

Eastern Caribbean Supreme Court



Court Building, Antigua

Annual Report:

2003/2004

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

Mission Statement

"Delivery of justice
independently
by competent officers
in a prompt,
fair,
efficient
and effective
manner".

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Message By The Honourable Chief Justice [Ag.] Adrian Saunders



As we look back on the year 2003-2004, perhaps the most significant aspect for us in the Eastern Caribbean Supreme Court has been the departure of two 'titans' of our Court. Late in 2003, the Hon. Mr. Justice Albert Redhead retired from the appellate court, having attained the retirement age. Justice Redhead served the legal and judicial services of this region with almost 30 years of unbroken service, and once again we take this opportunity to express appreciation for his long years of excellent service to this Court. We are not yet ready to say goodbye to him because, given his vast experience as a prosecutor, a High Court judge and a judge of the Court of Appeal, we have asked him to stay on with us to be the presiding judge of the new Criminal Division of the High Court in Saint Lucia.

In June of this year our Chief Justice, the Rt. Hon. Sir Dennis Byron departed, on leave, for Arusha, Tanzania to take up a 3-year appointment with the United Nations International Criminal Tribunal for Rwanda. Our reform programme is a testament to his leadership and vision, and to say that he will be sorely missed is an understatement. We all wish him a successful and fruitful tour of duty in Arusha, and the greatest tribute we can pay him is to strengthen and carry forward the many reforms he introduced.

Over the last year, after the completion of a very successful pilot in Saint Lucia, the Court began rolling out its court-connected mediation programmes to various territories. Mediators from the British Virgin Islands, Montserrat, Antigua and Grenada were trained and, in each of these countries, court-connected mediations are now available. In the remaining islands, suitable persons are being selected for training, and we expect that these persons will soon be trained so that within the next Law Year every territory in the jurisdiction will be able to boast of a court-connected mediation programme.

The challenge before us is twofold. Firstly we have to ensure that the optimum number of cases is referred to mediation, and secondly we must ensure that the mediation centres and the case flow through the mediation centres are not plagued with adjournments and delays. Mediation is our alternative to a court system in which these evils crept in and almost paralysed the civil justice system. It would be entirely unacceptable for us to allow the same evils to corrupt the mediation process.

In order to assist with the streamlining and coordination of the mediation project the Court has been fortunate to have the services of Mr. Francis Compton of Saint Lucia as Regional Mediation

Coordinator. Mr. Compton, a distinguished retired public servant and a trained mediator himself, has brought to the post of Regional Mediation Coordinator a passion, zeal and commitment that augur well for the maintenance of high and uniform standards throughout the territories of the jurisdiction. At this juncture we again express our thanks to our Mediation Consultant Mrs. Deborah Mendez-Bowen and also to USAID for their generous funding of this project.

From 30th November to 3rd December 2003, in Saint Lucia, our Judicial Education Institute (JEI) hosted the Second Biennial Meeting of the Commonwealth Judicial Education Institute (CJEI). Participants came from jurisdictions as far away as India, Australia and the African Continent. It was a reunion of many fellows of the Commonwealth Judicial Education Institute (CJEI), but more importantly it was an opportunity to identify and elucidate best practices, methodologies, teaching tools and teaching plans relevant to judicial education and reform.

Over the last year we have moved closer to our goal of supplementing the audio recording of court proceedings with the presence of trained transcriptionists and court reporters capable of producing a record of the proceedings in court within a very short time or even in real time. The timely production of accurate transcripts of court proceedings is a vital step in our efforts to modernize and make more efficient the justice system in the Eastern Caribbean. A cadre of well-trained, professional court reporters is being trained and will soon be deployed in some territories.

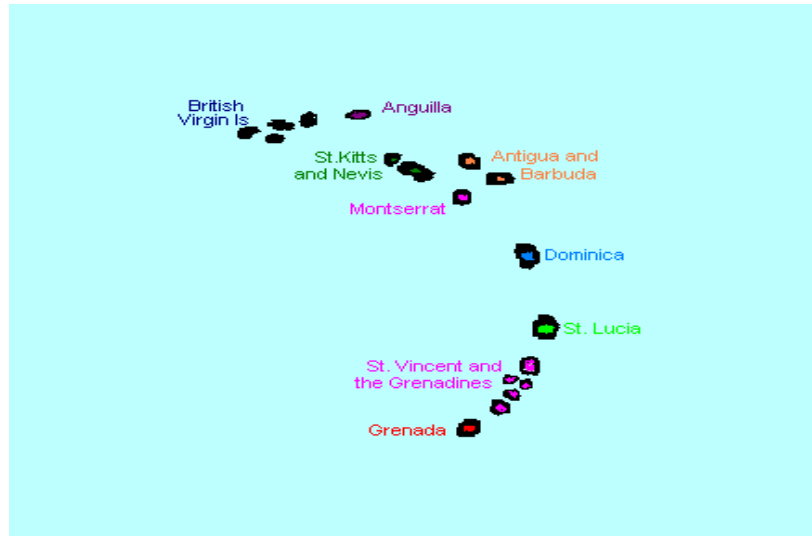
Earlier this year (2004) we embarked upon one of our more ambitious reforms, the re-structuring of our trial court into divisions. Our goal is to streamline all the trial courts by merging the administrative support of the Magistrates Courts and the High Courts and creating specialized court divisions: a civil division, including a small claims sub-division; a criminal division to deal with all summary and indictable matters, including a traffic sub-division; and a family division which will also deal with criminal charges against juveniles.

The Government of Saint Lucia has agreed to be the site for this model that we intend to replicate with appropriate adjustments in the other territories. Each division is to be managed by a Presiding Judge with the assistance of a Division Manager. All would be under the central management authority of a Managing Judge who will report to the Chief Justice and a Trial Court Administrator who will report to the Supreme Court Administrator. The plan not only calls for a streamlined administrative structure and clear lines of management authority but also the implementation of new case management systems and procedures, the application of modern technology, job redesign, and staff reorganization. We are confident that these new approaches will improve the administration of justice.

The broad outlines of the initiative have received the approval of the OECS Heads of Government and once again we take this opportunity to show our appreciation for the supportive role of the various Prime Ministers and Chief Ministers in the court's reform programme. At every step of the way, the Governments have encouraged, stimulated and supported the court's reform initiatives. We also wish to express special thanks to our indefatigable, internationally renowned Consultant, Mr. Robert Lipscher, who has been the lead consultant on our court re-structuring programme. We must express our thanks to the Canadian International Development Agency (CIDA) which has provided assistance to the Magistrates Court, and more recently the development of the court structures.

The times ahead for the ECSC remain exciting and full of hope. There is always much that is happening. Throughout the islands, our entire judiciary and judicial support staff are rising to the new challenges being continually posed. We trust that the year ahead will be as rewarding as the one we have just witnessed.

Eastern Caribbean Judicial System



Composition

The Eastern Caribbean Supreme Court is composed of the Chief Justice, who is the Head of the Judiciary, three (3) Justices of Appeal, sixteen (16) High Court Judges and two (2) Masters, who are primarily responsible for procedural matters.

Court Sittings

The Court sits in two divisions: the Court of Appeal and the High Court of Justice. The four-member Court of Appeal is itinerant and sits in each Member State to hear appeals. There are sixteen (16) High Court Judges who are assigned as resident Judges in the various Member States. The Trial Courts sit throughout the year. Criminal Assizes convene in each jurisdiction on dates specified by statute.

Court of Appeal

The Court of Appeal hears appeals from the decisions of the High Court and Magistrates Courts in Member States in both the Civil and the Criminal matters. The Court of Appeal also hears appeals from the Industrial Court in Antigua and Barbuda and the Administrative Tribunals in the British Virgin Islands and Montserrat. Appeals are heard by a full Court comprising three Justices of Appeal or by a single Justice of Appeal in Chambers.

High Court

Each Member State has its own High Court which in addition to the High Court Registry houses the Office of the local High Court Judge. The High Court Registry is headed by a legally-trained Registrar who provides the necessary administrative and legal support for the functioning of the High Court. Filing in the Registries commences the proceedings in matters before the High Court in each of the nine Member States.

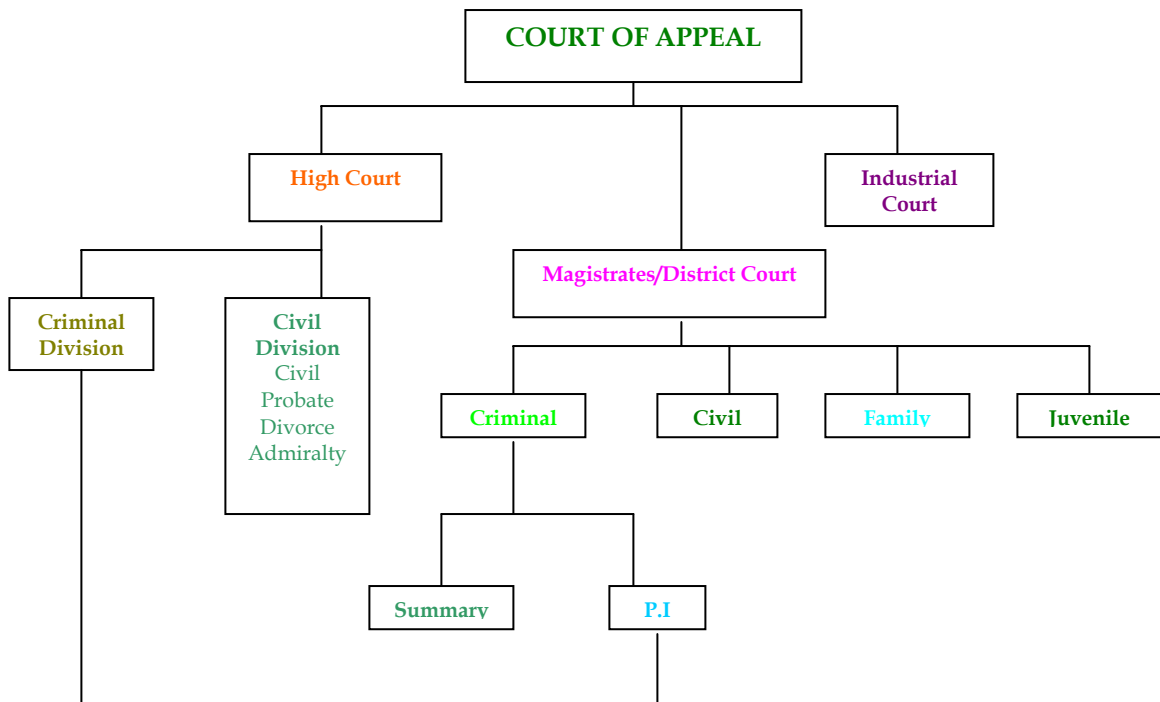
Other Courts

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

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

There is an **Industrial Court** in Antigua & Barbuda, established under the Industrial Court Act (1976). This is a Superior Court of record, and has jurisdiction to hear and determine trade disputes or other complaints referred to it in accordance with the Act; and to enjoin a trade union or other organization, employee or employer from taking or continuing an industrial action. The Court determines its own procedure and its decisions may be appealed on limited grounds – namely that the Industrial Court had no jurisdiction or that it exceeded its jurisdiction; that an award or order was obtained fraudulently; that the finding or decision was erroneous in point of law; or that some other specific illegality was committed. The Court’s decision is binding on all parties.

Eastern Caribbean States Court Structure



Members Of The Judiciary

The Chief Justice



*Chief Justice, Sir Dennis Byron
September 2003 – May 2004*



*Chief Justice [Ag.] Adrian Saunders
June 2004...*

Justices of Appeal



*Justice Albert Redhead
[Retired November 2003]*



Justice Brian Alleyne, SC



Justice Michael Gordon, QC

High Court Judges



*Justice Suzie d'Auvergne
British Virgin Islands*



*Justice Kenneth Benjamin
Grenada*



*Justice Don Mitchell
Antigua & Barbuda*



*Justice I. Hariprashad-Charles
Saint Lucia*



*Justice Frederick Bruce-Lyle
Saint Vincent & The Grenadines*



*Justice Hugh Rawlins
British Virgin Islands*



*Justice Charmaine Pemberton
Grenada*



*Justice Davidson Baptiste
Saint Kitts & Nevis*



*Justice OlaMae Edwards
Saint Lucia*



*Justice Rita Joseph-Olivetti
Antigua & Barbuda*



*Justice Errol Thomas
Antigua & Barbuda*



*Justice Janice George-Creque
Anguilla/Montserrat*



*Justice Louise Blenman
Saint Vincent
& The Grenadines*



*Justice Clare Henry-Wason
Commonwealth of Dominica*



*Justice Francis Belle
Grenada*

Masters



*Master Brian Cottle
Saint Lucia*



*Master Cheryl Mathurin
Antigua & Barbuda*

Registrars

Eastern Caribbean Supreme Court

Mrs. Ianthea Leigertwood-Octave, Chief Registrar
Ms. Heather Franklyn, Deputy Chief Registrar

Anguilla

Ms. Patricia Harding, Registrar

Antigua & Barbuda

Mrs. Sanyu Samafumu-Richards, Registrar
Ms. Veronica Thomas, Deputy Registrar

British Virgin Islands

Ms. Sonya Young, Registrar
Ms. Paula Ajare, Deputy Registrar

Commonwealth of Dominica

Mr. Reginald Winston, Registrar
Ms. Sandra Julian, Deputy Registrar

Grenada

Mr. Robert Branch, Registrar
Ms. Lisa Telesford, Deputy Registrar

Montserrat

Ms. Veronica Dorsette, Registrar
Ms Sheree Jemmot, Registrar [Ag.]

Saint Kitts & Nevis

Ms. Pearletta Lanns, Registrar
Ms. Paulette Hendricks, Deputy Registrar

Saint Lucia

Mrs. Andra Gokool-Foster, Registrar
Ms. Aisha Jn Baptiste, Deputy Registrar

Saint Vincent & the Grenadines

Mrs. Ada Johnson, Registrar - [Sept. 2003 - March 2004]

Ms. Coleen McDonald, Deputy Registrar [Sept. 2003 - March 2004]
Registrar [March 2004 ...]

Ms. Tamara Gibson, Deputy Registrar

Overview Of The Year

The year under review has been a very productive one for the Eastern Caribbean Supreme Court in many respects. We witnessed a number of events in relation to the reforms of the Court.

The reforms commenced in the late 1990s under the direction of His Lordship, the Rt. Hon. Chief Justice, Sir Dennis Byron. Prior to the 2003 – 2004 period the Court witnessed a number of reforms in the areas of:

1. **Quality of Judges**
2. **Procedural Reform**
3. **Court Administration**
4. **Information Technology**

The current review period started with an intervention by the Consultant, Mr. Robert Lipscher, from Court Management Associates in New Jersey. His consultancy, which was funded by the United States Agency for International Development (USAID), was aimed at improving Court Administration and Financial Independence of the Eastern Caribbean Supreme Court. It was in fact so comprehensive that it defined the macro framework for the Court to move into the fifth area of its reform, *the Court Structures*.



Mr. Robert Lipscher, Consultant

The report prepared by the Consultant recommended that the Court establish the following Divisions:

- **Criminal**
- **Traffic**
- **Civil**
- **Small Claims**
- **Family**
- **Commercial**

The Divisions would be under the management of a Presiding Judge who would be provided with administrative assistance by a Division Manager. The Presiding Judges would report to a Managing Judge in their Member State who would in turn report to the Chief Justice. Each Managing Judge would be provided with administrative assistance by a Trial Court Administrator.

The general approach recommended was accepted by the Court, and work, almost immediately, commenced on the steps for implementation.

Commercial Division

The services of the Consultant were utilized in November 2003 to conduct the preliminary research into the establishment of a Commercial Division of the Court in Tortola, British Virgin Islands.

In January 2004 there was a further intervention from the Consultant, who was ably assisted by a team from the New York Commercial Court, headed by Judge Helen Freedman. Following her visit to the British Virgin Islands, the Consultant also visited the Member States of Antigua and Barbuda and Nevis in order to review those environments for the establishment of Commercial Divisions there.

The recommendations made by the Consultant and the New York Team were well received by the relevant authorities, and a proposal for the establishment of this Division is now before the Government of the British Virgin Islands. It is anticipated that during the next year work will continue in this area so that this Division will be in place.

Criminal Division

The need for the Criminal Division arises from a number of problems currently existing in the court system. These include the lengthy periods accused persons stay on remand; inefficiency of the preliminary inquiry (PI) process; the lack of management of criminal cases; delays in the trial process as a result of selecting and empanelling jurors and the need to deal speedily with cases involving visitors.

In February 2004, the Court escalated efforts for the establishment of this Division with a view to increase efficiency and effectiveness of the system, and responding to the demands of the public. This initiative is intended to bring the District Courts and the High Courts in Member States under one administrative umbrella in their criminal jurisdiction. To date, the work in this area has primarily been in Saint Lucia.

Justice Richard Williams, a senior Criminal Court Judge and Mr. Michael O'Brian, Court Administration Consultant from New Jersey in the United States, visited the Court in February 2004 to share their experiences in various aspects of the establishment and operation of the Criminal Division.

Judge Williams and Mr. O'Brian facilitated a two-day workshop entitled "*Transforming Criminal Justice Administration*". Its objective was to prepare for the smooth and successful implementation of the Criminal Division of the Eastern Caribbean Supreme Court, as a model in Saint Lucia.

The participants, representing the Saint Lucia Government, Judiciary, Magistracy, Bar, Prosecutors, and Police saw the replacement of preliminary inquiries in the District Court by a hearing before a judge, as well as the institutionalizing of case management in the criminal justice system, as positive steps.

The participants also saw the urgent need for a system of legal aid as part of the reform measures, suggesting that it would be an important aspect of transforming criminal justice administration.

At its conclusion, all agreed, without reservation, that there was need for "immediate reform" of the system of criminal justice administration in the Eastern Caribbean Supreme Court, arguing that

available data supported that conclusion. There was also unanimous agreement that this reform should be started immediately.

An Advisory Committee under the Chairmanship of Justice Albert Redhead (Ag.) was appointed in March 2004 to assist with the setting up of the new Division, and the implementation of the reform. Relevant draft legislation, which will authorize the Chief Justice to make rules of criminal practice and procedure to establish the Criminal Division, has been sent to the Saint Lucia Government.

The Court agreed that the Traffic Division should be established as a part of the Criminal Division; and in March 2004, Mr. Dennis Bliss, Consultant from the United States of America, was engaged to assist with the preliminary work to improve the operations of the Traffic Court and make recommendations for the development of the Traffic Sub-Division as a part of the Criminal Division.

The Eastern Caribbean Supreme Court expects that while the model is being developed in Saint Lucia, it will lead to implementation of similar reform measures in other Member States served by the Court.

Family Division

In April 2004, another United States-based consultant, Mr. Sam Conti, was engaged to perform a preliminary review and to make recommendations for the establishment of the Family Division. Following this consultancy, Justice of Appeal Brian Alleyne was designated to manage the activities relating to the establishment of this Division.

It is anticipated that during the next year, there will be substantial progress made with the establishment of the above-mentioned Divisions as well as the Civil Division which will include a Sub-Division for Small Claims matters.

The Court has benefited tremendously in its drive to establish the various Divisions, from the services of Ms. Sharon E. Walter, Legislative Drafter and Legal Consultant from the Department of Justice in Canada. Ms. Walter has provided valuable in-house technical assistance in the establishment of these Divisions, particularly the Criminal Division.

Judicial And Legal Reform

In June 2004, the Eastern Caribbean Supreme Court entered into a Contribution Arrangement with the Canadian International Development Agency (CIDA) for the continuation of the Judicial and Legal Reform Project in the Eastern Caribbean jurisdiction and in particular, the Court Reform aspect of the project.

This followed the decision of the Project Steering Committee (PSC) for the OECS/CIDA Judicial and Legal Reform project to terminate the services of the Canadian Executing Agency (CEA) following the report of a mid term review which was considered by the PSC. The main reason for the termination was related to the limited remaining funds that were available for the project activities. The PSC accordingly took the decision to dedicate the remaining funds to Court Reform activities managed by the Court.

Appeals Processing – Technical Developments

History was created in the Court in February 2004, when an appeal in a civil case was heard and determined by teleconference in record time.

Justice of Appeal Honourable Adrian Saunders and acting Justice of Appeal Honourable Michael

Gordon presided over the procedural appeal of the Attorney General of Saint Kitts and Nevis against the decision of a Judge to disallow a witness' statement into evidence in a civil case. The ruling of the Justices of Appeal within three days of the filing by the Attorney General, allowed hearing of the case itself to begin on schedule.

The appeal was filed on February 4 and was heard two days later, when it was dismissed. The entire process was conducted via the telephone with all parties contributing to the deliberations. Counsel cooperated with the process by sending written submissions (by fax) before the hearing commenced.

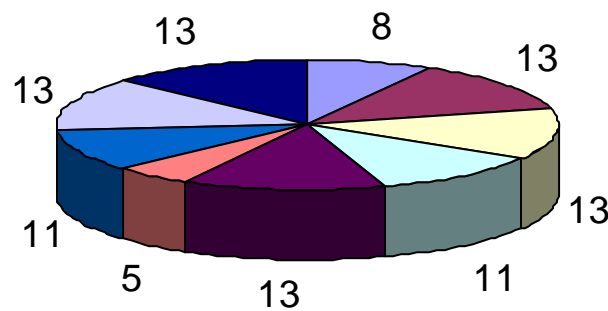
Normally an appeal in a civil case would take several months before it was heard, but on this occasion Justices of Appeal were able to hear the case within two days of it being filed in the Court. It was a historic achievement for the Court and a triumph for the Chief Justice who has pioneered tele- and video conferencing in the work of the Eastern Caribbean Supreme Court as part of a wider process of reforms.

Funding Of The Judiciary

The Eastern Caribbean Supreme Court (ECSC) is financed by contributions from nine members of the Organization of Eastern Caribbean States (OECS) in accordance with an agreed percentage. This percentage of the approved annual budget is set by the Judicial & Legal Services Commission with the concurrence of the Heads of Government of Member States, and takes into consideration the number of resident judges and number of Court sittings in each Member State.

The Member States contributions are as follows:

Member States Contributions (Percentage)



Budget Preparation

The Court's Financial Year runs from 1st July to 30th June. One of the functions of The Accounts Department is that of preparing the annual budget of the ECSC, which is approved by the Heads of Government of the OECS or the Authority.

Before the annual budget of the ECSC is approved by the Authority, it goes through three stages of analysis and review.

- ❖ In its first stage, under the direction of the Chief Justice or his designate, the budget is prepared by the Accounts Department utilizing information provided by Department Heads and discussed at the ECSC level.
- ❖ In the second stage, the budget is critically reviewed by the Budget Committee (which comprises a Budget Officer from each Member State), where recommendations and changes may be made before being presented to the Authority in its final stage.
- ❖ In its final stage, the budget is presented to the Authority by the Chief Justice. The budget is again reviewed and discussed before final approval is given. It is a requirement that the decision to approve the budget be unanimous.

Once the Budget is approved by the Authority, it becomes a treaty obligation of each Member State to pay the contributions in accordance with the preset percentages highlighted earlier. These contributions are due on 1st July, and the option is available for Member States to pay monthly or quarterly.

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

Cost Centre	Approved Budget 2003/04	Approved Budget 2002/03	Percentage Increase/Decrease
Personal Emoluments	\$5,688,769	\$5,291,183	7.5
Administrative Expenses	1,513,870	1,967,771	-23.1
Capital Expenditure	136,158	298,599	-54.4
Judicial Education	336,278	341,400	1.5
Rules Revision Reform	180,000	205,000	-12.2
Judicial and Legal Services Commission	41,700	41,000	1.7
Judicial Council	49,396	49,396	0
Total	\$7,946,171	\$8,194,349	-3.03

The ECSC's Budget decreased by 3% from the period 2002/03 to 2003/04. This was primarily the result of the strict control being exercised over expenditure in an effort to minimize wastage, and the assistance received from United States Agency for International Development (USAID) and the Canadian International Development Agency (CIDA) in the form of grant funding. Funding by those agencies included computer hardware, Judicial Education training, Court Reporting training, Rules Revision and technical assistance with the implementation of the Judicial Enforcement Management System (JEMS) throughout Member States.

Court Activities And Donor Funding

Donor funding has made it possible to achieve some success in the reform programmes. Several initiatives of the New Court Structure began in the financial year. The Government of the British Virgin Islands funded the initial project work on the Commercial Division in November 2003. This was followed by the funding from the Eastern Caribbean Supreme Court in January 2004. Between February and June the Government of Saint Lucia and the Eastern Caribbean Supreme Court together funded the initial stage of the project for the unification of the Criminal, Civil, Family and Traffic Divisions of the Court. Funding for the Project to continue in Saint Lucia from July 2004 was secured by way of a grant from CIDA, and this project is expected to continue in Saint Lucia for another eighteen months before being duplicated in the other Member States.

The objective of the New Court Structure is to strengthen the judicial branch of government to further the rule of law thereby contributing to social and economic development of Eastern Caribbean States. It starts with court reorganization that consolidates the Magistrates Courts and the High Courts. This will provide the critical mass that enables structures of governance, administration, and management to be built. Once the structures are in place, modern programmes, systems, and procedures can be introduced more readily.

Without Donor funding, implementing the work programmes of the ECSC would be extremely difficult. Receiving timely payment of contributions from some Member States continues to be a challenge in the current difficult economic times, and this has delayed the implementation of some of the work programmes of the Court. Timely payments of contributions are being asked of Member States, especially in view of the recent disastrous effect of hurricane Ivan on Grenada and their resulting inability to make any contributions in the near future.

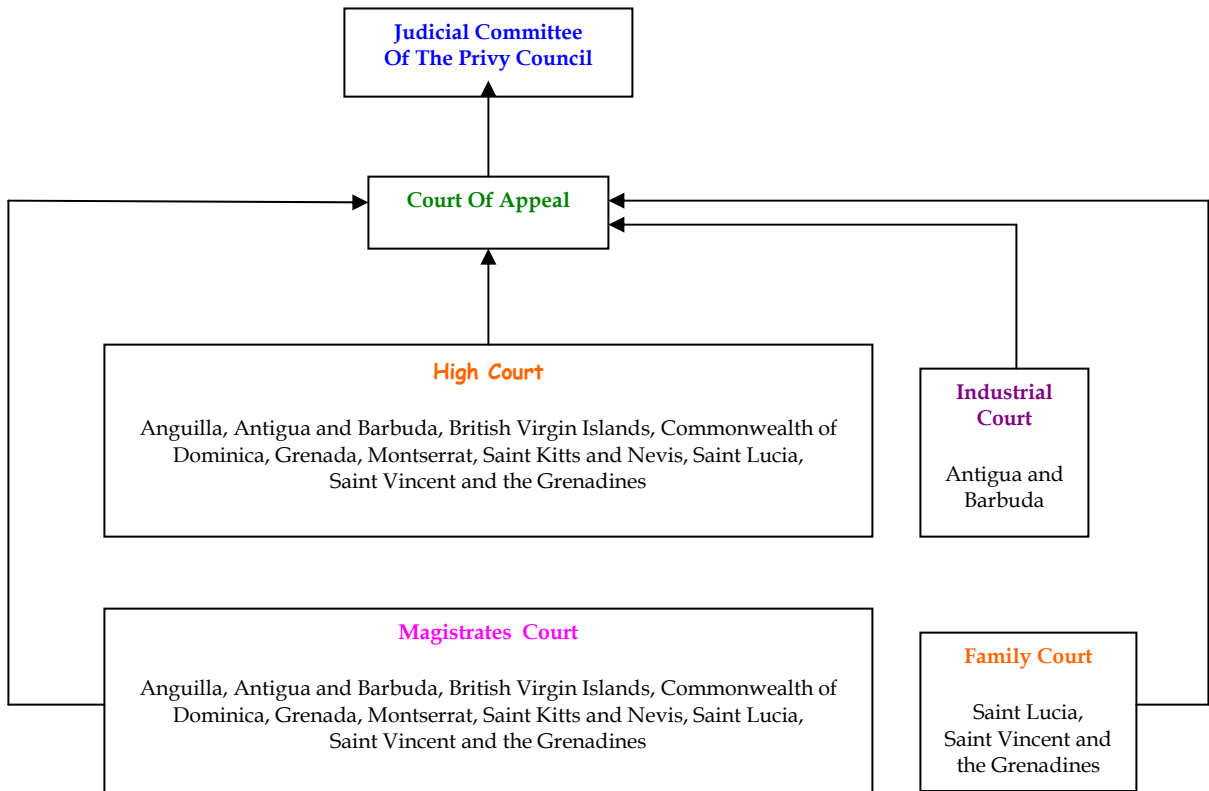
Finally, upon review of the budgets of the entire Court system in comparison with the National Budgets of the Member States (Table 3), mention must be made of the fact that in total less than 1% of the national budgets represent contributions to the Court (taking into consideration the Court of Appeal and the Supreme Court Headquarters, the High Courts, and the Magistrates Courts).

Table 3: Member States Budget for 2003/2004					
Member States	National Budget	Registry, High Court, COA Budget	Magistrates Court	Total Judiciary Budget	% of National Budget
Anguilla	\$90,277,948	\$1,043,833	\$695,888	\$1,739,721	1.93
Antigua	660,061,236	2,251,943	1,332,639	3,584,582	0.55
British Virgin Islands	676,297,890	4,524,930	1,692,900	6,217,830	0.92
Commonwealth of Dominica	266,770,360	1,073,845	1,076,051	2,149,896	0.81
Grenada	416,162,041	2,362,657	1,381,967	3,744,624	0.90
Montserrat	83,762,800	758,300	190,900	949,200	1.14
Saint Kitts and Nevis	404,836,641	1,819,621	783,911	2,603,532	0.65
Saint Lucia	768,564,320	2,946,738	2,383,238	5,329,976	0.70
Saint Vincent and the Grenadines	483,450,573	2,550,549	1,128,003	3,678,552	0.76
Total	\$3,850,183,809	\$19,332,416	\$10,665,497	\$29,997,913	0.78

Court Of Appeal Registry

The Registry of the Court of Appeal is located at the Headquarters of the Eastern Caribbean Supreme Court in Castries, Saint Lucia. The Registry is the hub of the appellate process.

The Appellate Process



All documents filed in the sub-registries of the Member States and Territories of the Eastern Caribbean Supreme Court in relation to appeals are transmitted to the Registry, where they are processed, managed and stored. The Registry also provides administrative, legal and research support to the Court of Appeal and responds to inquiries from the judiciary, lawyers and the public.

The Registry has grown tremendously in the last year correspondingly with the workload, capacity and functional areas of responsibility. The Registry is headed by the Chief Registrar, Mrs. Ianthea Leigertwood-Octave, assisted by the Deputy Chief Registrar, Ms. Heather Franklyn.

The position of Deputy Chief Registrar was created during this judicial year, primarily to provide management of the Registry and to direct the activities and operations of this Unit. The creation of this position was deemed necessary, as the volume of filings increased and the Registry began to assume greater and more complex responsibilities since the introduction of Civil Procedure Rules 2000 and its case management component. The Registry needed to be fortified with an additional person with a legal background and experience in the workings and functioning of a court registry, who would be readily available to provide direction and advice to Case Managers in the performance of their duties.

In this period also, the position of Registry Clerk was created to provide clerical support to the Registry, which already consisted of two Judicial Clerks and two Case Managers.



The COA Registry Staff: Mrs. Ianthea Leigertwood-Octave, Chief Registry (Sitting); Standing (left to right) - Ms. Choyce Walcott, Registry Clerk (Temporary); Ms. Heather Franklyn, Deputy Chief Registrar; Mrs. Stephine Alphonse, Case Manager; Mrs. Michelle John-Theobalds, Judicial Clerk.

The most significant changes occurring in the operations and functioning of the Registry of the Court of Appeal pre-dates the period 2003-2004 covered in this report, and coincides with the introduction of Civil Procedure Rules 2000. The period 2000-2003 saw improvements in the technology used at the Registry, with the introduction of JEMS (Judicial Enforcement Management System) for case processing and management; a differentiated process for High Court civil appeals depending on whether the appeal relates to a substantive issue or a procedural point; the

commencement of Chamber Hearings to deal with interlocutory applications and case management of appeals at Headquarters; the use of teleconferencing facilities to deal with urgent matters orally without the need for parties to travel, and also to deal with the management of the sittings to ensure the efficient use of judicial time. There were seven teleconferences held during this period.

The period 2003-2004 is reaping the rewards of the improvements began in the previous years, and has produced greater outputs than ever before. The increase in workload experienced in this period is concentrated primarily in the interlocutory processes being dealt with in Chambers at the Headquarters of the Court. This initiative started in the previous year, but the success of the process is evident now, by the number of interlocutory applications that has been disposed of in Chambers, and the forthcoming responses of lawyers to inquiries, and timely filing of submissions and other documents required by the Court. During this period approximately 234 interlocutory applications were filed and disposed.

The Registry has become proactive in moving matters along to disposition by making preliminary inquiries of lawyers and litigants, for example as to service of documents and opposition to applications. These inquiries assist in determining whether certain matters require a hearing before a judge and when or whether they can be disposed of on paper.

The benefit of this process is that it promotes more efficient use of judicial time, and reduces the length of time between filing and disposition. Only matters requiring the attention of a judicial officer will come before the judge, and only when the matter is ready for hearing.

There were twenty two (22) sittings of the Court during this period. An additional sitting was held for St Kitts and Nevis and the British Virgin Islands in response to their needs. A total of three hundred and sixty (360) appeals were filed and three hundred and forty one (341) appeals were disposed. A total of one hundred and twelve (112) judgments were delivered by the Court this period, a significant improvement on previous years.

The appellate process is still plagued, however, with delay in the preparation of records in some islands because of the lack of, or inadequate transcription facilities. This in turn affects the disposition rate of appeals in these islands and creates a backlog. The Registry has, during this period, embarked on ascertaining the extent of the backlog in every island by communicating with the Registrars and lawyers who have indicated the statuses of the outstanding appeals. The intention is that in the coming year the backlog will be tackled aggressively in every island to bring our records up to date.

At the close of 2002-2003 the Registry had begun to deal with the backlog of Magisterial appeals in Saint Vincent and the Grenadines, and in November 2003 over two hundred and thirty nine (239) Magisterial criminal appeals were dealt with by way of a two-pronged approach. The Governor General granted amnesty to appellants whose notices of appeal were filed, during the period 1985 - 2000, and no records were prepared. The Court then made formal orders allowing those appeals. A list of one hundred and seven (107) Magisterial civil appeals was published with a date of hearing, and where appellants did not appear, appeals were dismissed for want of prosecution; and in other cases appropriate orders were made. This process has brought appeals up to date in Saint Vincent and the Grenadines. A similar process is envisaged for Saint Lucia in the ensuing year. The Registry has already begun the process and is in receipt of nearly two hundred (200) notices of appeal.

Judicial And Legal Services Commission

The Judicial and Legal Services Commission of the Eastern Caribbean Supreme Court was established by the enactment of the West Indies Associated States Supreme Court Order 1967.

The Commission derives its power from the Constitution and legislation of the Member States, and is made up of a five-member committee, chaired by the Chief Justice. Supporting the Chief Justice, as members of the Commission are, a Justice of Appeal or High Court Judge, a person who has been a Judge of a court, and the Chairmen of the Public Service Commissions of two Member States. The two Public Service Commission representatives are rotated every three years.

The Commission serves 6 Member States, namely Antigua and Barbuda, the Commonwealth of Dominica, Grenada, Saint Lucia, Saint Kitts and Nevis, and Saint Vincent and the Grenadines. The Overseas Dependent Territories (Anguilla, British Virgin Islands and Montserrat) all have their individual Judicial and Legal Services Commissions.

During the year under review the following persons served as Members of the Commission:

- (a) Sir Dennis Byron, Chairman (September 2003 – May 2004)
The Hon. Justice Adrian Saunders, Chairman (June 2004 ...)
- (b) Justice Albert Redhead
- (c) Honourable Telford Georges
- (d) Mr. Bradley Lewis, Antigua & Barbuda; and
- (e) Dr. Damien Dublin, Commonwealth of Dominica

Judicial Appointments

The following appointments were made by the Judicial and Legal Services Commission for the Law Year 2003/2004:

Eastern Caribbean Supreme Court

Officer	Position	Effective Date
Justice Brian Alleyne, SC	Justice of Appeal	1 st September 2003
Ms. Janice George-Creque	High Court Judge	1 st September 2003
Ms. Louise Esther Blenman	High Court Judge	1 st September 2003
Justice Michael Gordon	Justice of Appeal	1 st December 2003

Antigua and Barbuda

Officer	Position	Effective Date
Mr. Asquith Riviere	Senior Magistrate	1 st January 2004
Mrs. Maureen Payne-Hyman	Chief Magistrate	1 st January 2004
Mr. Keith Thom	Magistrate	1 st January 2004
Mrs. Laurie Freeland-Roberts	Registrar, Intellectual Property and Commerce Division, Ministry of Justice and Legal Affairs	1 st January 2004

Commonwealth of Dominica

Officer	Position	Effective Date
Mrs. Wynante Adrien-Roberts	Solicitor General	1 st November 2003
Mr. Reginald Winston	Registrar, Registrar General and Provost Marshal	1 st January, 2004

Grenada

Officer	Position	Effective Date
Mr. Raymond Anthony	Attorney General	1 st December, 2003
Ms. Annette Henry	Crown Counsel Department of Director of Public Prosecutions	1 st March, 2004

Saint Lucia

Officer	Position	Effective Date
Mr. Raulston Glasgow	Crown Counsel IV Attorney General's Chambers	17 th November, 2003
Mr. Deale Lee	Crown Counsel II Attorney General's Chambers	17 th November, 2003
Mr. Leslie Mondesir	Crown Counsel III	4 th January, 2004
Ms. Victoria Charles	Deputy Director of Public Prosecutions	4 th January, 2004
Mrs. Raquel Willie-Trotman	Crown Counsel III	4 th January, 2004
Mr. Andy Daniel	Magistrate I	1 st May, 2004
Ms. Aisha Camille JnBaptiste	Deputy Registrar High Court	16 th February, 2004
Ms. Leslie Ann Thomas	Deputy Registrar Companies and Intellectual Property	2 nd May, 2004
Mr. Errol Walker	Magistrate I	1 st May, 2004
Ms. Ann Marie Smith	Magistrate I	1 st May, 2004
Mr. Rene Williams	Crown Counsel I Attorney General's Chambers	3 rd September, 2003

Saint Vincent and the Grenadines

Officer	Position	Effective Date
Mr. Raymond Williams	Director of Public Prosecutions	15 th September, 2003
Ms. Sharon Cummings	President, Family Court	1 st September, 2003
Mrs. Sylva Ambris-Dick	Parliamentary Counsel II Ministry of Legal Affairs	6 th October, 2003
Mrs. Danine Jones	Parliamentary Counsel I Ministry of Legal Affairs	6 th October, 2003

Ms. Sandra Robertson	Crown Counsel I Director of Prosecutions Office	17 th November, 2003
Ms. Sasha Seudath-Singh	Crown Counsel II, Ministry of Legal Affairs	1 st December, 2003
Ms. Petrona Sealy-Browne	Legislative Drafter, Legal Unit	17 th November, 2003
Mrs. Kaywanah Springer-Martin	Registrar of Commerce and Intellectual Property	1 st January, 2004
Ms. Vanessa Tamara Gibson	Deputy Registrar [Ag.] High Court	1 st March, 2004
Ms. Coleen McDonald	Registrar [Ag.], High Court	1 st March, 2004

Mediation: The Benevolent Alternative



Mrs. Avis Burch-Smith
Mediation Assistant



Mr. Francis Compton
Regional Mediation Coordinator



Ms. Lenore Saint Croix
Mediation Coordinator

In October 2002, the Eastern Caribbean Supreme Court launched a mediation pilot project in Saint Lucia in response to the need for an alternative to the traditional trial, which was found to be too slow, too expensive, too complex, and too uncertain in the results that it delivered. It was recommended that radical reform was necessary with the prime perspective for reform being that of the litigant.

The prime motivation behind the proposed reform was the simplification of the process and the reduction of the delay and expense by the introduction of new civil procedure rules, introducing two emerging techniques in the area of civil justice reform: case management and referral to mediation.

The proposal for reform was advanced by the Honourable Chief Justice who identified one of the solutions to the problem of case back log in the judicial system to be the alternative resolution of conflicts, in order to remove from the system cases that could be resolved without a judge's intervention.

Prior to the implementation of the six-month pilot project in Saint Lucia, a USAID-funded Appropriate Dispute Resolution (ADR) Consultation Activity was designed by ADR Consultant Mrs. Deborah Mendez-Bowen, a University of the West Indies Lecturer.

Participants for the mediation programme were trained by Mrs. Mendez-Bowen and a group of persons was selected for placement on the roster of mediation for the High Court. Court staff and members of the Saint Lucia Bar Association were also trained by the Consultant prior to commencement of mediation sessions.

A public awareness campaign was conducted via the media and presentations were also made to several organizations.

For the period under review, a total of two hundred and eighty two (282) cases were referred to mediation; one hundred and seventy six (176) were mediated with one hundred and seven (107) of these cases reaching full settlement. Fifty two (52) cases were not settled at mediation. Eleven (11) cases were settled prior to the scheduled mediation. Seventy two (72) cases were returned to Case

Management, for various reasons. Some of these cases were referred to mediation again and subsequently reached conclusion. The other cases are on-going.

The types of cases mediated were: land disputes; landlord-tenant matters; separation of property; employment matters; insurance claims; defamation; wills and estates; commercial matters, personal injury and nuisance.

The mediation programme was also introduced in to other islands in the Eastern Caribbean Supreme Court jurisdiction. In Saint Vincent and the Grenadines, the Commonwealth of Dominica, Saint Kitts and Nevis and Anguilla, Mediation Coordinators and Committees have been put in place. Public Relations work has started in Saint Vincent and the Grenadines and Saint Kitts and Nevis.

In January 2004, a two-day orientation programme for Mediation Coordinators was conducted in Saint Lucia by the Judicial Education Institute. Coordinators and prospective Coordinators from the sub-region attended and were full of praise for the information that was imparted to them.

Mediation got off to a start in Antigua and Barbuda, Grenada, the British Virgin Islands and Montserrat. Of these four states, *Montserrat* has not conducted any mediation sessions to date, and some cases which could have been referred to mediation were settled during the Case Management stage.

In *Antigua*, two (2) matters were referred to mediation but no mediation sessions have been held.

In **Grenada** twenty seven (27) cases were referred, nine (9) were sent to mediation, two (2) were settled, three (3) were not settled, one (1) was settled prior to mediation, three (3) were returned to Case Management and four (4) are continuing.

In the *British Virgin Islands* eight (8) cases were referred, four (4) were sent to mediation, of which two (2) were settled and two (2) not settled.

The pilot project undertaken in Saint Lucia has recorded some major accomplishments. Among them are:

- The training of a panel of 27 mediators qualified to serve on the roster of mediators.
- The resolution of scores of cases, most of them amicably and at relatively low cost
- A wide degree of acceptance of the programme among judges, lawyers, and the participating public.
- The compilation of a computerized database of information on every case using the JEMS Case Management system, thus allowing for: tracking of time frames associated with cases; capturing a plethora of information such as case types, case parties data, actions pertaining to cases, case schedules etc.; printing of a variety of reports and providing critical information for programme evaluation and analysis.
- The appointment of a Regional Mediation Coordinator in order to establish a uniform system of mediation services in all the Member States and Territories.

OECS MEDIATION COMMITTEES & MEDIATORS

Anguilla**

Justice Janice George –Creque, Chairman
Ms. Brenda Hughes, Coordinator

Antigua

Justice Rita Joseph-Olivetti, Chairman
Mrs. June Redhead, Coordinator
Ms. Benta Richards, Coordinator
Mr. Hesketh Williams
Ms. Holly Peters
Ms. Carolle Hurst

Mr. Maurice Christian
Justice Henry Moe
Mr. Rawlston Pompy
Mr. Clement Bird
Mrs. Maureen Payne Hyman

Mediators

Ms. Monique Francis-Gordon
Ms. Samantha Marshall
Mr. Kelvin John
Mrs. Mary White
Mrs. Nelleen Rogers Murdoch
Ms. Mitsey Weaver

Mrs. Joycelyn Maxam
Ms. Veronica Thomas
Mr. Noel Walling
Mr. Chris Martin
Ms. Carlene Selkridge
Ms. Jose Laurent

British Virgin Islands

Justice Suzie d’Auvergne, Chairman
Ms. Sonya Young, Coordinator
Mr. Glenroy Forbes
Rev. Lloyd Brissett
Ms. Helene Lewis

Ms. Valerie Stephens
Mr. Chernio Jallow
Ms. Connie Smith Young
Mr. Barry Webb

Mediators

Mr. Nigel Massicot
Ms. Yvonne Crabbe
Ms. Nona Vanterpool
Ms. Noella Thompson
Mr. Elihu Rhymer
Mrs. Einstein Samuels-Lawrence

Mr. Jason Jagessar
Ms. Bernadine J. Williams
Ms. Angelika Maynard
Ms. Tracy Bradshaw
Mr. John Carrington

Commonwealth of Dominica**

Justice Claire Henry-Wason, Chairman
Ms. Sandra Julien, Coordinator
Mrs. Rhoda A.L. Celaire
Mr. Michael Bruney
Mr. Reginald Winston

Mr. Charles Maynard
Msgr. William John-Lewis
Mrs. Shirley Guye
Mr. Kertiste Augustus

Grenada*

Justice Charmaine Pemberton, Chairman
Ms. Meryl Forsythe, Coordinator

Montserrat*

Justice Janice George-Creque, Chairman
Ms. Veronica Dorsette, Coordinator

SaintKitts & Nevis**

Justice Davidson Baptiste, Chairman
Ms. Avonelle Thornhill, Coordinator
Mrs. Myrna Walwyn
Mr. Astona Browne
Mr. Stanley Franks

Mr. Tapley Seaton, QC.
Mr. Jean Moise
Mr. Stanley Francis
Ms. Pearletta Lanns

Saint Lucia

Justice Adrian Saunders, Chairman
Ms. Lenore Saint Croix, Coordinator
Ms. Crescentia Phillips
Mr. George Goddard
Mr. Madison Stanislaus

Ms. Leandra Verneuil
Reverend Michel Francis
Ms. Anne- Marie Smith
Ms. Josephine Farrel
Mr. Leon Francis

Mediators

Dr. Urban Seraphine
Mr. Michael P. Touissaint
Mr. Andre Arthur
Mr. Oswald Larcher
Ms. Petra Nelson
Ms. Michelle Desir
Ms. Cynthia Combie
Mr. Andrew James
Mr. Cuthbert Saint Juste
Ms. Allison Gittens
Ms. Lucy Myers
Mr. Andy Fernelon
Mr. Francis Compton
Ms. Marie Appy

Mr. James Prudent
Ms. Amelle Mathurin
Ms. Jennifer Remy
Ms. Kim Saint Rose
Ms. Esther Earnest
Ms. Beverly Downes
Ms. Althea Valmont
Mr. Andrew Quashie
Mr. Elijah Greenidge
Ms. Milene Foster
Mr. Urban Dolor
Ms. Allison Mondesir
Ms. Eldonna Lendor

Saint Vincent & The Grenadines**

Justice Bruce Lyle, Chairman
Mrs. Tamara Gittens, Coordinator
Rev. Victor Job
Ms. Elmina Lynch
Mr. Oswald Robinson

Ms. Danine Jones
Ms. Nicole Sylvester
Mr. Victor Cuffy
Mr. Martin Barnard
Mr. Wendell Parris

****Committee Members and/or Mediators to be selected**

*** Names of Committee Members and/or Mediators unavailable**

Information Technology Developments

JEMS Installation, Upgrade and Training Activities

Several Judicial Enforcement Management System (JEMS) installation, training and upgrade activities were implemented during the 2003/2004 Law Year. Under the Canadian International Development Agency (CIDA) funded Judicial and Legal Reform (JLR) Project, three intensive training workshops were conducted (see Table 1) during the latter part of 2003 with the assistance of Professional Computer Software Services (PCSS), the suppliers of the JEMS software. These activities primarily targeted users from the Magistrates Courts, and form part of the JEMS Magistracy Project, which the ECSC has been coordinating during the past year.

The CIDA JLR Project has procured at least 5 computers for each of the Magistrates Court offices of the independent Member States and work is at an advanced stage in each of those countries (except Saint Lucia, the most advanced, where work has been completed) to develop the Local Area Network at the main Court offices and to link those networks with the High Court Offices where the JEMS Servers are located. In addition to procurement of hardware and provision of training, additional JEMS licenses were also procured (with the support of USAID) for use by the Magistrates Courts of the independent Member States.

Following the training sessions conducted last year and detailed in Table 1, visits were made to the Magistrates Courts in Grenada and the Commonwealth of Dominica. During these trips significant JEMS customization was done, setting the stage for use of JEMS for Case Management at the Magistrates Courts level. Plans have been made for visits to the Magistrates Courts in the other Member States during the New Law Year.

Towards the end of the 2003/2004 reporting period, work commenced on the upgrade to the next available version of JEMS, version 4.6, in all the court offices, with further plans to have all Courts in the sub-region upgraded to JEMS 4.8 by early January 2005.

The ECSC has developed draft procedure manuals that are expected to guide the use of Technology (JEMS and Jury Manager) in the Criminal Division, Magistrates Courts, the Office of the Director of Public Prosecutions and the Jury selection process of the sub-region. The development of the manuals was commissioned by the Hon. Chief Justice, following a conference held, December 2003, in the ECSC Conference Room, with a view to streamline the use of technology in the Justice System of the sub-region.

Subsequent to the hosting of the Mediation Coordinators Workshop in January 2004, during which Coordinators were given some exposure in the use of JEMS for mediation, the JEMS software in several Member States has been configured to capture mediation case type information, and generate relevant reports for use by court officials.

Development of New JEMS Report Requirements

During mid-May 2004, the ECSC followed through on a long over-due plan, which involved hosting a workshop pertaining to the definition and revision of JEMS reports. That workshop was attended by the Hon. Chief Justice, Justices of Appeal, Magistrates and other Officers from the High Court and Magistrates Courts in Saint Lucia. The Rt. Hon. Sir Dennis Byron provided a rationale for valid, complete and accurate reports from JEMS and requested the generation of new reports from the Case Management application, during his opening address. Recommendations from that Workshop, and information gathered from other Court documents, were used to develop a comprehensive paper that was later submitted to PCSS. It is anticipated that when the

recommendations detailed in that report are developed by PCSS, the Court will establish and circulate data-input standards which when adhered to will ensure that the Office of the Chief Justice is in a better position to analyze the operation of the judicial system of the Sub-region.

Status of Electronic Filing and Plans for implementing other Court-related Technology

During the year in review, the ECSC made major strides with the introduction of Electronic Filing in Courts of the Sub-region. In March 2004, the ECSC hosted the E-Filing Presentation conducted by Tybera and held at Cara Suites, Saint Lucia. Present were the Rt. Hon. Chief Justice, Sir Dennis Byron; Court of Appeal Judges and other staff from the ECSC and High Court; representatives from Ministry of Finance; Royal Saint Lucia Police Force; and the Bank of Saint Lucia.

The Presentation achieved the following:

- ❖ Provided participants with an overview of the features and operations of Tybera's eFlex Product.
- ❖ Provided a demonstration of the functionalities of Tybera's eFlex software.
- ❖ Assisted in the establishment of fixed time-standards that will lead towards the development of an E-Filing implementation Plan for the Courts of the sub-region.
- ❖ Provided an avenue for identifying key partners and stakeholders in the implementation of Electronic Filing within the Courts of the sub-region.
- ❖ Provided an avenue for identifying the implications of implementing e-Filing in the financial and administrative operations of the Courts.

Subsequent to the presentation, the ECSC conducted several telephone conferences with Tybera. The decision has been taken to pilot the E-Filing software E-Flex™ at the High Court and Court of Appeal in Saint Lucia. A draft project plan has been developed and is being reviewed by the ECSC. Plans are afoot to apprise the various stakeholders of the process. With the support of USAID, the ECSC has secured E-Filing licenses for the 6 independent Member States, and plans are being made to have E-Filing institutionalized within the entire region in the coming months.

The ECSC has now placed on its calendar tentative timeframes for the implementation of Web-based Inquiry and Interactive Voice Response technologies in the Courts of the Sub-region. The implementation of these new technologies will immediately follow the piloting of E-Filing Software. It is anticipated that during the next reporting period, 2004/2005 there will be several developments in these areas.

New Web and Email Server for the ECSC

During the year in review, the Information Technology department of Eastern Caribbean Supreme Court headquarters transferred its Web hosting Server to a new firm (based in the USA) in order to capitalize on enhanced features and services such as unlimited web-based email accounts, secure Web-based Calendar and greater web hosting space.

One of the major benefits of this change will be the ability of the Court to provide all Judges, Masters, Registrars, Deputy Registrars, Magistrates, Court Administrators, and staff of the Headquarters of the ECSC with web-based email accounts to promote more efficient communication. These email accounts are now available and the IT Department of the ECSC will be working towards the provision of accounts to the different persons mentioned earlier.

With this new server, the ECSC will obtain a new web site. The Courts in the Sub-region will be informed of the launching date of this new web site in the coming weeks. Efforts have begun to recruit a Website Administrator who will develop and maintain the new site.

The new email address for the Court is office@eccourts.org.

Jury Management Software

As at 31st July 2004, the PCSS' Jury Manager was installed in the High Court of 3 Independent Member States. The ECSC plans to have the software installed in the other Member States, where the license fees have been paid, before the end of 2004.

With the appropriate changes to national legislation, the Jury Manager will allow for the computerization of the entire Jury Management process - from the selection of jurors, to the marking of attendance and the printing of vouchers or cheques if required.

Countries are at various stages in the development of an electronic Jury Book which will be imported into Jury Manager in order to start the electronic process for the management of the jury.

New Telephone System

The year in review also signified the introduction of a new digital telephone system for the ECSC, facilitating direct access to staff by the public and a larger number of lines for use by staff. The new system does not only provide staff with secure access to making calls, but has features for voice mail, call waiting, etc. Most importantly, this new system provides management a call accounting feature that better allows for the monitoring of incoming and outgoing calls at the ECSC. The new telephone number for the Court is (758) 457-3600.

Areas	Training # 1: JEMS 4.6 Upgrade Training	Training #2: JEMS 4.6 Installation Training	Training #3: JEMS 4.6 Application Training
Training Dates & Duration	25 th - 29 th Aug 2003 (5 days)	22 nd - 26 th Sept. 2003 (5 Days)	13 th - 17 th Oct 2003 (10 days)
Activities Performed:	<ol style="list-style-type: none"> 1. Installation of Windows 2000 Server and SQL Server 2000. 2. Upgrading of JEMS from 4.0 to 4.6 at the ECSC and the High Court (Saint Lucia. 3. Exposure to the new JEMS 4.6 functionalities and interface. 	<ol style="list-style-type: none"> 1. Development of the Court Agency for the Magistrate Court - Saint Lucia. 2. Installation and customization (including development of Codes) of JEMS 4.6. 	<ol style="list-style-type: none"> 1. Extensive Application Training in the use of Criminal, Civil and Traffic Case Management features of JEMS 4.6.
Participants: Magistrates' Courts	2 (one each from Saint Lucia and Saint Vincent)	2 (1 technical/court staff, each from Saint Lucia and Saint Vincent)	14 (Court staffs from Saint Lucia, Saint Vincent, British Virgin Islands, Antigua, Anguilla)
High Courts	7	9	8
ECSC	2	2	4
Workshop Location	ECSC Headquarters and High Court, Saint Lucia	ECSC Headquarters and High Court, Saint Lucia	Cara Suite or Bay Gardens Hotel, Saint Lucia.

The Judicial Education Institute

The Judicial Education Institute (JEI) is an organ of the Eastern Caribbean Supreme Court. Since its inception in November of 1996, its mandate has been to enhance the administration of justice through education and training by highlighting and providing the knowledge, skills and awareness required by justice sector personnel to perform their responsibilities with excellence. The work of the JEI involves organizing education and training sessions for Judges, Masters, Magistrates and all levels of Court Office staff.

An Executive Committee assumes responsibility for planning, conducting and overseeing the relevant judicial education activities. During the 2003/2004 Law Year, this Committee was headed by Justice of Appeal Adrian Saunders who was also Chairman of the Institute.

The day-to-day management of the JEI was headed by a Programme Director, Ms. Lilith Dalphinis; ably assisted by Executive Officer, Ms. Alana Simmons.



Ms. Lilith Dalphinis, Programme Director; Justice Adrian Saunders, Chairman; Ms. Alana Simmons, Executive Officer

Through the Judicial Education Institute, the Eastern Caribbean Supreme Court seeks to facilitate activities that will assist in the strengthening of the justice system. To this end its programme was accelerated, and for the period under review fifteen (15) training programmes were hosted, all aimed at providing continuous educational training to justice sector personnel in the Region.

One of the highlights of the year was Saint Lucia's successful hosting of the second biennial meeting of Commonwealth Judicial Educators in early December 2003 under the theme "Training of Trainers".

Some 40 judges from all regions of the Commonwealth attended the three-day meeting. Retired Canadian Judge Sandra Oxner, the serving Chairperson of the Commonwealth Judicial Education Institute (CJEDI) later hailed the gathering, saying that great bonds had been established among the

judicial educators attending which would facilitate the exchange of human and material resources that was bound to flow.

Judge Oxner also reported that all those who attended the meeting had had their horizons expanded by learning how other people were tackling what were common problems in seeking to improve the confidence that the public has in the judicial system.

She said that the ultimate aim of judicial education was “to provide a better service to the public”.

One of the interesting developments coming out of the conference was the invitation from South African judges to their Caribbean counterparts to help them develop a bench that was more reflective of their community.

Participants to the conference came from Bangladesh, Australia, Zambia, the United Kingdom, Uganda, South Africa, Canada, the United States of America, Ghana and the Caribbean.

Chief Justice Sir Dennis Byron took over the presidency of the CJEI in April 2003.

The JEI of the ECSC also undertook a number of training sessions for all categories of employees in the judicial system - from Judges to Magistrates to office staff. August 2003 was particularly active for the Institute with three training programmes executed dealing with “Re-engineering JEI for the Future”, “Audio Recording” and “The Second Orientation Programme” for newly appointed judicial officers.

The “Reengineering JEI for the Future” workshop was attended by members of the Judiciary, Eastern Caribbean Supreme Court administrative staff, the OECS Bar Association, the Saint Lucia Bar Association, the principal of the Hugh Wooding Law School and the local Magistracy.

The Orientation Programme held for newly appointed Judges of the Eastern Caribbean was the third of its kind hosted by the JEI.

During the month of April 2004, the Eastern Caribbean Supreme Court held a workshop in Saint Lucia on Court filing fees.

The aim was to arrive at a regional consensus on the approach to be used for the reviewing and adjusting of court filing fees. The workshop also sought to make recommendations on new fee levels in cases where it was agreed that upward adjustments could be made.

Facilitator of the workshop was Mr. Alick Lazare from the Commonwealth of Dominica, who had undertaken a recent exercise, which was funded by the USAID, and prepared a preliminary document on court fees in the sub-region.

During the workshop there was a panel discussion of electronic solutions. Panelists looked at the possible solutions in the billing and collection of filing fees offered by JEMS, and discussed the measures that would have to be put in place to maintain and strengthen accounting standards in keeping with government requirements.

At the conclusion of the workshop, Mr. Lazare assisted by Ms. Sharon Walter were asked to prepare a paper on the next steps.

Other training sessions conducted during the year were: an Anti Money Laundering Workshop, the Law Reporting and Head note Writing Workshop, three JEMS User Training Workshops, three

Orientation Programmes for newly appointed Magistrates, an Orientation Programme for Mediation Coordinators, a workshop to set up the Criminal Division of the High Court and a Domestic Violence Sensitization Seminar for the ECSC Judiciary.

The Orientation programmes for new Magistrates sought to encourage Magistrates to be as independent, effective and efficient in the execution of their duties as possible, and to equip them with the knowledge and skills necessary to execute their duties competently.



The Commonwealth Judicial Education Institute Conference in session



Participants in break-out session



Participants in break-out session



*Facilitators of the Law Reporting and Headnote Writing Workshop:
Dr. Lloyd Barnett and Ms. Nancy Anderson*



A section of the participants of the Law Reporting and Headnote Writing Workshop

Court Productivity

Overview

This report provides a review for three judicial periods for the Appellate Court: 2002-2004 and two judicial periods for the High and Magistrates' Courts: 2003-2004.

In the Appeal Court, a total of 785 cases were filed and 1,112 disposed of for the three judicial periods 2002-2004. The Appeal Court continues to handle significant volumes of events during the judicial term. However in 2004, the Court recorded a slight decline of 2% of the volume of events handled. Judgments delivered increased by 117% and 331% over the amount delivered over the past two judicial periods ending July 31, 2003 and July 31, 2004. The High Courts continue to account for the largest volume of appeal cases lodged at the Eastern Caribbean Supreme Court.

A total of 6,671 and 2,880 cases were filed and disposed of in the High Courts for the two judicial periods ending 2003 and 2004. The current data for both the number of cases lodged at the High Courts, and cases disposed are incomplete. This data therefore, does not provide an actual reflection of the volume of cases handled by the High Courts and the actual output of the Court. The issue of backlog continues to be of concern to the ECSC, and the Court continues in its efforts in bringing about a significant improvement to the current situation.

The Court recorded an increase of 5% of events in 2004 over the 2003 period. The event count report provides a good synopsis of the volume of the work that has to be handled by the High Courts. A total of 9,928 and 9,429 events were handled by the High Courts for the two periods ending 2004 and 2003 respectively. Chamber hearings and Case Management conferences continue to account for the bulk of events handled by the Court.

Although all the data are not available, the Magistrates Courts continue to record an enormous volume of cases. An average of 34,455 cases were filed in the Magistrates' Courts per judicial period, while an average of 24,890 cases were disposed of. The Magistracy still has to make significant efforts in reducing the backlog problems. It is anticipated that with the establishment of the Criminal Division in the islands, the abolishment of the assizes and criminal cases being handled throughout the year, the problem will be abated

Court Of Appeal

Table 1 shows the volume of appeal cases filed and disposed of in the High Courts, Magistrates Courts and the Industrial Court of Antigua and Barbuda for the judicial periods ending July 31, 2004, 2003 and 2002.

Total appeal cases filed at the Eastern Caribbean Supreme Court (ECSC) Registry reveal an increasing trend. Total appeal cases filed in the judicial period ending July 31, 2004 increased by 60% and 79% over 2003 and 2002 periods respectively. Appeal cases filed in the High Court registries continue to account for the largest volume of appeal cases lodged at the ECSC, that is, an average of 63% of total filings for the three judicial periods.

Total appeal cases disposed of for the Judicial period ending July 31, 2004, declined by 6% and 16% from the last two reporting judicial periods. Corresponding with the number of filings, the majority of cases disposed of were appeals lodged from High Courts.

For the past two judicial periods ending 2004, and 2003, no appeal cases were lodged at the ECSC from the Industrial Court of Antigua and Barbuda.

Jurisdictions	Judicial Period 2003-2004		Judicial Period 2002-2003		Judicial Period 2001-2002	
	Filed	Disposed	Filed	Disposed	Filed	Disposed
High Court	245	203	129	162	127	243
Civil	173	119	78	104	68	194
Criminal	72	84	51	58	59	49
Magistrates Courts	115	138	95	203	71	154
Civil	32	39	29	85	20	82
Criminal	83	99	66	118	51	72
Antigua and Barbuda Industrial Court		-	-	-	3	9
Total	360	341	224	365	201	406

Events	Judicial period 2003-2004	Judicial period 2002-2003	Judicial period 2001-2002
Application Hearings	88	164	101
Motions Hearings		2	16
Appeal Hearings	323	324	322
Judgement Delivery	125	56	29
Total	536	546	468

Table 2 provides data on the volume of the events undertaken by the Court of Appeal Registry for judicial periods ending July 31 2004, 2003 and 2002.

The volume of events handled by the Appeal Court Registry continues to reflect the volume of activities handled by the Court of Appeal. However, for the judicial period ending July 31, 2004, total events declined slightly by 2% from the period ending July 31, 2002. Appeal hearings continue to account for the largest volume of events, over 50% of all events. Judgments delivered in the

judicial period ending July 31, 2004 showed a significant increase of 117% and 331% over the two last judicial periods ending July 31, 2003 and July 31, 2002 respectively.

Tables 3A and 3B on the following page show appeal cases filed from the High Courts and Magistrates Courts respectively by country.

Antigua and Barbuda, Grenada and Saint Lucia accounted for the largest volume of High Court civil appeal cases lodged at the ECSC. Grenada accounted for 18% of total appeal cases filed for the three periods while Saint Lucia and Antigua and Barbuda accounted for 17% and 16% respectively. Grenada, Saint Kitts and Nevis, and Saint Vincent and the Grenadines accounted for the largest volume of appeal cases filed from the High Court for criminal appeals. Grenada and Saint Kitts and Nevis accounted for 25% and Saint Vincent and the Grenadines accounted for 18% for the three judicial periods.

From the Magistracy, the highest volumes of civil appeal cases were filed from Saint Vincent and the Grenadines (32%) and Saint Kitts and Nevis (27%) for the three periods. Saint Vincent and the Grenadines continues to account for the highest number of criminal appeal cases filed. For the three judicial periods Saint Vincent and the Grenadines accounted for 56% of criminal appeal cases filed from the Magistrates Court.

Table 3A. High Court- Appeal Cases Filed By Country
High Court Civil

Country	Judicial period 2003-2004	Judicial period 2002-2003	Judicial period 2001-2002
Anguilla	8	2	4
Antigua and Barbuda	37	15	4
British Virgin Islands	20	10	8
Commonwealth of Dominica	12	7	3
Grenada	29	11	18
Montserrat	1	1	5
Saint Kitts and Nevis	20	11	5
Saint Lucia	25	12	10
Saint Vincent and the Grenadines	21	9	11
Total	173	78	68

High Court Criminal

Country	Judicial period 2003-2004	Judicial period 2002-2003	Judicial period 2001-2002
Anguilla	1	1	1
Antigua and Barbuda	14	1	7
British Virgin Islands	3	1	1
Commonwealth of Dominica	6	6	3
Grenada	17	10	18
Montserrat	1	0	1
Saint Kitts and Nevis	15	12	18
Saint Lucia	4	7	2
Saint Vincent and the Grenadines	11	13	8
Total	72	51	59

Table 3B. Magistrates Courts- Appeal Cases Filed by Country
Magistrates Courts Civil

Country	Judicial period 2003-2004	Judicial period 2002-2003	Judicial period 2001-2002
Anguilla	2	0	1
Antigua and Barbuda	2	0	4
British Virgin Islands	2	1	0
Commonwealth of Dominica	3	1	2
Grenada	0	4	0
Montserrat	0	1	1
Saint Kitts and Nevis	12	4	6
Saint Lucia	9	0	0
Saint Vincent and the Grenadines	2	18	6
Total	32	29	20

Magistrates Courts Criminal

Country	Judicial period 2003-2004	Judicial period 2002-2003	Judicial period 2001-2002
Anguilla	0	0	1
Antigua and Barbuda	1	0	2
British Virgin Islands	1	0	2
Commonwealth of Dominica	10	10	7
Grenada	0	8	3
Montserrat	0	1	1
Saint Kitts and Nevis	3	0	3
Saint Lucia	31	0	5
Saint Vincent and the Grenadines	37	47	27
Total	83	66	51

Tables 4A and 4B show the volume of appeal cases disposed of for the High Courts and Magistrates Courts respectively by country.

The highest volumes of civil appeal cases disposed of from the High Courts were correspondingly for the islands lodging the highest amount of appeal cases in that category. The highest number of civil appeal cases were disposed of for Saint Vincent and the Grenadines, Grenada, and Antigua and Barbuda; 22%, 16% and 15% respectively for the three judicial periods.

The highest number of criminal appeal cases disposed for the three judicial periods, were for Dominica, Saint Vincent and the Grenadines, and Saint Kitts and Nevis. Dispositions for the Commonwealth of Dominica, Saint Vincent and the Grenadines, Saint Kitts and Nevis represented 26%, 24%, and 16% respectively of total dispositions for the three periods.

From the Magistracy, the highest volumes of civil appeals disposed of for the three periods were for Saint Kitts and Nevis (24%), Saint Vincent and the Grenadines (19%) and the Commonwealth of Dominica (15%). The highest volumes of criminal appeals were disposed for Saint Vincent and the Grenadines (33%), the Commonwealth of Dominica (27%), and Montserrat (19%).

Table 4A. High Court -Appeal Cases Disposed by country			
High Court Civil			
Country	Judicial period 2003-2004	Judicial period 2002- 2003	Judicial period 2001-2002
Anguilla	1	5	16
Antigua and Barbuda	19	3	42
British Virgin Islands	17	18	6
Commonwealth of Dominica	24	1	18
Grenada	27	35	5
Montserrat	0	10	1
Saint Kitts and Nevis	10	21	1
Saint Lucia	14	6	26
Saint Vincent and the Grenadines	7	5	79
Total	119	104	194
High Court Criminal			
	Judicial period 2003-2004	Judicial period 2002-2003	Judicial period 2001-2002
Anguilla	0	0	0
Antigua and Barbuda	8	0	1
British Virgin Islands	12	3	0
Commonwealth of Dominica	12	3	34
Grenada	9	10	3
Montserrat	1	10	0
Saint Kitts and Nevis	13	17	1
Saint Lucia	1	5	3
Saint Vincent and the Grenadines	28	10	7
Total	84	58	49

Table 4B. Magistrates Courts- Appeal Cases Disposed by Country			
Magistrates Courts Civil			
Country	Judicial period 2003-2004	Judicial period 2002-2003	Judicial period 2001-2002
Anguilla	0	0	0
Antigua and Barbuda	0	1	21
British Virgin Islands	2	4	0
Commonwealth of Dominica	7	3	21
Grenada	3	21	0
Montserrat	1	19	2
Saint Kitts and Nevis	15	34	1
Saint Lucia	2	0	8
Saint Vincent and the Grenadines	9	3	29
Total	39	85	82
Magistrates Courts Criminal			
	Judicial period 2003-2004	Judicial period 2002-2003	Judicial period 2001-2002
Anguilla	0	1	1
Antigua and Barbuda	1	0	1
British Virgin Islands	2	2	0
Commonwealth of Dominica	19	9	49
Grenada	6	4	0
Montserrat	4	51	1
Saint Kitts and Nevis	2	32	1
Saint Lucia	3	1	4
Saint Vincent and the Grenadines	62	18	15
Total	99	118	72

High Court

Table 5 shows the volume of new cases filed in the registries of the High Courts of the ECSC for the two reporting periods; August 1, 2002 - July 31, 2003 and August 1, 2003 - July 31, 2004.

Data for British Virgin Islands and Saint Kitts and Nevis were not available at the time of this report and are therefore not reflected in the table. Data for Grenada and Saint Vincent and the Grenadines are incomplete.

The available data indicates that a total of 3,225 cases were filed for the judicial period ending July 31, 2004 in comparison with 3,948 for judicial period ending July 31, 2003. It is expected that with all the data available, the volume of cases filed for the judicial period ending July 31, 2004 may well surpass that of the last judicial term. The largest volume of cases filed in judicial period ending July 31, 2004 was from Saint Lucia. Total cases filed in Saint Lucia High Court Registry represented 38% of total cases filed for that period. Civil cases filed for the aforementioned represented 72% of total filings for the period.

Table 5. High Court- Number of Cases Filed by Major Case Type By Country							
Judicial Period 2003-2004							
Countries	Civil	Criminal	Matrimonial	Adoption	Probate	Admiralty	Total
Anguilla	88	9	7	2	1	0	107
Antigua and Barbuda	529	50	159	16	240	4	998
British Virgin Islands	-	-	-	-	-	-	0
Commonwealth of Dominica	334	2	39	27	0	0	402
Grenada	339	-	-	-	-	-	339
Montserrat	26	3	11	-	11	1	52
Saint Kitts and Nevis	-	-	-	-	-	-	0
Saint Lucia	933	63	143	7	46	22	1214
Saint Vincent and the Grenadines	67	9	8	-	26	3	113
Total	2316	136	367	52	324	30	3225
Judicial period 2002-2003							
Countries	Civil	Criminal	Matrimonial	Adoption	Probate	Admiralty	Total
Anguilla	89	7	19	1	0	0	116
Antigua and Barbuda	-	-	-	-	-	-	-
British Virgin Islands	26	10	7	0	13	0	56
Commonwealth of Dominica	536	106	58	0	225	0	925
Grenada	-	-	-	-	-	-	-
Montserrat	99	14	2	0	25	0	140
Saint Kitts and Nevis	288	88	53	0	100	2	531
Saint Lucia	1026	54	149	36	110	3	1378
Saint Vincent and the Grenadines	565	97	139	0	0	1	802
Total	2629	376	427	37	473	6	3948

Notes: - means no data was provided or available

Table 6 shows the volume of cases disposed by the High Courts of the ECSC.

The data on disposition for judicial period ending July 31, 2004 is incomplete for almost all the islands and therefore does not give a true reflection of the Court's output for that period.

Table 6. Number of Cases Disposed By Major Case Type By Country

Judicial Period 2003-2004

Countries	Civil	Criminal	Matrimonial	Adoption	Probate	Admiralty	Total
Anguilla	77	5	12	2	1	0	97
Antigua and Barbuda	-	-	-	-	-	-	-
British Virgin Islands	-	-	-	-	-	-	-
Commonwealth of Dominica	-	62	-	-	-	0	62
Grenada	76	106	-	-	-	-	182
Montserrat	7	13	-	-	-	-	20
Saint Kitts and Nevis	306	33	52	6	0	0	397
Saint Lucia	306	33	52	6	0	0	397
Saint Vincent and the Grenadines	25	-	16	-	-	-	41
Total	797	252	132	14	1	0	1196

Judicial period 2002-2003

Countries	Civil	Criminal	Matrimonial	Adoption	Probate	Admiralty	Total
Anguilla	38	11	6	1	0	0	56
Antigua and Barbuda	-	-	-	-	-	-	-
British Virgin Islands	26	10	25	0	14	0	75
Commonwealth of Dominica	170	0	7	0	225	0	402
Grenada	-	-	-	-	-	-	-
Montserrat	5	7	0	0	28	0	40
Saint Kitts and Nevis	182	63	59	0	65	2	371
Saint Lucia	359	-	2	9	21	0	391
Saint Vincent and the Grenadines	546	46	154	0	0	0	746
Total	1326	137	253	10	353	2	2081

Notes: - means no data was provided or available

Table 7 shows the volume of activities handled by the High Courts of the ECSC for the two judicial periods of 2004 and 2003.

A total of 9,928 events were handled by the High Courts of the ECSC for the 2003-2004 judicial period. This figure represents an increase of 5%, or 499 events more than what occurred in the 2001-2002 period.

Chamber hearings continue to account for the bulk of events handled by the ECSC. Fifty nine percent (59%) of the events handled by the Court during the current judicial period (2003-2004)

were chamber hearings. Case Management conferences accounted for the second highest volume of events of 19% of total events.

The largest volume of judicial activities took place in the island of Saint Lucia for both reporting periods. However, a decline of 25% in the amount of events recorded was experienced in Saint Lucia for the current judicial period in comparison with the one ending July 31, 2003.

Antigua and Barbuda also recorded a significant volume of chamber hearings and Case Management conferences. Saint Vincent and the Grenadines recorded the third highest volume of chamber hearings.

The activities of the Masters in Case Management conferences in the ECSC continue to be of significance in the efficiency of the Court's operation, especially by the reduction in the numbers of adjournments and the increase in the disposition rate.

Table 7. Event Count Report by Country - Judicial Periods Ending 2003 and 2004

Judicial period 2003-2004										
Type of events	Anguilla	Antigua and Barbuda	British Virgin Islands	Commonwealth. of Dominica	Grenada	Montserrat	Saint Kitts and Nevis	Saint Lucia	Saint Vincent and the Grenadines	Total
Status Hearing	31	-	-	224	-	-	-	-	-	255
Chamber Hearing	146	1459	-	622	91	24	-	2389	1164	5895
Chamber Matters	0	-	-	-	-	-	61	-	-	61
Chamber Applications	0	-	-	-	-	-	26	-	-	26
Motion Hearing	1	-	-	-	13	-	-	-	30	44
Case Management Conference	41	676	-	263	1	16	46	533	287	1863
Pre- Trial Hearing	7	-	-	-	-	2	-	56	5	70
Trial	11	168	-	82	9	15	-	554	95	934
Other Events	42	261	-	174	10	-	86	455	7	1035
Total	279	2564		1365	124	57	219	3987	1588	9928
Judicial period 2002-2003										
Type of events	Anguilla	Antigua and Barbuda	British Virgin Islands	Commonwealth. of Dominica	Grenada	Montserrat	Saint Kitts and Nevis	Saint Lucia	Saint Vincent and the Grenadines	Total
Status Hearing	-	0	-	26	-	0	0	0	0	26
Chamber Hearing	-	244	-	719	-	7	459	3123	799	5351
Motion Hearing	-	9	-	0	-	0	45	0	0	54
Case Management Conference	-	19	-	556	-	46	114	1305	626	2666
Pre- Trial Hearing	-	1	-	5	-	18	94	259	0	377
Trial	-	38	-	11	-	34	102	354	0	539
Other Events	-	0	-	0	-	6	105	305	0	416
Total		311		1317		111	919	5346	1425	9429

Notes: - means no data was provided or available

Magistracy

Table 8 gives an indication of the volume of cases filed in the Magistrates Courts of the ECSC.

A total of 30,030 and 38,879 were filed in the ECSC Magistracy for the judicial periods ending July 31, 2004 and 2003 respectively. The available data indicates that the cases filed in 2003-2004 period decreased by 8,849 or 23% over the 2002-2003 period.

The data provided shows that the island of Saint Lucia recorded the largest volume of filings, accounting for 23% of total filings for 2004. The Commonwealth of Dominica recorded the second largest volume of cases filed in 2004 that is 22% of total filings for the aforementioned period.

Saint Vincent and the Grenadines accounted for the largest volume of filings for the judicial period ending 2003. However, it should be noted that the data provided does not reflect the actual filings for the entire judicial period ending July 31, 2004.

Criminal matters accounted for 45% and 39% of total matters filed in the Magistrates Courts for the judicial period ending 2004 and 2003 respectively. Traffic matters also recorded significant volumes for both periods. However, traffic matters handled by the Magistracy in 2004 recorded a decline of 43% over the volume recorded in 2003. Traffic matters accounted for 27% of total filings in 2003.

Table 8. Magistrates Courts- Cases Filed by Major Case Type by Country- Judicial Periods Ending 2003 and 2004

Judicial period 2003-2004										
Cases Filed	Anguilla	Antigua and Barbuda	British Virgin Islands	Commonwealth of Dominica	Grenada	Montserrat	Saint Kitts and Nevis	Saint Lucia	Saint Vincent and the Grenadines	Total
Criminal	286	-	121	3145	1907	118	1725	3844	2653	13799
Civil	125	-	76	837	398	75	2566	560	722	5359
Traffic	207	-	153	1891	1172	136	690	1628	2309	8186
Family	74	-	-	-	6	-	67	-	*	147
Domestic	5	-	7	73	6	-	-	-	-	91
Juvenile	31	-	-	225	123	1	186	3	-	569
Affiliation	-	-	20	384	107	45	246	18	-	820
Inquest	-	-	-	68	-	-	-	36	-	-
Pre. Inquiries	-	-	-	-	-	-	13	942	-	955
Total	728		377	6623	3719	375	5493	7031	5684	30030
Judicial period 2002-2003										
Cases Filed	Anguilla	Antigua and Barbuda	British Virgin Islands	Commonwealth of Dominica	Grenada	Montserrat	Saint Kitts and Nevis	Saint Lucia	Saint Vincent and the Grenadines	Total
Criminal	-	-	-	3090	4418	118	1541	2829	3365	15391
Civil	-	-	-	1200	773	75	2347	262	694	5351
Traffic	-	-	-	1891	3412	136	448	1823	6685	14395
Family	-	-	-	-	21	-	-	-	-	21
Domestic	-	-	-	30	8	-	-	34	-	72
Juvenile	-	-	-	175	28	1	105	15	201	525
Affiliation	-	-	-	397	245	45	1491	69	479	2726
Inquest	-	-	-	67	-	-	-	2	-	69
Pre. Inquiry	-	-	-	-	-	-	29	300	-	329
Total	-	-	-	6850	8905	375	5961	5334	11454	38879

Notes: - means no data was provided or available

Note: - * Data on St. Vincent and the Grenadines family court is available in tables 10 and 11

Table 9 shows the volume of matters disposed of by the Magistrates Courts of the ECSC.

The data provided show that the Magistracy of the ECSC disposed of a total of 23,268 cases for judicial period ending 2004. The available data indicate that the volume of cases disposed of in 2004, declined by 12% from the amount obtained in period ending 2003.

Corresponding with filings, criminal matters accounted for the largest volume of matters disposed of; that is 49% of total dispositions in 2004 and 44% in 2003. Traffic and civil matters accounted for an average of 27% and 17% % of total dispositions for the two periods.

The Commonwealth of Dominica accounted for the largest volume of cases disposed of in the Magistracy; 22% of total disposition for 2004 period.

Efforts have been made during the past judicial term to computerize the Case Management system of the Magistracy in the ECSC jurisdiction. A pilot project which began in March 2004, in the island of Saint Lucia, has benefited from the use of the computerized Case Management system.

Table 9. Magistrates Courts- Cases Disposed by Major Case Type by Country- Judicial Periods Ending 2003-2004

Judicial period 2003-2004										
Cases Filed	Anguilla	Antigua and Barbuda	British Virgin Islands	Commonwealth of Dominica	Grenada	Montserrat	Saint Kitts and Nevis	Saint Lucia	Saint Vincent and the Grenadines	Total
Criminal	222	-	22	2679	1944	-	1536	2367	2455	11285
Civil	84	-	-	1328	335	-	1685	276	577	4285
Traffic	148	-	2	778	2074	-	579	1508	1416	6505
Family	67	-	-	-	23	-	-	-	*	90
Domestic	-	-	5	27	5	-	-	-	-	37
Juvenile	21	-	-	81	11	-	108	-	-	221
Affiliation	-	-	15	174	179	-	195	-	-	563
Inquest	-	-	-	3	-	-	-	-	-	-
Pre-Inquiry	-	-	-	-	-	-	1	278	-	279
Total	542	-	44	5070	4571	-	4164	4429	4448	23268
Judicial period 2002-2003										
Cases Filed	Anguilla	Antigua and Barbuda	British Virgin Islands	Commonwealth of Dominica	Grenada	Montserrat	Saint Kitts and Nevis	Saint Lucia	Saint Vincent and the Grenadines	Total
Criminal	339	-	-	3110	4121	-	1298	2864	-	11732
Civil	183	-	-	1094	382	-	2451	315	-	4425
Traffic	345	-	-	-	3758	-	534	2049	-	6686
Family	74	-	-	-	5	-	-	-	-	79
Domestic	-	-	-	15	3	-	-	60	188	266
Juvenile	42	-	-	178	24	-	56	7	-	307
Affiliation	-	-	-	387	151	-	1389	53	647	2607
Inquest	-	-	-	70	-	-	-	5	-	75
Pre-Inquiry	-	-	-	-	-	-	15	320	-	335
Total	983	-	-	4854	8444	-	5723	5573	835	26512

Note: - means data not provided

Note: * Data on St. Vincent and the Grenadines family court is available in tables 10 and 11

Family Court

Saint Lucia and Saint Vincent and the Grenadines operate a Family Court as a separate entity, however these courts form part of the administration of the Magistrates Court in their various islands. The Family Court of Saint Vincent and the Grenadines has made significant strides in the reduction of backlog cases. For the two judicial periods under review, the Family Court has experienced clearance rates of over 100%. Tables 10 and 11 below provide data on the volume of matters filed and disposed of in the Family Court of Saint Vincent and the Grenadines.

Maintenance matters account for an average 65% over the two periods, of all cases lodged at the Family Court and 72% of those disposed of.

Case Type	Judicial Period 2004	Judicial Period 2002-2003
Maintenance	479	795
Custody	41	89
Protection Order	56	86
Variation of Occupation Order	1	1
Occupation Order	18	31
Breach of Protection Order	5	1
Other	78	338
Total	680	1341

Case Type	Judicial Period 2004	Judicial Period 2002-2003
Maintenance	647	1020
Custody	56	114
Protection Order	55	94
Variation of Occupation Order	0	0
Occupation Order	20	38
Breach of Protection Order	5	1
Other	52	254
Total	835	1521

Overall, the Court has not been able to get all the necessary data to perform a full analysis of the judicial system. The work currently being undertaken, along with what has been planned for the next year, by the Information Technology Department with the use of the JEMS system in all the Courts of all Member States is expected to significantly improve this current situation so that during the next reporting period more complete information can be made available.

ECSC Headquarters

The Eastern Caribbean Supreme Court Headquarters in Saint Lucia has a cadre of professionals who work assiduously at supporting the judiciary in its bid to carry out its mandate of delivering justice independently in a prompt, fair, efficient and effective manner.



Front row (Left to right): Mrs. Stephine Alphonse, Case Manager; Ms. Natasha James, Secretary; Ms. Sheron Baptiste, Case Manager; Ms. Lavern Henry, Administrative Assistant, HR Dept.; Ms. Daisy Ann Saint Rose, Library Assistant; Ms. Joan Joseph, Secretary. Middle row: Ms. Claudette Valentine, Librarian/Information Services Manager; Ms. Angus Smith, HR Officer; Ms. Sabina Hilaire, Receptionist (Temporary); Mrs. Michelle John-Theobalds; Ms. Heather Franklyn, Deputy Chief Registrar; Mr. Francis Compton, Regional Mediation Coordinator; Mr. Mark Ernest, Information Technology Manager. Back row: Mrs. Avis Burch-Smith, Mediation Assistant; Ms. Choyce Walcott, Registry Clerk; Mr. Guy Stava, Office Attendant; Ms. Lenore Saint Croix, Office Manager/Mediation Coordinator; Mr. Irvin Ferdinand, Accountant; Ms. Sheran Emmanuel, Head, Secretarial Pool; Mr. Gregory Girard, Court Administrator.

Absent: Mrs. Reine James, Records Manager; Ms. Geraldine Saint Croix, Statistician; Mr. Michaelangelo Andrew, Accounts Assistant; Mrs. Clarita McDonald, Records Clerk; Ms. Isaline Antoine, Secretary; Mrs. Francisca Polius, Secretary; Mr. Augustus Marcellin, Network Administrator; Mrs. Sandra Augier, Receptionist; Mrs. Lesha Mason, Office Attendant; Mr. Leslie Prospere, Judicial Clerk; Ms. Cynthia David, Case Manager; Ms. Alana Simmons, JEI Executive Officer



Heads of Departments: [Left to Right] Ms. Claudette Valentine, Information Services; Ms. Sheran Emmanuel, Secretarial; Mr. Irvin Ferdinand, Accounts; Ms. Lenore Saint Croix, Office Management; Ms. Angus Smith, Human Resource, Mr. Gregory Girard, Court Administration; Mr. Mark Ernest, Information Technology.

Staff Retreat

For the second time in the history of the Eastern Caribbean Supreme Court Headquarters, the Court of Appeal Judges and members of the administrative staff “closed court” and participated in a one-day retreat. The main aim of this activity was to map out a strategic plan for the future, and clearly define the role of the staff in the Court’s forward march for greater efficiency, and satisfying the needs of the public which it services.

In opening remarks, Acting Chief Justice, the Honourable Adrian Saunders urged the staff to show initiative in their work, and understand that accountability went hand in hand with initiative.

The main highlight of the exercise was a session during which members of staff were invited to make their concerns about aspects of their work and employment known. Judges, management and staff were divided into five groups and encouraged to speak out. This was followed by a plenary session where group reports were delivered.

The main concerns from the day’s exchanges were documented, and a 10-member committee was subsequently established by the Acting Chief Justice to take these concerns and resultant recommendations forward.

There was general agreement that the exercise was rather worthwhile, overdue, and should be continued regularly in the future.

Appendices

**ADDRESS
BY
THE HONOURABLE CHIEF JUSTICE
OF
THE EASTERN CARIBBEAN SUPREME COURT
SIR DENNIS BYRON
TO MARK
THE OPENING OF THE LAW YEAR 2003/2004**

Introduction

Your Excellency, Sir James Carlisle, Governor-General of Antigua and Barbuda and Their Excellencies in the various courts who are sharing in this simulcast, The Right Honourable Prime Minister of Antigua and Barbuda, Mr. Lester Bird and other Heads of Government; The Honourable Speaker of the House and other Members of Parliament and of the Executive in the various courts sharing in this simulcast; The Honourable Judges of the Eastern Caribbean Supreme Court; The Attorney-General, Mrs. Gertel Thom; Members of the Clergy who are with us today; The Chief Registrar and Registrars of the Eastern Caribbean Supreme Court; The learned members of the Inner Bar; The Presidents of the OECS Bar Association and constituent Bar Associations; All other Members of the Legal fraternity; The Commissioner of Police and Police Officers; Distinguished Guests; Citizens of the Eastern Caribbean; Ladies and Gentlemen:

It gives me great pleasure once more to address simultaneous sittings in each Member State and Territory within our jurisdiction by computerized video link to each courthouse. Again, I express our thanks to Cable and Wireless and its related organizations, as well as to the Government Information Services within our jurisdiction for facilitating the simulcast of this address throughout the jurisdictions of the Eastern Caribbean Supreme Court.

In my inaugural address in 2000, I indicated that these addresses are intended to review the past year, and to report on projected activities for the ensuing year. It is also to emphasize our intention to render artificial, the physical divide that the sea has created between our various Member States and Territories.

One initiative that has been taken during the past year to emphasize the oneness of our court system has been the deployment of our scarce judicial resources in an attempt to satisfy the needs of the region as a whole. This initiative represents our response to the workload in each Member State or Territory as the need is reflected by the data that is available to us. We are in the process of rationalizing the process and our response. The collection and collation of statistical data is an integral aspect of this endeavour.

You will recall that the first address to mark the opening of the Law Year was made in Saint Lucia, the second in the Commonwealth of Dominica, and the third in the Federation of Saint Kitts and Nevis. It gives me great pleasure to make this the fourth address to introduce the New Law Year 2003 to 2004 from Antigua and Barbuda. It is of particular significance that we are here today in this new edifice that was only recently dedicated to the administration of justice. It accommodates our Supreme Court and Court offices in ample and comfortable facilities and provides for other tribunals and library facilities. It affords a pleasing ambience.

I think it fitting that we should congratulate the Government and people of Antigua and Barbuda for providing this new facility. It supports the justice reform programme upon which we have embarked. It is significant, particularly because it follows relatively closely upon the construction of new Court Buildings in Saint Kitts and Anguilla, and the refurbishing of the facilities in Grenada, the British Virgin Islands and Nevis. This further points the way forward for the enhancement of the physical environment in which justice is administered. I have no doubt that those who use this building will perform in accordance with its quality and the comfort that it provides.

Sadly, and with regret, we also mourn the recent passing of Mr. Cosmos Phillips, QC. He was a stalwart of the OECS Bar Association. He played a significant role in fostering a good working relationship between the Bar and the judiciary, as well as in the promotion of judicial and legal reforms. We here express our condolences to his bereaved family, members of his firm, and his friends who now mourn their loss.

The New Plateau – the Status of the Reform Process

The reforms that we have undertaken in the administration of justice fall under 5 broad headings to which I shall afford a brief review.

The Introduction of Technology in the Judicial Process

This area has witnessed the introduction of substantial pieces of hardware for the use of technology in the judicial process. In the Supreme Court this has resulted in the computerization of the court. Every courtroom in our jurisdiction has been provided a computer and a printer. The courtrooms have been linked to the court office network, which provides access to Judges and Staff of the Court Offices to the Judicial Enforcement Management Systems or JEMS. This is the software that facilitates filing and the input and retrieval of information on cases. It also facilitates research and makes research information readily available to Judges on the Bench and in Chambers.

Additionally, complete networks of computers, printers, scanners and ancillary equipment have been installed in every court office. They have the appropriate software to provide all of the office automation facilities, and tools for the most modern techniques in case management. Every judge and registrar has been provided with computers and in most cases with laptop computers with the capacity for linkage to the court office network.

Our courts now have the capacity for automated Court Reporting. Every courtroom has been provided with the equipment for audio recording. This makes it unnecessary for the judges to take notes of proceedings in long hand. Additionally, steps have been taken to introduce the Computer Aided Transcription or C.A.T. Reporting system in our courts. To this end, pilot projects have commenced in the Commonwealth of Dominica and in Saint Kitts. C.A.T. Reporting equipment has been installed and there are trained court reporters on the staff of these courts. At the moment, court office personnel from throughout the jurisdiction are undergoing training in the British Virgin Islands.

I understand that some islands are making enquiries with a view to institute Court Reporting Units similar to that which exists in the British Virgin Islands, once their trainees return. I wish to commend and encourage this.

The court process has benefited from the introduction of technology. In particular, it has aided communication throughout the region. It has made it less expensive and quick. It has strengthened our research capabilities through the use of QUICKLAW and other international

research sites, and the website that has been set up by the Law Library at the Faculty of Law of the University of the West Indies.

We have also continued to provide the facilities of our own website, which was established in 2000. It is an important aspect of our accountability to the public by the provision of information. Our website provides all judgments given by our courts, newsletters and other information on the work of the court in a manner that is cost efficient and free to users. Application forms and other information for job vacancies, both judicial and administrative, are posted on the website.

Locally, some courts circulate cause lists by email after generating them automatically from JEMS. I anticipate that this will be standard procedure for all Court Offices in the future. The modules for the improvement of technology that will be implemented during this Law Year will include the introduction of JEMS in the Magistrates Courts, and its utilization for imaging and jury management. It will also include the customization of JEMS for the criminal justice module, and the introduction of Internet access to case information, an interactive voice response or IVR system and e-filing of court records.

USAID has already provided some of the hardware and software. They have also met procurement costs for the introduction of these modules. The OECS/CIDA/JLR Project is assisting in the implementation in the Magistrates Courts with the procurement of hardware, along with the costs to bring the various parties together for training. This, we know, can be very costly if we are to reach the targeted audience.

Court Administration

The Supreme Court headquarters in Saint Lucia now has a well developed department of court administration. There is now a Court Administrator. This officer is not a trial court administrator. The officer is the head of the management and administrative support team and reports directly to the Chief Justice. The team provides a complement of services in the fields of Human Resource Management, Financial management, Information technology, Information services, Office Management and Judicial Education. It also serves the Judicial and Legal Services Commission and provides general secretarial support.

The staff is highly professional and each department has a high ratio of professional and technical staff as compared to administrative or clerical staff. The improvements that we have had in the area of court administration are already very obvious. We are particularly pleased to report the setting up of a statistical unit, which is staffed by a qualified statistician. Statistics provide critical information for scientific assessment and forward planning. We believe that the institution of this unit is a critical element in the improvement of the capacity to administer the court in a manner that facilitates accountability. I encourage legal practitioners, court users, litigants and the general public to utilize the services that the Court Administration Department provides. The Department operates out of the Headquarters of the Supreme Court in Saint Lucia. Please bring to its attention any issue of an administrative nature, which might be affecting the trial process. This is in keeping with our vision and desire to be more service oriented.

The Quality of Judges

We are still striving to improve the quality of our judges and the service that they render. As you are aware, a majority of judges have recently reached the retirement age at around the same time. This has required a major recruitment effort. The court adopted the principle of changing the selection and appointment process with the objective of ensuring that it is viewed as more transparent, and based on a competitive merit based process.

It is now necessary for any judicial candidate to apply for full time appointment. All applications are submitted to automatic referees for assessment and reports on the candidates. The referees are members of the existing judiciary and the Bar Associations of the OECS. The applicants are also entitled to nominate their own referees. That process leads to preliminary evaluation. Then there is an interview process, which aids selection. The criteria that are used are published. The process of advertisement and other steps are taken to attract applications from qualified persons.

Continuing judicial education is an integral part of the process to improve the quality of our judges. The Judicial Education Institute has gone on from strength to strength with the conduct of at least one program per month on average. It has provided orientation programs for the new judges and continuing education programs for the existing judiciary, including the Magistracy. It has also conducted training programs for Registrars and for the supporting court office staff. Many of the programs catered to mixed groups, in our attempt to foster co-operation and co-ordination for the benefit of a unified process. We have also undertaken work for the Bar Associations. We have developed the plans for our public awareness programs. The implementation of this has recently started.

Court Structures

We are at the initial stages of an initiative to rationalize our court structures, with a view to streamline the system and provide for a more efficient and effective court operation. To date, only preparatory work has been done in this area. It is, however, very important that we move this initiative forward. Out of this realization, we have embarked upon studies that should assist us to develop a unified family court, a criminal division, a civil division with a special small claims court, a commercial court and a traffic court. We are also pursuing the institution of administrative integration of our Magistrates Courts and High Courts for the purpose of achieving greater economies of scale. A pilot project in this area should be implemented in Anguilla during this Law Year.

Over the next few weeks, work will commence to develop a complete implementation plan taking into consideration space and facilities, human resources, and administrative procedures. As part of the early activities, we plan to establish pilot projects for a criminal division and a commercial court.

Procedure

I am pleased to report that the consultancy for the Probate Rules project has been completed, and draft rules were sent to me for review. The mediation activity is ongoing in Saint Lucia. Work has already started to replicate it in Grenada, Antigua & Barbuda, and the British Virgin Islands during this Law Year. The work of the Civil Justice Task Force under the joint chairmanship of Mr. Joseph Archibald, QC, and Mr. Charles Wilkin, QC, is proceeding. Its work will inform the revision of the Civil Procedure Rules 2000, where necessary, and the making of practice directions to flesh out the Rules. Additionally, work is progressing on rules of criminal, family and commercial procedure and Magistrates' procedure.

The Partners in the Process

You are well aware that there are many partners in the administration of justice and the reform process. The progress that there has been to date would have been impossible without the support of the various stakeholders. These include the Governments of the region. They continue to be very supportive of our efforts. They also include the OECS Legal Authority, the Judges and Magistrates of our courts, the Registrars and Court Office staff, the OECS Bar Association and affiliated Bar Associations of the Member States and Territories, the Chambers of Industry and Commerce and related institutions in the region, and the litigants who seek justice in our courts.

We have found another partner in the Caribbean Law Publishing Company, which is assisting us with the publication of the OECS Law Report series. I am pleased to inform you that the first report, which is for 1996, has been completed and is ready for distribution.

Again, I take this opportunity to express appreciation for the assistance, which the international funding agencies, the USAID, CIDA and the British Government, in particular, have afforded to our several reform projects. The funding agencies continue to provide direct support in the form of equipment and technical assistance. It is still my wish that it might well be considered that capital assistance with court buildings also deserves support.

The Need for Performance Standards and Measurement

The executive and legislative branches of government, as well as the public, rightly seek to hold the judicial branch accountable in terms of its efficiency and the fairness of its operations. Accountability, however, must be balanced against the importance of an independent judiciary. Our courts are implementing measurement tools and standards that objectively document the courts' performance. They are trying to do this in a manner that does not jeopardize their ability to provide due process and render just decisions free from improper influence, by various performance measurements by which standards are assessed.

The measurement tools relate to court performance, rather than to judicial performance. These are not appropriate standards for gauging the performance of individual judges and that is not the intention. These address the court as an organization, consisting not only of judges but of all who perform judicial and administrative court functions, including clerks, managers, probation officers, lawyers and social service providers. These tools are intended for internal evaluation, self-assessment and self-improvement. Our courts and judges can use them to explain the purpose of courts, the various functions of the court and what the court is doing. They are also useful in developing strategic and action plans, framing problem issues, evaluating current court performance, and identifying strategies for addressing specific problems.

One performance measure considers access to justice, which is a basic requirement of a fair and equitable system of justice. This is intended to encourage judges and court staff to look at their courts from the perspective of court users. They are to have regard to the ease or difficulty that the general public encounters to get to the court, find their way around the court, obtain information about the court participate in the proceedings and so forth.

The attainment of this ideal requires our courts to conduct their proceedings openly, maintain facilities that are safe, accessible and convenient for use, provide an opportunity for all persons who appear before the court to participate effectively, without undue hardship or inconvenience. They are also to ensure that judges and other trial court personnel are courteous and responsive to the public and accord respect to all with whom they come in contact, and maintain reasonable, fair and affordable costs of access to court proceedings and records. This must be whether the costs are measurable in terms of money, time, or the complexity of the procedures that must be followed.

Other performance measures require our courts to facilitate expedition and timeliness in the management and hearing of cases. They require courts to ensure that equality, fairness and integrity become practical touchstones of justice, and that the system engenders public trust and confidence. Another critical aspect of this is the independence and accountability of the judiciary.

Judicial Independence and Accountability

The performance measures for this aspect direct our courts to maintain their institutional integrity, while observing the principle of comity in its governmental relations. They also direct our courts to responsibly seek, use and account for its public resources, use fair employment practices, inform

the community about its programs and anticipate new conditions or emergent events and adjust their operations as may be necessary.

This aspect requires the judiciary to maintain its distinctiveness as a separate branch of government, while at the same time maintaining effective working relationships with other branches of government and other components of the justice system. In this regard, we see the court also as a public institution that is responsible for developing action plans, obtaining resources for implementing those plans, monitoring its operations, and accounting publicly for its performance.

This year I shall consider, in particular, an aspect of judicial independence that concerns the financing of the justice sector. It touches upon the aspect of independent financial management, which involves the preparation of the budget and the management of the budgeted funds. It is my view that the judiciary needs to develop greater professionalism in these areas, through its administrative and management offices. I think that it is also important that the executive put in place the necessary procedures and systems to provide the funds that are budgeted. Financial independence will be meaningless if the funds that are required for the process are not made available.

Over the years, we have demonstrated that the quality of our service is important to us and to all of the stakeholders in the administration of justice. This is in keeping with our view that independence and accountability of the judiciary are kindred concepts. In addition to our own remuneration, we must be concerned with the support staff from whom we are demanding high performance standards.

The Next Summit

During this Law year, then, the targeted activities will include rules of procedure, the rationalization of court structures and the establishment of specialized court divisions. They will also include continuing programs to improve the quality of our judicial officers and the improvement of our court administrative capacity, both at the headquarters and at the trial courts. We hope to enhance the financial and administrative independence of the judiciary, and to continue the technological development of the justice system, extending the capability particularly to electronic filing and jury management. This, at the end of it all, is the ultimate underlying objective of all the reforms.

Epilogue

We open this, another Law Year, with the reaffirmation of our commitment to continue to provide our society with the protection of the rule of law enforced by a competent and independent judiciary committed to give justice to all in an efficient and effective manner.

I thank you, and God Bless you.

Congratulations

Special honours were conferred on two serving members of the Judiciary of the Eastern Caribbean Supreme Court.



Chief Justice Sir Dennis Byron (above) was elevated to membership of the Privy Council, the highest court of appeal in the British Commonwealth. He was also appointed a Master of the Bench of the Inner Temple in England in February 2004.



Saint Lucia-born judge Suzie d'Auvergne (above) was bestowed with the Gold Medal of Honour by her native-land for her contribution to the judicial and legal profession.

Retirements & Resignations



In March, the Court said farewell to Justice Redhead (above) who retired as a Justice of Appeal after 30 years on the Bench.

Justice Redhead has, however, been appointed High Court Judge [Ag.], presiding over the proposed Criminal Division of the Court.



During the year the Judicial Education Institute lost the services of Ms. Lilith Dalphinis (above) whose one-year appointment as Director came to an end.

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