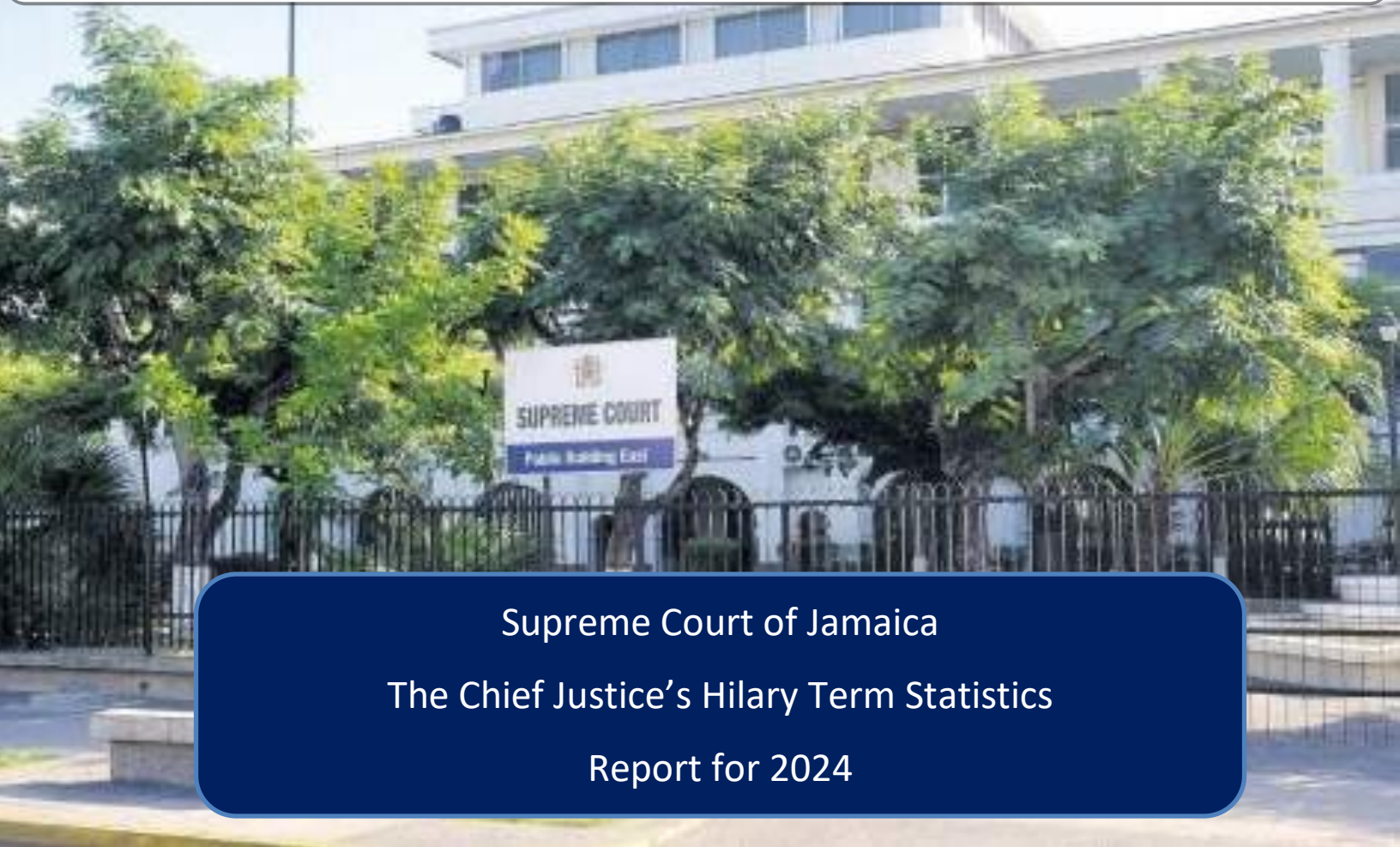


THE CHIEF JUSTICE’S STATISTICS REPORT ON THE SUPREME COURT FOR THE  
HILARY TERM OF 2024



Supreme Court of Jamaica  
The Chief Justice’s Hilary Term Statistics  
Report for 2024

OVERALL QUANTITATIVE HIGHLIGHTS (HILARY TERM)

	<u>2024</u>	<u>2023</u>	<u>2022</u>
Case clearance rate (%)	79.95	79.09	59.85
Hearing date certainty rate (%)	76.91	79.89	80.83
Case file integrity rate (%)	97.36	98.60	85.27
Average time to disposition of cases (years)	2.59	2.37	2.24
Clearance rate on outstanding Judgments (%)	72.22	146.88	135.53

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# THE CHIEF JUSTICE’S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT

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**2024**

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## **EXECUTIVE SUMMARY**

This 2024 Hilary Term Report on case activity in the Supreme Court represents the continuation of the application of the 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. The Supreme Court accounts for a sizeable share of the total civil and criminal caseload in Jamaica and its success is crucial to the attainment of the overall strategic targets established by the judiciary, all geared towards bolstering total productivity. 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.

This Hilary Term report contains a range of data and performance measurements on all Divisions of the Supreme Court, in addition to the High Court Division of the Gun Court and the Revenue Court which are both housed at the Supreme Court and utilizes its resources. The report is extensive, covering several major areas of case flow progression and therefore provides crucial insights, which can potentially inform the operational efficiency of the Supreme Court and the policy design of the relevant state actors. One of the most outstanding findings from the Hilary Term report of 2024 is that the overall case clearance rate was approximately 80%, one the highest in recorded history, a sign of firm strides towards the quantitative targets set out by the judiciary for the Supreme Court. This was heavily influenced by the record case clearance rate of 123.57% by the Family Division and the Gun Court which defied recent odds

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by continued its impressive output with a case clearance rate of 113.40% and the Estate Division which produced a typically stable case clearance rate of over 80%.

A total of 3302 new cases entered the Supreme Court across all Divisions/sections in the Hilary Term of 2024 while 2740 cases were disposed. The total number of new cases filed in Term fell by 3.98% when compared to the corresponding period of the previous year. The number of cases disposed in the Term however increased by 0.74% when compared to the similar period last year. The High Court Civil Division had the largest number of new cases filed in the period with 1264 or 38.28% of the total, followed by the Family Division with 1031 or 31.22 while the Family Division accounted for the highest share of cases disposed with 1274 or 46.50% of the total, followed by the Estate Division with 620 or 22.63%.

Among the major findings from this Hilary Term Statistics Report is that the weighted average case clearance rate across the four Divisions was roughly 79.95%, an improvement of 0.86 percentage points when compared to the corresponding period in 2023. The case clearance rate provides a measure of the number of cases disposed, for every new case entered/filed in a given period. The average of roughly 80% across the Divisions suggests that for every 100 new cases entered in the period, roughly 80 were also disposed (not necessarily from the new cases entered). The case clearance rates for the Hilary Term of 2023 range from a low of 41.93% in the High Court Civil Division to a high of 123.57% in the Family Division. The High Court Division of the Gun Court had the second highest case clearance rate in the period with a rate of 113.40%, followed by the Estate Division with a rate of 83%. The overall clearance rate of roughly 80% for the Hilary Term is one of the highest on record for the Supreme Court of

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Jamaica which is now exhibiting growth pattern similar to those shown by the parish courts six years ago. The parish courts are now undoubtedly among the best performing in the Caribbean and Latin American region.

The report also generated the estimated times to disposition for matters disposed in the respective Divisions of the Supreme Court in the Hilary Term of 2024. The estimated average times taken for cases to be disposed range from a low of approximately 13.55 months (just over a year) in the High Court Division of the Gun Court to an approximate high of approximately 53.64 months (almost 4.5 years). The overall average time to disposition for the Divisions of the Supreme Court in the period was roughly 31.10 months (roughly 2 years and 7 month), 3 months higher than the corresponding period in the previous year.

The standard definition of a case backlog, which has been adopted by 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 the Hilary Term of 2024 was approximately 53.07% which suggests that roughly 53 of every 100 cases disposed were done within two years. This result implies that roughly 47.55% of the cases disposed in the Hilary Term were in a state of backlog at the time of disposition, representing a crude proxy of the overall gross case backlog rate for the Supreme Court. The Estate and Family Divisions with on time case processing rates of 85.50 and 72.30% respectively fared best on this metric in the Hilary Term, thus also having the lowest gross case backlog rates at the end of the period with 14.50% and 27.70% respectively. On the other hand, the High

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Court Civil Division and the Home Circuit Court recorded the lowest on-time case processing rates of 39.20% and 21.10% respectively, thus having the highest incidence of cases in backlog.

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 over time. 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 two variables. The hearing date certainty, which computes the rate of adherence to hearing dates scheduled, ranges from an approximate low of 72.50% in the Home Circuit Court to a high of 82.74% in the High Court Civil Division in the Hilary Term of 2024. The weighted average hearing date certainty across all the Divisions of the Supreme Court in the Hilary Term of 2024 was roughly 76.90%, which is an indication that there was a roughly 77% probability that a matter scheduled for hearing will go ahead without adjournment. This is a decline of roughly 3 percentage points when compared to the corresponding period in 2023. The estimated trial date certainty rates are generally lower than the overall hearing date certainty rates in the Divisions of the Supreme Court.

This report demonstrates decisively that external factors and third parties account for a sizeable share of the reasons for adjournment of cases and hence persistently long waiting time or delays in case dispositions. The prominent reasons for adjournment in the Hilary Term of 2024 are similar to those observed over the past 5 years of statistical reporting. Among the

common reasons for adjournment cited in this report are the non-appearance of parties and/or attorneys, absenteeism of witnesses and investigating officers, incomplete files, files not found, documents to be filed, statements outstanding, ballistic and forensic reports outstanding among others. Some factors contributing to delays are within the court's sphere of direct influence and significant efforts are being made to minimize and eventually eliminate these incidences. The greater problem however appears to be the absence of culture of collective responsibility where all court participants/stakeholders fully embrace that they play a crucial role in contributing to efficient case progression and thus optimal usage of the court's time and their own time. It appears that unless this culture is engendered and that the weaknesses identified among the relevant case participants/stakeholders in this report are aggressively addressed, then the Supreme Court, even at its most optimal resource utilization will not be able to dispose of its cases within the shortest conceivable times. The existing constraints present a complexity in scheduling of hearings with matters getting longer future dates than they could otherwise. There are however major targeted reform efforts which are currently underway in the Supreme Court, geared towards backlog reduction, more efficient scheduling, greater specialization of judicial assignments and broader structural reforms aimed at bolstering productivity. It is forecasted that within the next 2 years these reforms will start to yield genuine advances in the overall efficiency of case processing.

The casefile integrity rate 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, lost or incomplete files, matters wrongly listed for court and other related factors which are

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attributable to the inefficient handling of records and case scheduling by the court's registries. Using the High Court Civil Division as a proxy, the data reveals that the case file integrity rate was 97.36%, a slight decline of 1.24 percentage points when compared to the corresponding period in 2023. This result suggests that for every 100 case files that were part of court hearings in the Hilary Term of 2024, roughly 1 less was able to proceed, compared to the corresponding period in 2023, without being adjourned due to one of the named factors which impair case file integrity. The prescribed standard for the case file integrity rate measure is 98% - 100%.

The Civil Divisions of the Supreme Court continue to perform commendably with the rate of delivery of Judgments, reversing years of a chronic backlog. The Hilary Term of 2024 registered a clearance rate on final judgments reserved of 72.22 suggesting that 7 judgments delivered during the period for every 10 judgments reserved. The result is however a notable decline in the case clearance rate on judgments reserved of 74.66 percentage points.

The below tables provide case activity summary for the Hilary Term of 2024 as well as critical on-time case processing rates, crude gross backlog rates and key performance forecast for 2024.



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See below Supreme Court case activity summary for the Hilary Term of 2024:

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (months)	Hearing Date Certainty Rate (%)
High Court Civil (HCV)	1264	530	41.93	53.64	82.74
Family	1031	1274	123.57	48.94	81.53
Estate	747	620	83.00	18.81	76.49
Commercial	124	81	65.32	28.31	80.89
Home Circuit Court	39	24	61.54	46.02	72.50
Gun Court	97	110	113.40	13.55	75.04
Revenue Division	0	1	-	8.45	75.00
Gross/Weighted Average	3302	2640	79.95%	31.10	76.91

See below summary of the on-time case processing rate and the proxy case backlog rate (%)

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

(i) The on time case processing rate

(ii) Crude proxy case backlog rate

The on time case processing rate provides a measurement of the proportion of cases, which are being disposed within the predefined time standard. The case backlog rate provides an estimated measurement of the proportion of cases, which are unresolved for more than two years as at end of the Hilary Term of 2024. These measures are summarized in the table below:

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## Selected performances metrics for the Supreme Court in the Hilary Term of 2024

Division of the Supreme Court	Resolved/Disposed cases	Unresolved cases which had some administrative or court activity in the Hilary Term of 2024	Number of cases disposed within 2 years	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
High Court Civil (HCV)	530	6148	389	39.20	60.80
Family Division	1274	3440	921	72.30	27.70
Estate Division	620	2322	530	85.50	14.50
Commercial Division	124	81	57	70.40	29.60
Home Circuit Court	24	744	5	21.10	78.90
Gun Court	110	459	52	47.27	52.73
Gross/Weighted Average	2682	13194	1954	53.07	44.04

## Vital Forecasts:

### Forecast of case activity in the Divisions of the Supreme Court in 2024

Division	Forecasted number of new cases	Forecasted number of disposed cases	Forecasted Case Clearance Rate (%)
High Court Civil Division	4263	3045	71.43
Family Division	4503	4002	88.87
Estate Division	3603	2906	80.66
Home Circuit Court	335	205	61.19
High Court Division of the Gun Court	340	300	88.24
Commercial Division	601	305	50.75
Revenue Division	10	8	83.33
Total/Weighted Average	13655	10771	74.45

*Note: Forecasting done using the method of exponential smoothing*

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The above table provides a forecast of the number of cases filed and disposed in each Division/Section of the Supreme Court in 2024 as well as the projected case clearance rates. The forecasted number of new cases entering the Supreme Court in 2024 is 13655 while the forecasted number of disposed cases across the Divisions/Sections is 10771. These predicted values would produce a weighted case clearance rate of 74.45% in 2024.

## Forecast for Judgments Reserved and Delivered in 2024

Forecasted number of Judgments Reserved	Forecasted number of Judgments Delivered	Forecasted clearance rate on Judgments (%)
250	267	106.80

*Note: Forecasting done using the method of exponential smoothing*

The Supreme Court is expected to sustain its positive direction in clearing outstanding judgments in 2024. Using the method of exponential smoothing, it is forecasted that 267 judgments will be delivered by the Supreme Court in 2024 and 250 new ones will be reserved. This produces a forecasted clearance rate on judgments of 106.80% in 2024, which suggests that for every 10 judgments reserved in that year, roughly 11 judgments are expected to be delivered.

## 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. In 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, primarily using the RStudio, Maple and SPSS software. 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 mainly 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 the Hilary Term of 2024. Each of the first six chapters focus on case activity and performance metrics in the High Court Civil (HCV) Division, the Family Division, the Estate 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, presents the clearance rate for civil Judgements and the courtroom utilization rate estimates for the Hilary Term of 2023. In each chapter, a wide range of measurements and other information are presented which places case and court activity in each Division in their

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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 and fostering a culture of court excellence.

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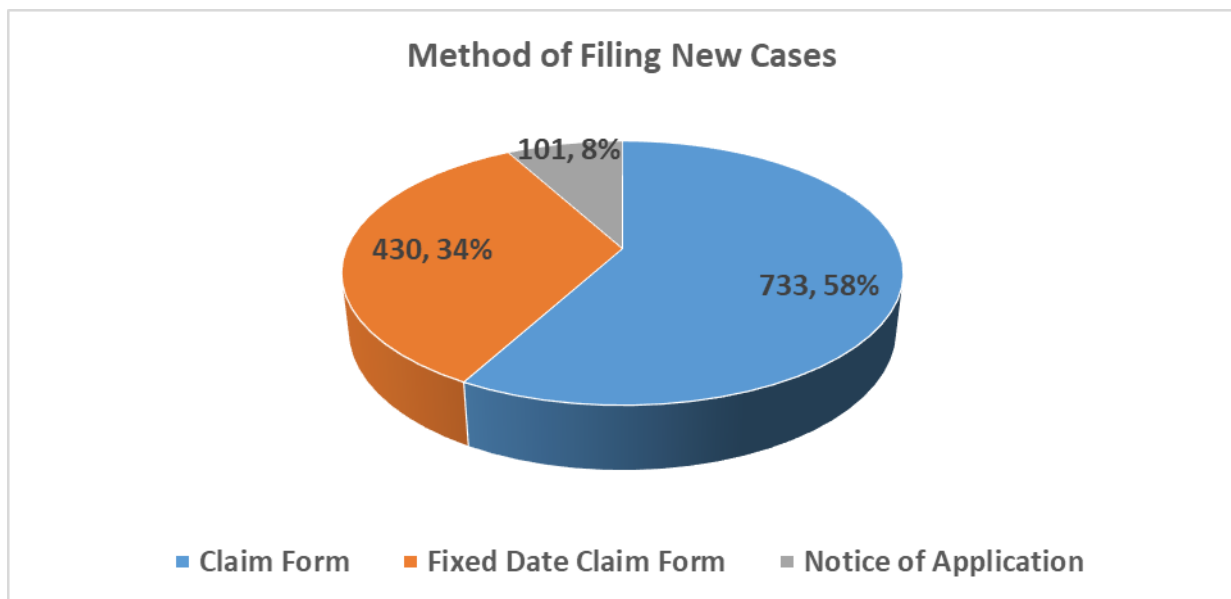
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## CHAPTER 1.0: HIGH COURT CIVIL (HCV) DIVISION

The ensuing analysis examines the various measures of the efficiency of case handling in the High Court Civil (HCV) Division for the Hilary Term ended March 22, 2024

A total of 1264 new cases were file in the High Court Civil Division during the Hilary Term of 2024, an increase of 15.75% when compared to the corresponding period in 2023. The below chart provides a summary of the breakdown of the new cases filed in terms of the primary methods of origin, that is, whether they were filed by way of a Claim Form, a Fixed Date Claim Form or a Notice of Application.

**Chart 1.0: Method of filing cases in the Hilary Term ended March 22, 2024**



**Population size = 1264**

The above chart highlights the proportional distribution of cases filed in the High Court Civil (HCV) Division in the Hilary Term of 2024 which originated either by way of a Claim Form, Fixed Date Claim Form or Notice of Application. This chart is generated using 1264 cases which were

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filed in the Hilary Term of 2024 and the shows that 733 or 58% of this sample were filed by way of Claim Forms while 430 or 34% were filed by way of Fixed Date Claim Forms and the remaining 101 or 8% were filed by way of Notices of Application. In general, the number of matters filed by way of Claim Forms tend to outstrip those filed annually by way of Fixed Date Claim Forms while Notices of Application account for the minority of filings. The method by which a case is filed, be it by way of a Claim Form, Fixed Date Claim Form or Notice of Application has an impact on the path that the matters travel in the court. Matters filed by way of Claim Forms tend to have more processes along the case flow continuum and tend on average to take a longer time to be disposed than those filed by way of Fixed Date Claim Forms and Notices of Application, both of which tend to follow a very similar path.

Tables 1.0 below provides an analysis of the reasons for adjournment of High Court Civil cases in the Hilary Term of 2024.

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**Table 1.0a: Leading reasons for adjournment for the Hilary Term ended March 22, 2024**

Reasons for adjournment	Frequency	Percentage
Claimant to file documents	768	20.70
Claimant to comply with order	237	6.40
Defendant to file document	206	5.50
No parties appearing	199	5.40
Claimant's documents not served or short served	195	5.30
Parties having discussions with a view to settlement	195	5.30
Letter indicating objection outstanding	117	3.20
Claimant not available	99	2.70
Pending settlement	99	2.70
Claimant attorney absent	96	2.60
Matter referred to mediation	85	2.30
Judge Ill	77	2.10
For mediation to be concluded	74	2.00
Referred to mediation	69	1.90
For application to be heard	68	1.80



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Claimant attorney needs time to take instruction	68	1.80
<b>Sub-Total</b>	<b>2652</b>	<b>71.70</b>

***Total number of adjournments/continuance = 3713***

There were total of 3713 incidence of adjournments/continuance in the Hilary Term of 2024, an increase of 4.33% when compared to the corresponding Term in 2023. The above table summarizes the top ten reasons for adjournment for the Hilary Term of 2024, using the contextual definition outlined above. It is seen that the three dominant reasons for adjournment were claimants to file documents with 768 or 20.70% of all events of adjournments/continuance, adjournments for claimants to comply with order with 237 or 6.40% and adjournments for defendants to file documents with 206 or 5.50%. Adjournments for due to no parties appearing and due to parties having discussion with a view to settlement rounds off the top five reasons for adjournment in the High Court Civil Division in the Hilary Term of 2024. The top sixteen reasons for adjournment enumerated above, accounts for approximately 71.70% of the total reasons for case adjournment/continuance in the period. 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. While some of the reasons for adjournment imply that there are weaknesses in case flow management, record keeping and scheduling practices, the overwhelming majority of the incidences of reasons for adjournment are associated with external factors which are not directly controllable by the

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High Court Civil Division. An example of a major reason for adjournment for which the court is directly responsible is the incidence of files not found which features consistently on the top five list of reasons for adjournment. Adjournments of this nature often contribute to the inefficient use of judicial time and hampers the timely delivery of justice. As indicated, the data shows that several of the reasons for adjournment are however due to external factors which have also featured prominently in all previous reports. It is clear that there will need to be deliberate policy undertaken to reduce the incidence of adjournments caused by the various factors listed. The delays resulting from these adjournments are evidently a big part of the current lengthy postponements being experienced in some cases in the High Court Civil Division of the Supreme Court.

A number of special intervention projects and process reforms are currently underway in the High Court Civil Division which should contribute markedly to improving overall process flow and

**Table 1.0b: Case File Integrity Rate for the Hilary Term ended March 22, 2024**

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 (%)
3713	98	97.36

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

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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 98 combined incidences of adjournments due to these deficiencies in the Hilary Term of 2024, resulting in a case file integrity rate of 97.36%, which means that roughly 2.36% 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 decreased by 1.24 percentage points when compared to the corresponding period in 2023.

The estimated overall Judicial Flexibility Index for the High Court Civil Division in 2024 was 0.61, an indication of a moderately high propensity of Judges to adjourn matters in Division for various reasons.

**Table 2.0: Selected trial and pre-trial case counts for the Hilary Term ended March 22, 2024**

<b>Trial matters/hearings</b>	<b>Frequency</b>	<b>Percentage</b>
Court Trials	159	48.18%
Motion Hearing	16	4.85%
Assessment of Damages	103	31.21%
Trial in Chambers	52	15.76%
<b>Total trial matters</b>	<b>330</b>	<b>100</b>

The above table shows the breakdown of the case counts associated with selected HCV pre-trial and trial hearings in the High Court Civil Division in the Hilary Term of 2024. The table shows

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330 combined cases which were heard across the four listed types of hearings, of trials in open court with 159 or 48.18% accounted for the largest share while assessments of damages with 103 or 31.21% of the total ranked next. The 52 cases or 15.76% of the total which had trials in chamber and the 16 cases or 4.85% which had motion hearings rounds off the list.

**Table 3.0 Sampling distribution of hearing date certainty for the Hilary Term ended March 22, 2024**

Hearing dates set	Hearing dates adjourned (excluding adjournments for continuance)	Hearing date certainty (%)
3929	678	82.74

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 3929 dates scheduled for either trial or various pre-trial hearings, both in Court and in Chamber, revealed that 678 were 'adjourned' on the date set for commencement. The resulting estimated overall hearing date certainty figure of 82.74% suggests that there is a roughly 83% 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 is an increase of 1.49 percentage points when compared to the corresponding period in 2023. When trials in open court is isolated, the trial certainty rate for the HCV Division for the Hilary Term of 2024 is estimated at 70.15%, a decline of 0.75 percentage point when compared to the corresponding period in 2023 and when trial in chambers is isolated the estimate rate is approximately 73%, a decline of 1 percentage point when compared to the

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corresponding Term in the previous year. These results represent continued resilient outcomes as the HCV continues its aggressive reform agenda to improve the efficient processing of cases and the overall productivity of the registry.

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 4.0a: Index of scheduling efficiency for Assessment of Damages in the HCV Division for the Hilary Term ended March 22, 2024**

<b>Number of available court days in the period</b>	<b>Number of days' worth of assessment of damages scheduled</b>	<b>Approximate ratio</b>
<b>55</b>	<b>103</b>	<b>1.87</b>

An important indicator of the problems associated with the scheduling of HCV matters comes from an assessment of the number of court days which were available for the Supreme Court during the Hilary Term of 2024, 55 all told and the number of days' worth of assessment of damages which were scheduled (a total of 103). It is shown that for every court day available, approximately 1.87 days' worth of matters were scheduled, a dip below the average of 3

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recorded in the corresponding period in the previous year and a possible indication of general improvements in the scheduling of assessment of damages matters.

**Table 4.0b: Index of scheduling efficiency for court trials in the HCV Division for the Hilary Term ended March 22, 2024**

<b>Number of available court days in the period</b>	<b>Number of days' worth of court matters scheduled for court trial per court</b>	<b>Approximate ratio</b>
<b>55</b>	<b>80</b>	<b>1.45</b>

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 Hilary Term of 2024, 55 all told, and the number of days' worth of court trials which were scheduled per court (a total of 80). It is shown that for every day available, 1.45 days' worth of matters were scheduled, an increase of 0.18 percentage points when compared to the corresponding period in the previous year. In practical terms, this means that a relatively manageable number and duration of trials were scheduled on the Division's calendar during the Hilary Term.

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**Table 5.0a: Probability distribution of the incidence of adjournments/continuance for the Hilary Term ended March 22, 2024**

Type of Incidence	Frequency	Percentage (%)
Case Management Conference	276	7.43
Pre-Trial Review	227	6.11
Trial in open court	339	9.13
Trial in chamber	293	7.89
Assessment of damages	251	6.76
Judgment Summons Hearing	191	5.14
Applications	2136	57.53
<b>Total</b>	<b>3713</b>	<b>100</b>

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 results here are broadly similar to those which were observed in the previous three years. Trial hearings account for a combined 17.02% of the adjournments in the sample while case management conferences account for 7.43% but it was the incidence of adjournments at the applications stage which again took the spotlight, accounting for 57.53% of the total incidence of adjournments. Pre-trial reviews and judgment summons hearings 6.11% and 5.14% respectively 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 a sizeable case backlog.

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Tables 6.0b and 6.0c are extracts from the annual 2021 report.

**Table 6.0b: Sampling distribution of the case flow process transition summary for the year ended December 31, 2021 [Extract]**

Number of cases on which defences were filed	Number of cases referred to Mediation	Number of cases on which mediation reports were received	Average time between filing of a defence and referral to mediation [For defences filed in 2021 only]	Average time between referral to mediation and receipt of mediation report [2021 referrals only]
1947	386	432	93 days	3.85 months

*Note: The above data set represents estimated values based on data available at the time of reporting*

*Note that the number of mediation referrals and the number of cases referred to mediation are not necessary equivalents*

*Note that the number of cases on which defences were filed and the number of defences filed are not necessary equivalents*

The overall sample case flow process transition summary for cases in the High Court Civil (HCV) Division in 2021 suggests that there were 1947 cases on which defences were filed, while 386 cases were referred to mediation. The data further suggests that the High Court Civil Division received mediation reports relating to 432 cases during the year. The average time taken to return a mediation report for the matters which were referred to mediation during 2021 was roughly 3.85 months, slightly higher than the required maximum of 90 days and the overall average response time tends to be longer. The sample statistics on the time interval between the filing of a defence and mediation referral is also quite insightful. Representative sample data taken suggests that on average it took approximately 93 days or three months after a defence is filed for a matter to be referred to mediation. The sample modal time interval was 25 days while the sample median was 48 days. Given that there are a number of outliers in the data set, the median might give a truer impression of the delay for this measurement. The shortest time interval recorded in the sample between the filing of a defence and referral to



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mediation is 2 days and the highest is 287 days or roughly 9 and a half months. Further analysis is provided below.

**Table 6.0c: Sample distribution summary of the average times taken for the Supreme Court to receive mediation reports (2019 -2021) [Extract]**

Descriptive Statistics (days)	
Sample size	230
Mean	178.23
Median	157.00
Mode	73
Std. Deviation	142.17
Skewness	0.448
Std. Error of Skewness	.271
Range	625
Minimum	<30
Maximum	640

The above table is computed using a systematic random sample of 230 cases on which mediation reports were received between 2019 and 2021. The results show that the average time taken to receive these reports from the point of referral is an estimated 5.9 months with a wide standard deviation of 4.7 months. The maximum time was approximately 21 months while the minimum was less than a month. Interestingly the modal response time was just over two months and the median was roughly five months. Using the median or mean sample estimates, it is clear that the length of time taken for the mediation reports to be returned is considerably higher than the required 90 days and this is a source of delays in the already complex civil procedures, thus somewhat undermining the very purpose of mediation. This is consistent with the findings from the previous years' report.

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Further analysis suggests that from a sample of 3805 High Court Civil (HCV) matters referred to mediation between 2019 and 2021, 694 were reported as settled in the official reports received, a success rate of 18.24%, which may be considered as quite modest. It suggests that 81.76% of matters referred to mediation could have potentially progressed faster on the case flow continuum. These results draw into question the effectiveness of mediation and whether the mechanics surrounding its usage as means of expediting case disposition without wasting judicial time is in fact being achieved. Indeed, does mediation referrals potentially compound delays.

**Table 7.0: Hearing date certainty for Assessment of damages for the Hilary Term March 22, 2024**

Hearing dates set	Dates adjourned (excluding adjournments for continuance)	Hearing date certainty (%)
112	41	63.37

As noted above, there has been a noticeable reduction in the number of dates scheduled for matters of assessments of damages. However, the hearing date certainty rate declined by 2.66 percentage points, netting out at 63.37%. The High Court Civil Division continues to deepen efficiency in

**Table 8.0: Hearing date certainty for Case Management Conferences for the Hilary Term ended March 22, 2024**

Hearing dates set	Dates adjourned (excluding adjournments for continuance)	Hearing date certainty
638	71	88.87%

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Case management conferences form an important part of the preparation of cases for 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 88.87% in the Hilary Term of 2024, a slight improvement of 0.89 percentage points when compared to the comparable period in the previous year, representing a resilient outcome.

**Table 9.0: Requisitions for the Hilary Term ended March 22, 2024**

Action	Frequency
Requisitions Issued	61
Responses to requisitions	0
Requisition clearance rate	0%
Requisitions per 100 case files (approximation)	1

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 61 requisitions for the Term. The requisition clearance rate for Hilary Term of 2024 was 0%, compared to 6.74% in the corresponding period in 2023. 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.

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**Table 10.0: Chamber hearing case count distribution for the Hilary Term ended March 22, 2024**

Type of hearing	Frequency	Percentage (%)
Case Management Conference	552	20.58
Pre-trial review	581	21.66
Applications (Various)	1505	56.11
Judgment summons hearing	44	1.64
<b>Number of cases</b>	<b>2682</b>	<b>100</b>

The above table summarizes the distribution of case counts for matters heard in Chamber in the High Court Civil Division in the Hilary Term of 2024. It is seen that the total number of cases heard in Chamber hearings for the Term was 2682, the highest proportions of which were applications of various types with 1505 cases heard or 56.11% of the list. The general applications category speaks to a non-exhaustive list of various types of applications which come before the High Court Civil (HCV) Division. Pre-trial reviews were a distant second with 581 cases or 21.66% of the listed case types heard in Chamber during the period while case management conferences with 552 cases heard or 20.58% and Judgment summons hearings with 44 cases heard or 1.64% of the list rounds off the listed Chamber Hearings during the Hilary Term.

Among the leading types of applications filed in the Hilary Term of 2024 were applications to file annual returns, applications for injunction, applications for first hearing, applications for court orders and applications for extension of time to file defense.

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**Table 11.0: Methods of disposition for the year Hilary Term ended March 22, 2024**

Method of Disposition	Frequency	Percent
Application Granted	47	8.9
Application Refused	11	2.1
Attorney Admitted to Bar	5	.9
Claim form expire	21	4.0
Claim Form Invalid	2	.4
Consent Judgment	4	.8
Consent Order	15	2.8
Damages Assessed	18	3.4
Discontinued	43	8.1
Discontinued SC12	2	.4
Dismissed	41	7.7
Final Order	61	11.5
Fixed date Claim form expire	1	.2
Judgment	11	2.1
Judgment Delivered	16	3.0
Matter Withdrawn	8	1.5
Med - Settled Fully in Mediation	2	.4
Notice of Discontinuance noted	39	7.4
On Paper Claim form expire	11	2.1
Order (Chamber Court)	8	1.5
Settled	102	19.2
Settlement Order	5	.9
Struck Out	54	10.2
Transfer to Family Division	1	.2
Transfer to parish court	1	.2
Written Judgment Delivered	1	.2
<b>Total</b>	<b>530</b>	<b>100.0</b>

An understanding of the distribution of the methods of case disposal is an essential metric to gaining insights into the efficiency of case handling in the courts and into operational planning.

It is seen that there were 530 HCV cases disposed in the Hilary Term of 2024, a decline of

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32.89% when compared to the corresponding period in 2023. The largest proportion of the cases disposed, 102 or almost 19.20% were a result of matters settled, followed by final orders made with 61 or 11.50% and matters struck out with 54 or 10.20%.

**Table 12.0: Time to disposition for the Hilary Term ended March 22, 2024**

## Descriptive Statistics (months)

Number of observations	530
Mean	53.6447
Median	43.9500
Mode	19.97 <sup>a</sup>
Std. Deviation	45.68228
Skewness	1.376
Std. Error of Skewness	.106
Range	301.07
Minimum	.33
Maximum	301.40

a. Multiple modes exist. The smallest value is shown

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 the Hilary Term of 2024. The 530 cases disposed in the year reveal an estimated average time to disposition was roughly 53.64 months or roughly 4 years and 6 months, a decrease of 2 months when compared to the corresponding period in the previous year. The oldest matter disposed in the year was 301 months old or roughly 25 years old while the lowest time that a

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matter took to disposition was roughly two months. The median time to disposition was thirty-four months or approximately 44 while the mode was approximately 20 months. The positive skewness suggests that there were proportionately more disposals, which took lower time to disposition than those which took higher than the average time. The margin of error of these estimates is plus or minus 2 months.

**Table 13.0: Breakdown of time to disposition for the year ended March 31, 2023**

Time Interval (months)	Frequency	Percent
0 - 12	120	22.6
13 - 24	88	16.6
25 - 36	53	10.0
37 - 47	33	6.2
48 & over	236	44.5
<b>Total</b>	<b>530</b>	<b>100.0</b>

The above table provides a more detailed breakdown of the average time to disposition. It is seen that of the 530 cases disposed during the Hilary Term, the largest proportion, 236 or 44.50% took four years or more to be disposed. 120 cases or roughly 22.60% of the cases disposed took a year or less while 88 or 16.60% took between 13 and 24 months to be disposed. The remaining proportion of the cases disposed was accounted for by the intervals 25 - 36 months with 53 or 10.0% and the 37 - 47 months' interval with 33 or 6.20% of the disposals. It is of note that roughly 39.20% of the matters disposed of in the Hilary Term took two years or less, compared to approximately 60.80%, which took more than two years during the year. The High Court Civil Division historically contends with a number of structural issues which currently predisposes many matters to a relatively long times to disposition. This

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includes, the length of time of matters referred to mediation which often fails, the high incidence of avoidable adjournments and weakness in date the scheduling apparatus of the Division. A number of projects are currently underway to redress these and other structural deficiencies and in so doing produce a more sustainable system of operation which will eventually see cases being disposed much faster in years to come.

**Table 14.0: Clearance rate for the Hilary Term ended March 22, 2024**

Cases filed	Cases disposed	Case clearance rate
1264	530	41.93

*\*6 or 11.32% of the cases disposed, originated during the Hilary Term of 2024*

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. In the Hilary Term of 2023, the High Court Civil Division recorded a case clearance rate of 41.93%, representing a 31.60 percentage points decline when compared to the previous year. The Statistics Unit estimates that over the next 1-3 years, the High Court Civil Division will need to be averaging case clearance rates of between of over 80% in order to start seeing a meaningful reduction in the average time to disposition. In this range, it is computed that enough cases will start to get nearer future dates of appearance in order to see a tendency towards the optimization of the Division's production function, subject to a number of existing constraints,



both directly controllable and others external to the Court. The current quantitative trend does not however suggest that such targets will realistically be attained anytime soon.

### **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) The crude proxy 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 crude proxy case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Hilary Term of 2024. These measures are summarized in the table below:

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**Table 15.0: Selected performances metrics for the High Court Civil (HCV) Division in the Hilary Term of 2024**

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 (%)	Crude Proxy Case backlog rate (%)
530	6148	0.09	4056	208	530	39.20	60.14

The results in the above table show a case turnover rate of 0.09, which is an indication that for every 100 cases, which were 'heard' in the Hilary Term of 2024 and still active at the end of the period, another 9 were disposed, a decline of 6 percentage points when compared to the corresponding period in 2024.

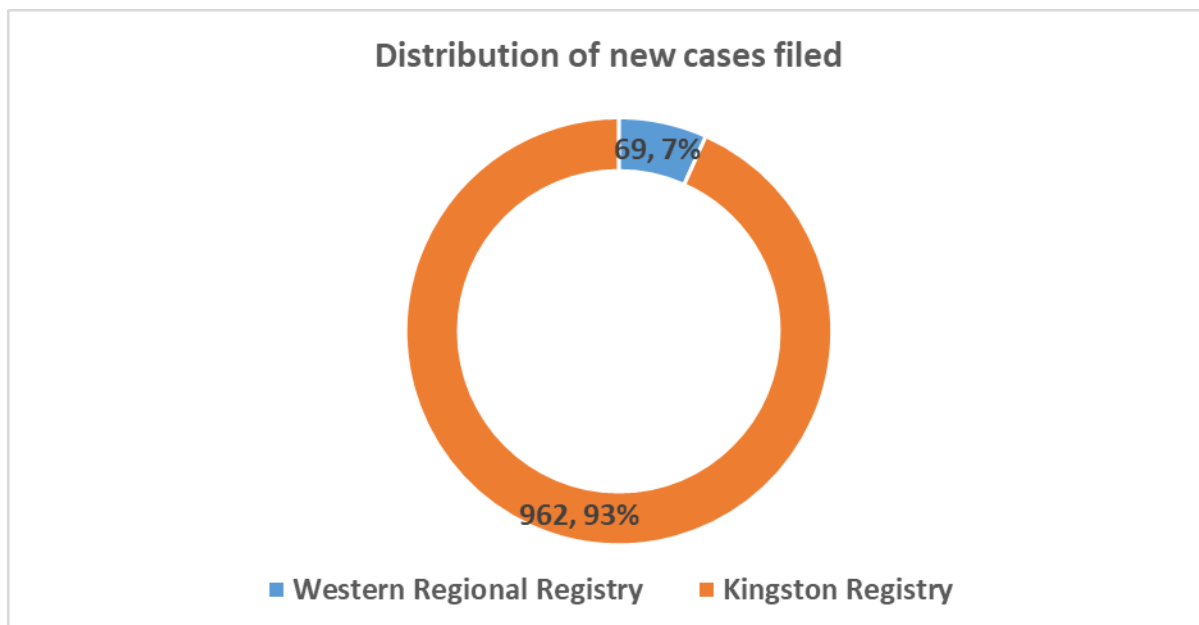
A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. Based on this general criterion, a case that is resolved within two years is considered to have been resolved on time. The on time case-processing rate for the High Court Civil Division in the Hilary Term of 2024 is roughly 39.20% which reflects the proportion of High Court Civil cases in the period which were disposed within 2 years. Conversely, the crude proxy case backlog rate is estimated at 60.14%, an indication that an estimated annual proportion of 60.14% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. The crude backlog rate improved by 3.86 percentage points when compared to the corresponding period in the previous year. The results suggest that of the 6148 cases, which had some court activity in the Hilary Term of 2024 and were still active at the end of the period, roughly 3697 are expected to be in a backlog classification before being disposed.

### **CHAPTER 2.0: FAMILY DIVISION**

The ensuing analysis examines the various measures of the efficiency of case handling in the Family Division for the Hilary Term ended March 22, 2024.

A total of 1031 new cases were filed in the Kingston and Montego Bay Registries of the Western Regional Family Court during the Hilary Term of 2024. This represents a decline of 8.60% when compared to the Hilary Term of 2023.

**Chart 2.0: Distribution of new cases filed in the Matrimonial Division, by Registry in 2024**



The above chart summarizes the distribution of new cases filed in the Family Division in the Hilary Term of 2024 at the Kingston and Western Regional Registries respectively. It is shown that 962 or 93% of the new cases filed took place at the Supreme Court Registry in Kingston while the remaining 69 or 7% were filed at the Registry in Montego Bay. When compared to the Hilary Term of 2023, this output reflects a 15.54% decrease in the number of new cases filed at

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the Kingston Registry and a 22.47% fall in the number of new cases filed at the Western Regional Registry in Montego Bay.

**Table 16.0a: Breakdown of cases filed in the Matrimonial Division in the Hilary Term of 2024**

	Frequency	Percent
Matrimonial FD	26	2.5
Matrimonial FD Declaration of Paternity	7	.7
Matrimonial FD Division of Property	27	2.6
Matrimonial FD Divorce	571	55.4
Matrimonial FD Divorce-children	296	28.7
Matrimonial FD Guardianship & Custody	14	1.4
Matrimonial FD Guardianship	1	.1
Matrimonial FD Maintenance	1	.1
Matrimonial FD Mental Health Act	15	1.5
Matrimonial FD Nullity	4	.4
Matrimonial FD WR Divorce	50	4.8
Matrimonial FD WR Divorce-children	19	1.8
<b>Total</b>	<b>1031</b>	<b>100.0</b>

The above table provides a breakdown of the nature and location of new matters filed in the Family Division during the Hilary Term of 2024. As is typical, the largest proportion of the new cases filed were divorce matters (with or without children involved) which accounted for 936 or 93.49%. More specifically divorce matters filed involving children accounted for 315 or 30.55% of the divorce cases filed. Matters of guardianship and custody as well as division of property and those falling under the Mental Health Act accounted for the accounted for next highest proportion of divorce cases filed during the Hilary Term of 2024.

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**Table 16.0b: Petitions filed for the Hilary Term ended March 22, 2024**

Type of petition	Frequency	Percentage (%)
Petition for dissolution of marriage*	936	58.65
Amended petition for dissolution of marriage	656	41.10
Petition for Nullity	4	0.25
<b>Total Petitions filed</b>		<b>100.00</b>
Number of amendments per petition	<b>0.68</b>	

*\*Includes petitions involving children*

The above table summarizes petitions filed in the Hilary Term of 2024. It is shown that a total of 1596 Petitions (new or amended) were filed, 936 or 61.99% were petitions for dissolution of marriage, compared to 656 or 41.10% which were amended or further amended petitions for dissolution of marriage. The analysis further suggests that the ratio of petitions to amended petitions is 0.68 or in other words for every 100 Petitions for dissolution of marriage there is roughly 69 amended Petitions for dissolution of marriage during the Hilary Term of 2024, an increase of 8 percentage points when compared to 2023.

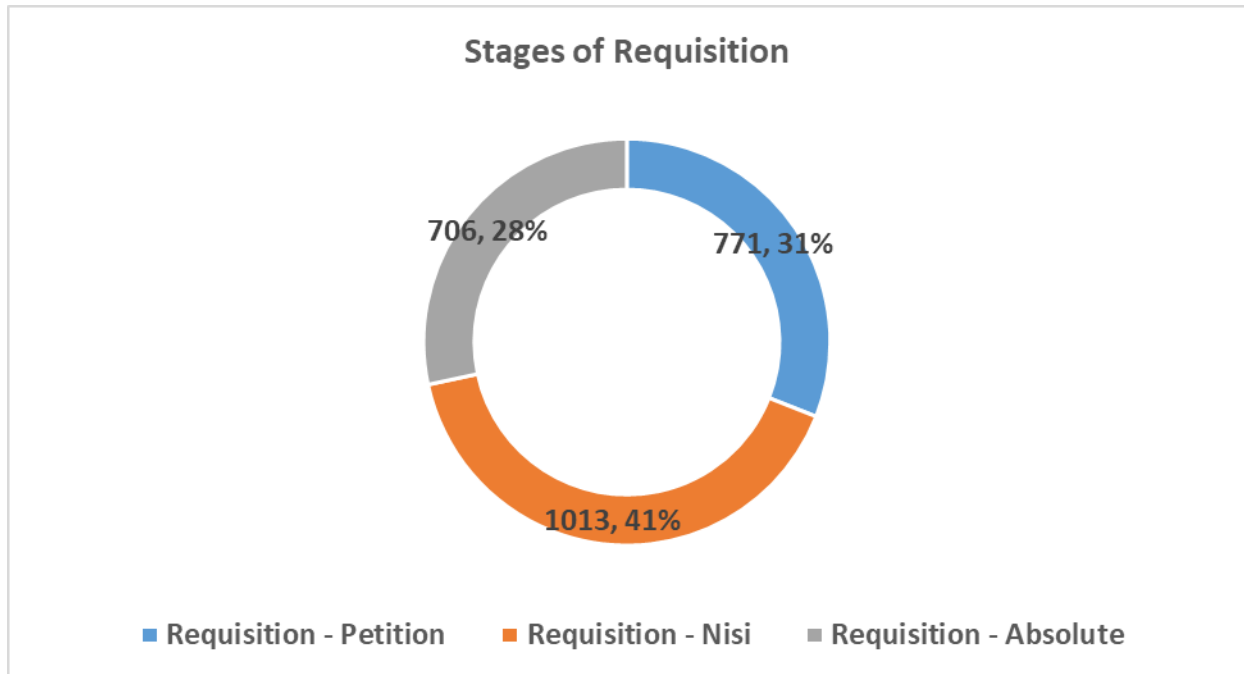
**Table 17.0: Decrees Nisi and Decrees Absolute filed for the Hilary Term ended March 22, 2024**

Case Status	Frequency
Decree Absolute	1510
Decree Nisi for dissolution of marriage	1255
Decree Nisi for nullity of marriage	6
<b>Total</b>	<b>2771</b>
<b>Ratio of Decrees Nisi to Decrees Absolute Filed</b>	<b>1.20</b>

It is seen in the above table that for every 100 Decrees Nisi filed there were roughly 120 Decrees Absolute filed during the Hilary Term of 2023, a notable increase of 11 percentage points when compared to the corresponding period in 2023 and an indication of a high rate of productivity. 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 suggests that the number of Decrees Absolute filed decreased by 9.20% while the number of Decrees Nisi filed decreased by 22.23 when compared to 2023. 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 the typical lifecycle of a matrimonial matter - Petition, Decrees Nisi and Decrees Absolute is shown in the chart below.

**Chart 3.0: Distribution of the stages of requisitions for the Hilary Term ended March 22, 2024**



The data suggests that a total of 2490 requisitions were issued at the three primary stages of a divorce case at the Kingston and Western Regional Supreme Court Registries combined, a decline of 9.42 percent when compared to the corresponding Term in 2023. The number of requisitions filed at the petition stage decreased by 13.04% when compared to the corresponding Term in 2023, while the number filed at the Decree Nisi stage decreased sharply by 23.29%. The number of requisitions filed at the Decree Absolute stage decreased by 10.40% when compared to 2023. As with previous reports, it is seen in the above chart that there is a greater probability that a requisition will be made at the stage of Decree Nisi, with an estimated 41% incidence, while roughly 31% each of the proportion of requisitions were filed at the petition and 28% at Decree Nisi stages. The overall decline in the incidence of requisitions

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across all stages is a positive sign for the overall productivity of the Family Division and the potential for higher case clearance rates and lower average times to dispositions in the near term.

**Table 18.0: Methods of Disposals for the Hilary Term ended March 22, 2024**

Method of Disposition	Frequency	Percent
Consent Order	2	.2
Decree Absolute Granted	938	73.6
Decree Absolute Set Aside	3	.2
Decree Nullity Granted	4	.3
Dismissed	5	.4
Disposed	27	2.1
Final Order	56	4.4
Finalized by death of Respondent	1	.1
Fixed date Claim form expire	2	.2
Matter Discontinued	3	.2
Matter Withdrawn	2	.2
Notice of Discontinuance noted	52	4.1
Petition Refused	1	.1
Struck Out	110	8.6
WR Decree Absolute Granted	65	5.1
WR Notice of Discontinuance noted	3	.2
<b>Total</b>	<b>1274</b>	<b>100.0</b>

**NB: WR means Western Regional Registry**

The above table reveals that 1274 Family cases were disposed during the Hilary Term of 2024, an increase 4.40% when compared to the corresponding Term in 2023. A proportion of 78.73% or 1003 were attributable to Decrees Absolute Granted while 55 or 4.50 % were due to Notices of Discontinuance filed, accounting for the top two methods of disposition in the Hilary Term of 2024.



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It is of note that 1206 or 94.66% of the 1274 Matrimonial cases disposed in the Hilary Term of 2024 were attributable to the Kingston Registry while 68 or 5.34% were accounted for by the Western Regional Registry in Montego Bay. The Kingston Registry experienced an increase of 11.67% in the number of cases disposed while the Montego Bay Registry experienced an increase of 36.00% when compared to the corresponding Term in 2023.

**Table 19.0: Requisitions summary for the Hilary Term ended March 22, 2023**

Action	Frequency
Requisitions Issued	2490
Number of requisitions issued per 100 files	53
Number of responses to requisitions	525
Requisition response rate	21.08%

The incidence of requisitions is especially important in assessing the efficiency with which Matrimonial matters move through the court system. A total of 2490 requisitions were issued during the Hilary Term of 2024. This produces a ratio of cases handled to requisitions issued of 0.53 which suggests that for every 100 cases handled on which there was activity during the Hilary Term there were 53 requisitions issued, a slight increase of 2 requisitions per 100 case files handled when compared to the corresponding period in 2023. The requisitions response rate however increased by 5.11 percentage points when compared to the corresponding period in the previous year.

Below is an outline of the ideal delivery standard and process flow for the disposition of divorce matters in the Matrimonial Division of the Supreme Court.

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**Table 20.0: 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)	
Petition/    Decree Nisi/   Decree absolute	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					
	Retrieve file and maintain filing room (Records officer)	0		2		
	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		

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	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
<b>Stage 2</b>	<b>Task</b>				
<b>Decree Nisi</b>	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 absolute		30		30
<b>Stage 3</b>	<b>Task</b>				
<b>Decree Absolute</b>	Vetting of Decree Absolute by Senior officer	0	14	2	7
	Vetting and signing of Decree Absolute by Judge		5		1
<b>Total</b>			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 relieved 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.

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**Table 21.0: Court/Chamber hearings for the Hilary Term ended March 22, 2024**

Action	Frequency	Percentage (%)
Applications	340	72.19
Case Management Conference	80	16.99
Motion Hearing	5	1.06
Pre-Trial Hearing	9	1.91
Trial	37	7.86
<b>Total</b>	<b>471</b>	<b>100</b>

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 471 hearings either before open court or chamber, a notable increase of 57.0% when compared to the Hilary Term of 2023, a result that is partly on account of the continued expansion of the Family Division as part of the broader efforts in to streamline case process flows in the Supreme Court to create greater levels of productivity. The largest proportion, 340 or 72.19% were applications followed by 80 or 26.33%, which were Case Management Conference (CMC) matters. The hearing event with the third highest incidence in this category is trials which accounts for 37 or 7.86% of the total.

Among the dominant types of applications filed in the Family Division during the Hilary Term were applications for custody and maintenance, including spousal maintenance, applications to declare entitlement to property, applications to appoint legal guardian and applications for substituted service.

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**Table 22.0: Leading for adjournment for the Hilary Term ended March 22, 2024**

Reasons for Adjournment	Frequency	Percentage (%)
Claimant to file documents	78	30.40
Parties having discussions with a view to settlement	32	12.50
Defendant to file documents	28	10.90
For Mediation	23	8.90
Claimant to comply with order	16	6.20
Defendant's Attorney Absent	10	3.90
Claimant's documents not served or short served	10	3.90
<b>Sub-Total</b>	<b>197</b>	<b>76.70</b>

**Total incidence of adjournments (N) = 257**

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 257 incidence of adjournments in the Family Division for chamber and open court hearings in the Hilary Term of 2024, an increase of 57.67% when compared to the corresponding period in 2023. The largest proportion of these adjournments were for claimants to file documents with 78 or 30.40%, parties having discussions with a view to settlement with 32 or 12.50% and defendant to file documents with 28 or 10.90%, rounding off the top three. The listed reasons for adjournment account for 76.70% of the total incidence of adjournments in the Hilary Term of 2024. The Family Division continues to make efforts to improve internal efficiency, enhance overall case management and to bolster external stakeholder engagement which is critical to reducing delay and improving the timely resolution of cases which are heard in chamber or open court.

# THE CHIEF JUSTICE'S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT

2024

**Table 23.0a: Hearing date certainty for the Hilary Term ended March 22, 2024**

Court/Chamber hearing dates set	Hearing dates Date adjourned (excluding continuance)	Hearing date certainty rate
471	87	81.53%

It is seen that of the 471-combined incidence of Court and Chamber hearings in the Hilary Term of 2024, 87 were adjourned for reasons other than intrinsic procedural factors. This produces a moderate 81.53% hearing date certainty rate, a decline of 1.47 percentage points when compared to the corresponding period in the previous year. For every 100 hearing dates scheduled, the approximate number that proceeded without adjournment in the Term is 82. When trial matters are isolated, the trial date certainty rate is 73%, a 1 percentage point decline when compared to the Hilary Term of 2023.

**Table 23.0b: Judicial flexibility Index for the Family Division for the Hilary Term ended March 22, 2024**

Number of cases heard	Incidence of adjournment	Overall Judicial Flexibility Index (%)
471	257	0.55

The **Judicial flexibility index (JFI)** provides a measurement of the relative ease with which cases are adjourned for various reasons. The closer the rate is to 1 the more flexible the court or Judges are in granting adjournments, however the closer the result is to 0, the less flexible the court/Judges in granting adjournments. In the Hilary Term of 2024, the Family Division registered an overall approximate Judicial Flexibility Index of 0.55. This suggests that there was

# THE CHIEF JUSTICE'S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT

2024

an average propensity for cases heard to be adjourned in the Family Division during the Hilary Term of 2024.

**Table 24.0: Time to disposition for the year ended March 22, 2024**

## Descriptive Statistics (in months)

Number of observations	1274
Mean	48.9372
Median	19.0000
Mode	8.00
Std. Deviation	83.40534
Skewness	2.279
Std. Error of Skewness	.069
Range	423.00
Minimum	<=3
Maximum	423.00

The overall average time to disposition of all cases resolved in the Family Division during the Hilary Term of 2024 is roughly 48.94 months. The modal/most frequently occurring time to disposition was however eight (8) months and the median is 19 months. The positive skewness suggests that a proportionately larger portion of the cases disposed were resolved in less than the overall average time.

The oldest matter disposed was approximately 35.25 years old while on the other end of the spectrum there a few matters filed which were matters filed which disposed within three months, due to discontinuances filed.



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2024

**Table 25.0: Breakdown of times to disposition for the Hilary Term ended March 22, 2024**

Date Interval	Frequency	Percent
0 - 12	606	47.6
13 – 24	315	24.7
25 – 36	94	7.4
37 – 47	41	3.2
48 & over	218	17.1
<b>Total</b>	<b>1274</b>	<b>100.0</b>

The above table provides a more detailed breakdown of the estimated times to disposition for Family matters in the Hilary Term of 2024. It is seen that of the 1274 matters disposed during the Term, the largest proportion, 606 or roughly 47.60% were disposed within a year, followed by the 315 or 24.70% which were disposed in 13 – 24 months. Taken together this result suggests that 921 or 72.30% of Family Division matters which were disposed during the Term were done in two years or less from the time of initiation, a decline of 4.80 percentage points when compared to the corresponding period in the previous year. 94 or roughly 7.40% of all family matters disposed in the Hilary Term of 2024 took between 25 and 36 months to be disposed. It is of note that 218 or 17.10% of the cases disposed in the Family Division in the Hilary Term of 2024 took four or more years to be resolved, largely on account of lengthy delays in external filings from case parties. As with the previous 4 years, the estimates however clearly suggest that a decidedly larger proportion of matters, which were disposed of during the period, took two years or less. It has been established that under near ideal circumstances, Family cases can be disposed within 4-6 months after filing, however in the Hilary Term of 2024, less than 5% of the cases resolved met this standard.

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**2024**

**Table 26.0a: Case clearance rate for the Hilary Term ended March 22, 2024**

Cases filed	Cases disposed	Case clearance rate
1031	1274*	123.57%

*\* Only 4 of the cases disposed during the Hilary Term, originated during said Term*

The above table shows that there were 1031 new cases filed during the Hilary Term of 2024 while 1274 were disposed. This produces a case clearance rate of 123.57% suggesting that for every 100 new cases; roughly 124 were disposed in the Term. The result represents a roughly 24.38 percentage points increase when compared to the corresponding period in the previous year.

**Table 26.0b: Case clearance rate for the Hilary Term ended March 22, 2024 (by registry location)**

Registry location	Number of new cases filed	Cases disposed	Case clearance rate
Kingston Registry	962	1206	125.36%
Montego Bay Registry	69	68	98.55%

The above table shows that when the case clearance rate is done by registry location, the Family Registry in Kingston cleared roughly 125 cases for every 100 new cases filed while the Western Regional Registry in Montego Bay cleared approximately 68 for every 100 cases. The results represent an increase of 30.54 percentage points for the Kingston Registry and a decline

of 56.51 percentage points for the Western Regional Registry when compared to the corresponding period in the previous year.

### **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) **The crude proxy 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 crude proxy case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Hilary Term of 2024. These measures are summarized in the table below:

# THE CHIEF JUSTICE'S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT

**2024**

**Table 27.0: Selected performances metrics for the Matrimonial Division in the Hilary Term of 2024**

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 (%)	Crude Proxy Case backlog rate (%)
1274	3440	0.37	986 days	921	1274	72.30	27.70

The results in the above table show a case turnover rate of 0.37, which is an indication that for every 100 cases, which were handled in the Hilary Term of 2024 and still active at the end of the Term, another 37 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 Term will on average take 986 days or 2.70 more years to be disposed, barring special interventions. This metric does not however always have significant practical meaning when focussing on a single Term of court activity.

A case is considered to be in a backlog classification if it is unresolved in the courts for over two years. Based on this general criterion, a case that is disposed within two years is considered to have been resolved on time. The on time case-processing rate for the Family Division in the Hilary Term of 2024 is approximately 72.30%, which reflects the proportion of Family cases in the Hilary Term of 2024, which were disposed within 2 years. Conversely, the proxy case backlog rate is 27.70%, an indication that an estimated annual proportion of roughly 28% 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 3440 cases, which had some court activity during the Hilary Term and were still active at the end of the period, 953 are expected to be in a

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# THE CHIEF JUSTICE'S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT

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**2024**

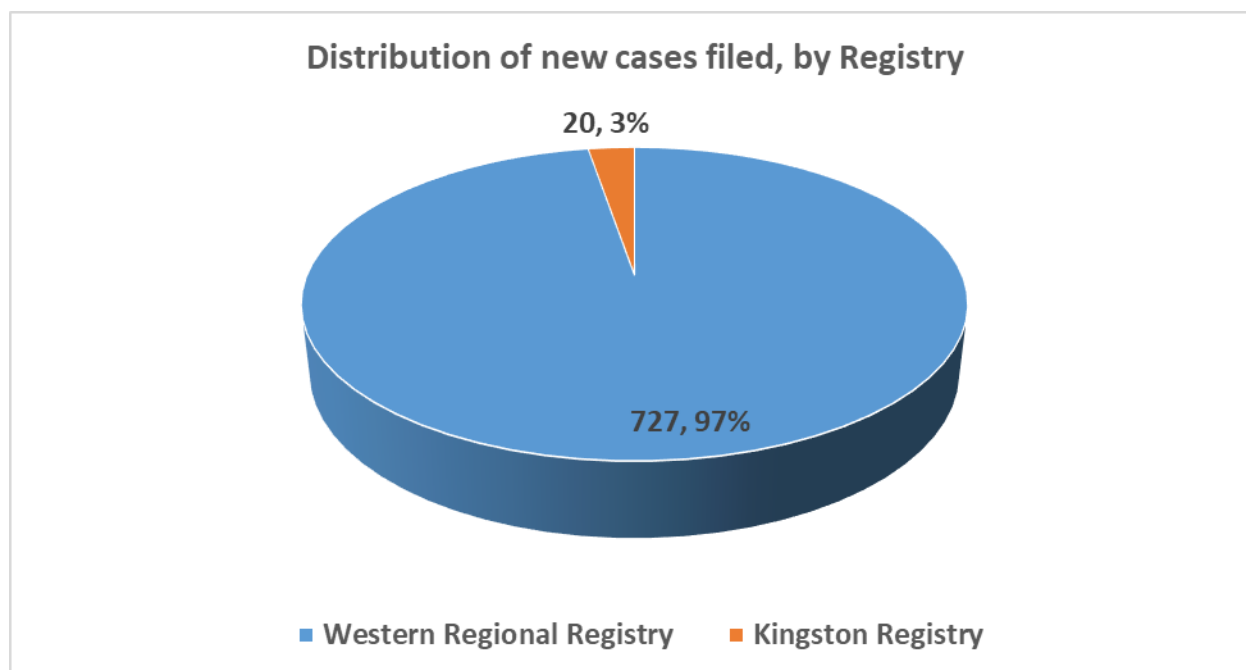
backlog classification before being disposed. This is a slight worsening by roughly 5.39% when compared to the corresponding Term in the previous year.

### CHAPTER 3.0: ESTATE DIVISION

This section turns to the analysis of the progression of matters in the Probate and Administration Division for the Hilary Term ended March 22, 2024.

A total of 747 new Estate Cases were filed in the Probate and Administration Division during the Hilary Term, representing a decline of 11.18% when compared to the corresponding period in 2023. 20 of these new cases were filed at the Western Regional Registry, a decrease of 45.96% when compared to the comparable period in 2023 while the remaining 727 were filed at the registry in Kingston. The output for the Kingston Registry represents a 9.58% decrease in the number of new cases filed when compared to the similar period in 2023.

**Chart 4.0: Distribution of Probate cases filed, by Registry in the Hilary Term ended March 22, 2024**



# THE CHIEF JUSTICE'S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT

2024

As shown in the above chart, 727 or 97% of the new Probate cases filed in the Hilary Term took place at the Registry in Kingston while the remaining 20 or 3% were filed at the Western Regional Registry in Montego Bay. This distribution is broadly typical to that observed in previous periods.

**Table 28.0: Summary of Oaths filed during the Hilary Term ended March 22, 2024**

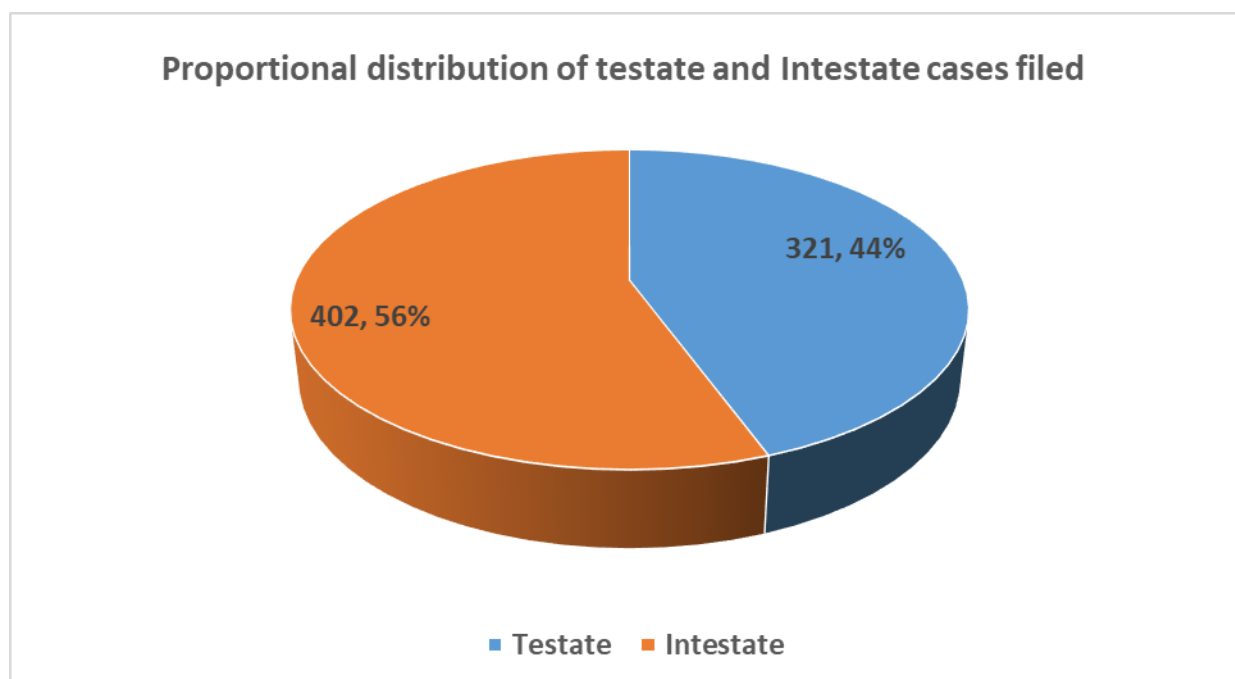
Oaths	Frequency	Percentage (%)
Supplemental Oaths	701	48.41
Oaths	747	51.59
<b>Total</b>	<b>1448</b>	<b>100</b>
<b>Ratio</b>	<b>0.94</b>	

The above table suggests there were a total of 1448 combined Oaths and supplemental Oaths filed in the Hilary Term of 2024, of which 747 or 50.89% were initial Oaths filed, compared to 701 or 49.11% which were Supplemental Oaths. The ratio of Oaths to Supplemental Oaths is 0.94, which suggests that for every 100 Oaths there were 94 Supplemental Oaths filed during the Term, an increase of 1 percentage point when compared to the Hilary Term of 2023. It is of note that the Supplemental Oaths in this data set are not all related to the cases filed during the Hilary Term of 2023 and also includes further Supplemental Oaths filed. Continued interventions are needed to reduce the number of Supplemental Oaths filed for each Oath (the ratio) which could potentially further bolster case clearance rate and total efficiency in the Estate Division.

Over the past five years, the Probate Division has established itself as a model of efficiency in the Supreme Court, with consistent performances ranking them among the highest case

clearance rates and lowest times to disposition. Continued process flow re-engineering will ensure that the efficiency of the Probate Division continues to improve over the course of the rest of the year, guaranteeing high service levels to the Jamaican public.

**Table 5.0: Sampling Distribution of Testate and Intestate cases filed during the Hilary Term ended March 22, 2023**



**Sample size = 723**

Using a sample of 723 cases, the above chart shows that an estimated 56% of the new cases filed in the Estate Division during the Hilary Term of 2023 were Intestate (having no Will in place) while Testate matters (matters with Will in place) accounted for the remaining 44%. In the similar period in 2023, Testate cases accounted for a higher proportion of new cases filed.



# THE CHIEF JUSTICE'S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT

2024

**Table 29.0: Action sequence for the Hilary Term ended March 22, 2024**

Action Status	Frequency
*Granted	460
*Grants Signed	568
<b>Ratio of Granted Applications to Grants Signed</b>	<b>0.81</b>

*\* Some of these relate to cases originating before 2024*

In the process of disposing a typical matter handled by the Deputy Registrar, a case will be granted after satisfactory review and then the Grant is signed which closes the case. In the above data we elucidate the ratio of granted applications to Grants signed which reveals a ratio of 0.81, suggesting that for every 100 granted applications, there were 81 Grants signed (though not necessarily from the number granted). This is a decline of 3 percentage points when compared to the previous year.

**Table 30.0: Case action and requisitions summary for the Hilary Term ended March 22, 2024**

Action Status	Frequency
Number of cases actioned	2942
Requisitions Issued	938
Number of responses to requisitions	613
Number of requisitions issued per 100 case file	32
Requisitions clearance rate	65.35
Average days between final requisition filed and Grant of Probate/Administration	19

The number of requisitions made, the length of time that it takes for requisitions to be retuned and the time to disposition after issuing requisitions, are important to understanding the efficiency of the flow of matters in the Estate Division. It is seen that there were 938 requisitions issued while 2942 individual matters were actioned in the period, representing a ratio of 32 requisitions 100 per case file actioned, a decline of 2 requisitions per 100 case files

# THE CHIEF JUSTICE'S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT

**2024**

actioned when compared to the corresponding period in the previous year. There were 613 responses to requisitions in the Estate Division in the Hilary Term of 2024, producing a requisitions response rate of 65.35%, an improvement of 17.16 percentage points when compared to the corresponding period in the previous year. Further analysis suggests that the average time from the issuing of final requisitions to the Grant of Probate was 19 days, an improvement of 1 day when compared to the similar period in 2023. The number of requisitions issued in the Estate Division during the Hilary Term decreased by 8.31% when compared to the corresponding period in the previous year.

**Table 31.0: Methods of Disposal for the Hilary Term ended March 22, 2024**

Methods of Disposition	Frequency	Percent
Application Granted	16	2.6
Consent Order	2	.3
Fixed date Claim form expire	1	.2
Grant of Admin De Bonis Non signed	1	.2
Grant of Admin De Bonis Non W/A signed	3	.5
Grant of administration signed	238	38.4
Grant of probate signed	242	39.0
Grant of Resealing signed	16	2.6
Judgment	2	.3
Judgment Delivered	1	.2
Letters of Administrator with W/A signed	15	2.4
Matter Withdrawn	1	.2
Notice of Discontinuance noted	33	5.3
WR Grant of administration signed	33	5.3
WR Grant of probate signed	12	1.9
WR Grant of Resealing signed	2	.3
WR Notice of Discontinuance noted	2	.3
<b>Total</b>	<b>620</b>	<b>100.0</b>

# THE CHIEF JUSTICE'S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT

2024

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

The summary of the methods of disposal for the Estate Division for the year are contained in the above table. It is shown that of the 620 cases disposed during the Hilary Term of 2023, a decrease of 11.30% when compared to the corresponding period in 2023. The largest proportion, 543 or 87.58% was a result of various Grants Signed. Notices of Discontinuance and matters disposed by applications granted account for the next highest proportions of the methods of disposition. 39 or 5.65% of the cases disposed originated at the Western Regional Registry.

**Table 32.0: Dominant reasons for adjournment of Probate matters for the Hilary Term ended March 22, 2024**

Reasons for adjournment	Frequency	Percentage (%)
Claimant to file documents	53	37.60
Defendant to file documents	13	9.21
Claimant to comply with order	10	7.10
Claimant documents not served or short served	8	5.70
No parties appearing	7	5.00

**Total number of adjournments = 141**

The leading reasons for adjournment for Estate matters that went to court in the Hilary Term of 2024 are summarized in the above table above. It is shown that of the 89 incidence of adjournments in the period, the largest proportion were for the reasons of 'claimant to file documents' which accounted for 53 or 37.60% of the total. This was followed by adjournments for defendants to file documents and adjournments for claimants to comply with order with 9.21% and 7.10% respectively of the total number of adjournments. The overall incidence of case adjournments increased by 58.43% when compared to the corresponding rates in 2023.

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**Table 33.0: Applications for the Hilary Term ended March 22, 2024**

Type of Hearing	Frequency	Percent
Application	219	77.39
Case Management Conference	7	2.47
Pre-Trial Review	16	5.65
Motion Hearing	2	0.71
Trial in Chamber	22	7.77
Trial in Open Court	17	6.01
<b>Total</b>	<b>283</b>	<b>100</b>

The above table provides a summary of the types of hearings conducted in Chamber and Open Court in the Estate Division during the Hilary Term of 2024. The hearing of applications with roughly 77.39% of the total was dominant followed by trials in chamber and trials in open court with 7.77% each. Applications to prove copy will and applications for directions account for the highest shares of applications filed.

**Table 33.0b: Judicial flexibility Index for the Estate Division for the Hilary Term ended March 22, 2024**

Number of cases heard	Incidence of adjournment	Overall Judicial Flexibility Index (%)
211	141	<b>0.67</b>

The **Judicial flexibility index (JFI)** provides a measurement of the relative ease with which cases are adjourned for various reasons. The closer the rate is to 1 the more flexible the court or Judges are in granting adjournments, however the closer the result is to 0, the less flexible the court/Judges in granting adjournments. In the Hilary Term of 2024, the Estate Division registered an overall approximate Judicial Flexibility Index of 0.67. This suggests that there was

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2024

a moderately high propensity for cases heard to be adjourned in the Estate Division during the Hilary Term of 2024.

**Table 35.0: Hearing date certainty for the Hilary Term ended March 22, 2024**

Court and Chamber hearing dates set	Hearing dates adjourned (excluding continuance)	Hearing date certainty (%)
285	67	76.49

The above table addresses the extent of adherence with dates set for court/chamber matters in the Estate Division for the Hilary Term of 2024. It is shown that there were 285 incidences of dates scheduled for Chamber or Court, 67 of which were adjourned for reasons other than 'continuance'. This produces an overall hearing date certainty rate of 76.49%, an indication that for the Hilary Term there was a roughly 76.49% chance that a matter set for court would proceed without the date being adjourned. This is a decline of 4.31 percentage points when compared to the similar period in 2023. When trial matters are isolated, the trial date certainty rate is roughly 68.50%, roughly 1.50 percentage points below the corresponding figure in the Hilary Term of 2023.

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2024

**Table 36.0: Age of matters disposed for the Hilary Term ended March 22, 2023**

## Descriptive Statistics (months)

Number of observation	620
Mean	18.8129
Median	9.0000
Mode	8.00
Std. Deviation	23.01100
Skewness	4.717
Std. Error of Skewness	.098
Range	263.00
Minimum	1.00
Maximum	264.00

The above table provides a summary measure of the overall estimated times to disposition for the 620 cases disposed during the Hilary Term. The estimated average time to disposition is 18.81 months or approximately the same as that of the Hilary Term of 2023. 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 and modal times to disposition for the Hilary Term are 9 and 8 months respectively. The reasonably large standard deviation of 23.01 months supports the deduction that there were scores that varied widely from the mean, in this case skewing the average upwards. The oldest Estate matter disposed in the Hilary Term was 264 months or roughly 22 years old while there were a few matters, which took under two months to be disposed, representing the lowest times to disposition in the Term. Of the 620

# THE CHIEF JUSTICE'S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT

2024

Probate cases disposed during the Hilary Term of 2024, only nine (9) originated in 2024. The Estate Division has managed to sustain one of the lowest average times to disposition in the Supreme Court over the past five years.

**Table 37.0: Breakdown of times to disposition for the Hilary Term ended March 22, 2024**

Time Interval (months)	Frequency	Percent
0 - 12	383	61.8
13 - 24	147	23.7
25 - 36	33	5.3
37 - 47	20	3.2
48 & over	37	6.0
<b>Total</b>	<b>620</b>	<b>100.0</b>

The above table shows that of the 620 Estate matters disposed in the Hilary Term, the majority, 383 or 61.80% were disposed in 12 months or less, followed by 147 or 23.70%, which were disposed within a time interval of 13 to 24 months. Taken together this data suggests that an impressive approximated 85.50% of Estate matters which were disposed of in the Hilary Term took two years or less. 6.0% of the cases disposed took 48 months or more to be resolved while 5.30% took between 25 and 36 months and 3.20% took between 37 and 47 months. The relatively high proportion of cases disposed within a year and two years respectively continues to augur well for the current efforts to significantly reduce the length of time that it takes for cases to be disposed and potentially eliminate case backlog in the foreseeable future. These gains should continue to improve public confidence in judicial processes geared towards 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.

# THE CHIEF JUSTICE'S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT

2024

**Table 38.0: Case clearance rate for the Hilary Term March 31, 2024**

Cases filed	Cases disposed	Case clearance rate
747	620	83.00

*\*9 or 1.45% of the new cases filed during the Hilary Term of 2024 were disposed*

Using the data on the number of cases filed and disposed in the period under examination, a case clearance rate of approximately 83.00% is derived, approximately the same as the figure in the Hilary Term of 2023. The result suggests that for every 100 cases filed and active in the Hilary Term, roughly 83 were disposed. Although the rate falls outside of the desired annualized standard of 90% - 110%, it is a reflection of the consistency of the Estate Division in producing output which prevents any significant backlog build up. A return to its traditional standard of having case clearance rates that meets the required standard is however of imminent importance at this time in order to sustain relatively low net case backlog rate.

## 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) The crude proxy case backlog rate



# THE CHIEF JUSTICE'S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT

**2024**

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 crude proxy case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Hilary Term of 2024. These measures are summarized in the table below:

**Table 39.0: Selected performances metrics for the Probate and Administration Division in the Hilary Term of 2024**

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	Crude Proxy Case backlog rate
620	2322	0.27	1352 days	530	699	85.50%	14.50%

The results in the above table shows a case turnover rate of 0.27, which is an indication that for every 100 cases, which were 'heard' during the Hilary Term of 2024 and still active at the end of the period, another 27 were disposed, a decline of 1 percentage point when compared to corresponding period in 2023. 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 1352 days or just over 3.7 years, barring special interventions.

# THE CHIEF JUSTICE'S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT

**2024**

A case is considered to be in a backlog classification if it is unresolved in the courts 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 Estate Division in the Hilary Term of 2024 is roughly 85.50%, which reflects the proportion of cases in the Hilary Term of 2024, which were disposed within 2 years. Conversely, the case backlog rate is 14.50%, an indication that an estimated annual proportion of 14.50% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This output is roughly the same as the previous year. The data further suggests that of the 2322 cases, which had some court activity in the Hilary Term of 2024 and were still active at the end of the period, 337 are expected to be in a backlog classification before being disposed.

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2024

## CHAPTER 4.0: THE HOME CIRCUIT COURT

The analysis now turns to a look at case activity in the Home Circuit Court for the Hilary term of 2024.

**Table 40.0: Distribution of the top six new charges brought for the Hilary Term ended March 22, 2024**

A total of 39 new cases were filed in the Criminal Division of the Supreme Court during the Hilary Term of 2024. This is a decline of 18.75% when compared to the corresponding period in the previous year.

**Table 40.0: Leading reasons for adjournment for the Hilary Term ended March 22, 2024**

Reason for adjournment/continuance	Frequency	Percentage
Defence Counsel Absent	125	8.10
Matter not reached	58	5.80
For file to be completed	54	3.50
Defence and Prosecution to Engage in Discussions	53	3.50
For Investigating Officer to Attend	50	3.30
Crown to Take Instructions	37	2.40
For Disclosure	37	2.40
Statement Outstanding	33	2.10
For bail application	29	1.90
Witness cannot be located	27	1.80
Forensic Certificate Outstanding	26	1.70
Defence Counsel needs time to take instructions	25	1.60
CFCD Outstanding	21	1.40
Awaiting DNA Sample	20	1.30
<b>Sub-Total</b>	<b>595</b>	<b>40.80</b>

*Number of observations = 1535*

# THE CHIEF JUSTICE'S HILARY TERM STATISTICS REPORT ON THE SUPREME COURT

**2024**

The above table provides a summary of the leading reasons for adjournments and continuance in the Home Circuit Court for the Hilary Term of 2024. An examination of the leading reasons for adjournment in the period reveals that the dominant reasons for delay were a result of absence of defence counsel with 125 or 8.10%, followed by adjournments due to matter not reached with 58 or 3.80% and adjournments for file to be completed with 54 or 3.50% rounding off the top three reasons. The top five reasons for adjournments in the Hilary Term of 2024 in the Home Circuit Court was rounded off by adjournments for the defence and prosecution to engage in discussions and adjournments for the investigating officer to attend with 3.50% and 3.30% respectively. The reasons for adjournment enumerated in the table above account for 40.80% of the total adjournments and continuances in the Hilary Term of 2024.

When the data is further disaggregated, it is revealed that the main reasons for delay at the Plea and Case Management and Mention are those due to outstanding ballistic certificates, outstanding forensic certificates, statements outstanding, CFCD outstanding, accused absent, the defence needing time to take instructions and for the defence and prosecution to engage in discussions. The data further reveals that there was moderate incidence of repeats of the reasons for adjournment at the trial stage which would have occurred previously at the plea and case management stage for cases making that progression. The data reveals that the dominant reasons for adjournment at the trial stage were adjournments for investigating officer to attend, accused absent and defence counsel absent. The overall evidence here suggests that the overall management of the plea and case management court during the Hilary Term was fair.

There continues to be compelling evidence from the above list of reasons for adjournment, suggesting that third party entities, namely the defence bar, the police, the prosecution, the state lab services contribute significantly to the delays experienced in the progression of cases in the Home Circuit Court. Indeed, the data suggests that only a small share of the reasons for adjournment listed are attributable to deficits in the court's operational procedures. In fact, in many ways the data strongly suggests that once criminal cases are ready they tend to move at a fairly rapid pace towards disposition and many of the roadblocks to case progression are primarily due to the named third party entities. The Supreme Court continues to work assiduously on improving the skill sets of its case progression officers and in bolstering the general efficiency of the operating procedures and scheduling apparatus of the criminal registry. Over the past two years, the Plea and Case Management Court has for example being strengthened and the incidence of adjournments in this court reduced. The overall incidence of reasons for adjournment suggests that external parties are directly responsible for over 87% of the reasons for delay as operationalized by this measurement. The Criminal Registry of the Supreme Court continues to work on improving its overall efficiency in an effort to improve case management and to expedite case outcomes within the desired overall standard of two years or less. It is clear however that the core causes of delays in the Home Circuit Court are largely due to factors concerning external parties. The traditional claim that the inadequacy of courtrooms is a significant cause of delays should also be refuted as the courtroom utilization rate of under 65% suggests that there is some spare resource capacity, albeit in limited proportion in the Supreme Court. The ability of the Home Circuit Court to effectively and

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efficiently schedule cases requires some improvement and the attention of the court's leadership is fully invested in finding scientific resolutions in this regard. The overall effectiveness of the scheduling science in the Home Circuit Court continues to be constrained by a high incidence of adjournments which can be largely associated with third party inefficiencies.

The data suggest that there were roughly 2 adjournments per case heard in the Home Circuit Court in during the Hilary Term of 2024.

**Table 41.0: Hearing date certainty summary for the Hilary Term ended March 22, 2024**

Type of hearings	Hearing date certainty rate (%)
Mention and/Plea and Case Management Hearing	81
Bail Applications	73
Sentencing hearings	74
Trial hearings	62
<b>Total/Overall Average</b>	<b>72.50</b>

The date scheduling certainty for each Division of the Supreme Court is an important metric, which examines the extent to which dates, which are set for 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. The data suggests that between 27 and 28 of every 100 hearing dates set in the Home Circuit Court during the Hilary Term of 2024 were adjourned.

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This suggests an overall hearing date certainty rate of roughly 72.50% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 72 or 73 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 represents an overall decline of 5.17 percentage points when compared to the Hilary Term in the previous year. When trial matters are isolated, the trial certainty rate revealed is 62%, a decline of 3 percentage points when compared to the corresponding period in the previous year while Plea and Case Management Conferences had a hearing date certainty rate of 81%, a decline of roughly 1 percentage points when compared to the corresponding period in the previous year

Continuously improving the trial and overall hearing date certainty rates are of utmost importance to improving the efficiency of the court system. The court continues to work on improving the mechanism used to schedule cases for hearings and in so doing aid in reducing the incidence of adjournments. A major step taken at the end of 2021 is the introduction of an advanced web based case management system called the Judicial Case Management System (JCMS) in the Criminal Division of the Supreme Court. This software will progressively aid in improving the effectiveness of the scheduling apparatus in the Division and in bolstering the overall efficiency of case management.

As illustrated and discussed earlier, the cooperation and preparation of the prosecution, defence attorneys and other stakeholders as well as improved case management within the Home Circuit Court are also crucial the attainment of fostering the required gains. Some of the internal concerns, which will 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 by way of many matters ending 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. It could be argued that unless the estimated duration of trials set is 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 Act, some of the case management that usually takes place in the lower courts now take place in the Supreme Court. Plea and case management conferences at the Supreme Court 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



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be always 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 and should be effectively supported with the aid of the new Judicial Case Management System (JCMS).

**Table 42.0: Sampling distribution of the Methods of disposal for the Hilary Term ended March 22, 2024**

Methods of Disposition	Frequency	Percent
Accused deceased	1	1.3
Dismissed	5	6.6
Found guilty	2	2.6
Found not guilty	2	2.6
No evidence offered	11	14.5
No further evidence offered	2	2.6
Nolle Prosequi*	29	38.2
Not Indicted	10	13.2
Plea guilty	13	17.1
Plea guilty to a lesser charge	1	1.3
<b>Total</b>	<b>76</b>	<b>100.0</b>

*\*Included for computational convenience*

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The above table summarizes the methods of disposal for a sample of charges disposed during the Hilary Term of 2024. A total of 24 cases were disposed and or became inactive in the Home Circuit Court during the Term, a decline of 47.83% when compared to the corresponding period in the previous year. Guilty pleas with 17.10% and matters disposed by no evidence offered with 14.50% accounted for the highest shares of the methods of disposition. A useful measure of efficiency in the criminal court is the conviction rate as displayed below. It is worth noting that Nolle Prosequi entered accounted for 29 or 38.20% of the list, however strictly speaking these are inactive cases, although the statistics have shown that the probability of these cases returning to court are less than 2%.

**Table 43.0: Sampling Distribution of Criminal conviction rate for the Hilary Term ended March 22, 2024**

Sample of charges disposed	Total number of guilty outcomes	Estimated Conviction rate (%)
41	15	36.59

The above table shows that of the sample of 41 criminal charges disposed in the Home Circuit Court, 15 were because of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 36.59% which suggests that there is a roughly 36.59% probability that a matter could end in a guilty outcome, using the Hilary Term of 2024 as a proxy. This represents an increase of approximately 32.33 percentage points when compared to the corresponding period in the previous year.

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**Table 44.0: Descriptive statistics on the times to disposition of charges for Hilary Term ended March 22, 2024**

## Descriptive Statistics (months)

Number of observations	76
Mean	46.0283
Median	33.5100
Mode	28.38
Std. Deviation	31.84139
Skewness	1.328
Std. Error of Skewness	.276
Range	154.92
Minimum	.38
Maximum	155.30

The above table provides a descriptive statistical summary on the times to disposition for matters resolved in the Home Circuit Court in the Hilary Term of 2024. The overall average time to disposition seen is 46 months or 3.25 years, an increase of 7 months when compared to the corresponding period in the previous year. The median time to disposition was 33.51 months or roughly 2.79 years while the most frequently occurring time to disposition in the period was 28.38 months from entering the Home Circuit Court. The standard deviation of the distribution is relatively large which is an indication that there is relatively large dispersion of the times to disposition during the year. The skewness of the distribution is moderately positive which is an indication that a proportionately larger share of the times to disposition fell below the overall mean time to disposition. The maximum time taken to dispose cases in the Home Circuit Court during the year was 155.30 months or roughly 5.18 years while the minimum time to disposition was approximately under a month.

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**Table 45.0: Breakdown of time to disposition of cases for the Hilary Term ended March 22, 2024**

Time Interval (in months)	Frequency	Percent
0 – 12	12	15.8
13 – 24	4	5.3
25 – 36	27	35.5
37 – 47	4	5.3
48 & over	29	38.2
Total	76*	100.0

*\*These 76 charges are the equivalent of 24 cases disposed.*

The above table provides a summary of the estimated time to disposition for the 76 charges (the equivalent of 24 cases) disposed in the Home Circuit Court during the Hilary Term of 2024. It is shown that the largest proportion of matters disposed took four or more years, accounting for 38.20% of the disposals. This is followed by matters taking 13 – 24 months with 26.10% of the disposals and 19.60% which took between 25 and 36 months to be disposed. Approximately 35.50% of the disposals took 25 - 36 months to be resolved, rounding off the intervals with the highest frequency for the Term. Cumulatively, 19.10% of the matters disposed in the period took two years or less, a fall of 15.70 percentage points when compared to the corresponding period in 2023. The remaining 80.90% of cases disposed took over two years to be disposed. Using 2024 Hilary Term data as a proxy, there is a roughly 81% chance that a case entering the Home Circuit Court will fall into a state of backlog, using the 24 months' definition of reasonable time which is established in the Jamaican judiciary. Improvements in the science that is applied to scheduling and case management as a whole, paired with significant

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improvements in third party delay factors discussed earlier has enormous potential to reduce the probability of a case backlog to a remote incidence.

**Table 46.0: Case clearance rate for the Hilary Term ended March 22, 2024**

Cases filed	Cases disposed	Case clearance rate (%)
39	24	61.54

*Note: 3 or 12.50% of the new cases entered during the Hilary Term were disposed.*

In the Hilary Term of 2024, the Home Circuit Court recorded an overall case clearance rate of 61.54, representing a decline of 34.29 percentage points when compared to the corresponding period in the previous year.

## 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) The crude proxy 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

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measure of the estimated length of time that it will take the unresolved cases in that period to be disposed. Additionally, the crude proxy case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Hilary Term of 2024. These measures are summarized in the table below:

**Table 47.0: Selected performances metrics for the Home Circuit Court in the Hilary Term of 2024**

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated Disposition days	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
24	744	0.03	12166	5	19	21.10	78.90

The results in the above table shows a case turnover rate of 0.05, which is an indication that for every 100 criminal cases, which were active in the Hilary Term of 2024 and still active at the end of the year, another 5 were disposed.

A case is considered to be in a backlog classification if it is unresolved in the courts 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 the Hilary Term of 2024 is 21.10%, which reflects the proportion of cases resolved during the Term which were disposed within 2 years. Conversely, the proxy case backlog rate is 78.90%, an indication that an estimated proportion of 79% 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 744 cases,

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which had some court activity during the Term and were still active at the end of the period, 587 are expected to be in a backlog classification before being disposed.

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## CHAPTER 5.0: HIGH COURT DIVISION OF THE GUN COURT

The ensuing analyses provides an overview of case activity in the High Court Division of the Gun Court in the Hilary Term ended March 22, 2024. In particular, this section outlines data related to matters initiated, matters disposed, adjournments and the distribution of trial and mention matters during the year.

Ninety-seven new Gun Court cases were filed during the Hilary Term of 2024, a decrease of 4.30% when compared to the corresponding period in 2023. The dominant charges filed in the period were illegal possession of firearm, illegal possession of ammunition and shooting with intent.

**Table 48.0a: Most frequently occurring reasons for adjournment for the Hilary Term ended March 31, 2024**

Reason for Adjournment	Frequency	Percent
For file to be completed	470	14.7
Ballistic Certificate Outstanding	213	6.7
For disclosure	157	4.9
Statement Outstanding	152	4.8
DNA result outstanding	150	4.7
Crown not ready	128	4.0
Scene of Crime Report (SOC) CD Outstanding	118	3.7
Scene of Crime Report (SOC) Statement Outstanding	114	3.6
Medical Certificate Outstanding	86	2.7
Forensic Certificate Outstanding	77	2.4
Subpoena Witnesses	71	2.2



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Defence Counsel Absent	58	1.8
To Settle Legal Representation	53	1.7
CFCD Outstanding	52	1.6
IO absent	49	1.5
<b>Sub-Total</b>	<b>1948</b>	<b>61</b>

Total number of adjournments and continuances (N) = 3199. *NB: Other 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 the Hilary Term of 2024, including continuances. At the top of the list were adjournments for file to be completed with 470 or 14.70%, ballistic certificate outstanding with 213 or 6.70%, adjournments for disclosure with 157 or 4.90%. As with previous reports, a significant proportion of the reasons for adjournment are due to third party factors. The situation continues to necessitate targeted engagement by the judiciary.

**Table 49.0b: Stages of Adjournment**

Type of Hearing	Percent
Hearing - Application for Bail	13.20
Hearing – Mention	29.15
Hearing - New (first before Court)	11.01
Hearing - Part Heard	8.05
Hearing - Plea and Case Management	16.14
Hearing – Sentence	3.85
Hearing - Trial Readiness Hearing	0.45
Hearing - Trial with Judge Only	18.15
<b>Total</b>	<b>100.0</b>

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*Number of observations = 1307*

The above dataset provides a summary of the stages of adjournments (including continuances) for matters adjourned during the Hilary Term of 2024. It is seen that the largest proportion of these adjournments took place at the mention stage accounting for 29.15%, followed by adjournments at the trial stage with 18.15% and adjournments at the plea and case management stage with 16.14% and adjournments for bail application with 13.20%.

**Table 50.0: Hearing date certainty summary for the Hilary Term ended March 31, 2024**

Type of hearing dates	Estimated hearing date certainty rate (%)
Mention hearings	79.15
Plea and Case Management hearing	82.35
Bail Applications	79.82
Sentencing hearings	77.34
Trial hearings	56.56
<b>Total/Overall Average</b>	<b>75.04</b>

The date scheduling certainty for each Division of the Supreme Court is an important metric, which examines the extent to which dates, which are set for 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 an overall hearing date

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certainty rate of roughly 75.04% was recorded which is another way of saying that for every 100 criminal matters scheduled for court, roughly 75 are able to proceed without adjournment for reasons other than those procedural, for example for Trial, Bail Application, Sentencing and Plea and Case Management. This represents approximately the same outcome as the Hilary Term of 2023. When trial matters are isolated, the trial certainty rate revealed is 56.56%, a decline of 3.59 percentage points when compared to the corresponding period in 2023.

**Table 51.0: Methods of case disposition for the Hilary Term ended March 22, 2024**

Methods of Disposition	Frequency	Percent
*Conditional Nolle Prosequi	14	4.22
*Bench Warrants Issued	10	3.01
Found Guilty	27	8.13
Found Not Guilty	39	11.75
No Case Submission Upheld	45	13.55
No Evidence Offered	76	22.89
No Further Evidence Offered	91	27.41
Other Methods	3	0.90
Plea Guilty	25	7.53
Remitted to Parish Court	2	0.60
<b>Total</b>	<b>332</b>	<b>100.0</b>

*\*Inactive cases, included here for computational convenience*

The above table summarizes the methods of disposition for the charges disposed in the High Court Division of the Gun Court for the Hilary Term of 2024. It is seen that there were 332 charges which became disposed or inactive, the largest proportion of which were a result of no further evidence offered and no evidence offered respectively with 91 or 27.41% and 76 or 22.89% respectively, followed by no case disposed case submissions upheld with 45 or 13.55%.

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The 332 charges disposed or which became inactive (the significant minority is the equivalent of 110 unique cases), representing an increase of 36.63% when compared to the Hilary Term of 2023.

**Table 52.0: Estimated Conviction rate in the Gun Court for the Hilary Term ended March 22, 2024**

Number of charges disposed	Number of Guilty outcomes (i.e. guilty verdicts and guilty pleas)	Conviction rate (%)
332	52	15.66

The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the 332 disposed charges in the Hilary Term of 2024, 22 were a result of either a guilty plea or a guilty verdict. This produces an overall conviction rate of 6.63% for Gun Court charges resolved during the Term, approximately 4.50 percentage points below the rate in the corresponding period in 2023. The following table delves further into the conviction rate, by the substantive matter.

**Table 53.0: Conviction rate by selected substantive matter in the Gun Court for the Hilary Term ended March 22, 2024**

Substantive matter	Number of charges disposed	Number of guilty outcomes (pleas and verdicts)	Conviction rate (%)
Illegal possession of fire arm	85	18	21.18
Illegal possession of ammunition	44	14	31.82
Assault (various forms)	19	2	10.53

*Note: Common cases feature across different charges*

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It is shown in the above table that of the 85 charges of illegal possession of a firearm disposed, 18 were disposed by way of either a guilty verdict or a guilty plea, yielding a conviction rate of roughly 21.18%, a decline of 10.19 percentage points when compared to the corresponding period in 2023. 14 of 44 charges of illegal possession of ammunition which were disposed in the Hilary Term of 2024 were a result of guilty outcomes, resulting in a conviction rate of 31.82%, a decline of 22.53 percentage points when compared to the corresponding period in 2023. 2 of the 19 assault matters which were disposed in the Hilary Term were a result of guilty outcomes, resulting in a conviction rate of 10.53%, an increase of 5.98 percentage points when compared to the corresponding period in 2023.

**Table 54.0: Time to disposition (from case file date) for charges disposed of in the Hilary Term ended March 22, 2024**

## Descriptive Statistics (in days)

Number of observations	110
Mean	406.5204
Median	316.0000
Mode	75.00 <sup>a</sup>
Std. Deviation	344.06455
Skewness	1.730
Std. Error of Skewness	.244
Range	1784.00
Minimum	10.00
Maximum	1794.00

a. Multiple modes exist. The smallest value is shown

The above table summarizes the time taken to dispose of cases in the Gun Court in the Hilary Term of 2024, counting from the date cases were filed. It is seen that the estimated average

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time to disposition from the date of case is approximately 13.55 months, an improvement of roughly 5 and a half months when compared to the corresponding period in 2023. The data set for this measure is positively skewed, indicating that proportionately more of the times to disposition fell below the overall series mean. The estimated maximum time to disposition for the data set is 59 months or almost 5 years. The estimated minimum time to disposition from the date of filing was 10 days. The modal and median times to disposition were approximately 10.50 and 2.50 months respectively, promising signs for the ability of the Gun Court to dispose a significant proportion of its cases before they fall into a state of backlog, despite recent declines in conviction rates. The standard deviation was relatively high, indicating that the individual scores were widely dispersed around the mean. The 110 cases disposed or inactivated in the High Court Division of the Gun Court in the Hilary Term represents a 37.50% increase when compared to the corresponding period in 2023.

**Table 55.0: Breakdown of times to disposition (from case file date) for the cases disposed in the Hilary Term ended March 22, 2024**

Date Intervals	Frequency	Percent
0 - 12	24	21.82
13 - 24	28	25.45
25 - 36	22	20.00
37 - 47	10	9.09
48 & over	26	23.64
<b>Total</b>	<b>110</b>	<b>100.00</b>

The above table provides a further breakdown of the estimated time to disposition for the charges disposed in the Hilary Term of 2023, counting from the case file date. The data shows

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that the largest proportion of the disposals using this method took between 13 and 24 months. This interval accounted for 28 or 25.45% of the disposals and was followed by charges taking 48 months and over to be disposed with 26 cases or 23.64%. A further 21.82% of the cases were disposed in 12 months or less, 20% took between 25 and 36 months to be resolved and 9.09% took between 37 and 47 months. Cumulatively, 47.22% of the cases disposed took two years or less from the case file date, a decline of 29.68 percentage points when compared to the corresponding period in 2023.

**Table 56.0: Case clearance rate for the Hilary Term ended March 22, 2024**

Cases filed	Cases resolved	Case clearance rate
97	110	113.40%

Ninety-seven new cases were filed in the High Court Division of the Gun Court in the Hilary Term of 2024 while 110 cases were also disposed or inactivated (including many which originated before the Term) leading to an impressive case clearance rate of approximately 113.40% for the period. This output represents a 25.71 percentage points improvement when compared to the corresponding period in 2023.

## **Other performance measures**

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

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

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(ii) The case turnover ratio

(iii) The disposition days

(iv) The crude proxy 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 crude proxy case backlog rate provides a measurement of the proportion of cases, which have been active for over two years as at the end of the Hilary Term of 2023. These measures are summarized in the table below:

**Table 57.0: Selected performances metrics for the Gun Court in the Hilary Term of 2024**

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 (%)	Crude Proxy case backlog rate (%)*
110	459	0.24	1521	52	110	47.27	52.73

The results in the above table shows a case turnover rate of 0.24, which is an indication that for every 100 cases which were 'heard' during the Hilary Term of 2024 and still active, 24 pre-existing cases were disposed.



A case is considered to be in a backlog classification if it is unresolved in the courts 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 the Hilary Term of 2024 is approximately 47.27%, which reflects the proportion of Gun Court cases in the Hilary Term of 2024, which were disposed within 2 years. This is comparatively low by the usual standards of the Gun Court and may be indicative of signs of growth in the gross case backlog rate. Conversely, the crude proxy case backlog rate is 52.73%. While these proxy measurements are insightful, they are not meaningful for generalization purposes as they are based on activity from a single Term. These measures over a year or more of activity provides the basis for reliable statistical inferences.

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## CHAPTER 6.0: COMMERCIAL DIVISION

This chapter presents data on case activity in the Commercial Division in the Hilary Term of 2024 as well as important performance measurements and year on year comparisons where applicable.

**Table 58.0: Cases filed in the Commercial Division in the Hilary Term ended March 31, 2024**

Division	Number of new cases filed
Commercial	124

In the Hilary Term of 2024, 124 new cases were filed, a fall of 3.13% when compared to the corresponding period in 2023. The Commercial Division currently steadily averages over 500 new cases per year and its productivity is important in sending signals to economic agents in the country.

**Table 59.0: Sampling distribution of the dominant reasons for adjournment/continuance in the Commercial Division for the Hilary Term ended March 22, 2024**

Reasons for adjournment	Percentage (%)
Claimant documents not served	18.80
Parties still in discussion regarding disputed judgment	11.10
Defendant's documents not served or short served	12.60
Mediation Continuing	6.90
Pending Settlement	5.60
Part Heard in Progress Before Another Judge	5.60
<b>Sub-Total</b>	<b>60.60</b>

**Number of observations (N) = 144**

The above table provides a sampling distribution of the leading reasons for adjournment in the Commercial Division for the Hilary Term of 2024. A total of 144 such incidences sampled reveal that adjournments due to claimant's documents not served with 18.80%, parties having

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discussion regarding disputed judgment with 11.10% and mediation continuing with 6.90% accounted for the top three reasons for adjournment/continuance in the Commercial Division for the Hilary Term. The top six reasons for adjournment/continuance documented from the sample accounts for 60.0% of the total. These leading reasons for adjournment listed are largely attributable to factors which are not within the direct realm of direct court control.

**Table 60.0: Sampling distribution of cases with chamber hearings for the Hilary Term ended March 22, 2024**

Hearings	Frequency	Percentage (%)
Applications (Various)	213	66.15
Case Management Conference	59	18.32
Pre-trial review	42	13.04
Judgment summons hearing	8	2.48
<b>Total</b>	<b>322</b>	<b>100</b>

The above table summarizes a sample of 322 cases which had chamber hearings in the Commercial Division during the Hilary Term of 2024. As with the High Court Civil (HCV) Division, the hearing of various applications for relief sought dominates the list with roughly 66.15% of the matters with chamber hearings. Case Management Conferences and Pre-trial reviews with 18.32% and 13.04% respectively ranks next, rounding off the top three chamber hearings in the Commercial Division for the Hilary Term of 2024.

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**Table 61: Sampling distribution of hearing date certainty in the Commercial Division for the Hilary Term ended March 22, 2024**

Type of hearings	Estimated Hearing date certainty rate (%)
Case Management Conferences	88.52
Trials in Chamber, Trials in Open Court and Assessments of Damages	73.25
All hearings combined (Weighted Average)	80.89

The above table breaks down the hearing date certainty rates for two significant types of hearings and also gives the overall rate for the Hilary Term of 2024. It is shown that Case Management Conferences had an estimated hearing date certainty rate of 88.52% for the period, down by 0.49 percentage points when compared to the corresponding period in 2023, while the combined weighted hearing date certainty rate for trials in chamber, assessments of damages and open court is estimated to be 73.25%, a decline of 1.90 percentage points when compared to the corresponding period in 2023. The overall hearing date certainty rate when all types of hearings are considered is approximately 80.89%, a decline of 3.32 percentage points when compared to the corresponding period in 2023. The continued general improvement in the hearing date certainty of the Commercial Division is a step in the right direction as over time this will translate into higher case clearance rates and generally greater productivity. The efficiency of the Commercial Division is an important signal for economic activity in Jamaica.

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**Table 61.0b: Judicial Flexibility Index for the Commercial Division for the Hilary Term ended March 22, 2024**

Number of cases heard	Incidence of adjournment	Overall Judicial Flexibility Index (%)
214	144	0.67

The **Judicial flexibility index (JFI)** provides a measurement of the relative ease with which cases are adjourned for various reasons. The closer the rate is to 1 the more flexible the court or Judges are in granting adjournments, however the closer the result is to 0, the less flexible the court/Judges in granting adjournments. In the Hilary Term of 2024, the Commercial Division registered an overall approximate Judicial Flexibility Index of 0.67. This suggests that there was a moderately high propensity for cases heard to be adjourned in the Commercial Division during the Hilary Term of 2024.

**Table 62: Sample case flow process transition summary**

Number of cases on which defences were filed	Number of cases referred to Mediation	Mediation Report Return Rate (%)	Average time between filing of a defence and referral to mediation [for matters on which defence was filed in 2021]	Average time between referral to mediation and receipt of mediation report [2021 referrals only]
108*	42**	11.90%	65 days	5.5 months

*Note: The above data represents estimated values based on data available at the time of reporting*

*Note that the number of mediation referrals and the number of cases referred to mediation are not necessary equivalents*

*Note that the number of cases on which defences were filed and the number of defences filed are not necessary equivalents*

The sample case flow process transition summary suggests that the Commercial Division has an annual mediation report return rate of 11.90% which means that for every 10 matters referred to mediation during a year, roughly 1 report is returned (not necessarily from the stock of referrals during the year). This result suggests that the availability of mediation reports is falling well behind the rate at which matters were referred to mediation. Considering that a mediation

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report should take on average 90 days to be returned by the relevant mediation centre, this is an interesting statistic which gives insights into the delays in the mediation process, a potential impediment to the progression of cases in the Commercial Division. The average time taken to return a mediation report for the matters which were referred to mediation during a year is roughly 5.5 months, which is almost twice the expected time but the overall average time can be a bit longer. The transition between the filing of a defence and referral to mediation by the Division appears to be slower than desired and may also be inimical to case flow progression. The statistics on the time interval between the filing of a defence and mediation referral is also quite insightful. The data shows that on average it takes approximately 65 days or two months after a defence is filed for a matter to be referred to mediation while the modal time is approximately 25 days and the median approximately 40 days. The shortest time interval recorded in the sample between the filing of a defence and referral to mediation is 5 days and the highest is 270 days or roughly 9 months. These results reflect trends over the past five years. The overall success rate of mediation for the past two years for matters referred from the Commercial Division is less than 22%.

**Table 63.0: Requisitions summary for the Hilary Term ended March 22, 2024**

Requisitions Issued	Requisition Reponses	Requisitions clearance Rate (%)	Requisitions issued per 100 case files
34	31	91.18	7

\*This figure includes requisitions filed on matters originating prior to 2021

The above table provides a summary of the response rate for requisitions issued in the Commercial Division in the Hilary Term of 2024. It is shown that 34 requisitions were issued in

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during the Term while there were 31 responses filed, thus producing a requisitions clearance rate of 91.28%, an increase of 3.90 percentage points when compared to the corresponding period in 2023. This requisition clearance rate suggests that during the Hilary Term, for every 10 requisitions issued, roughly 9 responses were filed. Additionally, there was an average incidence of 7 requisitions per 100 case files in the Commercial Division for the Term.

**Table 64: Methods of disposition for the Hilary Term ended March 22, 2024**

Method of Disposition	Frequency	Percent
Agreed to pay by installment	1	1.2
Application Granted	2	2.5
Application Refused	1	1.2
Claim form expire	2	2.5
Judgment	3	3.7
Judgment Delivered	3	3.7
Judgment in Default of acknowledgment of Service	37	45.7
Judgment in Default of Defence	5	6.2
Judgment on Admission	2	2.5
Matter Discontinued	10	12.30
Matter Withdrawn	2	2.5
Settled	6	7.4
Settlement Order	2	2.5
Struck Out	2	2.5
Transfer to Commercial (Ordered )	1	1.2
Written Judgment Delivered	2	2.5
<b>Total</b>	<b>81</b>	<b>100.0</b>

The data suggests that 81 cases in the Commercial Division were disposed in the Hilary Term of 2024, an increase of 37.29% when compared to the corresponding period in 2023.

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Disposals by way of judgments in default of acknowledging with 37 or 45.70% led the list of dispositions while matters discontinued and settlements.

**Table 65.0: Time to disposition for Commercial cases disposed in the Hilary Term ended March 22, 2024**

Number of observations	81
Mean	28.3086
Median	19.0000
Mode	8.00
Std. Deviation	32.19924
Skewness	2.178
Std. Error of Skewness	.267
Range	165.00
Minimum	1.00
Maximum	166.00

The above table shows that the estimated average time to disposition for the 59 Commercial cases disposed in the Hilary Term of 2024 is 28.31 months or just over 2 years and 4 months, two months shorter than the average in the corresponding period in 2023. The maximum time to disposition observed from these cases is roughly 5.53 years while the lowest is roughly a month. It is of note that the modal and median times to disposition were 8 and 19 months respectively, encouraging signs of continued progress in the overall time taken to resolve commercial matters. The positive skewness observed also suggests that the proportionately more of the commercial cases disposed in the Hilary Term of 2024 took less time than the overall mean. Only one case disposed in the Hilary Term had their origins in that period.



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**Table 66.0: Breakdown of times to disposition for Commercial cases resolved in the Hilary Term ended March 22, 2024**

Time Interval	Frequency	Percent
0 – 12	40	49.4
13 – 24	17	21.0
25 – 36	6	7.4
37 – 47	5	6.2
48 & over	13	16.0
<b>Total</b>	<b>81</b>	<b>100.0</b>

The above table provides a breakdown of the times to disposition for the cases disposed in the Commercial Division in the Hilary Term of 2024. It is seen that the largest proportion of these cases were disposed of within a year, accounting for an impressive 49.40% of the disposals. This is followed by 21.0% which took between 13 and 24 months to be disposed while 16% which took 4 or more years to be disposed and 7.40% which took between 25 and 36 months to be resolved accounted for the next highest proportions. Taken together, the data suggest that a commendable 70.40% of the cases disposed in the Commercial Division in the Hilary Term of 2024 were resolved within 2 years.

**Table 67.0: Case clearance rate for the Commercial Division for the Hilary Term ended March 22, 2024**

Cases filed	Cases disposed	Case clearance rate
124	81	65.32%

One hundred and twenty-four new cases were filed in the Commercial Division in the Hilary Term of 2024, while 81 cases were disposed which yields a case clearance rate of 65.32%. This

result suggests that for every 100 new cases filed in the year, roughly 65 were disposed, an improvement of roughly 19 percentage points when compared to the corresponding period in 2023, the second consecutive Hilary Term of major improvement in this metric for the Commercial Division.

### **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) The crude proxy 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 the Hilary Term of 2024. These measures are summarized in the table below:

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**Table 68.0: Selected performances metrics for the Commercial Division for the Hilary Term of 2024**

Resolved cases	Unresolved cases	Case turnover rate (%)	Estimated Disposition days	Number of cases disposed within 2 years	Total number of cases disposed	On-time case processing rate (%)	Crude Proxy Case backlog rate (%)
81	422	0.19	1921 days	57	81	70.40	29.60

The results in the above table shows a case turnover rate of 0.19, which is an indication that for every 100 cases which were 'heard' in the Hilary Term of 2024 and still active, another 12 were disposed, an increase of 7 percentage points when compared to the corresponding period in 2023.

A case is considered to be in a backlog classification if it remains unresolved 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 the Hilary Term of 2024, is a commendable 70.40% which reflects the proportion of Commercial cases in the Hilary Term of 2024, which were disposed within 2 years. Conversely, the crude proxy case backlog rate is a commendable 29.60%, an indication that an estimated annual proportion of roughly 30% 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 422 cases which had some court activity during the Hilary Term and were still active at the end of the period, 127 are expected to be in a backlog classification before being disposed.

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## CHAPTER 7.0: Aggregate Case Activity, Outstanding Judgments, Courtroom Utilization and Guest Contribution from a selected Division of the Supreme Court

### 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. Among the key measures of court productivity is the case clearance rate. The below table provides a summary of the collective case clearance rate for the Divisions of the Supreme Court in the Hilary Term of 2024.

**Table 69.0a: Gross case clearance rate for the Hilary Term ended March 22, 2024**

Total cases filed	Total cases disposed	Gross Case clearance rate
3302	2640	79.95

The above table provides an aggregate summary of the clearance rates in the Divisions of the Supreme Court in the Hilary Term of 2024. The data suggests that 3302 new cases were filed/entered across the Divisions reviewed during the Term, a decrease of roughly 3.98% when compared to the corresponding period in 2023. There were 2640 cases disposed across the Divisions of the Supreme Court during the Hilary Term, a decrease of 2.94% when compared to the corresponding period in 2023. These results yield a gross clearance rate of roughly 79.95% representing a rise of 0.86 percentage points when compared to the corresponding period in 2023 and suggesting that that for every 100 cases filed/entered during the period, roughly, 80 were also disposed. In the Hilary Term of 2024, the Divisions with the highest case clearance

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rates were the Family Division with 123.57%, followed by the Gun Court with 113.40% and the Estate Division with 83%.

## Aggregate Case Activity for the past two calendar years

**Table 78.0b: Summary of new cases filed and cases disposed in the Supreme Court (2022 – 2023)**

Division	Aggregate number of new cases filed in 2022	Aggregate number of cases disposed in 2022	Case Clearance Rate (%) - 2022	Aggregate number of new cases filed in 2023	Aggregate number of cases disposed in 2023	Case Clearance Rate (%) - 2023
High Court Civil (HCV)	4076	3216	78.90	4264	2706	63.46
Family	4796	3682	74.60	4499	4073	90.53
Estate	3728	2749	73.74	3452	2778	80.47
Commercial	609	160	26.27	610	324	53.11
Home Circuit Court	267	174	73.50	350	187	53.43
Gun Court	369	399	108.13	338	275	81.36
Revenue Court	4	11	275.00	8	9	112.50
<b>Total</b>	<b>13849</b>	<b>10391</b>	<b>75.03*</b>	<b>13521</b>	<b>10352</b>	<b>76.56</b>

*\*Excludes Insolvency and Admiralty Cases and thus deviates from the overall case clearance rate of 74.95% in 2022.*

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## Case Activity Summary for the Hilary Term of 2024

The below table provides a summary of core case activity for each Divisions of the Supreme Court in the Hilary Term of 2024.

**Table 71.0: Aggregate case activity in the Hilary Term of 2024**

Division	New cases Filed	Aggregate number of cases disposed	Clearance Rate (%)	Average time To Disposition (months)	Hearing Date Certainty Rate (%)
High Court Civil (HCV)	1264	530	41.93	53.64	82.74
Family	1031	1274	123.57	48.94	81.53
Estate	747	720	83.00	18.81	76.49
Commercial	124	81	65.32	28.31	80.89
Home Circuit Court	39	24	61.54	46.02	72.50
Gun Court	97	110	113.40	13.55	75.04
Revenue Division	0	1	-	8.45	75.00
Gross/Weighted Average	3302	2640	79.95	31.10	76.91

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The above table provides an important summary of case activity in the Supreme Court in the Hilary Term of 2024. It is shown that 3302 cases were filed/entered across the Divisions of the Supreme Court during the Term, the largest proportion of which were filed in the High Court Civil Division with 1264 or 38.28%. The Family Division with 1031 or 31.22% and the Estate Division with 747 or 22.62% accounts for the next highest shares of new cases filed during the Hilary Term.

Similar to recent years, the Family and Estate Divisions accounted for the largest share of the cases disposed in the Hilary Term with roughly 48.26% and 22.63% respectively of the total. The overall case clearance rate for the Supreme Court for the Hilary Term of 2024 is roughly 79.95%, approximately 0.86 percentage points higher than the corresponding period in 2023. The Family Division registered the highest rate on this measurement with an output of 123.57%, followed by the High Court Division of the Gun Court with 113.40%. The High Court Civil (HCV) Division accounted for the longest average time to disposition with cases taking an average of roughly 54 months. The Home Circuit Court is next with an average time to disposition of approximately 46 months while Estate Division and the Gun Court with approximate average times to disposition of 19 months and 13.55 months respectively account for the lowest average times to disposition for matters resolved in the Hilary Term of 2024 (excluding the Revenue Court statistics). The overall weighted average time taken to dispose of the cases resolved in the period was roughly 31 months, a decline of 4 months when compared to the corresponding period in 2023. The Divisions of the Supreme Court experienced an

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overall decline of 2.98 percentage points in the hearing date certainty rate, netting a figure of 76.91% in the 2024 Hilary Term period.

## Judgments Reserved and Judgments Delivered

This sub-section provides a summary of the civil judgments reserved and delivered in the Hilary Term of 2024.

**Table 72.0: Summary of Judgments Reserved and Delivered in the Hilary Term of 2024**

Division	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 (%)
HCV	83	60	72.29	59	33	55.93
Commercial Division	4	4	100%	8	1	12.50
Family	1	1	100%	-	-	-
Estate	2	0	0	-	-	-
<b>Total</b>	<b>90</b>	<b>65</b>	<b>72.22</b>	<b>67</b>	<b>34</b>	<b>50.75</b>

A total of 90 judgements were reserved in the Hilary Term of 2024 while a total of 65 judgments were delivered. This output led to a clearance rate of roughly 72.22%, a notable decline of 74.66 percentage points when compared to the similar period in 2023. This result means that for every 10 judgments which were reserved in the Hilary Term of 2024, roughly 7 clear judgments were delivered. The Chief Justice has set a standard for all judgments reserved in the Supreme Court to be delivered within three months of reservation, except for complex



cases which should take a maximum time of six months after reservation to be delivered. The overall clearance rate was consistent with the output in the High Court Civil Division which registered a clearance rate on judgments reserved of 72.29% during the Term.

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 and 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 further suggests that there were 67 judgments reserved on applications in the Hilary Term of 2024, while 34 were delivered. This produced a clearance rate for judgments on applications of 50.75%, a decrease of 56.39 percentage points when compared to the corresponding period in 2023.

### **Estimated Courtroom/Hearing Utilization Rate in the Hilary Term of 2024**

Using a sample of cases heard in open court in the Hilary Term of 2024, the courtroom utilization rate for the Supreme Court was estimated to be 57%, suggesting that just about 2.85 of every 5 available hours for hearings were utilized in the period. The significant and successful use of virtual hearings, particularly in relation to civil matters in the Supreme Court has essentially eliminated available physical courtroom space as a resource constraint to total productivity of the Supreme Court as whole and the civil divisions in particular. This is expected to contribute positively to the utilization of judicial time going forward.

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## Modes of hearing in the Civil, Probate and Family Divisions in the Hilary Term of 2024

In response to the COVID-19 pandemic in 2020, the Supreme Court started moving a significant proportion of its hearings online in order to mitigate potentially crippling effects on court operations. Since then virtual hearings have steadily become a mainstream part of the daily operations of the court.

**Table 73.0: Sampling distribution of the modes of hearing for civil matters in the Supreme Court in the Hilary Term of 2024**

Mode of Hearing	Frequency	Percent
Hybrid	39	.8
In Person	271	5.9
Teleconference	4	.1
Video Conference	4310	93.2
<b>Total</b>	<b>4624</b>	<b>100.0</b>

It is seen in the above sample summary that the overwhelming majority of hearings conducted in the combined High Court Civil, Commercial, Family and Estate Divisions of the Supreme Court were done by video conference, accounting for an estimated 93.20% of hearings conducted, while in person hearings accounted for 5.90%, hybrid hearing accounted for 0.80% and teleconferences accounted for 0.10 of this representative sample of hearings in the period. The general improvement in hearing date certainty rate which is being observed in civil cases since the latter part of 2021 is partly a result the mass movement of cases online, a process which started in 2020, but have now becoming customary place. It has essentially removed courtroom space as a constraint on court productivity, paving the way for greater efficiency in the court's operation.

### **CHAPTER 8.0: CONCLUSION**

The Supreme Court of Jamaica continues to make steady strides in advancing its overall productivity. The Supreme Court is yet to arrive at an overall steady state equilibrium point in its case clearance rates and backlog reduction, however some divisions are holding steady ground, others are making special leaps while some others continue to work on deep reforms which are intended to have a sustainable impact within the coming years.

The overall case clearance rate in the Supreme Court for the Hilary Term of 2024 is roughly 80%, one of the highest on record. This was largely driven by the output of the Family and Estate Divisions and the Gun Court to a lesser extent. The Family Division recorded a record case clearance rate of 113.40% in the term, while also accounting for the highest number of new cases received, slightly ahead of the High Court Civil Division. The Estate Division recorded a case clearance rate of 83% while the Gun Court recorded a case clearance rate of 113.40%, though disposing substantially less cases than the Estate and Family Divisions. It is a rare occasion to have two entities in the Supreme Court with case clearance rates of over 100%, let alone over 110%. It is also of note that four of the divisions of the Supreme Court recorded case clearance rates of over 80% for the Hilary Term while six recorded hearing date certainty rates of over 75%. The results are promising for the Supreme Court however room for growth remains in all divisions and a number on ongoing projects aimed at improving efficiency including process flow reforms, targeting backlogged and inactive cases, targeted cases with special characteristics, greater public and stakeholder engagement and establishing case weights and performance standards, among other initiatives are well underway.

### 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. <sup>i</sup>

**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. <sup>ii</sup>

**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>

<sup>i</sup> *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.

**Exponential smoothing:** Exponential smoothing of time series data assigns exponentially decreasing weights for newest to oldest observations. In other words, the older the data, the less priority ("weight") the data is given; newer data is seen as more relevant and is assigned more weight.

**Crude Proxy:** A rough estimate