



**Report of
The Judicial Council
2016**



BRIDGETOWN, BARBADOS

LETTER OF TRANSMITTAL

5 December 2019

Hon. Dale D. Marshall, Q.C., M.P.
Attorney General and Minister of Legal Affairs
Office of the Attorney General
Jones Building
Webster's Business Park
Willey
St. Michael

Dear Attorney General

In accordance with Section 93(4) of the Supreme Court of Judicature Act, Cap. 117A, I submit for your attention the Reports of the Judicial Council for the period 1 January to 31 December 2016.

The Council apologises for the protracted delay in submission.

Yours faithfully

MARSTON GIBSON
Chief Justice and Chairman
of the Judicial Council

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INTRODUCTION

This Report of the Judicial Council records the work of the Council, Judges and Magistrates for the year 2016.

The Report is late and I apologise profusely for this. Again, I must say that while part of the blame lies, of course, with me, we still continue to experience the difficulty of obtaining accurate statistical data. And, as with previous Reports, I must again say that from the going back and forth to get more accurate statistics has not yielded fruit.

In January 2016, I had the privilege of attending a workshop in Abuja, Nigeria, sponsored by the National Center for State Courts of the United States of America ("NCSC"). The other Chief Justices who attended were Hon. Ivor Archie ORTT of the Republic of Trinidad and Tobago; Hon. Dame Janice Pereira, DBE of the Eastern Caribbean Supreme Court; and Hon. Hartmann Longley of the Bahamas. The object was to observe a digital case management system which the NCSC had been working on in Nigeria, both in that country's State and Federal Courts. The arrangement is that we would obtain the software for free from the NCSC and Nigeria, and that, since Trinidad and Tobago were in the process of setting up their Family and Children's Court, and that once the kinks which always accompany new computer software were ironed out, the software would be shared with the other Caribbean countries, Barbados included.

I mention this because one of the benefits of the software as it operated in Nigeria was the gathering of accurate statistics. It will be a positive step if we can implement this software, if nowhere else, in the Magistrates' Court where something as simple as ensuring that we know whether a litigant has appeared in more than one Magisterial District as well as the collection of fines racked up in several different Districts by the same defendant requires a tedious look through the books.

For the sake of completeness, I should also mention that there had been some overtures made, beginning in late 2016, by the group known as CrimsonLogic, to interest us in their software which is generated in and managed out of Singapore. This was referred to Attorney-General Hon Adriel Brathwaite QC since there was significant cost factor involved (US\$2 million).

MARSTON C.D. GIBSON
Chairman, Judicial Council
and Chief Justice
5 December 2019

MEMBERSHIP OF THE JUDICIAL COUNCIL

As at 31 December 2016, the members of the Judicial Council were as follows:

Hon. Sir Marston C.D. Gibson, K.A., Chief Justice - Chairman
 Hon. Sandra P. Mason, Justice of Appeal
 Hon. Andrew Burgess, Justice of Appeal
 Hon. Kaye Goodridge, Justice of Appeal
 Hon. William Chandler, Judge of the High Court
 Hon. Margaret Reifer, Judge of the High Court
 Hon. Randall Worrell, Judge of the High Court
 Hon. Jacqueline Cornelius, Judge of the High Court
 Dr. the Hon. Sonia Richards, 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
 Ms. Deborah Holder, Master of the High Court
 Mrs. Barbara Cooke-Alleyne, Registrar of the Supreme Court
 Ms. Jennifer Edwards, Q.C., Solicitor General
 Ms. Liesel Weekes, President of the Barbados Bar Association
 Mr. Tariq Khan
 Mr. Barry Gale, Q.C.
 Mr. Christopher Maynard, Member
 Mrs. Coreen Kennedy-Taitt
 Mrs. Yvette Waldron, Secretary

CHANGES IN MEMBERSHIP AND TRIBUTES

Madam Justice Pamela Beckles, was appointed as a Judge of the High Court effective 1 January 2016, while the post of Justice of Appeal has not yet been filled since the retirement of the Hon. Mr. Justice Sherman Moore in August 2015.

Ms. Elaine McDonald, Secretary to the Council was reassigned to the post of Assistant Chief Immigration Officer with the Immigration Department in July 2016. The Council extended congratulations to Ms. McDonald on her advancement and expressed sincere gratitude for her valuable contribution to the Council and wished her well in her future endeavours. In September 2016, Mrs. Yvette Waldron was welcomed by the Council as Secretary to the Council.

Council extended congratulations to Ms. Liesel Weekes, on her appointment as President of the Barbados Bar Association in July 2016 and welcomed the continuation of her meaningful contributions as member of the Council and involvement in the overall functioning of the Judicial processes.

MEETINGS HELD

Five meetings were held during the year under review.

BUDGET OF THE JUDICIAL COUNCIL

For the fiscal year 2016/2017, there was an allocation of \$172,994.00 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

Approved by Parliament	\$172,994.00
Expenditure as at December 31, 2016	<u>50,877.82</u>
Balance available to March, 2017	<u>122,116.18</u>

WORK AND ACTIVITIES

Criminal Law Committee

The Criminal Law Committee was established in February 2016. Members of this Committee are as follows:

Mr. Justice Andrew Burgess
 Mr. Justice Randall Worrell
 Madam Justice Jacqueline Cornelius
 Madam Justice Michelle Weekes
 Madam Justice Pamela Beckles

Drug Treatment Court

The Drug Treatment Court (DTC) comprises of a Magistrate, a Probation Officer, a Verdun House Counsellor, a Police Prosecutor, a Court Clerk and a Counsellor from CASA.

The DTC meets on a monthly basis with its twenty-one clients. With the exception of one client who was ordered to undergo further and more clinical treatment, the clients were set to graduate in January 2017. The DTC works in conjunction with the Psychiatric Hospital and Verdun House, to wean addicted clients off drugs, to enable them to play a more productive role in our society.

Mediation Project

The Court-Annexed Mediation Pilot Project commenced on 5 September 2016 and mediation sensitization sessions were conducted for Judges, Magistrates and Barbados Bar Association members on 30 September 2016.

The Judicial Reform and Institutional Strengthening (JURIST) Project

On 19 and 20 May 2016, JURIST in collaboration with the Judiciary of Barbados conducted a two-day collaborative planning and knowledge-sharing workshop at the Lloyd Erskine Sandiford Centre. The workshop was attended by participants from the main segments of the judicial system of Barbados, and included many top authorities and decision makers.

A Memorandum of Understanding was signed between JURIST and the Judiciary of Barbados on November 2, 2016 at the Supreme Court Complex which provides the framework for cooperation between the Caribbean Court of Justice (CCJ), as the Executing Agency for the JURIST Project, and the Judiciary of Barbados for achieving the aims and objectives of the Project.

Consultations were held by the JURIST Project at the Marriott Hotel on 5 and 6 December with stakeholders from the judiciary, police, social services, public prosecution, health, prison and NGO sectors to develop model Guidelines for the handling of sexual offence cases and the treatment of survivors of sexual offences. These Guidelines were expected to form part of a comprehensive approach to address issues faced at the investigative, pre-trial and adjudicatory phases, as well as offenders' rehabilitation and management. Similar consultations were also held in Belize, Antigua, and Trinidad and Tobago.

Continuing Education and Training

Below is a list of the various activities in which members of the judiciary and magistracy participated by way of continuing education and training during the year under review.

- (1) Hon. Madam Justice Sandra Mason and Hon. Mr. Justice Andrew Burgess, Justices of Appeal and the Hon. Madam Justice Jacqueline Cornelius, Judge of the High Court, attended the 15th Annual Caribbean Commercial Law Workshop at the Barbados Hilton Resort, 24 to 26 July 2016.
- (2) Hon. Mr. Justice William Chandler and Hon. Mr. Justice Olson Alleyne, Judges of the High Court, attended the Cambridge Conference on Public Law, in the United Kingdom, 12 to 14 September 2016.
- (3) Hon. Mr. Justice William Chandler, Hon. Madam Justice Margaret Reifer, Judges of the High Court; Her Worship Magistrate Wanda Blair and His Worship Magistrate Graveney Bannister attended the Conference of the Commonwealth Magistrates and Judges Association ("CMJA"), in Georgetown, Guyana, 18 to 22 September 2016.
- (4) Hon. Madam Justice Sandra Mason, Justice of Appeal, attended the CARIFORUM-EU Capacity Building Project in Competition, Public Procurement and Customs Training Workshop on Competition Law for Appeal Court Judges, in St. Lucia, 1 to 2 November 2016.

Judicial Retreat 2016

The Judicial Retreat was held at the Lloyd Erskine Sandiford Centre on August 24 and 25, 2016. The Retreat was facilitated by the National Center for State Courts (NCSC) and took the form of a two-day Judgement Writing Workshop.

The focus of the Workshop was improving written and oral judgements. The Workshop was interactive, reading materials, plenary lectures, small working groups and practical training exercises were utilized by the presenters.

VOLUME OF LITIGATION IN THE SUPREME COURT

Court of Appeal

During the period under review, a total of 64 Appeals were filed in the High Courts and Magistrates Courts as follows:

- 10 High Court Criminal Appeals
- 34 High Court Civil Appeals
- 11 Magisterial Criminal Appeals
- 9 Magisterial Criminal Appeals

In addition, the Court of Appeal heard 99 Appeals, delivered 71 Decisions and disposed of 24 Chamber Applications.

Tables 1 to 4 below illustrate the volume of appeals and the pace of disposals for the period 1 January to 31 December 2016. Tables 5 to 7 compare similar information for the years 2013 to 2016.

Table 1 - Appeals Filed

Criminal Appeals (High Court)	10
Civil Appeals (High Court)	34
Criminal Appeals (Magisterial)	11
Civil Appeals (Magisterial)	9
Total	64

Table 2 - Appeals Heard

Criminal Appeals (High Court)	19
Civil Appeals (High Court)	51
Criminal Appeals (Magisterial)	22
Civil Appeals (Magisterial)	7
Total	99

Table 3 - Decisions Given

Criminal Appeals (High Court)	7
Civil Appeals (High Court)	38
Criminal Appeals (Magisterial)	21
Civil Appeals (Magisterial)	5
Total	71

Table 4 - Chamber Applications

Chamber Applications Heard (Bail)	14
Chamber Applications Heard (Excluding Bail)	10
Total	24

Table 5 - Appeals Filed 2013-2016

	2013	2014	2015	2016
Criminal Appeals (High Court)	20	16	3	10
Civil Appeals (High Court)	19	37	38	34
Criminal Appeals (Magisterial)	12	10	16	11
Civil Appeals (Magisterial)	7	13	5	9

Table 6 - Appeals Heard 2013-2016

	2013	2014	2015	2016
Criminal Appeals (High Court)	25	22	35	19
Civil Appeals (High Court)	21	20	38	51
Criminal Appeals (Magisterial)	16	4	18	22
Civil Appeals (Magisterial)	2	8	8	7

Table 7 - Decisions Given 2013-2016

	2013	2014	2015	2016
Criminal Appeals (High Court)	11	12	17	7
Civil Appeals (High Court)	9	15	20	38
Criminal Appeals (Magisterial)	10	4	14	21
Civil Appeals (Magisterial)	1	3	3	5

High Court

During 2016, a total of 3,332 cases were filed in the High Court as follows:

- 1005 Civil Cases
- 149 Criminal Cases
- 469 Divorce Applications
- 1709 Probate Applications

The number of civil cases filed in the High Court during 2016 substantially decreased by 820 compared with 2015. While there was an increase in the number of criminal cases filed, from 70 in 2015 to 149 in 2016. There was a noticeable increase in divorce applications but a significant increase of 619 in probate applications.

The figures for cases filed in the High Court during 2016 are set out in Table 8 and comparative statistics for the four-year period 2012 to 2016 are shown at Table 9.

Table 8 - Cases Filed in the High Court

Civil Cases	1005
Criminal Cases	149
Divorce Applications	469
Probate Applications	1709
Total	3,332

Table 9 - Comparison of Cases Filed in the High Court 2012-2016

	2013	2014	2015	2016
Civil Cases	2225	1898	1825	1005
Criminal Cases	187	245	70	149
Divorce Applications	459	443	396	469
Probate Applications	915	971	1090	1709
Total	3786	3557	3381	3332

During 2016, 17 applications involving Unions were filed as compared with 14 in 2015; 2 Custody applications were filed in comparison to 22 in 2014 and 12 in 2013. There were no Annulments or Paternity applications, while 54 applications for Maintenance were filed. There was no substantial variation in applications for Property, Adoption and miscellaneous applications for the four year period 2013 to 2016. Table 10 shows the comparative statistics of Family Cases other than Divorce for the four-year period 2013 to 2016.

Table 10 - Family Cases other than Divorce Filed 2012-2016

CASE TYPE	2016	2015	2014	2013
Unions	17	14	13	12
Custody	2	5	22	12
Annulment	-	1	1	2
Paternity	-	0	1	1
Maintenance	46	38	54	61
Property	4	5	3	9
Adoption	4	3	3	4
Other	11	13	8	10
TOTAL	84	79	105	111

During the year under review, there were 469 Divorces and 287 children were affected as shown in Table 11 below. While Table 12 shows the classification of criminal cases.

Table 11 - Divorces: Number of Children affected and Duration of Marriage

NO. OF DEPENDANTS	DIVORCES	TOTAL NO OF DEPENDANTS	DURATION OF MARRIAGE	DIVORCEES
0	271	0	Under 1 year	
1	127	127	1 year	6
2	57	114	2 years	23
3	12	36	3 years	21
4	-	-	4 years	21
5	2	10	5 years	37
6	-	-	6 years	24
7	-	-	7 years	25
8	-	-	8 years	19
9	-	-	9 years	26
10 and over			10-14 years	92
unknown			15-19 years	73
			20-24 years	48
			25 years and over	54
TOTAL	469	287		469

Table 12 - Classification of Criminal Cases

OFFENCE	TOTAL
Wounding, GBH, Assault, Cruelty to person under 16, SBH, ABH	11
Murder, Manslaughter, Causing death by dangerous driving, Concealment of birth	23
Burglary, Larceny, Receiving Stolen Goods, House-Breaking, Building Breaking	8
Malicious Damage to Property	-
Escaping Legal Custody, Harboursing a Prisoner	-
Fraud, Robbery of a person, Aggravated Robbery, Embezzlement, Theft	6
Uttering / Demanding property on / Obtaining money from a Forged Instrument	69
Rape, Carnal Knowledge, Indecent Assault	1
Buggery	2
Breach of Probation	-
Arson	-
Possession of Drugs, Drug Trafficking	6
Conspiracy to Corrupt Public Morals	-
Serious Indecency	1
Firearms, illegal possession, ammunition	17
Money Laundering	1
Other	1
TOTAL	149

Table 15 shows comparative statistics for the four-year period 2012 to 2016.

Table 15 - Orders and Written Decisions

Year	Civil Orders	Family Orders	Criminal Orders	Total No. of Orders	No. of Written Decisions
2013	2136	124	16	3176	52
2014	2423	1037	2	3462	71
2015	2328	951	0	3279	36
2016	2026	939	0	2965	38

VOLUME OF LITIGATION IN MAGISTRATES' COURTS

Once again, delay in producing relevant statistics for some Magistrate's Courts has, precluded the Council from being in a position to vouch for the accuracy of volume of litigation in these courts.

Tables 16 and 17 reflect the number of cases lodged and adjudicated in each Magistrate's Court for the period under review.

Table 16 - Cases Lodged in each Magistrate's Court

Court	Case Type						Total
	Criminal	Traffic	Civil	Domestic	Domestic Violence	Juvenile	
District 'A' No.1	1171	8	8		42		1229
District 'A' No.2	1163	75	2		26		1266
District 'A' Traffic	141	14167					14308
District 'A' Civil			1374				1374
District 'A' Domestic				605			605
Juvenile						61	61
District 'B'	506	1046	75	150	39	2	1818
District 'B' Oistins	270	792	57	118	16	1	1254
District 'C'	493	398	30	155	54	3	1133
District 'D'	121	377	29	43	7		577
District 'E'	255	1060	37	161	31	1	1545
District 'E' Holetown	276	2078	44	175	40	2	2615
District 'F'	95	101	4	49			249
District 'F' Belleplaine	68	83	4	44	4		203
Total	4559	20185	1664	1500	259	70	28237

Table 17 - Cases Adjudicated in each Magistrate's Court

Court	Case Type						Total
	Criminal	Traffic	Civil	Domestic	Domestic Violence	Juvenile	
District 'A' No.1	942	8			49		999
District 'A' No.2	964	56			39		1059
District 'A' Traffic	40	3119					3159
District 'A' Civil			438				438
District 'A' Domestic				1075			1075
Juvenile						85	85
District 'B'			17	196			213
District 'B' Oistins	300	215	23	104	21	1	664
District 'C'	27	5	12	183	5	1	233
District 'D'	109	330	17	113	7	1	577
District 'E'	254	518	13	247	35	2	1069
District 'E' Holetown	268	318	33	144	30	3	796
District 'F'	92	104	3	66	2		267
District 'F' Belleplaine	69	79	1	38	4		191
Total	3065	4752	557	2166	192	93	10837

* Statistics for District 'A' Traffic, District 'C' and District B Civil are provisional

Table 18 shows the number of cases adjudicated in the Coroner Court for the period 2014 to 2016.

Table 18 - Report from the Coroner's Court

Verdict	2014	2015	2016
Suicide by ingestion of poison			1
Suicide by hanging	2		1
Accidental death		7	2
Accidental death by fire	1		
Accidental death by drowning		3	3
Accidental death in a vehicular collision			5
Open	1		
Accidental death by electrocution		1	
Murder	1		
Lawful killing by police	1		
Total	6	11	12

ATTORNEYS-AT-LAW

At 31 January 2016, 716 Attorneys-at-Law had registered to practise law in Barbados.

At a Special Sitting of the Supreme Court on October 14, 2016, the following Attorneys-at-law were admitted to practise law:

1. Faith Agard
2. Carlyn Babb
3. Tricia Beckles
4. Fianne Best
5. Sophia Billingsy
6. Stefano Bostic
7. Shamar Bovell
8. Sheena-Maria Brathwaite-Drakes
9. Alicia Brewster
10. Evadne Brewster-Wiltshire
11. Taneisha Brown
12. Trish Bryan
13. Audrey Burgess
14. Charlene Charles
15. Kanika Charles
16. Frank Clarke
17. Afi De Vega
18. Danielle Donawa
19. Rebecca Durant
20. Rashida Edwards
21. Rashida Francis
22. Neil Gibson
23. Shelly Gooding
24. Erica Griffith
25. Sharon Harris
26. Tanya Hinds
27. Akira Husbands
28. Jeffrey Johnson
29. Janielee Kelly
30. Kimberly Lewis
31. Victorine Bishop
32. Anya Lorde
33. Nicolas Maynard
34. Lyngeolle Morris
35. Dawn Munroe
36. Alana Nichols
37. Dominique Pinder
38. Shelly-Anne Smith
39. Rickeda Taylor

40. Shelisa Trotman
41. Shari-Ann Walker
42. Romel Watkins
43. Jalisa Watson
44. Sade Williams
45. Sharmila Williams

OBITUARY

With profound regret and deep sadness the Council records the death of former Justice of Appeal, Sir Frederick Smith, K.A. Sir Frederick died on July 11, 2016. The Supreme Court paid tribute to him in a Special Sitting on Wednesday, 26 October 2016, at which the Hon. Chief Justice, the Hon. Attorney-General, Mr. Adriel Brathwaite, Q.C., Sir Philip Greaves, K.A. and Ms. Liesel Weekes, President of the Barbados Bar Association delivered tributes. Sir Frederick's passing will be keenly felt.