



**Probate Division**

**From L-R Ms. Angela Wright, Dale Jackson, Ms. Marcia McNamee,  
Mr. Marlon Bennett, Ms. Lori-ann Williams**



**Family Division**

**From L-R Omar Rainford, Mrs. Keesha Bernard Mitchell, Ms. Noreth Archer,  
Ms. Jestina Lewis, Mrs. Elaine McLeod, Mrs. Sandra Dolphy,  
Mark Campbell, Mrs. Ronella Binns, Howard Hood**



**Common Law / Civil Division**

**From L-R Standing - Ms. Arlene Jackson, Michael McClarty, Ms. Shellane Litchmore, Sheldon Graham, Shane Richards, Craig Cunningham, Robert Ogbourne, Mrs. Keesha Bernard Mitchell, Marlon Malcom**  
**Sitting -Ms. Laretha Wisdom, Alexander Kerr, Ms. Cheryl Turner, Orvel Burke, Ms. Taneesha McLeary, Sheldon Gray**



**Secretaries**

**Standing L- R Mrs. Marlene Kerr, Ms. Marlene Guthrie, Ms. Charmaine Atkinson  
 Mrs. Karlene Johnson - Pinnock, Mrs. Joyce Williams, Mrs. Aquella Savoury-Carby**  
**Sitting L-R Mrs. Jean Gordon, Ms. Michelle Thomas, Mrs. Arlene Goode - Esson  
 Mrs. Marjorie Bertram, Ms. Fione Jarrett**



**Computer Staff**  
**From L- R Sheldon Gray, Ms Arlene Jackson, Robert Ogbourne,**  
**Mrs. Keesha Bernard Mitchell, Sheldon Graham**



**Court Reporters of the Supreme Court**  
**Front L-R Ms. C. Corinthian, Ms. A. Malcolm (Acting Chief Court Reporter), Ms. R. Broderick,**  
**Ms. A. Clarke, Ms. D. Pinnock, Ms. A. Jordan**  
**Back L-R Ms. A. Farquharson, Ms. M Roper, Ms. A. Clarke, Ms. G. Henry, Ms. S. Patterson, Ms. N. Lawrence,**  
**Ms. D. Cunningham, Ms. R. Allen, Ms. P. Smith, Ms. D. Roberts, Ms. A. Gentles**



**Court Administrators and Personnel Department**  
**From L- R Sitting Ms Joy Francis, Mrs. Jacqueline Parker, Ms. Deborah Rance**  
**Standing Ms. Charmaine Campbell, Mrs. Juanita Gooden,**  
**Ms. Stephanie Williams**



**Ancillary Staff**  
**Sitting L-R Ms. Esmie Christian, Rudolph Morrison, Ms. Agatha Wright**  
**Standing - John Garvey, Hewan Campbell, Stephen Williams**

## **Registries**

The Supreme Court exercises jurisdiction in both civil and criminal matters. For the purpose of convenience, the business of the court is divided into the Criminal, Gun Court, Revenue, Bankruptcy, Civil, Commercial, Family and Probate Divisions.

There are four registries, the Criminal Registry, the Civil Registry, the Revenue Court Registry and the Gun Court Registry. There is also a Court Reporting Department. The Civil Registry is divided into categories: the Commercial Court Division, Probate Division, Family Division and the Bankruptcy Division. With the reform of the court system and the introduction and implementation of the New Civil Procedure Rules 2002, matters which were formally filed in equity, common law, admiralty, applications for enrollment as Attorneys-at-law, applications relating to restrictive covenants and miscellaneous applications, are now filed in the Civil Division with the designation HCD (High Court Division)

The Registries are staffed by Clerical Officers (i.e. Court Assistants, Court Aides and Ushers) and Typists as well as Court Administrators. There are three Deputy Registrars assigned to the Civil Registry, one assigned to the Criminal Registry and a Legal Officer assigned as Registrar to the Revenue Court. The Gun Court is staffed by a Court Coordinator as supervisor, while two Legal Officers are assigned as Judicial Clerks in the Chief Justice's Chambers. There are two Registrars with overall responsibility for administration in the Supreme Court.

Recognizing that its human resources are of critical importance in achieving its goals and objectives, and in an effort to improve the efficiency of the staff, the Judiciary continues to invest in the training and development of staff by providing training programmes at all levels. These programmes take the form of seminars and workshops. During the period under review, members of the Judiciary as well as other staff members received training in the area of Information Technology with a view to the implementation of the Judicial Enforcement Management System (JEMS) for case management. The computerization of the Supreme Court Registries is being carried out on a phased basis. By the commencement of the Hilary Term 2003 the JEMS programme was in operation in the Civil Registry and was phased in, into the Probate and Family Divisions by August.

## **The Commercial Court**

The Commercial Division of the Supreme Court came into effect on November 3, 2000, pursuant to the exercise of the powers conferred on the Rules Committee by section 4 of the Judicature (Rules of Court) Act. These rules were duly referred to as the Judicature (Commercial Court Division) Rules 2000 and were further incorporated and expanded on in part 71 of the Supreme Court of Jamaica Civil Procedure Rules 2002, which came into effect on January 1<sup>st</sup> 2003.

The main reason for the establishment of this Court is that it should be a court of speedy trial. Prior to its establishment, any Judge of the Supreme Court heard matters of a commercial nature, now all commercial matters are heard by the sitting Judge. The Court is composed of a Judge, Deputy Registrar, Court Assistant, Court Aide and a Secretary. To date 17 matters have been filed in the Commercial Division.

Prior to January 2003 filing fees for all matters in the Supreme Court, including matters of a Commercial nature was J\$150 however, pursuant to the Supreme Court (Commercial Division) Fees Rules 2002 which came into effect on 21<sup>st</sup> January 2003 matters filed in the Commercial Division now attract fees on the following scale:

- |  |          |
|--|----------|
| 1. Claims for 2 Million Dollars or less or<br>Claim for non-monetary relief    | \$ 2,000 |
| 2. Claims for more than 2 Million Dollars<br>but less than 10 Million Dollars  | \$10,000 |
| 3. Claims for more than 10 Million Dollars<br>but less than 50 Million Dollars | \$20,000 |
| 4. Claims for more than 50 Million Dollars                                     | \$30,000 |

The establishment of the Commercial Court will see, without a doubt, an increase in the number of matters filed in this Division in the future.

## **The Revenue Court**



**Revenue Court Staff**

**From L-R Mrs. Acquella Savoury-Carby, Ms. Charmaine Atkinson, Mrs. Kamala Graham-Samuels (Registrar)**

The Revenue Court was established in 1972 by the Judicature (Revenue Court) Act, and is governed by the Revenue Court Rules, gazetted September 22 of that same year. The Act gives the Revenue Court jurisdiction to hear and determine any appeal brought before it pursuant to the Schedule. The Schedule makes reference to sections under various laws which allow aggrieved taxpayers to take their appeals against Revenue Commissioners to the Court.

The laws mentioned include the Income Tax Act, the Land Valuation Act, the Transfer Tax Act and the Customs Act. It is worthy of note, however, to say that although the Court hears matters by way of appeals against decisions of the relevant Commissioner, it does have original jurisdiction as the fact finding tribunal. Thus, findings of fact by the Judge in the Revenue Court, will not be upset on appeal to the Court of Appeal, unless they are manifestly wrong.

For some time, there had been some debate as to whether the Court, being a creature of statute, stood independent of the Supreme Court. This issue was settled by the Court of Appeal decision in *United Estates Limited v Commissioner of General Consumption Tax* (1992) 29 J.L.R 286, which confirmed that the Revenue Court is a division of the Supreme Court. In that case, Downer J.A., after citing sections of the Judicature (Revenue Court) Act and the Constitution, said at page 287:

“When Parliament labels a court, the Revenue Court, and a Puisne Judge of the Supreme Court is prescribed to preside over it – the logic of the Constitution is that it is part of the Supreme Court.”

The present Judge of the Revenue Court is the Honourable Mr. Justice Roy K. Anderson, who sits as a Puisne Judge in the Supreme Court. It is otherwise staffed with a Registrar, two (2) secretaries and an office attendant.

In addition to appeals from taxpayers, the Judge of the Revenue Court is empowered, by virtue of the Revenue Administration Act, to hear applications for search warrants brought on behalf of the Revenue. Thirteen such applications have been heard since the start of 2003.

In recent years, the number of new cases initiated by taxpayers has been on a steady decline and this, even more so, because of the institution of the Taxpayer Appeals Department which provides an alternative for the dissatisfied taxpayer. There are, at present eight (8) active cases in the Revenue Court. Of these, there are six (6) involving General Consumption Tax, one (1) involving income tax and one (1) involving stamp duties.

### **The Library**

The Supreme Court of Jamaica was established in 1681, during the reign of King Charles II, there is however no evidence as to the exact date that the Library was started. From its earliest days the library has served as the most comprehensive law library in the island and recognition of this fact was made in the Jamaica Almanac of 1879 where it was stated that the law library was a credit to the island. The main role of the library is to support the Supreme Court in achieving its mission of a “timely delivery of a high standard of justice for all”. It must therefore acquire, classify and store precedents and legal writings, which are the foundation of the legal system. This would include both electronic and printed materials.



**Library Staff**

**From L-R - Standing Mrs. Tamara Tennant Grant, Ms. Carol Ford (Chief Librarian),  
Ms. Oresha Lambert, Ms. Betty-Ann Redwood**

The library has a complement of six (6) persons – two professionals, (Chief Librarian and Librarian), two Library Assistants, a Secretary and a Library Aide (known in some libraries as a Book Attendant). Regrettably the library is short staff by two with there being no Librarian and no Secretary. However, it is expected that the requisite complement of six (6) will be in place during the 2003-2004 period.

Maintaining a comprehensive law collection in a Court is a difficult and expensive task. This has been made even harder with the rapid devaluation of the Jamaican dollar. Certain essential publications, such as Law Reports cost in excess of £300.00 per year, exclusive of shipping costs. The rapid devaluation of the local currency coupled with the constant increases in costs has resulted in the collection not being as up-to-date as is desired.

It is imperative that this situation be improved, as there is an ever increasing demand for Law Reports due to the implementation of the Civil Procedure Rules in January 2003 which are based on the English Civil Procedure Rules 1998. Current Law Reports with judgements handed down are required in order to assist our Judiciary in arriving at their decisions. In addition to the Judiciary, Resident Magistrates and Attorneys-at-Law, the Library also serves persons studying law. Other persons doing legal research may use the library having received permission from a member of the Library Staff.

The National Information System is comprised of all Libraries in Jamaica, which are divided into networks according to their speciality. As the Supreme Court Library is the focal point for the Legal Information Network (LINET), the Chief Librarian sits on the System's Advisory Committee (ACNIS). Also, the Chief Librarian attended the 18<sup>th</sup> Annual General Meeting of the Caribbean Association of Law Libraries held in St. Kitts and Nevis in July 2003. The theme of the conference was "Preparing for the Future" and included sessions on the forthcoming Caribbean Court of Justice.



## **Judicial Clerkship Programme**

In June 1990, the Judicial Clerkship Programme was started under the auspices of the Chief Justice as a collaborative effort involving the Supreme Court, the Ministry of Justice, a number of law firms in the Corporate Area and the Norman Manley Law School. At the inception, the objective was to allow first year law students to fulfil their ten-week in-service training requirements as Judicial Clerks to the Judges of the Court of Appeal and the Supreme Court. At the same time it provided the Judges with an opportunity to be directly involved in the training of young aspiring Attorneys-at-law.

The programme seeks to provide the students with a broad, first-hand exposure to the law, the procedures by which it is governed and the Court system within which it operates. To accomplish this, the Judicial Clerks are rotated among the judges whom they accompany to Court and Chambers as well as assist with legal research.

Over the years, the law students have demonstrated a keen interest in the programme to the extent that it has been expanded to include second year students who are eager to participate, though at present this is permitted only on a pro bono basis. This year there were five (5) such participants in the Programme. The success of the programme is further evidenced in the ever-increasing number of applications submitted each year and this has influenced the sponsors to augment their contributions, enabling some (14) first year participants in the 2002-2003 period.

From a modest beginning consisting of only two (2) Judicial Clerks in its first year, the Judicial Clerkship Programme has mushroomed to the point where over one hundred (100) participants have been accommodated to date. It continues to be a viable and worthwhile project, contributing to the development of high standards in the calibre of our young legal practitioners.

The following law firms, which have sponsored this programme over the past thirteen (13) years must be commended for this very positive step in the development of our legal practitioners: Myers Fletcher & Gordon, Dunn Cox, Grant Stewart Phillips & Co, Nunes Scholfield Deleon & Co., Patrick Bailey & Co., Livingston Alexander & Levy, and Rattray Patterson & Rattray.

## The Resident Magistrate's Court



**Resident Magistrates**

There is a Resident Magistrate's Courts in each of the fourteen (14) parishes of Jamaica presided over by a Resident Magistrate. The Resident Magistrate's Court exercises both criminal and civil jurisdiction. The civil jurisdiction is generally limited to amounts not exceeding J\$250,000.00, however in exercising jurisdiction in claims in Equity-values and Probate and Administration, the sum of \$1.5 million should not be exceeded. The Act empowers the Minister to increase the monetary jurisdiction of the Court in civil matters, however any order for such increase is subject to Affirmative Resolution. The criminal jurisdiction is limited to those offences in which the statute expressly says it is triable by a Resident Magistrates. Resident Magistrates also hold Preliminary Enquiries in criminal cases in order to determine whether cases are to be sent for trial in the Circuit Court Division of the Supreme Court.

The Resident Magistrate's Court is basically staffed by a Resident Magistrate, a Clerk of the Court, a Court Administrator, a Deputy Clerk, Assistant Clerks, a Secretary, an Accountant and a Bailiff, different Courts will have varying staff complements. Court Administrators subject to the Resident Magistrate are responsible for the general administration of the Court to which they are assigned.

The, Small Claims Court, Night Court, Drug Court, Family Court, Juvenile Court, the Coroners Court, the Petty Sessions Court, the Traffic Court and the Tax Court are all under the jurisdiction of the Resident Magistrate's Court.

### **Small Claims Court**

In order to provide a forum where claims involving small sums can be settled quickly and inexpensively, it was proposed that a Small Claims Division of the Resident Magistrates Court be established with jurisdiction to hear matters that do not exceed Fifty Thousand Dollars (\$50,000). The Resident Magistrates Court (Amendment) Act, Rules 1999 was published in the Gazette dated December 23, 1999. Sittings of the Small Claims Court commenced on February 19, 2001. Clerks have been trained to deal with filing of cases within the jurisdiction of the Small Claims Court. The Chief Justice may, on the recommendation of the Dispute Resolution Foundation, appoint persons to be approved mediators within the court.

### **Night Court**

On September 4, 1995, the Night Court was established in the parishes of St. James, Clarendon, St. Catherine and the Corporate Area and thereafter extended to other Parishes. The system was created to deal with both civil and criminal cases where the parties have no legal representation, this has proven to be a viable option in the nation's justice system.

The Night Court is a sitting of the Resident Magistrate's Court and exercises the same jurisdiction as the day sitting of the Court. Night Court has the jurisdiction to address civil matters such as outstanding personal debt and property rent, recovery of tenement, default judgment, judgment summons and damages. Breaches of the Public Utilities Act, affiliation, tourist related offences, assault at common-law, assault occasioning bodily harm, minor ganja and cocaine related cases, housebreaking and larceny, simple larceny, and traffic violations are the areas of criminal cases over which Night Court has authority.

### **Drug Court**

This is a special Court charged with the responsibility of handling cases involving drug-abusing offenders. Through an intensive and continuously supervised treatment and rehabilitation programme the court is designed to achieve a reduction in substance abuse and recidivism among non-violent and juvenile abusing offenders and to rehabilitate drug abusers through intensive and continuous judicially supervised treatment, mandatory drug testing and the use of graduated sanctions and other rehabilitation services. The Drug Court is presided over by a Resident Magistrate and two Justices of the Peace. A person who has been charged with a relevant offence, suffers from a drug dependency problem and satisfies other prescribed criteria may be eligible for entry into the Drug Court Rehabilitation Programme. Entry may be direct by way of pre-trial referral or post trial referral.

### **Family Court**

The Family Court is a special court responsible for all legal proceedings relating to family life. It differs from other courts in that its structure includes social services. The first Family Court was set up in Kingston at 74B King Street on December 18, 1975. It serves residents of Kingston and St. Andrew. Due to the great demand for the services of this court, another court was set up in Montego Bay, St. James in 1978 with an out-station in Lucea and Savanna-la-mar. Since January 2001, a Family Division of the St. Catherine Resident Magistrate's Court was established in Portmore, St. Catherine.

The Family Court has the power to deal with family matters arising out of the Affiliation Act, the Children (Guardianship & Custody) Act, the Children (Adoption of) Act, the Education Act, the Juveniles Act, the Maintenance Act, the Married Woman's Property Act, the Status of Children Act and the Domestic Violence Act Juvenile Court

The Juvenile Court has general jurisdiction over delinquency, children in need of care and protection petitions, adult contributing to a delinquency of a minor cases, guardianship, adoption, termination of parental rights proceedings, and youthful offender cases.

### **Coroners Court**

The Coroner is usually a Resident Magistrate who may sit with a jury to hold an inquest into sudden or suspicious deaths in his parish.

### **The Petty Sessions**

These Courts are presided over by Justices of the Peace and sit regularly in all principal towns of each parish to deal with minor criminal cases.

# Rules Committees

## ***Supreme Court Rules Committee***

The Rules Committee was established in 1961 under the Judicature (Rules of Court) Act. The Committee is charged with the responsibility of making Rules of Court for the purposes of the Judicature (Appellate Jurisdiction) Act, the Judicature (Supreme court) Act, the Judicature (Supreme Court) (Additional Powers of the Registrar) Act, the Justice of the Peace (Appeals) Act, the Indictments Act and any other legislation which relates to the Jurisdiction of the Court of Appeal, Supreme Court or any Judge or Officer of those Courts.

The committee is comprised of the following persons: -

- i) The Chief Justice – Chairman
- ii) The President of the Court of Appeal
- iii) The Attorney General
- iv) The Director of State Proceedings
- v) Five Attorneys-at-law in private practice.

Throughout the years the committee has been involved in revisions of the rules relating to Attorneys-at-law, costs, as well as establishing the fees payable for stamping documents used in the Supreme Court. The committee also did extensive work on the Matrimonial Causes Act and Rules, which came into effect in 1989.

The Civil Procedure Rules 2002 came into effect on January 1, 2003. The rules seek to create a new culture of litigation as well as to improve and to reform particular procedural arrangements. The rules represent a departure from the Judicature (Civil Procedure Code) Law, which had been in force from 1889. These rules are a response to complaints that litigation was too complex, slow, uncertain and expensive.

The overriding objective of the rules is that it will enable the court to deal with cases justly, which includes:

- (a) Ensuring that the parties are on equal footing and not prejudiced by their financial position:  
There is far less scope for a party who is stronger economically to use intimidatory tactics against a weaker party. The court could not and should not, however reduce the right of a party to be represented by solicitors or an advocate of his or her own choice even if the other party could not afford a lawyer of equal status.
- (b) Saving Expense:  
These new rules limit the parties' ability to roam widely and without any consideration as to waste. The rules are also designed to reduce the expenses associated with litigation by encouraging settlement and shortening the trial process.

- (c) Dealing with cases in ways which take into account (proportionate to):-
  - i) the amount of money involved
  - ii) the importance of the issues
  - iii) the financial position of the parties
- (d) Ensuring that cases are dealt with expeditiously and fairly: In case management the court must give effect to this procedural value.
- (e) Allotting to each case an appropriate share of the court's resources:  
The use of the court's resources will now be considered as a part of substantial justice.

In order to achieve the overriding objective the rules have been drafted in relatively simple language and Civil Litigation is now determined by the Court.

In addition to this, the Rules also seek to achieve some amount of transparency in the litigation process. This is evident at the beginning of the process as the Rules stipulate that supporting documents be filed with the Claim. Later, litigants participate in the Case Management Conference where orders may be made for the exchange of Witness Statements, the limiting number of witnesses and generally setting realistic timetables for the completion of the matter. Parties may also be referred to mediation as a means of either settling or narrowing the issues in dispute. It should be noted, that the Rules encourage settlement by providing for extensive disclosure and encouraging dialogue between litigants at the Case Management Conference, Mediation and the Pre-Trial review, which follows the Case Management Conference.

These measures are designed to ensure that as far as possible, justice is delivered in a timely manner to those who approach the Court. They may also discourage those persons who may be tempted to file frivolous actions. The Rules are also designed to reduce the expenses associated with litigation by encouraging settlement and shortening the trial process.

The major changes are as follows: -

- 1) The language of the rules has been simplified and can be more easily understood by the public;
- 2) The method of starting an action has also been simplified. A claim is begun by either a Fixed Date Claim Form; a Claim Form; or a Notice of Application for Court Order. It should be noted that the Claimant participates in a very real sense from the outset, as he is required to sign the Certificate of Truth, which is attached to the claim.
- 3) The introduction of the Case Management Conference and the Pre-Trial Review;
- 4) The provision for Alternative Dispute Resolution/Mediation;
- 5) The use of Witness Statements at the Trial as evidence in chief;
- 6) Provisions with respect to Expert witnesses who are stated as having a duty to the Court;
- 7) The provision for hearings to be held "at any place and time that [the Court] via considers appropriate" This provision allows for hearings to be conducted by means of a telephone conference, video conference or other form of electronic communication; and
- 8) The provision of Wasted Cost orders.

## ***Resident Magistrate's Court Rules Committee***

The purpose of the Rules Committee is to formulate rules of practice governing Civil Proceedings in the Resident Magistrates' Court.

In accordance with the provisions of paragraph 7 of Schedule G of to the Judicature (Resident Magistrates) Act, the present members of the Rules Committee as constituted under the provisions paragraph 1 of Schedule G to the act are:

- (i) The Chairman
- (ii) Two Resident Magistrates
- (iii) Two Attorneys-at-law nominated by the Jamaican Bar Association and appointed by the Attorney General and Minister of Justice

The Rules Committee met on seven occasions since March 2003 to consider the draft Rules under the Judicature (Resident Magistrates) Act. These Rules are intended to revise and update the Resident Magistrates' Court Rules 1933 and also to conform where necessary to the Civil Procedure Rules 2002 of the Supreme Court. The draft Rules have been circulated to some members of the Jamaican Bar Association and the Regional Bar Associations for their comments. The comments of the Solicitor General were also received and considered.

The Committee is of the view that since the Resident Magistrates' Court is considered to be the People's Court mediation should be an integral part of the proceedings in that Court. The draft Rules are still under consideration by the Rules Committee.

# **Court Affiliated Organizations**

## **Consultative Committee of Bench and Bar (A sub-committee of the Jamaican Bar Association)**

The role and function of this sub-committee is to discuss, deliberate, analyse and resolve issues relating to the operation of the criminal and civil justice system as it relates to the profession, to wit, Attorneys and Judges. The work of the committee is to endeavour to promote and advance good relations between the Bench and the Bar, while fostering the work of the justice system. It aims to create a modus operandi of co-operative approach to difficulties being experienced in the administration of justice, and all procedures integral to the operations of the Courts. The Committee meets at least once per term.

It is comprised as follows:

- (i) President, Jamaican Bar Association and Chairperson
- (ii) Chief Justice and Co-Chairperson
- (iii) Vice President, Jamaican Bar Association
- (iv) Secretary of the Committee
- (v) President of the Court of Appeal
- (vi) A High Court Judge
- (vii) A Resident Magistrate
- (viii) 4 elected Members of the Jamaican Bar Council
- (ix) Attorney General's Representative
- (x) Ministry of Justice's Representative

## **Dispute Resolution Foundation**

The Dispute Resolution Foundation (DRF), is a non-governmental agency, whose operations is in keeping with the Ministry of Justice's mandate to expose the citizenry to all aspects of conflict resolution, not only adjudication. The modernization of the Jamaican Justice System has focused on developing new ways of 'doing justice.' Mediation and Restorative Justice are just two aspects of the modernization process.

One of the DRF's primary inputs in the administering of justice has been its use of Alternative Dispute Resolution (ADR) techniques. These techniques are either supplementary, complementary or alternatives to litigation, with mediation being largely employed.



The DRF is the implementing agency for the Social Conflict Legal Reform (SCLR) 'Supreme Court Mediation Pilot Project', which is sponsored by the Government of Canada, through the Canadian International Development Agency (CIDA) and the Government of Jamaica through the Ministry of Justice in association with the Supreme Court and the Legal Profession. Under this project, litigants are referred for mediation, the benefits of which include quick and effective resolution of conflicts. Access to the courts is improved and the cost of litigation to the parties and the courts are greatly reduced under the Mediation project.

Mediation refers to a dispute resolving process in which a neutral third party called the mediator facilitates and coordinates the negotiation of parties in disputes with a view to resolving or reducing the extent of the dispute.

### **The Lay Magistrates Association of Jamaica**

Justices of Peace are guided by the Justices of the Peace Jurisdiction Act that deals with:

- Summary Convictions and Orders
- Preliminary Examinations of Indictable Offences
- General Provisions
- Stipendiary Justices
- Small Penalties Recovery
- Protection from Vexatious Proceedings

Service in the Resident Magistrate's Courts is provided by Lay Magistrates on a rostered basis. The roster is developed and monitored by the Custos of each Parish. Justices of the Peace are Officers of the Courts.

They perform important functions in daily court proceedings. The primary areas where they operate are, presiding in Petty Session Courts, Juvenile Court, Jury Selection, Destruction of Illegal Drugs/Substances, Bail, Community Service Orders, and the granting of Spirit Licences.

### **Spirit Licence**

The Resident Magistrate's Court sits four times annually where at least three (3) Justices of the Peace from an annually selected team, preside in the granting of these licences.

### **Destruction of Illegal Drugs/Substances**

Upon the completion of any such trial the destruction of the evidence (ganja, cocaine, opium etc.,) must be witnessed and certified by two Justices of the Peace. This takes place at varying times throughout the year

### **Jury Selection**

The Resident Magistrate's Courts in each Parish meets at least once every five years, and at least two Justices of the Peace sit with the Resident Magistrate to process the selection of jurors

### **Bail**

Under the Bail Act whenever the Resident Magistrate's Court is recommending bail, the statutory declaration made by the surety or sureties must be entered before the Magistrate or a Justice of the Peace.

### **Community Service Order**

Community Service Order is one of the non-custodial sentencing options of the court, where an offender seventeen and over commits a minor non-violent offence ordered by a Judge/Magistrate to perform unpaid work in the community. Under the Criminal Justice Reform (Amendment) Act 2001, Justices of the Peace and in particular those in petty sessions can now consider making a community service order as an option to a fine or imprisonment.

## Continuous Judicial Education

The Justice Training Institute was established in July 1997 to serve the training needs of the Justice System. It was established to design, develop, organise, co-ordinate and conduct training programmes for personnel employed in the various agencies (Public and Private Sector) that serve the Justice System.

The Institute, in consultation with the Chief Justice, caters to the needs of the Judiciary by organising and co-ordinating training programmes to satisfy its needs. The Institute also has responsibility for the training of Justices of the Peace. Additionally, it may undertake, participate in, or commission research into areas relevant to the Administration of Justice, and publish those research findings. It further structures its training programmes/offerings on the basis of any relevant research findings.

During the period September 2002 to July 2003 the Institute's training thrust has been through a number of programmes namely:

- 1) A Certificate in Legal Administration for persons who work or have interest in legal administration in law offices, legal departments and legal entities of the public and private sectors
- 2) A certificate in Criminal Justice Studies for persons who work or are involved in the administration of the criminal justice process, or who have interest in understanding the essentials of the criminal justice process and the factors which impact upon that process
- 3) A training programme in Jamaican Sign Language – one of its thrusts in ensuring access to justice for people who are hearing impaired.
- 4) A training programme in Supervisory Management for supervisory personnel who work in public sector agencies.
- 5) A training programme in Customer Service for persons who work in the Justice sector agencies but not limited to those agencies

A number of training programmes were held for varied categories of persons in the country's court system, during the review period. Acting Puisne Judge, Miss Paulette Williams, who actively saw to the welfare and sustainability of the Drug Court in Western Jamaica, while she sat on the bench as Senior Resident Magistrate in the St. James RM Court, attended the International Association of Drug Court Professionals in Reno, Nevada.



**Judges of Court of Appeal and Supreme Court attending a training seminar**

Judges from the Supreme Court and Court of Appeal participated in seminars and workshops, which were integral to the Caribbean Development Bank's institutional strengthening of the Justice Sector Project, in Jamaica. These workshops focused on the operation of the Commercial Court, including: Restitution (Financial) and the Defence of Change of Position; Commercial Court Training; and Commercial Court Operations.



**Judges of Court of Appeal being trained in Computer Applications**

A continuous training programme in computer applications was designed to enhance the capability of justice sector personnel to adapt to the new technology and equipping them to use it to improve their quality of service. Twenty-seven Judges from the Supreme Court and Court of Appeal also enhanced their skills in Microcomputer Applications

Staff members from the Resident Magistrates' Courts and the Supreme Court also received training in Supervisory Management, as part of the ongoing process of improving the quality of service to the public.