



# **Court of Appeal of Jamaica Annual Report 2022**

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

## President's Message

**Celebration time!** The court celebrated its diamond jubilee during the year under review. It shares its birthday with the nation and revelled in that symmetry in August 2022. As has been set out in this report, several events were planned and executed. They helped not only to educate the public about the role and importance of the court but also to strengthen the bonds between the members of the court's team. A commemorative magazine is still in the course of being produced under the able leadership of the Honourable Miss Justice Carol

Edwards, CD. The court owes a debt of gratitude to the anniversary steering committee, and indeed the whole Court of Appeal team, as everyone participated in one way or another to enhance the celebration of the historic event.

We also celebrate with our brother the Honourable Mr Justice David Fraser and our sister, the Honourable Miss Justice Nicole Simmons who were both conferred with the honour of the Order of Distinction in the rank of Commander. Our registrar, Mrs Stacie-Anne Brown, was conferred with the Badge of Honour for meritorious service. Unlike the previous two years, when COVID-19 prevented an audience, we were able to witness these team members receive their respective honours. We celebrate and congratulate them on their well-deserved honours.

The statistics show that despite the time taken to celebrate the court's achievements over the past 60 years, the team produced. It exceeded all the achievements of the recent past, and the product is a testimony to its talent and dedication. A clearance rate of 111.69% and a judgment delivery rate of 449.05% are figures which are also worth celebrating.

Although we still have some challenges in terms of the ingrained delays with transcripts, records of appeal and reserved judgments, the figures show that progress is being made in all those areas. The judges, the registrar and the general staff have all contributed to securing those gains. Their efforts are recognised and commended.

Different strategies were adopted to achieve the gains. During the Hilary term (January to April 2022), the court adopted the strategy of having one panel sitting instead of the usual two. The gain from that strategy was an impressive increase in the number of written judgments during that term (see Table Q). This was under the skilled leadership of the Honourable Mrs Justice Marva McDonald-Bishop, CD, who acted as President during that term. The court owes a debt of gratitude to her for her leadership in that regard as well as the organisational skills and empathy that she brought to the role.

With the encouragement of the Honourable Chief Justice, Mr Justice Bryan Sykes, OJ, CD and the benefit of experiences shared by judicial officers from other jurisdictions, the court, during the year, adopted a strategy of differentiated case management (DCM), which allocated resources to cases according to their needs. As a result, during the Michaelmas term 2022 (September to December) a third panel of the court sat to consider some of the cases in the simple/expedited category, as identified through the DCM. There were three such sittings during that term and 11 cases were heard. Eight of them were disposed of during the week of the hearing. That performance, along with the other efforts aimed at clearing the older cases, yielded an impressive increase in the number of criminal appeals that the court disposed of during that term (see Table I).

The DCM is only a part of the overall strategic plan for the judiciary. That plan has been carefully guided in this court by the Honourable Mr Justice David Fraser, CD. The implementation of the strategic plan has not only enhanced the production of the court but enriched the camaraderie within the court. Several judges and members of staff emerged as leaders in the programmes and initiatives that arose from the strategic plan. Justice Fraser has given, in this annual report, an outline of the strategy and its projected trajectory.

One element of the strategy, on which much rested, is the Judicial Case Management System (JCMS); the digital platform for the court's record-keeping and its interaction with its stakeholders, internal and external. The court is one of the pilot entities for implementing that platform. It was expected that the platform would have been up and running by the end of 2022, but that did not materialise. Progress is expected during 2023.

The court also continued to be challenged with technology issues. Happily, the Information Communication and Technology Department of the Court Administration Division (CAD), under the leadership of Mr Evrol Bell, greatly increased the digital bandwidth of the court. That increase has eliminated many of the issues with the electronic platform that the court uses for the hearing of the vast majority of its cases (COVID-19 still ah keep). The court is, however, much hampered in the delivery of its service by the inadequate audio and video facilities that it uses to interact with counsel and litigants, who appear on the digital platform by which the court hearings are supported. Budgetary support is required to acquire the necessary equipment.

Despite these challenges, there is much to be thankful for. In addition to the persons mentioned above, thanks must be extended to the team at the CAD, Mrs Kadiesh Jarrett-Fletcher, Mrs Veronica Poyser, Mrs Janet Duffus-Beale, Mr Jelani Clachar, Mr Chadrick Wilson and of course the director of CAD, Mrs Tricia Cameron-Anglin, who all went above and beyond the call of duty in guiding us through the highs and lows of planning and executing the various events for the 60<sup>th</sup> anniversary. The Ministry of Justice also continues to provide assistance with infrastructure support, and we are grateful to the Permanent Secretary and her team for their efforts, one of which resulted in the erection of a sign for the court at the entrance to the registry.

Thanks also to the Honourable Chief Justice, whose support was essential to the viability of the celebrations. Several other people, too numerous to mention, also contributed to the success of those events and thanks are expressed to them through this medium.

We also thank Dr Denarto Dennis, the statistician of the Supreme Court, who continues to be a great friend to this court in his guidance of the implementation of the JCMS and his invaluable assistance in the arrangement and verification of the statistics, contained herein, that demonstrate how well the court has performed over the year in review.

Finally, thanks to our indefatigable Registrar, Mrs Stacie-Anne Brown BH(M), who continues to carry the court on her physically slender, but effectively, very broad shoulders. Very little occurs in the court without her input and the court is better for it. As is usual, she has almost single-handedly compiled this annual report.

We celebrate but are mindful that we have not done it alone, and that there is more to be achieved.

Patrick Brooks, OJ, CD  
President

# The Court's Statistical Summary

The year 2022 saw the Court of Appeal assiduously tackling its workload. The court's efforts yielded the following results:

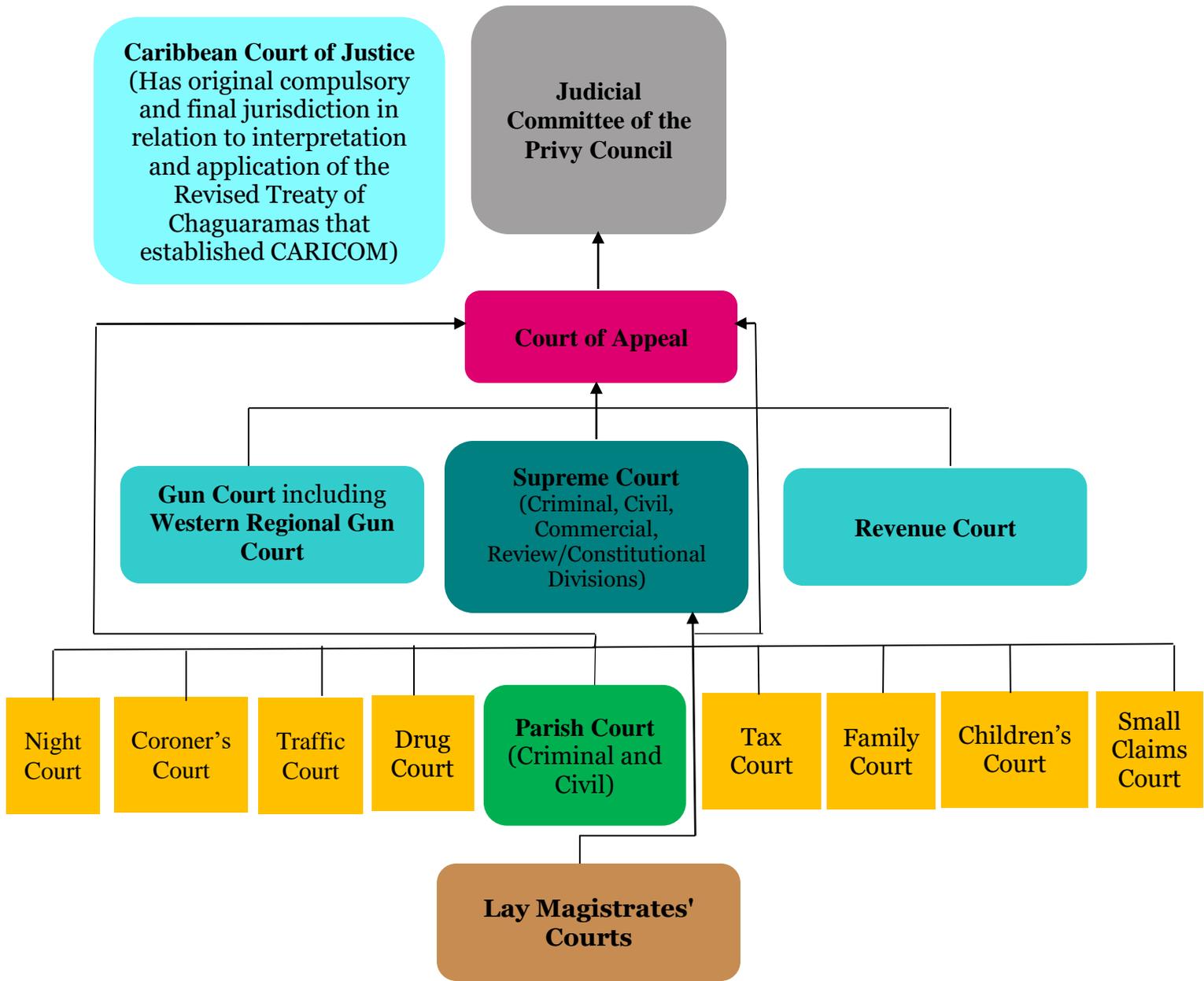
- Clearance rate - The court ended the year with an appeal clearance rate of 111.69%, indicating that for every 10 newly filed appeal, approximately 11 were determined. This is a significant improvement of 39.97 percentage points over 2021 when a clearance rate of 71.72% was recorded.
- Judgment delivery rate - An overall judgment delivery rate of 449.05% was recorded during 2022, which suggests that for every 10 newly reserved judgments in 2022, roughly 45 judgments were delivered. The rate recorded in 2022 showed a substantial increase of 88.67 percentage points over that of 2021.
- Hearing date certainty - The court registered an overall hearing date certainty rate of 85.56%, which reflected an increase of 2.23 percentage points over 2021. The rate in 2022 suggests that for every 100 hearing dates set during the year, roughly 85 proceeded without postponement. The court is heading in the right direction in achieving the international standard of a minimum of 95%.

## Key metrics at a glance

	2020	2021	2022
Clearance rate (%)	81	71.72	111.69
Judgment delivery rate (%)	-	360.38	449.05
Hearing date certainty rate (%)	-	83.33	85.56

- Older outstanding judgments/reasons for judgment - At the end of 2022, the number of judgments that were outstanding between 2019 and 2021 saw an overall decrease of 60.71% and the number of outstanding reasons for judgment for the same period, decreased by 76%.
- Judgment delivery timeline – Of the number of matters determined in court, 66.75% were determined within six months of hearing. Of those matters which were determined within six months, 63.67% were determined on the same day of hearing, 88.76% were determined within a week of hearing and 95.88% were determined within three months of hearing.

# Structure of the Jamaican Court System



# Strategic Planning: Implementation of the Tier 2 Plan for the Court

“Benchmarking the Future: Courting Excellence”, the strategic business plan of the Jamaican Judiciary for the years 2019-2023, “provides clear guidance to the courts in our mission to realistically address the areas in our operations that require improvement”. 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 the Customer, Financial, Internal Processes and Learning and Growth Perspectives.

Through wide consultation utilising the same fourteen Objectives and four Perspectives, the Tier 1 Plan was cascaded to create the Tier 2 Plan (T2P) for the court. It 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 of appeal and staff. A main feature of the T2P was the creation of four standing committees—Social Affairs (SAC); Health and Safety (HSC); Court of Appeal/Court Administration Division (CAD)-ICT Improvement Team (CCIIT) (comprising members from the court and the ICT Team from the CAD); and Budget. These committees have been dynamic and positively impactful. The activities of the SAC and HSC have meaningfully improved the culture, health and safety of the court. The activities of the CCIIT and Budget committee have increased the technological and financial efficiencies in the court.

## Social Affairs Committee

*(Objectives – Improve Culture and Improve (Internal) Stakeholder Satisfaction)*

Some of the activities of the SAC, whose mandate is to ensure that the work life of internal stakeholders is enriched, include:

- celebratory activities during the year on or for special days (judges of appeal and staff members’ birthday’s (the birthday club); Valentine’s; international women’s/men’s; mother’s/father’s) and fun days (tie; movie; hot dog).

- Easter bun sale.
- two special events which bear highlighting:
  - the Staff Appreciation Week held under the theme “Healthy Minds and Bodies for a brighter tomorrow” which featured a motivational talk; exercise and smoothie day; health fair (also open to family of staff members and staff members of the Supreme Court); karaoke and refreshments day; and
  - the end of term Christmas function.

### Health and Safety Committee

*(Objectives – Improve Health & Safety of Plant and Improve (Internal) Stakeholder Satisfaction)*

The HSC seeks to ensure the preservation and improvement of the health and safety of the members of the court and to promote a pleasant work environment. This committee has been particularly useful in helping the court respond to the COVID-19 pandemic.

Initiatives pursued included:

- ensuring workspaces and common “high touch” areas are cleaned regularly;
- highlighting significant days throughout the year when valuable information relating to health, healthy lifestyles and social awareness was provided (earth awareness; prostate cancer awareness; world mental health awareness; breast cancer awareness; and world diabetes awareness);
- the plant drive; labour day beautification project (that included pre and post labour day work days — gardening, painting and general cleaning) and the Christmas decoration project, which delightfully enhanced the working environment at the court for judges of appeal, staff and court users;
- the special wellness luncheon held at the end of the Easter Term which addressed the mental, spiritual and financial wellness of the court team; and
- the monitoring, throughout the year, of the health and safety profile of the court by inspection teams, assisted by the creation of an online fillable pdf maintenance/repair request form, to facilitate requests as issues arise.

## Court of Appeal/CAD-ICT Improvement Team

*(Objectives – Increase Technological Resources & Infrastructure and Improve (Internal) Stakeholder Satisfaction)*

Several initiatives of the CCIIT have enhanced the efficiency of the operations of the court and the experience of court users, namely:

- the completion of a comprehensive audit of the technology and equipment needs of the court as well as the identification of the technological training needs of the judges of appeal and staff members of the court. A plan is now being formulated to roll out the required training;
- the adjustment of the height of the monitors in Divisions One and Two to address safety concerns;
- The improvement of the internet bandwidth, making connections on the platform for court hearings more reliable and the wireless connections used at the court more stable;
- the installation of air conditioning units in the control rooms of Divisions One, Two and Three and the commencement of the procurement process to obtain audio-visual equipment for Divisions One and Two to upgrade them to the standards of a world class appellate court;
- the commencement of the procurement process for new laptops for senior judicial clerks and monitors for judges of appeal and senior judicial clerks; and
- the continued work on the implementation of the Judicial Case Management System under the objective Improve Data Management. 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 increasing productivity and improving service delivery.

## Budget

*(Objective – Improve Budget Utilisation)*

This committee managed the limited budget available, by prioritising the allocation of resources among the day to day operational needs of the court and support for various objectives and initiatives under the T2P. At the end of the financial year 2022/23 the court had utilised 85% of the budget allocated.

Some of the other initiatives pursued under particular objectives are as follows:

- *Objective - Improve (External) Stakeholder Satisfaction*
  - Implementation of Differentiated Case Management ('DCM') as part of the court's backlog reduction strategy through:
    - Focus on simple/expedited criminal appeals with a target for disposal of such cases within 6-9 months after receipt of transcript. The judgment/decision in these matters is intended to be handed down immediately after the hearing, utilising oral judgment, endorsement or memorandum of reasons. If written reasons are required they should be delivered within 60 days.
    - further amendment of the referral memorandum to the single judge, in relation to criminal appeals, to include standard time allotments for oral submissions based on the classification of the case.
    - Utilising special third court panels to hear simple/expedited appeals during designated weeks to dispose of more matters.
    - the Pan American Development Foundation sponsored DCM Seminar for judges of appeal and staff members with input from the Ontario Court of Appeal, the International Justice Partnership and the Judiciary of Trinidad and Tobago. The focus of the seminar was on the impact of DCM on the functions and work of the court.
    - ongoing development of legal summaries/templates to enable faster disposal of cases (by endorsement, memorandum of reasons or oral judgment), especially where the relevant legal principles are settled and the only disputes concern matters of fact.
- *Objective - Increase Trust in the Judiciary*
  - General increased use of oral judgments, endorsements and memoranda of reasons to dispose of cases where appropriate.
  - Implementation of time standards for single judge rulings on criminal applications for leave to appeal.

- Where possible judges of appeal were rostered for increased time out of court to allow more time for judgment writing.
- *Objective - Improve Human Capabilities and Improve (Internal) Stakeholder Satisfaction*
  - A training needs survey for judges of appeal and staff members was completed, which is being used to inform a training plan for members of the court team at all levels.
  - A skills and hobbies survey was conducted and a Skills & Hobbies Database created and launched as a resource to assist the court, judges of appeal and staff members as necessary.
  - Following needs assessment and the submissions of justifications to the Ministry of Finance and the Public Service, posts for two senior judicial clerks (to assist with editing judgments and work with acting judges of appeal) and a digital recording officer to provide technical support for the court were approved.
- *Objective - Improve Culture and Improve (Internal) Stakeholder Satisfaction*
  - Establishment of a Rewards and Recognition Committee which prepared a draft manual to guide the Rewards and Recognition Programme for the court.
  - The annual appraisal of all staff members was prioritized and over 72.22%% were completed.

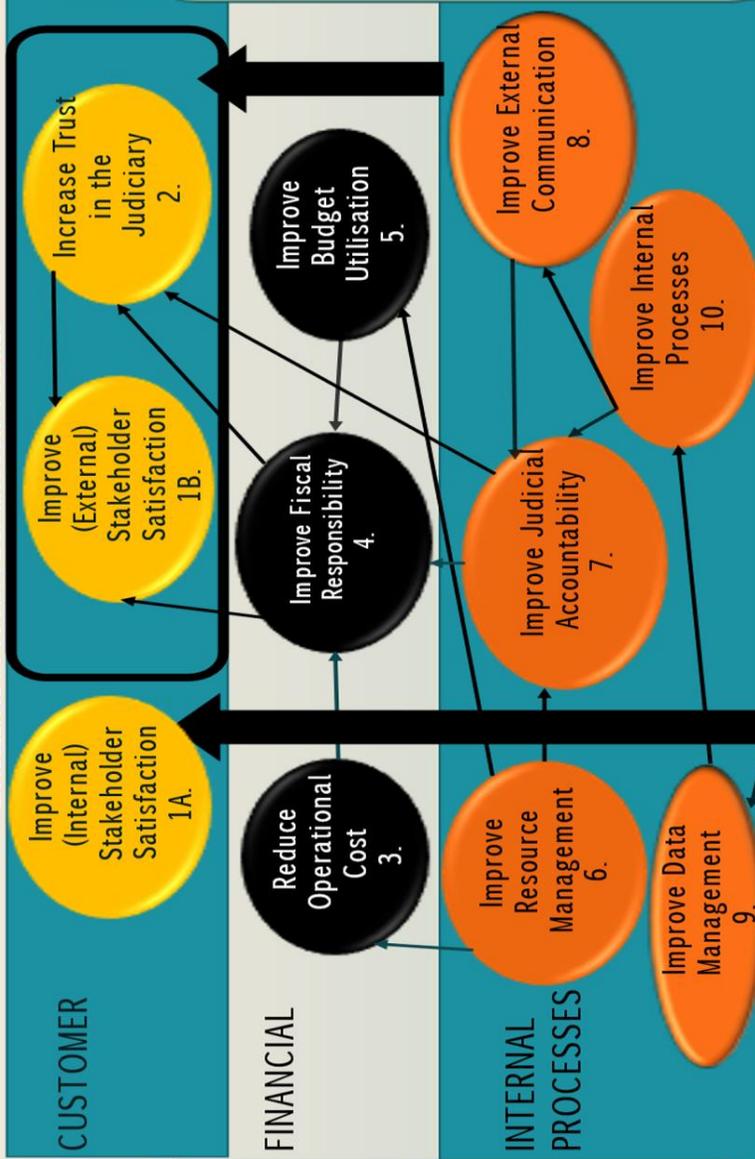
The development and ongoing implementation of the court's T2P has focussed and energised the entire court team and improved our interaction with external partners and stakeholders. We look forward to the ongoing improvements in customer satisfaction and job fulfilment for all members of our team, the ongoing implementation of the T2P will bring. Together we continue in the cycle of continuous improvement!

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

The Hon Mr Justice David Fraser, CD, JA  
Chair, Court of Appeal Tier 2 Plan Implementation Oversight Committee

**VISION:**  
A WORLD CLASS APPELLATE COURT, SERVING ALL STAKEHOLDERS WITH EXCELLENCE

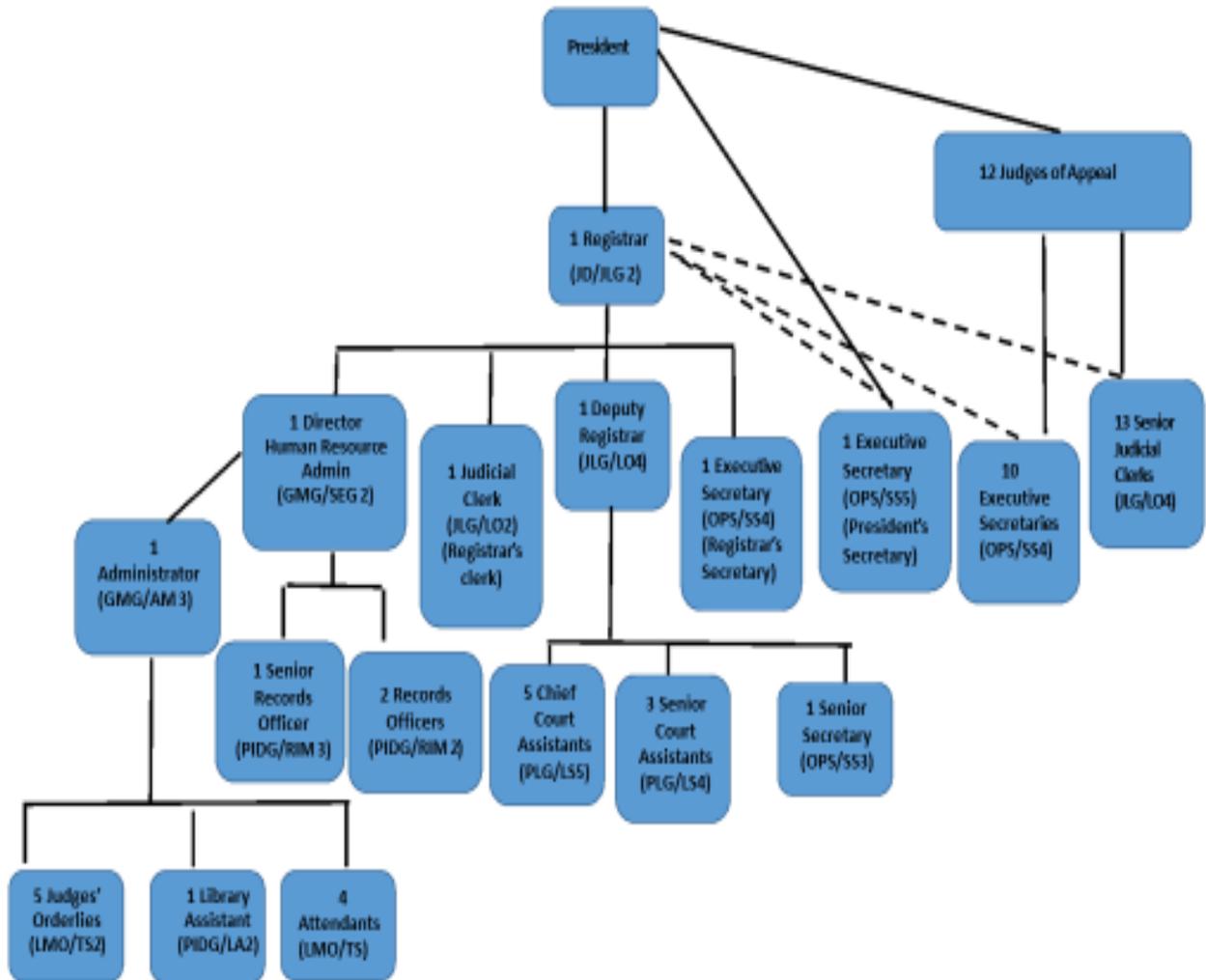
**THEMES: OPERATIONAL EXCELLENCE IN COURT PROCEEDINGS AND PROCESSES, EXCELLENCE IN COURT UTILISATION, EXCELLENCE IN COURT PLANNING AND POLICIES**



**MISSION:**  
TO SERVE ALL STAKEHOLDERS WITH INTEGRITY AND FAIRNESS, AND DELIVERING SOUND, TIMELY JUDGMENTS, AND EFFICIENT ACCESSIBLE COURT SERVICES, IN A HEALTHY AND FULFILLING WORK ENVIRONMENT

**CORE VALUES:**  
FAIRNESS  
ACCOUNTABILITY  
INDEPENDENCE  
INTEGRITY  
IMPARTIALITY  
RESPECT  
COMMITMENT  
COURTESY  
ACCESSIBILITY  
RESPONSIVENESS  
EMPATHY

# Organisational Chart



# Judges of the Court

## Composition

The Court of Appeal, by virtue of section 3 of the Judicature (Appellate Jurisdiction) Act, comprises the President of the court and not more than 12 Judges of Appeal. The Act also provides that the Chief Justice, as head of the judiciary, is also a member of the court. The Chief Justice, however, can only 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 end of 2022, the court had its full complement of 13 members, inclusive of the President.

## Appointments

### a) Acting President

On 6 January 2022, the Hon Mrs Justice Marva McDonald-Bishop JA was sworn in by the Governor-General to act as President of the Court of Appeal. Her appointment was vice the Hon Mr Justice Patrick Brooks P, who proceeded on vacation leave in the Hilary Term. The appointment made Mrs Justice McDonald-Bishop the third woman to act as President of the court.<sup>1</sup>



**The Hon Mrs Justice McDonald-Bishop JA receiving her instrument of appointment from His Excellency the Governor-General**

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<sup>1</sup> The previous two were the Hon Mrs Justice Hazel Harris and Miss Justice Hilary Phillips respectively.

b) Permanent Judge of Appeal

Having previously acted as a Judge of Appeal, the Hon Mr Justice Evan Brown was sworn in by the Governor-General as a Judge of Appeal. His appointment took effect on 25 April 2022 and enabled the Court of Appeal to achieve its full complement of 13 judges.

The court happily welcomes the appointment of Mr Justice Brown JA and wishes him an enjoyable and successful tenure.



**The Hon Mr Justice Evan Brown JA**

c) Acting Judges of Appeal

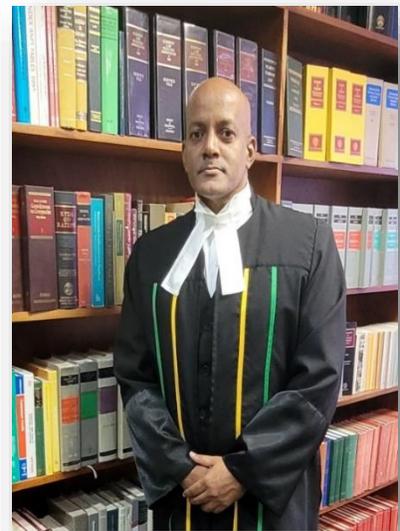
In 2022 the Court of Appeal had the pleasure of welcoming two acting Judges of Appeal.



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

Having acted as a Judge of Appeal during the course of 2021, the Hon Mrs Justice Georgianna Fraser, Puisne Judge, continued her tenure as an acting judge of the court during the Hilary Term of 2022.

During the Easter Term of 2022, the Hon Mr Justice Kissock Laing, Puisne Judge, joined the court to act as a Judge of Appeal. He continued to so act in the Michaelmas Term 2022.



**The Hon Mr Justice Kissock Laing JA (Ag)**

## **Judges of the court**

At the end of 2022 the judges who constituted the court were: 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, CD, JA; the Hon Miss Justice Nicole Simmons, CD, JA; the Hon Mrs Justice Vivene Harris JA; the Hon Mrs Justice Marcia Dunbar-Green JA; and the Hon Mr Justice Evan Brown JA.



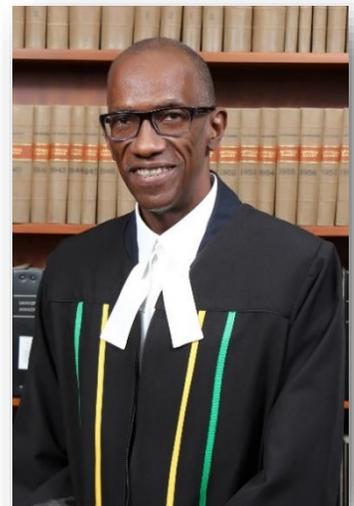
**The Hon Mr Justice Patrick Brooks P**



**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**



**The Hon Mr Justice  
Evan Brown JA**

# Court Staff

## Staff complement

For the year 2022, the total number of established posts in the Court of Appeal was 52. The actual staff complement was, however, 48. The staff comprised <sup>2</sup>:

- 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
- 2 Records Officers
- 3 Orderlies
- 3 Attendants
- 1 Casual Daily Paid Worker
- 6 Part-time Cleaners

## **Staff movement**

### a) Farewell

The court bade farewell to three members of staff during the course of 2022. Miss Kellie Ann Chen, who served the court as a Senior Judicial Clerk, left the court to join the offices of a prominent law firm; Mr Shavar Sewell, who served the court as a Senior Court Assistant, left the court to join a private company; and Mrs Crystal Jennings Hamilton, left the court to pursue a new opportunity overseas. The court records its immense

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<sup>2</sup> This number represents 42 of the 52 established posts and the 6 part-time cleaners.

gratitude to these officers for their years of dedicated public service and for their respective contributions to the life and work of the court. Best wishes are extended to them in their new endeavours.

b) Acting appointments

The year 2022 saw a number of persons being appointed to act in various capacities. These persons include:

- Miss Sushana-Gay Shepherd - acting Court Administrator at the Kingston Traffic Court;
- Miss Samantha Barnes - acting Director, Human Resource and Administration<sup>3</sup>;
- Miss Shaniel Hunter - acting Senior Judicial Clerk;
- Miss Simone McPherson - acting Executive Secretary to the Registrar<sup>4</sup>;
- Mrs Christine Thomas - acting Executive Secretary to the Judges of Appeal<sup>5</sup>;
- Miss Shadae Thompson - acting Administrator<sup>6</sup>;
- Mr Dominic Mason - acting Senior Court Assistant;
- Mr Rasheed Francis - acting Records Officer;
- Mr Justin Evering - acting Records Officer; and
- Miss Monique Hall – acting Chief Court Assistant.

The court thanks all the foregoing officers for their service in these capacities and hopes that the experience was of benefit to them.

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<sup>3</sup> Vice Miss Judith Whyte, who was on vacation leave.

<sup>4</sup> Vice Miss Shepherd acting in a higher post.

<sup>5</sup> Vice Miss Marcia Robinson, who was on vacation leave.

<sup>6</sup> Vice Miss Barnes acting in a higher post.

# Sittings

During the year under review the Court of Appeal sat for 41 weeks (13 in the Hilary Term, 14 in the Easter Term and 14 in the Michaelmas Term). The judges sat primarily in two divisions in panels of three. Notably, there were three weeks in the Michaelmas Term in which the court sat in three divisions, with the third panel of judges giving special focus to hearing criminal matters which had been classified as simple/expedited. Additionally, judges of the court were assigned weekly duties in chambers to consider applications on paper and/or to conduct oral hearings of applications and case management conferences. Judges of Appeal were also assigned duties during the court's three vacation periods to consider procedural applications filed during that period. The full list of sittings for 2022 is available on the court's website at [www.courtsofappeal.gov.jm](http://www.courtsofappeal.gov.jm).

## **Special sittings**

### a) 60<sup>th</sup> anniversary sitting

The court sat *en banc* on 5 August 2022 to mark the 60<sup>th</sup> anniversary of the Court of Appeal. As has become a feature of the court's life since the advent of the Covid-19 pandemic, the sitting was held simultaneously in three court rooms with judges and staff sitting in each. It was also livestreamed on the judiciary's online platforms. The Chief Justice, the Hon Mr Justice Bryan Sykes, OJ, CD, and specially invited guests physically joined the President and Judges in the court while retired Presidents and Judges of Appeal attended the sitting virtually.

The court wishes to record its appreciation to Mrs Kadiesh Fletcher, Director of Client Services, Communication and Information, and the ICT technical team from the Court Administration Division for their expert assistance before and during the sitting.

### b) Opening of the Michaelmas Term

The court held a special sitting to mark the start of the Michaelmas Term on 19 September 2022. The virtual sitting was presided over by a panel comprising the Hon Mr Justice Brooks P, the Hon Mr Justice Fraser JA and the Hon Mr Justice Laing JA (Ag) and was attended by representatives of the public and private Bars and the media.

# Work of the Court

The court heard and determined a variety of matters on a weekly basis, ranging from procedural applications and procedural appeals to substantive appeals. Additionally, Judges of Appeal were also assigned to sit in chambers to hear applications and conduct case management conferences.

As has been indicated in previous reports, in addition to preparing for and determining matters listed on each week's court list, the judges also considered, on paper, applications for permission to appeal from criminal convictions and/or sentences passed in the Supreme Court<sup>7</sup>; procedural applications<sup>8</sup> such as applications for stays of execution, injunctions, security for costs etc; records of appeal<sup>9</sup> for the purposes of making case management directions in appeals from the Supreme Court; and motions/applications for leave to appeal to Her Majesty in Council (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 on paper of applications for leave to appeal (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);

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<sup>7</sup> 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.

<sup>8</sup> These are applications which, pursuant to the Court of Appeal Rules, fall within the remit of single judges. 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.

<sup>9</sup> Upon review of the files single judges may make case management directions without a hearing or may direct the holding of case management conferences;

- 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 N)
- ix. judgments delivered within six months of completion of hearings (Table M);
- x. judgment delivery rate (Table O)
- xi. hearing date certainty (Table P)
- xii. judgments reduced to 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).

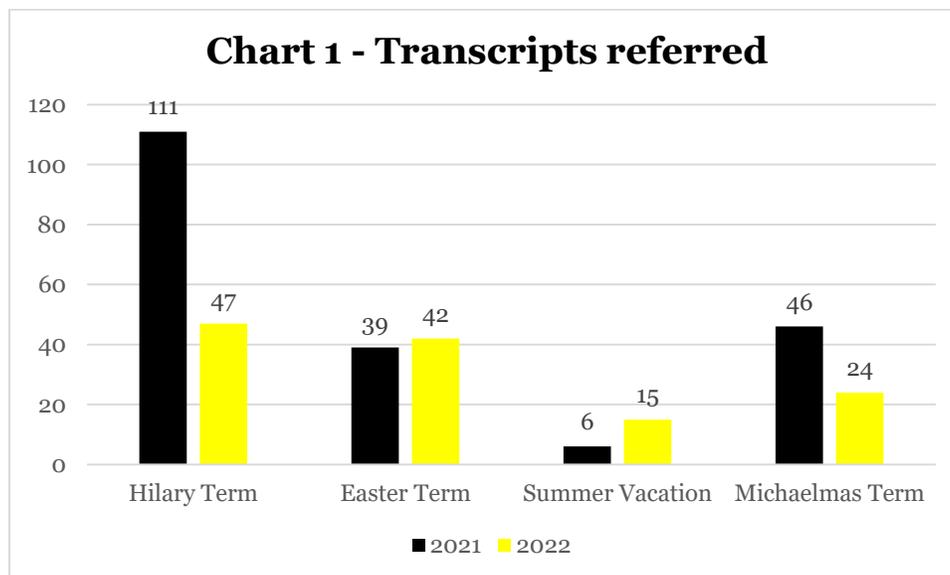
## Criminal Transcripts referred to single Judges of Appeal

In order for applications for leave to appeal in criminal matters to be considered and ruled on by single judges, the transcripts first have to be obtained from the Supreme Court. The transcripts are referred to single judges upon receipt by the registry.

Table A – Transcripts referred

Period	2021	2022
Hilary Term	111	47
Easter Term	39	42
Summer Vacation	6	15
Michaelmas	46	24
<b>Total</b>	<b>202</b>	<b>128</b>

Table A and Chart 1 show a 36.6% decrease in the number of transcripts referred in 2022 compared to the previous year.



While a decrease in the number of transcripts referred has been recorded in 2022, the number referred is still significant. It is 67.18% more than the number referred in 2020 as only 42 transcripts were referred in that year.

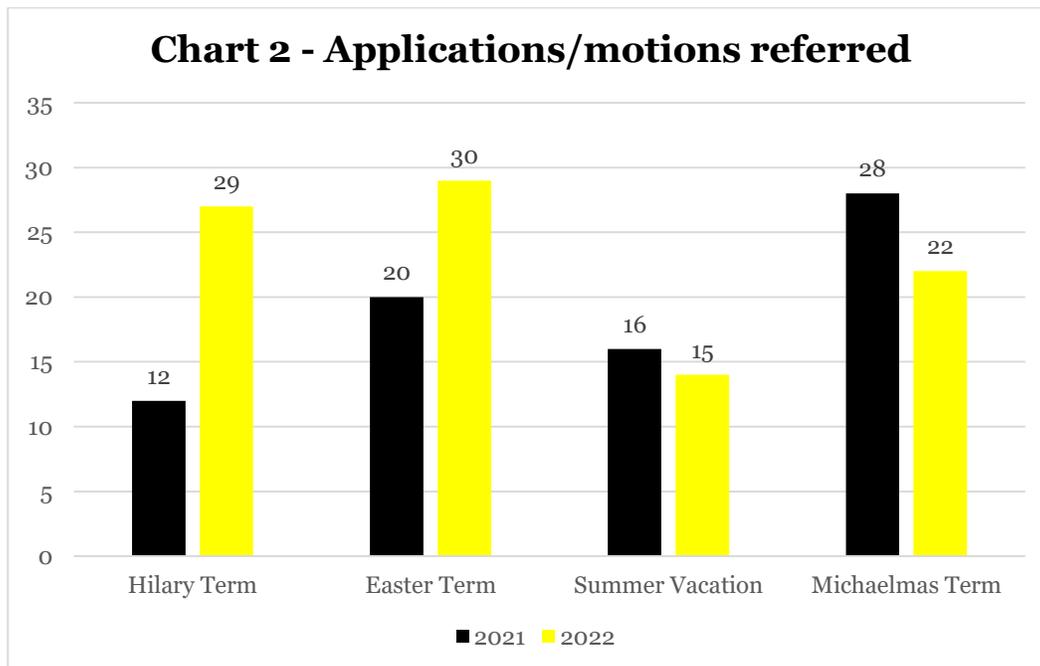
## Applications/motions referred to single Judges of Appeal For consideration on paper

Pursuant to the Court of Appeal Rules, certain procedural applications and motions are referred to single Judges of Appeal for consideration on paper. The judges may make orders without having a hearing or may direct that an oral hearing take place.

Table B – Number of applications/motions referred

Period	2021	2022
Hilary Term	12	29
Easter Term	20	30
Summer Vacation	16	15
Michaelmas	28	22
<b>Total</b>	<b>76</b>	<b>96</b>

Table B and Chart 2 depict an 26.31% increase in the number of procedural applications/motions referred in 2022 over 2021.



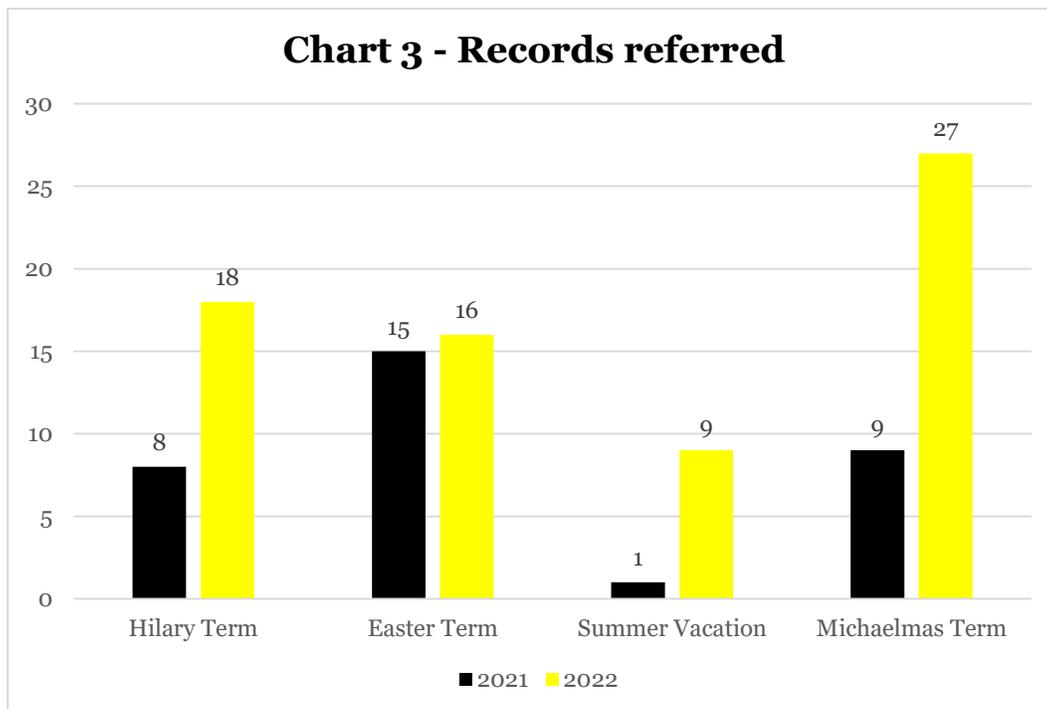
### Records of appeal referred to single Judges of Appeal

In civil appeals from the Supreme Court, upon being filed by appellants, records of appeal are referred to single Judges of Appeal for case management directions.

Table C – Records of appeal referred

Period	2021	2022
Hilary Term	8	18
Easter Term	15	16
Summer Vacation	1	9
Michaelmas	9	27
<b>Total</b>	<b>33</b>	<b>70</b>

Table C and Chart 3 depict a 112.12% increase in the number of records of appeal referred for case management directions in 2022 over the previous year.



## Hearings in chambers by single Judges of Appeal

Applications and case management conferences are usually scheduled for oral hearings in chambers if so directed by the single judge to whom the application or record of appeal was referred. Table D shows the number of hearings conducted in chambers in 2022 when compared to 2021.

Table D – Hearings in Chambers

Term	2021	2022
<i>Applications</i>		
Hilary	11	8
Easter	16	28
Michaelmas	27	12
<i>CMCs</i>		
Hilary	5	23
Easter	17	25
Michaelmas	39	26
<b>Total</b>	<b>115</b>	<b>122</b>

*\*CMCs – Case Management Conferences*

As seen in Table D there was a 6.08% increase in the number of oral hearings conducted by single judges in chambers in 2022 over the previous year.

### Disposal of applications/motions by single Judges of Appeal

Table E shows the number of applications/motions determined by single Judges of Appeal in 2022 over the previous year.

Table E – Applications determined by Single Judges of Appeal

Term	2021	2022
<i>On paper</i>		
Hilary	4	10
Easter	6	13
Summer	9	9
Michaelmas	17	8
<i>Oral hearing</i>		
Hilary	5	6
Easter	7	17
Summer	2	3
Michaelmas	12	10
<b>Total</b>	<b>62</b>	<b>76</b>

As seen in Table E, there was a 22.58% increase in the number of applications determined by single judges in 2022 when compared to 2021. Additionally, 52.63% of the total applications disposed by single judges were determined without an oral hearing.

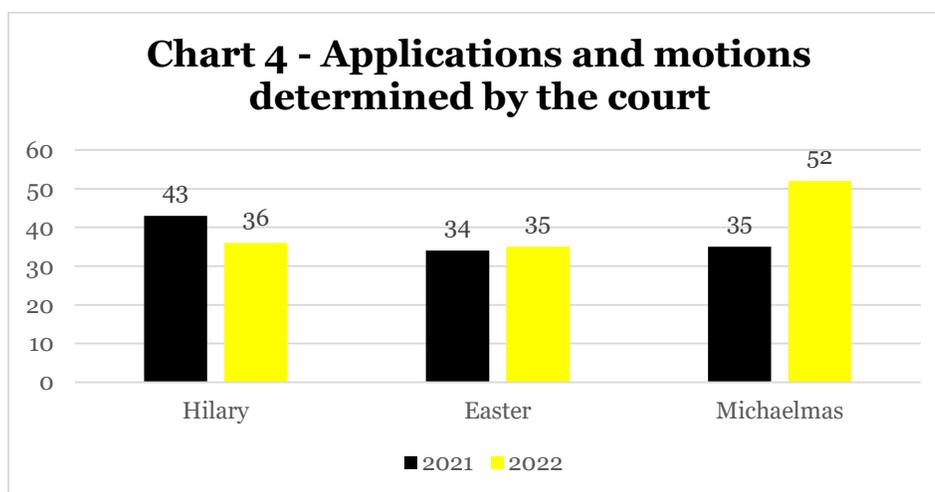
## Disposal of applications and motions by the court

The court hears and determines certain procedural applications which do not fall within the jurisdiction of single Judges of Appeal<sup>10</sup>. The court also hears and determines motions for leave to appeal to His Majesty in Council in matters where the appeal is not as of right.

Table F – Applications and motions determined by the court<sup>11</sup>

Term	2021	2022
Hilary Term	43	36
Easter Term	34	35
Michaelmas	35	52
<b>Total</b>	<b>112</b>	<b>123</b>

Table F shows the number of applications and motions determined by the court.



As seen in Table F and Chart 4, there was a 9.82% increase in the number of applications and motions determined by the court in 2022 over the previous year.

<sup>10</sup> Such as civil applications for permission to appeal; applications for extension of time to file an appeal; applications to vary/discharge the order of a single judge; applications to adduce fresh evidence.

<sup>11</sup> This does not include applications for permission to appeal in criminal matters, which are dealt with in Tables G, H, I, K and L.

### New and determined appeals

Tables G to I show the number of new and determined appeals as well as the number of pending appeals by category for the Hilary, Easter and Michaelmas Terms respectively.

Table G

#### New and determined appeals – Hilary Term 2022

Appeals	Pending appeals at the start of the term	New cases filed	Determined cases	Pending appeals at the end of the term
Supreme Court				
Civil Appeals	1014	45	31	1028
Criminal Appeals	685	17	20	682
Miscellaneous Appeals	32	4	4	32
Prosecution Appeals	1	0	0	1
Parish Court				
Civil Appeals	105	4	5	104
Criminal Appeals	35	3	4	34
Miscellaneous Appeals	1	0	0	1
<b>Total</b>	<b>1873</b>	<b>73</b>	<b>64</b>	<b>1882</b>

Table H

#### New and determined appeals – Easter Term 2022

Appeals	Pending appeals at the start of the term	New cases filed	Determined cases	Pending appeals at the end of the term
Supreme Court				
Civil Appeals	1028	52	32	1048
Criminal Appeals	682	29	28	683
Miscellaneous Appeals	32	5	0	37
Prosecution Appeals	1	0	0	1
Parish Court				
Civil Appeals	104	6	14	96
Criminal Appeals	34	4	1	37
Miscellaneous Appeals	1	0	0	1
<b>Total</b>	<b>1882</b>	<b>96</b>	<b>75</b>	<b>1903</b>

Table I  
New and determined appeals – Michaelmas Term 2022

Appeals	Pending appeals at the start of the term	New cases filed	Determined cases	Pending appeals at the end of the term
Supreme Court				
Civil Appeals	1048	40	29	1059
Criminal Appeals	683	24	88	619
Miscellaneous Appeals	37	5	3	39
Prosecution Appeals	1	0	1	0
Parish Court				
Civil Appeals	96	7	11	92
Criminal Appeals	38	3	6	35
Miscellaneous Appeals	1	0	0	1
<b>Total</b>	<b>1903</b>	<b>79</b>	<b>138</b>	<b>1844</b>

As seen in Tables G to I, there was an absolute decrease of 26 in the total number of pending appeals at the end of 2022. It is also noted from Tables G to I that of the total new appeals recorded in 2022, 83.46% were from the Supreme Court, 10.88% were received from the Parish Courts, and 5.64% were miscellaneous appeals.

Table J – New appeals

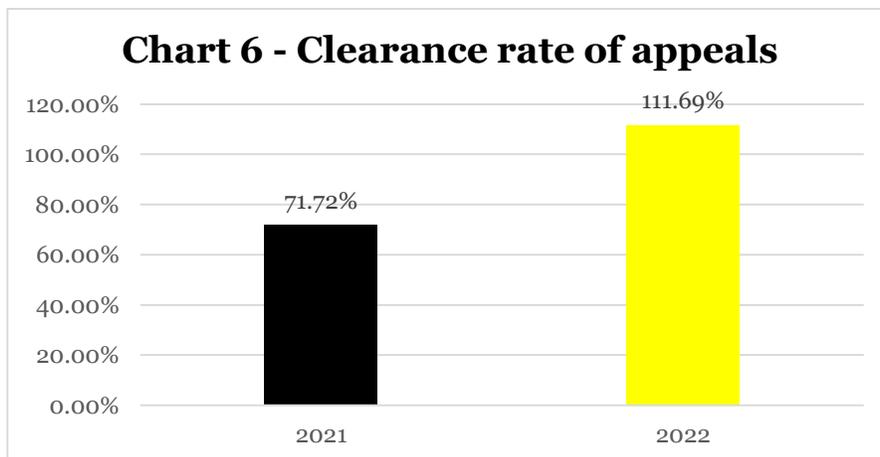
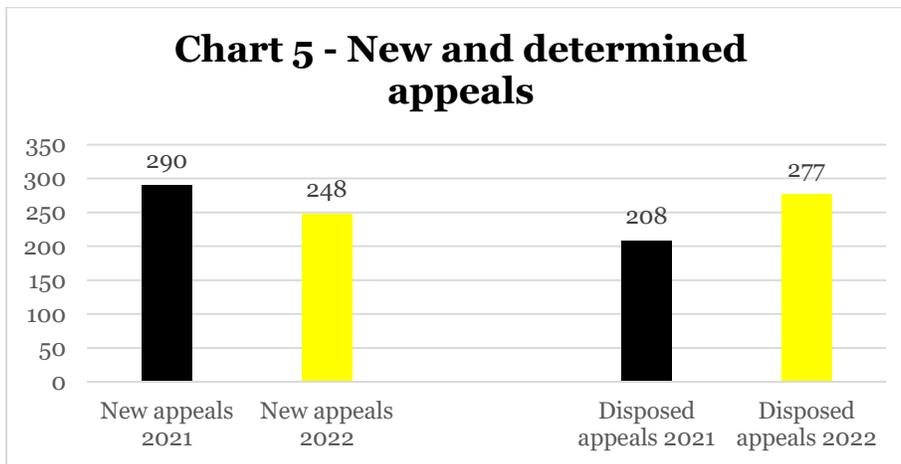
Type	2021	2022
Civil	166	73
Criminal	113	96
Miscellaneous	11	79
<b>Total</b>	<b>290</b>	<b>248</b>

Table J shows a 14.48% decrease in the number of new appeals filed in 2022 when compared to 2021.

Table K – Determined appeals

Type	2021	2022
Civil	88	122
Criminal	112	147
Miscellaneous	8	7
Prosecution Appeal	-	1
<b>Total</b>	<b>208</b>	<b>277</b>

Table K and Chart 5 show that the number of determined appeals increased by 33.17% in 2022 over 2021.



With a clearance rate of 111.69%, 2022 saw a marked increase of 39.97 percentage points when compared to the clearance rate of 71.72% recorded in the previous year as seen in Chart 6.

Table L - Number of matters determined by the court

<b>Type</b>	<b>2021</b>	<b>2022</b>
Applications/motions	112	123
Criminal appeals/ applications for permission to appeal	112	147
Civil appeals	88	122
Miscellaneous	8	7
Prosecution Appeal	-	1
<b>Total</b>	<b>320</b>	<b>400</b>

Table L shows that there was a 25% increase in the matters determined by the court in 2022 when compared to 2021.

Table M – Judgment delivery timeline 2022

<b>Term</b>	<b>Judgments delivered on hearing day</b>	<b>Judgments delivered within a week</b>	<b>Judgments delivered within 3 months</b>	<b>Judgments delivered within 6 months</b>
Hilary	39	17	10	2
Easter	58	15	9	5
Michaelmas	73	35	0	4
<b>Total</b>	<b>170</b>	<b>67</b>	<b>19</b>	<b>11</b>

Table N shows that 66.75% of the matters determined by the court in 2022 were determined within six months of hearing. Of the 267 matters determined within six months, 63.67% were determined on the same day of hearing, 88.76% were determined within a week of hearing and 95.88% were determined within three months of hearing.

Table N – Total matters determined by the court and by single judges

<b>Type</b>	<b>2021</b>	<b>2022</b>
Applications/motions	174	199
Appeals	208	277
<b>Total</b>	<b>382</b>	<b>476</b>

Table N shows a 24.6% increase in the total number of matters determined by the court and single Judges of Appeal.

### Judgment delivery rate

Table O

Term	Number reserved	Number determined	Judgment delivery rate %
Hilary	27	116	429.62
Easter	34	152	447.05
Michaelmas	45	208	462.22
<b>Total</b>	<b>106</b>	<b>476</b>	<b>449.05</b>

For the year 2022, the Court of Appeal registered an overall judgment delivery rate of 449.05%. This reflects an increase of 88.67 percentage points over the previous year and suggests that for every 10 newly reserved judgments in 2022, roughly 45 judgments were delivered. The Michaelmas Term recorded the highest judgment delivery rate with 462.22% while the Hilary Term recorded the lowest rate with 429.62%. The international standard for annual judgment delivery is 100%. With this in mind, the Court of Appeal has performed exceptionally.

### Hearing date certainty

Table P

Term	No. of matters listed on hearing lists	No. of matters which commenced as scheduled	Hearing date certainty rate %
Hilary	96	85	88.54%
Easter	130	112	86.15%
Michaelmas	169	141	83.43%
<b>Total</b>	<b>395</b>	<b>338</b>	<b>85.56%</b>

In 2022 the court recorded an overall hearing date certainty rate of 85.56%, suggesting that for every 100 hearing dates set during the year, roughly 85 proceeded without postponement. This represents a marginal increase of 2.4% in the overall hearing date certainty rate over 2021, when the overall rate was 83.33%. In 2022 the highest hearing date certainty rate was recorded in the Hilary Term with a rate of 88.54%. The Michaelmas Term recorded the lowest hearing date certainty rate with a rate of 83.43%.

### Judgments in writing

The court's judgments in writing take the form of written judgments, oral judgments (reduced to writing) and memoranda of reasons. Table Q shows the number delivered.

Table Q

Term	No. of written judgments	No. of oral judgments in writing	No. of memoranda of reasons
Hilary	49	6	9
Easter	39	12	16
Michaelmas	31	22	16
<b>Total</b>	<b>119</b>	<b>40</b>	<b>41</b>

Of the total delivered, 59.5% were written judgments, 20% were oral judgments reduced to writing, and 20.5% were memoranda of reasons. There has been a 72.34% increase in the number of oral judgments and memoranda of reasons in 2022 over 2021.

Table R

Term	2021	2022
<i>Civil appeals</i>		
Hilary	20	20
Easter	25	16
Michaelmas	22	16
<i>Criminal appeals/ Applications for permission</i>		
Hilary	14	27
Easter	23	23
Michaelmas	23	33
<i>Applications</i>		
Hilary	12	17
Easter	30	28
Michaelmas	20	20
<b>Total</b>	<b>189</b>	<b>200</b>

Table R shows a 5.82% increase in the number of judgments in writing in 2022 over 2021.

### Outstanding reserved judgments at year end

Table S

Year reserved	No. outstanding 2021	No. outstanding 2022
2019	5	1
2020	13	7
2021	38	14
2022	-	49
<b>Total</b>	<b>56</b>	<b>71</b>

Table S shows there has been an 80% decrease in the judgments that are outstanding for the year 2019. The number outstanding for the years 2020 and 2021 was reduced by 46.15% and 63.15% respectively. At the end of 2022, the number of judgments that were outstanding between 2019 and 2021 saw an overall decrease of 60.71%.

### Outstanding reasons for judgment at year end

Table T

Year reserved	No. outstanding 2021	No. outstanding 2022
2019	1	0
2020	9	0
2021	15	6
2022	-	13
<b>Total</b>	<b>25</b>	<b>19</b>

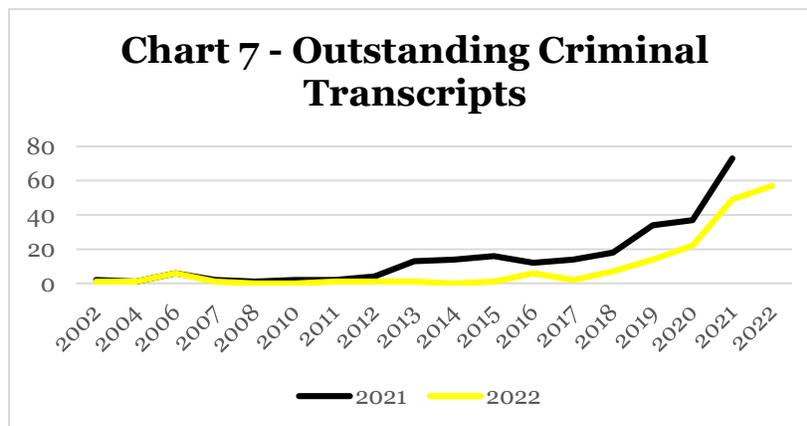
Table T shows that the number of reasons for judgment outstanding for the period 2019 to 2021 decreased by 76%. There was a 100% reduction in the number of reasons for judgment outstanding from 2019 and 2020 and a 60% reduction in the number outstanding since 2021.

## Outstanding criminal transcripts

Table U

Year Matter filed	Number Outstanding 2021	Number Outstanding 2022
2002	2	1
2004	1	1
2006	6	6
2007	2	1
2008	1	0
2010	2	0
2011	2	1
2012	4	1
2013	13	1
2014	14	0
2015	16	1
2016	12	6
2017	14	2
2018	18	7
2019	34	14
2020	37	22
2021	73	49
2022	-	57
<b>Total</b>	<b>251</b>	<b>170</b>

Table U and Chart 7 reveal a reduction of 32.27% seen in the overall number of outstanding transcripts.



## Outstanding civil records of proceedings

Table V

Year Matter filed	Number Outstanding 2021	Number outstanding 2022
2004	4	1
2005	8	4
2006	12	11
2007	13	12
2008	24	24
2009	13	13
2010	22	21
2011	25	25
2012	27	27
2013	20	19
2014	17	17
2015	26	25
2016	33	32
2017	34	32
2018	35	31
2019	52	50
2020	25	25
2021	59	45
2022	-	68
<b>Total</b>	<b>449</b>	<b>482</b>

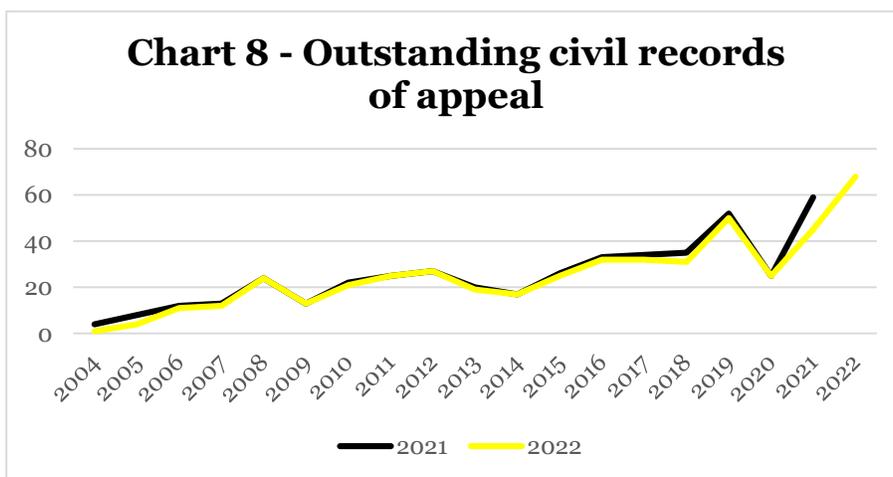


Table V and Chart 8 reveal that the number of outstanding civil records of proceedings increased by 7.34%.

## Pending appeals

Table W

	<b>2021</b>	<b>2022</b>
Number brought forward from previous year	1791	1873
New appeals filed	290	248
Appeals determined	208	277
<b>Balance pending at year end</b>	<b>1873</b>	<b>1844</b>

As seen in Table W there has been a 1.55% decrease in the number of appeals which were pending at the close of 2022 when compared to 2021. While this is a marginal decrease, it is an improvement over the previous year when the pending figure increased by 4.57%.

At the end of 2022 there was a total of 1844 appeals pending. After taking into account the 170 criminal matters awaiting transcripts and the 482 civil appeals waiting certified records of proceeding, the “true” pending figure at the close of 2022 was 1192.

By comparison, at the end of 2021 the total number of pending appeals was 1873, of which 251 were awaiting transcripts and 449 were awaiting certified records of proceedings, thereby making the “true” pending figure 1173.

# 60<sup>th</sup> Anniversary of the Court of Appeal of Jamaica

The Court of Appeal was established by the Constitution of Jamaica (‘the Constitution’) on 6 August 1962. It celebrated its 60<sup>th</sup> anniversary during the year in review.

## Jurisdiction

The court’s jurisdiction is derived from the Constitution and is regulated by the Judicature (Appellate Jurisdiction) Act (‘the Act’). It hears and determines appeals from the Supreme Court; the Parish Courts; tribunals such as the Industrial Disputes Tribunal; and bodies such as the General Legal Council, the Public Accountancy Board and the Real Estate Board.

The court also determines references by the Governor-General under section 29 of the Act and questions of law reserved or cases stated for its consideration by a Judge, Judge of the Parish Court or Justices of the Peace sitting in Petty Sessions.

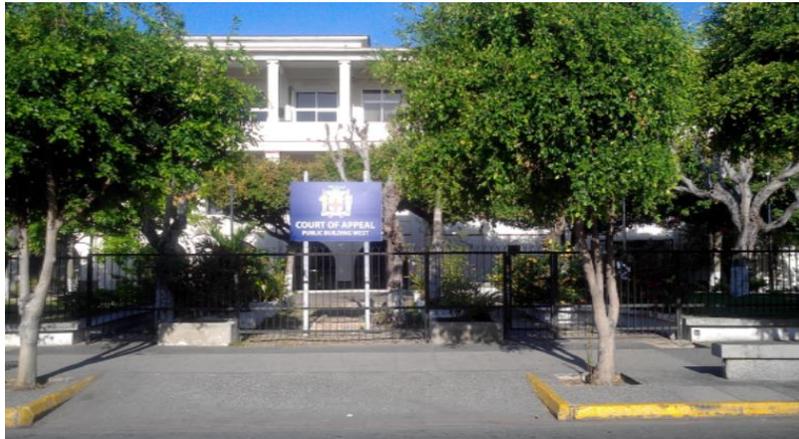
## Number of Judges

When it was first established, the court comprised a President and three Judges of Appeal. The Chief Justice was and continues to be a member of the court by virtue of being the head of the judiciary, but can only sit on the court if invited to do so by the President and at least four other Judges of Appeal are sitting.

The number of judges in the court increased from three in 1962 to seven in 1967 (including the President). That number remained so until 2008 when legislation was passed increasing the complement to 13 judges including the President. Due to constraints in physical space, the court was unable to appoint additional judges until 2019 after it was again relocated. The Court of Appeal finally achieved its full complement of judges during the year in review.

## Location

In 1962 the court continued to be housed in the same building as the Supreme Court. However, in 1997 it was relocated to a building which it shared with the Accountant General's Department, the General Post Office and the Office of the Director of Public Prosecutions.



**Previous entrance to the Court of Appeal**

In January 2019 the court moved to its expanded facilities which incorporates space previously occupied by the Accountant General's Department and the General Post Office.



**The main King Street entrance to the Court of Appeal**



**The entrance to the Registry of the court on Barry Street**

### Notable events

There have been a number of notable events throughout the court's 60 years of existence.

These include:

- i. The appointment of the first female Judge of Appeal.

The Hon Miss Marjory Morgan was appointed a Judge of Appeal in 1988. Notably, the next permanent appointments of female Judges of Appeal came in 2006, with the appointment of the Hon Mrs Justice Zaila McCalla (who later became Chief Justice) and the Hon Mrs Justice Hazel Harris.

The first constitution of an all-female panel occurred on 3 May 2010 and comprised the Hon Mrs Justice Hazel Harris, the Hon Miss Justice Hilary Phillips and the Hon Mrs Justice Norma McIntosh.

- ii. The constitution of five-member panels to hear matters of particular significance.

Five-member panels were constituted for the landmark cases of

- **Noel Samuda v R**<sup>12</sup>, which dealt with the constitutionality of a sentence of corporal punishment;
- **Peter Dougal v R**<sup>13</sup>, which dealt with the procedure involved in an application for the imposition of the death penalty; and
- **William Clarke v The Bank of Nova Scotia Jamaica Limited**<sup>14</sup>, which dealt with the constitutionality of a procedural appeal being heard by a single Judge of Appeal.

- iii. The change in the traditional attire for judges of the court.

Historically, the judges wore black gowns for civil cases and scarlet robes for criminal cases. In 1993, black gowns commenced being worn for all cases. These were replaced in 2013 by gowns which included all of the national colours.

Additionally, the judges of the court ceased wearing traditional bench wigs in December 2011.

- iv. The commencement of special sittings outside of Kingston.

The first sitting of the court outside of Kingston was held during the week of 9 December 2013. This historic sitting took place at the Resident Magistrates' Court (now referred to as Parish Court) in Lucea, Hanover. The sitting was presided over by a panel comprised of the Hon Mr Justice Seymour Panton P, the Hon Mr Justice C Dennis Morrison JA (as he then was) and the Hon Mr Justice Patrick Brooks JA (as he then was). Such sittings have taken place every year since that time until 2020 (when it was halted due to the COVID-19 pandemic).

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<sup>12</sup> (unreported), Court of Appeal, Jamaica, Supreme Court Criminal Appeal No 134/1996, judgment delivered 18 December 1998

<sup>13</sup> [2011] JMCA Crim 13

<sup>14</sup> [2013] JMCA App 9



**Commemorative plaque presented from the Cornwall Bar Association marking the first sitting of the court in the western region.**

v. The publication of annual reports.

The court began the publication of annual reports in 2015. The purpose of these publications is to provide stakeholders and the general public with an overview of the work and output of the court. All the courts annual reports are available on the court's website – [www.courtsofappeal.gov.jm](http://www.courtsofappeal.gov.jm) .

vi. The establishment of the Court Users Committee.

The court established the Court Users Committee in 2017. It comprises the Chief Judge of the Parish Courts as well as representatives from the public and private Bar, the Ministry of Justice and the Court Administration Division. The committee, which meets twice per court term, provides a useful mechanism through which the court interacts with its stakeholders to address matters specifically related to it.

vii. The curtailing of in-person hearings caused by the COVID-19 pandemic in March 2020.

The vast majority of sittings have since had to be conducted on an electronic platform, with the parties and counsel attending the court virtually, while the judges sat in court attended only by court personnel.

### Anniversary celebrations

During the year in review the Court of Appeal held a number of events in honour of its 60<sup>th</sup> anniversary. The first event was a competition to select the 60<sup>th</sup> anniversary logo to be featured throughout the celebrations. After a very competitive exercise, the winning logo was selected.



This winning logo was designed by Miss Judith Whyte, Director Human Resource and Administration, and has been used to brand items related to the anniversary.



**Miss Judith Whyte receiving her prizes from the President.**

The designated week of celebrations commenced on 31 July 2022 with an anniversary church service held at the Saints Peter and Paul Roman Catholic Church.



**The Court of Appeal Chorale**



**President Brooks addressing congregants**



**A view of the congregation**

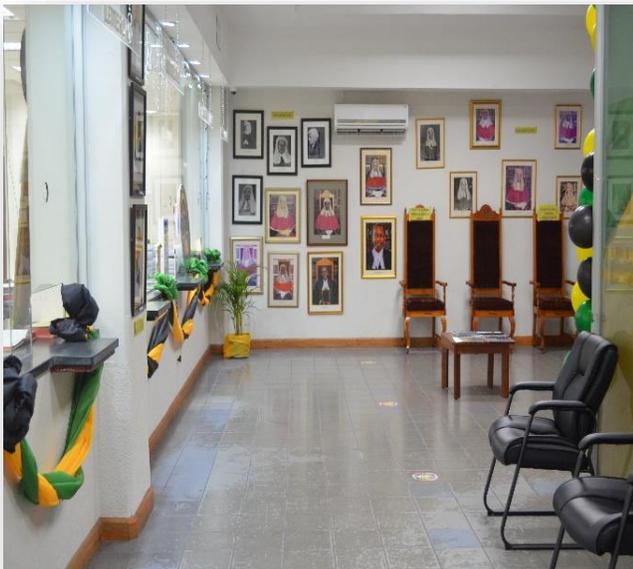


**Minister of Justice Delroy Chuck and Opposition Spokesperson on Justice Donna Scott Mottley join Chief Justice Sykes, President Brooks and the judges and staff of the court for a photograph.**

On 2 August 2022 the court launched an exhibition, which captured notable aspects of its history. The exhibition was mounted in the registry of the court and was opened to the public daily, during regular registry hours.



**The President officially opening the exhibition**



**A view of some of the exhibits**

A 60th anniversary lecture was held on 3 August 2022 at the Jamaica Pegasus Hotel. The guest lecturer at the event was the Hon Mr Justice Adrian Saunders, President of the Caribbean Court of Justice, who spoke on “The role of the CCJ in building a Caribbean jurisprudence”.



**The Hon Mr Justice Brooks P, The Hon Mr Justice Sykes CJ and the Hon Mr Justice Saunders PCCJ**

Attendees at the lecture included former judges of the court who were presented with commemorative trophies in recognition of their contributions to the Court of Appeal.



**The Hon Miss Justice Simmons JA presenting to the Hon Mr Justice Panton P (R'td)**



**The Hon Mr Justice Williams JA presenting to the Hon Mrs Justice McCalla CJ (R'td)**



**The Hon Mrs Justice McDonald Bishop JA presenting to the Hon Mr Justice Smith JA (R'td)**



**The Hon Mr Justice Williams JA presenting to the Hon Miss Justice Phillips JA (R'td)**



**The Hon Mr Justice Williams JA presenting to Ms Althea Wolfe on behalf of the Hon Mr Justice Wolfe CJ (R'td)**

In addition to the presentations made to the past judges of the court, presentations were also made to the Hon Mr Justice Sykes CJ, the Hon Mr Justice Saunders PCCJ and the Hon Mr Justice Brooks P.



**The Hon Mrs Justice McDonald Bishop JA presenting to the Hon Mr Justice Sykes CJ**



**The Hon Miss Justice Simmons JA presenting to the Hon Mr Justice Saunders PCCJ**



**The Hon Mrs Justice McDonald Bishop JA presenting to the Hon Mr Justice Brooks P**



**Snapshots of the event**

In the days following the lecture, the awards for those retired judges who were unable to attend the lecture were delivered to them. The Hon Mr Justice Brooks P visited the Hon Mr Justice Patterson JA (R'td) to deliver his award.



On 4 August 2022 an internal function was held for the benefit of the judges and staff of the court as part of the anniversary celebrations. This function showcased the many talents which abound in the court.



**The Hon Mrs Justice Foster Pusey  
JA performing an exciting piece**



**Mrs Crystal Jennings  
Hamilton delivering poetry**



**The Court of Appeal Chorale in action**

The celebrations ended with a special *en banc* sitting of the court on 5 August 2022. The President, joined by the Chief Justice sat with the Judges of Appeal for the occasion. The sitting, which was livestreamed, may be viewed on the Jamaican Judiciary's YouTube channel.



**The 60th anniversary sitting**

# Practice Directions and Notes

In 2022 the Court of Appeal issued one Practice Note.

Practice Note No 1/2022 was issued to supplement and adjust the protocol established in Practice Note 1/2020 in relation to the court's use of memoranda of reasons. The effective date of Practice Note 1/2022 is 1 January 2023, at which time the court will commence publishing memoranda of reasons and endorsements on its website thereby making them available to the legal profession and the public.

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

The year commenced with a very useful and informative records management training session for the members of the registry staff. The training was conducted on 5 January 2022. The presenter at the session was Mrs Joan Brown O'Connor, Records Management Analyst from the Jamaica Archives and Records Department. The court records its gratitude to Mrs Brown O'Connor for her insightful presentation and to Mrs Veronica Poyser of the Court Administration Division for her assistance in arranging the training session.

On 18 March 2022 the court conducted a workshop for the Senior Judicial Clerks on the very important topic of Judicial Ethics. The facilitators for the workshop were the then Acting President of the court, the Hon Mrs Justice McDonald-Bishop and retired Judge of Appeal, Miss Justice Hilary Phillips. From all reports the Senior Judicial Clerks benefitted greatly from the workshop and the expert tutelage of the judges. The court records its heartfelt gratitude to both judges.



**The Hon Mrs Justice McDonald-Bishop P (Ag) making her presentation. The Hon Miss Justice Phillips JA (R'd) is second left.**

The Hon Mr Justice Brooks P, the Hon Mrs Justice McDonald-Bishop JA and Registrar Brown participated in a nine-week online media training exercise implemented by the Judicial Reform and Institutional Strengthening (JURIST) Project. Under the heading “Being Media Ready: Engaging the Media With Confidence Training”, the training was facilitated by Strategic PR Solutions and the Caribbean Association of Judicial Officers.

### **Orientation for new staff**

During the year in review the Court Administration Division conducted orientation exercises for new members of staff throughout the court system and invited the participation of the Court of Appeal. Registrar Brown made presentations about the court at the orientation sessions held on 18 March and 1 December 2022 while Deputy Registrar Edwards presented at the sessions held on 30 June and 26 September 2022.

### **Annual Assize Services**

The Judiciary’s annual assize services to mark the start of the Michaelmas Term 2022 were held at the St James Parish Church on 11 September 2022 and at the University Chapel, Mona, on 18 September 2022, under the theme “Justice in our diamond jubilee”.

### **National Honours**

In 2022 the Hon Mr Justice David Fraser JA and the Hon Miss Justice Nicole Simmons JA were both recognized for their distinguished contribution to the judiciary with the conferment of the Order of Distinction in the Rank of Commander. Registrar Stacie-Anne Brown was also recognized with the award of Badge of Honour for Meritorious Service to the judiciary and the legal profession. The court extends to all three recipients heartfelt congratulations on their national honours.

### **Wedding Bells**

The court was pleased to hear the sweet sounds of wedding bells ringing in 2022 as it extended congratulations and best wishes to Miss Kellie Ann Chen (now Mrs Hacker), Mr James Francis, and Miss Judith Whyte (now Mrs Whyte-Green) on their respective weddings.

### **Court Users Committee**

The members of the Court Users Committee met throughout 2022 to continue to address various areas of concern of the court and its stakeholders. These areas include outstanding transcripts and records of proceedings, outstanding judgments and improving the general surroundings of the court building. Happily, there were some improvements in these areas of concern as the number of outstanding judgments continued its downward trend; the court reduced the number of older outstanding judgments; and the surroundings of the court benefitted from a sign being erected to identify the entrance of the registry on Barry Street, Kingston and the placement of a pedestrian crossing between the Supreme Court and the Court of Appeal.

### **Court of Appeal Differentiated Case Management Conference**

Facilitated by the Pan American Development Foundation (PADF) in collaboration with the United States Embassy, the Judicial Education Institute and the Court Administration Division, the Court of Appeal held a conference on differentiated case management on 14 and 15 October 2022. The aim was to strengthen the competencies and skills of the judges and staff in efficient case management techniques and use of technology and to enhance the court's case-flow management systems, case disposal rates and backlog reduction strategies.

Presenters at the conference included the Hon Mr Justice Michael Tulloch, Justice of Appeal (as he then was), Ontario Court of Appeal; the Hon Mr Justice David Fraser JA; Mr Bruce Preston, Chairperson, International Justice Partnership; Master Christie-Anne Morris-Alleyne, Court Executive Administrator, Judiciary of Trinidad and Tobago; and Mr Paul Davis, Software Manager, ICT Department, Court Administration Division.

The court records its gratitude to all the entities involved in facilitating the conference and extends special appreciation to Miss Althea McBean, Senior Justice Advisor, PADF. The judges and staff of the court benefitted greatly from the informative and thought-provoking presentations.



**Attendees at the conference**

## **Condolences**

The court offered its deepest sympathy in 2021 to the Hon Mr Justice Patrick Brooks P on the passing of his mother-in-law; the Hon Mr Justice David Fraser JA on the passing of his father; the Hon Mrs Justice Marcia Dunbar-Green JA on the passing of her father-in-law; Registrar Brown on the passing of her cousins; Mrs Clowenese Brown McIntosh on the passing of her step-father; Mrs Rochelle McCallum on the passing of her father; Miss Kalisia Miller on the passing of her grandmother; Miss Sardia Kerr on the passing of her aunt and uncle; Mrs Christine Thomas on the passing of her mother; Mr Chevaughn Thomas on the passing of his brother; and Mr Justin Evering on the passing of his aunt. The court also mourned the passing of the Hon Mr Justice Henderson Downer, CD, retired Judge of Appeal. The court assures the respective families of 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; the Judicial Service Commission; the Covid-19 Emergency Committee; and the Rules Committee of the Supreme Court.
- The Hon Mr Justice Brooks P, the Hon Miss Justice Edwards JA, the Hon Mr Justice Fraser JA and the Hon Mr Justice Brown JA attended the 7<sup>th</sup> Biennial Conference of the Caribbean Association of Judicial Officers, which was held in St Lucia in October 2022. Mr Justice Brooks P and Mr Justice Fraser made presentations. Miss Justice Edwards JA was elected to the executive of the association.



**A portion of the Jamaican delegation at the CAJO conference**

- 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 was reappointed to sit on the Commonwealth Secretariat’s Arbitral Tribunal for a second four year term.
- The Hon Mrs Justice McDonald-Bishop JA was invited by the United Nations Office (UNODC) to present an essay for the inaugural celebration of International Women Judges Day, in March 2022. She presented on the topic “Whither the men? Gender representation in the Jamaican Judiciary”.
- 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 Mrs Justice Foster-Pusey JA attended the National Association of Women Judges’ 44<sup>th</sup> Annual Conference, which was held on 19 – 22 October 2022 in Detroit, Michigan, United States of America.



**The Hon Mrs Justice Foster-Pusey JA and Judge of the Parish Court Mrs Luciana Jackson at the conference.**

- The Hon Mr Justice D Fraser JA continued to chair the Annual Assize Services Planning Committee. The Hon Miss Justice Straw JA and Mrs Justice Foster-Pusey 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 Miss Justice Simmons JA chaired the Supreme Court Library Committee as the representative of the President of the Court of Appeal.

### **Other events**

The year 2022 was a very active year for the court with many activities planned and initiatives undertaken by the court's Health and Safety Committee and Social Affairs Committee. These included Valentine's Day tokens; a Tie day; a plant drive; a Wellness luncheon; a Labour Day project aimed at improving the surroundings of the court; the promotion of breast and prostate cancer awareness; a movie day; a staff appreciation week (during which there was a presentation on work/life balance, health fair, a yoga/exercise session, and a Karaoke night); and the Christmas luncheon.

### **Karaoke Night**



## Valentine's Day



## Tie Day



## Health Fair



The court records its deep appreciation to the members of the Health and Safety and the Social Affairs Committees for the effort, determination and hard work put in to make each event, held throughout, a success.

## **Looking Ahead**

The year 2022 was by and large a year of celebration for the Court of Appeal. 60 years in the life of any institution is undoubtedly a significant milestone. Looking back on the work of the Court of Appeal and its impact on the nation over those many years, there is so much about which the court can be proud. A debt of gratitude is owed to the many judges and court staff members who through their dedicated service and significant contribution have enabled the court to develop and mature throughout the years.

Looking ahead, the Court of Appeal will seek to build on the gains it made in the year in review. In so doing, it will continue to ardently work towards being a world class appellate court and to stay true to its pledge to serve with integrity and fairness, by delivering sound, timely judgments, and efficient and accessible court services, in a healthy and fulfilling work environment.