

Supreme Court of Barbados

JUDICIAL COUNCIL REPORT 2021



Table of Contents

	Page
Introduction	2
Membership of the Judicial Council	3
Changes in Membership	3
Meetings Held	3
Budget of the Judicial Council	4
Work and Activities	4
Supreme Court Website	4
Curia E-Filing & Electronic Case Management	4
Judicial Reform and Institutional Strengthening Project	4
Backlog Reduction	4
Revision of existing draft Disaster Recovery Plans	5
Gender Sensitive Adjudication	5
IMPACT Justice Project	5
National Center for State Courts	6
Court Case Management System	6
Continuing Education and Training	7
Judicial Retreat	7
Volume of Litigation in the Supreme Court	7
Court of Appeal	7
High Court	8
Volume of Litigation in the Magistrates' Court	12
Attorneys-at-Law	13
Obituary	14

INTRODUCTION

1st November 2021 represents twelve months since my assumption to the Office of Chief Justice. I readily admit that this period of time has allowed me to reflect on the utility of Judicial Council in the management of the judiciary's affairs. I am confident that the time for reform of the management system of a modern judiciary is upon us.

I note that the collection of data within the Supreme Court is far from acceptable and the absence of data is a major hindrance to decision making. The public continues to complain about delay but it is difficult to properly assess the nature of the court's delay based on the data we currently collect.

I hold the view that any collective measures must be evidence-based reflection of the true reality. Many of the court's procedures are in need of reform and require in some instances, a complete overhaul.

The Case Management System employed requires significant adjustment to be fit for purpose. Our international partners have committed to assisting us with some resources but the onus is on us to drive the process of reform.

Sir Patterson Cheltenham, K.A.
Chief Justice

MEMBERSHIP OF THE JUDICIAL COUNCIL

As at 31 December 2021, 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
 Mr. Roger Barker, Master of the High Court (Ag.)
 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
 Mrs. Coreen Kennedy-Taitt
 Mr. Anthony L. Harris
 Ms. Sandra Reeves, Secretary

CHANGES IN MEMBERSHIP

Ms. Heather Clarke, Master of the High Court retired on 12 October 2021. Mr. Roger Barker was appointed to act as Master of the High Court from 14 June 2021 until further notice.

MEETINGS HELD

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

BUDGET OF THE JUDICIAL COUNCIL

For the fiscal year 2021/2022, 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 2021 to March 2022)

Approved by Parliament	\$325 000.00
Expenditure	<u>\$0.00</u>
Surplus	<u>\$325 000.00</u>

WORK AND ACTIVITIES

SUPREME COURT WEBSITE

In January 2021, a Supreme Court Website sub-committee was established comprising of the following:

- Hon. Sir Patterson Cheltenham - Chief Justice
- Hon. Mr. Justice Christopher Birch - Judge of the High Court
- Hon. Madam Justice Shona Griffith - Judge of the High Court
- Ms. Leisel Weekes - Attorney-at-law
- Mr. Corey Forde - Systems Administrator (Ag.)
- Mr. Carlitos Beckles - JURIST Barbados Consultant

An Expression of Interest for the Supreme Court website was advertised and three proposals were received. Boyce Suite Company Ltd. was awarded the contract for upgrading the Supreme Court website.

CURIA E-FILING & ELECTRONIC CASE MANAGEMENT

The Curia E-Filing and Attaché Case Management System was launched at the Barbados Supreme Court on 15 September 2021. Initially a number of technical difficulties were experienced, such as probate being totally removed from the system as well a need for the training of all officers.

JUDICIAL REFORM AND INSTITUTIONAL STRENGTHENING (JURIST) PROJECT

Backlog Reduction

At the beginning of April 2021, a Backlog Reduction Project commenced. For the purpose of this project, backlog was considered to be any case in the court system older than three years without a final disposition in the High Court or the Court of Appeal.

Initially the project focussed on the period 2017 to 2021. However, the time period was expanded to cover 2009 to 2016 as well. The objectives were to:

- Identify civil, family and commercial backlog matters between 2009 and 2021.
- Identify active and disposed of criminal matters.
- Identify the status of disposed cases as closed in JEMS.
- Identify backlog cases that a judicial officer may send to mediation or onto trial.
- Collect and prepare statistical data inclusive of gender disaggregated data from the criminal courts.
- Update all matters in JEMS to eliminate input deficiency and update the database in preparation for the migration of data to the APEX system.

In civil matters it was not only necessary to eliminate the backlog but also to provide a statistical report to, *inter alia*, receive empirical evidence, isolate points of delay and address those areas of ineffectiveness and inefficiencies that resulted in the creation of the backlog.

Revision of existing draft Disaster Recovery Plans

The COVID-19 global pandemic coupled with the business interruptions experienced over the past two years at individual courts deemed it necessary for the judiciary to pay closer attention to disaster recovery planning with a focus on business continuity.

In February 2021, JURIST contracted PriceWaterhouseCoopers (PwC) to revise and adapt to current realities, the existing recovery plans for Barbados. Particular attention was paid to the continuation of the core functions of the court registry after a disruption. Activities specific to a global pandemic were included.

PwC collaborated with the requisite stakeholders to review and assess the existing prototype plan to identify viability, relevance, gaps and sustainability. The Hon. Mr. Justice Christopher Birch, Judge of the High Court, served as the Chair of the sub-committee working alongside PwC to review the existing plans.

Gender Sensitive Adjudication

The JURIST Project published Gender Protocols for Judicial Officers in Barbados in March 2021. It is anticipated that these protocols will greatly enhance the facilitation of gender sensitive adjudication in Barbados.

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

IMPACT Justice facilitated Mediation training for all magistrates 28 to 30 July 2021, at the Sagacor Cave Hill School of Business, at the University of the West Indies Cave Hill Campus.

NATIONAL CENTRE FOR STATE COURTS (NCSC)

Court Case Management System

The CCMS, is an automated court case management system to be piloted in the District 'D' Cane Garden Magistrate court. It will be implemented in all the Magistrates' courts across the island after the viability of the system has undergone the necessary tests and analysis.

The aim of the CCMS project during the pilot phase is to:

1. Increase the effectiveness and efficiency of magistrates and staff by automating document production, improving processes and facilitating data sharing;
2. Improve management of cases to ensure timely disposition of cases and reduce backlog;
3. Improve capacity, monitor performance and report case statistics.

The Court Case Management System (CCMS) signing ceremony took place in the Judges' Lounge of the Supreme Court, on Wednesday, 23 June 2021.



Chief Justice Sir Patterson Cheltenham, K.A. and US Ambassador Linda Taglialatela after the signing ceremony

This project will be executed by the NCSC.

CONTINUING EDUCATION AND TRAINING

- (i) In March 2021 a virtual two-day *Trafficking for Judges and Prosecutors on Enforcement of Anti-Trafficking Legislation Workshop* was held in collaboration with the Office of the Attorney General and supported by USAID–US Agency for International Development. The following judges attended:
- Hon. Mr. Justice Randall Worrell
 - Hon. Madam Justice Jacqueline Cornelius
 - Hon. Mr. Justice Christopher Birch
 - Hon. Mr. Justice Barry Carrington
 - Hon. Madam Justice Laurie-Ann Smith-Bovell
 - Hon. Madam Justice Barbara Cooke-Alleyne
- (ii) The Hon. Mr. Justice Christopher Birch, Judge of the High Court along with Mr. Corey Forde, Systems Administrator (Ag.) attended a *National Centre for State Courts (NCSC) Court Technology Conference*, in Columbus, Ohio, 28-29 September 2021. Their attendance was funded by NCSC.
- (iii) The Hon. Madam Justice Laurie-Ann Smith-Bovell attended the *National Association of Women Judges' 39th Annual Conference*, in Nashville, Tennessee, 6-9 October 2021. Justice Smith-Bovell's attendance was funded by NCSC.

JUDICIAL RETREAT 2021

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	Status hearing pending/Dismissal/Other	Judgments Delivered
Criminal	3	0	3
Civil	12	7	5

Court of Appeal		
Family	Filed	Status
	2	1 awaiting decision of Judge in the High Court 1 dismissed

High Court

Cases Filed in the High Court	
Civil Cases	1152
Criminal Cases	307
Divorce Applications	370
Probate Applications	1013
Total	2842

Family Cases other than Divorces Filed	
Unions	4
Custody	52
Annulment	1
Paternity	40
Maintenance	16
Property	8
Adoption	5
Other	24
Total	150

Divorces: Number of children and duration of Marriage				
No. of Dependents	Divorces	Total No. of dependents	Duration of Marriage	Divorces
0	203	-	Under 1 year	-
1	101	101	1 year	6
2	54	108	2 years	7
3	8	24	3 years	18
4	3	12	4 years	19
5	1	5	5 years	18
6	-	-	6 years	15
7	-	-	7 years	19
8	-	-	8 years	19
9	-	-	9 years	20
10 and over	-	-	10-14 years	89
Unknown	-	-	15-19 years	63
	-	-	20-24 years	43
	-	-	25 years and over	34
Total	370	250		370

Report from the Coroner's Court	
Verdict	2021
Gross Negligence	2
Open	2
Total	3

Criminal Cases: Non-Custodial Sentences

OFFENCE	Not Guilty	Dismissed	C.R.D	Probation	Suspended Sentence	Fines		Discontinu	Withdrawn	TOTAL
						Under \$1000	Over \$1000			
Murder		2					1			3
Firearms - illegal possession			1				5			6
Possession of ammunition							12			12
Possession of firearm/ammunition	1	1					22			24
Possession of firearm possession of ammunition/possession of a controlled substance/drug trafficking							3			3
Possession of firearm/possession of ammunition/assault							1			1
Use of a firearm/conduct endangering life		1								1
Robbery		2			1					3
Theft		1					1	2		4
Theft/handling stolen goods							1			1
Cause/Inflict Serious Bodily Harm							1			1
Wounding with intent			2							2
Unlawful wounding		1					1			2
Wounding with intent/unlawful wounding		3					1			4
Wounding with intent/robbery/use of firearm		1								1
Inflict serious bodily harm with intent	1	2								3
Inflict serious bodily harm		3			1					4
Indecent assault		3			1			1		5
Rape		6								6
Unlawful sexual intercourse with a minor		3								3
Importation of controlled drug			1							1
Possession of a controlled drug		2	4				1			7
Trafficking of a controlled drug		1			1		1			3
Possess, import, trafficking controlled drug	1									1
Aggravated burglary		1								1
Conduct endangering life or safety			1							1
Criminal damage									1	1
Violent disorder/assault occasioning actual bodily harm				1			1			2
Arson								1		1
Serious indecency						1		1		2
Assisting an offender							1			1
Forgery/uttering a forged bill of exchange/obtaining money on a forged bill					1					1
Money laundering	1						1			2
Drugs			1							1
Assault occasioning actual bodily harm		2								2
Possession of indecent photographs of a child, buggery								1		1
TOTAL	4	35	10	1	5	1	53	6	1	116

OFFENCE	1-2 years	3-5 years	6-10 years	11-15 years	Over 15 years	Time spent = time served	TOTAL
Murder			1		6	1	8
Manslaughter			1	1			2
Firearms/illegal possession	1	2	2			3	8
Possession of ammunition		4				4	8
Possession of firearm/ammunition	2	2	7	1		1	13
Possession of firearm/ammunition/ controlled drug/drug trafficking			1				1
Possession of firearm/unlawful wounding/ robbery				1			1
Carrying a firearm		1					1
Robbery			1			1	2
Theft	1	1					2
Theft/Money Laundering		1					1
Assault/Indecent assault	1						1
Assault with intent to rape	2						2
Inflict serious bodily harm with intent			1				1
Indecent assault			1				1
Rape				1			1
Rape/assault occasioning actual bodily harm					1		1
Possession of a controlled drug		1	1			1	3
Trafficking of a controlled substance	1						1
Possession, importation, trafficking a controlled drug			1	1			2
Doing acts preparatory to drug trafficking			1				1
Burglary		1					1
Burglary/Theft		1					1
Conduct endangering life and safety/criminal damage/use of a firearm			1				1
Criminal damage						1	1
Violent disorder/criminal damage/unlawful wounding		1					1
Serious indecency		2					2
Sacrilege						1	1
Drugs		1					1
Firearm/wounding with intent, unlawful wounding, endangering life			1				1
Unlawful disposal of a body			2				2
Serious indecency, indecent photographs of a child, possession of indecent photographs of child buggery			1				1
TOTAL	8	18	23	5	7		74

Classification of Criminal Cases	
Causing serious bodily harm with intent	4
Inflicting serious bodily harm	4
Wounding with intent/ Unlawful wounding	8
Assault occasioning actual bodily harm	2
Murder	11
Unlawful disposal of a body	2
Arson	1
Burglary/Aggravated burglary	2
Violent disorder	2
Theft	6
Robbery of a person	5
Handling stolen goods/property	1
Forgery/Uttering a forged bill of exchange/Endeavouring to obtain money on a forged bill	1
Rape	7
Indecent Assault	6
Sex with a child under 16	3
Serious indecency	4
Buggery	1
Criminal damage	2
Possession of a controlled drug	12
Drug trafficking	4
Importation of illegal drugs	4
Sacrilege	1
Firearms – illegal possession	14
Ammunition – illegal possession	20
Possession of firearm/ammunition	38
Assisting an Offender	1
Conduct endangering life or safety	2
Money laundering	2
Total	170

VOLUME OF LITIGATION IN MAGISTRATES' COURTS

The delay in producing relevant information for some Magistrates' courts, continues to prohibit the possibility of producing accurate statistics for some Magistrates' Courts. In addition, digitization of some Magistrate's courts has commenced. Some of the figures below are therefore only provisional.

Cases Lodged in each Magistrate's Court							
Court	Case Type						
	Criminal	Traffic	Civil	Domestic	Domestic Violence	Juvenile	Total
District 'A' No.1	696	15	2		64		777
District 'A' No.2	460	3			68		531
District 'A' Traffic	491	7502			64		8057
District 'A' Civil			523				523
District 'A' Domestic				371			371
Juvenile						9	9
District 'B'	250	457		91	77		875
District 'B' Oistins	380	340	48	101	32	1	902
District 'C'	54	235	27	106	5		427
District 'D'	99	426	23	23	33		604
District 'E'	176	393	18	76	28	7	698
District 'E' Holetown	222	944	26	64	45	2	1303
District 'F'	94	23		24	16		157
District 'F' Belleplaine	45	29		28	13		115
Total	2967	10367	667	884	445	19	15349

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					605			605
Special Coroner								
Juvenile						34		34
District 'B'				109				109
District 'B' Oistins	215	137	18	121	28	1		520
District 'C'	376	77	18	151	38	1		661
District 'D'	104	205	7	47	35			398
District 'E'			1					1
District 'E' Hometown			2					2
District 'F'	89	12	5	24	13	2		145
District 'F' Belleplaine	35	4		30	10			79
Total	819	435	51	1087	124	38		2554

* Provisional figures are in blue. Digitization of the

ATTORNEYS-AT-LAW

At 31 January 2021, 919 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:

- Michelle Gibson on 2021
- Marnise Laville on 9 June 2021
- Juanna Bovell on 11 June 2021
- Roshelle Sparman-Small on 3 September 2021
- Ian Q.CN-Smallon on 3 September 2021
- Jamila Thompson on 3 September 2021

As a result of the COVID-19 pandemic, the following attorneys-at-law were admitted via Zoom on Friday, 22 October 2021:

1. Padma Arjune
2. Amanda Best
3. Sadé Brathwaite
4. Amanda Choo

5. Javed Daniel
6. Damien Fanus
7. Kristopher-Ross Fields
8. Theo Franklyn
9. Kimberley Gollop
10. Tommi-Ann Grant
11. Marinda Greenidge
12. Dale Hardy
13. Jamilla Harewood
14. Makela Harrison-Yarde
15. Okera Hill
16. Kylah Hinds
17. Shanice Hinds
18. Davianne Holder
19. Adora Howell
20. Shoné Jones
21. Carla Jordan
22. Sabeeha Kazi
23. Ken Mason
24. Ashley Mayers
25. Daleshia Miller
26. Neilsa Moore
27. Maya Moseley
28. Terryann Odle
29. Tarah Payne
30. Joycelyn Phillip
31. Esmond Sampson
32. Tyra Trotman
33. Kristin Vanderpool
34. Zaria Weatherhead
35. Allisia Williams
36. Kemar Williams
37. Tiffany Willoughby
38. Malyssa Yarde

OBITUARY

The Council records with deep sadness the passing of the following attorneys-at-law:

- Mr. Dennis Chandler passed on 11 January 2021
- Ms. Keren Prescott passed away on 29 January 2021
- Ms. Debra Gooding passed away in February 2021
- Mr. Warren Mottley passed away on 29 June 2021
- Mr. Douglas Greenidge passed away on 23 October 2021
- Mr. Douglas Trotman passed away on 5 December 2021
- Sir Maurice King K.A., a former Attorney General, passed away on 22 September 2021.

May they all rest in peace and rise in glory.