



ADDRESS

of

THE HONOURABLE THE CHIEF JUSTICE
MR. JUSTICE IVOR ARCHIE, O.R.T.T.

In Commemoration of the 2020-2021 Law Term
of
The Supreme Court of Judicature

Wednesday 7th October, 2020

Good day fellow citizens. It gives me great pleasure to present this address to mark the opening of the 2020/2021 law term (which actually commenced 3 weeks ago). The timing and mode of presentation underscore the fact that the theme of this year's presentation "*Managing Change in a Rapidly Changing Environment*" could not possibly be more apt.

Of course, no discussion about change management at this time can ignore the reality that we are in the midst of a worldwide Covid19 pandemic but it is precisely that which provides context to the developments that I will share with you and an explanation for our ability to pivot and adapt successfully to meet current challenges.

During last year's address I said the following words:

"Challenging times bring out the best in us and I am proud to report that the Judiciary is on the cusp of a transition that will see a dramatically restructured Judiciary whose recruitment and management philosophies and processes may well be incomprehensible to those who, looking on from the outside, may not understand what we do and why we do it the way that we do it."

I could never have imagined at the time how prescient that statement would turn out to be. Before I explain why, we must begin with a clear understanding of what Courts are. A court is not merely a judicial officer sitting in a courtroom. Rather it is a complex series of interconnected, interrelated systems. Just like an iceberg, what judges, lawyers, customers and other stakeholders see is the 10% above the water. But you may recall that it was the 90% below the surface that sunk the Titanic!

We are running a Judiciary; not a ministry; not private chambers; not a bar association; not a club; not a private business or another arm of State. It is a Judiciary, a court system, with the myriad of systems, considerations and complexities germane to such an area of governance.

I visualize the judiciary as being an organism as much as it is an organization. In that analogy, our management are the brains, our departments and divisions are our organs and limbs, our processes are our circulatory and immune systems, our people are our heart; and our ethos and our vision form our DNA.

Why is that understanding important? In a quiescent environment, there is little need for change but a rapidly changing external environment tests survival fitness and places an evolutionary pressure on any organism.

Of course, the scientifically literate will immediately point to the flaw in my analogy by reminding us that Darwinian evolution is the antithesis of intelligent design. All I can offer by way of defence is that it is not so much about what we want to be as it is about how we want to be – flexible, agile and relevant.

Purpose dictates form and that is why we often find ourselves at odds with those who have been conditioned to value precedent and predictability.

Over the years, the judiciary has undergone several evolutionary leaps but by far the most extensive transformation is the one that began over a decade ago and continues to this day. In order better to understand our journey, I want to take us back to the document setting out our strategic focus for 2013 to 2016 that was arrived at after intense reflection and consultation. In it we identified our core values as:

- Excellence
- Commitment
- Accountability
- Integrity
- Service

None of these can be maintained without a commitment to lifelong learning, and continuous improvement.

We did an environmental scan to identify the political, economic, social, technological and legal trends that had potential impact on the delivery of justice. We examined our stakeholder relationships so they could be enhanced for the benefit of all.

It soon became apparent that the major impediment to achieving the desired future state was the lack of administrative and financial autonomy that we have been seeking for ages. How else are we to address recruitment, retention and employee motivation? What can we do with delay, outdated and inadequate physical plant, inadequate workforce and delays in decision-making from an over-centralized executive that is often not cognizant or fully appreciative of our particular needs as a separate and independent arm of the state?

None of this is “rocket science” or conceptually challenging. Indeed, the logic appeared to have been generally accepted. Permit me to quote from the 2015 budget speech of the Honourable Minister of Finance:

“...Most importantly, consistent with our 2015 Election Manifesto promise, to improve the efficiency of the administration of justice, we intend to give the Judiciary the financial autonomy that it has asked for, for so many years, coupled with the ability to manage its own resources, projects and programmes, including the responsibility for procurement and construction of judicial facilities.”

Acting in good faith on the Honourable Minister's statement, I requested the National Centre for State Courts (NCSC) and the United Nations Development Programme (UNDP) Office in Trinidad and Tobago to jointly work towards the provision of a framework that will facilitate a smooth and effective implementation of the Government's stated intent. That document has been shared with those who control the purse strings since 2016 and we anxiously await its implementation.

Nevertheless, as you will see during the course of this address, we have been able to achieve quite a lot with very little. I can only hope that it will drive home the point that we can be trusted to manage efficiently and effectively in the current national environment of severely strained financial resources.

So what are the critical outcomes that we seek:

- **OPERATIONAL EXCELLENCE** – This involves modernising our core and support processes by leveraging information and communication technology, streamlining operations by utilising bespoke case management and information systems, electronic payments and vote books. Financial Management Systems that are micro-managed by public servants in the Executive Branch compromise our independence, undermine the separation of powers and destroy the agility that we must maintain in order to address changes in primary legislation, Rules and the common law. Unfortunately, many of our Justice Sector partners continue to operate with outdated systems, procedures and technology;
- **A HIGH PERFORMANCE PROFESSIONAL CULTURE** – The public service has no discernible compensation philosophy that will allow for seamless movement between public and private sector thereby allowing us to attract and retain competent professionals. Historically, the focus has leaned towards compensating for certification rather than demonstrated skills and competencies. The problem of centralised Human Resource management must be addressed. Recruitment and management of our human resource must be in our hands. We are best placed to assess and match skills and competencies to the unique requirement of jobs within our organisation. That is why Administrative autonomy is essential;
- **CREATING A SAFE AND PRODUCTIVE WORKPLACE** – We are continuously engaged in modernising our infrastructure by obtaining purpose built facilities and retrofitting existing buildings as well as providing appropriate tools to facilitate our work. I will share some of the most recent developments later;
- **NURTURING STRATEGIC PARTNERSHIPS** – we recognise that if the administration of justice is to be improved, we must encourage and manage effective communication with customers and other justice sector stakeholders (such as the Police and Prison services, Ministries of Education, Social Development and Family Services, Youth Development, the

Attorney General and Legal Affairs, the DPP, Public Defenders' Department, Law Association, Ministries of Health, Public Administration and Digital Transformation, and the PSA). This communication must include, but not be limited to, shared information platforms and integrated processes. In this regard I am particularly pleased to see that a deliberate focus has been placed by the Executive Branch on enhancing service delivery by extending the formal mandate of the Ministry of Public Administration to include digital transformation;

- ORGANISATIONAL STEWARDSHIP – we accept the need for accountability buttressed by vigorous performance monitoring and tight financial control. This will also require the reconstitution of our planning and project management department which was inexplicably decimated when job standardisation was forced upon us in early 2015.

Against that background, I would now like to share with you some of the more notable achievements of the past year. You may recall that in last year's address I cautioned that the ongoing restructuring and the lack of human and material resources as we repositioned would negatively impact our throughput statistics in terms of matters determined. Added to that, the unanticipated Covid19 pandemic has required us to pivot in some areas earlier than planned. I ask you to look at our accomplishments in that light. Thankfully, most of the work was already planned and ongoing, thereby enabling us to respond quickly. Such is the nature of our DNA that has gifted us with evolutionary fitness! In order to give context to what follows, may I remind you of a previous address in which I noted that our three pillars for transformation are people, plant and process.

JUDICIAL EDUCATION INSTITUTE

In keeping with the philosophy that our Human Resource is our most important asset, I will therefore depart from the tradition of leading off our performance appraisal with case disposal statistics and speak first to the accomplishments of the JEITT.

The Law Term 2019-2020 started with many collaborative training initiatives between the JEITT and several of its stakeholders. These partnerships served to deliver invigorating and timely training initiatives, which were well received by all Judicial Officers. While the latter part of 2019 and the beginning of 2020 commenced with the usual face-to-face training delivery, March 2020 brought with it the emergence of the Novel Coronavirus (2019-nCoV) commonly called COVID-19. This modified not only social life as we knew it but the training landscape as well.

In the midst of this “new normal,” the JEITT proved itself to be highly adaptive, adopting an effective digital learning strategy. This plan allowed for all judicial training programs to be delivered online ensuring that all judicial educators were equipped to function in the virtual world. Through this approach, and under the guidance of the Chairman, The Hon. Justice Gillian Lucky, JA, and Board, value-creating efforts were delivered and learning managers adapted to this new approach to program delivery. Virtual live learning also expanded to allow for the inclusion of not only local judicial officers but regional officers as well.

The following is a summary of the training sessions delivered for 2019-2020. The total number of training sessions increased from 22 in the previous year to 54. This represented an increase in training hours executed from 156 to 279 and groups of stakeholders engaged from 13 to 24, with the judicial officer reach going from 545 to 692. Training was delivered in areas as diverse as:

- Judgment Writing
- The Art of Adjudication
- Amendments to the Motor Vehicle and Road Traffic Act
- HIV, Human Rights and the LAW
- Gender Sensitive Adjudication
- Judge Alone Trials
- Plea Discussions and Plea Agreements
- CFATF Standards
- Counter Terrorism Legislation and Litigation
- Electronic Filing and Hearing (Judicial Officers and Attorneys)
- Electronic Monitoring
- Orientation for New Judicial Officers
- Trade-Based Money Laundering
- Insolvency

Our Partners who assisted with curricula and faculty included the CFATF, The British High Commission, the National Center for State Courts (NCSC), the Ministry of the Attorney General and Legal Affairs, the Ministry of National Security, CARICOM Impacs, the World Bank and INSOL International. We extend our heartfelt appreciation to all of them. We also partnered with the Office of Procurement Regulation to assist in meeting training needs to ensure their effective operationalisation. I am particularly grateful for the efforts of those judicial officers who willingly volunteered their time, knowledge and skills to be part of our faculty for many of the initiatives.

By the end of this calendar year, the first update of the Consolidated Civil Proceedings Rules (CCPR) 2016 since its publication in 2017 will be completed. This text has been important in offering consolidation of the existing rules contained in the CPR 1998 along with the added benefit of case law as well as amendments. The publication includes the original text of the Consolidated Civil Proceedings Rules 2016 together with all updates and amendments up to July 6, 2020. This updated consolidation also includes a revised Index of Practice Directions consisting of all Practice Directions in force as of the date of publication. In that regard, the new requirements and enhanced procedures necessary for navigating the civil justice system in the era of technology are all contained in the CCPR.

MANAGING OPERATIONAL EFFICIENCIES

I now turn to the main part of my address, which concerns the migration of our court hearing and information management processes to electronic platforms, the new e-judiciary. The judiciary continues to focus on enhancing efficiency by reducing or eliminating redundancies, waste and errors using technology to remove workflow bottlenecks and speed up tasks, through automation. These initiatives included the following:

- *Electronic Pay Record Cards*

An electronic system developed to replace the handwritten employees' pay record cards. The new system incorporates automatic calculations, ease of access to authorized persons, secured storage and improved records management.

- *Electronic Maintenance Cards*

A database application developed to record information captured on the Maintenance Card. The system provides easier access to information and the ability to generate reports.

- *Movement of records*

An application developed to record the location and details of court records, to replace manual handwritten forms.

- *Correspondence management*

An application developed to record incoming/outgoing correspondence and the relevant actions taken.

- *Online requisition requests*

An online system for submitting requisition requests and notification when items are ready for collection.

- *Non-criminal register*

An application that records non-criminal matters at the District Courts, with task generation, notifications and document generation being built in.

- *E-Votebook*

An E-Votebook is being implemented in place of the manual process. The system will keep track of expenditure.

I will expand on some of these later.

MANAGING COURT PROCEEDINGS VIRTUALLY

The declaration of COVID 19 as a pandemic required us to find innovative ways to deliver all services. In order to keep the justice system going as the country adhered to lockdown measures and social distancing, e-initiatives that had been developed and were optional became essential and others that were at varying stages of development were accelerated. The judiciary sought innovative, and in some areas untried, approaches to facilitate citizens' rights to have their matters resolved by the courts.

Stakeholder engagement sessions helped to inform the drafting and implementation of Practice Directions, Guidelines, Instructions and Amendments to Rules of Court to govern the hearing of Court matters. These included:

- a. Practice Directions on Court Operations Covid-19 Emergency Response
- b. Practice Directions on Filing by Electronic Means for Criminal Division and District Criminal and Traffic Courts
- c. Amendments to the Criminal and Civil Procedure Rules
- d. Practice Guides for Electronic Hearings
- e. Guidelines for the Public on E-Hearings
- f. Microsoft Teams Connection Instructions for Judicial Officers and External Parties
- g. Pexip Connection Guidelines for Judicial Officers and External parties
- h. Instructions for use of the Judiciary's Summary Court Criminal Electronic Filing Portal
- i. Internal Procedures and processes for filing by electronic means, scheduling of virtual matters, electronic bail hearings and virtual commissioning of documents by Registrars.

Early in the law term, the Judiciary's Information Communications Technology (ICT) Unit began working on an ICT solution as an alternative to in-person hearings. The aim was to ensure that the courts, in the event of an emergency, could remain open and accessible without the barriers to accessibility that location and travel restrictions could present. The research was well advanced when the COVID-19 pandemic stay-at-home measures were implemented.

Video-conferencing was already a component of court operations given its initial introduction to the Judiciary since 2005. Systems were in operation at several courtrooms and prison sites across Trinidad and Tobago that facilitated hearings involving stakeholders located outside of Trinidad and Tobago and/or persons who for reasons of health, disability, security or otherwise were unable to physically attend court.

Due to COVID -19 concerns, Court Administration devised a very quick solution for prison inmates to appear virtually from the prison. We were able to acquire and convert shipping containers into fully outfitted virtual hearing rooms at the Golden Grove Remand Prison, Maximum Security Prison and Eastern Regional Correctional Facility. These, in addition to previously existing systems at the Youth Transformation and Rehabilitation Centre (formerly YTC), Frederick Street prison, Scarborough prison and female prison at Arouca brought the total number of virtual hearing rooms at prison/correctional facilities to fourteen (14).

The technology evolved into a virtual cloud-based meeting room to which internal and external stakeholders could connect and communicate in real time. The solution allows the Judiciary's ICT staff to remotely manage and automate the processes for court-to-court and court-to-prison video connections. Inmates attend their hearings virtually from the containerized solution on the prison compound and their counsel may attend from the prison compound or remotely from their home, office or other location.

Members of staff were assigned laptops and in some instances cell phones, to support the various functions of the court under work-from-home protocols.

Up to one hundred devices can connect comfortably in a single hearing and persons join from a simple web-interface link, which the court issues. Parties share evidentiary material easily and communicate privately using instant chat. Guests and active participants see all court parties connected to the hearing in a thumbnail view and the active speaker in a larger view. The latter allows everyone, including the Court Rapid Text Entry Specialist who is actively transcribing the hearing, the Interpreter who is translating, the Judicial Support Officer who is capturing the Log Notes, the inmate and other parties to track who is speaking at all times.

The court uses this solution for remand hearings and instances where it is necessary for a person to have physical access to hardware based video-conferencing, that is, the person must be physically present. The Judiciary introduced a second video-conferencing platform to accommodate meetings and augment the range of court hearings, for which parties' physical presence would not be necessary. We are continuously seeking to improve the service and are working towards consolidating both modalities into a single standardized platform for ALL virtual hearings.

Judicial Officers and their support staff attend remotely and staff assist with administering the oath, sharing documents, managing the evidence and ensuring that a digital record of the proceedings is recorded, transcribed, stored and archived. In the virtual space, Digital Voice Writers and CAT Reporters (Computer Aided Transcriptionist) convert into a written transcript the court's audio digital recordings by listening to the court proceedings online live.

Court Administration also worked with the Trinidad and Tobago Police Service to ensure that persons charged with offences could appear before the court virtually from police stations.

At the court locations, establishing the virtual courtroom required no procurement of additional equipment. The solution the staff devised is reliant on the internet and some additional software licences. Court staff were equipped to work from home. Training, connectivity and background noises were issues that initially required attention and these were addressed. The technology though not perfect, is working very well and is constantly being refined and expanded.

With these solutions in place, the court was able to successfully address all matters scheduled for hearing at the Family and Children, Civil and Criminal High Court Divisions and District Courts through virtual hearings. These included:

- 5735 charge cases;
- 9447 other hearings in criminal matters which included District Court remand hearings, trials, preliminary enquiries, bail applications, MSI's and Sentencing; and High Court Judge alone Trials, Bail Applications, Jury Trials, Case Management Conferences and three appeals.

In addition there were, 237 virtual hearings from the Youth Training and Rehabilitation Centre; for a total of 15,419 virtual hearings with persons in custody.

Members of the public and the media desiring a virtual seat at a hearing can contact the Court office using information on the Judiciary's website and would receive a link with instructions for joining the virtual hearing room. Members of the public and the media are responsible for their own technical

setup and internet connectivity and are required to abide by the terms of use for hearings by electronic means. These are available on the website. In the near future, stakeholders will access information on case schedules on the web site.

Several attorneys have commented on the convenience offered by virtual hearings. They were pleased with their ability to appear at geographically dispersed courts on the same day, thus reducing the need to seek adjournments. They expressed appreciation at not having to endure work downtime while waiting at a courthouse for their matters to be called; and not having to drive to a location, look for parking, walk to the courthouse and wait, all for a fifteen minute case management conference. Many attorneys who initially expressed displeasure with the arrangement subsequently indicated their support after participating in virtual hearings.

MANAGING THE DISSEMINATION OF COURT ORDERS AND DOCUMENTS VIA COURTMAIL

The use of CourtMail at the Judiciary expanded over the 2019-2020 Law term and the need for this service intensified during the COVID-19 restrictions. The service, which was developed in-house originally as an electronic solution for communicating with and mailing court orders and notices to Attorneys-at-Law and court parties in a fast and secure format, was developed further and is now an integral tool used for electronically signing, stamping and sealing court and other official documents.

- Electronic stamps, signatures and court seal

The Judiciary uses two electronic signing solutions recognized as tamper-free and built on encryption technologies. During the 'lockdown', Judges, Registrars and senior administrative staff used the solution to digitally sign, stamp and dispatch Notices, Summonses, Warrants, affidavits, declarations and other court documents to Attorneys remotely and securely, without having to interface personally. An electronic seal was also developed and used to affix documents filed electronically with the official seal, where appropriate.

Court office staff are now able to prepare and transmit documents electronically to the Judge, judicial or administrative officer for their review and signing, which they were able to do from any internet-enabled device from any location.

- Domestic violence portal

A portal was constructed to quickly dispatch Orders, Summonses and documents pertinent to Domestic Violence to the Gender-Based Violence Unit of the Trinidad and Tobago Police Service.

FILING COURT DOCUMENTS ELECTRONICALLY

Obviously, the unusual conditions brought on by the pandemic challenged our routine operations. A major concern was the safety of both staff and customers; while at the same time ensuring that the latter's right to access services was not impeded nor disrupted. Persons needing to initiate an action or having to comply with schedules for filing documents were allowed to do so via the readily accessible and convenient to use on-line portal.

Through its e-services portal available on the Judiciary's website, Attorneys-at-Law, self-represented litigants, Police Officers and other justice sector agencies have online access to court offices throughout Trinidad and Tobago to file court documents without having to commute to a court building. As at August 18th two thousand (2000) attorneys and pro se litigants had registered for E-Services.

The judiciary provided public access kiosks at High Court locations for the convenience of members of the public, who did not have on-line access at home. The interface contains simple and easy to follow instructions for scanning and uploading documents to the e-services portal. The placement of these kiosks helped to limit in-person interaction at Counters. As at July 31, twenty-five thousand nine hundred and twenty-two (25,922), documents were filed electronically at Court offices throughout Trinidad and Tobago.

- Attorney's registration and payment of fees

By integrating E-Services with CourtPay and CourtMail, the Judiciary allows attorneys to pay for their practising fees electronically. CourtPay allows attorneys to pay via credit card or CourtPay voucher which can be purchased by numerous locations across Trinidad and Tobago. Once payments are processed an electronic Practising Certificate is delivered to the inbox of the attorney using CourtMail. Up to the end of July, two-hundred and ninety (290) practising certificates had been paid for online via E-Services.

In order to use the E-services portal, attorneys-at-Law must first register on-line via the e-services portal and must be eligible to practice as evidenced by their registration on the Roll and a current practicing certificate. The system verifies Attorneys' eligibility against the Roll and persons who are not in good standing are unable to file. However, the portal guides Attorneys who wish to bring their practicing certificates up-to-date by paying their fees online through a secured gateway.

Filing of documents by State Agencies.

In order for State agencies to file documents through the e-services portal, Judiciary designed

CourtPay cards have been distributed to attorneys at relevant ministries and departments. With the use of these cards they sign on and are identified at filing on behalf of the State.

In its effort to manage the emergent situations brought on by the pandemic and while waiting for the requisite approvals from the Treasury for receipt of revenue by credit cards, the Judiciary, in coordination with justice system agencies is allowing filing of documents without payment of fees for a specified period so as not to impede right to access. When payment of fees is reactivated, attorneys in state agencies will be able to use the Judiciary designed cards to record the transfer of filing fees from the state agency to the Judiciary.

- Probate lodging

This year Attorneys-at-Law were able to submit probate lodgings for review electronically on the E-Services Platform. Once processed the Probate Registry issues queries to the Attorney or an appointment date for filing of original documents over the Counter. The Probate registry received and processed over one thousand (1000) lodgings since the system launched in May 2020.

MANAGING ACCESS TO INFORMATION VIA THE WEBSITE

- Domestic violence

Hotlines for Domestic Violence, contact numbers and email accounts for persons supporting different services at court locations were published on the website. Staff received special training to operate these services remotely using computer telephony to provide information on court and support agency services, as well as assisting customers seeking applications for protection orders.

- Ensuring maintenance payments - CourtPay

CourtPay is the Judiciary's online system for making and receiving court payments into and out of Court. The Judiciary made payment of maintenance into court easier by allowing customers to convert to *CourtPay online*. The *Convert to CourtPay* app was included on the website. Customers simply click on it, fill out the form and submit it. CourtPay IDs are created for both the payor and the payee. Our employees then guide them through the use of the software and immediately thereafter, both parties can begin using CourtPay. During the period April 18, 2020 to August 16, 2020, three thousand, seven hundred and fifty-three (3753) payor and payee Convert2CourtPay online applications were received.

Having successfully satisfied the requirements they can avail themselves of the convenience of making payments from anywhere, at any time, using their smart phone, tablet, laptop or desktop computer. The Judiciary looks forward soon to widening the network of agents where CourtPay top ups may be purchased by its unbanked customers.

The Judiciary is working steadfastly towards making online payments for all fines and fees available early in the new Law term.

ELECTRONIC CASE MANAGEMENT

As promised last year, roll out of the TT.jim system has begun in the district courts. TT.jim uses an automated system to record, track and monitor the progress of cases from filing to disposition; accept, generate and store case documents digitally; and produce detailed reports that assist with policy development and workload management within the Court. The software seamlessly consolidates data captured from parties including Judges, Judicial Officers, Attorneys-at-Law, Interpreters/Translators, persons accused, parents of children accused and court staff. This information is then used to prompt action including scheduling court appearances; tracking, retrieving, processing and issuing reports and other documents ordered by the Court; and issuing reminders and other notifications.

The software improves the efficiency of caseflow management, timeliness in disposition of cases, the enforcement of court orders, and the exchange of information between case parties, court staff, partner agencies, stakeholders and the public.

On the 18th day of December, 2019 the TT.jim Criminal Module was launched in the summary court with the largest case load, the Port of Spain Magistrates' Court. Prior to the launch of TT.jim, the Court primarily used manual processes with minimal support from computerised systems. As a result, the majority of court documents were prepared manually except for the generation of case sheets and the search of cases based on the name of the parties.

The launch of TT.jim resulted in transition from the use of case sheets and notebooks as the main tool and resource for case information to the utilization of an electronic court case information management system. The operationalisation of TT.jim software also created an electronic link between the court office and the courtroom. This involved a complete overhaul of the existing system as it not only revolutionized the input and output of case information but also how court records were stored. Apart from general case information, the system allows, *among other things*, for the following:

- Automatic generation of case numbers based on the location, case type and year;

- Incorporation of the standards required to reflect United Nations Office on Drugs and Crime (UNODC) categorization of charges in conjunction with Trinidad and Tobago equivalent charges;
- The assignment of workflow tasks by user and the capability to monitor the completion of assignments; and
- A better understanding and control of the Court's workload.

Staff are no longer dependent on the last or next date of hearing as a starting point to manually search for files. Case information can be obtained by an electronic search of the parties, the physical file information is accessible from the system and the separate scanning of information for judicial officers was discontinued. Detailed case information is now available in a matter of seconds, which has led to increased productivity.

Over the last eight (8) months, over 10,000 cases have been created in TT.jim. Work continues behind the scenes to ensure software improvements such as notification of associated cases and the reduction of search times. The electronically accessible case files proved to be a key resource for Judicial Officers and their support officers in conducting virtual hearings from remote locations. During the "lockdown" period, over two thousand (2000) cases were fully integrated into the CCMS with digital files ready to be accessed virtually from another court or remote location.

The lessons learnt from rollout of the system at the Port of Spain District Court were utilized to guide the implementation of the TT.jim Criminal Module at the following District Court locations:

- (i) Port Fortin commenced the first phase of rolling out TT.jim in January 2020 with completion in May 2020.
- (ii) Arima District Court in April 2020; and
- (iii) Sangre Grande District Court in May 2020.

An Enhanced version 2 of the TT.jim criminal module is being prepared with the capability among other things, to follow and monitor sanctions and sentences.

May 26th, 2020 and following saw the partial proclamation of amendments to the Motor Vehicles and Road Traffic Act, with the intention of bringing into effect the red light and spot-speed camera systems. Happily, the adoption of TT.jim has coincided with the implementation of the new Fixed Penalty Traffic Ticketing System, enabling us to transition from manual to digitised processes thereby creating a more efficient solution to traffic case information processing. Information for tickets issued prior to

May 26, 2020 has been captured electronically for faster processing, and, in an effort to address the backlog of existing unpaid fixed penalty notices at the courts, an incentive has been offered via the Miscellaneous Amendments Act 2020, which allows until November 2020, for the payment of half of the value of fixed penalty notices issued prior to May 26, 2020.

Before the introduction of the new traffic system, all traffic tickets were brought before the District Courts. In the new system, electronic Fixed Penalty Tickets are issued by Law Enforcement Officers, and a driver has the option to contest a ticket or pay their traffic fine. If the driver wishes to contest a ticket, he or she can file a Notice to Contest online at <https://contest.tlawcourts.org/> within a specified time from the date the ticket was issued.

DIGITAL TRANSCRIPTION IN A RAPIDLY CHANGING ENVIRONMENT

Digital Voice Writing

During this fiscal year, sixty-two (62) Digital Voice Writers/Court Rapid Text Entry Specialists were trained and hired, bringing the total to eighty-four (84).

With the use of digital voice writing there have been faster dispositions of cases, matters transcribed live, accurate verbatim transcripts and storage of transcripts.

Technological Advancements and Successes

The Court Reporting Services Unit (CRSU) has been a part of a significant number of technological advancements and successes during this reporting year, including the eradication of the transcript request backlog, the commencement of confidence monitoring for all Virtual Courts and assisting with Judge Alone Trials.

A) Producing Transcripts and Remote Work

The work of a court reporter remains the same but the traditional place of work is changing. Prior to the pandemic, the Court Reporting Services Unit launched a pilot project to evaluate the feasibility of court reporters working from home, i.e., E-commuting. The pilot E-commuting project which was in place before the pandemic, helped the court reporters to make a smooth transition during this time.

The CRSU saw the speedier transcribing of matters. They eradicated the old backlog totally while also transcribing 300 matters of current work from March 2020 to June 2020. The vast majority of these were Magistrates' Court matters. This was an increase of more than 60 percent over the baseline of the matters that were transcribed when the court reporters were physically in office. Court reporters

were able to produce transcripts despite being engaged with other tasks. In the virtual world, the CRSU conducts real-time reporting for Court of Appeal and High Court matters. This is accomplished with the use of CAT Reporters and Digital Voice Writers.

B) Audio Requests

The CRSU, welcomed a new process for audio requests made by either internal or external stakeholders. Previously, all requests for audio were given by way of a compact disk (CD) however. CDs were deemed archaic as most laptops no longer have ports for inserting CDs and the information degrades after some time. As of May 2020, the production of CDs ceased and all audio transcript requests are sent to the customer through an electronic platform via a secure link. The requestor has seven days to download and access the audio.

C) Electronic certification

The Court Reporting Services Unit has been working towards finalizing the e-certification of transcripts. Currently, a court reporter has to certify a transcript with the Registry Office at the particular court location.

The e-service process involves the use of DocuSign which, as you know, is a cloud-based electronic signature solution. As a result of this e-initiative pilot with the Supreme Court, any court reporter will be able to have their transcripts certified electronically before a Registrar, Assistant Registrar or District Clerk of the Peace (DCOP).

The process improves productivity by eliminating the costs for paper and printing as well as delays in transporting the documents to the various Court locations.

D) Judge Alone Trials

The first judge alone murder trial during the pandemic, was completed using the audio video digital recording systems and the record was archived. Court reporters were assigned to monitor the hearing and transcribed the matter giving the court immediate access to the testimony being given. This is real-time reporting at its finest. The technology is cutting edge and, together with the integration solutions developed by the Information Technology staff, allows for Virtual Courts to run smoothly.

I would like to say a bit more about judge-alone trials. The ability of an accused person to elect trial by judge-alone came with the enactment of the Miscellaneous Provisions (Trial by Judge Alone) Act, 2017 (which came into force in February, 2019). Since its enactment, 20 accused persons have elected judge-alone trials. Even with the Covid-19 pandemic, the Court was able to treat with fourteen (14) such trials. It was easier to facilitate these matters, in most instances completely remotely, and in others: in particular where identification evidence was being received, required persons were present in Court

with the necessary social distancing requirements. As I predicted, it appears that concerns about defendants being somehow disadvantaged are unfounded. Of the 14 matters, 3 returned guilty verdicts, 7 were found not-guilty, there were 2 guilty pleas and 2 matters were unavoidably aborted and retrials ordered. As the practicality of jury trials poses its unique challenges in the pandemic, we hope to see increased numbers of persons opting for trial by judge alone during this time and beyond.

As time progresses, however, it is now obvious that the COVID-19 precautions are with us for a period far greater than originally considered and it is therefore necessary to determine how best to proceed with jury trials in the face of the pandemic. In light of that reality, the Criminal and Traffic Court Administration Department (CTCAD) also commenced stakeholder discussions with the Law Association of Trinidad and Tobago, members of the Criminal Bar, the Office of the Director of Public Prosecutions, the Legal Aid and Advisory Authority and its Public Defender's Office. A site visit to a court location was arranged to allow the representatives from the aforementioned stakeholder groups and CTCAD to better explore the possibilities and to develop informed decisions on the hosting of jury trials during the pandemic.

Among the concerns that must be addressed going forward are:

- i. The sanitization of court spaces before, during and after hearings.
- ii. That the social distancing restrictions are adhered to in the various zones of each courtroom, in designated jury spaces and waiting areas

Our protocols are based on the latest science and the Ministry of Health guidelines and legislation. Whenever it is necessary to consult with the CMO we do not require an intermediary for that purpose. I must make the point here that everything we do in the judiciary is data driven and based on research and the best available scientific knowledge. This sometimes puts us at odds with those who prefer to rely on intuition, anecdote and conventional wisdom. A case in point is the notion that in virtual trials one cannot clearly observe the witness' demeanour. Well if you have ever done one and know how to pin the image on the screen then you may have noticed that, to the extent that demeanour may at all be relevant, the elimination of peripheral visual information enhances focus and detail. In any event, numerous studies have confirmed that even trained professionals are not significantly better than the flip of a coin in determining, from demeanour, whether a witness is telling the truth. We do recognize that each matter poses peculiar challenges depending on the number of accused persons, the number of attorneys in the matter, the number of witnesses and whether witnesses were in witness protection and whether a jury was present and what would meet the interests of justice in a given case. Each trial is treated as a distinct project (as indeed proper case management requires in any event). During the

last term, some trials were conducted completely by electronic means, some with a blend of electronic hearing and in-person hearings and others completely in person.

CASE STATISTICS

Now is the time to answer the question that burns in many minds and by which, sometimes unfairly, we are judge often judged. How many cases did we determine? While we have been seriously impacted by the pandemic, retirements and resignations and an incomplete Appellate Bench, which could only be brought up to strength by the denudation of the High Court Bench, the answer is “quite a lot”! I had cautioned last year that, as we transitioned, one would expect to see a significant reduction before the numbers picked up again. However no one could have anticipated the devastating impact that Covid19 has had on all aspects of national life. One must recall that Practice Directions were issued suspending sittings save and except for urgent matters or matters deemed fit for hearing by the Court. We have tried, with the gracious cooperation of judicial offices and attorneys, to ameliorate the effects of the disruption by forgoing the summer vacation but such measures can only go so far. However, while, as expected, both filing and disposition totals have generally decreased, clearance rates have remained respectable. I will merely give a brief summary but I encourage you to peruse the very detailed statistical data in our annual report, which will be made available online.

Court of Appeal

Filings were down to 498 from 796 the previous year. While determinations were down from 577 to 184, it should be noted that of that 577 in 2018/2019, 60% (or 346) were dismissed for non-compliance as a result of a drive to clear ‘dead’ matters from the list. If those are discounted, the clearance rate has not suffered.

High Court (Civil)

Filings were down from 4967 to 4086. There was a corresponding decrease in determinations from 4086 to 3009. Given the reduction in the number of judges, this is quite acceptable as the clearance rate only dropped marginally from 78% to 74% and actually represents a higher percentage per judge.

Non-Contentious Probate

There is good news here. The reforms that are being implemented have begun to bear fruit. Even though filings dropped from 3942 to 2796, dispositions actually increased 22% from 2423 to 2958.

Family Court

A 21% decrease in filings to 4383 was accompanied by a reduction of just under 10% in dispositions to 2555. This actually represents an improved disposition to filings ratio.

It is noted that increasing comfort with virtual hearings resulted in increased dispositions, so that while in March and April, there were only 71 virtual hearings, May saw 574, June saw 914, and July saw 1296 with increasing dispositions despite fewer adjudicators.

Children Court

There a drop in filings from 1050 to 827 and determinations decreased from 731 to 677 in the Children Court. This actually represents a clearance rate increase from 70% to 82%

High Court (Criminal)

I have left this Division of the High Court for last because there are some troubling issues that need to be confronted. Yes it is true that Covid19 has affected our ability to have jury trials. Yes it is true that some of the judges have been elevated to the Court of Appeal. But there must be a reason why only 12 Indictments were filed last year. We have completely cleared up the transcription backlog in the Summary Courts and Committal Bundles are now transmitted electronically to the office of the DPP so it can't be that. And why are plea-bargaining and MSI's not being utilised more? Nevertheless, we are chipping away at the backlog, having disposed of 97 matters but we can take no comfort in a clearance ratio of 800%; it hides a distressing truth that the criminal justice system is near collapse owing to factors beyond the judiciary's control.

District Courts (Magistracy)

In this arena, comparisons with previous years are of limited value, given the roll out of the U-Turn system for management of traffic matters and the full handover of matters involving children to the Children Court. This has resulted in the removal of a major portion of the case load. Traffic matters, which took up 60% of the caseload were essentially halved (from 64,272 to 33,007) and that trend will continue as we complete the first full year of implementation by the removal of all traffic ticket payments to TT-Post with only contested tickets remaining with us. Thus, the total number of matters filed during the last term was 64,534 as opposed to the average for the previous 10 year period of 126,163. With the removal of a further 5 or 6,000 indictable matters when the elimination of Preliminary Inquiries is complete, District Judges will be able to focus on their core function, which is the disposition of summary criminal and small civil claims and inquests.

This is therefore an opportune time to rationalise and streamline the operations of the District Courts. We have already begun with the reduction of Magisterial Districts from 12 to 3, North Trinidad, South

Trinidad and Tobago. This avoids unnecessary replication of staff and services in 14 separate locations. District Courts provide a wide range of services, some of which have to be managed in camera. One can readily appreciate the challenge in areas like Couva where there is only one Courtroom! Going forward, and utilising the capacity for remote access, it will be possible to have specialised locations for some services.

The technology will also finally enable us to move small claims adjudication online and to provide greater access to alternative dispute resolution.

Building Plant

In order to support all of the aforementioned activity, we continue to engage in significant construction and refurbishment activity incorporating the technology that drives our processes. During the last term work began on Tower D at the waterfront. It has been delayed somewhat due to the pandemic and delayed funds but will be completed in a few months. I know that there is a perception that the southland has been neglected. There is good news! In July this year we turned the sod for the District Court in San Fernando which, when completed will provide approximately 74,000 square feet of gross floor space to replace the old Magistrates' Court on Harris street. Funding approval has also been granted for the construction of a Family Court at the St Joseph of Cluny convent site and construction will begin shortly. The Princes Town Building is complete and we will be moving in before the end of 2020. Approval for funding for repair work on the Supreme Court Building in San Fernando has been granted and that work will soon begin.

Approval for the refurbishment of the Port-of-Spain District Court has been granted and that will begin soon.

Finally, the Tobago staff quarters will be completed during this law term, saving us thousands of dollars in hotel and rental expenses when judicial officers need to travel to or stay in Tobago.

Ladies and Gentlemen, as you can see, we have been very busy and productive despite the many environmental challenges. These achievements are not the work of any particular individual. They required the collective input of the entire family that we like to call "Team Judiciary". I want to publicly acknowledge all our members who have gone way beyond the minimum requirements of their jobs, sometimes at great personal sacrifice, to make it all possible.

Be assured that the judiciary remains committed to its vision, which is to provide an accountable court system in which timeliness and efficiency are the hallmarks, while still protecting integrity, equality

and accessibility, and attracting public trust and confidence. That is consonant with our determination to remain a high-performance professional organisation.

Time does not permit me to list all of our achievements and plans. I invite you to read our annual report for a more comprehensive and detailed account.

For now, all that remains is for me to thank you for having afforded me the courtesy of your attention.

May God bless you all and may God bless our beloved nation!