

Enhancing Access to Justice

The notion of access to justice is neither new nor original. All courts around the world profess to provide it almost routinely. Indeed “access to justice” is the first stratagem on the Court’s strategic plan, whereby the CCJ “focuses on the need to ensure that all citizens of the Caribbean have equal access to justice”.

Under this heading, the Court works to eliminate any barriers to its services. It has to be stressed that these barriers do not only relate to the physically challenged, such as persons who are wheelchair-bound, hearing impaired and low vision court users. With a clientèle ranging from Belize in Central America, through the Caribbean archipelago, to Guyana and Suriname in South America, some perceived “barriers to justice” can represent formidable obstacles, if one were to take the simple stretch of the Caribbean Sea as one. Audio and video-conferencing have been two ways in which the CCJ has eliminated the barrier of distance. These two means of conducting sittings electronically facilitate access to the Court by those for whom the expense of air travel and hotel accommodation, might represent significant obstacles.

There are other ways in which the Court is enhancing access to justice for the people of the Caribbean Community: through the work of the Rules Committee to ensure harmonised, standardised administration of court procedures; and through the introduction of electronic submission and service of documents.

The Work of the Rules Committee

The mandate of the Rules Committee is to keep the Rules of Court under on-going review. These Rules regulate the practice and procedure of the Court in the exercise of both its Appellate and Original Jurisdictions. Continued review of the Rules is critical to the efficient and effective operation of the Court given the changing needs of the Court’s constituents and the Court’s commitment to being “responsive to the challenges of our diverse communities”. With this in mind, the Rules Committee embarked fervently on its tasks, particularly since the previous review of and amendments to the Original Jurisdiction Rules and the Appellate Jurisdiction Rules were in 2006 and 2008, respectively.

One of the committee’s major tasks was to prepare for the Court President a draft Practice Direction on the Electronic Submission and Service of Documents. After examining provisions in the Rules that address the filing and service of documents and the submission of documents for filing, the committee prepared the Practice Direction that approved e-filing and service of documents.

The committee also prepared an extensive brief of proposed amendments to the Rules and tabled them for discussion at the Judicial Retreat scheduled to take place on 20 - 21 September, 2013. This was done with a view to indicate to the Court specific provisions that require modification and to raise issues that were not covered by the Rules but whose inclusion would result in clearer guidance to the public on the practice and procedure of the Court.

The proposed amendments addressed a variety of issues, some of which emanated from observations and suggestions of attorneys-at-law and other members of the public who previously dealt with the Court’s processes. In relation to the Appellate Jurisdiction Rules, proposals concerned the revision of the overriding objective of the Rules, the process to apply to the Court for special leave and for leave to appeal as a poor person, and fees for filing documents. Proposals relating to the Original Jurisdiction Rules included a review of the Court’s powers regarding evidence and case management. Other general proposals were concerned with reflecting the new realities of videoconferencing and teleconferencing of the Court’s hearings and conferences and other new practices.

The members of the Rules Committee were:

The Honourable Mr Justice Rolston Nelson	Chairman
The Honourable Mr Justice Adrian Saunders	CCJ Judge
Ms Paula Pierre	Registrar and Chief Marshal
Ms Sylvia Samuel	Intern

Electronic Submissions and Service of Documents

Since the Court began its operations in 2005, documents to be filed in the Registry were either filed directly at the Seat of the Court or at a sub-Registry of one of the contracting parties, for onward transmission to the CCJ. Hard copies of documents were submitted, stamped as filed and thereafter the documents were sent via international courier to the Court in Trinidad. This resulted in delays in transmission as well as costs based on the volume of documents being sent.

As a result of the work of the Rules Committee and the introduction of the Practice Direction 1 of 2013, issued on 27 June, 2013, the filing of documents is now done using a system that allows attorneys to e-mail documents to the Registry. The soft-copy documents when received are electronically numbered, stamped as filed, encrypted for security and stored. The filed copies are then returned electronically to the attorney for

service to the parties. The Court also allows for the service of filed documents by electronic means. Copies of the electronically filed documents are also stored for use by judicial officers, the Registry and their support team.

Attorneys are also now required to submit only the list of authorities for their matter. The Court's Library supplies the authorities to the Court in digital format for uploading to the shared folders for use by the judicial team. Authorities not available in the Library must be submitted to the Court by the attorney. This has resulted in a significant reduction in the volume of documents being sent to the Court and the related costs for transmission.

This project could not have been successful without the support of the Court's Information Systems Unit and the work of the dedicated Registry Staff.

E-Resources to Support Judicial Decision-Making

Judges' Collaboration Folders: Judicial officers required a solution that would allow them access to information electronically in order to collaborate and to enable them to work in a paperless environment or to print on demand. Previously, copies of documents were made for all judges. With the collaboration folder system, however, documents (such as pleadings, records of appeal, authorities filed by counsel) are all stored electronically in shared folders for use by judges, registry staff and other members of the judicial support team during the life cycle of a matter. Judges can access these files on their laptop computers from their chambers or from the bench during the hearing of a matter. Remote access to the shared folders is also possible when judges are away from the Court using a Virtual Private Network (VPN).

CCJ Space

This is an internal online digital repository designed to store, index, distribute and preserve the digital collections of the Library, administrative material of the Court and relevant CARICOM material. It is powered by DSpace and provides access to all types of digital content. CCJSpace is organised according to communities and each community is divided into sub-communities and collections.

Communities in CCJSpace include:

- **CCJ News: newspaper articles and online news about the CCJ**
- **Guidelines, Administrative Decisions and Directives (GADDS)**
- **Judges' Resources:**
 - o CCJ Judgments
 - o Agreements relating to the CCJ
 - o Rules (Both Jurisdictions as well as Civil Proceedings Rules (CPR) for the courts in the region)
 - o Protocols relating to the CCJ
 - o The Original Treaty and the Revised Treaty of Chaguaramas
 - o Practice Directions
 - o Compendium of instruments relating to the CCJ
- **S-Judgments:** Signed copies of all CCJ judgments
- **Legislation:** Acts, Bills, Legal Notices and Statutory Instruments of various CARICOM countries
- **Library Resources:** journal articles, book excerpts and papers