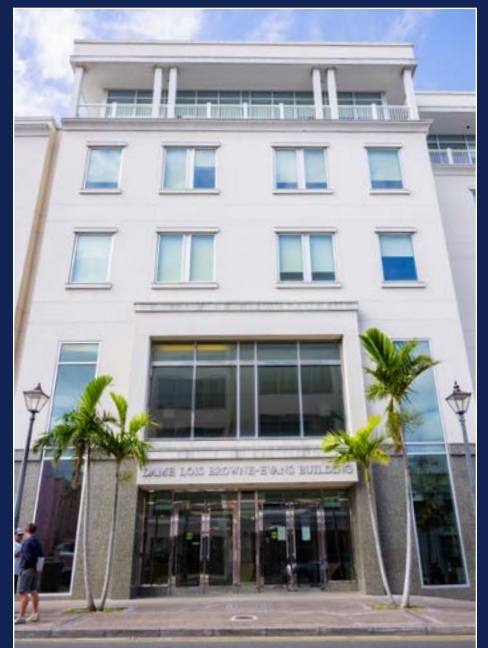




BERMUDA JUDICIARY

ANNUAL REPORT

2024





Copyright © 2025 Bermuda Judiciary

The Judiciary acknowledges with gratitude the contributions made to this report by the individuals and organisations who gave us the benefit of their views, expertise and experience.

All rights reserved. No part of this publication may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher, except in case of brief quotations embodied in critical reviews and certain other noncommercial uses permitted by copyright law. For permission requests, write to the Chief Justice, addressed “Attention: Hon. Chief Justice,” at the address below.

Front cover images by Jayde Gibbons and Antoine Hunt

Printed by the Department of Communication Information, Government of Bermuda

Bermuda Judiciary,
Dame Lois-Browne-Evans Building,
58 Court Street,
Hamilton, HM 12,
Bermuda

www.gov.bm/department/judiciary

TABLE OF CONTENTS

FOREWORD FROM THE CHIEF JUSTICE	05
INTRODUCTION	07
CHIEF JUSTICE'S REPORT	08
01. THE JUDICIARY	12
02. JUDICIAL ADMINISTRATION	39
03. JUDICIAL & LEGAL SERVICES COMMITTEE	65
04. THE BERMUDA JUDICIAL TRAINING INSTITUTE	67

FOREWORD FROM THE CHIEF JUSTICE

THE HON. MR. JUSTICE LARRY MUSSENDEN

I am happy to present the 2024 Annual Report of the Bermuda Judiciary. It is important, both as a matter of principle and for retaining public confidence, that the independent Judiciary branch of our state gives an account of its performance in discharging its duties to the public and Court users. The publication of the 2024 Annual Report is a demonstration of accountability by the Judiciary to the public.

I invite you to read the divisional reports after which I am confident that you will appreciate the commitment and dedication that each member of the Judiciary branch applies to serving the people of Bermuda.

I wish to inform the public and all Court users, that we are sincerely committed to providing you with the utmost professional judicial service based on key principles including the rule of law, fairness and integrity.



This Annual Report is a collaboration of reports from the various divisions and personnel of the judicial branch. I thank each of them for their reports and their work throughout 2024. Thus, I am tremendously pleased to invite you to read the 2024 Annual Report where you will find the main highlights of the last year and short commentaries on various Courts and their respective jurisdictions. It is an important document from the point of view of, as I have said, judicial accountability.

The Hon. Larry Mussenden
Chief Justice

INTRODUCTION

The Bermuda Judiciary is established by the Bermuda Constitution Order 1968 as a separate and independent coequal branch of the Government. Its task are to adjudicate charges of criminal conduct, resolve disputes, uphold the fundamental rights and freedoms of the individual and preserve and protect the Rule of Law.

The mandate of the Judiciary is to carry out its task fairly, impartially, justly and expediently, and to abide by the requirement of the judicial oath: “to do right by all manner of people, without fear or favour, affection or ill-will”.

The Judicial System in Bermuda consists of the Magistrates’ Court, the Supreme Court, the Court of Appeal and the Judicial Committee of the Privy Council as the final appellate court for Bermuda, which is located in London, UK. The Court of Appeal Registry and the Supreme Court Registry is responsible for the administration of the Court of Appeal and the Supreme Court, respectively. Both courts are established by the Constitution and the Court of Appeal Act 1964 and the Supreme Court 1905, respectively. Additionally, each court is governed by rules of court: The Rules of the Court of Appeal for Bermuda 1965 and the Rules of the Supreme Court 1985.

The mandate of the administrative arm of the judiciary is to provide the services and support necessary to enable the Judiciary to achieve its mandate and to embody and reflect the spirit of the judicial oath when interacting with members of the public who come into contact with the Courts. The Registrar is the head of the administrative arm and is the Accounting Officer. The post holder also exercises quasi-judicial powers.

There are six Justices of Appeal including the President, six Judges of the Supreme Court including the Chief Justice and five Magistrates inclusive of the Senior Magistrate.

All Judicial Officers are appointed by the Governor on the advice and recommendation of the Judicial & Legal Services Committee. Additionally, judicial officers receive the benefit of training and development through the Bermuda Judicial Training Institute which is chaired by a Judge of the Supreme Court, and whose administration is managed by the Executive Officer of the Institute.

CHIEF JUSTICE'S REPORT

Good afternoon, everyone, and welcome to the Special Sitting to commemorate the opening of the New Legal Year, 2025. It is a huge pleasure to extend a special welcome to His Excellency the Governor Mr. Andrew Murdoch who just last week was sworn in as the Governor of Bermuda. His Excellency is a barrister who has served in the Royal Navy, rising to the rank of Commander and serving as the Head of Operations for the Directorate of Naval Legal Services, later joining the Foreign, Commonwealth & Development Office. We look forward to an excellent relationship with and the support of His Excellency as we seek to develop the Judiciary and the services that we provide. No doubt his own legal experience will be of some significant benefit to us. On a lighter note, we will be pleased to entertain a motion for His Excellency to be admitted to the Bermuda Bar and appear as counsel, no doubt in matters brought against his office.

Also, I wish to acknowledge the Honourable Premier, US Consul General, the Honourable Attorney General Ms. Kim Wilkerson, the Solicitor General Mrs. Shakira Dill-Francois, the Director of Public Prosecutions Ms. Cindy Clarke, the President of the Bar Association Mr. Jerome Wilson, the Ombudsman Mr. Michael DeSilva, and other distinguished guests and members of our wider legal family. I extend my special thanks to the National Museum of Bermuda for bringing the Admiralty Oar or Mace which was made for the Bermuda Courts in 1697.

I start by acknowledging that the day-to-day administration of justice depends upon the collaboration and assistance of a number of agencies. I acknowledge with thanks the assistance given by the Bermuda Bar Council, the Bermuda Police Service, the Department of Court Services, the Department of Corrections, the Department of Public Prosecutions and the Ministry of Justice. I also want to acknowledge with thanks the pivotal oversight role performed by the former Governor Her Excellency Mrs. Rena Lalgie and the members of the Judicial and Legal Services Committee in dealing with judicial appointments and judicial complaints.

The Special Sitting last year marked our return after the Covid-19 pandemic to having Special Sittings to open the New Legal Year. That was in Sessions House. As you are aware, we have lost the use of Sessions House due to the deteriorating state of conditions there. Now at this Special Sitting in the Dame Lois Browne Evans Building, I am pleased to present the Bermuda Judiciary Annual Report for 2024 and to mark the opening of the 2025 Legal Year.

An appropriate starting point for the opening of this New Legal Year would be to recognize that the former Governor Mrs. Lalgie concluded her appointment as Governor just a few weeks ago. The Judiciary was pleased to host a farewell dinner for Her Excellency and her husband Mr. Jacob Hawkins in December when we thanked her for her steadfast support for the Judiciary and its development. She was keen to appoint new Judges and Magistrates and she further supported an increase in our number of Judges and Justices of Appeal. She also dedicated a considerable amount of time in supporting the amendment of the Judicial Complaints Protocol. We all wish Mrs. Lalgie and her family well in their return to London and her next appointment.

The Commonwealth Latimer House Principles, in commenting about the three branches of Government, said ***“Each Commonwealth country’s Parliaments, Executives and Judiciaries are the guarantors in their respective spheres of the rule of law, the promotion and protection of fundamental human rights and the entrenchment of good governance based on the highest standards of honesty, probity and accountability.”*** In speaking about the independence of the Judiciary it commented that “An independent, impartial, honest and competent judiciary is integral to upholding the rule of law, engendering public confidence and dispensing justice. The function of the judiciary is to interpret and apply national constitutions and legislation, consistent with international human rights conventions and international law, to the extent permitted by the domestic law of each Commonwealth country.”

Thus, our Annual Report and this Special Sitting, where speakers are entitled to express their views in the open public, is the starting point of accountability, especially needed in a small island home like Bermuda. The public have a right to know about our performance, our achievements and successes, where we have

not performed well, our challenges, where we are headed and how we will seek to address matters in the short and long term.

STAFFING

In working towards our goals the justice system relies on a number of parties to keep the wheels of justice moving. We all play significant roles which I will section into internal and external parties.

Internally, the system works due to the dedication and service of the Judges, Acting Judges, Assistant Justices, Magistrates, Acting Magistrates and Special Court panel members who hear and conduct cases and deliver a variety of outcomes on a daily basis. They are all owed a huge debt of gratitude.

Alongside of, and most times in front of the judicial officers, are the Registrar, the Assistant Registrars and the administrative staff who provide endless services to the Bench and to the external parties. I refer you to the Acting Registrar's Report in the Annual Report which speaks to the work of the registrars and staff. They are worth their weight in gold and huge thanks are extended to them.

External Parties – the number of new cases that continue to be filed shows that the people of Bermuda are confident that their disputes can be resolved in an efficient and effective manner. Thus, we thank the members of our society who avail themselves of the justice system. So too, we must extend our sincere thanks to members of the Bar who provide their services to the public in conducting cases. It is a competent, robust Bar made up of single person firms, small firms and large firms all doing the people's business. Generally, members of the Bar provide a stellar service to our society. We also extend thanks to people who serve as McKenzie Friends when a party is unable to retain counsel.

VARIOUS REPORTS

I now turn to the various jurisdictions of the Court to make short remarks although the Annual Report sets out fuller details.

Supreme Court Criminal Division – I am pleased that Justice Wolffe has provided the report for the Criminal Division. I extend my thanks to him, Justice Richards and the staff of the Criminal Division for their work. We have made recommendations to the Attorney General about expanding the pool of jurors and it was mentioned in the Throne Speech. We look forward to movement on that recommendation. We have addressed delays in paying jurors for their service and I have made it a priority for jurors to be paid as soon as possible after a trial concludes. We are also addressing the backlog of payments to jurors.

Supreme Court Civil/Commercial Division – Cases have continued to be filed, listed and progressed as best as possible with judgments following in good time although the pressures on the Judges have not always allowed for that. Justice Martin has joined Justice Subair Williams and me on the civil/commercial bench and we are supported by several Assistant Justices in conducting civil and commercial matters. Justice Richards also conducted some matters in the civil arena although his growing criminal caseload means that he will take on fewer civil cases. The Court has continued to use a combination of in-person hearings and remote appearances to provide a seamless service in cases. This flexibility has provided a benefit to parties as we can hear from parties or witnesses wherever they are in Bermuda or overseas.

The Commercial Court Users Committee meets on a regular basis as together we work towards practical solutions to support the Civil and Commercial Division. Another area of the Civil Court is the conduct of Mental Health Act applications, which must be heard by the Chief Justice. There is merit in amending the Act to allow for any Judge to have conduct of such hearings. With the rise of social media and its widespread use for good and bad, I envisage that defamation cases will increase in Bermuda. As I stated last year, we have made recommendations to the Law Reform Commission to update Bermuda's civil defamation laws. Applications in respect of mortgage defaults continue where mortgagors have fallen into default and applications are made for possession, powers of sale and money judgments. These actions have serious consequences for both lenders and homeowners. I note that generally, in such actions significant time has passed before legal proceedings are begun, and by that time, interest has accumulated into extraordinary amounts. It seems that earlier action by the parties would have benefit to all concerned.

Supreme Court Family/Matrimony Division – Thanks are extended to Justice Stoneham and Acting Judge Alex Wheatley for the conduct of the Family and Matrimony division. We have been fortunate to gain additional space in this building to create a chambers for family matters. Acting Justice Wheatley and I met with the Family practitioners with some very useful outcomes. I commend the Family and Matrimonial Report to you highlighting that there is a need to amend the Matrimonial Causes Rules 2023 to make the process streamlined and efficient. Additionally, we wish to take steps to follow the UK system of using forms for divorce ancillary relief proceedings and do away with the need for filing affidavit evidence.

Probate Division – The probate team met with the probate practitioners bar and we explained the state of affairs of delay, with the result being that we have created a Probate Working Group to assist with establishing best practices. We have applied more resources to the division which is being led by Ms. Tyasha Smith as Assistant Registrar (Consultant). Thanks are extended to the Probate Division team as well as to Mrs. Nelson-Stovell who has now focused on other areas of administration. We recognize the importance to deal with matters expeditiously to respect the wishes of the deceased and allow others to get along with their lives.

The Magistrates' Court – Sincere thanks is expressed to all the sections of the Magistrates' Court including criminal, civil, family, traffic and the treatment courts. As we have heard, the Magistrates' Court conducts the brunt of everyday work in the Courts and the complete team deserves our full support. Special thanks go to the Special Panel for all their work dealing with family and juvenile matters. We were pleased to host a reception for them and present certificates of appreciation in the early part of the year as well as host them for a Christmas party. We are pleased to have submitted a Cabinet Memorandum to the Attorney General for an increase in fees paid to members of the Special Panel, the first such increase in decades.

The IT Department – I extend my thanks to our Information Technology Manager Frank Vazquez and his assistant Brian Mello for their technology support. There is an IT Report in the Annual Report and we are all grateful to them for their work every day to provide systems in Court and for the administration.

The Social Committee – I extend sincere thanks to the Social Committee, chaired by Magistrate Maria Sofianos who has produced a report in the Annual Report. She and her team have done an excellent job of organizing social events for us which has included bowling, boating, national holiday celebrations and even a Halloween contest.

THE FUTURE IN 2025 AND BEYOND

Calls to the Bar – In 2024 there were 22 hearings when attorneys were called to the Bar, mainly young Bermudians who have qualified to be admitted to practice. These wonderful occasions were attended by counsel, applicants, their families and friends as their individual journeys were chronicled and celebrated along with the thanks of the Applicants and, in some cases, their tears of appreciation. The Bench expresses its congratulations and best wishes to all the new members of the Bar. We are confident that the highest standards of the profession will be maintained for years to come. A continuing observation is that there were not many who were keen to develop a criminal defence practice. Hopefully, the Bar and existing practitioners will work towards developing the defence bar, noting that commercial firms could benefit by sending their young counsel to work with criminal practitioners and get time on their feet.

Long Serving Members of the Bar – In December, we were all pleased to acknowledge the long service of Mrs. Shirley Simmons who was called to the Bar some 57 years ago and David Cooper who was called 50 years ago. It was an honour to present plaques to them. I am aware that there are other members who are reaching various milestones of Call and it will be an honour for all of us to mark such occasions.

Courtroom facilities – Last year I spoke of the collaboration between the Courts and the Ministry of Public Works in respect of the design phase for the renovations to be completed in the DLBE. Completion of these renovations will see the Court of Appeal, the Supreme Court's Criminal and Family Divisions and the Magistrates' Court and services all in one location. As I stated last year, as we seek to consolidate the Courts in DLBE, there seems to be significant merit in moving the Supreme Court's Civil and Commercial Division from the Government Administration Building into the DLBE building. It was my hope that renovation work would have started by now, but due to a number of factors, work is expected to start in

2025. As you have heard, the loss of the use of Sessions House has had an impact on our delivery of services and thus we need to start and complete the renovations as fast as possible.

Although we are planning renovations, the existing Courts and premises still need maintenance. We are extremely grateful to the Ministry of Public Works, in particular Sheridan Ming, Thomas Brown and their team of carpenters, electricians and other tradesmen, who respond to our needs on a regular basis, despite the demands on their resources. They are unsung heroes with a wide scope of expertise that make things work. We are particularly pleased for your assistance in securing bench seating for the public areas of DLBE, a first since this building opened many years ago. The benches are a warm reminder to us to provide proper service to our people.

Electronic Case Management System - The Court has issued a Request for Proposals for an electronic case management system. The procurement process is under way and the deadline for proposals to be submitted is 17 February 2025, after which evaluation and selection will take place. We intend for the system to be implemented later this year. The requirements include electronic filing and payment of fees, removing the need for endless paper files, tracking fines and balances, assisting with the management of warrants, and providing efficient support in managing child support payments. We have asked for some AI capabilities as well as mobile apps where a person can keep track of their own cases, dates and financial obligations. We extend our thanks to the Government which accepted the importance of having such a modern system and provided funding.



Strategic Planning – All organisations need a strategic plan that maps out the way forward over a long period of time. The Courts could benefit from a long-term strategic plan that pulls together the Courts' Mission and Vision Statements, a SWOT analysis, our goals and objectives, our strategies, develops our action plans, identifies the resources that are required and builds in evaluation, controls and reporting. There is merit in embarking on a strategic planning exercise that looks to set out the way forward for the next 15 to 20 years with periodic updates.

CAJO Conference – I extend sincere thanks to Justice Subair Williams for her work to make the CAJO Conference a reality. Her commitment, drive and enthusiasm along with her team made the conference a huge success.

THE INDEPENDENCE OF THE JUDICIARY

Previous Chief Justices have spoken of the independence of the Judiciary. In a democracy it is extremely important that the public and those that appear before the Courts know and trust that their cases will be decided in accordance with the law, and free of any influence or internal or external pressure. Interestingly, there has been a continued increase in litigation between the citizen and the Government in the form of judicial review, appeals from statutory bodies and other originating processes. In such times, there is a need for the judiciary to be independent of the Government.

Former Chief Justices and I have commented upon the need for statutory and/or constitutional amendments in order to enhance the concept of independence of the judiciary. It is worth repeating what Chief Justice Hargun said at a Special Sitting. Judicial independence is an evolving concept and has a number of different precepts. One such principle is financial autonomy and the need to have sufficient resources in order to properly discharge its constitutional responsibilities.

It is encouraging to note that jurisdictions similar to Bermuda, in terms of size and constitutional status on the international plane, have made constitutional amendments to achieve this goal. Thus, section 107 of the current version of the Cayman Constitution provides that:

“The Legislature and the Cabinet shall uphold the rule of law and judicial independence, and shall ensure that adequate funds are provided to support the judicial administration in the Cayman Islands.”

Thus, we are thoroughly pleased that the Throne Speech spoke of support for constitutional amendment in various areas. We are keen for amendments affecting the Judiciary to be made to the Bermuda Constitution Order 1968 within the foreseeable future.

As stated previously and worth repeating here, one interesting aspect of the independence of the judiciary is to review the remuneration packages of the Chief Justice, Puisne Judges, Registrars and Magistrates. Currently, we all fall under the pay scale of the civil service and any salary and benefits review is tied to that payscale. In another branch of Government, Ministers and Members come under the Ministers and Members of the Legislature (Salaries and Pensions) Act 1975. They have a review board which reviews their salaries every two years. They have a pension fund and other benefits. Thus, steps should be taken to ensure a similar approach for the Bench where a separate body should have the responsibility of setting Judges’, Registrars’ and Magistrates’ salaries, benefits and pensions like in other jurisdictions.

The Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government (2003) state:

- ***“Arrangements for appropriate security of tenure and protection of levels of remuneration must be in place ... The term of office of judges, their independence, security, adequate remuneration, conditions of service, pensions and the age of retirement shall be adequately secured by law.”***

ACKNOWLEDGEMENTS

I want to take this opportunity to thank the Registrar, the managers and all staff for their dedicated service during the last year under, at times, stressful conditions along with sincere thanks to all judicial officers in the Court of Appeal, the Supreme Court, and the Magistracy. I am grateful to Assistant Justice Southey KC and Assistant Justice Forde KC, both based in London, and Assistant Justice Nick Segal in the Cayman Islands, who have assisted the Bermuda Judiciary in relation to cases where our local jurists were unable to act. I also want to thank the panel of local Assistant Justices who voluntarily sit as Assistant Justices of the Civil and Commercial Court for nominal consideration.

Equally, I wish to thank those counsel who spoke today and extend my thanks to the members of your organizations, whether they be Government departments or the private Bar. You are the ones who have been retained to represent your clients, individuals, boards or companies, in pursuit of their cases. You are their voice, and in my view, there is no greater honour than to be a member of such a distinguished and esteemed profession. Members of the Bench have enjoyed meeting with the working groups in the commercial, probate, family and criminal divisions as we have learned directly from you what your needs are. We salute you for your service. Further, we encourage you to develop your careers so that you may one day be the head of your firm, be the Attorney General or Solicitor General, President of the Bar, the Director of Public Prosecutions, a Puisne Judge or Chief Justice. We offer every encouragement to you.

In closing, I invite you to read the 2024 Annual Report where you will find the main highlights of the last year and short commentaries on various Courts and their respective jurisdictions. It is an important document from the point of view of judicial accountability.

And finally, I would like to thank everyone who attended and invite counsel to have some pictures taken on the main staircase by the elevators in this building followed by a reception on the concourse. I now conclude this Special Sitting by formally declaring the 2025 Legal Year to be open!

Larry Mussenden
CHIEF JUSTICE



01. THE JUDICIARY

THE COURT OF APPEAL



RT. HON. SIR CHRISTOPHER CLARKE
PRESIDENT OF THE COURT



HON. MR. GEOFFREY BELL
JUSTICE OF APPEAL



RT. HON. SIR ANTHONY SMELLIE
JUSTICE OF APPEAL



RT. HON. DAME ELIZABETH GLOSTER
JUSTICE OF APPEAL



HON. MR. IAN KAWALEY
JUSTICE OF APPEAL



HON. MR. NARINDER K. HARGUN
JUSTICE OF APPEAL



RT. HON. SIR GARY HICKINBOTTOM
JUSTICE OF APPEAL

THE SUPREME COURT



HON. MR. LARRY MUSSENDEN
CHIEF JUSTICE



HON. MS. NICOLE STONEHAM
PUISNE JUDGE



HON. MRS. SHADE SUBAIR WILLIAMS
PUISNE JUDGE



HON. MR. ANDREW MARTIN
PUISNE JUDGE



HON. MS. ALEXANDRA WHEATLEY
ACTING PUISNE JUDGE

THE SUPREME COURT (CONTINUED)



HON. MR. JUAN WOLFFE
PUISNE JUDGE



HON. MR. ALAN RICHARDS
PUISNE JUDGE



MRS. CRATONIA THOMPSON
ACTING REGISTRAR OF THE
SUPREME COURT



MRS. KENLYN SWAN-TAYLOR
ASSISTANT REGISTRAR OF THE
SUPREME COURT



MS. TYASHA SMITH
ASSISTANT REGISTRAR OF
THE SUPREME COURT

THE MAGISTRACY



WOR. MAXANNE ANDERSON, JP
SENIOR MAGISTRATE



WOR. TYRONE CHIN, JP
MAGISTRATE



WOR. CRAIG ATTRIDGE, JP
MAGISTRATE



WOR. MARIA SOFIANOS, JP
MAGISTRATE



WOR. AURA CASSIDY, JP
MAGISTRATE

THE COURT OF APPEAL

The 2024 Legal Year commenced with our welcoming the Honorable Acting Chief Justice Larry Mussenden into his substantive position within the Judiciary of Bermuda. This change brought not only a new Chief Justice, but also his own style of management. We are profoundly grateful for the breadth and scope of service rendered by the outgoing Honorable Chief Justice Narinder Hargun, whom we are most eager to welcome to the Court of Appeal. His first sitting will take place this March 2025, alongside the Honorable Justice Gary Hickinbottom, who we are also welcoming to the Court of Appeal panel in 2025.



MARCH SESSION

The first items on the 2024 agenda were the outstanding criminal applications, mainly the result of a backlog created during the COVID lockdown period. The March Session heard several of these applications via case management hearings, which determined the next steps required for these matters to be heard before the full Court of Appeal. Of particular public interest were the applications of *Kamal Worrell*, *Tyronne Quinn* and *Cahlia Smith*. Preparations are currently being made to schedule these criminal cases and others for the March and June 2025 Sessions. It is always our aim to bring fairness and justice as expeditiously as possible to all involved, especially when cases such as these raise issues of child pornography, murder, and theft by persons in positions of trust within this small community.

Another highly publicized case heard during this Session was *Lamb and Lamb v Brightside* involving a very complicated family dispute, including, inter alia, questions of undue influence. Judges have a difficult task in determining the intricacies of such matters. In his judgment Kawaley JA expressed considerable sympathy for the difficult circumstances in which the first instance judge conducted the case: several hearings over more than one calendar year at a time when her workload was at material times prodigious.

In *Mexico Infrastructure Finance v Terra Law Limited* and *The Corporation of Hamilton*, several appeals were made in relation to interlocutory discovery orders raising issues of joint interest privilege. The crux of the controversy was as to “how the law relating to the waiver of privilege and joint interest privilege apply to the particular factual matrix of the present case”. By the end of the hearing the panel agreed that joint interest privilege did not exist on the facts of that case, although other aspects of the appeal were allowed.

Following the March Session, the Court of Appeal was informed of a decision of the Judicial Committee of the Privy Council in relation to the criminal appeal of *Julian Washington*. The Crown had indicated that it no longer opposed his appeal on the basis that the flaws in the DNA evidence rendered his conviction unsafe. The JCPC decided that Mr. Washington should be released on unconditional bail pending the hearing of his appeal. There was then an issue as to whether the JCPC should give a judgment or simply allow the appeal. In the end, the Crown having withdrawn its contention that it was unnecessary for the the Privy Council to deliver a judgment on 31 October 2024 the Privy Council gave a most informative decision in relation to DNA evidence, and the duties owed by expert witnesses in Bermuda.

JUNE SESSION

Another matter of public significance heard during the June 2024 Session was the civil appeal of *Hewey v The Legal Aid Committee* in which litigant in person Mr. Hewey, assisted by his McKenzie friend, appealed the Supreme Court decision of AJ Wheatley who had denied his application for judicial review of the policies regarding the denial of legal aid for the instruction of overseas leading counsel. In this matter, the Court of Appeal decided in favour of the Legal Aid Committee and highlighted the importance for Bermuda to maintain a “strong and experienced Bar for the administration of legal justice”.

There has been an increase in the efforts of litigants in person this year and a number of prison inmates have sought records and audio recordings. It is good that access is available to assist those who need a remedy most. But this need for self-help underscores the need for a sizeable and able criminal bar.

In *Afiniti v Chishti* it was argued that the Appellant was obliged to advance litigation expenses to the Defendant pursuant to an indemnification deed. The Court determined that it was “entirely open to the Court to decline to make any advance of expenses when there is a genuine dispute as to whether the Proceedings are prima facie indemnifiable before the procedure specified in the Deed has been carried out, since, until that is done, it is unclear whether any claim to an advance is a valid one”. The case involved, also, questions as to whether a foreign arbitration award gave rise to an issue estoppel; the formal requirements for reliance on such an award, the right of an appellant to amend his grounds of appeal without leave, and the jurisdiction to admit further evidence on appeal.

The *Minister for Cabinet and Postmaster General v Mailboxes Unlimited Ltd.* involved the question as to whether the Minister had failed, unlawfully, to comply with an applicable procurement process and whether Mailboxes had sufficient standing to apply for judicial review. The Justices agreed that they should dismiss the Minister’s appeal.

The Commission of Inquiry into the Historic Losses of Land in Bermuda has given rise to several appeals against Supreme Court judgments. These include *Piper and Davis v the Premier and COI* which related to a judicial review sought by the plaintiffs. The Court held that “the COI erred in failing to investigate [the] two complaints” thus allowing the appeal in part.

NOVEMBER SESSION

The November Session was busy and determined some significant cases for Bermuda. In *Tokunbo v the Attorney General and the Commissioner of Police*, an appeal was sought against a decision to strike out a claim against the AG involving the issue of vicarious liability. It was decided that “the Crown is vicariously liable for the wrongful acts or omissions” of police officers and that the Attorney General was the appropriate defendant as the representative of the Crown. In this case it was argued that the Plaintiff was treated unlawfully following an accident involving a single vehicle.

The criminal appeal in *A v The King* was another significant case in relation to practice in criminal cases. A highly prejudicial comment had been made by a witness in the presence of the jury. The jury was then discharged. A new jury was empaneled which contained five members of the original jury. The Court allowed the appeal on the ground that the second jury was, in a sense, contaminated by the presence on it of five members who had heard the original comment, and that no direction by the judge could overcome the unfairness to the defendant which the prejudicial comment had caused. The judge in the second trial should have granted the application by counsel to declare a mistrial at an early stage. A retrial was not sought.

In addition to completing the judgments for the remaining cases heard in the November session, preparations were made to accommodate a Special Sitting for the civil appeal of *Grand View Private Trust v Wong* in London, for 10 days in January 2025.

INFRASTRUCTURE

The Court of Appeal has made several improvements to its digital and physical infrastructure. Following the June sitting at Sessions House, the Judiciary was informed that they were required to move to its current location within the Dame Lois-Browne Evans Building. The move marked not only a physical change but, also, provided an opportunity to organize and manage the administrative processes and procedures better.

We appreciate all who have been patient during this time of transition and also recognize those who have adjusted to the new fee structures and other compliance initiatives such as uploading submissions to the Registry's SharePoint. We are grateful to those that assisted with the move and hope that the new space continues to serve as it should.

We are still actively working behind the scenes to create a more efficient jurisdiction that effectively serves the needs of the community. We look forward to the implementation of the new database system, which would greatly assist with record keeping and communications.

CONCLUSION

The 2024 Court of Appeal Season concluded on a high note with a Special Sitting to mark the retirement of Justice of Appeal the Honorable Geoffrey R. Bell, which was attended by his close family, friends and colleagues within the legal community. Justice Bell's reputation is very high and we are very grateful to have had a man of such character, drive and aptitude as a colleague.

We look forward to streamlining and improving procedures to serve you better moving forward in the coming years.

The Rt. Hon. Sir Christopher Clarke
President of the Court of Appeal

SUPREME COURT CIVIL/COMMERICAL DIVISION

The Judges of the Civil and Commercial Division are Chief Justice Mussenden, Justice Shade Subair Williams, Justice Andrew Martin and Assistant Justice Nick Segal. Justice Alan Richards has had conduct of some civil matters as well as several Assistant Justices including Jefferey Elkinson, Mark Diel and Hugh Southey.



The Civil and Commercial Division has a very wide brief. The civil area may be divided into two halves: (1) deciding cases which concern the relationship between the citizen and the State (public law cases), and (2) deciding cases involving private law rights, mainly disputes between private individuals but sometimes disputes between individuals and the State (general civil or private law).

Public cases include cases concerning the Bermuda Constitution or the Human Rights Act, and challenges to the decisions of Ministers or Government Departments. Private law cases may involve disputes about contracts, employment, landlord and tenant, wills, personal injury, wills and estates or other property cases including boundary and land disputes.

A significant part of the work of the Commercial Court is dealing with disputes between business entities, primarily in the international sector. Bermuda is home to approximately 13,000 international corporate structures. It is also a leading jurisdiction for international trust structures and wealth management. As a result, a significant part of the workload of the Commercial Court reflects the disputes and insolvency proceedings generated by this sector of the Bermudian economy.

Output: The Numbers A measure of the output of the Civil and Commercial jurisdiction is the number of published or reasoned judgments. The total number of written judgments for 2024 is 63. This is down from previous years as we lost the services of former Chief Justice Hargun from the beginning of the year and we were able to appoint Justice Martin in October. There were 24 written judgments/rulings in commercial cases.

Another and more global measure of the judicial output of the Civil and Commercial Division is the number of orders made. This will include the minority of cases where reasoned judgments are given and the majority of cases where they are not. In 2024, the figures reveal 788 interlocutory orders were made and 141 final orders were made (a total of 929) in civil and commercial matters. On the administrative side, there were 22 Call to the Bar hearings and a number of Calls without a hearing and several for limited purposes. We extend our congratulations to counsel who were called to the Bar in 2024 and wish them well in their careers.

Another measure of activity in the Civil and Commercial Court is the number of actions commenced within the relevant year. Substantive proceedings are represented by (i) writ of summons filed in the Commercial Court; (ii) originating summons filed in the civil jurisdiction; (iii) writ of summons filed in the civil jurisdiction; (iv) judicial review notices of motion; and (v) partition actions in the civil jurisdiction. In these categories the total number of actions commenced in 2024 was 381:

Writs of Summons	107	Originating Summons	99
Commercial	43	Judicial Review	15
Mental Health	20	Partition	3
Call to the Bar	62	Bankruptcy	2
Notary Public	21	Other	9

The Civil Division also conducted a number of matters, in addition to the cases listed, which relate to internal administration of trusts.

Criminal and civil appeals from the Magistrates' Court are also heard in the various divisions of Court. In 2024, the total number of appeals filed was 62, 44 criminal appeals and 18 civil appeals. In decided appeals in 2024, 13 were allowed 11 were dismissed and 7 were abandoned/withdrawn.

Some cases of note in the Civil and Commercial Divisions are summarised below.

CIVIL CASES

FEBRUARY

Strike Out Application on basis of (i) Writ being scandalous, frivolous or vexatious and an abuse of process and (ii) matter was time barred by the Limitation Act 1984. (*Florence Raynor v Dr. Mahesh Reddy* [2024] SC (Bda) 4 Civ. (5 February 2024 - Mussenden, CJ))

Appeal from a decision of a regulatory authority, appeal involving questions of pure law or mixed fact and law, statutory interpretation, whether failure to explain reasons, transparency, reliance on expert evidence in a highly technical field, deference to the decision-maker, whether a decision was plainly wrong, whether a process was fair or oppressive, consequences of a breach. (*Bermuda Electric Light Company Limited v The Regulatory Authority of Bermuda* [2024] SC (Bda) 5 Civ. (22 February 2024, Mussenden CJ))

Writ action involving a claim for an establishment of a right of way over land. Strike-out Application. (*Marita Hayward v Rosina Hardtman* [2024] SC (Bda) 6 Civ. (29 February 2024, Mussenden CJ))

MARCH

Writ action for breaches of a lease, unpaid rent, mesne profits and possession of property. Counterclaim for damages for costs of renovations. (*The Trustees of the Hamilton Parish Temperance Friendly Society v Leroy Bean (as Pastor of Transfiguration Ministries)* [2024] SC (Bda) 7 Civ. (8 March 2024, Elkinson AJ))

Judicial review; decision was ultra vires/unlawful/irrational/unreasonable/unfair; Bermuda Constitution; right to be defended before the Courts; criminal charges; choice of counsel; publicly funded defence counsel (*Devon Hewey v Legal Aid Committee* [2024] SC (Bda) 9 Civ. (19 March 2024, Wheatley AJ))

APRIL

Specific Discovery of Trust Deeds; Joinder; (*Samuel Andrew Banks v Simon Storey & Deirdre Storey* [2024] SC (Bda) 12 Civ. (8 April 2024, Mussenden CJ))

Strike Out of Writ due to breach of Orders, no reasonable cause of action, frivolous and vexatious; application to disclose test results and diagnosis. (*Raymond Moses Santucci v Bermuda Hospitals Board et al* [2024] SC (Bda) 13 Civ. (11 April 2024, Mussenden CJ))

Application for Chief Justice to recuse himself. (*Robert George Green Moulder v Cox Hallet Wilkinson Limited et al* [2024] SC (Bda) 14 Civ. (25 April 2024, Mussenden CJ))

MAY

Application to strike out claim for malicious prosecution without reasonable and probable cause, whether pleaded allegations of malice and dishonesty disclose no reasonable cause of action and are vexatious and an abuse of process, whether the pleaded claims seek to avoid immunity afforded to witnesses and are vexatious and an abuse of process, whether the Attorney General is properly named as a party to the proceedings (*Dante Williams et al v Chief Inspector Peter Stableford (of the Bermuda Police Service) et al* [2024] SC (Bda) 16 Civ. (10 May 2024, Southey AJ))

Strike out application; reasonable cause of action; duty of care; abuse of process, principles of *White v Jones*; extension of duty of care to disappointed beneficiaries (*Debra Ann Tucker et al v Desiree O'Connor et al* [2024] SC (Bda) 17 Civ. (10 May 2024, Wheatley AJ))

Application to set aside judgment and to file a defence out of time. (*DV Bermuda Limited v Andre Thomas* [2024] SC (Bda) 20 Civ. (17 May 2024, Diel AJ))

Executors and Trustees; Will; Administration of Estate; Section 22 of the Administration of Estates Act 1974; Standing of Beneficiary of an Estate to Bring an Action; Derivative/Representative Action; Exceptional and/or Special Circumstances; Personal Proprietary Interest; Inchoate Property; Unadministered Estate (*David Cox v Rosanna Cox et al* [2024] SC (Bda) 21 Civ. (28 May 2024, Wheatley AJ))



JUNE

Trespasser possession proceedings; Order 113 of the Rules of the Supreme Court; nature of set aside application, whether interlocutory or final order, stay of execution, leave to appeal, section 12 of the Court of Appeal Act 1964; unified right of possession, promissory estoppel; (*Denton Simons et al v Howard Hayward et al* [2024] SC (Bda) 26 Civ. (11 June 2024, Wheatley, AJ))

Claims in tort, historical sexual abuse, breach of duty, vicarious liability, Limitation Act 1984, discretion to extend limitation period, strike out application, matters to be determined at interlocutory hearing, evidentiary burden (*AB v Mount Saint Agnes Academy* [2024] SC (Bda) 27 Civ. (12 June 2024, Wheatley AJ))

Mental Health Act 1986, appointment of receivers, application for termination of receivers, application to cease the use of a power of attorney, capability of patient to administer and manage her own affairs. (*In the Matter of M.F.D.* [2024] SC (Bda) 28 Civ. (20 June 2024, Mussenden CJ))

Restraint orders and freezing orders, sections 28 and 36H of the Proceeds of Crime Act 1997, Proceeds of Crime (Designated Countries and Territories) Order 1998, application to vary or discharge interim restraint order, piercing the corporate veil, risk of dissipation of assets, exemption for the payment of reasonable legal fees (*The Attorney General v Carlos Manuel De Sao Vicente et al* [2024] SC (Bda) 30 Civ. (28 June 2024, SubairWilliams J))

JULY

Restored application for indemnity costs, test for indemnity costs clarified by the Court of Appeal to be “out of the norm”, rather than “exceptional circumstances”, purpose of indemnity costs not to punish the paying party, but to give a more fair result for the party in whose favour a costs order is made (*BS&R Group Limited v Westport Architecture et al* [2024] SC (Bda) 33 Civ. (22 July 2024, Mussenden CJ))

AUGUST

Application for Chief Justice to recuse himself. (*Gayle Ann Ventures v Clarien Bank Limited et al* [2024] SC (Bda) 38 Civ. (13 August 2024, Mussenden CJ))

SEPTEMBER

Application for Shared Care and Control by the Father; Interim Access; The Minors Act 1950; Welfare of Child Paramount Consideration; UK Welfare Checklist (*Father v Mother (Interim Access)* [2024] SC (Bda) 41 Civ. (10 September 2024, Wheatley AJ))

International Cooperation (Tax Information Exchange Agreements) Act 2005, Applications for a right of review, disclosure of documents relied upon. (*The Minister of Finance v IJK Limited* [2024] SC (Bda) 47 Civ. (25 September 2024, Mussenden CJ))

Application to prevent removal of child from the jurisdiction; ex parte application heard on notice, welfare of child paramount consideration, interim access Orders (*Father v Mother (Travel Prohibition Application)* [2024] SC (Bda) 50 Civ. (30 September 2024, Wheatley AJ))

OCTOBER

Application for judicial review of the portion of the Writ of Election issued by the Parliamentary Registrar specifying the polling place appointed for a parliamentary election pursuant to section 27(6) of the Parliamentary Elections Act 1978, neutrality, whether the appearance of a connection of a candidate for election to the polling place makes the specification of it unlawful (*Leader of the Opposition & Another v The Attorney General and Minister of Legal Affairs* [2024] SC (Bda) 52 Civ. (3 October 2024, Mussenden CJ))

Minors Act 1950. Application for shared care and control. (*Mother v Father* [2024] SC (Bda) 53 Civ. (7 October 2024, Elkinson AJ))

Application to lift a stay of execution giving judgment of a money sum and application to enforce debt by the power of sale under a mortgage. (*Clarien Bank Limited v BCB Paragon Trust Ltd (As Trustee of the Regina Trust) and Another* [2024] SC (Bda) 58 Civ. (14 October 2024, Martin J))

DECEMBER

Trustee Act 1975 - granting trustees power to enter into Deeds of Variation. Perpetuities and Accumulations Act 2009 – dispensing with rule against perpetuities. (*In the Matter of B Trust* [2024] SC (Bda) 71 Civ. (4 December 2024, Martin J))

Application for judicial review of the decisions of the Public Service Vehicles Licensing Board refusing to: (i) reinstate the Applicant's public service vehicle (taxi) driver's licence; and (ii) to remit the Applicant's grievance to a Court of Summary Jurisdiction, delay in applying for judicial review, whether an issue was now academic obviating judicial review, whether the decisions and deferral of decision were ultra vires and therefore illegal (*Eldon Robinson and Public Services Vehicles Licensing Board* [2024] SC (Bda) 73 Civ (6 December 2024, Mussenden CJ))

Rules of the Supreme Court – Order 16; Strike out of Third Party Notice, contumelious delay, abuse of process, want of prosecution. (*HSBC v Vigilante et al and Trott (Third Party)* [2024] SC (Bda) 74 Civ (6 December 2024, Wheatley AJ))

Defendant's strike out application for failure of Plaintiff to provide proper responses to requests for further and better particulars. (*Ticoe Williams v Bermuda Hospitals Board* [2024] SC (Bda) 76 Civ. (20 December 2024, Thompson AJ))

COMMERCIAL CASES

JANUARY

Construction of Company Bye-Laws. Application seeking urgent declaratory relief: (1) whether the Special General Meeting was lawfully adjourned; (2) whether the resolution(s) passed at the SGM to appoint seven new Directors were valid in accordance with the Company's bye-laws. (*Ho Kwok Leung Glen v Nan Hai Corporation Limited* [2024] SC (Bda) 2 Civ. (30 January 2024, SubairWilliams J))

MARCH

Consequential Hearings – Segregated Accounts Companies Act 2000 – Allocation of costs of segregation summonses and costs in liquidation between the fixed, variable and general classes of investors (*In the Matter of Northstar Financial Services (Bermuda) Ltd. & In the Matter of Omnia Ltd.* [2024] SC (Bda) 10 Civ. (20 March 2024, SubairWilliams J))

APRIL

Pre-Winding-Up – Court’s Sanction of a Momentous Decision by Joint Provisional Liquidators. Whether principles applicable to Court’s granting of sanction for a momentous decision made by a trustee is relevant in a liquidation- Section 175 of the Companies Act 1981– Power of liquidator to sell company assets- Duty of Liquidator to preserve assets until winding up order is made (*In the Matter of US Holdings Limited* [2024] SC (Bda) 11 Civ. (2 April 2024, SubairWilliams J))

MAY

RSC Order 24 – Plaintiff’s applications for specific discovery and a further and better list of documents, whether the plaintiff’s request for specific discovery of metadata for all documents disclosed by the defendants satisfies the test of “relevancy” or whether a request for all metadata is to be treated as a standard component of disclosure in document-heavy, complex commercial litigation, relevant legal principles (*SiriusPoint Limited v Endurance Worldwide Insurance Limited et al* [2024] SC (Bda) 19 Civ. (16 May 2024, SubairWilliams J))

JULY

Section 106 of the Companies Act 1981 for an appraisal of the fair value of shares in a company, application for declaration of what former Chief Justice Hargun had decided in a directions order and directions judgment in respect of third-party discovery, (*In the Matter of Jardine Strategic Holdings Limited* [2024] SC (Bda) 36 Civ. (31 July 2024- Mussenden, CJ))

AUGUST

Application to stay proceedings, arbitration clause, conflicting dispute resolution clauses in cases involving a scheme of multiple contracts, jurisdiction clause, difference between legal principles applicable to domestic arbitrations and international arbitration. (*Front Street Re (Cayman) Limited v (1) Winchester Global Trust Company Limited & Castle Re Insurance Limited* [2024] SC (Bda) 37 Civ. (5 August 2024, SubairWilliams J))

Application to dismiss a petition brought in the public interest. (*In the Matter of White Rock Insurance (SAC) Limited Provisional Liquidators Appointed (For Restructuring Purposes Only)* [2023] SC (Bda) 261 Civ. (20 August 2024, Mussenden CJ))

SEPTEMBER

Section 99 Companies Act 1981: sanction of a Scheme of Arrangement. Whether continuation of a company to another jurisdiction is an “arrangement” within the meaning of section 99 (*In the Matter of Hafnia Limited* [2024] SC (Bda) 43 Civ. (19 September 2024, Martin, J))

Section 99 Companies Act 1981: sanction of a Scheme of Arrangement. Whether a cancellation of acquisition shares in exchange for cash and reissue of new shares to acquirer is effective (*In the Matter of Huafa Property Services Group Company Limited* [2024] SC (Bda) 45 Civ. (20 September 2024, Martin J))

Application to set aside ex parte order, extension of time for service of a writ (*VL Assurance (Bermuda) Limited (In Liquidation) v BF&M Limited* [2024] SC (Bda) 46 civ. (23 September 2024, SubairWilliams J))

Costs Ruling (Indemnity). (*In the Matter of White Rock Insurance (SAC) Limited* [2024] SC (Bda) 48 civ. (26 September 2024, Mussenden CJ))

OCTOBER

Declaratory relief: section 98H of the Companies Act 1981: interpretation of contractual indemnity and whether a change of control occurs by reason of a filing of a change to the beneficial ownership register (*Afiniti Ltd. v Muhammed Z. K. Chishti* [2024] SC (Bda) 51 Civ. (1 October 2024, Martin J))

NOVEMBER

Stay of proceedings: appeal proceedings under Winding Up Rules. Whether the court should stay appeals by trustee of Madoff estate against rejection of proofs of debt in Bermuda liquidation proceedings pending the determination of the Trustee's claims in US Proceedings (In the matter of Grosvenor Balanced Growth Fund Limited (*In Liquidation*) and Others ex p *Picard v Morrison and Thresh* [2024] SC (Bda) 60 Civ (1 November 2024), Martin J))

Companies Act 1981. Petition to seek an oppression remedy pursuant to section 111. Ruling on directions for the order of hearings for strike out application, standing and oppressive remedy application. (*In the Matter of Cassatt Insurance Company* [2024] SC (Bda) 62 Civ. (4 November 2024, Mussenden CJ))

Subpoena duces tecum for the purposes of appraisal proceedings under section 106 (6) Companies Act 1981: scope of relief and whether necessary for fair disposal of the issues in dispute (*In the Matter of Jardine Strategic Holdings Limited* [2024] SC (Bda) 63 Civ. (5 November 2024, Martin J))

Anti-suit injunction: application to restrain dissenting shareholders from seeking relief under section 1782 28 USC in aid of disclosure for appraisal proceedings under section 106 (6) Companies act 1981 and alleged breach of duties of counsel in relation to implied undertaking (*Alpine Partners (BVI) L.P v Sumitomo Pharma UK Holding Ltd & John Wasty* [2024] SC (Bda) 64 Civ. (14 November 2024, Martin J))

Section 175 (1) and (2) of the Companies Act 1981: Sanction to Liquidators to enter into transaction to dispose of substantially the whole of the business undertaking by way of sale or compromise where valuation of assets disputed (*In the Matter of Afiniti Ltd* [2024] SC (Bda) 65 Civ. (19 November 202, Martin J))

Taxation of Bill of Costs; Costs Awarded for Costs Thrown Away; Indemnity Costs; Reasonableness and Proportionality; Cost of Overseas Counsel (*Annuity & Life Re Ltd. & Another v Kingboard Copper Foil Holdings Limited* [2024] SC (Bda) 67 civ. (28 November 2024, Wheatley, Registrar)

Injunction pending appeal: Whether Provisional Liquidators should be restrained from proceeding with sale and transfer pending appeal (*In the Matter of Afiniti Ltd* [2024] SC (Bda) 68 civ. (29 November 2024, Martin J))

DECEMBER

Summary judgment application: whether defendant can defend part of claim on basis of disputed set off and effect of no set-off clause in facility letter (*Bank of NT Butterfield & Son Limited v F& E Holding Limited* [2024] SC (Bda) 70 civ. (3 December 2024, Martin J))

Whether to grant a stay on case management grounds / Application for a stay pending unrelated proceedings of similar legal issues / Distinguishing cases involving separate sets of proceedings where the parties and factual and legal issues are substantially the same (*Corbin Erisa Opportunity fund ltd v Argo Group International Inc* [2024] SC (Bda) 69 Civ. (3 December 2024, SubairWilliams J))

Application for stay of proceedings on case management grounds, application for stay of enforcement proceedings of a foreign judgment, application for security of costs (*Mexico Infrastructure Finance LLC and The Corporation of Hamilton* [2024] SC (Bda) 75 Civ. (12 December 2024, SubairWilliams J))

Joint Liquidators application for sanction of a settlement agreement, creditor's objections (*In the Matter of FDG Electric Vehicles Limited* [2024] SC (Bda) 78 Civ. (20 December 202, SubairWilliams J))

Application to anonymize cause in which constitutional challenges to the legality of the appeal process under the Digital Assets Business Act 2018 and application of the principles of Open Justice. (*X Ltd. v B and Others* [2024] SC (Bda) Civ (18 December 2024 Martin J))

SUPREME COURT CRIMINAL DIVISION

REPORT OF THE HON. MR. JUSTICE JUAN P. WOLFFE SUPERVISING JUDGE OF THE CRIMINAL DIVISION

“The arc of the moral universe is long, but it bends towards Justice.”

Dr. Martin Luther King Jr.

In February 2024 the Hon. Chief Justice Larry Mussenden appointed me as the Supervising Judge of the Criminal Division of the Supreme Court of Bermuda. Since my appointment I, and others within the Criminal Justice System, have worked assiduously to ensure that the proper administration of justice is upheld for accused persons, victims of crime and any other member of our community who has interfaced with the Criminal Courts. In this vein, we successfully implemented a robust, aggressive and comprehensive approach to scheduling matters for trial and other non-trial hearings, and to reducing a backlog of cases which had accumulated for quite some time. In

doing so, we made certain that: accused persons are tried within a reasonable period of time and are not remanded into custody for inordinate periods; and, that victims of crime would receive a semblance of closure for what may have been a traumatic experience for them.

I say that “we” accomplished the above because the setting of current matters and the reducing of the considerable backlog would not have occurred without a collaborative atmosphere cultivated and staunchly maintained by all stakeholders of the Criminal Justice System. In particular: the Magistrates’ Court of Bermuda; the Department of Public Prosecutions; the Legal Aid Office; the Criminal Defence Bar; the Bermuda Police Service; the Department of Corrections; the Department of Court Services; and most importantly, the staff of each of those Departments which have provided stellar administrative support. To them, I am eternally grateful.

The primary vehicles deployed to schedule matters and to reduce the backlog were the advent of the Criminal Case Group (the “CCG”) and Case Management Court (“CMC”). The CCG is comprised of Judges of the Criminal Division, the Director of Public Prosecutions (or her designate), and the Senior Counsel of the Legal Aid Office (who also speaks on behalf of the Criminal Defence Bar) who met and will continue to meet once per month to strategize the fixing of Supreme Court trials, Criminal Appeals, and non-trial hearings (such as for sentencing, abuse of process applications, section 31 applications (dismissal), etc.). As one can appreciate this has been a monumental task considering that up until August 2024 there was only one (1) substantive Criminal Court Judge (yours truly) and only one (1) Criminal Court operating. Thankfully, with the appointment of The Hon. Mr. Justice Alan Richards and The Worshipful Senior Magistrate Maxanne Anderson who sacrificed Magistrates’ Court No. 1 so that it may be used for Supreme Court Jury trials, our concerted efforts to hear criminal matters expeditiously has received a welcomed boost.

CMC is usually conducted once per month just prior to Arraignment Court which is held on the 1st day of each month (although the Court has and uses its discretion to conduct CMC at any other time). The singular purpose of CMC is “to actively manage criminal cases in accordance with its overriding objective to do justice”. In furtherance of this purpose the Judge of the Criminal Division have exercised their powers



to: assist parties with identifying witnesses to be heard; encourage parties to make admissions and reach agreements; encourage parties to consider matters which would promote a fair and efficient trial; assist parties to identify issues that are to be dealt with before the start of the trial; adjudicate on issues related to the disclosure of evidence, the admissibility of evidence, expert witnesses, severance of counts, etc.; and, ascertain the parties readiness for trial. By holding CMC the time period for the trial proper to be heard has reduced from 30% to 50% which has translated into more trials being conducted and less financial expenditure being incurred by privately funded accused persons and by the public purse.

“The proof is in the pudding”

In 2024, the total number of jury trials conducted as of December 2024 far exceeded the total number of jury trials conducted in any one of the years from 2019. It should be noted that this increase was achieved although there was only one substantive judge appointed in 2024 and despite the fact that the Criminal Division inherited an additional backlog of Criminal Appeals which formerly were conducted by the Civil Division of the Supreme Court. I would however be remiss if I did not acknowledge and profusely thank those Assistant Justices who stepped in to share part of the load of matters which required disposal.

In respect of Indictments filed I should also highlight that:

1. There is one 2012 matter to be disposed of. This is a matter which has been set for retrial after having been adjudicated upon by the Judicial Committee of the Privy Council in April 2022 and is currently undergoing several applications instituted by the Defendant.
2. There is one 2018 matter which is currently in-trial. This trial is the third one for the Defendant after a successful appeal was launched by the Defendant, the hearing of a second trial, and after multiple pre-trial applications were made by the Defendant.
3. There are no 2020 indictments outstanding. This is down from 4 in 2023.
4. There are 5 indictments of 2021 to be disposed of and this is down from 12 in 2023. One of them is a retrial and in the remaining 4 both parties have made multiple pre-trial applications.
5. There are 4 indictments of 2022 to be disposed of. In three (3) of the matters there have been multiple applications made by the parties and in one (1) of them there is a question as to whether the defendant is physically and/or mentally able to stand trial.
6. There are 11 indictments of 2023 to be disposed of (one of which is currently in-trial).
7. There are 24 indictments of 2024 yet to be disposed of.
8. The total number of matters to disposed of as at 31st December 2024 is 41.
9. The total number of indictments filed in 2023 was 27 and the total number of indictments filed in 2024 was 35. This represents an approximate 30% increase in the number indictments filed from 2023 to 2024.
10. As of 3rd January 2025 the total number of indictments filed for 2025 is 7. At this pace there is a likelihood that the total number of indictments filed for 2025 may exceed the total numbers of indictments filed for 2023 and 2024.
11. The CCG is optimistic that all of the indictments of 2023, and a reasonable number of indictments of 2024, will be disposed of in 2025 (whether by trial or by plea). It should be noted however that there are currently 10 “multi-hander” matters (i.e. where there are at least two defendants) which may proceed to trial. If so, the trials are anticipated to last at least 3 weeks and in some instances possibly up to 8 weeks. This may consequentially have an impact on the total number of trials which may be conducted in 2025.

RECOMMENDATIONS

- (a). Provide a stand-alone Court for the Court of Appeal so that two (2) jury trials may be conducted at all times (only one Criminal Court is available during the months of March, June and November when the Court of Appeal sits). This was a recommendation made by then Supervising Judge The Hon. Mrs. Justice Shade Subair Williams in her 2023 Report.
- (b). Consideration be given to “Judge Alone Trials” for certain types of matters. This would require meaningful consultation with all stakeholders in the Criminal Justice System.
- (c). Increase the technology budget of the Criminal Courts so that the best audio/visual equipment may be installed for the accurate reception and conveyance of evidence (including by remote means).
- (d). Invest in stenographer equipment and train current Court Associates to become stenographers, or, engage the services of a remote stenographer. As an alternative, acquire accurate speech-to-text software and hardware so that evidence can be recorded contemporaneously and transcripts then be provided to the parties by the end of the day of proceedings. Either of these options would significantly reduce the time it takes for trials to be heard and will ultimately save considerable costs.
- (e). The Bermuda Bar Association to embark upon a multifaceted media and educational campaign to attract barristers and soon-to-be barristers to the Criminal Law arena (including those in high school who may be thinking about a career in law). The Criminal Law Bar (both Prosecution and Defence) has drastically dwindled over the years and therefore upcoming and seasoned barristers must be encouraged and incentivized to join its ranks.
- (f). Increase the legal aid budget so that accused persons who may be impecunious will have access to justice.
- (g). Increase the number of forensic psychiatrists at the Department of Corrections so that the criminogenic needs of offenders may be met whilst they are incarcerated. Concurrently, the amendment of the archaic 1968 Mental Health Act so that those who have a mental health disorder can receive immediate and comprehensive psychiatric intervention when in or out of custody.
- (h). Implement free counselling sessions for victims of crime so that they may fully address the trauma which they continue to endure as a result of their victimization.
- (i). Increase the amount payable for those selected as jurors given that sitting on a jury can be financially debilitating for some.
- (j). Enact legislation which would allow jurors to separate during deliberations and prior to delivering their verdict (section 532 of the Criminal Code Act 1907 does not permit such). This may encourage jurors to take their time in reaching their verdicts and it may result in less incidents of jurors not being able to reach a majority decision (i.e. a hung jury).

IMMENSE GRATITUDE

I am compelled to highlight the stellar work of the Court Associates of the Criminal Division. They are truly the “Heart and Soul” of the Supreme Court and yet they are the most underpaid and under-resourced persons in the Justice System. It is they who on a day-to-day basis are in the trenches dealing with often times cantankerous, confused, and upset members of the public. It is they who often calm the nerves of those facing Court proceedings by explaining to them how the Court works. It is they who deal with the arrogance and disrespectful conduct of some lawyers. It is they who keep the Judges’ docket and diary organized. It is they who keep the Judges in check and make them look good. For that I am eternally grateful.

Thank you.

The Hon. Mr. Justice Juan P. Wolffe
Supervising Judge of the Criminal Division

SUPREME COURT FAMILY DIVISION

The Family Division of the Supreme Court has conduct of cases brought under the Matrimonial Causes Act 1974, the Minors Act 1960 and the Children’s Act 1998. This Court also has conduct of appeals made against decisions of the Magistrates’ Court Family Court. Previously cases falling under the appellate jurisdiction would be assigned to Judges of the Civil/Commercial Courts as well as Assistant Justices. Moving forward, the mandate will be that all appeals from the Magistrates’ Family Court shall be assigned to a Judge who has conduct of cases in the Family Division wherever possible.



As it relates to divorces filed and heard under the new “No Fault” regime, there were ten divorce court sessions held in 2024. The following is a comparison of the number of divorce applications filed between 2023 and 2024 as well as the statistics in relation to the number of Conditional and Final Divorce Orders granted:

YEAR	Total number of Divorce Applications filed	Total number of Conditional Orders granted	Total number of Final Orders granted
2023	139	70	16 (Final Divorce Orders) 44 (Decree Absolutes)
2024	125	96	85

In addition to the above, two (2) applications were filed and issued in 2024 seeking that a Nullity Order be granted on the basis that marriage is voidable. Two (2) applications were also made seeking leave to file an application for divorce within three years of marriage.

AMENDMENTS TO MATRIMONIAL CAUSES RULES 2023

As most will already be aware, prior to the commencement date of the Matrimonial Causes Rules 2023 (the **Rules**), the draft Rules were purported to have been put to Bar Council for consultation in 2022. When the Attorney General’s Chambers sent the draft Rules to the former Chief Justice, Narinder Hargun in 2022 for review and comment, they were submitted to him on the basis that the Bar had been consulted. The former Chief Justice was therefore under the impression that the draft Rules had already been scrutinized by those members of the Bar designated for the review, with their feedback being incorporated into the draft presented. Regrettably, it was subsequently discovered after the commencement date of the Rules that no response was ever received from the Bar and as a result the draft presented had not in fact been reviewed by members of the Bar.

Given the turmoil that ensued after the Attorney General’s Chambers omitted to advise the Courts of the commencement date of the Rules, it quickly became apparent that there were a litany of defects in the Rules. Such defects have continued to cause considerable confusion, particularly amongst litigants in person as well as those attorneys who do not regularly practice divorce law. In order to resolve this, at the direction of the former Chief Justice Hargun, the Registrar, Alexandra Wheatley, personally

drafted suggested amendments to the Rules and consulted with members of the Bar. Given the Registrar's appointment as an Acting Puisne Judge from 12 December 2023, she has not had the capacity to move this forward. Accordingly, the Chief Justice, Larry Mussenden has recently met with the Hon. Attorney General, Kim Wilkerson, who has expressed her support of several initiatives for the Judiciary, which include finalizing the Registrar's consultation with the Bar of the Rules so they may be finalized and implemented. The Hon. Attorney General's assistance and support is most welcomed.

HEARING STATISTICS

YEAR	Number of Case Management Hearings	Number of Interlocutory Hearings	Number of Substantive Hearings
2024	90	23	15

2024 was a relatively busy year in the Family Division with a large number of cases and applications being listed and determined. Along with a total of twenty-three (23) interlocutory applications heard in 2024, nineteen (19) of which were conducted by Acting Justice Alexandra Wheatley upon assuming conduct of the Family Division in July 2024 (with just a few of those completed prior to her assignment to the Family Division), an estimated ninety (90) case management hearings were held in Chambers. The Acting Registrar, Cratonia Thompson, also conducted two (2) interlocutory hearings with a further one (1) being assigned to Assistant Justice, Jeffrey Elkinson. Ms Kenlyn Swan during one of her appointments as the Acting Registrar also determined an interim maintenance (spousal and child) application in the Family Division.

Examples of issues that were resolved in the interlocutory hearings are: child maintenance; care and control; access; fact finding regarding allegations of physical and sexual abuse of a child; and stay of access order pending appeal.

A total of fifteen (15) substantive applications were heard in 2024, with the Acting Registrar, Cratonia Thompson completing three (3) of these (one (1) of which was conducted in her capacity as an Acting Puisne Judge). Acting Justice Wheatley also heard nine (9) of these substantive applications from the time she was assigned to the Family Division from July 2024. Assistant Justice Elkinson also provided his assistance in having conduct of one (1) matter which was dispensed with by way of final hearing. The subject matter of these substantive hearings ranged from ancillary relief applications in the Divorce Jurisdiction to care and control proceedings in the Civil Jurisdiction under the Minors Act 1960.

MOVE TO DAME LOIS BROWNE EVANS BUILDING

The unexpected need to vacate Sessions House, along with the recent vacating of a Government Department on the 4th Floor of the Dame Lois Browne-Evans Building, created the unprecedented opportunity for a new courtroom dedicated to the Family Division to be formed. The new courtroom has been most welcomed as it provides the much needed space and function required of any courtroom, particularly providing the physical distance between parties where emotions can run high. This had been a concern for many years and so we are very pleased with all those who assisted in pulling it together. Appreciation must also be expressed to all attorneys who were extremely patient and understanding during this transition period.

FUTURE

MODERN PRACTICE DIRECTIONS

In a meeting held and co-hosted by the Chief Justice and Acting Justice Wheatley, with members of the Family Bar on 20 August 2024, members were asked to raise agenda items for discussion of any concerns/issues with the Courts. The consensus was that Bermuda is far behind as it relates to determining applications for financial relief. Cumbersome and lengthy affidavits are filed that contain a great deal of information that is irrelevant to the determination the application. This has the tendency to ignite unnecessary animosity and stress between the parties as well as significantly increasing legal costs.

In the UK, a form system is adopted where each party is required to complete a “Form E” in divorce ancillary relief proceedings. The “Form E” requires the parties to provide specific financial information and does away with the need to file affidavit evidence. Both the Chief Justice and Acting Justice Wheatley are fully in support of moving in this direction and are hopeful that significant headway can be made in 2025.

It is also anticipated for the Chief Justice, the Supervising Judge of the Family Division as well as the Registrar to continue to meet with members of the Family Bar with view of modernizing Bermuda’s divorce and family practices.

GUIDANCE FOR THE LITIGANT IN PERSON

There continues to be a significant portion of applications in the Family Division being made by litigants in person which includes applications for a divorce order. With this it has surfaced that there is manifestly inadequate guidance for litigants in person who have or wish to have applications heard in the Family Division. Whilst there is a Handbook for Litigants in Person for the Civil Jurisdiction, only a small portion assists regarding applications in the Family Division.

Accordingly, there is an essential need for members of the public to have a trustworthy and easily accessible resource to guide them through not only what is required to make an application to the Court, but also as to the Court’s procedures. The intent is to provide members of the public with some peace of mind in what can be very emotive proceedings as well as a realistic expectation of the Court’s processes. Ideally, such a guide should also reduce the number of incorrect filings which cause delay and deplete resources. Acting Justice Wheatley has already commenced research for such guidance which will be put to the members of the Family Bar in due course.

CONCLUSION

There is a great deal of confidence and expertise in the Court’s Family Division which has provided the necessary motivation to commence and progress the highlighted initiatives. Along with these initiatives, the implementation of the Courts’ new electronic case management system in 2025 will undoubtedly provide significant headway in bringing the Family Division into the modern era.

Alexandra Wheatley
Puisne Judge (Acting)

MAGISTRATES' COURT

THE WORSHIPFUL SENIOR MAGISTRATE MAXANNE J ANDERSON, JP

INTRODUCTION

Today, as we stand united at the opening of this new legal year, let us reflect on the words of U.S. Supreme Court Justice Louis Brandeis: ***'The greatest menace to freedom is an inert people.'*** These words remind us that the strength of our judiciary, the fairness of our courts, and the impartiality of our judges are all essential to safeguarding the freedoms we hold dear. In a world where democracy and judicial independence face growing challenges, it is our duty to remain vigilant and resolute in upholding the principles of justice.



This occasion not only allows us to honor the achievements of the past year—our successes in delivering timely, fair, and impartial justice—but also challenges us to confront the work that lies ahead. The past year has brought its share of difficulties, yet it has also been a testament to the resilience of our legal community. As we set our sights on the future, let us commit ourselves to the principles of fairness, equity, and accountability that define our system. Much is to be done, but together, we can rise to meet the demands of this new year with purpose and conviction.

I would start by expressing my sincere gratitude to the Worshipful Tyrone Chin, the Worshipful Craig Attridge, the Worshipful Maria Sofianos, the Worshipful Aura Cassidy and the Acting Magistrates who carry out their duties with a clear understanding of their responsibilities which sees each decision weighed carefully with fulsome consideration of all of the key elements that ensure we have a balanced society.

THANK YOU

Each year, as I prepare this address, I reflect on the key accomplishments, challenges, and landmark cases that define our judicial journey. I carry a notebook where I record these moments, a tool that provides clarity and structure for this occasion. It is in revisiting these entries that I am reminded of the countless individuals whose dedication and professionalism make our work possible.

Firstly, I must offer my profound gratitude. The Magistrates' Court is not sustained by titles or positions alone but by the collective effort of a dedicated team. Clerks, administrators, Special Panel members, police officers, bailiffs, social workers, security guards, cleaners — these are the unsung architects of our success. Each of you, through your diligence and commitment, ensures that the wheels of justice turn smoothly and efficiently. You are more than just components of a system; you are the lifeblood of this institution. For that, we owe you not just thanks, but the highest respect and recognition for your indispensable contributions.

I need to convey a special **THANK YOU** to Mr. Roddy Burchall who has retired from the Family Court Panel after 48 years of service. His kindness, insight, fortitude and wise counsel will be profoundly missed in the Family Courts.

KEY ROLE AND PRINCIPLES OF THE MAGISTRATES' COURT

Every day, in the Magistrates' Court – **Civil, Criminal & Family Courts**, magistrates carry out their judicial duties with unwavering commitment—without fear or favor, without ill will or bias. They do so with a profound understanding that justice is not just punitive but restorative, and that everyone who comes before the court is deserving of dignity and, where possible, a path to redemption.

Beyond the headlines, soundbites, and the noise of electronic, print, and social media, magistrates confront the social challenges of our time head-on. They approach their duties with a clear purpose: to uphold justice while addressing the root causes of conflict and hardship in our community.

- **Encouraging Resolution over Conflict:** Magistrates work tirelessly to guide parties in civil disputes toward resolution without the need for contentious, prolonged, and often costly trials. In doing so, they preserve relationships, reduce financial burdens, and promote harmony.
- **Managing Debt with Dignity:** For those overwhelmed by crippling debt, magistrates create manageable repayment plans that honor financial responsibilities while preserving human dignity. Were it not for this approach, our correctional facilities might overflow with individuals who owe debts to society but lack the means to repay them.

Magistrate Cassidy recalls *“a Treatment Court client with significant home obligations, significant rehabilitation & support services needs and a single household income. Her payments were consolidated to make debt manageable along with an attachment of earnings to ensure payments made in full and a timely manner. Payment reviews are held on a 3-month basis to continue debt management and debtor accountability. Her property eviction (one of the 10-debtors was her current landlord) stayed whilst she is in compliance with the consolidated debt payment plan.”*

- **Supporting Parents and Children:** Magistrates encourage delinquent parents to act in the best interest of their children—emotionally, financially, and morally—ensuring that the next generation is not caught in cycles of neglect or disengagement.

“I think it is notable that the Family Court due to the reduction of Courts available, was frequently challenged to hear (and not adjourn) matters as the courts had been combined, and every effort was made to receive evidence and make decisions in the best interest of the children. In my view, an acknowledgment should be made to the efforts of the Special Panel and to the Family Court Team who made best efforts, especially during the last quarter of 2024.” ~ The Worshipful M. Sofianos

- **Guiding Youth:** For wayward teens who have run afoul of the law, magistrates provide guidance and intervention, offering them a chance to redirect their lives before permanent damage is done.

“A Young Offender also subject to a care order due to family being unable to meet his wholistic needs & for violent offences. Case management included support for the family as an extended unit, education for the family & young offender regarding drugs, alcohol, counselling for violence in the home and gang affiliated support from industry leaders. Youth education on mental health and education assessments to ensure that their needs are being met on an ongoing basis. Youth employment (as summer student) in the area he wishes to have as a career. This employment has led to positive role models away from gang affiliation. Regular case management and care order reviews to ensure that they are not ‘lost’ in the system and that the family unit is supported to be as healthy and wholesome as possible.” ~ The Worshipful A. Cassidy

- **Combating Addiction:** Through the Drug Treatment Court, magistrates address the debilitating cycle of addiction that often leads to criminal behavior, offering offenders treatment rather than punishment to break the hold of substance abuse.

“We have witnessed the positive turnaround of many of our clients. Several Clients, successfully complete their probation orders for the first time. This could not have been possible, if Magistrates were not guided by the Criminal Justice System’s science-based, best practice approaches to assessments, treatment, programs, and interventions.” ~ Dr. P. Prince [Forensic Psychologist]

- **Alternatives to Incarceration:** By implementing diversionary measures and alternatives to incarceration, magistrates prioritize rehabilitation over punishment. Rising numbers of community-based sentences and reduced incarceration rates are proof of their efforts to give offenders a genuine opportunity to right their wrongs and reintegrate into society.
- **Humanizing Mental Health:** Through the Mental Health Court, magistrates work to remove the stigma from mental health struggles, ensuring that individuals are not criminalized for their conditions but are instead given the support and treatment they need to heal and rebuild.

“Clients are afforded the best behavioral health interventions and as a result we have seen our client’s being empowered to take care of their mental health and overall well-being.” ~ Dr. P. Prince

- **Addressing Impaired Driving Responsibly:** The Driving under the Influence (DUI) Court offers offenders structured programs to curb dangerous behaviors while allowing them to retain their licenses, maintain employment, and support their families. Clients must attend the DUI Education Program where they learn the consequences for driving impaired; and how alcohol/drugs affect their physiology, driving, and choices.\

As a community, we are entitled to our own opinions, but not to our own facts. I challenge every member of our society: come and witness the work of the Magistrates’ Court firsthand. Step inside on any given day and observe the extraordinary dedication of our magistrates and administrative staff. Do not rely on anonymous posts, hearsay, or innuendo. See for yourselves the tireless efforts being made to ensure justice is served with fairness, compassion, and humanity.

REFORMING BERMUDA’S ROAD TRAFFIC LEGISLATION: A CALL FOR STRONGER PENALTIES

The Traffic Offences (Penalties) Act 1976 must be amended to address the growing concerns surrounding the culture of driving on our roads, particularly offences related to speeding and driving while impaired. The criticism often directed at the courts for perceived leniency overlooks a critical fact: the powers of magistrates are strictly defined by statute. If we want penalties to match the severity of these offences and the societal frustration they generate, the law itself must be amended to empower magistrates to impose more fitting sanctions.

Currently, the maximum fine for any speeding offence is capped at \$500, regardless of how egregious the speed. This is simply inadequate in reflecting the seriousness of the threat posed to public safety. Similarly, the penalties for driving while impaired, while substantial, have critical gaps. For example:

- **First offence:** \$1,500 fine & 18-month disqualification from driving all vehicles.
- **Second offence within 2 years:** \$2,500 fine & 3 years disqualification from driving all vehicles.
- **Third or subsequent offence within 2 years:** \$5,000 fine & 5 years disqualification from driving all vehicles.

However, if a person commits another DUI offence beyond the 2-year period, the magistrate cannot consider previous offences when determining the penalty for the new DUI charge. This limitation undermines the severity of repeat offending and fails to adequately address the pattern of dangerous behavior.

To reflect the gravity of speeding and driving while impaired, we must advocate for:

1. Increased fines for speeding offences that are proportionate to the level of excess speed.
2. Higher penalties for driving while impaired, ensuring they serve as a true deterrent.
3. The removal of the 2-year limitation on prior offences, allowing magistrates to consider an offender's full history of violations when imposing penalties.

Strong representation must be made in the legislature and with policymakers to enact these changes. Without the necessary amendments, the courts remain constrained, unable to deliver judgments that align with the public's expectation of justice and the need to curb dangerous behaviors on our roads.

This is not merely a matter of legal reform; it is a matter of public safety and societal responsibility. By reassessing and strengthening these penalties, we can take a decisive step toward creating safer roads and reducing the devastating consequences of reckless and impaired driving in Bermuda.

SESSIONS HOUSE AND THE CHALLENGES OF SPACE IN THE MAGISTRATES' COURT

The Sessions House, built in 1819, stands as one of Bermuda's most iconic and historic landmarks, embodying our nation's judicial and legislative legacy. However, as with all historic structures, the passage of time necessitates restoration to preserve its integrity and functionality. I am reliably informed that, due to the extensive renovations required, it is highly likely that the Supreme Court, the Court of Appeal, and ancillary judicial offices will not return to Sessions House even after the renovations are completed. Additionally, with the closure of the Front Street Registry offices, several judicial offices and Supreme Court divisions are now housed within the Dame Lois Browne-Evans Building.

While I fully understand and support the relocation of courts to the Dame Lois Browne-Evans Building—ensuring the judiciary has functional spaces to carry out its critical work—the current arrangement presents significant challenges for the Magistrates' Court. The reduced availability of courtrooms and resources has placed additional strain on our space capacity. Courts that once accommodated Magistrates' Court matters are now being used for Supreme Court matters.

This reduction in available space for the Magistrates' Court raises a pressing concern. Insufficient courtroom availability could lead to increased backlogs of trials, forcing adjournments that disrupt the timely administration of justice. It is essential that we maintain the efficient operation of the Magistrates' Court, as delays in hearing matters can undermine public confidence in the judicial system and negatively impact the lives of those seeking resolution.

As we navigate these logistical challenges, I urge all stakeholders to prioritize the allocation of adequate resources and space to ensure that the Magistrates' Court can continue to perform its vital role in the justice system without unnecessary delays or impediments. The administration of justice depends on our ability to adapt, address these challenges head-on, and uphold the principles of fairness and efficiency that define our courts.

THERAPEUTIC COURTS

Those present today are aware that the Criminal Code Amendment Act 2001 (the "Alternatives to Incarceration" legislation) allowed the Magistrates' Court to put nontraditional Treatment Courts in place to help those who commit offences whilst in the grips of alcohol/drug addiction or mental health challenges:

- Through the **Drug Treatment Court**;
- Through the **Mental Health Treatment Court**; and
- Through the **Driving Under the Influence Court**.

The **Probation Review Court** is also operational and running well. This court routinely reviews Probation Orders to encourage compliance by persons who have been placed on probation. Such regular

scheduled reviews enable persons to get back on track and assist them in addressing their criminogenic & mental health needs, secure employment & housing, and most importantly to be productive members to their community and to their families.

The **Juvenile Treatment Court** Pilot is designed to address the needs of young offenders identified as having problems with drugs/alcohol and/or suffering from mental health diagnosis. It is to provide intervention, structure and treatment in the lives of young offenders through regular monitoring, family engagement and by providing skills to assist them in leading productive substance-free and crime-free lives.

The establishment of a Juvenile Treatment Court is a critical initiative for our community, aiming to address the unique needs of young individuals involved in the justice system. While the necessity of such a court is evident, we have encountered challenges in securing comprehensive engagement and commitment from all stakeholders, resulting in the court's current non-operational status.

It is imperative that we revisit the establishment of the Juvenile Treatment Court Pilot, with the objective of making it a reality in 2025. This court would provide an evidence-based, treatment-oriented approach that emphasizes family engagement and addresses substance use and co-occurring mental health disorders among our youth. Implementing such a court would not only offer an alternative to traditional punitive measures but also align with best practices observed in other jurisdictions.

By prioritizing the establishment of the Juvenile Treatment Court, we can provide a rehabilitative pathway for young offenders, thereby fostering their reintegration into society and reducing recidivism. This initiative would reflect our commitment to justice and the well-being of our youth, ensuring that they receive the support and guidance necessary to lead productive lives.

DOMESTIC VIOLENCE COURT

In recent developments, I received a call from the Director of Public Prosecutions, Ms. Cindy Clarke, who along with Her Excellency, the Governor, Rena Lalgie, had arranged for a delegation to visit a Domestic Violence Court in the United Kingdom. This initiative has proven to be the catalyst we needed to breathe life into the establishment of a Domestic Violence Court in Bermuda.

I extend my deepest gratitude to Ms. Clarke for her unwavering dedication, foresight, and commitment to addressing domestic violence through innovative judicial mechanisms.

Domestic violence remains a pervasive issue within our community, necessitating a response that is both compassionate and effective. The establishment of a Domestic Violence Court represents a significant advancement in our judicial approach, allowing us to address the underlying issues therapeutically and provide comprehensive support to victims.

It is anticipated that the Domestic Violence Court will commence operations in early 2025, marking a pivotal step forward in our collective efforts to combat domestic violence and uphold the principles of justice and equity within our society.

The statistics and the anecdotal evidence clearly show that the above-mentioned Treatment Courts are making a hugely positive impact in our community. It is gratifying to hear the stories of those who journey through the Treatment Courts and are now living their lives alcohol & drug free and with the tools to address their mental health challenges. Most importantly they have been able to break the chain of incarceration. Furthermore, the statistics show that levels of incarceration have decreased, and this can be partly attributed to the efforts of the Magistrates' Court and its stakeholders in meting out noncustodial sentences were deemed appropriate.

I would therefore like to thank the following for their continuous assistance with the Treatment Courts: former Permanent Secretary for the Ministry of Justice and Legal Affairs Mrs. Gina Hurst-Maybury; the Court Liaison & Diversion Officers of MWI Ms. Geraldine Smith & Mrs. Ashley Simons-Crane; Director

of the Legal Aid Department Mrs. Susan Moore Williams and her team at the Legal Aid Office; Forensic Psychologist Dr. Patrick Prince; Director of Child & Family Services Mr. Alfred Maybury and Assistant Director Mrs. Kennette Robinson; the Department of Court Services; the Magistrates' Court Clerks; the Department of Corrections; the Bermuda Police Service; the Department of Public Prosecutions; the treatment providers - specifically Mr. Leslie Grant of FOCUS; Ms. Carla Trott of Turning Point; Mrs. Sandy Butterfield and Mr. Trott of Harbor Light; the Men's Treatment Center, the Women's Treatment Center & the Right Living House teams; and all of our community partners who without their assistance the Treatment Courts could not continue to operate.

TRAINING AND MENTORSHIP FOR LOCAL LAWYERS

I am informed that there are over 600 lawyers called to the Bermuda Bar, with fewer than 30 specializing as litigators—those who actively represent clients in court proceedings. While the Office of the Director of Public Prosecutions, the Legal Aid Department, and the legal teams within our courts provide invaluable services, there are instances within the Magistrates' Courts where the demand for legal representation exceeds the availability of qualified attorneys.

It is imperative that a structured system be established, wherein local law firms allocate a specific portion of their resources to pro bono work within the Bermuda courts. The principle that **“to whom much is given, much is required”** underscores the ethical obligation of the legal profession to contribute to the equitable administration of justice.

By institutionalizing pro bono commitments, we can ensure that all individuals, regardless of their financial means, have access to competent legal representation. This initiative would not only enhance the integrity of our legal system but also reinforce the foundational values of fairness and equality before the law.

CAJO CONFERENCE

In November 2024, Bermuda had the distinct honor of hosting the 8th Biennial Conference of the Caribbean Association of Judicial Officers (CAJO). Over the course of five days, our island became a vibrant center for judicial thought, forward planning, and intellectual discourse, as over 100 judges and judicial officers from across the Caribbean convened to engage in meaningful discussions on the future of justice in our region.



This conference not only provided a platform for the exchange of ideas paramount to the law and the administration of justice but also offered a significant opportunity to showcase Bermuda's rich cultural heritage and commitment to the rule of law. The event served as a substantial catalyst for our island's economy, bringing together legal minds and fostering discussions that will undoubtedly influence the trajectory of Caribbean jurisprudence.

I extend my deepest gratitude to the Chief Justice for his visionary leadership and for entrusting me and the dedicated Magistrates' Court transportation team with the responsibility of managing the logistics of this esteemed conference. Their unwavering commitment and meticulous attention to detail were instrumental in ensuring the event's success.



The resounding success of this conference is a testament to the collective efforts of all involved. It is through such collaborative endeavors that we continue to advance the cause of justice and uphold the esteemed traditions of our legal community.

CONCLUSION

As we stand on the threshold of a new judicial year, it is imperative that we, as stewards of justice, reaffirm our unwavering commitment to the principles that uphold the integrity of our legal system. We must ensure the expeditious administration of justice, safeguarding the independence of our judiciary, and providing equitable access to legal representation for all, irrespective of their financial means. Our treatment courts must continue to offer rehabilitative pathways for those in need, while our punitive measures remain just and proportionate. We must advocate for a remuneration system that reflects the true cost of living in Bermuda, ensuring that our publicly appointed legal professionals are adequately supported. Furthermore, it is essential that our local law firms dedicate a portion of their resources to pro bono work, thereby contributing to the broader societal good. As we approach the general election on February 18, 2025, it is crucial that our political leaders prioritize the needs of the judiciary in their forthcoming budgets, ensuring that the programs we have in place are adequately funded to make a meaningful impact.

In the words of the Right Honourable Lord Thomas of Cwmgiedd, Lord Chief Justice of England and Wales, at the Commonwealth Magistrates' and Judges' Association Conference in September 2015:

“The centrality of justice to our societies, and the independence of the judiciary cannot be taken for granted: To all of us the centrality of justice to a State is obvious. But that is a view we should not take for granted....the necessity for judicial independence is obvious to us all. We know it is central to the rule of law. In each of our nations, to a greater or less extent, we have to protect it or to fight for it.”

As we move forward, let us heed these words and remain steadfast in our dedication to justice, ensuring that our courts continue to serve as pillars of fairness and equity in our society.

As this year's submissions draw to a close, I echo the sentiment expressed at every year's closing remarks by quoting Robert Frost:

***‘The woods are lovely, dark and deep,
But I have promises to keep,
And miles to go before I sleep.’***

This encapsulates the journey that lies ahead—a journey demanding continued dedication and perseverance toward our shared goals.

Thank you.

**The Worshipful Maxanne J. Anderson
Senior Magistrate & Coroner**



02. THE JUDICIAL ADMINISTRATION

JUDICIAL ADMINISTRATION

MRS. CRATONIA THOMPSON ACTING REGISTRAR OF THE SUPREME COURT
AND COURT OF APPEAL / TAXING MASTER

OVERVIEW

As many are aware, my substantive post within the Judiciary is the Assistant Registrar. However, since my return from maternity leave in March 2024, I have had the pleasure of acting as Registrar, whilst the substantive Registrar, Ms. Alexandra Wheatley, has been acting as a Supreme Court Justice. Although it was not anticipated that I would be acting for this length of time, I am most grateful for the opportunity to continue serving in this capacity.

The scope of responsibilities falling within the Registrar's remit is wide-ranging. Not only does the Registrar have quasi-judicial functions, and is required to preside over certain applications within the Supreme Court and the Court of Appeal, the Registrar also serves as the Head of the Judicial Department (HOD). As the HOD, the Registrar is responsible for strategic planning, developing and maintaining the Department's budget, human resource management, facilities and operations management, and procurement. The Registrar also has administrative duties that are set out in statute, which include scheduling all court proceedings, and maintaining the Courts' records.

It is an extensive workload, and it would not be possible to complete these tasks without the support of a committed team. While the Department as a whole is to be commended, there are a number of employees who have gone above the call of duty. Those individuals have truly embodied the service nature of our work, and I am immensely grateful for their efforts.

CHALLENGES

As in times past, the Judicial Department has continued to suffer a number of challenges. At the forefront of those challenges are staff shortages, insufficient resources, and a lack of physical and technological infrastructure.

Many are also aware of the challenges the Department has faced in the Supreme Court's Probate Division, which for a number of years has experienced a backlog of applications. We are aware of the strain that this backlog has placed on our Community, and we are steadily working to address this as one of our top priorities. In fact, we are hopeful that provisions put into place during the latter part of 2024 will continue to bear fruit in 2025, and that the backlog will be significantly diminished over the course of this upcoming year.



HIGHLIGHTS

In October 2024, the Department held its inaugural team-building 'Away-Day', which was widely attended and positively received by all members of staff. It is hoped that the Department will continue initiatives such as these, which are hoped will increase staff morale, and ultimately result in the provision of improved services.

In November 2024, the Bermuda Judiciary hosted the Caribbean Association of Judicial Officers (CAJO) for their Bi-Annual Conference. The CAJO Conference was attended by Judicial Officers from across the Caribbean. Attendees passionately remarked on the beauty and hospitality of Bermuda and its people, and I am proud of each person who played a part in representing our island home.

2025 GOALS

PROCESSES AND PROCEDURES

As the practice of law has evolved over the years, regrettably the provision of the Courts' services has not always responded in kind. We have committed this year to developing robust written processes and procedures for each of the Supreme Court's divisions. It is hoped that this exercise will allow us the opportunity to streamline and improve processes and ultimately deliver more efficient services.

ORGANIZATIONAL STRUCTURE REVIEW

Adding to our lack of human resource, is an outdated organizational structure. Fortunately, we have received support from the newly appointed Attorney General, Ms. Kim Wilkerson, as well as PS Marva O'Brien (who has also recently rejoined the Ministry) to restructure our organization by redefining now defunct positions. The most significant and anticipated change to the structure includes the addition of a second Assistant Registrar and an Officer (Supervisor), who will have oversight over the Matrimonial and Probate Divisions of the Supreme Court. It is hoped that these changes in particular will greatly improve the Department's ability to deliver prompt and effective service. With the introduction of an Officer over the Matrimonial and Probate Division, we are sure to reach our goal of eradicating the Probate backlog.

IMPLEMENTATION OF A NEW ELECTRONIC CASE MANAGEMENT SYSTEM

The long awaited implementation of a new electronic case management system is due to take place this year. With the procurement process now underway, we are hopeful that the implementation will be imminent. The implementation of this system is expected to catapult the Bermuda Judiciary into the 21st Century, affording the Judiciary and the Judicial Department the ability to deliver modernized services that are offered in most, if not all, off-shore jurisdictions. This includes, but certainly isn't limited to, electronic filing, electronic access to the Cause and Judgments books, the wider use of remote hearings, online payments, and improved efficiencies generally.

COURTS' ACCOMMODATIONS

It is also anticipated that final preparations will be made to commence renovations to the Dame Lois-Browne Evans Building (DLBE) to create additional, fit-for-purpose court and administrative space. Whilst it was always in the Department's plans to vacate Sessions House, we were required to vacate the premises prematurely in September 2024. The Supreme Court Criminal team, who were housed in Sessions House, have now permanently relocated to DLBE. The Supreme Court is now conducting criminal trials out of both DLBE Court No. 4 and DLBE Court No. 1. This has placed an unfair burden on the Magistrates' Court, who has essentially lost the availability of a court room.

This loss is balanced against the introduction of a new Matrimonial (Family) Chambers in DLBE, which has been effectively utilized since early December 2024. The introduction of these Chambers allows for the important work carried out by the Matrimonial (Family) Division of the Supreme Court to continue. That said, we remain vigilant in addressing our accommodation issues generally, and in particular finding ways to continue supporting the Magistrates' Court in the provision of its services until such time as the renovations are complete. I wish to commend the Senior Magistrate, who has been accommodating, patient and helpful. I also would like to express our gratitude to the Department of Public Land & Buildings for their assistance.

ACKNOWLEDGMENT OF THANKS

The role of the Assistant Registrar continues to play a crucial role in the day-to-day operations of the Courts. As most are aware, the Department welcomed Mrs. Kenlyn Swan as an Assistant Registrar (Temporary Additional) in September 2023, followed by Ms. Nicole Smith, who joined us through a reassignment opportunity from the Department of Public Prosecutions. Ms. Smith, who served as a second Assistant Registrar, left the Department in July 2024 to take up a noble position in the Legal Aid Department. This provided an opportunity for Ms. Tyasha Smith to join us in the role of Assistant Registrar (Consultant).

I am grateful for the support that both Mrs. Swan and Ms. Smith have provided to the Department thus far. In particular, Mrs. Swan has provided invaluable assistance to the Supreme Court's Criminal Division, while Ms. Smith has been an incredible resource in tackling the backlog in the Probate Division.

Special thanks must be given to Ms. Onika Mendes, Comptroller for the Ministry of Justice. Ms. Mendes has been an extraordinary resource, providing exemplary financial expertise and support. There are not enough words to express my gratitude to Ms. Mendes for her assistance. Her work is valued and appreciated.

It cannot go without saying that the Department's staff have always played a vital part in the provision of the Courts' services. Notwithstanding the Department's continued challenges, our staff have remained resilient in the exercise of their duties and I appreciate their efforts. I give my sincere thanks to the Managers of the Magistrates' Court (Ms. Andrea Daniels) and the Supreme Court (Mrs. Dee Nelson-Stovell and Mr. Frank Vasquez), as well as the Officers who have effectively and efficiently managed their teams.

Cratonia Thompson
Acting Registrar

THE MAGISTRATES' COURT

The Magistrates' Court is multi-jurisdictional having conduct of Civil, Criminal, Traffic and Family matters. There are also the Treatment Courts, such as the Mental Health Court, Drug Treatment Court, the Driving Under the Influence (DUI) Court and the Probation Review Court which continues to reduce recidivism by addressing the drug, alcohol and mental health challenges of offenders.

The Case Management Court which is conducted once a week is designed to resolve all disclosure, evidential and procedural issues before a matter proceeds to trial.

All cases/hearings are heard by a Magistrate sitting alone, except in the Family Court, where the Magistrate sits with two (2) lay members chosen from a Special Panel. There are no jury trials, (except for Coroner's Inquests) and all appeals from judgments of the Magistrates' Court are heard by the Supreme Court.



The Magistrates' Court provides funding for the Senior Magistrate, four (4) Magistrates' and acting appointments where necessary. The Magistrates' Court is presided over by the Worshipful Senior Magistrate Maxanne J. Anderson, the Worshipful Tyrone Chin, the Worshipful C. Craig Attridge, the Worshipful Maria Sofianos, and the Worshipful Auralee Cassidy all of whom bring a wealth of knowledge and experience to the Magistracy.

The Senior Magistrate has an acting Magistrate roster so as to give opportunities to those in the legal profession to acquire judicial experience and skills which would put them in a position to elevate to the bench.

The Secretariat is supervised by the Senior Administrative Assistant Raneek Furbert. She oversees two (2) Administrative Assistants who fall under the Criminal (Donneisha Butterfield) and Civil (Sindy Lowe) Sections within the Magistrates Court. Special commendation is to be granted to the team for their diligence, dedication and their unwavering support of the Magistracy.

COURT ADMINISTRATION

The Magistrates' Court Senior Officers, who fall under the remit of the Court Manager, consist of the Family Support Officer, the Head Bailiff/Deputy Provost General (DPMG) and the Office Manager. They provide support and overall control of personnel, facilities and financial resources of the Magistrates' Court.

The Magistrates' Court Administration Section consists of the Court Manager, Office Manager, Accounting Officer, two (2) Court Associates (formally titled Cashiers) and an Administrative Assistant who are fully responsible for all revenue collected and the payment of all administrative expenses, inclusive of payroll.

The Cashier’s Section collected \$5,800,889 in 2024, which was 7% less than in 2023. This is attributable to a reduction in the amount of Traffic and Parking fines collected due to offenders requesting Community Service Orders to work off the amount of their fines. Where the court is of the opinion that an offender is unable to pay a fine the Community Services Orders are an option to assist them so that they are not incarcerated for non-payment of fines.

The administrative team in this Section are to be commended for their accuracy & steadfastness in the collection of the various fines, fees and child support in and for the Magistrates’ Court, and their professionalism whilst serving customers, both in person and via the telephone.

The Court Associates are also to be praised for carrying out their duties with devotion and dedication. Special mention should be made the Cashier’s Team which consist of Ms. Deneise Lightbourn – Accounting Officer, Ms. Shondell Borden and Ms. Towona Mahon, all of whom go over and beyond the call of duty and play a vital role in the administration of the Courts. In addition, all of the substantive Court Associates perform relief cashiering duties. They too deserve recognition for their hard work and commitment. It is notable that all of the Court Associates who process the receipt of fees and fines had a phenomenal input accuracy rate of 99%.



HEARINGS/CASE EVENTS

Hearings/ Case Events	2020	2021	2022	2023	2024
Mentions	3,658	3,499	3,376	3,463	3,864
Trials	966	1,086	862	751	774
Case Events	18,579	19,815	19,122	17,147	16,614

FIGURE 1: TABLE OF 2020- 2024 HEARINGS/CASE EVENTS

‘Mentions’ are events for the Magistrate to decide what the next course of action is to be taken i.e. trial, another mention, etc.

‘Trials’ are hearings between the parties in order for the Magistrate to make a judgment.

‘Case Events’ includes proceedings such as pleas, legal submissions, sentencing hearings and other types of events that do not fall under Mentions and Trials.

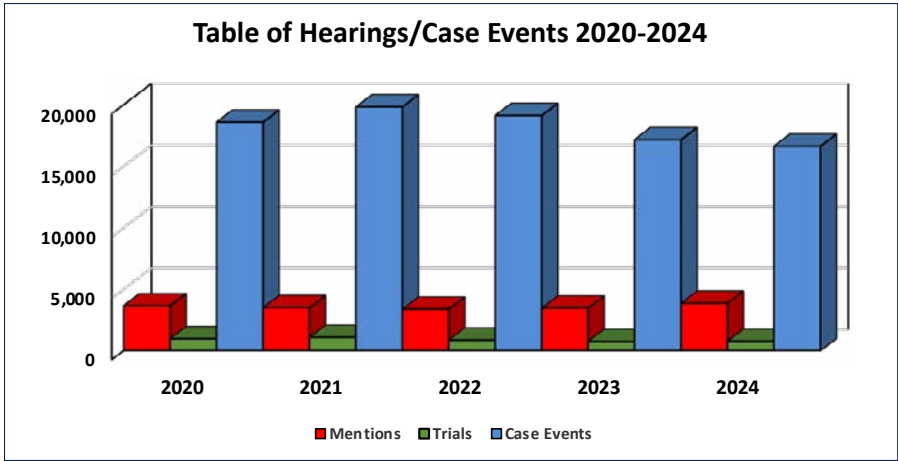


FIGURE 1A: CHART OF 2020 – 2024 HEARINGS/CASE EVENTS

In 2024 the number of Mentions and Trials increased by 12% and 3% respectively.

THE MAGISTRATES’ CIVIL COURT

The Civil Court is primarily presided over by The Worshipful Tyrone Chin.

The administrative arm of the Civil Section is overseen by the Office Manager who has under their remit one (1) Senior Court Associate and two (2) Court Associates.

The Civil Court continued to accept filings of all proceedings including evictions and the recovery of rent arrears. There was a noticeable decline in the number of new Civil Court filings by 13% in 2024. Albeit the administrative arm of the Civil Section is to be commended as they remained current in respect of the processing and distributing of all New Civil Documents received in 2024. These documents were received from various entities which include, but are not limited to, Law Firms, Credit Agencies, Person to Person, etc.

TOTAL NEW CASES (Filed)	2020	2021	2022	2023	2024
Civil	1,067	962	1,134	1,584	1,378

FIGURE 2: 2020 – 2024 TABLE OF TOTAL NEW CIVIL COURT CASES FILED

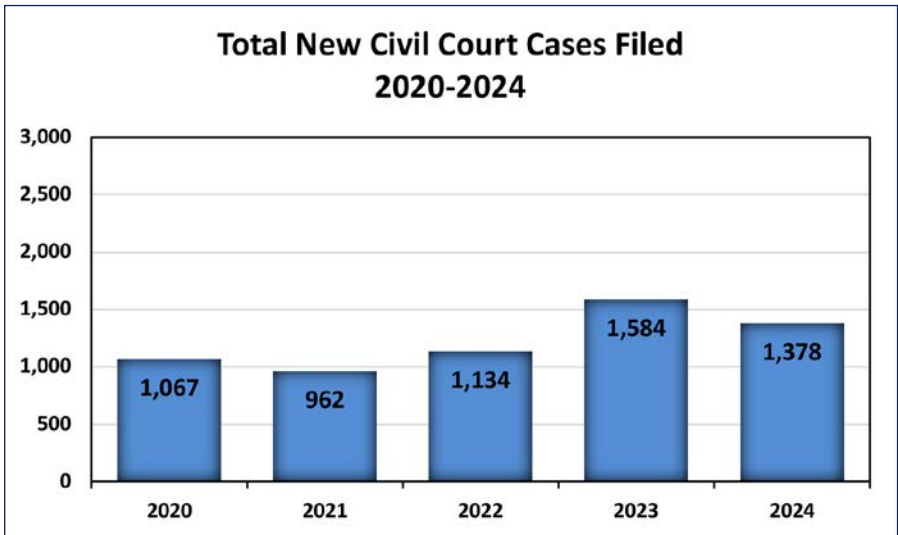


FIGURE 2A: 2020 – 2024 CHART OF TOTAL NEW CIVIL COURT CASES FILED

THE MAGISTRATES' FAMILY COURT

There are two (2) Family Courts, each comprised of a Magistrate and two (2) Special Panel Members (male and female), pursuant to the Magistrates' Act 1948.

This Court continues to exercise its jurisdiction in cases involving children who have not yet attained the age of 18 years and children who have continued in full-time education beyond 18 years.



THE SPECIAL COURT PANEL

The Family Court is a Special Court which was created to handle the specific needs of children whether born within or outside of marriage, and matters arising in respect of their custody, care, maintenance and violations against the law (juvenile offenders). Of particular note is that the sensitivity and complexity of Family Court matters has increased which requires the Family Court Panel to exercise the utmost judicial care in resolving such matters.

The Special Court Panel had 44 (forty-four) members serving in 2024 each of whom represent a diverse range of individuals from various walks of life. The Panel Members assist the Magistrates in decision making and their value to the Family Court and its continued success is immeasurable.

We wish to particularly commend those members of the Family Court Special Panel who have been sitting for over twenty (20) years, thereby showing their commitment and dedication to the welfare of the community.



We wish to pay specific tribute to those Panel Members who retired over the past year. We wish to give special mention to Mr. Roderick (Roddy) Burchall who retired from the Family Court Special panel after 48 (forty-eight) years of unwavering service to our community.

FAMILY COURT CASES

The overall number of cases filed in Family Court saw an increase of 5% in 2024. Notably, there was an astronomical rise in the number of Domestic Violence Orders adjudicated in Magistrates' Court of 89%! Domestic Violence remains a prevalent issue within our community that needs to be addressed. The anticipated establishment of a Domestic Violence Court represents a significant advancement in our judicial approach, allowing us to address the underlying issues therapeutically and provide comprehensive support to victims.

CHILDREN'S ACT 1998

In 2024 the number of cases heard under the Children's Act 1998 (Care Orders, Access, Maintenance, Care & Control) decreased by 5% in comparison to 2023. The severity and complexities of these cases remained the same.

FAMILY COURT ADMINISTRATION

The Family Court is chaired by the Senior Magistrate. The Family and Child Support Section falls under the remit of the Family Support Officer and is generally supervised by the Enforcement Officer. This Section provides administration for two (2) Family Courts and two (2) Family Court Magistrates. The remaining support staff are an Administrative Assistant and three (3) Court Associates.



FAMILY SUPPORT FORMS

The Family Support Section continues to assist mothers, fathers and children who come before the Court and who routinely need assistance in resolving rather sensitive and delicate family court issues.

CHILD SUPPORT PAYMENTS

The total amount of child support payments received in 2024 was (\$2,737,425) which is similar to the amount received in 2023 (\$2,821,314).

APPLICABLE LAW	TOTAL FAMILY LAW CASES				
	2020	2021	2022	2023	2024
Adoption Act 1963, Adoption Rules Act	0	1	5	4	4
*Children Act 1998 (Care Orders, Access, Maintenance, Care & Control)	780	590	569	675	402
**Enforcement (All Case Types in Default)	713	461	488	497	242
New Reciprocal Enforcement (Overseas)	0	0	0	0	538
Matrimonial Causes Act 1974	13	10	6	28	17
Domestic Violence Act 1997 (Protection Orders)	45	64	115	80	151
***Juvenile Cases	42	52	158	434	426
New Cases Filed	112	149	102	115	142
ANNUAL TOTALS	1,705	1,327	1,443	1,833	1,922

FIGURE 3: TABLE OF TOTAL FAMILY LAW CASES 2020 - 2024

* *The Children Act 1998 – This figure includes all cases adjudicated under this Act including applications submitted from the Department of Child and Family Services (DCFS).*

** *Matters in which an enforcement order was made for the collection of child support arrears.*

*** *Juvenile Cases – Criminal & Traffic Cases for children who are too young to go to regular court (17 years old & under).*

CRIMINAL, TRAFFIC & RECORDS SECTION

The Criminal/Traffic/Records Section falls under the remit of the Office Manager and is supervised by the Records Supervisor. There are two (2) Court Associates designated to this Section who provide case management and court services related to the resolution of criminal, traffic and parking ticket cases as well as manage all Record Requests. Additionally, the Court Associates provide clerking support to the Magistrates and are solely responsible for inputting Demerit Points into the Transport Control Department (TCD) Driver's Vehicle Registration System (DVRS) and the Judicial Enforcement Management System (JEMS).

We wish to pay special tribute to Dwainisha Richardson, a former Administrative Assistant (Criminal Section) who passed unexpectedly in August 2024. She will be remembered fondly for her commitment and professionalism during her 16 years with the Magistrates' Court.

A number of professional development opportunities were granted to various staff within the Judicial Department. As a result, Ms. Donneisha Butterfield continued to act as an Administrative Assistant in the Criminal Section of the Magistrates' Court. Ms. Sindy Lowe is currently acting as an Administrative Assistant in the Civil Section of the Magistrates' Court and Ms. Callisa O'mara is currently acting as a Court Associate in the Criminal Branch of the Supreme Court.

Special mention to all of our Court Associates and Supervisors in this Section for their tenacity and dedication throughout the past year.

TOTAL NEW CASES (Filed)	2020	2021	2022	2023	2024
Criminal	529	594	419	469	551
Traffic	4,396	4,323	6,882	4,839	4,507
Parking	19,637	18,363	24,106	26,704	32,074

FIGURE 4: TOTAL NEW CASES FILED WITH THE JEMS SYSTEM 2020-2024

Total New Cases (Filed)			
Month	Criminal	Traffic	Parking
Jan	49	438	3,346
Feb	35	260	3,162
Mar	42	437	2,391
Apr	37	401	2,192
May	49	457	2,572
Jun	43	323	2,076
Jul	57	433	2,664
Aug	83	642	3,250
Sep	54	291	2,740
Oct	39	408	1,599
Nov	37	187	3,032
Dec	26	230	3,050
TOTALS:	551	4,507	32,074

FIGURE 4A: 2024 TABLE OF NEW CRIMINAL, TRAFFIC AND PARKING CASES FILED BY MONTH.

The number of new Criminal cases/matters filed at the Magistrates' Court increased by 17% from **469** in 2023 to **551** in 2024.

This was not the case as it relates to the number of new Traffic matters filed which saw a slight decline of 7% from **4,839** in 2023 to **4,507** in 2024.

Additionally, the number of Parking cases filed increased by 20% in 2024 – **32,074** when compared to 2023 which had **26,704** matters filed.

TOTAL NEW CASES (Disposed)	2020	2021	2022	2023	2024
Criminal	353	361	432	337	385
Traffic	3,967	3,781	6,781	4,670	4,262
Parking	2,169	5,440	8,279	8,854	8,029

FIGURE 5: TABLE OF TOTAL NEW CASES DISPOSED BY A MAGISTRATE 2020 – 2024 (CRIMINAL, TRAFFIC & PARKING)

Total New Cases (Disposed)			
Month	Criminal	Traffic	Parking
Jan	23	315	713
Feb	41	331	1,111
Mar	22	324	738
Apr	28	325	739
May	31	466	662
Jun	21	385	512
Jul	52	402	732
Aug	36	478	397
Sep	28	411	654
Oct	38	281	537
Nov	42	277	656
Dec	23	267	578
TOTALS:	385	4,262	8,029

FIGURE 5A: 2024 TABLE OF NEW CRIMINAL, TRAFFIC AND PARKING CASES DISPOSED BY MONTH.

RECORD REQUESTS

In 2024, the Criminal/Traffic/Records Section processed a total of 2,603 Record Requests which is an increase of 7% when compared to 2023 (2,444). The requests come from various sources which include, but are not limited to, private citizens, local and overseas Employment Agencies, Private Companies, Canadian Immigration, the US Consulate, etc.

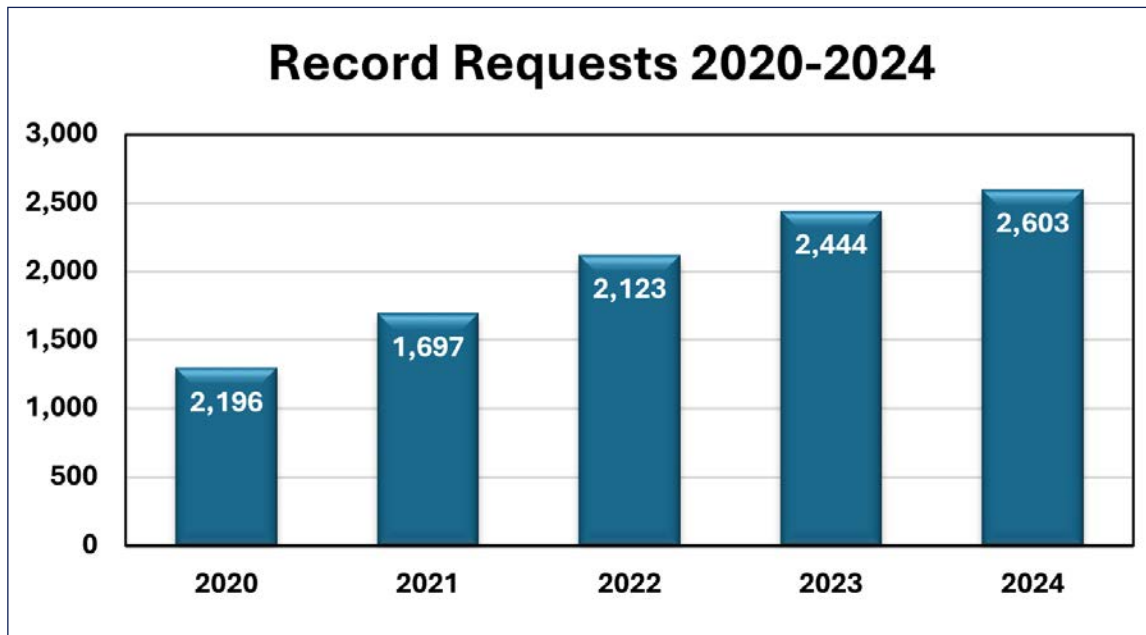
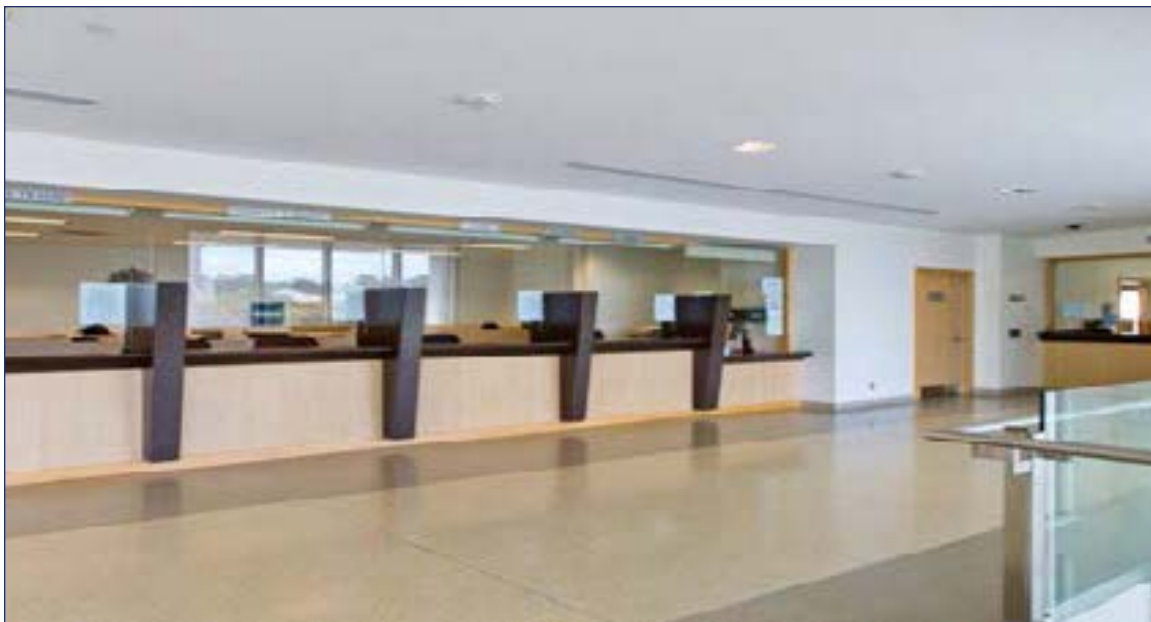


FIGURE 6: CHART OF 2020 – 2024 RECORD REQUESTS FILED

Again, it is to be noted that the fee for a Record Request at the Magistrates' Court continues to be disproportionately low at \$10.00 per application, when a similar report from the Bermuda Police Service is \$100.00. We will continue to pursue an increase in this fee.



MAGISTRATES' COURT CRIMINAL | TRAFFIC | RECORDS | CIVIL | BAILIFF'S RECEPTION WINDOWS.

TOP 10 CRIMINAL OFFENCES 2020 – 2024

Offence Code	Offence Description	Offence Count				
		2020	2021	2022	2023	2024
C0006	COVID BREACH OF CURFEW			(4) 26		
2010	STEALING (BELOW \$1000)	(6) 36	(2) 74	(3) 30	(1) 41	(2) 49
2011	STEALING (ABOVE \$1000)			(10) 14		
2071	OBTAINING PROPERTY BY DECEPTION	(10) 18				
2091	TAKE VEHICLE AWAY W/O CONSENT					(8) 22
2127	BURGLARY (NEW)	(3) 48	(3) 45	(5) 25	(2) 40	(5) 34
2144	WILFUL DAMAGE GT 60	(7) 23	(8) 27	(7) 19	(5) 28	(4) 40
2152	ASSAULT (COMMON)	(5) 39	(7) 30	(1) 36	(3) 38	(1) 62
2156	ASSAULT (ABH)	(4) 40	(7) 30	(8) 18	(4) 33	(3) 41
2168	ASSUALT ON POLICE			(9) 16	(8) 17	
2173	VIOLENT RESIST ARREST			(10) 14	(9) 16	
2203	HAVE BLADE/POINTED ARTICLE			(1) 36	(4) 33	(2) 49
2231	SEX ASSAULT		(10) 20		(10) 14	
2388	POSS DRUG EQUIPMENT			(9) 16	(8) 17	(7) 26
2392	POSS DRUG EQUIPMENT PREPARE					(9) 19
2596	INTRUDE PRIVACY FEMALE				(9) 16	
2612	INTIMIDATION			(9) 16		
4028	THREATENING / OFFENSIVE / INSULTING				(9) 16	(4) 40
4032	THREATENING BEHAVIOUR	(5) 39	(5) 34	(2) 34		(10)16
4034	TRESPASS PRIVATE PROPERTY		(9) 25	(8) 18		(6) 27
5000	FAIL TO COMPLY W/ORDER TRIBUNAL EMP. ACT	(9) 19				
6220	CURFEW VIOLATION	(2) 44	(4) 40			
6221	OFFENCE AGAINST EMERGENCY POWERS REG.	(9) 19	(1) 97			
7604	MARINE SPEED 100M FERRY REACH	(8) 22				
7605	CREATE WAKE 100M SHORELINE	(1) 53	(6) 32	(3) 30	(7) 21	
7614	FAIL CARRY SAFETY EQUIPMENT			(6) 22	(6) 22	
7649	USE/KEEP UNREGISTERED BOAT	(10) 18				

FIGURE 7: TABLE OF TOP 10 CRIMINAL OFFENCES 2020 – 2024

The **Top 3 Criminal Offences in 2024** are as follows:

1. Assault (Common)
2. Stealing (Below \$1,000) and Having a Blade/Pointed Article
3. Assault (ABH)

Assault (Common) has jumped from No. 3 in the Top 10 Criminal Offences in 2023 to No. 1 in 2024. Having a Bladed Article moved from the No. 1 position in 2023 to No. 2 in 2024. Stealing and Assault (ABH) remain in the Top 5 criminal offences for 2024.

TOP 10 TRAFFIC OFFENCES 2020 – 2024

Offence Code	Offence Description	Offence Count				
		2020	2021	2022	2023	2024
3002	SPEEDING	(1) 1,849	(1) 1,915	(1) 3,352	(1) 1,886	(1) 1,803
3007	DISOBEY TRAFFIC SIGN	(2) 424	(2) 721	(2) 991	(2) 608	(3) 475
3013	SEAT BELT NOT FASTENED	(10) 52				
3058	IMPAIRED DRIVING A MOTOR VEHICLE	(7) 106	(7) 94	(7) 131	(7) 170	(7) 121
3062	REFUSE BREATH/BLOOD TEST		(9) 60	(10) 62	(10) 83	
3064	EXCESS ALCOHOL MOTOR VEHICLE			(9) 73	(8) 90	(8) 77
3070	DRIVE W/O DUE CARE & ATTENTION	(9) 67	(8) 72			
3080	NO THIRD-PARTY INSURANCE	(4) 345	(4) 319	(4) 508	(4) 435	(5) 422
3147	USE OF HANDHELD DEVICE WHILST DRIVING				(9) 87	(9) 63
3190	DRIVER/PASSENGER FAIL TO WEAR HELMET			(8) 89		
3228	UNLICENCED MOTOR CAR	(6) 136	(6) 135	(6) 226	(6) 198	(6) 157
3229	UNLICENSED MOTOR BIKE	(5) 311	(3) 328	(5) 499	(5) 426	(4) 442
3234	NO DRIVERS LICENSE/PERMIT	(3) 374	(5) 295	(3) 604	(3) 478	(2) 532
3324	DEFECTIVE SAFETY GLASS/TINT		(10) 57			(10) 61
3414	FAIL EXHIBIT NUMBER PLATE	(8) 71				

FIGURE 8: TABLE OF THE TOP 10 TRAFFIC OFFENCES FROM 2020 – 2024

The Top 3 Traffic Offences for 2024 are as follows

1. Speeding
2. No Driver's License/Permit
3. Disobeying a Traffic Sign

Predictably, Speeding continued to be the most prevalent traffic offence in 2024. The traffic offences of Disobeying a Traffic Sign and No Driver's License/Permit switched positions in 2024 when compared to 2023.

WARRANTS

OUTSTANDING WARRANTS

Outstanding Warrants for criminal and traffic offences fall under three (3) categories which are as follows:
 - Committals, Summary Jurisdiction Apprehensions (SJA) and Apprehensions.

TOTAL OUTSTANDING WARRANTS	2020	2021	2022	2023	2024
Committal	661	621	633	583	566
SJA	3,077	3,140	3,261	3,518	3,539
Apprehension	6,834	7,278	7,464	7,491	7,826

FIGURE 9: TABLE OF OUTSTANDING WARRANTS 2020-2024 (APPREHENSION, SUMMARY JURISDICTION APPREHENSION (SJA) AND COMMITTAL)

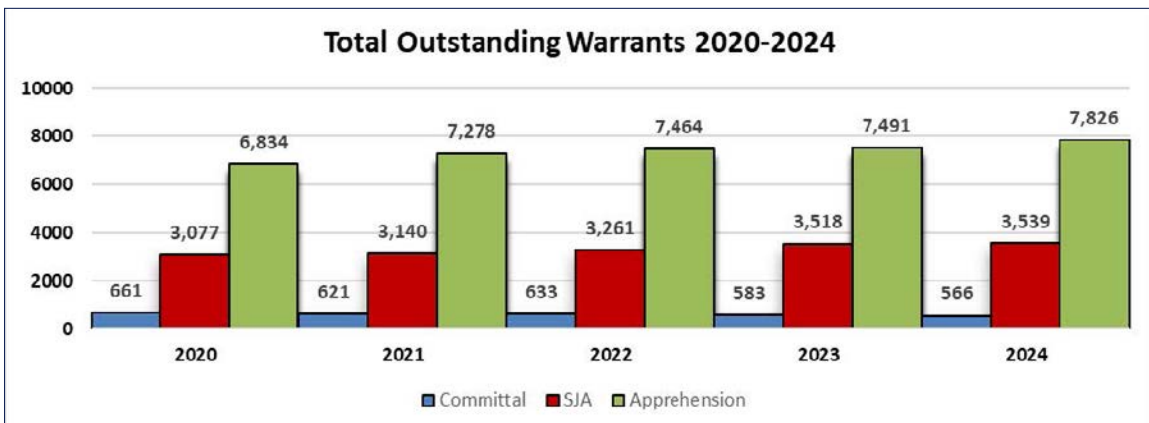
NOTE:

Committal Warrants are issued when a defendant is found or pleads guilty of an offence, does not pay the fine, asks for more time to pay (TTP) and then does not meet that deadline.

SJA Warrants are issued when a defendant has been fined by a Magistrate and has not paid the fine by the prescribed deadline.

Apprehension Warrants are issued when defendants do not show up to Court when they are summoned for criminal and traffic offences.

FIGURE 9A: CHART OF OUTSTANDING WARRANTS 2020-2024 (APPREHENSION, SUMMARY JURISDICTION APPREHENSION (SJA) AND COMMITTAL)



SUMMARY JURISDICTION APPREHENSION (SJA) AND COMMITTAL)

There was a minimal decline in the number of Committal Warrants from 583 in 2023 to 566 in 2024 which represents a 3% decrease.

The number of Summary Jurisdiction Apprehension (SJA) Warrants had a minor increase of 1% from **3,518** in 2023 to **3,539** in 2024 and the Apprehension Warrants saw an increase of 4% from **7,491** in 2023 to **7,826** in 2024.

The total value of the outstanding Warrants is \$2,812,780.63.

POLICE AND CRIMINAL EVIDENCE ACT (PACE) WARRANTS

PACE Warrants 2020-2024	Legislation	2020	2021	2022	2023	2024
Special Procedure Applications	Telephonic	88	65	43	53	97
	Banking	5	10	13	13	21
	Internet	9	2	-	7	19
	Medical	3	1	-	3	1
	Covid-19 Emergency Powers	6	-	-	-	-
	Financial	1	2	-	1	-
	Airport	1	-	-	-	-
	BELCO Electricity	-	-	-	-	9
	Electronic Taxi App.	-	1	-	-	-
	Hospital (MAWI)	-	-	-	-	-
	Insurance	-	3	-	1	-
Order of Freezing of Funds	-	15	-	-	-	
Order Release of Seized Cash/ Property	-	7	1	-	1	
Continued Detention of Seized Cash/Property	8	14	6	1	16	
Search Warrants	Misuse of Drugs Act	37	15	30	25	24
	Firearms	18	7	1	5	8
	Sec. 8/Sec. 15 PACE Act	20	14	14	29	14
	Liquor License Act 1974	1	-	-	-	-
	Mental Health Sec.71(1)	1	-	-	-	-
	Criminal Code	-	-	-	-	-
	Revenue Act(Customs)	-	-	-	-	-
Production Order (Customs)	-	-	-	-	-	
Production Order 'PATI' - Public Access To Information	-	-	-	-	-	
TOTAL OF ALL TYPES		198	156	108	138	210

FIGURE 10: TABLE OF 2020 – 2024 PACE WARRANTS

The number of PACE Warrants granted in 2024 were significantly higher (52%) than the number of warrants granted in 2023.

CORONER’S REPORTS – CAUSES OF DEATH

Causes of Death	2020	2021	2022	2023	2024
Natural Causes	60	64	60	54	56
Unnatural Causes	5	8	37	22	20
Murders	6	7	8	3	9
Drowning	0	0	8	5	4
Road Fatalities	7	17	7	13	4
Undetermined	0	0	9	11	0
Hanging	0	0	2	3	3
Suicide	3	2	0	0	0
COVID	0	5	0	0	0
TOTALS	81	103	131	111	96

FIGURE 11: TABLE OF CAUSES OF DEATH IN CORONERS CASES 2020 – 2024

NOTE:

Unnatural Causes: These cases include Drug Overdoses, Drownings and Accidental Deaths.

Fatal: These cases include Road and Marine fatalities.

The Coroner’s Office is managed by the Senior Magistrate who reviewed 96 Coroner’s deaths from January – December 2024.

There was decline in some of the metrics as it relates to Coroner’s cases. Most notably are the decreases in the number of deaths due to Road Fatalities and the marked increase in deaths due to Murder which tripled, from 3 to 2023 to 9 in 2024.

Overall the total number of Coroner’s cases has decreased from 111 in 2023 to 96 in 2024 representing a 14% change.

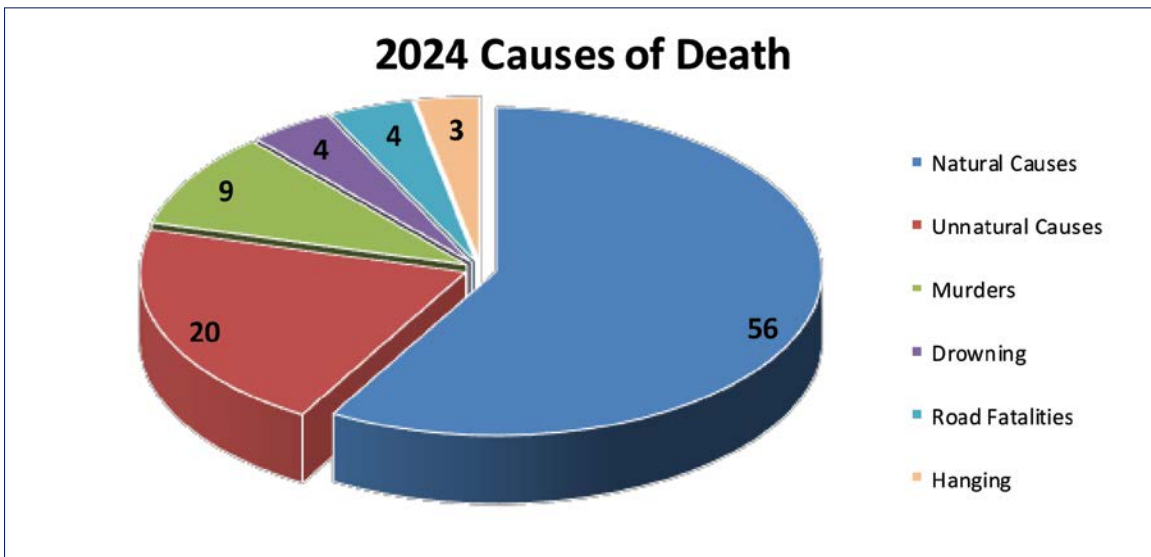


FIGURE 11A: CHART OF TOTAL CAUSES OF DEATH IN CORONERS CASES IN 2024

CASHIER'S SECTION

The Cashier's Office is overseen administratively by the Accounting Officer who has two (2) Court Associates (formerly titled Cashiers) under their remit. It is to be noted that all of the substantive Court Associates from the Civil, Criminal and Family Support Sections also perform relief cashiering duties when their colleagues are on any form of leave. As a team they are to be commended for their due diligence collecting close to \$6 Million dollars in the Magistrates' Court Section of the Judicial Department over the past year.

Collectively the Cashier's Office received a total of \$5,800,889 in fees and fines in 2024. This represents an overall decline of 7% in fines collected for Criminal, Traffic, Parking, and Civil matters, in addition to Family Support in 2024. The Magistrates' Court, as it did in 2023, still takes into consideration the financial circumstances of individuals who have been fined and accordingly the Magistrates Court have allowed persons to pay off their fines in instalments. Additionally, Magistrates are making Community Service Orders in lieu of the imposition of fines so that those who are unable to pay fines can give back to society through charity work. Due to the increased inability of persons unable to pay their fines the number of Community Service Orders has drastically increased over the past year.



Cashier's Office Payment Types by \$ Amount					
Payment Types (By \$ Amount)	2020	2021	2022	2023	2024
Civil Payment (Attach of Earnings)	653,180	592,499	574,780	563,772	528,028
Civil Fees	93,220	82,075	79,745	80,875	114,475
Traffic Fines	1,587,199	1,282,933	2,365,335	1,878,078	1,711,266
Parking Fines	472,650	568,425	645,400	646,375	526,775
Criminal Fines	106,095	164,206	151,283	115,567	126,351
Liquor License Fees	718,730	222,136	194,500	74,850	-
Misc. Fees (Including Bailiffs)	22,827	38,110	41,339	43,202	56,569
Family Support	3,356,539	3,293,921	3,231,457	2,821,314	2,737,425
TOTAL COLLECTED	7,010,440	6,244,305	7,283,839	6,224,034	5,800,889

FIGURE 12: TABLE OF CASHIER'S OFFICE PAYMENT TYPES (BY \$ AMOUNT) 2020-2024

Cashier's Office Payment Types by Number

Payment Types (By \$ Amount)	2020	2021	2022	2023	2024
Civil Payment (Attach of Earnings)	3,027	2,896	3,153	2,893	2,645
Civil Fees	2,388	2,259	2,217	2,439	2,147
Traffic Fines	4,637	4,035	7,251	5,287	4,783
Parking Fines	6,303	7,638	8,601	8,605	7,025
Criminal Fines	230	297	258	215	191
Liquor License Fees	408	101	98	35	-
Misc. Fees (Including Bailiffs)	1,499	1,956	2,356	2,753	2,965
Family Support	13,696	12,730	11,855	10,419	10,430
TOTAL PAYMENTS PROCESSED	32,188	31,912	35,789	32,646	30,186

FIGURE 12A: TABLE OF CASHIER'S OFFICE PAYMENT TYPES (BY NUMBER) 2020-2024

BAILIFF'S SECTION

The current staff in the Bailiffs Section are Christopher Terry (Head Bailiff, Deputy Provost Marshal General), Donna Millington (Bailiff), Donville Yarde (Bailiff), Veronica Dill (Bailiff), D'Vario Thompson (Bailiff) and Tina Lee (Administrative Assistant).

BAILIFFS PAPER SERVICE 2024

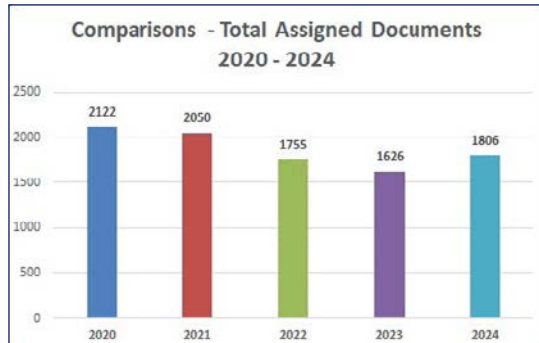
During 2024, the Bailiffs were issued a total of **1,806** documents of which **1,366** were returned for the attention of the respective Courts, representing a satisfactory service rate of **76%**. In addition to the returned documents that were issued in 2024, the Bailiffs managed to return a total of **282** documents that had been issued from previous years. Currently, there are **1,243** outstanding documents, the majority of which are Committals to Prison (583) and Warrants of Arrest (605). Throughout 2024, the Bailiffs made **1,916** attempts in the execution of their paper service.

Documents: January - December 2024								
Document Types	Assigned Docs 2024	Assigned Docs 2024 Returned	Outstanding Docs Returned	Unable to Locate	Cancelled Withdrawn	Attempts	Total Docs Returned	Total Outstanding Docs
Committal Applications	289	179	115	0	64	1378	358	583
Evict Warrants	36	27	3	0	7	58	37	0
Foreign Documents	21	15	1	5	0	1	21	0
Judgement Summons	72	61	4	5	2	138	72	0
Notice of Hearing	127	111	0	5	1	124	117	10
Ordinary Summons	269	206	36	45	10	767	297	0
Protection Orders	162	157	0	1	0	228	158	4
Summons	394	324	11	41	7	552	383	11
Warrants of Arrest	370	225	111	0	75	1414	411	605
Writs	20	15	1	0	0	0	16	30
Other Documents	46	46	0	0	0	6	46	0
TOTALS	1806	1366	282	102	166	4666	1916	1243

13: TABLE REPRESENTING THE TOTAL FIGURES OF THE BAILIFFS PAPER SERVICE, JANUARY – DECEMBER 2024 - 76%. TOTAL O/S DOCS IN MAROON REPRESENTS DOCUMENTS ISSUED PRIOR TO THIS CALENDAR YEAR.

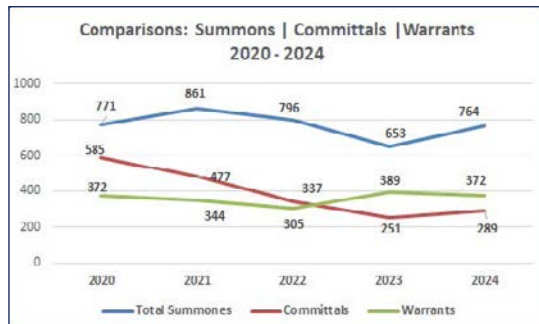
COMPARISON OF PAPER SERVICE 2020 – 2024

From 2020 – 2024 we have seen an annual decline in the issuing of documents for service, however in 2024 there was a 10% increase of documents (+180) for service over the year 2023, primarily with the increases with the combined Summonses, Committals to Prison and Domestic Violent Orders.

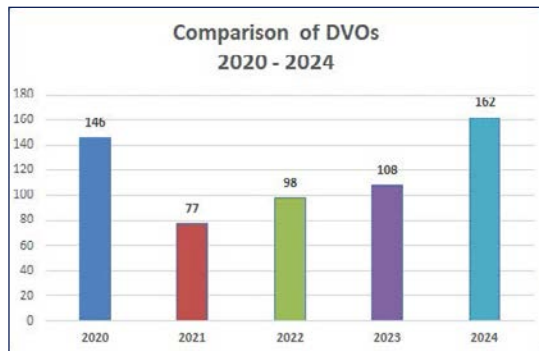


During 2024, there was no changes in the top three (3) categories of documents issued for service by the Bailiffs. The chart below illustrates the top three (3) categories as follows:

1. Combined Summonses (764)
2. Warrants of Arrest (372)
3. Committals to Prison (289)



There was a significant increase of **33%** of Domestic Violent Orders (“DVOs”) from **108** in 2023 to **162** in 2024. Currently, we are averaging 118 DVO’s on a yearly basis.



There was a decline of 50 – 36 cases requiring the execution of Warrants to Evict tenants from their places of dwelling.

However in the cases of repossession of mortgage properties, there was an increase of 2 Writs of Possession. The Bailiffs successfully executed all of these matters.

There were a total of 9 Writs of Execution issued with 2 properties sold to satisfy an indebtedness. The Deputy Provost Marshal was successful in finalizing 30 outstanding writs, having a balance of 30 requiring completion.





The Bailiff's Section from left to right: Donna Millington (Bailiff) | Donville Yarde (Bailiff) | Veronica Dill (Bailiff) | Christopher Terry (Head Bailiff) | D'Vario Thompson (Bailiff)

ESTABLISHMENT LIST

JUDICIAL DEPARTMENT – MAGISTRATES’ COURT AS AT 31 DECEMBER 2024.

POST	OFFICER'S NAME
The Honourable Senior Magistrate	M. Anderson
The Honourable Magistrate	T. Chin
The Honourable Magistrate	C. Craig Attridge
The Honourable Magistrate	M. Sofianos
The Honourable Magistrate	A Cassidy
Court Manager	A. Daniels
Family Support Officer	C. Furbert
Head Bailiff/Deputy Provost Marshal General	C. Terry
Office Manager	P. Rawlings
Enforcement Officer	A. Smith
Records Supervisor	J. Thomas
Accounting Officer	D. Lightbourn
Sen. Administrative Asst. to the Senior Magistrate	R. Furbert
Administrative Assistant (Family)	A. Williams
Administrative Assistant (Administration)(Temp. Relief)	S. Wingood
Administrative Assistant (Criminal)	D. Butterfield (Acting)
Administrative Assistant (Civil)	S. Lowe (Acting)
Administrative Assistant (Bailiff)	T. Lee
Court Associate (Family)	T. Campbell
Court Associate (Family)	K. Webb
Court Associate (Family) (Temporary Relief)	D. Taylor-Williams
Senior Court Associate (Civil)	C. Bremer
Court Associate (Civil)	A. Seaman
Court Associate (Civil) (Temporary Relief)	C.
Court Associate (Appeals)	N. Hassell
Court Associate (Criminal/Traffic) (Temporary Relief)	S. Seymour
Court Associate (Criminal/Traffic) (Temporary Relief)	C.
Bailiff	D. Millington
Bailiff	D. Yarde
Bailiff	V. Dill
Bailiff	D. Thompson
Bailiff	Vacant
Court Associate (Cashiers)	T. Mahon
Court Associate (Cashiers)	S. Borden

END OF YEAR 2024 REPORT - CORONER'S OFFICE

INTRODUCTION

The Coroner's Office, operating under the Coroners Act 1938, is responsible for conducting inquiries into deaths where a person has died because of a) a violent or unnatural death or b) a death where the cause is unknown. Additionally, any death occurring within our prisons or at the Mid-Atlantic Wellness Institute falls within the purview of the Coroner.

REPORTED CASES

In 2024, 155 deaths were reported to the Coroner's Office, of which 121 were deemed Coroner's cases. The breakdown of those cases (deaths) is as follows:

- **Natural Causes:** 98
- **Road Traffic Fatalities:** 7
- **Drowned:** 3
- **Suicide:** 4
- **Murders:** 9

The remaining 34 cases reported to the Coroner's Office were deaths in which the deceased person's doctor provided a cause of death and was satisfied that a post-mortem was not required. As such, they are not classified as a Coroner's case.

COST OF POST-MORTEMS

Bermuda's coroner's system does not operate independently or have its own facilities and staff. With only one morgue in Bermuda, the Coroner relies on the Bermuda Hospital Board's (BHB) Pathology Department to conduct post-mortems on its behalf. Where the death is a result of murder or suspicious, and the Bermuda Police Service (BPS) is investigating, by historical practice, the Bermuda Police Service (some may say wrongly or rightly), as there is no written policy or legislative authority, will engage the services of an overseas forensic pathologist to travel to Bermuda to conduct a post-mortem on the body of a murdered person or who death is being treated as suspicious.

Under a Memorandum of Understanding between the Bermuda Hospital Board and the Coroner's Office, the BHB charges the Coroner (Government) \$750.00 per post-mortem (non-forensic). For cases such as murder or where the death is suspicious, and the BPS is carrying out an investigation, the BPS will engage the services of a forensic pathologist to conduct the post-mortem. The average cost of a forensic post-mortem was \$7,000.00, which included airfare and hotel accommodations.

RESOURCES

The Coroner's Office faces ongoing challenges related to human and physical infrastructure. It relies heavily on the BHB and the Government Lab to carry out coroner-related work.

Between mid-2023 and November 2024, the BHB only had one pathologist on staff conducting post-mortems. This resulted in the pathologists' inability to complete their reports in a timely manner. The shortage of personnel and equipment failure at the Government Lab further compounded this situation.

The Government Lab carries out tests on post-mortem specimens submitted by the pathologist, and the pathologist requires the results of those tests to complete their reports. The BHB now has two pathologists on staff; however, until the Government Lab is fully functional, we will continue to see delays in coroner cases.

DEATH CERTIFICATES (SHORT FORM)

The Government, recognising the hardship that families were experiencing, amended the Registration (Births and Deaths) Act 1949, and created the Short Form Death Certificate. This allowed the Registrar General's Office to produce a certificate without requiring the final cause of death to be known, allowing families to start the probate process for their loved one's estate.

TRAINING

In January 2024, the Senior Coroner, Mrs Maxanne Anderson, Coroners Mr Tyrone Chin and Ms Maria Sofianos, and Coroner's Officer, Mr Lyndon Raynor, participated in a week-long virtual course titled 'A Practical Course for Coroners, Judges, and Magistrates', which touched on how a Coroner's Inquest should be conducted. The course was put on by the Civil Service College in London, England, and was attended by other Coroners from our sister overseas territories.

Report of:

Lyndon Raynor (Bermuda Police Service)
Coroner's Officer

With concurrence of:

Wor. Maxanne Anderson
Senior Magistrate and Coroner

JUDICIARY – INFORMATION TECHNOLOGY DEPARTMENT

The Judiciary's in-house Information Technology department (IT department) is staffed by Mr. Frank Vazquez, IT Manager and Mr. Brian Mello IT Assistant.

The IT department is responsible for ensuring that all technology systems used in the judicial process are secure, reliable, and efficiently maintained. This department plays a crucial role in supporting the court's daily operations by managing hardware, software, security protocols.

Their responsibilities include:

- **System Administration:** The IT department maintains and manages the court's computer systems, including servers, desktops, laptops, and mobile devices. They strive to ensure that case management systems, audio-recording system, and other critical applications remain operational and up-to-date.
- **Network Management:** The IT department works with the government I.T. department to diagnose and resolve issues with the courthouse's internal network, to provide secure and stable connectivity for staff, judges, clerks, and other court personnel.
- **Help Desk Support:** The IT department provides first level technical support to courthouse employees, assisting with troubleshooting hardware and software issues, and other tech-related problems. They ensure minimal downtime for staff by quickly addressing issues.
- **Software and Application Management:** The IT department team installs, updates, and manages specialized court software such as the case management system, digital recording system, and video conferencing tools used for remote hearings. It is our goal to ensure that these applications run smoothly and meet the court's operational needs.
- **Audio/Visual Support:** Courthouses rely on A/V technology for presentations, evidence display, and remote testimony. The IT team maintains these systems, ensuring they are functional and ready for court proceedings.
- **Training and Policy Development:** The IT department provides training to courthouse staff on the proper use of technology and develops policies for cybersecurity, data usage, and acceptable technology practices.
- **System advances:** To stay current, the IT department conducts research on new technology in development, and technology currently used in other jurisdictions. When new functionality is introduced in the courts the IT department become the system experts.



In summary, the IT department ensures that the courthouse's technological infrastructure operates smoothly, securely, and efficiently, enabling court staff to focus on their primary responsibility — administering justice.

Frank Vazquez
IT Manager

SOCIAL COMMITTEE

The primary objective of the Social Committee is to foster a spirit of camaraderie and enhance well-being among our Judicial branch team members. Throughout the year, our dedicated Committee volunteers invested their time to organize special and unforgettable events for everyone to enjoy. In 2024, we hosted several activities, including Valentine's Day treats in February, a Bermuda Day social in May, bowling in June, birthday celebrations in June and October, a Cup Match social in July, and our Diamond Ball Holiday Party in December.

We would like to express our sincere gratitude to the following Committee members for their invaluable contributions: Destinee Taylor-Williams, Donna Millington, Kezia Battersbee, Sabryah Seymour, Shardae Seymour, and Patsy Lewis. We also wish to highlight the unwavering support of Assistant Registrar Kenlyn Swan Taylor, Justice Alan Richards, and Chief Justice Larry Mussenden. We also extend our appreciation to all Judicial Department team members who participated and supported our events. The Committee eagerly anticipates organizing more exciting initiatives and gatherings in 2025!

Maria Sofianos
Chair, Judicial Department Social Committee

Nicole Hassell
Deputy Chair, Judicial Department Social Committee





03.
JUDICIAL &
LEGAL SERVICES COMMITTEE

JUDICIAL AND LEGAL SERVICES COMMITTEE

In February of 2024 the Committee welcomed a new lay member who replaced the late dearly departed Martha Dismont. Our new colleague Juanae Crockwell is the Executive Director of the Women's Resource Centre, who we believe embodies Martha's values and commitment to the residents of Bermuda.

The JLSC engaged in four notable activities in 2024.

First, the Committee undertook the process of selecting candidates to be interviewed for the position of Supreme Court Puisne Judge (Criminal) and then making recommendation to Her Excellency the Governor as to who she should appoint. 9 candidates applied for the post of which 4 were shortlisted for interview. Interviews were held on the 18 March 2024. After the interviews, substantial deliberations followed which resulted in the appointment of Alan Richards. Mr. Richards brings valuable knowledge and insight from his considerable experience including work with the Department of Public Prosecutions over the last nine years.

The second task was a series of interviews for the post of Supreme Court Puisne Judge (Commercial) on the 24 June 2024. 11 candidates submitted their CV's, of which 4 were shortlisted. The two best candidates were both Bermudian. The unanimous decision of the Committee was to recommend a candidate with extensive experience in commercial disputes which resulted in the appointment of Andrew Martin. Mr. Martin has an extremely wide range of commercial litigation experience in the Supreme Court, the Court of Appeal, and the Privy Council.

The third undertaking in no short order was another set of interviews for two positions on the Court of Appeal. 32 candidates submitted applications, of which 5 were short listed. The needs of the Court were twofold, the first being an appointee with all-round experience and the second, one with commercial and trust law experience. Interviews were held on 25 June 2024. The recommendations of the JLSC to Her Excellency were that of Sir Gary Hickenbottom and former Chief Justice Narinder Hargun. The breadth of Sir Gary's experience is significant. When partner at a top rate law firm in London he started to act as a Parking and Traffic Adjudicator and has been a Circuit Judge, Senior Circuit Judge, Judge of the Technology and Construction Court in Wales, Justice of the High Court (Queen's Bench Division) and Justice of Appeal. He has had a plethora of other roles including acting as the Sole Commissioner in a Commission of Inquiry into Governance and Corruption in the British Virgin Islands.

Narinder Hargun's merits displayed as Chief Justice were both apparent and well known to the Committee. The recommendation of Mr. Hargun for appointment to the Court was a pretty obvious choice. Along with occupying the role of former Chief Justice, Mr. Hargun has practiced in all aspects of commercial litigation and arbitration in Bermuda. He has been involved in most of the significant commercial cases before the Bermuda Courts, over 100 of which are reported. Mr. Hargun has appeared before the Commercial Court in Bermuda, the Court of Appeal, the Privy Council and numerous insurance/reinsurance arbitrations.

The final notable activity in 2024 was consideration of the amendment of the Protocol, which has been the subject of much discussion and consideration by the JLSC, starting with a very helpful draft from Mr. Hargun, and by the Judiciary. The proposed amendments are an interim solution primarily focused at maintaining alignment with the legal stance declared in the judgement of the Court of Appeal in the *Leyoni-Junos v Governor* case.

The Committee continues to be of the view that it would be desirable for the JLSC to acquire a constitutional or statutory underpinning. I intend to continue to push for this basis in 2025.

Sir Christopher Clarke
Chair
JLSC



04. JUDICIAL TRAINING INSTITUTE

BERMUDA JUDICIAL TRAINING INSTITUTE

THE FORMATION AND HISTORY OF THE JTI

In February 2004 the Honourable Mrs. Justice Norma Wade-Miller, the first female Supreme Court Judge of Bermuda, chaired the Justice System Review Committee which made a number of recommendations, one of which was the establishment of a 'Justice System Training Institute'. That institute was inaugurated on Friday 6 June 2008 and chaired by Wade-Miller J. It was determined that the Judicial Training Institute Board would have no less than three members but no more than five members in total. The first sitting members of the Board under Her Ladyship's chairmanship were the Honourable Mr. Justice Ian Kawaley (who would become the Honourable Chief Justice of Bermuda and later an esteemed Justice of the Court of Appeal) and the then Worshipful Mr. Archibald Warner (who would become the Senior Magistrate of Bermuda and an Acting Judge of the Supreme Court before his retirement). In the words of Wade-Miller J:

“The raison-d’être of any judicial studies institute might be simply stated: the judiciary has the weighty responsibility of assessing evidence and passing judgments on human behaviour, which have to stand scrutiny as being fair, scrupulous and knowledgeable. In order to fulfil this responsibility, judges have to be as aware as possible of the conditions in which we live, and in particular to understand the motivations and stresses which comprise the realities of contemporary life. A Judicial Training Institute is a vehicle for ensuring that all of us are prepared for that task.”

Present at the 2008 inaugural conference were over 100 members of Bermuda's legal fraternity. The Hon. Sir Austin Ward gave the Prayer and Opening Remarks were made by the then Governor, His Excellency Sir Richard Gozney. Remarks were made also by the then President of the Court of Appeal, the Rt. Hon. Edward Zacca; then newly appointed Justice of Appeal, the Rt. Honourable Robin Auld; the then Attorney General and Minister of Justice, Senator Kim Wilson, JP and the then Hon. Chief Justice, Mr. Justice Richard Ground. Overseas participants included Her Honour Judge Isobel Plumstead, designated Family Judge, Cambridge and Peterborough County Court, and Her Honour Judge Patricia Dangor, then Circuit Judge in England (who would later be appointed to the Court of Appeal of Bermuda).

Invited by reason of my capacity as a then Acting Magistrate, I attended this prestigious event wholly unaware that I would years later be appointed to the Supreme Court as Registrar in 2016 and as a Puisne Judge in 2018 chairing what is continually termed the Judicial Training Institute (Bermuda) (the "JTI"). Having so been selected as Chair by the then Hon. Chief Justice Mr. Ian Kawaley I was tasked to revive the JTI which would become comatose during the transitional aftermath of an exodus period in which all long-serving members of the Supreme Court bench retired or would soon retire to be replaced by an entirely new Bench.

In 2020, under my Chairmanship, the JTI regained its momentum through virtual training sessions during the COVID-19 Pandemic. This catered to all major areas of law and culminated in post-pandemic end-of year conferences on Court premises which invited and received the full participation of the Judiciary (including the Registrars and Assistant Justices) and the Magistracy (including Acting Magistrates).

Between 2022-2023, various training sessions were held in which overseas judges and lawyers appeared as key-note speakers and distinguished attendees. All-day conferences were held in the Princess Ballroom at Hamilton Princess at our budgetary expense and at the Chubb Building Bermuda, courtesy of their principals.

In 2023 the Honourable President of the Caribbean Court of Justice (the "CCJ"), Mr. Justice Adrian Saunders, planted the seed that Bermuda, for the first time, would be eligible to host the esteemed international conference put on by the Caribbean Association of Judicial Officers ("CAJO"). The President of CAJO, Mr. Justice Peter Jamadar, also a sitting member of the CCJ, would prove to be the Godfather of the conference

planning. As an elected member of CAJO's Executive Committee together with Senior Magistrate, Ms. Maxanne Anderson, the offer was graciously accepted.

Thus, the mandate for judicial training in 2024 was entirely invested in Bermuda's hosting of the 8th Biennial Conference of the Caribbean Association of Judicial Officers.

BERMUDA'S HOSTING OF CAJO'S 8TH BIENNIAL CONFERENCE 2024

The conference was held over a three-day period from 21 to 23 November 2024 in the Princess Ballroom at Hamilton Princess from Thursday 21 November to Saturday 23 November 2024.

The significance of this international event is evidenced by the presence of the various heads of judiciaries including the President and Justices of the Caribbean Court of Justice. Approximately 100 judicial officers of all levels of Court travelled to Bermuda representing up to 23 of the membership countries. Local representation was marked by the presence of our country heads, Mr. Tom Oppenheim, then the Acting Governor and Mr. Walter Robain, then the Acting Honourable Premier of Bermuda.



In my role as both the Chairperson of the Bermuda Committee and a member of CAJO's Executive Management Committee I was required to commit to the supervision, management and preparation of this large-scale judicial project. This proved particularly time-consuming in the final months preceding the conference.

CAJO's esteemed membership and conference attendees comprised the President and the judicial members of the CCJ, Chancellors, Chief Justices, Judges, Masters, Registrars, Magistrates, Tribunal Members, Executive Court Administrators and other judicial staff from all across the Caribbean region and beyond. Of note, CAJO's prestigious reputation has attracted conference participation and support from the International Union of Judicial Officers whose membership includes representation from multiple countries in Africa, America, Asia and Europe.

The conference preparation entailed in hosting an international conference is reminiscent of a building

project. IT requires financing, the establishment of numerous teams targeting various aspects of the plan, design, management, contractual relationships, legal analysis of liability risks and the unforeseen. This is no understatement of what was entailed in bringing this conference to fruition.

I chaired the local management committee consisting of the Senior Magistrate, Ms. Maxanne Anderson, the Acting Registrar, Ms. Cratonia Thompson and now Crown Counsel, Mr. Audley Quallo. The local management committee regularly interfaced with a CAJO conference management team chaired by the CAJO President, Justice Peter Jamadar.

Local sub-committees were formed to ensure that the finance, immigration and flight departure and arrival protocols, hotel accommodation for the conference and its participants, transportation videography and photography needs of the conference were being adequately prepared.



At the opening of the conference, welcoming remarks were given by the Honourable Chief Justice, Mr. Larry Mussenden and the Hon. Attorney General, Ms. Kim Wilkerson. The conference, emceed by the Hon. Mr. Justice Juan Wolffe, also opened with a carefully rehearsed production involving a musical procession of the membership country flags, performances by top vocal artists, and performances by the dancers of United Dance Production, the PHC majorettes and a combined troop of the Bermuda Gombeyes.

The social calendar for the conference was a project onto itself. The Honourable Premier hosted the welcome reception at Camden House on 21 November 2024, and the Bermuda Bar Association hosted a fabulous Buffet Dinner and Dance event at Café Lido, Elbow Beach on 22 November 2024. On the final day of the conference, the conference attendees enjoyed a most glorious showcase of our cultural and scenic treasures during the course of a buffet lunch with dancing from the top floor of the Royal Commissioner's House. Performances from local artists and the Gombeyes served as the closing piece to a lifelong- memorable conference.



However, the conference was not solely or even principally about entertaining judges of the soil and beyond the Bermuda seas. The conference programme, undoubtedly the star feature of the event, focused on judicial wellness and its sub-components. In an official statement adopted by CAJO in Bermuda on 22 November 2024, the following was affirmed:

“WE, the members of the Caribbean Association of Judicial Officers (CAJO) gathered at the Hamilton Princess, in Bermuda, hereby collectively declare and affirm:

1. The wellbeing of all judicial officers and judiciary staff is integral to achieving performance excellence in all domains in judiciaries, for sustaining public trust and confidence in the administration of justice, and for consistently upholding the rule of law.
2. The wellbeing of all judicial officers and judiciary staff must be institutionally facilitated and supported,

including by the promulgation of Judiciary Wellness policies, and by continuously implementing wellness-oriented activities and interventions.

3. Wellbeing is a continuous process enabling persons to thrive and flourish in all domains, including the following recognised ones: occupational, physical, social, cognitive, emotional, and spiritual.
4. The wellbeing of Judicial Officers and judiciary staff requires knowledgeable, sensitive, caring and attentive judicial leadership at all levels that is committed to promoting, creating, and supporting judicial cultures of wellness that are holistic and inclusive, and ensuring that working conditions exist that are conducive to wellness.
5. Judicial stress and work-related health issues are not uncommon and must not be stigmatized or treated in ways that hinder individual and institutional actions towards wellbeing, but rather must be addressed with sensitivity and support.

6. Judicial stress and judicial wellness both need to be continuously researched and studied, and interventions to mitigate the former and enhance the latter should be evidence based and aimed at achieving sustainable individual and institutional behavioural and cultural change.



7. The wellbeing of all Judicial Officers and judiciary staff is both an individual and institutional responsibility, and both individuals and judiciaries are expected to pro-actively engage and create for themselves and others healthy lifestyles and workplace environments.



8. Supporting a healthy work-life balance is essential to the wellbeing of all Judicial Officers and judiciary staff and Judicial Officers and judiciary department and unit heads and managers must monitor, evaluate and ensure that this balance is created and maintained, with special attention to workload management cognizant of power-relation imbalances.

1. Judicial wellness initiatives must be tailored to suit the circumstances and requirements of national judiciaries and to accommodate resource and other unique local realities, cognizant of the right to a dignified work life.”

The Feature Presentation of the Conference was “Celebrating Caribbean Jurisprudence: Intersections between Law, Politics and Society”. This was speech was delivered by President Saunders. Other conference topics included, but were not limited to, the Judiciary’s use of Artificial Intelligence, management of public and media relations, judicial integrity, managing judicial conflict, and the exploration of an adequate resourced court system. Further forum topics included “The importance of Judicial Civility” and “Ensuring Access to Justice and Fair Hearings for Sel-represented Court Users”. There was also a Registrars’ and Court Administrators’ Forum on Costs.

Enclosed with this Report is a formal letter to the Bermuda Judiciary from CAJO marking the success of the Conference.

ACKNOWLEDGMENTS

I would like to specially recognise the incredible assistance and voluntary extra-participation and support from the following:

The Honourable Chief Justice, Mr. Larry Mussenden;
The Honourable Mr. Justice Juan Wolffe;
The Registrars, Ms. Alexandra Wheatley, Ms. Cratonia Thompson and Ms. Kenlyn Swan;
The Senior Magistrate, Ms. Maxanne Anderson, Wor. Tyrone Chin, Wor. Aura-Lee Cassidy;
Managers Mrs. Dee Nelson Stovell, Ms. Andrea Daniels;
Mr. Audley Quallo – Secretary to the Local Organising Committee;
All staff volunteers of the Supreme Court and Magistrates' Court, namely:

- Taznae Fubler
- Gina Astwood
- Christie Seymour
- Kezia Battersbee
- Donneisha Butterfield
- Angelique Dowling
- Raneek Furbert
- Sindy Lowe
- Donna Millington
- Patrice Rawlings
- Angela Seaman
- Shade Seymour
- SaBryah Seymour
- Destined Taylor-Williams
- Saida Wingood

Mrs. Justice Shade Subair Williams
Chair of JTI



ANTI-MONEY LAUNDERING AND TERRORISM FINANCING

TRAINING, COURT CASES AND REPORTING

TRAINING

The Justice Training Institute organised a training seminar in respect of the efforts for anti-money laundering and terrorism financing (“**AML/TF**”) in Bermuda. The training coordinator for AML/TF training Chief Justice Mussenden was joined on the team by Mr. Justice Alan Richards and Wor. Aura Lee Cassidy.

The Caribbean Financial Action Task Force (“**CFATF**”) is an organization of states and territories of the Caribbean basin which have agreed to implement common counter-measures against money laundering and terrorism financing. Bermuda undergoes regular mutual assessments by CFATF to measure compliance with such measures, the latest report dated 17 January 2020 as part of the CFATF 4th Round Mutual Evaluation Report process. That report found that the Judiciary had received limited ML/TF, restraint and confiscation training and therefore listed as a priority action that periodic ML/TF training be provided to the Judiciary. It sought to ensure that the Judiciary was sufficiently trained in matters relating to restraint and confiscation.

The Judiciary through Justice Mussenden (as he then was) worked with the Bermuda National Anti-Money Laundering Committee (NAMLC) Secretariat to devise long term plans for the recommended training for the Judges and Magistrates who play an integral part in the fight against ML/TF.

Following the training seminars held in 2021, 2022 and 2023 there was a training seminar in June 2024. The June training seminar comprised presentations as follows:

1. Cases of Note in AML/TF, Presenters: Senior Magistrate Maxanne Anderson and Mg. Aura Lee Cassidy
2. AML Trends and Development in the Caribbean, Presenter: Mrs. Kerri-Ann Gillies, formerly of Jamaica DPP office, currently of Bermuda NAMLC Office
3. AML Trends in Bermuda and Beyond, presenters D/Supt. Sherwin Joseph, A/Insp. Leroy Mathurin and of Bermuda Police Service
4. Trends in Terrorist Financing, Presenter Alan Richards, Deputy Director – Specialist Team, DPP’s Office

The general aim of the training seminar was to expose the Judiciary to the many areas of life and business in Bermuda that have and could have a connection to ML/TF.

The training seminar was well attended by the substantive Judges and Magistrates and included the acting Magistrates and Assistant Judges. The Judiciary will continue its training mandate going forward to ensure the best application of the law in the AML/TF field as well as ensuring that the Judiciary meets the CFATF standards of expected training.

COURT CASES

The Bermuda Courts handled AML/TF cases as follows:

1. R (Astwood) v Marcal Burrows - Case no 22CR00408 Judgment date 27 May 2024.

Burrows was convicted of allowing his bank account to be used by fraudsters who scammed victims out of thousands of dollars was yesterday jailed for six months. He was found guilty of facilitating the use of criminal proceeds by another on a date between August 1, 2021 and December 14, 2021. While the trial was conducted in Magistrates’ Court, the matter was brought to the Supreme Court for sentencing so that a forfeiture order could be made regarding \$18,600 of criminal proceeds still in Burrows’s bank account. More than \$93,000 of criminal proceeds was paid into Burrows’s account, with the bulk of those funds being withdrawn in cash in Jamaica. Burrows was ordered to hand over

the \$18,600 that remained in the account in compensation to some of the victims.

2. Blakey/Desilva which is ongoing in the Supreme Court.
3. Boyd/Ramsey which is ongoing in the Magistrates Court.
4. Somersall which is ongoing in the Magistrates Court.

Blakey/Desilva	2023-03	26/10/2022	Ongoing	5	HMC SC
Boyd/Ramsey	23CR00378	19/09/2023	19/07/2024	16	HMC
Somersall	23CR00406	02/11/2023	Ongoing	11	HMC

NAMLC AND CFATF REPORTING

The Judiciary contributed to the work of the NAMLC as follows:

1. Completing the Worksheet for Streamlining ML TF National Vulnerabilities Assessment

Chief Justice Larry Mussenden

Mr. Justice Alan Richards

Wor. Aura Cassidy

BERMUDA JUDICIARY ANNUAL REPORT: 2024
© COPYRIGHT BERMUDA JUDICIARY
PUBLISHED JANUARY 2025.