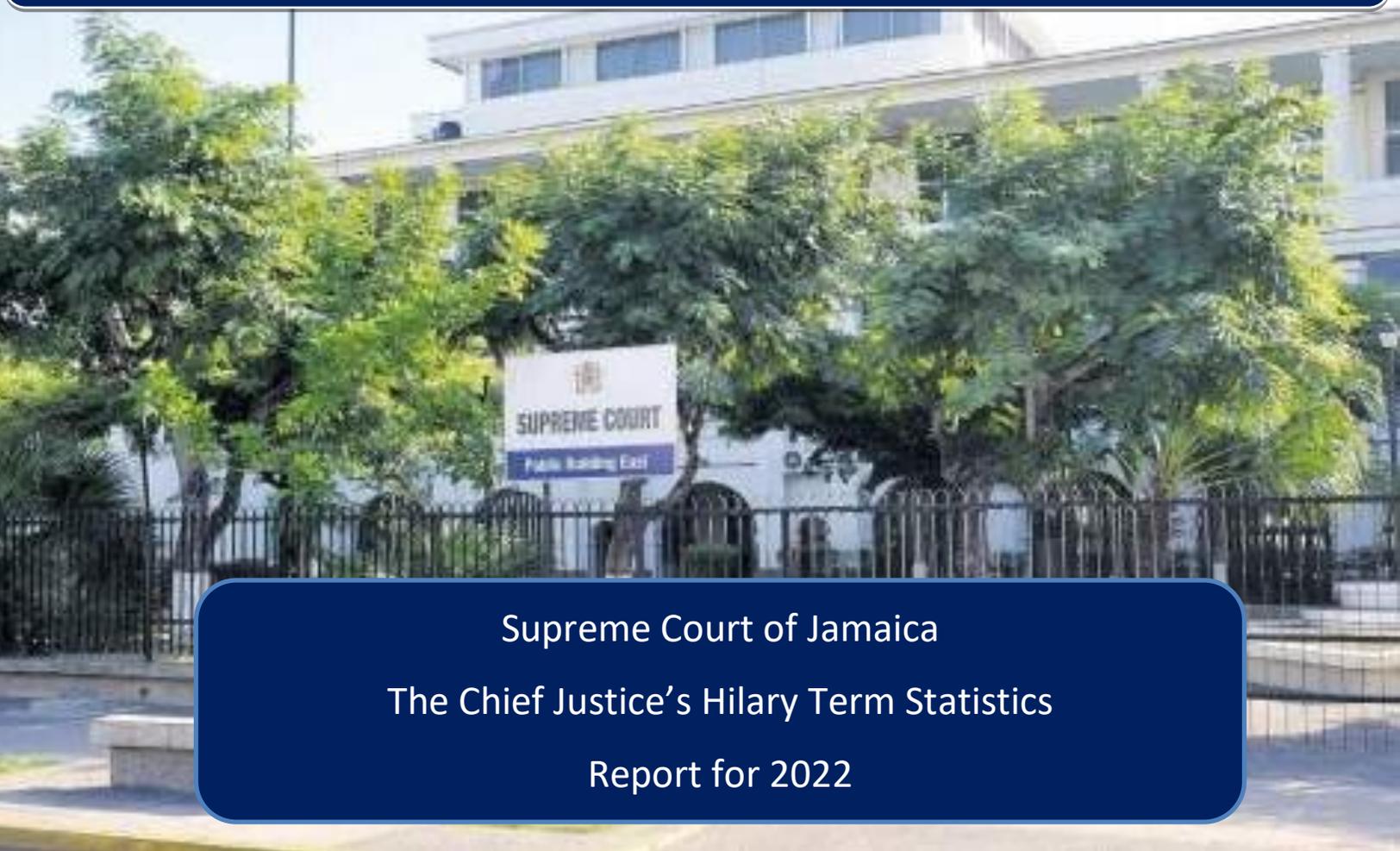


THE CHIEF JUSTICE'S STATISTICS REPORT ON THE SUPREME COURT FOR THE HILARY TERM OF 2022



Supreme Court of Jamaica The Chief Justice's Hilary Term Statistics Report for 2022

OVERALL QUANTITATIVE HIGHLIGHTS (HILARY TERM)

| | <u>2022</u> | <u>2021</u> | <u>2020</u> |
|--|-------------|-------------|-------------|
| Case clearance rate (%) | 59.85 | 65.90 | 73.21 |
| Hearing date certainty rate (%) | 80.83 | 76.77 | 67.51 |
| Case file integrity rate (%) | 85.27 | 84.68 | 93.19 |
| Average time to disposition of cases (years) | 2.24 | 2.23 | 2.08 |
| Clearance rate on outstanding Judgments (%) | 135.53 | 160 | 234 |

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EXECUTIVE SUMMARY

This 2022 Hilary Term Report on case activity in the Supreme Court represents another significant 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. As part of becoming a first class court system, the Honourable Chief Justice, Mr. Bryan Sykes has set out vital quantitative targets which will bring the Jamaican judiciary in line with the bests in the world. Among these targets is the attainment of an overall trial date certainty rate of 95% and a weighted case clearance rate of 130% over the next 2-3 years across the court system. Since the Supreme Court accounts for a sizeable share of the total civil and criminal caseload in Jamaica, its success is crucial to the attainment of the overall targets. These targets hinge on the objective of reducing the court-wide net case backlog rate to less than 5% over the next 2-3 years. This means that by that time no more than 5% of active cases in the courts should be over 24 months old. The Jamaican court system defines 24 months as a reasonable maximum time for the resolution of all cases, regardless of complexity. 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.

As a whole, the Supreme Court recorded an increase in case activity in the Hilary Term of 2022 when compared to the corresponding period in the previous year, as some semblance of normalcy in date setting and the types of hearings start to take firm footing once more, aided by the continuation of virtual hearings as an apparent important part of the future of the Jamaican judiciary. Only an estimated 9.23% of civil hearings conducted in the Hilary Term of 2022 were conducted in-person. An approximate 86.66% were done by videoconference and the remaining 4.17% were done via teleconference. These statistics represents significant shift in the modus operandi of the Supreme Court and creates an opportunity for momentous gains in efficiency in the coming years as physical courtroom space is almost eliminated as an important constraint on total productivity.

A total of 3993 new cases entered the Supreme Court across all Divisions/sections in the Hilary Term while 2390 cases were disposed. The total number of new cases filed in Term increased by 20.78% when compared to the corresponding period of the previous. The number of cases disposed in the Term also increased, leaping by 11.53% when compared to the similar period last year. The Matrimonial Division and the High Court Civil (HCV) Division and with 1369 and 1250 respectively of the total number of new cases filed accounted for the largest shares of incoming cases in the Term, with the Matrimonial Division eclipsing the HCV Division for the first time in recent recorded history on case inflows. As was the circumstance in the previous four years, the Matrimonial Division accounted for the largest share of disposals with 42.97% of

all disposed cases in the Supreme Court for the Term, while the Probate Division with 760 or roughly 31.80% of the cases disposed ranks next.

Among the major findings from this Hilary Term Statistics Report is that the average case clearance rate across the four Divisions was roughly 59.85%, a decrease of 4.97 percentage points when compared to the corresponding period in 2021. 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 60% across the Divisions suggests that for every 100 new cases entered in the period, roughly 60 were also disposed (not necessarily from the new cases entered). The case clearance rates for the Hilary Term of 2022 range from a low of 23.19% in the Commercial Division to a high of 87.69% in the High Court Division of the Gun Court. The Matrimonial Division had the second highest case clearance rate in the Supreme Court in the Term with a rate of 75.02%, followed by the Probate Division with 75%. Despite experiencing a dip in performance, the Home Circuit Court with a case clearance rate of 54.95% was the next best performer on this measurement. The overall statistic on the case clearance rate again gives essential insights into potential case flow and backlog problems, as on average there continued to be significantly more incoming than outgoing cases in the Supreme Court in the Hilary Term of 2022. The overall clearance rate of roughly 60% for the Hilary Term is well below the minimum standard set out by the Chief Justice for the judiciary over the next three years, however the overall performance of the Supreme Court during the period is classified as relatively stable.

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 2022. The estimated average times taken for cases to be disposed, range from a low of approximately 1 year and 6 months in the Probate Division to a high of approximately 3 years and 9 months in the High Court Civil Division. The overall average time to disposition for the Divisions of the Supreme Court in 2021 was roughly 27 months (2 years and 3 month), approximately the same as the corresponding period in the previous year. The oldest matter disposed in the Supreme Court in the Hilary Term of 2022 occurred in the Matrimonial Division with an age of 35 years at the time of closure. There were however several matters which took as low as 0-6 months to be disposed across all the Divisions of the Supreme Court during the Term.

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 2022 was approximately 74.22% which suggests that 74 of every 100 cases disposed were done within two years, representing a roughly 2.27 percentage points improvement when compared to similar period in the previous year. This result implies that roughly 25.78% 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 High Court Division of the Gun Court and Probate Divisions with on time case processing rates of 89.50% and 86.45% respectively fared best on this metric in the Hilary Term, thus also having the lowest crude gross case backlog rates at the end of the period with

11.50% and 13.35% respectively. On the other hand, the High Court Civil Division and the Home Circuit Court recorded the lowest on-time case processing rates of 39.80% and 40% respectively. Concomitantly, the crude proxy gross case backlog rates for High Court Civil Division was 60.20% and 60% for the Home Circuit Court at the end of the Hilary Term of 2022.

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 77% in the Gun Court to a high of 86% in the Commercial Division in the Hilary Term of 2022. It was the first time in recent recorded history that all the Divisions of the Supreme Court exceeded the 75% mark on hearing date certainty. Despite this commendable achievement, none of the Divisions of the Supreme Court met the international standard of 92% - 100% on this measure for the Term, but the strides made are noteworthy. The weighted average hearing date certainty across all the Divisions of the Supreme Court in the Hilary Term of 2022 was roughly 80.83%, which is an indication that there was a roughly 81% probability that a matter scheduled for hearing will go ahead without adjournment. Despite not meeting the international standards, this result represents an overall improvement of 4.06 percentage

points when compared to the corresponding period in 2021. Similar data on the estimated trial date certainty rates in isolation are also provided in the relevant chapters of the report. 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 2022 are similar to those observed over the past 4.5 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 2-4 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 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 96.27%, an increase of 11.59 percentage points when compared to the corresponding period in 2021. This result suggests that for every 100 case files that were part of court hearings in the Hilary Term of 2022, roughly 12 more were able to proceed, as compared to the corresponding period in 2021, without being adjourned due to one of the named factors which impair case file integrity. The prescribed international standard for the case file integrity rate measure is 98% - 100%.

Apart from the high frequency of adjournments, the relatively high incidence of requisitions is an impediment to the speed of disposition of civil matters. Among the civil divisions, the incidence of requisitions in the Hilary Term of 2022 was highest in the Probate Division with a ratio of 53 requisitions per 100 case files while the High Court Civil Division with 1 requisition per 100 case files had the lowest incidence. Continuous reductions in the incidence of

requisitions issued is crucial to ongoing efforts to bolster efficiency in especially the Matrimonial and Probate Divisions of the Supreme Court.

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 2022 registered a clearance rate on final judgments reserved of 135.53%, suggesting that 14 judgments delivered during the period for every 10 judgments reserved.

The below tables provide case activity summary for the Hilary Term of 2022 as well as critical on-time case processing rates, crude gross backlog rates and key performance forecast for 2022.

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See below Supreme Court case activity summary for the Hilary Term of 2022:

| Division | New cases Filed | Aggregate number of cases disposed | Clearance Rate (%) | Average time To Disposition (months) | Hearing Date Certainty Rate (%) |
|-------------------------------|-----------------|------------------------------------|--------------------|--------------------------------------|---------------------------------|
| High Court Civil (HCV) | 1250 | 399 | 31.92 | 44.56 | 78.46 |
| Matrimonial | 1369 | 1027 | 75.02 | 21.50 | 86 |
| Probate | 1015 | 760 | 75 | 17.72 | 82.32 |
| Commercial | 138 | 32 | 23.19 | 18.70 | 84.55 |
| Home Circuit Court | 91 | 50 | 54.95 | 31.50 | 77.50 |
| Gun Court | 130 | 114 | 87.69 | 14 | 77.00 |
| Revenue Division | - | 8 | - | 40.50 | 80.00 |
| Gross/Weighted Average | 3993 | 2390 | 59.85 | 26.93 | 80.83 |

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 2021. These measures are summarized in the table below:

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Selected performances metrics for the Supreme Court in the Hilary Term of 2022

| Division of the Supreme Court | Resolved/Disposed cases | Unresolved cases which had some administrative or court activity in 2021 | Number of cases disposed within 2 years | On-time case processing rate (%) | Crude Proxy Case backlog rate (%) |
|-------------------------------|-------------------------|--|---|----------------------------------|-----------------------------------|
| High Court Civil (HCV) | 399 | 6588 | 159 | 39.80 | 60.20 |
| Matrimonial Division | 1027 | 4008 | 805 | 78.38 | 21.62 |
| Probate Division | 760 | 2293 | 657 | 86.45 | 13.35 |
| Commercial Division | 32 | 432 | 25 | 78.13 | 21.78 |
| Home Circuit Court | 50 | 946 | 20 | 40 | 60 |
| Gun Court | 114 | 442 | 102 | 89.50 | 11.50 |
| Gross/Weighted Average | 2382 | 14709 | 1768 | 74.22 | 25.78 |

Vital Forecasts:

Forecast of case activity in the Divisions of the Supreme Court in 2022

| Division | Forecasted number of new cases | Forecasted number of disposed cases | Forecasted Case Clearance Rate (%) |
|--------------------------------------|--------------------------------|-------------------------------------|------------------------------------|
| High Court Civil Division | 5750 | 2255 | 39.22 |
| Matrimonial Division | 4050 | 3527 | 87.09 |
| Probate and Administration Division | 3025 | 2634 | 87.07 |
| Home Circuit Court | 345 | 247 | 70.59 |
| High Court Division of the Gun Court | 415 | 451 | 108.67 |
| Commercial Division | 582 | 239 | 41.07 |
| Revenue Division | 10 | 7 | 70.00 |
| Insolvency Division | 12 | 9 | 75.00 |
| Admiralty | 3 | 2 | 66.67 |
| Total/Weighted Average | 14192 | 9371 | 66.03 |

Note: Forecasting done using the method of exponential smoothing

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The above table provides a forecast of the number of cases file and disposed in each Division/section of the Supreme Court in 2022 as well as the projected case clearance rates. The forecasted number of new cases entering the Supreme Court in 2022 is 14192 while the forecasted number of disposed cases across the Divisions/sections is 9371. These predicted values would produce a weighted case clearance rate of 66.03% in 2022.

Forecast for Judgments Reserved and Delivered in 2022

| Forecasted number of Judgments Reserved | Forecasted number of Judgments Delivered | Forecasted clearance rate on Judgments (%) |
|---|--|--|
| 135 | 220 | 162.96 |

Note: Forecasting done using the method of exponential smoothing

The Supreme Court is expected to sustain its positive direction in clearing outstanding judgments in 2022. Using the method of exponential smoothing, it is forecasted that 220 judgments will be delivered by the Supreme Court in 2022 and 135 new ones will be reserved. This produces a forecasted clearance rate on judgments of 162.96% in 2022, which suggests that for every 10 judgments reserved in 2022, 16 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.

As an important statistical note, the date certainty rates computed throughout this report were normalized using natural log transformation and standardization for the purposes of comparability. This was done to account for significant unavoidable incidence of date adjournments resulting from the suspension of court activity for the larger part of the Easter Term and a small fraction of the Hilary Term due to the COVID-19 pandemic which had heavily skewed the data sets for this variable.

Structure of Report

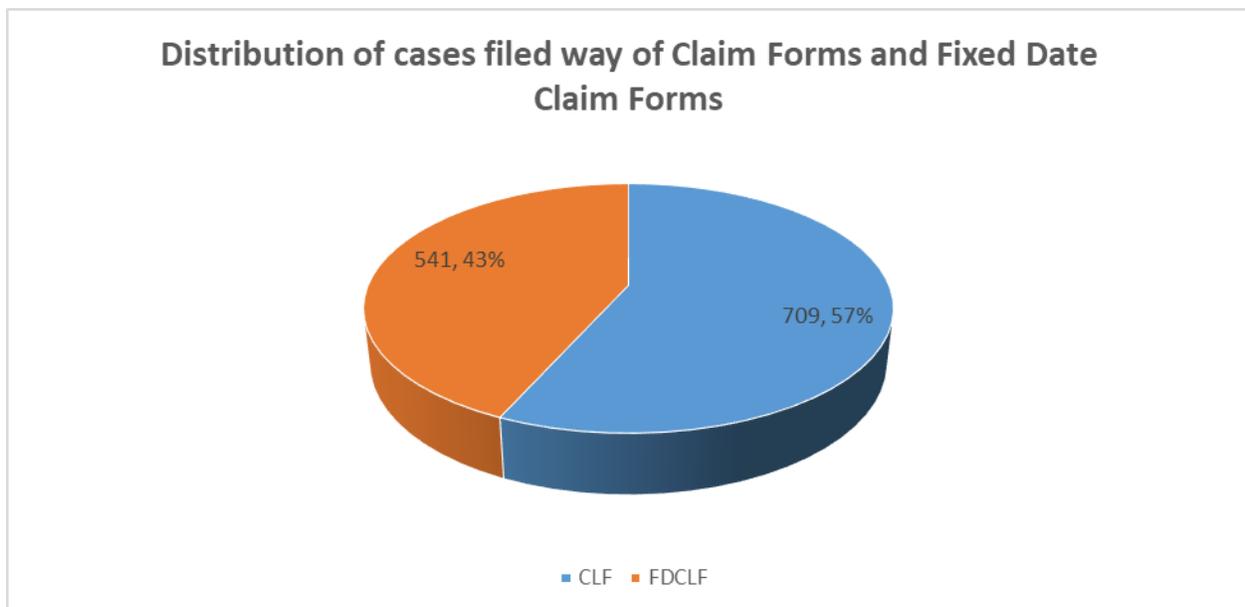
This is a comprehensive statistical report on case activity in the various Divisions of the Supreme Court in the Hilary Term of 2022. Each of the first six chapters focus on case activity and performance metrics in the High Court Civil (HCV) Division, the Matrimonial Division, the Probate Division, the Commercial Division, the Home Circuit Court and the High Court Division of the Gun Court. The last two chapters summarize aggregate case activity across the Divisions of the Supreme Court, presents the clearance rate for civil Judgements and the courtroom utilization rate estimates for the Hilary Term of 2022. In each chapter, a wide range of measurements and other information are presented which places case and court activity in each Division in their peculiar perspectives and context. A glossary of statistical terms and key performance measures used in his reports are also outlined at the end of the report. The report is meant to be more of an information piece for both internal and external stakeholders, forming the basis for interventions geared at enhancing efficiency and fostering a culture of court excellence.

CHAPTER 1.0: HIGH COURT CIVIL (HCV) DIVISION

The ensuing analysis examines the various measures of the efficiency of case handling in the High Court Civil (HCV) Division for the Hilary Term ended April 08, 2022.

A total of 1250 new cases were file in the High Court Civil Division during the Hilary Term of 2022. 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 or Fixed Date Claim Form. Notably, there are a minority of matters filed in the High Court Civil Division which are done by means of Notices of Application.

Chart 1.0: Claim Forms and Fixed Date Claim Forms for the Hilary Term ended April 08, 2022



Population size = 1250

The above chart highlights the proportional distribution of cases filed in the High Court Civil (HCV) Division in the Hilary Term of 2022 which originated either by way of a Claim Form or Fixed Date Claim Form. This chart is generated using a sample of 1250 cases which were filed by

way of either Claim Form or Fixed Date Claim Form in the Hilary Term of 2022. The data shows that 709 or 57% of this sample were filed by way of Claim Forms while 541 or 43% were filed by way of Fixed Date Claim Forms. 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 in the High Court Civil Division of the Supreme Court. Other cases filed in a given year which are not done by way of a Claim Form or a Fixed Date Claim Form will be filed by notices of application which on average accounts for an estimated 8% of total new cases filed. 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 1.0a and 2.0 below provides an analysis of the reasons for adjournment or continuance of High Court Civil cases in the Hilary Term of 2022. Contextual definitions of 'reasons for adjournment' and 'reasons for continuance' respectively are adopted for the purpose of clarity. The first of the three tables enumerate the list of the most common reasons for adjournment, which refers to factors, which are usually not a part of the fundamental and often routine and unavoidable processes, or procedures for which a case is necessarily delayed. Using results from table 1.0, a proxy case file integrity rate is also computed for the High Court Civil (HCV) Division. The second table lists what may be considered as the main reasons for adjournment

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due to 'continuance'. Such reasons are defined as those that are intrinsic to the normal progression of a case towards disposition and are therefore largely unavoidable.

Table 1.0a: Leading reasons for adjournment for the Hilary Term ended April 08, 2022

| Reasons for adjournment | Frequency | Percentage |
|--|-----------|------------|
| Claimant to file documents | 537 | 19.40 |
| Claimant to be served with documents | 176 | 6.40 |
| No parties appearing | 147 | 5.30 |
| Defendant to file documents | 147 | 5.30 |
| Matter referred to mediation | 126 | 4.60 |
| For Comments from NEPA to be complied with | 123 | 4.50 |
| To produce documents | 119 | 4.30 |
| Claimant to comply with order | 93 | 3.40 |
| Defendant documents not served or short served | 54 | 2.00 |
| Judge unavailability | 54 | 2.00 |
| File not found | 52 | 1.90 |
| Claimant attorney not ready | 49 | 1.82 |
| Defendant's attorney absent | 46 | 1.70 |

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| | | |
|----------------------------|-------------|--------------|
| Claimant's attorney absent | 45 | 1.60 |
| Sub-Total | 1768 | 64.22 |

Total number of adjournments/continuance = 2763

There were total of 2763 incidence of adjournments/continuance in the Hilary Term of 2022, an increase of 23.40% when compared to the corresponding Term in 2021. The above table summarizes the top fifteen reasons for adjournment for the Hilary Term of 2021, using the contextual definition outlined above. It is seen that the three dominant reasons for adjournment were claimants to file documents with 537 or 19.40% of all events of adjournments/continuance, adjournments for claimant to be served with documents with 176 or 6.40% and no parties appearing with 147 or 5.30%. Adjournments for defendants to file documents with 147 or 5.30% and for matters referred to mediation with 126 or 4.60% rounds off the top five reasons for adjournments during the Term. The top fourteen reasons for adjournment enumerated above, accounts for approximately 64.22% of the total reasons for case adjournment/continuance in the Hilary Term of 2022. 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 strongly suggest 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 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.

Continued process flow re-engineering, enhanced stakeholder engagement and more efficient resource alignment will be required to bring redress to many of the deficiencies resulting in the continued high incidence of adjournments. The needed improvements will also be helped by the upcoming introduction of an advanced case management and scheduling software in the court system which will assist in the optimal management of all judicial resources. This system, called the Judicial Case Management System will be operational in all divisions of the Supreme Court by the Michaelmas Term of 2022.

There are some internal processes which are being engineered to support the optimal operation of the High Court Civil Division. These include the bolstering the resources needed to manage the timely placement of new documents on files and to more effectively track the movement of files with the aid of the available technology. The strength of the court's case management processes has a direct bearing on the incidence of adjournments, thus enhancing

the science that is applied in deploying case management in the High Court Civil Division will be an important catalyst in fostering more robust case preparation, improving the compliance of parties with court requirements and hence the readiness of files for hearings to proceed.

Table 1.0b: Case File Integrity Rate for the Hilary Term ended April 08, 2022

| 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 (%) |
|------------------------------------|---|------------------------------------|
| 2763 | 103 | 96.27% |

In the very strictest sense, the case file integrity rate measures the proportion of time that a case file is fully ready and available in a timely manner for a matter to proceed. Hence, any adjournment, which is due to the lack of readiness of a case file or related proceedings for court at the scheduled time, impairs the case file integrity rate. Case file integrity is based on three pillars - availability, completeness and accuracy. In the above table, the number of adjournments resulting from missing files, matters wrongly listed for court and matters left off the court list is used to compute a proxy rate for the case file integrity. The table shows that there were 336 combined incidences of adjournments due to these deficiencies in the Hilary Term of 2022, resulting in a case file integrity rate of 96.27%, which means that roughly 3.37% 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 increased by 11.59% when compared to the corresponding period in 2021. A re-engineering of the document management processes in

the High Court Civil Division and a strengthening of the human resources in the records section of this Division continued to be pursued to create a sustainable system of marshalling file readiness. This will redound to the benefit of the High Court Civil Division in improving the rate of progression of cases filed to mediation and to court hearings and thus promote a timelier scheduling and other actions leading up to the disposition of cases filed. It will also contribute to an improvement of the rate of handling of notices of discontinuances filed which will assist in improving the timely disposition of cases.

Table 2.0: Frequent reasons for continuance for the year ended April 08, 2022

| Reasons for continuance | Frequency | Percentage |
|--|-----------|------------|
| Pending outcome of another application | 27 | 1.00 |
| Pending settlement | 45 | 1.00 |
| Part Heard Applications | 22 | 0.80 |

Total number of adjournments/continuance = 2763

The above table summarises the most common reasons why cases in the HCV Division were delayed for ‘continuance’ during the Hilary Term of 2022. It is seen that this list is led by pending settlements with 45 or 1.00% of the total list of reasons for adjournment/continuance. This is followed by matters adjourned pending the outcome of another application with 27 or 1.00% of the combined incidence of adjournments and continuances during the Hilary Term of 2021.

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Table 3.0: Selected trial and pre-trial case counts for the Hilary Term ended April 08, 2022

| Trial matters/hearings | Frequency | Percentage |
|----------------------------|------------|------------|
| Court Trials | 114 | 24.41 |
| Motion Hearing | 22 | 4.71 |
| Assessment of Damages | 243 | 52.03 |
| Trial in Chambers | 88 | 18.84 |
| Total trial matters | 467 | 100 |

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 2022. The table shows 467 combined cases which were heard across the four listed types of hearings, of which cases heard for assessments of damages with 243 or 52.03% accounted for the largest share while open court trial cases with 114 or 24.41% of the total ranked next. The 88 cases or 18.84% of the total which had trials in chamber and the 22 cases or 4.71% which had motion hearings rounds off the list.

Table 4.0 Sampling distribution of hearing date certainty for the Hilary Term ended April 08, 2021

| Hearing dates set | Hearing dates adjourned (excluding adjournments for continuance) | Hearing date certainty (%) |
|-------------------|--|----------------------------|
| 3218 | 693 | 78.46% |

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 3218 dates scheduled for either trial or various pre-

trial hearings, both in Court and in Chamber, revealed that 693 were 'adjourned' on the date set for commencement. The resulting estimated overall hearing date certainty figure of 78.46% suggests that there is a roughly 78% 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 a slight decline of 0.97 percentage points when compared to the corresponding period in 2021. When trials in open court is isolated, the trial certainty rate for the HCV Division for the Hilary Term of 2022 is estimated at 70.00%, an improvement of 12.18 percentage points when compared to the corresponding period in 2021 and when trial in chambers is isolated the estimate rate is 73.77%, an improvement of 3.84 percentage points when compared to the corresponding period in 2021. These results represent 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.

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Table 5.0a: Index of scheduling efficiency for Assessment of Damages in the HCV Division for the Hilary Term ended April 08, 2022

| Number of available court days in 2021 | Number of days' worth of assessment of damages scheduled | Approximate ratio |
|---|---|--------------------------|
| 68 | 224 | 3.29 |

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 2021, 68 all told and the number of days' worth of assessment of damages which were scheduled (a total of 224). It is shown that for every court day available, approximately 3 days' worth of matters were scheduled, roughly the same as the corresponding period in 2021 and still higher than the equilibrium level that is required to curtail adjournments of dates set and the associated sub-optimization of judicial time. Although this ratio is approximately the same as the previous years' output, it represents generally good progress over the past 3-4 years, with a cumulative reduction of over three days of matters per day over that period. The efforts to improve the scheduling of assessment of damage hearings in the High Court Civil Division will remain a top priority as 2022 progresses as the Supreme Court seeks to reduce wastage of judicial time and unwarranted delays through the application of a more advanced science to its scheduling machinery and the adoption of the new, advanced Judicial Case Management System (JCMS).

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Table 5.0b: Index of scheduling efficiency for court trials in the HCV Division for the year ended December 31, 2021

| Number of available court days in 2021 | Number of days' worth of court matters scheduled for court trial per court | Approximate ratio |
|---|---|--------------------------|
| 68 | 85 | 1.25 |

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 2022, 68 all told, and the number of days' worth of court trials which were scheduled per court (a total of 85). It is shown that for every day available, 1.25 days' worth of matters were scheduled, a decline of 0.25 percentage points when compared to the corresponding period in 2021. In practical terms, this means that a relatively manageable number and duration of trials were scheduled on the Division's calendar throughout the year. There was a slight improvement in trial date certainty rate despite the slightly worsening of the scheduling efficiency score outlined above. The introduction of new, advanced technology by way of the Judicial Case Management System (JCMS) to support this function is anticipated in the Michaelmas Term of 2022 and will have a radical impact on overall court management and scheduling practices which will potentially improve productivity and reduce delays.

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Table 6.0a: Probability distribution of the incidence of adjournments/continuance for the Hilary Term ended April 08, 2021

| Type of Incidence | Frequency | Percentage (%) |
|----------------------------|-------------|----------------|
| Case Management Conference | 199 | 7.20 |
| Pre-Trial Review | 168 | 6.08 |
| Trial in open court | 254 | 9.19 |
| Trial in chamber | 217 | 7.85 |
| Assessment of damages | 189 | 6.84 |
| Judgment Summons Hearing | 148 | 5.36 |
| Applications | 1588 | 57.47 |
| Total | 2763 | 100.00 |

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 two years. Trial hearings account for a combined 17.04% of the adjournments in the sample while case management conferences account for 7.20% but it was the incidence of adjournments at the applications stage which again took the spotlight, accounting for 57.47% of the total incidence of adjournments. Pre-trial reviews and judgment summons hearings 6.08% and 5.36% 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

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.

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 ended April 08, 2022

| Hearing dates set | Dates adjourned (excluding adjournments for continuance) | Hearing date certainty (%) |
|-------------------|--|----------------------------|
| 294 | 79 | 73.13% |

As noted above, there has been a noticeable reduction in the number of dates scheduled for matters of assessments of damages. This resulted in a hearing date certainty rate of 73.13%, a marked improvement of 21.24 percentage points when compared to the corresponding period in 2021. It is of note that there is an improvement in the hearing date certainty rate despite the fact that the scheduling efficiency index didn’t improve over the comparable period. This suggests that the dates scheduled were used more productively in this Hilary Term. Continued efforts to improve the scheduling practices for assessment of damages hearings will contribute markedly to improving the overall productivity of the High Court Civil Division through the more

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judicious use of judicial time. This remains a priority of the High Court Civil Division in the remaining Terms in 2022.

Table 8.0: Hearing date certainty for Case Management Conferences for the Hilary Term ended April 08, 2022

| Hearing dates set | Dates adjourned (excluding adjournments for continuance) | Hearing date certainty |
|-------------------|--|------------------------|
| 439 | 57 | 87.02% |

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 87.02% in the Hilary Term of 2022, an improvement of 3.49percentage points when compared to the comparable period in 2021, representing a resilient and commendable outcome.

Table 9.0: Requisitions for the Hilary Term ended April 08, 2022

| Action | Frequency |
|---|-----------|
| Requisitions Issued | 88 |
| Responses to requisitions | 6 |
| Requisition response rate | 6.82% |
| 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 88 requisitions for the Term. The requisition response rate for Hilary Term of 2022 was 6.82%, a decline of 2.03 percentage points when compared to the corresponding period in 2021. Continuous interventions aimed at increasing public sensitization on the proper and timely completion of documents filed by litigants and their attorneys at the various stages along the civil case flow continuum are vital to creating and sustaining improved outcomes in this area.

Table 10.0: Chamber hearing case count distribution for the Hilary Term ended April 08, 2022

| Type of hearing | Frequency | Percentage (%) |
|----------------------------|-------------|----------------|
| Oral Examination | 2 | 0.07 |
| Case Management Conference | 512 | 19.11 |
| Pre-trial review | 346 | 12.92 |
| Applications (Various) | 1806 | 67.41 |
| Judgment summons hearing | 13 | 0.49 |
| Number of cases | 2679 | 100.00 |

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 2021. It is seen that the total number of cases heard in Chamber hearings for the Term was 2679, the highest proportions of which were applications of various types with 1806 cases heard or 67.41% of the list. The general applications category speaks to a non-exhaustive list of various types of applications (including expedited applications) which come before the High Court Civil (HCV) Division. Case Management Conferences was a distant second with 512 cases or 19.11% of the listed case

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types heard in Chamber during the year while pre-trial reviews with 346 cases heard or 12.92% and Judgment summons hearings with 13 cases heard or 0.43% of the list rounds off the top five Chamber Hearings during the Hilary Term.

Among the leading types of applications filed in the Hilary Term of 2022 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.

Table 11.0: Methods of disposition for the year Hilary Term ended April 08, 2022

| Methods of Disposition | Frequency | Percent |
|--------------------------------|------------------|----------------|
| Application Refused | 2 | .5 |
| Claim form expired | 9 | 2.3 |
| Consent Judgment | 5 | 1.3 |
| Consent Order | 2 | .5 |
| Damages Assessed | 9 | 2.3 |
| Dismissed | 1 | .3 |
| Final Order | 1 | .3 |
| Judgment Delivered | 13 | 3.3 |
| Judgment on Admission | 1 | .3 |
| Matter Completed at Mediation | 1 | .3 |
| Notice of Discontinuance noted | 307 | 63.70 |
| Order (Chamber Court) | 6 | 1.5 |
| Settled | 72 | 18.0 |
| Settlement Order | 2 | .5 |
| Struck Out | 17 | 4.3 |
| Transfer to Criminal Division | 1 | .3 |
| Transfer to parish court | 1 | .3 |
| Written Judgment Delivered | 2 | .5 |
| Total | 399 | 100.0 |

An understanding of the distribution of the methods of case disposal is an essential metric to gaining insights into the efficiency of case handling in the courts and into operational planning. It is seen that there were 399 HCV cases disposed in the Hilary Term of 2022, a decline of 6.12% when compared to the corresponding period in 2021. The largest proportion of the cases disposed, 307 or almost 63.70% were a result of notices of discontinuance filed, followed by the matters settled with 72 or 18.0%, matters struck out with 17 or 4.30% and final judgments delivered with 13 or 3.30%, rounding off the top four.

Table 12.0: Time to disposition for the Hilary Term ended April 08, 2022

Descriptive Statistics (months)

| | |
|------------------------|----------|
| Number of observations | 399 |
| Mean | 44.8571 |
| Median | 34.0000 |
| Mode | 8.00 |
| Std. Deviation | 38.74407 |
| Variance | 1501.103 |
| Skewness | 1.268 |
| Std. Error of Skewness | .122 |
| Range | 189.00 |
| Minimum | 2.00 |
| Maximum | 191.00 |

One of the most important metrics, which can be used in assessing the efficiency of case handling, is the time to disposition. An understanding of this measure is crucial to influencing both internal and external policies, necessary to bolster the timely delivery of justice. The above table provides crucial insights on the average time to disposition of matters in the HCV Division for the Hilary Term of 2021. The 399 cases disposed in the year reveal an estimated average

time to disposition was 44.86 months or roughly 3 years and 8 months, a decline of roughly 10 months when compared to the corresponding period in 2021. The oldest matter disposed in the year was 191 months old or roughly 16 years old while the lowest time that a matter took to disposition was roughly two months. The median time to disposition was thirty-four months or approximately 2 years and 10 months while the mode was 8 months. The standard deviation of roughly 39 months or 3 years and 3 months is indication of a wide variation of the durations to disposal around the mean and suggests that the times to disposition vary widely. The positive skewness of roughly 1.27 however 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 April 08, 2022

| Time Interval (months) | Frequency | Percent |
|-------------------------|------------|--------------|
| 0 - 12 | 117 | 29.3 |
| 13 – 24 | 42 | 10.5 |
| 25 – 36 | 44 | 11.0 |
| 37 – 47 | 68 | 17.0 |
| 48 & over | 128 | 32.1 |
| Total | 399 | 100.0 |

The above table provides a more detailed breakdown of the average time to disposition. It is seen that of the 399 cases disposed during the Hilary Term, the largest proportion, 128 or 32.10% took four years or more to be disposed. 117 cases or roughly 29.30% of the cases disposed took a year or less while 68 or 17.0% took between 37 and 47 months to be disposed. The remaining proportion of the cases disposed was accounted for by the intervals 25 – 36

months with 44 or 11.00% and the 13 - 25 months’ interval with 42 or 10.50% of the disposals. It is of note that roughly 39.80% of the matters disposed of in the Hilary Term took two years or less, compared to approximately 60.20%, 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 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 April 08, 2022

| Cases filed | Cases disposed | Case clearance rate |
|-------------|----------------|---------------------|
| 1250 | 399 | 31.92% |

***5 or 1.25% of the cases disposed, originated during the Hilary Term of 2022**

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 2022, the High Court Civil Division recorded a case clearance rate of 31.92%, representing a 2.01 percentage points increase 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 65% and 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

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proportion of cases, which have been active for over two years as at the end of the Hilary Term of 2022. These measures are summarized in the table below:

Table 15.0: Selected performances metrics for the High Court Civil (HCV) Division in the Hilary Term of 2022

| 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 (%) |
|----------------|------------------|------------------------|--|---|--------------------------------|----------------------------------|-----------------------------------|
| 399 | 6588 | 0.061 | 6026 | 159 | 399 | 39.80 | 60.20 |

The results in the above table show a case turnover rate of 0.061, which is an indication that for every 100 cases, which were ‘heard’ in the Hilary Term of 2022 and still active at the end of the period, another 6 were disposed, a decline of 3 percentage points when compared to the corresponding period in 2021.

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 2022 is roughly 40% which reflects the proportion of High Court Civil cases in the year, which were disposed within 2 years. Conversely, the crude proxy case backlog rate is estimated at 60%, an indication that an estimated annual proportion of 60% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. The crude backlog rate fell by 3.30 percentage points when compared to the corresponding period in 2021. The results suggest that of the 6588 cases, which had some court

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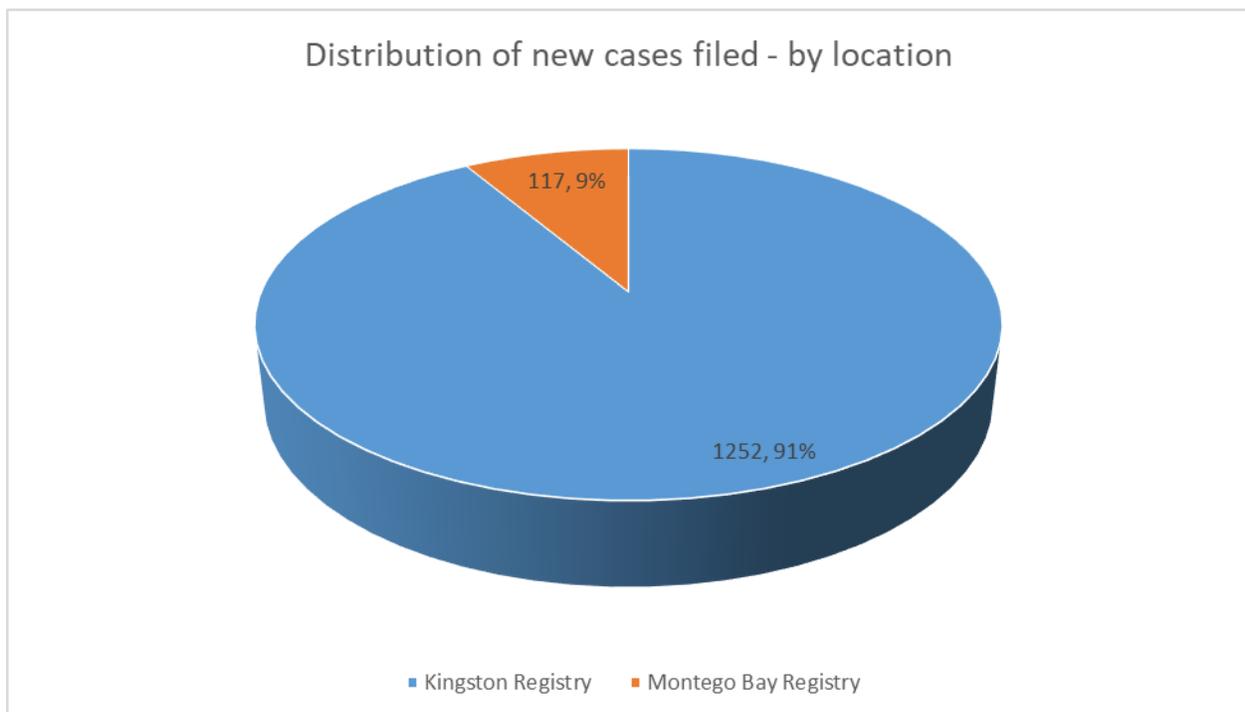
activity in 2021 and were still active at the end of the year, roughly 3966 are expected to be in a backlog classification before being disposed.

CHAPTER 2.0: MATRIMONIAL DIVISION

The ensuing analysis examines the various measures of the efficiency of case handling in the Matrimonial Division for the Hilary Term ended April 08, 2022.

A total of 1369 new cases were filed in the Kingston and Montego Bay Registries of the Western Regional Family Court during the Hilary Term of 2022.

Chart 2.0: Distribution of new cases filed in the Matrimonial Division, by Registry in 2022



The above chart summarizes the distribution of new cases filed in the Matrimonial Division in the Hilary Term of 2022 at the Kingston and Western Regional Registries respectively. It is shown that 1252 or 91% of the new cases filed took place at the Supreme Court Registry in Kingston while the remaining 117 or 9% were filed at the Registry in Montego Bay. When compared to the Hilary Term of 2021, this output reflects a 38.08% increase in the number of

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new cases filed at the Kingston Registry and a 13.59% increase in the number of new cases filed at the Western Regional Registry. There was a notable overall increase of 35.78% in the number of new cases filed in the Matrimonial Division in 2022. The overall increases are partly explained by the formation of the Family Division which now sees all new family matters which were previously heard in Open Court or Chamber in the High Court Civil Division being redirected to the Matrimonial Division which now has its own specialized judges.

Table 16.0a: Breakdown of cases filed in the Matrimonial Division in the Hilary Term of 2022

| | Frequency | Percentage (%) |
|---|-------------|----------------|
| Matrimonial FD - Custody | 4 | .3 |
| Matrimonial FD - Declaration of Paternity | 12 | .9 |
| Matrimonial FD - Division of Property | 13 | .9 |
| Matrimonial FD - Divorce | 761 | 55.60 |
| Matrimonial FD – Divorce - Children | 418 | 30.5 |
| Matrimonial FD - Guardianship & Custody | 27 | 2.0 |
| Matrimonial FD - Maintenance | 2 | .1 |
| Matrimonial FD - Mental Health Act | 5 | .4 |
| Matrimonial FD - Miscellaneous | 9 | .7 |
| Matrimonial FD - Nullity | 1 | .1 |
| Matrimonial FD WR - Division of Property | 1 | .1 |
| Matrimonial FD WR- Divorce | 68 | 5.0 |
| Matrimonial FD WR Divorce - Children | 48 | 3.5 |
| Total | 1369 | 100.0 |

***WR means Western Regional**

The above table provides a breakdown of the nature and location of new matters filed in the Matrimonial Division during the Hilary Term of 2022. As is typical, the largest proportion of the new cases filed were divorce matters (with or without children involved) which accounted for 1295 or 94.46%. More specifically divorce matters filed involving children accounted for 466 or

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35.98% of the divorce cases filed. Matters of guardianship and custody as well as division of property and declaration of paternity accounted for the accounted for next highest proportion of divorce cases filed during the Hilary Term of 2022.

Table 16.0b: Petitions filed for the Hilary Term ended April 08, 2022

| Type of petition | Frequency | Percentage (%) |
|--|-------------|----------------|
| Petition for dissolution of marriage* | 1295 | 65.34 |
| Amended petition for dissolution of marriage | 686 | 34.61 |
| Petition for Nullity | 1 | 0.05 |
| Total Petitions filed | 1982 | |
| Number of amendments per petition | 0.53 | |

***Includes petitions involving children**

The above table summarizes petitions filed in the Hilary Term of 2022. It is shown that a total of 1982 Petitions (new or amended) were filed, 1295 or 65.34% were petitions for dissolution of marriage, compared to 686 or 34.61% which were amended or further amended petitions for dissolution of marriage. The analysis further suggests that the ratio of petitions to amended petitions is 0.53 or in other words for every 100 Petitions for dissolution of marriage there is roughly 53 amended Petitions for dissolution of marriage during the Hilary Term of 2022, an improvement of 1 percentage point when compared to the corresponding Term in 2021. The number of petitions for dissolution of marriage which were filed in the Hilary Term of 2022 increased by a notable 43.25% while the number of amended petitions filed increased by 40.86%. There needs to be a sustainable reduction in the number of amended requisitions filed

per requisition in order for the public to realize the true gains from the significant improvements in the operational efficiency of the Matrimonial Division which have resulted from far reaching process flow reforms over the past 3-4 years.

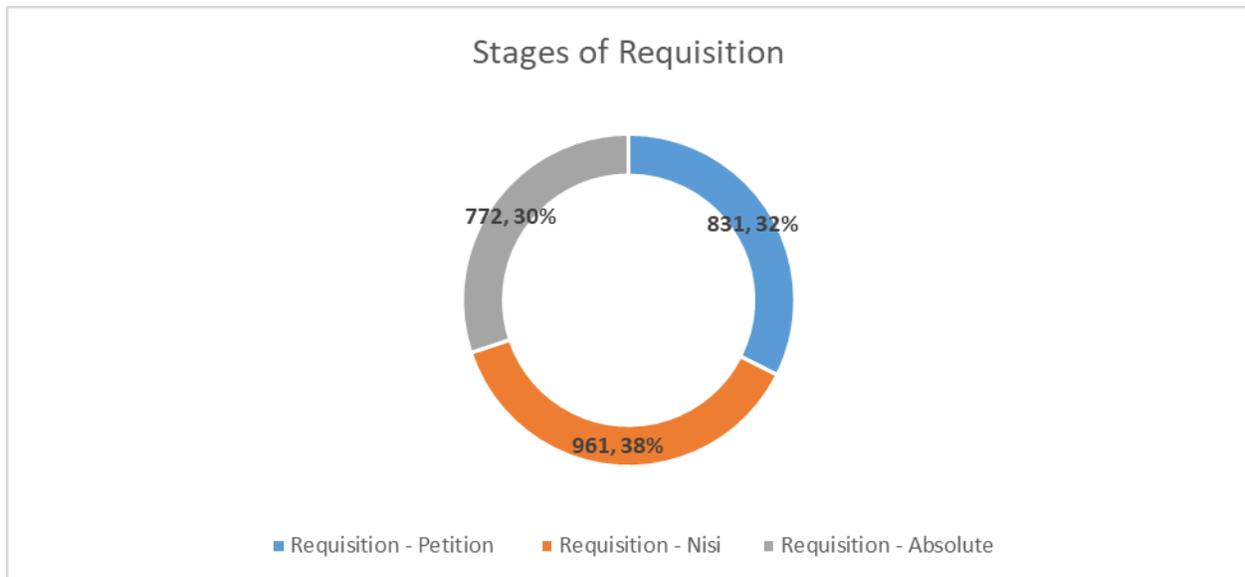
Table 17.0: Decrees Nisi and Decrees Absolute filed for the Hilary Term ended April 08, 2021

| Case Status | Frequency |
|--|-------------|
| Decree Absolute | 1630 |
| Decree Nisi for dissolution of marriage | 1651 |
| Decree Nisi for nullity of marriage | 7 |
| Total | 3288 |
| Ratio of Decrees Nisi to Decrees Absolute Filed | 0.99 |

It is seen in the above table that for every 100 Decrees Nisi filed there were roughly 99 Decrees Absolute filed during the Hilary Term of 2022, a slight decline of 1 percentage points when compared to the corresponding period in 2021. 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 increased by a notable 21.64% while the number of Decrees Nisi filed increased by a notable 45.85%. 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 year ended April 08, 2022



The data suggests that a total of 2564 requisitions were issued at the three primary stages of a divorces case at the Kingston and Western Regional Supreme Court Registries combined, an increase of 12.06 percent when compared to the corresponding Term in 2021. This increase is not particularly surprising given the general increase in case activity in the Matrimonial Division during the 2022 Hilary Term. The number of requisitions filed at the petition stage increased by 34.47% when compared to the corresponding Term in 2021 while the number filed at the Decree Nisi stage fell sharply by 12.40%. The number of requisitions filed at the Decree Absolute stage increased by 34.73%. The decline in the number of requisitions filed in relation to Decrees Nisi is again quite encouraging as this is consistently the stage of the case flow continuum where the highest proportion of requisitions are issued. 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 38% incidence, down by 12 percentage points when

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compared to the proportion accounted for in the corresponding Term in 2021. 32% of the requisitions were filed at the petition stage and 30% at the Decree Absolute stage.

The data decisively suggests that the high incidence of requisitions continue to be a thorn for the Matrimonial Division which has undergone significant process flow re-engineering over the past four years and now seeks to guarantee that once all case filings for petitions made are in order and satisfactory, a divorce can be granted within 4-6 months.

Table 18.0: Methods of Disposals for the Hilary Term ended April 08, 2021

| Methods of Disposition | Frequency | Percentage (%) |
|-----------------------------------|-------------|----------------|
| Agreed to pay by installment | 2 | .2 |
| Decree Absolute Granted | 890 | 86.7 |
| Decree Nullity Granted | 2 | .2 |
| Finalized by death of Petitioner | 1 | .1 |
| Finalized by death of Respondent | 1 | .1 |
| Notice of Discontinuance noted | 55 | 5.4 |
| WR Decree Absolute Granted | 72 | 7.0 |
| WR Notice of Discontinuance noted | 4 | .4 |
| Total | 1027 | 100.0 |

NB: WR means Western Regional Registry

The above table reveals that 1027 Matrimonial cases were disposed during the Hilary Term of 2021, an increase 11.27% when compared to the corresponding Term in 2021. A proportion of 93.67% or 962 were attributable to Decrees Absolute Granted while 59 or 5.74% were due to Notices of Discontinuance filed, accounting for the top two methods of disposition in the Hilary Term of 2022. It is of note that only two of the cases disposed in the Matrimonial Division during the Hilary Term of 2022 actually originated during the Term and they were disposed by way of notices of discontinuance. As indicated earlier, a high incidence of requisitions continues

to be a deterrent to the overall speed of disposition of cases in the Matrimonial Division of the Supreme Court and this will need to be improved in order to realize the fullness of the gains from a now significantly more efficient and better organized registry. This will require further education and the compliance of the attorneys. There has however been a notable general improvement in the overall average time to disposition of divorce cases filed, a result that appears to be largely a result of operational and logistical improvements in the processes of the Matrimonial Registry.

It is of note that 951 of the 1027 Matrimonial cases disposed were attributable to the Kingston Registry while 76 were accounted for by the Western Regional Registry in Montego Bay. Both locations experienced increases in the absolute number of cases disposed in 2021.

Table 19.0: Requisitions summary for the Hilary Term ended April 08, 2022

| Action | Frequency |
|--------------------------------------|-----------|
| Requisitions Issued | 2564 |
| Number of requisitions per 100 files | 51 |
| Number of responses to requisitions | 532 |
| Requisition response rate | 20.75% |

The incidence of requisitions is especially important in assessing the efficiency with which Matrimonial matters move through the court system. A total of 2564 requisitions were issued during the Hilary Term of 2022, an increase of 12.06% when compared to the corresponding Term in 2021. This produces a ratio of cases handled to requisitions of 0.51 which suggests that for every 100 cases handled on which there was activity during the Hilary Term there were 51 requisitions filed. The requisitions response rate fell by 23.87 percentage points when

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compared to the Hilary Term of 2021, a result which may have potential adverse consequences for productivity over the next few years.

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.

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) |
|------------------------|--|----------------|---------------------|----------------|----------------------|
| | Receive document and record skeleton party and document information in JEMS | 2 | 3 | 3 | 1 |
| | Enter and scanning of documents in JEMS | 3 | | 3 | |
| | Update of case party information in JEMS | | | | |
| Petition/ | | | | | |
| | Retrieve file and maintain filing room (Records officer) | 0 | | 2 | |
| Decree Nisi/ | | | | | |
| | 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 |
| Decree absolute | | | | | |
| | Record in JEMS file location and move manual file to physical location. | 0 | 3 | 2 | 1 |

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| | | | | | |
|------------------------|---|---|-----------|----------|----|
| | Updating and scanning of signed petition in JEMS. Issuing notice via email. | | | | |
| | | | | | |
| | Vetting and signing of petition by Deputy Registrar | 1 | 5 | 1 | 2 |
| | Mandatory waiting period for service of petition and filing of application for decree nisi (14-84 days) | | 14 | | 14 |
| | | | | | |
| Stage 2 | Task | | | | |
| Decree Nisi | Vetting of Decree Nisi by Deputy Registrar & legal officers | 1 | 40 | 2 | 20 |
| | Vetting and signing of Decree Nisi by Judge | | 14 | | 1 |
| | Mandatory waiting period between granting of decree nisi and application for decree absolute | | 30 | | 30 |
| | | | | | |
| Stage 3 | Task | | | | |
| Decree Absolute | Vetting of Decree Absolute by Senior officer | 0 | 14 | 2 | 7 |
| | Vetting and signing of Decree Absolute by Judge | | 5 | | 1 |

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| | | | | | |
|--------------|--|--|------------------------|--|-----------------------|
| Total | | | 131 (26wks) | | 78 (16wks) |
|--------------|--|--|------------------------|--|-----------------------|

Notes

1. At stage one the current staff and proposed staff is the same three, this is so as formally the matrimonial department has three data entry clerk. However, these clerks are currently assigned to attend court and chambers full time. The proposed is with the view of these data entry clerk be 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 April 08, 2022

| Action | Frequency | Percentage (%) |
|----------------------------|------------|----------------|
| Applications | 177 | 59.00 |
| Case Management Conference | 79 | 26.33 |
| Motion Hearing | 12 | 4.00 |
| Pre-trial Hearing | 2 | 0.67 |
| Trial | 30 | 10.00 |
| Total | 300 | 100 |

The above table shows the distribution of the types of matters brought before the Court for the period under examination. The data shows that an incidence of 300 hearings either before open court or chamber, a notable increase of 68.54% when compared to the Hilary Term of 2021, a result that is partly on account of the transfer of open court matrimonial cases which would usually be heard in the High Court Civil Division to the Matrimonial Division. This is part of a broader effort in to streamline case process flows in the Supreme Court to create greater levels of efficiency and productivity. The largest proportion, 177 or 59% were applications followed by 79 or 26.33%, which were Case Management Conference (CMCS) matters. The hearing event with the third highest incidence in this category is trials which accounts for 30 or 10.0% of the total.

The dominant types of applications filed in the Matrimonial 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. There was an overall increase of 73.53% in the number of applications filed

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in the Matrimonial Division in the Hilary Term of 2022 when compared to the corresponding period in 2021.

Table 22.0: Top five reasons for adjournment for the Hilary Term ended April 08, 2022

| Reasons for Adjournment | Frequency | Percentage (%) |
|---|-----------|----------------|
| Claimant to file documents | 19 | 21.10 |
| Defendant to file documents | 10 | 11.10 |
| No parties appearing | 8 | 8.90 |
| Claimant's documents not served or short served | 6 | 6.70 |
| Matter referred to mediation | 6 | 6.70 |
| Claimant's attorney absent | 5 | 5.60 |

Total incidence of adjournments (N) = 90

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 90 incidence of adjournments in the Matrimonial Division for chamber and open court hearings in the Hilary Term of 2022, a slight increase of 5.88% when compared to the corresponding period in 2021. This result is commendable considering that there has been an almost 70% increase in court activity in the Matrimonial Division over the comparable period. The largest proportion of these adjournments were for claimants to file documents with 19 or 21.10%, defendants to file documents with 10 or 11.10% and no parties appearing with 8 or 8.90%. Adjournments due to claimant's documents not served or short served and matters referred to mediation, each with 6.70% and claimant's at respectively rounds off top five reasons for adjournment during for the Hilary Term. The listed reasons for adjournment account for 60.0% of the total incidence of adjournments in the Hilary Term of 2022. The Matrimonial 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.

Table 23.0: Hearing date certainty for the Hilary Term ended April 08, 2022

| Court/Chamber hearing dates set | Hearing dates Date adjourned (excluding continuance) | Hearing date certainty rate |
|---------------------------------|--|-----------------------------|
| 300 | 42 | 86% |

The Matrimonial Division has shown improvement in the overall hearing date certainty rate, despite the significant increase in the number of hearings. It is seen that of the 300 -combined incidence of Court and Chamber hearings in the Hilary Term of 2022, 42 were adjourned for reasons other than intrinsic procedural factors. This produces a moderate 86% hearing date certainty rate, an increase of 1.17 percentage points when compared to the corresponding period in 2021. For every 100 hearing dates scheduled, the approximate number that proceeded without adjournment in the Term is 86. When trial matters are isolated, the trial date certainty rate is 73.33%, a 4.13 percentage points improvement when compared to the Hilary Term of 2021.

Table 24.0: Time to disposition for the year ended April 08, 2022

| | |
|------------------------|----------|
| Number of observations | 1027 |
| Mean | 21.4995 |
| Median | 10.0000 |
| Mode | 8.00 |
| Std. Deviation | 25.34223 |
| Variance | 642.229 |
| Skewness | 5.978 |
| Std. Error of Skewness | .076 |
| Range | 418.00 |
| Minimum | 3.00 |
| Maximum | 421.00 |

The overall average time to disposition of all cases resolved in the Matrimonial Division during the Hilary Term of 2021 is roughly 21.50 months. The modal/most frequently occurring time to disposition was however eight (8) months and the median is 10 months. The high positive skewness suggests that a substantial portion of the cases disposed were resolved in less than the overall average time.

The oldest matter disposed was approximately 35 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. The scores had a standard deviation of roughly 25 months, which indicates a wide variation in the distribution of the times to disposition in the period. The skewness measure returns a large positive figure of approximately 6 which strongly indicates that a markedly larger proportion of the times to disposition were lower than the overall mean. The margin of error of these estimates is plus or minus 2 months or 0.17 years.

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Table 25.0: Breakdown of times to disposition for the Hilary Term ended April 08, 2022

| Months | Frequency | Percent |
|--------------|-------------|--------------|
| 0 – 12 | 545 | 53.1 |
| 13 – 24 | 260 | 25.3 |
| 25 – 36 | 104 | 10.1 |
| 37 – 47 | 46 | 4.5 |
| 48 & over | 72 | 7.0 |
| Total | 1027 | 100.0 |

The above table provides a more detailed breakdown of the estimated times to disposition for Matrimonial matters in the Hilary Term of 2021. It is seen that of the 1027 matters disposed during the Term, the largest proportion, 545 or roughly 53.10% were disposed within a year, followed by the 260 or 25.30% which were disposed in 13 – 24 months. Taken together this result suggests that 805 or 78.40% of Matrimonial Division matters which were disposed during the year were done in two years or less from the time of initiation, a decline of 2.10 percentage points when compared to the corresponding period in 2021. 104 or roughly 10.10% of all Matrimonial matters disposed in the Hilary Term of 2021 took between 25 and 36 months to be disposed. It is of note that 72 or 7.0% of the cases disposed in the Matrimonial Division in the Hilary Term of 2022 took four or more years to be resolved, largely on account of lengthy delays in external filings from case parties. As with the previous three years, the estimates however clearly suggest that a decidedly larger proportion of matters, which were disposed of during the year, took two years or less. The margin of error of these estimates is plus or minus 2 months or 0.17 years. It has been established that under near ideal circumstances, Matrimonial cases can be disposed within 4 months after filing, however in the Hilary Term of 2022, less than 5% of the cases resolved met this standard. Through its successful pursuit of process flow

re-engineering, the Matrimonial Division has made considerably strides towards guaranteeing the public that if filings made by litigants and attorneys meets the requisite standards and requisitions are responded to in a timely manner then divorce cases can be resolved without delay (i.e. within 4 – 6 months).

Table 26.0a: Case clearance rate for the Hilary Term ended April 08, 2022

| Cases filed | Cases disposed | Case clearance rate |
|-------------|----------------|---------------------|
| 1369 | 1027* | 75.02% |

* Only 2 of the cases disposed during the Hilary Term, originated during said Term

The above table shows that there were 1369 new cases filed during the Hilary Term of 2021 while 1027 were disposed. This produces a case clearance rate of 75.0%, suggesting that for every 100 new cases; roughly 75 were disposed in the year. An important caveat is that the cases disposed did not necessarily originate in the stated year. The result represents a roughly 26.86 percentage points decline when compared to the Hilary Term of 2021. Despite a significant increase of 11.28% in the number of cases disposed, this was outstripped by a greater proportional increase in the number of cases filed, hence the sizeable decline in the case clearance rate. As indicated earlier, the increase in new cases filed is largely on account of a change in process which now sees a number of matrimonial cases which would ordinarily be filed in the High Court Civil Division, now being filed and heard in the Matrimonial Division.

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Table 26.0b: Case clearance rate for the Hilary Term ended April 08, 2021 (by registry location)

| Registry location | Number of new cases filed | Cases disposed | Case clearance rate |
|----------------------|---------------------------|----------------|---------------------|
| Kingston Registry | 1252 | 951 | 75.96% |
| Montego Bay Registry | 117 | 76 | 64.96% |

The above table shows that when the case clearance rate is done by registry location, the Matrimonial Registry in Kingston cleared roughly 76 cases for every 100 new cases filed while the Western Regional Registry in Montego Bay cleared approximately 65 for every 100 cases filed. Both Registries experienced a decline in the absolute number of cases disposed during the Hilary Term of 2022 when compared to the corresponding period in 2021. The case clearance rate for the Kingston Registry fell by 14.44 percentage points while the rate for the Montego Bay Registry fell by 36.01 percentage points when compared to the Hilary Term in 2021. Despite the decline in case clearance rate, the Kingston Registry disposed 16.12% more cases than the Hilary Term of 2021 while the Montego Bay Registry disposed of 26.92% less than the comparable period. The declines in case clearance rate are not causes for concern at this time as the overall productivity of the Matrimonial Division has remained reasonable high.

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 2022. These measures are summarized in the table below:

Table 27.0: Selected performances metrics for the Matrimonial Division in the Hilary Term of 2022

| 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 (%) |
|----------------|------------------|------------------------|---|---|--------------------------------|----------------------------------|-----------------------------------|
| 1027 | 4008 | 0.26 | 1404 days | 805 | 222 | 78.38 | 21.62 |

The results in the above table show a case turnover rate of 0.26, which is an indication that for every 100 cases, which were handled in the Hilary Term of 2022 and still active at the end of the Term, another 26 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 1404 days or 3.85 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 Matrimonial Division in the Hilary Term of 2022 is approximately 73.38%, which reflects the proportion of Matrimonial cases in the Hilary Term of 2022, which were disposed within 2 years. Conversely, the proxy case backlog rate is 21.62%, an indication that an estimated annual proportion of roughly 22% 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 4008 cases, which had some court activity during the Hilary Term and were still active at the end of the period, 882 are expected to be in a backlog classification before being disposed. This is a slight worsening by under 3 percentage points when compared to the corresponding Term in 2021.

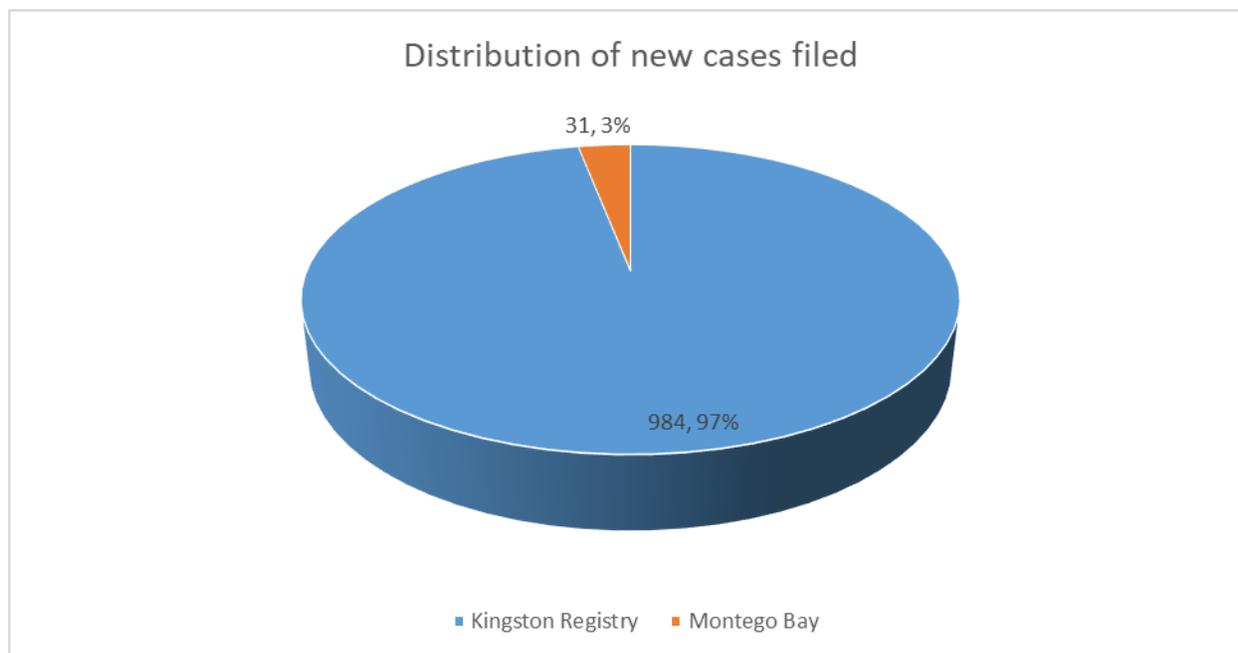
CHAPTER 3.0: PROBATE AND ADMINISTRATION DIVISION

This section turns to the analysis of the progression of matters in the Probate and Administration Division for the Hilary Term ended April 08, 2022.

A total of 1015 new Estate Cases were filed in the Probate and Administration Division during the Hilary Term, a notable increase of 45.83% when compared to the corresponding period in 2021, the second year of increase. 31 of these new cases were filed at the Western Regional Registry, an increase of 158.33% when compared to the comparable period in 2021 while the remaining 984 were filed at the registry in Kingston. The output for the Kingston Registry represents a 45.86% increase in the number of new cases filed when compared to the similar period in 2020.

Separately, there were 4 instruments of administration filed during the Hilary Term of 2022 while 19 of the matters handled by the division during the period were in relation to requests for Parish Court Certificates. The 1015 new estate cases filed in the Hilary Term of 2022 represents 33.24% of the total number of cases which had some activity during the Hilary Term.

Chart 4.0: Distribution of Probate cases filed, by Registry in the year ended April 08, 2022



As shown in the above chart, 984 or 97% of the new Probate cases filed in the Hilary Term took place at the Registry in Kingston while the remaining 31 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 April 08, 2022

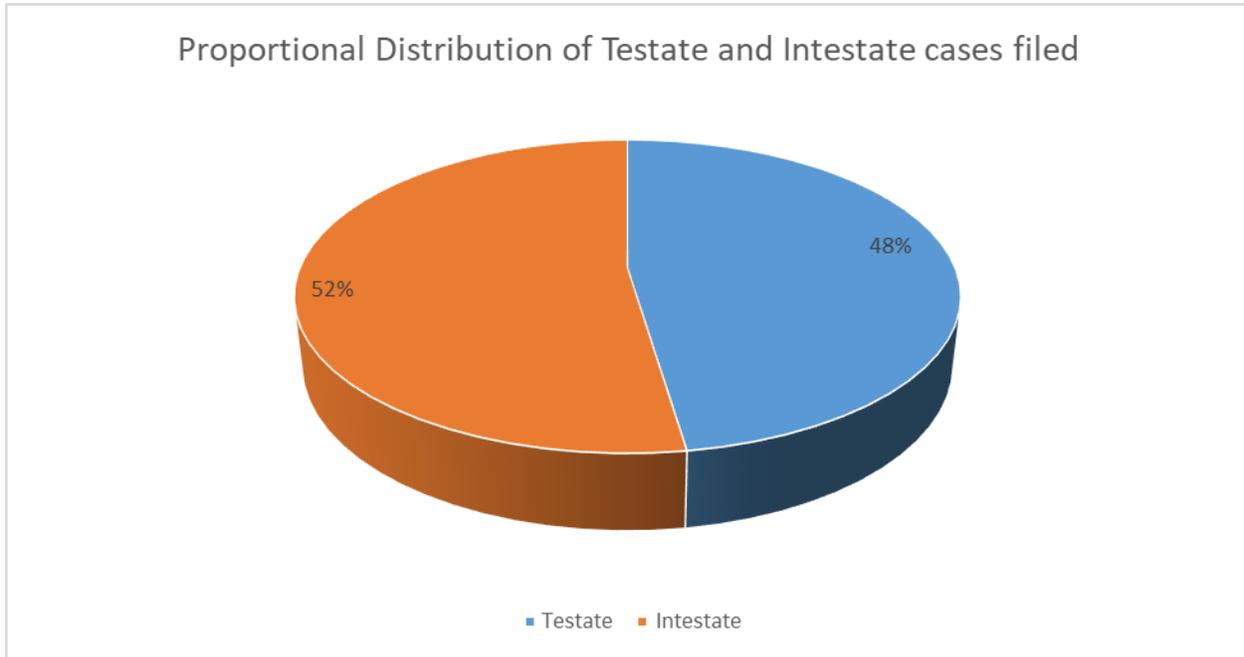
| Oaths | Frequency | Percentage (%) |
|--------------------|-------------|----------------|
| Supplemental Oaths | 906 | 47.16 |
| Oaths | 1015 | 52.84 |
| Total | 1921 | 100 |
| Ratio | 0.89 | |

The above table suggests there were a total of 1921 combined Oaths and supplemental Oaths filed in the Hilary Term of 2022, of which 1015 or 52.84% were initial Oaths filed, compared to 906 or 47.165% which were Supplemental Oaths. The ratio of Oaths to Supplemental Oaths is

0.89, which suggests that for every 100 Oaths there were 89 Supplemental Oaths filed during the Term, a statistic which has potentially adverse implications for the speed of disposition of matters, a slight decline of 1.28 percentage points when compared to the Hilary Term of 2021. 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 2022 and also includes further Supplemental Oaths filed. Continued intervention to reduce the incidence of Supplemental Oaths are an important part of the way forward as the Division seeks to persist in improving its productivity and becoming backlog free in the shortest possible time.

Over the past four 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 as at April 08, 2021



Sample size = 1015

Using a sample of 1015 cases, the above chart shows that an estimated 48% of the new cases filed in the Probate and Administration Division during the Hilary Term of 202 were Testate matters (matters with a Will in place prior to death) and 52% were Intestate (having no Will in place). This proportional distribution is similar to that of 2021.

Table 29.0: Action sequence for the Hilary Term ended April 08, 2022

| Action Status | Frequency |
|---|-------------|
| *Granted | 732 |
| *Grants Signed | 713 |
| Ratio of Granted Applications to Grants Signed | 0.97 |

*** Some of these relate to cases originating before 2021**

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

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of 0.97, suggesting that for every 100 granted applications, there were 97 Grants signed (though not necessarily from the number granted). This is an improvement of nine percentage points when compared to the corresponding period in 2021.

Table 30.0: Case action and requisitions summary for the Hilary Term ended April 08, 2022

| Action Status | Frequency |
|--|-----------|
| Number of cases actioned | 3053 |
| Requisitions Issued | 1583 |
| Number of responses to requisitions | 839 |
| Number of requisitions issued per case file | 0.53 |
| Requisitions response rate | 53% |
| 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 returned and the time to disposition after issuing requisitions, are important to understanding the efficiency of the flow of matters in the Probate Division. It is seen that there were 3053 requisitions issued while 3053 individual matters were actioned in the period, representing a ratio of 0.53 requisitions per case file actioned. This means that for every 100 cases actioned there were 53 requisitions issued, an increase of 3 percentage points when compared to the previous year. There were 839 responses to requisitions in the Probate and Administration Division in the Hilary Term of 2022, producing a requisitions response rate of 53.00%, an improvement of 5.49 percentage points when compared to the corresponding period in 2021. 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 2021. The number of requisitions issued in the Probate Division during the Hilary Term

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increased by 33.59% when compared to the similar period in 2021 but this is largely on account of the notable increase of 28.55% in case activity in the Probate Division during the Term.

Table 31.0: Methods of Disposal for the Hilary Term ended April 08, 2022

| Methods of Disposition | Frequency | Percentage (%) |
|--|------------|----------------|
| Application Granted | 15 | 2.0 |
| Application Refused | 1 | .1 |
| Grant ad collegenda Bona signed | 2 | .3 |
| Grant by Representation signed | 2 | .3 |
| Grant of Admin De Bonis Non signed | 8 | 1.1 |
| Grant of Admin De Bonis Non W/A signed | 8 | 1.1 |
| Grant of administration signed | 330 | 43.4 |
| Grant of Double Probate signed | 1 | .1 |
| Grant of probate signed | 273 | 35.9 |
| Grant of Resealing signed | 19 | 2.5 |
| Letters of Administrator with W/A signed | 29 | 3.8 |
| Notice of Discontinuance noted | 35 | 4.6 |
| Struck Out | 2 | .3 |
| WR Grant of administration signed | 26 | 3.4 |
| WR Grant of probate signed | 7 | .9 |
| WR Grant of Resealing signed | 2 | .3 |
| Total | 760 | 100.0 |

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

The summary of the methods of disposal for the Probate and Administration Division for the year are contained in the above table. It is shown that of the 760 cases disposed during the Hilary Term of 2022, a significant increase of 40.22% when compared to the corresponding period in 2021. The largest proportion, 709 or 93.29% was a result of various Grants Signed. Notices of Discontinuance and matters disposed by applications granted account for the remaining 6.71%. Grants of Administration signed and Grants of Probate signed with 330 or

43.40% and 273 or 35.90% accounts for the largest share of Grants Signed. Separately, the Probate and Administration Division issued 6 Parish Court Certificates during the Hilary Term of 2021.

Table 32.0: Dominant reasons for adjournment of Probate matters for the Hilary Term ended April 08, 2022

| Reasons for adjournment | Frequency | Percentage (%) |
|---|-----------|----------------|
| Claimant to file documents | 22 | 28.60 |
| Claimant’s documents not served or short served | 9 | 11.70 |
| No parties appearing | 5 | 6.50 |
| Claimant attorney absent | 4 | 5.20 |
| Defendant to file documents | 3 | 3.90 |
| Claimant to comply with orders | 3 | 3.90 |

Total number of adjournments = 77

The top six reasons for adjournment for Probate matters that went to court in the Hilary Term of 2022 are summarized in the above table above. It is shown that of the 77 incidence of adjournments in the period, the largest proportion were for the reasons of ‘claimant to file documents’ which accounted for 22 or 28.60% of the total. This was followed by adjournments due to files not found and claimant’s documents not served or short served with 11.70% and 6.50% respectively of the total number of adjournments. The top four reasons for adjournment is rounded off by the absence of claimants’ attorney with 5.20% of the total. As with previous reports, most of these reasons also featured prominently in the list of reasons for adjournment in the Matrimonial and High Court Civil Divisions during the Hilary Term.

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Table 33.0: Applications for the year ended April 08, 2021

| Type of Hearing | Frequency | Percent |
|-------------------------------|------------|--------------|
| APPLICATION | 150 | 75.8 |
| Case Management Conference | 4 | 2.0 |
| Pre-Trial Review | 13 | 6.6 |
| Trial in Chamber | 10 | 5.1 |
| Trial in Open Court | 20 | 10.1 |
| Total | 198 | 100.0 |

The above table provides a summary of the types of hearings conducted in Chamber and Open Court in the Probate Division during the Hilary Term of 2022. The hearing of applications with roughly 76% of the total was dominant followed by trials and pre-trial reviews with 10.10% and 6.60% respectively.

Table 34.0: Top four types of applications for the Hilary Term ended April 08, 2022

| Application | Frequency | Percentage (%) |
|---|-----------|----------------|
| Application to prove copy Will | 56 | 37.33 |
| Application for directions | 10 | 6.67 |
| Application to declare a spouse | 9 | 6.00 |
| Applications to declare Will null and void | 9 | 6.00 |

The above provides a deeper analysis of the types of applications made during the Hilary Term of 2022. It is shown that applications to prove copy will account for the largest proportion of applications with 56 or 37.33% of the total, followed by applications for directions with 10 or 6.67% of the total number of applications. The top four types of applications are rounded off by applications to declare a spouse and to declare a Will null and void each with 6.00%.

Table 35.0: Hearing date certainty for the Hilary Term ended April 08, 2022

| Court/Chamber hearing dates set | Hearing dates adjourned (excluding continuance) | Hearing date certainty (%) |
|---------------------------------|---|----------------------------|
| 198 | 35 | 82.32% |

The above table addresses the extent of adherence with dates set for court/chamber matters in the Probate Division for the Hilary Term of 2022. It is shown that there were 198 incidences of dates scheduled for Chamber or Court, 35 of which were adjourned for reasons other than ‘continuance’. This produces an overall hearing date certainty rate of 82.32%, an indication that for the Hilary Term there was a roughly 82.32% chance that a matter set for court would proceed without the date being adjourned. This is an increase of 1.62 percentage points when compared to the similar period in 2021. When trial matters are isolated, the trial date certainty rate is roughly 66.67%, roughly 8 percentage points below the corresponding figure in the Hilary Term of 2021.

Table 36.0: Age of matters disposed for the Hilary Term ended April 08, 2022

Descriptive Statistics (in months)

| | |
|------------------------|----------|
| Number of observations | 760 |
| Mean | 17.7171 |
| Median | 10.0000 |
| Mode | 10.00 |
| Std. Deviation | 25.40782 |
| Variance | 645.558 |
| Skewness | 4.855 |
| Std. Error of Skewness | .089 |
| Range | 238.00 |
| Minimum | 1.00 |
| Maximum | 239.00 |

The above table provides a summary measure of the overall estimated times to disposition for the 760 cases disposed during the year. The estimated average time to disposition is 17.72 months or approximately 1.48 years, roughly the same as the output in the Hilary Term of 2021. 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 were both 10 months. The reasonably large standard deviation of 25.41 months supports the deduction that there were scores that varied widely from the mean, in this case skewing the average upwards. The margin of error of these estimates is plus or minus 2 months or 0.17 years. The oldest Probate matter disposed in the

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year was 239 months or almost 20 years old while there were a few matters, which took under two months to be disposed, representing the lowest times to disposition in the year. Of the 760 Probate cases disposed during the Hilary Term of 2022, only five originated during the Term.

Table 37.0: Breakdown of times to disposition for the Hilary Term ended April 08, 2022

| Months | Frequency | Percentage (%) |
|--------------|------------|----------------|
| 0 – 12 | 564 | 74.2 |
| 13 – 24 | 93 | 12.2 |
| 25 – 36 | 45 | 5.9 |
| 37 - 47 | 16 | 2.1 |
| 48 & over | 42 | 5.5 |
| Total | 760 | 100.0 |

The above table shows that of the 760 Probate and Administration matters disposed in the year, the majority, 564 or 74.20% were disposed in 12 months or less, followed by 93 or 12.20%, which were disposed within a time interval of 13 to 24 months. Taken together this data suggests that an impressive approximated 86.40% of Probate and Administration matters which were disposed of in the Hilary Term took two years or less. 5.90% each of the cases were disposed within an estimated time frame of between 25 and 36 months, 2.10% took between 37 and 47 months and 5.50% took an estimated time of over 48 months or more than four years to be disposed. The margin of error of these estimates is plus or minus 2 months or 0.17 years. The relatively high proportion of cases disposed within a year and two years respectively 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 Probate and Administration Division continues to make considerable strides in reducing its case backlog.

Table 38.0: Case clearance rate for the Hilary Term ended April 08, 2022

| Cases filed | Cases disposed | Case clearance rate |
|-------------|----------------|---------------------|
| 1015 | 760 | 75% |

**5 or 0.5% of the new cases filed during the Hilary Term of 2022 were disposed*

Using the data on the number of cases filed and disposed in the period under examination, a case clearance rate of approximately 75% is derived, a decline of 2.76 percentage points when compared to the corresponding period in 2021. The result suggests that for every 100 cases filed and active in the 2021, roughly 75 were disposed. It is a rare event that this division fails to meet the International standard of 90% - 100%, nevertheless the results show tremendous resilience. The Division experienced impressive gains in the number of cases disposed in the period but this was outpaced by the increase in the number of new cases filed, hence the fall in the case clearance rate. The Probate Division continued its process flow re-engineering throughout the Hilary Term and the improvements are expected to continue to reap significant economies of scale in the short run, further reinforcing the position of the Division among the top performing business units in the Supreme Court and creating the impetus necessary to attain the performance targets which have been set out by the Honourable Chief Justice Mr. Bryan Sykes.

Other performance measures

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

(i) The on time case processing rate

(ii) The case turnover ratio

(iii) The disposition days

(iv) 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 2022. 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 2022

| 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 |
|----------------|------------------|--------------------|--|---|--------------------------------|------------------------------|-------------------------------|
| 760 | 2293 | 0.33 | 1106 days | 657 | 760 | 86.45% | 13.55% |

The results in the above table shows a case turnover rate of 0.33, which is an indication that for every 100 cases, which were 'heard' during the Hilary Term of 2022 and still active at the end of the period, another 33 were disposed, an improvement of 3 percentage points when compared to corresponding period in 2021. 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 1106 days or just over 3 years, barring special interventions.

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 Probate and Administration Division in the Hilary Term of 2022 is 86.84%, which reflects the proportion of cases in the Hilary Term of 2022, which were disposed within 2 years. Conversely, the case backlog rate is 13.55%, an indication that an estimated annual proportion of 14% of cases are likely to fall into a backlog classification based on the current case disposition and case clearance rates. This is an improvement of roughly 0.66 percentage points when compared to the Hilary Term of 2021. The data further suggests that of the 2293 cases, which had some court activity in the Hilary Term of 2022 and were still active at the end of the period, 311 are expected to be in a backlog classification before being disposed.

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 2022.

Table 40.0: Distribution of the top six new charges brought for the Hilary Term ended April 08, 2022

| Charge | Frequency | Percentage (%) |
|---|-----------|----------------|
| Murder | 60 | 23.70 |
| Illegal possession of firearm | 45 | 17.80 |
| Rape | 22 | 8.70 |
| Sexual intercourse with a person under 16 years | 22 | 8.70 |
| Illegal possession of ammunition | 16 | 6.30 |
| Grievous sexual assault | 13 | 5.10 |

Total number of charges brought (N) = 253

The above table summarizes the distribution of top six charges associated with cases brought in the Hilary Term of 2022. There were **91 new cases filed** at the Home Circuit Court during the Hilary Term, representing **253 charges**, a ratio of roughly 28 charges for every 10 new cases, an increase 10 charges for every 10 cases when compared to the Hilary Term of 2022. The number of new cases filed increased by 44.44% when compared to the Hilary Term of 2021. It is shown that of these 253 charges, the largest proportion, 60 or 23.70% were murder matters. This is followed by illegal possession of firearm with 45 or 17.80% and rape and sexual intercourse with a person under 16 with 22 each. Illegal possession of firearm with 16 or 6.30% of the total and grievous sexual assault with 13 or 5.10% respectively of the new charges filed during the Hilary Term rounds off the top six charges filed in the Home Circuit Court. Sex related charges

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continue to occupy the largest share of the new matters filed, accounting for roughly 41.35% of this stock in the Hilary Term of 2022. The top six charges filed, accounts for 70.30% of the total.

996 criminal cases had some administrative or judicial activity or both in the Home Circuit Court during the Hilary Term of 2022, the oldest of which dates back to 2006. This case activity outcome represents an 38.92% increase when compared to the corresponding period in 2021.

Table 41.0: Leading reasons for adjournment/continuance for the Hilary Term ended April 08, 2022

| Reason for adjournment | Frequency | Percentage |
|---|------------|--------------|
| Defence Counsel Absent | 86 | 7.30 |
| Statement outstanding | 62 | 3.70 |
| For Disclosure | 61 | 5.20 |
| Forensic certificate outstanding | 42 | 3.60 |
| To settle legal representation* | 42 | 3.60 |
| Other documents outstanding | 35 | 3.00 |
| Ballistic certificate outstanding | 33 | 2.80 |
| For Investigating Officer to attend | 33 | 2.80 |
| CPCD outstanding | 25 | 2.10 |
| Witness cannot be located | 25 | 2.10 |
| Crown to take instructions | 21 | 1.80 |
| Awaiting DNA sample report | 20 | 1.70 |
| Defence Counsel needs time to take instructions | 18 | 1.50 |
| For antecedence | 18 | 1.50 |
| Accused not brought | 16 | 1.40 |
| Sub-Total | 537 | 44.10 |

Total incidence of adjournments/continuance (N) = 1172

The above table provides a summary of the leading reasons for adjournment in the Home Circuit Court for the Hilary Term of 2022. It is shown that there was a combined 1172 incidence

of reasons for adjournment during the Term, with some matters having multiple adjournments. This represents a more than doubling of the figure for the corresponding period in 2021 as there continues to be recurrent causes of delay which are severely hampering case progression.

An examination of the leading reasons for adjournment in the Hilary Term of 2022 reveals that the top of the list are adjournments due to the absence of defence counsel, accounting for 86 or 7.30% of the total incidence of adjournments for the period. Both the private bar and legal aid attorneys share responsibility in this regard. The second highest ranking reason for adjournment on the list is adjournments for disclosure, followed by adjournments due to outstanding statements, adjournments due to outstanding forensic certificates and adjournments to settle legal representation rounding off the top five reasons.

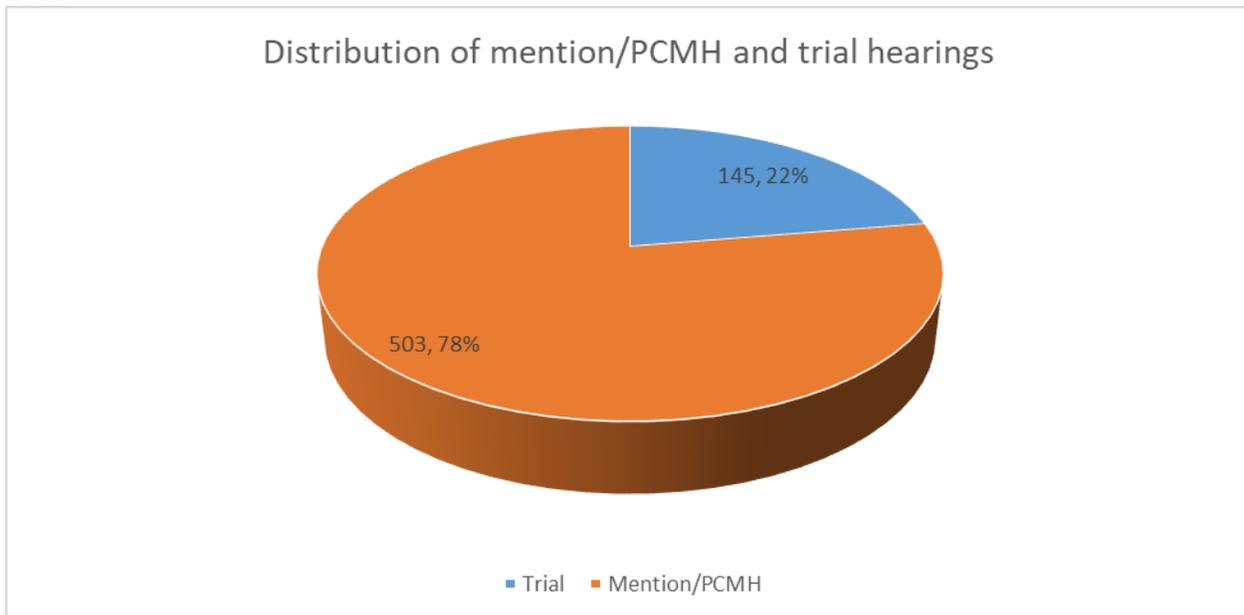
When the data is further disaggregated, it is revealed that the main reasons for delay at the Plea and Case Management and Mention are those due to outstanding ballistic certificates, outstanding forensic certificates, statements outstanding, CFCD outstanding, accused absent, the defence needing time 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 85% 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 70% 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

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 leading reasons for adjournment listed in the above Table accounts for 44.10% of total incidences of adjournments/continuance in the Home Circuit Court in the Hilary Term of 2022. The data suggest that there were roughly 2.04 adjournments per case heard in the Home Circuit Court in during the Hilary Term of 2022.

Chart 6.0: Sampling distribution of trial and mention cases for the Hilary Term ended April 08, 2022



The above chart shows that there were a total 648 cases which were scheduled for either Trial or Mention Court (now Plea and Case Management Court - PCMH) in the Hilary Term of 2022.

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145 or 22% of the distribution set were for Trial Court while 503 or 78% were for Plea and Case Management/Mention Court. This produces a ratio of 1:0.29, which suggests that for every 100 matters mentioned there were 29 trial matters set during in the Term. Further analysis suggests that each case mentioned in court were mentioned on average of 1.22 times which is another way of saying that every 10-mention cases were mentioned roughly 12 times, an improvement when compared to the corresponding period in 2021. For cases, which were set for Trial, there was a scheduling incidence of roughly 5 days per case, which suggests that 50 trial days were set for every 10-trial case. At least 31% of trial hearings were conducted by Judge only in the Home Circuit Court during the Hilary Term of 2022.

Table 42.0: Hearing date certainty summary for the Hilary Term ended April 08, 2022

| Type of hearings | Hearing date certainty rate (%) |
|--|---------------------------------|
| Mention and/Plea and Case Management Hearing | 86 |
| Bail Applications | 79 |
| Sentencing hearings | 77 |
| Trial hearings | 68 |
| Total/Overall Average | 77.50 |

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 roughly 22 of every 100 hearing dates set during the Hilary Term of 2022 were adjourned. This suggests an overall hearing date certainty rate of roughly 78% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 78 were able to proceed without adjournment for reasons other than those procedural, for example for Trial, Bail Application, Pre-trial hearing, Sentencing and Plea and Case Management. This result represents an improvement of 8 percentage points when compared to the corresponding period in 2021. When trial matters are isolated, the trial certainty rate revealed is 68%, an improvement of 14.50 percentage points when compared to the corresponding period in 2021 while Plea and Case Management Conferences had a hearing date certainty rate of 86%, a decline of roughly 9 percentage points when compared to the corresponding period in 2021. The improvements noted in the trial date certainty rate is partly a result of the recommencement of jury trials in 2022.

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 assist markedly in improving the effectiveness of the scheduling apparatus in the Division and in bolstering the overall efficiency of case management. As 2022 progresses, these gains will become more and more evident as the Criminal Division, which along with the High Court Division of the Gun

Court and the Revenue Court are the first in the Supreme Court to introduce the use of this system which will be deployed court-wide over the ensuing months.

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 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).

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Table 43.0: Methods of disposal for the Hilary Term ended April 08, 2021

| Methods of Disposition | Frequency | Percent |
|--|------------|--------------|
| Accused deceased | 4 | 3.6 |
| Conditional Nolle Prosequi entered* | 1 | .9 |
| Found guilty | 7 | 6.3 |
| Found not guilty | 28 | 25.0 |
| No evidence offered- discharged | 18 | 16.1 |
| No further evidence offered - discharged | 15 | 13.4 |
| No Verdict Taken | 1 | .9 |
| Not Indicted | 4 | 3.6 |
| Plea guilty | 32 | 28.6 |
| Transferred to Rural Circuit | 1 | .9 |
| Withdrawn | 1 | .9 |
| Total | 112 | 100.0 |

**Included for computational convenience*

The above table summarizes the methods of disposal for a sample of charges disposed during the Hilary Term of 2022. A total of 50 cases were disposed in the Home Circuit Court during the Hilary Term, a decline of 18.03% when compared to the corresponding period in 2021. As with the last three years, guilty pleas accounted for the largest share of cases disposed, with or 28.60% of the sample. Accounting for the next highest proportion of sample were not guilty outcomes with 28 or 25.0% of the total. No evidence offered – discharged and no further evidence offered – discharged with 18 or 16.10% and 15 or 13.40% respectively accounts for the next highest share of the sample of disposition methods. Of the 50 cases disposed in the Hilary Term of 2022 in the Home Circuit Court, 4 or 8.0% originated during that period. A useful measure of efficiency in the criminal court is the conviction rate as displayed below.

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Table 44.0: Overall criminal conviction rate for the Hilary Term ended April 08, 2022

| Sample of charges disposed | Total number of guilty outcomes | Estimated Conviction rate (%) |
|----------------------------|---------------------------------|-------------------------------|
| 112 | 39 | 34.82 |

The above table shows that of the sample of 112 criminal charges disposed in the Home Circuit Court, 39 were because of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 34.82% which suggests that there is a roughly 35% probability that a matter could end in a guilty outcome, using the Hilary Term of 2022 as a proxy. This represents a decrease of 5.31 percentage points when compared to the corresponding period in 2021. This data can be further disaggregated so that the conviction rates for some of the most frequently occurring charges are measured. In particular, the conviction rate on murder charges, sexual intercourse with a person under 16 and rape are documented below.

Table 45.0A: Conviction rate for charges of sexual Intercourse with a person under 16 for the Hilary Term ended April 08, 2021

| Total number of charges concluded | Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas) | Conviction rate (%) |
|-----------------------------------|--|---------------------|
| 8 | 5 | 62.50% |

The above table shows that of a sample of 8 charges of sexual intercourse with a person under 16 years which were concluded during the Hilary Term of 2022, 5 were as a result of guilty

outcomes, whether by way of a verdict or a plea. This represents a conviction rate of roughly 62.50% which suggests a roughly 63% probability that a matter of sexual intercourse with a person under 16 could end in a guilty outcome.

Table 45.0B: Conviction rate for cases of rape for the Hilary Term ended April 08, 2022

| Total number of charges concluded | Total number of guilty outcomes (i.e. guilty verdicts or guilty pleas) | Estimated Conviction Rate (%) |
|-----------------------------------|--|-------------------------------|
| 8 | 3 | 37.50% |

The above table shows that of a sample of 8 rape charges which were concluded during the Hilary Term of 2022, 3 were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of roughly 37.50% which suggests a roughly 38% probability that a rape matter could end in a guilty outcome during the Term.

Table 45.0C: Conviction rate for murder cases in the Hilary Term ended April 08, 2022

| Sample of charges concluded | Number of guilty outcomes (i.e. guilty verdict or guilty plea) | Estimated Conviction Rate |
|-----------------------------|--|---------------------------|
| 35 | 10 | 28.57% |

The above table shows that of the sample of 35 murder charges concluded in the Hilary Term of 2022, 10 of which were as a result of guilty outcomes, whether by way of a verdict or a plea. This represents a conviction rate of 28.57% which suggests a roughly 29% probability that a

murder matter could end in a guilty outcome, a 20.24 percentage point decrease increase when compared to the corresponding period in 2021.

Among the leading charges disposed in the Home Circuit Court during the Hilary Term were murder, sexual intercourse with a person under 16, rape, illegal possession of firearm, grievous sexual assail and wounding with intent. These charges are also traditionally among the most filed and disposed in the Circuit Courts as a whole in Jamaica.

Table 46.0: Descriptive statistics on the times to disposition of cases for Hilary Term ended April 08, 2022

Descriptive Statistics (months)

| | |
|------------------------|----------|
| Number of observations | 50 |
| Mean | 31.5000 |
| Median | 34.0000 |
| Mode | 36.00 |
| Std. Deviation | 26.73624 |
| Skewness | 1.741 |
| Std. Error of Skewness | .337 |
| Range | 135.00 |
| Minimum | 1.50 |
| Maximum | 134.00 |

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 2022. The overall average time to disposition seen is 31.50 months or 2.63 years, an improvement of roughly 4 months when compared to the corresponding period in 2021. The median time to disposition was 34 months or roughly 2.83 years while the most frequently occurring time to disposition in the period was 36 months or 3 years from entering the Home Circuit Court. The standard deviation of the

distribution is moderately 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 134 months or roughly 11 years while the minimum time to disposition was approximately 1.5 months.

It is of note that the average time between the charge date and disposition is roughly 48 months, which is a year longer than the mean time between case filing and disposition in the Home Circuit Court.

Table 47.0: Breakdown of time to disposition of cases for the Hilary Term ended April 08, 2022

Descriptive Statistics (months)

| Time Interval (months) | Frequency | Percentage (%) |
|-------------------------------|------------------|-----------------------|
| 0 – 12 | 14 | 27.5 |
| 13 – 24 | 6 | 12.5 |
| 25 – 36 | 9 | 17.5 |
| 37 – 47 | 10 | 20 |
| 48 & over | 11 | 22.5 |
| Total | 50 | 100.00 |

The above table provides a summary of the estimated time to disposition for the 50 cases disposed in the Home Circuit Court during the Hilary Term of 2022. It is shown that the largest proportion of matters disposed took within a year, accounting for 27.50% of the disposals. This is followed by matters taking four or more years with 22.50% of the disposal, producing an

interesting dichotomy in the distribution. 20% of the disposals took 37 – 47 months to be resolved, rounding off the intervals with the intervals with the highest frequency for the Term. Cumulatively, 40% of the matters disposed in the year took two years or less a fall of 5.590 percentage points when compared to the corresponding period in 2021. The remaining 60% of cases disposed took over two years to be disposed. Using 2022 Hilary Term data as a proxy, there is a roughly 60% 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 improvements in third party delay factors discussed earlier has enormous potential to reduce the probability of a case backlog to a remote incidence.

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Table 48.0a: Breakdown of selected charges by time to disposition for the year ended December 31, 2021 [extracted from 2021 annual report]

| Time Intervals (months) | | Murder | Rape | Sexual Intercourse with a Person under Sixteen | Totals |
|-------------------------|----------|---------------|---------------|--|---------------|
| 0 – 12 | Count | 0 | 24 | 92 | 116 |
| | % within | 0.0% | 38.7% | 87.6% | 39.7% |
| 13 - 24 | Count | 1 | 28 | 9 | 38 |
| | % within | 0.8% | 45.2% | 8.6% | 13.0% |
| 25 - 36 | Count | 63 | 1 | 0 | 64 |
| | % within | 50.4% | 1.6% | 0.0% | 21.9% |
| 37 - 47 | Count | 41 | 3 | 4 | 48 |
| | % within | 32.8% | 4.8% | 3.8% | 16.4% |
| 48 & over | Count | 20 | 6 | 0 | 26 |
| | % within | 16.0% | 9.7% | 0.0% | 8.9% |
| Total | Count | 125 | 62 | 105 | 292 |
| | % within | 100.0% | 100.0% | 100.0% | 100.0% |

Note: The above data set is extracted from the 2021 annual report due to sample size issues in the 2022 Hilary Term data

The above table details the time taken to dispose of cases of murder, rape and sexual offences with persons under 16 in 2021. It is seen that the largest proportion of murder cases disposed took between 25 - 36 months and 37 – 47 months respectively, accounting for 50.40% and 32.80% respectively of the total. The next highest proportion of murder cases disposed took 4 or more years, accounting for 16.0% of the disposals. As for sexual intercourse with a person under 16 years old, 87.60% were disposed within 12 months while 8.60% took between 13 and 24 months to be disposed and 3.80%, which took between 37 and 47 months to be disposed, comes next. The largest proportion of rape matters (45.20%) were disposed in 13 – 24 months, followed by 38.70% which were disposed within a year and 9.70% which took four or more years to be disposed. As with the 2020 data, it is evident that of these three dominant offences,

murder cases take considerably more time to be disposed while cases of sexual intercourse with a person under 16 years old takes the least time.

Table 48b: Proportional breakdown of time to disposition by selected charge type for the year ended December 31, 2021 [extracted from 2021 annual report]

| Charge | Percentage of matters disposed of in 2 years or less (%) | Percentage of matters disposed of in more than 2 years (%) |
|---|--|--|
| Murder | 0.80 | 99.20 |
| Sexual intercourse with a person under 16 years old | 96.20 | 3.80 |
| Rape | 83.90% | 16.10% |

Note: The above data set is extracted from the 2021 annual report due to sample size issues in the 2022 Hilary Term data

The above table furthers the previous one by directly highlighting the relative lengths of time that it takes for the most frequently occurring types of matters to be disposed. It is seen that only 0.80% of murder charges disposed in 2021 each took 2 years and under while a concerning 99.20% took over two years to be disposed. 96.20% of the matters of sexual intercourse with a person under 16 years were disposed within two years and the remaining 3.80% took over two years to be disposed in the Home Circuit Court in 2021. As it regards rape cases, which were disposed, 83.90% took 2 years or less to be disposed while 16.10% took over two years. The length of time which different types of matters take to be disposed has significant implications for the way in which the Court prioritizes it’s scheduling and resource allocation and these results should therefore inform the interventions, which are necessary to bolster the case

disposal rates. It is again evident that in the Home Circuit Court, murder cases contribute significantly to the criminal case backlog, warranting special attention.

Table 49.0: Case clearance rate for the Hilary Term ended April 08, 2022

| Cases filed | Cases disposed | Case clearance rate |
|-------------|----------------|---------------------|
| 91 | 50 | 54.95% |

The number of new cases entered in the Home Circuit Court during the Hilary Term of 2022 increased by 44.44% while the number of cases disposed declined by 18.03% when compared to the corresponding period in 2021. It is therefore not surprising that there was a decline in case clearance rate over the comparable period. The case clearance rate recorded for the Home Circuit Court in the Hilary Term of 2022 was 54.95%, a decline of 41.88 percentage points when compared to the similar period in 2021.

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**

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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 2022. These measures are summarized in the table below:

Table 50.0: Selected performances metrics for the Home Circuit Court in the Hilary Term of 2022

| Resolved cases | Unresolved cases | Case turnover rate (%) | Disposition days | Number of cases disposed within 2 years | Total number of cases disposed | On-time case processing rate (%) | Crude Proxy Case backlog rate (%) |
|----------------|------------------|------------------------|------------------|---|--------------------------------|----------------------------------|-----------------------------------|
| 50 | 946 | 0.05 | 7300 | 20 | 30 | 40% | 60% |

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 'heard' in 2021 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 2022 is 40.0%, which reflects the proportion of cases resolved during the Term which were disposed within 2 years. Conversely, the proxy case backlog rate is 60.0%, an indication that an estimated

proportion of 60% 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 996 cases, which had some court activity during the Term and were still active at the end of the year, 598 are expected to be in a backlog classification before being disposed.

CHAPTER 5.0: HIGH COURT DIVISION OF THE GUN COURT

The ensuing analyses provide an overview of case activity in the High Court Division of the Gun Court in the Hilary Term ended April 08, 2022. In particular, this section outlines data related to matters initiated, matters disposed, adjournments and the distribution of trial and mention matters during the year.

Table 51.0: Top five charges filed in the Hilary Term ended April 08, 2022

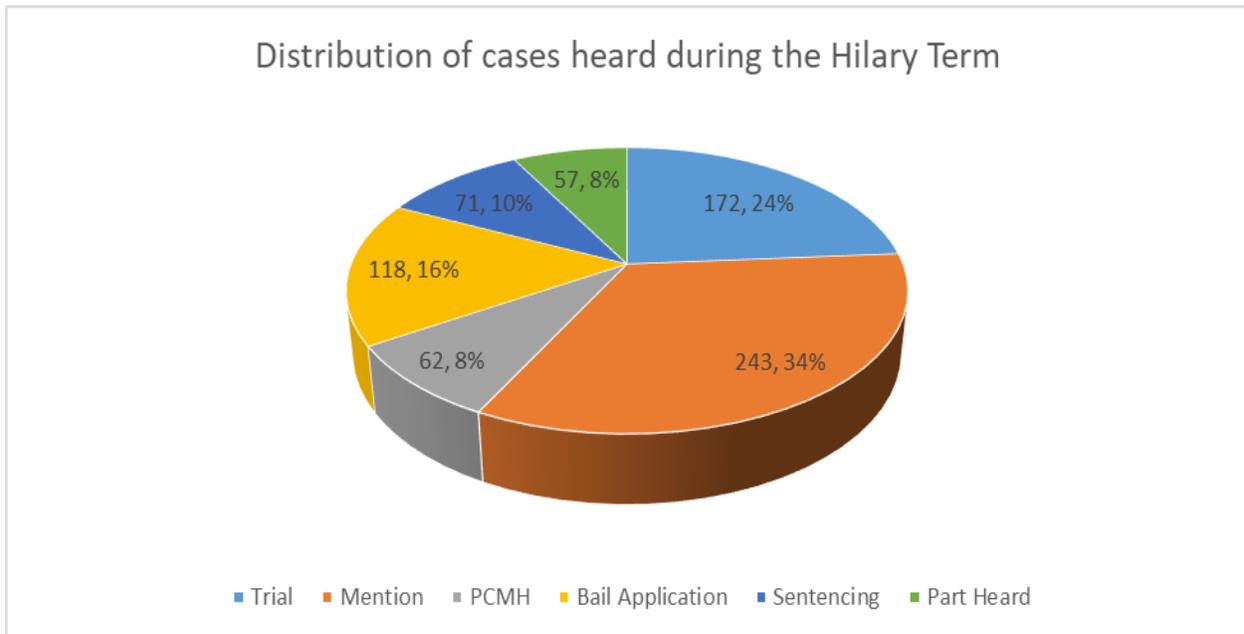
| Charges filed | Frequency | Percentage (%) |
|----------------------------------|------------|----------------|
| Illegal possession of firearm | 169 | 37.10 |
| Illegal possession of ammunition | 110 | 24.10 |
| Shooting with intent | 47 | 10.30 |
| Robbery with aggravation | 26 | 5.70 |
| Assault at Common Law | 23 | 5.00 |
| Wounding with intent | 23 | 5.00 |
| Sub-Total | 398 | 87.20 |

Total number of charges (N) = 456, the equivalent of 130 cases.

The above table provides a summary of the top six charges, which were brought in the Gun Court during the Hilary Term of 2022. It is seen that a total of 456 charges were filed in the Gun Court during the Term, an increase of 78.82% when compared to the corresponding period in 2021. The largest proportion of these charges was accounted for by illegal possession of firearm with 169 or 37.10%, followed by illegal possession of ammunition with 110 or 24.10% and shooting with intend with 47 or 10.30%, rounding off the top three incidence of charges for the Term. The 456 new charges entered during the Hilary Term of 2021 translate into 130 new

cases filed in the period, an increase of 13.04% when compared to the corresponding period in 2021. This represents a ratio of 1:3.51, suggesting that for every 100 cases entered, there were 351 charges.

Chart 7.0: Summary of selected hearing activity dates for the Hilary Term ended April 08, 2021



Note: PCMH means Plea and Case Management Hearing

The above chart provides a summary of cases heard in the Gun Court by the type of hearing in the Hilary Term of 2022. The cases counted in this chart are not mutually exclusive as a single case may have had several different types of hearings throughout the year. The number of cases with mention hearings during the year accounted for the dominant share of cases heard with 34% of cases heard, trials with 24% of cases heard and bail application hearings with 16% of cases heard during the Hilary Term accounted for the top three proportion of cases by

incidence and types of hearing. It is of note that cases which had part heard hearings accounted for the lowest share of hearings during the Hilary Term with 8% of the total incidence. Across all hearing types, a total of 856 cases were heard in the Gun Court during the Hilary Term of 2022.

Table 52.0: Most frequently occurring reasons for adjournment for the Hilary Term ended April 08, 2022

| Reason for adjournment | Frequency | Percentage (%) |
|-------------------------------------|------------|----------------|
| Defence Counsel Absent | 71 | 7.6 |
| For disclosure | 55 | 5.9 |
| Forensic certificate outstanding | 41 | 4.4 |
| For file to be completed | 40 | 4.3 |
| Statement outstanding | 40 | 4.3 |
| To settle legal representation | 39 | 4.2 |
| Ballistic certificate outstanding | 33 | 3.5 |
| Other documents outstanding | 29 | 3.1 |
| For investigating officer to attend | 27 | 2.9 |
| CFCD outstanding | 23 | 2.5 |
| Further statements outstanding | 20 | 2.2 |
| Awaiting DNA sample report | 18 | 1.9 |
| For Antecedent | 17 | 1.8 |
| Accused not brought | 15 | 1.6 |
| Crown to Take Instructions | 15 | 1.6 |
| Sub-Total | 483 | 51.80 |

Total number of adjournments and continuances (N) = 930. 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 2022, excluding adjournments for bail application, matters part heard, and for plea and case management and for trial. There were 930 overall incidences of adjournments during the Hilary Term, a decline of 38.65% when compared to the corresponding period in 2021. As with the Home Circuit Court, the list affirms a major role of third party entities in delayed case progression in the High Court Division of the Gun Court. These include adjournments due the absence of Defence Council which lead the list, followed by adjournments for disclosure, outstanding forensic and ballistic certificates and other outstanding scientific reports and statements, incomplete files and adjournments to settle legal representation. These top nineteen reasons for adjournment accounted for roughly 51.80% of the 930 documented incidences. It is evident that a vast majority of incidence of delays caused by adjournments are attributable to third parties and not to inadequate court resources, including Judges and support staff and courtrooms. More efficient utilization of the existing facilities can be attained with much greater cooperation for external bodies towards reducing the incidence of avoidable adjournments which invariably wastes judicial time and resources and creates inefficient resource outcomes.

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Table 53.0: Hearing date certainty summary for the Hilary Term ended April 08, 2022

| Type of hearing dates | Number of hearing dates scheduled | Number of hearing dates adjourned | Estimated hearing date certainty rate (%) |
|----------------------------------|-----------------------------------|-----------------------------------|---|
| Mention hearings | 313 | 71 | 77.32 |
| Plea and Case Management hearing | 91 | 15 | 83.52 |
| Bail Applications | 183 | 33 | 81.97 |
| Sentencing hearings | 135 | 32 | 76.30 |
| Trial hearings | 313 | 87 | 72.20 |
| Total/Overall Average | 1035 | 238 | 77.00 |

The date scheduling certainty for each Division of the Supreme Court is an important metric, which examines the extent to which dates, which are set for various types of hearings, are adhered. A low result has implications for the capacity of the court to adequately estimate the duration of a matter, for the capacity of courtrooms and Judges to absorb certain caseload and for the general system of scheduling. In the table above it is shown that of 1035 court dates scheduled for hearings in the period under study, 238 were adjourned. This suggests an overall hearing date certainty rate of roughly 77.00% which is another way of saying that for every 100 criminal matters scheduled for court, roughly 77 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 is an impressive improvement of 12.30 percentage points when compared to the Hilary Term of 2021. When trial matters are isolated, the trial certainty

rate revealed is 72.20%, a notable 14.50 percentage points higher than the rate in the corresponding period in 2021. The Gun Court continues to maintain a high rate of case clearance rate despite relatively modest returns on its trial date certainty output. One possible explanation for this corollary is that although trial dates are adjourned, the interval between hearings is relatively short, thus not adversely affecting the clearance of cases. The Gun Court Registry seems to have largely mastered the art of calendar management, being able to quickly deploy and set new dates shortly after adjournments and to shift matters to available resources. There are some vital lessons to be learned from what has been observed in the High Court Division of the Gun Court over the past 5 years. Empirically, the Gun Court has defied expectations with respect to the case clearance rates based on their consistently modest trial and overall hearing date certainty rates. Based on the trend with respect to hearing and trial date rates in the Gun Court, lower case clearance rates are anticipated, but a peculiar method of scheduling, banking on intimate knowledge of the cases and an acute awareness of the resources available at their disposition at any time has allowed this Court to consistently maintain the highest case clearance rate of any single court in Jamaica and represents an intriguing case study for case management and scheduling pundits.

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Table 54.0: Methods of case disposition for the Hilary Term ended April 08, 2022

| Methods of disposition | Frequency | Percent |
|--|------------|--------------|
| Conditional Nolle Prosequi** | 9 | 2.8 |
| Found Guilty | 27 | 8.4 |
| Found Not Guilty | 40 | 12.5 |
| Guilty Plea | 92 | 28.60 |
| No Case Submission Upheld | 8 | 2.50 |
| No evidence offered - discharged | 105 | 32.70 |
| No further evidence offered | 13 | 4.0 |
| No further evidence offered - discharged | 8 | 2.5 |
| Nolle Prosequi** | 14 | 4.4 |
| Not Guilty - Discharged | 4 | 1.2 |
| Not indicted on this charge | 1 | .3 |
| Total | 321 | 100.0 |

***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 2021. It is seen that there were 321 charges which became disposed or inactive, the largest proportion of which were a result of no evidence offered – discharged and guilty pleas which accounted for 105 or 32.70% and 92 or 28.60% respectively of the total. In third were disposals resulting from persons found not guilty with 40 or 12.50% of the total. It is of note that there were twenty-three Nolle Presque which were issued during the Hilary Term leading to those matters becoming inactive. Inactive cases are included in this list for convenience and effect. The number of charges disposed represents a noticeable 26.03% decline when compared to the corresponding period in 2021. The 321 charges disposed is the equivalent of 114 unique cases.

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Table 55.0: Estimated Conviction rate in the Gun Court for the Hilary Term ended April 08, 2022

| Number of charges disposed | Number of Guilty outcomes (i.e. guilty verdicts and guilty pleas) | Conviction rate (%) |
|----------------------------|---|---------------------|
| 321 | 119 | 37.07 |

The overall conviction rate in the Gun Court is summarized in the above table. It is seen that of the 321 disposed charges in the Hilary Term of 2021, 119 were a result of either a guilty plea or a guilty verdict. This produces an overall conviction rate of 37.07% for Gun Court charges resolved during the Term, approximately 6.66 percentage points above the rate in the corresponding period in 2021. The following table delves further into the conviction rate, by the substantive matter.

Table 56.0: Conviction rate by selected substantive matter in the Gun Court for the Hilary Term ended April 08, 2021

| Substantive matter | Number of charges disposed | Number of guilty outcomes (pleas and verdicts) | Conviction rate (%) |
|----------------------------------|----------------------------|--|---------------------|
| Illegal possession of fire arm | 136 | 53 | 38.97 |
| Illegal possession of ammunition | 81 | 47 | 58.02 |
| Assault (various forms) | 14 | 2 | 14.30 |

It is shown in the above table that of the 136 charges of illegal possession of a firearm disposed, 53 were disposed by way of either a guilty verdict or a guilty plea, yielding a conviction rate of roughly 38.97%. 47 of 81 charges of illegal possession of ammunition which were disposed in

the Hilary Term of 2022 were a result of guilty outcomes, resulting in a conviction rate of 58.02%. 2 of the 14 assault matters which were disposed in the Hilary Term were a result of guilty outcomes, resulting in a conviction rate of 14.30%.

Table 57.0: Top six charges disposed of in the Hilary Term ended April 08, 2022

| Charge | Frequency | Percentage |
|----------------------------------|------------|--------------|
| Illegal possession of a firearm | 136 | 42.40 |
| Illegal possession of ammunition | 81 | 25.30 |
| Shooting with intent | 28 | 8.80 |
| Wounding with intent | 21 | 6.50 |
| Robbery with aggravation | 12 | 3.70 |
| Total | 278 | 86.70 |

Total number of charges (N) = 321

The 321 charges that were disposed in the High Court Division of the Gun Court in the Hilary Term of 2022. The table above details the six most frequently occurring charges disposed in the Gun Court during the Hilary Term. Illegal possession of a firearm and illegal possession of ammunition accounts for the largest proportion of disposed charges with 42.40% and 25.30% respectively. This is followed by shooting with intent and wounding with intent with 8.80% and 6.50% respectively of the total. The disposed charges enumerated in this table accounts for roughly 86.70% of the total number of charges disposed in the Gun Court in 2021.

Table 58.0: Time to disposition (from case file date) for cases disposed of in the Hilary Term ended April 08, 2022

Descriptive Statistics (months)

| | |
|------------------------|----------|
| Number of observation | 114 |
| Mean | 14.1228 |
| Median | 11.00 |
| Mode | 10.00 |
| Std. Deviation | 15.57633 |
| Variance | 242.622 |
| Skewness | 4.360 |
| Std. Error of Skewness | .226 |
| Range | 128.00 |
| Minimum | 1.00 |
| Maximum | 129.00 |

The above table summarizes the time taken to dispose of cases in the Gun Court in 2021, counting from the date cases were filed. It is seen that the estimated average time to disposition from the date of case is approximately 14 months, a significant improvement of roughly seven months when compared to the corresponding period in 2021. The data set for this measure is highly positively skewed, indicating that there was a significantly greater proportion of times to disposition fell below the overall series mean. The estimated maximum time to disposition for the data set is 129 months or almost 11 years. The estimated minimum time to disposition from the date of filing was under a month. The modal and median times to disposition were approximately 11 and 10 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. The standard deviation was quite high, indicating that the individual scores were widely dispersed around the mean. The 114 cases disposed in the High Court Division of the

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Gun Court in the Hilary Term represents a 10.94% decline when compared to the corresponding period in 2021.

Table 59.0: Breakdown of times to disposition (from case file date) for the cases disposed in the Hilary Term ended April 08, 2022

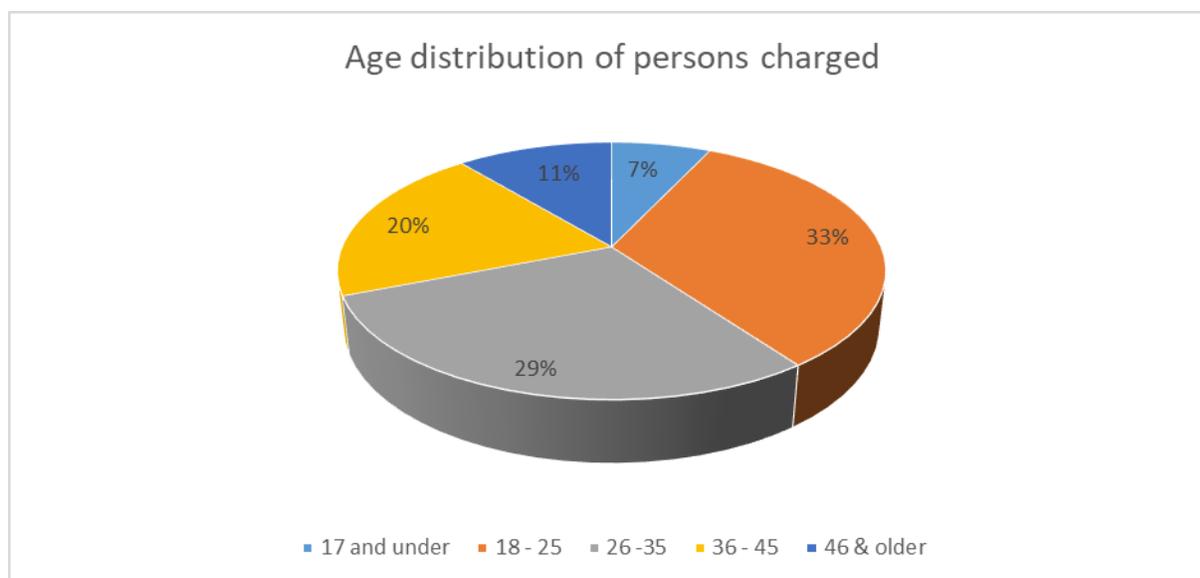
| Time Interval (months) | Frequency | Percent |
|------------------------|------------|--------------|
| 0 - 12 | 87 | 76.3 |
| 13 - 24 | 15 | 13.2 |
| 25 - 36 | 5 | 4.4 |
| 37 - 47 | 4 | 3.5 |
| 48 & over | 3 | 2.6 |
| Total | 114 | 100.0 |

The above table provides a further breakdown of the estimated time to disposition for the cases disposed in the Hilary Term of 2022, counting from the case file date. The positive skewness displayed in the previous table is affirmed, as the scores here are mostly concentrated towards the lower intervals in the distribution. The data shows that the largest proportion of the disposals using this method took a year or less. This interval accounted for 87 or 76.30% of the disposals and was followed by cases taking between 13 and 24 months to be disposed with 15 cases or 13.20%. A further 4.40% of the matters were disposed within 25-36 months, 3.50% took 37 – 47 months and the remaining 2.60% took four or more years. Interestingly 89.50% of the cases disposed took two years or less from the case file date, an improvement of just over 16.80 percentage points when compared to the corresponding period in 2021, further reducing both the net and gross backlog rates in the Gun Court.

Demographic summary of persons charged and brought before the Gun Court in the Hilary Term of 2022

This section provides a brief summary of the age and gender distribution of persons charged who were brought before the Gun Court in the Hilary Term of 2022.

Chart 8.0: Summary of age distribution of a sample of persons charged in the Gun Court for the Hilary Term ended April 08, 2022



The age distribution of persons charged in the Hilary Term of 2022 was markedly similar to that of 2021 as a whole. As with 2021, the dominant offences filed in the Gun Court for Hilary Term are illegal possession of firearm, illegal possession of ammunition, robbery with aggravation, shooting with intent and wounding with intent. Using a representative sample, the average age of persons charged in the year is roughly 27 years old with the oldest person charged being 58 years old and the youngest 13 years old. The modal age from this sample was 24, an indication that a significant number of the persons charged are quite youthful. This is affirmed in the chart above where it is shown that from the sample 33% of the persons charged were between 18

and 25 years old, closely followed by the age group 26 to 35 years old with 29% of the persons charged. The 36 to 45 age group comes next with 20% of the persons charged. The youngest and oldest age categories of 17 and under and 46 and over respectively accounts for 7% and 11% respectively of the person charged who were brought before the Gun Court in the Hilary Term of 2022.

In terms of gender distribution, using a sample of 100 persons charged in relation to matters brought before the Gun Court in the Hilary Term of 2022, the data shows that 99 or 99% were male and 1 or 1% female. This is exactly the same sampling distribution for gender, which was observed in 2021. The overwhelming dominance of males in charges entering the High Court Division of the Gun Court continue to persist as a long held trend.

Chart 9.0: Summary of gender distribution of a sample of persons charged who were brought before the High Court Division of the Gun Court in the Hilary Term of 2022

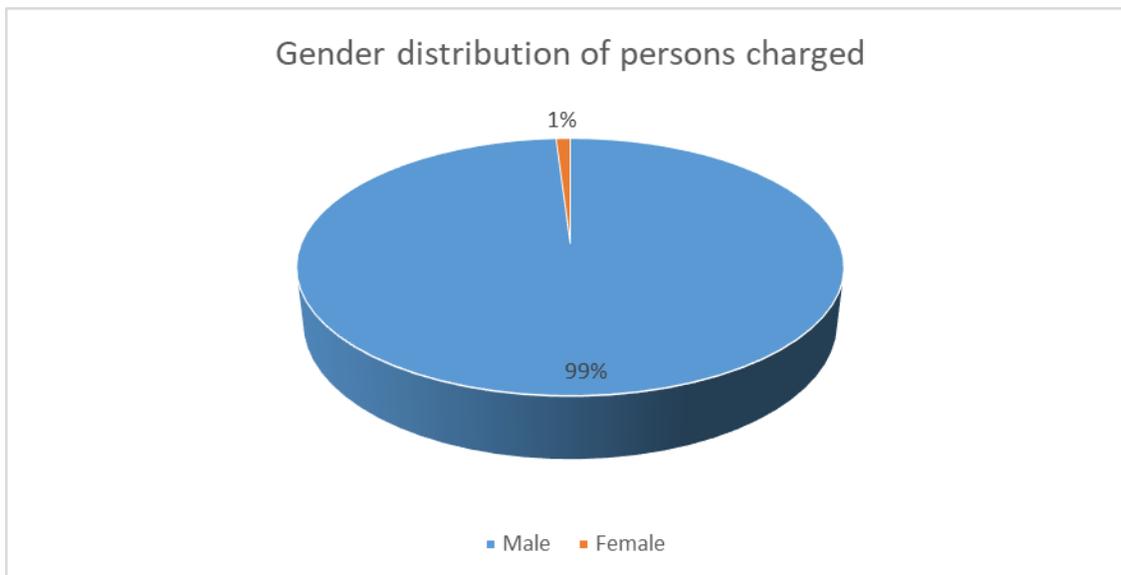


Table 60.0: Case clearance rate for the Hilary Term ended April 08, 2022

| Cases filed | Cases disposed | Case clearance rate |
|-------------|----------------|---------------------|
| 130 | 114 | 87.69% |

**11 or 9.65% of the 114 cases disposed originated during the Hilary Term of 2022. This percentage represents the disposal rate.*

One hundred and thirty cases were filed in the High Court Division of the Gun Court in the Hilary Term of 2022 while 114 cases were also disposed or inactivated (including many which originated before the Term) leading to a clearance rate of exactly 87.69% for the period. This result translates into a generalization that an estimated 9 Gun Court cases were resolved for every 10 new cases entered during the Hilary Term, a decline of 23.61 percentage points when compared to the corresponding period in 2021.

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 2022. These measures are summarized in the table below:

Table 61.0: Selected performances metrics for the Gun Court in the Hilary Term of 2022

| 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 (%) |
|----------------|------------------|------------------------|---|---|--------------------------------|----------------------------------|-----------------------------------|
| 114 | 442 | 0.26 | 1404 | 102 | 114 | 89.50 | 11.50 |

The results in the above table shows a case turnover rate of 1.03, which is an indication that for every 100 cases which were ‘heard’ during the Hilary Term of 2021 and still active, 26 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 2022 is approximately 89.50%, which reflects the proportion of Gun Court cases in the Hilary Term of 2022, which were disposed within 2 years. Conversely, the crude proxy case backlog rate is 11.50%, an indication that an estimated annual proportion of about 11.50% 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 442 cases, which had some court activity in the Hilary Term of 2022

and were still active at the end of the period, roughly 51 are expected to be in a backlog classification before being disposed. The crude proxy backlog rates improved by 15.50 percentage points when compared to the year ended December 31, 2021.

CHAPTER 6.0: COMMERCIAL DIVISION

This chapter presents data on case activity in the Commercial Division in the Hilary Term of 2022 as well as important performance measurements and year on year comparisons where applicable.

Table 62.0: Cases filed in the Commercial Division in the Hilary Term ended April 08, 2022

| Division | Number of new cases filed |
|-------------------|---------------------------|
| Commercial | 138 |

2017 and 2018 were record years for the Commercial Division in terms of the number of new cases filed with 667 and 675 respectively. 2019 and 2020 saw successive years of decline however 2021 saw an increase of 8.90% in the number of new cases filed when compared to 2020. In the Hilary Term of 2022, 138 new cases were filed, an increase of 35.29% when compared to the corresponding period in 2021. The productivity of the Commercial Division is important in sending signals to economic agents in a country.

Table 63.0: Sampling distribution of the top six reasons for adjournment/continuance in the Commercial Division for the Hilary Term ended April 08, 2022

| Reasons for adjournment | Percentage (%) |
|--|----------------|
| Pending settlement | 11.10 |
| Parties having discussions with a view to settlement | 8.30 |
| Defendant to file documents | 8.30 |
| Claimant to file documents | 6.90 |
| Defendant’s documents not served or short served | 6.90 |
| Sub-Total | 41.50 |

Number of observations (N) = 72

The above table provides a sampling distribution of the top five reasons for adjournment in the Commercial Division for the Hilary Term of 2022. A total of 72 such incidences sampled reveal that adjournments pending settlement with 11.10%, parties having discussions with a view to settlement and defendant to file documents with 8.30% each accounted for the top three reasons for adjournment/continuance in the Commercial Division for the Hilary Term. The top five reasons for adjournment/continuance documented from the sample accounts for 41.0% 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 64.0: Sampling distribution of cases with chamber hearings for the Hilary Term ended April 08, 2022

| Hearings | Frequency | Percentage (%) |
|----------------------------|------------|----------------|
| Applications (Various) | 140 | 67.96 |
| Case Management Conference | 27 | 13.11 |
| Pre-trial review | 32 | 15.53 |
| Judgment summons hearing | 7 | 3.40 |
| Total | 206 | 100 |

The above table summarizes a sample of 206 cases which had chamber hearings in the Commercial Division during the Hilary Term of 2022. As with the High Court Civil (HCV) Division, the hearing of various applications for relief sought dominates the list with roughly 67.96% of the matters with chamber hearings. Pre-trial reviews with 32 or 15.53% rank next and Case Management Conferences with 27 or 13.11% rounds off the top three chamber hearings in the Commercial Division for the Hilary Term of 2022.

Table 65.0: Proportional distribution of cases which had trials in chamber or in open court hearings in the Hilary Term ended April 08, 2022

| Trial matter | Percentage (%) |
|-------------------|----------------|
| Trial in Chambers | 15.38 |
| Open Court Trial | 84.62 |
| Total | 100 |

The above estimates show that cases with trials in open court accounted for roughly 85% of the cases which had hearings of either trials in open court or trials in chamber during the Hilary Term of 2022. Trials in chamber account for 15.38% of trial hearings during the Term. Trials in chamber and in open court demand similar levels of judicial time and resources and are hence assessed together in this sampling distribution. This type of analysis provides crucial insights into trial activity which accounted for less than 10% of overall judicial activity in the Commercial Division during the Hilary Term.

Table 66.0a: Sampling distribution of hearing date certainty in the Commercial Division for the Hilary Term ended April 08, 2022

| Type of hearings | Estimated Hearing date certainty rate (%) |
|--|---|
| Case Management Conferences | 88.57 |
| Trials in Chamber, Trials in Open Court and Assessments of Damages | 76.54 |
| All hearings combined | 84.55 |

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 2022. It is shown that Case

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Management Conferences had an estimated hearing date certainty rate of 88.57% for the period, up by 7.32 percentage points when compared to the corresponding period in 2021, while the combined weighted hearing date certainty rate for trials in chamber, assessments of damages and open court is estimated to be 76.50%, a fractional increase of 0.40 percentage points when compared to the corresponding period in 2021. The overall hearing date certainty rate when all types of hearings are considered is approximately 84.55%, an improvement of 7.31 percentage points over the corresponding period in 2021. 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.

Table 66.0b: Sample case flow process transition summary for the year ended December 31, 2021 [Extract from the annual report for 2021]

| 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 for cases in the Commercial Division in 2021 suggests that there were 108 cases on which defences were filed (the equivalent of 149 matters), while 42 cases (the equivalent of 50 referrals) were referred to mediation. The data further suggests that the Commercial Division had a mediation report return rate of 11.90%

which means that for every 10 matters referred to mediation during the year, roughly 1 report was returned (not necessarily from the stock of referrals during the year), a result that is roughly the same as that of the previous 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 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 the year was 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 took approximately 65 days or two months after a defence is filed for a matter to be referred to mediation while the modal time was 25 days and the median was 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 are broadly similar to those from 2020. The overall success rate of mediation for the past two years for matters referred from the Commercial Division is less than 20%.

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Table 67.0: Requisitions summary for the Hilary Term ended April 08, 2022

| Requisitions Issued | Requisition Reponses | Requisitions clearance Rate | Requisitions issued per 100 case files |
|---------------------|----------------------|-----------------------------|--|
| 19 | 13 | 68.42% | 4 |

*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 2022. It is shown that 19 requisitions were issued in the year while there were 13 responses filed, thus producing a requisitions clearance rate of 68.42%, an increase of 60.42 percentage points when compared to the corresponding period in 2021. This requisition clearance rate suggests that during the Hilary Term, for every 10 requisitions issued, roughly 7 responses were filed. Additionally, there was an average incidence of 4 requisitions per 100 case files in the Commercial Division for the Term.

Table 68: Methods of disposition for the Hilary Term ended April 08, 2022

| Methods of Disposition | Frequency | Percent |
|---|-----------|--------------|
| Application Granted | 1 | 3.1 |
| Discontinued | 2 | 6.3 |
| Final Judgments Delivered | 6 | 18.80 |
| Judgment in default of acknowledgement of service | 15 | 46.9 |
| Judgment in Default of Defence | 3 | 9.4 |
| Judgment on Admission | 1 | 3.1 |
| Matter Discontinued | 2 | 6.3 |
| Matter Withdrawn | 1 | 3.1 |
| Transfer to Commercial | 1 | 3.1 |
| Total | 32 | 100.0 |

The data suggests that 32 cases in the Commercial Division were disposed in the Hilary Term of 2022, a decrease of 46.67% when compared to the corresponding period in 2021. Disposals by way of judgments in default of acknowledging with 15 or 46.90% led the list of dispositions while final judgments delivered and judgments in default of defence ranked.

Table 69.0: Time to disposition for Commercial cases disposed in the Hilary Term ended April 08, 2022

| | |
|------------------------|----------|
| Number of observations | 32 |
| Mean | 18.6875 |
| Median | 9.0000 |
| Mode | 9.00 |
| Std. Deviation | 15.39048 |
| Variance | 236.867 |
| Skewness | 1.453 |
| Std. Error of Skewness | .414 |
| Range | 56.00 |
| Minimum | 2.00 |
| Maximum | 59.00 |

The above table shows that the estimated average time to disposition for the 32 Commercial cases disposed in the Hilary Term of 2022 is 18.69 months or just over 1 year and 6 months, for months longer than the average in the corresponding period in 2021. The maximum time to disposition observed from these cases is roughly 5 years while the lowest is roughly two months. It is of note that the modal and median times to disposition are both roughly 9 months, encouraging signs of continued progress in the overall time taken to resolve commercial matters. The high positive skewness observed also suggests that the significantly larger proportion of the commercial cases disposed in the Hilary Term of 2022 took less time

than the overall mean. Only one case originating in 2022 in the Commercial Division was disposed during the Hilary Term.

Table 70.0: Breakdown of times to disposition for Commercial cases resolved in the Hilary Term

| Time Interval (months) | Frequency | Percentage (%) |
|-------------------------------|------------------|-----------------------|
| 0 – 12 | 18 | 56.3 |
| 13 – 24 | 7 | 21.9 |
| 25 – 36 | 3 | 9.4 |
| 37 – 47 | 2 | 6.3 |
| 48 & over | 2 | 6.3 |
| Total | 32 | 100.0 |

The above table provides a breakdown of the times to disposition for the cases disposed in the Commercial Division in the Hilary Term of 2021. It is seen that the largest proportion of these cases were disposed of within a year, accounting for an impressive 56.30% of the disposals. This is followed by 7 or 21.90%, which took between 13 and 24 months to be disposed while the 3 or 9.40% which took between 25 and 36 months to be resolved, rounding off the top three times to disposition for the period. Taken together, the data suggest that a commendable 78.20% of the cases disposed in the Commercial Division in the Hilary Term of 2022 were resolved within 2 years.

Table 71.0: Case clearance rate for the Commercial Division for the Hilary Term ended April 08, 2022

| Cases filed | Cases disposed | Case clearance rate |
|--------------------|-----------------------|----------------------------|
| 138 | 32 | 23.19% |

One hundred and thirty-two new cases were filed in the Commercial Division in the Hilary Term of 2022, while 32 cases were disposed which yields a case clearance rate of 23.19%. This result suggests that for every 100 new cases filed in the year, roughly 23 were disposed, a sharp decline of 35.63 percentage points when compared to the similar period in 2021.

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 2022.

These measures are summarized in the table below:

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Table 72.0: Selected performances metrics for the Commercial Division for the Hilary Term of 2022

| Resolved cases | Unresolved cases | Case turnover rate (%) | Disposition days | Number of cases disposed within 2 years | Total number of cases disposed | On-time case processing rate (%) | Crude Proxy Case backlog rate (%) |
|----------------|------------------|------------------------|------------------|---|--------------------------------|----------------------------------|-----------------------------------|
| 32 | 432 | 0.07 | 5214 days | 25 | 32 | 78.13 | 21.87 |

The results in the above table shows a case turnover rate of 007, which is an indication that for every 100 cases which were ‘heard’ in the Hilary Term of 2022 and still active, another 7 were disposed, a decline of 8 percentage points when compared to the corresponding period in 2021.

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 2021, is a commendable 78.13% which reflects the proportion of Commercial cases in the Hilary Term of 2022, which were disposed within 2 years. Conversely, the crude proxy case backlog rate is a commendable 21.87%, an indication that an estimated annual proportion of roughly 22% 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 432 cases which had some court activity during the Hilary Term and were still active at the end of the period, 95 are expected to be in a backlog classification before being disposed.

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 2021.

Table 73.0a: Gross case clearance rate for the Hilary Term ended April 08, 2022

| Total cases filed | Total cases disposed | Gross Case clearance rate |
|-------------------|----------------------|---------------------------|
| 3993 | 2390 | 59.85 |

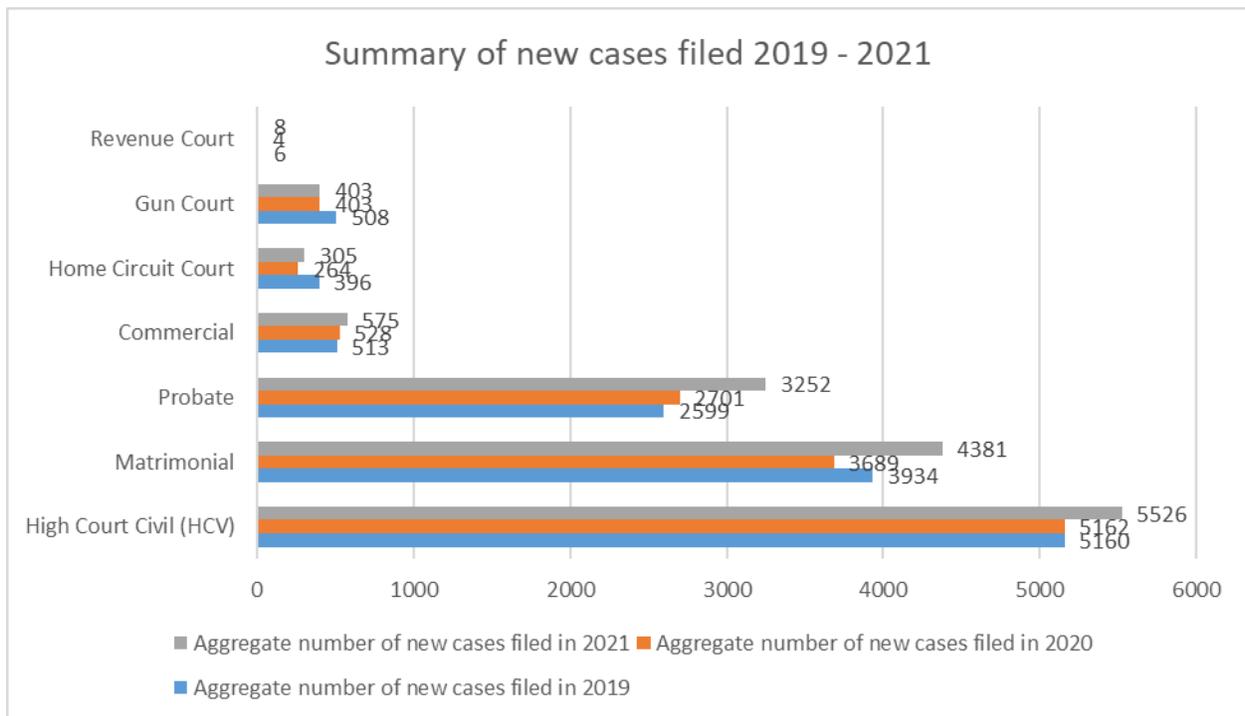
The above table provides an aggregate summary of the clearance rates in the Divisions of the Supreme Court in the Hilary Term of 2022. The data suggests that 3993 new cases were filed/entered across the Divisions reviewed during the Term, a notable increase of roughly 20.78% when compared to the corresponding period in 2021. There were 2390 cases disposed across the Divisions of the Supreme Court during the Hilary Term, an increase of 11.53% when compared to the corresponding period in 2021. These results yield a gross clearance rate of roughly 59.85% representing a decline of 4.97 percentage points when compared to the corresponding period in 2021 and suggesting that that for every 100 cases filed/entered during the period, roughly, 60 were also disposed. In the Hilary Term of 2022, the Divisions with the

highest case clearance rates were the Gun Court with a typically impressive 87.69%, followed by the Matrimonial and Probate Divisions, each with roughly 75%.

Aggregate Case Counts 2019-2021

The below chart provides a count of the number of new cases filed/entered in the Divisions of the Supreme Court for the years 2019 - 2021

Chart 10.0: Number of new cases by Division for the years 2019- 2021



The above chart summarizes the progression of cases in the Divisions of the Supreme Court between 2019 and 2021. It is shown that the High Court Civil (HCV) Division has consistently demonstrated the largest share of new cases in the Supreme Court, averaging 5283 cases per annum over the period. The Matrimonial Division accounts for the second highest case count

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each year over the period, maintaining a count within a fairly steady band and averaging of 4001 cases. The Probate Division accounts for third highest share of new cases over the period and demonstrates general consistency over the period, recording an average of 2851 new cases per year. The Probate Divisions shows the most consistent growth in the number of new cases filed each year over the three-year period of analysis, increasing sharply each year by an average of 12.16% while the High Court Civil Division and the Commercial Division also illustrated a generally linear slope in the annual rate of increase in the number of new cases filed over the period.

Table 73.0b: Summary of new cases filed and cases disposed in the Supreme Court (2020 – 2021)

| Division | Aggregate number of new cases filed in 2020 | Aggregate number of cases disposed in 2020 | Case Clearance Rate (%) - 2020 | Aggregate number of new cases filed in 2021 | Aggregate number of cases disposed in 2021 | Case Clearance Rate (%) - 2021 |
|-------------------------------|--|---|---------------------------------------|--|---|---------------------------------------|
| High Court Civil (HCV) | 5162 | 2278 | 44.13 | 5526 | 1476 | 26.71 |
| Matrimonial | 3689 | 2985 | 81.0 | 4381 | 3859 | 88.08 |
| Probate | 2701 | 2249 | 83.27 | 3252 | 2539 | 78.08 |
| Commercial | 528 | 207 | 39.20 | 575 | 179 | 31.13 |
| Home Circuit Court | 264 | 200 | 75.76 | 305 | 222 | 72.79 |
| Gun Court | 403 | 468 | 65.71 | 403 | 446 | 110.67 |
| Revenue Court | 4 | 6 | 80.00 | 8 | 7 | 87.50 |
| Total | 12751 | 8393 | 65.82 | 14460 | 8728 | 60.36 |

*The Insolvency and Admiralty Divisions are excluded from this Table.

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Case Activity Summary for the Hilary Term of 2022

The below table provides a summary of core case activity for each Divisions of the Supreme Court in the Hilary Term of 2022.

Table 74.0: Aggregate case activity in the Hilary Term of 2022

| Division | New cases Filed | Aggregate number of cases disposed | Clearance Rate (%) | Average time To Disposition (months) | Hearing Date Certainty Rate (%) |
|-------------------------------|------------------------|---|---------------------------|---|--|
| High Court Civil (HCV) | 1250 | 399 | 31.92 | 44.56 | 78.46 |
| Matrimonial | 1369 | 1027 | 75.02 | 21.50 | 86 |
| Probate | 1015 | 760 | 75 | 17.72 | 82.32 |
| Commercial | 138 | 32 | 23.19 | 18.70 | 84.55 |
| Home Circuit Court | 91 | 50 | 54.95 | 31.50 | 77.50 |
| Gun Court | 130 | 114 | 87.69 | 14 | 77.00 |
| Revenue Division | - | 8 | - | 40.50 | 80.00 |
| Gross/Weighted Average | 3993 | 2390 | 59.85 | 26.93 | 80.83 |

The above table provides an important summary of case activity in the Supreme Court in the Hilary Term of 2022. It is shown that 3993 cases were filed/entered across the Divisions of the Supreme Court during the Term. For the first time in recorded history, the number of new cases filed in a Term was not accounted for by the High Court Civil Division as the Matrimonial Division lead the way with 1369 new cases filed or 34.28%. The High Court Civil Division with

1250 new cases filed or 31.30% and the Probate Division with 1015 or 25.42% accounts for the next highest shares of new cases filed during the Hilary Term.

Similar to recent years, the Matrimonial and Probate Divisions accounted for the largest share of the cases disposed in the Hilary Term with roughly 42.97% and 31.80% respectively of the total, followed by the High Court Civil Division with 16.69% of the disposals. As with the past four years, the Gun Court, Probate Division and Matrimonial Division had the highest case clearance rates among the larger Divisions in 2021. The Gun Court recorded a case clearance rate of 87.69%, while the Matrimonial Division recorded a case clearance rate of 75.02% and the Probate Division with rate of 75%, accounting for the leading performers on this metric for the period. The overall case clearance rate for the Supreme Court for the Hilary Term of 2022 is roughly 59.85%, a decline of 4.97 percentage points when compared to the corresponding period in 2021. The High Court Civil (HCV) Division accounted for the longest average time to disposition with cases taking an average of roughly 50 months (4 years and 2 months) to be disposed. The Home Circuit Court is next with an average time to disposition of approximately 45 months (3 years and 9 months) while Commercial and Probate Divisions with estimated average times to disposition of 17.72 months (roughly 1 year and 6 months) and 18.70 months (1 year and 7 months) respectively account for the lowest average times to disposition for matters resolved in the Hilary Term of 2022. The overall weighted average time taken to dispose of the cases resolved in the period was roughly 27 months (two years and 3 month), approximately the same as the previous year. The Divisions of the Supreme Court demonstrated general progress with hearing date certainty rates during the Hilary Term,

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registering an overall outcome of 80.83%, an improvement of 4.06 percentage points when compared to the similar period in 2021.

Judgments Reserved and Judgments Delivered

This sub-section provides a summary of the civil judgments reserved and delivered in the Hilary Term of 2022.

Table 75.0: Summary of Judgments Reserved and Delivered in the Hilary Term of 2022

| 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 (%) |
|---------------------------------------|--|-----------------------------------|--|---|--|
| 76 | 103 | 135.53% | 85 | 48 | 56.47% |

A total of 76 judgements were reserved in 2021, an increase of 153.33 percentage when compared to the corresponding period in 2021, while 103 judgments were delivered, an increase of 114.58% when compared to the corresponding period in 2021. This output led to an impressive clearance rate of roughly 135.53%, a decline 24.5 percentage points when compared to the similar period in 2021. This result means that for every 10 judgments which were reserved in the Hilary Term of 2022, roughly 14 were delivered. Although this result is a decline when compared to the corresponding period in the previous year, it is reflective of overall enhancement in the productivity of the Supreme Court in delivering timely judgments. The average age of cases on which judgments were delivered in 2021 was roughly 3.5 years and the overwhelming majority delivered were reserved within the past 18 months. 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.

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 suggests that there were 89 judgments reserved on applications in 2021 while 48 were delivered. This produced a clearance rate for judgments on applications of 56.47%, an increase of 14.36 percentage points when compared to the corresponding period in 2021.

Estimated Courtroom/Hearing Utilization Rate in 2021

Using a sample of cases heard in open court in the Hilary Term of 2022, the courtroom utilization rate for the Supreme Court was estimated to be 52%, suggesting that just about 2.5 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.

Modes of hearing in the Civil, Probate and Matrimonial Divisions in the Hilary Term of 2022

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, the story of which in the Hilary Term of 2022 is summarized below.

Table 76.0: Sampling distribution of the modes of hearing for civil matters in the Supreme Court in 2021

| | Frequency | Percentage (%) |
|------------------|--------------|----------------|
| In person | 382 | 9.17 |
| Teleconference | 174 | 4.17 |
| Video conference | 3611 | 86.66 |
| Totals | 12149 | 100.0 |

It is seen in the above sample summary that the overwhelming majority of hearings conducted in the combined High Court Civil, Commercial, Matrimonial and Probate Divisions of the Supreme Court were done by video conference, accounting for an estimated 86.66% of hearings conducted, while teleconferences accounted for 4.17% and In-person hearings accounted for 9.17% of this representative sample of hearings in the period. This data suggests that there has been a combined increase in the proportion of matters conducted by virtual hearings (video conferences and teleconferences combined) by 3.23 percentage points when compared to 2021. 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 AND RECOMMENDATIONS

The conclusion of the Hilary Term report for 2022 confirms much of the positioning of the Divisions of the Supreme Court which were established in the annual report for 2021. The High Court Division of the Gun Court, the Probate and Matrimonial Divisions continue to be the overall front runners in terms of the proportion of cases disposed relative to the number of new cases filed, which means that these Divisions, along with the Revenue Court continue to be the best performers in terms of backlog management and reduction. The Probate and Commercial Divisions however continue to be the best performers in terms of the average time taken to resolve cases disposed, both taking well under 2 years, however the Commercial Division disposes a lower ratio of cases when compared to the number of new cases filed and thus does not enjoy the same clearance rate as the other indicated Divisions. There is currently a relatively high probability that a case that is filed in either the Matrimonial or Probate Divisions of the Supreme Court will be resolved well within a year, provided that documents are filed in accordance with the prescriptions/requirements and as a result there are few or no requisitions issued throughout its life in the Supreme Court. The mass movement of hearings to the virtual space has resulted in advances in the hearing date certainty rate across the Divisions of the Supreme Court, with the overall rate now eclipsing the 80% mark, a rare accomplishment for the High Court. For the first time in recent recorded history, all Divisions of the Supreme Court exceeded the 75% mark on hearing date certainty and they are also performed creditably as a whole when trial date certainty is isolated. Overall, the Supreme Court also continues to make steady strides with its clearance of final judgments, sustaining a trend of advances made

over the past three years in particular. There is now a fairly strong probability that judgments reserved will be delivered within 3-6 months in the Supreme Court, which is consistent with international best practices.

Despite the improvements, there are no alarming results from this Hilary Term report as the vast proportion of the outcomes are true to the general progress observed within the past three years. The overall case clearance rate for example continues to hover around the 60% mark, heavily skewed particularly by the continued modest performance of the High Court Division. Different Divisions have their own peculiar challenges and peculiar programs of reform and transformation being pursued, one of the most aggressive of these is currently underway in the High Court Civil Division, led by the Honourable Chief Justice himself and a team of Judges, Registrars and other judicial staff. The reforms are necessarily radical in nature as only such an audacious and targeted approach can bring a reversal of the current trends of continuous backlog build up in the High Court Civil Division. It is anticipated that as the Supreme Court assumes this aggressive leadership and reform project, in 2-4 years there will be significant improvements, characterized by short times to get dates for hearings, shorter times for judgments to be delivered, higher clearance rates, more certain trials and a generally more efficient registry operation. There is reason for much optimism, banking on enormous commitment, planning and execution in the ensuing months and years.

Glossary of Statistical Terms

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Source:

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

ⁱ *Source:*

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

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

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

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

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

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

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

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