



JUDICIARY THE BAHAMAS

Grand
Bahama

Great
Abaco

Berry Islands

Harbour
Island

Nassau

Andos



JUDICIARY THE BAHAMAS

Eleuthera

Cat Island

San
Salvador

Great
Exuma

Long
Island

Acklins

Mayagua

Inagua

Annual Report

2020



The Office of The Judiciary Vision

To provide the framework to minimize the time between the initiation and disposition of criminal complaints and between the initiation and resolution of civil claims and provide the public with ethical, courteous, efficient and professional service in the process.

Mission of Judicial Officers

Judicial Officers, who comprise The Judicature, an independent arm of Government, are, by their oath of office, sworn: **“...to do right to all manner of people, after the laws and usages of The Bahamas without fear or favour, affection or ill will.”**

Mission of Administrative Officers

In support of the Vision of the Office of the Judiciary and the Mission of Judicial Officers, the Administration will seek to create and maintain the means necessary to ensure that all matters placed before the courts are dealt with competently and efficiently, within a reasonable time and with the minimum of expense and inconvenience to all parties, in the realization that the trust and confidence of the public in the judicial system is dependent upon the integrity and reliability of each person involved in the administration thereof.



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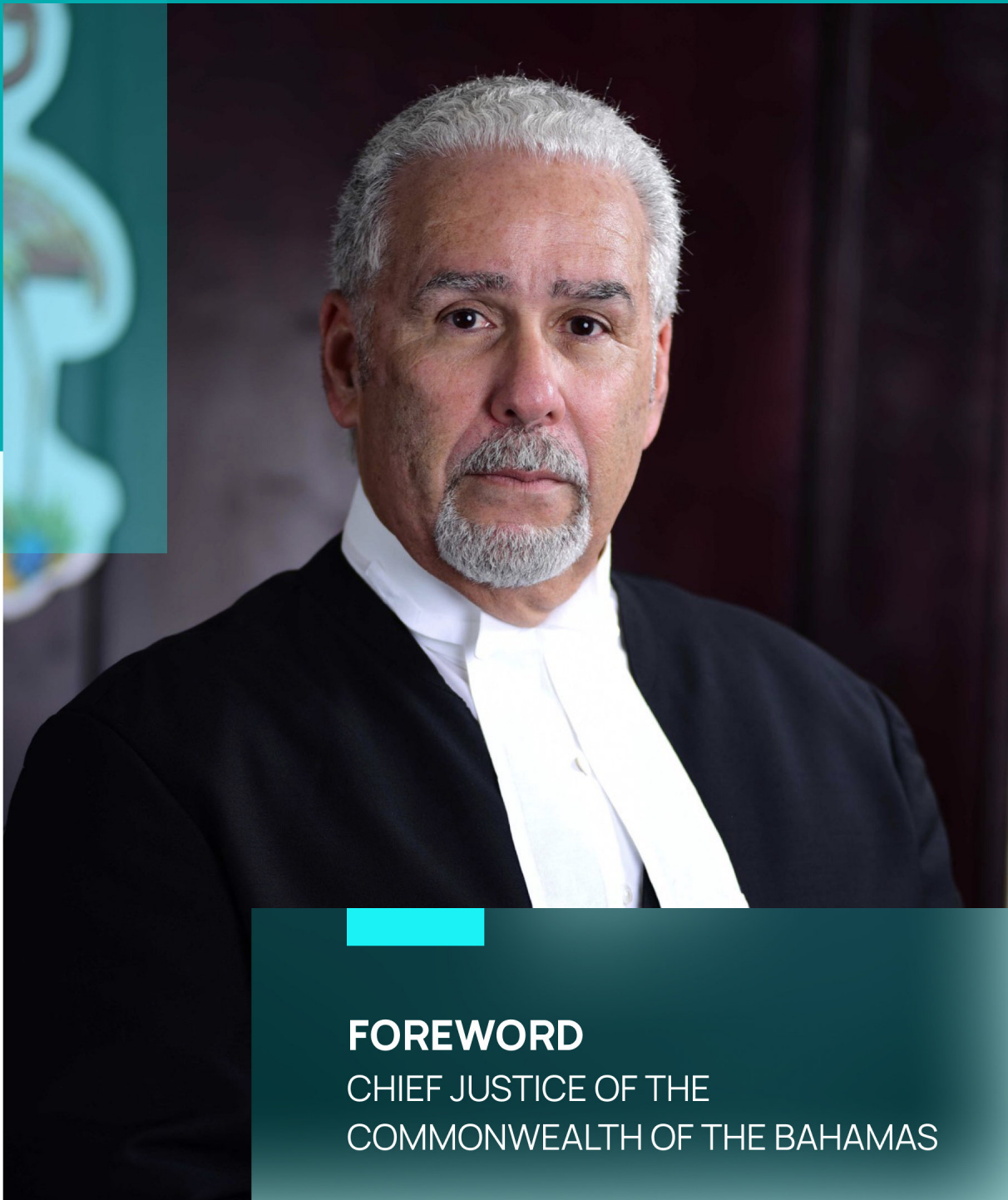
THE OPENING OF THE LEGAL YEAR 2020 BY THE CHIEF JUSTICE

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ACKNOWLEDGMENTS



FOREWORD

CHIEF JUSTICE OF THE
COMMONWEALTH OF THE BAHAMAS

The Honourable Chief Justice Sir Brian M. Moree, Kt., Q.C.

We intended 2020 to be a year of reform for the Courts but had no idea that the driving force would be a global pandemic which would literally change the entire world. As we moved into the second quarter of 2020 it became apparent that the Covid 19 era had set in and that change was no longer merely a strategy for progress and modernization but rather was an imperative for survival. Recognizing this reality, the Courts deftly responded by leveraging its limited resources and technology to manage the migration to the world of virtual court hearings and remote processes as part of re-engineering its delivery mechanisms for court services.

The result is that over the last nine months the Courts have made the transition to a new paradigm and we are now operating in a vastly different environment than the one which pre dated the pandemic – an environment where different disposition modes for hearings and trials are being used and automated procedures have replaced outdated modes for conducting court business.

Currently, most of the court hearings in all Divisions of the Supreme Court, except the Criminal Division, are proceeding on the Court's Zoom or Webex platforms or being heard by telephone or without an oral hearing on the basis of the filed court documents. The Court's Listing Office has been fully automated thereby allowing hearing dates to be obtained using on line forms and procedures without the inconvenience of physically visiting the Listing Office or trying to contact the office by telephone. Similarly, filed court documents and written submissions are now transmitted to Judges and Registrars through the on line E Document Delivery Form. Appointments to inspect files or documents in the Registries, except the Criminal Registry, are now made through an on line Form so we can comply with the physical distancing requirements contained in the Emergency Powers Orders. Access to the Criminal Registry is controlled by the Deputy Registrar who is assigned to that Registry.

On the criminal side in the Supreme Court, jury trials were resumed in December, 2020 and other hearings are proceeding by either in person hearings or through the use of videoconferencing facilities. We expect to resume criminal, civil and family trials in the Magistrates Courts in January as soon as the plexi glass barriers are installed. Meanwhile, all other hearings, including urgent civil trials, are proceeding in the Magistrates Courts.

In the midst of these developments, it is important for the public to know that the Courts in The Bahamas have always remained open during the public emergency. It was necessary to suspend certain hearings and court services for different periods of time but the Judiciary continued to provide essential court services and access to justice at all times.

I wish to thank all the stakeholders in the administration of justice who have cooperated with our initiatives and protocols as we have navigated through the vicissitudes of the Covid 19 era since March, 2020. The judicial officers, senior management and staff of the Judiciary deserve special mention for their efficiency, competence, industry and commitment throughout the past year as we could not have responded to the many vexing challenges without their support and hard work.

This Annual Report is published every year as part of the duty of the Judiciary, as a co-equal, separate and independent branch of Government, to report to the public. In reading this Report for 2020, you will see :

- (i) the empirical data relating to the large number of cases dealt with by the different levels of the Court system;
- (ii) the wide variety of the types of cases which came before the Courts;
- (iii) a highlight of some of the major initiatives implemented by the Courts; and
- (iv) an overview of the workings of the Courts. In the Report, we have also taken the opportunity to introduce you to some of the talented and very competent staff members of the Court.

I trust that the reader will find this Report useful, interesting and informative as we move into a new year of court operations.

In 2020 two Magistrates serving in the Northern Region retired after many years of public service. Magistrate Gwendolyn Claude retired in October, 2020. She was the presiding Magistrate in the Court in Eight Mile Rock, Grand Bahama and competently discharged her judicial duties throughout her term as a Stipendiary and Circuit Magistrate. During that period, Magistrate Claude worked for far too long under adverse physical conditions in a court building which was in a state of disrepair and which was ultimately closed as a result of damage caused by Hurricane Dorian. It is a tribute to the dedication of Magistrate Claude and her commitment to public service that notwithstanding these difficult conditions she continued to carry out her essential judicial duties in Eight Mile Rock until her retirement.

Magistrate Ayse Rengin Johnson retired in November, 2020. She was assigned to the Magistrates Court in Freeport, Grand Bahama and was efficient and productive in ably discharging her judicial duties. Her work ethic and enthusiasm will be missed around the courts.

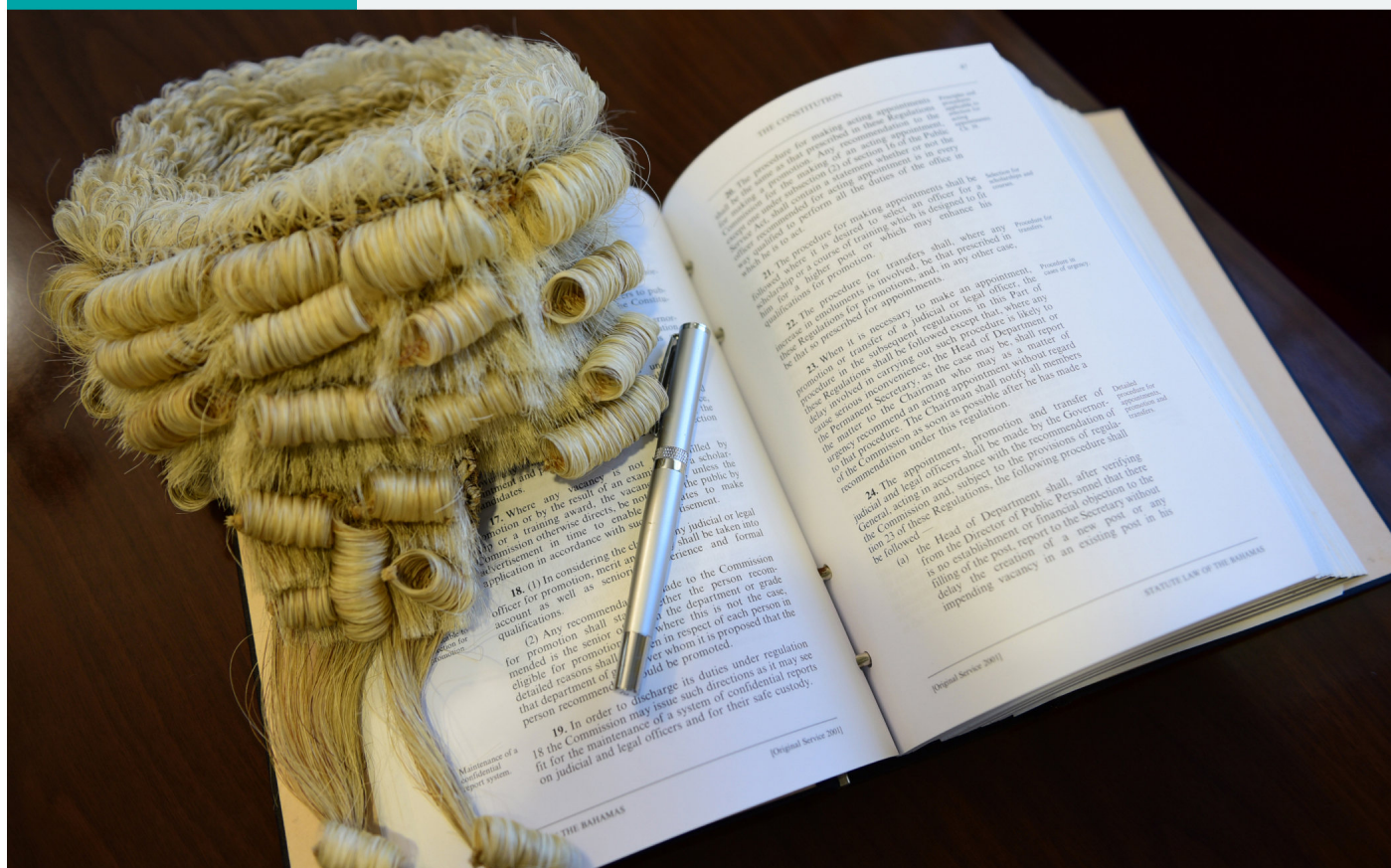
On behalf of the Judiciary, I thank Magistrate Claude and Magistrate Johnson for their contributions to the administration of justice in The Bahamas and wish both of them all the very best as they move into another phase of life.

I congratulate Justice Carolita Bethell on her elevation to the Court of Appeal. For many years she was one of the Supreme Court Justices in the Criminal Division and adroitly managed a busy court calendar dealing adeptly with a large volume of cases on an annual basis. We will miss her consistently high quality judicial output at the level of the Supreme Court.

Since the last Annual Report we have altered the trajectory for reform in the Judiciary to a point where we are now on a path of implementing meaningful, sustainable and transformative changes in the Court system. We are proceeding on the basis of the Court Modernization and Reform Initiative – COMRIN – which is a thoughtful, structured and cohesive plan to systemically overhaul many of the constituent parts of the Court system. We are committed to continuing this process in 2021 by rolling out smart and innovative ICT solutions in the Court system as we all adjust and adapt to the 'new normal'.

In the 2019 Annual Report I predicted that 2020 would be a busy year as we embarked on overhauling the Court system to bring it into the 21st century in line with best practices. My prediction was correct as it was an extremely active 2020 as we moved on multiple fronts to upgrade the Court system. The pace of change will intensify in 2021 as we consolidate the steps taken in 2020 and aggressively move forward with the phased implementation of other components of the COMRIN to build on the progress made in 2020.

Sir Brian M. Moree Kt., QC
Chief Justice





CHIEF JUSTICE OF THE COMMONWEALTH OF THE BAHAMAS

Sir Brian M. Moree, Kt., Q.C.

Position

CHIEF JUSTICE

Court #

1 - HANSARD BUILDING

Date of appointment

12 June 2019



**The Honourable Madam Senior Justice
ESTELLE G. GRAY-EVANS**

Position
SENIOR JUSTICE (Northern Region)

Court #
8 - GARNET LEVARITY JUSTICE CENTRE

Date of Appointment as Senior Justice
1 January, 2019

Date of Appointment
1 November, 2008



**The Honourable Mr. Senior Justice
BERNARD S. A. TURNER**

Position
SENIOR JUSTICE

Court #
7 - ANNEX 1 GROUND FLOOR

Date of Appointment as Senior Justice
7 September, 2020

Date of Appointment
15 December, 2009

SENIOR JUSTICES OF THE SUPREME COURT

The Hon. Madam Justice



INDRA CHARLES

Position
JUSTICE

Court #
10 - ANNEX I THIRD FLOOR

Date of appointment
6 January, 2012

The Hon. Madam Justice



CAROLITA D. BETHELL

Position
JUSTICE

Court #
4 - SUPREME COURT BUILDING 1ST FLOOR

Date of appt. Elevated to the CA
1 July, 2013 6 August, 2020

The Hon. Mr. Justice



IAN R. WINDER

Position
JUSTICE

Court #
11 - ANNEX I THIRD FLOOR

Date of appointment
1 July, 2014

The Hon. Madam Justice



DEBORAH E. FRASER HILTON

Position
JUSTICE

Court #
2 - SUPREME COURT BUILDING

Date of appointment
14 October, 2014

The Hon. Madam Justice



CHERYL GRANT M. THOMPSON

Position
JUSTICE

Court #
6 - ANNEX I GROUND FLOOR

Date of appointment
1 May, 2016

The Hon. Mr. Justice



G. GREGORY HILTON

Position
JUSTICE

Court #
4 - SUPREME COURT BUILDING 1ST FLOOR

Date of appointment
1 November, 2016

JUSTICES OF THE SUPREME COURT

The Hon. Madam Justice



PETRA M. HANNA-ADDERLEY

Position
JUSTICE

Court #
GARNET LEVARTY JUSTICE CENTRE

Date of appointment
1 February, 2017

The Hon. Madam Justice



GUILLIMINA C. ARCHER-MINNS

Position
JUSTICE

Court #
5 - SUPREME COURT BUILDING 1ST FLOOR

Date of appointment
1 August, 2017

The Hon. Madam Justice



DONNA D. NEWTON

Position
JUSTICE

Court #
12 - ANNEX I THIRD FLOOR

Date of appointment
1 February, 2018

The Hon. Madam Justice



W. RENAE MCKAY

Position
JUSTICE

Court #
17 - ANNEX II

Date of appointment
1 February, 2018

The Hon. Madam Justice



KEITH H. THOMPSON

Position
JUSTICE

Court #
8 - ANNEX I THIRD FLOOR

Date of appointment
13 August, 2018

The Hon. Madam Justice



G. DIANE STEWART


Position
JUSTICE

Court #
9 - ANNEX I THIRD FLOOR

Date of appointment
2 October, 2018

JUSTICES OF THE SUPREME COURT

The Hon. Madam Justice



RUTH M. BOWE-DARVILLE

Position

JUSTICE

Court #

17 - ANNEX II

Date of appointment

30 May, 2019

The Hon. Madam Justice



LOREN KLEIN

Position

JUSTICE

Court #

15 - ANNEX II

Date of appointment

6 January, 2020



JUSTICES OF THE SUPREME COURT



CAMILLE D. DARVILLE-GOMEZ

Position
REGISTRAR

Date of Appt. as Registrar
1 November, 2018



MS. STEPHANA J. SAUNDERS

Position
DEPUTY REGISTRAR (Northern Region)

Appointed
1 January, 2005



MS. CAROL D. MISIEWICZ

Position
DEPUTY REGISTRAR

Appointed
1 November, 2017



MR. EDMUND VON TURNER

Position
DEPUTY REGISTRAR

Appointed
1 January, 2018



MRS. CONSTANCE A. DELANCY

Position
DEPUTY REGISTRAR

Appointed	Date of Transfer
1 January, 2018	23 November, 2020



MR. RENALDO J. TOOTE

Position
ASSISTANT REGISTRAR

Appointed
24 April, 2019



MRS. JENNIFER F. STUART-BASTIAN

Position
ASSISTANT REGISTRAR

Appointed
7 October, 2019



REGISTRARS OF THE SUPREME COURT

STIPENDIARY & CIRCUIT MAGISTRATE



MS. JOYANN L. FERGUSON-PRATT

Position
CHIEF MAGISTRATE

Court #
9

Date of Appt. as Chief Magistrate
15 October, 2013



MR. ANDREW D. FORBES

Position
DEPUTY CHIEF MAGISTRATE

Court #
8

Appointed as Dep. Chief Mag.
1 June, 2015



MS. DEBBYE L. FERGUSON

Position
DEPUTY CHIEF MAGISTRATE
(Northern Region)

Court #1
GARNET LEVARTY JUSTICE CENTRE

Appointed as Dep. Chief Mag.
1 February, 2016



MRS. SUBUSOLA O. LAWANSON-SWAIN

Position
ASSISTANT CHIEF MAGISTRATE

Court #
11

Appointed as Asst. Chief Mag.
1 August, 2017

STIPENDIARY & CIRCUIT MAGISTRATES



MRS. CAROLYN C. VOGT- EVANS

Position

SENIOR MAGISTRATE

Court #

6

Date of Appt. as Snr. Magistrate

1 May, 2017



MR. DERENCE A. ROLLE-DAVIS

Position

SENIOR MAGISTRATE

Court #

5

Appointed

1 May, 2017



MRS. GWENDOLYN C. CLAUDE

Position

MAGISTRATE

Court #

EIGHT MILE ROCK, GRAND BAHAMA

Appointed

20 November, 2007

Retired

8 November, 2020



MS. ANELLA J. EVANS

Position

MAGISTRATE

Court #

MARSH HARBOUR, ABACO

Appointed

15 December, 2008



MRS. KARA TURNQUEST-DEVEAUX

Position

MAGISTRATE

Court #

2

Appointed

17 October, 2011



MR. CHARLTON H. SMITH

Position

MAGISTRATE

Court #2

GARNET LEVARTY JUSTICE CENTRE

Appointed

16 September, 2013

STIPENDIARY & CIRCUIT MAGISTRATES



MR. SAMUEL S. MCKINNEY

Position

MAGISTRATE

Court #

1

Appointed

3 February, 2014



MRS. AYSE RENGIN JOHNSON

Position

MAGISTRATE

Court #3

GARNET LEVARTY JUSTICE CENTRE

Appointed

1 February, 2017

Retired

1 November, 2020



MRS. JEANINE M. WEECH-GOMEZ

Position

MAGISTRATE & CORONER

Court #

7 - CORONER'S COURT

Appointed

1 May, 2017



MR. LAQUAY V. LAING

Position

MAGISTRATE

Court #

GARNET LEVARTY JUSTICE CENTRE

Appointed

4 May, 2017



MS. SANDRADEE I. GARDINER

Position

MAGISTRATE

Court #

3 - FAMILY COURT

Appointed

1 January, 2020



MR. JAMES L. MOXEY

Position

MAGISTRATE (Acting)


Court #

13 - NIGHT COURT

Appointed

14 April, 2008

STIPENDIARY & CIRCUIT MAGISTRATES



MR. DARRON D. ELLIS

Position


MAGISTRATE (Acting)

Court #

12 - NIGHT COURT

Appointed

1 July, 2016



MR. AMBROSE V. ARMBRISTER

Position

MAGISTRATE (Acting)

Court #

10

Appointed

4 September, 2017



STIPENDIARY & CIRCUIT MAGISTRATES

The Chief Justice foreshadowed in his address at the Opening of the Legal Year in January, 2020 a realignment and expansion of the senior management team for the Courts to build additional institutional capacity for the Judiciary and to reflect a stronger line of delineation between judicial functions and administrative duties.

In carrying out this reorganization the following persons were appointed in 2020:



MRS. CONSTANCE A. DELANCY

Position

SENIOR COURT ADMINISTRATOR

Date of Appt. as Senior Court Administrator

23 November 2020

Mrs. Constance Delancy as the Senior Court Administrator with effect from 23 November, 2020. She has oversight of all court operations with day to day responsibility for the Supreme Court. Mrs. Delancy has extensive experience in the Judiciary having previously served as a Stipendiary & Circuit Magistrate, a Deputy Registrar of the Supreme Court and as Acting Director of Court Services;

SENIOR COURT MANAGEMENT



ALPHANETTE GRANT

Position
COURT ADMINISTRATOR-MAGISTRATES COURT

Appointed
1 August, 2020

Mrs. Alphanette Grant as the Court Administrator for the Magistrate's Courts with effect from 1 August, 2020. She is responsible for all non-judicial functions and services in the Magistrate's Courts. Mrs. Grant has many years of experience in accounting/auditing and business administration and management including Change Management processes. Mrs. Grant is leading the new management team for the Magistrate's Courts comprised of Mr. Ralph Rolle, Mrs. Claudina Cooper and Mrs. Jennifer Sweeting who are all veteran public officers.



DARMEEKO ISAACS

Position
DIRECTOR OF INFORMATION AND COMMUNICATIONS TECHNOLOGY

Appointed
1 August, 2020

Mr. Darmeekeo Isaacs as the Director of Information and Communications Technology with effect from 1 August, 2020.

He leads the ICT Unit in the Judiciary and is working with Ms. Keva Smith, the System/Network Administrator at the Supreme Court, to expand and manage the Court's updated technology platform. Mr. Isaacs's career has given him wide experience in developing and implementing ICT solutions in both the public and private sectors involving hardware and software projects; and



ANNAMAE NEELY

Position
HUMAN RESOURCES MANAGER

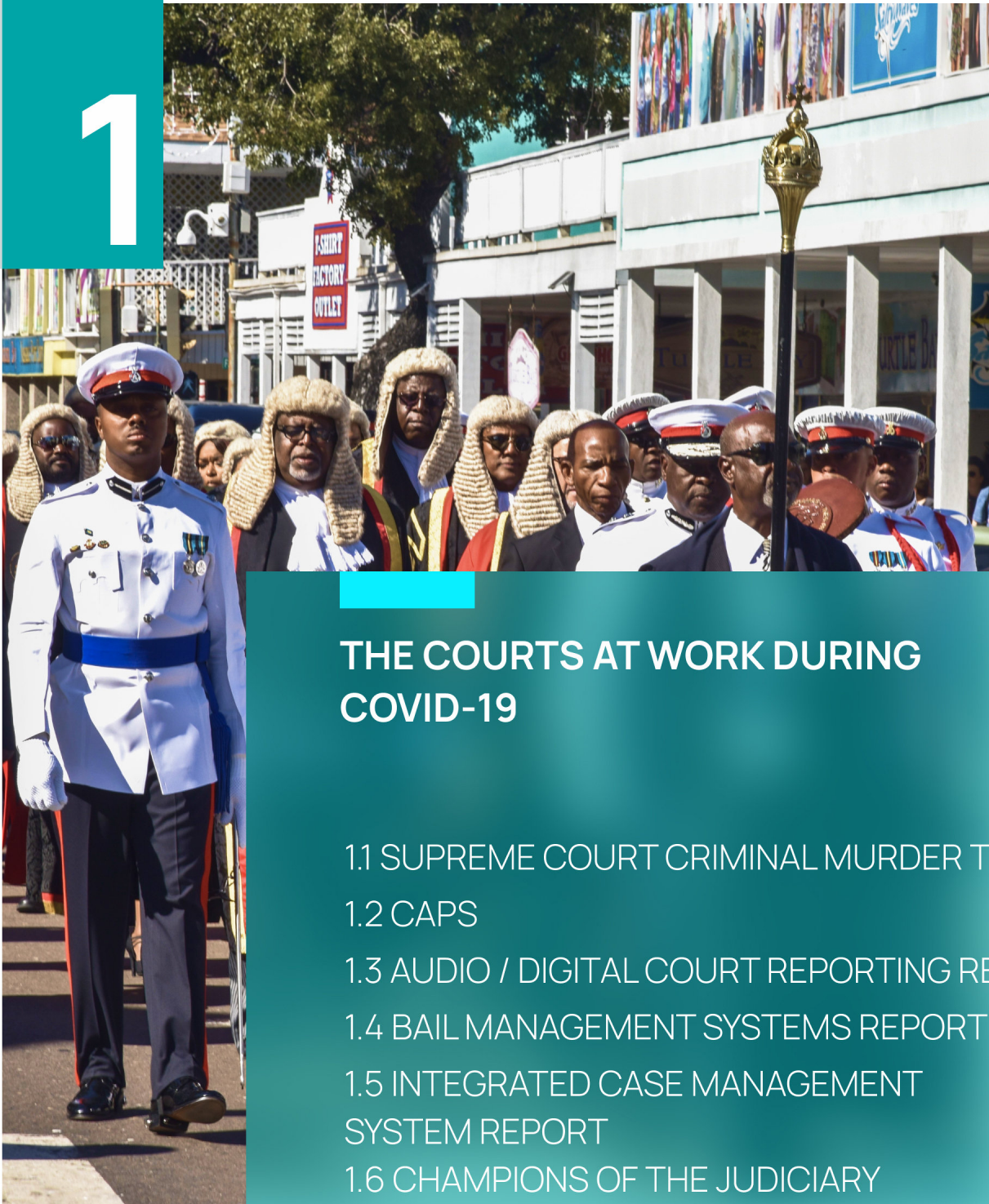
Appointed
3 February, 2020

Mrs. Annamae Neely as the Senior Manager of Human Resources in the Judiciary with effect from 3 February, 2020. She has oversight of all HR matters in the Courts with day to day responsibility for the Supreme Court. Mrs. Neely has had a long and successful career in Human Resources and her appointment has substantially strengthened the HR capacity within the Judiciary.

SENIOR COURT MANAGEMENT

THE COURTS AT WORK DURING COVID-19

1



THE COURTS AT WORK DURING COVID-19

- 1.1 SUPREME COURT CRIMINAL MURDER TRIAL
- 1.2 CAPS
- 1.3 AUDIO / DIGITAL COURT REPORTING REPORT
- 1.4 BAIL MANAGEMENT SYSTEMS REPORT
- 1.5 INTEGRATED CASE MANAGEMENT SYSTEM REPORT
- 1.6 CHAMPIONS OF THE JUDICIARY

1.1 SUPREME COURT CRIMINAL MURDER TRIAL

By : The Hon. Madam Justice Cheryl Grant-Thompson

"COVID-19" Protocols And The Procedures That May Be Implemented By The Court To Resume Criminal Trials Moving Forward

Covid-19 has certainly changed the world inclusive of the courtroom as we know it. In March 2020, The Bahamas recorded its first case of the deadly virus and the result was that in March, 2020 the Prime Minister of the Commonwealth of The Bahamas, deemed the "Competent Authority" in the proclamation of a state of public emergency by the Governor-General, enacted the EMERGENCY POWERS (COVID-19) (NO. 1) ORDER ("the Order"), 2020 which had the effect of suspending the operations of most commercial and general services inclusive of Judicial hearings.

The Chief Justice thereafter implemented the Court Coronavirus Mitigation Protocols which suspended among other hearings, all partly heard criminal trials. At that time, I was conducting and had almost completed the trial of one Carlos Brown who was charged with Murder contrary to section 291(1)(b) of the Penal Code, Chapter 84. The alleged offence, according to the prosecution, occurred sometime between Thursday 25th October, 2018 and Sunday 28th October, 2018. This trial commenced before me on 19th February 2020.

The "lockdown" Order implemented by the Competent Authority, restricted the movement of persons and goods. Every person was confined to his or her residence unless they were specifically performing an essential service, obtaining essential goods or services, seeking emergency and lifesaving medical treatment, or requiring police or social service assistance or relief. Every gathering was shut down except for funerals in prescribed numbers, even weddings were initially prohibited. The general movement of persons between our islands was restricted our national and international borders were ordered closed. The prison was on lockdown.

The effect of the Court Coronavirus Mitigation Protocols and the EMERGENCY POWERS (COVID-19) (NO. 1) ORDER (the "Order") resulted in an abrupt and unexpected stop to the trial of the Defendant. The Order was initially implemented for a period of eleven (11) days however due to the enactment of subsequent Emergency Powers ("COVID-19") Orders the country was initially in a state of "lockdown" for nearly three (3) months.

When the trial was finally able to resume, approximately twelve (12) weeks had elapsed since the Court last sat. The Court as a result was faced with answering the difficult question of whether or not in the circumstances the Defendant would still be able to receive a fair trial. The three month adjournment raised the question of whether due to the delay, the members of the jury were capable of remembering and recalling all of the salient facts they have heard thus far. As the trial Judge, I also had due regard to the possibility of financial hardship due to significant unemployment presently taking place in our country. Lastly, the impact that vigorous “social distancing protocols” would ultimately have on the trial if it was able to continue was also a relevant consideration for me.

ENSURING A FAIR TRIAL

In ultimately making my decision I understood fully that justice must be fair between all of the parties. Not only must justice be done; it must also be manifestly seen to be done. The Defendant in this matter, just as every citizen of The Commonwealth of The Bahamas, is entitled to a fair trial. Further, the jurors are also entitled to have due and proper consideration to their circumstances and concerns. In reaching my conclusion I took into consideration the Bahamas Court of Appeal decisions of *Stephen “Die” Stubbs and Others v Regina* CrimApp Nos. 16, 17, and 20 of 2002, *Chimeka Gibbs v The Director of Public Prosecutions* SCCrApp. No. 135 of 2018, and *Clarence Smith v R* SCCrApp. No. 167 of 2015.

The decision of the Court was that although a considerable amount of time would have elapsed, the defendant was still capable of receiving a fair trial in the circumstances namely due to the fact that the evidence was not inordinately long, I would be able to recap the evidence to the members of the jury, and finally I was able to conduct a Voir Dire of the jury to determine whether any member had been adversely affected by the pandemic.

Another factor that I had to consider was the possibility of members of the jury discussing the case with others due to the sheer passage of time. I determined this was unlikely due to the members of the jury being given a strong warning and clear admonition not to discuss the evidence with anyone other than the twelve jurors empaneled to hear the matter, and as much as humanly possible to confine their discussion to the jury room prior to the final adjournment. A similar reminder was given to the members of the jury on a daily basis at every adjournment during the course of the trial.

SOCIAL DISTANCING PROTOCOLS

Another consideration that had to be evaluated was the requirement of “social distancing” that has been implemented by the Government of The Bahamas to assist in reducing the spread and eradicating a resurgence of “COVID-19”. The term “social distancing” means that an individual should not be within 3 to 6 feet of the person next to them.

Understanding that an essential ingredient in “jury trials” is that members of the jury usually sit in a jury box where the matter is heard. Due to the size of the jury box and other challenges concerning the size of the courtroom “a new normal” had to be established in order for us to successfully resume our murder trial. The following measures were implemented to ensure the safety of the members of the jury and everyone within the courtroom:

- i. As presently constituted, the jury box was unable to allow for “social distancing”. To ensure that these procedures were followed we allowed half of the members of the jury to remain in the original jury box and the other half were allowed to sit on the opposite end of the courtroom. Further, there was an open seat between each member to allow for “social distancing”;
- ii. The Court also understood that these proceedings were still open to the public. In the event that family members of the Defendant, the Deceased, or the general public wished to attend, a separate room was made available with a video link feed to the main courtroom to allow them to watch the proceedings;
- iii. Members of the press corps were also accommodated and a room was made available so they could watch the proceedings. If any official press corps members wanted to watch the proceedings but did not want to attend in person, they were issued with the Zoom meeting code to allow them virtual access;
- iv. I also Ordered that the Courtroom itself be properly sanitized every morning, noon and night for the duration of this trial as an added measure to ensure that we are all safe; and
- v. Members of the jury were allowed to deliberate in the courtroom of my brother Justice Turner as the jury room which would usually be used was simply not large enough to allow for “social distancing.”

Our trial successfully resumed on 6th July, 2020 and concluded on the 9th July, 2020 with the jury unanimously finding the Defendant Carlos Brown not guilty for the offence of Murder. The procedures that were implemented in my view were highly effective with ensuring the jury members along with everyone that was in attendance remained safe. The deadly virus known as "Covid-19" does not appear to be going away anytime soon. To exemplify how dangerous "Covid-19" is and how rapidly it has spread throughout our community, 104 were infected persons and 11 dead when the decision to resume the trial of Carlos Brown was made, approximately three months have passed since that time and the number presently stands at 5,385 infected and 112 dead as a result of "Covid-19". It is very likely that moving forward the court will have no choice but to implement a strict set of guidelines and procedures to ensure that jury trials are able to resume and more importantly that everyone involved is able to remain safe during the process.



The Implementation of the Court Automated Payment System (CAPS)

Improved customer service has been at the core of the many programmes and systems which were implemented in the Magistrates Court and throughout the Judiciary in 2020. The Court Automated Payment System (CAPS) will be introduced in the Magistrate Family Court to reduce the delay in processing court ordered payments. The Judiciary engaged the services of Kanoo, a Bahamian owned company to create CAPS. CAPS' pilot programme was launched in the Magistrate Family Court in December, 2020.

The Court's Registry, Accounts Department, Clerical staff and the Magistrate will use CAPS to facilitate the quick and efficient processing of applications for and the grant of child maintenance, spousal support, arrears and other monetary orders made by the court.

The process begins once an application and its supporting documents have been submitted to the Court's Registry. Registry's personnel enter the application, scan the supporting documents into CAPS and CAPS assigns a case number. Any notification concerning that application, inclusive of the hearing date, may be communicated to the applicant via an e-mail or cell phone message. The applicant (the payee) is also able to access the system to review the information that has been entered, pertaining to and the status of the application prior to a court appearance.

During the hearing of the application before the Court, the Court's clerk locates the application in CAPS and enters the relevant order granted by the Court. Before the end of the workday the Magistrate reviews the order that was entered into the system by the court clerk. Once satisfied that it is correct, the Magistrate approves the order. The entry of the Magistrate's approval of the order immediately activates that order for use by all concerned.

Upon the Magistrate's approval of an order in CAPS the respondent (the payer) with a Kanoo account, using the unique case number, may begin making payments as stipulated by the order. Such payments can be made via a cell phone or a Kiosk in any of the designated locations in Nassau and the Family Islands. The payer and payee instantaneously get a notification by cell phone or e-mail confirming the payment. Additionally, the payer and payee both will receive notification of any editing or amendments made to their orders.

CAPS technology eliminates the need for the preparation of manual records, reduces the many tasks, space and costs needed to manage and maintain such records. The Accounts Department with a click of a computer key is now able to know what payments should be made, view payments made and review outstanding payments.

The Accounts Department will no longer have to manually calculate arrears in payments. This greatly reduces the frustration of court users due to errors caused by the manual calculations. Such errors have often resulted in multiple adjournments in the hearings of applications before the Court. Through CAPS the Magistrate, having the ability to review the order and its complete history, is in a position to quicker decisions in cases. CAPS also enables the Court to improve its analysis of the public use of its services and strategically plan around the needs of court users. When necessary, orders in the system may be easily edited or varied by the authourized court officers.

The public is empowered by CAPS because it provides more choices and control over the time and place a court ordered payment is made. It allows for the public to conduct business with the Court remotely, thereby reducing the time and cost of travelling to the Court to conduct business in person. In the future the services under CAPS will be expanded to include payments by credit cards and other means. The ultimate benefit of CAPS for the Judiciary is the improved delivery of service to court users and the public, that is swift, efficient and customer driven.



1.3 AUDIO / DIGITAL COURT RECORDING REPORT



REGISTRAR

Ms. Camille D. Darville-Gomez

This year His Lordship the Honourable Chief Justice Sir Brian Moree, QC, established a formal working group to steer the process toward the re-launch of the digital recording system using For The Record (“FTR”) equipment, which had been installed in the criminal courts of the Supreme Court, as well as in all Magistrates Courts, during 2017. The Chief Justice expressed his vision for all of the courts to be able to use the FTR system, thus expanding its use from the original implementation in criminal courts only. The Working Group was representative of all sectors within the Judiciary: Justices, Registrars, Magistrates, Court Clerks and Court Reporters, and an officer from the Department of Transformation and Digitization (DTaD). Professional support and advice was provided by two consultants through the National Center for State Courts.

The remit of the Working Group was to develop a Digital Court Recording Operating plan focused on presenting the standard policies and procedures for the implementation and management of all aspects of the Judiciary’s DCR System. Therefore, a wide range of issues required to be addressed by the Working Group. This included for example such matters as the custody of the digital record, procedures for accessing an audio recording, getting a transcript of a recording, the operation of recording equipment, training of staff, management systems and IT support for the equipment, just to name a few. Accordingly, the Judiciary is in effect required to outfit itself with a whole new administrative and operations system to undergird and support the successful implementation of audio recording.

The Working Group was headed by Deputy Registrar Carol Misiewicz as Chair and Deputy Chief Magistrate Andrew Forbes, Vice-chair, and the members were: Senior Justice Bernard Turner, Justices Indra Charles, Diane Stewart and Loren Klein, Deputy Registrar Stephana Saunders, Magistrate Charlton Smith, Senior Court Reporter Royanne Neely-Morrison, Supreme Court Clerk Elizabeth Johnson-Hanna, and Ms Yvonne Taylor from DTaD, along with the two NCSC Consultants. The Group was broken out into three subcommittees, which were to investigate and inquire into Court Reporting and Transcription, headed by Justice Indra Charles; develop guidelines for practice and procedures for Digital Court Recording, headed by Senior Justice Bernard Turner; and for Technical and technological incidents relative to the successful operation of electronic audio recording for the Courts, headed by Justice Loren Klein.

All of the meetings were held virtually, and were dynamic and interactive. The Working Group and the Subcommittees met practically from the beginning to the end of the summer, and at the conclusion a substantive report containing recommendations was submitted to the Chief Justice for his consideration. Thus the work of implementation following upon those recommendations is ongoing and more is yet required to carry through the successful use of DCR for the Judiciary.



1.4 BAIL MANAGEMENT SYSTEMS REPORT

The Court system in The Bahamas is undergoing major changes to reform and modernize the delivery of court services. Automating work processes through the introduction of smart Information and Communications Technology solutions is the order of the day.

One of the latest initiatives in the continuing process of upgrading the Court's new technology platform is the Bahamas Bail Management System ("**the BBMS**"). This is a customized software application specially designed for The Bahamas to fully automate the court process for matters relating to bail. The enabling legislation for the BBMS was passed in Parliament and became effective on 14 December, 2020. The pilot programme was launched in the Supreme Court on the following day and will be initially utilized in a parallel environment with the manual system until 29 January, 2021. As of 1 February, 2021 the manual system for applications pertaining to bail in the Supreme Court will be discontinued and going forward all such applications will have to be made through the BBMS. It is expected that the BBMS will be implemented in the Magistrates Court on a phased basis during the second quarter of 2021.

The contracting parties for the BBMS are the Office of the Attorney General and the two private party vendors, Multimedia Technologies Ltd and Justice Technology Corporation. The project is a collaboration between stakeholders in the administration of justice and law enforcement and, despite Covid -19 pandemic induced delays, training for users of the system has taken place over the course of 2020.

The BBMS has been designed to provide an electronic and secure method for counsel on behalf of persons on remand charged with criminal offences, or unrepresented defendants on remand to apply for bail to the Supreme Court. The system affords counsel the opportunity to pay filing fees online and ensures the accurate identification of applicants for bail and the charges for which they are seeking bail.

BAIL APPLICATION PROCESS

As of 1 February, 2021 all bail applications are expected to be electronically filed and submitted to the Criminal Registry of the Supreme Court. A bail application is completed electronically by an unrepresented person on remand at The Bahamas Department of Corrections via an electronic kiosk, or by counsel at his or her office by signing in online at the Bail Management System website.

The completed application is electronically forwarded to the Supreme Court Registry, the Commissioner of Corrections and the Office of the Director of Public Prosecutions and is assigned to a Judge by the Registrar.

After judicial determination of an application, the reasons and, where bail is granted, the conditions for the grant of bail will be electronically recorded for insertion on the appropriate bonds.

The BBMS will electronically record suretor information to ensure compliance with the provisions of the Bail Act and will create and store a database of bail applications.

ELECTRONIC MONITORING OF BAIL CONDITIONS

A key component of the BBMS is the electronic monitoring of reporting conditions, doing away with the need for persons on bail to sign a physical book at Police Stations. Instead persons with reporting conditions will electronically sign-in using biometric data at touch screen kiosks at the assigned stations, ensuring instant notification of compliance with court ordered conditions and electronic notification of non-compliance. The kiosks are designed to be user friendly and will provide on screen and audio guides.

DISASTER RECOVERY

The Bail Management System will be backed up using a disaster and recovery plan. All data will be backed up on a daily basis and can be recovered from the backup systems.



1.5 INTEGRATED CASE MANAGEMENT SYSTEM REPORT

During the past year the Court has been actively engaged in the implementation of the Court Modernization & Reform Initiative – COMRIN – which is intended to overhaul the Court system in The Bahamas to bring it into the 21st century in compliance with best practices.

A major component of COMRIN is the introduction of an Integrated Case Management System which will provide the gateway for the widespread automation of court procedures and processes. A giant step forward was taken in meeting that objective and advancing our journey to fundamentally change the way in which cases are managed in the courts when, on 16 December, 2020 the contract for the design and implementation of the ICMS was signed with the Anchor Group. The contract signing was the culmination of a twelve month plus procurement process which was conducted in accordance with the rigorous guidelines of the Inter – American Development Bank (“IDB”).

The Covid 19 pandemic has highlighted the importance of implementing a modern technology platform throughout the Court system in The Bahamas for the delivery of court services. This is undoubtedly the way forward and the ICMS will be the backbone of the new Information and Communications Technology (“ICT”) platform for the Courts. It will allow the Courts to deliver a wide range of E Services including E filing, E scheduling, E Calendaring, E Payments, E Notices and Messaging, E Probate and others. The ICMS will also accommodate the new Bail Management System and the new Digital Recording System thereby providing a fully integrated ICT platform hosting the ICMS and all the E Services and customized subject matter applications. Additionally, the ICMS will strengthen the institutional capabilities of the Judiciary and transform the delivery of court services in The Bahamas. It will bring in its wake greater efficiencies, increased productivity and higher levels of transparency in court work processes and in the overall management of cases. Once implemented, the ICMS will also facilitate the migration to a paperless court.

As the ICMS is incrementally rolled out in 2021 members of the public who use the courts will see the benefits in tangible ways as changes are made to delivery mechanisms, procedures and work processes to improve the court’s service platform. These changes will:

- (a) reduce the disposition cycle for cases;
- (b) provide wider accessibility for litigants or their attorneys to monitor developments in their court cases;
- (c) provide on line court services for the public which will reduce the time spent in courtrooms and court Registries waiting to file documents, inspect files and make payments; and
- (d) reduce the backlog of cases in the court system.

Once implemented, the ICMS will allow court officers to manage all aspects in the life cycle of a case via an electronic platform and provide the Court Administrators with proper reporting and analytics. It will also facilitate the creation of interoperability processes for data sharing and provide for secure electronic signatures that are legally binding.

The successful implementation of the ICMS will be a quantum leap forward for the Court system in The Bahamas which is expected to be transformative.



1.6 CHAMPIONS OF THE JUDICIARY



DULSE DARLING

Miss Darling has been a model employee and an incredible asset to the Office of The Judiciary Northern Region and particularly the Court Reporting Unit. Her professionalism and enthusiasm for her skill as a Court Reporter, her bravery and courage in adversity and her will to overcome insurmountable odds is truly remarkable. As the resident event planner for the Northern Region, she is always willing to lend a hand. Her leadership in the office among her peers and in the community through her civic work with the Cancer Association of Grand Bahama is an example of her high standards of excellence. Dulse Darling is an inspiration to us all and we salute her for her dedication to her chosen career and her performance on her job despite her challenges. She is truly a champion!

Miss Dulse Darling, a graduate of the University of the Bahamas, has been employed with the Office of the Judiciary from September of 2001 as a Stenographer in the Court Reporting Unit.

Passionate about her profession and normally energetic, Miss Darling although facing severe health challenges, remains an active member of the Court Reporting Unit.

Her serious medical condition often results in hospital admissions, low energy, difficulty walking, infections, and constant pain all of which requires careful attention.

Despite it all, she enjoys working every day, often now remotely contributing to the efficiency of the Court Reporting Unit, and she hopes to be able to continue to do so for as long as possible.



KENNICE BURROWS

Miss Kennice Burrows commenced her duties in the Public Service (Office of the Judiciary) on 16th May, 1989 as a Clerk.

In 1992, she realized it was time to accomplish a higher academic goal and enrolled in Florida Memorial University, where she successfully obtained a Bachelor of Science Degree in Business Administration.

Upon graduation, she returned home and started her new career at the Judicial Department and Magistrate Court.

She was promoted to Trainee Administrative Cadet and shortly, thereafter to Administrative Cadet. During her years as a Cadet she utilized her skills and expertise to enhance deficiencies and implement new procedures and policies within the Judiciary.

Her thirst for knowledge and modern technology led her to pursue a Masters Degree in Business Administration and Management at Nova Southeastern University which she successfully earned in February, 2000. Kennice was then promoted to Assistant Secretary, and a few years later to Senior Assistant Secretary.

In 2000 she commenced an administrative rotation through various Government Ministries and Departments including the Department of Public Service, the Ministry of Foreign Affairs and the Ministry of Education.

Kennice continued to work assiduously with the Judiciary exhorting all her energy, thoughts, dedication and newly acquired skills to assist with the effective dispensation of justice.

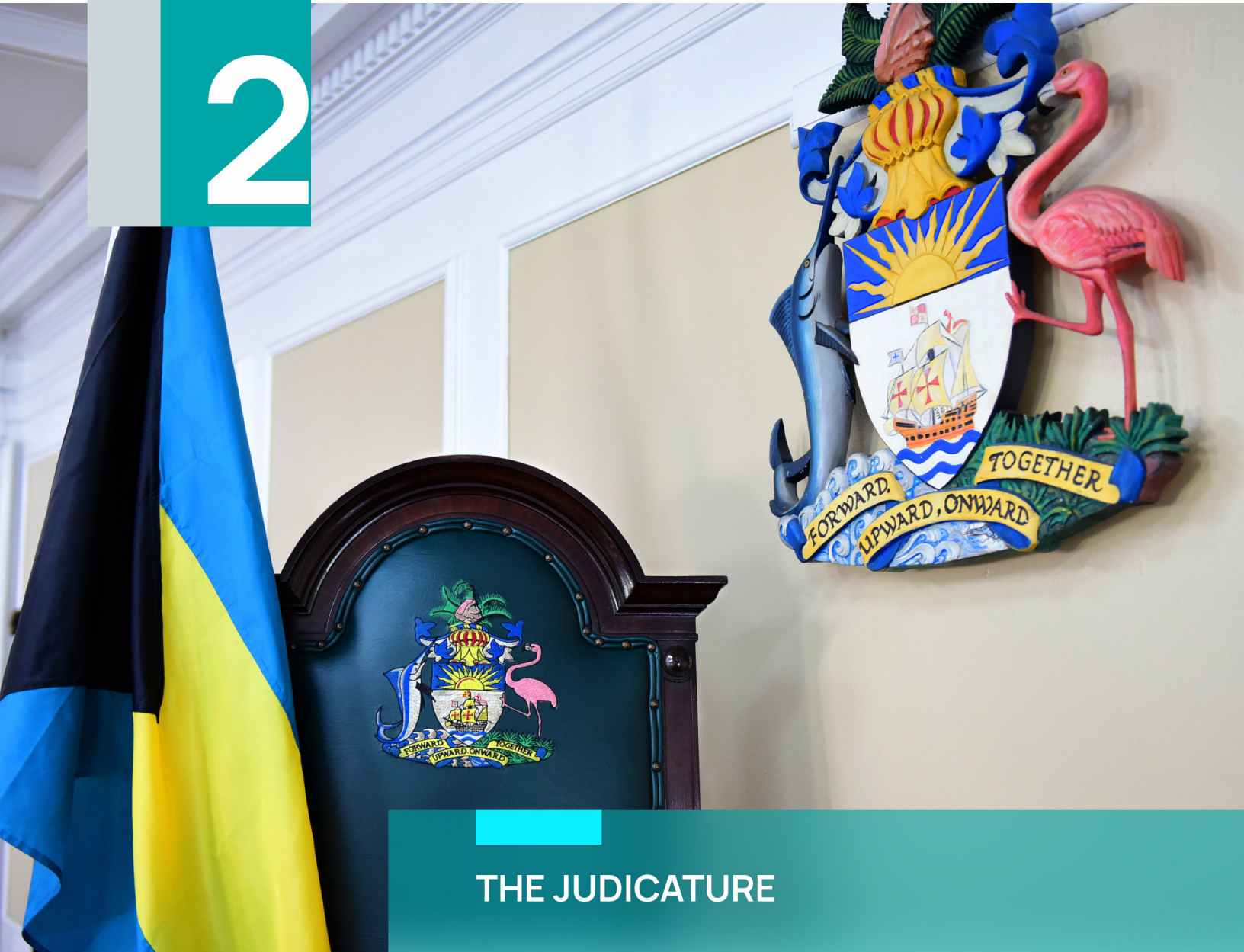
However, on 10th March 2008 Kennise suffered a stroke. And through the prayers, perseverance and strong support of her family and friends, she survived after having received medical care in the United States of America for nine months.

Kennice returned to work in February 2009, uncertain of how her illness would impact her performance on her job. Fortunately, she resumed her duties in Court Administration and continued to perform efficiently.

Kennice continues to pray for help and strength not only for herself but also to assist others so that her living would not be in vain.

THE JUDICATURE

2



THE JUDICATURE

2.1 CONSTITUTION, COMPOSITION AND JURISDICTION

2.1 CONSTITUTION, COMPOSITION AND JURISDICTION

The Judicature is one of the three (3) branches of Government (Chapter VII of the Constitution of the Commonwealth of The Bahamas). The Judicature is independent of the Executive and the Legislature and is headed by the Chief Justice who is responsible for the administration of justice in The Bahamas. The Judicature comprises the Judicial Committee of Her Majesty's Privy Council, the Court of Appeal and the Supreme Court.

THE PRIVY COUNCIL

The Judicial Committee of Her Majesty's Privy Council is the highest Court of Appeal of The Bahamas. These appeals are usually heard in London, England. However, on three occasions the Privy Council heard appeals in The Bahamas.



The Rt. Hon. Lord Reed; The Rt. Hon. Lord Kerr; The Rt. Hon. Lord Mance; The Rt. Hon. Lord Sumption; The Rt. Hon. Lord Hughes;

COURT OF APPEAL

The highest resident court in the country is the Court of Appeal, which sits on a full time basis throughout the year. The Court of Appeal is composed of a President, and not more than six (6) Justices of the Court of Appeal. The Chief Justice, by virtue of his office as head of the Judiciary is also a member of the Court of Appeal but he shall not sit on the Court of Appeal unless he has been invited to do so by the President of the Court of Appeal.

The Court of Appeal has jurisdiction in Criminal, Constitutional and Civil matters under the Constitution, the Court of Appeal Act and other statutes. The Court of Appeal also hears appeals from the Industrial Tribunal. Appeals from the Supreme Court and from the Magistrate's Court (in some cases) lie to the Court of Appeal; and appeals from the Court of Appeal lie to the Privy Council.



The Chief Justice with the President and members of the Court of Appeal.

THE SUPREME COURT

ESTABLISHMENT

The Supreme Court of The Bahamas is established by Article 93 of the Constitution of the Commonwealth of The Bahamas which states:

“93 (1) There shall be a Supreme Court for The Bahamas which shall have such jurisdiction and powers as may be conferred upon it by this Constitution or any other law.
(4) The Supreme Court shall be a superior court of record and, save as otherwise provided by Parliament, shall have all the powers of such a court.”

JUSTICES

Justices of the Supreme Court include the Chief Justice and such number of other Justices as may be prescribed by Parliament. No office of Justice of the Supreme Court shall be abolished while there is a substantive holder thereof - Article 93(2) and (3).

The Chief Justice is appointed by the Governor-General on the recommendation of the Prime Minister, after consultation with the Leader of the Opposition. Other Justices of the Supreme Court are appointed by the Governor-General, acting on the advice of the Judicial and Legal Service Commission.

To qualify for appointment as a Justice of the Supreme Court, a person must be a member of The Bahamas Bar or the Bar of a Commonwealth country, membership of which is a qualification for admission to practice as a counsel and attorney in The Bahamas, and must have practiced as a counsel and attorney for not less than ten years.

Once appointed, the salaries and other terms of appointment of the Chief Justice, and Justices of the Supreme Court cannot be altered to their disadvantage. Justices of the Supreme Court can serve until the age of sixty-five (65) years and, where agreed, may serve until the age of sixty-seven (67) years.

JURISDICTION

Civil

The civil jurisdiction of the Supreme Court includes causes and matters in the Admiralty, Probate, Matrimonial, Common Law and Equity and Commercial Divisions of the Court.

Criminal

The criminal jurisdiction includes applications for bail and trials with a jury of indictable offences and those hybrid offences which the accused elects to be tried in the Supreme Court.

Appellate

In Criminal cases, appeals from a conviction by a Stipendiary & Circuit Magistrate lie to the Supreme Court, except where the term of imprisonment is not less than one (1) year or the offence falls within the category of offences set out in the Third Schedule of the Criminal Procedure Code Act, Chapter 91, Statute Laws of The Bahamas. In civil cases, appeals from decisions of the Chief Magistrate or an S & C Magistrate lie to the Supreme Court.

Constitutional

Article 28 of the Constitution provides that the Supreme Court shall have original jurisdiction –

- (a) to hear and determine any application made by any person in pursuance of paragraph (1) (i.e. if any person alleges that any of his fundamental rights and freedoms has been, is being or is likely to be contravened in relation to him), then, without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply to the Supreme Court for redress; and
- (b) To determine any question arising in the case of any person which is referred to it in pursuance of paragraph 3 which states:

“(3) If, in any proceedings in any court established for The Bahamas other than the Supreme Court or the Court of Appeal, any question arises as to the contravention of any of the provisions of Articles 16 to 27 (inclusive) the court in which the question has arisen shall refer the question to the Supreme Court”

In the exercise of the civil jurisdiction, matters are heard by a single judge. In criminal matters before the Supreme Court, proceedings are instituted in the name of the Queen and are heard by a Judge and Jury.

DIVISIONS OF THE SUPREME COURT

By the Supreme Court (Divisions of Court) Order 2002, the Chief Justice, in exercise of the powers conferred by Section 7(2) of the Supreme Court Act, Ch. 53, established the Divisions of the Court as follows:

Commercial Division (COM)

Admiralty (adm)
Bankruptcy and Insolvency (bnk)
Applications under the Companies Act, 1992 (com)
Labour (lab)

Common Law & Equity Division (CLE)

Applications under the Legal Profession Act, 1992 (lpa)
Quieting of Title (qui)
Civil matters not allocated to any other Division (gen)

Family Division (FAM)

Adoption (adn)
Divorce (div)
Guardianship and custody (qua)
Applications under the Mental Health Act (men)

Probate Division (PRO)

Non-contentious probate matters (npr)
Contentious probate matters (cpr)

Public Law Division (PUB)

Administrative (adm)
Constitutional (con)
Judicial Review (jrv)

Criminal Law Division (CRI)

Coroner (cor)
Financial Crimes (fin)
Bail Applications (bal)
Habeas Corpus (hcs)
Information and Voluntary Bill of Indictment (rfa)
Criminal matters not allocated to any other Division (crg)

Appeals Division (APP)

Magistrates (mag)
Statutory (sts)

THE MAGISTRACY

The Magistracy in The Bahamas consists of: Stipendiary and Circuit Magistrates and Lay Magistrates appointed under the Magistrates Act, Chapter 54, Statute Laws of The Bahamas.

STIPENDIARY AND CIRCUIT MAGISTRATES

Stipendiary and Circuit (S & C) Magistrates hold permanent appointments and travel on circuit to try cases in different districts in The Bahamas. In order to be appointed an S & C Magistrate, a person must be an attorney-at-law and a member of the English, Irish, Scottish or Bahamas Bar, or of the bar of any other country of the Commonwealth to which a member of The Bahamas Bar is admitted without examination, for at least five (5) years.

S & C Magistrates are appointed by the Governor-General acting in accordance with the advice of the Judicial and Legal Service Commission - Section 13 of The Magistrates Act.

LAY MAGISTRATES

Lay Magistrates, who require no legal training, are appointed by the Governor General acting on the advice of the Judicial and Legal Service Commission. Family Island Administrators, who also serve as Magistrates in their respective districts, form the largest group of such magistrates.

Lay Magistrates are also appointed from the Roll of Justices of The Peace.

JUSTICES OF THE PEACE

Justices of The Peace are appointed by the Governor General by Warrant under her hand and the Public Seal, and, within the limits of an area or district in respect of which they are appointed, have the same powers as a magistrate to sign warrants or arrest and commitment, to issue search warrants and to take affidavits and administrator oaths.

JURISDICTION OF MAGISTRATES

Criminal

In the Magistrates Court, criminal proceedings are instituted in the name of the Commissioner of Police. S & C Magistrates sit alone without a jury and are the judges of both the law and the facts in cases before them. S & C Magistrates hear summary matters or indictable matters which may be heard summarily.

S & C Magistrates have jurisdiction to impose a sentence of imprisonment of not more than five (5) years or a fine as stipulated in the relevant statute. They also conduct preliminary inquiries to determine whether a prima facie case has been made against an accused person. If a prima facie case is made, the accused is committed to the Supreme Court to stand trial.

Lay magistrates have jurisdiction to hear minor summary matters only.

Civil

S & C Magistrates also have jurisdiction to hear and determine any civil cause or matter where the amount sought to be recovered or the value of the property does not exceed \$5,000.00 and they have jurisdiction and authority to try summarily any case in which the title of land is involved where the value of the land does not exceed \$200.00 – Section 15, Magistrates Act. Lay Magistrates try civil cases in claims up to \$400.00 for contract and tort and \$600.00 for debts.

Appeals in the Magistrates Court

Appeals from a conviction (criminal cases) or decision (non-criminal cases) by Lay Magistrates lie to the Chief Magistrate, an S & C Magistrate or Circuit Justice while on circuit.

Quasi-Judicial Role of Magistrates

Magistrates also issue warrants of arrest and summonses to accused persons to attend Court to answer allegation e.g. Road Traffic Offences. They perform marriages and sit as Chairperson of the Rent Control Board and the Licensing Board or Authority for the grant of licences for the sale of alcoholic beverages as well as shop licences.

SPECIALIZED MAGISTRATES COURTS

Juvenile Court

The Juvenile Court tries criminal offences committed by children and young persons, except where an offence is triable only in the Supreme Court, or a child or young person is charged jointly with an adult. The Juvenile Court also hears matters with respect to children who are deemed beyond parental control and those in need of care and protection. The Magistrate is assisted by a Juvenile Panel, one of whom must be a female. The proceedings in Juvenile Court are governed primarily by the provisions of the Child Protection Act, Chapter 132 of Statute Laws of The Bahamas.

Domestic Court

The Domestic Court deals with applications for relief under the Child Protection Act, the Matrimonial Causes (Summary Jurisdiction) Act and the Sexual Offences and Domestic Violence Act. Matters adjudicated include applications for legal separation, maintenance orders, arrears of maintenance payments, protection orders, custody, paternity and access to minor children.

Coroner's Court

The Coroner's Court holds inquiries in cases where a person dies in a sudden, violent or unnatural manner, or where the cause of death is unknown and in other situations where the law requires, for example, where a person dies while housed in a public facility or confined to a place of lawful detention.

Night Courts

The Night Courts were established for the convenience of persons who work during the day and are unable to take time off to attend court. Traffic and civil matters are dealt with by Magistrates sitting in two courts in the Magistrates Court Complex, New Providence. Night court sessions commence at 6:00 p.m., Mondays through Fridays.



MAGISTRATE COURT, MARSH HARBOUR DISTRICT,
Bahamas Government Complex, Marsh Harbour, Abaco



MAGISTRATE COURT, ELEUTHERA DISTRICT,
Bahamas Government Complex,
Governor's Harbour, Eleuthera



MAGISTRATES COURT COMPLEX,
South Street, New Providence



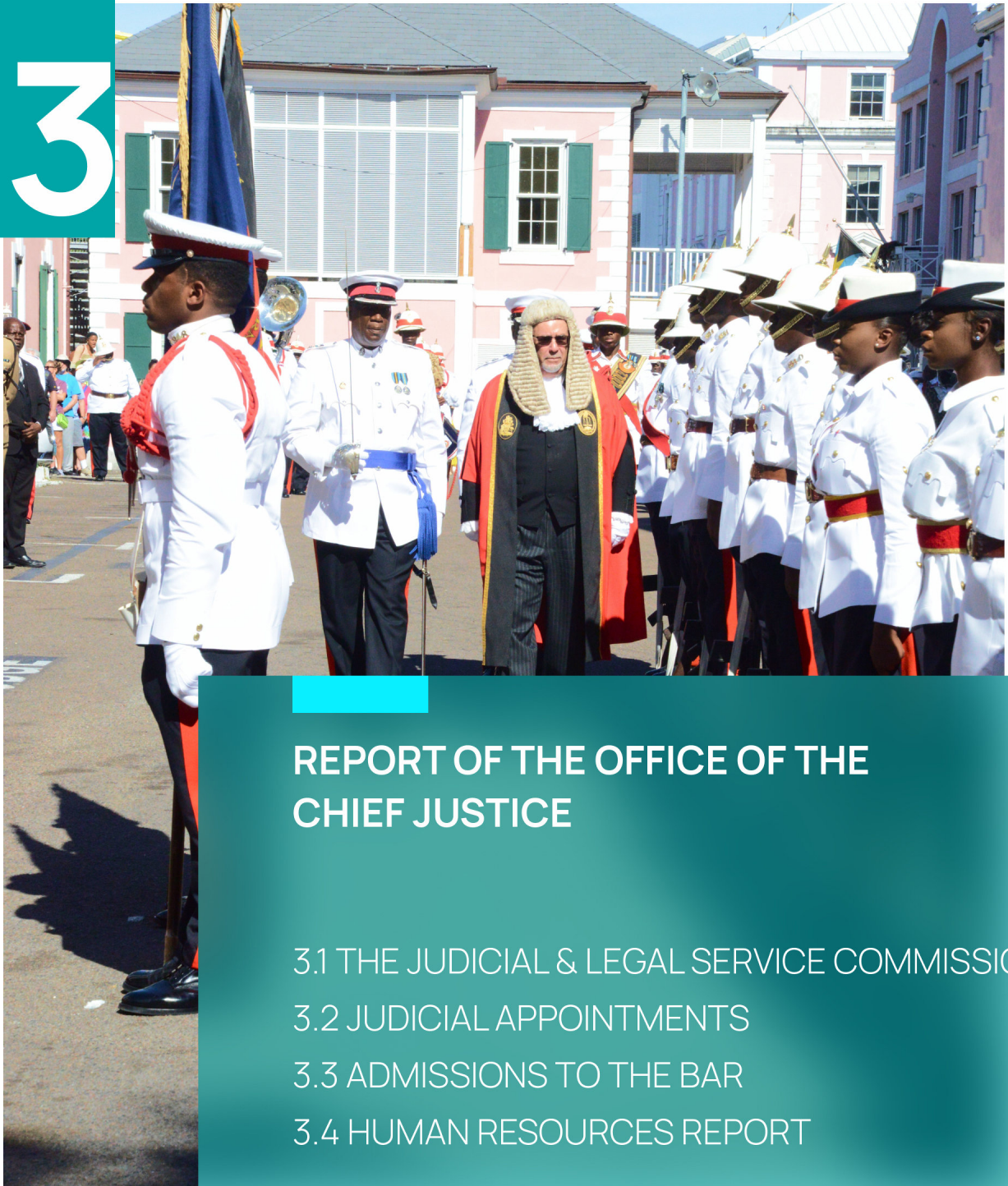
GARNET LEVARITY JUSTICE CENTRE,
City of Freeport, Grand Bahama



SUPREME COURT BUILDING,
Bank Lane, City of Nassau, New Providence

REPORT OF THE OFFICE OF THE CHIEF JUSTICE

3



REPORT OF THE OFFICE OF THE CHIEF JUSTICE

3.1 THE JUDICIAL & LEGAL SERVICE COMMISSION

3.2 JUDICIAL APPOINTMENTS

3.3 ADMISSIONS TO THE BAR

3.4 HUMAN RESOURCES REPORT

3.1 THE JUDICIAL & LEGAL SERVICE COMMISSION

The Judicial & Legal Service Commission was established under Articles 116 and 117 of The Constitution of the Commonwealth of The Bahamas and regulated by the Judicial & Legal Service Regulations established under Article 127 of the Constitution.

The Members of the Commission comprise:




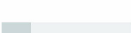

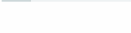
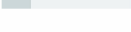
- The Chief Justice who sits as Chairman;
- Such other Justice of the Supreme Court or Justice of Appeal as may be designated by the Governor General, acting on the recommendation of the Chief Justice, by instrument under the Public Seal;
- The Chairman of the Public Service Commission; and
- Two persons appointed by the Governor General by instrument under the Public Seal, acting on the recommendation of the Prime Minister after consultation with the Leader of the Opposition.

Members are appointed for a maximum of three (3) years and they must hold or be qualified to hold high judicial office.

Pursuant to the Judicial & Legal Service (Prescribed Public Offices) Act, the following officers fall under the jurisdiction and control of the Commission

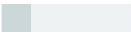


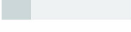
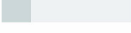

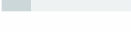
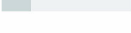
- Justices of the Supreme Court
- Registrars of the Supreme Court & the Court of Appeal
- Stipendiary & Circuit Magistrates
- Legal officers of the Department of Legal Affairs, Department of Public Prosecutions, Industrial Tribunal and the Registrar General's Department and the Public Service generally.

Power to make appointments to public and judicial offices, to remove and exercise disciplinary control over such persons is vested in the Governor General acting in accordance with the advice of the Commission. Other responsibilities of the Commission include:

-  1 Reclassifications
-  2 Promotions
-  3 Transfers
-  4 Resignations
-  5 Retirements
-  6 Vacancy Notices / Advertisements
-  7 Disciplinary Action

The Secretary to the Commission is the Registrar of the Supreme Court. The Secretary is responsible for the daily operations of the Commission acting through the Secretariat, which is staffed by Ms. Bathsheba Algreen, Mrs. Marinda Pritchard and Miss Verlea Farrington.

The duties of the Secretariat are:

-  1 Maintaining a registry of all Commission files including the receipt and registration of incoming correspondence;
-  2 Providing the Accounting Officer for the Commission's budget;
-  3 Responding to inquiries;
-  4 Preparation for all meetings including: issuing notices, preparing meeting Agenda and Minutes of Meeting;
-  5 Actioning Commission Decisions;
-  6 Preparing and forwarding all Orders by the Commission to the Governor General for approval/signature;
-  7 Forwarding all signed Orders to the Ministry of the Public Service for the appropriate letters to be prepared and forwarded to the relevant persons/agencies;
-  8 Arranging interviews with applicants.

The Commission held nine (9) meetings and made sixty-four (64) decisions during the current reporting period of 1 November 2019 to 31 October 2020.

3.2 JUDICIAL APPOINTMENTS

The Hon. Madam Justice



TARA COOPER-BURNSIDE

Position
JUSTICE (Acting)

Court #
14 - ANNEX II

Date of appointment
23 November, 2020



Mrs. Tara Cooper-Burnside was sworn in as an Acting Justice of the Supreme Court by the Governor General, His Excellency the Most Hon. Sir Cornelius A. Smith at Government House on Monday, 23 November, 2020.



MR. R. DAWSON MALONE

Position
ASSISTANT REGISTRAR (Acting)

Appointed
5 October, 2020



Mr. R. Daswon Malone was sworn in as an Assistant Registrar of the Supreme Court (Northern Region) by the Hon. Madam Senior Justice Estelle Gray Evans at the Garnet Levarity Justice Centre on Monday, 5 October, 2020.

3.3 ADMISSIONS TO THE BAR



INNER BAR

The following Queen's Counsel were admitted to the Inner Bar of The Bahamas Bar Association on Friday, 11 September 2020:

Friday, 11 September 2020

Michael Ross Scott, Q.C.

Cedric Llewelyn Parker, Q.C.

Jean Ferron Martinez Bethell, Q.C.

John Fritzgerald Wilson, Q.C.

Krystal Dianne Zonette Russell-Rolle, Q.C.

The following persons were admitted to the Utter Bar of The Bahamas

Friday, 13 December 2019

Oluwafolakemi Bamidele Swain

Regina Eukeshia Bonaby

Miguel Aquirre Darling

Dennise Donya Newton

Deandra Gina Johnson

Alexandria Kenyatta Russell

Adele J. Mangra

Bionca Ashanti Marissa Rolle

Ian Spence Winder

Shade' Joenet Munroe

Persons admitted to the Utter Bar of The Bahamas on 11th December, 2020:

Friday, 11 December 2020

Alphonso Bernard Lewis III

Lashona Maria Knowles

Peteche Alexis Braddick Bethell

Adrienne Nicole Bellot

Candice Simone Knowles

Keath Evelyn Smith

Donna Betty C. Russell

Davina Monique Pinder

Royann April Forbes

Tonesa Monae Munnings

Floidira Maria Collie

Nevado Garven Frazer

Tabitha Lorenda Russell-Frazer

Danielle Alexis Kemp



UTTER BAR

As a result of the COVID-19 protocols, there were three separate call ceremonies on 11 December 2020. This photograph shows the the persons who were admitted at the first ceremony.

3.4 HUMAN RESOURCES REPORT

HUMAN RESOURCE UNIT-ANNUAL STATISTICAL DATA REPORT 2020

In November 2020, the Office of the Judiciary was staffed by a total of 264 officers. 184 are stationed at Supreme Court, 93 at Magistrates Courts, 48 in Grand Bahama and 4 in Abaco.

As at 31 October 2020 the judicial officers comprise the Chief Justice, 15 Judges, 16 Magistrates and 8 Registrars. It is notable that in each court in addition to the Judicial Officer, there is a Secretary and Court Clerk.

The administrative component of the Judiciary include:

- Office of the Registrars
- Accounts
- Human Resources
- Listing Office
- Bailiff Unit
- Jury Assistance Office
- Information, Communications and Technology
- Court Administrators Office
- Judicial and Legal Service Commission (JLSC)
- Bahamas Judicial and Educational Institute (BJEI)
- Court Reporting Unit
- Court Marshal Services
- Criminal Registry
- Civil Registry
- Family Registry
- Probate Registry
- Digitizing Unit
- Custodial Unit
- Information Technology Department.

The following is a summary of HR appointments and changes for 2020:

JUDICIAL ADMINISTRATIVE	JUDICIAL	ADMINISTRATIVE
New Appointments	7	33
Deployments/Transfers	1	3
Confirmation in Appointments	1	7
Reclassifications	1	1
Retirees	4	5
Deaths		3

RETIREES



MRS. VERA SHIRLEY WATKINS

Position

SENIOR JUSTICE
(Nassau, New Providence)

Date of Appointment

2 NOVEMBER 1987

Date of Retirement

31 JULY 2020



MRS. GWENDOLYN CLAUDE

Position

S&C MAGISTRATE/DEPUTY CORONER
(Eight Mile Rock, Grand Bahama)

Date of Appointment

20 NOVEMBER 2007

Date of Retirement

8 OCTOBER 2020



MRS. AYSE RENGIN JOHNSON

Position

S&C MAGISTRATE
(Freeport, Grand Bahama)

Date of Appointment

2 MARCH 2015

Date of Retirement

7 NOVEMBER 2020



MRS. ROSE GREEN-THOMPSON

Position

FIRST ASSISTANT SECRETARY/
JUDICIAL RESEARCH ASSISTANT MANAGER/
HUMAN RESOURCES UNIT
(Nassau, New Providence)

Date of Appointment

8 SEPTEMBER 1971

Date of Retirement

19 MARCH 2020



MS. JANET GRAY

Position

JANITRESS
(Freeport, Grand Bahama)

Date of Appointment

22 FEBRUARY 1993

Date of Retirement

3 FEBRUARY 2020



MR. JOSEPH MORRISON

Position


MARSHAL OF THE COURT/ BAILIFF
(Nassau, New Providence)

Date of Appointment

20 FEBRUARY 1998

Date of Retirement

19 FEBRUARY 2020



MS. PRINCESS COAKLEY

Position


TELEPHONIST II
(Nassau, New Providence)

Date of Appointment

8 JUNE 1987

Date of Retirement

26 APRIL 2020



MRS. LILLIEMAE MCDONALD-HERNARDEZ

Position

PERSONAL ASSISTANT III
SUPERVISOR
MAGISTRATES' COURT COMPLEX
(Nassau, New Providence)

Date of Appointment

21 SEPTEMBER 1987

Date of Retirement

27 MAY 2020



MRS. LOUISE FERGUSON

Position

JANITRESS / TELEPHONIST
(Nassau, New Providence)

Date of Appointment

2 DECEMBER 1996

Date of Retirement

27 DECEMBER 2020



DEATHS



MRS. DEBORAH STEWART-JONES

Position

CLERK (Freeport, Grand Bahama)

Date of Appointment

2 APRIL 1997

Date of Death

15 JUNE 2020



MS. OCTAVIA SWEETING

Position

FILING ASSISTANT (Freeport, Grand Bahama)

Date of Appointment

20 MARCH 2002

Date of Death

10 AUGUST 2020



MS. LEANAMAE MISSICK

Position

FILING ASSISTANT (Nassau, New Providence)

Date of Appointment

9 NOVEMBER 1998

Date of Death

11 AUGUST 2020

4

REPORT OF THE OFFICE OF THE REGISTRAR



REPORT OF THE OFFICE OF THE REGISTRAR

4.1 REGISTRARS REPORT 2020

4.2 REPORT OF THE DEPUTY REGISTRAR
OF THE NORTHERN REGION

4.1 REGISTRARS REPORT 2020

In his first speech to mark the opening of the legal year 2020, the Honourable Sir Brian M. Moree, Kt. Q.C., Chief Justice lamented that “the need for reform and modernization of our court system is now impatient of debate”. However, notwithstanding the coronavirus pandemic which closed down the country in March, 2020 and the negative impact both locally and globally, the Judiciary has pressed on with its scheduled initiatives aimed at the delivery of this promise. As I stated in my Annual Report last year, these initiatives will put the Courts on the trajectory of technological change which would allow it “to deliver more efficient and timely service to the public”.

It is apposite to note that these initiatives were all precoronavirus and the courts as a provider of essential services remained open amidst the curfews and lockdowns instituted by the Emergency Orders. The pandemic has underscored the urgency for these reforms which would reduce the need for physical attendance at the court and permit customers of the Court including attorneys, to conduct business remotely from anywhere in the Bahamas, or indeed, the world.

The Registrar is, by law, responsible for the daily operations of the Office of the Judiciary. The Registrar is ably assisted in her duties by three Deputy Registrars and two Assistant Registrars. The Deputy Registrar for the region, Miss Stephana Saunders will address the operations for that region in her own report.

Some of the programs being pursued, which list is not meant to be exhaustive, include:

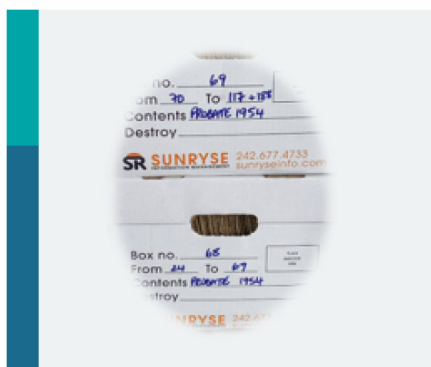
COURT ADMINISTRATORS

In my report last year, I noted the plans afoot to bring some relief to the Magistrates Court in the form of the new court administrator. Since then, we have had both an administrator for the Magistrates Courts and a Court Administrator for the Supreme Court appointed; these appointments will greatly assist me with the majority of my administrative responsibilities. Concomitantly, the role of Registrars (meaning the Registrar, Deputies and Assistants) is being re-defined to exclude the administrative functions similar to what has occurred in other jurisdictions in the region such as, the Cayman Islands, the Eastern Caribbean Courts and Trinidad and Tobago.

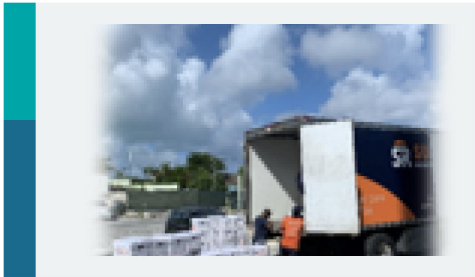
ARCHIVES



The vexing problem of archives which was located in Victoria Gardens for many years and had descended into a deplorable state has been resolved by the transfer of the files to an offsite facility. The transportation, removal and organization of the files, was performed by the Judiciary staff including those from the Probate, Family and Civil Registries. This was a laborious exercise over several weeks that entailed disgorging old filing cabinets and cataloging the files for record-keeping. I thank all of them for their patience, perseverance and diligence and in particular, Assistant Registrar Renaldo Toote who headed this project.



It is expected that these files will be digitized, as will all of the other court files in both the Magistrates and Supreme Court. This will greatly enhance our ability to retrieve files faster and eliminate the issue of the physical storage of files in the future. Additionally, it will transform how files are viewed and eliminate the need for in-person visits to each of the Registries.



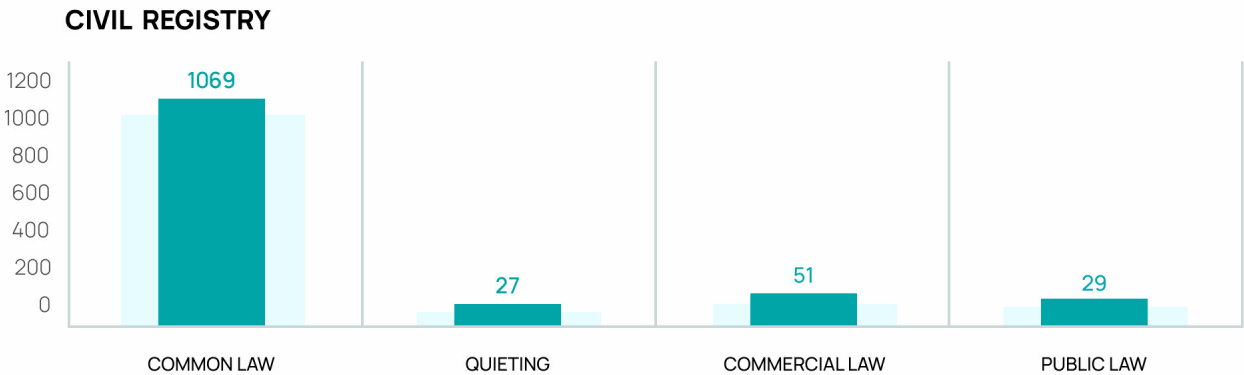
The proposed integrated case management system will intersect with the digitization project and permit the court and its customers to, not only access court files, but, to file documents electronically.

CIVIL REGISTRY

The Civil Registry or the Central Registry is the repository for matters filed in the Commercial, Public Law, Common Law and Equity Divisions. There were approximately 1,176 new applications filed in 2020 as compared to 1659 applications filed in 2019. This reflects a 29% year-to-date reduction in filings, which I perceive is solely attributed to the coronavirus pandemic and subsequent restrictions associated from the Emergency Power Orders.

CIVIL REGISTRY STATICS / January to November, 2020

JUDICIAL ADMINISTRATIVE	
Coomon Law & Equity	1069
Quieting	27
Commercial Law	51
Public law	29
Total	1,176



FAMILY REGISTRY

The Family Registry is responsible for cases filed in the subdivisions for Divorce, Adoption, Guardianship, Mental Health and applications under the Status of Children Act. The lion's share of applications are divorce petitions.

This Registry has recently increased its staff complement to four persons, two of whom joined earlier in the year, and they are a welcome addition.

Despite the interruption in the Court's services due to the pandemic, I am pleased to report that we have maintained our rate of efficacy for 2020 as compared to 2019. In 2020, the Family Registry processed 579 divorce applications and issued 338 Decree Absolutes as opposed to 549 divorce applications and granted 330 Decree Absolutes were granted.

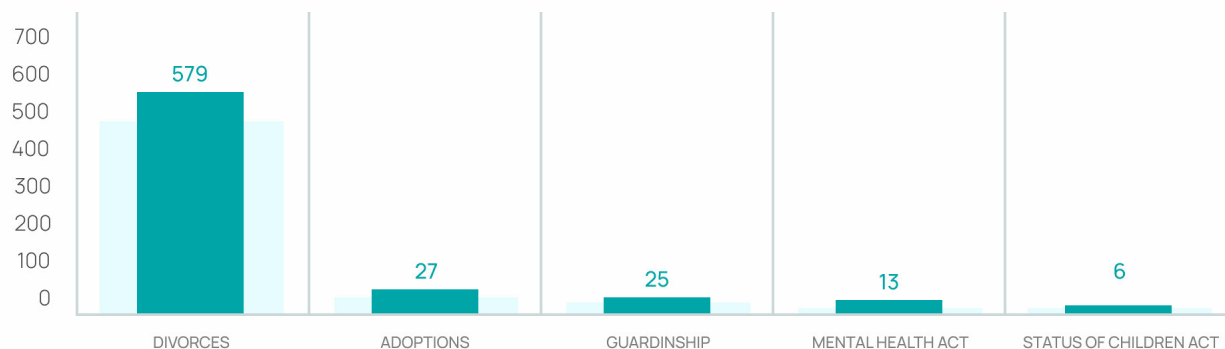
FAMILY REGISTRY STATICS / 1 November, 2019 to 31 October, 2020

NEW APPLICATION RECEIVED	
Divorces	579
Adoptions	27
Guardianship	25
Mental Health Act	13
Status of Children	6
Total	650

DECREE NISI ISSUED	
2020	273

DECREE NISI ABSOLUTE	338
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Family Registry



PROBATE REGISTRY

The Probate Registry is responsible for non-contentious or common form probate business which includes the processing of all types of grants of representation (including resealing grants that have already been obtained in the United States and Commonwealth Countries); the maintenance of the citation and caveat proceedings and other proceedings such as the admission of a copy will to proof. Additionally, the files for all contentious probate proceedings are maintained in the Registry.

The most common forms of grants of representations processed by the Registry are Probate, Letters of Administration, Letters of Administration with the will annexed and Resealing. In addition to the processing and issuance of grants of representation, the Registry is also the depository of wills. During the year 2020, forty-two (42) Contentious Probate applications were filed and forty-one (41) wills were deposited with the Registry. The Registry is poised to facilitate and support these initiatives aimed at the more efficient delivery of services to the public through the addition of two more staff. It should be noted that the most common types of probate applications can be accessed on the Judiciary's website, as well the requisition form to request files from Archives prior to the year 2002. Amidst the coronavirus pandemic and Emergency Power Orders, the Probate Registry has maintained a satisfactory level of efficacy with a completion rate of 70% as compared to a 81% completion rate in 2019.

PROBATE REGISTRY STATICS

1 November, 2019 to 31 October, 2020

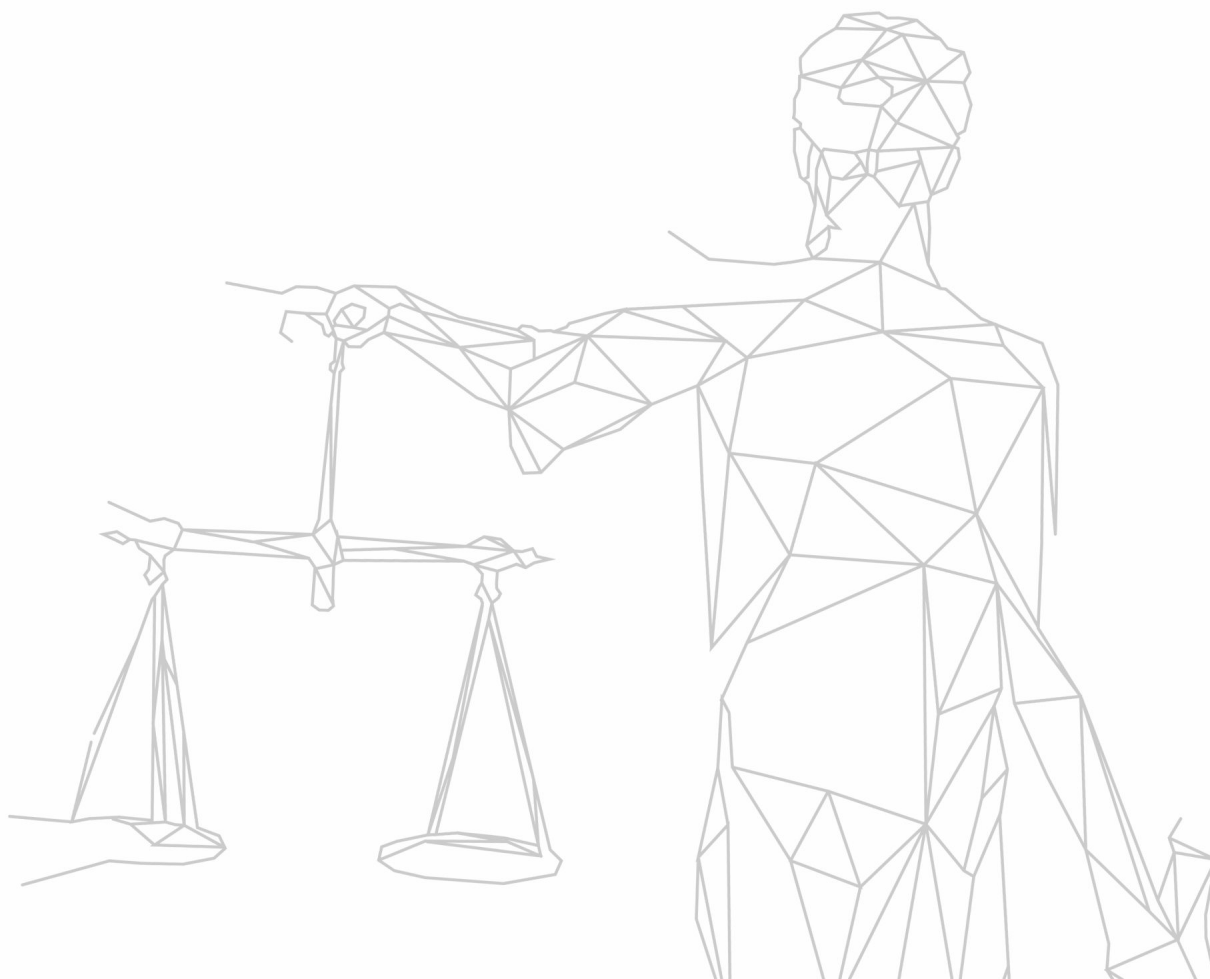
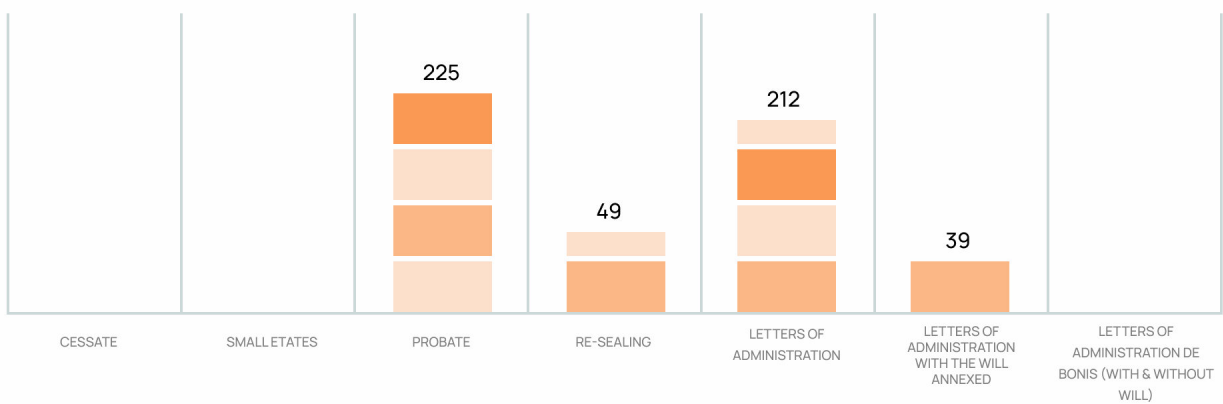
NEW APPLICATION RECEIVED	
Cessate	0
Small Estates	0
Probate	225
Re-Sealing	49
Letters of Administration	212
Letters of Administration with the Will Annexed	32
Letters of Administration De Bonis (with & without Will)	2
Total	520

GRANTS ISSUED	
2020	362

TOTAL GRANTS REFUSED	0
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Probate Statistics 2020

series 1



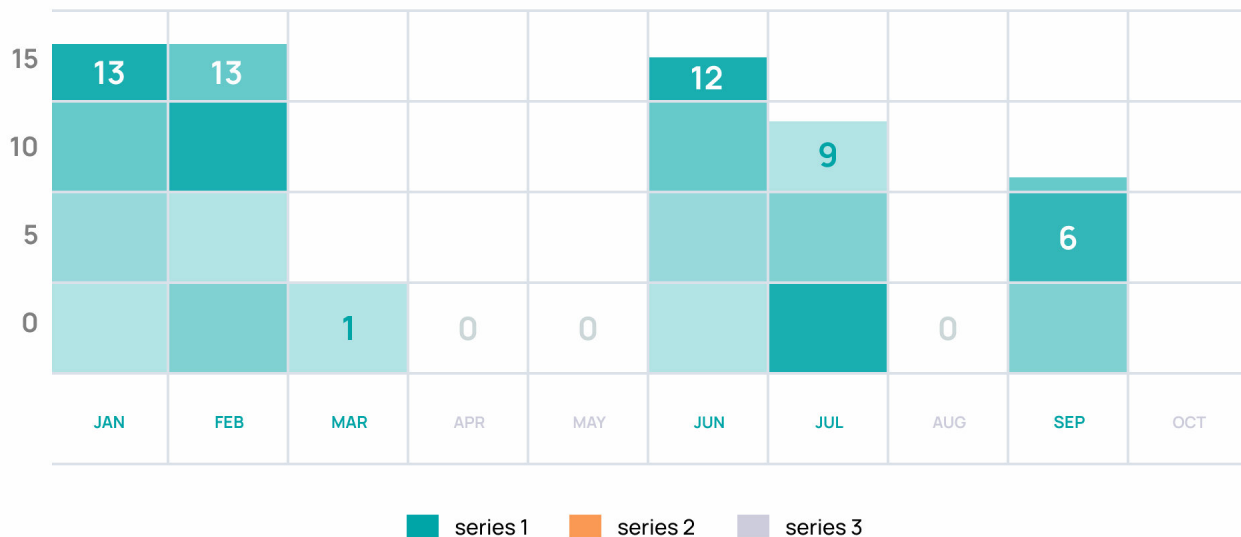
CRIMINAL REGISTRY

Similar to other Registries, the Criminal Registry remained open to facilitate the hearing of urgent bail applications and the signing of the bail bonds. However, unlike the other Registries which remained in their existing locations, the Criminal Registry temporarily relocated to the Honourable Senior Justice Mr. Bernard Turner's court as a satellite office to "pivot" its operations in view of the pandemic.

However, the closure of the existing location allowed for renovations, which were a public/private partnership arrangement to accommodate the new Bail Management System and to make necessary adjustments to better protect the staff and promote physical distancing protocols arising from the pandemic.

The jury list was published in October 2020 so as to facilitate the sitting of the Revising Panel in November 2020. Regrettably, the Freeport News became a Dorian casualty because it is no longer in circulation. Therefore, it is intended to publish the jury list on the Court's website.

The allocation of Crown Briefs are still the preferred means by which counsel is appointed for those accused who are unable to retain an attorney, whilst charged with serious offences. In contrast, allocation of matters to the Public Defender's Office are few and far between. There were a total of 54 Crown Briefs assigned to Defense Counsel between the months of January, 2020 to October, 2020 as compared to a year-to-date of 202 Briefs approved in 2019. This reflects a 73% reduction of Crown Briefs.



REGISTRAR HEARINGS

The coronavirus pandemic has forever changed how hearings are conducted before the Court and the Registrars are no exception. Protocols issued by the Chief Justice have allowed the Court some flexibility in meeting the constitutional mandate of access to justice. A notable exception, however, applies in the case of the pro se litigant, who would not be aware of the hearing until served, therefore in-person hearings have not been totally abolished albeit they have been significantly reduced. The use of multifarious virtual platforms such as Webex and Zoom which were practically unknown or rarely used prior to the coronavirus, have become the norm. In fact, some attorneys would welcome the continuation of their use, even post the pandemic. A virtual hearing saves time and money especially in cases involving overseas litigants and witnesses. In short hearings or ex parte type applications, the telephone also served as a means to conduct hearings.

THE SUPREME COURT

The Office of The Registrars (New Providence)

The period of 1st November, 2019 - 31st October, 2020

REGISTRARS	TOTAL MATTERS INITIATED	MATTERS ADJOURNED	MATTERS HEARD AND COMPLETED	COMPLETION RATE
5	618	187	431	70%


However, the Judiciary is cognizant of the fact that litigants, attorneys and the public must not be disadvantaged because they are indigent or, for whatever reason are unable to access our e-services platform. It is hoped that even upon our return to the “new” normal that it would be possible to have a dedicated area in the Supreme Court equipped with staff who can assist these persons.

THE CORONAVIRUS ADJUSTMENTS

Various measures were taken to ensure the health and safety of the staff and the customers to each of the Registries including the implementation of a daily shift system for the staff which sought to reduce the complement of staff working simultaneously. Customers and attorneys entering the building are required to have their temperatures taken and their hands sanitized. The installation of plexi-glass in each of the Registries (save for the Civil Registry which always had a plexi-glass barrier) and the distribution of masks, face shields and gloves. Additionally, the work areas were re-organized to ensure adherence to the physical distancing protocols.

The re-launch of the website has proven to be a critical life support during this pandemic, especially during the complete lockdowns and generally, by facilitating communication with the court which reduced the need for physical attendance at the court to seek answers to queries.

The following features were added to the website as a direct result of the pandemic:

- 
- 1 The COVID-19 Help Desk; and**
 - 2 E-appointments to permit the scheduling of appointments to each of the Registries.**

The response to both of these innovations have been overwhelming and we continue to monitor them for any improvements that can be made.

STAFF

A program for training of the staff is being developed in conjunction with the newly appointed dedicated member of staff from the Bahamas Judicial Education Institute. The continuing education and training of our staff can never be overstated and the acquisition of the space at Charlotte House will provide the much needed space to conduct in-person trainings once the pandemic has passed. Further, the multiple initiatives being rolled out by the Honourable Chief Justice demands that our staff are provided with the requisite training and tools (such as computers, scanners etc) to ensure their success.

As the year 2020 comes to an end, our thoughts remain with the families of those who lost loved ones during this worldwide pandemic and whose lives have been negatively impacted one way or another. While the court was not fully operational during this time, essential areas remained open to the public.

The maintenance of the rule of law is critical during the time of a public emergency.

Therefore, I applaud the efforts and sacrifice of our staff who continued to work during the early days of the lockdowns.

Thankfully, the hurricane season was for the most part an uneventful one. However, we remain sensitive to the fact that the victims of hurricane Dorian including our staff are still trying to rebuild their lives.



CONCLUSION

Notwithstanding the myriad of challenges as a direct result of the coronavirus pandemic, it will be seen from a review of our statistics, that while there has been a reduction in numbers generally, overall these results reflect when compared to last year's numbers that the Courts have continued to almost fully operate. In this regard I reiterate my appreciation and gratitude to the entire staff of the Office of the Judiciary. Thank you for your service.

4.2 REPORT OF THE DEPUTY REGISTRAR OF THE NORTHERN REGION

The Office of the Judiciary (Northern Region) administers all judicial matters in the islands of Grand Bahama, The Abacos and Bimini.

In Grand Bahama, the offices are located in the Garnet Levarity Justice Centre, Downtown Freeport and in the Local Government Building, Martin Town, Eight Mile Rock, Grand Bahama. There are two Supreme Courts and three Magistrate Courts in Freeport. One Magistrate Court is located in Eight Mile Rock. The Supreme Courts are presided over by two resident Judges. The Magistrate Courts are presided over by a Deputy Chief Magistrate and three Stipendiary and Circuit Magistrates.

THE OFFICE OF THE REGISTRAR

The Deputy Registrar is responsible for the overall administration of the Office of the Judiciary in the Northern Region and oversees the daily operations of the Courts, assisted in the performance of her administrative duties by a team of supervisors. These officers are Mr. Ricardo Russell, Administrative Officer, Ms. Zenobia Duncombe, Assistant Accountant, Ms. Clara Johnson, Ms. Tamesha Munroe and Miss Chinello Sears, Executive Officers (deployed to the Office of the Prime Minister, Freeport October 23rd 2020) and Mrs. Adriann Gilbert, Chief Clerk.

2020

The year 2020 has been one of “protracted upheaval” for the Office of the Judiciary (Northern Region). The renovations for the Garnet Levarity Justice Centre which began in 2019 continued into the New Year and the aftershocks of Hurricane Dorian were still reverberating throughout the islands.

We began the year in hopeful anticipation by gathering together at our annual Church Service to mark the Opening of the Legal Year on the 9th January, 2020. Our recently appointed Chief Justice Sir Brian M. Moree along with other Supreme Court Justices attended from Nassau to celebrate with the judicial officers and legal fraternity in Grand Bahama. The Chief Justice in his brief remarks at the reception intimated his vision for the Office of the Judiciary and gave a brief overview of the changes that were proposed for the improved operations of the Courts.

As training is a key focus of the Honourable Chief Justice for the Judiciary, it was determined that there should be training for the supervisors of the Office of the Judiciary (Northern Region). On the 22nd February, 2020, under the theme, "Leadership in the Workplace", the Supervisors were challenged on topics such as "what kind of leader are you" and "how to communicate with subordinates". It was an informative and uplifting retreat and the Supervisors were challenged to internalize the concepts immediately and implement where applicable in their day to day tasks.

Magistrate Court Staff and Judicial Officers were still displaced and had to function in less than ideal circumstances and cramped surroundings, and the Legal Fraternity and General Public continued to bear with adjournments and delays due to the entire court system operating out of the Supreme Court side of the Garnet Levarity Justice Centre. The patience and fortitude displayed by all is to be highly commended.

Within three weeks of the cleaning regiment being started, the Coronavirus became a national reality and a series of lockdowns ensued from March, 2020. During the lockdowns, the Court continued to serve the citizens of the Commonwealth of the Bahamas. The Northern Region had to take special care in the marshalling of the general public as the Garnet Levarity Justice Centre was still under renovation and the Magistrate Courts were temporarily housed in the Supreme Court side of the building. During the initial lockdown, the Magistrates sat in two day rotations, the Eight Mile Rock Magistrate Court was on call, bail applications were heard and the administration of justice moved along albeit at a much slower pace. The Honourable Chief Justice implemented The Court Coronavirus Mitigation Protocols to direct all procedures and processes for the legal community and the public at large in relation to the Office of The Judiciary.

In June, 2020, Noula Investments, the contractor responsible for the renovations of the Garnet Levarity Justice Centre completed the Magistrate Court Building which paved the way for the return of the Magistrate Court staff to their normal location. The furniture however did not arrive until the first week of July and was partially installed during the Independence holiday weekend. The Government mandated a shut down for the island of Grand Bahama on the 17th July, 2020 which disrupted the assembling of the new furniture. We hope for the completion of the furniture assembly before the New Year.

This year we have experienced loss and were deeply saddened by the passing of two staff members, Mrs. Deborah Stuart-Jones and Ms. Octavia Sweeting. Their passing left our hearts heavy and cast a pall over the staff of the Northern Region. We are thankful for work for the Office of the Judiciary and the friendships. We pray for their families and that their souls rest in peace and rise in glory.

There continues to be a critical staff shortage in the Northern Region. Mrs. Eleanor Stewart, Senior Executive Officer, Mrs. Janet Gray, Messenger/Janitress, Ms. Gwendolyn Claude and Ms A. Rengin Johnson, Stipendiary and Circuit Magistrates retired from the Office of the Judiciary having reached the retirement age.

We welcome Mr. R. Dawson Malone, who is acting in the capacity of Assistant Registrar of the Supreme Court and was sworn in on October 5, 2020. We thank him for his service.

We appreciate the invaluable service and assistance that is rendered by the ten (10) participants of the The National Work Relief programme (52 week programme) as they are a great help to the Office of the Judiciary, Northern Region.

We would especially like to thank those essential workers who worked during the Government mandated lockdowns. Their dedication and commitment to the continued operations of the Courts through the lockdowns is inspiring and motivating and they are deserving of great accolades. These officers are Senior Justice Estelle Gray-Evans,

Justice Petra Hanna Adderley, Stephana J. Saunders, Debbye Ferguson, Charlton Smith, Rengin Johnson, Laquay Laing, Ricardo Russell, Zenobia Duncombe, Clara Johnson, Tamesha Munroe, Chinello Sears, Adriann Gilbert, David McPhee, Patrick Adderley, Richard Leadon, Ulysses Curry, Arlington Farquharson, Dale Bethel, Sophia Clarke, Chevonia McBride, Juanita Smith, Deon Austin-Smith, Charlene Garvey, Deborah Clarke and Nevin Harding.

The report of the Office of the Judiciary (Northern Region) in 2019 stated that **“we are definitely thankful, grateful and hopeful. We are thankful for our lives and grateful to be able to serve.”**

We continue to serve the citizens of the Northern Region to the best of our abilities in 2020 and look forward to the reforms to modernize the Court system throughout the Bahamas in order to better discharge our constitutional role as the third branch of Government .

STATISTICS

The Deputy Registrar in addition to being administrator also exercises a judicial function by hearing and determining matters.

Listed below are statistics for matters heard by the Deputy Registrar (Northern Region) during the period of November 2019 – October, 2020.

THE SUPREME COURT**The Office of The Registrars (Northern Region)**

The period of November, 2019 - October, 2020

DATE	NO. OF MATTERS SCHEDULE	NO. OF MATTERS HEARD & DETERMINED	NO. OF MATTERS WITH NO APPEARANCE	NO. OF MATTERS TAKEN OFF THE LIST	NO. OF MATTERS ADJOURNED
November, 2020	22	8	0	1	13
December, 2020	22	19	0	0	2
February, 2020	17	5	1	0	11
March, 2020	20	4	0	0	16
April, 2020	14	1	0	2	11
May, 2020	0	0	0	0	4
June, 2020	16	8	1	4	3
July, 2020	12	5	0	2	5
August, 2020	12	0	0	0	12
September, 2020	22	12	0	2	8
October, 2020	33	20	0	5	8

THE SUPREME COURT REGISTRY

Unlike New Providence, where the Registries of the Supreme Court are separated and supervised by different Deputy Registrars, all Registries of the Supreme Court are located at the Garnet Levarity Justice Centre and overseen by the Deputy Registrar (Northern Region) and assisted by Mr. Ricardo Russell, Administrative Officer. Staff members include Miss Sophia Clarke, Assistant to the Deputy Registrar and Probate Clerk, Mrs. Loylean McCartney, Probate Clerk, Mrs. Deon Smith, Family Clerk. These Officers also perform the work of the Criminal Registry and process and file bail applications.

The statistics for the applications and matters filed under the said divisions from November 2020 – October, 2020 are set below.

THE SUPREME COURT REGISTRY STATISTICS

Grand Bahama

The period of 1st November, 2019 - 31st October, 2020

NEW APPLICATIONS RECEIVED	
Common law & Equity	163
Commercial	8
Public Law	6
Total	177

BAIL APPLICATIONS

BAIL APPLICATIONS STATISTICS

Grand Bahama

The period of 1st November, 2019 - 31st October, 2020

Bail Applications	163
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FAMILY DIVISION (DIV)

FAMILY DIVISION STATISTICS

Grand Bahama

The period of 1st November, 2019 - 31st October, 2020

NEW APPLICATIONS RECEIVED	
Divorce	210
Adoption	7
Guardianship	0
Mental Health	1
Guardianship	6
Guardianship	6
Total	218
DECREE NISI GRANTED	144
DECREE ABSOLUTE	19

PROBATE DIVISION (PRO)

PROBATE SUB-REGISTRY STATISTICS

Grand Bahama

The period of 1st November, 2019 - 31st October, 2020

NEW APPLICATIONS RECEIVED	
Cessate	0
Small Estate	0
Probate	21
Re- Sealing	14
Letters of Administration	37
Letters of Administration with Will Annexed	3
Letters of Administration De Bonis Non (with or without Will)	0
Total	75
GRANTS ISSUED	144
2019	15
2020	33
Total	48
GRANTS REFUSED	0

5

REPORT OF THE CHIEF MAGISTRATE AND THE MAGISTRACY



REPORT OF THE CHIEF MAGISTRATE AND THE MAGISTRACY

5.1 ANNUAL REPORT FROM
THE OFFICE OF THE CHIEF MAGISTRATE
5.2 REPORT OF THE DEPUTY CHIEF
MAGISTRATE OF NORTHERN REGION

5.1 ANNUAL REPORT FROM THE OFFICE OF THE CHIEF MAGISTRATE

(1st Nov. 2019 - 31st Oct. 2020)

In a rapidly developing society The Magistrates Courts continue to be the first port of call in the judiciary for most members of the public. Even the skeptic would agree that those courts are the most frequently utilized courts by the widest sector of the Bahamian public. During the year 2019-2020 the Magistrates Courts experienced unprecedented challenges as a result of the Covid 19 restrictions which caused significant disruptions to its operations. The 'lockdowns', curfews and public health requirement for physical distancing together with limited space available in the Magistrates Courts Complex led to the suspension and/or reduction of certain court hearings. In this regard, the fact that many of the persons appearing before the Magistrates Courts are not represented by counsel mitigated the wide utilization of the Judiciary's newly developed remote platform for hearings. However, notwithstanding those challenges, the Magistrates Courts never closed and continued to function throughout the public emergency declared by the Governor-General as a result of the pandemic. Based on developments over the past several months, the Magistrates Courts have been following a phased plan for the resumption of all court operations. As of the date of this Report, Magistrates are hearing arraignments, remands, bail applications (where there is jurisdiction to hear them), traffic cases and urgent civil, family and other non-criminal cases. Circuits in the Family Islands have also resumed on a limited basis. It is expected that Magistrates will resume more regular travel for Circuits in January, 2021. Criminal and civil trials will resume as soon as plexi glass barriers have been installed in the courts in order to comply with public health guidelines.

Captured below are specific highlights of the past year:

APPOINTMENT OF COURT ADMINISTRATOR FOR THE MAGISTRATES COURTS

In August, 2020 Mrs. Alphanette Grant was appointed as the Administrator for the Magistrates Courts with responsibility for all non-judicial operations in those courts. This will allow me to focus on disposition of cases, oversight of judicial functions and macro policy issues affecting the Magisterial Courts. Mrs. Grant has brought her sense of professionalism, enthusiasm, and diligence to her new assignment. I am thankful to her and her hardworking team inclusive of Mr. Ralph Rolle, Mrs. Jennifer Sweeting, and Mrs. Claudina Cooper. By their collective efforts they have brought greater efficiency to the discharge of the business in the Magistrates Courts.

SYNOPSIS OF WORK OF MAGISTRATES COURTS DURING COVID-19 PANDEMIC

ARRAIGNMENTS

First time pleas and/or the reading of charges for matters proceeding by way of Voluntary Bill of Indictment (VBI) to the Supreme Court have continued throughout the pandemic. These matters range from indictable offences such as murder to summary offences such as disorderly behavior.

Notably, the Magistrates have arraigned and adjudicated on a plethora of matters related to offences in breach of the Emergency Regulations. These matters include but are not limited to breach of curfew/lockdown, non-compliance in wearing masks, and prohibited business operations etc.

REMANDS

Defendants on remand at the Bahamas Department of Correctional Service (BDOCS) have continued to have access to the courts by video conferencing. This is facilitated each weekday by a duty Magistrate.

BOUND OVER / FAMILY / JUVENILE/ CIVIL CLAIMS

These matters are heard by way of an application to the Chief Magistrate and/or Deputy Chief Magistrate. Such applications are received and if certified as an emergency is scheduled before a Magistrate for hearing.

CORONERS MATTERS

The Office of the Coroner in New Providence, Grand Bahama, and Abaco has suspended all inquests, but they are each open for signing releases where necessary.

TRAFFIC MATTERS

Where the defendant admits the offence and intends to pay the fine he may do so at the Accounts Department of the Magistrates Complex during working hours. The Traffic Court has now resumed the hearing of trials.

IMMIGRATION MATTERS

At the time of the writing of this report, the Magistracy has been called upon to adjudicate on four (4) Illegal Landing cases of over seventy (70) defendants. This involved travel to Ragged Island, and Inagua by the Chief Magistrate and Deputy Chief Magistrate Forbes respectively. Similarly illegal landing matters were heard in Grand Bahama by Magistrate Charlton Smith in August and Magistrate Rengin Johnson in October.

FISHERIES MATTERS

In September the Chief Magistrate and Deputy Chief Forbes in separate hearings in New Providence, arraigned eighty three (83) Dominican Fishermen in relation to a number of offences in breach of the Fisheries Act. Due to the volume of persons before the court, the proceedings were held outside the courtroom in the open air. The exercise required the collaborative efforts of the Royal Bahamas Police Force, Immigration Department, and the Department of Correctional Services in order to effectively manage the process.

ACCOUNTS DEPARTMENT

The Accounts Department remained open to the public for the collection of Queens Fines, Fixed Penalty Fines, Payments of Maintenance Support, and Civil Claims.

PRECAUTIONARY MEASURES IN PLACE AT THE MAGISTRATES COURTS

The following measures have been put in place to support the safety of the court: The policy of 'No mask, No entry' permitted in the Magistrate Courts.

Each individual entering the court Complex is required to submit to a temperature check and sanitize their hands. Additional Sanitization Stations have been strategically positioned in the complex together with enhanced cleaning protocols in court rooms and high touch surfaces in public areas.

COURT AUTOMATED PAYMENT SYSTEM (CAPS)

This year will mark the introduction of a new automated procedure for parties before the Family Court. Parties will no longer have to go to the Magistrates Courts complex to make or collect payments. Persons will benefit in real time with direct deposits and withdrawals. This will inevitably minimize the countless complaints previously received concerning the delay in receipt of maintenance support payments. (A more exhaustive report will explain this process later in the wider annual report).

TECHNOLOGY PLATFORM

New laptop computers have been issued to all Magistrates as the first step in providing judicial officers with a 'technology kit' to assist them in the discharge of their judicial duties in an increasingly automated court system. This is in line with the Reform and Modernization Programme implemented by the Chief Justice.

The re-launch of the Digital Recording System in the Magistrates Courts was delayed by the Covid 19 restrictions but is expected to be implemented in the first quarter of 2021. This will significantly reduce the disposition cycle for trials and improve the flow of work in the magisterial courts.

Finally, an annual statistical report follows my report relating to the empirical evidence of the work of the Coroners Court and each of the Magistrate's Courts in the criminal, civil, family, juvenile, traffic, and environmental divisions. As a whole these statistics speak to the large volume and wide diversity of the work being dealt with by the Magistrates and to the public service offered by the Magistrate Courts. I wish to personally thank Magistrates and the fine cadre of support staff for their commitment to public service above personal gain. It is clearly evident that the Magistrate Courts' achievement over the past year in the face of the pandemic is laudable. As we cross the threshold of a new year I encourage us as a whole to work on our weaknesses and build on our strengths.

CONCLUSION

5.2 REPORT OF THE DEPUTY CHIEF MAGISTRATE OF NORTHERN REGION

The Northern Region is comprised of the Islands of Abaco, Bimini and Grand Bahama (which includes Eight Mile Rock and Freeport). The court in Abaco is located in Dundas Town and operates out of two modern courtrooms in the Government Complex. The resident Magistrate for the Abaco District is Her Worship Ancella Evans who presides over a busy court which sits during normal court hours on weekdays. The statistics reflecting the work of the Abaco Magistrate's Court in 2020 are set out below.

Magistrate Ayse Regin Johnson was assigned to the Circuit for the Bimini District prior to her retirement from the Magistracy on 8 November, 2020.

The Magistrate's Court in Bimini is located in Alice Town and we are looking forward to moving the base of court operations in Bimini from its current location to modern facilities in the National Insurance Building. As a result of inter-island travel restrictions imposed under the Emergency Power Orders, travel for Circuit duties was suspended by the Chief Justice except for emergency cases. That has inevitably led to a backlog of cases which must be urgently addressed. It is anticipated that the suspension on travel for Circuits will be lifted by the Chief Justice in January, 2021 at which time Circuit sittings in Bimini (and the other islands) will resume.

Magistrate Gwendolyn Claude was assigned to the Eight-Mile Rock District prior to her retirement from the Magistracy on 8 October, 2020. The court building in Eight Mile Rock was severely damaged by hurricane Dorian forcing its closure which required Magistrate Claude to temporarily use alternative premises in the Administrator's Office to conduct essential court hearings and business. Magistrate LaQuay Laing, who was transferred from Exuma, was assigned to cover the Eight-Mile Rock court upon the retirement of Magistrate Claude. As the Judiciary has not been provided with suitable premises in Eight Mile Rock for the courtroom, cases originating in that Settlement are currently being heard by Magistrate Laing (or another Magistrate in Freeport) at the Garnett Levarity Justice Centre in Freeport.

There are three Magistrates assigned to the Freeport District, namely, Deputy Chief Magistrate Debbye Ferguson in Court Number One; Magistrate Charlton Smith in Court Number Two and Magistrate LaQuay Laing in Court Number Three. The Magistrates Court in Freeport is located in the Garnet Levarity Justice Centre. The Centre recently underwent extensive renovations to upgrade the Court's premises thereby significantly improving the physical infrastructure for both the Magistrates Court and the Supreme Court.

The operations of the Magistrates Court in the Northern Region were disrupted by the pandemic and judicial officers in Grand Bahama and Abaco have been following the Court Coronavirus Mitigation Protocols issued by the Chief Justice with approved necessary modifications. We are currently involved in a phased plan to resume full court operations, in the Covid 19 environment with all requisite public health protocols, and expect that trials in criminal and civil cases will resume in January, 2021.

It is a tribute to all judicial officers and staff members in the Northern Region that the Magistrates Court has continued to provide the public with access to all essential court services during the public emergency.

The court statistics for the Grand Bahama and Bimini Districts are set out below. As expected, the volume of cases in 2020 was lower than last year as a result of the impact of Covid 19. This is reflective of the wider impact of the pandemic on the country across virtually all sectors and business operations within The Bahamas. In considering the statistics, it must be borne in mind that the delivery of court services in 2019 was vastly more complicated than in any previous year.



PERFORMANCE IN THE MAGISTRATES' COURTS

Table A:

Number of Matters Filed in New Providence Magistrate District, 2019-2020 disaggregated by case type

Cases filed in the New Providence Magistrate District during 2019-2020 (as of 1st November, 2019 to 31st October, 2020)

CATEGORY	CASES AT 1ST NOVEMBER 2019	NEW CASES	TRANSFER IN	COMPLETED CASES	TRANSFERS OUT	CASES AT 31 ST OCTOBER 2020
Bound Over to Keep the Peace	1,073	280	0	187	0	467
Civil	9,562	5,078	0	2,629	3	7,501
Criminal	3,899	3,346	80	2,992	148	4,034
Family	478	747	0	532	2	691
Immigration	105	160	0	158	1	53
Juvenile	1,348	391	2	73	6	1,738
National Insurance Board	96	57	0	22	0	125
Traffic	18,335	7,222	0	2,932	0	9,875
Total	34,896	17,281	82	9,525	160	24,484

Table B:

Number of Matters filed in Northern Region Magistrate District (Abaco, Bimini, Eight-Mile Rock & Freeport), 2019-2020 disaggregated by case type

Cases filed in the Northern Region Magistrate District during 2019-2020 (as of 1st November, 2019 to 31st October, 2020)

CATEGORY	CASES AT 1ST NOVEMBER 2019	NEW CASES	TRANSFER IN	COMPLETED CASES	TRANSFERS OUT	CASES AT 31 ST OCTOBER 2020
Bound Over to Keep the Peace	1	45	0	33	0	31
Civil	323	115	0	80	3	288
Criminal	1,665	994	0	454	5	2,046
Family	186	74	0	29	0	174
Immigration	38	82	0	76	3	6
Juvenile	104	19	2	15	0	4
National Insurance Board	60	7	0	0	0	71
Traffic	1,237	798	0	819	0	98
Total	3,614	2,402	82	1,790	8	2,724

Table C:
Revenue Collected in the Magistrate Courts, 2019-2020

Fines & Forfeitures collected during 2019-2020 (as of 1st November, 2019 to 31st October, 2020)

	FINES COLLECTED
New Providence District	\$4,382,721.06
Northern Region (Abaco, Bimini & Grand Bahama)	\$958,048.00
Total	\$5,340,769.06



REPORT OF THE CHAIRMAN OF THE BAHAMAS JUDICIAL EDUCATION INSTITUTE

6



REPORT OF THE CHAIRMAN
OF THE BAHAMAS JUDICIAL
EDUCATION INSTITUTE

6.1 REPORT OF THE CHAIRMAN OF THE BAHAMAS JUDICIAL EDUCATION INSTITUTE

The Bahamas Judicial Educational Institute (BJEI) was formally chartered in October 2019. The Institute, which was preceded by the ad hoc Judicial Education Committee, has now been commissioned as a fully functioning judicial education institute. We are indeed thankful that the Chief Justice has flagged judicial education as one of the planks by which his tenure will be marked. The focused attention to ensuring the success of the BJEI is undeniable.

Our first year in operation could not have taken place in any more awful circumstances. Not only was our birth in the immediate post Hurricane Dorian era, but we had to endure through the worst of the Covid-19 global pandemic. But whilst this was a year marred by illnesses, lockdowns and nationwide work interruptions, the BJEI was nonetheless able to adapt and make significant strides. Against this backdrop I am pleased to report on the work of the BJEI in the year 2020.

The BJEI, which was enabled by a declaration of the Chief Justice, was established to fulfill the increasing need for education and training of judicial officers and staff so as to enhance the delivery of justice in The Bahamas. The Institute is mandated to establish, develop, maintain and provide structured, judiciary specific programs throughout the course of the legal year for the judiciary.

The Institute, which is headed by the Chief Justice as the President, is managed by a Board of Directors. I serve as the Chairman along with board members, Senior Justice Estelle Gray-Evans, Justice Deborah Fraser, Justice Cheryl Grant-Thompson, Registrar Camille Darville-Gomez, Magistrate Ancella Evans and Nicoya Neilly (Administrator).

In September 2020, the BJEI welcomed Ms Diedre Dumont as its first Executive Administrator. Ms Dumont, a seasoned highly qualified public administrator, was seconded to the judiciary from the Ministry of the Public Service and is a welcomed addition to the BJEI family. We look forward to her valuable contribution as we seek to build out an effective organizational and administrative structure.

In addition to shoring up our human capital in 2020, the BJEI was able to secure physical premises which will not only provide administrative offices but also a fully functioning training center. It is hoped that when the physical space is built out the plant will accommodate staff offices, a board room, catering facilities and a modern training center fully outfitted with multimedia and plug and play access for users. The BJEI offices are located at the ground floor of Charlotte House, Charlotte Street, Nassau.

The 2020 training year began with the annual Judicial Training Conference on 12 January 2020 which was held at the British Colonial Hilton Hotel. The keynote speaker for the conference was Master Christine Morris-Alleyne, the CEO of the Judiciary of Trinidad & Tobago who delivered the presentation, "Managing Courts for High Performance".

Other presentations were delivered by: Justice of Appeal Milton Evans who presented on recent bail decisions in the Court of Appeal; Phycologist Dr David Allen who presented on managing stress; and Master Morris-Alleyne who did a separate presentation on case flow management. The conference, which was preceded by a social event at the home of Senior Justice Bernard Turner and Mrs Turner on 11 January 2020, coincided with the opening of the legal year. The conference was fully attended by judicial officers at all levels and included Justices of the Court of Appeal and the Supreme Court, Registrars, Magistrates as well as the members of the Industrial Tribunal.

During the week of 9th March 2020 the BJEI hosted a one-week bespoke training program for the introduction of judicial research counsel to the Supreme Court. The program was held at the Bar Association's offices on Mackey Street. The program was designed by the Chief Justice, President of the Caribbean Court of Justice (CCJ) Justice Adrian Saunders and Justice Peter Jamadar Judge of the CCJ. The program was a collaboration between the Caribbean Association of Judicial Officers (CAJO), the CCJ and the Trinidad and Tobago Judiciary. Whilst the sessions were geared towards the judicial research counsels, two days were set aside for joint sessions with Judges, Registrars and Magistrates. The facilitators of the program were Justice Jamadar and Justice Greg Smith of the Trinidad & Tobago Court of Appeal. They were assisted by two experienced judicial research counsels from the CCJ and the Trinidad judiciary, Elron Elahie and Kavit Deochan. The program included assessments and several practical modules.

The World Health Organisation (WHO) declared the Covid-19 to be a global pandemic in March of 2020, shortly after the training for the judicial research counsels had concluded. The global pandemic did indeed derail the plans of the BJEI for the remainder of 2020. Shelved plans included the planned joint training with the Bar Association set for June 2020 and a proposed Distinguish Lecture for September 2020. Notwithstanding the pandemic however, in August 2020, the BJEI collaborated with the International Centre for Settlement of Investment Disputes (ICSID), the Permanent Court of Arbitration (PCA) and the International Council for Commercial Arbitration (ICCA) to deliver training for judicial officers in Arbitration and Alternative Dispute Resolution. As the Covid-19 pandemic was still raging, rendering it unsafe and unlawful to gather face-to-face, the opportunity presented itself to deliver the training virtually. The customized certificate program was delivered by a world-class faculty of industry leaders and academics from across the globe and locally. The sessions were generally half days in length and were held on alternate days between 17-28 August 2020. Judicial officers (including members of the Industrial Tribunal) as well as retired judicial officers and judicial research counsel participated in the training.

The International Arbitration and Dispute Resolution training was the first virtual endeavour of the BJEI, and given the continuance of the pandemic, the virtual format will likely be the primary method for the delivery of training for the near future. In fact, on 12 January 2021 the BJEI expects to conduct the annual Judicial Training Conference on its virtual platform. In addition to local presenters, expert presenters will be drawn from the appellate courts of Jamaica and Trinidad and Tobago who will all present remotely.

In November 2020, the BJEI launched its inaugural newsletter. The newsletter, which will be issued periodically, is expected to be a medium to keep our stakeholders informed of the work of the BJEI. We are indeed grateful for the dedication of the newsletter committee, steered by Justice Grant Thompson and Magistrate Ancella Williams, towards this initiative.

Despite the current challenges facing the country and the world, the BJEI is proud of what it was able to accomplish over the past year. Having survived this extraordinary year we eagerly look forward to developing a full training program for 2021.

Justice Ian R. Winder, Chairman of the BJEI





Magistrates with the visiting training team from Trinidad and Tobago.



Chief Justice Sir Brian M. Moree, Kt., QC, the Hon. Mr. Justice Peter Jamadar of The Caribbean Court of Justice, The Hon. Mr. Justice Gregory Smith of The Court of Appeal, Trinidad and Tobago, visiting members of the delegation from Trinidad and Tobago and Judicial Research Council from The Bahamas.



Front row from left to right:

Ms. Camille Darville-Gomez Registrar of The Supreme Court; The Hon. Mr. Justice Peter Jamadar of The Caribbean Court of Justice; The Chief Justice Sir Brian M. Moree, Kt., QC; The President of the Court of Appeal of The Bahamas Sir Michael L. Barnett Kt.; The Hon. Mr. Justice Gregory Smith of The Court of Appeal, Trinidad and Tobago; Ms. Sharada D. Ferguson Registrar, Court of Appeal;

Back row from left to right:

Deputy Registrar Ms. Constance Delancy; Deputy Registrar of The Supreme Court - Northern Region, Ms. Stephana Saunders; Deputy Registrar of The Supreme Court Ms. Carol Misiewicz; Assistant Registrar of The Supreme Court Mr. Renaldo Toote; Deputy Registrar of the Court of Appeal Ms. Ingrid Cooper-Brooks; and Assistant Registrar of The Supreme Court Ms. Jennifer Stuart-Bastian."

7

THE OPENING OF THE LEGAL YEAR 2020 BY THE CHIEF JUSTICE



THE OPENING OF THE LEGAL YEAR 2020 BY THE CHIEF JUSTICE

7.1 THE OPENING OF THE LEGAL YEAR 2020
BY THE CHIEF JUSTICE

7.2 RED MASS PHOTOGRAPHS

7.3 OPENING OF
THE LEGAL YEAR PHOTOGRAPHS

ACKNOWLEDGMENTS



CHIEF JUSTICE

The Honourable
Sir Brian M. Moree, Kt., Q.C.

8th January, 2020

SPEECH BY CHIEF JUSTICE BRIAN M. MOREE QC AT THE OPENING OF THE LEGAL YEAR

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.

The force of tradition in conjunction with section 54 of the Supreme Court Act summons' us each year to mark the official Opening of the Legal Year on the second Wednesday of January. We do so with a respectful mix of worship, ceremony and judicial business ending with a reception before turning to the serious and important business of the administration of justice for the upcoming year. I have attended many of these ceremonies as counsel during the past forty (40) years although this is the first time that I have the privilege and great honour of presiding as Chief Justice having been appointed just six (6) months ago on 12 June, 2019. I am humbled by this opportunity to serve my country and the Bahamian people and pledge to deploy my very best efforts in the discharge of the duties and responsibilities of my office. A wise and experienced judge in another jurisdiction commented that "...the roots of happiness grow deepest in the soil of service." I am at that point in my life where I know the truth of that statement and my hope is that through public service I can, in some small way, contribute to the further development of the Court system and the machinery of justice in our country.

First, I wish to thank God for his many blessings in my life and recognize His providential hand in all things. Also, I thank the Government and people of the Bahamas for affording me the high privilege of serving as the Head of the Judiciary. On a daily basis, I live with the weight of my constitutional duties as I discharge the obligations and responsibilities of this office.

On behalf of the judiciary, I express a sincere thank you to all who have shown us the courtesy of joining us today to mark the Opening of the 2020 Legal Year. I trust that when the ceremonies and reception have been completed later today you will regard your time with us as well spent.

The Preamble to the Constitution proclaims the establishment of The Bahamas as a free and democratic sovereign nation founded on spiritual values and so it is fitting and appropriate for the Official Annual Opening of the Legal Year to be marked by two church services recognizing, both institutionally as Courts and personally as individuals involved in the administration of justice, our need for divine guidance as we seek to dispense justice.

On last Sunday, at the invitation of His Grace, the Most Reverend Patrick Pinder, Archbishop of the Catholic Archdiocese of Nassau, we celebrated the Red Mass. It was an edifying and contemplative time for all of us in the Judiciary and I thank His Grace for his challenging and topical homily and for hosting us at St. Francis Cathedral.

This morning, as has become our custom, we walked to Christ Church Cathedral for the annual service to prepare us for the official Opening of the Legal Year. I am grateful to The Very Reverend Harry Bain, Dean and Rector of Christ Church Cathedral, for hosting the Judiciary, members of the Bar and our invited guests. The church service was inspiring and the instructive and interesting sermon of the Very Reverend Bain will resonate with us long after the proceedings of today are completed.

The ceremonies surrounding this annual event are greatly enhanced and enlivened by the talented, entertaining and world famous Royal Bahamas Police Force Band and the precision and discipline of the Guard of Honour. I thank them for their participation in the official ceremonies and I am grateful to the Commissioner of Police, Supt. Curtis and Supt. Butler for their contributions to this Opening.

I must also express my gratitude to the Justices of the Supreme Court and the Justices of Appeal for their support over the past six (6) months as we have worked together in a common purpose to better serve the Bahamian public through the Office of the Judiciary. Too many of the Justices of the Supreme Court are working in court rooms and chambers which are wholly unsuitable for the performance of their judicial functions. I will say more about this later but at this time I wish to publicly applaud their commitment, sense of duty and fidelity to the law by pressing on with the job of judging under these circumstances, when others would be discouraged and demotivated.

Similar conditions prevail in the case of Registrars and Magistrates and again, they deserve our commendation for working assiduously under adverse circumstances. I extend my appreciation to the Registrar's and Magistrates for their assistance and work over the past six months.

Also, I acknowledge and thank the staff of the Judiciary for their hard work and service during the past year. It is because of the collective efforts of all of our judicial officers and staff that our Courts continue to ably carry out its business in the administration of justice in our country.

Prior to my appointment in June of this year the Judiciary was under the leadership of Acting Chief Justice Vera Watkins. As I stated in the Annual Report, Acting Chief Justice Watkins provided the Judiciary with much needed stability and continuity in the aftermath of the untimely death of former Chief Justice Stephen Isaacs. She is currently on preretirement leave and I thank her for her long and distinguished service to the Judiciary and to the country.

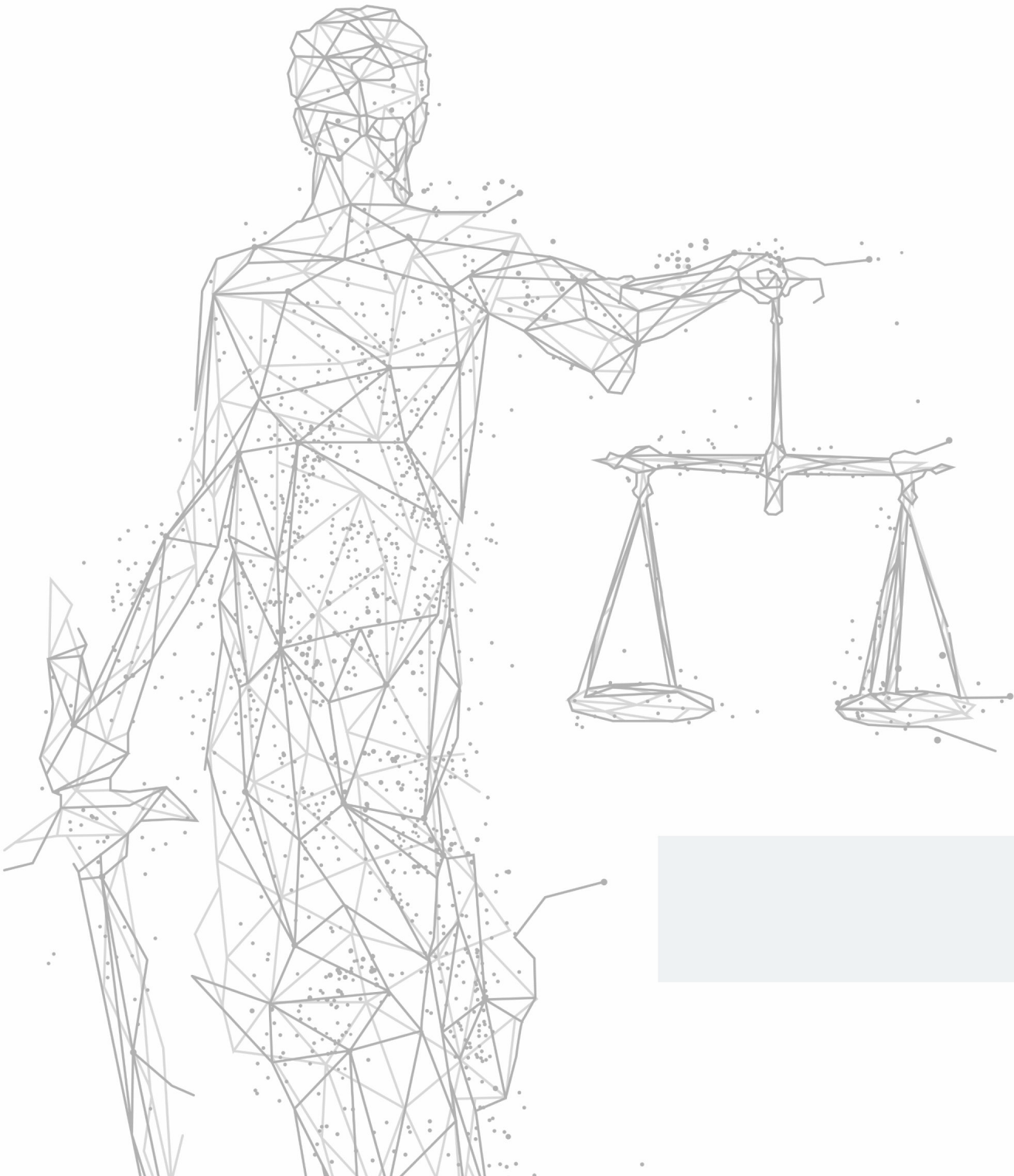
I acknowledge the presence of the Acting President of the Court of Appeal, Sir Michael Barnett and the other Justices of the Court of Appeal and thank them for taking the time to join us today. I note that Sir Hartman Longley, the President of the Court of Appeal is not able to be with us today. He is on pre- retirement leave and is off the Island. Sir Hartman has had a remarkable career in the law. He is one of our most accomplished and distinguished jurists having served as the Head of three levels of our Court system; Chief Magistrate, Chief Justice and President of the Court of Appeal. His humble and quiet demeanour is the perfect temperament for a judge and he is the quintessential personification of the ideal judge described by Socrates who "...hears courteously; answers wisely; considers soberly; and decides impartially." Sir Hartman has made an immense contribution to our jurisprudence through his scholarly judicial output and his legacy is secure through his many judgments. I thank him for his outstanding service and wish him all the very best in his retirement.

Both Sir Hartman and Senior Justice Watkins declined my invitation to recognize their retirement with a special sitting of the Court. For those of us who know them, that is disappointing but not surprising given their humble and private life style. I direct that it be recorded in the annals of this court, the Judiciary's recognition and appreciation of the long and distinguished service of Sir Hartman G. Longley, KT and Senior Justice Vera S. Watkins.

I welcome to the Bench Justice Loren Klein and we look forward to working with him. He brings to the Judiciary extensive experience in Civil, Public and International Law which I intend to use when assigning him to Divisions in the Court.

I commend to you the Annual Report which sets out important information and statistics about the business of the Courts in 2019. This year, in addition to the printed booklet, we are also distributing a wallet size USB flash drive containing the Report reflecting our commitment to integrate new technology into all court activities. Hopefully this will make it more convenient for you to review the Report throughout the year. The Judiciary accepts our obligation to account to the public in connection with our constitutional duties and the Annual Report is a part of our program to discharge this obligation. Given that the Report covers, in summary, the year 2019, I now intend to address you, principally, on the future plans of the Courts.

The need for reform and modernization of our Court System is now impatient of debate. That matter has been settled and what is needed is bold initiatives without, what has been described as, the dead hand of tradition holding back radical and fundamental change. It will involve systemic, procedural, administrative and operational paradigm shifts. As observed by one commentator - "[t]he challenge is not to avoid change but to direct it." We in the Judiciary now accept the mantle to direct and implement this change which will involve fundamental re-thinking of our processes and procedures.



NEW SUPREME COURT COMPLEX

The physical structure of a courthouse is the most obvious factor affecting access to justice. To ensure that all persons with legitimate business before the court have access to its proceedings, court facilities need to be safe, accessible, and convenient to use.

Currently the Supreme Court is operating out of seven (7) different buildings in various states of disrepair. Roofs are leaking, ceilings are collapsing and floors are cracking in different areas of the buildings significantly impairing efficient utilization and optimal productivity. Simply put, the buildings are not suitable for a modern court system. It is not a matter of convenience but functionality. We will only be able to achieve limited progress in our reform and modernization plan in the absence of properly planned, customized, equipped and adequately maintained physical premises. The only real answer is a new Supreme Court Complex.

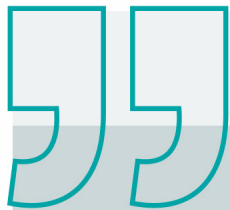
This subject has been addressed by my predecessors for at least the last 15 years. While officialdom seems to have accepted at an intellectual level the importance of the Courts and the need for proper premises, it has never translated into a national priority or commitment to actually build such a Complex. Rather, what we have seen over the years is a series of ad hoc temporary measures costing millions of dollars resulting in the use of a series of renovated old buildings which were never intended to be used as a courthouse. That is how we have ended up in 7 different buildings spread from George Street to east of Bank Lane. We must recognize that a court house is not simply a number of rooms divided by sheet rock with corridors. Designing court buildings is a specialized business like airports and hospitals. There are international standards and requirements which are peculiar to court systems, not for aesthetic reasons but for optimal efficiency and functionality. Court buildings must provide for separation of different user groups so that, for example, we do not have witnesses coming into contact with accused persons. Put simply, courts require a specially customized building which accommodates the courts, the registries and all support services. We should not wait until the system completely fails before dealing with this problem. Some may think that I am resorting to hyperbole to make my point. To them, I would say – come with me on a walk around the courts; spend 30 minutes to see the state of the physical infrastructure which we are working in. If it happens to be a rainy day, they should expect to get wet or at least to navigate around the buckets and make shift containers spread around the Swift Justice Building - which is now called Annex 2.

They would see the leaking in Justice Winder's court, and the holes in the ceiling and leaking in the Deputy Registrar's office both in Annex 1. I think that they would be shocked at the conditions. Are we to spend more millions of dollars renovating and patching old ill-suited buildings or is it now sensible to stop this drain and actually do what we all know must be done –

build a new state of the art customized Court Complex which reflects the aspirations and standards of the Bahamian people so that we can better serve their interests through a reformed and modern Court System. One which is accessible, efficient and effective in protecting the rights and liberties of all in the Bahamas and adjudicating disputes brought before the Courts.

I am aware that the Government is actively considering the construction of a new Supreme Court Complex and has identified a specific property for the building. The Prime Minister referenced this project during his remarks at the ground breaking ceremony of the new US Embassy last year and identified the old Post Office property as the location for the Supreme Court Complex. I encourage the Government to now move from where we have been for almost two decades to making this long sought after project a reality.

I am aware of the impact of Hurricane Dorian on the finances of the country and so innovative ways of financing the new Supreme Court Complex will have to be developed through the capital markets and/or possibly some form of Public/Private Partnership. I know that work has been carried out in this area and options have been analyzed. The Judiciary stands ready to lead this initiative as a part of our Reform and Modernization programme and work with all stakeholders if we are provided with the resources. The Courts deserve to be properly resourced and located in buildings which are fit for purpose in order to carry out its vital functions in our democracy. We are understandably in austere times but the words of a judge in England come to mind when he gave this advice:



“[w]hen the financial masters are cutting budgets they should heed the warning of the former Chairman of the English Bar when he said that “we must be careful that we do not end up knowing the price of everything and the value of nothing.”

COURT SERVICES BILL

Judicial independence, both institutional and personal, is an essential pre-requisite of the rule of law. It is now incontrovertible that institutional judicial independence involves financial and operational control over the affairs of the Courts. It has been my mantra to remind all who would listen that the Judiciary is not a department, agency or Ministry of the Government; it is constitutionally a co-equal branch of Government with the Executive and the Legislature. Accordingly, as a separate branch of Government, it must be allowed to develop its own institutional capacity to support its services.

Going forward we must do what many other countries have done in advancing the independence of the judiciary – pass legislation to ensure that the funding and operations of the administration of justice are not subject to the influences of the other branches of Government. Subject to the ultimate supervision of Parliament, the Judiciary should be allowed to manage its own budget while being accountable for executing its constitutional mandates in an efficient and effective manner.

In this regard I understand that the Government has before it the draft Court Services Bill to establish a statutory independent Council as an administrative authority independent of control by the executive government to manage the Courts. I encourage the Government to pass this Bill in order to strengthen the court system, deepen the independence of the Judiciary and facilitate the widespread implementation of reforms.

SUPREME COURT RULES

We will introduce new Rules of the Supreme Court based on an adapted and updated version of the CPR model used around the Commonwealth. A Committee has been working for the past several months and the working draft of the new Rules will be sent to the President and Secretary of the Bar early next week. We had a workshop on the new Rules in November of last year and at that time I stated that we intended to circulate the draft Rules in the first week of December. We were delayed by circumstances outside of our control but the Secretary of the Bar will have the draft Rules at the beginning of next week and I expect that she will circulate the draft to members later that week.

We will consult with all stakeholders during the first quarter and conduct workshops, seminars and training sessions for judicial officers, court staff and lawyers during that period. I am planning to finalize the Rules and make them effective before the end of May of this year. I take this opportunity to publicly acknowledge and thank the hard working members of the Committee – Justice Charles, Justice Stewart, Registrar Camille Gomez, Philip Dunkley QC, Brian Simms QC, Kahlil Parker, David Higgins,

Franklyn Williams, Tara Burnside, Terry North, Krystal Rolle, Nicole Sutherland King, Leif Farquharson, Kelley BostwickToote and Meryl Ginton.

The three initiatives mentioned above, a new Supreme Court Complex, the Court Services Bill and the new Supreme Court Rules are transformative reforms which would fundamentally and substantially change our Court System. With the cooperation of the other two branches of Government we have a real opportunity to achieve meaningful and important change.

THE MAGISTRATES COURT

The Report of the Chief Magistrate is in the Annual Report and therefore I can limit my comments to the macro issues affecting those courts.

In our court system it is the Magistrates Courts which have the greatest contact with the public and therefore if we are to modernize and upgrade our justice system so that it works even better for everyone we must start with the Magistrates Courts.

The first point which must be made is that the Magistrates Court Act is outdated and needs to be replaced with a modern statute which reflects the current status and functions of the Stipendiary and Circuit Magistrates as judicial officers.

Secondly, in 2020, the limit of \$5,000.00 on the civil jurisdiction needs to be increased to \$10,000 or perhaps \$15,000.00. This would reduce the large volume of smaller money claims in the Supreme Court.

The Government recently presented in Parliament a Bill containing provisions to return to the Magistrates the jurisdiction to grant bail in a larger number of cases. This is a welcomed development and will facilitate a more expeditious processing of bail applications if the Bill is passed.

I have communicated to the Chief Magistrate and the other Magistrates my intention to appoint a senior Court Administrator of the Magistrates Court who will have authority to manage and administer all of the non-judicial functions and services of those courts. We cannot continue to expect Registrars to discharge both judicial and administrative duties. As we move to improve the Court's service platform and focus more directly on productivity and efficiency we will ensure that there is a full time, dedicated and trained senior management team in place at the Magistrates Court Complex to change the operations in that building. That team will include the Court Administrator, a Human Resources Manager and a Building and Procurement Manager.

We are reviewing all aspects of the work in the Magistrates Court including the way in which cases are assigned, the current type of cases which the different Magistrates Courts are dealing with and the distribution of work between the Magistrates.

We are also moving to ensure that external parties or agencies that provide services to the Court through alternative sentencing procedures are certified and are properly accountable to Court authorities. I have asked Mr. Alfred Sears QC, a former Attorney General of the Bahamas, to chair a Committee to review and report on the current utilization of the alternative sentencing regime and the position of pro se defendants in cases before the Magistrates Court. I am pleased that Mr. Sears has agreed to accept this assignment and I thank him for his public service in this regard. The other members of the Committee will be appointed within the next two weeks.

I have also made it known that, while there will be exceptions from time to time because of other responsibilities and duties, I expect all the Magistrates Courts to start at 10:00 a.m. On this point, I want to thank the Commissioner of Police, the Commissioner of the Department of Correction Services and their respective senior officers for their cooperation and assistance in ensuring that persons in custody are transported to the Courts by 9:00 a.m. each working day and that the Prosecutors are ready to start court by 10:00 a.m. Members of the Bar should take note that court will start on time and govern themselves accordingly.

Late last year the Auditor General's Office conducted an audit of the Accounts Department in the Magistrates Court and I expect to receive the report later this month. We will use this report to inform our decisions on future plans relating to matters and accounting procedures in the Magistrates Court.

The Magistrates Family Court required our immediate attention. Historically this has been a challenging area dealing with a very large volume of cases where money is paid into court pursuant to a court order for ultimate onward payment to the receiving party. Currently, the processing of the orders and disbursement of funds involve unacceptable delays and inconvenience for both paying and receiving parties. Recently we implemented a procedure for direct bank transfers which has mitigated the problem but under our reform and modernization program we will be introducing a software module for use in the Magistrates Family Court dealing with maintenance payments and other financial support orders for parties involved in proceedings before that court. Under the new procedure, parties will not have to go to the Magistrates Court Complex on Nassau Street to make payments or collect monies. The procedure will be automated and operate similar to the topping up of telephone cards through compact terminals in retail outlets and other public buildings. The Courts published an Expression of Interest Notice in November of last year for this project and received a number of responses. The initial assessment of the responses will be completed shortly and thereafter we expect to work through the process, and launch the module before the end of the first quarter of this year.

This will save an enormous amount of time and inconvenience for the public.

As a part of upgrading the Court service platform we will be introducing a users service desk in the Magistrates Court Building which will assist members of the public in dealing with their business at the courts as we migrate to a more service orientated culture in the Judiciary.

DIGITAL RECORDING SYSTEM

Some years ago a digital recording system was introduced into the Courts with the financial assistance of the American Embassy. For various reasons the project did not achieve its objectives. After reviewing the entire subject of court reporting and looking at the way in which courts around the world are dealing with this issue, we decided to follow the judicial trend and commit to re-launching the digital recording system. The United States Charge d'Affaires, Ms. Stephanie Bowers, has agreed to provide additional funding for the project and I thank her and Mr. Garrett Wilkinson of the American Embassy, for their assistance. This is another part of the Courts new technology platform and we expect to start with a pilot programme during the first quarter subject to sourcing the additional staff requirements and completing the necessary training. When completed, digital recording systems will be installed in all courts in New Providence and Freeport. Transcription will be carried out as a back office service by voice writers after cross training. This will greatly increase the productivity in the Magistrates Court as currently there are no court reporters in those courts and therefore Magistrates have to keep a handwritten record of the proceedings. This is inefficient and substantially delays the disposition of cases. Our expectation is that the digital recording system will also facilitate improved productivity in the Supreme Court and also expedite the appeal process particularly if the digital recording itself is the official record thereby reducing the number of transcripts which must be produced. I am pleased to report that I have had discussions with the President and the Acting President of the Court of Appeal and they have both assured me that the Appeal Justices are supportive of the move to utilize more technology in the appeal process.

BAIL MANAGEMENT SYSTEM

I have previously mentioned that we will be introducing a new software module dealing with bail applications in criminal cases using biometric fingerprint data. The process will be automated through a customized e application with a web based portal for lawyers and other users together with physical kiosks. Initially, the kiosks will be located in the Criminal Registry, the Bahamas Department of Correctional Services, the Elizabeth Estates Police Station, the Wulff Road Police Station, the East Street South Police Station, the Carmichael Road Police Station, the Quackoo Street Police Station, the Grove Police Station and the Central Police Station. The Bail Management System will expedite the disposition of bail applications, which are an important part of the criminal justice system, and facilitate the more efficient delivery of a core court service to users. This is another component of the new Court technology platform slated for the first quarter.

BAIL

The Bail (Amendment) Bill, 2019, which is the enabling legislation for the new Bail Management System, was introduced in Parliament in December, 2019. We hope that it will be passed later this month with a short amendment which we have discussed with the Attorney General.

Additionally, I have implemented a judge's roster to deal with urgent bail applications. A judge is assigned for every week and all bail applications which are certified by the Deputy Registrar in the Criminal Registry as urgent will be heard by that judge. The criteria for urgent applications are:

- 1 if the applicant is pregnant
- 2 if the applicant is a juvenile
- 3 if the applicant is elderly with health issues
- 4 if the applicant has a serious medical condition
- 5 if the bail application is not opposed as certified by one of the designated lawyers in the Office of the Director of Public Prosecutions. The Weekly Roster will be posted on the Judiciary's new web site and also in the Criminal Registry.

DISPOSITION / COURT DIVISIONS

In the Judiciary we are focused on the disposition cycle for cases and the reduction of backlog in all Divisions. On the criminal side we currently have 8 judges hearing cases. It will be necessary to increase this number to 9 or possibly 10 judges within the next few months as we focus on ways of better managing the List on the Criminal Side. However, if we are to reduce the timeline for the disposition of criminal cases we will need the active assistance of all the parties involved in the criminal justice system. Pathologists Reports, Ballistic reports and DNA evidence are all taking as long as 12 months and in some instances longer than that. Scheduling conflicts with lawyers at the private Criminal Bar and lawyers in the DPP's office continue to be problematic and multiple Case Management Conferences have to be curtailed and more vigilance given to applications for adjournments. We will engage the Bar with regard to these matters but it must be accepted that we are in an era of judge driven court proceedings as the public expects higher levels of efficiency in dealing with cases in the Court system and we intend to deliver on their expectation.

The work of the Court will be allocated between the following Divisions.

Criminal	- currently 8 judges assigned to this Division
Civil / QT	- 5 judges will be assigned to this Division
Commercial	- 3 judges will be assigned to this Division
Family	- currently 8 judges assigned to this Division
Public Law / International	- 3 judges will be assigned to this Division
Appeals	- 3 judges will be assigned to this Division
Criminal	- 2 judges will be assigned to this Division

Cases will be assigned by the Listing Office to the judges in these Divisions based on the type of case. The judges assigned to each Division will be posted on the Judiciary web site.

COMMERCIAL COURT / FAMILY COURT

The Commercial Division and the Family Division will in time each have their own court with special Rules. I will be establishing 2 User Groups comprised of lawyers and members of the public involved in specialty areas to assist in setting up the Commercial and Family Courts and drafting the respective Rules.

LISTING OFFICE

We will be changing the procedure for obtaining dates for applications and trials. As a precursor to the implementation of our case management software, lawyers and pro se litigants will apply to the Listing Office by completing the on line Requisition Form posted on our web site. Supporting court documents will be uploaded by the requesting attorney or party and attached to the Requisition Form. Upon receipt of the Form an email will be automatically sent to the requesting party confirming receipt.

The date will be fixed before a judge in the relevant Division and communicated to the requesting party by email. Additional Court documents filed in connection with the application will be emailed to the judges office by the filing party.

Until we launch the e filing service, this procedure will run parallel with the current manual procedure but will reduce the problems associated with misplaced files and missing documents. The Requisition Form is already on the web site and I will be issuing a Practice Direction setting out the specific procedures and details later this month. All lawyers will be asked to register with the Listing Office providing their email address and certain other information. Provision will be made for pro se litigants who do not have access to emails.

DUTY / MOTION JUDGES

I will also be establishing a Duty Judge Roster who will hear all urgent non-criminal applications. The Roster will be posted on our web page and in the Listing Office. We will also be introducing motion days for interlocutory applications conducted by Motion judges and Registrars. I will be issuing Practice Directions dealing with both of these matters later this month.

SUPREME COURT ADMINISTRATOR

I have informed the judicial officers that I will also be appointing a senior Court Administrator for the Supreme Court who will be responsible for non- judicial functions within the Courts. Registrars will, for the most part, re-focus on judicial duties hearing certain types of interlocutory applications.

PROBATE REGISTRY

The Probate Registry is also undergoing changes. Notices will be posted on our web site setting out the requirements for all applications and compliant applications will be processed within a period 90 days. I encourage all lawyers to strictly follow the procedures so the applications can be dealt with expeditiously. We cannot be responsible for delays caused by a failure to follow the legal and procedural requirement. We are currently preparing an inventory of all pending applications and will be seeking to clear out the backlog with the assistance of the Bar.

JUDICIAL RESEARCH COUNSEL

I am pleased to report that we have delivered on our commitment to provide the judges with much needed and long overdue assistance with legal research and writing Judgments and Rulings. We have engaged five Judicial Research Counsel who commenced working with the Office of the Judiciary on Monday of this week. This is an important first step in our overall strategy to reduce the disposition cycle for cases. We expect to engage two additional Judicial Research Counsel later this month increasing our initial intake to seven who will be assigned to work with the judges.

ICT PLATFORM

We will be procuring, installing and operating a modern Information and Communication Technology platform throughout the Court system in the Bahamas. The backbone of the platform will be the Integrated Case Management System which will allow us to deliver a wide range of E Services including E filing, E scheduling, E Payments, E Notices, E Probate and others. The ICMS will also accommodate the new Bail Management System and the new Digital Recording System so we will ultimately have a fully integrated ICT platform hosting the Case Management System and all the E Services and bespoke module applications.

DIGITIZATION UNIT

We will also embark on a major Digitization Program for the Courts. It will involve two components. Digitizing historical documents as of a specified date which will be out sourced to a turnkey service provider as a standalone project based on retrieval criteria. The other component is a court wide scanning policy for all documents going forward as of a certain date. We will be training our staff in the new procedures and procuring scanners, computers and related hardware for all Registries. This will assist us in migrating from a full paper system to the digital storing of information which will greatly enhance efficiencies and the active management of cases from commencement to disposition.

WEB SITE

During the last quarter of 2019 we rolled out the newly designed web site for the Judiciary. This will become our major portal for the dissemination of court information and court Forms. By the end of this month all Supreme Court Judgments will be posted on the Web site within 72 hours of being issued. Also, the Cause List for all Judges and Registrars will be on the web site. I am working on the compilation of all valid and subsisting Practice Directions relating to the Courts with the intention of scanning and posting them in an electronic folder on the web site. Those which are no longer applicable will be rescinded and all new Practice Directions will be circulated and posted in that E folder. This will make them easily accessible and going forward, judicial officers will require full compliance with all extant Practice Directions.

JUDICIAL CODE OF CONDUCT

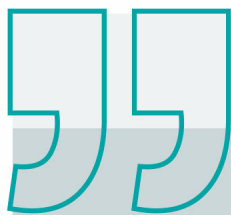
I have established a Committee comprised of judges to prepare a Judicial Code of Conduct broadly based on the Bangalore Principles. Most jurisdictions around the world have such a Code or Judicial Conduct Guidelines and good governance and best practices now require us to formally adopt our own Code of Conduct.

COMPANIES (WINDING UP) RULES

We are also reviewing the Companies (Winding Up) Rules to reflect important developments in the area of insolvency and corporate reorganization. Changes in those Rules will be implemented through the statutory mechanism of the Rules Committee. I have asked Mr. John Delaney QC, a former Attorney General of The Bahamas, to chair this Committee and I am grateful that he has agreed to do so. The Committee is comprised of legal, accounting and insolvency practitioners and the members of the Committee have already had several meetings and I expect to receive their initial Report before the end of January. I thank Mr. Delaney QC and the other Committee members for their public service in participating in this project.

MEDIATION COMPONENT

A modern Court system must include multiple dispositional routes thereby avoiding the need to take all filed cases to trial or final adjudication. This means that Alternative Dispute Resolution mechanisms must be a part of our Rules. At this time we are working with a number of groups in the Bahamas to formulate a mediation component to be incorporated into the Court system or as a synergetic adjunct thereto. This requires careful planning and resource capacity building if it is to be practical, effective and sustainable. I regard this subject as a critical part of restructuring our court processes and I will continue to work with all the stakeholders to find the best solution for our purposes. However, we will need the active 'buy in' from the Bar in order to successfully integrate mediation as a viable alternative dispositional tool. In this regard I adopt the observations of the learned author who expressed this point as follows:



“If ADR is to become a practical reality and not, in the main, a literary subject in this country, [attorneys] will have to recognize the conciliation of cases out of court, and not only the winning of cases in court, as part of their professional vocation.”

HURRICANE DORIAN

The tragic and destructive impact of Hurricane Dorian on our country and particularly Abaco and Grand Bahama has been widely reported throughout. We will be living with the consequences and fall out of the massive hurricane for many years to come. I am pleased to report that the Court buildings in Marsh Harbour and Grand Bahama escaped major roof and structural damage although there was some interior damage resulting primarily from water leaking into the buildings.

Our judicial officers and court staff in Abaco and Grand Bahama endured tremendous hardship as the hurricane pounded those islands for two days. I wish to pay tribute to all of our colleagues in those two islands for their inspirational fortitude in responding to this national crisis. They represent the very best of our Bahamian people.

I must also convey my gratitude to the Judges, the Deputy Registrar, the Magistrates and the staff members of the Courts in Abaco and Grand Bahama for their enormous contributions to the recovery plan and re-opening of the courts in the aftermath of Dorian. Even while dealing with serious personal and family challenges caused by the hurricane, they worked tirelessly to ensure that the Court's core functions were quickly restored as we moved to resume full court operations. All courts in Grand Bahama and Abaco are now operational although we continue to manage the consequences of Dorian with regard to damaged and destroyed files, re-scheduling court hearings, relocated witnesses and litigants and similar matters.

FREEPORT COURT COMPLEX

The renovation project to the Supreme Court Complex in Freeport is progressing well. The Supreme Court wing is finished and our expectation is that the Magistrates Court wing will be completed within the next month or two. I wish to acknowledge the hard work and commitment of the general contractor for his industry in minimizing the delays caused by hurricane Dorian and keeping this project moving forward. We look forward to the Court Opening ceremonies in Freeport tomorrow which will be at the Garnett Levarity Court Complex. We are now engaged in procurement procedures for furniture with a view to a soft re-opening of the fully renovated building later this quarter. We are also reviewing the current compliment of judicial officers in Grand Bahama to determine whether or not additional judicial resources are required for the Northern Region.

BAHAMAS JUDICIAL EDUCATION INSTITUTE

We have now established the Bahamas Judicial Education Institute to fulfill the increasing need for education and training of judicial officers and staff so as to enhance the delivery of justice in The Bahamas. The Institute is mandated to provide structured, judiciary specific programs throughout the course of the legal year for the judiciary. The BJEI is managed by a Board of Directors. The current Board Members are Justice Ian Winder as Chairman, Justice Deborah Fraser, Justice Cheryl Grant Thompson, Justice Keith Thompson, Registrar Camille Darville-Gomez, Magistrate Ancella Evans and Nicoya Neilly (Administrator).

In 2019 the judiciary was involved in numerous training and education programs. In January, 2019, there was a One Day Training Seminar dealing with Gender Protocols, Enforcement procedures and other topics relevant to all tiers of the judiciary.

In June, 2019, there was a joint training program was held with the Bahamas Bar Association at the Baha Mar Resort. The featured speaker was Justice of Appeal Roy Jones who spoke on dealing with no case submissions. The sessions also focused on the health and wellness of judicial officers and financial matters.

In September, 2019, the BJEI, with the assistance of the Judicial Education Institute of Trinidad & Tobago, hosted a judicial writing seminar for judicial officers and judicial research counsel. Justice Gregory Smith of the Court of Appeal of Trinidad and Tobago facilitated the 2-day workshop entitled :

"CLARITY IN JUDGMENT WRITING"

A full program for the legal year 2020 has been planned by the Institute.

CONCLUSION

As we commence a new decade the ongoing task of the judiciary is to make clear the centrality of justice for the benefit of society and to lead its ongoing improvement. We all share the common objective of upgrading our justice system so that it works even better for everyone. It is a daunting challenge but the fear of failure will not impair our endeavours to overhaul the administration of justice. As Jefferson observed:

"Laws and institutions must go hand in hand with the progress of the human mind . . . We might as well require a man to wear the coat that fitted him as a boy, as civilized society to remain ever under the regime of their ancestors."

2020 will be a very busy year. Our intention is to change the trajectory of the Judiciary through incremental progress in different areas. I invite all stakeholders to join me in order to achieve something which is bigger than any of us – the reform and modernization of our entire court system to better serve the people of the Bahamas.

I DECLARE THE 2020 LEGAL YEAR OPEN.

7.2 RED MASS PHOTOGRAPHS



7.3 OPENING OF THE LEGAL YEAR PHOTOGRAPHS



ACKNOWLEDGMENTS

The planning, preparation and publication of this Annual Report involves an enormous amount of work at a particularly busy and hectic time of the year. The process requires dedication, focus, discipline, persistence, patience, attention to detail, multi-tasking, organizational skills and many, many hours of reading, writing and editing reports, articles, statistics and other material for the publication. There are also the countless meetings and discussions between committee members and other persons involved in the publication all crammed into a tight deadline imposed by the printers.

Bearing all of this in mind, we could not have published this Report without the commitment, industry and tireless work of the Committee members. I wish to thank each of them for his/her contribution and commend them for taking on the additional and time consuming task of working on this project.

The Co-Chairs of the Committee are Justice Cheryl Grant-Thompson and Justice Diane Stewart. They ably led the project and I publicly acknowledge their guidance and extraordinary hard work in getting us to the finish line. I am grateful for their unwavering support, sustained engagement and dogged resolution to hit our deadlines in completing this Report.

The other Committee members are the Registrar of the Supreme Court, Ms. Camille Darville- Gomez; Senior Court Administrator, Ms. Constance Delancy; Magistrate Ambrose Armbrister; Assistant Registrar Renaldo Toote; Director of ICT, Mr. Darmeeko Isaacs; Manager of HR, Ms. Annamae Neely; Ms. Bathsheba Algreen of the Office of the Judicial and Legal Service Commission who is our in house historian and custodian of records and Ms. Cheryl Brown from the Office of the Chief Justice. I applaud the work of all of these persons in the publication of this Annual Report and express my appreciation to each of them for their commitment to this project. We could not have produced the 2020 Annual Report without them. I must specially note the role of Mrs. Delancy and Mr. Toote in the final editing process which occupied them and the two Co-Chairs over the Christmas and New Year's weekends.

I also acknowledge the technical and creative assistance and advice of Starboard Softworks, Ltd. in the production of this Annual Report.

Sir Brian M. Moree Kt., QC
Chief Justice



JUDICIARY

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