



The Bermuda Judiciary

Government of Bermuda



Annual Report 2013



The Bermuda Judiciary Annual Report 2013





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.

Report edited, designed and typeset by Jennifer Looby.

Bermuda Judiciary Annual Report: 2013

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The Bermuda Judiciary Annual Report 2013



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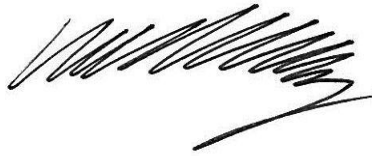
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Foreword

By The Hon. Chief
Justice of Bermuda
Ian Kawaley



Remarks made by Chief Justice Ian RC Kawaley at Special Sitting of the Supreme Court to Celebrate the Opening of the 2014 Legal Year (January 24, 2013 at 3.00pm, Sessions House , Hamilton, Bermuda)

WELCOME

Good afternoon one and all and welcome to this Special Sitting to commemorate the opening of the 2014 Legal Year. While judicial notice can be taken of the distinguished status of all of guests, the presence of His Excellency warrants special mention as HE is on behalf of HM the member of the Executive constitutionally responsible for Bermuda's Judiciary. If English judges are Her Majesty's Judges, Bermudian Judges might by analogy be referred to as His Excellency's Judges.

1

Before proceeding to my formal presentation, I must repeat the special mention I made last year of the Admiralty Oar or Mace, which has again been brought to Court today courtesy of Dr Edward Harris, Director of the Maritime Museum and the Curator Ms Jane Downing. The Bermuda Oar was made in London in 1697 and is the oldest such mace ever made for a past or present British territory which is still in existence. Although historically the Mace was a symbol of the authority of the Admiralty Court, by the 20th century it was customarily carried to the Annual Assize Service which celebrated the Opening of the Legal Year.

I would also like to thank Thomas James for his fascinating article on the history of Sessions House which he generously contributed to our 2013 Annual Report which is published today on the Judiciary's website.

In that regard, I would like to thank all those who helped to compile the Report and organize today's event, notably Assistant Registrar Peter Miller and Law Researcher Jennifer Looby. I am also particularly indebted to Ms. Luelle Todd, Acting Manager of the Magistrates' Court for her sophisticated analysis of Magistrates' Court case statistics, which I hope can be replicated for all courts next year.

Last and by no means least, I would like to thank all members of the Judiciary and administrative staff for the invaluable service that they have rendered

over the last year.

LOOKING BACK

The most significant administrative development for the Judiciary as a whole was the Governor's appointment on November 1, 2013 of a standing Judicial and Legal Services Committee to advise him on, *inter alia*, matters relating to the appointment and tenure of judges. The JLSC is modelled on the Judicial and Legal Service Commissions which have a constitutional basis in many independent Commonwealth countries and British Overseas Territories such as Cayman and Turks and Caicos Islands. It is hoped that the JLSC will bring greater clarity and consistency to the way in which Bermuda's Judiciary is managed at the higher level. The JLSC has already approved a Judicial Complaints Protocol, which was adopted by the President of the Court of Appeal and the Chief Justice on behalf of the Judiciary with effect from January 1, 2014.

The Bermuda Constitution presently only expressly provides the removal of judges on grounds of unfitness for office on capacity or misconduct grounds. By necessary implication, lesser forms of misconduct can only be dealt with by admonishment or other remedial measures. The Protocol establishes a framework which, without compromising judicial independence, permits complaints in respect of lower-level misconduct to be made to the JLSC which comprises mostly judges but includes both a lawyer and lay representative as well. Where complaints raise the possibility of the need for removal, the JLSC will advise His Excellency to engage the appropriate constitutional mechanisms.

Making the Judiciary accountable to the public in this way is merely consistent with Commonwealth best practice, and builds on the voluntary adoption in 2006 of our Guidelines for Judicial Conduct. Complaints will not be entertained in circumstances where the real grievance is the merits of a decision or an attempt to gain a tactical advantage in pending proceedings. I believe that Bermuda's standards of judicial conduct are high and that the Protocol will more often than not vindicate judges who are subject to unmeritorious criticism.

Various procedural rules have been made with the invaluable assistance of the Legislative Drafting section of the Attorney-General's Chambers led by Chief Parliamentary Counsel Catherine Balfour-Swain.

Last year's Annual Report foreshadowed the Criminal Procedure Rules 2013 which entered into force on April 4, 2013. Under those Rules, Justice Carlisle Greaves was designated to supervise the Criminal trial jurisdiction of the Supreme Court. It was noted that these Rules would only really have teeth if fortified by legislation giving the Court to order disclosure. The Attorney-General will hopefully speak to the legislative dimensions of this area of law reform.

Mention was also made of the need for consideration to be given to the possibility of some form of conditional fee arrangements to fill some of the gaps in access to justice created by cuts in Legal Aid. The President of the Bermuda Bar Association will hopefully speak to Bar Council's consideration of this important issue.

3 With effect from April 13, 2013, Bermuda's first Criminal Procedure Rules were brought into force for trials in the Supreme Court and Magistrates' Court. It is too early to assess the impact of the Rules on the efficiency of criminal proceedings. Since suggesting other cost-cutting legislative initiatives relating to criminal proceedings in last year's Report, the Judiciary has forwarded certain detailed legislative proposals to the Attorney-General in relation to criminal case management and increasing the scope for remote participation in criminal proceedings. Hopefully the Attorney-General will speak to these issues today in a positive vein.

With effect from November 20, 2013, Order 115B of the Rules of the Supreme Court 1985, substantially drafted by Justice Hellman, has made provision for civil recovery actions under the new Part IIIA of the Proceeds of Crime Act 1997, an important legislative initiative of the Attorney-General and Minister of Legislative Affairs. On December 2, 2013, Sentencing Guidelines for Sexual Offences in the Magistrates' Court were published on the Judiciary's website after consultation with various stakeholders.

With effect from January 10, 2014 the Employment Appeals Rules 2014 have come into force to regulate appeals from the Employment Tribunal under the Employment Act 2000. Appeals have been dealt with procedurally on an ad hoc basis until now.

There have been significant developments in the area of criminal law over the last year-the DPP will hopefully share his version of the highlights in this regard.

LOOKING FORWARD

The emergence of social networks such as Facebook and Twitter create challenges for the administration of justice because contempt of court may be committed in ways which are beyond the contemplation of traditional legal rules. In early December, 2013, England and Wales Attorney-General Dominic Grieve QC announced plans to issue guidance to social network users on how to permissibly comment on pending cases. Our own Attorney-General is respectfully invited to consider the desirability of adopting similar guidance for Bermuda.

Last year, the Senior Magistrate called for steps to be taken to end the ‘poor relation’ status of the Magistracy. There is a need for Bermuda’s Constitution to be amended to bring magistrates (and the Registrar and Assistant Registrar) fully into the judicial fold and given the same constitutional security of tenure Court of Appeal and Supreme Court judges presently enjoy. This will eliminate any suggestion that litigants appear before fully independent judges at some court levels but have their constitutional right to an independent tribunal diluted when appearing before other judicial officers. His Excellency and the Honourable Attorney-General will hopefully take up this cause. In this vein, the post of Assistant Registrar for which legal qualifications are required ought to be given a statutory basis so that, as contemplated by section 89 of the Constitution, appointments are made by the Governor after consultation with the Chief Justice.

It is also unsatisfactory that the Judiciary budget is currently administered as if the Judiciary is a sub-Department of the Ministry of Legal Affairs (which it is not) as opposed to an independent branch of Government (which it is). Although the SAGE Commission correctly noted that its recommendations could not apply to the Judiciary because of its special constitutional status, the Judiciary was initially asked to reduce its Budget 2014/2015 on the same basis as the Ministry generally, seemingly without regard for the special constitutional mandate of the Courts. Our concerns in this regard now seem to have been resolved.

Clearly, the Judiciary will support the broad goal of reducing the National Budget and find ways to turn itself into a leaner justice delivery machine. But its special constitutional function must be taken into account, alongside the important role the courts play in supporting Bermuda’s vital international business sector; and this makes a rash slash and burn approach to cost-cutting

untenable. Most categories of case-flows show an upward trend; where raw numbers have not increased, more complex and time-consuming cases have been dealt with by the courts.

The apparent failure of some of our key stakeholders to appreciate the logistical dimensions of judicial independence in relation to such matters and the key role played by the Judiciary as part of Bermuda's essential economic infrastructure is a perennial cause for irritation more than concern. It is, perhaps, an inevitable part of the rough and tumble of institutional development in a comparatively young democracy, with all branches of Government adversely impacted by economically challenging times.

In a more positive vein, it is hoped that in the course of 2014, family law procedural reforms designed to modernise and decrease the costs of family law justice will be introduced at the prompting of the Family Law Reform sub-Committee chaired by Justice Norma Wade-Miller. It is also to be hoped that the substantive law changes recommended in that sub-Committee's excellent Report will receive the legislative attention which they deserve.

5

It is also hoped that the CourtSmart system can be extended to the Magistrates' Court, the existing Supreme Court system upgraded and (with legislative support) that increased use can be made of video-conferencing to save costs in both criminal and civil proceedings.

In the year ahead the principal challenge which the courts will hopefully embrace is to fully utilize the modern case management tools all Courts now have at their disposal, in civil and criminal cases alike. The goal must always be to deal with cases in a way that is perceived as fair and just not just to the legal fraternity, but to litigants in person and the wider public as well.

...[The Solicitor-General (Melvin Douglas Esq), the Senior Magistrate (Wor. Archibald Warner), the Director of Public Prosecutions (Rory Field Esq) and the President of the Bermuda Bar Association (Justin Williams JP) then spoke]...

Conclusion

It just remains for me to thank everyone for coming to this ceremony. It is an opportunity for the Judiciary and its various stakeholders to reflect on the past year, to look forward to the year ahead and to try and encourage ourselves to commit to our mission. Everything that has been said today by everyone who has spoken demonstrates that Bermuda's

legal system is maturing, far beyond what it was when I was called to the Bar in 1980. It is impressive that so many initiatives are on foot which are designed not just to make the legal system work well for the legal fraternity but are also designed to make the legal system work well for the wider public.

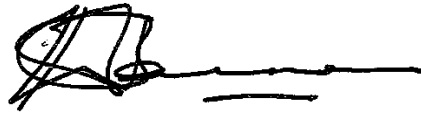
In this regard I think it was insightful that the DPP said that prosecutors are guardians of the rule of law. I think that is true of everybody who is involved in the legal system, be it the Judiciary, be it Court staff, be it lawyers, be it the Police Service, be it the Prison Service, be it the Probation Service. We are trying to support the idea of a society that operates according to law and which prevents the arbitrary use of power and which protects individual liberty.



Insignia Benjamin Bland Armitage
Insularum Aethiopicarum
Bermudae Gubernatoris
& Vice-admiralis A.D.
1707

Senior Magistrate Commentary

By Worship
Archibald Warner



Bermuda, like most jurisdictions, has gone through political and social change since I was first appointed Senior Magistrate. Bermuda's economic uncertainty in particular has impacted the Magistrates' Court's delivery of services to the public. The increase in violence is taking its toll on our resources. However the Magistrates' Court as the front line of our judicial system must remain resolute in maintaining the Rule of Law.

In maintaining the Rule of Law and providing services we must ensure that fairness, responsiveness and accountability; and generally the maintenance of judicial independence, are our grounding principles. Ultimately the thousands of litigants who use this community court must feel that they have equal access and are being fairly treated.

In order to be responsive, as a community court, Magistrates' Court must provide services that reflect the evolving needs of the community. To a large extent this is done through specialized courts in accordance with the Magistrates' Court Act 1948. It is this responsiveness that allows for the Drug Treatment Court, the Debtor's Court, the Family Court and the soon to be established Mental Health Court.

In order to promote public confidence in the administration of justice, Magistrates' Court must be accountable to the public through reports like this one and performance statistics which allow for the analysis of our services and scrutiny of our system. It is through this evidential information that we will be able to assert with confidence that we carry out our mission fairly, justly and expeditiously.

For the upcoming year, reporting on the appropriate statistics and thereby furthering our accountability must be the priority for Magistrates' Court. We look forward to being able to fully utilize and exploit our JEMS system in order to facilitate effective administration, accountability and efficiency. This year we can happily report on three years of statistics (in most cases) which will allow us to do some analysis related to our service delivery.

This notwithstanding, the analysis is not at the level that we need and not related to some of the performance indicators that speak to our accountability. This is where JEMS, our information system, comes in. I am told that JEMS has now been 'stabilised'. We shall utilize it for all its worth.

Going forward for 2014 we intend to initiate a Law Week at Her Magistrates' Court (HMC). During this week we would invite those who regularly use and those who do not regularly use HMC to come and see what we do here and 'be involved' with our business.

A Code of Conduct for Administrative Staff also is in the pipe-line. The Management Services Review called for on this occasion last year is in progress. An upgrading of the management and response of the Bailiffs is also planned. These initiatives will support the guiding principle of fairness, responsiveness and accountability, as well as promote professionalism and the delivery of efficient and effective court services.

Though not totally in place at this time, we are very pleased with the imminent establishment of our Mental Health Court. The full report speaks to this but I must congratulate all those "partners" who are working and training to make this a reality. The Magistrates' Court Amendment Rules 2013 came into force on 1st January 2014. We are confident that these Rules will aid not only in timely and efficient court services but generally improve case management.

I have collaborated with the collating of the Magistrates' Court: The Year in Review Report and I wish to take a moment to acknowledge the Magistrates', the Acting Magistrates' and the Administrative staff of Magistrates' Court for their dedication and commitment to the Judicial Department over this past year. I would like to especially thank Ms. Georgia Fevriere, the former Manager of Magistrates' Court for her leadership and determination to improve the quality of service that the Courts offered to the public over her six years tenure; as I said at her departure "I wish we could have kept her".

Finally I would like to thank Ms. Luella Todd who has stepped into the breach as Acting Court Manager. I would particularly like to thank Ms. Todd for her leadership, Husayn Symonds, the Project Officer, and the Magistrates' Court team in 'pulling' this Report together.

The report speaks for itself.

Archibald B. W. Warner
Senior Magistrate



Front Street Hamilton

History of Sessions House

By Thomas James

The Sessions House, built to house both the Courts and the House of Assembly, was completed, at least externally, in March 1821. This was six years after the “seat of government” was moved from St George’s to Hamilton, during which period the upper floor of the Town Hall had been used for both Courts and Assembly.

It was of a simple Georgian style and featured pilasters and symmetrical fenestration. It had a central door on the upper storey, perhaps with the expectation that a verandah might later be added, framed by four square columns supporting a triangular pediment, as shown in both an 1854 Tupper painting and a photograph dating from around 1880, but otherwise was perfectly plain. It also had a central wooden cupola which was intended to house a clock. Situated as it was on a prominent hill at the centre of the town, it would have had an imposing presence.

However, there were some reservations about its appearance at the time. An editorial in the Gazette¹ just prior to its completion referred to the pigeon-hole sized windows, the result of the “elevation of the building being increased since the original planning of the windows”. Never-the-less the Assembly held its first meeting in the building on 29 March 1821.² There is no record in surviving newspaper records of the Court of General Assize sitting there until the opening of the Spring Term in May of 1822 but it seems likely that it did meet there the previous year.

However, even though the Courts and the Assembly had moved to the new building they still continued to share the same premises. A committee appointed to inspect the building reported to the Assembly in April 1827, “a stair case is still wanted leading to the room destined for a Sessions Room; the room itself requires its ceiling and walls plastered and the doors and windows to be cased”³. In April, 1831 the same committee reported that “they were prevented entering on the work till the month of October 1829, occasioned by the state of the Public

¹RG 10 March 1821

²RG 31 March 1821

³Journals of Proceedings of House of Assembly, Bermuda. 20 April 1827.

Treasury. In that month they commenced by removing the cupola and pediments – deeming it of the highest importance that the roof should be made tight before they began improvements on the interior”.

Surprisingly there does not seem to have been any special recognition of when the Assembly was finally able to move into their chamber on the upper floor but various records suggest it was 1832. By May 1834 the Speaker stated that he had been “requested by a large number of Gentlemen of Hamilton to ask the House for the use of the Sessions Room, during the recess, for the purpose of a ball to honour HE the Governor”, which the House authorized the Speaker to grant. This suggests that it had been completed by then to a fairly high standard.

In 1860 a northern wing was added at the northeast corner of the building. Subsequently there were thoughts that the addition of a clock tower would enhance the look of the building which was now very much a poor relative of the magnificent new neoclassical Public Building, now the Cabinet Building, below it. In fact in 1879 £500 was appropriated for the purpose. This resulted in a collection of stone on the site but the idea was then forgotten until the occasion of Queen Victoria’s Golden Jubilee in 1887 when a clock tower was judged to be a suitable recognition of the occasion.

The then Governor, Lieutenant General Sir T J L Gallwey, RE, KCMG, an engineer, who served in Bermuda from 1882 to August 1888, was responsible for the design which was probably more ambitious than the Assembly had anticipated. The two towers with east, south and west arcades enclosed three sides of the original building and terra cotta facings produced the attractive result described at the time as Florentine Renaissance. Gallwey left Bermuda in 1888 and never saw it completed. Indeed the inspector’s report of 1888/89 states that “no progress has been made with this work except that negotiations for the supply of the terra cotta and decorations are being made and enquiries as to the cost of a suitable clock”. It was not until November of 1892 that work on building the clock tower and other additions was commenced.

4Journals of Proceedings of House of Assembly, Bermuda. 19 April 1831

5Journals of Proceedings of House of Assembly, Bermuda. 14 April 1834

6Annual Report Inspector of Public Buildings 1888/89

The clock struck for the first time at midnight on 31 December 1893 by which time all the work had been completed except that it was not possible to complete the stairs in the new entrance to the House of Assembly (in the eastern tower) in “that style and manner which is required in such a position with the limited amount (of funds) at present in hand”. Those were not forthcoming until 1896.

Over the ensuing 117 years there have been more additions, both major and minor, which have resulted in the original building being totally surrounded. Its southern façade lies immediately behind the arches of the arcade and, while the central pilasters on this façade have been removed, the columns and pediment still frame the door on the upper level. The present windows are aluminum but the frames have been painted to match the terra cotta facings on the arches. The original building still houses the core functions of both the Assembly and the Supreme Court.



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.

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.

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.



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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.



HURLSTONE & NORMAN'S REPORTS

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to
H. 20. VICT.

HURLSTONE & NORMAN'S REPORTS

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HURLSTONE & NORMAN'S REPORTS

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HURLSTONE & NORMAN'S REPORTS

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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. The main header features the coat of arms of Bermuda and the text "The Bermuda Judiciary Government of Bermuda". Below the header, there is a banner image showing judges in court. The main content area is titled "Welcome from the Chief Justice of Bermuda, the Hon. Ian R.C. Kawaley" and contains several paragraphs of text. On the left side, there is a sidebar with a table of contents and a "Supreme Court Weekly Schedule" table. The sidebar includes links for HOME, ABOUT US, COURT SERVICES AND FACILITIES, COURT LISTS, JURY, JUDGMENTS & LEGAL REFERENCES, PUBLICATIONS, OTHER INFORMATION, CONTACT US, Court of Appeal Session, Draft Calendar III - November 2012, and Related Links. The main content area includes a "Mission & Mandate" section with a bulleted list of points.

YOU ARE HERE > Government Home > Attorney General & Minister of... > Judiciary > Home

FIND MORE > Topics Everywhere Enter Search Term

HOME

ABOUT US

COURT SERVICES AND FACILITIES

COURT LISTS

JURY

JUDGMENTS & LEGAL REFERENCES

PUBLICATIONS

OTHER INFORMATION

CONTACT US

Court of Appeal Session

Draft Calendar III - November 2012

Supreme Court Weekly Schedule

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 2013 Review



- **25 % increase in the numbers of matters filed in the Court of Appeal when compared to the 2012 Law Year.**
- **The total number of Appeals disposed of continue to decrease due in part to the fact that in 2013 the Court of Appeal heard a few lengthy criminal matters and dealt with more civil appeals.**
- **The total number of Civil Appeals disposed of (by hearing) increased by over 25%.**

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.

Court of Appeal:
Year in Review

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.

²¹ 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 2014

These are the projected dates for the Sittings of the Court of Appeal for 2013. These dates are subject to change, depending on the volume of business.

- ❖ 3 March 2014 - 26 March 2014
- ❖ 27 May 2014- 13 June 2014
- ❖ 3 November 2014 - 21 November 2014

Technology

CourtSmart

Busy Court of Appeal sessions have been assisted by quick preparation of the record with the help of CourtSmart and the help of a local certified transcription service. This is advantageous to all matters, but has particular importance in regard to criminal appeals and litigious commercial matters.

Court of Appeal Statistics

Year	Grand Total	Criminal	Civil
2010	37	15	22
2011	38	23	15
2012	35	15	20
2013	44	27	17

Table 1 indicates that there has been forty- four (44) Court of Appeal matters heard in the 2013 Law Year. Twenty- seven (27) of these appeals being criminal matters and seventeen (17) of these matters being civil. In the 2012 Law Year, the Court of Appeal heard thirty- five (35) Appeals. Fifth teen (15) of these appeals being criminal matters and twenty (20) of these matters being civil matters. This represents an increase of just over 25% in the numbers of matters filed in the Court of Appeal when compared to the 2012 Law Year.

Court of Appeal:
Year in Review

22

FIG. 1: APPEALS FILED BY COURT & TYPE 2010-2013

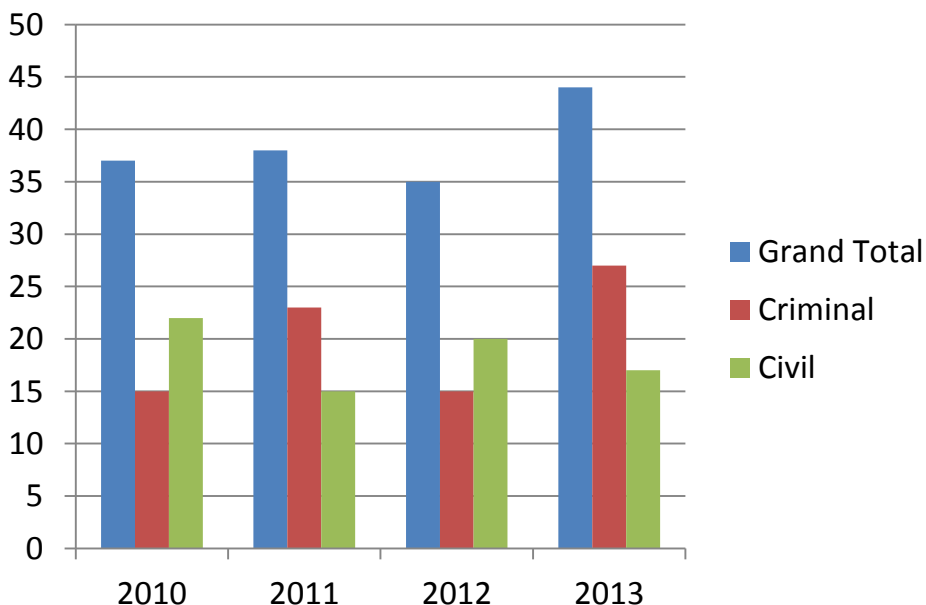


Table 2: COURT OF APPEAL CRIMINAL APPEALS DISPOSED BY MANNER				
Year	Total	Allowed	Dismissed	Abandoned
2010	27	8	13	6
2011	17	7	7	1
2012	23	1	14	2
2013	11	6	4	1

TABLE 2 gives a review of the Criminal Appeals disposed by manner during the 2013 Law Year. There was a total of eleven (11) criminal Appeals allowed, six (6) Appeals Allowed, four (4) appeals dismissed and one (1) appeal abandoned. The total number of Appeals disposed of continue to decrease from twenty- three (23) to eleven (11) (just over 50%) when compared to the 2012 Law Year. This is due in part to the fact that in 2013 the Court of Appeal heard a few lengthy criminal matters dealt with more civil appeals (see overleaf).

FIG. 2: COURT OF APPEAL CRIMINAL APPEALS DISPOSED BY MANNER 2010-2013

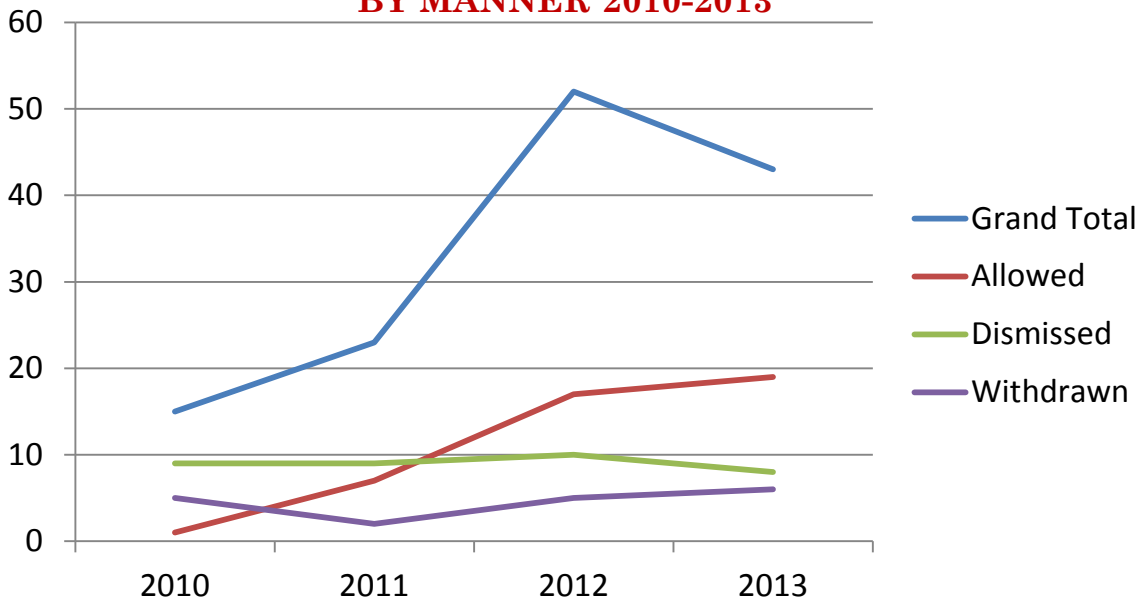
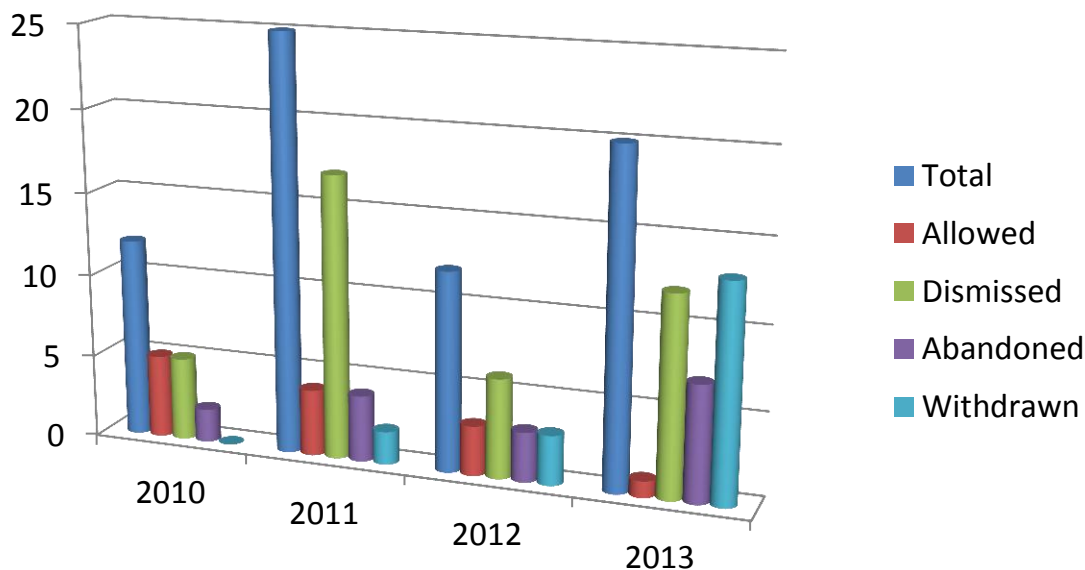


Table 3: COURT OF APPEAL CIVIL APPEALS DISPOSED BY MANNER					
Year	Total	Allowed	Dismissed	Abandoned	Withdrawn
2010	12	5	5	2	-
2011	25	4	17	4	2
2012	12	3	6	3	3
2013	20	1	12	7	13

TABLE 3 gives a review of the criminal Appeals disposed by manner during the 2013 Law Year. There was a total of one (1) civil Appeal allowed, twelve (12) appeals dismissed and seven (7) appeals abandoned. The total number of Appeals disposed of (by hearing) increased by over 25% when compared to the 2012 Law Year.

FIG. 3: COURT OF APPEAL CIVIL APPEALS DISPOSED BY MANNER 2010-2013





Supreme Court: Year in Review



- **The budget for the Department in the current financial year is approximately \$8,299,051.**
- **In 2013, there were forty- four (44) indictments filed with forty – seven (47) defendants having their cases disposed of.**
- **The number of Cases Pending in reference to Criminal Appeals disposed of was unchanged from 2012 to 2013.**
- **The figures for the 2013 Law Year show a increase of some 3% in the number of Civil matters filed .**
- **A framework for measuring civil disposal rates will hopefully be developed in the course of 2014.**
- **There was an increase of three matters in the total number of divorces filed.**
- **Probate applications saw an increase of nearly 14% when compared to the previous Law Year.**

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.

Supreme Court:
Year in Review

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The Supreme Court is also responsible for:

- ❖ Granting probate of Wills and appointing representatives to administer the estates of deceased persons who die without leaving a will; and
- ❖ Appointing receivers to administer the assets of person suffering from mental disability.

The Registrar of the Supreme Court is the administrative head of the Department which can employ, when fully staffed, up to 67 officers, none of whom requires a work permit. The budget for the Department in the current financial year is approximately \$8,299,051.

Highlights 2013

This has been another challenging yet rewarding year.

With thanks to the Judges, Crown Counsel of the Department of Public Prosecutions and the Defence attorneys, there continues to be no backlog with Criminal cases in the Supreme Court. The listing of cases has been maintained at three months where possible, and on some occasions during

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 increasingly 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

CourtSmart

The CourtSmart digital voice recording system has now been operational for more than 8 years. It is extensively used in our Supreme Courts, both in trial and in chambers hearings, as the formal record of proceedings and provides an invaluable service to counsel and the judges and also in respect of any appeals which may arise from their decisions. The system has been extended to our new Commercial Court premises in the Government Administration Building with upgrades and user sophistication, with centralized back up.

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 seventh year of operation and has been well received by practitioners, both here and overseas. In June 2010, we moved into new premises in the Government Administration Building on Parliament Street and 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

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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 the increasing number of violent 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 don't 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 Statistics

**TABLE 5:
CRIMINAL MATTERS DISPOSED BY MANNER OF DISPOSITION**

Year	Total # 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

Supreme Court:
Year in Review

In Table 5, 'Matters disposed by Manner of Disposition', it can be observed that the 'Guilty Pleas' and 'Guilty Verdicts', combined, continue to account for more than half of all dispositions. In 2013, there were forty- four (44) new indictments disposed of. There was a total of twenty (20) Guilty Pleas, fifth-teen (15) 'Guilty verdicts', five (5) 'Acquittals, and seven (7) 'Discontinued' cases.

Figure 5: CRIMINAL CASES DISPOSED BY MANNER OF DISPOSITION 2010-2013

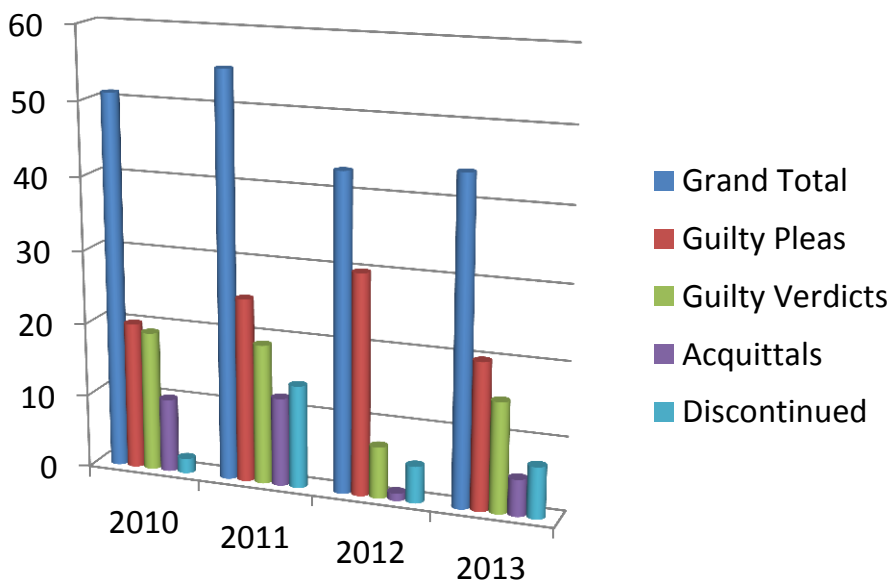
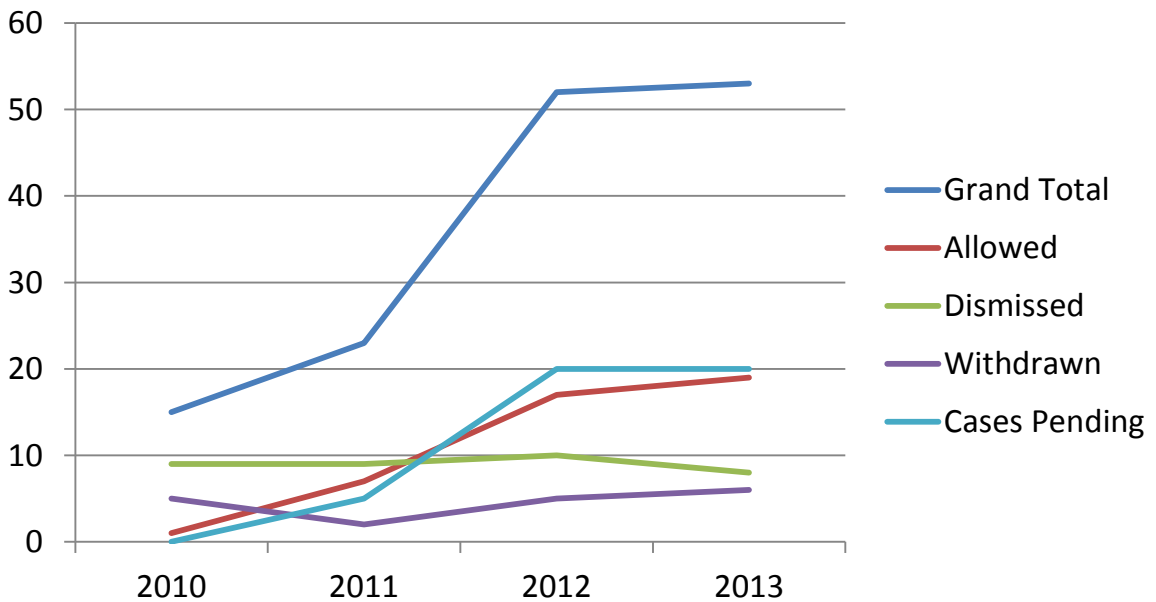


Table 6: APPEALS FROM MAGISTRATES COURT					
Year	Total	Allowed	Dismissed	Abandoned	Cases Pending
2010	15	1	9	5	-
2011	23	7	9	2	5
2012	52	17	10	5	20
2013	53	19	8	6	20

TABLE 6 gives a review of the Criminal Appeals disposed by manner during the 2013 Law Year. There was a total of nineteen (19) Criminal Appeals allowed, eight (8) Appeals dismissed and six (6) Appeals abandoned. The number of cases pending was unchanged from 2012 to 2013.

**FIG. 6: APPEALS FROM MAGISTRATES COURT
2010-2013**



Civil Statistics

**Table 7:
NEW CIVIL MATTERS FILED BY SUBTYPE 2010- 2013**

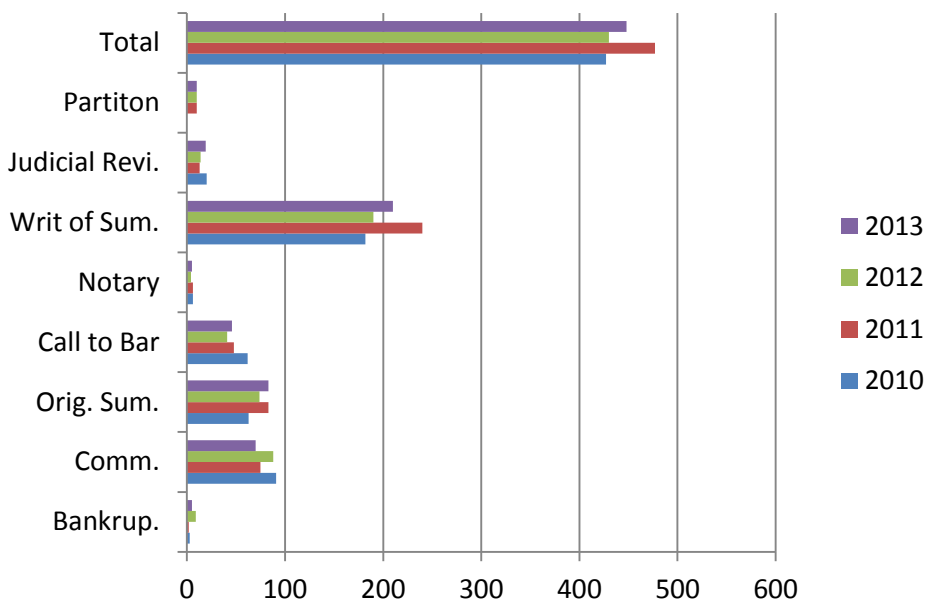
Year	Total	Commercial	Originating Summons	Call to Bar	Notary	Writ of Summons	Judicial Review	Partition	Bankruptcy
2010	427	91	63	62	6	182	20	-	3
2011	477	75	83	48	6	240	13	10	2
2012	430	88	74	41	4	190	14	10	9
2013	448	70	83	46	5	210	19	10	5

Table 7 illustrates the total number of Civil matters filed over the last four (4) years. The figures for the 2013 Law Year show a increase of some 3% in the number of Civil matters filed when compared to the 2012 Law Year. (not taking into account administrative enrolment applications filed by prospective barristers and notaries). A framework for measuring civil disposal rates will hopefully be developed in the course of 2014. This will likely identify how many final judgments/ orders are made and how many interlocutory orders are made as many civil cases (notably winding- up proceedings) actively continue for many years. Divorce and Probate cases are dealt with separately below.

Supreme Court:
Year in Review

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Figure 7: NEW MATTERS FILED BY SUBTYPE 2010-2013



Matrimonial Caseload Statistics

Table 9: NEW DIVORCE MATTERS FILED 2010-2013	
Year	Divorce Petitions Filed
2010	243
2011	207
2012	190
2013	193

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Table 9 shows that there were one hundred and ninety- three (193) matters filed for the period under review. There was a increase of three (3) matters in the total number of divorces filed when compared to the previous 2012 Law Year.

Figure 9: NEW DIVORCES MATTERS FILED 2010-2013

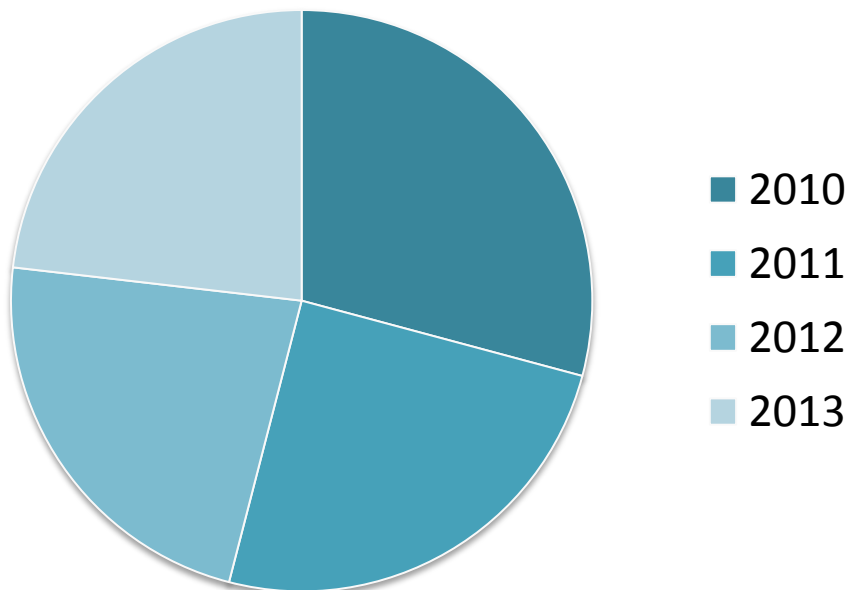
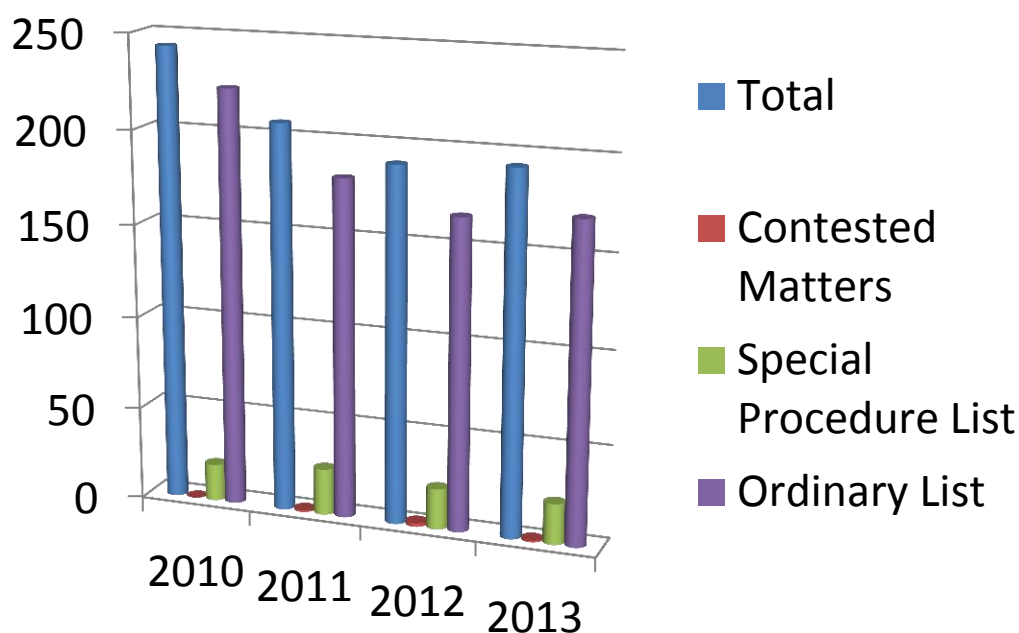


Table 10: MATRIMONIAL CASES FOR HEARING 2010-2013				
Year	Total Petitions Filed	Contested Matters	Special Procedure List	Ordinary List
2010	243	0	20	223
2011	207	1	25	181
2012	190	2	22	166
2013	193	1	22	170

Table 10 shows that in the 2012 Law Year, there was a decrease in the number of New Divorces Filed when compared to the 2013 Law Term. There were one hundred and ninety – three (193) matters filed for the period under review³⁴ one (1) Contested matter, twenty- two (22) matters on the Special Procedure List, and one hundred and seventy (170) matters on the Ordinary List.

Figure 10: MATRIMONIAL CASES FOR HEARING 2010-2013



Probate Caseload Statistics

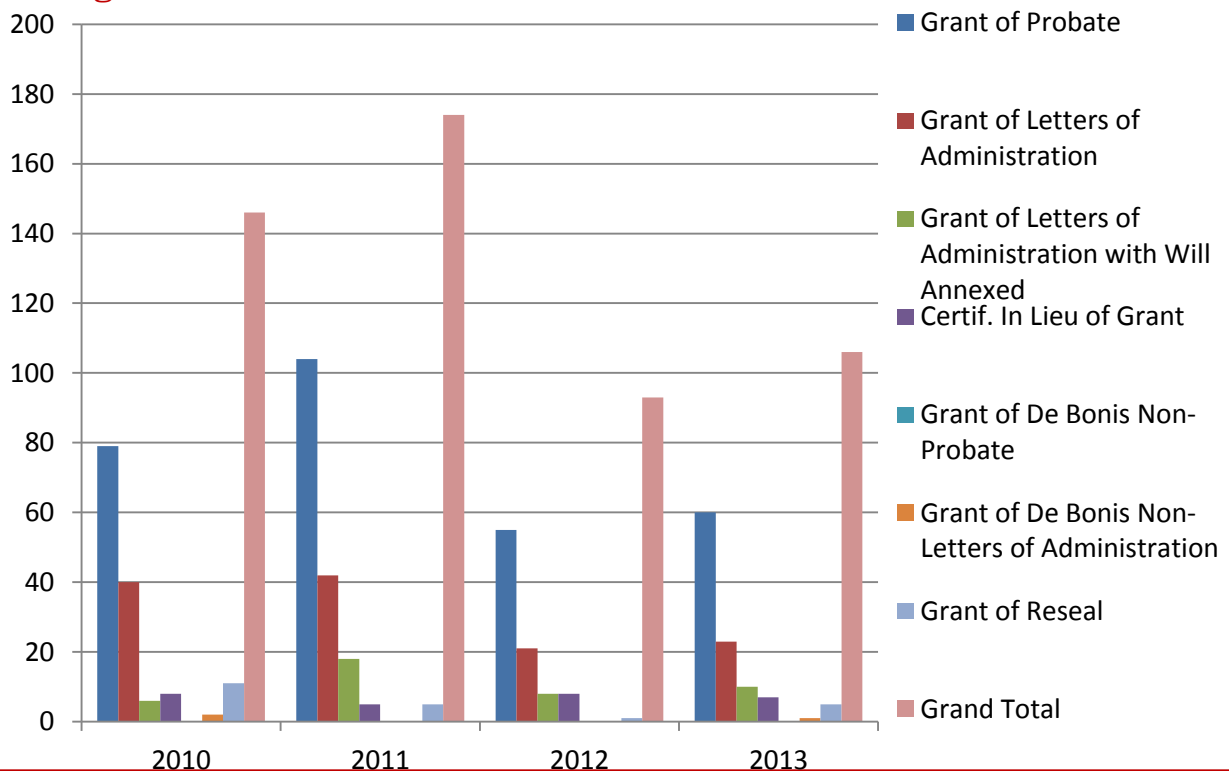
Table 11: PROBATE APPLICATION FILED 2010-2012

Year	Grant of Probate	Grant of Letters of Administration	Grant of Letters of Administration with Will Annexed	Certificate in Lieu of Grant (Small Estate)	Grant of De Bonis Non-Probate	Grant of De Bonis Non-Letters of Administration	Grant of Reseal	Total	Caveats
2010	79	40	6	8	0	2	11	146	29
2011	104	42	18	5	0	0	5	174	34
2012	55	21	8	8	0	0	1	93	6
2013	60	23	10	7	0	1	5	106	19

Supreme Court:
Year in Review

Table 11 provides statistical data as related to the Registry's Probate Caseload for the 2010-2013 Law year. The data shows that there was a total of one-hundred and six (106) probate applications filed during the 2013 Law Year. This is an increase of thirteen (13) probate applications when compared to the 2012 Law Year.

Figure 11: PROBATE APPLICATION FILED 2010-2013





Supreme Court Registry: Year in Review



A Snapshot of the 2013 Review

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- **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 working to expand the JEMS Case Management System to ensure that it is functioning to its best capability.**
- **Two members of the Supreme Court are undertaking their Associates degree in Criminal Justice and one member of staff is studying for their LL.B (Hons) degree through distance education.**

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 the grant of Probate or the Administration of intestate estates;
- ❖ managing the resources required for the effective functioning of the courts; and
- ❖ divorce matters including the distribution of family assets and the care and custody of children.

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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

COURTSMART

JEMS Case Management System

The Supreme Court, with the help of our designated IT Manager and the Registry staff expect that the historical data will be fully imputed this year ensuring that accurate procedures are implemented into the system. The Magistrates' Court has undergone training and the system has gone live.

We continue to do whatever is required to ensure that the system is functional and ongoing. A project manager was assigned to assist on a temporary basis and training has been completed for all Judicial officers, Police and other users and will continue as needed.

This coming year, we will upgrade our computer system infrastructure in the all Courts and introduce video conferencing capability into the Magistrates Court and Supreme Court and our Commercial Court with the ability to connect with locations all over the world. This is subject of course to adequate funding being made available.

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.

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.

This year we have worked with The Department of E –Government, who worked with Magistrates’ Court to facilitate the online posting of Magistrate Court trials schedules. These online postings do not include the scheduling of Family Court cases or other cases involving minors.

Interactive Licensing forms can currently be found online for Liquor, Betting and Pedlar’s licenses as well as Record request forms and Child and Family Support application forms.

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 this community.

We currently have two members of the Supreme Court undertaking their Associates degree in Criminal Justice through Ashworth College Online and the Bermuda College and one member also from the Supreme Court studying their LL.B (Hons) degree through distance education with the University of London.



DAME LOIS BROWNE-EVANS BUILDING



Magistrates' Court: Year in Review



A Snapshot of the 2013 Review

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- **Review of the standard operating procedures for the Family Court and Civil Section** has commenced. This is aimed at bringing a more stringent accountability for these Sections of the Magistrates' Court.
- **The Bailiffs Section has begun the process of updating their policies and procedures** to take into account the best practice standards and changing job requirements.
- **The Civil Courts saw an 11% increase in its caseload in 2013 .**
- **Security needs of the Magistrates' Court have been re-evaluated.** The Magistrates' Court this past year has seen the need to improve the security standards of the Court.
- **The selection Process for Special Court Panel Members has been enhanced** to ensure that a variety of expertise is available to advise the Family Court Magistrates' on juvenile and family matters .
- **The offences of 'Disobeying Traffic Signs' and 'Use of Handheld Devices Whilst Driving' have increased sharply** although 'Speeding' remains the top traffic offence.

- **The backlog in Coroners reports and Appeal cases has been reduced.** The intention is to eliminate the Appeals backlog in 2014.
- **Law Week is a Key Initiative slated for 2014.**
- **The number of Domestic Violence Orders made has dropped by 48%** from 42 in 2011 to 22 in 2013.

Key Achievements in 2013



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- The **Judicial Electronic Management System (JEMS)** has been updated over the past year and this has improved the quality of the Court's administrative efforts. Since the implementation of the new JEMS system in October 2012 there has been a period of adjustment with an acute learning curve. The hiring of a Project Manager in July 2013 has allowed a structured process to be implemented to address operational issues with the vendor (CSDC). CSDC attends JEMS Project Team meeting on a weekly basis to discuss all outstanding issues and concerns. JEMS has been stabilized and the implementation of our first upgrade of JEMS was successful.

- **Management Services Review** commenced in October of 2013. The Review has noted that there are marked changes in the social and economic climate in Bermuda:
 - Increase in volume and complexity of violent crime
 - Increase in mortgage foreclosures and civil debt cases
 - Increase in road traffic accidents and associated accidents/deaths from unnatural causes

The purpose of the Review is to make recommendations on how the systems and processes could be improved to ensure they are as efficient and effective as possible. The Review team also intend to make recommendations on an organizational structure that supports the delivery of efficient services to the public. The systems and processes which underpin the administration of the Magistrates' Court will be looked at in order to facilitate quality assurance.

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 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 Magistrates' and acting appointments where necessary. The Magistrates' adjudicate Civil Criminal and Family matters which are reported below.

Civil Court

The Civil Section is administered by three clerks and a secretary and provides case management and court services for the resolution of civil claims under \$25,000 filed in Magistrates' Court, landlord and tenant matters under the Landlord and Tenant Act 1974 and the rent Increases (Domestic Premises) Control Act 1978. Legislative amendments are required to increase fees for the preparation of these filings as the current fee structures are not in line with today's pricing model. \$300,685 was collected in revenue for 2013 which was about \$22,000 more than 2012 and \$43,000 more than 2011.

The Civil Section adjudicated **3,943 new cases** in 2013, up from the 3,548 cases in 2012. This represents an 11% increase in the caseload on the Civil Courts. This could possibly be related to efforts by individuals to recoup outstanding debts during these economic times. **The 2011 caseload of 3,938 cases** was similar to that of 2013.



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45

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Total Civil Court Cases

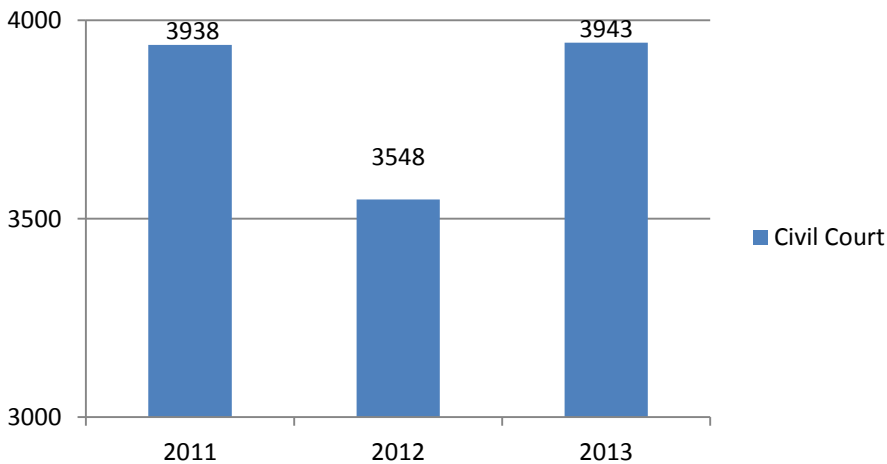


Figure 1: Total Civil Court Cases.

The number of scheduled **case events** in 2013 fell to 10,089 from a total of 10,352 in 2012. This represents a 2% decrease in scheduled case events in the Magistrates' Court although this is still up by 21% over 2011 levels. There were 460 trials in 2013 which represented a decrease of 54% over the 2011 level of 990 and a decrease of 59% of the 2012 level of 1116. Mentions were up over the three years with a 280% increase over 2012 levels. The level of caseload which the Court handles, as outlined in the table below partially relates to the case management of sitting Magistrates' and their ability to handle cases expeditiously and efficiently. Variables determining the number of Mentions and Case Events include but are not limited to: case complexity, availability of evidence, applications by legal representatives etc.

Hearings/Case Events	2011	2012	2013
Mentions	473	561	1570
Trials	990	1116	460
Case Events	8,328	10,352	10,089

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Figure 2: Table of Hearings/Case Events

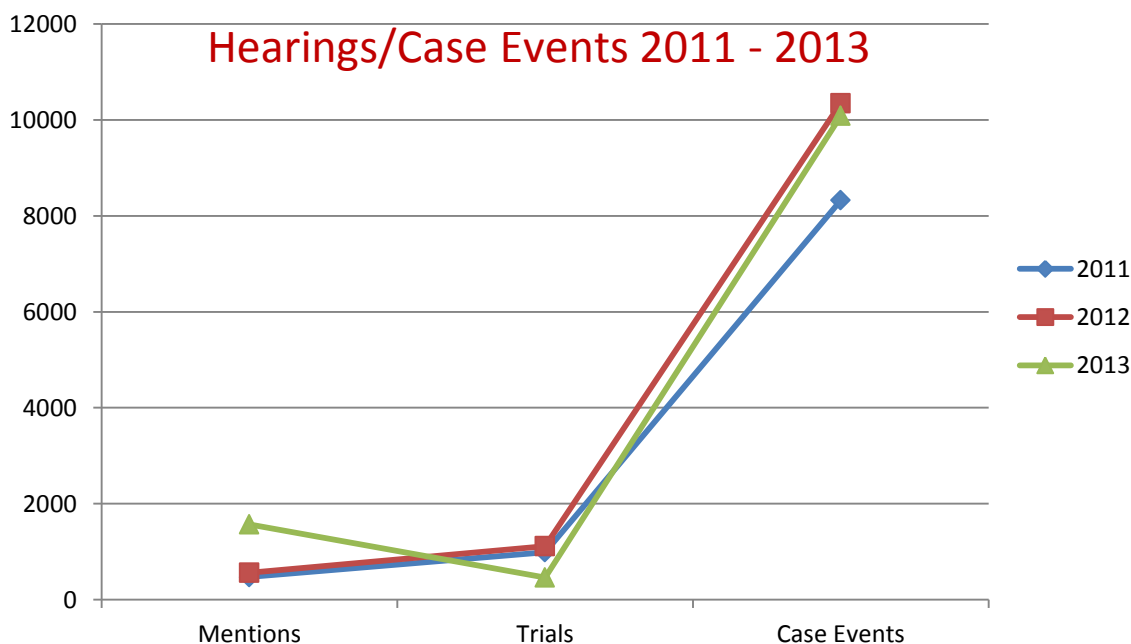


Figure 3: Chart on Hearings/Case Events

Note: 'Case Events' includes proceedings such as pleas, legal submissions, and sentencing hearings.

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 in matters involving children. It also addresses the adoption of children and the placement of children into the care of the Director of Child and Family Services.

The Court is composed of a Magistrate and two panel members (male and female) pursuant to Section 12 of the Magistrates' Act 1948 and exercises jurisdiction in cases involving children 18 years and under.



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). This Court is presided over by a specialized Magistrate and supported by two panel members (male and female) who are appointed from the public and have wide community and life experiences (legal experience not required) with family issues and dispute resolution.

In 2013 the role and responsibility of the Special Court Panel was reviewed. Moving forward, consideration is being given to requiring the Special Court Panel to undergo specialized training to provide clarification of their roles and to better equip the panel members to assist the Magistrate to meet the needs of families, children and persons who come before the Special Court.

New Family Court Cases



The Family Court has seen **141 new** cases over the course of the previous year. This represents a **25% decrease** in new activity for the Family Court from the 2012 caseload of 189. Domestic Violence Orders are not only issued in Family Court, as these applications are heard amongst various Magistrates' and are also heard in the court of the duty Magistrate. There was a **48% decrease** in the number of Domestic Violence Orders issued **from 42 in 2011 to 22 in 2013**. It is unclear whether this decline represents a change in behaviour within the public or whether other avenues are being used to address domestic violence other than Court Orders.

Magistrates' Court:
Year in Review

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Applicable Law	New Family Law Cases		
	2011	2012	2013
Adoption Act 1963, Adoption Rules Act	4	0	7
Children Act 1998 (Access, Maintenance, Care & Control)	100	82	88
Children Act 1998 (Child and Family Services)	25	22	15
Children Act 1998 (Contribution Orders)	0	23	0
Divorce Proceedings (Enforcement)	25	7	6
Domestic Violence (Protection Orders) Act 1997	42	42	22
Matrimonial Causes Act 1974	6	12	2
Reciprocal Enforcement	0	3	1
TOTAL NEW CASES: Jan 1st – Dec 31th	201	189	141

Figure 4: New Family Law Cases per year.

The **total Family Court caseload for 2013 was 1861 cases** for 2013 decreased 15% from the levels in 2012. There were a **total of 2179 cases in 2012**, and as seen in the figure below, the caseload trend for the Family Courts in 2013 mirrored the caseload trend of 2012 closely on a monthly basis. A distinguishing feature of this year's caseload has been the decision to set aside one day per week for "defaulters review". Some of these days might see as many as 25 cases handled by the Court, which is a strain on the ability on the Court to effectively administer. However the strain was in some respects mitigated by a reduction of the monthly caseload by up to 30%, especially in the early months of the year like January and April.

Family Court Caseload by Month: 2012 & 2013

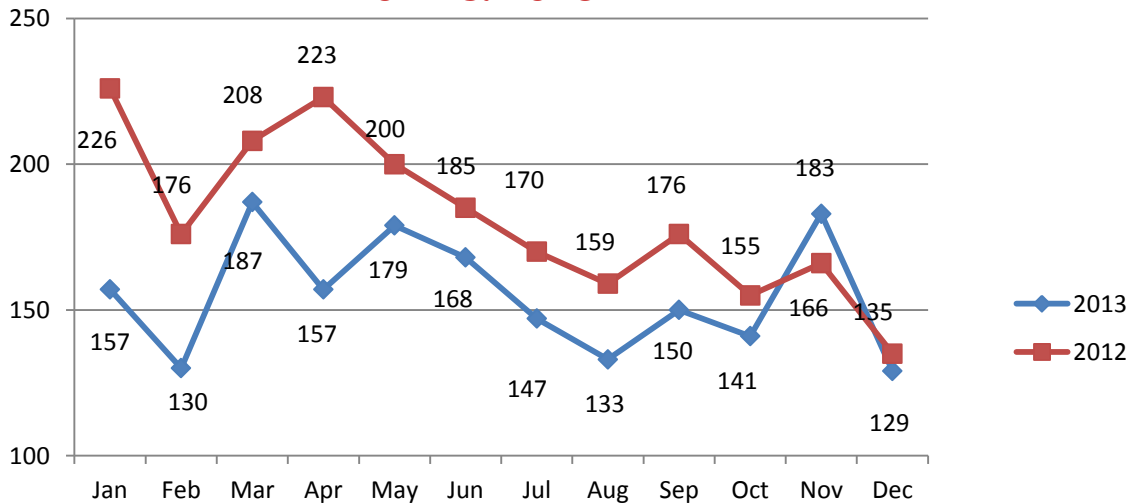


Figure 5: Family Court Caseload by Month

Child Support Payments

The total amount collected in Child Support payments over the calendar year was **\$5,250,135** (see page 16 for details). This is a **decrease of only 4%** in Child Support payments compared to the intake of **\$5,487,566** in 2012 but also the total number of payments made for Child Support has **decreased by 4%** compared with 2012.

In 2014, the effort to encourage the payment of child support will continue and the Family Court will track its progress by calculating the "cents on the dollar" collected on behalf of the children of Bermuda. The "cents on the dollar" reflects the relationship between the amount of child support

ordered by the court and the amount of child support that a parent has actually paid to the court.

Criminal & Traffic Section

The Criminal and Traffic Section, administered by one supervisor, one administrative assistant, one secretary and three court clerks, provide case management and court services related to the resolution of criminal and traffic cases.

TOTAL NEW CASES (Filed)	2011*	2012*	2013
Criminal	1,037	702	823
Traffic	9,824	7,316	10,248
Parking	15,401	11,256	7,688

Figure 6: Total Cases Filed with JEMS system 2011-2013

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

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There were **823 new criminal offences** filed with the Court in 2013. This is a nearly 17% increase over 2012 (702 offences) in new criminal cases filed with the Criminal Liaison Unit before being brought before the Magistrates' Court. However it should be noted that this is a decrease of 21% in offences filed in 2011. There were a **total of 1,227** criminal adjudications during 2013 which represents a **decrease of 12%** from the 1400 cases in 2012 brought before the Court.

There were **10,248 traffic offences** filed with the Courts during the 2013 which represents increase of 40% increase over the 2012 figure (7,316), and is a 4% increase over the 9,824 filed in 2011. There was a total of 8,834 traffic offences adjudicated in 2013. This number represents

There is a **32% decrease** from the number of parking tickets issued during the course of 2013 (7,688 tickets) from the 2012 (11,256 tickets). This is also a **50% decrease from 2011** (15,401 tickets) and belies the need for the Pocket JEMS system to be initiated. This corresponding decrease is reflected in the revenue intake related to parking fines reported on page 20.

TOTAL CASES (Disposed)	2011	2012	2013
Criminal	1,339	1,400	1,227
Traffic	4,447	4,800	8,834

Figure 7: Total Cases Disposed by a Magistrate 2011-2013

Top 10 Criminal Offences 2011-2013

Offence Code	Offence Description	Offence Count		
		2011	2012	2013
2071	OBTAINING PROPERTY BY DECEPTION	47	35	92
2010	STEALING (BELOW \$1000)	54	77	83
2156	ASSAULT (ABH)	49	83	71
2300	POSSESSION OF CANNIBUS	189	91	68
4032	THREATENING BEHAVIOUR	59	80	65
2127	BURGLARY (NEW)	74	63	58
2152	ASSAULT (COMMON)	45	60	45
2067	HANDLING/RECEIVING STOLEN GOODS	21	49	42
4026	OFFENSIVE WORDS	49	65	33
2144	WILFUL DAMAGE GT 60	28	38	27

Figure 8: Table Top 10 Criminal Offences

Top 3 Criminal Offences of 2013: Trends

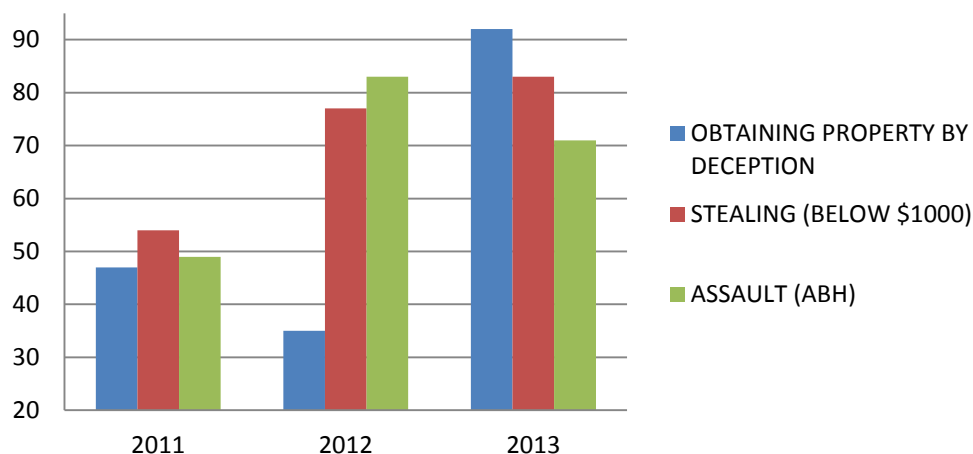


Figure 9: Chart Top 10 Criminal Offences: Trends

There was a rise in the adjudication of property related offences during the 2013, although the offences tried were committed by less intrusive means. The commission of the offence of 'Obtaining Property by Deception' saw a steep rise (**162%**) over 2012. There were 92 offences in 2013 compared to 47 in 2011. Stealing (below \$1000) was the second most committed offence in 2013. Both are forms of property offences which do not involve threatening or physically harmful behaviour towards the victims. Violent and intrusive offences such as Burglary and Assault (ABH) were in decline by 8% and 14% respectively from the 2012. The use of Threatening Behaviour declined 19% from 2012.

Top 10 Traffic Offences 2011-2013

Offence Code	Offence Description	Offence Count		
		2011	2012*	2013
3002	SPEEDING	2125	2011	2384
3007	DISOBEY TRAFFIC SIGN	144	101	1649
3147	USE OF HANDHELD DEVICE WHILST DRIVING**	n/a	637	1161
3013	SEAT BELT NOT FASTENED	47	35	675
3234	NO DRIVERS LICENSE/PERMIT	284	249	575
3080	NO 3 RD PARTY INSURANCE	384	329	346
3229	UNLICENSED MOTOR BIKE	219	194	296
3070	DRIVE W/O DUE CARE & ATTENTION	185	179	210
3058	IMPAIRED DRIVING A MOTOR VEHICLE	205	202	206
3190	FAILURE TO WEAR HELMET	39	41	185

Figure 10: Top 10 Traffic Offences

*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.

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Top 3 Traffic Offences of 2013: Trends

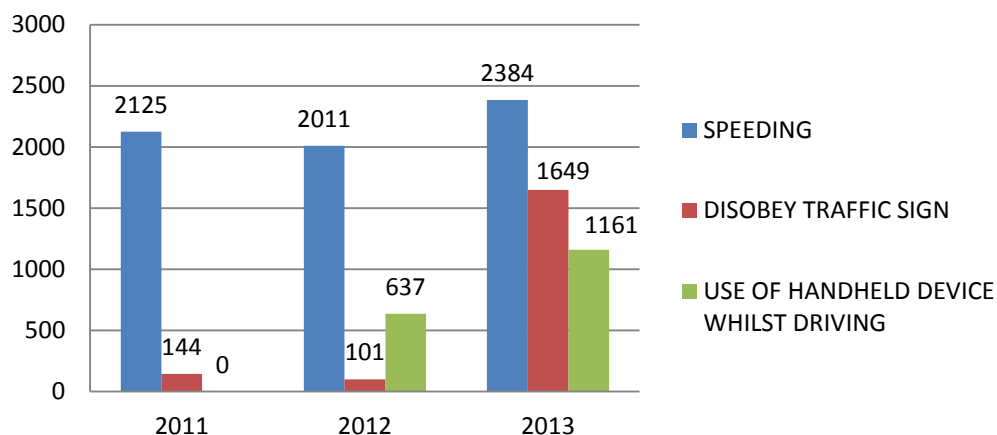


Figure 11: Top 10 Traffic Offences: Trends

The Top 10 Traffic Offences for 2013 saw increases over 2012 for the most part. Whilst 'Impaired Driving' remained the same, 'Speeding' saw an 19% increase (2384 offences) in 2013 in the amount of defendants fined over 2012 (2011 offences) and 12% increase (2125 offences) over 2011. Speeding remains the number one traffic offence for the third year in a row. 'Disobeying Traffic Signs' and the 'Use of Hand Held Devises While Driving' were in the Top Three Traffic Offences for 2013. The number of defendants fined for 'Disobeying Traffic Signs' and the 'Use of Hand Held Devises While Driving' saw a marked increase over 2012 and 2011 levels. 'Disobeying Traffic Signs' increased by well over 1000% based on 2011 and

2012. 'Use of Hand Held Devices While Driving' saw a marked increase over 2012 and 2011 levels. 'Disobeying Traffic Signs' increased by well over 1000% based on 2011 and 2012. 'Use of Hand Held Devices While Driving' saw an increase of 182% over the 2012 level. The police focussed more on enforcing the prohibition of the use of Handheld Devices this year because it was one of their initiatives. The increased vigilance in this area may possibly have been a contributing factor in the increase in overall traffic offending in 2013.

Police and Criminal Evidence Act (PACE) Warrants

There were a total of **251 PACE Warrants issued in 2013**. This is a 10% decrease from the 278 PACE Warrants issued in 2012. In particular the number of warrants issued under Special Procedure Applications decreased from 112 in 2012 to 73 in 2013, a decrease of 35%. Most of this decrease is attributable to warrants related to telephone records. PACE Warrants related to searching the premises of a defendant under the Misuse of Drugs Act rose by 107% **from 29 warrants in 2012 to 60 warrants issued in 2013**.

PACE Warrants	Legislation	2012	2013
Special Procedure Applications	Telephone	94	67
	Banking	15	3
	Medical	3	1
	Courier	0	0
	Travel Agents/Airlines	0	1
	Insurance	0	1
	Order of Freezing of Funds		1
Order Release of Seized Cash		3	6
Continued Detention of Seized Cash		81	
			72
Search Warrants	Misuse of Drugs Act	29	60
	Firearms	14	27
	Section 8 PACE	9	4
	Section 15 PACE	11	7
	Revenue Act (Customs)	5	2
	Criminal Code 464	2	0
Production Order (Customs)		11	0
TOTAL OF ALL TYPES		278	251

Figure 12: PACE Warrants

Coroners Cases

In 2013, the Coroner reviewed **83 sudden deaths**. This represents a **15% decrease** over the previous year. There was a significant drop off in sudden deaths related to natural causes. The number of road traffic fatalities **increased by 25%** this year.

Causes of Death	2011	2012	2013
Natural Causes	77	72	57
Unnatural Causes	3	3	6
Murders	9	4	5
Drowning	2	3	1
Road Fatalities	6	8	10
Undetermined	3	4	3
Hanging	2	3	1
Strangulation	1	0	0
Suspicious	1	0	0
TOTAL	104	97	83

Figure 13: Table of Cause of Death in Coroners Cases

Causes of Death 2013

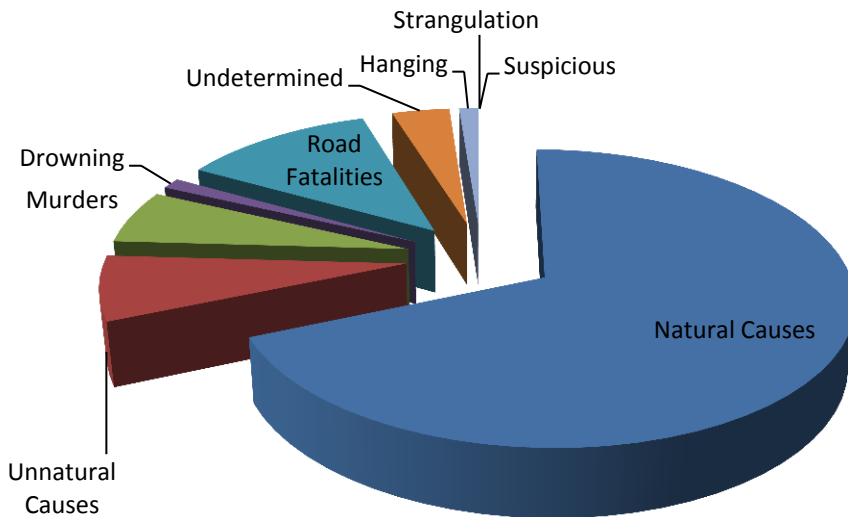


Figure 14: Chart of Cause of Death in Coroners Cases

Outstanding Warrants: 2012 & 2013

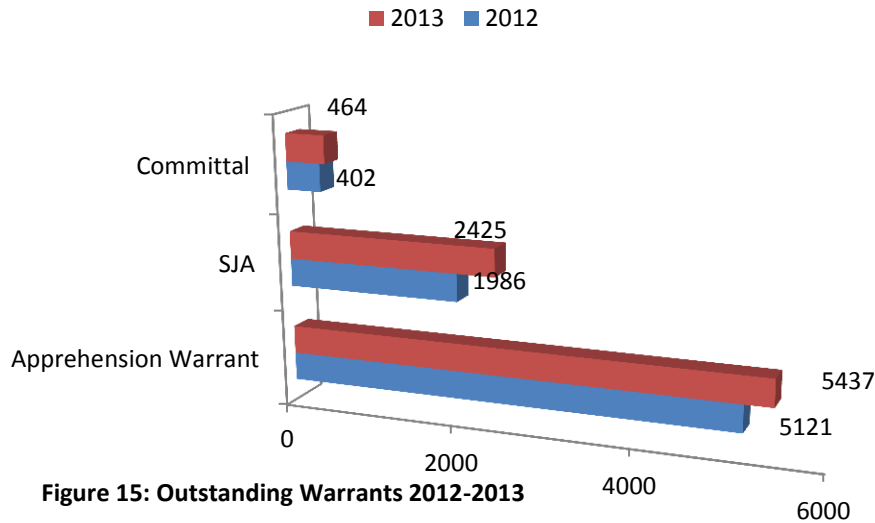


Figure 15: Outstanding Warrants 2012-2013

NOTE: Apprehension Warrants are issued when defendants do not show up to Court when they are summoned to face 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 to an offence, does not pay the fine, asks for more time to pay and then does not meet that deadline.

Warrants

- As of December 16th 2013, there were 8,326 warrants still outstanding. These outstanding warrants can be divided into three categories. There are 5,437 Apprehension Warrants, 2,425 Summary Jurisdiction Apprehension Warrants (SJA) and 464 Committal Warrants for criminal and traffic offences, as well as unpaid criminal and traffic fines. The total amount in unpaid fines that have accrued because the warrants have not been executed is \$1,276,746.72.
- In late 2013 the Ministry of Justice expressed concerns about the ability of the Police officers traditionally charged with executing warrants to cope with additional law enforcement demands and a rising tide of outstanding warrants. Concern was also expressed about the number of ordinary citizens who were facing arrest because they were in financial difficulties.
- The Judiciary agreed to undertake an initiative to tackle the issue of executing outstanding warrants. The proposed response will be announced in early 2014. The intention is to free up Police resources to focus on crime prevention and emergency response, as well as to bring in much needed revenue and to reduce the number of law-abiding citizens who are liable to be arrested because of financial distress.



Court Administration

The Court Administration provides support to the Courts and overall control of the personnel, facilities and financial resources of the Magistrates' Court. Outside of the specific services to the Magistrate there are six staff including the Manager, Office Manager, Secretary, Head Cashier and two Cashiers who oversee personnel facilities and financial matters.

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Cashiers Office

The total amount collected by Magistrates' Court for 2013 in all categories (including child support) is **\$8,895,436**. This is a 1% decrease in financial intake from 2012 and a 12% decrease from 2011. The revenue for Criminal Fines \$190,687 represents a decline of 48% compared to 2011 and 17% compared to 2012. The revenue for Parking Fines continued to decline significantly over the three year period with the revenue of \$312,650 collected in 2013 being down by 37% compared to 2012 and 61% compared to 2011. Funds collected related to Family Support have also fallen **from \$6,154,769 in 2011 to \$5,250,135 in 2013**, a 15% decrease.

The revenue for Traffic Fines of \$1,788,130 surpassed both the 2011 and 2012 levels and showed an increase of 22% over 2012 and 4% over 2011 levels. The same trend was seen for the Miscellaneous Fees which includes the revenue for Bailiff's Fees. The revenue collected for the Misc. Fees in 2013 was \$41,649 which represented an increase in revenue of 60% compared to 2012 and a 10% increase over 2011.

Payment Types (By \$ Amount)	2011	2012	2013
Civil Payments	\$ 520,308	\$ 664,664	\$ 669,312
Civil Fees	\$ 257,835	\$ 278,010	\$ 300,685
Traffic Fines	\$ 1,713,900	\$ 1,456,078	\$ 1,788,130
Parking Fines	\$ 793,000	\$ 496,450	\$ 312,650
Criminal Fines	\$ 370,110	\$ 228,443	\$ 190,687
Liquor License Fees	\$ 314,905	\$ 328,340	\$ 329,210
Peddlers License Fees	\$ 12,250	\$ 11,070	\$ 12,870
Misc. Fees (Including Bailiffs)	\$ 37,995	\$ 26,088	\$ 41,649
Family Support	\$ 6,154,769	\$ 5,487,566	\$ 5,250,135
TOTAL COLLECTED	\$10,177,347	\$ 8,980,794	\$ 8,895,436

Figure 16: Payment Types by \$ Amount

The total number of payments made to the Cashiers Office **increased to 56,392 in 2013**. This is part of a long term trend that has seen **total payments drop 18%** from the 2011 level. 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 the number of payments.

The number of payments for Traffic Fines rose by 58% from 6,482 payments in 2012 to 10,269 payments in 2013. The 2013 level was higher than the 2011 (8,278 tickets) number by 24%.

The number of payments for civil fees increased by 22% to 9,023 payments, up from the 7,403 payments made in 2012. Even still this is an increase of 14% over the number of civil fees made in 2011 of 7,867 payments.



The number of payments for parking fines decreased in 2013 to 6,253 payments, which represents a 32% decrease from the 2012 figure of 9,993, and a 46% decrease from the 2011 figure of 11,497.

Payment Types (By Number)	2011	2012	2013
Civil Payments	2,488	2,826	3,221
Civil Fees	7,867	7,403	9,023
Traffic Fines	8,278	6,482	10,269
Parking Fines	11,497	9,933	6,253
Criminal Fines	543	396	385
Liquor License Fees	392	450	443
Pedlar's License Fees	136	123	143
Miscellaneous Fees	606	551	677
Direct Deposit (Family Support)	10,007	10,094	11,030
Family Support	18,271	15,575	14,948
TOTAL PAYMENTS PROCESSED	60,132	53,879	56,392

Figure 17: Cashier's Office Payment Types by Number of Payments

Liquor Licenses

There was a total of **600 Liquor Licenses issued in 2013** which represents a **5% decrease** over the previous year. This modest decrease sees the issuing of Liquor Licenses taper off from the 2012 levels (**642 Licenses**), but is still vastly increased over the applications issued for 2011 (**465 Licenses**). The Central District still commands the majority of Liquor License (annual) issued in Bermuda. The decrease in total Licenses issued is mainly related to the reduction in 'Occasional Liquor Licenses' which declined by approximately **10% from 374 in 2012 to 338 in 2013**.

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DISTRICTS	2011	2012	2013
Central District	148	153	164
Western District	52	63	54
Eastern District	41	52	44
Occasional Licenses	224	374	338
TOTAL LICENSES ISSUED	465	642	600

Figure 18: Liquor Licenses.

Liquor Licenses Issued: 2011-2013

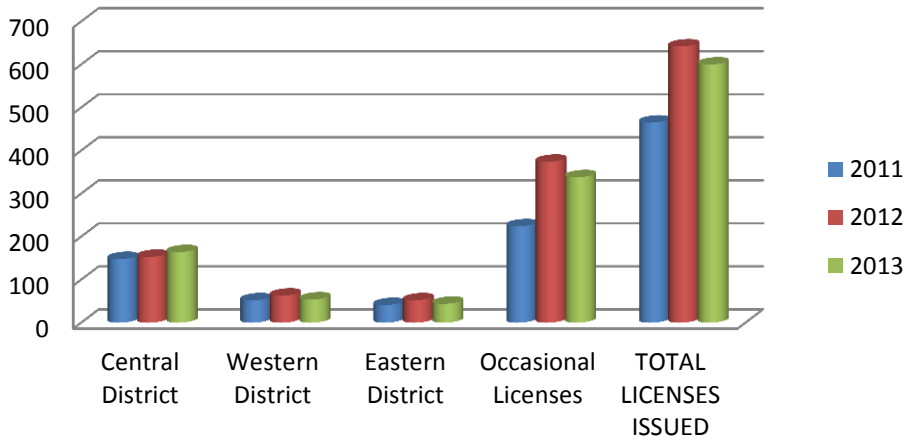


Figure 19: Liquor Licenses Issued

Bailiff's Section: Execution and Service

- 59 This office provides for the service and execution of Court papers inclusive of Magistrates' Court, Supreme Court and Foreign Service. There is one secretary who provides clerical support for the Bailiff's Office and five bailiffs who travel throughout the island serving Court processes.

The Bailiff's Section has experienced another challenging year with high levels of documents coming in from all departments of the Judiciary, coupled with staff shortages. In February 2013, two bailiffs were terminated from their duties as a result of disciplinary procedures and in October we lost the services of a season bailiff, Ms Shirley Smith, through retirement. This significantly hampered the productivity of the bailiff's section as it was being stretched to its capacity. The chart below illustrates a comparison of some of the court documents assigned to the Bailiff's Section for servicing/execution from 2011 to 2013:

Documents Types	2011	2012	2013
Ordinary Summons	1405	1230	1029
Supreme Court Documents	186	232	311
Family Court Documents	231	568	641
Committal	No Fig	908	1199
Warrants	No Fig	1150	1172
Evictions	45	45	44
TOTALS	1867	4133	4396

Figure 20: Bailiff Document Types

Overall, the volume of documents processed in 2013 has increased by 135% over 2011 and 6% over 2012. There were 1029 Ordinary Summons in 2013 which represents a continued decrease compared to 1405 (17%) in 2011 and 1230 (16%) in 2012. Due to the shortages of staff and the increase volume of court documents (as seen in the above chart) the service rate of documents by the bailiffs has declined. However, bailiffs currently maintain an overall average clearance rate of 80%. The chart below highlights the statistics for the bailiff's paper service for the year 2013.

In order to improve the efficiency of the Bailiff's Section we are in the process of hiring suitable candidates to fill the three vacant posts. To aid us in this process the job descriptions and the hiring procedures have been reviewed and amended accordingly with current HR standards. Notwithstanding this, we have drafted new policies and procedures to reflect a more comprehensive structure to assist the bailiffs with the service of court documents. These new operation procedures will improve on the current levels of accountability and will address directly the areas of service that account for "unable to locate" judgement debtors and a more aggressive way of clearing the backlog of documents.

Bailiffs' Paper Service For 2013					
Document Type	Assigned	Exec/Served/Etc	Unable to Locate	Can/Withdrawn	Bal
Bill of Cost	5	4	0	0	1
Civil Committals	1199	344	180	252	423
Evict Warrants	44	29	2	9	4
Foreign Documents	52	44	8	0	0
Judgement Summons	180	130	34	2	14
Notice of Hearing	114	75	23	1	15
Ordinary Summons	849	558	219	17	55
Protection Orders	46	44	0	0	2
Summons	671	486	175	0	10
Warrants of Arrest	1172	489	154	139	390
Writs	87	56	8	4	19
Others	40	23	0	0	17
Totals	4459	2282	803	424	950

Average Rate of Service	51.2%
Average Rate of Unable to Locate	18.0%
Average Cancellation Rate	9.5%
Average In Possession Rate	21.3%

Figure 21: Bailiff Service and Execution

In 2013 the Deputy Provost Marshal General was instrumental in organising six public auctions on the strength of several court orders involving Writs of Fieri Facias. This Writs were Ordered for the purpose of selling property to satisfy the indebtedness owed to the Judgement Creditors. The total proceeds of sales from the auctions that covered the selling of moveable assets were **\$62,636.00**.

It was noted that the majority of the persons attending these auctions were not prepared to place significant bids for the items on sale, and therefore the proceeds were not substantive in satisfying the debt owed by the judgement debtor. The auctions that were held for the selling of immoveable property or real property had no sales.

In order to improve the selling power of real property, the Chief Justice issued a new Practice Direction that provides an additional option for the Deputy Provost Marshal General to sell real property by Private Treaty. It is hoped that this new legal procedures will assist the bailiffs' office with the selling of real property to recoup the financial loses of the Judgement Creditors.

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There are also significant costs associated with seizures and auctions and the current \$1000 fee that has historically been collected from Judgment Creditors to fund these events is no longer adequate. With the implementation of the selling of real property by Private Treaty, the Deputy Provost Marshal General is now requesting an advance payment of \$3,700.00 to pay for the expenses incurred for two property evaluations and advertising fees for the sale of each property.

2014 Administrative Initiatives

In 2014 the Administrative staff of the Magistrates' Court will:

- ❖ Implement the recommendations from the Management Services Review which are intended to create efficient and effective services in Magistrates' Court. Some initiatives already identified are:
 - The reduction of identified programme and service risks
 - Staff training/team building exercises to develop a greater cohesion between Magistrate Court's Sections.
 - The implementation of a Code of Conduct which will promote quality performance and services
- ❖ Establish Standard Operating Procedures of the Civil Section, Bailiffs Section, Office of Family Court Services, and the Cashiers Section.
- ❖ Implement another update of JEMS program in January 2014.
 - New applications planned to come on line in 2014 are:
 - JEMS/TCD Interface which will allow Magistrates' to view the defendant's photograph and driving record (current points accessed) from the TCD system and to update the two systems in real-time.
 - Pockets JEMS which will allow Traffic Wardens to create parking tickets electronically via a hand held device that is connected to the internet. This will eliminate manually entering of parking violations into JEMS.
 - Interactive Voice Response System which will allow clients to call in via telephone to voice activate system with various menu options that will provide up to information on their case(s) in JEMS.
- ❖ Re-examine the possibility of Online Payments for fee for services in the Courts.

Key Initiatives 2014

❖ **Mental Health Court** will be fully operational in 2014. Its primary function to limit the incidence of recidivism among those identified as mentally ill in the offender population. The goal is to increase the likelihood of individuals accessing, engaging and sustaining their treatment programs. Of equal importance is to ensure the accountability of the major players that include: the client, services and the Court. The Court is envisioned to operate in a problem solving capacity, with a team approach, greater interaction with the Magistrates', and a more developed integration of resources. The enforcement by the Court and the services directed toward the mentally ill offender are all driven by an individualized treatment plan that will focus on alleviating the symptoms responsible for the at-risk behaviours. It is envisioned the mentally ill offender will have the opportunity to become part of the treatment continuum as opposed to victims of the criminal justice system.

- 63 ❖ **Law Week:** In an effort to create rapport with the wider community, the Magistrates' Court will organize a week (date to be determined) where special tours, talks, and activities will be available for the public participation. The aim of these activities is to increase public understanding about the role of Magistrates' Court and to raise the awareness of the programs and services offered through the courts in response to the community needs. It is intended that Law Week will inspire even more confidence in the work taking place at Magistrates' Court through:
- Public Court Tours and Visits by Schools - Tours of the Magistrates' Court will be scheduled in order to give hands on access to the workings of the Magistrates' Courts (except those courts like Family Court which are not open to the public) and to give a history of the development of the Magistrates' Court from its founding.
 - Mock Trials and Debates – Magistrates' Court will provide a forum for the public to observe attorneys and even students making oral submissions (legal arguments) to the Magistrates regarding a specific issue or conflict. This experience will provide students and the public at large with a view of how the court works and the intricacies of the practice of law. The Mock Trials and Debates will highlight the judicial oath which is “to do right by all manner of people, without fear or favour, affection or ill-will.”

- ❖ **The Magistrates' Court Amendment Rules 2013** come into effect January 1, 2014. These new rules were implemented to improve the Court's Case Management capabilities and ensure that all cases are dealt with justly. The Court must ensure that all parties to the case are on equal footing and that each case is dealt with expeditiously and fairly. The Court's duties to manage cases include; the duty to encourage the cooperation of all parties in the conduct of the proceedings and to use alternative dispute resolution procedures. The Court must give direction and ensure that the trial of the case proceeds quickly and efficiently.



Farewells

Hon. Sir L. Austin Ward

**Tribute by Members of The Bar at
The November 2013 Court of Appeal Session**



The Hon. Sir L. Austin Ward has been a Justice of Appeal since 1st March 2004. Prior to that, he was Chief Justice of Bermuda from October 19, 1993. He had previously served as a Puisne Judge from 1985. ⁶⁶

Mr. Justice Ward was born in Barbados on November 14, 1935. He attended Harrison College in Barbados and Middle Temple in London, England. He came to Bermuda in 1969 to work in private practice. In September 1972, Mr. Ward was appointed a Magistrate.

He moved to the post of Registrar of the Supreme Court in 1976, Registrar of Companies in 1980 and in 1981 he became Solicitor General.

On occasions, Mr. Justice Ward has acted as Deputy Governor and Attorney General of Bermuda. He was entered on the roll of Queen's Counsel of the Supreme Court of Bermuda in 1983.

At his final sitting of the Court of Appeal in November 2013, Sir Anthony Evans led the farewells to Sir Austin... "One can say that no person has contributed more to the present status of these courts and that, as we know is a considerable tribute to him." it is right to say that at this stage of the proceedings, that this court owes a tremendous amount to what work he has done over the last 10 years.

The Court stood to pay honor to Sir Austin.

The President of the Court of Appeal Justice Edward Zacca has also expressed his thanks to Sir Austin Ward saying “Sir Austin Ward presided over his final session of the Bermuda Court of Appeal in November 2013.

He has made a valuable contribution to the Jurisprudence of Bermuda. His knowledge of the culture and people of Bermuda over his forty-five years of service in the Legal and Judicial service as Solicitor General, Supreme Court Judge, Chief Justice and Justice of Appeal was a great asset to the Court of Appeal. His long service to the Judiciary was recognized by the Government of Bermuda in his being awarded a knighthood by Her Majesty the Queen.

Sir Austin enjoyed an excellent relationship with his fellow Justices of Appeal and could always be relied on.

He will be greatly missed. We wish him continued good health and all the best in the future.”

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The Registrar of the Courts has known Sir Austin Ward for 30 Years and has been a mentor to her in her career, encouraging her to join as Registrar and luring her away from the AG’s Chambers. She has never looked back. The Registrar is thankful for the gentle ‘push’ to higher legal attainments.

We all at the Registry wish to thank Sir Austin Ward, for his frequent visits to check up on how everything is going and to wish him the very best in his retirement which will give him more time to compose his verse and realize his dream of being a concert violinist.





Establishment List

Judicial Department
Supreme Court 2013/2014

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POST	OFFICER'S NAME	START DATE
Chief Justice	I. Kawaley	1 April 2012
Puisne Judge	N. Wade-Miller	2 September 1981
Puisne Judge	I. Kawaley	14 July 2003
Puisne Judge	C-E. Simmons	1 January 1994
Puisne Judge	S. Hellman	1 September 2012
Puisne Judge	C. Greaves	1 August 1998
Registrar	C. A. Scott	1 April 1995
Assistant Registrar	P. Miller	1 August 2006
Manager	D. Nelson-Stovell	1 September 2012
Administrative Officer	J.M. Lynch	1 January 1985
Administrative Officer	R. M. Wickham	7 July 2008
Law Researcher	J. Looby	22 August 2011
Administrative Assistant to Chief Justice	R. Walker	December 1999
Administrative Assistant	J. Robinson	1 March 1978
Administrative Assistant	A. Abdullah	15 January 2007
Administrative Assistant	T. Perott-Loder	5 January 2009
Administrative Assistant	L. Wilson	4 July 2005
Administrative Assistant	E. Hansey	20 July 2011
Clerk/Court Associate (COA) (Seconded)	C. Haley	30 May 2011
Clerk/Court Associate	R. Gaglio	10 November 2008
Clerk/Court Associate	E. Simmons	24 November 2008
Clerk/Court Associate	D. Binns	1 December 2005
Clerk/Court Associate	A. O'Connor	1 December 2010
Secretary/Receptionist	D. Williams	5 April 2010
Court Attendant and Messenger	C. Fraser	22 September 2008
Court Attendant and Messenger	C. Dillas	1 October 2005
Microfilm Clerk (Relief)	S. K. Delgadillio-Furbet	24 August 2013
Clerk/Typist	E. Thompson	4 August 2009
Accounts Officer/Librarian	S. Iris-Richardson	1 December 2008
Information Technology Manager	F. Vazquez	7 February 2000
IT Assistant	B. Mello	1 October 2012
Administrative Officer to the Court of Appeal (Seconded)	J. Waddell	9 January 2012
Administrative Assistant to the Court of Appeal [PID was moved to Magistrates' Court 5 th October 2012]	Vacant	12 March 2007
Administrative Assistant to Criminal Injuries Compensation Board (Temp)	Vacant	As of 4 th February 2011
Part-time Cleaner	T. Perott- Loder	19 April 2010
Part-time Cleaner	Joy Robinson	1 September 2009.

Establishment List

Judicial Department

Magistrates Court 2013/2014

POST	OFFICER'S NAME	START DATE
Senior Magistrate	A .Warner	9 October 1998
Magistrate	K .Tokunbo	2 November 1992
Magistrate	J. Wolffe	12 July 2000
Magistrate	T. Chin	1 April 2002
Magistrate	N. Stoneham	19 April 2010
Court Manager (Relief)	L.Todd	
Office Manager	P. Rawlings	18 May 1990
Family Support Officer	C. Furbert	16 March 2009
Enforcement Officer	VACANT	
Project Manager (JEMS)	M. Grant	17 July 2013
Records Supervisor	J. Thomas	17 April 2000
Administrative Assistant to Senior Magistrate	N. Williams-Grant	2 February 2009
Magistrate's Secretary	D. Richardson	3 January 2006
Magistrate's Secretary	D. Tucker	13 October 2009
Secretary	P. McCarter	September 2009
Family Court Clerk	A. Williams	28 June 1999
Family Court Clerk	K. Darrell	11 December 2006
Family Court Clerk	E. Parsons	2 January 2008
Temporary Additional Court Clerk	A. Smith	21 September 2009
Court Clerk	A. Levon	5 September 2007
Court Clerk	J. Stevens	8 October 2007
Court Clerk	C. Foggo	13 October 2010
Court Clerk	N. Hassell	January 2008
Court Clerk	W. Butterfield	2 November 2007
Parking Ticket Clerk	S. Borden	1 March 2004
Traffic Ticket Clerk	M. Wolffe	20 October 2008
Head Bailiff/ Dep Provost Marshal	C.Terry	1 August 2000
Bailiff Secretary	B. Isaac	6 August 1999
Bailiff (Relief)	M. Douglas	13 November 2013
Bailiff	D. Millington	1 October 2003
Bailiff	F. Roberts	5 June 2000
Bailiff (Relief)	N. Lamontagne	3 March 2008
Bailiff	VACANT	
Head Cashier	D. Zuill	22 February 2010
Cashier	T. Mahon	22 December 2009
Temporary Additional Cashier	S. Dean	19 August 2009

Establishment List



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