

THE BERMUDA JUDICIARY

ANNUAL REPORT **2015**



GOVERNMENT
OF BERMUDA



The Bermuda Judiciary Annual Report 2015





The Judiciary acknowledges with gratitude the contributions made to this report by the individuals and organisations who gave us the benefit of their views, expertise, and experience.

Bermuda Judiciary Annual Report: 2015

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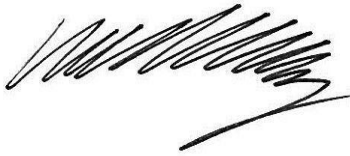
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Foreword

By The Hon. Chief
Justice of Bermuda
Ian Kawaley



Remarks made by Chief Justice Ian RC Kawaley at the Special Sitting of the Supreme Court to Celebrate the Opening of the 2015 Legal Year

(22 January 2016 at 3.00pm, Sessions House , Hamilton, Bermuda)

Good afternoon one and all and welcome to this Special Sitting to commemorate the opening of the Legal Year to Her Excellency the Acting Governor, other distinguished guests and members of the nuclear and extended Legal Family.

Special thanks are extended once again to the Bermuda National Museum for bringing the Admiralty Oar or Mace which was made for Bermuda's courts as far back as 1697.

400th Anniversary

This year marks the 400th anniversary of the first sitting of the Court of General Assize on June 15, 1616. It will afford us an opportunity, over the course of the year, not simply to look back with pride and remember that our judicial and legal system is probably the oldest English-based court system in the New World. This anniversary also serves to remind us of the evolving function served by the courts and to compel us to think critically about what role the courts and the legal system as a whole ought properly to play in the Bermuda of today and tomorrow.

A changing Cast of Characters

In looking back, we are reminded that the *dramatis personae* of the courts consists of an ever-changing cast of players. While this is not as such an occasion for saying farewells or paying tributes, I would be remiss not to mention in passing a few past and pending changes in the cast.

Firstly, His Excellency the Governor Mr George Fergusson has announced that his tenure will end this year. His establishment of a standing Judicial and Legal Services Committee has added an important new dimension to the way not just judicial appointments are considered. It has brought together a collection of wise heads to think about the Judiciary and its needs as a whole.

Secondly, Justice Norma Wade-Miller will retire in May after serving our Judiciary from Magistrate to Senior Puisne Judge for a period spanning 35 years. Over that period Bermuda's economy shifted from a tourism-dominated economy to an international business-dominated economy. Reflective of that, the size of our legal profession has increased from roughly 100 practising lawyers in 1981 to roughly 500 in 2016. Justice Wade-Miller not only contributed to the development of all areas of the law (latterly focussing on Family law), but helped to make the courts more friendly to a wider range of court users and to shape our current vision of equal justice for all today.

Thirdly, Justice Carlisle Greaves, while no longer regularly on the stage, will still I hope make regular cameo appearances for at least two years, after 15 years of signal service as Magistrate and ending as Supervising Judge of the Criminal Trial List.

Fourthly, the scriptwriters have given Justice Charles-Etta Simmons a more prominent role as Supervising Judge of the Criminal Trial List. The Criminal jurisdiction of the Supreme Court remains in safe hands.

Fifthly, Ms Charlene Scott, the Registrar and Taxing Master, will be retiring at the end of March after a career in the Judicial and Legal Service which spans 21 years more than half which was served as Registrar and which includes several stints as Acting Puisne Judge. Further cameo appearances cannot be ruled out. She has been admirably performing the duties of what in most modern courts are two separate and senior posts: that of registrar and that of chief administrative officer.

Sixthly, Mr Peter Miller, the Assistant Registrar who has been Acting Registrar on numerous occasions, will be retiring later this year after a career in the Judicial and Legal Service spanning 20 years.

It is all change at the top of the Judicial Administrative tree and an opportunity for fresh horses to bring new energy to bear in challenging times.

Lastly, I should pay tribute to Sir Robin Auld whose tenure as a Justice of Appeal ended without fanfare in June of 2015. He served for seven years and made an invaluable contribution to the development of Bermuda law both when delivering majority and dissenting judgments.

The DPP, Mr Rory Field, is also demitting office in March after service over a very demanding period of Bermuda's criminal law history of nearly 10 years. He has spoken frequently about the increasing breadth and depth of the work that the Office of the DPP handles. I am sure that all well-informed and impartial observers would agree that he has made a valuable contribution to Bermuda's criminal justice system, established valuable links with other jurisdictions and international agencies and also promoted training for Bermudians. He will, I am sure, leave the Office of the DPP in good and stable standing. Thank you, Mr Field, for your contribution and good luck in your future endeavours.

We welcome today Mr Richard Horseman making his first appearance at this ceremony as President of the Bermuda Bar Association. One of the many Bar Council initiatives which I hope he will mention is a topic close to my heart, the introduction of contingency or conditional fees to promote enhanced and affordable access to justice.

Judicial Administration challenges

The longstanding Bermudian tradition of fobbing off the requests of the Judiciary for rational accommodation arrangements and more administrative autonomy has been respected by the current Government to an overly-zealous extent. However, I would like to retract the suggestion in last year's Report that this benign neglect threatens the long-term health and stability of Bermuda's Judiciary.

The best available evidence of the health of the Bermuda Judiciary over the last 400 years suggests that the patient is a distinctly robust and adaptive organism which survived numerous potentially life-threatening events over the years. It may well take what football commentators, describing a jarring but legal collision between two players, euphemistically refer to as a 'coming together' between the Judicial and Executive branches of Government to resolve some of the most pressing concerns. Overall, I am optimistic that solutions for our most pressing problems will be found long before the wheels come off the 'Judicial Bus'.

I would like to thank the Administrative Staff, including the Registrar, the Assistant Registrar, the Court Managers (Mrs Dee Nelson-Stovell-Supreme Court and Ms Andrea Daniels-Magistrates Court) and all judicial officers for their sterling service over the last year. Despite staff shortages and logistical challenges, the overall output of the Judiciary as a whole has been, in my estimation, admirable.

Judicial outputs

One of the main challenges facing any legal community in a financial centre dominated by international business interests is mastering the art of maintaining the extremely delicate balance between the interests of the moneyed few and the wage-dependent many.

Disparities of wealth, both locally and globally, create not simply social tensions, but challenges and opportunities for judiciaries, legal systems and the communities they serve.

Modern life in Bermuda and elsewhere places particular strain on families. Happy families usually reflect emotionally healthy and nurturing relationships. Family health is often undermined by economic success and economic adversity, perhaps in different ways, but sometimes in equal measure. Children are frequently the casualties when parents choose the courts as a forum for the adversarial resolution of, in particular, access and custody disputes. The emotionally-charged nature of family proceedings often gives rise to complaints by the adult parties that their voice is not being adequately heard.

The first steps towards creating a Unified Family Court, recommended by the Family Law Reform Sub-Committee chaired by Justice Norma Wade-Miller in 2009, were taken in 2015. Most family cases are now heard in the Dame Lois Browne-Evans Building. More importantly still, a clear commitment has been made by the Family Judges (Justice Wade-Miller and Wor. Nicole Stoneham) the Government to increasing the role to be played by mediation in solving family disputes in a manner designed to repair rather than further fracture the ability of parents who do not live together to make joint decisions about the upbringing of their children.

The Matrimonial Causes Rules have also been amended only this month to remove the requirement for petitioners in divorce cases to give oral evidence in Divorce Court. Further, mostly statutory, reforms recommended by the Justice for Families Report to simplify and modernise family proceedings remain outstanding. Further infrastructural changes are required to create the best possible physical space for family proceedings, especially those involving children, to take place. Family law in Bermuda has come a long way from the days when the law regulated the assignment of ownership rights in respect of children born to slaves between the respective owners of the children's parents.

Criminal law in Bermuda has come a long way from the days when its main aim was to promote not only respect for but fear also fear of a legal order which deprived large swathes of the adult population of full legal status under the law. The criminal courts today not only recognise the rights of criminal defendants to an extent that would be marvelled at by past generations. Last year the Judicial Committee of the Privy Council gave valuable guidance on the use of expert evidence relating to gangs and indirectly approved the fairness of our criminal trial process. The Honourable Attorney-General is to be commended for introducing important procedural reforms, abolishing preliminary inquiries and increasing the case management powers of the Supreme Court and Magistrates' Court, which should increase the efficiency of the criminal trial process without comprising its fairness. In addition, the amendment to the Court of Appeal Act restoring the pre-1999 legal position according to which the Prosecution could appeal an acquittal based on a no case to answer ruling is particularly welcome. It was always unfair to a trial judge who made such a ruling to be deprived of the opportunity to be either corrected or vindicated on appeal.

Criminal trials on indictment continue to proceed at a good pace thanks to the combined efforts of the Criminal Judges and the Prosecution and Defence Bar. Only 11 indictments were outstanding at the end of 2015, four less than at the end of 2014. I should also acknowledge the valuable contribution the Magistrates' Court Criminal Jurisdiction (Wor. Khamisi Tokunbo and Wor. Archibald Warner) has made in recent years by adjudicating numerous serious cases previously dealt with in the Supreme Court. England & Wales appear to be following our example. The Times reported this week that many criminal cases previously dealt with in the Crown Court will now be dealt with in the Magistrates' Court.

The sentencing principles now enshrined in section 54 of the Criminal Code reflect a more balanced appreciation of the often conflicting aims of protecting the public from and appropriately punishing the truly dangerous, protecting and compensating victims of crime and reducing repeated offending by assisting the offender to play a productive role in society. We appear to be making steady, but sometimes halting, steps away from the swamp that our criminal justice system was once mired in where the dispossessed were often punished for being dispossessed. A recent press story identifying a link between poverty and crime reflects progress in public thinking on these matters.

Two years ago Prison Fellowship enquired whether the Judiciary would support its emergent Restorative Justice initiative. Justice of Appeal Patricia Dangor, who recently trained in England as Restorative Justice Facilitator, chaired a Centre for Justice Sub-Committee which included the Wor. Juan Wolffe, Mrs Monica Jones, Mrs Sheridan

Scotton and the Centre's own Ms Venous Memari. The Centre's impressively comprehensive Report recommends adopting a victim-focussed approach to restorative justice techniques designed to both divert offenders from mainstream criminal justice system for minor offences and to restore the health of both the victim and the offender. The Report focuses on restorative justice models in modern developed Commonwealth countries with legal systems closer to our own. However, the Report acknowledges that the philosophical roots of restorative justice are far deeper when it states:

"Restorative traditions of law have been used in many parts of the world by indigenous elders over generations. This type of community justice allowed peace to prevail because offenders were required to take responsibility for their actions and to make amends to their victims."

Modern western societies have borrowed from surviving elements of traditional indigenous law in sub-Saharan Africa, the Americas and Australasia, amongst others, an ancient solution for modern complex human relations and social disharmony problems. In light of the assumptions of European cultural superiority which have in the past and continue to sustain New World racism today, it surely cannot hurt (and may well help) to acknowledge that the ancestors of Bermudians of African and Native American descent came from societies which generated legal ideas and practical tools which still have resonance and utility today.

Although restorative justice techniques seem likely to be deployed more out of court than within, I fully support the use of these ancient techniques developed in small communities which, with admittedly far less social stratification or cultural difference than we currently grapple with, achieved standards of social harmony and unity we would welcome today. There is, in a general sense therefore, a common philosophical strand underpinning the twin trends of increasingly resorting to restorative justice techniques in the criminal sphere and mediation in the family law sphere.

The civil and commercial jurisdiction of the courts remains firmly within the orbit of more traditional yet modern legal influences (some may be relieved to hear!). The Government Administration Building courts often resemble cement mixers into which lawyers pour submissions. The judges duly churn out judgments like mixed cement hoping that, when the mixture hardens, there will not be too many cracks. Last year the number of published judgments was up by 80% over 2014, with Justice Stephen Hellman in typically hyperactive mode. To help shoulder this dramatically increased

burden, the Governor has appointed David Kessaram and Delroy Duncan as new civil Assistant Justices. Under an arrangement agreed with Bar Council a few years ago, they have agreed to accept terms under which they will receive only nominal sitting fees.

I hope that the Attorney-General will consider increasing the civil jurisdiction of the Magistrates' Court as well as the current \$25,000 limit is far too low. While the plates of the civil Magistrates (the Senior Magistrate and Wor Tyrone Chin) are already full, I am sure they would welcome the addition of a bit more protein to their judicial diet.

The steady flow of commercial and trust cases, in particular, reflect the extent to which the Judiciary plays a central role in supporting the primary pillar of Bermuda's economy. In this regard, the individuals and institutions affected directly and indirectly by our decisions are spread around the globe. Earlier this month, by way of illustration, the Commercial Court received invitations from colleagues in two of the world's leading international financial centres to join a network of commercial courts with a view to enhancing the quality of adjudication in cross-border commercial cases.

Conclusion

In celebrating 400 years of Bermudian legal history since courts were first established in permanent form here, we can hopefully demonstrate that the various jurisdictions of the Courts working with our key stakeholders help to make Bermuda not only a commercially-savvy investment destination, but also a people-friendly legal jurisdiction; a legal jurisdiction that citizens, residents and investors alike can be proud to call home

Senior Magistrate Commentary

By the Worship Senior Magistrate Juan Wolffe, JP



Remarks made by the Worship Senior Magistrate Juan Wolffe at the Special Sitting of the Supreme Court to Celebrate the Opening of the 2015 Legal Year (22 January 2016 at 3.00pm, Sessions House , Hamilton, Bermuda)

In her book “Bermuda’s Crime & Punishment: 17th Century Style” Terry Tucker gave an account of a Bermuda case which occurred in the early 1600’s. She wrote:

“In 1639, when a certain Edward Bowly was presented at the June Assizes in St. George’s “on suspicion of incontinency” with Anne, a Negro woman who had had a bastard child, supposedly his, Bowly was vindicated (“purged”) by his compurgators [witnesses] – but Anne received 21 lashes at the Whipping Post. She, poor thing, could hardly swear away the baby! (The modern cynical witticism that Bermuda’s motto “Quo Fata Ferunt” – Whither the Fates Lead Us – should rightfully be translated, “It all depends on who you are”, or, even more cynically, “It all depends on whom you know”, seems at that early date to have had at least some justification!)

It is gratifying and relieving to say that the Courts, particularly the Criminal and Family Courts of the Magistrates’ Court, have evolved considerably from such barbaric jurisprudence of the 17th Century. In my address last year I spoke of Magistrates’ striking the right balance in applying the Rule of Law and at the same time being responsive to the social and financial plight of those who appear in and/or use the Magistrates’ Court. We continue in this endeavor and indeed we have become even more steadfast in our efforts to treat those who come before the Magistrates’ Court fairly and humanely. We have long moved away from viewing persons who come before the Courts as statistics in an Annual Report, but more as people who for some reason or another have found themselves confronted with an unfortunate circumstance.

Even those whose legal issues are self-inflicted require justice, and we have ensured that they have and will continue to receive such. The Criminal Courts, through creative and practical implementation of the alternatives to incarceration regime have provided opportunities to offenders to address their offending behavior and embark upon the road to become law-abiding citizens. The Family

Courts, through a robust but compassionate enforcement process have created an environment whereby formerly delinquent fathers can meaningfully address their child support arrears and by doing so recoup the respect of their families. Further, the Civil Courts, through structured payment plans have allowed litigants to reduce their indebtedness with dignity.

However, our genuine efforts are routinely being challenged and hampered by budgetary constraints and what may be a lack of understanding by those who control the purse strings as to how the justice systems works, and why the justice system must work. While we thoroughly understand that every effort must be made by government departments to closely monitor and if need be curtail expenditure, one cannot put a price on the proper administration of justice or reduce justice to a line item on a financial statement. Especially, when one considers that there has been an increase in the work of the Magistrates' Court. In 2015 we saw: 26,971 case events in the Magistrates' Court which represents a 10% increase in Court activity over 2014; a 22% increase in the number of Family Support cases heard; and, a 57% increase in the number of Juvenile cases heard. As a result, our already depleted resources were stretched almost to the breaking point, and but for the dedication and commitment of Magistrates and Magistrates' Court staff the breaking point could have easily been surpassed. Sadly, the prognosis is not favourable. With the recent enactment of the Criminal Jurisdiction and Procedure Act 2015 and the Disclosure and Criminal Reform Act 2015, coupled with imminent plans to increase the civil jurisdiction of the Magistrates' Court, we anticipate an exponential rise in case events in 2016 and going forward.

For us to effectively and efficiently deal with such increased demands the Magistrates' Court needs and will need adequate resources, both human and capital, so that it may fulfil its mandate of ensuring the proper administration of justice. The current fiscal approach of "cut, cut, cut" in the context of the operation of the Magistrates' Court goes against the very essence of the proper administration of justice, and, we fear it will inevitably lead to inordinate delays in the hearing of matters. Indeed, the maxim "***Justice Delayed, Justice Denied***" will take on a whole new deeper and cynical meaning. I humbly and respectfully urge those who make budgetary decisions to carefully take into consideration of the deleterious effects which deprive the Magistrates' Court of vital resources will have on not only the operation of the Magistrates' Court, but ultimately on our Justice System.

I would like to now turn my attention to giving deserved recognition to those professionals who play a vital role in our justice system and who augment the efforts of the Magistrates'. Contrary to popular belief, the legal system does not revolve around incorporations, mergers and acquisitions, and multi-million dollar contractual disputes. The true manifestation of justice resides in the cases that are

heard in the Magistrates' Court, and the true guardians of justice are those who tirelessly appear in the Magistrates' Courts to advocate for our most vulnerable. I speak of the Defence Counsel who relentlessly ensure that their client's constitutional rights are being strictly upheld; I speak of the Prosecutor who often with unfair public criticism ensure that victims of crime feel some modicum of justice that their complaint has been taken seriously and that justice will prevail; I speak of the Police Officer who often times risks life and limb to protect us and bring offenders to justice; I speak of the Corrections Officers who ensure that even our most hardened criminals can serve their time humanely; I speak of the Probation Officer who takes on the onerous task of assisting offenders with turning their lives around and getting out of the revolving door of recidivism; I speak of the Social Worker who looks out for the welfare of the child whose emotional wellbeing may be threatened by a dysfunctional household; and, I speak of the team members of the Drug Treatment Court and the Mental Health Court who assist individuals with breaking the cycle of drugs and crime, and decriminalizing those who unfortunately suffer from mental health issues. I look forward to all of these professionals continuing to ***"fight the good fight"*** in 2016.

I would be remiss if I did not again recognize the continued stellar work of the Managerial and Administrative Staff of the Magistrates' Court. With dangerously depleted resources and stifling staff shortages they have risen to the occasion. Their herculean efforts have resulted in the Magistrates' Court continuing to operate in a manner which is consistent with its mandate and mission ***"To carry out its task fairly, justly and expeditiously, and to abide by the requirement of the judicial oath "to do right by all manner of people, without fear or favour, affection or ill-will"***. For that, I continue to be profoundly grateful.

I also wish to take the opportunity to express my sincere gratitude to The Wor. Khamisi Tokunbo, The Wor. Tyrone Chin, The Wor. Nicole Stoneham, and The Wor. Archibald Warner. As they did in 2015 I am confident that they will all continue to adjudicate their cases with sensible and practical legal acumen, sensitivity, compassion, and firmness in 2016.

I will conclude my address with a quote made by Sir Winston Churchill in the House of Commons on the 25th July 1910. A quote which was mentioned in the Royal Commission on Crime conducted in Bermuda. Sir Winston said:

"The mood and temper of the public in regard to the treatment of crime and criminals is one of the most unfailing tests of the civilization of any country. A calm dispassionate recognition of the rights of the accused, and even of the convicted criminal against the State – a constant heart searching by all charged

with the duty of punishment – a desire and eagerness to rehabilitate in the world of industry those who have paid their due in the hard coinage of punishment: tireless efforts towards the discovery of curative and regenerative processes: unfailing faith that there is treasure, if you can only find it, in the heart of every man. These are the symbols, which, in the treatment of crime and criminals mark and measure the stored up strength of a nation, and are sign and proof of the living virtue in it.”

We in the Magistrates’ Court, the Magistrates and the staff, will continue to see the treasure in the criminal and victims of crime; the treasure in the debtor who is oppressed by debt; and, the treasure in the toddlers and teenagers who deserve to live out their full potentials.

Thank You.

**The Wor. Juan P. Wolffe, JP
Senior Magistrate**



Front Street Hamilton

Overview of The Courts



The Judiciary is established by the Constitution as a separate and independent branch of government. Its task is to adjudicate charges of criminal conduct, resolve disputes, uphold the rights and freedoms of the individual and preserve the rule of law.

The Judicial system of Bermuda consists of the Magistrates' Court, the Supreme Court, the Court of Appeal and the Judicial Committee of the Privy Council is the final appellate court in London. Ancillary activities involve the Probate and Administration of Estates, granting of liquor and betting licenses, bailiff services and Criminal Injuries Compensation.

Mission & Mandate

The Judiciary is established by the Constitution as a separate and independent branch of government. Its task is to adjudicate charges of criminal conduct, resolve disputes, uphold the rights and freedoms of the individual and preserve the rule of law.

The Mission of the Judiciary is to carry out its task fairly, justly and expeditiously, and to abide by the requirement of the judicial oath “to do right by all manner of people, without fear or favour, affection or ill-will.”

The Mission of the Administrative Section of the Judiciary is to provide the services and support necessary to enable the Judiciary to achieve its mission and to embody and reflect the spirit of the judicial oath when interacting with members of the public who come into contact with the courts.

Rules & Practice Directions

The Rules, Practice Directions and forms for the Court of Appeal and the Supreme Court can be accessed on the Judiciary’s website: www.judiciary.gov.bm.

Cases & Judgments

The Courts has heard numerous high profile cases since its establishment. These cases can be accessed on the Judiciary’s website: www.judiciary.gov.bm.

Website

We continue to update our website www.judiciary.gov.bm to ensure that the Judiciary is up to date with modern technology. Our website provides a considerable amount of information for people interested in the workings of the courts.

The screenshot shows the homepage of the Bermuda Judiciary website. At the top, there is a navigation menu with links for GOVERNMENT, SERVICES, BUSINESS, TRANSPORT, EDUCATION, RECREATION, and LINKS. On the right side of the menu, there are links for * LOG IN and * HELP. Below the menu is a banner image featuring the coat of arms of Bermuda on the left and a group of judges in red and white robes in the center. The text "The Bermuda Judiciary" and "Government of Bermuda" is overlaid on the banner. Below the banner, there is a breadcrumb trail: "YOU ARE HERE > Government Home > Attorney General & Ministry of... > Judiciary > Home". A search bar is located below the breadcrumb trail, with a dropdown menu set to "Topics" and a search button. The main content area is divided into a left sidebar and a main content area. The sidebar contains a list of navigation links: HOME, ABOUT US, COURT SERVICES AND FACILITIES, COURT LISTS, JURY, JUDGMENTS & LEGAL REFERENCES, PUBLICATIONS, OTHER INFORMATION, CONTACT US, and PATI (PUBLIC ACCESS TO INFORMATION) INFORMATION STATEMENT. Below these links is a section titled "Court of Appeal Session" with a sub-section "Draft Calendar NOVEMBER 2015". There is also a small table with the heading "Supreme Court and Magistrates Court Weekly Schedules". The main content area features a welcome message from the Chief Justice of Bermuda, the Hon. Ian R.C. Kawaley. The message includes a welcome to the Portal pages of the Bermuda Judiciary, a quote from the Judicial Oath, and information about court users' rights and the court's commitment to dealing with cases quickly and fairly. It also mentions that the courts derive from England and Wales and are adapted to fit Bermuda's special circumstances. A "Mission & Mandate" section follows, listing three bullet points: 1. The Judiciary is established by the Constitution as a separate and independent branch of government. 2. Its task is to adjudicate charges of criminal conduct, resolve disputes, uphold the rights and freedoms of the individual and preserve the rule of law. 3. Its mission is to carry out its task fairly, justly and expeditiously, and to abide by the requirement of the judicial oath "to do right by all manner of people, without fear or favour, affection or ill-will." The mission of the administrative section of the Judiciary is to provide the services and support necessary to enable the Judiciary to achieve its mission and to embody and reflect the spirit of the judicial oath when interacting with members of the public who come into contact with the courts.

GOVERNMENT SERVICES BUSINESS TRANSPORT EDUCATION RECREATION LINKS * LOG IN * HELP

The Bermuda Judiciary
Government of Bermuda

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FIND MORE > Topics [v] Everywhere [v] Enter Search Term [x]

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COURT SERVICES AND FACILITIES
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JURY
JUDGMENTS & LEGAL REFERENCES
PUBLICATIONS
OTHER INFORMATION
CONTACT US
PATI (PUBLIC ACCESS TO INFORMATION) INFORMATION STATEMENT

Court of Appeal Session
Draft Calendar NOVEMBER 2015

Supreme Court and Magistrates Court Weekly Schedules

Related Links
The Bermuda Bar Association
Bermuda Laws
Legal Aid
Bermuda Law Reports
Consolidated Rules of the Supreme Court

Welcome from the Chief Justice of Bermuda, the Hon. Ian R.C. Kawaley

Welcome to the Portal pages of the Bermuda Judiciary.

The Judicial Oath requires all judicial officers to "do right to all manner of people after the laws and usages of Bermuda without fear or favour, affection or ill will." The primary function of the courts is shaped and informed by this fundamental judicial commitment.

All court users are entitled to expect and to enjoy the same fair hearing rights, in conformity with this fundamental principle of equality before the law.

The courts of Bermuda are committed to dealing with all cases quickly and fairly. Waiting times are short. On the criminal side Supreme Court trials can expect to be tried within three months of arraignment. On the civil side, the courts always have time to take urgent matters immediately, and to set longer matters down at a time convenient to the parties.

Although much of our law and practice derives from England, Bermuda has, throughout its history, crafted models derived from England & Wales and other common law jurisdictions to fit its special circumstances. In particular our approach to civil procedure reflects the realities of a small jurisdiction, giving judicial officers the case management tools they need without blindly adopting procedures more suited to a larger jurisdiction.

On the portal pages of the Bermuda Judiciary you will find a general Introduction to our Court System, as well as more detailed information for members of the public and lawyers alike.

Mission & Mandate

- The Judiciary is established by the Constitution as a separate and independent branch of government.
- Its task is to adjudicate charges of criminal conduct, resolve disputes, uphold the rights and freedoms of the individual and preserve the rule of law.
- Its mission is to carry out its task fairly, justly and expeditiously, and to abide by the requirement of the judicial oath "to do right by all manner of people, without fear or favour, affection or ill-will."
- The mission of the administrative section of the Judiciary is to provide the services and support necessary to enable the Judiciary to achieve its mission and to embody and reflect the spirit of the judicial oath when interacting with members of the public who come into contact with the courts.

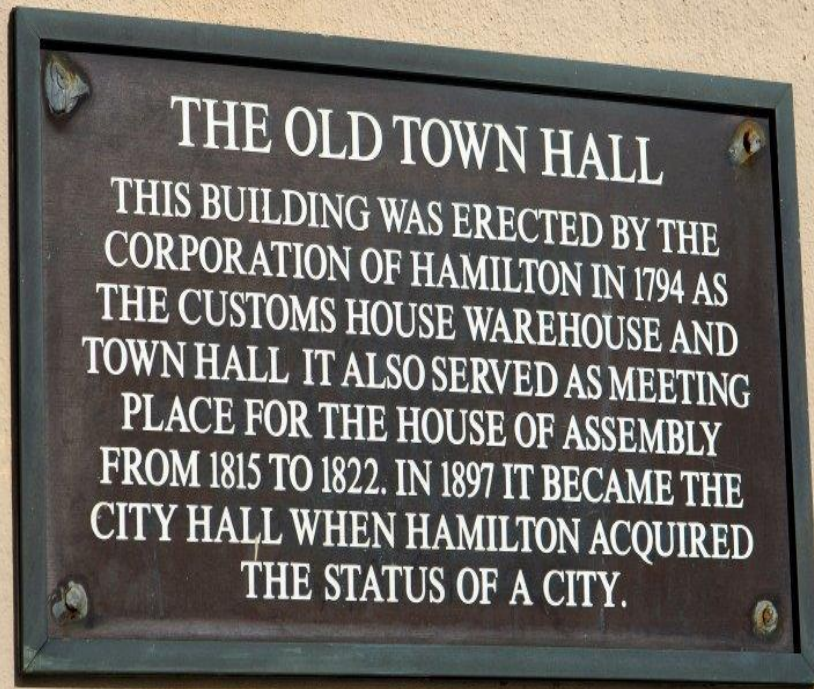


The Court of Appeal: Year in Review



A Snapshot of the 2015 Review

- ❖ **There were forty-four (44) appeals filed in 2015, just 2 more than 2014 with twenty-two (22) criminal and nineteen (19) civil appeals being disposed of.**
- ❖ **The President of the Court of Appeal has introduced a Directions Day for all outstanding criminal appeals, which has successfully enabled the Court to track the status of each appeal and move them forward with appropriate case management directions.**



The Courts

The Court of Appeal is established by the Constitution and the Court of Appeal Act 1964. Its procedure is governed by the Rules of the Court of Appeal for Bermuda. It entertains appeals from the Supreme Court. The Court of Appeal consists of the President of the Court, and a panel of five Justices of Appeal, who are all eminent regional or UK jurists.

For any particular sitting the Court is constituted by a bench of three, consisting of the President, or the most senior Justice present, and two other Justices of Appeal. The Court sits three times a year, usually for a month at a time. In the absence of the full court, certain administrative and interlocutory matters can be dealt with by a judge of the Supreme Court exercising the powers conferred by the Act upon a single Justice of Appeal.

The Registrar of the Supreme Court is also the Registrar of the Court of Appeal, and administrative matters relating to the Court are dealt with in the Registry of the Supreme Court.

Sitting Dates For 2016

These are the projected dates for the Sittings of the Court of Appeal for 2016. These dates are subject to change, depending on the volume of business.

- ❖ **29 February 2016 – 18 March 2016**
- ❖ **30 May 2016 – 17 June 2016**
- ❖ **31 October 2016 – 18 November 2016**

Court of Appeal Statistics

Table 1 : COURT OF APPEAL - TOTAL APPEALS FILED 2010-2015			
Year	Grand Total	Criminal	Civil
2010	37	15	22
2011	38	23	15
2012	35	15	20
2013	44	27	17
2014	42	21	21
2015	44	19	25

Table 1 in the 2015 Legal Year forty four (44) Court of Appeal cases were filed. nineteen (19) were criminal matters and twenty-five (25) were civil matters. This represents an increase of 5% in the number of cases filed in the Court of Appeal.

Figure 1: COURT OF APPEAL TOTAL APPEALS FILED 2010-2015

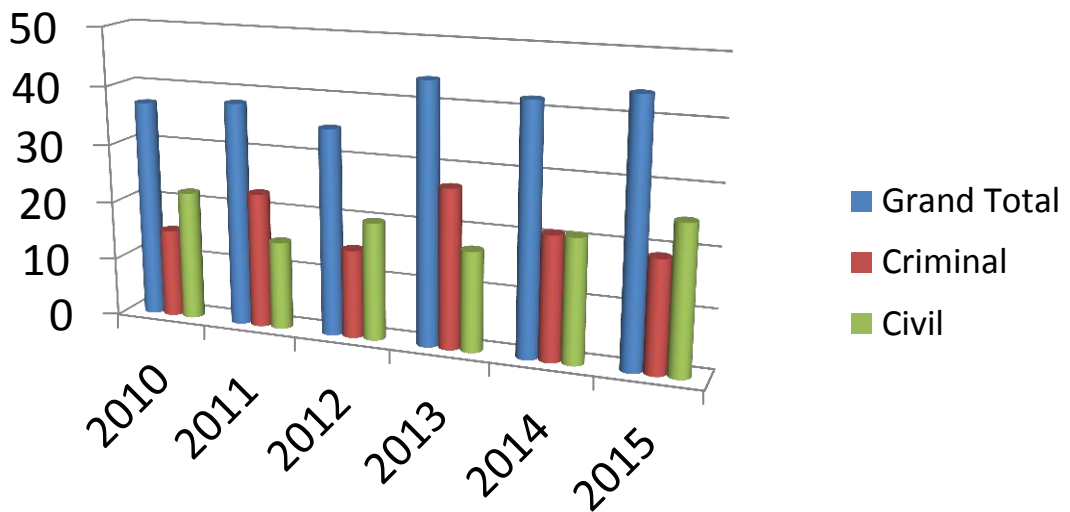


Table 2: COURT OF APPEAL - CRIMINAL APPEAL DISPOSITIONS					
Year	Total Disposed	Allowed	Dismissed	Abandoned	Pending
2010	27	8	13	6	-
2011	17	7	7	1	-
2012	19	6.5	10.5	2	2
2013	14	4.5	3.5	1	9
2014	27	5.5	19.5	2	16
2015	22	9	11	2	10

Table 2 In the 2015 Legal Year a total of nine (9) Criminal Appeals were allowed, eleven (11) appeals were dismissed, two (2) appeals were abandoned with ten (10) appeals pending. The total number of Appeals disposed decreased from twenty-seven (27) to twenty-two (22) compared to the 2014 Legal Year.

Figure 2: COURT OF APPEAL - CRIMINAL APPEAL DISPOSITIONS 2010-2015

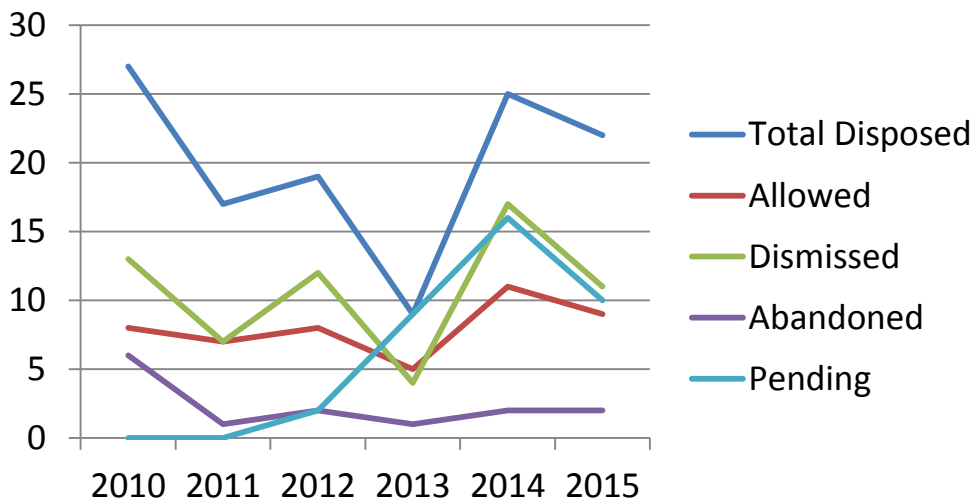
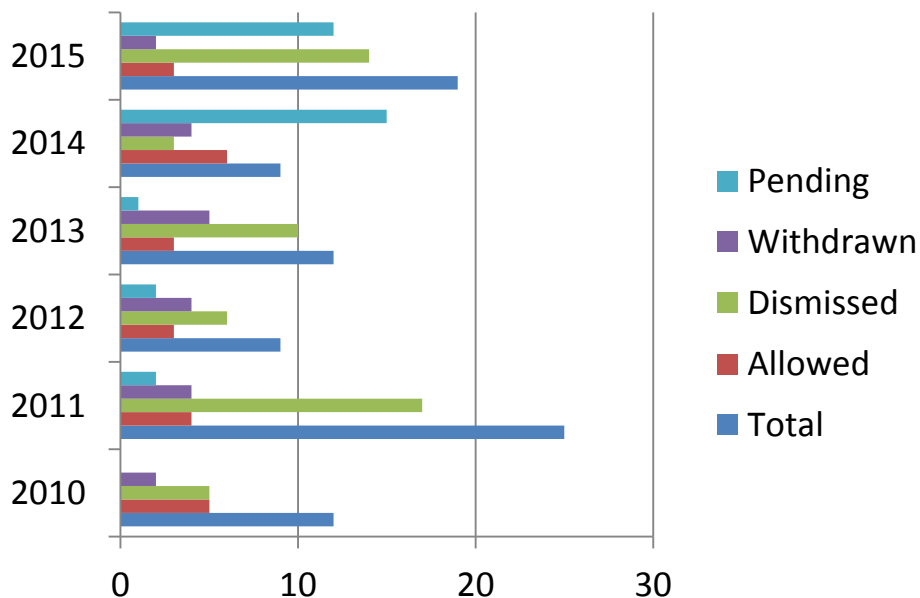


Table 3: COURT OF APPEAL - CIVIL APPEAL DISPOSITIONS					
Year	Total	Allowed	Dismissed	Withdrawn	Pending
2010	12	5	5	2	-
2011	25	4	17	4	2
2012	13	3	6	4	2
2013	17	3	9	5	1
2014	14	6	4	4	15
2015	19	3	14	2	12

Table 3 In the 2015 Legal year a total of three (3) civil appeals were allowed, fourteen (14) appeals were dismissed, two (2) appeals were withdrawn and twelve (12) appeals are pending. The total number of Appeals increased by five (5) matters compared to the 2014 Legal Year.

**Figure 3: COURT OF APPEAL - CIVIL APPEAL DISPOSITIONS
2010-2015**





Supreme Court: Year in Review



- ❖ The budget for the Department in the current financial year is approximately \$8,197,661.
- ❖ In 2015, there were forty-two (42) indictments filed with fifty (50) defendants having their cases disposed of.
- ❖ The number of Cases Pending in reference to Criminal Appeals disposed from 2014 to 2015 remained the same.
- ❖ The figures for the number of Civil matters filed for the 2015 Legal Year increased when compared to the previous Legal Year largely due to the number of applications for appointment of Notary Public licences.
- ❖ There was an 15% decrease in the total number of divorces filed.
- ❖ There 14% decrease in the total number of Probate filed.

The Courts

The composition and constitution of the Supreme Court is defined by the Bermuda Constitution, and its jurisdiction governed by the Supreme Court Act 1905, and various other laws.

The Supreme Court hears:

- ❖ More serious criminal cases which are tried by judge and jury
- ❖ Civil matters, where the amount in dispute exceeds \$25,000, which are heard by a judge alone and
- ❖ Business matters related to reinsurance, international business and winding up of companies are heard in the Commercial Court.
- ❖ Appeals from the Magistrates' Court and Other statutory appeals.
- ❖ Applications under section 15 of the Bermuda Constitution.
- ❖ Applications for judicial review of the administrative decisions of Ministers and other public bodies.

The Supreme Court is also responsible for:

- ❖ Granting Probate and Letters of Administration for deceased estates; and
- ❖ Appointing receivers to administer the assets of persons suffering from mental disability.
- ❖ The Registrar of the Supreme Court is the administrative head of the Department which employs 65 officers. The budget for the Department in the current financial year is approximately \$8,197,661.

the year within one month of the Arraignment session. This optimum level is dependent on the number of indictments filed, the number of multi- Defendant trials and the length of individual trials. We will however seek to maintain this level with the assistance of all who participate in this process.

We have dealt with an increase in multi-defendant trials without incident, but are still faced with a growing number and in size. Our current facilities to hold jury trials are unsuitable and inadequate and hopefully a plan can be developed in the medium term for a purpose built facility.

We want to commend our staff, who have remained flexible and committed to the delivery of services throughout the year.

Technology

Video Conferencing

We continue to use video link to our Arraignment sessions, which are held on the 1st of each Month. This means that Defendants do not have to be brought down from Westgate to attend but are present through a link to a dedicated room in Westgate where they can be seen and heard by the judge, their attorneys, and the public. This results in considerable costs savings, not only for Corrections but also for the additional security needed to provide for live appearances. Currently, this does not apply to persons being arraigned for the first time which requires legislative change.

Such links are common place in Commonwealth jurisdictions and with new technology continually improving, we hope that we will be able to benefit from other practical uses of such resources.

Premises

Commercial Court

The Commercial Court has now completed its ninth year of operation and has been well received by practitioners, both here and overseas.

Since moving into the Government Administration Building on Parliament Street we have added evidence presentation screens to facilitate the trial process. We consider that this will increase the profile of our Commercial Court both within Bermuda and overseas with an attendant overall benefit to the judicial process and increased and visible support for our International business.

Security

We continue to monitor the level of security threat and cooperate fully with Police and Corrections in respect of individual trials where appropriate. Should the increase of multi-defendant and factional cases continue, we will have to consider more permanent measures of protection for our Supreme Courts.

Due to high risk individuals being brought before our Courts for gun and weapon offences, coupled with the presence of friends and family members, along with those of their victims, presents a potentially unsafe for staff, Judges, Magistrates' and the public at large. We continue to review the needs for extra security devices including cameras and additional metal detectors and in view of recent crime, we have taken extra measures where necessary and installed temporary metal detectors provided by private security on a case by case basis. We continue to monitor our needs to protect our Courts and the people and public who use them.

In the Supreme Court, where we do not have permanent security personnel in place, we continue to work with the police and private security to ensure that adequate measures are implemented.

Supreme Court Statistics – Criminal Cases

Table 4: CRIMINAL CASES - 2010 - 2015					
Year	Total # New Indictments	Guilty Pleas	Guilty Verdict	Acquittals	Discontinued
2010	51	20	19	10	2
2011	55	25	19	12	14
2012	42	33	18	2	5
2013	44	20	15	5	7
2014	39	20	8	10	4
2015	42	19	12	14	5

Table 4 In 2015, there were forty-two (42) new indictments. There were nineteen (19) Guilty Pleas, twelve (12) Guilty Verdicts, fourteen (14) ‘Acquittals, and five (5) ‘Discontinued’ cases. Thirteen (13) cases are carried forward to 2016 compared to seventeen (17) cases for the previous year.

**Figure 4: CRIMINAL CASES
2010-2015**

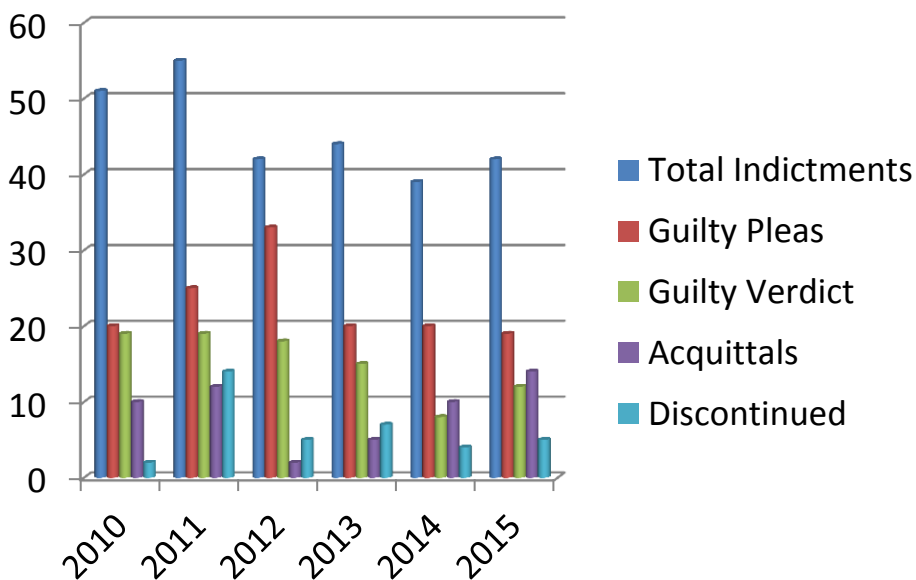
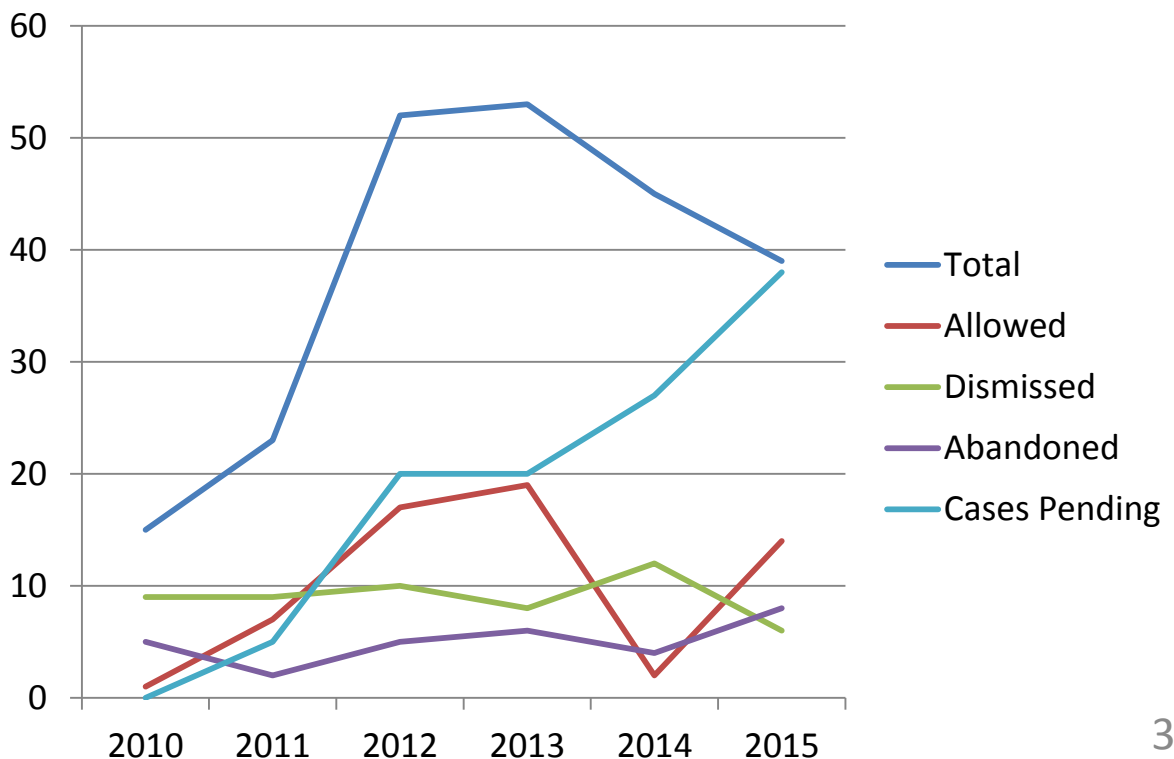


Table 5: CRIMINAL & CIVIL APPEALS FROM MAGISTRATES COURT - DISPOSITIONS 2010 - 2015					
Year	Total Filed	Allowed	Dismissed	Abandoned	Cases Pending
2010	15	1	9	5	-
2011	23	7	9	2	5
2012	52	17	10	5	20
2013	53	19	8	6	20
2014	45	7	21	5	27
2015	39	14	6	8	38

Table 5 In the 2015 Legal Year there was a total of fourteen (14) Criminal Appeals allowed, six (6) Appeals dismissed and eight (8) Appeals abandoned. The number of cases pending increased by eleven (11) to thirty-eight (38).

Figure 5: CIVIL & CRIMINAL APPEALS FROM MAGISTRATES COURT – DISPOSITIONS 2010-2015



Supreme Court Statistics - Civil Cases

**Table 6:
CIVIL CASES FILED 2010 - 2015**

Year	Total	Commercial	Originating Summons	Call to Bar	Notary	Writ of Summons	Judicial Review	Partition	Bankruptcy
2010	427	91	63	62	6	182	20	-	3
2011	477	75	83	48	6	240	13	10	2
2012	430	88	74	41	4	190	14	10	9
2013	422	70	99	27	6	199	10	8	3
2014	448	70	83	46	5	210	19	10	5
2015	513	57	140	52	51	180	12	11	10

Table 6 For the 2015 Legal Year there is an increase of sixty-five (65) Civil matters filed compared to the 2014 Legal Year – 14.5%, largely due to an increase in Notary Public applications as a result of a change in legislation. Divorce and Probate cases are dealt with separately on pages following.

Figure 6: CIVIL CASES FILED 2010-2015

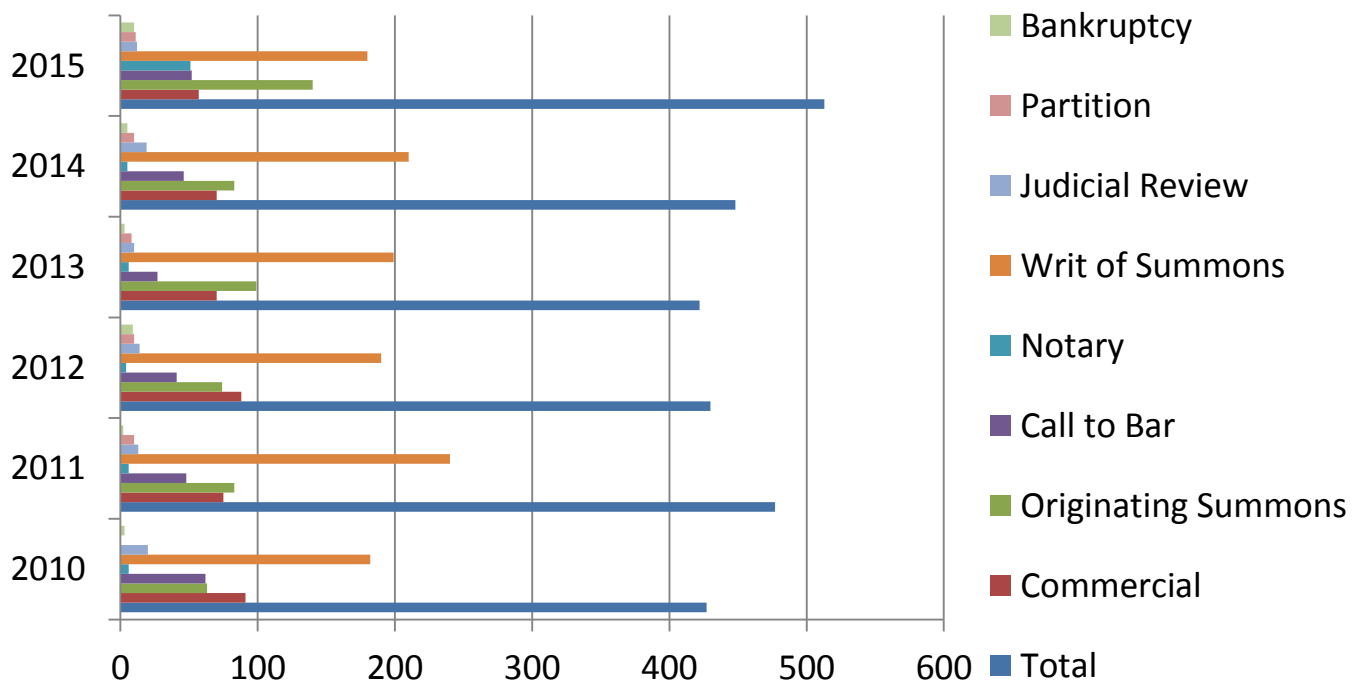


Table 7: 2013 - 2015 Published Judgments

2013					
Decision Type	Civil- Gen	Commercial	Family	Appeal	Total
Published/ Considered Judgments	36	10	1	7	54

2014					
Decision Type	Civil- Gen	Commercial	Family	Appeal	Total
Published/ Considered Judgments	41	23	0	8	72

2015					
Decision Type	Civil- Gen	Commercial	Family	Appeal	Total
Published/ Considered Judgments	49	12	0	11	72

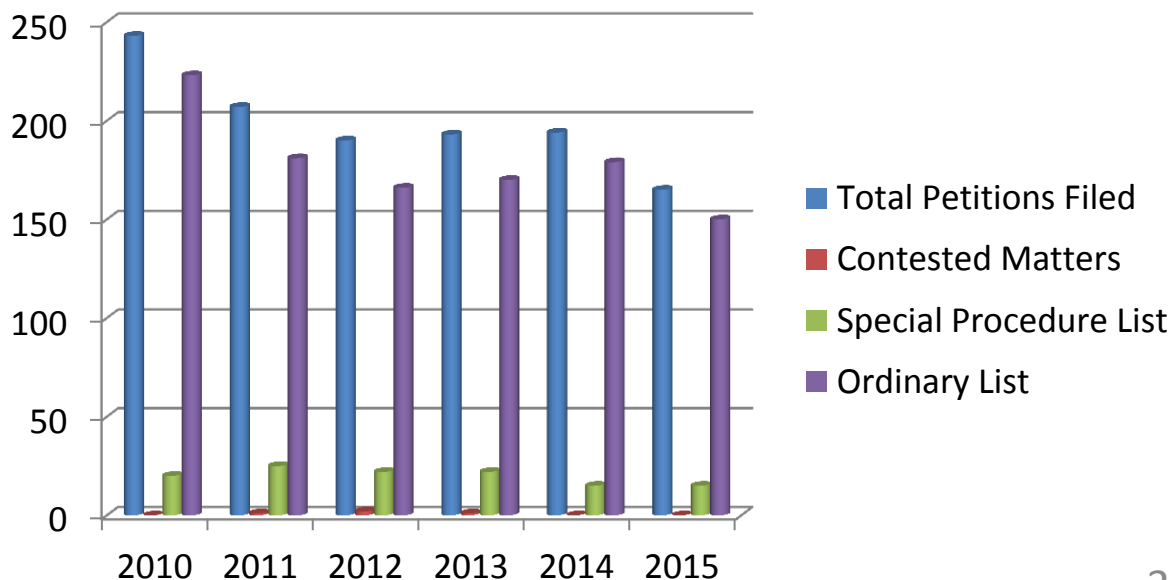
Table 7 The 2015 Legal Year numbers are substantially the same as the previous Legal Year.

Supreme Court Statistics - Matrimonial Cases

Table 8: MATRIMONIAL PETITIONS FILED 2010-2015				
Year	Total Petitions Filed	Contested Matters	Special Procedure List	Ordinary List
2010	243	0	20	223
2011	207	1	25	181
2012	190	2	22	166
2013	193	1	22	170
2014	194	0	15	179
2015	165	0	15	150

Table 8 For the 2015 Legal Year, there was a 15% decrease (29 cases) in petitions filed compared to the 2014 Legal Year. One hundred and sixty-five (165) cases were filed, of which fifteen (15) were for the Special Procedure List and one hundred and fifty (150) were for the Ordinary List. There were no contested cases filed. This year 141 divorces were granted compared with 149 in 2014.

Figure 8: MATRIMONIAL PETITIONS FILED 2010-2015



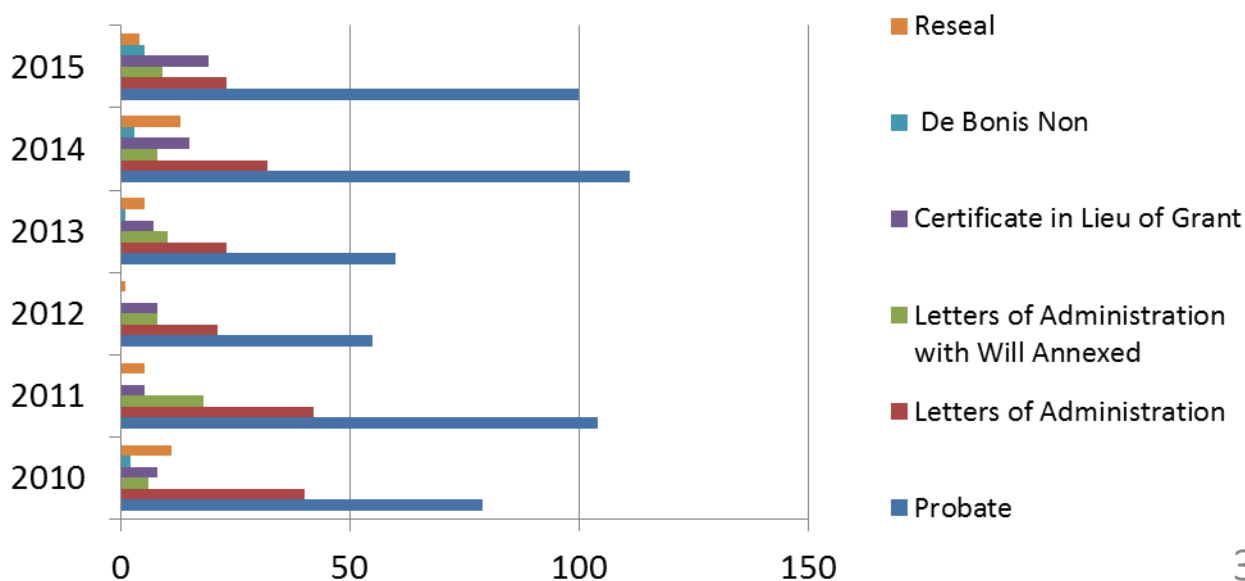
Supreme Court Statistics - Probate Cases

Table 9: PROBATE APPLICATIONS FILED 2010-2015

Year	Probate	Letters of Administration	Letters of Administration with Will Annexed	Certificate in Lieu of Grant (Small Estate)	De Bonis Non	Reseal	Total Grants	Caveats	Caveat Warning/Citation/Order to View Affidavit of Value
2010	79	40	6	8	2	11	146	29	
2011	104	42	18	5	0	5	174	34	
2012	55	21	8	8	0	1	93	6	
2013	60	23	10	7	1	5	106	19	
2014	111	32	8	15	3	13	186	48	
2015	100	23	9	19	5	4	160	38	9

Table 9 For the 2015 Legal Year there was a total of one hundred and sixty (160) grant applications filed; a decrease of 25 or 14% compared to the 2014 Legal Year. There were ten (10) fewer caveats filed, a decrease of 21%. An additional reporting category for the 2015 Legal Year is added, to report on filings for Caveat Warnings, Citations and Orders to View an Affidavit of Value.

Figure 9: PROBATE APPLICATIONS FILED 2010 - 2015





Supreme Court Registry: Year in Review



- ❖ **The Judicial Department continues to expand the website to meet the changing needs of the Public, Attorneys and interested parties of the weekly list of cases. We are expecting to review and update the website in 2016.**
- ❖ **We continue to integrate more of the JEMS Case Management System into the court's processes and procedures for efficiency and reporting purposes.**
- ❖ **One member of the Supreme Court is undertaking their Associate's Degree in Criminal Justice, another member of staff is undertaking an Associate's Degree in Financial Management and another is studying for their Level 3 ILEX Certificate.**

The Supreme Court Registry is responsible for the administration of the Supreme Court and the Court of Appeal. It is established by the Supreme Court Act 1905 and the Rules of the Supreme Court 1985.

The Registry is vital to the functioning of these courts, and is responsible for:

- ❖ processing all court documents;
- ❖ maintaining the secure custody and safety of all court records;
- ❖ making relevant information available for court users;
- ❖ collecting and accounting for all fees and fines received by the Courts;
- ❖ providing support to the Justices of Appeal, Supreme Court Judges and the Registrar;
- ❖ listing cases for hearing;
- ❖ recording all events which take place during the course of a case;
- ❖ receiving and processing applications for grants of Probate and Letters of Administration for deceaseds' estates;
- ❖ managing the resources required for the effective functioning of the courts; and
- ❖ Matrimonial matters including the distribution of family assets and the care and custody of children

The Registry is under the supervision of the Registrar, who is responsible for its smooth and efficient operation, and for implementing the policies and procedures necessary to support its operation. The Registrar is the administrative head of the Judiciary and its accounting officer.

Technology

We continue to do whatever is required to ensure that the JEMS case management system is functional and ongoing. Training has been completed for all users and will continue as needed.

Legislative change will be required in some instances to expand and make better use of available technology so as we can remain competitive and on par with similar jurisdictions and funding will have to be made available.

Website

We continue to use our website to inform the Public, Attorneys and interested parties of the weekly list of cases which we amend daily as necessary. We also list the schedule for the sessions of the Court of Appeal and the Supreme Court. It also provides information on our activities together with links to other related sites. This enables the public, inclusive of local and overseas attorneys, and the media to read current judgments when handed down and Practice Directions. It provides guidance to the public on Jury Service, Judicial Codes of Conduct, Small Claims procedures, a Youth Guide to the Bermuda Court system, a Probate Guide for the administration of Estates, our Supreme Court Newsletter, and links to other useful websites, including Bermuda Laws and Law Reports, Legal Aid and the Bar Association. Our website address can be navigated via the Portal or www.judiciary.gov.bm. We continue to expand our website to meet changing needs.

Further Education

We continue to encourage our staff where appropriate to take up or continue courses which may lead to them qualifying in the future as lawyers or such other recognised positions in the local community.



**Statue of Dame Lois Bowne-Evans located at the
Dame Lois Browne Evans Building**

Magistrates' Court: Year in Review



- ❖ **A review of the Standard Operating Procedures (SOP's)** for the Magistrates' Court remains in progress. We continue to strengthen the administrative arm of the Magistrates' Court with the introduction of cross-training. The intent of the cross-training was to ensure consistency and efficiency while also enduring historic staff shortages.
- ❖ **The Judicial Enforcement Management System (JEMS) was upgraded to allow for the implementation of the Bailiff's Paper Service.** Due to the upgrade the Bailiff Section received specialized training in inputting the service of the various types of Court documents.
- ❖ **In August 2015 Magistrates' Court filled the position of Enforcement Officer,** to drive the strategic plan for the enforcement of Child Support orders keeping in line with the goal to reduce the amount of Child Support arrears. It should be noted that this position had not been filled in over 5 years. Magistrates' Court used this opportunity to promote from within, as the successful candidate displayed growth and dedication together with the relevant educational background to be selected for promotion.
- ❖ The process of updating the policies and procedures is ongoing, unfortunately we were unable to complete this process in 2015 due to staff shortages but we are hopeful that we will complete it in 2016.

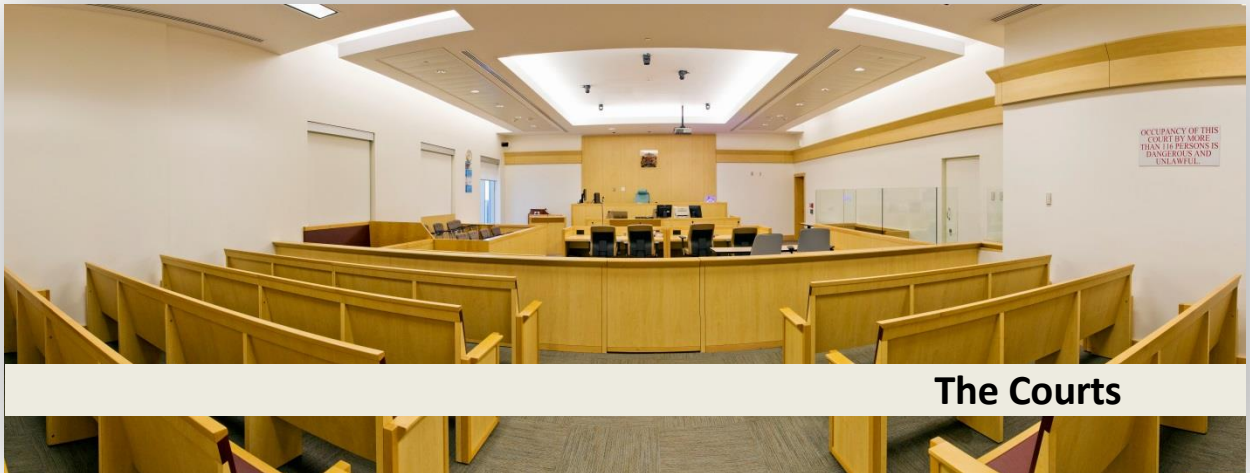
- ❖ **All Courts continue to be responsive to the economic plight and financial instability of persons who appear before the Courts** and this has manifested in making orders which take into consideration the financial and social circumstances of individuals.
- ❖ **There has been an increase of 16% in the number of Occasional Liquor Licences filed between 2014 and 2015.**
- ❖ **The Coroners Reports are currently up-to-date.**
- ❖ **In respect of the total number of Liquor Licences granted there has been an increase of 10%.**
- ❖ There has been an increase of **9% in the number of Case Events adjudicated** in the Magistrates' Court.
- ❖ **The total amount of Family Support cases have increased by 435 cases or 22%.** Notably, there has been an increase in the number of cases involving Case Orders, Domestic Violence Orders and Juvenile Cases.
- ❖ There has been **57% increase in the number of Juvenile cases heard in 2015.**
- ❖ **The Security Contract for the Courts is still up for renewal under a Request For Proposal (RFP) process** but it is anticipated that it will be completed by the first quarter of 2016.
- ❖ **In 2015 there were 778 applications for Criminal & Traffic Records requests** which has resulted in an extra burden being placed on already stretched resources.

Key Achievements in 2015



- ❖ The **Judicial Enforcement Management System (JEMS)** has been updated over the past year and this has improved the quality of the Court's administrative efforts. The Administrative Staff have undergone training for the advancement in JEMS, and the Magistrates' have offered suggestions for the improvement of JEMS which they hope to be implemented in 2016.
- ❖ The Magistrates' Court were strapped due to changes in hiring policies. During 2015 there was an unprecedented staff shortage which required the management to be innovative in placing resources where needed. There were occasions when the Civil and Criminal/Traffic Sections had to close their respective windows to the public to attend to their Court duties.
- ❖ All of the Sections in the Magistrates' Court rallied together to assist the Civil Section in processing outstanding New Civil Documents received. This is an example of how the Magistrates' Court staff worked together as a team by following the Judicial Mission & Mandate, "**to carry out its task fairly, justly and expeditiously, and to abide by the requirement of the judicial oath "to do right by all manner of people, without fear or favour, affection or ill-will"**" thereby ensuring public satisfaction.

The Courts



The Magistrates' Court has specialized Civil, Criminal, and Family Courts to ensure a dedicated response to these issues. There is also a Drug Treatment Court to oversee the rehabilitation of drug users. There are no jury trials and all cases are heard by a Magistrate sitting alone, except in the Family Court, where the Magistrate sits with two (2) lay members chosen from a Special Panel. Appeals from judgments of the Magistrates' Court are heard by the Supreme Court.

The Magistrates' Court is provided funding for the Senior Magistrate, four (4) Magistrates' and acting appointments where necessary. The Magistrates' adjudicate Civil, Criminal and Family matters which are reported below.

Hearings/Case Events	2011	2012	2013	2014	2015
Mentions	2,927	2,809	1,805	3,336	3,199
Trials	1,813	2,229	2,097	1,895	1,944
Case Events	24,234	24,009	25,876	24,715	26,971

Figure 1: Table of Hearings/Case Events

'Trials' are hearings between the parties in order for the Magistrate to make a judgment.

'Mentions' are events for the Magistrate to decide what the next course of action is to be taken i.e. trial, another mention etc.

'Case Events' includes proceedings such as pleas, legal submissions, sentencing hearings and other types of events that do not fall under Mentions and Trials.

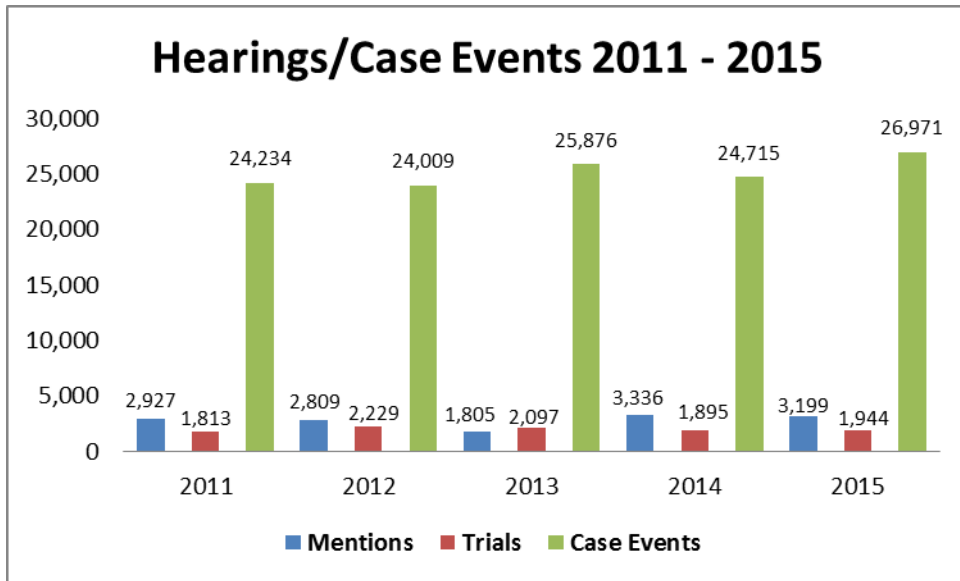


Figure 1A: Chart on Hearings/Case Events

There were three thousand one hundred and ninety nine (3,199) Mentions in Magistrates' Court in 2015. This represents a 4% decrease over the 2014 figure of three thousand three hundred and thirty six (3,336). It can be noted that the number of Mentions in 2013 is significantly lower than the two years preceding and after. Although in 2013 the number of Mentions were historically low, the average number of Mentions over the five (5) year period is two thousand eight hundred and fifteen (2,815).

This was a similar trend in the 2015 figures for Trials. There was an increase of 3% or forty nine (49) Trials in 2015 when compared to 2014 which saw one thousand eight hundred and ninety five (1,895) Trials. There were two thousand and ninety seven (2,097) Trials in 2013, two thousand two hundred and twenty-nine (2,229) Trials in 2012 and one thousand eight hundred and thirteen (1,813) in 2011.

As shown in Figures 1 and 1A the number of scheduled Case Events in 2011, 2012, 2013 and 2014 represent over 20,000 matters respectively. Although there was a decrease of 4% or 1,642 Case Events between 2013 (25,876) and 2014 (24,715), there has been a noticeable increase in these matters in 2015 (26,971) which is 2,256 or 9% higher. The 2015 total of Case Events is the highest over the past five (5) years.

Civil Court

The Civil Section is administered by three (3) Court Clerks and a Secretary. It provides case management and court services for the resolution of civil claims filed under \$25,000, for landlord and tenant matters under the Landlord and Tenant Act 1974 and the Rent Increases (Domestic Premises) Control Act 1978.

The Magistrates' Court fee structure is not in line with today's pricing model. There has not been an increase in fees for services rendered for over ten (10) years. As a result a special Fee Reform Committee was formed with the Senior Magistrate as the Chair. Collectively they met to recommend restructured new fees which are in the process of receiving legislative approval.



The Civil Section has adjudicated 2,711 new cases in 2015 which represents a reduction of 227 cases or 8% from 2014. This is 1,232 or 31% less cases filed when compared to the 2013 figures. This Section saw a number of staffing changes over the past year due to a resignation and a change in government hiring policies. The Civil Section was reduced to one (1) Court Clerk in November 2015 from the allotted three (3) Court Clerks. This undoubtedly has affected the overall productivity of this Section and thus an indication of the reduction in new Civil cases filed.

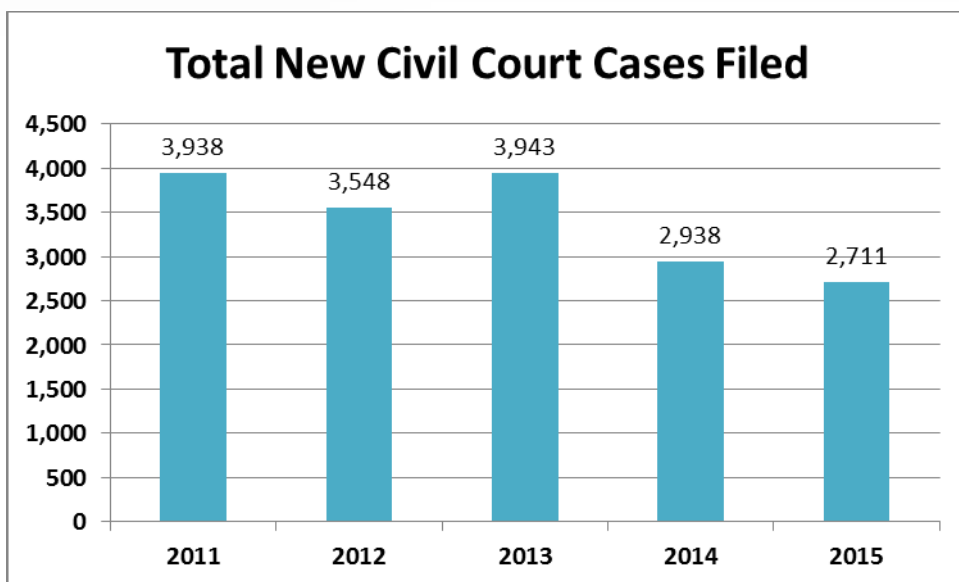


Figure 2: 2011 - 2015 Total New Civil Court Cases Filed

Family Court

The Family Court was established by Section 13 of the Children Act 1998 to exercise the jurisdiction conferred upon the Court by that Act.

There are two (2) Family Courts, each comprised of a Magistrate and two (2) panel members (male and female), pursuant to Section 12 of the Magistrates' Act 1948. This court continues to exercise its jurisdiction in cases involving children who have not yet attained the age of 18 years and children who have continued in full-time education beyond 18 years.



The Special Court Panel

The Family Court is a specialized court which was created to handle the specific needs of children whether born within or outside of marriage, and matters arising in respect of their custody, care, maintenance, and violations against the law (juvenile offenders).

With the addition of thirteen (13) new panel members at the start of 2015, the diversity of the Special Court Panel has grown and together with the existing long-standing members, they form a team worthy of reputable accolades. They assist the Magistrates in decision making and their value to the Family Court and its continued success is beyond rapport.

In 2015, the Special Court Panel utilized mediation as a primary tool in assisting parents with getting through the challenges they faced due to lack of communication, respect and empathy for one another. Mediation has played a pivotal role in assisting the court with making those more difficult decisions.

In November 2015, Justice Norma Wade-Miller of the Supreme Court invited panel members to engage in a Family Mediation Training Forum, where experts attended and spoke on the various benefits of family mediation. It was well attended by many in the legal fraternity, particularly those engaged in decision making in family proceedings.

New Family Court Cases



In 2015 The Family Court held seventeen (17) adoption related hearings under the Adoption of Children Act 2006, which is a significant increase of cases when compared to 2014 which saw three (3) hearings held. This can be attributed to the complexity adoptions can often carry, particularly for applicants who are unrepresented. There was a 30% increase in cases heard under the Children Act 1998 when compared to the 2014 figures. The number of Domestic Violence Protection Orders (DVPO's) continued to increase with sixty-seven (67) cases heard in 2015. This represents an increase of fourteen (14) cases or 26% when compared to 2014. It is difficult to ascertain the root cause of the increased numbers of DVPO matters but it may partly speak to some of the social issues in the community.

Enforcement (All Case Types in Default) saw an increase of 18% in 2015 compared to 2014. In August 2014 the post of Enforcement Officer was filled within the Magistrates' Court. This position falls under the Office of Family and Child Support and is mainly responsible for the enforcement of outstanding child maintenance arrears. It should be noted that this position had not been filled in over five (5) years. The appointed Enforcement Officer has sought out innovative ways to assist persons who have fallen delinquent through a number of initiatives. It is anticipated that we will continue to see an increase in the amount of delinquent persons brought before the Family Court.

APPLICABLE LAW	TOTAL FAMILY LAW CASES			
	2014	2015	2016	2017
Adoption Act 1963, Adoption Rules Act	3	17		
*Children Act 1998 (Care Orders, Access, Maintenance, Care & Control)	581	757		
**Enforcement (All Case Types in Default)	1,107	1,308		
New Reciprocal Enforcement (Overseas)	6	1		
Matrimonial Causes Act 1974	28	40		
Domestic Violence Act 1997 (Protection Orders)	53	67		
***Juvenile Cases	73	128		
New Cases Filed	156	124		
ANNUAL TOTALS	2,007	2,442		

Figure 3: Table of Total Family Law Cases per year.

**The Children Act 1998 – This figure includes all cases adjudicated under this Act including applications submitted from the Department of Child and Family Services (DCFS). Contribution Orders, which are also related to DCFS cases, were not separated in 2014 as this is a possible outcome to a case adjudicated under the Children Act 1998 and not a separate application type.*

*** Enforcement (Cases in Default) – These statistics have increased due to the Magistrates’ new enforcement initiative to collect the outstanding child support from the respective parent in arrears. A stronger enforcement regime has been introduced by the appointment of an Enforcement Officer who is working methodically to address high arrears, with the assistance of the Family Court Magistrates and Court Clerks.*

**** Juvenile Cases – Criminal & Traffic Cases for children who are too young to go to regular court (15 years old & under).*

As noted in the 2014 report a distinguishing feature of the Family Court is to schedule weekly and monthly ‘Defaulters’ Review’ days. The Defaulters’ Review is part of a robust enforcement initiative which was introduced in 2013. It has resulted in a considerable increase in the enforcement caseload of the Family Court [see **Figure 3 – Enforcement – All Case Types in Default**]. The total Family Court caseload for 2015 is 2,442 cases. This represents an increase of 22% or 435 cases when comparing it to 2014 which saw a total caseload of 2,007. As the island continues to face economic struggles, it is anticipated that figures will increase for 2016.

Child Support Payments

The total amount collected in Child Support payments over the 2015 period is \$4,898,084 which is a decrease of 2.5% in funds received when compared to the intake of \$5,023,883 in 2014. There was a decline of 4% in Child Support payments when compared to the intake of \$5,250,135 in 2013. Likewise, there was a 4% decline between the years 2013 and 2012.

Criminal & Traffic Section

The Criminal and Traffic Section are administered by one (1) Supervisor - Records Supervisor, two (2) Secretaries and three (3) Clerks (2 Court Clerks and 1 Parking Ticket Clerk). They provide case management and court services related to the resolution of criminal and traffic cases. This Section was at full strength for only a portion of 2015 until it suffered from the loss of the Court Parking Ticket Clerk twice during the year, due to the current hiring policies.

TOTAL NEW CASES (Filed)	2011*	2012*	2013	2014	2015
Criminal	1,037	702	823	684	610
Traffic	9,824	7,316	10,248	8,565	9,538
Parking	15,401	11,256	7,688	5,901	4,769

Figure 4: Total New Cases Filed with the JEMS system 2011-2015

*Revised up from the 2012 Report due to JEMS usage.

**The 2014 figure does not represent the actual number of tickets issued.

Total New Cases (Filed)			
Month	Criminal	Traffic	Parking
Jan	59	668	396
Feb	43	675	444
Mar	60	802	392
Apr	63	1,102	421
May	51	492	365
Jun	48	872	442
Jul	42	957	462
Aug	60	631	345
Sep	66	1,076	347
Oct	51	956	342
Nov	39	716	389
Dec	28	591	424
TOTALS:	610	9,538	4,769

Figure 4A: 2015 Table of New Criminal, Traffic and Parking Cases Filed by Month.

There were **610** new Criminal matters filed with the Court in 2015. This declined by **11%** or seventy four (74) matters when comparing it to the 2014 figures.

There was **4,769** new Parking Ticket cases filed for the year ending 2015 which is one thousand one hundred and thirty-two (1,132) or **19%** less tickets issued compared to 2014.

There were **9,538** Traffic offences adjudicated in the Magistrates' Courts during 2015. This is an increase of **11%** or nine hundred and seventy-three (973) cases when comparing it to the 2014 figures of 8,565. However, against the 2013 figures there was a decline by seven hundred and ten (710) cases or **7%**.

It should be noted that in April and September 2015 over 1,000 Traffic matters were adjudicated in Magistrates' Court, albeit while often short staffed. Due to the volume of Traffic matters being heard, two (2) Courts had to be used simultaneously on numerous occasions during the year, in an effort to process the defendants efficiently.

TOTAL CASES (Disposed)	*2011	*2012	2013	2014	2015
Criminal	1,339	1,400	1,227	436	497
Traffic	4,447	4,800	8,834	7,640	9,002
Parking	No Data	No Data	No Data	4,816	4,110

Figure 5: Table of Total New Cases Disposed by a Magistrate 2011 – 2015 (Criminal, Traffic & Parking)
*Revised up from the 2012 Report due to JEMS usage.

There was a noticeable increase of one thousand three hundred and sixty two (1,362) Traffic Cases disposed in the Magistrates' Court in 2015 bringing the total to nine thousand and two (9,002) representing an **18%** increase over the previous year. In 2013 there was a large increase in this area to eight thousand eight hundred and thirty four (8,834) from four thousand eight hundred (4,800) in 2012. This astronomical increase has continued to date, giving a premise that it is on an upward trend.

Top 10 Criminal Offences 2011 – 2015

Offence Code	Offence Description	Offence Count				
		2011	2012	2013	2014	2015
2071	OBTAINING PROPERTY BY DECEPTION	47	35	92	(3) 60	(6) 36
2010	STEALING (BELOW \$1000)	54	77	83	(1) 78	(4) 59
2156	ASSAULT (ABH)	49	83	71	(4) 56	(1) 72
2300	POSSESSION OF CANNIBIS	189	91	68	(2) 63	(3) 60
4032	THREATENING BEHAVIOUR	59	80	65	(3) 60	(5) 50
2127	BURGLARY (NEW)	74	63	58	(5) 53	(2) 64
2152	ASSAULT (COMMON)	45	60	45	(6) 49	(7) 35
4026	OFFENSIVE WORDS	49	65	33	(8) 36	(8) 34
2144	WILFUL DAMAGE GT 60	28	38	27		(9) 32
6506	DOG UNLICENCE					(10) 29
2230	SEXUAL EXPLOIT Y/P TRUST				(7) 41	
2316	POSS CANNABIS WITH INTENT				(9) 32	(8) 34
2091	TAKE VEHICLE AWAY W/O CONSENT				(10) 29	

Figure 6: Table of Top 10 Criminal Offences 2011 – 2015

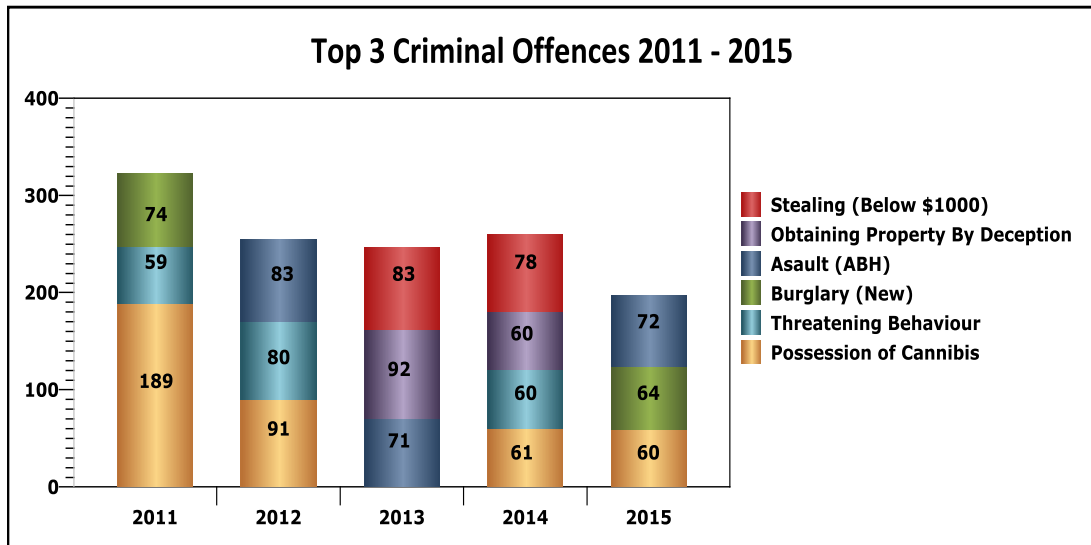


Figure 6A: Table of Top 3 Criminal Offences 2011 – 2015

The Top 3 Criminal Offences in 2015 are as follows:-

1. Assault (ABH)
2. Burglary (New)
3. Possession of Cannabis

All of the 2015 figures, (see Fig. 6 and 6A) in this category of offences have again seen a moderate decline in comparison to the 2014 and 2013 figures. The most prevalent Criminal Offence for 2015 was Assault (ABH). The Possession of Cannabis offence continued to decline between 2011 – 2015. There were 60 cases this past year which is a nominal difference of 3 cases compared to 2014, 8 cases compared to 2013 and a 23 cases compared to 2012. There was a significant decrease of 129 cases of Possession of Cannabis in 2011 when comparing against the 2015 figure but it remains constant as one of the Top 3 Criminal Offences over the past 5 years.

Top 10 Traffic Offences 2011 – 2015

Offence Code	Offence Description	Offence Count				
		2011	*2012	2013	2014	2015
3002	SPEEDING	2,125	2,011	2,384	(1) 3,053	(1) 4,043
3007	DISOBEY TRAFFIC SIGN	144	101	1,649	(3) 1,055	(2) 1,228
3147	**USE OF HANDHELD DEVICE WHILST DRIVING	n/a	637	1,161	(2) 1,058	(3) 841
3013	SEAT BELT NOT FASTENED	47	35	675	(5) 438	(7) 369
3234	NO DRIVERS LICENSE/PERMIT	284	249	575	(4) 545	(4) 730
3080	NO 3 RD PARTY INSURANCE	384	329	346	(6) 379	(5) 473
3229	UNLICENSED MOTOR BIKE	219	194	296	(7) 351	(6) 431
3070	DRIVE W/O DUE CARE & ATTENTION	185	179	210	(9) 143	(9) 177
3058	IMPAIRED DRIVING A MOTOR VEHICLE	205	202	206	(8) 154	(10) 170
3190	FAILURE TO WEAR HELMET	39	41	185	(10) 131	
3228	UNLICENCED MOTOR CAR					(8) 180

Figure 7: Table of the Top 10 Traffic Offences from 2011 – 2015

*2012 figures revised from those stated in 2012 Annual Report using JEMS system.

**The Use of Handheld Devices Whilst Driving became an offence in 2011 and therefore was not enforced until December 2011. It could not be captured as a statistic for that year.

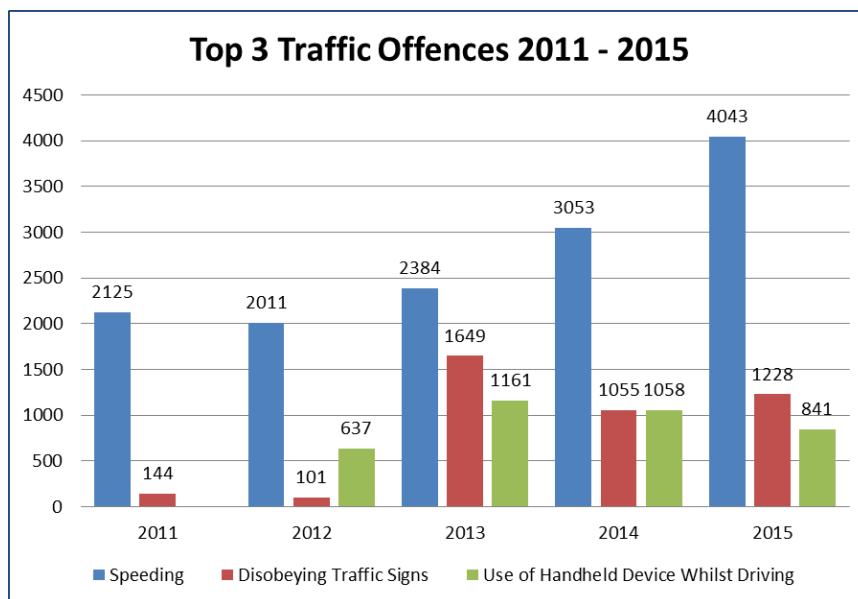


Figure 7A: Table of the Top 3 Traffic Offences from 2011 – 2015

The Top 3 Traffic Offences for 2015 are as follows:-

1. Speeding
2. Disobeying a Traffic Sign and
3. Use of a Handheld Device whilst Driving.

The Top 3 Traffic offences as seen in Fig. 7 and 7A have generally remained the same for 2015 albeit, the number 2 and 3 spots have reversed again. The Top Traffic offence of Speeding saw another significant increase of 990 matters and has reached an all time high of 4,043 cases. Speeding remains on the top of this chart for the fifth consecutive year.

As the second and third of the Top 3 Traffic offences have switched again, there was a moderate increase of 16% or 173 cases in the offence of “Disobeying Traffic Signs”, however there was a noticeable decrease of 20% or 217 cases in the “Use of a Handheld Device Whilst Driving” offence.

Outstanding Warrants

For the period from January – December 2015 there are nine thousand eight hundred and ninety-nine (9,899) warrants still outstanding. These outstanding warrants have been divided into three (3) categories. They are as follows:- 6,206 Apprehensions; 3,092 Summary Jurisdiction Apprehensions (SJA) and 601 Committals for criminal and traffic offences, as well as unpaid criminal and traffic fines. The number of outstanding Apprehension Warrants increased by 5% or 318, the SJA's increased by 10% or 295 and the Committals increased by 22% or 108.

The total amount in unpaid fines that have accrued as a result of the warrants not being executed is \$1,907,965.51 as at 31st December, 2015.



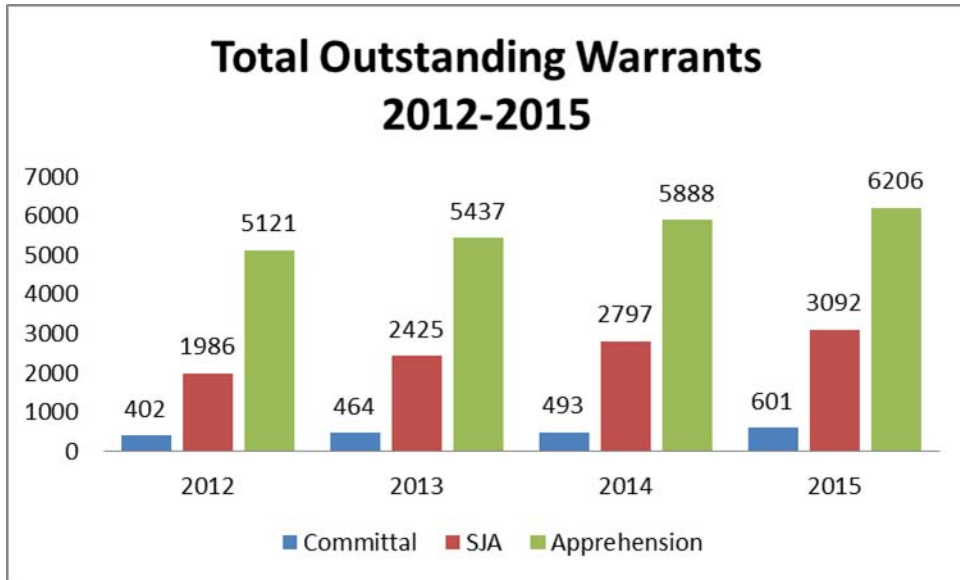
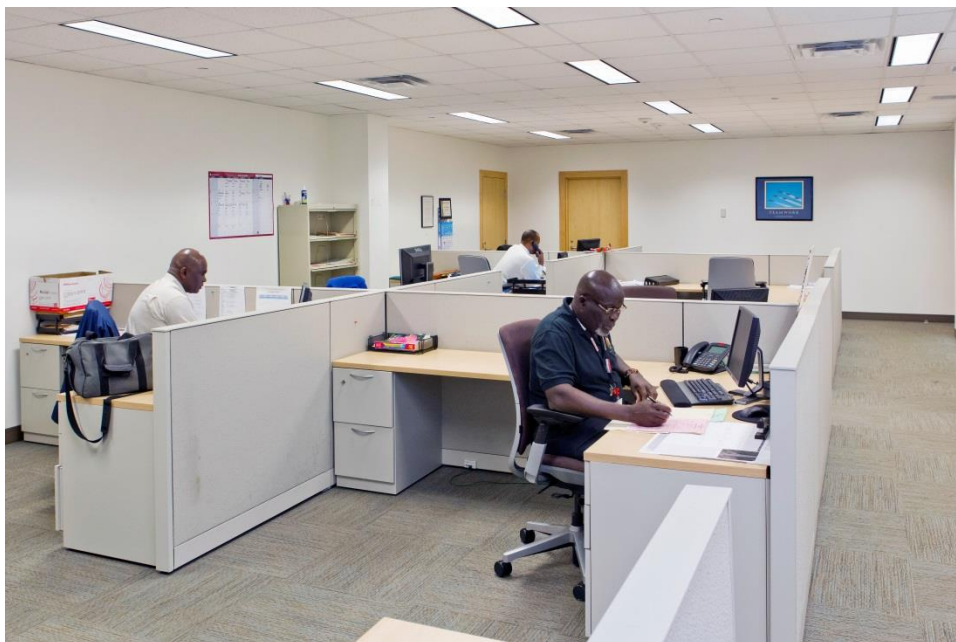


Figure 8: Outstanding Warrants (Apprehension, Summary Jurisdiction Apprehension (SJA) and Committal)

NOTE: Apprehension Warrants are issued when defendants do not show up to Court when they are summoned for criminal and traffic offences. **SJA Warrants** are issued when a defendant has been fined by a Magistrate and has not paid the fine by the prescribed deadline. **Committal Warrants** are issued when a defendant is found or pleads guilty of an offence, does not pay the fine, asks for more time to pay (TTP) and then does not meet that deadline.



PACE Warrants 2012-2015	Legislation	2012	2013	2014	2015
Special Procedure Applications	Telephonic	94	67	66	96
	Banking	15	3	12	11
	Internet	0	0	1	22
	Medical	3	1	1	3
	Courier	0	0	0	0
	Law Firm/Legal	0	0	1	1
	Travel Agents/Airlines	0	1	1	0
	Insurance	0	1	0	0
Order of Freezing of Funds		1	0	0	0
Order Release of Seized Cash/Property		3	6	8	5
Continued Detention of Seized Cash		81	72	13	33
Search Warrants	Misuse of Drugs Act	29	60	54	65
	Firearms	14	27	19	19
	Sec. 8/Sec. 15 PACE Act	20	11	18	39
	Revenue Act(Customs)	5	2	0	0
	Criminal Code 464	2	0	0	0
Production Order (Customs)		11	0	0	1
Production Order 'PATI' - Public Access To Information		0	0	0	1
TOTAL OF ALL TYPES		278	251	194	296

Figure 9: Table of 2012 - 2015 PACE Warrants

Police and Criminal Evidence Act (PACE) Warrants

There was a total of two hundred and ninety-six (296) PACE Warrants in 2015 which represents an increase of one hundred and two (102) warrants or 53% when comparing it to the 2014 totals.

The warrant type 'Continued Detention of Seized Cash' has doubled from thirteen (13) in 2014 to thirty-three (33) this year. Another warrant type which saw a significant change is under 'Search Warrants – Section 8/Section 15 of the PACE Act' otherwise known as a 'Warrant to Enter and Search Premises'. There were thirty-nine (39) in 2015 which is the highest in this area over the past four (4) years which saw eighteen (18) in 2014, eleven (11) in 2013 and twenty (20) in 2012 respectively.

Under the Special Procedure Applications there was a large increase in the Telephonic and Internet warrant types. In 2015 there was ninety-six (96) Telephonic warrants which is 45% higher than in 2014 which had sixty-six (66). The Internet warrant type saw the largest increase between 2015 and 2014 wherein there was only one (1) warrant request in 2014 compared to twenty-two (22) in 2015.



Coroner's Reports/Cases

Causes of Death	2011	2012	2013	2014	2015
Natural Causes	77	72	57	63	60
Unnatural Causes	3	3	6	3	10
Murders	9	4	5	3	4
Drowning	2	3	1	4	3
Road Fatalities	6	8	10	14	8
Undetermined	3	4	3	0	1
Hanging	2	3	1	1	1
Strangulation	1	0	0	0	0
Suspicious	1	0	0	0	0
Unknown	n/a	n/a	n/a	1	3
TOTALS	104	97	83	89	90

Figure 10: Table of Causes of Death in Coroners Cases 2011 – 2015

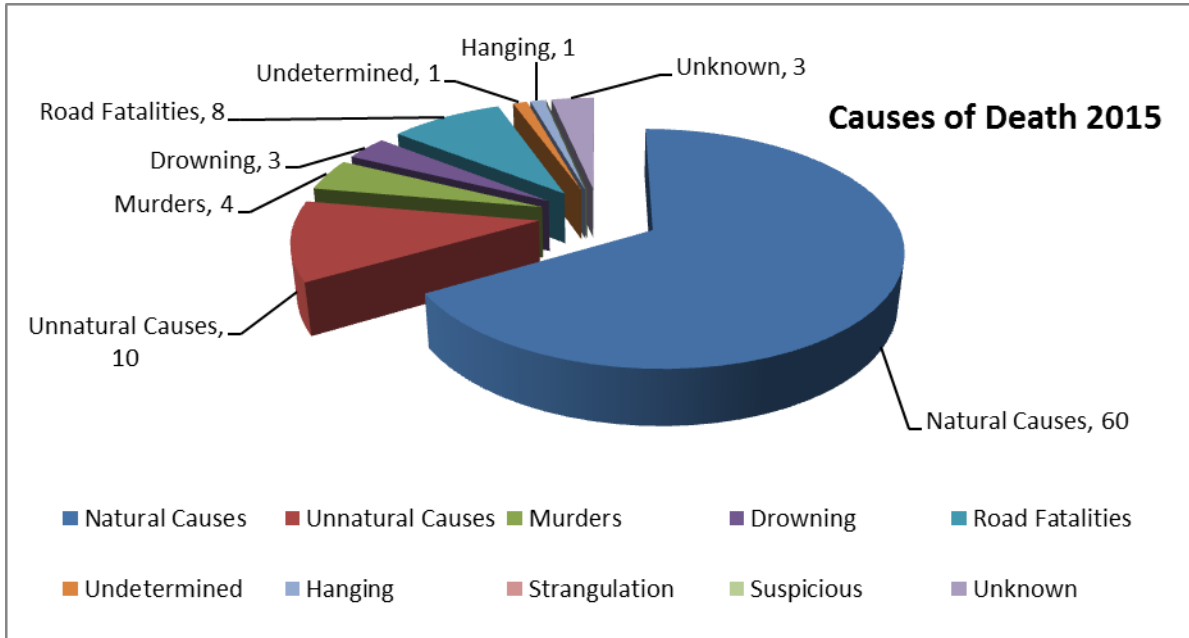
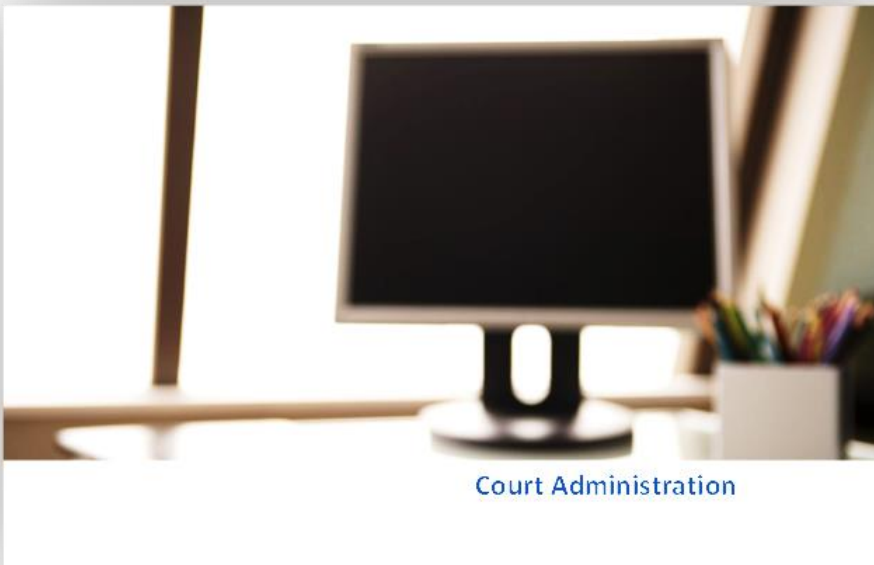


Figure 10A: 2015 Chart of Causes of Death in Coroners Cases

From January – December 2015 the Coroner reviewed ninety (90) Coroner’s deaths. The Coroner’s death totals increased by one (1) over the past year. It should be noted that the number of ‘Road Fatalities’ decreased this year to eight (8) from fourteen (14) in 2014. The ‘Unnatural Causes’ statistic increased from three (3) in 2014 to ten (10) in 2015 and the number of ‘Unknown Causes’ cases increased from one (1) to three (3) when comparing the 2015 and 2014 figures.



Court Administration

The Court Administration includes the following six (6) staff: - the Court Manager, Office Manager, Head Cashier, two (2) Cashiers and a Secretary. They provide support and overall control of the personnel, facilities and financial resources of the Magistrates' Court.

Cashier's Office

Magistrates' Court Cashier's Office collected \$8,968,339 (eight million nine hundred and sixty eight thousand three hundred and thirty nine dollars) in all categories (inclusive of Child Support) in 2015. This signifies a 6% increase or \$475,600 (four hundred and seventy five thousand six hundred dollars). However there was a 19% decrease or \$49,042 (forty nine thousand forty two dollars) in the intake of Civil Fees and that is relative to the shortage of staff in that Section as mentioned earlier in this report.

The revenue of \$2,445,881 (two million four hundred and forty five thousand eight hundred and eighty one dollars) in 2015 for Traffic Fines represents an increase of 34% compared to 2014 and likewise there was a similar increase of 37% when comparing to the 2013 figures.

As was noted in the 2013 and 2014 Annual Reports there continues to be a decline in the revenue for Parking Fines. This pattern has continued in 2015 with the revenue equating to \$209,300 (two hundred and nine thousand three hundred dollars) which is 16% lower than in 2014 and \$312,650 (three hundred and twelve thousand six hundred and fifty dollars) or 33% less than 2013.

There was an increase in revenue collected in the Criminal Section which represents 30% or \$41,933 (forty one thousand nine hundred and thirty three dollars). This is an indication that persons have been able to pay their fines.

Cashier's Office Payment Types by \$ Amount				
Payment Types (By \$ Amount)	2012	2013	2014	2015
Civil Payments	\$ 664,664	\$ 669,312	\$ 612,425	\$ 640,222
Civil Fees	\$ 278,010	\$ 300,685	\$ 256,790	\$ 207,748
Traffic Fines	\$ 1,456,078	\$ 1,788,130	\$ 1,828,645	\$ 2,445,881
Parking Fines	\$ 496,450	\$ 312,650	\$ 249,450	\$ 209,300
Criminal Fines	\$ 228,443	\$ 190,687	\$ 139,888	\$ 181,821
Liquor License Fees	\$ 328,340	\$ 329,210	\$ 332,942	\$ 349,405
Pedlar's License Fees	\$ 11,070	\$ 12,870	\$ 10,440	\$ 11,610
Misc. Fees (Including Bailiffs)	\$ 26,088	\$ 41,649	\$ 38,106	\$ 24,716
Family Support	\$ 5,487,566	\$ 5,250,135	\$ 5,023,883	\$ 4,898,084
TOTAL COLLECTED	\$ 8,980,794	\$ 8,895,436	\$ 8,492,739	\$ 8,968,339

Figure 11: Cashier's Office Payment Types (By \$ Amount) 2011 – 2015

Cashier's Office Payment Types by Number					
Payment Types (By Number)	2011	2012	2013	2014	2015
Civil Payment (Attach of Earnings)	2,488	2,826	3,221	3,575	3,968
Civil Fees	7,867	7,403	9,023	7,364	5,774
Traffic Fines	8,278	6,482	10,269	8,166	9,627
Parking Fines	11,497	9,933	6,253	4,989	4,185
Criminal Fines	543	396	385	294	404
Liquor License Fees	392	450	443	455	487
Pedlar's License Fees	136	123	143	116	129
Miscellaneous Fees	606	551	677	851	850
Family Support	28,278	25,669	25,979	23,450	22,705
TOTAL PAYMENTS PROCESSED	60,132	53,879	56,392	49,260	48,152

Figure 11A: Cashier's Office Payment Types (by Number) 2011 – 2015

The total number of Payment Types made to the Cashiers Office for 2015 is 44,152 which represents a 2% decline.

There has been a steady decline in the number of payments received in the Magistrates' Court over the past three (3) years. In particular, the Civil Fees and Parking Fines numbers decreased by 22% and 16% respectively. However, the number of payments for Traffic Fines increased by 18%, Liquor Licences by 7% and Criminal Fines by 37%.

The number of Criminal Fines paid has fluctuated over the past five (5) years but in 2015 there was a significant increase from the 2014 figures which represented the lowest number of payments received over the same period.

The number of Family Support payments have seen a steady decline from 2011 to 2015. There was 22,705 in 2015, 23,450 in 2014, 25,979 in 2013, 25,669 in 2012 and 28,278 in 2011. Based on the figures stated there was a 3% decline between 2015 and 2014; a 10% decline between 2014 and 2013; a 1% decline between 2013 and 2012 and a 9% decline between 2012 and 2011 respectively.

Family Support staff noted a trend towards a change in the frequency of payments from weekly to monthly. This would cause a reduction in the number of payments, but not necessarily in the amount of money received.

Pedlar's Licenses

Pedlar's Licences by Year					
Month	2011	2012	2013	2014	2015
January	4	6	12	4	2
February	9	3	10	12	11
March	2	12	9	4	16
April	7	12	14	14	9
May	15	17	10	21	13
June	18	12	18	6	18
July	18	18	15	13	30
August	9	8	10	5	24
September	4	6	8	15	0
October	9	4	13	7	0
November	21	15	11	9	0
December	16	9	13	6	0
TOTAL	132	122	143	116	123

Figure 12: Table of Pedlar's License Statistics from 2011 – 2015

The number of Pedlar's License applications saw an increase of seven (7) licenses over a notably shorter time period (1st January – 31st August, 2015). As a result of new legislation, Magistrates' Court's last day for the issuing of Pedlar's Licenses was 31st August, 2015. As at 1st September, 2015 the Pedlars Act 1894 was repealed and the new Vending Act 2015 came into effect. The Bermuda Economic Development Corporation (BEDC) are now responsible for managing the Island's Vendors under the new Act. [Contact Information: www.bedc.bm; Telephone: 292-557; Email: info@bedc.bm].

Liquor Licenses

Liquor License totals saw a moderate increase of 10% or sixty (60) licenses from five hundred and ninety-nine (599) in 2014 to six hundred and fifty-nine (659) in 2015. There were three hundred and seventy eight (378) Occasional Liquor Licenses in 2015 which is the highest number of this type of License over the past five (5) years.

DISTRICTS	2011	2012	2013	2014	2015
Central District	148	153	164	169	174
Western District	52	63	54	56	57
Eastern District	41	52	44	48	50
Occasional Licenses	224	374	338	326	378
TOTAL LICENSES ISSUED	465	642	600	599	659

Figure 13: Table of 2015 Liquor Licenses granted by District

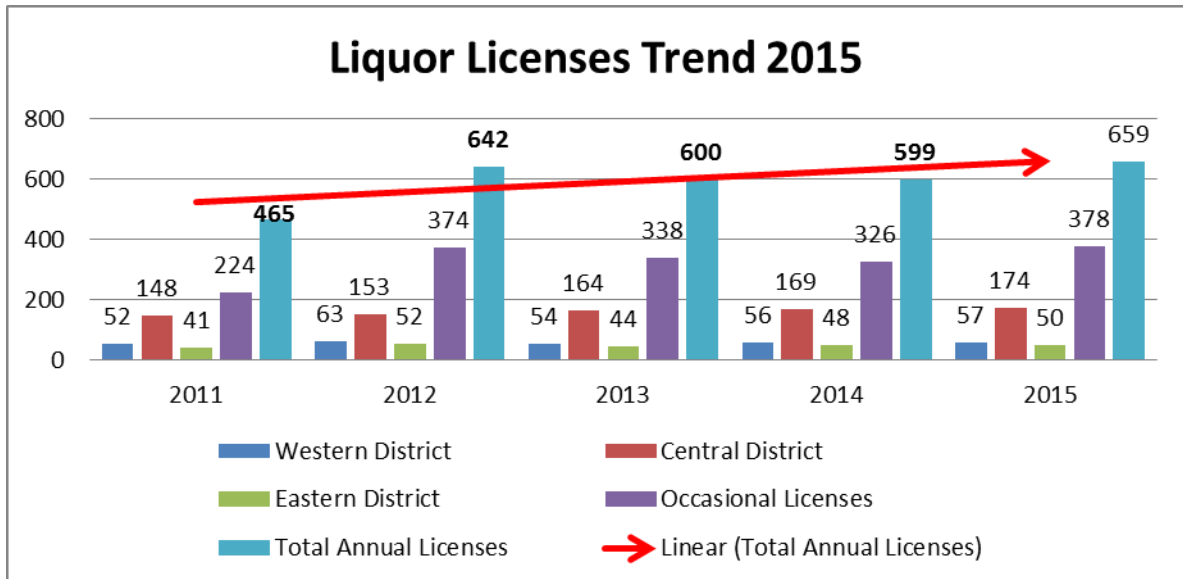


Figure 13A: Table of 2015 Liquor Licenses – Trend Line Chart

Bailiff’s Section: Execution and Service

The year started on a good note in January 2015 when two (2) of the Bailiff posts were filled substantively. Over the course of the year the Section lost the services of two (2) staff members due to retirement.

In February 2015 the Bailiffs Section received specialized training in the Judicial Enforcement Management System (JEMS). The training covered the aspects of processing Court documents by the Secretary and the service of the documents by the Bailiffs. In July 2015 further training was required after a review of the initial training procedures revealed that additional features were needed to achieve the overall objectives on the service of Court documents.

On 30th September 2015, due to retirement, the section lost the services of the Secretary and one (1) Bailiff. Soon after these posts were frozen by Government which created a serious void in the section, leaving them understrength by three (3) staff members.

In order to achieve their objectives in the service of Court documents, the areas that the Bailiffs are assigned to serve documents were extended throughout the island. This, of course, placed additional demands on the remaining Bailiffs to execute their regular documents with the additional responsibility of servicing documents that are normally assigned to other Bailiffs.

Due to the loss of key personnel, the Deputy Provost Marshal General (DPMG) was required to perform additional administration duties which impacted on the performance with respect to some of his duties, namely the servicing of Writs of Execution. With that said, a public auction for the sale of a house was held in January 2015 which resulted in a “no sale” due to “no offers” being made. In November 2015 however, the sale of a house by way of Private Treaty was achieved. The DPMG has several properties to sell but he has discovered with some of the cases, the properties have very large mortgages which exceeds the fair market value of the property and thus disqualifies any attempt to sell the properties in question. In order to assist with the enforcement of the Writs of Execution, it would be beneficial if the Attorneys would do a more thorough investigation on the assets of the Judgment Debtors to establish if the asset has a significant mortgage which would impact on the sale of the property to settle the indebtedness.

It is anticipated that in the new year (2016) the Judicial Department will be able to employ the required personnel to bring the Courts up to full strength.

2011 – 2015 Annual Statistics for the Bailiff’s Section

DOCUMENT TYPES	2011	2012	2013	2014	2015
Ordinary Summons	1,405	1,230	1,029	638	610
Supreme Court Documents	186	232	311	307	270
Family Court Documents	231	568	641	757	798
Committal Applications	No Fig	908	1,199	1,119	1,523
Warrants	No Fig	1,150	1,172	1,147	414
Evictions	45	45	44	42	29
TOTALS	1,867	4,133	4,396	4,010	3,644

Figure 14: Table of 2011 – 2015 Annual Bailiff Document Types

For the second year in a row the majority of the document types issued for the service by the Bailiffs decreased in number. As seen in Figure 14 the total documents for the years 2013 and 2015 declined by 17% . Only the documents issued by the Family Court and the Committals to Prison had increases.

2015: Monthly Statistics for the Bailiff's Section

Month	Ordinary Summons	Supreme Court Docs.	Family Court Docs.	Committals	Warrants	Evictions	Totals
Jan	19	26	18	105	82	0	250
Feb	47	23	77	150	64	2	363
Mar	45	31	60	111	58	2	307
Apr	41	21	55	89	48	0	254
May	29	14	68	24	47	2	184
Jun	139	23	71	272	39	1	545
Jul	112	14	26	182	19	6	359
Aug	57	12	92	215	21	6	403
Sep	39	30	87	141	13	0	310
Oct	17	36	69	82	9	1	214
Nov	34	29	70	134	10	7	284
Dec	31	11	105	18	4	2	171
TOTALS:	610	270	798	1523	414	29	3644

Figure 14A: Table of the Total Amount of Bailiff Document Types by Month

Surprisingly, in 2015 there was a significant decrease by 65% with the issuing of the Warrants of Arrest. This document is primarily issued by the plaintiffs when the offending party to a civil debt fails to appear in Court. This may be due to a higher percentage of individuals attending Court to answer to the claims made against them or the plaintiffs have not proceeded to take further action.

The decrease with the issuing of the Warrants of Arrest may also coincide with the increases in the Committals to Prison; whereas there are more debtors receiving Court orders to make payments but due to the hard economic times have failed to comply with the Court order.

Bailiffs' Paper Service for 2015

Documents: 1 January - 31 December 2015						
Document Types	Assigned	Exec/Served/Etc	Unable to Locate	Can/Withdrawn	Attempts	Bal
Bill of Cost	1	1	0	0	0	0
Committals Applications	1523	911	12	136	1500	464
Evict Warrants	29	19	0	7	38	3
Foreign Documents	71	67	0	0	0	4
Judgement Summons	146	139	4	3	82	0
Notice of Hearing	80	61	8	3	13	8
Ordinary Summons	610	521	60	26	402	3
Protection Orders	42	41	0	1	2	0
Summons	638	537	47	5	452	49
Warrants of Arrest	665	322	13	37	757	293
Writs	43	37	0	5	7	1
Other Documents	35	33	1	0	0	1
Totals	3883	2689	145	223	3253	826
Average Rate of Service	69.25%					
Average Rate of Unable to Locate	3.73%					
Average Cancellation Rate	5.74%					

Figure 14B: 2015 Monthly Statistics – Bailiffs' Section Documents

Figure 14B illustrates the service rate of the Bailiffs for 2015. Although we have had a reduction of staff in this section the service rate is on par to the previous year. Due to the implementation of the Bailiff Paper Service in JEMS, the capturing of the number of attempts were more accurately recorded and demonstrates the hard work of the Bailiff team in their efforts to serve documents.

The Bailiffs were more successful in 2015 with locating individuals for the service of Court documents. In 2014 there were 272 documents returned as "Unable to Locate" in comparison to this year's figure of 145. This represents a 47% improvement in this area of service.

2016 Administrative Initiatives

- In keeping with the recommendations from the Management Services Review, the Magistrates' Court are in the process of reviewing and updating all of the job descriptions for the administrative staff to put them in line with like positions throughout Government.
- Additionally, the Magistrates' Court Organization Chart is in the process of being updated.
- The Mental Health Treatment Court Programme remains in the pilot phase, whilst awaiting the enactment of legislation, which is anticipated in the first quarter of 2016. Participants are enrolled in the programme by means of Probation Orders, with a condition to enroll and participate. To date, the pilot Mental Health Treatment Court programme has surpassed the expectations in as much as, at December 31, 2015, the programme had twenty six (26) (participants and/or observers) which almost doubled the initial target of ten (10). In addition, programmes and services to this offender population have been more regular, there has been noted growth and development in participants and their compliance to treatment, and key stakeholders are working more collaboratively. Further the incidence of criminal activity amongst participants is almost non-existent. As the programme unfolds and is fully implemented, with the supporting legislation, existing gaps will be addressed and services expanded.
- **Law Week is a Key Initiative that is slated for 2016 (date to be determined)** and unfortunately, due to budgetary constraints this initiative was unable to be fulfilled in 2015. The Magistrates' Court looks to reach out to the public in general, and especially the schools to encourage their participation. It is intended to include an Open House of the Magistrates' Court, inclusive of a Career Fair which will include local law firms and services related to the Courts.



Establishment List

Judicial Department Supreme Court
2015/2016

POST	OFFICER'S NAME
Chief Justice	I. Kawaley
Puisne Judge	S. Hellman
Puisne Judge	N. Wade-Miller
Puisne Judge	C. Simmons
Puisne Judge	C. Greaves
Registrar/Taxing Master	C. Scott
Assistant Registrar	P. Miller
Manager	D. Nelson- Stovell
IT Manager	F.Vazquez
Accounts Officer/Librarian	S. Iris-Richardson
Administrative Assistant to Puisne Judge	A. Abdullah
Administrative Assistant to Puisne Judge	T. Perott-Loder
Administrative Assistant to Puisne Judge	J. Robinson
Administrative Assistant to Chief Justice	R. Walker
Administrative Assistant to Puisne Judge	L. Wilson
Administrative Assistant (floater)	Frozen
Administrative Officer – Criminal	J. Lynch
Administrative Officer - Court of Appeal	J. Waddell
Relief Administrative Officer – Civil/Front Desk	R. Wickham (relief)
Court Associate	C. Haley
Court Associate	R. Gaglio
Court Associate	A. O' Connor
Court Associate	E. Simmons
Court Associate – Court of Appeal	C. Hughes (relief)
Court Attendant/Messenger	C. Fraser
Court Attendant/Messenger	V. Simons
File Clerk/Typist	Frozen
IT Assistant	B. Mello
Data Processor	S. Williams
Secretary/Receptionist	G. Symonds
Data Consolidator	Frozen

Establishment List

Judicial Department Magistrates Court – 2015/2016

POST	OFFICER'S NAME
Senior Magistrate	J. Wolffe
Magistrate	K .Tokunbo
Magistrate	Warner
Magistrate	T. Chin
Magistrate	N. Stoneham
Court Manager	A. Daniels
Family Support Officer	C. Furbert
Head Bailiff/Dep. Provost Marshal	C. Terry
Office Manager	P. Rawlings
Enforcement Officer	A. Smith
Records Supervisor	J. Thomas
Head Cashier	D. Lightbourn
Administrative Assistant to the Senior Magistrate	N. Williams-Grant
Magistrate's Secretary	D. Richardson
Magistrate's Secretary	D. Cruickshank
Secretary	P. McCarter
Family Court Clerk	A. Williams
Family Court Clerk	K. Darrell
Family Court Clerk	E. Parsons
Court Clerk	Frozen
Court Clerk	Frozen
Court Clerk	Frozen
Court Clerk	C. Foggo
Court Clerk	N. Hassell
Court Clerk	W. Butterfield
Parking Ticket Clerk	Recruiting
Bailiff Secretary	Recruiting
Bailiff	Frozen
Bailiff	D. Millington
Bailiff	H. Beckles
Bailiff	D. Yarde
Bailiff	Frozen
Cashier	T. Mahon
Cashier	S. Borden



DAME LOIS BROWNE-EVANS BUILDING

