# Court of Appeal of Jamaica Annual Report 2023



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### **President's Message**

The Court of Appeal's record performances of 2022 set a high bar for the court to achieve in 2023, but the team managed to meet and even exceed some of those standards. The statistics that have been set out in this report show, among other successes, that the court achieved:

- a. an increased clearance rate from 111.69% in 2022 to 117.94% in 2023 (showing a greater net reduction in the court's backlog);
- b. a steady increase during the year, of the hearing date certainty rate, ending with one of 91.42% for the Michaelmas term (the international standard is 95%); and



The Hon Mr Justice Patrick Brooks P

c. a judgment delivery rate of 382.35%, which, while down from 449.05% in 2022, is well above the international standard of 100%.

Those performances are a testament to the court's team, which is a dedicated cadre of law professionals and lay staff, who strive for excellence and to provide the best service they can to the court's external stakeholders, the litigants, and their legal representatives.

The nation recognised two of our judges, the Honourable Mrs Justice Vivene Harris JA and the Honourable Mrs Justice Marcia Dunbar-Green JA, with its sixth highest honour, the Order of Distinction in the rank of Commander ('CD'), for the sterling contribution of these judges to the Judiciary of Jamaica. The honours are well deserved, and we heartily congratulate our colleagues on their preferment.

All the judges of the court contribute to nation-building outside of their core functions. They sit on various committees and boards and conduct interviews for the Office of the Services Commission. Our very effective and well-beloved Registrar, Mrs Stacie-Anne Brown BH(M), continues to be a pillar of strength for the court. Under her leadership, the court's lay staff manage the court's logistics and processes admirably, thereby allowing the judicial staff to perform its functions, without undue hiccups.

The court has a cadre of Senior Judicial Clerks. They are attorneys-at-law who work closely with the judges. These professionals, among other things, record submissions made in court, conduct research, provide summaries of cases and edit draft judgments to improve and polish the judgments produced by the court. Their jobs require them, like the judges, to work well beyond the regimen of regular office hours. Several of them were promoted to the post of Judges of the Parish Court in **2023**. The promotion is a testament to the high standard of their work and their dedication to duty. The court values the input of these professionals.

The court continued to pursue the policies outlined by the Strategic Business Plan that was created for the judiciary. Those policies required the formation of several committees. These committees were skilfully orchestrated to perform at their best through the guidance of the Honourable Mr Justice David Fraser CD, JA. The court owes him a debt of gratitude for his dedication and leadership in these matters. His report, which has been produced in this publication, gives an insight into the volume of work done by Justice Fraser and the committees.

In February 2023, the court, under the guidance of one of those valuable committees, conducted a Rewards and Recognition Ceremony, during which our highest-performing team members were recognised and feted. Prominent among the awardees were the Registrar, Mrs Brown, and Judicial Clerk (now Deputy Registrar), Mr Adriel Williams. Our Chief Justice, The Honourable Justice Bryan Sykes, OJ, CD, was our guest speaker. In 2023, the court wound down its 60<sup>th</sup> anniversary celebrations. Its final elements were:

- a. the production of our anniversary magazine, under the steady guidance of the Honourable Justice Carol Edwards CD, JA, and her team; and
- b. a new logo for the court which was produced by the creativity of our Director of Human Resources and Administration, Mrs Judith Whyte-Green.

The new logo graces the cover of this publication.

In September 2023, as an attempt to recover from the dislocations of the COVID-19 pandemic, the team welcomed back counsel and litigants to face-to-face hearings. It was a pleasure to interact with counsel once again. Nonetheless, the court continues to use the technology which was a boon during the time of the pandemic. Counsel have the option of receiving judgments via the electronic platform and those who have special circumstances, may, with the permission of the court, appear on that platform for the hearing of appeals.

Internet technology is also being used to improve the efficiencies of the court. Thanks to a partnership with the Pan American Development Foundation (PADF) and the International Narcotics and Law Enforcement Agency of the United States Embassy (INL) the court enhanced its digital footprint and the competencies of the team to use the technology. PADF's Senior Justice Advisor, Ms Althea McBean, was a driving force in the partnership with the court in this regard. A planned start of electronic filing for October 2023 failed to get underway due to technical difficulties, but it is hoped that it will become a reality in 2024.

PADF and INL are just two of our external stakeholders to which we owe a debt of gratitude. The Honourable Chief Justice has continued to support us, as has the Court Administration Division and the Ministry of Justice. Our Court Users' Committee has also provided invaluable guidance in charting our way forward.

There have been some challenges. Some are age-old; the securing of records and transcripts from the trial courts is a long-standing issue. Another established challenge is the need to reduce the time that it takes for some judgments to be delivered. A newer challenge is the procurement of goods and services which the court needs to carry out its functions. We look forward to a more streamlined procurement process to avoid those issues in 2024. Achieving progress in those areas is not beyond us.

We celebrate our team! It has been a real pleasure to work as a part of it. Our team will continue to strive to achieve our vision and mission and look forward to helping to achieve the new strategic initiative that the judiciary will embark upon in 2024.

This message would not be complete without a word of thanks to the Registrar, Mrs Brown, Dr Denarto Dennis, the Chief Court Statistician, and their respective teams, for their dedication and hard work in preparing and producing this annual report. We are grateful that they are a part of our team.

Patrick A Brooks OJ, CD President March 2024

### The Court's Statistical Summary

In 2023 the Court of Appeal continued its efforts to tackle its workload and deliver quality service to its stakeholders. The court's efforts yielded the following results:

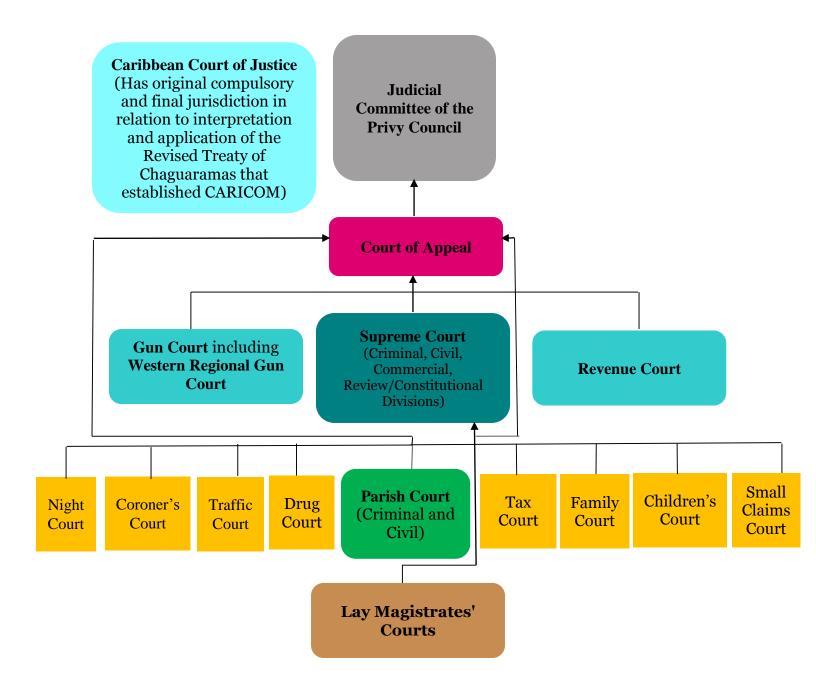
- Clearance rate The court ended the year with an appeal clearance rate of 117.94%, indicating that for every 10 newly filed appeals, approximately 17 were determined. This reflects an increase of 6.25 percentage points when compared to 2022, when a clearance rate of 111.69% was recorded.
- Judgment delivery rate An overall judgment delivery rate of 382.35% was recorded, which suggests that for every 10 newly reserved judgments in 2023, roughly 38 judgments were delivered. The international standard for judgment delivery is 100% and so, while there was a decrease of 66.7 percentage points when compared to 2022 when the figure was 449.05%, the Court of Appeal still performed exceptionally well in judgment delivery.
- Hearing date certainty The court registered an overall hearing date certainty rate of 85.02%, which reflected a marginal decrease of 0.54 percentage points over 2022. The rate in 2023 suggests that for every 100 hearing dates set during the year, roughly 85 proceeded without postponement. The court is still 10 percentage points away from the international standard of a minimum of 95%.

	2021	2022	2023
Clearance rate (%)	71.72	111.69	117.94
Judgment delivery rate (%)	360.38	449.05	382.35
Hearing date certainty rate (%)	83.33	85.56	85.02%

### Key metrics at a glance

- Older outstanding judgments/reasons for judgment At the end of 2023, all the judgments that were outstanding for 2019 and 2020 were cleared. The number that were outstanding for 2021 decreased by 42.8% while the number outstanding for 2022 decreased by 65.3%. The number of reasons for judgment outstanding for 2021 and 2022 saw an overall decrease of 68.42%.
- Judgment delivery timeline In 2023, of the number of matters determined, 82% were determined within six months of hearing. This is an increase of 15.25 percentage points over the previous year. Of the 380 matters which were determined within six months, 50.78% were determined on the same day of hearing, 92% were determined within a week of hearing and 96.84% were determined within three months of hearing.

### Structure of the Jamaican Court System



### The Tier 2 Strategic Plan for the Court

Twenty-twenty-three was the last year of the first strategic business plan developed internally by the Jamaican Judiciary. This plan, "Benchmarking the Future: Courting Excellence", has over the last four years guided our courts as we have worked to improve our operations. Utilising the Balanced Scorecard Methodology, three overarching themes of 'Operational Excellence in Court Proceedings and Processes', 'Excellence in Court Utilisation' and 'Excellence in Court Planning and Policies' have been the judiciary-wide (Tier 1) focus, pursued through 14 Strategic Objectives spread across the Customer; Financial; Internal Processes; and Learning and Growth Perspectives.

A Tier 2 Plan (T2P), cascaded from and aligned to Tier 1, was developed in our court through wide and enthusiastic consultation. Its ongoing implementation has been led by the Tier 2 Plan Implementation Oversight Committee (T2PIOC). Our T2P has guided our cycle of continuous improvement both in the services we provide, as well as in the maintenance of a healthy and fulfilling work environment for judges of appeal and staff.

A main feature of the T2P was the creation of four standing committees—Social Affairs (SAC); Health and Safety (HSC); Court of Appeal/Court Administration Division (CAD)-ICT Improvement Team (CCIIT) (comprising members from the court and the ICT Team from the CAD); and Budget. These committees have been dynamic and positively impactful. The activities of the SAC and HSC have meaningfully improved the culture, health and safety of the court. The activities of the CCIIT and Budget Committee have increased the technological and financial efficiencies in the court.

#### <u>Social Affairs Committee</u> (Objectives – Improve Culture and Improve (Internal) Stakeholder Satisfaction)

Some of the activities of the SAC, whose mandate it is to ensure that the work life of internal stakeholders is enriched, include:

- celebrating special days (judges of appeal and staff members' birthdays (the birthday club); Valentine's; international women's/men's; mother's/father's; happiness and fun days/events (tie; movie; hot dog; games evenings)).
- Easter bun sale.

- Five very special events require highlighting:
  - the blood donation drive;
  - teambuilding day at Puerto Seco beach;
  - the Staff Appreciation Week held under the theme "Refreshed and Empowered to Achieve and Positively impact our world" (REAP) which featured: a visit and donation of gifts to the Maxfield Park Children's Home; presentations on accessing loans, regulations governing private work and making sound investments; yoga and smoothie day; artistic expressions with paint and clay; and a karaoke and customer appreciation day;
  - o farewell gatherings for departing staff members; and
  - the end-of-term Christmas dinner.

### Health and Safety Committee

### (Objectives – Improve Health & Safety of Plant and Improve (Internal) Stakeholder Satisfaction)

The HSC seeks to ensure the preservation and improvement of the health and safety of the members of the court and to promote a pleasant work environment. Initiatives pursued included:

- decorating the court for special seasons such as Easter and Christmas;
- Easter egg hunt and Easter trivia competition;
- pre-labour day work day;
- commemoration of World Environment Day;
- a four-week "Take the Stairs" exercise campaign;
- highlighting significant days throughout the year when valuable information relating to health, healthy lifestyles and social awareness was provided (e.g. prostate/breast cancer; mental health);
- Court of Appeal team's participation in the Sigma run and ICWI pink run; and
- the monitoring, throughout the year, of the health and safety profile of the court by inspection teams, facilitated by our online fillable pdf maintenance/repair request form.

#### Court of Appeal/CAD-ICT Improvement Team

(Objectives – Increase Technological Resources & Infrastructure; Improve (Internal) Stakeholder Satisfaction; Improve (External) Stakeholder Satisfaction; Improve Data Management)

Several initiatives of the CCIIT have enhanced the efficiency of the operations of the court and the experience of court users, namely:

- further extension of the internet bandwidth, making connections on the platform for court hearings more reliable and the wireless connections used at the court more stable;
- the installation of audio-visual equipment (microphones, cameras, monitors, document/evidence readers and data ports) in Divisions One, Two and Three which significantly enhanced the quality and user experience in the conduct of remote/virtual and hybrid court hearings and training capacity;
- the procurement (through the support of the Pan American Development Foundation (PADF)) and distribution of 13 laptops for senior judicial clerks and 26 monitors for judges of appeal and senior judicial clerks; and
- the continued work on the implementation of the Judicial Case Management System (JCMS) under the objective Improve Data Management. When fully implemented, it will automate a number of processes, improve public access to information, allow for e-filing of cases and inform management decisions on increasing productivity and improving service delivery. Members of the committee assisted in the holding of a conference on "Case Management: Digital Processes and Workflows". It involved persons from our court, the Supreme Court and the Parish Courts as well as members of the public and private bars and overseas experts. It was sponsored by PADF, the International Narcotics and Law Enforcement Agency, USA (INL) with the support of CAD and the Judicial Education Institute of Jamaica (JEIJ).
- arising from the conference, the formation of a Digital Transformation Work Group with representatives from our court, CAD and the Bar (public/private) supported by experts with the goal of the commencement of e-filing by October 2023. Due to technical challenges, the commencement was postponed to April 2024; and

• the procurement of a new file server through the support of INL.

### <u>Budget</u> (Objective – Improve Budget Utilisation)

This committee managed the limited budget available, by prioritising the allocation of resources among the day-to-day operational needs of the court and support for various objectives and initiatives under the T2P.

Some of the other initiatives pursued under particular objectives are as follows:

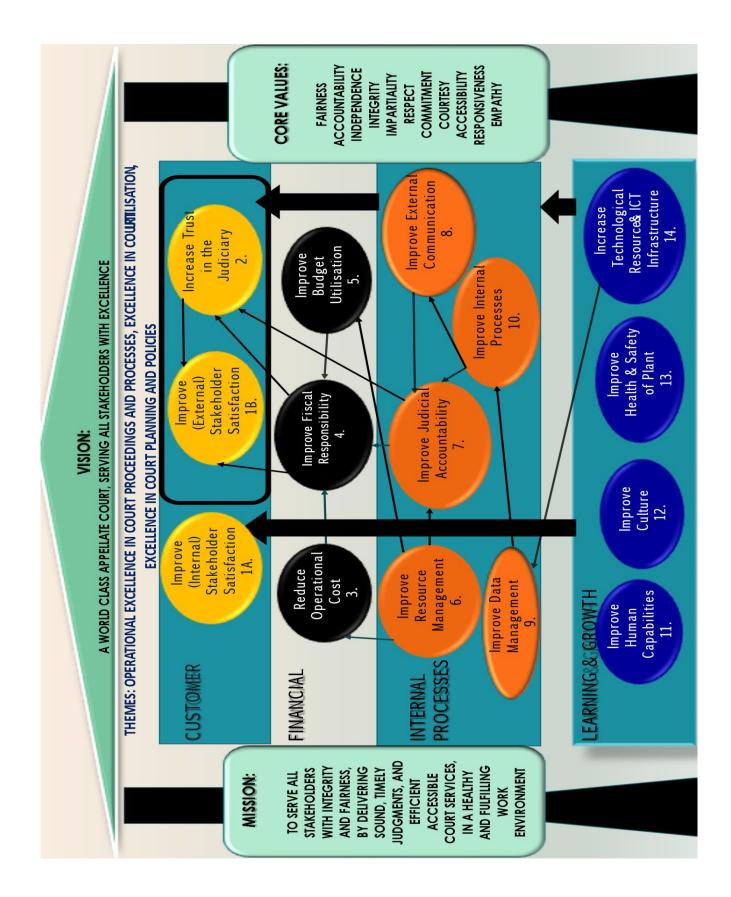
- Objective Improve (External) Stakeholder Satisfaction
  - Ongoing implementation of Differentiated Case Management ('DCM') as part of the court's backlog reduction strategy through:
    - Focus on simple/expedited criminal appeals with a target for disposal of such cases within 6-9 months after receipt of transcript. The judgment/decision in these matters is intended to be handed down immediately after the hearing, utilizing oral judgments, endorsements or memoranda of reasons. If written reasons are required for simple/expedited matters, they should be delivered within 60 days;
    - development of a pilot programme for the use of a docket system for one panel during the Hilary term 2024;
    - ongoing development of legal summaries/templates to enable faster disposal of cases (by endorsement, memorandum of reasons or oral judgment), especially where the relevant legal principles are settled and the only disputes are to matters of fact; and
    - a case flow and differentiated case management workshop for judges of appeal was held in-house, detailed elsewhere in the report.
- Objective Increase Trust in the Judiciary
  - General increased use of oral judgments, endorsements and memoranda of reasons to improve the disposal rate of cases where appropriate.
  - Where possible judges of appeal were scheduled out of court to allow more time for judgment writing.

- Objectives Improve Human Capabilities and Improve (Internal) Stakeholder Satisfaction
  - A staff satisfaction survey was completed led by the Management Institute for National Development (MIND) which showed levels of satisfaction comparable with well-run private sector entities. Some areas for improvement were identified and a team is tasked with developing proposals to address them.
  - The Skills & Hobbies Database, which is a resource to assist the court, judges of appeal and staff members as necessary, was updated.
  - Two senior judicial clerks (to assist with editing judgments and work with acting judges of appeal) and an audio-visual officer (to provide technical support for the court) were added to the staff.
- Objectives Improve Culture and Improve (Internal) Stakeholder Satisfaction
  - The first Rewards and Recognition Programme Awards Ceremony was held at which the Honourable Chief Justice was the guest speaker. A number of judges of appeal and staff members were recognized for their varied contributions to a healthy work environment. Special mention is made of Mr Adriel Williams (then a judicial clerk, now Deputy Registrar (Ag)) who received several awards.

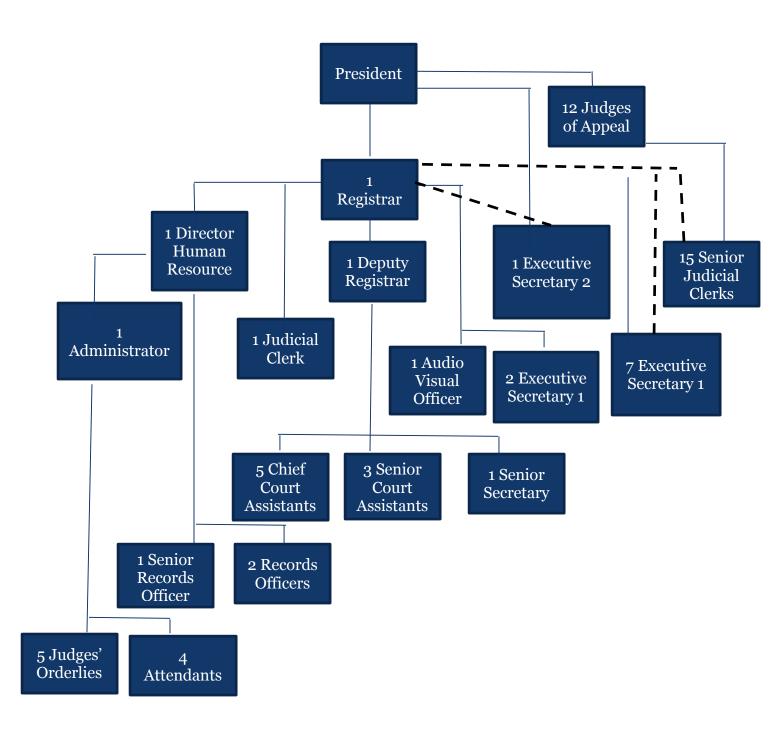
The development and ongoing implementation of the court's T2P has focussed and energised the entire court team and improved our interaction with external partners and stakeholders. We look forward to the ongoing improvements in customer satisfaction and job fulfilment for all members of our team, the ongoing implementation of the T2P will bring. A new Tier 1 plan will be launched by the Jamaican Judiciary in April 2024. We will refine our Tier 2 plan in keeping with the priorities it will establish, as together we continue in the cycle of continuous improvement!

The Strategy Map for the court may be viewed on the following page.

The Hon Mr Justice David Fraser, CD, JA Chair, Court of Appeal Tier 2 Plan Implementation Oversight Committee



### **Organisational Chart**



### Judges of the Court

### Composition

The Court of Appeal comprises the President of the court and not more than 12 Judges of Appeal. This is by virtue of section 3 of the Judicature (Appellate Jurisdiction) Act, which further provides that the Chief Justice, as head of the judiciary, is also a member of the court. Although a member, the Chief Justice can only sit in the court at the invitation of the President and if there are at least four other Judges of Appeal sitting.

At the close of the year under review, the Court of Appeal had its full complement of 13 judges.

### Acting Appointments

As he had in 2022, the Hon Mr Justice Kissock Laing, Puisne Judge, was again appointed to act as a Judge of Appeal in 2023. He so acted in the Hilary, Easter and Michaelmas Terms of 2023 and was of great assistance to the court.





The Hon Mr Justice Kissock Laing JA (Ag)

The Hon Mrs Justice Georgianna Fraser, Puisne Judge, having acted as a Judge of Appeal in 2022, returned in the Michaelmas Term 2023 to once again creditably act in that capacity.

The Hon Mrs Justice Georgianna Fraser JA (Ag)

#### Judges of the court

The year 2023 closed with the court being constituted by the following judges: the Hon Mr Justice Patrick Brooks OJ, CD, P; the Hon Mrs Justice Marva McDonald-Bishop CD, JA; the Hon Mrs Justice Almarie Sinclair-Haynes CD, JA; the Hon Mr Justice Frank Williams CD, JA; the Hon Miss Justice Paulette Williams CD, JA; the Hon Miss Justice Jennifer Straw CD, JA; the Hon Miss Justice Carol Edwards CD, JA; the Hon Mrs Justice Nicole Foster-Pusey CD, JA; the Hon Mr Justice David Fraser, CD, JA; the Hon Miss Justice Nicole Simmons, CD, JA; the Hon Mrs Justice Vivene Harris, CD, JA; the Hon Mrs Justice Marcia Dunbar-Green, CD, JA; and the Hon Mr Justice Evan Brown JA.



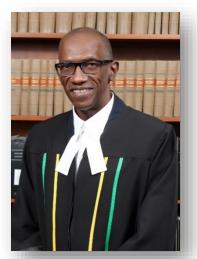
The Hon Mr Justice Patrick Brooks P



The Hon Mrs Justice Marva McDonald-Bishop JA



The Hon Mrs Justice Almarie Sinclair-Haynes JA



The Hon Mr Justice Frank Williams JA



The Hon Miss Justice Paulette Williams JA



The Hon Mrs Justice Nicole Foster-Pusey JA



The Hon Mrs Justice Vivene Harris JA



The Hon Miss Justice Jennifer Straw JA



The Hon Mr Justice David Fraser JA



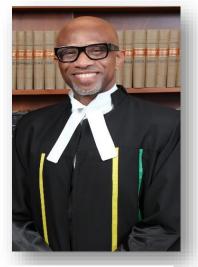
The Hon Mrs Justice Marcia Dunbar-Green JA



The Hon Miss Justice Carol Edwards JA



The Hon Miss Justice Nicole Simmons JA



The Hon Mr Justice Evan Brown JA

### **Court Staff**

### Staff complement

The Court of Appeal's total number of established posts for the year 2023, as reflected in the Civil Service Establishment Act, was 55. The court closed the year with a complement of 51 broken down as follows<sup>1</sup>:

- 1 Registrar
- 1 Deputy Registrar
- 1 Director, Human Resource and Administration
- 15 Senior Judicial Clerks
- 1 Judicial Clerk
- 1 Administrator
- 7 Executive Secretaries
- 1 Audio Visual Technician
- 1 Senior Secretary
- 4 Chief Court Assistants
- 2 Senior Court Assistants
- 1 Senior Records Officer
- 2 Records Officers
- 3 Orderlies
- 4 Attendants
- 1 Casual Daily Paid Worker
- 5 Part-time Cleaners

### Staff movement

a) <u>Farewell</u>

In the year under review, the Court of Appeal bade farewell to the following persons:

• Ms Althea Edwards, Deputy Registrar, who proceeded on early retirement;

<sup>&</sup>lt;sup>1</sup> The figure includes the part-time cleaners and casual daily paid worker.

- Mrs Janelle Nelson-Gayle, Senior Judicial Clerk, who was appointed to act as a Judge of the Parish Court;
- Mrs Kadian Wilson-Christie, Senior Judicial Clerk, who was appointed to act as a Judge of the Parish Court;
- Mr Carson Hamilton, Senior Judicial Clerk, who was appointed to act as a Judge of the Parish Court;
- Ms Marcia Robinson, Executive Secretary, who proceeded on pre-retirement leave;
- Mr Ronjae Campbell, Senior Court Assistant, who left to pursue new opportunities; and
- Mrs Paulette Doyley, retired Office Attendant, who had returned to the court on contract, but whose contract expired.

These officers each gave years of dedicated service to the public service, in particular to the Court of Appeal. The court expresses its immense gratitude to these officers for their respective contributions to the life and work of the court and extends its best wishes to them in their new endeavours.

### b) <u>Acting appointments</u>

In 2023 the court welcomed the following persons who were appointed to act in various capacities:

- Mr Adriel Williams Acting Deputy Registrar;
- Ms Yvonne Brown Richards Acting Senior Judicial Clerk;
- Ms Coleasia Edmondson Acting Senior Judicial Clerk;
- Mr Jordan Jarrett Acting Senior Judicial Clerk;
- Ms Sherika Paul Acting Senior Judicial Clerk;
- Ms Sanique Richards Acting Senior Judicial Clerk;
- Ms Sonya Stewart Acting Senior Judicial Clerk;
- Ms Tawanna Watson Acting Senior Judicial Clerk;
- Mr Chadwick Chance Acting Audio Visual Technician; and
- Ms Kaydian Rose Acting Records Officer.

### Sittings

In 2023 the Court of Appeal sat for a total of 39 weeks comprising 11 weeks in the Hilary Term, 15 weeks in the Easter Term and 13 weeks in the Michaelmas Term. During the year, the judges of the court sat primarily in two divisions in panels of three. Notably, a third panel sat periodically in the Hilary Term giving special focus to simple/expedited criminal matters and in the Michaelmas Term giving special focus to hearing civil applications.

In addition to sitting in court, the judges were assigned weekly duties in chambers to consider applications on paper and/or to conduct oral hearings of applications and case management conferences. The judges were also assigned duties during the court's vacation periods to consider procedural applications filed during that period. The full list of sittings for 2023 is available on the court's website at <u>www.courtofappeal.gov.jm</u>.

### Opening of the Michaelmas Term

On 25 September 2023 the court held a special sitting to mark the start of the Michaelmas Term. At that sitting, the court marked its resumption of in-person hearings. The sitting was presided over by a panel comprising the Hon Mr Justice Brooks P, the Hon Mrs Justice Sinclair-Haynes JA and the Hon Mrs Justice G Fraser JA (Ag). As is customary, the special sitting was attended by representatives of both the public and private Bars as well as the media.

### Work of the Court

During the year under review, the Court of Appeal heard and determined applications and appeals on a weekly basis. The judges of the court also sat in chambers to hear and determine applications and conduct case management conferences.

The judges also considered, on paper, applications for permission to appeal from criminal convictions and/or sentences passed in the Supreme Court<sup>2</sup>; procedural applications<sup>3</sup> such as applications for stays of execution, injunctions, security for costs etc; records of appeal<sup>4</sup> for the purposes of making case management directions in appeals from the Supreme Court; and motions/applications for leave to appeal to His Majesty in Council (pursuant to Practice Direction No 1/2016).

Additionally, the President periodically called upon individual judges to assist with administrative matters such as attending meetings and participating as panel members in job interviews for posts in the Parish and Supreme Courts.

The court's work will be outlined below as follows:

- i. transcripts of criminal cases referred for consideration on paper of applications for leave to appeal (Table A and Chart 1);
- ii. procedural applications in civil cases and motions for leave to appeal to His Majesty in Council referred for consideration on paper (Table B and Chart 2);
- iii. civil records of appeal referred for case management (Table C and Chart 3);
- iv. oral hearings conducted in chambers (Table D);
- v. disposal of applications by single judges (Table E)

<sup>&</sup>lt;sup>2</sup> It is to be noted that most criminal matters from the Supreme Court commence as applications for leave to appeal against convictions and/or sentences. Once received from the Supreme Court, transcripts, pursuant to the Court of Appeal Rules (CAR), are referred to single judges for their review of the transcripts and consideration and determination of the application for leave to appeal.

<sup>&</sup>lt;sup>3</sup> These applications, pursuant to the CAR, fall within the remit of single judges. Under the CAR, these applications are first to be referred to single judges for consideration on paper. The judges may make orders on the applications without a hearing or issue directions such as having the matters set down for oral hearings.

<sup>&</sup>lt;sup>4</sup> Upon review of the files single judges may make case management directions without a hearing or may direct the holding of case management conferences.

- vi. disposal of applications and motions by the court (Tables F and Chart 4) and appeals (Tables G-I, K and L) and the court's clearance rate (Chart 6);
- vii. new appeals filed in the year under review and pending appeals at the end of the period (Tables G J and Chart 5)
- viii. number of matters disposed of by the court (Table L) and total matters disposed (Table M)
- ix. judgments delivered within six months of completion of hearings (Table N);
- x. judgment delivery rate (Table O)
- xi. hearing date certainty (Table P)
- xii. judgments reduced to writing (Tables Q and R);
- xiii. outstanding reserved judgments (Table S) and outstanding reasons for judgment (Table T);
- xiv. outstanding transcripts in criminal cases pending appeal (Table U and Chart 7);
- xv. outstanding records of proceedings in civil matters pending appeal (Table V and Chart 8); and
- xvi. appeals pending (Table W).

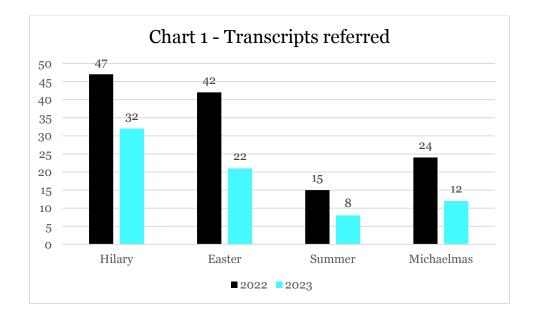
### Criminal Transcripts referred to single Judges of Appeal

In order for applications for leave to appeal in criminal matters to be determined by single judges, the transcripts first have to be obtained from the Supreme Court. Upon receipt, the transcripts are referred to single judges for consideration and determination.

Period	2022	2023
Hilary Term	47	32
Easter Term	42	22
Summer Vacation	15	8
Michaelmas	24	12
Total	128	74

Table A – Transcripts referred

Table A and Chart 1 reflect a 42.18% decrease in the number of transcripts referred in 2023 when compared to 2022.



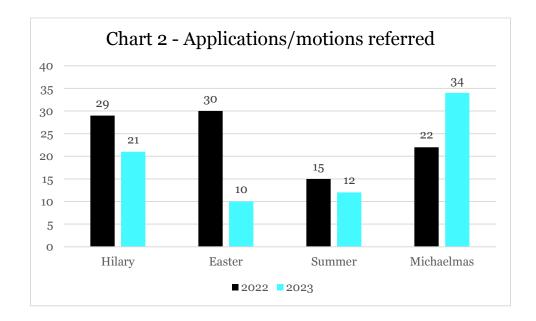
#### Applications/motions referred to single Judges of Appeal For consideration on paper

Under the Court of Appeal Rules and Practice Direction No 1/2016, certain types of procedural applications and motions are referred to single judges of the court for consideration on paper. The judges may make orders without having a hearing or may direct that an oral hearing take place.

Period	2022	2023
Hilary Term	29	21
Easter Term	30	10
Summer Vacation	15	12
Michaelmas	22	34
Total	96	77

Table B – Number of applications/motions referred

Table B and Chart 2 reflect a 19.79% decrease in the number of applications/motions referred.

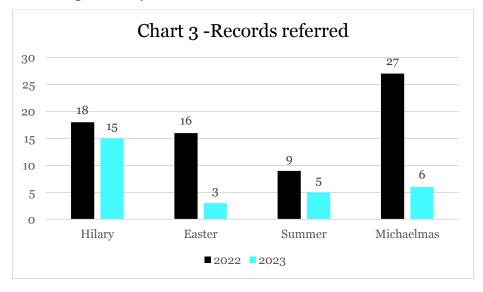


### Records of appeal referred to single Judges of Appeal

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 the Supreme Court. The number of records of appeal referred is dependent on the number of records of proceedings received from the Supreme Court and the compliance of the parties in filing the records of appeal.

Period	2022	2023
Hilary Term	18	15
Easter Term	16	3
Summer Vacation	9	5
Michaelmas	27	6
Total	70	29

Table C and Chart 3 depict a 58.57% decrease in the number of records of appeal referred for in 2023 over the previous year.



### Hearings in chambers by single Judges of Appeal

Table D shows the number of hearings conducted in chambers in 2022 when compared to 2021. It is to be noted that such hearings are generally scheduled on the direction of the single judges to whom applications or records of appeal have been referred.

2022	2023		
Applications			
8	10		
28	9		
12	12		
CMCs			
23	17		
25	61		
26	18		
122	127		
	Applicatio         8         28         12         CMCs         23         25         26		

\*CMCs – Case Management Conferences

Table D depicts a 4.09% increase in the number of oral hearings conducted by single judges of appeal in chambers in 2023 when compared to 2022.

### Disposal of applications/motions by single Judges of Appeal

Table E shows the number of applications/motions determined by single judges of appeal on paper and by oral hearings in 2023 over the previous year.

Term	2022	2023		
On paper				
Hilary	10	11		
Easter	13	5		
Summer	9	7		
Michaelmas	8	14		
	Oral hearing			
Hilary	6	13		
Easter	17	9		
Summer	3	-		
Michaelmas	10	12		
Total	76	71		

Table E – Applications determined by Single Judges of Appeal

There was a 6.57% decrease in the number of applications determined by single judges in 2023 over the previous year. Additionally, the table reflects that 52.11% of the applications determined by single judges in 2023 were determined without oral hearings.

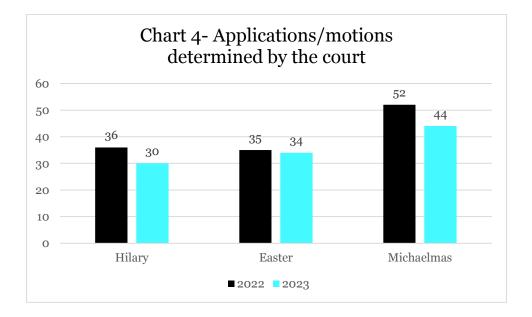
### Disposal of applications and motions by the court

Those procedural applications which do not fall within the jurisdiction of single Judges of Appeal<sup>5</sup> are heard and determined by the court, along with motions for leave to appeal to His Majesty in Council in matters where the appeal is not as of right.

Term	2022	2023
Hilary Term	36	30
Easter Term	35	34
Michaelmas	52	44
Total	123	108

Table F – Applications and motions determined by the court<sup>6</sup>

Table F and Chart 4 reflect a 12.19% decrease in the number of applications and motions heard and determined by the court.



<sup>&</sup>lt;sup>5</sup> Such as civil applications for permission to appeal; applications for extension of time to file an appeal; applications to vary/discharge the order of a single judge; applications to adduce fresh evidence.
<sup>6</sup> This does not include applications for permission to appeal in criminal matters, which are dealt with in Tables G, H, I, K and L.

### New and determined appeals

Tables G to I show the number of new and determined appeals as well as the number of pending appeals by category for the Hilary, Easter and Michaelmas Terms respectively.

Appeals	Pending appeals at the start of the term	New cases filed	Determined cases	Pending appeals at the end of the term
Supreme Court				
Civil Appeals	1059	23	19	1063
<b>Criminal Appeals</b>	619	25	37	607
Miscellaneous Appeals	43	-	1	42
Prosecution Appeals	-	1	-	1
Parish Court				
Civil Appeals	92	5	13	84
<b>Criminal Appeals</b>	35	1	6	30
Miscellaneous Appeals	4	-	-	4
Total <sup>7</sup>	1852	55	76	1831

### Table G

### New and determined appeals – Hilary Term 2023

New and determined appeals – Easter Term 2023
The manual determined uppears – Easter Ferm 2025

Appeals	Pending appeals at the start of the term	New cases filed	Determined cases	Pending appeals at the end of the term
Supreme Court				
Civil Appeals	1063	32	41	1054
<b>Criminal Appeals</b>	607	29	63	573
Miscellaneous Appeals	42	5	6	41
Prosecution Appeals	1	-	-	1
Parish Court				
Civil Appeals	84	9	6	87
<b>Criminal Appeals</b>	30	-	-	30
Miscellaneous Appeals	4	-	-	4
Total	1831	75	116	1790

<sup>7</sup> The pending figure at the end of 2022 has been corrected from 1844, which was recorded in the previous annual report, to 1852 as a result of corrections to the pending figures for the miscellaneous appeals.

Appeals	Pending appeals at the start of the term	New cases filed	Determined cases	Pending appeals at the end of the term
Supreme Court				
Civil Appeals	1054	55	28	1081
<b>Criminal Appeals</b>	573	34	41	566
Miscellaneous Appeals	41	6	1	46
Prosecution Appeals	1	3	-	4
Parish Court				
Civil Appeals	87	6	9	84
<b>Criminal Appeals</b>	30	-	5	25
Miscellaneous Appeals	4	-	-	4
Total	1790	104	84	1810

## Table INew and determined appeals – Michaelmas Term 2023

Tables G to I show that there was a decrease of 2.26% in the total number of pending appeals at the close of 2023. The tables also show that of the total number of new appeals recorded in 2023, 84.61% were from the Supreme Court, 8.97% were from Parish Courts and 6.42% were miscellaneous appeals.

#### Table J – New appeals

Туре	2022	2023
Civil	73	130
Criminal	96	89
Miscellaneous	79	15
Total	248	234

As seen in Table J and Chart 5, there was a 5.64% decrease in the number of new appeals filed in 2023 when compared to the previous year.

Туре	2022	2023
Civil	122	116
Criminal	147	152
Miscellaneous	7	8
<b>Prosecution Appeal</b>	1	-
Total <sup>8</sup>	277	276

#### Table K – Determined appeals

The number of determined appeals marginally decreased by 0.36% in 2023 over the previous year.

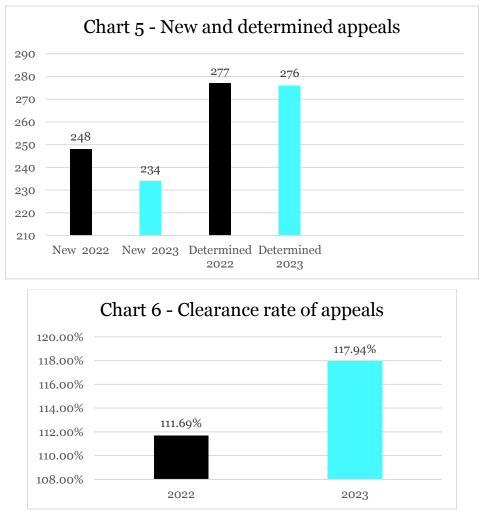


Chart 6 shows that the clearance rate of appeals increased by 6.25 percentage points in 2023 over 2022.

<sup>&</sup>lt;sup>8</sup> Of the total number of matters disposed of in 2023, a total of 20 were dismissed for want of prosecution or deemed abandoned.

Туре	2022	2023
Applications/motions	123	108
Criminal appeals/ applications for		
permission to appeal	147	152
Civil appeals	122	116
Miscellaneous	7	8
Prosecution Appeal	1	-
Total	400	384

### Table L - Number of matters determined by the court

Table L depicts a decrease of 4% of the total matters determined by the court in 2023 when compared to the previous year.

Table M - Total matters determined by the court and by single judges

Туре	2022	2023
Applications/motions	199	185
Appeals	277	276
Total	476	461

Table M shows a 3.15% decrease in the total number of matters determined by the court and single judges of appeal in 2023 over the previous year.

Table N – Judgment delivery timeline 2023

Term	Judgments delivered on hearing day	Judgments delivered within a week	Judgments delivered within 3 months	Judgments delivered within 6 months
Hilary	56	46	3	1
Easter	61	61	7	5
Michaelmas	76	51	7	6
Total	193	158	17	12

As seen in Table N, of the number of matters determined in 2023, 82% were determined within six months of the hearing. Of the number determined in six months, 50.78% were determined on the same day of hearing, 92% were determined within a week of hearing and 96.84% were determined within three months of hearing.

### **Judgment delivery rate** Table O

	_		
Term	Number reserved	Number determined	Judgment delivery rate %
Hilary	27	130	481.48%
Easter	48	171	356.25%
Michaelmas	44	154	350.00%
Total	119	455	382.35%

For the year 2023 the court registered an overall judgment delivery rate of 382.35%. This suggests that for every 10 newly reserved judgments in 2023 roughly 38 judgments were delivered. The Hilary Term registered the highest judgment delivery rate with 481.48%, while the Michaelmas Term registered the lowest with 350%. The international standard for judgment delivery is 100% and so the Court of Appeal continued to perform exceptionally well on this criterion.

### Hearing date certainty

	Table I		
Term	No. of matters listed on hearing lists	No. of matters which commenced as scheduled	Hearing date certainty rate %
Hilary	108	90	83.33%
Easter	146	126	86.30%
Michaelmas	140	128	91.42%
Total	394	335	85.02%

In 2023 a hearing date certainty rate of 85.02% was recorded for matters listed before the court. This suggests that for every 100 hearing dates set during the year, roughly 85 proceeded without postponement. The hearing date certainty rate for the court remained constant when compared to the previous year when the overall rate was 85.56%. For 2023 the hearing date certainty rate progressively increased from term to term, with the Hilary Term recording a rate of 83.33%, the Easter Term recording a rate of 86.30% and the Michaelmas Term closing the year with a rate of 91.42%.

#### Judgments in writing

At the Court of Appeal judgments in writing take the form of written judgments, oral judgments (reduced to writing), memoranda of reasons and endorsements.

Table Q

Term	No. of written judgments	No. of oral judgments	No. of memoranda of reasons	No of endorsements
Hilary	31	15	7	4
Easter	46	17	15	7
Michaelmas	48	7	15	9
Total	125	39	37	20

Table Q shows that of the total judgments delivered in writing, 56.56% were written judgments, 17.64% were oral judgments, 16.74% were memoranda of reasons and 9% were endorsements.

Term	2022	2023
	Civil appeals	_
Hilary	20	25
Easter	16	28
Michaelmas	16	16
	Criminal appeals/ Applications for permission	
Hilary	27	22
Easter	23	35
Michaelmas	33	33
	Applications	
Hilary	17	10
Easter	28	24
Michaelmas	20	28
Total	200	221

Table R

Table R shows a 10.5% increase in the number of judgments in writing in 2023 over 2022.

	Table S	
Year reserved	No. outstanding 2022	No. outstanding 2023
2019	1	-
2020	7	-
2021	14	8
2022	49	17
2023	_	60
Total	71	85

#### Outstanding reserved judgments at year end

Although Table S shows a 19.71% increase in the number of judgments outstanding at the end of 2023 over the previous year, it also shows that the number of judgments outstanding for 2019 and 2020 were cleared and the number outstanding for 2022 decreased by 65.3%.

# Outstanding reasons for judgment at year end

Table T		
Year reserved	No. outstanding 2022	No. outstanding 2023
2021	6	1
2022	13	5
2023	_	15
Total	19	21

As seen in Table T the number of reasons for judgment outstanding for the years 2021 and 2022, decreased by 68.42%.

Year Matter filed	Number Outstanding 2022	Number Outstanding 2023
2002	1	-
2004	1	-
2006	6	2
2007	1	1
2011	1	1
2012	1	0
2013	1	1
2015	1	0
2016	6	3
2017	2	1
2018	7	1
2019	14	8
2020	22	10
2021	49	35
2022	57	45
2023	-	85
Total	170	193

# **Outstanding criminal transcripts**

Table U

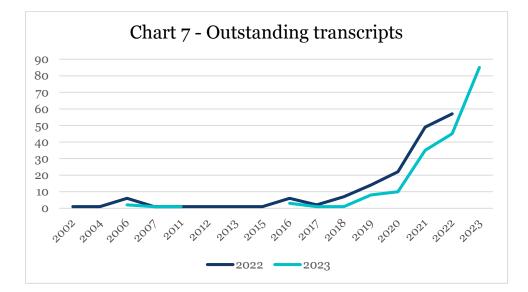


Table U and Chart 7 reveal an increase of 13.52% in the number of outstanding transcripts.

Year Matter filed	Number outstanding 2022	Number Outstanding 2023
2004	1	0
2005	4	2
2006	11	6
2007	12	2
2008	24	18
2009	13	11
2010	21	15
2011	25	24
2012	27	27
2013	19	18
2014	17	17
2015	25	23
2016	32	31
2017	32	25
2018	31	29
2019	50	35
2020	25	24
2021	45	21
2022	68	32
2023	-	55
Total	482	415

### Outstanding civil records of proceedings

Table V

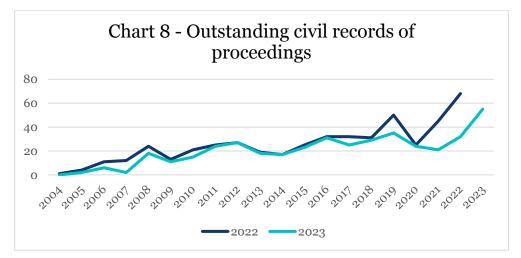


Table V and Chart 8 show that the number of civil records of proceedings decreased by 13.9%

#### **Pending appeals**

Table W

	2022	2023
Number brought forward from previous year	1873	1852
New appeals filed	256	234
Appeals determined	277	276
Balance pending at year end	1852	1810

Table W depicts a 2.26% decrease in the number of appeals which were pending at the end of 2023. While this is a marginal decrease, it is an improvement on the previous year when the pending figure decreased by 1.55%. It therefore shows that the pending figure is trending in the right direction.

At the end of 2023 there was 1810 appeals pending. After taking into account the 193 criminal matters awaiting transcripts and the 415 civil matters awaiting certified copies of the records of proceedings, the 'true' pending figure at the end of 2023 was 1202.

By comparison the 'true" pending figure for 2022 was 1192 taking into account the 171 outstanding criminal transcripts and 482 outstanding certified records of proceedings.

# **Practice Directions and Notes**

The Court of Appeal issued one Practice Direction during 2023.

Practice Direction No 1/2023 was issued to indicate the Court of Appeal's return to inperson hearings following the suspension of such sittings since 2020 as a response to the Covid-19 pandemic. Practice Direction 1/2023, which took effect on 25 September 2023, outlined the court's guidelines for the resumption of in-person hearings.

Practice Directions and Practice Notes issued by the Court of Appeal are available on the court's website (<u>www.courtofappeal.gov.jm</u>)

# News

### **Orientation for new staff**

During 2023 the Court Administration Division conducted its customary orientation exercises for new members of staff throughout the court system and, once again, invited the participation of the Court of Appeal. Registrar Brown and Deputy Registrar Edwards made presentations about the court at these orientation sessions.

### Norman Manley Law School 50th Anniversary

The Hon Mrs Justice McDonald-Bishop JA, The Hon Mrs Justice Foster-Pusey JA and Registrar Stacie-Anne Brown were selected by the Norman Manley Law School to represent their respective graduating class, as part of the law school's "50 Weeks to 50" anniversary YouTube series. The court congratulates these ladies on being selected to participate in the celebrations in this way and joins in congratulating the Norman Manley Law School on achieving this significant milestone.

### **Annual Assize Services**

The Judiciary's annual assize services to mark the start of the Michaelmas Term were held at the Boulevard Baptist Church on 24 September 2023 and the William Knibb Memorial Baptist Church, on 1 October 2023, under the theme "Equity and Justice in Changing Times".

# Wedding Bells

Wedding bells rang sweetly in 2023 and the court was pleased to congratulate and extend best wishes to Miss Yumika Harris (now Mrs McKenzie) and Miss Danique Cornwall (now Mrs Allen) on their respective weddings.

### Stork

The court was equally pleased to congratulate Mrs Kimberley Clarke on the birth of her son and Mrs Clowenese Brown-McIntosh and Mrs Yumika McKenzie on the respective births of their daughters.

# **National Honours**

The Hon Mrs Justice Vivene Harris JA and the Hon Mrs Justice Marcia Dunbar-Green JA were conferred with the Order of Distinction in the Rank of Commander in recognition of their distinguished contribution to the judiciary.

The court extends to them both its heartfelt congratulations on their well-deserved national honours.



The Hon Mrs Justice Harris JA (left) and the Hon Mrs Justice Dunbar-Green (right) receiving their awards.

# **Court Users Committee**

The Court Users Committee continued its meetings in 2023 as it sought to address areas of concern such as outstanding transcripts and records of proceedings, outstanding judgments and improving the general surroundings of the court building.

The year saw a continuation of the downward trend in the number of outstanding transcripts and the number of older outstanding judgments. However, the surroundings of the court and the number of outstanding records of proceedings remain on-going concerns.

### Judges' Workshop

The court held a case flow and differentiated case management workshop for the President and Judges of Appeal. The workshop was held at the court from 17-19 October

2023. The workshop covered the progress of differentiated case management in criminal appeals and the backlog reduction strategy; differentiated case management in civil appeals; working in a paper-less environment and the docket system.

The judges also worked on standardising approaches to aspects of judgments which regularly come before the court and involve straightforward concepts of law.



Happy faces from the workshop

#### **School visit**

The Court of Appeal was pleased to welcome students and a teacher from the Meadowbrook High School, who visited the court to observe court proceedings and tour the facilities. The experience was a happy one for all.



Visit from the Meadowbrook High School

#### Sensitisation workshop on the Judicial Case Management System

Facilitated by the Pan American Development Foundation (PADF) and the International Narcotics and Law Enforcement Agency (INL) of the United States Embassy, the Court of Appeal held a sensitisation workshop on the Judicial Case Management System. Attendees at the workshop included court staff from the Court of Appeal, Supreme Court, and Parish Courts and representatives of the public and private Bars. The main presenters were Mr Bruce Preston, Chairperson, International Justice Partnership; Mr Alex Graham of the Judiciary of Guyana; Dr Denarto Dennis, Statistician; and the ICT Department of the Court Management Services led by its Director Mr Evrol Bell.

The court records its gratitude to all the persons and entities involved in facilitating this workshop and wishes to expresses special appreciation to Ms Althea McBean, Senior Advisor, PADF for all the work she continues to do with this court. Special appreciation is also extended to PADF for its generous gift of computers and other equipment and to INL for its substantial gift of a server, all made to the Court of Appeal in 2023.



Scenes from the workshop

### Other activities/outreach

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

- The Hon Mr Justice Brooks P sat on the National Council on Justice; the Judicial Service Commission; the Covid-19 Emergency Committee; the Rules Committee of the Supreme Court; King's Counsel Committee; the Advisory Board of the Court Administration Division and Civil Service interview panels. He continued to chair the Court User's Committee;
- The Hon Mr Justice Brooks P Made a presentation to Parish Court Judges on appeals from that court on 20 January 2023.
- The Hon Mr Justice Brooks P made a presentation to the Jamaican Bar Association at its Annual Conference in December 2023.



The President poses with the Court of Appeal's Deputy Registrar (Ag) and Senior Judicial Clerks at the Jamaican Bar Association Conference

- The Hon Mr Justice Brooks P particiapted in a Meet the Press event with the Chief Justice and the Chief Judge of the Parish Court at the Spanish Court Hotel on 10 March 2023.
- The Hon Mr Justice Brooks P and Miss Justice Edwards JA continued to sit on the Advisory Board for the Court Administration Division.
- The Hon Mr Justice Brooks P addressed the Court Administration Division Retreat on 26 April 2023.
- The Hon Mrs Justice McDonald-Bishop JA, the Hon Mr Justice D Fraser JA and the Hon Mrs Justice Harris JA served as Associate Tutors at the Norman Manley Law School.
- The Hon Mrs Justice McDonald-Bishop JA continued to sit on the Commonwealth Secretariat's Arbitral Tribunal (CSAT). She presented at CSAT's judicial meeting which was held in London, United Kingdom on 23-26 April 2023. Her presentation topic was "Case Management and Disclosure in International Administrative Tribunal: Benchmarking".
- The Hon Mrs Justice McDonald-Bishop JA and the Hon Miss Justice Edwards JA were speakers at "We Inspire Women Vision Board Brunch" held at Jewels Paradise Cove Resort, Runaway Bay on 29 January 2023 under the theme "UNAFRAID".
- The Hon Mrs Justice McDonald-Bishop JA attended the 10<sup>th</sup> Biennial Meeting of Commonwealth Judicial Educators held in Gabarone, Botswana between 11-14 May 2023. The meeting was hosted by the Commonwealth Judicial Education Institute and the Judiciary of Botswana.
- The Hon Mrs Justice McDonald-Bishop JA attended the Commonwealth Magistrates and Judges' Association Conference held 10 - 14 September 2023 in Cardiff, Wales, United Kingdom under the theme "Open Justice Today".
- The Hon Mrs Justice McDonald-Bishop JA was a presenter at the Judicial Educators' Retreat, hosted by the Judicial Education Institute of Jamaica, held 21-23 September 2023 at Jewels Paradise Cove Resort, Runaway Bay, Jamaica. She presented on the topic "Teaching Methodologies in Judicial Education".

- As of 25 July 2023 the Hon Mrs Justice McDonald-Bishop JA is a member of the International Judicial Unique Mentoring Peer to Peer Programme (I-JUMP).
- The Hon Mrs Justice McDonald-Bishop JA received the Distinguished Judge Award for the CoA - August 17, 2023 - Judiciary of Jamaica Awards and Recognition Banquet held at Terra Nova All Suite Hotel.
- The Hon Miss Justice Straw JA continued to chair the Criminal Case Management Steering Committee. The Hon Mr Justice D Fraser JA continued to sit on that committee.
- The Hon Mrs Justice Foster-Pusey JA sat on the General Legal Council as the Chief Justice's representative.
- The Hon Mr Justice D Fraser JA chaired the Annual Assize Services Planning Committee. The Hon Miss Justice Straw JA and Mrs Justice Foster-Pusey JA continued to sit on that committee.
- The Hon Mr Justice D Fraser JA continued to chair the Court Infrastructure Steering Committee. The Hon Mrs Justice Dunbar-Green JA continued to serve on that committee.
- The Hon Miss Justice Simmons JA chaired the Supreme Court Library Committee as the representative of the President of the Court of Appeal.
- The Hon Miss Justice Simmons JA sat on the Jamaican Bar Association's Accreditation Committee.

# Condolences

The court offered its deepest sympathy in 2023 to Mrs Kaydian Wilson-Christie on the passing of her nephew. The court also notes the passing of the Hon Mr Justice Lensley Wolfe, OJ, retired Chief Justice of Jamaica and former Judge of Appeal. The court assures the respective families of its continued love and support.

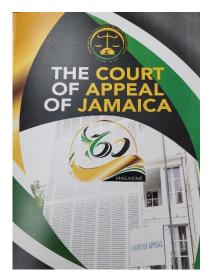
#### **Other events**

• The Court of Appeal joined in celebrating the International Day of Women Judges on 10 March 2023.



Some of our women judges wearing national colours in honour of the day

• Thanks to the very hard work of the Hon Miss Justice Edwards JA and her team, the court culminated its 60<sup>th</sup> anniversary celebrations with the publication of an anniversary magazine. Additionally, the court's anniversary logo was redesigned by Mrs Whyte-Green so that it could be used beyond the anniversary.





We bade farewell to colleagues – first to Mr Ronjae Campbell, Senior Court Assistant.



• Then we said farewell to Mrs Paulette Doyley, retired Office Attendant.













• Deputy Registrar Miss Althea Edwards and Senior Judicial Clerks Mrs Janelle Nelson-Gayle, Mrs Kaydian Wilson-Christie and Mr Carson Hamilton were next in line for farewells.



• Finally, we ended the year with a farewell to Miss Marcia Robinson, Executive Secretary. Her send-off coincided with the court's Christmas Luncheon.



The life and work of the Court of Appeal continues to be enriched by the hard work, determination and creativity of its Rewards and Recognition; Health and Safety; and Social Affairs committees. Some of the activities in 2023 included the reward and recognition ceremony, a pink-themed day, a 4-week long "take the stairs instead" challenge campaign, an exciting Easter egg hunt, an enlightening Breast Cancer Awareness presentation, bun sale, movie day, karaoke day, staff/customer appreciation week, staff trip, games evening, tie day and Christmas Luncheon. Some of the activities embarked on throughout the year are captured below.

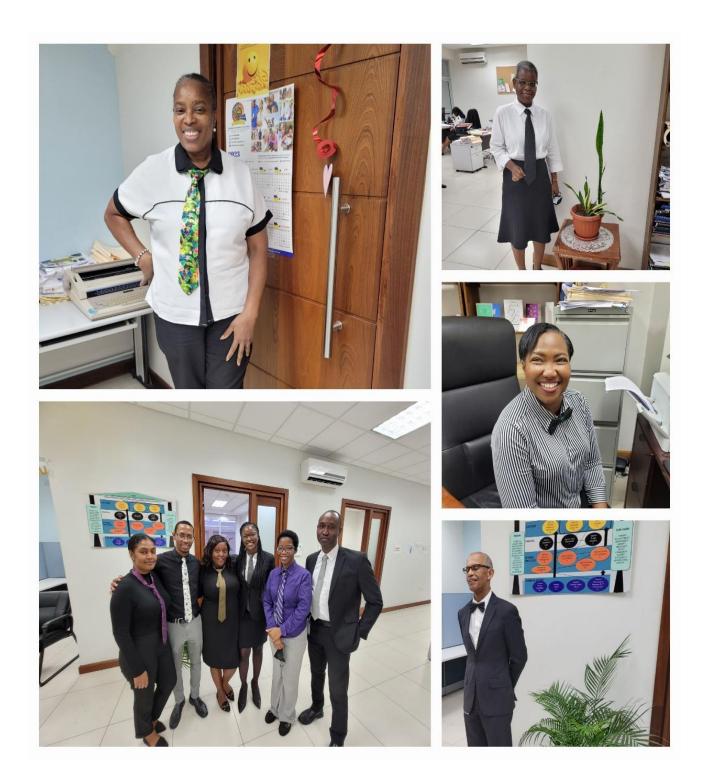
#### **Rewards and Recognition**



# **Games Evening**



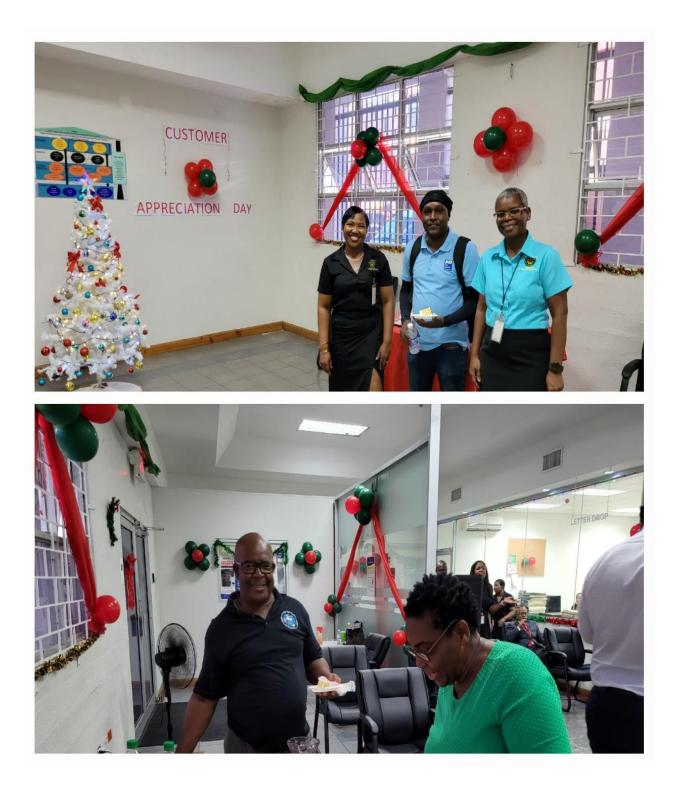
# Tie Day



# Karaoke During Staff Appreciation Week



# **Customer Appreciation Day**



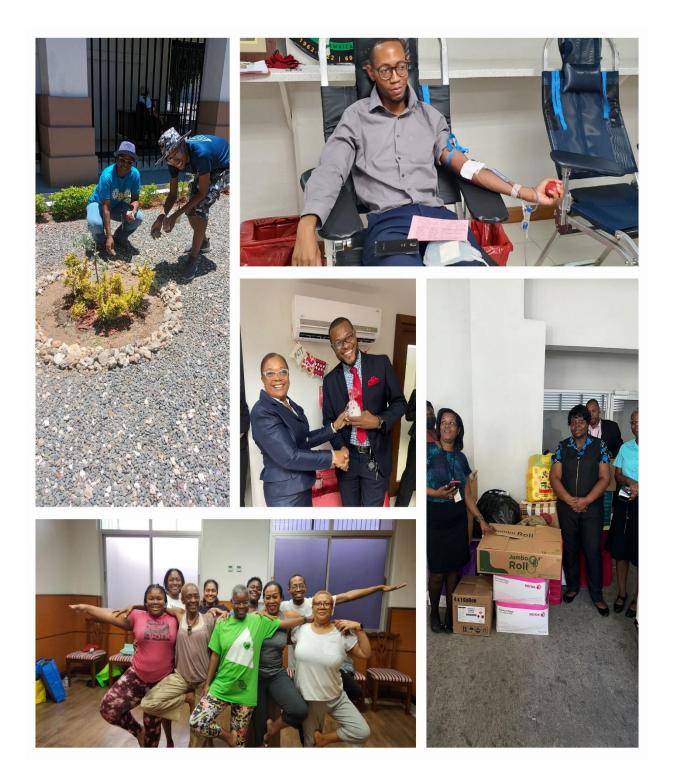
# Pink Run and Sigma Run



# Pottery afternoon



Snapshot of other activities – blood drive, Labour Day, yoga session, Valentine's Day and donation to the Maxfield Park Children's Home.



# **Looking Ahead**

Throughout the year under review, the judges and staff of the Court of Appeal continued to work towards achieving what the court set as its vision of being a world class appellate court, serving all stakeholders with excellence. In so doing, the court made important strides in 2023, some of which included the significant upgrading of the audio visual equipment in the three courtrooms thereby improving the quality of the service provided to stakeholders through the court's electronic platform. Coupled with this, the court now has a resident audio visual technician who can provide quick responses to the technical needs of the court. The court also undertook initiatives such as the use of special panels to place focus on the hearing of simple/expedited criminal matters and procedural applications. Additionally, the court continued to improve the judgment delivery timeline through the increased use of oral judgments, memoranda of reasons and endorsements.

Looking ahead, the court intends to continue its work to improve the delivery of its services to all its stakeholders in fulfilment of its vision and mission.