



JUDICIAL COUNCIL REPORT

2022

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INTRODUCTION

2022 represented a watershed year for the Judiciary of Barbados. Consequent upon the country's experience during the COVID Pandemic, a number of training initiatives, that the Judiciary considers vital were re-started. There was a marked shift from virtual attendance to in-person at seminars and workshops and Barbados was represented where so possible. Our international partners continue to be supportive of all activities which helps to build capacity amongst the Judiciary in Barbados.

Significantly this year, the Old Supreme Court Complex (now the Henry Forde and David Simmons Judicial Complex) was re-opened after a long renovation. The building was outfitted for Criminal courts and Magistrates Courts along with accommodation for Alternative Dispute Resolution activities.

Sir Patterson Cheltenham, K.A.
Chief Justice

MEMBERSHIP OF THE JUDICIAL COUNCIL

As at 31 December 2022, 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. Cecil McCarthy, 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. Mr. Justice Westmin James, 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)
 Ms. Deborah Holder, Master of the High Court
 Mr. Roger Barker, Master of the High Court (Ag.)
 Mr. Ian Weekes, Chief Magistrate
 Ms. Anika Jackson, Solicitor General (Ag.)
 Mrs. Rosalind Smith Millar Q.C., President of the Barbados Bar Association
 Mr. Barry Gale Q.C.,
 Mr. Sean Lewis, Attorney-at-Law
 Ms. Liesel Weekes, Attorney-at-Law
 Mr. Christopher Maynard
 Mrs. Coreen Kennedy-Taitt
 Ms. Sandra Reeves, Secretary

CHANGES IN MEMBERSHIP

Dr. The Hon. Madam Justice Sonia Richards demitted office on 17 May 2022 after serving sixteen years as a Judge of the High Court.

NEW APPOINTMENTS

Attorney-at-law Westmin James was appointed to act as a Judge of the High Court on 6 April 2022. Hon. Madam Justice Laurie-Ann Smith-Bovell was appointed as a Judge of the High Court on 10 October 2022.

In September 2022, the Cabinet of Barbados established three (3) temporary criminal courts. Magistrate Wanda Blair and retired Deputy Public Prosecutor Anthony Blackman were appointed as temporary Judges of the High Court with effect from 1 December 2022 for a period of three years. The third judge was expected to be appointed in January 2023.

MEETINGS HELD

One meeting was held during the year under review.

BUDGET OF THE JUDICIAL COUNCIL

For the fiscal year 2022/2023, Parliament voted the sum of \$325 000.00 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 2022 to March 2023)

Approved by Parliament	\$ 325 000.00
*Transferred to Head 15: Cabinet Office	75 000.00
Expenditure	<u>\$44 169.62</u>
Surplus	<u>\$ 205 830.38</u>

*Funds were transferred from the Judicial Council Vote to the Judges Sub-programme to meet shortfalls in other subprogrammes under Head 15: Cabinet Office.

WORK AND ACTIVITIES

JUDICIAL REFORM AND INSTITUTIONAL STRENGTHENING (JURIST) PROJECT

Backlog Reduction

In March 2021, the Judicial Reform and Institutional Strengthening (JURIST) Project commenced a project to examine case status and dispositions. The project began on 29 March 2021 and ended on 30 March 2022. The focus of the project's work was case dispositions from 2017 to 2021. A report was produced on the findings, and was presented to the Judiciary.

NATIONAL CENTER FOR STATE COURTS (NCSC)

The National Center for State Courts and International Law Enforcement Affairs sponsored the participation of Ms. Lesa Ellis, Mrs. Alison Toppin and Ms. Sherri Weekes, Court Transcription Officers, at the American Association of Electronic Reporters and Transcribers, Inc. Annual Conference, which was held 16 to 18 June 2022, in Milwaukee, Wisconsin, U.S.A.

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

IMPACT Justice facilitated a Mediation Sensitization Workshop for Judges from 3 to 7 January 2022. The workshop was held in the First Citizens Room of the Sagikor Cave Hill School of Business and Management, the UWI, Cave Hill Campus.

SENTENCING GUIDELINES

The Embassy of the United States of America and the Foreign Commonwealth Office collaborated with the Judiciary to establish Sentencing Guidelines for Barbados.

In January 2019, a Sentencing Guidelines Committee was established comprising of members of the Judiciary, the Magistracy, the Public Prosecutions Department, a member of the Barbados Bar Association and a Lecturer from the Faculty of Law of the University of the West Indies. Ms. Sirah Abraham, Criminal Justice Coordinator attached to the British High Commission and the Embassy of the United States served as the coordinator for the Sentencing Guidelines. The Sentencing Guidelines Committee created draft guidelines for firearms, drugs, rape, death by dangerous driving and dishonesty offences.

A Sentencing Guidelines Training Workshop was held at the Hilton Hotel on Saturday, 18 June 2022 to train all judges, all magistrates and other criminal justice stakeholders on how to use and apply the guidelines.

PROBATE/ESTATE PLANNING

A project to assist with the processing of probate and administration files as well to alleviate the backlog of probate/estate matters commenced in May 2022. In this regard, the Registration Department engaged with the Barbados Bar Association to establish short-term measures until full digitalization of the processes can be implemented.

SUPREME COURT WEBSITE

The Supreme Court website was provisionally launched in July 2022.

CONTINUING EDUCATION AND TRAINING

- (i) Hon. Mr. Justice Christopher Birch, Judge of the High Court and Ms. Irene Stephney, Deputy Registrar (Ag.), Court of Appeal attended the *Addressing Cybercrime in the Caribbean Conference* at the Hilton Barbados Resort, 9-12 May 2022.
- (ii) Hon. Chief Justice, Sir Patterson Cheltenham, K.A. attended the *2022 CARICOM Chief Justices and Heads of Judiciary Conference*, in Grand Cayman, 27 to 31 July 2022.
- (iii) All Judges and Masters attended *HCCH Judicial Training on International Child Abduction Hague Conference* in the Court of Appeal, 1 to 2 September 2022.
- (iv) Hon. Mr. Justice Barry Carrington, Judge of the High Court attended a *Meeting for Community Mediation and Restorative Practices Practitioners and Trainers*, in Jamaica, 20 to 21 September 2022. Justice Carrington's attendance was funded by IMPACT Justice.
- (v) The following delegation attended the *7th Biennial Conference of the Caribbean Association of Judicial Officers*, in St. Lucia, 27 to 29 October 2022:

- | | |
|------------------------------------|--------------------------|
| Sir Patterson Cheltenham, K.A. | Chief Justice |
| Hon. Madam Justice Margaret Reifer | Justice of Appeal |
| Hon. Madam Justice Cicely Chase | Judge of the High Court |
| Mr. Roger Barker | Master of the High Court |
- (vi) Hon. Madam Justice Shona Griffith, Judge of the High Court and Hon. Madam Justice Wanda Blair, Judge of the High Court (Ag.) attended the *National Association of State Judicial Education Conference*, New Orleans, Louisiana, 23 to 26 October 2022. Their attendance was facilitated NCSC.
- (vii) Hon. Mr. Justice Christopher Birch, Judge of the High Court and Hon. Mr. Justice Westmin James, Judge of the High Court (Ag.) attended the *International Organization for Judicial Training Conference* in Ottawa, Canada, 30 October to 3 November 2022. Justice Birch's attendance was facilitated by NCSC, while Justice James' attendance was facilitated by JURIST.
- (viii) Hon. Madam Justice Barbara Cooke-Alleyne, Judge of the High Court (Ag.) attended the *International Society of Family Law Caribbean Regional Conference*, in Tobago, 13 to 16 December 2022.

HENRY FORDE AND DAVID SIMMONS JUDICIAL COMPLEX

The Old Supreme Complex underwent renovations over the course of two years. The new complex which preserves the original design of the buildings was reopened and renamed the Henry Forde and David Simmons Judicial Complex on 18 November 2022.



Hon. Sir Patterson Cheltenham, K.A., Chief Justice delivering a speech at the Opening of the Henry Forde and David Simmons Judicial Complex

The new complex accommodates a ceremonial court, three criminal courts, two magistrates' courts, the Juvenile and Coroners Court, Community Legal Services, the Employment Rights Tribunal Secretariat, an Arbitration Centre and the Law Reform Commission.



Henry Forde and David Simmons Judicial Complex

JUDICIAL RETREAT 2022

There was no Judicial Retreat for the year under review.

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	12	10	2
Civil	18	12	6

Court of Appeal			
Magisterial	Filed	Decision Reserved/Status hearing pending dismissal/Other	Judgments Delivered
Criminal	2	2	0

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	1351
Criminal Cases	184
Divorce Applications	409
Probate Applications	1280
Total	3224

Family Cases other than Divorce	
Custody	24
Annulment	1
Paternity	34
Maintenance	28
Property	11
Other	10
Total	108

Divorces: Number of children and duration of Marriage				
No. of Dependents	Divorces	Total No. of dependents	Duration of Marriage	Divorces
0	237	-	Under 1 year	-
1	113		1 year	5
2	42	84	2 years	7
3	14	42	3 years	19
4	1	4	4 years	18
5	2	10	5 years	16
6	-	-	6 years	23
7	-	-	7 years	28
8		-	8 years	29
9		-	9 years	18
10 and over		-	10-14 years	120
Unknown	-	-	15-19 years	56
	-	-	20-24 years	41
	-	-	25 years and over	29
Total	409			409

Report from the Coroner's Court	
Verdict	2022
Gross Negligence	1
Open	2
Total	3

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			1		6		7
Manslaughter	1	1	1				3
Firearms/illegal possession	3	2	11				16
Possession of ammunition		1	2				3
Possession of firearm/ammunition	3	1	6				10
Theft/Handling Stolen Property	3		1				4
Assault			1				1
Indecent assault	1	2					3
Rape	1	2					3
Burglary/Aggravated Burglary	1		2		1		4
Conduct endangering life and safety/criminal damage/use of a firearm		1					1
Kidnapping	1						1
TOTAL	14	8	27		7		56

Classification of Criminal Cases	
Causing serious bodily harm with intent	14
Inflicting serious bodily harm	9
Wounding with intent/ Unlawful wounding	17
Murder	9
Manslaughter	3
Causing death by dangerous driving	0
Burglary/Aggravated burglary	12
Violent disorder	0
Arson	1
Theft	9
Robbery of a person	4
Handling stolen goods/property	3
Forgery/Uttering a forged bill of exchange/Endeavouring to obtain money on a forged bill	1
Assault	5
Rape	19
Indecent Assault	7

Sex with a child under 16	6
Serious indecency	5
Buggery	2
Criminal damage	2
Possession of a controlled drug	4
Cultivation of a controlled drug	0
Drug trafficking	2
Importation of illegal drugs	1
Kidnapping	3
Firearms – illegal possession	44
Use of a firearm	12
Importation of a firearm	0
Supplying a firearm	1
Ammunition – illegal possession	38
Conduct endangering life or safety	9
Money laundering	1
Other	4
Total	247

VOLUME OF LITIGATION IN MAGISTRATES' COURTS

The ability to produce accurate statistics for some Magistrates' Courts is due to the delay in acquiring the relevant information. In addition, digitization of some Magistrate's courts has commenced.

Cases Lodged in each Magistrate's Court							
	Criminal	Traffic	Civil	Domestic	Domestic Violence	Juvenile	Total
District 'A' No.1	835	28	3		68		934
District 'A' No.2	650				91		741
District 'A' Traffic	579	6020			56		6655
District 'A' Civil			685				685
District 'A' Domestic				545			545
Juvenile						44	44
District 'B'	408	52	2	115	91		668
District 'B' Oistins	321	516	18	113	53	1	1022
District 'C'	65	216	24	128	16		449
District 'D'	79	410	2	18	23		532
District 'E'	225	282	5	62	25		599
District 'E' Hometown	270	383	38	78	53		822
District 'F'	47	49		44	14		154
District 'F' Belleplaine	66	26	1	28	8		131
Total	3545	7894	778	1131	498	45	13981

Cases Adjudicated in each Magistrate's Court								
	Criminal	Traffic	Civil	Domestic	Domestic Violence	Juvenile	Special Coroner	Total
District 'A' No.1								
District 'A' No.2								
District 'A' Traffic								
District 'A' Civil			48					48
District 'A' Domestic				664				664
Special Coroner								
Juvenile								
District 'B'					111			111
District 'B' Oistins	277	186	6	179	50			648
District 'C'	287	47	16	193	56			559
District 'D'	59	133	3	54	29			278
District 'E'					78			
District 'E' Holetown								
District 'F'	62	29	4	3231	18			3344
District 'F' Belleplaine	47	25	1	34	10			117
Total	732	420	78	4544	163			5937

ATTORNEYS-AT-LAW

At 31 January 2022, 987 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:

- **27 April 2022**
Joan Byrne
- **17 June 2022**
Rene Forde
Noah Haynes
Andrea Husbands
Lewis St. John
- **12 August 2022**
Carlita Benjamin
Nia Brathwaite
Makara Gittens
Tiffany Wharton
- **21 October 2022**
Toussant Boyce
Lorise Cadogan
Shabiki Cazabon
Michelle Daley

Ellise Darwton
 Carla-Anne Harris-Roper
 Christopher Malcom
 Ayanna McGowan
 Marlene Murphy
 Jeneice Nelson-Brown
 Hilary Reid
 Dawn Smith
 Rachel Thurab
 Christopher Townsend

- **19 December 2022**
 Anastacia Teresa McMeo

At a Special Sitting of the Supreme Court on Tuesday, 8 November 2022, the following Attorneys-at-law were admitted to practise law:

1. Justin Nurse
2. Whitney Williams
3. Kerrilyn Harding
4. McKayla Blackman
5. Che Sinckler
6. Michelle Husbands
7. Fay Burke
8. Jabari McFarlane
9. Alexis Lawrence
10. Maisha King
11. Tiara Broomes
12. Shaena Mayers
13. Andrea Millar
14. Renée Simpson
15. Corey Farley
16. Zudic Payne
17. Twain Bostic-Callander
18. Kevin Bryan
19. Zoë King
20. Amy Forde
21. Janae Nicholls
22. Deniece Todd
23. Emerald Griffith
24. Robin Ramoutar
25. Jaydee Bourne
26. Shanice Bancroft
27. Richard Ellis
28. Waveney Griffith
29. Danielle Cox
30. Kahlil Jones
31. Syrina Smalling

32. Krystin Callender
33. Rashida Johnson
34. Tamar Belle
35. Ashley Maynard
36. Faith Sealy
37. Kimberley Shepherd
38. Nia Belgrave
39. Eleazar Williams
40. Nicholas Husbands
41. Tyesha Clarke
42. Tariq Headlie
43. Judy Pritchard
44. Jeremy Bowen
45. Sabir Knight
46. Aisha Lewis
47. Tito Holder
48. Yvonne Mendoza

OBITUARY

The Council records with deep sadness the passing of the following members of the legal fraternity in 2022:

- Mr. Leroy Inniss, retired Judge of the High Court and a former President of the Barbados Bar Association passed away on 28 April 2022.
- Mrs. Allison Alexander-Lovell an attorney-at-law passed away on 4 July 2022.
- Ezra Alleyne an attorney-at-law and former Deputy Speaker of the House of Assembly passed away on 10 July 2022.