



COURT
ADMINISTRATION
DIVISION

THE COURT NEWSLETTER

\$20M TO IMPROVE ICT INFRASTRUCTURE IN THE COURTS

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(Left) Minister of Science, Energy and Technology, Hon. Daryl Vaz, Chief Executive Officer, Universal Service Fund, Mr. Daniel Dawes, Director, Court Administration, Mrs. Tricia Cameron-Anglin and Chief Justice, the Hon. Mr. Justice Bryan Sykes, OJ, CD, display a cheque for \$20 million donated to the Court Administration Division for upgrading the court's ICT systems on June 3, 2021.

The Universal Service Fund (USF) on Thursday, June 3, 2021 handed over a cheque valued at J\$20 million to the Court Administration Division (CAD) for the procurement of equipment to improve the Information and Communication Technology (ICT) infrastructure of the courts.

The cheque was handed over at a contract signing ceremony held at Supreme Court in Kingston. Director of Court Administration at CAD Mrs. Tricia Cameron-Anglin and Chief Executive Officer at USF Mr. Daniel Dawes signed the contract on behalf of both entities.

In thanking the USF for its donation, Mrs. Cameron-Anglin said "the donation will provide much-needed ICT equipment to boost the technological capacity of the courts to respond to the needs of the digital era. The courts have been conducting hearings remotely and we hope to

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NEW FEATURE

CAREERS IN OUR COURTS

See pages 12-13 for details



Director, Court Administration, Mrs. Tricia Cameron-Anglin and Chief Executive Officer, Universal Service Fund, Mr. Daniel Dawes exchanging copies of the contract as they sign the Terms of Agreement. Under the contract, a portion of the funds will be disbursed in July and the remainder is expected to be disbursed by October 2021.

“We recognised that in the 21st century and going forward technology is at the heart of everything we do. So it is appropriate technology combined with the staff, with training and getting the right persons that will take us to where we need to go,” Chief Justice Sykes added.

Chief Justice Sykes has revealed that the Judiciary is in dialogue with a team from the International Criminal Court as the Judiciary seeks to tap into their expertise in the area of remote hearings.

“The team at the International Criminal Court has ten years of experience dealing with remote hearings with a lot of the issues that we will encounter. So there is hardly any point in reinventing the wheel. Let us speak with those who have experience and learn from them. We can adopt and adapt to our circumstances and budget,” Chief Justice Sykes said.

expand the use of this technology by installing the requisite equipment in more courtrooms.”

Meanwhile, Mr. Dawes said “the project forms part of the USF’s overall investment in the country’s ICT infrastructure, which will this year total approximately \$1.9 billion.”

A portion of the funds will be disbursed in July and the remainder is expected to be disbursed by October 2021.

Technology is the heart of everything

Meanwhile, Chief Justice the Honourable Mr. Justice Bryan Sykes, OJ, CD said the Judiciary’s partnership with the Ministry of Technology is important to achieving its vision of becoming “...*the best in the Caribbean in three years and among the best globally in six years.*”



Chief Justice, the Honourable Mr. Justice Bryan Sykes, OJ, CD commended the Ministry of Science, Energy and Technology and the Universal Service Fund for providing \$20 million to the Court Administration Division, for upgrading of the court’s information and communication technology (ICT) systems.



He said remote hearings will not only increase access to justice but will also save litigants money and time.

“Persons in the diaspora living in the United States, United Kingdom, Canada and other places; there was the necessity to travel to Jamaica to participate in court proceedings so that kind of expense is slowly coming to an end,” he explained.

Technology Minister

Meanwhile, Technology Minister the Honourable Daryl Vaz said the Jamaican court system has made considerable progress in capitalizing on the various technological resources to support the administration of justice.

“To date, more than 50 per cent of proceedings related to the

(From right) Chief Justice, the Hon. Mr. Justice Bryan Sykes, OJ, CD, Director, Court Administration at Court Administration Division, Mrs. Tricia Cameron-Anglin, Chief Executive Officer, Universal Service Fund, Mr. Daniel Dawes and Minister of Science, Energy and Technology, Hon. Daryl Vaz abandoned the customary handshake for an elbow bump to seal the deal due to the COVID-19 pandemic.

Supreme Court and Court of Appeal have been conducted via virtual means. This shows that the modernization of the justice system is hinged on robust technological infrastructure and strong broadband connectivity,” Mr. Vaz stated.

He added that ICT has the potential to revolutionise the justice system.

“The Inter-American Development Bank states that digital justice can build smarter justice systems through the incorporation of technology-based solutions such as: machine learning, case management systems, process automation, online conflict resolution, legal research, litigation, analysis, case prediction and data visualization among others,” Mr. Vaz said.

The Technology Minister further stated that the government has approved \$27 million to expand high-speed fibre connectivity outside the Kingston Metropolitan Transport Region (KMTR) to connect the remaining courts.

Mr. Vaz continued: “Those improvements are recognition that for too long our courts lag behind other government agencies in the use of certain technologies that require high bandwidth. It means that in short order the Justices will be able to have end-to-end secure communications among themselves.”

The USF is an agency of the Ministry of Science, Energy and Technology and provides ICT support to government ministries, departments and agencies.

COURT OF APPEAL TO BECOME REGION'S BEST



The latest statistics for the Court of Appeal has revealed that the Court is poised to be the best performing appellate court in the region. The disclosure was made by Chief Justice the Honourable Bryan Sykes, OJ, CD as he highlighted some of the improvements in the performance of the Court of Appeal.

At the end of 2020, the Court of Appeal cleared 81 appeals for every 100 appeals that came in the Court. This represents an 11 per cent increase when compared to 2019. The Court of Appeal is now disposing of 68% of cases within six months of the cases being heard.

Chief Justice Sykes said “The Court of Appeal is on course to becoming one of the most productive courts of appeal within the region and so it is expected that, certainly within the next 12 to 36 months, we will become the leading Court of Appeal within the region.”

The Court of Appeal consists of the President of the Court of Appeal and 12 judges of the Court of the Appeal. A person who is dissatisfied with a decision of one of the lower courts, except Petty Sessions, can appeal to this court. Petty Sessions appeals are heard by a judge in chambers.

He is expecting a continued upward trend in the performance of the Court of Appeal now that it has its full complement of 13 judges. “With 13 judges and 12 [judicial] clerks it is expected that the productivity of the court will increase and eventually the clearance rate, which is a key productivity matrix, will exceed 100 per cent.”

Chief Justice Sykes added: “The whole point of getting to a 100 or more is because that is how we will know when we are dealing with the backlog of appeals. Once you are less than a hundred, it means that you are carrying a backlog. If you are at 100, then it is one to one - if you have a backlog. When you get to over a 100 now, then you know that you are keeping up with cases coming and dealing with cases that are there before.”

Chief Justice Sykes was speaking at a Swearing-in Ceremony for six judges (Supreme Court and Court of Appeal) and two Masters-in-Chambers held at King's House in St. Andrew on April 7, 2021.



**Wear a
mask**



**Wash or
sanitize your
hands often**



**Stay 6 feet
from others**

CHIEF JUSTICE RESPONDS TO CONCERNS ABOUT OUTSTANDING TRANSCRIPTS AND JUDGES' NOTES



Chief Justice, the Honourable Mr. Justice Bryan Sykes, OJ, CD, said efforts are underway to complete outstanding transcripts and judges' notes from the Supreme Court and Parish Courts respectively.

In the Supreme Court, the transcript is the official record of a trial and is produced by a court reporter. In the parish courts, judges have a duty, once a litigant gives notice of appeal, to produce from their notes a document setting out what transpired during the trial and the basis on which they arrived at their decisions.

The absence of transcripts and judges' notes have resulted in some appeals being delayed.

Chief Justice, the Hon. Mr. Justice Bryan Sykes, addressing the audience at a Swearing-in Ceremony for six judges and two Masters-in-Chambers held at King's House in St. Andrew on April 7, 2021.

Chief Justice Sykes said the challenges in producing judges' notes at the Parish Courts are due to a staff shortage.

"There is a structural problem that is being addressed as the number of judges has increased without the necessary support to ensure that the judgments, or the decisions, or the notes of evidence are prepared in a timely manner so that is

being addressed.

Chief Justice Sykes said the Judiciary will be upskilling some staff at the Court Reporting Unit to increase efficiency in a bid to address issues affecting the production of transcripts for the Criminal Division of the Supreme Court.

Adjournments

Meanwhile, Chief Justice Sykes said the Supreme Court is not performing at the required standard and attributed this to an unacceptably high number of adjournments within that court.

"There is still embedded an adjournment culture among lawyers, litigants and, unfortunately, some of my judicial colleagues, and it is essential that we get out of that way of thinking," he said.

Chief Justice Sykes explained: "We still hear lawyers telling judges, 'It is only the first trial date', as if to say that, in and of itself, is a reason for an adjournment, even though the matter might have been in the court system for four years."

He pointed to former Chief Justice Lensley Wolfe who said that lawyers cannot grant themselves

CHIEF JUSTICE RESPONDS TO CONCERNS ABOUT OUTSTANDING TRANSCRIPTS AND JUDGES' NOTES

adjournments, only judges can.

“And so, when the cases are not taken at the point where they should be taken and you have more cases coming in, eventually what you are going to have is trial dates four, five years down the road, and this becomes important when we do comparisons with some of the better courts in the world,” Chief Justice Sykes added.

He said every effort should be made to hear matters as scheduled and adjournments must only be granted in really exceptional circumstances.

Justice Sykes was speaking at a Swearing-in Ceremony for six judges and two Masters-in-Chambers held at King's House in St. Andrew on April 7, 2021.

PHOTO HIGHLIGHTS - SWEARING-IN CEREMONY



His Excellency The Most Honourable Sir Patrick Allen, Governor General (centre), The Honourable Mr. Justice Bryan Sykes, Chief Justice (Governor General's left) and The Honourable Mr Justice Patrick Brooks, President of the Court of Appeal (Governor General's immediate right) pose alongside the newly appointed Judicial Officers for the Easter Term from the Court of Appeal and Supreme Court at a Swearing-in Ceremony held at King's House in St. Andrew on April 7, 2021.

PHOTO HIGHLIGHTS - SWEARING-IN CEREMONY



The Honourable Mrs Justice Marcia Dunbar Green signs her Instrument of Appointment after being sworn in at King's House on April 7, 2021. Looking on is Governor General, His Excellency The Most Honourable Sir Patrick Allen, ON, GCMG, CD, KSt.J.



The Honourable Mr Justice Evan Brown takes his Judicial Oath at the Swearing-In Ceremony held at King's House. Looking on is Governor General, His Excellency The Most Honourable Sir Patrick Allen, ON, GCMG, CD, KSt.J.



The Honourable Mrs Justice Cresencia Brown Beckford receives her Instrument of Appointment from His Excellency The Most Honourable Sir Patrick Allen on April 7, 2021 after being sworn in.



The Honourable Mrs Justice Ann-Marie Lawrence-Grainger takes the Oath of Allegiance at the Swearing-in Ceremony held at King's House on April 7, 2021 while His Excellency The Most Honourable Sir Patrick Allen observes.

PHOTO HIGHLIGHTS - SWEARING-IN CEREMONY



Governor General, His Excellency The Most Honourable Sir Patrick Allen presents The Honourable Mrs Justice Sandria Wong-Small with her Instruments of Appointment following the Swearing-in Ceremony at King's House on April 7, 2021.



The Honourable Mrs Justice Tania Mott Tulloch-Reid receives her Instrument of Appointment from His Excellency The Most Honourable Sir Patrick Allen on April 7, 2021 at King's House.



Master-in-Chambers Miss Carla Thomas takes the Oath of Allegiance while His Excellency The Most Honourable Sir Patrick Allen looks on at the Swearing-in Ceremony held at King's House on April 7, 2021.



Master-in-Chambers Miss Heather Carnegie signs the Instrument of Appointment after being sworn in at King's House on April 7, 2021.

JUDICIARY STRENGTHENING ACCOUNTABILITY THROUGH LEADERSHIP



THE JUDICIARY OF JAMAICA

Vision STATEMENT
 "To be the best in the Caribbean in three years and one of the best globally in six years."

Mission STATEMENT
 "To provide sound, timely judgments and efficient court services"

CORE Values
 Fairness, Accountability, Independence, Integrity, Impartiality, Respect, Commitment, Courtesy, Accessibility, Responsiveness & Empathy

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Chief Justice the Honourable Mr. Justice Bryan Sykes, OJ,CD said the Judiciary is building the capacity of its management and leadership team as it seeks to foster a culture of accountability within the court system.

Speaking at the start of the virtual Jamaican Judiciary 2021 Leadership and Development Programme on April 29, Chief Justice Sykes said members of the Judiciary are accountable to taxpayers who pay their salaries and provide the courts with the necessary resources to execute their mandate.

He said a fundamental part of judicial independence is judges taking responsibility for what happens inside the courts.

"The concept of judicial independence is not an end in itself but a means to an end. Judicial independence does not mean the absence of accountability as some I think may have interpreted it. What it really means as reduced to its irreducible core is that when you are in your judicial capacity, you are to make that decision free from fear from any source," Chief Justice said.

Chief Justice Sykes said in the past, judicial officers shied away from the management of the courts and believed that it was the responsibility of the Ministry of Justice through the Permanent Secretary.

"You find that effective judiciaries worldwide, the judges are active participants in the management and operations of the court. In Singapore, the courts have to develop a budget and a work plan. That is standard part of judicial activity there. It is not regarded as something novel," Chief Justice Sykes added.

He noted that the leadership and development training will help with succession planning and sustain the current gains of the Judiciary.

"In 10 to 15 years, some of you [Parish Court Judges] will

JUDICIARY STRENGTHENING ACCOUNTABILITY THROUGH LEADERSHIP (CONT'D)



File Photo:
Mr. Wayne Grant
Chief Internal Auditor at CAD

become judges of the Supreme Court or move on to the Court of Appeal, you will be used to the idea of planning and executing. These are skills that you are required to have, if the Judiciary is to fulfill its mandate, which is to deliver sound and timely judgments and efficient court services,” Chief Justice Sykes said.

The six-day training, supported by FranklinCovey Jamaica, was facilitated by the National Integrity Action (NIA) in collaboration with the Judicial Education Institute of Jamaica and Court Administration Division (CAD). The participants included: judges of the Parish Courts, Court Administrators and middle managers at the CAD.

Wealth of Knowledge

Chief Internal Auditor at the CAD Mr. Wayne Grant said he has gained a wealth of knowledge from the leadership and development programme, adding that this will help him to manage his team effectively.

“The Leadership Development Programme will better enable me to empower my team through the creation of a clear vision aligned to the organisation's strategic objectives and to implement initiatives to motivate my team to achieve their full potential,” Mr. Grant said.

Leadership Matters

Principal Director of National Integrity Action Professor Trevor Munroe said the Judiciary is a co-equal arm of government and is important to good governance in Jamaica. He emphasized that leadership plays a vital role in good governance.



Principal Director of National Integrity Action Professor Trevor Munroe delivering his speech at the start of the six-day training held on Zoom on April 29, 2021.

“In institutional development, I want you to remember two words - leadership matters. Changes in leadership either move us up or down. Hence, the importance of leadership training,” Professor Munroe said.

The leadership and development training is part of the Judiciary’s strategic plan aimed at building the capacity of its management and leadership team to foster a culture of accountability “to be the best in the Caribbean in three years and among the best globally in six years.”

PUBLIC EDUCATION IN A PANDEMIC



(From left): Senior Public Relations Officer at CAD Mr. Shannick Dawkins, Clerk of Court, Trelawny Family Court Mr. Ivan Godfrey, Court Administrator, Trelawny Family Court Ms. Silma Ellis and Acting Director of Client Services, Communications and Information Division at CAD Mrs. Kadiesh Fletcher seated at their booth on May 21, 2021 at the Trelawny Multi-Purpose Stadium.

The Court Administration Division (CAD) continues to drive public education despite the COVID-19 pandemic as the Communications team participated in two Community Markets and Business Fairs hosted by the Social Development Corporation (SDC).

Acting Director of Client Services, Communications and Information Division at CAD Mrs. Kadiesh Fletcher said the events provided the Judiciary with an opportunity to raise awareness about the services offered by the courts face-to-face with Jamaicans while observing the COVID-19 health and safety protocols.

“Over 500 brochures were distributed to persons across five parishes. Linkages were also made and from our participation in those events, the Communications Unit did an interview with a community-based radio station Fit 96.7FM in Trelawny, which further cemented with residents the information given on the days,”

Mrs. Fletcher said.

Mrs. Fletcher said persons from neighbouring parishes also participated in the events and the CAD was able to forge partnerships with other stakeholders as it seeks to build public trust and confidence in the Judiciary.

The participants said they found the information useful and timely.

The SDC’s Community Markets and Business Fairs were held in Trelawny at the Trelawny Multi-Purpose Stadium on May 21 and in St. Mary on the May 28 at the Boscobel playfield.

The events form part of the SDC’s initiatives to keep community businesses in operation during this period of economic downturn caused by the COVID-19.



(From left) Nadeisha Cato and Tanika McCormack-Grant from the St. Mary Parish Court engage a member of the public at the SDC’s Community Market and Business Fair held at the Boscobel playfield in St. Mary on May 28, 2021.

CAREERS IN OUR COURTS

This feature will focus on careers within the courts and will also examine how these careers are aligned with the Judiciary's strategic objectives as outlined in its Strategic Plan – "Benchmarking the Future: Courting Success." The strategic objectives for the courts are: significant reduction in backlogs; automation of court processes and reducing delays and multiple adjournments by 2023.

For this quarterly newsletter, we will be looking at the roles and responsibilities of a Clerk of the Court. Ivan Godfrey, who has been a Clerk of Court for nearly three years, is our guest in this edition of The Court's Newsletter. He is assigned to the Trelawny Family Court.



Ivan Godfrey
Clerk of Court, Trelawny Family Court

The Court's Newsletter: What are the job functions of a Clerk of Court?

Ivan Godfrey: That would be a lot to state but I will try to abridge it and hope I at least do some justice to the job description. A Clerk of Court is responsible with driving the majority of all legal processes, which occur in the Parish Court. This includes the conduct of all matters before the several jurisdictions of the Parish Court. The Clerk issues all summonses, warrants, precepts and writs of execution, and shall register all orders and judgments of the Court. In relation to civil proceedings, the Clerk causes a note of all complaints and summonses, and judgment summonses, and of all orders, and of all judgments and executions, and returns, and of all other proceedings of the Court to be entered in the Minute Books. We also rule on files submitted by the police and provide information and advice to the public.

The Court's Newsletter: What are the educational requirements for a Clerk of Court?

Ivan Godfrey: To become a Clerk of Court, a person must be an Attorney-at-Law.

The Court's Newsletter: What is the link between your job and the strategic priorities of the Judiciary as outlined in its Strategic Plan for 2019 -2023?

CAREERS IN OUR COURTS

Ivan Godfrey: It is most definitely aligned. If Jamaica is to be the best in the Caribbean in three (3) years and one of the best in the world in six (6) years, it will be in large part the duty of the Clerks of Court to be the drivers of the process by ensuring files are complete and are ready for trial and moving towards a speedy judicious disposition.

The Court's Newsletter: How did you discover that you have an interest in working with the court system?

Ivan Godfrey: If I remember correctly it was when I started my internship at the St. James Parish Court that I decided that I wanted to become a Clerk.

The Court's Newsletter: What was your first day on the job like?

Ivan Godfrey: It was very exciting! I had previously completed my internship at the St. James Parish Court but having to conduct the matters myself was surreal. My very first day I had a trial list but luckily for me, none commenced that day.

The Court's Newsletter: What do you like the most about your job?

Ivan Godfrey: I enjoy working with the children. I love children and I believe Children's Court affords me the awesome responsibility of steering the nation's children in the right direction.

The Court's Newsletter: What keeps you motivated on the job?

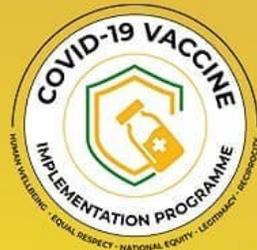
Ivan Godfrey: Well, specifically with my current assignment I am motivated by the fact that I am in a strategic position where I can attempt to cause an improvement in the lives of the children who are in Trelawny. Whether this be in children matters, if they are brought before that court or in family matters in conducting cases resulting in children being maintained or having access to both their parents.

The Court's Newsletter: How do you manage your day?

Ivan Godfrey: I wake up early head into work and prepare for court for the day. When I have completed court, I complete my more administrative duties and then I begin preparing for the next day of court. A Clerk's workload is very hectic and I am fortunate to have a less hectic workload than some Clerks.

The Court's Newsletter: Thank you very much for speaking with us!

VAX FACTS



Myths and Facts



MYTH

The COVID-19 vaccine is not safe because it was rapidly developed.

FACTS

- 1** The vaccine is proven safe and effective.
- 2** It has gone through the same rigorous processes as every other vaccine, meeting all safety standards.



MORE THAN 60% OF JUDGES VACCINATED



The Honourable Ms. Justice Carole Barnaby received her first shot of the COVID-19 vaccine at King’s House in St. Andrew on May 15, 2021.

Members of the Judiciary received COVID-19 vaccines as part of the Government of Jamaica’s plan to safeguard the governance structure of the country in the face of the pandemic.

Healthcare and other frontline workers were among the first group of persons to receive the vaccine as well as members of the security forces, members of the Executive, Legislature, Judiciary and elderly. The first dose of the AstraZeneca vaccine was administered to judges in March and then the second dose in May.

The Honourable Ms. Justice Carole Barnaby was among the Judges to be inoculated. Justice Barnaby indicated she decided to take the vaccine “to reduce the risk of becoming seriously ill or dying in the event she contracted the coronavirus and to play my small part in us getting back to ‘normal’.”

Vaccine apathy is seemingly high across Jamaica, but it seems most judges did not fall in this category as approximately 66% of judges were inoculated.

The Honourable Mrs. Justice Sandria Wong-Small was happy to have had the opportunity to take the vaccine.

“I believe it was necessary to take the vaccine to protect my health and that of my family. As the courts are part of the essential services and judges and staff must take whatever measures are available to protect themselves,” Justice Wong-Small said.

There have been cases of COVID-19 across the courts resulting in the closure of some courts and some courts operating with skeletal staff.

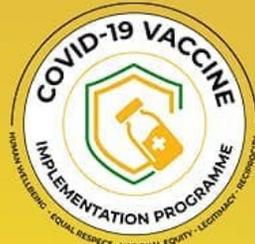


The Honourable Mrs. Justice Sandria Wong-Small receiving her first dose of the COVID-19 vaccine from a nurse at King’s House in St. Andrew on May 15, 2021.

What to expect when getting a vaccine



VAX FACTS



Myths and Facts



MYTH

Once I receive the COVID-19 vaccine, I no longer need to wear a mask.

FACT

Mask wearing, handwashing and physical distancing remain necessary until a sufficient number of persons are vaccinated.



MINISTRY OF
**HEALTH &
WELLNESS**

 **#VaccinateJa**

**GET
VACCINATED
GET BACK TO
LIFE**

EDITORIAL: JUDICIARY WEIGHS IN ON ONGOING DEBATE ABOUT JURY TRIALS VERSUS BENCH TRIALS



This editorial was written by Acting Director, Client Services, Communications and Information at CAD Mrs. Kadiesh Fletcher. It was also published in the Jamaica Observer on June 17, 2021 and the Western Mirror on June 18, 2021.

The public discourse on the utility of bench trials against jury trials has arisen again in the public domain. The Court Administration Division would like to add its voice, and hopefully clarity, on some of the issues being raised.

Currently, the Gun Court Act, the Law Reform (Fraudulent Transactions) (Special Provisions) Act 2013 and the Criminal Justice (Suppression of Criminal Organization) (Amendment) Act 2014 prescribe that offences thereunder are heard in court by a judge alone. The Criminal Justice (Administration) Act, as amended by the Jury (Amendment) Act 2015, section 11A (1) prescribes, in cases that can be tried by a jury, that the prosecution and defence must agree in writing for the offence to be tried by a judge alone.

The push for greater use of bench trials was first made in the face of the pandemic and the inability of the courtrooms across the island to adequately accommodate same, having taken into account physical distancing and the health of court users. The argument is again being proffered because, in some jurisdictions, there is a direct correlation between an efficient court and greater use of bench trials.

Singapore, one of the most well-respected jurisdictions in the world, having almost the same number of matters as Jamaica, abolished jury trials in 1969. In Trinidad and Tobago bench trials were introduced in 2019 and have been hailed for accelerating the pace at which trials move through the High Courts.

In the High Court Division of the Gun Court, based at the Home Circuit Court, for example, matters are disposed of at a faster rate than in other courts in which jurors are utilised. The Gun Court is almost backlog-free as it is currently hearing matters from 2020 and 2021. The data from the Courts Statistics Unit show that in 2017 there was a conviction rate of 39 per cent for bench trials in the Rural Circuit Courts and Gun Court; 38 per cent in 2018; and 37 per cent in 2019. While for jury trials the data show a conviction rate of 48 per cent in 2017; 45 per cent in 2018; and 47 per cent in 2019. (The data sets controls for case type and, therefore, to some degree case complexity, and is normalised over the time series.) This question arising as to whether the often-heard suggestion that judges are biased in favour of the prosecution is not borne out by the evidence. There is no evidence that there has been a sharp or inexplicable rise in the rate of convictions in bench trials.

EDITORIAL: JUDICIARY WEIGHS IN ON ONGOING DEBATE ABOUT JURY TRIALS VERSUS BENCH TRIALS

It is important to note that all criminal trials in the parish courts are bench trials, and it is in these courts that the greatest stride towards backlog reduction have been made.

It must also be noted that the defence retains the right to an appeal to challenge the decision of the lower court in the event the defendant believes that the trial judge erred on points of law or fact or both.

Members of the Bar have long decried that trial dates are being set too far into the future and that the pace of justice in Jamaica is slow. The judiciary maintains that the use of bench trials can play a significant role in having more efficient courts and reducing wait times.

At present, the Circuit Courts are underutilised because many defendants have opted for jury trials; thereby contributing to the backlog and further delay. The defendants and witnesses will have to wait for justice. Trial dates have been and are available in the event individuals choose to have bench trials. However, if a jury trial is preferred, dates for those matters are in 2024 or beyond, because of the inventory of those matters before the courts.

COVID-19 VACCINE IMPLEMENTATION PROGRAMME
 EQUAL RESPECT - NATIONAL EQUITY - LEGISLATIVE EFFICIENCY

Have you taken your first dose of the COVID-19 Vaccine AstraZeneca?

REMINDERS:

You are not fully protected with just one dose. Your vaccination process is complete after you have received two doses of the AstraZeneca vaccine.

Even after taking the vaccine, YOU MUST continue to:

- Wear your mask
- Maintain physical distance
- Wash hands with soap and water

MINISTRY OF HEALTH & WELLNESS

#VaccinateJA | @themohgovjm

For more information about the COVID-19 Vaccine visit: www.moh.gov.jm or contact 888-ONE-LOVE (663-5683)

GET VACCINATED GET BACK TO LIFE

TRAILBLAZER JUSTICE PHILLIPS RETIRES



File Photo: The Honourable Miss Justice Hilary Phillips, CD, Judge of Appeal, retired on May 28, 2021 after nearly 12 years on the bench and almost 50 years of service to the legal profession.



President of the Court of Appeal the Honourable Mr. Justice Patrick Brooks, OJ, CD presiding over the Special Sitting of the Profession to mark the Retirement of the Honourable Miss Justice Hilary Phillips, CD on May 28, 2021.

Members of the legal community both locally and regionally gathered at A Special Sitting of the Profession to mark the Retirement of the Honourable Miss Justice Hilary Phillips, CD. The sitting at the Court of Appeal on May 28, 2021 marked the end of her illustrious judicial career as she hangs up her robe after serving as Judge of Appeal for nearly 12 years and as a member of the legal fraternity for almost 50 years.

Smiles and laughter filled the courtrooms as heartfelt tributes were delivered from those attending in person as well as virtually.

In leading the tributes, President of the Court of Appeal the Honourable Mr. Justice Patrick Brooks, OJ, CD hailed Justice Phillips as an exemplary lawyer, jurist, woman and human being.

“As an advocate, there are three words that may be used to describe Hilary - tenacious, thorough and fair. Her various endeavours have graced almost every aspect of the profession from advocate to tutor in the law. She was in every sense a leader at the bar. Justice Phillips brought these qualities to her service to the Judiciary of this country. This court and the Jamaican jurisprudence are all the better for it,” he said.

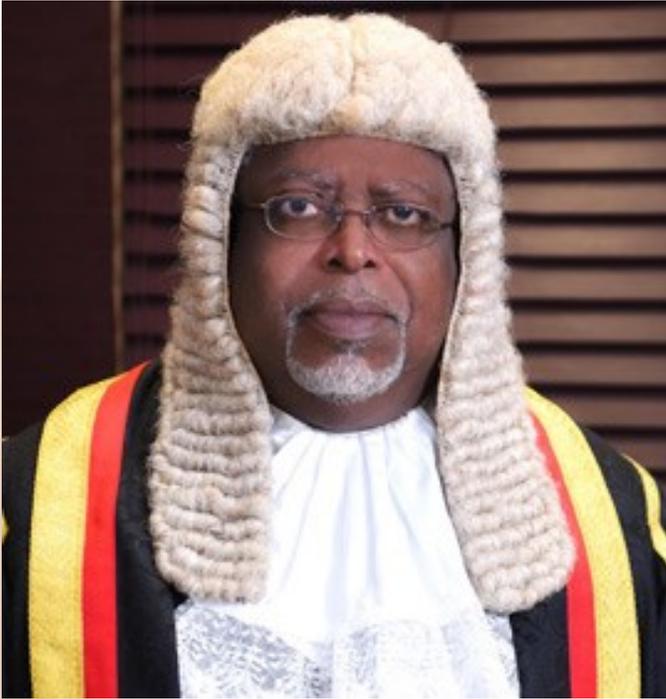
President Brooks continued: “Justice Phillips’ tenacity is packaged with a unique brand of charm, concern for everyone around her and an empathy that allowed everyone around her to feel comfortable confiding in her. She is truly a remarkable human being.”

For his part, Chief Justice the Honourable Mr. Justice Bryan Sykes, OJ, CD praised Justice Phillips for her well-reasoned and well-written judgments, adding that they will continue to be very influential in the legal community.

One of the notable cases in which she presided was Maurice Tomlinson versus Television Jamaica Limited, in which Justice Phillips “declared that the right to freedom of expression and the new Charter of Fundamental Rights and Freedom does not mean that the person who wishes to exercise the right to speak can commandeer the property of another to enable him to say whatever he or she wishes to say,” Chief Justice Sykes said.

In delivering his tribute via Zoom, President of the Court of Appeal for the Commonwealth of The Bahamas Sir Michael Barnett said

TRAILBLAZER JUSTICE PHILLIPS RETIRES (CONT'D)



File Photo:

Sir Michael Barnett
President of the Court of Appeal for the
Commonwealth of The Bahamas

the British Commonwealth jurisprudence is etched in the annals of history.

“We at the Attorney General’s Chambers are of the concurring views that her judgments have helped to develop our jurisprudence on myriad legal issues. They are all masterfully written, reflecting thorough research of the law, sound analysis and reasoning, which are the hallmark of legal scholarship and so you will be missed,” Mrs. Malahoo-Forte said.

Meanwhile, Director of Public Prosecution Paula Llewellyn, CD, QC said “[Justice Phillips] will always be an exemplar of the finest professional as a jurist.”

his country has benefitted from the “clarity of thoughts and exposition of legal principles” that characterized Justice Phillips’ judgments.

Sir Michael said he got a first-hand experience of Justice Phillips’ legal acuity when they both served the Judicial Service Commission of the Turks and Caicos Islands.

“There I could see her incisive mind. She was willing to ask the tough questions and it speaks truth to power. She spoke directly and frankly whether it was with the Governor, the Chief Justice, a judge, a magistrate or a senior member of the bar. She was forthright and candid in her views and giving her advice,” Sir Michael said.

In the meantime, Attorney General Mrs. Marlene Malahoo Forte, Q.C. said that Justice Phillips’ contribution to the development of the local and wider Caribbean as well as



The Honourable Marlene Malahoo-Forte QC, Attorney General, delivering a tribute to the Honourable Miss Justice Hilary Phillips, CD who retired on May 28, 2021 at a special sitting of the Court of Appeal.

TRAILBLAZER JUSTICE PHILLIPS RETIRES (CONT'D)



Miss Llewellyn noted that Justice Phillips was a “master batsman,” a reference to the game of cricket, which they both love.

“You have the wonderful gift of discernment; you know which shot to play, irrespective of the restitutes of life you are facing...You are the consummate team player,” Llewellyn said.

In her response, Justice Phillips thanked all the speakers for their glowing tributes and promises to give back in her retirement.

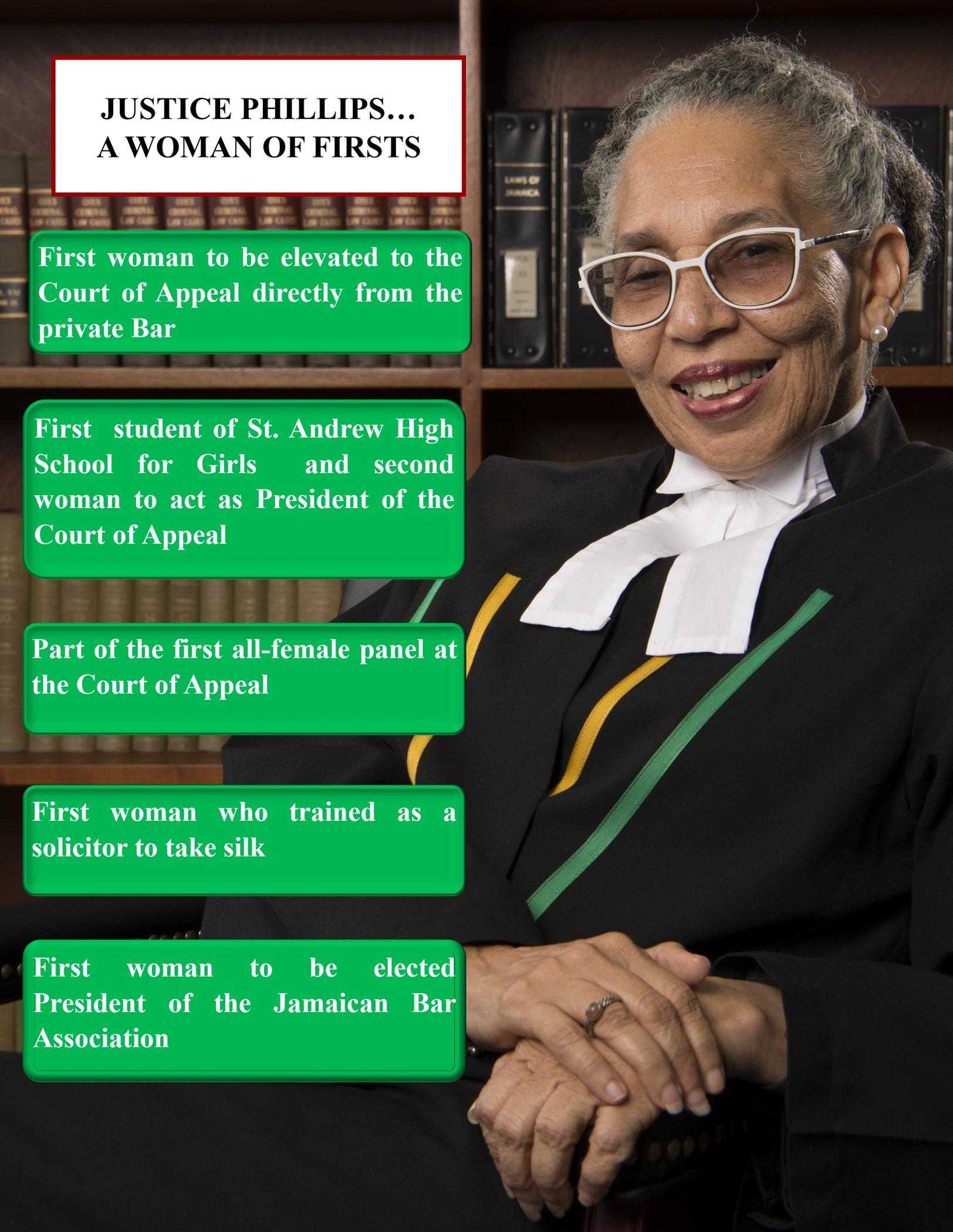
Director of Public Prosecutions Paula Llewellyn enthusiastically delivers a tribute to the Honourable Miss Justice Hilary Phillips, CD at special sitting of the Court of Appeal held on May 28, 2021 where she hailed her as an exemplar of the finest professional as a jurist.



The Honourable Ms. Justice Hilary Phillips, CD thanked those who paid her tribute and those who were instrumental to the development of her career in the legal profession.



Other judges and staff at the Court of Appeal gathered in Divisions two and three as they bid farewell to Justice Phillips.

A portrait of Justice Phillips, an elderly woman with short grey hair, wearing white-rimmed glasses and a black judicial robe with a white collar and green and yellow sashes. She is smiling and has her hands clasped in front of her. The background is a bookshelf filled with law books.

JUSTICE PHILLIPS... A WOMAN OF FIRSTS

First woman to be elevated to the Court of Appeal directly from the private Bar

First student of St. Andrew High School for Girls and second woman to act as President of the Court of Appeal

Part of the first all-female panel at the Court of Appeal

First woman who trained as a solicitor to take silk

First woman to be elected President of the Jamaican Bar Association



1. What is the Sexual Harassment Policy for the Judiciary (SHPJ)?

Ans: The SHPJ was circulated to Judges and Court Staff with the aim of protecting persons against sexual harassment. The policy can be accessed on the Court's Intranet.

2. Who does it apply to?

Ans: The SHPJ applies to all employees of the Judiciary of Jamaica including Judges.

3. Why do we need a policy?

Ans: The SHPJ is needed because there is a mindfulness that sexual harassment can be a manifestation of power relationships for which anyone can be a victim. It also underlines the Judiciary's position of being committed to protecting the rights of all employees.

4. How do I file a report?

Ans: As outlined in Section 2 of the SHPJ, a report can be filed against a member of Judiciary in the following ways:

⇒ **Chief Justice or President of the Court of Appeal**

- The report should be made in writing to the Prime Minister who under the Constitution will make representations to the Governor-General for the alleged misbehaviour or misconduct to be investigated.

⇒ **Judges and Judicial Officers of the Court of Appeal**

- The report must be submitted in writing to the President of the Court of Appeal for investigations to be conducted and for disciplinary proceedings to ensue.

⇒ **Judges and Judicial Officers of the Supreme Court**

- The report must be submitted in writing to the Chief Justice for investigations to be conducted and for disciplinary proceedings to ensue.

⇒ **Chief Judge and Judges of the Parish Courts**

- The report must be submitted in writing to the Chief Justice for investigations to be conducted and for disciplinary proceedings to ensue.



⇒ **A report can be filed against a Non-Judicial Officers in the following way:**

- The report should be submitted in writing to the Registrar of the Court of Appeal, the Registrar of the Supreme Court and the Senior Judge of the Parish Court as applicable.

⇒ **A report can be filed against Officers at the CAD in the following way:**

- Where the complaint involves the Director, Court Administration, the report must be submitted in writing to the Chief Justice for investigations to be conducted and for disciplinary proceedings to ensue.
- Where the complaint involves an employee of the Court Administration Division, the report must be submitted in writing to the Director, Court Administration for investigations to be conducted and for disciplinary proceedings to ensue.

5. Is there any protection for staff against victimization?

Ans: Yes, there is protection against retaliation. Disciplinary action will be taken against any person who seeks to victimize the accuser or the affected person in any way.

6. What happens if someone files a false report against me?

Ans: Any person who makes a false claim or allegation of sexual harassment against another person shall be the subject of disciplinary proceedings.

7. What sanctions may be imposed following disciplinary proceedings?

Ans: The following are sanctions that may be imposed following disciplinary proceedings:

- ⇒ Verbal warning
- ⇒ Written reprimand
- ⇒ A fine
- ⇒ Deferment or withholding of increment
- ⇒ Suspension without pay for a period not exceeding three (3) months
- ⇒ Reduction in rank
- ⇒ Dismissal/Removal from office





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ACCOUNTING PROCESSES AT COURTS BEING AUTOMATED



Principal Finance Officer Mrs. Ann-Marie Cummings explains the rationale for the electronically produced receipt to a customer at the St. Thomas Parish Court on February 15, 2021.

“Currently, cashiers have to document these transactions manually and also produce receipts manually to customers. The GFMS will therefore digitize these accounting processes and will save employees’ time,” Mrs. Cummings explained.

The GFMS was implemented at the St. Thomas Parish Court and Portland Parish Court during the last quarter of the 2020/21 financial year. Mrs. Cummings said the Finance and Accounts Division hopes to implement the GFMS in at least four more courts by March 2022.

“For the second quarter in the 2021/22 financial year, we are looking to implement the system at Kingston and St. Andrew Traffic Court and the Supreme Court. Additionally, we are looking to rollout the GFMS in St. Ann Parish Court and the Brown’s Town Outstation in the latter part of this year,” Mrs. Cummings said.

The Finance and Accounts Division of the Court Administration Division (CAD) is automating the accounting functions of the courts across the island through the implementation of the Government Financial Management System (GFMS). The GFMS is used across the Government of Jamaica to ensure uniformity in the accounting functions across the service.

Chief Finance Officer at CAD Mrs. Ann-Marie Cummings said the GMFS will produce receipts and lodgment slips electronically, adding that the system also has the capability to prepare financial statements for the courts.

As a result, Mrs. Cummings said the system will increase operational efficiencies with the courts, which is aligned with the Judiciary’s strategic objective to incorporate the use of technology to improve work processes.



A customer at the St. Thomas Parish Court proudly displays his electronically produced receipt, adding that it is more efficient.

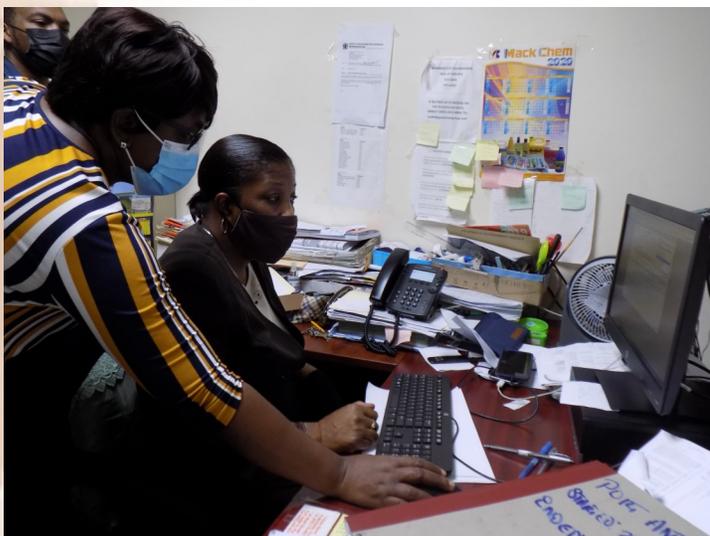
GFMS IMPLEMENTED AT ST. THOMAS & PORTLAND PARISH COURTS



Financial System Manager at CAD Viveen Hunter teaching Accounting Technician at the St. Thomas Parish Court Beverly Campbell-Jackson how to use the newly installed Government Financial Management System (GFMS) on February 15, 2021.



Final Accountant at CAD Fabian Brown shows Accounting Clerk at St. Thomas Parish Court Dominique Patterson how to enter data into the GFMS on February 15, 2021, which is aimed at automating accounting processes.



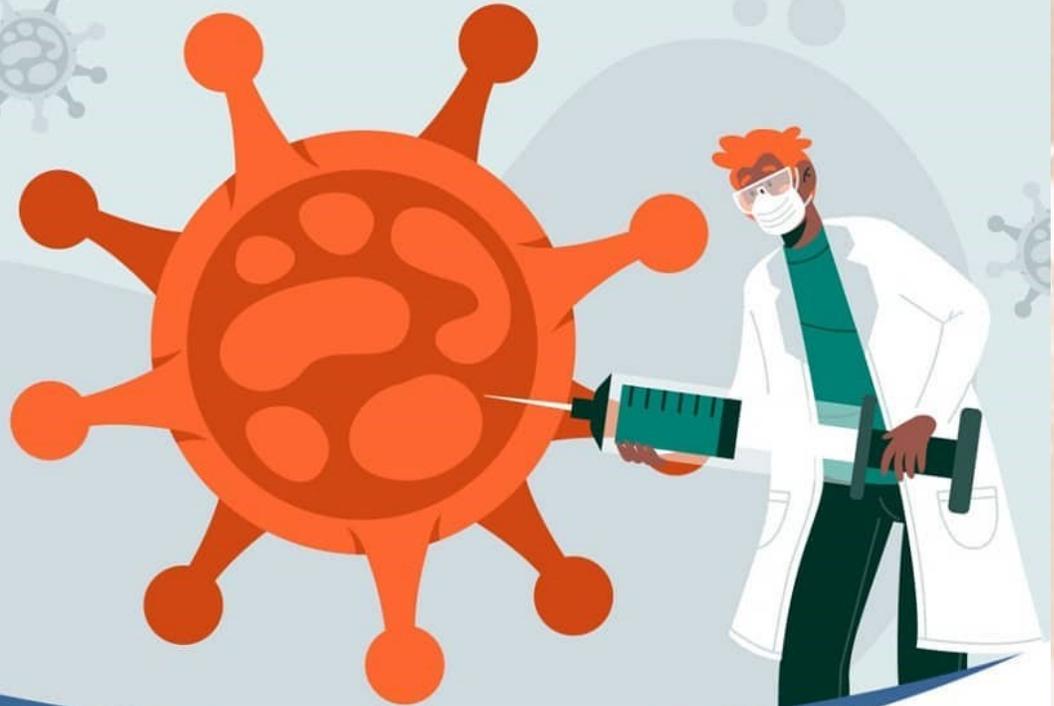
Financial System Manager at CAD Viveen Hunter guides a staff member at the Portland Parish Court through the newly installed GFMS on March 12, 2021.



Members of the Finance and Accounts Division at CAD with their colleagues at the Portland Parish Court during the implementation of GFMS at the court on March 12, 2021.

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DIVISION

8th Floor, 25 Dominica Drive

Kingston 5

Jamaica W.I.

Tel: 876-754-8337

www.cad.gov.jm

Email: customerservice@cad.gov.jm