



The Bermuda Judiciary

Government of Bermuda





The Bermuda Judiciary Annual Report 2014



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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.

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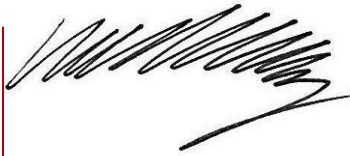
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Foreword

By The Hon. Chief
Justice of Bermuda
Ian Kawaley



Remarks made by Chief Justice Ian RC Kawaley at the Special Sitting of the Supreme Court to Celebrate the Opening of the 2014 Legal Year (23 January 2015 at 3.00pm, Sessions House , Hamilton, Bermuda)

Welcome

Good afternoon one and all and welcome to this Special Sitting to commemorate the opening of the Legal Year to His Excellency the Governor, other distinguished guests and members of the nuclear and extended Legal Family.

Special thanks are extended to the Bermuda National Museum for bringing the Admiralty Oar or Mace which was made for Bermuda's courts as far back as 1697.

This year a list of achievements over the last year and tasks to be achieved over the coming year appears in our Annual Report. I propose to use these oral remarks as an opportunity for reflecting more broadly on the health and general standing of the Judicial branch of Government.

Looking Back

Almost exactly 200 years ago in early January 1815, the Chief Justice, lawyers and jurors attended the spanking new Sessions House building for the opening Assize of the new calendar and legal year. The Court was unable to sit, however, because the present courtroom had been co-opted, presumably by representatives of the Executive or Legislative branches of Government, for social events celebrating the completion of the new Sessions House. The battle by the Bermudian Judiciary for dedicated Court premises may symbolically be viewed as starting in 1815. And, while this particular battle is one which has yet to be won, it is perhaps instructive to take a broader view of the standing of the Judiciary today by taking a longer look back over the last two centuries.

In January 1815, Bermuda's Judiciary presided over a legal system which endorsed slavery and formally limited service in Parliament and on juries to property owning men. All men were equal before the law but some men were more equal than others. Of course, all free men were more equal than all free women. An important function of the Supreme Court was to uphold this legal and political order which deprived Bermudians of African or mixed African descent of their liberty not on proof of the commission of any criminal offence, but merely by virtue of their ancestry and status at birth.

In addition to this umbrella function, it is reasonable to assume that a disproportionate percentage of persons who were deprived of whatever liberty they may have possessed by the criminal jurisdiction of this Court belonged to that same ethnic slice of our community. The role of the Courts was dramatically altered in 1834, 180 years ago, by the Emancipation Acts which brought slavery to an end, but still legalised institutionalised discrimination based on gender and economic status. Fast forward to 1968 when the Supreme Court was first given its modern mission of upholding a legal system based on modern notions of equality in which many important fundamental rights and freedoms were constitutionally guaranteed.

The ability of the Judiciary to fulfil the historically revolutionary mission assigned to it by the 1968 Constitution has been subjected to a vigorous stress test by the gun violence which escalated in or about 2009. The former Government supported by the former Opposition and present Government supported by the current Opposition entrusted the Judiciary, working most closely with lay jurors but also with the DPP and the Defence Bar, the Police and the Corrections Department as well, to uphold the rule of law without diluting the constitutionally guaranteed fundamental rights and freedoms relating to criminal fair trial rights. This consensus was also vitally endorsed by the former and present Governor as well. It has combined high level policing, high level prosecuting, high level defending, high level adjudicating by criminal judges (most recently Justices Greaves and Simmons) together with lay jurors. Behind the scenes, it has involved high level attention to the needs of victims, the families of victims and vulnerable witnesses.

Some might ask why so much care and expense is being deployed by the three branches of Government in relation to criminal trials when it is or ought to be obvious who is guilty and we should simply “lock them up and throw away the key”. The answer is that the Judiciary together with its key stakeholders in this criminal justice endeavour or mission are sincerely committed to the constitutional imperative which holds that all citizens, be they pillars of the community or persons who appear to be committed to tearing down the pillars of the community, are equal before the law and entitled if charged with a serious criminal offence to a fair jury trial.

The good news is that when one reflects on the capacity of this Court 200 years ago compared with its current capacity to promote equal justice, this is an enduring battle which it is now easier with cautious confidence to imagine can be won. It is difficult to imagine an ex-slave society anywhere else in the New World that has approached the project of equal criminal justice in the specific context of gang violence with greater respect for the legal rights and the humanity of citizens whom society has otherwise arguably failed. All concerned must not only be commended but enjoined to remember the sacred trust that has been reposed in them when inevitably confronted with trying situations in the months and years ahead. The standards which have been set are worthy of emulation, but high performance standards (somewhat like fitness) are easier to lose than they are to attain and maintain.

There is also a more perturbing truth which must also be spoken, and not drowned out by the plaudits we shower on the legal community’s predominant endeavour, offshore commercial law. Bermuda is not just a domicile near the top of the league table in GDP per capita and other positive social and economic measures. Bermuda is also near the top of the incarceration rate per capita league table as well. And, just as in 1815, a disproportionate percentage of the persons this Court is required to lawfully deprive of their liberty in the exercise of this Court’s criminal jurisdiction have the same ethnic profile. The integrity of the Judiciary’s ability to deliver impartial non-racial justice in a society still redefining itself against a racially divided past is compromised by this picture.

Looking Forward

In an interview published on January 3, 2015 in the Royal Gazette, the Premier was reported as calling for enhanced attempts to take pre-emptive steps to encourage at risk young people to find the right path. He stated: *"We can all do better."* From the Judiciary's perspective, what can we do better? There can be no simple pat answer to such an important yet multi-layered question.

Clearly, our central mission of promoting and protecting equality before the law requires the criminal courts, working with our stakeholders, to convict and severely punish those who commit serious offences, particularly offences which deprive (or risk depriving) victims of their constitutionally protected right to life, but offences which inflict physical and psychological harm on victims as well. It also requires the Judiciary to campaign for appropriate administrative and institutional frameworks to buttress the independence of the courts and better equip us to effectively serve our diverse constituencies of court users.

More broadly, our central mission also requires us to tackle important issues such as increasing efficiency in the criminal courts, increasing access to civil justice, promoting justice for families and adjudicating commercial disputes in a way which promotes confidence in Bermuda as an investment domicile. These matters will be touched upon by The Attorney-General, the DPP and the President of the Bermuda Bar Association.

At a higher level still, however, the Judiciary and its stakeholders must also strive to find a way to promote the widest enjoyment of the constitutional freedoms which our forebears fought for and to consistently remind those who may find glamour in the role of criminal defendant that they are truly welcome to play other, more honourable, parts on the Bermudian legal stage. As we head slowly towards the faintly visible 200th anniversary of Emancipation in 2034, should we not aspire to inspire our sister New World jurisdictions not just with our legal wealth creation genius, but our creativity in using the law to promote greater liberty as well?

May I express my deep appreciation to those who have spoken and all those present and unable to be here for the work that they have done over the last year and for the work which they will continue to do in the year ahead. Our annual report for 2014 should now be on the website under publications: www.judiciary.gov.bm.

I would like to thank my judicial colleagues Justices Norma Wade-Miller, Simmons, Greaves and Hellman for their stellar contributions throughout last year, assisted by Registrar Ms. Charlene Scott and Assistant Registrar Mr. Peter Miller. I am also indebted to all of the Administrative Staff of the Supreme Court, led by Manager Mrs Dee Nelson-Stovell for their invaluable contributions both last year and for making the 2014 Annual Report (published today) a reality.

Thank you.

2014: THE LEGAL YEAR IN REVIEW- A JUDICIAL PERSPECTIVE

Farewells

On March 18, 2014 there was a special sitting in honour of Sir Richard Ground, Justice of Appeal and former Chief Justice, who sadly died in England in January 2014, far too soon. There was standing room only as a wide range of tributes were paid from the Bar and Bench, in the presence of his widow Lady Ground, to this legal luminary's contribution to Bermuda as Puisne Judge (1992-1998) and as Chief Justice (2004-2012).

The expansive Magistrates' Court No.1 was packed for a special sitting on October 15, 2014 to pay tribute to retiring Senior Magistrate Archibald Warner, who (not unlike a cricketing legend who relinquishes the captaincy but still has much to offer the team) was far too valuable to be permitted to leave the Judiciary altogether. First appointed Senior Magistrate on March 1, 2000, Mr. Warner was lauded not just for his leadership on the Bench, but also for his educational contributions as a tutor on the Kent Law Programme. On November 24 2014, a special sitting of the Court of Appeal took place in honour of retiring President and Justice of Appeal, respectively, Justices Edward Zacca and Sir Anthony Evans. Justice Zacca served on the Court for 18 years, and 10 years as President; Justice Evans served for 10 years altogether. The quality of their jurisprudential contribution is reflected in the comparatively small number of appeals from the Court of Appeal for Bermuda in recent years and the even smaller number of cases in which our top local appellate Court has not been affirmed by the Privy Council.

Welcomes

2014 was the unheralded 50th anniversary of the establishment of the Court of Appeal for Bermuda in 1964. Last year did herald the appointment by Governor George Fergusson of the first and second female Justices of Appeal, retired Bermudian born England & Wales Circuit Judge Patricia Dangor and retired Caribbean Court of Appeal Justice Desiree Barnard, respectively. Justice Dangor is also a former acting Bermudian Puisne Judge and Justice of Appeal and former

member of the English Bar while Justice Bernard is a former Chancellor and Chief Justice of Guyana. Also appointed were retired English Court of Appeal Judge Sir Maurice Kaye and Bermudian Justice Geoffrey Bell, a retired Puisne Judge and occasional acting Justice of Appeal.

Serving Justice of Appeal Sir Scott Baker was nominated by His Excellency the Governor, Mr. George Fergusson, to replace Justice Zacca as president of the Court of Appeal with effect from January 1, 2015.

Magistrate Juan Wolffe, a Bermudian, was appointed as Senior Magistrate with effect from October 20, 2014. He became a Magistrate in August 2005.

Meetings Hosted

Nearly 40 international judges and judicial officers from around the world gathered in Bermuda in May, as the Commonwealth Judicial Education Institute (CJEI) held its conference in Bermuda for the first time.

The CJEI conference, a biennial event, took place between May 12 and 14 and the local organiser was Justice Norma Wade-Miller. Delegates included judges from Canada, the Caribbean, India, Kenya, Nigeria, Pakistan, Singapore and Zambia. Members of the local Judiciary also attended. The CJEI is based in the Dalhousie Law School, and serves as a network and training resource for judicial educators throughout the Commonwealth. The Bermuda Bar Association hosted a social event during the Conference.

On May 11, 2014, in advance of the CJEI event, the Chief Justice hosted the Annual Heads of Caribbean Judiciaries Meeting. The Meeting serves as a regional vehicle for collaboration and information sharing between Heads of Judiciaries from territories with similar constitutions and legal systems in relation to common administrative and legal challenges.

On June 27, 2014, the Meeting of Chief Justices of Smaller

Commonwealth Jurisdictions was held in Bermuda. Territories represented included Guernsey, Gibraltar, Isle of Man and Jersey, also jurisdictions with which Bermuda has strong legal and commercial ties.

Judicial Inputs: New Filings

At the Court of Appeal and Supreme Court levels, the new filings have been marginally down in 2014 as compared with 2013 in all categories except for Divorce matters where there was a small increase from 193 to 194 new filings. Court of Appeal filings were down by 5.8%, with an equal number (21) of civil and criminal appeals. At the Supreme Court level the number of new indictments was down from 44 to 41 (6.81%). The number of new civil filings (excluding Divorce petitions) fell overall by 5.8%. However, the number of new commercial matters was unchanged with the only notable drops being Calls to the Bar (41.3%) and Judicial Review (11.1%). Writ actions fell by 5.23% while new Originating Summons actions were up by 19.3 % in 2014 compared with 2013.

Judicial Outputs: Judgments, Orders and Other Dispositions

The Court of Appeal, perhaps dealing with fewer large appeals, disposed almost twice as many Criminal Appeals in 2014 than in 2013, with the disposal rate up 92.8%. While 25 criminal appeals were heard, only 7 Civil Appeals were heard with the overall civil disposal rate down by 35.2%. In terms of disposition, an impressive 79.6 % of Criminal Appeals were dismissed and/or abandoned. By way of contrast, only 57.1% of Civil Appeals were dismissed and/or abandoned.

Dealing first with the Criminal Appeals, these figures reflect impressively high performance levels by our criminal trial judges tested by the demanding standards of an experienced Court of Appeal bench. At the Supreme Court level, the raw numbers of disposals are down from 47 to 42 (10.6 %), but there is no backlog with new indictments marginally down in 2014 by 4.54% and a few exceptionally long trials were disposed of. This high quality output is

surely evidence of the advantage of deploying specialist criminal judges for the most difficult criminal cases although occasional acting judges performed creditably as well.

The civil disposal rate of the Court of Appeal was substantially lower in part because priority was given to criminal appeals and in part because at least two of the Civil Appeals disposed of were substantial time-consuming matters. Although the percentage of appeals allowed was higher for Civil Appeals than for Criminal Appeals, a smaller percentage of civil judgments following contested hearings are appealed than in the case of criminal convictions and sentences following trials. The civil figures also do not reflect the extent to which appeals are allowed in part with a significant portion of the first instance decision being upheld. This point may be illustrated as follows. The number of Criminal Appeals filed in 2013 and 2014 corresponds approximately to the number indictments laid in each.

The number of Civil Appeals filed in 2013 and 2014 (17 and 21) represent a small percentage of the total number of orders made, and less than a third of Civil and Commercial decisions which resulted in published judgments were appealed.

This year data has been compiled in relation to the outputs in respect of civil and commercial cases dealt with in the Supreme Court by the two designated Commercial Judges for 2013 and 2014. Some 962 orders were made in 2013 (895 interlocutory and 67 final) in 2014 the total number of orders made fell by 0.83 % to 954 (878 interlocutory and 76 final). The number of final orders made rose by some 16% overall and increased across all categories (Civil General, Commercial, Family and Appeals). The vast majority of the interlocutory orders are procedural orders following very short hearings. A better measure of hearings approximating a trial is the number of published judgments (although very exceptionally some ex parte rulings have been published where novel points of law or practice are raised).

The most significant change from 2013 to 2014 was the global increase from 54 to 72 (33.33%) in the number of published judgments, which evidences a significant increase in the number of extended hearings which warrant articulating a reasoned judgment

because issues of legal principle have been raised. Although there was only a marginal increase in the 'Appeal' category and a small decrease in the 'Family', the 'Civil General' category increased from 36 to 41 (13.9%) and the 'Commercial' category increased from 10 to 23 (230%). The percentage of these decisions which were appealed in 2013 and 2014 was 31.4% and 29.1%, respectively.

No comprehensive data presently exists on the main outputs of the Matrimonial (and Family) jurisdiction of the Supreme Court, namely the orders made in relation to ancillary relief and custody and access applications. However the total number of Petitions filed has steadily increased over the last three years, from 190, 193 to 194. It is a matter of record that many of the parties to the various post-Decree Nisi hearings in Chambers are litigants in person. The Matrimonial and Family jurisdiction of the Court clearly continues to be challenged with a case load that raises uniquely difficult case management challenges.

The administrative output in relation to Probate Cases has risen sharply in 2014 with 186 grants compared with 106 the previous year (an increase of 75.5%). Caveats filed were up by 152%. It is unclear why outputs have risen to their highest level in five years. It is possible that financial stress has increased the motivation of beneficiaries to administer estates which have lain dormant for some years. Be that as it may, the administrative staff in the Probate Department should be commended for their significantly increased productivity.

Judicial Complaints

In late 2013, the Judiciary voluntarily adopted a new Judicial Complaints Protocol with effect from January 1, 2014. The Protocol creates a mechanism for members of the public to make complaints about judicial misconduct which is not so serious as to engage the constitutional procedure for removal from office. The process is managed by the standing Judicial and Legal Services Committee appointed by the Governor in November 2013. Bermuda is amongst what is presently a comparatively small but growing group of emerging Commonwealth jurisdictions where the Judiciary has taken the initiative to increase its accountability to the public in this

voluntary manner. The precedents provided by the Isle of Man and the Cayman Islands in this regard are gratefully acknowledged. The number of complaints received in 2014 was 4. All 4 complaints were summarily dismissed because they either did not relate to judicial conduct and/or related to the conduct of proceedings which were still pending before the courts in which the matters complained of might potentially be resolved.

Summary: Judicial Challenges

The main challenges facing the Judiciary in 2015 are administrative and institutional. In a building dedicated and named after Bermuda's first female lawyer and National hero, the Magistrates court continues to share an impressive and modern purpose built facility with other government Departments. However, the electronic recording system in the Magistrates' Court is so inadequate that it has created a serious impediment to the efficient processing of appeals from the Magistrates' Court. The Supreme Court has had to 'borrow' Court space there from the Magistrates' Court for large criminal trials because the regular jury courtrooms located in Sessions House and the Old Fire Station Building are simply not fit for purpose. The inadequacies of Sessions House from a security perspective were highlighted last year when a member of the Bar was viciously assaulted by an opposing litigant in the precincts of the Court.

The administrative autonomy of the Judiciary falls well below Commonwealth best practice standards. The constitutional arrangements for the Judiciary have been unchanged for over 45 years and are, in important respects, less developed than the constitutional arrangements in comparable British Overseas Territories. The Judiciary does not have full control over its own Budget allocation. There is no dedicated Court Administrator or CEO with executive authority to manage the entire court system. As a result, administrative and judicial staff members are subjected to an incipient mission creep and are forced to accept operating in an institutionalised state of organised chaos and exposed to unhealthy levels of stress as a result. Bermuda is no longer a leader in terms of most favourable judicial terms and conditions in the British offshore world. All of these deficiencies do not simply cause discomfort to

judicial officers but impact on the quality of service the Courts deliver to the public as well.

The failure to ensure that our Judiciary's infrastructure keeps pace with accelerated growth in Bermuda's private sector may lie at the door of successive Governments, but its corrosive effects on the institution that most accept is central to Bermuda's wellbeing must, at some point, reach a 'tipping point'. If these challenges of providing appropriate support for the Judiciary are not seriously confronted (as opposed to being fobbed off as too often has been the case in the past), it is reasonably foreseeable that recruitment and retention of judicial officers will become chronically problematic and that the long-term health and stability of the Judiciary will be undermined. In the meantime all Judicial and Administrative staff members are to be commended for effectively turning straw into gold on a daily basis.



CJEI Conference Delegates – 13th May 2014

Senior Magistrate Commentary

By Worship
Juan Wolffe



Remarks made by Worship Juan Wolffe at the Special Sitting of the Supreme Court to Celebrate the Opening of the 2014 Legal Year (23 January 2015 at 3.00pm, Sessions House , Hamilton, Bermuda)

It has been traditionally said that the function of the Court is to simply interpret and apply the law, and that Judges and Magistrates should clinically and impassively decide on the cases that come before them. While that paradigm may have been justifiable in the past, and in many respects is still justifiable today, the Courts must also evolve and adopt a more humanistic approach to jurisprudence. I am pleased to say that the Magistrates have struck the right balance in applying and maintaining the Rule of Law and being responsive to the social plight of those who appear in the Magistrates' Court.

Historically, the Magistrates' Court has been known as a "Court of Summary Jurisdiction". However, in this contemporary societal and legislative framework the term "summary jurisdiction" is somewhat a misnomer, especially when one considers the increases in the Magistrates' Court's criminal, civil and family jurisdictions over the past few years. As a result, the complexity and the amount of the workload in the Magistrates' Court has increased to such an extent that it is safe to say that the overwhelming majority of civil, criminal and family cases heard in all of the courts in Bermuda are disposed of in the Magistrates' Court. The effect of this is that Magistrates come in close contact with literally thousands of people per year, litigants and otherwise.

Further, the Magistrates' Court is often the first and only contact that the Bermudian community has with the court system. So much so, that the Magistrates' Court has been aptly described as the "Emergency or Engine Room of the Judicial System". Magistrates routinely preside over very controversial and highly emotional hearings, often where one's freedom is at stake or where a child is removed from parental care. So

while Magistrates are commonly referred to as “Creatures of Statute” our daily and “in-the-face” interaction with members of the public, many of whom have fallen prey to the economy and to the social ills of our community, has compelled us to creatively look beyond the pages of the Revised Laws of Bermuda in order to arrive at a decision which is just in all of the circumstances. Our Magistrates, by Orders of the Court, have found meaningful and sustainable ways: to encourage parties in civil actions to resolve their disputes without the need for a contentious and potentially expensive trial; to assist those overwhelmed by debt to satisfy their financial responsibilities in a manageable way over a reasonable period of time; to encourage delinquent parents to conduct themselves in a manner which is in the best interests of their children, both emotionally and financially; to provide guidance to the wayward teen who may have run foul of the law; and, to give the drug addict a real chance at stopping their cycle drug use, offending behavior and incarceration. Often times we find ourselves being teachers, social workers, psychologists, surrogate fathers or mothers, and disciplinarians. It is therefore vitally necessary that, at times, strict legal processes and procedures should not slavishly follow the adversarial traditional trial court model. Further, we must often adopt innovative ways, within the proper legal framework of the law, to resolve deep seated and complex social issues. If we were to deal with matters in a solely clinical manner, i.e. strictly and solely as arbiters of fact and law, it will be truly myopic and it will not resolve the core issue which precipitated the dispute or the offending behaviour.

To be clear, Magistrates’ often take the hard line and will incarcerate individuals when it is warranted to do so. However, we impose a period of imprisonment only after careful consideration of all other sanctions available in law, and only after having regard to all of the circumstances pertinent to the matter and to the individual.

The creation of the Drug Treatment Court and the pilot Mental Health Court are clear examples of the Magistrates’ Court’s movement towards a more holistic and restorative approach to the criminal justice system. Since its inception in 2001 the Drug Treatment Court, instead of incarcerating offenders, has put them through intensive and extensive programmes which may involve drug counseling, life skills, anger management, employment skills, budgeting, etc. But as they say, the

proof is in the pudding. We are happy to say that 90% of those who participate in the DTC do not use any illicit substances and do not commit any further offences while they are in DTC. Of those who have completed the DTC program, approximately 75% of them do not use illicit substances again and do not commit further offences.

Although it is much younger than the Drug Treatment Court the Mental Health Court results are equally impressive. The vast majority of those who have passed through Mental Health Court have done so without committing further offences, but most important they have finally learned to manage their mental health issues and to positively function in society. It is unfortunate though that the Mental Health Court process is still being governed by the provisions of the Criminal Code Act 1907 and the Mental Health Act 1968. It is imperative that Mental Health Court be given legislative teeth which will provide the Court with far more expansive powers to deal with the unique individuals who participate in Mental Health Court. We are hopeful that this will take place in the early part of 2015.

In respect of criminal matters Magistrates have admirably found the balance between rehabilitating the offender and administering justice for victims of crime. Through community based probation orders Magistrates comprehensively address the root cause of criminality which in turn goes a long way in stopping recidivism. While we appreciate that victims of crime can never really be compensated for the psychological and emotional impact which they suffer, through restitution orders Magistrates have sought to alleviate some of their pain.

We feel though that our efforts should not stop within the precincts of the Court. It is our belief that Magistrates can play a vital role outside of the Courtroom by implementing Community Outreach Programmes. It is unfortunate that through budgetary constraints we were unable to conduct a Law Week in 2014, however it is intended that in 2015 we will make concerted efforts to not only educate the public about the operation of the Magistrates' Court but to also take steps for the Magistrates' Court to blend within the social and cultural fabric of the community. Therefore, in 2015 the Magistrates' Court will: provide mentoring and shadowing opportunities for students who wish to

pursue law or a position on the bench; institute “School to Court” programmes whereby students are invited to Magistrates’ Court sessions to witness for themselves how the Court operates; produce educational packets for members of the public to inform them about what to expect when they appear in Court and about the legal procedures of the Court; and, put on Court related art or writing exhibitions. It is hoped that through these Community Outreach Programmes that the community will better understand and respect the Court process.

On another note, it is unfortunate that the status of the Magistrates are still that of the “poor relation” as was mentioned by the Learned Chief Justice in his address last year. There is still the need for Bermuda’s Constitution to be amended to bring Magistrates fully into the judicial fold and be given the same constitutional security of tenure that Court of Appeal and Supreme Court judges presently enjoy. I join the Learned Chief Justice in persuading His Excellency and the Honourable Attorney-General to take up this cause.

But I also wish to specifically address the principle of judicial independence. As observed by the Learned Chief Justice last year, there was **“the apparent failure of some of our key stakeholders to appreciate the logistical dimensions of judicial independence”**. Sadly, it appears that some of our stakeholders still suffer from this failure of understanding of judicial independence. It bears repeating that **“The independence of the judiciary from the legislative and executive arms of government is fundamental to the constitutional balance provided for under the Bermuda Constitution 1968. It is fundamental to the principle of legality which underlies the Constitution and the rights and freedoms recognized...”**

For us as Magistrates, our independence and impartiality are sacrosanct and non-negotiable. Nothing in the media or in other places of authority will rattle our resolve to decide cases **‘without fear or favour, affection or ill-will’**.

But judicial independence does not mean that Magistrates’ should not collaborate with our key stakeholders. As I stated earlier, Magistrates come in contact with literally thousands of individuals per year who

present with a myriad of social and financial issues. Many times we can predict the trends of criminality, of financial strife, of bad driving behavior, and of social or family dysfunction, well before other agencies do. I therefore urge other stakeholders to consider seeking the views of Magistrates' before a final decision as to the formulation of law, policy or practice relating to the justice system. Having said this, I am encouraged by the genuine efforts of the Honourable Attorney-General in seeking our opinions as to some of his thoughts regarding legislation related to the Magistrates' Court.

In the absence of such collaboration or consultation we run the risk of statements being made about the Court process which are entirely devoid of factual evidence and/or are made without any adequate understanding of actually how the Magistrates' Court operates.

Indicative of the Magistrates' Court's genuine intent to assist other arms of Government is that on our own volition we have formed a Fees Reform Committee to review all of the current Court fees administered by the Magistrates' Court, some of which are relatively low, in order to ascertain whether upward adjustments can or should be made by way of policy, practice, or legislation. Hopefully, this will in some way go towards addressing departmental budgetary constraints.

Finally, I wish to take the opportunity to express my sincere gratitude to The Wor. Khamisi Tokunbo, The Wor. Tyrone Chin, The Wor. Nicole Stoneham, and The Wor. Archbald Warner. Each of them with aplomb, sensitivity, compassion, and firmness has adjudicated over countless delicate, complex, and difficult cases during their respective terms as Magistrates. I have the utmost confidence and assurance that they will continue in this vein in 2015.

I would be grossly remiss though if I did not highlight the work of the Managerial and Administrative Staff of the Magistrates' Court. They are truly the "heart and soul" of Magistrates' Court. 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 sooth or reassure victims of crime. It is they who deal with the arrogance and

disrespectful conduct of some lawyers. It is they who keep the Magistrates' docket and diary organized. It is they who keep the Magistrates in check and make them look good. For that I am eternally grateful.

The Wor. Juan P. Wolffe, JP
Senior Magistrate



**Meeting of Chief Justices of Smaller Commonwealth Jurisdictions, 27th June 2014,
Hon. Justice Anthony Dudley, Deemster Doyle, Hon. Chief Justice Ian Kawaley, 27
Sir Richard Collas & Sir Michael Birt**

Overview of The Courts



The Judiciary is established by the Constitution as a separate and independent branch of government. Its task is to adjudicate charges of criminal conduct, resolve disputes, uphold the rights and freedoms of the individual and preserve the rule of law.

The Judicial system of Bermuda consists of the Magistrates' Court, the Supreme Court, the Court of Appeal and the Judicial Committee of the Privy Council is the final appellate court in London. Ancillary activities involve the Probate and Administration of Estates, granting of liquor and betting licenses, bailiff services and Criminal Injuries Compensation.



Front Street Hamilton

Mission & Mandate

The Judiciary is established by the Constitution as a separate and independent branch of government. Its task is to adjudicate charges of criminal conduct, resolve disputes, uphold the rights and freedoms of the individual and preserve the rule of law.

The Mission of the Judiciary is to carry out its task fairly, justly and expeditiously, 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 Mission of the Administrative Section of the Judiciary is to provide the services and support necessary to enable the Judiciary to achieve its mission 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.

Rules & Practice Directions

The Rules, Practice Directions and forms for the Court of Appeal and the Supreme Court can be accessed on the Judiciary’s website:
www.judiciary.gov.bm.

Cases & Judgments

The Courts has heard numerous high profile cases since its establishment. These cases can be accessed on the Judiciary’s website:
www.judiciary.gov.bm.



Website

We continue to update our website www.judiciary.gov.bm to ensure that the Judiciary is up to date with modern technology. Our website provides a considerable amount of information for people interested in the workings of the courts.

The screenshot shows the homepage of the Bermuda Judiciary website. At the top, there is a navigation menu with links for GOVERNMENT, SERVICES, BUSINESS, TRANSPORT, EDUCATION, RECREATION, and LINKS. The main header features the coat of arms of Bermuda and the text "The Bermuda Judiciary Government of Bermuda" over a background image of judges in robes. Below the header, a breadcrumb trail reads "YOU ARE HERE > Government Home > Attorney General & Minister of... > Judiciary > Home". A search bar is located on the right, with a dropdown menu set to "Everywhere" and a search button. On the left side, there is a vertical menu with yellow buttons for HOME, ABOUT US, COURT SERVICES AND FACILITIES, COURT LISTS, JURY, JUDGMENTS & LEGAL REFERENCES, PUBLICATIONS, OTHER INFORMATION, and CONTACT US. Below this menu, there are sections for "Court of Appeal Session", "Draft Calendar III - November 2012", and "Supreme Court Weekly Schedule". The main content area on the right is titled "Welcome from the Chief Justice of Bermuda, the Hon. Ian R.C. Kawaley". It contains a welcome message and several paragraphs of text. At the bottom of the main content area, there is a section titled "Mission & Mandate" with a bulleted list of points.

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HOME
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Court of Appeal Session
Draft Calendar III - November 2012

Supreme Court Weekly Schedule

Related Links
The Bermuda Bar Association
Bermuda Laws
Legal Aid
Bermuda Law Reports
Consolidated Rules of the Supreme Court

Welcome from the Chief Justice of Bermuda, the Hon. Ian R.C. Kawaley

Welcome to the Portal pages of the Bermuda Judiciary.

The Judicial Oath requires all judicial officers to "do right to all manner of people after the laws and usages of Bermuda without fear or favour, affection or ill will." The primary function of the courts is shaped and informed by this fundamental judicial commitment.

All court users are entitled to expect and to enjoy the same fair hearing rights, in conformity with this fundamental principle of equality before the law.

The courts of Bermuda are committed to dealing with all cases quickly and fairly. Waiting times are short. On the criminal side Supreme Court trials can expect to be tried within three months of arraignment. On the civil side, the courts always have time to take urgent matters immediately, and to set longer matters down at a time convenient to the parties.

Although much of our law and practice derives from England, Bermuda has, throughout its history, crafted models derived from England & Wales and other common law jurisdictions to fit its special circumstances. In particular our approach to civil procedure reflects the realities of a small jurisdiction, giving judicial officers the case management tools they need without blindly adopting procedures more suited to a larger jurisdiction.

On the portal pages of the Bermuda Judiciary you will find a general Introduction to our Court System, as well as more detailed information for members of the public and lawyers alike.

Mission & Mandate

- The Judiciary is established by the Constitution as a separate and independent branch of government.
- Its task is to adjudicate charges of criminal conduct, resolve disputes, uphold the rights and freedoms of the individual and preserve the rule of law.
- Its mission is to carry out its task fairly, justly and expeditiously, 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 mission of the administrative section of the Judiciary is to provide the services and support necessary to enable the Judiciary to achieve its mission 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.



**Statue of Dame Lois Bowne-Evans located at the
Dame Lois Browne Evans Building**

The Court of Appeal: Year in Review



- **4.5 % decrease in the numbers of Appeals filed in the Court of Appeal when compared to the 2013 Legal Year.**
- **The total number of Criminal Appeals disposed of (by manner) continue to increase when compared to the 2013 Legal Year. This is due to the fact that in 2013 the Court of Appeal heard a number of lengthy criminal matters and dealt with more civil appeals.**
- **The Court of Appeal went through a major panel change during the 2014 year:**
 - **Sir Richard ground passed away in February and a special sitting was held during the March session to honour his contribution to the Bermuda Jurisprudence.**
 - **Justice Patricia Dangor was announced in April as a new Justice of Appeal for the Court with effect 1 July 2014. Ms. Dangor, the first female to be appointed to the Court of Appeal, has acted as a Puisne Judge for the Supreme Court of Bermuda on a number of occasions since 1995.**

▪ Sir Maurice Kay was also announced in April as a new Justice of Appeal with effect 1 October 2014. Sir Maurice was formerly a Lord Justice of Appeal and Vice President of the Court of Appeal in England.

▪ It was announced during the November 2014 session that Justice Edward Zacca and Sir Anthony Evans would be retiring at the end of the 2014 year. Justice Zacca has been with the Court of Appeal since 1996 and President since 2004. Sir Anthony had been with the Court of Appeal since 2003. Both judges have brought to the Court of Appeal great wisdom and an extraordinary broad experience. The Court held a small special sitting in their honour where senior members of the Bar Association expressed their gratitude to the leaving judges.

▪ During the November session, the Governor announced that Sir Scott Baker would take up the role as President of the Court of Appeal effective 1 January 2015. Sir Scott is an immensely distinguished jurist who has been with the Court of Appeal since 2011.

▪ In December, it was announced that Mr. Geoffrey Bell, QC and Justice Desiree Bernard will sit as Justice of Appeal effective 1 January 2015. Mr. Bell, QC served as a Justice of the Supreme Court from 2005 until 2010 and has been active in arbitration work. Justice Bernard was the first female Chief Justice of Guyana and was of the Caribbean Court of Justice since its establishment in 2005 until her retirement in 2014.

The Courts

The Court of Appeal is established by the Constitution and the Court of Appeal Act 1964. Its procedure is governed by the Rules of the Court of Appeal for Bermuda. It entertains appeals from the Supreme Court. The Court of Appeal consists of the President of the Court, and a panel of five Justices of Appeal, who are all eminent regional or UK jurists.

For any particular sitting the Court is constituted by a bench of three, consisting of the President, or the most senior Justice present, and two other Justices of Appeal. The Court sits three times a year, usually for a month at a time. In the absence of the full court, certain administrative and interlocutory matters can be dealt with by a judge of the Supreme Court exercising the powers conferred by the Act upon a single Justice of Appeal.

The Registrar of the Supreme Court is also the Registrar of the Court of Appeal, and administrative matters relating to the Court are dealt with in the Registry of the Supreme Court.

Sitting Dates For 2015

These are the projected dates for the Sittings of the Court of Appeal for 2015. These dates are subject to change, depending on the volume of business.

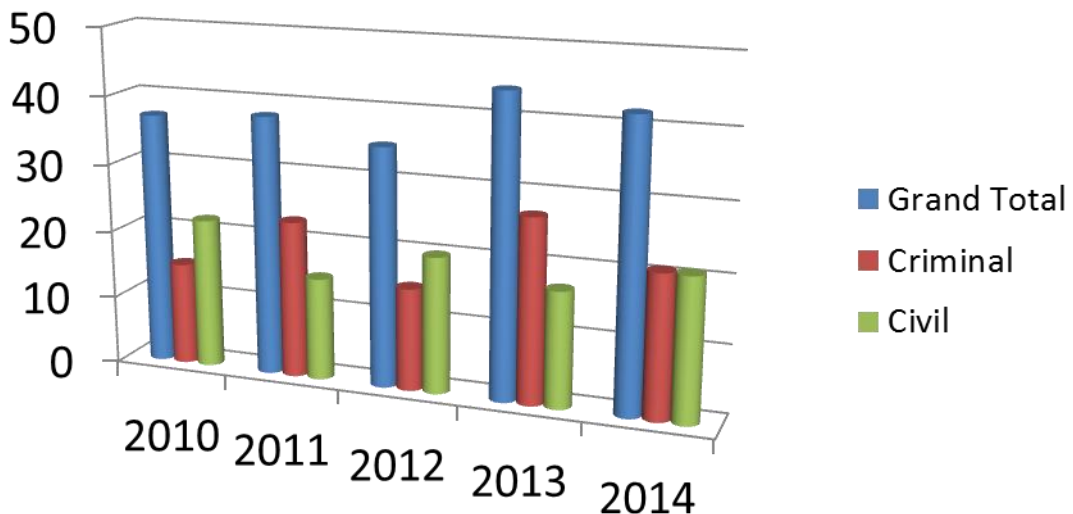
- ❖ **2 March 2015 - 20 March 2015**
- ❖ **1 June 2015- 19 June 2015**
- ❖ **2 November 2015 – 20 November 2015**

Court of Appeal Statistics

Table 1 : APPEALS FILED BY COURT & TYPE 2010-2014			
Year	Grand Total	Criminal	Civil
2010	37	15	22
2011	38	23	15
2012	35	15	20
2013	44	27	17
2014	42	21	21

Table 1 indicates that there has been forty-two (42) Court of Appeal matters filed in the 2014 Legal Year. Twenty-one (21) of these appeals being criminal matters and twenty-one (21) of these matters being civil. In the 2013 Legal Year, forty-four (44) Appeals were filed. Twenty-seven (27) of these appeals being criminal matters and seventeen (17) of these matters being civil matters. This represents an decrease of just over 4.5% in the numbers of matters filed in the Court of Appeal when compared to the 2013 Legal Year.

FIG. 1: APPEALS FILED BY COURT & TYPE 2010-2014



**Table 2:
COURT OF APPEAL CRIMINAL APPEALS DISPOSED BY MANNER**

Year	Total Disposed	Allowed	Dismissed	Abandoned	Pending
2010	27	8	13	6	-
2011	17	7	7	1	-
2012	19	6.5	10.5	2	2
2013	14	4.5	3.5	1	9
2014	27	5.5	19.5	2	16

TABLE 2 gives a review of the Criminal Appeals disposed by manner during the 2014 Legal Year. There was a total of five and a half (5.5) criminal Appeals allowed, nineteen and a half (19.5) appeals dismissed and two (2) appeals abandoned with sixteen (16) appeals pending. The total number of Appeals disposed of increased from fourteen (14) to twenty-seven (27) when compared to the 2013 Legal Year. This is due in part to the fact that in 2014, the Court of Appeal dismissed convictions but allowed sentence appeals. Although conviction and sentence appeals are commonly filed and heard as one appeal, some are disposed of “in part”. A conviction appeal may be dismissed, but the sentence may be allowed all within one appeal resulting in the half point.

FIG. 2: COURT OF APPEAL CRIMINAL APPEALS DISPOSED BY MANNER 2010-2014

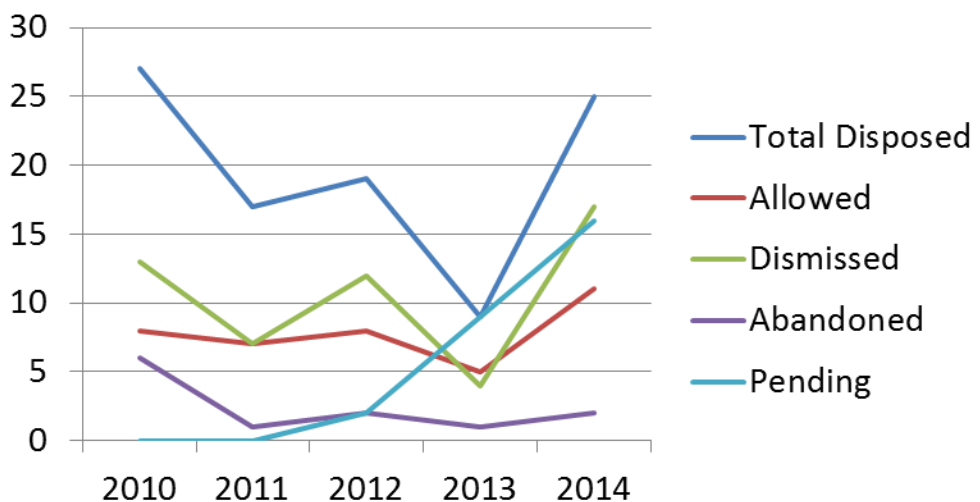
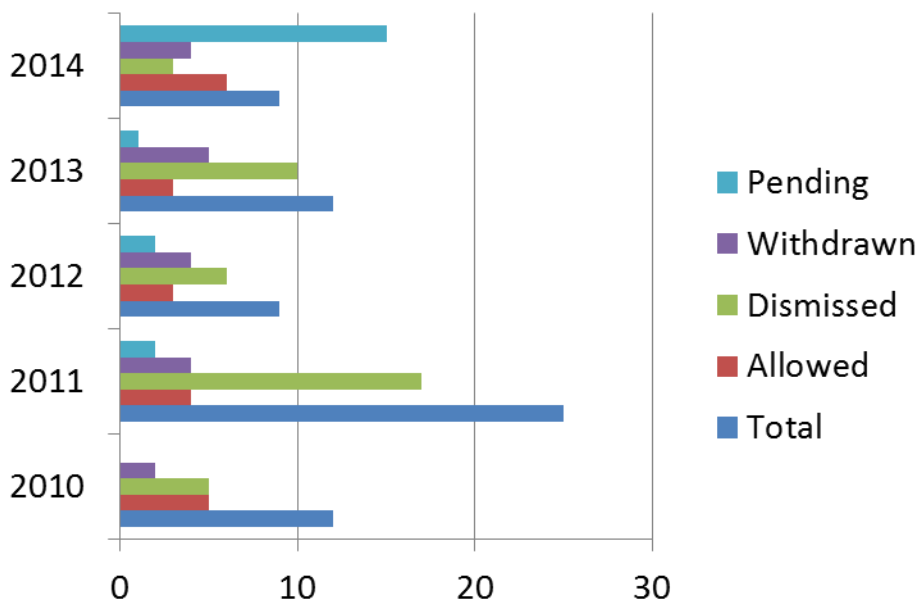


Table 3: COURT OF APPEAL CIVIL APPEALS DISPOSED BY MANNER					
Year	Total	Allowed	Dismissed	Withdrawn	Pending
2010	12	5	5	2	-
2011	25	4	17	4	2
2012	13	3	6	4	2
2013	17	3	9	5	1
2014	14	6	4	4	15

TABLE 3 gives a review of the Civil Appeals disposed by manner during the 2014 Legal Year. There was a total of six (6) civil appeals allowed, four (4) appeals dismissed, four (4) appeals withdrawn and fifteen (15) appeals pending. The total number of Appeals decreased by three (3) matters when compared to the 2013 Legal Year.

FIG. 3: COURT OF APPEAL CIVIL APPEALS DISPOSED BY MANNER 2010-2014





Supreme Court: Year in Review



- **The budget for the Department in the current financial year is approximately \$8,141,305.**
- **In 2014, there were thirty-nine (39) indictments filed with forty – seven (47) defendants having their cases disposed of.**
- **The number of Cases Pending in reference to Criminal Appeals disposed of increased from 2013 to 2014.**
- **The figures for the number of Civil matters filed for the 2014 Legal Year decreased when compared to the previous Legal Year.**
- **There was an increase of one (1) matter in the total number of divorces filed.**
- **Probate applications saw an increase of eighty (80) applications when compared to the previous Legal Year.**

The Courts

The composition and constitution of the Supreme Court is defined by the Bermuda Constitution, and its jurisdiction governed by the Supreme Court Act 1905, and various other laws.

The Supreme Court hears:

- ❖ More serious criminal cases which are tried by judge and jury
- ❖ Civil matters, where the amount in dispute exceeds \$25,000, which are heard by a judge alone and
- ❖ Business matters related to reinsurance, international business and winding up of companies are heard in the Commercial Court.
- ❖ Appeals from the Magistrates' Court and Other statutory appeals.
- ❖ Applications under section 15 of the Bermuda Constitution.
- ❖ Applications for judicial review of the administrative decisions of Ministers and other public bodies.

The Supreme Court is also responsible for:

- ❖ Granting probate of Wills and appointing representatives to administer the estates of deceased persons who die without leaving a will; and
- ❖ Appointing receivers to administer the assets of person suffering from mental disability.
- ❖ The Registrar of the Supreme Court is the administrative head of the Department which can employ, when fully staffed, up to 67 officers, none of whom requires a work permit. The budget for the Department in the current financial year is approximately **\$8,141,305**.

Highlights 2014

This has been another challenging yet rewarding year.

With thanks to the Judges, Crown Counsel of the Department of Public Prosecutions and the Defence attorneys, there continues to be no backlog with Criminal cases in the Supreme Court. The listing of cases has been maintained at three months where possible, and on some occasions during

the year within one month of the Arraignment session. This optimum level is dependent on the number of indictments filed, the number of multi-Defendant trials and the length of individual trials. We will however seek to maintain this level with the assistance of all who participate in this process.

We have dealt with an increase in multi-defendant trials without incident, but are increasingly faced with a growing number and in size. Our current facilities to hold jury trials are unsuitable and inadequate and hopefully a plan can be developed in the medium term for a purpose built facility.

We want to commend our staff, who have remained flexible and committed to the delivery of services throughout the year.

Technology

Video Conferencing

We continue to use video link to our Arraignment sessions, which are held on the 1st of each Month. This means that Defendants do not have to be brought down from Westgate to attend but are present through a link to a dedicated room in Westgate where they can be seen and heard by the judge, their attorneys, and the public. This results in considerable costs savings, not only for Corrections but also for the additional security needed to provide for live appearances. Currently, this does not apply to persons being arraigned for the first time which requires legislative change.

Such links are common place in Commonwealth jurisdictions and with new technology continually improving, we hope that we will be able to benefit from other practical uses of such resources.

Premises

Commercial Court

The Commercial Court has now completed its eighth year of operation and has been well received by practitioners, both here and overseas.

Since moving into the Government Administration Building on Parliament Street we have added evidence presentation screens to facilitate the trial process. We consider that this will increase the profile of our Commercial Court both within Bermuda and overseas with an attendant overall benefit to the judicial process and increased and visible support for our International business.

Security

We continue to monitor the level of security threat and cooperate fully with Police and Corrections in respect of individual trials where appropriate. Should the increase of multi-defendant and factional cases continue, we will have to consider more permanent measures of protection for our Supreme Courts.

Due to the increasing number of violent high risk individuals being brought before our Courts for gun and weapon offences, coupled with the presence of friends and family members, along with those of their victims, presents a potentially unsafe for staff, Judges, Magistrates' and the public at large. We continue to review the needs for extra security devices including cameras and additional metal detectors and in view of recent crime, we have taken extra measures where necessary and installed temporary metal detectors provided by private security on a case by case basis. We continue to monitor our needs to protect our Courts and the people and public who use them.

In the Supreme Court, where we do not have permanent security personnel in place, we continue to work with the police and private security to ensure that adequate measures are implemented.

Supreme Court Statistics

Criminal Statistics

TABLE 4: CRIMINAL MATTERS DISPOSED BY MANNER OF DISPOSITION					
Year	Total # Indictments	Guilty Pleas	Guilty Verdict	Acquittals	Discontinued
2010	51	20	19	10	2
2011	55	25	19	12	14
2012	42	33	18	2	5
2013	44	20	15	5	7
2014	39	20	8	10	4

In **Table 4**, 'Matters disposed by Manner of Disposition', it can be observed that the 'Guilty Pleas' and 'Guilty Verdicts', combined, continue to account for more than half of all dispositions. In 2014, there were thirty- nine (39) new indictments disposed of. There was a total of twenty (20) Guilty Pleas, eight (8) 'Guilty verdicts', ten (10) 'Acquittals, and four (4) 'Discontinued' cases.

Figure 4: CRIMINAL CASES DISPOSED BY MANNER OF DISPOSITION 2010-2014

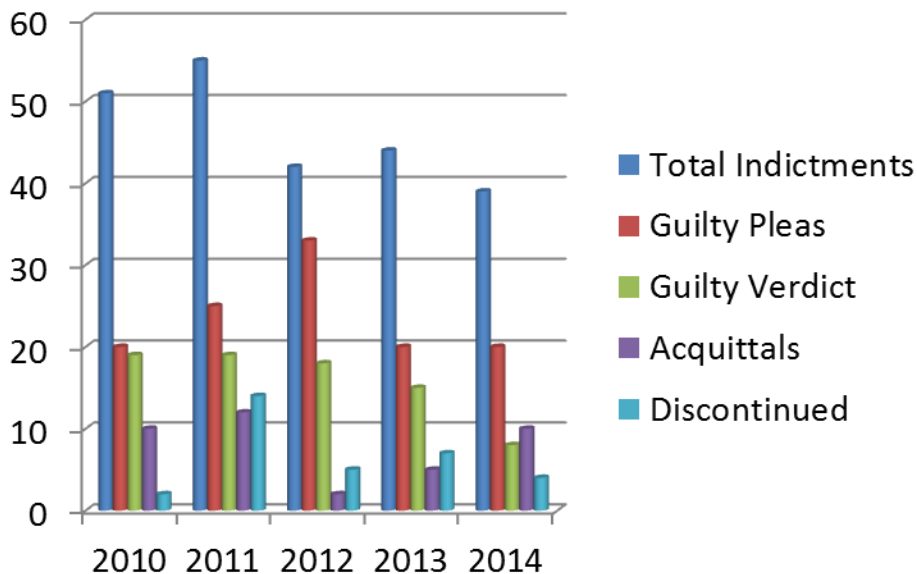
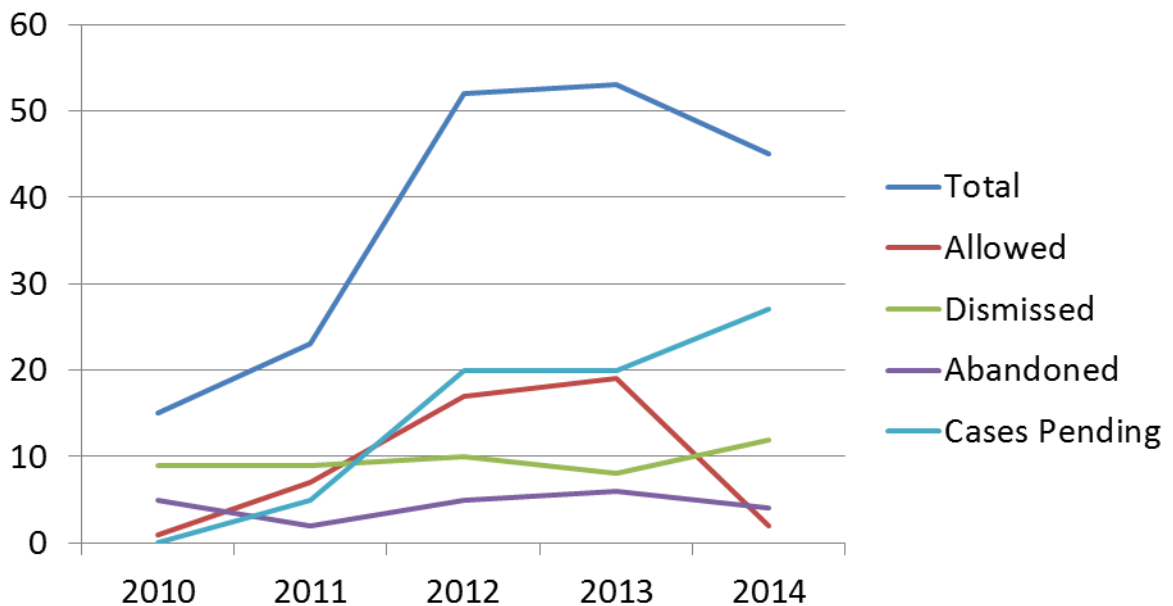


Table 5: CRIMINAL & CIVIL APPEALS FROM MAGISTRATES COURT					
Year	Total	Allowed	Dismissed	Abandoned	Cases Pending
2010	15	1	9	5	-
2011	23	7	9	2	5
2012	52	17	10	5	20
2013	53	19	8	6	20
2014	45	7	21	5	27

TABLE 5 gives a review of the Civil & Criminal Appeals disposed by manner during the 2014 Legal year. There was a total of seven (7) Criminal Appeals allowed, twenty-one (21) Appeals dismissed and five (5) Appeals abandoned. The number of cases pending increased from twenty (20) appeals in 2013 to twenty- seven (27) in 2014.

FIG. 5: CIVIL & CRIMINAL APPEALS FROM MAGISTRATES COURT 2010-2014



Civil Statistics

**Table 6:
NEW CIVIL MATTERS FILED BY SUBTYPE 2010- 2014**

Year	Total	Commercial	Originating Summons	Call to Bar	Notary	Writ of Summons	Judicial Review	Partition	Bankruptcy
2010	427	91	63	62	6	182	20	-	3
2011	477	75	83	48	6	240	13	10	2
2012	430	88	74	41	4	190	14	10	9
2013	448	70	83	46	5	210	19	10	5
2014	422	70	99	27	6	199	10	8	3

Table 6 illustrates the total number of Civil matters filed over the last five (5) years. The figures for the 2014 Legal Year show a decrease of twenty-six (26) Civil matters filed when compared to the 2013 Legal Year. A framework for measuring civil disposal rates was developed in the course of 2014. This will identify how many final judgments/ orders are made and how many interlocutory orders are made as many civil cases (notably winding- up proceedings) actively continue for many years. Divorce and Probate cases are dealt with separately below.

Figure 6: NEW MATTERS FILED BY SUBTYPE 2010-2014

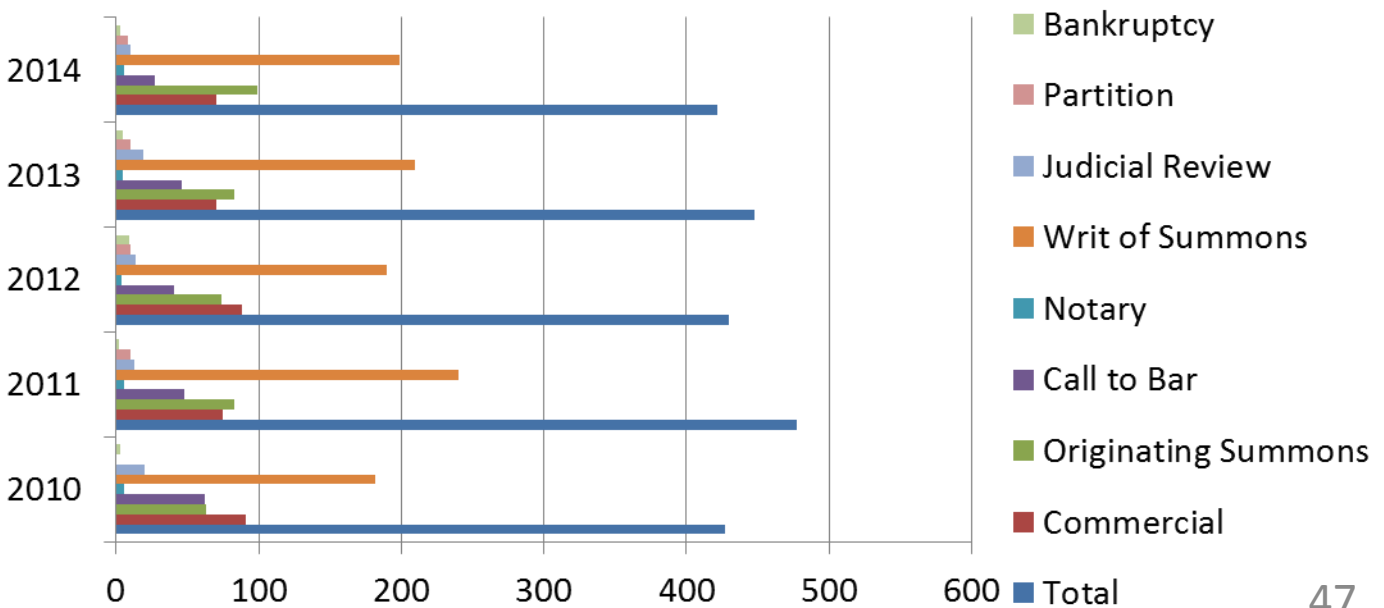


Table 7: 2013 & 2014 Civil Orders (Government Administration Building- Civil Judges)

2013					
Decision Type	Civil- Gen	Commercial	Family	Appeal	Total
Interlocutory	631	193	64	7	895
Final	28	31	2	9	67
Published/ Considered Judgments	36	10	1	7	54
Total for 2013 (INT + Final)	659	224	66	16	962

2014					
Decision Type	Civil- Gen	Commercial	Family	Appeal	Total
Interlocutory	580	188	99	9	876
Final	19	40	8	11	78
Published/ Considered Judgments	41	23	0	8	72
Total for 2014 (INT + Final)	599	228	107	20	954

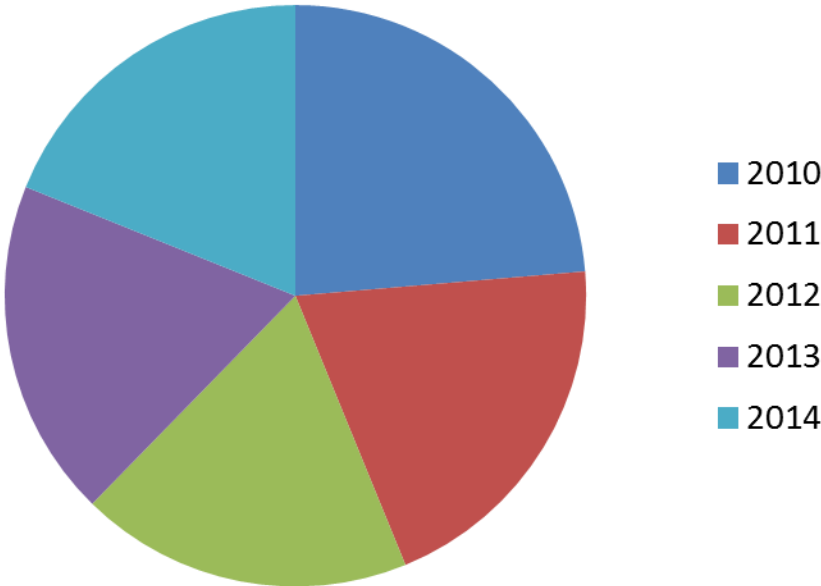
Table 7 illustrates the total number of Civil Judgments for the 2013 and 2014 Legal Year. The numbers are not substantially different from the previous Legal Year save that there has been an increase of the total Published/ Considered judgments from fifty- four (54) to seventy- two (72) and an increase in the Commercial category from ten (10) to twenty-three (23), which has more than doubled. This illustrates the increasing complexity of the Commercial courts work load.

Matrimonial Caseload Statistics

Table 8: NEW DIVORCE MATTERS FILED 2010-2014	
Year	Divorce Petitions Filed
2010	243
2011	207
2012	190
2013	193
2014	194

Table 8 shows that there were one hundred and ninety- four (194) matters filed for the period under review. There was a increase of one (1) matter in relation to the total number of divorces filed when compared to the previous 2013 Legal Year.

Figure 8: NEW DIVORCES MATTERS FILED 2010-2014

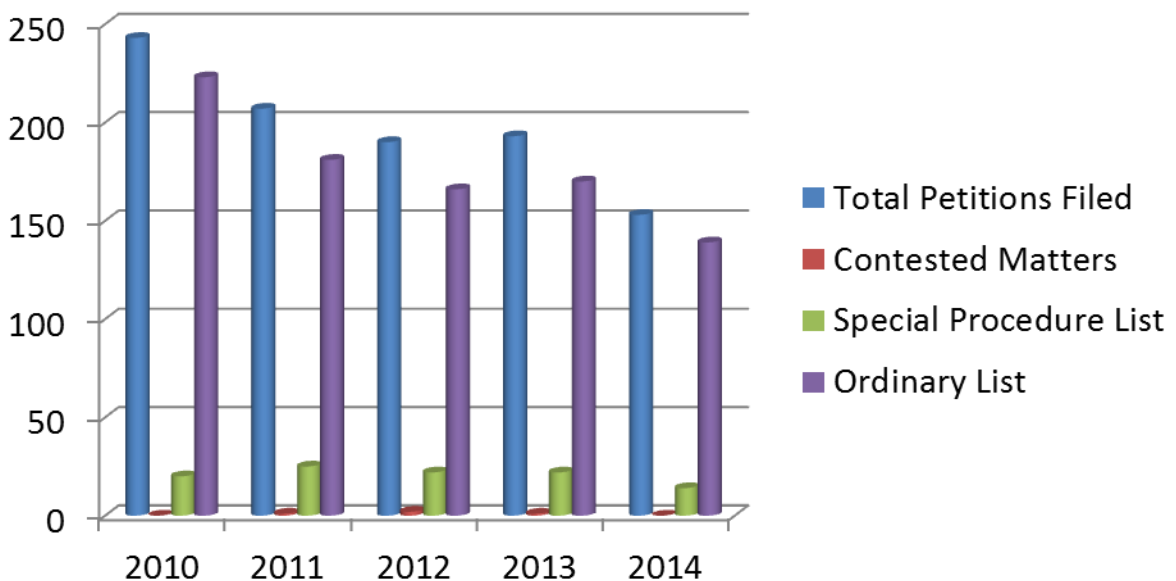


**Table 9:
MATRIMONIAL CASES FOR HEARING 2010-2014**

Year	Total Petitions Filed	Contested Matters	Special Procedure List	Ordinary List
2010	243	0	20	223
2011	207	1	25	181
2012	190	2	22	166
2013	193	1	22	170
2014	194	0	15	179

Table 9 shows that in the 2014 Legal Year, there was an increase in the number of New Divorces Filed when compared to the 2013 Legal Year. There were one hundred and ninety – four (194) matters filed for the period under review with no contested matters, fifteen (15) matters on the Special Procedure List, and one hundred and seventy-nine (179) matters on the Ordinary List.

Figure 9: MATRIMONIAL CASES FOR HEARING 2010-2014



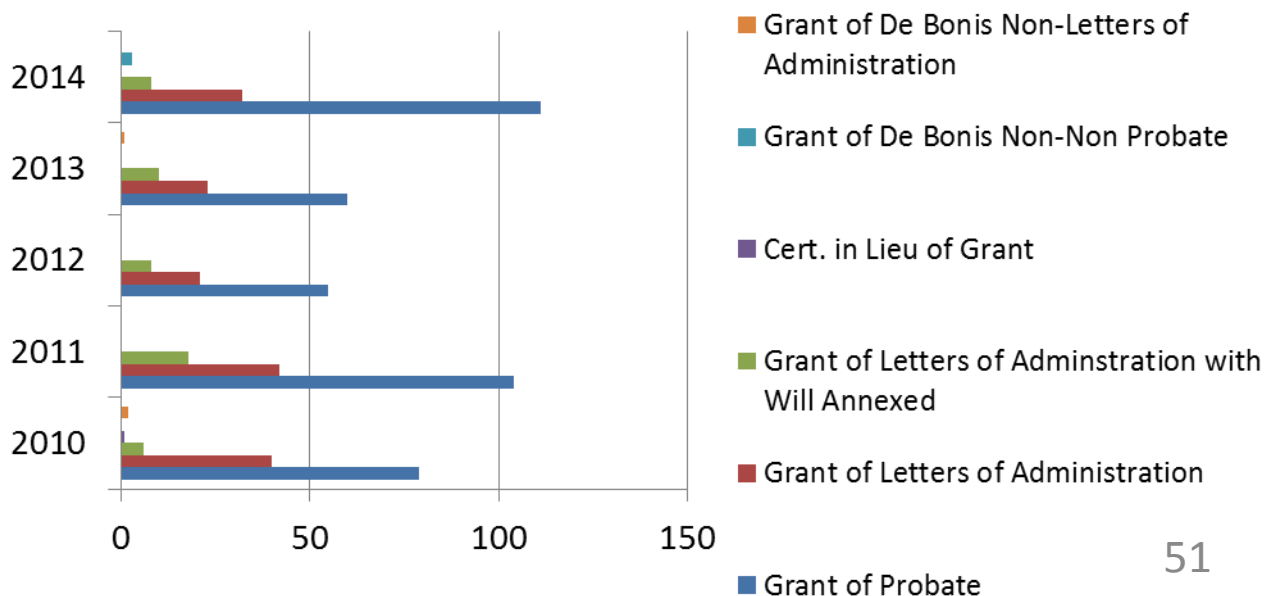
Probate Caseload Statistics

Table 10: PROBATE APPLICATIONS FILED 2010-2014

Year	Grant of Probate	Grant of Letters of Administration	Grant of Letters of Administration with Will Annexed	Certificate in Lieu of Grant (Small Estate)	Grant of De Bonis Non-Probate	Grant of De Bonis Non-Letters of Administration	Grant of Reseal	Total	Caveats
2010	79	40	6	8	0	2	11	146	29
2011	104	42	18	5	0	0	5	174	34
2012	55	21	8	8	0	0	1	93	6
2013	60	23	10	7	0	1	5	106	19
2014	111	32	8	15	3	0	13	186	48

Table 10 provides statistical data as related to the Registry’s Probate Caseload for the 2010-2014 Legal year. The data shows that there was a total of one-hundred and eleven (111) probate applications filed during the 2014 Law Year. This is an increase of eighty (80) probate applications when compared to the 2013 Legal Year.

Figure 10: PROBATE APPLICATION FILED 2010-2014





Supreme Court Registry: Year in Review



- **The Judicial Department continues to expand the website to meet the changing needs of the Public, Attorneys and interested parties of the weekly list of cases.**
- **We are working to expand the JEMS Case Management System to ensure that it is functioning to its best capability.**
- **One member of the Supreme Court is undertaking their Associates Degree in Criminal Justice and one member of staff is studying for their Level 3 ILEX Certificate.**

The Supreme Court Registry is responsible for the administration of the Supreme Court and the Court of Appeal. It is established by the Supreme Court Act 1905 and the Rules of the Supreme Court 1985.

The Registry is vital to the functioning of these courts, and is responsible for:

- ❖ processing all court documents;
- ❖ maintaining the secure custody and safety of all court records;
- ❖ making relevant information available for court users;
- ❖ collecting and accounting for all fees and fines received by the Courts;
- ❖ providing support to the Justices of Appeal, Supreme Court Judges and the Registrar;
- ❖ listing cases for hearing;
- ❖ recording all events which take place during the course of a case;
- ❖ receiving and processing applications for the grant of Probate or the Administration of intestate estates;
- ❖ managing the resources required for the effective functioning of the courts; and
- ❖ divorce matters including the distribution of family assets and the care and custody of children.

The Registry is under the supervision of the Registrar, who is responsible for its smooth and efficient operation, and for implementing the policies and procedures necessary to support its operation. The Registrar is the administrative head of the Judiciary and its accounting officer.

TECHNOLOGY

JEMS Case Management System

We continue to do whatever is required to ensure that the system is functional and ongoing. Training has been completed for all Judicial officers, Police and other users and will continue as needed.

This coming year, we will upgrade our computer system infrastructure in the all Courts.

Legislative change will be required in some instances to expand and make better use of available technology so as we can remain competitive and on par with similar jurisdictions and funding will have to be made available.

Website

We continue to use our website to inform the Public, Attorneys and interested parties of the weekly list of cases which we amend daily as necessary. We also list the schedule for the sessions of the Court of Appeal and the Supreme Court. It also provides information on our activities together with links to other related sites. This enables the public, inclusive of local and overseas attorneys, and the media to read current judgments when handed down and Practice Directions. It provides guidance to the public on Jury Service, Judicial Codes of Conduct, Small Claims procedures, a Youth Guide to the Bermuda Court system, a Probate Guide for the administration of Estates, our Supreme Court Newsletter, and links to other useful websites, including Bermuda Laws and Law Reports, Legal Aid and the Bar Association. Our website address can be navigated via the Portal or www.judiciary.gov.bm. We continue to expand our website to meet changing needs.

This year we have worked with The Department of E-Government, who worked with Magistrates' Court to facilitate the online posting of Magistrate Court trials schedules. These online postings do not include the scheduling of Family Court cases or other cases involving minors.

Interactive Licensing forms can currently be found online for Liquor, Betting and Pedlar's licenses as well as Record request forms and Child and Family Support application forms.

FURTHER EDUCATION

We continue to encourage our staff where appropriate to take up or continue courses which may lead to them qualifying in the future as lawyers or such other recognised positions in this community.

We currently have two members of the Supreme Court undertaking their Associates Degree in Criminal Justice through Ashworth College Online and one member of staff who is currently studying for their Level 3 ILEX Certificate.



Magistrates' Court: Year in Review



- **Review of the standard operating procedures for the Family Court and Civil Section** has commenced. We continue to strengthen the administrative arm of the Civil Section by updating the training of administrative personnel. The Family Section has developed a robust strategic plan for the enforcement of Child Support orders with the goal to significantly reduce the amount of Child Support arrears.
- The process of updating the policies and procedures, to take into account best practises and changing job requirements, of all of the Sections of Magistrates' Court is on-going and slated for completion in 2015.
- **All Courts have been responsive to the economic plight and financial instability of persons who appear before the Courts and this has manifested in making orders which take into consideration the financial and social circumstances of individuals.**
- **The Security Contract for the Courts is up for renewal under a Request For Proposal (RFP) process.** It is anticipated that it will be completed by early 2015.

- **The composition of the Special Court Panel was enhanced** by the selection of new individuals who come from all walks of life.
- **The Coroners Reports and Appeal cases are currently up-to-date**
- **Law Week is a Key Initiative that was slated for 2014.**
Unfortunately, due to budgetary constraints this initiative was unable to be fulfilled but it is intended to be fully implemented in 2015.
- **The number of Domestic Violence Orders made has increased to 53** in 2014 from 22 in 2013.

Key Achievements in 2014



- Review of current job descriptions of the administrative staff, with a view to bringing their salaries in line with similar job descriptions within the Civil Service.
- The **Judicial Electronic Management System (JEMS)** has been updated over the past year and this has improved the quality of the Court's administrative efforts. In our continuing efforts to go from strength to strength, the Magistrates and Administrative Staff will be undergoing training sessions in the use of JEMS. Further, a JEMS specialist will be attending the Magistrates' Court to advise further as to the full capabilities of JEMS and what other facilities can be utilized. It is anticipated that all of the Magistrates' Court will be using an electronic diary system which will no doubt improve the efficiencies of scheduling Court matters.

The Courts

The Magistrates' Court has specialized Civil, Criminal, and Family Courts to ensure a dedicated response to these issues. There is also a Drug Treatment Court to oversee the rehabilitation of drug users. There are no jury trials and all cases are heard by a Magistrate sitting alone, except in the Family Court, where the Magistrate sits with two lay members chosen from a special panel. Appeals from judgments of the Magistrates' Court are heard by the Supreme Court.



The Magistrates' Court is provided funding for the Senior Magistrate, four Magistrates' and acting appointments where necessary. The Magistrates' adjudicate Civil Criminal and Family matters which are reported below.

Hearings/Case Events	2011	2012	2013	2014
Mentions	2,927	2,809	1,805	3,336
Trials	1,813	2,229	2,097	1,895
Case Events	24,234	24,009	25,876	24,715

Figure 1: Table of Hearings/Case Events

Note: **'Trials'** are hearings between the parties in order for the Magistrate to make a judgment.

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

'Case Events' includes proceedings such as pleas, legal submissions, sentencing hearings and other type of event that does not fall under Mentions and Trials.

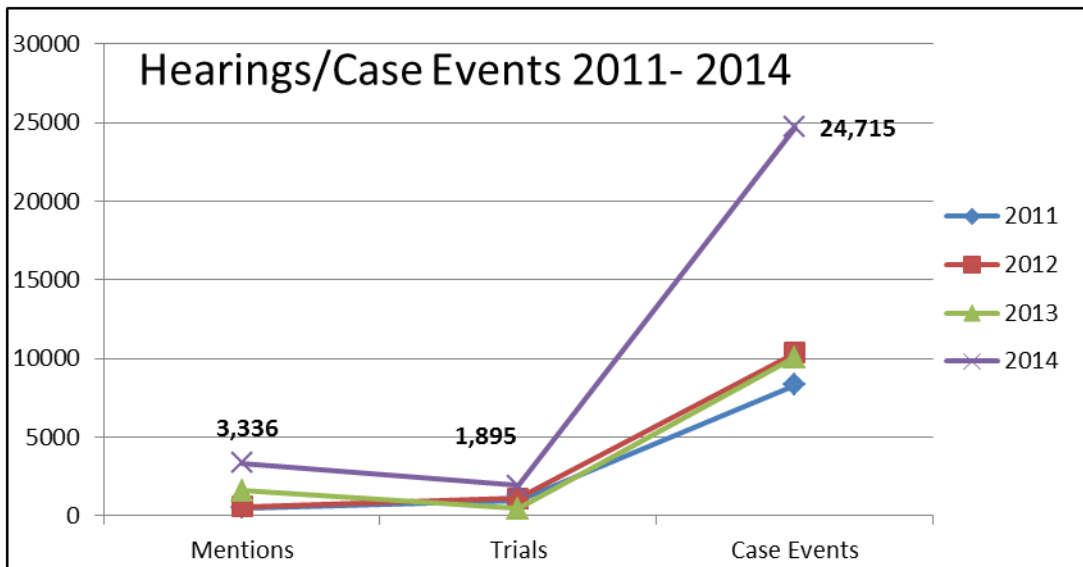


Figure 1A: Chart on Hearings/Case Events

As shown in Figure 1 the number of scheduled Case Events in 2011 was 24,234, in 2012 there were 24,009, and in 2013 there was 25,876. During 2014 the number of Case Events totalled 24,715 which represents a decline of 1,642 matters/Case Events or 4% when comparing it to 2013.

There have been 1,895 trials in 2014 which is less than in 2013 which had two thousand and ninety-seven (2,097), a 10% decrease when comparing the two (2) years. There were two thousand two hundred and twenty-nine (2,229) trials in 2012 and one thousand eight hundred and thirteen (1,813) in 2011.

“Mentions” have increased by 85% when comparing to the 2013 figures. Indeed, since 2011 there has been an increase in the number of mentions: two thousand nine hundred and twenty-seven (2,927) in 2011; two thousand eight hundred and nine (2,809) in 2012; one thousand eight hundred and five (1,805) in 2013; and three thousand three hundred and thirty-six (3,336) in 2014. This represents a difference of an additional one thousand seven hundred and sixty-six (1,766) mentions in 2014. The increased numbers of mentions are primarily attributed to the Magistrates’ responsiveness to the inability of judgement debtors (because of unemployment or low income) to satisfy their judgment debts. In this regard, judgement debtors are required to return to Court on three (3) or six (6) month intervals so that the Magistrate may determine their ability to pay and accordingly make orders for payment.

Civil Court

The Civil Section is administered by three (3) clerks and a secretary and provides case management and court services for the resolution of civil claims under \$25,000 filed in Magistrates' Court, landlord and tenant matters under the Landlord and Tenant Act 1974 and the rent Increases (Domestic Premises) Control Act 1978.

Legislative amendments are required to increase fees for the preparation of these filings as the current fee structures are not in line with today's pricing model.

The Civil Section has adjudicated 2,938 new cases in 2014. Although this represents a 25% reduction in the number of new cases filed when compared to 2013 (3,943), there was a significant increase in judgment creditors seeking the collection of judgement debts by way of enforcement proceedings (this is reflected by the increase in "Case Events" in the Civil Court).



Total New Civil Court Cases Filed

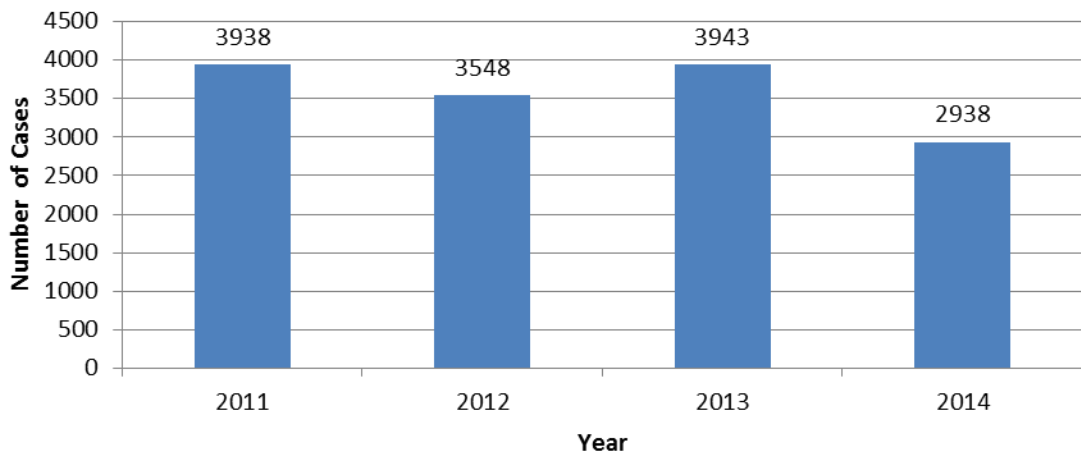


Figure 2: 2014 Total New Civil Court Cases Filed

Family Court

The Family Court was established by Section 13 of the Children Act 1998 to exercise the jurisdiction conferred upon the Court by that Act in matters involving children. It also addresses the adoption of children and the placement of children into the care of the Director of Child and Family Services.

The Court is composed of a Magistrate and two panel members (male and female) pursuant to Section 12 of the Magistrates' Act 1948 and exercises jurisdiction in cases involving children 18 years and under.



The Special Court Panel

The Family Court is a specialized 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). This Court is presided over by a specialized Magistrate and supported by two panel members (male and female) who are appointed from the public and have wide community and life experiences (legal experience not required) with family issues and dispute resolution.

In 2013 the role and responsibility of the Special Court Panel was reviewed. Moving forward, consideration is being given to requiring the Special Court Panel to undergo specialized training to provide clarification of their roles and to better equip the panel members to assist the Magistrate to meet the needs of families, children and persons who come before the Special Court.

In October 2013 the legislation governing adoption procedures was amended which led to the introduction of the Adoption of Children Regulations 2013 and the Adoption of Children Rules 2013. One of the most noteworthy amendments is that adoptions, which were once closed records, are now open and accessible to the Applicants provided the relevant permissions are sought and granted. The administrative staff of the Family Court must be commended for meticulously putting together the new adoption application package.

The Special Court Panel has seen the addition of thirteen (13) new Panel Members appointed to serve in 2015. A total of six (6) Panel Members resigned during 2014. Currently the total number of Special Court Panel Members appointed is forty-one (41).

New Family Court Cases

In 2014 The Family Court heard one hundred and fifty-six (156) new cases. This represents a 11% increase in new activity for the Family Court from the 2013 caseload of 141. There was a large increase in the number of Domestic Violence Orders issued in Family Court in 2014, with twenty-two (22) in 2013 and fifty-three (53) recorded in 2014. This represents a

difference of thirty-one (31) cases or a 141% increase between the two (2) years; but it should be noted that the 2014 figure is more consistent with the 2011 and 2012 figures.

It is difficult to ascertain the root cause of the increased numbers of DVO matters but it may partly speak to some of the social issues in the community



Applicable Law	Total Family Law Cases			
	2011	2012	2013	2014
Adoption Act 1963, Adoption Rules Act	4	0	7	3
*Children Act 1998 (Access, Maintenance, Care & Control)	476	471	522	581
**Enforcement (All Case Types in Default)	435	589	942	1107
Domestic Violence Act 1997 (Protection Orders)	42	42	22	53
Matrimonial Causes Act 1974	6	12	2	28
Reciprocal Enforcement (Overseas)	0	3	1	6
***Juvenile Cases	49	34	12	73
New Cases Filed: Jan 1 st – Dec 31 th	201	189	141	156
Closed/Finalized Cases	No Fig	No Fig	No Fig	80

Figure 3: Table of Total Family Law Cases per year.

* The 2011 - 2013 totals from the 2013 Annual Report for Total Family Law Cases have been consolidated to reflect a combination of all of the cases that relate to the Children Act 1998.

*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). Contribution Orders, which are all DCFS cases, were not separated in 2014 as this is a possible outcome to a case adjudicated under the Children Act 1998 and not a separate application type.

**** Enforcement (Cases in Default) –** These statistics have increased due to the Magistrates’ new enforcement initiative to collect the outstanding child support from the respective parent in arrears. A stronger enforcement has been introduced by the Family Court Magistrates. The Divorce Proceedings (Enforcement) figures/statistics from 2011 – 2013 have not been separated in 2014 as all of the enforcement matters are dealt with in the same manner under Enforcement (All Case types in Default).

***** Juvenile Cases – Criminal & Traffic Cases for children who are too young to go to regular court (15 years old & under).**

As noted in the 2013 report a distinguishing feature of the Family Court is to schedule weekly ‘Defaulters’ Review’ days. The Defaulters’ Review is part of a robust enforcement initiative which was introduced in 2013 which has resulted in a considerable increase in the enforcement caseload of the Family Court [see Figure 3 – Enforcement - *Cases in Default*]. The total Family Court caseload for 2014 is 2,087 cases. This represents a 12% increase when comparing it to 2013.

Child Support Payments

The total amount collected in Child Support payments over the 2014 period is \$5,023,883. This is a decrease of 4% in Child Support payments when compared to the intake of \$5,250,135 in 2013. There was a similar 4% decrease recorded between the 2013 and 2012 years.

Criminal & Traffic Section

The Criminal and Traffic Section are administered by one (1) Supervisor (Records Supervisor), two (2) Secretaries and three (3) Clerks (2 Court Clerks and 1 Parking Ticket Clerk). They provide case management and court services related to the resolution of criminal and traffic cases.

TOTAL NEW CASES (Filed)	2011*	2012*	2013	2014
Criminal	1,037	702	823	684
Traffic	9,824	7,316	10,248	8,565
Parking	15,401	11,256	7,688	**5,901

Figure 4: Total New Cases Filed with the JEMS system 2011-2014

*Revised up from the 2012 Report due to JEMS usage.

**The 2014 figure does not represent the actual number of tickets issued.

Total New Cases (Filed)			
Month	Criminal	Traffic	Parking
Jan	64	766	607
Feb	47	620	503
Mar	44	437	453
Apr	59	864	438
May	67	587	572
Jun	58	916	594
Jul	68	578	751
Aug	66	663	535
Sep	53	1167	396
Oct	54	532	317
Nov	50	766	386
Dec	54	669	354
TOTALS:	684	8,565	5,901

There were **684** new criminal matters filed with the Court in 2014. This declined by **17%** or one hundred and thirty-nine (139) matters when comparing it to the 2013 figures.

There was **5,901** new Parking Ticket cases filed for the year ending 2014 which is one thousand seven hundred and eighty-seven (1,787) or 23% less tickets issued compared to 2013.

There were **8,565** Traffic offences filed with the Magistrates' Courts during 2014. This is a decrease of 16% when comparing it to the 2013 figures of 10,248 but an increase of 40% over the 2012 figures.

Figure 4A: 2014 Table of Criminal, Traffic and Parking Statistics by Month.

TOTAL CASES (Disposed)	*2011	*2012	2013	2014
Criminal	1,339	1,400	1,227	436
Traffic	4,447	4,800	8,834	7,640
Parking				4,816

Figure 5: Total New Cases Disposed (Criminal, Traffic & Parking) by a Magistrate 2011 – June, 2014

*Revised up from the 2012 Report due to JEMS usage.

There were 7,640 traffic cases disposed in the Magistrates' Court in 2014. This represents a 14% decrease when comparing it to the 2013 totals. In 2013 there was a large increase in this area as the figure was 4,800 traffic cases disposed in 2012.

Top 10 Criminal Offences 2011-2014

Offence Code.	Offence Description	Offence Count			
		2011	2012	2013	2014
2071	OBTAINING PROPERTY BY DECEPTION	47	35	92	(3) 60
2010	STEALING (BELOW \$1000)	54	77	83	(1)78
2156	ASSAULT (ABH)	49	83	71	(4) 56
2300	POSSESSION OF CANNIBUS	189	91	68	(2) 61
4032	THREATENING BEHAVIOUR	59	80	65	(3) 60
2127	BURGLARY (NEW)	74	63	58	(5) 53
2152	ASSAULT (COMMON)	45	60	45	(6) 48
2067	HANDLING/RECEIVING STOLEN GOODS	21	49	42	(10) 27
4026	OFFENSIVE WORDS	49	65	33	(7) 35
2144	WILFUL DAMAGE GT 60	28	38	27	(9) 28
2091	TAKE VEHICLE AWAY W/O CONSENT				(8) 29

Figure 6: Table of Top 10 Criminal Offences 2011 – 2014

Top 3 Criminal Offences 2011-2014: Trends

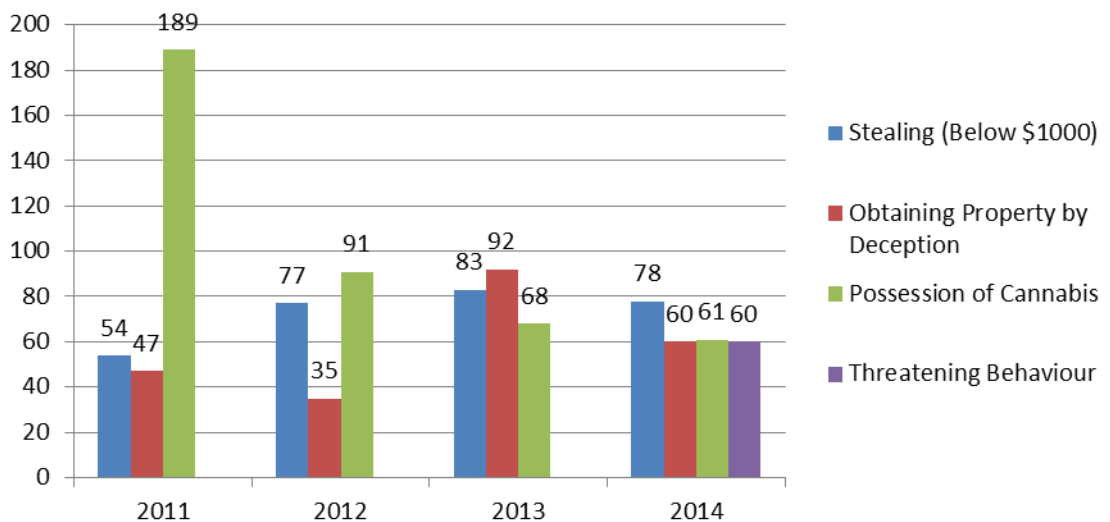


Figure 6A: Table of Top 3 Criminal Offences 2011-2014

The Top 3 Criminal Offences in 2014 are as follows:-

1. Stealing (Below \$1,000)
2. Possession of Cannabis
3. *Obtaining Property by Deception and Threatening Behaviour.

All of the figures for 2014 in this category have decreased from the 2013 statistics. The most prevalent offence for 2014 was Stealing (Below \$1,000) but it was actually the second highest criminal offense in 2013. Possession of Cannabis offences have consistently declined from 2011 – 2014. There were 61 cases this year which represents a 10% decrease from 2013, a 33% decrease from 2012 and a very significant decrease of 68% from 2011. Obtaining Property by Deception offence and Threatening Behaviour round off the Top 3 Criminal Offences for 2014. This marks the first time over the last four (4) years that there has been two (2) offences that have the same figures.

Top 10 Traffic Offences 2011-2013

Offence Code	Offence Description	Offence Count			
		2011	2012*	2013	2014
3002	SPEEDING	2125	2011	2384	1,463 (1)
3007	DISOBEY TRAFFIC SIGN	144	101	1649	489(3)
3147	USE OF HANDHELD DEVICE WHILST DRIVING**	n/a	637	1161	555(2)
3013	SEAT BELT NOT FASTENED	47	35	675	210(7)
3234	NO DRIVERS LICENSE/PERMIT	284	249	575	242(6)
3080	NO 3 RD PARTY INSURANCE	384	329	346	318(5)
3229	UNLICENSED MOTOR BIKE	219	194	296	158(8)
3070	DRIVE W/O DUE CARE & ATTENTION	185	179	210	61(10)
3058	IMPAIRED DRIVING A MOTOR VEHICLE	205	202	206	64(9)
3190	FAILURE TO WEAR HELMET	39	41	185	359(4)

Figure 7: Table of the Top 10 Traffic Offences in 2014.

*2012 figures revised from those stated in 2012 Annual Report using JEMS system**The Use of Handheld Devices Whilst Driving became an offence in 2011 and therefore was not enforced until December 2011. It could not be captured as a statistic for that year.

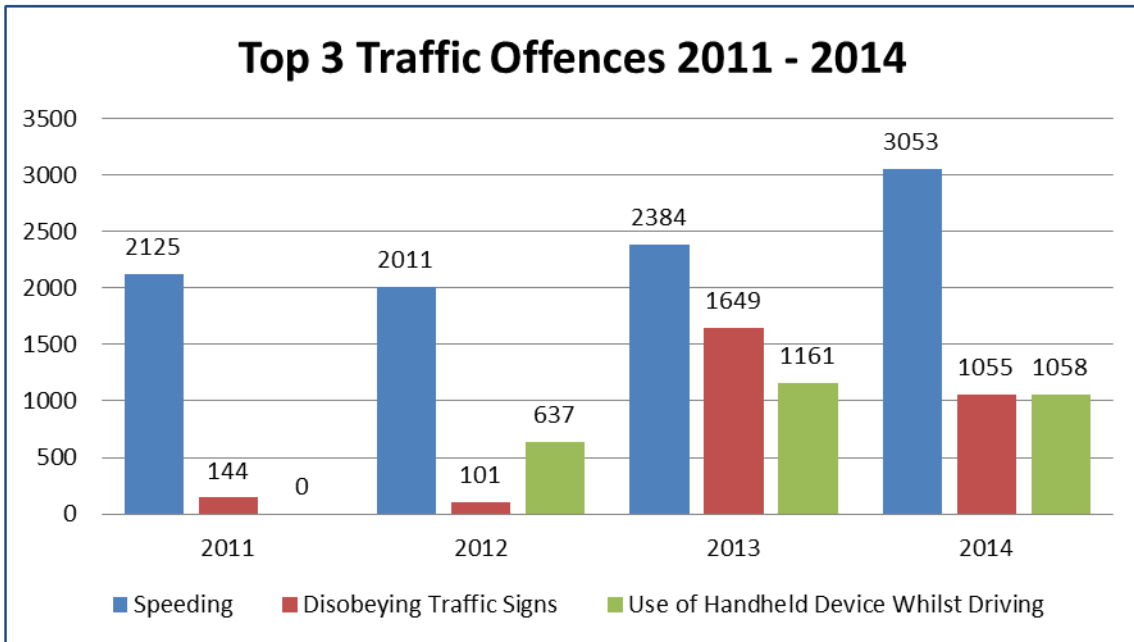


Figure 7A: Table of the Top 10 Traffic Offences in 2014.

The Top 3 Traffic Offences for 2014 are as follows:-

1. Speeding;
2. Use of a Handheld Device Whilst Driving and
3. Disobeying a Traffic Sign

The Top 3 Traffic offences have generally remained the same for 2014 albeit, the number 2 and 3 spots are now in reverse order. The Top Traffic offence of Speeding for this period is significantly higher than previous years as there was a 28% increase, and speeding remains on top of this chart for the fourth consecutive year. As the second and third of the Top 3 Traffic offences switched, there was a nominal change of 9% in the offence of “Use of Handheld Devices Whilst Driving”. There was however, a significant increase of 36% between 2013 and 2014 as it relates to the offence of “Disobeying Traffic Signs”.

Police and Criminal Evidence Act (PACE) Warrants

There was a total of one hundred and ninety-four (194) PACE Warrants issued in 2014. This is a difference of fifty-seven (57) from the two hundred and fifty-one (251) PACE Warrants issued in 2013. The decrease was noticeable, in particular, in the performance indicator of “Continued Detention of Seized Cash” where there was a sizeable decrease from seventy-two (72) in 2013 to thirteen (13) in 2014. PACE Warrants related to Search Warrants for “Firearms” also saw a considerable reduction of 30% in 2014.

PACE Warrants 2012-2014	Legislation	2012	2013	2014
Special Procedure Applications	Telephone	94	67	66
	Banking	15	3	12
	Internet	0	0	1
	Medical	3	1	1
	Courier	0	0	0
	Law Firm/Legal	0	0	1
	Travel Agents/Airlines	0	1	1
	Insurance	0	1	0
Order of Freezing of Funds		1	0	0
Order Release of Seized Cash		3	6	8
Continued Detention of Seized Cash		81	72	13
Search Warrants	Misuse of Drugs Act	29	60	54
	Firearms	14	27	19
	Sec. 8/Sec. 15 PACE Act	20	11	18
	Revenue Act(Customs)	5	2	0
	Criminal Code 464	2	0	0
Production Order (Customs)		11	0	0
TOTAL OF ALL TYPES		278	251	194

Figure 8: Table of 2012 - 2014 PACE Warrants

Outstanding Warrants

- For the period from January – December 2014 there are 9,178 warrants still outstanding. These outstanding warrants have been divided into three (3) categories. They are as follows:- 5,888 Apprehension; 2,797 Summary Jurisdiction Apprehensions (SJA) and 493 Committals for criminal and traffic offences, as well as unpaid criminal and traffic fines.
- The total amount in unpaid fines that have accrued as a result of the warrants not being executed for 2014 is \$1,612,759.57.

TOTAL Outstanding Warrants: 2012 & 2014

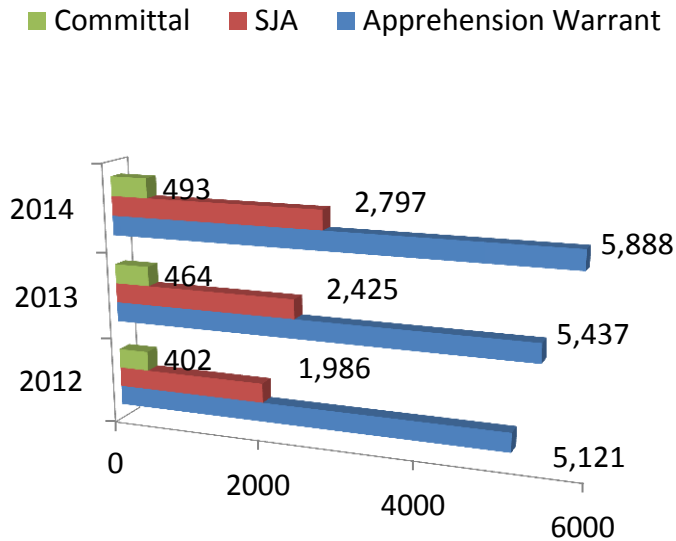


Figure 8A: Outstanding Warrants (Apprehension, Summary Jurisdiction Apprehension (SJA) and Committal)

NOTE: Apprehension warrants are issued when defendants do not show up to Court when they are summoned for criminal and traffic offences. SJA Warrants are issued when a defendant has been fined by a Magistrate and has not paid the fine by the prescribed deadline. 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.

CORONERS REPORTS/CASES

Causes of Death	2011	2012	2013	2014
Natural Causes	77	72	57	63
Unnatural Causes	3	3	6	3
Murders	9	4	5	3
Drowning	2	3	1	4
Road Fatalities	6	8	10	14
Undetermined	3	4	3	0
Hanging	2	3	1	1
Strangulation	1	0	0	0
Suspicious	1	0	0	0
Unknown	n/a	n/a	n/a	1
TOTAL	104	97	83	89

Figure 9: Table of Causes of Death in Coroners Cases 2011 - 2014

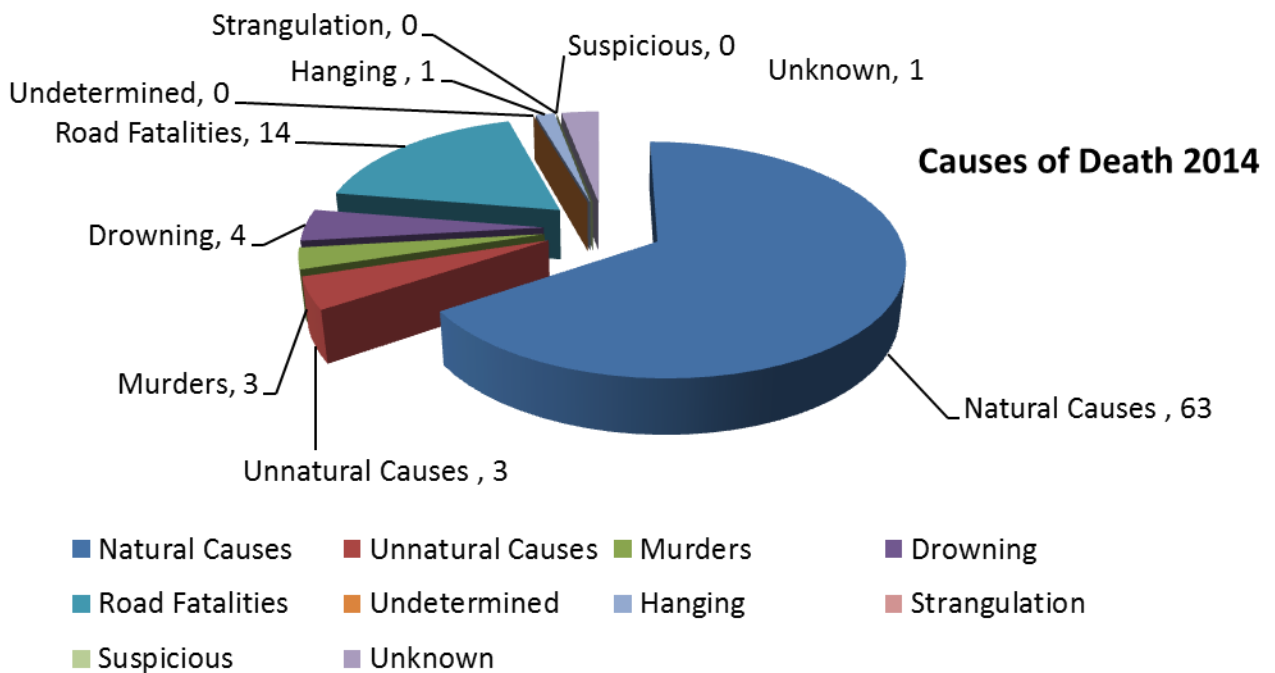
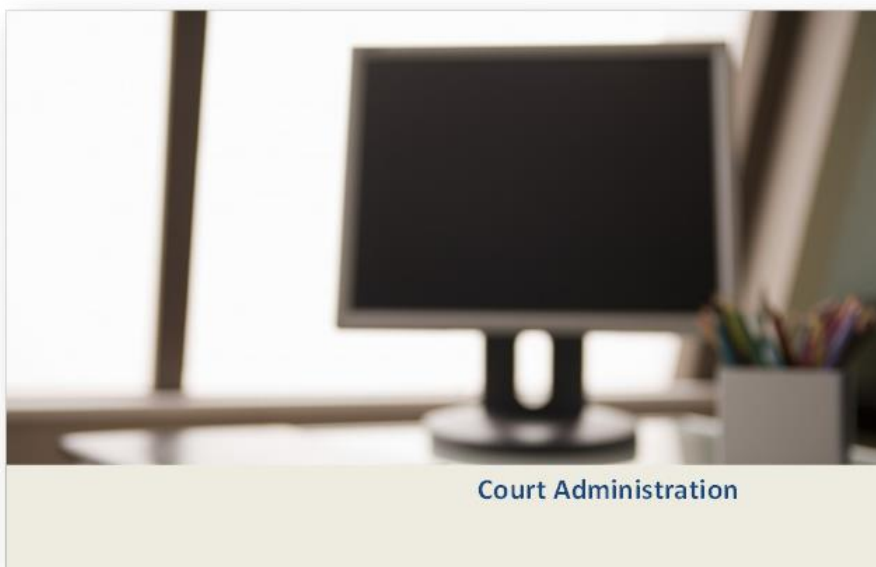


Figure 9A: 2014 Chart of Causes of Death in Coroners Cases.

From January – December 2014 the Coroner reviewed eighty-nine (89) sudden deaths. The sudden death totals increased by six (6) when comparing it to the 2013 figures. The number of Road Fatalities for the year was fourteen (14) which unfortunately is an increased number when comparing it to 2011 six (6); 2012 eight (8) and 2013 ten (10). This represents a 133% increase over the 2011 figures; a 75% increase over the 2012 figures and a 40% increase over the 2013 figures.



Court Administration

Court Administration

The Court Administration includes the following six (6) staff: - the Court Manager, Office Manager, Head Cashier, two (2) Cashiers and a Secretary. They provide support and overall control of the personnel, facilities and financial resources of the Magistrates' Court.

Cashier's Office

The total amount collected by Magistrates' Court for 2014 in all categories (including child support) was \$8,492,739.99. This is a 5% decrease in financial intake from 2013, a 1% decrease from 2012 and a 12% decrease from the 2011 figures. The revenue of \$1,828,645 for traffic fines represents an increase of 2% compared to 2013 and an increase of 23% compared to 2012. As was noted in the 2013 Annual Report there continues to be a decline in the revenue for Parking Fines. The revenue in 2014 was \$249,450 representing a 20% decrease. Funds collected for Liquor License Fees saw an increase of 1% which has been the average over the past four (4) years.

Cashier's Office Payment Types by \$ Amount				
Payment Types (By \$ Amount)	2011	2012	2013	2014
Civil Payments	\$ 520,308	\$ 664,664	\$ 669,312	\$ 612,425
Civil Fees	\$ 257,835	\$ 278,010	\$ 300,685	\$ 256,790
Traffic Fines	\$ 1,713,900	\$ 1,456,078	\$ 1,788,130	\$ 1,828,645
Parking Fines	\$ 793,000	\$ 496,450	\$ 312,650	\$ 249,450
Criminal Fines	\$ 370,110	\$ 228,443	\$ 190,687	\$ 139,888
Liquor License Fees	\$ 314,905	\$ 328,340	\$ 329,210	\$ 332,942
Pedlar's License Fees	\$ 12,250	\$ 11,070	\$ 12,870	\$ 10,440
Misc. Fees (Including Bailiffs)	\$ 37,995	\$ 26,088	\$ 41,649	\$ 38,106
Family Support	\$ 6,154,769	\$ 5,487,566	\$ 5,250,135	\$ 5,023,883
TOTAL COLLECTED	\$ 10,177,347	\$ 8,980,794	\$ 8,895,436	\$ 8,492,739

Figure 10: Cashier's Office Payment Types (By \$ Amount) 2011 – 2014

Cashier's Office Payment Types by Number				
Payment Types (By Number)	2011	2012	2013	2014
Civil Payments	2,488	2,826	3,221	3,575
Civil Fees	7,867	7,403	9,023	7,364
Traffic Fines	8,278	6,482	10,269	8,166
Parking Fines	11,497	9,933	6,253	4,989
Criminal Fines	543	396	385	294
Liquor License Fees	392	450	443	455
Pedlar's License Fees	136	123	143	116
Miscellaneous Fees	606	551	677	851
Family Support	28,278	25,669	25,979	23,450
TOTAL PAYMENTS PROCESSED	60,132	53,879	56,392	49,260

Figure 10A: Cashier's Office Payment Types (by Number) 2011 – 2014.

The total number of Payment Types made to the Cashiers Office for 2014 is 49,260. The number of Payment Types decreased by 13% when comparing it with the 2013 figures. Additionally, when comparing this year's figure with 2012 and 2011 the variances are as follows: - 2012 – 53,879 payments which represents an 9% decrease and in 2011 – 60,132 payments which is a larger decrease of 18%. The number of payments representing civil fees decreased by 18%; down from 9,023 payments in 2013 to 7,364 in 2014.

The number of Civil Payments rose by 11% from 3,221 payments in 2013 to 3,575 payments over the past year. There has been a continuous increase over the 2011 – 2014 period with the 2014 level 27% higher than in 2012 (2,826) and 44% higher than 2011 (2,488).

The number of Liquor Licenses increased to four hundred and fifty-five (455) from four hundred and forty-three (443) in 2013. This represented an increase of 3%.

Family Support staff noted a trend towards a change in the frequency of payments from weekly to monthly. This would cause a reduction in the number of payments, but not necessarily the amount of money received.

Pedlars' Licenses

Pedlars' Licenses				
Month	2011	2012	2013	2014
January	4	6	12	4
February	9	3	10	12
March	2	12	9	4
April	7	12	14	14
May	15	17	10	21
June	18	12	18	6
July	18	18	15	13
August	9	8	10	5
September	4	6	8	15
October	9	4	13	7
November	21	15	11	9
December	16	9	13	6
TOTAL	132	122	143	116

Figure 11: Table of Pedlars' License Statistics from 2011-2014

The number of Pedlars' License applications has declined between 2014 and 2013. There were one hundred and sixteen (116) in 2014 and one hundred and forty-three (143) in 2013 which represents a difference of twenty-seven (27) or a 19% decrease. There was an increase between 2012 and 2013 of twenty-one (21) licenses after there had been a decrease of ten (10) licenses between 2012 and 2011.

Liquor Licenses

There was a total of five hundred and ninety-nine (599) Liquor Licenses issued in 2014 which is very similar to the 2013 figures. From January – June 2014 the Magistrates' Court had a significant increase in the number of liquor licenses issued.

DISTRICTS	2011	2012	2013	2014
Central District	148	153	164	169
Western District	52	63	54	56
Eastern District	41	52	44	48
Occasional Licenses	224	374	338	326
TOTAL LICENSES ISSUED	465	642	600	599

Figure 12: Table of 2014 Liquor Licenses granted by District

Liquor Licenses Trend 2014

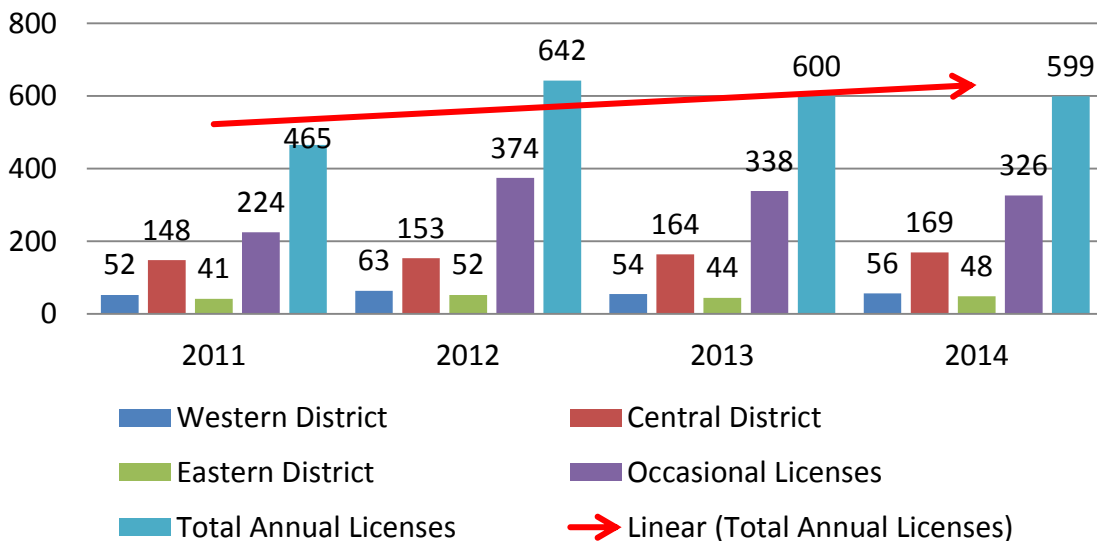


Figure 12A: Table of 2014 Liquor Licenses – Trend Line Chart.

Bailiff's Section: Execution and Service

For the year 2014, the Bailiff's Section has made continuous strides in the service and execution of Court documents. This was achieved by filling the three (3) vacant Bailiff posts with one substantive Bailiff, and two Relief Bailiffs. Together, with the assistance of the two substantive Bailiffs, they have significantly improved the service rate of all Court documents. Although there was a short gap in service delivery, the Bailiff Section was able to regroup once they had the full complement of staffing and as a result were able to improve significantly on their service rate over 2013. Due to the new and improved synergy and work ethic in the office, we anticipate having two (2) of the Relief Bailiffs secured in substantive posts by early 2015.

In an effort to continue to ensure that we improve the efficiency of the Bailiff's Section we are anticipating implementing a new Bailiff Work schedule that will cover all areas of their duties. This will include coverage at the L.F. Wade International Airport to locate individuals who have been difficult to locate and to provide daily security coverage/presence during Civil Court. Further to this, the Deputy Provost Marshal will undertake the implementation of a new program that will provide certification of the Bailiffs.

To highlight the performance of the Bailiffs' Section in 2014, below illustrates a comparison of the total key court documents assigned to the Bailiff's Section for servicing and/or execution from 2011 to 2014: -

2011 – 2014 ANNUAL STATISTICS FOR THE BAILIFFS' SECTION

Documents Types	2011	2012	2013	2014
Ordinary Summons	1405	1230	1029	638
Supreme Court Documents	186	232	311	307
Family Court Documents	231	568	641	757
Committal Applications	No Fig	908	1199	1119
Warrants	No Fig	1150	1172	1147
Evictions	45	45	44	42
TOTALS	1867	4133	4396	4010

Figure 13: Table of 2011 – 2014 Annual Bailiff Document Types.

The majority of the document types issued by the Courts have decreased over the past year with the exception of Family Court Documents. The number of Ordinary Summons served by the Bailiff Section has seen a steady decline over the past four (4) years. The variance between 2013 and 2014 was three hundred and ninety-one (391) documents; while there was a difference of two hundred and one (201) documents between 2013 and 2012 and a difference of one hundred and seventy-five (175) documents between 2012 and 2011. The reduction in the number of Ordinary Summons served by the Bailiff Section resulted from the fact that a number of Plaintiffs have opted to use the services of a Private Process Server as opposed to the Courts' Bailiffs. The 1% decrease in Supreme Court Documents served between 2013 and 2014 is nominal but it was 32% higher than the 2012 figures. The 18% increase in Family Court Documents served by the Bailiff Section for 2014 when compared to 2013 was modest and has continued to grow over the years with the 2014 figure being 528 cases higher than in 2011 (231). Committals slightly decreased by 7% from 2013 as did the Warrants which decreased by 2% from the 2013 figures. The number of Evictions have been consistent from 2011 – 2014 with there being a variance of two (2) less than in 2013. Overall, the volume of key documents processed in 2014 (4,010) has decreased by 9% over 2013 (4,396).

2014: MONTHLY STATISTICS FOR THE BAILIFFS' SECTION

Month	Ordinary Summons	Supreme Court Docs	Family Court Doc	Committal Applications	Warrants	Evictions	Totals
Jan	77	57	76	93	98	8	409
Feb	27	20	66	44	71	1	229
Mar	73	22	47	63	92	9	306
Apr	34	18	58	27	61	5	203
May	23	17	70	25	42	1	178
Jun	20	20	55	59	84	3	241
Jul	30	20	42	93	38	2	225
Aug	37	42	62	20	53	3	217
Sep	61	35	51	129	83	3	362
Oct	126	30	85	177	189	5	612
Nov	64	15	73	287	208	1	648
Dec	66	11	72	102	128	1	380
TOTALS:	638	307	757	1119	1147	42	4010

Figure 13A: Table of the Total Amount of Bailiff Document Types by Month.

The chart below (16B) highlights the total statistics for Bailiffs' Service. In 2014 there were a total of 4,210 documents assigned to the Bailiff Section, while overall there were 2,960 documents executed/served, which represents a service rate of 70.31%. In 2013 the Average of Service was 51.2%. The 2014 figure is an improvement of 19% when compared to 2013. In 2014 3,507 documents were returned by the Bailiffs of which 2,960 were documents executed/served, 272 unable to locate and 275 cancelled or withdrawn documents (this represents an 83% return rate).

Bailiffs' Paper Service for 2014

Documents: 1 January to 31 December 2014							
Document Type	Assigned	Exec/Served/Etc	Unable to Locate	Can/Withdrawn	Attempts	Bal	
Bill of Cost	0	0	0	0	0	0	
Committals Applications	1119	674	69	126	323	250	
Evict Warrants	42	39	0	2	3	1	
Foreign Documents	38	38	0	0	38	0	
Judgement Summons	127	119	4	4	34	0	
Notice of Hearing	86	62	6	0	16	18	
Ordinary Summons	638	516	58	24	55	40	
Protection Orders	45	45	0	0	42	0	
Summons	781	557	55	2	121	167	
Warrants of Arrest	1182	772	76	117	263	217	
Writs	65	55	1	0	20	9	
Other Documents	87	83	3	0	13	1	
Totals	4210	2960	272	275	928	703	
Average Rate of Service	70.31%						
Average Rate of Unable to Locate	6.46%						
Average Cancellation Rate	6.53%						

Figure 13B: 2014 Monthly Statistics – Bailiffs' Section Documents

Figure 13B highlights the statistics for the Bailiff's Paper Service for 2014. Throughout 2014 the Deputy Provost Marshal General commenced procedures according to the new practise direction from the Chief Justice for selling property by way of private treaty. This procedure has been used for two (2) properties, thus far, however there was no public interest and as a result they were not sold. The Deputy Provost Marshal General has indicated that there are a number of properties pending sale by auction or private treaty. In relation to moveable assets (vehicles, household appliances, motorcycles, etc.) there has been a noticeable decline with court orders for seizing these items to be sold by way of a public auction. This could be due to the fact that items sold at previous auctions did not have a good return for the Judgement Creditors and instead individuals are using other enforcement proceedings as a means of recouping their losses. Another alternative being used is by way of a Consent Order, whereby the Judgement Debtors assets are given to the Judgement Creditor as a means of settling the indebtedness.

2015 Administrative Initiatives

- The Magistrates' Court Fees Reform Committee was formed in the latter part of 2014 and is chaired by the Senior Magistrate. This Committee will review all of the current fees administered by the Magistrates' Court with a view to increasing them via policy, practice or legislation (whichever is applicable). We have recognized that the current fee structure has not been amended in over ten (10) years.
- In keeping with the recommendations from the Management Services Review, the Magistrates' Court intend to review and update all of the job descriptions from within to place them in line with like positions throughout Government.
- Additionally, the Magistrates' Court Organization Chart is to be updated to reflect the newly appointed Magistrate in Family Court. As there was a newly appointed Magistrate, it has been determined that an additional Court Clerk is required to assist in managing the additional work. The Enforcement Officer position, which had been vacant for over five (5) years, was filled in a secondment capacity in 2014 by one of the Court Clerks from the Family and Child Support Section.
- The newly appointed Senior Magistrate has begun meeting with each of the Sections of the Magistrates' Court to discuss and determine whether each team is operating efficiently and effectively, or at, below or above optimal capabilities.
- The Mental Health Treatment Court Programme remains in the pilot phase, whilst awaiting the enactment of legislation, which is anticipated in the first quarter of 2015. Participants are enrolled in the programme by means of Probation Orders, with a condition to enroll and participate. To date, the pilot Mental Health Treatment Court programme has surpassed the expectations in as much as, at December 31, 2014, the programme had nineteen (19) (participants and/or observers) which almost doubled the initial target of ten (10)

for the pilot. In addition, programmes and services to this offender population have been more regular, there has been noted growth and development in participants and their compliance to treatment, and key stakeholders are working more collaboratively. Further the incidence of further criminal activity amongst participants is almost non-existent. As the programme unfolds and is fully implemented, with the supporting legislation, existing gaps will be addressed and services expanded.

- Law Week – This initiative was scheduled to occur during 2014 but due to unforeseen circumstances will be organized in 2015 (date to be determined). The Magistrates' Court looks to reach out to the public in general, and especially the schools to encourage their participation. It is intended to enlighten and provide awareness of the various services provided by the Magistrates' Court.



University of The Registry

By Peter Miller, Assistant Registrar

Over the last 30 years many students have passed through the hallowed halls- some might say rabbit warrens- of the Registry Building on Front Street. Although the building itself dates back to 1794, the Registry first started its “academic programme” in smaller premises in the Sessions House where the current President of the Bar Association, Justin Williams was first inducted. He began under the tutelage of Chief Justice Sir James Astwood and the then Registrar, now Madam Justice Wade-Miller, who after a day and half, wisely appointed the indomitable Ms. Betty Mroz to oversee their latest charge. No more issuing probate notices in the name of Mr. Fish at the Aquarium!



**Mrs. Betty Mroz &
Elizabeth Christopher**

Academia is all very well when it comes to the law, but what every budding lawyer needs is a course in practical application and “Aunt Betty” was adept at guiding her charges with fear and favour and by all means necessary. I dare say that without such guidance Mr. Williams would never have reached the lofty position he now holds. He recalls:- “As Court Associates, we sat in Court and assisted the judges, getting the opportunity to witness and emulate accomplished leading lawyers of the day in practice. The experience and good example no doubt had much to do with my becoming a barrister by the age of 22”.

He of course, was not the only person to be so guided. While at school and later as a student at the London School of Economics, a young Julian Hall spent his summer vacations learning Court

procedures. It may be presumptuous for the Registry to claim credit for his future outstanding career as an advocate, but no doubt issues arose during those summer days , providing topics for lively debate.

Elizabeth Christopher, Bermuda’s most senior criminal defence lawyer worked with us from 1983 to 1985 studying all aspects of the Registry’s work, which no doubt contributed to her wide knowledge and gave her the resilience to challenge novel aspects of the criminal law which needed a solid airing.

Leo Mills brought his wonderful voice and considerable presence to lend

authority to all directions emanating from the Registry. His legal career followed, but took a back seat for a while, when he became Secretary to the Cabinet, thereby showing that his training was undoubtedly recognized in high places.

Wilhelm Bourne, former Solicitor General of Bermuda and fairly recently Attorney General of Anguilla, also learned his trade at the Registry and carried that forward into the Public Service, where fleetness of foot is a useful skill, in dealing with difficult policy issues.

Peter Bubbenzer rose from the Registry to eventually become Managing Partner at Appleby, whilst Ben Dyer went onto to be a partner, opening the Brazil office of Conyers in Sao Paulo.



Mr. Wilhelm Bourne



**Santa Brown &
Mr. Wayne Caines**

In the private sector, Wayne Caines was appointed CEO of Digital Bermuda, having served in the Regiment and Registry (or maybe the other way round) and as a prosecutor in the Department of Public Prosecutions.

Corey Butterfield moved into the business field and became a well-known commentator on political and community affairs.

Nathaniel Turner, commercial lawyer and director at ASW tried to take advantage of his alma mater by trying to secure convenient dates for his litigation team, but we were wise to these overtures and paid him no mind. Chocolates at Christmas duly followed.

Dr. Jennifer Attride-Stirling spent a year with us, which seemed to have turned her off the law completely, but we still claim success, in that she went on to become a formidable advocate for health issues in the community and holds the post of Chief Executive Officer of the Bermuda Health Council.

Kathy Lightbourne went into private practice and then on to become Permanent Secretary of the Department of Legal Services. Sean Tucker left us to complete the National Stadium, and though it is a little large for our needs, we appreciate his efforts to find us suitable premises. Continue the search Sean..... please!

The Bermuda judiciary has also received the benefit of our collegiate experience with Justice Charles- Etta Simmons starting her legal career with us at the Registry in Sessions House and after a period in private practise returned here as Registrar and then Puisne Judge. She had found her spiritual home.

Her son Taaj Jamal followed in her early footsteps, but found his spirit in the private sector, where he practices with CHW.

There were of course many others: Brian Holdipp at MJM, Miriam Rogers and Lauren Francis at the Attorney General’s Chambers, Kai Musson at CHW, Caljonah Smith at Appleby, Veronica Daley, Koshea Millet-Scott at Covenant Property Chambers, Karen King at the DPP, Zendteyah Musson at Charter Chambers, Sara Tucker at Trott and Duncan, Keivon Simons at Smith & Co and Kleita Pitcher, policy analyst at Community affairs. Many others were with us as summer students for short periods of time.

Our most recent Registry graduate Jennifer Looby is completing her law degree in London as the RenaissanceRe scholar and we will watch her career path with interest.



Mr. Nathaniel Turner



**Honourable Justice
Charles-Etta Simmons**

The practice of law has changed so much over the past 30-odd years with the advent of computer technology, the development of complex commercial litigation arising out of the growth of International business, and the explosion of the numbers at the bar practising in highly specialised areas.

The Registry itself has also had to adapt. With Bermuda law firms

now operating out of offices worldwide, the nature of the work is a far cry from those less complicated times. Yet still it provides a solid training ground.

Whether our graduates pursue a career in law, public service, or something unrelated, the experience, we hope, has been a valuable one.



Senior Magistrate Honoured

Worship Archibald Warner

By Owain Johnston-Barnes, Reporter at the Royal Gazette



Senior Magistrate Archibald Warner was honoured on 15th October 2014 by his colleagues in the court in advance of his retirement as Senior Magistrate.

While Mr Warner will be finishing his time in the post on October 19, he will continue to take the bench as a Magistrate for another two years.

Mr Warner told the gathering that the impetus behind stepping down as Senior Magistrate was reaching retirement age of 65, but that he was happy and eager to continue his work in the courts.

“[Being the Senior Magistrate] has been a rewarding experience. I enjoy coming here every day and dealing with the public,” he said. He said that his goal in the post was to always be “fair and fearless” in his decisions, thanking the court staff who helped him throughout his 14-year tenure as Senior Magistrate.

His successor, Magistrate Juan Wolffe, told the crowded courtroom that prior to becoming Senior Magistrate, Mr Warner had acted as a police officer, a prosecutor, a defence lawyer and a Puisne Judge in the Supreme Court. “With his no-nonsense approach, mixed with a healthy dose of compassion, reasonableness and fair-mindedness, he has personified the proper administration of justice.

“It is truly remarkable to consider that Mr Warner presided over the vast majority of the most serious, complex and complicated legal matters that have come before any of the courts since his appointment.”



Mr Wolffe also said that Mr Warner had helped shepherd the courts through legal reform, including moving to the new court building, implementing the alternatives to incarceration initiative, the formation of both the Drug Treatment Court and the pilot Mental Health Court. Fellow Magistrate Nicole Stoneham said Mr.

Warner had set the tone and direction for the courts in the modern era, while Magistrate Khamisi Tokunbo commented that he had never seen such an event for a Magistrate still sitting.

President of the Bar Justin Williams praised Mr Warner as a multi-talented legal practitioner who never shirked making difficult or unpopular decisions, while Director of Public Prosecutions Rory Field said: “The chief Magistrate in any jurisdiction can set the tone for the whole judiciary. Mr Warner has set it extremely well. “He has been firm but fair, disciplined but compassionate, strong but always willing to listen.”

Ombudsman Victoria Pearman said that while Mr Warner had performed in numerous roles during his career, his most significant role had been in teaching young lawyers like herself.

She told the group that after the Magistrates’ Court moved from its old location on Reid Street, she went back into the old building and could find almost nothing to show the building’s former use.” I was looking for the Court 1 sign because I thought one day it would be very good to be able to present that to you,” she said. “Well I didn’t find anything like that. The only thing that was still there was a plaque that spoke about behaviour in court.” She offered the sign to Mr Warner, joking



it was about the most unglamorous gift he could have.

Defense lawyer Elizabeth Christopher also praised Mr Warner's work as a mentor, saying that he passed on a ruthless, relentless advocacy. "I don't always agree with him, of course, but when he makes a decision he does so because he feels that it is right," she said. "I admire that. That is his sole motive for the decisions he makes on the bench, and he does it fearlessly."

Chief Justice Ian Kawaley presented Mr Warner with a plaque thanking him for his years of dedicated service to the courts, saying he had achieved his goal of being a fair and balanced advocate for justice.

Bermuda Bar Gathers to Honour Retiring Justices

by Rebecca Zuill, Senior Business Reporter at The Royal Gazette



Members of the Bermuda Bar gathered at a special sitting on Friday morning to thank the Rt Hon Justice Zacca, President of the Court of Appeal and Sir Anthony Evans, both of whom have retired from the Court of Appeal Circuit. Sir Scott Baker has been appointed as its new president. President of the Bermuda Bar Association Justin Williams pointed to the retiring justices' "many years of service to the people of Bermuda", and said: "The special hearing was arranged to express gratitude to both justices, who have had very long and accomplished careers."

In his address to the Court Mr Williams highlighted the appeal judges' contributions to the maintenance and development of Bermuda's criminal and public law, including issues of fundamental rights and international cooperation in extradition and tax information exchange, their contributions to the maintenance and development of Bermuda's civil, commercial and trust law including on international issues relating to the enforcement of foreign judgments, support of international arbitration, and assistance to foreign liquidators.

He also said there had been a relatively low volume of successful appeals from Bermuda to the Privy Council, and noted the "substantial amount of

time and effort that they must spend on resolving Bermuda disputes”, and their “patience and diplomatic approach to the wide variety of lawyers and litigants that have appeared before them”. Mr Williams said: “A search on the Bermuda Law Reports suggests that Justice Zacca’s name had been mentioned in, or he has been involved in, at least 181 reported judgments of the Bermuda Court of Appeal since his appointment in 1996. The number of cases in which Sir Anthony Evans has been involved appears to be in the region of 120 reported judgments since 2003.”

President Zacca was first appointed to the Court of Appeal for Bermuda in 1996, has been president of the court since January 2004. Sir Anthony was appointed in January 2003.

During another gathering of the members and judiciary on Thursday evening, Mr Williams presented the justices with engraved gifts, and at that event he stated that the members of the Bermuda Bar have been “ ... served well, and have the upmost respect for the Court of Appeal Justices. Their knowledge of the law has seen quality judgments handed down over the years and they leave Bermuda with a legacy as always having been seen to be fair.

Career Highlights: Justices of the Court of Appeal

The Hon. Justice Zacca



- Justice Zacca was appointed Justice of Appeal of the Court of Appeal for Bermuda on 21st October 1996.
- January 2004 he was appointed President of the Court.
- Attended Kingston College from 1941 - 1947 and was called to the Bar in Middle Temple, London on February 9, 1954.

- On June 29, 1954 he was admitted to practice and appointed Clerk of Courts January 1958.
- Became Acting Resident Magistrate for St. Catherine, St. Mary and St. James (1960-65) and St. Andrew (1965-1968).
- He was subsequently appointed Appeal, and President Court of Appeal, Jamaica.
- January 2, 1985 – he was sworn in as Chief Justice of Jamaica.
- Justice Zacca was the fourth Caribbean Chief Justice to be appointed to the Privy Council (1992) and the first from Jamaica. He was not allowed to sit on any appeal being heard from Jamaica but was eligible to do so for appeals from other Caribbean and Commonwealth countries.
- July 25, 1996 he retired as Chief Justice of Jamaica after thirty eight years in the judicial service.
- He is also President of the Court of Appeal of Turks & Caicos Islands, and a past President of the Court of Appeal of the Cayman Islands and the Bahamas.

The Hon. Sir Anthony Evans



- January 2003 - Sir Anthony was appointed to the Court of Appeal Bermuda.
- 2005 – 2010 he was Chief Justice of the Courts of the Dubai International Financial Centre.
- Attended St John's College, Cambridge: BA 1957; MA 1960;
- LL.M. 1958; Called to the Bar (Gray's Inn), Certificate of Honour 1958; Queen's Counsel 1971.
- 1958–84 he was a Barrister specialising in commercial and maritime law.

- High Court Judge 1984; Court of Appeal 1992 – 2000.
- Presiding Judge (Wales and Chester Circuit) 1986–88.
- 1990-92 he was Judge in charge of the Commercial Court.
- Chief Justice, DIFC Court, Dubai 2005 - 2010; President of the Data Protection Tribunal National Security Appeals Panel 2000-04; Chairman of the Special Tribunal relating to Dubai World (Dubai) 2009 to date.
- Served in the Royal Naval Reserve from 1952–54 (Midshipman RNR) and continued sea-going experience until 1969.
- Retired as Lieutenant-Commander RNR and holder of the Reserve Decoration.
- Extensive sailing experience (cruising) since 1976.

Incumbent President: The Hon. Sir Scott Baker



- Sir Scott was educated at Haileybury and Imperial Service College, and studied at Brasenose College, Oxford where he was elected an honorary fellow in 2003.
- He was called to the Bar in 1961, and practiced in a range of legal areas, including family finance cases and professional negligence.
- He was the Presiding Judge of the Wales and Chester Circuit from 1991 – 1995, and a member of the Parole Board from 1999-2002.
- He served as Lead Judge of the Administrative Court from 2000-2002.
- In 2002, he became Lord Justice of Appeal and a member of the Privy Council.
- In October 2007-April 2008, he sat as a coroner for the inquests into the deaths of Princess Diana and Dodi Fayed.
- In 2010, he was appointed a member of the Independent Parliamentary Standards Authority and Surveillance Commissioner.

Court of Appeal: November 2014 Session & New Appointments for 2015

The November Court of Appeal session began on 3 November and ended on 21 November. Although it was managed by a small amount of staff, this session was a successful one. The panel included Justice Edward Zacca, Sir Anthony Evans, and Sir Scott Baker.

This was the last session for Justice Zacca and Sir Anthony as their Writ of Appointments expires 31 December 2014. Justice Zacca has served as a Justice of Appeal from 21 October 1996 and as President from 1 January 2004. Sir Anthony Evans has served as a Justice of Appeal since 1 January 2003.



The Bar Association held a special event honouring the retiring justices. From left: Sir Anthony and wife Lady Caroline, Mrs. Hope Zacca and Justice Zacca

*We are very happy to have served in the country and the Bar here for these many years and we look forward to your continuous success at the Bar and all the departments that expressed their thanks. I repeat that we appreciate the cooperation which we have had from the Bar and I hope that you continue from strength to strength because....Bermuda needs a very strong Bar because of its international flavour and also a very strong bench for the same reason – **Justice Zacca***

On 21 November 2014, the Registrar surprised the panel by holding a small Special Sitting before the start of the judgment hand downs. This Special Sitting heard commentary from across the Bar Association on the amount of work that the two retiring Judges have given to Bermuda's jurisprudence. Comments and thank you were expressed by Mr. Justin Williams, Mr. Gregory Howard, Ms. Nicole Smith, Mr. David Kessaram, Mr. Ben Adamson, and Mr. Arion Mapp on behalf of Ms. Elizabeth Christopher. Justice Zacca thanked counsel for their kind words and expressed his

gratitude to the Bermuda Bar Association and to the Registry for all their assistance during his tenure as both Justice of Appeal and President of the Court of Appeal. He noted on how the Bermuda Bar has raised the bar with the international dealings that take place in the Bermuda jurisdiction. Sir Anthony concurred with Justice Zacca's sentiments.

Also, during the session it was announced that Sir Scott Baker had accepted the role of President of the Court of Appeal. The Court of Appeal staff bids farewell to Justice Zacca and Sir Anthony as they welcome Sir Scott Baker on as President and look forward to working with such a prestige gentleman. The 2015 Court of Appeal bench will consist of Sir Scott Baker, Sir Robin Auld, Justice Patricia Dangor, Sir Maurice Kay, Justice Desiree Bernard and Justice Geoffrey Bell.

Justice Patricia Dangor



Patricia Dangor was a Circuit Judge of England and Wales. She was appointed in 1999 and retired in February 2013 after fourteen years on the bench.

Patricia Dangor was born in Bermuda. She attended The Central School and Berkeley Institute. In 1960 she went to England to complete her schooling.

She was called to the Bar at Middle Temple in 1970 and was a pupil of Gary Flather at Lamb Building in Sir Elwyn Jones' Chambers, a general common law set of chambers. She practised from chambers in Gray's Inn, predominately in family and criminal law. She appeared as a junior to Michael Belloff QC before the European Commission on Human Rights in Strasbourg. She participated in the continuing judicial education seminars conducted by the Judicial College in the UK (listed below). She was appointed an Assistant Recorder in England and Wales in 1991, a Recorder in 1996 and to the Circuit Bench in 1999.

She sat in crime at Isleworth Crown Court, in family and civil law at Willesden County Court until 2008 and finally at Harrow Crown Court.

In 1973 she was called to the Bermuda Bar and began sitting there occasionally from 1990, first as a Stipendiary Magistrate and Coroner and then as Registrar of the Supreme Court of Bermuda. In 1995 on an occasional basis she sat as a Puisne Judge in the Supreme Court. In June 2013 she sat as a Justice of Appeal on the Court of Appeal for Bermuda.

She has served on various committees in England. These included the Bar Council's Race Relations Committee, Mrs Justice Bracewell's Central Selection Monitoring Committee and Lord Neuberger's Working Party on Entry to the Bar.

A number of barristers, solicitors and law students have sat with her on the Bench as observers. Two barrister she mentored are now Circuit Judges. Three others are Recorders, of whom one is the Complaints Commissioner (Ombudsman) in The Cayman Islands. In 2011 she sat as an observer at the Constitutional Court of South Africa.

In January 2013 she trained as a Restorative Justice facilitator and is a facilitator in the Probation Service Team for London and in the National Pathway Pilot scheme. Recent legislation empowers the Judge to defer sentence after a guilty plea has been indicated and before sentence. The Pilot is to devise restorative justice processes during a 6 week period of deferment, to implement, monitor, and assess them. Thereafter a report to the Ministry of Justice will be presented.

On behalf of Chief Justice Ian Kawaley she is researching the model/format of restorative justice that can be implemented in Bermuda and how to promote and publicise it. As part of the research in February 2014 she went to The Cayman Islands, whose population is similar in size to Bermuda.

Sir Maurice Kay



- 1967- 1983: Academic Lawyer at Universities of Hull, Manchester and Keele (Professor of Law, Keele, 1973-1983).
- 1975-1988 Barrister (Gray's Inn), practised on Wales and Chester Circuit
- 1988-1994 QC, practised from London Chambers
- 1986 Assistant Recorder
- 1988 Recorder
- 1992 Deputy High Court Judge
- 1995-2003 Judge of Employment Appeal Tribunal
- 1996-1999 Presiding Judge of Wales and Chester Circuit
- 1998-2003 Judge of Administrative Court
- 2002-2003 Judge in Charge of Administrative Court
- 2004- Present Lord Justice of Appeal
- 2005-2007 Advisor to Lord Chief Justice and Lord Chancellor on Judicial Conduct

- 2007- 2010 Chairman of Judicial Studies Board
- 2009-2010 Member of Judicial Executive Board
- 2010- Present Vice- President, Court of Appeal Division,

Justice Desiree Patricia Bernard



- Bachelors of Laws degree, University of London, 1963 (LLB) (Hons).
- Private Practice from 1965 to 1980.
- Appointed Magistrate in Juvenile & Maintenance Courts in 1970.
- Appointed first female Judge of High Court of Guyana in October 1980.
- Awarded the Cacique Crown of Honour, the third highest national award in 1985.
- Appointed first female Chancellor of the Anglian Diocese of Guyana in 1994.
- Appointed first female Justice of Appeal in the Court of Appeal of the Supreme Court of Guyana in May 1992.
- Appointed first female Chief Justice of the Supreme Court of Guyana in October 1996.
- Appointed first female Chancellor of the Judiciary of Guyana in May 2001.
- Appointed first female Judge of Caribbean Court of Justice in April 2005.

- Received award from the organisation of Commonwealth Caribbean Bar Associations for distinguished service in the legal profession in 2001.
- Awarded for Order of Roraima, the second highest national award for service in the administration of justice.
- Received CARICOM Triennial Award for Women 2005 for “outstanding contribution in the field of women development with particular reference to women empowerment and social justice”.
- Received Honorary Doctor of Laws Degree from University of the West Indies in 2007.
- Elected first and only female President of the Organisation of Commonwealth Caribbean Bar Associations (OCCBA) in 1976.
- Member and Country Vice President of International Federation of Women Lawyers.
- Member of United Nations Committee on the Elimination of Discrimination Against Women (CEDAW) from 1982 to 1998. Served as Rapporteur from 1982 to 1984, and Chairperson from 1985 to 1989.
- Member of International Association of Women Judges.
- Has written several articles and papers on the legal rights of women and children.
- Awarded Fellowship in 2013 by the Inns of Court of England and sponsored by the Institutes for Advanced Legal Studies to undertake research concerning the Caribbean Court of Justice.

Justice Geoffrey Bell



- 1965 LLB (Hons), University of Liverpool
- 1968 Solicitor, England & Wales
- 1973 Barrister and Attorney, Bermuda
- 1976-1994 Commercial Litigator, Partner and Head of Litigation of Appleby Spurling & Kempe
- 1992 Queen's Counsel
- 1994-2004 Senior Counsel
- 2005-2009 Justice of the Supreme Court of Bermuda
- Arbitration:

Mr. Bell has practised local and international arbitration both as counsel and as an arbitrator. Mr. Bell has accepted appointments as an arbitrator while sitting as a Supreme Court judge, and has been appointed as arbitrator by the Supreme Court of Bermuda and by the Bermuda branch of the Chartered Institute of Arbitrators. Since retiring as a Supreme Court

judge on 31 December 2009, Mr. Bell has been appointed both as chairman of an arbitration tribunal and as sole arbitrator under the Arbitration Act 1986, and both as a member of and chairman of arbitration panels under the Bermuda International Conciliation and Arbitration Act 1993. While a commercial judge Mr. Bell gave various rulings on arbitration related matters.



DAME LOIS BROWNE-EVANS BUILDING



Establishment List

Judicial Department Supreme Court
2014/2015

POST	OFFICER'S NAME	START DATE
Chief Justice	I. Kawaley	1 April 2012
Puisne Judge	N. Wade-Miller	2 September 1981
Puisne Judge	I. Kawaley	14 July 2003
Puisne Judge	C-E. Simmons	1 January 1994
Puisne Judge	S. Hellman	1 September 2012
Puisne Judge	C. Greaves	1 August 1998
Registrar	C. A. Scott	1 April 1995
Assistant Registrar	P. Miller	1 August 2006
Manager	D. Nelson-Stovell	1 September 2012
Administrative Officer	J.M. Lynch	1 January 1985
Administrative Officer	R. M. Wickham	7 July 2008
Vacant	Vacant	22 August 2011
Administrative Assistant to Chief Justice	R. Walker	December 1999
Administrative Assistant	J. Robinson	1 March 1978
Administrative Assistant	A. Abdullah	15 January 2007
Administrative Assistant	T. Perott-Loder	5 January 2009
Administrative Assistant	L. Wilson	4 July 2005
Administrative Assistant	E. Hansey	20 July 2011
Clerk/Court Associate (COA) (Seconded)	C. Haley	30 May 2011
Clerk/Court Associate	R. Gaglio	10 November 2008
Clerk/Court Associate	E. Simmons	24 November 2008
Clerk/Court Associate	D. Binns	1 December 2005
Clerk/Court Associate	A. O'Connor	1 December 2010
Clerk/Court Associate (Relief)	J.A.H Quallo	5 January 2015
Secretary/Receptionist	D. Williams	5 April 2010
Court Attendant and Messenger	C. Fraser	22 September 2008
Court Attendant and Messenger	C. Dillas	1 October 2005
Microfilm Clerk	E.L.S. Williams	5 January 2015
Clerk/Typist	E. Thompson	4 August 2009
Accounts Officer/Librarian	S. Iris-Richardson	1 December 2008
Information Technology Manager	F. Vazquez	7 February 2000
IT Assistant	B. Mello	1 October 2012
Administrative Officer to the Court of Appeal (Seconded)	J. Waddell	9 January 2012
Administrative Assistant to the Court of Appeal [PID was moved to Magistrates' Court 5 th October 2012]	Vacant	12 March 2007
Administrative Assistant to Criminal Injuries Compensation Board (Temp)	Vacant	As of 4 th February 2011
Part-time Cleaner	T. Perott- Loder	19 April 2010
Part-time Cleaner	Joy Robinson	1 September 2009.

Establishment List

Judicial Department Magistrates Court 2014/2015

POST	OFFICER'S NAME	START DATE
Senior Magistrate	J. Wolffe	9 October 1998
Magistrate	K .Tokunbo	1 June 2005
Magistrate	A. Warner	12 July 2000
Magistrate	T. Chin	1 April 2002
Magistrate	N. Stoneham	19 April 2010
Court Manager	A. Daniels	1 December 2014
Office Manager	P. Rawlings	18 May 1990
Family Support Officer	C. Furbert	16 March 2009
Enforcement Officer (Relief)	A. Smith	18 August 2014
Project Manager (JEMS)	VACANT	
Records Supervisor	J. Thomas	17 April 2000
Administrative Assistant to the Senior Magistrate	N. Williams-Grant	2 February 2009
Magistrate's Secretary	D. Richardson	3 January 2006
Magistrate's Secretary	D. Tucker	13 October 2009
Secretary	P. McCarter	September 2009
Family Court Clerk	A. Williams	28 June 1999
Family Court Clerk	K. Darrell	11 December 2006
Family Court Clerk	E. Parsons	2 January 2008
Temporary Additional Court Clerk	VACANT	21 September 2009
Court Clerk (Fixed)	M Peichoto	13 December 2014
Court Clerk (Relief)	T. Spencer	8 December 2014
Court Clerk	C. Foggo	13 October 2010
Court Clerk	N. Hassell	8 October 2013
Court Clerk	W. Butterfield	1 March 2008
Parking Ticket Clerk	VACANT	1 March 2004
Traffic Ticket Clerk	No PID in this name.	
Head Bailiff/ Dep Provost Marshal	C.Terry	24 July 2012
Bailiff Secretary	B. Isaac	6 August 1999
Bailiff	F. Roberts	5 June 2000
Bailiff	D. Millington	1 October 2003
Bailiff (Relief)	H. Beckles	3 February 2014
Bailiff (Relief)	D. Yarde	2 January 2014
Bailiff (Relief)	W. Robinson	10 November 2014
Head Cashier	D. Lightbourn	22 February 2010
Cashier	T. Mahon	22 December 2009
Cashier	S. Borden	1 March 2004

