



OPENING OF THE LEGAL YEAR SPEECH 2024

My Lords, My Ladies, other Judicial Officers, Mr. Attorney, President of the Bahamas Bar Association and members of Bar Council, Counsel and Attorneys, invited guests, ladies and gentlemen. Under the Supreme Court Act the *sittings of the Court commence on the second Wednesday in the month of January*. Yesterday's observance of the Majority Rule Day holiday delayed the usual statutory Wednesday fixture to today. The size of bench and bar has caused us to outgrow our traditional accommodation in the main Supreme Court. It is expected that the new Supreme Court Complex, which the Honourable Attorney-General has spoken to, will provide for a suitable space from which special sittings and other convocations of this nature can take place.

Today is the second occasion, on which, as Head of the Judiciary, I have the pleasure and duty to welcome you and thank you for taking the time to share this occasion. It is always appropriate to begin such an address by expressing thanks to the Almighty God of His abundant mercies. I continue to be both humbled and honoured to have been given the opportunity to serve The Bahamas as her Chief Justice. I remain ever thankful for the support of my family, colleagues and friends.

Acknowledgements

We began the week with the usual uplifting Red Mass at St Francis Xavier Cathedral on Sunday past. We gratefully received the payers and fellowship of His Grace, the Most Reverend Patrick Pinder Archbishop of the Catholic Diocese of Nassau invoking the guidance of the Holy Spirit on the work of the courts. Following this morning's procession we gratefully received the usual spirited charge of the Very Reverend Harry

Bain, Dean of Christ Church Cathedral, who so graciously accommodated us for our annual official service.

I thank the Commissioner of Police, Mr. Clayton Fernander QPM, for the usual excellent presentation of the guard of honour by the Internal Security Division accompanied by the Police Force Band and for facilitation of our procession by the Traffic Division. Let me also register my thanks to the Commissioner and through him to the Royal Bahamas Police force for the many services which are provided to the Court to carry out our mutual mandates. The Commissioner of Police is the Provost Marshal for the Court. For this reason, we always welcome his presence sitting with us in these ceremonies. The Provost Marshall is the proverbial sheriff, charged with the execution of certain Court processes. His actual work in this area is carried out by Deputies acting in his name. During the year, Commissioner Fernander made some very positive strides in reforming the process of appointing deputy provost marshals, and for their management and oversight. The Rules Committee of the Supreme Court will accommodate that process by introducing a long-overdue proper fee structure for the services undertaken by his deputies.

During the year we celebrated our 50th year as an independent nation and the 50th anniversary of the entrenchment of the Supreme Court in our constitutional framework. Judicial officers and the staff celebrated, like all Bahamians and residents, the many events marking The Bahamas' Golden Jubilee of Independence.

In the Court of Appeal, in 2023, we said farewell to Justices of Appeal Roy Jones, Carolita Bethel and Sir Brian Moree KC, having all reached the constitutionally mandated retirement age. Justice Bethel had already proceeded on pre-retirement leave at the time of my last opening address. Justices Jones who retired at the end of September, came to the appellate bench after distinguished service on the Supreme Court benches of Jamaica, the Cayman Islands and The Bahamas. Sir Brian retired in July. His short tenure on the Court began following his service as the Chief Justice of The Bahamas in August of 2022. All of these jurists have contributed in their own way to the jurisprudence of The Bahamas and their talents will be sorely missed as the Court of Appeal continues its work. We wish them well in the next chapters of their lives.

Justices Indra Charles, Gregory Smith and Bernard Turner have joined the Court of Appeal in the past year to replace the retired judges. Justices Charles and Turner have provided long and exemplary service to the Supreme Court both inside and outside of the Courtroom. While Justice Charles and Turner are well known to you, Justice Gregory Smith may not be. Justice Smith joined the Court following a distinguished 26 year career in the Courts of the Trinidad and Tobago, the last 14 of which were in the Court of Appeal. We congratulate each of them and wish for them a successful and rewarding tenure on the Court.

At the time of the next opening of the legal year the Court of Appeal will have lost the services of its President Sir Michael Barnett. Sir Michael came to the office of President having previously served for many years as Chief Justice of The Bahamas. Sir Michael had an exemplary career as a civil and commercial litigator and developed a reputation on the bench for, concise, well-reasoned decisions often flavored with comparative analysis from jurisdiction across the Commonwealth. Sir Michael has provided invaluable and immeasurable contributions to the jurisprudence of The Bahamas and the loss of his service will create a void which will be difficult to fill. Whilst opportunities will arise for a proper farewell to Sir Michael, I want to use this occasion to publicly recognize his commitment and service to the Judiciary and wish him well in the next chapters of his life.

We also said farewell to Judicial Counsels Jonnel Johnson and Anna Moss who have moved to the private sector. We thank them for their contributions and wish them well in their new careers.

In May of 2023 Justice Deborah Fraser was appointed as Senior Justice and in December 2023 the Judicial and Legal Service Commission recommended the appointment of Justice Grant Thompson as a Senior Justice. These appointments fill the offices left vacant on the promotions of Senior Justices Charles and Turner. During 2023 we also welcomed Justices Simone Fitzcharles, Carla Card-Stubbs, Franklyn Williams KC and Hope Strachan to the Supreme Court bench. The Judicial and Legal Services Commission's press release in January detailed the many antecedents of these judges so I need not repeat them here.

I wish to thank Acting Justices JoyAnn Ferguson and Stephana Saunders for agreeing to serve as Acting Justices of the Supreme Court during 2023. I also wish to thank Registrar Constance Delancy for agreeing to act for a three-month stint in Grand Bahama beginning January 26, 2024. She and Acting Justice Saunders are providing the much needed judicial assistance in the Civil Divisions of the Court in Grand Bahama allowing Justice Hanna Adderley to complete long outstanding judgments.

We also welcome Assistant Registrars Rosanne Sweeting and Indy Hunter who have been acting in the role since April 2023 and have been instrumental in the implementation of the CPR Rules and the Court's Digital platform. They have been confirmed in their posts with effect from 6 January 2024. Assistant Registrar Rosanne Sweeting is assigned to the Northern Region and Assistant Registrar Hunter has been assigned to the Registry here in New Providence. They have also been assigned the increased administrative functions associated with the CPR and the Intergraded Case Management System.

I also wish to congratulate Justice Denise Lewis-Johnson on her appointment as an International Hague Network Judge, joining Justice Donna Newton as the Bahamian representatives in the Network. The Network facilitates international cooperation and communication between judges on the cross-border protection of children. Justices Grant Thompson, Renae McKay and Lewis Johnson are also to be congratulated on each attaining fellowships with the Halifax based, Commonwealth Judicial Education Institute in June of 2023.

I also wish to highlight the appointment of Justice Bernard Turner as a Judge of the Court of Appeal of the Turks and Caicos Islands in May of 2023 and the appointment of Retired Justice Neville Adderley as the Acting President of that Court for the entirety of 2023. We must celebrate our judicial officers, especially when their impact extend beyond our shores.

During the year several judges and former judges were recognized with King's and National honours. In June 2023, I was formally invested with the Award of Knight Bachelor in a ceremony at Windsor Castle. In October, Justices of Appeal Jon Isaacs, Milton Evans and Bernard Turner, and Retired Justice of Appeal, Neville Adderley were each awarded

the Order of the Bahamas in ceremonies held at Government House. In November: Sir Michal Barnett Kt, Sir Burton Hall Kt, Dame Anita Allen and Retired Senior Justice Joseph Strachan were among the 101 prominent Bahamian citizens specially selected to receive the first ever Jubilee Awards in recognition of their significant contributions to the development of The Bahamas in our first 50 years.

In August 2023, the judiciary lost the services of Mrs. Bathsheba Algreen who had served faithfully for many years rising to the post of Office Manager in the Judicial and Legal Services Commission (JLSC). She managed the administrative arm of the JLSC and was essentially the human resources manager for judicial officers. We will certainly miss her and wish her well in her retirement.

The Courts

In 2023 we returned to in person trials in all Supreme Courts. The return came with it, the lessons learned from the pandemic experience as we have now incorporated the greater use of virtual technology in our operations. Hearings in the Court of Appeal remains virtual. Although it continues to be the most efficient Court in our system, notwithstanding its virtual operations, we look forward to their return to normalcy soon.

Criminal Courts

In 2023 the work of the criminal courts were ramped up in the wake of the slow down in the pace at which trials could be completed during the Covid 19 pandemic. In February 2023 we introduced an additional Criminal Court to provide additional capacity following the setbacks caused by the pandemic. With the recent amendment to the Supreme Court Act, to increase the complement of Judges by 5, it is the intent to add an additional Criminal Court in 2024, when court space becomes available following the relocation of the Family Division.

The establishment of a third Court in Grand Bahama, which was also expected to do some criminal work, experienced some setbacks as a result of the delayed opening of the Magistrates Court at Eight Mile Rock. The space designated for the third court is currently being used by the Eight Mile Rock Magistrates court. Once the Eight Mile Rock court has

relocated to its permanent home in 8 mile rock, the Third court can be established. This is now anticipated within the first quarter of 2024.

Sexual Offences Court

The efforts to establish a standalone sexual offences Court also continues. The long term goal is to convert two of the courts in the existing Main Supreme Court building into dedicated sexual offences courts, once the New Supreme Court Complex is completed. In the short term, during the course of this year, one of the courts in Annex II, which has a separate entrance to the road, will be dedicated to the hearing of sexual offences involving particularly sensitive and delicate victims.

Bench book

A draft bench book for the criminal courts, has been prepared by the Criminal Division. A consultant has been engaged to conduct the editing of the Benchbook and that process is ongoing. It is expected that this project will be completed before the end of the second quarter and the Criminal Division will be equipped with an updated, professionally edited, modern Bench book for their use. I wish to thank Justice Renae McKay for her effort in marshalling this project thus far.

Bail

When I first drafted this address, I had intended to avoid the usual conversation defending the grant of bail, having had to publically address this issue several times during the course of 2023. I had hoped to focus only on what could be done to improve the pace of criminal trials and wider reform of the criminal justice process. Public commentary in recent days however, suggests that, at the risk of being repetitive, I ought nonetheless to say a few words on this recurring, albeit important issue. The Carnage on our streets is indeed distressing and unfortunate, as citizens of The Bahamas, we too are affected by this. As judges we take very seriously the oaths that we have taken, to uphold the law, as the Constitution and our people expect nothing less. We do not make the laws, we merely interpret and apply them.

Former Court of Appeal President Dame Anita Allen, in the decision in ***Hepburn and The Attorney General SCCr. App. No 276 of 2014***, points out the challenges which bail decisions pose for judges: She states:

“5. Bail is increasingly becoming the most vexing, controversial and complex issue confronting free societies in every part of the world. It highlights the tension between two important but competing interests: the need of the society to be protected from persons alleged to have committed crime; and the fundamental constitutional canons, which secure freedom from arbitrary arrest and detention and serve as the bulwark against punishment before conviction.

Contrary to the opinion of some, there is no prohibition on the grant of bail for murder. This was settled recently in the Privy Council case of ***AG for Trinidad v Akili Charles [2022] UKPC 49***. Also, contrary to the opinion of some, the law does not prescribe a two year requirement before an accused can be admitted to bail for the offence of murder. A charge is not a conviction, the fact that the police have alleged that you have committed an offence does not automatically suspend your constitutional rights for 2 years. The Police and the prosecution must demonstrate that there is a basis for the pre-trial detention beyond the fact that it is a murder charge. The seriousness of the offence alleged is indeed a very relevant factor, but not the only factor. The nature of the charge and of the evidence available in support thereof, the likely sanction in case of conviction, whether conditions can be put in place to ensure the accused attends at his trial, the accused’s record, if any, the likelihood of interference with witnesses, the need to prevent public endangerment and the safety of the accused are some of the other factors¹ the Court must also consider.

As judges we do our best but we are not infallible. The judge does not have the only word on bail. Where the judge grants bail it is open to the DPP to appeal that decision as far as they need to. The law permits the accused to remain in custody until the appeal is heard. Supreme Court Judges are bound by decisions of the Court of Appeal and only seek to abide with the rules established in those decisions. Attributing blame is not the answer, there is enough for all of us to share. We need to take a holistic approach to the resolution of this crime problem, an approach which embraces co-operation and

¹ Jonathan Armbrister v The Attorney General SCCrApp. No.145 of 2011 per John JA

collaboration. The Minister of National Security's Crime Commission, which the judiciary is fully committed to supporting, is a step in the right direction.

Reform

I would like to speak of reform, in as much as my remit can allow.

In October 2023, I along with several judges of the Criminal Division and several magistrates attended the CCJ Seventh Biennial Law Conference in the Republic of Barbados. The Deputy Commissioner of Police and other senior members of the Royal Bahamas Police Force also attended. The Conference was themed: "*Criminal Justice Reform in the Caribbean: Achieving a Modern Criminal Justice System*". It brought together all of the stakeholder communities in the Criminal Justice Sector in the Caricom region. Justice Ministers, the judiciary, the police, the prosecution and the defence bar.

In the Needhams Point Declaration which emanated from the conference, it was expressly observed that "there is an unacceptable situation as it relates to crime in the Member States of the Caribbean Community, that there are intolerable delays in the administration of criminal justice including unreasonably long periods spent on remand. The declaration acknowledged "that crime is inimical to peace, order, and stability within societies, and therefore stifles social and economic development.

The Declaration, which is available on the Court's website, made 30 broad and wide ranging recommendations across all stakeholder classes from policy and legislative interventions to recommendations for the prosecution and police and for judicial interventions.

Recommendations 29-39 related to Judicial Interventions: Three of these recommendation will be specifically pursued by the judiciary during 2024:

29. That a new category of judicial officer should be created, or existing judicial officers be deployed, to deal specifically with pre-trial issues in criminal matters.

32. That a Sentencing Guidelines Commission be established in each jurisdiction

...

34. That courts should adopt a focused and integrated approach to eliminate criminal case backlogs, by using tools and measures such as robust case-management, coupled with plea bargaining discussions.

As I sought to argue in my address to you last year, we must find ways to counter the decrease in the speed at which criminal trials can be concluded, without affecting its fairness. If we can provide for binding evidentiary hearings to take place, pre-trial, this would obviate the need for a jury to be empaneled, especially in circumstances where the determination of the issue may decide the entire action. At the very least, it shortens the length of a jury empaneled trial.

A draft amendment to the Criminal Case Management Rules to encourage and provide for pretrial evidentiary hearings in the Supreme Court, has been favourably considered by the judges in the Criminal Division. The draft will be sent to the Rules Committee for consideration. The draft will also be shared with the Attorney General for his comment and input.

I propose, when space becomes available, to cause 2 judges be assigned to engage in a pilot program to conduct pretrial hearings and *to deal specifically with pre-trial issues in criminal matters.*

I will establish a Sentencing Guidelines Commission as recommended by the Needhams Point Declaration *with a broad remit including the obtaining of data and the making of recommendations to the legislature and judiciary to assist in the formulation of sentencing ranges for various offences falling for determination by parliament or judges.* I will ask the President of the Court of Appeal to recommend one of his members to co-chair the Commission along with Senior Justice Grant Thompson. In addition to judicial officers, the Commission will also have membership from the DPP, the private Bar and a legislative drafter. I propose that the President and I will be ex officio members of the Commission. The Commission will have a mandate to return guidelines by the end of 2024.

Civil Divisions

Civil Rules Reform

On March 1, 2023, the Supreme Court (Civil Procedure) Rules 2022 were brought into force. This represented a significant milestone as it ushered in a new civil justice regime. Two separate comprehensive amendments to the Rules were necessary to tidy them up. Additionally, 13 practice directions were issued to supplement the rules or to assist parties in applying them. I am happy to advise that a reprint of the CPR Rules has been completed, which will give you a single document incorporating all of the amendments. I wish to express my thanks to the Law Revision team for the significant assistance with the amendments and the reprint.

In order to assist in the implementation of the Rules a Practice Guide was made available for use. An updated practice guide is set to be issued by the Bahamas Judicial Education Institute during the course of this month. The updated guide will incorporate the amendments and the several cases decided since the rules were brought into force. I wish to thank Judicial Counsel Jonathan Deal for his efforts in coordinating the update.

I wish to thank the members of the Supreme Court Rules Committee, the judges in the civil divisions and the practitioner's at the civil bar, for a fairly successful implementation process. I also wish to express my gratitude to Assistant Registrars Rosanne Sweeting and Indy Hunter who manned the CPR help desks in Freeport and in New Providence allowing us to be flexible and responsive in ensuring that the transition was as seamless and as efficient as possible.

I am pleased to announce that LexisNexis will be releasing a 2024 edition of the Caribbean Civil Court Practice which will now include The Bahamas' new rules. The text is due for release in the Spring. I wish to thank Justice of Appeal Indra Charles and Judicial Counsel Jonathan Deal who along with myself worked with the editors in the production of this 2024 edition.

Outstanding Judgements

The problem of delayed judgments, principally in the civil divisions, continues to plague us. Whilst considerable progress has been made to achieve the standard now established by Court of Appeal authorities, much road remains to be travelled to arrest the backlogs

in several courts. Those judges have either been taken out of court or have not been assigned any new matters. Judges are generally trying to achieve this benchmark but challenges remain. Arresting this problem continues to receive my full attention and I hope to report at my next address that this issue has been fully taken in hand.

Commercial Court

The establishment of a commercial court also continues to receive some attention. The Attorney General and I have identified a location in the vicinity of the site of the New Supreme Court Complex which is proposed to house the facility. It is expected that the discussions and development of this project will continue in this legal year.

On December 19th 2023 I issued a practice direction on Cross Border Insolvency. This practice direction approved the use of the Judicial Insolvency Network (JIN) Guidelines for Communication and Cooperation between courts in cross border insolvency matters. The Guidelines have been adopted by a number of other courts in financial services jurisdictions. The Practice Direction will offer insolvency practitioners and the Court with an additional tool for the efficient conduct of cross-border insolvency and restructuring proceedings and a framework for communication and cooperation between courts in different jurisdictions, within the confines of applicable law.

The Family Court

During my last address I announced that the Executive has allocated a site for the development of a Family Court in New Providence. Considerable progress was made in 2023 towards the build out of a state of the art modern Family Court Complex. The Family Court Complex, when completed, will house the Magistrate's Family and Domestic Courts as well as the Family Division of the Supreme Court. The complex will accommodate three Magistrates and three Supreme Court Judges inclusive of registries and adequate support staff complements. The complex will also be equipped with the attendant wrap around services such as social services, the police, mediation facilities, facilities for supervised visitations and for daycare services for court users. The judiciary is grateful to the executive for the considerable infrastructural investment in this complex.

The time estimates for the Magistrates Court section of the family Court is the end of the first quarter of 2024 whilst the hope is to complete the Supreme Court elements at the end of the second quarter.

I repeat the observations made in my address last year, that to meaningfully develop the family court a holistic approach must be undertaken, as a proper family Court is more than just adequate and appropriately appointed building spaces. We need a reformed legislative framework to be put in place to achieve this goal.

Increased remuneration of Magistrates and Registrars

I am happy to report that the proposal foreshadowed in my last report, to enhance the remuneration of Registrars and Magistrates not only received the favorable consideration of the government but has already been put into effect. The judicial officers received increases and back pay in December 2023. The adjustments, the first meaningful increase in well over a decade, were long overdue. In addition to the salary increases, a contributory medical insurance plan has now been made available by the Government to all Registrars and Magistrates. I am advised that the Commission required under the Judges Remuneration and Pensions Act has been appointed and is being chaired by Retired Sr Justice Estelle Gray Evans.

Magistrates Courts

Quite a bit of promotions took place in the Magistracy during 2023. Magistrates Laquay Laing, Sandra Dee Gardiner and Shaka Serville were promoted to Senior Magistrates. Senior Magistrates Ancella Evans, Carolyn Evans and Kara Deveaux were promoted to Assistant Chief Magistrates. We congratulate them all on their promotions. In July, Attorney Roberto Reckley agreed to assist as Acting Chief Magistrate whilst the substantive office holder acts in the Supreme Court. Acting Chief Magistrate Reckley is doing a remarkable job in this role and we express our thanks to him. In 2023 the Magistracy also welcomed Attorneys Raquel Whyms and Lennox Coleby as Acting Magistrates. We thank them both for agreeing to serve.

Firearms Court

During 2023, a dedicated Firearms court was established. This development was a result of consultations and discussions with the Commissioner of Police, the Minister of National Security and the Judiciary. Acting Magistrate Lennox Coleby presently presides in this new court, which is already having a positive impact on the disposition of firearms matters. It is the intent, when space become available, to establish a 2nd firearms court during the course of the year.

Magistrates Civil Claims Court

During 2023, the civil jurisdiction of the Magistrates Court was increased four-fold from \$5,000 to \$20,000. This is a significant and welcomed change, as it means that matters valued at \$20,000 or slightly higher can be diverted from the Supreme Court and heard in a quicker, less expensive and less formal environment. This can only augur well for the access to justice for our citizens.

In order to accommodate the expected increase in the demand at the Magistrate Court level, it is intended to establish, for the first time, 2 dedicated civil day courts. Vice President of the Industrial Tribunal Ms. Ingrid Brooks has agreed to a secondment to the Magistrates Court, as Deputy Chief Magistrate, to establish the first of these 2 Courts. Her secondment takes effect on 15 January 2024. It is expected that the second of these Courts will be established towards the end of the first quarter, when the court room space becomes available in the Magistrates Court Complex. With this development it is anticipated that the Magistrates who currently hear one day of civil matters in their calendars will yield this time to the dedicated Civil Court. This will make way for the hearing of more criminal matters in their schedule. There is currently one fulltime night court dedicated to civil matters. We will monitor the demand, and should the need arise, as I suspect it will, an additional civil night court may be added.

The Eight Mile Rock Magistrates Court

The Eight Mile Rock Magistrates Court was officially opened on 13 November 2023 when the Obediah H. Wilchombe Complex was officially named and opened. We only await the final delivery of some necessary furniture, to be in a position to complete the relocation of the Court back to Eight Mile Rock. We look forward to the Court being fully functioning very shortly.

Coroners Court

We are happy to report that during 2023 the Coroner's Court has return to full operation after a considerable period of inactivity due to a variety of reasons. Since then, Acting Coroner Deveaux has concluded a considerable number of inquests during the course of the year, particularly those concerning police involved deaths.

Lay Magistrates

On 1st January of this year, Family Island Administrators began receiving criminal and family cases in their jurisdictions as Magistrates once again. You would recall that in 2018 a decision had been taken to rely only on the Circuit Magistrate to hear matters in the family Islands. Prior to that time the Administrator heard a range of matters and provided much needed support to the judicial system. Much has happened in that time, most notably the Covid-19 pandemic. The pandemic, and the temporary limitations on travel, demonstrated the inefficiencies in that model. It was determined that there is a need to return certain matters to Administrator for hearing. People should not have to wait long periods in Family Island communities to have to answer to a case of disorderly conduct, or for a simple traffic matter, to have someone bound over to keep the peace, or to apply for child support.

In preparation for this return to duty an intensive two-day training session was held for all administrators in New Providence by the Judicial Training Institute. Additionally, each Administrator has been paired with a Magistrate and has sat with them as observers during circuit visits in 2023. The Stipendiary and Circuit Magistrate will still conduct circuits, hopefully much less frequently and certainly with more productive sessions, focusing only on those matters which will not be assigned to Administrators.

Judicial Education

We undertook a deliberate effort to reform the Judicial Training Institute during 2023. The reformed structure replaced the Chairman with two Vice Presidents, each with specific responsibilities for Operations and Programming. The Vice President (Operations) is Justice Camille Darville-Gomez whilst the Vice President (Programming) is Justice Carla Card-Stubbs. The other members of the Board are now Justice of Appeal Bernard Turner,

Justice Denise Lewis Johnson, Justice Andrew Forbes, Registrar Constance Delancy, Assistant Chief Magistrate Ancella Evans and Nicoya Neilly. In order to inform the process of reforming the Institute we engaged the professional services of Ms. Yvette Bethel of Organizational Soul to facilitate the development of a strategic plan to chart its course for the next three years. The development of the plan secured the input of all stakeholders of the Institute. The Strategic Plan was completed in December 2023 and will be shared with all relevant stakeholders.

Notwithstanding the reform process, the Institute conducted or facilitated several key training initiatives during the course of the year. The annual January conference for all judicial officers was held at the Paul Farquharson Conference Center. In February 2023, Justice Kokoram of the Court of Appeal of Trinidad & Tobago was brought in to provide additional training opportunities for the judicial officers and attorneys on the CPR. Training on the Case Management System and Electronic Filing took place during the course of October, November and December of 2023 for judicial officers and members of the Bar. In November the Institute conducted the 2 day training seminar for all Family Island Administrators.

Judicial officers were afforded the opportunity to attend several training programs and conference overseas. These included:

- a) Conference of the International Association of Women Judges, Marrakech Morocco
- b) Commonwealth Judicial Education Institute, Intensive Study Course for Judicial Educators in Halifax, Canada
- c) The Commonwealth Magistrates and Judges Association Annual Conference, Cardiff Wales
- d) UWI, Caribbean Commercial Law Workshop, Miami Florida
- e) OECS Bar Association Annual Law Conference, Miami Florida
- f) CCJ Law Academy Conference on Criminal Justice Reform, Bridgetown Barbados
- g) National Association of Women Judges, Annual Conference, Indiana USA.

- h) International Association for Court Administrators Conference, Buenos Aires, Argentina.
- i) National Association of State Judicial Educators (NASJE) Conference, Columbus Ohio
- j) Justice Digitization Seminar, Santo Domingo, Dominican Republic.

A number of the overseas training was undertaken at the expense and support of the US Embassy here in Nassau. Without that support our attendance and participation in these valuable training opportunities would not have been possible, considering our budgetary constraints. I again wish to publically express the thanks and gratitude to Charge d'Affaires, Mrs. Usha Pitts and her team on behalf of the judiciary for the continued assistance of the US Embassy in these initiatives which only deepen an already strong partnership.

As Chief Justice, I attended the annual Conference of Caribbean Heads of Judiciaries, in Port of Spain Trinidad. The Head of Judiciaries Conference was attended by nine other heads of judiciaries from across the Caribbean. The theme of the conference was *“Moving beyond the Familiar: Creating a Judiciary for the Modern World”*. It provided an important forum for the Heads of Judiciaries to consult and collaborate towards the improvement of access to justice for citizens of the Region. The conference focused on issues of Artificial Intelligence, Cybersecurity, Judicial Independence, support for pro se litigants and collaboration on judicial education.

Court Technology

The year 2023 saw considerable strides being made in advancing the use of technology in the work of the Judiciary. We were able to complete the digitization of a considerable portion of the New Providence Courts files. We have now engaged Record Archive Management, a Freeport based company, to complete the digitization of court records for the northern region.

The Caribbean Agency for Justice Solutions (CAJS), has digested the digital records into the court's new Integrated Case Management System (ICMS) which is now fully operational and is in the final stages of being launched in the Supreme Court. The

Electronic Case Management Rules, which was passed in September 2023, provide for the court to implement electronic filing of court documents remotely and directly onto the ICMS platform. The platform too, is in the final stages of implementation following the training of judges, judicial staff and attorneys at the end of the year. The go-live date for the system is scheduled for February 5, 2024 and the Electronic Case Management Rules is expected to be brought into force on that date. The software is expected to have a transformative effect on our judicial system and the way records are kept and viewed. The Judiciary, is committed to ensure that there will be access to justice for all our citizens regardless of their means. In this vein we will ensure that our advancements in technology will be available for all. Kiosks and self-help counters are being made available to permit pro se litigants, and lesser established attorneys to also share in the benefits of the advancement in technology.

In April 2023 we relaunched the Digital Court Reporting Systems throughout the judiciary. The systems are now available in all courts including the civil courts. We now have access to the speech to text feature which will permit the audio recording to be converted to text immediately following the proceedings. In December the last of the civil courts were outfitted with the equipment to support the Digital Court Reporting. We therefore expect that the delays presently being experienced in receiving transcripts will now be a thing of the past.

It is doubtful if much of this would be possible without the support of our friends and partners at the United States Embassy in Nassau through INL's Caribbean Anti-Crime Program which is being implemented by the National Center for State Courts (NCSC). The partnership and support involved not only the technical support, in the outfitting of many of our Courts with the recording systems, but it also involved the provision of expert advice and a significant training component. I again unreservedly express our thanks and appreciation on behalf of a grateful judiciary.

Court Services Department

This year we took deliberate steps to build out a Court Services Department under the able leadership of Deputy Registrar Renaldo Toote as the Acting Director of Court Services. The Court Services Department has separate premises located at Charlotte

House. Three new units have been established under the management of the Court Services Department during 2023. These are Court Security, the Transcription Unit to support digital court reporting and the Digitization Unit to support the ongoing need to scan court documents.

The Court Security Department is led by Director Stephen Seymour and Deputy Director Sterling Charlton. All Court marshals and security personnel now report into this Department. The work of this new unit is already having a positive impact on the overall security and efficiency of the judiciary in so many ways. The result is an enhanced focus on the security of our staff, stakeholders and property. I welcome both the Director and the Deputy to the Judiciary and look forward to their continued positive impact on the development of the Judiciary.

In addition to the day to day administration of the operations of the Court, the Court Administration Department was involved in the oversight of many projects during the course of the year. The major projects included:

- (1) Considerable renovations at the Magistrate Court Complex in Nassau Street;
- (2) Repairs and/or installation of Digital Court Reporting Systems in all Courts; and
- (3) The Complete renovation of the Main Supreme Court building. Work to renovate Annex I, the former Ansbacher building, began at the end of December and is moving at an acceptable pace.

The Judicial Plant

The Honourable Attorney General has spoken to the developments relative to the proposed Supreme Court Complex. This is another huge and transformational development. Whilst we are extremely grateful for the considerable investment being made to outfit the Judiciary's existing facilities, the current Courts campus remains ill-suited to take The Bahamas into another 50 years of development. We need a modern court facility outfitted with the adequate technology and facilities to support the staff which are now required for the Judiciary. Our physical plant has not kept pace with the growth of the bench, the increased size of the bar, the workload of the court and security threats which were not envisioned when these buildings were first commissioned. When these

courts were designed the technology considered necessary for Court to function was probably limited to the telephone. Today, the presence of stenographers and transcribers, judicial research counsel, IT personnel, court administration staff, court security and judicial education personnel are all now common place and necessary in modern courts

A modern courtroom today looks completely different from the traditional, austere facilities that we are accustomed. A modern Court complex will centralized services and permit greater and more efficient use of resources and harness the benefits of technology.

The Court Services Act

The Attorney General has also spoken to the Court Services Act, which successive Chief Justices had been promoting for some time now. The Act is progressive and a first for this region. The independence of our judges, in their courtrooms has never been questioned. The Act gives the judiciary control over its budget and represents a significant step forward in achieving the constitutional ideal of administrative independence for the judiciary. When brought into force, the Act will require a complete build out of new systems and processes to support the new independent Court Council and Administration for the Courts. These are indeed exciting times for the judiciary and will require our collective efforts to make it successful and to achieve the intended objectives of the legislation.

Annual Report

I commend to you the 2022 Annual Report which covers the work of the Courts during the past year. It also contains important information and statistics about the work and operations of the Courts. It will be available in a digital format on the Courts Website and in hard copy. I wish to formally register my thanks and appreciation to the team responsible for preparing the Annual Report. I should also extend my thanks to the Registrar and Director Toote and their teams including the staff in my chambers for the enormous work done in bringing off today's proceedings.

Conclusion

As I conclude I will pause to express my gratitude and thanks to the Minister of Finance and to the Financial Secretary Mr. Simon Wilson for the provisioning of significant needed capital expenditure for the judiciary during the course of the year and for securing the change in the aged fleet of vehicles for the Court of Appeal and the Supreme Court.

I wish to thank the President of the Bar, Mr. Khalil Parker KC and his hard working Bar Council for partnering with us during the course of 2023. I look forward to continuing our partnership in 2024. Last year required significant engagement between us, across a range of areas of mutual interest, from rules reform to legal education, from court security to access to Bank Lane. As an ex officio member of the new Court Council I look forward to the President's valuable contribution in moving the judiciary forward.

I wish to thank the Hon. Attorney General, the leader of the Bar, and his team at OAG, in particular the Permanent Secretary Mrs. Anya Symonette, for their unwavering support for the judiciary. Since my appointment I have found the Hon. Attorney-General to be extremely supportive of all of our initiatives and projects. His ideas are progressive and his desire for the advancement of the judiciary and the justice system undeniable. The results of his support, and efforts are self-evident in what has been achieved in 2023. We look forward to working with him in 2024 to achieve our shared goals of enhancing the administration of justice.

I remain privileged to have been afforded the opportunity to lead the talented judicial officers and staff that make up the judiciary across New Providence, Grand Bahama and Abaco. I again publically express my thanks for all that they do to ensure the constitutional mandate of an independent, impartial and fearless judiciary. Finally, I give special thanks to the senior management team of the judiciary comprising of Sr Justices Fraser and Grant Thompson Registrar Delancey, Deputy Registrars Saunders and Blatch, Acting Director of Court Services Toote, Acting Chief Magistrate Reckley, Magistrate Court Administrator Grant, HR Manager Annamae Neely and Financial Officer Claudia Hall.

With these few words then, I declare the 2024 Legal Year Officially Open.

Sir Ian Winder
Chief Justice