

Trend Statistics on the Parish Courts and the Supreme Court

Section A of this summary document outlines some essential court metrics as at the end of December 2019 across the parish courts and the Supreme Court and compares them with the targeted rates at the end of the fiscal year 2019/20. Variances between actual rates at the end of 2019 and the targeted rates at the end of the fiscal year are also provided. This document will be updated at the end of March 2020. The main metrics compared across the courts are the clearance and trial date certainty rates. Section B provides trend analysis of some key metrics across the courts over the past three years and in so doing provides meaningful operating and policy insights.

Section A

Table 1.0: Actual clearance rates as at December 31, 2019 compared to the targeted clearance rates for March 31, 2020 [Parish Courts – Criminal Division]

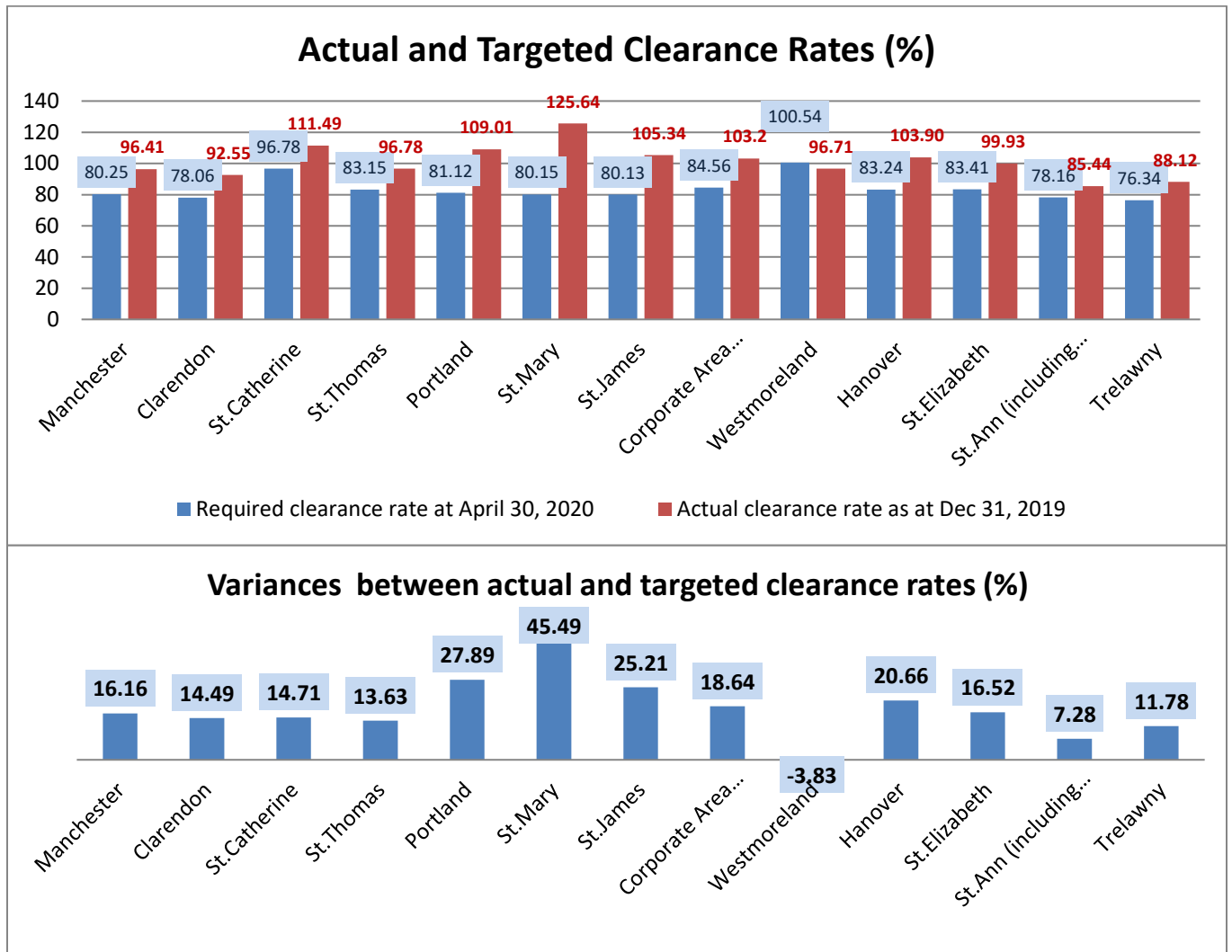
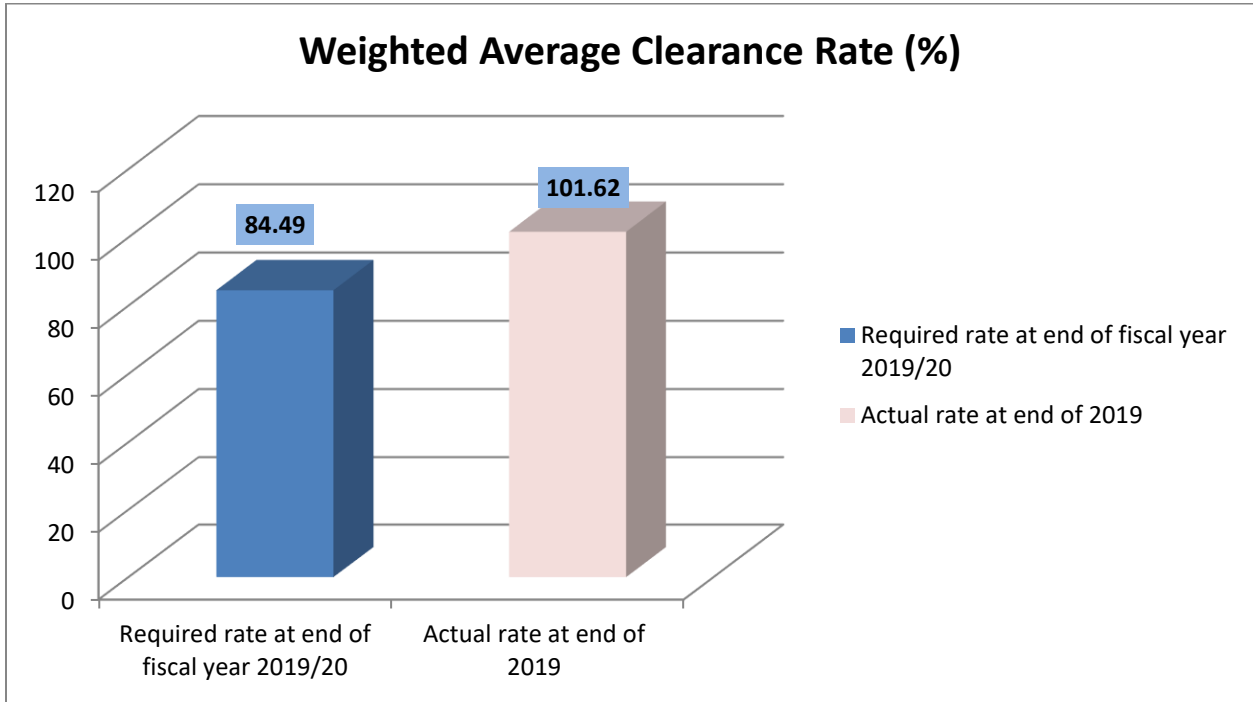


Table 2.0: Overall actual clearance rate at the end of 2019 versus overall targeted clearance rate for March 31, 2020



The above graphs display quite positive results for the parish courts (criminal division) as a whole. It is shown that the parish courts as a whole were 17.13 percentage points ahead of the targeted clearance rate as at the end of December 2019. In particular, as part of the strategic plan for the judiciary, the Chief Justice has set out an overall targeted clearance rate of 84.49% at the end of the fiscal year ended March 31, 2019. This forms a part of the overall six year target of attaining a weighted average clearance rate of 130% across the court system over this period. Achieving this feat is determined to be necessary to reduce the net case backlog rate in the courts below 5%. At the end of 2019, the overall case clearance rate for criminal matters in the parish courts was 101.62%, suggesting that roughly 17 more per 100 cases were disposed than the targeted rate for the end of the fiscal year. Interestingly, all parish courts except Westmoreland had a positive variance between the targeted and actual rates. This means that with the exception of Westmoreland, all parish courts appeared to be trending ahead of target as at the end of December. Westmoreland’s uniqueness in this regard must however be understood within the context that they had the highest targeted clearance rate of all courts for the end of the fiscal year because of its past trends as consistently one of the best performing courts on this measure for the past four years. When 2019 is considered on its own, Westmoreland’s clearance rate is higher than that of several courts. They were 3.83 percentage points below the targeted rate (100.54% versus 96.71%).

The parish courts of St. Mary, Portland and St. James were the furthest above their targeted clearance rates. The output from the St. Mary Parish Court was especially impressive with 45.49% above the targeted rate. The Portland and St. James Parish Courts with 27.89% and 25.21% respectively above target as at the end of 2019 rank next. At the rates observed across the parish courts at the end of 2019, the parish courts are largely on course to meet their targeted criminal clearance rates at the end of the fiscal year 2019/20. Exceeding the first year’s target will mean that the targets for the five fiscal years thereafter will have to be adjusted at the start of the upcoming fiscal year. Since the clearance rate targets are based on weighted average calculations, it is critical to note that the probability of exceeding the first year’s target is bolstered by the fact that the parish courts with the three largest criminal case loads, namely the Corporate Area Court – Criminal Division and the St. Catherine and St. James Parish Courts are all over 14 percentage points higher than their targeted rate as at December 31, 2019.

Table 3.0: Actual trial date certainty rate as at December 31, 2019 versus targeted trial date certainty rate for March 31, 2020

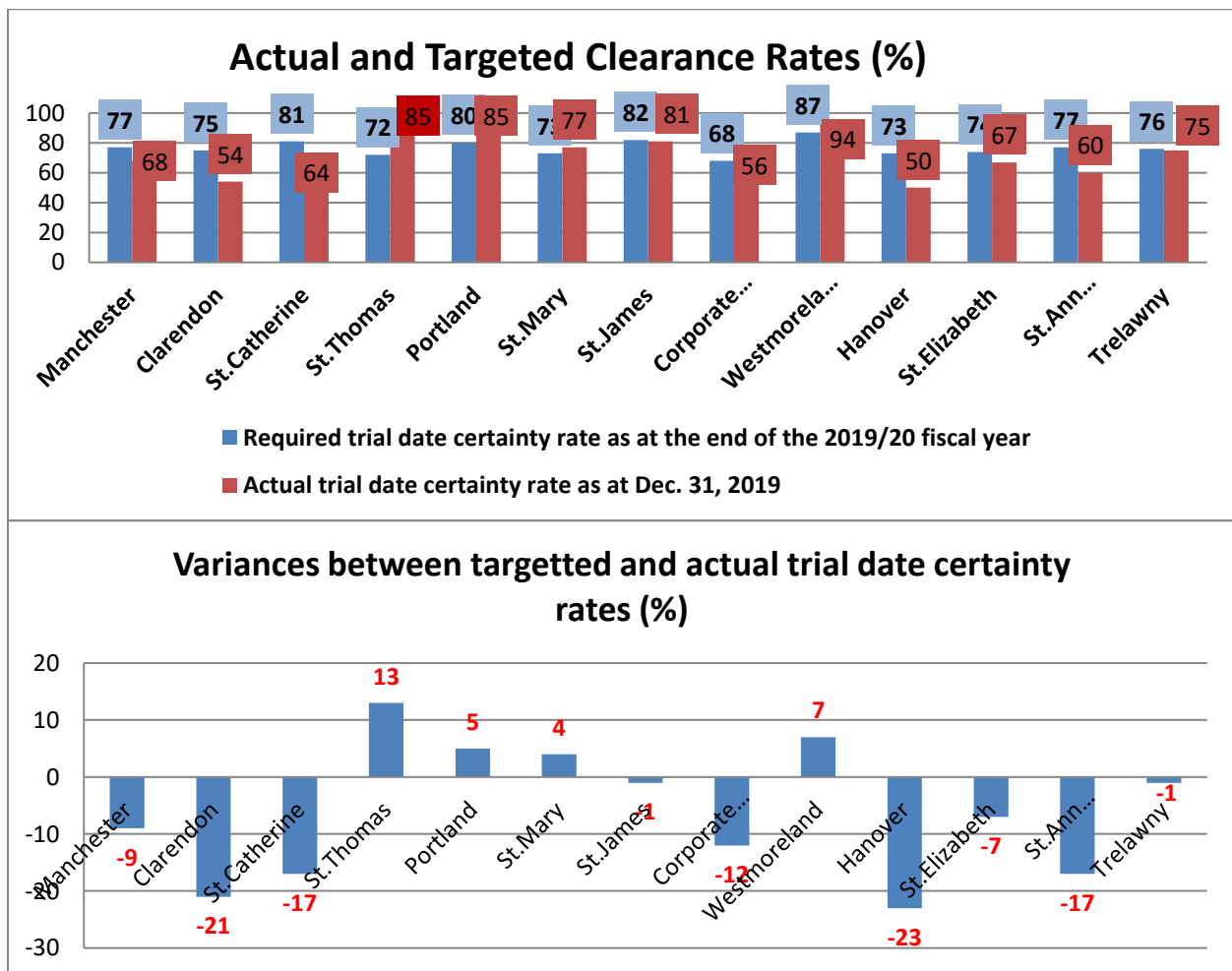
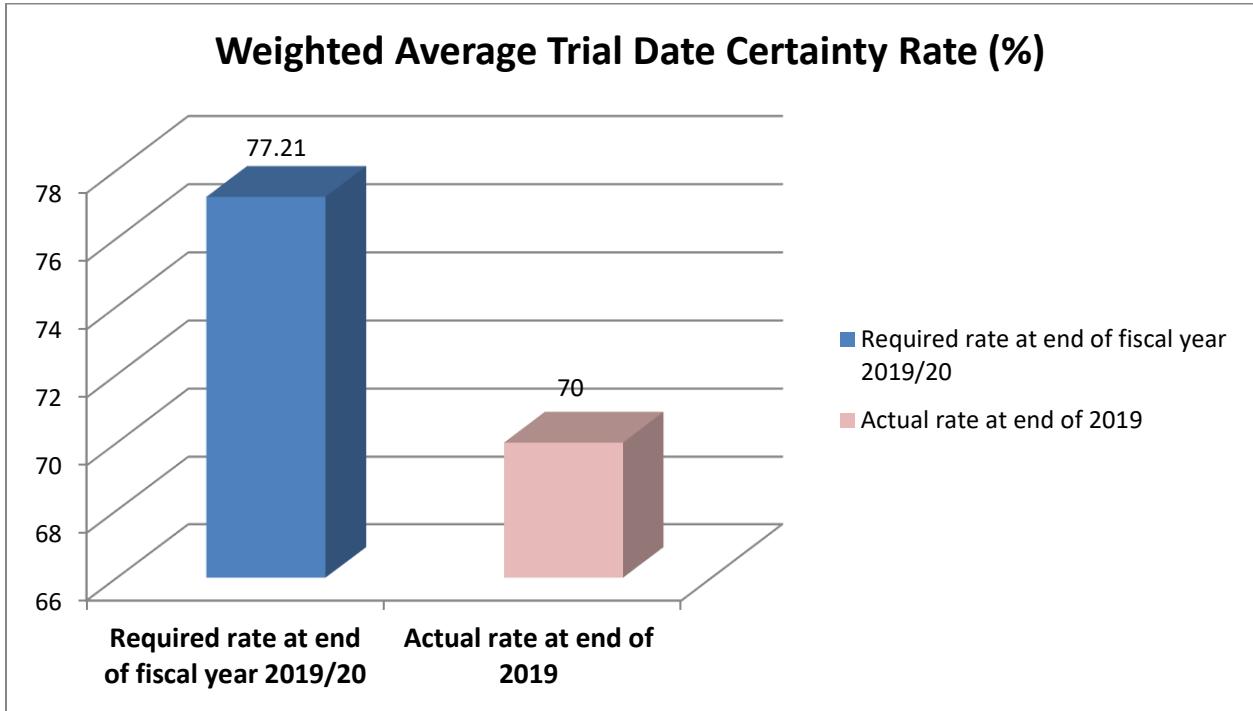


Table 4.0: Overall actual clearance rate at the end of 2019 versus overall targeted clearance rate for March 31, 2020 [Parish Courts]



The above charts demonstrate that there is no necessary correlation between case clearance rates and trial date certainty rates in short run. Despite the quantum leaps seen in the case clearance rates, resulting in nearly all parish courts being ahead of the targeted rate at the end of 2019, most courts were behind their targeted trial date certainty rate at the end of 2019. In fact only four of the thirteen parish courts (criminal division) were ahead of the required trial date certainty rate at the end of 2019, namely the parish courts of St. Thomas (13 percentage points above target), Portland (5 percentage points above target), St. Mary (4 percentage points above target) and Westmoreland (7 percentage points above target). Among the courts which were furthest behind their targets were the parish courts of St. Elizabeth and St. Catherine with 23 and 21 percentage points respectively below target. Taken together, the parish courts (criminal division) as a whole has a trial date certainty rate of 70% at the end of 2019, 7.71 percentage points behind the targeted rate at 77.71%.

Having examined the position of the criminal division of the parish courts at the end of 2019 relative to the targeted case clearance and trial date certainty rates, the next subsection examines these parameters for the Divisions of the Supreme Court.

Table 5.0: Actual clearance rate as at December 31, 2019 versus targeted clearance rate for March 31, 2020 [Divisions of the Supreme Court]

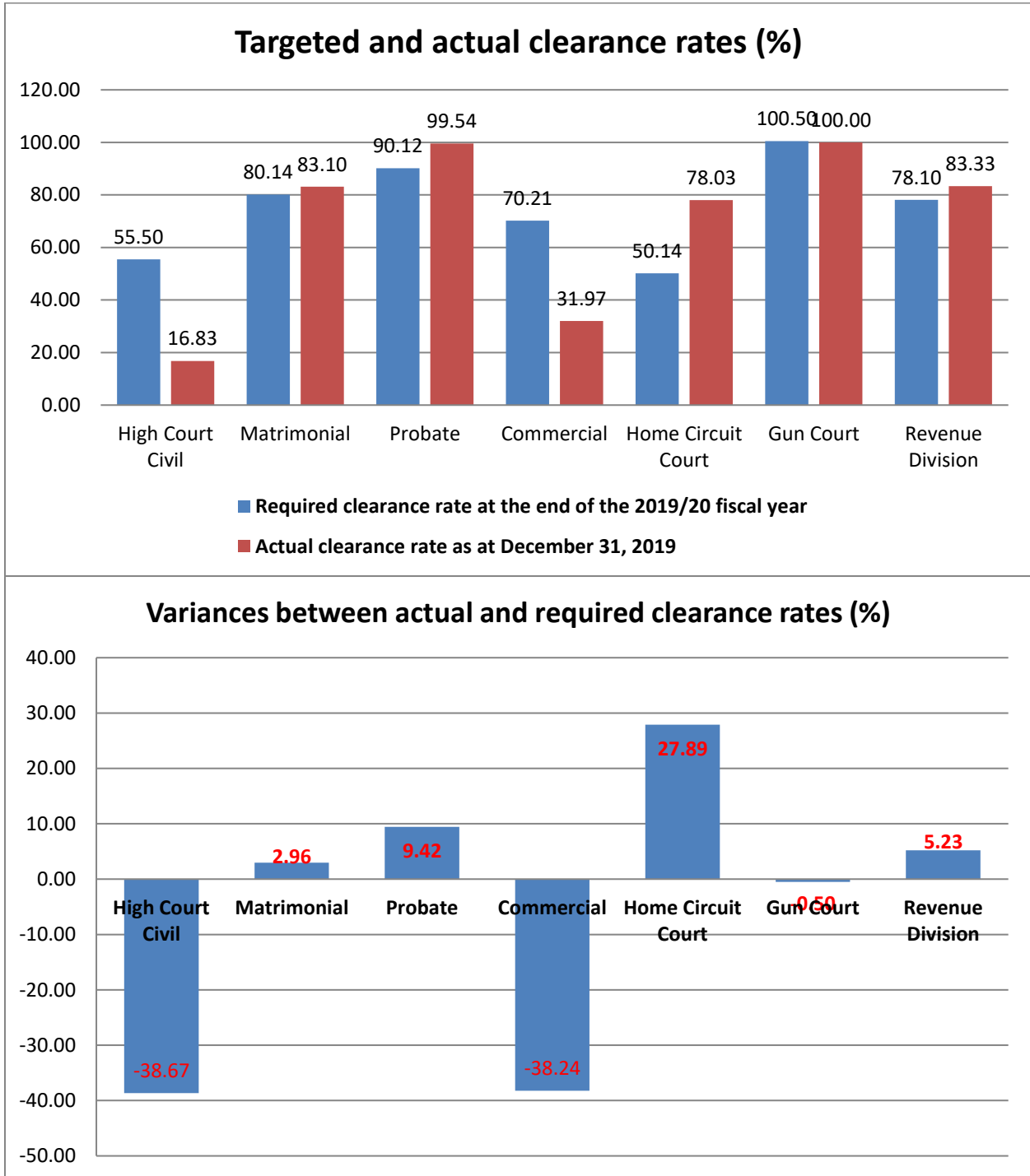
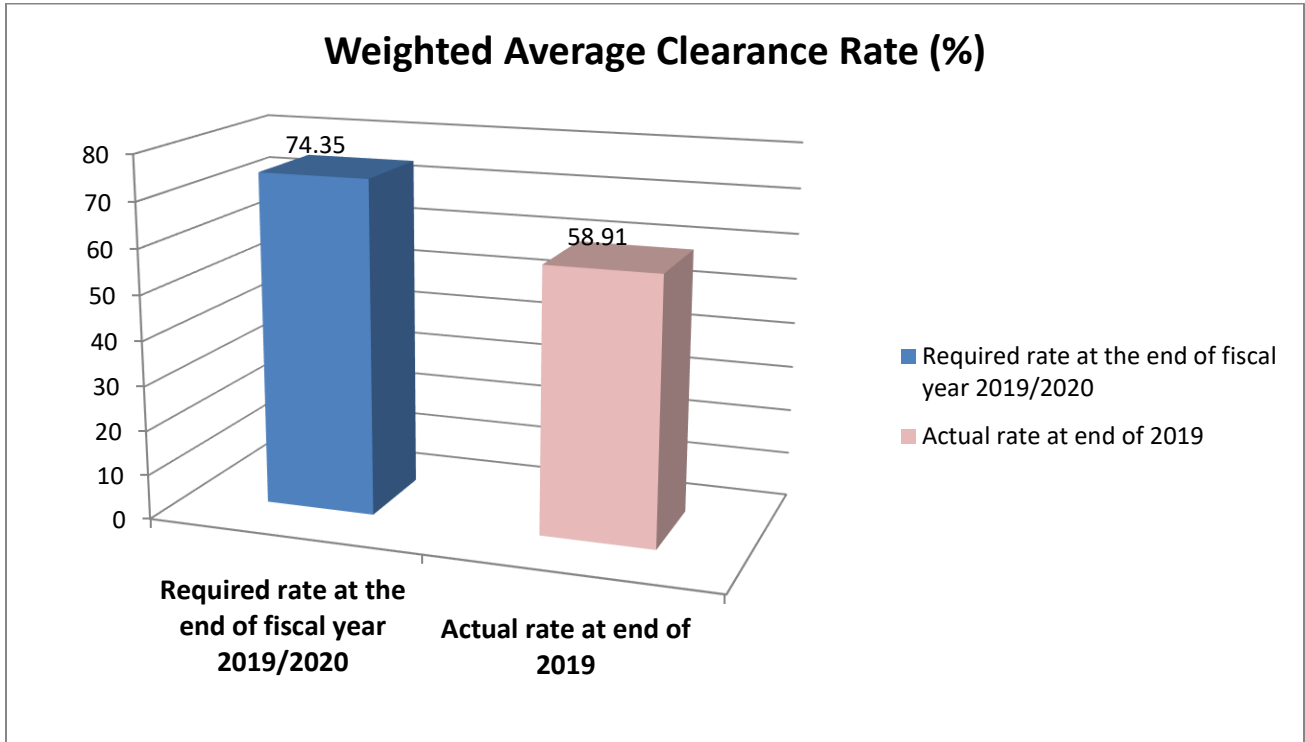


Table 6.0: Overall actual clearance rate at the end of 2019 versus overall targeted clearance rate for March 31, 2020 [Supreme Court]



The above charts provide a summary of the case clearance rate which is required of the various divisions of the Supreme Court by the end of the fiscal year on March 30, 2020 as well as the actual rates as at the end of 2019. All Divisions of the Supreme Court were ahead of their required/targeted rates as at the end of 2019, with the exception of the High Court Civil Division and the Commercial Division with 38.67 and 38.24 percentage points respectively below target. The Home Circuit Court and the Probate Divisions were the furthest above the required rates with 27.89 percentage points and 9.42 percentage points respectively. Despite the fact that only two Divisions were behind the overall targeted trial date certainty rate as at the end of December, 2019, the Supreme Court as a whole was 15.44 percentage points behind the targeted rate. This can be explained by the disproportionate weighted contribution that the High Court Civil Division (HCV) makes to the overall output and productivity of the Supreme Court.

Table 7.0: Actual trial date certainty rate as at December 31, 2019 versus targeted trial date certainty rate for March 31, 2020 [Supreme Court]

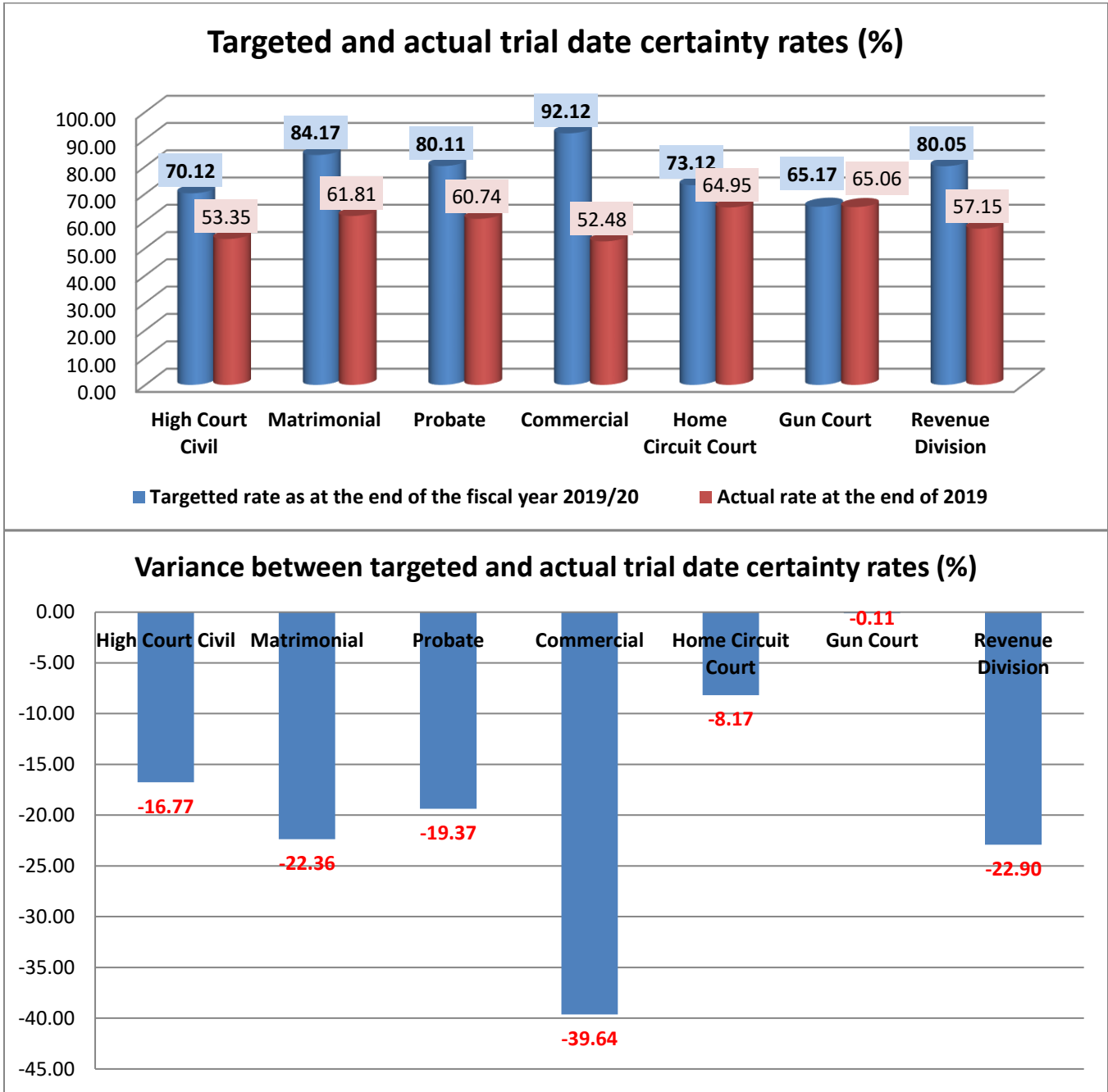
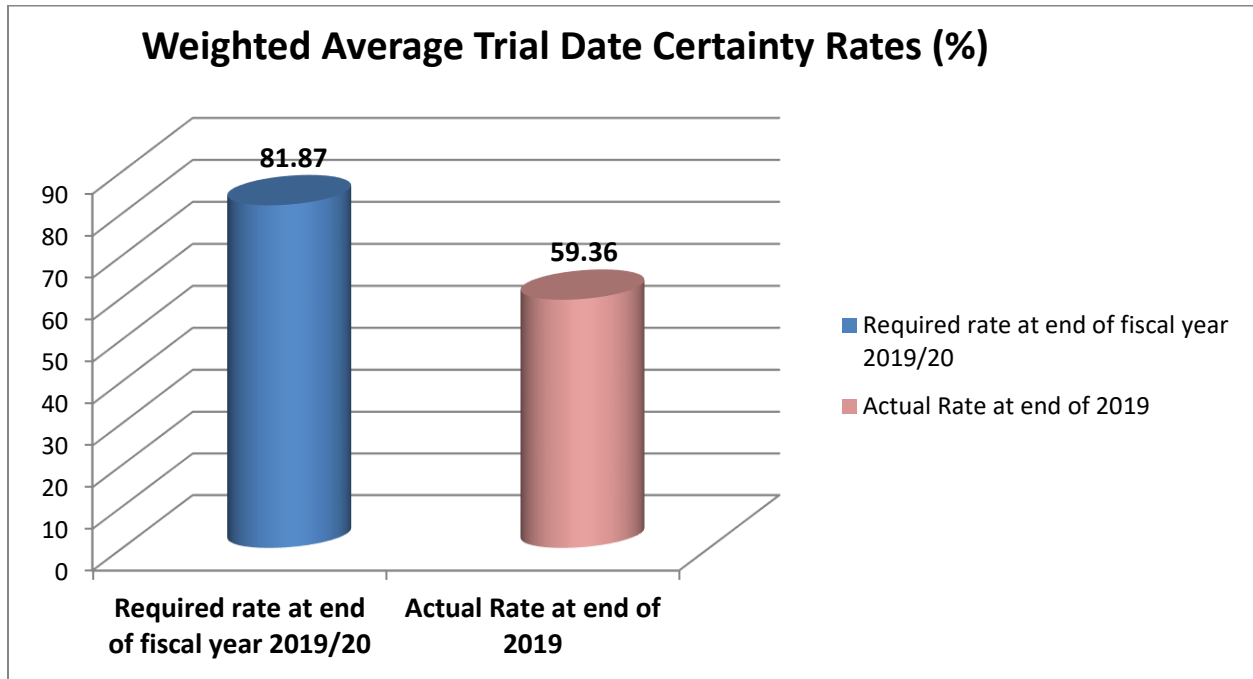


Table 8.0: Overall actual trial date certainty rate at the end of 2019 versus overall targeted clearance rate for March 31, 2020 [Supreme Court]



The above charts summarize the comparison of the actual trial date certainty rates in the Divisions of the Supreme Court at the end of 2019 and the targeted rates at the end of the fiscal year 2019/20. All Divisions of the Supreme Court were behind their targeted rates as at the end of 2019. The Gun Court and the Criminal Division with variations of 0.11 and 8.17 percentage points respectively had the lowest variances from the targeted rate while the Commercial and Revenue Divisions with 39.64 and 22.90 percentage points had the highest variances from the targeted rate at the end of 2019. Overall, the Supreme Court was well behind the targeted trial date certainty rates at the end of 2019 with an overall rate of 81.97%, 59.36%, representing 22.61 percentage points behind the schedule.

Regression and Correlation Analyses

A correlation analysis was done on the parish courts exploring the nature of the explanatory relationship between trial date certainty rates and clearance rates. In theory, higher trial date certainty rates are expected to be associated with higher clearance rates and shorter time to disposition of cases. The empirical outcomes from parish court sample data revealed that only about 19% (*adjusted R² = 0.189*) of the changes in the case clearance rates were explained by trial date certainty rates. The figure was notably higher for the Supreme Court which for which the output suggests that roughly 37% (*adjusted R² = 0.3714*) of the changes in case clearance rates can be explained by the trial date certainty rates.

Section B

Having examined the variances between actual clearance and trial date certainty rates at the end of 2019 in comparison to the targeted rates, this section will provide trend analysis of some of the key statistical metrics in both the Supreme Court and the criminal division of the parish courts over the past three years (2017 -2019).

The Supreme Court

Table 9.0: Case clearance rate progression for the Divisions of the Supreme Court for 2017 - 2019

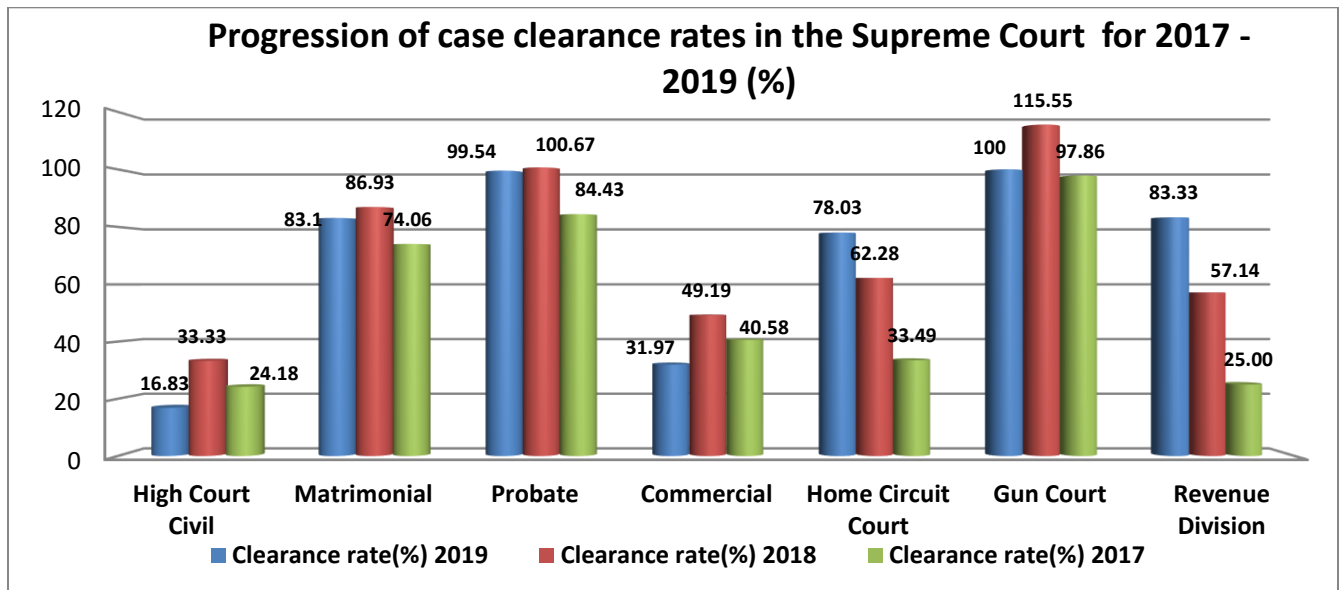
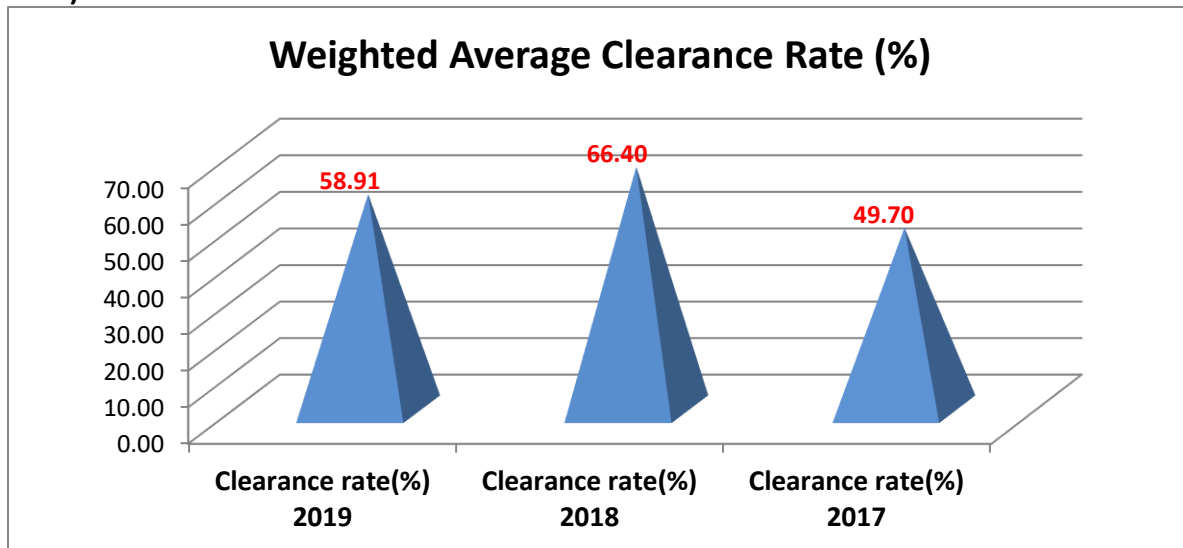


Chart 10.0: Weighted average clearance rates in the Divisions of the Supreme Court (2017-2019)



The above chart provides a summary of the trends in case progression for the Divisions of/operating within the Supreme Court over the past three years, including the Revenue Court and the High Court Division of the Gun Court. It is shown that the overall case clearance rate has seen a general increase over the past two years moving from 49.70% in 2017 to 66.40%, an increase of 16.70 percentage points, before falling again in 2019 by 7.49 percentage points to end the year at 58.91%, still just over 9 percentage points higher than in 2017.

The data reveals that the Gun Court with an average of 104.42% over the three year period, peaking at 115.55% in 2018 and the Probate Division with an average of 94.88% over the same time series, peaking at 100.67% in 2018 were the most consistently high performing Divisions on this metric. On the other end of the spectrum, the High Court Civil Division (HCV) with a series average of 24.78% and the Commercial Division with 40.55% were least impressive. The Home Circuit Court and the Revenue Division had the biggest improvements over the series, leaping notably for each year over the three years and peaking in 2019.

Table 11.0: Hearing date certainty rate progression for the Divisions of the Supreme Court for 2017 - 2019

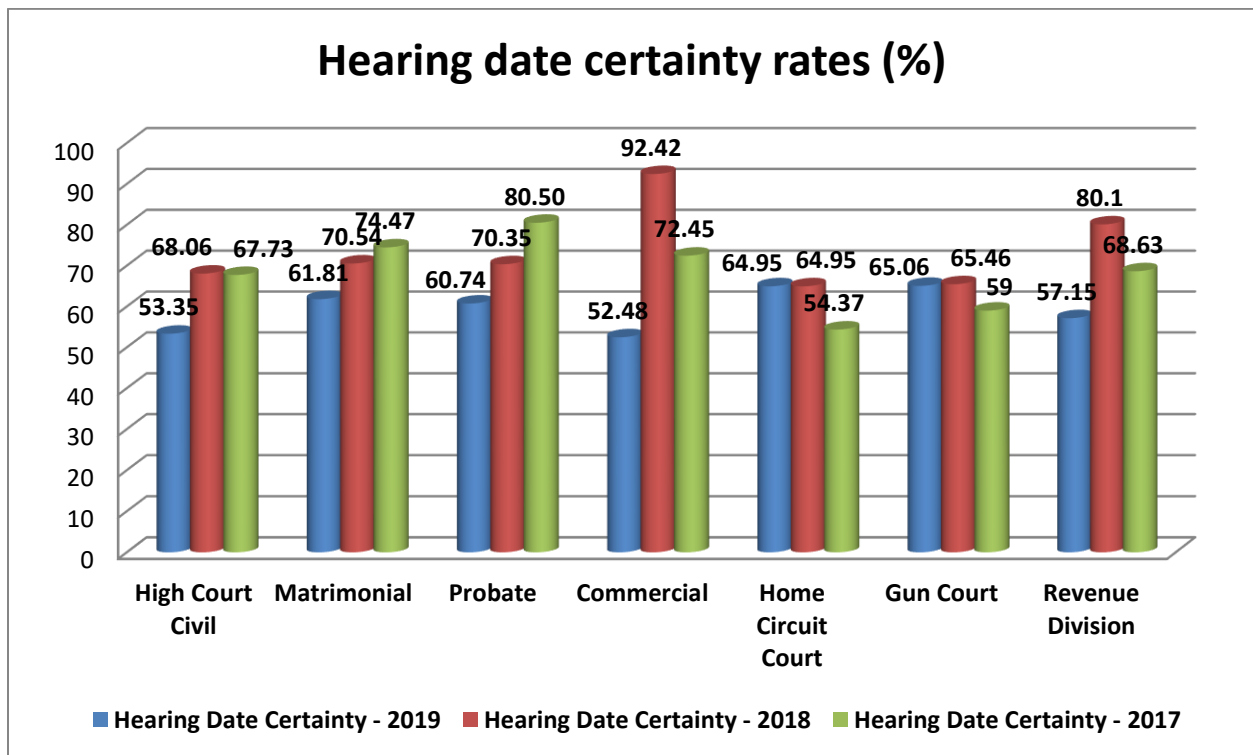
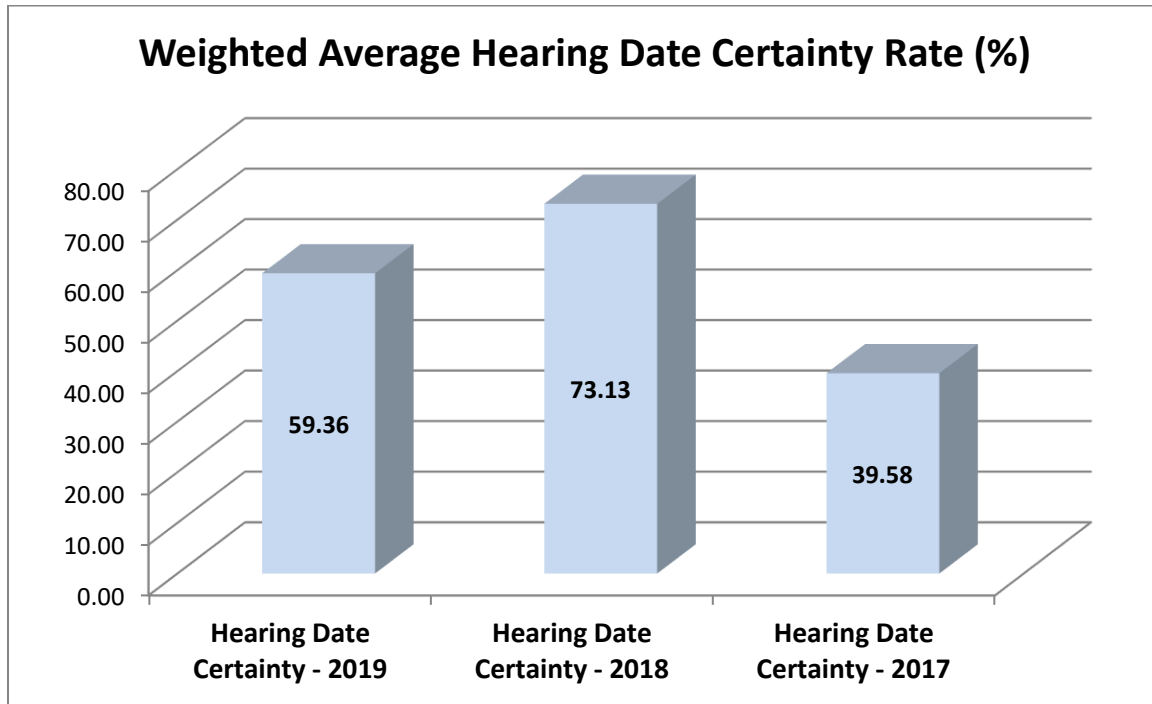
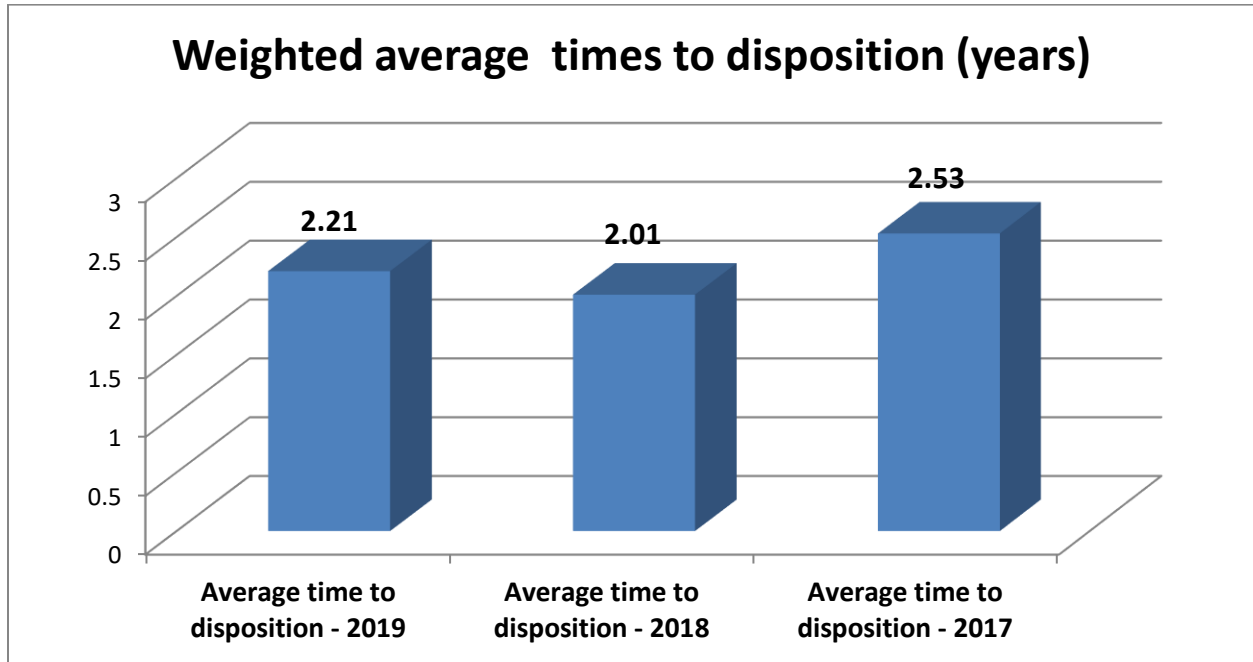


Chart 12.0: Weighted average hearing date certainty rates in the Divisions of the Supreme Court (2017-2019)



As observed with the overall case clearance rate for the Supreme Court, the overall hearing date certainty rate has seen a general increase when compared to 2017, although 2019 fell below the peak performance of 2018. In particular, in 2018, the hearing date certainty rate increased by 33.55 percentage points when compared to 2017. 2019 however saw a dip of 13.77 percentage points when compared to 2018 but was still 19.78 percentage points above 2017. Analysis of variance (ANOVA) carried out on the hearing date certainty rates of the various Divisions of the Supreme Court revealed a p-value of more than 5%, indicating that there was no statistically significant difference between the mean hearing date certainty rate across the Divisions. The Commercial Division recorded the highest single hearing date certainty rate of 92.42% over the series, a feat attained in 2018. This Division also had the highest overall average hearing date certainty rate in the time series with 72.45%, followed by the Probate Divisions with an average of 70.53%. The other Divisions all had hearing date certainty rates averaging in the range of 60% - 69% over the time series.

Chart 13.0: Weighted average time to disposition for the Supreme Court (2017 – 2020)



The above chart provides a summary of the weighted average times to disposition for all Divisions of the Supreme Court combined over the period 2017 -2019. It is shown that although there has been general improvement, the average time to disposition remains over 2 years. There was a reduction in the average time to disposition of roughly 6 months between 2017 and 2018 however there was a slight increase in 2019 over 2018. 2019 output is nonetheless better than that of 2017. There was a relatively wide variance in the times to disposition around the overall mean across the various Divisions of the Supreme Court. The High Court Civil Division with an average time to disposition of over three years is the Division where cases in the Supreme Court take the longest to be disposed. The Home Circuit Court, the Gun Court and the Matrimonial Divisions are next with averages of just over 2 years while the Probate and Commercial Divisions rank best on this measure with averages of 1.50 years and 1.64 years respectively.

The Parish Courts

This subsection presents a set of charts highlighting the progression of the case clearance, case disposal and trial date certainty rates for criminal matters in the parish courts over the past three years.

Chart 14.0: Comparison of disposal rates for criminal matters in the parish courts over the period 2017 – 2019

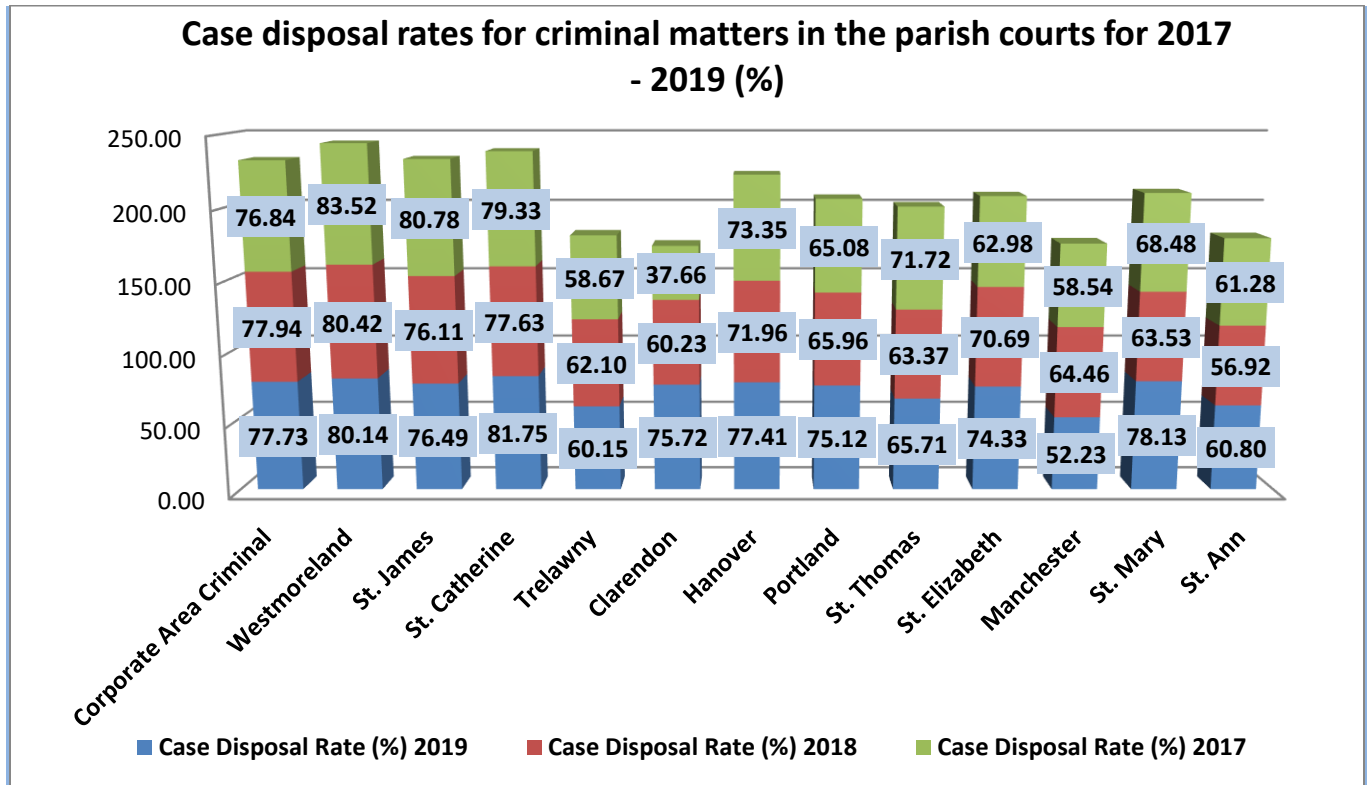
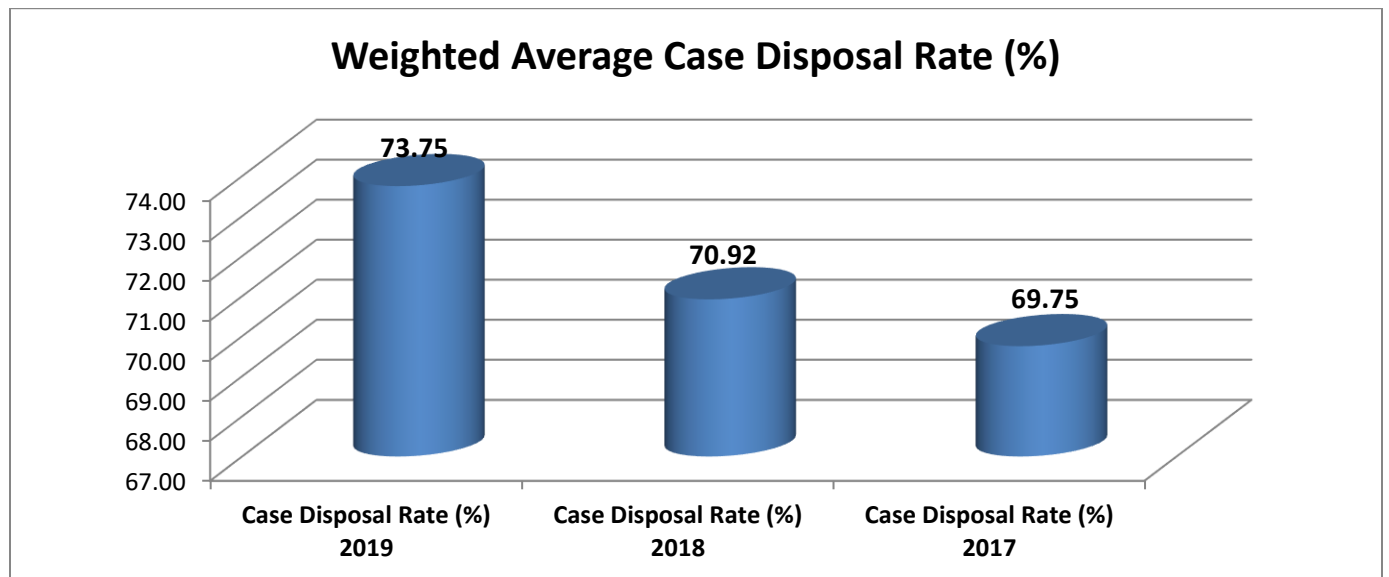


Chart 15.0: Overall Weighted Average Case Disposal Rates in the Parish Courts for 2017 -2019



The criminal division of the parish courts closed 2017 with an overall case disposal rate of 69.75% and recorded a 1.17 percentage point increase in 2018. In 2019 the case disposal rate increased 2.83 percentage points when compared to 2018. The parish courts of Westmoreland (average of 77.50%), St. Catherine (average of 77.79%) and St. James (average of 81.30%) are the most consistent performers on this metric over the time series and also recorded the highest average rates. Nearly all parish courts maintained a consistent trend over the series with minimal variances across the three years. The Clarendon parish Court was the biggest mover for each year over the series on this measure with a 22.57 percentage points increase in 2018 and a 38.06 percentage points increase in 2019.

Chart 16.0: Comparison of clearance rates for criminal matters in the parish courts over the period 2017 – 2019

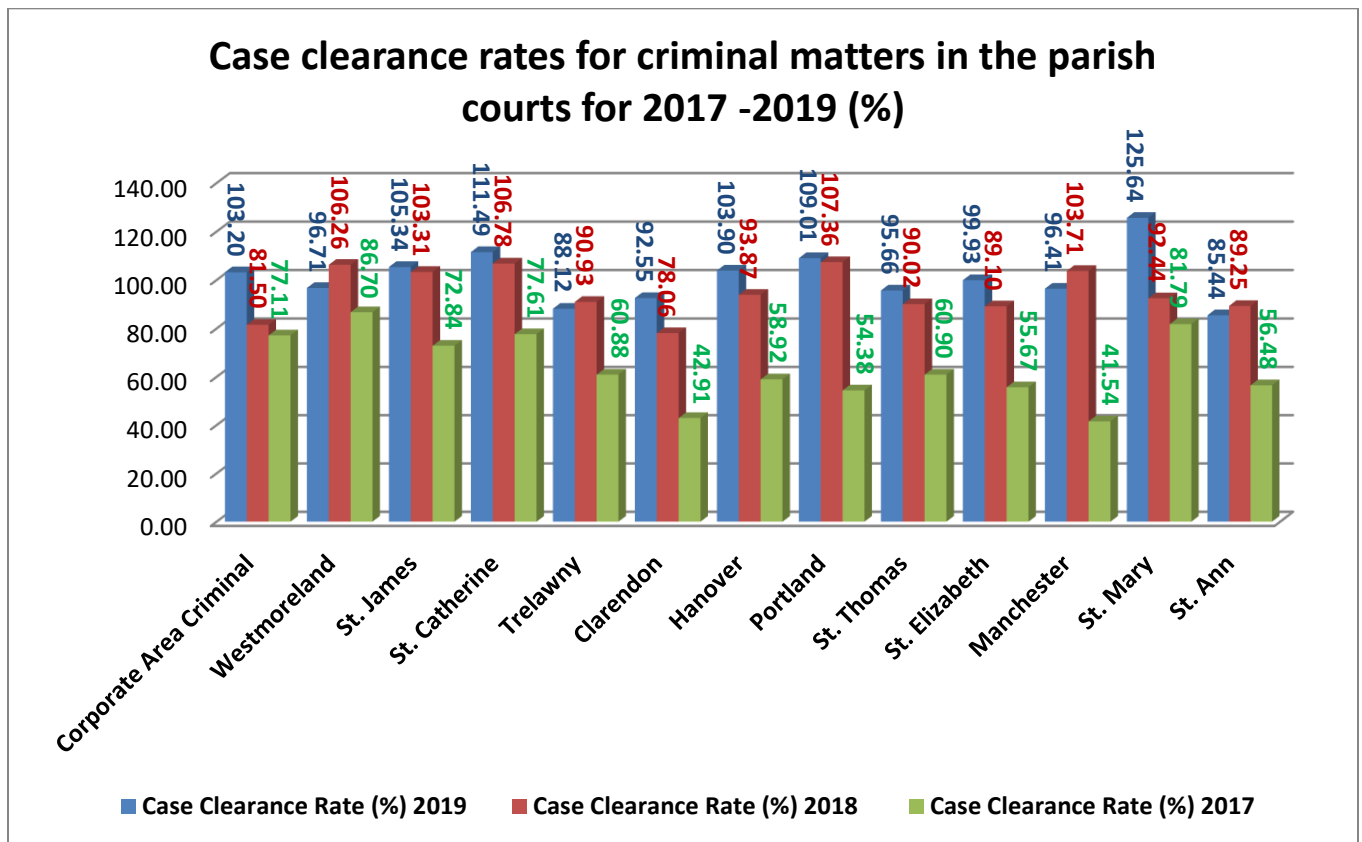
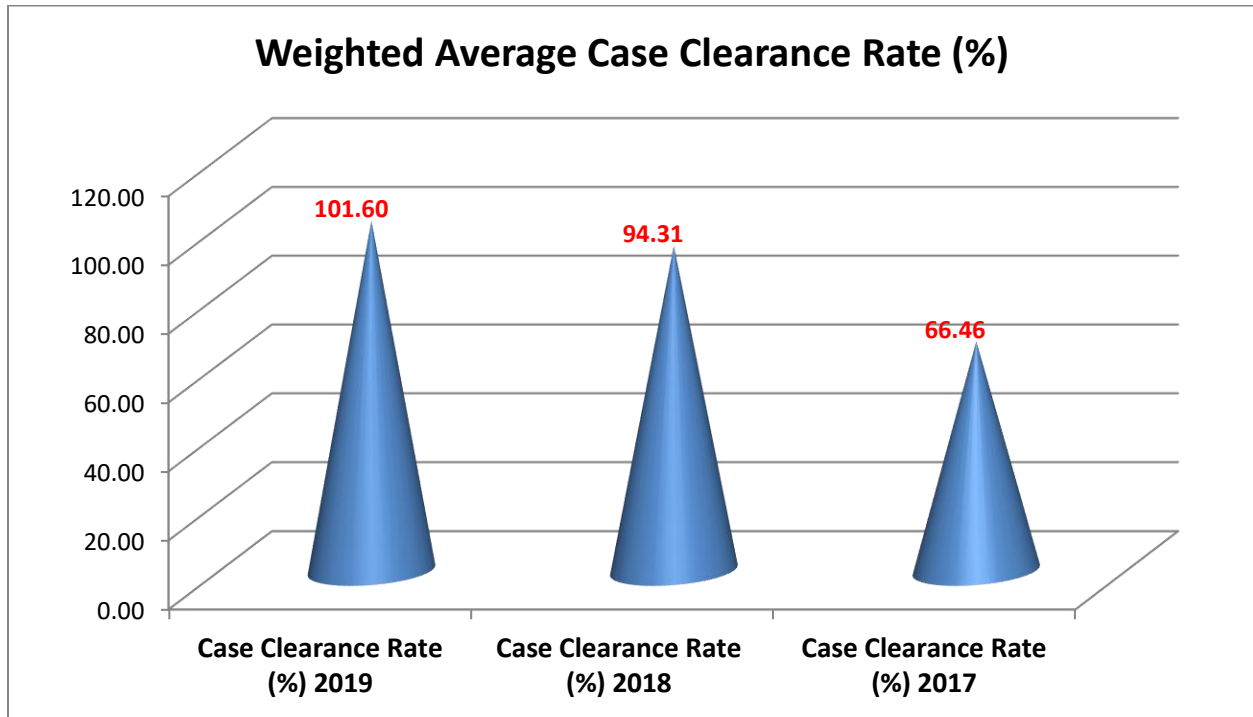


Chart 15.0: Overall Weighted Average Case Clearance Rates in the Parish Courts for 2017 - 2019



The clearance rate is one of the most important measures of court productivity. The above data conclusively reveals that between 2017 and 2019 there has been a significant transformation of the performance of the criminal divisions of the parish courts. The weighted average case clearance rate for the criminal divisions of the parish courts increased by 27.85 percentage points in 2018, moving from 66.46% to 94.31%, and in so doing satisfying the international standard for the first time on record. The parish courts broke into a new height in 2019, reaching a case clearance rate of 101.60%, an increase of 7.29 percentage points when compared to 2018 and 35.14 percentage points above the 66.46% recorded in 2017. Not surprisingly, the individual parish courts all experienced gross improvements over the three year period. The parish courts of St. Catherine, St. James, Westmoreland, the Corporate Area and St. Mary are among the most consistent courts over the time series on this measurement. The St. Mary Parish Court recorded the highest annual clearance rate of any court over the time series with 125.64% in 2019, the highest annual clearance rate on record for a criminal court in Jamaica. They were also among the most improved criminal courts across the parishes on this measure over the time series, along with Portland, Hanover, St. Elizabeth, Clarendon and Manchester Parish Courts.

Chart 16.0: Comparison of trial date certainty rates for criminal matters in the parish courts over the period 2017 – 2019

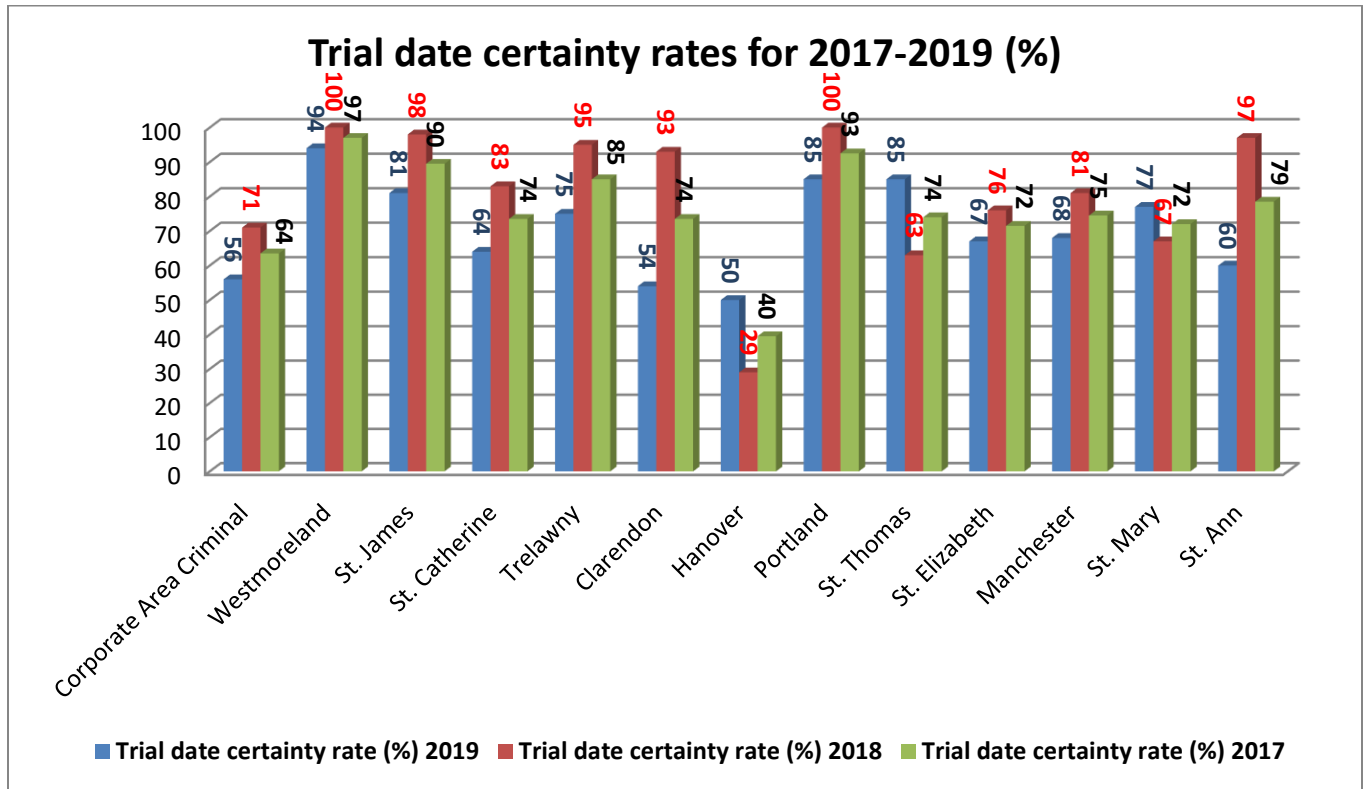
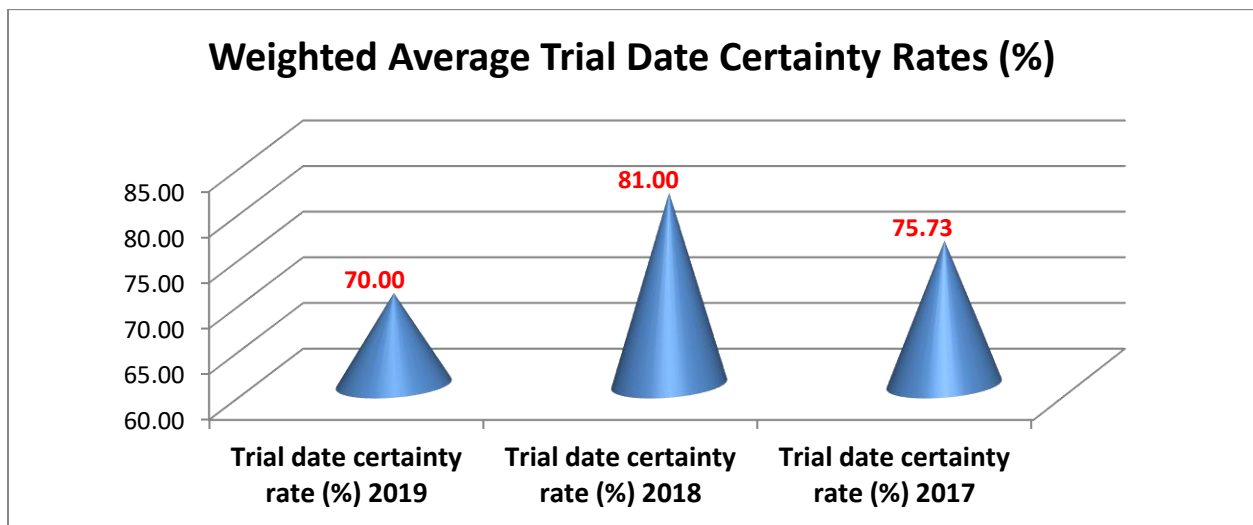


Chart 15.0: Overall Weighted Average Case Clearance Rates in the Parish Courts for 2017 - 2019



Most parish courts experienced some fluctuation in the trial date certainty rates over the 3 years time series. Overall, the weighted average rate leaped by 5.27 percentage points in 2018, ending that year with a rate of 81%. There was however a decline of 11 percentage points in 2019 which ended the year with 70%. The parish courts of Westmoreland and Portland were the only two courts to accomplish a trial date certainty rate of 100% in any year over the time series, a feat reached in 2018. These two courts along with the parish court of Trelawny were also among the most consistent courts on this metric over the time series.

Concluding Note

The criminal divisions of the parish courts are generally on course to substantially exceed the targeted case clearance rate at the of the 2019/20 fiscal year. Overall, they are however on course to fall short of the required trial date certainty rates. The Supreme Court as a whole is projected to fall short on these and other key metrics at the end of the fiscal year. There are nevertheless specific Divisions which will meet or exceed their targets. A similar report will be done at the end of the fiscal year and new projections and estimates generated based on the position at that time. The general trends for the past three years are however broadly encouraging and it is conceivable that targets set out by the Chief Justice in the Strategic Plan for the Judiciary are achievable.

The Statistics Unit

20/03/2020

Glossary of Technical 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. ¹

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.

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%.

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.

Variance: In the strictest sense, this is a measurement of how widely spread the scores in a data set are **around** the average value of that data set. The higher the variance, the higher the variation of the raw scores in the data set, from the average score. A low variance is an indication that the scores in a data set are clustered around the average. A simple variance however speaks to the difference between two or more observations in a time series, for example the difference between the projected and actual clearance rates for a particular court

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

Statistically significant: A variable or result is said to be statistically significant if there is sufficient evidence to firmly contradict past claims, trends or observations. Hypothesis tests of significance are usually done at the 5% level of significance.

