

**SPEECH BY THE HONOURABLE THE CHIEF JUSTICE FOR THE
CEREMONIAL OPENING OF THE 2016/2017 LAW TERM**

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Senator the Honourable Christine Kangaloo, President of the Senate

The Honourable Bridgette Anisette-George, Speaker of the House of Representatives

The Honourable Faris Al Rawi, Attorney General

Other Members of the Cabinet of the Republic of Trinidad and Tobago

Mr. Orville London, Chief Secretary of the Tobago House of Assembly

Mrs. Kamla Persad-Bissessar, S.C., Leader of the Opposition

Your Excellencies, Ambassadors and Heads of Mission accredited to Trinidad and Tobago

The Right Honourable Sir Charles Denis Byron, President of the Caribbean Court of Justice, and Lady Byron

Honourable Justices of Appeal and Judges and Masters of the Supreme Court of Trinidad and Tobago

His Grace the Archbishop of Port of Spain

Heads of Religious Bodies

Presidents, Chairpersons and Members of Superior Courts of Record

Chief of Defence Staff, Brigadier General Rodney Smart

Commissioner of Prisons (Ag.) Mr. Cecil Duke

Chief Fire Officer Mr. Roosevelt Bruce

His Worship Keron Valentine, Mayor of Port of Spain

His Worship Kazim Hosein, Mayor of San Fernando

Judges of The Caribbean Court of Justice

Her Worship Mrs. Marcia Ayers-Caesar, Chief Magistrate and other Magistrates

Members of the Legal Fraternity, the business sector, religious organisations and civil society

Other specially invited guests

Members of the Media

Distinguished ladies and gentlemen all, good afternoon.

INTRODUCTION

The theme for this year's opening and annual report is, as you would have heard, "*Consolidation for Enhanced Delivery*". In keeping with that thrust, I do not propose in this installment of our ongoing conversation, to deliver a speech repeating at length the vision and strategic focus of the Judiciary; nor do I intend to dwell very long on statistics, although I must report on our performance over the past year. I do make the general observation, however, that performance data have to be understood in the prevailing national cultural and economic context, including the existing infrastructure and available resources. In that regard, let me say at the outset that we are holding our own. What I propose to do instead is to spend a little time on the preparations and adjustments that we continue to urge and pursue in order to effect the long-term transformation to which we are committed.

Permit me to express my gratitude to Professor Liverpool for adding some context to the discussion, because it is easy to become impatient -- as I often have, and I am sure some of you have at times -- at the pace of change, if one does not appreciate the structural and cultural impediments to performance that continue to bedevil us within the Judiciary as well as in the wider society.

Permit me also to preface what I have to say by making some remarks about our environmental milieu. In doing so, I am conscious that without my deliberately setting out to have that effect, some people may be a little offended by things I have to say, but by the most generous of reckonings I am more than halfway through my life and my tenure now, and I have come to that age and quiet pass in life where I lose no sleep. In a country where the national pastime is tearing each other down, I have no difficulty reminding myself and every other leader that our job is to lead and the job of talk show hosts is to talk. And as for social media commentary, why waste energy?

Last year I talked about common sense. There is something else that is in equally short supply, and that is vision. By definition, those who possess and deploy it will be the minority in every society. Chickens will scratch on the ground making noise over scraps and will always outnumber the eagles that have the benefit of a different and broader perspective. With that benefit comes the burden of being misunderstood and criticized, and the higher the eagle soars, the smaller it seems to the chicken. I can't make eagles out of chickens.

All of those of us who are in leadership positions must seek consensus and try to help others to understand and embrace the vision, and that involves explanation, consultation and sometimes persuasion, but at the end of the day, as Professor Liverpool said in another song, *the driver must drive and everybody else must either push, sit tight or get off the bus!*

This is not Ivor Archie having a rant but in an environment where our culture and constitutional guarantees allow us to feel free to abuse each other without the benefit of research or reliable and accurate information, you must understand that I will remain resolute in my commitment to our vision once I sit in this chair.

Vision involves the ability to appreciate the big picture; to take a systemic view; to understand concepts like case flow management and the fact that the Judiciary is only one part of the administration of justice and that dysfunction in any one area affects the whole.

So if some of what I say sounds familiar, it is because sometimes it is necessary to keep hammering away at the same issues until we reach a tipping point.

Forgive me, therefore, for mentioning yet again, without dwelling on the things that I have no control over, but for which the Judiciary always seems to take the blame – things like the slow turnover of forensic analysis; the absence of a Public Defender's Office; the persistence of the system of preliminary inquiries; the underfunding of the DPP's office; an under-resourced probation department; poor evidence gathering;

shortage of physical plant; no video remand suites; push back in some quarters against the introduction of video recorded interviews; an archaic legislative regime; the fact that night courts were a failed experiment that keep being proposed by those who have no idea of how the system works, etc, etc. He that hath ears let him hear. I don't pass legislation; I don't build judicial complexes. I am accountable for the things that the Judiciary controls, I accept responsibility for that and I will tell you what we are doing. That will be my focus.

Having said all that, from my perspective at least, I am beginning to see some light at the end of the tunnel. Under the new dispensation, some positive, fresh winds of change are blowing. What are some of the indicators? There are a few, but I will mention two in particular.

THE SRC

The first is the SRC. There were those who scoffed when I first publicly articulated my vision of the *management of the Judiciary and indeed of the country and likened it to a corporate model*. Now, at last, the SRC has embarked on the necessary task of developing job descriptions and benchmarking compensation for key executive and judicial positions. Perhaps some of the unwarranted criticism of the past can be forgiven because nobody actually knew what the job of the President or the Prime Minister or even the Chief Justice involved, including some of my colleagues, because the office of Chief Justice previously did not come with a job description. So let me share the information for those who care to know.

My job is only partly judicial, but it is also largely administrative. In addition to being the Chief Judge, the Chief Justice sits at the head of several disparate hierarchies, which intersect in their roles in the administration of justice. These include the Judiciary as a corporate entity for which he/she must provide strategic leadership and administrative direction, inclusive of guiding reform; the JLSC, which is responsible for all judicial officers and public offices inside and outside of the Judiciary that require a legal qualification; The Rules Committee of the Supreme Court which determines

and drafts procedural laws binding on the courts and its users; and of course the lesser but still important roles of President of the Board of the Judicial Education Institute, Chairman of the National Awards Committee, Member of the Council of Legal Education, Member of the Conference of CARICOM Chief Justices, Member of the Editorial Board of the West Indian Reports etc, etc. In all of these roles, the Chief Justice must develop and maintain strategic relationships nationally, regionally and internationally to propel the developmental agenda of one of the three Arms of the State to ensure that we remain contemporary and in line with international best practice and modern judicial reforms.

The job of making Trinidad and Tobago attractive to investors does not solely rest with a high-performing Executive. There must also be confidence in the competence and independence of the Judiciary and that story has to be told and is only partially articulated in its judgments. It carries certain responsibilities, like the President, the Prime Minister and many senior Public Officials. So I don't care if you feel I am throwing shade here, I can't stop people talking, but I am not going to stop travelling.

Quite apart from that though, I raise this in order to acknowledge that from the conversations that have begun, there now seems to be a growing understanding at the highest levels of governance that one cannot have a high performing governance structure without attracting, retaining and holding accountable against defined parameters, the best available talent within the Public Sector and that requires vision! Until we decide on a clear compensation philosophy and fix the systemic, structural problems in the Public Service, then we cannot have good governance or performance delivery across the board. Work on the restructuring of the Service Commissions must therefore continue, and it is my hope that this will eventually find concrete expression in things like a properly staffed and compensated DPP's department, and a different recruitment profile in the Police Service, just to cite two examples.

FINANCIAL AUTONOMY

The other encouraging sign is in the area of financial autonomy. After many years of repeatedly making the case, in the last budget speech the Hon. Minister of Finance publicly committed to affording the Judiciary a greater degree of financial autonomy, consistent with internationally accepted principles of judicial independence and efficient administration. Contrary to expectations that appear to have been triggered in some person's minds, this is not a transition that can be achieved overnight. As we have always maintained, the capacity to handle full autonomy in an appropriately accountable manner requires, among other things, amendments to relevant legislation, increased capacity and control over hiring and human resources and engagement of all stakeholders including representative unions. Those conversations have begun. I am pleased to announce that in addition to agreement on the need for appointment of a transition team led by the Judiciary, we have been able to take concrete steps in regard to short term measures such as virements and transfer of certain delegated authorities that should afford immediate relief as even as we move toward the implementation of our long-term permanent reforms. It is my hope that the transition can be completed by the beginning of 2018.

With those things in mind, I can now turn to an account of our stewardship over the past year for the next 35 minutes, give or take a few.

MAJOR AREAS OF FOCUS FOR THE JUDICIARY

I will deal with some of the major areas of focus for the Judiciary. In keeping with our thematic approach, it behooves us as we prepare to assume greater financial responsibility, to ensure that our culture and internal processes are fine-tuned to ensure greater efficiency and value for money, particularly in these times of financial stringency. The budget will be read two weeks from today, but I want to assure the nation that whatever we receive, and I hope we receive our due share, the good ship Judiciary is and will remain on course, because vision is being exercised on the bridge. Therefore, while we continue to work towards the acquisition of adequate physical plant and suitable personnel, the focus for the time being remains on process reform.

Every initiative that we undertake is the concrete expression of a vision that has already been articulated.

What now follows is a brief summary of some of our significant advances and a foreshadowing of where we hope to be in the future. As we look forward, the observation of our first Prime Minister that the future of our nation is carried in our children's school bags remains cogent as part of the guiding philosophy that informs our strategic initiatives. I have observed on previous occasions that, historically, our legal system was never designed for and therefore consistently failed to address the particular challenges and needs of a most vulnerable sector of our society, our children and youth. I will therefore report first on developments in that area. And I will start with our flagship project, the Juvenile Court Project.

I. JUVENILE COURT PROJECT

The Juvenile Court Project, an extensive project with an extremely ambitious timeline, has been undertaken by the Judiciary with funding from the United States Agency for International Development (USAID) and implemented with the assistance of the United Nations Development Programme (UNDP) and the US National Centre for State Courts (NCSC). Thus far the project has seen several elements delivered including the passage and assent of the Family and Children Division Act, which enables the Judiciary to address Children matters in a less retributive way in an effort to stem the tide of criminality among our young people.

On full proclamation, the Division will comprise both a unified Family Court Sub-Division and a unified Children Court Sub-division.

The JCP project seeks to bring to life the Children Court sub-division by creating a Children Court system, the philosophy of which takes into account something that as adults, we all know; that adolescents do some crazy things and that most of them, given guidance and an opportunity to develop and mature will not continue to re-offend. Empirical research suggests that, with

appropriate interventions, prospects for successful rehabilitation are better for younger offenders.

Aware that appropriate interventions must be made to enable a positive maturation process, the Judiciary has together with colleagues in the police service, prisons, probation, children's authority, the public and private bar, the Ministry of Education the IRO and others developed Children Court processes to offer appropriate interventions.

Key to the operation of the Children Court is the adoption of approaches that are rehabilitative in nature, and the provision of social services and programmes to assist children in embracing second chances when they come into conflict with the law. The Court is also being designed to provide judicial officers with the tools to engage additional supporting processes and procedures including, Peer Resolution programmes, and hopefully appropriate placement options when adjudicating in matters related to children.

New Judges Rules for children designed specifically to guide the police and other officials in the arrest, search, interrogation, and identification for children have been drafted and issued under the mantle of this project. I will speak about this in a little more detail shortly. New Children Court Rules have also been drafted and circulated twice over for consultation, and detailed protocols have been drafted to ensure that the interactions between the various agencies are founded on principles which support the overarching philosophy, and descend to process detail in the hope that all agencies are aware of their appropriate respective roles in the new dispensation.

In the course of this project the team has undertaken extensive youth outreach and interaction. 166 children in Trinidad and Tobago have been trained in Peer Resolution and have volunteered to perform a critical role in the court as Peer Assessors. Of these, 20 children embarked in August this year on a study tour of youth and teen courts in the US. During this tour they visited several teen and youth courts, sat in on juvenile court cases, and interacted with senior judges from various jurisdictions. They also had the opportunity to attend the

2016 Summer Teen Court Attorney Training Program hosted by the Miami-Dade County.

Among the courts that the peer resolution youth volunteers attended was the Miami-Dade County Teen Court where 10 of them participated as jurors (in our system, they are known as Peer Assessors) in two trials involving teens who were in conflict with the law. In both trials, our volunteers were chosen as forepersons and delivered the sanctions to the teens before the court. They expressed that taking part in these two trials proved to be a very exciting, amazing and humbling experience. They also overwhelmingly expressed the view that they felt that the system can work for their peers in Trinidad and Tobago. We are indeed very proud of them and of all our Peer Volunteers who have, and continue to participate so completely in their preparation for this new and unique role.

Aside from our Peer Volunteers, the project's youth outreach has actively engaged 657 children throughout Trinidad and Tobago to discuss the new Children Court system, Peer Resolution and their views with regard to the country's approach to juvenile crime.

103 adult volunteers have also been trained to support the children involved in Peer Resolution, and of these adult volunteers 22 have been trained as PR trainers.

2. CASE MANAGEMENT INFORMATION SYSTEM

A major part of the project is the introduction, piloting and testing of a new Case Management Information system. Court Case Management Information Systems, their development and the attendant licensing present a large expenditure to all Judiciaries. While our JEMS system has served us relatively well over the years, the ever-increasing cost and limited access to source codes have for some years taken a toll on the Judiciary's budget, its resources and its

efficiency. The Judiciary of Trinidad and Tobago has not been alone in this dilemma, as Judiciaries worldwide have grappled with these problems.

The National Centre for State Courts and the Nigerian Judiciary had embarked some three years ago on the development of base software that NCSC had created for Bosnia several years ago. Together they worked with TATA of India to develop a common law-friendly version of this CMIS for the Judiciary of Nigeria.

The President of the International Division of NCSC and Lord Zana of the Nigerian Judiciary together have graciously agreed to give this software and its source codes to the Judiciary of Trinidad and Tobago for the use of any and all the courts of Trinidad and Tobago. That is why, together with other Caribbean Chief Justices, I visited Nigeria to meet with the Judiciary of Nigeria and to observe the software in final development stage.

We are now in receipt of the Nigerian customized software. The JCP team, Judiciary IT and other court staff are working with the NCSC to customize the software for application in the pilot phase in the Children Court. Success in its implementation and further Trinidad and Tobago-specific development is a welcome development that is expected to herald greater efficiency and a significant cost saving for the Judiciary. It will also afford the Judiciary, for the foreseeable future, the ability and opportunity to develop, customize and make its own software changes, and undertake the interface of our CMIS with various add-on modules.

3. JUDGES' RULES FOR CHILDREN

I mentioned the Judges' Rules for Children. In previous addresses, I have referred to the historical deficiencies that have persisted in respect of children in the criminal justice system. The development of Judges' Rules aimed specifically at children is an attempt to address that lacuna and bring us in line with our International Treaty obligations regarding the rights of children, the

preservation and protection of their dignity and interests (having regard to their particular vulnerabilities), while maintaining the same common law protections afforded to adults with respect to voluntariness of admissions and the presumption of innocence.

Accordingly, Rules have now been finalised for signature today that will take effect from November of this year. They will, among other things, give primacy of place to the following principles: -

- Family relationships between a child and members of his family shall where appropriate and, so far as is possible, be preserved and strengthened;
- All decisions regarding the child shall be based on the consideration that they are in the best interest of the child;
- Unless the public interest requires otherwise, criminal proceedings shall not be instituted or continued against a child if there are alternative means of dealing appropriately with the matter (this is of course ultimately a matter solely within the discretion of the DPP);
- A balanced approach shall be taken between the needs of the child, the rights of any victim of the child's offence and the interests of the community;
- Due regard is to be had to the views and voice of the child consistent with his/her age and maturity, and there is to be equality of treatment regardless of socio-economic status, race, sex, orientation, religion or family situation;
- Parents, guardians or persons with responsibility for a child shall be encouraged to fulfill their roles and responsibilities for the care and supervision of the child;
- It is desirable that a child who commits an offence must bear responsibility for his actions and wherever possible make reparation while also being assisted with his reintegration into the community so as to sustain family and community ties.

The Rules are very comprehensive and cover every aspect of interaction from initial engagement, questioning, stop and search, to the conduct of identification parades and the obtaining of statements and intimate samples. I would like to publicly acknowledge the contributions and hard work of the representatives of the Criminal Bar, the DPP, the CPC, Police, Prisons, Solicitor General's Department, Legal Aid, Childrens' Authority, Probation Department, the Juvenile Court Project team, and our own Registrars, Masters and Judges who worked tirelessly and for no personal reward to bring this labour of love to fruition. And I know it was a labor of love because we sat through evenings and weekends and public holidays [when I wasn't racking up the frequent flier miles] to debate and to thrash out, sometimes passionately, what was best for our children. I think we can be justly proud of the final product and it will inform in due course, new Judges' Rules with more general application. We are talking, Professor Liverpool, about the judges initiating a culture change in the way we interface with power. So where better to start than with our most vulnerable?

4. CRIMINAL PROCEDURE RULES

The much anticipated Criminal Procedure Rules that were completed with the collaboration of the Trinidad and Tobago Bar, the CPC, the DPP, and the Criminal Justice Advisor so kindly provided by the U.K. and Canadian Governments, have finally been laid in Parliament. They are expected to bring more discipline to the criminal trial process in much the same way the Civil Procedure Rules have enabled the Court to more effectively manage the pre-trial and trial processes.

Full Implementation is now carded for the beginning of 2017 with the expectation that aggressive case management will lead to greater trial efficiency. Stringent timelines for both the Defence and the Prosecution supported by appropriate sanctions for breach of those timelines will work as a management

tool to assist the Courts in developing consistency in the way matters are advanced through the system.

By way of example, the Court, in the management of cases, will be able to give a direction on its own initiative or on application by a party. Such a direction may be:

- to ask or allow a party to propose a certain direction;
- for the purpose of giving directions, receiving applications and representations by letter, by telephone or by any other means of electronic communication, and to conduct a hearing by such means;
- to fix, postpone, bring forward, extend, cancel or adjourn a hearing;
- to give directions without a hearing; or even
- to shorten or extend (even after it has expired) a time limit fixed by a direction.

These extended powers of the Court especially as they relate to the use of real-time electronic communication, now recognised and accepted as an official means of communication between the Court and parties, will have a tremendous impact on the speed at which matters can proceed. This should go a long way toward reducing delay and backlog in our Criminal Justice System. The Rules also provide for early disclosure and disposal of preliminary issues and for matters to be dealt with expeditiously. Training of stakeholders in the application of the Rules begins in October.

5. COURT ANNEXED MEDIATION

As many of you are aware, the Judiciary has successfully conducted pilot ADR projects utilising Mediation and Judicial Settlement Conferencing and I committed to the introduction of ADR as a standard component of the civil dispute resolution process. I am happy to report that in February 2016 the Judiciary finally received Cabinet approval for funding the implementation of Court Annexed Alternative Dispute Resolution as a service to be implemented

on a continuous basis. Cabinet also agreed to the engagement of a Consultant with the relevant expertise to perform critical services related to the deployment of this project over the next eighteen (18) months.

The Judiciary has requested the services of the Central Tenders Board to procure a mediation service provider and short-term consultant to assist with the roll-out. Implementation is currently awaiting the award of contracts by the Central Tenders Board for both the engagement of the Consultant and a Mediation Agency respectively.

6. JUDICIAL EDUCATION AND TRAINING

At the core of our consolidation for enhanced delivery is the belief that our most important resource is our human resource. Lasting change that maintains our relevance to the needs of the society that we serve is not possible without change in the culture of the Judiciary as well as constant updating of skills. The work of the Judicial Education Institute and our Human Resource Unit is therefore of paramount importance, particularly at a time when stringent austerity requires us to get best value for money.

The Judicial Education Institute of Trinidad and Tobago (JEITT) has continued to focus on commitment to growth through learning in all of our programmes for the 2015/2016 law year, with the aim of assisting the Judiciary to perform in a manner that upholds its independence and integrity, and ensures public trust and confidence in the administration of justice. Consistently operating with the motto – “Transformation through Education” – in mind, our training programmes are developed as a result of the expressions of need by our participants, as well as by reference to our strategic goals. Following the success of our Train the Trainers programme, the JEI has had the opportunity to engage participants as facilitators for many of this year’s workshops and training programmes. Our philosophy is to develop in-house faculty thereby saving cost, and honouring one of our core values, which is a commitment to the

professional development of our human resource. Among the highlights were the following:

- In September 2015, members of the Board and staff of the JEITT attended the Caribbean Association of Judicial Officers' (CAJO) 4th Biennial Conference in Montego Bay, Jamaica. This allowed us the opportunity to engage with judicial officers from across the region, informing them on what our Judicial Education Institute does, including our history and our operations, and displaying our publications. This was also an opportunity to launch a pilot survey for research purposes. Sessions attended at the conference, from which the participants have benefitted and brought back to the training, included judgment writing; restorative justice, and ethics; and judicial conduct, amongst others.
- In October 2015, 3 Board Members of the JEITT were invited to participate in the National Association of State Judicial Educators' (NASJE) 39th Annual Conference in Seattle, Washington, at which they attended sessions on curriculum planning, leadership programmes, and faculty development.
- In November 2015, the International Organisation for Judicial Training (IOJT) requested the JEITT to do a presentation at their 7th International Conference in Recife, Brazil in November on "Training in the Judiciary – Judicial Excellence through Education". As such, I attended along with Mr. Kent Jardine, Judicial Educator, and presented a paper written by The Honourable Mr. Justice Peter Jamadar and Mr. Kent Jardine, which was very well received, and was later used as a basis for developing the JEI's historical publication, which I'll mention in a while.
- 2016 began with a Magistrates' Workshop on "Proceeds of Crime and Asset Recovery," held in both Port of Spain and San Fernando and a "Sentence Indication Seminar" for Judges facilitated by The Honourable Madame Justice Gillian Lucky. The latter was undertaken as part of the adoption of MSI hearings as a strategy to improve the throughput of

indictable matters which, as you will hear when I get to the statistical reporting, is already bearing fruit

- The beginning of March 2016 brought with it the JEITT's Sixth Annual Distinguished Jurist Lecture (DJL). Our distinguished jurist Professor Richard Drayton PhD FRHistS delivered an insightful, thought-provoking lecture on "Whose Constitution? Law, Justice and History in the Caribbean" to a full Convocation Hall in the Hall of Justice, Port of Spain – our most well attended DJL yet! This year's lecture was followed by Conversations on the topic, in which attendees had the opportunity to discuss the lecture with Professor Drayton, fellow attendees, and a specially invited panel of facilitators. I mention these things, ladies and gentlemen, because what I understand Professor Liverpool to be saying, and I am entirely in agreement, is that when we are talking about building a society; when we are talking about constitutional reform, the conversation is not just a conversation for lawyers. We are talking about the transformation of a culture; we are talking about a change in the way we interface and do business.
- Also held in March were the Civil Judges' Half-day session on "Costs," facilitated by The Honourable Mr. Justice Robin Mohammed, which looked at the new costs regime and discussed quantification determinations (further examined in a follow-up session held in May), and the Court Administrative Unit's Continuing Education Seminar on the topic of "Organisational Trust and Team Building."
- In June 2016, the JEITT brought together – for the first time – our Judges, Masters, Registrars, and Magistrates for a joint Continuing Education Seminar on the topic "Implicit Bias: Pathways for Transformation." This extremely well received session looked at the sociological, anthropological, and historical sources of biases, discussed Justice and Culture, and worked toward strategies and ideas for reducing implicit bias in our justice system. I have no apologies for this, ladies and gentlemen, notwithstanding skepticism in some circles. It has to be understood that it is accepted international best practice in developed

societies for judiciaries to have continuous training in this area in order to maintain relevance and effectiveness. At the same time, the opportunity to bring together judicial officers from all of our various courts provided an opportunity for communication and sharing of expertise on all levels of the system.

- Workshops for June of this year included “Difficult Conversations” attended by the Judicial Research Counsel, “Referring Accused Persons for Psychiatric Assessments and Psychiatric Evidence” for the Criminal Judges and Magistrates, and the Criminal Judges’ Half-day session on “The Criminal Proceedings Rules: Management and Case Flow Management” facilitated by The Honourable Madame Justice Charmaine Pemberton.
- For July 2016, The Honourable Mr. Justice Gregory Smith JA held one of his two-part workshops on “Super Clarity in Judgment Writing,” this part dealing with the Principles of Macro Organisation, held for Judges and Judicial Officers.

In addition to training programmes -- we have been very busy, ladies and gentlemen. Perhaps we are not telling the story, but we are working. In addition to training programmes, the JEITT produces publications each year in order to expand the reach of judicial education to the public. During the 2015/2016 year, the JEITT published the following:

- Celebrating 50 Years of an Independent Court of Appeal of Trinidad and Tobago 1962-2012: With a narrative by Professor Bridget Brereton. This publication celebrates the very rich legacy left by a group of outstanding jurists who took the administration of justice in our country from colonialism to independence, and republicanism and beyond.
- The Republic of Trinidad and Tobago’s Criminal Bench Book 2015 was also released, which allows for critical information relating to the norms for conducting a fair and just criminal trial to be readily available, thus

promoting transparency, accountability and consistency in the criminal justice system. I am told that it is now a standard reference tool for attorneys and judicial officers throughout the region

- Distinguished Jurist Lecture 2015 publication: Dame Linda Dobbs DBE, the Distinguished Jurist for the JEITT's Fifth Annual Distinguished Jurist Lecture, delivered the lecture "Who's Afraid of Human Rights? The Judge's Dilemma" on May 13th, 2015. For those of you who were here, that was a very captivating lecture on the history of Human Rights legislation and the examination of Trinidad and Tobago's legislation by comparison, and includes the analytical panel discussion that followed.
- We also published "Our Story – the Judicial Education Institute of Trinidad and Tobago." This publication delves into the inception, development, and operations of the JEITT from 1996 to 2016; our story, throughout the years.

Training and Development led by the Judiciary's Human Resource Unit

Some of the key areas of Training and Development for 2016 were:

Managing Relationships:

- Protocol and Etiquette for staff of the Judiciary
- Crisis Management and Contingency Planning
- In-house Court Reporting Services Unit Workshop
- Cultivating Respect in the Workplace (EAP)
- Industrial Relations Management for the Public Sector
- Employee Assistance Programme (EAP) Sensitisation Sessions

Managing Information And Information Flows:

- Microsoft Office Suite (Excel)
- Introduction to Records Management for Records Staff
- Introduction to Virtualization

- Census and Survey Processing System (CSPro) Analytical Training Programme
- Probate GUI JEMS Training

Managing For Results:

- High Impact Business Communication Skills
- Project Management for Facilities Professionals
- Fundamentals of Procurement, Negotiation and Contracting
- UWI Inventory Management (A Systems Approach to Inventory Management)
- Change Management - AdPro's Prosci Change Management Certificate Programme
- Operations and Maintenance Workshop
- Change Management (Taming the Change Tiger)
- Structured Query Language Workshop (Family Court)

So we are consolidating; we are preparing ourselves to handle autonomy.

STATISTICS

How does all of that translate into performance statistics? I do not propose in the context of a speech of this length to delve into great detail except to say that what might at first glance be regarded as a flattening of output must be looked at in light of the fact that, along with the rest of the public sector, we had to undertake a cut in expenditure at the very beginning of the fiscal year. As a result, some positions that became vacant through normal attrition could not be filled and, as in previous years, we continued to function below strength in terms of numbers of employees at every level including the bench. As I have tried to outline, the focus has been on institutional strengthening for the future.

Having said that, the news is far from discouraging, as I will attempt to demonstrate:

Court of Appeal

While the total number of appeals filed remained static, there was a significant (17%) increase in appeals from the High Court that was offset by a 24% decrease in magisterial appeals. This actually represents an increase in the complexity of the work with the majority (397) (or 64%) being Civil High Court Appeals. We were only able to dispose of 195 regular Civil Appeals, which is slightly below the 6-year average of 201 but there was actually a 6% increase in matters disposed of after a hearing, which was offset by a 38% decrease in matters withdrawn. So the overall picture at the level of the Court of Appeal appears to be one of better utilisation of the Court since fewer untenable appeals are being filed, but we are still falling behind in terms of the total transit time from filing of appeal to disposition, in part because we were functioning below strength. Having said that, while 79% of all the matters disposed of were completed within 2 years of filing (58% within 1 year), I would like to improve that figure. Two new appointments to the Court of Appeal were announced at the end of the last term and we expect to further strengthen the complement during the course of this year.

There was no change in the number of Criminal High Court Appeals disposed of while filings and dispositions of Magisterial appeals were down by 24% and 25% respectively. We disposed of 19 Family Court Appeals.

We continue to be inundated with procedural appeals, many of which are wholly misconceived and unnecessary and I am firmly resolved to introduce limits on the size of bundles and time for oral argument. That's coming this year. Perhaps the time has come to amend the Rules so that most procedural appeals can be disposed of on paper without a hearing. In that way the time and resources of the court can be more rationally employed in accordance with the overriding objective, which is to devote time and resources to the matters that actually require more attention.

High Court Civil

The steady downward trend in total filings that began 4 years ago continued with 4333 filings compared to the 6-year average of 4883. 3661 matters were disposed of which means that the clearance ratio showed a slight uptick from 0.82 to 0.84. In terms of transit time, 78% of the matters disposed of were less than 2 years from the date of filing. Again this is a figure that compares favourably with international norms but we expect that automatic mediation and settlement conferencing will improve performance in this area particularly with the outlier matters that are proving to be more intransigent. Some introspection may also be required with regard to firmer case management as well as cooperation from the bar, but again one reasonable interpretation of the data is that we are simply at the limit of our current capacity.

High Court Criminal

There are a number of different ways of parsing the data depending on what one wants to see. What I can say is that there is good news and there is bad news but the trend remains disturbing. The good news is that despite some trials occupying an inordinately long length of time, the extraordinary effort put in by the judges in the Criminal jurisdiction of the High Court resulted in a second successive year where there was an increase in the number of indictments disposed of for both Capital and Non-Capital matters. The total rose from 140 to 152 at the last count. The use of maximum sentence indication hearings leading to guilty pleas has contributed in no small measure to this, as had been anticipated. The disposition to filing ratio also improved from 0.74 to 0.86.

The bad news is that the median time from filing of indictments to disposition is in excess of 3 years. This is not counting the time spent from charging through preliminary inquiry, to committal. So that the total transit time for the average matter through the criminal justice system is simply unacceptable. Not only does this compare unfavourably to the civil justice system, much of it as I have pointed out ad nauseum is wholly unnecessary and translates into hardship and deprivation of liberty that is avoidable.

One statistic in particular speaks volumes. While it is true that 185 accused persons had their indictments dealt with, 75 of those (or 41%) had retrials ordered so that their matters were simply recycled into the system. Simply put, THE JURY SYSTEM IS NOT WORKING!!!

I don't know how many times I have to make the point to those who have no understanding of how it works that if matters are heard by a judge alone he/she has to make a decision one way or the other that is definitive and subject to appeal based on a consideration of transparent written reasons, none of which applies to juries. If the current inefficient and ineffective system is what the country wants to have, then fine. But don't blame me for the consequences!

I was appalled at the conclusion of a recent matter that occupied a court for over 2 years to hear the bleating about the vindication of the jury system. Of course for those who were acquitted one can well understand the sense of elation. But what about those who have to be retried? Are they and the victims' families not entitled to some finality in determination of guilt or innocence within a reasonable time? From a management, process, justice or simply a common sense point of view, any proceeding that occupies so much time and resources without producing a definitive result is a total disaster. That is not a criticism of the judge who had to manage an extraordinarily complex trial, nor of the jury who, untutored in the principles of law and evidence had to sift through mountains of evidence and complex directions. It is a systemic failure that I do not have the power to fix because I do not pass legislation. Yes, better criminal case management will help but it does not get to the root of the problem. The fact is that for 90 odd percent of persons in this society, the criminal justice system remains at the level of the Magistrates' Court and they get a very decent level of justice. You can't let some of the profession hijack this debate. Read your Constitution. There is no right to a jury trial; there is a right to a public and fair trial before an independent and impartial tribunal. This is one area in which I will continue to hammer away!

Family and Probate

Divorces were down for the first time in 4 years with Decrees Nisi dropping from 2253 to 2110 -- good news. Perhaps even better news for those getting divorced is that 94% of them got their nisi within a year of filing. Probate dispositions held steady at 3140 (a decrease of only 8 from 3148 the previous year)

Subjective Performance Measures

In keeping with our mission and mandate to attract and retain public trust and confidence, the Judiciary has also included customer satisfaction data in its performance metrics. This involves surveying both internal and external clients and stakeholders. In that regard we have recently engaged an external service provider so as not to bias in the results. I think I have a duty to report that the preliminary findings -- while we await the final detailed report -- are good, although there is clearly, work to be done. Without going into details of the research methodology, I would say the metric we use is what is called a Net Promoter Score (NPS), which is a customer loyalty metric that divides an institution's customers into three categories: Promoters, Passives and Detractors.

- Promoters are satisfied customers who provide positive feedback and word of mouth. Promoters are optimistic in their dealings with the institution and are more likely to emphasize positive interactions experienced.
- Passives are satisfied but unenthusiastic customers who are vulnerable to the impacts of negative interactions.
- Detractors are unhappy customers who can damage a brand through negative word-of-mouth

The NPS is calculated by subtracting the percentage of customers who are detractors from the percentage who are promoters. The NPS therefore theoretically ranges from a minimum of -100 to a maximum of 100.

Of the three stakeholder groups examined, all returned positive Net Promoter Scores with six in ten persons indicating overall satisfaction with the services received and in

most areas respondents were neutral in terms of whether subjective experience exceeded or fell short of expectations. Interestingly enough, lawyers as a group were most positive, with civil society not far behind. Further details will be made public, as appropriate, when final results are in and thoroughly analysed.

Physical Infrastructure

Last year, I expressed my frustration at the fact that over the previous 5 years none of the promised judicial complexes had materialized. We are faced with the reality that we now exist in difficult economic circumstances. Nevertheless, we were finally able to complete the refurbishment of the Chaguanas Magistrate's Court which now provides improved comfort and increased work spaces for staff; revamped work flows; modern court and telephony technologies; modern records management systems, introduction of a number/ticketing system; secure circulation zones, and enhanced security surveillance systems among others. This is the model, as we move forward, for gradual replacement of our aged physical plant. We must thank and commend again our staff, burgesses of the Borough, and residents of the District for their remarkable patience and understanding during the time works were ongoing -- when they had to travel to Tunapuna to receive the services of the Court.

Work continues on the Siparia Magistrates' Court, which was in a dire state, and we expect to complete the new Magistrate's Court Building in San Fernando by mid-2017.

CONCLUSION

So there you have it Ladies and Gentlemen in as succinct and digestible form as I can manage. I once heard somebody say that giving a speech is easy; if you have something to say just start at the beginning and when you are finished stop! If only it were that simple! There is so much that I can talk about. There is so much that I would like to say but I must respect your time and powers of endurance, so I will stop. I cannot do so, however, without some expressions of gratitude.

Thanks to all of you who have made today's events a successful and worthwhile experience. First and foremost we owe a debt of gratitude to His Excellency the President and Mrs. Carmona, for gracing us with their presence. Thank you also to Dr. Liverpool who, as usual, delivered an original and thought-provoking message, albeit, not by way of his more familiar medium.

As always, we must thank the Dean of the Cathedral Church of the Holy Trinity for hosting our service of worship and celebration. The Sacred Heart Girls' Choir and Mr. Edward Cumberbatch made it -- for me, and I am sure for you -- an exquisite experience, and for that we could never repay them. Thank you to the IRO as well, for their participation. Thank you to all the MTS and Judiciary staff who, as usual, have gone beyond the call of duty to ensure that facilities and arrangements are in good order. And I must not forget our military detachment who added pomp and splendour with such a polished performance.

Finally and by no means least, to all of you who have taken the time and trouble to attend today's proceedings, or to listen via electronic media. Your presence and support are what make this occasion special. Thank you.

This Court now stands adjourned.