



2018/2019
ANNUAL REPORT

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MESSAGE



The Hon. Chief Justice

DAME JANICE M. PEREIRA, DBE

I welcome you to another edition of the Annual Report of the Eastern Caribbean Supreme Court. This report serves the dual purpose of informing the public of the work of the Court over the period 2018 to 2019 and to give the judicial officers and staff an opportunity to monitor and take stock of the performance of the Court, with a view to fine tuning processes and procedures and developing initiatives to more effectively carry out its mission.

I can only provide here a snapshot of the developments at the ECSC over the last year. I therefore invite you to have a comprehensive read of this report so that you may gain a full appreciation and understanding of the Court's work and its role in the administration of justice in the Eastern Caribbean.

The ECSC has been busy over the last year. At both the High Court level and the Court of Appeal, the Court has heard and dispensed of thousands of cases. This report details the case load of the Court over the last year. I urge you to review the statistics provided as they are quite telling of the increasing volume of work being undertaken by the Court. In addition to its judicial functions, the Court has also taken significant steps towards improving its processes and procedures and to provide the public with a better understanding of the judicial process. I would like to use this opportunity to briefly highlight two landmark developments at the Court: the



launch of the ECSC E-Litigation Portal and the implementation of sentencing guidelines for criminal offences.

The ECSC E-Litigation Portal is a customized platform which allows for the filing and management of court documents electronically. In Member States and Territories where the portal has gone live, court users can now file documents online at any time and from any location. This new technology is revolutionizing how the public interface's with the Court and how the Court manages documents. The E-Litigation Portal first went live in the Territory of the Virgin Islands on 12th November 2018 for the management of new matters filed in the Commercial Division of the High Court. Shortly thereafter, on 26th November 2018 the portal went live in Saint Lucia for the filing of new matters in the Commercial Division of the High Court and the filing of new matters in the Court of Appeal. All matters filed in the Civil Division in Saint Lucia are now managed on the Portal. The Portal went live in Anguilla on 11th March 2019

and in St. Kitts and Nevis on 20th September 2019 for the filing of new civil matters and went live in Antigua and Barbuda on 21st October 2019 for the filing of Court of Appeal matters. Over the next year the E-Litigation Portal is expected to be launched in the remaining Member States and Territories of the Court. The hope is that the launch of the E-Litigation Portal will increase operational efficiency, contribute towards increasing the transparency of court services, and improve access to its services to stakeholders and at the broader level sharpening the competitive edge of the OECS region and its standing in the world economy.

The second major development in the Court over the last year was the launch and implementation of the Eastern Caribbean Supreme Court Sentencing Guidelines. The Sentencing Guidelines were officially launched on 17th September 2019 at the High Court of Justice in Antigua and Barbuda. The first suite of guidelines covers drug offences, offences of dishonesty, and sexual offences.



Guidelines for further offences will be rolled out over the upcoming year. The Sentencing Guidelines are meant to provide a consistent approach by judges and magistrates in arriving at an appropriate sentence for the commission of offences and to provide for clear reasons for sentencing thereby increasing public trust and confidence in the criminal justice system. I would like to take this opportunity to thank the Members of the Sentencing Advisory Committee for their tireless work in making the guidelines a reality. I would also like to thank the Registrar of the High Court of Antigua and Barbuda and her dedicated staff for a successful launch.

Amid the many successes of the Court over the last year, there have also been challenges. The Member States of Grenada and Saint Lucia saw extended periods of closure of Court facilities. The result of these closures has created a backlog in court cases in the criminal division in Saint Lucia and both the criminal and civil divisions in Grenada. These Courts are now back in operation, but inadequate

court facilities remain a significant issue for the Court. It is hoped that during the upcoming year steps will finally be taken by Member States and Territories to launch their Halls of Justice Projects.

Notwithstanding the issues of physical court facilities, the Court embarked upon intensive training for Judicial Officers and Court staff over the last year. We continue to view our human resources as a key component to the efficient operations of the Court. Training of Court personnel has already reaped benefits and have enhanced the court user experience. Further training will be conducted in the upcoming years until all court personnel across all 9 Member States and Territories have been trained.

On behalf of the Judges, Management and Staff, of the Eastern Caribbean Supreme Court Headquarters and the various High Court Offices and on my own behalf, I thank you for your support. Without you there would be no Court. We work hard every day to serve you in the best way possible and we will continue to seek out new initiatives to improve our service to you.

Dame Janice M. Pereira, DBE, LL.D

MESSAGE



Court Administrator

GREGORY GIRARD

The year under review saw the Eastern Caribbean Supreme Court (the ECSC) working under continued financial pressure; however we embraced the requirement for increased efficiency and handled ourselves well. I am proud that the administration of the Court continues, against this tight financial background, to provide a high level of service to litigants, their representatives and members of the public.

The Court's e-litigation project team continued the implementation and roll out of the ECSC E-litigation portal. We are excited about the current roll out and implementation plan of the portal and the benefits that it is already providing to our stakeholders. The stakeholders in the Members States and Territories where the portal has already been implemented earlier in the year have reported that the portal is providing them with an increase in operational efficiency, saving significant time and cost to clients and law firms. The portal also assists greatly in meeting deadlines, saving commute time and improved efficiency with serving documents on opposing counsel.

At the macro level, it is the court's belief that key among the portal's benefits is a platform which will transform the way in which the court and legal practitioners do business both in terms of time and costs in the medium to long term while simultaneously sharpening



the competitive edge of the OECS region and providing the opportunity to improve its standing in the world ranking in the area of ease of doing business. Additionally, the portal will also serve as a disaster recovery and resilience tool to the court and its stakeholders.

Through the work of the Judicial Education Institute and the Human Resource Department the ECSC is committed to ensuring that judicial officers and administrative staff participate in appropriate and relevant continuing educational development so their skillsets remain relevant and updated with the latest developments in the law; changes in court administration; and new and improved methods of delivering court services. Additionally, during the course of the year being reviewed the ECSC, with support from the Canadian-funded Judicial Reform and Institutional Strengthening (JURIST) Project, held refresher training courses for court staff in the Member States of Saint Lucia, St. Kitts and Nevis, Antigua and Barbuda, the Commonwealth of Dominica and Grenada.

Readers are encouraged to peruse the JEI section of this report for more in-depth information on the JEI programmes listed above and more.

The objectives of the training programme were: to improve and enhance the administrative systems of the Court through the training of staff in case management, to review the procedures in relations to the handling of High Court civil/criminal matters, probate and Appeals and to reinforce skills in customer service and public education with the new emphasis on the “customer friendly courts” being the new work environment. The training sessions were facilitated by an experienced team of judicial professionals and staff of the Court’s Headquarters. Similar training sessions are planned for delivery in the other Member States and Territories in the upcoming year.

During the year we also launched a few public education initiatives to highlight the work of the ECSC to members of the public.

With support from the Canadian-funded Judicial Reform and Institutional Strengthening (JURIST) Project, the ECSC launched a Mediation Public Awareness Campaign in St. Vincent and the Grenadines in May, 2019 with other Member States and Territories to follow during our next administrative year. Additionally, in June 2019 the ECSC E-Litigation project team hosted a media briefing to sensitize the media and the public on the next phase of implementation of the E-litigation Portal for Saint Lucia. This phase will include all new matters to be filed in the Civil Division of the High Court which became effective from Monday, 1st July 2019.



A Customer Service survey was piloted in the Member State of Saint Lucia and the overseas Territory of Montserrat. The main purpose of the Customer Service Survey is to get firsthand information from court users on whether they are satisfied or dissatisfied with the services of the court and about their general customer service experience. Customers' insight will help us to understand court users and their needs more profoundly. The responses received will be analyzed and used as a resource for developing a customer service improvement programme for the court.

report I hope that you will be edified by its contents and that you will be as pleased, as I am, with the strides which have made by the Court within the year currently being reviewed.

In closing, I want to express my sincerest appreciation to the Hon. Chief Justice, Judicial officers, Registrars and Magistrates, as well as the staff of the Court's Headquarters and the court offices in the Member States and Territories, for their dedicated service given throughout the past year. Finally to you our readers, I thank you for your continued interest in the Court. As you explore the pages of this

APPELLATE JURISDICTION - CASEFLOW MANAGEMENT



INTRODUCTION

Over the period under review, the Registry of the Court of Appeal performed its function of managing appeal matters from decisions of the Magistrates' Courts and High Courts in the nine Member States and Territories and from decisions of the Labour Tribunals in Montserrat and Antigua and Barbuda.

As in years gone by, the department worked unremittingly to ensure the timely processing of appeals from the divisions of the courts stated above.

STAFF COMPLEMENT

During the period under review, the staffing of the Court of Appeal Registry was strengthened with the addition of three new Judicial Research Assistants in the persons of Mr. Jordan Jarrett who joined in November, 2018, Ms. Tamara Mathurin who joined in February,

2019 and Ms. Leonnette Headley who joined in March, 2019.

During this period we also saw the departure of three Judicial Research Assistants **in the persons of Ms. Kimloy Walker, Mrs. Rochelle John-Charles and Ms. Jodi-Ann Stephenson.**

Currently the total staff complement of the department is fourteen (14).

WORKLOAD

There were 513 appeals filed in 2018, representing an increase by 14.22% or 63 matters from 2017.

The number of civil appeals filed in 2018 increased by 50 from the previous year, making a total of 247 civil appeals filed. There was however a slight decrease in the number of criminal appeals filed in 2018 from the previous year, making a total of 199 criminal appeals filed compared to 217 which were filed in 2017. In 2018 there was an increase in the number of commercial appeals filed, bringing the number from 33 in 2017 to 54 in 2018. Also noteworthy is the increase in the number of appeals filed in the Industrial Court which grew from 3 the previous year to 13 in 2018.

A detailed analysis of the case load for 2018 can be found in the section on court performance in this Report.

COURT SITTINGS

A total of 1228 appeal matters were heard out of 1412 listed for hearing via full court sittings, chamber hearings and video/teleconferences.

These matters were heard during a total of 42 Sittings broken down as follows:

- There were twenty-two (22) scheduled full court sittings for the year 2018, a slight increase from the twenty(20) recorded in 2017. St. Vincent and the Grenadines, Grenada, Antigua and Barbuda, Territory of the Virgin Islands, St. Kitts and Nevis had three (3) sittings each, Dominica, Montserrat and Saint Lucia had two (2) sittings each, while, Anguilla had one (1) sitting.
- There were thirteen (13) Chamber Hearings, conducted on average at least once a month for the purpose of case management and dealing with interlocutory applications. This led to a hearing of 436 matters, 57 more than the year before. The matters scheduled for consideration at Chamber Hearings were dealt with on paper. There continued to be an increase in the number of matters listed for Chamber Hearings, with cause lists containing an average of 40 matters.
- There were 7 Video / Teleconference Hearings, which showed a decrease from 10 the previous year as the Court continues to utilize technology to assist in the dispensation of justice as much as possible. During these hearings a total of 8 matters were heard.

DELIVERY OF JUDGMENTS

The total number of written judgments delivered for 2018 was 56. The judgments of the Court continue to be published on the Court's website once delivered, unless the Court specifically orders that the judgment should not be.

The number of judgments delivered by country is as follows:

Anguilla	3
Antigua and Barbuda	6
Commonwealth of Dominica	2
Grenada	7
Montserrat	4
St. Kitts and Nevis	3
Saint Lucia	4
St. Vincent and the Grenadines	3
Territory of the Virgin Islands	24

Of the fifty-six (56) judgments delivered, thirteen (13) were decisions in relation to interlocutory appeals. Also included in the delivery were judgments where written reasons were delivered following the oral delivery of the decision in Court.

For this period the court also delivered six hundred and eighty-six (686) oral decisions. These decisions have been captured in the digests of decisions produced by the Court. These digests are summaries of all matters heard at sittings of the Court and written judgments which were delivered. In addition to the oral decisions given, the digests provide information on the issues dealt with, the order made and the reasons given for the order. All digests, once approved, can also be found on the website and prove very useful to practitioners especially where there are no written decisions.

HIGHLIGHTS

CASE MANAGEMENT

The court continued to conduct the case

management of matters listed on the preliminary cause lists at least three to four weeks prior to a scheduled sitting. This allows for the weeding out of matters which are not ready to be heard and in which the parties agree to an adjournment due to lack of readiness or some other reason. This exercise allows the court to concentrate on matters that are ready for hearing and to structure the sitting allotting specific hearing days to each matter. It must be noted that there is still much progress which can be made in this area, however it requires the cooperation of counsel and the parties. There are still far too many matters which, although during case management are presented as being ready, are still not ready for hearing when the sitting comes around. In the coming year we will endeavor to resolve this issue.

LEGAL INTERNSHIP

As is customary, the Court continues to partner with the law schools in the Caribbean to offer placements for two students in its 10 week legal internship programme, which ran from Monday, 3rd June to Friday, 9th August 2019.

The Court welcomed **Ms. Andrena Athill** and **Mr. Zachary Phillips**, both nationals of Antigua and Barbuda and first year students at the Norman Manley Law School.

The court was very pleased to welcome these stellar young persons to engage in a variety of work activities, including vetting of judgments, drafting of judgments, preparing Bench Memoranda and conducting legal research.

This year, for the fourth consecutive year, the



Court was pleased to assist the law firm of Floissac, Flemming and Associates who have offered an internship opportunity to students of the Law Schools. The court conducted preliminary interviews for this internship among suitable applicants.

SIGNIFICANT JUDGMENTS DELIVERED IN 2018:

The following judgments delivered in 2018 are worthy of mention:

JOAN MARQUIS, BRANDS INC v THE HONOURABLE ATTORNEY GENERAL OF SAINT LUCIA SLUHCVP2015/0006

The Government of St. Lucia compulsorily acquired a parcel of land situate at Vide Bouteille, Castries (the “property”) belonging to the first appellant, Ms. Joan Marquis (“Ms. Marquis”). The property was acquired for the purpose of widening the Castries/Gros Islet highway. On the property stood a two-storey building from which various businesses operated. Around 1987, Universal Brands, a

business in which Ms. Marquis was the majority shareholder, commenced operations on the property and in 2000, the second appellant, Brands Inc commenced operations thereon. Ms. Marquis held 25% of the shareholding in Brands Inc while her daughter, Ms. Joanna Salton (“Ms. Salton”), held the remaining 75%.

Plans to widen the Castries/Gros Islet Highway were first commissioned in 1997; however, it was not until August 2005 that two notices of likely acquisition were published in the Saint Lucia Gazette (the “Gazette”). Between April and May 2006, four notices of acquisition were published in the Gazette thereby giving effect to the compulsory acquisition.

By letter dated 20th November 2007, Ms. Marquis was offered compensation for the acquisition in the sum of \$483,000.00 plus statutory interest of approximately \$48,000.00. That offer was rejected, and by letter dated 5th June 2008 a subsequent offer of \$500,000.00 with interest of \$65,000.00 was made. The appellants were still not satisfied with the offer and as a result, the Board of Assessment (“the Board”) was established to determine the compensation to be awarded.

The Board concluded by a majority that Ms. Marquis was entitled to: value of land and building of \$610,470.00 together with interest at the rate of 6% per annum from 10th April 2006 to the date of payment; compensation for disturbance: loan interest accrued on the sum of \$425,000.00 from 11th October 2002 to the date of payment; and legal costs to be assessed if not otherwise agreed.

While the Board also found that Ms. Marquis would be entitled to 25% of the loss suffered by Brands Inc, if proven, it concluded that Ms. Marquis was not able to show a causal connection between the losses of Brands Inc and the acquisition of the property. No award was made to Brands Inc on the basis that Brands Inc was not a “person interested” within the meaning of the Land Acquisition Act to whom an award could be made separate and apart from Ms. Marquis.

The appellants, being dissatisfied with the decision of the Board, appealed on several grounds. The issues to be determined are: 1. Whether the appellants have established the right for the court to pierce the corporate veil and award compensation to Ms. Marquis for disturbance relating to loss of business of Brands Inc; 2. Whether there is a causal connection between the acquisition and the loss of the business of Brands Inc; and 3. Whether the Board erred in applying the cost method of valuation in awarding compensation for the land and building.

Held: dismissing the appeal and ordering that the appellants pay the costs of the appeal being 2/3 of the costs before the Board, that:

1. It is an elementary principle that the shareholders and the company are separate and distinct legal entities and that the court will lift the corporate veil in circumstances where the company is a mere facade concealing the true facts. Mere ownership and control of a company is not sufficient to lift the corporate veil. In the case at bar, the

onus was on Ms. Marquis to show that the structure of Brands Inc was a mere facade. Evidence that Brands Inc conducted the same type of business as Universal Brands, from the same location and had the same client base and same directors, is not evidence that Brands Inc was a mere facade.

Woolfson v Strathclyde Regional Council 1978 SC(HL) 90, **La Generale de Carrieres et des Mines v FG Hemisphere Associates LLC** [2012] UKPC 27, **Ord v Bellhaven Pubs Ltd & Ors v Prest and others** [1998] 2 BCLC 447, **Adam v Cape Industries** [1991] 1 All ER 929 applied.

2. The onus is on the person claiming compensation to show on a balance of probabilities that the loss suffered was as a result of the acquisition and/or news of the acquisition. Before the Board was evidence that Universal Brands ceased operations in 1999 and it was unable to pay its debts. Brands Inc ceased operation in 2000-2001. There was no documentary evidence that Ms. Marquis or Brands Inc were denied financing prior to Brands Inc ceasing operation because of the acquisition. Therefore, it was open to the Board to find that neither the impending acquisition nor the acquisition caused or materially contributed to the demise of Brands Inc and there is no basis to interfere with that finding.

Director of Buildings and Lands v Shun Fung Ironworks Ltd [1995] 1 All ER 846, **Aberdeen City District Council v Sim and another** [1982] 2 EGLR 22 applied.

3. The Land Acquisition Act provides for fair compensation to be paid to the land owner for losses suffered by the land owner. Where he/she is conducting business on the property, the most appropriate method of valuation is the income/investment approach which anticipates a proper analysis of the business as a going concern. The value of the land is determined on the basis of the amount of rent that an occupier would pay for the right to occupy and the level of return an investor would require on their capital. In the case at bar, it is not disputed that the property was used as a business premises. Ms. Marquis, however, was not conducting any business on the property during the shadow period or at the time of acquisition. Critically, there were no records of any rental history of the premises. In the circumstances, the income/investment approach would be inappropriate.

Mon Tressor Desert Limited v Ministry of Housing [2008] UKPC 31 applied; **Mark Pennington and another v Burnley Borough Council** [2004] EW Lands ACQ/102/2002(14 March 2003) distinguished.

4. The finding of the Board that the trading figures were unreliable was a finding of fact. It is well settled that an appellate court would not interfere with the finding of facts of a lower court unless it was plainly wrong. In this case, it was open to the Board to conclude that the trading figures and financial forecasts of a company which was not a party to the proceedings and which had defaulted on its loans and ceased

operation since 1999, and another company which was in operation for less than a year and which also could not service its debts was an unreliable basis to apply the income/investment approach. Accordingly, the Board's decision is unimpeachable.

STEADROY MATTHEWS v GARNA O'NEAL
BVIHCVAP2015/0019

On 14th June 2010, the respondent was crossing a minor road as a pedestrian when she was struck by a motor vehicle owned and driven by the appellant. The respondent sustained serious injuries as a result of the collision and on 6th June 2013 she instituted legal proceedings against the appellant claiming damages for personal injury and consequential loss occasioned by his negligence. Although the appellant filed a defence on 27th June 2013 disputing liability, on 10th July 2014 he entered into a consent order with the respondent conceding liability for the collision, but leaving the issue of damages for assessment by the court. The assessment hearing took place before a master on 10th October 2015 and judgment was given by the master on 27th November 2015 making the following orders:

- i. An award in the sum of \$100,000.00 for general damages, with interest at 5% per annum from the date of filing the claim to the date of the judgment.
- ii. \$197,155.00 in special damages for loss of earnings and \$180,507.21 for pre-trial medical and miscellaneous expenses, plus 3% interest from date of judgment to date of payment.

- iii. Loss of future earnings in the sum of \$630,896.00, with no interest before judgment.
- iv. \$18,580.02 pursuant to rule 65.5 of the Civil Procedure Rules 2000 for prescribed costs.

On 31st December 2015, the appellant filed a notice of appeal, which was amended on 18th January 2016, appealing against the aforesaid orders of the master. The appellant appealed on ten grounds, which can be condensed into four grounds, as follows:

1. The master erred in making the award of \$197,155.00 as special damages for loss of earnings.
2. The master erred in the determination of the multiplicand and multiplier in making the award of \$630,896.00 for loss of future earnings.
3. The master erred in law in awarding pre-judgment interest on general damages when the court had no jurisdiction to do so.
4. The master improperly exercised her discretion in the assessment of general damages for pain and suffering and loss of amenities.

The respondent filed a counter notice of appeal challenging a single finding made by the master that “the claimant states that her ability to practice as a qualified nurse and acupuncturist has been severely diminished as a result of the accident”.

The court allowed the appeal in part; affirming the order for prescribed costs made against the

appellant in the court below and ordering that the parties to the appeal shall bear their own costs in the appeal.

The court found as follows:

1. Special damages must be specifically pleaded and strictly proved. It was not open to the master to award \$197,155.00 as special damages for loss of earnings when there was an absence of both specific pleadings and strict proof. The award must therefore be set aside.
2. The master erred in using a multiplier of 10, which is well outside any margin of reasonable disagreement. The multiplier is determined by the number of years which the injured party would have been earning income but for her injuries. The multiplier must then be discounted to take into account the vicissitudes of life which may result in the injured party being unable to continue to earn income for the period between assessment and retirement. The multiplier should be discounted by 40%. The appropriate multiplier in this case (rounded to the nearest decimal point) is 4.6. The master also erred in using a multiplicand of \$78,862.00, which made no provision for income tax. The multiplicand is adjusted to 67,719.00 to take account of the income tax which would have been payable by the respondent. The master’s award of \$630,896.00 for loss of future earnings is set aside and the award of \$311,507.40 is substituted.



Alphonso v Ramnath (1997) 56 WIR 183;
Pritchard v J.H. Cobden [1988] Fam. 22;
Mc Gregor on Damages (19th Edition, 2014)
 applied.

3. Neither a **Smith v Manchester** award nor a **Blamire** award is appropriate on the facts of this case. A **Smith v Manchester** award is made in a situation in which the injured party is in regular employment at the date of the trial but has a partial disability resulting from the injury which puts him at a disadvantage in the labour market because he may lose his employment and not be able to get similarly-remunerated employment. The respondent was not at the date of the trial, or at any time since the accident, in any real income earning employment. The appropriate award is an award for loss of earnings. In the case of a **Blamire** award, the judge is entitled to reject the multiplier-multiplicand approach because of uncertainties as to the amount

the injured party would have earned as well as the future pattern of earnings. The court is of the view that there is sufficient certainty in this case as to the income which the respondent would have earned to make the multiplier-multiplicand approach appropriate.

Smith v Manchester City Council (or Manchester Corporation) (1974) 17 KIR 1;
Blamire v South Cumbria Health Authority [1993] PIQR Q1 distinguished.

4. The assessment of general damages for pain, suffering and loss of amenities is a matter within the discretion of the trial judge and there is no basis for this Court to interfere with the award made by the master in the court below. The award of \$100,000.00 for general damages, with interest at the rate of 5% per annum from the date of filing the claim to the date of judgment is affirmed.

CCAA Limited v Julius Jeffrey SVG Civil Appeal No. 10 of 2003 (delivered on 2nd March 2004, unreported) considered.

5. A court in the BVI has jurisdiction to award pre-judgment interest on general damages and the decision of the master in this case to award pre-judgment interest on general damages from the date of the claim to the date of judgment is affirmed.

Alphonso v Ramnath (1997) 56 WIR 183;
Andrey Adamovsky et al v Andriy Malitskiy et al BVIHCMAP2014/0022 (delivered on 3rd February 2017, unreported); **Creque v Penn** (2007) 70 WIR 150 applied.



Panacom International Inc v Sunset Investments Ltd et al (1994) 47 WIR 139; **Veda Doyle v Agnes Deane** Grenada Civil Appeal No. 20 of 2011 (delivered 16th April 2012, unreported) distinguished.

KMG International NV v DPH Holding SA
BVIHCMAP2017/0013

The appellant, KMG International NV (“KMG”), is an international oil company incorporated in the Netherlands. The respondent, DP Holding SA (“DPH”) is a holding company registered and incorporated in Switzerland. KMG and DPH entered into arbitration proceedings in the Netherlands pursuant to the arbitration rules of the Netherlands Arbitration Institute (“NAI”). The dispute between the parties concerned money which KMG claimed was owed to it by DPH under a share sale and purchase transaction, whereby KMG acquired all DPH’s shares in an energy company, the Rompetrol Group NV. The arbitration tribunal made a partial final award

of US\$200 million in favour of KMG. DPH has not paid the award or any part thereof.

KMG subsequently became aware of certain assets owned by DPH in the BVI, and filed an originating application for the appointment of liquidators of DPH pursuant to sections 159 and 163 of the Insolvency Act (“the Act”). Following the filing of the originating application, KMG applied ex parte for an order appointing provisional liquidators over DPH, as well as for permission to serve the originating application on DPH outside of the jurisdiction.

The learned judge granted both orders, save that the provisional liquidators were to be joint provisional liquidators of DPH pending the determination of the originating application. DPH, in response, filed an application to set aside the permission to serve outside the jurisdiction and to set aside the appointment of the joint provisional liquidators. On 10th May 2017, the learned judge discharged his previous order granting KMG permission to

serve outside the jurisdiction, but continued the appointment of provisional liquidators pending the determination of any appeal from his decision.

KMG, being dissatisfied with the decision of the learned judge, appealed against his order of 10th May 2017. DPH cross-appealed against the learned judge's refusal to set aside the appointment of the provisional liquidators, on the basis that KMG misled the court on the ex parte application by failing to disclose matters of relevance and importance in applying for the appointment of the provisional liquidators.

The issues for this Court's determination are, whether the learned trial judge erred in setting aside permission to serve the application for the appointment of liquidators outside of the jurisdiction, and whether the appointment of the joint provisional liquidators should be allowed to stand.

Held: allowing the appeal; dismissing the cross-appeal; reversing the order of the learned judge setting aside permission to serve the originating application out of the jurisdiction; varying the order of the learned judge appointing joint provisional liquidators of DPH; dismissing DPH's application to set aside the appointment of the joint provisional liquidators; and awarding costs of the appeal and cross-appeal to KMG to be paid by DPH, that:

1. For permission to serve out of the jurisdiction to be granted there must be a good arguable case that each of the pleaded claims falls within a relevant gateway as

well as a serious issue to be tried in respect of the merits of the claims. Further, the local jurisdiction must clearly be the appropriate forum. On the facts, there is a good arguable case that the claim is covered by one of jurisdictional gateways provided by rule 7.3(10) of the **Civil Procedure Rules 2000**, as the claim is made pursuant to sections 163 and 170 of the Act as well as a serious issue to be tried on the merits of the claim as to whether DPH is liable to be liquidated. Further, as the evidence shows that more than half of the assets of DPH are held in two BVI companies, there is a sufficient connection with the BVI within the first limb of section 163(2) of the Act. DPH also falls within the second limb of section 163(1)(a) of the Act as being insolvent in the sense of being at least cash insolvent. Therefore, KMG has established jurisdiction within the terms of section 163 of the Act

Mackender v Feldia AG [1967] 2 QB 590, 598 A (CA); **Seaconsar Far East Ltd. v Bank Markazi** [1994] 1 AC 438 considered; **Spiliada Maritime Corp. v Cansulex Ltd.** [1987] AC 460 considered; **Orexim Trading Ltd. v Mahavir Port** [2017] EWHC 2663 applied; **Commercial Bank-Cameroun v Nixon Financial Group Ltd.** BVIHCP2011/0005 (delivered 6th June 2011, unreported) applied.

2. An appellate court should refrain from interfering with the exercise of a judicial discretion, unless satisfied that the judge erred in principle or made a significant error in the considerations taken into account and that as a result of the error in principle, the trial judge's decision exceeded the

generous ambit within which reasonable disagreement is possible and may therefore be said to be clearly or blatantly wrong. In the present case, the learned judge failed to consider the likely delay of 2 years to the start of the bankruptcy proceedings in Switzerland, and did not give proper weight to the fact that the two principal assets of DPH were companies registered in the BVI and that no substantial assets of DPH have been identified in Switzerland. The learned judge further failed to consider that KMG is the most substantial of DPH's creditors on the evidence and wishes to pursue a BVI liquidation. The learned judge also ought not to have treated recognition and assistance by a Swiss liquidator, in the absence of such an appointment or of bankruptcy proceedings, as the determinative factor in the exercise of his discretion under the permission application pursuant to section 163 of the Act. The issue on the application for permission to serve out under section 163 goes to whether liquidation proceedings can fairly be conducted in the BVI. Critically, as the power to wind up a foreign company was granted by the legislature despite the place of incorporation of the company being outside the BVI, this power can only be exercised by a BVI court. It follows that the learned judge ought to have found that the BVI was the more appropriate forum to deal with the insolvency of DPH and erred in setting aside his order of 11th October 2016 granting permission to serve out of the jurisdiction.

Dufour v Helenair Corporation Ltd. (1996)

52 WIR 188 applied.

3. The general principles applicable to non-disclosure or without notice applications apply to applications for permission to serve out of the jurisdiction. The duty to make full and frank disclosure of all material facts, materiality being judged by the court extends not only to such facts known, but to additional facts that might have been known upon proper inquiry. If there is a breach of the duty to make full and frank disclosure on an application for service out, the court may discharge the order obtained even though the applicant may be able to make another application which would succeed. A distinction should be drawn between non-disclosure which amounts to an attempt to deceive the court, and a negligent failure to state certain facts which should have been stated. If the court is satisfied that there was a deliberate intention to deceive the court, the order is likely to be discharged. Even if there is no deliberate intention to deceive the court, the question is essentially one of degree. In the instant case, there was no deliberate or intentional breach by KMG of the duty of full and frank disclosure. Further, no reliance was placed on the documents in question to establish the risk of dissipation of DPH's assets.

Commercial Bank-Cameroun v Nixon Financial Group Ltd. BVIHCMAP2011/0005 (delivered 6th June 2011, unreported) applied.

4. Section 170(4) of the Act gives the court the power to appoint a provisional liquidator where such an appointment is necessary



2003, Revised Laws of the Virgin Islands applied; **Re a company (No. 003102 of 1991) ex parte Nyckeln Finance Co. Ltd.** [1991] BCLC 539 applied.

CONCLUSION

It has been the department's distinct pleasure to play our role in assisting the dispensation of justice. It is our hope that our readers and users now have a greater appreciation of the work of the department and a closer insight into the activities and highlights of the past year.

for the purpose of preserving the value of the assets owned or managed by the company sought to be put in liquidation. In the present case, it was not necessary to prove asset stripping. It was sufficient to show a need to preserve the value of the DPH assets pending the liquidation if ordered. The learned judge properly relied on the public documents and information advanced by KMG as evidence of the ease and rapidity with which assets within the DPH group could be moved from jurisdiction to jurisdiction. In light of DPH's continued opposition to the claim during the arbitration proceedings resulting in a partial final award that has not been challenged in the Netherlands, and its resistance to its enforcement in the Netherlands and Switzerland, the learned judge was correct in making an order for the appointment of joint provisional liquidators.

Section 170(4) of the **Insolvency Act**, No. 5 of

COURT-CONNECTED MEDIATION



The OECS Court-connected Mediation Programme has served to provide an alternative means of dispute resolution throughout the nine Member States and Territories of the Eastern Caribbean Supreme Court (The ECSC) for the past sixteen years. Interest in mediation continues to grow, as evidenced by the increasing numbers of High Court referrals, resulting in more than 200 matters being successfully mediated during the year under review. Persons regularly contact the mediation offices seeking information about the programme while others enquire as to how they can access the Court's Mediation Training Programmes in order to become certified mediators.

The ECSC currently has a mediation pool of over 250 persons on the roster across its nine Members States and Territories. Whilst mediation is not currently mandatory, it is the intention that in the future it will become mandatory where appropriate in civil proceedings. To facilitate this, the Court is in the advanced stage of developing an amended Practice Direction on mediation to include directions on mandatory

mediation. A move toward mandatory mediation will allow mediation to enhance its impact in the court process from filing to disposition. The biggest challenge for the ECSC has been the continued training of existing mediators and increasing the number of available mediators. To address the first challenge, the first of a series of training workshops was held during the period under review.



PARTICIPANTS LISTENING TO FACILITATOR Ms. ANN DIAZ FROM THE UNIVERSITY OF THE WEST INDIES, ST. AUGUSTINE CAMPUS.



PARTICIPANTS LISTENING TO INSTRUCTIONS FROM FACILITATOR Ms. ANN DIAZ BEFORE THE START OF A GROUP EXERCISE.



HER LADYSHIP, THE HONOURABLE DAME JANICE PEREIRA, CHIEF JUSTICE OF THE ECSC, DURING A GROUP EXERCISE AS A PARTICIPANT OF THE 5 DAY MEDIATION TRAINING WORKSHOP

5-DAY MEDIATION TRAINING WORKSHOP

The Judicial Reform and Institutional Strengthening (JURIST) Project as part of its aid package to the Caribbean Community (CARICOM) through the Caribbean Court of Justice (CCJ) for reform in administrative and efficiency measures in the court system in the CARICOM region, along with the Attorney General Chambers in the Member States provided funding support for the training of 25 mediators in St. Kitts and Nevis from 4th to 9th March 2019.

The Mediation Skills Workshop was put on by the University of the West Indies, St Augustine Campus, in conjunction with the Eastern Caribbean Supreme Court Judicial Education Institute (JEI). The Workshop was a 40-hour

comprehensive programme geared towards senior personnel who would benefit from exposure to specialist training in Conflict Resolution/Mediation.

The workshop was facilitated by Ms. Ann Diaz from the University of the West Indies, a human resource practitioner with over 20 years' experience and Mr. Francis Compton, Regional Mediation Co-ordinator, serving as Co-Facilitator and Coach. The objective of the workshop as stated by the Honourable Chief Justice was "...to learn... the techniques for effective mediation and to become better able to discern and implement measures that will ensure successful mediation or the types of disputes which will be best resolved through



PICTURED IN THE FRONT ROW FROM L-R DR. GLORIA JOHNSON EXECUTIVE DIRECTOR OF THE JURIST PROJECT, HER LADYSHIP MADAM ESCO HENRY SVG HIGH COURT JUDGE AND CHAIRMAN OF THE SVG NATIONAL MEDIATION COMMITTEE, HER LADYSHIP THE HONOURABLE DAME JANICE M. PEREIRA DBE, LLD, CHIEF JUSTICE, HER LADYSHIP MADAM JUSTICE GERTEL THOM, JUSTICE OF APPEAL AND CHAIRMAN OF THE ECSC JUDICIAL EDUCATION INSTITUTE AND MS. ANDREA YOUNG REGISTRAR OF THE SVG HIGH COURT

mediation at any level of the court system. The Honourable Chief Justice also added that “one of the best ways to actively promote the benefits of any system or process is to learn first-hand how that system works or operates.”

Her Ladyship, the Honourable Dame Janice Pereira, Chief Justice of the ECSC and His Lordship The Honourable Sir Marston Gibson, Chief Justice of Barbados also attended and participated in the 5-day Mediation Training Workshop.

PUBLIC EDUCATION/AWARENESS PROGRAMME

The ECSC, with support from the Canadian funded JURIST Project, launched a Mediation Public Awareness Campaign in St. Vincent and the Grenadines (SVG) on Thursday 9th May 2019 at 10:00 am in the National Insurance Services Conference Room, Kingstown. The launch was held to communicate the contents of the year-

long public awareness campaign with members of the public and the media.

The event gave the Honourable Chief Justice an opportunity to personally thank the Executive Director of the JURIST Project for the JURIST Project’s continued support to the ECSC Court-Connected Mediation Programme and assure members of the legal fraternity that mediation does not take the place of legal advice from a lawyer but that it may aid parties to identify the core issues in dispute and find mutually agreeable solutions which will allow for flexible solutions and settlement in a timely manner.

Some of the year-long activities that were shared by the Honourable Chief Justice included town hall meetings, panel discussions on the National Television Network, a College Open Day to promote mediation, among other activities.

The key message of the public awareness campaign is to give focus to the benefits of court-connected mediation under the legislative framework of St. Vincent and the Grenadines. Mediation through the High Court of St. Vincent and the Grenadines will hopefully be the first step towards resolving disputes that arise during commercial transactions, in the community or in the workplace. Similar public awareness campaigns are planned for the other

Member States and Territories that form a part of the ECSC's jurisdiction.

REPORTS FROM MEMBER STATES/ TERRITORIES

Statistical data received from the Mediation Coordinators/Assistants have been captured in the table below to provide a brief synopsis of mediation activities for 2018-2019:

2018 MEDIATION DATA FOR ALL MEMBER STATES

Criteria	Anguilla	Saint Lucia	Antigua and Barbuda	Gren.	Dom.	Mont.	Nevis	St. Kitts	SVG	TVI
Number of matters referred to mediation	8	209	93	102	44	3	7	25	21	18
Number of mediations held	7	113	109	95	29	3	4	18	10	17
Number of cases settled before mediation		2	na	2	na	0		0	1	1
Outcome: number of mediations settled	4	25	13	35	9	0	2	7	3	5
Outcome: number of mediations partially settled (some issues settled)		7		0	1	0		1	1	1
Outcome: number of mediations not settled	2	22	23	31	17	3	2	11	6	10
Number of further mediations to be held	1	57	42	5	2	0	3	4		
Number of mediations (lawyer)	6	93	93	12	6	3		18	4	17
Number of mediations (non - lawyer)		116	na	83	7	0		0	6	1
Number of settled cases which were settled within 30 days		0	na	12	na	0		3		
Number of settled cases which were settled within 60 days		25	na	17	na	0			10	2

PROGRAMME EVALUATION

Continuous monitoring and evaluation of the programme is necessary to highlight aspects of the mediation process and Mediators' performance; strengths and weaknesses, with a view to make training more relevant.

The importance of completing the evaluation forms after a mediation session cannot be over-emphasized. Strategies to encourage greater participation are to be implemented along with a review of the evaluation forms being used and also the training methodology and frequency.

THE JUDICIAL EDUCATION INSTITUTE



JUDICIAL EDUCATION INSTITUTE (JEI)

The Judicial Education Institute (JEI) of the Eastern Caribbean Supreme Court is responsible for the capacity strengthening of the Court's judiciary and during the period under review, the JEI continued its objective of providing training for jurists and staff of the ECSC.

OECS BAR ASSOCIATION AND JEI JOINT SYMPOSIUM 2018

The Joint Symposium is an annual activity co-sponsored by the OECS Bar Association and the JEI. The joint symposium is a fixture of the annual OECS Bar Association Regional Law Conference. Last year, the Joint Symposium was held at the Park Hyatt Resort in St. Kitts and Nevis on 15th September 2018.

The Symposium focused on the following topics: "NEW TECHNOLOGIES AND SOCIAL MEDIA: Adapting Advocacy to new kinds of evidence" facilitated by The Hon. Mr. Justice Frank



SEATED CONFERENCE FACILITATORS (FROM LEFT) HON. JUSTICES KIMBERLY CENAC, LOUISE BLENMAN, CHIEF JUSTICE DAME JANICE PEREIRA, GERTEL THOM, AGNES ACTIE.

Seepersad, High Court Judge from Trinidad and Tobago; “NEW SENTENCING GUIDELINES FOR THE OECS: What you need to know”, facilitated by the Hon. Mr. Justice Trevor McDonald Ward, QC and the Hon. Mr. Justice Iain Charles Morley, QC, High Court Judges of the Eastern Caribbean Supreme Court. The Symposium also discussed the IMPACT Justice Model Legal Profession Bill and “The Necessity of Law Revision and Consolidation for Economic Growth” by Mr. John D. McKendrick QC from the Law Revision Centre in Anguilla.

The joint symposium is a particularly important session as it is one of the few occasions where the bench meets the bar to discuss important issues which affect the administration of justice and jurisprudence of the Eastern Caribbean.

REGISTRARS’ AND COURT ADMINISTRATORS’ CONFERENCE 2018

The Judicial Education Institute (JEI) of the Eastern Caribbean Supreme Court (ECSC)

convened a comprehensive training programme for Registrars of the OECS in Saint Lucia from June 18 – 20, 2013.

The training reinforced the Rule of Law with an aim to increase the efficiency in the registries of the OECS.

The conference sessions were geared towards improving the efficiency and effectiveness of the Registrars and Court Administrators. The participants were trained on the practical aspects of their duties. Some of the areas the Registrars and Court Administrators were trained on included **The Registrar and the Independence of the Judiciary, Fixed Date Claims and Claims, Default Judgments, Committals and Judicial Review, Ex Parte and Urgent Applications, Non Contentious and Contentious Probates, Assessment of Costs, Oral Examinations, Admiralty Jurisdiction including the arrests of Vessels, Human Resource Management, Protocol** to name a few.



TRAINING FOR SAINT LUCIA HIGH COURT STAFF

The facilitators hailed from multiple disciplines and were very experienced in substantive law, public administration and management, all skills necessary for Registrars to function at efficient levels.

The training was well received by the participants who felt that training for Registrars and Court Administrators should be either an annual or biennial activity.

TRAINING FOR SAINT LUCIA HIGH COURT STAFF

During the period under review, the JEI conducted a five-day training workshop for staff of the Saint Lucia High Court as part of JEI's continuing education programme which seeks to provide on-going training and development to judicial officers and staff attached to the ECSC. The training with the Saint Lucia High Court Staff was held at the Nyerah Criminal Court in Castries, from 1st to 5th April 2019.

The objectives of the workshop were to improve the quality of service delivered to the general public and legal fraternity; increase occupational skills and knowledge of staff; and to enhance the overall functioning of the court office staff. The conference was facilitated by an experienced team of judicial officers and staff of the Court's Headquarters who covered topics such "as building relationships with the public through effective customer service"; and High Court procedures, including: functions of the Clerk of Court, the Civil Case Process, the Appeals Process and Audio Recording and Filing.

The participants had the opportunity to engage in both group exercises and practical hands-on exercises to reinforce the materials delivered and to share their experiences with their peers.



NEWLY TRAINED JUDICIAL RESEARCH ASSISTANTS
OF THE ECSC.

TRAINING FOR JUDICIAL RESEARCH ASSISTANTS

During the period under review, the Judicial Research Assistants (JRAs) of the Eastern Caribbean Supreme Court Headquarters and of the High Courts of Antigua and Barbuda, Grenada and Saint Lucia, received training on judgment writing, preparation of digests and transcripts.

The two-day workshop was held at the ECSC Sub-Office, Renham Building in Castries, Saint Lucia on 17th and 18th April 2019. The training was facilitated by Her Ladyship, the Hon. Dame Janice M. Pereira, DBE, LL.D, Chief Justice, Her Ladyship the Hon. Justice Gertel Thom, Justice of Appeal, His Lordship the Hon. Justice Paul Webster, Justice of Appeal and Mrs. Rochelle John-Charles, Crown Counsel in the Attorney General's Chambers, Saint Lucia.

The group of eleven participants comprised newly appointed and experienced JRAs. The focus of the training was to improve the quality and accuracy of court documents. To achieve this, participants were heavily engaged in practical exercises over the two days. Emphasis was placed on the essentials of good judgment

writing, proper vetting of digests and utilizing quality control mechanisms in order to produce court documents which reflect a true and complete record of court proceedings.

The participants described the capacity development training as enlightening and timely. Participants also commented that with the guidance of the Hon. Chief Justice and Hon. Justices of Appeal, the training ultimately sharpened their writing skills. The training was conducted as part of the JEI's continuing education programme.

ANNUAL JUDICIAL CONFERENCE MAY 2019

The Judicial Education Institute (JEI) of the Eastern Caribbean Supreme Court (ECSC) partnered with the Pan Caribbean Partnership Against HIV and AIDS (PANCAP), the United Nations Children's Fund (UNICEF), and the Governments of the OECS to host the 2019 Annual Judicial Conference. The conference was held over a three (3) day period. The Annual Judicial Conference ran from May 27-29, 2019 at the St. Kitts Marriott Beach Resort and Casino.

The Judges conference was held in two components, the session on May 27th included only judges whilst the sessions on May 28 and 29 included all judges of the ECSC and all OECS Magistrates served by the Court. In attendance were observers Dr. Edward Greene, PANCAP Special Advisor and Mrs. Gloria Richards-Johnson, JURIST Project Director.

AJC 2019 was facilitated by learned judges, a team comprising 5 lecturers from UWI's Faculty of Law and one clinical psychologist hailing



JUDICIAL OFFICERS OF THE EASTERN CARIBBEAN SUPREME COURT WITH CONFERENCE FACILITATORS.

from Trinidad.

Over the course of three days, participants benefited from the expertise of the following facilitators: President of the Caribbean Court of Justice the Honourable Mr. Justice Adrian Saunders, Chief Justice of the Eastern Caribbean Supreme Court, Her Ladyship Dame Janice Pereira DBE, LLB, the Honourable Mr. Justice Peter Jamadar, Justice of Appeal Trinidad and Tobago, ECSC's Justice of Appeal Mr. Mario Michel and Justice Mr. Davidson Baptiste, the Honourable Madame Justice Vivian Taylor-Alexander, High Court Judge ECSC, clinical psychologist, Dr. Dianne Douglas, UWI's U-RAP team (UWI Rights Advocacy Project) which comprised Senior Law lecturers Dr. Arif Bulkan, Ms. Tracy Robinson, Dr. Celia Blake and lecturers Dr. Jewel Amoah, Dr. Janeille Matthews. All the facilitators are experts in their field and imparted their knowledge on various topics of pertinence to the work of the judiciary. The course facilitators together executed very interactive and practical lectures, group sessions,

plenary discussions, role play, skits and films which generated much discourse and ultimately met the objectives of the conference.

The administrative support headed by Ms. Alana Simmons, Programme Coordinator of JEI was excellent. She was ably assisted by, Ms. Anselma Fadlin Library Officer, Ms. Florentina Nelson Administrative Secretary to Justices Baptiste and Justice Thom, Mrs. Zannia Plummer-Gabriel Administrative Secretary to Justice Mario Michel, Mr. Augustus Marcellin and Mr. Anderson Henry both from the IT Department.

Overall the Annual Judicial Conference 2019 was a packed three days of informational sessions geared towards enhancing the efficiency of jurists across the Eastern Caribbean in providing fair and efficient justice and upholding public trust. At the end of the conference the participants filled out evaluation forms and the comments indicated that the conference was a resounding success.



HON. JUSTICE MR. MARK MOHAMMED ADDRESSES MAGISTRATES OF THE ECSC
AT THE 2019 MAGISTRATES' CONFERENCE.

The Judicial Education Institute of the Eastern Caribbean Supreme Court wishes to thank the supporting partners, PANCAP, UNICEF and the Governments of Saint Kitts and Nevis and Saint Lucia for the tremendous assistance and funding rendered towards the realisation of this conference. The JEI also wants to express sincere appreciation to the esteem facilitators whose contribution played a great part in the success of this conference.

MAGISTRATES CONFERENCE MAY 2019

The Judicial Education Institute (JEI) of the Eastern Caribbean Supreme Court (ECSC) partnered with the United Nations Children's Fund (UNICEF), the Judicial Reform And Institutional Strengthening (JURIST) Project, the British High Commission, the Government of St. Kitts and Nevis and the Government of Saint Lucia to host the 2019 Annual Judicial Conference. The conference was held over a five day period with the Judges' component running from 27th – 29th May and the Magistrates'

meeting from 28th – 31st May 2019, at the St. Kitts Marriott Beach Resort and Casino.

The conference brought together all the magistrates of the Eastern Caribbean Supreme Court throughout the nine Member States and Territories which are served by the Court. Some of the main objectives of the training included introducing the magistrates to the tools available by use of the Bench Book, assisting magistrtes in managing criminal trials in a more efficient manner.

The four day conference was facilitated by President of the Caribbean Court of Justice (CCJ) the Honourable Mr. Justice Adrian Saunders, Her Ladyship Dame Janice Pereira DBE, LLB, Honourable Madame Justice Alice Yorke-Soo Hon, Justice of Appeal from the Supreme Court of Trinidad and Tobago together with Honourable Mr. Justice Mark Mohammed, Honourable Justice Vivian Taylor-Alexander, High Court Judge ECSC, UWI's U-RAP team (UWI Rights Advocacy Project)

which comprised law lecturers Dr. Jewel Amoah, Dr. Arif Bulkan, Dr. Janeille Matthews, Ms. Tracy Robinson and Dr. Celia Blake. Together they addressed various pertinent topics affecting the efficiency of the Magistrates' Court with a view to strengthening effectiveness and upholding public trust. The facilitators used a combination of round table discussions, group work with presentations, hypothetical scenarios to deliver impact sessions.

Overall the Magistrate's Conference 2019 was a packed week of informational sessions geared towards enhancing the efficiency of jurists across the Eastern Caribbean in providing fair and efficient justice and upholding public trust. At the end of the conference the participants filled out evaluation forms and the comments indicated that the conference was a resounding success. The following testimonials from the Magistrates speaks to its success:

"The Conference was informative. The topics covered were relevant and very applicable to our present-day social situations and as well they reflected the current trends in the development of the law. Resource persons were carefully selected and it reflected in the quality of their presentations. The material was well researched and excellently delivered. The conference location was superb with all the appropriate amenities. It was an extremely well-organized workshop. Thanks to all who made it possible."

"The Magistrates Conference 2019 was one of the best I have attended. Most of the presenters exceeded my expectations, particularly in the way serious concepts were explained without a rigid 'lecture type' atmosphere. I really appreciated the

conversational and practical approaches taken in many cases as opposed to a bombardment of theory. In this regard, special kudos must go to Tracy Robinson and the U-RAP team, CCJ President Justice Adrian Saunders and Justices of Appeal Alice Yorke-Soo Hon and Mark Mohammed. I especially valued the sessions on bias, equality, ethics and the Bench Book.

Immediately, I have become more conscious of my dealings with litigants, attorneys, the public and other players in the legal system, and of my conduct on and off the Bench. In an effort to improve the delivery of justice, I am sharing several of the experiences and lessons learned at the conference with court officers. I look forward to the launch of the Bench Book. This has been a most enlightening experience. Congratulations to all!"

"As for the conference, I found it to be very productive. It was also a remarkable experience for me to be one among a group of colleagues who were all from the Caribbean region, while I'm from the far East. It gave me the opportunity to get to know most of my colleagues from the Caribbean and make friends and also to learn many interesting things of the Caribbean communities and the region.

The conference was very productive as the speakers discussed many topics which were very interesting and also very important and relevant to the work of a judicial officer such as bias, trust and fairness in the administration of justice. It was important that the topics focused on both the litigants' social and psychological aspects while attending court cases. The knowledge we acquired would undoubtedly help

the participants to understand better the legal issues that would be brought before them in their own court houses in future.

As for the Marriott Hotel, it was a lovely hotel and the service was very good and therefore made the stay there a very pleasant one.

I am very much looking forwards to participating in a similar one in the near future. Thank you and Best regards”

The Judicial Education Institute of the Eastern Caribbean Supreme Court wishes to express sincere thanks to the JURIST Project, the Canadian Government, the Governments of the OECS and the British High Commission for the tremendous assistance and funding rendered towards the realisation of this conference. The JEI also wants to express its appreciation to the esteem facilitators whose contribution played a great part in the success of this conference.

TRAINING FOR HIGH COURT STAFF ST. KITTS AND NEVIS

The JEI held the second leg of training for High Court Staff of St. Kitts and Nevis during the same week of the Judge’s and the Magistrate’s Conferences. The training for the High Court staff of St. Kitts and Nevis was held over a five day period like that of Saint Lucia. This training in St. Kitts formed part of JEI’s continuing education programme which seeks to provide on-going training and development to judicial officers and staff attached to the ECSC.

Like Saint Lucia the objectives of the workshop were to improve the quality of service delivered to the general public and legal fraternity;



HIGH COURT STAFF OF ST. KITTS AND NEVIS DURING THE FIVE DAY WORKSHOP.

increase occupational skills and knowledge of staff; and to enhance the overall functioning of the court office staff. The conference was facilitated by an experienced team of judicial officers and staff of the Court’s Headquarters who covered topics such “as building relationships with the public through effective customer service”; and High Court procedures, including: functions of the Clerk of Court, the Civil Case Process, the Appeals Process and Audio Recording and Filing.

The participants had the opportunity to engage in both group exercises and practical hands-on exercises to reinforce the materials delivered and to share their experiences with their peers.

JEI: CONCLUSION

Through partnerships with international agencies such as UNICEF, PANCAP, the Government of the United Kingdom, JURIST Project, and the Governments of the OECS, the Judicial Education Institute provided much needed training in areas of importance to the work of the ECSC’s judiciary. The JEI extends thanks to all its partners and looks forward to continued collaboration for the promotion of efficiency in the justice system of the Eastern Caribbean.

LEGAL INTERNSHIP PROGRAMME



Legal intern 2019

ZACHARY A. R. PHILLIPS

INTERNING AT THE EASTERN CARIBBEAN SUPREME COURT

Hailing from the islands of Antigua and Barbuda, my legal education has taken me from my home, first to the island of Barbados and then to the island of Jamaica. This internship was the first time that I was interacting with the Chief Justice and Justices of Appeal and members of the legal and administrative staff of the Eastern Caribbean Supreme Court, my court, and I am truly grateful for that experience.

I was aware of the structure of the court before the internship commenced but while in Saint Lucia, I was able to see the court operate in its true itinerant nature. I was really impressed that so many documents are compiled and collated in the ECSC main office. This one office is servicing nine islands all at once.

From the onset I was involved with the team doing my part. As interns, we got the opportunity to work with the registry and prepare files for the chamber applications. And our involvement went beyond preparation, we were actually asked to research the law relating to granting certain orders and gave our opinions on what orders should be given. That was definitely a valuable learning exercise and I was able to apply a lot of the information that I had learnt thus far to real life issues.



Real life application was definitely a motif of the internship because we were also asked to give legal opinions on a few judgments that the Justices of Appeals were writing. It was an interesting experience sitting in chambers of the best legal minds in the Eastern Caribbean and having them ask us what our opinion on the law is. It never felt daunting though, the Justices were always very encouraging and supportive even when we had some responses that were not that “learned”.

The highlight of my internship was definitely the week that the Court of Appeal sat in Saint Lucia. This was mainly because in a very short space of time I was able to witness a wide range of different advocacy styles and a range of legal arguments. That exposure helped me to see how little details such as the structure of one’s argument or the format of documents like a notice of application could make a huge difference when you are before a panel of Justices. I also got to see the Justices of Appeal in their element and I was immensely impressed.

Overall my experience was an enriching one. I learnt a lot about the legal profession, with many examples of best practice as well as a few examples of not so good practice. I made some lasting connections with persons in the beautiful island of Saint Lucia and, most importantly to me, I saw first-hand how the Eastern Caribbean Supreme Court works within my home and the other Member States and Territories. While all commonwealth Caribbean territories may share similarities in their legal system and legal principles, every country has its nuances and I am glad that I got to experience a bit of my homelands’ peculiarities during my legal education journey.



Legal intern 2019

ANDRENA ATHILL

The very first time I heard about the Eastern Caribbean Supreme Courts' ('ECSC') Internship Programme was during the second year of my LL.B. at the University of the West Indies, Cave Hill Campus. I was intrigued because my colleagues spoke very highly of their experience and I thought that it would be the ideal place for me to complete my in-service training programme during my first year of law school.

The years went by and upon entering Norman Manley law school, this goal was still in the back of my mind knowing that in the following year I would have to start applying for mandatory in-service training. When the application period commenced for the ECSC internship I applied immediately. I must admit that I was unsure as to whether I would have been chosen because the internship is highly competitive and only the top two applicants are chosen. However, I hoped for the best outcome.

I advanced to the interview stage which was conducted by Justice Paul Webster. Being interviewed by a Justice of Appeal was quite an intimidating thought. The interview began and my nerves quickly departed mainly because of Justice Webster's calm and inviting persona.

After receiving the news that I was chosen along with another



classmate I began to visualize what this experience would have been like. I am pleased to say that it surpassed my expectations. My first day was spent meeting all of the wonderful staff members which included the Chief Registrar who explained that the experience was intended to be a holistic one filled with challenges and a first-hand view of the machinery of the Court and of course many adventures in St. Lucia.

From my very first task to the last I was exposed to a variety of concepts, principles and procedures in Civil and Criminal law each one distinct from the other. The highlights of my tasks were drafting chamber orders for Her Ladyship, the Hon. Justice Louise Esther Blenman, conducting research for Her Ladyship's judgement and attending the Court of Appeal sitting in St Lucia in July 2019. Working closely with Judges demonstrated that they have a tremendous workload and that preparation is key. Attending the Court of Appeal sittings illustrated the importance of good advocacy and strong written submissions.

The experience was not only filled with duties, the Court actively encouraged us to explore and enjoy the beautiful island of St Lucia. I took advantage of land and sea tours, visiting the sulphur springs, waterfalls, taking drives outside of Castries and finally working up enough courage to climb Gros Piton!

I can confidently state that this has been one of the most invaluable experiences of my academic journey. I have gained knowledge that will positively affect my work ethic having simply observed the culture at the Court. In addition, the lessons garnered have impacted my research, writing and advocacy skills all of which I am eager to put into practice.

SUPPORTING THE COURT



OUR HUMAN RESOURCES

INTRODUCTION

The main focus of the work of the Human Resource Department for the financial year September 2018 to August 2019 has been the continued support of the Court's strategy through the encouragement of high employee performance, development and productivity. We also focused our efforts in supporting the Eastern Caribbean Supreme Court's workculture and commitment to continuous improvement.

SUMMARY

In 2018-19, achievements against the work plan included the following.

In order to function optimally, human resources departments must have the right tools and resources in place. In 2018/19 the Court

acquired and implemented a Performance Management System, with the intention of ensuring that the appraisal process is simpler, and more engaging for all users. Over the past year we have been refining some of the competencies which will go into this system to ensure that employees are assessed based on the requirements of their specific roles alongside the beliefs and values of the Court.

During the past year as the HR Department sought to fulfil its training mandate, employees were being exposed to training programs aligned to their roles in the organisation as well as an Executive Leadership and Development program. This program was designed to sharpen the skills of our management team through executive coaching. The programme aimed to:

- Highlight personal strengths & development areas
- Address key challenges and development priorities
- Build leadership capability to accelerate change
- Enhance personal impact and performance through the development of Leadership & Emotional Intelligence competencies
- Create a developmental strategy with an action plan and accountability to help them stay on track
- Positive and sustainable behaviour changes
- Develop leadership skills and practices, learn coaching skills they can implement

- Champion & accelerate change and performance improvements
- Focus on maximizing opportunities for immediate performance improvements
- Improved organizational strength
- Perception of management as being committed to employees and their growth and success
- Managers learn coaching techniques which they can implement with their teams for improved relationships and productivity, as well as enhanced employee development
- Positively affect organizational culture

Moving forward for 2019-20, the following are key priorities for the department

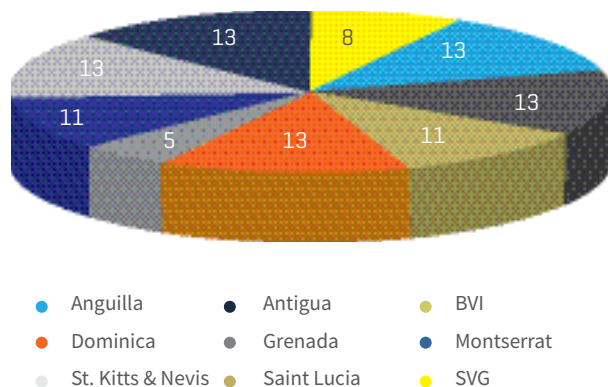
- Roll out of the new competency based performance management program for management, professional and administrative employees of the Court
- Continue the Management Skills Training Program through executive coaching to the second cohort of managers.
- More training and development opportunities for all members of staff.
- Roll out a court based intranet portal where more information is readily available to staff to foster greater communication.
- Focus on activities to foster greater employee engagement and feedback to ensure that the organisation continues to improve and value our employees.

OUR FINANCIAL RESOURCES

INTRODUCTION

The Eastern Caribbean Supreme Court (ECSC) is financed by contributions from nine members of the Organization of Eastern Caribbean States (OECS) in accordance with an agreed percentage. This percentage of the approved annual budget is set by the Judicial & Legal Services Commission in concurrence with the OECS Heads of Government (or the Authority). Factors influencing the percentage contribution made by each Member State are the number of resident judges and number of Court sittings in each Member territory. The Member State contributions presently agreed to are as follows:

MEMBER STATES CONTRIBUTIONS (PERCENTAGE)



BUDGET PREPARATION

The Court's Financial Year has been changed and now runs from September 1st to August 31st. As part of its normal functions, the Accountant prepares the annual budget of the ECSC and it is submitted by the Chief Justice to the Heads of Government of the OECS (or the Authority) for their approval.

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 and the Court Administrator, the budget is prepared by the accountant utilizing historical data and information provided by department heads coming out of their respective departmental work plans. Upon completion, the draft budget is discussed at the ECSC level and signed off by the Chief Justice.
- In the second stage, the budget is presented to the Budget Committee (comprising of budget officers and/or financial secretaries from each Member State) for their review and discussion. Once reviewed, they may make recommendations and suggest possible changes depending on the circumstances.
- In its final stage, the budget is presented to the Authority by the Chief Justice. The budget is again reviewed, and critical aspects may be discussed and debated before its final approval by the Authority. It is a requirement that the decision to approve the budget must 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 September 1st, 200_. The Court has been flexible in accepting contributions and the option is available for Member States to pay monthly, quarterly or annually.

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

COST CENTRE	APPROVED BUDGET	2018/19 APPROVED BUDGET	2015/16 PERCENTAGE INCREASE/(DECREASE)
Personal Emoluments	11,405,119	15,363,443	16.11
Administrative Expenses	4,090,573	7,872,869	7.26
Capital Expenditure	2,186,000	11,550	-0.71
Judicial Education	935,559	1,205,815	1.10
Judicial and Legal Services Commission	143,153	84,558	-0.24
Halls of Justice	0	5,000	0.0
Court Reforms	0	15,000	0.0
Integration of the Magistracy	0	5,000	0.0
Total	18,760,404	24,563,235	23.62

The ECSC presented a budget with an increase of 23.62% for the period 2018/19 . This was primarily the result of

- The provision for salary increase for judicial officers with effect from September 2017.
- The provision for salary increase for administrative staff of the Court with effect from September 2017.
- A provision for the appointment of two new Court of Appeal Judges from September 2018.
- The provision for the funding of 2 new Judicial Research Assistants with effect from September 2018.
- The provision for funding a new IT position of Digital Technology Officer.
- Provision for the increase in the IT budget to facilitate the implementation of the

E-Litigation portal in all Member States

REVIEW OF PERCENTAGE CONTRIBUTIONS TO THE COURT

The increases in the number of Judges assigned to member states have brought the percentage contributions into focus. With this in mind, the Court has proposed a revised allocation of percentage contributions and this is still awaiting the approval of the Heads of Government.

COURT ACTIVITIES AND DONOR FUNDING ANNUAL JUDICIAL CONFERENCE 2017

2017 was a celebratory year for the Eastern Caribbean Supreme Court. The ECSC celebrated 50 years in existence. The signature event of the JEI, Annual Judicial Conference was funded by the ECSC for Judges and Masters of the Eastern Caribbean Supreme Court was held at Le Sport, the Body Holiday from July 27 – 28, 2017. Annual Judicial conference climaxed with the 50th Anniversary Gala held at the Sandals

Grande Resort and Spa in commemoration of its 50th Anniversary.

The conference focused on Sentencing, Criminal Case Management, Jury Directions with Route to Verdict, Cybercrime, Social Media Pitfalls and Interim Remedies. The training provided an opportunity for the Judges to share best practices with a view to providing uniformity in criminal procedures throughout the nine jurisdictions.

Donor funding has made it possible to achieve some success in the reform programs. The initiatives of the New Court Structure which began in 2004/05, continued with the rollout of the pilot project in the Member States of Dominica and Grenada.

JOINT SYMPOSIUM OF THE OECS BAR ASSOCIATION AND THE JEI

On Saturday, 16th September 2017, the joint venture of the Judicial Education Institute (JEI) and the OECS Bar Association was held in Dominica in Conference Center at the State House. The Symposium focused on the following: **“e-JUSTICE IN THE OECS - THE PAPERLESS COURT: The look inside and out!”**. The IT Team of the ECSC Headquarters delivered the presentation. The presentation received some excellent reviews from those present. The JEI fully funded the participation of the facilitators to participate in the symposium.

GETTING SMART ON JUVENILE JUSTICE A TRAINING WORKSHOP FOR JUDGES AND MAGISTRATES OF THE OECS MEMBER STATES

The Judicial Education Institute (JEI) of the Eastern Caribbean Supreme Court collaborated with the OECS Commission’s, Juvenile Justice Reform Project (JJRP2) to host a training workshop for Judges and Magistrates of the OECS in the area of Juvenile Justice Reform, from October 30 – November 1, 2017 in St. Lucia.

MODEL CRIMINAL CODE CONSULTATIONS

On February 5-6, 2018, IMPACT Justice, in collaboration with the Judicial Education Institute (JEI) of the Eastern Caribbean Supreme Court (ECSC), held a “Consultation on a Model Criminal Code for the OECS Member States and consideration of Bail, Evidence and Jury Legislation”.

The consultation was held in the St. Andrews Room of the Radisson Grenada Beach Resort and was chaired by Professor Velma Newton, Regional Project Director of the IMPACT Justice Project and the Honourable Madam Justice Louise Blenman, Justice of Appeal of the Eastern Caribbean Supreme Court and former Chairperson of JEI.

The consultation was attended by the Honourable Chief Justice of the Eastern Caribbean Supreme Court, Her Ladyship the Honourable Madam Justice Dame Janice M. Pereira, DBE, as well as Justices of Appeal, High Court Judges and other staff of the ECSC, directors of public prosecutions (DPPs), chief and other parliamentary counsels, chief and senior magistrates, and senior criminal defence attorneys drawn from the nine Member States and Territories served by the ECSC.

COMMONWEALTH JUDICIAL EDUCATION INSTITUTE (CJEI) – INTENSIVE STUDY PROGRAMME

The CJEI Intensive study Programme is a three-week training programme for judicial educators of the Commonwealth. The training was in June 2018 and the first two weeks were held in Halifax, Nova Scotia, Canada and in the last week, the participants visit the Supreme Courts in Ottawa and Toronto. The purpose of the training is to create and support sustainable judicial education capacity to support judicial reform. The JURIST Project managed by the Caribbean Court of Justice has funded the participation of Her Ladyship, the Hon. Dame Janice Pereira and Mrs. Michelle Theobalds, to participate in the training.

The JURIST Project has also funded a public awareness and sensitization programme and the training of 25 persons in Mediation in St. Vincent & the Grenadines during the week of May 21st 2018.

The JEI wants would like to thank UNICEF, USAID, UNWOMEN, IMPACT JUSTICE, the JURIST Project, and the British High Commission for providing continued financial support and the Judiciaries of Trinidad and Tobago and Jamaica for the technical assistance they are always ready and able to provide to the ECSC through the JEI. The JEI looks forward to your assistance next year as we work to promote and improve the administration of Justice through our education programmes.

FAMILY DIVISION

The court continues to partner with UNICEF and

the OECS Commission (through their Juvenile Justice Reform Project) to assist Member States with the finalization and implementation of the remaining suite of Family Law Bills which would create the right legislative environment for the establishment of the Family Division. Dominica has expressed strong interest in that area and discussions have begun with them in that respect. The second Juvenile Justice Reform Program (JJRP2) has offered a new line of funding for activities relating to establishment of the family division in Dominica and Grenada and continued support for Antigua.

HALLS OF JUSTICE

A new committee has been appointed by the Cabinet of Saint Lucia to finalize plans for that facility in Saint Lucia this year, the committee comprise mostly senior public officials and court staff with the Cabinet Secretary as Chair.

FILING FEES

This exercise is now fully complete and correspondence was issued to respective governments advising on the readiness of the Office of the Chief Justice to issue the necessary orders for the full implementation of the new fee structure. The entire civil fee regime including new fees for probate, transcript preparation (criminal and civil), court of appeal fees, and criminal filing fees were revised and presented to Member States after detailed and extensive discussions with all the key stakeholders. So far only the TVI and Saint Lucia has forged ahead with the drafting of necessary instrument(s) to bring these new fees into law.

OUR INFORMATION RESOURCES

INFORMATION MANAGEMENT AND DELIVERY

The Information Services Department, commissioned to manage the Court's information, continued during the period under review to facilitate the acquisition, storage, retrieval and dissemination of information needed to support judicial officers in advancing the Institution's mission. This was done through the combined efforts of the two Units: the Library and the Records Management Unit.

The Library manages a collection of textbooks, law reports, journals, legislation and unreported judgments. Satisfying the information and research needs of the Judges, Judicial Research Assistants, and court staff remains the primary focus of the Library so during the year the collection has been kept relevant by ensuring that necessary updates were procured and adding key works to areas of the collection that are lacking.

Electronic resources are increasingly being utilized in legal research; therefore the Library continues to facilitate this activity through the Library Portal where users have access to the library's holding via the automated catalogue which includes legislation on Lexis Nexis. Users are also directed to relevant legislation on the World Wide Web. Judges and Judicial Research Assistants, Registrars among others have been provided with passwords to online databases, LexisNexis and JustOne.

In order to alert judicial officers and other



colleagues to useful information, the Library has continued to develop a number of 'current awareness' services, including but not limited to sending cover and content pages listing journal articles, books, and judgments; the distribution of contents pages of certain journals and practitioners text; and monitoring key legislation passed by the Parliaments in each Member States and Territories.

The Library continues to be an active participant in the international and regional law library community, and was represented at the 34th Conference/Annual General Meeting of the Caribbean Association of Law Libraries (CARALL) convened in St. John's, Antigua and Barbuda in July 2019, where the Information Services Officer presented on the topic What does Sustainable development and Knowledge management mean for Legal Information professionals. The Information Services Manager also represented the court and is also the current President of the Association.



RECORDS MANAGEMENT UNIT

During the year under review the Records Management Unit continued to support the ECSC's mission by effectively retaining and managing its records in order to provide cost-effective, accurate information in a timely manner.

Correspondence management and active records management progressed satisfactorily and are up to date in all areas.

In the area of inactive records management, transfers to the Record Centre continued regularly throughout the year. However, accessioning of transferred records has been halted as a result of insufficient shelving and the use of the Records Centre as a temporary storage for furniture. It is hoped that accessioning will resume early in the coming year, as plans are well underway to relocate the furniture and to acquire and install additional shelves at the Records Centre.

INFORMATION TECHNOLOGY

ECSC E-LITIGATION PORTAL

During the year, the IT Department focused heavily on implementation of the E-Litigation Portal.

The ECSC is moving steadfast towards the implementation of an E-Litigation Portal with all Member States and Territories. The E-Litigation portal currently serves as the platform that provide avenues for increasing operational efficiency, contribution towards increasing the transparency of court services, and improvement in access to services to stakeholders by making services available anytime and anywhere. At the broader level, the E-Litigation Portal will contribute to sharpening the competitive edge of the OECS region and its standing in the world economy.

The ECSC “kicked-off” the implementation of the ECSC E-Litigation Portal in July 2017. The Project team from CrimsonLogic met with staff from the ECSC and other Courts and commenced the configuration of the solution. Presentations of the application were also made at the Law Fair in the Commonwealth of Dominica in September 2017 and to lawyers in St. Lucia during December 2017, as well. The presentations provided opportunities to obtain and incorporate feedback from legal practitioners into the application.

In April 2018, and just about a year into the development of the application, presentation and sensitization sessions were conducted with different group of users in Anguilla, Tortola



ECSC'S SYSTEMS ADMINISTRATOR—ANDERSON HENRY OVERSEAS TRAINING OF LEGAL PRACTITIONERS AND SECRETARIES IN TVI (NOVEMBER 2018)

and Saint Lucia. Presentations were held with Judges, Magistrates, Legal Practitioners, Court Staff (High Court and Magistrates), staff from the Attorney General’s office, staff from officer of Director of Public Prosecution, Police officers and others. The Presentations were highly engaging and provided the Court and CrimsonLogic with valuable information for additional configuration of the application. These presentations were held primarily to set the stage for User Acceptance Testing of the Portal.

The E-Litigation User Acceptance Testing activity was undertaken during July - August 2018. During that activity, users from the various stakeholder groups will be selected and provided with login credential to test the E-Litigation Portal and provide feedback on the application.

The ECSC has launched E-Litigation Portal in five MSTs to date. The Portal was firstly introduced in the Territory of the Virgin Islands for the management of Commercial matters and this followed right after with the second launch in Saint Lucia, for new Commercial and Court of Appeal matters. The High Court in Anguilla was the third court to go-live with the E-Litigation Portal. New Civil and Court of Appeal matters are now managed on the Portal

in Anguilla. A summary of the implementations to date is reflected the following table. The ECSC will continue with a phase approach to implementation of the ELP based on case types. Plans are afoot to introduce the ELP in the other four MSTs during the coming year for the e-filing and management of primarily Civil and Court of Appeal matters. Implementation of the ELP for the e-filing and management of Criminal and Family matters will follow suit.

SUMMARY OF ECSC E-LITIGATIONS IMPLEMENTATIONS

Implementation Sequence	Commencement Date	Country	Case Type
[1]	November 12, 2018	Territory of the Virgin Islands	Commercial matters
[2]	November 26, 2018	Saint Lucia	Commercial matters Court of Appeal matters
[3]	March 11, 2019	Anguilla	High Court Civil proceedings (not including - Non-Contentious Probate and Administration of Estates, Family and Admiralty) Court of Appeal matters
[4]	July 1, 2019	Saint Lucia	Civil matters
[5]	August 1, 2019	Territory of the Virgin Islands	Court of Appeal matters
[6]	September 20, 2019	St. Kitts - Nevis	Civil Matters Court of Appeal matters
[7]	October 21, 2019	Antigua & Barbuda	Court of Appeal Matters

A total of 893 matters have been filed on the portal by 668 Legal Practitioners and secretaries within the 353 Law firms registered on the Portal, to date. Over 800 users have been trained over the implementation period. Statistics indicate that over 225 of the participants were from St. Kitts and Nevis.



CRIMSONLOGIC UNDERTAKING TRAINING OF HIGH COURT STAFF, SAINT LUCIA (NOVEMBER 2018)



TRAINING OF LEGAL PRACTITIONERS AND SECRETARIES, ANGUILLA (FEB 2019)

TIMELY FUNDING & SECURITY FOR THE JUDICIARY

Receiving timely payment of contributions by some members continues to be a problem and this has delayed the implementation of some of the work programs of the Court and in particular specific areas of training for judicial officers. We must make mention that one Member State has implemented a plan to address the arrears of contributions and another has made a significant payment towards the arrears. We urge Member States in arrears to follow the lead taken so that we could all work towards a more modern and efficient judicial system.

The upsurge in crime in Member States and in particular threats to judicial officers is testimony to the need for tighter security for our Courts and Members of the Judiciary. The vulnerable nature of our economies should make us take a critical look at the funding of the judiciary especially in times of rising crime and lawlessness. The change in the international

environment and the impact of climate change with the resulting increased intensity of hurricanes are continuing to have its effect on the region and by extension is affecting the contributions being received from Member States. The past year 2017 has been particularly devastating for some Members with two category 5 hurricanes two weeks apart. With this in mind, the Court is doing everything possible to minimize expenditure for its operations, but Member States must recognize the important role of the judiciary in the stability of our economies particularly in times of disaster and must provide the necessary funding for its sustenance. The lifeblood of a nation depends on the efficient functioning and independence of the judiciary especially with the increasing crime being reported among members and in the aftermath of natural disasters. For such an important institution, we need to ensure that it is not handicapped even at times of crisis when limited funding may be available.

COURT PERFORMANCE



OVERVIEW

This report discusses the performance of the Court of Appeal, High Courts, Magistrates Courts, Industrial Courts and Family Courts in the OECS through indicators such as clearance rates and time to disposition of cases. Information is also given on case load composition and in most instances, trends are shown over the past three years.

Some highlights include:

- There were 513 appeals filed in 2018, representing an increase by 14.22% from 2017. From 2016 to 2018, Civil appeals were on average 58.95% of total appeals filed in the High Courts while Criminal appeals were on average 75.67% of total appeals filed in the Magistrates Courts. In 2018 oral decisions were 92% of

total decisions with fewer written decisions being delivered. A total of 1228 appeal matters were heard out of 1412 listed for hearing via full court sittings, chamber hearings and video/teleconferences.

- The overall clearance rate for the High Courts dropped from 67.40% in 2017 to 60.86% in 2018. Civil and Probate cases formed the bulk of the filed and disposed caseload. Overall, 56.74% of cases were disposed within 1 year while 71.74% of cases were disposed within 2 years. Chamber Hearings and Case Management Conferences were the two most common events.
- The Magistrates Courts had a slight increase in their overall clearance rate from 76.87% in 2017 to 79.66% in 2018. Notable is that the clearance rate was higher at 92.46% in 2016. Criminal and Traffic cases maintained the largest shares of both filed and disposed caseloads; together they were 78.49% and 79.60% of the respective totals. In the Magistrates Courts, on average, 57.12% of cases were disposed within 3 months, 72.30% within 6 months and 83.51% of cases were disposed within 1 year. It took up to two years for 93.36% of cases to be disposed.
- The overall clearance rate of cases for the St. Vincent and the Grenadines Family Court decreased from 92.04% in 2017 to 86.37% in 2018. Arrears cases followed by Maintenance cases were most common; together they averaged 69.66% and 70.71% of filed and disposed cases respectively. Assault cases and cases pertaining to Sexual Offences formed most of the Criminal caseload.



- The Saint Lucia Family Court data was shown for District 1 and District 2 separately. For District 1, Affiliation, Separation and Maintenance cases followed by Domestic Violence cases together were 88.63% and 85.06% of total filed and disposed cases respectively. The clearance rate of cases for District 1 family court cases was 106.27%. For District 2, Affiliation, Separation and Maintenance matters were the most common cases and represented 59% and 62.50% of filed and disposed cases. The clearance rate of family court matters in District 2 was 80.58%.

The ECSC extends thanks to the Registrars, Magistrates, Court Administrators, Directors of the Family Courts, JEMS users and other personnel within the Courts for assisting with the verification of data obtained from JEMS.

Data within this report are rounded to two decimal places and are subject to slight round off error; the data remain valid.

SECTION 1 COURT OF APPEAL

There were 513 appeals filed in total in the High Courts and Magistrates Courts during the year 2018:

- 193 High Court Civil Appeals
- 72 High Court Criminal Appeals
- 54 High Court Commercial Appeals
- 13 Industrial Court/Labor Tribunal Appeals
- 54 Magisterial Civil Appeals
- 127 Magisterial Criminal Appeals

The numbers of filed Appeals by Court and Case Type for the period 2016 to 2018 are shown in Table 1(a). Total filed appeals initially declined from 2016 to 2017 but then increased from 2017 to 2018. This trend was similar for total appeals which were filed in the High Courts and Magistrates Courts.

Appeals for all the case types fluctuated over

the three years but overall increases were registered by Civil, Commercial and Industrial/Labour appeals while total Criminal appeals dropped overall. Civil appeals were the most numerous appeals in 2016 and 2018 while Criminal appeals were most common in 2017.

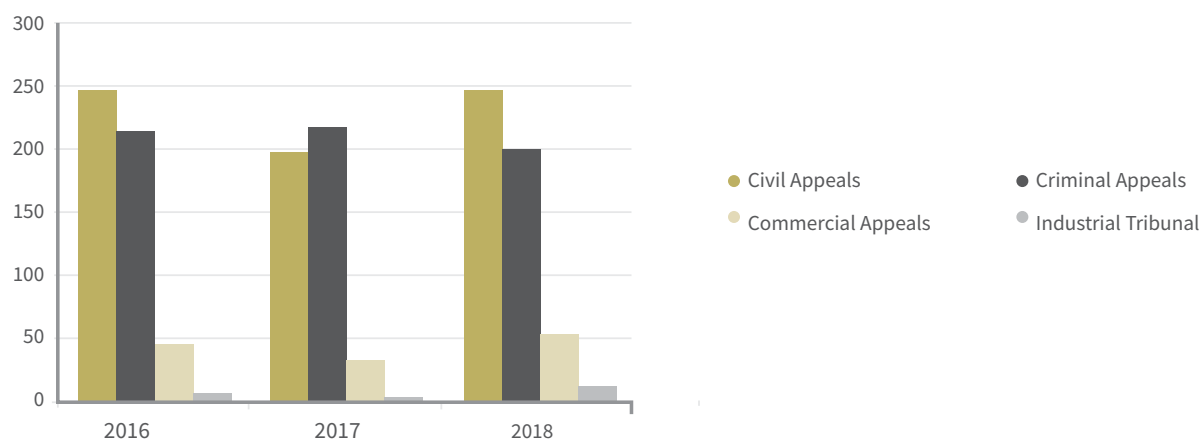
In 2018, Civil appeals were 48.15% of total appeals compared with Criminal appeals which were 38.79% of the total. The 54 High Court Commercial appeals filed in 2018 included 53 from the Territory of the Virgin Islands and 1 from Saint Lucia. There were 11 Labour/Industrial Court appeals filed in Antigua and Barbuda, 1 in Saint Lucia and 1 in Montserrat in 2018.

There was a consistent trend over the three years where there were greater numbers of Civil appeals filed in the High Courts whereas more Criminal Appeals were filed in the Magistrates Courts. Over the three-year period, Civil appeals were on average 58.95% of total appeals filed in the High Courts while Criminal appeals were on average 75.67% of total appeals filed in the Magistrates Courts.

TABLE 1 (A) COMPARISON BETWEEN TOTAL APPEALS FILED, 2016 TO 2018

Type of Appeal	2016			2017			2018		
	High Court	Magistrates Court	Total	High Court	Magistrates Court	Total	High Court	Magistrates Court	Total
Civil Appeals	206	40	246	164	33	197	193	54	247
Criminal Appeals	77	136	213	85	132	217	72	127	199
Commercial Appeals	47	-	47	33	-	33	54	-	54
Industrial/Labour	8	-	8	3	-	3	13	-	13
Total	338	176	514	285	165	450	332	181	513

FIGURE 1: TOTAL NUMBER OF APPEALS FILED BY CASE TYPE, 2016 TO 2018



Tables 1(b) and 1(c) compare Civil and Criminal Appeals only. The numbers of Civil and Criminal appeals filed in the High Courts from 2016 to 2018 are shown in Table 1(b).

Both total Civil and Criminal appeals fluctuated over the three years but decreased overall. Some further observations include: Civil appeals in Antigua and Barbuda increased by 88.46% from 2016 to 2018 while Civil appeals in

Grenada dropped by 60.47% during that same time period. St. Vincent and the Grenadines also recorded a sharp drop in Civil appeals over the three-year period by 58.82% while Criminal appeals climbed by 62.50%.

The High Courts in Anguilla and the Territory of the Virgin Islands recorded no filed Criminal appeals in 2018.

TABLE 1 (B) HIGH COURT CIVIL AND CRIMINAL APPEALS FILED BY MEMBER STATE: 2016 TO 2018

Member States	2016		2017		2018	
	Civil	Criminal	Civil	Criminal	Civil	Criminal
Anguilla	12	1	10	1	14	0
Antigua and Barbuda	26	10	29	6	49	12
Commonwealth of Dominica	10	5	8	6	11	1
Grenada	43	27	19	27	17	22
Montserrat	15	2	8	5	11	3
St. Kitts and Nevis	22	2	27	8	29	6
Saint Lucia	30	10	42	12	41	2
St. Vincent and the Grenadines	34	16	14	16	14	26
Territory of the Virgin Islands	14	4	7	4	7	0
TOTAL	206	77	164	85	193	72

Data shown in Table 1(c) point to the following: Total Civil appeals in the Magistrates Courts fluctuated while Criminal Appeals consistently declined over the three years. There was a noticeable dip in the number of filed Civil appeals

in St. Kitts and Nevis in 2017 while Criminal appeals progressively declined. Of mention are the comparatively higher numbers of filed Criminal appeals in St. Vincent and the Grenadines compared to other jurisdictions.

TABLE 1 (C) MAGISTRATES COURT CIVIL AND CRIMINAL APPEALS FILED BY MEMBER STATE: 2016 TO 2018

Member States	2016		2017		2018	
	Civil	Criminal	Civil	Criminal	Civil	Criminal
Anguilla	0	1	1	2	0	1
Antigua and Barbuda	2	4	5	5	4	1
Commonwealth of Dominica	8	15	2	27	12	11
Grenada	1	19	3	7	3	21
Montserrat	4	4	3	4	2	10
St. Kitts and Nevis	21	14	9	9	22	8
Saint Lucia	0	10	0	5	2	16
St. Vincent and the Grenadines	2	63	8	70	6	56
Territory of the Virgin Islands	2	6	2	3	3	3
TOTAL	40	136	33	132	54	127

Table 1(d) below shows the breakdown of written judgments by Member State for the years 2016 to 2018.

Total written judgments fluctuated over the three years. There were a total of 56 written judgments delivered by the full court in 2018.

TABLE 1 (D) WRITTEN JUDGMENTS DELIVERED BY THE COURT OF APPEAL BY MEMBER STATE: 2016 TO 2018

Total Written Judgments Delivered						
Member States	2016 Total	2016 (%)	2017 Total	2017 (%)	2018 Total	2018 (%)
Anguilla	4	7.02	2	2.99	3	5.36
Antigua and Barbuda	3	5.26	18	26.87	6	10.71
Commonwealth of Dominica	3	5.26	2	2.99	2	3.57
Grenada	10	17.54	8	11.94	7	12.50
Montserrat	0	0.00	3	4.48	4	7.14
St. Kitts and Nevis	5	8.77	7	10.45	3	5.36
Saint Lucia	10	17.54	5	7.46	4	7.14
St. Vincent and the Grenadines	4	7.02	4	5.97	3	5.36
Territory of the Virgin Islands	18	31.58	18	26.87	24	42.86
Total	57	100	67	100	56	100

Table 1(e) portrays data on the percentage shares of oral and written decisions. Oral decisions formed the majority of total decisions and were

on average, roughly 92% of total decisions delivered from 2016 to 2018.

TABLE 1 (E) COMPARISON BETWEEN ORAL DECISIONS AND WRITTEN JUDGMENTS DELIVERED BY THE COURT OF APPEAL, 2016 TO 2018

Year	2016	2016 (%)	2017	2017 (%)	2018	2018 (%)
Number of written judgments	57	9.02	67	7.60	56	7.55
Number of oral decisions	575	90.98	814	92.40	686	92.45
Total Decisions delivered	632	100	881	100	742	100

The following are observed from Table 1 (f): From 2016 to 2018 full court sittings accounted for on average 52% of total activities of the Court of Appeal. Chamber Hearings and video

conferences respectively were on average 29.60% and 18.37% of total Court of Appeal activities over the three years.

TABLE 1 (F) ACTIVITIES OF THE COURT OF APPEAL: 2016 TO 2018

Activity	Total 2016	Percentage of total activities (%)	Total 2017	Percentage of total activities (%)	Total 2018	Percentage of total activities (%)
Full Court Sittings	23	56.10	20	47.62	22	52.38
Chamber Hearings	12	29.27	12	28.57	13	30.95
Video/teleconferences	6	14.63	10	23.81	7	16.67
Total	41	100	42	100	42	100

FIGURE 2: TOTAL ACTIVITIES OF THE COURT OF APPEAL, 2016 TO 2018

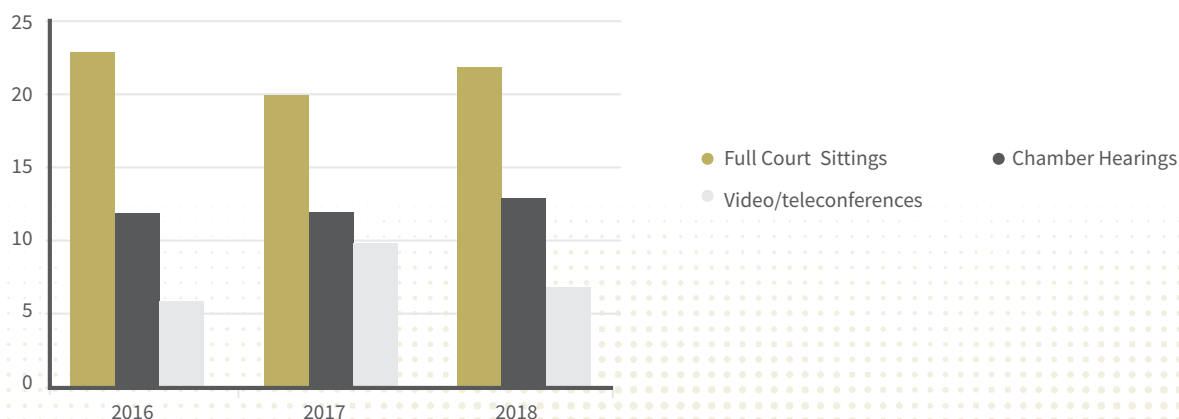


Table 1(g) shows the numbers of appeal matters dealt with during Chamber Hearings and Video/Teleconferences. The numbers of matters heard during Chamber Hearings continuously increased from 2016 to 2018 registering an

overall increase of 38.85% over the three years. The numbers of matters heard during video conferences increased from 2016 to 2017 then declined from 2017 to 2018.

TABLE 1 (G) APPEAL MATTERS HEARD DURING CHAMBER HEARINGS, VIDEO/TELE CONFERENCES: 2016 TO 2018

Year	2016		2017		2018	
	Total no. of sittings	No. of matters heard	Total no. of sittings	No. of matters heard	Total no. of sittings	No. of matters heard
Chamber Hearings	12	314	12	377	13	436
Video/Tele Conferences	6	6	10	18	7	8

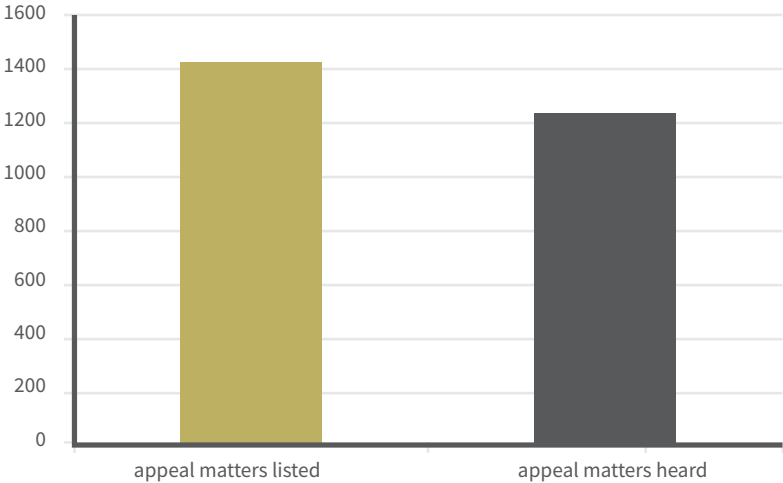
The total numbers of appeal matters listed and heard for 2018 are compared in Table 1(h). 1228 matters were heard out of the 1412 listed matters and thus roughly 87% of all listed appeal matters were heard. 31 of the High Court Civil Appeals listed and heard were Commercial cases.

The numbers of appeals heard do not directly correlate with appeals filed since appeals filed from previous years could have been heard during 2018 and also not all appeals filed in 2018 were necessarily heard. Notably also is that 48 of the 1228 heard matters had reserved judgments (the matters were completely heard but no oral decisions were given).

TABLE 1 (H): NUMBERS OF APPEAL MATTERS HEARD DURING 2018

Type of Matter	Matters Listed	Matters heard
Full Court Sitzings		
Written Judgments	50	50
Applications/Motions	154	146
High Court Criminal Appeals	58	55
High Court Civil Appeals	155	140
Magisterial Criminal Appeals	189	173
Magisterial Civil Appeals	23	20
Status Hearings (held during Full Court Sitzings)		
High Court Criminal Appeals	79	56
High Court Civil Appeals	150	96
Magisterial Criminal Appeals	44	26
Magisterial Civil Appeals	28	22
Chamber Hearings		
All matters	474	436
Video/Teleconferences		
All matters	8	8
Total	1412	1228

FIGURE 3: COMPARISON BETWEEN TOTAL APPEAL MATTERS LISTED AND HEARD, 2018

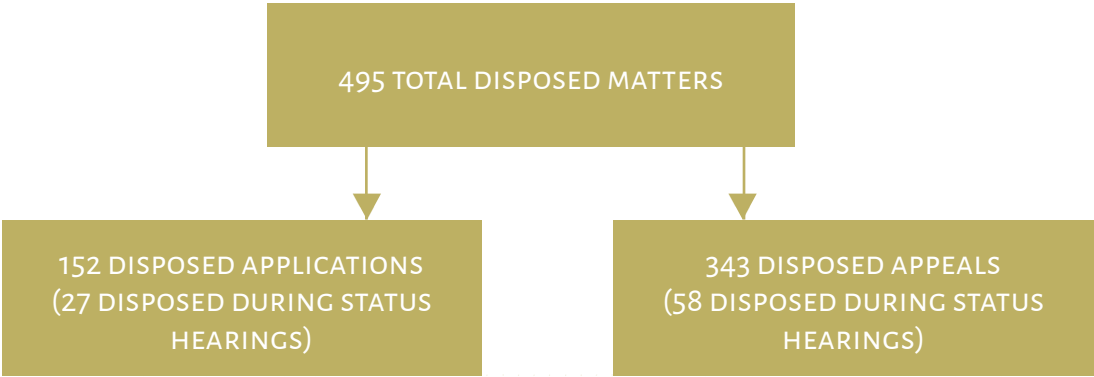


DISPOSED APPEALS

Figure 4 gives information on the numbers of matters which were disposed or completed by the Court of Appeal during the year 2018. Figure 4 shows data from digests which reflect matters disposed of by way of oral judgments/decisions during full court sittings only. During Full Court

Sittings there were a total of 495 disposed matters which included 152 disposed applications and 343 disposed appeals. Of the 152 disposed applications, 27 were disposed during status hearings and of the 343 disposed appeals, 58 were disposed during status hearings.

FIGURE 4: NUMBERS OF APPEAL MATTERS DISPOSED DURING FULL COURT SITTINGS, 2018



SECTION 2 HIGH COURTS

Information on the caseload of the High Courts in 2018 is given in this section. The data were verified by the relevant persons in all the High Courts although there were some challenges faced to achieve this result.

Table 2(a) shows the clearance rates for the years 2016 to 2018. The overall clearance rate trended downwards over the three years (dropping overall by 22.79 percentage points from 2016 to 2018). Both total filed and disposed cases declined over the said timeframe.

The clearance rates of the various High Courts were mostly below 100% in 2018 indicating an accumulation of case backlog. In 2018 only Antigua and Barbuda achieved a clearance rate above 100%. In that same year the clearance rates in some of the High Courts were below 50% (Grenada, St. Kitts and Nevis, Commonwealth of Dominica). The Commonwealth of Dominica in particular, recorded the lowest overall clearance rate of 22.45%. This Member State was one of those adversely affected by Hurricanes in 2018; this negatively affected court sittings and consequently the disposal of cases.

TABLE 2 (A) COMPARISON OF CLEARANCE RATES IN THE HIGH COURTS: 2016 TO 2018

Country	2016			2017			2018		
	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)
Anguilla	190	152	80.00	205	113	55.12	181	112	61.88
A&B	2693	3319	123.25	1248	1000	80.13	1005	1063	105.77
Comm. Dominica	581	185	31.84	430	199	46.28	842	189	22.45
Grenada	1230	714	58.05	1294	778	60.12	1032	411	39.83
Montserrat	94	101	107.45	95	83	87.37	110	88	80.00
SKN	981	462	47.09	947	405	42.77	775	294	37.94
Saint Lucia	1930	2057	106.58	1754	1892	107.87	1565	1313	83.90
SVG	541	213	39.37	489	98	20.04	445	226	50.79
TVI	888	433	48.76	735	283	38.50	836	437	52.27
TOTAL	9128	7636	83.65	7197	4851	67.40	6791	4133	60.86

FIGURE 5: TOTAL FILED AND DISPOSED CASES IN THE HIGH COURTS: 2016 TO 2018

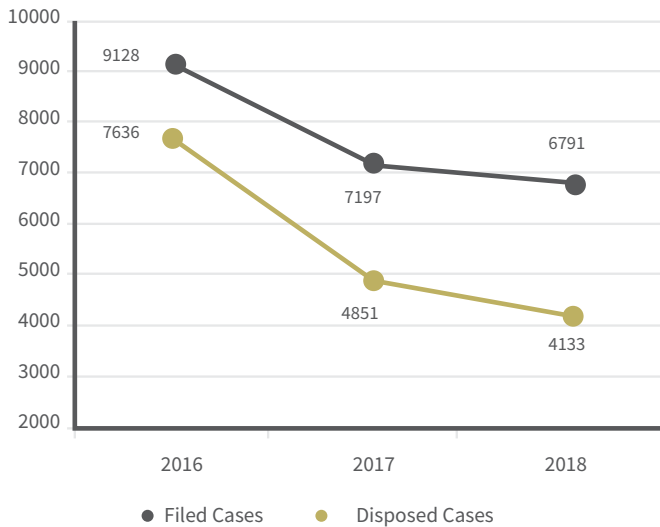


FIGURE 6: TOTAL CLEARANCE RATES (%) OF CASES IN THE HIGH COURTS: 2016 TO 2018

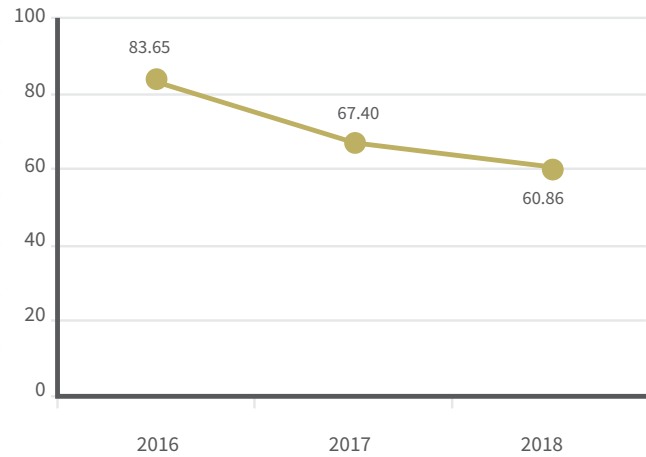


Table 2(b) indicates the following: Civil and Probate cases formed the bulk of filed and disposed caseloads (together they were 67.62% and 69.85% of the respective totals). The 12

filed cases in the “Other” category included 6 Caveat and 6 Disciplinary matters from Saint Lucia. 83 Caveat cases from Saint Lucia were disposed cases categorized as “Other”.

TABLE 2 (B) CASES FILED AND DISPOSED BY MAJOR CASE TYPE IN THE HIGH COURTS: 2018

Case Type	2018			
	Filed Cases	% of Total Filed Cases	Disposed Cases	% of Total Disposed Cases
Civil	3,024	44.53	1,812	43.84
Probate	1,568	23.09	1,075	26.01
Criminal	785	11.56	506	12.24
Matrimonial	1,044	15.37	499	12.07
Commercial	283	4.17	104	2.52
Adoption	66	0.97	46	1.11
Admiralty	9	0.13	8	0.19
Other	12	0.18	83	2.01
TOTAL	6,791	100.00	4,133	100.00

Some key points deduced from Table 2(c), which gives the numbers of filed cases by case type and Member State, include:

- Saint Lucia recorded the greatest share of the filed caseload (23.05%)
- Civil and Probate cases were the most frequently filed case types and together

were 67.62% of the total

- There were two jurisdictions where over 500 Civil cases were filed: Grenada and Saint Lucia
- 42.04% of Criminal cases were filed in Saint Lucia
- The Commonwealth of Dominica recorded the highest number of Probate filings (26.21% of total probate filings)

TABLE 2 (C) CASES FILED IN THE HIGH COURTS BY CASE TYPE AND MEMBER STATE: 2018

Member States	2018									Country Total as a % of Total
	Admiral.	Adopt.	Civil	Comm.	Crim.	Matrimon.	Probate	Other	Total	
Anguilla		4	59		28	50	40		181	2.67
Antigua and Barbuda		4	465		151	162	223		1005	14.80
Commonwealth of Dominica		18	278		28	107	411		842	12.40
Grenada	4	10	521		78	193	226		1032	15.20
Montserrat			51		13	15	31		110	1.62
St. Kitts and Nevis		3	476		31	104	161		775	11.41
Saint Lucia	1	21	638	100	330	196	267	12	1565	23.05
St Vincent and the Grenadines	3	2	217		84	137	2		445	6.55
Territory of the Virgin Islands	1	4	319	183	42	80	207		836	12.31
TOTAL	9	66	3,024	283	785	1,044	1,568	12	6,791	100.00
Case Type as a % of Total	0.13	0.97	44.53	4.17	11.56	15.37	23.09	0.18	100.00	

Admiral. (Admiralty) Adopt. (Adoption), Comm. (Commercial), Crim. (Criminal),
Matrimon. (Matrimonial)

The breakdown of disposed cases by Member State and Case Type is given in Table 4(d). Some observations include:

- The highest percentage share of disposed cases was from Saint Lucia (31.77%)
- Civil and Probate cases together made up 69.85% of total disposed cases
- Antigua and Barbuda accounted for a major 39.29% of disposed Civil cases while Saint Lucia had 40.32% of total disposed Criminal cases
- Almost half of disposed Probate cases were from Saint Lucia (46.79% of total probate matters which were disposed)

TABLE 2 (D) CASES DISPOSED IN THE HIGH COURTS BY CASE TYPE AND MEMBER STATE: 2018

Member States	2018									Country Total as a % of Total
	Admiral.	Adopt.	Civil	Comm.	Crim.	Matrimon.	Probate	Other	Total	
Anguilla		3	38		10	25	36		112	2.71
Antigua and Barbuda	3	6	712		68	73	201		1063	25.72
Commonwealth of Dominica		18	98		12	61			189	4.57
Grenada			118		43	150	100		411	9.94
Montserrat			34		10	13	31		88	2.13
St. Kitts and Nevis		1	140		29	16	108		294	7.11
Saint Lucia		17	394	17	204	95	503	83	1313	31.77
St Vincent and the Grenadines	4		67		111	27	17		226	5.47
Territory of the Virgin Islands	1	1	211	87	19	39	79		437	10.57
TOTAL	8	46	1,812	104	506	499	1,075	83	4,133	100.00
Case Type as a % of Total	0.19	1.11	43.84	2.52	12.24	12.07	26.01	2.01	100.00	

TIME TO DISPOSITION REPORTS FOR HIGH COURTS

Tables 2(e) showcases the numbers of cases disposed (within the listed timeframes) in 2018, by Member State. It must be noted that in some instances, the data are not consistent with the previous totals on disposed cases since only data from JEMS were used in the time to disposition reports in this section, while in the previous tables there are some instances when manual data were obtained for inclusion during the data verification process with the Court Offices.

Table 2(e) shows the time to disposition in days by category and Member State. The time range when the most cases were disposed was “more than 720 days” (more than two years) where 39.18% of cases were disposed. Also notable is that 22.74% of cases took between 1 to 90 days to be disposed. A minimal 1.18% of cases were disposed in less than 1 day. Figure 7 depicts the percentage of cases which fall within the time periods specified in Table 2(e).

TABLE 2(E) THE NUMBERS OF CASES DISPOSED (WITHIN THE LISTED TIMEFRAMES) IN 2018, BY MEMBER STATE

Time to disp. of all cases	Anguilla	Antigua and Barbuda	Comm. of Dominica	Grenada	Mont.	St. Kitts & Nevis	Saint Lucia	SVG	TVI	Total	% share of Total
<1	2	34	-	1	1	2	2	0	3	45	1.18
1 - 90	26	171	-	93	46	97	237	2	194	866	22.74
91 - 180	14	101	-	54	12	69	103	5	56	414	10.87
181 - 360	36	114	-	102	10	57	124	8	72	523	13.73
361 - 720	23	50	8	75	8	41	180	20	63	468	12.29
> 720	11	593	4	86	11	28	667	44	48	1492	39.18
Total cases	112	1063	12	411	88	294	1313	79	436	3808	100.00

FIGURE 7: PERCENTAGE OF CASES DISPOSED WITHIN THE SPECIFIED TIME PERIODS, 2018

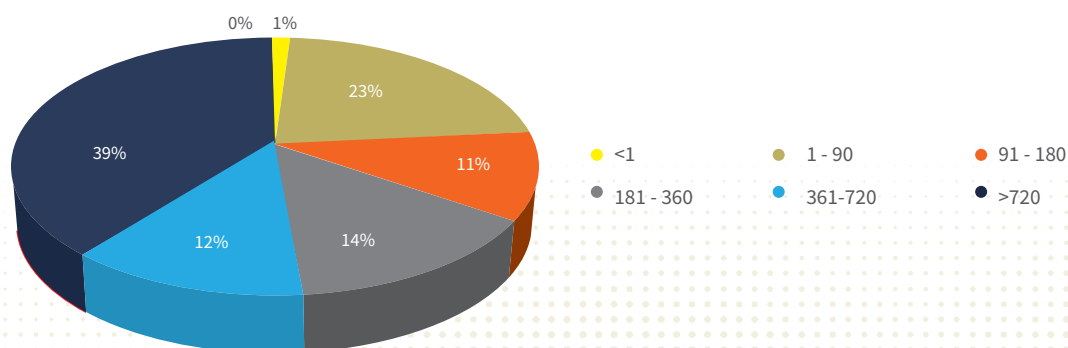


Table 2(f) displays the cumulative percentages which indicate the percentage of cases disposed within the said timeframes, by Member State. The averages at the end of Table 2(f) excluded data for the Commonwealth of Dominica since almost no disposed data was entered in JEMS in 2018 (table 2(e) shows 12 cases disposed in JEMS); this minimal data would affect the overall average and was considered an outlier. On average, over half of cases (56.74%) were disposed within the one-year mark and 71.74%

of cases were disposed within two years.

It should be noted that the High Courts in Montserrat, the Territory of the Virgin Islands and St. Kitts and Nevis disposed of over half of their cases within a six-month time frame. It is reiterated that this is based on data directly from JEMS and should not be compared to the data in previous sections which as mentioned earlier included some additional information which was obtained from the Court Offices.

TABLE 2(F) CUMULATIVE PERCENTAGES; TIME TO DISPOSITION FOR HIGH COURTS, 2018

Member States	Cumulative percentages: % cases disposed within:			
	90 days/ 3 months	180 days/ 6 months	360 days/ 12 months/ 1 year	720 days/ 24 months/ 2 years
Anguilla	25.00	37.50	69.64	90.18
Antigua and Barbuda	19.29	28.79	39.51	44.21
Commonwealth of Dominica	0.00	0.00	0.00	66.67
Grenada	22.87	36.01	60.83	79.08
St. Kitts & Nevis	33.67	57.14	76.53	90.48
Montserrat	53.41	67.05	78.41	87.50
Saint Lucia	18.20	26.05	35.49	49.20
St. Vincent and the Grenadines	2.53	8.86	18.99	44.30
Territory of the Virgin Islands	45.18	58.03	74.54	88.99
Average	27.52	39.93	56.74	71.74

Data on the average time to disposition by case type are shown in Table 2(g); as obtained from JEMS.

TABLE 2(G) AVERAGE TIME TO DISPOSITION IN DAYS BY CASE TYPE FOR HIGH COURTS, 2018

Case Types	Anguilla		Antigua and Barbuda		Commonwealth of Dominica		Grenada		St. Kitts & Nevis	
	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.
Admiralty			3	1408						
Adoption	3	87	6	632					1	557
Civil	38	531	712	1556			118	1285	140	323
Criminal	10	65	68	194	12	702	43	488	29	239
Matrimonial	25	316	73	280			150	568	16	390
Probate	36	330	201	139			100	95	108	242

Dominica – not many cases disposition information was updated in JEMS after the hurricane due to problems experienced with the hardware

TABLE 2(G) CONTINUED AVERAGE TIME TO DISPOSITION IN DAYS BY CASE TYPE FOR HIGH COURTS, 2018

Case Types	Montserrat		Saint Lucia		St. Vincent and the Grenadines		Territory of the Virgin Islands	
	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.
Admiralty					3	2015	1	285
Adoption			17	275			1	53
Caveat			83	1995				
Civil	34	612	394	975	30	1850	211	307
Commercial			17	273			86	241
Criminal	10	142	204	1184	42	1011	19	416
Disciplinary								
Matrimonial	13	232	95	1098	2	1212	39	624
Probate	31	81	503	998			79	52
Possessory Title					2	596		

*possessory title included under civil for SVG in previous tables

The events which occurred in the High Courts in 2018 are listed in Table 2(h). Chamber Hearings and Case Management Conferences were the

two most common events in the High Courts accounting for 45.68% of total events.

TABLE 2 (H) SUMMARY OF EVENTS IN THE HIGH COURTS: 2018

Types of Events	2018									
	Ang.	A & B	DOM	Gren.	Mont.	SKN	SLU	SVG	TVI	Total
Chamber Hearing	179	322	242	892		464	2006	1036	938	6079
Case Management Conference/Masters Hearing/Order on Case Management Conference	6	951	218	512	55	363	1612	250	147	4114
Fixed Date Claim Form Hearing/First Hearing	1	353		782	29		400	28	179	1772
Criminal Trial	13	6			2	156	1478	70	2	1727
Open Court Hearing			251			474		655	276	1656
Status Hearing					59		1099	10	42	1210
Sufficiency Hearing							784			784
Judgment Summons		510							37	547
Omnibus Conference/Hearing							459			459
Civil Trial	4	58	5	16	10	16	235	88	25	457
Arraignment			39		4	7	297	59		406
Uncontested Divorce		15	83				284	9		391
Sentencing						11	364			375
Pre -Trial Review/ conference	5	112				12	149	9	37	324
Divorce/Contested Divorce/Decree Nisi	59		146				25		72	302
Application for Committal Orders/ Committal Proceedings		131			5		139		6	281

Bail Hearing							200	45	18	263
Application Without Hearing					10		200	2		212
Hearing of Petition	1	200			4					205
Application for special procedure/ Special Procedure				163						163
Directions/Request for directions									128	128
Admission to bar									71	71
Judgment Delivery					5		61			66
Decree Absolute	56									56
Matrimonial/ Ancillary Relief						12			32	44
Disciplinary Hearing							33			33
Fitness Hearing							29			29
Adoption Order/ Adoption			28							28
Judicial Sale							27			27
Other	51	25		1	9	20	1			107
Total	375	2683	1012	2366	192	1535	9882	2261	2010	22316

SECTION 3 MAGISTRATES COURTS

The performance of the Magistrates Courts is examined in this section. Data are shown mainly for the year 2018 however the first table points to data from 2016. Data on filed and disposed cases were verified by personnel from all the Magistrates Courts. It should be noted that data pertaining to family court matters in Saint Lucia and St. Vincent and the Grenadines are given in the following section on Family Courts.

The clearance rates for 2016 to 2018 are shown in Table 3 (a) from which the following observations are made: The overall clearance rates fluctuated over the three years but registered an overall decline by 12.80 percentage points from 2016

to 2018. The overall clearance rates were below 100% indicating that more focus is required on backlog reduction in the Magistrates Courts. In 2018, the Territory of the Virgin Islands was the only Member State with a clearance rate above 100%. The Magistrates Court in Antigua and Barbuda consistently recorded the lowest clearance rate which continuously declined and was below 50% in 2017 as well as 2018.

The total numbers of filed and disposed cases both fluctuated over the three-year period. Of significance was that the number of filed cases from 2017 to 2018 in the Saint Lucia Magistrates Court almost doubled over the two-year period. This was attributed to a drastic increase in the numbers of filed traffic ticket cases from 3894 in 2017 to 9566 in 2018 in that jurisdiction.

TABLE 3 (A) CASES FILED AND DISPOSED BY MEMBER STATE IN THE MAGISTRATES COURTS WITH ACCOMPANYING CLEARANCE RATES: 2016 TO 2018

Country	2016			2017			2018		
	Total Cases Filed	Total Cases Disp.	Clearance Rates (%)	Total Cases Filed	Total Cases Disp.	Clearance Rates (%)	Total Cases Filed	Total Cases Disp.	Clearance Rates (%)
Anguilla	538	773	143.68	636	636	100.00	609	589	96.72
Antigua and Barbuda	2,508	1,404	55.98	3,002	960	31.98	4,210	1,092	25.94
Comm. of Dominica	3,842	4,688	122.02	3,349	3,130	93.46	4,190	4,108	98.04
Grenada	9,313	9,144	98.19	10,346	8,626	83.38	11,286	10,153	89.96
Montserrat	555	571	102.88	406	416	102.46	313	252	80.51
St. Kitts and Nevis	4,366	3,144	72.01	5,207	3,449	66.24	6,246	4,664	74.67
Saint Lucia	7,407	7,326	98.91	6,353	4,761	74.94	12,021	9,717	80.83
St. Vincent and the Grenadines	4,799	4,224	88.02	3,905	3,676	94.14	5,509	4,266	77.44
Territory of the Virgin Islands	1,343	782	58.23	1,070	692	64.67	917	1,247	135.99
TOTAL	34,671	32,056	92.46	34,274	26,346	76.87	45,301	36,088	79.66

The collective case load by case type for the Magistrates Courts is given in Table 3(b) which shows that Criminal and Traffic cases formed

the majority of both filed and disposed cases (together they made up 78.49% and 79.60% of total filed and disposed cases respectively).

TABLE 3 (B) CASES FILED AND DISPOSED BY MAJOR CASE TYPE IN THE MAGISTRATES COURTS: 2018

Case Type	2018			
	Filed Cases	% of Total Filed Cases	Disposed Cases	% of Total Disposed Cases
Criminal	15,761	34.79	11,906	32.99
Traffic	19,795	43.70	16,821	46.61
Civil	5,754	12.70	4,507	12.49
Maintenance/ Affiliation	3,311	7.31	2,220	6.15
Domestic Violence/ Family	468	1.03	483	1.34
Juvenile	190	0.42	136	0.38
Coroner/ Inquests	21	0.05	14	0.04
Other	1	0.00	1	0.00
TOTAL	45,301	100.00	36,088	100.00

FIGURE 8A: PERCENTAGE OF CASES FILED BY MAJOR CASE TYPE IN THE MAGISTRATES COURTS: 2018

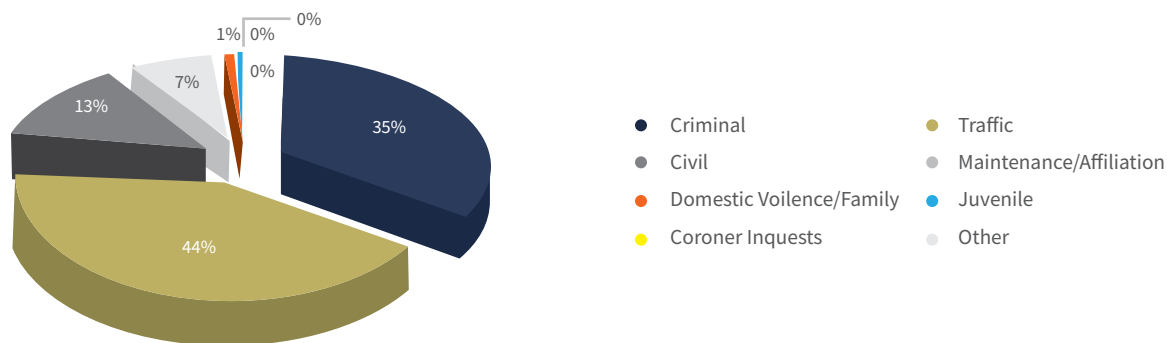
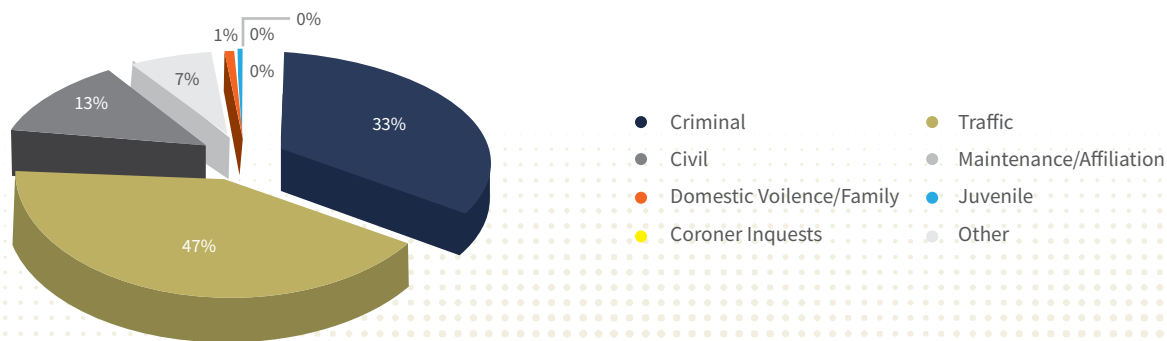


FIGURE 8B: PERCENTAGE OF CASES DISPOSED BY MAJOR CASE TYPE IN THE MAGISTRATES COURTS: 2018



Case information by Member State and Case Type for 2018 is given in Table 3 (c) below:

- The most frequent case types filed were Traffic cases followed by Criminal cases (together they amounted to 78.49% of total filed cases)
- Saint Lucia then Grenada recorded the highest numbers of total filed cases (51.45% of total filed cases when combined)
- 34.33% of Criminal cases were filed in Grenada
- 33.96% of Civil cases were filed in St. Kitts and Nevis and 20.23% in St. Vincent and the Grenadines
- Saint Lucia accounted for 48.33% of filed Traffic cases
- 85.19% of Maintenance/Affiliation cases were from two Member States: Grenada, St. Kitts and Nevis

TABLE 3(C) CASES FILED BY MEMBER STATE AND CASE TYPE IN THE MAGISTRATES COURTS: 2018

Member States	2018									Country Total as a % of Total
	Criminal	Civil	Traffic	Dom/ Family	Juvenile	Maint/ Aff	Coroner/ Inquests	Other	Total	
Anguilla	292	152	56	29	13	48	19		609	1.34
Antigua and Barbuda	2,795	655	752	1	4	3			4,210	9.29
Commonwealth of Dominica	1,176	435	1,886	171	100	422			4,190	9.25
Grenada	5,410	767	3,009	212	31	1,855	2		11,286	24.91
Montserrat	168	79	46	12		8			313	0.69
St. Kitts and Nevis	905	1,954	2,406	43	27	911			6,246	13.79
Saint Lucia	2,040	414	9,566					1	12,021	26.54
St Vincent and the Grenadines	2,638	1,164	1,707						5,509	12.16
Territory of the Virgin Islands	337	134	367	15	64				917	2.02
TOTAL	15,761	5,754	19,795	483	239	3,247	21	1	45,301	
Case Type as a % of Total	34.79	12.70	43.70	1.07	0.53	7.17	0.05	0.00		

Data on disposed cases by Member State and Case Type are given in Table 3 (d). Some points to note include:

- Criminal and Traffic cases amounted to 79.60% of total disposed cases
- Grenada followed by Saint Lucia had the largest shares of disposed cases (55.06% of the total)
- 42.21% of disposed Criminal cases were from Grenada
- Civil cases which were disposed in St. Kitts and Nevis were a major 33.10% of total disposed Civil cases
- A high 47.23% of Traffic cases were disposed in Saint Lucia. Saint Lucia together with Grenada recorded 67.67% of total disposed Traffic cases

TABLE 3(D) CASES DISPOSED BY MEMBER STATE AND CASE TYPE IN THE MAGISTRATES COURTS: 2018

Member States	2018									Country Total as a % of Total
	Criminal	Civil	Traffic	Dom/ Family	Juvenile	Maint/ Aff	Coroner/ Inquests	Other	Total	
Anguilla	261	170	53	33	11	47	14		589	1.63
Antigua and Barbuda	665	52	375						1,092	3.03
Commonwealth of Dominica	1,173	779	1,462	211	78	405			4,108	11.38
Grenada	5,026	714	3,437	196	31	749			10,153	28.13
Montserrat	118	71	43	10	1	9			252	0.70
St. Kitts and Nevis	523	1,492	1,665	33	11	940			4,664	12.92
Saint Lucia	1,429	342	7,945					1	9,717	26.93
St Vincent and the Grenadines	2,289	707	1,270						4,266	11.82
Territory of the Virgin Islands	422	180	571		4	70			1,247	3.46
TOTAL	11,906	4,507	16,821	483	136	2,220	14	1	36,088	
Case Type as a % of Total	32.99	12.49	46.61	1.34	0.38	6.15	0.04	0.00		

TIME TO DISPOSITION REPORTS FOR MAGISTRATES COURTS

Tables 3(e), 3(f) and 3(g) showcase information on time to disposition of cases. It must be noted that the data are not consistent with the previous totals on disposed cases; whereas only data from JEMS were used in 3(e), 3(f) and 3(g), additional manual data were submitted for the previous tables. Nevis Magistrates Court is not connected to JEMS and the Saint Vincent and the Grenadines as well as the Montserrat Magistrates Courts have connectivity issues; hence data are not given for these Member States. Also, some branches of the Grenada

Magistrates Court have faced challenges with JEMS and thus not all data have been entered.

Table 3 (e) shows that overall, the timeframe where the most cases were disposed was 1 – 90 days where over half (53.09%) of cases were disposed. All Member States had the most cases disposed in this said time period with the exception of Antigua and Barbuda where there were slightly more cases disposed in less than 1 day. The percentage shares of cases disposed in the timeframes indicated in Table 3(e) are depicted in Figure 9.

TABLE 3(E) AVERAGE TIME TO DISPOSITION IN DAYS, MAGISTRATES COURTS 2018

Time to disp. of all cases	Anguilla	Antigua and Barbuda	Comm. of Dominica	Grenada	St. Kitts	Saint Lucia	Territory of the Virgin Islands	Total	% of Total
<1	32	267	266	32	17	152	8	774	4.03
1 to 90	345	263	1659	210	1643	5883	193	10196	53.09
91 – 180	70	110	456	199	1393	553	134	2915	15.18
181-360	62	178	468	162	789	303	191	2153	11.21
361-720	43	184	540	100	288	226	511	1892	9.85
>720	25	78	719	16	90	138	210	1276	6.64
Total cases	577	1080	4108	719	4220	7255	1247	19206	100.00

FIGURE 9: PERCENTAGE OF CASES DISPOSED PER TIME FRAME IN THE MAGISTRATES COURTS, 2018

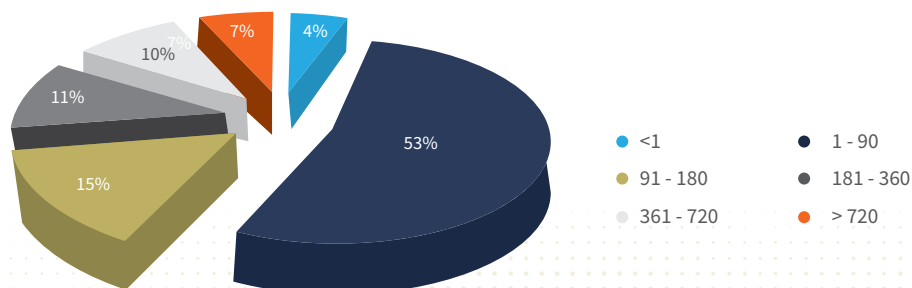


Table 3(f) displays the cumulative percentages which indicate the percentage of cases disposed by certain time frames for each Member State. Overall, over half of cases (57.12%) were disposed within 3 months, 72.30% within 6 months, 83.51% of cases were disposed within 1 year and the majority of cases (93.36%) were

disposed within two years. Commendably, Saint Lucia Magistrates Court had over 80% of its caseload disposed within three months and over 90% within 6 months. All Member States except the Territory of the Virgin Islands had over half of their caseload disposed within 6 months.

TABLE 3(F) CUMULATIVE PERCENTAGES, MAGISTRATES COURTS 2018

Member States	Cumulative percentages: % cases disposed within:			
	90 days / 3 months	180 days / 6 months	360 days / 12 months / 1 year	720 days / 24 months / 2 years
Anguilla	65.34	77.47	88.21	95.67
Antigua and Barbuda	49.07	59.26	75.74	92.78
Commonwealth of Dominica	46.86	57.96	69.35	82.50
Grenada	33.66	61.34	83.87	97.77
St. Kitts	39.34	72.35	91.04	97.87
Saint Lucia	83.18	90.81	94.98	98.10
Territory of the Virgin Islands	16.12	26.86	42.18	83.16
Average	57.12	72.30	83.51	93.36

Table 3(g) highlights the average time to disposition by case type; this was not obtainable for all cases since in a few instances there were errors in data entry where the disposed date

was before the filed date and hence the time to disposition was negative (this has been greatly reduced and occurred for only one or two Member States).

TABLE 3(G) AVERAGE TIME TO DISPOSITION IN DAYS BY CASE TYPE, MAGISTRATES COURTS 2018

Case Types	Anguilla		Antigua & Barbuda		Comm. of Dominica		Grenada		St. Kitts		Saint Lucia		Territory of the Virgin Islands	
	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.	#	Avg. Time to Disp.
Civil	172	109	53	631	779	1591			1153	221	291	487	180	278
Criminal	260	208	655	155	1173	447	495	163	467	217	642	253	422	604
Dom/ Family	34	74			211	279	2	171	35	112				
Juvenile	11	147			78	375	10	213	10	82			4	527
Maint./ Aff.	47	58			405	428			818	71			70	517
Traffic	53	71	372	295	1462	154	212	280	1737	159	6322	40	571	474

SECTION 4 FAMILY COURTS

Case flow information on the two official Family Courts of the OECS (The Saint Lucia and the St. Vincent and the Grenadines Family Courts) is given in this section. The previous section on the Magistrates Courts (Section 3) incorporates family matters for the remaining jurisdictions.

ST. VINCENT AND THE GRENADINES FAMILY COURT

Data on the number of cases filed by case type from 2016 to 2018 are shown in Table 4(a) below. Total filed cases registered a continuous decline over the three years (an overall decrease of 21.73% from 2016 to 2018).

Arrears and Maintenance cases were most common and averaged about 69.66% of total filed cases over the three years. Custody/Access cases which were filed steadily increased over the three years while the minimal cases filed on Occupation Orders declined and those for Protection Orders, Arrears and Maintenance fluctuated. There were no Occupation Orders filed in 2018. This is because there was new legislation implemented (2015 Domestic Violence Act) which came into force 16 November 2016. Occupation Orders were no longer filed in the St. Vincent Family Court after early 2017. The total number of filed cases pertaining to Criminal Offences declined; these will be discussed later in this section.

TABLE 4(A) NUMBERS OF CASES FILED IN THE ST. VINCENT AND THE GRENADINES FAMILY COURT: 2016 TO 2018

Case Type	2016		2017		2018	
	No. of cases	% of total	No. of cases	% of total	No. of cases	% of total
Arrears	1248	39.92	1200	44.02	1069	41.63
Maintenance	866	27.70	749	27.48	725	28.23
Custody/ Access	353	11.29	375	13.76	368	14.33
Protection order	228	7.29	167	6.13	208	8.10
Occupation order	87	2.78	17	0.62	0	0.00
Criminal Offences	344	11.00	218	8.00	198	7.71
Total	3126	100.00	2726	100.00	2568	100.00

Total disposed cases dropped consistently over the three years by 20.60% overall. Arrears and Maintenance cases averaged 70.71% of the total disposed caseload from 2016 to 2018.

Cases on Arrears, Maintenance and Occupation

Orders cases lessened over the three years while Legal Guardianship cases increased minimally in the third year. More Criminal cases were disposed as the years progressed. Disposed cases fluctuated for Custody/Access and Protection Orders.

TABLE 4(B) NUMBERS OF CASES DISPOSED IN THE ST. VINCENT AND THE GRENADINES FAMILY COURT: 2016 TO 2018

Case Type	2016		2017		2018	
	No. of cases	% of total	No. of cases	% of total	No. of cases	% of total
Arrears	1158	43.29	1056	42.09	915	41.25
Maintenance	794	29.68	713	28.42	608	27.41
Custody/ Access	296	11.07	337	13.43	276	12.44
Protection Order	170	6.36	146	5.82	165	7.44
Legal Guardianship	0	0.00	0	0.00	2	0.09
Occupation Order	64	2.39	35	1.39	0	0.00
Criminal Offences	193	7.21	222	8.85	252	11.36
Total	2675	100.00	2509	100.00	2218	100.00

FIGURE 10: CASES FILED AND DISPOSED IN THE SVG FAMILY COURT, 2016 TO 2018

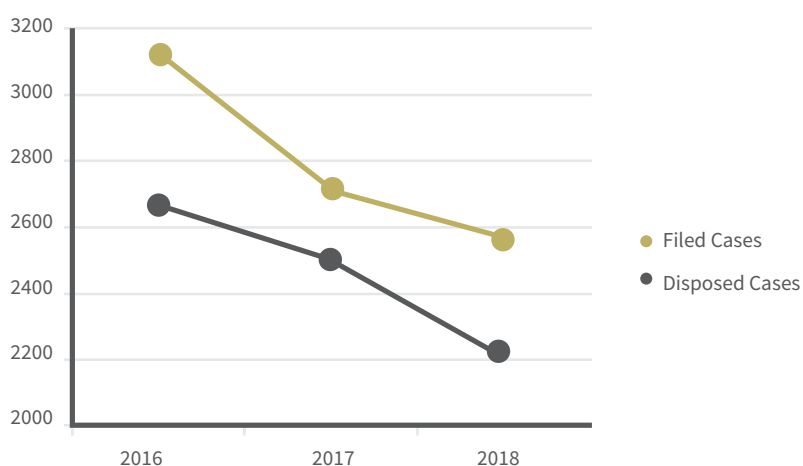


Figure 10 above clearly illustrates the continuous declines in both filed and disposed cases as previously stated. Table 4 (c) shows that the overall clearance rate of cases in the St. Vincent and the Grenadines Family Court fluctuated over the three years and was not over 100%.

Some additional observations from Table 4(c) include:

- The clearance rates for most case types fluctuated however the rate declined for

Arrears cases and increased for Criminal Offences. Occupation Orders registered a sharp increase in the clearance rate from 2016 to 2017; there were no such cases in 2018

- In 2018, the clearance rate could not be calculated for Legal Guardianship cases due to the division by zero; there were two cases carried over from the previous years which were disposed

TABLE 4 (C) CLEARANCE RATES IN THE ST. VINCENT AND THE GRENADINES FAMILY COURT: 2016 TO 2018

Case Type	2016			2017			2018		
	Cases Filed	Cases Disposed	Clearance Rate (%)	Cases Filed	Cases Disposed	Clearance Rate (%)	Cases Filed	Cases Disposed	Clearance Rate (%)
Arrears	1248	1158	92.79	1200	1056	88.00	1069	915	85.59
Custody/ Access	353	296	83.85	375	337	89.87	368	276	75.00
Legal guardianship	-	-	-	-	-	-	-	2	na
Maintenance	866	794	91.69	749	713	95.19	725	608	83.86
Occupation order	87	64	73.56	17	35	205.88	-	-	-
Protection order	228	170	74.56	167	146	87.43	208	165	79.33
Criminal offences	344	193	56.10	218	222	101.83	198	252	127.27
Total	3126	2675	85.57	2726	2509	92.04	2568	2218	86.37

Table 4 (d) gives a breakdown of the Criminal Offences filed in the St. Vincent and the Grenadines Family Court in 2018. The most frequently filed and disposed Criminal cases were Assault cases (39.90% and 24.21% respectively). Aggregating

Indecent Assault with Assault gives even greater filed and disposed percentages of 43.94% and 32.54%. There were also significant numbers of cases pertaining to Unlawful Sexual Intercourse (17.17% filed and 20.63% disposed).

TABLE 4 (D) CASES FILED AND DISPOSED: BREAKDOWN OF CRIMINAL OFFENCES, 2018

Case Type	2018			
	Cases Filed	% of total filed	Cases Disposed	% of total disposed
Abandonment causing endangerment	0	0.00	10	3.97
Abduction	3	1.52	0	0.00
Actual Bodily Harm	1	0.51	0	0.00
Assault	79	39.90	61	24.21
Buggery	5	2.53	23	9.13
Damage to Property	2	1.01	2	0.79
Incest	9	4.55	2	0.79
Indecent assault	8	4.04	21	8.33
Intent to commit rape	6	3.03	2	0.79
Possession of ammunition/firearm	2	1.01	1	0.40
Possession of controlled drug	1	0.51	2	0.79
Possession of offensive weapon	3	1.52	2	0.79
Rape	21	10.61	18	7.14
Robbery	2	1.01	1	0.40
Theft/ Intent to commit theft/Removal of stolen goods	7	3.54	17	6.75
Unlawful and malicious wounding	3	1.52	6	2.38
Unlawful exposure/Gross indecency	1	0.51	21	8.33
Unlawful Sexual intercourse (includes also Intercourse with a girl under 13 or 15)	34	17.17	52	20.63
Use of indecent language	0	0.00	3	1.19
Other	11	5.56	8	3.17
Total	198	100.00	252	100.00

SAINT LUCIA FAMILY COURT

This section gives information on cases managed within the Saint Lucia Family Court (District 1 and District 2) for the year 2018.

DISTRICT 1

Table 4(e) shows the following: 510 cases were lodged while 542 were disposed indicating that some backlog reduction took place. Note that total disposed cases comprise cases heard and final orders given, cases discharged, cases withdrawn and cases transferred to another court.

In 2018, there were no Adult Criminal cases and data on Warrants were not available. Affiliation, Separation and Maintenance cases seconded by Domestic Violence cases formed the majority of both filed and disposed cases; when amalgamated these case types together made up 88.63% and 85.06% of total filed and disposed cases respectively.

TABLE 4 (E) CASES FILED AND DISPOSED IN THE SAINT LUCIA FAMILY COURT DISTRICT 1, 2018

Case Type	Juvenile		Affiliation, Separation & Maintenance	Domestic Violence	TOTAL
	Criminal	Care & Protection			
New Cases Lodged	18	40	281	171	510
Cases Heard and Final Orders Given	6	53	121	55	235
Cases Discharged	1	17	134	115	267
Cases withdrawn by applicant	0	2	30	3	35
Cases transferred to another Court	0	2	1	2	5
Total Disposed Cases	7	74	286	175	542

The overall clearance rate of 106.27% shown in Table 4(f) indicates that the Saint Lucia Family Court achieved slight backlog reduction in District 1 during 2018.

This was specifically attained for all case types which had clearance rates above 100% except Juvenile Criminal cases which recorded a clearance rate below 50%.

TABLE 4 (F) CLEARANCE RATES OF CASES BY CASE TYPE IN THE SAINT LUCIA FAMILY COURT DISTRICT 1, 2018

Category	Juvenile		Affiliation, Separation & Maintenance	Domestic Violence	TOTAL
	Criminal	Care & Protection			
New Cases Lodged	18	40	281	171	510
Total Disposed Cases	7	74	286	175	542
Clearance Rates (%)	38.89	185.00	101.78	102.34	106.27

FIGURE 11: CLEARANCE RATES (%) OF CASES IN THE SAINT LUCIA FAMILY COURT DISTRICT 1, 2018

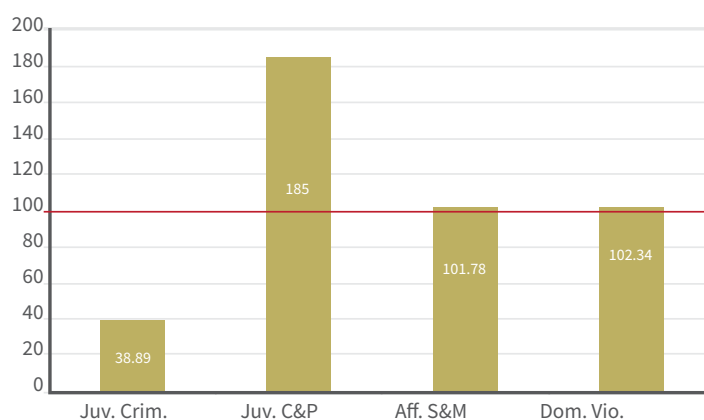


Table 4 (g) displays information on pending cases at the start and end of 2018. There were 558 cases pending at the beginning of 2018 and

526 cases pending at the end of the year. The reduced pending caseload at the end of the year points to slight lessening of case backlog.

TABLE 4 (G) INFORMATION ON THE PENDING CASE LOAD IN THE SAINT LUCIA FAMILY COURT DISTRICT 1, 2018

Category	Juvenile		Affiliation, Separation & Maintenance	Domestic Violence	TOTAL
	Criminal	Care & Protection			
Cases Pending at the beginning of the period	11	157	194	196	558
New Cases Lodged	18	40	281	171	510
Total Disposed Cases	7	74	286	175	542
Cases Pending at the end of the period	22	123	189	192	526

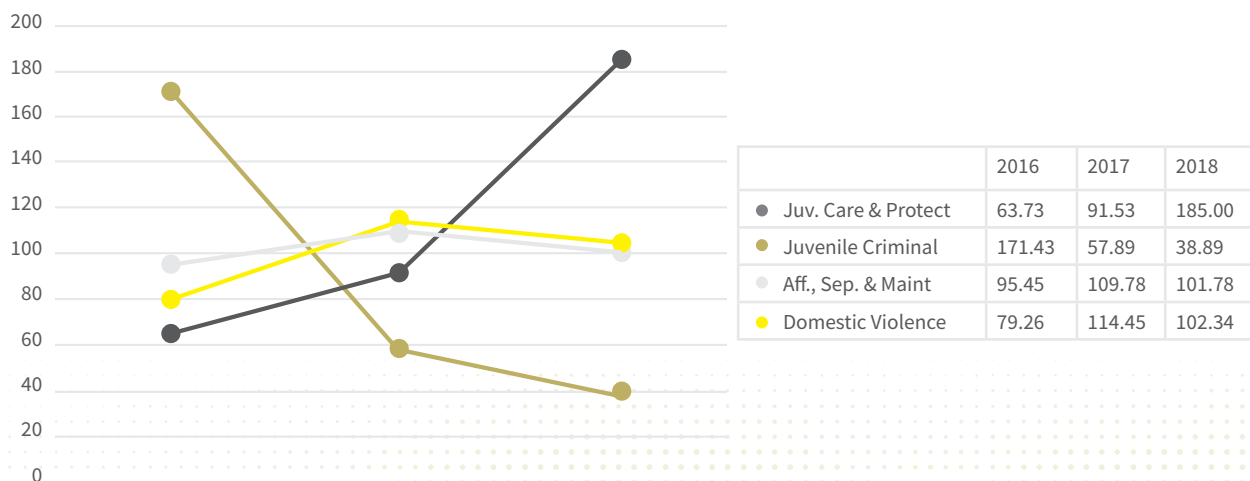
Table 4(h) compares clearance rates by case type from 2016 to 2018. The overall clearance rate declined over the three years but by a greater percentage from 2016 to 2017 (the overall clearance rate dropped by 32.09 percentage

points from 2016 to 2017). In 2018 the clearance rate was above 100% for all the case types shown except for Juvenile Criminal cases where it was very low at 38.89%. The clearance rates by case type are depicted in Figure 12.

TABLE 4 (H) COMPARISON OF LODGED, DISPOSED CASES AND CLEARANCE RATES IN THE SAINT LUCIA FAMILY COURT DISTRICT 1, 2016 TO 2018

Case Type	2016			2017			2018		
	Cases Filed	Cases Disposed	Clearance Rate (%)	Cases Filed	Cases Disposed	Clearance Rate (%)	Cases Filed	Cases Disposed	Clearance Rate (%)
Juvenile Criminal	7	12	171.43	19	11	57.89	18	7	38.89
Juvenile Care and Protection	102	65	63.73	59	54	91.53	40	74	185.00
Adult Criminal	0	0	-	0	0	-	0	0	-
Affiliation, Separation & Maintenance	330	315	95.45	276	303	109.78	281	286	101.78
Warrants	575	1185	206.09	-	-	-	-	-	-
Domestic Violence	270	214	79.26	173	198	114.45	171	175	102.34
Total	1284	1791	139.49	527	566	107.4	510	542	106.27

FIGURE 12: CLEARANCE RATES OF CASES IN THE SAINT LUCIA FAMILY COURT DISTRICT 1, 2016 TO 2018



DISTRICT 2

Case information on Family Court matters in District 2 is given in Table 4(i). These matters are usually incorporated in the Magistrates Court section however from this year the data will be shown separately in the Family Court Section. Note that unlike District 1, Juvenile data are not separated into Criminal or Care and Protection matters.

Most cases were Affiliation, Separation and Maintenance matters and these represented 59% and 62.50% of filed and disposed matters respectively. Pending cases increased by 16.46% from the start of 2018 to the end of that year with Affiliation, Separation and Maintenance cases forming 58.64% of the pending caseload.

TABLE 4 (I) CASE FLOW INFORMATION ON FAMILY COURT MATTERS IN DISTRICT 2, 2018

Case Type	Juvenile	Affiliation, Separation & Maintenance	Domestic Violence	TOTAL
Cases Pending at the beginning of the period	28	100	36	164
New Cases Lodged	25	82	32	139
Total Disposed Cases	20	70	22	112
Cases Pending at the end of the period	33	112	46	191

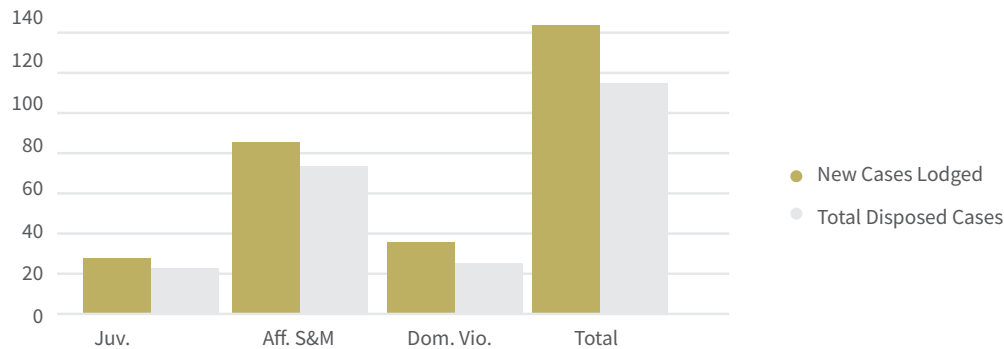
Information on the clearance rates of family court matters dealt with in District 2 are shown below. The overall and individual clearance rates were below 100% meaning that there

was no backlog reduction. Generally, clearance rates were in the region of 80% except for Domestic Violence cases which recorded a lower clearance rate of 68.75%.

TABLE 4 (J) CLEARANCE RATES OF FAMILY COURT MATTERS IN DISTRICT 2, 2018

Case Type	Juvenile	Affiliation, Separation & Maintenance	Domestic Violence	TOTAL
New Cases Lodged	25	82	32	139
Total Disposed Cases	20	70	22	112
Clearance Rates of cases	80.00	85.37	68.75	80.58

FIGURE 13: FILED AND DISPOSED CASES IN THE SAINT LUCIA FAMILY COURT, DISTRICT 2, 2018



INFORMATION ON THE SAINT LUCIA FAMILY COURT

The Family Court Act was passed in 1994 and the Family Court was established in 1997. There are two Judicial Districts; one is located on the corner of Peynier and High Street in Castries and the other is located on Theodore Street in Vieux Fort.

The Family Court has jurisdiction for hearing matters pertaining to Juveniles, Childcare and Protection, Separation and Maintenance, Affiliation and Domestic Violence. To carry out its mandate effectively there are four sections, namely: Magistrate's Court, Administrative section, Accounts section and the Social Support section.

The Social Support section of the Family Court is equipped with three qualified Social Workers and one Intake Counselor. Social Workers interview clients and make the necessary intervention relevant to the client's situation. The Social Workers also provide psycho-educational group therapy when they facilitate the Parenting Program and the Domestic Violence groups for perpetrators and victims. Daily, the Social Workers and Intake Counselor render service to clients

through mediation, preparation of applications for protection orders, family and couples counseling, and submission of social inquiry reports for the Court. There is also a referral system which enables the Family Court to work in collaboration with other agencies.

The administrative section of the Family Court usually processes Child Maintenance applications, receives Child Maintenance payments, prepares Child Maintenance Warrants and lodges cases from clients, lawyers and Social Service agencies. The staff of the Family Court comprises of seventeen employees who are dedicated towards giving justice to clients who seek the various services being offered.

CONCLUSION

The Courts need to continue working assiduously on timelier disposition of their caseload. Overall clearance rates were below 100% for both the High Courts and Magistrates Courts indicating a build up of case backlog. There is still a need for some of the Courts to enter all case information into the JEMS software and move away from partial manual data entry. The Court of Appeal continues to hear large volumes of appeals and continues to deliver the majority of its decisions orally.

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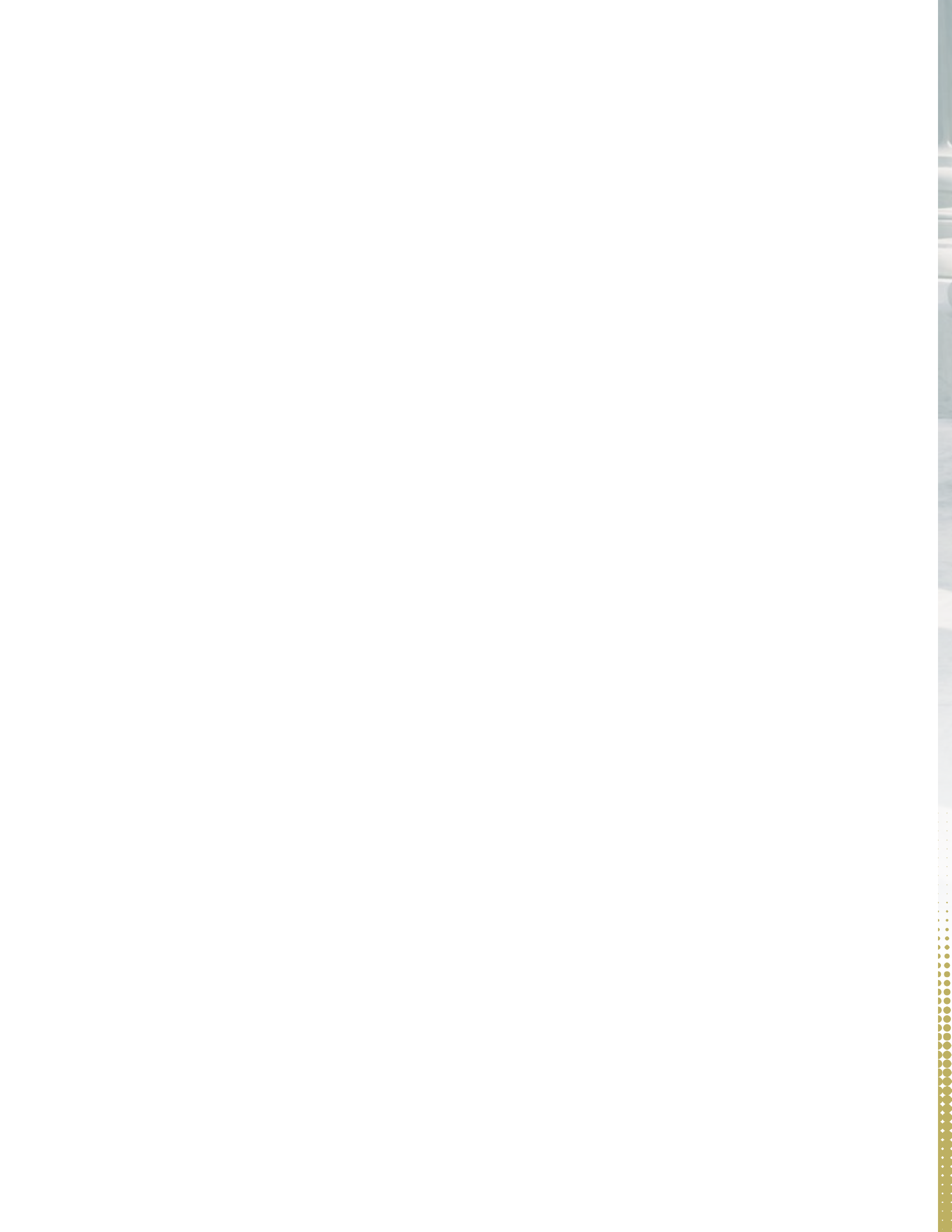
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