

ADDRESS BY THE CHIEF JUSTICE, THE HON. JUSTICE MARGARET RAMSAY- HALE

AT THE OPENING OF THE LEGAL YEAR ON WEDNESDAY 8 JANUARY 2025

WELCOME

I am very pleased to be joined today by my brothers and sisters in the Judiciary, the Hon. Justice Williams, the Hon. Justice Richards, the Hon. Justice Carter and the Hon. Justice Asif as well as our colleagues in the Magistracy, Her Honour Mrs. Angelyn Hernandez, Her Honour Mrs. Kirsty Ann Gunn, Her Honour Ms Vanessa Allard and Her Honour Ms Phillipa McFarlane who join me in extending a warm welcome to Her Excellency the Governor, Mrs. Jane Owen, the Speaker of the House, the Hon. Sir Alden McLaughlin, KCMG, MBE, KC, JP, MP, other members of the Executive including the Hon. Deputy Premier Mr Kenneth Bryan and other Hon. Members of Cabinet, Deputy Governor, Hon. Franz Manderson, other members of the Cayman Islands' legislature, including the Hon Leader of the Opposition and other Hon Elected Members of the Parliament.

It is good to be back with you this morning at the Opening of the Legal year which is one of the few calendar events in the Judiciary which is attended by representatives of all three branches of government.

I extend a special welcome to Mr. Justice Dale Palmer of the Supreme Court of Jamaica who has served on the Grand Court for many years as an acting Judge and has returned for another acting stint in the Criminal Division.

Last but by no means least, I welcome the members of the profession, other officers of the Court, representatives of the media and everyone who has joined the proceedings by livestream.

Before the proceedings get formally underway, I would share with you the news I received this morning of the passing of our friend and colleague Mr Justice Angus Foster, one of the Judges who established the Financial Services Division. He passed away Friday last in Scotland. In response to the news, we have directed that the flag be flown at half-mast to honour our departed brother. On behalf of the Judiciary I extend sincere condolences to his wife and the other members of his family.

REMARKS IN RESPONSE TO THE SUBMISSIONS MADE BY THE ATTORNEY- GENERAL:

Thank you, Mr. Attorney. I congratulate you and all those who have worked with you to not only get Cayman off the gray list but also into a seat at the table of FATF under its new Regional Bodies Guest Initiative and also for steering the passage of legislation that has achieved the balance between the need to prevent money laundering and terrorist financing and the individual's right to privacy. Both accomplishments augur well for Cayman's continued prominence as a financial services centre, as they ensure that criminals and terrorists do not abuse our financial system and bring our financial services sector into disrepute. It ensures, that Cayman will remain, as you have said, *"a lighthouse for the region"*.

On the Shemaiah Grant Order: I would note the advocacy that led to the order being passed into law. I know that one of our Court Staff was very prominent in the push to hold an offender responsible for taking the life of a father. In its purest form, the Shemaiah Grant Order is a form of restorative justice. In some

jurisdictions, where you offend and through your offending you rob a family of its father, then the entire responsibility of that man's family falls on you. Restorative justice is not concerned with putting offenders in prison as it is that the offender should restore the family that he has destroyed. I am very pleased that this order is now part of our law.

I thank you for remembering our colleagues at the Bench and Bar who left us in 2024, including Mr. Justice Morrison OJ, KC, CD who was a Judge of Appeal in the Cayman Islands from 2015 until his retirement from the Court on the grounds of ill-health in 2022.

Because of the circumstances under which he retired, we were not able to pay tribute to him for his service on the Court of Appeal at a Special Sitting of the Court so I take this opportunity to pay a brief tribute to him today in light of his unexpected passing in February of last year.

It's a loss I feel very keenly. In common with hundreds of lawyers who passed through the doors of the Norman Manley Law School, including you, Mr. Attorney, I did the Law of Evidence with Mr. Justice Morrison in my first year. I sat in the nosebleed section of the lecture theatre but was still able to hear every word spoken by a man whose oratorical skills in Court - and on the stage - are legendary. I listened, mesmerized, as he paced along the stage, speaking without notes and illuminating the law with anecdotes from his practice, giving us a rare insight into the courtroom and the man whose sense of humour shone through his lectures. As others have noted in the many tributes paid to him since his passing, he had the ability as a lecturer to make complex matters simple. He made a lasting impression on generations of young lawyers, me included. He taught at Norman Manley for 44 years¹ which is longer than many in this Court have been alive. He was an exceptional advocate and jurist and was held in affectionate regard by every member of Cayman's Judiciary who had the privilege of serving with him and every member of the Bar who appeared before him.

To his wife, Janet, who accepted our invitation to join us by livestream, I express deepest condolences on behalf of the Judiciary on the profound loss she and their children and the rest of his family have suffered.

Finally, I am pleased you mentioned Dame Janice. I am happy to announce that she has agreed to deliver this year's Distinguished Lecture.

RESPONSE TO THE DIRECTOR OF PUBLIC PROSECUTIONS

Thank you very much, Mr. Wainwright. The Director's submission has covered much ground. The Office of the Director of Public Prosecutions has much to be proud of. I am most interested in your Office's initiative to improve staff engagement. I am particularly interested in the Work Based Learning Scheme designed to develop Caymanian lawyers with a keen interest in criminal law. Although you also hope to retain them, I hope that your office will prove a fertile training ground for young criminal barristers wanting to establish a career at the private Bar, as the Courts continue to face challenges in getting their work done because there remain so few practitioners relative to the number of cases before the Court. Thank you for being the incubator for the next generation of criminal lawyers, both public and defense. When I listen to you list the number of lawyers in your office, it seems that there are more lawyers in the crown than at the

¹ NMLS Tribute

criminal bar at present. I look forward to any initiative that may see the number of persons practicing on the other side being improved.

RESPONSE TO MR. RICHARD BARTON, PRESIDENT OF THE CAYMAN ISLANDS LEGAL PROFESSIONAL ASSOCIATION

Thank you, Mr. Barton. The Annual Distinguished Lecture is one of the main events in the Court calendar. The Judiciary was very pleased that the Master of the Rolls, accepted our invitation to speak and on the topic of AI in Courts.

Although I was sorry that the lecture in Court 1 was cancelled because of a hurricane warning, our Communications Officer, Ms Elizabeth Charles, had the foresight to have the speech professionally filmed. This led to the decision to create an event at the cinema where the video would be shown and the Bar would participate in a panel discussion after the main event. I am told that the panel discussion became the main event and that members of the Bench and Bar enjoyed fellowship over refreshments after the event, which I understand were sponsored by CILPA. We look forward to further collaborations with CILPA on matters of mutual interest to the Bench and Bar as part of our continuing professional development.

RESPONSE TO MR COLIN MCKIE, CAYMAN ISLANDS LAW REPORTS

Thank you, Mr. McKie for your report on the number of judgments handed down by the Grand Court in its civil and commercial divisions and for your continued work on behalf of the Courts in ensuring that leading judgments are reported in the Cayman Islands Law Reports.

I take this moment too on our first Opening since Mr Alberga's passing to remember him, among other things, as the visionary who established the Cayman Law Reports. His contribution to the development of our jurisprudence will never be forgotten.

You touch on an important subject with your observations on the lack of accommodation within this Courthouse for persons with disabilities. We are aware of the issues. In fact, in my speech last year, I emphasised the need for a bespoke courthouse, one built to modern standards, technologically enabled *and designed to ensure accessibility to people with disabilities.*

I would note, however, that while the main courthouse, as this Courthouse is referred to, cannot accommodate person with significant *physical* disabilities, both Courts 8 and 9 which are in the Court building on Cardinal Avenue were designed and built for wheelchair access. There is a lift in that courthouse as well as ramps from the public entrance to the courtrooms. In addition, the space within the Courtrooms is designed for wheelchair access.

Court 4 is also wheelchair accessible and I have conducted a trial there with a disabled litigant.

It goes without saying, or it should, that if any party to a proceeding or their attorney is barred from accessing a Court which cannot accommodate them, that the Court will go to them.

I accept the premise, though, that courts or proceedings which are inaccessible to persons with disabilities, are a barrier to inclusive justice and will ensure that accessibility for persons with disabilities is included in the Judiciary's 2025-2030 Strategic Plan, as accessibility to Justice is a priority for the Judiciary.

REMARKS

I accede to the Attorney General's motion to Open the Court for the Legal year and add a few remarks of my own.

FAREWELLS

Yasmin Ebanks

It is customary in these Courts to begin the Opening by saying farewell to those who have retired from service to the Courts and Judiciary. Some might wonder why we start there in what is in essence an annual report to the public, an accounting, if you like, of the ways in which we have used our resources to serve the public.

But the Courts run on people, people who work in what are often very difficult circumstances because, as you can imagine, nobody who comes to the Court seeking our help is happy. The people who work within the Judicial Branch of the government are rarely celebrated outside of it and so I like to begin by thanking those who have given exemplary service to the Court and to the people of these Islands.

I thank the speakers for acknowledging Ms Yasmin as she is affectionately called by all of us at the Law Courts who has retired after 36 years in the Courts where she has served in various capacities and since 2003 as our Lising Officer. Our tribute to her was read at the Judiciary's Annual Christmas Luncheon which this year included an award ceremony to recognise our long-serving staff members. It will be uploaded to the website and so I will not read it in the interest of time.

But I do use this occasion to publicly to recognise her contribution to the administration of justice and to say thank you on behalf of the Judiciary, the Magistrates and all court and administrative management and staff.

Suzanne Bothwell

I also take a moment to say farewell and thank you to Ms Suzanne Bothwell who was our Court Administrator.

After 24 years, Suzanne has said farewell to the Courts as Court Administrator and to the civil service but not, I don't think, to public service.

She continues to sit as a Magistrate as and when needed so this is not really farewell. Nonetheless, I take this opportunity to thank her on behalf of the Judiciary, the magistracy and all court and administrative staff for her many contributions to the better administration of justice as Court Administrator. I know her team valued her as a leader and are grateful for her stewardship of the judicial administration and for her investment in them and I extend especial thanks on their behalf.

Among her many accomplishments, there are four which stand out. The first was her investment in staff training to ensure the staff was ready for the digital transformation of the Courts which she was tasked with achieving, developing staff leadership at every level of court staff. Most managers within the organisation during Suzanne's tenure obtained their ILM certifications, whether at level 3, 5 or 7.

The second was developing the internal IT infrastructure to support the introduction of new and more powerful court technology. Among the many transformations which we now take for granted was the

development of a platform to allow for online Court searches, unreported judgments being made accessible online for free, the introduction of e-filing by acquiring the CURIA case management system, the online payment of traffic tickets, the online payment of maintenance funds and online transfer of maintenance funds to recipients.

Finally, she led on the project to expand the Courts and led the acquisition of what is now the Law Courts building at Cardinal Avenue. With her team, she created the first digital courts in Cayman which allow paperless trials to be conducted, as was demonstrated when the Privy Council sat here in 2022.

Nora Ebanks and Antonio Chase

Finally, we say thank you to Nora Ebanks and Antonio Chase who have served the Courts as marshals for 19 and 16 years respectively and who both served in the public service before that, Ms Nora as a police officer and Chase as a prison officer.

We thank them for their service to the Courts and Judiciary and wish them all the best in their retirement.

THE BUSINESS OF THE COURTS

I now turn to a review of the work done by the Courts in the last year.

STATISTICS AT A GLANCE

GRAND COURT CASES FILED IN 2024

Division	Filed	Disposed	CCR²	2023 (Revised)
CRIMINAL				
Indictments	139	110 (inc 28 pending sentence)	79%	104
Appeals from SC	26	26	100%	-
CIVIL				
Probate and Administration	221	232	105%	220
General Civil	287	-	-	211
Appeals from SC	-	-	-	-
FINANCIAL SERVICES	393	-	-	413
FAMILY (Incl. 4 adoptions)	299	239	80%	330

² Case Clearance Rate

CRIMINAL DIVISION

In the criminal division, 139 new Indictments were filed. Over the three years 2021 to 2023, an average of 102 new indictments were filed per year. The 139 indictments represents an increase of about 36%. It was the most significant percentage increase year by year since 2021. The increase is largely due to 23 indictments which were filed for what is in essence a single case, which is a prosecution arising from an investigation carried out by the Anti-Corruption Unit into allegations of bribery and other offences involving a public officer.

These cases have been fixed for trial next year.

The number of cases that were disposed of - that is to say, closed - was 88. But to that I add a further 28 cases where the trials are complete and the defendants are awaiting sentence. I do this because the purpose of collating the statistics is to consider whether the Court is meeting the demand. The matters awaiting sentence are already tried. That sentences are extant would not drive a decision, for instance, to increase the number of Judges in that division, whether temporarily or permanently, in order to deal with a backlog, as the delay in sentencing is not a result of a shortage of court resources which need to be addressed, but usually because of external factors like outstanding SIR's or outstanding payments of restitution or compensation.

Adopting this approach, the case clearance rate when those are included is 79%. Had it not been for the 23 corruption charges the Courts' disposal rate would have been 93%. This is lower than the target clearance rate of 100% but several factors impacted the Court's ability to deliver on its mission of efficient and timely delivery of justice.

One of those was the trial of 4 defendants in what is known as the RBC case which took some 8 years to come on for hearing and occupied 3 ½ months of Court time and the time of 4 senior lawyers the criminal bar. These dedicated attorneys could not attend to matters in the Summary Court or other trials in the Grand Court during this period. The second criminal court was unable to hear matters in which these attorneys had been retained. Given the small contingent of attorneys at the criminal bar this was a crucial factor affecting the disposal rate in 2024.

Trials were also disrupted or adjourned by the various storms and hurricanes that threatened the Islands in a very busy hurricane season and prompted the closure of the Courts.

In addition to the RBC case, the criminal courts presided over five murder trials each lasting over two weeks and a number of other serious cases which each occupied significant court time. As is the practice, retrials were prioritized and most retrials were facilitated within the course of the year.

In our efforts to get disposal rates back to what prevailed before 2024, the Governor has upon the recommendation of the JLSC appointed another full-time criminal judge who will commence her appointment in February.

FINANCIAL SERVICES DIVISION

The Financial Services Division continues to be a major contributor to the economy of the Cayman Islands, and crucial to the continued health of the financial services industry within the Islands. During 2024, **393** new cases were filed in the FSD. This was slightly down from **414** in 2023, but the difference is not likely to be statistically significant. Of these cases, **202**, or just over half, were applications to restore companies

to the Register. These applications are made to the Court but dealt with administratively by the Clerk of Court who is also the Registrar of the Grand Court. They create a significant volume of work for the Clerk of Court.

191 cases commenced in the FSD during 2024 were assigned to a judge. These included,

- **115** petitions for the winding up of companies, sanctioning schemes of arrangements or capital restructurings, or placing voluntary liquidations under the supervision of the Court;
- **37** originating summonses seeking various types of relief, including relief under the **Trusts Act**; and
- **22** writ actions.

In general, the work of the FSD can continue to be classified as complex high value cross-jurisdictional proceedings, which reflects the Islands' status as a leading financial services jurisdiction. The FSD remains an important contributor to the economy of the Island by maintaining the high regard for the quality of justice in the Cayman Islands necessary to encourage foreign investors to continue to see the Cayman Islands as the first stop for company and fund incorporations.

As Mr. McKie points out, the Judges of the FSD delivered 146 written judgments during 2024. They made orders in many more interlocutory applications which did not call for a formal judgment. Whilst nonetheless impressive, the number of judgments delivered is therefore not an accurate reflection of the workload within the FSD.

The Curia case management system is not currently requiring users to input the data which would enable detailed reporting of case activity, duration and disposal rates. This is something that we intend to work on during 2025, including rationalising document types and working with the legal profession and with the developers of the Curia platform to ensure that the full suite of data regarding cases is entered into Curia so that we can use its built-in performance management tools in the future to help guide allocation of resources between the divisions of the court and the development of the courts more generally.

FAMILY DIVISION

299 new cases were filed in 2024, and 239 disposed of. Of the new cases, 140 which were disposed of within the year, a case clearance rate of 47%. The other 142 cases disposed of were divorce proceedings and one adoption which were brought forward from earlier years. The overall disposal rate was 80%. 233 divorce decrees issued, a significant downward drift from last year's high of 286. Many of you picked up on my quip last year that the prospect for marriage remained grim, so I feel obliged to note that 660 marriages were recorded by the Registrar last year, a number which far exceeds the divorce rate and should yield some optimism among those who read so much into my remarks last year.

A large number of the cases that were disposed of last year include aged cases, some filed as far back as pre-2010, as well as some matters, which although concluded, have been brought back to Court by the parties. This is in the nature of family law cases which allows for matters to be brought back where there is a change in circumstances or a breakdown in the operation of previously made court orders. My Learned brother notes, however, that some case are brought back to Court because some parties are overly litigious and sometimes simply cannot accept the decision of the Court or surprisingly even the terms of a consent order that they have agreed to and see merit in relitigating the subject matter. The rate of disposals this year have undoubtedly been affected by some unusually long-running child cases. One

child arrangement case, in which had a consent order was made in 2022, has since been before the Grand Court for well over 30 days. Although a comprehensive judgment was delivered in 2024, it is yet again back before the Court with substantial disputes raised that will inevitably occupy a large number of court days in 2025. Another child arrangement case has been before the Grand Court on more than 20 days and, despite a comprehensive judgment being delivered (which it was hoped would help the parties to resolve matters without court proceedings), is still ongoing.

The work in the Family Division is assisted by trained mediators. The Report provided by our Mediator, Chanda Glidden, shows that the Court's Mediation Service managed a total of 211 cases in 2024. Of that number, 132 of were referred to mediation in 2024. The rest were brought forward from 2023.

94 matters were successfully settled, down from 104 in 2023 but higher than the 68 in 2022. In 58 matters the parties were unable to reach agreement, which means those cases have returned to Court for a judicial determination. 59 matters are pending.

As the law prescribes, and Williams J makes clear in every judgment, in family proceedings, the welfare of the child/children is paramount. A greater effort must be made to engage meaningfully in mediation to avoid drawn out acrimonious court proceedings that heighten discord among parents and inevitably affect the wellbeing of the children of the marriage. This is consistent with the modern view that litigation should be the last resort.

The Court Mediation Programme has been in place since 2016 and its operation over the past 8 years has enabled insight to be gained about how the system operates and where it can be improved. Justice Willaims is concerned that, despite the passage of time since the introduction of mediation, some participants, including some who have attorneys, fail to properly engage with mediation or embrace or comprehend the purpose of it. There have been difficulties arising due to some attorneys failing to reply to communications from the Court Mediator. There have been occasions where the participants have left mediation armed with a carefully negotiated agreement reached, only for the agreement to fall apart because an attorney or litigant in person has failed to engage in the process by drafting the resultant formal consent order or to communicate with the mediator.

With these concerns in mind and to better improve service delivery in family proceedings, the Judiciary will be hosting a Family Law Conference jointly with the Family Law Association under the auspices of the JLEI.

The conference will focus (ii) the role of attorneys (if any) in mediation sessions and beyond; (iii) how attorneys should conduct themselves in family proceedings; (iv) ethics of the Family Bar; (v) the voice of children; (vi) the intertwining of family law and immigration issues in the Cayman Island and (vii) the different forms of Alternative Dispute Resolution, including mediation and Family Dispute Resolution Hearings in line with one of the Judiciary's strategic priorities for the next year which is to promote alternative dispute resolution

Highly regarded family law professionals from the region or wider afield are being approached with invitations to present at the Conference. I don't want us to get ahead of ourselves or set you up for disappointment, but we have approached Nicholas Moyston KC whose erudite judgments will be know well to attorneys practicing at the Family Bar. If he accepts our invitation, I suspect that even non-family lawyers will want to hear him speak.

CIVIL DIVISION

That preceding discussion on mediation provides a neat segue to my report on the Civil Division. Last year I announced that we would be introducing mediation in the Civil Division. I thank Alistair Walters who has served as an acting Judge of the Grand Court and is an experienced mediator who has conducted several judicial mediation under the existing Practice Direction for preparing a draft Practice Direction that will allow us to promote the use of mediation in the civil division. I foresee mediation proving particularly useful in contentious probate matters to resolve the often-difficult disputes between family members with respect to property left behind and in civil cases where the value of the dispute is less than the cost of lawyers to resolve it.

287 new matters were filed in 2024, up from 211 in 2023. As with the FSD we still have little visibility of the data that would allow me to make any useful comment on the case clearance rate or case disposition rate. Going forward we will adopt the same approach to data input in this division as is proposed in the FSD.

SUMMARY COURT

The Chief Magistrate, Her Honour Mrs. Hernandez, has provided me with a Report replete with graphs and charts and written which will be uploaded as a separate Report to the website in due course. I will give you a short summary of what is in it for the purpose of delivering a comprehensive overview in my Report of the work done by the Courts.

STATISTICS AT A GLANCE

Category	New Filed	Matters	Disposed	CCR
Grand Cayman -Criminal	1213		1020	84%
Grand Cayman Traffic (summonses and some ticket offences)	1034		692	66%
Traffic Tickets	7172		6894	94%
SDVC	13		29	223%
Youth Court	27		16	59%
Cayman Brac Criminal	22		22	100%
Cayman Brac Traffic (summonses and tickets)	169		185	109%

The numbers for Grand Cayman show the Summary Court had an intake of 1213 criminal matters in 2024. 1020 cases were disposed of a case clearance rate of 84%.

There were 69 ineffective trials. In 60% of those cases, the trials were ineffective because either the Crown or Defense were not ready, or defense counsel in a Grand Court matter.

In Cayman Brac there were 22 new Criminal matters, 22 matters were disposed of, a case clearance rate of 100%.

Globally, then there was a total of 1042 new criminal matters filed across all Islands, up from 1010 in 2023

There were 1034 new traffic matters filed. 692 cases were disposed, a case clearance rate of 66%. On the A 169 new traffic matters arising on the Brac were filed. 185 were disposed which is a case clearance rate of 109%.

94% of the 7,172 traffic tickets issued by the police were paid.

In the Summary Domestic Violence Court, there were 13 new matters, 29 of which were disposed, a case clearance rate of or 223%.

The Magistrates continue to deal with a high number of **Children Act** matters: there were 90 new matters in 2024.

The Magistrates considered a total of 30 applications under the pursuant the **Domestic Violence Act** and applications under the **Stalking (Civil Jurisdiction) Act**

In the Civil (small claims) Court, there were 216 new matters filed.

In the Coroners Court, 87 new sudden deaths were filed. 49 matters were cleared. Natural Causes and Misadventure continue to be the majority recorded verdicts (84%). I'll just pause there to note that the Judiciary will be proposing an amendment to the existing law that would allow the Coroner sitting alone and not with a jury to determine deaths by natural causes which would increase the number of cases disposed of by the Coroner's Court.

In the Treatment Courts, which encompass the Drug Rehabilitation Court and the Mental Health Court, there were a total of 53 new referrals for a total of 66 active files. The purpose of these diversionary courts is to assess the needs of the defendants, provide treatment and support where we can, including housing or employment or other assistance through the various stakeholders agencies and voluntary organisations, so that these persons may be able to function as effective members of our society.

The Chief Magistrate is concerned, however, that there remains a lack of long-term direction as to how we treat our mentally challenged persons who are best suited for treatment in long term facilities. The Judiciary has no current visibility on what is proposed for the mentally ill who find themselves in conflict with the law, who ought not, for good reasons which should be self-evident, to be placed in the prison but for whom the facility in East End will not be made available. Without a long-term care solution for some of these defendants, the prison will be the only place of safety to which a court can remand someone who should be treated, not punished.

Outside of Court, the Magistrates have led on public engagement and training this past year. The Chief Magistrate and the Summary Court gave several lectures and participated in or led seminars and Lunch and Learn sessions including: Leadership Cayman with the Chamber of Commerce; Health Services Authority’s Seminar on Post-Mortem processes and procedures; Drug Rehabilitation Court workshop with stakeholders to review and update approaches for Treatment Courts; Lunch and Learn Workshop with ODPP, RCIPS and Department of Community Rehabilitation to review and update the Memorandum of Understanding on Domestic Violence which was first signed in November 2018; delivering a Guest Lecture at Truman Bodden Law School and participating in the Ministry of Home Affairs Frontline Event .

This is not to say that the Judges of the Grand Court have not made presentations at Conferences but our contributions have largely been outside the jurisdiction at international conferences on matters which are mainly of interest to those who work in the commercial sphere.

Finally, in 2024 and progressing on the Judiciary’s initiative to re-introduce Justices of the Peace to hear traffic and minor criminal offences, training continued for a dedicated group of 3 JPs, and a Mock Court was held with the assistance of the public and private Bar. This training will continue with the Legal Advisor to the JPs in the first quarter of 2025, with the Justices of the Peace being deployed by mid-2025.

LEGAL AID

TOTAL NEW APPLICATIONS

	2022	2023	<u>2024</u>
<u>CRIMINAL</u>			
Criminal Applications Made	408	428	561
Approved	329	384	512
<u>CIVIL & FAMILY</u>			
Civil & Family Applications	258	311	289

In her report, the Director of Legal Aid notes that the data for 2024 unequivocally indicates a rise in the demand for legal aid. Despite facing many challenges, including a shortage of staff, the Legal Aid team has continued to work with commendable commitment to the efficient operation of the Legal Aid Office and to timely delivery of services and support to all applicants and stakeholders.

The Director is actively seeking innovative solutions to meet the changing needs of applicants, attorneys, and the community, with the aim of ensuring that justice remains accessible to those people who do not have the financial resources to make their own arrangements. In 2025, several initiatives will be launched to enhance access to legal aid. These initiatives will include the introduction of online application forms, the standardisation and improvement of billing systems, the expansion of outreach programmes and the training of staff to provide better support for applicants. Her full report will be uploaded to the website in due course.

STRATEGIC PRIORITIES

I entered office with a vision of a modern Judiciary which was equipped for the future, sitting in courts which were fit-for-purpose and which used technology effectively to improve Court processes and the delivery of services to court users.

I shared my three strategic objectives with the Court leadership:

Technology

Strategic Priority 1 Harness the potential of technology to identify and meet the needs of court users and the public for information, service, and access to the courts.

Much has been accomplished in the last year to achieve our technology vision. The head of our IT department, Dawn Thomas, in her report says that the focus of the last year was on adequately resourcing the IT Team, replacing legacy software, stabilising, and strengthening the cybersecurity posture of the IT infrastructure.

It was a successful year for the IT Department because, whilst those technology wins may not seem groundbreaking to the public eye, what has been done is to lay the groundwork for future advancements that will support the vision for technology in the Courts.

Key technology initiatives undertaken in 2024 which are either completed or near completion include,

- Visitor Management Kiosk, a self-service solution and an efficient way to check in our visitors.
- Payment Portal Kiosk, 3 self-service kiosks have been deployed within the three courthouses on court campus. One has already been installed and we expect the other two to be installed this week. This will avoid people having to line up at the cash office.
- Jury Management Application and Portal, which is a random jury selection and tracking software with a web portal for Jurors. This will help us, among other things, to track jurors who have been excused or who should not be called for service because they have served within the last 18 months. The portal allows the jurors to communicate with the Court and submit their claims for their travel expenses and sessions attended.
- Secure Voice Modulation Software and Process, a secure process for vulnerable witnesses. This software allows us to mask the voice of any witness in respect of whom the court has made an anonymity order.
- Real-time Electronic Cause List. This is currently being tested to be deployed Q1 to replace the current static PDF list. The Cause List will be generated by the case management system which will pull the data entered by the court clerks.
- Courtroom Automation. This project started with the installation of a digital transcription software named For The Record (FTR) in court rooms 8&9. We only have 4 court reporters and our attempt last year to recruit more reports failed when the successful candidate changed her mind about accepting the offer. Jamaica used to train Court Reporters, but they no longer do. Enrolment in Court Reporting programmes in North America is in decline. It is clear that the future

is digital recording and AI transcription. Of course, we will need persons to check the record and certify its accuracy, but it is inevitable that court reporting will be replaced by transcription.

- Cloud Computing, leveraging Microsoft cloud technology for Email, Mobile Device Management and Teams (meetings)
- Website Relaunch: we have deployed phase one of the newly designed and secure site, with phase two to be completed by the end of Q1

I feel I need to say something about the website given the disastrous relaunch. It had to be done but I accept that the upgrade and migration of the website was not planned or managed properly and I apologise for the dislocation in service which have been hitherto available on the website which have still not been restored.

As I understand it, the former court website which was developed over 15 years ago provided specialized services far beyond what a typical website might offer. It was a vital tool, offering deep functionality that allowed users to search and explore legal records, analyze case law, and access key legal materials.

The technology supporting the website was, however, becoming increasingly outdated, and it was clear that the system was no longer sustainable or secure. With the growing risk that presented, we had to make the difficult decision to decommission the site and transition it to a new platform.

We are committed to rebuilding the site in a way that ensures all the features and services you rely on will be available, while also enhancing accessibility, performance, and long-term sustainability. The new website will meet modern technological standards while retaining the core functionality users depend on, such as access to law reports, legal judgments, cause lists, public registers, and payment portals.

While we would have preferred to roll out all features at once, we prioritized launching the website with its most critical services first. This foundational launch ensures that the most essential online tools remain accessible during the transition period.

Please be assured that we are working diligently to reintroduce the more complex features from the former site, including the search and database functionalities, and the subscriber portal. Although the process may take some time, we are focused on delivering a platform that not only meets but exceeds the expectations of the legal community and the public.

Thank you for your continued patience and understanding as we work through this process. We value your feedback and remain dedicated to restoring and enhancing these important resources.

Looking forward, our vision for IT in the Courts includes:

1. **Continued Digital Transformation of Court Systems:** Modernize and integrate court systems with technologies like case management, eFiling, and virtual courtrooms, enhancing efficiency and accessibility.

Virtual courtrooms are already in use. The term refers to courts where one or more persons are appearing remotely. What is proposed when we speak of integrating court systems is, for example, the integration of the digital recording system and the case management system so that for example, when the Judge sets a new date for the continuation of a matter, it would not just be

recorded the new date would be transmitted to the case management system and put in the calendar.

2. **AI and Data-Driven Legal Tools:** Leverage AI-powered tools for legal research, case analysis, sentencing, and risk assessment, supported by data analytics for performance evaluation and predictive outcomes.
3. **Cybersecurity and Blockchain Integration:** Strengthen court system security with advanced cybersecurity measures and blockchain technology for document verification and secure data management.
4. **Enhanced User Experience and Accessibility:** Develop intuitive court user portals and mobile applications, alongside public education platforms, to improve accessibility, engagement, and legal literacy.
5. **Staff Training and Collaboration:** Build platforms to facilitate training, collaboration, and knowledge sharing among court staff, legal professionals, and other stakeholders to improve court operations and service delivery.

These are the IT initiatives we plan to implement within the next 12 months to 3 years.

The Judiciary Workforce

Strategic Priority 2 Recruit, develop, and retain a talented, dedicated, and diverse workforce, while defining the judiciary's future workforce requirements.

Capacity on the Bench has been increased, as foreshadowed in my speech last year, with the recruitment of another Judge, Her Honour Judge Emma Peters from the UK, who will sit exclusively in the Criminal Division where we assessed there was the greatest need. The Judge's appointment and her biography will shortly be published on the Court's website.

This year has seen an uptick in recruiting for the Courts and the supporting administration based on re-assessment of the needs of the Courts going forward. One new role which has been established is that of Public Information Officer. That Officer is the media liaison and is also responsible for ensuring that the Court complies with PD 6 of 2022 by publishing the daily criminal register to the website. Suzanne Livingstone who is well known, I suspect, to all of you has been appointed to that role.

Personal wellness and self-care have emerged in recent years as a critical core value of judicial leadership. It is encapsulated in the recent Nauru Declaration on Judicial Well-being in July 2024 which emphasises the vital role of judicial wellbeing in upholding integrity and effectiveness within the judiciary.

Several Judicial and staff wellness initiatives were undertaken in 2024 at the instigation of our acting Court Administrator, Ms Christina McTaggart who joined us in February. These included a series of workshops on stress management and resiliency. She also organized a Management Retreat for court and administrative managers which was also attended by some of the Judges and magistrates and a complementary Staff Retreat. The retreats were designed to improve working relationships throughout the organization.

Court Facilities and the Built Environment

Strategic Priority 3 A bespoke courthouse built to modern standards, technologically enabled and designed to ensure accessibility to people with disabilities.

We continue to prepare our submission for the acquisition of property on which to build the courtroom of the future but have in the interim focused on improving what we have, repairing and upgrading the court buildings, extending the existing courtrooms, retrofitting existing jury rooms, preparing new witness care rooms and hopefully, before the end of the first quarter, establishing new Robing rooms for the lawyers. We are grateful to the Facilities team for their hard work in keeping the lights on!

Finally, in response to the physical limitations on the Court campus in terms of the number of courtrooms, and in response to the advice that the Courts would not be able to use the Town Hall anymore, I announced that we would be establishing District Courts. I know this initiative remains of interest to many of you, so I say that we have still not been able to identify suitable premises for such a court given there are so few available municipal buildings in the outer districts. We will now be looking at the feasibility of renting and retrofitting premises for such a Court.

Looking ahead

After several months of engagement with the court and administrative management and staff by Ms McTaggart and our Ms Catherine Guilbard, our Strategic Management Advisor, we have prepared a strategic plan in which we have reimagined strategic priority 3 to focus not on a new building but instead on providing an accessible and safe court service.

Strategic Priority 4 will be to work efficiently across the justice system in the sense of supporting meaningful engagements and partnerships, advocating and collaborating to deliver stronger justice system outcomes and engaging with the community to share knowledge and understand perspectives and finally, creating an effective, efficient, and connected organization.

We should be publishing the strategic plan shortly.

Thanks to the Clerk of Court and her team for the continued effective running of the Registry and Courts. Thank you to the Acting Court Administrator and her team for their support of the Judiciary and Courts.

It only remains for me to thank the Governor, the members of Cabinet and all Parliamentarians for their support of the Judiciary over the years. Although I complain a lot, the truth is our Judiciary is one of the best resourced in the Caribbean I would venture to say in the Commonwealth and free from interference by either the Legislative or the Executive Branch unlike many jurisdictions where Judicial independence is under threat. So on behalf of the Judiciary I say thank you for supporting the independence of the Judiciary and, by so doing, upholding the Rule of Law in these our Cayman islands.