

**THE CHIEF JUSTICE'S REPORT TO THE
OPENING OF THE GRAND COURT,**

17TH JANUARY 2018

The proceedings commenced with Prayers led by Pastor Dr. Randall Von Kanel of the Cayman Islands Baptist Church.

Salutations were extended to Her Excellency the Governor, the Hon. Premier, the Deputy Governor and other Honourable Members of Cabinet, Honourable Members of the Legislative Assembly, The Commissioner of Police and other distinguished guests. Thanks, first of all were expressed to Pastor Randy (as he is affectionately called) for having led the gathering in prayer.

The Chief Justice then expressed special appreciation to Her Excellency the Governor for her support of the judiciary and, in particular her support for the Constitutional Amendment 2016 which was crucial for the full restoration of the principles of judicial independence and security of tenure. Noting that this will be Her Excellency's final appearance, at least in her official capacity, at an Opening of the Court,

he thanked her for all the good work she did as Governor of the Islands, during your very significant term of office.

The Chief Justice then invited the Hon. Attorney General, followed by Mr. Alasdair Robertson of the Cayman Islands Law Society, Mr. Stephen Watler of the Caymanian Bar Association, and Mr. Colin McKie QC on behalf of the editors of the Cayman Islands Law Reports; to move and support the motion for the opening of the Court.

The Chief Justice responded in turn to each Mover and then presented the following report:

REPORT

TRANSITIONS

As in previous years, I begin with reflections on the changes or transitions occurring within the Judiciary and staff of the Administration.

The Judiciary

First, allow me to welcome Justice Kawaley on this the occasion of his first sitting at an opening of the Court. Justice Kawaley commenced as a permanent member of the Court last year, assigned to the Financial Services Division. We look forward to him being able to preside here more regularly after he demits office as Chief Justice of Bermuda in mid-2018.

At the opening of the Court in January last year, we announced Justice Jones' retirement and there were fulsome expressions of gratitude for his immense contributions to the development of the law of the Islands, both as a legal practitioner and as judge of the FSD. As it happened however, the demands of his cases meant that Justice Jones had to continue to sit at various times throughout the year, concluding, finally he tells me, at the end of December.

Allow me then once more, to extend our thanks to Justice Jones for his sterling service to the courts and to the jurisdiction as a whole. We wish

him a long and enjoyable retirement, and continued success in any other area of endeavor he might undertake to animate his retirement.

I also wish to extend our thanks to Acting Magistrate Nervik for the excellent contribution she has made and continues to make as magistrate in the summary court and in particular, for the tremendous work she has done as Coroner, in clearing the backlog in the coroner's court. Magistrate Nervik demits office in June of this year.

Acting Judges

Last year also marked the end of tenure of some of our acting judges who reached the constitutional age limit of 70.

Allow us to thank Justices Seymour Panton, Malcolm Swift (who is here today), Michael Mettyear, Alistair Malcolm and Paul Worsley for their important contributions to the administration of justice here, especially on the criminal division. As I report each year, it simply would be impossible to cope with our work load without the support of the judges who serve from our Acting List.

At the same time, allow me therefore also (as did the Hon. Attorney

General) to welcome Justice Marlene Carter who has been sitting regularly as an Acting Judge since last year, this being her first appearance in her capacity as an Acting Judge at an Opening of the Court.

Transitions within the Administration

Soon later this year, we will also bid farewell to Mrs. Audrey Bodden, a senior and veteran member of staff. Miss Audrey, as she is affectionately called, served within the Administration in important legal posts as Deputy Clerk of Court and as Registrar of the Court of Appeal. This was after having served as an officer of the Dept. of Social Services for a number of years. We thank Miss Audrey for her many years of invaluable service and wish her all the best for her retirement.

We also note the intended departure later this month of Tanya Meyerhoff – Case Manager for the Family Division; and Lorin Williams, Executive Officer, Criminal Registry. Tanya Meyerhoff's responsibilities as Case Manager on the Family Division, will be carried on by Terryanne Iton who joined the Division in July last year.

Finally on the subject of personnel transitions, I am pleased to note the appointments to three very important offices and extend once more our welcome and congratulations to the appointees.

Mrs. Shiona Allenger was appointed Clerk of Court with effect from 1st June 2017.

Miss Jenesha Simpson, as Senior Deputy Clerk of Court and as Registrar designate of both the Court of Appeal and the FSD, with effect from 1st July 2017.

Miss Stacy Parke was appointed Legal Aid Director, with effect from 17th August 2017 and I welcome Mr. Watler's recognition of this important appointment and commitment to support Ms. Parke in the operation of the Legal Aid Clinic to be established.

As many of you would know, these are posts which must by law, be filled by persons having legal qualification and experience and I am pleased to note that each of these ladies joined the administration having had significant practical experience within the Islands.

We of course wish them every success as they undertake their

demanding duties and urge especially the members of the profession to give them your support and co-operation.

Interns and Judicial Clerks

Our now well established internship programme continued apace last year when we accommodated 16 new interns from different backgrounds, including 6 at University level. Intern Bryanna Davis was recognised by the Portfolio of the Civil Service as an Outstanding Intern, for displaying a strong commitment to her duties at the Judicial Administration.

This brings the number of interns employed since 2013 to 69.

Last year also saw the successful introduction of the Judicial Clerkship programme, sponsored in conjunction with the Profession through the CILS and CBA. Two very impressive trainee lawyers, Erin Panton and Yannick Whorms each spent 4 weeks of their articles shadowing judges and magistrates and becoming familiar with the workings of the Court Registries.

Justice Williams, who oversees the program and collates the

assessments, tells me that he was very pleased with the aptitude and dedication of the Clerks.

LEGAL AID

Since she assumed office, many issues arising for the implementation of the new Law (the Legal Aid Law 2015) have been raised by the Director and I have met with her and the Court Administrator for their resolution. The Director's first report on the work of her office will be published along with this report.

Of particular note, she reports that:

1. The active list of legal aid attorneys comprise

- Civil and Family Practice – 46;
- Criminal practice – 29;
- Duty Counsel- 23.

2. In 2017, the number of Criminal Legal Aid Applications received was 353. The number granted was 284 (not including applications and grants for extension of certificates).

3. In 2017, the number of Civil/Family Legal Aid applications received was 302. The number granted was 190 (not including applications and grants for extension of certificates).
4. From the figures provided by the Accounts Department, the amount paid out for legal aid matters in 2017 (including Q.C. fees, expert fees and reports, etc.) was \$2,845,813.18.

E-FILING

Upgrade to the Judicial Database which is called JEMS AMANDA is near completion. Features of the new database will allow clients to file and monitor their cases, and to pay relevant fees online. A pilot will commence in March in the Financial Services Division to test the Electronic Filing system, whereby attorneys (and ultimately private litigants in person) may file proceedings from the comfort and convenience of their homes or offices. A number of firms both large and small, along with representatives of the Finance Users Committee have agreed to participate in the pilot. These include:

- Ogiers
- Carey Olsen
- Maples and Calder
- Walkers
- Deloitte
- Grant Thornton Cayman Islands
- CIMA
- Cayman Finance
- KSG Law
- Samson Law
- Broadhurst

A similar initiative will be launched in the Criminal Division later this year, along with APEX CURIA, to facilitate electronic filings by the Director of Public Prosecution, the RCIPS, attorneys, and other stakeholder government departments. This platform will also allow for enhanced case management of criminal files, greater synergies between the parties in criminal cases, and provides modern tools for the judiciary to manage their cases, and to perform their relevant judicial functions.

The Court is embarking on these initiatives to bring about greater efficiency to the administration of justice, to allow litigants in person to have greater access to justice and control over matters, and to allow for greater synergies between parties as it relates to pre-trial preparation,

service of documents, and ultimately increased use of electronic materials during the trial process.

CASE DISPOSAL

While we disposed of 104 indictments last year (coincidentally with 104 new indictments filed), the large number of indictments carried over from year to year has become a chronic problem. 100 indictments were carried over from 2017 (14 of these being the subject of arrest warrants). This is a clear indication of the stress under which the justice system is being forced to operate because of the lack of proper court facilities. The same is true of criminal case disposal in the summary courts. Trials in the summary courts have to be postponed with alarming regularity because of the unavailability of courtrooms and so 674 criminal charges were carried over from 2017.

The result is that justice is being delayed for persons facing criminal charges and we are at the stage where this kind of delay becomes tantamount to denial of justice.

For this reason, I will not follow the usual format this year of discussion in detail of the statistics on case disposal. Given the prevailing circumstances which I will describe in more detail below about the Court Building project, such a report it seems to me, would be an exercise in futility. It is pointless discussing matters such as the rate of case disposal for the sake of reassuring the public that we can deliver justice in a timely fashion, while knowing that there are no plans in place which will allow us to continue to do so.

Instead, I will make the focus of my report this year once more about the need for the facilities. Neither the Government nor the public should be in any doubt what the consequences will be if we continue to fail to provide adequate court facilities. My Report will be published immediately following these proceedings along with the statistics on case intake and disposal which will speak for themselves.

A Report prepared by Chief Magistrate Nova Hall on the work of the Summary Courts will also be published along with and incorporated as a part of this Report. You will see the heightened concerns about the sad

state of the court facilities expressed from the point of view of life in the Summary Courts. Like with the Grand Court, the problem is not lack of judicial or administrative capacity, it is lack of courtrooms for the trial of cases.

Her report also includes results on the work of the Drug Rehabilitation Court, the Mental Health Court and the other diversionary programs.

And so I come once more to the subject of the court building.

For nearly three decades successive governments have accepted the need for improved court facilities and expressed commitment to providing them. For at least half of that time, over the last 15 years, successive governments have budgeted in one way or another for the development of a new Court House. And significant sums have been spent, upwards of a million dollars, for the presentation of the formal business case, the preparation of architectural and engineering drawings, site acquisition and planning approval.

This budget year has seen a startling change of course. With the Government committed to some \$300 million for capital expenditure

over the next two years, none of that has been allocated to the Courts.

On the contrary, a sum of \$4 million requested in our budget for land acquisition for the location of a building was removed without any explanation being offered. In light of the exorbitant sums estimated by PWC as the cost of any of the three proposals identified by them in 2016, our intention was to propose the development of the 2008 design on a site to be acquired within the environs of George Town.

In a final bid to ensure that such a project might be progressed over the next two years, the Court Administrator wrote at my request to the Minister of Finance as chairman of the Finance Committee, asking that the position may be reserved when the budget was being debated in November last. The letter also set out the background history of the project and once more emphasized the urgent need for the building. Despite the fact that a copy of this important letter was also sent to the Hon Premier for Cabinet's consideration, no response has been received and no reservation to the budget was made as requested, in order to allow the matter to return to Finance Committee over the next two years.

This new and sudden demonstration of indifference by Government can at best be seen as a failure to understand the true nature of the difficulties confronting the Administration, as we struggle from year to year to ensure that people receive timely justice.

After being assured for many years that the Government understands the needs and was committed to addressing them, I find myself now having to make the case once more for the benefit of Government and the public.

I begin by reading into the record our letter addressed to the Chairman of the Finance Committee copied to the Hon Premier and to which a response is still awaited.

[LETTER READ].

The present situation betrays a lack of vision. Apart from the ramifications for the delivery of justice to our local public to which I will return below, the present situation suggests a lamentable lack of appreciation for the importance to Cayman of the Courts' ability to resolve, in a timely manner, the hundreds of complex international cases

coming before our FSD each year.

Last year alone 286 such cases were filed. Unreasonable delay in the adjudication of any one of these cases could result in serious impairment to the reputation of the Islands as a leading financial center.

I emphasize again this year how very real that potential embarrassment is becoming. I mention but two recent examples. While the year-long trial of the AHAB case was widely publicized for all its complexity and size, what has not been publicized is the fact that the court room had to be fitted out at considerable expense to the parties themselves in order to accommodate the large number of representatives and the technical equipment for the presentation of the evidence.

In another very valuable case, I had to agree, in order to allow the trial to proceed, that the parties should rent a conference room at the Marriott Hotel and fit it out at their expense. While all sides were ready for trial and Justice Segal ready and keen to try the matter, we would otherwise have had no courtroom available for the trial. A postponement would have meant months of delay at great cost to the parties and waste of

valuable assets in the meantime.

These cases are not examples of the way a modern court system should be expected to operate. Modern court rooms capable of accommodating complex trials are now standard facilities in many of our competing jurisdictions. There are anecdotal accounts of professionals who appear here as well as in Singapore, Hong Kong, New York and London expressing disbelief at the state of our court facilities by comparison to those available in these competing jurisdictions. They fairly describe our court facilities as “shabby, cramped and wholly inadequate.”

We must not fail to appreciate that the judiciary and the courts are pivotal for our system of justice and are crucial to the international reputation of the Islands. A main reason why people chose to do business within the Islands is its judicial system’s reputation for independence, integrity, incorruptibility and yes, efficiency as well. When hundreds of millions or even billions of dollars worth of assets are at stake, inefficiency and its resultant delay become intolerable.

Without in the slightest overstating the position, that is exactly the

outcome soon to become the norm, unless the current attitude of governmental neglect is reversed.

I conclude on this subject by returning to the state of accommodations for the administration of justice at the domestic level.

We run courts all day and every day in the Grand and Summary Courts. But cases cannot go ahead in both the Grand Court and the Summary Court simultaneously because of the lack of courtrooms. This is inevitably exacerbated whenever the Court of Appeal is in session. The result, as the Chief Magistrate explains, is that: *“The scheduling of matters often collapsed, because there were insufficient court rooms in which the matters could be listed. There has tended to be last-minute convergences of two court lists before one magistrate. Otherwise, two magistrates have had to share one courtroom, staggering the times that each starts. Naturally, most matters are then adjourned... For over a decade, the Summary Courts could proudly state that they could schedule trials on an emergency basis within days or at most a few weeks, of a first appearance. This is essential when dealing with persons*

on remand (in custody) and often when dealing with persons with no permanent ties to the Islands, (such as immigration offenders). We will still try to prioritize these matters but obviously, all other matters will be delayed for (lack of courtrooms to take them in); and in some cases for quite a few months”.

Needless to say, such long delays are anathema to all notions of justice in a court of summary jurisdiction. But there is simply no hope of avoiding them without more courtrooms.

Another sign of the cramped conditions is that bail applications in chambers must now often be taken in the small library room and in order to avoid delay and the unjustified denial of liberty, applications must now also be taken at lunch time in the judge’s chambers, a time which, obviously should be available for repast and reflection.

Nor may concerns about personal security be overlooked. Judges, magistrates and court staff are forced to deal with cases involving reputedly violent (in custody) defendants in courts 3, 4, 5 and 7 which were never designed for serious criminal cases. When a case is taken in

Court 4, there have been occasions due to the weather when the defendant, jury, court staff and judge all enter and exit by the same door, unavoidably “cheek by jowl”.

I take this occasion to remind government of the serious risks to personal security which are attendant upon the administration of criminal justice in today’s world. These are risks which cannot be adequately addressed unless and until we have the necessary court facilities.

My fervent hope [expressed directly to the Hon Premier and other members of Government as I note their presence with us here today] is that we will receive a positive response from Government to this report in order that we may resume planning immediately for the long overdue and crucially needed facilities.

JUSTICE REFORMS,

The Criminal Justice Reform Committee last year completed the Cayman Islands Sentencing Guidelines on Money Laundering which

were published in October 2017. There is a first draft now being reviewed by the CJRC of the Death by Driving Sentencing Guidelines which are expected to be published by June 2018. Justice Quin, as chairman of the CJRC, has asked me to extend our thanks to all the volunteers who serve on the CJRC for their fine and dedicated work. Members include representatives from the Office of the DPP, the Defence Bar, the Royal Cayman Islands Police Service, Her Majesty's Prisons Service, the Probation Department and the Truman Bodden Law School.

The Criminal Division Grand Court E-Mail Weekly Diary.

This integrated annual spread-sheet form electronic court diary is now fully operational and has received encouraging comments from all its many users. It colour codes, highlights and co-ordinates the fixtures for indictment trials using key headings such as "Jury/Judge Alone Trials", "Custody Defendants", "Child Sex Offences", "Retrials." The diary is sent out weekly to the Crown's law offices, the Defence Bar, Director of Prisons, Dept of Family and Children Services, Probation Officers, the

RCIPS and all others involved in the Grand Court Criminal process.

Justice Quin reports, as the case management judge of the Criminal Division, that despite the constraints of lack of court rooms, last year we continued to avoid gridlock by disposing of more indictments than were filed during the year.

This is borne out by the statistics even while they tell the story of justice delayed being justice denied: 104 new indictments were filed with 100 carried over to 2018.

JUDICIAL OUTREACH AND CONTINUING EDUCATION

Last year we were honoured to have Lord John Thomas, the Lord Chief Justice of England and Wales as our distinguished Guest Lecturer. His interesting and thought provoking lecture on the topic of the importance of Commercial Courts was very well attended. The profession showed its appreciation for the visit of Lord and Lady Thomas by hosting a memorable gala event at the Marriott Hotel.

International Co-operation

The business of mutual legal assistance continued apace last year with a number of requests considered and processed by the Chief Justice as Mutual Legal Assistance Authority under the CAYMAN/US MLAT, with the fine assistance of counsel from the DPP's Office. A number of applications were also taken by the Grand Court pursuant to the Criminal Justice (International Co-operation) Law.

In closing, we join with the movers in their expressions of condolences to their families and appreciation for the lives of the dear departed Justice Kipling Douglas, Attorneys Julene DaCosta-Ebanks, Richard DeLacy QC and Julian Black.

On behalf of all of us here at the Courts we wish for you and your families all the best for the New Year.

[As ever, we are very appreciative of the symbolic support presented by the officers of the RCIPS on parade and ask the Commissioner to convey our thanks to his men and women in uniform].

I thank the movers once more for all their insightful and informative

comments. I am pleased to accede to their motion for the opening of the business of the Courts for the year 2018 and extend our customary invitation to all to join us in the foyer for refreshments [and the presentation of a gift or two] before returning to your busy schedules.

Hon. Anthony Smellie
Chief Justice
17 January 2018.
Grand Cayman.



Cayman Islands
Judicial Administration

Mr. Roy McTaggart
Hon. Minister of Finance
Chairman
Finance Committee
Legislative Assembly

14 November 2017

Through

Mr. Samuel Bulgin, QC
Hon. Attorney General
Portfolio of Legal Affairs
On behalf of Judicial Administration in
Finance Committee

BY HAND

Dear Mr. Chairman,

RE Settlement/Approval of Judicial Administration Budget - New Court House Facility

I write as Chief Officer for Judicial Administration and on behalf of the Hon. Chief Justice, Head of the Judiciary, who is requesting Finance Committee, to issue a qualification in the approval of funding for appropriation reference OE 102, or any appropriation related to the New Court House Project, to allow this matter to return, with the approval of Cabinet, to the Legislature in 2018 for a supplement to Judicial Administration budget.

BACKGROUND

In November 2016¹, PWC completed its cost analysis and prepared to meet with Caucus for approval to a preferred option before continuing the preparation of the OBC. On April 5th, 2017, a presentation was made to Caucus, by the OBC team setting out the cost of each of the three proposals, which ranged from CI\$146 Million to CI\$177.6 Million.

As a result of the affordability concerns, the OBC team, was asked by Caucus to split the project in 2. It was agreed that a range of CI\$40 would be considered for phase 1 which was meant to identify solutions

¹ PWC – Cayman Islands Court Facility Project – Presentation to Caucus – November 2016.



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for domestic courts, which consisted of Family, Civil and Criminal jurisdictions of both the Summary and Grand Courts of the Cayman Islands.

In accordance with this directive, with the help of the then Ministry of District Administration, Judicial Administration prepared its Priorities of the Government 2018 to 2021, which included the following proposal:

- **2018 – Green Field Land - Capital Costs** – CI\$4 million to purchase green field site to construct domestic courts;
- **2018 OBC budget** - \$100k to continue to pay PwC to revise the draft proposal on the phased option prioritizing the domestic courts. These monies would be required to fund to produce new layouts;
- **2019 - Multi Disciplinary Design Fees**
 - Design fees to Tender in 2018 /2019 (70%) – Budget \$4.9M on \$70M capex
 - Design fees in Construction in 2020/2021 (30%) – Budget \$1.05M based on only part of the facility being built with \$35M Capex
- **2019-2021 Management Fees** - recruitment of a new Senior PM to project manage the New Court Facility Project and New GT Police Station but are showing them in both budgets in case one of the projects doesn't proceed as follows :
 - New Senior PM maximum total employment cost including healthcare for family; pension etc – Budget \$130k per annum
 - MPO Overhead costs as per current SLA - \$35K per annum
 - Total cost per annum - \$165k

This proposed funding would have allowed for (a) the purchase of a green field site, as the Half Way Pond site was previously deemed unusable, (b) funding for proposal revision (c) funding for design fees and (d) funding for Management fees.

In the presentation of Judicial Administration's budget all funding proposed to advance the project has been removed, save for Appropriation Reference OE 201 \$200k for OBC costs for 2018 and 2019. These funds are wholly insufficient to allow Judicial Administration or the OBC team to advance on any short term or long term needs for the Court.



Cayman Islands Judicial Administration

Alternatives such as looking at existing structures adjacent to the Court, are now being considered, given the urgent need for additional Grand and Summary Court, Court Rooms, Judges Chambers, and places to house staff. This is due to the fact that significant delays are occurring in many areas in the administration of Justice, in particular in Criminal cases. We must also maintain the high standards of justice delivery which the financial services sector has come to expect and this cannot be done without the badly needed facilities.

Our data shows, that some \$800,000.00 was spent between 2007 and 2009 to advance a New Court House project at the time, and some \$200,000 was spent in 2016 for the new project. Neither of these options has advanced. In the case of the 2007 – 2009 initiative, this was because of the global financial crisis which reached our shores and prevented the Government from being able to fund the project at that time. The more recent expenditure last year resulted in the PWC alternatives mentioned above, none of which proved affordable to Government and so the instructions to approach the project in 2 Phases.

The New Court House facility initiative is now some 27 years old. The need has been publicly recognized and successive Governments have expressed firm commitment to provision of the badly needed facilities. The Court Administration can no longer assure the Cayman public of being able to meet its constitutional obligations for the delivery of timely justice under the current conditions.

The Cayman Islands Government, for some 15 years in principle, has committed to working with the Courts to find a timely solution to the provision of appropriate facilities. However, the length of time that has passed has put sustained and unrealistic stressors and demands on the Judiciary and support staff in our efforts to administer justice to the citizens, residents and those many thousands of overseas professionals and clients who otherwise engage the Cayman Islands through international financial services.

Please note that constitutionally, the Cayman Islands Government has agreed to its obligation to uphold the rule of law and adequately fund and support the Judicial Administration as is clearly set out in section 107 of the Cayman Islands Constitution, 2009 which states:

The Legislature and the Cabinet shall uphold the rule of law and judicial independence, and shall ensure that adequate funds are provided to support the judicial administration in the Cayman Islands.



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Judicial Administration

In keeping with this commitment, the Hon. Chief Justice, as Head of the Judiciary, is kindly requesting Finance Committee, to issue a qualification in the approval of funding for appropriation reference OE 102, or any appropriation related to the New Court House Project, to allow this matter to return, with the approval of Cabinet, to the Legislature in 2018 for a supplement to Judicial Administration budget.

This would allow for the matter to be fully discussed and agreed before Cabinet and for an appropriate proposal for additional funding to be moved before the Finance Committee with a view to appropriate funding being issued to the Judicial Administration which would meet both the Government's obligations, and the stated urgent needs of the Court.

This request is not being made *in vacuo*: shortly we expect to be able to present viable alternatives to Government which may not require the Government to provide the full capital expenditure at once. It is of crucial importance that the opportunity is afforded for doing so early next year, instead of having to await yet another multi-year budget cycle.

Yours Sincerely

A handwritten signature in blue ink, reading "Suzanne Bothwell", written over a horizontal line.

Suzanne Bothwell
Court Administrator

Cc: Hon. Chief Justice

JUDICIAL AND COURT STATISTICS

Cases filed per year	2008	2009	2010[R]	2011[R]	2012	2013	2014	2015	2016	2017
Privy Council	0	0	3	0	2	0	3	4	7	7
Court of Appeal										
Criminal	33	28	38	30	27	39	33	28	35	33
Civil	16	19	26	16	24	29	24	24	18	28
Grand Court										
Summary Ct. Appeals										
Criminal	50	65	85	54	30	20	27	44	37	25
Civil	3	0	0	0	0	0	0	0	0	2
Indictments	102	70	109	114	139	98	109	108	121	104
Civil (incl. Admiralty)	480	482	408	478	587	446	297	318	250	222
FSD (from Nov. 2009)	-	67	280	206	176	157	167	255	225	280
Family Matters	215	232	292	271	287	271	286	260	245	290
Estate Matters	154	140	129	116	138	135	138	136	171	212
Summary Court										
Criminal (incl. Traffic)	9,678	-	-	-	-	-	-	-	-	-
Criminal	1506	1228	1301	1290	1260	1579	1591	1641	1451	1342
Traffic	8172	10011	9293	4687	5909	7020	5959	6028	6886	5320
Youth	178	138	114	92	97	109	98	98	49	90
Juvenile (now Family)	46	44	50	66	49	23	33	63	53	54
Civil	467	430	407	478	347	421	342	318	321	252
Maintenance and Affiliation	101	118	124	138	113	108	101	118	142	80
Coroner	-	26	33	60	61	51	43	55	55	54
Cayman Brac	68	3349	219	147	209	171	122	126	196	97
Mental Health	-	-	-	-	-	-	-	-	25	26
Other Services										
Drug Rehab Court										
Applications	78	94	74	60	54	45	41	54	44	54
Graduates	0	17	23	15	13	6	10	8	13	14
Legal Aid										
Criminal	173	176	187	208	276	370	303	285	242	353
Civil	223	156	160	244	281	313	341	232	211	302
Attorneys										
Licensed to practice	511	524	541	553	582	657	625	566	541	611
Limited Admissions	36	100	121	96	56	63	133	75	70	83
General Admissions	92	54	74	57	70	68	132	81	84	70
Notaries Public	445	467	467	480	501	543	587	588	622	575
Justices of the Peace										
Grand Cayman	136	136	136	137	162	166	177	176	179	175
Cayman Brac and Little Cayman	28	28	28	28	30	30	30	30	30	28

Cayman Islands Judiciary

Case Level Disposition Report

Selection on Case Disposition Date

From: 01/01/2017 To: 12/31/2017

Sorted By: Judge name, Disposition date, Case number

DATE	CASE NUMBER	DISPOSITION	NAME	CASE TYPE
Justice Alistair Malcolm				
9/25/2017	IND0029/2017	Nolle prosequi	Barnes, Joshua	Indictment
	Total for 9/25/2017	1		
10/2/2017	IND0038/2017	Nolle prosequi	Bush, Aaron	Indictment
	Total for 10/2/2017	1		
10/11/2017	IND0073/2013	Imprisonment	Crawford, Robert	Indictment
	Total for 10/11/2017	1		
10/23/2017	IND0108/2014	Defendant discharged	Robinson, Dalton	Indictment
	Total for 10/23/2017	1		
10/26/2017	IND0119/2016	Aquitted	Jackson, Harrison	Indictment
	Total for 10/26/2017	1		
10/27/2017	IND0042/2017	Defendant discharged	Rankine, Daniel	Indictment
	Total for 10/27/2017	1		
	Total for Justice Alistair Malcolm	6		

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Case Level Disposition Report

Selection on Case Disposition Date

From: 01/01/2017 To: 12/31/2017

Sorted By: Judge name, Disposition date, Case number

DATE	CASE NUMBER	DISPOSITION	NAME	CASE TYPE
Justice C Quin				
1/10/2017	IND0112/2014	Imprisonment	Linwood-Walter, Dilroy	Indictment
	Total for 1/10/2017	1		
1/11/2017	IND0016/2016	Imprisonment	Ebanks, Tony	Indictment
	Total for 1/11/2017	1		
1/12/2017	IND0052/2011	Imprisonment	Kelly, Dan	Indictment
	Total for 1/12/2017	1		
1/13/2017	IND0042/2016	Nolle prosequi	Llewelyn, Mark	Indictment
	Total for 1/13/2017	1		
1/20/2017	IND0047/2014	Left on file	Cranston, David	Indictment
1/20/2017	IND0075/2014	Left on file	Cranston, David	Indictment
	Total for 1/20/2017	2		
2/17/2017	IND0022/2015	Defendant discharged	Stewart, Devon	Indictment
	Total for 2/17/2017	1		
2/21/2017	IND0041/2016	Suspended sentence	Peralta, Pedro	Indictment
	Total for 2/21/2017	1		
2/24/2017	IND0107/2016	Aquitted and Discharged	Myles, James	Indictment
	Total for 2/24/2017	1		
3/3/2017	IND0041/2015	Fined	Glasgow, Ava	Indictment
	Total for 3/3/2017	1		
3/10/2017	IND0006/2017	Nolle prosequi	Ebanks-Pol, Dariel	Indictment
3/10/2017	IND0117/2016	Nolle prosequi	Connor, Sven	Indictment

Print Date: 01/16/2018

Print Time: 4:31:04PM

Requested By: cecile_ju

Cayman Islands Judiciary

Case Level Disposition Report

Selection on Case Disposition Date

From: 01/01/2017 To: 12/31/2017

Sorted By: Judge name, Disposition date, Case number

DATE	CASE NUMBER	DISPOSITION	NAME	CASE TYPE
3/10/2017	IND0118/2016	Nolle prosequi	Connor, Sven	Indictment
	Total for 3/10/2017	3		
3/17/2017	IND0087/2014	Imprisonment	Cranston, David	Indictment
	Total for 3/17/2017	1		
3/22/2017	IND0116/2016	Nolle prosequi	Brown, Jayson	Indictment
	Total for 3/22/2017	1		
3/30/2017	IND0090/2011	Nolle prosequi	Kelly, Dan	Indictment
	Total for 3/30/2017	1		
4/6/2017	IND0003/2017	Nolle prosequi	Nairne, Canute	Indictment
	Total for 4/6/2017	1		
4/11/2017	IND0091/2016	Withdrawn	Chin C/O Tc Fahrenheit Ltd., Theresa	Indictment
	Total for 4/11/2017	1		
4/26/2017	IND0016/2013	Defendant discharged	Ebanks, Atisa	Indictment
	Total for 4/26/2017	1		
6/20/2017	IND0051/2016	Nolle prosequi	Rodney, Jermaine	Indictment
	Total for 6/20/2017	1		
6/22/2017	IND0024/2015	Nolle prosequi	Christian, Jerry	Indictment
	Total for 6/22/2017	1		
6/26/2017	IND0050/2014	Suspended sentence	Trench, Shantelle	Indictment
6/26/2017	IND0073/2015	Defendant discharged	Dell, David	Indictment
6/26/2017	IND0086/2016	Suspended sentence	Missick, Desly	Indictment
	Total for 6/26/2017	3		

Print Date: 01/16/2018
 Print Time: 4:31:04PM
 Requested By: cecile_ju

Cayman Islands Judiciary

Case Level Disposition Report

Selection on Case Disposition Date

From: 01/01/2017 To: 12/31/2017

Sorted By: Judge name, Disposition date, Case number

DATE	CASE NUMBER	DISPOSITION	NAME	CASE TYPE
6/27/2017	IND0049/2016	Imprisonment	Duffell, Ian	Indictment
	Total for 6/27/2017	1		
7/7/2017	IND0029/2014	Imprisonment	Ebanks, Patti	Indictment
	Total for 7/7/2017	1		
7/11/2017	IND0076/2016	Aquitted	Taylor, Christopher	Indictment
	Total for 7/11/2017	1		
7/17/2017	IND0038/2015A	Nolle prosequi	Carter, Ezekiel	Indictment
	Total for 7/17/2017	1		
7/25/2017	IND0061/2015	Imprisonment	Myles, Paul	Indictment
7/25/2017	IND0078/2016	Imprisonment	Kelly, Antonio	Indictment
7/25/2017	IND0081/2015	Imprisonment	Rae-Smith, Christine	Indictment
	Total for 7/25/2017	3		
8/11/2017	IND0030/2016	Nolle prosequi	Ebanks, Bjorn	Indictment
	Total for 8/11/2017	1		
8/24/2017	IND0077/2015	Imprisonment	Kelly, Antonio	Indictment
	Total for 8/24/2017	1		
9/6/2017	IND0043/2016	Imprisonment	Facey, Jimmall	Indictment
9/6/2017	IND0044/2016	Imprisonment	Facey, Jimmall	Indictment
	Total for 9/6/2017	2		
9/12/2017	IND0026/2017	No case to answer	Hurlston, Gary	Indictment
	Total for 9/12/2017	1		
9/14/2017	IND0030/2017	Suspended sentence	Johnson, Tyrec	Indictment

Print Date: 01/16/2018

Print Time: 4:31:04PM

Requested By: cecile_ju

Cayman Islands Judiciary

Case Level Disposition Report

Selection on Case Disposition Date

From: 01/01/2017 To: 12/31/2017

Sorted By: Judge name, Disposition date, Case number

DATE	CASE NUMBER	DISPOSITION	NAME	CASE TYPE
Total for 9/14/2017		1		
9/18/2017	IND0040/2017	Imprisonment	Silburn Jr., Garfield	Indictment
9/18/2017	IND0053/2016	Imprisonment	Jefferson, Michael	Indictment
9/18/2017	IND0112/2016	Imprisonment	Ebanks, Jay	Indictment
9/18/2017	IND0114/2016	Imprisonment	Bodden, Josh	Indictment
Total for 9/18/2017		4		
12/13/2017	IND0055/2017	Aquitted and Discharged	Brown, Alvin	Indictment
Total for 12/13/2017		1		
Total for Justice C Quin		42		

Cayman Islands Judiciary

Case Level Disposition Report

Selection on Case Disposition Date

From: 01/01/2017 To: 12/31/2017

Sorted By: Judge name, Disposition date, Case number

DATE	CASE NUMBER	DISPOSITION	NAME	CASE TYPE
Justice Carter (Actg)				
8/4/2017	IND0021/2017	Imprisonment	Nairne, Conroy	Indictment
8/4/2017	IND0047/2016	Nolle prosequi	Miller Jr., Harold	Indictment
	Total for 8/4/2017	2		
11/16/2017	IND0043/2017	Probation	Johnson, Jevon	Indictment
	Total for 11/16/2017	1		
12/14/2017	IND0048/2017	Probation	McField, Ivan	Indictment
	Total for 12/14/2017	1		
	Total for Justice Carter (Actg)	4		

Cayman Islands Judiciary

Case Level Disposition Report

Selection on Case Disposition Date

From: 01/01/2017 To: 12/31/2017

Sorted By: Judge name, Disposition date, Case number

DATE	CASE NUMBER	DISPOSITION	NAME	CASE TYPE
Justice Chapple (Actg)				
12/1/2017	IND0066/2017	No case to answer	Forrester, Leshawn	Indictment
	Total for 12/1/2017	1		
12/13/2017	IND0012/2017	Aquitted	Mothen, Tashika	Indictment
	Total for 12/13/2017	1		
12/14/2017	IND0023/2017	Imprisonment	Hewitt, Kashwayne	Indictment
12/14/2017	IND0024/2017	Imprisonment	Tibbetts, Daniella	Indictment
	Total for 12/14/2017	2		
12/20/2017	IND0036/2017	Imprisonment	Williams Jr, Joseph	Indictment
	Total for 12/20/2017	1		
12/21/2017	IND0082/2016	Imprisonment	Jarrett, Latecia	Indictment
	Total for 12/21/2017	1		
	Total for Justice Chapple (Actg)	6		

Cayman Islands Judiciary

Case Level Disposition Report

Selection on Case Disposition Date

From: 01/01/2017 To: 12/31/2017

Sorted By: Judge name, Disposition date, Case number

DATE	CASE NUMBER	DISPOSITION	NAME	CASE TYPE
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Justice Graham

10/24/2017	IND0072/1995	Imprisonment	Johnson, Victor	Indictment
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Total for	10/24/2017	1
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Total for	Justice Graham	1
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Cayman Islands Judiciary

Case Level Disposition Report

Selection on Case Disposition Date

From: 01/01/2017 To: 12/31/2017

Sorted By: Judge name, Disposition date, Case number

DATE	CASE NUMBER	DISPOSITION	NAME	CASE TYPE
Justice M Wood				
6/6/2017	IND0059/2016	Aquitted and Discharged	Barnes, Andy	Indictment
	Total for 6/6/2017	1		
6/8/2017	IND0095/2016	Defendant discharged	Ebanks Navaez, Frank	Indictment
	Total for 6/8/2017	1		
6/13/2017	IND0015/2017	Defendant discharged	Nueva, Edgardo	Indictment
	Total for 6/13/2017	1		
6/23/2017	IND0009/2017	Suspended Supervision order	Morrison, Anthony	Indictment
6/23/2017	IND0010/2017	Imprisonment	Powell, Jordan	Indictment
6/23/2017	IND0033/2016	Imprisonment	Samy, Theo	Indictment
6/23/2017	IND0037/2017	Imprisonment	Smith, John	Indictment
6/23/2017	IND0070/2016	Imprisonment	Powery-Monterroso, Torry	Indictment
6/23/2017	IND0113/2016	Suspended sentence	Jackson, Mirian	Indictment
	Total for 6/23/2017	6		
7/14/2017	IND0125/2016	Imprisonment	Jackson, Jason	Indictment
	Total for 7/14/2017	1		
7/18/2017	IND0004/2017	Aquitted and Discharged	Powell, Sheallion	Indictment
	Total for 7/18/2017	1		
7/25/2017	IND0017/2017	Aquitted and Discharged	Taylor, Siegel	Indictment
	Total for 7/25/2017	1		
8/3/2017	IND0016/2017	Imprisonment	Stephens, Ato	Indictment
8/3/2017	IND0052/2016	Suspended sentence	McField, Fabian	Indictment

Print Date: 01/16/2018

Print Time: 4:31:04PM

Requested By: cecile_ju

Cayman Islands Judiciary

Case Level Disposition Report

Selection on Case Disposition Date

From: 01/01/2017 To: 12/31/2017

Sorted By: Judge name, Disposition date, Case number

DATE	CASE NUMBER	DISPOSITION	NAME	CASE TYPE
8/3/2017	IND0075/2016	Aquitted	Gutierrez, Eduardo	Indictment
Total for 8/3/2017		3		
Total for Justice M Wood		15		

Cayman Islands Judiciary

Case Level Disposition Report

Selection on Case Disposition Date

From: 01/01/2017 To: 12/31/2017

Sorted By: Judge name, Disposition date, Case number

DATE	CASE NUMBER	DISPOSITION	NAME	CASE TYPE
Justice McDonald-Bishop				
12/15/2017	IND0014/2017	Imprisonment	Ebanks, Ronnie	Indictment
Total for 12/15/2017		1		
Total for Justice McDonald-Bishop		1		

Cayman Islands Judiciary

Case Level Disposition Report

Selection on Case Disposition Date

From: 01/01/2017 To: 12/31/2017

Sorted By: Judge name, Disposition date, Case number

DATE	CASE NUMBER	DISPOSITION	NAME	CASE TYPE
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Justice Panton

7/25/2017	IND0028/2014	Imprisonment	Kelly, Antonio	Indictment
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Total for	7/25/2017	1
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Total for	Justice Panton	1
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Cayman Islands Judiciary

Case Level Disposition Report

Selection on Case Disposition Date

From: 01/01/2017 To: 12/31/2017

Sorted By: Judge name, Disposition date, Case number

DATE	CASE NUMBER	DISPOSITION	NAME	CASE TYPE
Justice St. John-Stevens				
8/18/2017	IND0054/2014	Imprisonment	Syed, Hassan	Indictment
Total for 8/18/2017		1		
Total for Justice St. John-Stevens		1		

Cayman Islands Judiciary

Case Level Disposition Report

Selection on Case Disposition Date

From: 01/01/2017 To: 12/31/2017

Sorted By: Judge name, Disposition date, Case number

DATE	CASE NUMBER	DISPOSITION	NAME	CASE TYPE
Justice Swift				
4/28/2017	IND0079/2016	Nolle prosequi	Powell, Craig	Indictment
	Total for 4/28/2017	1		
5/5/2017	IND0034/2016	Nolle prosequi	Ebanks, Joshua	Indictment
	Total for 5/5/2017	1		
5/9/2017	IND0012/2015	Nolle prosequi	Ebanks, Lewis	Indictment
	Total for 5/9/2017	1		
5/12/2017	IND0006/2015	Nolle prosequi	Solomon, Aaron	Indictment
	Total for 5/12/2017	1		
5/30/2017	IND0092/2016	Imprisonment	Thompson, Fabian	Indictment
5/30/2017	IND0101/2014	Imprisonment	Gidarsingh, Rohan	Indictment
	Total for 5/30/2017	2		
	Total for Justice Swift	6		

Cayman Islands Judiciary

Case Level Disposition Report

Selection on Case Disposition Date

From: 01/01/2017 To: 12/31/2017

Sorted By: Judge name, Disposition date, Case number

DATE	CASE NUMBER	DISPOSITION	NAME	CASE TYPE
Justice Worsley, Paul				
2/22/2017	IND0050/2016	Left on file	Jackson, Justin	Indictment
2/22/2017	IND0120/2016	Imprisonment	Green, Christopher	Indictment
	Total for 2/22/2017	2		
2/23/2017	IND0045/2016	Suspended sentence	Reid, Sandra	Indictment
	Total for 2/23/2017	1		
3/3/2017	IND0015/2015	Imprisonment	Whittaker, James	Indictment
	Total for 3/3/2017	1		
3/14/2017	IND0054/2016	Defendant discharged	Bodden, Ovideo	Indictment
	Total for 3/14/2017	1		
3/23/2017	IND0002/2016	Aquitted and Discharged	Llewelyn, Mark	Indictment
	Total for 3/23/2017	1		
3/31/2017	IND0042/2015A	Imprisonment	Montaque, Keith	Indictment
3/31/2017	IND0042/2015B	Imprisonment	McLaughlin, Walter	Indictment
	Total for 3/31/2017	2		
4/25/2017	IND0033/2015	Probation	Silva, Dinesh	Indictment
	Total for 4/25/2017	1		
4/28/2017	IND0085/2016	Imprisonment	Ebanks, James	Indictment
	Total for 4/28/2017	1		
5/26/2017	IND0042/2015	Dismissed	Montaque, Keith	Indictment
	Total for 5/26/2017	1		
	Total for Justice Worsley, Paul	11		

Cayman Islands Judiciary

Case Level Disposition Report

Selection on Case Disposition Date

From: 01/01/2017 To: 12/31/2017

Sorted By: Judge name, Disposition date, Case number

DATE	CASE NUMBER	DISPOSITION	NAME	CASE TYPE
TOTAL for PERIOD		94		

MEMORANDUM

TO: HON. CHIEF JUSTICE
FROM: LEGAL AID DIRECTOR
CC: COURT ADMINISTRATOR
DATE: 15.01.2018
SUBJECT: BRIEF UPDATE ON LEGAL AID MATTERS FOR 2017

1. The active list of legal aid Attorneys are as follows:
 - Civil and Family – 46
 - Criminal - 29
 - Duty Counsel - 23
2. In 2017, the number of **Criminal Legal Aid Applications registered was 353**. The number criminal legal aid matters granted were 284 (these numbers do not include requests for extension).
3. In 2017, the number of **Civil/ Family Legal Aid applications registered was 302**. The number of civil/family legal aid granted were 190 (these numbers do not include requests for extensions).
4. From the figures provided by our Accounts Department, the amount of money paid out from the Fund in 2017 for Legal Aid matters (including Q.C fees, expert fees and reports etc) was **\$2,845,813.18**. See attached a breakdown of payments to various firms and Attorneys for the year 2017.
5. There has been a concerted effort clarify to the Attorneys what is expected of them under the new Legal Aid Law. Since August 2017, two updated memos have been circulated to all Attorneys encouraging them to familiarize themselves with the Law and their obligations. In particular we sought to clarify the requirements for bills of costs and what is allowed on taxation. We have also streamlined the processing of Attorneys payments and Attorneys are being paid much more quickly than before (example: see attached email from Mr. Dixey commenting on the same recently). Delays in payments may occur if the Taxation Officer seeks clarification on items claimed, non-compliance with conditions on the grant, late extension requests or late filing of the bills of costs and appeals for re-taxation.

6. In early (February) 2018, we intend to standardized and update the format required for all bills of costs. We already have a draft format that will make the input of data and submission easier for all matters. (Please see attached email with the suggested draft bill of costs format) There are some minor amendments to be made to the suggested draft format, to include for example, the declaration by the Attorney that the contents and claims made on the bill are accurate and in accordance with the Law. Section 34 of the Law provides that, *"An Applicant, an Assisted Person or an Attorney at Law who, for the purposes of this Law, knowingly makes a false statement or knowingly supplies false information commits an offence and is liable on summary conviction to a fine of three thousand dollars or imprisonment for a term of six months or both."*
7. We have been following up and recovering funds in a number of civil matters (in 2017 approximately \$226,763.81). We seek the cooperation of the Assisted Civil Attorneys to note their obligations under the Law (section 9 of the Legal Aid Regulations) and also to ensure that applications are made for costs and that the Legal Aid Department is advised if an Assisted Person financial situations changes or they receive any significant financial settlements. We are also following up on arrears of contributions and ensuring that Assisted Persons observe the conditions of their grant.

If any further specific details are required, please advise us of the same.

Stacy Parke
Legal Aid Director

Overview of the Summary Courts for 2017

During 2017, the Summary Court continued to face challenges and dealt with same as best as possible. A few matters are highlighted below.

The work of the Summary Court was covered by the three permanent Magistrates: Chief Magistrate Nova Hall; Magistrate Valdis Foldats and Magistrate Kirsty-Ann Gunn and five acting Magistrates: Eileen Nervik; Grace Donalds; Angelyn Hernandez; Adam Roberts and Philippa McFarlane. Courts sit daily in Grand Cayman and once per month for two days in Cayman Brac.

The work of the Summary Court continues to cover the following areas of law: Criminal; Traffic; Civil; Family and Children. There are specialized Courts for Coroner's Inquests and Youth. There are also diversionary Courts - the Flagship project being the Drug Rehabilitation Court. There is also a Mental Health Court, a Non-Violence Review Court and a continuing programme for dealing with offenders charged with Driving While Intoxicated or other alcohol related offences.

New Approach to Listing

Starting in January 2018, a new approach has been adopted for the scheduling of the acting Magistrates to deal with Criminal and Traffic matters.

For every two-week period, one Magistrate will sit Mondays to Thursdays to deal with Criminal Matters and another Magistrate will sit Mondays to Thursdays to deal with Traffic Matters. The full-time Magistrates will mainly deal with Criminal lists but also Civil, Children and Family matters.

Acting Magistrates who are not assigned for any given two-week period will be on standby to fill in as necessary.

Another new approach is that the Summary Courts will aim to schedule one Criminal Mention Court per day and one Criminal Trial Court per day instead of two. A single Traffic Court will continue as usually scheduled. It is hoped that a reduction of the number of Criminal Courts on a daily basis will immediately cut down on the Summary Court's need for more than three courtrooms per day. Sometimes the Summary Court is not even guaranteed the usual three: Court #2, Court #7 and the Town Hall.

Please note however, that two Criminal Trial Courts will be scheduled on a given day whenever it is necessary.

The immediately foreseeable effect of a lessening of the number of Criminal Trial Courts is that Criminal matters will take longer to be completed. However, that also happens where several Trial Courts are scheduled but collapse due to a lack of courtroom space.

Lack of Courtroom Facilities

Presently the Summary Court still fights with the Grand Court for courtroom space. Magistrates have continued to be displaced by the Criminal Division of the Grand Court and occasionally, the Financial Services Division. Sessions of the Court of Appeal does also cause some dislocation but inasmuch as this Court sits seasonally, it's presence can be anticipated and planned for.

The scheduling of Trial matters often collapsed, because there were insufficient courtrooms in which the matters can be listed. There has tended to be last-minute convergences of two Court lists before one

Magistrate. Otherwise two Magistrates have shared one courtroom, staggering the times that each start. Naturally, most matters are then adjourned.

This year, the Summary Court is trying to deliberately reduce its lists to one Mention Courts and one Trial Court on a daily basis. This will lead to a delay in the adjudication of matters. For over a decade, the Summary Court could proudly state that it could schedule trials on an emergency basis within days/weeks of a first appearance. This was particularly useful when dealing with persons on remand and more frequently, persons with no permanent ties to the Cayman Islands such as a work permit. We will still prioritize these matters but obviously, all other matters will be delayed; and in some cases, for quite a few months.

This problem will not end until the government of the Cayman Islands allocates more funds for courtrooms.

The Unrepresented Persons Trial (“Backlog”) Court

This Court deals solely with Criminal Trials for unrepresented Defendants. After an absence in 2016, this Court resumed after the first quarter of 2017 with mixed results.

This Court was resumed so that the Trials of unrepresented Defendants could be listed before a Magistrate in a timely fashion. Ordinarily in any mixed list, the Trials involving Defence Counsel, take precedence. The performance of this Court had been overwhelmingly positive in 2014 and 2015.

At the end of October 2016, the Legal Aid Law, 2015 came into effect; and it widened the categories of cases for which a grant of legal aid can be obtained. The Summary Court discovered that suddenly there were

less unrepresented matters to list for Trial. That was good but it meant that there was no consistent batch of unrepresented Trial matters on a day to day basis. There might be no matters on certain days and only one matter on other days. Taken in conjunction with the unavailability of courtrooms, often the combination of unrepresented Defendants being in the same Trial list with represented Defendants could not be avoided.

In 2018, there will not be a dedicated Unrepresented Defendant Trial Court but every effort will be made to separate Trials where possible.

Other Challenges faced by the Summary Court.

The majority of the work of the Summary Court still involves Criminal matters. Criminal Courts sit daily and even with the proposed scheduling changes, the emphasis will remain on getting as many Criminal matters completed as possible. Urgent Criminal Trials will continue to get priority listings.

It is desired to schedule more Civil matters and Inquests. Ideally, each division would have a full-time Court sitting throughout the week. However until further courtroom resources are made available to the Summary Court, nothing can be done in this area.

Another continuing difficulty is the need for efficient support from Computer Systems.

An increased usage of computer systems in the Magistrates' Courts has greatly enhanced the efficiency of these Courts.

The Criminal Courts have benefitted from the video-link facilities set up between the courtrooms and HMP Northward. This has reduced the

number of prison inmates who have to be transported to the Courts when their matters are listed for mention.

Contested Children and Civil matters have also been in a position to proceed when one of the parties or a witness gave their testimony via Skype or Zoom. As such, matters did not have to be delayed until these persons were in the jurisdiction.

The Criminal and Traffic Courts could still benefit from computers in the courtrooms, allowing them to efficiently set Trial matters based on that which has already been listed. The information required is not only the total number of Trials already set for one day but also: the number of Trials which are part heard before particular Magistrates, the number which are listed for periods ranging from one full day to one full work week and the number which are otherwise marked as priority due to reasons such as witnesses attending from overseas or Defendants being in custody on remand.

This has long been promised and it is hoped that it will come to fruition in 2018.

Coroner's Inquests

The Summary Court owes a continuing debt of gratitude to Acting Magistrate Nervik for her dedicated work in the area of the Coroners Law. She has effectively taken over an area of Summary Court work which is not very popular and has cleared up many outstanding matters. In 2017, she disposed of 94% of the filed Coroners matters.

The Diversionary Courts

A subset of the Criminal Courts are the Diversionary Courts which are discussed below.

The Drug Rehabilitation Court (Drug Court)

In October 2017, the Drug Court celebrated its tenth year of operation. Six persons graduated from the Drug Court on November 30, 2017 bringing the total number of graduates since inception to 120 (104 males and 16 females).

At the end of 2017, the Courts received an Evaluation Report on the operation of the Drug Court so far. This was prepared by Mrs. Joan West-Dacres, Director of the National Drug Council and Dr. Ken-Garfield Douglas, Drug Abuse Epidemiologist and Public Health Specialist, who has notable experience in this area.

The Report has not yet been formally released.

Using the information which was available, the Evaluation was quite positive. Recommendations were also made by the Evaluators about tools which can be put in place by Judicial Administration; to easily provide the information necessary for future and ongoing evaluations.

The Chief Magistrate is still interested in establishing a Juvenile Drug Court. Existing programmes are being examined.

Mental Health Court

This Court continues to meet on the third Wednesday afternoon of every month. Its continuing goal is to stabilize the condition of each client.

Meetings have taken place in 2017 between the Courts and other stakeholders towards establishing a proper framework of operation for this Court. The lack of an appropriate treatment facility and other resources remain the main stumbling blocks for this program. In the interim the Crown and the Courts, guided by the professionals in the Mental Health field, are working on getting out draft legislation for the proper operation of this Court.

It is hoped that great strides can be made in this area in 2018.

New Initiatives For Domestic Violence Courts

In 2017, the Director of Public Prosecution and the Commissioner of Police spearheaded a working group to deal with cases of Domestic Violence. The aim of this project is to put together an agreement involving the police, the Summary Court, the Department of Community Rehabilitation and Crown prosecution whereby all steps were taken to fast track complaints of domestic violence.

Within this Specialist Domestic Violence Court (SDVC) charges would be filed and the Defendant would appear before the Summary Court within weeks of initial complaint. The current system allows for a long lag-time which often leads to the victim (Complainant) feeling that matters are not being dealt with expeditiously. This frequently leads to a recantation of the original complaint; often for reasons of expediency (financial fears etcetera).

The SDVC required the commitment of all agencies to put in place the resources required to facilitate the extremely expeditious dealing of these charges and the counseling of the Complainant. A great deal of work was put into this initiative. The final Memorandum of Understanding has not yet been signed because not all agencies have been able to commit the necessary resources. It is hoped that this programme will commence in 2018.

In the Interim, as part of the Summary Court's diversionary programme, Non-Violence Review cases are considered on the second Wednesday morning of each month.

Under the existing system, the participants, male and female, still come from one of two tracks. They either pled guilty and await sentencing; or they denied the charge but at the Crown's urging, indicated a willingness to attend a diversionary program. Successful completion usually results in no conviction being recorded against the first group or the charge being left on file or no evidence being offered for the second group.

Participants attend the Men's Non-Violence Programme, the Anger Management Programme or one of the other programmes dedicated to strengthening domestic partnerships. All of these programmes are run by the Department of Community Rehabilitation and the Probation Officers provide monthly reports to the Courts on each individual's status.

These Courts continue to work well, largely due to the input of the Department of Community Rehabilitation.

Driving While Intoxicated (DWI) Courts

These Courts still do not exist in the Cayman Islands. There however, continues to be a regime whereby persons convicted of DWI or other alcohol related offences, in the Cayman Islands are referred to a Drunk Driving programme run by the Counseling Centre.

Research on this topic shows that where these Courts exist in other jurisdictions, they have been the result of government initiatives which include the provision of funding and tax credits. The rules to run these Courts also appear to emanate entirely from legislation.

If the Cayman Islands is to proceed with such courts, huge input from the government is required both legislatively and financially.

Judicial Clerkships

Judicial Administration under the leadership of the Honourable Chief Justice, Mr. A. Smellie, QC; partnered with the Truman Bodden Law School and local law firms to establish a formal programme of Judicial Clerkship for Articled Clerks.

During the summer of 2017 two clerks each spent four weeks shadowing the judiciary. The Summary Court was pleased to host these persons for one week during each of those months.

Each Clerk was presented with an Overview of the various divisions of the Summary Court and a Schedule of their activities for the week which were prepared by the Chief Magistrate. Thereafter, led by Magistrate Foldats and Acting Magistrate Hernandez, the Clerks attended sessions in several

of the jurisdictions of the Summary Court. At the end of the week they were each evaluated for the programme.

The Summary Court was pleased to participate in this programme and looks forward to the attendance of more Judicial Clerks.

Conclusion.

It can be seen from the foregoing that extensive use has been made of all of the Magistrates on a regular basis, whether acting or permanent. Based on what is currently done and that which it is hoped to be done, a strong case can be made for the appointment of a fourth full-time Magistrate. However, until there is an increase in the courtroom, electronic and other facilities for the Summary Courts; that idea will not come to fruition.

Nova Hall

Chief Magistrate

12th January 2018.

Cayman Islands Judiciary
PENDING CASES REPORT
This report lists all Pending Cases

Sorted by: Filed Date and Case Number

FILED DATE	CASE NUMBER	STATUS	JUDGE	NAME	CASE TYPE
07/19/2017	IND0058/2017	Indictment		Roberts, Richard	Indictment
07/31/2017	IND0062/2017	Indictment		Ebanks, Chadwick Cameron	Indictment
08/28/2017	IND0072/2017	Indictment		Martin, Colburn	Indictment
09/06/2017	IND0073/2017	Indictment		McPherson, Dane Dameon	Indictment
09/06/2017	IND0074/2017	Indictment		Ebanks, Matthew Carlyle	Indictment
10/10/2017	IND0080/2017	Indictment		Connor, Sven Brett	Indictment
11/10/2017	IND0088/2017	Indictment		Webster, Asfa Ijah	Indictment
11/10/2017	IND0089/2017	Indictment		Rankine, Antascio Terrell	Indictment
11/14/2017	IND0090/2017	Indictment		Powery, Nadia Mirinda	Indictment
11/20/2017	IND0091/2017	Indictment		Myles, Andy James	Indictment
11/27/2017	IND0092/2017	Indictment		Maranan, Marvin Tolentino	Indictment
11/27/2017	IND0093/2017	Indictment		Douglas, Judith Franciea	Indictment
11/28/2017	IND0094/2017	Indictment		Bush, Bruce Edwardo	Indictment
11/28/2017	IND0095/2017	Indictment		Ebanks, Allan Wayne	Indictment
11/29/2017	IND0096/2017	Indictment		McLaughlin, William Warren	Indictment
01/11/2018	IND0001/2018	Indictment		McLean, Allen Ronald	Indictment
TOTAL for PERIOD		100			

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02/15/2017	IND0012/2017	Indictment		Mothen, Tashika	Indictment
02/15/2017	IND0013/2017	Indictment		Mothen, Malik Wilford	Indictment
02/28/2017	IND0018/2017	Indictment		Dilbert, Rex Andrew	Indictment
03/08/2017	IND0019/2017	Indictment		Cunningham, Jerome Jamaine	Indictment
03/24/2017	IND0022/2017	Indictment		Powell, George Lenard	Indictment
04/06/2017	IND0023/2017	Indictment		Hewitt, Kashwayne	Indictment
04/06/2017	IND0024/2017	Indictment		Tibbetts, Daniella	Indictment
04/07/2017	IND0025/2017	Indictment		Terry, Claude	Indictment
04/12/2017	IND0027/2017	Indictment		Webster Jr, Carlo Malik	Indictment
04/12/2017	IND0028/2017	Indictment		Conolly - Almendarez, Marvin Xavier	Indictment
05/03/2017	IND0031/2017	Indictment		Bodden, Ronald Truman	Indictment
05/03/2017	IND0032/2017	Indictment		Hydes, Rueben Hesmer	Indictment
05/04/2017	IND0033/2017	Indictment		Solomon, Aaron Kenroy Dwain	Indictment
05/05/2017	IND0034/2017	Indictment		Jackson Martinez, Luciano	Indictment
05/05/2017	IND0035/2017	Indictment		Solomon, Jaron Calvin	Indictment
05/23/2017	IND0039/2017	Indictment		Challenger, Alexis Brian	Indictment
06/01/2017	IND0041/2017	Indictment		Powery, William Cardenas	Indictment
06/21/2017	IND0044/2017	Indictment		Conolly, Gerado	Indictment
06/21/2017	IND0047/2017	Indictment		Whittaker, Matthew Anthony	Indictment
07/06/2017	IND0050/2017	Indictment		Myles, Wayne Carlos	Indictment
07/10/2017	IND0052/2017	Indictment		Solomon, Jaron Calvin	Indictment

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08/11/2016	IND0081/2016	Indictment		Anderson, Admiral	Indictment
08/22/2016	IND0084/2016	Indictment		Bowen, Kevin Curtis	Indictment
08/24/2016	IND0088/2016	Indictment		Myles, Wayne Carlos	Indictment
09/08/2016	IND0093/2016	Indictment		Connor, Sara	Indictment
09/19/2016	IND0096/2016	Indictment		Webster, Errington A	Indictment
09/23/2016	IND0099/2016	Indictment		Myles, Wayne Carlos	Indictment
09/23/2016	IND0100/2016	Indictment		Anglin-Lewis, Paulette	Indictment
09/26/2016	IND0101/2016	Indictment		Ebanks, Alexander Adrian	Indictment
09/26/2016	IND0102/2016	Indictment		Myles, Wayne Carlos	Indictment
10/04/2016	IND0108/2016	Indictment		Rankine, Antascio Terrell	Indictment
10/04/2016	IND0109/2016	Indictment		Ebanks-Pol, Madeinys	Indictment
10/04/2016	IND0110/2016	Indictment		Gea, Adrian Adela	Indictment
12/09/2016	IND0122/2016	Indictment		Howell, Javier	Indictment
12/12/2016	IND0124/2016	Indictment		Patrick, Emily	Indictment
12/21/2016	IND0126/2016	Indictment		Stewart, Devon Alanzo	Indictment
01/05/2017	IND0001/2017	Indictment		Oliver, Gary Steven	Indictment
01/05/2017	IND0002/2017	Indictment		Oliver, Gary Steven	Indictment
01/19/2017	IND0005/2017	Indictment		Welcome, Roland Murphy	Indictment
01/31/2017	IND0007/2017	Indictment		Bryan, Terrence Tex	Indictment
01/31/2017	IND0008/2017	Indictment		Rivers, William Ian	Indictment
02/14/2017	IND0011/2017	Indictment		Douglas, Noel Vaughn	Indictment

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07/08/2015	IND0049/2015C	Outstanding Warrant		Webb, Jeffrey Deon	Indictment
07/16/2015	IND0054/2015	Indictment		Brown, Eatton James	Indictment
08/06/2015	IND0058/2015	Indictment		Crawford, Robert Aaron	Indictment
08/17/2015	IND0064/2015	Indictment		Waite, O'laro Patrick	Indictment
10/06/2015	IND0076/2015	Indictment		Seymour, Verrill Shavaun	Indictment
10/21/2015	IND0080/2015	Indictment		Pearson, Dominique	Indictment
11/24/2015	IND0087/2015	Indictment		Walton III, Charles Leonard	Indictment
02/05/2016	IND0020/2016	Indictment		Walton III, Charles Leonard	Indictment
02/16/2016	IND0021/2016	Indictment		Porter, Marlon Ricardo	Indictment
04/22/2016	IND0038/2016	Indictment		Gaskill, Craig Austin	Indictment
04/22/2016	IND0039/2016	Outstanding Warrant		Gaskill, Craig Austin	Indictment
05/10/2016	IND0048/2016	Indictment		Watson, Anastasia	Indictment
06/07/2016	IND0055/2016	Indictment		Hunter, Kylan Junior	Indictment
06/21/2016	IND0060/2016	Indictment		Ebanks, Alexander Adrian	Indictment
06/21/2016	IND0065/2016	Indictment		Whittaker, Matthew Anthony	Indictment
06/22/2016	IND0066/2016	Indictment		Dixon, Ukel Fernandez	Indictment
07/13/2016	IND0071/2016	Indictment		Ebanks, Alexander Adrian	Indictment
07/26/2016	IND0073/2016	Indictment		Ebanks, Dre Arsenio	Indictment
07/26/2016	IND0074/2016	Indictment		Wright, Wayne David	Indictment
08/02/2016	IND0077/2016	Indictment		Kelly, Elvis Antonio	Indictment
08/11/2016	IND0080/2016	Indictment		Anderson, Admiral	Indictment

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03/30/2009	IND0014/2009	Outstanding Warrar	JH	McLean, Lio Junior	Indictment
09/06/2010	IND0065/2010	Outstanding Warrar	JH	Hyde, Sharma Ruth	Indictment
02/15/2012	IND0018/2012	Outstanding Warrar		Screaton, Arthur Russell	Indictment
06/26/2012	IND0056/2012	Outstanding Warrar		Davis, Kathleen Rosetta	Indictment
02/05/2013	IND0009/2013	Outstanding Warrar		Mourao, Shawn Wayne	Indictment
09/19/2013	IND0059/2013	Outstanding Warrar		McGaw, Kimberlee Marissa	Indictment
03/11/2014	IND0021/2014	Outstanding Warrar		Bateman, Ryan	Indictment
03/25/2014	IND0024/2014	Indictment		Myles, Jessica Krystal	Indictment
05/05/2014	IND0039/2014	Outstanding Warrar		Brady, Russell Patrick	Indictment
07/02/2014	IND0061/2014	Indictment		McKenzie, Allan L. Rodney	Indictment
08/21/2014	IND0073/2014	Indictment		Paolini, Antonio	Indictment
10/31/2014	IND0095/2014	Indictment		Burke, Shyheim Peter	Indictment
01/13/2015	IND0003/2015	Outstanding Warrar		Baksh, Richard Fazrool	Indictment
04/08/2015	IND0025/2015	Indictment		Scott Sr, Anthony Wesley	Indictment
04/20/2015	IND0028/2015	Indictment		Williams, Othneil Hezekiah	Indictment
04/28/2015	IND0029/2015	Indictment		Paolini, Antonio	Indictment
05/06/2015	IND0034/2015	Outstanding Warrar		Brown, Deshaun Justin	Indictment
06/12/2015	IND0044/2015	Indictment		Pars, Joshua	Indictment
07/08/2015	IND0049/2015	Outstanding Warrar		Webb, Jeffrey Deon	Indictment
07/08/2015	IND0049/2015A	Outstanding Warrar		Webb, Jeffrey Deon	Indictment
07/08/2015	IND0049/2015B	Outstanding Warrar		Webb, Jeffrey Deon	Indictment

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