

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*. The growing size of our bench and bar has caused the statutory sittings of the Court to continue to take place in meeting spaces such as this one rather than our traditional accommodation in the main Supreme Court. We await the construction of the new Supreme Complex and the opportunity to return to a more traditional setting.

Today is the third 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 for 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

The week began with the Annual Red Mass Service at St Francis Xavier Cathedral on Sunday past where we 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. This morning, we gratefully received the spirited charge of the Anglican Bishop, the Rt

Rev'd Laish Boyd, who challenged us to aim high and be our best selves. I thank him and the Dean of Christ Church Cathedral for so graciously accommodating us for our annual official service.

I wish to welcome the new Commissioner of Police, Ms Shanta Knowles and to congratulate her on her historic appointment as the first female Commissioner of Police. We have worked very well in the past and look forward to working with her in this new role. She takes over an organization which is not experiencing its strongest days but an organization which we, as a people cannot allow to fail. There are so many talented, honest, decent, men and women on the Royal Bahamas Police Force whose hard work and efforts have been overshadowed by recent events. Commissioner Knowles is the embodiment of these fine men and women. As she rebuilds the trust of the Bahamian people, I pledge to her the full support of my office and of the judiciary as we carry out our mutual mandates.

The Commissioner of Police is the Provost Marshal for the Court and for this reason we welcome her presence sitting with us in these ceremonies. I wish to thank her for the usual excellent presentation of the guard of honour by the Internal Security Division accompanied by the Police Force Band. I also wish to express our appreciation for the facilitation of our procession by the Traffic Division this morning.

Permit me to recognize the presence of the President of the Court of Appeal of Jamaica, the Hon Justice Marva McDonald Bishop OJ CD and her delegation.

Justice McDonald Bishop, a special friend to the judiciary of The Bahamas, provided training support at our recently concluded, annual Judicial Training Conference.

In the Court of Appeal, in 2024, we said farewell to former President Sir Michael Barnett who reached the constitutionally mandated retirement age. In June, a special sitting was convened to provide a fitting farewell for an exceptional jurist. The Hon. Mr. Justice Jon Isaacs succeeded Sir Michael as President. Justice Isaacs is expected to demit office at the end of this month and, as the Court of Appeal will convene a special sitting to honour Mr Justice Isaacs, I will not preempt what I hope to say during that sitting. I will nonetheless use this occasion to publicly recognize his commitment and long service to the people of The Bahamas in so many diverse roles: as a law officer of the Crown, Chief Magistrate, Senior Justice of the Supreme Court, Justice of Appeal and President of the Court of Appeal. I wish him well in the next chapters of his life and look forward to working with his successor in office.

Since last year's opening we welcomed to the Supreme Court bench Justices Joyann Ferguson, Andrew McKinney, Darron Ellis, Constance Delancy, Dale Fitzpatrick and Leif Farquharson KC. Justice Delancy and Ferguson are well known to you. Justice Delancy is the former Registrar of the Supreme Court and Justice Ferguson, who had previously acted in the post, joined the Supreme Court bench from the Magistracy having been the longest serving Chief Magistrate.

Justices McKinney and Farquharson join the bench after distinguished careers at the private bar. Justice Farquharson who began his practice at the public bar had been elevated to membership in of the exclusive inner bar. Justice Ellis joined the bench following a diverse career which included service at the private bar, in academia and in the magistracy. Justice Fitzpatrick, a Canadian, joins the Bahamas' bench following a stint on the Eastern Caribbean Supreme Court. He had previously spent 12 years on the Superior Court of Ontario, Canada.

In February 2025 we will bid farewell to Madam Justice Donna Newton who will achieve the constitutionally mandated retirement age. Justice Newton was appointed to the Supreme Court bench in 2018 but had previously served as Assistant Registrar, Deputy Registrar and Registrar in the Supreme Court and Court of Appeal. Justice Newton found her niche in the Family Division of the Court and was the first Hague Network judge for The Bahamas. We thank her for her contribution to the judiciary and wish her well in her retirement.

I wish to thank Industrial Tribunal President Indira Demeritte Francis for agreeing to serve as an Acting Justice of the Supreme Court during 2024 in the Civil Divisions of the Court in Grand Bahama.

We also welcome to the Supreme Court new Assistant Registrars Rosanne Sweeting, Indy Hunter, Jonathan Deal and Akiera Martin. On the elevation of Registrar Delancy to the Supreme Court bench Deputy Registrar Renaldo Toote

was appointed to act as the Registrar of the Supreme Court. We wish him well in this new role and look forward to his continued service.

In the Magistracy during 2024 Attorney Roberto Reckley was confirmed as the Chief Magistrate on the elevation of Justice Ferguson. Subusola Swain and Charlton Smith were appointed as acting Deputy Chief Magistrates. Magistrates Algenon Allen Jr., Kendra Kelly and Raquel Whyms were promoted to Senior Magistrates, Aniska Isaacs was seconded from the Court of Appeal as an acting Senior Magistrate. Kevin Farrington, Myles Parker and Petrocelli Edwards were appointed as Acting Magistrates. We congratulate them all on their appointments. The JLSC will advertise in an effort to fill two vacancies for Magistrates within the coming months.

I also wish to thank Viola Major and Jonathan Deal who both acted for short stints in the Magistracy during 2024.

We also said farewell to Judicial Counsels RaSean Longley and Glen Curry who have moved to the private sector. We thank them for their contributions and wish them well in their new careers at the private bar. On that note I make a special appeal to young lawyers to consider a stint as a judicial research counsel, whether in the court of appeal or the Supreme Court. It is excellent initial exposure for young lawyers to the practice of law, without the pressure of firm life or of clients. The training and insights gained have been described as invaluable.

In 2024 several judicial officers and former judicial officers were recognized with National Honours. Retired Senior Justice Estelle Gray Evans, Justice Franklyn Williams and Industrial Tribunal President Indira Demeritte Francis were each awarded the Order of The Bahamas in ceremonies held in October 2024.

On 12 August 2024 the Judiciary was saddened to learn of the untimely passing of Deputy Chief Magistrate Debbye Ferguson, who died in office. DCM Ferguson, a treasured member of the Judiciary team, had served as a Magistrate for over 20 years, all of which was in Grand Bahama. She will be sorely missed and we continue to keep her family and friends in our prayers.

Criminal Courts

The Criminal Courts continue to receive focused attention. Since our last opening ceremony we have introduced two additional Criminal Supreme Courts to provide additional capacity. One additional court in Grand Bahama and another in New Providence.

In 2024 deliberate efforts were taken to engage in Criminal Justice Reform in the Supreme Court. Most notable of these efforts was the passage of the Supreme Court Amendment Act 2024. The Supreme Court Amendment Act 2024 has permitted the Supreme Court Rules Committee to pass the Supreme Court (Criminal Case Management)(Amendment) Rules 2024. These new rules, which came into force on 2 January 2025, are intended to promote more efficient and

effective case management in criminal matters by providing for the Defence Statement and a mechanism for Pre-trial Evidentiary Hearings.

The Defence Statement along with the full disclosure obligations of the prosecution allows for early identification of the issues in the case by the trial judge and therefore provides for more meaningful case management. Pre-trial evidentiary hearings would allow evidentiary and admissibility challenges to take place before having to empanel a jury. These hearings could even obviate the need for a jury to be ultimately empaneled in circumstances where the determination of the issue may decide the entire case, resulting in a withdrawal or a plea agreement. At the very least, it shortens the length of a jury empaneled trial. In advance of the bringing into force of the new rules a period of sensitization and meaningful engagement took place amongst criminal justice stakeholders. That engagement included a 2-day training seminar, facilitated by leading UK Counsel, which involved the judiciary, prosecutors and the defence bar.

In 2024 we established a dedicated Bail court to hear all new bail applications in the Supreme Court. To support the establishment of the Bail Court and the registry functions, I issued a Practice Direction for Approved Surety Requirements on Applications for Bail. Justice Brathwaite is the first judge to sit in that court. The purpose of the dedicated Bail court was not only to bring a focused attention to the bail process but to ensure consistency in bail decisions.

In order to support the established system of legal aid in criminal matters and to encourage practitioners to pursue criminal law as a practice area, we increased the fees paid for criminal legal briefs. A practice guidance note was issued in May 2024 to provide a more structured system for payment to lawyers who engage in this most important work. Now that criminal case management rules have been passed, evidentiary hearings would attract the same fees as trial days.

Bench book

A draft bench book for the criminal courts had been prepared by the Criminal Division. A decision was taken to enlist professional editing and publication services for the production of the work. Justice Peter Jamadar of the CCJ and Elron Elahie of the Caribbean Association of Judicial Officers, who spearheaded the joint bench book for Guyana, Belize and Barbados have agreed to assist in this project. We look forward to receiving a professionally edited document complete with hyperlinks, cross references and additional chapters on criminal case management by the summer of this year. Justice Renae McKay continues to be the judiciary's liaison person for this project.

Sentencing Guidelines

The Sentencing Guidelines Commission was established in April 2024 and is being chaired by Sir Michael Barnett. The members of Commission include Senior Justice Cheryl Grant Thompson as Deputy Chairman, Justice of Appeal Bernard Turner. Director of Public Prosecutions Cordell Frazier, Chief Magistrate

Roberto Reckley, Mr Stanley Rolle of the Public Defender's Office, Miss Miranda Adderley as the nominee of the Bahamas Bar Association, Rev Carla Culmer of the religious community and Assistant Director of Social Services Mrs Sonia Saunders. The Secretary and research counsel to the Commission are Miss Kristina Wallace Whitfield and Shona Richards respectively. The Commission is presently considering a first draft of the guidelines and are expected to report soon.

Civil Divisions

In addition to the Supreme Court (Criminal Case Management) (Amendment) Rules 2024, the Rules Committee passed The Supreme Court (Provost Marshal Fees) Rules 2024 and The Supreme Court (Enforcement of Orders and Awards of the Industrial Tribunal) Rules, 2024. They are both expected to be brought into force this month. Practice Directions have also been issued for Fixed Dates Claims; and for a further allocation of work of the Court between Judges and Registrars.

The Family Court

On 19 December, 2024 the Rt. Hon. Prime Minister officially opened the Family Court Complex on Bernard Road. The Supreme Court Family and Probate Registries were relocated to the Complex in November 2024 in advance of the complete relocation of the Magistrate's Family and Domestic Courts and the Family and Probate Divisions of the Supreme Court later this month. In addition to modern, fit for purpose, court spaces and registries, provision in the complex is

made for all of the attendant wrap around services such as the Department of Social Services, the Police and Daycare/Nursery facilities. The complex will also house a juvenile court and a Mediation Center which we expect will be completed by summer of 2025. The judiciary is extremely grateful to the executive for the considerable infrastructural investment in this complex.

During 2025 I propose to establish a separate listing office for the Family Court to provide for greater efficiencies across all civil divisions.

The completion of the Mediation Center will pave the way for the introduction of the long awaited Court connected mediation component of the CPR in 2025. This will allow us to advance mediation as a viable means to help relieve the stress upon the court system. The mediation center will provide a space for the mediation of disputes of both a civil and family nature. The issuance of a practice direction will allow for the appointment of a Mediation Coordinator to manage the court connected mediation process for the Courts. We intend to capitalize on the many talented trained mediation professionals in the jurisdiction.

Court Technology

Another significant milestone in 2024 was the bringing into force of The Electronic Case Management Rules 2023 on 1 February 2024. On 1 February 2024 the Supreme Court commenced the electronic filing of court documents remotely onto the Judiciary's CURIA E-Filing platform for the first time. The electronic platform provides a myriad of advantages: reduces paper usage and

manual processing of case files; improves security by eliminating the incidents of lost or misplaced files; eliminates the need to physically transport files between judicial officers; improves accessibility by giving 24 hours access to the registry and the court files by judicial officers and lawyers; convenience as attorneys can immediately file documents directly into the portal from their chambers; instant updating as electronic filing means that files are immediately updated and the updates immediately available to all relevant parties; and strengthens financial accountability. The system is being configured for the Court of Appeal and we expect to extend the platform to the Court of Appeal by the end of the first quarter of 2025. I wish to express my gratitude to Assistant Registrars Rosanne Sweeting and Indy Hunter who have been managing the newly created E-Filing Registry and providing hands-on support in helping users access and utilize the platform.

The year 2025 will mark on a new phase in the recording of proceedings before the courts. The magistrates are now completely dependent on the recording of court proceedings digitally. Except in limited circumstances the use of stenographers will only be a requirement in criminal trials and evidentiary hearings. The civil and family divisions of the Supreme Court, bail applications and criminal case management hearings will become completely dependent on the use of digital recording apparatus. We have been steadily building our transcription capacity and have acquired new software to be able to provide substantial assistance to our existing cadre of stenographers.

Magistrates Courts

Firearms Court

In 2023, a dedicated Firearms Court was established on a part time basis on similar to terms of the Traffic Court. The Court has proven to be extremely effective and will be established on a full time basis with effect from 20 January 2025 as the courtroom space becomes available due to the establishment of the Family Court.

Magistrates Civil Claims Court

In 2024 Magistrates began to hear civil disputes of up to \$20,000. This empowered Magistrates to preside over a broader spectrum of civil matters facilitating swifter and more accessible resolution for individuals and businesses alike. With the enhanced jurisdiction, the Magistrates Court emerged as a vital avenue for seeking justice and resolving disputes efficiently. In an effort towards enhancing accessibility and efficiency in legal proceedings we established the first full-time day court dedicated exclusively to civil disputes. We also added, as of 1 November 2024, an additional night civil court. It is hoped that this will streamline the civil litigation processes and alleviate some of the burden on Supreme Court schedules.

Family Island Magistrates

The year 2024 saw the completion of the first full year of the return of Family Island Administrators hearing criminal and family cases in their jurisdictions as

Magistrates once again. In September 2024 we began a more intensive focus on family island communities by having the Magistrate spend a longer period in the islands. Senior Magistrate McKinney spent three months across the island of Eleuthera during the last quarter of 2024. He also spent a month on the island of Andros and a complete schedule has been developed for 2025. In 2025 we intend to leverage virtual technology to augment the hearing of criminal matters in the family islands.

Judicial Education

The Bahamas Judicial Education Institute conducted several key training initiatives during the course of the year. A four day training program for judicial officers and judicial research counsel, facilitated by the Caribbean Association of Judicial Officers (CAJO) was held on January 15-18, 2024 under the theme, “Strengthening the Judicial Office”. The two day training program for judicial officers and criminal practitioners on the new Criminal Case Management Rules. In September 2024 a Family Division Workshop was conducted on Domestic Violence Orders. In December 2024 a two day orientation program was conducted for newly appointed Judges and Magistrates. Orientation sessions and training sessions on the digital court reporting and the electronic case management systems were conducted throughout the course of the year. I wish to thank Justices Darville Gomez and Card Stubbs for the leadership of the Institute.

Judicial officers were afforded the opportunity to attend several training programs and conferences overseas in 2024. These included the IP Caselaw Conference in Kingston Jamaica; the ILEA training course in El Salvador; UWI, Caribbean Commercial Law Workshop, in Port of Spain, Trinidad & Tobago; Training on Civil Forfeiture by the National Center for State Courts in Miami, Florida; The Commonwealth Magistrates and Judges Association Annual Conference in Kigali, Rwanda; International Association for Court Administrators Conference Singapore; International Association of Judicial Trainers Conference in Seoul Korea; Global Programme on Criminal Network Disruption, in Port of Spain, Trinidad and Tobago; and the Ecourts Conference in Las Vegas, Nevada.

While some of the training was funded by the judiciary, regional and international agencies, a considerable 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 our thanks and gratitude to Charge d’Affairs Ms Kimberly Furnish and her team on behalf of the judiciary for the continued assistance of the US Embassy in these initiatives, which continue to deepen an already strong partnership.

As Chief Justice, I attended the annual Conference of Caribbean Heads of Judiciaries, in Kingston Jamaica in June 2024. The Head of Judiciaries

Conference was attended by nine other heads of judiciaries from across the Caribbean. The theme of the conference was “*Judicial Leadership in a Changing Environment*”. 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 2025 conference will be hosted by The Bahamas Judiciary and we look forward to welcoming the regional heads to our shores.

The Judicial Plant

The Honourable Attorney General has spoken to the developments relative to the proposed Supreme Court Complex. I will only say that we look forward with great anticipation for the benefits which a modern court facility, outfitted with the adequate technology and facilities to support the work of the judiciary. A modern Court complex will centralized services and permit greater and more efficient use of resources and harness the benefits of technology. He has also spoken of the new facilities for a commercial court and we look forward to working with him on this project.

Other capital works in the Judiciary included significant upgrades at the Supreme Court Annex 1, to which the Office of the Chief Justice has been relocated. This has permitted the utilization of an additional criminal court in the Hansard Building. The internal renovations to Annex I, which involved each floor, has been substantially completed. Work to the basement and the roof continues. It is hoped that some work on Annex II could progress thereafter.

The Court Services Act

Undoubtedly, the most significant event of 2024 was the bringing into force of the Court Services Act 2023. The Act came into effect on 1 July, 2024. This landmark and transformative legislation represents a significant step forward in modernizing and improving the efficiency of our judicial system. The objectives of the Act include: enhancing the independence of the judiciary by placing the courts under the administration of an autonomous body; conferring on such body the power to provide courts with administrative facilities and services necessary for the proper administration of justice; to enable the judiciary to manage its administrative and financial affairs and to promote transparency and accountability in the administration of justice.

The Act established the Court Services Council which is responsible for providing administration and support services for the courts for management of all matters related to the administration of the courts.

The first members of the Board of Directors of the Council were myself, as Chairman, President of the Court of Appeal, Mr. Justice Jon Isaacs, Madam Justice Guillimina Archer-Minns, the Supreme Court Registrar, Mrs. Constance Delancy, Chief Magistrate, Mr Roberto Reckley, Mr Herbert Cash, CPA, Mrs. Khrystle Rutherford-Ferguson, President of The Bahamas Bar Association, Mr Kahlil Parker KC and Court of Appeal Registrar, Miss Kristina Wallace Whitfield. The Board of Directors of the Council is responsible for overseeing the

implementation of the Act and has been busy developing the initial infrastructure of the Council and managing the transition process. I publically express my thanks and gratitude to the Board of Directors for work in 2024 and for their dedication to this process. The Board appointed Delgado Forbes, Deputy Permanent Secretary in the Office of the Prime Minister to be the Chief Executive Officer, on secondment. We have agreed to the appointment of a new CFO who is expected to take office on 13 January, on secondment from the Ministry of Finance. The Board has approved the new HR Policies and are finalizing the new posts and salary scales. This will permit the Council to begin making offers of employment to staff.

The transition to the Council has not been without its challenges, the most notable of which has been the loss of some of our most valued and cherished team members who have chosen to remain in the Public Service. We respect their decision and wish them well in their new career paths. I also wish to publically thank them all for their contributions over the years in the development of the Judiciary.

Annual Report

I commend to you the 2024 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. As usual, 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 spearheaded by Justice Lewis Johnson, Justices Delancy and Registrar Tooté.

I should also extend my thanks to Director of Court Services Miss Mildred Bodie, the Registrars 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, the Rt Hon. Prime Minister 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 the expenditure required in the transition to the Court Services Council.

I wish to thank my colleagues in the Judicial and Legal Services Commission, Justice of Appeal Turner, Father James Moultrie, Mrs Christel Sands-Feaste and Mr Andre Rahming for their service in 2024. I also wish to express my gratitude to my colleagues on the Rules Committee, Justice Indra Charles, Mr. Kahlil Parker KC, Miss Tleca Rolle and Mr Terry North for their work in 2024.

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 2024. I look forward to continuing our partnership in 2025. Last year required significant engagement between us, across a range of areas of mutual interest. Mr Parker, as President

sits on the Rules Committee as well as the Court Services Council. I always value the President's valuable contribution and wise counsel in moving the judiciary forward.

I wish to express my thanks and gratitude to the Hon. Attorney General, the leader of the Bar, and his team at OAG including the law reform team. The Hon. Attorney General continues 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 remain steadfast.

In the transition to the Court Services Council there was considerable engagement with the AG to ensure that the process would move as smoothly as possible. We look forward to working with the OAG in 2025 to achieve our shared goals of enhancing the administration of justice. I wish to publically extend congratulation to the new Director of Public Prosecutions Miss Cordell Frazier and the new Director of Legal Affairs Mrs Danya Parker. Miss Frazier and Mrs Parker are both well prepared for their new roles and I have every confidence that the ODPP and the Legal Department will continue to thrive under their leadership.

I remain privileged to have been afforded the opportunity to lead the talented judicial officers and staff that make up the judiciary across The Bahamas. I again publically express my thanks for all that they do to ensure that we live up to 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 Senior Justices Fraser and Grant Thompson, Registrars Delancy and Toote, Chief Magistrate Reckley, the Chief Executive Officer Mr Delgado Forbes, and their teams. With these words then, I declare the 2025 Legal Year officially open.