	17 10.9%	20 23.5%	17 13.6%	54 14.8%
	37 - 47	19 12.2%	0 0.0%	2 1.6%	21 5.7%
	48 & over	58 37.2%	4 4.7%	2 1.6%	64 17.5%
	Total	156 100.0%	85 100.0%	125 100.0%	366 100.0%

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The above tables detail the time taken to dispose of cases of murder, rape and sexual offences with persons under 16 in 2019. It is seen that the largest proportion of murder cases disposed took four or more years and between 13 and 24 months respectively, accounting for 37.20% and 24.40% respectively of the 3 dominant criminal case types in the Home Circuit Court. The next highest proportion of murder cases disposed occurred within 12 months of entry into the Home Circuit Court, accounting for 15.40% of the disposals. As for sexual intercourse with a person under 16 years old, 47.12% were disposed within 12 months while 36% took between 13 and 24 months to be disposed and 13.60%, which took between 25 and 36 months to be disposed, comes next. The largest proportion of rape matters (45.90%) took between 13 and 24 months to be disposed and 25.90% were disposed in less than 1 year while the 23.50% took which took between 25 and 36 months to be resolved came next. As with the 2018 data, it is evident that of these three dominant offences, murder cases take considerably more time to be disposed while cases of sexual intercourse with a person under 16 years old took the least time.

Table 59c: Proportional breakdown of time to disposition by selected charge type for the year ended December 31, 2019.

Charge	Percentage of matters disposed of in 2 years or less	Percentage of matters disposed of in more than 2 years
Murder	39.80%	60.20%
Sexual intercourse with a person under 16 years old	71.80%	28.20%
Rape	62.00%	38.00%

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The above table furthers the previous one by directly highlighting the relative lengths of time that it takes for the most frequently occurring types of matters to be disposed. It is seen that roughly 39.80 of murder charges disposed in 2019 each took 2 years and under and 60.20% took over two years to be disposed. 71.80% of the matters of sexual intercourse with a person under 16 years were disposed within two years and the remaining 28.20% took over two years to be disposed in the Home Circuit Court in 2019. As it regards rape cases, which were disposed, 62% took 2 years or less to be disposed while 38% took over two years. The length of time which different types of matters take to be disposed has significant implications for the way in which the Court prioritizes it’s scheduling and resource allocation and these results should therefore inform the interventions, which are necessary to bolster the case disposal rates. It is evident that in the Home Circuit Court, murder cases contribute significantly to the criminal case backlog.

Table 60.0: Case clearance rate for the year ended December 31, 2019

Cases filed	Cases disposed	Case clearance rate
396	309	78.03%

Note: 55 or 17% of the cases disposed originated in 2019

The case clearance rate of 78.03% shown above is an indication that more cases entered than those that were disposed in the Home Circuit Court in 2019. The result suggests a ratio of roughly 78 cases disposed for every 100 new ones brought, a notable improvement of 16 percentage points when compared to 2018. This represents the second continuous year of

improvements in this measure as in 2018 there was a 29.28% increase. This improvement can in part be attributed to enhanced case management practices and continuous efforts to re-engineer the scheduling practices of the Home Circuit Court. The Honourable Chief Justice Mr. Bryan Sykes has set a target of improving the trial and hearing date certainty rate to 95% over the next 3-6 years. The attainment of this target is an important cornerstone for higher disposal and clearance rates and a more efficient judicial system.

Other performance measures

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

(i) The on time case processing rate

(ii) The case turnover ratio

(iii) The disposition days

(iv) Case backlog rate

The on time case processing provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case turnover rate is the number of cases resolved, for every unresolved case, in a given period while the disposition days provide a measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally the case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of 2019. These measures are summarized in the table below:

Table 62.0: Selected performances metrics for the Home Circuit Court in 2019

Resolved cases	Unresolved cases	Case turnover rate (%)	Disposition days	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Case backlog rate (%)
309	970	0.32	1141 days	205	309	66%	34%

The results in the above table shows a case turnover rate of 0.32, which is an indication that for every 100 criminal cases, which were ‘heard’ in 2019 and still active at the end of the year, another 32 was disposed. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the year will on average take 1141 or 3.12 more years to be disposed, barring special interventions or other peculiar circumstances.

A case is considered to be in a backlog classification if it is still active for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Home Circuit Court in 2019 is 66%, which reflects the proportion of cases in 2019, which were disposed within 2 years. Conversely, the case backlog rate is 34%, an indication that an estimated annual proportion of 34% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 970 cases, which had some court activity in 2019 and were still active at the end of the year, 330 are expected to be in a backlog classification before being disposed.

CHAPTER 5.0: HIGH COURT DIVISION OF THE GUN COURT

The ensuing analyses provide an overview of case activity in the Gun Court in the year ended December 31, 2019. In particular, this section outlines data related to matters initiated, matters disposed, adjournments and the distribution of trial and mention matters during the year.

Table 63.0: Top five charges filed in the year ended December 31, 2019.

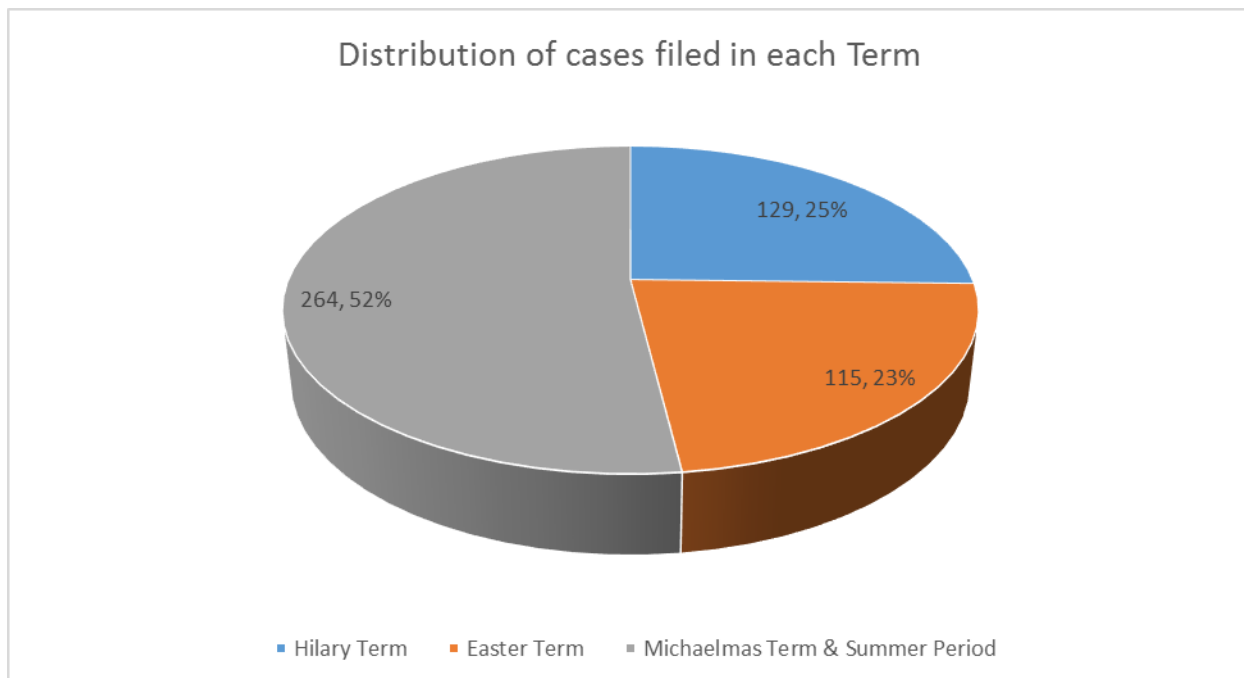
Charges filed	Frequency	Percentage (%)
Illegal possession of firearm	491	40.61
Illegal possession of ammunition	191	15.80
Shooting with intent	165	13.65
Robbery with aggravation	75	6.20
Assault at common law	71	5.87
Assault	24	1.99
Total	1017	84.12

Total number of charges (N) = 1209, the equivalent of 508 cases.

The above table provides a summary of the top six charges, which were brought in the Gun Court during 2019. It is seen that of the 1209 charges, a decline of 10.97% when compared to 2018, representing the second successive year of decline. The largest proportion of which, 491 or 40.61% were for illegal possession of firearm, well ahead of the next highest ranked charge of illegal possession of ammunition with a count of 191 or 15.80% of the total. Shooting with intent is next with 165 or 14.50% while robbery with aggravation with 75 or 6.20% and assault at common law with 71 or 5.87% rounds off the top 5 charges filed in the Gun Court for 2019. The 1209 new charges entered in 2018 translate into 508 new cases filed in the year, an

increase of 17.87% when compared to 2018. This represents a ratio of 1:2.38, suggesting that for every 100 cases entered, there were 238 charges.

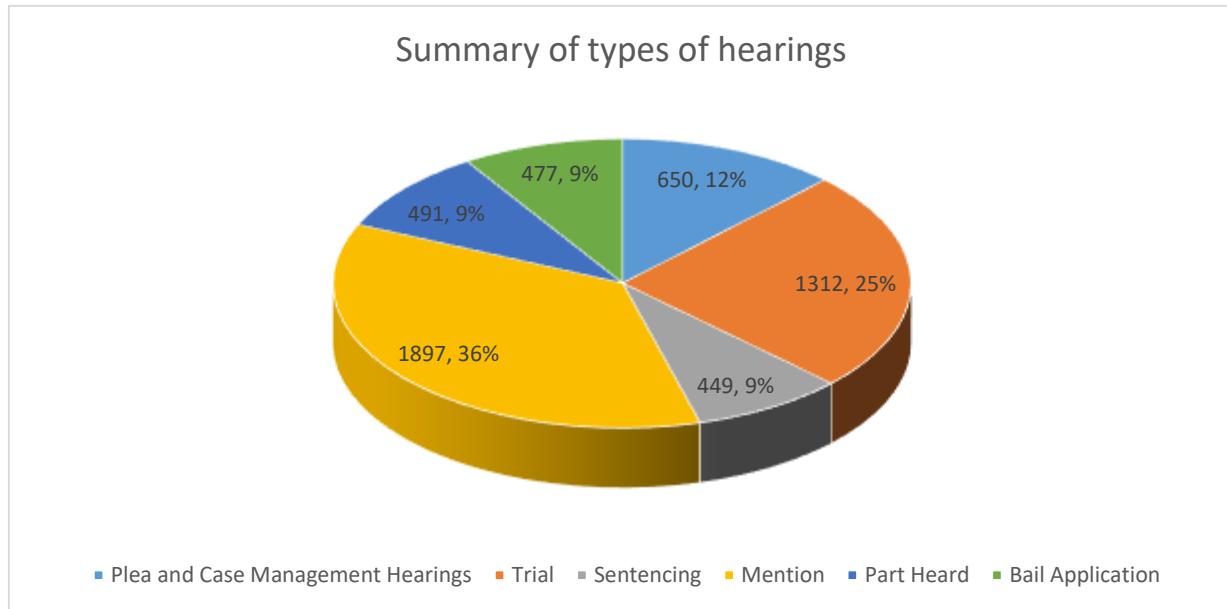
Chart 15.0: Distribution of cases filed in each Term in 2019



Note: *The Summer Period refers to the time between the end of the Easter Term and the start of the Michaelmas Term.*

The above chart provides a breakdown of the number and proportion of the 508 new cases filed in the Gun Court in each Term/period in 2019. It is seen that the combined Michaelmas Term and summer period with 264 or 52% of new cases filed, accounts for the largest proportion. 151 or roughly 35% of the cases were filed in the combined Michaelmas Term and Vacation period while the Hilary Term with 129 or 25% accounts for the balance of new cases file in 2019.

Chart 16.0: Summary of selected case activity dates for the year ended December 31, 2019



Note: PCMH means Plea and Case Management Hearing

The above chart provides a summary of key court events/dates in the Gun Court for 2019. It is shown that there were 1312 trial dates set in the period, compared to 1897 mention dates, both representing sharp declines when compared to 2018. This produces a ratio of roughly 1:0.69, indicating that for every 100 mention dates there were 69 trial dates set, a 14-percentage point slowing of the transition rate between mention and trial when compared to 2018. The data also suggests that there were 491 part-heard trial dates set in Gun Court for 2019, which is an increase when compared to 2018 and indicates that for every 100 trial dates set there were roughly 37 part-heard trial dates, twice as many as 2018. There were also 449 incidence of sentencing, an increase when compared to 2018 and 447 bail application dates set during 2019, also an increase over 2018.

Table 64.0: Frequently occurring reasons for adjournment for the year ended December 31, 2019

Reason for adjournment	Frequency	Percentage (%)
Ballistic Certificate Outstanding	267	5.60
Witness absent	249	5.20
Defence Counsel Absent	216	4.50
Part heard in progress	206	4.30
To settle legal representation	174	3.70
Accused not brought	163	3.40
Crown to take instruction	151	3.20
Documents outstanding	127	2.70
Medical certificate outstanding	106	2.20
Crown not ready	82	1.70

Total number of adjournments (N) = 4766

NB: Documents outstanding include scene of crime reports, police officer statistics and outstanding miscellaneous certificates.

The above table outlines the top reasons for adjournment in the Gun Court for 2019, excluding adjournments for bail application, matters part heard, and for plea and case management and for trial, which are enumerated separately. There were 4766 incidences of adjournments during the year; of which ballistic certificates outstanding and witness absent were the leading ones with 5.60% and 5.20% respectively of the total. The absence of Defence Counsel with 216 or 4.50% of the adjournments and part heard matters in progress with 206 or 4.30% of the adjournments rank next. Adjournments to settle legal representation with 174 or 3.70% of the

adjournments rounds off the top five reasons in 2019. The top ten reasons for adjournment accounted for 36.50% of the 4766 total reasons for adjournment.

Table 65.0: Frequently occurring reasons for continuance for the year ended December 31, 2019.

Reason for continuance	Frequency	Percentage (%)
Plea and Case Management Hearing	787	16.50
Bail Application	424	8.90
Trial	423	8.90
Sentencing	139	2.90

Total number of adjournments (N) = 3487

The above table provides a basic list of reasons for adjournment 2019, which are considered as intrinsic to the natural progression of a case or are merely procedural and are therefore termed as reasons for continuance. It is seen that during the year there were 787 adjournments for Plea and Case Management hearings, accounting for 16.50% of the total, followed by adjournments for bail application with 424 or 8.90% and adjournments for trial with 423 or 8.90%, rounding off the top three reasons for continuance.

Table 66.0: Hearing date certainty summary for the year ended December 30, 2019

Type of hearings	Number of hearing dates set	Number of hearings dates set which were adjourned for reasons other than continuance	Hearing date certainty rate (%)
Mention hearings	1897	560	70.15
Plea and Case Management hearing	650	274	57.85
Bail Applications	477	196	58.91
Sentencing hearings	449	186	58.97
Trial hearings	1312	645	65.12
Total/Overall Average	4785	1674	65.06

The date scheduling certainty for each Division of the Supreme Court is an important metric, which examines the extent to which dates, which are set for various types of hearings, are adhered. A low result has implications for the capacity of the court to adequately estimate the duration of a matter, for the capacity of courtrooms and Judges to absorb certain caseload and for the general system of scheduling. In the table above it is shown that of 4785 court dates scheduled for hearings in the period under study, 1925 were adjourned for reasons other than continuance. This suggests an overall hearing date certainty rate of roughly 65.06% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 65 are able to proceed without adjournment for reasons other than those procedural, for example for Trial, Bail Application, Sentencing and Plea and Case Management. Interestingly this was

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roughly the same as the outcome in 2018. When trial matters are isolated, the trial certainty rate revealed is 65.12%, 1.27 percentage points higher than the rate in 2018. Despite this modest output, the Gun Court still managed to sustain a clearance rate of 100%. One possible explanation for this is that although trial dates are adjourned, the interval between hearings is relatively short, thus not adversely affecting the clearance of cases.

Table 67.0: Methods of case disposition for the year ended December 31, 2019

Method of Disposition	Frequency	Percentage (%)
Accused Deceased	5	1.0
Bench Warrant	1	.2
Found Guilty	56	11.0
Guilty Plea	70	13.8
No Case Submission upheld	13	2.6
No Case to Answer - Discharged	8	1.6
No evidence offered - Discharged	135	26.6
No further evidence offered - Discharged	51	10.0
Nolle Prosequere	23	4.5
Not Guilty – Discharged	61	12.0
Not indicted on this charge	1	.2
Probation order made	2	.4
Transfer to Corporate Area Criminal Court.	1	.2
Transferred to circuit court	5	1.0
Transferred to Family Court	4	.8
Transferred to St. Catherine Parish Court.	1	.2
*Unspecified disposal methods	71	14.0
Total	508	100.0

**No electronic data available on the specific methods*

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The above table summarizes the methods of disposition for the cases disposed in the Gun Court for the 2019. It is seen that there were 508 cases disposed, the largest proportion of which were a result of ‘no evidence offered’ which accounts for 135 or roughly 26.60% of the total. In a distant second were disposals resulting from guilty pleas with 70 or 13.80% of the total. Not guilty verdicts and guilty verdicts with 12.0% and 11.0% respectively of the total dispositions are next while no further evidence offered – discharged with 10.0% rounds off the top five methods. Of the 508 cases disposed in the Gun Court in 2019, 112 or 22% were cases originating in 2019, up by 3 percentage points when compared to 2018. Incidentally, there was exact parity between the number of cases filed and the number disposed in 2019, producing a very competitive clearance rate of 100%. There was a slight increase of 2.0 percentage points in the number of Gun Court cases disposed, when compared to 2019.

Table 68.0: Estimated Conviction rate in the Gun Court for the year ended December 2019

Sample of cases disposed	Estimated Number of Guilty outcomes (i.e. guilty verdicts and guilty pleas	Conviction rate
437	126	28.83%

The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the sample of 437 disposed cases in 2019, an estimated 126 were a result of either a guilty plea or a guilty verdict. This produces an overall conviction rate of 28.83% for Gun Court cases for 2019, a decline of 4.53 percentage points when compared to 2018. The following table delves further into the conviction rate, by the substantive matter.

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Table 69.0: Conviction rate by selected substantive matter in the Gun Court for the year ended December 31, 2019

Substantive matter	Number of cases disposed	Number of Guilty outcomes	Conviction rate
Illegal possession of fire arm	668	184	27.58%
Shooting with Intent	179	55	30.73%

It is shown in the above table that of the 668 charges of illegal possession of a firearm disposed, 184 were disposed by way of either a guilty verdict or a guilty plea, yielding a conviction rate of roughly 27.58%. Fifty-five of the 30.73% of the matters of shooting with intent, which were disposed, were done so by way of guilty outcomes, yielding a conviction rate of roughly 30.73%.

Table 70.0: Top six charges disposed of in the year ended December 31, 2019

Charge	Frequency	Percentage
Illegal possession of a firearm	668	39.80
Illegal possession of ammunition	242	14.40
Shooting with intent	179	10.70
Robbery with aggravation	139	8
Wounding with intent	127	7.60
Assault at Common Law	80	4.80
Total	1435	85.30

Total number of charges (N) = 1680

The 498 cases that were disposed in the Gun Court in 2019, representing 1680 charges, an average of roughly 3.30 charges per case. The table above details the six most frequently occurring charges disposed of in the Gun Court during the year. Illegal possession of a firearm

and illegal possession of ammunition accounts for the largest proportion of disposed charges with 39.80% and 14.40% respectively. This is followed by robbery with aggravation with 8.30% of the charges disposed. Shooting with intent and wounding with intent 10.70% and 7.60% respectively of the total rounds off the top 5 charges disposed in the year. The disposed charges enumerated in this table accounts for roughly 85.42% of the total number of charges disposed in the Gun Court in 2019. There was an 11.90 percentage points increase in the number of charges disposed when compared to 2018. As shown, the percentage increase in the number of cases disposed was however much less.

Table 71.0: Time to disposition from case file date, for cases disposed of in the year ended December 2018.

Descriptive Statistics

Number of observations	508
Mean	25.7835
Median	18.0000
Mode	17.00
Std. Deviation	9.13
Skewness	0.96
Range	323.00
Minimum	0.16
Maximum	323.00

The above table summarizes the time taken to dispose of cases in the Gun Court in 2018, counting from the date cases were filed. It is seen that the estimated average time to disposition from the date of charge is approximately 25 months or 2 years and a month, an improvement of almost a year when compared to 2018. The data set for this measure is

moderately positive, indicating that there was a slightly greater proportion of times to disposition fell below the overall mean than those which fell above it. The estimated maximum time to disposition for the data set is 323 months or almost 11 years. The estimated minimum time to disposition from the date of filing was under a month. Both the modal and median times to disposition were approximately a year and a half while the standard deviation was modest, indicating that the individual scores were not widely dispersed around the mean.

Table 72.0: Breakdown of times to disposition from case file date, for the charges disposed in the year ended December 31, 2019.

Time Interval (months)	Frequency	Percent
0 – 12	183	36.0
13 – 24	144	28.3
25 - 36	58	11.4
37 - 47	43	8.5
48 and over	80	15.7
Total	508	100.0

The above table provides a further breakdown of the estimated time to disposition for charges disposed in 2019, from the case file date. The slight positive skewness displayed in the previous table is affirmed, as the scores here are mostly concentrated towards the lower intervals, though there is a fair spread of the scores throughout the intervals. The data shows that the largest proportion of the disposals using this method took a year or less. This interval accounted for 183 or 36.0% of the disposals and was followed by cases taking between 13 and 24 months to be disposed with 144 cases or 26.50%. A further 11.40% of the matters were disposed within 25-36 months, 8.50% took between 37 and 47 months and the remaining

proportion of 15.70% took four years or more to be disposed. Interestingly 63.30% of the cases disposed took two years or less from the case file date.

Table 73.0: Time to disposition from offence date, for cases disposed of in the year ended December 31, 2019.

Descriptive Statistics (in months)

Number of observations	508
'Mean	45.7835
Median	42.0000
Mode	39.0000
Std. Deviation	11.13
Skewness	0.61
Range	323.00
Minimum	1.50
Maximum	323.00

As shown above, the estimated average time to disposition from date charged, for Gun Court matters disposed in 2019 was roughly 46 months or just under 4 years, almost twice as 2018. The estimated shortest time to disposal for a case disposed of in this period was about a month while the longest a case took to be disposed was 323 months or about 11 years. The distribution of the scores was slightly positively skewed, an indication that comparatively more of the estimated individual disposal times were lower than the reported mean. The average was pulled upwards by the existence of some outlying values in the data set. This result is further affirmed by the modest standard deviation indicating that the times in the data set were not widely dispersed around the mean. As with previous analysis, when compared to the length of time taken to dispose of matters from the case file date, these results are notably

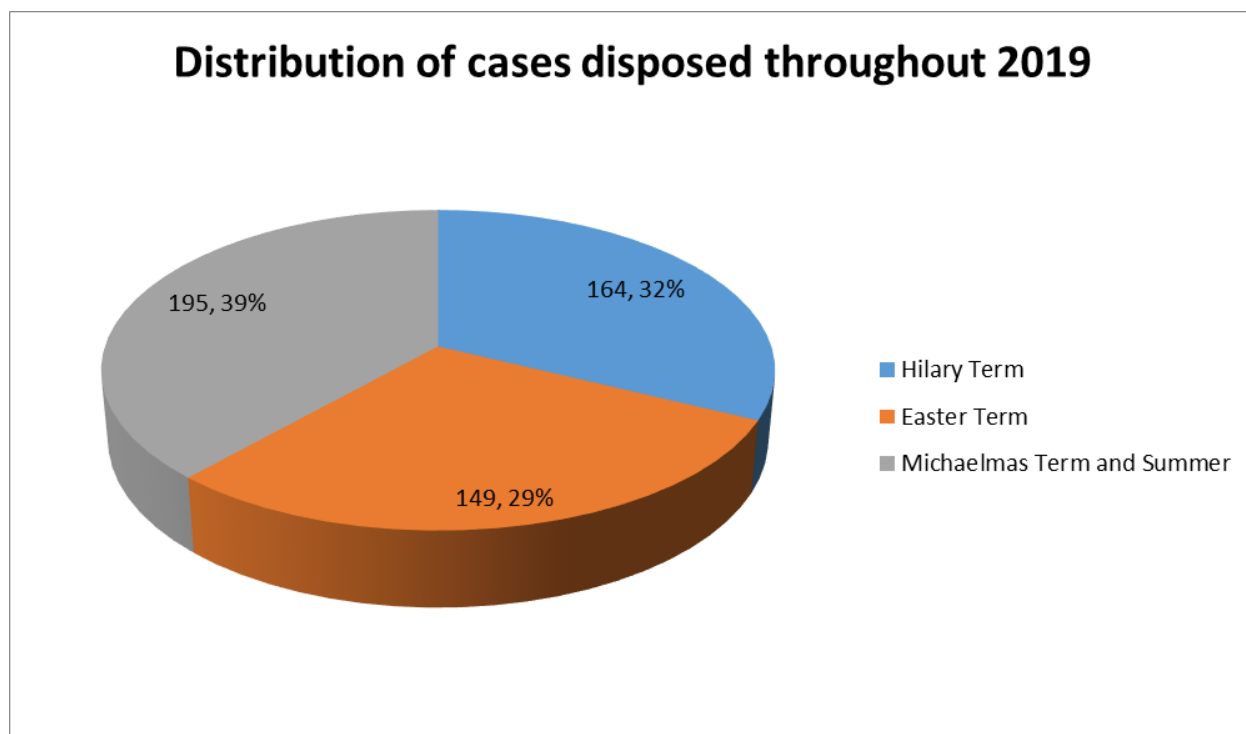
higher, indicating, as seen with the Home Circuit Court that there may be a time lag in transiting case files to the Gun Court and is potentially a source of delay in disposing of cases. Of the 508 cases disposed of in the Gun Court in 2019, 112 or roughly 22% originated in that year.

Table 74.0: Breakdown of times to disposition from the time of offence for cases disposed in the year ended December 2019

Time Interval (months)	Frequency	Percentage (%)
0 – 12	56	11.02
13 – 24	123	24.21
25 – 36	101	19.88
37 – 47	136	26.77
48 & over	92	18.11
Total	508	100.0

The above table provides a more detailed breakdown of the times to disposition from date of offence to date of disposition for Gun Court matters disposed in 2019. It is shown that the largest proportion of these cases took between 3 and 4 years (not inclusive) from the date of offence to be disposed. This accounted for 26.77% of all the disposals, followed by approximately 24.21% of cases that took between 13 and 24 months to be disposed. Approximately 19.88% of the matters took between 25 and 36 months to be disposed, while 18.11% took four years or more to be disposed and 11.02% took a year or less of the date of offence to be disposed. 35.23% of the cases disposed took two years or less from the date of offence while 64.77% took over two years.

Table 17.0: Breakdown of cases disposed in each Term/Period of 2019



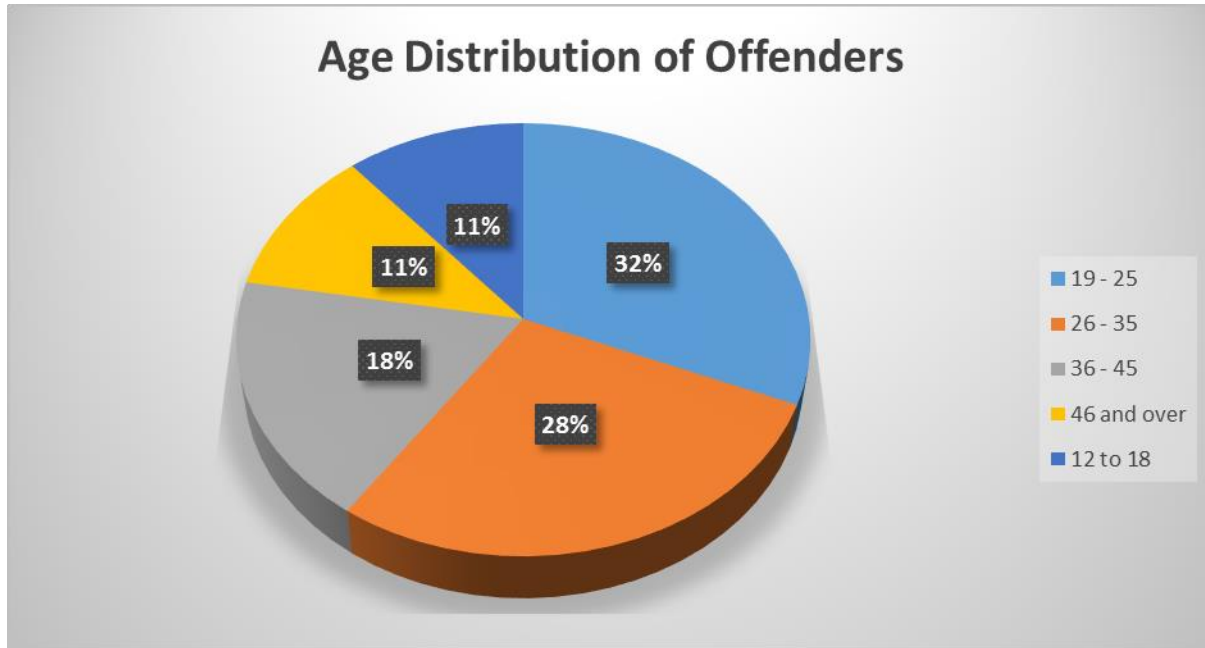
Note: The summer period refers to the period between the end of the Easter Term and the start of the Michaelmas Term.

The above chart provides a summary of the distribution of Gun Court cases disposed in 2019. It is shown that the largest proportion of cases was disposed in the combined Michaelmas Term and the summer period with 195 or 39% of the 508 Gun Court cases disposed during the year. This was followed by the Hilary Term, which accounts for 164 or 32% and the Easter Term with 149 or 29% of the disposals.

Demographic summary of Gun Court offenders

This section provides a brief summary of the age and gender distribution of persons charged in 2019.

Chart 18.0: Summary of age distribution of a sample of offenders in the Gun Court for the year ended December 2019



The age distribution of offenders in 2019 was markedly similar to that of 2018. As with 2018, the dominant offences filed in the Gun Court for 2019 are illegal possession of firearm, illegal possession of ammunition, robbery with aggravation, shooting with intent and wounding with intent. Using a representative sample, the average age of persons charged in the year is roughly 28 years old with the oldest person charged being 60 years old and the youngest 13 years old. The modal age from this sample was 23, an indication that a significant number of offenders are quite youthful. This is affirmed in the chart above where it is shown that from the sample 32% of the offenders were between 19 and 25 years old, closely followed by the age group 26 to 35 years old with 28% of the offenders. The 36 to 45 age group comes next with 18% of the offenders. The youngest and oldest age categories of 12 – 18 and 46 and over respectively accounts for 11% each of the offenders brought before the Gun Court in 2019.

In terms of gender 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 in 2018. The overwhelming dominance of males in Gun Court offences continue to persist as a long held trend.

Chart 19.0: Summary of gender distribution of a sample of offenders in the Gun Court for 2019

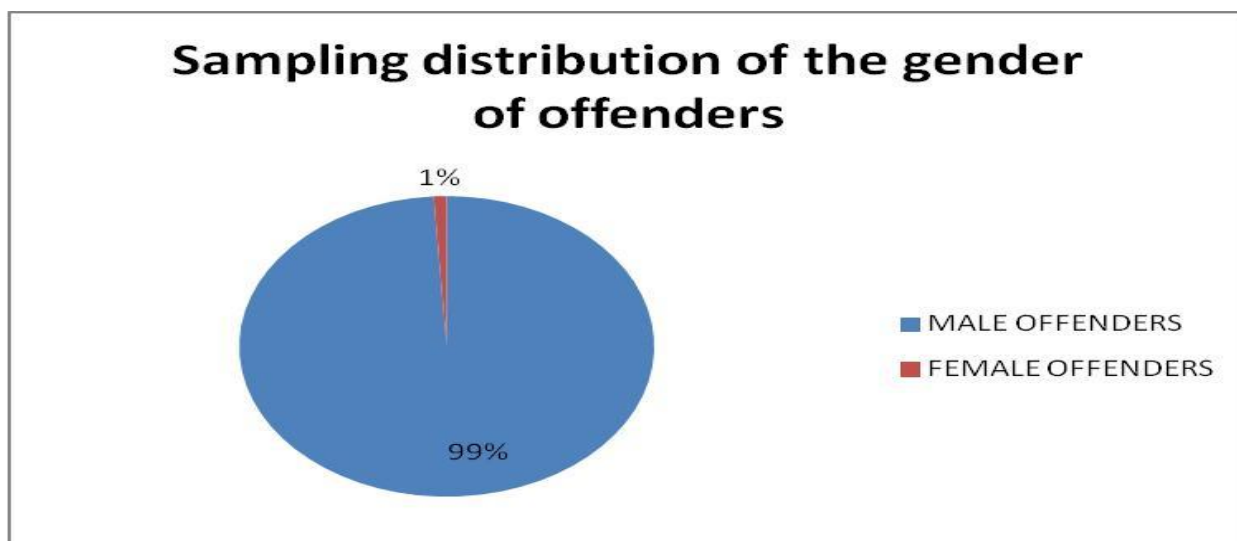


Table 75.0: Case clearance rate for the year ended December 31, 2019

Cases filed	Cases disposed	Case clearance rate
508	508*	100%

***112 or 22.0% of the 508 disposed cases originated in 2019**

Five hundred and eight new cases were filed in the Gun Court in 2019 while 508 were also disposed (including many which originated before the Term) leading to a clearance rate of exactly 100% for the year. This result translates into a generalization of 100 Gun Court cases

disposed for every 100 new cases entered during the year. It represents one of the highest case clearance rates in the Supreme Court during the year however despite the increase in the number of cases disposed; there was a more than proportionate increase in the number of new cases filed. Therefore, there was a fall in the clearance rate of 15.50 percentage points when compared to 2018. Improved scheduling and case management practices in the Gun Court have contributed to its consistently strongly clearance rates, ranking among the best in the entire court system and constantly meeting or exceeding the International standard on clearance rates.

Other performance measures

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

(i) The on time case processing rate

(ii) The case turnover ratio

(iii) The disposition days

(iv) Case backlog rate

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

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

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

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated disposition days for unresolved cases	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Case backlog rate (%)
508	569	0.89	410	327	508	64.37	35.63

The results in the above table shows a case turnover rate of 0.89, which is an indication that for every 100 cases which were ‘heard’ in 2019 and still active, another 89 were disposed . This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the year will on average take 410 more days or 1.12 years to be disposed, barring special interventions or other unanticipated circumstances. This is a dramatic improvement of just over a year and three months when compared to 2018.

A case is considered to be in a backlog classification if it is still active for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Gun Court in 2019 is 64.37%, which reflects the proportion of Gun Court cases in 2019, which were disposed within 2 years. Conversely, the case backlog rate is 31.37%, an indication that an estimated annual proportion of about 35.63% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance

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rates. This further suggests that of the 569 cases, which had some court activity in 2019 and were still active at the end of the year, 203 are expected to be in a backlog classification before being disposed. The backlog rates showed a slight worsening in 2019, correlating with the decline in the clearance rate, however the general trend remains positive and productive for the Gun Court.

CHAPTER 6.0: COMMERCIAL DIVISION

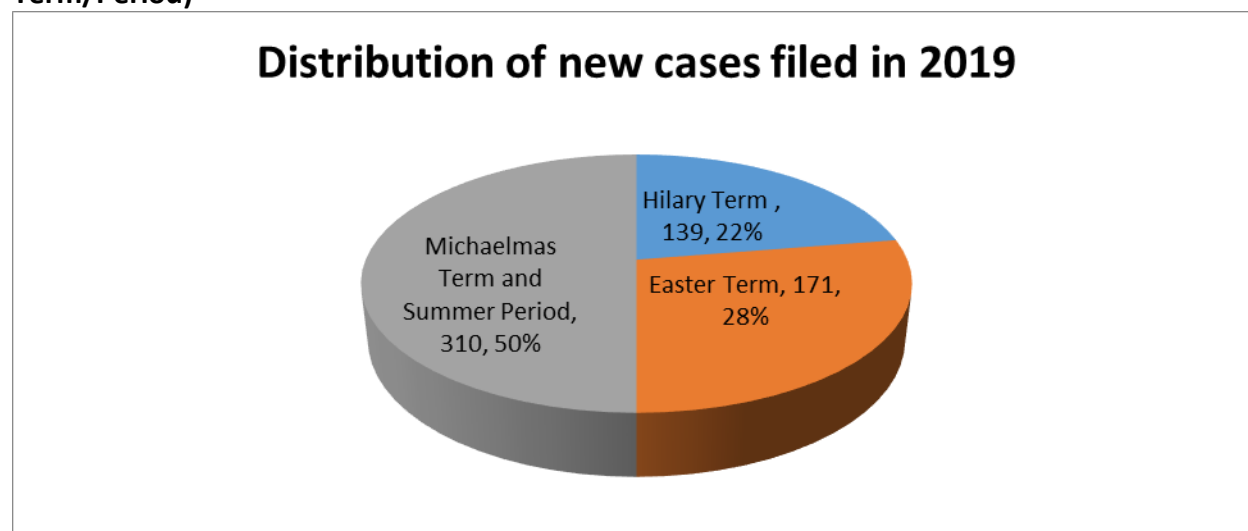
This chapter presents data on case activity in the Commercial Division in 2019 as well as important performance measurements and year on year comparisons where applicable.

Table 77.0: Cases filed in the Commercial Division in 2019

Division	Number of new cases filed
Commercial	513

2017 and 2018 were record years for the Commercial Division in terms of the number of new cases filed with 667 and 675 respectively. In 2019, the Division however saw a dip of 24 percentage points when compared to 2018, registering 513 new cases. Nevertheless the figure is well above pre-2017 levels and continues to reflect the greater public awareness of the Division among actors as a means of bringing resolution to matters.

Chart 20.0: Distribution of new Commercial cases filed in 2019 (by Term/Period)



NB: The summer period refers to the time between the Easter Term and the Michaelmas Term

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The above table shows that the largest proportion of cases filed in the Commercial Division in 2019 was in the combined Michaelmas Term and summer period, accounting for 310 or 50% of the cases filed. The Easter Term followed with 171 or 28% and the Michaelmas Term with 191 or 28 while the Hilary Term accounted for the remaining 139 or 22% of the new cases filed.

Table 78: Top five reasons in the Commercial Division for adjournment of commercial cases for the year ended December 31, 2019

Reasons for adjournment	Frequency	Percentage (%)
Pending Settlements	13	10.66
Defendant's documents not served or short served	12	9.82
Claimant's documents not served or short served	11	9.02
Claimant to file documents	9	7.38
Defendant not available	8	6.56
Sample size	53	43.44

Number of observations (N) = 122

The above table provides a sampling distribution of the top seven reasons for adjournment in the Commercial Division for 2019. A total of 122 such incidences recorded reveal that pending settlements with 13 or 10.66% leads the list while defendant's documents not served or short served ranks next with 12 or 9.82%. Claimant's documents not served or short served with 11 or 9.02% rounds off the top three while claimants to file documents with 7.38% and defendants not available with 6.56%. These top five methods of disposition in the Commercial Division in 2019 account for 43.44% of the total adjournments.

Table 79.0: Chamber hearings for the year ended December 31, 2019

Hearings	Frequency	Percentage (%)
Applications (Various)	1051	84.96
Case Management Conference	69	5.58
Pre-trial review	91	7.36
Judgment summons hearing	26	0.21
Total	1237	100

The above table summarizes the 1237 Chamber hearings in the Commercial Division for 2019. As with the High Court Civil (HCV) Division, the hearing of various applications for relief sought dominates with roughly 84.96% of the chamber hearings. Pre-trial reviews with 91 or approximately 7.36% rank next and Case Management Conferences with 69 or 5.58% rounds off the top three Chamber hearings in the Commercial Division for 2019.

Table 80.0: Trial dates set during the year ended December 31, 2019

Trial matter	Frequency	Percentage (%)
Trial in Chambers	10	3.51
Open Court Trial	259	90.88
Assessment of damages	16	5.61
Total	285	100

The above table shows that there were 285 incidences of trial dates in 2019. Open court trials with an incidence of 259 or 90.88% top this list, followed by assessments of damages with 16 or 5.61% of the total. Trials in Chamber with 3.51% of the total rounds off the list.

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Table 80.0: Hearing date certainty in the Commercial Division in the year ended December 31, 2019

Type of hearings	Number of hearing dates set	Hearing dates adjourned (excluding adjournments for continuance)	Hearing date certainty rate (%)
Case Management Conferences	69	30	56.52%
Trials in Chamber and in Open Court	269	132	51%
All hearings	1532	728	52.48%

After recording an impressive hearing and trial date certainty rates for the past two years, the Commercial Division saw notable dips in these metrics, normalising with the general performance of the Supreme Court. The table breaks down the hearing date certainty rates for two significant types of hearings and also gives the overall rate for 2019. It is shown that Case Management Conferences had an estimated hearing date certainty rate of 56.52% for the year while the hearing date certainty rate for trials in chamber and open court trial combined is 51% and the overall hearing date certainty rate when all types of hearings are considered is 52.48%, suggesting that for every 100 hearing dates set for commercial cases in 2019, roughly 52 proceeded on schedule. A low to moderate hearing date certainty has potentially adverse consequences for the timely disposition of cases and the overall rate of case clearance. The rates recorded by the Commercial Division in 2019 are well below the internationally acceptable standard of over 92%.

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Table 81.0: Requisitions summary for the year ended December 31, 2019

Requisitions Issued	Requisition Reponses	Requisitions clearance Rate	Requisitions per 100 case files
134	*52	38.81%	14

*This figure includes requisitions filed on matters originating prior to 2018

The above table provides a summary of the response rate for requisitions issued in the Commercial Division in 2019. It is shown that 134 requisitions were issued in the year while there were 52 responses filed, thus producing a requisitions clearance rate of 38.81%. This requisition clearance rate suggests that during the year, for every 10 requisitions issued, roughly four responses were filed. Additionally, there was an average incidence of fourteen requisitions per 100 case files in the Commercial Division for the year. Despite a slight increase in the number of requisitions per 100 case files handled, the modest outcomes may not be a source of protracted delays in the progression of commercial cases.

Table 82: Methods of disposition for the year ended December 31, 2019

Methods of Disposition	Frequency	Percentage (%)
Application Refused	1	.61
Claim form expire	1	.61
Consent Judgment	12	7.32
Consent Order	1	0.61
Final Judgments	16	9.76
Judgment in Def of Def of Counter Claim	2	1.22
Judgment in Default of Ack. of Service	23	14.02
Judgment in Default of Defense	18	10.98
Judgment on Admission	25	15.24
Med - Settled Fully in Mediation	1	.61
Notice of Discontinuance noted	30	18.29

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Order (Chamber Court)	3	1.83
Order for seizure and sale	2	1.22
Settled	2	1.22
Struck Out	2	1.22
Transfer to Civil	2	1.22
Transfer to Commercial	6	3.65
Judgment Delivered	17	2.6
Total	164	100.0

The data suggests that 164 cases in the Commercial Division were disposed in 2019, a fall of 51.48% when compared to 2018. Disposals by way of notices of discontinuance with 30 or 18.29% lead the list of dispositions while 25 or 15.24% were attributable to Judgments on Admission. The top three methods of disposition were rounded off by judgments in default of acknowledging service with 23 or 14.02%. Also featuring prominently on this list are judgments in default of defense with 18 or 10.98% and judgments delivered with 17 or 2.60% of the dispositions.

Table 83.0: Time to disposition for Commercial cases disposed in the year ended December 31, 2019

Number of observations	164
Mean	18.9073
Median	14.0000
Mode	11.00
Std. Deviation	12.79133
Skewness	1.15
Std. Error of Skewness	.197
Range	59.00
Minimum	.16
Maximum	59.00

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The above table shows that the estimated average time to disposition for the 164 Commercial cases disposed in 2019 is 22.83 months or just over a year and a half. The maximum time to disposition observed from these cases is almost 5 years old while the lowest is under a month. The average time to disposition observed above represents an improvement of roughly 3 months when compared to 2018. It is of note that the modal time to disposition for 2019 is 11 months, encouraging signs for continued improvements in the resolution of commercial matters. The positive skewness observed also suggests that that the larger proportion of the commercial cases disposed in 2019 took less time than the overall mean. 44 or 29.14% of the commercial cases disposed in 2019 originated in said year.

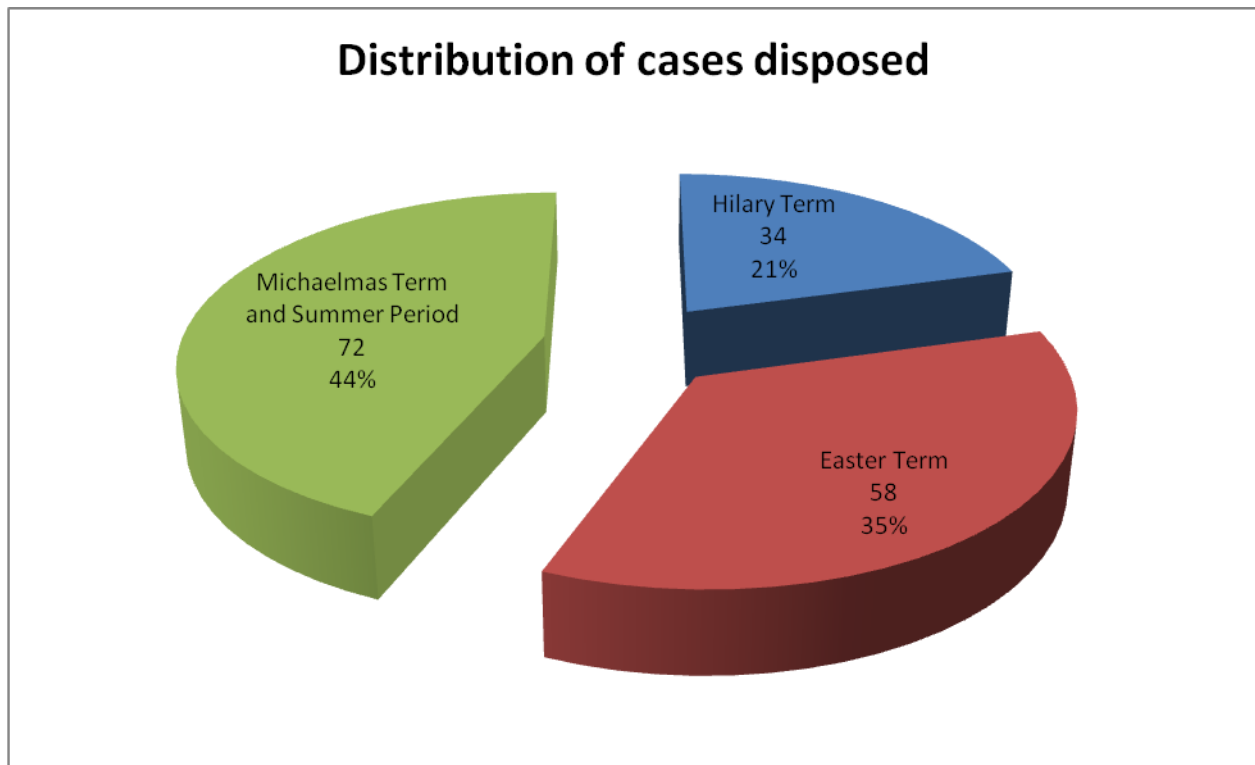
Table 84.0: Breakdown of times to disposition for Commercial cases in 2019

Time Interval	Frequency	Percentage (%)
0 - 12	72	43.90
13 – 24	23	14.02
25 – 36	17	10.37
37 – 47	10	6.10
48 & over	42	25.61
Total	164	100.0

The above table provides a breakdown of the times to disposition for the cases disposed In the Commercial Division in 2019. It is seen that the largest proportion of these cases were disposed of within a year, accounting for an overwhelming 43.90% of the disposals. This is followed by 25.61%, which took 4 years or more to be disposed while 23 or 14.02% which took between 13 and 24 months to be disposed rounds off the top three methods of

disposition in the year. Taken together, roughly 57.92% of the cases in 2019 were disposed of within 2 years and the remaining 42.08% took two years or more before final resolution.

Chart 21.0: Distribution of cases disposed in the Commercial Division in the year ended December 31 2019



NB: The summer period refers to the time between the Easter Term and the Michaelmas Term

The above chart shows that the combined Michaelmas Term and summer periods accounted for the largest proportion of cases disposed in the Commercial Division in 2019 with 72 or 44% of the total. The Easter Term with 58 or 35% of the total and the Hilary Term with 34 or 21% of the total follow this.

Table 85.0: Case clearance rate for the year ended December 31, 2019

Cases filed	Cases disposed	Case clearance rate
513	164*	31.97%

**This figure includes cases filed before 2019. 44 or 8.60% of the cases filed in 2019 were disposed.*

Five hundred and thirteen new cases were filed in the Commercial Division in 2019, while 164 cases were disposed which yields a case clearance rate of 31.97%. This result suggests that for every 100 new cases filed in the year, roughly 32 were disposed. Again, the cases disposed were not necessarily from those filed, as the clearance rate is simply a productivity ratio.

Other performance measures

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

(i) The on time case processing rate

(ii) The case turnover ratio

(iii) The disposition days

(iv) Case backlog rate

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

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

Table 86.0: Selected performances metrics for the Commercial Division for 2019

Resolved cases	Unresolved cases	Case turnover rate (%)	Disposition days	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Case backlog rate (%)
164	798	0.21	1738 days	95	164	57.92	42.08

The results in the above table shows a case turnover rate of 0.21, which is an indication that for every 100 cases which were ‘heard’ in 2019 and still active, another 21 were disposed, a considerably weakened position of 23 less cases per 100 when compared to 2018. This result forms part of the computation of the case disposal days which reveals that the cases that went to court which were unresolved at the end of the year will on average take an estimated 4.8 years to be disposed, barring special interventions and other outcomes.

A case is considered to be in a backlog classification if it remains active for over two years. A case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the Commercial cases in 2019 is 57.92%, which reflects the proportion of Commercial cases in 2019, which were disposed within 2 years. Conversely, the case backlog rate is 42.08%, an indication that an estimated annual proportion of 42% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This further suggests that of the 798 cases, which had some court activity in 2019 and were still

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active at the end of the year, 335 are expected to be in a backlog classification before being disposed.

CHAPTER 7.0: AGGREGATE CASE ACTIVITY AND OUTSTANDING JUDGMENTS

Aggregate Case Clearance Rate

Analysis of the productivity of the judiciary, subject to its resource constraints is an important metric for gauging efficiency and for informing policy and operational interventions. In this subsection, the gross case clearance rate is used as a measure the ratio of incoming and outgoing cases in the Supreme Court in 2019.

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

Table 87.0: Gross case clearance rate for the year ended December 31, 2019

Total cases filed	Total cases disposed	Gross Case clearance rate
13116	7727	58.91%

The above table provides an aggregate summary of the clearance rates in the Divisions of the Supreme Court in 2019. The data suggests that 13116 new cases were filed/entered across the Divisions reviewed in 2019, a 1.70% increase when compared to 2018. These results yield a gross clearance rate of roughly 58.91%, representing a decline of 7.49 percentage points when compared to 2018, suggesting that that for every 100 cases filed/entered during the year, roughly, 59 were also disposed. The decline in productivity observed here means places the

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Supreme behind the statistical targets set out in the Strategic Plan for the judiciary which impinges on the objective of becoming the best in the Caribbean Region in three years and among the best in the World in six years.

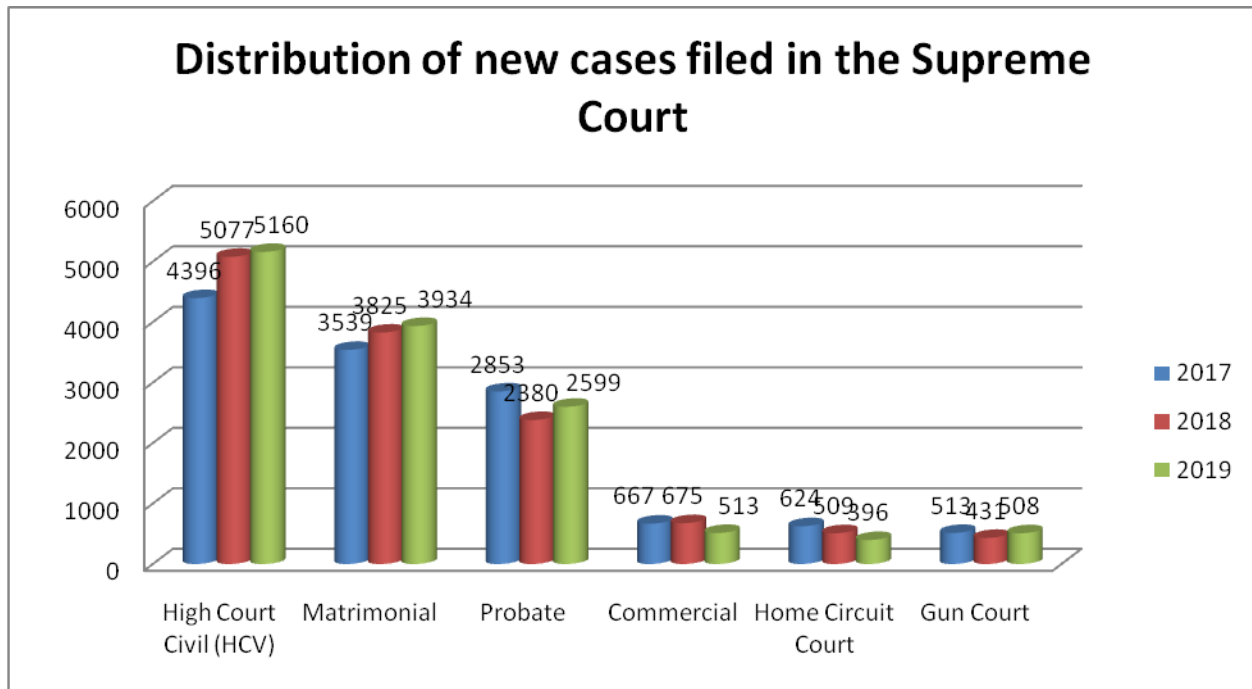
Aggregate Case Counts 2015-2019

The below table provides a count of the number of new cases filed/entered in the larger Divisions of the Supreme Court for the years 2015-2018.

Table 88.0: Number of new cases by Division for the years 2015-2019

Division	Aggregate number of new cases in 2015	Aggregate number of new cases in 2016	Aggregate number of new cases in 2017	Aggregate number of new cases filed in 2018	Aggregate number of new cases filed in 2019
High Court Civil (HCV)	5953	5336	4396	5077	5160
Matrimonial	3550	3536	3539	3825	3934
Probate	2515	2436	2853	2380	2599
Commercial	145	424	667	675	513
Home Circuit Court	238	209	624	509	396
Gun Court	538	473	513	431	508
Total	12939	12414	12592	12897	13110

Chart 22.0: Number of new cases by Division for the years 2017-2019



The above table and chart summarizes the progression of cases in the larger Divisions of the Supreme Court between 2017 and 2019. It is shown that the High Court Civil (HCV) Division has consistently demonstrated the largest share of new cases in the Supreme Court, averaging 4876 cases per annum over the period. The Matrimonial Division accounts for the second highest case count each year over the period, maintaining a count within a steady band and averaging of 3766 cases. Interestingly, 2019 accounted for the highest number of new cases filed in the Matrimonial Division over the above time series, eclipsing the highs set in 2018. The Probate Division accounts for third highest share of new cases over the period and demonstrates general consistency over the period, recording an average of 2611 cases per year. There was a noticeable decline in the number of new cases filed in the Home Circuit over the three year period however the overall average is 509 cases. After a marked decline in the number of new

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cases filed in the Gun Court in 2018, 2019 returned to pre 2018 levels and this Division recorded an average of 484 over the time series. The Commercial Division experienced a noticeable decline in the number of new cases filed in 2019 when compared to the highs of 2018 and 2017, averaging 618 new cases filed over the series.

Case Activity Summary for 2019

The below table provides a summary of the new cases filed, cases disposed and clearance rates for each Divisions of the Supreme Court in 2019. A cumulative summary is also provided.

Table 89.0: Aggregate case activity in 2019

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (years)	Hearing date Certainty ratio (%)
High Court Civil (HCV)	5160	885	17.15	3.72	53.35
Matrimonial	3934	3269	83.10	1.88	61.81
Probate	2599	2587	99.54	1.57	60.74
Commercial	513	164	31.97	1.58	52.48
Home Circuit Court	396	309	78.03	2.38	64.95
Gun Court	508	508	100%	2.15	65.06
Revenue Division	6	5	83.33%	N/A	57.15
Gross/Weighted Average	13116	7727	58.91	2.21	59.36

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The above table provides an important summary of case activity in the Supreme Court in 2018. It is shown that 13,116 cases were filed/entered across the Divisions of the Supreme Court in 2019. The High Court Civil (HCV) Division with 5160 cases or 39.34% accounts for the largest share of the new cases filed, followed by the Matrimonial Division with 3825 or 29.16% of the total and the Probate Division with 2599 or 19.82% of the total. In the 2018 annual report for the Supreme Court, it was forecasted that anticipated that the total number of new cases filed/brought in the Supreme Court in 2019 would be between 12500 and 13500 cases, likely settling close to the midpoint of about 13000 cases. The 13116 new cases filed in 2019 were consistent with this projection. Based on the current forecasts, the High Court Civil (HCV), Matrimonial, Revenue and Probate Divisions as well as the High Court Division of the Gun Court are expecting a broadly similar inflow of new cases in 2020 while modest increases are projected for the Commercial Division and the Home Circuit Court.

Similar to 2018, the Matrimonial and Probate Divisions accounted for the largest share of the cases disposed with roughly 42.31% and 33.48% respectively of the total. Again similar to 2018, the Probate Division accounted for the largest proportion of new cases filed/brought in the Supreme Court in 2019, which were disposed, with 30.41%. As far as clearance rates are concerned, the Gun Court and Probate Divisions with clearance rates of 100% and 92.89% respectively were the leaders. These two Divisions have solidly led the Supreme Court on this critical performance measurement for the past three years. The overall case clearance rate for the Supreme Court is estimated at 58.08%, an increase of roughly 8.32 percentage points when

compared to 2018. The High Court Civil (HCV) Division accounted for the longest average time to disposition with cases taking an average of 3.72 years to be disposed. The Home Circuit Court is next with an average time to disposition of approximately 2.38 years while the Probate Division and the Commercial Division with estimated average times to disposition of 1.57 and 1.58 years respectively account for the lowest average times to disposition in 2019. The overall average time taken to dispose of the cases resolved in 2018 is 2.21 years. None of the Divisions of the Supreme Court met the international standard on hearing date certainty in 2019. The overall average hearing date certainty rate was 59.36% and performance in this area was interestingly led by the Gun Court and the Home Circuit Court which recorded rates of 65.06% and 64.95% respectively.

Judgments Reserved and Judgments Delivered

This sub-section provides a summary of the civil Judgments reserved and delivered in 2019.

Table 90.0: Summary of Judgments Reserved and Delivered in 2019

Number of Judgments reserved on cases	Number of Judgments delivered on cases	Clearance rate for case Judgments (%)	Number of Judgments reserved on applications	Number of judgments/rulings delivered on applications	Clearance rates for rulings on application (%)
134	253	189%	57	74	129.82%

A total of 134 judgements were reserved in 2019, while 253 judgments were delivered, leading to an impressive clearance rate of 189%. This result means that for every 10 judgments which were reserved in 2019, another 189 were delivered. This represents an increase of 120

percentage points when compared to 2018 and is consistent with the impetus of the Chief Justice to significantly increase the number of outstanding judgments delivered in 2020. 94.86% of the Judgments delivered in 2019, originated prior to that year. The average age of cases on which judgments were delivered in 2019 was 55 months or 4.58 years, with the oldest case on which judgment was delivered, dating back to 1994, while several cases on which judgments were reserved in 2019 were delivered in the same year.

Various applications are made during the life of a civil case on which judgments may be reserved. The analysis of the clearance rate on judgments on applications is an important supplement to the analysis of judgments on the overall outcome of a case as timely rulings on applications have a direct correlation with the timely delivery of judgments on substantive cases. The data suggests that there were 57 judgments reserved on applications in 2019 while 74 were delivered. This produced a clearance rate for judgments on applications of 129.82%, a promising sign for the targeted improvements in the rate at which judgments are delivered going forward.

CHAPTER 8.0: CONCLUSION AND RECOMMENDATIONS

The 2019 Annual Statistics Report for the Supreme Court represents an important item on the court's calendar, providing critical insights into the strengths and weaknesses in the performance of the various Divisions as well as the monitoring of variances between actual and expected standards. Such results are critical tools in informing the interventions which are necessary to bolster the support mechanisms and augment the operational adjustments which are needed to improve the timely delivery of a high standards of justice. The ethos of these targets centre on the attainment of a minimum combined average trial and hearing date certainty rate of 95% and a minimum average clearance rate of 130% across the court system. Emerging from extensive statistical work on measuring the state of affairs and performance of the Divisions of the Supreme Court over the past three years has been a year by year projection for the next 5-6 years which are required to achieve the expressed targets. Attaining these targets would place the Jamaican judiciary among the best in the World over this time frame.

There were some mixed results for 2019 across the Divisions of the Supreme Court which saw some of the key performance indicators declining when compared to 2018. In particular, the overall clearance rate in the Supreme Court netted out at 58.91% at the end of 2019, a decline of 7.49 percentage points when compared to 2018. This means that in 2019, there were roughly 7 less cases disposed, for every new case filed. The Gun Court and the Probate Division were again the leaders on this measure, with rates of 100% and 99.54% respectively, the only two Divisions to satisfy the International standards. The High Court Civil Division and the Commercial Division with rates of 17.15% and 31.97% respectively were the poorest

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performers on this measure in 2019, disposing of 17 and 32 cases respectively for every 100 new cases filed. It is however noteworthy that the Matrimonial and Revenue Divisions as well as the Home Circuit Court disposed of roughly 8 cases for every 10 new ones filed in 2019. The annualized clearance rate of 78.03% observed for the Home Circuit Court is the highest recorded since the beginning of this kind of reporting, showing encouraging, though embryonic signs of success in various operational interventions currently spearheaded by the Chief Justice. The Supreme Court also experienced a decline in another important measurement, namely the overall hearing date certainty rate which netted out at 59.36% at the end of the year. None of the Divisions of the Supreme Court met the International standard on trial or hearing date certainty rate in 2019. Interestingly, the Gun Court and the Home Circuit Court recorded the highest overall hearing date certainty rates with 65.06% and 64.95% respectively. This overall hearing date certainty rate represents a marked decline of 13.77 percentage points when compared to 2018. In a sharp reversal of trends, the Commercial Division, which met the International standard in 2018, registered the lowest overall hearing date certainty with 52.48%. There was a slight increase of two months in the average time taken to dispose of cases resolved in the Supreme Court in 2019. Cases took the longest to be disposed in the High Court Civil (HCV) Division with an average of 3.72 years while the Probate Division disposed of cases the fastest on average with an output of 1.57 years.

On the brighter side, the Supreme Court recorded its highest clearance rate on outstanding judgments in 2019 since this type of reporting began, netting out at 189% while the clearance rate on judgments reserved on applications also scaled the 100% mark, closing the year at

129.82%. These results augur well for the targeted improvements in improving the timely resolution of civil cases. These improvements have been aided by efforts to schedule the delivery of judgments in the same way that any other hearing is scheduled and the reservation of specific periods/times for Judges to prepare outstanding judgments for delivery. Despite the overall decline in case clearance rate, the gross case backlog rate in the Supreme Court experienced a slight improvement of 2.10 percentage points in 2019. This was largely anchored by the Matrimonial and Probate Divisions which saw sizeable improvements in the number of cases disposed within two years, the yardstick used to define a case backlog. This outcome means that overall there was an increase in the on time delivery rate in the Supreme Court, that is, the rate at which cases are disposed before reaching a backlog classification. Consistent with the push to reduce the average time taken for Matrimonial cases to be disposed, it was also notable that the number of Matrimonial cases disposed within a year of filing experienced an increase, with 254 more cases disposed in this time frame.

The overall decline in important performance metrics such as the case clearance rate and the hearing date certainty rate can be attributed to a number of significant delay factors across all Divisions, which continue to affect the expeditious disposition of cases. One area that highlights these delay factors is the reasons for adjournment of court matters as well as the requisitions, particularly in the Matrimonial and Probate Divisions. Among the prominent reasons for adjournment cited across this report are the non-appearance of parties and/or attorneys, absenteeism of witnesses and investigating officers, incomplete or missing files, documents to be filed, statements outstanding and disclosure. These reasons span both internal factors

within the court's control and factors outside of its direct autonomy. Therefore, the ethos of the solutions related to these issues is the need for enhanced case and records management, more robust systems of scheduling and stronger stakeholder engagements. Continuous process flow re-engineering and stakeholder engagement are required in the various Divisions of the Supreme Court to address these delay factors.

When the performance measurements are statistically weighted, the Gun Court and the Probate Division were the best performing Divisions in the Supreme Court in 2019.

RECOMMENDATIONS

An important plank of the Chief Justice's vision is to become the best court system in the Caribbean Region within three years and among the bests in the World within six years is the improvement in the efficiency of the Supreme Court. This efficiency rests on significantly reducing the incidence of adjournments in the Divisions of the Supreme Court, thus bolstering trial and hearing date certainty rates, increasing case disposal and clearance, enhancing the rate at which Judgments are delivered and significantly reducing the case backlog.

A number of strategies are currently being undertaken in the Divisions of the Supreme Court to achieve the above objectives. Many of these strategies seek to re-engineer business processes in order to remove unwarranted roadblocks to the timely disposition of cases. These processes are expected to benefit appreciably from the introduction of a new, advanced case management system in the courts in 2020, which is expected to dramatically improve the integration of the courts, the seamless flow of information and the science that is used to

schedule cases for hearings. The full utilization of this system towards improving efficiency in the Supreme Court, improving hearing date certainty and reducing the incidence of cases adjourned due to files missing or incomplete will require a few essential adjustments to the way in which some Registries operate. For example, the efficiency of paper based hearings in the Matrimonial and Probate Divisions can be further improved by assigning specific dates for review and processing of documents filed and for the granting of Decrees Nisi and Decrees Absolute as well as Probates and Administration. This would improve the of file and document movement along the case flow continuum in these Registries which will almost certainly have a positive impact on the case clearance rates and create a wider range measurement for hearing date certainty.

Tracking of documents filed, placement of documents filed in case files in a timely and accurate manner and thus scheduling of civil cases for mediation in a timely manner and subsequently for court hearings in a scientific and orderly way is a weakness in the High Court Civil Division (HCV) of the Supreme Court which impairs effective preparation of case files for hearings and results in some cases having their first hearings or even referrals to mediation long after filing. This general weakness also affects the rate at which applications filed are scheduled for hearings, thus adversely affecting case progression. The new data system which is anticipated later in 2020 is expected to have a positive effect on case file location and the creation of credible digital alternatives to manual files which will assist in bringing redress to the deficiencies outlined, however, the human resource support in the management of records in the High Court Civil Division needs to be greatly strengthened in order for the potential gains to be fully realized. In similar manner, notices of discontinuance filed take a protracted period of

time to be endorsed for final disposition, thus constraining the disposal rate in the civil divisions. The resource strengthening recommended for records management as a whole should help to bring considerable redress in this area.

Despite the improvements registered in the clearance rate in the Home Circuit Court for 2019, the trial date certainty rate continues to be less than impressive. The thrust to have more realistic trial dates agreed between the prosecution and defence attorneys at the case management is underway but the results so far have not yielded a significant turnaround. A few weaknesses exist in the current model which could stymie some of the targeted gains. Among these is the accuracy of the estimated duration of trials. If this is not consistently done with deft precision, then the court runs the risk of underutilizing the available time for hearings or running into other scheduled matters. Thus, effective date and time setting for trial matters is important to the optimal operation of a more effective trial calendar which promotes trial date certainty. Critical to the desired improvements in trial date certainty as well is the establishing of a reliable contingency list in the event that matters set for firm dates do not start on schedule. There are however a number of scientific dynamics which must obtain, not least of which are similarities in the estimated duration of both the cases with the firm dates and those on the contingency list. Given the potential difficulties in the accuracy of estimated case durations, consideration could possibly also be given to starting a trial on any day of the week, rather than restricting to specific days. This could be useful in the event of unanticipated variances between actual and expected trial durations and to thus improving the courtroom utilization rates.

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As the operational interventions currently underway in the Divisions of the Supreme Court continue to take shape, it is expected that 2020 will see a sharp reversal of the declines experienced on several important performance metrics in 2019.

Glossary of Statistical Terms

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

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

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

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

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

Trial/hearing date certainty: This is the proportion of dates set for trial or hearing which proceed without adjournment. For example, if 100 trial dates are set in a particular Term and 40 are adjourned, then the trial certainty rate would be 60%. The international standard for this measure is between 92% and 100%.

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

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

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

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

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

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

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

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

Source:

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

ⁱ *Source:*

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

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

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

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

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

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

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