

STATEMENT TO THE HOUSE OF REPRESENTATIVES ON THE ANNUAL SUPREME COURT AND PARISH COURT STATISTICAL REPORTS

MS, I wish to table the 2017 Annual Statistical Reports for the Supreme Court and the Parish Courts in this Honourable House. This is significant, MS, it is the first time Reports of the activities in the Courts are being tabled in the form of a statistical Report in the House.

In May 2016, the Ministry of Justice engaged Dr. Denarto Dennis, a senior Statistician, with the full support of the former Chief Justice Mrs. Zaila McCalla; on a full time basis at the Supreme Court to develop and expand a data capture process in the Courts across the Island.

The work of the Statistician is being funded and made possible by the Justice Undertakings for Social Transformation (JUST) Programme, and the preliminary work on the data capture system was done by the Department of Justice Canada. This then enabled the Statistician to immediately modify and implement the work of analyzing and reporting his statistical findings. Further, the Statistical Personnel of the Ministry of Justice were reassigned to the Supreme Court to provide support to Dr. Dennis.

Very soon, after Dr. Dennis was engaged, A Report on the Court of Appeal was prepared and published.

MS, a pilot project was thereafter launched in the Parish Courts to capture information on criminal matters and then extended to all other criminal courts by the end of 2016, then to the Civil and Family Courts.

By the end of 2017, Quarterly reports were being prepared on the treatment and disposition of matters in the Supreme Court. It is important that all Stakeholders in the Justice System read these Reports and familiarise themselves with the concerns and challenges in the disposal of cases.

Information is now available on, among other things:

1. the number of cases in the Court;
2. the disposal rates;
3. disaggregation of the types of matters in the courts;
4. scheduling of the various matters;
5. distribution of cases among the courts;
6. rates for trial readiness and completion;
7. performance rates;
8. case load; and
9. the length of time it takes for matters to be completed in the various Courts.

The report generated reveals that in 2017 **12,604** new Supreme Court matters were started across the six divisions (High Court Civil (HCV), Probate, Matrimonial, Commercial, Home Circuit and Gun Court). The major finding of the study was that on average, the disposal or clearance rate of cases is 49.70 %. This rate ranges from 24.18% in the High Court and 97.86% in the Gun Court.

There are matters across the divisions that were disposed of in 0-6 months. However, on average, it takes 2 years and 1 month (25 months) for a case to be concluded. In the Matrimonial Division 12.6% of the cases remained in the system over 4 years before conclusion. While in the Home Circuit Court disposal of cases took between 16 days and 153 months or 12 years and 9 months. There has been improvement in this Division since for the cases filed in 2017 41.14% of those cases were disposed of in 2017. Albeit an unfortunate, exception is a matter in the Probate Division that was completed after 39 years.

Among the impeding factors causing the inordinate delays are the high incidence of adjournments, uncertainty as it relates to trial and hearing dates and requisitions.

69% of matters across the Divisions go according to schedule, of note is the fact that 80.5% of Criminal matters go as scheduled while 54% of the Probate matters are on schedule.

The number of adjournments in the Home Circuit and High Court Civil Divisions is a cause for concern. 30% of these adjournments are owing to missing files, non-attendance of parties, issues with service, wrong listings and outstanding documents. These “*contribute to the nonproductive use of judicial time and slower rates of case disposal.*”

In the Parish Courts **32266** new matters were started in 2017. The average disposal rate was 69.75%, as against the international standard of 80%. In the Westmoreland and St. James Parish Courts the disposal rates were above the international standard- 83.52% and 80.78% respectively. A very good report considering the heavy case load in these Courts. Close behind the two top runners was the parish court in the Corporate Area with 76.25%. At the lower end of the spectrum were the parish courts in Trelawny and Clarendon where the disposal rates were 58.53% and 37.73% respectively.

In order to forge ahead it is recommended that the system allows for “*enhanced case and records management, more robust system of scheduling and stronger stakeholder engagements.*” Additionally increasing the complement of Judges and support staff in the High Court would lessen the caseload and positively impact the clearance and disposal rates. However, more emphasis must be placed on alternative methods of disposal such as mediation, plea bargaining, diversion and dispute resolution.

The Annual Reports have been published for 2017 on the Supreme Court website.

MS, if we do not know the extent of the problem, we will not be able to effectively address it. These Statistical Reports have placed us in a position to undertake a clinical examination of the issues plaguing the Courts, and understand where intervention is required, and the level of intervention that is required.

The Government of Jamaica and in particular the Ministry of Justice renews the commitment to provide the necessary resources to the Court system. While this is being done however, all stakeholders in the Justice Sector can commit to maximizing the existing resources, and to work together to achieve the objectives of the timely delivery of Justice for all.

MS, I thank you.