



Eastern Caribbean Supreme Court



annual report 2004 - 2005

**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

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

vision statement

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

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**THE HONOURABLE CHIEF JUSTICE (Ag.)
BRIAN G.K. ALLEYNE, SC**

Message By The Honourable Chief Justice (Ag.)

As we end another year of activities we once again have to report the departure from our Court of another giant, in the person of Justice of Appeal and Acting Chief Justice until his resignation, Adrian Saunders, who has been elevated to the Bench of the Highest Court in the region, the Caribbean Court of Justice. Justice Saunders is uniquely qualified by his experience and service on the Bench of our Court, for service on this other regional Court, and will bring a wealth of knowledge and experience from serving on and leading this Court, into the development of the new Court. I have no doubt whatever that the experience he gained serving the Eastern Caribbean Supreme Court will be an invaluable resource for the Caribbean Court of Justice as they develop their rules, procedures and protocols for the conduct of business.

We sorely miss the wisdom, experience, intellectual strength and integrity of Justice Saunders. At the same time, we welcome onto our Appeal Bench two other outstanding jurists, Justices of Appeal Denys Barrow, from Belize, and Justice of Appeal Hugh Rawlins of Saint Kitts and Nevis, both of whom bring their own unique skills and qualities to our Court. I feel confident that their scholarly attributes and their dedication to hard work and to judicial excellence will enhance the work of this Court. All of these developments, of course, mean that there will also be new appointments to our High Court Bench, and I take great pleasure in announcing the appointment of, and welcoming onto our High Court Bench, Justice Sandra Mason, Q.C., former Registrar of the Supreme Court of Barbados, who joins Madame Justice Gertel Thom, former Attorney-General of Antigua and Barbuda, who was elevated to the Bench earlier in the Law Year following the retirement of the distinguished jurist Madame Justice Suzie d'Auvergne last October.

The past year has been a very active one, and has not been without its hardships. We

note in particular the devastation wrought by Hurricane Ivan to Grenada in September last year, resulting in, among other things, severe damage to the principal High Court building and Judge's Chambers, one of the houses serving as Judge's Residence, and Magistrates Courts throughout the country. We are aware that the homes of some of the Magistrates also suffered extensive damage as a result of the hurricane. Nevertheless, we are heartened by the fact that immediately after the hurricane, all judicial officers were at work, preparing their courtrooms for service to the public, and within a matter of days most courts were in operation delivering judicial service to the public.

We highly commend our Judges, Magistrates, and Registry and Court staffs for their dedication and self-sacrificing attention to their duties. I may mention that following Hurricane Ivan, staff at the Court headquarters office organised a fund to which judges and staff throughout the jurisdiction of the Court contributed generously to assist members of the staff of the High Court Registry in Grenada who had suffered loss or were in need due to the hurricane. In addition, a request for assistance for contributions from the private bar was received favourably and these contributions were included in the relief effort. At the end of June 2005 all the funds had been disbursed to the affected staff at the Registry and the account was closed.

The reform project in the High Court continues apace, and we can report that the Civil Reform process has been to a large extent successfully implemented. The Civil Procedure Rules have shown significant results in expediting the disposition of civil cases in the High Court and Court of Appeal, and to the extent that the mediation programme has been successfully implemented, there has been much success in settling matters and saving the litigants costs. The mediation programme has had its drawbacks, largely due to the failure to

provide appropriate physical space and accommodation for the conduct of mediation, but hopefully this problem will be resolved soon where accommodation has not yet been provided. We take this opportunity to publicly express our condolences to our Mediation Consultant Mrs. Debra Mendes-Bowen and family on the untimely passing of her late husband.

The Criminal Reform project involves a Pilot Project in Saint Lucia for the establishment of a Criminal Division, integrating the criminal jurisdiction of the First District Court and the criminal jurisdiction of the High Court, under a unified administrative structure, with new procedures for the management of summary and indictable criminal trials. It is hoped that by eliminating preliminary inquiries and replacing them with more efficient and effective case management procedures and interventions, including *sufficiency hearings*, *diversion orders* and *disclosure orders*, the effective pace of disposition can be considerably accelerated, the delays eliminated and the backlog problem effectively tackled. We look forward to 'rolling out' the criminal reforms to the other countries following successful implementation in Saint Lucia.

We are awaiting word from the Government of the British Virgin Islands before we can move forward with the plans for establishing a Commercial Division, and with regard to the Family Division, we have held preliminary discussions on the way forward, and will be hoping to make some progress in the New Law Year.

The Court continued its drive towards utilization of judicial education as a tool to improve the quality of service to the public, by hosting a number of workshops and seminars.

In addition there were two important exchanges which had a significant impact on the Judicial Education Institute. First, the

Court in collaboration with the United States Department of Justice and the United States Embassy (Barbados) organized a judicial exchange with Judge Janet Bond Arterton of the United States of America in November 2004. The main purpose of the exchange was to share ideas and enable the two judiciaries to learn from each other.

Also, in March 2005, His Lordship, the Honourable Sidney Lederman, a Judge of the Superior Court of Justice in Ontario, Canada, undertook a four-week working judicial exchange visit to the Court focusing on areas which relate to the better organization of the Institute. During the last week of his visit, Justice Lederman participated in an actual judicial education activity, the Prosecutors Workshop, which was conducted in the British Virgin Islands.

The Court has successfully completed the mediation activity replication which commenced in January 2004. All Member States and Territories now have trained mediators and are ready to conduct mediation sessions which, based upon the results in those Member States where this has been implemented, will greatly improve the civil justice system by the disposition of matters at an earlier stage of the process. Work has also commenced to develop programmes for the introduction of mediation in family and criminal matters.

Efforts progressed with the development of the Court's strategic plan. With the assistance of CIDA, a consultant was engaged to assist the Court with this exercise and to date a draft plan has been prepared. In developing this plan there have already been consultations with a number of stakeholders, and this process is nearing completion. It is anticipated that the plan will be complete by the commencement of the New Law Year in September 2005.

The use of technology continues to be a major part of the reform, and there have been several developments in this area. One main area worthy of mention is the establishment of a Court Reporting Unit in the Member State of Saint Lucia. This Unit currently has five trained Computer Aided Transcription (CAT) Reporters and four trained transcriptionists. Most of the staff in the Unit was trained by the BVI Academy of Court Reporting which is operated by Ms. Janice Stoutt. I must take the opportunity to thank the Government of Saint Lucia for their continued support in improving the justice system which is exemplified in this instance by the establishment of this new Unit. The Court has started to work on providing assistance to the other Member States where persons trained in the use of CAT technology have returned, so that the technology can be effectively used there.

The Court was privileged to be invited to participate in the First International Conference on Court Administration which was held in Ljubljana, Slovenia, in September 2004.

In the context of continuing judicial education, in June 2005 I attended a meeting of the Commonwealth Judicial Education Institute in India, which focused on the use of statistics in decision-making, and Justices Kenneth Benjamin and Rita Joseph-Olivetti, High Court Judges, attended a training session of the Commonwealth Judicial Education Institute (CJEI) in Halifax, Nova Scotia, Canada in July, and have been added to the list of Fellows of the Institute from this Court. Prior to that, last year I attended a one-week ILO workshop on International Labour Standards in Trinidad, and Justice Francis Belle attended an extended workshop on the same topic at the ILO Institute in Turin, Italy. The Judicial Education Institute has been very active, as can be seen from their report, and plans additional significant activities this coming year.

Although this activity falls out of the reporting period (1st August 2004 - 31st July 2005), I am pleased to report that we held three very important activities at the beginning of August 2005, a two-day Judicial Conference involving all the Judges in the jurisdiction, as well as some guest Judges; a one-day Joint Conference of the Judges and Registrars and Deputy Registrars, and a one-day Conference of the Registrars and Deputy Registrars. These were held under the auspices of the Judicial Education Institute of the Eastern Caribbean Supreme Court, and were part of our continuing judicial education activities. All participants commented very favourably on the Conferences. Further details of this activity are provided in the section on Judicial Education.

The Court continues in its efforts to improve the quality of justice for the citizens of the different Member States and Territories in the jurisdiction, having completed a hectic and exciting year and looks forward to the challenges in the future. The changes being proposed, particularly those with the Court Structures Project, are significant and given the diverse nature and geographical separation of the jurisdiction the plans for replication will take some creative thinking in order to be effective and result in the improvements which are desirable.

I take this opportunity to thank the Heads of Government of the OECS Authority for its continued support for our programmes. I also thank the Canadian International Development Agency (CIDA) and the United States Agency for International Development (USAID) for their assistance in support of our reform programmes and the development of the capacity of our Court to meet its objectives of the delivery of justice independently by competent officers in a prompt, fair, efficient and effective manner.

Organization of Eastern Caribbean States Judicial System

COMPOSITION

The current authorised complement of the Eastern Caribbean Supreme Court is the Chief Justice, who is head of the Judiciary, four Justices of Appeal, sixteen High Court Judges and two Masters. The meeting of the Heads of Government of the Organisation of Eastern Caribbean States (The Authority) in the Commonwealth of Dominica in June 2005, confirmed increases in the composition of the Court.

The Chief Justice, the Rt. Hon. Sir Dennis Byron, PC, is currently on extended special leave while he serves as a permanent Judge of the United Nations International Criminal Tribunal for Rwanda. Justice of Appeal Hon. Brian Alleyne, SC, is acting in the office of Chief Justice, and consequently no permanent appointment to the fourth office of Justice of Appeal can now be made.

COURT SITTINGS

The Court sits in two divisions, the Court of Appeal and the High Court, which functions as a trial Court. In Saint Lucia, as part of the Court restructuring exercise, a new Criminal Division of the High Court has been established as a pilot project to deal with criminal trials of both summary and indictable matters. During the initial period of the pilot project, the Magistrate or Magistrates doing criminal trials in the First District will be structurally integrated into the Supreme Court structure and will function within that structure to dispose of summary trials under a new case management system operating under revised criminal procedure rules which are being developed. This exercise seeks to deal with the endemic problems of delays and

backlogs in the administration of the criminal justice system, and it is expected that once the pilot project has been successfully implemented in Saint Lucia it will be 'rolled out' to the other States and Territories with the support of the Executives and Legislatures of those States and Territories.

COURT OF APPEAL

The Court of Appeal hears appeals from decisions of the High Court and Magistrates/District Courts in both Civil and Criminal matters, the Family Courts in Saint Lucia and Saint Vincent and the Grenadines, the Industrial Court in Antigua and Barbuda, and the Administrative Tribunals in the British Virgin Islands and Montserrat. Appeals are heard by the full Court comprising a panel of three Justices of Appeal, or, in a limited class of matters, by a single Judge sitting in Chambers, in which case any decision is subject to review by the full Court.

HIGH COURT

Each Member State and Territory is served by at least one High Court Judge and a Registrar, with the exception of Montserrat, where there is no resident Judge, but the resident Judge in Anguilla is assigned periodically to deal with Civil and Criminal trials. In the Federation of Saint Kitts and Nevis, which is divided into two Circuits, the resident Judge in Saint Kitts serves Nevis by way of periodic visits.

The existing arrangement has been found to be less than satisfactory to Anguilla, Saint Kitts and Nevis, and the Commonwealth of Dominica, where there is one resident

Judge. It is proposed to assign a Judge to Saint Kitts and Nevis in the coming Law Year, to be resident in Nevis, and to serve Montserrat and Dominica as needed. That Judge will also be available to back-up the Judge resident in St. Kitts, as the work-load dictates. This will enable the Judge resident in Anguilla to be available to that Territory on an uninterrupted basis.

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 and 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.

Members of the Judiciary

The Chief Justice & Justices of Appeal



Justice Adrian Saunders [Saint Vincent and the Grenadines] is a graduate of the University of the West Indies. He was the Senior Partner of the Law Firm, Saunders & Huggins until 1996 when he was appointed a High Court Judge of the ECSC. He was elevated to the position of Justice of Appeal in 2003, and shortly thereafter (June 2004) Chief Justice [Ag.], a position which he held until the time of his resignation in April 2005. Justice Saunders currently serves as a Judge of the newly formed Caribbean Court of Justice

Justice Brian George Keith Alleyne, SC, [Commonwealth of Dominica] was called to the Bar at the Hon. Society of Lincoln's Inn in 1966. He entered private practice in 1967, and exited in 1979, to serve as Attorney General and Minister of Legal Affairs. He served in various other public offices until 1995, and took silk in 1991. He was called to the judiciary of the OECS, as a High Court Judge in 1996, was appointed Justice of Appeal in 2003, and assumed the position of Chief Justice [Ag.] in March 2005.



Justice Michael Gordon, QC [Saint Lucia] was called to the Bar of the Hon. Society of Middle Temple as Barrister-at-Law of the High Court of Justice of England in 1967, and to the St. Lucia Bar later in that same year. He subsequently served as a private practitioner. Justice Gordon was appointed as one of Her Majesty's Counsel in 2002. He has served in the position of Justice of Appeal since 2003.

Justice Denys Barrow, SC [Belize] was called to the Bar in 1977, and went on to practice in the firm of Barrow & Company, Belize. He has served in several short term appointments acting as High Court Judge of the ECSC since 2001, and was appointed Acting Justice of Appeal in April 2005.



Eastern Caribbean Supreme Court Judges 2004 - 2005

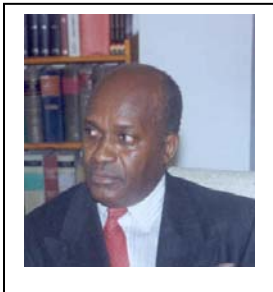


Sitting L to R: Justice Brian G.K. Alleyne, SC, Chief Justice [Ag.]; Justice Hugh Rawlins, High Court Judge and Chairman, Judicial Education Institute, ECSC.

Standing Front Row L to R: Justice Indra Hariprashad-Charles, Justice Louise Blenman, Justice Rita Joseph-Olivetti, Justice Clare Henry-Wason, Justice Gertel Thom, Justice Janice George-Creque, Justice Ola Mae Edwards, Justice Frederick Bruce-Lyle, Justice Francis Belle, Justice Denys Barrow, SC.

Standing Back Row L to R: Justice Davidson Baptiste, Justice Kenneth Benjamin, Master Brian Cottle, Master Cheryl Mathurin, Justice Errol Thomas, Justice Murray Shanks.
Missing: Justice Michael Gordon, QC.

High Court Judges



Justice Albert Redhead [Grenada] was called to the Bar of the Hon. Society of Middle Temple as Barrister-at-Law of the High Court of Justice of England and Wales in 1972. He served as High Court Judge during the period 1985 – 1997, when he was elevated to a Justice of Appeal, a position which he held until his retirement in 2004. He was however asked to serve as an Acting High Court Judge, and is presently serving as Head, Criminal Division Pilot Project, Saint Lucia High Court of Justice.

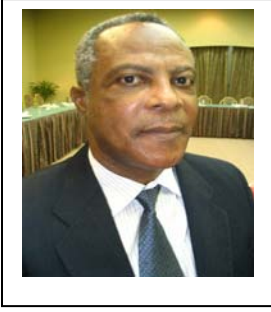
Justice Kenneth Benjamin [Guyana], having completed his legal training at the University of Guyana and the University of the West Indies worked in both private practice and government service. He was appointed High Court Judge in 1993, and is assigned to the island of Grenada



Justice Indra Hariprashad-Charles [Guyana] attended the University of Guyana and the University of the West Indies. She worked in both private practice and the Government service prior to her appointment as a High Court Judge in 1998. She is presently assigned to the British Virgin Islands.

Justice Frederick Bruce-Lyle [Ghana] attended the University of Ghana and the Ghana Law School. His career has spanned attachments in Africa and the Caribbean. He was appointed as a High Court Judge in 2000, and is presently assigned to Saint Vincent and the Grenadines.





Justice Hugh Rawlins [Saint Kitts] was called to the Bar in 1985. He served in various capacities, including academia, prior to joining the ECSC as a Master in 2000. He was elevated to the position of High Court Judge in 2002 and presently serves in the British Virgin Islands. As of 1st September 2005, Justice Rawlins will serve as a Justice of Appeal.

Justice Davidson Baptiste [Commonwealth of Dominica] was called to the Bars of the Commonwealth of Dominica and the British Virgin Islands in 1984 and 1993 respectively. His career spans both private practice and public service. Justice Baptiste was appointed a High Court Judge in 2001, and is presently assigned to Saint Kitts and Nevis.



Justice Ola Mae Edwards [Jamaica] is a graduate of the University of the West Indies, and was called to the Jamaican Bar in 1983. She served in various positions, including Magistrate and Director of Public Prosecution in the Commonwealth of Dominica. Justice Edwards joined the ECSC as a High Court Judge in 2001, and serves in Saint Lucia.

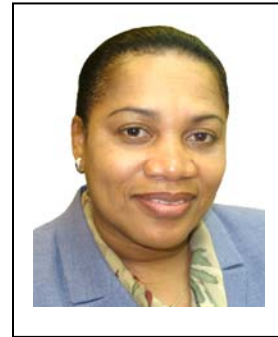
Justice Rita Joseph-Olivetti [Grenada] was called to the Bar of Grenada in 1981, and the Bar of the British Virgin Islands in 1985. She subsequently worked for the Government of Antigua and Barbuda and in private practice. Justice Joseph-Olivetti was appointed to the High Court of Justice of the ECSC as a Judge in 2001. She presently serves in Antigua and Barbuda.





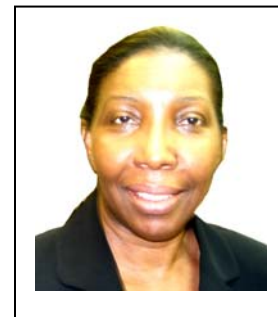
Justice Errol Thomas [Saint Vincent and the Grenadines] attended Carleton University, Canada, and the University of the West Indies. He has served the Eastern Caribbean Supreme Court as a High Court Judge since 2001, and is presently assigned to Antigua and Barbuda. Prior to this he served in the Attorney General's Chambers in Barbados Saint Lucia and Grenada, among other appointments.

Justice Janice George-Creque was called to the Bars of British Virgin Islands, Saint Kitts and Nevis and Antigua and Barbuda in 1981, 1987 and 2000 respectively. She was appointed as a High Court Judge of the ECSC in 2003, and is presently assigned to the islands of Anguilla and Montserrat.



Justice Louise Blenman [Guyana] was called to the Guyanese Bar in 1988. She has occupied several positions, including Solicitor General and Law Lecturer. She was appointed a High Court Judge of the ECSC in 2003, and is presently assigned to Saint Vincent and the Grenadines.

Justice Clare Henry-Wason [Antigua and Barbuda] attended Howard University and New York Law School. She was called to the Bars of New York and Antigua and Barbuda in 1980 and 1987 respectively. Prior to joining the ECSC as a High Court Judge in 2003, Justice Henry-Wason served in various positions including Chief Magistrate in Antigua and Barbuda. She is presently assigned to the Commonwealth of Dominica.





Justice Francis Belle [Barbados] is a graduate of the University of the West Indies and Nova Southeastern University. He was called to the Bar in Barbados in 1986, and has served as a private practitioner and in the Government service. He was appointed as a High Court Judge in 2003, and is assigned to Grenada.

Justice Gertel Thom [Guyana] was called to the Bars of Guyana and Antigua and Barbuda in 1984 and 2001 respectively. Prior to her appointment as a High Court Judge in 2005, she served in various offices in public service, including Attorney General, Deputy Solicitor General and Principal Crown Counsel. She is assigned to Saint Vincent and the Grenadines.



Justice Murray Shanks [England] was called to the Bar at the Hon. Society of Middle Temple as Barrister-at-Law of the High Court of Justice of England in 1984. He has acted in several short term appointments as High Court Judge since 2003, and is presently assigned to Saint Lucia.

Master Brian Cottle [Saint Vincent] was called to the Bars of Trinidad and Tobago and St. Vincent and the Grenadines in 1987 and 1990 respectively. He subsequently worked as a private practitioner, and in the Government service. He was appointed a Master of the ECSC in 2002, and is presently assigned to Saint Lucia.



Master Cheryl Mathurin [Saint Lucia] was called to the St. Lucian Bar in 1986. She has served in both private practice and in the Government service. Master Mathurin was appointed a Master of the ECSC in 2002, and is assigned to Antigua and Barbuda.

The Court Structures Project

“A PROPOSAL FOR THE RESTRUCTURING OF THE JUDICIAL BRANCH OF GOVERNMENT IN THE OECS: Towards an impartial, competent, efficient and effective justice system,” was submitted to the 39th Meeting of the Organisation of Eastern Caribbean States (OECS) Authority in January 2004.

The Court Administration component of the Court Structures Project is one phase of an overall modernization programme of the Court. It proposes the administrative integration of the District Courts with the High Courts into Trial Courts, and a subsequent partitioning of the Trial Courts into specialized divisions, namely Commercial, Civil, Criminal and Family Divisions. The Trial Courts in each Member State will be under the supervision of a Managing Judge, designated by the Chief Justice. The proposal recommends that the Managing Judge’s administrative team will be headed by a Trial Court Administrator, who shall have a reporting responsibility to the Chief Justice through the Court Executive Administrator at the ECSC Headquarters. Each Division of Court in turn will be headed by a Presiding Judicial Officer, assisted administratively by a Division Manager.

Implicit in the Administrative Reforms contemplated by the Court Structures Project, is the emergence of a hierarchy for the judiciary in each Member State with the Magistrates and administrative staff being accountable to a Presiding Judge who in turn would report to the Managing Judge who reports to the Chief Justice.

The proposal was based on a report on a consultancy carried out by Court Administration consultant, Mr. Robert Lipscher, over a 40-day period, during the months of August and September 2003. The project was sponsored by the United States Agency for International Development (USAID) and was proposed to assist with

the modernization of the judiciary, with particular emphasis on:

1. providing recommendations for strengthening the administrative framework of the court system in Member States of the Eastern Caribbean; and
2. reviewing the requirements for improving the financial independence of the courts.

The recommendations are currently under review.

Contribution Arrangement with CIDA

In June 2004, the ECSC entered into a contribution arrangement with the Government of Canada through its International Development Agency (CIDA) for the continuation of a Judicial & Legal Reform (JLR) Project focusing on the Court Structures Project aimed at improving the efficiency in the Magistrates Courts. A project work plan was submitted to Member States during the year for information purposes. Included in this plan is the development of a Strategic Plan for the Eastern Caribbean Supreme Court which is now at an advanced stage.

Implementation

The strategy for implementation is a pilot project approach at sites throughout the Member States. The Government of Saint Lucia agreed to host the implementation of the Criminal Division as a pilot project. Given the levels of commercial activity in the British Virgin Islands, it was identified as the jurisdiction for the pilot for the Commercial Division.

Commercial Division

Work started in November 2003 on the establishment of the Commercial Division in the British Virgin Islands. In August 2004, following the completion of the preliminary information gathering exercise and the

presentation of a report by a committee appointed by the Government, a formal proposal was submitted for establishing the Commercial Division of the ECSC in the British Virgin Islands. However, the Court was subsequently advised that the BVI was in the process of appointing a consultant to conduct an independent review so that recommendations on the way forward could be made to the Government.

Family Division

Although the lead Consultant, Mr. Lipscher, primarily focused on the Criminal Division, he also worked along with the presiding judicial officer and other members of the Family Court. A draft proposal has been developed for the Division for consideration by the Chief Justice.

Civil Division

The establishment of the Civil Procedure Rules 2000 has already introduced a number of measures which will support the changes which will be necessary as work progresses towards the establishment of this Division. Work on the implementation of the Civil Division focused on methods of integration of the District Courts with the High Court. Even though a pilot site has not been formally identified, draft rules in relation to the Small Claims component of that Division have been available for consideration for some time. It is hoped that an implementation plan for the next steps will soon be formulated.

Criminal Division

Establishing an integrated Criminal Division in Saint Lucia, the jurisdiction to host the pilot project, was the primary focus of the Court Structures project.

The Criminal Division is responsible for three major programme areas:

- Summary case management
- Indictable case management

- Traffic case management.

Subsequent to the endorsement of the Judiciary, consultations were initiated to acquaint various stake-holders with the Judiciary's new directions. An Advisory Committee was created especially for the purposes of monitoring and evaluating the pilot project. Retired Justice of Appeal, His Lordship the Hon. Albert Redhead chairs the Committee, which consists of members of the Judiciary, and representatives of various agencies in the criminal justice system such as the government, the prisons, the police and other stakeholder agencies.

Summary Case Management

The project commenced on the 22nd March 2004 with management of the summary cases only. The emphasis on the summary aspect of the project is to introduce efficiencies into the system by, among other things, eliminating unnecessary and time-wasting procedural steps, managing the progress of cases through the system, discouraging adjournments, and generally changing the culture to one where the progress of cases is now determined by the Court and not the lawyers and police prosecutors.

Summary Case Performance

Analysis of the performance of the Summary Case Management Model indicates that the project has been beneficial to the Judicial System in Saint Lucia. During the year under review, cases triable summarily were disposed of at a rate of 66% as compared to a disposition rate of 51% for the previous year. Further, the average time to disposition of cases triable summarily, other than offences under the Drugs (Prevention of Misuse) and the Firearms Act, has been reduced in Saint Lucia from 24 months to 2 to 3 months. The active management of cases in the summary criminal trial process as well as the appointment of Magistrates, were the major contributors to the increased disposition rate. At present seven of the eight Magisterial posts in Saint Lucia are occupied.

Indictable Cases

Management of indictable cases in the Criminal Division has not progressed as steadily as the summary cases. The rules for indictable case management are scheduled for promulgation in the near future. The Government of Saint Lucia has already passed, in the Legislature, the Criminal Courts (Delay Reduction) Act 2004 authorizing the Chief Justice to issue Rules of Court that would facilitate a more efficient flow of criminal cases through the justice system. The Act, when it comes into force, will suspend sections of the Criminal Code to facilitate the Rules. The central aspect of the new Indictable Case Management regime will be the suspension of the Preliminary Inquiry process and the introduction of a new Sufficiency Hearing before a Judge of the High Court.

Sufficiency Hearing

At the Sufficiency Hearing, a High Court Judge reviews the evidence offered by the Director of Public Prosecutions against the defendant with respect to the offence charged and hears arguments with respect to that evidence raised by defendant or counsel. The Judge then determines whether there is sufficient evidence that an offence has been committed and that the defendant may have committed that offence. If so determined, the Court puts the defendant on trial by a Judge and jury, subject to the filing of an indictment by the Director of Public Prosecutions.

During the year, extensive instructions pertaining to the Criminal Procedure Rules were prepared. These draft Rules have gone through several stages of consultation and are now being finalized by a Legislative Drafting Consultant. Operations of the Criminal Division will be guided by the Criminal Procedure Rules that are scheduled for promulgation in the near future, and it is anticipated to be ready before the opening of the New Law Year in September 2005.

Traffic Case Management

The Motor Vehicles and Road Traffic Act, 2003, which provides for the issuing of traffic regulations and the designation of some traffic offenses as ticketable offenses, is now in force. The ticketing system will allow traffic offenders to admit liability and pay a fine without having to attend court.

Traffic Regulations are yet to be promulgated. However, upon the issue of the new Regulations the Judiciary will institute a new traffic case management system, including automation of traffic records and electronic linkage with the police for filing traffic cases.

Facilities

The Government of Saint Lucia through its Ministry of Justice overcame the challenges of procuring a suitable location for an additional courtroom. The Government of Saint Lucia was able to procure a building to house the Criminal Division of the Court, in recently refurbished and tastefully aesthetic premises in the City of Castries, Saint Lucia. These premises are equipped with two court rooms: one for criminal trials and one for traffic trials. Comfortable office space for the personnel of the indictable cases management team is also provided.

Judicial Enforcement Management System (JEMS)

Working in tandem with this effort is the active use of Judicial Enforcement Management System (JEMS), an electronic case management software tool. Presently JEMS is being implemented in all the Magistrates Courts in the Member States. For this exercise, the JEMS software has been provided through a USAID Sub-Grant Agreement, while the implementation in the Magistrates Courts, including the necessary hardware, has been funded by the CIDA Contribution Arrangement for the JLR Project.

Human Resources

As part of the pilot project in Saint Lucia, staff of the ECSC and the local District Court were identified and integrated into the process to introduce case management. The concept of a case management team that bears individual and collective responsibility for all new summary matters filed in the system was introduced. The team has to date commenced work on all new summary matters that come before the court.

The OECS with assistance from the USAID retained the services of a Management Specialist to undertake a job evaluation exercise in the Magistrates Courts and High Courts of Saint Lucia and Antigua and Barbuda, with a view to providing recommendations for rationalizing their

internal operations as it relates to the Court Structures Project, and the creation of specialized divisions of the court. It is intended that the exercise will be replicated in other islands of the OECS after development of the model. As a result of the extensive work necessary in this exercise, the consultancy was conducted only in Saint Lucia.

The final report was submitted to the OECS Secretariat on 30th June 2005. After the report has the approval of the Chief Justice it will be forwarded to the Government of Saint Lucia, through its Ministry of Justice. Restructuring of the trial courts involves effecting changes to the established positions and the staff functions within the High Court and District Courts.

Replication in Other Member States

In March 2005 the lead consultant for the Court Structures Project, Mr. Robert Lipscher, was invited by the Government of Antigua and Barbuda to assess that Member State's readiness for the Project to be replicated in that jurisdiction. A presentation was made to the Government, which is reported to have been embraced with much enthusiasm. The ECSC will work with the Government of Antigua and Barbuda to implement the recommendations that were made by the Consultant.

The ECSC is working towards replication of the Court Structures Reform Programme, and it is anticipated that implementation of various aspects will commence in the other Member States by the first quarter of 2006.

The Court Of Appeal

The Judges

With the Chief Justice being the President of the Court of Appeal, the Court has seen two changes at the helm during the 12-month period under review. Acting Chief Justice Adrian Saunders, who succeeded Sir Dennis Byron in June 2004, left the Court in March 2005 to be succeeded by the present Acting Chief Justice, the Hon. Brian Alleyne S.C.

Justice Michael Gordon Q.C. remained the only permanent Justice of Appeal in a complement of three. Justices Suzie d’Auvergne, Hugh Rawlins and Denys Barrow S.C. served on the Court at various times during the period in an acting capacity.

In June 2005, the authorized number of Justices of Appeal was increased from 3 to 4 by the Heads of Government of the Member States of the Court. The Judicial and Legal Services Commission has approved the appointments of Justices Barrow and Rawlins, with effect from 1st August, 2005 and 1st September, 2005.

Court office/Administrative personnel

The Court of Appeal Registry is located at the Headquarters of the Eastern Caribbean Supreme Court in Castries, Saint Lucia. At August 2004, the Court of Appeal Registry had a permanent staff of six, headed by the Chief Registrar and including the Deputy Chief Registrar, 1 Judicial Clerk, 1 Senior Case Manager, 1 Case Manager and 1 Registry Clerk. An additional Case Manager increased the complement by one in June 2005.

The Registry receives and processes all documents and information relating to any appeals filed in the sub-registries in the nine Member States and Territories. The role of the Registry staff is to ensure the smooth and prompt progress of cases through the system, to lend support to the judges on the Court of Appeal and to respond to inquiries from legal practitioners and litigants with respect to appeals.

Case Load

During the year, the Registry processed approximately 365 appeals from the High Courts and Magistrates Courts of the 9 islands within the Court’s jurisdiction including the Industrial Court in Antigua and Barbuda. A total of 344 appeals were disposed of and 90 judgments were delivered. There were 24 sittings of the Court in the various Member States and Territories and 16 chamber sittings presided over by a single judge of the Court at the headquarters of the Court in Saint Lucia.

At these chamber sittings interlocutory applications as well as case management conferences are conducted in some appeals. Most of the interlocutory applications are dealt with on paper and in relation to the case management conferences most are done by way of teleconference. There is usually no requirement for the attendance of the parties at those chamber sittings, save and except where parties have requested that they be permitted to attend and make oral submissions. In the case of Saint Lucia, parties would usually attend the chamber sittings because they are being conducted in Saint Lucia. For the period under review 200 interlocutory applications were filed and 177 disposed of.

Case Management

There has been a significant increase in the number of appeals in which case management conferences were held in comparison to the previous year.

Case management conferences are not conducted in every appeal filed or listed for hearing. Generally, case management conferences are held at the request of one or both parties, or where it is deemed necessary to actively manage and apportion judicial time in cases of possible lengthy appeals or lengthy lists of appeals to be dealt with at a sitting.

These case management conferences have in some cases led to an early disposition of cases that are without merit and allowed for more efficient use of the Court's resources. It is hoped that in the ensuing judicial period greater use will be made of case management conferences in the appeals process.

Setbacks

The production of records of appeal still remains a problem in some islands due to a lack of, or inadequate court reporting facilities. Saint Lucia has recently established a court reporting unit consisting of court reporters and transcriptionists and already this office has seen an increase in the number of records filed in Saint Lucia. The continued goal of the Registry is to aggressively tackle the backlog of appeals that remain in the system.

Judicial Clerkship

The Eastern Caribbean Supreme Court formally began the Judicial Clerkship in August 2002 with one Judicial Clerk. This clerk was assigned to the Chief Justice, but also provided assistance as required to the two other Justices of Appeal.

As the work of the Court increased, the need for another Judicial Clerk became necessary. The second position was initiated in March 2003; both clerks are Attorneys at Law.

The two clerks are assigned to the Chief Justice and three Justices of Appeal, for whom they provide legal research and other legal assistance. The main function of the Judicial Clerk is to provide the necessary research for the Judges in preparation for their court sittings and

judgments. This includes reviewing and summarizing evidence, procedural history and legal contentions in matters before the Court, researching legal authorities, identifying and analyzing factual and legal issues relevant to the disposition of appeals, briefing judges on research and analysis pertaining to matters before the Court, identifying and discussing unresolved issues necessary to the disposition of appeals and formulating dispositions for consideration.

The Judicial Clerks work closely with the Judges and the Chief Registrar to provide assistance in any other area where necessary. At their request, the Judicial Clerks prepare memoranda summarizing the factual and legal background of an

appeal and analyse the factual and legal issues.

It is the responsibility of the Judicial Clerks to ensure that the judgments are perfect for delivery in all aspects, grammar, spelling, format, citations and content. Therefore, when the final draft of the judgment has been issued, it is the role of the Judicial Clerks to proofread each judgment and ensure that there are no errors.

The Judicial Clerks are also responsible for keeping an updated list of the Court's reserved judgments and ensuring that judgments are delivered in a timely manner. They also keep a comprehensive record of the Court's delivered Judgments and a catalogued index of these judgments for easy access and quick research.



Judicial Clerk, Mrs. Michelle John-Theobalds, consulting with the Hon. Chief Justice [Ag.] Brian Alleyne

In addition to research, the clerks also attend and assist at full court and chamber

hearings including case management conferences. The Judicial Clerks are

responsible for the preparation and finalization of the Digests of the sittings of

the Court of Appeal. These are summary accounts of the matters heard at every sitting, whether in case management conferences, chamber hearings or in open court. In the Member States, other than Saint Lucia, the preliminary draft of the Digest is prepared by the Registrars of the various territories. For sittings in Saint Lucia, however, the Digest is prepared by the

Judicial Clerks. It is their responsibility to ensure that the Digests from the other territories are prepared in a timely manner and in accordance with the stipulations set by the Honourable Chief Justice. It is the intention of the Court that in the near future these Digests will be published on the Court's website. These publications will allow public access to every decision of the

Court, whether it is written or oral, reported or unreported.

The position of Judicial Clerk has been an asset to the Court and given the intensity of the post it is hoped that in the future each judge will be assigned their own Judicial Clerk who will carry out more specific functions for each individual judge.

Legal Internship

The Internship Programme at the Eastern Caribbean Supreme Court offers Law Interns opportunities for professional growth and the development of practical skills through research and writing. The Programme, which was initiated in the early 1990's, offered students of all accredited law schools an opportunity for summer placements at the Court.

In 2001 the programme was re-engineered, under the auspices of His Lordship, Chief Justice the Rt. Hon. Sir Dennis Byron. For the first time, a formal application process embodied the selection criteria for suitable candidates. Advertisements for two placements were lodged at the region's law schools and a judge of the Eastern Caribbean Supreme Court conducted interviews with all the applicants. Successful applicants were offered placements over three months and were also paid a monthly stipend. To date seven students have benefited from the restructured Programme.

The Internship Programme immerses students in the heart of the appellate process. They perform a variety of tasks, all of which are expected to facilitate a clearer understanding of the legal profession. The Programme provides interns with a broad experience in numerous aspects of both the criminal and civil law; especially the Court's philosophy that pervades the recently implemented Civil Procedure Rules of 2000. Interns work closely with the Chief Justice, Justices of Appeal as well as the Chief Registrar. Frequent and informal feedback is encouraged and is considered essential to an intern's duties. The complement of warm and friendly personnel enables the interns to create friendships in a relaxed environment.

Interns also work with the Court's two Judicial Clerks in the preparation of legal memoranda, opinions and the Court's Digests. They learn of the demands of legal writing that comprises consultation, research, analysis and drafting. Interns observe the Court's application of the Civil

Procedure Rules 2000, an aspect of Civil Procedure that was previously never taught at any of the region's Law Schools. Furthermore, interns interact with the numerous judicial officers comprising the various echelons of the Eastern Caribbean Supreme Court's judiciary.

The interns assigned to the Eastern Caribbean Supreme Court have all been assiduous workers, and the Court has benefited immensely from their experiences. The Internship Programme enjoys a symbiotic relationship with the Court. In exchange for the intern's assistance, the Court offers a hands-on educational and working environment. Furthermore, it is felt that the Internship Programme has assisted in fostering positive public relations for the Court. The programme has to date enjoyed tremendous success, and the Court remains deeply committed to the development of what is now an ongoing tradition.

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, each chaired by the Chief Justice.

During the year under review the Commission's membership changed, and the following persons served as Members of the Commission:

The Hon. Chief Justice [Ag.] Brian Alleyne, SC, Chairman [Ag.] from 1st March 2005

The Hon. Justice Albert Redhead, Serving Judge

The Hon. Justice Lyle St. Paul, OBE, CBE, Retired Judge

The Hon. Justice Monica Joseph, Chairperson, Public Service Commission, Grenada

Mrs. Josephine Huggins, Chairperson, Police and Public Service Commissions, Saint Kitts and Nevis

However, in May 2005 the Instrument appointing Mrs. Huggins, Chairperson, Saint Kitts and Nevis expired. She was replaced by Dr. Joseph Halliday, who on 21st July 2005, was sworn in as a Member of the JLSC.

Information and Communication Technology Developments

The Eastern Caribbean Supreme Court continues its efforts in implementing and improving Information and Communication Technology initiatives in its bid to create a seamless merger of the various types of information generated by the Court, which will eventually help in the delivery of justice in a timely manner. In this regard the case management software *Judicial Enforcement Management System* (JEMS) plays a significant role. Much effort has been made to have the various Court offices and the

users ready to take advantage of the full potential of this software package.

The following JEMS-related activities were conducted throughout the judiciary:

Hosting of Workshop on JEMS Financials

The ECSC hosted another in a series of CIDA/JLR Project sponsored JEMS training during the week of 24th - 28th January, 2005. This workshop was facilitated by Profes-

sional Computer Software Services (PCSS), and concentrated on the use of the financial aspects of JEMS by Courts in the sub-region. Over 25 participants attended the workshop, with representatives from all Member States. The workshop was highly successful and provided participants from both the High Courts and Magistrates Courts from the sub-region with five complete days of exposure to the various functionalities of JEMS.



Participants of the JEMS Financials Training Workshop
Windjammer Landing Resort, St. Lucia, 24th - 28th January, 2005

Procurement and Installation of New Computer Servers

During the latter part of the year the ECSC, with the support of the Canadian International Development Agency (CIDA), acquired new File/Application Servers for the Courts within the six Independent States. Installation of these new servers was necessary since the existing servers located especially in the High Courts, had given over 4 years of "service" and were at a point where they either had to be upgraded or redone in order to provide some additional useful years; also with the introduction of JEMS at the Magistrates Courts it had become necessary to increase capacity to existing server equipment.

Procurement and installation of Computer systems for the Family Courts

Computerization of the Family Courts of the sub-region was also given a boost during the latter part of the judicial year. The ECSC procured and installed two computers per Court in each of the six Independent

Member States. These computers are being made even greater use of in the Family Courts of Saint Lucia and Saint Vincent and the Grenadines, where the Courts are distinct and separate from the Magistrates Courts in contrast with other Member States.

Customization of Existing JEMS Reports

During the previous judicial year (2003-2004), the Court obtained comments/feedbacks/recommendations for changes to the existing reports in the JEMS package. The IT Department, with the approval of the Chief Justice, developed and submitted a document with the requisite recommended changes, to Professional Computer Software Services Inc. (PCSS), vendors of the case management software package. Most of the changes requested will be made available in the JEMS 5.0 version, proposed for release during the latter part of 2005. The Court looks forward to being in a better position to monitor activities on cases much more effectively in the months ahead.

Other Court-related Technologies

The Jury Manager is a Windows-based system that includes all the processes related to jury selection normally performed by the Court. It is designed to complete the process in a timely manner. This software has been installed in the British Virgin Islands and the six Independent States. Electronic copies of juror information from the Commonwealth of Dominica and Saint Lucia have already been received, that could pave the way to computerizing the entire jury selection and management process for the Courts in those Member States.

The server for the piloting of e-Filing has been procured, and is being configured by the software firm in the United States. Scripts for implementing Interactive Voice Response and Web Inquiry are presently being finalized for piloting of both technologies. Web Inquiry will most likely be piloted at the High Court in Saint Vincent and the Grenadines.

ECSC Web Site

Redevelopment of the Website

Since the inception of the Court's website in 2000, it has been used as one of the major tools for dissemination of information. Early in the judicial year, after careful thought and analysis it was decided to redesign the site to create more content and greater usability. Primary focus was on making the Court's judgments searchable and the introduction of a highly user-friendly Discussion Forum software package – vBulletin™. It is anticipated that the Court's new web site – www.eccourts.org will be launched in time for the opening of the New Law Year.

The screenshot shows the home page of the Eastern Caribbean Supreme Court website. At the top, there is a navigation bar with links for Home, Search, Links, Webmail, and Contact. The main header features the court's logo (scales of justice with the motto 'FIAT JUSTITIA') and the text 'EASTERN CARIBBEAN SUPREME COURT'. Below the header is a green sidebar menu with the following items: About the ECSC, Judicial Officers, Court of Appeal Sittings, Judgments, Filing, Forms and Fees, Information Services, Judicial Education Institute, Publications, Public Information, Job Opportunities, Upcoming Events, Discussion Forum, ECSC Directory, and Helpful Links. The main content area contains a quote from the Chief Justice: "They must often change, who would be constant in ... wisdom." Below the quote is a portrait of His Lordship The Honorable Chief Justice [Ag.] Brian Alleyne, SC. The text states: "The Eastern Caribbean Supreme Court's website has been used as a tool for the dissemination of information for the past four years." Further down, it explains that changes and improvements to the website were necessary to broaden coverage and enhance usability. It also mentions that the website will be a valuable source of information for the public and that comments and suggestions are welcome. At the bottom left, there is a notice about Adobe Acrobat Reader being required for viewing PDF documents, accompanied by the Adobe Acrobat Reader logo.

Home page of the ECSC Web Site Under Construction

Mediation

Introduction & Background

The vision of the Civil Justice Reform Project is the simplification of the judicial process, the reduction of delay and expense and the use of technology. New civil procedure rules were introduced (CPR 2000). This sought to make the Court proactive by making provision for a system of case management and by “encouraging parties to use the most appropriate form of dispute resolution, including in particular, mediation, if the Court considers that appropriate, and facilitating the use of such procedures.”

The “Practice Direction No 1 of 2003” therefore guided the introduction of a

“Mediation” programme. That programme was expected to start in Saint Lucia as a 6-month pilot, and thereafter, if successful, it would be replicated in each of the other Territories and States within the Organization of Eastern Caribbean States (OECS) jurisdiction of the Supreme Court. To assist with the replication process, a Regional Mediation Coordinator was appointed.

Implementation of Programmes

After the successful completion of the Mediation Pilot Project in Saint Lucia, replication of the programme began with training in Grenada and Antigua in 2003. In 2004 and 2005, training was conducted in

the remaining six Member States. All of the training was conducted by Mediation Consultant, Mrs. Deborah Mendez-Bowen, assisted by the Regional Mediation Coordinator, Mr. Francis Compton.

Saint Lucia

The Mediation Skills Training Workshop was conducted from the 14th -18th October 2002. Thirty three persons were selected to be trained. Of the thirty three persons trained twenty seven were selected to be placed on the roster of Court-connected mediators, two of whom have since asked to be removed for personal reasons.



The Mediation Team at the ECSC Headquarters, L-R: Mrs. Avis Burch-Smith, Mediation Assistant; Ms. Lenore St. Croix, Mediation Coordinator; and Mr. Francis Compton, Regional Mediation Coordinator

Grenada

The Mediation Skills Training Workshop was conducted from 25th – 29th August 2003, and a further refresher course was held during the 9th and 10th February 2004. Twenty four persons were selected to be trained. Of the twenty four persons trained, twenty one were selected to be placed on the roster of Court-connected mediation.

The hurricane of 7th September, 2004 caused major disruption to the mediation programme, the premises being severely damaged. However, refurbishment of the centre is underway, and mediations are currently being held at the offices of the Supreme Court.

Antigua and Barbuda

The Mediation Skills Training Workshop was conducted from 16th – 20th February, 2004. Twenty one persons were selected to be trained. Of the twenty one persons trained, twenty persons were selected for placement on the roster of Court-connected mediators. At present there are eleven persons on the roster.

Commonwealth of Dominica

The Mediation Skills Training Workshop was conducted from 11th – 13th, and 15th & 16th November, 2004. Twenty three persons were selected for training. Of the twenty three persons trained, sixteen were recommended for placement on the roster of Court-connected mediators. The programme commenced in 2005.

Saint Kitts and Nevis

The Mediation Skills Workshop was conducted from 1st – 14th January, 2005. Twenty one persons were selected for training. Of the twenty one persons trained, fourteen were recommended for placement on the roster of Court-connected mediators. Mediation is expected to start very shortly.

Saint Vincent and the Grenadines

The Mediation Skills Workshop was conducted from 19th - 24th February, 2005. Twenty one persons were selected for training. Of the twenty one persons trained, fifteen were recommended to be placed on the roster of Court-connected mediators. Mediation has not yet commenced, since the space allocated for mediation is under renovation. A temporary site was found, but was considered inadequate for holding sessions.

Montserrat

Persons traveled to Antigua to attend the Mediation Skills Workshop from 16th – 20th February, 2004. Six persons were selected to pursue training in mediation. Of the six persons trained there are now three persons on the roster of Court-connected mediators.

British Virgin Islands

The Mediation Skills Workshop was conducted in August, 2003. Twenty persons were selected to be trained. Of the twenty persons trained eleven were recommended as suitable to be placed on the roster of Court-connected mediators. At present there are eleven mediators on the roster. However only six persons have obtained the trade licences required to practice.

A sure indication that the concept of mediation is taking hold in BVI is that there has been a marked increase in referrals in 2005.

Anguilla

The Mediation Skills Workshop was conducted from 25th – 29th April, 2005. Fifteen persons were selected for training. At this time Anguilla is awaiting a report from the Consultant in order to select mediators for the roster.

Other Mediation Activities

Having concluded the training programmes for Court-connected mediation, the Office of

the Regional Mediation Coordinator, in consultation with the Judicial Education Institute and the Mediation Consultant, considered it advisable to begin a series of training sessions in mediation for persons in the community. This, it was envisaged, would assist in preparing a cadre of persons who have completed the basic training programme in mediation and who could receive further training to become *family mediators*. This session was conducted from 23rd – 27th May, 2005, during which 19 persons were trained. It is expected that further training will be conducted before the end of the year to meet the rising demand for mediation.

Now that mediation skills have been imparted in each of the Territories and States within the jurisdiction, every effort will be made to ensure:

- i. competency and quality in the delivery of mediation services
- ii. overall quality in the delivery of mediation programme.
- iii. suitability of premises and facilities to conduct mediation sessions.
- iv. uniformity in the overall administration of the mediation programme in all the OECS Member States and Territories
- v. work towards the formation of a Regional Mediation Committee
- vi. work towards annual meetings of Mediation Coordinators in the OECS.
- vii. continued monitoring and evaluating of the mediation programme
- viii. procurement of requisite funding to host advanced training for mediators
- ix. specialized training in family mediation
- x. continued education of the public throughout the OECS, on mediation and its potential benefits.

Mediation has been a successful innovation within the jurisdiction of the ECSC. However, as can be seen from the tables, some territories have not quite 'taken off'. The experience of Saint Lucia dictates that with much attention and dedication these programmes will grow. The introduction of mediation has placed the OECS among those countries that have

adopted new and innovative approaches to dispute resolution.

Country	Mediators Trained	Mediators On Roster	# Cases Referred 2004- JUNE 2005	#Cases Mediated	# Cases Settled
St Lucia	33	25	162	134	72
Grenada	27	19	45	12	2
Antigua	21	11	30	17	8
Dominica	24	16	5	1	0
St Kitts	23	-	-	-	-
St. Vincent /Grenadines	25	15	-	-	-
Montserrat	6	3	6	3	0
Tortola BVI	20	11	32	23	13
Anguilla	15	-	-	-	-

Status of Mediation in the OECS 2004 – June 2005

Country	Annual Mediator Fee	Mediaton Fee	Further Med. Fee	Admin. Fee
St Lucia	\$150	\$400	\$100	\$100
Grenada	\$150	\$400	\$100	\$100
Antigua	\$150	\$400	\$100	\$100
Dominica	\$150	\$400	\$100	\$100
St Kitts	-	-	-	-
St. Vincent /Grenadines	\$150	\$600	\$100	\$150
Montserrat	-	\$400	-	-
Tortola BVI	-	Up to \$250,000 - US \$600.00 Up to \$1,000.000 - US \$2000.00 Over \$1,000.000 - US \$3,800.00		
Anguilla	\$100	\$700	\$100	\$200

Fee Structure for Mediation Services

Judicial Education Institute

During the law year 2004-2005 the Judicial Education Institute (JEI) went through a phase of restructuring, focusing on the

fundamentals of the Institute. Arising from this exercise, the JEI was able to confirm and finalise its mandate, objectives and

standards, conducted needs assessment surveys and established a short-term work plan.



Justice Hugh Rawlins, Chairman and Ms. Alana Simmons, Executive Officer, JEI

At the beginning of the 2004-2005 Law year in September, the JEI distributed Needs Assessment Questionnaires to all Justice Sector Personnel (Judges, Masters, Registrars, Magistrates and Judicial Support Staff) of the OECS, to ascertain their training needs, the results of which will assist the JEI in developing its short-term and long-term plans.

Following the needs assessment, the JEI worked arduously to finalise its mandate, objectives and standards. In December 2004 the Management Committee confirmed the Mandate and the Mission Statement- *"Enhancing the administration of Justice through education and training"*.

Despite its focus on policy development, the JEI continued its implementation of programmes as it relates to the ongoing reform process. The training programmes included: Training of support staff in the Financial Aspects of the Judicial Enforcement Management Software (JEMS), spon-

sored by CIDA through the Judicial and Legal Reform Project being coordinated by the Eastern Caribbean Supreme Court; Orientation Programmes for staff of the newly formed Criminal Division; and consultation sessions on the development of a Strategic Plan for the ECSC. These consultation sessions included input from Judges, Masters, Registrars, Magistrates, Court Administrators and Department Heads of the ECSC Headquarters. This process was necessary to ensure that the strategic plan would reflect the ideas and goals of the entire Judiciary.

The Judicial Education Institute of the Eastern Caribbean Supreme Court in collaboration with the United States Department of Justice and the United States Embassy (Barbados) organized a Judicial Exchange with Judge Janet Bond-Arterton, a District Judge on the Supreme Court of Connecticut, USA. The main purpose of the exchange was to share ideas and to enable the two judiciaries to learn from each other.

Judge Arterton had some particular areas of interest, namely Judicial Education, the Caribbean Court of Justice, Court Administration, Mediation, Case Management and Judicial Governance.

During the visit she was able to observe both criminal and civil proceedings. In addition to her observing these trial proceedings Judge Arterton was given a tour of the Court and the Registry and received detailed insights into their operations.

Another activity of the JEI during this Law Year was the hosting of Judge Sidney Lederman of Canada, a member of the Commonwealth Judicial Education Institute headquartered in Halifax, Nova Scotia, Canada. His visit focused mainly on assisting the JEI in its restructuring process, assessing the shortcomings of the Institute and providing recommendations for its improvement.

Judge Lederman recognized the Institute's lack of human resources to effectively carry out its mandate. He felt that the addition of an Executive Director and Administrative Officer to the present Executive Officer would only serve to enhance the operations of the Institute. Judge Lederman made the following recommendations:

- Increasing the human resource capacity to include an Executive Director and an Administrative Officer.
- A short-term plan which includes:
 1. Hosting of an Annual Judicial Conference for Judges and Registrars in August 2005.
 2. Hosting of a Biennial Conference for Magistrates in September 2005.
 3. The development of a JEI E-Letter for Judges.

An important component of Judge Lederman's visit was the facilitation of a Prosecutors Workshop in Tortola, British Virgin Islands from 29th - 31st March, 2005.

The JEI ended its year with the Annual Judicial Conference for Judges and Registrars 2nd - 5th August, 2005. The AJC was divided into three components. The first was the Judicial Education component for Judges during 2nd - 3rd August, 2005 with a joint component for Judges and Registrars on Thursday 4th August, and the Registrars component on Friday 5th August, 2005.

Participants included all the Judges and Masters of the ECSC, as well as invited Judges from Jamaica and Barbados, and the Chief Justice from the Turks and Caicos Islands. The Theme for the Judges component was *"The Criminal Trial: New Perspectives from the Bench"*.

The lone facilitator of the workshop was Mrs. Cheryl Corbin, Director of the Forensic Sciences Center in Barbados. Mrs. Corbin has been in that field since 1986 and has received professional training from many international agencies, including the FBI, DEA and ICITAP. Her presentation, *"Presenting Forensic Evidence"*, was well received by the Judges, and should serve to assist them in their duties when presiding over criminal cases.

Other presenters included Judges from the ECSC who led discussions on other aspects of a criminal trial including defenses, summing up and sentencing.

The highlight of the second day was a video presentation by the Rt. Hon. Sir Dennis Byron, Judge on the International Criminal Tribunal of Rwanda titled *"Managing a Complex Criminal Trial With or Without Rules: Sharing the Arusha Experience"*.

The theme for the Registrars Conference was *"Supporting an Efficient System"*. They looked at measuring performance, default

judgments, civil procedural rules, code of conduct for registrars and matters affecting registrars. The main facilitator for this component was Justice Murray Shanks, Acting Judge on the ECSC Bench.

The Conference was not without its social activities. Chief Justice [Ag] hosted a *"Creole Evening"* for Judges, Registrars and specially invited guests on Wednesday, 3rd August at the Bay Gardens Inn. That evening proved to be a great success, with entertainment by a local Pan-soloist and a Creole Band, both adding to the relaxed atmosphere of the evening.

Overall the Judges expressed feelings of contentment, and were elated with the level of collegiality experienced. Acting Chief Justice, Hon. Brian Alleyne confirmed that the Conference will be a permanent fixture on the JEI's annual calendar.

This year ended very successfully for the JEI with the implementation of policies which will only see the Institute move from strength to strength. The JEI is already in the process of planning the Magistrates Conference which is scheduled for 23rd - 24th September, 2005 in Tortola, British Virgin Islands, and training for Crown Prosecutors and Police Investigators of Saint Lucia in early September 2005. JEI looks forward to the challenges of the new Law Year 2005-2006.



The Hon. Chief Justice [Ag.] Brian Alleyne and the Hon. Justice Denys Barrow, Justice of Appeal, during one of the sessions

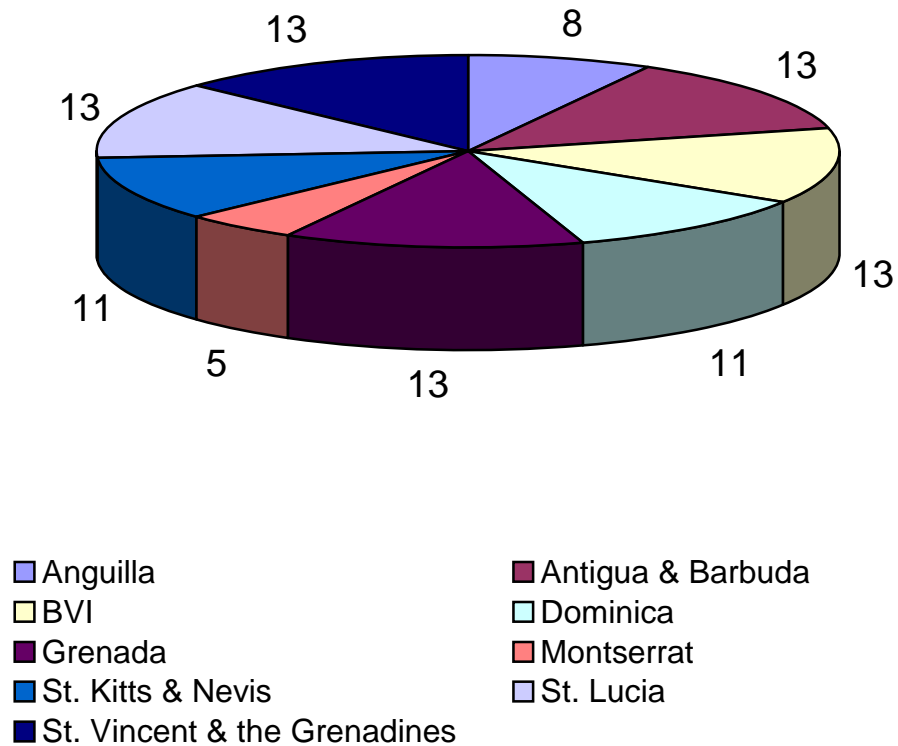


Some of the participants who attended the Judicial Conference

Funding of the Eastern Caribbean Supreme Court

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 Eastern Caribbean Supreme Court in concurrence with the Authority, and takes into consideration the number of resident judges and number of Court sittings in each member Territory. The Member States contributions are as follows:

**Member States Contributions
(Percentage)**



Budget Presentation

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.

The budget of the ECSC is currently being prepared as a "line item budget." During the year 2004-2005 there was a move to introduce "Programme Budgeting" as is currently the form of budgeting being used by some Member States and the OECS Secretariat. Due to the complexity of programme budgeting and the lack of resources available, the budget for the 2004-2005 and 2005-2006 financial years were produced as line item budgets. Every effort is being made to source the required assistance from Member States to ensure that 2006-2007 budget will be produced in the programme budgeting format.

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 of the OECS (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 its final approval. 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 budgets for the financial year under review and for the prior financial year are as follows:

Cost Centre	Approved Budget 2004 - 2005	Approved Budget 2003 - 2004	Percentage Increase/Decrease
Personal Emoluments	\$5,850,103	\$5,688,769	2.84
Administrative Expenses	1,657,677	1,513,870	9.50
Capital Expenditure	294,904	136,158	116.6
Judicial Education	385,272	336,278	14.57
Rules Revision Reform	180,000	180,000	0.0
Judicial and Legal Services Commission	34,670	41,700	-16.86
Judicial Council	49,396	49,396	0.0
Total	8,452,022	8,194,349	3.15

* All Figures in EC dollars

Budgets for the Financial Years 2003 - 2004 and 2004 - 2005

The budget of the ECSC increased by 3.15% from the period 2003-2004 to 2004-2005. This was primarily the result of the full cost of new staff positions from the previous year and their ancillary costs. There were increases in capital expenditure to replace outdated equipment and for the purchase of new software and licenses to enable the Court to fulfill its mandate. The Court continued to receive assistance 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 the Jurisdiction.

Court Activities and Donor Funding

Donor funding has made it possible to achieve some success in the reform programmes. Several initiatives of the Court Structures Project began in the financial year. Through grant funding from CIDA, work continued in Saint Lucia on the establishment of the Criminal, Civil, Family and Traffic Divisions of the Court. This project is expected to continue for another

twelve months before being duplicated in the other Member States.

Grant funding was also received from USAID, to purchase equipment and to engage a consultant to assist with the Job Classification and Restructuring exercise for the Court Offices in Saint Lucia, in light of proposed plans for the Court Structures Project.

Effects of Recent Disasters on Court Funding

The recent effect of natural disasters on two Member States, namely Grenada with Hurricane Ivan, and the Commonwealth of Dominica with an earthquake, had a devastating effect on the Court's funding. With the economy of Grenada in shambles from September 2004, Grenada was unable to make contributions for the period up to June 2005. The Commonwealth of Dominica, labouring on the path to economic recovery suffered at the hand of nature with an earthquake in October 2004. This resulted in their inability to meet their commitments to the Court for the next five months. Some planned programmes and capital equipment budgeted for could not be purchased as a result of the shortfall in revenue. Travel and related expenditure was cut to a minimum and only absolutely essential expenditures were undertaken. The resulting effect of the

two disasters created a shortfall in cash contributions of approximately \$750,000.00 to the Court for the financial year 2004-2005.

Receiving timely payment of contributions by some Members continues to be a problem and this has delayed the implementation of some of the work programmes of the Court. Timely payments of contributions are being asked of Members, especially in view of the recent disastrous effect of Hurricane Ivan on Grenada and the earthquake in the Commonwealth of Dominica.

Finally, the resulting effect of the two disasters in Grenada and the Commonwealth of Dominica on funding the judiciary has brought to the fore the fragile nature of our economies. The forecast that this year's hurricane activity may surpass that of last year has put us all in preparatory mode, and should make us take a critical look at the funding of the judiciary especially in times of disaster when crime and lawlessness seem to follow. The lifeblood of a nation depends on the efficient functioning and independence of the judiciary especially with the increasing crime being reported within Member States. For such an important institution, we need to ensure that it is not handicapped even at times when one of its members may be severely disadvantaged by natural disasters.

GRENADA: Effects of Hurricane Ivan

The 8th September 2004 will long be remembered by Grenadians. Hurricane Ivan, with a mighty force, swept across the island and left devastation in its wake. Buildings and property were severely damaged. The offices of the Eastern Caribbean Supreme Court did not go unscathed.

High Court No. 1 building, the Master's Chambers and the Mediation Office were badly damaged, and there was minor damage done to High Court No. 2. As a

result of the destruction, the Master's Court had to be relocated to one of the Jury rooms. Temporary repairs to the No. 2 High Court and the Registry roofs were done by soldiers from the Militaries of Barbados and Antigua and Barbuda. However, The Grenada Trade Centre had to be used as a temporary location for Parliament and the No. 2 High Court.

Following the passage of Hurricane Ivan the operations of the Legal Complex and the

majority of the Magistrates Courts were severely affected.

In spite of repairs done to the roof, the interior of buildings remained uninhabitable. Cracked walls through which water seeped into the interior when it rained, among other inconveniences did not deter members of staff and judicial officers. They gallantly executed their duties in spite of the discomfort.

See pictures below after Hurricane Ivan.



Chief Justice [Ag.] Adrian Saunders in discussion with Court Staff



The building that houses the Eastern Caribbean Supreme Court offices



The Eastern Caribbean Supreme Court Registry



The interior of parts of the Eastern Caribbean Supreme Court offices after Hurricane Ioan

Court Productivity

Overview

This statistical review represents activities of the Court of Appeal, the High Courts, Magistrates Courts and the Family Courts of The Eastern Caribbean Supreme Court (ECSC). Information for the Appeal Court is provided for the calendar year, January – December, and in some instances for the half year January - July. Information for the High Courts and the Magistrates Courts is provided for judicial periods, 1st August - 31st July.

A total of 402 appeal cases were filed in 2004, inclusive of High Courts and Magistrates Courts. This figure represents an increase of 34% over the volume filed in 2003. There are concerns however, where Member States file notices of appeal and the records are not submitted

Total matters determined show an increasing trend for 2004 and 2003 in comparison to 2002. The number of judgments delivered also depicts an increasing trend of 208% and 383% for 2003 and 2004 respectively.

The information available for filings for the High Courts registries in 2004 - 2005 indicates an increase of 72% in the volume

of filings, over the comparative period for 2003 - 2004. The volume of cases disposed of also shows an increase in 2004 - 2005 over 2003 - 2004. However, the volume of dispositions for both periods is not a true reflection of the Court's output, given that some Member States did not submit data or submitted partial data.

The event count report for 2004 - 2005 also reflects increased volumes in the number of activities undertaken by the High Courts in comparison to 2003 - 2004.

A slight decline of 2% in filings was recorded in the Magistracy. This could possibly be attributed to Member States with large volumes of filings providing incomplete data.

The Member State of Saint Vincent and the Grenadines recorded a significant increase of 247% and 472%, in the volume of traffic matters filed and disposed of respectively. The establishment of a night court has assisted significantly in dispositions in the volume of traffic matters for 2004 - 2005. The serious offences filed and disposed of in Saint Vincent and the Grenadines Magistrates Courts has reflected a clearance rate of 100%. In 2004 - 2005, a total of 245

and 421 matters were filed and disposed of respectively.

The Family Court in Saint Vincent and the Grenadines continues to record significant strides in the disposition of cases as well. For both review periods that Court has recorded a clearance rate of 100%.

Since the inception of the Criminal Division pilot project in Saint Lucia, 22nd March, 2004, the Division has recorded a total of 1,678 matters filed to date. A total of 1,416 matters have been disposed of, resulting in a disposition rate of 84%. A total of 105 trials and 99 omnibus conferences have been held.

Court of Appeal

Table 1(a) shows the breakdown of total appeals filed for the period January - July 2005, and January - December 2003 and 2004. Total appeals filed for 2004, increased by 34% over the volume filed in 2003. A total of 245 appeals cases were filed for the half year January - July 2005. The data trend reveals that the larger volume of cases filed are from the High Courts. The average shows that High Court filings account for about 70% of all cases filed. This is also clearly illustrated in Figure 1 (a).

	January - July 2005		2004		2003	
	High Court	Magistrates Court	High Court	Magistrates Court	High Court	Magistrates Court
Civil Appeals	117	21	180	20	192	15
Criminal Appeals	27	77	93	109	61	31
Total	144	98	273	129	253	46

Table 1(a): Total Appeal Cases - Filed 2003 - 2005

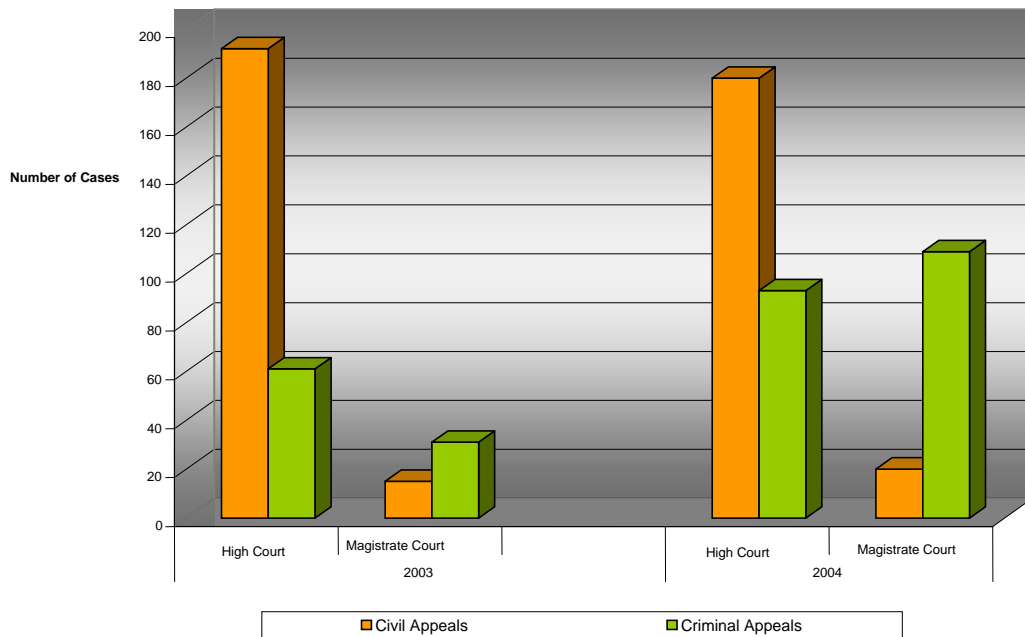


Figure 1(a): Appeal Cases Filed - by Court and Case Type - 2003 and 2004

Tables 1(b) and 1(c) show appeal cases filed by the High Courts and Magistrates Courts for the period January - July 2005, 2004 and 2003.

Total appeal cases filed from High Courts in 2004-2005 increased by an estimated 8% over the volume filed for the similar period in 2003. For the period January - July 2005, Saint Lucia accounted for 24% of High Court appeals, while Saint Vincent and the

Grenadines and Saint Kitts and Nevis accounted for the second highest volume of 14% each. The data trend for the half year shows that it is expected that volume of High Court appeals filed could be as high as the volume filed in 2004 and 2003.

January - July 2005			2004		2003	
Member States	Civil	Criminal	Civil	Criminal	Civil	Criminal
Anguilla	8	0	7	1	6	1
Antigua and Barbuda	9	4	34	10	35	-
British Virgin Islands	14	3	27	7	22	5
Commonwealth of Dominica	9	1	21	8	10	12
Grenada	13	5	21	13	32	20
Montserrat	2	0	2	1	3	0
Saint Kitts and Nevis	14	7	18	16	18	17

Saint Lucia	31	4	25	4	41	6
Saint Vincent and the Grenadines	17	3	25	33	25	-
Total	117	27	180	93	192	61

- No information provided

Table 1(b): High Court Appeal Cases Filed - By Member States - 2003 - 2005

In the Magistrates Courts, a total of 98, 129 and 46 appeals cases were filed for the period January - July 2005, 2004 and 2003 respectively. The bulk of the appeal cases filed for the Magistracy are criminal cases. This category of cases accounted for an

estimated 77% of total appeal cases filed from the Magistrates Courts.

Saint Vincent and the Grenadines continues to record the largest volume of criminal appeal cases filed. Although data was not

provided for this Member State in 2003 to support this evidence, data for the previous period and January - July 2005 provide information to support.

January - July 2005			2004		2003	
Member States	Civil	Criminal	Civil	Criminal	Civil	Criminal
Anguilla	2	0	1	0	0	3
Antigua and Barbuda	0	0	0	1	-	-
British Virgin Islands	2	0	2	1	2	1
Commonwealth of Dominica	2	4	5	8	4	15
Grenada	0	2	1	4	2	8
Montserrat	1	2	1	2	-	-
Saint Kitts and Nevis	14	7	6	2	3	1
Saint Lucia	0	8	0	16	4	3
Saint Vincent and the Grenadines	0	54	4	75	-	-
Total	21	77	20	109	15	31

- No information provided

Table 1(c): Magisterial Appeal Cases Filed - by Member States - 2003 - 2005

Figure 1(b) provides an illustration of appeal cases filed by Member States for the period 2003 and 2004 respectively.

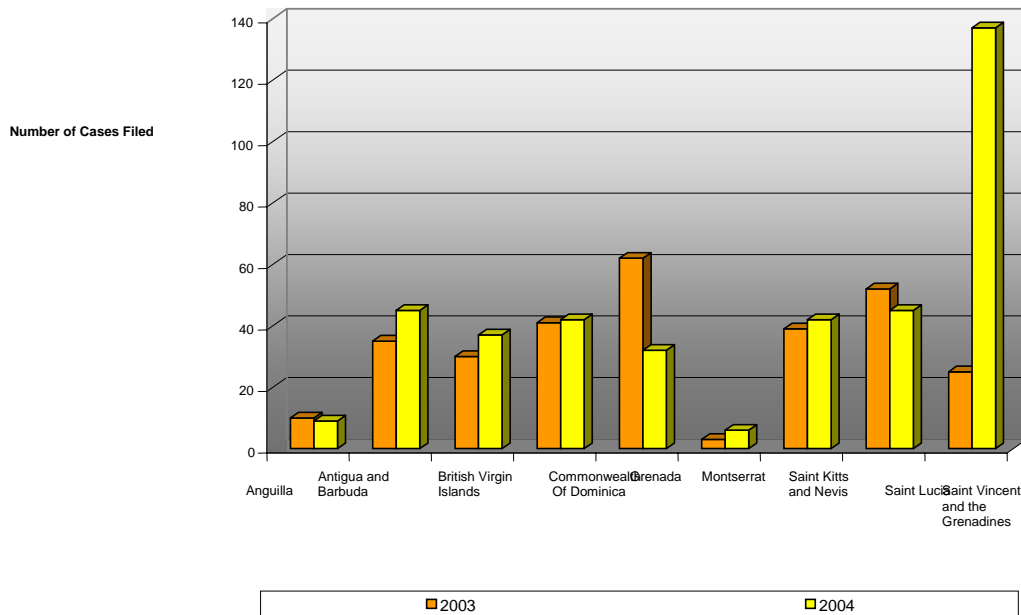


Figure 1(b): Appeal Cases Filed – By Member States – 2003 and 2004

Tables 2(a) and 2(b) show the number of appeal matters (application and appeal cases) determined by the Court of Appeal for the three calendar years 2002, 2003 and 2004 and January – July 2005 and 2004.

Total matters determined by the Court of Appeal increased by 15% for 2004, and 18%

for 2003 when compared with the volume of matters determined in 2002.

Appeal cases accounted for the larger volume of work handled by the Court, which corresponds with the volume of matters filed at the Appeal Court registry.

The half year data for 2005, recorded an increase of 20% of matters determined, in comparison to the similar period for 2004.

The volume of matters determined by the Court is increasing to match the volume of matters filed, which reflects the narrowing of the gap in backlog matters in the Court of Appeal.

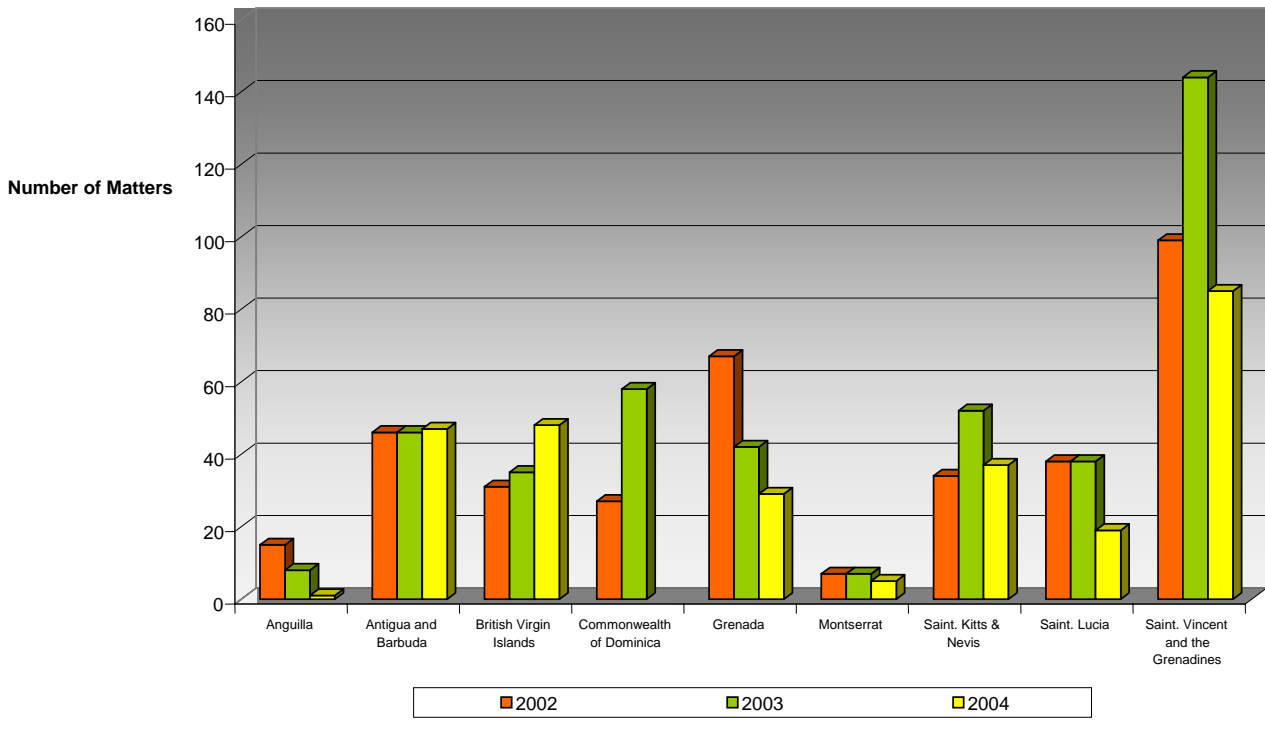


Figure 2: Appeal Matters Determined - By Member States - 2002 - 2004

Member States	2002		2003		2004	
	Appeals	Applications	Appeals	Applications	Appeals	Applications
Anguilla	11	4	5	3	10	5
Antigua and Barbuda	38	8	26	20	35	34
British Virgin Islands	26	5	19	16	19	24
Commonwealth of Dominica	25	2	54	4	28	3
Grenada	57	10	36	6	25	8
Montserrat	6	1	6	1	8	3
Saint Kitts and Nevis	31	3	37	15	41	7
Saint Lucia	29	9	24	14	31	8
Saint Vincent and the Grenadines	74	25	129	15	115	15
TOTAL	297	67	336	94	312	107

Table 2 (a): Matters Determined by the Court of Appeal at Sittings in the Various Member States - 2002 - 2004

Member States	1 st January to 31 st July 2005		1 st January to 31 st July 2004	
	Appeals	Applications	Appeals	Applications
Anguilla	2	1	1	-
Antigua and Barbuda	13	8	19	28
British Virgin Islands	25	13	28	20
Commonwealth of Dominica	-	-	-	-
Grenada	39	5	23	6
Montserrat	2	-	2	3
Saint Kitts & Nevis	11	1	31	6
Saint Lucia	16	7	14	5
Saint Vincent and the Grenadines	60	13	80	5
TOTAL	168	48	198	73

Table 2(b): Matters Determined By the Court of Appeal at Sittings in the Various Member States -
January - July 2004 - 2005

Table 3 provides information on the number of interlocutory application hearing and case management conferences held in the Court of Appeal chambers in Saint Lucia, for the calendar year 2004, with comparative

data for the periods January - July 2005 and 2004.

The number of activities held for the review period in 2005 decreased by 22%, in comparison to the similar period for 2004.

Disposition of matters accounted for the largest volume of events held at the Court of Appeal chambers. The number of teleconferences held declined by 66% for the half year January - July 2005, in comparison to January - July 2004.

	2004	1st January to 31st July 2005	1st January to 31st July 2004
Chamber Hearings	21	9	13
Matters disposed of	262	124	154
Teleconferences	5	2	5

Table 3: Interlocutory Applications Hearings and Case Management Conferences Held at the Court Of Appeal Chambers in Saint Lucia - 2004, 2005

Tables 4(a) and 4(b) provide data on the number of judgments delivered by the Court of Appeal for the calendar years 2002, 2003 and 2004 and January - July 2005 and 2004.

The number of judgments delivered by the Court shows an increasing trend. Significant increases of 204% and 383% are recorded for 2003 and 2004 respectively

when compared with 2002. However, a decline of 28% is recorded for January - July 2005 in comparison to the similar period for 2004. The volume of judgments delivered for the British Virgin Islands and Saint Vincent and the Grenadines increased significantly in 2004 from the 2002 figure. These increases represent 425% in the case of the British Virgin Islands and a high of 950% in Saint Vincent and the Grenadines.

However, a reverse pattern is reflected in the table for the period January - July 2005 in the case of Saint Vincent and the Grenadines. The number of judgments delivered for the aforementioned period for Saint Vincent and the Grenadines declined by 69% in comparison to the similar period in 2004.

Member States	2002	2003	2004
Anguilla	4	2	4
Antigua and Barbuda	3	12	17
British Virgin Islands	4	8	21
Commonwealth of Dominica	1	2	9
Grenada	7	13	14
Montserrat	0	0	5
Saint Kitts and Nevis	2	8	11
Saint Lucia	1	14	14
Saint Vincent and the Grenadines	2	14	21
TOTAL	24	73	116

Table 4(a): Judgments Delivered by the Court of Appeal – 2002 - 2004

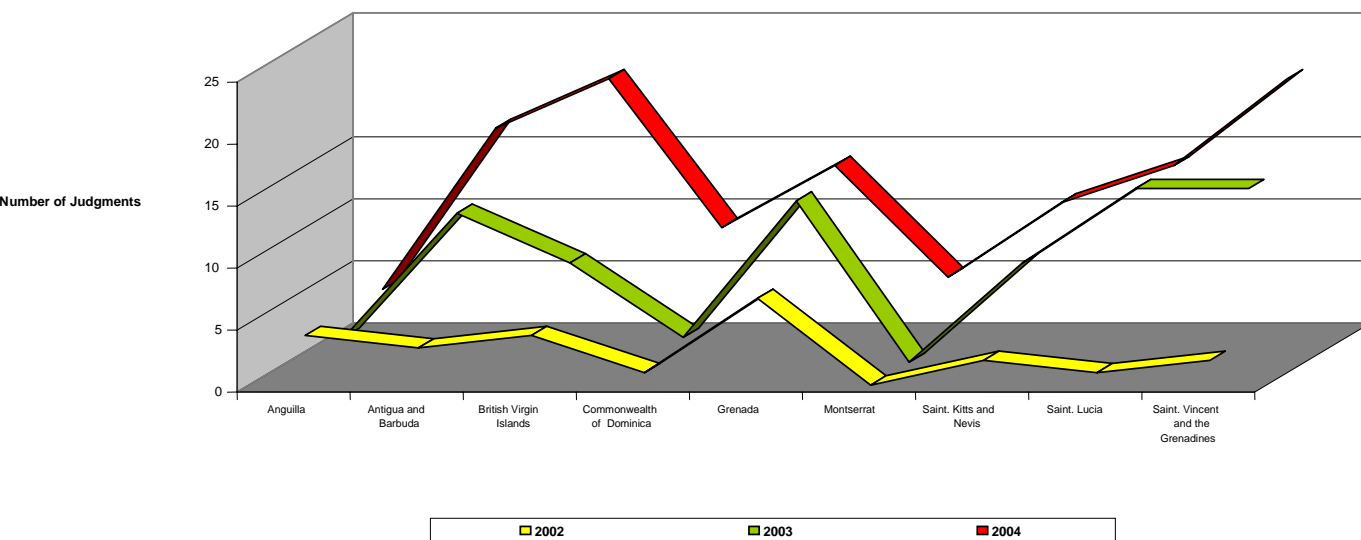


Figure 3: Judgments Delivered By the Court of Appeal - 2002 - 2004

Member States	1 st January to 31 st July 2004	1 st January to 31 st July 2005
Anguilla	1	4
Antigua and Barbuda	13	11
British Virgin Islands	14	14
Commonwealth of Dominica	6	3
Grenada	11	7
Montserrat	4	-
Saint Kitts and Nevis	4	5
Saint Lucia	8	6
Saint Vincent and the Grenadines	13	4
TOTAL	74	54

Table 4(b): Judgments Delivered by the Court of Appeal - 2004, 2005

Table 5 shows the volume of pending appeal matters for 2000 - 2005, and the number of matters ready for hearing at the next available sitting of the of the Court.

Antigua and Barbuda accounts for the largest volume of appeals, where notices of

appeals have been filed at the Court of Appeal registry and the records have not been received. Accordingly, only one matter is ready for the above mentioned Member State at the next sitting of the Court of Appeal. There are concerns where Member States file notices of Appeals with the Court

of Appeal registry in Saint Lucia and the records are not submitted.

Member States	Matters ready for hearing at next available Sitting	Appeals where Notices of Appeal but no Records have been received [2000 -2005]
Anguilla	1	9
Antigua & Barbuda	1	75
British Virgin Islands	10	25
Commonwealth of Dominica	25	12
Grenada	11	30
Montserrat	2	3
Saint Kitts and Nevis	16	42
Saint Lucia	13	46
Saint Vincent and the Grenadines	33	29
TOTAL	112	271*

Table 5: Pending Appeals 2000 2005

** This figure only reflects cases where the notices of appeals have been received by the Court of Appeal Registry. In many cases, notices are filed in the sub-registries but not transmitted to the Court of Appeal.*

High Court

Table 6 shows the volume of cases filed at the High Courts of Justice, by Member States, for the two judicial periods ending 2004 and 2005.

The data provided shows that total cases filed in the High Courts registries for judicial period ending 2005 increased approximately by 72% over the comparative period of 2004. Civil cases filed accounted for 58% and 72% of the matters filed for 2005 and 2004 respectively. In 2005, the information provided on probate matters filed shows a significant increase of 206% compared to 2004. Probate matters filed

accounted for the second largest volume; which is 15% of total matters filed in the High Court for 2005.

Saint Lucia continually accounts for the bulk of High Court filings in the jurisdiction. In 2005, the number of filings for Saint Lucia represents approximately 31% of total cases filed. Antigua and Barbuda accounted for the second highest volume of 17%.

Table 7 reflects the number of matters disposed of by the High Courts.

The data available for the judicial period 2004-2005 indicates a significant improve-

ment over the amount provided in 2004; although as can be seen from the table, some Member States still have not committed themselves to the proper management of statistical data for reporting purposes.

For the period 2004-2005, corresponding to the volume of cases filed, Saint Lucia High Court reflected the highest number; 66% of matters disposed of for the period. Civil matters likewise accounted for the largest volume of matters disposed of by the ECSC High Courts. That is 64% of total dispositions.

Judicial Period: 2004 - 2005							
Member States	Civil	Criminal	Matrimonial	Adoption	Probate	Admiralty	Total
Anguilla	54	5	43	3	0	0	105
Antigua and Barbuda	535	32	123	23	235	4	952
British Virgin Islands	303	40	47	2	91	7	490
Commonwealth of Dominica	–	–	–	–	–	–	–
Grenada	405	106	130	17	103	0	761
Montserrat*	34	4	4	0	10	1	53
Saint Kitts and Nevis	396	67	77	10	141	0	691
Saint Lucia	966	104	180	30	410	4	1694
Saint Vincent and the Grenadines	562	114	130	2	0	0	808
Total	3255	472	734	87	990	16	5554
Judicial Period: 2003 - 2004							
Member States	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	-	-	-	-	-	-	-
Commonwealth of Dominica	334	2	39	27	0	0	402
Grenada	339	-	-	-	-	-	339
Montserrat	26	3	11	-	11	1	52
Saint Kitts and Nevis	-	-	-	-	-	-	-
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

- No information provided

* Incomplete information provided

Table 6: High Court Cases Filed - by Member State and Case Type - 2004- 2005 and 2003- 2004

Judicial Period: 2004 - 2005							
Member States	Civil	Criminal	Matrimonial	Adoption	Probate	Admiralty	Total
Anguilla	24	3	17	3	0	0	47
Antigua and Barbuda	-	-	-	-	-	-	-
British Virgin Islands	116	26	5	1	13	3	164
Commonwealth of Dominica	-	-	-	-	-	-	-
Grenada	12	54	15	2	67	0	150
Montserrat*	8	2	3	-	7	0	20
Saint Kitts and Nevis	63	63	92	-	87	0	305
Saint Lucia	1354	57	123	22	216	0	1772
Saint Vincent and the Grenadines	125	-	86	-	-	0	211
Total	1702	205	341	28	390	3	2669
Judicial Period : 2003 - 2004							
Member States	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	-	-	-	-	62
Grenada	76	106	-	-	-	-	182
Montserrat	7	13	-	-	-	-	20
Saint Kitts and Nevis	-	-	-	-	-	-	-
Saint Lucia	306	33	52	6	0	0	397
Saint Vincent and the Grenadines	25	-	16	-	-	-	41
Total	491	219	80	8	1	0	799

- No information provided

* Incomplete information provided

Table 7: High Court Cases Disposed of - by Member State and Case Type - 2004- 2005 and 2003- 2004

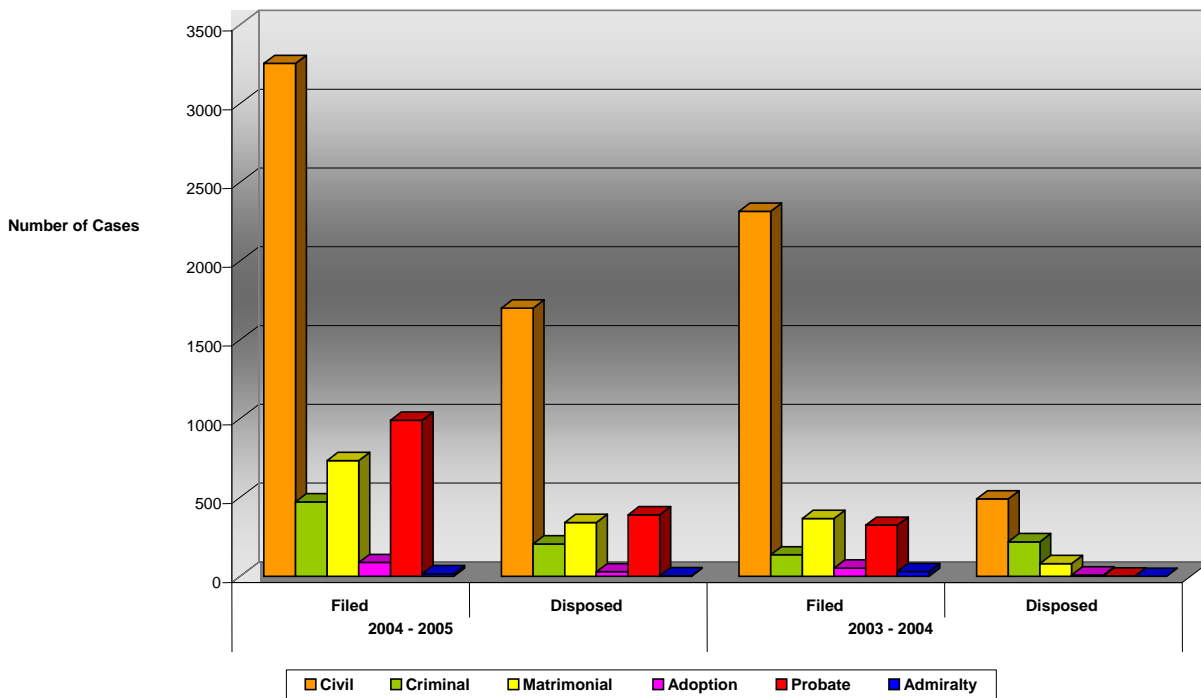


Figure 4: High Court Cases Filed and Disposed of - by Case type- 2004- 2005 and 2003- 2004

Table 8 indicates the volume of events handled by the High Courts for the two judicial periods 2004-2005 and 2003- 2004.

The total volume of events undertaken by the High Courts of the ECSC, increased by 6% over the volume for 2003-2004.

Saint Lucia continues to account for the bulk of events handled. For 2004 - 2005, Saint Lucia High Court registry accounted for 55% of total events recorded by the ECSC. Antigua and Barbuda accounted for the second largest volume of 21%.

Chamber Hearings are the most popular events undertaken by the High Courts. This event accounted for over 50% of all events held, with Case Management Conferences accounting for the second highest amount of 16%.

Judicial Period: 2004 - 2005										
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	0	0	-	-	0	2	732	0	734
Chamber Hearing	112	1389	206	-	-	19	150	2785	952	5613
Chamber Matters	0	0	0	-	-	0	146	0	0	146
Chamber Applications	0	0	0	-	-	0	0	0	0	0
Motion Hearing	0	0	0	-	-	0	0	0	0	0
Case Management Conference	12	501	74	-	-	36	81	719	320	1743
Pre- Trial Hearing	4	0	8	-	-	2	15	72	8	109
Trial	20	37	38	-	-	25	20	655	63	858
Other events	34	317	156	-	-	3	119	1004	4	1637
Total	182	2244	482	-	-	85	533	5967	1347	10840

- No information provided

* Incomplete information provided

Table 8(a): Events Count Report - by Member States - 2004 - 2005

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	0	-	224	0	0	0	0	0	255
Chamber Hearing	146	1459	-	622	91	24	0	2389	1164	5895
Chamber Matters	0	0	-	-	0	0	61	0	0	61
Chamber Applications	0	0	-	-	0	0	26	0	0	26
Motion Hearing	1	0	-	-	13	0	0	0	30	44
Case Management Conference	41	676	-	263	1	16	46	533	287	1863
Pre- Trial Hearing	7	0	-	-	0	2	0	56	5	70
Trial	11	168	-	82	9	15	0	554	95	934
Other events	42	261	-	174	10	0	86	455	7	1035
Total	279	2564	-	1365	124	57	219	3987	1588	10183

- No information provided

Table 8(b): Events Count Report by Member States - 2003 - 2004

Magistrates Courts

Tables 9 and 10 provide information on the volume of cases filed and disposed of in the Magistrates Courts for the judicial periods 2004-2005 and 2003-2004.

The data provided in table 9, shows that matters in excess of 29,000 were filed in the Magistrates Courts for the period 2004 - 2005. This figure shows a slight decline of about 566 or 2% of matters from what was obtained in 2003 - 2004. It can be considered that the volume of matters filed in the Magistracy in 2004 - 2005 surpassed the figure of 2003 - 2004, given that Member States such as Saint Lucia and the Commonwealth of Dominica provided only partial data and no data respectively. Previous trends show that filings from the Magistracy of these two Member States account for large volumes of filings from the Magistrates Courts.

In 2004-2005 Saint Vincent and the Grenadines accounted for the largest volume of filings, 40% of total matters filed; and Saint Kitts and Nevis accounted for the second highest volume of 21%.

In 2004 -2005, traffic matters accounted for the highest volume of matters filed, that is 40%; while criminal matters accounted for the highest volume of 40% matters filed in 2003-2004. The bulk of the traffic matters filed were from the Magistrates Courts of Saint Vincent and the Grenadines. Traffic matters represented 66% of total matters filed for Saint Vincent and the Grenadines.

The data in table 10 shows a slight increase of 4% in the volume of matters disposed of in the Magistracy, for the period 2004 - 2005 in comparison to 2003 - 2004.

Accordingly, Saint Vincent and the Grenadines accounted for the highest volume of dispositions in the Magistrates Courts for the period 2004-2005. The establishment of a Night Court in Saint Vincent and the Grenadines to handle traffic matters has reflected a significant increase in the matters disposed of for the period 2004 - 2005. In fact, Saint Vincent and the Grenadines has shown the trend for 2004 - 2005 of disposing more traffic matters than was filed.

Traffic matters accounted for the highest volume of matters disposed of for 2004 - 2005, 49%; while criminal matters accounted for the highest volume of 49% in 2003-2004.

Judicial Period: 2004 - 2005										
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	405	1665	790	–	2550	45	1717	555	3260	10987
Civil	79	305	283	–	349	17	2194	43	770	4040
Traffic	388	472	951	–	1410	16	513	108	8016	11874
Family	54	–	0	–	0	6	0	–		60
Domestic	0	–	71	–	23	–	0	13		107
Juvenile	15	–	12	–	0	–	69	–		96
Maintenance	0	–	248	–	168	–	1656	–		2072
Affiliation	0	–	162	–	0	–	0	9		171
Pre. Inquiries	0	–	0	–	0	–	22	35		57
Total	941	2442	2517	–	4500	84	6171	783	12046	29464
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	–	0			91
Juvenile	31	–	–	225	123	1	186	3		569
Affiliation/ Maintenance	–	–	20	384	107	45	246	18		820
Inquests	–	–	–	68	–	–	0	36		104
Pre. Inquiries	–	–	–	0	–	–	13	942		955
Total	728	–	377	6623	3719	375	5493	7031	5684	30030

- No information provided

* Incomplete information provided

Table 9: Magistrates Courts Cases filed by Major Type by Member States - 2003 - 2004 and 2004 - 2005

Judicial Period: 2004 - 2005										
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	204	884	264		1205	–	1305	502	2683	7047
Civil	72	50	129	–	310	–	2042	12	671	3286
Traffic	234	271	414	–	2135	–	502	96	8131	11783
Family	69	–	0	–	–	–	–	–	–	69
Domestic	0	–	70	–	10	–	–	4	–	84
Juvenile	3	–	12	–	–	–	79	–	–	94
Maintenance	0	96	0	–	124	–	1419	–	–	1639
Affiliation	0	–	143	–	–	–	–	16	–	159
Pre. Inquiries	0	–	0	–	–	–	57	19	–	76
Total	582	1301	1032	–	3784	–	5404	649	11485	24237
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	–	1596	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/ Maintenance	–	–	15	174	179	–	195	–	–	563
Inquests	–	–	–	3	–	–	–	–	–	3
Pre. Inquiries	–	–	–	0	–	–	1	278	–	279
Total	542	–	44	5070	4571	–	4164	4429	4448	23268

- No information provided

* Incomplete information provided

Table 10: Magistrates Courts Cases Disposed of by Major Type by Member States - 2003 - 2004 and 2004 - 2005

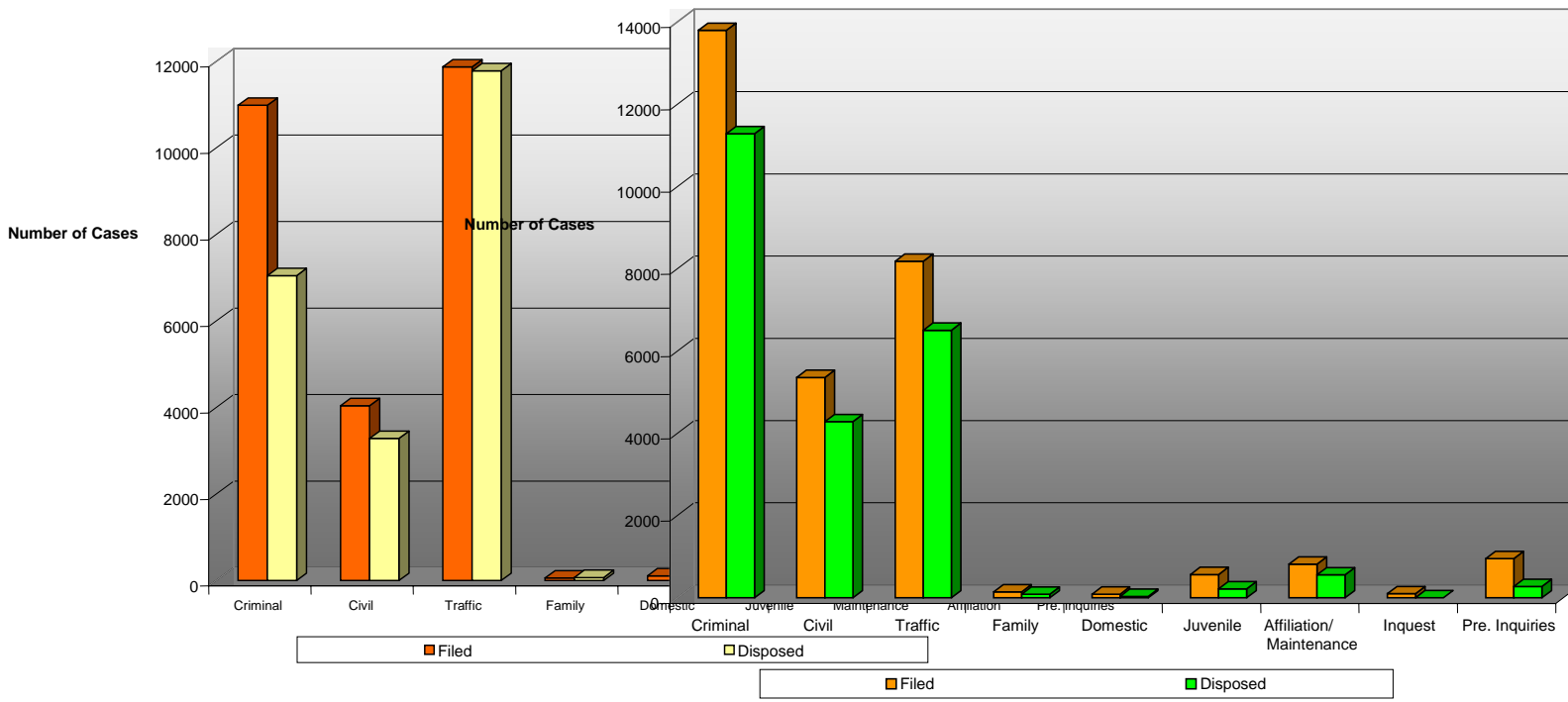


Figure 5(a): Magistrate Courts Cases Filed and Disposed of by Case Type- 2004 - 2005

Figure 5(b): Magistrate Courts Cases Filed and Disposed of by Case Type - 2003 - 2004

Family Court

Tables 11 and 12 show the volume of matters filed and disposed of by the Family Court of Saint Vincent and the Grenadines.

This Court continues to make significant strides in clearing matters filed. It has again recorded a clearance rate of 100%.

The judicial period 2004 - 2005 saw significant increases in the number of matters filed and disposed of in the Family Court, as compared to 2003 - 2004. Filings increased by 259%, while dispositions increased by 208%.

Maintenance matters accounted for 69% and 70% of the matters filed for the periods ending 2005 and 2004 respectively. Custody/Access and Protection Orders also showed the trend of large amount of matters filed and disposed of for the two periods.

Case Type	Judicial Period 2004-2005	Judicial Period 2003-2004
Maintenance	1680	479
Custody/Access	210	41
Protection Order	244	58
Variation of Occupation Order	0	1
Occupation Order	84	18
Breach of Protection Order	0	5
Sexual Intercourse	49	
Indecent Assault	43	
Other Offences	133	78
Total	2443	680

Table 11: Family Court - Saint Vincent and the Grenadines - Cases Filed - 2004 - 2005 and 2003 - 2004

Case Type	Judicial Period 2004-2005	Judicial Period 2003-2004
Maintenance	1808	647
Custody/Access	228	56
Protection Order	229	55
Variation of Occupation Order	0	0
Occupation Order	83	20
Breach of Protection Order	2	5
Sexual Intercourse	32	
Indecent Assault	56	
Other Offences	130	52
Total	2568	835

Table 12: Family Court - Saint Vincent and the Grenadines - Cases Disposed of - 2004-2005 and 2003-2004

Appendix

New Appointments

Judicial Officers

The Hon. Justice Suzie d' Auvergne, Justice of Appeal [Ag.], 1st September to 31st December 2004
The Hon. Justice Hugh Rawlins, Justice of Appeal [Ag.], 1st January to 31st March 2005
The Hon. Justice Denys Barrow, Justice of Appeal [Ag.], with effect from 1st April 2005
The Hon. Justice Gertel Thom, High Court Judge, with effect from 1st May 2005
The Hon. Justice Murray Shanks, High Court Judge,

Administrative and Support Staff

Mr. MacClure Taylor, Deputy Court Administrator, with effect from 1st January 2005
Mr. Derrick Agdomar, Systems Administrator, with effect from 1st January 2005
Mr. Stephen Rameau, Accounts Assistant, with effect from 15th July 2005

Retirements and Resignations

Judicial Officers

The Hon. Justice Ian Don Mitchell, resigned with effect from 31st August 2004
The Hon. Justice Suzie d' Auvergne, with effect from 8th October 2004
The Hon. Justice Charmaine Pemberton, resigned with effect from 31st January 2005
The Hon. Justice Adrian Saunders, resigned with effect from 31st March 2005

Administrative and Support Staff

Ms. Daisy St. Rose, Library Assistant, resigned with effect from 31st May 2005
Mr. Michaelangelo Andrew, Accounts Assistant, resigned with effect from 31st July 2005

ECSC Headquarters

The Office is staffed by a group of trained persons whose responsibilities are geared toward the support of the Judicial Officers of the Eastern Caribbean Supreme Court, as they seek to dispense justice in a prompt, fair, efficient and effective manner.

Mrs. Ianthea Leigertwood-Octave, Chief Registrar
Ms. Heather Franklyn, Deputy Chief Registrar
Mrs. Michelle John-Theobalds, Judicial Clerk
Mrs. Stephine Alphonse, Case Manager
Ms. Sheron Baptiste, Case Manager
Ms. Choyce Walcott, Registry Clerk

Mr. Gregory Girard, Court Administrator
Mr. Delara MacClure Taylor, Deputy Court Administrator

Mr. Irvin Ferdinand, Accountant
Mr. Stephen Rameau, Accounts Assistant

Mr. Mark Ernest, Information Technology Manager
Mr. Augustus Marcellin, Network Administrator
Mr. Derrick Agdomar, Systems Administrator

Ms. Angus Smith, Human Resource Officer
Ms. Lavern Henry, Administrative Assistant, Human Resource Department

Ms. Lenore St. Croix, Office Manager/Mediation Coordinator
Mr. Francis Compton, Regional Mediation Coordinator
Mrs. Avis Burch Smith, Mediation Assistant
Mr. Guy Stava, Office Attendant
Mrs. Lesha Mason, Office Attendant

Ms. Sheran Emmanuel, Head, Secretarial Pool
Ms. Joan Joseph, Secretary
Ms. Natasha James, Secretary
Mrs. Francisca Polius, Secretary
Mrs. Sandra Augier, Receptionist

Ms. Claudette M Valentine, Librarian/Information Services Manager
Ms. Geraldine St. Croix, Statistician
Mrs. Reine James, Records Manager
Mrs. Clarita McDonald, Records Clerk

Ms. Alana Simmons, JEI Executive Officer