



**Court of Appeal,  
Jamaica  
Annual Report  
2021**

## TABLE OF CONTENTS

	Page
President's message	3-6
Strategic Planning: The Tier 2 Plan for the Court of Appeal	7-9
Hierarchy of the Jamaican Court System	10
Organisational Chart of the Court of Appeal	11
Judges of the Court	12-16
Court staff	17-18
Sittings	19-20
Work of the court	21-37
Practice Directions and Notes	38
News of the court	39-50
Looking ahead	51
Appendix A	52-58

# President's Message

As it did in 2020, the COVID-19 pandemic dominated the manner in which the court conducted its affairs during 2021. The members of the court, at all levels, faced the challenges head-on and strove to carry on the court's business despite the restrictions that the pandemic placed on movement and interaction. Having survived the initial shock of the pandemic, the court set about not only increasing the number of judgments delivered over the record number in 2020, but also increased the number of appeals and applications that it heard to pre-pandemic levels. Most of those hearings were conducted using the virtual electronic platform.



**The Hon Mr Justice Patrick Brooks OJ, CD**

Thankfully, the court's personnel were spared any major illness or dislocation from the pandemic. Although there were some members of staff who, unfortunately, contracted the illness, with the observance of the established protocols and the use of work-from-home strategy for those who were able to do so, the court was not forced to suspend service to the public at any time. Those successes were due in large part to the leadership and patient guidance of our Registrar, Mrs Stacie-Anne Brown and our Human Resources and Administration Director, Miss Judith Whyte, who were given the co-operation and support of the entire complement of the court, which, as a court, we refer to as our "team".

In the latter part of the year, the court concentrated its attention on the oldest cases, both criminal and civil, which had remained pending as a result of outstanding transcripts and records of appeal. As a result of that attention, it was discovered that some of the appellants/applicants in criminal cases had been released from prison, despite the fact that their appeals had not been heard. The status of those appeals is

being assessed. The attorneys-at-law involved in the long-outstanding civil cases were asked to attend case management conferences and several of the appeals were terminated as a result of that intervention.

The long delay in the production of transcripts of criminal trials had repercussions during the course of the year. One applicant had his conviction quashed, as the absence of the transcript prevented his appeal from being heard, despite the fact that he had been incarcerated for over eight years awaiting the hearing of his application for permission to appeal. Another convicted person, who had an appeal against his conviction and sentence, had his sentence reduced as redress for the breach of his constitutional right to have his appeal heard within a reasonable time. There promises to be more challenges to convictions and sentences along these lines.

The court also took its next step in advancing the Judiciary's Strategic Plan that was launched in 2020. The Honourable Justice David Fraser JA has provided greater detail of these advancements in his brief presentation that follows this message. Justice Fraser has done yeoman service in driving this process in this court and the achievements in this area are largely as a result of his leadership. We are blessed to have his energy as part of our team and extend our grateful thanks to him for his efforts.

During the course of the year the court also started its preparation to go digital with the Judicial Case Management System that will eventually be used by all the courts in the island. The court is pleased to be one of the first courts to implement the system and judges and other members of staff received training in the use of the system. Dr Denarto Dennis, the Judiciary's Statistician, has been the chief implementing agent in guiding the court along this road to the future and we thank him most wholeheartedly for his efforts in this regard. Dr Dennis has also been of great help in producing the tables and graphs which form a part of this report. Without his guidance those reports on the work of the court throughout the year would not have been possible.

The court suffered another great blow with the retirement of the Honourable Justice Hilary Phillips CD, JA, who retired on 28 May after almost 13 years as a judge of the

court. Justice Phillips will be greatly missed as she was not only one of the court's highest producers of written judgments but she was an exemplar to all in the work ethic that she displayed and the incredible empathy and humanity that she demonstrated. We wish Justice Phillips all the very best in her retirement, with happiness and good health accompanying her always.

The loss of Justice Phillips to the court was softened somewhat by the gains of two permanent judges of appeal, in the persons of the Honourable Justice Vivene Harris and the Honourable Justice Marcia Dunbar-Green. Both bring to the court their unique brands of vivacity and intellectual rigour which will hold the court in good stead for many years to come. We welcome them and wish them a long and productive stint with the court.

The court had its high points and promises for a brighter future. Two of our number, the Honourable Justices Carol Edwards and Nicole Foster-Pusey were conferred with the award of national honour of the Order of Distinction in the rank of Commander. The awards are in recognition of their respective service to the legal profession and to the judiciary and are well deserved. We congratulate both judges on their preferment.

Thanks are due to many persons who helped the court to manoeuvre through the challenges that the year brought. The Honourable Chief Justice and the team at the Court Administration Division (CAD) continued to support the court and we are grateful for their efforts. Special thanks must be given for the efforts of the CAD in supporting our team in organising and executing the send-off ceremony for the Honourable Justice Hilary Phillips.

The team at the Court of Appeal has performed above and beyond the call of duty. In addition to improving its overall performance over 2020, the team also planned and executed its contribution to the strategic plan for the judiciary. Special mention must be made of the Social Affairs and the Health and Wellness Committees, which worked tirelessly in improving the morale and team spirit at the court, helping to cement the sense of family that we engender.

Special thanks must also be given to our indefatigable Registrar, who, apart from giving her unruffled guidance in so many areas of the court's life, has, once again, been the creator of this report which we present as our continued effort at transparency.

The court will celebrate its 60<sup>th</sup> anniversary on 5 August 2022 and, sharing its birthday with the nation, it continues to strive to provide to Jamaica, the service which will see it achieving its vision of "a world class appellate court, serving all stakeholders with excellence" and its mission which is "to serve all stakeholders with integrity and fairness, by delivering sound, timely judgments, and efficient, accessible court services, in a healthy and fulfilling work environment".

Patrick A Brooks OJ, CD,  
President  
7 March 2022

# Strategic Planning: The Tier 2 Plan for the Court of Appeal

In January 2020, for the first time in Jamaica's legal history, the Jamaican Judiciary launched a strategic business plan for the years 2019-2023. It was titled, "Benchmarking the Future: Courting Excellence". As stated in the included message of the Honourable Chief Justice, the Plan "was conceived with the assistance of Judges, the Ministry of Justice, the Cabinet Office and [the Court Administration Division]. It provides clear guidance to the courts in our mission to realistically address the areas in our operations that require improvement".

As the strategic planning process for the Judiciary undergoes ongoing maturation, the plan was revised and enhanced in 2021 using the Balanced Scorecard Methodology. Under three overarching themes of 'Operational Excellence in Court Proceedings and Processes', 'Excellence in Court Utilisation' and 'Excellence in Court Planning and Policies', fourteen Strategic Objectives were selected to guide the focus of the Plan at the Tier 1, Judiciary wide level. These objectives were spread across Customer, Financial, Internal Processes and Learning and Growth Perspectives.

The strategic plan for the court was developed through intensive work, over a three-week period from June to July 2021. By continuing application of the Balanced Scorecard Methodology, the Tier 1 Strategic Plan for the entire judiciary was cascaded to create the Tier 2 Plan ('T2P') for the court. The T2P was developed by a team drawn from judges and all categories of staff. Utilising a highly consultative approach, a mixture of internal/external surveys and court wide discussions, informed the development of all aspects of the T2P. The result? An effective plan that guides our cycle of continuous improvement both in the services we provide, as well as in the maintenance of a healthy and fulfilling work environment for judges and staff.

Highlights of the T2P include the creation of four standing committees as initiatives to spearhead ongoing projects or activities. These committees are Budget; Health and

Safety; Social Activities; and Court of Appeal/CAD-ICT Improvement. They have already made a great impact on the strategic outlook and day to day life of the court. Currently under the objective Improve Data Management, the Judicial Case Management System (JCMS) is being gradually implemented in the court. When fully implemented, it will automate a number of processes, improve public access to information, allow for e-filing of cases and inform management decisions on enhancing productivity and service delivery. We look forward to the continued improvements in customer satisfaction and job fulfilment for all members of our team, the ongoing implementation of this and other measures will bring.

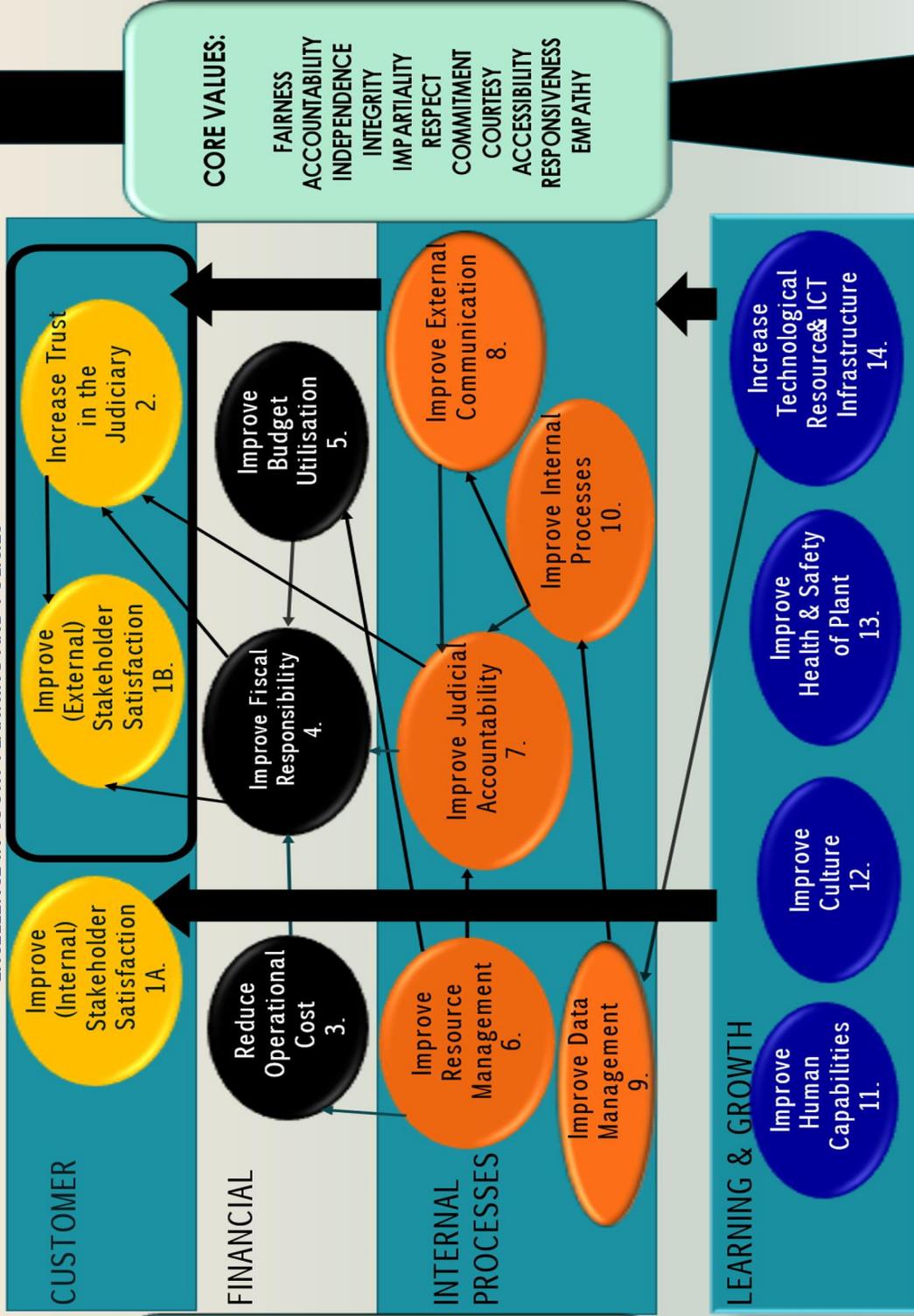
The Strategy Map for the court may be viewed on the following page.

The Hon Mr Justice David Fraser JA  
Chair  
Court of Appeal Strategic Planning Committee

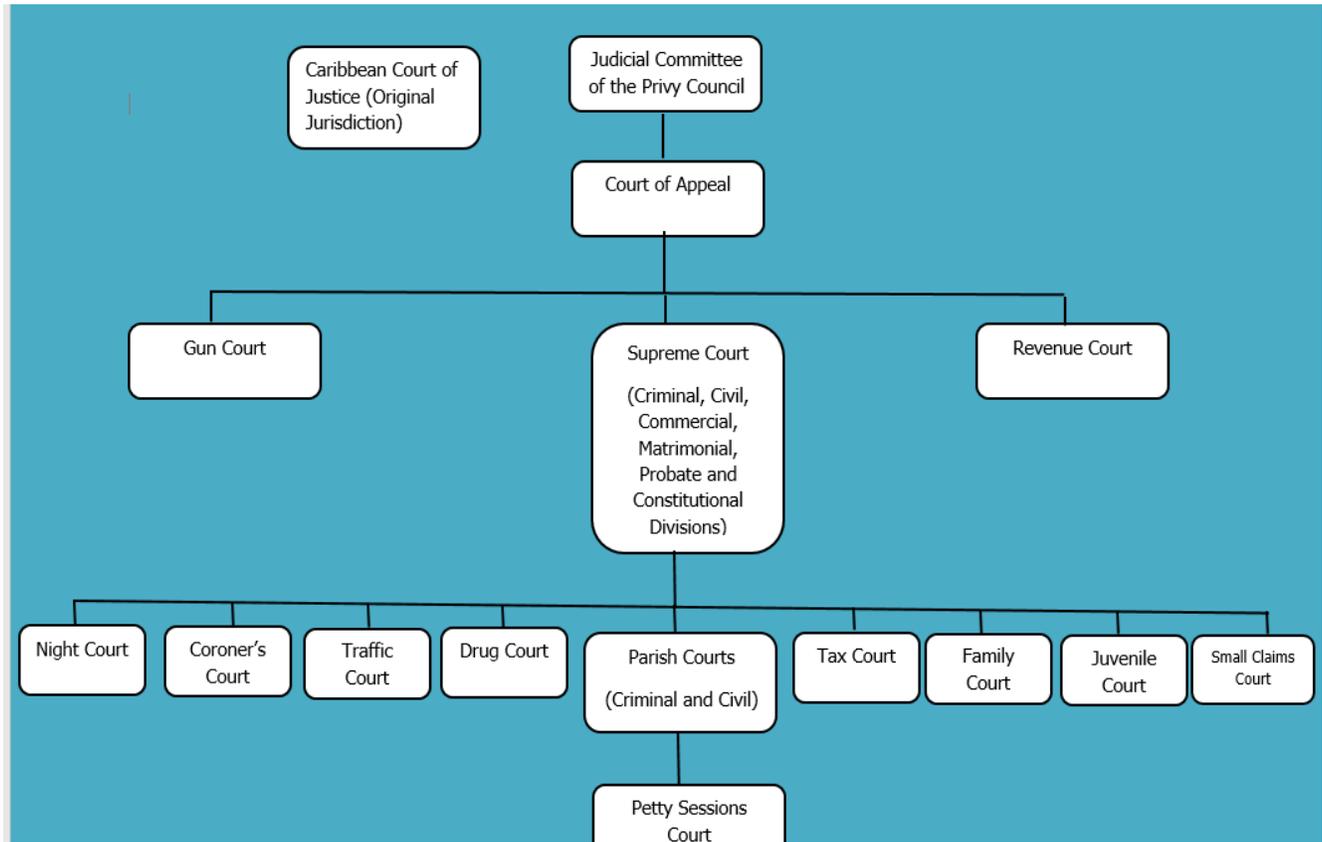
**VISION:**

A WORLD CLASS APPELLATE COURT, SERVING ALL STAKEHOLDERS WITH EXCELLENCE

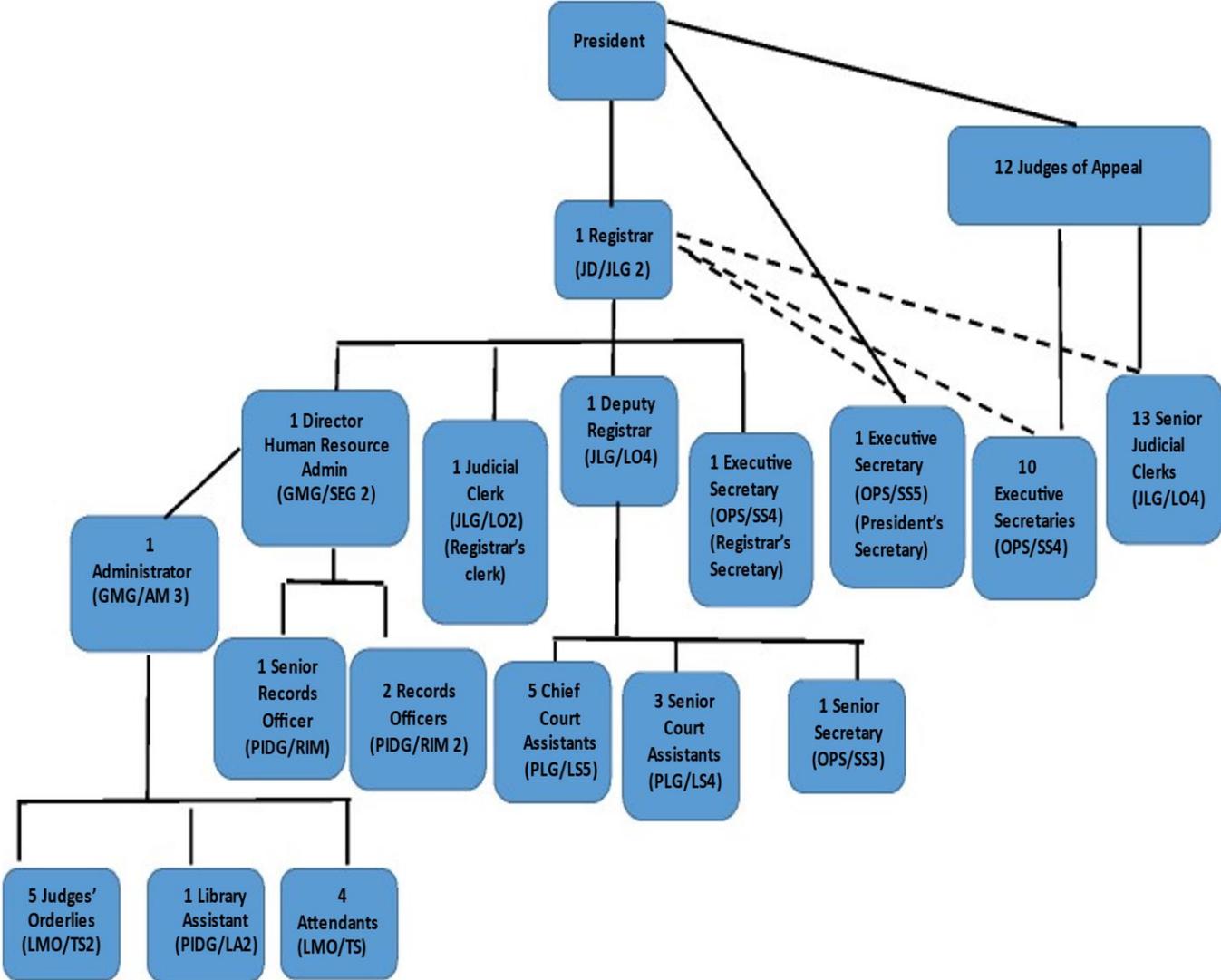
**THEMES: OPERATIONAL EXCELLENCE IN COURT PROCEEDINGS AND PROCESSES, EXCELLENCE IN COURTILISATION, EXCELLENCE IN COURT PLANNING AND POLICIES**



# Hierarchy of the Jamaican Court System



# Organisational Chart of the Court of Appeal



# Judges of the court

## Composition

Pursuant to the provisions of section 3 of the Judicature (Appellate Jurisdiction) Act ('JAJA'), the Court of Appeal is comprised of the President of the court and not more than 12 Judges of Appeal. It should be noted that under the JAJA, the Chief Justice is also a member of the Court of Appeal by virtue of being the head of the judiciary. The Chief Justice, however, is only able to sit in the Court of Appeal if he is invited to do so by the President and if there are at least four other Judges of Appeal sitting.

At the close of the year under review, the Court of Appeal had 12 permanent members inclusive of the President. It is the hope that in short order the court will have its full complement of 13 members.

## Retirement



**The Hon Miss Justice Hilary Phillips JA**

After distinguished and dedicated service to the judiciary, the legal profession, legal education and, indeed, to Jamaica, 27 May 2021 marked the retirement of the Hon Miss Justice Hilary Phillips as a Judge of Appeal.

Miss Justice Phillips was appointed as a Judge of Appeal on 3 August 2009 after an exceptional career as an eminent Queen's Counsel at the private Bar. She has made a monumental contribution particularly to the judiciary and the development of the law.

The Court of Appeal records its immense gratitude to Miss Justice Phillips for her sterling tenure of service and its heartfelt best wishes to her in this new chapter of her life.

## **Appointments**

### *a) Permanent Judges of Appeal*

During the year under review the court happily welcomed the appointment of two permanent Judges of Appeal.

Having previously acted as a Judge of Appeal, the Hon Mrs Justice Vivene Harris, Puisne Judge, was sworn in by the Governor General as a Judge of Appeal. Her appointment took effect on 11 January 2021.



**The Hon Mrs Justice Vivene Harris JA**



**The Hon Mrs Justice Marcia Dunbar-Green JA**

The Hon Mrs Justice Marcia Dunbar-Green, Puisne Judge, who continued to act as a Judge of Appeal in the Hilary and Easter Terms 2021, was sworn in by the Governor General as a Judge of Appeal. Her appointment took effect on 20 September 2021.

The court is indeed very delighted with these appointments and wishes both Judges of Appeal a very successful and enjoyable tenure.

*b) Acting Judges of Appeal*

During 2021 the court welcomed three acting Judges of Appeal.

The Hon Mr Justice Evan Brown and the Hon Mrs Justice Cresencia Brown Beckford, Puisne Judges, acted as a Judges of Appeal during the Easter and Michaelmas Terms.



**The Hon Mr Justice Evan Brown JA (Ag)**



**The Hon Mrs Justice Cresencia Brown Beckford JA (Ag)**

The Hon Mrs Justice Georgianna Fraser, Puisne Judge, acted as a Judge of Appeal during the Michaelmas Term.



**The Hon Mrs Justice Georgianna Fraser JA (Ag)**

## **Judges of the court**

The Court of Appeal was, at the end of the year in review, constituted as follows:

The Hon Mr Justice Patrick Brooks OJ, CD, P;

The Hon Mrs Justice Marva McDonald-Bishop CD, JA;

The Hon Mrs Justice Almarie Sinclair-Haynes CD, JA;

The Hon Mr Justice Frank Williams CD, JA;

The Hon Miss Justice Paulette Williams CD, JA;

The Hon Miss Justice Jennifer Straw CD, JA;

The Hon Miss Justice Carol Edwards CD, JA;

The Hon Mrs Justice Nicole Foster-Pusey CD, JA;

The Hon Mr Justice David Fraser JA;

The Hon Miss Justice Nicole Simmons JA;

The Hon Mrs Justice Vivene Harris JA; and

The Hon Mrs Justice Marcia Dunbar-Green JA.



**The Hon Mr Justice Patrick Brooks P**



**The Hon Mrs Justice Marva  
McDonald-Bishop JA**



**The Hon Mrs Justice Almarie  
Sinclair-Haynes JA**



**The Hon Mr Justice Frank Williams JA**



**The Hon Miss Justice Paulette Williams JA**



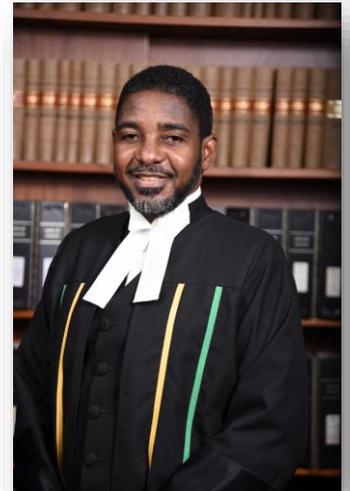
**The Hon Miss Justice Jennifer Straw JA**



**The Hon Miss Justice Carol Edwards JA**



**The Hon Mrs Justice Nicole Foster-Pusey JA**



**The Hon Mr Justice David Fraser JA**



**The Hon Miss Justice Nicole Simmons JA**



**The Hon Mrs Justice Vivene Harris JA**



**The Hon Mrs Justice Marcia Dunbar-Green JA**

# Court Staff

## Staff Complement

By virtue of the Civil Service Establishment (General Order) 2020, the total number of established posts in the Court of Appeal for the year 2021 was 52. However, the staff complement was 47<sup>1</sup>, comprising:

- 1 Registrar
- 1 Deputy Registrar
- 1 Director, Human Resource and Administration
- 13 Senior Judicial Clerks
- 1 Judicial Clerk
- 1 Administrator
- 6 Executive Secretaries
- 1 Senior Secretary
- 4 Chief Court Assistants
- 3 Senior Court Assistants
- 1 Senior Records Officer
- 1 Records Officer
- 3 Orderlies
- 3 Attendants
- 1 Casually Daily Paid Worker
- 6 Part-time Cleaners

---

<sup>1</sup> This number represents 41 of the 52 established posts and the 6 part-time cleaners.

## **Staff movement**

### Acting appointments

During the year under review there were several acting appointments among the wider court staff. These were as follows:

- Mr Carson Hamilton, Ms Yumika Harris and Ms Sherice Spence<sup>2</sup> - acting Senior Judicial Clerks;
- Ms Sardia Kerr and Mrs Christine Thomas<sup>3</sup> - acting Executive Secretaries;
- Ms Ruth Thomas<sup>4</sup> - acting Senior Secretary;
- Mrs Shelly-Ann Jackson - acting Chief Court Assistant;
- Mr Shavar Sewell and Mr David Brooks<sup>5</sup> - acting Senior Court Assistants;
- Mr Chevaugn Thomas - acting Senior Records Officer; and
- Ms Shadae Thompson - acting Records Officer.

A heartfelt welcome is extended to the new members of staff. It is the fervent hope that their tenure at this court will not only be productive but also enjoyable and fulfilling.

### Farewell

At the close of 2021 the court bade farewell to Ms Taneisha McKoy, Senior Secretary assigned to the registry of the court. The court thanks Ms McKoy for her years of dedicated service and wishes her the very best in her new endeavour.

## **Special note**

The court wishes to make special mention of Mr Ronjae Campbell, Senior Court Assistant, who was involved in a serious motor vehicle accident in which he was injured. The entire court is extremely thankful and overjoyed that Mr Campbell has been able to overcome his injuries and is back at work.

---

<sup>2</sup> Ms Spence acted during the period that Mrs Kimberley Clarke was on maternity leave.

<sup>3</sup> Mrs Christine Thomas acted while Ms Marcia Robinson was on vacation leave.

<sup>4</sup> Ms Ruth Thomas acted while Ms Taneisha McKoy was on vacation leave.

<sup>5</sup> Mr Brooks acted during the period that Mr Ronjae Campbell was on sick leave.

# Sittings

In the year 2021 the Court of Appeal sat for 11 weeks in the Hilary Term, 16 weeks in the Easter Term and 13 weeks in the Michaelmas Term. This made a total of 40 weeks of sittings for the year.

During each week of sitting the Judges of Appeal sat primarily in two divisions in panels of three. Additionally, they were assigned duties in chambers in each week of term for the purpose of considering paper applications and/or conducting oral hearings of applications and case management conferences.

During the court's three vacation periods a Judge of Appeal was also assigned in each week to consider any procedural applications that were filed and hear urgent applications.

The full list of the weeks of sittings for 2021 is available on the court's website - [www.courtofappeal.gov.jm](http://www.courtofappeal.gov.jm) .

## **Special Sittings**

### *A) Farewell sitting for the Hon Miss Justice Phillips JA*

The Court of Appeal sat *en banc* on 28 May 2021 to mark the retirement of the Hon Miss Justice Phillips CD, JA. As a result of the Covid-19 pandemic and the health protocols which had to be observed, this special sitting was held simultaneously in three court rooms with judges, staff and a limited number of guests, including members of Miss Justice Phillips' family, in each.

The sitting was also livestreamed on the judiciary's social media platforms. The Hon Mr Justice Bryan Sykes, OJ, CD, Chief Justice of Jamaica, joined the President and Judges of Appeal physically at the court while retired Presidents, retired Judges of Appeal along with other members of Miss Justice Phillips' family joined the sitting by video conference. Representatives of the public and private Bars were present both physically and virtually.

During the sitting a tribute in the form of a citation was read by Mrs Kadiesh Fletcher, Acting Director of Client Services, Communication and Information of the Court Administration Division, a copy of which can be found in Appendix A of this report.

The court's appreciation is extended to Mrs Fletcher as well as the technical teams from the Information and Communication Technology Department of the Court Administration Division and the Jamaica Information Service for their expert assistance before and during the sitting.

*B) Opening of the Michaelmas Term*

As is now customary, the court held a special sitting to mark the start of the Michaelmas Term. The sitting, which was conducted virtually, was held on 20 September 2021 in Division One of the court. The sitting was presided over by a panel comprising the Hon Mr Justice Brooks P, the Hon Mrs Justice Dunbar-Green JA and the Hon Mrs Justice G Fraser JA (Ag).

It was attended by representatives of both the public and private Bars as well as members of the media.

# Work of the Court

After sitting to hear and determine matters Judges of Appeal then prepare written judgments for matters in which judgments are reserved or reasons for judgment for matters in which the decisions were delivered but reasons were promised. Additionally, in lieu of a substantive written judgment, judges may also issue memoranda of reasons pursuant to Practice Note 1/2020. Judges of Appeal are also assigned on a weekly basis to consider procedural applications on paper as well as to sit in chambers for oral hearings of applications and conducting case management conferences.

An important point, which bears repeating for the purpose of painting a comprehensive picture of the work of the court, is that this work extends beyond hearing matters listed on the court's list each week. During the year under review the Judges of Appeal considered:

- i. Applications for leave to appeal in criminal cases - most criminal matters from the Supreme Court commence as applications for leave to appeal against convictions and/or sentences. Pursuant to the Court of Appeal Rules, the transcripts are referred to single judges for the purpose of reviewing the transcripts and considering whether or not to grant the applicants leave to appeal;
- ii. procedural applications in civil cases which fall, pursuant to the Court of Appeal Rules, within the remit of single judges - such applications include applications for stays of execution, injunctions, security for costs and extension of time to file records, skeleton arguments, chronologies and similar documents. Under the court rules, these applications are first to be referred to single judges for consideration on paper. The judges are empowered to either make orders on the applications without a hearing or to issue directions such as having the matters set down for oral hearings;
- iii. records of appeal - the rules require that records of appeal are to be referred to single judges for the purpose of case management. Upon review of the files single judges may make case management directions without a hearing or may direct the holding of case management conferences; and

- iv. motions/applications for leave to appeal to Her Majesty in Council which are as of right - pursuant to Practice Direction No 1/2016

Individual judges are also periodically asked by the President to assist with administrative matters such as attending meetings and participating in job interviews.

In this report, the work of the court will be reflected as follows:

- i. transcripts of criminal cases referred for consideration of applications for leave to appeal in criminal cases (Table A and Chart 1);
- ii. procedural applications in civil cases and motions for leave to appeal to Her Majesty in Council referred for consideration on paper (Table B and Chart 2);
- iii. civil records of appeal referred for case management (Table C and Chart 3);
- iv. oral hearings conducted in chambers (Table D);
- v. disposal of applications by single judges (Table E)
- vi. disposal of applications and motions by the court (Tables F and Chart 4) and appeals (Tables G-I, K and L) and the court's clearance rate (Chart 6);
- vii. new appeals filed in the year under review and pending appeals at the end of the period (Tables G – J and Chart 5)
- viii. number of matters disposed of by the court (Table L) and total matters disposed (Table M)
- ix. judgments delivered within six months of completion of hearings (Table N);
- x. judgment delivery rate (Table O)
- xi. hearing date certainty (Table P)
- xii. judgments reduced in writing (Tables Q and R);
- xiii. outstanding reserved judgments (Table S) and outstanding reasons for judgment (Table T);
- xiv. outstanding transcripts in criminal cases pending appeal (Table U and Chart 7);
- xv. outstanding records of proceedings in civil matters pending appeal (Table V and Chart 8); and
- xvi. appeals pending (Table W).

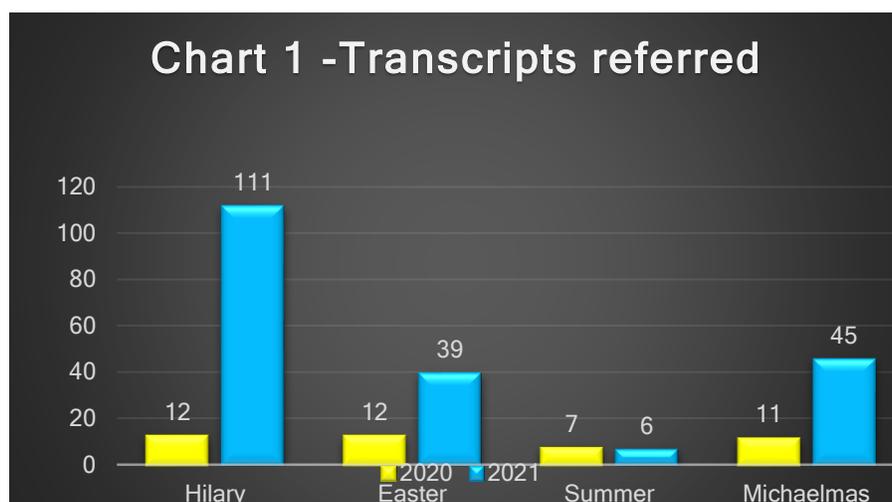
## Criminal transcripts referred to single Judges of Appeal

Upon receipt by the registry, transcripts in criminal matters from the Supreme Court are referred to single Judges of Appeal for their consideration of applications for permission to appeal conviction and/or sentence. The number of transcripts referred in any particular year is dependent on the number of transcripts received from the Supreme Court.

Table A - Transcripts referred

Period	2020	2021
Hilary Term	12	111
Easter Term	12	39
Summer Vacation	7	6
Michaelmas Term	11	46
<b>Total</b>	<b>42</b>	<b>202</b>

Table A and Chart 1 show a 381% increase<sup>6</sup> in the number of transcripts referred to single judges in 2021 over 2020. This is a primarily as a result of the increased number of transcripts received from the Supreme Court. This increase began in late 2020 and continued in 2021.



<sup>6</sup> The figure includes 53 transcripts which were received in the latter part of the previous year but were referred at the beginning of Hilary Term 2021. Additionally, 28 of these transcripts involved two or more applicants.

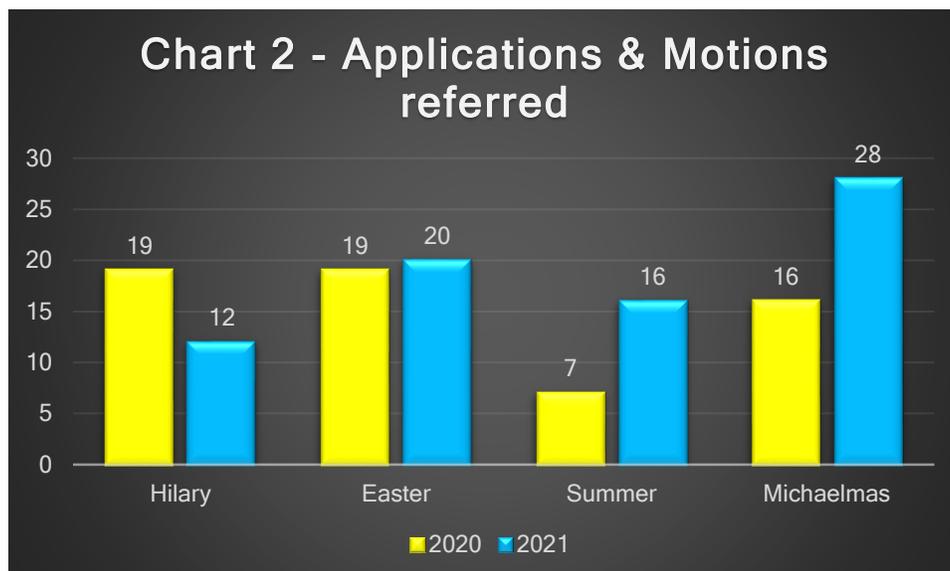
## **Applications/motions referred to single Judges of Appeal for consideration on paper**

The Court of Appeal Rules allow for certain procedural applications to be considered on paper by single Judges of Appeal, who may make orders without a hearing or direct that an oral hearing should be held. Some motions for leave to appeal to Her Majesty in Council may also be referred on paper to single Judges of Appeal by virtue of Practice Direction No 1/2016.

Table B - Number of applications/motions referred

<b>Period</b>	<b>2020</b>	<b>2021</b>
Hilary Term	19	12
Easter Term	19	20
Summer Vacation	7	16
Michaelmas Term	16	28
<b>Total</b>	<b>61</b>	<b>76</b>

As seen in Table B and Chart 2 there was a 24.5% increase in the number of applications/motions referred in 2021 over the previous year.



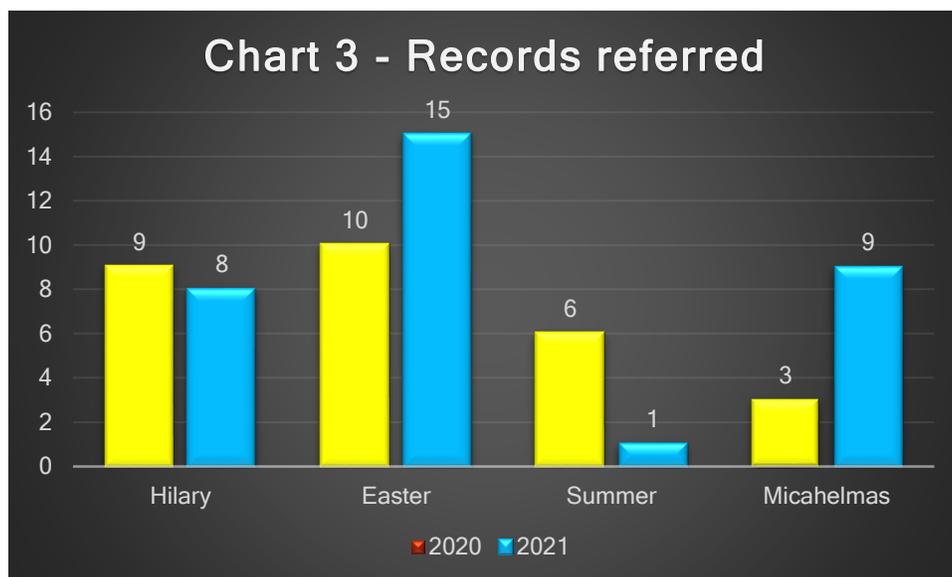
### Records of appeal referred to single Judges of Appeal

Under the provisions of the Court of Appeal Rules, appellants in civil appeals from the Supreme Court are required to file records of appeal within a prescribed time. Records of appeal, once filed, are referred to single Judges of Appeal for case management directions. The number of records of appeal referred to single judges in a particular year is dependent on the number of certified proceedings forwarded from the Supreme Court as well as the timely compliance of appellants with the Court of Appeal Rules relating to the filing of records of appeal.

Table C – Records of appeal referred

Period	2020	2021
Hilary Term	9	8
Easter Term	10	15
Summer Vacation	6	1
Michaelmas Term	3	9
<b>Total</b>	<b>28</b>	<b>33</b>

Table C and Chart 3 reveal a 17.85% increase in the number of records of appeal referred in 2021 over 2020.



## Hearings in chambers by single Judges of Appeal

Table D - Hearings in Chambers

Term	2020	2021
Applications		
Hilary	18	11
Easter	19	16
Michaelmas	26	27
Case Management Conferences		
Hilary	12	5
Easter	6	17
Michaelmas	10	39
<b>Total</b>	<b>91</b>	<b>115</b>

Table D shows the number of hearings conducted by single judges in chambers during the year in review. There was a 26.37% increase in the number of matters heard orally in chambers in 2021 when compared to 2020<sup>7</sup>.

Table E - Applications disposed by single judges in 2021

Period	Number disposed on paper	Number disposed by hearing in chambers
Hilary Term	4	5
Easter Term	6	7
Summer Vacation	9	2
Michaelmas Term	17	12
<b>Total</b>	<b>36</b>	<b>26</b>

As seen in Table E, a total of 62 applications were disposed by single judges, 58% of which were determined on paper, that is, without oral hearings.

<sup>7</sup> Oral hearings in chambers are generally held on the direction of single judges after review of the applications or records referred to them on paper.

## Disposal of applications and motions by the court

Applications such as applications for leave to adduce fresh evidence; permission to appeal; extension of time within which to file and serve the appeal; and to vary or discharge the order of a single judge, which do not fall within the jurisdiction of single Judges of Appeal, are heard by the court. So too are motions for leave to appeal to Her Majesty in Council in which the appeal is not as of right as well as motions and applications on referral from a single Judge of Appeal.

Table F – Applications<sup>8</sup> and motions determined by the court

	2020	2021
Hilary	39	43
Easter	33	34
Michaelmas	26	35
<b>Total</b>	<b>98</b>	<b>112</b>

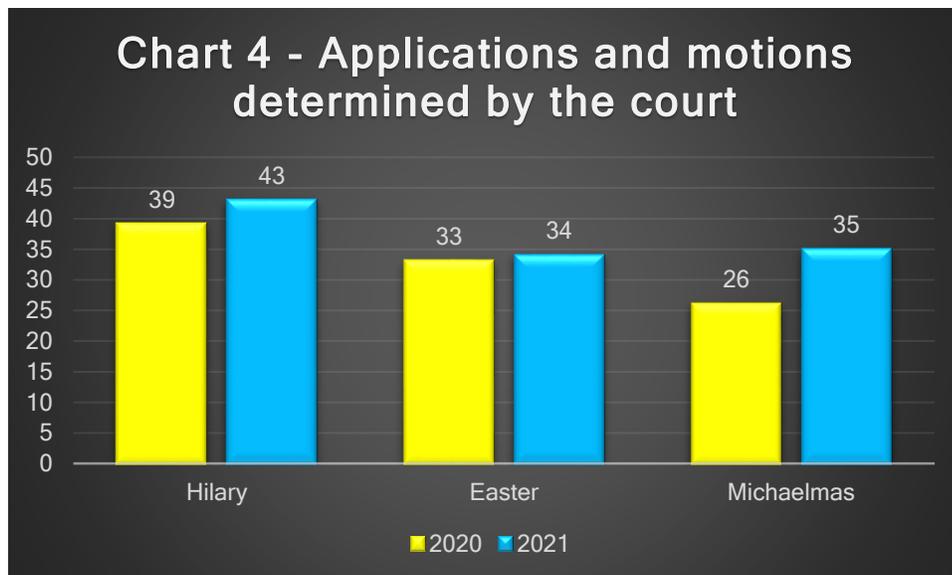


Table F and Chart 4 show that there has been a 14.28 % increase in the number of applications determined by the court in 2021 over the previous year.

<sup>8</sup> This excludes criminal applications for permission to appeal which are dealt with in Tables G, H, I, K and L.

Table G  
New and disposed appeals, Hilary Term 2021

Appeals	Pending appeals at the start of the term <sup>9</sup>	New cases filed	Disposed cases	Pending appeals at the end of the term
<b>Supreme Court</b>				
Civil Appeals	979	30	13	996
Criminal Appeals	696	14	20	690
Miscellaneous Appeals	30	4	1	33
<b>Parish Court</b>				
Civil Appeals	62	2	2	62
Criminal Appeals	24	6	3	27
Miscellaneous Appeals	0	0	0	0
<b>Total<sup>10</sup></b>	<b>1791</b>	<b>56</b>	<b>39</b>	<b>1808</b>

Table H  
New and disposed appeals, Easter Term 2021

Appeals	Pending appeals at the start of the term	New cases filed	Disposed cases	Pending appeals at the end of the term
<b>Supreme Court</b>				
Civil Appeals	996	38	26	1008
Criminal Appeals	690	43	27	706
Miscellaneous Appeals	33	4	3	34
<b>Parish Court</b>				
Civil Appeals	62	21	0	83
Criminal Appeals	27	9	4	32
Miscellaneous Appeals	0	0	0	0
<b>Total</b>	<b>1808</b>	<b>115</b>	<b>60</b>	<b>1863</b>

<sup>9</sup> A reduction in the figures which were reflected as pending in the 2020 annual report has been necessitated as a result of an audit of the files which commenced in 2021. This audit is ongoing and is intended to access the status of court files and will assist in painting an accurate picture of the court's pending figures.

<sup>10</sup> It is to be noted that there were 371 criminal appeals awaiting transcripts and 463 civil appeals awaiting records of proceedings from the Supreme Court at the close of 2020. That reflects a total of 834 appeals in 2020 which the court could not proceed with due to the outstanding documents. When those appeals are separated from the total pending appeals, the balance remaining is 957.

Table I  
New and disposed appeals, Michaelmas Term 2021

Appeals	Pending appeals at the start of the term	New cases filed	Disposed cases	Pending appeals at the end of the term
<b>Supreme Court</b>				
Civil Appeals	1008	45	39	1014
Criminal Appeals	706	31	52	685
Miscellaneous Appeals	34	3	4	33
<b>Parish Court</b>				
Civil Appeals	83	30	8	105
Criminal Appeals	32	10	6	36
Miscellaneous Appeals	0	0	0	0
<b>Total</b>	<b>1863</b>	<b>119</b>	<b>109</b>	<b>1873</b>

Tables G - I show an absolute increase in pending appeals at the end of 2021 of 82. This equates to an increase of 4.57% and is, in part, a reflection of the increase in the number of new appeals as seen in Table J.

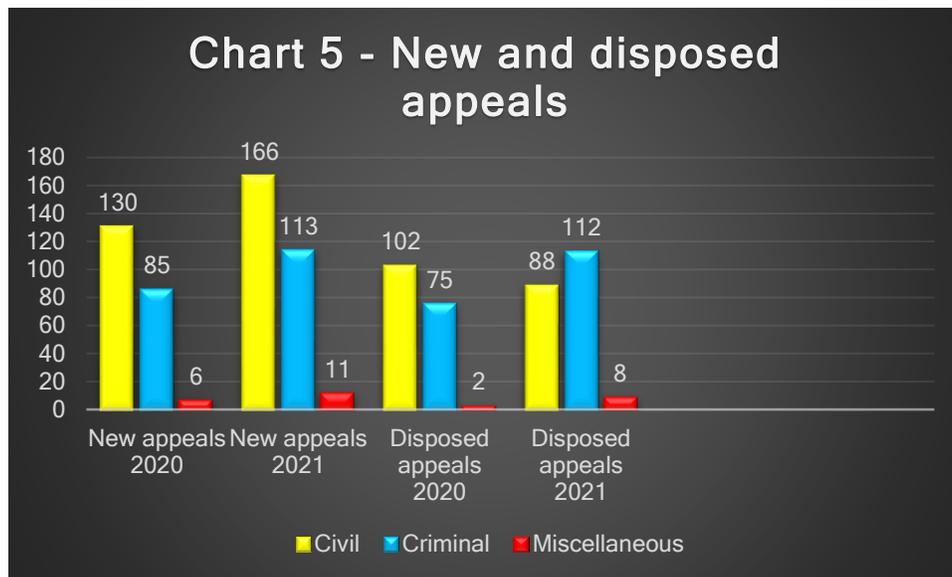
Table J - New appeals

	2020	2021
Civil	130	166
Criminal	85	113
Miscellaneous	6	11
<b>Total</b>	<b>221</b>	<b>290</b>

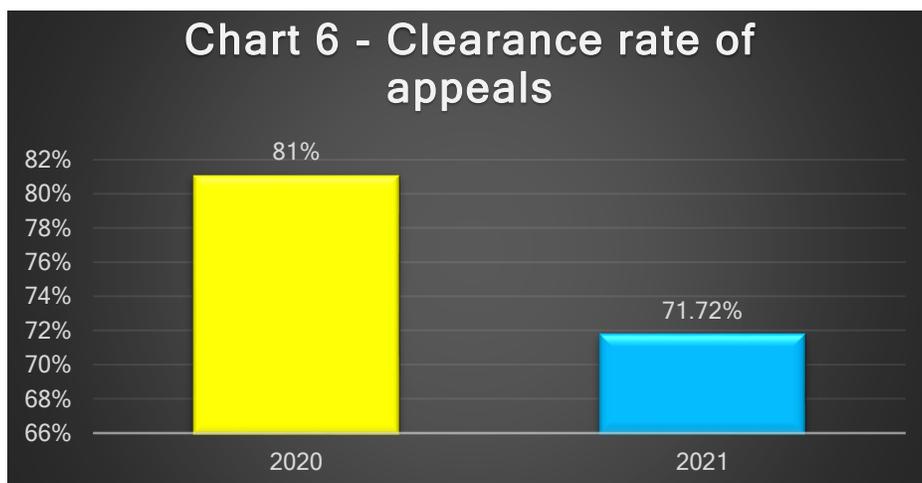
There has been a 31.22% increase in the number of new appeals filed in 2021 over the previous year as shown in Table J. It is noted that, in 2021, of the 290 new appeals filed, 78 or 26.8% were from the Parish Courts. This reflects an increase of 85.8% in the number of Parish Court appeals received in 2021 over 2020 when the number received was 42.

Table K - Disposed appeals

	2020	2021
Civil	102	88
Criminal	75	112
Miscellaneous	2	8
<b>Total</b>	<b>179</b>	<b>208</b>



The number of appeals disposed of by the court in 2021 increased by 16.2% over the previous year as shown in Table K and Chart 5. However, it is noted in Chart 6 that, when compared to 2020, there was a 9.28% decrease in the clearance rate of appeals in 2021. This was affected by the increase in the number of new appeals seen in Table J.



## Number of matters disposed by the court

Table L

Type of matter	Disposal 2020	Disposal 2021
Applications/Motions	98	112
Criminal appeals/applications for Permission to appeal	75	112
Civil appeals	102	88
Miscellaneous	2	8
<b>Total Disposal</b>	<b>277</b>	<b>320</b>

Table L reveals a 15.52% increase in the number of matters disposed by the court in 2021.

### Total matters disposed by the court and by single judges

Table M

Type of matter	Number disposed
Applications/Motions (court & single judges)	174
Appeals	208
<b>Total disposal</b>	<b>382</b>

### Judgment delivery timeline - 2021

Table N

Type of matter	Judgments delivered on hearing day	Judgments delivered within a week	Judgments delivered within 3 months	Judgments delivered within 6 months
Hilary	45	14	2	2
Easter	50	22	10	2
Michaelmas	49	24	8	5
<b>Total</b>	<b>144</b>	<b>60</b>	<b>20</b>	<b>9</b>

Table N shows that 61% of the total matters disposed of in 2021 were disposed of within six months. Of the 233 matters which were disposed within six months of hearing, 61.8% were disposed on the same day of hearing, 87.5% were disposed of within a week of hearing and 96.13% were disposed of within three months of hearing.

## Judgment delivery rate – 2021

Table O

	Number reserved	Number disposed	Judgement delivery rate %
Hilary	35	91	260
Easter	31	107	345.16
Michaelmas	40	184	460
<b>Total</b>	<b>106</b>	<b>382</b>	<b>360.38</b>

The Court of Appeal registered an overall judgment delivery rate of 360.38% in 2021. This suggests that for every 10 newly reserved judgments in 2021, roughly 36 judgments were delivered. The highest judgment delivery rate was recorded in the Michaelmas Term with 460% while the Hilary Term recorded the lowest rate with 260%. The international standard for the annual judgment delivery rate is 100%, hence the Court of Appeal has performed exceptionally.

## Hearing date certainty 2021

Table P

	No. of matters listed on hearing lists	No. of matters which commenced as scheduled	Hearing date certainty rate %
Hilary	71	64	90.14
Easter	96	72	83.20
Michaelmas	133	114	85.71
<b>Total</b>	<b>300</b>	<b>250</b>	<b>83.33</b>

The Court of Appeal registered an overall hearing date certainty rate of 83.33% in 2021, suggesting that for every 100 hearing dates set during the year, roughly 83 proceeded as scheduled without postponement. The Hilary Term registered the highest hearing date certainty rate of 90.14% while the Easter Term recorded the lowest rate of 83.20%. The international standard for the hearing date certainty rate is 95% or over. The Court of Appeal performed commendably on this metric in 2021.

## Judgments in writing

The court uses different methods to indicate the reasons for which it arrives at the decisions it makes, namely: written judgments, oral judgments (which may be reduced to writing) and memoranda of reasons. Table Q gives a segregated look at the number delivered in each category, while Table R shows the total delivered for the year. It is important to note that the figures do not include oral judgments which have not been put in writing.

Table Q

Term	No of Written Judgments	No of Oral Judgments put in writing	No of Memoranda of Reasons
Hilary	37	1	8
Easter	59	7	14
Michaelmas	46	10	7
<b>Total</b>	<b>142</b>	<b>18</b>	<b>29</b>

Table R

	2020	2021
	Civil appeals	
Hilary	12	20
Easter	26	25
Michaelmas	30	22
	Criminal appeals / applications for permission to appeal	
Hilary	12	14
Easter	22	23
Michaelmas	19	23
	Applications/Motions	
Hilary	16	12
Easter	22	30
Michaelmas	11	20
<b>Total</b>	<b>170</b>	<b>189</b>

Table R shows a 11.17% increase in the number of judgments reduced in writing by the court in 2021 over 2020.

## Outstanding reserved judgments at year end

Table S

Year Reserved	Number Outstanding 2020	Number Outstanding 2021
2018	7	0
2019	21	5
2020	26	13
2021	-	38
<b>Total</b>	<b>54</b>	<b>56</b>

Table S reveals the results of the significant work done by the court to clear the outstanding judgments. There was a 100% reduction in the number of 2018 outstanding judgments. Additionally, there was a 76% reduction in the number of judgments outstanding from 2019 and a 50% reduction in the number outstanding from 2020.

## Outstanding reasons for judgment at year end

Table T shows the number of judgments at the end of 2021 for which the court has delivered its decisions but has not yet delivered its promised written reasons.

Table T

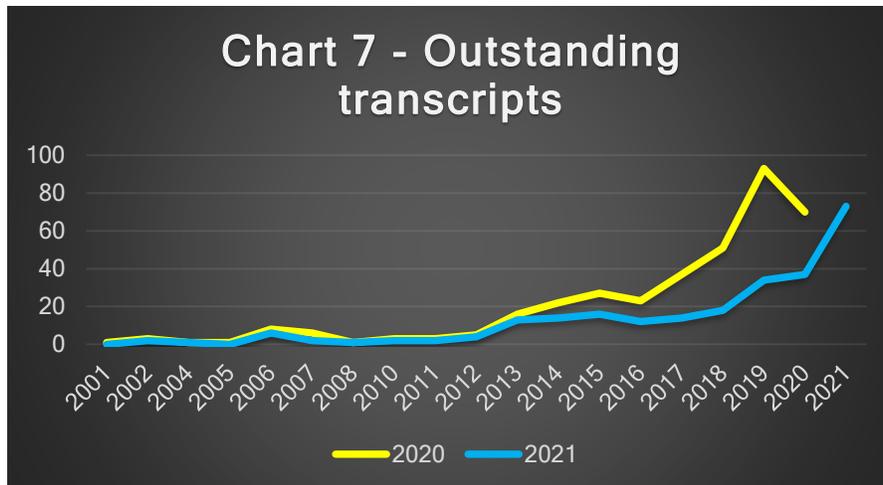
Year	Number Outstanding 2020	Number Outstanding 2021
2017	1	0
2018	1	0
2019	4	1
2020	22	9
2021	-	15
<b>Total</b>	<b>28</b>	<b>25</b>

Table T also shows the significant strides made in reducing the number of outstanding reasons for judgment. There is none outstanding for 2017 and 2018. Additionally, there was a 75% reduction in the number outstanding from 2019 and a 59% reduction in the number outstanding from 2020.

## Outstanding criminal transcripts

Table U

Year Matter filed	Number Outstanding 2020	Number Outstanding <sup>11</sup> 2021	Change
2001	1	0	-1
2002	3	2	-1
2004	1	1	0
2005	1	0	-1
2006	8	6	-2
2007	6	2	-4
2008	1	1	0
2010	3	2	-1
2011	3	2	-1
2012	5	4	-1
2013	16	13	-3
2014	22	14	-8
2015	27	16	-11
2016	23	12	-11
2017	37	14	-23
2018	51	18	-33
2019	93	34	-59
2020	70	37	-33
2021	-	73	
<b>Total</b>	<b>371</b>	<b>251</b>	



While the older outstanding criminal transcripts remain a great cause for concern, Table U and Chart 7 show a reduction of 32.34% in the overall number outstanding.

<sup>11</sup> Seven of the older matters have been removed from the outstanding transcripts list on the basis that the convicted persons have been released from prison or have sought the court's permission to abandon the appeal.

## Outstanding civil records of proceedings

Table V

Year Matter filed	Number Outstanding 2020	Number Outstanding 2021 <sup>12</sup>	Change
2003	9	0	-9
2004	8	4	-4
2005	21	8	-13
2006	12	12	0
2007	14	13	-1
2008	24	24	0
2009	13	13	0
2010	22	22	0
2011	25	25	0
2012	28	27	-1
2013	22	20	-2
2014	17	17	0
2015	26	26	0
2016	36	33	-3
2017	35	34	-1
2018	43	35	-8
2019	58	52	-6
2020	50	25	-25
2021	-	59	
<b>Total</b>	<b>463</b>	<b>449</b>	

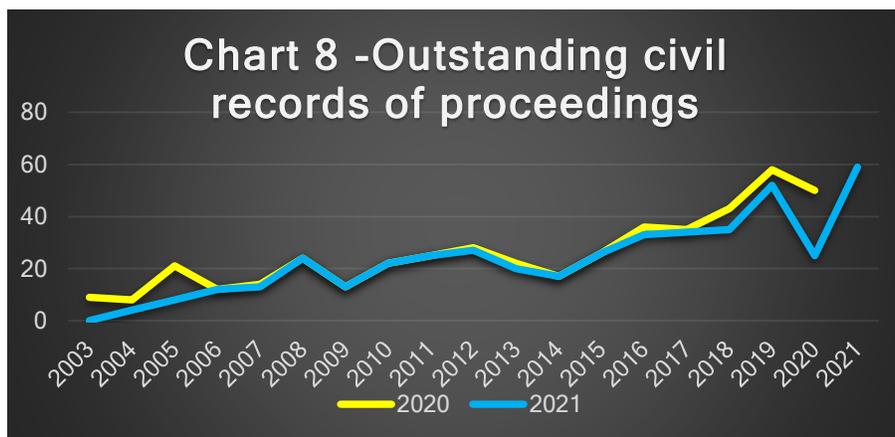


Table V and Chart 8 reveal no significant change in relation to the outstanding civil records of proceedings as the number outstanding reduced by only 3%.

<sup>12</sup> Thirteen of the older matters, which were referred to the court following case management conferences, were struck out and so are not included in the figures in Table V.

## Pending appeals

Table W

	2020	2021
Pending appeals brought forward	1817	1791
New appeals filed	221	290
Appeals disposed	247	208
Balance of appeals pending	<b>1791</b>	<b>1873</b>

Table W shows that there has been an increase of 4.57% in the total number of appeals which were pending at the end of 2021 when compared to 2020.

At the close of 2020 the total number of pending appeals was 1791. With a total of 371 criminal appeals awaiting transcripts and 463 civil appeals awaiting certified records of proceedings at the close of 2020, the “true” pending figure at the close of that year was 957.

By comparison, at the close of 2021 the total number of pending appeals was 1873. After taking account of the 251 criminal appeals awaiting transcripts and the 449 civil appeals awaiting certified records of proceedings, the “true” pending figure at the close of 2021 was 1173.

# Practice Directions and Notes

In 2021 the Court of Appeal issued one Practice Direction and two Practice Notes.

Practice Direction No 1/2021 deals with the court's emergency response to the Covid-19 virus. It arose from the continuing effects of the Covid-19 pandemic and the need to limit physical contact to contain the spread of the virus while providing court services.

Practice Note 1/2021 emerged from the court's concern about the frequency with which parties file submissions late thereby causing dislocation and inconvenience. It offers guidance to parties on the sanctions that the court may impose in response to the late filing of submissions.

Practice Note 2/2021 was issued to offer guidance in respect of documents to be filed in light of the provisions of the Judicature (Appellate Jurisdiction) (Amendment) Act and the Judicature (Parish Court) Amendment Act, which give the prosecution the right of appeal in certain circumstances. The court, recognising that the prosecution may wish to utilise the provisions of the aforementioned Acts before the promulgation of the attendant rules of court, issued the Practice Note with forms to be used in the interim.

Practice Directions and Practice Notes issued by the Court of Appeal are available on the court's website ([www.courtofappeal.gov.jm](http://www.courtofappeal.gov.jm))

# News

## Training

Training in judgment and opinion writing was conducted for the court's Judges and Senior Judicial Clerks on 23 April 2021 and 18 June 2021 respectively. The attendees had the distinct pleasure of the guidance of the Hon Mr Justice C Dennis Morrison P (Ret'd) in both sessions.

The sessions proved to be extremely informative and enlightening and the court records its gratitude to Mr Justice Morrison for so readily agreeing to conduct the sessions and to share his wealth of knowledge.

## National Honours

In 2021 two distinguished members of the court were recognised by the nation as they became recipients of national honours. The Hon Miss Justice Carol Edwards JA and the Hon Mrs Justice Nicole Foster-Pusey JA were awarded the Order of Distinction in the Rank of Commander. The court extends to them heartfelt congratulations on the well-deserved awards.

## Stork visit

The Court of Appeal is always pleased when a member of its family welcomes a bundle of joy. In 2021 the court extended congratulations and best wishes to Mrs Kimberly Clarke on the birth of her son.

## Wedding bells

Equally pleasing is the sound of wedding bells heralding the start of a new journey. And so, in 2021, the court extended its congratulations and best wishes to Miss Rochelle Johnson (now Mrs McCallum) on her wedding. The court wishes her and her husband every success on this wonderful journey.

### Annual Assize Service

The Judiciary's annual assize service to mark the start of the Michaelmas Term 2021 was, on 24 October 2021, held at the Saint Andrew Parish Church. That was the first time the service was being held at that church.

### Condolences

The court offered its deepest sympathy in 2021 to the Hon Miss Justice Nicole Simmons JA on the passing of her father; Mrs Jean Wilson-Gordon on the passing of her brother; Miss Sushana-gay Shepherd on the passing of her grandmother; Mr James Francis on the passing of his father; Mr Devern Henry on the passing of his aunt; and Miss Rose Gordon on the passing of her mother. The court records special note of Miss Gordon's mother, Miss Inez Farquharson, who was herself a former employee of the court. The court also mourned the untimely death of Past President the Hon Mr Justice Paul Harrison OJ, CD.

The court regrets their passing and wishes to extend to their respective families its continued love and support.

### Other activities/outreach

In addition to the regular duties of the court, the President and Judges of Appeal were engaged as follows:

- The Hon Mr Justice Brooks P sat on the National Council on Justice, which is chaired by the Minister of Justice; the Judicial Service Commission, which is chaired by the Chief Justice; and the Covid-19 Emergency Committee, which is also chaired by the Chief Justice.
- The Hon Mr Justice Brooks P and the Hon Miss Justice Phillips JA sat on the Rules Committee of the Supreme Court.

- The Hon Mr Justice Brooks P and the Hon Mrs Justice Foster-Pusey JA attended the annual conference of the Appellate Judges Education Institute in Austin, Texas in November 2021.



- The Hon Miss Justice Phillips JA, the Hon Mrs Justice McDonald-Bishop JA, and the Hon Mr Justice Fraser JA served as Associate Tutors at the Norman Manley Law School.
- The Hon Mrs Justice McDonald-Bishop JA along with the Hon Mrs Justice Graham-Allen, Puisne Judge, on 12 January 2021, made a virtual presentation to the Judiciary of the Bahamas at the Judicial Education Conference 2021 on the topic “Judicial Ethics and the Bangalore Principles in Today’s Environment”.
- The Hon Mrs Justice McDonald-Bishop JA was the key note speaker at the Court Administration Division’s Prayer Breakfast which was held on 28 April 2021.
- The Hon Mrs Justice McDonald-Bishop JA made a presentation on the Sexual Harassment Policy of the Judiciary on 20 August 2021 at the Judicial Retreat.
- The Hon Mrs Justice McDonald-Bishop JA continued to sit on the Commonwealth Secretariat’s Arbitral Tribunal.
- The Hon Miss Justice Straw JA continued to chair the Criminal Case Management Steering Committee. The Hon Mr Justice D Fraser JA continued to sit on that committee.
- The Hon Mrs Justice Foster-Pusey JA sat on the General Legal Council as the Chief Justice’s representative.

- The Hon Mr Justice D Fraser JA continued to chair the Annual Assize Services Planning Committee. The Hon Miss Justice Straw JA and Miss Justice Simmons JA continued to sit on that committee.
- The Hon Mr Justice D Fraser JA continued to co-chair the Court Infrastructure Steering Committee. The Hon Mrs Justice Dunbar-Green JA continued to serve on that committee.
- The Hon Mr Justice D Fraser JA made a presentation on “Obtaining the Evidence of Unavailable Witnesses” at a Regional Prosecutor Empowerment (CLPD) Seminar hosted by the Office of the Director of Public Prosecutions in August 2021.
- The Hon Mr Justice Fraser JA made a presentation on “Ethical Aspects of the Decision to Prosecute and the Prosecution of Criminal Cases” at a Regional Prosecutor Empowerment (CLPD) Seminar hosted by the Office of the Director of Public Prosecutions in February 2021 and at a General Legal Council Weekend Seminar in December 2021.
- The Hon Miss Justice Simmons JA chaired the Supreme Court Library Committee as the representative of the President of the Court of Appeal.

### Orientation for new staff

The Court Administration Division conducted orientation for new staff throughout the court system at various points in 2021. The presentations on the Court of Appeal were done by the Hon Mr Justice Brooks P, Deputy Registrar Edwards and Registrar Brown on 30 March, 24 September and 8 December 2021, respectively.

### Judicial Case Management System

The year 2021 saw the court edge closer to the implementation of Judicial Case Management System (JCMS), which is an electronic system intended to allow for a greater level of interconnectivity between the courts in the island. The implementation of the JCMS is being led by Dr Denarto Dennis, the judiciary's Statistician, along with a technical team from the Information and Communication Technology Department of the Court Administration Division. During the year the Court of Appeal engaged in a series of consultative sessions with Dr Dennis and the team. This was a mutually beneficial exercise as it exposed the court's representatives to the design and working

of the JCMS and it allowed for the identification of areas which needed some adjustment in tailoring it towards the specific needs of the Court of Appeal. Dr Dennis and the team also conducted a four-day training session for the judges and staff of the Court of Appeal between 6 and 9 December 2021 in preparation for the January 2022 launch of the JCMS.

### Court Users Committee

Throughout the year under review, the Court Users Committee continued its schedule of meetings. In light of the on-going pandemic the meetings were all held virtually. The committee maintained its focus on areas of concern for the court as well as its stakeholders. One of the key areas of interest for 2021 was the Judicial Case Management System, particularly its electronic filing component. As it neared its launch, the committee benefitted from a presentation by Dr Denarto Dennis and the technical team on the system and how it works. This presentation was made on 13 October 2021.

### Farewell for the Hon Miss Justice Philips JA

After conducting a special sitting in her honour, the court bade farewell to the Hon Miss Justice Hilary Phillips JA in a more intimate manner paying keen attention to ensuring that the Covid-19 health protocols were observed.









## Senior Judicial Clerks' manual

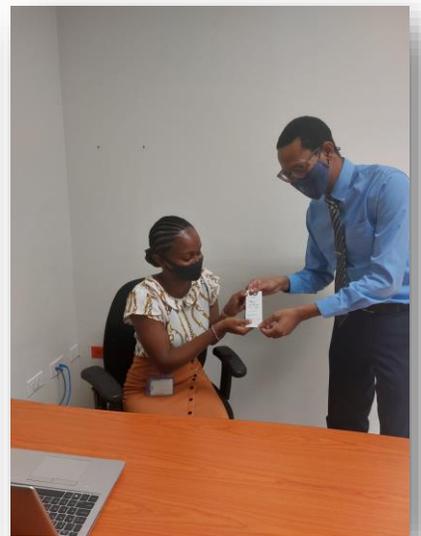
The Senior Judicial Clerks, led by Mrs Janelle Nelson-Gayle, Mrs Clowenese Brown-McIntosh and Mrs Rochelle McCallum, produced a manual for Senior Judicial Clerks of the Court of Appeal. In producing the manual the clerks were guided by the input of the Hon Mr Justice Brooks P, the Hon Mrs Justice McDonald-Bishop JA and Registrar Brown. The manual is intended to be a helpful resource tool for all clerks, in particular the newly appointed clerks. A special launch of the manual, chaired by Mrs McCallum, was held virtually and physically on 16 December 2021.



Virtual games

The court's Social Affairs Committee executed a very enjoyable, entertaining and fun-filled virtual games afternoon on 26 November 2021. All in attendance thoroughly enjoyed the event.





## Christmas luncheon

The activities for the year culminated with the annual Christmas luncheon, which was held virtually at the end of the Michaelmas Term on 20 December 2021.



---

# Looking Ahead

The year under review continued to pose much of the same challenges as its predecessor in terms of calling on the judiciary and indeed the wider Jamaica to grapple with the continued effects of the Covid-19 virus and its many variants. That notwithstanding, the judiciary much like the nation faced the challenges head-on with fierce Jamaican determination. While the pandemic is not over by any stretch of the imagination, we have done well to survive the storm and to keep the wheels of justice turning, as they must.

In looking ahead the Court of Appeal strives to be a world class appellate court, serving all stakeholders with excellence. The court remains committed to using its resources in the best, most efficient way possible as it seeks to serve all stakeholders with integrity and fairness, by delivering sound, timely judgments, and efficient, accessible court services, in a healthy and fulfilling work environment.

# APPENDIX A

## CITATION FOR THE HONOURABLE MISS JUSTICE HILARY ANN PHILLIPS CD, JA

1. Justice Hilary Ann Philips, CD, Judge of Appeal, our beloved colleague whom we celebrate today, has graced Jamaica's legal system for 47 scintillating years. A lifetime in the law during which she has forged a reputation of well-rounded excellence, honest loyalty, gifted mentorship, unquestioned integrity, innovative curiosity, and a herculean work ethic — all seasoned by her disarming calm and welcoming charm.
2. Law has been in Justice Phillips' blood; literally, from the start. The daughter of Jamaica's second post-independence Chief Justice, Sir Rowland Phillips and Lady Enid Daphne Phillips (née Limonius), from at least her teenage years, Justice Phillips sensed that her life's greatest contribution should be fighting for the rights of others. She came to this realisation having had the benefit of both an idyllic Caribbean upbringing, and an early acquaintance with challenges in life.
3. Justice Phillips was born in Kingston, Jamaica, on 26 February 1951. For her first two years she lived happily with her family in Saint Thomas. Her father was Resident Magistrate for the parish and they lived at his official residence in the capital Morant Bay. In 1953 the family relocated to Guyana where her father, now a recently appointed Puisne Judge, was seconded. Life in Guyana was glorious; spent joyfully at home, school, church and in seemingly endless adventure. However, while there, serious illness also struck. She contracted poliomyelitis which rendered her feet immobile for some time. Showing immense resilience even at that early age, she learned to walk again, then as she does now, oh so gracefully. A few years later she required hospital treatment after being badly stung by a Man O' War sea creature, which came in with the quickly rising North Atlantic tide.
4. The family returned to the island in 1959, where her father would soon be appointed Senior Puisne Judge and later Chief Justice in 1963. They now resided at his official residence in the parish of Saint Andrew. Hilary entered her beloved *alma mater*, The Saint Andrew High School for Girls, in 1961. With what we now know to be her characteristic energy and natural spirit of collegiality, Justice Phillips immersed herself in the full fabric of school life, both in academic and co-curricular pursuits. No activity was too ordinary or esoteric to escape her efforts on behalf of her house, Cavelle. She

played hockey, netball, and the piano, sang, baked — anything Cavelle needed her to do. It was therefore fitting when she — one of Saint Andrew High School's finest — eventually became House Captain. Apart from her ubiquitous involvement in school life, Justice Phillips' passion for defending the rights of others was sparked and honed throughout her high school years, by her ongoing advocacy on behalf of fellow students, on a broad scope of issues.

5. Moving on to tertiary education, Justice Phillips completed a Bachelor of Science degree in Management Studies at the University of the West Indies between 1968 and 1971, the latter year being the year after the newly minted Faculty of Law was opened at the University. A poignant incident that occurred while she was a resident of Mary Seacole Hall, underscored her life-long commitment to standing up for and helping others, often without regard for her own safety or needs. In response to the screams of a fellow student being sexually assaulted, she ran downstairs from her room on an upper floor, even while others on hall were locking their doors. The attacker fled and she joined the victim in chasing and holding onto him. Though he was able to extricate himself from their grasp, they were able to identify him, and, after he was caught, Hilary testified at the preliminary inquiry. He eventually pleaded guilty in the circuit court and was incarcerated.
6. With law in her blood and activism in spirit, it is little wonder that immediately after obtaining her university degree, Justice Phillips went straight into being articled to Mr Arthur Scholefield of the firm Lake Nunes Scholefield & Co., between 1971 and 1974. Simultaneously, through the College of Law in the United Kingdom (UK), Justice Phillips also enrolled externally in, and successfully completed, Parts 1 and 2 of the Solicitors' Qualifying Examinations, administered by The Law Society UK. Upon her qualification as a solicitor, she accepted the invitation to join the firm. She spent five years there obtaining her grounding in the law and gaining extensive litigation experience in a wide range of both civil and criminal matters.
7. From Lake Nunes Scholefield she moved on in 1979, to the firm at which she would spend the next thirty years of her career and which now still bears her name. In 1979 it was Perkins, Tomlinson, Grant, Stewart & Co., later Perkins, Grant, Stewart, Phillips & Co. and now Messrs Grant, Stewart, Phillips & Co. Over the years, she rose to become senior partner and head of the litigation department. Under her expert guidance, the

firm's litigation department became synonymous with excellence and professionalism in handling complex civil matters, across several practice areas, with a somewhat lesser reach in the criminal law. Her scholarship, outstanding advocacy, courtesy to the bench and leadership at the bar, led to her appointment as Queen's Counsel on 19 April 1998. This was a particularly significant appointment, as she was the first woman trained as a solicitor who went on to become Queen's Counsel ("take silk"). She mentored numerous counsel, two of whom have themselves gone on to become Queen's Counsel. On a less serious note, her years of practice also yielded several "hilarious" anecdotes, which punctuate and enliven many a discussion.

8. Justice Phillips' life has been as multifaceted as it has been marked by excellence. Prior to her ascension to the appellate bench in 2009, Justice Phillips gave sterling service in a number of areas of public life. Her professional affiliations include the Jamaican Bar Association which she joined in 1975. She served the Association in many leadership positions including Council Member and Vice-President, and had the signal distinction of becoming the Association's first female President in 2001 and serving in that capacity until 2004. Over the years, she also served on eight different sub-committees of the Association, several at the same time.
9. Justice Phillips served the General Legal Council with distinction from 1984 – 2009, during which time she was a senior member of its Disciplinary Committee. From the year 2000 until the present, Justice Phillips has been a member of the Rules Committee of the Supreme Court and Court of Appeal. She along with the other members, received special recognition for work on the production of the Civil Procedure Rules 2002 (CPR), which revolutionised civil practice in the Supreme Court and Court of Appeal. It is quite understandable then, that Justice Phillips is one of the coterie of persons acknowledged as "gurus" of the CPR.
10. The Legal Aid Council and the Copyright Tribunal both had the benefit of Justice Phillips' membership and later chairmanship for many years, prior to her ascension to judicial office. She was also a director of the Dispute Resolution Foundation from 1996 – 2004 and of the Kingston Legal Aid Clinic from 1998 – 2009. Neither has her reach been only local, as she served as Vice-President of the Organisation of Commonwealth Caribbean Bar Associations (OCCBA) from 2003 – 2006 and as a member of the Council of Legal Education which oversees legal education in the Commonwealth Caribbean, from 2007

- 2009. Her devotion to scholarship, legal education and reform propelled her to assist in developing and editing the JAMBAR Journal in its new format as well as publishing articles in Katzarov’s Manual on Intellectual Property and in the West Indian Law Journal.
11. Apart from her instinctive willingness to assist earnest counsel, whether from her firm or not, and the several masterful presentations she has made over many years in support of continuing legal education, Justice Phillips’ greatest contribution to mentorship has been through her over 27 years as an Associate Tutor at the Norman Manley Law School; initially in Civil Practice and Procedure and subsequently in Advocacy. Beloved by students for her preparedness, commitment and empowering style, on occasion she has been given a perfect score in student tutor assessment!
  12. As satisfyingly consuming as her pursuits in law have been, Justice Phillips has likewise made indelible contributions in other spheres of Jamaican life. These include being a director at the Jamaica Stock Exchange, where in 2008 she also served as Chairman of its Regulatory Market & Oversight Committee, and other directorships at Petrojam and the Petroleum Corporation of Jamaica. Significantly however, her crowning contribution to the private business sector began quite early in her career and vividly showcased multi-dimensional talents, beyond her legal acumen. A blend of entrepreneurial savvy and inspired conscious creativity, led her, along with Kingsley Cooper, on 1 January 1980 to co-found Pulse — “a pioneer in the development of the region’s fashion, entertainment and lifestyle industries, as well as a leader in elevating Caribbean talent to the top of the world stage”. Until her embrace of judicial office, Justice Phillips remained an active director and a key player in identifying, grooming and mentoring several young persons, many of whom are now numbered among Pulse’s icons and top stars.
  13. Justice Phillips’ discipline, versatility and natural *joie de vivre*, led her to pursuits further afield than law and business. While her passionate personal pulse caused her to be known as a tasteful fashionista, Justice Phillips’ creativity extended beyond her sense of style, to excellence in the arts. This was notably demonstrated when she was a dancer with the renowned National Dance Theatre Company (NDTC) from 1978 – 1980, an achievement made all the more significant, by her crippling brush with polio as a young child. The NDTC benefitted not just creatively, but also from her management skills. For

several years she was a Director and to date serves as Vice-Chair of the NDTC Board of Management.

14. Justice Phillips embarked on the apex journey of her career when, on 20 July 2009, she was sworn in as a Judge of the Court of Appeal, effective 3 August 2009. Fulfilling her father's encouragement to "give back" through public service. As in her career at the Bar, Justice Phillips' judicial career has been marked by excellence visited upon preparation, discipline and consistent hard work. In the celebrated Alexander murder case, the extensive preparation and court craft demonstrated by Norman Washington Manley KC, prompted Clarke J to laud his performance by observing: "[g]enius is the capacity to take infinite pains...". Justice Phillips has demonstrated such genius, by ensuring that in each case, she reads all the material presented, along with any further information revealed by research. This comprehensive approach is then distilled into a detailed judgment, addressing all the relevant issues.
15. Through her dedication and scholarship, Justice Phillips has helped to shape our Jamaican jurisprudence, by authoring several landmark and ground-breaking judgments, on important areas of law. Known for her courtesy, balance, fairness, assistance to counsel and litigants alike, comprehensive scholarly judgments and prodigious output, Justice Phillips exemplifies the traits of an excellent jurist. It was therefore immensely fitting when the Honourable Chief Justice requested that Justice Phillips chair the Judicial Criteria Committee, established to provide recommendations on the appointment of Judges, which delivered its report in 2020.
16. While mastering her core judicial function, over her twelve years of judicial service, Justice Phillips continued her rounded contribution to the wider cause of justice. It was therefore apposite, when in 2013, Justice Phillips was awarded the Order of Distinction in the rank of Commander, for her services to the legal profession and the judiciary. Among her signal contributions outside of the courtroom, Justice Phillips provided experience and insight while serving on the Court Users Committee, from its inception in 2017 to date. Justice Phillips has also been a member and served as 2<sup>nd</sup> Vice-President of the Jamaica Association of Women Judges from its launch on 7 January 2017, until 21 February 2021, when she was appointed Patron of the Association, effective 27 February 2021.

17. In 2019, Justice Phillips achieved the honour of becoming only the second woman to act as President of the Court of Appeal, appropriately for the Hilary Term! Justice Phillips' regional reach was not diminished by her assumption of judicial office. She is a member of the Caribbean Association of Judicial Officers, and from February 2016, of the Judicial Services Commission of the Turks and Caicos Islands. She is scheduled to be appointed President of that Commission effective 2 June 2021.
18. A significant feature of Justice Phillips' life and work is the many times she was a trailblazer. A feat for which she was recognised and celebrated by her *alma mater*. One of her most satisfying honours. And what a sterling trail of achievements – of significant ground-breaking firsts – it has been:
  - a. The first student from the school to become Queen's Counsel ("take silk") – April 19, 1998;
  - b. First woman who trained as a solicitor to take silk;
  - c. First woman to be elected President of the Jamaican Bar Association;
  - d. First Chairman of the Regulatory Market and Oversight Committee of the Jamaica Stock Exchange;
  - e. First woman trained as a solicitor to become a judge;
  - f. First Judge of Appeal from the school;
  - g. First woman to be elevated to the Court of Appeal directly from the Private Bar;
  - h. First student and the second woman to act as President of the Court of Appeal;  
and
  - i. Part of the first all-female panel at the Court of Appeal!
19. As noteworthy as these many firsts are, those of us privileged to know and work with Justice Phillips celebrate her most, for being a first rate human being. We know her noble character did not emerge by accident. Family, faith and fortitude have been guiding pointers on Justice Phillips' life compass. Once anyone goes beyond having a passing acquaintance with her, it becomes pleasantly clear the deep love that is shared in the Phillips family. Justice Phillips was very close to her older sister Ambassador Elinor Felix (now deceased) and remains very close to her brothers Rennie and Geoffrey Phillips, as well as to her nephews and nieces, into whose lives she has poured many hours and other elements of love.

20. Justice Phillips credits her parents for instilling sound principles within her, which have stood the test of time. Some of these principles that have guided her include:
  - a. A principle, once bent is broken. So try to live by it;
  - b. Do unto others as you would that they do unto you;
  - c. After man has done his best, angels can do no more.
21. There is perhaps no better revelation of character than when we go through periods of adversity. Through illnesses, various challenges and periods of grief occasioned by the loss of loved ones, Justice Phillips has remained steadfast, resolute, always pressing on, upheld by her abiding faith in God and the support of family and friends. An ongoing life of triumph.
22. Justice Hilary Ann Phillips CD, JA, a multi-talented legal luminary and judicial icon. A trailblazing woman who has excelled not just in law, but in business, the arts and culture. A natural nurturer, who displays fierce loyalty to family and unflinching support of friends and mentees, all clothed in her signature sensitivity. She is possessed of an amazing work ethic and remains perennially positive, despite life's inevitable setbacks. Prophetically well named, Justice Hilary Phillips adds life, colour, charm and class to any situation.
23. Justice Phillips, thank you very much for your stellar contribution to Jamaica's legal landscape and particularly for your invaluable contribution to the life, work and spirit of our court. This is not goodbye, as we will be calling on you for guidance, training and counsel. We hope you will find time to "fit us in", among the many other pursuits you will now have more time to pursue.
24. May God always overshadow you with His grace and matchless blessings!!

Prepared by:

Court of Appeal, Jamaica  
Public Building West  
King Street  
Kingston, Jamaica  
Tel: (876) 633-7201  
Fax: (876) 967-1843

Email: [registry@courtofappeal.gov.jm](mailto:registry@courtofappeal.gov.jm)  
Website: [www.courtofappeal.gov.jm](http://www.courtofappeal.gov.jm)