



BERMUDA JUDICIARY

ANNUAL REPORT

20
23



"Bringing quality judicial services into the modern technological era"



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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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FOREWORD FROM THE ACTING CHIEF JUSTICE

The Hon. Mr. Justice Larry Mussenden

I am happy to present the 2023 Annual Report of the Bermuda Judiciary. It is important, both as a matter of principle and for retaining public confidence, that the judiciary gives an account of its performance in discharging its duties to the public. The publication of the 2023 Annual Report is a demonstration of accountability by the judiciary to the public.

The day-to-day administration of justice depends upon the collaboration and assistance of several agencies. I acknowledge with thanks the assistance given by the Bermuda Bar Association, the Bermuda Police Service, the Department of Court Services, the Department of Corrections, the Office of the Director of Public Prosecutions, the Legal Aid Office and the Ministry of Legal affairs.

I also want to acknowledge with thanks the pivotal oversight role performed by Her Excellency the Governor and the members of the Judicial and Legal Services Committee in dealing with judicial appointments and judicial complaints. The work of the Committee remains important to providing quality judicial and legal services to Bermuda

Lastly, but by no means least, I wish to thank the Registrar for her superintendence over the judicial administration of the Courts and the capable assistance provided by all members of staff. Equal gratitude is paid to Acting Registrar and Acting Assistant Registrar Nicole Smith and Kenlyn Swan, both of whom have been with the Court since September 2023.



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The publication of
the 2023 Annual
Report is a step
towards
accountability by
the Judiciary to the
public at large.

I invite you to read the 2023 Annual Report where you will find the main highlights of the last year and short commentaries on various courts and their respective jurisdictions. It is an important document from the point of view of, as I have said, judicial accountability.

In closing, I express my gratitude to the Registrar, the managers, and all staff for their dedicated service during the last year under, at times, stressful conditions. To all judicial officers in the Court of Appeal, The Supreme Court, and the Magistracy; our panel of Assistant Justices and Acting Magistrates, thank-you. Lastly, on behalf of all of us, I wish to inform the public and court users, that we are sincerely committed to providing you with the utmost professional judicial service based on key principles including the rule of law, fairness and integrity.

Larry D. Mussenden
ACTING CHIEF JUSTICE

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

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

The Judicial System in Bermuda consists of the Magistrates’ Court, the Supreme Court, the Court of Appeal and the Judicial Committee of the Privy Council as the final appellate court for Bermuda, which is located in London, UK.

The Court of Appeal Registry and the Supreme Court Registry is responsible for the administration of the Court of Appeal and the Supreme Court, respectively. Both courts are established by the Constitution and the Court of Appeal Act 1964 and the Supreme Court 1905, respectively. Additionally, each court is governed by rules of court: The Rules of the Court of Appeal for Bermuda 1965 and the Rules of the Supreme Court 1985.

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

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

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

STATE OF THE JUDICIARY

The Hon. Mr. Justice Larry Mussenden Acting Chief Justice

An appropriate starting point for the opening of this New Legal Year would be to recognize that former Chief Justice Hargun has retired from the Supreme Court. A Special Sitting to mark his retirement was held on 8 December 2023 when many members of the Bar were present including He the Governor, a number of Government Officials along with his family and friends. Heartwarming tributes were paid to Chief Justice Hargun for his more than four decades of combined service at the Bar and on the Bench. As much was said about him then, I only wish now to reiterate that he was a shining example to many at the Bar having appeared in a multitude of complex commercial and civil cases over the years. On the Bench, he led the way as Chief Justice with the conduct of complex commercial cases as well as important constitutional cases dealing with the rights of the citizen including some about the Covid-19 pandemic. We all wish him and his family well in what we trust will be many years of retirement.

the Criminal Calendar has continued to be worked on with jury trials and other hearings taking place throughout the year. Thanks are extended to Justices Subair Williams who will soon finish as Supervising Judge and on 1 Feb will hand over to Justice Wolffe. They together along with Pettingill AJ have ensured that criminal matters proceeded accordingly. We look forward to recruiting for and appointing a Puisne Judge to conduct criminal matters in the early part of this year. I hear anecdotally that sometimes there are challenges in compiling a jury panel so there may be some merit in having a review of the Jurors Act at some point. One interesting and important aspect to be addressed is the payment of jurors for their time spent serving on a jury. I understand that there are public complaints about how long it takes for payment to be received so we are looking at ways to improve that aspect of the system. Another aspect of the criminal justice system is engaging alternatives to prosecutions. There appears to be merit in diverting people from the criminal justice system altogether by using systems deployed in other jurisdictions. Such systems allows the parties to engage in a positive way, reduces the court's caseload and reduces convictions and addresses the offending conduct.

Cases have continued to be filed, listed and progressed as best as possible with judgments following in good time although the pressures on the Judges have not always allowed for that. We look forward to recruiting another Judge later this year to handle civil commercial matters which will mean three judges doing civil/commercial cases. The Court has continued to use a combination of in-person hearings and remote appearances and the CourtSmart technology has been upgraded to allow for better audio/video features of the combined hearings. The Commercial Court Users committee will meet in February as we continue the joint effort to work towards practical solutions to support the Commercial Division.

Another area of the Civil Court is the conduct of Mental Health Act applications, which must be heard by the Chief Justice. There is merit in amending the Act to allow for any Judge to have conduct of such hearings. With the rise of social media and its widespread use for good and bad, I envisage that defamation cases will increase in Bermuda. There was one defamation jury trial last year, the first in about 30 years, albeit not for social media use. The experience last year showed that there is merit in updating Bermuda's civil defamation laws. Another area where there has been increasing activity is mortgage defaults where mortgagors have fallen into default and applications are made for possession, powers of sale and money judgments.

STATE OF THE JUDICIARY

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I extend gratitude to both Justice Stoneham and Registrar/Acting Judge Wheatley for their conduct of the range of Family matters. In that Court, more and more litigants are appearing in person thus placing more responsibility on the Court to assist with submissions and orders. Thus, we will be looking to provide more support to the Division. Since the Matrimonial Causes (Faultless Divorce) Amendment Act 2022 became operative on the 13 March 2023, there is now only one ground for the dissolution for a divorce which is that the marriage has broken down irretrievably. Interestingly, last year, there were 138 divorce petitions filed, of which 94 were filed by the wives and the other 44 were filed by the husbands. A total of 111 decree orders were granted.

Thanks are extended to the Probate Division team. More resources have been applied to that area in the last few months so that applicants can have matters dealt with expeditiously to respect the wishes of the deceased and allow others to get along with their lives. There is some merit in meeting with Probate practitioners so that we can develop best practices with a view to creating efficient processes. On a similar note, one cannot help but notice the amount of residences throughout the island falling into disrepair and dilapidation beyond use. Anecdotally, the explanations are often about family or other disputes. The Court is well prepared to hear and resolve any such issues so that the properties can be restored for occupation and as a valuable family asset.

Last year there were 67 admissions of new lawyers to the Bar, in the main, young Bermudians who have qualified to be admitted to practice. The wonderful occasions were attended by counsel, applicants, their families and friends as their individual journeys were chronicled and celebrated along with the thanks of the Applicants and in some cases, their tears of appreciation. The Bench expresses its congratulations and best wishes to all the new members of the Bar. We are confident that the highest standards of the profession will be maintained for years to come. One observation is that there were not many who were keen to develop a criminal defence practice. Hopefully, we will soon see fresh faces at the criminal defence bar.

I am pleased to report significant progress by the Ministry of Public Works who just last week presented the final design plans to us for the very extensive renovations and construction of new courts in the DLBE. The works will see the Court of Appeal, the Supreme Courts criminal division and the Magistrates Courts and services all in one location. With these renovations we will have a dedicated Court of Appeal which will be used for other Supreme Court and Magistrates' Court matters during the period that the Court of Appeal is not sitting. An entire floor of the DLBE is going to be designated as a Unified Family Court. This will see that all Supreme Court and Magistrates' Court matrimonial and family matters being heard in this space. As we seek to consolidate the Courts in DLBE, there seems to be significant merit in moving the Civil and Commercial Courts from the Government Administration Building into DLBE building. Requests will be made to that effect with the hope that three commercial/civil courts and approximately 12 staff can be accommodated in DLBE in the next few years.

For present purposes, for this Court at Sessions House which is used for serious jury trials, we still have to be ever mindful of the security concerns and risks operating out of this building.

STATE OF THE JUDICIARY

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The Court is excited to embark on the procurement of an electronic case management system as alluded to by Chief Justice Hargun last year for all levels of Court. The Government has accepted the importance of having such a modern system by providing the funding to secure a state of the art system. We wish to implement a system that will incorporate electronic filing and payment of fees, provide reports, remove the need for endless paper files and the need for their physical movement, track fines and balances, assists with the management of warrants, and provides efficient support in managing child support payments.

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

Previous Chief Justices have spoken of the independence of the Judiciary. In a democracy it is extremely important that the public and those that appear before the Courts know and trust that their cases will be decided in accordance with the law, and free of any influence or internal or external pressure. In order to discharge their constitutional responsibility of providing fair and impartial justice, judges must be free of improper influence from individual litigants, commercial interests, media, politicians and their own self-interest. Interestingly, in more recent years, there has been an increase in litigation between the citizen and the Government in the form of judicial review, appeals from statutory bodies and other originating processes. In such times, there is a need for the judiciary to be independent of the Government. Last year there were 15 judicial review cases.

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

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

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

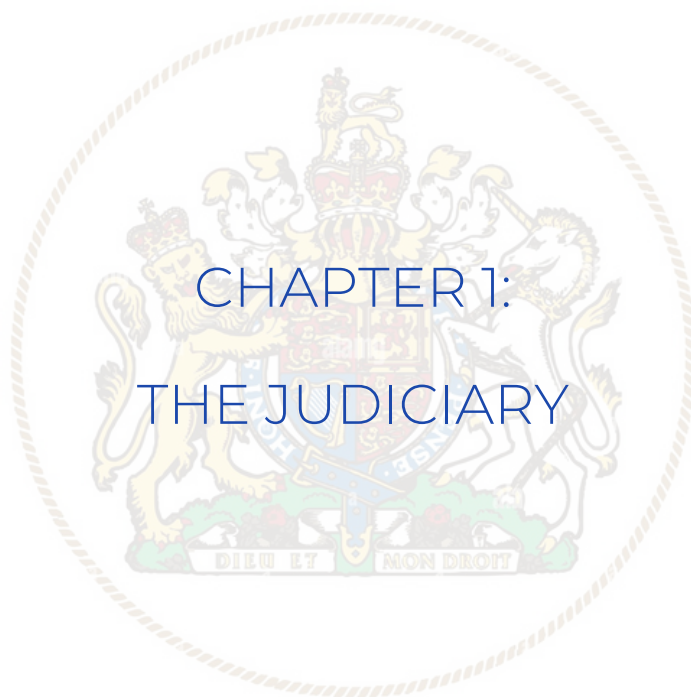
It is to be hoped that similar amendments can be made to the Bermuda Constitution Order 1968 within the foreseeable future.

STATE OF THE JUDICIARY

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

The Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the Three Branches of Government (2003) state: "Arrangements for appropriate security of tenure and protection of levels of remuneration must be in place ... The term of office of judges, their independence, security, adequate remuneration, conditions of service, pensions and the age of retirement shall be adequately secured by law."



THE COURT OF APPEAL



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



The Rt. Hon. Sir
Maurice Kay
Justice of Appeal



The Hon. Mr.
Geoffrey Bell
Justice of Appeal



The Hon. Sir
Anthony Smellie
Justice of Appeal



The Rt. Hon. Dame
Elizabeth Gloster
Justice of Appeal



Ms. Alexandra Wheatley
Registrar of the
Court of Appeal



Mr. Audley Quallo
Administrative Officer
of the Court

THE SUPREME COURT



The Hon. Narinder K. Hargun
Chief Justice (Retired)



The Hon. Ms.
Nicole Stoneham
Puisne Judge



The Hon. Mrs.
Shade Subair Williams
Puisne Judge



The Hon. Mr.
Larry Mussenden
Acting Chief Justice



The Hon. Mr.
Juan Wolffe
Puisne Judge



Ms. Alexandra Wheatley
Registrar of the
Supreme Court



Mrs. Cratonia Thompson
Assistant Registrar of the
Supreme Court

THE MAGISTRACY



The Wor. Maxanne Anderson, JP
Senior Magistrate



The Wor.
Tyrone Chin, JP
Magistrate



The Wor.
Khamisi Tokunbo, JP
Magistrate (Retired)



The Wor.
Craig Attridge, JP
Magistrate



The Wor.
Maria Sofianos, JP
Magistrate

THE COURT OF APPEAL

This has been an eventful year. One of the best aspects of it was that our regular sittings have all been heard in person, and not remotely as was necessary during Covid. Remote sessions are perfectly satisfactory for some matters – of which short interlocutory matters are probably the best example. And they work for final hearings, as experiences during Covid showed. But there is nothing better than an in-person hearing at which all concerned can be physically present. The Court has, also, held a number of remote hearings outside its three regular sessions,

The range of cases decided by the Court was as substantial as ever. I will not go through the whole list – the judgments are to be found on the judiciary’s website. But I will draw attention to some of the more significant cases.

At the beginning of the year we gave judgment in three cases which had been argued in 2022. The first was *AB v The Minister of Education*, in which we rejected an appeal from the decision of Hargun CJ, who had dismissed the challenge brought to the decision of the Minister to deny AB entry to school unless he was able to provide a negative, test and to keep public schools closed until 80% of students had provided such a test. The second was an appeal in *Bell v The Attorney General & Ors* where we upheld a finding that a Residential Care Officer had been guilty of gross misconduct by being under the influence of alcohol and validly dismissed. The case largely concerned the procedure that led to her dismissal and the effect of the Public Service Commission Regulations 2001 and the procedure adopted by the Commission.

The lead judgment in those two cases was given by Maurice Kay, JA, whose term of office has now come to an end, He has been a highly respected member of the Court for many years and the Court has benefited very greatly from his wisdom and common sense, particularly in relation to criminal, common law, and administrative law matters, for which Bermuda has much to be thankful.



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

The third case from the previous year was *In the Matter of the X Trusts*, which required consideration of the role of Protectors in relation to Trusts with assets of very high value the disposition of which by the Trustees required the Protectors' consent. The question was whether the role of the Protectors was (i) to approve dispositions decided on by the Trustees if satisfied that the Trustees' decision was rational and took into account all relevant, and ignored irrelevant, considerations; or (ii) to exercise an independent discretion as to what disposition should be made, so that they could decline consent even though the decision of the Trustees was a rational one, which took into account all relevant and took no account of any irrelevant considerations. The Court upheld the decision of Kawaley AJ, as he then was. The case is now on its way to the Privy Council.

In the March session the Court considered, in *Information Commissioner v The Attorney-General*, the extent of the Information Commissioner's powers under the Public Access to Information Act 2010, and whether the Commissioner was entitled to issue summonses to the Solicitor General and the Acting Permanent Secretary of the Ministry of Health calling for the production of documents relating to a settlement between the Brown-Darrell Clinic and the Ministry of Health, even though some of the documents were records which were said by the Ministry to be excluded from the application of the Act. The Court allowed the appeal from the first instance decision, which had quashed the issue of the two summonses.

We also gave judgment in the case of *In Re Jardine Strategic Holdings Ltd* which concerned the right of a dissenting shareholder whose shares have been compulsorily acquired pursuant to section 106 of the Companies Act 1981 to claim to be paid such amount as might be appraised by the Court, in circumstances where the shareholder in question had acquired his shares after either the initial announcement of the particular company's intention to propose an amalgamation or merger, or where such shareholder had not been a shareholder of the company when the company had given notice of the proposed amalgamation pursuant to section 106(2) of the Act. That case too is destined for the Privy Council.



Another case in which we gave judgment was *Greenidge v The Commissioner of Police*, in which we had to consider whether a Detective Inspector had wrongly been held ineligible to participate in the 2018 Inspector to Chief Inspector Promotion Process. We upheld the decision of Hargun CJ that he had not been wrongly excluded from that process. In the course of the judgment we expressed concern about the exchange of certain messages with the ACOP which were not, in our view, in keeping with the high standards to be expected of the Bermuda Police Service.

In the June session the Court handed down a sizeable judgment in *Ivanishvili & Ors v Credit Suisse (Life) Bermuda Ltd*, dismissing an appeal from a judgment of Hargun CJ, who had awarded Mr Ivanishvili and others what turned out to be over US \$ 607.35 million plus interest against Credit Suisse (Life) Bermuda Ltd, as damages for the fraudulent handling of investments. The Court upheld the judgment of Hargun CJ in relation to breach of contract, although disagreeing with him in relation to the claim in misrepresentation. This case, too, is destined for the Privy Council. We also entertained, but dismissed, an appeal, in *The King v Walker*, against conviction for causing death by careless driving (and against sentence) in a case where the expert evidence was of some considerable complication, two experts being of the opinion that carelessness was not made out and one that it was. The judgment laid down some important principles on the proper approach by the Court of Appeal in relation to appeals from the decision of a jury (and, in particular as to the non-application of a “lurking doubt” test).

In the November session we gave judgement in *Stevedoring Services Ltd v Minister of Labour & Economy*, upholding the decision of the trial judge that there was a labour dispute in relation to the dismissal of an employee in an essential service which fell to be referred (as we held) to the Employment and Labour Relations Tribunal. This case concerned the new provisions in relation to labour disputes put into effect by the Trade Union and Labour Relations (Consolidation) Act 2021.



We also considered, four criminal appeals, one in relation to possession of drugs - Butterfield, which addressed the question of the legal requirements for reasons in judicial decisions, another – Charlton in relation to the intrusion into the privacy of a woman and sexual assault, both the latter being cases determined in the Magistrates court and then on appeal to the Supreme Court. The other two – Muhammad and Davis- were appeals in relation to murders, the former being an appeal against conviction and the latter against sentence.

We also heard the appeals of five appellants whose claims for compensation had been rejected by the Criminal Injuries Compensation Board on the grounds that they were out of time. We dismissed those appeals with reluctance, but drew attention to the unsatisfactory nature of the system: a short time limit for making a claim (1-year from the date of the crime), practically no notice to the public of the existence of the time limit, and no ability to extend time beyond (at most) one year. We recommended that consideration be given to the making of ex gratia payments.

In December we gave judgment in the case of Bermuda Press (Holdings) Ltd v Evatt Tamine in which Bermuda Press sought to appeal the decision of Mussenden J granting Mr Tamine interlocutory relief against the continued publication of an article in the Royal Gazette which referred to an affidavit which Mr Tamine had filed in proceedings in Bermuda which were sealed. The case raised interesting questions, which included whether the fact that the affidavit had been filed on the website of a US District Court, to which the public could obtain access, was determinative of whether any relief should be granted.

At the very end of the year we gave our reasons for the ruling we had given in June in the case of The King v AH and AW. In that case the then Deputy DPP had approved the laying of charges against two police officers; the then DPP had decided that there should be no prosecution. The DPP then became a Supreme Court judge and the former Deputy DPP became the DPP in his stead. She then decided that a prosecution should in fact be brought. The defendants obtained a stay of the proceedings from Wolffe J which he granted as “necessary to protect the integrity of the criminal justice system”. The now DPP then appealed. We held that we lacked jurisdiction to hear an appeal by the DPP under section 17 (2) of the Court of Appeal Act 1964 because the defendants had never been called upon to plead and, therefore, their trial had never commenced, that being a pre-condition of the DPP’s right to appeal under the Act.

As is apparent from this brief summary of some of the cases, the workload of the Court is extremely varied; and the Court has had to address some major cases, particularly in the civil field. At least four cases decided on this year will fall to be considered by the Privy Council. That workload is, itself, a mark of Bermuda’s standing in the commercial and trust world, where it punches way above its weight. The Court is grateful for the quality of the submissions that have been made to it, and for the contributions of the Barristers and Attorneys engaged in the cases before us, who are both competent and helpful. The Court has had the benefit of some high quality advocacy, both from the local Bar and from overseas,

Everything changes. As well as saying good bye to Maurice Kay, we were glad to welcome Ian Kawaley on his promotion to the Court. As a former Chief Justice the quality of his judicial output is well known and we very much look forward to his continued participation in the Bermuda judicial system in this Court. We were sorry to lose Hargun CJ from the Supreme Court. We shall miss the clarity of his thought and the quality of his judgments, with which we have only rarely disagreed.



On 28 June 2023 Audley Quallo left his post as Clerk to the Court, and went on secondment to the Ministry of Legal Affairs to undertake a pupillage in order to be called to the Bermuda Bar. We are very grateful to him for his assistance in the running of the Court over several years and look forward to seeing him again when his year's pupillage ends. We also wish to express our appreciation of the work of Alex Wheatley, the Registrar, and Kenlyn Swan, who has been Acting Registrar on several occasions, in carrying us forward into 2024 during Mr. Quallo's absence.

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

THE SUPREME COURT

Civil/Commercial Division

The Civil and Commercial Division has a very wide brief. The civil area may be divided into two halves: (1) deciding cases which concern the relationship between the citizen and the State (public law cases), and (2) deciding cases involving private law rights, mainly disputes between private individuals but sometimes disputes between individuals and the State (general civil or private law). Public cases include cases concerning the Bermuda Constitution or the Human Rights Act, and challenges to the decisions of Ministers or Government Departments. Private law cases may involve employment disputes, landlord and tenant disputes, personal injuries claims and disputes relating to estates or other property cases. A significant part of the work of the Commercial Court is dealing with disputes between business entities, primarily in the international sector. Bermuda is home to approximately 13,000 international corporate structures. It is also a leading jurisdiction for international trust structures and wealth management. As a result, a significant part of the workload of the Commercial Court reflects the disputes and insolvency proceedings generated by this sector of the Bermudian economy.

Output: The Numbers A measure of the output of the Civil and Commercial jurisdiction is the number of published or reasoned judgments. The total number of written judgments is down from 94 in 2021 to 86 in 2022. Written judgments in commercial cases are up from the 49 in 2021 to 51 in 2022. Another and more global measure of the judicial output of the Civil and Commercial Division is the number of orders made. This will include the minority of cases where reasoned judgments are given and the majority of cases where they are not.

In 2023, the figures reveal 664 interlocutory orders were made and 192 final orders were made (a total of 856) in civil and commercial matters. A further 20 orders were made in administrative matters (e.g. admissions to the Bar and appointment of notaries). In 2021, there were 663 interlocutory orders, 188 final orders and 55 administrative orders. Another measure of activity in the Civil and Commercial Court is the number of actions commenced within the relevant year.



Civil/Commercial Division

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Substantive proceedings are represented by (i) writ of summons filed in the Commercial Court; (ii) originating summons filed in the civil jurisdiction; (iii) writ of summons filed in the civil jurisdiction; (iv) judicial review notices of motion; and (v) partition actions in the civil jurisdiction. In these categories there was negligible decrease in the total number of actions commenced in the 2022 (415) compared with 2021 (417). Criminal and civil appeals from the Magistrates' Court are also heard in the Civil and Commercial Division. In 2021, the total number of appeals filed were up (from 33 cases to 41 cases). In 2022, 33 appeals were lodged. Of those appeals, 3 were allowed, 3 were dismissed and 3 were abandoned or withdrawn; 26 cases remain pending from 2022.

Civil/Commercial Division

During 2023 the Supreme Court heard and determined a wide variety of **civil cases** including the following:

JANUARY

Judicial review, application for costs on ex parte application for leave, exceptional circumstances to grant costs against applicant, hopeless claim, persistence by applicant in a hopeless claim having been fully alerted to the hopelessness (*Dove & Butterfly v Director of Social Insurance & Minister of Finance* [2023] SC (Bda) 4 Civ 13 January 2023 – Mussenden J)

Application to restrain barrister from representing a client, Court's inherent supervisory jurisdiction over members of the Bermuda Bar, exceptional circumstances, nature of connections (*Booth & Somersall & Somersall v HSBC & MDM & Commissioner of Police & Amicus* [2023] SC (Bda) 5 Civ 26 January 2023 – Mussenden J)

Petitioners seek orders for sale of residential and commercial properties in which the Petitioners and the Respondent together hold interests in varying degrees pursuant to the Partition Acts, 1855 and 1914. (*Williams & Williams & Williams v Williams* [2023] SC (Bda) 6 Civ 26 January 2023 – Elkinson AJ)

FEBRUARY

Wills, testamentary capacity, dementia, undue influence, sound disposing mind, coercion, fraudulent calumny. (*Bean & Caisey v Caisey* [2023] SC (Bda) 12 Civ 22 February 2023 – Mussenden J)

MARCH

Judicial Review – Applicant barred from filing any further pleadings in the action or participating at the substantive hearing (*Moulder v Commission of Inquiry into Historic Losses of Land in Bermuda* [2023] SC (Bda) 18 Civ 8 March 2023 – Southey KC AJ)

Whether a probationary officer is entitled to seek judicial review of the decision of the Commissioner of Police to dismiss him during the probationary period; whether the decision of the Commissioner of Police complied with the requirement of fairness (*Marcus Uddin v The Commissioner of Police* [2023] SC (Bda) 20 Civ. (23 March 2023 – Hon. Chief Justice Hargun)

Renewed application for leave to apply for judicial review. The Governor referring judicial complaint to the Judicial Legal Services Committee, Constitutionality of the JLSC (*Junos v The Governor of Bermuda* [2023] SC (Bda) 19 Civ 10 March 2023 – Wolffe J)

Capacity of McKenzie Friend, Strike out Application, Reasonable Cause of Action, Unjust Enrichment (*Cann v Nasir & Bermuda Elite Athletic Strength Training Limited* [2023] SC (Bda) 21 Civ 24 March 2023 – Wheatley AJ)

Application for specific discovery in historical sexual abuse case in a high school (*AB v Mount Saint Agnes Academy* [2023] SC (Bda) 27 Civ 30 March 2023 – Mussenden J)

Application for a stay of the Bermuda proceedings on the ground of foreign proceedings dealing with the same subject matter; principles to be applied (*Griffin Line General Trading LLC v (1) Centaur Ventures Ltd and (2) Templar Capital Ltd* [2023] SC (Bda) 24 Civ. (31 March 2023 – Hon. Chief Justice Hargun).

Civil/Commercial Division

Trespass, declaratory relief, permanent injunction, adverse possession (Augustus v Estate of Wendell Gibbons [2023] SC (Bda) 28 Civ 31 March 2023 – Mussenden J)

Appeal from the Employment & Labour Relations Tribunal in the matter of Employment Act 2000. Termination for cause and unfair termination. Statutory period of notification of publication of Award. Remittal of the matter to the Tribunal. (Bermuda Healthcare Services Ltd. et al v Tuvriere Ideh [2023] SC (Bda) 34 Civ. (31 March 2023 – Elkinson, AJ)

APRIL

Application to strike out Statement of Claim, unlawful arrest, vicarious liability of the 1st & 2nd Defendants, scope of constitutional claims (Tokunbo v Commissioner of Police & the Attorney General & Mill [2023] SC (Bda) 23 Civ 20 April 2023 – Riihiluoma AJ)

Mortgage, Application for Possession, Entering leases without consent in writing of Mortgagee, Quantum Meruit, Conveyancing Act 1983 (HSBC Bank of Bermuda Limited v Ambiance Holdings Ltd & Simmons [2023] SC (Bda) 36 Civ 20 April 2023 – Mussenden J)

Approval of the actions of a trustee. Public Trustee v Cooper Category (2) Application. Settlement Agreement. (In the Matter of P Trusts [2023] SC (Bda) 31 Civ. (20 April 2023 – Hon. Chief Justice Hargun)

Ex parte application for leave to appeal re renewed application for leave to apply for judicial review. The Governor referring judicial complaint to the Judicial Legal Services Committee, Constitutionality of the JLSC (Junos v The Governor of Bermuda [2023] SC (Bda) 39 Civ 21 April 2023 – Wolffe J)

Application by the interveners to intervene in the existing proceedings; scope of RSC Order 15 rule 6(2)(b)(i) and (ii); test to be applied in relation to the consideration of the underlying merits of the claim of the interveners (Tatung Company v Chungwha Picture Tubes Limited et. al [2023] SC (Bda) 32 (21 April 2023 – Hon. Chief Justice Hargun).

Mortgage, Application to set aside default judgment of judgment sum, Whether Defendant can show that he has a defence which has a real prospect of success (HSBC Bank of Bermuda Limited v White (Simmons) [2023] SC (Bda) 41 Civ 24 April 2023 – Mussenden J)

Trusts (Special Provisions) Act 1989, Jurisdiction, Two party rule transactions in Bermuda and other jurisdictions, law and equity, contract, other transactions, (In the matter of the Z Trusts, A & B & C v D [2023] SC (Bda) 44 Civ 28 April 2023 – Mussenden J)

MAY

Motorcar engine repair, Breach of contract on grounds of failure to exercise reasonable care and skill, Bailment for hire of work and labour, Bailee's duties to take reasonable care of the chattel during period of bailment, Conversion of motorcar parts and damages to the motorcar incurred during the period of bailment (Franks v Burgess [2023] SC (Bda) 46 Civ 24 May 2023 – Mussenden J)

Judicial Review – Strike-out, Costs (Commission of Inquiry into Historic Losses of Land in Bermuda v Junos & Chambers [2023] SC (Bda) 47 Civ 31 May 2023 – Southey KC AJ)

Civil/Commercial Division

Judicial Review – Continuing confidentiality of records of applicant who gave evidence (Moulder v Commission of Inquiry into Historic Losses of Land in Bermuda [2023] SC (Bda) 48 Civ 31 May 2023 – Southey KC AJ)

Judicial Review – Costs – Exceptional Circumstances (Junos v premier of Bermuda & Commission of Inquiry into Historic Losses of Land in Bermuda [2023] SC (Bda) 49 Civ 31 May 2023 – Southey KC AJ)

JUNE

Contract of employment, renunciation, repudiation, conduct of the defendant, delay in start of the contract (Jeffrey Lincoln Macleod v Bermuda Medical Specialties Group Ltd. [2023] SC (Bda) 51 Civ. (15 June 2023 – Mussenden, J)

JULY

Trial – Claim for Repayment of Unpaid Loans- Whether money advanced as a loan or a gift – Whether written loans were forgiven - Presumption of Undue Influence – Unjust Enrichment – Monies had and received- Breach of Fiduciary Duty – Equitable Doctrine of Laches -Statutory Limitation Period – Sections 7 and 30 of the Limitation Act 1984 - Judgment Interest (Brightside Enterprises Limited v Ruby J Lightbourne-Lamb and G Lightbourne v R J L-L et al [2023] SC (Bda) 64. (31 July 2023 – Subair Williams, J).

AUGUST

Judicial Review proceedings, Government procurement processes for services, Delay, Illegality and unlawfulness, Respondent's duty of candour, Code of Practice, Failure to issue a regulation to give effect to a policy, Guidance (Mailboxes Unlimited Limited v Minister for the Cabinet Office [2023] SC (Bda) 61 Civ. (1 August 2023 – Mussenden, J)

Application for Judicial Review against Decision not to appoint Applicant as the Director of Parks- Construction of Section 82 of the Bermuda Constitution Order 1968 –Whether the decision of the PSC to abort the recruitment process was ultra vires and void - Public Service Commission Regulations 2001- Delegation of powers vested in H.E. The Governor of Bermuda to the Public Service Commission- Legitimate Expectation (Terry Lynn Thompson v (1) The Public Service Union (2) His Excellency The Governor of Bermuda & (3) The Attorney General [2023] SC (Bda) 65 Civ. (8 August 2023 – Subair Williams, J)

Application to strike out the Re-Amended Statement of Claim on the basis that it does not disclose any reasonable cause of action (Geoffrey Randall Willcocks v (1) Joseph E. Wakefield & (2) Wakefield Quin Limited [2023] SC (Bda) 62 Civ. (11 August 2023 – Hon. Chief Justice Hargun).

Service out of the jurisdiction under RSC order 11 rule 1(g) (the property gateway); under RSC order 11 rule 1(ff) (the company gateway); construction of the anti-assignment provisions in the umbrella agreement and the share charge agreement; whether the Fiona Trust approach to construction of arbitration/jurisdiction clauses applies to the construction of the anti-assignment clauses; construction of the exclusive jurisdiction clause contained in the umbrella agreement and the construction of the asymmetric jurisdiction clause in the share charge agreement (AML Creditor Recovery Vehicle (PTC) v Madison Pacific Trust Limited et al [2023] SC (Bda) 66 Civ. 17 August 2023 – Hon. Chief Justice Hargun).

Civil/Commercial Division

SEPTEMBER

Breach of contract, Wrongful Dismissal (Beverly Griffith and Bermuda High School for Girls [2023] SC (Bda) 69 Civ. (8 September 2023 – Mussenden, J)

Doctrine of lost modern grant, Easements, nec vi nec clam nec precario (not be by violence, not be secret, not be permissive) Change of use (John Zuill and Rebecca Brady [2023] SC (Bda) 71 Civ. (13 September 2023 – Mussenden, J)

OCTOBER

Application to strike out claims made in the Statement of Claim arising out of the alleged failure by the Bermuda Civil Aviation Authority to issue the necessary approval under Article 134 of the Air Navigation (Overseas Territories) Order 2013; whether the Plaintiff has the necessary legal standing to pursue these proceedings; whether any alleged breach of the Bribery Act 2016 gives rise to a private law cause of action which can be pursued by the Plaintiff; whether the Plaintiff can demonstrate a sustainable cause of action based upon tortious interference; whether the Authority is vicariously liable for the alleged misconduct of its Director of Operations; whether the claims set out in the Statement of Claim should have been pursued by way of an application for judicial review and whether the failure to do so amounts to an abuse of process (Gloyd Robinson v The Bermuda Civil Aviation Authority & The Minister of Transport [2023] SC (Bda) 73 Civ. (6 October 2023 – Hon. Chief Justice Hargun).

Whether search warrant issued by the Magistrate under section 9 and Schedule 2 of the Police and Criminal Evidence Act 2006 was lawful; whether there was proper “authority” to apply for the search warrant; whether arrest of the Applicant without a warrant was lawful; whether the search of the Applicant’s premises following her summary arrest was lawful (Zahra Harper v The Commissioner of the Bermuda Police Service [2023] SC (Bda) 72 Civ. (6 October 2023 – Hon. Chief Justice Hargun)

Undue influence, Presumed undue influence, Relationship of trust and confidence, Transaction calling for an explanation, Rebutting the presumption, Breach of accommodation agreement, Life tenancy, Promissory estoppel, Constructive trust (Rita Furbert v Willison Furbert & Dawn Furbert [2023] SC (Bda) 76 Civ. (10 October 2023 – Mussenden, J)

Construction dispute, scope of works, breach of contract, innominate term, repudiation and acceptance, calculation of loss (Sheila Thomas v Haile Maskal (Trading as WEST SIDE CONSTRUCTION MANAGEMENT) [2023] SC (Bda) 83 Civ. (20 October 2023 – Mussenden, J)

NOVEMBER

Damages (Marcus Uddin v The Commissioner of Police [2023] SC (Bda) 84 Civ. (6 November 2023 – Hon. Chief Justice Hargun)

Whether the Chief Medical Officer (in his capacity as the Registrar) has the statutory authority to conduct annual and unannounced inspection of registered pharmacies; whether the Chief Medical Officer has the statutory power to require a successful inspection prior to issuing a registered pharmacy with a Certificate of Inspection; whether the Chief Medical Officer has the statutory authority to publish a list of registered pharmacies indicating pharmacies which have not obtained the annual Certificate of Inspection (My Pharmacy LLC v The Minister of Health et al [2023] SC (Bda) 88 Civ. (22 November 2023 – Hon. Chief Justice Hargun)

Civil/Commercial Division

Claim by a Bank against the Defendant for monies due under a guarantee given by the Defendant in support of the facility granted by the Bank; allegation of undue influence by 2 the Defendant in relation to his agreement to enter into the guarantee; allegation of sharp practice by the Defendant in securing the Defendant's personal guarantee; test to be applied (HSBC Bank Bermuda Limited v Sanz Pearman [2019] SC (Bda) 89 Civ. (22 November 2023 – Hon. Chief Justice Hargun).

Application for indemnity costs following a successful strike out application; principles to be applied (Gloyd Robinson v The Bermuda Civil Aviation Authority & The Minister of Transport [2022] SC (Bda) 91 Civ. (22 November 2023 – Hon. Chief Justice Hargun).

Testamentary capacity, Dementia, Montreal Cognitive Assessment, Undue influence, Proprietary Estoppel (Lauretta Stoneham v Bertram Fraser [2020] SC (Bda) 92 Civ. (29 November 2023 – Mussenden, J))

Application to set aside a regularly obtained judgment in default of a defence; relevant test to be applied; credible affidavit evidence, delay by attorney, realistic prospect of success (Jennifer Wade v Tanika Williams et al [2022] SC (Bda) 93 Civ. (29 November 2023 – Mussenden, J))

DECEMBER

Upcoming strike-out application based on Limitation Act. Admission of Affidavit Evidence. Disapplying the limitation period. (AB v Mount Saint Agnes Academy [2021] SC (Bda) 94 Civ. (1 December 2023 – Mussenden, J))



Civil/Commercial Division

During 2023 the Commercial Court heard and determined a wide variety of **commercial cases** including the following:

JANUARY

Winding up of an insurer registered under the Bermuda Insurance Act 1978; whether an “insurance debt” owed to a reinsured is required to be paid in priority under section 36A(2) of the Act; whether a reinsurance agreement between the Bermuda insurer and an overseas reinsured is an “insurance contract” pursuant to section 36 and 36A of the Act; whether a debt owing under the reinsurance agreement constitutes an “insurance debt” within the meaning of the sections 36 and 36A of the Act (PB Life and Annuity Co. Ltd. [2023] SC (Bda) 1 (12 January 2023 – Hon. Chief Justice Hargun).

Injunctive relief/permanent injunction and/or damages by reason of the Defendant’s (1) breach of express terms of confidentiality; (2) breach of duty of confidence owed to the Plaintiffs in respect of confidential information of the Plaintiff; and (3) breach of the implied term of good faith and fidelity to the Plaintiffs. (Lone Star v Hugh Ward III [2023] SC (Bda) 2 Civ. (12 January 2023 – Hon. Chief Justice Hargun)

FEBRUARY

Whether documents held by publicly listed subsidiary companies are within the power custody and control of their holding company; the test for “practical control”; whether there existed an arrangement or understanding whereby the parent company would have free and unfettered access to the documents held by its publicly listed subsidiary companies; whether English rule relating to joint privilege between a company and its shareholders is part of Bermuda law; whether a past shareholder may have access to documents of the company on the ground that they are subject to joint privilege; whether appraisal proceedings under section 106 of the Companies Act 1981 are hostile proceedings against the company and may constitute an exception to the joint privilege between a company and its shareholders (Oasis Investment II Master Fund Limited and Others v (1) Jardine Strategic Holdings Limited and (2) Jardine Strategic Limited [2023] SC (Bda) 8 Civ. (14 February 2023 – Hon. Chief Justice Hargun).

Application for the appointment of joint provisional liquidators with full powers for the purposes of restructuring the equity and indebtedness of the company; whether the application is being made for improper purposes; whether commercial pressure or leverage amounts to an improper collateral purpose; the test for the appointment of provisional liquidators; whether the court should dismiss or adjourn the application on the basis that there are exceptional circumstances (US Holdings Ltd. [2023] SC (Bda) 13 Civ. (17 February 2023 – Hon. Chief Justice Hargun).

MARCH

Application to wind up the company based upon a failure to comply with a statutory demand; whether the debt is bona fide disputed on financial grounds; whether the company has bona fide cross claims against the petitioner which exceed the statutory demand, whether the petition is filed for an improper purpose (In the Matter of the Island Ophthalmology Ltd. [2022] SC (Bda) 337 Civ. (3 March 2023 – Hon. Chief Justice Hargun).

Civil/Commercial Division

Cross-application for specific discovery – RSC Order 24 Court's powers to order specific discovery – Legal Professional Privilege – Joint interest Privilege, Implicit waiver of Legal Professional Privilege, Application for leave to serve interrogatories, Guiding legal principles, Reliance and causation in claims for negligence (Mexico Infrastructure Finance LLC v Terra Law Limited [2023] SC (Bda) 25 Comm 27 March 2023 – Subair Williams J)

APRIL

Privilege over legal advice claimed on the ground that litigation was reasonably contemplated by the defendant; constituent elements of this ground of privilege; whether communication must have been made for the sole or dominant purpose of conducting the litigation (In the Matter of Jardine Strategic Holdings Limited [2023] SC (Bda) 37 Civ. (21 April 2023 – Hon. Chief Justice Hargun).

MAY

Application to Strike Out (RSC 18/19) and Court's Inherent Jurisdiction – Whether a reasonable cause of action was pleaded (Mexico Infrastructure Finance LLC v Wakefield Quin Limited & Johann Oosthuizen [2023] SC (Bda) 45 Comm 22 May 2023 – Subair Williams J)

JUNE

Application to set aside order for examination – RSC O. 70 of the Rules of the Supreme Court. Powers of the Court to order examination under section 27Q of the Evidence Act 1905 (Mexico Infrastructure Finance LLC v The Corporation of Hamilton & The Bank of New York Mellon [2023] SC (Bda) 50 Comm. 7 June 2023 – Subair Williams J)

JULY

Valuation, Offers to settle, Calderbank Letters, Refusal to accept offer being unreasonable and out of the norm, Application for costs on an indemnity basis (Paul and Theresa Rodrigues v Clearwater Development Ltd. [2023] SC (Bda) 54 Civ. (5 July 2023 – Mussenden, J)

Strike out application for pleadings of allegations of fraud on grounds that they are scandalous, frivolous, vexatious and an abuse of process Application to strike out or limit the scope of expert report on grounds that expert not qualified to be an expert and the opinion of the expert is outside the scope of the Order of the Court (Paul and Theresa Rodrigues v Clearwater Development Ltd. [2023] SC (Bda) 55 Civ. (11 July 2023 – Mussenden, J)

Compliance with the requirement that “sufficient notice of the scheme has been served on each policyholder affected” under section 25(3) of the Insurance Act 1978 (In the Matter of CICA Life Ltd. [2023] SC (Bda) 60 Civ. (27 July 2023 – Hon. Chief Justice Hargun)

The requirements of the Segregated Accounts Companies Act 2000 for the establishment of a “segregated account”; whether a segregated account established by the mere keeping of records; what must those records say or identify in order to establish a segregated account; whether commingling of funds precludes the operation of segregation; the requirements for “linkage” for assets, rights, contributions, liabilities and obligations to an account; whether principles of tracing apply in determining whether an asset is linked to a segregated account; the proper approach to the construction of the SAC Act; determining the legislative intent underpinning the SAC Act; the extent that assets linked or allocated to a segregated account are to be held for the benefit of the relevant segregated account having regard to the requirements of the SAC Act;

Civil/Commercial Division

to what extent creditors in respect of any segregated accounts have claims against the general assets of the company under the SAC Act. (In the Matter of Northstar Financial Services (Bermuda) Ltd. [2023] SC (Bda) 57 Civ. (28 July 2023 – Hon. Chief Justice Hargun).

OCTOBER

RSC Order 24 application for specific discovery. Relevant legal principles (Athene Holding Limited v Imran Siddiqui et al [2023] SC (Bda) 75 Civ. (9 October 2023 – Subair Williams, J)

Costs. General principle that costs follow the event. Interim payments on account of costs within fixed time period. (AML Creditor Recovery Vehicle (PTC) v (I) Madison Pacific Trust Limited et al [2023] SC (Bda) 77 Civ. (9 October 2023 – Hon. Chief Justice Hargun)

Appointment of a receiver over the revenue and operating profit of a defendant hotel. Applications to set aside or amend a freezing order. Application for security for costs. Fortification for the undertaking in damages. Indemnification for costs. (Trump Panama et al v Hotel Toc Inc. et al [2023] SC (Bda) 74 Civ. (12 October 2023 – Mussenden, J)

Application for anti-suit injunction restraining the defendant from continuing with foreign proceedings; principles to be applied; whether anti-suit relief should be granted on the basis that the defendant is a party to an arbitration agreement; whether anti-suit relief should be granted on the basis that the defendant is seeking quasi-contractual relief in the foreign proceedings; whether anti-suit relief should be granted on the basis that the foreign proceedings are unconscionable, vexatious and/or oppressive (KPMG Tax Limited v Frank Majors et al [2023] SC (Bda) 78 Civ. (20 October 2023 – Hon. Chief Justice Hargun).

NOVEMBER

Consequential Matters (KPMG Tax Limited v Frank Majors et al [2021] SC (Bda) 90 Civ. (22 November 2023 – Hon. Chief Justice Hargun)

DECEMBER

Issue Estoppel and Res Judicata - Hearsay Evidence in Civil Proceedings - Objection on Admissibility of a Foreign Private Arbitration Award - Whether the Award is admissible evidence even where there is no res judicata or issue estoppel (Muhammad Ziaullah Khan Chishti v Afiniti Ltd. [2023] SC (Bda) 98 Civ. (19 December 2023 – Subair Williams, J)

Criminal Division

FISCAL YEAR 2023 HIGHLIGHTS

Pending Retirement from the role of Supervising Judge of the Criminal Division

In April 2022 I accepted the role of Supervising Judge over the Criminal Division of the Supreme Court as prescribed by Rule 5.1 of the Criminal Procedure Rules 2013. Having originally been appointed as a full-time judge of the Commercial Court, it was always intended that my service on the Criminal Bench would be of a temporary duration. Against that background, I confirm, bitter-sweet as it may be, that my tenure as Supervising Judge will meet its end on 31 January 2024. Thereafter, the Hon. Mr. Justice Juan Wolffe shall serve in this capacity, with my full support and congratulations.

Year in Review

Progress in the Disposal of Cases

Out of the 60 backlogged indictments that existed on 1 April 2022, a total of 33 of those backlogged trial listings were disposed since 1 April 2022. This means that the total portion of the backlogged trial listings decreased from as many as 60 Indictments (for the years spanning 2018-2021) to 27 backlogged Indictments (for the years spanning 2018-2021), i.e more than 50% of the backlog which existed on 1 April 2022 was disposed of by December 2022.

In the year of 2023, the backlog of criminal cases comprised the 2021 and pre-2021 indictments. By November 2023 the position was as follows:

1. Save indictments awaiting a re-trial, all of the 2018 and 2019 backlogged indictments had been finally disposed;
2. The remaining 2020 indictments totaled 4;
3. The remaining 2021 indictments totaled 12;



The Hon. Mrs. Justice
Subair Williams,
Supervising Judge of
the Criminal Division

Criminal Division

4. This left a total of 16 backlogged indictments as at November 2023;

5. In November 2023, those backlogged indictments had the benefit of assigned and fixed trial dates.

The Way Forward / Recommendations

1. The appointment of a second full-time criminal judge needs to be given top priority. Eligible and suitable candidates ought to be given acting opportunities in order to acquire judicial experience.

2. The trial fixtures which were delisted in November/December 2023 need reassigned priority trial dates.

3. Strong and effective case management (using the Criminal Case Management Forms) is required to ensure that fixed trials are never or most rarely adjourned on the following grounds:

(i) The unavailability of any Counsel or any witness (barring sudden illness or sudden personal urgency);

(ii) The need to obtain evidence or other material not available at the trial stage;

(iii) The need for additional time due to a lack of preparedness;

(iv) The need to make additional copies of any material intended to be used or relied on at trial; and

(v) The need to make edits to any documentary, video, or audio evidence.

Case Management Forms 3, 4 and 5 should always be filed by Counsel prior to the Case Management hearing(s) which precede(s) the commencement of the trial.

4. A separate Courtroom is needed for Court of Appeal to sit so that 2 jury trials can proceed simultaneously year round. Currently, jury trials and sentences in Court #1 cannot proceed in the months of April, June and November due to the Court of Appeal's overtaking of Court #1 during Court of Appeal sessions.

5. There needs to be a review of the Criminal list to re-assess the matters which need not proceed to trial. This exercise may be encouraged by the re-issuing of another temporary discount policy. (Under the first discount policy 8 guilty pleas were received, benefitting from the temporary discount policy.) For non-violent offences, a guarantee of a non-immediate custodial offence should be considered. Eg. Cases of Theft, Fraud, Blackmail and certain Drug cases. Additionally or alternatively, a Goodyear Indication may be appropriate for these kinds of cases.

6. The Supervising Judge should intermittently meet with DPP and Defence Counsel to discuss any challenges and ways to improve the clearance of the backlog.

Criminal Division

Acknowledgments and Note of Thanks

Much gratitude is owed to the Hon. Mr. Justice Juan Wolffe who has presided over the lion share of criminal trials. The success of the Criminal Division would not have been achieved without Justice Wolffe's tireless service.

I would also like to acknowledge Assistant Justice Mr. Mark Pettingill who has keenly volunteered and reinvested his time in the Criminal Division as a trial judge. His role as an Assistant Justice on the Criminal Bench has significantly contributed to the progress achieved in reducing the backlog.

Further, a special thanks is to be given to Ms. Tiffany Smith who assumed administrative management of the Criminal list earlier this year upon the departure of Mrs. Nakita Dyer. Ms. Smith quickly and steadily proved herself to be not only dependable, organized and thoroughly prepared for each assigned task, but also innovative and enthusiastic about her responsibilities at each step of the way. She assisted me greatly in this regard and I am profoundly grateful to her.

Finally, I would like to acknowledge the dedicated work of the Criminal Bar who have all too often been overlooked and treated without sufficient priority. This has been evidenced by the lack of adequate Courtrooms and Courtroom facilities. Since the retirement of the Hon. Justice Carlisle Greaves in 2019, the Criminal Bench has been understaffed, operating without two full-time trial judges. However, both the DPP's office and the Defence Bar, have rallied together to make themselves available during these restrictive periods of Court availability. I would also like to commend Counsel, particularly the senior members of the Criminal Bar, for their high quality of advocacy shown in the Criminal Courts, which, in my sincere view, readily rivals specialists Counsel who appear in the other Divisions of Court, notwithstanding the obvious disparities of remuneration and resources.

Appellate Division

The procedural law for the Supreme Court's appellate jurisdiction is primarily governed by the operation of statute. Appeals from criminal matters heard in the Magistrates' Court are heard under the authority of the Criminal Appeals Act 1952 while appeals from civil cases heard in the Magistrates' Court fall under the governance of the Civil Appeals Act 1971. Appeals are also heard from the Family Court, although less frequently than those from the criminal and civil summary Courts. The scope of work within the appellate jurisdiction of the Supreme has enlarged over passing years with its final appellate powers over statutory tribunals and the like. To list only a few examples, the Supreme Court adjudicates appeals from Ministerial decisions, the Employment Tribunal, the Bermuda Medical Council and the Bermuda Bar Council. This genre of appeal cases usually falls under the procedural framework outlined in Order 55 of the Rules of the Supreme Court 1985, which generally allows for appeals to be heard by way of a full re-hearing upon election of the parties, subject to the exercise of the Overriding Objective and the Court's case management powers.

In 2023, the Court minimally engaged the participation of the Assistant Justices in the Appellate Division. However, it is projected that in 2024 we will need to call upon the Assistant Justices for their increased assistance in the Appellate Division.

We acknowledge Ms. Nicole Hassell who is deserving of significant gratitude for her consistent output in preparing appeal records for submission to the Supreme Court. A sincere note of thanks is also extended to Ms. Gina Astwood who has increasingly assisted with the listing and organization of the appeal files. These preparatory steps are a crucial link in ensuring that appeals do not backlog.

During 2023 the Supreme Court heard and determined six (6) appeals of various subject from the Magistrates Court and other bodies including the following:

An appeal under section 53 of the Adoption of Children Act 2006 of an adoption order made in the Family Court of the Magistrates' Court. (F v MFP & FFP & Director of Child and Family Services [2023] SC (Bda) 3 App 13 January 2023 – Elkinson AJ)

Employment and Labour Relations Tribunal, unfair dismissal, termination for cause, delay in delivering the award, remittal of the matter to the Tribunal (Bermuda Healthcare Services Ltd. and Brown Darrell Clinic v Tuvier Ideh [2023] SC (Bda) 34 Civ 31 March 2023 – Elkinson AJ)

Condominium maintenance fees and renovation costs, Appeal on Costs (Hillcrest Properties Ltd v Smith [2023] SC (Bda) 56 App 6 July 2023 – Elkinson AJ)

An appeal from a decision of Magistrate Mr T Chin convicting the Appellant of three offences. (1) Use of offensive words in a public place; 2 (2) Oral communication intending to cause fear or alarm contrary to Section 200A of the Criminal Code; and (3) Willful and unlawful damage to a vehicle owned by the Complainant Ms Gremarie Armstrong (Amir Mizrachy v The King [2023] SC (Bda) 80 App (6 December 2023 – Diel AJ)

An appeal of the decision of the Learned Magistrate Tyrone Chin, the Appellant seeks to quash the conviction of driving without due care and attention contrary to Section 37 of the Road Traffic Act 1947 (Amir Mizrachy v The King [2021] SC (Bda) 81 App (6 December 2023 – Diel AJ)

Appellate Division

An appeal from conviction from a decision of Acting Magistrate, Marc Daniels dated 27 January 2021 (Brian Alkon v The Queen [2023] SC (Bda) 82 App (23 October 2023 – Diel AJ)



Matrimonial Division

A Glance at the Year 2023 in the Matrimonial & Family Division of the Supreme Court

By Commencement Day Notice Br 14/ 2023 dated 10 March 2023, the much anticipated Matrimonial Causes (Faultless Divorce) Amendment Act 2022 became operative on the 13 March 2023.

There is now only one ground for the dissolution for a divorce which is that the marriage has broken down irretrievably. Either party to a marriage may apply to the Supreme Court for an order (a “divorce order”) to dissolve the marriage. A Statement of Irretrievable Breakdown is the only evidence required to obtain a divorce. This statement and other documents embodying ordinary language instead of outdated legalese may be found on the Supreme Court’s website.

The following snapshot captures divorce ‘Petitions’ (filed in 2023 prior to the operative date of the new legislation) and ‘Applications for Divorce’ filed thereafter:-

Total number of Divorce Petitions /Applications filed	Total number of Petitions/Applications filed by Counsel	Total number of Petitioners/ Applicants acting without an attorney	Total number of Respondents acting without an attorney	Total number of Petitions/ Applications served on Respondents by the Bailiffs’ Office	Total number of female Petitioners/ Applicants	Total number of male Petitioners/ Applicants	Total number of Decree Nisi/Conditional Orders granted	Total number of Decree Absolute /Final Orders granted
138 compared with 139 in 2022	91	45 compared with 40 in 2022	75 compared with 67 in 2022	35	94 compared with 91 in 2022	44	70	41 compared with 122 in 2022

Two (2) Petitions filed prior to the operative date of the Matrimonial Causes (Faultless Divorce) Amendment Act 2022 were defended. Section 36 of the Matrimonial Causes (Faultless Divorce) Amendment Act 2022 expressly provides that such amendments do not apply to proceedings for divorce that started before the coming into operation of the Act.



The Hon. Ms. Justice Stoneham, Head of the Matrimonial Jurisdiction

Matrimonial Division

Consequently, two (2) hearings were conducted pursuant to the Matrimonial Causes Act 1974 (Section 5(3)) to determine as a question of fact whether the respondent had behaved in such a way that the particular petitioner before the court could not reasonably be expected to live with him or her, taking into account the whole of the circumstances including the characters and personalities of the parties. The toxicity and resultant emotional toll on the soul of all involved in these hearings is, indeed, incalculable. Curiously, the Matrimonial Causes (Faultless Divorce) Amendment Act 2022 and related Rules retain provision for the Respondent to an Application for Divorce to defend the irretrievable breakdown of marriage.

The increasing numbers of litigants in person preparing and filing their applications for divorce might be hailed an access to justice success. Though, it has undoubtedly put a strain on the resources of the Courts' Bailiffs Office. In 2023 an estimated 35 Petitions/ Applications for Divorce were served by the Courts' Bailiff's Office at a flat service fee of \$20 dollars. When compared to the fee to engage a private process server estimated to be of \$75 - \$150, Mr. Christopher Terry, the Deputy Provost Marshall, and his team of bailiffs – Mr. Donville Yard, Ms. Donna Millington, Ms. Veronica Dill and Mr. Davario Thompson, must be commended notwithstanding the inconceivable circumstances often encountered. In addition, the Court's Bailiffs' Office facilitated service of an estimated 30 other documents including Summons and Affidavits in family matters before the Supreme Court.

The total number of 'other documents' served by the Bailiffs' Office was significantly lessened by the co-operation of both Attorneys and litigants in person, who consented to service via email.

An estimated 101 Thursday chambers hearing were conducted by the Judge. These applications included matters related to ancillary relief, the relocation of children overseas as well as the prohibition of children travelling overseas, custody, care and control, declaration of parentage and the enforcement of financial orders.

In 2023 applications before the Court involving the welfare of children were noticeably enhanced by the appointment and participation of Litigation Guardians. The continued dedication, excellent focus and commitment to the best interests of our children demonstrated by the Court Social Workers was beyond reproach. Much gratitude is extended to the Litigation Guardians, Court Social Workers and the Matrimonial & Family practitioners in the Supreme Court.

Lastly, this snapshot of the year 2023 must capture the tireless dedication of Ms. Carmen Edness, Ms. Patsy Lewis and Ms. Sharon Swan – all of whom went over and beyond notwithstanding the brusqueness of anxious litigants, demanding attorneys, and a crippling Cyber-attack to make sure that the Court and the division's functions operated.



THE MAGISTRATES' COURT

The Worshipful Maxanne Anderson, JP
Senior Magistrate

Allow me to begin by sharing a profound quote on 'service' that resonates deeply with the essence of my role: 'We make a living by what we get, but we make a life by what we give.' – Winston Churchill

Recently, during a visit from students of the Bermuda Institute, they asked 3 questions:

- Why are you a magistrate?
- Are you a magistrate for the power or the prestige?
- Are you a magistrate for the money? (which, unequivocally, isn't the case)

I stand before you today to reiterate the genuine and unvarnished reason I shared with those students: *"Life confers upon us responsibilities and roles, some of which aren't always glamorous. Often, the tasks we're entrusted with demand execution without bias, fear or favor. As magistrates we must fulfill our duties with unwavering integrity and honor, often times the path is lonely and isolated. Our island home relies on our selfless commitment and steadfast dedication. We are integral components of a system that strives for a fair and just society."*

As I complete a full year in the esteemed position of Senior Magistrate, there's much to take pride in, but also, an abundance of work yet to be accomplished.



The Worshipful
Maxanne Anderson,
JP, Senior Magistrate
of Bermuda and
Coroner

Allow me to begin by sharing a profound quote on 'service' that resonates deeply with the essence of my role: 'We make a living by what we get, but we make a life by what we give.' – Winston Churchill

Recently, during a visit from students of the Bermuda Institute, they asked 3 questions:

- ·Why are you a magistrate?
- ·Are you a magistrate for the power or the prestige?
- ·Are you a magistrate for the money? (which, unequivocally, isn't the case)

I stand before you today to reiterate the genuine and unvarnished reason I shared with those students: *"Life confers upon us responsibilities and roles, some of which aren't always glamorous. Often, the tasks we're entrusted with demand execution without bias, fear or favor. As magistrates we must fulfill our duties with unwavering integrity and honor, often times the path is lonely and isolated. Our island home relies on our selfless commitment and steadfast dedication. We are integral components of a system that strives for a fair and just society."*

As I complete a full year in the esteemed position of Senior Magistrate, there's much to take pride in, but also, an abundance of work yet to be accomplished.

Thanks and Welcome

Before delving deeper, I extend heartfelt gratitude and pay homage to the Worshipful Khamisi Tokunbo, who recently retired after nearly two decades of exemplary service as a Magistrate. I express sincere thanks to Worshipful Khamisi Tokunbo for his unwavering dedication, and I wish him success in all his future endeavors.

Additionally, I extend a warm welcome to the Worshipful Aura Cassidy, who has assumed the mantle from Khamisi Tokunbo and will preside over both civil and criminal matters in the Magistrates' Court.

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

Concerns for the Court

As I prepared for this Hilary Assizes, I took time to reflect on the most pressing concerns facing our Court.



Over the past year, there has been a notable increase in driving while impaired offenses, a matter of significant concern.

In the words of Bootsie's song, 'Bermudians love to drink'. While this phrase may carry a lighthearted tone, the repercussions of our drinking culture are severe. As a Country, we must confront the lasting impacts of accidents caused by impaired driving, which can result in life-altering injuries, such as paralysis and even death. Collaborating with organizations like CADA and the Road Safety Council, we need to explore legislation that holds liquor-licensed establishments accountable for instances of alcohol overconsumption. Since the governing of liquor licenses was taken from the Magistrates' Court, there has been a significant increase in impaired driving offences. Most recently, CADA has linked 75% of Bermuda's road deaths to alcohol and drugs.

The Court has also observed a sharp rise in careless and dangerous driving offenses. How often have we witnessed motorcyclists recklessly overtaking vehicles at high speeds, disregarding their safety and that of others on the road?

Conversations about responsible driving must permeate our dinner tables, churches, sports clubs, work place(s), schools and The Bermuda College. It is imperative that we collectively adhere to speed limits and drive cautiously.

While the courts can impose fines and disqualify drivers/riders from the roads, this alone cannot resolve the issue. We must witness a cultural shift in driving practices across our island.

In the past year, we mourned 13 confirmed road fatalities. It's paramount that we strive for more disciplined road driving/riding in 2024.



Decriminalization of Marijuana

Most recently, the government has enacted the decriminalization of personal use marijuana possession, permitting amounts not exceeding 7 grams. However, this policy shift has inadvertently led to several concerning developments observed within the courts' purview.

Firstly, there's been an observable trend of marijuana acting as a gateway drug, potentially leading individuals toward the use of more potent substances. This phenomenon has contributed to an increase in associated criminal activities.

Moreover, scholarly studies have highlighted a direct correlation between marijuana misuse and amplified occurrences of mental health issues within black young men. Research indicates a significant association between higher instances of schizophrenia in men of Caribbean descent, particularly in those under the age of 25 whose brain development may not have completed. This demographic subgroup is particularly vulnerable to the adverse effects of marijuana misuse on mental health.

Additionally, a notable surge in the homeless population has been identified, often intertwined with the acceleration and proliferation of mental health challenges among individuals grappling with schizophrenia. The link between marijuana misuse and the exacerbation of mental health issues, especially schizophrenia, is starkly evident.

What remains conspicuous is the lack of a corresponding increase in government budget allocations directed towards agencies tasked with supporting and managing mental health challenges stemming from marijuana misuse. This discrepancy raises concerns about the adequacy of resources available to address the escalating mental health repercussions associated with this policy shift.



Therapeutic Courts

As I am sure that all seated and present today know there are those amongst us who find themselves in the throngs of drug addiction or crippled by debilitating mental health problems or shackled by the grip of alcohol addiction. For many years magistrates simply fined and/or imprisoned those who pled guilty or who were found guilty of drug/alcohol related offense(s) triggered by mental health. Statistics and recidivism rates evidenced that the criminal justice system of enforcing fines and implementation of imprisonment did not work in Bermuda. With the advent of the Criminal Code Amendment Act 2001 (the “Alternatives to Incarceration” legislation) the Magistrates’ Court has been able to put non-traditional Treatment Courts in place to help those who commit offences whilst in the grips of alcohol/drug addiction or mental health challenges:

- Through the Drug Treatment Court by giving the drug addict the opportunity to find rehabilitation through behaviour modification, counselling, offering personal and professional guidance and support and where warranted incarceration;
- Through the introduction of the Mental Health Treatment Court, implemented by the former Senior Magistrate and under my stewardship for the last 7.5 years, the Magistrates’ Court has contributed to removing the stigma attached to mental illness by providing supporting services including but not limited to: counselling; housing; psychiatric supervision; assistance with substance abuse, medication compliance, financial assistance or employment; and various social & economic needs. The Mental Health Treatment Court deals with the offenders’ challenges offering them a clear alternative to incarceration and provides an opportunity to deal with offenders in a holistic manner. However, securing dual diagnosis treatment for people with mental health and cannabis use is unreasonably difficult and continues to be a major challenge.
- Through the Driving Under the Influence Court, also implemented by the former Senior Magistrate and presided over primarily by me with the assistance of the other Magistrates, offenders who have committed the offense of driving on our roads whilst impaired by alcohol/drugs are given the opportunity to receive counselling and coping skills that allow them to understand the connection between alcohol/drug misuse and their offense.

Last year I mentioned a few initiatives and opportunities for us to holistically tackle some of the challenges within our Criminal Justice System. These included the implementation of a Probation Review Court and Juvenile Treatment Court. I am pleased to report that we have started the Juvenile Treatment Court pilot program and that the Probation Review Court is up and running:

- The Probation Review Court routinely reviews Probation Orders so as to encourage compliance by persons who have been placed on probation. Such regular scheduled reviews enable persons to get back on track and assist them in addressing their criminogenic & mental health needs, secure employment & housing, and most importantly to be productive members to their community and to their families.
- The Juvenile Treatment Court is designed to address the needs of young offenders identified as having problems with drugs/alcohol and/or suffering from mental health diagnosis. It is to provide intervention, structure and treatment in the lives of young offenders through regular monitoring, family engagement and by providing skills to assist them in leading productive substance-free and crime-free lives.

To date, neither of these initiatives have required any additional capital expenditure or human resources. Our teams continue to work diligently ensuring the proper Administration of Justice.

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

I would therefore like to thank the following for their continuous assistance and fortitudes: the Department of Court Services - in particular Acting Director Mr. Derrick Flood, the supervisors, case managers & coordinators of the Treatment Court Teams; the Permanent Secretary for the Ministry of Legal Affairs, Mrs. Gina Hurst-Maybury; the Court Liaison Officer of MWI, Ms. Geraldine Smith; Mr. Roger Parris, Coordinator of the Special Development Program of the Department of Parks; Senior Legal Aid Counsel Ms. Susan Moore Williams and the Legal Aid Office; Director of Child & Family Services, Mr. Alfred Maybury and Assistant Director Mrs. Kennette Robinson; the Magistrates' Court Clerks; the Department of Corrections; the Bermuda Police Service; the Department of Public Prosecutions; the treatment providers - specifically Mr. Leslie Grant of FOCUS; Ms. Carla Trott of Turning Point; Mrs. Sandy Butterfield and Mr. Trott of Harbour Light; the Men's Treatment Center, the Women's Treatment Center & the Right Living House teams; and all of our community partners who without their assistance we could not continue to operate.

At this time, I would also like to recognize Mrs. Kelly Madeiros & Mr. Russ Ford, both former Mental Health Treatment Court coordinators and persistent advocates for the vulnerable in our community. Their presence and assistance with our clients is definitely a miss. Over this last year we have also lost the valuable contributions of Pastor Dwayne Burgess – a highly respected member of the treatment court team. We wish all 3 abundant success in their future endeavours. Last but definitely not least, I would like to recognize the passing of a giant among men – Mr. Calvin Ming Jr. Mr. Ming was a champion for addicts and a pioneer of the Treatment Courts in Bermuda. His legacy will forever remain with us.

It would be remiss of me not to mention our traditional courts, as Magistrates' Court handles the vast majority of cases in Bermuda.

The Magistrates' Civil Court: the venue where civil disputes are heard. As Senior Magistrate I will continue to ensure that lawyers and litigants in person respect the Court Diary. I will ensure that matters are heard in a timely fashion. Where possible parties in civil actions will be encouraged to resolve their disputes without the need for long contentious and potentially expensive trials.

We will ensure that the Civil Court will continue to balance the interest of the parties and where possible, assist those who are overwhelmed with crippling debt to satisfy their financial responsibilities in a manageable and dignified way over a reasonable period of time.

The Magistrates' Family Court: The family is the bedrock of any society. It is imperative that the decisions made on behalf of our children and families are fair and equitable, especially when the afore-mentioned children and families are in a most vulnerable state.

I will ensure that the Lay Magistrates appointed to the Family Court have a balanced view of motherhood and fatherhood and our country in general.

As stated in my speech last year, at present Lay Magistrates are paid a paltry \$50 per day (which amounts to \$6.25 per hour) - this is not acceptable given the complex and delicate nature of the matters which they preside over. I therefore renew a request to increase their daily stipend to an amount which is commensurate with their important duties. My considered suggestion is that it be increased to at least \$150 per day which would be in line with the suggested minimum wage.



The Magistrates' Criminal Court: all criminal matters begin in the Magistrates' Court. The administration of the Criminal Courts is critical to the rule of law and having a balanced society.

Training and Mentorship for Local Lawyers

Last year, I addressed the issues of lawyers' dress, deportment and their attendance, or rather, the lack thereof, in the Magistrates' Court. I am pleased to note a significant improvement in lawyers' attendance, as they are providing the court with proper notice and reasons to justify their absence. Additionally, there's been a noticeable improvement in the lawyers' deportment in the Magistrates' Court. However, there's always room for ongoing improvement.

A cornerstone of our legal system lies in our ability to train and nurture lawyers. Pupillage, in essence, revolves around guiding pupils to become fit and proper members of the Bermuda Bar.

Recently, there has been a concerning rise in the number Lawyers being charged and convicted of criminal offenses. This is not acceptable and reflects poorly on all of us.

International Business is one of Bermuda's economic pillars but we cannot overlook the loss of talented, lawyers to roles in underwriting and compliance. One of the reasons the aforementioned exodus occurs is due to a lack of training and development for young Bermudian lawyers. So many qualified Bermudian lawyers leave the practice of law due to the lack of training and the lack of opportunities. The disgruntled young Bermudian lawyers are taking on roles in IB because of the available training, development and professional opportunities, which leads to high salaries and huge bonuses ...this is a no brainer!

Law firms play a pivotal role in training and cultivating Bermuda's law students, offering opportunities that extend beyond pupillage, enabling them to aspire to roles as counsel, partners, or even managing partners.

We must also reintroduce opportunities for young Bermudians within the Attorney General's Chambers and the DPP's. The only means to achieve the caliber of legal representation this bar deserves is by investing in and nurturing the talent of young Bermudians.

Homage to the Outgoing Chief Justice

I wish to share my admiration for our former Chief Justice Narinder Hargun, a figure deeply committed to the equitable administration of justice. Throughout his tenure, the former Chief Justice was approachable and attentive to the vast array of issues that were raised in the Magistrates Court.

The Bermuda Judiciary has flourished under his dedicated service, and on behalf of the Magistracy, I extend our sincerest wishes to our former Chief Justice Narinder Hargun for continued success in his future endeavors. Although I do not have a crystal ball, I have a sneaky suspicion that after the former Chief Justice travels the world, we will see him donning wig and gown in another place in the not-too-distant future.



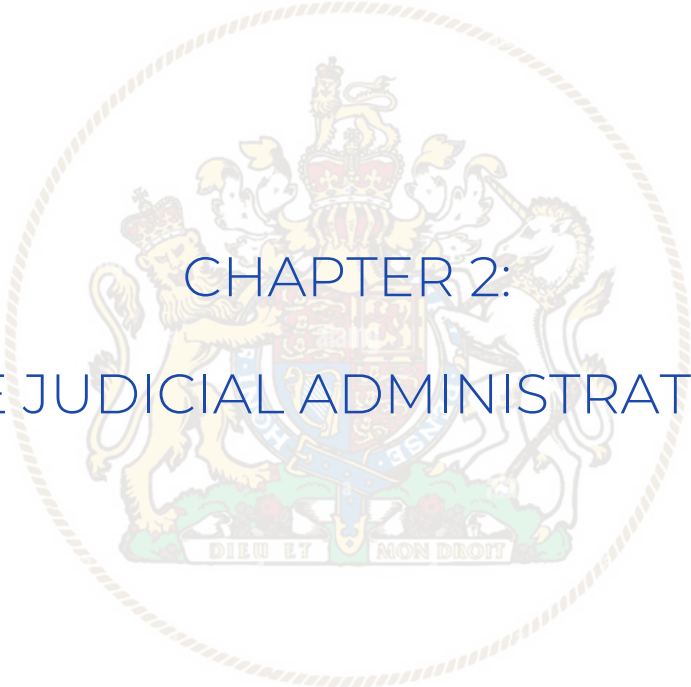
Conclusion

As an eternal optimist, I firmly believe that every citizen in Bermuda holds a crucial role in advancing our country. The Magistrates' Court team remains steadfast in our commitment to collectively working towards ensuring the proper administration of justice in our beloved island home.

As this year's submissions draw to a close, I echo the sentiment expressed in last year's closing remarks by quoting Robert Frost: *'The woods are lovely, dark and deep, But I have promises to keep, And miles to go before I sleep.'*

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

Thank you.

The coat of arms of Bermuda is centered in the background. It features a shield with a red cross and four white quarters, supported by a lion and a unicorn. A crown sits atop the shield, and a scroll at the base reads "DIEU ET MON DROIT". The entire emblem is enclosed within a circular rope border.

CHAPTER 2: THE JUDICIAL ADMINISTRATION

JUDICIAL ADMINISTRATION

Ms. Alexandra Wheatley
Registrar of the Supreme Court and Court of
Appeal / Taxing Master

2023 was another successful but challenging year for the Courts. Whilst funded and resourced to a significant degree, the lack of critically needed resources provided to the Courts continues to be extremely burdensome, such resources including funding, human resources, buildings/accommodations and technology. Without being provided the required infrastructure to ensure members of the public access to fair hearings before an independent and impartial Court there will be continued challenges which will be a large feat to be overcome.

The cyber-attack on the Government's network in 2023 was a significant challenge to the Court in particular, in which the Courts undertook best efforts to continue all court services. With this in mind, as we think about the independence of the judiciary, now will be an opportune time to plan for the separation of the Court's information technology from regular Government departments, much the same way as other quango entities are separate. In 2024, since the Cyber-Attack in September 2023, there continue to be daily challenges with the network which cripples the ability to provide services. Some of us continue to rely on hard copy print outs of the daily court calendars (which are amended several times a day for all of the Courts) as some of us have not had access to all our shared calendars since the cyber-attack. Generally, during the year, the Court of Appeal, the Supreme Courts and the Magistrates' Courts were only provided with two laptops from Government's IDT Department.



“
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Courts' Accommodations

The lack of a designated court room for the Court of Appeal, the Supreme Court Matrimonial/Family Division as well as the need for more court space for the Civil and Commercial Division continues to be unsettled. Having said this, we are moving closer to the light at the end of the tunnel. Planning approval has been granted for the renovations to be completed at the Dame Lois Browne-Evans Building (DLBE). There are some slight adjustments that need to be made following a meeting with the architects and the Ministry of Public Works (Public Works) in January 2024; however, the next step is for Public Works to commence the tendering process for a General Contractor to complete the renovations. I am hopeful that construction will commence prior to the end of December 2024. A planned phase of works will be considered with whoever the General Contractor is so that we can ensure the members of staff are in a healthy and safe environment as well as provide minimal disruption to Court cases which may require obtaining a temporary, additional space to hold trials whilst the renovations are underway.

Whilst this project has been under works for 4 years, I remain optimistic and appreciative of the quality of work being provided by the architects as well as the dedication of Public Works continues to provide in completing this project.

Courts' Technology

Following the Honourable Premier and Minister of Finance's general support in December 2022 to provide funding for this a new case management system, the process of the compilation of the procurement process as well as the drafting of the Courts' Business Processes is continuing with the hope of being able to obtain a system by the end of 2024. Regrettably, due to lack of adequate resources this initiative has taken far longer than was anticipated. My appreciation is given to the Department of Information and Digital Technologies as well as the Office of Management and Procurement who are assisting us with these processes.

Efforts to modernize and increase the efficiency of the Courts' administrative and judicial functions must continue to uphold our reputation as a top tier jurisdiction. Several initiatives must be carried out to see this to fruition as long as we are provided the adequate resources to do so.

- Taking steps to commence the process of having an independent Judiciary which is provided for in the Bermuda Constitution.
- Complete the review of current job descriptions whilst simultaneously update the organizational structure of the Courts to ensure that gaps in current services are filled to relieve some of the burden members of staff experience due to infrastructure deficiencies which have been experienced with quite some time as a result of the significant expansion of matters heard by the Courts over the last decade. This will also increase efficiency of all services provided to members of the public.
- Push forward with recruitments so that any areas of the Courts which are understaffed, those members of staff affected can be provided with some relief.
- Continue and finalize the procurement process for the replacement of the Courts' case management system to enter into a contract with a vendor and commence implementation of the new system.
- Continuing to work closely with the Ministry of Public Work to push forward with renovations to be completed at DLBE which will include agreeing a project timeline.

- Submit proposals for the Civil/Commercial Courts to be relocated to DLBE so that the entirety of the Judiciary and staff are in one location.
- The final stages of the implementation of the increase in all Court Fees which is hoped to be implemented by 1 March 2024.

With the continued support of all administrative staff, the members of the Judiciary as well as the of the members of the Bermuda Bar, I firmly believe we can excel in raising our standards to ensure members of the public access to fair hearings before an independent and impartial court.

Acknowledgments

The Asisstant Registrar, Mrs Cratonia Thompson, continues to play an essential role in the day-to-day operations of the courts. Mrs Thompson also continues to provide me with daily, fundamental assistance with all matters relating to the Courts, from Human Resources to the Budget. Mrs Thompson's role as Assistant Registrar is critical to the daily running of the Courts and her dedication and ability to work as a team is both instrumental and appreciated.

Mrs Thompson is still currently out of the office on maternity as she and her husband, Mr Shannon Thompson, daughter, Samara, and son, Koa, welcomed Seth Amir Spencer Thompson on the 6th of September 2023. We give our congratulations and best wishes to the Thompson Family.

Much thanks must also be given to Ms Kenlyn Swan who came onboard as Assistant Registrar for the period that Mrs Thompson is out of the office on maternity leave as well as Ms Nicole Smith who has come on a temporary basis from the Department of Public Prosecutions for managerial experience as a second Assistant Registrar. Both Ms Swan and Ms Smith have been committed to learning the courts policies and procedures and the day-to-day operations of the Court. Their dedication and assistance has been invaluable.

It cannot go without saying that the staff of the Judicial Department have always played a vital role in ensuring the people of Bermuda obtain their constitutional right of access to justice. Notwithstanding the Courts' continued challenges with the lack of sufficient resources, staff have continued to demonstrate resilience and a team mentality to ensure our services are provided at a high standard. All staff play a crucial role in the daily running of the Courts and for this I give them my utmost appreciation.



Mrs. Cratonia Thompson
Assistant Registrar of
the Supreme Court



Mrs. Kenlyn Swan
Acting Assistant Registrar
of the Supreme Court



Ms. Nicole Smith
Acting Assistant Registrar
of the Supreme Court

The Supreme Court Registry

Probate Division

In 2023 a total of 199 probate applications were filed with the Supreme Court Registry - a 6% increase over 2022. There were 40 Caveats filed, a 61% increase over the previous reporting year.

Grants Issued and Stamp Duty Assessed

In 2023, the Registrar issued 137 Grants – 13% fewer than in 2022.

For the applications where Grants were issued, 28 claimed spousal benefit deductions; the lowest claim was \$100 and the highest was \$3 million. 72 claimed the Primary Family Homestead exemption; the lowest claim was \$61,000 and the highest was \$2.7 million. For the Grants issued, 36 applications reported a total net estate of an amount lower than the statutory taxation exemption in place at the time of the deceased's death, thus no stamp duties were assessed.

The net estate of the remaining applications met the threshold for stamp duties assessment; the lowest assessment was \$51 and the highest was \$159,000. Total assessment for the period was \$961,177.

2024 Goals

The Registrar is pursuing a standardized application process which will be available online to guide in respect of requirements and to assist with the correct wording of required documentation (Application, Oath, Affidavit of Value. This will create a uniformity in the presentation of applications received and will reduce errors and omissions – this will make it easier for staff to review compliance.

Processing probate applications requires a keen and discerning eye to ensure compliance statutory and Practice Direction compliance prior to presentation of the file for Registrar's review, consideration and issuance of a grant and stamp duty certificate. Currently this is a time-consuming process as the burden of ensuring compliance falls to court staff who scrutinize the application and exhibits and double check the Affidavit of Value calculations. Areas of noncompliance are addressed through (sometimes lengthy) correspondence



Dee Nelson-Stovell
Manager,
Supreme Court

The Supreme Court Registry Probate Division

resulting in the filing of further documentation which must again be reviewed. A standardized application process will reduce application review and turnaround time.

A second administrative assistant has been trained and has joined the probates team with a goal of clearing the application backlog within the next 6 – 8 months.



Table 10: PROBATE APPLICATIONS FILED 2018 - 2023									
Year	Probate	Letters of Admin.	Letters of Admin. with Will Annexed	Certificate in Lieu of Grant (Small Estate)	De Bonis Non	Reseal	Total <u>Appls.</u>	Caveats	Caveat Warning/ Citations/ Orders to View Affidavit of Value or Will
2018	124	40	5	40	1	7	217	34	8
2019	112	25	5	31	2	8	183	45	8
2020	95	13	5	25	4	5	147	39	3
2021	114	31	5	14	0	12	176	47	4
2022	94	45	10	29	1	9	188	28	9
2023	115	31	8	39	1	5	199	45	12
Change	21	-14	-2	10	0	-4	11	17	3
%	22.3%	-31%	-20%	35%	0	-44.4%	6%	61%	33%

Table 10A: STAMP DUTY ASSESSED ON GRANTS ISSUED 2018-2023							
Year	No. of Grants Issued	Total Gross Estate (Bermuda\$)	Primary Homestead Exemption	48(1)(B) Spousal Exemption	Statutory Deductions	Net Value of Estate	Stamp Duty Assessed
2018	95	91,463,813	37,432,244	16,226,920	3,215,068	34,589,582	5,469,968
2019	152	109,101,485	51,912,205	25,916,715	8,994,581	22,277,983	1,688,329
2020	134	101,179,501	48,585,233	24,122,804	8,049,752	21,260,917	1,700,032
2021	128	97,771,018	42,690,083	14,381,733	3,915,738	37,274,805	4,728,732
2022	157	113,393,539	59,763,324	21,828,081	4,047,659	29,641,036	2,386,404
2023	137	75,099,732	41,950,217	14,228,123	3,085,947	16,275,821	961,177

The Magistrates' Court

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

In 2023 the Senior Magistrate created the Probation Review Court (PRC) which is conducted once a month and is designed to encourage compliance by persons who have been placed on probation through routine reviews. The PRC will enable persons to get back on track and to assist them in addressing their criminogenic & mental health needs, secure employment & housing, and most importantly to be productive members to their community and to their families.

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

The Magistrates' Court provides funding for the Senior Magistrate, four (4) Magistrates and acting appointments where necessary. The Magistrates' Court is presided over by the Worshipful Senior Magistrate Maxanne J. Anderson, the Worshipful Tyrone Chin, the Worshipful C. Craig Attridge and the Worshipful Maria Sofianos, all of whom bring a wealth of knowledge and experience to the Magistracy. The Worshipful Khamisi Tokunbo recently retired after approximately two decades of exemplary service as a Magistrate. At the printing of this report, the vacant post is yet to be filled.

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



Court Administration

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

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

The Cashier's Section collected \$6,224,033 in 2023, which was 15% less than in 2022. This is attributable to a reduction in the amount of Traffic and Parking fines collected due to offenders requesting Community Service Orders in order to work off the amount of their fines. Where the court is of the opinion that an offender is unable to pay a fine the Community Service Orders are an option to assist them so that they are not incarcerated for non-payment of fines.

The Cashier's Section are again to be commended for their ability to adapt to the Bermuda Government-wide cyber-attack which halted normal day to day operations and resulted in the Cashiers having to manually input all payments received in the Magistrates' Court. (Additional commentary will be received from D. Lightbourn as it relates to the post cyber-attack procedures.)

The administrative team in this Section, are to be commended for their proficiency whilst serving customers, both in person and via the telephone continuing their efforts from 2022. The Court Associates also deserve recognition for their hard work and dedication. Most notable are the Senior Court Associate and the Court Associates from the Civil Section for their sustained assistance as Relief Cashiers.

Special mention should be made the Cashier's Team which consist of Ms. Deneise Lightbourn – Accounting Officer, Ms. Towona Mahon and Ms. Shondell Borden, all of whom went over and beyond the call of duty and played a vital role in the administration of the Courts.



Hearings/Case Events

Hearings/Case Events	2019	2020	2021	2022	2023
Mentions	4,035	3,658	3,499	3,376	3,463
Trials	1,174	966	1,086	862	751
Case Events	27,150	18,579	19,815	19,122	17,147

Figure 1: Table of 2018 - 2022 Hearings/Case Events

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

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

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

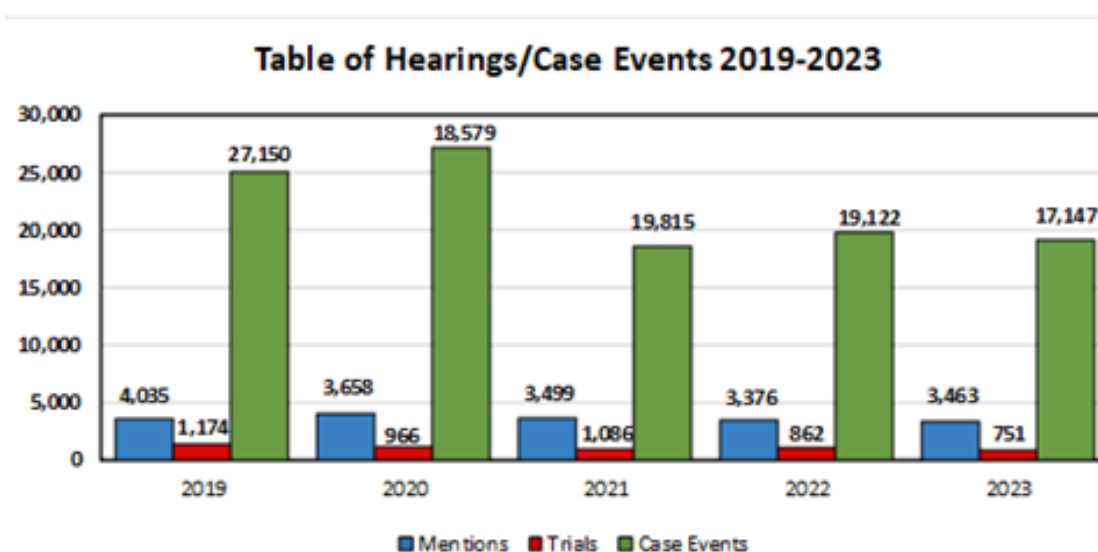


Figure 1A: Chart of 2019 - 2023 Hearings/Case Events

In 2023 the number of Case Events declined by 10% and likewise the Trials declined by 13%. This is likely because there were less cases listed and heard in 2022 due to the retirement of The Worshipful Tokunbo resulting in a total of only three (3) substantive Magistrates for the latter portion of the calendar year.

The Magistrates' Court Civil Division

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

The Civil Court has seen the number of new Court filings increase by 40%, approaching Pre-COVID-19 case numbers, despite the fact that new Court filings were not accepted during the unprecedented government-wide cyber-attack.

Civil Court filings include, amongst other things, eviction proceedings and the recovery of rental arrears. These documents were received from various entities which include, but are not limited to, Law Firms, Credit Agencies, Person to Person, etc.

The Court Associates continued to manage the number of New Civil Documents received in the Magistrates' Court.

Special mention to all of the staff in the administrative arm of the Civil Section as they remained current in respect of the processing and distributing of all New Civil Documents received in 2023. In addition, we would like to recognize Mrs. Dorlene Cruickshank – Administrative Assistant, Civil Section for dedication and service over the past 14 years to not only the Civil Section, but in addition, her commitment to the Treatment Courts and its clients.



Figure 2: 2019 - 2023 Table of Total New Civil Court Cases Filed

TOTAL NEW CASES (Filed)	2019	2020	2021	2022	2023
Civil	2,117	1,067	962	1,134	1,584

Total New Civil Court Cases Filed
2019-2023

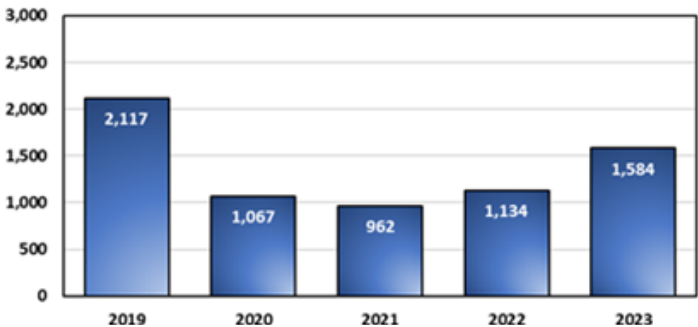


Figure 2A: 2019 – 2023 Chart of
Total New Civil Court Cases Filed

The Magistrates' Court

Family Division

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

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

The Special Court Panel

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

The Special Court Panel had (thirty-six) 36 members serving in 2023 each of whom represent a diverse range of individuals from various walks of life. The Panel Members assist the Magistrates in decision making and their value to the Family Court and its continued success is immeasurable.

Family Court Cases

The number of New Family cases filed saw a decline of 8% in 2023 compared to 2022. Notably there was an 87% increase in the number of Matrimonial Causes cases heard and likewise there was a significant increase in the number of Adoption cases heard in 2023 when compared to 2022.

There has been a downward trend in the number of Domestic Violence Protection Orders filed in Magistrates' Court over the past 3 years. There were 115 in 2021, 91 in 2022 and 80 in 2023. This represents a steady decline of 12% when comparing 2023 to 2022 and 30% when comparing 2023 to 2021.

Children's Act 1998

In 2023 the number of cases heard under the Children's Act 1998 (Care Orders, Access, Maintenance, Care & Control) increased by 6% in comparison to 2022. The severity and complexities of these cases remained the same.

Family Court Administration

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

At the end of 2022 and into 2023 two of the substantive Court Associates departed the Family Court Section in order to experience professional development within other areas of the Court. Ms. Raneek Furbert was promoted to Senior Administrative Assistant in November 2022 and Ms. Sindy Lowe currently acting in the Administrative Assistant post recently vacated by Mrs. Dorlene Cruickshank. Opportunities of this nature are encouraged throughout the Judicial Department and this is an example of them coming to fruition.

The total amount of child support payments received in 2023 (\$3,402,719) is similar to the amount received in 2022 (\$3,231,457). The Family Court continue to, and will always, put the welfare of the child as the paramount consideration.

APPLICABLE LAW	TOTAL FAMILY LAW CASES				
	2019	2020	2021	2022	2023
Adoption Act 1963, Adoption Rules Act	0	1	5	1	4
*Children's Act 1998 (Care Orders, Access, Maintenance, Care & Control)	780	590	569	636	675
** Enforcement (All Case Types in Default)	713	461	488	586	497
New Reciprocal Enforcement (Overseas)	0	0	0	0	0
Matrimonial Causes Act 1974	13	10	6	15	28
Domestic Violence Act 1997 (Protection Orders)	45	64	115	91	80
***Juvenile Cases	42	52	158	346	434
New Cases Filed	112	149	102	125	115
ANNUAL TOTALS	1,705	1,327	1,327	1,438	1,833

Figure 3: Table of Total Family Law Cases 2019-2023

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

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

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

The Magistrates' Court Criminal, Traffic and Records Division

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

In May 2022 Administrative Assistant Dwainisha Richardson pursued an opportunity for professional development in the Department of Public Prosecutions. In September 2023 she became substantive in that post. Congratulations to Ms. Richardson, we wish her all the best in her future endeavours.

The vacant Administrative Assistant post continues to be filled internally by Ms. Donneisha Butterfield. Ms. Butterfield has excelled in this post and on numerous occasions has led the Criminal administrative team in the absence of the Senior Administrative Assistant. This too was the case when Ms. Butterfield was on extended leave; Ms. Raneek Furbert managed the helm in this Section. Special mention must also be given to Mrs. Nicole Hassell, who although is in a Court Associate post, she regularly assisted the Administrative Criminal Team in either (or both) of their absences.

As a result of the professional development opportunity for Ms. Butterfield, an opportunity arose for permission for a backfill against her substantive Court Associate post. This led to the addition of Mr. Llineiko Millett to the Criminal/Traffic/Records Section.



Ms. Raneek Furbert
Senior Administrative Assistant

The number of new Criminal cases/matters filed at the Magistrates' Court increased by 12% from 419 in 2022 to 469 in 2023.

This was not the case as it relates to the number of new Traffic matters filed which saw a notable decline of 30% from 6,882 in 2022 to 4,839 in 2023.

It is also to be noted that the number of Parking cases filed increased by 11% in 2023 to 26,704 when compared to 2022 which had 24,106 matters filed.

Total New Cases (Filed)			
Month	Criminal	Traffic	Parking
Jan	20	557	2,840
Feb	34	605	2,364
Mar	30	302	1,948
Apr	39	482	2,166
May	49	425	2,396
Jun	30	488	2,968
Jul	58	376	2,763
Aug	95	429	1,816
Sep	28	329	1,694
Oct	28	364	946
Nov	34	235	2,628
Dec	24	247	2,175
TOTALS:	469	4,839	26,704

Figure 4A: 2023 Table of New Criminal, Traffic and Parking Cases Filed by Month.

TOTAL NEW CASES (Filed)	2019	2020	2021	2022	2023
Criminal	435	529	594	419	469
Traffic	8,112	4,396	4,323	6,882	4,839
Parking	19,949	19,637	18,363	24,106	26,704

Figure 4: Total New Cases Filed with the JEMS system 2019-2023

CRIMINAL & TRAFFIC



Total New Cases (Disposed)			
Month	Criminal	Traffic	Parking
Jan	34	534	895
Feb	19	373	677
Mar	25	461	839
Apr	24	440	827
May	31	445	833
Jun	26	447	817
Jul	33	327	705
Aug	38	475	907
Sep	25	331	483
Oct	27	327	667
Nov	31	262	757
Dec	24	248	447
TOTALS:	337	4,670	8,854

Figure 5A: 2023 Table of New Criminal, Traffic and Parking Cases Disposed by Month.

The total number of Criminal cases disposed of in 2023 decreased by 22% to 337 cases when compared to 432 cases disposed in 2022.

This was also the case as it relates to the number of Traffic matters disposed of which saw a major reduction from 6,781 in 2022 to 4,670 in 2023.

Additionally, the number of Parking cases disposed of increased from 8,279 in 2022 to 8,854 in 2023.

This continued upsurge in the amount of Parking tickets disposed of is most likely due to the efforts by the Corporation of Hamilton and the Bermuda Police Service to enforce parking regulations. (Figure 5 refers.)

TOTAL NEW CASES (Disposed)	2019	2020	2021	2022	2023
Criminal	356	353	361	432	337
Traffic	8,397	3,967	3,781	6,781	4,670
Parking	6,169	2,169	5,440	8,279	8,854

Figure 5: Table of Total New Cases Disposed by a Magistrate 2019 – 2023 (Criminal, Traffic & Parking)

Record Requests

In 2023, the Criminal/Traffic/Records Section processed a total of 2,444 Record Requests which is another significant growth of 15% when compared to 2022 (2,123). The trend continued, in that there was a notable rise in employment vacancies and travel throughout 2023. The Record Requests come from various sources which include, but are not limited to, private citizens, local and overseas Employment Agencies, Registered Charities, Private Companies, Canadian Immigration, the US Consulate, etc.

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

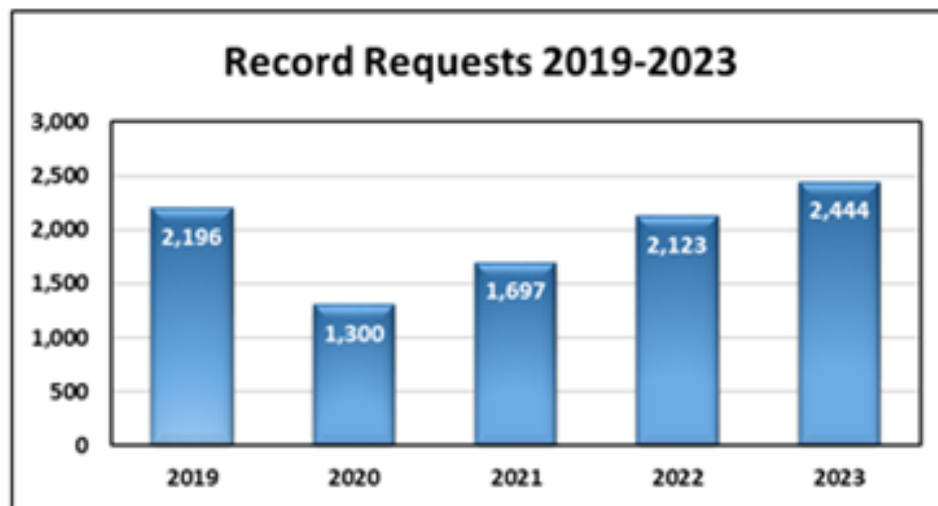


Figure 6: Chart of 2019 – 2023 Record Requests Filed

Special mention must be given to the Criminal/Traffic/Records Section as despite the challenges caused by the government-wide cyber-attack, Mr. Llineiko Millett, Ms. Callisa O'mara, Ms. Jearmain Thomas and Ms. Patrice Rawlings were able to process a multitude of applications once clearance was granted to resume these services.

Top 10 Criminal Offences 2019 - 2023

Offence Description	Offence Count				
	2019	2020	2021	2022	2023
COVID BREACH OF CURFEW				(4) 26	
STEALING (BELOW \$1000)	(1) 59	(6) 36	(2) 74	(3) 30	(1) 41
STEALING (ABOVE \$1000)	(7) 17			(10) 14	
OBTAINING PROPERTY BY DECEPTION	(8) 15	(10) 18			
TAKE VEHICLE AWAY W/O CONSENT	(5) 20				
BURGLARY (NEW)	(8) 15	(3) 48	(3) 45	(5) 25	(2) 40
WILFUL DAMAGE GT 60	(5) 20	(7) 23	(8) 27	(7) 19	(5) 28
ASSAULT (COMMON)	(8) 15	(5) 39	(7) 30	(1) 36	(3) 38
ASSAULT (ABH)	(2) 46	(4) 40	(7) 30	(8) 18	(4) 33
ASSAULT ON POLICE				(9) 16	(8) 17
ASSAULT ON POLICE	(9) 13				
VIOLENT RESIST ARREST				(10) 14	(9) 16
HAVE BLADE/POINTED ARTICLE	(10) 12			(1) 36	(4) 33
SEX ASSAULT	(5) 20		(10) 20		(10) 14
PROWLING	(10) 12				
POSS CANNABIS WITH INTENT	(6) 19				
IMPORT CANNABIS	(10) 12				
IMPORT OTHER DRUGS	(7) 17				
POSS DRUG EQUIPMENT	(5) 20			(9) 16	(8) 17
POSS DRUG EQUIPMENT PREPARE	(7) 17				
AFFRAY	(9) 13				
INTRUDE PRIVACY FEMALE					(9) 16
INTIMIDATION				(9) 16	
OFFENSIVE WORDS	(10) 12				
THREATENING/OFFENSIVE/INSULTING/					(9) 16
THREATENING BEHAVIOUR	(3) 41	(5) 39	(5) 34	(2) 34	
TRESPASS PRIVATE PROPERTY	(4) 23		(9) 25	(8) 18	
FAIL TO COMPLY W/ORDER TRIBUNAL EMP. ACT		(9) 19			
PROCEEDS OF CRIME	(10) 12				
CURFEW VIOLATION		(2) 44	(4) 40		
OFFENCE AGAINST EMERGENCY POWERS REG.		(9) 19	(1) 97		
MARINE SPEED 100M FERRY REACH		(8) 22			
CREATE WAKE 100M SHORELINE		(1) 53	(6) 32	(3) 30	(7) 21
FAIL CARRY SAFTY EQUIPMENT				(6) 22	(6) 22
USE/KEEP UNREGISTERED BOAT		(10) 18			

Figure 7: Table of Top 10 Criminal Offences 2019 - 2023

The Top 3 Criminal Offences in 2023 are as follows:-

- 1) Stealing (Below \$1,000)
- 2) Burglary
- 3) Assault (Common)

In the last three years Stealing (Below \$1,000) has been ranked in the top 3 Criminal Offences. When compared to 2022 there was a spike of 37% in Stealing (Below \$1,000) cases. Likewise there was a significant spike of 60% in the number of Burglary cases in 2023 in comparison to 2022. It is to be noted that a significant amount of these Stealing (Below \$1,000) and Burglary offences involve persons with substance misuse issues.

Assault (Common) remains in the top 3 with a slight rise of two cases when compared to 2022.



Top 10 Traffic Offences 2019 - 2023

Offence Code	Offence Description	Offence Count				
		2019	2020	2021	2022	2023
3002	SPEEDING	(1) 3,929	(1) 1,849	(1) 1,915	(1) 3,352	(1) 1,886
3007	DISOBEY TRAFFIC SIGN	(2) 816	(2) 424	(2) 721	(2) 991	(2) 608
3013	SEAT BELT NOT FASTENED		(10) 52			
3058	IMPAIRED DRIVING A MOTOR VEHICLE	(7) 186	(7) 106	(7) 94	(7) 131	(7) 170
3062	REFUSE BREATH/BLOOD TEST			(9) 60	(10) 62	(10) 83
3064	EXCESS ALCOHOL MOTOR VEHICLE	(9) 114			(9) 73	(8) 90
3070	DRIVE W/O DUE CARE & ATTENTION	(10) 98	(9) 67	(8) 72		
3080	NO 3 RD PARTY INSURANCE	(4) 675	(4) 345	(4) 319	(4) 508	(4) 435
3147	USE OF HANDHELD DEVICE WHILST DRIVING					(9) 87
3190	DRIVER/PASSENGER FAIL TO WEAR HELMET				(8) 89	
3228	UNLICENCED MOTOR CAR	(6) 319	(6) 136	(6) 135	(6) 226	(6) 198
3229	UNLICENSED MOTOR BIKE	(5) 505	(5) 311	(3) 328	(5) 499	(5) 426
3234	NO DRIVERS LICENSE/PERMIT	(3) 752	(3) 374	(5) 295	(3) 604	(3) 478
3324	DEFECTIVE SAFETY GLASS/TINT			(10) 57		
3414	FAIL EXHIBIT NUMBER PLATE	(8) 126	(8) 71			

Figure 8: Table of Top 10 Traffic Offences 2019 - 2023

The Top 3 Traffic Offences for 2023 remain the same as 2022 and are as follows:-

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

Unfortunately, since at least 2015, Speeding has continued to be the most prevalent traffic offence on Bermuda's roads. However, there has been a significant reduction of 44% in the number of Speeding Offences heard in the Magistrates' Court in 2023. Disobeying a traffic sign offence remains the second highest traffic offence in 2023. This has been since 2019.

The Court has seen a troubling trend with the rise of Impaired Driving and Refuse Breath/Blood Test offences over the last few years. 2023 saw a 30% increase in the amount of Impaired Driving offences and a 34% increase in the Refuse Breath/Blood Test offences.



These offences include impairment through drug use as well as alcohol. Recently, CADA, the anti-drunk driving group, linked 75% of deaths on Bermuda's roads to alcohol and drugs, often a combination of both. The Bermuda Police Service continue with their efforts to significantly address this issue through their "Operation Vega" initiative.

Warrants

Outstanding Warrants

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

TOTAL OUTSTANDING WARRANTS	2019	2020	2021	2022	2023
Committal	637	661	621	633	583
SJA	3,172	3,077	3,140	3,261	3,518
Apprehension	6,856	6,834	7,278	7,464	7,491

Figure 9: Table of Outstanding Warrants 2019-2023
(Apprehension, Summary Jurisdiction Apprehension (SJA) and Committal)

The number of Committal Warrants decreased from 633 in 2022 to 583 in 2023 which represents an 8% decline. This may be the result of Magistrates making payment orders so that offenders could pay their fines over a reasonable period of time thereby removing the possibility of incarceration for default of payment.

Likewise, the number of Summary Jurisdiction Apprehension Warrants also had an increase of 8% from 3,261 in 2022 to 3,518 in 2023 and the Apprehension Warrants which saw a nominal increase of less than 1% from 7,464 in 2022 to 7,491 in 2023. This may be attributable to more concentration on these types of warrants over the Committal Warrants.

The total value of the outstanding Warrants is valued at \$2,607,802.02.

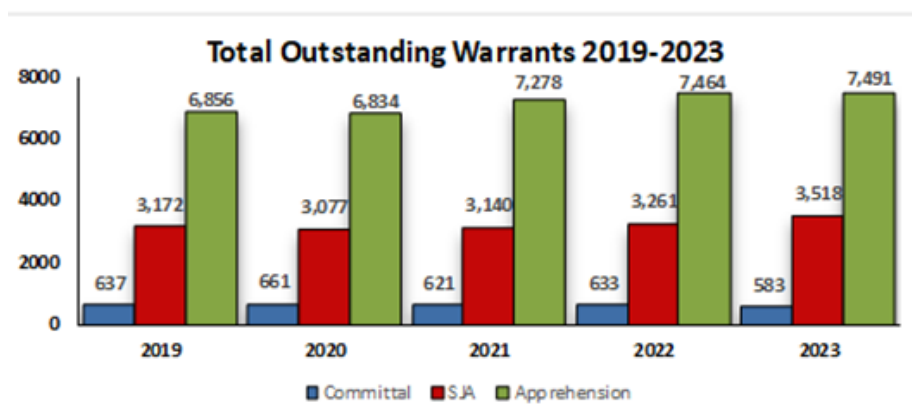


Figure 9A: Chart of Outstanding Warrants 2019-2023
(Apprehension, Summary Jurisdiction Apprehension (SJA) and Committal)

Police and Criminal Evidence Act (PACE) Warrants

PACE Warrants 2018-2022	Legislation	2019	2020	2021	2022	2023
Special Procedure Applications	Telephonic	50	88	65	43	53
	Banking	9	5	10	13	13
	Internet	10	9	2	-	7
	Medical	1	3	1	-	1
	School	1	-	-	-	-
	Covid-19 Emergency Powers	-	6	-	-	-
	Financial	-	1	2	-	1
	Airport	-	1	-	-	-
	Belco Electricity	-	-	-	-	-
	Electronic Taxi App.	-	-	1	-	-
	Hospital (MAWI)	1	-	-	-	-
	Insurance	-	-	3	-	1
Order of Freezing of Funds		4	-	15	-	-
Order Release of Seized Cash/Property		2	-	7	1	-
Continued Detention of Seized Cash		18	8	14	6	1
Search Warrants						
	Misuse of Drugs Act	56	37	15	30	25
	Firearms	13	18	7	1	5
	Sec. 8/Sec. 15 PACE Act	12	20	14	14	29
	Liquor License Act 1974	-	1	-	-	-
	Mental Health Sec.71(1)	-	1	-	-	-
	Criminal Code	-	-	-	-	-
	Revenue Act(Customs)	-	-	-	-	-
Production Order (Customs)		-	-	-	-	-
Production Order 'PATI' - Public Access To Information		-	-	-	-	-
TOTAL OF ALL TYPES		177	198	156	108	136

Figure 10: Table of 2019 – 2023 PACE Warrants

The Court saw a moderate increase (26%) in the number of PACE Warrants granted in 2023 when compared to 2022. However, this number is still 13% less than the number of PACE Warrants granted in 2021.

Coroner's Reports - Causes of Death

The Coroner's Office is managed by the Senior Magistrate who reviewed 111 Coroner's deaths from January – December 2023.

There was a decline in some of the metrics as it relates to Coroner's cases, however, there was a notable increase in deaths due to Road Fatalities.

Overall the total number of Coroner's cases has decreased from 131 in 2022 to 111 in 2023 representing a 18% change. Fortunately, the number of deaths due to Drowning and Murder have also decreased in 2023.

Coroner's Reports – Causes of Death

Causes of Death	2019	2020	2021	2022	2023
Natural Causes	79	60	64	60	54
Unnatural Causes	3	5	8	37	22
Murders	0	6	7	8	3
Drowning	0	0	0	8	5
Road Fatalities	10	7	17	7	13
Undetermined	0	0	0	9	11
Hanging	0	0	0	2	3
Suicide	4	3	2	0	0
COVID	n/a	0	5	0	0
TOTALS	96	81	103	131	111

Figure 11: Table of Causes of Death in Coroners Cases 2019 – 2023

NOTE:-

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

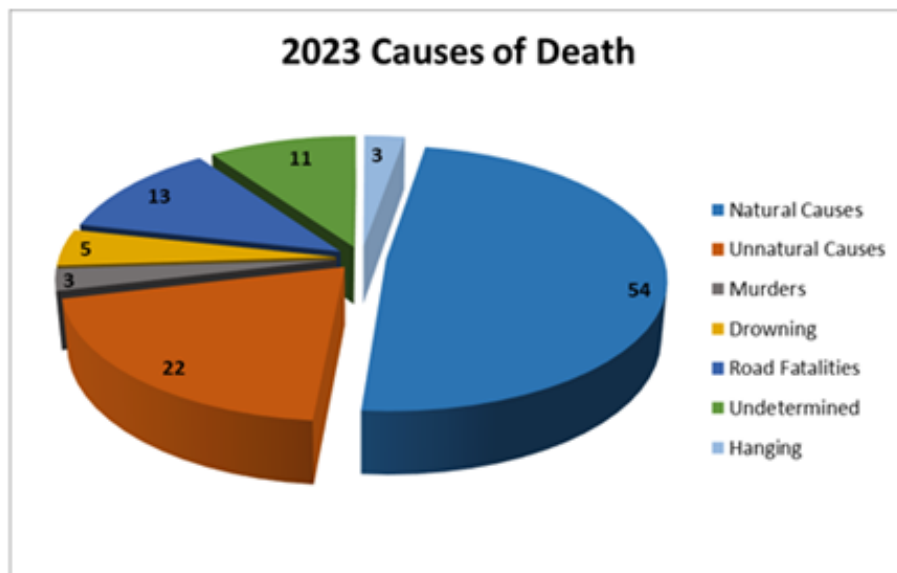


Figure 11A: Chart of Total Causes of Death in Coroners Cases in 2023



Cashier's section

The Cashier's Office is overseen administratively by the Accounting Officer who has two (2) Court Associates under their remit. It is to be noted that all of the substantive Court Associates from the Civil, Criminal and Family Support Sections also perform relief cashiering duties when their colleagues are on any form of leave.

Collectively the Cashier's Office received a total of \$6,224,033 in fees and fines in 2023. This represents an overall decrease of 15% in fees and fines collected for Family Support, Criminal, Traffic, Parking, Civil, Bailiff and miscellaneous matters in 2023.

The Magistrates' Court, as it did in 2022, still takes into consideration the financial circumstances of individuals who have been fined and, accordingly, the Magistrates have allowed persons to pay off their fines in instalments or work off their fines via Community Service Orders. Magistrates are making Community Service Orders in lieu of the imposition of fines so that those who are unable to pay fines can give back to society through charity work. Due to the increased inability of persons unable to pay their fines the number of Community Service Orders has drastically increased over the past year.

Cashier's Office Payment Types by \$ Amount					
Payment Types (By \$ Amount)	2019	2020	2021	2022	2023
Civil Payments	\$ 840,416	\$ 653,180	\$ 592,499	\$ 574,780	\$ 563,772
Civil Fees	\$ 167,085	\$ 93,220	\$ 82,075	\$ 79,745	\$ 80,875
Traffic Fines	\$ 2,926,651	\$ 1,587,199	\$ 1,282,933	\$ 2,365,335	\$ 1,878,078
Parking Fines	\$ 523,050	\$ 472,650	\$ 568,425	\$ 645,400	\$ 646,375
Criminal Fines	\$ 172,507	\$ 106,095	\$ 164,206	\$ 151,283	\$ 115,567
Liquor License Fees	\$ 570,631	\$ 718,730	\$ 222,136	\$ 194,500	\$ 74,850
Misc. Fees (Including Bailiffs)	\$ 36,612	\$ 22,827	\$ 38,110	\$ 41,339	\$ 43,202
Family Support	\$ 3,944,202	\$ 3,356,539	\$ 3,293,921	\$ 3,231,457	\$ 2,821,314
TOTAL COLLECTED	\$ 9,181,154	\$ 7,010,440	\$ 6,244,305	\$ 7,283,839	\$ 6,224,034

Figure 12: Table of Cashier's Office Payment Types (By \$ Amount) 2019-2023

Cashier's Office Payment Types by Number					
Payment Types (By Number)	2019	2020	2021	2022	2023
Civil Payment (Attach of Earnings)	4,590	3,027	2,896	3,153	2,893
Civil Fees	4,422	2,388	2,259	2,217	2,439
Traffic Fines	9,553	4,637	4,035	7,251	5,287
Parking Fines	7,390	6,303	7,638	8,601	8,605
Criminal Fines	225	230	297	258	215
Liquor License Fees	570	408	101	98	35
Misc. Fees (Including Bailiffs)	2,546	1,499	1,956	2,356	2,753
Family Support	17,201	13,696	12,730	11,855	10,419
TOTAL PAYMENTS PROCESSED	46,497	32,188	31,912	35,789	32,646

Figure 12A: Table of Cashier's Office Payment Types (By Number) 2019-2023



BAILIFFS

Bailiff's Section

Bailiffs Paper Service 2023

For the year 2023, a total of 1,630 documents were issued under the Civil Jurisdiction of the Courts for service, of which 1,228 were returned for the attention of the Courts, representing a 75% service rate by the Bailiffs. A further 399 outstanding documents from previous years were also processed for a total of 1,627 returned documents for this fiscal year.

Comparison of Paper Service 2019-2023

From 2019 – 2023 there has been a steady decline in the issuing of documents for service by the Bailiffs. In 2019 (3,106) - 2023 (1,626) representing a 48% decrease in the issuing of paper service by the Courts.

Documents: January - December 2023								
Document Types	Assigned Docs 2023	Assigned Docs 2023 Executed	Outstanding Docs Executed	Unable to Locate	Cancelled Withdrawn	Attempts	Total Docs Returned	Total Outstanding Docs
Committal Applications	251	146	198	0	76	1234	420	671
Evict Warrants	50	34	2	0	12	57	48	2
Foreign Documents	31	29	0	2	0	0	31	0
Judgement Summons	57	47	6	4	0	95	57	0
Notice of Hearing	115	111	1	3	0	63	115	0
Ordinary Summons	246	201	26	8	6	524	241	5
Protection Orders	108	108	0	0	0	196	108	0
Summons	350	294	22	30	4	521	350	0
Warrants of Arrest	389	228	144	0	78	1226	450	682
Writs	14	11	0	0	2	0	13	37
Other Documents	19	19	0	0	0	21	19	0
Totals	1630	1228	399	47	178	3937	1852	1397

Service Rate of Assigned Documents Jan - Aug 2023 75%

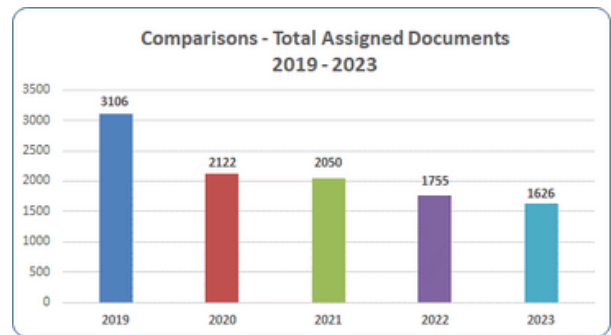
Total O/S Docs in red represents documents issued prior to this calendar year

13: Table representing the Total Figures of the Bailiffs Paper Service

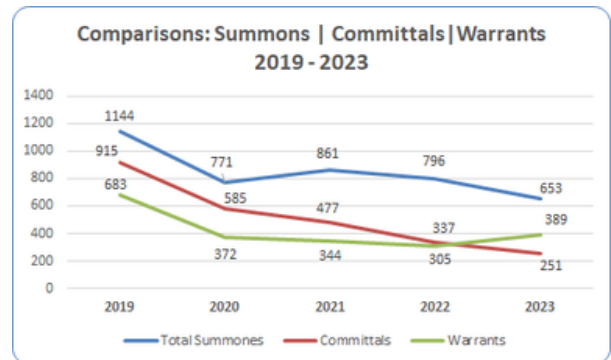
NB: Currently, there are 1,397 documents outstanding, the majority comprising of Committals to Prison (671) Warrants of Arrest (682) and Writs of Execution (37).

Comparison of Paper Service 2019 – 2023

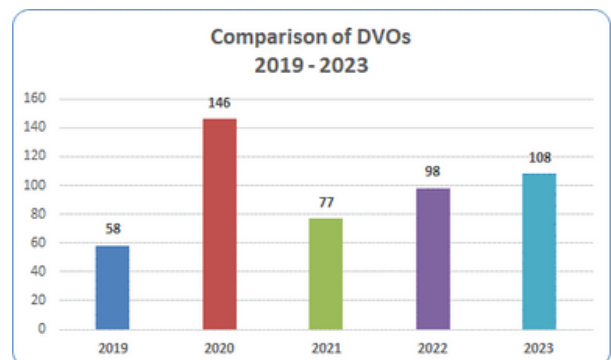
From 2019 – 2023 there has been a steady decline in the issuing of documents for service by the Bailiffs. In 2019 (3,106) - 2023 (1,626) representing a 48% decrease in the issuing of paper service by the Courts.



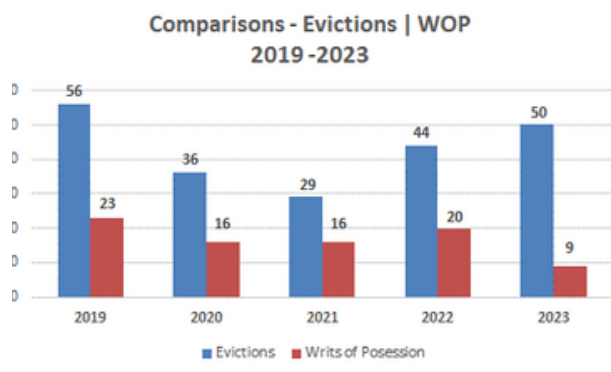
During this time period, the top three (3) categories of documents that were issued for service by the Bailiffs were the Combined Summonses (653) Committal to Prison Applications (251) and Warrants of Arrest (389). The average service rate of these documents was 83%.



Over the past twelve months, there was a slight increase in the service of DVO's from a total of 98 in 2022 to a total of 108 in 2023. From 2019, the demand for the service of these documents has increased over the years, averaging 97 documents on an annual basis. All DVO's were successfully returned for the attention of the Courts and the Bermuda Police Service without due delay.



In the past year the Bailiffs executed a total of 50 evictions in comparison to 9 repossessions of properties. The evictions have increased by 6 cases over the previous year and the repossessions had a decrease from 20 – 9 cases over the same time period. There were a total of 19 Writs of Execution issued with one property being seized and sold to offset an indebtedness. The Deputy Provost Marshal General was successful in finalizing a total of 54 outstanding writs, leaving a balance of 37 requiring completion.





Christopher Terry
Head Bailiff/Deputy Provost Marshal



Donna Millington
Bailiff



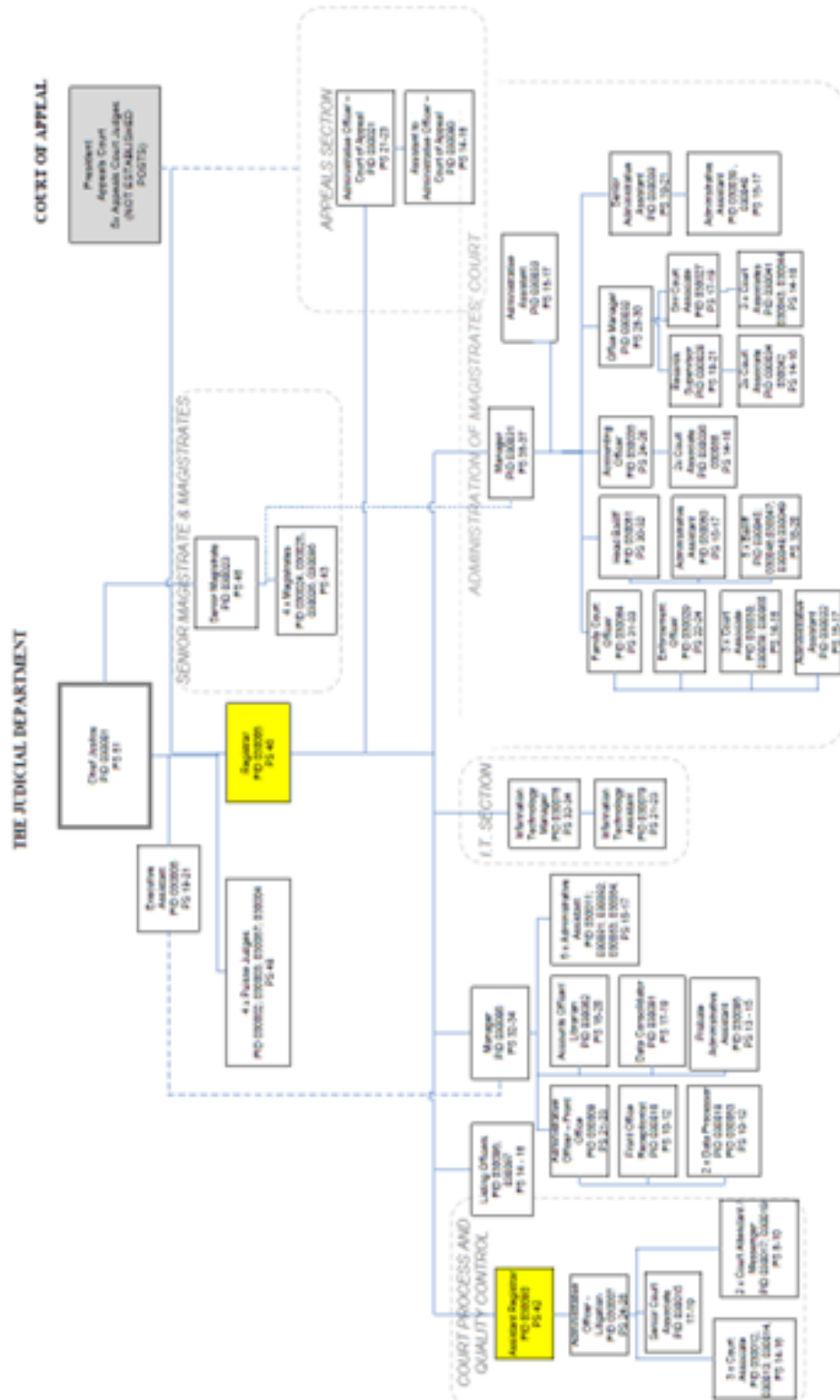
Donville Yarde
Bailiff



D'Vario Thompson
Bailiff



Veronica Dill
Bailiff



The coat of arms of Bermuda is centered in the background. It features a shield with a red cross and four white quarters, supported by a lion and a unicorn. A crown sits atop the shield, and a scroll at the base reads "DIEU ET MON DROIT".

CHAPTER 3: JUDICIAL & LEGAL SERVICES COMMITTEE

JUDICIAL & LEGAL SERVICES COMMITTEE

The Rt. Hon. Sir Christopher Clarke
Chairman

The most important activity of the Committee in 2023 was to engage in the process of selecting for interview, and interviewing, candidates for the two positions of Chief Justice and Magistrate, and then making recommendations to Her Excellency the Governor as to who she should appoint to these posts. This was a somewhat arduous process.

In relation to the post of Chief Justice there were fourteen applications. Of these, six were called for interview. Of those, four were Bermudians and two were members of high level courts outside Bermuda. It is a tribute to Bermuda that such a range of candidates was available for consideration. Interviews took place over the best part of a day on November 2, 2023. All the candidates interviewed were of high quality, and two of them in particular.

In relation to the Magistracy there were five applicants all of whom were interviewed on November 3 2023. All were Bermudian. The task of making a recommendation for this office was particularly difficult since all the candidates were of high quality and any one of them would have been a good choice.

After considerable consideration and discussion, particularly in relation to the Magistracy, the Committee made its recommendations to the Governor, who accepted them. As a result the new Magistrate is Auralee Cassidy and the new Chief Justice is likely to be appointed soon by Her Excellency the Governor. On behalf of the Committee I wish them a very happy and fulfilling time in their new roles.



“
The JLSC has continued to carry out its other functions during the year, which include the operation of the Judicial Complaints Protocol and consideration of a limited number of complaints that were referred to the Committee thereunder. There is an ongoing dispute as to whether it is lawful for the JLSC to operate that protocol...”

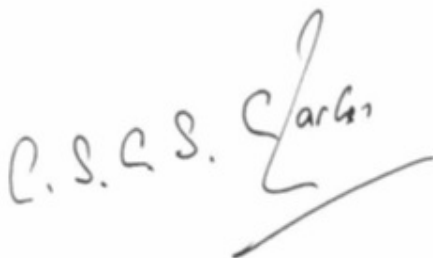
This is a process which will fall to be repeated in 2023. The aim is to secure two new Supreme Court Justices, one with particular experience in crime and the other with particular experience in civil and commercial matters. The JLSC will again need to interview candidates, probably in March and June in order to be able to make recommendations to the Governor.

Looking further ahead, the term of office of Justice of Appeal Geoffrey Bell will expire at the end of this year, after a distinguished term of office, and it will be necessary to appoint a successor. I do not anticipate any lack of applicants.

The JLSC lost two of its members in 2023. Chief Justice Hargun retired from office and will be replaced by his successor. Martha Dismont, who had been a most valued member of the JLSC since its inception, was lost to us in July 2023 and we look forward to welcoming her successor.

The JLSC has continued to carry out its other functions during the year, which include the operation of the Judicial Complaints Protocol and consideration of a limited number of complaints that were referred to the Committee thereunder. There is an ongoing dispute as to whether it is lawful for the JLSC to operate that protocol, the contrary submission being that judicial discipline falls only to be dealt with under the Constitution. That requires a decision of a tribunal appointed by the Governor under sections 74 (4) or 78 (4) of the Constitution that the question of removal should be referred by the Governor to the Judicial Committee of the Privy Council, and a decision by that Committee to advise the Sovereign that the judge should be removed. Nothing lesser than removal is contemplated. Since this matter is still before the Courts I will say no more about it.

The JLSC has taken the view that it would be desirable for the Committee to acquire a statutory basis and I intend to consider with the Governor and others how that may best be done.

A handwritten signature in black ink, reading "C. S. Clarke" with a stylized flourish at the end.

Sir Christopher Clarke
Chairman, JLSC



Martha Dismont
(1957-2023)

Members of the Committee



**THE RT.HON.SIR
CHRISTOPHER CLARKE**
CHAIRMAN



**THE HON. MR. JUSTICE
LARRY MUSSENDEN**
ACTING CHIEF JUSTICE



**THE HON. MR. JUSTICE
DAVID JENKINS**
MEMBER



**THE HON. MR. JUSTICE
ADRIAN SAUNDERS**
MEMBER



MR. JEROME WILSON
MEMBER



MS. ARLENE BROCK
MEMBER



VACANT
MEMBER



MR. JAMES JARDINE
MEMBER



MR. EVERAD TODD
SECRETARY TO THE
COMMITTEE

The coat of arms of Bermuda is centered in the background. It features a shield with a red cross and four white lions. The shield is supported by a lion on the left and a unicorn on the right. Above the shield is a crown. A banner at the bottom reads "DIEU ET MON DROIT".

CHAPTER 4: JUDICIAL TRAINING INSTITUTE

BERMUDA JUDICIAL TRAINING INSTITUTE

The Hon. Mrs. Justice Shade Subair Williams Chairperson

In the preceding year's report I highlighted that regular judicial training is a mark of compliance with our constitutional duties as we are so sworn by judicial oath. This statement obviates the need not only for the continuance of a regime of training for the betterment of individual judicial officers, but also for the collective benefit of a modern judiciary.

On 22 June 2023 the JTI held its commercial training seminar at Chubb Bermuda Ltd. In attendance was a combination of substantive commercial judges and Assistant Justices. The selected topics were Comity and Cooperation in changing Cross-Border Regimes.

We were particularly honoured to have the participation of our special presenter, former Chief Justice, now Justice of Appeal, the Hon. Dr. Ian Kawaley, with whom I co-presented on the pros and cons of independent statutory regimes for the restructuring of otherwise insolvent companies. This entailed a detailed analysis of the procedural and substantive legal effects of the relatively recent legislative amendments in the Cayman Islands on the restructuring of companies. Additionally the attending judicial officers had the benefit of a case-study of Re Oriente Group Ltd., a Grand Court ruling by Kawaley J which required judicial clarity on the effects of competing and consecutive petitions between a creditor on one hand and a company seeking its restructuring under the new statutory framework.

Former Chief Justice, Mr. Narinder Hargun, presented on comity and the appointment of soft-touch joint provisional liquidators which brought into focus jurisdictions such as Hong Kong where the concept of light-touch provisional liquidators are legally unrecognisable.



“
...Regular judicial training is a mark of compliance with our constitutional duties as we are so sworn by judicial oath. This statement obviates the need not only for the continuance of a regime of training for the betterment of individual judicial officers, but also for the collective benefit of a modern judiciary.

On 18 August 2023 the JTI held a criminal law training seminar at Sessions House where magistrates and judges were in attendance.

The seminar was focused on case management best practices as a tool to conducting efficient trials. The seminar was also motivated by a desire to create acting opportunities on the Criminal Bench for interested and suitable magistrates.



Anti-Money Laundering & Counter-Terrorism Financing Training for 2023



The Justice Training Institute organised training seminars in respect of the efforts for anti-money laundering and terrorism financing (“ML/TF”) in Bermuda.

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

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

The June training seminar comprised presentations as follows:

- Fintech in Bermuda - by Bermuda Economic Development Corporation, Presenter: G Clay Miller, Partner & Head of Community, Penrose Partners
- Digital Assets, Management of Seizure, Security, Confiscation by Assets Reality. Presenters: Aidan Larkin, Thomas Abernathy
- Cryptocurrency and Digital Assets by Bermuda Monetary Authority. Presenters: Sayak Choudhury, Christopher Brown
- Crowd Funding, Digital Assets and Terrorist Financing – A Case Study by Director of Public Prosecutions of Cayman Islands. Presenter: Simon Davis Cayman Islands DPP

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

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

GOALS & PLANS

2024-2025

The objectives of the institute remain as before:

- (1) to secure fully trained and certified judicial educators from within our number; and
- (2) to provide each judicial officer with an opportunity for ongoing general and specialised training.

In order to fully execute this mandate there is a need to employ and remunerate post-holders who may be charged with providing year-round administrative support for the creation and organisation of training programmes.

Caribbean Association of Judicial Officers

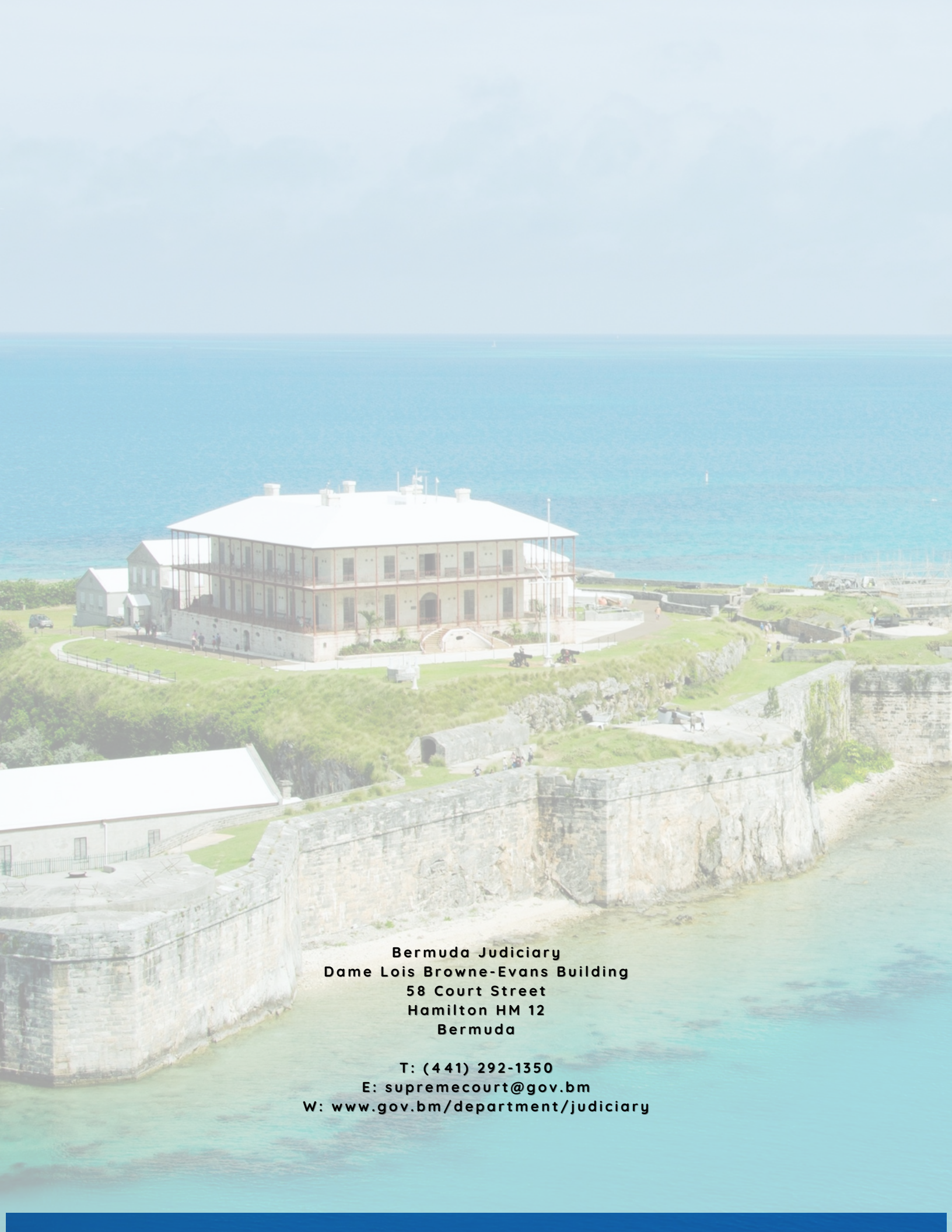
I am pleased to report, in terms of our resources, that the judiciary received a most welcomed increase in our training budget. This has and will serve as a notable benefit to our training opportunities for 2024 which will be centered on Bermuda's hosting of CAJO's 8th Biennial conference.





Acknowledgments

I would like to recognise Mr. Audley Quallo for his invaluable contribution to JTI initiatives. Mr. Quallo continues to volunteer his administrative support in conjunction with his other formal responsibilities. This level of commitment and service is to be recognised and is owed an unreserved recognition of praise.



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