

JUDICIAL COUNCIL REPORT

2023



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INTRODUCTION

In 2023, the Judiciary of Barbados made concrete steps to altering the way in which it conducted business. In January, the Judiciary with the help of regional partners namely the Caribbean Association of Judicial Officers (CAJO) and the Judicial Reform and Institutional Strengthening (JURIST) Project attended training and agreed to resolutions that would increase accountability and address backlog issues.

The emphasis on better service was also reflected in the completion of Service Standards for the Registration Department. There was a concurrent upgrade and installation of technical equipment and software in the Supreme Court Complex by the JURIST Project. These improvements were greatly appreciated as the technology in some courts was obsolete.

A number of training and judicial education opportunities were embraced this year with a number of Judges taking part in international conferences. For the first time since the COVID Pandemic, the Judicial Retreat was held. This year the theme focused on the management of change.

Sir Patterson Cheltenham, K.A.
Chief Justice

MEMBERSHIP OF THE JUDICIAL COUNCIL

As at 31 December 2023, the members of the Judicial Council were as follows:

Hon. Sir Patterson Cheltenham, K.A., Chief Justice - Chairman
 Hon. Rajendra Narine, Justice of Appeal
 Hon. Francis Belle, Justice of Appeal
 Hon. Jefferson Cumberbatch, Justice of Appeal
 Hon. Margaret Reifer, Justice of Appeal
 Hon. William Chandler, Judge of the High Court
 Hon. Randall Worrell, Judge of the High Court
 Hon. Jacqueline Cornelius, Judge of the High Court
 Dr. the Hon. Olson Alleyne, Judge of the High Court
 Hon. Michelle Weekes, Judge of the High Court
 Hon. Pamela Beckles, Judge of the High Court
 Hon. Christopher Birch, Judge of the High Court
 Hon. Barry Carrington, Judge of the High Court
 Hon. Cicely Chase, Judge of the High Court
 Hon. Shona Griffith, Judge of the High Court
 Hon. Carlisle Greaves, Judge of the High Court (temporary)
 Hon. Laurie-Ann Smith-Bovell, Judge of the High Court
 Hon. Madam Justice Barbara Cooke-Alleyne, Judge of the High Court (Ag.)
 Hon. Madam Justice Wanda Blair, Judge of the High Court (temporary)
 Hon. Mr. Justice Anthony Blackman, Judge of the High Court (temporary)
 Hon. Mr. Justice Elwood Watts, Judge of the High Court (temporary)
 Hon. Madam Justice Fiona Hinds, Judge of the High Court (Ag.)
 Mr. Roger Barker, Master of the High Court
 Mr. Ian Weekes, Chief Magistrate
 Ms. Anika Jackson, Solicitor General
 Mrs. Kaye Williams K.C., President of the Barbados Bar Association
 Mrs. Rosalind Smith Millar, K.C., Attorney-at-Law
 Mr. Andrew Pilgrim, K.C., Attorney-at-Law
 Ms. Liesel Weekes, Attorney-at-Law
 Mr. Christopher Maynard
 Mrs. Coreen Kennedy-Taitt
 Ms. Sandra Reeves, Secretary

CHANGES IN MEMBERSHIP

Mr. Roger Barker was appointed as Master of the High Court on 26 December 2023.

The Hon. Mr. Justice Westmin James, temporary Judge of the High Court tendered his resignation as an acting Judge of the High Court on 28 February 2023.

The Hon. Mr. Justice Cecil McCarthy, Judge of the High Court demitted office on 15 September 2023.

NEW APPOINTMENTS

Magistrate Elwood Watts was appointed to act in the Office of temporary Judge of the High Court for a period of three years from 1 February 2023.

Ms. Fiona Hinds, Attorney-at-Law, was appointed to act as a temporary Judge of the High Court on 4 April 2023 for a period of six months. Her appointment was extended for a further six months, from 4 October 2023 until 3 April 2024.

MEETINGS HELD

No meetings of the Council were held during the year under review.

BUDGET OF THE JUDICIAL COUNCIL

For the fiscal year 2022/2023, Parliament voted the sum of \$ 000.00 to enable the Council to carry out its statutory responsibilities and facilitate its work programme. The vote is administered by the Cabinet Office.

Statement of Accounts (April 2023 to March 2024)

Approved by Parliament	\$ 325,000.00
Rental of vehicles for the judiciary	\$ 138 000.00
Expenditure	<u>\$ 171.709.13</u>
Surplus	<u>\$ 15,290.87</u>

WORK AND ACTIVITIES

NATIONAL CENTRE FOR STATE COURTS (NCSC)

Court Case Management System

Felix Bajandas, Principal Court Management Consultant with NCSC visited Barbados in June 2023 to assist with the successful implementation of the Cane Garden Pilot. He also assisted with setting the plan and governance for continuous expansion of the Court Case Management System to the other magistrates’

JUSTconnect

NCSC developed JUSTconnect, a judicial educational platform. This project seeks to develop and promote a regional judicial virtual education platform which will provide Caribbean judiciaries with an electronic portal through which they can access judicial training within their respective territories. The pilot countries for this platform are Barbados, Guyana and Trinidad and Tobago. JUSTconnect was launched at the Waterfront Judicial Centre, Port of Spain, Trinidad and Tobago on 24 May 2023. A delegation comprising of the Hon. Chief Justice, Sir Patterson Cheltenham, K.A., the Hon. Mr. Justice Christopher Birch, Judge of the High Court, Ms. Sharon Deane, Registrar of the Supreme Court (ag.), Mr. Carlitos Beckles, Executive Legal & Personal Assistant to the Chief Justice and Mr. Bradley Benskin, Judicial Communications Officer attended the launch.

JUDICIAL REFORM AND INSTITUTIONAL STRENGTHENING (JURIST) PROJECT

The Hon. Sir Patterson Cheltenham, K.A., Chief Justice attended the final JURIST Project Steering Committee (PSC) Meeting at the Hyatt Hotel in Trinidad on 19 January 2023.

Judicial Training

The JURIST Project, in association with the Caribbean Association of Judicial Officers (CAJO), and the Caribbean Court of Justice (CCJ) facilitated an intensive three-day judicial training programme for Judicial Officers of the Supreme Court of Barbados, during the period 27 and 28 January 2023 at the Accra Beach Hotel and Spa.

The training programme entitled, **Achieving Goals, Meeting Expectations: A Deep Dive Exploration**, explored topics such as Judicial Leadership, Accountability, and Responsibility, Civil and Criminal Case Management, Setting and Sustaining Performance Standards, and Issue-Drive Approaches to Civil Case Management and Decision-making. The training comprised of teaching and participant-involved learning.

Presentation of Monitors/Gender Equality Protocol for Judicial Officers

Mr. John Furlounge, Regional Project Coordinator and Capacity Development Specialist, of the JURIST Project, formally handed over twenty (20) monitors to the Supreme Court on 25 March 2023 to the Hon. Chief Justice, Sir Patterson Cheltenham, K.A. The monitors were procured by the JURIST Project to enable Judges to facilitate remote hearings, prepare decisions and conduct research. Final copies of the Gender Equality Protocol for Judicial Officers were also handed over at that time.

Audio/Visual Recording Systems

At the end of January 2023, JURIST contracted Collins Ijoma & Associates Ltd. to inspect the Liberty and FTR court recording systems deployed in the courts at the Supreme Court and the Henry Forde and David Simmons Judicial Complex. Upon completion of the inspection of the recording systems, an Assessment Report was submitted to JURIST. Following the submission of the Assessment Report, the JURIST facilitated the purchase, installation and training of digital audio/video recording systems for some of the courts in the Supreme Court Complex and the new criminal courts in the Henry Forde and David Simmons Legal and Judicial Complex.

Registry Service Standards

Mr. Bruce Preston, a Consultant with Bruce Preston International Justice Consultancy, presented Sir Patterson, Cheltenham, K.A., Chief Justice with a Registry Service Standards Guide. These service standards are specific to the practices and processes of the High Court, Magistrates Court and the Mediation Department. It is a living document which can be reviewed and edited as processes and practices evolve and change.

The JURIST Project, funded by the Government of Canada was initially established in 2014 as a five-year regional Caribbean Regional Caribbean judicial reform initiative, to benefit regional judiciaries through strengthening the regional judicial system and to improve the delivery of justice. The Project officially concluded on 31 March 2023.

The Judiciary of Barbados is profoundly appreciative to the JURIST Project for the tremendous assistance rendered over the years.

IMPROVED ACCESS TO JUSTICE IN THE CARIBBEAN (IMPACT Justice) PROJECT

In November 2014, the Improved Access to Justice in the Caribbean (IMPACT Justice) Project was established as a regional justice sector project. The Project was funded by the Government of Canada. The ultimate outcome of the Project was to enhance access to justice benefitting men, women, youth and businesses in 12 CARICOM Member States.

The IMPACT Justice Project ended on 31 March 2023. As a parting gift, IMPACT Justice donated thirty (30) copies of Volume I, Volume II and Volume III of the Criminal Bench Book for Magistrates and Parish Court Judges in the Caribbean Region to the Supreme Court.

CONTINUING EDUCATION AND TRAINING

A list of the various activities in which members of the judiciary participated by way of continuing education and training during the year are as follows:

- (i) Hon. Mr. Justice Elwood Watts, Judge of the High Court attended a Workshop *Building Evidence-Based Drug Treatment Courts Through Improved Monitoring and Evaluation*, in Washington, D.C., 15 to 17 February 2023. Justice Watts' attendance was facilitated by the Executive Secretariat of the Inter-American Drug Abuse Control Commission.
- (ii) Hon. Madam Justice Shona Griffith, Judge of the High Court attended the *Tenth Biennial Meeting of Commonwealth Judicial Educators* in Garbonne, Botswana, 11 to 14 May 2023.
- (iii) Hon. Mr. Christopher Birch, Judge of the High Court attended *CARICOM IMPACS In-Country Financial Crimes Training Workshop for Judicial Officers and Prosecutors* in Trinidad and Tobago, 18 to 21 April 2023. Justice Birch's attendance was facilitated by the 11th European Development Fund Project Secretariat.
- (iv) Hon. Madam Justice Jacqueline Cornelius, Judge of the High Court attended the *Commonwealth Judicial Education Institute's 28th Annual Intensive Study Programme for Judicial Educators*, in Halifax, Ottawa and Toronto, Canada, 4 to 16 June 2023.
- (v) Hon. Mr. Justice Christopher Birch, Judge of the High Court attended the *National Association of State Judicial Educators Conference* in Columbus, Ohio, 27 to 30 August 2023. Justice Birch's attendance was funded by National Center for State Courts.
- (vi) Hon. Sir Patterson, Cheltenham, K.A., Chief Justice, Hon. Mr. Justice Christopher Birch, Judge of the High Court and Ms. Sharon Deane, Registrar of the Supreme

Court (ag.) attended the *National Centre for State Courts sponsored Court Technology Conference*, in Phoenix, Arizona, 12 to 14 September 2023.

- (vii) The following Judges of the High Court attended the *7th Biennial Law Conference of the CCJ Academy for Law* at the Hilton Resort Barbados, 18 to 20 October 2023:
 - Hon. Mr. Justice Randall Worrell
 - Hon. Mr. Justice Christopher Birch
 - Hon. Madam Justice Laurie-Ann Smith-Bovell
 - Hon. Mr. Justice Carlisle Greaves
 - Hon. Madam Justice Wanda Blair
 - Hon. Mr. Justice Anthony Blackman
 - Hon. Mr. Justice Elwood Watts
 - Hon. Madam Justice Jacqueline Cornelius
- (viii) Ms. Sharon Deane, Registrar of the Supreme Court (Ag.) attended the International Association for Court Administration (IACA) Conference “Access to Justice, Administration and Innovation in a Changing World in Buenos Aires, Argentina, 25 October 2023.

JUDICIAL RETREAT 2023

The Annual Judicial Retreat was held at the Crane Resort in St. Philip on 4 to 5 August 2023. The theme of the Retreat was “*The Role of Leadership in Managing Change.*”

Day 1 - Morning Session

The Keynote Address “*The Management of Change: The Role of Leadership in Managing Change,*” was delivered by Mr. Dodridge Miller, Retired President and Chief Executive Officer (Ret.) of Sagicor Financial Corporation Ltd. Following the Keynote Address, retired Justice of Appeal, Hon. Madam Kaye Goodridge, presented on the topic “*Reflections of being a Judge.*” The morning session ended with a presentation entitled “*Judicial Independence and Accountability*” by Sir David Simmons, K.A., B.C.H., K.C., Chief Justice (Ret.).

After the morning break, there was a presentation on “*The Future of Judicial Education*” in which contributions were made by Hon. Madam Justice Shona Griffith, Hon. Madam Justice Jacqueline Cornelius and Hon. Mr. Justice Christopher Birch. This was followed by a demonstration of JUSTconnect by Mr. Hal Dampier of the NCSC.

Afternoon Session

Ms. Nicola Sutter, Deputy Director, Caribbean Anti-crime Project, NCSC conducted a presentation on *Civil Asset Recovery*. The afternoon session ended with an interactive and lively presentation on “*Judicial Wellness: Caribbean Style*” led by Dr. Diane Douglas.

Day 2 - Morning Session

The morning session started with a presentation on “*Referral Proceedings: Article 214 Revised Treaty of Chaguaramas*” which was delivered by Hon. Mr. Justice Winston Anderson, Judge of the Caribbean Court of Justice.

The morning break was followed by a Panel Discussion on Criminal Justice Reform: Proposals for Efficiency and Backlog Reduction. Hon. Mr. Justice Randall Worrell, Judge of the High Court chaired a panel consisting of:

- Hon. Madam Justice Gillian Lucky
Justice of Appeal, Supreme Court of Trinidad and Tobago
- Hon. Mr. Justice Carlisle Greaves
Judge of the High Court
- Mrs. Donna Babb-Agard S.C.
Director of Public Prosecutions
- Mr. Andrew Pilgrim S.C.
Attorney-at-Law

After the Panel Discussion, Hon. Madam Justice Gillian Lucky, Justice of Appeal, Trinidad and Tobago virtually presented on the topics “MSIs (Maximum Sentencing Indications) and Sentencing under MSIs.”

Afternoon Session

This session started with Team building exercises on Implicit Bias and Communication Skills. After which a Judges’ Caucus was held.

VOLUME OF LITIGATION IN THE SUPREME COURT

Court of Appeal

Court of Appeal			
High Court	Filed	Decision Reserved/Status hearing pending dismissal/Other	Judgments Delivered
Criminal	16	16	0
Civil	44	41	3

Court of Appeal			
Magisterial	Filed	Trial ongoing/Decision Reserved/Status hearing/Pending Dismissal/Other	Judgments Delivered
Criminal	2	1	1

Court of Appeal		
Family	Filed	Status
	8	2 for possible dismissal 2 trials continuing 4 awaiting decision of Judge in the High Court

High Court

Cases Filed in the High Court	
Civil Cases	1286
Criminal Cases	72
Divorce Applications	397
Probate Applications	1161
Total	2916
Family Cases other than Divorces filed	
Unions	0
Custody	37
Annulment	0
Paternity	15
Maintenance	29
Property	9
Adoption	5
Other*	29
Total	124

Divorces: Number of children and duration of Marriage				
No. of Dependents	Divorces	Total No. of dependents	Duration of Marriage	Divorces
0	228		Under 1 year	
1	115	115	1 year	2
2	44	88	2 years	16
3	7	21	3 years	10
4	2	8	4 years	19
5	1	5	5 years	25
6			6 years	14
7			7 years	28
8			8 years	21
9			9 years	16
10 and over			10 – 14 years	89
Unknown			15 -19 years	67
			20 – 24 years	45
			25 years and over	45
Total	397	237		397

Report from the Coroner's Court

Verdict	2023
Suicide	1
Accidental Death	1
Accident/Misadventure	1
Gross Negligence	1
Total	4

Criminal Cases: Custodial Sentences							
OFFENCE	1-2 years	3-5 years	6-10 years	11-15 years	Over 15 years	Time spent = time served	TOTAL
Murder				2	4		6
Manslaughter	1	4	2	2	1		10
Firearms/illegal possession	8	6	6			2	22
Firearms/illegal use		2					2
Supplying a firearm	1	1					2
Importation of a firearm	1						1
Possession of ammunition	7	2	6			7	22
Importation of ammunition	1						1
Robbery	1	1					2
Theft	6						6
Money Laundering	1		1				2
Indecent assault	4	5				1	10
Wounding with intent/Unlawful wounding	1	1					2
Cause/Inflict serious bodily harm with intent	3	2	1				6
Rape		1		2			3
Procuration		1					1
Possession of a controlled drug						1	1
Trafficking of a controlled drug		1	1			3	5
Importation of a controlled drug		1					1
Possession, importation, trafficking a controlled drug		1				3	4
Cultivation of a controlled drug						1	1
Burglary/Aggravated Burglary		1	1		1	2	5
Unlawful sexual intercourse with a minor		2					2
Incest		1		1			2
Administering drugs to procure an abortion		1					1
Criminal damage	1					1	2
Serious indecency		1					1
Escape	1					1	2
Affray	2						2
Conduct endangering life or safety	1		2				3
Kidnapping		1	1				2
TOTAL	40	36	21	7	6	22	132

Criminal Cases: Non-Custodial Sentences										
OFFENCE	Not Guilty	Dismissed	C.R.D	Probation	Suspended Sentence	Fines		Discontinued	Withdrawn	TOTAL
						Under \$1000	Over \$1000			
Murder	4									4
Manslaughter	1				1		1			3
Firearms - illegal possession	5	8					33			46
Possession of ammunition	6	9	1	1			30			47
Use of a firearm	2	5					1	1	1	10
Conduct endangering life		3								3
Endangering life or safety/use of a firearm		2								2
Supplying a firearm							1			1
Going equipped				1			1			2
Causing death by dangerous driving	1						3			4
Robbery		2					1			3
Theft	2	11			3		6			22
Theft/handling stolen goods	1	1								2
Cause/Inflict Serious Bodily Harm		2			1		2			5
Unlawful wounding		1		1	1		2			5
Wounding with intent/unlawful wounding	4	14			5		8			31
Inflict serious bodily harm with intent	2	13			1		6			22
Inflict serious bodily harm		2			1		2			5
Indecent assault	4	14		1	3		5	2		29
Rape	2	13					1			16
Unlawful sexual intercourse with a minor		10								10
Kidnapping		7								7
Importation of controlled drug			3							3
Possession of a controlled drug			5				1			6
Trafficking of a controlled drug			2				1			3
Cultivation of a controlled drug			1				1			2
Possess, import, trafficking controlled drug	2	8	2				2			14
Burglary/Aggravated burglary	4	14			2		4			24
Criminal damage		6					2			8
Violent disorder/assault occasioning actual bodily harm	1	8					1			10
Serious indecency		2								2
Forgery/uttering a forged bill of exchange/endeavouring to obtain money on a forged bill		6	1	1	2		2			12
Money laundering	1				2		2			5
Retention of foreign currency			1							1
Affray							3			3
Assault occasioning actual bodily harm	1	8					1			10
Incest	1	1								2
Public nuisance			1				1			2
TOTAL	44	170	17	5	22		124	3	1	386

Classification of Criminal Cases	
Causing serious bodily harm with intent	6
Inflicting serious bodily harm	22
Wounding with intent/ Unlawful wounding	38
Murder	10
Causing death by dangerous driving	4
Burglary/Aggravated burglary	29
Violent disorder	10
Escaping legal custody	2
Theft	28
Robbery of a person	5
Handling stolen goods/property	2
Forgery/Uttering a forged bill of exchange/Endeavouring to obtain money on a forged bill	12
Rape	16
Indecent Assault	39
Sex with a child under 16	10
Serious indecency	3
Criminal damage	10
Possession of a controlled drug	7
Cultivation of a controlled drug	1
Drug trafficking	7
Importation of illegal drugs	4
Sacrilege	1
Firearms – illegal possession	68
Use of a firearm	12
Importation of a firearm	1
Ammunition – illegal possession	69
Importation of ammunition	1
Conspiracy to import ammunition	
Conduct endangering life or safety	6
Money laundering	7
Other	6
Total	266

VOLUME OF LITIGATION IN MAGISTRATES' COURTS

Delay in producing relevant statistics for some Magistrates' Courts precludes the production of accurate statistics. Order books are not being updated, an electronic system is being used to record the statistics.

Cases Lodged in each Magistrate's Court							
Court	Case Type						
	Criminal	Traffic	Civil	Domestic	Domestic Violence	Juvenile	Total
District 'A' No.1	804	31	13		72		920
District 'A' No.2	641	21	7	96	765		
District 'A' Traffic	703	12005	1		63		12772
District 'A' Civil			624				624
District 'A' Domestic				351			351
Juvenile						70	70
District 'B'	359	229	4	139	100		831
District 'B' Oistins	330	289	30	117	62		828
District 'C'	228	245	17	124	8		622
District 'D'	116	826	5	40	33		1020
District 'E'	193	162	4	59	49		467
District 'E' Holetown	344	515		68	52		979
District 'F'	57	10	1	30	14		112
District 'F' Belleplaine	34	41	1	28	12		116
Total	3809	14374	707	956	561	70	20477

Cases Adjudicated in each Magistrate's Court								
Court	Case Type							
	Criminal	Traffic	Civil	Domestic	Domestic Violence	Juvenile	Special Coroner	Total
District 'A' No.1								
District 'A' No.2								
District 'A' Traffic								
District 'A' Civil								
District 'A' Domestic				141				141
Special Coroner							4	4
Juvenile								
District 'B'				108				108
District 'B' Oistins	284	114	19	169	53	1		640
District 'C'	118	20		41	44			223
District 'D'								
District 'E'				94				94
District 'E' Holetown				44				44
District 'F'	42	16	2	25	15			100
District 'F' Belleplaine	38	9	1	18	7			73
Total	482	159	22	640	119	1	4	1427

NB: Order books are in the process of being digitized

ATTORNEYS-AT-LAW

At 31 January 2023, 949 Attorneys-at-Law were registered to practise law in Barbados.

In addition, during the course of the year, the following Attorneys-at-Law were admitted to practise law in Barbados:

- **31 May 2023**
 Zeik Ashraph
 Susan Byer
 Brent Chandler
 Jeannine Collier
 Charles Gagnon
 Summer Hassell
 Tarah Holdipp
 Randicia Kellman
 Olivia Watson
- **1 June 2023**
 Beverley Beckford
 Tricia Merritt-Barker

At a Special Sitting of the Supreme Court on Monday, 30 October 2023, the following Attorneys-at-Law were admitted to practise law:

1. Emerald Als
2. Faith Beckles
3. Kellyanne Blackman
4. Natori Bobb
5. Kiara Boyce
6. Hope Brathwaite
7. Mya Brathwaite
8. Janelle Brewster
9. Paula Brewster
10. Shadae Byfield
11. Tiffany Carrington
12. Sean Codrington
13. Anna Devonish
14. Sharesa Dottin
15. Ashleigh-Ann Dussard
16. Leanne Earle
17. Tania Elliott
18. Kaycia Ellis-Bourne
19. Solange Francis
20. D'lisa Gaskin
21. Errol Gaskin
22. Amoy Gilding-Bourne
23. Akinola Goodridge

24. Sharivon Graham-Moore
25. Joelle Greene
26. Jamila Griffith
27. Courtni Holder
28. Lindsay Hosein
29. Jasseran Hosein
30. Raenell Johnson
31. Brandon Jones
32. Ernette Kangal
33. Jade Kennedy
34. Johenelle King
35. Jepter Lorde
36. Mia Mascoll
37. Donnika Maxwell
38. Charissa Mottley
39. Amanda Perry
40. Margaret Pollard
41. Haile Prescod
42. Crystal Proverbs
43. Michael Rivera
44. Danielle Rowe
45. Nicholas Sant
46. Abigail Sisnett
47. Olive Stevenson-Clarke
48. Orlando Thompson

On Monday, 29 September 2023, the following attorneys-at-law were appointed to the honour and dignity of Senior Counsel on the motion of the Hon. Dale Marshall, S.C., Attorney General:

- Hon. Mr. Wilfred Abrahams, M.P.
- Mrs. Tammy Bryan
- Ms. Gillian Clarke
- Hon. Rudolph Greenidge, OR
- Ms. Kathy-Ann Hamblin
- Mr. Edmund Hinkson, M.P.
- Hon. Arthur Holder, M.P.
- Ms. Anika Jackson
- Mr. Stephen Lashley
- Mrs. Angella Mitchell-Gittens
- Mr. Alliston Seale
- Ms. Liesel Weekes

OBITUARY

The Council records with deep sadness the passing of the Hon. Mr. Justice Colin Rocheford, GCM, retired Judge of the High Court who died on 24 February 2023.