

# 2020

## Judicial Council Report



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## INTRODUCTION

I was appointed to the Office of Chief Justice on 1<sup>st</sup> November 2020 and I readily admit that I can only speak to those events which occurred after my assumption of Office.

This report reflects the work of the Council during the full calendar year of 2020. The report is late and I extend apologies for this.

Five meetings were held in the year 2020. A major focus was on the operations of the Registry during a pandemic and taking measures to mitigate the fallout from it.

Tremendous assistance was provided by our external partners, especially the Judicial Reform and Institutional Strengthening (JURIST) Project who donated laptops to the Court.

This year was marked by significant changes in the membership of the Judiciary. I wish to extend my appreciation to Sir Marston Gibson, K.A. and the Hon. Madam Justice Kay Goodridge for their stewardship. To the newer members of the bench, I extend best wishes for their tenure.

Sir Patterson Cheltenham, K.A.  
Chief Justice

## MEMBERSHIP OF THE JUDICIAL COUNCIL

At 31 December 2020, 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. 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	
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 (temporary)	
Hon. Madam Justice Barbara Cooke-Alleyne, Judge of the High Court (Ag.)	
Ms. Deborah Holder, Master of the High Court	
Ms. Heather Clarke, Master of the High Court	
Mr. Ian Weekes, Chief Magistrate	
Mrs. Donna Brathwaite, Q.C., 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

On 31 October 2020, the court bade farewell to its 13<sup>th</sup> Chief Justice, Sir Marston Gibson, K.A after 11 years of distinguished service. Chief Justice Gibson served for 22 years in the New York State Court system before he returned to Barbados and was appointed to the Office of Chief Justice of Barbados on 1 September 2011. Sir Marston was the first graduate of the University of the West Indies to attain this post. On 31 August 2020, a farewell function filled with tributes, music and laughter was held in the Court of Appeal to honour him.



**The Hon. Madam Justice Jacqueline Cornelius paying tribute to Sir Marston**



**Sir Marston delivering his farewell speech (photo on the right)**  
**Sir Marston an avid musician, enjoying saxophonist Andre Woodvine's performance (photo on the left)**



Hon. Madam Justice Kaye Goodridge, Justice of Appeal, demitted office on 1 December 2020 after over 40 years of distinguished service to the Public Service. Justice Goodridge served as Crown Counsel, Senior Crown Counsel and Magistrate. She was the first female Deputy Solicitor General and the first female Solicitor General. Justice Goodridge served as Judge of the High Court before being appointed as a Justice of Appeal on 1 November 2012. Her over 40 years of service earned her the respect of the Bench and the Bar. A farewell function was held in August 2020 in the Judges Lounge to honour and thank her for her unwavering dedication of service to the Public Service.



**Hon. Madam Justice Margaret Reifer paying tribute to the Hon. Madam Justice Kaye Goodridge**



**Hon. Madam Justice Kaye Goodridge delivering her farewell speech**

## **NEW APPOINTMENTS**

The court was happy to welcome three additional members to the judiciary and a new Chief Justice in 2020. The Hon. Mr. Justice Francis Belle and the Hon. Mr. Justice Jefferson Cumberbatch were appointed as Justices of Appeal on 1 January 2020. On 15 January 2020, the Hon. Madam Justice Shona Griffith was appointed as a Judge of the High Court.

Patterson Cheltenham was appointed to the Office of Chief Justice on 1 November 2020. He was conferred as a Knight of St. Andrew (K.A.) on 30 November 2020.

Mrs. Barbara Cooke-Alleyne, Q.C. was appointed to act as a Judge of the High Court on 7 December 2020.

## **MEETINGS HELD**

Five meetings of the Council were held during in 2020.

## **BUDGET OF THE JUDICIAL COUNCIL**

For the fiscal year 2020/2021, 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 2020 to March 2021)**

Approved by Parliament	\$325 000.00
*Transferred to Head 15: Cabinet Office	\$290 000.00
Expenditure	<u>\$1 715.00</u>
Surplus	<u>\$33 285.00</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**

### **IMPACT JUSTICE**

In December 2020, IMPACT Justice generously donated 158 law books to the Supreme Court Law Library. The donated books greatly enhanced the collection of books in the Supreme Court Law Library.

## **THE JUDICIAL REFORM AND INSTITUTIONAL STRENGTHENING (JURIST) PROJECT**

### **Case Management**

Mr. Bruce Preston, a Consultant with Bruce Preston International Justice Consultancy was engaged by the JURIST Project to conduct a number of activities, one of which was to review the case management system utilised by the Registration Department.

Mr. Preston visited Barbados from 12 to 24 January 2020 to conduct his review. During his visit, he met with the Chief Justice, the Criminal Division Judges and the Registrar of the Supreme Court. He observed some of the High Courts while in session. He also conducted site visits at some of the Magistrates' Courts. He sought to identify issues with respect to the movement of cases in the courts from commencement until final disposition. He interviewed members of staff and reviewed the case management system processes. He also met with the Statistician to examine the type of court statistics being collated as well as the process utilised to generate those statistics.

### **Client Service Standards**

From late July until early September, Mr. Preston conducted virtual training sessions with members of staff to produce a Client Services Manual for the Registration Department. The draft manual produced by Mr. Preston was given to each participant to work with during each session. Fifteen (15) persons were trained at each session. A working group was established comprising of the following persons:

- Mrs. Barbara Cooke-Alleyne, Registrar
- Mrs. Caroline Ward-Sargeant, Deputy Registrar (Ag.)
- Mrs. Sandra Reeves, Court Administrator
- Mrs. Harriett Payne, Mediation Coordinator (Ag.)
- Mrs. Queenselle Lewis-Clark, Senior Legal Assistant (Ag.)
- Mrs. Marva Collymore, Senior Legal Assistant
- Ms. Diana Sealy, Senior Legal Assistant
- Ms. Carol-Ann Williams, Library Assistant

A service standards document was drafted by the Working Group. The draft service standards are specific to the practices and processes of the High Court, Magistrates' Court, and the Mediation Department. These service standards are intended to be a living document which can be reviewed and edited as processes and practices evolve and change. The document is incomplete as Mr. Preston was unable to meet with two departments.

### **Backlog Reduction**

At the beginning of July 2020, the JURIST Project and the Judiciary of Barbados signed a Charter document entitled "Backlog Reduction – Barbados". The activity scope of the backlog reduction project is as follows:

1. To support the improvement of case processing from filing to disposition in Barbados.
2. Reduce the current backlog which existed in the Supreme Court.
3. Enhance the use of technology and mediation to reduce delays and build the capacity of court staff in implementing client service, service standards, collection of statistics and report.

### **COVID-19 Stickers**

In August 2020, JURIST supplied the Supreme Court Complex and all the Magistrates' courts with Covid-19 protocol signage.



### **Presentation of laptops**

On 17 August 2020, a handing over ceremony was held in the foyer of the Supreme Court Complex, at which H.E. Ms. Marie-Therese Legault, High Commissioner of Canada to Barbados, formally handed over fifty-four (54) laptops to the Supreme Court. The laptops had been procured by the JURIST Project to enable staff of the Registration Department to carry out their functions remotely.



Canadian High Commissioner, Marie Legault (fourth from left, presenting Chief Justice, Sir Marston Gibson, K.A. with one of the 54 laptops donated by JURIST Project while some staff members pose with their laptops

### **Gender Sensitive Adjudication Workshop**

A Gender Sensitive Adjudication Workshop was held at the Lloyd Erskine Sandiford Center on 11 September 2020 for members of the Judiciary and the Magistracy.

### **PRACTICE DIRECTIONS**

The following Practice Directions were issued in the year under review:

- Practice Direction No. 1 of 2020 – Designation of Persons as Terrorists and/or Terrorist Entities for Freezing Orders Delisting and Counter Proliferation Orders under Sections 8, 9 and 10B of the Anti-Terrorism (Amendment) Act, 2019-34. This Practice Direction came into effect on 14 January 2020.
- Practice Direction No. 2 of 2020 – Fixed Dates for Criminal Cases. The objective of this Practice Direction is to reduce the delay, increase the speed of access to justice for complainants, defendants and other users of the Criminal Justice System, eliminate the backlog, establish a degree of certainty and predictability for listings, foster and restore the public confidence in the system, provide for good management in the delivery of justice and to eventually lead to a general attainment of trials within three months of indictment or first arraignment or six months latest. This Practice Direction came into effect on 7 February 2020.

- Practice Direction No. 3 of 2020 – Guidelines for Electronic or other Remote Hearings.
- Practice Direction No. 4 of 2020 - Status Hearings on Backlog Cases. The purpose of this Practice Direction is to complete Status Hearings in a timely manner.
- Practice Direction No. 5 of 2020 - Special Measures. The purpose of this Practice Direction is to establish the procedure for special measures and those giving evidence via the live link in criminal proceedings whether within or outside of Barbados.

#### CONTINUING EDUCATION AND TRAINING

- In January 2020, the Hon. Mr. Justice Randall Worrell, Judge of the High Court, attended a two-day *Judge Alone Trials Seminar* hosted by the British High Commission, and the Judicial Education Institute of Trinidad and Tobago at the Hyatt Regency Hotel, in Trinidad, 13-14 January 2020.
- In February 2020, the Hon. Madam Justice Margaret Reifer, Justice of Appeal and the Hon. Madam Justice Sonia Richards, Judge of the High Court attended a *CMJA Judicial Case Management & Ethics Workshop* at the Civil Service College in the United Kingdom, 10-13 February 2023.
- The Hon. Mr. Justice Randall Worrell virtually attended a *Technical Working Group on Financial Crimes* facilitated by CARICOM Implementation Agency for Crime and Security (IMPACS) on 16, 23 and 28 September, 2020.

#### JUDICIAL RETREAT 2020

There was no Judicial Retreat in the year under review.

#### VOLUME OF LITIGATION IN THE SUPREME COURT

##### Court of Appeal

Court of Appeal - High Court			
	Filed	Heard	Judgments Delivered
Criminal	21	17	8
Civil	47	57	37

Court of Appeal - Magisterial			
	Filed	Heard	Judgments Delivered
Criminal	17	15	7
Civil	6	7	4

**High Court**

<b>Cases Filed in the High Court</b>	
Civil Cases	1400
Criminal Cases	219
Divorce Applications	397
Probate Applications	1069
<b>Total</b>	<b>3085</b>

<b>Family Cases other than Divorce</b>	
Unions	10
Custody	29
Annulment	0
Paternity	50
Maintenance	55
Property	4
Adoption	11
Other	21
<b>Total</b>	<b>180</b>

<b>Divorces: Number of children and duration of Marriage</b>				
<b>No. of Dependents</b>	<b>Divorces</b>	<b>Total No. of dependents</b>	<b>Duration of Marriage</b>	<b>Divorces</b>
0	235		Under 1 year	
1	107	107	1 year	5
2	42	84	2 years	17
3	13	39	3 years	26
4	-	-	4 years	17
5	-	-	5 years	12
6	-	-	6 years	24
7	-	-	7 years	13
8	-	-	8 years	22
9	-	-	9 years	16
10 and over	-	-	10-14 years	92
Unknown	-	-	15-19 years	63
	-	-	20-24 years	42
	-	-	25 years and over	48
<b>Total</b>	<b>397</b>	<b>230</b>		<b>397</b>

Criminal Cases: Custodial Sentences									
OFFENCE	Under 6 months	6 months and over	1-2 years	3-5 years	6-10 years	11-15 years	Over 15 years	Life	TOTAL
Murder				3	1	1	1		6
Manslaughter			1	3	2	3	3		12
Causing death by dangerous driving		1							1
Dangerous driving		1							1
Firearms - illegal use			1		4				5
Firearms - illegal possession			5	3	9		1		18
Possession of ammunition				5	2				7
Going equipped				1					1
Robbery			1		1				2
Theft				3	2				5
Wounding with intent					3				3
Unlawful wounding				2	1				3
Assault				1					1
Cause/Inflict Serious Bodily Harm with intent			1	1					2
Cause/Inflict Serious Bodily Harm			1						1
Indecent Assault			1						1
Importation of controlled drug		1							1
Possession of a controlled drug			4						4
Trafficking of a controlled drug			1	1	5				7
Possess, import, traffic a controlled drug	2			5	1				8
Burglary				4	2				6
Aggravated Burglary				4	4	4	1		13
Criminal Damage				1					1
Arson			1						1
Serious Indecency				2					2
Affray				1					1
Having forged bank notes			1						1
Uttering a forged instrument				1					1
Obtaining money on a forged instrument				1					1
Uttering a forged bill of exchange				1					
Money Laundering				2					2
Sacrilege			1						1
Unlawful entry into Barbados			1						1
Disembarking without consent			1						1
<b>TOTAL</b>	<b>2</b>	<b>3</b>	<b>21</b>	<b>45</b>	<b>37</b>	<b>8</b>	<b>6</b>		<b>122</b>



Classification of Criminal Cases	
Causing serious bodily harm with intent	11
Inflicting serious bodily harm	11
Wounding with intent	24
Unlawful wounding	34
Assault with intent to rob	1
Murder	28
Causing death by dangerous driving	4
Burglary	14
Aggravated burglary	30
Violent disorder	8
Escaping legal custody	1
Assisting an offender	4
Theft	18
Robbery of a person	25
Handling stolen goods/property	3
Forgery	2
Uttering a forged bill of exchange	5
Obtaining money on a forged instrument	3
Endeavouring to receive money on a forged instrument	2
Demanding property on a forged instrument	1
Rape	20
Indecent Assault	10
Assault with intent to rape	1
Sex with a child under 14	5
Sex with a child under 16	8
Buggery	3
Serious indecency	8
Criminal damage	5
Arson	2
Possession of a controlled drug	34
Cultivation of a controlled drug	5
Drug trafficking	27
Importation of illegal drugs	18
Sacrilege	2
Firearms – illegal possession	73
Carrying a firearm	1
Use of a firearm	19
Importation of a firearm	13
Conspiracy to import firearm	1
Ammunition – illegal possession	56
Importation of ammunition	3
Conspiracy to import ammunition	1
Conduct endangering life or safety	29
Money laundering	7
Other	9
<b>Total</b>	<b>589</b>



## VOLUME OF LITIGATION IN MAGISTRATES' COURTS

Delay in producing relevant statistics for some Magistrates' Courts continues to constrain the Council from being in a position to vouch for the accuracy of the volume of litigation in these courts. Some of the figures below are therefore only provisional.

Cases Adjudicated in each Magistrate's Court								
Court	Case Type							
	Criminal	Traffic	Civil	Domestic	Domestic Violence	Juvenile	Special Coroner	Total
District 'A' No.1	209				23			232
District 'A' No.2								
District 'A' Traffic								
District 'A' Civil			154					154
District 'A' Domestic				1137				1137
Special Coroner								
Juvenile						46		46
District 'B'			1	84				85
District 'B' Oistins	367	222	27	106	40	2		764
District 'C'	194	32	4	58	63	2		353
District 'D'	150	172	12	90	24			448
District 'E'								
District 'E' Holetown				62				62
District 'F'	75	19	1	30	22	1		148
District 'F' Belleplaine	61	13	3	31	7			115
<b>Total</b>	<b>1056</b>	<b>458</b>	<b>202</b>	<b>1598</b>	<b>179</b>	<b>51</b>		<b>3544</b>

\* Provisional figures are in blue

\* District 'A' No.1 at March 2020, registers had not been updated.

\* District 'A' No. 2 registers have not been updated since September 2019.

\* District 'A' Traffic registers have not been updated since October 2019.

\*Awaiting Coroner's report.

\*District 'B' records available from the domestic and civil registers only, other records end in October 2016.

\*District 'C' records for the domestic register ends at March 2020. Records for the criminal register end at September 2020.

\*District 'E' entries in the criminal register ends at December 2018, while entries in the Domestic register end at July 2019.

\*District 'E' Holetown entries in the criminal register ends in November 2019. Entries in the domestic register ends in September 2020. The traffic register entries end in September 2020.

Cases Lodged in each Magistrate's Court							
Court	Case Type						
	Criminal	Traffic	Civil	Domestic	Domestic Violence	Juvenile	Total
District 'A' No.1	1204	49	5		107	1	1366
District 'A' No.2	758	29	1		79		867
District 'A' Traffic	499	5574			37		6110
District 'A' Civil			487				487
District 'A' Domestic				518			518
Juvenile						35	35
District 'B'	322	503	26	91	61		1003
District 'B' Oistins	507	512	48	69	43		1180
District 'C'	180	173	37	128	25	1	544
District 'D'	124	177	19	29	28		377
District 'E'	232	552	4	84	43	2	917
District 'E' Holetown	311	1109	184	83	82		1769
District 'F'	95	53	4	29	17		198
District 'F' Belleplaine	63	27	2	17	5		114
<b>Total</b>	<b>4295</b>	<b>8758</b>	<b>818</b>	<b>1048</b>	<b>527</b>	<b>39</b>	<b>15485</b>

\*Provisional figures in blue. Entries in the District 'E' Holetown Traffic Register stopped in September 2020

## **ATTORNEYS-AT-LAW**

At 31 January 2020, 928 Attorneys-at-Law were registered to practise law in Barbados. In addition, the following persons were admitted to practice law during the year under review:

- Marie-Ange Symmonds on 22 June 2020
- Heather Walker on 22 June 2020
- Ronnie Yearwood on 22 June 2020
- Paul Hamel-Smith on 22 June 2020
- Shamora Scott-Springer on 7 August 2020
- Ashley Stoute-Straker on 28 August 2020
- Shan Warnock-Smith on 15 December 2020

Due to COVID-19 restrictions, two Special Sittings were held to admit new attorneys-at-law in the Court of Appeal. On Friday, 27 November 2020, the following Attorneys-at-law were admitted to practise law:

1. Kimberley Benjamin
2. Kamara Bennett
3. Reco Blackman
4. Nkasi Blair
5. Jennifer Bynoe
6. Simon Clarke
7. Shannon Goodridge
8. Ensley Grainger
9. Mikael Griffith
10. Sadé Harris
11. Marqueta Haynes
12. Benjamin Henry
13. Michelle Hinds
14. Shaddiah Hinds
15. Jalisha James
16. Hope Jordan
17. Carla Lovell
18. Dominique Lovell
19. Zari Luke
20. Khayyam Nakhuda
21. Liz-Ann Nelson
22. Akili Nicholls
23. Lisa Niles
24. Danielle Nurse
25. Katriel Pile
26. Jeriah Rock
27. Shara Shorey
28. Chad Skinner
29. Omar Small

30. Dina Wilkinson
31. Matthew Willoughby
32. Rico Jamar Yearwood

On Friday, 18 December 2020, the second cohort of Attorneys-at-law were admitted to practise law as follows:

1. John Adams
2. Rhea Blackman
3. Danielle Bullen
4. Jefferson Clarke
5. Tarchelle English
6. Kenedi Jordan
7. Loni Knight
8. Justin Leacock
9. Mohsin Nana
10. Daquane Nedd
11. Janeil Odle
12. Maleka Prescod
13. Paul Prescod
14. Cindy Sampson
15. Meshach Thornhill
16. Shonice Warner

## **OBITUARY**

The Council records with deep sadness the passing of the following stalwarts:

- G. Clyde Turney Q.C. passed away on 5 March 2020.
- Dionna Browne-Findlay, passed away on 1 September 2020.
- Theodore Gittens Q.C. passed away on 8 November 2020.

May they all rest in peace and rise in glory.