

EASTERN CARIBBEAN SUPREME COURT
ANNUAL
REPORT



2009-2010

Anguilla – Antigua and Barbuda – The Commonwealth of Dominica – Grenada – Montserrat – St Kitts and Nevis – Saint Lucia – St Vincent and the Grenadines – Territory of the Virgin Islands



MISSION STATEMENT



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



VISION STATEMENT



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

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Commercial Division, Tortola, Territory of the Virgin Islands



Governor David Pearey (2nd left) hands over keys of the new Commercial Division building to Chief Justice Hugh Rawlins (far right)



Justice of Appeal Michael Gordon, QC, delivers remarks at the official opening of the new Commercial Division



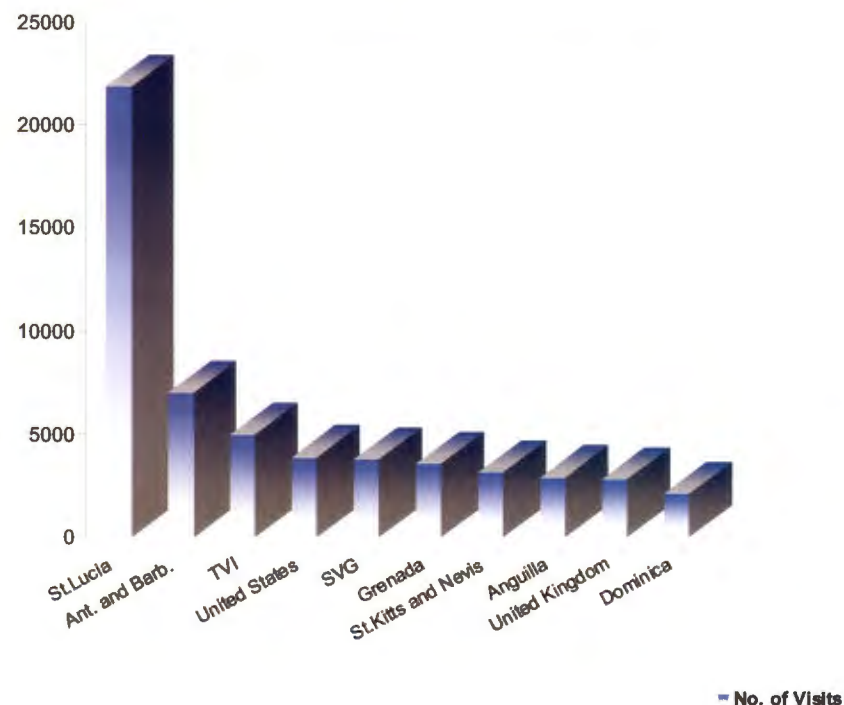
Members of the audience who witnessed the official opening of the Commercial Division of the Court

Table 3: The Ten Countries with the Highest Numbers of Visits to the Website 12th February to 31st December, 2009

Country	No. of Visits	Avg. Time on Site	% new visits
St. Lucia	21 877	3 min 49 sec	7.14
Antigua and Barbuda	7 016	10 min 39 sec	13.3
Territory of the Virgin Islands	4 997	8 min 36 sec	12.49
United States	3 908	5 min 33 sec	59.72
St. Vincent and the Grenadines	3 817	8 min 21 sec	17.5
Grenada	3 617	10 min 23 sec	12.58
St. Kitts and Nevis	3 194	10 min 22 sec	16.5
Anguilla	2 929	10 min 46 sec	10.38
United Kingdom	2 800	5 min 18 sec	48.07
Dominica	2 135	10 mins 7 sec	15.27

Figure 2

The Ten Countries with the Highest Numbers of Visits to the Website 12th February to 31st December, 2009



Information Management and Delivery

Information management is a core component for the delivery of justice. Without timely and relevant information delivered to the right person, the Eastern Caribbean Supreme Court would be hard-pressed to provide the quality of justice that it is mandated to give and the citizenry of the region has come to expect – *an accountable and independent system of justice delivered in a prompt, fair, efficient and effective manner.*

During the year in review continued efforts were made to manage the collection; to process, organise and store information, and disseminate it within and outside the organisation to facilitate quicker and better decision making by users.

Maintaining up-to-date collections of relevant titles, legislation and unreported judgments of the various Member States and Territories; providing a reference and research service of a high standard to the Justices of the Court and other users of the Library; ensuring the proper creation, maintenance, use and disposal of the Court's records to achieve efficient, transparent and accountable governance; applying statistical methods to the monitoring and control of court processes to ensure that it operates at its full potential are all significant parts of this system.

Achievements worthy of note include:

Access to Unreported Judgments

Technology plays an indispensable role in the management and dissemination of the Court's information. Ease of access is a desired goal in the information arena, so working in tandem with the IT Department the scanning of judgments continues. All pre-2000 Court of Appeal judgments that form part of the Library's collection have been scanned and may be accessed via the Court's website. The project continues into the new Law Year to achieve the ultimate goal of having all judgments, High Court and Court of Appeal, readily available to our users.

Access to Court Records

There is nothing more frustrating than knowing that information exists and not know where or how to find it. The organisation of the Records Center, an off-site storage facility, which houses closed and inactive records, has been a long time in the making. Through the assiduous work of the members of staff of the Records Management Unit, the Center is now fully operational. All records, judicial and administrative, are boxed and organised on shelves to facilitate quick and easy retrieval. In the very near future users will be able to

access the contents of the Center via the records automated system – Versatile Professional by Zasio Enterprises, taking the Court one step closer to the ability to facilitate the delivery of the *right information to the right person at the right time in the right format.*

Public Education

To coincide with the historic signing of the Revised Treaty of Basseterre establishing the OECS Economic Union on Friday 18th June by the Heads of Government of the OECS at a meeting in Saint Lucia, the OECS Secretariat hosted an exhibition in Castries from 16th – 18th June 2010. The Eastern Caribbean Supreme Court, along with the other member institutions of the OECS Secretariat, was invited to participate and there highlighted some of its many achievements since its existence that has significantly contributed to the OECS integration. Through this event the Court was able to present the Court and its impact on the development of regional jurisprudence to the audience of primarily school children and other young people, through a slideshow, pictures, brochures, leaflets and memorabilia.



Eastern Caribbean Supreme Court on display

Budget Allocation

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

Cost Centre	Approved Budget 2009/10	Approved Budget 2008/09	Percentage Increase/ (Decrease)
Personal Emoluments	9,298,312	9,292,874	0.06
Administrative Expenses	3,333,529	2,640,378	26.26
Capital Expenditure	319,150	410,237	-22.21
Judicial Education	893,190	1,004,336	-11.07
Rules Revision Reform	0	0	
Judicial and Legal Services Commission	313,279	449,217	-30.27
Judicial Council	0	0	0
Total	14,157,460	13,797,042	2.62

The ECSC's budget increased by 2.62% during the period 2008/09 to 2009/10. This was primarily the result of the salary increase awarded to staff based on the provisions of the Hamilton Consultancy, and provision for the replacement of capital equipment.

Timely Funding of the Judiciary

The present financial global crisis is continuing to have its effect on the region and by extension is affecting the contributions being received from Member States. Receiving timely payment of contributions from some members continues to be a problem and this has delayed the implementation of some of the work programmes of the Court. A nation's economic and social prosperity depends on the efficient functioning of an independent and fearless judiciary especially with the escalating crime situation reported in Member States. For such an important institution, every effort must be made to ensure that it is not handicapped even in times of crisis when limited funding may be available.

The Mediation Programme in the OECS continues to play a significant role in the resolution of disputes, as a number of persons are now opting to resolve disputes by way of mediation rather than through the adversarial process. Apart from matters referred through the court system, private parties increasingly contact the mediation offices seeking advice on the resolution of disputes. More lawyers are now leaning towards mediation, prior to bringing matters before the Courts.

In many of the Member States and Territories, mediators are demonstrating improved experience and skills which result in far better outcomes than previously. During the year under review, one mediator from St. Vincent and the Grenadines travelled to Anguilla and successfully mediated a long standing business dispute in that territory. One of Saint Lucia's foremost mediators, Attorney-at-Law Ms. Cynthia Combie – Martyr, has been selected by the relevant parties, to conduct a mediation in the territory of St. Kitts in September 2010.

The Regional Mediation Coordinator conducted a one-day sensitisation workshop for interested persons, followed by a two-day refresher workshop for previously trained mediators in Grenada. To satisfy the continued expressions of interest in the mediator training programme more workshops will be conducted in the 2010/2011 Law Year.

Member States/Territories Reports

Antigua and Barbuda

For the period January to December 2009, 90 matters were referred to mediation. 24 mediations were settled, 31 mediations were not settled. 1 matter was settled prior to mediation, and 28 were returned to case management. 6 matters were in progress at year end.

Debt and Damages represented the majority of matters referred to mediation

The Commonwealth of Dominica

Dedicated space in which mediation sessions can be comfortably conducted is now a reality for the Commonwealth of Dominica. With this reality, it is anticipated that relevant persons will make use of this vehicle for the resolution of disputes.

Grenada

For the period July 2009 – 2010 the number of cases referred were 114, the number of cases mediated were 73 with 50 cases settled, 23 not settled and 41 pending further mediation.

Litigants and attorneys have expressed satisfaction with the process, and the mediators scheduled to conduct the mediations.

There is however concern and disquiet that of the fourteen mediators on the roster, less than 30% are selected on a regular basis and of these only one is a lawyer. It is recommended that the administration of the programme include a forum to facilitate the discussion of such issues by mediation coordinators in the respective States.

Saint Lucia

In 2009, a total of 82 matters were referred for mediation. Of these, 55 matters were concluded, with 44 settled and 11 not settled; 19 matters were referred back to case management. 8 matters remained pending, or scheduled for further mediation at year end.

In the latter half of 2009, very few matters were referred to mediation, due to the fact that the Masters, who refer the majority of mediations, were unable to hold court sittings, because of repairs and restorative work being undertaken at the Saint Lucia High Court Registry buildings.

During January to June 2010, there was a vast improvement in the referral rate with, some 85 matters being referred for the period. Of these, 52 were concluded with 32 settled and 20 not settled; 13 matters were referred back to case management while 20 matters remained pending, or scheduled for further mediation.

St. Kitts & Nevis

Mediation is operating in St Kitts, but not without the challenges associated with this type of process. The Mediation Committee chaired by the Hon. Justice Francis Belle meets fairly regularly to assist with the associated problems and make recommendations for the way forward.

Some of the challenges include:

Scheduling of Cases

Many lawyers are still of the view that they should be present at the mediation sessions and so tend to resist scheduling if it clashes with a previous appointment. This causes delay and as a result cases remain in the system

longer than the anticipated disposal. The Chairman met with a few of the lawyers who had outstanding cases.

In addition, a few lawyers are not giving the process the needed respect by complying with the orders. The Chairman proposed a meeting between bench/bar to assist.

Collection of Mediation fees

The lawyers are reminded of the cost of mediation, and give assurances that the payments would be met, yet they constantly attend scheduled mediation without the necessary fees. Once the mediation has taken place, the collection of fees proves challenging.

Training of New Mediators

St Kitts and Nevis' Roster of Mediators comprised nine (9) persons in the initial phase. Two trained mediators recently migrated, leaving seven (7) persons, with only five actively performing the role of mediators. Additional mediation training for new mediators is being pursued in collaboration with the Regional Mediation Coordinator, Mr. Francis Compton, and the Mediation Consultant, Mrs. Deborah Mendez-Bowen.

The Mediation Center is still housed in the library of the Court House. Mediators experience difficulty when they have to conduct break-out sessions because of the unavailability of additional rooms. The Chairman has written the Attorney General for some assistance in this regard. A dedicated mediation space in St. Kitts is looked forward to with great anticipation.

For the year 2009, 16 cases were referred to mediation. 6 cases were settled, 3 cases were not settled, there was one case of non-compliance, 1 was settled prior to mediation and 5 cases are still pending due to scheduling issues.

For the period January to July 2010, 6 cases were referred to mediation. 3 cases were settled and 3 are pending.

Programme Evaluation

Introduction

Compiled from evaluation forms completed during the period 2009/10, this report reflects the opinions of litigants and attorneys in Saint Lucia and the Territory of the Virgin Islands. Forms were not submitted by all individuals hence the totals will not represent the actual number of persons who participated in mediation during the stated timeframe.

Section 1: Litigant Responses

81 Litigant Evaluation forms were submitted during the review period. The majority of mediations evaluated took place in 2010: 67 in 2010 and 12 in 2009. There were two instances when the year was not specified. 55 mediations were evaluated in Saint Lucia and 25 in the TVI. The country of origin was not specified on one form. 77 of the 81 litigants, or approximately 95%, were represented by an attorney. Three individuals did not have an attorney however only one indicated having difficulty representing himself/herself.

41 litigants were defendants, while thirty seven were claimants. The remaining persons chose "other" or made no selection. Generally the mediations received good reviews, however there were one or two areas which can be improved upon based on the feedback received. The following sections give more detailed information on certain aspects of the mediations.

Success of the Mediation

The main objective of mediation is for the settlement of cases outside of the official court system. This serves to reduce case backlog and allow the more serious matters to be dealt with in the formal court system. Of the 81 respondents, 40 indicated that their cases were settled while 30 stated the opposite. Two of the cases were partially resolved. Also of significance is that 9 persons did not respond to this question. The number of non-responses could have impacted on the settlement rate which was just about 50%. The actual breakdown is given in Table 1 (a).

Table 1(a): Did you reach an agreement and settle your case?

Response	Frequency	Percent
Yes	40	49.4
No	30	37.0
Partially	2	2.5
No Response	9	11.1
Total	81	100

It is important to note that all 40 litigants who had their cases settled were satisfied with the terms of the agreement and felt that these terms would settle the dispute. Approximately 93% felt that the other party would live up to the terms of the agreement. There were also persons whose cases were not settled yet they responded to the aforesaid. These responses were not valid since their cases were not settled.

Effectiveness of the Mediator

The role of the mediator in the mediation process is invaluable. Training for mediators has been central to the implementation of mediation in the judicial process. Feedback from participants on the mediators is important and necessary. This can shape measures to improve the skill and hence efficiency of the mediators. Overall the mediators received very good ratings. Litigants selected from three responses: **Disagree, Not Sure** and **Agree**.

Over 90% of litigants indicated that their mediator explained the process clearly as well as allowed them to have their case fully represented. This was also applicable to the mediator listening carefully to their side of the case. Approximately 89% of respondents felt that the mediator asked the appropriate questions to determine the facts of the case as well as treated the parties equally. 61 out of the 81 litigants were of the view that the mediator helped generate options for settling the dispute: this represented just over 75% of total litigants. The responses indicate that this aspect of the mediators' skills can be strengthened.

Not all individuals felt satisfied with the way the mediator handled the mediation session. 70 out of the 81 respondents agreed to this statement. The breakdown of responses is given in Table 1 (b).

Table 1(b): Overall, I was satisfied with the way the Mediator handled the session

Response	Frequency	Percent
Agree	70	86.4
Disagree	3	3.7
Not Sure	3	3.7
No response	5	6.2
Total	81	100

Feedback was also solicited on the overall mediation process. 65 persons or approximately 80% of total litigants felt satisfied with the mediation process while 3 were not. The remaining responses were: 7 not sure and 6 gave no response. Thus this is another aspect of the mediation where there can be some improvement.

Additional Areas

Most individuals were of the opinion that the mediation fee was reasonable (62 out of 81 respondents). 10 individuals indicated that the fee was unreasonable while the remainder gave no response or invalid responses. One good indicator of participants' feelings towards mediation is their willingness to try the process again. On this note, 58 of the total 81 (or 72%) agreed that they would try mediation again. Although this is not necessarily a poor response, it is indicative of room for enhancement of the mediation process. The responses to participants' willingness to try mediation again are given in Table 1(c).

Table 1 (c): If you become a Litigant in the future will you try mediation again?

Response	Frequency	Percent
Agree	58	71.6
Disagree	4	4.9
Not Sure	13	16.0
No response	5	6.2
Invalid Response	1	1.2
Total	81	100

Section 2: Attorney Responses

71 Attorney Evaluation forms were received: 20 from the Territory of the Virgin Islands and the remaining 51 from Saint Lucia. The bulk of the mediations occurred in 2010: 60 in 2010 compared to 10 in 2009. There was one instance when the year was not specified. Almost equal numbers of respondents were Claimant Attorneys and Defendant Attorneys: 32 and 31 respectively. One attorney selected the option "Other Attorney" and seven did not specify their role in the mediation.

The categories of mediations evaluated are listed in Table 2(a). The majority of cases scheduled were Contract cases. These accounted for approximately 62% of the total mediations evaluated.

Table 2(a): Type of Case for Mediation

Case Type	Frequency	Percent
Contract	44	62.0
Debt	2	2.8
Negligence	3	4.2
Property	2	2.8
Tort	18	25.4
Not Specified	2	2.8
Total	71	100

Success of the Mediation

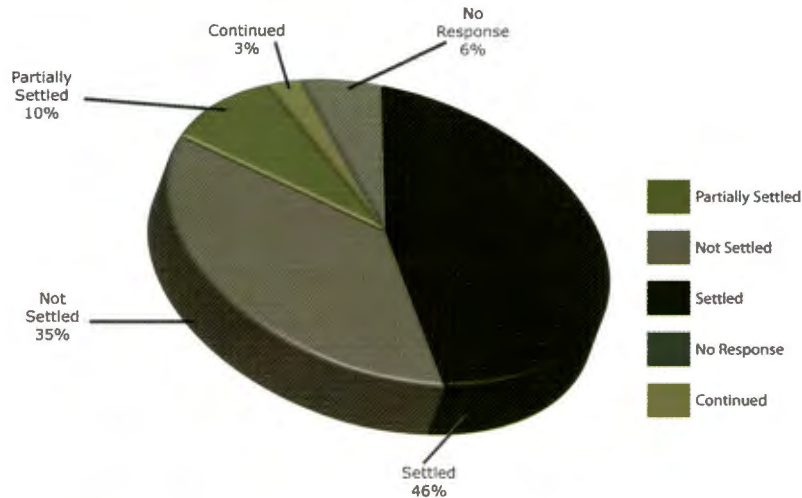
Approximately 47% of mediations evaluated were settled while 35% were not settled. 10% of cases were categorized as being partially settled. These figures correspond to 33, 25 and 7 cases respectively. 2 cases were continued while 4 Attorneys did not indicate the outcome of their cases. This information is illustrated in Table 2 (b) and Figure 1 which follow.

Table 2(b): Outcome of Mediation

Response	Frequency	Percent
Settled	33	46.5
Not Settled	25	35.2
Partially Settled	7	9.9
Continued	2	2.8
No Response	4	5.6
Total	71	100

Figure 1

Outcome of Mediation



Effectiveness of the Mediator

There were certain aspects of the mediators' performance which were commendable and others which require enhancement. Overall, 68 attorneys representing about 96% of total respondents indicated that they were satisfied with the way the mediator worked the case. 66 attorneys gave the highest rating in response to being satisfied with the mediator.

Some other areas of the evaluation where over 90% of respondents gave the highest ratings include the following: Just fewer than 92% of the respondents were of the opinion that the mediator asked the appropriate questions to determine the facts of the case. 66 of the 71 Attorneys thought that the mediator explained the process well. 5 persons selected "Satisfactory" for the aforesaid statement. A little over 90% of attorneys also felt that the mediator's ability to clarify key issues as well as be impartial was "Very Good".

Other areas of significance include: 60 of the 71 attorneys selected "Very Good" as their response to the mediator helping to generate realistic options. 9 persons selected "Satisfactory" while 1 person indicated that this was "Poor". One individual gave no response to this question.

The options for the mediator's level of participation were: "High", "Medium", and "Low". Approximately 83% of the attorneys or 59 of them found the mediator's level of participation to be high. Seven selected "Medium" as their response and the remainder gave no or invalid responses. 58 individuals gave the mediator's ability to facilitate the impasse the highest rating. This accounted for approximately 81% of the total respondents.

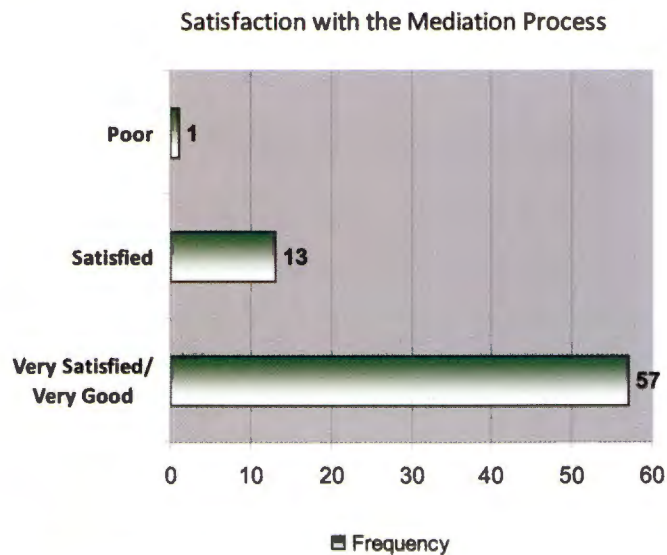
Mediation Process

Out of the responses "Poor", "Satisfactory" and "Very Good", 57 attorneys selected "Very Good" with regards to being satisfied with the mediation process, while 13 chose "Satisfactory". One person found that the process was poor. Thus about 80% of attorneys gave the mediation process the highest rating. The aforesaid is highlighted in Table 2 (c) and Figure 2.

Table 2(c): Overall, how satisfied were you with the PROCESS of the mediation?

Response	Frequency	Percent
Very Satisfied/ Very Good	57	80.3
Satisfied	13	18.3
Poor	1	1.4
Total	71	100

Figure 2



Approximately 93% of respondents expressed that mediation was appropriate for their case (66 out of the 71 persons). 51 individuals opined that mediation facilitated early resolution.

A little over 70% (50 persons) gave the highest rating for being satisfied with the outcome of mediation. 17 selected the second highest rating while four persons chose poor for this part of the evaluation.

Conclusion

Generally the reviews of the mediation were positive from both the litigants' and attorneys' perspectives. There were a number of non-responses or invalid responses from both parties. Respondents should be encouraged to complete the evaluation forms as accurately as possible so that the analysis can truly reflect their opinions.

Based on the feedback received, some of the areas which can be worked on to improve the mediation process include:

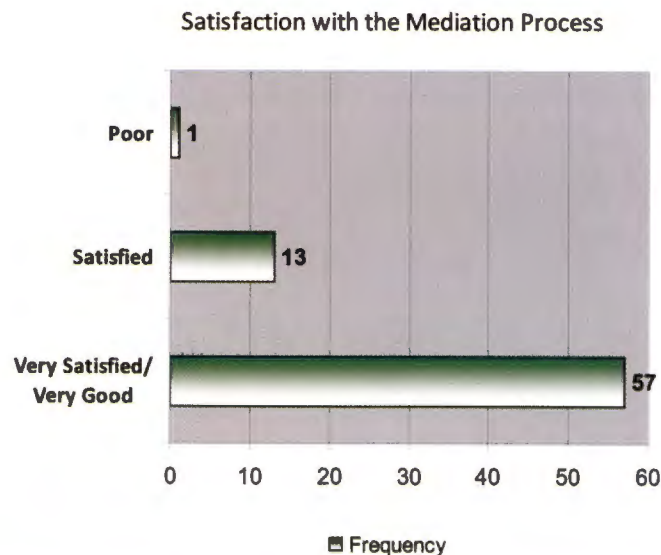
- The settlement rate of cases can be increased. It must be noted however that the number of non-responses could have contributed to a reduced settlement rate. If the settlement rate is improved then more persons would be satisfied with the outcome of mediation.
- According to feedback from the litigants, some of the skills of the mediators can be strengthened through more targeted training sessions. This should include training in areas such as: generating options for settling the dispute and the manner in which the mediators handle the mediation session.
- Responses from attorneys suggested that some of the mediators' skills can be strengthened, namely their ability to facilitate an impasse and generate realistic options to solve the dispute. The level of participation of some of the mediators can also be improved.

With further education of the public in each of the Member States and Territories, and continued sensitisation of the various governments and legal practitioners, the mediation programme in the region is poised to become an indispensable part of the region's jurisprudence. The benefits to both litigants as well as to the Courts are tangible. Successful resolution at mediation in the early stages of litigation lessens the administrative burden on the court system; it also saves the parties both time and money, and eliminates the uncertainties and risks of a trial.

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Despite the financial constraints, the Judicial Education Institute (JEI) was able to coordinate two major events namely: the **Annual Judicial Conference** and the **Biennial Conference for Magistrates of the OECS**. Funding from the United States Federal Trade Commission allowed the Institute to mount the training workshop on “**Judicial Application of Competition Legislation in the Caribbean**” for Judges of the Caribbean Court of Justice and the Eastern Caribbean Supreme Court. This training will position the judicial officers to respond to the new challenges of competition policy under the revised Treaty of Chaguaramas and the revised trade regimes in a continually liberalised world. The workshop was facilitated by members of the USA Federal Commission.

Bench - Bar Symposium on Sentencing in Capital Cases

The year commenced with the second annual Bar/Bench Symposium, focusing on **Sentencing in Capital Cases**, hosted by the OECS Bar Association in collaboration with the Judicial Education Institute on Saturday 12th September 2009. The Hon. Chief Justice Hugh A. Rawlins, Hon. Brian Cottle, High Court Judge and Ms. Nicole Sylvester, representative of the OECS Bar Association, lead the presentations on: *Sentencing Guidelines in Capital Cases* and *Procedures on Sentencing in Capital Cases*. The event was very successful, and very much valued by members from the Constituent Bar Associations.

Annual Judicial Conference 2009

The Institute held its signature event, the Annual Judicial Conference (AJC) at the Bay Gardens Beach Resort and Spa, Saint Lucia, 3rd – 4th December 2009, due in large measure to funding received from the British and Canadian High Commissions for which the Institute is very grateful.

The conference focused on *Asset Confiscation, Forfeiture and Money Laundering*. This was combined with a Symposium on *Sentencing in Capital Cases*.

Present at this year’s conference were judges from the Eastern Caribbean Supreme Court, Senior/Chief Magistrates from Antigua and Barbuda, Territory of the Virgin Islands, Saint Lucia and St. Vincent and the Grenadines; also present were Justices Gloria Smith (Jamaica), Horace Marsh, Malcolm Holdip, and Anthony Carmona (Trinidad and Tobago) and Richard Williams (Turks and Caicos Islands).

The conference heard, as part of the opening exercises, brief remarks from Hon. Prime Minister, Stephenson King of Saint Lucia, Hon. Chief Justice, Hugh A. Rawlins, Hon. Justice Ianthea Leigertwood-Octave, Chairman, JEI; the Keynote address was delivered by the Right Hon. Baroness Scotland, QC, the Attorney General of the United Kingdom via a video presentation. Her address set the tone for the conference on *Asset confiscation, Money Laundering and Cash Forfeiture*. She emphasised the importance of *Asset Recovery/Confiscation* on many levels, noting that *Asset Recovery* stops the criminal from accessing money to fund additional crimes and strips the criminals of their unjust wealth and power. It disrupts criminal activity and affects the working capital of the criminal. Following this participants had the benefit of the expertise of Hon. Judge James Wadsworth, QC, in the area of *Asset recovery and Money Laundering*. Mr. Mark Sutherland Williams, an experienced Barrister specialising in *Proceeds of Crime and Asset Recovery* also shared with the participants his area of expertise.

The Symposium on *Sentencing in Capital Cases* was led by Justices Kenneth Benjamin and Brian Cottle and Ms. Nicole Sylvester, Attorney at law. These discussions allowed the judges to focus closely on the relevant procedures and the conditions under which capital punishment could be imposed, with a view to maintaining consistency in sentencing.

Orientation Programme for Newly Appointed Judges

The AJC was followed by an orientation programme for the five newly appointed Judges of the Eastern Caribbean Supreme Court, from 4th – 5th December 2009.

The Orientation Programme commenced on Friday afternoon 4th December 2009, at the headquarters of the Eastern Caribbean Supreme Court in Castries. Areas of focus included: *Court Administration, Financing, The Role of the Registrar and the Court Offices, Mediation, and the Judicial Enforcement Management System (JEMS), Judicial Ethics, Judicial Protocol, Judicial Communication, Civil Procedure Rules, Case Management, Judgment Writing, and Summations*.

The presenters included Hon. Chief Justice, Hugh A. Rawlins, Court of Appeal Judges: Justices Ola Mae Edwards, Michael Gordon, QC and Janice George-Creque; High Court Judges: Justices Kenneth Benjamin, Louise Blenman, Masters Cheryl Mathurin and Pearletta Lanns, Chief Registrar Ms. Kimberly Cenac-Phulgence, Court Administrator Mr. Gregory Girard, IT Manager

Mr. Mark Ernest, Regional Mediation Coordinator Mr. Francis Compton, and Mr. Frank Walwyn, Attorney at law in Canada and St. Kitts and Nevis. The presentations were very informative and the subsequent discussions were very stimulating.

JEI Welcomes a New Chairman

In December 2009, Justice Ianthea Leigertwood-Octave relinquished the position as Chair of the JEI which she held since August 2007. Justice Octave's contribution to judicial education did not begin in August 2007 however, as she has been a part of the process since 1999 and assisted the former Chief Justice Sir Dennis Byron in the institutionalisation of the Judicial Education Institute. She was a strong proponent of the Institute having its own office and staff. In her years as Chief Registrar, she played a vital role in shaping the direction of the work of the JEI by serving on the Management Committee of the Institute. Special thanks must be given to Justice Octave for her unrelenting support to judicial education, not only as Chairman of the JEI but during her years as Chief Registrar of the Court. The Institute is confident that it can continue to count on her support.

In January 2010 the Institute welcomed Justice Louise Blenman as its new Chairman. She brings a wealth of experience in education to the position and the JEI looks forward to Justice Blenman steering the Institute through paths that will result in judicial excellence in the region.

Workshop on the Judicial Application of Competition Legislation in the Caribbean

The United States of America Federal Trade Commission (USFTC) and the United States Agency for International Development in cooperation with The Caribbean Community Competition Commission hosted a workshop on the *Judicial Application of Competition Legislation In the Caribbean*. The workshop was held at the Royal Saint Lucian Resort and Spa from 7th - 9th April 2010. The participants were drawn from Judges of the Caribbean Court of Justice, Judges and Masters from the Eastern Caribbean Supreme Court and members of the CARICOM Competition Commission. The collaboration between the two Judiciaries was the first of its kind.

The purpose of the workshop was to sensitise Judges on competition legislation. The need to do so is a direct result of the inclusion of competition principles

into the revised Treaty of Chaguaramas and the move to adopt competition legislation at the national level.

The topics covered at the conference included; *The Nature, Framework and Purpose of Competition Law; Basic Anti-trust Economics; Anticompetitive Agreements; Mergers and Acquisitions; Procedural Issues; Consumer Protection Overview and the Relationship to Competition Law; Consumer Deception and Abuse of Dominance and other Anti-competitive Single Firm Conduct*. Facilitators included members of the Federal Judiciary of the United States, members from the USFTC and the Caribbean Fair Trade Organisation. Members of the CARICOM Competition Commission were also present.

The Judges and Masters welcomed the orientation to this emerging area of law in the region and look forward to adjudicating on the new legislation. JEI is grateful to the United States Federal Trade Commission and the United States Agency for International Development for its co-sponsorship of this signal event. It is equally thankful to the CARICOM Competition Commission for its contribution in facilitating the attendance of the Judicial Officers of the ECSC.

Biennial Conference for Magistrates 2010

The Biennial Magistrates Conference was convened at the Jolly Beach Resort, Antigua, 1st - 3rd July 2010. The conference focused largely on *Judicial Writing and Communication*, and was funded by the Eastern Caribbean Supreme Court, the Government of Antigua and Barbuda and all the other governments of the OECS. Registrars of the High Courts of the OECS were included in this year's Conference.

The three-day conference commenced with a formal opening ceremony with remarks by the Hon. Attorney General of Antigua and Barbuda, Mr. Justin Simon, QC, and welcome remarks by the Hon. Prime Minister, of Antigua and Barbuda the Hon. Baldwin Spencer. The Hon. Chief Justice of the Eastern Caribbean Supreme Court, Hugh A. Rawlins set the stage for the Conference and resident Judge Hon. Mario Michel chaired the morning's proceedings. Present at the opening ceremony was Her Excellency Dame Louise Lake-Tack, GCMG, DGN, D.St.J the Governor General of Antigua and Barbuda.

In his welcome remarks Hon. Baldwin Spencer, affirmed his support to continuing judicial education for Judicial Officers and the OECS Authority's commitment to the Integration of the Magistracy. He also supported the idea of the establishment of a trust fund to finance the operations of the Court. The Hon. Attorney General of Antigua and Barbuda, Mr. Justin Simon, QC spoke of the onerous responsibility that Magistrates have in adjudicating in 85% of

issues that come before the courts in the OECS and the fact that adjudication in the Magistrates Courts impact on a wide spectrum of concerns that affect the lives of a significant number of grass roots persons. He therefore welcomed the training that they were about to receive.

The session on Judicial Writing presented by Professor James Raymond, focused on the *Five Step Solution of Writing Judgments which include; Identifying and Arranging Issues, Drafting, Analysis, Writing and Ending and Delivering of Oral Judgments.*

Justice of Appeal Davidson Baptiste, Justice Kenneth Benjamin, Chief Magistrate Valerie Stephens, and Deputy Chief Registrar, of the ECSC, Ms. Agnes Actie presented on aspects of Criminal Trials, and included: *Summary and Hybrid Offences and Preliminary Inquiries, Sentencing and Sentencing Guidelines, Coroners Inquests, Magisterial Appeals, and Chairmanship of Proceedings & Courteous Communication.* Professor Kelly Tait, Communication Consultant and Speech Communication Instructor, University of Nevada, Reno presented on *Judicial Communication.*

The Hon. Chief Justice had very timely and separate meetings with the Registrars and Magistrates, which afforded him the opportunity to listen to the issues affecting the two groups and also allowed him to express the concerns which affect the administration of justice.



A section of the participants in attendance at the Judgment Writing Workshop



Participants of the Magistrates Conference

Other Conferences and JEI Updates

In the past year the Judges and administrative/support staff of the Court have benefited from a number of training programmes hosted by other international organizations.

- Justice Ianthea Leigertwood Octave represented the JEI and participated in the Fourth International Organisation for Judicial Training (**IOJT**) conference in Sydney, Australia, October 25-29, 2009.
- Justices of Appeal Michael Gordon QC, and Davidson Baptiste; High Court Judges: Justice Louise Blenman, Justice Clare Henry, Justice David Harris, Chief Registrar, Kimberly Cenac-Phulgence and Deputy Court Administrator Mr. Francis Letang attended a Colloquium, in Trinidad and Tobago, November 2009, on CARICOM Law. This was sponsored by the Caribbean Court of Justice, the Caribbean Law Institute Centre and the CARICOM Secretariat.
- The British High Commission of Barbados funded the participation of seven Judges of our Court in a Judicial Ethics Seminar, held in Barbados, February 2010. The ECSC funded the participation of our judges from the overseas British territories. The facilitator was Hon. Dame Linda Dobbs QC, of the Supreme Court of England.
- The Hon. Chief Justice, Hugh A. Rawlins and the Deputy Court Administrator Mr. Francis Letang, participated in a Colloquium on CARICOM Law to mark the 5th Anniversary of the Caribbean Court of Justice, hosted by the Caribbean Law Institute Centre of the University of the West Indies, Trinidad and Tobago, 16th April 2010.
- Ms. Agnes Actie, Deputy Chief Registrar, attended the Meeting of Registrars of Final/Appellate, Regional and International Courts and Tribunals in Ottawa, Canada during the month of April 2010. This was funded by the Commonwealth Secretariat.
- Justice of Appeal Davidson Baptiste and High Court Judge, Justice Louise Blenman, participated in the Intensive Study Programme of the Commonwealth Judicial Education Institute held in Canada over a three week period in June 2010.
- Justice Brian Cottle and Justice Francis Cumberbatch participated in an Anti-Gang Forensic Workshop in San Salvador, 4th -11th June 2010. Their participation was funded by the Department of Justice Organisation of El Salvador.

- Justice Francis Belle, Justice Gertel Thom, Justice David Harris and Justice Bernie Stephenson-Brooks benefited from training in Cyber Crime in St. Kitts and Nevis, July 2010,

In the new law year (2010/2011) the JEI looks forward to a busy calendar, coordinating all of its listed events. Among the listed activities is the Bailiff Workshop for the islands in the Southern OECS. The Annual Judges Conference and the Registrars Conference are expected to revert to their usual dates and the Customer Service Training is expected to be back on stream.

The JEI places on record its gratitude to the Programme Coordinator, Ms. Alana Simmons for her excellent, efficient and untiring support to the Institute.



Ms. Agnes Actie, Deputy Chief Registrar (2nd right) in attendance at the Meeting of Registrars of Final/Appellate, Regional and International Courts and Tribunals in Ottawa, Canada

Each year the Court makes provision for the appointment of two legal Interns. Advertisements for suitable applicants for this attachment are sent to the various law schools in the Caribbean and interviews conducted with applicants by one of the Court of Appeal Judges and selections made. This year, interviews were conducted by the Hon. Justice Janice George-Creque; and Mr. Merrick Watson and Ms. Anishka Pennerman were selected as the 2010 Interns. They spent ten weeks (June 14 -August 20, 2010) immersed in the work of the ECSC at the Court's Headquarters. They were engaged in various activities including head noting and vetting of judgments, conducting legal research, and preparing case briefs for the new edition of the Caribbean Civil Court Practice due to be published in September 2010.

Mr. Watson, a Jamaican national and Ms. Pennerman, a Bahamian national are first year law students at the Norman Manley Law School and the Eugene Dupuch Law School respectively. It is the first time that the Court has had students from Jamaica and the Bahamas.



Ms. Anishka Pennerman and Mr. Merrick Watson at work in the Library; they share their experience at the Court.

My Time at the Court

Merrick Ricardo Watson



The brilliant French Philosopher and Nobel Laureate Albert Camus once wrote "Life is the sum of your choices". Thinking on these profound words, now some 6 weeks after accepting the offer to do my Internship here at the Eastern Caribbean Supreme Court of Appeal, I am comforted in the knowledge that I made a wise decision. For what better place could there be for me to learn the nuances in the practice of the law? My journey to the Court began with an interview in Jamaica with Justice Janice George-Creque which, unbeknown to me then, would set the tone for my time here in Saint Lucia. Justice George-Creque surprised me in that, unlike my previous experiences with judges of her rank, she was not pompous, cold or detached. She had an inviting warmth that quickly placed me at ease in the interview. I wondered, having never visited Saint Lucia before, if it was a strange place as I thought to myself "How is it possible

that a Court of Appeal judge can be so human?" I eventually learned that the judges here are all like this; they are all polite, respectful and genuinely nice people.

By the time I had my interview I had already been offered an internship in the Litigation Department of one of the largest firms in Jamaica. I was however so impressed with Justice George-Creque, I decided to wait until I heard from the Court before I contacted the firm to say whether or not I would take up their offer. At this point, I firmly believed that I would probably learn more working with judges of her caliber, and enjoy what I was doing, than being in a law firm. I was eventually vindicated in the decision I took! One day as I came through the door at the Norman Manley Law School (NMLS), the secretary informed me that Principal Professor Stephen Vasciannie would like to see me urgently. I wondered what on earth I was guilty of as I have a reputation for being outspoken. I quickly replaced anxious concern with pure joy as the Principal

informed me that I was selected out of the 4 students interviewed at NMLS for the internship. I collected the offer letter, walked out to the lobby and dialed the law firm to convey my thanks for their offer but convey that I was going to Saint Lucia instead. It was for me the right choice.

My quest for further knowledge in the law was greatly aided by the Court. The knowledge I have gained here is, and will continue to be, invaluable and rewarding. I say this not as an indictment on the NMLS which surely serves its purpose, but during my stint at the Court I have learned more, in this short period, about the practice and nature of the law than I have so far at the Law School. Most importantly, I have redeveloped my passion for the law which admittedly deserted me after I completed the LLB at Cave Hill. The Court has offered me great insight in the administration of justice in this part of the Caribbean. In my view, a process so exemplary, that it should be a model for the rest of us in the region. It is in this process that I had an opportunity to take part. I got first-hand experience writing bench memos for the justices, head noting cases, vetting cases, briefing cases, going to court or in chamber sittings, and carrying out legal research. This has improved my skills in not only finding the law but also in understanding and analyzing it.

To view first-hand how the judges go about writing their judgments, watching their legal minds at work at court sittings and reading their judgments has opened up my mind to exactly what is required of me to perform well in this noble profession. I would recommend the internship programme here at the Eastern Caribbean Supreme Court to every law student who is serious about learning the law.

Legal Internship at the Eastern Caribbean Supreme Court

Anishka Pennerman



I am Anishka Pennerman, and I will shortly begin my final year of law school at Eugene Dupuch Law School, in The Bahamas. I have been blessed with a unique opportunity to complete my legal internship at the Eastern Caribbean Supreme Court, where my legal knowledge was considerably enriched.

Firstly, writing Bench Memorandums were useful for me as it taught me to summarize a case sufficiently so that it creates a snapshot of the entire proceedings. At the same time, it taught me to retain sufficient detail so that the essence of the judgment is not lost. Honing this skill will continue to benefit me in second year as well as throughout the remainder of my legal career.

Additionally, doing the case head noting was exciting in that I understand its value, both as a student and a future lawyer. It is vital for attorneys, whose time is invaluable, to be able to get a quick view of whether a case is relevant to their issue without reading the entire case, and thus having a concise head note which summarizes the facts and the holding, assists in this task. It was exciting to know that law students and practitioners will one day refer to my head noting of such seminal cases as **Daniel Dick Trimmingham** (which deals with principles of sentencing)

I was also fortunate to participate in the case briefs of appeal matters decided between 2008 and 2010. These cases were important summaries of the law that were meant to assist in the revision of the Civil Procedure Rules 2000. It was exciting to be a part of this process that would assist the legal drafters in

Mentoring the Young

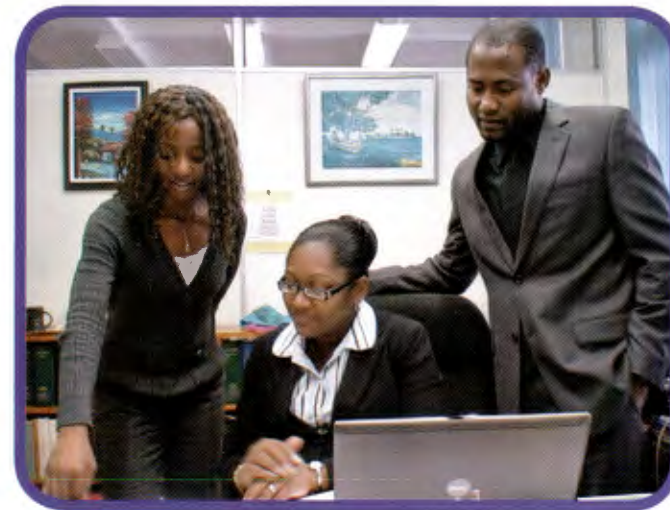
further clarifying the law for practitioners.

Drafting a judgment was the biggest challenge for me. I am now more mindful of my duty as a future attorney to make my arguments user-friendly so as to better assist the court. It was sometimes difficult to glean precisely the arguments that were being made by the various counsel. Thus, during my legal career I will seek to be merciful to both judges, judicial clerks, and legal interns in ensuring that, while I mount a valiant defense for my clients, my arguments are not so convoluted as to obscure the real issues.

Most of all, I am grateful to have had the opportunity of being party to the judges' deliberations in the course of their decision-making. A future legal practitioner can get no greater experience than to see how a judge comes to a decision, since as a legal practitioner, this is ultimately what interests clients.

I cannot end without saying how gratifying it has been for me coming from a different jurisdiction. The organisation of the Court structure is a marvel, in that it is essentially a travelling Court serving the entire OECS jurisdiction. Thus, the Eastern Caribbean Supreme Court should not only be admired for its high jurisprudence, but the logistical efficacy required to operate smoothly.

Finally, I thank the Court for its generosity in facilitating the annual Internship Programme, allowing not only students from OECS Member States, but also others like myself (being from The Bahamas) to enjoy such an enriching experience. It fosters integration but, at the same time, makes one appreciate diversity. I have had the opportunity to not only gain legal experience, but to experience personal and social growth in several Caribbean countries. To the Chief Justice and all of the staff of the Eastern Caribbean Supreme Court, the pages are too short to express my appreciation to you, so I will simply say *Merci*.



Anishka and Merrick consult with Chief Registrar Kimberley Cenac-Phulgence prior to doing an assignment



Legal Interns and Judicial Clerks: Left to right – Anishka Pennerman, Samantha George, Sardia Cenac, Merrick Watson

All appeals 'ripe' for hearing are listed to be heard at the earliest convenience of the Court in the respective Member States or in circumstances of necessity in other Member States. Appeals are also heard via teleconference to facilitate expedited hearing of appeals or matters of extreme urgency.

Court Sittings

The Chief Registrar prepares a schedule of Full Court and Chamber sittings for the ensuing year in or about November of the preceding year. The number of sittings which are assigned to a Member State or Territory depends largely on the number of matters usually listed for hearing and are arrived at in consultation with the Chief Justice. An analysis of the trends over the years assists in determining where additional sittings may be useful and when a reduction in the number of sittings for a particular island is required.

Full Court Sittings

In 2009, twenty two (22) Full Court Sittings were scheduled to take place as follows:

2 each in St. Kitts and Nevis, Anguilla, Grenada, Montserrat and the Commonwealth of Dominica

3 each in the Territory of the Virgin Islands, St. Vincent and the Grenadines, Saint Lucia, and Antigua and Barbuda.

The sittings in Montserrat which were scheduled for July and December 2009 respectively were cancelled due to a lack of appeal matters ready for hearing. There were at least three [3] additional sittings of the Court in Saint Lucia to facilitate hearing of matters in September and November 2009. These additional sittings were typically one day sittings.

Chamber Sittings

Chamber hearings are done by a single Judge of the Court of Appeal and are mostly done on paper except where the Judge may decide that it is necessary to hear oral arguments from the parties. Chamber hearings usually deal with interlocutory applications.

For the year 2009, eleven (11) Chamber sittings were scheduled. Eight (8) additional Chamber sittings were scheduled during 2009 to deal with applications on the direction of the Judges. These Chamber hearings were

conducted by way of teleconference and in person hearings. On occasion, the Judge may decide to hear a matter by way of teleconference instead of having parties travel to Saint Lucia or await the scheduled Chamber date. This assists in furthering the overriding objective of the Civil Procedure Rules 2000 which is to deal with cases justly and in a timely manner, part of which includes saving costs wherever possible.

Judgments

Fifty one (51) written judgments were delivered by the Court of Appeal during 2009: one (1)-Anguilla, twelve (12)-Antigua and Barbuda, nine (9)-Territory of the Virgin Islands, one (1)-Commonwealth of Dominica, six (6)-Grenada, one (1)-Montserrat, five (5)-St. Kitts & Nevis, twelve (12)-Saint Lucia and four (4)-St. Vincent & the Grenadines. These comprise both judgments of the Full Court and single judge decisions. Of the fifty one (51) judgments delivered, nineteen (19) were single judge decisions. In comparison to 2008, there was a decrease in the number of written judgments delivered by the Court. This decrease is primarily attributable to the Court's attempts at its Court sittings to deliver as many oral decisions as possible thereby decreasing the number of written judgments emanating from the Court and at the same time ensuring that parties know the decision in their matter immediately. It is expected that this trend will continue in the coming years. All judgments of the Court once delivered are published on the Court's website so that the general public can have easy access to them. In addition to the publication of the judgments, the Headquarters also publishes on the website the '*Digest of Decisions*' which is a summary of matters heard in court highlighting issues, results and on occasions reasons for results. This is particularly helpful to practitioners who are interested in doing research which involves matters where oral decisions were delivered by the Court of Appeal.

Case Load

During 2009 three hundred and eighty seven (387) appeals were filed, both from the High Courts and the Magistrates Courts. See additional information in section on *Court Performance*.

Magisterial Appeals continue to be a source of concern, with the number of Civil Appeals being significantly lower than the number of Criminal Appeals. Magisterial Appeals filed in Saint Lucia is particularly troubling in light of evidence and information that there are several outstanding appeals which have been filed and which for one reason or the other have not made their way to the Court of Appeal Registry. A report on the status of Magisterial Appeals and the measures being taken to deal with this vexed issue is highlighted

Case Management

Case Management Conferences continue to form an integral part of the Court's work in relation to appeal matters filed. Case management is not conducted in every appeal filed or listed for hearing but can be scheduled at the request of one or both of the parties or where it is deemed necessary to manage and apportion judicial time in cases of trials which may be lengthy or where there are lengthy lists of appeals to be dealt with at a sitting. This is one of the ways of achieving effective and efficient use of judicial time.

Outstanding Appeals

Status Hearings

Status hearings continued to be held in 2009 and have so far been conducted in all the islands. The exercise proved very useful as it provided an opportunity to clean up the system and get a clearer picture of what matters were truly outstanding. It also provided an opportunity for the Court to give directions in dormant matters and forced parties to decide what path they wished to pursue concerning their appeal matters.

Like the previous year, the majority of the Civil Appeals were dismissed for want of prosecution, filing of discontinuances by the appellant or the withdrawal of the matter by the appellant and in one or two matters, the notice of appeal was struck out as being a nullity as it had been filed without leave being first obtained from the Court. The majority of Criminal Appeals were dismissed because the appellants had already served their sentences and had already been released from prison and in one case, an extension of time to appeal had been granted by the Court but no notice of appeal was ever filed.

Outstanding appeals continue to be a cause for concern. High Court Civil Appeals continue to form the bulk of the outstanding appeals except in Saint Lucia, where Magisterial Appeals are what seems to be the contender for that position. It is suggested that one of the main contributing factors to the backlog of Civil Appeals is the lack of adequately functioning Court Reporting facilities and personnel in some of the islands.

Tackling Magisterial Appeals: Saint Lucia

Over the past three (3) years there has only been 3 Magisterial Appeals heard by the Court of Appeal. Upon investigation it was discovered that there are numerous outstanding appeals not being processed. A preliminary count revealed one hundred and seventy seven [177] outstanding matters pending in the system dating back to 2003. It was further discovered that the ignorance of staff of the Magistrates Court of the procedures to be followed when a notice of appeal is filed was the main reason for the paucity of Magisterial Appeals being heard by the Court of Appeal.

Under an initiative spearheaded and undertaken by the Deputy Chief Registrar, an outline of the appeals process was prepared. Meetings were held, chaired by the Presiding Judge of the Criminal Division, Hon. Justice Kenneth Benjamin, with the Senior Magistrate, Magistrates, Staff of the Magistrates Court, and Staff of the Bordelais Correctional Facility to sensitise the Magistrates Court personnel of the magnitude of the problem. A training exercise was conducted by the Deputy Chief Registrar with the Court personnel, outlining the processes involved in Magisterial Appeals.

It is intended that many of the outstanding matters will be listed for determination or for status hearing by the Court of Appeal at its next sitting in Saint Lucia during the upcoming Law Year.

Setbacks

The law year 2009-2010 was a productive year for the Court of Appeal Registry. There continued to be improvement in the receipt of records and documents from the various Court Offices although there were a few instances where records were not received in time for sittings or were received long after being filed in the Court Offices. There continues to be challenges faced especially in the areas of failure of parties to comply with Practice Directions dealing with filing, service and transmitting of documents to Headquarters.

Overview

The following is a review of the performance of the Eastern Caribbean Supreme Court Judiciary, comprising the Court of Appeal, High Courts, Magistrates Courts and Family Courts, for the calendar year 2009. The analysis also attempts to draw to the attention of readers the trends observed.

Data for this report were obtained by the statistician via the Judicial Enforcement Management System (JEMS) which directly links the Court's Headquarters to the databases in the various Member States. In a few instances data were submitted directly to the statistician.

One of the main challenges faced was that in most cases the statistics obtained via JEMS were not updated. Attempts were made to verify all data presented in this report, but verification was not always possible due to non-responses or delayed responses. The ECSC urges the relevant Court personnel to ensure that verification is done with due diligence as inaccurate data impact directly on the decision making process which in turn could have negative implications for the Court as an entity.

Appeals filed in the Court of Appeal increased slightly from 366 to 387 between 2008 and 2009. The number for the High Courts was significantly more than the Magistrates Courts, where roughly 75% of total appeals occurred in 2009. Civil Appeals continued to contribute to the majority of appeals (53% of total appeals). The number of written judgments delivered continued to decline (72 in 2008 to 51 in 2009). Full Court Sittings were the main activity for the year 2009. The latter amounted to over fifty percent of total activities.

According to reported data, a total of 7,067 cases were filed in the High Courts in 2009 compared to 2,443 disposed. There was consequently a low disposition rate of 35%. It must be noted that data were not verified by three High Courts and this may have contributed to some inaccuracy especially with the disposed cases. If however this is a true reflection of case flow then there is an urgent need for improvement in the clearance rate of cases. Saint Lucia recorded the highest number of filed as well as disposed cases from 2007. Civil cases made up 61% and 68% of filed and disposed cases respectively. Chamber Hearings formed the bulk of events, contributing to approximately 40% of the total.

The Magistracy recorded 38,956 filed cases in total compared to 30,763 disposed cases during 2009. The overall disposition rate for the Magistracy in 2009 was 79%: a considerable decline from the 98% recorded in 2008. Grenada contributed most significantly to the percentage shares of both filed and disposed cases.

2,857 cases were filed in the St. Vincent and the Grenadines Family Court in 2009; an increase from the 2,558 cases filed in 2008. 40% of filed cases were Arrears which were the most filed cases recorded for the past three years. 2,445 cases were disposed, a slight increase of about two percent from 2008. The St. Vincent and the Grenadines Family Court recorded a disposition rate of roughly 86%. Data from the Saint Lucia Family Court represented only the First District Court. 1,233 cases were newly filed in 2009 and 836 disposed. This reflects a decrease in both instances from the 1,729 and 1,580 filed and disposed cases in 2008. The number of disposed cases showed the more notable decline. Maintenance cases were the most predominantly newly filed cases, accounting for just over half of the total. Affiliation, Separation and Maintenance cases were the most disposed cases in 2009. One important point made in last year's Annual Report and also very noticeable in this report was the numerous outstanding Maintenance warrants in the Saint Lucia Family Court.

Rate of clearance of cases is again one of the main areas highlighted throughout this report. The Court continues to make efforts to achieve disposition rates above 100% which would facilitate the reduction in case backlog in the various Member States; and urges the relevant personnel in the respective Member States to ensure that verification of data is carried out with the necessary heed to reflect the most accurate picture of Court Performance.

Section 1:

Court of Appeal

This section provides data on the Court of Appeal for the period 2007 to 2009. Table 1 (a) provides information on the number of Civil and Criminal Appeals filed in both the Magistrates and High Courts for the said timeframe. After an initial decrease in total appeals from 460 to 366 over the first two years, the number of appeals increased slightly to 387 in 2009.

Table 1 (a) Total Appeal Cases Filed 2009, 2008, and 2007

Type of Appeal	2009			2008			2007		
	High Courts	Magistrates Courts	Total	High Courts	Magistrates Courts	Total	High Courts	Magistrates Courts	Total
Civil Appeals	189	18	207	187	17	204	214	24	238
Criminal Appeals	102	78	180	99	63	162	92	130	222
Total	291	96	387	286	80	366	306	154	460

The total High Court Appeals was considerably higher than those from the Magistrates Courts for the period under review. High Court Appeals represented approximately 67%, 78% and 75% of total appeals in the years 2007, 2008 and 2009 respectively. After the marked decline in total Magisterial Appeals from 154 in 2007 to 80 in 2008, a slight increase to 96 appeals was observed in the following year.

Total Civil Appeals were greater than total Criminal Appeals for all three years, accounting for between 51 to 56 percent of total appeals. Total Civil Appeals decreased moderately from 238 to 204 between 2007 and 2008 but recorded a very slight increase to 207 in 2009. Total Criminal Appeals fluctuated over the three years and was highest at 222 in 2007. Civil Appeals were predominant in the High Courts over the three years while Criminal Appeals accounted for the bulk of appeals in the Magistracy. The information given in Table 1 (a) is depicted in Figures 1 and 2 following.

Figure 1

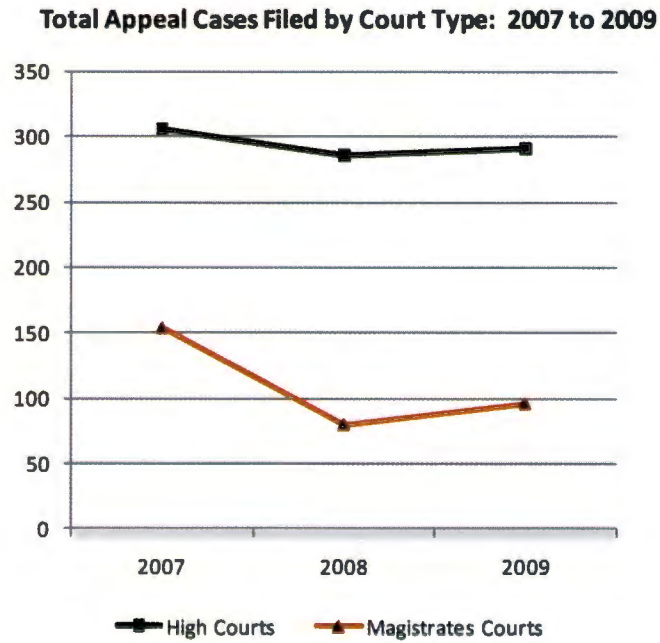


Figure 2

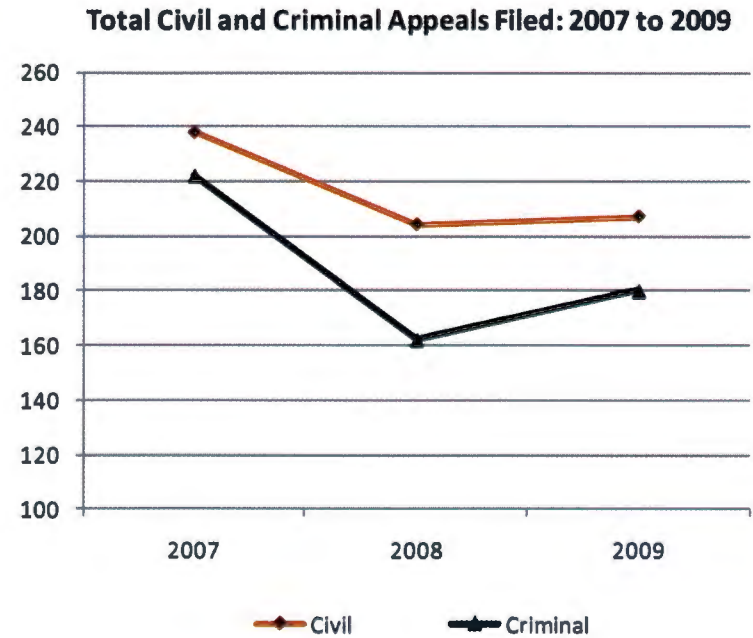


Table 1 (b) High Court Appeals Filed by Member State: 2009, 2008, 2007

Member States	2009		2008		2007	
	Civil	Criminal	Civil	Criminal	Civil	Criminal
Anguilla	4	2	7	2	5	2
Antigua and Barbuda	35	21	33	24	36	3
Commonwealth of Dominica	16	8	15	5	12	5
Grenada	20	16	11	5	27	11
Montserrat	4	0	9	1	3	11
St. Kitts and Nevis	13	13	13	34	27	13
Saint Lucia	42	4	47	8	46	6
St. Vincent and the Grenadines	24	28	26	15	28	34
Territory of the Virgin Islands (TVI)	31	10	26	5	30	7
TOTAL	189	102	187	99	214	92

The highest numbers of *Filed High Court Civil Appeals* for all three years were recorded in Saint Lucia followed by Antigua and Barbuda. Civil Appeals in Saint Lucia accounted for 21% to 25% of the respective totals for the comparative period. The general trend was that Civil Appeals fluctuated for all the Member States with the exception of the following: Civil Appeals increased slightly but continuously for the Commonwealth of Dominica and decreased in the same manner for St. Vincent and the Grenadines. Civil Appeals initially decreased and then remained constant in St. Kitts and Nevis.

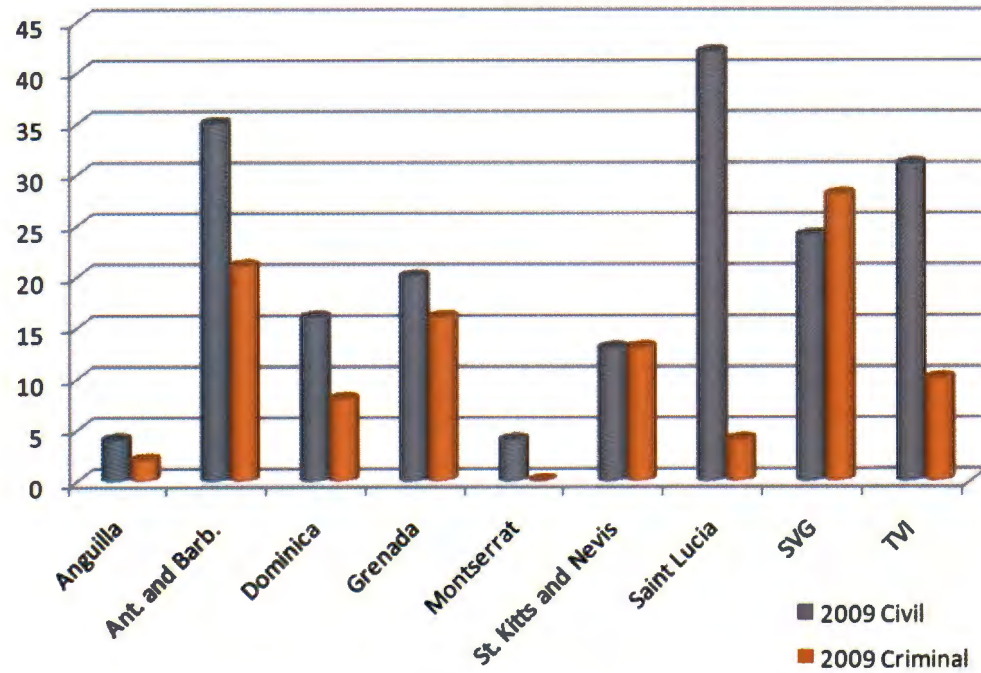
St. Vincent and the Grenadines had the highest number of *Filed High Court Criminal Appeals* in 2009 (28) and in 2007 (34). In 2008, St. Kitts and Nevis recorded the highest number of these appeals (34). Two notable trends for Criminal Appeals over the three years are:

- The significant increase from 3 to 24 Criminal Appeals in Antigua and Barbuda from 2007 to 2008.
- The continuous decline in the number of Criminal Appeals in Montserrat.

The 2009 data shown in Table 1 (b) is illustrated in Figure 3.

Figure 3

**Civil and Criminal Appeals Filed in High Courts,
by Member State: 2009**





**Table 1 (c) Magisterial Court Appeals Filed by Member State:
2009, 2008, 2007**

Member States	2009		2008		2007	
	Civil	Criminal	Civil	Criminal	Civil	Criminal
Anguilla	0	4	0	2	0	0
Antigua and Barbuda	1	6	1	5	1	7
Commonwealth of Dominica	1	3	2	7	2	6
Grenada	1	16	3	6	3	13
Montserrat	0	0	0	1	2	0
St. Kitts and Nevis	7	7	3	6	4	4
Saint Lucia	1	1	0	0	0	2
St. Vincent and the Grenadines	1	40	3	33	12	88
Territory of the Virgin Islands	6	1	5	3	0	10
TOTAL	18	78	17	63	24	130

The following refer to data given in Table 1 (c): The number of Civil Appeals filed in the Magistracy was generally low and fluctuated over the period under observation. St. Vincent and the Grenadines recorded the highest number of Civil Appeals (12) in 2007. No Civil Appeals were filed in Anguilla for all three years.

Criminal Appeals also fluctuated during 2007 to 2009 recording a sharp decline by roughly 52% from 2007 to 2008. St. Vincent and the Grenadines had the highest number of Criminal Appeals for all three years, accounting for 68%, 52% and 51% of the totals in the three years respectively. The 2009 data included in Table 1 (c) is illustrated graphically in Figure 4.

Figure 4

Civil and Criminal Appeals Filed in Magistrates Courts, by Member State: 2009

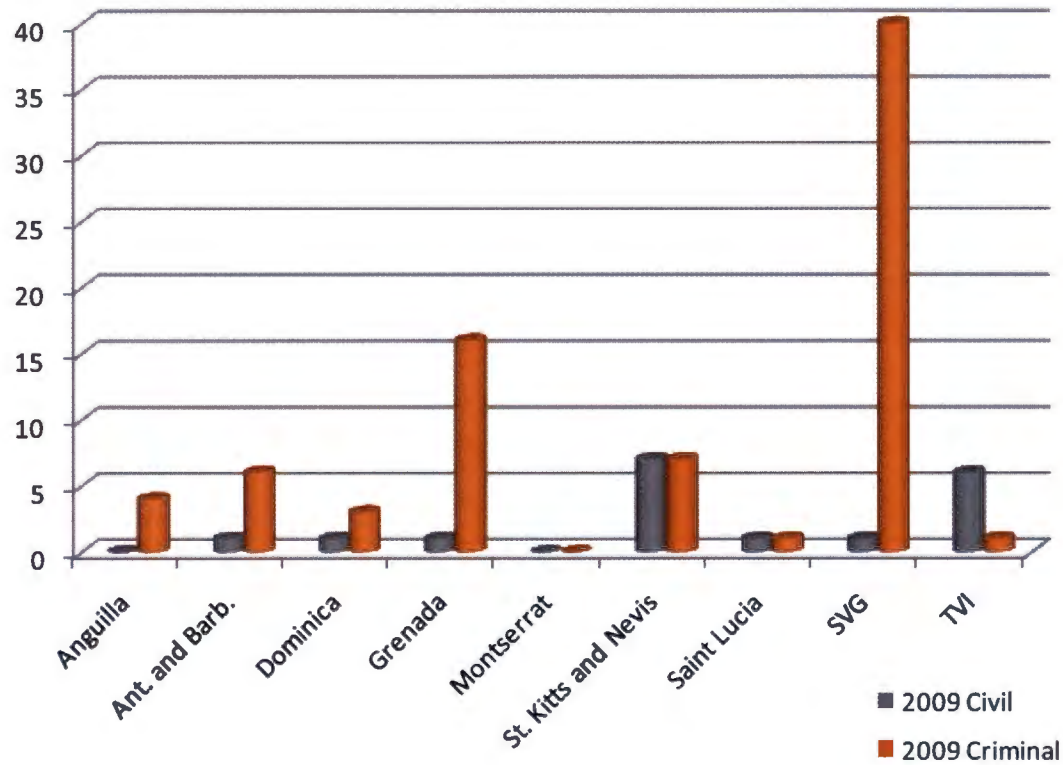


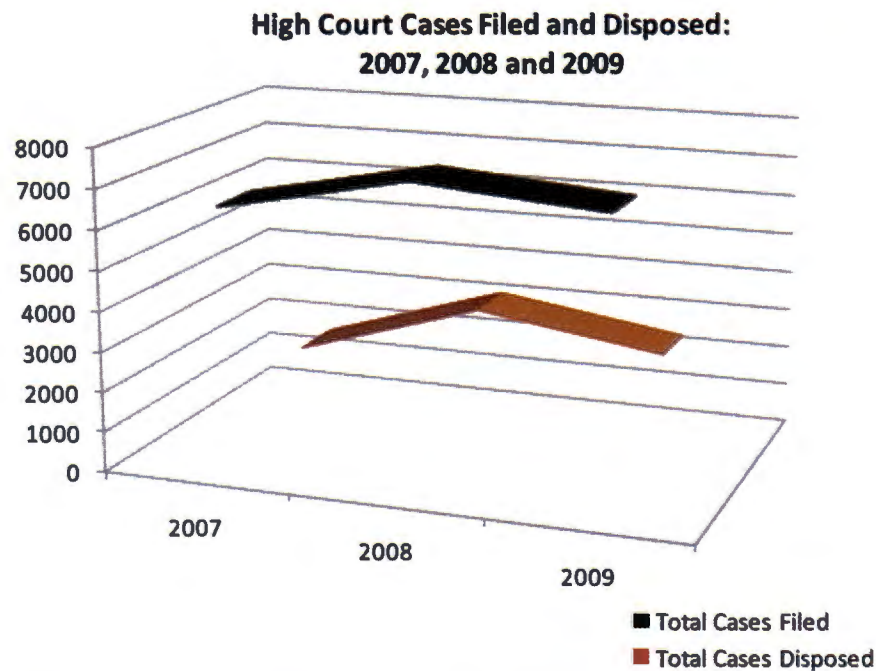
Table 1 (d) Number of Appeals Filed by Month in 2009

No. of Appeals Filed by Month	Jan	Feb	March	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
High Courts Civil	17	11	15	17	19	14	23	13	12	21	15	12	189
High Courts Criminal	9	7	17	9	6	10	15	3	3	5	15	3	102
Magistrates Courts Civil	5	1	1	0	0	1	2	2	0	0	6	0	18
Magistrates Courts Criminal	9	10	13	4	12	5	1	4	8	7	5	0	78

Table 1 (d) above draws attention to the number of *Filed Civil and Criminal Appeals* by month in 2009. High Court Civil Appeals were high throughout the year **relative** to other types of appeals depicted. These appeals were most frequent in July followed by October and least in February. Criminal Appeals in the High Courts were most frequent in the month of March followed equally by July and November.

Civil Appeals filed in the Magistrates Courts were low throughout the year and highest, at 6 appeals, in November. There were no Civil Appeals filed in the Magistrates Courts in the months of April, May, September, October and December. Criminal Appeals in the Magistracy were highest in the month of March followed closely by May (13 and 12 appeals respectively). Figures 5 and 6 illustrate the data given in Table 1 (d).

Figure 9



Examination of Table 2(b) reveals that filed and disposed cases were primarily Civil matters for all three years, and made up between 58% and 61% of total filed cases over the comparative period. The number of Civil cases disposed increased steadily over the years. The number of Probate followed by Matrimonial matters filed was also high relative to the remaining case types. Figure 10 depicts the 2009 data portrayed in Table 2(b).

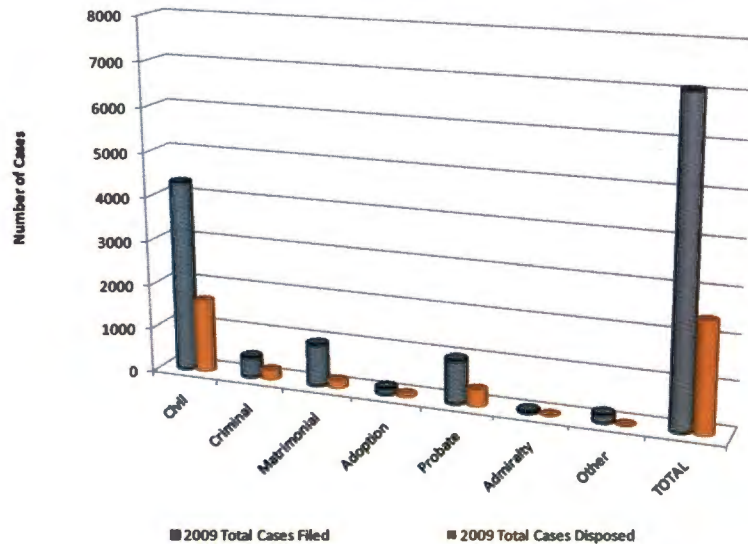
Table 2(b) Cases Filed by Case Type in the High Courts: 2007 to 2009

Case Type	2009		2008		2007	
	Total Cases Filed	Total Cases Disposed	Total Cases Filed	Total Cases Disposed	Total Cases Filed	Total Cases Disposed
Civil	4,311	1,649	4,335	1,410	3,920	1,160
Criminal	456	205	380	355	176	49
Matrimonial	948	164	892	271	1,051	209
Adoption	144	55	131	32	136	5
Probate	979	364	1,680	1,077	1,187	202
Admiralty	43	6	19	6	13	–
Other	186	0	1	0	0	48
TOTAL	7,067	2,443	7,438	3,151	6,483	1,673



Figure 10

High Court Cases Filed and Disposed: by Case Type in 2009



Tables 2 (c) and 2 (d) provide more detailed information on the *Cases Filed and Disposed in 2009: by Case Type and Member State*. Some aspects of the tables requiring particular mention are listed below. All references made are to the year 2009.

- Civil cases accounted for approximately 61% of total filed cases and 68% of disposed cases.
- Admiralty cases were minimal, amounting to just less than 1% of both total filed and disposed cases.
- Two Member States represented close to 20% or more of the percentage share of total filed cases. These were Saint Lucia and Antigua and Barbuda which accounted for roughly 24% and 20% of total filed cases.
- Montserrat as expected had a minute percentage share of filed and disposed cases, due to the relatively smaller population size.

Table 2 (c) Number of Cases Filed in the High Courts by Major Type and by Country 2009

Member States	2009								Country Total as a % of Total
	Civil	Criminal	Matrimonial	Adoption	Probate	Admiralty	Other	Total	
Anguilla	133	16	43	10	2	0	0	204	2.89
Antigua and Barbuda	774	96	156	21	255	3	104	1,409	19.94
Commonwealth of Dominica	419	36	79	26	186	0	39	785	11.11
Grenada	572	94	168	28	2	0	0	864	12.23
Montserrat	52	17	2	0	19	0	0	90	1.27
St. Kitts and Nevis	431	70	109	5	107	0	0	722	10.22
Saint Lucia	1,057	48	184	30	316	8	43	1,686	23.86
St Vincent and the Grenadines	416	44	145	19	0	4	0	628	8.89
Territory of the Virgin Islands	457	35	62	5	92	28	0	679	9.61
TOTAL	4,311	456	948	144	979	43	186	7,067	100.00
Case Type as a % of Total	61.00	6.45	13.41	2.04	13.85	0.61	2.63	100.00	



Table 2 (d) Number of Cases Disposed in the High Courts by Major Type and by Country 2009

Member States	2009								Country Total as a % of Total
	Civil	Criminal	Matrimonial	Adoption	Probate	Admiralty	Other	Total	
Anguilla	91	7	34	6	0	0	0	138	5.65
Antigua and Barbuda	369	41	5	5	18	3	0	441	18.05
Commonwealth of Dominica	12	50	0	0	0	0	0	62	2.54
Grenada	377	25	1	3	0	0	0	406	16.62
Montserrat	15	12	1	0	17	0	0	45	1.84
St. Kitts and Nevis	135	16	10	14	68	0	0	243	9.95
Saint Lucia	358	31	79	15	165	0	0	648	26.52
St Vincent and the Grenadines	93	9	5	3	0	0	0	110	4.50
Territory of the Virgin Islands	199	14	29	9	96	3	0	350	14.33
TOTAL	1,649	205	164	55	364	6	0	2,443	100.00
Case Type as a % of Total	67.50	8.39	6.71	2.25	14.90	0.25	0.00	100.00	

Some of the main events occurring in the High Courts are listed in Table 2(e). The events specified are the same as last year to allow for comparability. Events which occurred in 2009 totaled 13,550, a substantial increase in the region of forty percent from the 9,696 events reported in 2008. As was the trend last year, Chamber Hearings formed the bulk of events: about 40% of total events. Events grouped under the "Other" category include Application for Committal Orders, Hearing of Petition in addition to Applications without Hearing, Open Court Hearing, Judgments Delivered, and Masters Hearing among others. Of particular note is that 1,407 Sufficiency Hearings were held in Saint Lucia, which was the country selected for the pilot project for the implementation of the new Criminal Procedure Rules, in 2009. The role of mediation in the disposal of cases can also be observed from Table 2 (e).

Table 2(e) Events Count in High Courts: 2009

Types of Events	2009		2008	
	Total for Case Type	Case Type as a % of Total Events	Total for Case Type	Case Type as a % of Total Events
Status Hearing	67	0.49	310	3.20
Chamber Hearing	5,471	40.38	4,244	43.77
First Hearing	535	3.95	644	6.64
Case Management Conference	2,442	18.02	1,607	16.57
Criminal Trial	463	3.42	622	6.42
Uncontested Divorce	389	2.87	260	2.68
Pre -Trial Review	222	1.64	233	2.40
Trial	483	3.56	306	3.16
Mediation	264	1.95	219	2.26
Sufficiency Hearing	1,407	10.38	–	–
Other	1,807	13.34	1,251	12.90
Total	13550	100.00	9696	100.00

Section 3:

Magistrates Courts

This section focuses on the performance of the Magistracy in 2009. Data were received from all Member States and hence trends in the statistics from 2008 to 2009 will also be highlighted.

Table 3(a) portrays information on the *Number of Cases Filed and Disposed by Member State* in the year 2009 as well as lists the respective disposition rates. Total filed cases amounted to 38,956 with Grenada recording the highest number of filed cases: 10,150. Disposed cases totaled 30,763 with the Grenada Magistracy disposing the highest number of cases (9,255).

Based on reported data the overall disposition rate calculated for the Magistracy was in the region of 79%. Disposition rates were over 90% for Grenada, St. Kitts and Nevis, Saint Lucia as well as St. Vincent and the Grenadines. Disposition rates were below 50% in Antigua and Barbuda and the Commonwealth of Dominica.

Table 3(a) Disposition Rates by Member State in the Magistracy: 2009

Member States	2009		
	Total Cases Filed	Total Cases Disposed	Disposition Rates
Anguilla	1,360	973	71.54
Antigua and Barbuda	3,276	1,302	39.74
Commonwealth of Dominica	6,114	2,937	48.04
Grenada	10,150	9,255	91.18
Montserrat	388	304	78.35
St. Kitts and Nevis	5,651	5,291	93.63
Saint Lucia	5,163	4,933	95.55
St. Vincent and the Grenadines	4,671	4,310	92.27
Territory of the Virgin Islands	2,183	1,458	66.79
TOTAL	38,956	30,763	78.97

Table 3(b) Disposition Rates by Member State in the Magistracy: 2008

Member States	2008		
	Total Cases Filed	Total Cases Disposed	Disposition Rates
Anguilla	1,204	707	58.72
Antigua and Barbuda	2,854	1,191	41.73
Commonwealth of Dominica	6,552	5,667	86.49
Grenada	6,807	7,624	112.00
Montserrat	346	364	105.20
St. Kitts and Nevis	5,572	6,458	115.90
Saint Lucia	6,437	7,219	112.15
St. Vincent and the Grenadines	3,939	3,849	97.72
Territory of the Virgin Islands	1,902	1,754	92.22
TOTAL	35,613	34,833	97.81

Table 3(b) encompasses 2008 data on the Magistracy. Comparison of the data in Tables 3 (a) and 3 (b) shows that the overall disposition rate declined significantly from 98% in 2008 to 79% in 2009. The total number of filed cases increased from 35,613 to 38,956 and disposed cases decreased by 4,070 for the corresponding period. The increase in filed cases coupled with the decline in disposed cases resulted in the reduced overall disposition rate. If the data represent the true picture then there is a need for improvement in disposition of cases in the Magistracy; if not then the respective personnel in the Courts should ensure that data is accurate.

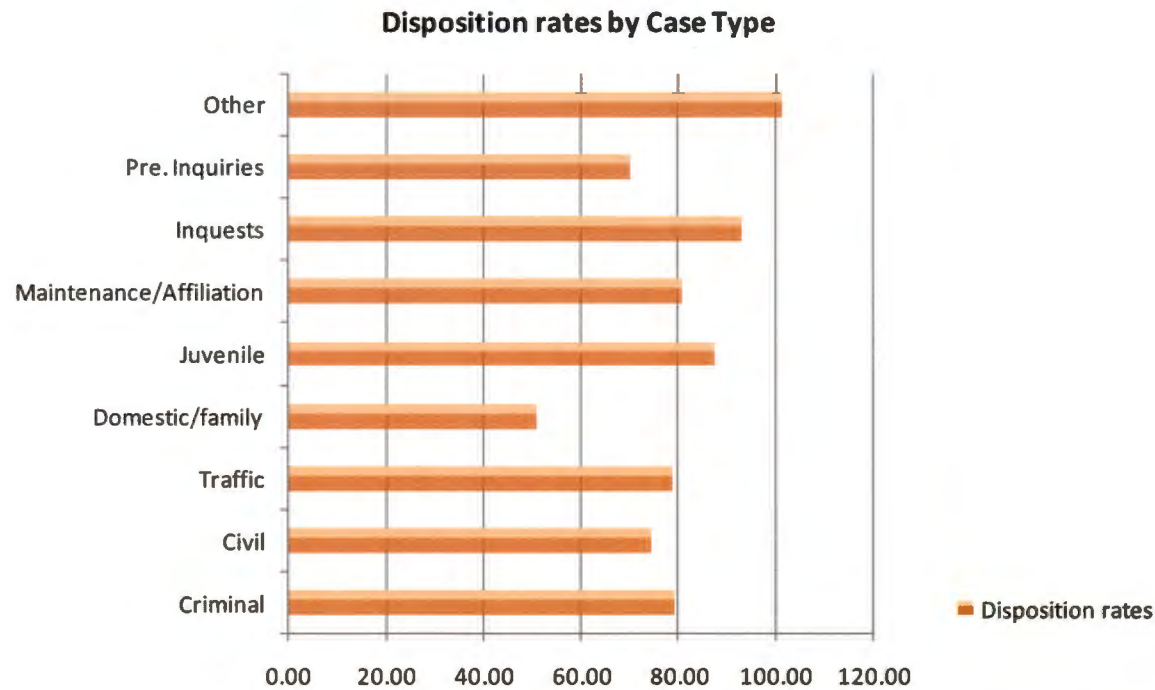
Table 3(c) displays *Disposition Rates by Case Type in the Magistracy*. Criminal cases were by far the most filed and disposed cases in 2009 with a total of 19,875 cases filed and 15,719 disposed. However the case types with the highest disposition rates (over 80%) were Juvenile, Maintenance/ Affiliation and Inquests. The disposition rate for Criminal cases was just about 79%. The data in Table 3 (c) is depicted in Figure 11.



Table 3(c) Disposition Rates by Case Type in the Magistracy: 2009

Case Type	2009		
	Total Cases Filed	Total Cases Disposed	Disposition rates
Criminal	19,875	15,719	79.09
Civil	4,308	3,207	74.44
Traffic	7,578	5,972	78.81
Domestic/family	301	154	51.16
Juvenile	730	640	87.67
Maintenance/Affiliation	3,268	2,643	80.88
Inquests	240	224	93.33
Pre. Inquiries	1,571	1,103	70.21
Other	1,085	1,101	101.47
Total	38,956	30,763	78.97

Figure 11



Statistics in Table 3(d) show that the highest numbers of cases were filed and disposed in the months of March and May respectively. December recorded the lowest number of filed as well as disposed cases. August also had **relatively** low numbers of filed and disposed cases. December and August are notably two months when many personnel proceed on vacation and this could be a contributing factor to the lower totals during these periods.



Table 3(d) Cases Filed and Disposed by Month in the Magistracy: 2009

Month	2009	
	Total Cases Filed	Total Cases Disposed
January	3,245	2,508
February	3,493	2,742
March	3,600	2,892
April	3,055	2,157
May	3,210	3,185
June	3,390	2,692
July	3,202	2,534
August	3,005	1,993
September	3,350	2,252
October	3,347	2,815
November	3,466	3,125
December	2,593	1,868
Total	38,956	30,763

Tables 3 (e) and 3 (f) provide more detailed information on the *Number of Cases Filed and Disposed* in 2009. Table 3 (e) informs on the percentage of total filed cases contributed by each country, is given and shows that Grenada had the highest percentage share of approximately 26%. This was followed not too closely by the Commonwealth of Dominica (16%). Countries having filed cases which were more than 10% of total filed cases also included St. Kitts and Nevis, Saint Lucia and St. Vincent and the Grenadines. In comparison, Montserrat represented only about 1% of total filed cases. As previously stated, Criminal cases were in the majority accounting for more than 50% of total filed cases in 2009.

**Table 3(e) Cases Filed by Member State and Case Type
in the Magistracy: 2009**

Member States	2008										Country Total as a % of Total
	Criminal	Civil	Traffic	Domestic/ Family	Juvenile	Maintenance/ Affiliation	Inquests	Pre. Inquiries	Other	Total	
Anguilla	639	115	452	0	61	74	6	13	0	1,360	3.49
Antigua and Barbuda	2,082	252	450	22	10	357	103	0	0	3,276	8.41
Commonwealth of Dominica	2,925	863	920	109	275	463	105	312	142	6,114	15.69
Grenada	5,055	564	2,731	71	150	689	1	889	0	10,150	26.06
Montserrat	0	37	0	12	8	17	2	94	218	388	1.00
St. Kitts and Nevis	1,511	1,387	506	0	95	1,465	0	62	625	5,651	14.51
Saint Lucia	3,669	330	892	58	44	77	0	63	30	5,163	13.25
St Vincent and the Grenadines	2,825	513	1,208	0	0	0	13	112	0	4,671	11.99
Territory of the Virgin Islands	1,169	247	419	29	87	126	10	26	70	2,183	5.60
TOTAL	19,875	4,308	7,578	301	730	3,268	240	1,571	1,085	38,956	100
Case Type as a % of Total	51.02	11.06	19.45	0.77	1.87	8.39	0.62	4.03	2.79	100.00	



The following inferences can be made upon examination of Table 3 (f): Similar to filed cases, Criminal matters amounted to roughly 51% of disposed cases. This was followed by Traffic matters which represented about 19% of total disposed cases. Also notable is that Criminal matters accounted for the bulk of both filed and disposed cases in all individual Member States except Montserrat where no Criminal matters were filed or disposed. Grenada had the highest percentage share (about 30%) of total disposed cases; filed cases also showed the same percentage. Montserrat accounted for about 1% of total disposed cases.

**Table 3(f) Cases Disposed by Member State and Case Type
in the Magistracy: 2009**

Member States	2009										Country Total as a % of Total
	Criminal	Civil	Traffic	Domestic/ Family	Juvenile	Maintenance/ Affiliation	Inquests	Pre. Inquiries	Other	Total	
Anguilla	511	71	217	0	68	87	6	13	0	973	3.16
Antigua and Barbuda	629	182	113	0	2	196	103	77	0	1,302	4.23
Commonwealth of Dominica	1,673	216	306	30	95	117	101	265	134	2,937	9.55
Grenada	4,894	588	2,544	37	309	722	1	160	0	9,255	30.08
Montserrat	0	27	0	8	6	16	2	59	186	304	0.99
St. Kitts and Nevis	1,302	1,255	447	3	53	1,326	0	190	715	5,291	17.20
Saint Lucia	3,405	224	927	51	31	60	0	231	4	4,933	16.04
St Vincent and the Grenadines	2,770	425	1,030	0	0	0	8	77	0	4,310	14.01
Territory of the Virgin Islands	535	219	388	25	76	119	3	31	62	1,458	4.74
TOTAL	15,719	3,207	5,972	154	640	2,643	224	1,103	1,101	30,763	100
Case Type as a % of Total	51.10	10.42	19.41	0.50	2.08	8.59	0.73	3.59	3.58	100.00	

Section 4:

Family Courts

This section provides information on the two official Family Courts of the Eastern Caribbean region: the St. Vincent and the Grenadines Family Court and the Saint Lucia Family Court.

St. Vincent and the Grenadines Family Court

Table 4(a) informs on the number of *Cases Filed in the St. Vincent and the Grenadines Family Court* for the years 2007, 2008 and 2009. For other Member States Family Court matters form part of the general work of the Magistrates Courts. Accordingly, the total number of filed cases increased continuously over the said period. The **overall** increase from 2007 to 2009 was noteworthy at approximately 31%. The St. Vincent and the Grenadines Family Court must be commended for its continued timely and regular submission of data.

Table 4(a) Cases Filed in the St. Vincent and the Grenadines Family Court: 2009, 2008 and 2007

Case Type	2009		2008		2007	
	No. of cases	% of total	No. of cases	% of total	No. of cases	% of total
Maintenance	778	27.23	696	27.21	551	25.25
Custody/Access	166	5.81	167	6.53	158	7.24
Protection Order	289	10.12	245	9.58	179	8.20
Arrears	1,140	39.90	1,042	40.73	916	41.98
Occupation Order	121	4.24	92	3.60	66	3.02
Unlawful Sexual Intercourse	72	2.52	97	3.79	52	2.38
Indecent Assault	56	1.96	45	1.76	29	1.33
Rape	16	0.56	0	0.00	3	0.14
Other Offences	219	7.67	174	6.80	228	10.45
Total	2,857	100.00	2,558	100.00	2,182	100.00

On average, just fewer than 41% of the cases filed were Arrears cases, which represented the most filed cases for all three years. Maintenance cases also accounted for a high percentage of the total cases filed for all three years relative to the remaining case types. Rape cases had the lowest totals for the time frame under consideration. According to reported data, there were no rape cases filed in 2008. The number of cases increased for all case types from 2007 to 2009: with the exception of "Other Offences" which decreased.

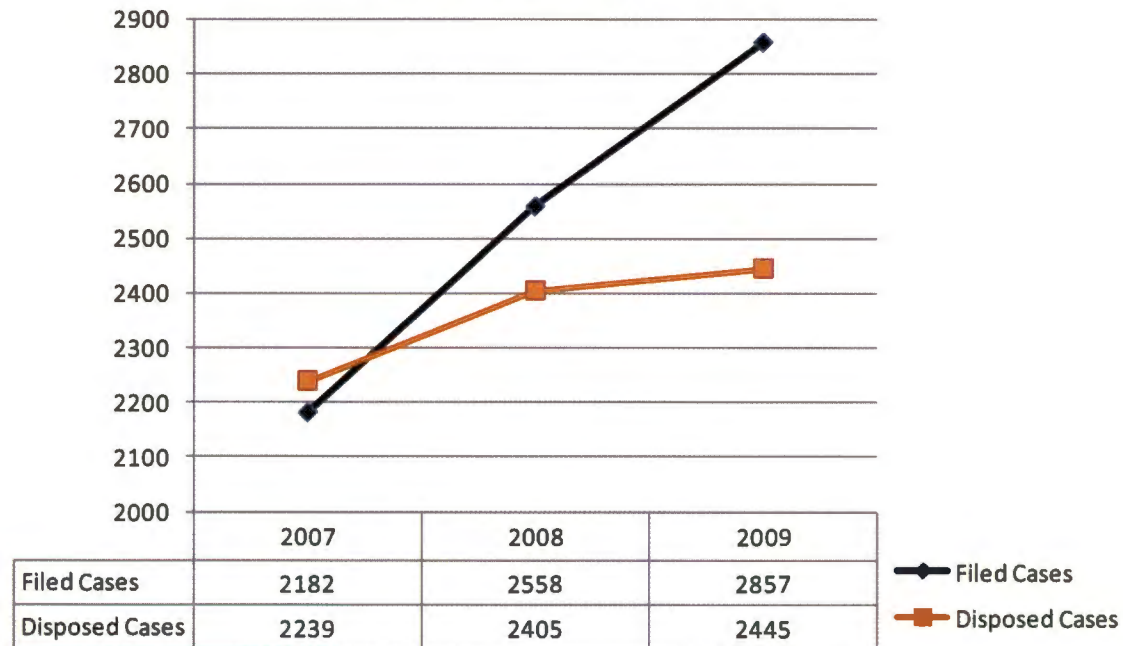
The total numbers of disposed cases from 2007 to 2009 are shown in table 4(b). The number of disposed cases increased over the years registering an overall increase of 9.2%. Similar to filed cases the highest numbers of disposed cases were recorded for Arrears cases. These accounted for about 42% of the total disposed cases over the three years. Maintenance cases also represented a relatively high percentage of the total disposed cases. The number of disposed cases for all case types increased in 2009 compared to 2007 with the exception of Custody/ Access cases and "Other Offences" which both decreased. Figure 12 depicts the total number of *Filed and Disposed Cases* for the years 2007, 2008 and 2009.

Table 4 (b) Cases Disposed in the St. Vincent and the Grenadines Family Court: 2009, 2008 and 2007

Case Type	2009		2008		2007	
	No. of cases	% of total	No. of cases	% of total	No. of cases	% of total
Maintenance	702	28.71	656	27.28	576	25.73
Custody/Access	146	5.97	167	6.94	155	6.92
Protection Order	257	10.51	228	9.48	194	8.66
Arrears	1,011	41.35	1,004	41.75	948	42.34
Occupation Order	116	4.74	78	3.24	71	3.17
Unlawful Sexual Intercourse	53	2.17	66	2.74	34	1.52
Indecent Assault	39	1.60	42	1.75	34	1.52
Rape	16	0.65	0	0.00	3	0.13
Other Offences	105	4.29	164	6.82	224	10.00
Total	2,445	100.00	2,405	100.00	2,239	100.00

Figure 12

**Filed and Disposed Cases at the SVG Family Court:
2007, 2008 and 2009**



Disposition rates for the various case types are displayed in Table 4 (c). The **overall** disposition rate has continually declined over the three years: a significant decrease from 102.61% in 2007 to 85.58% in 2009. The rates of disposal for Rape cases were 100% for the years when filed, although the numbers filed were minimal.

Table 4 (c) Case Disposition Rates in the St. Vincent and the Grenadines Family Court: 2009, 2008 and 2007

Case Type	2009			2008			2007		
	Cases Filed	Cases Disposed	Disposition Rate	Cases Filed	Cases Disposed	Disposition Rate	Cases Filed	Cases Disposed	Disposition Rate
Maintenance	778	702	90.23	696	656	94.25	551	576	104.54
Custody/Access	166	146	87.95	167	167	100.00	158	155	98.10
Protection Order	289	257	88.93	245	228	93.06	179	194	108.38
Arrears	1,140	1,011	88.68	1,042	1,004	96.35	916	948	103.49
Occupation Order	121	116	95.87	92	78	84.78	66	71	107.58
Unlawful Sexual Intercourse	72	53	73.61	97	66	68.04	52	34	65.38
Indecent Assault	56	39	69.64	45	42	93.33	29	34	117.24
Rape	16	16	100.00	0	0	–	3	3	100.00
Other Offences	219	105	47.95	174	164	94.25	228	224	98.25
Total	2,857	2,445	85.58	2,558	2,405	94.02	2,182	2,239	102.61

Table 4 (d) below leads to the following inferences: The overall average disposition rate of cases from 2007 to 2009 was roughly 94%. During the three-year period disposition was highest at 100% for Rape cases followed by approximately 96% for Cases on Maintenance, Protection Orders, Arrears and Occupation Orders. Cases on Unlawful Sexual Intercourse recorded the lowest disposition rate, averaging about 69%.

**Table 4 (d) Average Disposition Rates by Case Type
2007 to 2009**

Case Type	Average Disposition Rate: 2007 to 2009
Maintenance	96.34
Custody/Access	95.35
Protection Order	96.79
Arrears	96.18
Occupation Order	96.08
Unlawful Sexual Intercourse	69.01
Indecent Assault	93.41
Rape	100.00
Other Offences	80.15

Table 4 (e) furnishes statistics on the *Cases Filed and Disposed by Month* in 2009. Over 300 cases were filed in the months of May and September which had the highest numbers of filed cases. The least numbers of cases were filed in the months of April and December, fewer than 200 cases in both instances. July, November and September registered the highest numbers of disposed cases (over 300 cases for each month). There were no cases disposed in August because the President of the Court was on vacation during that period. Disposed cases were also low in the month of April.

Table 4 (e) Case Information by Month for the St. Vincent and the Grenadines Family Court, 2009

Month	Total Cases Filed	Total Cases Disposed
Jan	217	247
Feb	218	162
March	223	187
April	167	50
May	310	221
June	267	177
July	213	348
Aug	204	0
Sep	358	304
Oct	254	217
Nov	272	316
Dec	154	216
Total	2,857	2,445

Saint Lucia Family Court

The data displayed in the following tables are representative of the First District Court. Data for 2009 was not received from the Second District Court as a result of the fire which occurred during that year. Table 4 (f) highlights data on the *Cases Filed and Cases Disposed* (which includes the remaining categories shown) in 2009.

Data on Domestic Violence cases were not provided and thus this has been excluded from the analysis. A total of 1,233 cases were filed in the Family Court in 2009 compared to 836 disposed. These figures represent a decline compared to 2008 when 1,729 cases were filed and 1,580 disposed in the First District Court. Total disposed cases were found by summing up the totals for the remaining categories namely: *Cases Heard and Final Orders Given, Cases Discharged and Cases Withdrawn by Applicant.*

Table 4 (f) Cases Lodged and Disposed in the Saint Lucia Family Court: 2009

Category	2009							TOTAL
	Juvenile		Adult Criminal	Affiliation, Separation & Maintenance	Maintenance Warrants	Custody	Domestic Violence	
	Criminal	Care and Protection						
New Cases Lodged	89	32	35	433	627	17	–	1,233
Cases Heard and Final Orders Given	52	37	16	316	263	13	–	697
Cases Discharged	26	4	7	30	8	1	–	76
Cases Withdrawn by Applicant	0	0	6	51	0	6	–	63

Maintenance Warrants were most predominant out of the newly filed cases, about 51% of these cases. These were followed by Affiliation, Separation and Maintenance cases which represented about 35% of total filed cases. Most of the disposed cases were Affiliation, Separation and Maintenance Warrants and the main method of disposal was that the cases were "Heard and the Final Orders Given". The remaining disposed cases were either Discharged or Withdrawn.

Some aspects to be emphasized from table 4 (f) include:

- There were 124 Juvenile and Adult Criminal cases filed compared to 107 disposed reflecting a disposition rate of approximately 86% for Criminal cases **in the Family Court.**
- The majority of Juvenile cases were Criminal cases: Juvenile Criminal cases made up about 74% of total Juvenile cases.
- Cases on Care and Protection as well as Custody recorded disposition rates above 100% although their numbers were fewer than the other case types.

Table 4 (g): Case information on the Saint Lucia Family Court: 2009

Category	Juvenile		Adult Criminal	Affiliation, Separation & Maintenance	Maintenance Warrants	Custody	Total
	Criminal	Care and Protection					
Cases Pending at the beginning of the period	231	222	82	2,156	3,737	74	6,502
Cases Pending at the end of the period	229	211	88	2,151	4,095	69	6,843
Cases Heard and Interim Orders Given	120	117	14	1,275	141	15	1,682
Cases Transferred to another Court	13	2	8	9	0	0	32

The following statements are with reference to Table 4 (g): According to reported data, a total of 6,502 cases were pending in the Saint Lucia Family Court at the beginning of 2009 while 6,843 were pending at the end of the period. The majority of these cases in both instances were on Maintenance Warrants. **The numerous outstanding Maintenance Warrants were also highlighted in the previous Annual Report.** There were a total of 1,682 cases heard where Interim Orders were given while 32 cases were transferred to another Court. Figure 13 illustrates the data in Table 4(g).

Figure 13

Cases Pending by Case Type: 2009

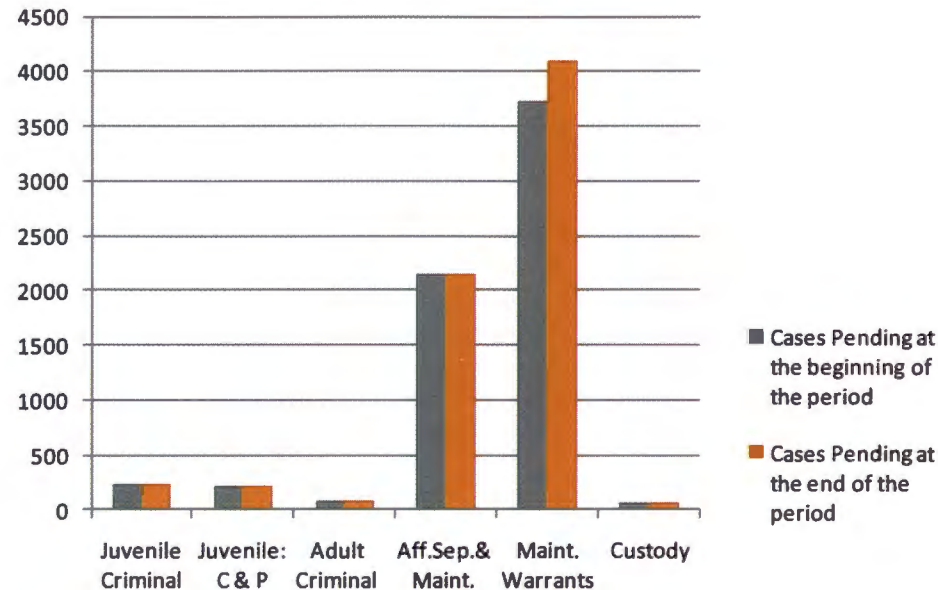


Table 4(h) compares statistics on *Cases by Case Type* for the years 2009 and 2008. Totals are not compared due to the absence of data on Domestic Violence cases for 2009. Some aspects to be emphasized are:

- The number of newly filed cases increased for case types: Juvenile Criminal, Adult Criminal and Maintenance Warrants but decreased for cases on Care and Protection, Affiliation, Separation and Maintenance as well as Custody.
- The number of newly filed custody cases was reduced by less than half over the two-year period.
- Disposed cases increased for both Juvenile and Adult Criminal cases over the said period but decreased for the remaining case types.
- The number of disposed Maintenance Warrants cases decreased from 415 to 271 cases: a significant decline by roughly 35%. This is of importance due to the high number of Pending Maintenance Warrants as highlighted in table 4 (g).
- Cases transferred to other courts generally increased from 2008 to 2009.

Table 4 (h): Case information on the Saint Lucia Family Court: 2009 and 2008

2009						
Category	Juvenile		Adult Criminal	Affiliation, Separation & Maintenance	Maintenance Warrants	Custody
	Criminal	Care and Protection				
New Cases Lodged	89	32	35	433	627	17
Cases Disposed	78	41	29	397	271	20
Cases Transferred to another Court	13	2	8	9	0	0
2008						
Category	Juvenile		Adult Criminal	Affiliation, Separation & Maintenance	Maintenance Warrants	Custody
	Criminal	Care and Protection				
New Cases Lodged	82	57	27	477	551	39
Cases Disposed	67	54	25	526	415	39
Cases Transferred to another Court	0	0	3	0	1	0



Justices of Appeal

During this law year, the Court of Appeal comprised Chief Justice, Hon. Hugh A. Rawlins, and Justices of Appeal, Hon. Ola Mae Edwards, Hon. Janice George-Creque and Hon. Davidson Baptiste who was appointed with effect from 1st May 2010, prior to which he served in an acting capacity from September 2009.



Left to Right: Chief Justice Hugh Rawlins, Justice Ola Mae Edwards, Justice Janice George-Creque,
Justice Davidson Baptiste

High Court Judges

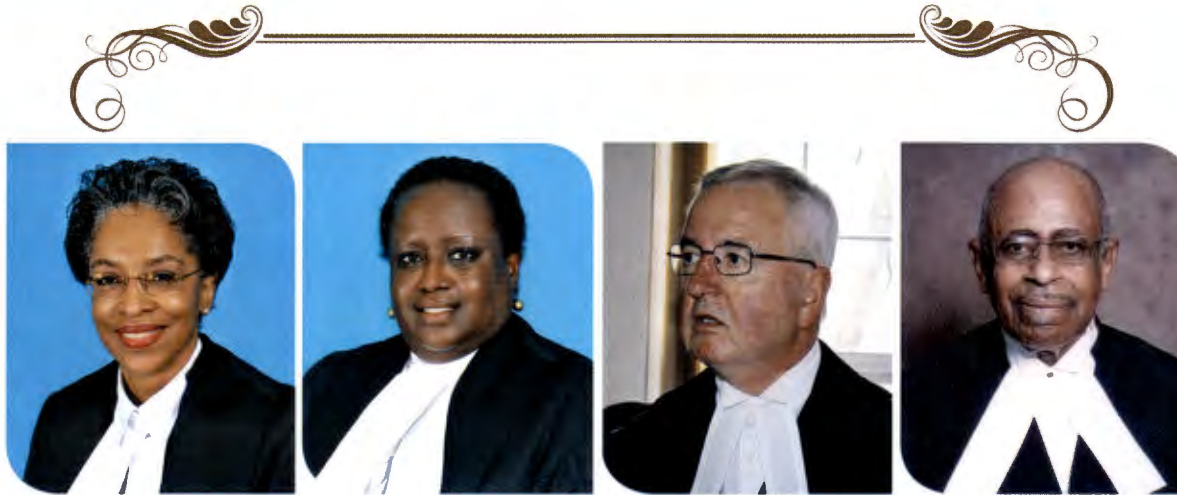
The High Court was ably served by twenty Judges and 2 Masters, assigned as follows: Antigua (4), Anguilla (1), Territory of the Virgin Islands (3), Commonwealth of Dominica (2), Grenada (3), St. Kitts and Nevis (3), Saint Lucia (3), St. Vincent and the Grenadines (3).



Left to Right: Justice Kenneth Benjamin, Justice Indra Hariprashad-Charles, Justice Rita Joseph-Olivetti, Justice Louise Blenman, Justice Clare Henry, Justice Francis Belle



Left to Right: Justice Gertel Thom, Justice Ianthea Leigertwood-Octave, Justice Brian Cottle, Justice Francis Cumberbatch, Justice Jennifer Remy [Resigned effective 10th June 2010], Justice Margaret Price Findlay



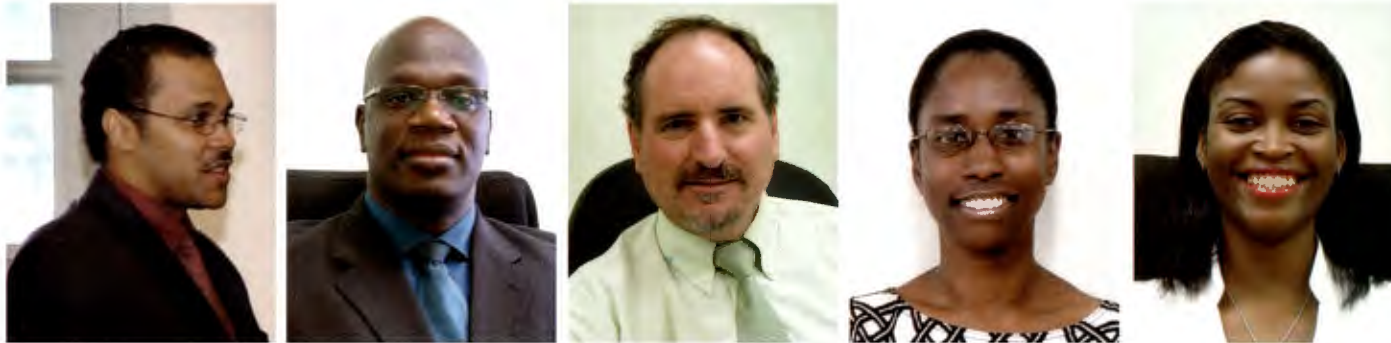
Left to Right: Justice Rosalyn Wilkinson, Justice Birnie Stephenson Brooks, Justice Edward Bannister, QC, Justice Ephraim Georges

**Justice Frederick Bruce-Lyle, Justice David Courtenay Harris, Justice Mario Michel,
Justice Errol Thomas**



Left to Right: Master Cheryl Mathurin, Master Pearletta Lanns

Eastern Caribbean Supreme Court Headquarters



Left to Right: Mr. Gregory Girard, Court Administrator; Mr. Francis Letang, Deputy Court Administrator; Mr. Kevin Magill, Project Director - Halls of Justice Project; Mrs. Cynthia David-Ramjawan, Project Coordinator - Court Structures Project; Ms. Kit Juelle Frank-Amoroso, Project Coordinator - Court Structures Project [Resigned effective 14th January 2010]



Left to Right: Mr. Irvin Ferdinand, Accountant; Ms. Benedicta St. John, Accounts Clerk; Mr. Stephen Rameau, Accounts Assistant [Resigned effective 9th August 2010]

Administrative and Support Staff



Left to Right: Top row – Mrs. Kimberly Cenac-Phulgence, Chief Registrar; Ms. Agnes Actie, Deputy Chief Registrar; Ms. Samantha George, Judicial Clerk; Ms. Sardia Cenac, Judicial Clerk [Resigned effective 31st July 2010]; Mr. Craig Gabriel, Records Clerk; Mrs. Choyce Walcott-Mathurin, Case Manager.
Bottom row - Ms. Sheron Baptiste, Case Manager; Ms. Stephine Alphonse, Case Manager; Mrs. Michelle John-Theobalds, Executive Assistant to the Chief Justice; Ms. Natasha James, Administrative Assistant to the Chief Justice; Ms. Alana Simmons, JEI Project Coordinator.



Left to Right: Ms. Aloysia Gabriel, HR Manager [Resigned effective 30th April 2010]; Mrs. Tamara Glasgow-Cox, HR Officer; Mrs. Dorcia James-Callendar, HR Administrative Assistant



Left to Right: Ms. Claudette M. Valentine, Librarian/Information Services Manager; Mrs. Francisca Polius, Records & Archives Officer; Ms. Patricia Chastanet, Library Assistant; Mrs. Reine James, Records & Archives Manager; Mrs. Sandra Augier, Records & Archives Clerk; Ms. Myrtene Cenac, Statistician.

Administrative and Support Staff



Left to Right: Top row – Ms. Lenore St. Croix, Office Manager; Ms. Joan Joseph, Administrative Secretary; Ms. Lindel Joseph, Secretary; Ms. Zannia Plummer, Receptionist; Mrs. Genevieve Francis-Lewis, Secretary.
Bottom row –Ms. Anna Joseph, Secretary; Ms. Linda Cyril, Office Assistant; Mr. Guy Stava, Office Assistant. Mr. Francis Compton, Regional Mediation Coordinator; Mrs. Avis Burch Smith, Mediation Assistant.



Left to Right: Mr. Mark Ernest, IT Manager; Mr. Augustus Marcellin, Network Administrator; Mr. Anderson Henry, Systems Administrator; Mr. Garvin Lawrence, Website Administrator.

