

# BUILDING TRUST AND CONFIDENCE FROM FILING TO DISPOSITION

## Case Management

The Caribbean Court of Justice has developed systems that ensure the efficient handling of each case and the effectual management of the flow of filings through to disposition. Effective caseload management systems help to decrease delays and reduce social and financial costs. They also ensure that cases are closely monitored, that the procedures are supervised and judgments are delivered in a timely manner. It is within this context that the CCJ sets the tone for improved standards of case management throughout the Caribbean region.

Building public trust and confidence is a task that can seem daunting given the fact that so many aspects of the Court's business seem intangible. Concepts such as justice, fairness, equality, trust and confidence are difficult to qualify and quantify which may make the work of the Court appear unmeasurable. It has been said that 'you are what you measure and you measure what counts'. Interestingly there are ways to measure the work of the Court, there are ways to assess performance that can lead to the formulation of conclusions, inferences, theories and opinions that can materialize otherwise intangible concepts. The way the court deals with cases from filing to disposition can provide significant indicators about the Court's performance.

During this period, the Court conducted its case management conferences by telephone and also heard applications for special leave to appeal and leave to appeal as a poor person by telephone in five (5) matters.

For the Court's Original Jurisdiction, which is still a fairly novel aspect to Caribbean law, two (2) applications for special leave to commence proceedings had been filed in the last period under review on April 3, 2008 and on July 4, 2008. A third application for special leave was filed in the current period under review on December 11, 2008. Special leave was granted by the Court on the first and last applications on January 15, 2009. As a result the first two originating applications in the original jurisdiction of the Court were filed in the Registry on January 19, 2009 and

on January 22, 2009. Both originating applications were heard over two-day periods and, for the first time, the Registry staff were called upon to tender and mark evidence given by witnesses before the Court in the original jurisdiction. The fact that the original jurisdiction is new ground to so many in the region also necessitated the procedural guidance of the CCJ's Registrar and Deputy Registrar to the registry staff of the region.

During this period, the Court continued to receive appeals and applications for special leave to appeal from the Courts of Appeal of Barbados and Guyana. For the most part, these documents were filed in the respective Sub-Registries and transmitted to the Registry. Changes made to the Appellate Jurisdiction Rules on April 1, 2008 were communicated to attorneys as those changes related to the record of appeal, security for costs and the use of the certificates of compliance and non-compliance.

Between August 1, 2008 and July 31, 2009 four (4) appeals and ten (10) applications for special leave to appeal and special leave to appeal as a poor person were filed. An additional application for an extension of time to file the application for special leave to appeal was filed.

In the original jurisdiction of the Court, one (1) application for special leave to commence proceedings was filed and two (2) originating applications were filed after the Court granted special leave to commence proceedings on two (2) of the three (3) applications filed in the original jurisdiction.

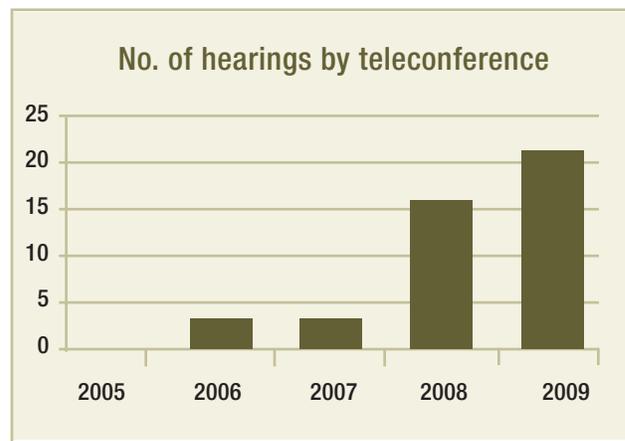
The CCJ is not only mindful of its own resources but those of the litigants and the attorneys. It is not unusual to have attorneys appearing *pro bono* for impoverished clients or in cases where it is felt that a ruling from the Court is necessary in a particular legal context. In this vein the CCJ purposefully uses case management. To be a court worthy of public trust and confidence the CCJ must demonstrate its understanding and at times its empathy for the people and the region it serves. In

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furthering its objective of delivering justice in a timely manner, case management conferences, pre-hearing reviews and certain applications for special leave are heard via teleconference. Teleconferences have also been conducted when clarification or further information is required by the Court from the attorneys. These teleconferences have been extremely successful both in terms of the socio-economic realities and efficient case management.

The importance of the Case Management Conference (CMC) cannot be emphasized enough. The primary purpose of the CMC is for the judges to give directions and identify the issues to be dealt with in the written submissions and to set out the timetable for the further conduct of the case. This lends itself to timely dispositions of matters since the advocate's time in court is focused on the 'real' issues and as such only the truly relevant aspects of the case are ventilated before the CCJ. Also, it negates the need for adjournments; counsel is fully aware of what the Court wants and when it wants it. To this end, contact with the Registrar and Deputy Registrar is virtually unlimited (email, phone, cell, fax) and as such, attorneys always have access to procedural guidance. The Court

almost always suggests that attorneys email their documents to the Registry so that time is not wasted in transmitting documents. The CCJ acknowledges that many of its current customers come from beyond the shores of Trinidad and proactively seeks to minimize time away from home, and the office for the attorneys and litigants.



## Judicial Work of the Court

Between August 1, 2008 and July 31, 2009 four appeals and ten applications for special leave to appeal and leave to appeal as a poor person were filed. One application for an extension of time to file the application for special leave to appeal was also filed. The Court continued to conduct its case management conferences by telephone and also heard applications for special leave to appeal and leave to appeal as a poor person in five matters.

In the period under review one application for special leave to

commence proceedings was filed in the original jurisdiction and two originating applications were filed after the Court granted special leave to commence proceedings in two of the three applications filed.

The Court is committed to delivering judgments of the highest quality as it continues to generate and permeate an indigenous jurisprudence in the Caribbean region.

During the period under review the Court delivered eighteen (18) judgments including three (3) judgments in the original jurisdiction of the Court. Nine (9) of these judgments have been published in Volumes 73 and 74 of the West Indian Reports.

Table 1 below shows the number of judgments delivered by the Court since its inception to 31st July 2009

Judgments delivered in 2005	Judgments delivered in 2006	Judgments delivered in 2007	Judgments delivered in 2008	Judgments delivered as at 31.07.09	Total Judgments delivered from inception to July 31, 2009
1	4	4	13	12	34

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The Court sat in its appellate jurisdiction on thirty-nine (39) days. It held twelve (12) case management conferences, heard fourteen (14) appeals and six (6) applications for special leave to appeal to the Court. In its original jurisdiction the Court sat on

sixteen (16) days, held four (4) case management conferences, heard one (1) application for special leave to commence proceedings and two (2) originating applications.

Table 2 below indicates the new matters filed in the appellate jurisdiction of the Court during the period under review by type and country of origin.

August 1, 2008 – July 31, 2009	Barbados	Guyana
Applications for special leave to appeal	3	2
Applications for special leave to appeal as a poor person	3	2
Application for extension of time to file application for special leave to appeal	–	1
Civil appeals	1	1
Criminal appeals	2	–
<b>Total</b>	<b>9</b>	<b>6</b>

Table 3 below indicates the status of matters filed in the appellate jurisdiction of the Court during the period under review as at July 31, 2009.

Type of matter	No. filed	No. awaiting action by local court	No. awaiting action by parties	No. awaiting action by CCJ Registrar	No. awaiting action by the Court	No. where decision given but awaiting reasons	No. disposed of
Applications for special leave to appeal	5			1			4
Applications for special leave to appeal as a poor person	5			1			4
Application for extension of time to file application for special leave to appeal	1						1
Civil Appeals incl. Constitutional Appeals	2			1			1
Matrimonial Appeals	–						
Criminal Appeals	2		2				1
<b>TOTAL</b>	<b>15</b>	<b>–</b>	<b>2</b>	<b>3</b>	<b>–</b>	<b>–</b>	<b>11</b>

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Table 4 below shows the number and type of matters filed in the original jurisdiction of the Court from April 3, 2008 to July 31, 2009.

**Table 4**

Type of matter	No. filed	Registry/sub-registry where filed	No decision given but awaiting reasons	No. disposed of as at July 31, 2009
April 3, 2008 to July 31, 2008				
Applications for special leave to commence proceedings	2	1 - Registry POS 1 - Sub-Registry Barbados	– –	2
Originating application	–	–	–	–
August 1, 2008 to July 31, 2009				
Applications for special leave to commence proceedings	1	1 - Registry POS	–	1
Originating application	2	2 - Registry POS	2	
<b>TOTAL</b>	<b>5</b>	<b>5</b>	<b>2</b>	<b>3</b>

Table 5 below shows the number of matters filed and completed in each year from 2005 to July 31, 2009.

**Table 5**

Year	Applications for Special Leave to Appeal	Applications for Special Leave to Appeal as a poor person	Civil Appeals	Matrimonial Appeals	Criminal Appeals	Applications in Original Jurisdiction
No. of Matters filed in 2005	1	Nil	2	Nil	Nil	Nil
No. of Matters completed at end of 2005	1	Nil	1	Nil	Nil	Nil
No. of Matters filed in 2006	7	7	2	1	3	Nil
No. of Matters completed at end of 2006	5	5	1	1	3	Nil
No. of Matters filed in 2007	Nil	[3]*	13	1	Nil	Nil
No. of Matters completed at end of 2007	2	2	1	1	Nil	Nil
No. of Matters filed in 2008	7	5	4	Nil	1	3
No. of Matters completed at end of 2008	3	5 + [3]*	10	1	Nil	Nil
No. of Matters filed 1.1.09 to 31.07.09	2	2	1	Nil	2	2
No. of Matters completed as at 31.07.09	4	2	4	1	1	3

\*Figures listed in brackets represent applications for special leave to appeal which were filed within the appeal proceedings and not as separate applications.