

ADDRESS

BY

THE HONOURABLE CHIEF JUSTICE [AG.]

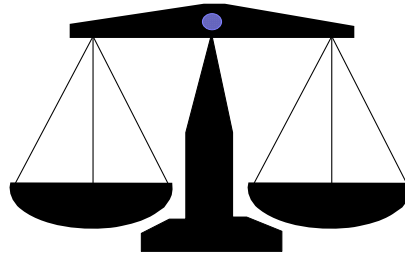
OF

THE EASTERN CARIBBEAN SUPREME COURT

HON. BRIAN ALLEYNE S.C.

TO MARK

THE OPENING OF THE LAW YEAR 2006/2007



ANGUILLA

MONDAY, 18th SEPTEMBER 2006

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SALUTATIONS

Salutations. Local dignitaries, dignitaries present in Courts in other States and Territories within the Member States of the OECS, colleagues on the Court of Appeal, Members of the upper and lower judiciary, Honourable Attorneys General, Directors of Public Prosecutions, members of the Inner and Utter Bar present in Court here and elsewhere within the jurisdiction of the Court.

Once again it is my pleasure to address you on this occasion of the opening of the Law Year 2006 - 2007. This is the seventh year that the opening of the Law Year has been marked by simultaneous sittings in each Member State and Territory within our jurisdiction by computerized video link to each courthouse. Past simulcast addresses have been relayed from St. Lucia, the Commonwealth of Dominica, the Federation of St. Kitts and Nevis, Antigua and Barbuda, St. Vincent and the Grenadines and, last year, The British Virgin Islands. On this occasion we are sitting in the beautiful island of Anguilla, from where we are joining you in all the other States and Territories that make up the OECS over which this Court exercises jurisdiction.

I wish to record our thanks to Cable and Wireless and its related organizations, and the Manager and members of the IT Department at the ECSC Headquarters for facilitating the simulcast of this address throughout our islands.

I also congratulate the Government of Anguilla, as well as the resident Judge and the Registrar and Magistrate for the steps taken to ensure that today's ceremony and its related events would be of the highest standards.

REVIEWING THE YEAR

Our Chief Justice the Rt. Hon. Sir Dennis Byron, continues his service to the International Criminal Tribunal in respect of the genocide in Rwanda. I take this opportunity to congratulate him on his marriage to the former Norma Theobalds, now Lady Norma Byron, which took place in April in St. Kitts, his homeland. I am sure I express the sentiments of all of us in wishing them every happiness.

It would not be inappropriate to put this simulcast into context by repeating the words of Sir Dennis in the first simulcast address by the Chief Justice delivered in 2000. He said on that occasion; "These addresses are intended to review the past year, and to report on projected activities for the ensuing year. It is also to emphasize our intention to render artificial the physical divide that the sea has created between our various Member States and Territories". I repeat that this address is an important part of our duty of accountability, as servants of the people of our sub-region.

THE JUDICIARY

In the past year there has been just one new appointment to the higher judiciary. On 1st August 2006 Justice Ianthea Leigertwood-Octave, former Chief Registrar, was sworn in as a Judge of the High Court and assigned to St. Kitts and Nevis, with responsibility for Montserrat, and also to support the single judge resident in Dominica. Justice Octave, who is resident in Nevis, had been acting in that position for many months. This appointment has the effect of significantly enhancing judicial services to St. Kitts and, especially, Nevis, while relieving the resident Judge of Anguilla of the burden of meeting the judicial needs of Montserrat and enabling her to better serve the growing demands of this jurisdiction. It also relieves us of the necessity and cost, which we were forced to face so frequently last year, of engaging an acting judge to deal with civil litigation in Dominica, where the single resident judge is almost fully occupied with criminal litigation.

As the Chief Justice's position is presently filled in an acting capacity, there remains a consequential acting vacancy on the Court of Appeal. We have decided not to incur the considerable cost attendant on filling this temporary vacancy for the time being, in view of the uncertainty as to how long this situation will persist. The Judicial and Legal Services Commission has made a temporary acting appointment to the new position of Managing Judge, and we expect that in the new year we will require to fill two vacancies on the High Court and one on the Court of Appeal. The decision has also been taken to redeploy two judges early in this new term.

As noted last year, the havoc caused to Grenada by Hurricane Ivan severely affected the justice system in that island. The High Court building, the Registry and a substantial number of lawyers' offices were severely damaged and consequently, the system came to almost a grinding halt. That situation has improved somewhat, but Grenada is not yet ready to accommodate a third judge. We hope that in the course of the coming year that country will be able to return to its full complement.

We intend to continue to use the reports generated by JEMS to ensure that all our limited resources are utilised to optimum effect at all times and that a quality justice system is maintained. In this regard we repeat our appeal to Registrars and Judges to provide on a timely basis the reports which we need in order to continuously inform the decision-making process.

A Unified Judiciary

In the past year we continued to pay attention to the mandate of the governments to examine and promote the integration of the national Magistracies into the regional Judiciary. Our planning has been greatly informed by the report on the Regionalisation of the Magistracy by the late Justice Telford Georges and Mr. Charles Maynard, who presented their Final Report on June 17, 2002. We are currently in the process of identifying consultants for the preparation of legislation to facilitate the integration process in order to promote greater efficiency and effective functioning of the Magistrates and District Courts of the OECS within the context of an integrated judiciary, and we acknowledge the generous support of CIDA in this connection. This initiative came up for discussion at the Magistrates' Conference, part of the Annual Judicial Conference, held in Dominica on the last day of July and the early days of August. The focus is, and must be, on issues of efficiency, accountability, effectiveness, management and administration, judicial independence, and ethical standards.

The level of interaction between the executive and the judiciary is focal, in any consideration of the appropriate structure for the Magistracy. Interaction is necessary, inescapable and proper. Unquestionably, there is a level at which the judiciary, not only the Magistracy, is accountable to the Executive, especially in relation to its administrative and financial structure and function, but what of its

judicial efficiency and effectiveness, performance, productivity and attitudes? The issue is to determine and maintain a suitable and appropriate level of interaction between these two very important arms of government, without sacrificing the constitutionally vital judicial integrity which is the hallmark of an independent judiciary and a *sine qua non* of a democratic society.

The Hon. Joseph Sinda Warioba, of the East African Court of Justice, in an article published in the June 2006 issue of the Commonwealth Judicial Journal, has acknowledged the *“necessity and importance of a tranquil and conducive working relationship between the three organs of State, namely the Judiciary, the Executive and the Legislature.”* The distinguished jurist recognised the relationship between the principle of the independence of the judiciary and the system of checks and balances. He says this:

*“The system of checks and balances has two components. These are the right to **check** and the means to actively **balance** out imbalances. Effective checking requires access to information and the right to question. Balancing requires a mechanism of control to prevent the branches from overstepping their constitutional limits of power. Difficulties arise in countries where the branches can block each other to the extent of bringing the whole government to a standstill.”*

He posits that

“if the judiciary is to exercise a truly impartial and independent adjudicative function, it must have special powers to allow it to ‘keep its distance’ from other governmental institutions, political organisations, and other non-governmental influences, and to be free of repercussions from such outside influences.”

He asserts that

“a respectable bench must never succumb to acts of intimidation by the executive or Parliament in the course of interaction on issues of finance and administration.”

He however goes on to point out that the executive branch

“has a legitimate interest in properly coordinating the justice system as a whole.”

The author offers this caution:

“It is an administrative cooperation that is required and not a judicial one; for example the Executive and its agencies do not instruct the courts on what their decisions should be and the courts do not tell the police how to investigate crimes.”

Judicial Accountability

Last year in my address at the opening of the Law Year I spoke extensively on the issues of the independence of the judiciary, accountability and responsibility. This continues to be a central issue in judicial administration, not only in relation to the Eastern Caribbean Supreme Court, but in universal terms.

I repeat my conclusion of last year. The continued existence of the independent judiciary depends on the periodic agreement of the Executive to continue to fund it, and the concurrence of the Legislature, in voting the funds to do so. So we are accountable to the Constitution and to the law which we must apply honestly, independently and with integrity. Our independence demands, not the absence of accountability, but that we take responsibility for the impartiality of our judicial

actions, excluding all improper influences; for our competence, for our efficiency and effectiveness; that in rendering our judgments and in conducting our judicial affairs, we are answerable only to the law and to our conscience. Independence does not immunise us from the consequences of prejudice, laziness, incompetence, rudeness, lack of consideration for the interests of those who approach the seat of justice.

The failure to recognise that we, as judicial officers, are accountable, has led to such problems as unacceptable delays in the administration of justice, contributed to and aggravated by an excessive tolerance for adjournments, and delays in rendering reserved judgments. The result is that there is among members of the public a growing loss of confidence in the administration of justice. This could become a fatal flaw in our system, so dependent on public confidence. To the extent that members of the judiciary fail to recognise the imperative of accountability, and to take responsibility for our actions, or for our inactivity or ineffectiveness, to that extent the institution of the judiciary is discredited, suffers loss of public confidence, and ceases to attract, or to deserve, the prestige and privilege which we enjoy. Such loss will not be ours alone or even primarily, but that of the entire society, of all our people, who are entitled to rely on us for the protection of their rights under law in a fair, efficient, effective system for the administration of justice. It is within this context that we are pursuing the process of the integration of the Magistracy into the Supreme Court structure, and are demanding a greater responsiveness, and sense of ownership by the entire judiciary of the mechanisms of accountability, in particular the necessity to effectively evaluate and report on our performance.

COURT ADMINISTRATION

Court Structures Project

The year under review witnessed a number of developments in the area of Court Administration. One area worthy of special mention which received significant attention during the year was the Court Structures Project.

This project is focused on the overall modernization of the Court and the proposed administrative integration of the Magistrates and District Courts with the High Courts into a Trial Court with specialized divisions, namely Commercial, Civil, Criminal and Family Divisions. The Trial Court in each Member State will be under the supervision of a Managing Judge, designated by the Chief Justice. The proposal further recommends that the Managing Judge's administrative team will be headed by a Trial Court Administrator, who shall have a reporting responsibility to the Office of the Chief Justice at the ECSC Headquarters. Each Division of the Trial Court in turn to be headed by a Presiding Judicial Officer, assisted administratively by a Division Manager.

The project was based on the report from a consultancy carried out by Court Administration Consultant, Mr. Robert Lipscher during the months of August and September 2003. This consultancy was sponsored by the United States Agency for International Development (USAID) and was embarked upon to assist with the modernization of the judiciary. The consultant's recommendations have greatly assisted us, and have been modified as needed as we have closely examined the particular characteristics of our Court, in designing appropriate administrative structures for the efficient management of our Courts.

The Court Structures Project continues to demand our dedicated effort. We have now appointed a Managing Judge who is to assume office in the middle of October.

This is timely in view of the recent decision by the Government of the British Virgin Islands to support and host the establishment of a Commercial Division of the High Court of the Eastern Caribbean Supreme Court in Tortola. The Managing Judge, who will be resident in St. Lucia, will have the principal responsibility for ensuring, on behalf of the Chief Justice, the efficient judicial administration of the Courts within the jurisdiction. He will be the link between the judges, registrars and magistrates on the one hand, and the Chief Justice on the other. He will be expected to establish supportive and cooperative relationships with all judicial officers, and to assist them in resolving issues of judicial administration, efficiency, reporting and accountability within their respective spheres. Within this context, I took the opportunity while in Canada this Month to meet with a retired Managing Judge, who introduced the institution in the Province of Ontario, along with the newly-appointed Managing Judge, in an effort to gain a better understanding of the functioning of this officer in a jurisdiction in which that system has had a long history of successful operation.

The Criminal Division

The Criminal Division Pilot project has progressed significantly in St. Lucia. This has been supported by the strengthening of the Crown Prosecution Service by the Government of St. Lucia and other significant related reforms within the justice system being undertaken by the Government. These measures have succeeded in reducing the backlog of pending indictable cases which has for some time now been the bane of the island's criminal justice system. During the last year the Criminal Procedure Rules were finalized and subsequently presented to the Government of St. Lucia for final review and comments. The Court has since received the nod of approval to proceed subject to the bringing into effect of the Delay Reduction Act, and efforts are now being focused on the implementation phase. Some progress has also been made with the staff restructuring which will merge the present staff of the High Court and District Court offices into a unified administrative structure

utilizing the report by the Human Resource Consultant, Mr. Victor Poyotte. At the suggestion of the Government of St. Lucia, the Consultant is now finalizing a revised report to consider any necessary additional staffing which would be desirable to effect the necessary changes. We are awaiting the coming into effect of the Criminal Courts Delay Reduction Act in order to fully introduce the new procedures for criminal trials. Once this has been successfully implemented and evaluated, we propose to replicate it progressively throughout the jurisdiction of the ECSC as the respective Governments consider that there is a need, and the necessary legislation is put in place.

The Commercial Division

Over recent years there has been tremendous growth in the number of international business corporations incorporated in the region, and this has resulted in very significant growth in major international commercial litigation, especially in the British Virgin Islands, which has realised a remarkable transformation of its economy as a result. To support and sustain these developments the Government of the BVI has established appropriate regulatory and other administrative mechanisms to meet the demands of the sector.

Because of the dramatically increasing levels of high value, complex and time-consuming commercial litigation activity arising out of these developments in the British Virgin Islands, that territory was identified by the Eastern Caribbean Supreme Court as the pilot site for the proposed Commercial Division. This initiative was designed to support the steps taken by the Government of the British Virgin Islands to provide the efficient and responsive regulatory and administrative service, with a similarly efficient and responsive judicial service required by a high demand and economically crucial sector. The Government of the British Virgin Islands has now approved the establishment of a Commercial Division of the Court in Tortola, and we are in the initial stages of consultation with that Government on

the way forward. We will need also to work with the OECS Authority in pursuing this initiative. The Government of the British Virgin Islands has made an invaluable contribution to our evolving conceptualisation and planning of this new initiative, through a consultancy study commissioned by the Government and the resulting report of the Essex University consultancy group. We gratefully acknowledge their contribution and look forward to moving forward with all deliberate speed on implementation. We are committed to doing all that is necessary to build the appropriate judicial structures in support of this vital sector of the Territory's and the region's economy.

Family Division

In this area there has been some work performed by the Lead Consultant, Mr. Lispcher, and a draft proposal has been developed for the division. Draft rules have also been developed by a consultant, Sam Conti for consideration of the Chief Justice.

Civil Division

The establishment of the Civil Procedure Rules 2000 has already introduced a number of measures which will support the changes which would be necessary as work progresses towards the establishment of the Civil Division, and we already have draft Small Claims Rules, which is in itself a major step towards the establishment of this Division. A pilot site has not yet been formally identified, but it is hoped that an implementation plan for the next steps will soon be formulated. Strong emphasis will be placed on case management and the development of performance standards which must be adhered to in the Court Offices.

Technology in the Judicial Process

Technology has continued to play a major role in the improvement of the judicial process. Along with our new procedural rules the Judicial Enforcement Management System (JEMS) is the main case-flow management tool. JEMS has been upgraded in each of the High Court offices and provides easy access to case information in the system. This information is necessary for management purposes and for ensuring that resources are adequately provided and utilized. The reporting functions of the system also allow for review of the court's efficiency by island, by judicial officer, by case type and other categories.

I am pleased to announce that JEMS has now been introduced at the Magistrates court level. The software has been installed in every Magistrates court office throughout the jurisdiction with the exception of Antigua and Barbuda because of delays in relocation of the Court. The requisite software and hardware has been provided in the independent States by USAID and CIDA and in the overseas territories by their respective governments. The Court wishes to express its gratitude for the support of the governments and the donor agencies in these important initiatives.

Plans from last year to introduce the jury management and imaging modules of JEMS have not proceeded at the anticipated speed. The decision to implement the Prosecutors Software has been placed on hold for the present. It was observed that the software capabilities would not result in the anticipated benefits for the offices of the Director of Public Prosecutions in the sub-region. Some preparatory work has been done in St. Lucia in relation to the use of the jury management software but a full implantation has been delayed to some extent by the need for a revised Jurors' List and this exercise is still to be completed. In addition, with the ongoing Criminal Division implementation activities, the already limited court office resources are stretched.

We are moving forward with imaging, e-filing, interactive voice response, and internet access to case information, and this will be a major focus during the coming months.

We continue to encourage the court offices to optimize the use of all the technological solutions which have been put at their disposal. We have ensured that the relevant training has been done and we know that if used effectively, not only will communication and the quality of information be improved, but savings will be generated because of the cost-effective nature of these technological solutions.

One other major area where a technological solution is now available to improve the judicial process is in the area of court reporting. With the exception of the British Virgin Islands, which is home to the highly regarded B.V.I. Court Reporting Academy, and to a lesser extent the Commonwealth of Dominica, which several years ago had the benefit of 2 trained court reporters, automated court reporting is relatively new to the jurisdiction. With funding assistance from USAID, the ECSC facilitated the training of court reporters from every independent State in the Court's jurisdiction. These officers have now returned home and the actual use of the technology in the courtroom is at various stages of readiness. By the end of this Law Year, it is hoped that court reporting units will be established, improving the efficiency of both the trial and appellate processes.

I wish to commend the Government of St. Lucia for taking steps to ensure that a national court reporting unit was established in a relatively short time, thereby allowing the court reporters to optimize their training by putting their skills to use quickly. This can only enhance the work that the certified Court Reporters are immediately able to produce. To date, the Unit has focused on clearing the backlog of appeal transcripts, many of which have been outstanding for more than 3 years.

Still on the subject of technology, the ECSC website was developed in 2000, with the intention of ensuring our accountability to the public by the provision of accurate and current information. The website has provided access to the Court's judgments, newsletters, hearing lists, and other information on the work of the Court. From the feedback we received the website had become quite a "favourite" for judges, practitioners, litigants and some members of the public. It is a sign of the importance of this medium when we consider the frustration experienced by some persons, and I take the liberty of mentioning retired Justice Ian Mitchell Q.C. in particular, whose comments and criticisms have inspired us to accelerate our efforts at improving the service.

Mediation

All Member States and Territories are now conducting Mediation sessions. A total of 218 persons in the Region were trained in Mediation by the JEI. Of these, 124 have been placed on the Court Roster of mediators. The choice of mediators in all cases rests with the parties, and as a result not all persons on the Roster have had an opportunity to mediate. Parties tend to prefer certain types of individuals, e.g. lawyers, as mediators, as a result of which only a few get most of the opportunities to practice their skills. It is hoped that with an increasing readiness by the judiciary to refer matters to mediation, and a growing respect for the skills of all the trained mediators, this situation will be corrected.

Staffing

Mediation Committees have been appointed in each State/Territory and presently, with the exception of Dominica, a Mediation Coordinator serves the Court in each territory. Also, the Regional Mediation Coordinator is based at the Court's Headquarters.

Training

During the year, the Regional Mediation Coordinator conducted refresher courses in St. Vincent and St. Kitts. Presently, we await Dominica's approval to conduct such a course. The Judicial Education Institute also conducted a participant-financed Mediation Workshop in St. Lucia from 27th - 31st March, 2006, which trained fifteen (15) persons, including one each from St. Vincent & the Grenadines and the British Virgin Islands.

This being such a vibrant programme embodying a new and fresh approach, the Court must make adequate provision to facilitate workshops/meetings fostering interaction of Mediators and Mediation coordinators. We must also encourage orientation programmes to sensitise lawyers to the virtues of the non-adversarial approach to resolving disputes, and their role in fostering this.

Evaluation

It is customary for the participants to complete evaluation forms following every Mediation Session. The statistics reveal general satisfaction with the programme.

Hopefully, by this time next year all the territories would have completed a full year of Mediation. Feedback indicates that mediation is providing an effective opportunity to reach settlement in a far more cost effective manner in terms of both time and money, making mediation a successful, and very viable alternative to litigation.

One evaluation comment was that "even though there is no settlement at the table, there is satisfaction with the outcome and the process." The statistics reveal that mediation caused or accelerated settlements in a sizeable majority of cases referred. The effective settlement rate continues to show an average of over 54%.

Mediation by a trained, neutral and impartial person who listens, gives the parties the satisfaction of being “heard” and hopefully “understood”, by providing a facility which allows litigants to try to resolve their problem themselves, permits parties to be in control of how their dispute is ended, and leads to greater satisfaction with the outcome. However, the Court continues to make relatively few case referrals and many lawyers attending mediations continue to be inadequately prepared, as are their clients. Many lawyers continue to adopt an adversarial position during mediation. As the system develops and more and more cases are referred, we expect resolution of these problems.

We are examining the possibility of offering mediation training to a wider public, including schools, as a contribution to the options for effective conflict resolution in the wider society.

Human Resource Department

The Court bade farewell to Ms. Angus Smith who proceeded on pre-retirement leave after serving more recently as the sole HR Officer and Secretary to the Judicial and Legal Services Commission. Ms. Smith leaves the Court after approximately 12 years. She will be missed tremendously, and I take this opportunity to publicly thank her for her invaluable service to the Court and for the infectious spirit of joy that she brought to all her activities. We wish her happiness in her retirement.

The changes proposed within the various court offices, and the increased responsibilities which have fallen upon the Court, required this Department to be strengthened. During the year, the position of Human Resource Manager was created and Ms. Aloysia Gabriel was appointed to the post with effect from 1st May 2006. Ms. Gabriel joins the Court after several years of service in various capacities

with the Government of St. Lucia. The department has been further strengthened by the appointment of Mrs. Monica Chandler to the post of HR Officer. Mrs Chandler has certainly made her presence felt, and we look forward to realising the full benefit of this strengthened human resource capacity, which we expect will impact upon the entire jurisdiction.

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

A Staff Welfare programme has been introduced to expose staff to lectures and activities geared towards promoting healthy life-style practices. The first session "Food Safety", was facilitated by the Ministry of Health in July.

Work is ongoing on a Disaster Management and Recovery Plan, a complete job analysis to develop updated job descriptions for all staff, enhancing the Human Resource Information System, and developing a calendar of social activities for the Court to further enhance interpersonal relationships and the *esprit de corps* among staff.

Finance

The Eastern Caribbean Supreme Court (ECSC) is financed by contributions from the nine members of the Organization of Eastern Caribbean States (OECS) in accordance with an agreed percentage set by the Judicial & Legal Services Commission in concurrence with the Authority. It takes into consideration several factors including

the number of resident judges and number of Court of Appeal sittings in each member territory. Our budget is considered and approved annually by the OECS Authority (meeting of Heads of Government) and we express our sincere appreciation for the open and supportive manner in which the Heads invariably receive, discuss and approve our annual budget proposals. The failure of some members to make timely payment of contributions continues to be a problem and this has delayed the implementation of some of the Court's work programmes. While we do recognise the impact of hurricane Ivan on Grenada and the earthquake in Dominica on their ability to always meet their obligations, we nevertheless appeal to all Member States to enable the Court to provide the full range of services in an efficient and effective manner by fulfilling their agreed financial obligations in a timely manner.

Contribution Arrangement with CIDA

The Court continues to receive assistance from the Canadian International Development Agency (CIDA) in the form of grant funding. Funding from CIDA has included computer hardware, Judicial Education training, Court Reporting training, Rules Revision and technical assistance with the implementation of the Judicial Enforcement Management System (JEMS) throughout Member States. I have to commend the personal involvement and support for our programmes by Michelle Gibson of CIDA, whose dedication is outstanding.

The importance of donor funding to the operations of the Court cannot be overstated. Donor funding has made it possible to achieve several successes in the reform programmes particularly given the irregularity of some member contributions. The work relating to the Court Structures Project during the financial year was to a great extent possible as a result of the contribution arrangement which the Court has in place with CIDA.

During the year, we negotiated amendments to the existing contribution arrangement which was initially established in June 2004 with the Government of Canada through CIDA for the continuation of a Judicial & Legal Reform (JLR) Project focusing on the Court Structures Project aimed at improving the efficiency in the Magistrates' Courts. The amendment essentially increased the amount of total funding from C\$600,000 to C\$ 865,000 and extended the completion date for the arrangement to December 2007.

Information and Communication Technology

JEMS Server and Software Upgrades

The information and Communication Technology Department started the judicial year of 2005-06 with the installation of new computer servers at all the High Courts in the Independent States. This initiative was supported by CIDA through the JLR Magistracy Project. In most of those Member States we saw the installation of a second server at the High Court Registries, where initial servers were located. The new servers were configured to replace the role and function of those first servers, installed approximately 5 years ago. The old servers are now performing the role of backup servers on the Local Area Networks of the national courts. The new servers along with the "backup" servers provide the Court with a highly efficient system for supporting access by a larger number of users (including users from the Magistrates Court) and the provision also of a much more reliable backup system of the JEMS Databases.

The later part of the year under review saw the upgrading of all Courts in the sub-region (except Montserrat, to be upgraded by the beginning of this Law Year) from

JEMS version 4.8 to JEMS version 5.0. The new version (of JEMS) features several new functionalities in areas such as:

- (1) Case Information
- (2) Case Parties
- (3) Word Merge and
- (4) Imaging.

JEMS 5.0 now provides the Court with the facility for undertaking batch-scanning of documents with much greater ease. As has been the case in the past, in the process of performing upgrades, a number of JEMS application and technical issues have surfaced, and the ECSC is currently in discussion with the software vendor - PCSS towards resolving the various issues.

JEMS in Magistrates Courts

All Magistrates Courts have been equipped with the JEMS software. Few of these courts have fully implemented the case management system. The Magistrates Courts in Dominica and St. Lucia are the most advanced in the utilization of JEMS as a case management tool. The ECSC is setting up additional JEMS training sessions at all the Magistrates Courts in the sub-region and undertaking additional configurations of the software to ensure its prompt and effective use by staff of these courts.

Staffing within the IT Department

During the year the IT Department was further boosted by the recruitment of a Website Administrator in the person of Garvin Lawrence from St. Lucia. The addition of the Website Administrator has carried the staff complement of the Department to four. Since joining, he has been performing regular updates of the

web site (www.eccourts.org), revamping the structure of the web site and complementing the efforts of the Network and System Administrators. His web development skills have been demonstrated in the development of a highly user-friendly and interactive Library Portal for the ECSC Headquarters.

Status of Other Court-related Technology

Efforts at implementing E-Filing in the sub-region got a shot in the arm in May 2006, when the models of the E-Filing Web Interfaces were demonstrated by the developers. Present at that online demonstration were judges, a selected number of attorneys and Court staff. The developers were provided with several recommendations which are presently being implemented. The E-Filing server is to be transferred to PCSS for further configuration in preparation for the planned development of the pilot in St. Lucia this month.

Limited progress has been made with the implementation of Interactive Voice Response (IVR) and Web Inquiry technologies. The ECSC is in dialogue with PCSS to establish revised implementation dates for these other court technology applications so that during the current year implementation can commence.

ICT/JEMS Caribbean User Group Conference

The ECSC has been instrumental in the formation of an ICT/JEMS Caribbean User Group in the region. That group comprises members/court technology users from the entire region spanning from Bermuda in the North to Guyana in the South. Last year's meeting was held in Trinidad and Tobago. These meetings have provided the opportunity for ICT/JEMS Users to share issues and experiences on several court technology related matters. The recent meeting (August 16 - 18, 2006) was hosted by the Supreme Court of Jamaica and was partly facilitated by the JEMS software vendor - PCSS along with vendors of other court related technology.

Information Services

In support of the Court's mission, the Information Services Department seeks to provide a corporate framework for the management of all information generated by and for the Court.

1. Library

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

Collection Development

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

Library Portal

One of the strategic aims of the library is to consult and collaborate with the Court's IT Department, to integrate emerging technologies with information resources to provide the timeliest, efficient, cost-effective and relevant information. To this end the InMagic Genie Content Server was installed to automate the Library services. To further enhance the services a Library Portal was designed. This facility serves as a single access point for information on the Library's mission, services and resources, and connects the user to the Library's catalogue (InMagic Genie), electronic books and databases, and other resources on the World Wide Web (WWW). Presently this

is available only to officers at the Headquarters. However it is anticipated that the other Member States will soon have access to the Portal.

2. Records Management Unit

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

A holding area for a Records Centre, to facilitate the storage of inactive records, was sourced at an offsite facility. The transfer of Court of Appeal records to this facility was one of the major exercises undertaken by the Unit during the past year. This involved conducting an inventory, followed by sorting and arranging records according to country, case type and year. An inventory of the active Court of Appeal records has also been undertaken and records series have been developed.

In support of the Records Management Programme, the following policy documents are currently being developed:

- *Information Management*
- *Records Retention and Disposal*, and
- *Disaster Prevention and Recovery*.

Other documents to be developed this year include:

- *Records Centre Management Procedures Manual* and
- *Vital Records Management Procedures Manual*.

3. Statistics Unit

The Statistics Unit was established in July 2003, and currently functions with one person - the Statistician. The Statistics Unit serves as the main source of statistical

information and analysis within the Court, measuring its efficiency, effectiveness, timeliness and accountability.

The main objectives of the Unit are to:

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

JUDICIAL EDUCATION

Judicial Education continues to be the foundation of the success of the reform process. It relates not only to the judiciary and judiciary support staff but also to the legal profession, litigants and the general public throughout the jurisdiction.

In August, we held the Annual Judicial Conference in Dominica, under the theme "The Evolving Caribbean Jurisprudence". This Conference was preceded by a Colloquium on Intellectual Property for Judges of the Eastern Caribbean Supreme Court, jointly sponsored by the Judicial Education Institute and the World Intellectual Property Organisation.

This year's Annual Judicial Conference sought to meet the needs of all judicial officers in our Court system; Judges, Registrars and Magistrates, each group having its separate session to address issues particularly pertinent to that group, and a one-day joint session at which all the groups met to discuss issues of common concern. The Conferences were judged to be a great success and I take this opportunity to compliment and thank the Judicial Education Institute, and especially its Chairman

Justice of Appeal Hugh Rawlins and its indefatigable Executive Officer Ms. Alana Simmons for the outstanding effort they both put into successfully organising this Conference. I should also single out Mr. Ossie Walsh, at the time Acting Registrar of the High Court in Dominica, who very efficiently and at great personal sacrifice made all the protocol and logistical arrangements, and Commissioner of Police Lestrade, Superintendent George and all the members of the Dominica Police Service who supported us, and provided transportation, protocol and security services for us, and who did a superb job. We also owe special gratitude to Mr. Sam Raphael and the staff of the Jungle Bay Resort and Spa for their outstanding hospitality and the quality of the programme which they arranged for us. We are also grateful to the management and staff of Fort Young Hotel, where the WIPO Colloquium and the Magistrates Conference were held, and the Garraway Hotel, where the Registrars held their Conference. His Excellency the President of Dominica Dr. N J O Liverpool honoured us with his presence and an inspiring keynote address at the opening of the Conference, and the Hon. Minister of Tourism joined us for dinner and addressed the gathering on the joint day. Also honouring us with their presence were Justice of the Caribbean Court of Justice Hon. Adrian Saunders, who made a presentation related to his Court; the Hon Chief Justice of the Turks and Caicos Islands Justice Christopher Gardner, and Madam Justice Norma Wade-Miller of the Supreme Court of Bermuda, both of whom were accompanied by their spouses, and Madam Justice Margaret Reifer of the High Court of Barbados. We really appreciated their presence and participation and thank them sincerely for joining us.

I thank my colleagues on the Court of Appeal for the tremendous and unstinting support which they have given, and continue to give to me. It is only because of their generosity and support that I have been able to function in this capacity as acting Chief Justice. I also thank most sincerely the acting Chief Registrar, Heather Franklyn, who has given me yeoman support as have other members of staff at the

Headquarters of the Eastern Caribbean Supreme Court. You keep the ship afloat through all the storms that buffet us from time to time, and I am truly grateful.

CONCLUSION

We at the Eastern Caribbean Supreme Court continue to aim to maintain and enhance the quality of judicial service which has been provided to the countries which we serve. I believe that the development and sustenance of continuing judicial education, the constant review of procedural rules and judicial and administrative practice, a commitment to the ethical standards to which we subscribe, and the maintenance of discipline, and fellowship, within the judiciary and between the judiciary and the Bar, are essential prerequisites for the realisation of this objective, to which we continue to be committed. There are many challenges which we confront and many issues with which we have to constantly grapple, including increasing numbers and seriousness of threats against judicial officers. Notwithstanding this, I am confident in the courage and integrity of our judicial personnel, and their determination to maintain standards of independence and competence expected of our judiciary.

I thank you all, especially my colleagues in the judiciary, the Chief Registrar and staff at the Court's Headquarters, and the Registrars, Deputy Registrars and staff in the constituent Court offices, for your support and participation in this important endeavour, and pray God's blessings on you all.

Thank you.