



**THE CAYMAN ISLANDS
JUDICIARY**

**January to December 2010
Judicial and Court
Overview**

Published: January 2011

Introduction

This report presents statistics related to the activity in the Summary, Grand and Appellate Courts of the Cayman Islands. Provisional figures for the last quarter and past 12 months are accompanied by brief analysis.

The figures provide a summary overview of the volume of cases dealt with by these courts over time. The statistics are used to monitor caseloads and assist with policy development.

This report is also available on the Judicial and Legal Information Website

www.caymanjudicial-legalinfo.ky

Main Findings

These statistics provide an overview of the type and volume of cases that are received and processed through the court system of the Cayman Islands. The analyses are based on comparisons between current and previous year quarterly data as well as annual comparisons between current and previous year.

Definitions

Disposition Rate - (number of cases filed / number of cases disposed) for a specified period which is expressed as a percentage.

Average Time for Disposal – average number of days from first filing to conclusion of the case

Privy Council

According to the records obtained from the JCPC Registry in London, 3 cases were filed with the Privy Council during 2010; 2 civil and 1 criminal matter.

Table :1 Privy Council [1999-2010]

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Number of Cases filed	6	5	3	3	1	5	2	4	1	0	0	3

Source: JEMS

Cayman Islands Court of Appeal (CICA)

In 2010, the Cayman Islands Court of Appeal heard a total of 64 appeals, 38 criminal and 26 civil in nature. Compared to the previous year, this represents an increase of 36% in caseload.

Table :2 Cayman Islands Court of Appeal [1999-2010]

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Criminal	49	54	49	34	26	18	24	34	26	33	28	38
Civil		23	23	22	42	23	31	28	17	16	19	26

Source: JEMS

Grand Court

Indictments

The number of new Indictments rose from 70 in 2009 to 108 in 2010, representing a 55% increase over the previous year (See Table 3 below). The average disposal time remained stable over both years at 348 days. The disposition rate was 99% with almost as many cases filed as completed during the 12 months under review. However, a review of pending cases at year's end reveals 2, 2 and 6 cases remain open from 2007, 2008 and 2009 respectively. Of the new cases filed in 2010, 59 remained open at year's end.

Reducing the average time of disposal remains a performance target. Efforts have been made to improve the efficiency with which cases are processed, but there remain instances where the time taken to conclude matters is more than would be expected or desired.

Table :3 Grand Court [1999-2010)

<i>Number of cases filed</i>	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Summary Crt Appeals												
Criminal	107	59	63	62	54	53	43	34	38	50	65	80
Civil	n/a	1	10	1	3	2	2	5	2	3	0	0
Indictments	61	79	70	61	61	60	80	101	112	102	70	108
Civil (incl. Admiralty)	750	864	710	936	834	495	594	438	634	480	482	559
Financial Services Division*	*	*	*	*	*	*	*	*	*	*	67	352
Family Matters	157	162	171	193	185	174	203	225	235	215	232	292
Estate Matters	135	164	143	108	138	125	168	155	175	154	140	126

* Commenced November 2009

Source: JEMS

Overall

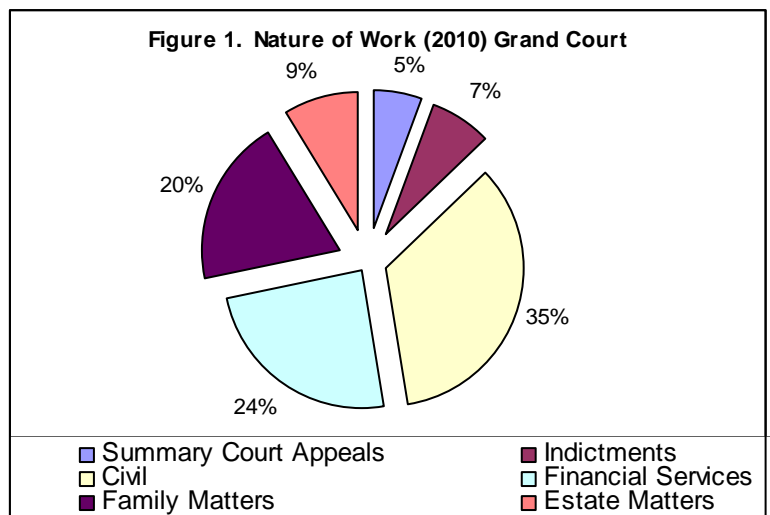
Civil, Financial Services, and Family divisions comprised 35%, 24% and 20% of Grand Court matters, respectively. The remaining 21% consisted of Estate matters 9%, Indictments 7%, and Summary Court appeals 5%. (see Figure 1)

Civil (General)

The total of number of civil cases filed in this division of the court rose 16% from 482 in 2009 to 559 in 2010. (see Table. 3 above)

Appeals to Grand Court

The caseload for appeals to Grand Court grew by 23% from 65 in 2009 to 80 in 2010. (see Table. 1 above)



Financial Services Division

This division was formalized in November of 2009, with the majority of the 67 cases listed that year representing transfers from the general division of the Grand Court. In 2010, the volume of cases filed totaled 352 at year's end. (see Table. 3 above)

Family Matters

The number of new cases filed rose from 232 in 2009 to 292 in 2010, which is a 26% increase over the previous year. (see Table. 3 above) A total of 268 cases were filed for divorce with 119 decrees being granted and the remaining 149 pending completion at year's end. In other family matters, 25 cases were filed relating to Adoption, Guardianship and Custody matters.

Estate Matters

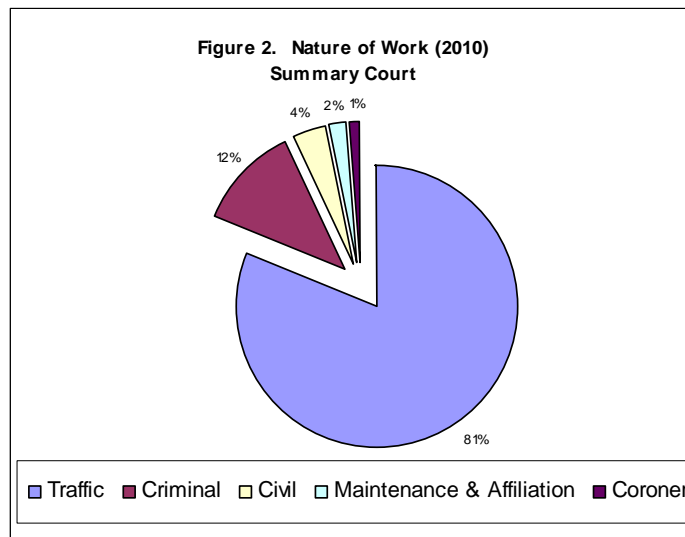
The total number of cases filed fell from 141 in 2009 to 126 in 2010. (see Table. 3 above)

Summary Courts

Overview

There were 11,694 new cases filed during 2010 compared to 12,322 reported in 2009. This is a slight drop in volume of 5% over the previous year. Approximately 81% of this volume was due to adult traffic related offences. Of the remaining 19% of non-traffic case, 12% were criminal cases, 4% civil proceedings, 2% maintenance & affiliation, and 1% Coroner's Inquests. (See Figure 1)

In the fourth quarter of 2010 the number of new cases filed fell by 33% to 2,370 compared to same quarter of the previous year. In fact, there has been a steady decline each quarter of 2010 which is in stark contrast to the quarterly increase experienced during 2009. A review of the rates of disposal¹ show stability with 91% in 2010 compared to 93% in the previous year.



Traffic

A total of 9,299 new traffic cases were filed in Summary Court this year. Compared to the previous year this represents a decline of 8%. Most of this decline took place in the fourth quarter of 2010, which saw a 44% decrease in new cases from 2,982 in 2009 to 1,680 in 2010 (see Table 4, below).

In terms of performance, the disposition rate remains over 95%. Given that traffic offences account for 81% of the volume of cases in the Summary Court, ensuring that these matters are processed expeditiously is vital to the overall performance of the Summary Court.

¹ Excludes Maintenance & Affiliation and Civil cases filed in the summary court

Table 4. Summary Court [2009-2010) – number of cases filed

Year	Traffic		Criminal		Juvenile	Cayman Brac Criminal	Civil Traffic	Civil	Maintenance	Coroner	Total	
	Adult	Youth	Adult	Youth								
2009	Q1	2,273	1	331	32	7	6	56	106	12	6	2,830
	Q2	1,863	6	323	23	13	7	30	127	14	10	2,416
	Q3	2,894	5	331	42	14	18	113	102	52	5	3,576
	Q4	2,982	2	247	27	10	7	114	95	40	5	3,529
	Total	10,012	14	1,232	124	44	38	313	430	118	26	12,351
2010	Q1	3,139	2	335	23	19	16	49	80	32	6	3,701
	Q2	2,366	2	351	41	12	6	46	112	32	8	2,976
	Q3	2,114	0	299	28	7	19	33	108	31	8	2,647
	Q4	1,680	2	319	22	12	10	41	107	19	11	2,371
	Total	9,299	6	1,304	114	50	51	169	408	114	33	11,695

Source: JEMS

The average number of days to dispose of these matters fell from 48 in 2009 to 38 in 2010. Improvements such as electronic payment options and e-ticketing are expected to lower the processing time significantly as the majority of traffic offences are ticketable offences that are handled entirely administratively and do not involve court time.

Criminal

In 2010, 1,468 new cases were filed. This consisted of 1,304 adult, 114 youth and 50 juvenile cases. Compared to 2009 the total grew by 5% despite the fact that the number of filings fell in the fourth quarter by 9% compared to the previous year (see Table 4, above).

According to the number of completed cases, the disposition rate for criminal matters in the Summary court is 102% for 2010. This can be explained by the fact that significant efforts have been made during the year to clear up pending cases. Despite best efforts a significant backlog remains with more than 600 cases pending at year's end.

The average disposal time is 365 days for criminal matters, which is a source of concern. Performance in this area is expected to improve based on management initiatives planned for the coming year.

Cayman Brac & Little Cayman

Overall, the number of new cases fell from 351 to 220 in this jurisdiction during 2010. Of these new cases, 169 (77%) were traffic and 51 criminal matters (see Table 4, above). The average number of days to dispose of these matters was 72 and 190 respectively. The disposition rate was 65%.

Both traffic and criminal cases have seen an improvement in the time to conclude matters, which is primarily due to the reduced caseload. In comparison to Summary Court on Grand Cayman, disposition rates for the Sister Islands are significantly lower. This is mainly due to the lack of available resources and the less frequent sittings of the Summary Court. The current schedule facilitates a monthly sitting of the court and this is expected to continue for the next year.

Civil

The volume of cases fell slightly (6%) from 430 in 2009 to 407 for 2010, despite the fact that the new cases filed increased from 90 to 107 in the fourth quarter. (see Table 4, above)

Maintenance & Affiliation

There was a significant increase in new cases filed, from 118 in 2009 to 261 in 2010. This represents an increase of 122% over the previous year. (see Table 4, above)

Coroner's

Overall, the number of new cases filed increased from 26 to 33 in 2010. In the fourth quarter, the caseload doubled from 5 to 11 when compared to the previous year. (see Table 4, above) During 2010, considerable efforts were made to reduce the backlog of cases pending. This explains the disposition rate of 133% for 2010. The average number of days to dispose of these matters is 391, which is of concern.

Specialty Courts & Other Services

Drug Rehabilitation Court

In 2010, 74 applications were processed by the Drug Rehabilitation Court Team (see Table 5, below). Of these applicants, 40 were subsequently placed on Prescribed Treatment Programme Orders, while 32 were screened out of the programme as either ineligible or unsuitable. Two participants withdrew from the programme.

Two graduation ceremonies were held during 2010, which saw 23 participants graduate following their successful completion of the programme. This brings to 40 the total number of graduates from the Drug Rehabilitation Court programme since its inception in October 2007.

Source: JEMS

Table 5. Drug Rehabilitation Court [2007-2010)

(programme started in October 2007)	2007	2008	2009	2010	Total
Number of applications received	64	76	94	74	308
Number of applicants placed on Prescribed Treatment Programme Orders	37	35	57	40	169
Number of applicants screened ineligible or unsuitable	23	38	36	32	129
Number of withdrawals	4	1	1	2	8
Deceased	0	2	0	0	2
Total	64	76	94	74	308
March graduates			9	16	25
September graduates			8	7	15
Total			17	23	40

Legal Aid

Overall the number of applications fell slightly from 332 in 2009 to 327 in 2010.

Civil – The number of new applications fell from 156 to 128 in 2010.

Criminal- The number of new applications increased from 176 to 199

Attorneys

During 2010, 541 attorneys were granted licences to practice in the Cayman Islands. Limited admissions totaled 121 and general admissions 74.

Notaries Public

The number of Notaries public remained unchanged at 467 for 2009 and 2010.

Justices of the Peace

The number of Justices of the Peace on Grand Cayman remains unchanged at 136. Similarly the numbers on the Sister Islands remained stable at 28.

Judicial and Court Statistics [1999-2010]

(cases filed per year)

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
<u>PRIVY COUNCIL</u>	6	5	3	3	1	5	2	4	1	0	0	3
<u>COURT OF APPEAL</u>												
Criminal	49	54	49	34	26	18	24	34	26	33	28	38
Civil		23	23	22	42	23	31	28	17	16	19	26
<u>GRAND COURT</u>												
Summary Crt Appeals												
Criminal	107	59	63	62	54	53	43	34	38	50	65	80
Civil		1	10	1	3	2	2	5	2	3	0	0
Indictments	61	79	70	61	61	60	80	101	112	102	70	108
Civil (incl. Admiralty)	750	864	710	936	834	495	594	438	634	480	482	512
Financial Services Division*	*	*	*	*	*	*	*	*	*	*	67	352
Family Matters	157	162	171	193	185	174	203	225	235	215	232	292
Estate Matters	135	164	143	108	138	125	168	155	175	154	140	126
<u>SUMMARY COURT</u>												
Criminal (Incl. Traffic)	4,929	5,297	6,996	10,300	7,307	4,341	5,205	8,729	12,009	9,678	***	***
Criminal	101	917	1,489	1,313	1,179	1,056	1,076	1,249	1,404	1,506	1,228	1,304
Traffic	n/a	n/a	n/a	n/a	n/a	3,367	4,322	7,692	10,605	8,172	10,011	9,299
Youth	176	225	331	132	163	105	86	189	174	178	138	120
Juvenile	32	35	37	38	34	40	29	49	31	46	44	50
Civil	1,403	1,241	350	399	427	279	344	407	484	467	430	407
Maintenance & Affiliation	102	125	128	132	112	117	106	132	102	101	118	114
Coroner	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	26	33
Cayman Brac	91	94	158	89	89	81	116	126	84	68	351	220
<u>SPECIALTY COURTS & OTHER SERVICES</u>												
Drug Rehabilitation Court**												
Applications	**	**	**	**	**	**	**	**	64	78	94	74
Graduates	**	**	**	**	**	**	**	**	**	0	17	23
Legal Aid												
Criminal	162	214	239	176	150	155	148	232	172	173	176	150
Civil	169	135	166	148	155	177	119	222	152	223	156	187
Attorneys												
Licensed to practice	227	235	262	310	353	402	472	409	455	511	524	541
Limited Admissions	48	40	64	46	58	39	77	71	55	36	100	121
General Admissions	25	27	42	48	43	49	70	49	88	92	54	74
Notaries Public	191	233	276	271	314	350	339	378	417	445	467	467
Justices of the Peace												
Grand Cayman	80	80	80	83	95	97	109	117	112	136	136	136
Cayman Brac & Little Cayman	15	15	15	14	14	27	27	27	29	28	28	28

* Commenced November 2009

** Commenced October 2007

*** No longer reported