

COURT OF APPEAL, JAMAICA

ANNUAL REPORT 2019



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President's Message

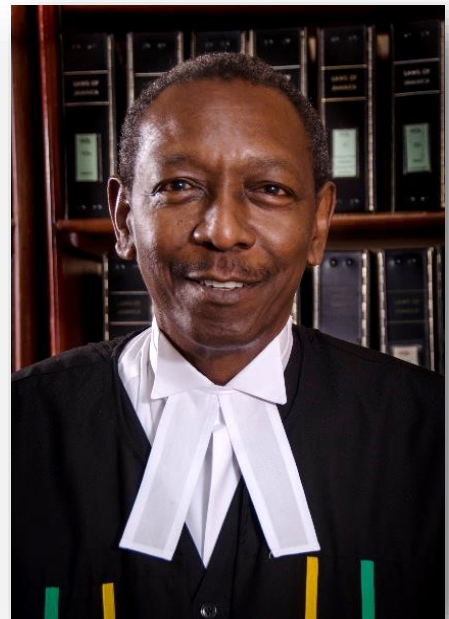
I am honoured to present the Annual Report of the Court of Appeal for 2019. This is the fifth such report to be produced by the court and, as before, it speaks to our commitment to the principles of accountability and transparency.

By any measure, 2019 was an eventful year for the court. The very first week of the year saw the swearing-in of three additional judges of appeal, bringing our total judicial complement to ten.

There is no need now to rehearse the journey which brought us to this long-awaited event. It is enough to say that the Honourable Miss Justice Jennifer Straw, CD, the Honourable Miss Justice Carol Edwards and the Honourable Mrs Justice Nicole Foster-Pusey were most welcome additions to the court.

Both Justices Straw and Edwards joined us after distinguished careers in the Supreme Court and, before that, as Resident Magistrates. Each of them had already excelled in previous stints as acting judges of appeal. Justice Foster-Pusey came to us directly from her previous position as Solicitor-General for Jamaica, an appointment which was itself the culmination of a long and equally distinguished career on both sides of the Bar. Through the range and diversity of their experience, all three judges immediately began to make valuable contributions to the work of the court. I wish for each of them a long and rewarding tenure as judges of appeal.

The court year started with a special *en banc* sitting of the court in our newly renovated facilities on Public Building West. I am happy to report that early in the year we were able to settle in fully to the new environment and, despite the usual 'new



The Honourable Mr Justice C Dennis Morrison P

building' issues, the year passed with very few problems in that regard. All counsel and members of the public who have had to use the court's facilities have expressed satisfaction at the vastly improved amenities and the general level of comfort. Notwithstanding this, there were still a few issues remaining to be resolved at the end of the year. These had to do mainly with the installation of proper signage, both internally and externally, general security for all court employees and members of the public and the full resolution of all outstanding information technology issues. I am assured, and am hopeful, that all of these matters will be dealt with during the course of 2020.

As always, the court's performance during the year just past will naturally be the major area of interest for members of the legal profession and members of the public who use the service which it offers. In this regard, all members of the court have been acutely conscious of the weight of expectation that the improved physical facilities and judicial resources will inevitably have generated. In measuring the court's performance in 2019, it must of course be kept in mind that the inevitable settling-in and orientation issues may to some extent moderate the immediate effects of the addition of three new judges at the same time.

However, having said that, there are already encouraging signs in this report of the positive impact of the additional judges on the work of the court in 2019. These include the slight increase in the number of cases disposed of within six months of the date of hearing (Table L), the 29.04% increase in the number of chambers hearings (Table D) and, most notably, the 37.86% increase in the overall disposal rate for appeals (Table K). This last figure may also be seen as to some extent explaining the overall written judgments figure, which is virtually the same as it was in 2018 (Table N), by suggesting that the court may at last be realising its longstanding aim of delivering more oral judgments and utilising more summary methods of disposal in appropriate cases.

But there can be no gainsaying the fact that we will also need to step up our written judgment output if we are to make a significant impact on the backlog of reserved judgments in 2020.

The other major area of concern for the court, this time completely outside of our control, continues to be the ever growing number of cases in which pending appeals cannot be heard because of the absence of the written transcripts or records of the proceedings in the court below. As will be seen, the 2019 figures show a 21.18% increase in the number of outstanding transcripts in criminal cases (Table Q) and a 6.488% increase in outstanding records of proceedings in civil cases (Table R). Equally worrying is the lack of any significant movement in relation to the older cases in both categories. The overall total of 839 outstanding transcripts and records effectively reduces the court's inventory of unheard appeals by close to 50% and therefore has the potential to distort our disposal rate figures. But, more significantly, particularly so in relation to criminal appeals, it signifies an ongoing departure from the explicit constitutional guarantee of fair hearings within a reasonable time.

As might be expected, the Honourable Chief Justice is fully aware of this issue and we continue to seek ways of mitigating and ultimately eliminating what is now a problem of huge proportions.

As always, the court had the benefit in 2019 of the dedicated service of members of staff at all levels. All judges of appeal continued to perform above and beyond the call of duty. In this regard, I must say special thanks to the Honourable Miss Justice Hilary Phillips, CD, who acted as President during my absence on vacation leave in the Hilary Term of 2019. As was fully expected, Justice Phillips served with distinction as acting President of the court.

In addition to the complement of permanent judges of appeal, the court also benefitted from the presence as acting judges of appeal during the absence on leave of other judges of appeal, first, the Honourable Mr Justice David Fraser and then the Honourable Miss Justice Nicole Simmons. Both judges performed admirably during their stints as members of the court.

I must equally pay tribute to the work of the Registrar of the Court of Appeal, Mrs Stacie-Anne Brown. In addition to the sustained excellence of her execution of the

demanding job of Registrar, Mrs Brown has once again, virtually single-handedly, pulled together all the strands that have gone into the production of this report. As always, the court remains in her debt.

I wish also to single out for special mention the Senior Judicial Clerks attached to the court, each of whom is assigned to a judge of appeal. Though often unsung, the judicial clerks perform a crucially important role in the work of the court, by ensuring the currency and accuracy of the law which the judges seek to apply in their judgments.

Registrar Brown has received the full support of the very experienced and able Deputy Registrar, Miss Althea Edwards, Miss Judith Whyte, the court's Director, Human Resource Administration, and all other members of staff of the court. I wish to thank them as well for all that they did and continue to do to ensure the efficient running of the court in often difficult circumstances.

Special thanks must be extended to Dr Denarto Dennis, the Statistician attached to the Supreme Court, for his willingness to assist as well as for his expert and enthusiastic advice in the presentation and analysis of the statistical tables and charts included in this report.

Much has been done, but there is so much more that lies ahead. In 2019, we had the good fortune to receive the full support and encouragement of the Chief Justice, the Honourable Mr Justice Bryan Sykes, OJ, CD, the Ministry of Justice and the Court Administration Division. And, even as we gratefully acknowledge their invaluable contribution to such small strides as we have been able to make in 2019, we will look forward to their continued support in 2020.

C Dennis Morrison

6 March 2020

Judges of the court

Composition

Pursuant to section 3 of the Judicature (Appellate Jurisdiction) Act, the Court of Appeal is comprised of the President of the Court and not more than 12 judges of appeal.

By virtue of his position as head of the judiciary of Jamaica, the Chief Justice is also a member of the court. However, he can only sit in the court on the invitation of the President and if there are at least four other Judges of Appeal sitting.

Prior to the year under review, notwithstanding the provisions of section 3 of the Act, the complement of judges was seven (including the President). However, with the physical expansion of the court's facilities in 2018, the court began the year 2019 with a complement of 10 judges (including the President).

The aim at the start of 2019 was to bring the court to its full complement by year-end. Although this did not materialize, it is still hoped that the additional judges will be recruited by the middle of 2020.

Appointments

a) Permanent

In 2019 the Court of Appeal was pleased, not only to be commencing the year in new surroundings, but also to be doing so with three additional permanent members of the court.

The Honourable Miss Justice Jennifer Straw, the Honourable Miss Justice Carol Edwards and the Honourable Mrs Nicole Foster-Pusey were sworn in by the Governor-General as judges of the Court of Appeal with effect from 14 January 2019.

Both Miss Justice Straw and Miss Justice Edwards had previously served as acting Judges of Appeal prior to their permanent appointments. Before elevation to the appellate bench, Mrs Justice Foster-Pusey served as the nation's Solicitor-General.

These three Judges of Appeal proved to be welcome additions to the court, as it faced the arduous task of tackling an ever-increasing workload with limited numbers.



The Hon Mr Justice Morrison P (standing) with the newly appointed judges of appeal, the Hon Miss Justice Straw JA (seated centre), the Hon Miss Justice Edwards JA (seated left) and the Hon Mrs Justice Foster- Pusey JA (seated right)

b) *Acting*

With the President proceeding on vacation leave for the duration of the Hilary Term 2019, the judges and staff of the court were very happy to congratulate the Honourable Miss Justice Hilary Phillips JA, who was appointed by the Governor-General to act as President of the Court.



The Hon Miss Justice Phillips JA



The Hon Mr Justice David Fraser JA (Ag)

As a consequence of Miss Justice Phillips' acting appointment as President, a temporary vacancy emerged. To fill this vacancy, the court welcomed the Honourable Mr Justice David Fraser, Puisne Judge, as an acting Judge of Appeal in the Hilary Term 2019.

Mr Justice Fraser also continued to act as a Judge of Appeal during the Easter Term 2019, this time in place of the Honourable Mr Justice Patrick Brooks JA, who was then on vacation leave.

In the Michaelmas Term 2019, when the Honourable Miss Justice Jennifer Straw JA proceeded on vacation leave, the Court of Appeal then welcomed the Honourable Miss Justice Nicole Simmons, Puisne Judge, who was appointed to act as Judge of Appeal.



The Hon Miss Justice Nicole Simmons JA (Ag)

At the close of the year under review, the Court of Appeal was constituted as follows:

The Honourable Mr Justice C. Dennis Morrison, P

The Honourable Miss Justice Hilary Phillips, JA

The Honourable Mr Justice Patrick Brooks, JA

The Honourable Mrs Justice Marva McDonald-Bishop, JA

The Honourable Mrs Justice Almarie Sinclair-Haynes, JA

The Honourable Mr Justice Frank Williams, JA

The Honourable Miss Justice Paulette Williams, JA

The Honourable Miss Justice Jennifer Straw, JA

The Honourable Miss Justice Carol Edwards, JA and

The Honourable Mrs Justice Nicole Foster-Pusey, JA



Seated: the Hon Mr Justice Morrison P (centre), the Hon Miss Justice Phillips JA (first left), the Hon Mr Justice Brooks JA (first right), the Hon Mrs Justice McDonald-Bishop JA (second left) and the Hon Mrs Justice Sinclair-Haynes JA (second right). Standing: the Hon Mr Justice Williams JA (centre) and from right to left the Hon Miss Justice Williams JA, the Hon Miss Justice Straw JA, the Hon Miss Justice Edwards JA and the Hon Mrs Justice Foster-Pusey JA.

Court Staff

Staff Complement

In 2019 the total number of staff posts in the Court of Appeal, under the Civil Service Establishment (General Order) 2019, was 52. However, the actual staff complement was 42, comprising:

- 1 Registrar
- 1 Deputy Registrar
- 11 Senior Judicial Clerks
- 1 Director, Human Resource and Administration
- 1 Administrator
- 6 Executive Secretaries
- 1 Senior Secretary
- 3 Chief Court Assistants
- 2 Senior Court Assistants
- 1 Senior Records Officer
- 1 Records Officer
- 3 Orderlies
- 3 Attendants
- 1 Casually Daily Paid Worker
- 6 Part-time Cleaners

In addition to achieving its full complement of Judges of Appeal, the court hopes to achieve its full complement of staff members by the end of 2020.

Staff Movements

a) *Farewell*

The court bade farewell to a number of staff members in 2019. In April, Mr Kemoy McEkron, who had joined the court in the previous year as an acting Senior Judicial Clerk, left the court to join the Office of the Director of Public Prosecutions. Then in May, Mrs Patichia Lopez, Senior Judicial Clerk, was appointed by the

Judicial Service Commission to act as a Parish Court Judge assigned to the Parish Court for the parish of Portland.

Both Mr McEkron and Mrs Lopez made indelible marks on the Court of Appeal and so their respective appointments to further service came as no surprise. The court wishes to record its sincere gratitude to them for their dedicated tenure and extends best wishes to them in this new chapter of their professional lives.

In September 2019, the court was called upon once more to bid farewell to another member of staff. This time it was to Mr Ramon Williamson, Judges' Orderly. Upon joining the court in 2016, Mr Williamson embraced and performed his duties as Judges' Orderly with great dedication and professionalism. The court extends heartfelt gratitude to Mr Williamson for his service and wishes him well in all his future endeavours.

At the close of the year, the court family once again had to bid farewell to another of the Senior Judicial Clerks, Miss Jacqueline McLeod, who was assigned to the President. During her four-year tenure at the court, Miss McLeod made a tremendous contribution, not only through the high quality of her work but also through her full participation in the various activities of the court and her willingness to assist in all areas of the court's work. The court sincerely thanks Miss McLeod for her service. Though she will be missed, the court congratulates her on her appointment as a vice president in a major corporate entity and wishes her every success on this new journey.

b) *Acting appointments*

The year also saw several of the court's staff members being appointed to act in higher posts. These persons were:

- Miss Samantha Barnes, Chief Court Assistant, who was appointed to act as Administrator. She is the first holder of that post in the Court of Appeal;
- Miss Shakira Dempster, Senior Secretary, who was appointed to act in the post of Executive Secretary and assigned to two Judges of Appeal;

- Miss Georgette Campbell, Executive Secretary, who was appointed to act as Court Administrator at the Traffic Court, in place of the substantive post holder who was on vacation leave; and
- Miss Rose Gordon, Part-Time Cleaner, who was appointed as acting Office Attendant.

c) New Staff Members

2019 also saw the Court of Appeal welcoming several new members of staff in varying capacities.

The following are the persons who joined the court's family during the year:

- Mrs Kaydian Wilson-Christie, Acting Senior Judicial Clerk
- Miss Kellieanne Chen, Acting Senior Judicial Clerk
- Miss Danique Cornwall, Acting Senior Judicial Clerk
- Miss Marianne Wallace, Acting Senior Judicial Clerk
- Miss Rochelle Johnson, Acting Senior Judicial Clerk
- Miss Sardia Kerr, Acting Executive Secretary in place of Miss Georgette Campbell who was acting in a higher post
- Mr Gary Allen, Acting Judges' Orderly
- Mr Romario Stewart, Acting Judges' Orderly
- Miss Simone Salmon, Acting Judges' Orderly
- Mr Donovan Fritz, Part-time Cleaner
- Miss Carlene Richards, Part-time Cleaner
- Mr Akeem Ballantine, Part-time Cleaner and
- Mr Ezron Campbell, Part-time Cleaner

The Court of Appeal extends a warm welcome to all the new members of staff and expresses the hope that their tenure at the court will be an enjoyable, productive and fulfilling one.

Sittings of the court

In 2019 the Court of Appeal sat for a total of 40 weeks, 13 in the Hilary Term 14 in the Easter Term and 13 in the Michaelmas Term.

The full list of the weeks of sittings for 2019 is available on the court's website - www.courtofappeal.gov.jm .

While there were occasions in which the court sat in three divisions, for the most part, it sat in two divisions. Each panel comprised three judges. Additionally, the court increased the number of chambers court sittings held each week. Two Judges of Appeal were assigned to chambers in each week for the purpose of considering or hearing applications and conducting case management conferences.

During the court's vacation periods throughout the year, a Judge of Appeal was also assigned duty during each week to consider any procedural applications that were filed.

Special Sittings 2019

a) Opening of Term

For the first time in its history, the Court of Appeal sat *en banc* with 10 members. This occurred on 14 January 2019 at a special sitting, which marked the start of the Hilary Term as well as the first sitting of the expanded court in its new facilities. This sitting was well attended by members of both the public and private bars.

At this sitting the President, in welcoming the newest members of the court, announced another historical first for the court, namely that it would in that week sit in three divisions.

b) Hanover Sitzings

The Court of Appeal held two special sittings in Hanover for 2019. These sittings were held during the weeks commencing 24 June 2019 and 25 November 2019.

The President presided at the first of those sittings and was joined by the Honourable Miss Justice Straw JA and the Honourable Mr Justice Fraser JA (Ag). A total of nine matters were listed of which six were heard. Five were dealt with in decisions given during the week, while judgment was reserved in one. Three were taken off the list for a date to be fixed.

At the second Hanover sitting, the presiding judge was the Honourable Miss Justice Phillips JA, who sat with the Honourable Mr Justice Frank Williams JA and the Honourable Mrs Foster-Pusey JA. Of the nine matters that were listed for hearing during the week, six were disposed, judgment was reserved in one and two were taken off the list for a new date to be fixed.

c) Opening of the Michaelmas Term

On 23 September 2019 the Court of Appeal once again sat *en banc* to mark the start of the Michaelmas Term. This particular sitting was historic in nature as it marked the very first occasion on which a sitting of the Court of Appeal was live-streamed. Although the live streaming of the sitting was limited to audio, it was, by all accounts, both a success and a much welcomed initiative.

The court wishes to record its gratitude to the teams from the Information and Communication Technology Department of the Court Administration Division (CAD) (formerly Court Management Services) and the Jamaica Information Service for their technical assistance and expertise. Special thanks must also be given to Mrs Kadiesh Fletcher, Acting Director of Client Services, Communication and Information of the CAD, for her usual expert assistance in ensuring media coverage of the event as well as in making the necessary arrangements to facilitate the live streaming.

Work of the court

As in previous years, the work of the court in 2019 continued to be voluminous and wide-ranging. The court, supported by the new members, tackled its workload with much determination and dedication.

A point that has been made in previous reports, and which bears repeating, is that the work of the Court of Appeal goes well beyond preparing for and hearing the matters listed before it each week. The court hears and determines a variety of matters on a weekly basis, ranging from procedural applications and procedural appeals to substantive appeals. The judges are then charged with preparing written judgments for matters which are reserved or reasons for judgment for matters in which the court's decisions have already been handed down.

Additionally, although assigned to sit in court, Judges of Appeal are often also assigned to sit in chambers in the afternoons of the same week to hear applications and conduct case management conferences.

Throughout 2019, the additional duties of the judges of the court included considering criminal applications for permission to appeal¹ from convictions and/or sentences passed in the Supreme Court; procedural applications² such as applications for stays of execution, injunctions, security for costs etc; records of appeal for the purposes of making case management directions in matters from the Supreme Court; and motions/applications for leave to appeal to Her Majesty in Council (pursuant to Practice Direction No 1/2016).

Individual judges are also periodically asked to assist the President with administrative matters such as attending meetings and participating in job interviews.

¹ Most criminal matters from the Supreme Court commence as applications for permission to appeal. Single Judges of Appeal are required to review the transcripts, when obtained, and determine whether or not to grant the applications.

² Under the Court of Appeal Rules, applications which fall within the jurisdiction of single judges, are first considered on paper. The judges then either make orders or issue directions such as setting the matter down for *inter partes* hearing.

The work of the Court of Appeal for 2019 will be reflected as follows:

- i. transcripts referred to single judges of appeal for consideration of applications for leave to appeal in criminal cases (Table A and Chart 1);
- ii. procedural applications and motions for leave to appeal to Her Majesty in Council referred to single judges of appeal for consideration on paper (Table B and Chart 2);
- iii. civil records of appeal referred to single judges of appeal for case management directions (Table C and Chart 3);
- iv. oral hearings conducted in chambers by single judges of appeal (Table D);
- v. disposal of applications and motions (Table E) and appeals (Tables F-H, J & K and Chart 4);
- vi. new appeals filed for the year under review and pending appeals at the end of the period (Tables F – I and Chart 4)
- vii. judgments delivered within six months of completion of hearings (Table L);
- viii. total number of matters (applications and appeals) disposed of (Table M)
- ix. written judgments delivered (Table N);
- x. outstanding reserved judgments (Table O);
- xi. outstanding reasons for judgment (Table P);
- xii. outstanding transcripts in criminal cases pending appeal (Table Q and Chart 5);
- xiii. outstanding records of proceedings in civil matters pending appeal (Table R and Chart 6); and
- xiv. appeals pending (Table S).

Criminal transcripts referred to single judges of appeal

Upon the court's receipt of criminal transcripts from the Supreme Court, the registry refers the transcripts to individual judges of the court for the consideration of applications for permission to appeal conviction and/or sentence.

Table A - Transcripts referred

Period	2018	2019
Hilary Term	24	8
Easter Term	9	14
Summer Vacation	16	
Michaelmas Term	19	10
Total	68	32

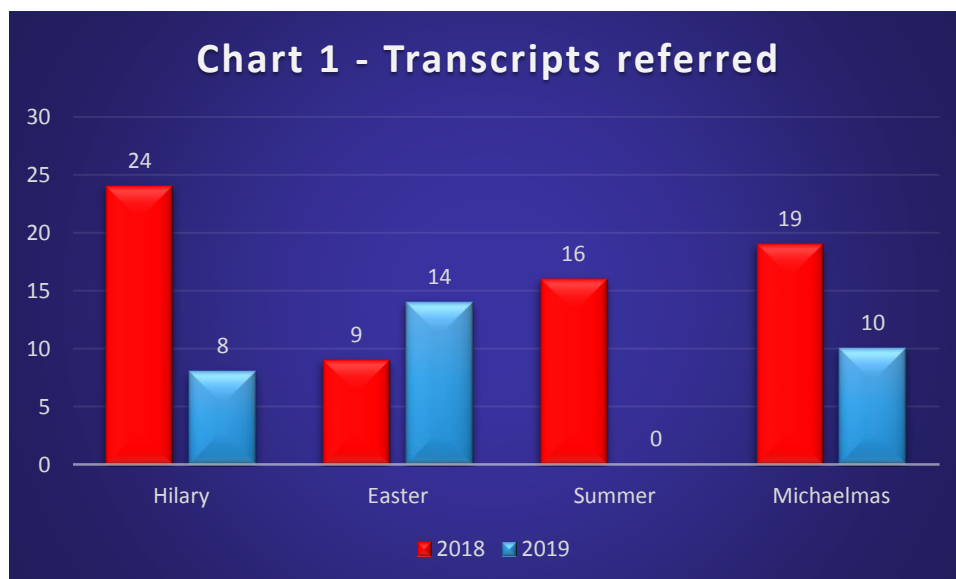


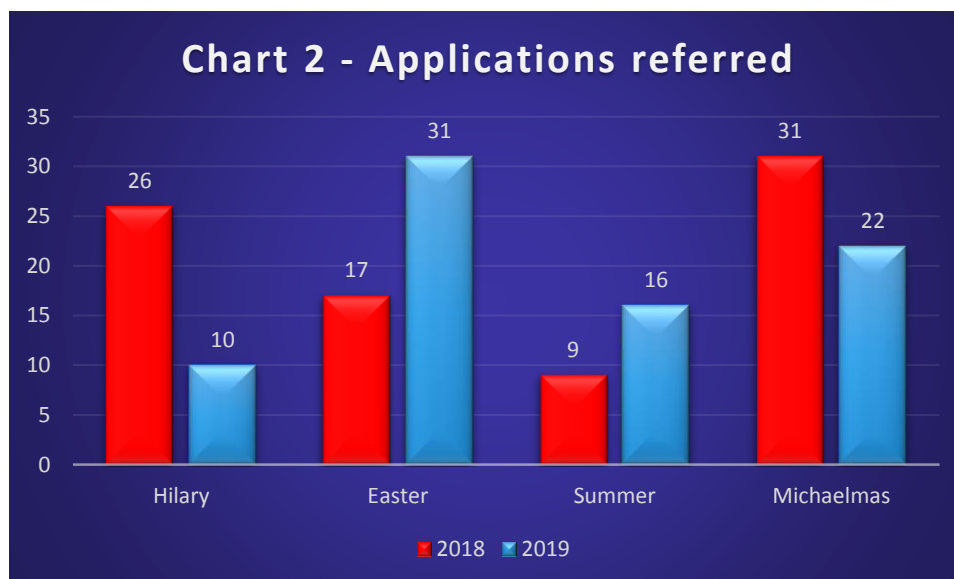
Table A and Chart 1 show a marked decrease in the number of transcripts referred in 2019 over 2018. An important point to note is that the number of transcripts referred to singles Judges of Appeal is dependent on the number of transcripts received in a particular year from the Supreme Court.

Applications referred to single judges for consideration on paper

Under the rules of the court, procedural applications are generally referred on paper to single Judges of Appeal, who are empowered to make orders/directions without a hearing or to direct that an oral hearing should be held.

Table B - Number of applications referred

Period	2018	2019
Hilary Term	26	10
Easter Term	17	31
Summer Vacation	9	16
Michaelmas Term	31	22
Total	83	79



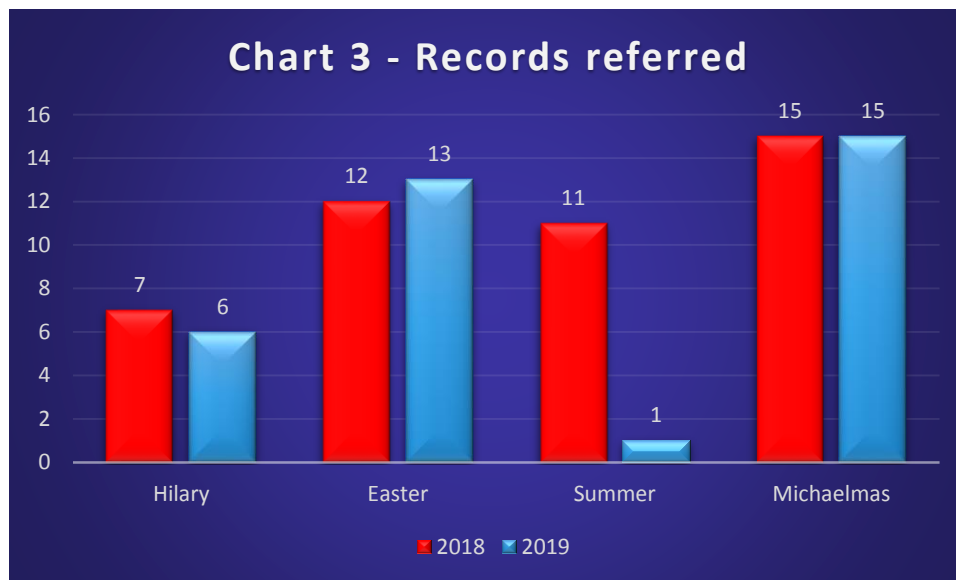
As seen in Table B and Chart 2 there has been a 4.82% decrease in the number of procedural applications referred. Also of note here is that the number of procedural applications referred to single Judges of Appeal is dependent on the number of applications filed in the particular year and whether these applications fall within the purview of the single judge.

Records of appeal referred to single judges

In civil appeals from the Supreme Court, appellants are required to file records of appeal after being notified that the Court of Appeal has received a certified copy of the records of proceedings from that court. When the records of appeal are filed, they are referred to a single Judge of Appeal for the purpose of that judge making case management directions. The judge may make case management orders based on the documents on the case file or may direct the scheduling of a case management conference.

Table C – Records of Appeal Referred

Period	2018	2019
Hilary Term	7	6
Easter Term	12	13
Summer Vacation	11	1
Michaelmas Term	15	15
Total	45	35



There was, as seen in Table C and Chart 3, a 22.23% decrease in the number of records of appeal referred in 2019 when compared to the previous year. As with criminal transcripts from the Supreme Court, the number of records of appeal referred is dependent on the number of certified copies of the record of proceedings received from that court. It is also dependent on whether the appellants file their records of appeal within the prescribed timelines.

Hearings in chambers by single judges

The Court of Appeal Rules require the referral of procedural applications to single judges on paper in the first instance. The rules also empower the judges to make orders/directions without a hearing. Consequently, not every procedural application is set for a hearing in chambers.

Additionally, save for bail applications and applications to remove attorneys' names from the record, oral hearings in chambers are scheduled on the direction of the single judge to whom the applications were referred or who made case management directions.

Table D - Hearings in chambers

Term	2018	2019	Change
<i>Applications</i>			
Hilary	13	16	+3
Easter	14	18	+4
Michaelmas	28	21	-7
Total	55	55	0
<i>CMCs</i>			
Hilary	8	24	+16
Easter	13	15	+2
Michaelmas	17	26	+9
Total	38	65	+27
Grand Total	93	120	+27

CMCs- Case Management Conferences

Table D shows that there was an increase of 29.04% in the number of hearings in chambers in 2019 over the previous year, reflects the increased number of chambers courts in operation each week. Prior to 2019 only one Chambers court was scheduled per week. With the expanded facilities and increased number of judges, the court was able to operate two chambers courts per week.

Disposal of applications and motions by the court

Those procedural applications which do not fall within the jurisdiction of single judges of appeal must be considered by the court. Examples of such applications include applications for leave to adduce fresh evidence; permission to appeal; extension of time within which to file and serve the appeal; and to vary or discharge the order of a single judge³. The court also determines motions for leave to appeal to Her Majesty in Council where the appeal is not as of right; motions on referral from a single Judge of Appeal; or matters in which the applicant is seeking to set aside or vary an order made in relation to the motion by a single Judge of Appeal.

Table E – Applications⁴ and motions determined by the court

	2018	2019
Hilary	32	35
Easter	48	37
Michaelmas	50	28
Total	130	100

Table E shows a decrease of 23.08% in the number of applications and motions determined by the court. It is to be noted that the disposal of applications and motions laid before the court is affected by the number of applications and motions filed, as well as the state of readiness of the matter at the point of hearing (such as whether the parties have filed the requisite papers and whether they have done so in a timely manner).

³ A single Judge of Appeal may also refer applications for hearing by the court.

⁴ This excludes criminal applications for permission to appeal which are dealt with in Tables F, G, H, J and K.

Table F
New and disposed appeals, Hilary Term 2019

Appeals	Pending at the start of the term	New cases filed	Disposed cases	Pending at the end of the term
Supreme Court				
Civil Appeals	909	37	11	935
Criminal Appeals	635	30	17	648
Miscellaneous Appeals	21	3	1	23
Costs Appeals	2	0	0	2
Parish Court				
Civil Appeals	72	7	5	74
Criminal Appeals	94	7	1	100
Miscellaneous Appeals	1	0	0	1
Total	1734	84	34	1783

Table G
New and disposed appeals, Easter Term 2019

Appeals	Pending at the start of the term	New cases filed	Disposed cases	Pending at the end of the term
Supreme Court				
Civil Appeals	935	46	17	964
Criminal Appeals	648	41	14	675
Miscellaneous Appeals	23	2	0	25
Costs Appeals	2	0	0	2
Parish Court				
Civil Appeals	74	4	6	72
Criminal Appeals	100	5	7	98
Miscellaneous Appeals	1	0	0	1
Total	1783	98	44	1837

Table H
Michaelmas Term 2019

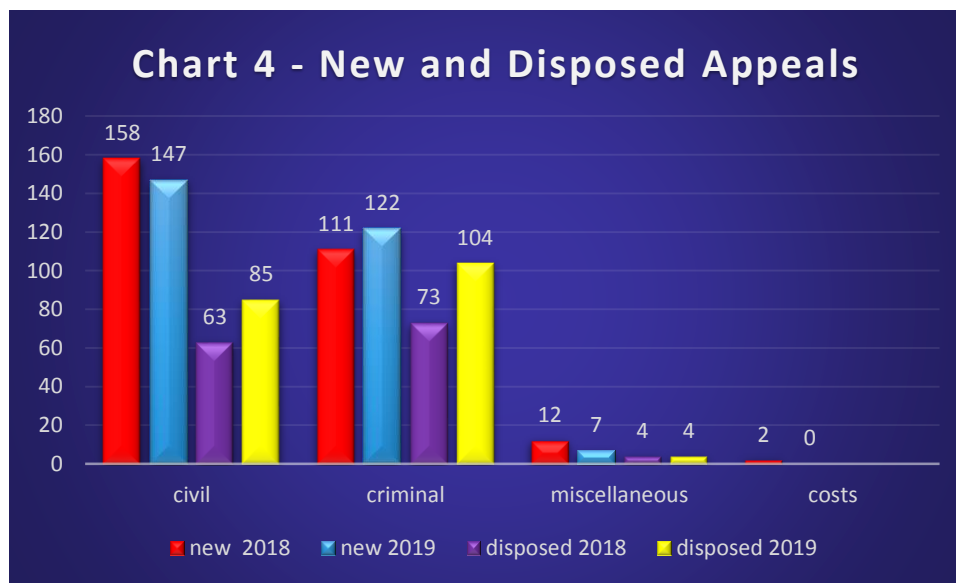
Appeals	Pending at the start of the term	New cases filed	Disposed cases	Pending at the end of the term
Supreme Court				
Civil Appeals	964	44	36	972
Criminal Appeals	675	35	24	686
Miscellaneous Appeals	25	2	1	26
Costs Appeals	2	0	2	0
Parish Court				
Civil Appeals	72	9	10	71
Criminal Appeals	98	4	41	61
Miscellaneous Appeals	1	0	0	1
Total	1837	94	114	1817

Table I - New appeals

	2018	2019
Civil	158	147
Criminal	111	122
Miscellaneous	12	7
Costs	2	0
Total	283	276

Table J - Disposed appeals

	2018	2019
Civil	63	85
Criminal	73	104
Miscellaneous	4	4
Total	140	193



In 2019 there were 53 more appeals disposed, which led to a 20.40 percentage points increase in the clearance of appeals. This meant that for every 100 new appeals, 20 more appeals were disposed of in 2019 than in 2018.

Disposal of appeals by the court

Table K

Term	2018	2019	Change
<i>Civil Appeals</i>			
Hilary	8	16	+8
Easter	21	23	+2
Michaelmas	34	46	+12
<i>Criminal Appeals/Applications for Leave to Appeal</i>			
Hilary	25	18	-7
Easter	26	21	-5
Michaelmas	22	65	+43
<i>Miscellaneous</i>			
Hilary	1	1	0
Easter	1	0	-1
Michaelmas	2	3	+1
Total	140	193	+53

As seen in both Tables J and K there was an increase of 37.86% in the number of appeals disposed of in 2019 over the previous year.

Judgment delivery timeline - 2019

Table L

Type of matter	Number of judgments delivered on day hearing was completed	Number of judgments delivered within a week of hearing	Number of judgments delivered within 3 months of hearing	Number of judgments delivered within 6 months of hearing
Hilary	34	5	10	2
Easter	31	21	5	1
Michaelmas	50	23	6	3
Total	115	49	21	6

In the annual report for 2018 it was reported that of the 167 matters (applications and appeals) which were disposed of within 6 months of the hearing, 59.28% were disposed on the same day of hearing and 86.82% were disposed of within a week of the hearing. 61.85% of the total matters disposed of were disposed of within 6 months of the hearing.

Table L shows that in 2019 of the 191 matters (applications and appeals) which the court disposed of within a six-month period, 63.35% were disposed of on the same day of the hearing while 25.65% were disposed of within a week. 65.18% of all the matters disposed of by the court were disposed of within six months of the hearing.

Number of matters disposed of - Applications and appeals

Table M

Type of matter	Disposal 2018	Disposal 2019
Applications/Motions	130	100
Criminal appeals/applications for Permission to appeal	73	85
Civil appeals	63	104
Miscellaneous	4	4
Total Disposal	270	293

While Table M shows that there was an decrease of 23.98% in the number of applications/motions disposed of in 2019, it also shows that there was an increase of 34.45 % in the total number of matters disposed of, much of which is accounted for by the 37.86% increase in the number of appeals disposed of.

Written judgments

The figures in Table N represents those judgments delivered in writing at the time of the making of the court's order, oral judgments that are subsequently reduced to writing as well as written reasons for judgments previously delivered. These figures do not include oral judgments which have not been put in writing.

Table N - Written judgments

Term	2018	2019	Change
Civil Appeals			
Hilary	12	10	-2
Easter	10	15	+5
Michaelmas	13	24	+11
Criminal Appeals			
Hilary	18	14	-4
Easter	15	12	-3
Michaelmas	13	16	+3
Applications			
Hilary	5	9	+4
Easter	19	13	-6
Summer Vacation	4	0	-4
Michaelmas	20	11	-9
Total	129	124	-5

Table N shows that in 2019 the number of written judgments decreased by 3.88%.

Outstanding reserved judgments

Table O below shows the number of judgments which the court has outstanding.

Table O - Outstanding reserved judgments

Year Reserved	Number Outstanding 2018	Number Outstanding 2019
2013	1	
2014	1	
2015	4	3
2016	9	1
2017	13	6
2018	41	24
2019		40
Total	69	74

Outstanding reasons for judgment

Table P shows the number of judgments in which the court has delivered its decisions but has not yet delivered its promised written reasons.

Table P - Outstanding reasons for judgment

Year	Number Outstanding 2018	Number Outstanding 2019
2016	7	5
2017	9	7
2018	14	5
2019		20
Total	30	37

Outstanding criminal transcripts Table Q

Year Matter filed	Number Outstanding 2018	Number Outstanding 2019	Change
2000	2	2	0
2001	1	1	0
2002	4	4	0
2003	1	0	-1
2004	1	1	0
2005	2	2	0
2006	8	8	0
2007	6	6	0
2008	1	1	0
2010	5	5	0
2011	3	3	0
2012	8	8	0
2013	22	20	-2
2014	36	34	-2
2015	45	37	-8
2016	48	38	-10
2017	73	66	-7
2018	74	74	0
2019		102	
Total	340*	412	

*The total number of outstanding transcripts for 2018 has been corrected to read 340, in order to account for some matters which had been excluded from the 2018.

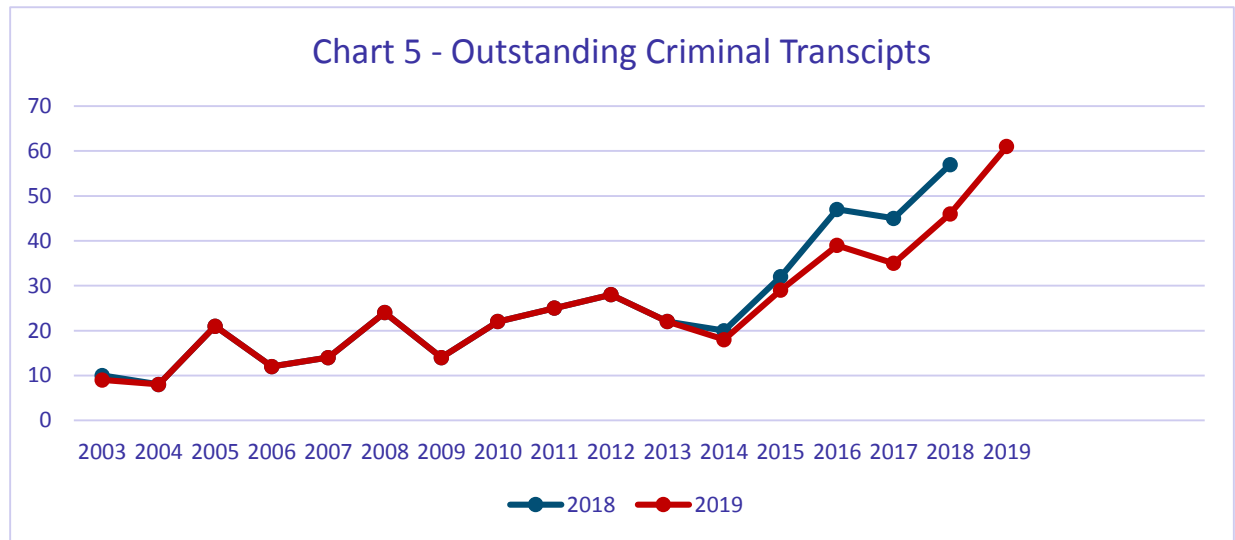
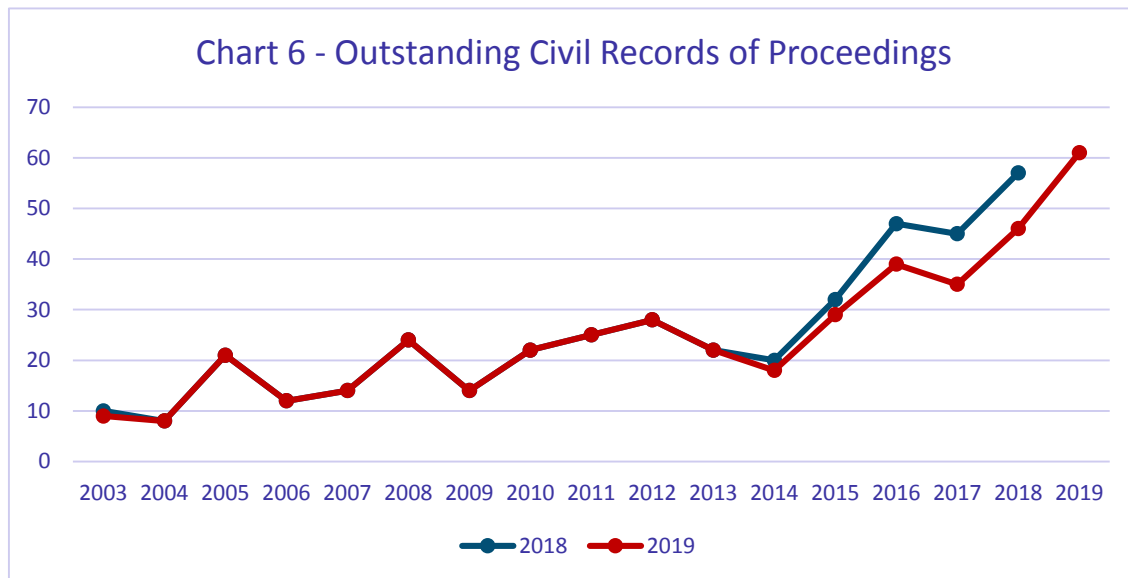


Table Q shows an increase of 21.18% in the number of outstanding transcripts in 2019 over 2018. It is noted that only 8.82% of the outstanding transcripts in 2018 were received and of the 100 that were outstanding for the period 2000 to 2014, only 5 were received.

Outstanding civil records of proceedings

Table R

Year Matter filed	Number Outstanding 2018	Number Outstanding 2019	Change
2003	10	9	-1
2004	8	8	0
2005	21	21	0
2006	12	12	0
2007	14	14	0
2008	24	24	0
2009	14	14	0
2010	22	22	0
2011	25	25	0
2012	28	28	0
2013	22	22	0
2014	20	18	-2
2015	32	29	-3
2016	47	39	-8
2017	45	35	-10
2018	57	46	-11
2019		61	
Total	401	427	



The number of outstanding civil records of proceedings from the Supreme Court has increased by 6.488% over the previous year. As with 2018, there are a number of years in which no change in the figures have been recorded. Only 8.75% of the records of proceedings outstanding at the end of 2018 were received.

Table S - Pending appeals

	2018	2019
Pending at the start of the year	1591	1734
New appeals filed	283	276
Appeals disposed of	140	193
Pending at end of the year	1734	1817

In 2018, with the pending figure at 1734 appeals, inclusive of 340 outstanding criminal transcripts and 401 outstanding civil records of proceeding, the “true” pending figure for 2018 was 993. By comparison, at the close of 2019 the number of pending appeals was 1817. With 412 outstanding criminal transcripts and 427 outstanding civil transcripts, the “true” pending figure would be 978.

Practice Directions

The Court of Appeal issued two Practice Directions in the year under review.

Practice Direction No 1/2019 deals with the preparation and filing of bundles for the use of the court in relation to applications and motions listed for hearing. It supersedes Practice Direction No 1/2014 and is intended to address the consistent failure of parties with applications and motions before the court to file bundles in time or at all. Importantly, Practice Direction No 1/2019 stipulates that in the absence of good and sufficient reason, non-compliance with its provisions could result in the automatic removal of the application or motion from the court's list prior to the hearing date and without reference to the parties.

Practice Direction No 2/2019 was issued by the court to supplement the provisions of the Court of Appeal Rules as well as Practice Direction No 1/2015, to govern the content, length and format of skeleton arguments. Subject to specific directions which may be given by the court or a Judge of Appeal in any particular case, Practice Direction No 2/2019 applies to all skeleton arguments filed in support of or in opposition to all applications, motions or appeals before the court.

The Court of Appeal's practice notes and practice directions are available on the court's website (www.courtsofappeal.gov.jm)

News

Mooting Competitions

At the start of the year the Court of Appeal was very pleased to play host to two mooting competitions. The first was the national round of the Phillip C Jessup International Law Moot Court Competition. This was held on 2 March 2019.

The second competition, which commenced with brief remarks from the Hon Miss Justice Phillips P (Ag), was that arranged by the American Caribbean Law Initiative Clinic. This was held on 8 March 2019.

By all indications both competitions were successfully conducted.

Blessing of Building

On 27 March 2019, following arrangements made by the Honourable Miss Justice Phillips P (Ag), the expanded facilities of the Court of Appeal were blessed by the Rector of the St Andrew Parish Church, the Rev Canon Dr Sirrano Kitson, who was assisted by the church's curate Rev Mark Jones.



Rev Canon Dr Kitson addressing the judges and staff



Listening keenly to the address



Scripture lesson being read

The blessing



New Numbering Format

In January 2019, the Court of Appeal introduced a new numbering format for appeals, applications and motions being filed in the court. This new numbering format was instituted to facilitate the planned introduction of the Judicial Case Management System (JCMS), which is an electronic system intended for use throughout all the courts in Jamaica to allow for a greater level of interconnectivity between the courts. The JCMS will be first introduced by way of a pilot project of which the Court of Appeal is a part. Examples of the new numbering format for the Court of Appeal are:

- COA2019CV00001 – for civil and criminal appeals from the Supreme Court
- COA2019CR00001 – for criminal appeals from the Supreme Court
- COA2019PCCV00001 – for civil appeals from Parish Courts
- COA2019PCCR00001 – for criminal appeals from Parish Courts
- COA2019APP00001 – for applications
- COA2019B00001 – for bail applications
- COA2019MT00001 – for motions
- COA2019MS00001 – for miscellaneous appeals

The court is pleased to be a part of the pilot and looks forward to its commencement.

National Honours

The year saw the nation honouring three distinguished members of the judiciary, one of whom is a sitting member of the Court of Appeal, while the other two are Puisne Judges. The judges honoured were the Honourable Mr Justice Frank Williams JA, the Honourable Mrs Sarah Thompson James and the Honourable Miss Justice Christine McDonald. Each was awarded the Order of Distinction in the Rank of Commander. The court congratulates each judge on the well-deserved honour.

Wedding bells

The court extends heartfelt congratulations to Miss Crystal Jennings, now Mrs Hamilton, on her wedding in May 2019. The court wishes her every success on this wonderful journey.

Other activities/outreach

In addition to the regular duties of the court, the President and Judges of Appeal were engaged as follows:

- The Honourable Mr Justice Morrison P sat on the National Council on Justice, the Judicial Service Commission and the Regional Judicial and Legal Service Commission. He also chaired the Supreme Court Library Committee and the General Legal Council's Continuing Legal Professional Development Committee.
- The Honourable Mr Justice Morrison P delivered a lecture on "The Changing Face of Legal Practice: New Technology and the Law" at the Eugene Dupuch Law School Distinguished Lecture held in February 2019 in Nassau, The Bahamas.
- The Honourable Mr Justice Morrison made a presentation on judgment writing to the Orientation Programme for newly appointed judicial officers in the Eastern Caribbean Supreme Court held in May 2019 in St Kitts.
- The Honourable Mr Justice Morrison P was a member of the Faculty of the Commonwealth Judicial Education Institute's (CJEI) Intensive Study Programme for Judicial Educators in Halifax, Canada in June 2019. He was responsible for the presentation of the module on judgment writing.
- The Honourable Mr Justice Morrison P delivered the annual Lloyd Barnett Lecture, which was sponsored by the Council of Legal Education, held in September 2019 at the Norman Manley Law School. The lecture was entitled "Law, Technology and Rights".
- The Honourable Mr Justice Morrison P and Miss Justice Phillips JA sat on the Rules Committee of the Supreme Court.

- The Honourable Miss Justice Phillips JA, the Honourable Miss Justice Straw JA and Her Honour Mrs Tara Carr made a presentation on Judicial Ethics at the orientation session held in January 2019 for new judges of the Court of Appeal and the Supreme Court. The Honourable Miss Justice Phillips JA also gave a snapshot of the Civil Procedure Rules.
- The Honourable Miss Justice Phillips JA made a presentation on the Civil Procedure Rules at a training session for judges held at the Courtyard Marriott Hotel from 1 -3 March 2019.

At the same training session, the Honourable Mr Justice Brooks JA presented on Good Character Directions.

- The Honourable Miss Justice Phillips JA accompanied the Honourable Justice Sykes CJ, His Honour Mr Chester Crooks (Acting Chief Parish Court Judge) and His Honour Mr Dale Staple (Senior Parish Court Judge) to the Commonwealth Magistrates and Judges Association Conference. The conference was held from 8-12 September 2019 at the Stanley Hotel, Port Moresby, Papua New Guinea. At the conference the Honourable Miss Justice Phillips JA made a presentation on “Sexual Harrassment in the Judiciary”.
- The Honourable Mr Justice Brooks JA sat on the General Legal Council.
- The Honourable Mr Justice Morrison P, the Honourable Miss Justice Phillips JA, the Honourable Mrs Justice McDonald-Bishop JA and the Honourable Mrs Justice Sinclair-Haynes JA served as Associate Tutors at the Norman Manley Law School.
- The Honourable Mrs Justice McDonald-Bishop JA, along with the Honourable Mr Justice Bryan Sykes, Chief Justice and His Honour Mr Chester Crooks, the Acting Chief Parish Court Judge, participated in the 26th Annual Commonwealth Judicial Education Institute’s (CJEI) Intensive Study

Programme for Judicial Educators which was held between 2 and 21 June 2019 in Halifax, Nova Scotia, Canada.



The Honourable Mr Justice Bryan Sykes CJ, the Honourable Mrs Justice McDonald-Bishop JA and His Honour Mr Chester Crooks

On completion the judges were awarded a Certificate of Completion from the Schulich School of Law, Dalhousie University, Halifax, Nova Scotia, Canada and are 2019 Fellows of the CJEI.



The Honourable Mrs Justice McDonald-Bishop JA receiving her Certificate of Completion.

- The Honourable Mrs Justice McDonald-Bishop JA in July and October 2019 participated in two sittings of the Commonwealth Secretariat Arbitral Tribunal at Marlborough House, London, United Kingdom. She was appointed to the Tribunal on 1 August 2018.
- The Honourable Mrs Justice McDonald-Bishop JA, along with the Honourable Mrs Justice Vinette Graham-Allen and other judicial ethics educators from Parish Courts, assisted with the organisation and conduct of a two-day workshop in Judicial Ethics for Parish Court Judges in the Western Region of the island.

The workshop was held at the Holy Trinity Anglican Church Hall in Montego Bay on 26 and 27 July 2019 and was also attended by the Honourable Chief Justice.

- The Honourable Mrs Justice Sinclair-Haynes JA and Mr Justice F Williams JA accompanied the Honourable Mr Justice Morrison P to the biennial conference of the Caribbean Association of Judicial Officers (CAJO) which was held in Belize City, Belize in October 2019.
- The Honourable Miss Justice P Williams JA delivered a paper entitled “Court Craft 101: Trial, Strategy and Ethics” at a training seminar arranged by the Office of the Director of Public Prosecutions for Crown Counsel. It was held at the Royalton Hotel, Trelawny between 22 and 24 November 2019.
- The Honourable Miss Justice Straw JA was appointed chairman of the Criminal Case Management Steering Committee in 2019.
- The Honourable Miss Justice Straw JA launched a book entitled “Zion, the Church for the New Millennium”.

Condolences

In 2019 the court offered its deepest sympathy to the Honourable Miss Justice Phillips JA on the passing of her sister, Ambassador Elinor Felix; to the Honourable Mr Justice Williams JA on the passing of his mother, Mrs Mary Williams; to Mrs Sherrine Reddie-Smith on the passing of her uncle, Mr Basil Miller; and to Mr Gary Allen on the passing of his mother, Mrs Hyacinth Bailey-Allen. The court wishes to express to them and their respective families its continued love and support.

Orientation

At various points in 2019, the Registrar and Deputy Registrar of the court participated in the orientation exercises arranged by the Court Administration Division for new members of staff. The Registrar made presentations on the Court of Appeal at the sessions held on 25 March 2019 at the Knutsford Court Hotel, and on 30 September and 6 December 2019 at the Hotel Four Seasons. The Deputy Registrar made a presentation on 28 June 2019 at a session also held at the Hotel Four Seasons. Staff members in attendance at these sessions included clerks of the court, judicial clerks, records officers, administrative assistants and orderlies from the courts across the island.

Long Service Award

At an awards ceremony held on 20 November 2019, Mrs Jean Wilson-Gordon received a Jamaica Civil Service Long Service Award in recognition of her 25 years of continuous employment in the Government Service. The court extends heartiest congratulations to her on this wonderful accomplishment.

Annual Assize Service

The annual Assize Service marking the commencement of the Michaelmas Term was held on 22 September 2019. On this occasion the service was held in the afternoon at the Webster Memorial United Church. The Rev Astor Carlyle delivered a very thought provoking and inspiring sermon encompassing the theme for the service, “Justice by and for all”. The service saw participation by a variety of persons throughout the court system, including the President, who led the congregation in the responsive reading.

Staff Outing

On 3 August 2019 the Court of Appeal embarked on what it hopes is the first of many staff outings. The outing was held at Strawberry Fields Together in Robins Bay, St Mary. Those in attendance enjoyed a day filled with fun activities, good food, camaraderie and nature at its very best.



Scenes from Strawberry Fields Together





Lyming



Lyming



And more Lyming





Lining up for the men's 100 metre dash



Lime and spoon



Dandy Shandy



Swimming

Customer Service Week

During the week of 6 October to 12 October 2019, the Court of Appeal joined with all the courts in the island to observe Customer Service Week. The week saw the court decorating its surroundings, offering giveaways to persons attending the registry, providing refreshing treats to its internal and external customers and competing against the other courts in the theme and design competition. At the end of the week it was announced that the Court of Appeal's theme – "Service: our aim, our determination, our window to success" - was awarded second place in the theme competition. The court extends its gratitude to all those members of staff who worked tirelessly to make the week a success. Special thanks are extended to Miss Judith Whyte and Miss Samantha Barnes for their hard work in coordinating the court's efforts and crafting the theme.



Court Users Committee

During 2019 the Court Users' Committee held four meetings, one each in the Hilary and Michaelmas Terms, and two in the Easter Term. The Committee continued to serve as an important vehicle through which the court can engage its stakeholders on matters specifically related to the Court of Appeal.

Two of the areas of focus of the Committee for 2019 were the creation of an e-filing platform for the court and the implementation of live streaming of cases. In relation to the former, 2019 saw the efforts of the Committee being overtaken by the work being done on the Judicial Case Management System, that is being created for use in all the courts. While on the matter of live streaming, the court was able to successfully live stream its sitting marking the opening of the Michaelmas Term 2019. Among the initiatives to be undertaken by the Committee in 2020 are the implementation of Wifi access in the court and the training of Parish Court staff on the appeal process.

Annual Christmas Luncheon

On 20 December 2019 the Court of Appeal held its annual Christmas luncheon. This was the first such luncheon for the court since moving into its expanded facilities. The event served a dual purpose. It not only marked the Christmas celebration, but also served as a farewell ceremony to Miss Jacqueline McLeod, Senior Judicial Clerk assigned to the President.

At the luncheon, the court had the distinct pleasure of the company of the Honourable Mr Justice Bryan Sykes, Chief Justice, the Honourable Mr Justice Ian Forte and the Honourable Mr Justice Seymour Panton, retired Presidents of the court, and the Honourable Mr Justice Howard Cooke, retired Judge of Appeal.

The gathering was treated to thrilling entertainment from the court's own Miss Samantha Barnes accompanied by Mr Ronjae Campbell, Miss Clowenese Brown, the trio of Mr Gary Allen, Constable Kenroy Martin and Mr Dean Scott, as well as the incomparable specially invited guest, young Miss Tashae Silvera.



**Smiling
faces**





Entertainment Galore



And a farewell



Looking Ahead

For the Court of Appeal the year 2019 ended in much the same way as it began, happy and optimistic. The year saw the court embracing many changes. New faces were added to the bench, new staff members to the court and new physical facilities were in use.

The court also faced a new task, that of adjusting itself in a manner which made the best use of its resources. This meant, and continues to mean, identifying ways to create that careful balance which allows for the court to dispose of matters in a timely and efficient manner, while allowing the judges of the court sufficient time out of court to facilitate timely judgment writing and delivery. The court looks forward to achieving its full complement of judges in 2020, a step which should greatly assist in more effective scheduling and efficient use of judicial time.

As the court looks ahead, it remains committed to improving the delivery of service to its users and to playing its part in achieving the goal of the Jamaican court system being the best in the region in three years and one of the best in the world in six years.