



JURIST NEWS

JUDICIAL REFORM AND INSTITUTIONAL STRENGTHENING (JURIST) PROJECT

THE QUARTERLY NEWSLETTER OF THE JURIST PROJECT | ISSUE 02 | 2016

JURIST PSC Meeting convened

The Judicial Reform and Institutional Strengthening (JURIST) Project convened its second Steering Committee Meeting on September 2, 2015 at the Hyatt Regency Hotel in Trinidad and Tobago.

The JURIST Project Steering Committee (PSC), meets once a year, and is the strategic governing body of the Project responsible for:

- providing strategic policy direction and overseeing Project performance;
- reviewing and approving all Project governing documents;
- ensuring that governing documents reflect the major cross cutting themes including: gender equality, the environment, good governance and sustainability; and court excellence;
- reviewing annual progress reports;
- providing information and guidance on the general direction of the Project and reviewing the relevance of project outcomes, strategies and plans in the context of changing policies of regional governments;
- facilitating the coordination and collaboration of the JURIST Project with other projects and programmes; and
- making recommendations as to the strategic direction and policy-related exercises to be supported by the Project.

The Meeting was chaired by the Rt. Hon. Sir Dennis Byron, President of the Caribbean Court of Justice and Project Director together with Dr. Gail Miller, Minister Counsellor (Development), Senior Director Caribbean Regional Program, Global Affairs Canada and Canadian Director to the Caribbean Development Bank. The PSC

met to review and approve the Project's First Year Annual Report and the Second Year Annual Work Plan.

The Meeting started off with a presentation on Results Based Management (RBM) and the Project's revised Logic Model by Mr. Mark Stiles, Project Monitor. A report was also given by Mrs. Nalini Shiwram-Kulpa, Project Manager on the status of recommendations made at the first PSC Meeting which was held from September 29 -30, 2014.

A detailed account of financial statements and activities undertaken in the first year was presented by the Project Management team which was followed by a report of proposed activities and budgets for the second year.

Presentations were also delivered by Justice Sandra Oxner of the Commonwealth Judicial Education Institute (CJEL) who addressed the judicial education component of the work plan and Mr. Andre Griffith, who spoke about the activities being undertaken in the Information Technology (IT) and Business Process Reengineering (BPR) component.

Additionally, Mr. Tariq Khan, President of the Barbados Bar Association spoke about the impact of the first JURIST sponsored Civil Procedures Rules (CPR) training in Barbados and Mr. Bevil Wooding gave an overview of the proposed Centre of Excellence.

After discussions the Committee provisionally approved the Second Year Work Plan pending some adjustments.

In this Issue

DEAR READER,

It is our pleasure to present to you the second issue of the Judicial Reform and Institutional Strengthening (JURIST) Project's newsletter – *JURIST News*.

In this issue we focus on showcasing the progress of some activities that were undertaken by the JURIST Project last year as well as any new initiatives which we commenced during the period September 2015 to January 2016.

We will take a look at the model court project in Belize and the implementation of a comprehensive indigenously developed Case Management Information System (CMIS) at the Court of Appeal. The BrightPath Foundation also made a donation of e-readers to support the project in Belize.

In Barbados, the JURIST Project supported the Barbados Bar Association (BBA) in hosting its second Civil Procedures Rules (CPR) training.

The JURIST Project also convened its second Project Steering Committee (PSC) Meeting and was a sponsor of the 4th Biennial Conference of the Caribbean Association of Judicial Officers (CAJO).

Additionally, a meeting was held to review and update the action plan on the integration of the Eastern Caribbean (EC) Member States magistracy into the Organisation of Eastern Caribbean States (OECS) judiciary.

For this issue, the Hon. Mme. Justice Shona O. Griffith, Supreme Court Judge and JURIST Project National Coordinator of Belize graciously accepted our invitation to provide a guest editorial.

Details of all these activities and more are available in this issue. We also take this opportunity to remind our readers that we welcome and appreciate feedback from everyone involved in the Project, as well as any contributions, information or materials which we can use for future editions of our newsletter. All correspondence can be sent to jurist@juristproject.org

- The JURIST Project Team



(TOP) Co-Chairs: The Rt. Hon. Sir Dennis Byron, President of the Caribbean Court of Justice and Project Director listens attentively while Dr. Gail Miller, Minister Counsellor (Development), Senior Director Caribbean Regional Program, Global Affairs Canada and Canadian Director to the Caribbean Development Bank clarifies some points for discussion. (INSET) A cross section of representatives of the JURIST Project Steering Committee.



E-Readers donated by BrightPath Foundation in support of Belize Project

In support of the Judicial Reform and Institutional Strengthening (JURIST) Project in Belize, the BrightPath Foundation donated five e-reader devices (with protective cases) to the Court of Appeal.

The BrightPath Foundation is an international non-profit organization with offices in Washington D.C., Miami and Port of Spain, focused on building local capacity through values-based technology training, education support and resource development initiatives. BrightPath has worked extensively with governments and development agencies across the region, including the Caribbean Telecommunications Union (CTU), the Organization of Eastern Caribbean States (OECS) and the Caribbean Network Operators Group (CaribNOG), delivering training, leadership development and technical capacity building to a wide variety of stakeholders.

BrightPath also has a long history of supporting technology education in Belize having worked with the Belize Public Utilities Commission to host Belize's first ever mobile app development workshop; and with the Caribbean Telecommunications Union (CTU) and Government of Belize to support Belize's Information and Communications Technology (ICT) Roadshow, Internet development and executive technology training workshops.

Mr. Richard Wall, an experienced information technologist specializing in Court Information Technology (IT) Systems, represented BrightPath for the handover of the devices at a ceremony attended by the Rt Hon. Sir Manuel Sosa, President of the Belize Court of Appeal; two Appeal Court judges; the Deputy Registrar and two senior IT personnel on October 7, 2015. Mr. Wall also designed impact assessment baselines and reporting metrics for the e-reader technology. These will be used to gauge the utility, effectiveness and benefit of the selected devices and supporting processes to the court.

An initial electronic document-set was selected to help the judges become familiar with the e-reader technology. Cases are being published to the e-readers (once the electronic case file is ready) and will be used for the duration of the model court project in Belize. An assessment will be conducted in close collaboration with court officials to determine whether the model of e-readers selected was suitable for the court in Belize and can be utilised in the wider Caribbean.



The Rt. Hon. Sir Manuel Sosa (right), President of the Belize Court of Appeal receives e-readers from Mr. Richard Wall of BrightPath Foundation.

Mr. Wall said: "This initiative is aimed at improving the overall efficiency of judges in reviewing case material by making it available electronically anywhere and anytime on an easy to use e-reader device. It will assist in reducing the dependency on court administration, paper and printing."

The JURIST Project implemented a model court project in Belize which has seen the introduction of new case management, information technology support and other programs in the Court of Appeal to improve the quality of justice delivery of the court.

Additionally, the JURIST Project supported the extension of a comprehensive indigenously developed Case Management Information System (CMIS) which is already being used in the High and Magistrate's Courts to the Court of Appeal. This initiative complements the delay reduction and backlog elimination objectives of the JURIST Project Implementation Plan (PIP).

GoneClear Systems Limited of Belize was engaged in October 2015 to install the software for use by the judicial officers and registry staff for the Court of Appeal and conduct all related services to ensure its effective use including training of staff and judges and ensuring post-implementation support. The software ensures that the court systems are smoother and more user friendly. The system was successfully developed and implemented and is currently being updated.

JURIST Project participated in 4th Biennial CAJO Conference

The Judicial Reform and Institutional Strengthening (JURIST) Project was a sponsor of the 4th Biennial Conference of the Caribbean Association of Judicial Officers (CAJO) which was held from September 24-26, 2015 at the Hilton Resort in Montego Bay, Jamaica.

Held under the theme, "Setting High Standards for Justice Delivery", the Conference attracted over 120 judicial officers from the Anglophone Caribbean, Curacao, Puerto Rico, Mexico, Canada and the United States of America (USA). The Conference began with keynote presentations from Professor Richard Drayton of the United Kingdom whose presentation was titled "Longer than rope? Time, History, and the Law in the Caribbean" and Professor Kimberly Papillon of the USA who spoke about "The neuro - science of judicial decision-making and impartiality."

Additionally, there were several panel discussions in which a variety of regional and international distinguished jurists and academics participated. CAJO elected a new

Management Committee of 13 persons at the Conference and one Resolution was passed.

The resolution reaffirms support for the principle of equality among the branches of the State and calls upon Caribbean states to take appropriate action to ensure that the judiciary is and is seen to be of commensurate status with the other branches so that the Head of the Judiciary is recognized, in practice, as the third highest public official in the Anglophone Caribbean territories.

In addition to attending the informative sessions at the Conference, the JURIST Project mounted an information booth in collaboration with the Caribbean Court of Justice (CCJ) which was visited by all the participants who were very keen on learning more about the judicial reform activities being undertaken by the Project in the Caribbean. Visitors to the booth also took time off to sign up to receive some of the information products developed by the Project such as the *JURIST News*.



(TOP) Mrs. Nalini Shiwram-Kulpa (left), Project Manager, JURIST Project welcomes the Hon. Mr. Justice David Fraser, Supreme Court Judge of Jamaica to the joint CCJ/JURIST Project booth.

(BOTTOM) A participant at the 4th Biennial CAJO Conference signs up for some of the information products from the JURIST Project.



JURIST and the Judiciary as agents of change

Guest Editorial

THE JUDICIAL REFORM and Institutional Strengthening Project (JURIST) is a reform initiative funded by the Government of Canada, entered into in partnership with the Conference of Heads of Judiciary of CARICOM. The project has as its implementing agency, the Caribbean Court of Justice. Its objectives are perhaps only a more modern restatement of the same goals which would have been applicable twenty years ago – improving court governance; enhancing delivery of justice; promoting economic development through inspiring public confidence in the judiciary and justice system. What may and is intended to make the difference in this case however, is that the direct management and implementation of the Project is placed in the hands of the Judiciary and not the Executive. The Project Director of JURIST is the President of the CCJ, the Rt Hon. Sir Dennis Byron; the Heads of Judiciary of all the participant countries across the region are in effect cast in the role of Project Managers for their respective jurisdictions and their designated nominees assist formal project officers with active implementation of the work of the project. It is assumed and intended, that a greater level of ownership and commitment to successful implementation will therefore be more forthcoming by reason of the direct participation of the Judiciary itself, which in turn would lead to more tangible improvements to the administration of justice within the region.

Part of JURIST's method of implementation is the operation of pilot projects in several participating countries, one of which is Belize, which once completed, are intended to be replicated across the wider region with the benefit of lessons learned and best practices derived from implementation of the pilots. In Belize, there is a glimmer of hope that this approach of placing responsibility for implementation in the hands of the Judiciary and streamlining overall project implementation by use of the pilots - will achieve greater results in effecting much needed and sought after change. In response to the country specific need to address a backlog of appeals from the Supreme Court (primarily criminal matters) awaiting hearing in the Court of Appeal, the Belize pilot was introduced in April 2015 under the delay and backlog reduction component of the Project. The manning of the project by its own, facilitated an ease of access to judicial officers and the administrative hub of the registry, so that the underlying systemic problems which fuelled the backlog were identified and solutions tailored to address the deficiencies and

improve the court's service.

The 'problems' unearthed included an antiquated manual system of filing and recording appeals; a significant number of unrepresented litigants unable to follow up and thus follow through with their appeals; appeals ready for hearing stalled because of lack of representation; and untimely preparation and transmission of transcripts from lower courts. With the aid of JURIST consultants, viable solutions were brokered through consultation with local judicial stakeholders, principally, the President of the Court of Appeal, Chief Justice, Registrar General, Deputy Registrar, Supreme Court IT and General Staff as well as the Bar Association. An electronic case management system was introduced to record and track appeals from filing to disposition. This system was an enhancement of the Supreme Court's existing and successful case management software (GoneClear) using the Supreme Court's system administrator and IT officers. Pre-trial case management conferencing was introduced to firstly marshal the cases in backlog and thereafter continued in respect of current cases on track for hearing. A call was made to the Bar Association and answered, for assistance to be rendered to unrepresented litigants with long awaiting appeals. Technical assistance was identified and provided to improve computer literacy skills of judicial officers and for recording equipment to be acquired to improve preparation and transmission of transcripts from lower courts.

In approaching its third session since the introduction of the pilot in Belize, the Court of Appeal has significantly reduced its backlog and the imposition of court controlled case management supported by an electronic system has streamlined the filing and progress of appeals. The use of case management conferencing has taken flight and been embraced by both bench and bar, with the result sessions have been more effectively and efficiently run. Full implementation of these simple but effective solutions, will see a higher disposal rate and increase in efficiency of the Court. These gains are modest relative to the overall needs of the Belize judiciary and justice system, but are nonetheless representative of positive and realistic improvements which can be attained, with the involvement and commitment of the Judiciary and its staff as actively invested leaders and agents of desired change and reform. Next on agenda for the partnership that is JURIST and the Belize Judiciary, is reducing the significant back log of inferior appeals.



The Hon. Mme Justice Shona O. Griffith
Supreme Court Judge and
JURIST Project National Coordinator, Belize.

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*Its objectives are...
improving court
governance; enhancing
delivery of justice;
promoting economic
development through
inspiring public
confidence in the
judiciary and justice
system.*

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Meeting held to discuss integration of magistracy into the judiciary

A stakeholder meeting to review and update the action plan for the integration of the Eastern Caribbean (EC) Member States magistracy into the Organisation of Eastern Caribbean States (OECS) judiciary was held on January 18, 2016 in St Lucia.

The meeting was attended by the Rt. Hon. Sir Dennis Byron, President, Caribbean Court of Justice (CCJ) and JURIST Project Director; the Hon. Dame Janice Pereira, DBE, Chief Justice, the Eastern Caribbean Supreme Court (ECSC); Dr. Didacus Jules, Director General, OECS; the Honourable Judith Stephanie Jones-Morgan, Attorney General, Saint Vincent and the Grenadines; the Honourable Steadroy

Benjamin, Attorney General, Antigua and Barbuda; Mr. Ruggles Ferguson, President, Grenada Bar Association; Mr. Greg Girard, Court Administrator, ECSC; and Mr. Francis Letang, Deputy Court Administrator, ECSC.

During the meeting, discussions were held on the way forward as they plan to formulate a model under which each member state can become harmonised under the magistracy and jurisdiction of the Chief Justice of the ECSC. They all agreed that a plan of activities will be developed and circulated among members for review and discussion followed by a subsequent approval during their next meeting.

A decision was also taken that both Antigua and Barbuda along with St. Vincent and the Grenadines will be used as models for other EC territories to emulate. Both countries have ratified the Eastern Caribbean Magistrates Agreement for the integration of the magistracy. The JURIST Project will support both countries to further develop the concept of integrating their magistracy into the OECS judiciary.

In moving forward a decision was taken at the meeting to conduct a revision of the constitutions of OECS member countries with a view to identifying the need for legislative reform.

Second CPR training held by JURIST Project and BBA

The Judicial Reform and Institutional Strengthening (JURIST) Project in collaboration with the Barbados Bar Association (BBA) hosted a second two day seminar to address the ongoing development of the Barbados Civil Procedure Rules (CPR). The seminar took place from November 11-12, 2015 at the Lloyd Erskine Sandiford Centre and addressed how evidence is dealt with under the CPR and the art of providing written submissions under the rubric of written advocacy.

The first seminar, which took place from May 27-28, 2015 was conducted by the Hon. Dame Janice Pereira, DBE, Chief Justice of the Eastern Caribbean Supreme Court (ECSC) and the Hon. Louise Esther Blenman, Justice of Appeal who serves as the Chair of the ECSC's Judicial Education Institute. It provided over 200 representatives of Barbados legal fraternity with a comprehensive understanding of the recently introduced CPR.

These seminars are initiatives under the JURIST's model court project in Barbados for developing reduction mechanisms to deal with delays and backlogs. Ensuring sound knowledge of the content, practice and application of the Barbados CPR by practitioners and the judiciary is a key component of the project.

Speaking at the opening ceremony Mr. Tariq Khan, President of the Barbados Bar Association reminded the participants that continuing legal education is a must, if as professionals they want to keep up to date with the relevant information and training needed to sharpen their skills and deepen their knowledge, so as to remain competent in their chosen career field.

The Hon. Sir Marston Gibson, Chief Justice of Barbados expressed his gratitude to the Canadian government for funding the JURIST Project in the region. He asserted "we are all lawyers, and so, there is nothing that the Bar will learn over the next two days that will not redound to the benefit of the Bench. We need the same knowledge."

Mr. Richard Hanley, High Commissioner of Canada, Barbados and the Eastern Caribbean noted that he was delighted that the seminar would train Chief Justices, Judges, Registrars and the broader legal fraternity in the use of the CPR, as an integral part of the delay and backlog reduction component of the JURIST Project. He also gave a background of the JURIST Project.

This seminar was conducted by the Hon. Mr. Justice C. Dennis Morrison, Acting President of the Court of Appeal of Jamaica, who at the start of his presentation acknowledged that continuing legal professional development as it is called in Jamaica, has been met with much resistance over the years.

He stressed however, that those who have been most vociferous against it, have been those in practice for a number of years and who ultimately need it most. As such, he emphasized the



(TOP) The Hon. Sir Marston Gibson (centre), Chief Justice of Barbados chats with Mr. Tariq Khan (left), President, Barbados Bar Association and Mr. Richard Hanley, High Commissioner of Canada, Barbados and the Eastern Caribbean at the opening ceremony of the seminar.

need for those in the legal profession to remain on the cutting edge. "The importance of the continuing legal education programme on which you have now embarked, cannot be overstated," he remarked.

He continued: "It is a topic of course, on which lawyers and judges have been resistant over the years, but now, with the pace of change in the modern world, it has become utterly irresistible. The notion is that we need always to be honing our skills and equipping ourselves with new information, new techniques, so as to meet the challenges of this fast changing world."

The training seminar was aimed at ensuring that participants understand:

- The nature and quality of evidence that must be provided for the purposes of a trial;
- The considerations that must be taken into account when providing written submissions in aid of applications and other pleadings made under the CPR; and
- How practitioners can prepare written submissions to represent written advocacy.

CPR was introduced in Barbados in 2008. Under the new dispensation all matters would comply with the rules as set out, the overriding objective being to do justice to the parties. The practical effect is that judges case manage while practitioners assume the front end of preparing pleadings on a trial ready basis.



Judicial Reform and Institutional Strengthening Project

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