



## OPENING OF THE LEGAL YEAR SPEECH - 2023

My Lords, My Ladies, other Judicial Officers, Mr. Acting Attorney, President of the Bahamas Bar Association and members of Bar Council, Counsel and Attorneys, invited guests, ladies and gentlemen.

Section 54(1) of the Supreme Court Act provides that: “sittings of the Court shall commence on the second Wednesday in the month of January and the Court shall sit throughout the legal year

— ....

Today is the first occasion, since my appointment on 3 August 2022, on which, as Head of the Judiciary, I have the pleasure and duty to welcome you and thank you for taking the time to share this occasion. It is most appropriate to begin my address by expressing thanks to the Almighty God of His abundant mercies. I continue to be both humbled and honoured to have been given the opportunity serve The Bahamas as her Chief Justice. I remain ever thankful for the support of my family, colleagues and friends.

Historically, every year, we gather together on the assigned date to continue the tradition of formally opening the legal year. Whist the tradition of marking the opening of the legal year continued during dark days of the Covid 19 pandemic, those gatherings were subdued, in keeping

with the extant health protocols. We were unable to worship in the usual forms either at the Red Mass or at Christ Church Cathedral, as bench and bar or to March into the streets symbolizing that the courts are open to serve, and that justice is being dispensed fairly and timely.

Today we can return somewhat to the normal traditions of our practice, following a difficult three year period. I say somewhat because of the obvious. Ordinarily we meet in the Main Supreme Court building at Bank Lane but due to significant flooding that facility is presently unusable. I will return to the state of the judiciary's plant and equipment in due course.

### *Acknowledgements*

It was indeed uplifting to have opened the week with the traditional Red Mass at St Francis Xavier Cathedral on Sunday past. We gratefully received the payers and fellowship of His Grace, the Most Reverend Patrick Pinder, Archbishop of the Catholic Diocese of Nassau invoking the guidance of the Holy Spirit on the work of the courts.

Those prayers were echoed this morning in the service led by the Very Reverend Harry Bain, Dean of the Christ Church Cathedral, who so graciously accommodated us with the use of the Cathedral for our annual official service. His sermon, as usual, provides food for thought and guidance as we do the awesome work of administering justice.

I thank the Commissioner of Police, Mr Clayton Fernander QPM, for the usual excellent presentation of the guard of honour by the Internal Security Division accompanied by the Police Force Band. This is another of the traditions that we enjoy at the opening of the Legal Year. We also thank him for the facilitation of our procession by the Traffic Division. Under the Supreme

Court Act, the Commissioner is the Provost Marshal for the Court. For this reason, we always welcome his presence sitting with us in these ceremonies.

Like me, this ceremony is a first for him as Commissioner and I offer him my hearty congratulation.

This legal year is significant. It marks the beginning of the celebration of The Bahamas' Golden Jubilee of Independence. We mark 50 years as a constitutional democracy. Whilst the establishment of our Supreme Court predates Independence, the celebration is nonetheless significant for the judiciary as it marks 50 years of entrenchment in our constitutional framework.

The last legal year, 2022, was indeed a year of change and transition. Although the effects of the Covid-19 pandemic remain evident, the courts, as with the remainder of the country, continued to transition into a newer, less austere phase of the pandemic. A phase marked by lighter protocols and further expansion of in person services. Notwithstanding the relaxation of the health protocols, the judiciary continued to take care in order to maintain a safe environment for our staff and court users alike.

Perhaps the most noticeable transition in the judiciary was reflected in the retirement of Sir Brian Moree as Chief Justice and my appointment as his successor in office. I convey the thanks and appreciation, on behalf of a grateful judiciary, to Sir Brian, for the hard work and commitment shown during his 3 year tenure as Chief Justice. Whilst Sir Brian has transitioned to sit on the Court of Appeal, his legacy will be marked by the strident efforts made to modernize our

procedures and expand our use of technology. We continue to wish him well in his future endeavors.

In 2022, the Court of Appeal experienced a complete change in the leadership of the administration of the Court. In the wake of the appointments of Registrars Sharada Ferguson and Ingrid Brooks, to sit in the Industrial Tribunal, Kristina Wallace Whitfield was appointed Registrar, Anishka Pennerman, Deputy Registrar and Shoronha Richards Acting Assistant Registrar. We congratulate the new Vice Presidents of the Industrial Tribunal and the new Registrars of the Court of Appeal and wish them all every success in their new roles.

2023 will bring changes to the judicial makeup of the Court of Appeal and the Supreme Courts.

Justice of Appeal Carolita Bethel has proceeded on pre-retirement leave and demits office in April 2023. It is also expected that the Court of Appeal will lose at least one other member to mandatory retirement later this year. We wish to thank Justice Bethel for her many years of faithful service to the judiciary as Assistant Registrar, Deputy Chief Magistrate, Justice of the Supreme Court and Justice of Appeal. We wish her the very best in her retirement.

Very shortly we will say farewell to Justice Diane Stewart and Sr Justice Indra Charles. Justice Stewart was scheduled to retire in August of 2022 but her term of service was extended by the Governor General to late February under Article 96(2) of the Constitution to allow her to complete her judgments. Justice Stewart came to the judiciary after a very successful practice at the private bar. She deepened the capacity of the bench in both the Family and Commercial Divisions of the Supreme Court

Sr Justice Charles reaches the mandatory retirement age in June of 2023. The JLSC has recommended to the Governor General that Sr Justice Charles act in the Court of Appeal, with effect from 1<sup>st</sup> February 2023, during the preretirement leave of Justice of Appeal Carolita Bethell. Sr Justice Charles was appointed a Sr Justice in April of 2022. She has spent 10 years on the Supreme Court bench following a stellar career as a Judge of the Eastern Caribbean High Court. She brought to The Bahamas her considerable judicial experience and an extraordinary work ethic.

Whilst opportunities will arise for a proper farewell to these exemplary judicial officers, I want to use this occasion to publicly recognize their commitment and service to the Judiciary and wish them well in the next chapters of their lives.

We also say farewell to Judicial Research Counsels Akiera Martin, Lesley Brown, Adrienne Bellot and Alexandria Newton-Williams who will all be moving on to private practice. We thank them for their contributions and wish them well in their new practices.

I also wish to thank Acting Justices Simone Fitzcharles, Ntshonda Tynes and Carla Card Stubbs for agreeing to serve as Acting Justices of the Supreme Court during the last quarter of 2022 and until 31 January 2023. They have provided much needed judicial assistance in the Civil and Commercial Divisions of the Court allowing several judges to complete long outstanding judgments.

On 15 November 2022 Deputy Registrar Toote was appointed to act as Director of Court Services. I thank him for agreeing to serve in this new role. The effect of his involvement, directly into the administration of the judiciary is already being positively felt. The pairing of his talents with that of the Registrar is proving to be a good combination. I thank them both for their undeniable dedication to the judiciary. Today's proceedings is a testament to their tireless efforts.

We welcome Deputy Registrar Miss Olivia Blatch to the Supreme Court. She was appointed, from the public bar on 25 August 2023. Deputy Registrar Blatch has been assigned to the Northern Region.

I also wish to congratulate Registrar Constance Delancey on her election to the executive committee of the Caribbean Association of Judicial Officers (CAJO) in October 2022 at the St. Lucia conference.

In October of last year, the judiciary conducted an open recruitment exercise seeking to fill the vacancies created by the retirement of Sr Justice Gray-Evans, Justice Bowe-Darville and Sir Brian Moree in addition to the expected retirement of Justice Stewart and Sr Justice Charles. The advertisement process drew considerable interest both locally and from abroad. There were approximately 50 candidates, from both the public and private bars including Kings Counsels, judges, former and current registrars, former and current magistrates and academics. I wish to thank all of the applicants for their interest in judicial office and to say that failure to have been selected is no indication of fitness for the office and only a function of availability and the specific needs of the judiciary at this time. Regrettably, some very good candidates could not be accommodated.

The JLSC has recommended to the Governor General the appointment of five new Supreme Court judges. An official statement as to the successful candidates will be released shortly. Two judges, who will be assigned to the Commercial and Civil Divisions will be appointed with effect from 1 February 2023. Another judge who will be assigned to the Criminal Division will be also be appointed with effect from 1 February 2023. The fourth judge who will be assigned to the Family Division will be appointed with effect from 1 March 2023. The fifth judge, who will

be assigned to the northern region, with effect from 1 May 2023, will be assigned to both the Criminal and Civil Divisions.

In the Magistrate's Court Magistrates Kara Turnquest and Charlton Smith were elevated to the position of Senior Magistrates in September 2022. We extend congratulations to them on their promotions.

### *Criminal Courts*

The criminal courts bore the brunt of the effects of the Covid 19 pandemic. Unlike the Civil courts, which were able to readily transition to a virtual format, the Criminal courts were not so fortunate. The requirement for jury participation, and the entrenched rights of the accused, necessitated in-person hearings. This slowed the pace at which trials could be completed. Quite understandably, as the pandemic raged shorter trials with fewer witnesses were favoured, to limit the exposure of jurors, court staff and the litigants.

In order to build capacity in the wake of the setbacks caused by the Covid-19 pandemic, we will assign an additional judge to the Criminal Division in New Providence. Additionally, the 3<sup>rd</sup> judge assigned to the Freeport Court will be expected to allocate half of their judicial time to the Criminal list.

PAUSE

It is unhelpful to attack the judiciary and suggest that the courts are responsible for all that ails the criminal justice system or that we are not completing trials. Not only is the suggestion wholly inaccurate it ignores the known realities in the criminal courts and in our country.

A considerable amount of Nolles have been entered by the ODPP in 2022. Most of these have been entered after trials had begun or on the morning when a trial was to commence, often causing considerable loss of court days.

Judges do not live in ivory towers or hold cloistered views of the county in which we live. We attend the same stores, churches, and public places as every member of the society, our children and our families live in this society and we love this country as much as everyone else does. We want our communities to be safe and crime to be at an irreducible minimum. We take very seriously the oaths that we have taken, to uphold the law. We do not make the laws, we merely interpret and apply them. The rules of engagement to prosecute and defend criminal matters have not changed. The prosecution is aware as what it takes to secure a conviction or to convince a judge that bail is not appropriate in a given circumstance.

There is an appropriate statement, attributed to Retired Chief Justice Dame Joan Sawyer, which states:

“Justice is a cooperative exercise. It takes the demanding effort of all persons involved in the administration of justice to get the job done properly”

I am not here to suggest that all is well in the administration of criminal justice on our side. We have our challenges, and so does all of our partners, the police, the prison authorities, prosecution and defense. Whether the manpower challenges which exists in the Office of the Director of Public Prosecutions and the Public Defenders Chambers, or the fact that we have a small criminal bar which is spread woefully too thin, or the difficulties in procuring scientific reports for outstanding DNA analysis, pathology and forensics.



The appropriate solution, as Dame Joan reminds us, is for a corporative approach to these challenges and together find innovative measures to improve the criminal justice process.

I have established a backlog reduction committee led by Sr. Justice Bernard Turner and a criminal case management reform committee led by Justice Deborah Fraser. These committees, it is hoped, will make meaningful recommendations for the improvement of the criminal justice system. We look forward to hearing the fruits of their deliberations which will quite naturally feed into a wider task force being proposed by the Minister of National Security.

I happen to agree with the complaint that criminal trials are taking a lot longer than they used to.

I readily accept that good management of the trial by a judge can lead to a more efficient criminal trial. But there are many other reasons why the criminal trial process has lengthened over time, which have nothing to do with the management of the trial by the judge. These include:

- a) Greater access to information which has created a defendant who is more informed as to his rights and the legal system;
- b) The extension of legal aid assistance to unrepresented persons to include virtually all indictable offences;
- c) The advent of stenographers permitting a microscope to be placed on the evidence, in real time, as it evolves;
- d) The greater use of records of interviews and videotaped interviews expanding the witnesses available to the Defendant in a voir dire.
- e) Newer types of evidence involving technology as well as forensics leading to greater challenges as to admissibility;

- f) Greater instances of challenges to confession statements; and
- g) Developments in the law over time

We must find ways to counter this decrease in the speed at which criminal trials can be concluded, without affecting its fairness. I have asked the question as to why can't the law provide for binding evidentiary hearings and Voir Dires to take place outside of the formal trial process? This would obviate the need for a jury to be empaneled, especially in circumstances where the determination of the issue may be decide the entire action. At the very least, it shortens the length of a jury empaneled trial.

Sir Hartman Longley in his 2016 address at the opening of the legal year called for the abolition of the jury system. This echoed an earlier call by Sir Burton Hall in December 2011 at a lecture hosted by the Eugene Dupuch Law School. Avoiding that debate, as or the need for constitutional amendment to remove juries, why can't an accused be given the option of a judge alone trial? The incentive may be an earlier trial date. If just 1 or 2 of every 10 accused persons selects this option that will be one or two trials that will not require jurors and almost guaranteed to take half as long.

Why are 90% of our cases going to trial when 90% of cases in other jurisdictions are pleaded out? All stakeholders must meaningfully engage to implement proper alternate dispute resolution. Admittedly, this may require the courts to create sentencing guidelines to provide a level of certainty in the negotiation process. The bottom line is that all of these cases on our dockets cannot be tried by the usual formal means and resort to the court process should be reserved for those cases which must go to trial.

## Sexual Offences Court

The efforts to establish a standalone sexual offences Court also continues. It is hoped this could be realized during the course of this legal year.

## Civil Divisions

### *Return to normalcy in the Civil Division*

As we move back to a state of some normalcy, it has been determined that all civil trials in the Supreme Court will now be required to be conducted in person. We will continue to utilize the virtual platform for simple interlocutory applications and for case management conferences, at the discretion of the presiding judicial officer. We must also be ready to pivot back in the event the Covid-19 virus and its variants make a resurgence.

## *CPR*

On 29 July 2022 the Rules Committee of the Supreme Court passed the long awaited Supreme Court (Civil Procedure) Rules 2022. The passage of these rules followed several months of training conducted by judges, local practitioners and experts from the CAJO (Caribbean Association of Judicial Officers).

The Rules committee has determined that these rules will now come into force on March 1, 2023. I am confident that in this period the bench and bar will arrange for adequate training sessions for attorneys and judges. These new rules will transform the civil justice system. I thank

the Rules Committee, led by Sir Brian, and the wider working group who worked tirelessly to bring these new rules to fruition.

The Judicial Education Institute, with the assistance of the judges in the Civil Division of the Court and several young attorneys, is finalizing a Practice Guide for these new rules. The Guide, which is in its editing phase, will be available when the rules are brought into force to assist judges and practitioners as we transition into the new civil justice regime. This Guide will resemble a digested version of a white book which will be customized for The Bahamas.

I wish to thank the following attorneys and judges who made submissions to the Guide:

Adrian Hunt, Magistrate Darron Ellis, N. Leroy Smith, Tara Cooper Burnside KC, Nicole Sutherland King, Sean Moree KC, Meryl Ginton, Christopher Jenkins KC, Ramoone Gardiner, Sophia Rolle Kapousouzoglou, Courtney Pearce-Hanna, John Minns, Veronique Evans, Kayla Green Smith, Tara Archer-Glasgow, Giahna Soles-Hunt, Glenda Roker, Chizelle Cargil, Roderick Dawson Malone, Justice Newton, Justice Darville-Gomez, Acting Justice Tynes and Acting Justice Card-Stubbs

I also wish to express my thanks to Justice Darville-Gomez and Acting Justice Card-Stubbs who are managing the process of creating the guide.

### *The Family Court*

The executive has allocated a site for the development of a Family Court in New Providence. To meaningfully develop the family court a holistic approach must be undertaken as a proper family Court is more than just an adequate and appropriately appointed building space.

We need the legislative framework to be put in place to achieve this goal. A working committee has been established and Master Christine-Anne Morris-Alleyne, the CEO of the Trinidad and Tobago Judiciary has been engaged as a consultant to assist us in the build out of this project, as it proceeds.

### *Court Connected Mediation*

As part of the CPR reforms, we intend to embrace court connected mediation as a means of siphoning matters away from the formal court system. As with the criminal justice system, we cannot try ourselves out of these backlogs. I intend to issue a practice direction which will make this a reality. I am keenly aware for the many talented trained mediation professionals in the jurisdiction. We intend to capitalize on this and advance mediation as a meaningful means to relieve the stress upon the court system. The Judicial Education Institute will set a criteria for certification of mediators and a Mediation Coordinator will manage the court-connected mediation process for the Courts.

In the build out of the family court, we expect to carve-out of a space to develop a mediation center to facilitate the mediation of disputes of both a civil and family nature. This would be advantageous for trained mediators who may not have a suitable location to carry out the mediation. We look forward to working with the various stakeholders groups to achieve our vision on this project.

### *Judicial Education*

On Friday, 24 June 2022 we opened the Training Center for the Judicial Education Institute. The Training Center, located on the first floor of Charlotte House, now affords the judiciary a purpose built space capable of accommodating the year round training needs of the judiciary. The training center was outfitted with the assistance of a loan facility issued under the Inter-American Development Bank's Citizen Security and Justice Program.

The Institute continues to be the main training arm of the judiciary and despite the effects of the Covid-19 pandemic had an active year.

- a) On January 11, 2022, the 4<sup>th</sup> Annual Training Seminar was held virtually.
- b) Between February 2022 and June 2022 the Institute conducted a series of 12 training sessions on the draft CPR for the bench and bar. The sessions were conducted virtually.
- c) On 18 and 19 June, 2022 an Orientation program was held for new staff joining the judiciary at all levels.
- d) On 20 September, 2022, an induction seminar was held for new Supreme Court judges.
- e) On 21 November 2022 a Wellness seminar was conducted by Canadian Psychiatrist Dr Joseph Sadek at the training center.

In addition to the publication of the CPR Practice Guide, the Institute in the process of preparing a Bench book for use by the judges of the Criminal Division. Quite a few of the submissions have been obtained and the process will shortly move to the editing phase.

I wish to publically thank the Judges, Registrars and Research Counsel involved in that project:

Sr Justice Turner, Justice Archer-Minns, Justice McKay, Justice Forbes, Justice Weech-Gomez, Justice Brathwaite, Justice Darville-Gomez, Registrar Wallace Whitfield Assistant Registrar Richards, Rosanne Sweeting, Akiera Martin, Lesley Brown and Anna Moss

Justice Renae McKay is spearheading the effort to bring the bench book to fruition.

Several judicial officers were afforded the opportunity to attend training programs overseas. These included:

- a) American Association of Electronic Reporters and Transcribers Conference in Milwaukee Wisconsin in June 2022.
- b) National Court Reporting Association Conference and Expo, July 19-25, 2022 in Tampa, Florida.
- c) Caribbean Association of Judicial Officers 7<sup>th</sup> Biennial Conference held in Castries, St Lucia October 27-29, 2022.
- d) National Association of State Judicial Education - October 23-26, 2022 (New Orleans, Louisiana):
- e) The International Organization for Judicial Training (IOJT) – October 30 to November 3, 2022. Attendees:
- f) National Center for State Court E-Court Conference – December 5-8, 2022 (Las Vegas, Nevada).
- g) International Association of Family Law, Tobago, Trinidad & Tobago – December 12-16, 2022.

A fair amount of the overseas training was undertaken at the expense and support of the US Embassy here in Nassau. I wish to publically express the thanks and gratitude of the judiciary for the continued assistance of the US Embassy in these initiatives which only deepen an already strong partnership.

In July 2022, as Chief Justice Designee, I attended, the Conference of Caricom Heads of Judiciaries, in Grand Cayman, Cayman Islands. The Conference was attended by ten other heads of judiciaries from across the Caribbean and Bermuda. The theme of the conference was “Administering Justice by Use of Information Technology: Building on Covid-19 Experiences”. It provided an important forum for the HoJs to consult and collaborate towards the improvement of access to justice for our citizens of the Region. Among other major outcomes of the Conference was the sharing of lessons learned from the application of information technology during the COVID-19 pandemic.

On Monday past, the annual training seminar was held with all of the judicial officers from across the country. This kicks off a year which will feature intensive training. The institute is in the process of building out a complete training schedule for the remained of the year. Whilst the new Civil Procedure Rules and the new Integrated Case Management System will dominate the training schedule, training for marshals, bailiffs and clerks will also be featured.

### *Code of Conduct*

I am pleased to report that in 2022 the Judiciary adopted a Code of Conduct. The Code of Conduct is patented on the Bangalore Principles for Judicial Conduct and may be found on the Judiciary’s website.



### *Outstanding Judgements*

The problem of delayed judgments principally in the civil divisions continues to plague us. The standard now established by Court of Appeal authorities require judgments to be delivered within 3 months and no later than 6 months for complex matters. Judges are generally trying to achieve this benchmark but challenges remain. Acting Justices Card-Stubbs and Tynes were specifically appointed to de-list judges who had considerable backlogs in outstanding judgments. Whilst that did yield some positive results, unfortunately it did not meet my full expectations and will be re-assessed at the end of January.

I have now instructed civil judges to comply strictly with Practice Direction 1/1998, which was revised and reissued by Sir Burton Hall in 2004, concerning the long vacation. During August and September no new civil trials will be conducted and judges will only hear part-heard and urgent trials and interlocutory applications. This, it is hoped, will provide a writing break to permit judges to catch up on their judgments.

It is also hoped that the additional judges going into the Civil Division, 4 in total, with clearer calendars, will help to bring us all into compliance with the Court of Appeal mandate on outstanding judgements.

### *Magistrates Courts*

Stipendiary & Circuit Magistrates carry a considerable share of the matters in the Bahamian judicial system. Perhaps the only contact the majority of citizens will have with the judicial system

is in the Magistracy, whether in relation to a traffic ticket, a criminal matter, a landlord and tenant dispute or for some other civil claim. Regrettably, not being covered by the Judges' Remuneration and Pensions Act, their terms and conditions have not kept paced with their duties and responsibilities. A proposal has been submitted to improve the terms and conditions of service of Magistrates and Registrars. I am advised that the proposal is being given the consideration which it deserves.

### *The Magistrate Court Act*

There is a need to amend the Magistrates Court Act, which has been in place since 1897. Since that time there has been piecemeal adjustments but this has not allowed the legislation to keep pace with the needs of the current age. The current legislation does not recognize the modern features necessary for the operation of lower courts, for example the proper recognition of magistrates as judicial officers and providing for immunity from suit. I have ask Magistrate Renae McKay to chair a committee to make recommendations for amendments to the Act. I am advised by the Learned Attorney General that such a measure would have his support.

### *The Eight Mile Rock Court*

Much work has been done towards the completion of the new Magistrates Court facility in Eight Mile Rock, Grand Bahama. Since the passage of Hurricane Dorian, the residents of Eight Mile Rock have had to be serviced from our facilities at the Garnet Levarity Justice Center in Freeport. We are happy to report that this new Court with soon be available for occupation and operation.

### *Coroners Court*

The proper functioning of the Coroner's Court remains a challenge. Acting Coroner Kara Turnquest is doing a commendable job, but is hampered by the absence of a marshal, to lead the evidence before the Court. Whilst inquests, other than police involved deaths, are being carried out, the court is unable to properly fulfill its mandate in respect to all deaths. Discussions with the Learned Director of Prosecutions had initially identified an officer to perform the function. That option has since fallen through and the search continues to locate a replacement Marshall. I implore the learned Director of Public Prosecution once again to bring a conclusion to this matter.

It is hoped that the Judicial and Legal Service Commission will shortly advertise to permanently fill the post of Coroner.

### *Court Technology*

On 22 December 2022 the Government of the Bahamas and the Caribbean Agency for Justice Solutions entered into an agreement to provide the Curia Suite of Software to the Bahamian Judiciary. Curia is the Agency's Integrated Case Management solution for Caribbean Courts. The Agency is a nonprofit entity originating in the Caribbean Court of Justice. Curia is presently being deployed in the Bahamas Industrial Tribunal, in the Court of Barbados, in the Court of Belize, in the Courts of the Cayman Islands and at the Caribbean Court of Justice. It is also being prepared for deployment in the Turks and Caicos Islands.

The Curia software will permit judges and lawyers to have electronic access to the court's file as well as well as permitting electronic filing of Court documents. Additionally, the software has a feature called sightlines which enables the judicial administration to track our performance

using scientific metrics which will permit sensible decision making. Deployment will begin in the Supreme Court and then in the Magistrate's Court and the Court of Appeal.

The software is expected to have a transformative effect on our judicial system.

As part of the contractual arrangements, training of judicial officers, staff and attorneys will be undertaken.

The Digital Court Reporting Systems and the Court Automated Payment System remain high priority projects and continue to get our focused attention. The Bail management system, which provides for electronic applications for bail and for persons on bail to seamlessly comply with reporting conditions, is almost ready to go completely live.

The digitization project nears completion in early February 2023. The process has seen the digitization of over 9 million pages of court records. These records are being digested into the new Curia case management system. This project, like the outfitting of the Training Center, was funded by the loan from the Inter-American Development Bank. That loan facility was implemented through the Ministry of National Security. I wish to express my thanks to the Minister, Mr Munroe KC, and to the Permanent Secretary, Ms Cheryl Darville, who managed the process for the judiciary.

As a judiciary, we are committed to ensure that there will be access to justice for all our citizens regardless of their means. In this vein we will ensure that our advancements in technology will be available for all. We will ensure the kiosks and self-help counters are available to permit pro se litigants, and lesser established attorneys to also share in the benefits of the system.

## *The Judicial Plant*

We continue to lament the state of our infrastructure. The Courts campus, is spread out in many separate buildings across the City of Nassau between Nassau Street and East Street. Most of these buildings have all long exceeded their optimal usefulness as court facilities. Our physical plant has not kept pace with the growth of the bench, the increased size of the bar, the workload of the court and security threats which were not envisioned when these buildings were first commissioned.

By way of a timely example. The main Supreme Court Building had a new roof installed to the old structure some 9 years ago. On December 27, 2022 just before the New Year, excess water was unable to properly drain from the roof and for the second time in the less than six months since I was appointed Chief Justice, the entire building flooded. Massive amounts of water fell through the ceiling of each of the 4 courtrooms and judge's offices, destroying ceiling tiles, and light fixtures, furniture, court files and the personal property of the judges. That building, an architecturally beautiful neo-Georgian structure just celebrated its 100 year anniversary having been built in 1921. Its best use today unfortunately is as a museum, not a court facility.

Despite our angst at the state of the Main Court Building, I must pause to extend our thanks to the financial secretary for quickly provisioning the resources for the renovations to bring the buildings back into use in the shortest possible time.

The Annex 1 building, formally known as Ansbacher House, which houses 7 Supreme Courts and Annex II, which houses the 5 courtrooms above the Central Police Station are in no better shape. They are both plagued with mold and continually leaking roofs. Annex I, another

historical significant structure, being the former site of the BITCO, was acquired during the leadership of Sir Michael. This building is over 75 years old and poses serious structural concerns. Cars no longer park under the building due to concerns from spalling concrete. They both provide genuine lessons in the challenges of trying to re-purpose existing spaces into courtrooms.

Every year, successive Chief Justices, in addresses such as these, have lamented the state of our plant and equipment. The time for a complete Judicial complex to house the Magistrate Court, the Supreme Court and the Court of Appeal has long past. The Attorney General, myself and the Prime Minister have met specifically on this issue and I am assured that the nature of the challenge is understood and that the Government will seek to procure for the judiciary a complete modern court complex in the very short term.

### *The Court Services Bill*

The judiciary has been promoting the passage of the Court Services Bill for some time now. The Bill had been laid before the last parliament but having not been advanced prior to the dissolution of that Parliament, before the general election, it fell away. My conversations with the Attorney General gives me every confidence that the Court Services Bill, which will give the judiciary control over its budget, continues, to receive the attention of the Government.

The Bill represents a significant step forward in achieving administrative independence for the judiciary. We look forward to the Government re-introducing the Court Services Bill in the House of Assembly and expediting its passage and enactment into law.

### *Performance Management*

I would just wish to say a few words on performance management. We will, beginning this year, pay serious attention to measuring our performance and setting reasonable standards. With respect to written judgments, those standards have been set for us by the Court of Appeal. What we need to do, and what the Curia suite of software will allow us to do, is to accurately measure how we adhere to these standards, permitting us identify instances where we are falling short.

In each division, we will set performance standards as to what are reasonable disposition cycles for the cases which come before us. We have already begun with the family Court judges and will move through each division, registry and magistrate to identify and publish reasonable performance standards. It is only when we have set these standards that we can speak sensibly about backlogs and their extent.

We will in the last quarter of this year, following the implementation of the ICMS, conduct call overs, as a backlog reduction exercise. I am therefore giving advance notice to attorneys to take a good look at your dormant files.

### *Annual Report*

I commend to you the 2022 Annual Report which covers the work of the Courts during the past year. It also contains important information and statistics about the work and operations of the Courts. As in past years we will have hard copies of the Report and also wallet size USB flash

drives containing the Report. These will be circulated to interested persons later this week and can be obtained from the Office of the Registrar. It should be available, as we speak, on the Courts website. I wish to thank the members of the Annual Report Committee, chaired by Justice Lewis-Johnson and Registrar Constance Delancey for their fine work in producing this year's report.

### *Conclusion*

As I conclude, I ask that we pause to remember the life of retired Justice Roger Gomez who passed away on Monday. He was a cherished member of our judicial family having served as Chief Magistrate and retiring as a Justice of the Supreme Court. Our thoughts and prayers are with his family at this time. May his soul rest in peace.

I remain privileged to have been afforded the opportunity to lead the talented judicial officers and staff that make up the judiciary across New Providence, Grand Bahama and Abaco. These exceptional men and women, who make up the third branch of the Government, undertake their work in less than ideal accommodation and often making the best with very limited resources. I hereby publically express my thanks for all that they do to ensure the constitutional mandate of an independent, impartial and fearless judiciary. I give special thank you to the management team comprising of Sr Justice Turner, Sr Justice Charles, Registrar Delancey, Deputy Registrar Saunders, Director of Court Services Toote, Chief Magistrate Ferguson-Pratt, HR Manager Neely, Magistrate Court Administrator Grant and IT Director Isaacs. I also wish to thank my very able office staff, without whom I would be lost.



I wish to thank the President of the Bar, Mr. Khalil Parker KC and the Bar Council for partnering with us during the course of 2022. I look forward to continuing our partnerships in 2023, specifically as we experience the expected growing pains of the CPR and ICMS implementation.

I wish to thank the Hon. Attorney General, the leader of the Bar, and his team at OAG for his unwavering support for the judiciary. Since my appointment I have found him extremely supportive of our initiatives and projects and look forward to working with him in 2023 to achieve our shared goals of enhancing the administration of justice.

With these few words, I declare the 2023 Legal Year Officially Open