

EASTERN CARIBBEAN SUPREME COURT

ANNUAL REPORT 2005 - 2006



Anguilla, Antigua and Barbuda, The British Virgin Islands, The Commonwealth of Dominica,
Grenada, Montserrat, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines

MISSION STATEMENT

To serve its Member States by providing access to a system of justice that is accountable and independent, and administered by officers in a prompt, fair, efficient and effective manner.

VISION STATEMENT

The achievement of professionalism and excellence in the timely, effective and efficient access to, and administration of a cohesive, independent and accountable system of justice for the benefit of its Member States.

Picture on front cover: High Court of Justice, Roseau, Commonwealth of Dominica

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MESSAGE FROM THE HONOURABLE CHIEF JUSTICE (AG.)



The Hon Chief Justice [Ag.] Brian Alleyne, SC

The past year has seen intensive activity in the Eastern Caribbean Supreme Court, culminating in a very successful series of conferences at the end of last term and the beginning of the long vacation, organised by the Judicial Education Institute under the leadership of Justice of Appeal Hugh Rawlins, Chairman.

On 28th and 29th July, in collaboration with the World Intellectual Property Organisation, a colloquium was held at Fort Young Hotel, Commonwealth of Dominica, for judges of the Court, on "The Protection of Intellectual Property Rights". The quality of the presentations and the discussions which followed were very interesting and informative, and the participants expressed their great satisfaction.

Immediately following the Colloquium, all the Judges and Masters of the Court met at Jungle Bay Resort and Spa on the south-eastern coast of the Commonwealth of Dominica for their Annual Judicial Conference, which took place from 31st July to 3rd August, with a joint meeting of the Judges, Registrars and Chief/Senior Magistrates from throughout the OECS on 2nd August.

These Conferences, held annually, are directed towards continuing judicial education, but a secondary, and very important purpose is to facilitate judicial officers from the nine separate States and Territories over which the Eastern Caribbean Supreme Court exercises jurisdiction meeting together, building relationships, discussing common problems, and contributing to the dialogue on the development of the regional judiciary.

The Conference themes reflected the issues and concerns that we continue to confront as we move forward on the extensive reform programme that was started some years ago, and that continues to demand our concerted attention. We continue to pay attention to the reform of the criminal procedure and practice to deal with the significant delays and backlogs existing in some of our jurisdictions in the disposal of criminal trials in relation to both summary and indictable matters. The Government of the British Virgin Islands has approved a proposal by the Court to establish a Commercial Division of the ECSC to be headquartered in that Territory and to meet the special needs of that growing, complex and highly specialised area of litigation, so important to the sustainability and the continued growth of the economy of that Territory. It is now necessary for us to enter into detailed discussions with the BVI and the OECS Authority on the way forward.

The complex issue of the efficient management and administration of our Magistracies, so that they are able to deliver quality justice independently and in an efficient, competent and timely manner, presents serious challenges in light of the national character of the Magistracies and our geographically and politically dispersed jurisdiction. The Governments of the OECS have mandated us to make proposals for the regionalisation or integration of the Magistracy under the administration of the Supreme Court, recognising the anomalous nature of the present arrangements and the issues that those arrangements raise, concerning the independence of that branch of the judiciary in the context of the Constitutional principle of the separation of powers. This important task is engaging our serious attention at this time. The present reality is that our judicial system at the trial court level is fragmented at two levels; the High Court and the Magistrates/District Courts at the national level operate as largely self-contained units, while the Registrars' offices, while being functionally similar, work in isolation from one another and from the

ECSC headquarters. This fragmentation ill-serves the public and leads to case processing delays, inefficiencies and widely varying performance from island to island.

The proposal for the unification of the Magistracy across the several territories served by the ECSC would probably, in the short term, be unattainable because of constitutional hurdles which would not be easily overcome. However, the disadvantages inherent in the present arrangements can probably be largely overcome by the proposals to restructure the Courts, so as to integrate the Magistrates/District Courts and the High Court into a single administrative unit in each territory, broken into different jurisdictional Divisions, under the administrative supervision of the Registrar/Court Administrator, and the judicial functions being managed by a Managing Judge, with a Presiding Judge exercising oversight over each Division. It is proposed that the unified Court will exercise its jurisdiction in four Divisions, Criminal, Civil, Family and Commercial, each Division being headed by a Presiding Judge. Obviously, in those territories where there are fewer judges than there are Divisions, there will be variations. Where there is a single judge, he/she may be the Presiding Judge over all Divisions. The Presiding Judge will oversee the performance of the Judges and Magistrates, in terms of productivity and output, punctuality and attendance at court, and other such issues. The Presiding Judge, or for that matter the Managing Judge, will have no jurisdiction over the exercise of judicial discretion or judgment on the part of judges and magistrates on matters which can only be addressed by the appellate process.

The new arrangement is not intended to affect the essential character of the Magistrates/District Courts as Courts which exercise their jurisdiction in the districts, but may result in an expansion of the jurisdiction, a change in procedure and practice, and in lines of reporting and accountability. Among the objectives of the restructuring are enhancing the profile and image of the Magistracy as part of the judiciary, improving administrative and management arrangements, eliminating or reducing the appearance, if not the reality of discriminatory provisions relating to different categories of persons and relationships, e.g. as between the children of married partners and children born out of wedlock, facilitating a specialist career path within the judiciary, and improvements in accountability of members of the judiciary and of the judiciary system as a whole.

Over the regional judiciary, in a reporting context, will be a Managing Judge (alternatively Administrative Judge) who will be the direct liaison between the Chief Justice as head of the judiciary, and the members of the Judiciary. The Managing Judge, as the Presiding Judge, will enjoy no enhanced status over other High Court (trial) judges, and may be called upon to sit as a trial judge as the need arises and his other duties permit. However, the duties of the Managing Judge, primarily to assist the Court in overcoming the structural fragmentation that now exists and to make the Courts operate as a coherent system that consistently produces quality justice, will place significant demands on that judicial officer, and require him or her to make regular visits to every island within the jurisdiction of the ECSC. His or her task will be, inter alia, to overcome the inertia and resistance to reform now retarding judiciary development, and to bring together the various interests that must work together to build an effective judiciary.

The Managing Judge is critical to the success of the reform process and the modernisation of the judiciary. Issues of technology, the delivery of judicial services, case management, backlog reduction, and service delivery, are all matters that will be to the forefront of the responsibilities of the Managing Judge. He or she must have an understanding of the dynamics of change, and will assist the Chief Justice, Judges, Magistrates, Registrars and Court Administrators in their efforts to reform the judicial system.

The implementation of the judicial reform programme in each island must be a team effort involving the Managing Judge on behalf of the Chief Justice, the Resident Judge(s), the Registrar and Court Administrator, the Chief/Senior Magistrate and the forces they will marshal to carry out the reform agenda.

We are also seeking to create a Family Division of the Supreme Court which would incorporate the Family Courts in Saint Lucia and Saint Vincent and the Grenadines, and exercise the plenitude of jurisdiction in family matters in all States and Territories, under revised legislation conferring the relevant jurisdiction.

For much of the year our Chief Registrar, Ianthea Leigertwood Octave, has been functioning as an acting High Court Judge, and I am pleased to be able to congratulate her on her recent

appointment on tenure as a Judge. The Deputy Chief Registrar Ms. Heather Franklyn has been acting as Chief Registrar, and her performance in that position has been outstanding. I thank Ms. Franklyn and the staff of the Court's headquarters for their consistent dedication to promoting the work of the Court and to meeting the goals which we set for ourselves.

We continue to aim to achieve and maintain the highest quality of justice at all levels within the judicial system of the OECS. I thank the Justices of Appeal, the Judges of the High Court, the Magistrates, the Registrars and the professional and administrative staff at all the Courts for their commitment to these objectives, and call on all to redouble our efforts and dedicate ourselves to achieving that end.

ORGANIZATION OF THE EASTERN CARIBBEAN STATES JUDICIAL SYSTEM

Composition

The current authorised complement of the Eastern Caribbean Supreme Court is the Chief Justice, who is head of the Judiciary, four Justices of Appeal, seventeen High Court Judges and two Masters. The meeting of the Heads of Government of the Organisation of Eastern Caribbean States (The Authority) in the Commonwealth of Dominica in June 2005, confirmed increases in the composition of the Court. An additional judge was approved in November 2005 to serve as Managing Judge for the Court Structures Project, as well as one for the Saint Vincent and the Grenadines Land Title Matters Project.

The Chief Justice, the Rt. Hon. Sir Dennis Byron, is currently on extended special leave while he serves as a permanent Judge of the United Nations International Criminal Tribunal for Rwanda. Justice of Appeal Hon. Brian Alleyne, SC, is acting in the office of Chief Justice, and consequently no permanent appointment to the fourth office of Justice of Appeal can now be made.

Court Sittings

The Court sits in two divisions, the Court of Appeal and the High Court, which functions as a trial Court. In Saint Lucia, as part of the Court restructuring exercise, a new Criminal Division of the High Court has been established as a pilot project, to deal with criminal trials of both summary and indictable matters. During the initial period of the pilot project, the Magistrate or Magistrates doing criminal trials in the First District will be structurally integrated into the Supreme Court structure and will function within that structure to dispose of summary trials under a new case management system, operating under revised criminal procedure rules which has been developed, and is now being implemented. This exercise seeks to deal with the endemic problems of delays and backlogs in the administration of the criminal justice system, and it is expected that once the pilot

project has been successfully implemented in Saint Lucia, it will be 'rolled out' to the other States and Territories with the support of the Executives and Legislatures of those States and Territories.

Court of Appeal

The Court of Appeal hears appeals from decisions of the High Court and Magistrates/District Courts in both Civil and Criminal matters, the Family Courts in Saint Lucia and Saint Vincent and the Grenadines, the Industrial Court in Antigua and Barbuda, and the Administrative Tribunals in the British Virgin Islands and Montserrat. Appeals are heard by the full Court comprising a panel of three Justices of Appeal, or, in a limited class of matters, by a single Judge sitting in Chambers, in which case any decision is subject to review by the full Court.

High Court

Each Member State and Territory is served by at least one High Court Judge and a Registrar, with the exception of Montserrat, where there is no resident Judge. The Federation of Saint Kitts and Nevis is divided into two Circuits, with a resident Judge in Saint Kitts and one in Nevis, with the latter serving Montserrat and the Commonwealth of Dominica as needed, and also available to back-up the Judge resident in Saint Kitts, as the work-load dictates.

Other Courts

There are summary courts located in the Member States and in some these include the **Magistrates Court**, the **Family Court**, the **Traffic Court** and the **Coroners Court**.

The Magistrates Court falls under the National Government, and in those Member States where there is more than one Magistrate, it is headed by a Chief/Senior Magistrate, who is responsible for the administrative aspects.

There is an **Industrial Court** in Antigua and Barbuda, established under the Industrial Court Act (1976). This is a Superior Court of record, and has jurisdiction to hear and determine trade

disputes or other complaints referred to it in accordance with the Act; and to enjoin a trade union or other organization, employee or employer from taking or continuing industrial action. The Court determines its own procedure and its decisions may be appealed on limited grounds – namely that the Industrial Court had no jurisdiction or that it exceeded its jurisdiction; that an award or order was obtained fraudulently; that the finding or decision was erroneous in point of law; or that some other specific illegality was committed. The Court's decision is binding on all parties.

COURT OF APPEAL



Court of Appeal Registry Staff: Sitting - Ms Heather Franklyn, Chief Registrar [Ag.]; Standing – (Left to right): Mrs. Stephine Narcisse-Alphonse, Case Manager; Ms Choyce Walcott, Case Manager; Mrs Michelle John-Theobalds, Judicial Clerk; Ms Sheron Baptiste, Case Manager. Missing: Mrs Turkessa Benjamin-Antoine, Judicial Clerk

The Judges

The Court of Appeal, during the period under review, comprised an Acting Chief Justice in the person of Hon. Brian Alleyne, S.C. and 3 Justices of Appeal, Hon. Michael Gordon, Q.C., Hon. Denys Barrow, S.C. and Hon. Hugh Rawlins. At various times during the year Hon. Kenneth Benjamin, High Court Judge in Grenada, Hon. Indra Hariprashad-Charles, High Court Judge in Tortola and Hon. Ola Mae Edwards, High Court Judge in Saint Lucia acted as Justices of Appeal.

Full Court Sittings

Toward the latter months of every calendar year the Chief Registrar issues a schedule of court sittings for the Court of Appeal for the ensuing calendar year. This schedule is published in the official Gazette in every Member State and Territory and can be found on the Court's website. The law year is divided into three terms with vacation breaks for Christmas which begins on 23rd December and ends on 10th January; Easter which begins on the Thursday before, and ends on the Saturday after Easter Sunday; and the long vacation which begins on 1st August and ends on 15th September.

All appeals are generally scheduled for hearing by the Full Court in accordance with that schedule. An attempt is made at giving the heavier jurisdictions like Saint Lucia, Saint Vincent and the Grenadines, British Virgin Islands, Grenada and Antigua & Barbuda each a sitting in every term, hence three sittings in the year. The other lighter jurisdictions like the Commonwealth of Dominica, Saint Kitts & Nevis, Anguilla and Montserrat would generally receive two sittings for the year. However, the Court has in the past, and is prepared to schedule additional sittings outside of the regular schedule for those islands where the need arises. In some cases parties have traveled to other jurisdictions and have been accommodated by the Court in the hearing of their matters at a sitting in that other jurisdiction.

There were 23 scheduled sittings of the Court this Law Year, commencing in the British Virgin Islands on 19th September, 2005 and ending on 19th July, 2006 in Antigua & Barbuda. The November 2005 sitting scheduled for Anguilla and the April 2006 sitting scheduled for Montserrat were cancelled as a result of there being no appeals ready for hearing at the time of the sitting. The Court sat in Nevis in March and July 2006 for the first day of the week scheduled for the Saint Kitts and Nevis sitting to hear appeals originating from Nevis. Matters originating from Nevis are traditionally heard in Saint Kitts, However, this year due to the number of matters filed in Nevis, the Court deemed it appropriate to sit in Nevis at the commencement of the week scheduled for that Member State. The Court convened outside of the scheduled sittings on three occasions to hear urgent appeals that could not have been conveniently dealt with at a scheduled sitting.

Generally, the Court has been flexible and responsive to the needs of its customers in its attitude to scheduling.

Chamber Sittings

A schedule of Chamber sittings for the year is issued by the Chief Registrar in addition to the schedule of Court of Appeal sittings. The Chamber sittings are held at the headquarters in Saint Lucia and are presided over by a single judge of the Court of Appeal. At these Chamber sittings interlocutory applications are heard and disposed of, as well case management conferences which are conducted in some appeals. Most of the interlocutory applications are dealt with on paper (without hearing) while case management conferences are conducted mostly by teleconferences. There is usually no requirement for the attendance of the parties at those Chamber sittings, save and except where parties have requested that they be permitted to attend and make oral submissions. In the case of Saint Lucia parties would usually attend the Chamber sittings because they are being conducted at the headquarters in Saint Lucia.

During the period 1st January to 31st December, 2005 nineteen Chamber sittings were held and a total of about 133 applications were dealt with. Between 1st January and 31st July, 2006 there were twelve Chamber sittings and 68 applications were dealt with during that period.

Court Office/Administrative Personnel

All documents in relation to appeals are filed at the court offices in the nine Member States and Territories and then transmitted by the Registrar of the High Court, who is the Deputy Registrar of the Court of Appeal, to the Headquarters in Saint Lucia. All documents in respect of a matter originating from a particular jurisdiction are filed in the court office in that jurisdiction and an original of every document filed remains at that court office and is kept in the custody of the Registrar of the High Court. Documents are not filed at the Headquarters in Saint Lucia.

At Headquarters a team of seven persons comprise a department commonly referred to as the Court of Appeal Registry. This Registry is headed by the Chief Registrar, Mrs. Ianthea Leigertwood-Octave assisted by the Deputy Chief Registrar, Miss Heather Franklyn, two Judicial Clerks, Mrs. Michelle John-Theobalds and Mrs. Turkessa Benjamin-Antoine and three Case

Managers, Mrs. Stephine Narcisse-Alphonse, Miss Sheron Baptiste and Miss Choyce Walcott. The Deputy Chief Registrar together with the three Case Managers has the direct responsibility for managing case flow in the appellate process.

The Registry receives and processes all documents and information relating to all appeals filed in the sub-registries in the nine Member States and Territories. The role of the Registry staff is to ensure the smooth and prompt progress of cases through the system, to lend support to the judges on the Court of Appeal and to respond to inquiries from legal practitioners and litigants with respect to appeals.

In September 2005 Mrs. Ianthea Leigertwood-Octave was appointed to act as High Court Judge serving Nevis, Montserrat and the Commonwealth of Dominica and was recently appointed High Court Judge with effect from 1st August, 2006. Consequently, Miss Heather Franklyn was appointed to act as Chief Registrar during the period and in May 2006 Mrs. Kimberly Cenac-Phulgence was appointed to act as Deputy Chief Registrar until 31st July 2006.

Case Load

During the period 1st January to 31st December, 2005 there were 23 sittings of the Court in the various Member States and Territories. A total of 303 appeals and 102 applications were listed for hearing and 72 judgments were delivered at those sittings. The Court also held four teleconferences during that period. A total of approximately 450 appeals were filed in 2005.

Between 1st January and 31st July, 2006 there were 13 sittings of the Court. A total of 230 appeals and 77 applications were listed for hearing and 45 Judgments delivered. Additionally, four teleconferences were held. A total of approximately 171 appeals have been received so far from the jurisdictions for the year.

Case Management

There has been a significant increase in the number of appeals in which case management conferences were held in comparison to the previous year.

Case management conferences are not conducted in every appeal filed or listed for hearing. Generally, case management conferences are held at the request of one or both of the parties or where it is deemed necessary to actively manage and apportion judicial time in cases of possible lengthy appeals or lengthy lists of appeals to be dealt with at a sitting.

These case management conferences have in some cases led to an early disposition of cases that are without merit and allowed for more efficient use of the Court's resources. It is hoped that in the next ensuing judicial period greater use will be made of case management conferences in the appeals process.

Setbacks

The production of records of appeal still remains a problem in some islands due to a lack of or inadequate court reporting facilities. Since the introduction of audio recording of court proceedings, some islands have been experiencing serious difficulties in producing transcripts in a timely manner, mainly because of inadequately trained personnel and lack of equipment. Saint Lucia has recently established a court reporting unit comprising trained court reporters and transcriptionists, which has resulted in a reduction of the backlog of transcripts. The focus however, has been in the area of audio recording and transcribing from tapes. Saint Lucia must now focus on making maximum and more efficient use of their resources especially in the area of court reporting.

Antigua & Barbuda has also recently received three trained court reporters, however there remains a backlog of tapes to be transcribed, partly because there are no trained transcriptionists, and the court reporters are called upon to transcribe from the tapes in addition to sitting in court to cover the proceedings. Due to their small number, the court reporters have only been sitting in the criminal court. There remains a significant backlog of civil appeals in Antigua & Barbuda. In Saint Kitts & Nevis a similar problem of inadequate court reporting and transcription facilities exists, both in terms of personnel and equipment.

The consequence of this problem is that while the Court makes provision for the hearing of appeals by scheduling sittings for the various jurisdictions, some jurisdictions have not been able to prepare sufficient matters to fully utilize the time allocated and a backlog remains. In the coming year the

Court intends to focus seriously on addressing the backlog by collaborating with the relevant stakeholders.

MEDIATION



Mediation Team at the Court's Headquarters: (Left to right) Ms Lenore St. Croix, Mediation Coordinator; Mr. Francis Compton, Regional Mediation Coordinator; Mrs. Avis Burch-Smith, Mediation Clerk.

In last year's report, we indicated that some of the Territories, notwithstanding that appropriate training had been completed, had not actually started mediation. As the statistics indicate, all States and Territories are now conducting Mediation sessions.

There are a total of 218 persons in the Region trained in Mediation by the Judicial Education Institute. Of the total number of persons trained in mediation, the number placed on the Court Roster of mediators in the jurisdiction is 124. It is of course, necessary to point out that not all persons on the Roster have had an opportunity to mediate.

Staffing

Mediation Committees have been appointed in each State/Territory and, with the exception of Commonwealth of Dominica (for the time being,) a Mediation Coordinator serves the Court in each territory. There is also a Regional Mediation Coordinator.

Training

During the year under review, the Regional Mediation Coordinator conducted refresher Courses in Saint Vincent & the Grenadines and Saint Kitts & Nevis. At present we are awaiting the approval of the Commonwealth of Dominica to conduct such a refresher course. The JEI also conducted a self-financed Mediation Workshop in Saint Lucia from 27th – 31st March, 2006, during which fifteen (15) persons were trained, including one from Saint Vincent & the Grenadines and one from the British Virgin Islands.

Information Technology

As mediation takes root and continues to grow, appropriate innovation will be adopted with the electronic media. In the meantime, every effort is made to have regular data collection and timely reporting, since this facilitates comparison, and helps in determining various weaknesses, the impact on the Court work-load, and the effectiveness of the system.

Private Mediations

Because it is the duty of the Court to ensure that mediations are conducted in a manner and at the standard expected, a number of additional persons in Saint Lucia (15 in number) have received training approved by the JEI this year. These workshops were self financed, outside of the court-connected programme. Persons are now available to conduct private/community mediations, not connected to the Courts.

Evaluation

The feedback received thus far, as evidenced by comments from parties concerned, and statistical reports from Member States, indicates that mediation is providing not only an effective opportunity to reach settlement, but also the avenue to do so in a far more cost effective manner in both time and money, making mediation a successful, and very viable alternative to litigation.

Conclusion

The Mediation Programme continues to be a positive force towards settlement. The statistics reveal that mediation caused or accelerated settlements in a sizeable majority of cases referred. The effective settlement rate continues to show an average of over 54%.

The evaluations continue to suggest that mediators receive positive feedback. Even if some cases are not settled, evaluations reflect very high approval. Mediation by a trained neutral and impartial person who listens, gives the parties the satisfaction of being “heard” and hopefully “understood”. By providing a facility which allows litigants to try to resolve “their” problem themselves, mediation permits parties to be in control of how their dispute is ended.

A tentative conclusion is that “mediation saves litigants time and money”. After all the States and Territories have had the opportunity to conduct mediations for a whole year, the picture will become clearer.

The Court continues to make relatively few case referrals. Many lawyers who attend mediations continue to do so inadequately prepared and their clients inadequately briefed or prepared. Many lawyers continue to adopt an adversarial position during mediation.

The selection of mediators to conduct mediations is by party choice. It is becoming clear (in the case of Saint Lucia at least) that a certain few are selected more frequently. This will be monitored as the programme takes root in all the States and Territories. The low referral rates, even though Judges continue to deal with large numbers of cases daily, is also a concern, and will be examined more closely.

The Court Connected mediation programme has been a catalyst for the development of a growing cadre of trained mediators, which will provide suitable candidates for training in Family Mediation.

The experience in Saint Lucia so far, has shown that many lawyers have accessed the training, not only to become mediators, but to learn how to prepare clients for mediation and to be effective

advocates for them in mediations. Some of these newly-trained attorneys have applied to be placed on the Roster of Court Connected Mediators.

Future Outlook

The future outlook for Mediation appears very good. The Court, through the JEI, will continue to offer Mediation Skills workshops if sufficient interest is shown, so that more persons can become mediators. It is hoped that these workshops will contribute significantly to the growth of mediation as a viable alternative to litigation and a reasonable means to resolve disputes.

With the success of court-connected mediation, it is anticipated that in the not too distant future other areas of specialist training for example Family Mediation can be introduced in the Member States.

The Court is totally committed to the development of Mediation as a viable Alternative Dispute Resolution technique in the OECS. As a signal of this commitment, the Hon Chief Justice Brian Alleyne, SC attended a Judicial Mediation training workshop in Montreal, Canada, 3rd – 7th October 2005. This workshop sought to develop and/or improve an integrated judicial mediation system in the areas of law and proceedings.



Chief Justice [Ag] Brian Alleyne (far right, second row from back) with other participants of the Mediation Training Workshop in Montreal, Canada.

Whether mediation continues as a viable force, or even expands and further develops, will depend upon the acceptance of the Bench and the Bar, and the continuing efforts of mediators in offering a high standard of service, competence, and fairness in the mediation process.

Status of Mediation in the OECS

Table 1: January 2004 – June 2005

Country	Mediators Trained	Mediators On Roster	# Cases Referred	#Cases Mediated	# Cases Settled
St Lucia	33	25	162	134	72
Grenada	27	19	45	12	2
Antigua	21	11	30	17	8
Dominica	24	16	5	1	0
St Kitts	23	-	-	-	-
St. Vincent /Grenadines	25	15	-	-	-
Montserrat	6	3	6	3	0
Tortola BVI	20	11	32	23	13
Anguilla	15	-	-	-	-

Table 2: July 2005 – June 2006

Country	Start Date	Mediators Trained	Mediators On Roster	# Cases Referred	#Cases Mediated	# Cases Settled	# Cases not settled
St Lucia	2002	67	24	92	66	33	33
Grenada *	2003	27	21	85	41	17	24
Antigua	2004	21	13	55	36	10	18
Dominica	2005	23	16	18	6	2	4
St Kitts	2005	21	14	10	7	3	4
St. Vincent /Grenadines	2006	21	15	9	5	4	1
Montserrat	2005	6	3	4	3	2	0
Tortola BVI	2004	20	11	21	15	8	6
Anguilla	2005	15	8	9	8	2	4
TOTAL		221	125	303	187	81	94

* Figures from Grenada are from inception of the programme.

Judicial Education: Training & Development



Justice Hugh Rawlins, Chairman, JEI and Ms. Alana Simmons, Executive Officer, JEI

Judicial education is the foundation of judicial reform. Its primary objective is to help produce and support an impartial, competent, efficient and effective judiciary. The Judicial Education Institute [JEI] of the Court is charged with devising and executing training programmes for the judiciary and Court Staff at all levels. The present Chairman of the JEI, Justice of Appeal Hugh Rawlins, is assisted by Ms. Alana Simmons, the Executive Officer of the Institute.

The Judges of the Court of Appeal completed the Seminar Sessions with Legal Practitioners in the Member States during the First Law Term of the 2005-2006 Law Year. The following programmes were conducted by the Judicial Education Institute (JEI) during the past year:

Training Program for Crown Prosecutors and Police Investigators

In collaboration with the Crown Prosecutions Service of the Government of Saint Lucia and the Royal Saint Lucia Police Force, the JEI conducted training programs for Crown Prosecutors and

Police Investigators during the week of 12th to 15th September, 2005 at the Police Training Academy in La Toc, Saint Lucia. These training programmes form part of the ongoing consultation and outreach by the Eastern Caribbean Supreme Court, in relation to its Court Structures Project, and were conducted under the theme: *'Keeping Abreast with Reform and New Developments in Criminal Law and Procedure'*.

The primary objective of the training was to sensitize the investigators and prosecutors to the new practices and procedures that will be introduced by the Criminal Courts (Delay Reduction) Act, 2004 and the Criminal Courts (Delay Reduction) Rules 2005. The Criminal Courts (Delay Reduction) Rules 2005 will govern the practice and procedures in the Criminal Division. This training programme was instituted on the initiative of the Director of Public Prosecutions, Mrs. Victoria Charles-Clarke. The programme was planned by a committee which included Hon. Chief Justice [Ag] Brian Alleyne, Justice of Appeal Michael Gordon, Justice of Appeal Hugh Rawlins, Superintendent of Police John Eugene, Assistant Superintendent of Police Errol Alexander, the Commandant of the Police Training School, and Ms. Alana Simmons, the Executive Officer of the JEI.

The Royal Saint Lucia Police Force invited Justice of Appeal Rawlins to distribute the certificates and to deliver the feature address to the participants. He was also invited to deliver the feature address and to inspect the guard at the 27th Passing Out Parade for the new police recruits on 4th August 2006.

Magistrates Conference

The Eastern Caribbean Supreme Court (ECSC) through the Judicial Education Institute (JEI) institutionalized an Annual Conference for all Magistrates of the OECS with invitations extended to other English speaking territories. The inaugural conference was hosted by the Government of the British Virgin Islands in Tortola from 23rd – 24th September, 2005 at the Fort Burt Hotel. Justice Rawlins headed the British Virgin Islands local organizing committee. The Members of the committee were the Deputy Governor, Ms. Dancia Penn, OBE, QC; Senior Magistrate, Ms. Valerie Stephens; Mr. Colin O'Neale, Legal Practitioner of the Firm of O'Neale Webster; Ms. Sonia Young, Registrar of the High Court and Ms. Sandra Herbert, Personal Assistant to the Deputy Governor.

The twenty five (25) participants included Magistrates from the jurisdiction of the Eastern Caribbean Supreme Court, the Turks and Caicos Islands and the Cayman Islands. The Government of the British Virgin Islands met the costs for the hosting of the Conference, while the Governments of the various Territories met the costs which enabled their Magistrates to attend the conference. This is evidence of the commitment that the Governments accord to the continuing education of Magistrates, and to the promotion of justice.



Participants of the Magistrates Conference, 2005

At the Opening ceremony, Chief Justice [Ag] Hon. Brian Alleyne, SC, urged Magistrates to devise a strategy to deal with the growing backlog of cases, and to provide data in order to improve their accountability to the public. In his address, His Excellency, Thomas Macan, Governor of BVI expressed the hope that the conference served three principal purposes:

- 1. To enable Magistrates to address and learn about issues which affect the workings of justice around the region.*
- 2. To allow them to work together to identify common concerns and solutions to them.*
- 3. To allow for a process of continuous education and professional development.*

The facilitators for the workshop included; Justice of Appeal Michael Gordon, QC, Justice Albert Redhead, Justice Rita Joseph-Olivetti, Mr. Terrence Williams, Director of Public Prosecutions of

the British Virgin Islands, Magistrate Richard Williams from the Turks and Caicos Islands, and Mr. Reynell Fraser, Commissioner of Police, BVI. Topics presented included: *the Criminal Procedure in the Magistrates Court, Magisterial Appeals, Recent Developments in the Law of Evidence, Sentencing, Ethics, Security of Magistrates and Mediation.*

Judges Orientation

An orientation programme for newly appointed Judges was conducted at the Court's Headquarters Conference Room from 12th to 13th January 2006. Participants were Justice Gertel Thom, Justice Sandra Mason, Q.C. and Justice Ianthea Leigertwood-Octave. Members of staff at the Court's Headquarters in Saint Lucia also benefited from attending sessions that were not geared for judges only.

The orientation programme was intended to ensure the commitment of the Judges to the highest standards of personal growth and official conduct and to provide them with information on new and improved methods of court management, civil procedures and court-connected mediation.

The topics focused on aspects of *Civil Procedure, Judicial Ethics and Protocol, the Civil Procedure Rules, Information Technology, Case Management Conference Rules & Procedure, Costs and Mediation.* The presenters were the Judges of the Court of Appeal, Master Brian Cottle, Mr. Robert Lipscher and Heads of various Departments of the Court's Headquarters of the Eastern Caribbean Supreme Court.

Training for Saint Lucia Magistrates

The JEI was instrumental in organizing various programs for the Magistrates and Staff of the District Courts of Saint Lucia. These programmes, which came out of a proposal that was presented by Ms. Floretta Nicholas, the Senior Magistrate of Saint Lucia, will eventually benefit the Magistracy in all of the Member States of the OECS.

The sessions included:

1. *The reform processes (with the Ministry of Justice and the Magistrates Courts on)*
2. *Creative Thinking, Stress Management, Time Management, Interpersonal Relations and Customer Relations (for Staff of the Magistrates Court)*
3. *JEMS Training (for Court Clerks)*
4. *Orientation Program (for Court Administrators)*

Annual Judicial Conference

The Annual Judicial Conference of 2006 was held in the Commonwealth of Dominica from Monday 31st July to Friday 3rd August 2006. The Conference was preceded by a Colloquium on Intellectual Property for Judges of the Eastern Caribbean Supreme Court, which was jointly sponsored by the JEI and the World Intellectual Property Organization.

The Judges' component of the Conference was held at the Jungle Bay Resort and Spa, the Registrars' and Magistrates' components were held at Garraway Hotel and Fort Young Hotel respectively on 1st August 2006.

The theme for the Judges' Conference was "*The Evolving Jurisprudence of the Caribbean*". His Excellency the President of the Commonwealth of Dominica Dr. N.J.O. Liverpool, himself a very eminent jurist and former Justice of Appeal of the Eastern Caribbean Supreme Court, delivered the feature address at the opening ceremony. Justice Adrian Saunders, Justice of the Caribbean Court of Justice and former Acting Chief Justice of the Court, spoke on "*The Caribbean Court of Justice and the Evolving Jurisprudence*". Other presenters included Mr. Charles Maynard, Consultant, who spoke on "*Terms and Conditions of Service*", and Mr. Christopher Malcolm, OECS Legal Advisor who focused on the topic of "*Commercial Arbitration*".



Judges [left to right] - (sitting): Justice Indra Hariprashad-Charles, Justice Denys Barrow, Justice Gertel Thom, Acting Chief Justice Brian Alleyne, Chief Justice Christopher Gardiner, Justice Adrian Saunders;
 2nd row: Justice Frederick Bruce-Lyle, Justice Janice George-Creque, Justice Louise Blenman, Justice Norma Wade-Miller, Justice Rita Joseph-Olivetti, Justice Sandra Mason, Justice Francis Belle; Back Row: Justice Davidson Baptiste, Justice Errol Thomas, Justice Hugh Rawlins the Chairman of the Institute, Justice Michael Gordon, Justice Kenneth Benjamin

In addition to the judicial officers of the Eastern Caribbean Supreme Court, other Persons who participated in the conference included Chief Justice Christopher Gardner of the Turks and Caicos Islands; Justice Adrian Saunders of the Caribbean Court of Justice; Justice Norma Wade-Miller of the Bermuda High Court and Justice Margaret Reifer of the High Court of Barbados. The presence, contributions and perspectives of the guests, was an important element of the collegiality among the Judiciaries of the Caribbean region.

The theme of the Registrars' Conference was "Responding to the Changing Legal Environment". The Magistrates met for general continuing judicial education on their functions, and also to examine the issues surrounding the proposals for the regionalisation and integration of the national Magistracies into the Supreme Court of the OECS. The Registrars had the benefit of an excellent presentation on Court Administration by Master Christie-Anne Morris-Alleyne.



Registrars (Stooping) Mr Ossie Walsh, Commonwealth of Dominica; (Left to right) Front row: Mrs Kimberly Cenac Phulgence, Saint Lucia; Ms Pauline Hendrickson, Saint Kitts & Nevis; Ms Sonia Young, British Virgin Islands; Mr Robert Branch, Grenada; Ms Aisha Jn Baptiste, Saint Lucia; Back row: Ms Heather Franklyn, Ag Chief Registrar (partially hidden); Ms Amelia Daley, Montserrat; Mr Charlesworth Tabor, Antigua & Barbuda; Ms Sandra Julien, Antigua & Barbuda



Magistrates (Left to right) Front row: Ms Evelina Baptiste, Commonwealth of Dominica; Mrs Josephine Mallalieu-Webb, Saint Kitts & Nevis; Ms Maureen Hyman, Antigua & Barbuda; Ms Floreta Nicholas, Saint Lucia; Mrs Birnie Stephenson Brooks, Anguilla; Back row: Mr Osbourne Lewis, Commonwealth of Dominica; Ms Christine Phulchere, Saint Lucia; Ms Valerie Stephens, British Virgin Islands; Mr Clifton Warner, Montserrat

LEGAL INTERNSHIP THROUGH THE EYES OF AN INTERN

The Internship Programme at the Eastern Caribbean Supreme Court offers Law Interns opportunities for professional growth and the development of practical skills through research and writing. The Programme, which was initiated in the early 1990's, offers students of all accredited law schools an opportunity for summer placements at the Court.

Ms Shamini Chase, student of the Hugh Wooding Law School in Trinidad & Tobago, participated in the 2006 Legal Internship Programme.



Ms. Shamini Chase, participant of the 2006 Internship Programme

Ms Chase found the experience challenging, but immensely beneficial, this being her first encounter with the world of work, she reported.

"My first interaction with the Eastern Caribbean Supreme Court began with my interview for the position of legal intern attached to the Court's Headquarters in Saint Lucia. This interview was conducted at the Hugh Wooding Law School, in Trinidad and Tobago by Justice Michael Gordon QC.

"Before commencing my internship with the Eastern Caribbean Supreme Court, I viewed the Court as a very hierarchical and formal structure, somewhat of a "tight-lipped, starch-collared

atmosphere.” However, following my interview with Justice Gordon, I am compelled to admit that this perception was erased by his easy-going personality and jovial nature. This instantly created a relaxed atmosphere at the interview, as well as blessing me with a more comfortable and emboldened outlook on the upcoming ten-week journey through the halls of the Court.

“One of the biggest benefits of the Internship programme offered by the Court is the opportunity for interning law students to get a chance to interact with the honourable and learned persons in the profession, such as the Chief Justice and other Justices of Appeal. The opportunity to assist in proofreading and editing judgments, in addition to researching on issues to aid in the pronouncement of judgments was an invaluable learning experience for me.

“The tremendous workload carried by Judges was something that was not new to my knowledge. However, seeing it firsthand was something that I was definitely not prepared for. The ability of the learned Justices to manoeuvre from the law in Criminal Matters, to Civil Procedural Issues and Company Law issues to name a few, each legal subject being approached with a high level of passion and learning, was something that was very inspiring to me.

“It was also very motivating and further inspiring to watch the Learned Justices marching their familiar route to the Library, replenishing their already vast tanks of knowledge. The importance of the Library is indeed greatly appreciated by members of the legal profession, as it is often said, “a lawyer without books is like a workman without tools.”

“My tenure with the Court of Appeal has indeed been an enjoyable and inspirational one. My journey through the halls of the Court has fueled me with a vast amount of knowledge and memories to last a lifetime. This journey has shown me that life is a never-ending road filled with new experiences and challenges; no matter how big a task, once you are equipped with the right tools, it too shall be conquered! After this experience, I am most definitely prepared and motivated to face the challenges of the legal profession that lay ahead... *Fiat iustitia ruat coelum – Let justice be done, even though the heavens fall!!!*”

COURT ADMINISTRATION

During the year under review there were developments in a number of areas in Court Administration several of which are highlighted below. Special emphasis was again placed on the Court Structures Project which is integral to the continuing efforts of modernizing the entire Judiciary. The Criminal Division pilot project, ongoing in Saint Lucia, has progressed during the year though at a much slower rate than anticipated.

Court Structures Project

This phase of the project proposes the administrative integration of the Magistrate/District and High Courts into four specialized divisions of a single Trial Court, namely Criminal, Civil, Commercial and Family. The Trial Court will be under the general supervision of a Managing Judge, designated by the Chief Justice. The proposal further recommends that the Managing Judge's administrative team will include the Presiding Judicial Officers of the Divisions, each Trial Court Administrator and each Division Manager.

Managing Judge

The Administrative Reforms of the Court Structures Project contemplate that each Member State will establish a hierarchy for the judiciary, with the Magistrates being accountable to a Presiding Judge who in turn would report to the Managing Judge, who reports directly to the Chief Justice.

Creation of the office of Managing Judge was endorsed by the Heads of Government at the 42nd OECS Authority Meeting in November 2005 where the Heads also concurred with the proposal to increase the number of High Court judges to accommodate the appointment of the Managing Judge. The Judicial and Legal Services Commission during the year was actively recruiting the appropriate person to perform the functions of Managing Judge.

Criminal Division Pilot Project, Saint Lucia

Implementation of the present phase of the Court Structures Project is being carried out on a Pilot Project basis starting with the Criminal Division Pilot Project in Saint Lucia. The pilot project has progressed during the year, though at a much slower rate than anticipated.

The Government of Saint Lucia continued to provide office space to the pilot project for the simultaneous operations of two Criminal Assizes in the Criminal Division. The Honourable Justice Albert Redhead continues to serve as the Presiding Judge of the Criminal Division, assisted by the Honourable Justice Ola Mae Edwards. Both judges also function in civil matters when the need arises and the demands of the Criminal Division permit. Simultaneously operating two Criminal Assizes in the Criminal Division is possible, due to the Government of Saint Lucia's commitment to this project, and their strengthening of the Crown Prosecution Service.

Criminal Courts (Delay Reduction) Rules

Full operation of the Criminal Division is dependent on the coming into force of the Criminal Courts (Delay Reduction) Rules, made pursuant to the Criminal Courts (Delay Reduction) Act, 2004 passed by the Saint Lucia Legislature. These Rules will formally introduce the concept of case management to criminal cases. A new and central feature of the restructured criminal procedure will be the Sufficiency Hearing which will replace the Preliminary Inquiry. Stated briefly, indictable cases will flow from an Initial Hearing with the Magistrate to a Sufficiency Hearing by a High Court Judge, who shall determine whether there is sufficient evidence to put the defendant on trial by a judge and jury. This process will be supported by written evidence and is not expected to be longer than one day.

A consultative workshop to finalise the Criminal Courts (Delay Reduction) Rules was held on Friday 2nd December, 2005. The final draft of the Rules was reviewed by the Honourable Attorney General of Saint Lucia, and is now ready for promulgation by the Chief Justice on the coming into force of the enabling Criminal Courts (Delay Reduction) Act, 2004.

Although the Criminal Courts (Delay Reduction) Rules are not yet promulgated, the Presiding Judge has started using some of the case management tools provided for in the proposed Rules to assist in the reduction of the pending cases.

Indictable Cases

The restructured Criminal Division has already resulted in a significant reduction in the backlog of indictable cases.

Pilot Project Monitoring

In January of 2006, former lead consultant to the Pilot Project, Mr. Robert Lipscher, visited Saint Lucia for two weeks in his capacity as the Court Structures Project Monitor to review and report on the progress of the Court Structures Project, and to identify areas for further restructuring.

The reform initiatives have taken root on an incremental basis. As was anticipated, there have been challenges that have stymied the pace of these reforms. However, with the successes recorded to date, the strategies devised for the forward movement of the Project and the continued support from the various stakeholder organizations, it is anticipated that in the next year the Criminal Division will be at a very advanced stage of implementation. Once the Rules are brought into effect in Saint Lucia and necessary modifications made to effectively operationalise them, the Rules will be circulated to the various stakeholders in the other Member States as part of the rolling out phase of the project.

Commercial Division

The Court has recently been advised by the Government of the British Virgin Islands that they have accepted the recommendation to proceed with the establishment of a Commercial Division of the Eastern Caribbean Supreme Court. During the upcoming year there is anticipated to be significant developments in the establishment of this Division. The Acting Chief Justice has appointed Justice of Appeal Michael Gordon, QC, to lead the efforts at establishing this Division.

Family Division

The proposals for the Family Division include conferring jurisdiction over the following matters: *Family Relationships; Domestic Violence; Divorce and Adoption; Parental Rights and Responsibilities; and Foster Care*. The ECSC, in developing its Family Division, has considered the Model Family Bills produced by the OECS Family Law & Domestic Violence Project.

Justice of Appeal Hon. Denys Barrow, SC, has been assigned by the Acting Chief Justice to coordinate the programme for the administrative and juridical integration of the present Family Court into the proposed Family Division, initially in Saint Lucia.

Civil Division

The Civil Procedure Rules 2000 introduced a number of measures which are now ready for review and revision. Accordingly, the Acting Chief Justice intends to formalise the establishment of a Rules Committee, pursuant to the powers granted by s.17 of the Supreme Court Order to address issues of revisions of the CPR 2000, in consultation with judges and practitioners. In addition, it is proposed that the Small Claims Rules, a draft of which has been in existence for some time, be the subject of intensive consultation, as the basis for the establishment of the Civil Division, through which the administrative and juridical integration of the High Court and the Magistrates/District Courts can be achieved at the national level.

Magistracy Integration with Supreme Court

Integration of the High Court and the Magistrates/District Courts essentially is the merging of the human resources of the previously separate entities. For Saint Lucia, a report on permanent redeployment of judicial branch employees, into integrated case management teams in the divisions of court, was completed by a local consultant, with financial assistance from the USAID through the OECS Secretariat. This report, the purpose of which is to provide a framework for the development of a Judicial Branch Human Resource Plan and a Personnel System, has been accepted by the ECSC and submitted to the Ministry of Justice for approval and adoption by the Executive Branch.

At the suggestion of the Government of Saint Lucia, the Consultant is now finalizing a revised report to consider any necessary additional staffing, which would be desirable to effect the necessary changes.

At the 41st OECS Authority Meeting held in the Commonwealth of Dominica on 23rd – 24th June 2005, the Authority mandated that the Chief Justice and the ECSC begin work on preparation of legislation, to facilitate efficiency and effective functioning of the Magistrates and District Courts of the Eastern Caribbean. Under the Chairmanship of the Acting Chief Justice, a steering committee from the ECSC Headquarters was established which has started the development of the plan of action. Magistrates at the Judicial Education Institute's Conference of Magistrates in the British Virgin Islands on 23rd and 24th September, 2005 welcomed the development.

The ECSC requested assistance by way of grant funds from the Canadian Cooperation Fund for technical assistance to the Court with the feasibility research, legislative drafting and ultimately the implementation of the mandate. The proposal defined a project with a total value of CAN\$ 274,400 of which the Court proposed to contribute CAN\$40,000. The requested grant was approved in May 2006, by the Canadian Cooperation Fund to the value of CAN\$229,000.00.

The ECSC has set itself an ambitious time table for completing this project in the first half of 2007.

Strategic Plan

A five-year Strategic Plan for the ECSC was endorsed by the OECS Authority at its 42nd Meeting in November of 2005. This Strategic Plan will provide the framework for future activities and budgetary proposals.

HUMAN RESOURCE DEPARTMENT

The Court bade farewell to Ms. Angus Smith who proceeded on pre-retirement leave after serving more recently as the sole HR Officer and Secretary to the Judicial and Legal Services Commission. Ms. Smith leaves the Court after approximately 12 years. She will be missed tremendously.

Also, the changes proposed within the various Court offices required the Human Resource Department to be strengthened. During the year under review the position of Human Resource Manager was created and Ms. Aloysia Gabriel was appointed to the post with effect from 1st May 2006. Ms. Gabriel joins the Court after several years of service in various capacities with the Government of Saint Lucia, with the most recent being the HR Manager at the Ministry of Public Service, Labour Relations and Cooperatives. In addition Ms. Monica Chandler has been appointed to the post of HR Officer in place of Ms. Smith who will be retiring later in the year.

The Court welcomes these two new Officers to the HR Department and wishes them every success in the road ahead, given the importance of the Department to the reforms which are being implemented.

During the year, the Department concluded a revision of the Staff Rules which were initially established in 2003. Also, the Court implemented a Performance Appraisal Instrument designed to facilitate a merit-based award system. The first set of appraisals for support staff was completed in July 2006. Work continued on the development of a Pension Programme for staff and a proposal from CLICO International is presently under consideration.

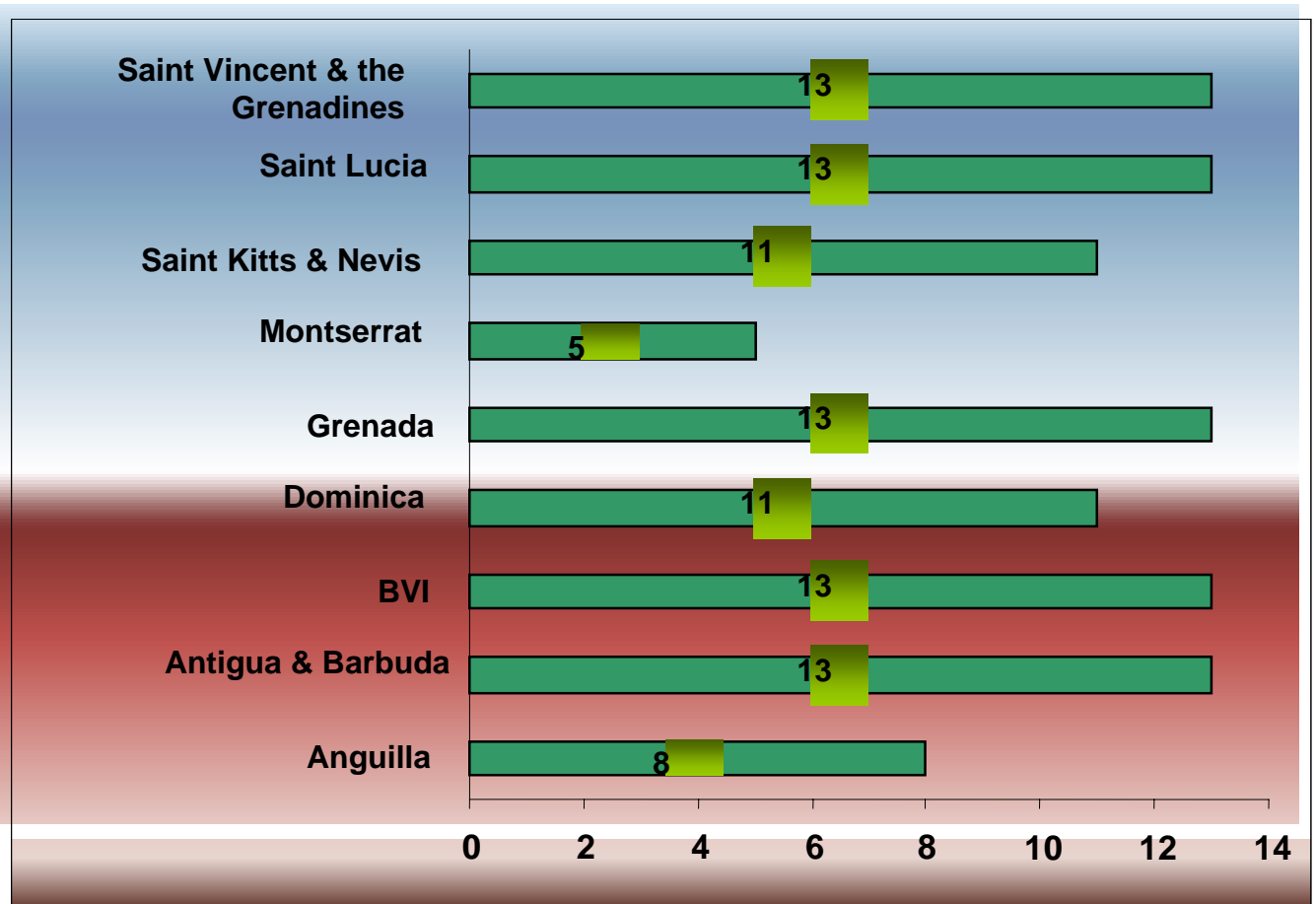
The Department has been working on introducing a Staff Welfare programme to expose staff to lectures and activities geared towards promoting healthy life-style practices. The first session "Food Safety", was facilitated by the Ministry of Health on Wednesday 26th July 2006.

The Department is currently working on a Disaster Management and Recovery Plan for the Court; a complete job analysis to develop updated job descriptions for all staff; enhancing the Human

Resource Information System, and developing a calendar of Social Activities for the Court to further enhance the interpersonal relationship among staff and the esprit de corps.

ACCOUNTS DEPARTMENT

The Eastern Caribbean Supreme Court (ECSC) is financed by contributions from nine members of the Organization of Eastern Caribbean States (OECS) in accordance with an agreed percentage set by the Judicial & Legal Services Commission in concurrence with the Authority, and takes into consideration several factors including the number of resident judges and number of Court of Appeal sittings in each member territory. The Member States' contributions (in percentage) are as follows:



The Court's Financial Year runs from 1st July to 30th June, and the budget is compiled by the Accounts Department with inputs from all the Heads of Departments and Senior Management.

Once the budget has been compiled, it is reviewed by the Chief Justice where additional changes may be made to ensure that it reflects all areas of Court Policy where financing may be necessary. Once the final budget is approved, it is submitted to the Budget Committee of the Member States where comments are considered by the Court, prior to a final submission for approval to the OECS Heads of Government or 'the Authority'.

The budget of the ECSC is currently being prepared as a "line item budget." During the years 2004/05 and 2005/06 there was a move to introduce Programme Budgeting as is currently the form of budgeting being used by some Member States and the OECS Secretariat. Due to the complexity of Programme Budgeting, the lack of available resources inclusive of manpower, the budget for the 2005/06 and 2006/07 financial years were produced as line item budgets. Efforts are currently being made to source necessary support and training to make the change to full Programme Budgeting.

Once the Budget is approved by the Authority, it becomes a treaty obligation of each Member State to pay its contribution in accordance with the pre-set percentages highlighted earlier. These contributions are due on 1st July, but for the purposes of facilitating Member States' cash flow, contributions are usually received monthly or quarterly.

Receiving timely payment of contributions from some Member States continues to be a problem, and this has delayed the implementation of some of the work programmes of the Court. Timely payments of contributions are being solicited from Member States, especially in view of the recent disastrous effects of Hurricane Ivan on Grenada and the earthquake in the Commonwealth of Dominica.

The resulting effect of these two disasters in Grenada and the Commonwealth of Dominica on funding the judiciary has brought to the fore the fragile nature of our economies. The prediction of a very active hurricane season in 2006 has put us all in preparatory mode and should make us take a critical look at the funding of the judiciary especially in times of natural disasters, and the resulting escalation of lawlessness in the aftermath. The lifeblood of a nation depends on the efficient functioning and independence of the judiciary, especially with the increasing crime being

reported by most Member States. For such an important institution as the ECSC, we must ensure that it is not handicapped when one of its members may be severely disadvantaged by natural disasters.

The Acting Chief Justice has been promoting the idea of establishing a more independent arrangement for the funding of the judiciary which will facilitate better planning and conducting of the Courts' activities.

The approved budget for the financial year under review and for the prior financial year is as follows:

Cost Centre	Approved Budget 2005/06	Approved Budget 2004/05	Percentage Increase/Decrease
Personal Emoluments	6,592,036	5,850,103	12.68
Administrative Expenses	1,676,944	1,657,677	1.17
Capital Expenditure	80,885	294,904	-72.58
Judicial Education	279,994	385,272	-27.33
Rules Revision Reform	105,000	180,000	-41.67
Judicial and Legal Services Commission	142,851	34,670	312.03
Judicial Council	49,396	49,396	0.0
Total	8,927,106	8,452,022	5.62

The budget of the ECSC increased by 5.62% from the period 2004/05 to 2005/06. This was primarily the result for the provision of five new positions: an additional Court of Appeal Judge, an additional High Court Judge, a Human Resource Manager, a Senior Case Manager and a Records and Archives Officer.

Financing The Restructuring

The primary financial resource for the restructuring programme is the people and Governments of the Member States and Territories. However, financial assistance also comes from external agencies and the ECSC has received grant funds from the Canadian International Development Agency (CIDA) for the continuation of the Court Structures Project. This Grant Funding Arrangement was, in March 2006, amended to extend the period of the project to December 2007 and increased the value of the contribution by CAN\$265,000 to CAN\$865,000.

The original Contribution Arrangement for CAN\$600,000, was signed on the 2nd June 2004 for continuation of the OECS / CIDA Judicial and Legal Reform Project in two specific areas namely: implementation of the Court Structures Project, and the efficiency and improvement of the Magistrates Courts in Member States and Territories.

The amended Contribution Arrangement was signed by the Acting Chief Justice Brian Alleyne, SC, on behalf of the Court, and Ms. Kathryn Dunlop, the Head of Development (CIDA) Section who is based at the Canadian High Commission in Barbados.

INFORMATION TECHNOLOGY DEPARTMENT

The year under review was one of fine-tuning and consolidation of services at the Information Technology Department of the Eastern Caribbean Supreme Court.

Judicial Enforcement Management Software (JEMS) Server and Software Upgrades

The Department started the judicial year of 2005-06 with the installation of new computer servers at all the High Courts in the Independent States. This initiative was supported by CIDA through the JLR Magistracy Project. In most of those Member States it resulted in the installation of a second server at the High Court Registries, where initial servers were located. The new servers were configured to replace servers installed approximately five years ago. The old servers are now performing a "backup" role on the Local Area Networks of the national Courts. The new servers along with the "backup" servers, provide the Court with a highly efficient system for supporting

access by a larger number of users (including users from the Magistrates Court), and the provision also of a much more reliable backup system of the JEMS Databases.

The later part of the year under review saw the upgrading of all Courts (except Montserrat, which will be upgraded by the beginning of this Law Year) in the sub-region upgraded two notches, from JEMS version 4.8 to JEMS version 5.0. The new version of JEMS features several new functionalities in areas such as: (1) Case Information (2) Case Parties (3) Word Merge and (4) Imaging. JEMS 5.0 now provides the Court with the facility for undertaking batch-scanning of documents with much greater ease. As has been the case in the past, in the process of performing upgrades, a number of JEMS application and technical issues have surfaced, and the ECSC is currently in discussion with the software vendor -PCSS to resolving the various issues.

JEMS in Magistrates Courts

As reported in the last annual report, all Magistrates Courts have been equipped with the JEMS software. Few of these courts have fully implemented the case management system. The Magistrates Courts in the Commonwealth of Dominica and Saint Lucia are the most advanced in the utilization of JEMS as a case management tool. The ECSC is setting up additional JEMS Training sessions at all the Magistrates Courts in the Sub region and undertaking additional configurations of the software, to ensure its prompt and effective use by staff of these Courts.

Staffing within the IT Department

During the year under review the IT Department was further boosted by the recruitment of a Website Administrator in the person of Gavin Lawrence from Saint Lucia. The addition of the Website Administrator has carried the staff complement of the Department to four. Since joining, he has been performing regular updates of the web site (www.eccourts.org), revamping the structure of the web site and complementing the efforts of the Network and the System Administrators. His web development skills have been demonstrated in the development of a highly user-friendly and interactive Library Portal for the Judicial Officers of the ECSC Headquarters.

Status of Other Court-related Technology

Efforts at implementing E-Filing in the sub-region got a shot-in-the-arm in May 2006, when the models of the E-Filing Web Interfaces were demonstrated by the developers, Tybera a USA company. Present at that online demonstration were Judges, a selected number of Attorneys and Court staff. The developers were provided with several recommendations which are presently being implemented. The E-Filing server is to be transferred to PCSS for further configuration in preparation for plans to develop a pilot in Saint Lucia by the opening of the Law Year in September 2007.

Unlike E-Filing, not many strides have been made with the implementation of Interactive Voice Response (IVR) and Web Inquiry technologies. The ECSC is in dialogue with PCSS to establish revised implementation dates for these other court technology applications, so that during the next year implementation can commence.

Information & Communication Technology (ICT)/JEMS Caribbean User Group Conference

The ECSC has been instrumental in the formation of an ICT/JEMS Caribbean User Group in the region. That group comprises members/court technology users from the entire region from Bermuda, in the north to Guyana, in the south. Last year's meeting was held in Trinidad and Tobago. That meeting, along with the first one which was held in Antigua & Barbuda in 2004, has provided the opportunity for ICT/JEMS Users to share issues and experiences on several court technology related matters. The next meeting (August 16 – 18, 2006) is being hosted by the Supreme Court of Jamaica and will partly be facilitated by the JEMS software vendor – PCSS along with vendors of other court related technology.

INFORMATION SERVICES DEPARTMENT

In support of the Court's mission, the Information Services Department seeks to provide a corporate framework for the management of all information generated by and for the Court. To this end the Department (made up of three units, namely: Library, Records Management Unit, and Statistics Unit) was involved in the following activities:

1. Library

The Library continues to facilitate the Judicial Officers at the Court's Headquarters, and those in the Member States to a lesser degree, with requisite information resources geared to support the delivery of justice in a timely manner.

Collection Development

To maintain quality in the provision of timely and relevant information, the information resources must be continually updated. During the period under review, obsolete texts were replaced with more recent editions and new texts were added to the collection. Efforts continue to be made to have a comprehensive collection of the OECS legislation and judgments. However the delay in receiving these resources persists.

Information Technology

One of the strategic aims of the library is to consult and collaborate with the Court's IT Department, to integrate emerging technologies with information resources to provide the most timely, efficient, cost-effective and relevant information. To this end the InMagic Genie Content Server was installed to automate the Library services. To further enhance the services a Library Portal was designed. This facility serves as a single access point for information on the Library's mission, services and resources; and connects the user to the Library's catalogue (InMagic Genie), electronic books and databases, and other resources on the World Wide Web. Presently this can only be accessed via intranet, hence is available only to officers at the Headquarters. However, in the near future it is anticipated that the other Member States will have access.

2. Records Management Unit

During the year the Records Management Unit was restructured to include an additional position of Records and Archives Officer. This impacted significantly on the work programme of the Unit and resulted in increased efficiency.

A holding area for a Records Center, to facilitate the storage of inactive records, was sourced at an offsite facility. The transfer of Court of Appeal records to this facility, was one of the major exercises undertaken by the Unit during the past year. This involved conducting an inventory,

followed by sorting and arranging records according to country, case type and year. An inventory of the active Court of Appeal records has also been conducted and records series have been developed.

In support of the Records Management Programme, the following policy documents are currently being developed: *Information Management, Records Retention and Disposal, and Disaster Prevention and Recovery*. Other documents to be developed in the ensuing year include: *Records Center Management Procedures Manual and Vital Records Management Procedures Manual*.

3. Statistics Unit

The Statistics Unit was established in July 2003, and currently functions with one person - the Statistician. The Statistics Unit serves as the main source of statistical information and analysis within the Court, measuring its efficiency, effectiveness, timeliness and accountability.

The main objectives of the Unit are to:

- Provide information to improve the decision making capacity of the Court and to assist in the Court's forward planning ability.
- Serve as the critical element in the improvement of the capacity to administer the Court in a manner that facilitates accountability.

During the year under review the Unit compiled and analysed available statistical data for Member States and assisted with research support to other departments of the Organization.

These included the Office of the Chief Justice, for which a comparative analysis depicting how the court has evolved from 1967 to 2005 was prepared. This paper has been presented to the OECS Heads of Government. Additionally statistical data on individual Magistrates Courts throughout the jurisdiction, including the number of cases filed and disposed of and pending cases, was compiled. This exercise is on going.

The Unit assisted in the development of the Eastern Caribbean Supreme Court's Policy Guide to Information Collection and Statistical Reporting, which was presented and adopted at the 2006 Annual Judicial Conference.

The Statistics Unit also provided support and assistance to entities outside the ECSC. In November – December 2005, detailed information on cases submitted by the ECSC to the Privy Council from 1999-2005 was prepared for a group of consultants advising the Government of the BVI on the options for the establishment of a specialized commercial court; and again in March 2006, the Caribbean Court of Justice (CCJ) was provided with the information on filings of judicial review and constitutional motions of the ECSC for a five year period.

Challenges

The Statistics Unit continues to encounter challenges with the infrequency in submission and inconsistency in formatting of statistical information, required by the Headquarters, by some Member States. It is anticipated that with the adoption of the Information Policy there will be a significant improvement with the format and the regularity in the submission of statistical data to the Headquarters.

Court Productivity

OVERVIEW

This statistical review presents information on the Court of Appeal, the High Courts, the Magistrates Courts and the Family Courts of the ECSC. Statistical information for the Court of Appeal is provided for calendar years 2005 and 2004 and in some instances, information is presented for three calendar years 2003- 2005. Statistical information is also provided for the half year January - July 2005 and 2006. Statistical information for the High Courts, Magistrates Courts and the Family Courts is presented for calendar years 2005 and 2004. For this report, the decision was taken to present statistical data for calendar year, instead of judicial year.

At the Annual Judicial Conference held in the Commonwealth of Dominica in August 2006, a draft policy on Information Collection was presented and the policy was adopted by judicial officers present. It is anticipated that the implementation of this policy will greatly assist in the timely receipt of statistical information from Member States.

In 2005, a total of 444 cases were filed at the Court of Appeal Registry. This figure represents an increase of 10.4% over the volume of appeals filed in 2004. Civil appeals continue to dominate matters filed at the Court of Appeal Registry. The islands of Saint Lucia and Saint Vincent and the Grenadines accounted for the highest volume of appeals filed from the High Courts and Magistrates Courts respectively.

The total number of matters determined by the Court of Appeal in 2005 declined by 2.8% and 5.3% from the numbers determined in 2004 and 2003 respectively. The number of judgments delivered also declined by 38% and 2.7% from the number delivered in 2004 and 2003 respectively.

The available information illustrated that the number of cases filed in the High Courts in 2005, increased by 8.8% over the number filed in 2004. The volume of cases disposed in 2005, also increased by 13.85% as compared to 2004.

The total number of events handled by the ECSC increased by 6.8% in 2005, over the number undertaken in 2004. Chamber hearings account for the bulk of events undertaken by the Court.

The number of cases filed in the Magistracies of the OECS increased by 2.3% in 2005 over the 2004 volume. However the available data, showed a decline of 10.1% in the number of matters disposed.

The number of cases filed and disposed in the Family Court of Saint Vincent and the Grenadines, increased by 43.6% and 12.5% respectively over the 2004 figures. However, despite the increase in the volume of the number of matters disposed, the Family Court recorded a decline in its clearance rate as compared to 2004. In 2005, the Family Court recorded a clearance rate of 90% as compared to a clearance rate of over a 100% in 2004. The Family Court of Saint Vincent and the Grenadines must be commended for the timely and frequent submission of statistical reports.

A total of 1,641 cases were filed with the Criminal Division Pilot project in Saint Lucia from August 2005 to August 2006. A total of 1,146 cases were disposed over the same period. This disposition represents a clearance rate of approximately 70%.

A total of 56 Omnibus conferences were scheduled for the period. Of these approximately 48% were held. The majority of Omnibus conferences were not held, primarily due to the non-appearance of defendants, despite several adjournments.

A total of 209 matters were scheduled for trial. Eighty five (85) or 41% of the trials were held. Twenty three (23) or 11% are currently in progress. The remaining 101 or 48% were determined through mediation prior to or during trial. Some were dismissed for want of prosecution or withdrawn by the police or the virtual complainant.

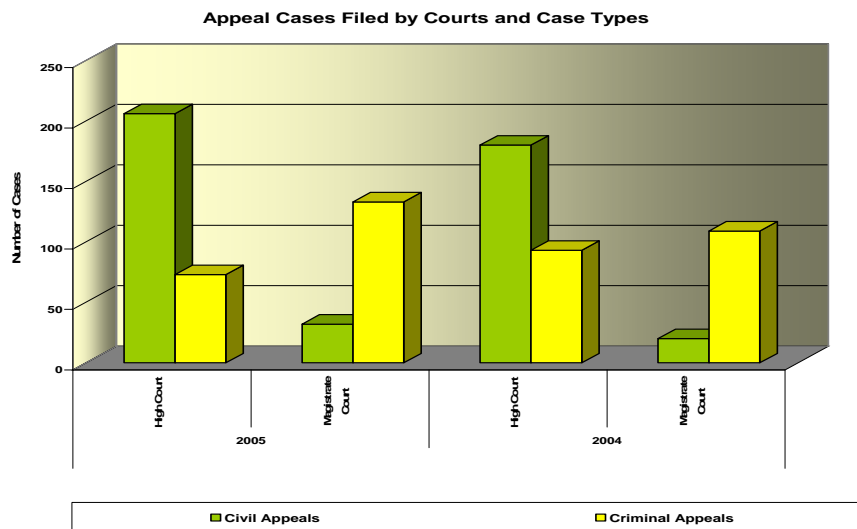
COURT OF APPEAL

Table 1(a) provides data on the total number of appeal cases filed in the High and Magistrates Courts for the period January to July 2006 and 2005, with comparative data for 2004. The total number of appeal cases filed in 2005 increased by 10.4% over the number of appeal cases filed in 2004. Civil appeals filed in 2005 accounted for approximately 54% of appeal cases filed. In 2005, the High Court registries accounted for approximately 63% of all appeal cases filed. A total of 232 appeal cases have been filed for the period January - July 2006. This figure represents a decline of 6%, in comparison to the total number of appeal cases filed for the similar period in 2005.

Table 1(a): Total Appeal Cases Filed January – July 2006 and 2004 – 2005

	January- July 2006		2005		2004	
	High Court	Magistrate Court	High Court	Magistrate Court	High Court	Magistrate Court
Civil Appeals	104	29	206	32	180	20
Criminal Appeals	46	53	73	133	93	109
Total	150	82	279	165	273	129

Figure 1(a): Total Appeal cases Filed by the Courts by Case Type 2005 and 2004



Tables 1(b) and 1(c) provide data on the number of appeal cases filed in the High and Magistrates Courts for the periods January - December 2006, 2005 and 2004. The total number of appeal cases filed in the High Courts increased by 2.2% in 2005 as compared to 2004. Saint Lucia's High Court accounted for the highest volume of appeal cases filed in 2005, which is 20% of the total. For the period January - July 2006, Grenada's High Court accounted for the largest volume of appeal cases filed, which is 20% of the total for the aforementioned period. Saint Lucia accounted for the second highest volume of appeal cases filed in January - July 2006, which is 18%.

The total number of appeal cases filed in the magistracy for 2005 increased by 27.9% in comparison to 2004. Saint Vincent and the Grenadines accounted for the majority of appeal cases filed from the Magistrates Courts in 2005, which is 67.9%. Saint Vincent and the Grenadines has continuously accounted for the highest volume of appeal cases filed from the magistracy. For the period January - July 2006, Saint Vincent and the Grenadines accounted for approximately 60% of the appeal cases filed from the magistrates courts.

Table 1(b): High Court- Appeal Cases Filed By Member States January- July 2006 and 2004- 2005

Member States	January – July 2006		2005		2004	
	Civil	Criminal	Civil	Criminal	Civil	Criminal
Anguilla	7	1	12	0	7	1
Antigua and Barbuda	8	0	30	6	34	10
British Virgin Islands	21	4	27	3	27	7
Commonwealth of Dominica	14	5	20	2	21	8
Grenada	22	8	22	14	21	13
Montserrat	0	0	2	0	2	1
Saint Kitts and Nevis	4	14	22	18	18	16
Saint Lucia	19	8	50	6	25	4
Saint Vincent and the Grenadines	9	6	21	24	25	33
Total	104	46	206	73	180	93

Figure 1(b): Total Appeal Cases Filed by Member States January – July 2006 and 2005 - 2004

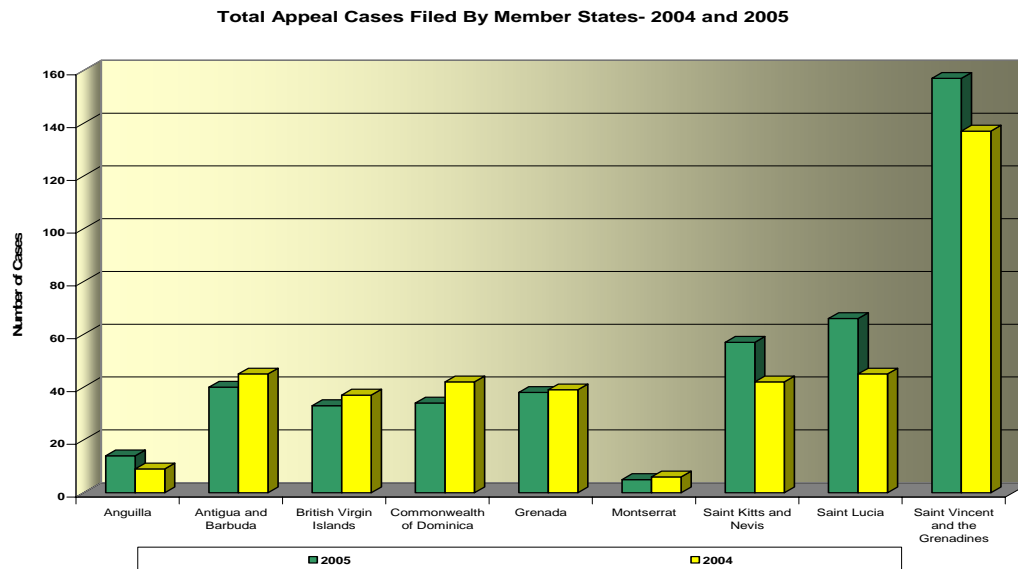


Table (1c): Magisterial Appeal Cases Filed By Member States January- July 2006, 2005 and 2004

Member States	January – July 2006		2005		2004	
	Civil	Criminal	Civil	Criminal	Civil	Criminal
Anguilla	2	0	2	0	1	0
Antigua and Barbuda	0	4	1	3	0	1
British Virgin Islands	3	-	2	1	2	1
Commonwealth of Dominica	1	1	6	6	5	8
Grenada	10	0	0	2	1	4
Montserrat	0	0	1	2	1	2
Saint Kitts and Nevis	7	4	12	5	6	2
Saint Lucia	0	1	1	9	0	16
Saint Vincent and the Grenadines	6	43	7	105	4	75
Total	29	53	32	133	20	109

Tables 2(a) and 2(b) provide information on the number of applications and appeal cases determined by the Court of Appeal at sittings in the various Member States for the period 2003 to 2005 and January - July 2006. The total number of appeal matters determined by the Court of Appeal in 2005 declined by 2.8% and 5.3% from 2004 and 2003 respectively. The majority of matters determined for the three calendar years were for the Member State of Saint Vincent and the Grenadines, which corresponds with the volume of filings from that country. The number of matters determined for January – July 2006 increased by 34.2% over the number determined in 2004.

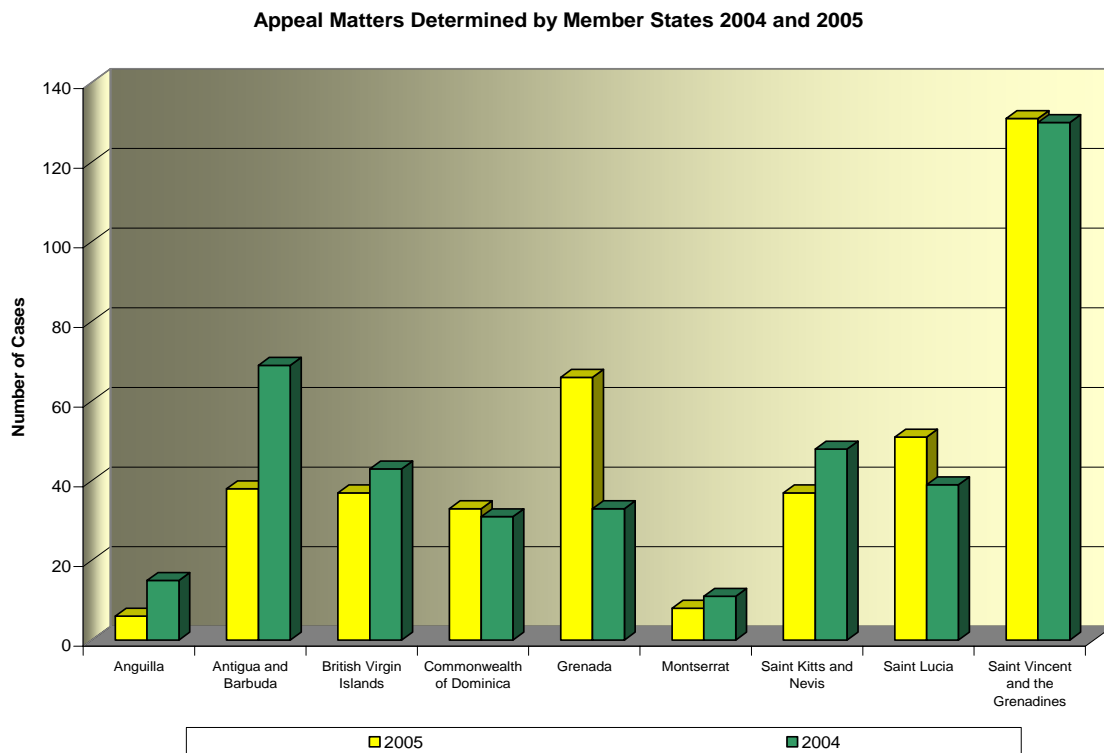
Table 2(a): Matters Determined by the Court of Appeal at Sittings in the various Member States- 2003-2005

Member States	2003		2004		2005	
	Appeals	Applications	Appeals	Applications	Appeals	Applications
Anguilla	5	3	10	5	4	2
Antigua and Barbuda	26	20	35	34	20	18
British Virgin Islands	19	16	19	24	16	21
Commonwealth of Dominica	54	4	28	3	33	0
Grenada	36	6	25	8	54	12
Montserrat	6	1	8	3	7	1
Saint Kitts and Nevis	37	15	41	7	24	13
Saint Lucia	24	14	31	8	40	11
Saint Vincent and the Grenadines	129	15	115	15	106	25
TOTAL	336	94	312	107	304	103

Table 2(b): Matters Determined by the Court of Appeal at Sittings in the various Member States January- July 2006 and 2005

Member States	January to July 31 st 2006		January to July 31 st 2005	
	Appeals	Applications	Appeals	Applications
Anguilla	1	4	2	1
Antigua and Barbuda	4	13	13	8
British Virgin Islands	14	10	25	13
Commonwealth of Dominica	13	4	-	-
Grenada	34	7	39	5
Montserrat	0	0	2	-
Saint Kitts & Nevis	22	13	11	1
Saint Lucia	38	13	16	7
Saint Vincent and the Grenadines	94	6	60	13
TOTAL	220	70	168	48

Figure 2: Appeal Matters Determined by Member States 2005 and 2004



Tables 3(a) and 3(b) provide information on the number of interlocutory applications, Chamber hearings and case management conferences held at the Court of Appeal in Saint Lucia for the calendar years 2005, 2004 and for the half year January – July 2006 and 2005. The number of Chamber hearings held in the Court of Appeal in 2005 declined by 9.58% in comparison to the number held in 2004. The number of matters disposed of for 2005 also declined by 25.2% in comparison to 2004. However, the number of Chamber hearings held in January - July 2006 increased by 33.3% in comparison to the similar period of 2005. The number of matters disposed of for January – July 2006 declined by 35% in comparison to 2004.

Table 3(a): Interlocutory Applications, Chamber Hearings and Case Management Conferences Held at the Court of Appeal in Saint Lucia 2005 and 2004

	2005	2004
Chamber Hearings	13	21
Matters disposed of	196	262
Teleconferences	4	5

Table 3(b): Interlocutory Applications, Chamber Hearings and Case Management Conferences Held at the Court of Appeal in Saint Lucia January- July 2006 and 2005

	2006 1 ST JANUARY - 30 TH JULY	2005 1 ST JANUARY - 30 TH JULY
Chamber Hearings	12	9
Matters disposed of	68	105
Teleconferences	2	2

Tables 4(a) and 4(b) show data on the number of judgments delivered by the Court of Appeal for three calendar years 2003 - 2005. The number of judgments delivered in 2005 declined by 38% and 2.7% from the number delivered in 2004 and 2003 respectively. However, the number of judgments delivered in 2004 increased by over 50% from the volume delivered in 2003. The number of judgments delivered for the first half of 2006 also shows a decline. The number of judgments delivered for January - July 2006 declined by 16.6% in comparison to the number delivered in 2005. The highest volume of judgments delivered for the three calendar years was for the Member States of British Virgin Islands, Antigua and Barbuda and Saint Lucia.

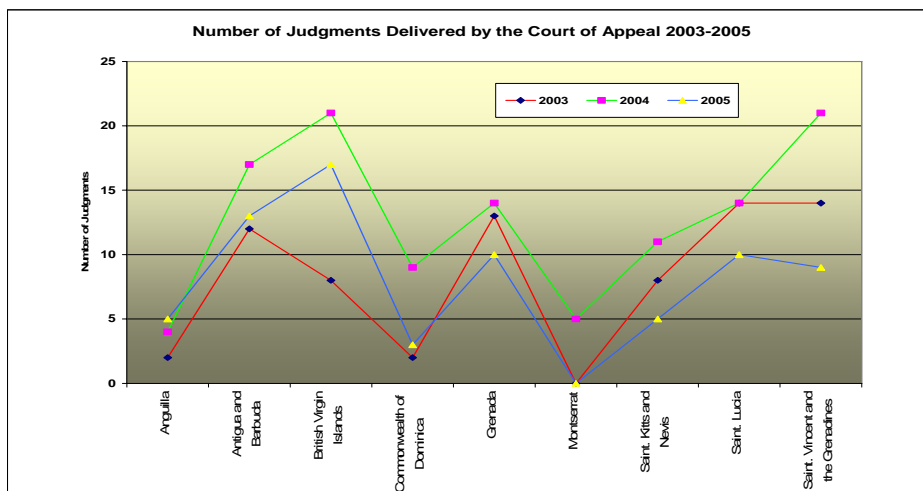
Table 4(a): Judgments Delivered by the Court of Appeal – 2003-2005

Member States	2003	2004	2005
Anguilla	2	4	5
Antigua and Barbuda	12	17	13
British Virgin Islands	8	21	17
Commonwealth of Dominica	2	9	3
Grenada	13	14	10
Montserrat	0	5	0
Saint Kitts and Nevis	8	11	5
Saint Lucia	14	14	10
Saint Vincent and the Grenadines	14	21	9
TOTAL	73	116	72

Table 4 (b): Judgments Delivered by the Court of Appeal – 2005-2006

Member States	2006 1 st January to 31 st July	2005 1 st January to 31 st July
Anguilla	2	4
Antigua and Barbuda	3	11
British Virgin Islands	8	14
Commonwealth of Dominica	3	3
Grenada	11	7
Montserrat	0	0
Saint Kitts and Nevis	5	5
Saint Lucia	8	6
Saint Vincent and the Grenadines	5	4
TOTAL	45	54

Figure 3: Judgments Delivered by the Court of Appeal – 2003-2005



HIGH COURTS

Tables 5a & 5b provide information on the volume of cases filed in the High Courts for the nine Member States. It should be noted, that some Member States provided incomplete data and in some instances, no data. The report, therefore, does not provide a true reflection of the number of cases filed within the High Courts for the calendar years 2004 and 2005.

The data provided, however, shows an increase in filings from the High Courts for 2005 in comparison to 2004. The number of cases filed increased by 8.8% in 2005 as compared to 2004. Saint Lucia accounted for 33% of the volume of total filings for 2005. Antigua and Barbuda accounted for the second highest volume of 19.3% of total filings. The number of probate matters filed increased significantly by 63.5% in 2005 in comparison to 2004. Saint Lucia accounted for over 50% of probate matters filed.

Table 5(a): High Court- Number of Cases Filed by Major Type by Country, 2005

2005							
Member States	Civil	Criminal	Matrimonial	Adoption	Probate	Admiralty	Total
Anguilla*	42	5	4	1	0	0	52
Antigua and Barbuda*	643	60	113	18	267	2	1103
British Virgin Islands*	17	0	7	0	2	0	26
Commonwealth of Dominica	458	34	71	30	1	0	594
Grenada	550	85	152	14	0	0	801
Montserrat	42	5	6	1	27	–	81
Saint Kitts and Nevis	475	9	74	4	68	0	630
Saint Lucia	973	146	187	38	539	4	1887
Saint Vincent and the Grenadines	430	–	105	6	3	2	546
Total	3630	344	719	112	907	8	5720

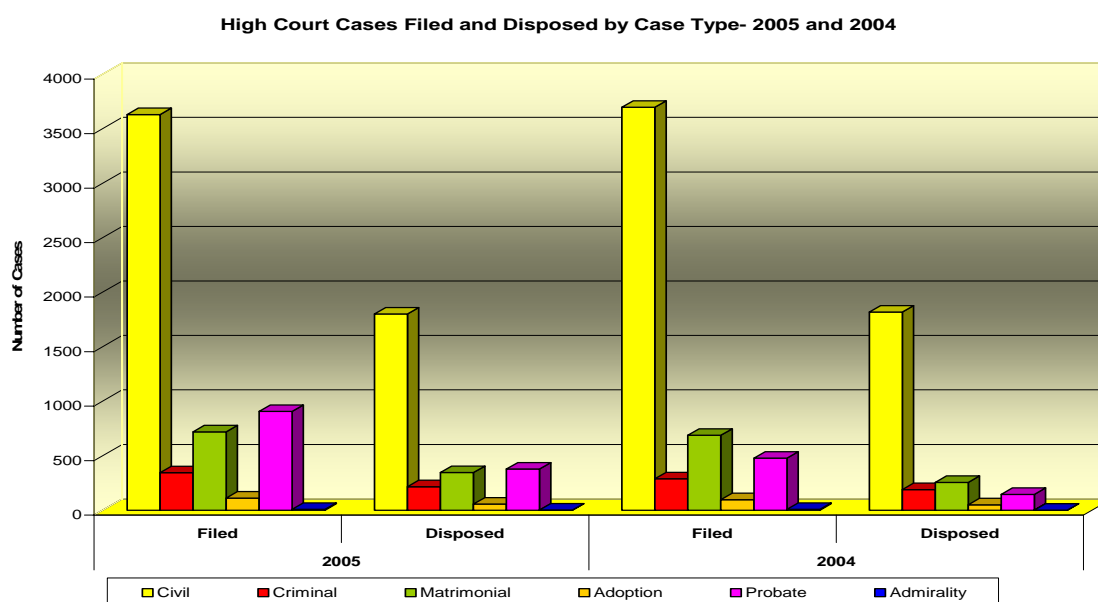
Table 5(b) High Court- Number of Cases Filed by Major Type by Country - 2004

2004							
Countries	Civil	Criminal	Matrimonial	Adoption	Probate	Admiralty	Total
Anguilla*	78	–	–	–	–	–	78
Antigua and Barbuda	535	25	156	17	248	6	987
British Virgin Islands	–	–	–	–	–	–	–
Commonwealth of Dominica	581	53	75	30	3	0	742
Grenada	466	128	102	0	0	0	696
Montserrat	62	16	6	4	28	1	117
Saint Kitts and Nevis	392	10	76	0	0	0	478
Saint Lucia	1014	51	150	24	110	1	1350
Saint Vincent and the Grenadines	569	5	122	22	89	–	807
Total	3697	288	687	97	478	8	5255

- No data provided

* Incompletedata provided

Figure 4: High Court Cases Filed and Disposed by Case Type 2005 and 2004



Tables 6(a) & 6(b) provide information on the number of cases disposed by the ECSC. A similar situation exists with the number of cases disposed as with the number of cases filed. Some Member States provided incomplete or no data for this report. The data provided shows that the total number of cases disposed in 2005, increased by 13.8% over the volume disposed in 2004. For filings, Saint Lucia accounted for the highest volume of cases disposed of in 2005, which is 64%. Corresponding to the volume of filings is the disposition of the number of probate cases which increased by approximately 159%.

Table 6(a): High Court- Number of Cases Disposed by Major Type by Country - 2005

2005							
Member States	Civil	Criminal	Matrimonial	Adoption	Probate	Admiralty	Total
Anguilla*	–	–	40	–	–	–	40
Antigua and Barbuda	38	21	4	–	–	–	63
British Virgin Islands	–	–	–	–	–	–	–
Commonwealth of Dominica*	23	23	–	–	–	–	46
Grenada	111	86	43	30	0	0	270
Montserrat	23	5	2	1	27	–	58
Saint Kitts and Nevis	280	–	119	0	51	0	450
Saint Lucia	1255	81	132	24	300	1	1793
Saint Vincent and the Grenadines	71	–	6	2	–	1	80
Total	1801	216	346	57	378	2	2800

Table 6(b): High Court- Number of Cases Disposed by Major Type by Country - 2004

2004							
Countries	Civil	Criminal	Matrimonial	Adoption	Probate	Admiralty	Total
Anguilla	–	–	18	–	–	–	18
Antigua and* Barbuda	74	–	3	–	1	–	78
British Virgin Islands	–	–	–	–	–	–	–
Commonwealth of Dominica	116	36	5	8	–	–	165
Grenada	121	89	57	23	0	0	290
Montserrat	31	16	6	4	28	1	86
Saint Kitts and Nevis	385	0	55	0	64	0	504
Saint Lucia	956	48	95	12	53	0	1164
Saint Vincent and the Grenadines	136	–	16	3	–	–	155
Total	1819	189	255	50	146	1	2460

- No data provided

* Incomplete data provided

Tables 7(a) & 7(b) give an indication of the total number of events handled by the Court for 2005 with comparative data for 2004. The total volume of events handled by the Court for 2005, increased by 6.8% over the 2004 volume. The Member State of Saint Lucia accounted for the bulk of the events conducted by the Court. In 2005, Saint Lucia accounted for 53.4% of the events undertaken. Chamber hearings continue to be the highest volume of events conducted. In 2005, Chamber hearings accounted for 49% of all events conducted and Case Management Conferences, the second highest volume of 17.7%.

MAGISTRATES COURTS

Tables 8 and 9 provide information on the number of cases filed and disposed in the Magistrates Courts for calendar years 2005 and 2004.

The total number of matters filed in the Magistrates Courts of the ECSC increased by 2.3% in 2005, in comparison to 2004. Over the years, the number of matters filed in the magistracy has shown an increasing trend. Matters filed in the Magistrates Courts of Saint Vincent and the Grenadines accounted for the largest volume of all matters filed in the Magistracy in 2005, that is 20%. The Commonwealth of Dominica accounted for 19.8%, the second highest volume of filings.

The number of criminal matters filed in the Magistrates Courts in 2005 represent 46% of total number of matters filed. Traffic matters accounted for approximately 30%, the second highest volume of filings, following criminal matters. The bulk of criminal and traffic matters were filed in the Magistracy of Saint Vincent and the Grenadines, 17.4% and 31.1% respectively.

The data in table 9 shows a decline of 10.1% of matters disposed in the Magistrates Courts in comparison to 2004. The largest volume of matters disposed for 2005 was traffic matters. The number of traffic matters disposed represents 38% of total dispositions. The second highest volume of matters disposed was criminal matters, which are 33.5% of total dispositions.

Corresponding with filings, the largest volume of dispositions was reflected in the Magistrates Courts of Saint Vincent and the Grenadines, which was 42.2% of total number of matters disposed for all nine Member States. Saint Vincent and the Grenadines continues to account for the largest volume of traffic matters disposed. In 2005, traffic matters disposed by Saint Vincent and the Grenadines Magistrates Courts represent 69% of all traffic matters disposed by the ECSC magistracy.

Table 7(a): Events Count Report by Member States- 2005

2005										
Type of Events	Anguilla	Antigua and Barbuda	British Virgin Islands	Commonwealth of Dominica*	Grenada	Montserrat*	Saint Kitts and Nevis	Saint Lucia	Saint Vincent and the Grenadines	Total
Status Hearing	0	0	-	2	-	-	2	578		582
Chamber Hearing	159	1301	-	228	-	-	343	2616	596	5243
First Hearing	-	-	-		-	-	42	187	1	230
Case Management Conference	13	672	-	239	-	13	314	632	-	1883
Criminal Trial	-	-	-	-	-	-	-	549	-	549
Pre- Trial Hearing	2		-	1	-	-	55	84	5	147
Trial	14	59	-	97	-	-	78	161	18	427
Other events	41	415	-	24	-	2	206	862	1	1551
Total	229	2447	-	591	-	15	1040	5669	621	10612

- No data provided

Table 7(b): Events Count Report by Member States- 2004

2004										
Type of Events	Anguilla	Antigua and Barbuda	British Virgin Islands	Commonwealth of Dominica	Grenada	Montserrat*	Saint Kitts and Nevis	Saint Lucia	Saint Vincent and the Grenadines	Total
Status Hearing	-	-	-	242	-		252	376		870
Chamber Hearing	-	-	-	809	-	1	497	2840	1061	5208
First Hearing	-	-	-	178	-	15	10	162		365
Case Management Conference	-	-	-	343	-	5	321	727	179	1575
Criminal Trial								356		356
Pre- Trial Hearing	-	-	-	85	-	2	71	58		216
Trial	-	-	-	92	-		122	323	117	654
Other events	-	-	-	25	-		76	588	4	693
Total	-	-	-	1774	-	23	1349	5430	1361	9937

- No data provided

* Incomplete data provided

Table 8: Magistrates Courts- Cases Filed by Major Type by Member States- 2004 and 2005

2005										
Cases Filed	Anguilla	Antigua and Barbuda	British Virgin Islands	Commonwealth of Dominica	Grenada	Montserrat	Saint Kitts and Nevis	Saint Lucia*	Saint Vincent and the Grenadines	Total
Criminal	452	–	2150	2734	3732	121	1645	3896	3099	17829
Civil	101	—	262	1669	415	46	1875	279	938	5585
Traffic	438	–	1309	2034	1624	44	526	1860	3539	11374
Domestic Violence	–	–	26	101	–	–	–	26	–	153
Juvenile	45	–	50	262	–	1	74	4	–	436
Maintenance/Affiliation	58	–	–	283	289	24	1299	47	–	2000
Inquests	–	–	62	98	–	–	–	–	–	160
Pre. Inquiries	–	–	–	223	–	–	9	55	–	287
Other	–	–	–	147	–	–	–	27	11	185
Total	1094	–	3859	7551	6060	236	5428	6194	7587	38009
2004										
Cases Filed	Anguilla	Antigua and Barbuda*	British Virgin Islands	Commonwealth of Dominica	Grenada	Montserrat	Saint Kitts and Nevis	Saint Lucia*	Saint Vincent and the Grenadines	Total
Criminal	231	507	265	3683	2931	187	1453	2255	3372	14884
Civil	75	–	96	1343	422	64	2247	215	768	5230
Traffic	264	255	373	2453	1860	126	566	941	5740	12578
Domestic Violence	–	–	55	2	5	6	–	–	–	68
Juvenile	3	–	5	266	1	–	79	–	–	354
Affiliation/ Maintenance	39	121	114	479	369	38	1614	5	–	2779
Inquests	–	–	–	77	–	–	–	14	–	91
Pre. Inquiries	–	–	–	328	–	–	13	512	–	853
Other	–	–	–	254	5	–	66	–	–	325
Total	612	883	908	8885	5593	421	6038	3942	9880	37162

- No data provided

* Incomplete data provided

Table 9: Magistrates Courts- Cases Disposed by Major Type by Member States- 2004 and 2005

2005										
Cases Disposed	Anguilla	Antigua and Barbuda	British Virgin Islands	Commonwealth of Dominica	Grenada	Montserrat	Saint Kitts and Nevis	Saint Lucia*	Saint Vincent and the Grenadines	Total
Criminal	214	–	–	2727	–	–	1264	1458	2972	8635
Civil	64	–	–	1746	–	–	1780	116	866	4572
Traffic	277	–	–	1952	–	–	478	322	6756	9785
Domestic Violence	–	–	–	56	–	–	–	8	–	64
Juvenile	22	–	–	169	–	–	131	19	–	341
Maintenance/Affiliation	64	–	–	313	–	–	1297	59	–	1733
Inquests	–	–	–	74	–	–	–	3	–	77
Pre. Inquiries	–	–	–	199	–	–	48	72	9	328
Other	–	–	–	186	–	–	–	23	–	209
Total	641	–	–	7422	–	–	4998	2080	10603	25744
2004										
Cases Disposed	Anguilla	Antigua and Barbuda*	British Virgin Islands	Commonwealth of Dominica	Grenada	Montserrat	Saint Kitts and Nevis	Saint Lucia*	Saint Vincent and the Grenadines	Total
Criminal	179	367	111	3490	1284	–	1563	1181	2892	11067
Civil	76	–	72	1734	217	–	1669	111	727	4606
Traffic	190	97	261	2184	1201	–	509	1084	3812	9338
Domestic Violence	–	–	55	1	3	–	–	–	–	59
Juvenile	4	–	5	270	7	–	91	–	–	377
Maintenance/Affiliation	49	49	114	445	71	–	1577	–	–	2305
Inquests	–	–	–	76	–	–	–	–	–	76
Pre. Inquiries	–	–	–	296	–	–	3	197	–	496
Other	–	–	–	303	14	–	12	–	–	329
Total	498	513	618	8799	2797	–	5424	2573	7431	28653

- No data provided * Incomplete data provided

Figure 5 (a): Magistrates Courts Cases Filed and Disposed by Case Type - 2005

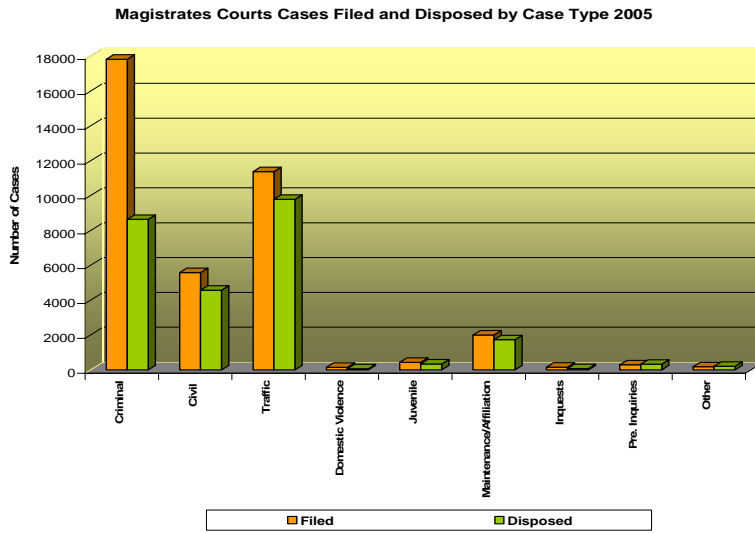
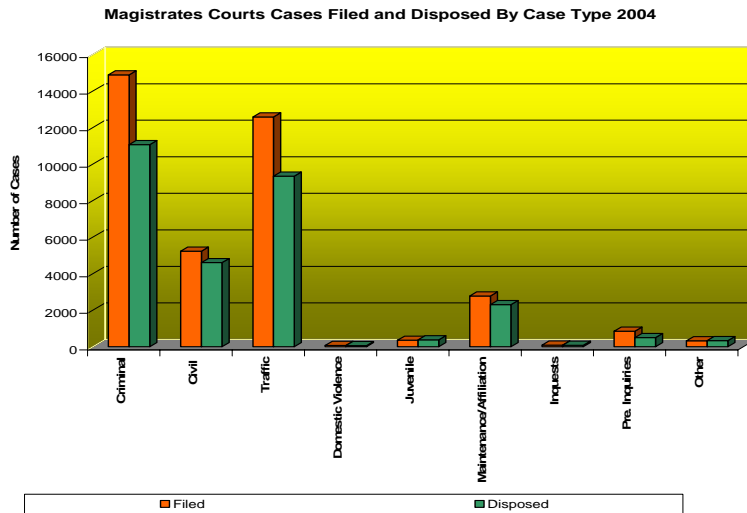


Figure 5 (b): Magistrates Courts Cases Filed and Disposed by Case Type - 2004.



FAMILY COURT

Tables 10 and 11 provide data on the number of cases filed and disposed in the Family Court of Saint Vincent and the Grenadines. The total number of cases filed in the Family Court of Saint Vincent and the Grenadines increased by 43.6% in 2005 compared to 2004. Correspondingly the number of matters disposed increased by 12.5% over the number disposed in 2004.

The Family Court of Saint Vincent and the Grenadines continues to record sterling performance in the disposition of matters filed. However the disposition rate of 90% obtained in 2005 is a decline from the mark obtained in 2004.

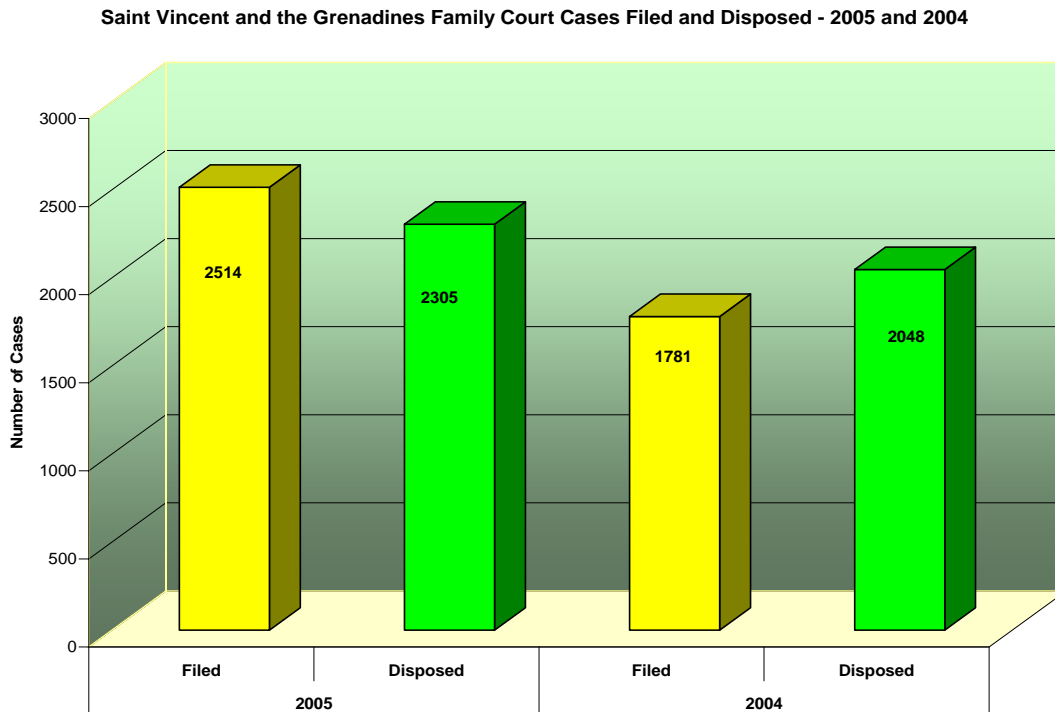
Table 10: Family Court- Saint Vincent and the Grenadines- Cases Filed - 2004-2005

Case Type	2005	2004
Maintenance	1454	1305
Custody/Access	215	129
Protection Order	255	148
Arrears	215	-
Occupation Order	106	38
Sexual Intercourse	54	22
Indecent Assault	33	27
Rape	7	6
Other Offences	175	106
Total	2514	1781

Table11: Family Court- Saint Vincent and the Grenadines- Cases Disposed -2004-2005

Case Type	2005	2004
Maintenance	1327	1399
Custody/Access	201	172
Protection Order	220	153
Arrears	232	-
Occupation Order	91	49
Sexual Intercourse	33	34
Indecent Assault	44	43
Rape	9	1
Other Offences	148	197
Total	2305	2048

Figure 6: Family Court- Saint Vincent and the Grenadines- Cases Disposed -2004-2005



Judicial and Legal Services Commission

The Judicial and legal Services Commission (JLSC) of the Eastern Caribbean Supreme Court was established by the enactment of the West Indies Associated States Supreme Court Order 1967 and derives its power from the Constitution and legislation of the nine Member States of the OECS. It's membership is made up of: Acting Chief Justice Brian Alleyne, SC as Acting Chairman, supported by Justice Albert Redhead, Serving Judge; Justice Lyle St. Paul, OBE, CBE, Retired Judge; Justice Monica Joseph, Chairperson, Public Service Commission, Grenada; Dr. Joseph Halliday, Chairperson, Police and Public Service Commission, Saint Kitts & Nevis; and Ms. Aloysia Gabriel, Secretary.

The Commission's work this last year included the appointment of Justice Hugh Rawlins and Justice Sandra Prunella Mason as Justice of Appeal and High Court Judge respectively with effect from 1st September 2005. They were officially sworn in to office by the Governor General of Saint Lucia, Her Excellency, Dame Pearlette Louisy, at the Government House in Castries, Saint Lucia on 1st September, 2005. Justice Mason has been assigned to Saint Lucia.

Also the Commission took the decision to permanently appoint Justice Ianthea Leigertwood-Octave, as a High Court Judge with effect from 1st August 2006. Justice Leigertwood-Octave functioned as a High Court Judge in an acting capacity from 19th September 2005, based in Nevis where she also served the islands of Montserrat and the Commonwealth of Dominica. She will continue her assignment in Nevis with support to the other Member States of Montserrat and the Commonwealth of Dominica.

The following persons were appointed to join the cadre of administrative and support staff at the Court's headquarters: Ms. Patricia Chastanet as Library Assistant, with effect from 7th August 2005; Mrs. Turkessa Benjamin Antoine as Judicial Clerk with effect from 14th August 2005; Mrs. Monica Chandler as Human Resource Officer with effect from 1st March 2006; Mr. Garvin Lawrence as Website Administrator with effect from 15th March 2006 and Ms. Aloysia Gabriel as Human Resource Manager with effect from 1st May 2006.

MEMBERS OF THE JUDICIARY

CHIEF JUSTICE [AG.]



Justice Brian Alleyne, SC

JUSTICES OF APPEAL



Justice Michael Gordon, QC



Justice Denys Barrow, SC



Justice Hugh Rawlins

HIGH COURT JUDGES



Justice Albert Redhead [Ag.]
Resident: Saint Lucia



Justice Kenneth Benjamin
Resident: Grenada



Justice Indra Hariprashad-
Charles
Resident: BVI



Justice Frederick Bruce-Lyle
Resident: Saint Vincent &
the Grenadines



Justice Davidson Baptiste
Resident: Grenada



Justice Ola Mae Edwards
Resident: Saint Lucia



Justice Rita Joseph-Olivetti
Resident: BVI



Justice Errol Thomas
Resident: Antigua &
Barbuda



Justice Janice George-Creque
Resident: Anguilla



Justice Louise Blenman
Resident: Antigua &
Barbuda



Justice Clare Henry
Resident: Commonwealth
of Dominica



Justice Francis Belle
Resident: Saint Kitts
& Nevis



Justice Gertel Thom
Resident: Saint Vincent
& the Grenadines



Justice Sandra Mason, QC
Resident: Saint Lucia



Justice Ianthea
Leigertwood-Octave
Resident: Saint Kitts & Nevis

MASTERS



Master Brian Cottle
Resident: Saint Vincent &
the Grenadines



Master Cheryl Mathurin
Resident: Antigua &
Barbuda

ADMINISTRATIVE AND SUPPORT STAFF



Mr. Gregory Girard, Court Administrator



Mr. Mac Clure Taylor, Deputy Court Administrator



Human Resource Department: (Left to right) Mrs Monica Chandler, HR Officer; Ms. Lavern Henry, Administrative Assistant; Ms Aloysia Gabriel, HR Manager. Missing: Ms Angus Smith, HR Officer



Office Administration: (Left to right) Mr. Guy Stava, Office Attendant/Driver; Ms. Lenore St. Croix, Office Manager; Ms. Linda Cyrille, Office Attendant



Information Services Department: (Left to right) Mrs Francisca Polius, Records & Archives Clerk; Ms Geraldine St. Croix, Statistician; Ms Claudette Valentine, Librarian/Information Services Manager; Mrs Reine James, Records Manager; Mrs Clarita McDonald, Records & Archives Officer; Ms Patricia Chastanet, Library Assistant



Secretarial Department: (Left to right) Mrs Dorcia Callender, Secretary; Ms. Joan Joseph, Secretary; Ms Natacha James, Secretary to the Chief Justice; Mrs Sandra Augier, Receptionist; Ms. Sheran Emmanuel, Department Head.



Information Technology Department: (Left to right) Mr. Garvin Lawrence, Website Administrator; Mr. Augustus Marcellin, Network Administrator; Mr. Mark Ernest, IT Manager. Missing: Mr. Derrick Agdomar, Systems Administrator



Accounts Department: (Left to right) Mr. Stephen Rameau, Accounts Assistant; Mr. Irvin Ferdinand, Accountant