



# Annual Report 2014-15

# Table of Contents

## Messages

---

### Chapter 1

- 01 Message From the Chief Justice
- 03 Message from the Court Administrator

## Access to Justice

---

### Chapter 2: Projects

- 06 Criminal Division
  - Civil Division
- 07 Family Division
  - Commercial Division
  - Halls of Justice
  - Integration of the Magistracy
  - Filing fees

## Human Resources

---

### Chapter 3: Year in Review

- 10 HR: An Advisory Role
  - Performance Management
- 11 Employee Wellness Program
  - Effective Leadership and Management
  - Departmental Responsiveness
  - Team Building

# Information & Communications Technology

---

## Chapter 4

14 Judicial Enforcement Management System

Video Conferencing Facilities

15 Digital Court Recording and Court Transcription

16 Electronic Filing Project

ECSC Web Site Updates and Usage Statistics

19 New Focus of the ECSC - ECSC's Digital Technology Transformation Plan (EDTTP)

# Information Services

---

## Chapter 5

22 Records Management Unit

23 Statistics Unit

# Funding the Court

---

## Chapter 6

25 Budget Preparation

26 Court Activities and Donor Funds

# Mediation

---

## Chapter 7

- 28 Mediation Staff
- 29 Member State Mediation Committees
  - Mediation Training
  - Mediation Data Collection

# Judicial Education

---

## Chapter 8

- 32 Joint Symposium of the OECS Bar Association and the JEI
  - Judges Retreat
- 33 Fourth High Level on the Role of the Judiciary in International Commercial Arbitration
  - Judicial Education Session for JURIST Grenada Pilot Project

# Legal Internship Programme

---

## Chapter 9

- 36 Ms. Daniela Chambers
- 37 Mr. Jeville John

# Appellate Jurisdiction - Caseflow Management

---

## Chapter 10

- 40 Workload
  - Court Activities
  - Delivery of Judgments
- 41 Highlights
  - E-Filing Pilot Project

# Court Performance

---

## Chapter 11

48 Synopsis

Section 1 | Court of Appeal

54 Section 2 | High Courts

61 Section 3 | Magistrates Courts

67 Section 4 | Family Courts

# Judicial Officers

---

## Chapter 12

77 Court of Appeal Judges

High Court Judges

78 Masters

# Administrative Support Staff

---

82 Support Staff



# Message from the Chief Justice

*Dame Janice M. Pereira, DBE.*



# Dear Readers

It is always a pleasure to address you in our Annual Report, which in this instance, covers the period 2014-2015. This Report is published by the ECSC to provide you with a detailed update of the work undertaken by the Court for that period. The opportunity is also taken to inform you of our plans for the upcoming law year.

Throughout the year, the various Departments of the Court have been functioning efficiently to ensure as far as possible, the smooth running of the Court's administration, systems, initiatives and processes. As you go through the pages of this Report it is hoped that you will obtain in depth information on these endeavours to afford you a greater appreciation of the work done by the various Departments of the Court.

Like in years past, the Court was faced with a number of challenges in the quest to fulfil its mandate. Despite these, we were able to forge ahead with many of our initiatives. Over the past year the Court focused on its reform initiatives to address the systemic and structural issues in the four divisions of the Court. Although you will find detailed reports of these in this Report, I would like to highlight some of the advancements made in the Court structures reform initiative.

The Civil Division continues to operate effectively notwithstanding a number of constraints. One of the major challenges is the processing of matters through the system in a timely manner. In an effort to address this in Grenada, in January 2015 the Court collaborated with the Government of Grenada for the commencement of an activity under the Judicial Reform and Institutional Strengthening (JURIST) Project. This project is geared at reducing the backlog of civil cases in Grenada which have been assessed as ready for trial but either (i) no trial dates have been fixed, or (ii) dates have been fixed for the years 2017 and beyond. This project is funded by the Canadian Department of Foreign Affairs, Trade and Development (DFATD) with the Caribbean Court of Justice (CCJ) as the implementing agency. Some measure of success is already being experienced. It is the expectation that this project can be replicated in other Member States and Territories which face similar difficulties.

In the Criminal Division the backlog of cases in the system was also a challenge. In an effort to address this in Saint Lucia, a number of changes were made. One of these was the appointment of a Master assigned to the Criminal Division. The Master has been vested with the jurisdiction of a judge of the High Court to preside over pre-trial and case management events for indictable offences, thereby removing these time consuming processes from the trial judge. The second measure instituted was the assignment of a second judge to the Criminal Division. The third measure was a revision of the Criminal Procedure Rules and this was enacted in February 2015. Lastly, a revision of the Criminal Code is ongoing to provide for the functions of the Master. We expect that these changes will significantly redress the issue of delay in the criminal division. Steps are also underway to accomplish a full roll out of criminal case management in other Member States and Territories.

The Commercial Division of the Court in the BVI has functioned as expected over the past year. The statistical data contained in this Report will attest to this. This model is being utilized in Saint Lucia where preparations for the operationalization of a Commercial Division of the Court is at an advanced stage. It is expected that this Division will become fully functional by October 2015.

In the Family Division of the Court, the pilot project which commenced in Antigua and Barbuda for the drafting of Family Law legislation is nearing completion. It is expected that the entire suite of Family law bills will be laid in parliament by year end. Work has been commenced on the drafting of family proceedings rules.

A consultation committee has been at work in this regard. This will be followed by extensive consultation with all the stakeholders over the next few months. It is hoped that these rules will be finalized and enacted in the new law year. In the coming year the Court will continue its work in seeking to ensure that all procedures and facilities are put in place for the implementation of this Division.

All our efforts by way of reform or otherwise are geared toward achieving improved access to a system of justice that is accountable and independent, and administered by officers in a prompt, fair, efficient and effective manner. The strides made so far however, would not have been possible without the support of our Court of Appeal and High Court Judges, Masters, Magistrates, Registrars and Court Staff throughout the jurisdiction. To these persons I express my profound gratitude for their continued professionalism and commitment to excellence, as we continue along the journey that is more often than not, fraught with ever new and emerging challenges.

To you the citizens of the OECS, I thank you for your interest in our Court. As you peruse the contents of this Annual Report, it is hoped that you will gain a deeper appreciation of the workings of the Court across the length and breadth of the OECS region and that the information shared will evoke within you a passion for learning even more about your Court and the essential role it plays, not only in your particular state or territory, but throughout the region as a whole.

I thank you.



*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.*





# Message from the Court Administrator

*Mr. Gregory Girard*

As we continue to strive towards our desire of achieving Court Excellence, you will note in this Report the many positive achievements which we have made over the past year. Although there have been several of the usual challenges which we continued to face over the year, I have no doubt that as you review the work of the Court in the next few sections you would agree that we were able to overcome many of these challenges and make significant progress.

Many of these successes would not have been possible if it were not for the grant funding provided by many friendly Governments and donor organizations including the British Government through the British High Commission in Barbados, the Canadian Government through the Canadian High Commission in Barbados and the JURIST Project being implemented by the CCJ, and UN-Women / UNICEF offices in Barbados. I take the opportunity here to express our sincere gratitude to these Governments and donor partners.

In terms of performance, the work of the Court of Appeal, the High Courts, and the Magistrates Courts are all worthy of mention. At the appellate level, a total of 1,147 matters were heard in 2014 and the Court delivered 51 written judgments along with 786 oral decisions. At the High Court, the clearance rates for cases increased to 64% in 2014 as compared to 48% in 2013. At the Magistrates Courts, the clearance rates increased to 88% in 2014 from 80% in 2013. These are clear trends in the right direction.

We witnessed a number of advances in the area of the court structure reforms. Some of the initiatives with the court structure reforms have been directly delayed because of the problems being experienced with court facilities, the physical plant. The need for adequate facilities continues to be a major problem and this is one of the areas, the Halls of Justice Project, where unfortunately there was very little advancement in the past year. Nonetheless, there was and continues to be regular dialogue on the project so we remain optimistic that this will one day become a reality. When one considers generally the issues with facilities which exist both at the High Court and the Magistrates Court the work output is remarkable.

While work continues on addressing the facilities there are several other areas where advances are being made to achieve some of the other key values to the successfully functioning court and the attainment of court excellence. One major area is Information Technology. Over the past year work continued on the

e-filing pilot project, making use of the website, utilization of video conferencing facilities, and implementing digital audio recording. In fact, as part of the activity on case delay and backlog reduction which is taking place in Grenada with the support of the JURIST Project, a practice direction was issued which facilitates the use of the digital audio recording as the official transcript of the proceedings. We look forward to the conclusion of this activity so that we can assess the effectiveness of the various initiatives in enhancing the operations of the Court and to roll out the successful ones to the other Member States and Territories.

Additionally, still in the area of Information Technology, plans are being developed for the ECSC's Digital Technology Transformation Plan (EDTTP), over the period 2015-2018, which will be in keeping with the proposed theme "Transforming Courts in the Sub-region into a Seamless Digital Technology Center". The foundation which these initiatives will provide to improve efficiency will assist greatly as we move towards court excellence.

Considering that excellent courts manage all available resources properly, effectively, and proactively, the work of the Human Resources Department should also be noted, in particular, the work on effective leadership and management as well as team building. While many of these HR initiatives are centered at the Courts' Headquarters, it is anticipated that once we have perfected and fine-tuned the approaches we will introduce these initiatives to the various Court Offices.

In order to effectively manage the financial affairs of the Court and achieve greater financial independence, which is important if one is to have true judicial independence, in the upcoming year we will be revisiting the proposal for the establishment of a trust fund for the Courts' Headquarters operations.

I am certain that the information in this Report will provide a greater and more detailed insight into the work of the Court.

*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.*

# Access to Justice

## Chapter 3:

---

# Projects

---

Criminal Division

Civil Division

Family Division

Commercial Division

Halls of Justice

Integration of the Magistracy

Filing fees

## 1. Criminal Division

Work continued with the implementation of the recommendations coming out of the evaluation exercise done on the criminal division pilot in Saint Lucia. The new draft of the Criminal Procedure Rules with extensive amendments was promulgated in February 2015. Copies were sent to all of the Member States and Territories (MS) with the instructions that these new rules would now constitute the official set of rules on procedures in criminal matters throughout the jurisdiction. However, it is recognized that some MS will have to amend existing legislation and other procedures to bring these rules into effect or that certain aspects of the new criminal procedure rules will have to undergo further amendments to coexist peacefully with the legislative regime in those MS, and that is being encouraged. In the upcoming year work with the relevant ministries in each MS will continue towards a realization of that objective.

Meanwhile, the situation with the backlog of the criminal matters in Saint Lucia has begun to be addressed

through the appointment of the new Master for the Criminal Division. The Master is now clothed with some of the powers which were formerly exercised by the Presiding Judge of the Division, to include; the conduct of all sufficiency hearings (the hearing that replaced the preliminary inquiry), case management and directional hearings etc. Also, a second criminal judge was appointed and has been working in Saint Lucia to conduct trials in order to assist with the backlog reduction particularly where persons are being held on remand.

## 2. Civil Division

In January this year, the ECSC with assistance from the JURIST Project began an initiative in Grenada geared at reducing delay and the backlog in civil matters in that jurisdiction. The activity in Grenada is focusing on completing approximately 175 cases which are ready for trial and which were unable to be provided with trial dates until sometime in 2018 or 2019. The project will achieve this by

introducing delay and backlog reduction mechanisms and other techniques which will be shared with the judicial officers by way of judicial education programmes. Additional temporary judges, who have been provided with this training, have been assigned to the Member State of Grenada in order to adjudicate on the matters commencing from April 2015 for a period of nine months. Special practice directions have been issued by the Court to permit some of the techniques to be used as part of the pilot project.

It is anticipated that once the project in Grenada is completed the successful measures which have been identified will be implemented in other Member States to reduce delay and backlog reduction in the civil matters.

Work on the review of the civil jurisdiction of the Magistrates continues and the table below shows the current situation in the respective MS with comments from the practitioners in those jurisdictions.

Member State	Amount in EC\$	Last Change	Statutory Instrument	Comments
Anguilla	15,000	-	-	-
Antigua	7,500	-	-	-
Territory of the Virgin Islands	US\$10,000	1994	MCP Act sec 24 of 1994	-
Dominica	10,000	11 Dec, 1991	Act # 25 of 1991	-
Grenada	10,000 Contract 7,000 Tort	July 1993	MCP Amendment #21 of 1993	-
Montserrat	10,000	-	-	-
St. Kitts/Nevis	25,000	2005	Amended by Acts 8/1994 and 33/2005	Need provision for substituted service
Saint Lucia	6,000	-	-	-
St. Vincent and the Grenadines	15,000	-	-	-

### 3. Family Division

In Antigua and Barbuda the establishment of the pilot project continued with some major achievements namely; the finalization of the draft Bills (domestic violence, status of children, children (care and adoption) and juvenile justice). All indications are that these Bills will go before Parliament by yearend. Meanwhile, work on the draft family proceedings rules received its first critical review and is one step closer to finalization. This work is being done through a small committee (consisting of judicial officers and legal practitioners) in Antigua and Barbuda which is assisting the Courts' Headquarters with a review of the first draft of the rules. As this process can be lengthy due to the requirement for wide consultation and discussions, it is expected that work on this will continue for some time.

A major policy meeting was convened in Antigua in March 2015 with all the key partners on the establishment of the Family Division Project (UNICEF, UN Women, Government of Antigua and the ECSC) to address all policy related issues with the creation of that division. At that meeting funding commitments were pledged by the donors who were present and recommendations were made for the Court to approach USAID, DFID and the CIDA JURIST and IMPACT Projects for assistance with the pilot. It is largely expected that the family division pilot will be completed in the short to medium term.

### 4. Commercial Division

The Court has begun working with the Government of Saint Lucia for the establishment of a Commercial Court in Saint Lucia. This Court will be modeled after the BVI pilot, which has a proven record of success. Former Justice of Appeal, Michael Gordon QC, has been appointed as the lead consultant on this project. Work is nearing completion on the drafting of rules for this division while the procurement of space, staffing and other administrative issues are being managed by a committee comprising the ECSC and the Ministry of Justice in Saint Lucia. The judge for this division has been appointed and assumed office from July 1st 2015. Again, the full implementation of this project will be realized in the short to medium term.

### 5. Halls of Justice

The committee of Financial Secretaries established by the Heads of Government of the OECS in June 2013, met once in the year with only two members present to examine issues relating to the mandate of that committee. Since much could not be achieved the Court has proposed that the approach should be revisited by the Heads of Government of the OECS to determine the most effective way forward.

Notwithstanding, efforts will continue to encourage participation from the members of the committee. Several private sector interest groups continue to show interest in undertaking the building of those court facilities. In recent times, KIER International has approached the Court on the possibility of engaging the Government of St. Kitts and Nevis in discussions on the delivery of the project in that Member State. KIER International is currently working with the Government of St. Kitts and Nevis on another development project and thought they could leverage their involvement to deliver the Halls of Justice Project in that Member State. They are also interested in having some discussions with other MS who may be financially able to undertake the project and whose development indicators are in keeping with KIER's funding requirements. KIER International is a British conglomerate operating in the UK, Caribbean, Middle East and Hong Kong, and they are a leading property, residential, construction and services group which invest in, builds, maintains and renews the places where we work, live and play; to finance and implement development projects, primarily with governments, at low interest rates. We are encouraging MS to look at this as an option.

### 6. Integration of the Magistracy

It would appear that this project will finally receive the level of financial support for the implementation of the detailed work plan of activities scheduled. The JURIST Project as part of its project implementation plan has made allocation for funding much of the activities envisaged with the integration of the Magistrates' Court. Our office awaits word from the Project Management Unit at the CCJ on the timing for implementation of these activities.

### 7. Filing fees

This exercise is now fully complete and correspondence has been issued to MS advising that the Court is ready to fully implement the new fee structure. The Government of the Territory of the Virgin Islands has heeded to this call and issued the necessary instructions to the Attorney General's Chambers to act on the recommendation. The entire civil fee regime including new fees for probate (which shall not come into effect until the new Probate Rules are finalized), transcripts (Criminal and Civil), Court of Appeal fees, and criminal filing fees were revised and presented after detailed and extensive discussions with all the key stakeholders. Two main issues remain to be settled with the fees project; the first is the introduction of the electronic filing and how the proposed fees are to be dealt with in that new environment and the second is the collection and accounting of the fees within the court system to reflect in a more wholesome way, the actual revenue/collections which are generated by the Courts for the Governments of the region.



# Human Resources

## Chapter 4:

---

# The Year In Review

---

Human Resources has the primary responsibility for managing, assisting and dealing with all employee related matters and works closely with managers and supervisors to support and respond to their needs.



*Human Resources has the primary responsibility for managing, assisting and dealing with all employee related matters and works closely with managers and supervisors to support and respond to their needs.*

#### HR: An Advisory Role

Human Resources continues to assist managers and supervisors with a number of employment related matters, including discipline. The aim this year was to put managers and supervisors through activities that develop the knowledge and practical skills that result in effective management practice, particularly in the area of performance improvement.

#### Performance Management

Effective performance management is critical in helping employees perform at their optimal level. A key foundation is that employees understand their role and duties and how they contribute to the broad objectives of the Eastern Caribbean Supreme Court.

Annually all employees participate in the performance management framework, the main objectives of which are to:

- Objectively assess individual and group performance;
- Identify and support the ongoing learning and development needs of employees; and
- Effectively identify and address underperformance.

One of the department's key principles in managing performance is that employees should receive regular feedback, both informal and formal, on their performance. Managers and supervisors were encouraged to do so and the unit facilitated that by assisting with the guided

execution of Performance Improvement Plans (PIP), for employees whose performance scores were below standard.

### Employee Wellness Program

Our Wellness Program strives to improve employee health outcomes and control the costs associated with insurance claims by providing information, education, support, and coaching to create behavioural change. Health and wellness messages were shared with employees on a daily basis to help build awareness and foster behavioural change.

### Effective Leadership and Management

Maintaining and improving the Court's performance, particularly during challenging economic times, is a key priority for the Human Resources Department Staff. We believe that our ability to deliver excellence and create a workplace culture that is supportive and inclusive is influenced significantly by the quality of leadership and management at all levels. A management forum was facilitated to assess organisational needs and challenges and plot a path to effectively deal with them.

### Departmental Responsiveness

We strive to provide timely, relevant, and comprehensive services to meet the organization's needs. The Department continues to implement changes to improve the delivery services we offer, and this past year reassigned duties within the unit for better service provision and efficiencies.

### Team Building

Employee involvement, teams, and employee empowerment enable people to make better decisions about their work. Employee involvement in decision making and team building helps to foster relationships, increase loyalty and engagement.

The department's aim this year was to use team based activities and initiatives to:

- Enhance communication organization-wide
- Keep employees motivated to achieve goals
- Encourage a climate of cooperation and collaboration
- Foster greater job satisfaction and commitment, and
- Increase levels of trust and support

### Up & Coming Activities

In the upcoming year the HR Department will focus on:

1. Organizational Excellence
2. Greater Accountability
3. Leadership Development
4. Manpower Strengthening
5. Strategic Alignment
6. Policy development and enhancement which is an ongoing priority for the unit
7. Fostering a performance driven culture with the introduction of competencies and relevant Key Performance Indicators (KPIs)

```
ORA = ce datasource  
etConnection  
Connection.  
SQL = "SELECT * FROM  
statement.execute  
+()
```

# Information & Communications Technology

## Chapter 5:

---

Judicial Enforcement Management System

Video Conferencing Facilities

Digital Court Recording and Court Transcription

Electronic Filing Project

ECSC Web Site Updates and Usage Statistics

New Focus of the ECSC - ECSC's Digital Technology Transformation Plan (EDTTP)

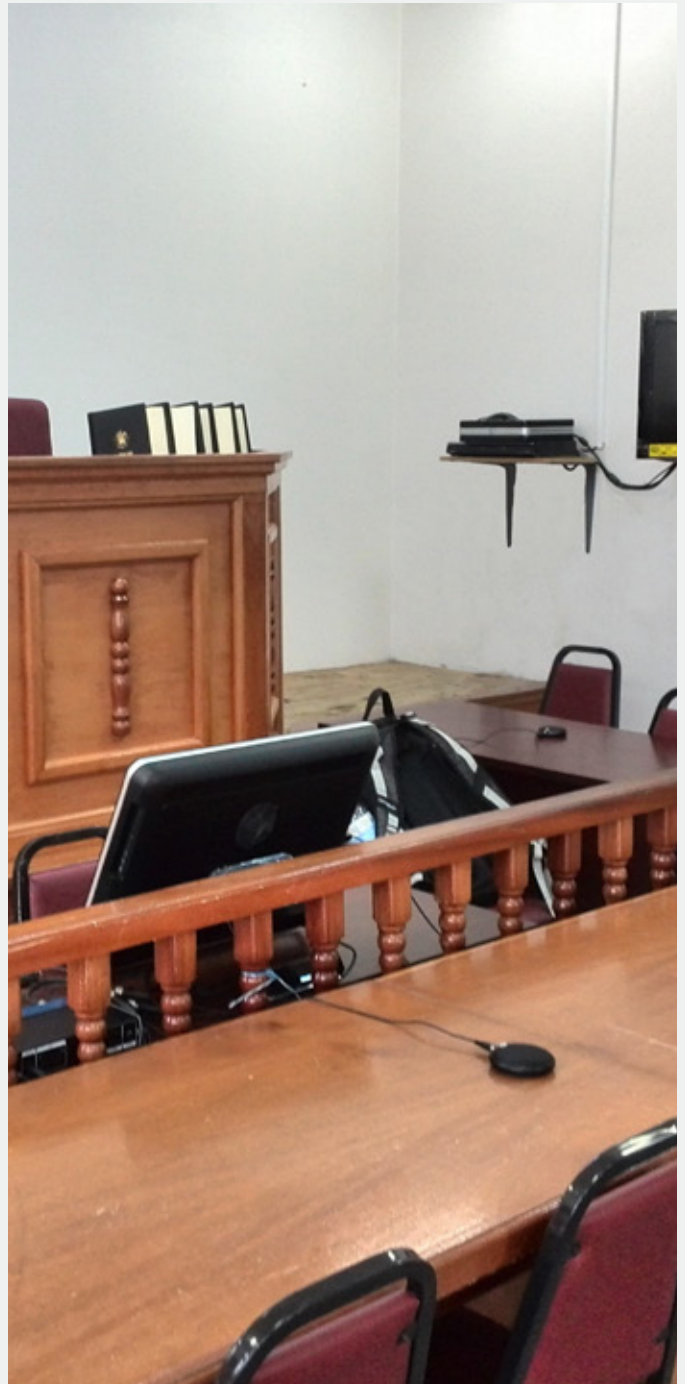
### Judicial Enforcement Management System

The Information Technology (IT) Department continues to provide on-going maintenance and application support to JEMS users, within all Member States and Territories. Most of the JEMS Servers have been kept at the fairly stable April-2012 version of JEMS 6.0. The Internet version of JEMS (**Amanda JEMS**), which was introduced at the Eastern Caribbean Supreme Court in February 2013 as a pilot, is still being explored and is due for evaluation during this new financial year.

During the year, Mrs. Cynthia Ramjeawan was assigned to the IT Department with her main function being to provide JEMS Application Support. As a result, there have been significant improvements in the timeliness of support provided to JEMS users and an even greater effectiveness in the use of the JEMS application by Court Staff within Member States and Territories. The quality of support provided by the Department will be further enhanced with the implementation of an electronic ticketing/helpdesk system during the next year.

### Video Conferencing Facilities

There was a significant increase in the use of video conferencing facilities for hearings, case management conferences and meetings at the Headquarters, and in other Courts within the sub-region, during last year. Notable Courts and other locations demonstrating increased usage included the High Court in The Territory of the Virgin Islands (TVI), both the High Court and the Magistrates' Court in Saint Lucia, the Grenada High Court and the Bordelais Correctional Facility (BCF) in Saint Lucia. The use of Prison Video Link between the BCF in Saint Lucia and the main Criminal Courtroom at the High Court has become a success story and certainly a model to be emulated in the sub-region. The Ministry of Justice has in fact replaced the ADSL connections linking the two locations with a Metro E service from telecommunications provider LIME, thus creating a more secure and reliable communication link between the two locations.





## Digital Court Recording and Court Transcription

Magistrates' and High Courts of the sub-region continued to benefit from the implementation of additional digital audio recording systems. With financial support from the British High Commission in Barbados, five additional courtrooms were equipped with Digital Audio Recording equipment during the year. The beneficiary Courts were the following: the High Court in St. Vincent and the Grenadines; the High Court in Antigua; the Magistrates Court in Grenada; the High Court in Nevis; and the Magistrates Court in Saint Kitts. The IT Department also facilitated the implementation of two other Digital Recorders at the High Court in Grenada as part of the JURIST Project delay and backlog reduction activity.

The recording of court proceedings in digital format has been facilitating substantial ease in the storage and transcribing of audio files throughout the Member States and Territories. During the year, a litigant in St. Kitts-Nevis solicited the assistance of the Court in outsourcing the transcribing of one of the matters to a certified Court transcription firm located in New Jersey, USA. The digital audio files were easily and securely uploaded to the firm's web portal and transcription was undertaken and completed within an agreed period of time. This outsourcing exercise provided several lessons to the Court and this facility is now sanctioned by the Court for use by Member States and Territories as an alternative for both real-time and normal transcribing of court proceedings where the parties wish to use the service.

## Electronic Filing Project

The Department continued to provide technical support to the e-Filing Pilot Project for Court of Appeal matters from a selected number of attorneys and firms in the TVI. The Department also facilitated the implementation of the E-Filing project at the High Court Registry in Grenada as part of its Delay Reduction Project being coordinated by the Canadian Department of Foreign Affairs, Trade and Development (DFATD) funded JURIST Project.

The Court has recommenced discussions with the internationally renowned e-Filing Firm Tybera. The e-Filing solution, e-Flex, developed by Tybera is completely web-based and provides a better facility for the payment and management of fees and also allows for greater integration to electronic Case Management as well as Document Management Systems.

## ECSC Web Site Updates and Usage Statistics

The Court continues to enhance its Judgment Search facility on its web site (www.eccourts.org). Legal practitioners and visitors to the site will soon benefit from an even more comprehensive search facility in the coming months. It is worth noting, as well, that most of the Judgments from the database on the previous website have been converted and moved to the current website.

Information on the use of the ECSC website from the Google Analytics software for the year 2014 is presented below.

Table 1 shows that there were a total of 135,194 visits to the website in 2014 compared to 116,644 in 2013 (an increase of 15.90%). Also of significant note is that the number of visits increased by 52.85% from 2012 to 2014.

**Table 1: Number of Visits to the Website, 2012 To 2014**

YEAR	NUMBER OF VISITS
2014	135,194
2013	116,644
2012	88,449

In 2014, persons spent an average of 6 minutes and 27 seconds on the website, 5.50 pages were viewed on average per visit and a total of 743,110 pages were viewed.

The 135,194 visitors comprised 85,683 returning visitors and 49,511 new visitors. Returning and New visitors thus accounted for 63.38% and 36.62% respectively of total visitors.

**Table 2: Percentage Share of New and Returning Visitors to the ECSC Website, 2014**

TYPE OF VISITOR	NUMBER OF VISITORS	% OF TOTAL VISITORS
New visitors	49,511	36.62
Returning visitors	85,683	63.38
<b>Total</b>	<b>135,194</b>	<b>100.0</b>

**Figure 1: Percentage Share of New and Returning Visitors to the ECSC Website, 2014**

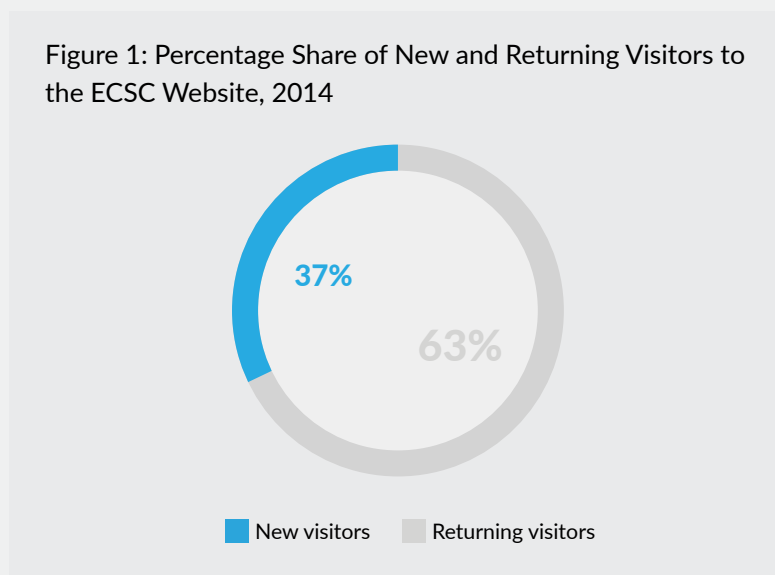


Table 3 provides data on the countries which had more than one thousand visits to the ECSC website in 2014. Notably, the countries with over 10,000 visits were: Antigua and Barbuda, United States, Saint Lucia and the United Kingdom.

Table 3: Countries with Over One Thousand Visits to the ECSC Website, 2014

COUNTRY	NO. OF VISITORS	% NEW VISITS	PAGES/VISITS	AVG. TIME ON SITE
Antigua and Barbuda	16,819	17.90	6.21	8 min 15 sec
United States	16,662	67.81	3.64	3 min 19 sec
Saint Lucia	15,664	20.93	5.56	6 min 50 sec
United Kingdom	10,014	59.21	4.70	4 min 16 sec
St. Vincent and the Grenadines	8,175	24.62	6.17	7 min 44 sec
TVI	8,019	18.71	6.75	7 min 44 sec
Grenada	7,731	19.73	6.48	7 min 53 sec
St. Kitts and Nevis	7,699	18.25	6.10	8 min 10 sec
Dominica	6,604	23.21	6.66	8 min 36 sec
Barbados	5,328	32.64	5.33	6 min 28 sec
Anguilla	4,202	21.80	6.78	8 min 44 sec
Trinidad and Tobago	3,660	44.54	6.15	5 min 26 sec
Canada	3,136	61.29	4.22	4 min 16 sec
Jamaica	3,063	41.30	4.32	4 min 30 sec
Hong Kong	1,700	34.65	6.77	6 min 43 sec
India	1,370	77.81	8.36	6 min 06 sec
Belize	1,266	24.96	6.54	6 min 56 sec
Montserrat	1,138	26.71	5.04	6 min 27 sec
Australia	1,067	51.73	3.22	16 min 10 sec

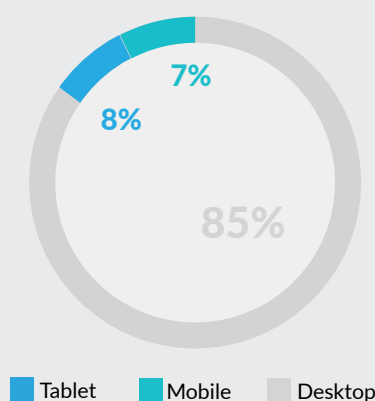
NB. The IP addresses of devices logging on the website were used to identify visitor locations. Thus, it must be stated that the statistics on the various countries may not be completely accurate since the IP addresses for some countries may be associated with another country.

Table 4 shows the types of devices which persons used to access the website. The majority of visits to the website (85.26%) were via desktop computers. Tablets and mobile phones were used much less often.

Table 4: Devices Used To Access the ECSC Website, 2014

DEVICE CATEGORY	VISITS	% OF VISITS
Desktop	115,268	85.26
Tablet	10,608	7.85
Mobile	9,318	6.89
Total	135,194	100.0

Figure 2: Types of devices used to access the ECSC website, 2014



N.B. Some additional information on visitors by age group and gender was obtained but only in instances where this data could be obtained by Google analytics. Thus the data reflects only a percentage of the total visitors.

Table 5 gives the breakdown of 19,388 visitors by age. These represented 14.34% of total visitors to the website. The data show that persons between ages 25 to 34 and then 45 to 54 were the most frequent visitors to the website.

Table 5: Visitors by Age Group

AGE GROUP	NO. OF VISITORS	% OF VISITORS
18 - 24	1,365	7.04
25 - 34	5,606	28.91
35 - 44	3,325	17.15
45 - 54	3,944	20.34
55 - 64	2,928	15.10
65+	2,220	11.45
<b>Total</b>	<b>19,388</b>	<b>100.0</b>

Figure 3: Visitors According To Age Group

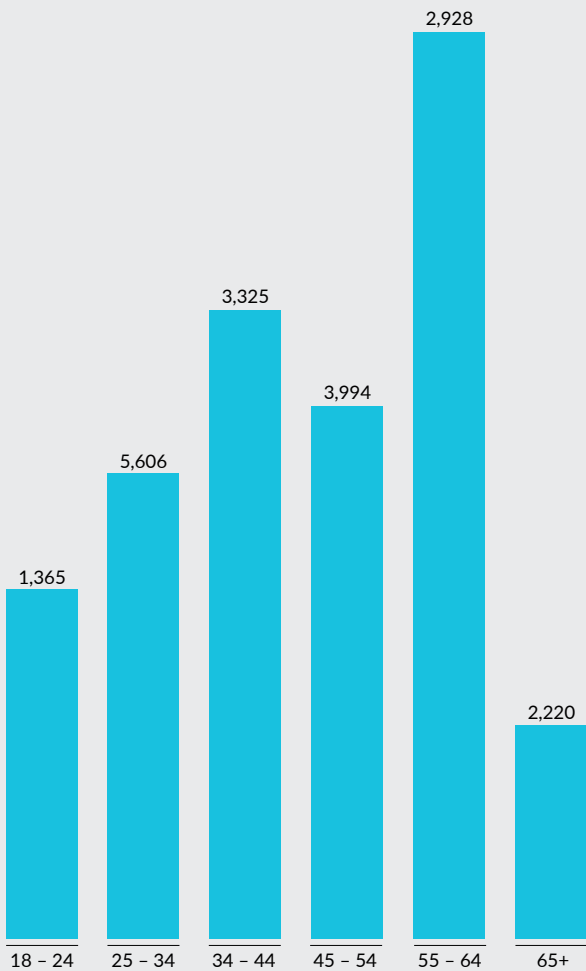
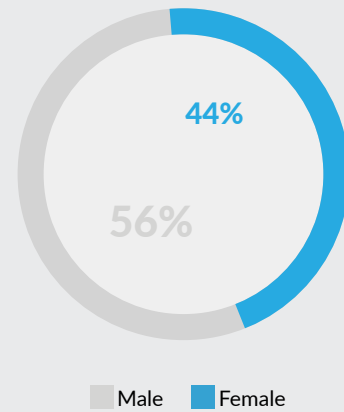


Table 6 shows data obtained on 20,049 visitors (14.83% of total visitors) pertaining to their gender. Males were the more numerous visitors to the website.

Table 6: Visitors by Gender

GENDER	VISITS	% OF VISITS
Male	11,163	55.68
Female	8,886	44.32
<b>Total</b>	<b>20,049</b>	<b>100.0</b>

Figure 4: Visitors According to Gender



## New Focus of the ECSC - ECSC's Digital Technology Transformation Plan (EDTTP)

As part of the new ECSC's Digital Technology Transformation Plan (EDTTP), 2015-2018, and in keeping with the proposed theme "Transforming Courts in the Sub-region into a Seamless Digital Technology Center," three new activity groupings will characterize the ICT work programme of the Court over the next few years. These three new groupings will focus on transforming (i) the Communication and Hardware infrastructure at the Court, (ii) the Level and quality of Software Applications utilized in the Court and (iii) the Quality of IT Services provided to stakeholders.

Some of the various activities within these groupings are scheduled for implementation during this financial year and are outlined below:

1. Upgrading the Collaboration, Communications/Networking and Hardware Infrastructure of the Court, inclusive of the following:
  - i. Design and implementation of a revamped Collaboration, Communications / Networking and Hardware Infrastructure for the Courts in the sub-region;
  - ii. Develop and implement a Disaster Recovery and Business Continuity Plan in keeping with the requirements of current ISO/IEC standards.
2. Application Transformation, which will involve the following:  
The Comprehensive review of software and applications in the Court system with a view to maximizing the utility of these applications.
3. ICT Service Improvement. This activity will involve the following:  
The implementation of a Sub-Regional Electronic User Support System (Electronic Help Desk System) – This e-Ticketing system will form the foundation for prompt resolution of all issues raised by users of Court Technologies throughout the sub-region. Users will be able to monitor the progress of the resolution of their issues. The system will also allow for the management of electronic assets on the entire Court's network.

More specifically, some of the activities scheduled for implementation by the IT Department for the upcoming law year 2015 – 2016 include the following:

1. Implementation of a Revamped Hardware and Network/Communication Infrastructure at the ECSC Headquarters
2. Implementation of Disaster Recovery and Business Continuity Plan for the Court
3. Review of Court Software and Applications being used
4. Maintenance of a sub-region-wide Court WAN/VPN infrastructure
5. Implementation of JEMS Related Technologies including the piloting of the Jury Management System
6. Management and enhancement of Electronic Filing Projects
7. ECSC Web Site and Email Server Management including the implementation of improvements to the search facility on the present website
8. Software Application Maintenance
9. Digital Court Recording System Maintenance
10. Administration of Technical Support to Courts within Member States
11. Staff Restructuring within IT Department



*Ms. Claudette Valentine  
May she rest in peace*

# Information Services

## Chapter 6:

---

Records Management Unit  
Statistics Unit

Although the mandate of the Information Services Department to manage the Court's information continued during the year under review, the Court suffered a great loss with the passing of our Information Services Manager (ISM) Ms. Claudette Valentine on 6th March 2015 after a short period of illness. As the ISM, Ms. Valentine developed and maintained the Court's Information Management systems with a high degree of professionalism and enthusiasm. Ms. Valentine will be sorely missed at the Court.

With the support of the staff in the Department efforts continued towards achieving the acquisition, storage, retrieval, and dissemination of information which is required by the judicial officers to fulfill their mandate in the dispensation of justice.

The Department is comprised of three units, namely the Library, the Records Management Unit, and the Statistics Unit. The Library manages the collection of textbooks, law reports, journals, legislation, digests of Court of Appeal sittings, and unreported judgments. For another year, budgetary constraints have limited the acquisition of new material although efforts continued to ensure that updates were procured. In order to build on the available resources at the Library, through the Judicial Education Institute, the Court submitted an application to the International Law Book Facility for a donation of some text and other research material.

We have been advised that our application was successful and a set of material is being prepared for shipment to the ECSC. We anticipate that once received some of this material will be provided to the judges and law libraries at the Court Offices in the Member States and Territories.

Work also continued with the update of the Library Portal which allows authorized staff access to the library's inventory of material through an automated catalogue. The judges and other relevant staff are also provided with access to some of the regional and international online databases including CARILAW, Westlaw, and LexisNexis.

As highlighted in the section on ICT, the online presence of the Court through its website [www.eccourts.org](http://www.eccourts.org) recorded increased usage from persons wishing to access information. In an effort to provide information in a timely manner the website is used to disseminate information on the operations of the Court including judicial appointments and the schedule of Court sittings. Decisions of the Court and digests of court sittings are posted on the website and legal practitioners as well as judicial officers use this avenue to access the latest decisions of the Court. Although over the years there have been enhancements made to the search facilities of the website for those persons wishing to access court decisions, this feature does not operate in a satisfactory manner and in the upcoming year the Court will be exploring ways to improve this aspect of the operations of the website.

## Records Management Unit

During the 2014 – 2015 reporting period, the staff of the Records Management Unit [RMU] supported its mission of promoting the efficiency and continuity of the ECSC by managing their records effectively. To this end, RMU staff members worked collaboratively to make accurate and up-to-date records and information easily accessible to all judicial officers and staff of the ECSC through the records management programme.

The records management programme is guided by the Eastern Caribbean Supreme Court Records Retention and Disposal Policy (2008). During the year the policy was reviewed and updated and now awaits submission to the Chief Justice for final approval and signature.

A vital component of the Records Management Programme is the work conducted off-site at the Records Center at Bois d'Orange. The Records Center houses 1,180 boxes of permanent and inactive records. During the year, staff received, organized and accessioned 127 boxes of records, destroyed 157 boxes that had met their retention requirements, and fulfilled 37 charge-out requests.

In order to provide wider and easier access to the inactive records, RMU staff members attempted to focus on the Versatile data input project during the year. This however progressed very slowly as we were only able to allocate two hours a week towards that project. To date all Anguilla case files and most of Antigua and Barbuda High Court Civil case files have been entered in Versatile. All information for Anguilla, Antigua & Barbuda and Dominica have also been entered in Versatile. In the meantime work continued on finalizing the organization-wide classification system which is a pre-requisite to the implementation of the active records component of the Versatile system.

In the area of correspondence and file management, the daily activities included the receipt and processing of a total of 2,951 pieces of correspondence, the dispatch of 409 pieces of correspondence and the fulfilment of 93 charge-out requests for active files.

In addition to normal daily activities RMU staff members also assisted with routine library activities, including a special project to ensure that old judgments are scanned and posted on the website, during the latter part of the 2014 – 2015 reporting period.

## Statistics Unit

The Statistician performed the customary tasks of data retrieval from the JEMS system for the High Courts, Magistrates Courts and Family Courts in the OECS and also collated the data provided by the Judges and Masters through their returns. Work on projects such as the standardization of adjournment and disposition codes, and obtaining judges' and mediation data from JEMS continued in 2015 where much progress has been realized. The Statistician also lent support to the JEI, Mediation and the HR Department performing statistical analyses in areas of interest.

The primary focus of the Statistician remains to present indicators which can be used to determine the efficiency of Court operations. There is a continued drive to use the JEMS software to obtain such indicators; for example the Time to Disposition Report which gives an indication of how long cases take to move through the judicial system. With the assistance of our Systems Administrator, data from this report is shown for the first time in the Annual Report for the High Courts and Magistrates Courts.

One of the challenges with reporting is that many cases in the JEMS software are in fact completed but not yet disposed in the software. Thus in the upcoming year, data sensitization sessions will be held to facilitate a clean-up of the JEMS database so that important reports such as the "Pending Cases" and "Age of Pending Cases" reports can be accurate. Additionally, strides have been made regarding data presented on the Court of Appeal however there are more improvements for the data planned during the upcoming year.

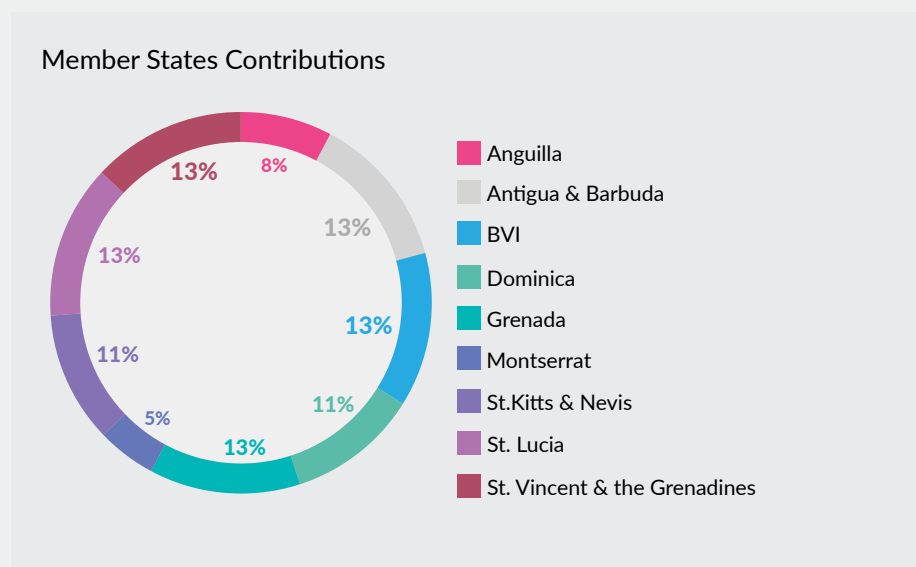
# Funding The Court

## Chapter 7:

---

Budget Preperation  
Court Activities and Donor Funds

The Eastern Caribbean Supreme Court (ECSC) is financed by contributions from the nine Members States and Territories of the Organization of Eastern Caribbean States (OECS) in accordance with an agreed percentage. This percentage of the approved annual budget is set by the Judicial and Legal Services Commission in concurrence with the OECS Heads of Government (or the Authority). Factors influencing the percentage contribution include the number of resident judges and number of Court of Appeal sittings in each Member State and Territory. The contributions presently agreed are as follows:



### Budget Preparation

The Court’s Financial Year runs from July 1st to June 30th. As part of its normal functions, the Accountant collates the annual budget of the ECSC using the contributions from the different Heads of Department and this is submitted by the Chief Justice to the Heads of Government of the OECS (or the Authority) for their approval.

Before the annual budget of the ECSC is actually submitted for the approval of the Authority, it goes through two stages of analysis and review.

- In its first stage, the Chief Justice and the Court Administrator review the collated budget. Once the review is completed and any recommended adjustments are made.
- In the second stage, the budget is critically reviewed by the Budget Committee (which comprises a budget officer from each Member State), where recommendations and changes may be suggested for consideration of the Court.

At the presentation of the budget to the Authority, the various initiatives are discussed and based on these discussions the Chief Justice may take on board certain recommendations for amendments. Once the discussions have been completed the Authority would provide final approval of the budget.

Once the Authority approves the Budget, it becomes a treaty obligation of each Member State and Territory to pay the contributions in accordance with the preset percentages highlighted earlier. The contributions are due on July 1st, although the Court provides the option for Member States and Territories to pay monthly or quarterly installments.

The approved budgets for the financial year under review and the prior financial year are as follows:

Cost Centre	Approved Budget 2014/15 (EC\$)	Approved Budget 2013/14 (EC\$)	Percentage Increase/(Decrease)
Personal Emoluments	10,315,657	9,900,786	2.98
Administrative Expenses	2,936,161	3,016,660	-0.57
Capital Expenditure	62,000	97,850	-0.25
Judicial Education	280,407	322,279	-0.30
Judicial and Legal Services Commission	259,884	469,884	-1.50
Halls of Justice	50,000	50,000	0.0
Court Reforms	40,000	40,000	0.0
Integration of the Magistracy	20,000	20,000	0.0
<b>Total</b>	<b>13,964,109</b>	<b>13,917,459</b>	<b>0.33</b>

The budget of the ECSC increased by 0.33% over the period 2013/14 to 2014/15. This was primarily the result of

- The creation of a position for a 7th Court of Appeal Judge.
- The creation of a position for a 4th Master.
- Funding for one of the additional positions of Judicial Research Assistant.
- Continued efforts at cost containment and the reduction of wastage.

### Court Activities and Donor Funding

Donor funding has made it possible to achieve some success in a few of the reform programs of the Court. Several of the areas where donor funding has been provided to assist with the reforms have been mentioned in other sections on Judicial Education, Information Technology and Access to Justice.

The Court and the JEI are very grateful to these donor agencies for their continued support of activities on reforms and continuing education for the Judiciary and Court Staff.

# Mediation

## Chapter 8:

---

Mediation Staff

Member State Mediation Committees

Mediation Training

Mediation Data Collection

The ECSC recognizes that it has had over twelve years of experience in successfully delivering court-connected mediation, and continues to work towards building the confidence of persons in society as they may one day use the mediation services. Over the past year, the mediation programme in the OECS continued to play an important role in the delivery of justice within the region. The Court has managed to successfully complete over 200 mediations, with an average settlement rate of 58%, thereby assisting over 400 persons to resolve their conflicts.

The Chief Justice has indicated her intention to introduce mandatory court-connected mediation in the near future and in preparation for this, efforts are being made to increase the number of trained mediators. While many persons are requesting an opportunity for this training, the ECSC does not have sufficient funds available to finance this activity and it is somewhat dependent on assistance from donors or on persons being able to self-finance the training. Every effort is being made to pursue all possible avenues to have persons trained in mediation in order to satisfy the demand for training and place the Court in a better position for the introduction of mandatory court-connected mediation.

Since the inception of the mediation programme in 2002, the Court has trained over 400 persons in Mediation. Of these, over 200 persons have been appointed to serve as mediators on the High Court Rosters in the different Member States and Territories.

### Mediation Staff

Mr. Francis Compton continues to serve as the Regional Mediation Coordinator based at the ECSC Headquarters. This is a role which he has performed from the inception of the Mediation Programme in 2002. On each island there is a Mediation Coordinator who manages the programme in that Member State or Territory and where necessary these persons are provided with additional support.

The Mediation Office in Grenada, bid a fond farewell to long serving Mediation Coordinator Ms. Meryl Forsythe in this past year, and welcomed Ms. Nadica McIntyre as her replacement. Also during the past year, the Mediation activity was successfully transferred from the ECSC Headquarters in Saint Lucia, where it was managed from the commencement of Mediation in 2002, to the Saint Lucia High Court. Ms. Catherine Charlery-Edgard, Executive Officer at the Saint Lucia High Court, replaced Mediation Coordinator, Ms. Lenore St. Croix at the ECSC Headquarters. The ECSC Headquarters also bid farewell to Mediation Assistant, Mrs. Avis Burch-Smith, who retired in December 2014. The sterling contribution of these "mediation pioneers" is acknowledged and greatly appreciated.

Throughout the region the Mediation Staff have demonstrated, and continue to demonstrate, a high level of dedication and co-operation to ensure the continued success of the Mediation Programme.

## Member State Mediation Committees

The ECSC continues to benefit from the support of the Mediation Committee Members, who continue to give so freely of their time to perform the work of the Committee. Over the year under review however, the ECSC commenced activities to revitalize and in some cases reconstitute some of the Mediation Committees which had not been fully functional for one reason or another.

## Mediation Training

It has become apparent that there is a need to train many more persons to deal with mediation, including in the areas of community mediation, at the schools, within the family, and, as mentioned earlier, in order to prepare for mandatory court-connected mediation. The ECSC has therefore continued to work with the University of the West Indies under our Memorandum of Understanding (MOU), in delivering quality mediation training workshops throughout the OECS. These programmes are all self-funded, however, many qualified persons desirous of participating in these workshops, are unable to meet the cost of such training.

The ECSC Mediation Programme received a small “shot in the arm”, when the “Improved Access to Justice in the Caribbean” (IMPACT) Project, which is being implemented by the University of the West Indies, Cave Hill Campus, pledged funding to conduct a 2-day mediation refresher training workshop in each of the Member States of Grenada and Dominica. The IMPACT Project is another project which is being funded by the Canadian Department of Foreign Affairs, Trade and Development (DFATD). We envisage that there will be continued collaboration with the IMPACT project for mediation training over the next few years.

### Mediation Training Delivered in OECS in 2014

DATE	TRAINING ACTIVITY	TRAINERS
<b>May 1 9 – 23, 2014</b>	5 Day Mediation Training Workshop, Saint Lucia	Anne Diaz, UWI
<b>September 22 – 26, 2014</b>	5 Day Mediation Training Workshop, Tortola	Anne Diaz, UWI
<b>October 25, 2014</b>	1-Day Refresher Training Workshop, Saint Lucia	Francis Compton

### External Mediation Activities Attended in 2014

PARTICIPANT	TRAINING ACTIVITY
<b>Hon. Justice Francis Belle</b>	<ul style="list-style-type: none"> <li>• Presenter - The Spain World Mediation Centre in Valencia</li> <li>• Presenter - Caribbean Law Institute Centre, Barbados</li> <li>• Visit to District Courts Mediation Centres in Brooklyn and Manhattan, USA</li> <li>• Keynote Speaker - Dispute Resolution Association, Arbitration Training in Saint Lucia</li> </ul>
<b>Francis Compton, Regional Mediation Co-ordinator</b>	<ul style="list-style-type: none"> <li>• Attended a 2-day Mediation Symposium, Jamaica</li> <li>• Attended Dispute Resolution Association, Arbitration Training in Saint Lucia</li> <li>• Attended Restorative Practices Workshop held in Tobago, funded by IMPACT Project</li> </ul>
<b>Francis Compton, Regional Mediation Co-ordinator - ECSC</b>	<ul style="list-style-type: none"> <li>• Conducted 2-Day Training Workshop for Mediation Co-ordinators and Judicial Staff of the Barbados Supreme Court funded by IMPACT</li> </ul>
<b>Lenore St. Croix, Office Manager - ECSC</b>	

## Mediation Data Collection

Work has continued on a project which commenced in 2013 for improving data collection and reporting. The project activities include the identification of the modifications which will be required to be made to the JEMS case management system, documenting the mediation process from the time of referral to the conclusion of the mediation, and identification of reports which would be required for the mediation activities. This project will continue into the next year and it is anticipated that once completed it will facilitate the easy compilation of statistical data on the work of the various Member States and Territories in the area of Mediation.



# Judicial Education

## Chapter 9:

---

Joint Symposium of the OECS Bar Association and the JEI

Judge's Retreat

Fourth High Level on the Role of the Judiciary in International Commercial  
Arbitration

Judicial Education Session for JURIST Grenada Pilot Project

In the last financial year which ran from July 2014 to June 2015, the JEI held four training activities. Similar to the previous year the JEI was unable to fully carry out its full mandate due to the limited availability of funds.

#### Joint Symposium of the OECS Bar Association and the JEI

On September 13, 2014 the joint symposium of the Judicial Education Institute (JEI) and the OECS Bar Association was held in Anguilla at the CeBlue Villas & Beach Resort. The Symposium focused on Family Law (Marriage Agreements and Trusts) and Law of Evidence. The facilitators were Mrs. Karen Nunez-Tesherira, Senior Lecturer at the University of the West Indies, Cave Hill Campus, Barbados and His Lordship, the Hon. C. Dennis Morrison, Justice of Appeal from Jamaica and Belize respectively. The presentations were very well received by all. The JEI fully funded the participation of Justice of Appeal Morrison and the Chairperson of the JEI, Hon. Justice Louise Blenman to participate in the symposium. In addition, the JEI covered the development and printing of the programs and funded half of the cost of the Coffee break.

#### Judge's Retreat

The Judges' Retreat was held on Wednesday July 30th, to Friday August 1st, 2014 at the CuisinArt Beach Resort and Spa in Anguilla. This is the first time that the ECSC has held a retreat for the judges. The retreat was fully funded by the ECSC with a small contribution coming from the Government of the Territory of the Virgin Islands. The retreat provided an opportunity for the judges of the ECSC to share experiences and to discuss the many challenges that they face in today's increasing litigious world. A great emphasis was placed on the health and well-being of the judicial officers and included topics such as Methodologies of Managing Stress. Other topics presented at the retreat included Time Management, The New Face of Money Laundering, Judicial Productivity and Digital Technology training. The facilitators included, Sir Charles Micheal Dennis Byron, President of the CCJ, Dame Janice Pereira, DBE, Chief Justice of the ECSC, Justice Albert Redhead, Ms. Cerone Prevat, and Mr. Jeffrey Robinson. The Judges were very appreciative of the retreat and welcomed the opportunity to relax from the just completed law year.

#### Fourth High Level Meeting on the Role of the Judiciary in International Commercial Arbitration

The Secretariat for Legal Affairs of the Organization of American States (OAS) and the Judicial Education Institute (JEI) of the Eastern Caribbean Supreme Court (ECSC) co-hosted the Fourth High Level Meeting on the 'Role of the Judiciary in International Commercial Arbitration'. The High Level Meeting was held at the Bay Gardens Beach Resort & Spa on October 23rd and 24th, 2014.

The meeting brought together high-level judges from different English-speaking Caribbean countries and Latin American Countries to analyze and discuss, along with the participation of national and international experts, the role of national judiciaries in international commercial arbitration under the New York and Panama Conventions on the recognition and enforcement of arbitral awards, the Model Law of the United Nations Commission on International Trade Law (UNCITRAL), and other binding legal documents.

The facilitators of the High Level Meeting were extremely versed in the field of Commercial Arbitration. These leading experts hailed from Europe, Africa, North America, Latin America, and the Caribbean. The meeting was fully funded by the OAS with a small contribution coming from the ECSC.

The meeting was fully funded by the OAS with a small contribution coming from the ECSC.

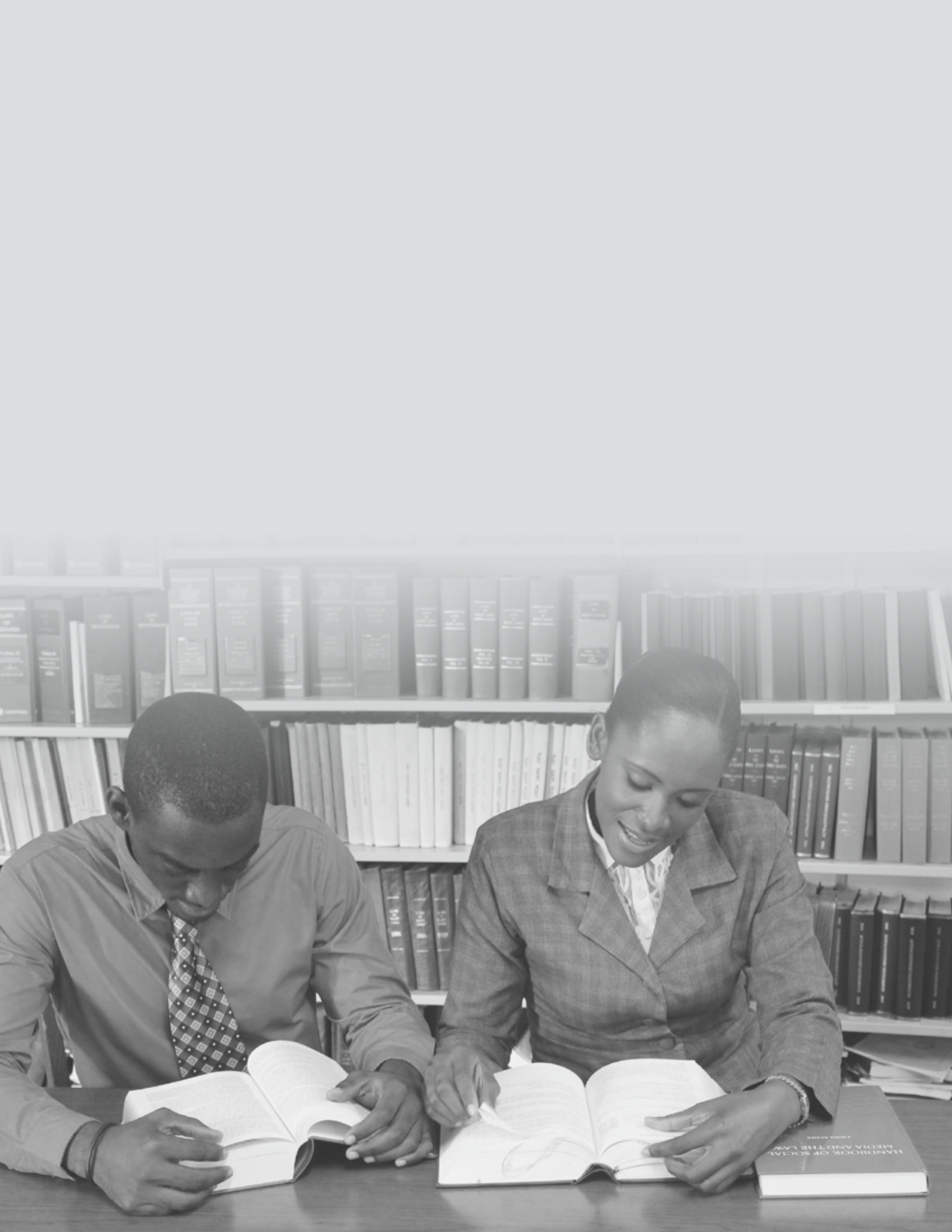
#### Judicial Education Session for JURIST Grenada Pilot Project

The Eastern Caribbean Supreme Court (ECSC) collaborated with the Government of Grenada and the Judicial Reform and Institutional Strengthening (JURIST) Project to embark upon a delay and backlog reduction activity for the Supreme Court of Grenada. The overall aim of the JURIST Project is to improve the delivery of judicial services of CARICOM Independent Sovereign States and Associated Member States.

The Project is being funded by the Canadian Department of Foreign Affairs, Trade and Development (DFATD) with the Caribbean Court of Justice (CCJ) assigned as the implementing agency.

The project commenced in Grenada with a special training session for judges of the ECSC as well as other legal practitioners who will be assisting the Court in the capacity of Acting Judges. The training programme was developed by the Commonwealth Judicial Education Institute (CJEI) which is based in Halifax, Canada together with the Judicial Education Institute of the ECSC and the President and Judges of the CCJ.

It is estimated that the entire activity in Grenada will cost approximately EC \$ 1 million which includes counterpart funding from the Government of Grenada and the ECSC.



# Legal Internship Programme

## Chapter 10:

---

Ms. Danielia Chambers

Mr. Jeville John

The Court welcomed two legal interns as part of the annual legal internship programme in June 2015. This year, interviews for the positions were conducted in February 2014 by Her Ladyship, the Honourable Justice Gertel Thom, Justice of Appeal, via Skype. Several applications were received from students from the three law schools in the Caribbean. At the end of the interviews, two students were selected from a crop of students who all gave a good account of themselves.

Ms. Danielia Chambers, a Jamaican national and Mr. Jeville John, a Vincentian national, first year law students at the Norman Manley Law Schools and Hugh Wooding Law Schools respectively, joined the Court's Headquarters to participate in the internship programme which runs for a period of ten (10) weeks from 8th June to 14th August 2015.

The Court continues to partner with the law schools in the Caribbean to offer placements for two students into its legal internship programme which is an essential part of the Court's calendar of activities. This programme provides opportunities to law students to become familiar with the inner machinery of the ECSC. The legal interns engage in a variety of work activities, for example, vetting of judgments, drafting of judgments and conducting legal research, among others. Over the years, all the interns who have participated in the programme have lauded it as a success and spoke very highly of their stint at the Court.



### Ms. Danielia Chambers

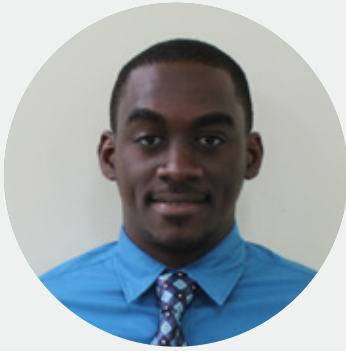
My name is Danielia Chambers and I am Jamaican. I was very excited when I heard that I will be a part of the internship programme at the Eastern Caribbean Supreme Court. The thought of being in a new country and learning the law from a different perspective was elating. However, knowing that I would be in a country where I have no family made things bitter-sweet. That bitter part, however, was soon vanquished when I was introduced to the family working at the Court of Appeal. Their warmth, which was intransigent, was amazing, and in no time I found comfort and felt as though I belonged. I believe a good working environment is paramount to having a productive work life, and that has been more than adequately provided at the Court of Appeal. I have also found that the judges are rather very amicable and approachable.

Incidentally, the experience I have received is inexplicable. I have always been interested in learning about the judicial aspect of the law. Therefore, being given the opportunity to gain hands-on experience in producing judgments was a thrilling experience. I have been exposed to preparation of Bench Memoranda, Headnoting and Proofreading judgments, doing research for judges, attending a court hearing, case management conferences via video and teleconferencing, and my personal favourite, drafting judgments. Drafting a judgment became my personal favourite not solely because I have aspirations for the bench, but also because I appreciate the complexity it encompasses. I have always taken a liking towards engagements that require a substantial amount of critical thinking. From summarizing submissions to analysing cases on the relevant subject matter of the appeal, my thought process has been greatly challenged and widened. I am also very grateful to the Judicial Research Assistants who have been quite instrumental to my development with their indelible guidance.

The experience, however, was not only legally based. Fortunately, the Court decided to keep their Fun Sports Day during the internship period. I took part in almost every sport that was female based but only copped one bronze medal. Nonetheless, I am pleased, because I am very much not athletic. It was a great experience for me because I have not taken part in sports activities in years nor have I won any form of medal. I also appreciated the health week that the Court had. Though it was for the males, females were able to benefit from the forums, the smoothies and the check-up. The Court has taken a holistic interest in their employees and that is quite impressive and applaudable.

I have made life-long friends who had taken the time to give me a tour, in various forms, of the beautiful island of St. Lucia, which added to my rich experience on the programme. Not only have I gained legal experience, but I have experienced another Caribbean islands' culture. This is the beauty of the Eastern Caribbean Supreme Court Legal Internship Programme.

I am grateful that this programme exists and honoured to have been chosen to be a part of it. I hope it will continue perpetually so that young legal minds can continue to benefit from the wealth of knowledge to be gained. Overall, I have had a tremendous experience interning at the Eastern Caribbean Supreme Court.



### Mr. Jeville John

As I strolled through the corridors of the Hugh Wooding Law School, my eyes glimpsed a notice regarding the Eastern Caribbean Supreme Court Legal Internship Programme. After reading the notice I immediately knew I had to apply. The lure of going to another country, one which I had never visited before as well as the opportunity to meet the Honourable Dame Janice M. Pereira Chief Justice and other Justices of Appeal intrigued me. The idea of working at one of the most important institutions in the Eastern Caribbean was not one I could ignore.

I am delighted I got the opportunity to do my internship with the Court. I must say it has been a wonderful experience. The warmth and genuine support of all the staff has been ever present from the first day I was picked up at the airport. Each day I am greeted with smiles, lovely greetings and the sense that they are happy to have me here at the Court. This made my transition very easy. My initial expectation that the Court was a strict environment with rigid rules and stern work force was dispelled by the way that everyone interacted with me in a professional but courteous manner. Even the judges were nice, funny and encouraging, which was not what I expected. I was lucky enough to be at the Court for their annual Sports day and that was very enjoyable. Everyone knew how to have clean fun while being able to complete the numerous tasks they had each day on the job. I soon realized that the Court was a 'family'.

During my time at the Court, I gained valuable experience which I certainly would not have acquired at a law firm back in St. Vincent. I now better understand how the judicial process of the Court works. I was given various tasks each week which included preparing bench memoranda, which is a summary of the factual and legal background of the appeal, the grounds of appeal and the submissions from the appellant and defendant. Other tasks included vetting and preparing judgments, head noting and conducting legal research on various legal points for the Justices of Appeal. I attended case management sessions with the Chief

Registrar and a full two-day Court of Appeal sitting in Saint Lucia. I had the opportunity to see how the proceedings were carried out and also to observe the presentations by the four Queens Counsel who appeared in the matter. I was able to note their professionalism, and lack of to some extent, which afforded me the knowledge of how to act and how not to act. It was a great experience.

The most exciting but yet challenging task of my internship was drafting a judgment for the Honourable Mr. Davidson Baptiste, Justice of Appeal. This task was in fact difficult but rewarding. I felt a great sense of pride and accomplishment having written a judgment of my own based on an appeal. I was pleased to have completed a task of a Justice of Appeal, something certainly the majority of interns elsewhere would not have had an opportunity to do. The experience enhanced my ability to reason and exposed me to much of the case law which would be important when I start to practice. My knowledge of the law had improved.

My interest in the judicial aspect of the legal field has increased tenfold. My skills of identifying legal issues, researching, and writing has improved as my time at the Court continued. I was able to appreciate the importance of written advocacy and I know now it is an integral aspect of the profession.

I must say a great thank you to the staff at the Court who made me feel a part of the Eastern Caribbean Supreme Court 'family'. I am extremely grateful to have met such amazing people and I am sure that I have made great friends and will have wonderful memories. I tried to immerse myself in the local "Lucian" culture and they helped. I learned a few patois words and I was taken to various attractions and events which made the entire experience at the Court one I would never forget.

The Eastern Caribbean Supreme Court legal internship is a wonderful experience that I would recommend to any aspiring lawyer. It opens up your mind to a different side of the law which students are not exposed to. It creates friendships and opportunities that would not be gained elsewhere. Thus I must thank the Honourable Chief Justice, Justices of Appeal, Chief Registrar, Executive Legal Assistant to the Chief Justice, the Judicial Research Assistants, The Court Administrator and all the staff at the Court who made my time here a rewarding experience. The experience exceeded all expectations and made my time spent in Saint Lucia at the Court, with its warm and superb staff, one I would forever cherish. Thank you for being so kind, caring and accommodating. I hope one day I can return and meet you again.

# Appellate Jurisdiction - Caseflow Management

## Chapter 11:

---

Workload

Court Activities

Delivery of Judgments

Highlights

E-Filing Pilot Project

## Introduction

The Registry of the Court of Appeal, during the last year, continued its main function of ensuring the efficient management of appeal matters from decisions of the Magistrates' Courts and High Courts in the nine Member States and Territories. The Registry also managed and processed appeals from decisions of the Labour Tribunals in Montserrat and Antigua and Barbuda.

## Workload

The number of appeals filed in 2014 decreased by 40 over the number of appeals filed and recorded for 2013. The number of criminal appeals filed (228) was lower than the number of civil appeals filed (272), unlike in 2013. The number of magisterial appeals filed continues to steadily increase. This increase is due to the training conducted with Magistrates' Courts' staff in the islands.

A detailed analysis of the caseload for 2014 can be found in the section on Court Performance.

## Court Activities

There were twenty-one (21) scheduled full court sittings for the year 2014. The Court scheduled an additional six (6) full court sittings during 2014 bringing the total number of full court sittings scheduled to twenty-seven (27). St. Kitts and Nevis, St. Vincent and the Grenadines, Grenada, Anguilla and the Territory of the Virgin Islands having three (3) sittings each, Antigua and Barbuda and Saint Lucia having four (4), while Dominica and Anguilla had two (2) sittings each. At the end of the year however only a total of twenty-six (26) full court sittings was actually held as the sitting of the Court scheduled for Grenada in February 2014 was vacated.

The five (5) additional sittings were scheduled as follows: one each for Anguilla, Antigua and Barbuda and Grenada and two for Saint Lucia.

The Court scheduled a total of ten (10) Chamber Hearings in 2014 for the purpose of dealing with interlocutory applications and for case management. The matters scheduled for consideration at Chamber Hearings continue to be dealt with on paper unless the Court directs otherwise. There continued to be an increase in the number of matters listed for Chamber Hearings and each of the lists on average contained over 30 matters.

The Court continues to utilize technology to assist in the dispensation of justice as much as possible. The use of videoconference and teleconference facilities continues to be an avenue which the Court uses to obviate the need for travel and as a cost effective measure in these continuing challenging financial times. Most of the matters listed for Chambers were dealt with on paper. Therefore the number of teleconferences and videoconferences was significantly reduced.

## Delivery of Judgments

The number of written judgments delivered by the Court in 2014 increased by nine (9). The total number of delivered judgments for 2014 was fifty-one (51) judgments. The judgments of the Court are published on the Court's website once they have been delivered unless the Court specifically orders that the judgment should not be. The digests can also be found on the website and prove very useful to practitioners especially where there are no written decisions.

The number of judgments delivered by country is as follows:

COUNTRY	NUMBER OF JUDGMENTS
Antigua and Barbuda	11
Territory of the Virgin Islands	18
St. Vincent and the Grenadines	1
Saint Lucia	7
Grenada	4
St. Kitts and Nevis	2
Anguilla	3
Commonwealth of Dominica	3
Montserrat	2

Of the fifty-one (51) judgments delivered, twenty-three (23) of them were delivered in relation to interlocutory appeals whilst five (5) were delivered as written reasons of oral judgment following the oral delivery of the decision in Court.

## Highlights

### Case Management

The Court continued to conduct case management of matters listed on the preliminary cause lists at least two weeks prior to a scheduled sitting. This allows for the weeding out of matters which are not ready to be heard and in which the parties agree to an adjournment due to

lack of readiness or some other reason. This exercise allows the Court to concentrate on hearing matters that are ripe for hearing and to structure the sitting and allot specific hearing days to each matter.

### E-Filing Pilot Project

In April 2014, the Court launched in the BVI a pilot project to facilitate the electronic filing of appeal documents from an identified group of lawyers' firms. The aim of this project is to provide a process for the electronic filing of documents in appeal matters. To this end, Practice Direction 4 (B) No. 1 of 2014 was published to provide the procedure for the e-filing of documents. The project has been in existence for just over a year and the Court has received several documents for e-filing. The Court will be assessing the project to determine whether it can be implemented in relation to all attorneys in the Territory of the Virgin Islands and in the other Member States and Territories.

## 2014: Significant Judgments Delivered: Case Summary

- **Hon. Gaston Browne v The Attorney General of Antigua and Barbuda (ANUHCVP2013/0028 delivered 28th April 2014)**

In 2010, Parliament, by ordinary legislation, amended the **Representation of the People Act (“principal Act”)** which amendment changed the qualifications for Commonwealth citizens to be eligible to vote in Antigua and Barbuda. Section 5 of the **Representation of the People (Amendment) Act 2010** (“amending Act 2010”) altered section 16 of the principal Act by increasing from 3 years to 7 years the residency qualification of a Commonwealth citizen before such citizen could be registered as an elector. Additionally, section 6 of the amending Act 2010 repealed and replaced section 18 of the principal Act by prescribing a period within which persons who now qualify under the amended section 16 are to apply for registration as an elector. The Electoral Commission (“the Commission”) conducted a registration exercise in light of the new qualification for Commonwealth citizens.

The appellant challenged the constitutionality of the amending Act 2010 and posited that the re-registration process had retrospective effect and that this infringed section 40(3) of the **Antigua and Barbuda Constitution Order 1981** (“the Constitution”) and section 19 of the principal Act. The appellant alleged that during the registration process the Supervisor of Elections was illegally stripped of her duties as the Chief Registration Officer. This rendered the re-registration process null and void. Further, the Chairman of the Commission was actuated with bias and this bias infected the Commission and its subsequent functions.

The learned trial judge disagreed with the appellant’s allegations and claims and found that Parliament had the authority to legislate from time to time with respect to the qualifications for Commonwealth citizens. The amending Act 2010 did not violate or infringe any provisions within the Constitution. The judge found that the legislation prescribes the needed qualifications which are required at the time the right to vote is to be exercised. The learned judge could not identify any specific function of the Supervisor of Elections that was usurped. In addition, the learned judge found that there was no evidence of bias.

The appellant appealed contending that (1) the amending Act 2010 was in direct contravention of the entrenched right to vote in the Constitution; (2) in the event that Parliament had the authority to lawfully prescribe such qualifications evidence of the legitimate aim pursued by this prescription ought to have been adduced; (3) the application of the amending Act 2010 violated the principle against retrospectivity and the rights of those persons already registered to vote; (4) the compulsory re-registration process violated the Constitution; (5) the learned trial judge failed to consider the cumulative effect of all the evidence in relation to the issue of bias; and (6) the Supervisor of Elections was declared by Henry J in Claim No. ANUHCV2012/164 delivered on 6th November 2013 to have been stripped of all powers as Chief Registration Officer. This rendered the re-registration process illegal as the Supervisor of Elections was not involved in the process.

The Court dismissed the appeal. The Court held that the scope of section 40 of the Constitution identifies the parameters within which a person becomes entitled to vote. It recognises that the right to vote is made subject to inter alia a person’s registration as a voter.

Apart from being a Commonwealth citizen having attained the age of 18 years and having not been disqualified to vote, a person must possess such qualifications relating to residence or domicile in Antigua and Barbuda as Parliament may prescribe to be entitled to register as a voter. The words “may prescribe” specifically mentioned in section 40(2) of the Constitution gives to Parliament the power to legislate from time to time and as it sees fit in respect of the qualifications relating to residence or domicile for registration of any person as a voter. The section clearly reserves to Parliament the power to pass ordinary laws in relation to the specified qualifications. Thus, it must be presumed that the framers of the Constitution intended that Parliament retain such power. In that regard, Parliament having made an amendment to the principal Act was not infringing section 40 or any other provision of the Constitution. Parliament purported to act within the powers directly conferred on it by the Constitution, particularly section 40(2).

The Court also held that the right to vote, though it is a constitutional right, is not a fundamental right so that there was no requirement for the State to show that the amendment was justifiably required in a democratic society. On the issue of whether the Act was to operate retrospectively, the Court held that there is a common law presumption that a statute is not intended to operate retrospectively. The presumption can be rebutted if it clearly appears that it was the intention of Parliament to produce the result in question. The words contained in the amendment to the Act in no way suggest that it was the intention of Parliament for the Act to operate retroactively or retrospectively. The entitlement to vote belongs to a person entitled to be registered. Parliament, exercising powers sanctioned by the Constitution, amended the law.

The fact that the law is amended from time to time does not mean that those who were entitled to vote before the amendment and not entitled after the amendment could succeed in arguing that the amendment has retroactive effect. The amending Act 2010 unmistakably affected or altered existing rights prospectively.

The Court said that section 40 of the Constitution does not confer on a person an entitlement to be registered for the purpose of voting ad infinitum or in perpetuity. The entitlement to vote is restricted to every person who is registered as a voter. With respect to the residency qualifications, Parliament reserves the right to alter such qualifications as it sees fit and from time to time. The amending Act 2010 altered the residency qualifications from 3 years to 7 years. That is the law which Parliament has prescribed and which law is currently in force. To be entitled to be registered to vote, every Commonwealth citizen must satisfy the 7 year requirement. It follows that persons who do not fall within the new residency criteria are not entitled to be registered to vote. A re-registration process is but one method of ensuring that all persons registered to vote are so entitled based on the new residency criteria and so as to ensure that the register of electors are properly maintained at all times. Persons who were previously registered but now do not meet the new qualifications that Parliament lawfully prescribed cannot rightfully assert the right to remain registered. They have become “disqualified for registration” by virtue of the amendment to the Act, and therefore disqualified under the principal Act.

The Court said that it could not be the intention of Parliament that if the wrong person is appointed Chief Registration Officer the registration process is void.

- **Che Gregory Spencer v The Director of Public Prosecutions (SVGHCRAP2013/0013A delivered 10th February 2014)**

The appellant was convicted for the murder of the deceased, Jason Marsham, and sentenced to 18 years imprisonment. The prosecution's case was based on the evidence of three eye-witnesses who all gave testimony to the effect that the appellant deliberately shot the deceased twice; firstly a grazing shot to the head and then the fatal shot to the chest. The appellant's version was that the deceased threw bottles at him, advanced towards him and began throwing punches. They started to wrestle. The deceased's girlfriend then brought a gun to the deceased. Both the appellant and the deceased held onto the gun. In wrestling for the gun the appellant got struck in the mouth and the gun discharged in rapid succession striking the deceased. The issues of self-defence, provocation and accident arose from the defence's version of what transpired.

The jury accepted the prosecution's version of the events and found the appellant guilty. He appealed against his conviction on the grounds that the learned trial judge erred in failing to properly direct the jury on the issues of (1) self-defence; (2) provocation; and (3) accident.

The Court allowed the appeal and ordered a retrial and held that an important direction that a judge must give to a jury in appropriate cases is that an intention to kill is not inconsistent with the establishment of the plea, not only of self-defence but also of provocation. But that does not necessarily mean that the direction should be in such terms as there are no prescribed words which must be employed in or adopted in a summing up.

In the present case, it was clear that the learned trial judge did not specifically say to the jury that an intention to kill was not inconsistent with self-defence. However, the Court was satisfied that it was effectively conveyed to the

jurors in clear and unequivocal terms that even if there was an intention to kill once the appellant was acting in lawful self-defence he ought to be found not guilty. There is no need to seek to restrict the form of words that a trial judge should use in giving directions on self-defence and the intention to kill or cause grievous bodily harm. It is within a trial judge's discretion how he approaches his summation.

The Court further held that it was proper and indeed necessary for a trial judge to tell a jury that murder is not established unless an intent to kill or to cause grievous bodily harm is proved, but the converse proposition, namely, that the accused is guilty of murder if such an intention is proved is not correct. For where the intention to kill or to cause grievous bodily harm results not from premeditation but solely from the loss of self-control induced by provocation the accused is guilty not of murder but of manslaughter. The learned trial judge failed to direct the jury that a plea of provocation may still arise even if the appellant had formed an intention to kill or inflict grievous bodily harm, with this intention arising from sudden passion induced by the provocation. Further, in his definition of provocation to the jury, the learned trial judge included the phrase "for the moment not master of his mind". This was a gross misdirection. This would have effectively conveyed to the jury that the appellant would not have been able to form the necessary intention to kill or cause grievous bodily harm. On the evidence presented the jury may have easily found that the appellant had formed an intention to kill. As a result, the appellant might have been deprived of a verdict of not guilty of murder but guilty of manslaughter.

The learned trial judge did not give a clear exposition of the concept of accident. He failed to give a specific direction on the burden of proof paying particular regard to the issue of accident. He ought to have made it clear to the jury that it was not for the appellant to prove that the happenings resulting in the death of the deceased were an accident. In addition, he failed to specifically direct the jury that it

was for the prosecution to negative accident so as to make them feel sure beyond all reasonable doubt that it was not an accident and was a willful act. There was therefore a miscarriage of justice and this ground of appeal succeeded.

- **Vendort Traders Inc. v Evrostroy Grupp LLC (BVIHCVAP2012/0041 delivered 26th May 2014)**

Pursuant to a share and sale purchase agreement (“SPA”) the appellant agreed to buy from the respondent 834,693 shares (the “ISKOG Shares”) in a Russian company known as ISKOG JSC (“ISKOG”) for a total purchase price of RUR44,672,769.36. In that respect, the appellant paid the sum of RUR 15,183,713 to the respondent and on 24th July 2006, the respondent transferred all 834,693 ISKOG Shares to the appellant. The balance of RUR29,489,056.36 remained outstanding. The SPA was governed by English law and contained an arbitration clause in the event of a dispute.

In 2009, the management of the respondent changed. The then owner of the company, Ms. Elena Smirnova, sought to enforce the debt due under the SPA by making a demand for payment in October 2009 and when this was unsatisfied, commenced arbitration proceedings before the London Court of International Arbitration (“LCIA”) in December 2009. Both parties submitted to the jurisdiction of the arbitration tribunal and participated fully in the proceedings. After a contested hearing in which they were both represented by legal counsel, the arbitrator made an award on 1st November 2011 (“the Award”) in which the respondent was entitled to the sum of RUR29,489,056.36 plus interest of 4,467,276.94, arbitration costs of GBP30,973.24 and legal costs of RUR4,397,135.27, GBP35,925.93 and US3,474.15 (together the “Debt”) which sums became immediately due and payable upon the Award being made. Demand for payment was made by the respondent by letter on 17th January 2012 couriered to the appellant’s registered office. No response was ever received to this demand as a consequence of which the respondent issued the statutory demand.

In the court below, the appellant tried unsuccessfully to set aside the statutory demand under section 157(1)(a) (i) of the Insolvency Act, 2003. It appealed the decision of the learned trial judge on grounds that there was no debt owing because the Award had not been enforced in the BVI and an unenforceable award could not form the basis of the statutory demand; there was a substantial dispute as to whether the Award was enforceable in the BVI because the Award was either procured by fraud or its enforcement was part of a fraudulent scheme to divest

it of its assets; and that the learned judge erred in holding that it had accepted that the Award created an estoppel between it and the respondent.

The Court dismissed the appeal. The Court held (1) it is not necessary for an arbitration award to be first enforced before a statutory demand can be presented in reliance on it. Further, there is no statutory provision or common law principle obtaining in the Virgin Islands which prohibits an award holder from serving a statutory demand or a winding up petition based on an unenforced foreign arbitration award or judgment. Section 28 of the **Arbitration Act** merely sets out the procedure for enforcing a non-Convention arbitration award and cannot be read as compelling the award holder to enforce the award before relying on it for the purpose of serving a statutory demand or presenting a winding up petition.

For a court to set aside a statutory demand on the basis that there is a substantial dispute as to the validity of the debt there must be so much doubt and question about the liability to pay the debt that the Court sees that there is a question to be decided. The allegations of fraud and misconduct had no bearing on the issue which was before the arbitral tribunal, that is, whether the balance of the purchase price was due. Further, the allegation of fraud complained of by the appellant occurred in 2007, long after the obligation to pay the debt under the SPA had become due. The appellant’s obligation to pay the entire purchase price under the SPA was unaffected by any fraudulent actions which took place after the debt became owing and due under the SPA. In the absence of any fresh evidence of a variation of the SPA, there is no substantial dispute that the Debt is owing and due or that this Award should be enforced.

The Court further held there could be no challenge to the process or to the rendering of the Award itself, the appellant having been given full opportunity to participate therein. The learned judge was correct in acknowledging that the appellant was estopped save in exceptional circumstances, from re-litigating the issues which had already been decided by an arbitral tribunal of competent jurisdiction.

The Court stated that the respondent had an arbitration award which was valid and binding having been issued by a tribunal of competent authority to whose jurisdiction both parties had submitted and which award had not been set aside or even attempted to be set aside. The Award was a liability which was present, due and enforceable within the meaning of section 10(3) of the **Insolvency Act, 2003**.



# Court Performance

## Chapter 12:

---

Synopsis

Section 1 | Court of Appeal

Section 2 | High Courts

Section 3 | Magistrates Courts

Section 4 | Family Courts

## Synopsis

This Report examines case statistics for the Court of Appeal, High Courts, Magistrates Courts and Family Courts within the OECS. The data provided is mainly for the year 2014 however, in some instances, 2013 data is given for comparative purposes.

The following aspects are highlighted:

- There were 535 appeals filed during 2014. Civil Appeals were more dominant in the High Courts while there were more Criminal Appeals filed in the Magistrates Courts. There were 51 written judgments compared to 786 oral decisions. A total of 1147 matters were heard by the Court of Appeal during 2014.
- The High Courts registered an increase in the overall clearance rate from 48.22% in 2013 to 63.85% in 2014. Filed cases decreased by 5.41% while disposed cases increased by 25.24%. Civil cases were the most predominant case type. Chamber Hearings and Case Management Conferences were the most frequent events.
- Criminal cases formed the bulk of cases in the Magistrates Courts. Between 2013 and 2014, the overall clearance rate increased from 79.57% to 87.51% while filed cases and disposed cases decreased by 12.04% and 3.26% respectively.
- The overall clearance rate of cases for the St. Vincent and the Grenadines Family Court fell slightly from 87.99% to 87.06%. The majority of both filed and disposed cases were Arrears followed by Maintenance cases.
- The Saint Lucia Family Court recorded an overall clearance rate of 104.07% in 2014. 46.93% and 56.15% of total filed and disposed cases respectively were Warrants cases. Collectively, cases pertaining to Warrants, Affiliation, Separation and Maintenance as well as Domestic Violence, accounted for over 90% of both filed and disposed cases.

The Statistician thanks the Registrars, Magistrates, Directors of the Family Courts, JEMS users and other

personnel within the Courts for assisting with the verification of data obtained from JEMS.

Data within this Report are rounded to two decimal places and are subject to slight round off error; the data remain valid.

## Section 1 | Court of Appeal

A total of 535 appeals were filed in the High Courts and Magistrates Courts in 2014:

- 218 High Court Civil Appeals
- 74 High Court Criminal Appeals
- 33 High Court Commercial Appeals
- 2 Industrial Court/Labor Tribunal Appeals
- 54 Magisterial Civil Appeals
- 154 Magisterial Criminal Appeals

The following three paragraphs refer to Table 1 (a) which shows the numbers of filed Appeals by Court and Case Type, 2014 and 2013: The overall number of Appeals filed in the High Courts and Magistrates Courts decreased by 6.96%. The High Courts recorded the majority share of filed appeals in both 2014 and 2013 (61.12% and 53.04%).

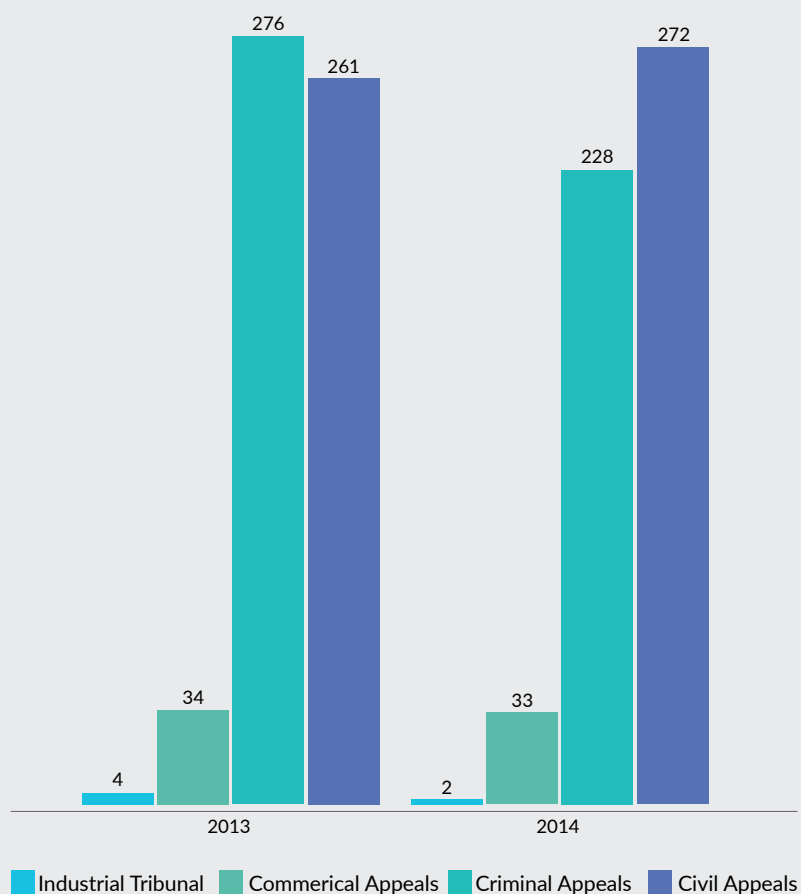
In 2014, the 33 Commercial Appeals were filed in the High Court of the Territory of the Virgin Islands while the 2 Industrial Court/Labor Tribunal Appeals were filed in the High Court in Antigua and Barbuda. Commercial Appeals declined marginally by 2.94% while the minimal Industrial Tribunal Appeals decreased by half or 50%.

Total Civil Appeals increased slightly by 4.21% while Criminal Appeals dropped by 17.39%. In 2014 there were more Civil Appeals than Criminal Appeals (272 compared to 228) whereas in 2013 there were more Criminal Appeals than Civil Appeals (276 and 261 respectively). In both 2014 and 2013, Civil Appeals were more frequent in the High Courts whereas Criminal Appeals were more prevalent in the Magistrates Courts.

Table 1 (a) Comparison between Total Appeals Filed in 2014 and 2013

TYPE OF APPEAL	2014			2013		
	High Court	Magistrates Court	Total	High Court	Magistrates Court	Total
Civil Appeals	218	54	272	188	73	261
Criminal Appeals	74	154	228	79	197	276
Commercial Appeals	33	-	33	34	-	34
Industrial Tribunal	2	-	2	4	-	4
<b>Total</b>	<b>327</b>	<b>208</b>	<b>535</b>	<b>305</b>	<b>270</b>	<b>575</b>

Figure 1: Total Number of Appeals Filed by Case Type, 2014 and 2013



Tables 1(b) and 1(c) show comparisons between Civil and Criminal Appeals only. The numbers of Civil Appeals filed in the High Courts are given in Table 1(b). As previously stated, Civil Appeals were the dominant case type for Appeals filed in the High Courts; 74.66% and 70.41% of the totals in 2014 and 2013 respectively. The High Courts with relatively more Civil Appeals filed in both years were: Grenada, Antigua and Barbuda, Commonwealth of Dominica, St. Kitts and Nevis and Saint Lucia. Member States with relatively higher numbers of filed Criminal Appeals in 2014 were Grenada and Antigua and Barbuda whereas in 2013 this was true for St. Vincent and the Grenadines and St. Kitts and Nevis.

Table 1 (b) High Court Appeals Filed by Member State: 2014 and 2013

MEMBER STATES	2014		2013	
	Civil	Criminal	Civil	Criminal
Anguilla	11	0	12	1
Antigua and Barbuda	34	17	30	7
Commonwealth of Dominica	33	6	25	5
Grenada	41	20	37	4
Montserrat	6	4	5	6
St. Kitts and Nevis	37	5	27	15
Saint Lucia	29	6	33	2
St. Vincent and the Grenadines	19	10	11	28
Territory of the Virgin Islands	8	6	8	11
<b>Total</b>	<b>218</b>	<b>74</b>	<b>188</b>	<b>79</b>

There were notable decreases in both total Civil and Criminal Appeals (26.03% and 21.83% respectively) in the Magistrates Courts. The Magistrates Court in St. Kitts and Nevis stood out with relatively high filings of both Civil and Criminal Appeals; this was also observed for St. Vincent and the Grenadines with the exception of the minimal 9 Civil Appeals filed in 2013.

Table 1 (c) Magistrates Court Appeals Filed by Member State: 2014 and 2013

MEMBER STATES	2014		2013	
	Civil	Criminal	Civil	Criminal
Anguilla	0	0	1	1
Antigua and Barbuda	1	2	4	7
Commonwealth of Dominica	8	12	14	42
Grenada	5	9	3	4
Montserrat	6	5	2	4
St. Kitts and Nevis	15	23	34	35
Saint Lucia	0	16	2	26
St. Vincent and the Grenadines	17	64	9	60
Territory of the Virgin Islands	2	23	4	18
<b>Total</b>	<b>54</b>	<b>154</b>	<b>73</b>	<b>197</b>

Information on written judgments is given in Tables 1 (d) and 1 (e). Table 1(d) shows an increase of nine (9) or 21.43% in total written judgments delivered. Table 1(e) indicates that the total number of both full court judgments and interlocutory judgments increased.

**Table 1 (d) Written Judgments Delivered by the Court of Appeal by Member State: 2014 and 2013**

Written Judgments Delivered (full court and single)				
MEMBER STATES	2014 Total	2014 %	2013 Total	2013 %
Anguilla	3	5.88	3	7.14
Antigua and Barbuda	11	21.57	7	16.67
Commonwealth of Dominica	3	5.88	2	4.76
Grenada	4	7.84	3	7.14
Montserrat	2	3.92	1	2.38
St. Kitts and Nevis	2	3.92	2	4.76
Saint Lucia	7	13.73	10	23.81
St. Vincent and the Grenadines	1	1.96	1	2.38
Territory of the Virgin Islands	18	35.29	13	30.95
<b>Total</b>	<b>51</b>	<b>100</b>	<b>42</b>	<b>100</b>

**Table 1 (e) Written Judgments Delivered by the Court of Appeal, Full Court and Interlocutory 2014 and 2013**

YEAR	2014	2013
Full Court	28	26
Single/Interlocutory	23	16
<b>Total</b>	<b>51</b>	<b>42</b>

Table 1 (f) shows that the Court gave oral decisions for the majority of appeal matters in 2014 (786 oral decisions) highlighting the continued movement towards the delivery of more oral judgments compared to written judgments. The number of oral decisions increased slightly by 5.79% from 2013 to 2014.

**Table 1 (f) Oral Decisions Delivered by the Court of Appeal: 2014 and 2013**

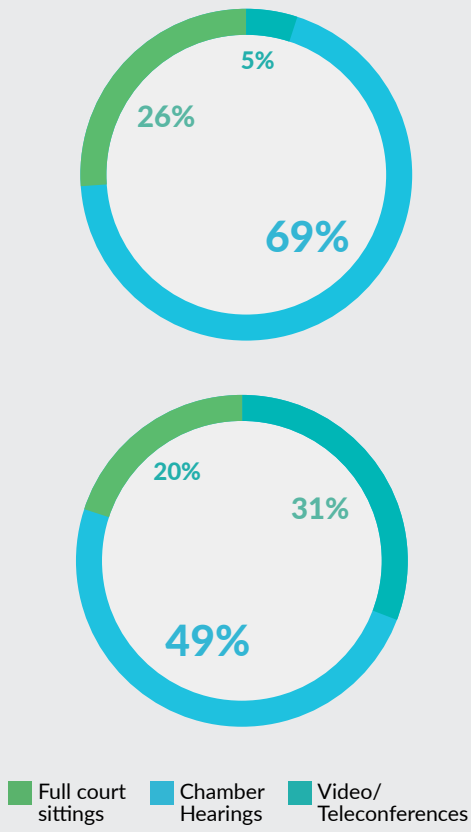
YEAR	2014	2013
<u>Number of oral decisions</u>	<u>786</u>	<u>743</u>

Data in Table 1(g) reveal that full court sitting events accounted for most of the activities of the Court of Appeal in 2014 and 2013 (69.23% and 48.98% of total activities respectively). There were also some Chamber Hearings and Video/teleconferences. The numbers of Video/Teleconferences decreased significantly from 15 in 2013 to 2 in 2014; this is because more of the Chamber matters which existed in 2014 were dealt with on paper rather than orally.

**Table 1 (g) Activities of the Court of Appeal: 2014 and 2013**

ACTIVITY	Total Jan - Dec 2014	Percentage of total activities (%)	Total Jan - Dec 2013	Percentage of total activities (%)
Full Court Sitzings	27	69.23	24	48.98
Chamber Hearings	10	25.64	10	20.41
Video/teleconferences	2	5.13	15	30.61
<b>Total</b>	<b>39</b>	<b>100.00</b>	<b>49</b>	<b>100.00</b>

**Figure 2: Percentage Share of Activities of the Court of Appeal, 2014 and 2013**



The numbers of matters managed during Chamber Hearings and Video/teleconferences are given in Table 1(h). Over 300 matters were dealt with during the 10 Chamber Hearings in 2014.

**Table 1 (h) Matters dealt with during Chamber Hearings, Video Conferences and Teleconferences: 2014 and 2013**

YEAR	2014		2013	
	Total	No. of matters	Total	No. of matters
Chamber Hearings	10	301	10	273
Video/Tele Conferences	2	3	15	21

Table 1(i) shows that a total of 1,147 matters were heard by the Court of Appeal during 2014. As expected, the number of Appeals heard does not directly correlate with appeals filed since appeals filed from previous years could have been heard during 2014.

**Table 1 (i): Numbers of appeal matters heard during 2014**

Type of Matter	Matters heard
Applications/Motions	124
Judgments	22
High Court Criminal Appeals	84
High Court Civil Appeals	90
Magisterial Criminal Appeals	162
Magisterial Civil Appeals	61
High Court Commercial	14
Unspecified	5
<b>Status Hearing</b>	
High Court Criminal Appeals	24
High Court Civil Appeals	54
Magisterial Criminal Appeals	166
Magisterial Civil Appeals	20
Unspecified	20
<b>Chamber Hearings</b>	
All matters	301
<b>Total</b>	<b>1147</b>

## Section 2 | High Courts

Information on caseload and case-flow within the High Courts is presented in this section. Data were verified for all High Courts.

The numbers of filed and disposed cases as well as clearance rates (for the years 2013 and 2014) are shown in Table 2(a). There was a significant increase in the overall clearance rate from 48.22% in 2013 to 63.85% in 2014. Total filed cases decreased by 5.41% while disposed cases increased by 25.24% over the two-year period. In 2014, Antigua and Barbuda was the only Member State with a clearance rate above 100%. There were substantial increases in the clearance rates for Antigua and Barbuda and to some extent, the Commonwealth of Dominica. There was a notable decrease in the clearance rate of the Territory of the Virgin Islands.

Table 2 (a) Comparison of clearance rates in the High Courts: 2014 and 2013

TYPE OF APPEAL	2014			2013		
	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)
Anguilla	217	124	57.14	207	122	58.94
Antigua and Barbuda	1,361	1,682	123.59	1,548	328	21.19
Commonwealth of Dominica	677	235	34.71	563	65	11.55
Grenada	1,274	418	32.81	1,381	479	34.69
Montserrat	95	88	92.63	91	74	81.32
St. Kitts and Nevis	810	204	25.19	778	263	33.80
Saint Lucia	1,998	1,399	70.02	2,267	1,728	76.22
St. Vincent and the Grenadines	713	533	74.75	852	490	57.51
Territory of the Virgin Islands	868	433	49.88	784	536	68.37
<b>Total</b>	<b>8,013</b>	<b>5,116</b>	<b>63.85</b>	<b>8,471</b>	<b>4,085</b>	<b>48.22</b>

Figure 3: Clearance Rates of cases in High Courts, by Member State: 2014 and 2013

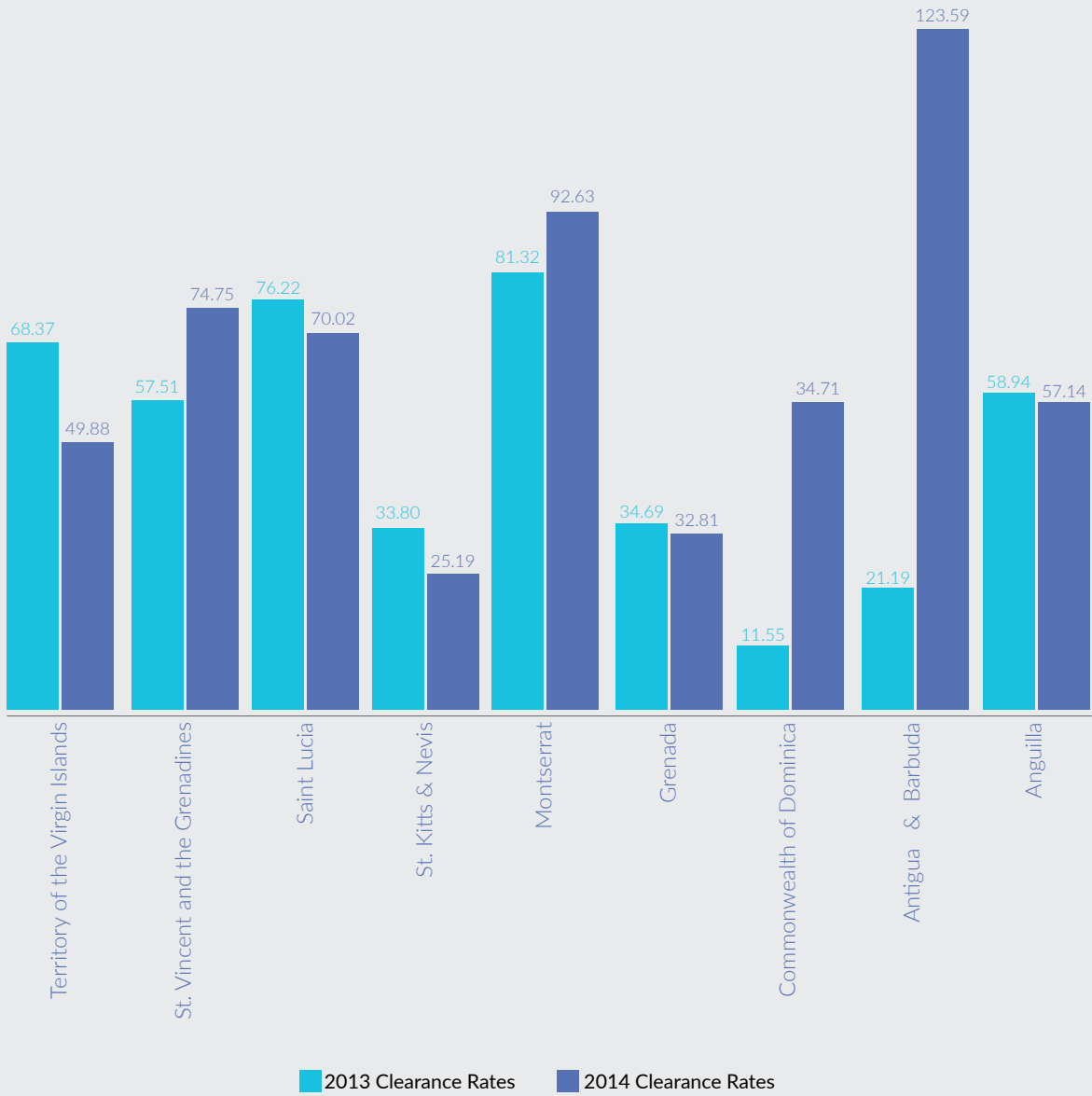


Table 2(b) shows the numbers of filed and disposed cases by major case type, in 2014. Civil cases were the most numerous cases accounting for over 40% of both filed and disposed cases. Probate cases made up over 20% of total filed and disposed cases while Matrimonial and Criminal cases each represented between 10% and 17% of these cases.

**Table 2 (b) Cases Filed and Disposed by Major Case Type in the High Courts: 2014**

Case Type	2014			
	Filed Cases	% of Total Filed Cases	Disposed Cases	% of Total Disposed Cases
Civil	3,901	48.68	2,114	41.32
Probate	1,814	22.64	1,393	27.23
Matrimonial	1,030	12.85	852	16.65
Criminal	867	10.82	555	10.85
Commercial	173	2.16	121	2.37
Adoption	137	1.71	50	0.98
Caveat	9	0.11	3	0.06
Disciplinary	4	0.05	0	0.00
Admiralty	15	0.19	7	0.14
Possessory Title	63	0.79	21	0.41
<b>Total</b>	<b>8,013</b>	<b>100.00</b>	<b>5,116</b>	<b>100.00</b>

Table 2(c) displays the numbers of filed cases by case type for each Member State in 2014. The following points are noted:

- Saint Lucia had the majority share of total filed cases (24.93%). Antigua and Barbuda, Grenada, the Territory of the Virgin Islands as well as St. Kitts and Nevis accounted for between 10% and 20% of total filed cases
- Civil cases were the most frequently filed cases as previously mentioned. The majority of Member States had high numbers of filed Civil cases but Saint Lucia recorded the highest percentage share of 24.73%
- Criminal cases which were filed in Saint Lucia accounted for 41.87% of total filed Criminal cases; Antigua and Barbuda as well as St. Vincent and the Grenadines each had between 16% and 18% of this caseload
- Grenada, Saint Lucia, St. Vincent and the Grenadines, Antigua and Barbuda in addition to St. Kitts and Nevis had the most filed Matrimonial cases
- About two thirds of total Probate cases were filed in Saint Lucia, Grenada and Antigua and Barbuda

Additionally, the 249 cases in the “other” category included 4 Disciplinary and 9 Caveat cases from Saint Lucia, 63 Possessory Title cases from St. Vincent and the Grenadines and 173 Commercial cases from the Territory of the Virgin Islands.

Table 2 (c) Cases Filed in the High Courts by Case Type and Member State: 2014

MEMBER STATES	2014							Country Total as a % of Total	
	Civil	Criminal	Matrimonial	Adoption	Probate	Admiralty	Other		Total
Anguilla	102	17	42	4	52			217	2.71
Antigua and Barbuda	674	139	169	16	362	1		1361	16.98
Commonwealth of Dominica	393	42	78	30	134			677	8.45
Grenada	569	86	195	18	401	5		1274	15.90
Montserrat	46	11	11		27			95	1.19
St. Kitts and Nevis	532	37	114	9	117	1		810	10.11
Saint Lucia	965	363	188	27	442		13	1998	24.93
St. Vincent and the Grenadines	253	148	145	24	77	3	63	713	8.90
Territory of the Virgin Islands	367	24	88	9	202	5	173	868	10.83
<b>Total</b>	<b>3,901</b>	<b>867</b>	<b>1,030</b>	<b>137</b>	<b>1,814</b>	<b>15</b>	<b>249</b>	<b>8,013</b>	<b>100.00</b>
<b>Case Type as a % of Total</b>	<b>48.68</b>	<b>10.82</b>	<b>12.85</b>	<b>1.71</b>	<b>22.64</b>	<b>0.19</b>	<b>3.11</b>	<b>100.00</b>	

Similar to filed cases, the bulk of disposed cases were Civil cases which accounted for 41.32% of total disposed cases. Antigua and Barbuda had the largest percentage share of total disposed cases (32.88%) followed by Saint Lucia (27.35%).

The following additional points are worth mentioning:

- Antigua and Barbuda recorded 32.50% of total disposed Civil cases
- Saint Lucia registered 56.40% of total disposed Criminal cases
- Antigua and Barbuda had the highest percentage share of total disposed Matrimonial cases (42.14%)
- The highest numbers of Probate cases were disposed in Antigua and Barbuda (37.04%) followed by Saint Lucia (31.23%)

Table 2 (d) Cases Disposed in the High Courts by Case Type and Member State: 2014

MEMBER STATES	2014								Country Total as a % of Total
	Civil	Criminal	Matrimonial	Adoption	Probate	Admiralty	Other	Total	
Anguilla	65	4	29	3	23			124	2.42
Antigua and Barbuda	687	115	359	5	516			1682	32.88
Commonwealth of Dominica	157	28	44	6				235	4.59
Grenada	75	37	133		172	1		418	8.17
Montserrat	38	10	13		27			88	1.72
St. Kitts and Nevis	136	20	4	5	39			204	3.99
Saint Lucia	459	313	174	14	435	1	3	1399	27.35
St. Vincent and the Grenadines	327	18	57	15	92	3	21	533	10.42
Territory of the Virgin Islands	170	10	39	2	89	2	121	433	8.46
<b>Total</b>	<b>2,114</b>	<b>555</b>	<b>852</b>	<b>50</b>	<b>1,393</b>	<b>7</b>	<b>145</b>	<b>5,116</b>	<b>100.00</b>
<b>Case Type as a % of Total</b>	<b>41.32</b>	<b>10.85</b>	<b>16.65</b>	<b>0.98</b>	<b>27.23</b>	<b>0.14</b>	<b>2.83</b>	<b>100.00</b>	

## Time to Disposition Reports for High Courts

Tables 2(e) and 2 (f) showcase the numbers of cases disposed in 2014 by Member State and the time taken in days for these cases to be disposed. It must be noted that the data are not consistent with the previous totals on disposed cases; whereas only data from JEMS were used in the time to disposition reports, some manual data were obtained for the other tables. Efforts will continue to reduce these inconsistencies.

Table 2(e) Average time to Disposition in days, High Courts

Time to disposition of all cases	Anguilla	Antigua and Barbuda	Comm. of Dominica	Grenada	Montserrat	St. Kitts	Nevis	Saint Lucia	St. Vincent and the Grenadines	Territory of the Virgin Islands
	Number of Cases									
<1	0	46	0	0	3	0	0	1	1	1
1 - 90	38	205	2	19	41	32	16	372	63	200
91 - 180	17	79	6	23	4	16	3	135	55	61
181 - 270	23	49	10	16	5	20	4	159	46	41
271 - 360	9	29	5	16	2	36	7	118	29	30
> 360	42	1280	6	66	33	26	14	615	383	79
Total cases	129	1688	29	140	88	130	44	1400	577	412

Table 2(f) Average time to Disposition by Case Type, High Courts

Case Types	Anguilla		Antigua and Barbuda		Commonwealth of Dominica		Grenada		Montserrat	
	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.
Admiralty							1	80		
Adoption	3	71	5	136						
Caveat										
Civil	70	424	687	3198			75	1385	38	998
Commercial										
Criminal	4	148	122	710	29	276	64	349	10	46
Matrimonial	29	686	359	1259					13	391
Probate	23	329	515	896					27	18

Table 2(f) Continued: Average time to Disposition by Case Type, High Courts

Case Types	Nevis		St. Kitts		Saint Lucia		St. Vincent and the Grenadines		Territory of the Virgin Islands	
	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.
Admiralty					1	938	3	221	2	151
Adoption			3	188			18	277	2	116
Caveat					3	108				
Civil	7	342	100	260	465	749	409	2369	174	320
Commercial									123	218
Criminal	5	70	17	533	320	654	7	842	10	391
Matrimonial			2	798	174	732	111	388	39	520
Probate	32	622	8	275	437	172	29	447	62	136

Chamber Hearings and Case Management Conferences were the two most common events in the High Courts accounting for 48.07% of total events (during the year 2014). Sufficiency Hearing was an event unique to Saint Lucia due to the operation of a Criminal Division in that Member State. Saint Lucia was also the only Member State to highlight Sentencing as an event.

Table 2 (g) Summary of Events in the High Courts: 2014

Type of Matter	2014	
	Total for Event	Event as a % of Total Events
Chamber Hearing	6,879	27.05
Case Management Conference	5,345	21.02
Sufficiency Hearing	2,202	8.66
Open Court Hearing	1,510	5.94
Criminal Trial	1,365	5.37
Fixed Date Claim Form Hearing	1,061	4.17
Status Hearing	889	3.50
Arrestment	761	2.99
Civil Trial	665	2.62
Sentencing	656	2.58
First Hearing	588	2.31
Judgment Summons	493	1.94
Pre -Trial Review/conference	481	1.89
Masters Hearing	461	1.81
Application for Committal Orders/ Committal Proceedings	423	1.66
Uncontested Divorce	415	1.63
Application Without Hearing	242	0.95
Hearing of Petition	205	0.81
Other	789	3.10
<b>Total</b>	<b>25,430</b>	<b>100.00</b>

## Section 3 | Magistrates Court

This section of the Report highlights the performance of the Magistrates Courts. Data were verified by personnel in all the Magistrates Courts.

As observed in Table 3(a), the total number of filed cases declined by 12.04% while disposed cases dropped by 3.26%. The overall clearance rate increased from 79.57% to 87.51%. Magistrates Courts which recorded clearance rates above 100% were: Anguilla, Commonwealth of Dominica, Montserrat and St. Vincent and the Grenadines. In both 2013 and 2014, the Antigua and Barbuda Magistrates Court had a clearance rate below 50%.

**Table 3 (a) Cases Filed and Disposed by Member State in the Magistrates Courts with accompanying Clearance Rates: 2014 and 2013**

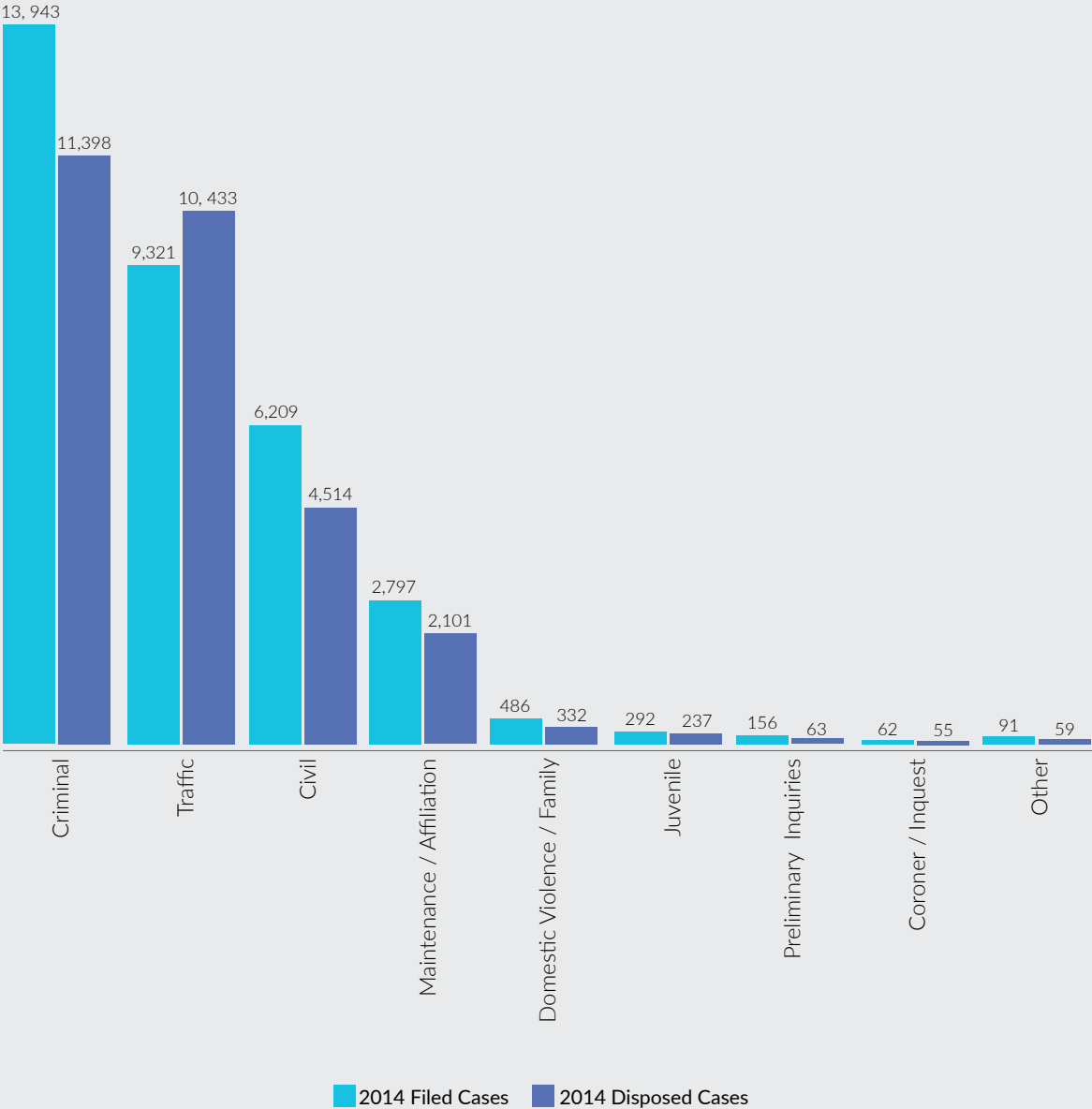
TYPE OF APPEAL	2014			2013		
	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)
Anguilla	672	923	137.35	792	854	107.83
Antigua and Barbuda	2,797	1111	39.72	1,884	424	22.51
Commonwealth of Dominica	4,085	4,625	113.22	4,706	3,703	78.69
Grenada	7,944	7,211	90.77	8,362	6,273	75.02
Montserrat	306	328	107.19	334	367	109.88
St. Kitts and Nevis	4,967	3,484	70.14	5,923	3,740	63.14
Saint Lucia	8,468	7,296	86.16	11,075	7,963	71.90
St. Vincent and the Grenadines	2,885	3,255	112.82	3,490	5,888	168.71
Territory of the Virgin Islands	1,233	959	77.78	1,356	963	71.02
<b>Total</b>	<b>33,357</b>	<b>29,192</b>	<b>87.51</b>	<b>37,922</b>	<b>30,175</b>	<b>79.57</b>

Table 3 (b) shows that Criminal cases amounted to 41.80% and 39.04% of total filed and disposed cases respectively in 2014. Traffic cases also made up a substantial share of both filed and disposed cases. Traffic and Criminal cases together made up 69.74% and 74.78% of total filed and disposed cases correspondingly. Liquor licenses were the majority of cases in the “other” category.

Table 3 (b) Cases Filed and Disposed by Major Case Type in the Magistrates Courts: 2014

Case Type	2014			
	Filed Cases	% of Total Filed Cases	Disposed Cases	% of Total Disposed Cases
<b>Criminal</b>	13,943	41.80	<b>11,398</b>	<b>39.04</b>
<b>Traffic</b>	9,321	27.94	<b>10,433</b>	<b>35.74</b>
<b>Civil</b>	6,209	18.61	<b>4,514</b>	<b>15.46</b>
<b>Maintenance/ Affiliation</b>	2,797	8.39	<b>2,101</b>	<b>7.20</b>
<b>Domestic Violence/ Family</b>	486	1.46	<b>332</b>	<b>1.14</b>
<b>Juvenile</b>	292	0.88	<b>237</b>	<b>0.81</b>
<b>Preliminary Inquiries</b>	156	0.47	<b>63</b>	<b>0.22</b>
<b>Coroner/Inquests</b>	62	0.19	<b>55</b>	<b>0.19</b>
<b>Other</b>	91	0.27	<b>59</b>	<b>0.20</b>
<b>TOTAL</b>	<b>33,357</b>	<b>100.00</b>	<b>29,192</b>	<b>100.00</b>

Figure 4: Cases Filed and Disposed by Major Case Type in the Magistrates Courts: 2014



A breakdown of filed cases by case type and Member State for the year 2014 is given in Table 3(c). The following points are underscored:

- Saint Lucia and Grenada each recorded over 20% of total filed cases
- All Member States had over 1,000 filed Criminal cases with the exception of Anguilla, Montserrat and the Territory of the Virgin islands
- Two Member States each recorded over 20% of total Criminal cases and these were Grenada (28.92%) and Saint Lucia (22.53%)
- Criminal cases and Traffic cases made up the greatest proportion (69.74%) of total filed cases
- St. Kitts and Nevis accounted for 37.37% of total filed Civil cases
- Saint Lucia and Grenada together made up 76.93% of total filed Traffic cases
- Over half (59.05%) of Family/Domestic cases were filed in Grenada and the Commonwealth of Dominica
- Dominica alone registered 53.42% of total filed Juvenile cases
- 40.15% of total filed Maintenance/Affiliation cases were from St. Kitts and Nevis

Table 3(c) Cases Filed by Member State and Case Type in the Magistrates Courts: 2014

MEMBER STATES	2014										Country Total as a % of Total
	Criminal	Civil	Traffic	Dom/ Family	Juvenile	Maint /Aff	Coroner/ Inquests	Pre. Inquiries	Other	Total	
Anguilla	242	144	197		17	59	13			672	2.01
Antigua and Barbuda	1,211	972	239	14		361				2797	8.39
Commonwealth of Dominica	1,682	845	750	123	156	529				4085	12.25
Grenada	4,033	794	2,486	164	7	460				7944	23.82
Montserrat	185	66	24	4	5	19	2		1	306	0.92
St. Kitts and Nevis	1,037	2,320	342	86	59	1,123				4967	14.89
Saint Lucia	3,141	364	4,685	95	25	148			10	8468	25.39
St. Vincent and the Grenadines	2,148	482	177							2885	8.65
Territory of the Virgin Islands	264	222	421		23	98	47	78	80	1233	3.70
<b>Total</b>	<b>13,943</b>	<b>6,209</b>	<b>9,321</b>	<b>486</b>	<b>292</b>	<b>2,797</b>	<b>62</b>	<b>78</b>	<b>91</b>	<b>33,357</b>	
<b>Case Type as a % of Total</b>	<b>41.80</b>	<b>18.61</b>	<b>27.94</b>	<b>1.46</b>	<b>.88</b>	<b>8.39</b>	<b>0.19</b>	<b>156</b>	<b>0.27</b>		

The numbers of disposed cases by case type and Member State are given in Table 3 (d). Some of the important points include:

- Saint Lucia and Grenada each accounted for over 20% of total disposed cases
- There were four Member States which each had over 2000 disposed Criminal cases: Grenada, Saint Lucia, St. Vincent and the Grenadines and the Commonwealth of Dominica
- St. Kitts and Nevis accounted for the majority share of Civil cases (31.99%)
- Saint Lucia recorded the bulk (43.55%) of total disposed Traffic cases. Grenada and the Commonwealth of Dominica also had relatively large shares of total disposed Traffic cases
- The majority of disposed Domestic Violence/Family cases (78.01%) were from Grenada and Saint Lucia
- The Commonwealth of Dominica held the greatest percentage share (56.96%) of disposed juvenile cases
- St. Kitts and Nevis as well as Grenada each accounted for over 30% of total disposed Maintenance/Affiliation cases; 34.46% and 33.94% respectively

Table 3(d) Cases Disposed by Member State and Case Type in the Magistrates Courts: 2014

MEMBER STATES	2014										Country Total as a % of Total
	Criminal	Civil	Traffic	Dom/Family	Juvenile	Maint /Aff	Coroner/Inquests	Pre. Inquiries	Other	Total	
Anguilla	276	113	454		25	47	8			923	3.16
Antigua and Barbuda	615	111	271	5		109				1,111	3.81
Commonwealth of Dominica	2,168	843	1,159	66	135	254				4,625	15.84
Grenada	2,665	780	2,895	155	2	713	1			7,211	24.70
Montserrat	194	80	30	2	5	14			3	328	1.12
St. Kitts and Nevis	882	1,444	414		20	724				3,484	11.93
Saint Lucia	2,233	267	4,544	104	24	123	1			7,296	24.99
St. Vincent and the Grenadines	2,145	695	380				2	33		3,255	11.15
Territory of the Virgin Islands	220	181	286		26	117	43	30	56	959	3.29
<b>Total</b>	<b>11,398</b>	<b>4,514</b>	<b>10,433</b>	<b>332</b>	<b>237</b>	<b>2,101</b>	<b>55</b>	<b>63</b>	<b>59</b>	<b>29,192</b>	
<b>Case Type as a % of Total</b>	<b>39.04</b>	<b>15.46</b>	<b>35.74</b>	<b>1.14</b>	<b>0.81</b>	<b>7.20</b>	<b>0.19</b>	<b>0.22</b>	<b>0.20</b>		

## Time to Disposition Reports for Magistrates Courts

Tables 3(e) and 3 (f) showcase the numbers of cases disposed in 2014 by Member State and the time taken in days for these cases to be disposed. It must be noted that the data are not consistent with the previous totals on disposed cases; whereas only data from JEMS were used in the time to disposition reports, some manual data were obtained for the other tables. Efforts will continue to reduce these inconsistencies. Nevis Magistrates Court is not connected to JEMS and Saint Vincent Magistrates Court experienced connectivity issues during 2014 hence data is not given for these two Member States.

Table 3(e) Average time to Disposition in days, Magistrates Courts

Time to disposition of all cases	Anguilla	Antigua and Barbuda	Comm. of Dominica	Grenada	Montserrat	St. Kitts	Saint Lucia	Territory of the Virgin Islands
	Number of Cases							
<1	21	47	615	138	6	18	109	2
1 - 90	364	54	642	1064	106	609	628	112
91 - 180	92	23	284	845	16	305	528	82
181 - 270	32	13	258	457	4	185	308	34
271 - 360	19	14	314	180	0	113	133	30
> 360	388	45	1914	219	0	298	266	44
<b>Total cases</b>	<b>916</b>	<b>196</b>	<b>4027</b>	<b>2903</b>	<b>132</b>	<b>1528</b>	<b>1972</b>	<b>304</b>

Table 3(f) Average time to Disposition by Case Type, Magistrates Courts

Case Types	Anguilla		Antigua and Barbuda		Commonwealth of Dominica		Grenada		Montserrat		St. Kitts		Saint Lucia		Territory of the Virgin Islands	
	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.
Civil	114	117	11	315	179	646	6	315	36	64	285	210	154	439	143	217
Criminal	276	422	127	186	2199	462	1687	186	77	42	693	263	1610	168	38	449
Dom/Family					72	68										
Juvenile	24	566			184	337									2	428
Maint./Aff.	48	57	7	159	267	181	1	167			197	66				
Traffic	454	1372	51	201	1126	663	1209	151	19	33	353	173	208	181	121	144

## Section 4 | Family Court

The ECSC jurisdiction encompasses two official Family Courts which are housed in Saint Lucia and St. Vincent and the Grenadines. Family Court matters are adjudicated in the Magistrates Courts for the other Member States. Case information for the two official Family Courts is given in this section of the Report.

### St. Vincent Family Court

Table 4(a) shows the numbers of cases filed by major case type in 2013 and 2014. Total filed cases declined slightly by 3.13%. In 2014, 41.76% of filed cases were Arrears (non - payment of maintenance) cases and 27.88% were Maintenance cases. Collectively 69.64% of filed cases in 2014 pertained to Arrears and Maintenance. Arrears and Maintenance cases also made up the greater share of filed cases in 2013.

“Other offences” included cases involving Assault, Bodily Harm, Possession of Stolen Goods, Wounding, Criminal Trespass, Negligence, and Abduction among others.

Table 4(a) Numbers of Cases Filed in the St. Vincent Family Court: 2014 and 2013

Case Type	2014		2013	
	No. of cases	% of total	No. of cases	% of total
Arrears	1,330	41.76	1,275	38.78
Maintenance	888	27.88	890	27.07
Protection Order	298	9.36	351	10.68
Custody/ Access	279	8.76	271	8.24
Occupation Order	110	3.45	152	4.62
Unlawful Sexual Intercourse	54	1.70	30	0.91
Indecent Assault	36	1.13	51	1.55
Legal Guardianship	8	0.25	6	0.18
Rape	5	0.16	16	0.49
Other Offences	177	5.56	246	7.48
<b>Total</b>	<b>3,185</b>	<b>100.00</b>	<b>3,288</b>	<b>100.00</b>

Disposed cases decreased by 4.15% from 2013 to 2014. As was the case in 2013, Arrears and Maintenance cases made up the majority share of disposed cases in 2014 (39.92% and 28.81% respectively and 68.73% cumulatively).

Table 4(b) Numbers of Cases Disposed in the St. Vincent Family Court: 2014 and 2013

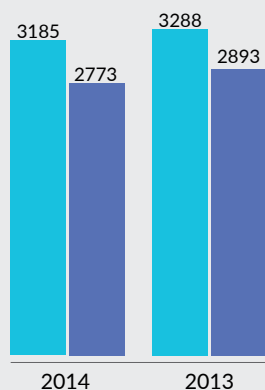
Case Type	2014		2013	
	No. of cases	% of total	No. of cases	% of total
Arrears	1107	39.92	1139	39.37
Maintenance	799	28.81	846	29.24
Protection Order	260	9.38	329	11.37
Custody/ Access	248	8.94	248	8.57
Occupation Order	112	4.04	126	4.36
Unlawful Sexual Intercourse	37	1.33	31	1.07
Indecent Assault	37	1.33	42	1.45
Legal Guardianship	6	0.22	7	0.24
Rape	5	0.18	4	0.14
Other Offences	162	5.84	121	4.18
<b>Total</b>	<b>2,773</b>	<b>100.00</b>	<b>2,893</b>	<b>100.00</b>

The overall clearance rate fell from 87.99% to 87.06%, a difference of 0.93 percentage points. The clearance rates declined for all individual case types with the exception of the increases recorded for Occupation Order, Indecent Assault, Rape and “Other Offences”.

Table 4 (c) Clearance Rates in the St. Vincent and the Grenadines Family Court: 2014 and 2013

Case Type	2014			2013		
	Cases Filed	Cases Disposed	Clearance Rates (%)	Cases Filed	Cases Disposed	Clearance Rates (%)
Rape	5	6	120.00	16	7	43.75
Indecent Assault	36	37	102.78	51	42	82.35
Occupation Order	110	112	101.82	152	126	82.89
Other Offences	177	162	91.53	246	121	49.19
Maintenance	888	799	89.98	890	846	95.06
Custody/ Access	279	248	88.89	271	248	91.51
Protection Order	298	260	87.25	351	329	93.73
Arrears	1,330	1107	83.23	1,275	1139	89.33
Unlawful Sexual Intercourse	54	37	68.52	30	31	103.33
Legal Guardianship	8	5	62.50	6	4	66.67
<b>Total</b>	<b>3,185</b>	<b>2,773</b>	<b>87.06</b>	<b>3,288</b>	<b>2,893</b>	<b>87.99</b>

Figure 5: Cases Filed and Disposed in the SVG Family Court, 2014 and 2013



■ Filed Cases      ■ Disposed Cases

Table 4 (d) shows the numbers of cases filed and disposed per month in 2014. The following observations have been made:

- The months with the highest numbers of filed cases (over 300 cases each) were July, September and June
- December was the only month during which fewer than 200 cases were filed
- Over 300 cases were disposed in each of the months: October, July and May
- Fewer than 200 cases were disposed in March, April, and August. The President of the Family Court was on vacation during August and this accounts for the minimal 3 cases disposed during that month

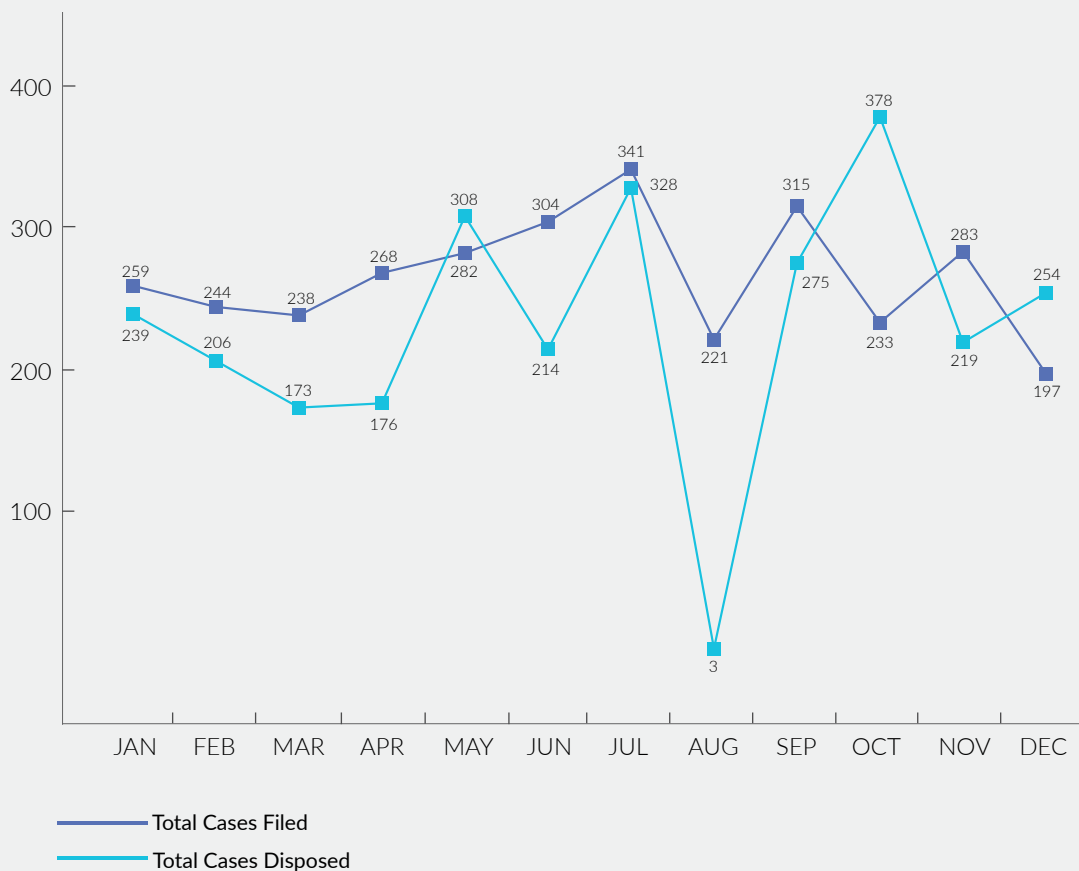
Table 4 (d) Case Information by Month in the SVG Family Court, 2014

Month	Total Cases Filed	Total Cases Disposed
January	259	239
February	244	206
March	238	173
April	268	176
May	282	308
June	304	214
July	341	328
August	221	3
September	315	275
October	233	378
November	283	219
December	197	254
<b>Total</b>	<b>3185</b>	<b>2773</b>

Table 4 (d) shows the numbers of cases filed and disposed per month in 2014. The following observations have been made:

- The months with the highest numbers of filed cases (over 300 cases each) were July, September and June
- December was the only month during which fewer than 200 cases were filed
- Over 300 cases were disposed in each of the months: October, July and May
- Fewer than 200 cases were disposed in March, April, and August. The President of the Family Court was on vacation during August and this accounts for the minimal 3 cases disposed during that month

Figure 6: Cases Filed and Disposed by Month in the SVG Family Court, 2014



## Saint Lucia Family Court

Table 4(e) provides data on the numbers of filed and disposed cases in the Saint Lucia Family Court in 2014. Total disposed cases comprised Cases Heard and Final Orders Given, Cases Discharged, and Cases Withdrawn.

Table 4 (e) Cases Filed and Disposed in the Saint Lucia Family Court, 2014

	Juvenile		Adult Criminal	Affiliation, Separation & Maintenance	Warrants	Domestic Violence	Total
	Criminal	Care & Protection					
New Cases Lodged/ Filed	45	69	0	433	796	353	1696
Cases Heard and Final Orders Given	47	40	0	255	991	241	1574
Cases Discharged	0	0	0	62	0	97	159
Cases withdrawn by applicant	0	0	0	19	0	13	32
<b>Total Disposed Cases</b>	<b>47</b>	<b>40</b>	<b>0</b>	<b>336</b>	<b>991</b>	<b>351</b>	<b>1765</b>

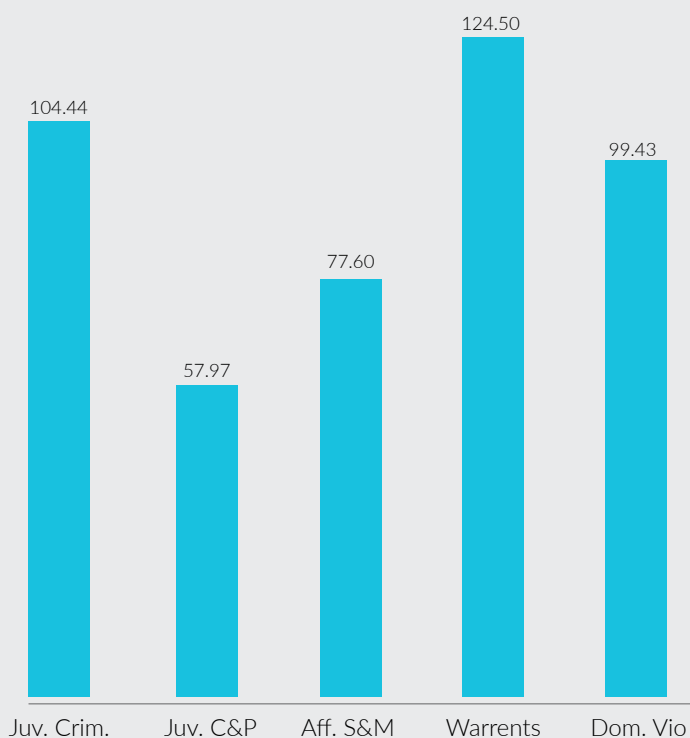
Warrants cases accounted for 46.93% of filed cases and 56.15% of disposed cases. Markedly; Warrants, Affiliation, Separation and Maintenance as well as Domestic Violence cases amounted to 93.28% of total filed cases and 95.07% of disposed cases. There were no Adult Criminal cases filed or disposed during 2014.

Table 4 (f) Clearance Rates of Cases by Case Type, 2014

Category	Juvenile		Adult Criminal	Affiliation, Separation & Maintenance	Warrants	Domestic Violenc	Total
	Criminal	Care & Protection					
New Cases Lodged	45	69	0	433	796	353	1696
Total Disposed Cases	47	40	0	336	991	351	1765
<b>Clearance Rates (%)</b>	<b>104.44</b>	<b>57.97</b>	-	<b>77.60</b>	<b>124.50</b>	<b>99.43</b>	<b>104.07</b>

The overall clearance rate was 104.07% indicating that some backlog reduction occurred in 2014. Clearance rates were over 100% for Juvenile Criminal and Warrants cases. The lowest clearance rate of 57.97% was recorded for Juvenile Care and Protection cases. Figure 7 displays the clearance rates for the various case types except Adult Criminal cases.

Figure 7: Clearance Rates of Cases in the Saint Lucia Family Court, 2014



Additional case information is highlighted in Table 4 (g). There were no cases transferred to another Court during 2014. There were 691 pending cases at the start of the year compared to 622 pending cases at the end of the period. Pending cases comprised predominantly Warrants cases (61.36% of total pending cases at the start of 2014 and 36.82% of pending cases at the end of the period). The Family Court is still unable to track the status of pending warrants however work continues on rectifying this to ensure the accuracy of data presented on pending warrants.

**Table 4 (g) Case Information in the Saint Lucia Family Court, 2014**

Category	Juvenile		Adult Criminal	Affiliation, Separation & Maintenance	Warrants	Domestic Violence	Total
	Criminal	Care & Protection					
Cases Transferred to another Court	0	0	0	0	0	0	0
Cases Pending at the beginning of the period	22	37	0	89	424	119	691
Cases Pending at the end of the period	20	66	0	186	229	121	622

### **Saint Lucia Family Court Social Workers**

The Social Workers and Intake Counsellor of the Family Court perform integral functions in relation to the services provided to clients who seek assistance from the Family Court. Their presence within the legal system provides clients with social and therapeutic intervention as well as guidance and referrals in areas which may not be within the purview of the Court. This marriage of the social and legal framework assists the Court in understanding the individual and or the family better, as well as identifying the varying dynamics which may have had an impact on the client. Four Social Workers (one of whom was employed through the NICE Program) and the Intake Counsellor were responsible for providing intake services for the 1068 clients who came through the doors of the Family Court; 817 in Castries and 251 in Vieux Fort (refer to Table 4(h)).

Of the clients seen, the majority had matters pertaining to Domestic Violence, Child Care/Access, Family Conflict and Couple/Marital Conflict. Some of those cases would not be reflected in the data on cases lodged/filed because with social intervention the clients may decide on another course of action; e.g. to resolve the matter through mediation or other options for alternative dispute resolution which are highlighted.

Worthy of note is the disparity in the figures between the 1st and 2nd District Courts for Castries and Vieux Fort respectively. This is mainly due to the fact that the Family Court Magistrate sits only once a week in the 2nd District Court and the Social workers are present there three times a week which limits the availability of the service to the clients in that district.

Table 4 (h) Intake by Social Workers at SLU Family Court, 2014

Castries	
CATEGORIES	NUMBER
Domestic Violence	288
Child Care/Access/Maintenance/Custody	214
Family Conflict	122
Couple/Marital Conflict	119
Property Issue	29
Threats/Harassment	13
Physical Assault	9
Child/Sexual Abuse	6
Warrants	4
Affiliation	4
Stalking	2
Teenage Pregnancy/Delinquent	2
Paternity Issues	2
Elderly Neglect/Assistance	2
Tenancy Issues	1
<b>Total</b>	<b>817</b>
Castries	
Domestic Violence	82
Affiliation	70
Family Conflict	69
Criminal Nature	21
Property Issues	6
Other	3
<b>Total</b>	<b>251</b>

## Conclusion

The foregoing data demonstrates clearly the areas where improvements have been realized for the year under review and those areas where further efforts are required.

One of the focal points of the ECSC in the upcoming year will be to continue working assiduously with Member States to encourage timely and consistent data entry into the JEMS system. This will result in improvements in the quality of the data retrieved from reports such as the Disposed Cases, Time to Disposition, Pending Cases, and Age of Pending Cases reports which are all valuable indicators for gauging Court Performance

# Judicial Officers

## Chapter 13:

---

Court of Appeal Judges

High Court Judges

Masters



The Hon. Chief Justice  
Dame Janice M. Pereira



The Hon. Justice  
Davidson Baptiste



The Hon. Justice  
Louise E. Blenman



The Hon. Justice  
Mario Michel



The Hon. Justice  
Gertel Thom

## Anguilla



The Hon. Justice  
Cheryl Mathurin

## Antigua & Barbuda



The Hon. Justice  
Clare Henry



The Hon. Justice  
Brian Cottle



The Hon. Justice  
Keith Thom



The Hon. Justice  
Albert Redhed [Ag]

## Commonwealth of Dominica



The Hon. Justice  
Birnie Stephenson



The Hon. Justice  
Errol Thomas [Ag]

## Grenada



The Hon. Justice  
Margaret Price-Findlay



The Hon. Justice  
Paula Gilford



The Hon. Justice  
Shiraz Aziz

## St. Kitts & Nevis



The Hon. Justice  
Marlene Carter



The Hon. Justice  
Lorraine Williams

## Saint Lucia



The Hon. Justice  
Francis Belle



The Hon. Justice  
Francis Cumberbatch



The Hon. Justice  
Rosalyn Wilkinson



The Hon. Justice  
Cadie St. Rose-Albertini

## St. Vincent & the Grenadines



The Hon. Justice  
Frederick Bruce-Lyle



The Hon. Justice  
Esco Henry

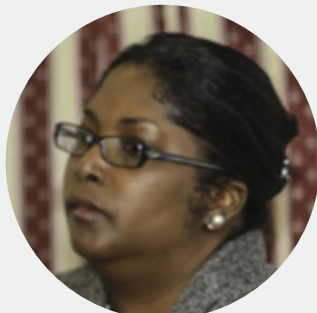


The Hon. Justice  
Kathy Ann Waterman Latchoo

## Territory of the Virgin Islands



The Hon. Justice  
Edward Bannister, QC



The Hon. Justice  
Vicki Ann Ellis



The Hon. Justice  
Nicola Byer



The Hon. Justice  
Barry Leon

Masters



Master Pearletta Lanns  
*Acting High Court Judge*



Master V Georgis  
Taylor-Alexander



Master Raulston  
Glasgow



Master Agnes Actie



Master Fidela Corbin-  
Lincoln

# Administrative Support Staff



**Mr. Gregory Girard**  
Court Administrator



**Mr. Francis Letang**  
Director of Projects



**Mrs. Cynthia Ramjeawan**  
Project Coordinator  
- Court Structures Project



**Mr. Irvin Ferdinand**  
Accountant



**Mrs. Rita Bastien**  
Accounts Assistant



**Ms. Benedicta St. John**  
Accounts Clerk



**Mrs. Kimberly Cenac-  
Phulgence**  
Chief Registrar



**Mr. Carlos Michel**  
Judicial Research  
Assistant



**Mr. Armani Brice**  
Judicial Research  
Assistant



**Ms. Rochelle John**  
Judicial Research Assistant



**Mr. Craig Gabriel**  
Registry Clerk



**Mrs. Choyce Walcott-  
Mathurin**  
Case Manager



**Ms. Sharon Baptiste**  
Case Manager



**Ms. Stephine Alphonse**  
Case Manager



**Mrs. Michelle John-  
Theobalds**  
Executive Assistant to  
the Chief Justice



**Ms. Natacha James**  
Administrative Assistant  
to the Chief Justice



**Ms. Alana Simmons**  
JEI Project Coordinator



**Mrs. Tamara Glasgow-Cox**  
HR Manager



**Mrs. Dorcia James-Callendar**  
HR Officer



**Ms. Lindel Joseph**  
Administrative  
Assistant (HR)



**Ms. Lenore St. Croix**  
Office Manager



**Mrs. Francisca Polius**  
Records & Archives Officer



**Mrs. Sandra Augier**  
Records & Archives Clerk



**Mrs. Reine James**  
Records & Archives  
Manager



**Ms. Myrtene Cenac**  
Statistician



Ms. Florentina Nelson  
Administrative Secretary



Ms. Zannia Plummer  
Receptionist



Mrs. Genevieve Francis-Lewis  
Secretary



Ms. Anna Joseph  
Secretary



Mr. Guy Stava  
Office Assistant



Mr. Francis Compton  
Regional Mediation  
Coordinator



**Mr. Mark Ernest**  
Information Technology  
Manager



**Mr. Augustus Marcellin**  
Network Administrator



**Mr. Anderson Henry**  
Systems Administrator



**Mr. Demetrius Charles**  
Website Administrator