



# ECSCJ

2022-2023 Annual Report



# Table of Contents

04	Messages
	Chief Justice
	Court Administrator
12	Appellate Jurisdiction- Caseload Management
36	Courts Project
	Family Division
40	Court-Connected Mediation
49	The Judicial Education Institute
57	The Legal Internship Programme
62	Supporting the Court
	Our Human Resources
	Our Financial Resources
	Our Information Resources
	Information and Communications Technology
81	Court Performance
	Overview
	Court of Appeal
	High Courts
	Magistrates Courts
	Family Courts
136	Those Who Serve
	Judicial Officers
	Administrative and Support Staff



# Message

from the Chief Justice



I am particularly pleased at the technological advancements which the Court made over the last year, and I am hopeful for the innovations to come which will carry on the Court's mission for efficiency and its continued stride toward excellence in the administration of justice.

It is my honour and pleasure to welcome you to another edition of the Annual Report of the Eastern Caribbean Supreme Court (ECSC). It is somewhat bittersweet for me to address you through this medium for the final time, however I am elated at the chance to update you on the developments of the ECSC over the last year. This Report gives an overview of the work of the Court during the period 2022/2023 and reflects not only on the achievements of the Court during that period, but on the challenges it faced as well in its mission to achieve excellence in justice administration. I take this opportunity to thank you for taking the time to review this Report, which is a useful medium for the Court to keep its stakeholders abreast of how the ECSC plays its part in the delivery of justice in the Eastern Caribbean. While this introduction gives some detail of the Court's most recent projects, I implore you to review the complete Report for a more holistic appreciation of the Court's work over the past year.

The 2022/2023 period was filled with many developments and milestones for the ECSC. The Court expanded the efficiency of its services by further widening the capacity of its E-Litigation Portal (ELP). Having first implemented the ELP in the Magistracy via the Family Division in Antigua and Barbuda in October 2022, the Court went on to complete the ELP links for Family and civil matters in the Magistracy across all its Member States and Territories in July 2023. This is significant, as it marked the completion of the second phase of the Court's ELP Project. It is also an important step for a more cohesive partnership between the ECSC and the Magistracy of the OECS.

Indeed, the ECSC continues to keep its eyes firmly on the future of technology and how technology can be leveraged to not only make it more efficient as an institution of justice, but to also make it adequately equipped for crisis management. To that end, the Court is now geared toward completing its third and final phase of the ELP Project in 2024 by the implementation of the Criminal Module, which will see the realisation of a fully operational elec-



tronic case management system for all case types across all the ECSC's Member States and Territories. I look forward to the full implementation of the ELP Project and the impact of efficiency it will have across all levels of our courts throughout the Eastern Caribbean. I take this opportunity to thank the dedicated and hardworking members of the ELP Implementation Team for taking the ELP Project this far, where its completion can now be seen on the horizon. Their collective efforts have taken the Court into a modern age of technological standards for justice administration which will benefit us all in the long term.

Further technological advancements for the Court in 2023 include the launch of its new and improved website. The new ECSC website has been revamped to make legal research and research on the Court's current events more seamless. With the Court's growing database of judgments and digests, as well as its increased efforts for greater visibility and public awareness, this new website will make the ECSC an even more accessible institution. With an easier to navigate interface, I hope that this new website will generate greater use of the Court's resources by legal practitioners, and a greater interest in its work by the general public.

During the year under review, the ECSC also completed the long-awaited revision of the Civil Procedure Rules (CPR) which came into effect on 31st July 2023. It is our hope that the amendment to the new Rules will modernise civil practice and procedure across the nine Member States and Territories. Some of the more notable revisions to the Rules include the removal of the requirement for permission to apply for judicial review and to serve proceedings outside of the jurisdiction. The E-Litigation Filing and Service Procedure Rules have also been integrated into the revised Rules. The new Rules also incorporate advancements in Alternative Dispute Resolution (ADR) mechanisms by the introduction of Judicial Settlement Conferences (JSCs). Having been first piloted in Dominica, the implementation of JSCs was met with considerable success. It is anticipated that JSCs will assist with significantly reducing the Court's case backlog. These are but a few of the amendments made to the new Rules. I anticipate that these changes will make civil practice and procedure a more seamless process, and that, by extension, it will positively impact the development of Eastern Caribbean jurisprudence.

The ECSC also facilitated several training sessions and conferences for its judicial officers during the year under review. They included the Annual Judicial Conference (AJC) hosted by the Judicial Education Institute (JEI) in March 2023. The AJC included an orientation programme for newly appointed judges. The orientation programme is a staple feature of our JEI's training programme - contributing to the continuity of the standard of judicial excellence to which the ECSC holds itself. The AJC also featured a session which sensitised judicial officers and registrars alike on the amendments which were to be expected in the new CPR. Other training initiatives hosted by the JEI in 2023 included its Mediation Training

Workshop which resumed in person in Grenada in March, a Case Management Training Programme in June, and a Magistrates' Conference in October. These training sessions and conferences facilitated by the JEI were greatly appreciated by the judicial officers and the wider court staff. The JEI remains focused on its efforts to improve judicial efficiency and build capacity. It is my hope that in the years to come the JEI will be able to expand further on its judicial education programme. We extend our thanks and appreciation to our partners, including the Judicial Reform and Institutional Strengthening (JURIST) Project, the Improved Access to Justice in the Caribbean (IMPACT Justice) Project and the OECS Governments, who have made several of the initiatives of the JEI possible in the last year. We look forward to future collaborations to improve and expand on the Court's education and training projects.

Undoubtedly, as I have stated, my message is unable to traverse the entire length and breadth of the work which was undertaken by the ECSC over the last year. However, I hope as you comb through the Report you will gain a deeper appreciation of the accomplishments which we have made through various reform and technological projects.

As I look back on the last year, I am elated at how much the ECSC was able to accomplish despite the many challenges it faced. I am particularly pleased at the technological advancements which the Court made over the last year, and I am hopeful for the innovations to come which will carry on the Court's mission for efficiency and its continued stride toward excellence in the administration of justice. Given all that it has achieved thus far, I trust that the ECSC's capacity will continue to grow from strength to strength in fulfilling its mission to serve the people of the Eastern Caribbean.

In concluding my final message to you in this year's Annual Report, I wish to extend my sincerest gratitude to all the Judicial Officers, Magistrates, Registrars, Management and staff at the various court offices of the ECSC for their unwavering dedication and tireless service. On behalf of the Judges, Management and staff at the Eastern Caribbean Supreme Court Headquarters and the High Court Offices across the Member States and Territories, and on my own behalf, I thank you for your support over the years. I look forward to seeing and experiencing the ever-greater accomplishments of the ECSC in the future. The ECSC is committed to providing the Eastern Caribbean with a system of justice that is accessible, fair, efficient and accountable. I hope that in our tireless efforts to achieve this, the ECSC will also inspire the continued support of the Eastern Caribbean people.



# Message

from the Court Administrator

“

Our Courts' preparedness to respond to the significant challenges that our society will face and the frequent and ongoing changes to our operating environment is of utmost importance.



During the year under review, the Eastern Caribbean Supreme Court (ECSC) continued to operate under some financial pressure, but we rose to the challenge with confidence and determination. We recognised the need for increased efficiency and took action to ensure that the court remains a beacon of reliability and service excellence. Despite the cash flow constraints, I am proud to affirm that the court's administration continued to provide the best service possible to all its stakeholders, including litigants, their representatives, and members of the public.

Throughout this report, you will find information about work that has been undertaken or is underway to support and improve the functioning of the courts in each Member State and Territory to meet the continuous challenges which is being faced by the justice system. Much of this is done in partnership with the Ministries of Legal Affairs/ Justice, Attorneys General Chambers, and our external funding partners.

Additionally, various initiatives were implemented to expand and improve access to court services and optimise court administration by modernising court processes utilising information and communications technology as far as possible. The second phase of the E-litigation Portal Project was the implementation of the Portal in the Magistrates' Courts in the Subregion, focusing on those Member States with Family Courts or Divisions, such as Antigua and Barbuda, Saint Lucia and Saint Vincent & the Grenadines, and for all the matters which were not criminal in nature for the other six Member States and Territories. The implementation of the second phase of the Portal began in Oct 2022 and was completed in July 2023 marking another significant milestone for the Court.

The completion of phase 2 of the Portal allowed the Court to focus on the third and final phase of the Portal, the implementation of the Criminal Module. By the end of 2023 this final module was available for user testing with the anticipation that it will be implemented in all the Member



States and Territories during 2024. We look forward to this development which will bring the Court to a place where all case types will be available on the Portal.

In addition, the ECSC website underwent a complete overhaul and was launched in early 2023, resulting in a more intuitive and engaging user experience. Judicial officers, legal professionals, litigants, and the general public continue to rely on the website as a valuable resource for accessing up-to-date judicial precedents and information about the court. The website effectively allows the ECSC to keep its users informed about procedure changes and court operations. We encourage you to explore the redesigned website and use its new and improved features to enhance your research experience.

On the other hand, the education and training of Judicial Officers continue to be essential to uphold the independence, impartiality, dignity, accessibility, and effectiveness of the courts. To this end, the ECSC Judicial Education Institute (JEI) continues to provide training courses for judicial officers and professional and administrative staff to achieve this goal. It is crucial for judicial officers and administrative staff to continually participate in relevant educational development to keep their skills up to date with the latest developments in the law, changes in court administration, and improved court service delivery methods.

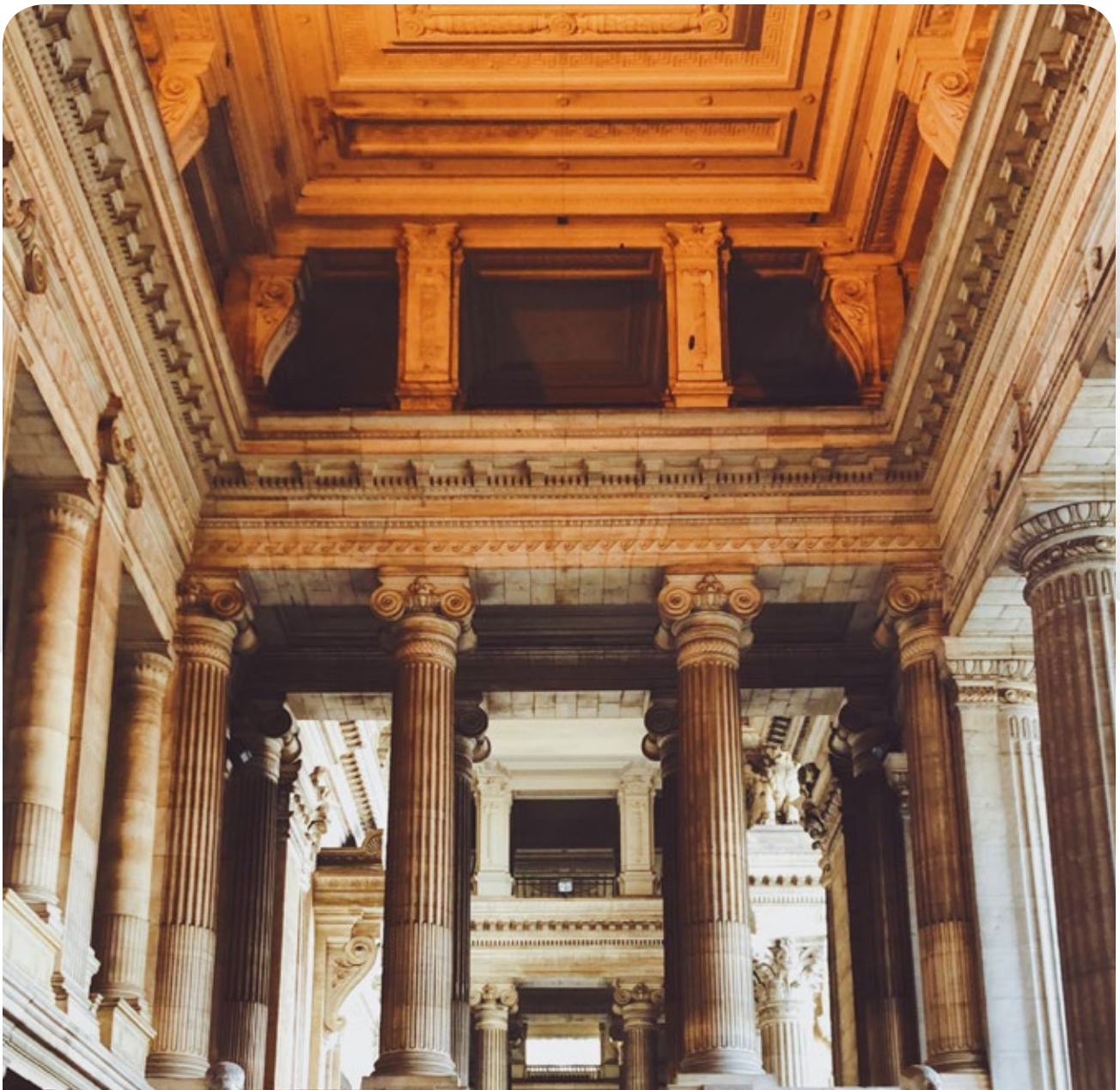
The ECSC Mediation arm continues to provide world-class service and another means by which citizens in the Member States and Territories are provided with an excellent alternative to the litigation process. As a result of the unavailability of funds the ECSC's desired plans to increase the number of trained mediators was hampered. Notwithstanding, we were able to complete a Mediation training workshop in Grenada, with funding assistance from the JURIST project. We hope to be able to conduct similar workshops in the other Member States and Territories in the upcoming year once the funding is available. For more detailed information on the JEI and the ECSC Mediation programmes, please look at this report's JEI and Mediation sections.

At the Court's headquarters, the senior management team has taken a proactive approach to exploring the possibility of improving our business processes. Over the past year, the ECSC's efforts have been integral to transforming and future-proofing the Judiciary. The team is fully committed to putting in the effort and energy the judiciary will require in the coming years. The various sections of this report, in addition to providing you with valuable and useful statistics, will give some insight into the work of the various departments of the Courts' Headquarters.

Our courts' preparedness to respond to the significant challenges that our society will face and the frequent and ongoing changes to our operating environment is of utmost importance. The realisation of this vision is crucial for our courts to remain relevant and practical and continue to deliver justice to all. We remain confident in our ability to deliver and adapt to any challenges we may face in the future.

In closing, I wish to thank the judges, masters, registrars and staff of the Court for their continuous support and dedicated efforts throughout the past year. I look forward to continuing in this regard in the upcoming year.

Gregory Girard  
Court Administrator



# Appellate Jurisdiction

## Caseflow Management



We wish to recognize the assistance provided by the Registrars, Deputy Registrars and staff of the High Court and Magistrates' courts in the court's jurisdiction. You continue to provide the relevant support which allows us to achieve our endeavors.



## Introduction

The court of appeal registry, or the Central Registry as it is also known, is the department of the Court responsible for the processing and managing of appeals 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.

## Staff Complement

We are pleased to apprise you of the following staffing changes in the Court of Appeal Registry.

### Resignations

We bade farewell to Mr. Carlos Michel, Deputy Chief Registrar on 31st August 2022. During his almost 3-year tenure as Deputy Chief Registrar, Mr. Michel provided tremendous guidance and assistance to the Court, especially the court of appeal registry department. He was a tremendous asset and although we were saddened to see him go, we are delighted and proud of his appointment as Master of the Eastern Caribbean Supreme Court.

We also said farewell to Ms. Tamara Mathurin who resigned from her position as a Judicial Research Assistant on 10th March 2023 and Miss Maria Edmund who resigned from her position as Case Manager.

The contribution of these two ladies to the department was tremendous. We remain grateful to them for their hard work and diligence and wish them every success in their future endeavours.

### Appointments

After the departure of Mr. Michel, the department was pleased to welcome Ms. Daniela Chambers as Deputy Chief Registrar. Ms. Chambers' appointment took effect from 1st December 2022. Ms. Chambers is no stranger to the Court as she was a legal intern at the court in 2015.

The court is a recipient of the wealth of legal experience which Ms. Chambers has brought, and we are delighted that she has joined us.

During this period, the department was also strengthened with the increase in its complement in the following persons:

Case Managers

**Mr. Baldwin Paul** and **Ms. Abigail Lansiquot** who joined on 19th August 2022

Judicial Research Assistants

**Mr. Al Joseph** who joined on 1st March 2023;

**Ms. Krystal Sukra** who joined on 1st June 2023;

At the end of the period under review, the total staff complement of the department was sixteen (16) broken down as follows:

Chief Registrar

Deputy Chief Registrar

5 Case Managers

9 Judicial Research Assistants

## Workload



---

There were 417 appeals filed in total in the High Courts and Magistrates' Courts during the calendar year 2022. This represents an increase from the 379 cases which were filed in 2021.

There was a slight decrease in the number of civil appeals filed from the High Court and Magisterial Courts in 2022 making a total of 190 civil appeals filed, compared to 212 such appeals which were filed in 2021.

There was, however, an increase in the number of criminal appeals filed in 2022 from the previous year, making a total of 135 criminal appeals filed compared to 114 criminal appeals filed in 2021.

There was also an increase in the number of commercial appeals filed, bringing the number from 53 in 2021 to 85 in 2022.

While in 2021 there were no appeals filed in the Industrial Court/ Labour Tribunal, in 2022 there were 10 matters filed.

A detailed analysis of the case load for 2022 can be found in the section on court performance in this Report.

---

## Court Sitings

In 2022 a total of 1252 appeal matters were heard via Full Court sittings, Chamber Hearings, Case Management hearings and Status Hearings broken down as follows:

- There were twenty (20) full court sittings conducted for the year 2022 where 364 matters were heard. Antigua and Barbuda, Territory of the Virgin Islands, Saint Lucia and St. Kitts and Nevis had three (3) sittings each; Grenada, St. Vincent and the Grenadines, Anguilla, Montserrat and the Commonwealth of Dominica had two (2) sittings each.
- There were 17 extraordinary full court sittings held for the year.
- Since the onset of the Covid 19 Pandemic, and the constraints attendant to it, such as challenges with inter-regional travel and the need for legislated physical distancing

requirements, the court of appeal had largely heard all Full Court sittings virtually via Zoom. This status quo continued in 2022 which allowed the Court to maintain its service to the Member States and Territories.

- There were eleven (11) scheduled Chamber Hearings, conducted on average at least once a month for the purpose of case management and dealing with interlocutory applications. There were also a number of other matters heard in Chambers outside of the scheduled Chamber Hearings. The matters scheduled for consideration in Chambers were largely dealt with on the papers. This led to a hearing of 436 such matters for the year.
- A total of 22 Status Hearings were held, conducted by the Chief Registrar where 452 matters were heard.

## Delivery of Judgments

There were 79 written judgments delivered by the Full Court in 2022. These written judgments included 6 oral judgments where written reasons for decisions were provided by the court.

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.

In 2022, the Full Court also delivered 211 oral decisions. These decisions have been captured in the digests of decisions produced by the Court. The digests of decisions 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 also provide information on the issues dealt with in a matter, the order made and the reasons given for the order. All digests, once approved, can also be found on the Court's website and prove very useful to practitioners especially where there are no written judgments.

## 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 by 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 take necessary steps to resolve this issue.

### Legal Internship Programme

The Legal Internship Programme continues to be a prominent feature on the Court’s calendar, where a 10-week legal internship program, is offered to two students from the regional law schools during the months of June to August of every year. The court was pleased to partner with the regional law schools, once again, to provide this internship.

After a vigorous vetting process, Mr. Ronaldo Richards and Ms. Akilah Southwell, both students at the Norman Manley Law School, emerged as the frontrunners and were offered placements from June to August 2023. During the internship, in addition to attending court sittings, the students were exposed to a number of tasks including preparing digests, writing legal opinions, preparing draft orders, headnoting and vetting judgments. The full account of the internship from the students’ perspectives can be read in this annual report.

### Significant Judgments Delivered

The following judgments delivered in the period under review are worthy of mention:

#### **THE NEVIS ISLAND ADMINISTRATION v OCEAN REEF RESORTS LIMITED NEVHCVAP2018/0006**

**Interlocutory appeal – Preliminary issue — Juridical status of the Nevis Island Administration — Whether the Nevis Island Administration is part and parcel of the Crown for the purposes of civil proceedings pursuant to the Crown Proceedings Act — Whether the Nevis Island Administration was the proper party to be served with the claim - Request and entry of default judgment**

The appellant, the Nevis Island Administration (the “NIA”), is a body established under the Constitution of Saint Christopher and Nevis (the “Constitution”) to advise the Governor General in the government of the island of Nevis. It has exclusive responsibility for the administration within the island of Nevis in relation to specific subject matters under the Constitution. The respondent, Ocean Reef Resorts Limited (“Ocean Reef”), filed a claim against the NIA seeking damages for breach of a contract pertaining to the development of certain property in Nevis. The claim was served on a secretary in the Legal Department of the NIA. The NIA failed to acknowledge service of the claim within the 14-day period prescribed for so doing under the Civil Procedure Rules 2000 (the “CPR”). Consequently, Ocean Reef filed a request for entry of judgment in default of acknowledgement of service. The Regis-

trar entered judgment in default against the NIA for an amount to be decided by the court. The NIA then applied to set aside the default judgment on the basis that the claim was not served personally in accordance with CPR 5.1(1), as the Legal Department of the NIA was not authorised to accept service on behalf of the NIA. Ocean Reef in response argued that the Legal Department is authorised to accept service on behalf of the NIA.

The learned master dismissed the application to set aside the default judgment and awarded costs to Ocean Reef. He found that there was proper service of Ocean Reef's claim on the NIA by service on the secretary of the Legal Department of the NIA. He therefore concluded that there was no basis on which the default judgment could be set aside under CPR 13.2.

Being dissatisfied, the NIA appealed against the decision of the master. When the appeal first came on for hearing, the Court raised as a preliminary issue whether the proper party was served with the claim for the purposes of the entry of default judgment; and further, as the claim is one for breach of contract against the NIA, whether the NIA is a juridical person separate and apart from the Crown or is part and parcel of the Crown for the purposes of proceedings governed by the Crown Proceedings Act. This preliminary issue, having not been considered by the master or canvassed by the parties in the proceedings below, the Court invited the Attorney General as *amicus curiae* to provide a legal opinion on the issue and also directed the parties to file written submissions on the issue. The Court thereafter heard the parties on the preliminary issue.

**Held:** finding that the NIA has no legal standing to sue and be sued in civil proceedings given the applicability of the Crown Proceedings Act to Nevis and further, that the proper party to Ocean Reef's claim and the proper party to be served in respect of the claim is the Attorney General of Saint Christopher and Nevis; and ordering that each party bear its own costs, that:

1. The Constitution confers substantial authority on the NIA as an organ of government and carves out eight specific areas for which the NIA shall have exclusive responsibility within the island of Nevis. This includes the responsibility for land and buildings in Nevis vested in the Crown and specifically appropriated to the use of the Government. There is however nothing in the Constitution which imbues the NIA with legal standing to sue or be sued in respect of land and buildings vested in the Crown, or indeed in respect of any of the other areas of exclusive responsibility. Furthermore, the Nevis Island Legislature has no power under the Constitution to make laws relating to proceedings by or against the Crown, other than as it relates to the conduct of proceedings under section 112 of the Constitution. It is therefore clear that, barring public law or 'Crown-side' type proceedings, the NIA only has legal standing in circumstances where section 112 is engaged. This section addresses disputes as between the NIA and the Federal Govern-

ment and is therefore inapplicable to the case at bar.

Sections 102, 106 and section 3 of Schedule 5 of the Constitution of Saint Christopher and Nevis, Cap 1.01 Laws of Saint Christopher and Nevis considered.

2. The Crown Proceedings Act is federal legislation which applies to both Saint Christopher and Nevis. According to section 3 of the Crown Proceedings Act civil proceedings against the Crown must be instituted against the Attorney General. There are no provisions in the Constitution which disapply section 3 of the Crown Proceedings Act in relation to Nevis. There is also no separate Attorney General for Nevis, but one Attorney General for the Federation. Furthermore, no specific carve out has been made in the Crown Proceedings Act to permit the NIA to assume the role of the Attorney General as it relates to civil proceedings commenced in Nevis against the Crown. It therefore follows that the NIA is part and parcel of the Crown for the purposes of civil proceedings under the Crown Proceedings Act. Accordingly, Ocean Reef's claim, being civil proceedings under the Crown Proceedings Act, ought to have been instituted against and served on the Attorney General.
3. The mere fact that civil proceedings by and against the NIA are commonplace is not a good or legitimate reason for overlooking the clear provisions of the Crown Proceedings Act. It is well-settled that a common practice engaged in over a number of years does not thereby render it correct by common and repetitive usage over time. Furthermore, the practical expediency or other advantages of naming the NIA as the defendant to civil proceedings in Nevis, instead of the Attorney General, ought not to result in the clear provisions of the Crown Proceedings Act being disregarded and more so where clear expression of its exception is contained in the Constitution itself. It would therefore not be correct to construe the provisions of the Crown Proceedings Act to allow for the institution of civil proceedings against the NIA.

Sections 3, 13 and 14 of the Crown Proceedings Act, Cap 5.06, Revised Laws of Saint Christopher and Nevis applied; *Bryan James v Attorney General* SLUHCVAP2013/0023 (delivered 22nd April, 2014, unreported) followed; *Elmoalis Ltd. v The Attorney General of Anguilla* AXAHCVAP2019/0002 (delivered 21st May 2021, unreported) followed; *Beverley Levy v Ken Sales and Marketing Limited* [2008] UKPC 6 considered; *Ferdinand James v Planviron (Caribbean Practice) Limited* SLUHCVAP2017/0050 (delivered 16th October 2019, unreported) followed; *Choice FM Limited v Nevis Island Administration et al* NEVHCV2013/122 (delivered 20th October 2014, unreported) disapproved.

## **CHERYL BERTRAND v THE ATTORNEY GENERAL SLUHCVAP2021/0014**

**Civil appeal – Intestacy – Succession – Entitlement of children born out of wedlock to inherit from their deceased father’s estates on intestacy – Constitutional law – Fundamental rights and freedoms – Whether Article 579 of the Civil Code of Saint Lucia infringed sections 6, 10 and 13 of the Constitution of Saint Lucia – Standing to bring a constitutional claim for breach of fundamental rights and freedoms – Whether appellants had standing to bring a claim for breach of their fathers’ rights to freedom of expression and to protection from discrimination – Chose in action – Whether Article 579 deprived the appellants of the right of succession to property or interest in property to which their deceased fathers were entitled – Application to amend a statement of case after the first case management conference – Rule 20.1 of the Civil Procedure Rules 2000 – Whether the learned judge erred by refusing leave to the appellants to amend their statements of case**

The appellants, Shakira Francis (suing by her mother Kara Maria Francois as next friend) and Cheryl Bertrand (together “the appellants”) were both children fathered out of wedlock by married men. Their fathers died without making a will and they both claimed that they were entitled to a share in their deceased fathers’ estates on intestacy. By fixed date claims and supporting affidavits filed on 12th August 2020 in the High Court, the appellants contended that Article 579 of the Civil Code of Saint Lucia (“the Civil Code”) deprived them of the right to succession to their respective fathers’ property; and to protection of the law and equal treatment under sections 1 and 6 of the Constitution of Saint Lucia (“the Constitution”).

They pleaded that the impugned Article discriminated against their fathers and constituted a breach of their fathers’ freedom of expression. They also asserted that by virtue of the circumstances of their birth they had suffered direct loss by reason of these alleged constitutional breaches. They sought, inter alia, declarations that Article 579 was unconstitutional and costs. During the trial in the lower court, the appellants loosely articulated an application to amend their statements of case to assert that their rights (as opposed to their fathers’ rights) under section 13 of the Constitution to protection from discrimination had been violated and consequently their constitutional right to property had been infringed, by virtue of their fathers’ status as a married man and their fathers’ exercise of their freedom of expression. In a judgment delivered on 30th June 2021, the judge refused leave to amend the claims and ultimately dismissed both claims.

Being dissatisfied with the judge’s ruling, the appellants appealed. The appellants submitted 5 grounds of appeal but the two main issues which arose on appeal were: (i) whether the learned judge erred by not granting leave to the appellants to amend their statements

of case and (ii) whether the judge erred by holding that Article 579 of the Civil Code did not infringe sections 6, 10 and 13 of the Constitution and was therefore not unconstitutional.

**Held:** dismissing the appeal, affirming the judgment made in the lower court and ordering that each party shall bear their own costs of the appeal, that:

1. After the first case management conference, a party may change its statement of case only with leave of the court. The guiding principle is that amendments ought to be made if essential to the resolution of the real question in controversy and where the justice of the case so requires. When considering an application to amend a statement of case, the court should have regard to all relevant factors including how promptly the application was made, the stage of the proceedings, the prejudice or advantage to parties if the application is granted or refused, whether the opposing party may be compensated in costs, the effect on the trial date and the administration of justice. Ultimately, the court should aim to achieve fairness to the parties and further the overriding objective.

Rule 20.1 of the Civil Procedure Rules 2000 applied; *George Allert (Administrator of the Estate of George Gordon Matheson, deceased) et al v Joshua Matheson GDAHCVAP2014/0007* (delivered 24th November 2014, unreported) followed.

2. An examination of the trial judge's ruling reveals that she had regard to CPR 20 when considering the application to amend the statements of case. She considered the stage of the proceedings and the likely prejudice to the respondent. However, the judge's decision appeared to be predicated primarily on the fact that the application was not in writing. She therefore failed to have proper regard to other material considerations including the interest of justice, whether the respondent could have been compensated in costs, the impact granting the order would have had on the progress of the proceedings, the loss of judicial time and how it would impact the administration of justice. The judge further failed to consider that the application qua submission was made on the trial date or the procedure regarding how an amendment is formally effected. In so doing, the judge erred by failing to consider all the relevant substantive and procedural factors and the application to amend the statements of case fell to be considered afresh by the Court of Appeal.

Rule 20.1 of the Civil Procedure Rules 2000 applied; *George Allert (Administrator of the Estate of George Gordon Matheson, deceased) et al v Joshua Matheson GDAHCVAP2014/0007* (delivered 24th November 2014, unreported) followed; Paragraphs 2 and 3 of Practice Direction No. 5 of 2011 applied.

3. On the facts, no application was made to dispense with the need for a written application and no order was made dispensing with that requirement. Moreover, the appellants failed to present to the court or the opposing party a draft with the wording of the proposed changes to the statements of case. The fact is that the application was made at an advanced stage of the proceedings and the respondent would have been taken by surprise. Further, any order granting leave would have had to include consequential orders for the statements of case to be re-verified and re-filed and the corresponding changes to the evidence would have been necessary. This would have likely led to a deferral of the trial date. Whilst it was arguable that the respondent could have been compensated in costs, a preliminary assessment of the appellants' prospects of success if the amendments were permitted suggests that their intended allegations were likely to fail. Thus, the relevant procedural and substantive factors weighed heavily against the appellants and the Court found that it was in the interest of justice to deny the oral application for leave to amend the statements of case.



4. Section 16 of the Constitution confers a cause of action for breach of section 10 of the Constitution exclusively on the person who claims that his right to freedom of expression has been, is being or is likely to be infringed. Only such a person may maintain an action for breach of such rights in relation to himself. On the facts, neither appellant had the requisite legal standing to maintain a claim for breach of her father's constitutional right to freedom of expression by virtue of Article 579. Consequently, their contention that they were directly affected by reason of their inability to inherit from their fathers' estates on intestacy did not forge a connection between their fathers' enjoyment of their rights and any purported constitutional or other right of either appellant to inherit

such property or interest in the same. The judge therefore did not err in holding that the appellants had no legal standing to pursue a claim for infringement of their fathers' constitutional rights to freedom of expression and that those as well as the incidental claims therefore failed.

Section 16 of the Constitution of Saint Lucia Cap. 1:01 of the Revised Laws of Saint Lucia, 2020 applied.



5. The learned judge however, did not go on to consider the other aspects of the appellants' freedom of expression case, i.e. that the breach of those rights of their fathers directly affected their 'right of succession to property', to 'an interest in property' of their fathers, or their 'ability to inherit property forming part of their fathers' estates'. With the appellants' freedom of expression claims having failed, so too would the claim for declaratory relief in relation to them. Thus, there being no breach of the fathers' rights to freedom of expression under section 10 of the Constitution, there was no corresponding breach of the appellants' right under section 6 not to be subjected to compulsory deprivation of property without adequate compensation. Moreover, even if the learned judge had considered the decision in *Vermeire v Belgium* and/or granted leave to amend the appellants' statements of case as requested, this would not have changed the outcome, that Article 579 of the Civil Code did not deprive the appellants of their right to succession to property or an interest in property to which their deceased fathers were entitled.

*Vermeire v Belgium* [1991] ECHR 12849/87 distinguished.

6. A chose in action is a term used to describe all rights of property which can be claimed or enforced only by action and not by taking physical possession. The appellants' use of the terminology 'right of succession to property or interest in property to which [the] deceased father is so entitled' and 'right to succession of property or interest in property of [the] father' signified that the declaratory relief sought was not limited to 'an interest in property' but also extended to a 'right to succession of property' which qualified as a chose in action. In her ruling, the judge did not address her mind to the issue of whether the appellants made out their claim to choses in action and in so doing, she erred, and it fell to the Court of Appeal to make a determination on the issue.

Flat Point Development Limited v Mary Dooley ANUHCVAP2015/0029 (delivered 13th March 2019, unreported) followed.

7. Section 6 of the Constitution prohibits the compulsory acquisition not only of physical tangible things such as land, but also trust, contractual and beneficial contingent rights, provided that they are capable of being owned or held in possession. A chose in action would fit into this description if it is capable of being owned. On the facts, the appellants had not identified any chose in action owned by them. Moreover, neither appellant alleged that the Crown had transferred the avowed chose in action to another person or that Article 579 had that effect. Consequently, neither appellant established that they had the requisite standing to pursue a claim for a breach of section 6 and they failed to prove that Article 579 had the effect of compulsory acquisition of any right of theirs to pursue a claim for an interest in their fathers' estates, being the choses in action to which they claimed ownership.
8. Constitutional provisions such as section 1 of the Constitution are introductory and prefatory in nature, are unenforceable and not justiciable. Notwithstanding, to the extent that they are declaratory of rights, regard is to be had to them in construing justiciable provisions in the Constitution. On the facts, the learned judge examined section 1 and its import in relation to the appellants' contention that it was justiciable. Although a judge is not expected to expressly analyze every possible legal point that is a spin-off from the main issues in a case, the appellants' contention that the learned judge failed to have regard to the declarations in section 1 in construing section 13 was not borne out by the contents of the judgment.

Olivier and another v Buttigieg [1966] 2 ALL ER 459 considered; Matadeen v Pointu [1998] UKPC 9 considered; Jay Chandler v The State (No 2) [2022] UKPC 19 considered.

9. Section 13(4)(c) of the Constitution makes an exception for the enactment of laws which afford different treatment to individuals in matters pertaining to devolution of property on death. An examination of section 13(4) of the Constitution demonstrates that the clause 'reasonably justifiable in a democratic society' qualifies only paragraph (d). It has no applicability to paragraph (c). Construing paragraphs (c) and (d) as disjunctive, better accords with the practice within courts of Commonwealth common law jurisdictions, including this Court. The learned judge was therefore correct to conclude that it was not necessary for her to examine whether Article 579 was 'reasonably justifiable in a democratic society.' Consequently, she did not err when she held that section 13(4)(c) and (d) do not have to be read conjunctively but disjunctively, and that section 13(4)(c) permits the enactment of a discriminatory law in certain exceptional instances, including in relation to devolution of property on death, as happened with Article 579 of the Civil Code.

Magaya v Magaya [1999] 3 LRC 35 considered.

## **LUNAN PHARMACEUTICAL GROUP CORPORATION V ZHAO LONG AND OTHERS**

### **BVIHCVAP2021/0007 heard together with BVIHCMAP2022/0029**

Application for a stay of execution - Rules 26.1(2)(q), 62.19 & 62.20(1) of the Civil Procedure Rules 2000 - Rule 30(1) of the Court of Appeal Rules 1968 -The principles from C-Mobile Services Limited v Huawei Technologies Co. Ltd - Whether Lunan ought to be granted of a stay of execution of the Ancillary Judgment - Applications for an extension of time - Anti-suit injunction - Interim payment - Whether the reasons advanced by Lunan for its purported inability to comply with the anti-suit injunction and the interim payment order are satisfactory - Applications for unless orders - Parts 26 & 62 of the Civil Procedure Rules 2000 -Whether the case management powers in Part 26 that are given to the Court of Appeal can only be exercised in relation to an appeal of which the court is seised and not in relation to the proceedings below - Whether Lunan should be debarred from prosecuting its appeal given its alleged contempt in failing to comply with orders made by the BVI Commercial Court

On 31st August 2021, Lunan Pharmaceutical Group Corporation (“Lunan”) appealed a judgment of Jack J dated 20th July 2021 (“the Main Judgment”), which concerned competing claims arising in 2017 as to the entitlement to the shares in Endushantum Investments Co. Ltd (“Endushantum”), a Territory of the Virgin Islands (“BVI”) company, and Endushantum’s minority shareholdings in certain Peoples’ Republic of China (“PRC”) companies (“the PRC Shares”). Endushantum held the PRC Shares until 9th February 2021, when Lunan transferred them to two Hong Kong companies: Berpu Technology Co. Ltd (“Berpu”) and Provision Investment Co. Ltd (“Provision”) (collectively the “Hong Kong Companies”). This transfer was pursuant to a judgment of the People’s Intermediate Court of Linyi City (the “Linyi Judgment”) in April 2020. The Hong Kong Companies were incorporated on 5th January 2021 and are controlled by Zhang Guimin, who is Lunan’s Chairman and the sole shareholder and director of the Hong Kong Companies. The Linyi Judgment and the transfer of the PRC Shares held by Endushantum to the Hong Kong Companies were only disclosed mere weeks before the trial was scheduled to commence before Jack J. The judge found this to be a deliberate breach of Lunan’s disclosure obligations and a breach of undertakings given by Endushantum’s lawyers in 2017 that they would not part with the 2017 PRC

Shares. On 14th September 2021, Jack J ordered Lunan to make an interim payment of US\$2 million on account of Ms. Zhao Long (“Ms. Zhao”)’s legal costs of the main claim (the “Interim Payment”) on or before 8th October 2021. The deadline was subsequently extended until 1st February 2022. Lunan failed to meet that deadline, and on 4th February 2022, the court made a final order for the payment by 31st March 2022.

A second judgment which Lunan challenges (the “Ancillary Judgment”) arose in the following way. Flowing from the judge’s findings on the Main Judgment, on 14th September 2021, Endushantum sought and obtained leave to bring an ancillary claim against Lunan for knowing receipt, based on breach of fiduciary duty by Endushantum’s director in transferring the PRC Shares to the Hong Kong Companies, which are acknowledged to be Lunan’s nominees, and with the aim of procuring the transfer of the PRC Shares from the Hong Kong Companies to Endushantum. Jack J gave leave and ordered Lunan to file a defence (without being taken to submit to jurisdiction). The judge also suggested that Endushantum could seek summary judgment on the return date. An application for summary judgment was duly filed by Endushantum on 7th January 2022. For its part, Lunan filed a draft defence but also filed an application to set aside leave to issue and serve the ancillary claim, contesting the court’s jurisdiction. Judgment on the ancillary claim was delivered on 17th March 2022. Jack J dismissed Lunan’s jurisdiction application and granted summary judgment in favour of Endushantum, finding that Lunan was a knowing recipient of the PRC Shares and that it holds and exercises all rights it has in respect of the PRC Shares as trustee for Endushantum. Accordingly, on 17th and 31st March 2022 he made consequential orders requiring, inter alia, Lunan to cause or procure the PRC Shares held by the Hong Kong Companies to be re-conveyed to Endushantum and within 28 days thereafter take, and cause Shandong New Times Pharmaceutical Co. Ltd (sometimes referred to as Shandong New Age) (“Shandong NT”) and Lunan New Times Biotech Co. Ltd (“Biotech”), two of the PRC companies, to take all steps necessary to record on appropriate registers and at appropriate regulatory bodies that the Lunan shares are held by Endushantum.

Meanwhile, certain developments on the litigation front in the PRC would subsequently lead to Jack J granting an anti-suit injunction order, which also forms the subject of an application to stay by Lunan. In August 2021, Ms. Zhao launched proceedings in the PRC to revoke or annul the Linyi Judgment. In January 2022, a group of Lunan shareholders filed a claim to recover dividends paid to Ms. Zhao from around 2017 which they claimed she had misappropriated (the 107 proceedings). They did so on the basis of the Linyi Judgment, which declared that the shares belonged to Lunan and not to her father. Meanwhile, Lunan also launched two sets of proceedings in the PRC. The first was against Shandong NT with Provision, Ms. Zhao and Endushantum named as third parties (the 108 proceedings) and the second against Biotech, with the same third parties named (the 109 proceedings). Proceedings 107, 108 and 109 will be referred to as “the new PRC proceedings”. The new PRC

proceedings were scheduled for trial in August 2022 in the PRC. In an apparent attempt to forestall this, Endushantum sought and obtained an ex parte anti-suit injunction. Paragraph 3 of that order required Lunan to take active steps to stay the new PRC proceedings. On the return date on 23rd August 2022 a final order was made.

Before this Court are Lunan's applications for a stay of execution of the Ancillary Judgment and an extension of time to comply with the Interim Payment order and the anti-suit injunction. These are met with cross-applications by Endushantum and Ms. Zhao for unless orders debarring Lunan from pursuing its appeals unless it complies with: (i) the orders for the re-conveyance of the PRC Shares to Endushantum, (ii) the anti-suit injunction order; and (iii) the Interim Payment order in favour of Ms. Zhao.

The issues for consideration may be summarised as: (i) whether Lunan ought to be granted a stay of execution of the Ancillary Judgment; (ii) whether the reasons advanced by Lunan for its purported inability to comply with the anti-suit injunction and the Interim Payment order are satisfactory; (iii) whether the case management powers in Part 26 that are given to the Court of Appeal can only be exercised in relation to an appeal of which the court is seised and not in relation to the proceedings below; (iv) whether Lunan should be debarred from prosecuting its appeals given its alleged contempt in failing to comply with orders made by the BVI Commercial Court.

**Held:** dismissing Lunan's applications for a stay of execution and an extension of time, and making the orders set out at paragraph [90] of this judgment, that:

1. The court, on an application for a stay, is essentially engaged in performing a balancing exercise which requires it to consider a number of factors: (i) the court must take into account all the circumstances of the case; (ii) a stay is the exception rather than the general rule; (iii) a party seeking a stay should provide cogent evidence that the appeal will be stifled or rendered nugatory unless a stay is granted; (iv) in exercising its discretion the court applies what is in effect a balance of harm test in which the likely prejudice to the successful party must be carefully considered; and (v) the court should take into account the prospects of the appeal succeeding but only where strong grounds of appeal or a strong likelihood the appeal will succeed is shown (which will usually enable a stay to be granted).

C-Mobile Services Limited v Huawei Technologies Co. Ltd BVIHCMAP2014/0017 (delivered 2nd October 2014, unreported) followed.

2. Endushantum and Ms. Zhao have undertaken, through counsel, that were the shares to be re-conveyed, they would not exercise any voting rights in respect of the PRC Shares

save to reverse any changes to the Articles of the PRC companies since 2001 and not to take or rely upon any arguments before the Court regarding a change of the lex situs of the PRC Shares as a result of the reconveyance. With such clear undertakings being placed on the record, the risks which had so excited Lunan would be considerably mitigated if not eliminated. In these circumstances, Lunan's position would not be prejudiced by a refusal of the stay application nor would the appeal be rendered nugatory in circumstances where the status quo is preserved. If Lunan prevails in its appeal, the position reverts to what it was prior to the Main Judgment. These factors weigh against the grant of a stay as these undertakings would serve to hold the ring sufficiently pending the determination of the appeal. Further, in circumstances where much of Lunan's challenge to the Ancillary Judgment centers on findings of fact by the trial judge, this is not a case where it can be said that it has been shown that there are strong grounds of appeal or a strong likelihood the appeal will succeed. On balance, the risk of prejudice is greater to Endushantum and Ms. Zhao should the stay be granted as the prospects of Lunan re-conveying the PRC Shares if it were unsuccessful on the appeal are not encouraging. Having regard to all of these circumstances, Lunan's application for a stay of execution pending appeal is dismissed.

C-Mobile Services Limited v Huawei Technologies Co. Ltd BVI-HCMAP2014/0017 (delivered 2nd October 2014, unreported) considered; Fage UK Ltd v Chobani UK Ltd [2014] EWCA Civ 5 considered.

3. The reasons advanced by Lunan for its purported inability to comply with the anti-suit injunction and the Interim Payment order are unsatisfactory. Furthermore, it seems ironic that while the PRC courts will not recognise the BVI judgment and court orders, this Court is being asked to defer to those proceedings by permitting Lunan to continue to disregard the orders of the BVI court so as not to impede its prospects in the PRC matters. This is a completely untenable expectation. The anti-suit injunction properly serves to hold the ring pending the determination of the appeal before this Court and nothing placed





before this Court is persuasive that the time for compliance with it should be extended. Similarly, this Court is not persuaded that there is a proper basis on which the time for making the Interim Payment should be extended. Accordingly, both applications are dismissed.

4. There is no warrant for construing the rules as confining the jurisdiction to make unless orders to breaches of the rules or orders of the Court of Appeal itself. Such a construction would mean that although the Court of Appeal is alive to multiple, wilful breaches of orders of the court below, it would be powerless to impose conditions in relation to the prosecution of the appeal arising from those proceedings. That would seem to fundamentally undermine the overriding objective of the Civil Procedure Rules 2000. On a proper construction of the rules, the Court of Appeal has the jurisdiction and discretion to impose conditions for the prosecution of an appeal before it, in the face of an ongoing and wilful failure by an appellant to comply with consequential orders made in the court below, whether or not there has been a formal finding of contempt by the court below.

Parts 1, 26 and 62 of the Civil Procedure Rules 2000 applied; *Michael Baptiste v Yoland Bain-Joseph* Grenada HCVAP2006/026 (delivered 7th February 2008, unreported) considered; *Astro Exito Navegacion SA v Southland Enterprise Co Ltd and Nan Jong Iron and Steel Co. Ltd*, *The Messiniaki Tolmi* [1981] 2 Lloyd's Rep. 595 considered; *Hadkinson v Hadkinson* [1952] 2 All ER 567 considered.

5. While there is a general rule that a court will not hear an application for his own benefit by a person in contempt unless and until he has first purged his contempt, there is an established exception to that general rule where the purpose of that application is to appeal against, or have set aside, on whatever ground or grounds, the very order disobedience of which has put the person concerned in contempt. That exception is itself subject to qualifications including: (i) there may be cases where an appeal by a party in contempt against the very order, disobedience of which has placed him in contempt, can be shown to be, for one reason or another, an abuse of the process of the court; and (ii) cases where disobedience to the order impedes the course of justice. In such cases, the exception may be disapplied.
  
6. The current approach is not to take as a starting point the proposition that the court will not hear a party in contempt and then ask if the instant case falls within an exception to that general rule. It is to ask whether, in the circumstances of an individual case, the interests of justice are best served by hearing a party in contempt or by refusing to do so. The court is required to carefully consider the factual circumstances of the case to determine whether the interests of justice are best served by hearing or refusing to hear a party in contempt, and not merely refuse to hear him because he is in contempt; or entertain him because he is appealing the very order that has placed him in contempt. The peculiar circumstances of the case must be analysed to determine what the interests of justice dictate.

Astro Exito Navegacion SA v Southland Enterprise Co Ltd and Nan Jong Iron and Steel Co. Ltd, *The Messiniaki Tolmi* [1981] 2 Lloyd's Rep. 595 considered; *Hadkinson v Hadkinson* [1952] 2 All ER 567 considered; *Motorola Credit Corp v Uzan and others (No. 2)* [2004] 1 W.L.R. 113 considered; *X Ltd v Morgan-Grampian (Publishers) Ltd* [1991] 1 AC 1 considered; *Arab Monetary Fund v Hashim and others*; *Arab Monetary Fund v Bahiraluloom and others* [1997] Lexis Citation 2080 considered.

7. Lunan's breach of the ancillary claim order is deliberate, and the explanations proffered relate to its desire to not compromise its position in parallel legal proceedings in the PRC; and not because it is impossible to comply. Further, Lunan has no assets within the jurisdiction and has signalled that it does not intend to comply with the BVI court orders even if the appeal goes against it, while at the same time seeking to secure the advantage of being able to maintain their appeals. This constitutes an abuse of the process of the court and an impediment to justice as, assuming the respondents are successful on appeal, it would be a pyrrhic victory only as there would be no means of enforcing the judgment, given that the shares are located in the PRC, where it has been said repeatedly in these proceedings, BVI court orders are not recognised. These particular circumstances, make this a case where it is appropriate to disapply the general exception.

## STANLEY FELIX v ELIZABETH DARIUS CLARKE ET AL SLUHCVAP2022/0005

Civil appeal – Default judgment – Setting aside default judgment – Civil Procedure Rules 2000 – Rule 13.3(1) – Whether there was a real prospect of successfully defending the claim – Whether learned master erred in finding that appellant did not satisfy the conjunctive requirements of 13.3(1) – Rule 13.3(2) – Exceptional circumstances – Whether learned master erred in finding that the onset of the Covid-19 pandemic was not an exceptional circumstance justifying the setting aside of the default judgment under 13.3(2) – Prescription – Whether learned master erred in failing to properly consider the issue of prescription and whether it was an exceptional circumstance justifying the setting aside or varying of the order – Rule 13.3(3) – Variation – Interest

On 29th January 2020, the respondents filed a claim seeking payment of arrears of rent from the appellant in the sum of \$81,000.00 (plus \$250.00 as the costs of a letter before action), for the period January 2012 to June 2016 (54 months). They claimed that the appellant had entered into a written lease agreement with them to occupy their premises at a monthly rental of \$1,500.00 from about June 2011. At the commencement of the tenancy, the appellant paid \$4,500.00 representing two months' rent and a security deposit. Thereafter, he paid \$5,000.00. No further payments were made towards the arrears of rent, although the respondents indicated that the appellant paid an unspecified sum towards the insurance of the property, which sum was deducted from the outstanding arrears.

The claim was served on the appellant in February 2020. He acknowledged service, indicating his intention to file a defence to the claim. However, the appellant failed to do so in accordance with time prescribed by the Civil Procedure Rules 2000 (“CPR”) and the respondents therefore filed a request for default judgment. The appellant received notification of this filing through the E-Litigation Portal and filed an application for extension of time to file his defence. A default judgment was entered against the appellant in June 2020 in the sum of \$81,250.00 as the amount claimed, \$21,937.50 for pre-judgment interest, and \$1,713.00 for other incidental costs and fees. Subsequently, the appellant filed an amended application converting his application for an extension of time into an application to set aside the default judgment.

The application to set aside the default judgment was made under rule 13.3(1) and 13.3(2) of the CPR. In the court below, the learned master first considered whether the appellant had satisfied the conjunctive requirements of rule 13.3(1). In exercising her discretion, she



found that while the application was made as soon as reasonably practicable, he did not have a good explanation for failing to file his defence, nor did he have a real prospect of successfully defending the claim. As he failed to satisfy all three limbs of 13.3(1), his application failed under this rule. She also did not find that there were exceptional circumstances that would justify setting aside the default judgment under rule 13.3(2). Consequently, the learned master dismissed the application.

Being dissatisfied with the learned master's ruling, the appellant appealed to this Court. The main issues for this Court's determination are: (1) whether the learned master erred in finding that the appellant did not satisfy the conjunctive requirements of 13.3(1); (ii) whether the learned master erred in finding that the onset of the Covid-19 pandemic in March 2020 was not an exceptional circumstance justifying the setting aside of the default judgment under 13.3(2); and (iii) whether the learned master erred in failing to properly consider the issue of prescription and whether it was an exceptional circumstance justifying the setting aside or varying of the order.

**Held:** dismissing the appeal; remitting the matter to a judge or master of the High Court for the assessment of arrears of rent for the period October 2012 to June 2016, the assessment of pre-judgment interest for the period January 2013 to June 2018 and the consequent variation of the judgment; and awarding costs to the respondents in the sum of \$400.00, being two-thirds of the amount awarded in the lower court, discounted by 20% to reflect the appellant's partial success; and awarding costs on the appeal to the respondent

to be assessed by a judge of the High Court if not agreed within 21 days, that:

1. An appellate court should only disturb the exercise of a master's discretion if it were to conclude that the master erred in principle in his approach or has left out of account some aspect that he should have considered or considered some aspect that he should not have, and as a result, the decision exceeded the generous ambit within which reasonable disagreement is possible, or the decision is plainly wrong.

Dufour and others v Helenair Corporation Ltd and others (1996) 52 WIR 188 applied.

2. While the learned master conflated the test for real prospect of successfully defending the claim in rule 13.3(1)(c) with the test for exceptional circumstances in rule 13.3(2), this is immaterial, both factually and as a matter of law. The learned master having already concluded that the second condition of rule 13.3(1) had not been satisfied, the application was bound to fail as a matter of law. Even if the master had applied the correct test and come to a decision in favour of the appellant, the application would still have failed as the defence did not show a real prospect of successfully defending the claim.

Rules 13.3(1)(c) and 13.3(2) of the Civil Procedure Rules 2000 applied.

3. Each instalment of rent represents a cause of action in respect of which a separate action may be brought. These actions may be joined, but the landlord's election not to do so does not constitute dividing his cause of action. In this case, the accrual of rent was not one continuing cause of action but 54 separate causes of action, some of which fall outside of the prescriptive period. The claim having been filed on 29th January 2020, and arrears of rent being prescribed by five years, no action can be maintained for any arrears of rent accrued before 29th January 2015. Therefore, the period for which rent can be claimed is January 2015 to June 2016.

Articles 2111, 2129, 2085 and 2088 of the Civil Code Cap. 4:01 of the Revised Laws of Saint Lucia applied; Victor Romans v Bradley Barrett (1976) 28 WIR 99 applied.

4. To interrupt prescription under Article 2088 of the Civil Code, there must be a clear and unequivocal admission of liability to pay what is alleged to be owed. All that is required is a statement by the debtor acknowledging the existence of some outstanding amount owed to the creditor. There is no requirement to admit any particular amount and a query to the creditor as to the outstanding amount is sufficient. The amount of the debt must be quantifiable or capable of ascertainment by calculation or from extrinsic evidence. In this case, the 1st respondent's WhatsApp message on 27th October 2017 to the appellant is an unambiguous demand for the payment of arrears of rent. The appellant's response acknowledged that a debt for arrears of rent was due to the respondents, and that he had every intention to settle it. This acknowledgment of the debt was therefore capable of interrupting prescription.

Article 2088 of the Civil Code applied; *First Caribbean International Bank (Barbados) Limited v The Roserie Company Limited and others*, SLUHCV209/1067 and SLUHCV2010/0121 (delivered 30th June, 2017, unreported). applied; *Bradford & Bingley plc v Rashid* [2006] UKHL 37 applied.

5. When there has been an acknowledgment of a debt sufficient to interrupt prescription, time starts to run afresh from the date of the acknowledgment. However, any acknowledgment of the debt after the prescribed period is of no legal effect. In the instant case, arrears of rent were being claimed for the period January 2012 to June 2016. The acknowledgment of the debt was made on 27th October 2017. The respondents are therefore not entitled to arrears of rent accruing earlier than 27th October 2012. They are thus entitled to collect arrears of rent for the period October 2012 to June 2016 (44 months).

*Network Construction Maintenance and Rehabilitation Limited et al v Cable & Wireless (St. Lucia) Limited* SLUHCVAP2018/0024 (delivered 18th September 2020, unreported) applied.

6. An applicant who is unsuccessful under rule 13.3(1) may have a default judgment set aside under rule 13.3(2), on the basis of exceptional circumstances. What amounts to an exceptional circumstance is not defined by the CPR. It is to be decided on a case-by-case basis and an applicant must provide a compelling reason why he should be permitted to defend the proceedings in which the default judgment has been obtained. While a small portion of the claim appears to be prescribed, the judgment can be varied under rule 13.3(3) of the CPR, and the prescribed portion can be severed from the judgment. Subject to variation, it remains a regularly entered default judgment.

Rule 13.3(2) of the Civil Procedure Rules 2000 applied; *Meyer v Baynes* [2019] UKPC 3 applied; *Carl Baynes v Ed Meyer* ANUHCVAP2015/0026 (delivered 30th May 2016, unreported).

7. Interest should not be awarded on the entire amount of \$81,250.00 from January 2013 as this was not the amount owed as at that date. Pre-judgment interest should be calculated on the amount of \$1,500.00, starting from the date when that payment became due, increasing by \$1,500.00 monthly, and with each interest payment being calculated based on the total amount of rent owed at the particular time, until the date of judgment. With respect to post-judgment interest, it is settled law that a claimant cannot be awarded interest on interest. Therefore, any post-judgment interest must run from the date of the judgment to the date of payment, and the judgment must be varied to reflect this.

*The Attorney General of The Federation of St. Christopher And Nevis v SKN Choice Times Limited* SKBHCVAP2019/0045 (delivered 27th May 2022, unreported) applied.

## Conclusion

It has been the department's greatest pleasure to serve the citizens of the Member States and Territories of the Eastern Caribbean. We hope that the highlights provided have given you a better understanding of and appreciation for the work done by the Court.

Mention must be made of our hard-working and diligent team who work above and beyond the call of duty to ensure that the court achieves its mandate through professionalism and excellence.

We wish to recognize the assistance provided by the Registrars, Deputy Registrars and staff of the High Court and Magistrates' courts in the court's jurisdiction. You continue to provide the relevant support which allows us to achieve our endeavors. For this we say a heartfelt thank you as we look forward to your continued support in the years to come. We also extend our gratitude to counsel, litigants and all court users.

As the court continues to chart its way forward, we wish to reassure our users of our commitment to the dispensation of justice. We are grateful for your continued confidence in us as a Court and renew our pledge to serve you our users by providing access to a system of justice that is accountable and independent, and administered by officers in a prompt, fair, efficient and effective manner.



# Court Project



Possible hurdles to a smooth transition that exist in respect of criminal matters of an indictable nature may be overcome with a restructuring of the Family Division that would allow for committal proceedings to be dealt with by a lower-level judicial officer.

## Family Division

July 17th, 2023, marked one full year of existence of the Family Division pilot project in Antigua/Barbuda and since the court is slowly moving into an era of careful monitoring and evaluation of much of its activities consistent with modern administrative practices, I requested from the committee overseeing the implementation of that Division to conduct a full review of the operation of the Family Proceedings Rules from the practical perspective of the lawyers working with the rules and also to examine other legislative support required to allow for the full functioning of the division, in particular, the operations of the magistrate court within that Division. The Committee appointed two sub-committees: one tasked with review of the rules and the other, the assessment of the suite of family laws in Antigua.

The sub-committee tasked to undertake a comprehensive assessment of the suite of family law legislation in Antigua and Barbuda and to assess the powers of the Magistrate and procedures under this legislation and the gateways to transitioning some of the procedures into the High Court without infringement on the powers and jurisdiction of the magistrate, completed their assignment in record time. The sub-committee was further asked to consider whether a matter which started in the Magistrate Court can be seamlessly transitioned to the High Court without offending the legislation.

In executing its mandate, the sub-committee examined the Magistrates' Code of Procedure Act, Cap. 255, the Maintenance of and Access to Children Act, 2008, the Domestic Violence Act, 2015, the Child (Care and Adoption) Act, 2015, the Child Justice Act, 2015, the Status of Children Act, 2015, and the Civil Registration (Vital Statistics) Act, 2020. A full report from the committee is under active consideration from my office for implementation. Support to the local government for the amendments required is under discussion with donor agencies.

One of the major issues considered by that sub-committee is the current provision that allows for the transition of matters commenced in the Magistrates' Court to the High Court is extremely limited and therefore wholly inadequate and ineffectual. A smoother transition may be achieved by adopting a definition of "Court" that would be consistent throughout all family law legislation. Further, a clearly defined procedure to deal with 'mixed claims' needs to be formulated. This procedure would need to set out what considerations would apply in determining which jurisdiction of the Family Division should deal with the matter. Possible hurdles to a smooth transition that exist in respect of criminal matters of an indictable nature may be overcome with a restructuring of the Family Division that would allow for committal proceedings to be dealt with by a lower-level judicial officer. Also, the relevant sections of the Magistrate's Code of Procedure Act conferring jurisdiction on a magistrate in relation to family matters will need to be repealed altogether. This will leave a gap in the substantive law in relation to applications for spousal maintenance, however, this can be remedied by the introduction of new legislation or an amendment to the Divorce Act, 1999. All of this is under active consideration with the Attorney General Chambers.

The sub-committee reviewing the Family Proceedings Rules (FPR) also submitted a detailed report with several recommendations for the issues identified, some of the issues included, inter alia, the need for statement of reconciliation with a sworn petition, the absence of an originating application to



file for custody a facility that was present under the old regime, uniformity forms for enforcement procedures, pre action protocol of mediation. All of these are under consideration for amendment and either through practice directions or substantive amendments to the rules.

## Criminal Division

In March 2023, I established a Criminal Procedure Rules Committee tasked with drafting model Criminal Procedure Rules to govern the Practice and Procedure of the Criminal Division across the nine Member States and Territories (MTS) of the Eastern Caribbean Supreme Court (ECSC).

You may recall that Saint Lucia has had promulgated Criminal Procedure Rules since 2008, while Saint Kitts & Nevis and the British Virgin Islands have both drafted rules which are not yet in force. I decided to exercise the powers pursuant to **section 17 of the Supreme Court Order** to craft a set of model rules to be utilized across the ECSC.

The intended objective is to enable fair, effective, and efficient rules with procedures that are - simple and accessible, as a practical amalgam of various common law and legislated procedures, practice directions, codes of ethics and other guidance, including international best practices on judicial case management.

The newly formed Criminal Procedure Rules Committee, with Ward JA as chair, started its work in earnest and if the results of the sentencing guidelines committee are anything to go by, I can be assured of some good work within quick time from that committee.



# Court-Connected Mediation



Every great and deep difficulty bears in itself its own solution. It forces us to change our thinking in order to find it. - Niels Bohr

“Sometimes, my clients will get to a point where they have run out of possible solutions. One way to move beyond impasse is to help them brainstorm options. Quite often, I will hand them a piece of paper with this quote and ask them to begin to list any option for settlement that may come to mind, regardless of how impractical or absurd. Helping people to move beyond their habitual, instinctive ways of thinking and getting them to “think outside the box” leads to a lively exchange of ideas, and, ultimately, to unanticipated but welcome solutions” – Jeffrey M. Cohen, Esq., Mediator and Attorney.

The opening quotation and Mr. Cohen’s related thoughts are reminiscent of my own views as I reflect on the novel and innovative aspects of the work of the Mediation Department for the 2022/2023 reporting period. As you delve into this report, perhaps it may resonate with you in a similar manner.

## The Introduction of Harmonised Mediation Fees

Harmonised or near-harmonised mediation fees were introduced to the Member States and Territories (MSTs) under the remit of the Eastern Caribbean Supreme Court (ECSC) on 14th November, 2022. The implementation of revised mediation fees represented a culmination of the work of the Regional Mediation Fee Harmonisation Committee. The revised fees were gazetted in the eight (8) MSTs where they were introduced accompanied by an explanatory note.

The introduction of harmonised fees was designed to address the challenge of diverse mediation fee structures which existed in the respective MSTs for the performance of the same service.

The implementation of revised mediation fees is expected to:

- Provide a more equitable structure for payment to Mediators;
- Better support the sustainability, proper management of and improvements to the civil mediation programme; and
- Ensure that mediation fees are transparent, reasonably economical and not unduly disparate across MSTs.

## Mediation Training in the Beautiful Spice Isle

The advent of the Novel Coronavirus (COVID-19) Pandemic at the end of 2019 led to the introduction of a number of government regulations and restrictions, designed to curb the spread of the coronavirus. This ‘new normal’, the term adopted by many at that time, necessitated the restructuring of the ECSC’s Mediation Training Workshop, which was adapted from a 5-day in-house programme to a hybrid of 10-half day sessions, with trainees and coaches in-house and the trainer delivering the course and evaluating participants virtually, with the able assistance of in-house coaches.

However, by the commencement of 2023, COVID-19 regulations and restrictions were relaxed and in many cases completely removed by the governments of the world. The Eastern Caribbean was no different. This meant that mediation training could once more return to its old, effective and certainly preferred, in-house/in-person format.

The beautiful island of Grenada, affectionately known as the Spice Isle, was the first of the MSTs to return to in-person training. A cohort of thirty



Mrs. Ann Diaz, Facilitator (2nd from left), Sen. The Hon. Claudette Joseph (3rd from left), the Hon. Mr. Justice Raulston Glasgow (4th from left), flanked by coaches in the first row and participants in the rows behind.

(30) trainees along with our able facilitator, Mrs. Ann Diaz of the University of the West Indies (UWI), St. Augustine Campus, supported by three (3) coaches, engaged in the UWI/ JEI Mediation Training Workshop, during the period 27th to 31st March, 2023. Not only was this cohort fortunate to be participants of the first fully in-person training workshop since the pandemic, but participants also benefited from the financial support of the Judicial Reform and Institutional Strengthening (JURIST) Project. The workshop was celebrated as the JURIST project's last venture which marked the end of its mandate. Among the esteemed trainees were the Hon. Mr. Justice Raulston Glasgow, Resident High Court Judge and Chairman of the National Mediation Committee for Grenada and Senator The Hon. Claudette Joseph, Minister of Legal Affairs, Labour, Consumer Affairs and Attorney General of Grenada.

## Second Annual Mediation Symposium & Mediation Awards

The National Mediation Committee of Antigua and Barbuda hosted its 2nd Annual Mediation Symposium and Mediation Awards, on Thursday 27th April 2023 in Court Room 1 at the High Court of Justice, St. John's, Antigua and Barbuda, under the theme "Restorative Justice: Introducing Mediation in Criminal Proceedings". The inaugural Symposium was held virtually in 2022. However, this year a blended approach was adopted. The Feature Speaker on this occasion was none other than Mrs. Donna Parchment Brown, Justice and Development Practitioner, who captivated the more than two hundred (200) persons in attendance (virtually and in-person) with her insights on the application of restorative justice mechanisms to the criminal justice system. We were also honoured to have the participation of our very own Chief Justice, Her Ladyship The Hon. Dame Janice M. Pereira DBE, LL.D, who acquainted attendees with the core principles underlying the ECSC's impetus toward the introduction of criminal mediation and provided valuable insight into what users of the court could anticipate. The Hon. Mr. Justice Vasheist Kokaram, Justice of Appeal of Trinidad and Tobago, graciously chaired our panel discussion and Ms. Alison Haly, International Mediator, Haly & Co. Mediations, shared a testimonial by which we were able to obtain a global overview of the utilisation of mediation in the criminal context. We were thankful for the attendance of the Hon. Steadroy O. Benjamin - Attorney General of Antigua and Barbuda and Minister for Legal Affairs, Labour, Immigration and Police, Hon. Judicial Officers, Permanent Secretaries and Deputy Permanent Secretaries, specially invited guests, learned members of the inner and utter bar of the respective MSTs, court staff, students and the media.

A novelty of the 2nd Annual Mediation Symposium was the inclusion of mediation awards to recognize the service of mediators and participation by legal practitioners in court-connected mediation. Mr. Kelvin John received the award for Mediator of the Year and Ms.

Sherrie-Ann Bradshaw, Attorney-at-Law, received the award for mediation participant of the year. The Antigua and Barbuda Mediation Committee’s Annual Mediation Symposium was certainly a successful venture and has become a fixture on the Court’s mediation calendar.



Her Ladyship Hon. Justice Nicola Byer (5th from left), Chairman of the Mediation Committee, flanked by other Committee Members



Mr. Kevin John, recipient of Mediator of the Year 2022



Ms. Sherrie-Anne Bradshaw, Attorney-at-law, recipient of the Mediation Participant of the Year 2022

## Refurbishment of the Mediation Room for St. Vincent and the Grenadines

The National Mediation Committee for Saint Vincent and the Grenadines, had since 2020, identified an appropriate space to be used as a designated mediation room, to accommodate court-connected mediation sessions. The designated mediation room is intended to provide a comfortable, professional space, which is conducive to amicable negotiations between the parties. However, due to the Covid-19 Pandemic and the need to find innovative ways of hosting mediation in times of uncertainty, plans for the refurbishment, equipping and furnishing of the space were delayed. Nevertheless, with the general ease of pandemic protocols, the return to a sense of normalcy and the fact that in-person mediation has always been recognized as the best-in-class model, efforts were made to complete this endeavour. The refurbishment of the mediation room was made a reality by the kind support and sponsorship of the Judicial Reform and Institutional Strengthening (JURIST) Project.

## Mediation Promotion

Mediation promotion continues in the Member States and Territories. Notable efforts are being made to keep mediation fresh on the minds of citizens by the respective Mediation Committees. During the reporting period, mediation promotion took a slightly different turn as proponents of the ECSC's Mediation Programme began receiving requests for speaking engagements geared toward mediation promotion in other jurisdictions. One (1) such event was the Trinidad and Tobago Ministry of Sport and Community Development, Community Mediation Services Division, Public Education Mediation Conference, held during the period 12-14 July, 2023. Hon. René M. Baptiste C.M.G., President, Bar Association of St. Vincent and the Grenadines along with Ms. Debra

J. Maloney, Regional Mediation Coordinator, were invited to present on the Caribbean Perspective along with other esteemed presenters from the region.

Government of the Republic of Trinidad and Tobago  
Ministry of Sport and Community Development  
Community Mediation Services Division  
2023 Public Education  
**MEDIATION CONFERENCE** JULY 12-14, 2023  
*"Building collaboration in Conflict Resolution - A Transformative Approach to Mediation"*  
CALLING ALL LOCAL, REGIONAL, PROFESSIONALS AND PERSONS INTERESTED IN MEDIATION. The Community Mediation Services Division will host a 3-day virtual conference inviting mediation organisations within Trinidad and Tobago as well as within the region, to share on the historical context of mediation and its impact on conflict resolution in the region, the different styles of mediation and the future of mediation as a lifestyle in societal structures.  
● **DAY 1: WEDNESDAY 12TH JULY** - What Role can Agencies that Facilitate Conflict Resolution Play in Changing the Conversation? From an Interest Based Approach to a Transformative Approach.  
● **DAY 2: THURSDAY 13TH JULY** - A Caribbean Perspective: Current Experiences Focused on Solutions for the Future.  
● **DAY 3: FRIDAY 14TH JULY** - Using Mediation to Impact Communities  
REGISTER BY JULY 7TH at <https://forms.gle/ackD5piWYvZnNwoR9> For more information visit [www.mscd.gov.tt/mediation](http://www.mscd.gov.tt/mediation)  
Sport and Community Development | MSCD | sportandcommunity

## Joint Launch of CBSI Programs

On Friday 24th February, 2023 the ECSC was privileged to attend the joint launch of three (3) Caribbean Basin Security Initiative (CBSI) funded Programs at the Harbor Club Hotel, St. Lucia. The three (3) programs were introduced by the U.S. Agency for International Development (USAID). Her Ladyship Hon. Dame Janice Pereira, DBE, Chief Justice along with Mr. Francis Letang, Deputy Court Administrator and Ms. Debra J. Maloney, Regional Mediation Coordinator, attended the auspicious event. The ECSC has been actively working along with the O.E.C.S. Commission as a sub-grantee designate, on the Opportunities to Advance and Support Youth for Success (OASYS) project, one of the three (3) programs launched on that occasion. The feature speaker for the event was Hon. Shawn Edward, Minister of Education, Sustainable Development, Innovation, Science, Technology and Vocational Training.



Her Ladyship Hon. Dame Janice Pereira (3rd from left), Chief Justice, Hon. Shawn Edward, Minister of Education Sustainable Development, Innovation, Science, Technology and Vocational Training (3rd from right), Hon. Joachim Henry, Minister of Equity, Social Justice and Empowerment (2nd from right), flanked but other esteemed officials.

## Reports from Member States and Territories

Statistical data received from the Member States and Territories has been captured in the table below to provide a brief synopsis of mediation activities for 2022.

Criteria	Ang.	A&B	Dom.	Gren.	Mont.	Nevis	SKU	SLU	SVG	TVI
Number of matters referred to mediation (Pre-Action)	0	0		8		0	1	5	0	13
Number of matters referred to mediation (Pre-Case Management)	0	109		0		8	12	102	36	0
Number of matters referred to mediation (Post- Case Management) NEW FOR 2022	2	22	52	113		0	0		0	0
Out of the mediations referred, how many mediators selected were lawyers	2	83	45	41		0	0	49	5	10
Out of the mediations referred, how many mediators selected were non-lawyers	0	48	7	72		4	7	59	2	3
Out of the mediations referred, how many were <b>not held</b>	1	54	5	18		0	6	42	22	5
Number of mediations held (# of initial sessions)	2	77	47	95		4	7	60	14	8
Out of the mediations held how many mediators were lawyers	2	35	40	40		0	0	23	5	5
Out of the mediations held how many mediators were non - lawyers	0	22	7	55		4	7	37	2	3
Number of cases settled before mediation	0	2	1	0		0	0	2	0	0
Outcome: number of mediations settled out of total mediations held	1	26	15	37		1	4	16	5	3
Outcome: number of mediations partially settled (some issues settled) out of total mediations held	0	2	1	2		2	0	2	2	0
Outcome: number of mediations not settled out of total mediations held	1	30	31	56		2	3	19	9	5
Number of further mediations to be held out of the total mediations held	2	19	11	17		1	1	38	3	4
Number of further mediations actually held	2	18	10	9		1	3	20	0	4
Number of settled cases which were settled within and up to 45 days	1	12	9	9		0	2	0	2	2
Number of settled cases which were settled after 45 days	0	14	6	28		0	2	18	3	1

## Programme Evaluation

Mediation statistics for 2022 reflect the fact that matters are being referred to mediation at various stages of the case. There have been small fluctuations in the numbers of matters referred to mediation across the Member States and Territories. There is a need for greater focus to be placed on mediation promotion for the new reporting period.



# The Judicial

Educational Institute



The Judicial Education Institute (JEI) of the Eastern Caribbean Supreme Court is proud to announce the successful completion of its activities, which were carried out outside of its planned strategic cycle.

## JEI Report on Annual Activities 2022 - 2023

During the reporting period of 1st September 2022 to 31st August 2023, the Judicial Education Institute (JEI) continued its efforts to support justice through the provision of the highest standard of judicial education. In that same period the JEI worked to re-introduce its three-year strategic planning as the latter period of the pandemic forced the institute to operate without one. Not only has the institute continued to navigate a steady course during the turbulent times, but it also seized opportunities to adapt and enhance learning methods and ways of working to remain at the forefront of the global changes that drive and shape judicial practice in the Eastern Caribbean. The changes and challenges were met with professionalism, enthusiasm, and creativity of JEI's small team.

In the period under review a key highlight was the return to in-person training where the judicial officers sought to repair connections, whilst taking advantage of the flexibility and convenience offered by collaborating with their colleagues online. The JEI offered four hybrid courses with the majority of the participants attending in-person. Of these hybrid sessions over two of the sessions occurred simultaneously with each session having over twenty-five participants. The experience of the pandemic has highlighted the vital role that the JEI has played and can expand upon in the future as the online and in person training promote judicial welfare, including judicial learning and development, discussion, mentoring and peer support, knowledge sharing and networking.



## Event Calendar 2022 – 2023

Conferences/Training Programmes	Date	Format	Participants
Judicial Settlement Conferencing Training for Judicial Officers	September 12 - 14, 2022	Hybrid	28
7th Biennial CAJO Conference 2022	October 28 – 29, 2022	In Person	130
Orientation Programme for Newly Appointed Judicial Officers	March 13 – 14, 2023	In Person	7
Annual Judicial Conference 2023	March 15 – 17, 2023	Hybrid	38
Registrars Conference 2023	March 15 – 17, 2023	Hybrid	29
Case Management Training for Judicial Officers	June 28 – 30, 2023	Hybrid	26

## Conferences/Training Programmes

### Judicial Settlement Conferencing Training September 12 – 14, 2022

The Judicial Education Institute (JEI) of the Eastern Caribbean Supreme Court (ECSC) partnered with the Judicial Reform and Institutional Strengthening (JURIST) Project, and the Government of Grenada to host the first ever comprehensive training on “Judicial Settlement Conferencing” for Judicial Officers of the Eastern Caribbean. The conference was held over a 3-day period at Radisson Resort, Grand Anse, Grenada from September 12th – 14th 2022.

The objectives of the conference included the following:

- to understand the philosophy and principles of the JSC;
- to learn the various stages in a JSC process;
- to develop the techniques, strategies and skills to help the parties negotiate a settlement and
- to become aware of ethical problems that will arise in conducting JSCs.

The outcomes of the training were as follows:

Participants would

- be able to encourage litigants to access a JSC and explain its process;
- be able to conduct a JSC or co-conference with another judicial officer;
- be able to develop the art of effective problem solving; and
- be able to effectively utilize JSC skills in case management.

This training programme introduced the judicial officers to the judicial settlement conference (JSC) process and equipped them with the basic skills to effectively conduct a JSC. The training also allowed the judicial officers the opportunity to transfer the JSC skills into becoming more effective case managers when exercising their case management powers under the CPR.

The conference brought together all the judges of the Eastern Caribbean Supreme Court throughout the nine Member States and Territories which are served by the Court. The esteemed facilitators, the Honourable Mr. Justice Vashiast Kokaram, Justice of Appeal, from the Supreme Court of Trinidad and Tobago, The Honourable Mr. Justice Frank J.C Newbould, K.C. Retired Head Judge of the Commercial Division of Ontario Canada and Mr. Frank Walwyn, from the law firm Weirfoulds, contributed immensely to the conference's success.

The JEI was very fortunate to secure facilitators. Not only do they each have over 15 years' practical experience in Commercial law and Alternative Dispute Resolution techniques, but they are also judicial educators in the area. The facilitators together executed a very interactive and practical training.

At the conference, different methodologies were employed. These included: lectures, group

sessions, plenary discussions and films which yielded great results in the delivery of the conference. The conference also focused on sensitizing the judges to best practices when hosting a judicial settlement conference.

### 7th Biennial CAJO Conference

The JEI has been an active member in the work of CAJO. In October of 2022, the JEI hosted the 7th Biennial CAJO Conference in Saint Lucia at the Royalton Resort and Spa. Over 130 Judicial Officers from the English-Speaking Caribbean participated in the Conference. The theme of the Conference was **“Caribbean Judiciaries in a Changing World”**. The Hon. Mia Mottley, Prime Minister of Barbados gave the Keynote address at the conference.

As hosts of the Conference, the JEI of the Eastern Caribbean Supreme Court under the leadership of Her Ladyship, Hon. Dame Janice Pereira, LLD. BDE, Chief Justice, had the responsibility to provide oversight, support, and advice to the CAJO, for all on-site arrangements and logistics before, during, and after the conference. The activities ranged from planning and coordination of the official opening ceremony, social activities, security detail, medical services, transportation, airport meet and greet, and transfers, to identification and selection of decorators, photographers, and press officials.

The opening ceremony which was a resounding success commenced with the parade of the flags of the CAJO member states by the national Cadet Corp – a troop of young men and women who delivered a splendid display. The LOC engaged a nationally renowned artistic director, Ms. Drenia Frederick, who showcased Saint Lucia’s rich culture through interpretive dance, the use of creole dress, and music including live performances by drummers and local folk and soca artists. This energetic and vibrant performance followed the parade of the flags and set the tone for an engaging three-day conference.

### Orientation Programmed for Newly Appointed Judicial Officers March 13 – 14, 2023

Seven newly appointed Judicial Officers received their induction training from March 13 -14, 2023. This face -to-face training contained interactive learning sessions. This training was an abridged version to the usual 3-day course. The sessions included areas on Judicial Ethics, Judicial Independence & Recusal, Implicit Bias, Judgment Writing and Use of Oral Judgments and the Criminal Trial Process. The feedback from the participants indicated that the facilitators were riveting and knowledgeable, many felt that this was one of the best training sessions they have attended, and they felt better equipped for the new role as judicial officers.

### Annual Judicial Conference 2023 – March 15 – 17, 2023

The JEI partnered with the Improved Access to Justice in the Caribbean (IMPACT Justice)

Project, the JURIST Project, and the OECS Governments to host its signature event the Annual Judicial Conference (AJC) 2023 which was held over a three-day period from March 15 – 17, 2023. The first two days of AJC 2023 were joint sessions of Judges, Masters, Registrars, Deputy Registrars, and Judicial Research Assistants.

The combined session of the Judges Conference, and the Registrars Conference focused on the review of the New CPR 2023 over a two-day period and on the third day the two groups separated, the judges focused on Commercial Litigation. The review of the New CPR 2023 rationalized the changes made to the CPR 2000. The purpose of the session on the new rules was to highlight the areas where there has been a shift in how judges and registrars will treat certain rules. The session on Commercial litigation provided participants with the opportunity to reinforce and refresh their learning by looking at the developments in case law and extraordinary remedies in Commercial Cases.

The esteemed facilitators, for the AJC, included the Rt. Honourable, Sir Dennis Byron, the Honourable, Dame Janice Pereira, Chief Justice of the ECSC, the Hon. Mr. Justice Paul Webster, Justice of Appeal, of the ECSC, Professor Eddy Ventose, Professor of the Cave Hill Campus, UWI, The Honourable Mr. Justice Peter Osborne, Judge of the Commercial Division of Ontario Canada and Mr. Frank Walwyn, from the law firm Weirfoulds. The facilitators contributed immensely to the conference's success.

### **Registrars Conference 2023 – March 15 – 17, 2023**

Like AJC 2023, the first two days of the Registrars Conference focused on the Review of the CPR 2023. The final day of the conference focused on the Registrar as manager. The facilitators for the day Chief Justice Dame Pereira, Chief Registrar Michelle John-Theobalds, Court Administrator Mr. Gregory Girard, Statistician Ms. Myrtene Cenac – delved into topics such as The Importance of Protocols, Ethics, and Etiquette: Creating Public Trust and Confidence in the Judiciary, Case Flow Management, E-Litigation – Significance of the Portal in case flow management and Time Management. Statistician Ms. Myrtene Cenac, ended the morning session highlighting the importance of collecting quality data to the Court - Timeliness, Accuracy Consistency, Completeness and tied it into the earlier session with Sir Dennis who had emphasized the need for capturing data to improve efficiency.

The conference ended with a very animated interaction with clinical psychologist Dr. Dianne Douglas who helped the jurists explore their emotional intelligence and assisted them to find ways to incorporate it into their daily routines, in dealing with their diverse clients and stakeholders.

The course facilitators together executed very interactive with practical lectures and the use of role play, which generated much discourse and ultimately met the objectives of the conference.

## Case Management Conference 2023 – June 28 – 30, 2023

The JEI in its quest at promoting court excellence held a Case Management Training Workshop for Judges of the Eastern Caribbean over three days. The Right Honourable Sir Dennis Byron was the lead facilitator of the conference. He was ably assisted by the Honourable Mr. Justice Peter Jamadar, Judge, Caribbean Court of Justice and the Honourable Madame Justice Charmaine Pemberton, Justice of Appeal of Trinidad and Tobago.

The three days session commenced with a look at the overriding objective of the CPR rules and why effective case flow management is required to ensure the overriding objective is being met. Sir Dennis discussed in detail and highlighted the duty of the court actively managing cases which is set out in rule 25.1. He then looked at part 26 which is the court's powers of management. In reviewing these rules, the judges were reminded of their powers as managers of their courts and will determine whether they utilize the powers that are in their remit.

Justice Jamadar delved into Procedural Justice is Justice and looked at Judicial Leadership and the ethics of applying sanctions. In his presentation he highlighted the leading reasons for adjournments and how these can be managed.

Throughout the three days the facilitators shared their experiences in the following areas, Disposition v Determination, Costs in Case Management, Minimising the number of Interlocutory Hearings, Evidence Management, the Value of Teamwork and treating each case as a project, the importance of ADR in the Case Management Process and finally they looked at the strategies to effectively manage cases.

In addition to being trained on the best practices for Case Management Sir Dennis facilitated dialogue with the Judges and Masters to come up with minimal national common standards for Case Flow Management. Two committees were formed to assist the Judges and Masters to do just that. The first committee which was formed was the Pre-Hearing Checklist Committee which is chaired by Master Alvin Pariagsingh and the second committee was the Performance Standards Committee chaired by Justice Kimberly Phulgence. Both committees have already commenced their activities and to date a Pre-hearing Checklist has already been established.

## International Courses

The JEI of Eastern Caribbean Supreme Court is an active partner in many International Judicial Organisations and because of that our Judges, Magistrates and Masters have benefited in many training programmes offered by these international organisations. Below are some of the programmes our Judges participated in during the reporting period under consideration.

- **National Association of State Judicial Education** - October 23-26, 2022 (New Orleans, Louisiana). NASJE 2022 - NEW ORLEANS! | NASJE
- **The International Organization for Judicial Training (IOJT)** – October 30 to November 3, 2022, Ottawa, Canada
- **EL PAcCTO Programme** - Annual Meeting 9th and 10th of November 2022, Buenos Aires city, Argentina.
- **National Center for State Court E-Court Conference** – December 5-8, 2022
- **CARICOM IMPACS’ In-Country Financial Crimes Training 2023**, April 18th -21st, 2023, in Trinidad and Tobago.
- **CJEI 10th Biennial Meeting**, Gaborone Botswana, May 11th – 14th, 2023
- **National Association of State Judicial Educations (NASJE) Conference** August 27-30, 2023, in Columbus, OH.

The Judicial Education Institute (JEI) of the Eastern Caribbean Supreme Court is proud to announce the successful completion of its activities, which were carried out outside of its planned strategic cycle. As we prepare for the upcoming 3-year Strategic Plan, set to commence in September 2023, we are excited about the opportunities that lie ahead to enhance our training capacity, innovate, and offer flexible online learning options to our audience.

The JEI would like to extend its heartfelt gratitude towards our supporting partners, IMPACT Justice, JURIST Project, and the Governments of the Eastern Caribbean, as well as our international partner organizations for their invaluable assistance and funding that has helped us achieve our goals this year. We also appreciate the hard work and dedication of our small team in providing high-quality education.

We firmly believe that the success of our activities this year would not have been possible without the unwavering support of our partners and the tireless efforts of our team. We remain committed to providing the highest levels of education and training to our audience and look forward to continuing to collaborate with our partners towards achieving our shared goals.



# Legal Internship Programme

“

It has shown me that being an attorney-at-law encompasses more than advocacy in the courtroom; substantial impact is also achieved behind the bench.



## Akilah Southwell

The knowledge and experience gained during my internship at the Eastern Caribbean Supreme Court (“ECSC”) has fostered holistic growth and shaped the course of my prospective legal career.

In brief, this internship proved to be an enlightening and intellectually stimulating experience. I had the privilege of meeting and interacting with the Chief Justice, various Justices of Appeal, the Chief Registrar, the Deputy Chief Registrar, judicial research assistants and the other ECSC staff. Being in Saint Lucia for the internship itself was a memorable and delightful experience. During my visit to the “Helen of the West Indies,” I found joy in immersing myself in the local culture. Overall, this internship was more than just a work commitment; it served as an opportunity to gain insight into a new culture while having some fun.

### The Bench

The three months I spent at the ECSC allowed me to experience the law from the perspective of “the Bench” as opposed to “the bar.” I gained insight into how headnotes



are prepared, the role of the judicial research assistant, and the process of getting a matter ready before it appears before the Court of Appeal. It was an opportunity that I would not have been able to get elsewhere.

### **ECSC Culture**

Reflecting on my experience at the ECSC, I cannot emphasise enough the significance of its work culture. The staff functioned as a cohesive family, and every interaction I had was meaningful. The atmosphere was characterised by kindness, warmth, and invitation. I particularly remember the day Ronaldo and I received our examination results; the nearby staff heard the shouts of joy and stopped by to offer us words of encouragement and support. Also, a significant memory was our farewell; the love and encouragement were truly felt that day. Overall, the ECSC culture is remarkable.

### **The Way Forward**

The ECSC internship has opened my eyes to the possibilities that await me in this legal journey. Although my next steps remain to be seen, this experience has certainly clarified the path ahead. It has shown me that being an attorney-at-law encompasses more than advocacy in the courtroom; substantial impact is also achieved behind the bench.

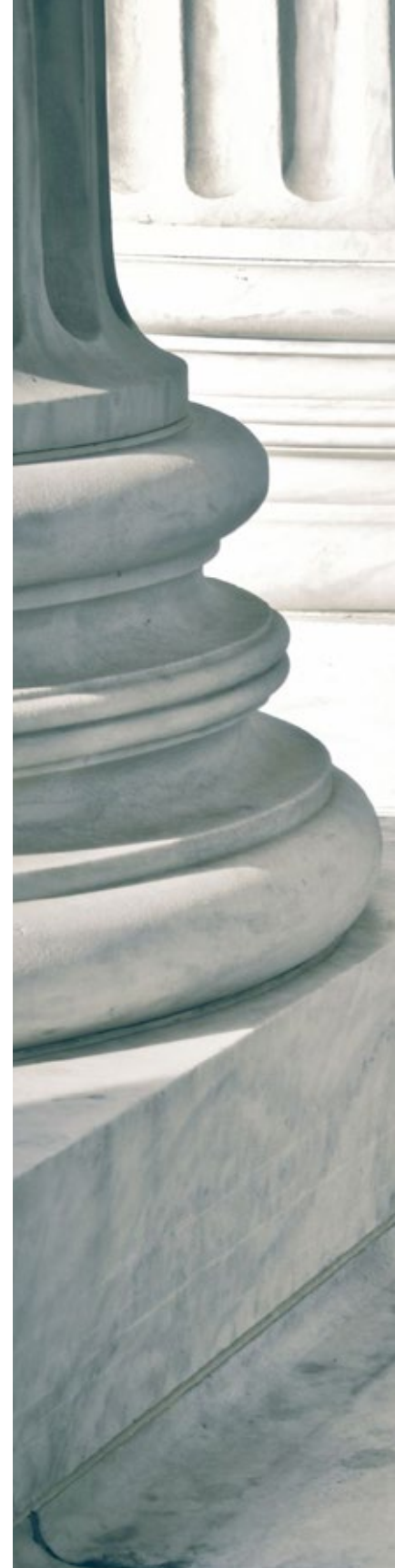


## Ronaldo Richards

Honourable Madame Chief Justice Pereira and Justices of Appeal, Chief Registrar, Deputy Chief Registrar and other staff members, I am honoured to express my reflections at the Eastern Caribbean Supreme Court ('ECSC') below.

The ECSC Legal Internship Programme was my dream internship for 2023. I have always been interested in the work of courts, particularly appellate courts, in deciding matters and navigating complex, novel or interesting areas of the law. The ECSC was especially attractive to me as the court presides over six independent countries and three overseas territories. As such, the diversity of matters, legal practitioners, and domestic legislation that the court had to consider differed from the Supreme Court and Court of Appeal of Jamaica. Having been selected for the internship programme, I was excited to visit Saint Lucia for the first time, which was also my first time away from home for an extended period.

I was immediately struck by how accommodating, helpful and warm the entire court staff was. From the moment I was selected, I was assisted with finding local accommodation, being transported from





the airport and generally being cared for, not only because I was a foreigner in the country for the first time, but because the culture at the court is one of outstanding service to others.

The workload was everything I had expected and more. I was able to assist with reviewing judgments, crafting chamber orders, conducting research, and preparing an index. While I was attached to the Court of Appeal, I nevertheless got exposure to the high court, both its civil and criminal divisions. I found this extremely useful, as while there are similarities between Saint Lucian and Jamaican law, there are significant differences, particularly in criminal procedure.

Above all, my time at the court was more enjoyable because of the people I met, the lifelong friendships I made, and the memories I created. Honourable mention goes to the many outings and food experiences that I had to sample the local cuisine and revel in the breathtaking beauty of the ‘Helen of the Caribbean’- a name which is somehow both incredibly fitting yet understates the island’s majesty from its towering peaks to its pristine and free beaches.

I take this opportunity to thank Justice Farara for selecting me as one of the interns from a group of exceptional candidates and to express my confidence that the next batch of interns will have an equally enriching time seeing the law in operation, creating new experiences, and honing their skills as prospective attorneys.

Thank you for having me, St. Lucia and the ECSC staff. I hope our paths will cross again.



## Supporting the Court



Employees are a company's greatest asset- they're your competitive advantage. - -Anne M. Mulcahy

## Human Resources Department

The Human Resource Department plays a pivotal role in supporting the Eastern Caribbean Supreme Court's overall mission of attracting and developing talent while fostering a positive and inclusive workplace culture. Over the past year, our department has committed to enhancing the employee experience and aligning HR initiatives with the evolving needs of our dynamic workforce.

As we navigate a rapidly changing business landscape, our focus remains on optimising talent management processes, promoting diversity and inclusion, and leveraging technology to elevate the HR Function. As a department, we look forward to adopting new ways by providing valuable insights to senior leaders, responding to the crisis, and fulfilling human aspects such as engaging employees and recruits through a virtual space. By doing so, we can make informed decisions that support the organisation's strategy and planning activities. Continuous investment in technology and modern infrastructure is key to achieving this objective. HR is committed to developing and expanding our software for workforce analysis and planning, which is a strategic innovation that aligns with the ECSC's innovation and digital agenda.



## Year in Review



### ECSC Sports Day

The 2019 COVID-19 pandemic prompted a transition from traditional in-office to remote work. While there were numerous benefits to this, there was also a severe disadvantage: it lessened the camaraderie among employees in the workplace. Positive social relationships and a supportive workplace environment significantly impact employees' physical, emotional, and mental health. These relationships also benefit a company's bottom line by increasing productivity and decreasing employee burnout.

For this reason, the Human Resource Department held a Fun Sports Day in April 2023 to help rekindle the connection lost through teleworking and show our employees that we value their well-being. The main goal was to improve the organisation's productivity and employee morale. We agreed that fostering an environment that encourages employee well-being can produce significant cost savings for our organisation.

### Breast Cancer Awareness Month

Every year in October, our Human Resource Department collaborates with the Ministry of Health in Saint Lucia to raise awareness for Breast Cancer Month. As part of our sensitisation efforts, we organise a staff event called "Pink Fridays" where employees are encouraged to wear various shades of pink to represent Breast Cancer awareness.

Sadly, breast cancer is a prevalent and devastating disease. We continue as an organisation to support one of our former employees in her fight against this illness. We plan to continue increasing awareness within the organisation about healthy lifestyle campaigns as part of our calendar of events.

## Administrative Professionals' Day

Administrative professionals are the backbone of any successful organisation, ensuring smooth day-to-day operations and supporting various departments. The HR department recognises the significance of the administrative role in maintaining efficiency, fostering a positive work environment, and contributing to overall organisational success.



Such initiatives enhance the overall employee experience, reinforcing a sense of teamwork and collaboration.

## Employee Recruitment

The Eastern Caribbean Supreme Court has welcomed a cohort of new staff members within the period; four individuals joined the Court of Appeal Registry. Additionally, appointments of five High Court Judges and three Masters within the Judiciary, as well as two temporary appointments within the ECSC's Accounts and Information Technology departments.



**Ms. Chante Philippe, Case Manager I**

“My onboarding at the court was one of the best in my employment experience. Thus far, my stint with the court has been filled with positivity. It can be intimidating to enter such a large and prestigious space; however, right from the jump, I was made aware of all the resources and personnel at my disposal should I have any questions or encounter any difficulties. Since then, I have received nothing but kindness and support as I have filled my role.”

This personnel expansion is expected to substantially bolster the Court's capacity to offer timely and efficient client services. The newly appointed staff members are expected to adhere to the highest standards of professionalism.

## Top Benefits of Onboarding Programmes

Increase retention by

**25%**



Improve employee performance by up to

**11%**





## Internship

In 2023, the ECSC welcomed another cohort of Interns for the ten-week ECSC Legal Internship program. The program featured participation from two remarkable year one students from the Norman Manley Law School—Ms—Akiliah Southwell from Antigua & Barbuda and Mr. Ricardo Richards from Jamaica.

“The knowledge and experience I gained as an intern at the Eastern Caribbean Supreme Court has undoubtedly impacted my life. In a few words, this internship was an intellectually stimulating, enlightening and incredible experience. I had the privilege of meeting and working with amazing individuals, and I formed friendships that will last a lifetime. The three months I spent at the court were simply invaluable.”

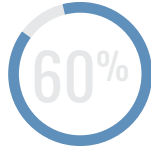
– Ms. Akiliah Southwell



## Human Resource Information System

The HR Department is finalising a comprehensive HR Management system-Orange HRM that will provide all employees with a centralised location to access comprehensive and up-to-date HR information, as well as engagement opportunities and policy guidelines. We have partnered with the IT Department to ensure that the development of this software

HR INTRNET PORTAL
EMPLOYEE ENGAGEMENT
PEOPLE MANAGEMENT
RECRUITMENT
CAREER DEVELOPMENT
TRAINING



Installation and Training



Applying Database changes



Launch of software to employees

package goes smoothly and that it can be integrated seamlessly with existing IT infrastructure and systems.

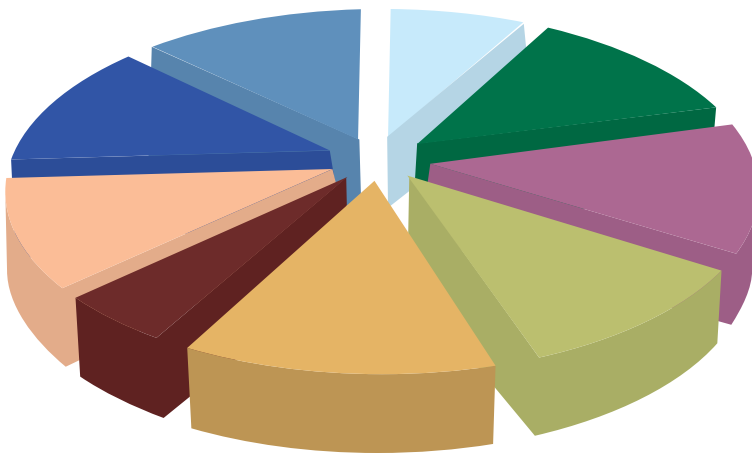
The Human Resources department eagerly anticipates the launch of the new HR software, which is scheduled for the first quarter of 2024. This technological enhancement will be extended to the employees of ECSC, with a view to streamlining HR processes and augmenting overall productivity. The introduction of the new software is expected to have a positive impact on the daily operations of the organisation, and the HR department is confident that it will prove to be a valuable asset in the years to come.



## Funding of the Eastern Caribbean Supreme Court

The Eastern Caribbean Supreme Court (ECSC) is funded 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 (the Authority). Factors influencing the percentage contribution made by each Member State include the number of resident judges and number of Court of Appeal sittings which are scheduled for each Member State and Territory. The percentage contribution which is presently in effect for the Member States and Territories are as follows:

### Member States Contributions (Percentage)



Anguilla	8
Antigua & Barbuda	13
BVI	13
Dominica	11
Grenada	13
Montserrat	5
St. Kitts & Nevis	11
Saint Lucia	13
Saint Vincent & the Grenadines	13

### Budget Preparation

The Court's financial year runs from 1st September to 31st August of the following year. As part of its normal functions, the Accounts Department 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.

#### Stage one

- The budget is prepared by the Financial Controller under the direction of the Chief Justice and the Court Administrator. This process involves the use of historical data and information provided by the Department Heads at the ECSC Headquarters based on

their respective departmental work plans and the strategic goals of the Court. Upon completion, the draft budget is discussed at the ECSC level and signed off by the Chief Justice.

### **Stage two**

- The budget is presented to the Budget Committee (comprising of budget officers and/or financial secretaries from each of the Member States and Territories) for their review and discussion. Once reviewed, they may make recommendations and suggest possible changes for the Court to consider prior to moving to the next stage.

### **Stage three**

- 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 adjusted as agreed before its final approval by the Authority. It is a requirement that the decision to approve the budget must be unanimous by the OECS Heads of Government (the Authority).

Once the Budget is approved by the Authority, it becomes a treaty obligation of each Member State to pay the contributions in accordance with the preset percentages highlighted earlier. These contributions are due on 1st September of each calendar year. The Court has been flexible in accepting contributions during the financial year and the option is available for Member States and Territories to pay monthly, quarterly, or annually, in advance.



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

<b>Cost Centre</b>	<b>Approved Budget 2021/2022</b>	<b>Presented Budget 2022/2023</b>	<b>Percentage Increase/ (Decrease)</b>
Personal Emoluments	13,510,190	14,037,921	3.91%
Administrative Expenses	2,353,280	1,989,377	-15.46%
Capital Expenditure	130,050	264,200	103.15%
Judicial Education	250,590	542,879	116.64%
Judicial and Legal Services Commission	120,328	148,668	23.55%
<b>Total</b>	<b>16,364,438</b>	<b>16,983,045</b>	<b>3.78%</b>

The ECSC presented a budget with an overall increase of 3.78% for the period 2022/2023. While this increase was less than the anticipated rise in demands for the Courts resources for the financial year, this level of funding, coupled with the choices the Court made to re-align resources, enabled the ECSC to fund the increased activity.

The budget increase for 2022/2023 was mainly due to the following:

- The provision for funding the implementation of the Portal for management of Family matters in the Family Courts of all the Member States and Territories.
- The provision for the funding to reinitiate the implementation of the ECSC Courtroom Technology Enhancement Project in three pilot-courts in the MSTs.
- The provision for the funding to host the Caribbean Association of Judicial Officers (CAJO) Conference 2022 in Saint Lucia.
- The provision to fund the participation of Judges and Magistrates at certain Conferences.
- The provision to fund the training for Magistrates' Courts Staff in the MSTs.
- A provision for the funding of two additional Justices of Appeal to bring the Court's complement to twelve persons.

## Donor Funding

During the financial year the JURIST Project provided the following funding support to the ECSC Headquarters:

- On behalf of the High Court of Grenada the funding for Mediation Training in Grenada.
- The funding support for the refurbishment, equipping, and furnishing of the mediation room for St. Vincent and the Grenadines.
- On behalf of the High Court in Dominica the funding for the procurement of equipment for reprographic support.
- Support for a delegation from Grenada to conduct a Study Tour of the Sexual Offences Model Courts (SOMCs) in Guyana and Antigua & Barbuda during the week of 20th March.
- The funding support for the procurement of equipment for ECSC E-Litigation Portal implementation in the Magistracy in some Member States.

The JURIST Project also provided support through the Judicial Education Institute (JEI) of the ECSE to host the Judicial Settlement and Case Management Conference 2022, and the Registrars Conference 2023.

The IMPACT Justice Project has also continued to provide support to the ECSC over the period under review in various areas including funding support for the hosting Annual Judicial Conference 2023 and the Orientation Programme for newly appointed Judicial Officers.

## Judicial Education

### **Judicial Settlement and Case Management Conference 2022**

The Judicial Education Institute (JEI) received funding from the Judicial Reform and Institutional Strengthening Project (JURIST) managed by the Caribbean Court to host training on Judicial Settlement Conferencing and Case Management for Judges and Masters of the Eastern Caribbean Supreme Court. The training was held from 12th to 14th September 2022 at the Radisson Resort, Grand Anse, Grenada.

### **Improving Written Decisions and Oral Judgment Decisions**

The Eastern Caribbean Supreme Court (ECSC) in collaboration with the educational arm of the Caribbean Court of Justice (CCJ), hosted the 7th Biennial Conference of the Caribbean

Association of Judicial Officers' (CAJO) held in Saint Lucia from 27th – 30th October 2022 at the Royalton Convention Centre.

As the local organizing committee (LOC), the Eastern Caribbean Supreme Court under the leadership of Her Ladyship, Hon. Dame Janice Pereira, LL.D. BDE, Chief Justice, had the responsibility to provide oversight, support, and advice to the CAJO, for all on-site arrangements and logistics before, during, and after the conference. The activities ranged from planning and coordination of the official opening ceremony, social activities, security detail, medical services, transportation, airport meet and greet, and transfers, to identification and selection of decorators, photographers, and press officials.

### **Annual Judicial Conference 2023**

The JEI partnered with the Improved Access to Justice in the Caribbean (IMPACT Justice) Project, the JURIST Project, and the OECS Governments to host its signature event the Annual Judicial Conference (AJC) 2023 which was held over a three-day period from March 15 – 17, 2023. The conference was held at the Sheraton Miami Airport Hotel and Executive Business Center.

### **Orientation Programme of Newly appointed Judicial Officers 2023**

The JEI hosted a comprehensive Orientation Programme for newly appointed Judicial Officers in Miami at the Sheraton Miami Airport Hotel and Executive Business Center from March 13 -14, 2023. The JEI took the opportunity to host the training for newly appointed Judges and Master's prior to its signature event the AJC which commenced on March 15, 2023. This event was partially funded by the IMPACT Justice and the ECSC.

### **Registrars Conference 2023**

The Judicial Education Institute (JEI) of the Eastern Caribbean Supreme Court (ECSC) returned to its in-person conference, for the first time since 2019. Partnering with the JURIST Project and the Governments of the OECS, the ECSC hosted the Registrars Conference. The conference was held over a three (3) day period from March 15-17 at the Sheraton Miami Airport Hotel and Executive Center.

### **Case Management Training**

The JEI provided training for sixteen Judges and Masters in Case Management from June 26 – 28, 2023. The training was held in Saint Lucia at the Coco Palm Resort. This was fully funded by the Court.

### **Assessment of Costs Training**

The JEI hosted training for “Judges of Assessment of Costs” for Judges and Masters of the ECSC. This training was conducted virtually and funded by the ECSC.

### **Information Technology**

The ECSC is now in the fifth and final year of contract with CrimsonLogic with regards to the implementation of the ECSC E-Litigation Portal within Courts of the OECS Member States and Territories. During the financial year, the Portal was implemented in the Family Courts of Antigua & Barbuda, Saint Lucia, and St. Vincent & the Grenadines along with all Magistrates Court in the other Member States and Territories for the management of civil matters (where it applies) including Family. The implementation of the Portal for the electronic filing and management of criminal matters, in all Magistrates and High Courts, will be implemented in the financial year 2023/2024.

The ECSC will also focus heavily on the implementation of a comprehensive cybersecurity posture for the Court, positively impacting all Judicial Officers and staff of the Eastern Caribbean Supreme Court. This will take the form of acquisition of both hardware and software, along with the implementation of user awareness and training, as required.

### **Timely Funding**

The timely payment of contributions by some Member States and Territories (MSTs) continues to be of concern to the Court. We have noted an improvement in the regularity in which we receive contributions from those MSTs who consistently contribute to the Court. As we begin the new financial year urge the different MSTs with arrears in contributions to make regular payments as well as the ECSC proposed additional payment which was prepared based on the decision taken at the Authority meeting in October 2022.

## Our Information Resources

### Records Management Unit

During this review period, the Records Management Unit [RMU] encountered a few challenges with space constraints. Despite these shortcomings, the management of the court's records continued.

### Correspondence Management

During the period 2022 - 2023, 382 pieces of regular mail were received, compared to over 470, and 44 outgoing pieces, compared to over 400 in the past. Thus far, the web-based Correspondence Management Database has improved the work flow management of outgoing and incoming correspondence. The Website Administrator has streamlined the application and continues to fix bugs whenever they pop up. This is still somewhat of a new database, and it will be some time before it's a near-perfect system.

### Active Records Management

Active records management activities have restarted as we return to our regular work program. To ensure that records are up to date and foster seamless business continuity, refining the Vital Records program is an ongoing project that is needed at this time. A project to manage electronic records is coming along smoothly, in the form of harvesting records from emails to reduce unnecessary use of email space on our servers.

### Inactive Records Management

Work at the Records Centre (The RC) continues to prove difficult as we still encounter issues due to insufficient shelves. As a result, regular access to records has halted, and boxes are now stacked on each other, creating quite a challenge for space and records retrieval. On several occasions, extra staff members had to assist with lifting boxes to retrieve requested records. New transfers to the Records Centre have also stopped, and this has inevitably caused a space crisis at the headquarters. During the period under review 2022 - 2023, 73 additional boxes were transferred to the RC in addition to the 302 transferred in the previous year. These boxes are still awaiting accession. It is hoped that additional shelves and building space will be acquired in 2024 so we can again provide the Court and its stakeholders with the best service possible. If this milestone is not achieved soon, the RMU will be unable to receive any more records in the near future.

## Law Library

During the year under review, the library made tremendous strides in completing a scanning project of critical judgments that were only available in physical format. The scanned judgments were posted on the Court's website so our internal and external users could easily access them.

The library continued to develop its collection by acquiring revised editions and new titles. Other materials were also purchased to fill the gaps identified from the library staff's evaluation of the collection and recommendations received from Judicial Research Assistants. Additionally, during the year, the library continued its Lexis Nexis subscription. The Court enhanced the electronic coverage of Caribbean, international, and comparative law resources, particularly this year, by continuing our VLEX subscription. The Court's VLEX subscription fills the gaps not covered by the Lexis Nexis subscription.

The library continues to support the work of the judges, staff and other users by providing access to physical and digital resources from its collection and those obtained from other libraries regionally and internationally.

The Information Services Manager and the Library and Information Services Officer represented the Court at the Caribbean Association of Law Libraries annual conference in Bridgetown, Barbados. The IMPACT Justice Project sponsored both officers.

During the review period, the Information Services Manager had the privilege of attending two international conferences. The first was the International Federation of Library Associations (IFLA), held in Rotterdam, Netherlands. The other was the annual course of the International Association of Law Libraries (IALL) held in Geneva, Switzerland. The court partly funded his attendance at the IFLA conference, and he received a fully funded bursary from the IALL scholarship committee for the IALL conference.

These conferences provided the Information Services Manager an excellent opportunity to stay up-to-date with the latest information, trends, and international best practices in librarianship and the law. Importantly, he was able to leverage these platforms to interact and network with fellow professionals from around the world, discussing common issues and identifying possible solutions. This global networking has significantly contributed to his personal and professional development, and the court has already started to reap the benefits of his attendance.

## Information Technology

### ECSC E-Litigation Portal Implementation

The Eastern Caribbean Supreme Court under the stewardship of the Honourable Chief Justice Dame Janice M Pereira has implemented the ECSC E-Litigation Portal for the electronic filing and Management of (i) Appeal matters in all High Courts, (ii) Civil (including Commercial and Probate) matters in all High Courts and in most Magistrates' Courts, and (iii) Family matters in all Magistrates' Court in the OECS Members States and Territories. The implementation of the Portal in the Magistrates' Courts in the Subregion represented the second major phase of the ELP Project. In Member States with Family Court Divisions such as Antigua and Barbuda, Saint Lucia and Saint Vincent & the Grenadines, the focus was on implementation of just the Family Module of the portal. The implementations of the Portal in the Magistrates' Court in the other member states were extended to the filing and management of Civil matters as well.



Section of Dominica Magistrates' Court Staff ELP Civil Module Training

The implementation of the Family and Civil Modules in the Magistracy began in Oct 2022 and was completed in June 2023. The Family Courts in Antigua & Barbuda and Saint Lucia along with the Magistrates' Court in TVI were the first courts that "went live" with the Portal. The Family Module of the ECSC E-Litigation Portal seeks to complement the e-filing and management of the current family case types of Adoption and Matrimonial, already implemented on the Portal. More specifically, this Family Module of the portal allows for the

electronic filing and management of all family matters that follow a civil case flow in the Magistracy. These matters include Child Maintenance, Affiliation, Domestic Violence/relations, Child-Care and Protection, etc.

The next, and final phase of the ELP implementation is associated with the introduction of the criminal module in both the high Courts and Magistrates' Court of the Member States and Territories. Prospective users of this Module will also include staff from the offices of the Director of Public Prosecutions and Attorney General, in some instances. The ELP Implementation Team has conducted one Demo of the Prototype of the Criminal Module via Zoom with several court Staff within the MSTs. It is expected that a working version of the Module will be available for testing in November 2023 and the first member state should go-live by early January 2024. The Implementation is finalizing a tight schedule to roll this last module in all member states before the third quarter of 2024.

There has been an overwhelming acceptance of the Portal by legal practitioners in the Subregion coupled with varying requests for enhancements. The ECSC continues to work closely with the Developer – CrimsonLogic™ to ensure that the system creates an even greater, positive impact on the Judicial system of the subregion.

## **ECSC Cybersecurity Program**

The ECSC is not immune from cyber-crime occurring all around the world and as such we will also focus heavily on the implementation of a comprehensive cybersecurity posture which will positively impact all Judicial Officers and staff of the Eastern Caribbean Supreme Court. This will take the form of acquisition of both hardware and software, along with the implementation of user awareness and training programs, as required.

## **Revamped ECSC Website**

On June 5, 2023, the current version of the ECSC's website was completely revamped. The ECSC factored in comments and feedback from the previous version (2011-2023) to redesign it completely both from a front-end visual perspective and in the backend and infrastructure. The enhancements made to the structure, design and infrastructure of the ECSC website involved the following:

### **Structure**

- i. Complete restructure of the data separating types of content and how it is published and indexed to cater for the courts growing database, (current searchable judgment's database has exceeded 10,000 entries).
- ii. Decoupled the frontend functionality from that of the management interface (Content Management System) allowing for easier updates and changes.
- iii. Improved and updated search and indexing technology which allow for more precise,

and judgments-only search engine.

### **Design**

- i. New cleaner interface design with more familiar components reflecting what web sites similar to that of the Court.
- ii. Improved accessibility for mobile and tablet devices.
- iii. Improved performance and security.

### **Infrastructure**

With a constantly growing database, the ECSC factored in the ability for the court's website to continually scale to meet high traffic demands. To try to accomplish this I had to.

## **ECSC Transcription Preparation Program**

In its continued thrust to leverage the use of Digital Technology within the Judicial System of Eastern Caribbean States, the Office of the Chief Justice is seeking to implement technologies associated with online/Realtime Transcribing services and electronic Jury Management systems in our Courtrooms and Court Offices.

The ECSC is currently exploring the use of the Cloud and Realtime transcription services developed by the vendor - For-The-Record (FTR), in a few of the Courtrooms, within the High Court of the sub-region. The implementation of these solutions will allow for the real-time transcribing of court proceedings with over 90% accuracy and as such would reduce the time of transcript preparation process to minor editing and certification of transcripts by Certified Transcriptionists either internally in our Courts or externally. The Court has scheduled a demonstration of the FTR solutions with Registrars of the High Courts with a view to sensitizing them about the new technology. Plans are afoot to implement FTR transcription services within 4 members during the first quarter of 2024.

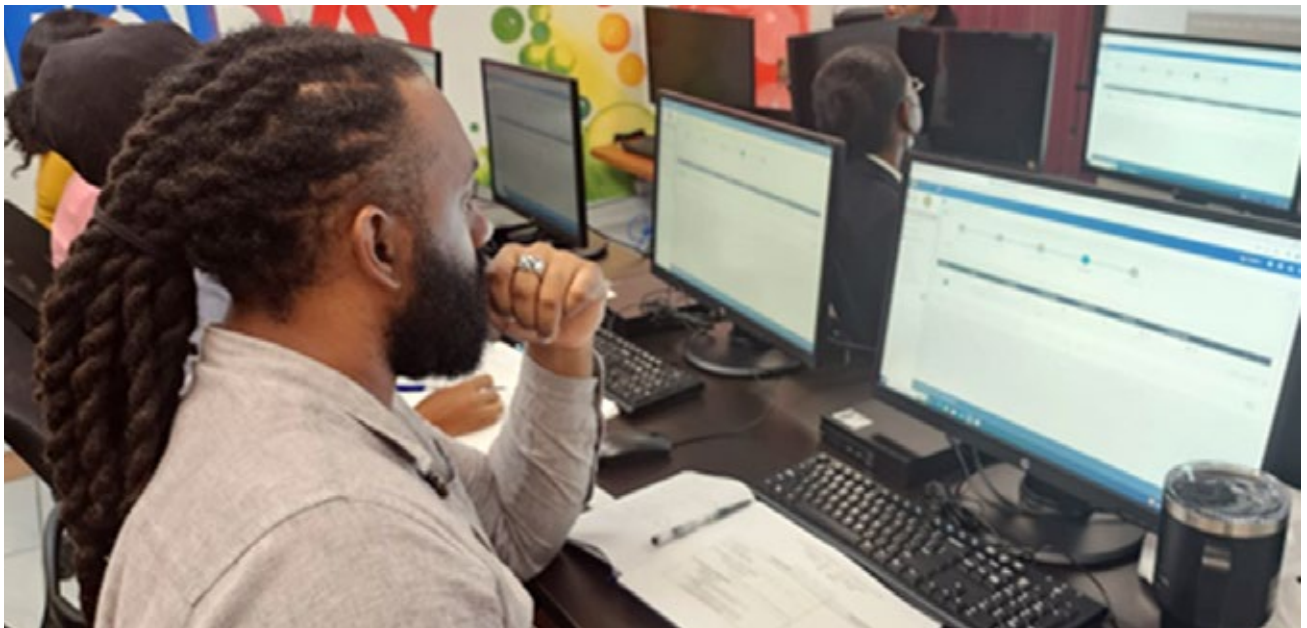
The ECSC is completing, simultaneously, the development of a revised COA Online Transcript Request Portal (for the ECSC website) with several new features and which will allow for greater involvement of Registrars in requests made for transcripts by parties and litigants.

Additionally, to address the current backlog of transcript requests in some of our Courts, the ECSC has received relevant information which will involve the use of Artificial Intelligence (AI) to transcribe existing digital liberty recordings of court proceedings with up to 80% accuracy. The services of transcriptionists will still be required but for much less transcribing time. The ECSC will also pilot that technology with existing Liberty Recordings in one Member State, during the first quarter of 2024 with a view to making the service

available to all members by the end of the year.

### **Jury Management System**

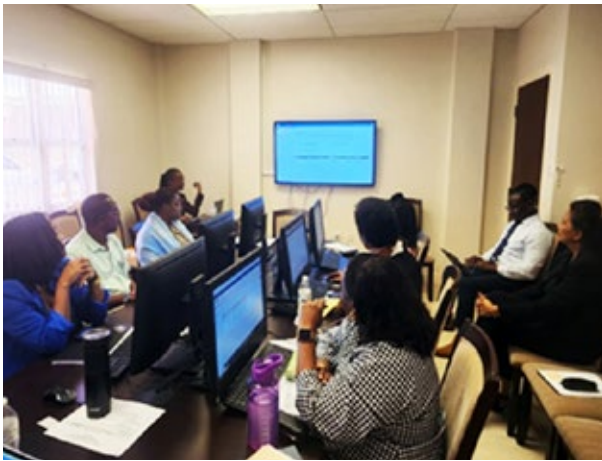
The implementation of electronic Jury Management has also gained renewed traction by the ECSC. A phased approach to implementation of this technology is being explored in Member States and Territories (MSTs) where appropriate legislative changes now allow for its use particularly in the Jury Selection process. We are currently assessing the product – Avenu | Jury by Avenu Insights & Analytics. The ECSC will also initiate this project with a demonstration of the Avenu | Jury Management Solution to all Registrars will seek to implement in about three (3) MSTs during this financial year.



Section of Dominica Magistrates' Court Staff ELP Civil Module Training



ECSC ELP Team and Group of Legal Practitioners and Secretaries participating in Refresher Session - Antigua & Barbuda



Montserrat Magistrates' Court Staff ELP Civil Module Training



St. Kitts Magistrates' Court Staff ELP Civil Module Training



# Court Performance



The report points to a few Courts which recorded clearance rates over 100% and hence achieved some level of backlog reduction which is always an extremely desirable outcome.



## Synopsis

This report discusses the caseload and case flow in the OECS Courts for the calendar year 2022 and shows trends for the past three years in some instances. A summary is shown in the flowchart below.

## Court Performance at a Glance

### Court of Appeal

417

Total filed appeals

1,266

Total matters listed

1,252

Total matters heard

79

Written judgments

524

Oral judgments

### High Courts

102.81%

Overall clearance rate

7,306

Total filed cases

7,511

Total disposed cases

### Magistrates Courts

62.54%

Overall clearance rate

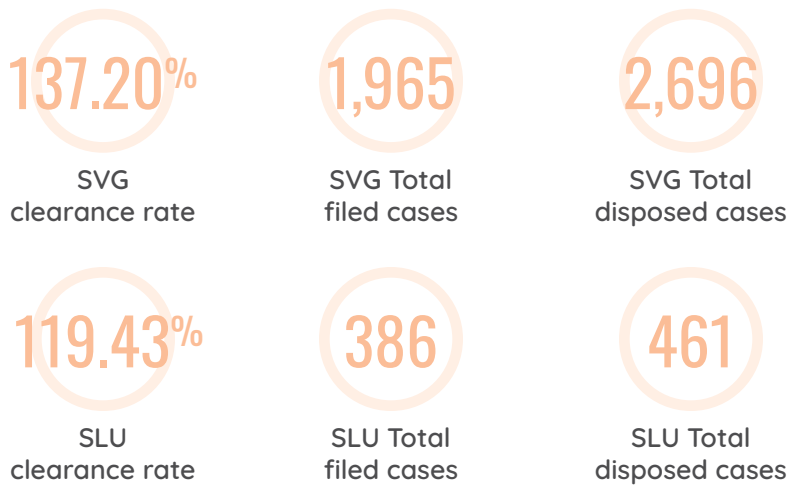
33,958

Total filed cases

21,238

Total disposed cases

## Family Courts



## Section 1

### Court of Appeal

There were 417 appeals filed in total in the High Courts and Magistrates Courts during the year 2022 for which the breakdown is given below:

- 163 High Court Civil Appeals
- 78 High Court Criminal Appeals
- 82 High Court Commercial Appeals
- 10 Industrial Court/Labor Tribunal Appeals
- 27 Magisterial Civil Appeals
- 57 Magisterial Criminal Appeals

The following is observed from data in Table 1 (a) which reflects the period 2020 to 2022: Total filed appeals slightly declined by approximately 10% at first in 2021 then increased by roughly the same percentage from 2021 to 2022. Civil and Criminal appeals represented on average 53% and 31.36% respectively of total filed appeals. Notably, the numbers of filed Commercial Appeals steadily increased over the 3-year period.

Civil appeals were on average 57.48% and Criminal appeals were a comparatively lower 22.38% of total appeals filed in the High Courts. On the contrary, Criminal appeals were

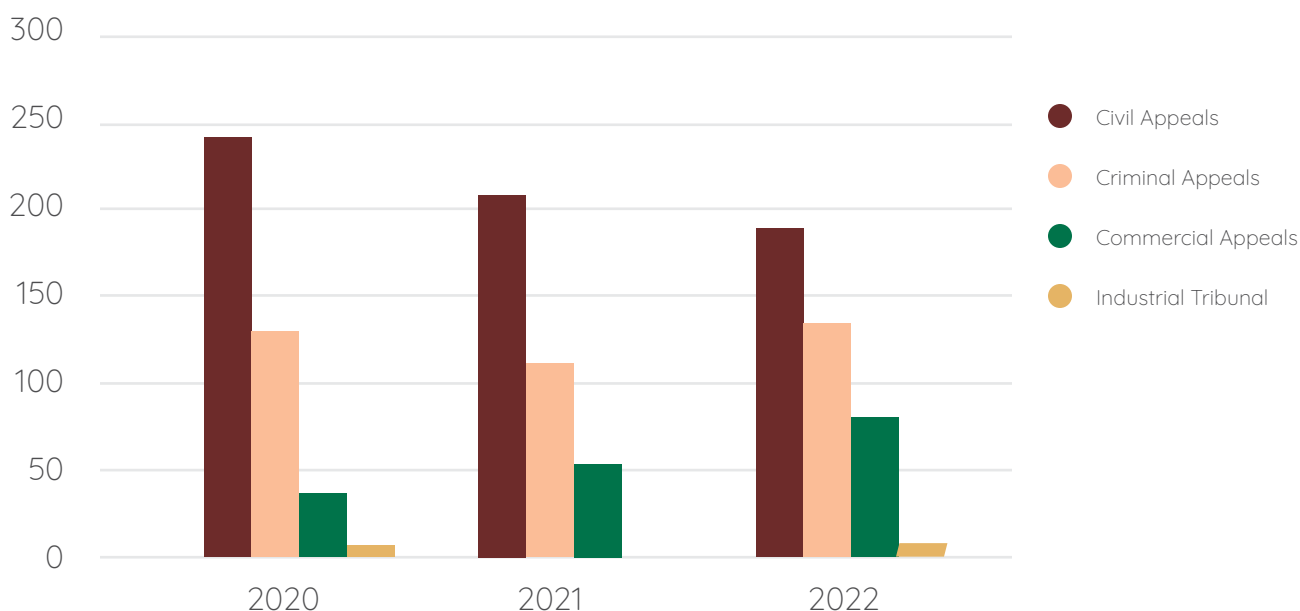
on average 62.50% while Civil appeals were 37.50% of total appeals filed in the Magistrates Courts. Thus, Civil appeals were more dominant in the High Courts while Criminal appeals were more prevalent in the Magistrates Courts.

More detailed information on appeals filed in 2022 is given in Tables 1(b) to 1(g).

**Table 1 (a) Total Appeals Filed by Case Type, 2020 to 2022**

Type of Appeal	2020			2021			2022		
	High Court	Magistrates Court	Total	High Court	Magistrates Court	Total	High Court	Magistrates Court	Total
Civil Appeals	203	39	242	176	36	212	163	27	190
Criminal Appeals	72	60	132	61	53	114	78	57	135
Commercial Appeals	37		37	53		53	82		82
Industrial/Labour	8		8	0		0	10		10
<b>Total</b>	<b>320</b>	<b>99</b>	<b>419</b>	<b>290</b>	<b>89</b>	<b>379</b>	<b>333</b>	<b>84</b>	<b>417</b>

**Figure 1: Total Appeals Filed by Case Type, 2020 to 2022**



Tables 1(b) to 1(g) list the numbers of filed appeals by case type for the various Member States and Territories over the last 3 years: 2020 to 2022.

### **1(b) High Court Civil Appeal Cases Filed from 2020 to 2022**

<b>High Court Civil Appeal Cases Filed</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Anguilla	21	11	4
Antigua and Barbuda	42	27	28
Commonwealth of Dominica	13	13	3
Grenada	22	42	30
Montserrat	21	12	25
Saint Lucia	28	17	22
Saint Vincent and the Grenadines	19	15	3
St. Kitts and Nevis	37	29	33
Territory of the Virgin Islands	0	10	15
<b>Total</b>	<b>203</b>	<b>176</b>	<b>163</b>

### **1(c) High Court Criminal Appeal Cases Filed from 2020 to 2022**

<b>High Court Criminal Appeal Cases Filed</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Anguilla	0	0	5
Antigua and Barbuda	13	12	13
Commonwealth of Dominica	0	2	1
Grenada	21	17	19
Montserrat	3	4	6
Saint Lucia	5	7	7
Saint Vincent and the Grenadines	17	11	15
St. Kitts and Nevis	9	8	7
Territory of the Virgin Islands	4	0	5
<b>Total</b>	<b>72</b>	<b>61</b>	<b>78</b>

#### 1(d) High Court Commercial Appeal Cases Filed from 2020 to 2022

High Court Commercial Appeal Cases Filed	2020	2021	2022
Territory of the Virgin Islands	32	48	74
Saint Lucia	5	5	8
<b>Total</b>	<b>37</b>	<b>53</b>	<b>82</b>

#### 1(e) High Court Industrial/Labor Appeal Cases Filed from 2020 to 2022

High Court Industrial/ Labor Appeal Cases Filed	2020	2021	2022
Antigua and Barbuda (Labor Tribunal)	8	0	10
<b>Total</b>	<b>8</b>	<b>0</b>	<b>10</b>

#### 1(f) Magisterial Court Civil Appeal Cases Filed from 2020 to 2022

Magisterial Court Civil Appeal Cases Filed	2020	2021	2022
Anguilla	0	0	0
Antigua and Barbuda	10	6	6
Commonwealth of Dominica	3	3	2
Grenada	0	0	2
Montserrat	5	2	1
Saint Lucia	2	4	1
Saint Vincent and the Grenadines	10	8	4
St. Kitts and Nevis	9	13	8
Territory of the Virgin Islands	0	0	3
<b>Total</b>	<b>39</b>	<b>36</b>	<b>27</b>

### 1(g) Magisterial Court Criminal Appeal Cases Filed from 2020 to 2022

<b>Magisterial Court Criminal Appeal Cases Filed</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Anguilla	0	1	1
Antigua and Barbuda	5	4	2
Commonwealth of Dominica	6	14	11
Grenada	9	8	2
Montserrat	3	4	2
Saint Lucia	3	2	3
Saint Vincent and the Grenadines	20	13	24
St. Kitts and Nevis	3	3	7
Territory of the Virgin Islands	11	4	5
<b>Total</b>	<b>60</b>	<b>53</b>	<b>57</b>

Data in Table 1(h) show that the total number of written judgments fluctuated over the three years with a drop in 2021 and subsequent increase by 58% from 2021 to 2022. There were 79 written judgments delivered by the Full Court in 2022. These written judgments included oral judgments reduced to writing and reasons for decisions.

**Table 1(h): Written Judgments delivered by the Court of Appeal by Member State, 2020 to 2022**

<b>Total Written Judgments Delivered (including oral judgments reduced to writing and reasons for decisions)</b>						
<b>Member States</b>	<b>2020 Total</b>	<b>2020 (%)</b>	<b>2021 Total</b>	<b>2021 (%)</b>	<b>2022 Total</b>	<b>2022 (%)</b>
Anguilla	4	6.06	2	4.00	1	1.27
Antigua and Barbuda	11	16.67	8	16.00	15	18.99
Commonwealth of Dominica	5	7.58	2	4.00	3	3.80
Grenada	2	3.03	4	8.00	7	8.86
Montserrat	6	9.09	3	6.00	9	11.39
Saint Lucia	12	18.18	5	10.00	9	11.39
Saint Vincent and the Grenadines	1	1.52	4	8.00	2	2.53
St. Kitts and Nevis	7	10.61	3	6.00	9	11.39
Territory of the Virgin Islands	18	27.27	19	38.00	24	30.38
<b>Total</b>	<b>66</b>	<b>100.00</b>	<b>50</b>	<b>100.00</b>	<b>79</b>	<b>100.00</b>

Information on the types of Court of Appeal sittings which were conducted from 2020 to 2022 is given in Table 1(i) below. Total sittings increased over the three years, most significantly in 2022 because of the increase in Extraordinary Sittings and the addition of Extraordinary Applications. The numbers of the other sittings remained relatively constant from 2020 to 2022.

Scheduled Sittings are scheduled in advance for any calendar year but the Extraordinary sittings are extra sittings, whether by the full court, a single judge or the Chief Registrar, scheduled as necessary, during non-sit weeks. The Court of Appeal judges also deal with several applications set down for hearing on paper including urgent applications and consent orders and these are now being captured as Extraordinary Applications.

In 2022, most of the Full Court, Extraordinary Full Court and Status Hearings were heard virtually and Chamber Hearings were done on paper.

**Table 1 (i) Activities of the Court of Appeal: 2020 to 2022**

<b>Activity</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Full Court Sittings	22	22	22
Extraordinary Full Court Sittings	÷	3	17
Extraordinary Applications *	÷	÷	50
Status Hearing sittings	20	22	22
Chamber Hearings	11	11	11
<b>Total</b>	<b>53</b>	<b>58</b>	<b>122</b>

**Figure 2: Activities of the Court of Appeal, 2020 to 2022**

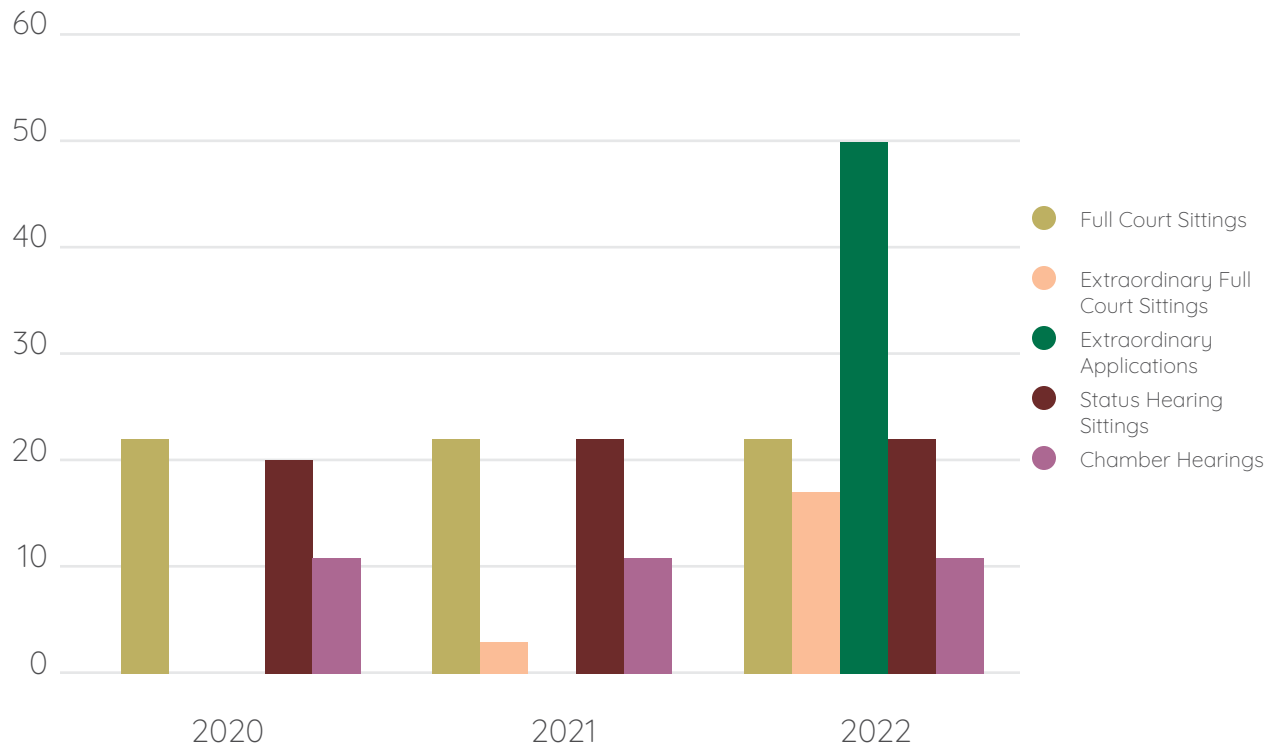


Table 1(j) lists the total numbers of appeal matters (applications and appeals) listed and heard for the year 2022 during Full Court Sittings, Status Hearings and Chamber Hearings. Matters heard during Extraordinary Sittings and as Extraordinary Applications are also included within Full Court and Chamber Hearings.

The numbers of appeals heard do not directly correlate with appeals filed [Tables 1(a) to 1(g)] since appeals filed from previous years could have been heard during 2022 and not all appeals filed in 2022 were listed for hearing.

Table 1(j) indicates that in 2022, for Full Court sittings, Status and Chamber Hearings combined, there were 1,266 matters which were listed, and 1,252 matters heard; thus almost 99% of listed matters were heard. Thirty (30) of the High Court Civil Appeals listed and heard during Full Court sittings were Commercial cases.

**Table 1 (j): Numbers of applications and appeals listed and heard during Full Court Sittings, Status and Chamber Hearings in 2022**

Type of Matter	Matters Listed 2022	Matters Heard 2022 (including adjournments)
<b>Full Court Sittings</b>		
Applications/Motions	143	132
High Court Civil Appeals (including Commercial and Labour Tribunal)	130	130
High Court Criminal Appeals	42	42
Magisterial Civil Appeals	20	20
Magisterial Criminal Appeals	40	40
<b>Total appeal matters for Full Court Sittings</b>	<b>375</b>	<b>364</b>
<b>Status Hearings</b>		
High Court Civil Appeals (including 4 Commercial and 6 Labour Tribunal)	166	163
High Court Criminal Appeals	97	97
Magisterial Civil Appeals	89	89
Magisterial Criminal Appeals	103	103
<b>Total for Status Hearings</b>	<b>455</b>	<b>452</b>

<b>Chamber Hearings</b>		
Total for all Chamber matters	436	436
<b>Total for all Sitings</b>	<b>1,266</b>	<b>1,252</b>

The flow of appeal matters referenced in Table 1 (j) above in relation to all matters listed and heard as well as the outcomes, is shown in Figure 3. **The outcomes in the last tiers in red font indicate those which reflect dispositions.** It must be noted that Status Hearings are geared more towards determining the status of matters which at the time have not progressed to the stage of hearing and hence not many appeals if any, are disposed of during these hearings.

**Figure 3: Appeal matters heard and disposed of during Full Court Sittings, Status and Chamber Hearings in 2022**

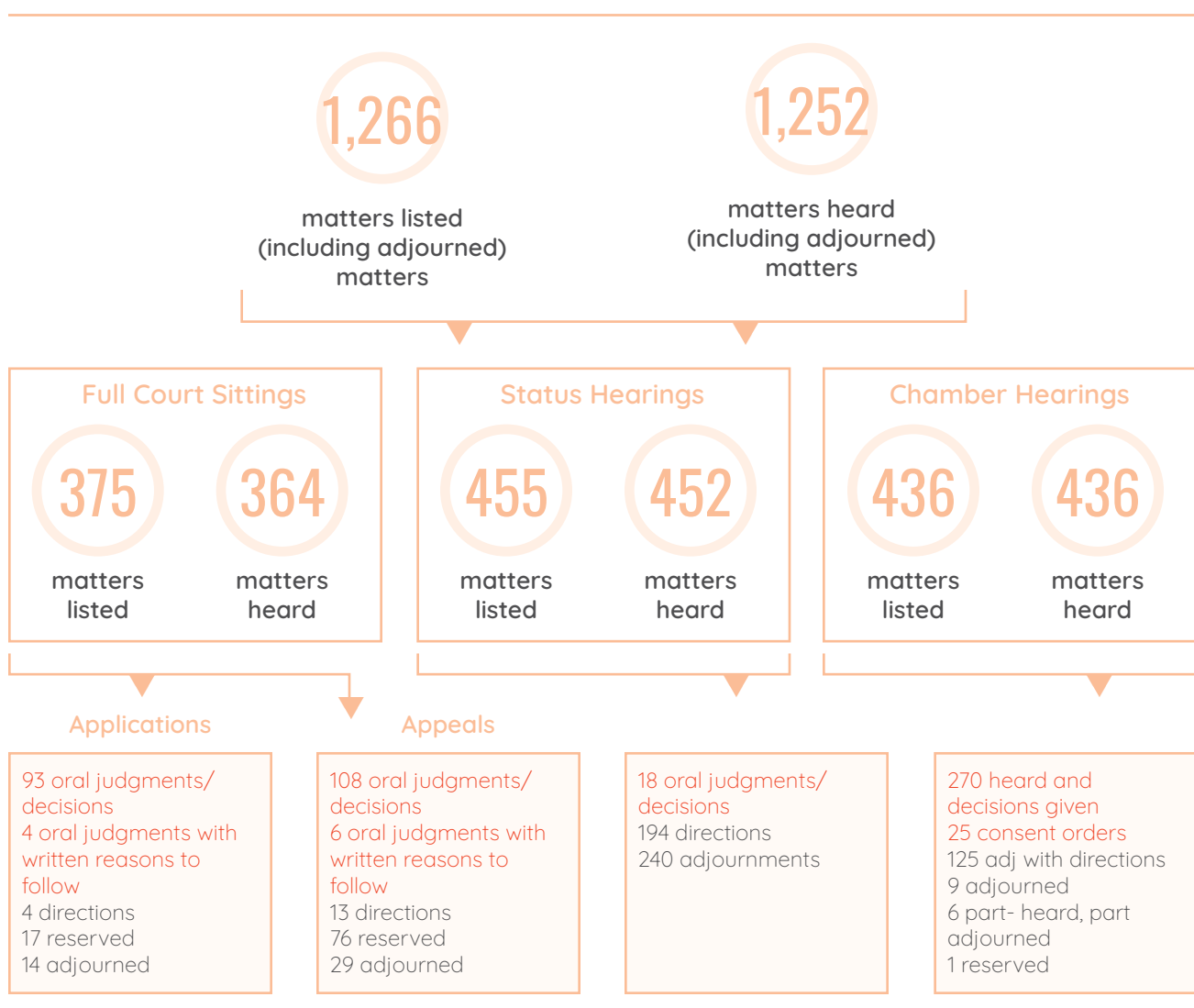


Table 1(k) below shows the number of written judgments and oral judgments /decisions for the year 2022. Oral judgments and decisions were 86.90% of the decisions delivered by the Court of Appeal in 2022.

**Table 1 (k) Comparison between Oral Judgments/Decisions and Written Judgments Delivered by the Court of Appeal, 2022**

Year		
Number of written judgments	79	13.10
Number of oral judgments/decisions	524	86.90
<b>Total Decisions delivered</b>	<b>603</b>	<b>100.00</b>

### Pending Appeals

Tables 1(l) and 1(m) give information on Pending appeals as at the end of 2022, obtained from the E Litigation Software. There were 711 appeals pending at the end of 2022.

**Table 1 (l) Number of Pending Appeals as at the end of 2022, per jurisdiction**

Member State	Number of Pending Appeal Matters as at the end of 2022	Percentage (%) of Pending Appeal matters as at the end of 2022
Antigua	166	23.35
Anguilla	18	2.53
Commonwealth of Dominica	20	2.81
Grenada	74	10.41
Montserrat	36	5.06
Nevis	41	5.77
Saint Lucia	82	11.53
St. Kitts	90	12.66
St. Vincent and the Grenadines	45	6.33
Territory of the Virgin Islands	139	19.55
<b>Total</b>	<b>711</b>	<b>100.00</b>

### **Table 1 (m) Age of Pending Appeals**

The data in Table 1(m) shows that 64% of appeals have been pending for 540 days or less with 36% pending for more than 540 days.

<b>Age in days</b>	<b>Number of Cases</b>	<b>Percentage (%)</b>	<b>Cumulative Percentage (%)</b>
<b>0 - 90</b>	84	12	12
<b>91-180</b>	65	9	21
<b>181-270</b>	90	13	34
<b>271-365</b>	97	14	47
<b>366-450</b>	74	10	58
<b>451-540</b>	48	7	64
<b>&gt;540</b>	253	36	100
<b>Total Cases</b>	<b>711</b>	<b>100</b>	

## Section 2

### High Courts

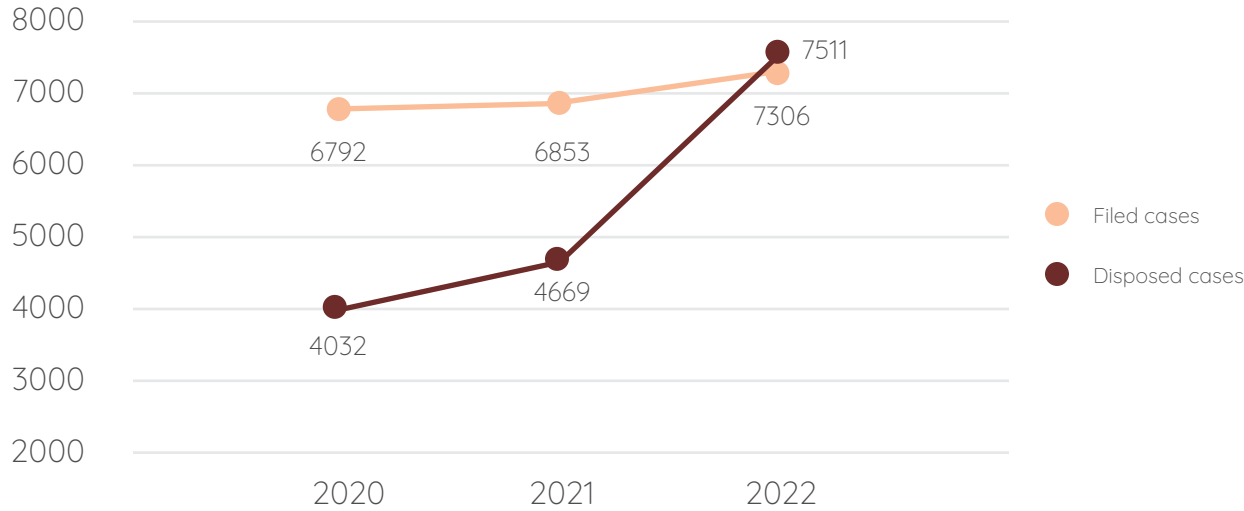
The caseload and performance of the High Courts are discussed in this section. The overall clearance rates in Table 2(a) had an upward trend from 2020 to 2022. In 2022, total disposed cases were more than total filed cases resulting in an overall clearance rate above 100%. This clearance rate of 102.81% in 2022 was mostly attributed to the high clearance rate of 271.28% from Antigua and Barbuda. Antigua and Barbuda implemented a special project in 2022 to clear the backlog of civil cases and hence their disposed cases and subsequently clearance rates both significantly increased.

**Table 2 (a) Comparison of clearance rates in the High Courts: 2020 to 2022**

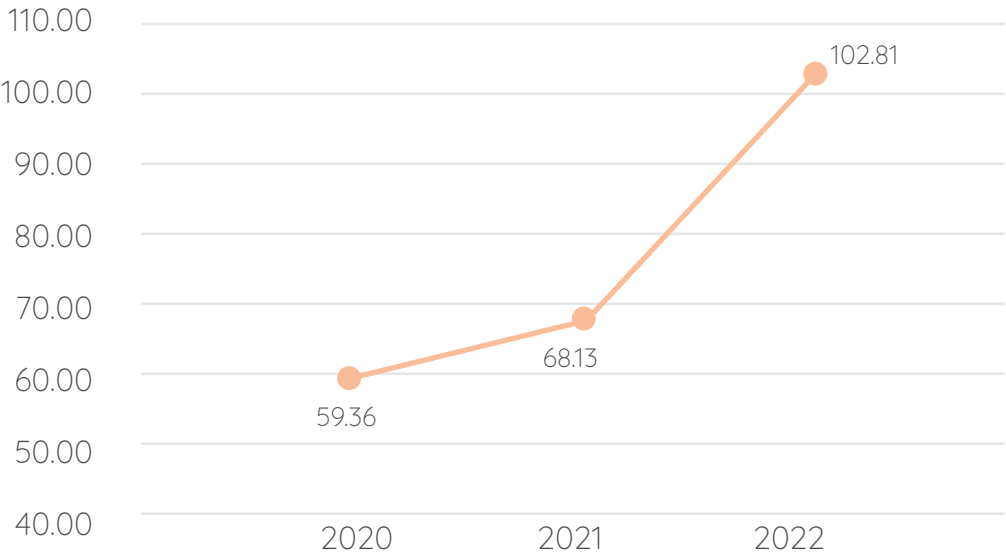
Country	2020			2021			2022		
	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)
Anguilla	154	63	<b>40.91</b>	166	121	<b>72.89</b>	164	130	<b>79.27</b>
A&B	981	473	<b>48.22</b>	1,015	716	<b>70.54</b>	1,121	3,041	<b>271.28</b>
Comm. Dominica	528	185	<b>35.04</b>	410	167	<b>40.73</b>	582	344	<b>59.11</b>
Grenada	1,350	416	<b>30.81</b>	1,151	453	<b>39.36</b>	1,327	407	<b>30.67</b>
Montserrat	101	38	<b>37.62</b>	87	50	<b>57.47</b>	97	68	<b>70.10</b>
SKN	653	146	<b>22.36</b>	703	462	<b>65.72</b>	770	690	<b>89.61</b>
Saint Lucia	1,654	1,742	<b>105.32</b>	1,899	1,489	<b>78.41</b>	1,716	1,494	<b>87.06</b>
SVG	595	541	<b>90.92</b>	518	477	<b>92.08</b>	562	535	<b>95.20</b>
TVI	776	428	<b>55.15</b>	904	734	<b>81.19</b>	967	802	<b>82.94</b>
<b>TOTAL</b>	<b>6,792</b>	<b>4,032</b>	<b>59.36</b>	<b>6,853</b>	<b>4,669</b>	<b>68.13</b>	<b>7,306</b>	<b>7,511</b>	<b>102.81</b>

Figures 4 and 5 depict the total numbers of filed and disposed cases from 2020 to 2022 as well as the clearance rates. It is observed in Figure 4 that the total disposed cases surpassed total filed cases in 2022 as previously mentioned.

**Figure 4: Total Filed and Disposed cases in the High Courts: 2020 to 2022**



**Figure 5: Total Clearance Rates (%) of cases in the High Courts: 2020 to 2022**



Data in Table 2(b) show that Civil and Probate cases were the more frequent case types in the High Courts and jointly were 71.53% of total filed cases and 71.72% of total disposed cases. There were a few case types where the clearance rates were above 100% indicating some backlog reduction of these cases: Civil, Matrimonial, Commercial and Admiralty. It must be noted that the high numbers of disposed Civil matters in Antigua and Barbuda contributed to the high clearance rate of that case type.

**Table 2 (b) Clearance Rates of cases by Major Case Type in the High Courts: 2022**

Case Type	2022				
	Filed Cases	% of Total Filed Cases	Disposed Cases	% of Total Disposed Cases	Clearance Rates (%)
Civil	2,834	38.79	3,716	49.47	131.12
Probate	2,392	32.74	1,671	22.25	69.86
Matrimonial	1,031	14.11	1,040	13.85	100.87
Criminal	697	9.54	687	9.15	98.57
Commercial	292	4.00	336	4.47	115.07
Adoption	52	0.71	50	0.67	96.15
Admiralty	8	0.11	11	0.15	137.50
<b>TOTAL</b>	<b>7,306</b>	<b>100.00</b>	<b>7,511</b>	<b>100.00</b>	<b>102.81</b>

Some of the significant points observed in Table 2 (c) are listed following:

- Civil and Probate cases were almost three quarters (71.53%) of total filed cases.
- Saint Lucia recorded relatively high numbers of filed Criminal cases compared to other jurisdictions (59.09% of total Criminal cases).
- Saint Lucia High Court had the highest percentage share (23.49%) of total filed cases out of the nine jurisdictions.

**Table 2 (c) Cases Filed in the High Courts by Case Type and Member State: 2022**

Member States	2022								Country Total as a % of Total
	Admir.	Adopt.	Civ.	Comm.	Crim.	Matri.	Pro-bate	Total	
Anguilla		1	45		11	46	61	164	2.24
Antigua and Barbuda	2	8	510		84	178	339	1,121	15.34
Commonwealth of Dominica		9	236		22	81	234	582	7.97
Grenada	4	6	542		59	206	510	1,327	18.16
Montserrat			29		14	1	53	97	1.33
Saint Lucia		19	565	41	384	212	495	1,716	23.49
Saint Vincent and the Grenadines		1	191		62	128	180	562	7.69
St. Kitts and Nevis	1	7	386		35	134	207	770	10.54
Territory of the Virgin Islands	1	1	330	251	26	45	313	967	13.24
<b>TOTAL</b>	<b>8</b>	<b>52</b>	<b>2,834</b>	<b>292</b>	<b>697</b>	<b>1,031</b>	<b>2,392</b>	<b>7,306</b>	<b>100.00</b>
<b>Case Type as a % of Total</b>	<b>0.11</b>	<b>0.71</b>	<b>38.79</b>	<b>4.00</b>	<b>9.54</b>	<b>14.11</b>	<b>32.74</b>	<b>100.00</b>	

Admir. (Admiralty), Adopt. (Adoption), Civ. (Civil) Comm. (Commercial), Crim. (Criminal), Matri. (Matrimonial)

The information given in Table 2(d) on disposed cases by case type and jurisdiction, point to the following:

- Antigua and Barbuda had the greater share of the disposed caseload (40.49% of total disposed cases). This is attributed to the high 2,392 Civil cases disposed of in that jurisdiction due to a special project targeting the disposal of civil cases.
- Civil cases in Antigua and Barbuda were 64.37% of total disposed Civil cases.
- The above mentioned in turn also caused a spike in disposed Civil matters which were almost half (49.47%) of total disposed cases.
- Saint Lucia had relatively higher numbers of disposed Criminal and Probate matters.

**Table 2 (d) Cases Disposed in the High Courts by Case Type and Member State: 2022**

Member States	2022								Country Total as a % of Total
	Admir.	Adopt.	Civ.	Comm.	Crim.	Matri.	Pro-bate	Total	
Anguilla		1	34		8	30	57	130	1.73
Antigua and Barbuda	9	6	2,392		113	229	292	3,041	40.49
Commonwealth of Dominica		12	73		16	112	131	344	4.58
Grenada		4	70		79	68	186	407	5.42
Montserrat			12		14	1	41	68	0.91
Saint Lucia		21	469	75	352	138	439	1,494	19.89
Saint Vincent and the Grenadines			154		59	225	97	535	7.12
St. Kitts and Nevis		3	267		17	213	190	690	9.19
Territory of the Virgin Islands	2	3	245	261	29	24	238	802	10.68
<b>TOTAL</b>	<b>11</b>	<b>50</b>	<b>3,716</b>	<b>336</b>	<b>687</b>	<b>1,040</b>	<b>1,671</b>	<b>7,511</b>	<b>100.00</b>
<b>Case Type as a % of Total</b>	<b>0.15</b>	<b>0.67</b>	<b>49.47</b>	<b>4.47</b>	<b>9.15</b>	<b>13.85</b>	<b>22.25</b>	<b>100.00</b>	

Admir. (Admiralty), Adopt. (Adoption), Civ. (Civil) Comm. (Commercial), Crim. (Criminal), Matri. (Matrimonial)

The most frequently occurring events in 2022 were Case Management Conferences (including Master’s Hearings) as well as Chamber Hearings and Open Court Hearings to a lesser extent. These represented 51.35% of total events in that year.

**Table 2 (e) Summary of Events in the High Courts: 2022**

Types of Events	2022										
	Ang.	A&B	Comm. of Dom.	Gren.	Mont.	SKN	SLU	SVG	TVI	Total	% of Total
Case Management Conference/ Masters Hearing/ Order on Case Management Conference	10	1,051	463	554	312	138	2,997	134	198	5,857	21.34
Chamber Hearing	60	626	492	722	34	524	1,219	1,197	469	5,343	19.47
Open Court Hearing	14	330	458	326	294	112	472	520	368	2,894	10.54
Criminal Trial	2	44	3	55	20	17	1,453	32	13	1,639	5.97
Application Without Hearing			13	7		71	1,330	4		1,425	5.19
Sufficiency Hearing					6		1,379			1,385	5.05
Arraignment			13		10		1,232	62	19	1,336	4.87
Fixed Date Claim Form Hearing/First Hearing	13	146	10	532	6	34	428	35	112	1,316	4.79
Uncontested Divorce	86	212	68	184		100	253			903	3.29

Status Hearing	1		1		129	5	588	2	25	751	2.74
Sentencing					6	11	622	35		674	2.46
Pre -Trial Review/conference	1	66	1		166	29	237	57	12	569	2.07
Omnibus Conference/Hearing							556			556	2.03
Judgment summons		436	75						42	553	2.01
Civil Trial	6	111	7	106	6	33	154	94	13	530	1.93
Bail Hearing may be captured under Criminal Trial for other jurisdictions)							318		14	332	1.21
Mention/Further Mention					70	170				240	0.87
Application for Committal Orders/Committal Proceedings		102		2			47			151	0.55
Judgment Delivery/Decision Hearing	6	11			4	19	83	18		141	0.51
Divorce/Contested Divorce/Decree Nisi	1	31	1			1	16		23	73	0.27

Matrimonial/ Ancillary Relief						49			18	67	0.24
Request for directions/ Directions Hearing		43							44	87	0.32
Exparte Hearings	3	1	5	2		24				35	0.13
Oral Exam		17		3				7		27	0.10
Application without No- tice			1	1						2	0.01
Other		5	12	28	31	10	356	1	120	563	2.05
Total	203	3,232	1,623	2,522	1,094	1,347	13,747	2,191	1,490	27,449	100.00

Events unique to one jurisdiction only are listed under “other”

A&B - 2 listing hearings, 3 hearing of petition.

DOM - 12 Adoption Hearings

GRENADA - 28 Application for Special Procedure

Montserrat - 31 applications not specified

SVG - 1 Ruling

SLU - 163 Sentence indication, 1 Newton Hearing, 4 Jail Delivery, 100 fitness hearing, 66 judicial sale, 22 Disciplinary

TVI - 120 Admission to the bar

Additional note for A&B - 44 Criminal Trials is an estimate based on judges and masters’ online data

## The Sexual Offences Model Court (SOMC) in Antigua and Barbuda, 2022

The numbers of filed and completed SOMC cases from 2020 to 2022 are given in Table 2(f) following. After the initial low numbers of disposed cases when the Court was initially set up, the clearance rate increased over the 3 years with a rate over 100% in 2022, indicating some backlog reduction was achieved.

### 2(f) Numbers of Filed and Completed SOMC cases with clearance rates:

Year	Number of filed SOMC cases	Number of completed SOMC cases	Clearance Rate (%)
2020	49	6	12.24%
2021	16	11	68.75%
2022	26	32	123.08%
<b>Total</b>	<b>91</b>	<b>49</b>	<b>53.85%</b>

The types of Offences for the completed SOMC cases are shown in Table 2(g). Some of the completed cases in 2020 and 2022 had multiple offences hence the offence totals were higher than the number of completed cases. Rape followed by Indecent Assault were the majority of offences for the completed/disposed cases in the SOMC Court over the three-year period and together they were 57.50% of total filed cases.

### Table 2 (g): Breakdown of the numbers of offences

Offence	Number of offences 2020	Number of offences 2021	Number of offences 2022	Total
Incest	2	0	2	4
Indecent Assault	11	5	4	20
Rape	12	3	11	26
Serious Indecency	8	2	4	14
Unlawful Sexual Intercourse	1	1	14	16
<b>Total</b>	<b>34</b>	<b>11</b>	<b>35</b>	<b>80</b>

The outcomes of the completed cases are given in Table 2(h) below.

**Table 2(h) Outcomes of the completed cases**

<b>Outcome</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Total</b>
Guilty Pleas	3	6	8	17
Convictions after Trial	-	0	4	4
Acquittals	-	3	6	9
Matters continued by DPP	-	2	14	16
Discontinued	3	-	-	3
<b>Total cases</b>	<b>6</b>	<b>11</b>	<b>32</b>	<b>49</b>

### **Time to Disposition Reports for High Courts in 2022, as obtained from JEMS and the ELP**

Tables 2(i) and 2(j) show the “time to disposition” of cases obtained from both JEMS and the ELP software for the High Courts for the year 2022. Some of the data is not consistent with previous tables on disposed cases since the Court Offices manually added data in the process of verifying JEMS and ELP information contained in the previous tables on disposed cases.

Table 2(i) shows that the overall timeframe where most cases were disposed of, was “>720 days” during which 44.28% of cases were disposed. This resulted mostly from the 2,265 disposed cases in the “>720” timeframe for Antigua and Barbuda (the high disposed total for Antigua and Barbuda was discussed previously).

Individually, some jurisdictions had most of their cases disposed in other timeframes; Anguilla and Grenada had most cases disposed of in the “181 – 360 days” timeframe. Montserrat, Saint Lucia and the Territory of the Virgin Islands had most cases disposed of in the “1 to 90 days” range. Saint Vincent and the Grenadines had their most cases disposed of in less than 1 day, although it is noted that they did not dispose of many cases in the software in 2022 and their total of 100 disposed cases is relatively low. The data from Table 2(i) is illustrated in Figure 6.

**Table 2(i) Time to Disposition in days as obtained from JEMS and the ELP, High Courts 2022**

Time to disp. of all cases (days)	Anguilla	Antigua and Barbuda	Comm. Dominica	Grenada	Montserrat
<1	0	3	3	0	5
1 to 90	33	282	31	66	43
91 – 180	26	173	51	90	3
181-360	39	198	36	114	3
361-720	25	117	55	37	0
>720	6	2,265	71	97	0
<b>Total cases</b>	<b>129</b>	<b>3,038</b>	<b>247</b>	<b>404</b>	<b>54</b>

**Table 2(i) Time to Disposition in days as obtained from JEMS and the ELP, High Courts 2022 (continued)**

Time to disp. of all cases (days)	Saint Lucia	St. Kitts & Nevis	SVG	TVI	Total	% of Total
<1	6	2	31	3	53	0.77
1 to 90	384	126	19	363	1,347	19.49
91 – 180	216	96	10	204	869	12.57
181-360	280	122	14	128	934	13.51
361-720	217	142	6	50	649	9.39
>720	377	190	20	35	3,061	44.28
<b>Total cases</b>	<b>1,480</b>	<b>678</b>	<b>100</b>	<b>783</b>	<b>6,913</b>	<b>100</b>

Montserrat and Nevis data only from ELP; JEMS access issues

**Figure 6: Percentage of cases disposed per time frame as obtained from JEMS and the ELP, High Courts 2022**

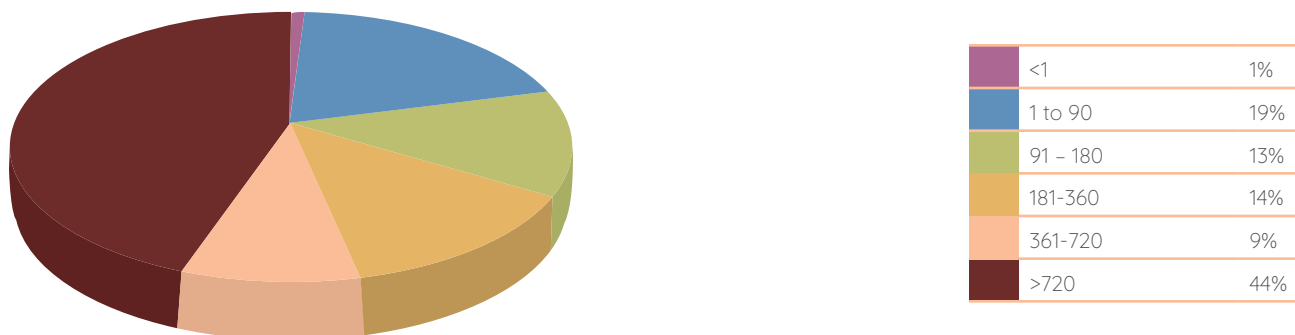


Table 2(j) displays the cumulative percentages which are the percentage of cases disposed of within or by a certain time limit. Overall, 55.72% of cases were disposed of within 24 months or 2 years in the High Courts. Montserrat had 100% of their cases disposed of within 1 year (based only on the ELP data - refer to note below Table 2(i)). Anguilla and the Territory of the Virgin Islands had over 90% of their cases disposed of within 2 years.

**Table 2(j) Cumulative Percentages (% of cases disposed within given timeframes), as obtained from JEMS and the ELP, High Courts 2022**

Timeframes	Member States/Territories				
	Anguilla	Antigua and Barbuda	Comm. Dominica	Grenada	Montserrat
90 days/ 3 months	25.58	9.38	13.77	16.34	88.89
180 days/ 6 months	45.74	15.08	34.41	38.61	94.44
360 days/12 months	75.97	21.59	48.99	66.83	100.00
720 days/24 months	95.35	25.44	71.26	75.99	100.00

**Table 2(j) Cumulative Percentages (% of cases disposed within given timeframes), as obtained from JEMS and the ELP, High Courts 2022 (Continued)**

Timeframes	Member States/Territories				Overall
	Saint Lucia	St. Kitts and Nevis	SVG	TVI	
90 days/ 3 months	26.35	18.88	50.00	46.74	<b>20.25</b>
180 days/ 6 months	40.95	33.04	60.00	72.80	<b>32.82</b>
360 days/12 months	59.86	51.03	74.00	89.14	<b>46.33</b>
720 days/24 months	74.53	71.98	80.00	95.53	<b>55.72</b>

### Pending cases reports

Data on Pending Cases as at December 31, 2022 is shown below. Data was retrieved both from JEMS and the ELP. The Courts are encouraged to review their Pending Cases reports in both software applications and to ensure that they are accurate by verifying that the required fields to dispose of a case are properly completed in the software. Some totals are subject to slight round off error and the approximation symbol (≈) is used in these instances.

#### Anguilla High Court

Age in days	Number of Pending cases	Percentage (%)	Cumulative Percentage (%)
0 - 90	31	2	2
91-180	25	2	4
181-270	28	2	6
271-365	29	2	8
366-450	26	2	10
451-540	27	2	12
>540	1,133	87	≈100
<b>Total Cases</b>	<b>1,299</b>	<b>≈100</b>	

### Antigua High Court

Age in days	Number of Pending cases	Percentage (%)	Cumulative Percentage (%)
0 - 90	251	2	2
91-180	272	3	5
181-270	256	3	8
271-365	268	3	11
366-450	211	2	13
451-540	204	2	15
>540	8,301	85	100
<b>Total Cases</b>	<b>9,763</b>	<b>100</b>	

### Commonwealth of Dominica High Court

Age in days	Number of Pending cases	Percentage (%)	Cumulative Percentage (%)
0 - 90	102	1	1
91-180	100	1	2
181-270	97	1	3
271-365	104	1	4
366-450	89	1	5
451-540	40	0	5
>540	11,291	96	≈100
<b>Total Cases</b>	<b>11,823</b>	<b>≈100</b>	

## Grenada High Court

Age in days	Number of Pending cases	Percentage (%)	Cumulative Percentage (%)
0 - 90	381	2	2
91-180	191	1	3
181-270	337	2	5
271-365	224	1	6
366-450	235	1	7
451-540	162	1	8
>540	15,563	92	100
<b>Total Cases</b>	<b>17,093</b>	<b>100</b>	

## Montserrat High Court (data only available from the ELP)

Age in days	Number of Pending cases	Percentage (%)	Cumulative Percentage (%)
0 - 90	17	8	8
91-180	26	11	19
181-270	15	7	26
271-365	25	11	37
366-450	16	7	44
451-540	19	8	52
>540	107	48	100
<b>Total Cases</b>	<b>225</b>	<b>100</b>	

### Saint Lucia High Court

Age in days	Number of Pending cases	Percentage (%)	Cumulative Percentage (%)
0 - 90	170	1	1
91-180	222	2	3
181-270	219	2	5
271-365	299	3	8
366-450	237	2	10
451-540	209	2	12
>540	10,066	88	100
<b>Total Cases</b>	<b>11,422</b>	<b>100</b>	

### St. Kitts and Nevis High Court

Age in days	Number of Pending cases	Percentage (%)	Cumulative Percentage (%)
0 - 90	167	11	11
91-180	98	6	17
181-270	104	7	24
271-365	122	8	32
366-450	129	9	41
451-540	107	7	48
>540	776	52	100
<b>Total Cases</b>	<b>1,503</b>	<b>100</b>	

### St. Vincent and the Grenadines High Court

Age in days	Number of Pending cases	Percentage (%)	Cumulative Percentage (%)
0 - 90	1,469	27	27
91-180	740	13	40
181-270	515	9	49
271-365	398	7	56
366-450	314	6	62
451-540	185	3	65
>540	1,885	34	≈100
<b>Total Cases</b>	<b>5,506</b>	<b>≈100</b>	

### Territory of the Virgin Islands High Court

Age in days	Number of Pending cases	Percentage (%)	Cumulative Percentage (%)
0 - 90	76	1	1
91-180	43	1	2
181-270	56	1	3
271-365	69	1	4
366-450	79	1	5
451-540	46	1	6
>540	5,550	94	100
<b>Total Cases</b>	<b>5,919</b>	<b>100</b>	

## Section 3

### Magistrates Courts

The case load of the Magistrates Courts in 2022 is discussed in this section of the report. Family Data for jurisdictions with official Family Courts and Divisions is represented in Section 4: Saint Lucia as well as St. Vincent and the Grenadines have official Family Courts. There is also a recently established Family Division in Antigua and Barbuda.

Table 3(a) shows that the overall clearance rate fluctuated over the three years with a moderate spike from 61.49% in 2020 to 80.66% in 2021 and then returning to the 60% range at 62.54% in 2022.

**Table 3 (a) Cases Filed and Disposed by Member State in the Magistrates Courts with accompanying Clearance Rates: 2020 to 2022**

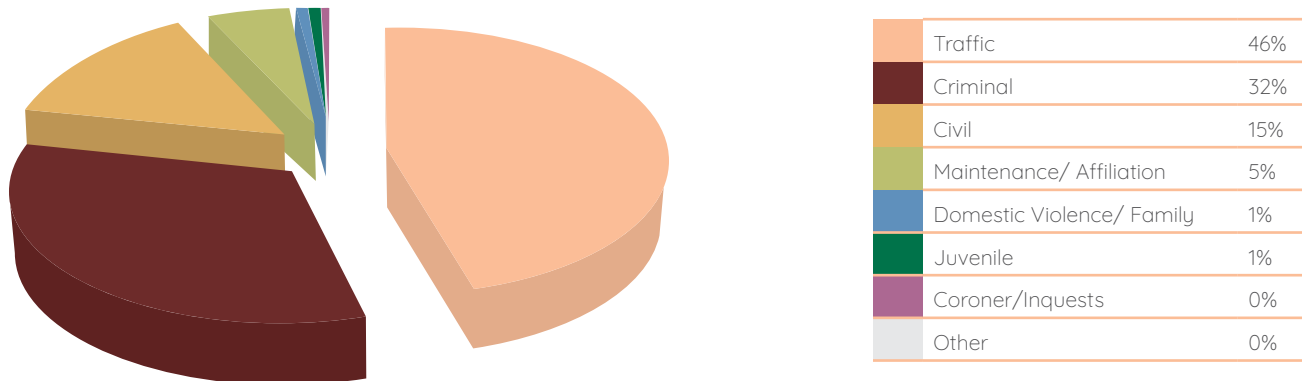
Country	2020			2021			2022		
	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)
Anguilla	529	560	<b>105.86</b>	817	690	<b>84.46</b>	540	557	<b>103.15</b>
Antigua and Barbuda	5,623	3,047	<b>54.19</b>	5,001	3,051	<b>61.01</b>	4,436	2,951	<b>66.52</b>
Commonwealth of Dominica	2,964	2,664	<b>89.88</b>	3,337	2,838	<b>85.05</b>	3,005	2,361	<b>78.57</b>
Grenada	10,902	5,698	<b>52.27</b>	10,307	7,312	<b>70.94</b>	9,142	1,674	<b>18.31</b>
Montserrat	466	416	<b>89.27</b>	368	391	<b>106.25</b>	246	252	<b>102.44</b>
Saint Lucia	7,475	3,690	<b>49.36</b>	6,950	8,488	<b>122.13</b>	5,860	5,161	<b>88.07</b>
Saint Vincent and the Grenadines	3,848	3,755	<b>97.58</b>	3,891	3,442	<b>88.46</b>	3,904	3,608	<b>92.42</b>
St. Kitts and Nevis	4,808	2,626	<b>54.62</b>	5,801	3,149	<b>54.28</b>	6,079	3,920	<b>64.48</b>
Territory of the Virgin Islands	999	674	<b>67.47</b>	929	807	<b>86.87</b>	746	754	<b>101.07</b>
<b>TOTAL</b>	<b>37,614</b>	<b>23,130</b>	<b>61.49</b>	<b>37,401</b>	<b>30,168</b>	<b>80.66</b>	<b>33,958</b>	<b>21,238</b>	<b>62.54</b>

Data in Table 3(b) shows that Traffic and Criminal cases together were a significant 78.14% of total filed cases and 76.44% of total disposed cases. The cases categorised as “other” were COVID 19 tickets from Saint Lucia which were no longer being issued by the end of 2022. The clearance rates by case type are also given and were below 100% for all case types apart from the COVID 19 tickets categorised as “other”.

**Table 3 (b) Cases Filed and Disposed by Major Case Type in the Magistrates Courts: 2022**

Case Type	2022				
	Filed Cases	% of Total Filed Cases	Disposed Cases	% of Total Disposed Cases	Clearance Rates (%)
Traffic	15,567	45.84	9,956	46.88	63.96
Criminal	10,968	32.30	6,279	29.56	57.25
Civil	4,991	14.70	3,297	15.52	66.06
Maintenance/ Affiliation	1,808	5.32	1,241	5.84	68.64
Domestic Violence/ Family	233	0.69	199	0.94	85.41
Juvenile	191	0.56	123	0.58	64.40
Coroner/Inquests	174	0.51	116	0.55	66.67
Other	26	0.08	27	0.13	103.85
<b>TOTAL</b>	<b>33,958</b>	<b>100.00</b>	<b>21,238</b>	<b>100.00</b>	<b>62.54</b>

**Figure 7a: Percentage of Cases Filed by Major Case Type in the Magistrates Courts: 2022**



**Figure 7b: Percentage of Cases Disposed by Major Case Type in the Magistrates Courts: 2022**

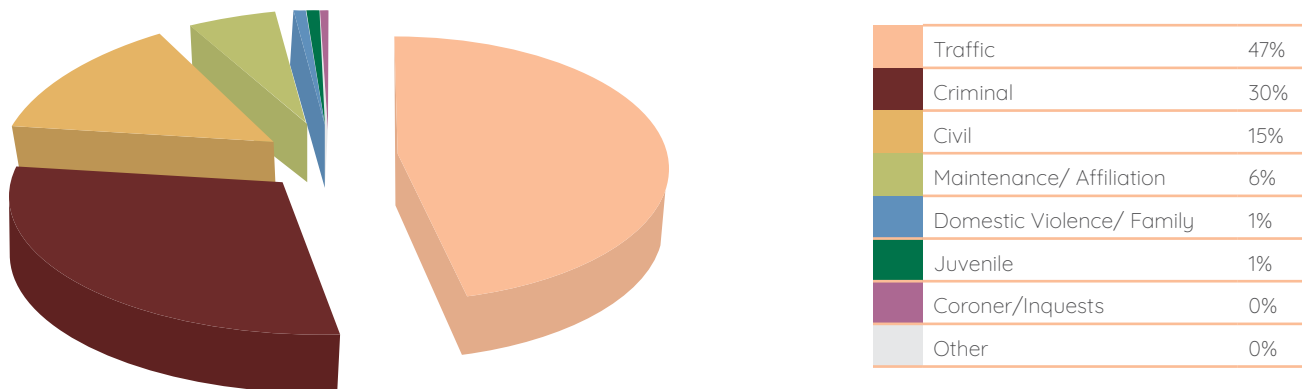


Table 3(c) gives information on the numbers of cases filed by major case type for each jurisdiction. Some of the highlights from Table 3 (c) are listed following:

- Grenada Magistrates Court recorded the greatest percentage share of total filed cases (26.92%).
- Traffic and Criminal filed cases amassed were a major 78.14% of the total filed caseload.
- Grenada accounted for 35.59% of total filed Criminal cases. Additionally, four jurisdictions together had 79.79% of total Criminal filings (namely Antigua and Barbuda, Grenada, Saint Lucia and St. Vincent and the Grenadines).
- St. Kitts and Nevis was the only jurisdiction with over 1000 filed civil cases. The 1,659 cases filed in this jurisdiction made up 33.24% of total filed Civil cases.
- Grenada, Saint Lucia, St. Kitts and Nevis each recorded over 3,000 filed Traffic cases and together were 70.57% of total filed Traffic cases.

**Table 3(c) Cases Filed by Member State and Case Type in the Magistrates Courts: 2022**

Member States	2022									Country Total as a % of Total
	Crim.	Civil	Traff.	Dom/Fam	Juv.	Maint/Aff	Cor/Inq	Oth-er	Total	
Anguilla	232	92	124	27	7	47	11		540	1.59
Antigua and Barbuda	1,906	721	1,809						4,436	13.06
Commonwealth of Dominica	953	520	874	112	86	309	151		3,005	8.85
Grenada	3,904	348	3,996	86	71	727	10		9,142	26.92
Montserrat	100	23	99	8	9	7			246	0.72
Saint Lucia	1,372	635	3,827					26	5,860	17.26
Saint Vincent and the Grenadines	1,569	765	1,568				2		3,904	11.50
St. Kitts and Nevis	607	1,659	3,162		3	648			6,079	17.90
Territory of the Virgin Islands	325	228	108		15	70			746	2.20
<b>TOTAL</b>	<b>10,968</b>	<b>4,991</b>	<b>15,567</b>	<b>233</b>	<b>191</b>	<b>1,808</b>	<b>174</b>	<b>26</b>	<b>33,958</b>	
<b>Case Type as a % of Total</b>	<b>32.30</b>	<b>14.70</b>	<b>45.84</b>	<b>0.69</b>	<b>0.56</b>	<b>5.32</b>	<b>0.51</b>	<b>0.08</b>		

Crim. (Criminal), Civ. (Civil) Traff (Traffic) Dom/Fam (Domestic Violence/Family) Juv (Juvenile) Maint/Aff (Maintenance/Affiliation) Cor/Inq. (Coroner/Inquests)

The numbers of disposed cases by case type and jurisdiction are shown in Table 3(d). The following is noted:

- Saint Lucia had the highest number of disposed cases (24.30% of total disposed cases).
- A substantial 76.44% of total disposed cases were Criminal and Traffic cases.
- 65.11% of total disposed Criminal cases were from Antigua and Barbuda, Saint Lucia and St. Vincent and the Grenadines.
- Civil cases disposed in St. Kitts and Nevis were 32.15% of total disposed Civil cases.
- 34.45% of total disposed Traffic cases were from Saint Lucia.
- More than half of disposed Maintenance and Affiliation cases were from St. Kitts and Nevis (53.83%).

**Table 3(d) Cases Disposed by Member State and Case Type in the Magistrates Courts: 2022**

Member States	2022									Country Total as a % of Total
	Crim.	Civil	Traff.	Dom/Fam	Juv.	Maint/Aff	Cor/Inq	Other	Total	
Anguilla	253	96	120	26	3	46	13		557	2.62
Antigua and Barbuda	1,298	285	1,368						2,951	13.89
Commonwealth of Dominica	903	355	539	94	83	285	102		2,361	11.12
Grenada	81	112	1,198	70	12	201			1,674	7.88
Montserrat	92	24	110	9	8	9			252	1.19
Saint Lucia	1,264	440	3,430					27	5,161	24.30
St Vincent and the Grenadines	1,526	734	1,347				1		3,608	16.99
St. Kitts and Nevis	470	1,060	1,714		8	668			3,920	18.46
Territory of the Virgin Islands	392	191	130		9	32			754	3.55
<b>TOTAL</b>	<b>6,279</b>	<b>3,297</b>	<b>9,956</b>	<b>199</b>	<b>123</b>	<b>1,241</b>	<b>116</b>	<b>27</b>	<b>21,238</b>	
<b>Case Type as a % of Total</b>	<b>29.56</b>	<b>15.52</b>	<b>46.88</b>	<b>0.94</b>	<b>0.58</b>	<b>5.84</b>	<b>0.55</b>	<b>0.13</b>		

Crim. (Criminal), Civ. (Civil) Traff (Traffic) Dom/Fam (Domestic Violence/Family) Juv (Juvenile) Maint/Aff (Maintenance/Affiliation) Cor/Inq. (Coroner/Inquests)

## Time to Disposition Reports for Magistrates Courts in 2022, as obtained from JEMS

Tables 3(e), 3(f) and 3(g) show the “time to disposition” of cases obtained solely from the JEMS system. Some of the data is not consistent with previous tables on disposed cases, since the Court Offices manually added data in the process of verifying JEMS information contained in the previous tables on disposed cases. Data is unavailable for some jurisdictions due to no connectivity to JEMS by all or some branches of their Magistracy.

Table 3 (e) shows that the overall timeframe where the most cases were disposed was “1 – 90 days” where 22.65% of cases were disposed. However, this varied for some individual jurisdictions: Antigua and Barbuda had their highest numbers of cases disposed in the “less than 1 day” timeframe, St. Kitts had most cases disposed in the “181 to 360 days” category and TVI had most cases disposed of within the “361 to 720” grouping. The data from Table 3 (e) is illustrated in Figure 8.

**Table 3(e) Time to Disposition in days as obtained from JEMS, Magistrates Courts 2022**

Time to disp. of all cases (days)	Anguilla	Antigua and Barbuda	Common. of Dominica	St. Kitts	TVI	Total	% of Total
<1	9	737	206	3	3	958	9.83
1 to 90	313	536	791	422	145	2,207	22.65
91 – 180	80	391	267	726	147	1,611	16.54
181-360	101	451	356	853	151	1,912	19.63
361-720	28	495	237	592	155	1,507	15.47
>720	<b>13</b>	<b>327</b>	<b>386</b>	<b>670</b>	<b>151</b>	<b>1,547</b>	<b>15.88</b>
<b>Total cases</b>	<b>544</b>	<b>2,937</b>	<b>2,243</b>	<b>3,266</b>	<b>752</b>	<b>9,742</b>	<b>100.00</b>

**Figure 8: Percentage of cases disposed per time frame as obtained from JEMS, Magistrates Courts 2022**

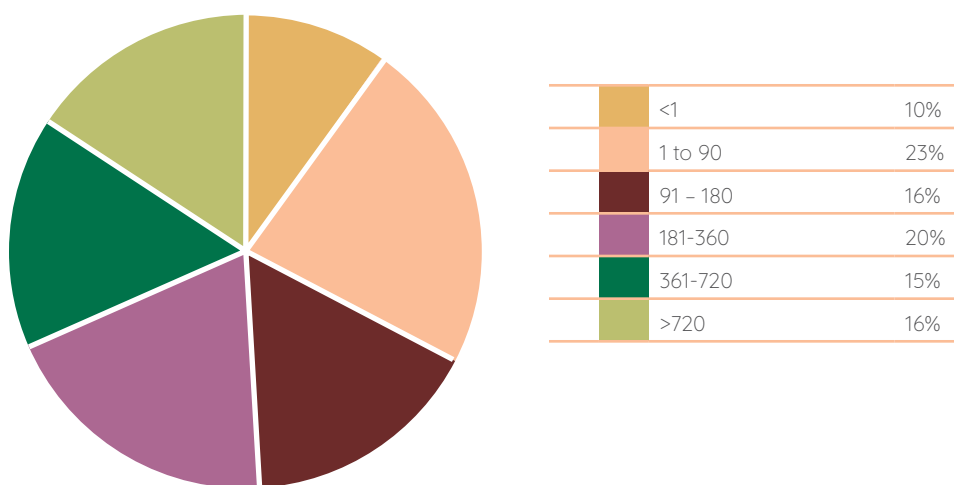


Table 3(f) displays the cumulative percentages which are the percentage of cases disposed of within a certain timeframe. Overall, 84.12% of cases were disposed of within 24 months or 2 years in the Magistrates Courts. Anguilla had over 90% of their cases disposed within 1 year and more than half of cases disposed of in 3 months.

**Table 3(f) Cumulative Percentages (% of cases disposed within given timeframes), as obtained from JEMS, Magistrates Courts 2022**

Time to disp. of all cases cumulative. % of cases disposed by:	Anguilla	Antigua and Barbuda	Comm. of Dominica	St. Kitts	Territory of the Virgin Islands	Overall
90 days/ 3 months	59.19	43.34	44.45	13.01	19.68	32.49
180 days/ 6 months	73.90	56.66	56.35	35.24	39.23	49.02
360 days/12 months	92.46	72.01	72.22	61.36	59.31	68.65
720 days/24 months	97.61	88.87	82.79	79.49	79.92	84.12

## Pending Cases in the Magistrates Court

The following tables give information on the Pending Cases for the jurisdictions where this data is retrievable from the JEMS software. Pending cases are cases which are not disposed of. For jurisdictions where the data might not be accurate, the Courts have been advised to conduct an exercise to dispose of cases in the software which are in fact completed but showing up as pending. Such action will also remain valid when the Courts migrate cases to the ELP software.

### Dominica Magistrates Court

Age in days	Number of Pending cases	Percentage (%)	Cumulative Percentage (%)
0 - 90	0	0	0
91-180	0	0	0
181-270	218	4.20	4.20
271-365	344	6.62	10.82
366-450	264	5.08	15.91
451-540	283	5.45	21.36
>540	4,084	78.64	100
<b>Total Cases</b>	<b>5,193</b>	<b>100</b>	

### Anguilla Magistrates Court

Age in days	Number of Pending cases	Percentage (%)	Cumulative Percentage (%)
0 - 90	0	0	0
91-180	0	0	0
181-270	27	3	3
271-365	27	3	6
366-450	11	1	7
451-540	19	2	9
>540	820	91	100
<b>Total Cases</b>	<b>904</b>	<b>100</b>	

### Antigua and Barbuda Magistrates Court

Age in days	Number of Pending cases	Percentage (%)	Cumulative Percentage (%)
0 - 90	0	0	0
91-180	0	0	0
181-270	342	2	2
271-365	483	2	4
366-450	560	3	7
451-540	614	3	10
>540	17,515	90	100
<b>Total Cases</b>	<b>19,514</b>	<b>100</b>	

### St. Kitts Magistrates Court

Age in days	Number of Pending cases	Percentage (%)	Cumulative Percentage (%)
0 - 90	0	0	0
91-180	0	0	0
181-270	415	2	2
271-365	991	5	7
366-450	856	4	11
451-540	841	4	15
>540	18,263	85	100
<b>Total Cases</b>	<b>21,366</b>	<b>100</b>	

## TVI Magistrates Court

Age in days	Number of Pending cases	Percentage (%)	Cumulative Percentage (%)
0 - 90	0	0	0
91-180	0	0	0
181-270	8	0	0
271-365	91	2	2
366-450	94	2	3
451-540	88	2	5
>540	5,448	95	100
<b>Total Cases</b>	<b>5,729</b>	<b>100</b>	

## Section 4

### Family Courts

This section gives information on the two official Family Courts within the OECS: The Saint Lucia Family Court and the St. Vincent and the Grenadines Family Court. The newly implemented Family Division in Antigua and Barbuda is also highlighted. For the remaining jurisdictions, family court matters are managed within the Magistrates Courts and hence this data is included in Section 3.

### Saint Vincent and the Grenadines Family Court

The total number of incoming cases initially declined from 2020 to 2021, then registered a slight 2.02% increase from 2021 to 2022. Arrears and Maintenance cases formed the greater volume of filed cases and were 65.79% of total filed cases over the 3 years.

**Table 4(a) Numbers of Cases Filed in the Saint Vincent and the Grenadines Family Court: 2020 to 2022**

Case Type	2020		2021		2022	
	No. of cases	% of total	No. of cases	% of total	No. of cases	% of total
Adoption	12	0.54	13	0.67	7	0.36
Arrears	902	40.78	773	40.13	743	37.81
Criminal Offences	209	9.45	182	9.45	123	6.26
Custody/ Access	286	12.93	278	14.43	287	14.61
Legal Guardianship	20	0.90	34	1.77	55	2.80
Maintenance	583	26.36	458	23.78	556	28.30
Protection Order	200	9.04	188	9.76	194	9.87
<b>Total</b>	<b>2,212</b>	<b>100.00</b>	<b>1,926</b>	<b>100.00</b>	<b>1,965</b>	<b>100.00</b>

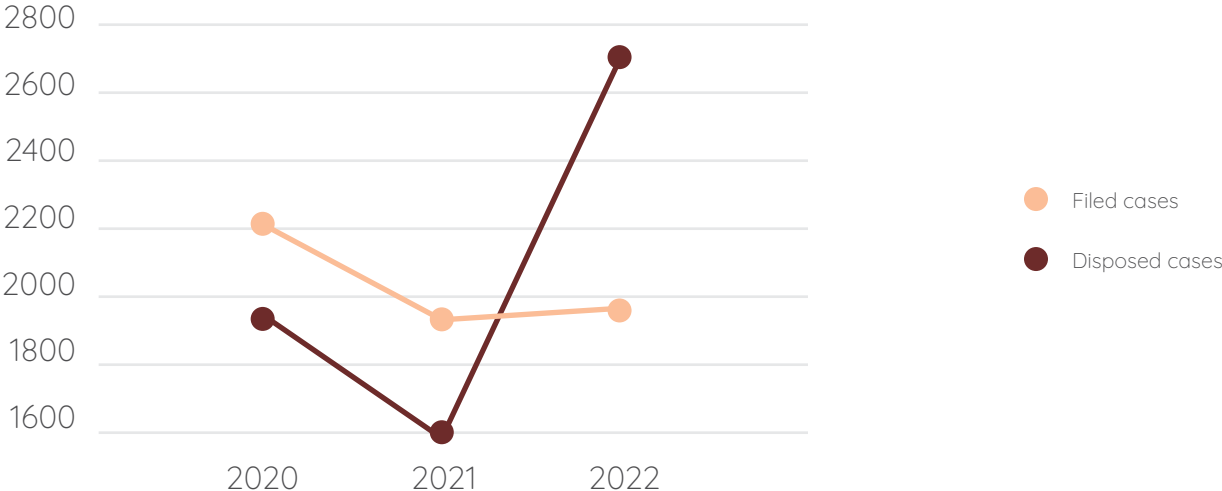
The total number of disposed cases also fluctuated over the 3 years with a significant 68.08% increase in dispositions from 2021 to 2022. This spike in dispositions was largely attributed to the 69.20% increase in the disposition of Arrears cases from 2021 to 2022. As the country was slowly emerging from the grip of the pandemic and the volcanic eruption of La Soufriere, the Court was able to adjudicate many more matters on any given day. The staff worked tirelessly to clear up the backlog which had been created by these two disasters. Arrears and Maintenance cases made up 65.82% of the total disposed cases for the three years.

**Table 4(b) Numbers of Cases Disposed in the Saint Vincent and the Grenadines Family Court: 2020 to 2022**

Case Type	2020		2021		2022	
	No. of cases	% of total	No. of cases	% of total	No. of cases	% of total
Adoption	11	0.57	12	0.75	5	0.19
Arrears	707	36.73	685	42.71	1,159	42.99
Criminal Offences	148	7.69	118	7.36	163	6.05
Custody/ Access	292	15.17	217	13.53	340	12.61
Legal Guardianship	27	1.40	27	1.68	47	1.74
Maintenance	531	27.58	373	23.25	642	23.81
Occupation Order	5	0.26	0	0.00	0	0.00
Protection Order	204	10.60	172	10.72	340	12.61
<b>Total</b>	<b>1,925</b>	<b>100.00</b>	<b>1,604</b>	<b>100.00</b>	<b>2,696</b>	<b>100.00</b>

The fluctuations in both the total filed and total disposed cases in the SVG Family Court from 2020 to 2022 are observed in Figure 9 below. The spike in total disposed cases from 2021 to 2022 is also clearly illustrated.

**Figure 9: Cases Filed and Disposed in the SVG Family Court, 2020 to 2022**



The overall clearance rates from 2020 to 2022 in the Saint Vincent and the Grenadines Family Court are seen in Table 4 (c) below. The overall clearance rate was above 100% in 2022; this was largely attributed to the high numbers of disposed Arrears cases in 2022. From the year 2021 to 2022, the clearance rates increased for all case types apart from Adoption cases. Adoption and Legal Guardianship cases were the only 2 case types with clearance rates below 100% in 2022.

**Table 4 (c) Clearance Rates in the Saint Vincent and the Grenadines Family Court: 2020 to 2022**

Case Type	2020			2021			2022		
	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)	Total Cases Filed	Total Cases Disposed	Clearance Rates (%)
Adoption	12	11	<b>91.67</b>	13	12	<b>92.31</b>	7	5	<b>71.43</b>
Arrears	902	707	<b>78.38</b>	773	685	<b>88.62</b>	743	1,159	<b>155.99</b>
Criminal Offences	209	148	<b>70.81</b>	182	118	<b>64.84</b>	123	163	<b>132.52</b>
Custody/ Access	286	292	<b>102.10</b>	278	217	<b>78.06</b>	287	340	<b>118.47</b>
Legal Guardianship	20	27	<b>135.00</b>	34	27	<b>79.41</b>	55	47	<b>85.45</b>
Maintenance	583	531	<b>91.08</b>	458	373	<b>81.44</b>	556	642	<b>115.47</b>
Occupation Order	0	5	<b>na</b>	0	0	<b>na</b>	0	0	<b>na</b>
Protection Order	200	204	<b>102.00</b>	188	172	<b>91.49</b>	194	340	<b>175.26</b>
Total	2,212	1,925	<b>87.03</b>	1,926	1,604	<b>83.28</b>	1,965	2,696	<b>137.20</b>

Table 4 (d) gives the breakdown of the Criminal offences. Criminal cases in relation to Assault/Indecent Assault, in addition to Sexual Offences such as Unlawful Sexual Intercourse and Rape, formed the majority of the filed and disposed caseload. Combined, these case types were 74.80% and 80.37% of total filed and disposed cases respectively.

**Table 4 (d) Cases filed and disposed: breakdown of Criminal Offences, 2022**

Case Type	2022			
	Cases Filed	% of total filed	Cases Disposed	% of total disposed
Abduction	1	0.81	4	2.45
Assault/intent to commit assault	19	15.45	19	11.66
Buggery	3	2.44	0	0.00
Child Neglect	0	0.00	1	0.61
Damage to Property	5	4.07	3	1.84
Driving offences (reckless driving, driving without seatbelt/ permit)	3	2.44	0	0.00
Grievous Bodily Harm/Intent to commit	1	0.81	0	0.00
Incest/intent to commit incest	4	3.25	2	1.23
Indecent assault	39	31.71	61	37.42
Possession of controlled drug	1	0.81	0	0.00
Possession of offensive weapon	1	0.81	1	0.61
Rape/ intent to commit rape	12	9.76	23	14.11
Theft/ Intent to commit theft/ Removal of stolen goods	7	5.69	2	1.23
Threatening Language	2	1.63	0	0.00
Throwing of missile	1	0.81	0	0.00
Trespassing offences	1	0.81	13	7.98
Unlawful and malicious wounding, actual bodily harm	1	0.81	1	0.61

Unlawful exposure/Gross Indecency	0	0.00	5	3.07
Unlawful Sexual intercourse/ intent to commit/attempt (also includes Intercourse with a girl 13 to 15/ under 13)	22	17.89	28	17.18
<b>Total</b>	<b>123</b>	<b>100.00</b>	<b>163</b>	<b>100.00</b>

Data in Table 4(e) shows that the Family Court in St. Vincent and the Grenadines had a total of 73 Pending cases at the end of 2022.

**Table 4 (e) Number of Pending Cases by Case Type, at the end of 2022**

Case Type	Number of Pending Cases as at Dec 31, 2022	Percentage (%) of Total Pending Caseload
Access	8	11
Adoption	4	6
Application for Protection Orders	12	16
Arrears	9	12
Criminal Cases	16	22
Custody	6	8
Maintenance	10	14
Variation of Maintenance	8	11
<b>Total</b>	<b>73</b>	<b>100</b>

### **Additional information from the President of the Family Court in Saint Vincent and the Grenadines**

The Family Court which opened its doors to the public in 1995 celebrates 28 years of stellar service to the people of Saint Vincent and the Grenadines. The Court has sole jurisdiction to adjudicate on family related matters including custody, access, spousal and child maintenance, domestic violence, children in need of care and protection, adoptions (except where the Family Court President declines jurisdiction and Counsel files the appropriate application to place the matter before the high Court), sexual offences, and offences involving juvenile offenders. The Court has long since moved away from the adversarial approach

to family related issues and has adopted the welfare approach, where mediation and conciliation are the order of the day.

With a view to achieving this objective, the court is equipped with a staff of nineteen (19) persons and boasts of an excellent support structure which consists of three (3) trained counsellors, including a trained mediator. Such a service is unique to the Family Court and does not extend to any of the other courts throughout St. Vincent and the Grenadines. This approach offers the litigants the opportunity to be involved in the decision-making process and is in keeping with one of the Court's objectives, the preservation of the family unit. During the period August 2021 – July 2022, 341 matters were referred to mediation and 302 were effectively settled, without proceeding to trial.

In May 2022 the Department suffered the tragic loss of one of our mediators/counsellors who fell victim to a savage domestic dispute. Her unexpected and hastened departure from amongst us left the staff traumatized, distraught and disillusioned, trying to understand and come to terms with this senseless tragedy. The staff benefitted from a training workshop in grief management to guide them through the many stages of grief as they continued to adjust to the loss of their coworker.

The court takes this opportunity to remember our fallen colleague and friend, Ms. Luann Roberts, a most pleasant, efficient, hardworking, and dedicated employee whose absence is still very noticeable and who is sadly missed by all.

Despite the many challenges faced by the department during this period of time, the court continued to work assiduously in the furtherance of our mission and our vision.

## Saint Lucia Family Court

Table 4 (f) highlights information on the caseload within the Family Court in Saint Lucia for the year 2022. A total of 386 cases were lodged and 461 disposed. Total disposed cases are derived by adding the categories; cases heard and final orders given, cases discharged, cases withdrawn and cases transferred to another court. Apart from disposed cases, 195 cases were heard with interim orders given and this formed a sizable portion of the workload of the Court.

Affiliation, Separation and Maintenance cases as well as Domestic Violence cases were a substantial 80.57% of total filed and 87.42% of total disposed cases.

**Table 4 (f) Cases Filed and Disposed in the Saint Lucia Family Court, 2022**

Categories	Juvenile		Affiliation, Separation & Maintenance	Domestic Violence	Total
	Criminal	Care & Protection			
New Cases Lodged	30	45	172	139	386
Cases Heard and Interim Orders Given	•	45	•	150	195
Cases Heard and Final Orders Given	21	21	180	77	299
Cases Discharged	6	4	75	35	120
Cases Withdrawn by Applicant	3	•	26	10	39
Cases Transferred to Another Court	3	•	•	•	3
<b>Total Cases Disposed</b>	<b>33</b>	<b>25</b>	<b>281</b>	<b>122</b>	<b>461</b>

**Figure 10: Cases Lodged and Disposed in the Saint Lucia Family Court, 2022**

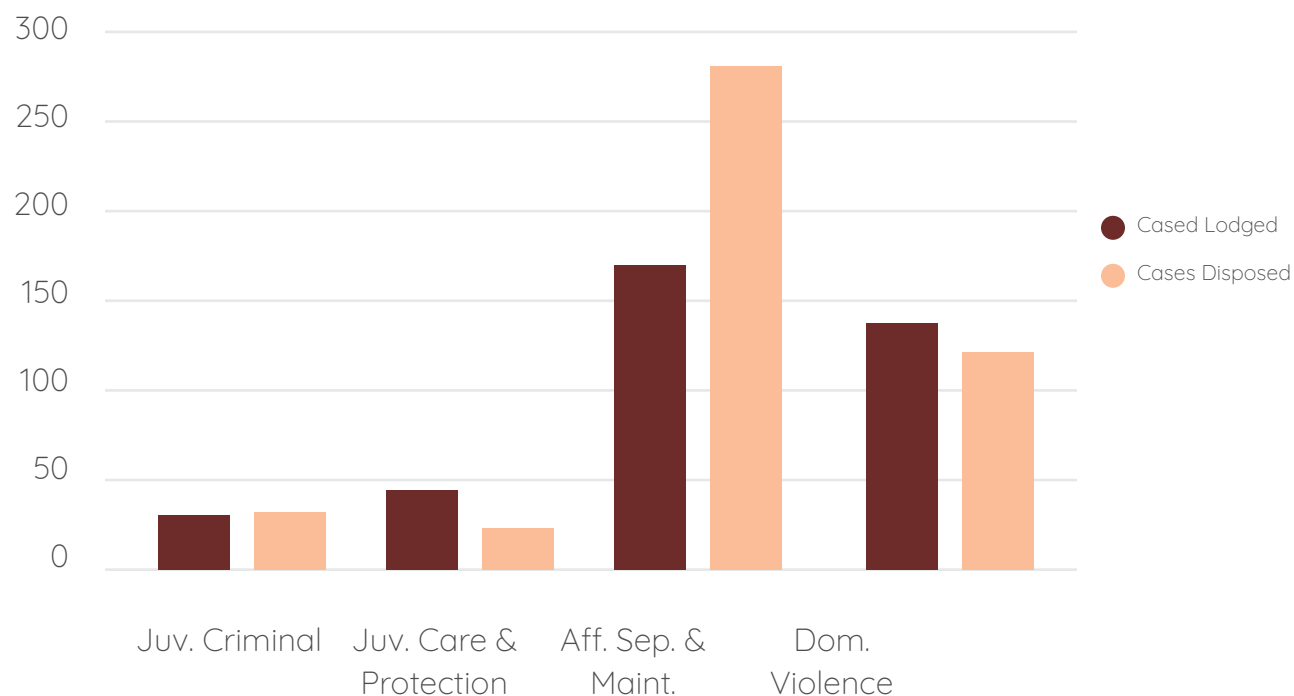


Table 4 (g) shows that the Saint Lucia Family Court recorded an overall clearance rate of 119.43% with a higher total number of cases disposed than lodged. This indicates that some backlog reduction has occurred. The clearance rates for the various case types are also given, with Juvenile Care and Protection cases recording the lowest clearance rate of 55.56%.

**Table 4 (g) Clearance Rates of Cases by Case Type in the Saint Lucia Family Court, 2022**

Categories	Juvenile		Affiliation, Separation & Maintenance	Domestic Violence	Total
	Criminal	Care & Protection			
New Cases Lodged	30	45	172	139	<b>386</b>
Total Cases Disposed	33	25	281	122	<b>461</b>
<b>Clearance Rates</b>	<b>110.00</b>	<b>55.56</b>	<b>163.37</b>	<b>87.77</b>	<b>119.43</b>

## Antigua and Barbuda Family Division

At present, the Magistrates' jurisdiction of the Family Division is being temporarily housed in the High Court building on Parliament Drive in St. John's. There is one (1) presiding Magistrate supported by fourteen (14) clerical and administrative staff, six (6) police officers, two (2) security officers and three (3) cleaners. The groundwork has already been laid and it is anticipated that sometime soon, the Family Division will function as a specialized unit with a Presiding Judge, Magistrate and supporting staff under the administrative control of the Registrar of the High Court.

The day-to-day work of the Division will be managed and administered by a Court Administrator and Office Manager who will report directly to a Deputy Registrar of the Family Division. The Unit will be housed in its own purpose-built office space and is expected to serve as a one-stop-shop to attend to all family matters in the Member State of Antigua & Barbuda.

Proceedings within the Magistrate's jurisdiction of the Family Division shall include.

- Applications for maintenance and access pursuant to the Maintenance of and Access to Children Act, 2008.
- Applications for a protection order pursuant to the Domestic Violence Act, 2015.
- Applications for spousal maintenance pursuant to the Magistrate's Code of Procedure Act.
- Applications by the Director of Social Services for care orders pursuant to the Child (Care and Adoption) Act 2015.
- And criminal proceedings against children in conflict with the law (Juvenile Court). The Magistrate Court Family Division also hosts sittings of the Child Justice Board in respect of the initial inquiry process against children who have been charged with criminal offences.

The Family Division Magistrate's jurisdiction processes approximately six hundred (600) applications per year. Due to its efficient filing processes and procedures, which includes the newly installed family module of the E-Litigation Portal, the JEMS family court agency and active case management practices, there is no backlog of matters at the Division. Pursuant to the newly promulgated Family Proceedings Rules 2022, all applications are scheduled for hearing within eight (8) weeks of filing, except for Domestic Violence proceedings which are heard *ex parte* on the same day of filing.

A fully functioning Customer Service Bureau works to ensure that all documents required to be filed by unrepresented parties have been properly filed and they provide courtesy calls to remind parties of their hearing dates so that as far as is practicable, everything is in order to enable the court to dispose of a matter at the first hearing. If a matter is not resolved at the first hearing, an interim order is made with further directions, the aim being to have final disposition within a six-month period.

As a recently established Division, the matters before the Court are scheduled as follows:

- Directions Hearings take place by appointment at 30-minute intervals on Mondays and Thursdays.
- Trials are also held by appointment on Tuesdays.
- Enforcement proceedings usually filed by way of Applications for Committal are heard on Wednesdays and on the first, second and third Fridays of the month; and
- The fourth Friday of the month is reserved for Juvenile Court, while fifth Fridays are reserved for the hearing of Applications for Care Orders filed by the Director of Social Services.

The Child Justice Board generally sits on Monday and Thursday afternoons from 2:00 pm, however, emergency sittings outside of this scheduled time are also accommodated when required.

The mission of the Family Division is to assist families with making decisions which place the best interest of the child as the paramount consideration. We have completely embraced the philosophy of a family division as a specialized division which offers support services to its customers, who in the vast majority of cases, are persons at the lower end of the socio-economic scale and are unable to afford the services of an attorney-at-law. Pro-se litigants therefore are assisted through the Customer Service Bureau with the completion of prescribed forms in respect of some of the more routine applications. Mindful that persons who may be coming to the Division for the first time may not be familiar with the court process, separate handouts were created for Applicants and Respondents to explain court procedure, what to expect, documents required and how they should prepare for the hearing of their case.

Hearings at the Division are generally closed to the public to preserve the dignity of the parties and create a comfortable environment in which they can discuss the most intimate details of their personal lives. The Division works closely with the Family and Social Services Division to offer individual, co-parental and family counselling and other support

services. Welfare Officers are assigned to the Division for the first hearing of matters and are requested from time to time to investigate the psycho-social background of the families and prepare Social Inquiry Reports to assist the court in its decision-making process. Advocates from the Gender Affairs Division attend hearings in domestic violence proceedings to offer support to the victims of domestic violence while perpetrators are referred to the domestic violence perpetrator’s intervention program “Together We Must (TWM) Emerge”. Conciliation, mediation and other forms of alternative dispute resolution are actively promoted. Welfare officers, probation officers, social workers, counsellors, child advocates, advocates from the Gender Affairs Division and TWM Emerge all have an equal seat around the table at the Family Division with the parties and their respective attorneys-at-law as the case may be.

**Table 4(h) Antigua and Barbuda Family Division Statistics for year 2022**

Applications for Maintenance & Access Filings	Subsequent Applications Filed (Variation, Suspension, Discharge)	Child Justice Board	Juvenile Court	Domestic Violence	Care Orders	Enforcement: Committal	Total Applications Filed in 2022
255	42	52	5	32	3	289	678

## Conclusion

There continued to be a high volume of cases filed and heard at all levels of the OECS Courts in 2022 with the lower jurisdiction, the Magistrates Courts, recording over 30,000 filed cases. The report points to a few Courts which recorded clearance rates over 100% and hence achieved some level of backlog reduction which is always an extremely desirable outcome. There were also instances where Courts put special measures in place to work on decreasing their backlog and this should be the norm. All Courts are encouraged to utilize the reports in the software (both JEMS and the ELP) such as Pending Cases and Time to Disposition reports, to monitor their caseloads and to put strategies in place to improve clearance of case types where the backlog is increasing.



The Hon. Chief Justice  
Dame Janice M. Pereira, DBE

## Those Who Serve

## Justices of Appeal



The Hon. Justice  
**Mario**  
Michel



The Hon. Justice  
**Gertel**  
Thom



The Hon. Justice  
**Margaret**  
Price Findlay



The Hon. Justice  
**Vicki-Ann**  
Ellis



The Hon. Justice  
**Trevor**  
McDonald Ward



The Hon. Justice  
**Paul**  
Webster [Ag.]



The Hon. Justice  
**Gerard**  
Farara, QC [Ag.]

## High Court Judges

### Anguilla



The Hon. Justice  
Ermin  
Moise

### Antigua & Barbuda



The Hon. Justice  
Nicola Petra  
Byer



The Hon. Justice  
Ann-Marie  
Smith



The Hon. Justice  
Marissa  
Robertson



The Hon. Justice  
Jan  
Drysdale

## Dominica



The Hon. Justice  
Colin  
Williams



The Hon. Justice  
Jacqueline  
Graham

## Grenada



The Hon. Justice  
Paula  
Gilford



The Hon. Justice  
Victoria  
Charles-Clarke



The Hon. Justice  
Raulston  
Glasgow



The Hon. Justice  
Agnes  
Actie

## St. Kitts and Nevis



The Hon. Justice  
Iain Charles  
Morley



The Hon. Justice  
Patrick  
Thompson Jr



The Hon. Justice  
Tamara  
Gill

## Saint Lucia



The Hon. Justice  
Wynante Adrien  
Roberts



The Hon. Justice  
Cadie  
St Rose-Albertini



The Hon. Justice  
Vivian Georgis  
Taylor-Alexander



The Hon. Justice  
Kimberly  
Cenac-Phulgence



The Hon. Justice  
Rohan  
Phillip



The Hon. Justice  
Shawn  
Innocent

## St. Vincent and the Grenadines



The Hon. Justice  
Birnie  
Stephenson



The Hon. Justice  
Brian  
Cottle



The Hon. Justice  
Esco  
Henry

## Territory of the Virgin Islands



The Hon. Justice  
Angelica  
Teelucksingh



The Hon. Justice  
Sonya  
Young



The Hon. Justice  
Gerhard  
Wallbank [Ag.]

## Masters



Master  
Alvin  
Pariagsingh



Master  
Carlos  
Michel



Master  
Cybelle  
Cenac-Dantes

## Administrative Support Staff

### Court Administration



Mr. Gregory Girard  
Court Administrator



Mr. Francis Letang  
Deputy Court Administrator

### Office of the Chief Justice



Mr. Stephen Corrington-  
Executive Legal Assistant  
to the Chief Justice



Ms. Natacha James  
Administrative Assistant  
to the Chief Justice



Ms. Alana Simmons  
Programme Coordinator  
Judicial Education Institute



Ms. Debra J. Maloney  
Regional Mediation  
Coordinator

## Accounts Department



Ms. Marcellina  
St. Edward-Preville  
Financial Controller



Mrs. Rita Bastien  
Accounts Assistant



Ms. Benedicta  
St. John- Dussiel  
Accounts Clerk

## Court of Appeal Registry



Mrs. Michelle  
John-Theobalds  
Chief Registrar



Ms. Daniela Chambers  
Deputy Chief Registrar



Ms. Tamara Mathurin  
Judicial Research  
Assistant



Mrs. Jodi-Ann  
Masters-Singh  
Judicial Research Assistant



Ms. Desiree Valentine  
Judicial Research Assistant



Mr. K-Wani Roberts  
Judicial Research  
Assistant



Mrs. Stephine Narcisse-Lionel  
Judicial Research Assistant



Ms. Amanda De Freitas  
Judicial Research Assistant



Ms. Jovelle Lewis  
Judicial Research Assistant



Ms. Michelle d'Auvergne  
Judicial Research Assistant



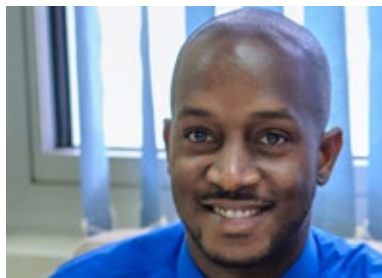
Mr. Al Joseph  
Judicial Research Assistant



Ms. Krystal Sukra  
Judicial Research Assistant



Ms. Sheron Baptiste  
Senior Case Manager



Mr. Craig Gabriel  
Case Manager



Mr. John Dwite Joseph  
Case Manager



Ms. Maria Edmund  
Case Manager



Mr. Baldwin Paul  
Case Manager



Ms. Abigail Lansiquot  
Case Manager

## Human Resource Department



Mr. Dylan Billy  
Human Resource  
Manager



Mrs. Natasha  
Fitz - Christophe  
Human Resource Officer



Ms. Lindel Joseph  
Administrative  
Assistant (HR)

## Information Management



Mr. Dwaymian Brissette  
Information Services Manager-  
Library and Communications



Ms. Anselma Fadlin  
Library & Information  
Services Officer



Ms. Myrtene Cenac  
Statistician



Mrs. Reine James  
Records & Archives  
Manager



Mrs. Sandra Augier  
Records &  
Archives Clerk



Mrs. Francisca Polius  
Records &  
Archives Officer

# Office Management & Administration



Ms. Lenore St. Croix  
Office Manager



Ms. Florentina Nelson  
Administrative  
Secretary



Mrs. Genevieve  
Francis-Lewis  
Secretary



Mrs. Zannia Plummer-  
Gabriel  
Secretary



Ms. Anna Joseph  
Secretary



Mr. Guy Stava  
Office Assistant



Ms. Stephanie Desir  
Receptionist

## IT Department



Mr. Mark Ernest  
Information Technology  
Manager



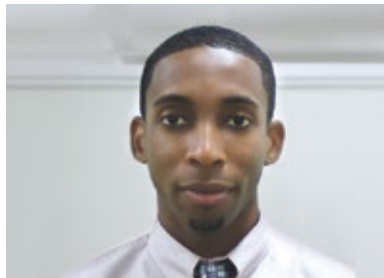
Mr. Anderson Henry  
Systems Administrator



Mr. Augustus Marcellin  
Network Administrator



Mrs. Cynthia Ramjeawan  
Project Coordinator/  
Application Support Officer



Mr. Demetrius Charles  
Website Administrator



Ms. Raejean Montoute  
Website Content  
Officer









Eastern Caribbean Supreme Court  
2nd Floor Heraldine Rock Building  
Waterfront, Castries, St. Lucia  
T: 758 457 3600 | F: 758 457 3601  
Website: <http://www.eccourts.org>