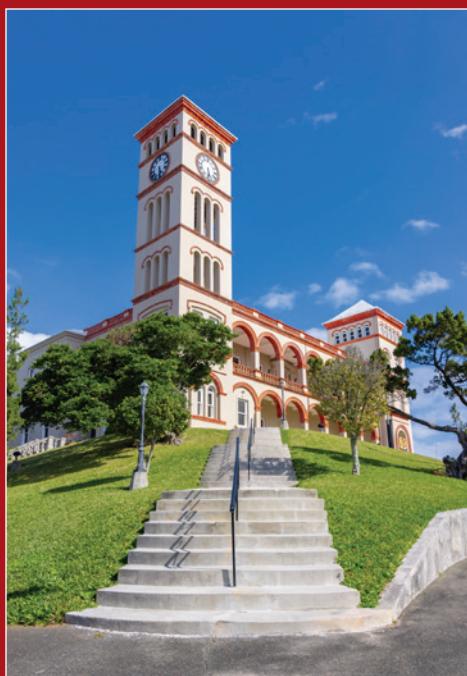




BERMUDA JUDICIARY

ANNUAL REPORT

2025





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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 CHIEF JUSTICE

THE HON. MR. JUSTICE LARRY MUSSENDEN

I am happy to present the 2025 Annual Report of the Bermuda Judiciary. It is important, both as a matter of principle and for retaining public confidence, that the independent Judiciary branch of our state gives an account of its performance in discharging its duties to the public and Court users. The publication of the 2025 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 wish to extend sincere thanks to His Excellency the Governor, Mr. Andrew Murdoch CMG who began his appointment in January 2025. He has been an invaluable support for the Judiciary and for the Judicial and Legal Services Committee. I must note the oversight role performed by His Excellency and the members of the Judicial and Legal Services Committee in dealing with judicial appointments and judicial complaints. The work of the JLSC remains important to providing quality judicial and legal services to Bermuda.

I wish to thank the Acting Registrar Mrs. Cratonia Thompson for her superintendence over the judicial administration of the Courts and the capable assistance provided through all members of staff, including the managers and supervisory staff. Equal gratitude is paid to Acting Assistant Registrar Mrs. Kenlyn Swan who has also served as Acting Registrar on occasion. I express my gratitude to the members of the Registry for their dedicated service during the last year.

To all judicial officers in the Court of Appeal, the Supreme Court, and the Magistracy, our panel of assistant justices and acting magistrates, I extend my sincere thanks.

Last year I reported that we spent some considerable time producing and issuing a Request for Proposal for a new electronic case management system. By way of update, we received many proposals and shortlisted some for further evaluation. We are hopeful that we can finalise selection soon and move onwards to final design, training and implementation.

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.

This Annual Report is a collaboration of reports from the various divisions and personnel of the Judicial branch. I thank each of them for their reports and their work throughout 2025. Thus, I am tremendously pleased to invite you to read the 2025 Annual Report where you will find the main highlights of the last year and short commentaries on various Courts and their respective jurisdictions. It is an important document from the point of view of, as I have said, judicial accountability.

The Hon. Larry Mussenden
Chief Justice

INTRODUCTION

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

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

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

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

There are six Justices of Appeal including the President and a number of Acting Justices of Appeal, six Judges of the Supreme Court including the Chief Justice along with a number of Assistant Justices and five Magistrates inclusive of the Senior Magistrate along with a number of Acting Magistrates.

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

CHIEF JUSTICE'S REPORT

Good afternoon, everyone, and welcome to the Special Sitting to commemorate the opening of the New Legal Year, 2026.

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



On behalf of the Judiciary, I wish to extend my deepest condolences to the family, colleagues and loved ones of Mrs. Kehinde George who passed away recently whilst serving as the President of the Bar Association. We will be holding a Special Sitting to mark her passing next month when her family will be present to hear our tributes. We also extend our sincere condolences to the family of the late Sonia Grant who also passed away last year. We will miss these honourable members of the Bar.

The day-to-day administration of justice depends upon the collaboration and assistance of a number of agencies. Thus, I acknowledge with thanks the assistance given by the Bermuda Bar Council and Mrs. Annwen Stirling, the Bermuda Police Service, the Department of Court Services, the Department of Corrections, the Department of Public Prosecutions and the Ministry of Justice. Also, I acknowledge the members of the Judicial and Legal Services Committee (JLSC) in dealing with judicial appointments and judicial complaints.

Here today, in the Dame Lois Browne Evans Building, I am pleased to present the Bermuda Judiciary Annual Report for 2025 and to mark the opening of the 2026 Legal Year.

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

Thus, our Annual Report and this Special Sitting in the open public, is the starting point of accountability, especially needed in a small island home like Bermuda. The public have a right to know about our performance, our achievements and successes, where we have not performed well, our challenges, where we are headed and how we will seek to address matters in the short and long term.

STAFFING

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

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

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

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

VARIOUS REPORTS

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

Supreme Court Criminal Division – I am pleased that Justice Wolffe has provided the report for the Criminal Division. I extend my thanks to him, Justice Subair Williams, Justice Richards, Assistant Justice Forde and Assistant Justice Patrick Doherty and the staff of the Criminal Division for their work. We have made recommendations to the Attorney General about expanding the pool of jurors and public consultation by the Attorney General is underway. We look forward to movement on that recommendation. I am also pleased that the Sentencing Guidelines Committee has begun its work under the chairmanship of Justice Wolffe.

Supreme Court Civil/Commercial Division – Cases have continued to be filed, listed and progressed as best as possible with judgments following in good time although the pressures on the Judges have not always allowed for that. I extend thanks to Justice Subair Williams, Justice Martin, Assistant Justices Segal, Southey, Elkinson, Diel, and others who have conducted civil and commercial matters. I wish to extend my congratulations to Justice Subair Williams on the publication of a book entitled "Judicial Cooperation in Commercial Litigation – The British Cross-Border Financial Centre World" 3rd Edition which she was co-editor with President of the Court of Appeal Ian Kawaley and Justice David Doyle, currently of the Cayman Islands Bench. The text is a product of approximately two years' work for the contributors and editorial team. There are more references to the text in the Commercial and Civil Division Report and in the JTI Report. I commend it to you for use here in our commercial courts. The Court has continued to use a combination of in-person hearings and remote appearances to provide a seamless service in cases. This flexibility has provided a benefit to parties as we can hear from parties or witnesses wherever they are in Bermuda or overseas. The report shows a wide range of cases as dealt with in the division, some involving incredibly vast sums of money. To that point, there were 30 special admissions to the Bar where the cases were led here in Bermuda by overseas King's Counsel with support by Bermuda counsel. That is a testament to the nature of the work that the Bermuda Courts handle in the Commercial Division.

The Commercial Court Users Committee did not meet last year but I look forward to continuing work towards practical solutions to support the Civil and Commercial Division. The Rules of the Supreme Court were amended on recommendation of the Supreme Court Rules Committee, headed by senior counsel David Kessaram. There was an amendment to Order 18 Rule 12 which inserted Rules 1A, 1B and 1C for personal injury cases for medical reports and a statement of special damages to be included with the Statement of Claim. The Rules Committee is now considering an amendment to insert an Order 14A, as per the rule in the White Book, for the disposal of a case on a point of law, without the full trial of the action. In respect of premises, we met last year with the Estates Department to discuss securing other premises for an expanded civil/commercial court space where there could be 3 or 4 courts as demand rises for cases to be heard. Another area of the Civil Court is the conduct of Mental Health Act applications. This is an important function of the Court to provide support and assistance in helping people to care for their loved ones.

As stated last year, with the rise of social media and its widespread use for good and bad, I envisage that defamation cases will increase in Bermuda. Thus we look forward to updating Bermuda's civil defamation laws. Applications in respect of mortgage defaults continue where mortgagors have fallen into default and applications

are made for possession, powers of sale and money judgments. These actions have serious consequences for both lenders and homeowners. I note that generally, in such actions significant time has passed before legal proceedings are begun, and by that time, interest has accumulated into extraordinary amounts. It seems that earlier action by the parties would have benefit to all concerned.

Supreme Court Family/Matrimony Division – Thanks are extended to Assistant Justice Wheatley for the conduct of the Family and Matrimony division. I commend the Family and Matrimonial Report to you. Wheatley AJ has been hearing matters in what is both an important and busy division. She also has some interesting ideas on the use of mediation in family matters.

Probate Division – The probate team continue to process applications and to address the backlog. The team has been supplemented with counsel Mrs. Rampersaad Ible who brings private practice experience. We are confident that we will address all outstanding probate matters and then provide an excellent timely service going forward. We recognize the importance to deal with matters expeditiously to respect the wishes of the deceased and allow others to get along with their lives.

The Magistrates' Court – Sincere thanks is expressed to all the sections of the Magistrates' Court including criminal, civil, family, traffic and the treatment courts. As we have heard, the Magistrates' Court conducts the brunt of everyday work in the Courts and the complete team deserves our full support. Special thanks go to the Special Panel for all their work dealing with family and juvenile matters. We were pleased that the daily rate for Panel members has been increased to \$150 per day as of 1 January 2026.

The Judicial Training Institute – I extend thanks to Justice Subair Williams for organising local training for the Bench. I commend the JTI report to you. In November, we held a training seminar where we focused on Anti-Money Laundering as well as the use of Artificial Intelligence or AI. We considered practice directions on AI in other jurisdictions and Justice Subair Williams will soon lead a small committee to work on introducing a Practice Direction for the use of AI in Bermuda court documents. The Judges have had some training and use of AI function offered by VLEX for research purposes. We want to ensure that we are using modern tools to our benefit.

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

The Social Committee – I extend sincere thanks to the Social Committee, chaired by Magistrate Maria Sofianos who has produced a report in the Annual Report. I thank her for her service as chair over the last few years. She and her team have done an excellent job of organizing social events for us which have included bowling, boating and national holiday celebrations. The new chair is Ms. Saidha Wingood and we extend best wishes to her and new committee.

THE FUTURE IN 2026 AND BEYOND

Calls to the Bar – In 2025 there were 34 hearings when attorneys were called to the Bar, a mix of young Bermudians who have qualified to be admitted to practice as well as lawyers new to Bermuda. These wonderful occasions were attended by counsel, applicants, their families and friends as their individual journeys were chronicled and celebrated along with the thanks of the Applicants and, in some cases, their tears of appreciation. The Bench expresses its congratulations and best wishes to all the new members of the Bar. We are confident that the highest standards of the profession will be maintained for years to come. A continuing observation is that there were not many who were keen to develop a criminal defence practice. Happily, the Bar and existing practitioners are working towards developing the defence bar, noting that commercial firms could benefit by sending their young counsel to work with criminal practitioners and get time on their feet.

Courtroom facilities – As you know, the loss of the use of Sessions House has had an impact on our delivery of services, having lost a Magistrates Court in this building. We still await the start of the renovation work in this building which will see the Court of Appeal, the Supreme Court's Criminal and Family Divisions and the Magistrates' Court and services all in one location.

The existing Courts and premises still require maintenance. We are extremely grateful to the Ministry of Public

Works, in particular Sheridan Ming, Thomas Brown and their team of tradesmen, who respond to our needs on a regular basis, despite the demands on their resources. They are unsung heroes with a wide scope of expertise that make things work.

Electronic Case Management System -

The Court issued a Request for Proposals for an electronic case management system. We received many proposals and the evaluation process has progressed throughout 2025. We had hoped for the system to be implemented in 2025 but the evaluation and selection process pursuant to procurement rules have taken longer than expected. We are looking forward to implementing a system that will include electronic filing and payment of fees, removing the need for endless paper files, tracking fines and balances, assisting with the management of warrants, and providing efficient support in managing child support payments. We extend our thanks to the Government which accepted the importance of having such a modern system and provided funding.



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

The Independence of the Judiciary

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

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

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

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

The Commonwealth (Latimer House) Principles on the Accountability of and the Relationship between the

Three Branches of Government (2003) state:

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

ACKNOWLEDGEMENTS

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

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

In closing, I invite you to read the 2025 Annual Report where you will find the main highlights of the last year and short commentaries on various Courts and their respective jurisdictions. It is an important document from the point of view of judicial accountability.

And finally, I would like to thank everyone who attended and invite counsel to have some pictures taken on the main staircase by the elevators in this building followed by a reception on the concourse. I now conclude this Special Sitting by formally declaring the 2026 Legal Year to be open!

Larry Mussenden
CHIEF JUSTICE



01. THE JUDICIARY

THE COURT OF APPEAL



RT. HON. SIR CHRISTOPHER CLARKE
PRESIDENT OF THE COURT



**HON.
MR. GEOFFREY BELL**
JUSTICE OF APPEAL



**RT. HON.
SIR ANTHONY SMELLIE**
JUSTICE OF APPEAL



**RT. HON.
DAME ELIZABETH GLOSTER**
JUSTICE OF APPEAL



**HON.
MR. IAN KAWALEY**
JUSTICE OF APPEAL



**HON.
MR. NARINDER K. HARGUN**
JUSTICE OF APPEAL



**RT. HON.
SIR GARY HICKINBOTTOM**
JUSTICE OF APPEAL

THE SUPREME COURT



HON. MR. LARRY MUSSENDEN
CHIEF JUSTICE



HON. MS. NICOLE STONEHAM
PUISNE JUDGE



HON. MRS. SHADE SUBAIR WILLIAMS
PUISNE JUDGE



HON. MR. ANDREW MARTIN
PUISNE JUDGE



HON. MS. ALEXANDRA WHEATLEY
ACTING PUISNE JUDGE

THE SUPREME COURT (CONTINUED)



HON. MR. JUAN WOLFFE
PUISNE JUDGE



HON. MR. ALAN RICHARDS
PUISNE JUDGE



MRS. CRATONIA THOMPSON
ACTING REGISTRAR OF THE
SUPREME COURT



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

THE MAGISTRACY



WOR. MAXANNE ANDERSON, JP
SENIOR MAGISTRATE



WOR. TYRONE CHIN, JP
MAGISTRATE



WOR. CRAIG ATTRIDGE, JP
MAGISTRATE



WOR. MARIA SOFIANOS, JP
MAGISTRATE



WOR. AURA CASSIDY, JP
MAGISTRATE

THE COURT OF APPEAL

JANUARY

The Court has been busy this year – as always. In January the Court sat for two weeks in London in the International Dispute Resolution Centre. The case was *Wong v Grand View Trust Company*. This was an appeal from the decision of Kawaley J (as he then was) delivered in June 2022 after a hearing which had lasted for some 80+ days between April and September 2021. The case, which involves assets worth in excess of \$14 billion, concerned dispositions of shares in BVI holding companies made by YC and YT Wang (known as “the Founders”, because they founded the Formosa Plastics Group of companies, now the largest manufacturing conglomerate in Taiwan) to five Bermuda Purpose Trusts, which had charitable and non-charitable purposes. The Trusts were intended by the Founders to be a means of fulfilling their belief that those who prospered should give back to society.



The case raised a number of important legal issues, including (a) whether the wordings of the purposes of the five Trusts were too uncertain to be valid; (b) whether the *Bermuda Trusts (Special Provisions) Act 1989*, as amended by the *Trusts (Special Provisions) Amendment Act 1998* allowed trusts to be for mixed charitable and non-charitable purposes; (c) whether the transfers of shares in the Holding Companies to three of the Trusts were void for non-compliance with the formalities requirements imposed by section 9 of the *Statute of Frauds 1677*, which requires assignments of trusts to be in writing signed by the person assigning the same; and (d) whether YC Wang was under a mistake when he agreed to the transfers to the first four Trusts.

The Statute of Frauds issue was particularly significant since it involved a decision as to whether Bermuda had been conquered or settled prior to its passing (in which case the Statute would not have formed part of Bermuda Law); (b) whether the Statute applied to personality; (c) whether YC and YT Wang had an equitable beneficial interest in the property transferred to the three Purpose Trusts in any event; and (d) whether a number of exceptions to the application of the Statute applied. The judgment of the Court is expected in early 2026.

THE MARCH SESSION

In March the Court was glad to welcome as two of its sitting members Narinder Hargun, the former Chief Justice, and Sir Gary Hickenbottom, formerly a member of the English Court of Appeal. In the March session, there was a mixed bag of cases including (i) *RIM v Ministry of Education*, in which the Court refused to extend time to file a Notice of Appeal on the ground that the substance of the appeal had become academic; (ii) *Cox v Cox*, a case concerning the standing of the appellant to bring a derivative action on behalf of an estate; (ii) *Leveck Roberts v R*, a case in which the appellant sought – unsuccessfully – to admit fresh evidence in support of his application to re-open his appeal (two previous appeals had been unsuccessful) against his conviction for premediated murder.

THE JUNE SESSION

In the June session, in which the Court was composed of Justices Kawaley and Hargun and either the Chief Justice or Justice Subair Williams or Justice Martin, as Acting JAs, there was again a mixed bag of cases including:

- (i) **Lawrence v The Public Service Commission** in which the Court granted leave to appeal the partial refusal of the Supreme Court to grant leave to seek judicial review, allowed the appeal against that decision and remitted the matter to the Supreme Court. The case concerned the decision to appoint someone other than the Appellant as Solicitor General.
- (ii) **Mount Saint Agnes Academy v AB**, which concerned the dismissal of an application by the appellant to strike out proceedings for historical sexual abuse. The Court held that the judge was entitled to defer consideration of the limitation issue and the strike out application until the trial.
- (iii) **Mizrachy v R** which concerned Mr Mizrachy's appeal against decisions of the Supreme Court dismissing his appeal against convictions for careless driving and wilful damage and the appeal of the Crown against the decision of the Supreme Court setting aside Mr Mizrachy's convictions for using offensive words and racial harassment. All three appeals were dismissed.
- (iv) **Benjamin v R**. An appeal against a sentence of immediate imprisonment for causing grievous bodily harm when under the influence of alcohol.

THE NOVEMBER SESSION

In the November session the cases heard were all criminal. The only civil case due to be heard – on the first Tuesday – was settled on the previous Friday. The cases that were heard included:

- (a) **R v Corey Sousa**, which concerned the disqualification regime for second traffic offences (an issue more complicated than you might have thought).
- (b) **Roberts v R**, an unsuccessful appeal against convictions for firearm and ammunition offences. In which it was contended that the Firearms Act 1973 was unconstitutional; that the judge erred in his directions to the jury on the burden of proof and that the appellant's trial counsel was ineffective such that the conviction amounted to a miscarriage of justice.
- (c) **R v Forde** An appeal by the Crown against the sentence imposed for luring a young person in a position of trust, sexual exploitation of such a person and accessing child pornography.
- (d) **R v Smith, Williams & Desilva** This is a case in which, at the very end of the trial the prosecution entered a nolle prosequi, in circumstances where the Crown's case could be said to have collapsed in the light of the evidence of its chief witness. The judge nevertheless allowed the case to proceed and summed up to the jury who acquitted the defendant. The Crown contended that the judge was wrong to do so.
- (e) **Dill v R** An appeal against conviction relying on the fact that the DNA evidence adduced at trial was wholly unreliable, as appeared from *R v Washington* [2024] UKPC 34, which addressed the flaws in the evidence of the Crown's expert witness (the same in that trial as in Dill).
- (f) **R v Muhammad** This was a case in which there had been lamentable delay in the production of submissions by the appellant's counsel; and where the judge had in the end dismissed the appeal from the Magistrate's decision, without hearing submissions on behalf of the appellant – a course which the Court regarded as understandable but erroneous.

THE PRIVY COUNCIL

There have been a larger than usual number of appeals to the Privy Council ("PC") which have been determined in the course of 2025. They are the following (one case – Gardner v DPP remains pending):

(a) **Jardine Strategic Ltd v Oasis Investments Nos 1 and 2.** In the first of these cases the PC dismissed the appeal. The case concerned whether the shareholders who were entitled, under section 106 of the Companies Act 1981, to apply to the court for an appraisal of the fair value of their shares (to be compulsorily purchased as part of an amalgamation of two companies) were (a) limited to those who were registered at the date of the notice of the meeting of shareholders required by the section to approve the amalgamation; or (b) extended to those registered at the date of the meeting - as the Supreme Court (Hargun J) and the Court of Appeal had held.

In the second case the PC allowed the appeal and held that dissenting shareholders who had had their shares cancelled and were not satisfied with what was being offered to them for their shares were not entitled to see the legal advice that the Jardine Matheson Group had received when deciding what value it would offer to them as fair value for their shares. The PC held that the so called "Shareholder Rule" - pursuant to which a company could not in the course of litigation between it and shareholders or former shareholders withhold documents from inspection on the ground of legal advice privilege - formed no part of the law of Bermuda and ought not to continue to be recognised in England and Wales either. This decision represents a major development.

(b) **Corporation of Hamilton v AG & Governor of Bermuda.** The PC dismissed the appeal by the Corporation which had sought to establish that certain legislative measures introduced to convert the Corporation into what was characterised as an unelected "quango" were unconstitutional.

(c) **Credit Suisse Life (Bermuda) Ltd v Ivanishvili.** The PC dismissed the appeal on all issues save that it altered the date for the calculation of damages by about a month. The decision contains an important ruling to the effect that, in the case of an implied representation, it is not necessary to establish that the claimant was consciously aware of the representation. In this respect the decision of the Court of Appeal was held to be wrong as were decisions to that effect in several English cases.

SPECIAL SITTING

On 20 November there was a special sitting of the Court, presided over by the Chief Justice and attended by His Excellency the Governor, and many members of the Judiciary and the Bar, to mark the retirement of Sir Christopher Clarke as President of the Court of Appeal. 12 individuals spoke to express their appreciation of the signal contribution that he has made over a nine-year period to the working of the Court and to its standing and reputation. The session was a most joyous occasion (and may currently be found on YouTube under the heading "Special Sessions").

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

SUPREME COURT CIVIL/COMMERCIAL DIVISION

JUDGES OF THE DIVISION

The Civil and Commercial Division was presided over in 2025 by:

- **The Hon. Chief Justice Mr. Larry Mussenden**
- **The Hon. Madam Justice Nicole Stoneham**
- **The Hon. Mrs. Justice Shade Subair Williams**
- **The Hon. Mr. Justice Andrew Martin**
- **Assistant Justice Nick Segal**

Civil matters were also conducted by the Hon. Mr. Justice Alan Richards and several Assistant Justices, including Alexandra Wheatley, Cratonia Thompson, Jefferey Elkinson, Mark Diel, and Hugh Southey KC.



JURISDICTION AND CASE TYPES

The Civil and Commercial Division has a very wide brief. The civil area may be divided into two halves: (i) deciding cases which concern the relationship between the citizen and the State (public law cases); and (ii) 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 law cases include cases concerning the Bermuda Constitution or the Human Rights Act, and challenges to the decisions of Ministers or Government Departments. Private law cases may involve disputes about contracts, employment, landlord and tenant, personal injury, wills and estates or other property cases including boundary and land disputes.

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

JUDICIAL OUTPUT IN 2025

A measure of the output of the Civil and Commercial jurisdiction is the number of published or reasoned judgments. The Civil and Commercial Division delivered 104 written judgments, including 33 in commercial matters. These figures reflect the Division's commitment to providing reasoned decisions in complex disputes. See Annex.

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 2025, the figures reveal 658 interlocutory orders were made and 155 final orders were made (a total of 813) in civil and commercial matters, underscoring the Division's active role in managing proceedings efficiently. On the administrative side, there were 34 Call to the Bar hearings and a

number of Calls without a hearing and 30 for special admissions. We extend our congratulations to counsel who were called to the Bar in 2025 and wish them well in their careers.

Another measure of activity in the Civil and Commercial Court is the number of actions commenced within the relevant year. Substantive proceedings are represented by (i) writ of summons filed in the Commercial Court; (ii) originating summons filed in the civil jurisdiction; (iii) writ of summons filed in the civil jurisdiction; (iv) judicial review notices of motion; and (v) partition actions in the civil jurisdiction. In these categories the total number of actions commenced in 2025 was 338:

Wrts of Summons	72	Originating Summons	137
Commercial	0	Judicial Review	23
Mental Health	11	Partition	2
Call to the Bar	34	Bankruptcy	0
Notary Public	13	Other	16

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

Criminal and civil appeals from the Magistrates' Court are also heard in the various divisions of Court. In 2025 NOTE: the number of civil appeals recorded also include appeals on Tribunal decisions, the total number of appeals filed was 44, 14 criminal appeals and 30 civil appeals. In decided appeals in 2025, 4 were allowed 2 were dismissed and 6 were abandoned/withdrawn.

SPECIAL ASSIGNMENTS

ACTING JUSTICES OF COURT OF APPEAL

In some 2025 sessions of the Court of Appeal, Chief Justice Mussenden, Justice Subair Williams and Justice Martin were called upon to sit as Acting Justices of Appeal.

Throughout the year of 2025, Justice Subair Williams' assignment to cases in the Civil and Commercial Division of the Court decreased for the following reasons:

1. In 2025, under Mr. Ian Kawaley, the President of the Court of Appeal, as Chief Editor, and together with Mr. Justice David Doyle, Justice Subair Williams co-edited and co-authored the Book "Judicial Cooperation in Commercial Litigation – The British Cross-Border Financial Centre World" (Third Edition), published in 2025 by Wildy, Simmonds & Hill Publishing.
2. In 2025 Justice Subair Williams acted as a Justice of Appeal in the Court of Appeal. See:
 - (i). *Denise Trew v White and HSBC Bank Bermuda Limited* [2025] CA (Bda) 23 Civ. (15 August 2025);
 - (ii). *Denise Trew v HSBC Bank Bermuda Limited* [2025] CA (Bda) 22 Civ. (15 August 2025);
 - (iii). *Denise Trew v Molly and Stephen White* [2025] CA (Bda) 21 Civ. (15 August 2025)
 - (iv). *Mount Saint Agnes Academy v AB* [2025] CA (Bda) 13 Civ (20 June 2025);
 - (v). *Larry Benjamin v The King* [2025] CA (Bda) 19 Crm. (22 July 2025)
3. From 15 September 2025 - 23 October 2025 Justice Subair Williams sat in the Criminal Division of the Supreme Court for the murder trial of *R v Eze Hart* Case no. 21 of 2022 (Also see *The King v Eze Hart* [2025] SC (Bda) 115 crim. (7 November 2025))

Commercial Court Texts – Justin Martin has taken lead, with input from the Commercial Court Judges, in ensuring that we are equipped with relevant texts for our education and research purposes.

PREMISES DEVELOPMENT

During 2025, we have started to discuss and explore options for new premises to house the Civil and Commercial Division. The vision is to secure a location within Hamilton, in close proximity to existing court facilities, that will accommodate approximately four new courtrooms. These courtrooms will be equipped with modern technology and designed to facilitate proceedings involving multiple counsel, both in person and remotely. This initiative reflects Bermuda's standing as a premier international financial centre and underscores the commitment of the Judiciary to providing world-class facilities that match the excellence of its judicial services. While the process of securing new premises is necessarily lengthy, it is essential that the Judiciary takes the first steps toward achieving this important goal.

FUTURE OUTLOOK

Looking ahead to 2026, the Civil and Commercial Division will continue to:

- Strengthen efficiency in case management and reduce delays.
- Expand modernization initiatives, including electronic filing and digital case tracking.
- Uphold Bermuda's reputation as a leading jurisdiction for commercial litigation and trust law.
- Enhance transparency and public engagement through accessible reporting and outreach.

ANNEX

CIVIL CASES

Some cases of note in the Civil Division are summarised below.

JANUARY

1. Strike out action brought by former Chief Justice. Considers the constitutionality of judicial immunity. *Gregory Burgess v First Bermuda Group Limited and Others* [2025] SC (Bda) 7 civ. (16 Jan 25) (Southey AJ).
2. Determining costs for the First Costs Hearing, the Leave Application, the Appeal and the Second Costs Hearing. *BS&R Group Limited v Westport Architecture and C.W. Construction and Landscaping Ltd* [2025] SC (Bda) 8 civ. (20 Jan 25) (Mussenden CJ)
3. Application for leave to appeal refused in a matter involving recusal of the Judge and bias of the Judge. *Gayle Ventures v Clarien Bank, Alexandra Wheatley, Geoffrey Bell* [2025] SC (Bda) 13 civ (31 January 2025) (Mussenden CJ)

MARCH

4. Application for Special Admission of Foreign Counsel, Objection by the Bermuda Bar Council, the Attorney General and the Director of Public Prosecutions. *Eron Hill v Director of Public Prosecutions, the Attorney General*. [2025] SC (Bda) 27 civ. (10 March 2025) (Mussenden CJ)
5. Applications in respect of seeking an order for time limited for filing a bill of costs to be extended, for a declaration that defendants have waived confidentiality and legal professional privilege. *David Moir et al v Mark Andrew et al* [2025] SC (Bda) 28 Civ. (13 March 2025) (Mussenden CJ)
6. Application for Indemnity Costs by Plaintiff, when the Defendant was successful, but the Court formed a view that the conduct of the Defendant fell below an acceptable standard. *James Watlington v Shawn Thomas* [2025] SC (Bda) 35 civ. (20 March 2025) (Mussenden CJ)

APRIL

7. Suspension of union membership, Breach of confidence, Freedom of conscience, Freedom of expression, Rules of natural justice, Ineligibility of candidacy for election, Reversal of election results, Defamation, Audited accounts. *Rev. Dr. Leonard Santucci v The Bermuda Union of Teachers*. [2025] SC (Bda) 41 civ. (14 April 2025) (Mussenden CJ)

MAY

8. Application for a stay of writ of execution in a mortgage matter. Doctrine of Equity. *HSBC Bank of Bermuda Limited v Ricardo Rampersad et al*. [2025] SC (Bda) 44 civ. (1 May 2025). (Mussenden CJ)
9. Strike out of claim against law firm. *Gregory Burgess v First Bermuda Group Limited and Others* [2025] SC (Bda) 46 civ. (8 May 25) (Southey AJ).

JUNE

10. Application under section 15 of the Bermuda Constitution to set aside judgment of Supreme Court judge refusing to stay criminal proceedings on grounds of apparent bias. *Jaymo Durham and Keiva Durham v The Attorney General* [2025] SC (Bda) 66 civ (23 June 2025) (Martin J)

JULY

11. Application for Security for Costs. *David Moir et al v Mark Andrew et al* [2025] SC (Bda) 70 civ. (16 July 2025) (Mussenden CJ)
12. Award of the Employment and Labour Relations Tribunal against an employer being proceeded against by way of an Originating Summons against the employer personally. Application to pierce the corporate veil. *Lorrae Edwards and Amanda Gyles v Susan Ternent* [2025] SC (Bda) 75 civ. (24 July 25) (Mussenden CJ)



AUGUST

13. Statutory jurisdiction of the Court to appoint a trustee under section 31(1) of the Trustee Act 1975. Three qualified trustees from which to choose one trustee; Test of "expedient" to appoint a new trustee and "expedient for the trust as a whole". (i) *Winston Wong et al v Grand View Private Trust Company Limited et al*; (ii) *Tony Wang v Winston Wong et al* [2025] SC (Bda) 81 civ. (13 August 2025) (Mussenden CJ)
14. Trial of an action for malicious prosecution for breach of the Public Health (COVID-19 Emergency Powers) (Stay at Home) Regulations 2021 (BR 50/2021). Claim brought against both the police officer responsible and the Attorney General. *Dantae Williams and Another v Chief Inspector Stapleford and Another* [2025] SC (Bda) 83 civ. (12 August 2025) (Southey AJ)
15. Claim for damages for personal and emotional injury, Special circumstances of a vulnerable child, Application for stay unless Plaintiff consents to having photographs and video recording taken for use by defence expert, Admissibility of existing photographs and video recordings of child taken by the school, Whether Personal Information Protection Act 2016 applies to exclude evidence) *ABC (A Minor) v Minister of Education* [2025] SC (Bda) 86 civ. (15 August 2025) (Mussenden CJ)

DECEMBER

- 16.** Application to set aside judgment entered in default of appearance / Whether judgment was irregular / Application for permanent stay of proceedings pursuant to section 7 of the Arbitration Act 1986 / Application for security of costs. *Hillcrest Properties Ltd and Ian Robert Macdonald-Smith* [2025] SC (Bda) 124 civ (3 December 2025) (Subair Williams J)
- 17.** Judgment Creditor's Petition to Restore companies Struck-off the Company Register for the purpose of securing a winding up order- Distinction between sections 260 and 261 of the Companies Act 1981- Court's Power to declare dissolution of company void - Directions on Payment of Outstanding Annual Fees and Penalty Charges *In the Matter of Maja Holdings and In the Matter of Abbott Holdings Ltd* [2025] SC (Bda) 125 civ (9 December 2025) (Subair Williams J)
- 18.** Hearing of judicial review proceedings in respect of a summary dismissal of a complaint by the Executive Officer of the Human Rights Commission under section 15 (8) of the Human Rights Act 1981. *Cory Amir Brown v Human Rights Commission* [2025] SC (Bda) 128 civ (15 December 2025) (Subair Williams J)
- 19.** Application to stay another judge's decision and prevent that judge from hearing a case under section 15 of the Bermuda Constitution on the grounds of ultra vires and the appearance of bias. *Quinton Burgess v Attorney General* [2025] SC (Bda) 129 civ (17 December 2025) (Martin J)
- 20.** Whether interest should run from date of Cause of Action or from date of Judgment, or some other date. *Rita Furbert v Williston Furbert et al.* [2025] SC (Bda) 132 civ. (19 December 2025) (Mussenden CJ)
- 21.** Strike Out Application (RSC 18/9 (1)(d)) and Court's Inherent Jurisdiction- General Legal Principles on Abuse of Process caused by Want of Prosecution - Contumelious Delay and Inordinate and Inexcusable Delay causing prejudice to the fairness of a trial *David Tucker v Hamilton Properties Limited* [2025] SC (Bda) 133 civ. (22 December 2025) (Subair Williams J)

COMMERCIAL CASES

Some cases of note in the Commercial Division are summarised below.

JANUARY

- 22.** Allegations of Fraud, Breach of Confidence and Breach of Fiduciary Duty Claims – Defendants' Application for Further and Better Particulars of Claim and Schedule of Loss – Whether allegations of misuse of corporate trade secrets and information of proprietary value have been sufficiently pleaded – Plaintiff's Application for Leave to Amend its Pleadings and for a Split Trial – Leave to Adduce Expert Evidence - RSC Order 1A Case Management Duties and Powers of the Court Overriding Objective *Athene Holding Ltd v Siddiqui et al* [2025] SC (Bda) 14 civ. (31 Jan 2025) (Subair Williams J)

FEBRUARY

- 23.** Trial of an appraisal claim to determine the fair value of dissenters' shares under an amalgamation under Section 106 of the Companies Act 1981 in relation to a company developing a platinum mine in South Africa. *Glendina PTY Ltd v NKWE Platinum Ltd* [2025] SC (Bda) 15 (civ) (4 February 2025) (Martin J)
- 24.** Claim under an indemnity agreement for court costs by the unsuccessful party in a declaration action. The court rejected the claim because the indemnity agreement only extended to costs incurred in relation to costs of defending proceedings in relation to his acts or omissions in his capacity as a director, not otherwise. *Afiniti Ltd v Chishti* [2025] SC (Bda) 17 (civ) (12 February 2025) (Martin J)
- 25.** Proceedings under section 106(6) of the Companies Act 1981 for a determination of fair value of the Defendant company following a merger. Application for a declaration as to the meaning of the word "document" as set out in a previous Order for Direction of previous Chief Justice. (i) *APS Holding Corporation v Sumitomo Pharma UK Holdings, Ltd.* (ii) *Alpine Partners (BVI) L.P. et al v Sumitomo Pharma UK Holdings, Ltd.* [2025] SC (Bda) 16 civ (12 Feb 2025) (Mussenden CJ)

APRIL

26. Blessing application by a trustee not to make a distribution of assets of the trust pending the determination of potential tax liabilities of the beneficiaries of a family trust which was a 'momentous' decision in life of the trust. *Re W Trust* [2025] SC (Bda) 55 (civ) (11 April 2025) (Martin J)

MAY

27. Application under section 6 (8) of the Constitution to set aside a Decision Notice issued under the Digital Asset Business Act 2018 as being unconstitutional. *Lai & Others v the Bermuda Monetary Authority and the Minister of Finance* [2025] SC (Bda) 49 civ (14 May 2025) (Martin J)

28. Application to stay proceedings to rectify the register of shareholders under section 23 of Schedule 2 of the Bermuda International Conciliation and Arbitration Act 1986 in favour of pending arbitration proceedings in Singapore. *Company A and Company B v Company C and Company D* [2025] SC (Bda) 52 (civ) (19 May 2025) (Martin J)

JUNE

29. Application for interim injunctive relief to prevent two directors of the company who were members of the litigation committee of the board from acting in the name of the board in relation to a requisitioned meeting of the members of the company. *Re ASA Gold and Precious Metals Ltd Kazarian v ASA Gold and Precious Metals Ltd and Others* [2025] SC (Bda) 47 (civ) (8 May 2025) and [2025] SC (Bda) 54 (civ) (2 June 2025) (Martin J)

JULY

30. Application by the Joint Liquidators under section 175 (2) (h) of the Companies Act 1981 for the court's sanction to make a distribution of surplus assets to the sole shareholder in respect of a company holding undistributed digital assets deposited by customers of a digital asset exchange regulated under the Digital Asset Business Act 2018 and consequential directions. *Re Bittrex Global) Bermuda Limited (In Liquidation)* [2025] SC (Bda) 78 (civ) (11 July 2025); [2025] SC (Bda) 93 (5 September 2025); [2025] SC (Bda) 100 (civ) (30 September 2025); [2025] SC (Bda) 113 (civ) (3 November 2025). (Martin J)

31. Oppression Remedy Petition pursuant to section 111 of the Companies Act 1981. Applications to serve out of jurisdiction, to adduce evidence of an expert, for an injunction to restrict the Company from using its assets to fund the litigation, save certain actions. *In the Matter of Cassatt Insurance Company, Ltd.* [2025] SC (Bda) 73 civ. (18 July 25) (Mussenden CJ)

AUGUST

32. Dissenting shareholders' application for disclosure by the company in relation to an appraisal claim under section 106 of the Companies Act 1981 following an amalgamation which resulted in the compulsory acquisition of the dissenters' shares. *Four World Opportunities Fund Ltd and Others v Enstar Group Ltd and Harspring Capital LP V Enstar Group Ltd* [2025] SC (Bda) 78 (civ) (4 August 2025) (Martin J)

33. Trial of an action to enforce an anti-embarrassment clause in a Settlement Agreement whereby the parties had compromised claims of minority oppression on the basis of a purchase of the minority shareholders' shares in the fourth defendant ("the company") at a stipulated price. *Annuity & Life Re and Another v Kingboard Copper Foil Holdings Ltd and Others* [2025] SC (Bda) 88 (civ) 1(8 August 2025) (Martin J)

SEPTEMBER

- 34.** Application for a worldwide freezing order and related disclosure orders against defendants in aid of execution of an interim costs award involving a third-party freezing order and related disclosure orders. *In the matter of Afiniti Ltd (in Liquidation) ex parte VCP Capital Markets LLC V Muhammad Ziaullah Chishti and Sarah Jennifer Pobereskin* [2025] SC (Bda) 97 (civ) (24 September 2025) and *VCP Capital markets LLC V Chishti and Pobereskin* [2025] SC (Bda) 120 (civ) (25 November 2025) (Martin J)
- 35.** Applications for directions by joint provisional liquidators of two segregated accounts companies registered under the Segregated Accounts Companies Act 2000 ("SACA") of which one was also regulated as an investment business adviser and subject to the Client Money Regulations 2004 ("the CMR"). The court gave directions in relation to the effect of segregation under SACA and the effect of the CMR. *In re Northstar Financial Services Bermuda Limited (in Liquidation)* and *In re Omnia Limited (In Liquidation)* [2025] SC (Bda) 98 (civ) (25 September 2025) (Martin J)

OCTOBER

- 36.** Applications under section 96 (8) of the Regulatory Act 2011 for an interim stay of the imposition of ex ante remedies and directions by the Regulatory Authority to require the primary service providers of telecommunications services in Bermuda to introduce new services at competitive rates. *Logic Communications Ltd and Others v The Regulatory Authority and Bermuda Telephone Company Limited and Others v The Regulatory Authority* [2025] SC (Bda) 104 app (3 October 2025) (Martin J)
- 37.** Oppression Remedy Petition pursuant to section 111 of the Companies Act 1981. Application by Petitioners for an interim injunction to restrain the sale of shares in the company by the other shareholders in the company pending the determination of the Petition. *In the Matter of Cassatt Insurance Company, Ltd.* [2025] SC (Bda) 107 Civ. (15 October 2025) (Segal AJ)
- 38.** Application to set aside court's order giving leave to enforce New York JAMS arbitration award as a judgment of the Bermuda court under section 42 (3) of Schedule 2 of the Bermuda International Conciliation and Arbitration Act 1986. *The Resource Group International Limited v Chishti* [2025] SC (Bda) 108 civ (24 October 2025) (Martin J)
- 39.** Application for the appointment of interim joint provisional liquidators on the grounds that the sole shareholder had passed a resolution to wind up the company. *In re Thaihot Investment (Bermuda) Holding Limited* [2025] SC (Bda) 111 civ (28 October 2025) (Martin J)
- 40.** Application for a Benjamin Order to authorize and direct the joint liquidators to proceed on the footing that unclaimed and undistributed assets held in the omnibus wallets of a digital asset business are to be treated as reverting to the company as part of the wind down debtors in a Joint Plan of Reorganisation approved by the US Bankruptcy Court for the District of New Jersey in the United States in Chapter 11 proceedings. *In re Blockfi International Limited (in Liquidation)* [2025] SC (Bda) 110 Civ (28 October 2025) (Martin J)

NOVEMBER

- 41.** Application for expedited trial: Claim that a dissenting shareholder is entitled to be paid in cash at the fair share value – Section 106(2)(b) of the Companies Act 1981- Applying Case Management principles (Overriding Objective) to trial directions *Alpine Partners (BVI) LP and CMB Tech Bermuda Limited* [2025] SC (Bda) 118 com (17 November 2025) (Subair Williams J)
- 42.** Application for permission to appeal the order dismissing the petitioner's application for an interlocutory injunction and for a stay or interim injunction pending the determination of the appeal and for consequential orders including costs of the company which is only a nominal respondent to the Petition. *In the Matter of Cassatt Insurance Company, Ltd.* [2025] SC (Bda) 121 civ. (27 November 2025) (Segal AJ)

DECEMBER

43. Contested application for sanction of a scheme of arrangement whereby the shares of Oceans Wilsons Holdings Limited (OWHL) not already owned by Hansa Investment Company Limited (Hansa) are to be exchanged for Hansa Share Units at an Exchange Ratio of 1.4925 Hansa Share Units for each OWHL Scheme Share. The grant of the sanction was challenged on the grounds that the Exchange Ratio was unfair. *Re Oceans Wilsons Holdings Limited* [2025] SC (Bda) 123 civ (2 December 2025) (Martin J)

SUPREME COURT CRIMINAL DIVISION

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

“The success of any legal system is measured by its fidelity to the universal ideal of justice.”
- Earl Warren, Chief Justice of the United States

At last year's Judicial Legal New Year sitting I stated that the fundamentals of the Criminal Justice System were sound and that our foundation of justice was strong. I also stated that we will do all that is necessary to make sure that this continues into 2025. I am delighted to say that we did just that. As I said last year, when I say "we" I am referring to Justice Alan Richards and the Acting Justices of the Criminal Division, the Department of Public Prosecutions, the Criminal Defence Bar, the Legal Aid Office, the Bermuda Police Service, the Department of Corrections, the Department of Court Services, and last but certainly not least, the Staff of the Criminal Division of the Supreme Court.



Together, we have zealously ensured that accused persons fully enjoy their legal and constitutional rights which are enshrined under Section 6 of the Bermuda Constitution Order 1968. In particular, that they will "be afforded a fair hearing within a reasonable time by an independent and impartial court", and, that they "shall be presumed to be innocent until they are proved or has pleaded guilty". Further, those who are convicted of crime will have a realistic chance of ceasing their offending behaviour through structured rehabilitative and restorative programmes.

Equally important is our steadfast assurance that victims of crime will also receive justice and some semblance of closure for what may have been a horrific crime committed on them. While the Courts cannot erase the trauma which they may have experienced because of being victimized, we have made strident efforts to ensure that their complaints will be heard as soon as reasonably possible, and, that the Court will be a safe place where they can give coherent and cogent evidence.

Moreover, the Rule of Law and Access to Justice are at the heart of our Criminal Justice system and they are what motivates us to do what we do. At the forefront of minds when we adjudicate and administrate criminal matters is that everyone must have the opportunity and the facility to enforce their legal rights and to be heard. And ultimately, that they will be granted a "fair" trial. This is whether they are accused of a crime or are the victims of crime.

To this end, in 2025 the Criminal Courts continued their mission which commenced in February 2024 to reduce the backlog of cases which ballooned in the years prior (in large part due to the Covid-19 pandemic in 2020). As in 2024, 2025 was punctuated by: frequent and results-driven case management hearings wherein the Courts have provided the conduit through which timely and full disclosure of evidential material is disclosed and where legal issues are narrowed; prioritizing matters of a vintage nature (i.e. which pre-date 2022), where the accused person is remanded into custody, where the accused person is a foreign national, where multiple defendants are involved, and matters which can be tried within a short period of time (i.e. no longer than 5 to 10 working days); and, resolving pre-trial applications in a timely manner. All of this with only two (2) substantive Judges presiding over the vast majority of the matters.

These efforts have borne fruit and indicative of this is that:

1. There is one 2012 matter outstanding still to be disposed of. As mentioned in the 2024 Bermuda Judiciary Annual Report (the “2024 Report”) this is a matter which was set for retrial after having been adjudicated upon by the Judicial Committee of the Privy Council in April 2022. The Defendant in this matter, as he is entitled to do, has instituted several pre-trial applications (some of which were heard and resolved throughout 2025 and some are being currently heard by the Court).
2. There are 3 indictments from 2021 to be disposed of (down from 5 in 2024). One of these proceeded to trial but due to Jury issues the trial was aborted, and a new trial date has been set.
3. There is 1 indictment from 2022 to be disposed of (down from 4 in 2024).
4. There are 5 indictments from 2023 to be disposed of (down from 11 in 2024).
5. There are 14 indictments from 2024 to be disposed of (down from 24 in 2024).
6. The total number of indictments disposed of as at 31st December 2025 is 37. This represents a decrease of 4 from 2024, however it should be taken into consideration that the length of the trials in 2025 (in terms of weeks) were longer than those of 2024.
7. The total number of indictments filed in 2025 was 45 which represents an increase of 7 indictments which were filed in 2024. This increase was anticipated in the 2024 Annual Report.
8. As of 19th January 2026 the total number of indictments filed for 2026 is 3. This represents a decrease in indictments filed during the same period in 2025. On this basis, there is a likelihood that the total number of indictments filed for 2026 may be less than those filed in 2025.

We are hopeful that 2026 will be as successful as 2025.

I am happy to also mention an initiative which represents a watershed moment in the criminal justice system generally and in the sentencing of offenders specifically. In or around July 2025, the Hon. Chief Justice Larry Mussenden constituted a Sentencing Guidelines Committee (the “SGC”) which is Chaired by myself and deputized by The Hon. Mr. Justice Alan Richards. As its membership it has representatives from Magistracy, the Department of Public Prosecutions, the Criminal Defence Bar, the Bermuda Bar Association, the Bermuda Police Service, the Department of Court Services, the Department of Corrections, and lay members of the public. Building upon the “Purposes and Principles of Sentencing” set out in the Criminal Code Act 1907 (which are already observed and implemented by the Supreme Court and the Magistrates’ Court), the SGC aims to formulate sentencing guidelines which will ensure consistency and transparency in the sentencing process, not only for accused persons but also for victims of crime. It should be noted that the sentencing guidelines are not intended to be “tramlines” and so they will not erode the discretion or the independence of the Court to sentence offenders in accordance with the specific circumstances of the offence or of the offender. We are acutely mindful of the fact that the formulation of the guidelines will invariably be a comprehensive and lengthy process, but the SGC are optimistic that within 2026 that sentencing guidelines will be crafted for at least two (2) prevalent offences, such as for bladed articles and traffic offences where injury or death has been caused.

In this regard, this month (January 2026), members of the SGC underwent a two (2) day training conducted by Dame Maura McGowan (of the High Court of England and Wales and a former member of the United Kingdom’s Sentencing Council), Ms. Sirah Abraham (Criminal Justice Advisor to Barbados and the Eastern Caribbean), and Mr. Robert Harper (from the UK’s Ministry of Justice). We are grateful for their tutelage and are encouraged by their indication that they will continually assist us through the initial processes.

I am also gratified that many of the recommendations which I made in the 2024 Annual Report have been actioned. Such as:

- (a) Discussions have commenced by stakeholders in respect of “Judge Alone Trials” and while such discussions are still in their embryonic stages there is a consensus that the more serious offences (such as murder) should be decided by a Jury.

- (b) Both Criminal Courts are now outfitted with the appropriate audio/visual equipment thereby allowing evidence to be properly reviewed and assessed by the Jury, and in keeping with the ideals of open justice, for members of the public to also see the evidence which is adduced in a criminal trial.
- (c) The Bermuda Bar Association has taken meaningful steps towards attracting barristers to the criminal bar and we are optimistic that with their continued and valuable support that we can avoid numbers dwindling to perilously low levels.
- (d) As a result of a productive collaboration between the Chief Justice, the Attorney General the Hon. Kim Wilkerson JP, and the Ministry of Justice, there is in train a raft of legal reform as it relates to the selection, service, and remuneration of jurors. Such intended legislation would undoubtedly allow for the separation of jurors during deliberations and an increase in the amount payable to jurors for selflessly carrying out their civic duty.

Some of the recommendations which I made in the 2024 Annual Report can, understandably, only be achieved in the long term, but I am delighted to say that there has been some movement regarding some of them. Such as:

- (a) A stand-alone court for the Court of Appeal. This is still required because for three (3) months of the year only one (1) Criminal Court is in operation.
- (b) Investment in and the installation of stenographer services and equipment or speech-to-text technology so that the Court and the parties may be in receipt of real-time transcripts of criminal proceedings. This will noticeably reduce the time it takes for a trial to be completed (thereby reducing costs), but it will also better equip the Prosecution and the Defence to fulfil their respective roles.

It should be noted that it is expected that the upcoming implementation of a new Court computer system may include speech-to-text technology.

- (c) Amendments to the archaic Mental Health Act 1968 so that those who commit crimes because of a mental health disorder can receive immediate and comprehensive psychiatric intervention when in or out of custody.
- (d) Implementation of free counselling services for victims of crime (including loved ones of the victim) so that they may fully address the trauma which they may continue to endure because of their victimization.

We are hopeful that concerted and meaningful efforts will be made in 2026 to continue with these recommendations.

I now wish to speak on an initiative that hopefully will add to or clarify the public's knowledge about how the criminal justice system works. An integral part of open justice and access to justice is educating accused persons (and by extension the general public) about the legal principles and procedures which underpin and drive the criminal justice system. Unfortunately, public perception about the Courts and criminal matters are often shaped by social media, movies, television, and what occurs in other jurisdictions. It is imperative that accused persons, victims of crime, potential jurors and curious members of the public know exactly what must by law occur as a criminal matter progresses through the Courts. If members of the public are duly informed about the criminal law process, then they would be better informed about why certain legal decisions are made by the Court and/or why the Prosecution and Defence take the legal positions that they do. Members of the public would also be better equipped to navigate through what may be a life-altering predicament, should they be an accused person, a victim, or a witness.

We will therefore embark upon an educational campaign in 2026 which would be specifically designed to inform members of the public about: the separate and distinct roles of the Judge, the Jury, the Prosecution and the Defence Counsel; the journey of a criminal matter from the Magistrates' Court to the Supreme

Court; the general right of an accused person to be granted bail; pre-trial applications which an accused person is entitled to make, such as in relation to the dismissal of the charge(s) against them or the exclusion of evidence which the Prosecution seeks to adduce; the burden and standard of proof which must be achieved by the Prosecution; the jury selection process; what transpires during a trial including but not limited to the questioning of witnesses by the parties, the raising of legal issues during a trial, the legal directions which the Judge is obliged to give to the Jury, and, the possible routes which juries may take in reaching their verdicts; and, the sentencing process (if the accused person is convicted of an offence either by their own plea or by a Jury).

Finally, I find it necessary to provide some observations from the Bench. Over the past 20 years we have seen a disturbing escalation of some of our young men being charged with and, in some instances, being convicted of violent offences. If fact, the problem and its precursors have reached epidemic proportions, and we should start treating them as a public health issue. Many of those offences have been brutal in nature and some have resulted in the untimely deaths of other young men. It seems, sadly, that we have collectively arrived at place where some of our young men are intent on resolving disputes by the wielding of a knife or firearm.

This is a tragedy on so many levels as it off results in the loss of multiple people. Loss of the young man who, by his death, has been are deprived of a promising future. Loss of the offending young man who will likely spend the remainder of his youth and a significant part of his adulthood behind bars. Loss of the child of the victim who, without psychological or psychiatric intervention, may live the remainder of their life with deep seeded grief and trauma which may manifest into anti-social or even criminal conduct. It is heart-wrenching that but for their horrific experiences that each of these individuals could have been loving fathers, successful entrepreneurs, captains of industry, social-political change agents, human rights advocates, creative artists, or world-class sportsmen.



No matter their crime they are our young men. Collectively, we must find and implement sustainable programs to not only guide them along the path of rehabilitation, but also to prevent the offending behaviour in the first place. It is therefore imperative that the prisons have: (i) full time psychiatrists at the prison on a daily basis to assist inmates with whatever mental health issues which may lie at the root of their criminal behaviour; and, (ii) a continual life skills programme to provide inmates with the tools to resolve disputes in a non-combative way, to obtain and maintain employment, to be an active parent in their child's life, to budget, to engage in critical thinking, to engage in effective problem-solving, to manage emotions, etc., etc.. These programmes will provide inmates with the wherewithal to surmount challenges after incarceration and go on to lead lives which they and their families would be proud of.

In the community, schools, churches, workmen's clubs, or sports clubs, etc., should have as a part of their curriculums or programs a life-skills component. To provide our young ones (as young as 5 years old) with the knowledge that they do not need to resolve disputes with violence; that they should cultivate relationships which are productive and not destructive; to have confidence in oneself; to instill well-being, self-esteem and confidence within themselves and others; to acquire effective verbal and written communication; etc., etc.

Of course, this is not a panacea. But along with other sustainable initiatives then maybe my role as a Judge of the criminal courts would become redundant.

Thank you.

**The Hon. Mr. Justice Juan P. Wolfe
Supervising Judge of the Criminal Division of the Supreme Court**

SUPREME COURT FAMILY DIVISION

Assistant Justice Alex Wheatley has conduct of the Family Division of the Supreme Court for cases brought under the Matrimonial Causes Act 1974, the Minors Act 1960 and the Children's Act 1998. This Court also has conduct of appeals made against decisions of the Magistrates' Court Family Court.



DIVORCE APPLICATIONS

The following is a comparison of the number of divorce applications filed between 2023 and 2025 as well as the statistics in relation to the number of Conditional and Final Divorce Orders granted:

YEAR	Total number of Divorce Applications filed	Total number of Conditional Orders granted	Total number of Final Orders granted
2023	139	70	16 (Final Divorce Orders) 44 (Decree Absolutes)
2024	125	96	85
2025	159	98	77

2025 saw a substantial increase in the number of divorce applications filed; an increase of from 2024 of 21%. It is not clear whether this is directly as a result of the institution of the 'no fault' regime as there was a decrease in divorce applications filed in 2024 (the 'no fault' regime being effective from March 2024).

HEARING STATISTICS

2025 was another busy year in the Family Division. Whilst there were less interlocutory applications heard, the lengths of both interlocutory and substantive hearing were significantly longer compared to 2024.

YEAR	2024	2025
Number of Case Management Hearings	90	58 (not including Registrar's Chambers)
Number of Interlocutory Hearings*	23	12
Number of Substantive Hearings**	15	16
Number of Applications Determined on the Papers	Unknown	4

* Examples of issues that were resolved in the interlocutory hearings, but are not limited to, as follows: interim child/spousal maintenance; interim provisions for care and control access; fact-finding hearings; and stay of access order pending appeal.

**The subject matter of these substantive hearings ranged from ancillary relief applications in the Divorce Jurisdiction to care and control proceedings in the Civil Jurisdiction under the Minors Act 1960.

PUBLISHED RULING/JUDGMENT STATISTICS

While interlocutory hearings decreased, there was a marked rise in published Rulings/Judgments in 2025 offering greater clarity on legal issues. This surge in judicial decisions has provided practitioners and litigants with a richer body of precedent to reference when navigating cases. As a result, the legal community (as well as members of the public) is better equipped to anticipate outcomes and understand the evolving interpretations of law within the jurisdiction.

YEAR	2020	2021	2022	2023	2024	2025
Number of Published Rulings for Interlocutory Applications	1	3	1	1	4	13
Number of Published Rulings/Judgments for Substantive Applications	1	2	4	5	7	14
TOTAL NUMBER OF RULINGS/JUDGMENTS	2	5	5	6	11	27

In 2026, the Courts will endeavour to be in a position to produce significantly more statistics in order to increase transparency to all. Examples of these new statistics will include, the following: categorizing the type of applications made in each case; the time period for the completion of applications (interim and substantive); time periods from the filing of a divorce application until the making of both the conditional and final orders; the number of matters where either social workers and/or litigation guardians are appointed; data regarding the number of parties with legal representation and those who are litigants in person; the age of and number of children applications impact; the number of orders made by the Court with the division of those orders into categories such as, those made by consent, interim orders, etc.; the average time after the hearing of an application (interim and substantive) until the decision is rendered; etc. These statistics will also be key in identifying areas which can be improved.

WHAT HAS BEEN LEARNT FROM 2025?

The Supreme Court Family Division is at a critical turning point. Save for very minor procedural changes and the commencement of 'no fault' divorces, the need for significant reform is not only evident but overwhelming. The scope of issues, ranging from outdated processes to systemic inefficiencies, creates a daunting challenge and raises the question, Where do we begin?

It is clear that substantive change cannot be achieved instantaneously. The complexity of the challenges necessitates a thoughtful and gradual strategy. Implementing incremental adjustments will be crucial to prevent disruption and foster long-term success. The perseverance of practitioners will play a key role throughout this transition, which I am committed to leading. Additionally, the Chief Justice has pledged his support and expressed a strong commitment to securing the necessary resources for the Family Division's advancement. These improvements will enhance both the quality and efficiency of the Courts.

The first and most important step is clarity. We must identify and prioritize the areas most in need of reform. Without a clear roadmap, efforts risk becoming fragmented and ineffective. This means conducting a thorough assessment of current practices, pinpointing gaps, and setting achievable milestones.

There are areas that have already been identified, some of which it is hoped can be implemented relatively swiftly by way of issuing a practice direction, and others where which will require statutory amendments:

1. The use of Share Point (a.k.a. The Cloud) for attorneys and members of the public to upload pleadings in cases where applications have been made for ancillary relief and/or applications to determine the custody and care and control of children. This is particularly crucial for highly contentious matters where the Court is required to make multiple decisions in financial relief as well as child issues. It is anticipated that this will be a stop-gap for when the Courts fully implement its new case management software.

2. Replacing the need for parties to file affidavits for ancillary relief applications. Such applications are to be form driven where each parties financial position is clearly set out without the need to troll through hundreds of pages of affidavit evidence (the majority of which provides the Court with no assistance in determining the application).
3. Where parties have filed a Consent Order which addresses substantive matters of ancillary relief, an application will be required to be made to the Court providing completed financial disclosure forms by both parties.
4. Practice Direction 2026 focusing on the following:
 - (i) Administrative guidance addressing commonly occurring deficiencies in filings.
 - (ii) Adjournments of hearings.
 - (iii) In applications where affidavit evidence is necessary, such as children matters, there will be strict case management provisions outlining, for example, what evidence is prohibited from being submitted.
 - (iv) Standard case management directions when a matter is proceeding with the listing of a hearing (interlocutory or substantive) that will provide for attorneys to submit documents such as, a Chronology, Agreed Facts, Agreed Issues to be Determined, etc.
 - (v) Limitation of the size of hearing bundles, skeleton arguments and submissions.
 - (vi) Standardized wording for Consent Order preambles to be effective until new application process implemented.
 - (vii) Guidance on circumstances where the Court will appoint a Social Worker and/or a Litigation Guardian.
5. Conditional orders for divorce to be issued administratively, i.e. without the need to attend an open court hearing, on a set day (or days) each month.
6. A reduction of the time period required to file a divorce application, i.e. from 3 years to 1 year.
7. Eliminating the requirement for an application to seek leave from the Court to file a divorce application as that provision is in direct conflict with the 'no fault' regime.
8. The use of electronic forms for all divorce applications. The current turnover from the filing to issuing of divorce applications is impeded significantly by the number of errors which are being made in the filing of the required pleadings. Whilst I recognize that some of this is due to the incorrect wording of these pleadings in the Matrimonial Causes Rules 2023, this has been a long-standing issue in the Matrimonial Jurisdiction. Likewise, the increase in litigants in person has required significant administrative intervention.
9. An amendment to Order 62 of the Rules of the Supreme Court 1985 to ensure there is a statutory costs position in relation to both financial relief and children applications within this jurisdiction. Consideration should also be given for costs provisions to the inclusion of applications made both the Minors Act 1960 and the Children's Act 1998 (see *K v A (Security for Costs)* [2025] SC (Bda) 2 div.).
10. Consideration of extending the remit of the Matrimonial Causes Act 1974 to include the relief for the sale of matrimonial property (see *JJ v T* [2024] SC (Bda) 29 div.).
11. A Practice Direction dedicated to those cases where domestic violence is present to ensure the safety of victims. This will also require the Court to propose changes to the Legal Aid Scheme for these cases based on Legal Aid provisions enacted in the UK.
12. Consideration of how the Courts and members of the Bar can collectively advocate for the Department of Child & Family Services to obtain the necessary resources (human and financial) to not only increase the number of social workers available to produce social inquiry reports, but also provide essential training for social workers (see the Postscript in *Father v Mother (Custody, Care and Control)* [2025] SC (Bda) 127 civ.).

I strongly believe that by implementing the solutions suggested above, as well as those identified through consultations with members of the Bar, these shortcomings will significantly enhance not only the efficiency and quality of the Courts in processing applications but also improve access for self-represented litigants. While guidance for litigants in person was originally planned for 2025, the persistent emergence of numerous deficiencies made it clear that these issues must be addressed before such guidance is produced.

Accordingly, the Courts encourage attorneys who primarily practice in the Family Division to join the Supreme Court Family Division Users Committee, which will serve as the catalyst for reform. These attorneys, together with members of the Judiciary, will be instrumental in advancing the much-needed improvements within the Family Division. It is anticipated that the inaugural meeting will take place towards the end of February 2026, with invitations to be issued in due course.

CONCLUSION

As there can be a tendency to bite of more than one can chew in areas that require a great deal of change, I remind all that reform is not a single event; it is a journey. By starting with careful planning and a commitment to steady progress, we can modernize the Family Division into a system that is efficient, easily accessible and responsive to the needs of those it serves, in particular, families in times when they are most vulnerable.

RECOGNITIONS

I would like to extend my sincere gratitude to the Litigation Guardians for their significant and ongoing contributions to the Courts. Their dedication not only aids in supporting the most vulnerable parties but also plays a critical part in deescalating disputes, thereby helping to reduce the overall need for extensive judicial intervention. The professionalism and compassion they bring to their responsibilities are invaluable to the justice process.

My appreciation is also directed to P.S. Valerie Robinson-James, whose exemplary management of Litigation Guardian appointments and commitment to facilitating comprehensive training sessions for both Litigation Guardians and Judicial Officers has greatly enhanced the effectiveness of these roles.



I am equally grateful to Acting Registrar Cratonia Thompson and Assistant Registrar Kenlyn Swan for their steadfast support, as well as to administrative team members Ms Angelique Dowling and Ms Erin Osmond, whose combined efforts behind the scenes are essential to the seamless daily functioning of our operations. In addition, I wish to acknowledge the overall, remarkable dedication shown by the Family Division Team, who, despite often working with limited resources, consistently deliver exceptional service and demonstrate a profound sense of commitment to the families and children who rely on the Courts. The hard work and unwavering commitment of all these individuals ensure that justice remains both accessible and responsive to those who need it most.



Alexandra Wheatley
Assistant Justice of the Supreme Court

MAGISTRATES' COURT

THE WORSHIPFUL SENIOR MAGISTRATE MAXANNE J ANDERSON, JP

INTRODUCTION

Justice must be rooted in confidence; and confidence is destroyed when right-minded people go away thinking: 'The judge was biased'. — Lord Denning MR

Chief Justice, Members of the Bench, Bar and Colleagues, distinguished guests, and friends of the Court, as we begin the Assizes for 2026, we do so under a solemn and enduring obligation: to ensure that justice in Bermuda is not merely proclaimed, but experienced—fairly, promptly, and without partiality.

Every day in the Magistrates' Court, Magistrates discharge their judicial responsibilities with unwavering commitment without fear or favor, without ill-will, and without bias. They do so with an understanding that justice is not only corrective, but where the law permits—restorative; that accountability and dignity must coexist; and that the authority of the Court is strengthened, not diminished, by humanity.



And it must be said plainly: beyond headlines, soundbites, and the noise of modern commentary, magistrates confront the social challenges of our time directly. They do so with purpose: to uphold the law while addressing, as far as properly possible, the circumstances that drive conflict and hardship in our community.

Allow me to express my sincere gratitude to the Magistracy who are committed to carrying out their duties without fear or favor, with dignity and aplomb. The Worshipful Tyrone Chin, the Worshipful Craig Attridge, the Worshipful Maria Sofianos and the Worshipful Auralee Cassidy all carry out their duties with a clear understanding of their responsibilities which sees each decision weighed carefully with fulsome consideration of all the key elements that ensure we have a balanced society. It is our duty to remain vigilant and resolute in upholding the principles of justice.

I must also offer my profound gratitude to the dedicated team who ensures that the wheels of justice continue to turn smoothly and efficiently – these are the court clerks, administrators, Acting Magistrates, Special Panel members, the Liaison & Diversion Officers, police officers, bailiffs, social workers, security guards and cleaners. Thank you for your indispensable contributions ensuring that our courts continue to serve as pillars of fairness and equity in our society.

It would be remiss of me not to thank Chief Justice Mussenden for his guidance, encouragement and support during the last year. His desire to modernize the courts is wholly appreciated.

THE THERAPEUTIC COURTS

Our therapeutic courts - the Drug Treatment Court, the Mental Health Treatment Court, the Driving Under the Influence Court and the Probation Review Court – clearly continue to make a hugely positive impact in our community, breaking the chain of incarceration, equipping clients with tools to address their mental health challenges and live their lives alcohol & drug free. Other jurisdictions are now contacting us regarding our therapeutic courts and requesting presentations, articles and guidance in setting up their own.

Statistics continue to show that levels of incarceration have decreased since the introduction of the “Alternatives to Incarceration” legislation [Criminal Code Amendment Act 2001] 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 all the staff and public & private entities that work with our therapeutic courts.

SAFETY AND PROTECTION OF MAGISTRATES AND COURT PERSONNEL

The safety and personal security of Magistrates and court personnel is an essential precondition to judicial independence and the proper administration of justice. Magistrates are constitutionally required to exercise their functions without fear or favor, yet the nature of their role necessarily involves making decisions that are unpopular, adversarial, and, at times, deeply consequential for the liberty, finances, and reputation of those who appear before them. In Bermuda’s small and closely interconnected community, these judicial decisions often extend beyond the courtroom, exposing Magistrates and court staff to heightened personal vulnerability in their private lives.

Over the past two years, there has been a measurable increase in threats, harassment, intimidation, and aggressive behavior directed at Magistrates, particularly outside formal court settings. These behaviors include verbal abuse, being followed, harassment in public spaces, and conduct intended to instill fear or exert pressure. This trend coincides with a broader shift in the nature and seriousness of matters heard in the Magistrates’ Courts, including more violent offences, emotionally charged disputes, and increasingly volatile defendants. Court Clerks, Bailiffs, Court Management and Support Staff who interact daily with distressed, angry, or aggressive individuals are also regularly subjected to abuse, threats, and intimidation simply by carrying out their public duties.

If left unaddressed, this environment presents a direct risk to judicial independence, institutional integrity, and the rule of law. A justice system in which judicial officers or court staff feel unsafe, particularly in their private capacities, cannot function effectively. International experience demonstrates that intimidation of judicial officers is not merely a workplace issue but a governance and constitutional concern, requiring a structured and visible response by the State.

Comparative Framework: United Kingdom - The United Kingdom provides a clear and relevant model for addressing these risks through legislative protection and institutional safeguards.

UK law recognizes that threats or violence directed at public officials performing essential state functions warrant enhanced legal consequences. The Assualts on Emergency Workers (Offences) Act 2018, while not limited to the judiciary, establishes a legislative principle that assaults and threats against individuals acting in official capacities constitute aggravated offences carrying higher penalties. In addition, the UK has developed policy responses to address harassment and intimidation occurring outside the workplace, including proposals to criminalize threatening conduct near the homes of public officials, reflecting an understanding that judicial independence can be undermined through pressure exerted in private life.

Alongside legislation, UK judicial institutions have adopted structured approaches to risk management, including formal threat reporting mechanisms, confidential handling of personal information, emergency response protocols, and guidance designed to protect judges, magistrates, and court staff from targeted intimidation.

I recommend that we draw on the UK approach. Bermuda should adopt a focused and systematic framework to protect judges, magistrates and court personnel, centered on legislative reform, personal protection, and institutional support.

RECOMMENDATIONS

1. There may be merit in reviewing the legislation to address the following:

- Introduce statutory provisions creating aggravated offences for threats, harassment, intimidation, or assault directed at Judges, Magistrates, Bailiffs, Court Clerks, Court Management and Support Staff acting in the course of their duties.
- Increase maximum penalties—both fines and custodial sentences—where such conduct interferes with the administration of justice.
- Extend protection to conduct occurring outside court premises, including harassment or intimidation in private spaces, recognizing Bermuda's small-community context.

2. Personal Protection and Risk Management

- Establish formal protocols for reporting threats, conducting risk assessments, and activating rapid police response where Judges/Magistrates or court staff are targeted.
- Protect personal and residential information of judicial officers and court personnel from unnecessary public disclosure.
- Provide access to state-supported protective measures, including safety planning, personal security advice, and, where justified by risk assessments, targeted security support.

3. Institutional Support and Compensation

- Acknowledge the heightened exposure faced by Judges, Magistrates, Bailiffs, Court Clerks, and support staff through appropriate remuneration, wellbeing services and professional support and appropriate insurance coverage to adequately cover these support services.
- Provide structured training in de-escalation, threat awareness, and personal safety, ensuring staff are equipped to manage hostile encounters while maintaining professional standards.

Ensuring the safety of Magistrates and court personnel is not discretionary; it is a constitutional obligation of the State. By adopting a clear legislative framework and institutional safeguards informed by UK best practice, Bermuda can protect judicial independence, support those who serve the public every day, and reinforce the principle that justice must be administered without intimidation, fear, or personal risk. Failure to act risks normalizing threats against judicial officers and weakening the foundations of the rule of law.

BACKLOG OF TRIALS IN THE MAGISTRATES' COURTS

Another central and escalating concern within Bermuda's justice system is the growing backlog of trials in the Magistrates' Courts. While delays in the Supreme Court have received public attention, it is increasingly clear that similar pressures are now manifesting at the summary court level. Most recently, constitutional challenges have been advanced on the basis of excessive delay in bringing matters to trial, underscoring the legal and systemic risks associated with prolonged proceedings. These challenges highlight the principle that justice delayed may amount to justice denied, particularly where accused persons remain subject to court control, bail conditions, or prolonged uncertainty.

If decisive action is not taken, there is a real and foreseeable risk that similar constitutional arguments will arise in the Magistrates' Courts. The increasing length of time required to bring matters to trial, driven by adjournments, limited courtroom availability, and staffing shortages, places the system in a precarious position. The Magistrates' Courts handle the highest volume of criminal matters and serve as the primary point of access to justice for most defendants. Persistent delays at this level threaten not only procedural fairness but also the public perception that justice is being administered efficiently and equitably. It is therefore imperative that the backlog of Magistrates' Court trials be treated as an urgent institutional priority.

One significant contributing factor to this backlog is the shortage of criminal practitioners, particularly those available to act as defence counsel and prosecutors. This shortage is exacerbated by the fact that many Bermudian law graduates are increasingly drawn to the reinsurance and financial services sectors, where remuneration and career pathways are perceived to be more attractive.

RECOMMENDATION

To address this imbalance, it may be a good idea to implement a targeted legal workforce development programme, whereby Bermudian students are awarded government law scholarships with a clear contractual obligation to return home and serve for a defined period within either the Office of the Director of Public Prosecutions (DPP) or the Legal Aid Department. Such an approach would strengthen both prosecution and defence capacity while ensuring a sustainable pipeline of locally trained criminal lawyers.



In addition to recruitment, structural reform of how criminal advocacy is delivered should be considered. One potential model is a system inspired by the British barrister framework, where legally aided and prosecutorial work is allocated through an independent briefing system. Under this model, qualified advocates, whether in public service or private practice, would be assigned cases without permanent alignment as either prosecution or defence counsel. Lawyers would simply accept briefs as assigned, acting either for the Crown or for the defence depending on the case. This approach would increase flexibility, expand the pool of available advocates, reduce scheduling conflicts, and minimize delays caused by the limited availability of the same small group of lawyers moving between courts. Crucially, it would help ensure that cases proceed without unnecessary adjournments while maintaining professional independence and ethical integrity.

Taken together, these reforms—addressing trial delays, strengthening legal capacity, and modernizing the allocation of criminal work—are essential to preventing further constitutional challenges, restoring efficiency in the Magistrates' Courts, and ensuring that justice is not only done, but seen to be done, within a reasonable time.

ROAD TRAFFIC DEATHS (AND SERIOUS RTA'S)

Over recent years, Bermuda has experienced a significant and concerning increase in road traffic collisions, road fatalities, and serious driving offences, particularly those involving impaired driving, excessive speed, and reckless behavior. These trends indicate that the current road environment has become increasingly dangerous for drivers, motorcyclists, pedestrians, and other road users. The prevalence of high-risk driving behaviors have contributed to unpredictable and unsafe conditions, resulting in a growing number of preventable injuries and deaths. As a consequence, many members of the public now approach everyday travel with heightened caution and anxiety, with some becoming reluctant or hesitant to use the roads due to fears for their personal safety.

The consequences of this deterioration in road safety extend beyond individual incidents. Increased collision severity places sustained pressure on emergency services and Bermuda's healthcare system, as injured persons frequently require intensive hospital care, long-term rehabilitation, or specialized medical treatment overseas. These outcomes drive rising healthcare expenditures and impose long-term social and economic costs on families and the wider community. Additionally, higher frequencies and severities of traffic incidents lead to an increase in motor vehicle insurance claims, compelling insurers to reassess risk and resulting in higher insurance premiums across the insured population, including for responsible drivers. Collectively, these factors demonstrate that unsafe roads are not only a public safety concern but also a broader economic and public health issue.

RECOMMENDATION

While Bermuda has longstanding traffic legislation—including the Road Traffic Act 1947 and the Traffic Offences (Penalties) Act 1976—and benefits from ongoing enforcement by the Bermuda Police Service and education efforts by the Bermuda Road Safety Council, these measures currently operate without an overarching policy framework. In contrast, jurisdictions such as Australia, New Zealand, the Cayman Islands, Trinidad & Tobago, and Jamaica have adopted formal road traffic strategies to address similar challenges.

A road traffic strategy is a coordinated, evidence-based plan that aligns legislation, enforcement, infrastructure improvements, public education, data analysis, and measurable safety targets over a defined

period. For Bermuda, adopting such a strategy would allow government and stakeholders to respond systematically to escalating road safety risks, integrate existing laws into a unified national approach, reduce preventable deaths and injuries, contain long-term healthcare and insurance costs, and restore a sense of safety for all road users.

IN CONCLUSION

As we stand at the threshold of this judicial year, we must reaffirm our commitment to the principles that uphold the integrity of the legal system:

- the expeditious administration of justice,
- the independence of the judiciary, and
- the equitable access to legal representation, regardless of means.

We must continue strengthening our treatment courts and problem-solving approaches, not as alternatives to justice, but as instruments of justice—properly supervised, properly resourced, and properly held to measurable standards.

We should also remind ourselves of a simple principle: as a society, we are free to hold opinions—but we are not free to replace evidence with assumption. So, I extend a direct invitation to the public: come and witness the work of the Magistrates' Court firsthand. Sit in the public gallery on any given day. Observe the seriousness, the patience, the volume, and the care with which matters are handled. Do not rely on anonymous posts, hearsay, or innuendo. See for yourselves the quiet, relentless labor that ensures justice is administered with fairness, compassion, and discipline.

Finally, I would like to acknowledge the passing of two prominent female, Bermudian lawyers – Ms. Kehinde George (President of the Bermuda Bar Association) and Ms. Sonia Grant (the first female councilor elected to the Corporation of Hamilton). There is a shortage of professionals like Kehinde and Sonia whose empathy, gratitude, sincerity, eloquence and integrity will truly be missed.

In closing, I echo the sentiment expressed every year by quoting Robert Frost:

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

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

Thank you.

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



02. THE JUDICIAL ADMINISTRATION

JUDICIAL ADMINISTRATION

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

OVERVIEW

I have continued to serve in the role of Acting Registrar throughout 2025. That appointment is due to continue through to the end of 2026 as the substantive Registrar, Ms. Alexandra Wheatley, has been appointed as an Assistant Justice and is assigned to the Matrimonial/Family division of the Supreme Court. It is anticipated that I will be supported in my role as Acting Registrar by Mrs. Kenlyn Swan-Taylor, Assistant Registrar (Temporary Additional).

Constitutionally, there are a limited number of Puisne Judges that can be appointed, and only one substantive role of Registrar. As many will know, the role of Registrar must remain filled, whether substantively or in an acting capacity, for the Courts and Registry to remain operational. Added to that, is the need for each division of the Supreme Court to have dedicated Judiciary support. It comes as no surprise that the work in each division has increased year after year, and the Matrimonial/Family division is no exception. I am grateful for the opportunity to continue acting as Registrar while Ms. Wheatley carries on her work in the Matrimonial/Family division, an area of law that impacts some of our most vulnerable.



CHALLENGES

A concerted effort was made to fill vacancies in both the Magistrates' Court and the Supreme Court. While we have successfully recruited a number of positions, there are key roles that remain vacant. The roles of Administrative Officer (Civil) in the Supreme Court and Administrative Officer (Court of Appeal) are currently vacant, leaving only one division in the Supreme Court with a dedicated Officer. Additionally, both the Supreme Court and the Magistrates' Court are without substantive accounts administrators. The Officers provide essential managerial oversight and administrative support in each assigned division. In their absence, the Registrar and the Assistant Registrar are required to bridge the gap. Regrettably, this has had a ripple effect on the functions of the Registrar and Assistant Registrar.

As previously reported, the work of the Registrar is extensive, covering judicial functions, administration of all levels of the Court, human resource and facilities management, and budgeting. It has been identified that the duties of the Registrar require the necessary assistance of a second Assistant Registrar and an Executive Assistant. This would allow the Registrar to perform her both her administrative and judicial functions more effectively. Assuming the functions of the Officers, while also maintaining the high-volume of work that can only be carried out by the Registrar, has been a notable challenge this past year.

HIGHLIGHTS

With that said, I am pleased to report that with the continued support of the Attorney General and Minister of Justice, Kim Wilkerson, JP, the Court's organizational chart has been restructured. We have added the following posts; a second Assistant Registrar, an Administrative Officer (Matrimonial/Probate) and an Executive Assistant to the Registrar. It is expected that recruitment for these roles will commence shortly. These roles, will no doubt,

increase the efficiencies of the Court generally. I would like to thank the Attorney General and Minister of Justice, as well as the Ministry's newly appointed Permanent Secretary, Mr. David Roberts, for their assistance.

While we await the recruitment of these vital roles, our staff have filled in the gap to ensure services are delivered. Although all the Registry's staff are to be commended, I'd like to highlight the Civil/Commercial team and the stellar support that they have provided in 2025. The Civil/Commercial division is arguably the most active division in the Supreme Court, with well over 400 actions commenced each year. There are four Justices and the Registrar, who hear and determine matters in this division. Additionally, the high-volume of work has required the assistance of at least three Assistant Justices. Understandably, this has generated a great deal of administrative work.

Although the Civil/Commercial team has suffered staff shortages, the team has performed admirably. Ideally the Civil/Commercial team would comprise of an Administrative Officer (Civil), the Executive Assistant to the Chief Justice, an Administrative Assistant, two Court Associates, a Listing Officer, Customer Service Representative and File Clerk. As noted, the role of Administrative Officer (Civil) remains vacant, and the team has not had the support of a dedicated Court Associate. To Taznae Fubler, Racquel Kerr, Gina Astwood, Yanni Squire and Christie Seymour – thank you for your willingness to perform well outside the remit of your roles, your positivity overall, and mostly importantly, your efficiency.

Additionally, I would like to recognize an individual member of staff, who I, along with the other members of the Senior Management Team, believe has gone over and above the call of duty – Ms. Towona Mahon. Ms. Mahon serves in the role of Cashier in the Magistrates' Court. Ms. Mahon has been a shining star. As a Cashier, Ms. Mahon's duties are customer-facing. Her role requires stellar customer service, and also accuracy. The role can be challenging, however Ms. Mahon has shown resilience, consistency and a positive attitude. Ms. Mahon's service to the Magistrates' Court has been nothing short of exemplary. Thank you, Ms. Mahon.

2026 GOALS

CIVIL LITIGANT'S HANDBOOK

I reported in the 2024 Annual Report that our 2025 Goals included a commitment to developing robust written processes and procedures for each of the Supreme Court's divisions to ensure that the Court's processes and procedures are most effective. Work on this initiative is underway. This year, we have broadened our overarching goal of sustained efficiency to include revising the Civil Litigants Handbook and developing Court-Approved Forms. Revisions to the Civil Litigants Handbook will provide self-represented litigants with a broader guide on commencing actions in the Supreme Court, while the availability of Court-Approved Forms will further assist self-litigants in their pursuit of justice.

TRAINING AND DEVELOPMENT

As the strength of our judicial administration is in our personnel, efforts will be made to develop and increase the professional knowledge and capabilities of our staff. It is hoped that this, coupled with a complete and comprehensive review of our job descriptions, will aid in staff retention and succession planning as we prepare for the retirement of key managerial roles. The Court often becomes the training ground for promising administrators, whose experience at the Registry allows them to pursue careers in private legal practice. As the process of reviewing our job descriptions requires an assessment by the Joint Grading Panel, we are hopeful that our staff will be appropriately compensated for the important work that they do and that the Registry will be a rewarding career choice.

ENHANCEMENTS TO THE COURT'S INFRASTRUCTURE

We are now in the final stages of the selection process for the Court's new electronic case management system. It is anticipated that the new case management system will be implemented this year. The implementation of this system will be a massive project for our IT Department and the Court generally. Once implemented, the Judiciary and Court users will benefit from modernized services such as electronic filing, electronic access to the Cause and Judgments books, the wider use of remote hearings, online payments, transcription services, and more.

Although renovations to the Dame Lois-Browne Evans Building (DLBE) to create additional, fit-for-purpose court and administrative space also remain in the pipeline, plans to fully outfit DLBE Court No. 1 with the necessary audio/visual equipment to allow for a proper review of evidence in Supreme Court Criminal trials came to fruition. There are plans to utilize this equipment also in the Court of Appeal, who frequently hold remote or hybrid hearings, and for the work to advance the renovation project to continue.

ACKNOWLEDGMENT OF THANKS

I am beyond grateful for the support of the Senior Management Team, Mrs. Kenlyn Swan-Taylor (Assistant Registrar), Ms. Andrea Daniels (Magistrates Court Manager), Mrs. Dee Nelson-Stovell (Supreme Court Manager) and Mr. Frank Vasquez (IT Manager). Your contributions are immeasurable.

I would also like to thank the Attorney General and Minister of Justice, Kim Wilkerson, JP as well as the Permanent Secretary, Mr. David Roberts, who have provided invaluable support to the Judiciary this past year. Your willingness to advocate for the needs of the Judiciary has not gone unnoticed.

Lastly, it goes without saying that the staff in general play a crucial role in the effective operations of the Court. Our staff have continued to demonstrate a genuine commitment to ensuring that the people of Bermuda have access to justice; for this I offer my utmost appreciation.

Cratonia Thompson
Acting Registrar

THE MAGISTRATES' COURT

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

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

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



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

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

The Secretariat is supervised by the Senior Administrative Assistant Raneek Furbert. She oversees two (2) Administrative Assistants who fall under the Criminal (Donneisha Butterfield) and Civil (Sindy Lowe & Destinee Taylor-Williams) Sections within the Magistrates' Court.

COURT ADMINISTRATION

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

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

The Cashier's Section collected **\$5,370,757** in 2025, which was 7% less than in 2024. This is attributable to a drastic reduction in the issuing of Traffic tickets by the Bermuda Police Service and the minimal enforcement of Parking citations sent to the Judicial Department by the Corporation of Hamilton. As a result, the revenue collected by Magistrates' Court continued to decline.

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



It is to be noted that all of the substantive Court Associates and by extension the Temporary Relief Court Associates perform relief cashiering duties. They too deserve recognition for their hard work and commitment. It is notable that all of the Court Associates who process the receipt of fees and fines had a phenomenal input accuracy rate of 99%.

HEARINGS/CASE EVENTS

Hearings/ Case Events	2021	2022	2023	2024	2025
Mentions	3,499	3,376	3,463	3,864	4,561
Trials	1,086	862	751	774	740
Case Events	19,815	19,122	17,147	16,614	15,755

FIGURE I: TABLE OF 2021 - 2025 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 IA: CHART OF 2021 - 2025 HEARINGS/CASE EVENTS

In 2025 the number of Trials and Case Events declined by 4% and 5% in Magistrates' Court respectively, as a result of a reduction in available court rooms, due to the closing of Sessions House and the need for an additional Supreme Court room for jury trials.

THE MAGISTRATES' CIVIL COURT

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

The Civil Court continued to accept filings of all proceedings including evictions and the recovery of rent arrears. There was a nominal increase in the number of new Civil Court filings by 3% in 2025. The administrative arm of the Civil Section is to be commended as they remained current in respect of the processing and distributing of all New Civil Documents received in 2025, despite the fact that they were short staffed due to a professional development opportunity within the department.

TOTAL NEW CASES (Filed)	2021	2022	2023	2024	2025
Civil	962	1,134	1,584	1,378	1,413

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

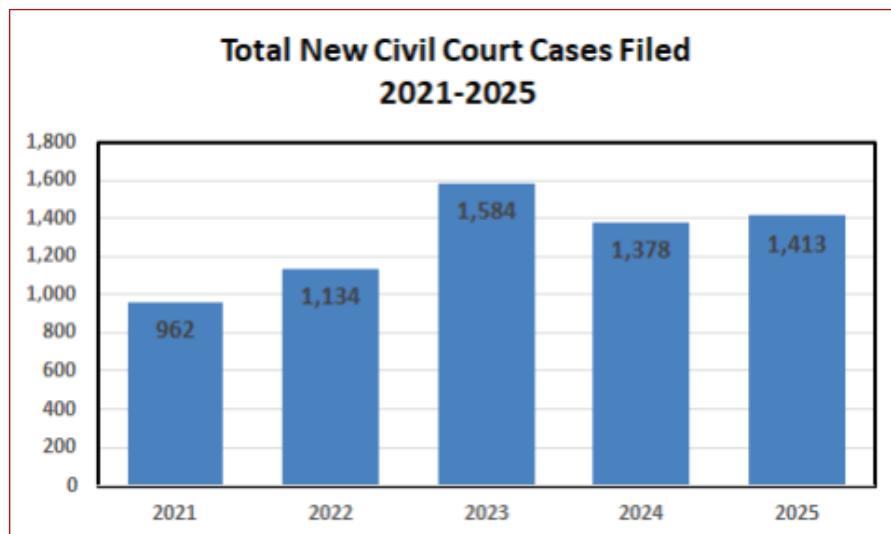


FIGURE 2A: 2020 – 2024 CHART OF TOTAL NEW CIVIL COURT CASES FILED

THE MAGISTRATES' FAMILY COURT

As a result of the Supreme Court utilizing one of the Magistrates' Court rooms on the second floor of the Dame Lois Browne Evans Building (DLBEB) only one (1) Family Court could operate. Throughout 2025 the Family Court rooms were reduced by 50%. There continues to be one (1) dedicated Family Court comprised of a Magistrate and two (2) Special Panel Members (male and female), pursuant to the Magistrates' Act 1948.



"We wish to recognize Ms. Angela Williams - Administrative Assistant in the Family Support Section, for her dedication and unwavering service over the past 26 years. Her extensive knowledge and strong work ethic will be sincerely missed."

Special mention to all of our colleagues in this Section / or all the administrative staff in this Section for their tenacity and dedication throughout the past year.

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 have increased which requires the Family Court Panel to exercise the utmost judicial care in resolving such matters.



The Special Court Panel had 44 (forty-four) members serving in 2025 each of whom represent a diverse range of individuals from various walks of life. The Panel Members assist the Magistrates in decision making and their value to the Family Court and its continued success is immeasurable.

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

We wish to pay specific tribute to those Panel Members who retired over the past year. We wish to give special mention to Mrs. Hope Berg & Mrs. Denise Astwood who retired from the Family Court Special panel after thirty (30) & thirty-five (35) years respectively of unwavering service to our community.

FAMILY COURT CASES

The overall number of cases filed in Family Court saw a reduction of 5% in 2025. Notably, there was an immense rise from four (4) adoptions in 2024 to twelve (12) adoptions adjudicated in the Magistrates' Court in 2025. Domestic Violence remains a prevalent issue within our community that needs to be addressed. Yet, the amount of Domestic Violence cases filed in 2025 dropped by 7% from the previous year. The Senior Magistrate continues to strive for the establishment of a Domestic Violence Court which would represent a significant advancement in our judicial approach, allowing us to address the underlying issues therapeutically and provide comprehensive support to victims.

CHILDREN'S ACT 1998

In 2025 the number of cases heard under the Children's Act 1998 (Care Orders, Access, Maintenance, Care & Control) decreased by 18% in comparison to 2024. The severity and complexities of these cases remained the same.

FAMILY COURT ADMINISTRATION

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

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



FAMILY SUPPORT FORMS

CHILD SUPPORT PAYMENTS

The total amount of child support payments received in 2025 was (\$2,618,648) which is similar to the amount received in 2024 (\$2,737,425).

APPLICABLE LAW	TOTAL FAMILY LAW CASES				
	2021	2022	2023	2024	2025
Adoption Act 1963, Adoption Rules Act	1	5	4	4	12
*Children Act 1998 (Care Orders, Access, Maintenance, Care & Control)	590	569	675	402	530
**Enforcement (All Case Types in Default)	461	488	497	242	590
New Reciprocal Enforcement (Overseas)	0	0	0	538	0
Matrimonial Causes Act 1974	10	6	28	17	15
Domestic Violence Act 1997 (Protection Orders)	64	115	80	151	141
***Juvenile Cases	52	158	434	426	548
New Cases Filed	149	102	115	142	135
ANNUAL TOTALS	1,327	1,443	1,833	1,922	1,971

FIGURE 3: TABLE OF TOTAL FAMILY LAW CASES 2021 - 2025

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

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

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

CRIMINAL, TRAFFIC & RECORDS SECTION

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



We wish to recognize Ms. Jearmain Thomas – Records Supervisor, Criminal/Traffic/Records Section for her dedication and unwavering services over the past 25 years. She most certainly will be missed for her knowledge, work ethic and let's not forget her golf tips!!

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

TOTAL NEW CASES (Filed)	2021	2022	2023	2024	2025
Criminal	594	419	469	551	573
Traffic	4,323	6,882	4,839	4,507	3,406
Parking	18,363	24,106	26,704	32,074	25,588

FIGURE 4: TOTAL NEW CASES FILED WITH THE JEMS SYSTEM 2021-2025

Total New Cases (Filed)			
Month	Criminal	Traffic	Parking
Jan	37	292	2900
Feb	36	162	1,576
Mar	40	160	1,568
Apr	46	208	1,336
May	43	233	432
Jun	44	345	1,030
Jul	59	320	2,407
Aug	63	272	3,020
Sep	50	310	3,485
Oct	56	364	2,475
Nov	55	288	3,172
Dec	44	452	2,187
TOTALS:	573	3,406	25,588

FIGURE 4A: 2025 TABLE OF NEW CRIMINAL, TRAFFIC AND PARKING CASES FILED BY MONTH.

The number of new Criminal cases/matters filed at the Magistrates' Court increased by **4%** from **551** in 2024 to **573** in 2025.

This was not the case as it relates to the number of new Traffic matters filed which saw a notable decline of **24%** from **4,507** in 2024 to **3,406** in 2025. This is attributable to a drastic reduction in the issuing of Traffic tickets by the Bermuda Police Service.

Additionally, the number of Parking cases filed increased by **20%** in 2025 – **25,588** when compared to 2024 which had **32,074** matters filed. This is attributable to the minimal enforcement of Parking citations sent to the Judicial Department by the Corporation of Hamilton.

As a result, the number of new Traffic and Parking cases filed in Magistrates' Court continued to decline.

TOTAL NEW CASES (Disposed)	2021	2022	2023	2024	2025
Criminal	361	432	337	385	394
Traffic	3,781	6,781	4,670	4,262	3,364
Parking	5,440	8,279	8,854	8,029	7,299

FIGURE 5: TABLE OF TOTAL NEW CASES DISPOSED BY A MAGISTRATE 2021 – 2025 (CRIMINAL, TRAFFIC & PARKING)

Total New Cases (Disposed)			
Month	Criminal	Traffic	Parking
Jan	31	263	487
Feb	29	270	522
Mar	32	243	1,151
Apr	32	192	626
May	49	230	411
Jun	35	318	513
Jul	38	398	701
Aug	39	287	654
Sep	20	350	620
Oct	35	337	795
Nov	19	263	521
Dec	35	213	298
TOTALS:	394	3,364	7,299

FIGURE 5A: 2025 TABLE OF NEW CRIMINAL, TRAFFIC AND PARKING CASES DISPOSED BY MONTH.

The total number of Criminal cases disposed of in 2025 increased by **2%** to **394** cases when compared to **385** cases disposed in 2024.

This was not the case as it relates to the number of Traffic matters disposed of which saw a decline of **21%** from **4,262** in 2024 to **3,364** in 2025.

Additionally, the number of Parking cases disposed of declined by **9%** from **8,029** in 2024 to **7,299** in 2025. This is an identical decline from as in the previous year.

RECORD REQUESTS

In 2025, the Criminal/Traffic/Records Section processed a total of 2,608 Record Requests which is an increase of less than 1% when compared to 2024 (2,603). The requests come from various sources which include, but are not limited to, private citizens, local and overseas Employment Agencies, Private Companies, Canadian Immigration, the US Consulate, etc.

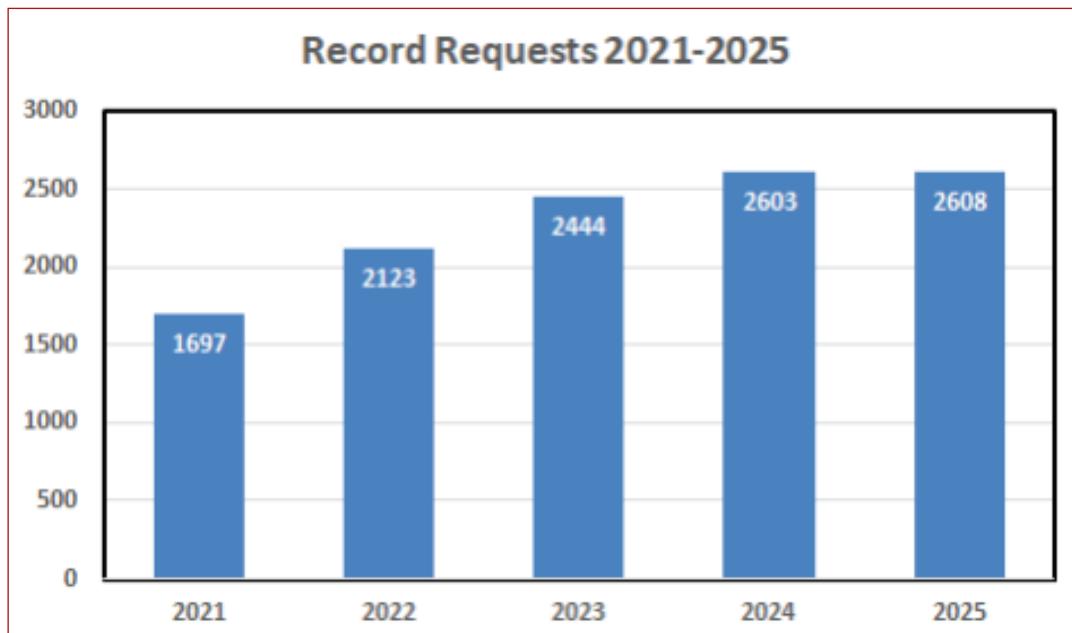
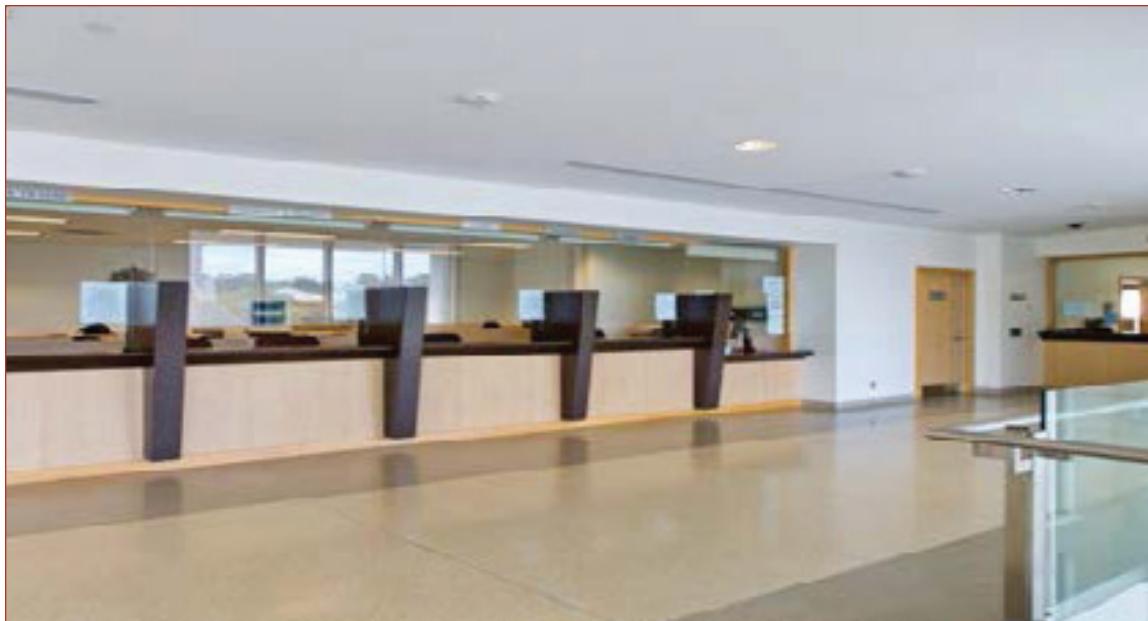


FIGURE 6: CHART OF 2021 – 2025 RECORD REQUESTS FILED

Again, it is to be noted that the fee for a Record Request at the Magistrates' Court continues to be disproportionately low at \$10.00 per application, when a similar report from the Bermuda Police Service is \$100.00. We will continue to pursue an increase in this fee to compensate for the amount of time and commitment spent on each criminal record request.



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

TOP 10 CRIMINAL OFFENCES 2020 – 2024

Offence Code	Offence Description	Offence Count				
		2021	2022	2023	2024	2025
C0006	COVID BREACH OF CURFEW		(4) 26			
2010	STEALING (BELOW \$1000)	(2) 74	(3) 30	(1) 41	(2) 49	(4) 49
2011	STEALING (ABOVE \$1000)		(10) 14			
2091	TAKE VEHICLE AWAY W/O CONSENT				(8) 22	
2127	BURGLARY (NEW)	(3) 45	(5) 25	(2) 40	(5) 34	(9) 21
2144	WILFUL DAMAGE GT 60	(8) 27	(7) 19	(5) 28	(4) 40	(5) 41
2152	ASSAULT (COMMON)	(7) 30	(1) 36	(3) 38	(1) 62	(1) 84
2156	ASSAULT (ABH)	(7) 30	(8) 18	(4) 33	(3) 41	(3) 52
2168	ASSAULT ON POLICE		(9) 16	(8) 17		
2173	VIOLENT RESIST ARREST		(10) 14	(9) 16		
2203	POSS PROHIBITED WEAPON					(10) 19
2196	HAVE BLADE/POINTED ARTICLE		(1) 36	(4) 33	(2) 49	(2) 64
2231	SEX ASSAULT	(10) 20		(10) 14		(7) 23
2316	POSS CANNABIS WITH INTENT					(7) 23
2388	POSS DRUG EQUIPMENT		(9) 16	(8) 17	(7) 26	(9) 21
2392	POSS DRUG EQUIPMENT PREPARE				(9) 19	(4) 49
2596	INTRUDE PRIVACY FEMALE			(9) 16		
2612	INTIMIDATION		(9) 16			
4028	THREATENING / OFFENSIVE / INSULTING			(9) 16	(4) 40	(6) 29
4032	THREATENING BEHAVIOUR	(5) 34	(2) 34		(10) 16	(8) 22
4034	TRESPASS PRIVATE PROPERTY	(9) 25	(8) 18		(6) 27	(7) 23
6220	CURFEW VIOLATION	(4) 40				
6221	OFFENCE AGAINST EMERGENCY POWERS REG.	(1) 97				
7604	MARINE SPEED 100M FERRY REACH					
7605	CREATE WAKE 100M SHORELINE	(6) 32	(3) 30	(7) 21		
7614	FAIL CARRY SAFETY EQUIPMENT		(6) 22	(6) 22		

FIGURE 7: TABLE OF TOP 10 CRIMINAL OFFENCES 2021 – 2025

The Top 3 Criminal Offences in 2025 are as follows:

1. Assault (Common)
2. Having a Blade/Pointed Article
3. Assault (ABH)

Assault (Common) has remained as the No. 1 Criminal Offence in 2025. Having a Bladed Article continues to occupy the No. 2 position in 2025. Assault (ABH) remains as the No. 3 Criminal Offence for 2025.

TOP 10 TRAFFIC OFFENCES 2021 – 2025

Offence Code	Offence Description	Offence Count				
		2021	2022	2023	2024	2025
3002	SPEEDING	(1) 1,915	(1) 3,352	(1) 1,886	(1) 1,803	(1) 610
3007	DISOBEY TRAFFIC SIGN	(2) 721	(2) 991	(2) 608	(3) 475	(2) 492
3062	REFUSE BREATH/BLOOD TEST	(9) 60	(10) 62	(10) 83		
3013	SEAT BELT NOT FASTENED					
3234	NO DRIVERS LICENSE/PERMIT	(5) 295	(3) 604	(3) 478	(2) 532	(5) 440
3080	NO THIRD-PARTY INSURANCE	(4) 319	(4) 508	(4) 435	(5) 422	(3) 462
3229	UNLICENSED MOTOR BIKE	(3) 328	(5) 499	(5) 426	(4) 442	(4) 454
3070	DRIVE W/O DUE CARE & ATTENTION	(8) 72				
3058	IMPAIRED DRIVING A MOTOR VEHICLE	(7) 94	(7) 131	(7) 170	(7) 121	(7) 122
3064	EXCESS ALCOHOL MOTOR VEHICLE		(9) 73	(8) 90	(8) 77	(10) 71
3324	DEFECTIVE SAFETY GLASS/TINT	(10) 57			(10) 61	(8) 101
3228	UNLICENCED MOTOR CAR	(6) 135	(6) 226	(6) 198	(6) 157	(6) 149
3414	FAIL EXHIBIT NUMBER PLATE					
3147	USE OF HANDHELD DEVICE WHILST DRIVING			(9) 87	(9) 63	
3190	DRIVER/PASSENGER FAIL TO WEAR HELMET		(8) 89			(9) 76

FIGURE 8: TABLE OF THE TOP 10 TRAFFIC OFFENCES FROM 2021 – 2025

The Top 3 Traffic Offences for 2025 are as follows

1. Speeding
2. Disobeying a Traffic Sign
3. No Third Party Insurance

Predictably, Speeding continued to be the most prevalent traffic offence in 2025. The traffic offence of Disobeying a Traffic Sign moved up to the No. 2 Traffic Offence in 2025 and No 3rd Party Insurance rose from No. 5 in 2024 to No. 3 in 2025.

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	2021	2022	2023	2024	2025
Committal	621	633	583	566	552
SJA	3,140	3,261	3,518	3,539	3,433
Apprehension	7,278	7,464	7,491	7,826	7,511

FIGURE 9: TABLE OF OUTSTANDING WARRANTS 2021-2025 (APPREHENSION, SUMMARY JURISDICTION APPREHENSION (SJA) AND COMMITTAL)

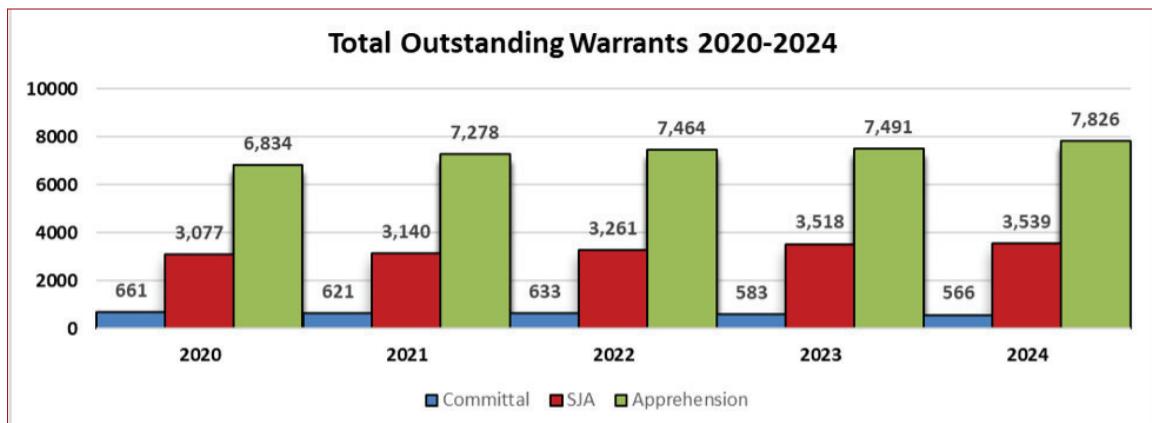
NOTE:

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

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

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

FIGURE 9A: CHART OF OUTSTANDING WARRANTS 2021-2025 (APPREHENSION,



SUMMARY JURISDICTION APPREHENSION (SJA) AND COMMITTAL

There was a minimal decline in the number of Committal Warrants from **566** in 2024 to **552** in 2025 which represents a **2%** decrease.

The number of Summary Jurisdiction Apprehension (SJA) Warrants also had a minimal decline of **3%** from **3,539** in 2024 to **3,433** in 2025 and likewise the Apprehension Warrants saw a decrease of **4%** from **7,826** in 2024 to **7,511** in 2025.

Committal	\$319,005.86
Summary Jurisdiction Apprehension	\$1,853,689.42
Apprehension	\$560,575.10
TOTAL	\$2,733,270.38

POLICE AND CRIMINAL EVIDENCE ACT (PACE) WARRANTS

PACE Warrants 2020-2025	Legislation	2020	2021	2022	2023	2024	2025	
Special Procedure Applications	Telephonic	88	65	43	53	97	66	
	Banking	5	10	13	13	21	11	
	Internet	9	2	-	7	19	6	
	Medical	3	1	-	3	1	-	
	Courier	-	-	-	-	-	-	
	Law Firm/Legal	-	-	-	-	-	3	
	Travel Agents/Airlines	-	-	-	-	-	-	
	Dept. of Social Insurance	-	-	-	-	-	-	
	School	-	-	-	-	-	-	
	Covid-19 Emergency Powers	6	-	-	-	-	-	
	Financial	1	2	-	1	-	3	
	Airport	1	-	-	-	-	-	
	BELCO Electricity	-	-	-	-	9	-	
	Electronic Taxi App.	-	1	-	-	-	-	
	Hospital (MAWI)	-	-	-	-	-	-	
	Insurance	-	3	-	1	-	-	
Order of Freezing of Funds		-	15	-	-	-	-	
Order Release of Seized Cash/Property		-	7	1	-	1	-	
Continued Detention of Seized Cash/Property		8	14	6	1	16	18	
Search Warrants	Misuse of Drugs Act	37	15	30	25	24	-	
	Firearms	18	7	1	5	8	15	
	Sec. 8/Sec. 15 PACE Act	20	14	14	29	14	13	
	Liquor License Act 1974	1	-	-	-	-	-	
	Mental Health Sec.71(1)	1	-	-	-	-	-	
	Criminal Code	-	-	-	-	-	-	
	Revenue Act(Customs)	-	-	-	-	-	-	
	Dog Act	-	-	-	-	-	18	
Production Order (Customs)		-	-	-	-	-	-	
Production Order 'PATI' - Public Access To Information		-	-	-	-	-	-	
TOTAL OF ALL TYPES		-	198	156	108	138	210	174

FIGURE 10: TABLE OF 2020 – 2025 PACE WARRANTS

The number of PACE Warrants granted in 2025 **declined by 17%** in comparison to the number of warrants granted in 2024.

CORONER'S REPORTS – CAUSES OF DEATH

Causes of Death	2021	2022	2023	2024	2025
Natural Causes	64	60	54	56	84
Unnatural Causes	8	37	22	20	26
Murders	7	8	3	9	7
Drowning	0	8	5	4	1
Road Fatalities	17	7	13	4	10
Undetermined	0	9	11	0	4
Hanging	0	2	3	3	5
Suicide	2	0	0	0	0
COVID	5	0	0	0	0
TOTALS	103	131	111	96	137

FIGURE II: TABLE OF CAUSES OF DEATH IN CORONERS CASES 2021 – 2025

NOTE:

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

Suicide: These are cases other than Hanging.

Fatal: These cases include Road and Marine fatalities.

The Coroner's Office is managed by the Senior Magistrate who reviewed **137 Coroner's deaths** from January – December 2025. This represents a **43% increase** in the number of cases examined compared with 2024.

There was a **50% increase** in the number deaths due to Natural Causes and an astronomical **increase of 150%** in the number deaths due to Road Traffic Fatalities.

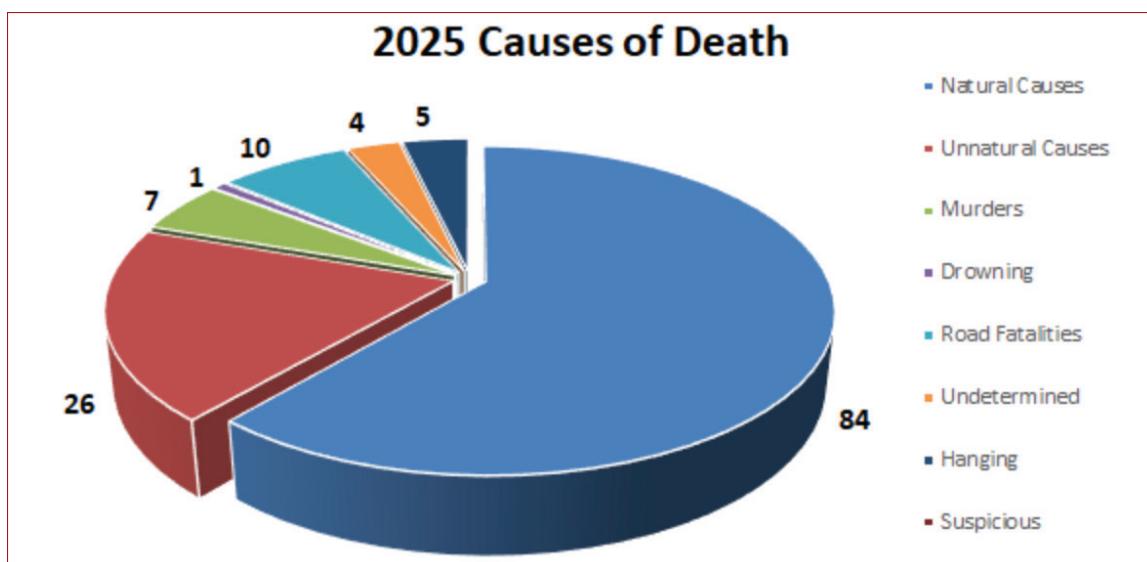


FIGURE II A: CHART OF TOTAL CAUSES OF DEATH IN CORONERS CASES IN 2025

CASHIER'S SECTION

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

Collectively the Cashier's Office received a total of **\$5,370,757** in fees and fines in 2025. This represents an overall decline of 7% in fines collected for Criminal, Traffic, Parking, and Civil matters, in addition to Family Support in 2025. The Magistrates' Court, as it did in 2024, still takes into consideration the financial circumstances of individuals who have been fined and accordingly the Magistrates Court have allowed persons to pay off their fines in instalments or through 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 continues to increase year to year.



Cashier's Office Payment Types by \$ Amount					
Payment Types (By \$ Amount)	2021	2022	2023	2024	2025
Civil Payment (Attach of Earnings)	592,499	574,780	563,772	528,028	497,045
Civil Fees	82,075	79,745	80,875	114,475	179,420
Traffic Fines	1,282,933	2,365,335	1,878,078	1,711,266	1,446,568
Parking Fines	568,425	645,400	646,375	526,775	412,600
Criminal Fines	164,206	151,283	115,567	126,351	153,088
Liquor License Fees	222,136	194,500	74,850	-	-
Misc. Fees (Including Bailiffs)	38,110	41,339	43,202	56,569	62,678
Family Support	3,293,921	3,231,457	2,821,314	2,737,425	2,618,648
TOTAL COLLECTED	6,244,305	7,283,839	6,224,034	5,800,889	5,370,757

FIGURE 12: TABLE OF CASHIER'S OFFICE PAYMENT TYPES (BY \$ AMOUNT) 2021-2025

Payment Types (By \$ Amount)	2021	2022	2023	2024	2025
Civil Payment (Attach of Earnings)	2,896	3,153	2,893	2,645	2,514
Civil Fees	2,259	2,217	2,439	2,147	1,975
Traffic Fines	4,035	7,251	5,287	4,783	3,808
Parking Fines	7,638	8,601	8,605	7,025	5,500
Criminal Fines	297	258	215	191	217
Liquor License Fees	101	98	35	-	-
Misc. Fees (Including Bailiffs)	1,956	2,356	2,753	2,965	3,093
Family Support	12,730	11,855	10,419	10,430	9,683
TOTAL PAYMENTS PROCESSED	31,912	35,789	32,646	30,186	26,790

FIGURE 12A: TABLE OF CASHIER'S OFFICE PAYMENT TYPES (BY NUMBER) 2021-2025

BAILIFF'S SECTION

OVERVIEW

The Bailiffs' Section supports the work of Bermuda's courts by serving official court documents and enforcing certain court orders. In 2025, the Section managed a high volume of assignments across both the Magistrates' Court and the Supreme Court, while continuing to prioritise timely service for matters scheduled before the courts.

Documents: January - December 2025								
Document Types	Assigned Docs 2025	Docs Served (2025 only)	Outstanding Docs Served (Carryover pre-2025)	Unable to Locate	Cancelled Withdrawn	Attempts	Total Docs Returned	Total Outstanding Docs (Carryover pre-2025)
Committal Applications	265	149	79	0	66	1408	294	465
Evict Warrants	54	42	5	0	7	122	54	0
Foreign Documents	27	20	0	6	0	2	26	1
Judgement Summons	46	37	4	2	0	107	43	3
Notice of Hearing	131	117	6	12	0	257	135	0
Ordinary Summons	216	189	7	8	6	477	210	6
Protection Orders	169	164	3	4	1	397	172	0
Summons	304	264	13	49	2	580	328	0
Warrants of Arrest	235	157	97	0	39	1210	293	392
Wrts	23	19	5	0	2	0	26	15
Other Documents	56	51	2	3	2	55	58	0
TOTALS	1526	1209	221	84	125	4615	1639	882
Service Rate of Assigned Documents Jan - Dec 2025							79%	
Service Rate of Carryover pre - 2025 Documents							25%	

13: TABLE REPRESENTING THE TOTAL FIGURES OF THE BAILIFFS PAPER SERVICE, JANUARY - DECEMBER 2025

During 2025, the Bailiffs' Section received **1,526** new documents for service. Of these, **1,209** were successfully served within the year, producing a **79% service rate** for documents assigned in 2025.

In addition, Bailiff's continued to work on older matters carried over from previous years. A total of **221** pre-2025 documents were served in 2025. While progress was made, older files remain more difficult to complete because they often involve outdated addresses, repeated non-attendance by recipients, or enforcement-related circumstances requiring multiple visits. The service rate for pre-2025 carryover documents was **25%** in 2025.

Across all work categories, the Section recorded **4,615 service attempts**, reflecting the reality that service frequently requires repeated visits, follow-up attendances, and verification steps before documents can be delivered and lawfully confirmed.

SUMMARY OUTCOMES (2025):

- New documents assigned: 1,526
- Served (new 2025 documents): 1,209 (**79%**)
- Older documents served (pre-2025 carryover): 221 (**25%**)
- Unable to locate recipient: 84
- Cancelled/withdrawn by parties: 125
- Total attempts recorded: 4,615

WORKLOAD PRESSURES AND STAFFING CAPACITY

During 2025, the Bailiffs Section experienced ongoing manpower shortages due to sustained sick leave and as a result the overall operational effect resulted with:

- fewer officers available for field duties reduces the number of daily service runs that can be completed;
- complex files requiring repeated attendances take longer to close and
- older "carryover" files tend to remain outstanding because priority must be given to time-sensitive new assignments supporting active court proceedings.

Despite these constraints, the Bailiff's Section maintained a strong service rate for current-year assignments by focusing resources on documents directly linked to scheduled hearings and active enforcement timelines.

STAFFING DEVELOPMENTS

In 2025, the Bailiff's Section also managed staffing transition. Bailiff Donville Yarde retired, and a new officer, Bailiff Marcus-Nathan Stephens, commenced employment on 22 December 2025. He is currently assimilating into the Section and undergoing training to support the full range of duties performed by Bailiffs.

ENFORCEMENT OUTCOMES OF COURT DOCUMENTS

In addition to routine document service, the Bailiffs' Section supported the courts through enforcement work under court-issued documents. During 2025, **three (3) outstanding Writs of Fieri Facias** were successfully completed, netting **\$345,000.00** in proceeds for judgment creditors. The Bailiff Section also successfully executed **seventeen (17) Writs of Possession** in 2025.

TOP 10 DOCUMENT TYPES SERVED IN 2025 (BY VOLUME, INCL. EVICT WARRANTS)

1. Summons – 264
2. Ordinary Summons – 189
3. Protection Orders – 164
4. Warrants of Arrest – 157
5. Committal Applications – 149
6. Notice of Hearing – 117
7. Other Documents – 51
8. Evict Warrants – 42
9. Judgement Summons – 37
10. Foreign Documents – 20

EVICTIONS (2022–2025)

In July 2025, at the request of the Bermuda Government, the Deputy Provost Marshal General (DPMG) produced a statistical review of eviction enforcement for the years 2022–2024. The following commentary combines the overall findings from that review with the Bailiffs' operational results for 2025, providing a consolidated summary of trends and outcomes. Eviction enforcement remained a consistent component of the Bailiffs' workload between 2022 and 2025, with service outcomes improving over time. For the period 2022–2024, a total of 115 Warrants to Evict were issued, with 89 successfully served, resulting in an overall service rate of 68%. Yearly comparisons show increasing effectiveness: 2022 recorded a 60% service rate (28 served), 2023 recorded 65% (31 served), and 2024 achieved the strongest performance at 81% (28 served). In 2025, the Bailiffs processed 54 eviction warrants, with 42 served, 7 cancelled/withdrawn, and 5 prior-year carryover matters cleared, leaving no outstanding eviction warrants at year-end. Eviction matters continued to affect predominantly densely populated and higher-rental-turnover communities, reinforcing the ongoing demand for enforcement capacity in these areas.

LOOKING AHEAD

The Judiciary remains focused on ensuring that the Bailiffs' Section is able to maintain timely service standards while reducing older backlogs. Priorities for improvement include strengthening staffing resilience, supporting structured training, and continuing to focus effort on the most complex and time-intensive categories of work.



From left: Tina Lee (Administrative Assistant) | Bailiff Donville Yarde (retired) | Bailiff Veronica Dill | Bailiff Marcus-Nathan Stephens | Christopher Terry (Head Bailiff | DPMG) | Bailiff Donna Millington | Bailiff D'Vario Thompson

DONVILLE YARDE, BAILIFF

We wish to recognize Mr. Donville Yarde, Bailiff - Bailiff's Section for his dedication and unwavering services over the past 12 years. He most certainly will be missed for his knowledge, work ethic and let's not forget his encouraging words, mild demeanour and especially his prayers!!



ESTABLISHMENT LIST

JUDICIAL DEPARTMENT – MAGISTRATES’ COURT AS AT 31 DECEMBER 2025.

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

JUDICIARY – INFORMATION TECHNOLOGY DEPARTMENT

The Bermuda court's in-house Information Technology (I.T.) team consists of two people, Frank Vazquez (Manager) and Brian Mello, I.T. Assistant and is responsible for ensuring the systems used in the judicial process are secure, reliable, and efficiently maintained. This department plays a crucial role in supporting the court's daily operations by managing hardware, software and security protocols.

Their responsibilities include:

- **System Administration:** The I.T. team maintains and manages the court's computer systems, including servers, desktops, laptops, and mobile devices. They strive to ensure that case management systems, audio-recording system, and applications remain operational and up to date.
- **Network Management:** The department works with the government I.T. department to diagnose and resolve issues with the court's internal network, to provide secure connections for staff, judges, clerks, and court personnel.
- **Help Desk Support:** The I.T. Team provides first level technical support to employees, assisting with troubleshooting issues and technology related problems. A chief goal is to minimal downtime. This is accomplished through maintenance, testing, and quick response when issues become apparent.
- **Software and Application Management:** The team installs, updates, and manages specialized court software to meet the court's needs. They will also provide assistance to others in need of assistance when dealing with court matters.
- **Audio/Visual Support:** Courts rely on A/V technology for presentations, evidence display, and remote testimony. The I.T. team maintains these systems, ensuring they are functional and ready for court proceedings.
- **Training and Policy Development:** The department provides training to court staff on the proper use of technology and develops policies for cybersecurity, data usage, and acceptable technology practices.
- **System advances:** To stay current, the I.T. team conducts research on new technology in development, and technology currently used in other jurisdictions. When new functionality is introduced in the courts the I.T. department become the system experts.



In summary, the in-house I.T. department ensures that the court's technological infrastructure operates smoothly, securely, and efficiently, enabling court staff to focus on their primary responsibility - administering justice.

Frank Vazquez
IT Manager



03.
JUDICIAL &
LEGAL SERVICES COMMITTEE

JUDICIAL AND LEGAL SERVICES COMMITTEE

On 2 April 2025 the Judicial and Legal Services Committee (the “Committee”) published the Revised Complaints Protocol replacing the Judicial Complaints Protocol 2018. The Revised Protocol underwent extensive consultation and input from the members of the Judiciary, the Registry and the Magistrates, and received the full support of His Excellency the Governor Mr. Andrew Murdoch CMG and the members of the Committee.

As noted in the foreword to the Revised Protocol, **“The high standards of personal and professional conduct expected of judicial officers must be subject to scrutiny by the public whom they serve. It is therefore important that the system for administering complaints against judicial officers must be efficient, fair and robust to enable complaints to be examined and dealt with in a manner that provides appropriate remedial action where it is justified. In the interests of transparency, consistency and public accountability, the system for reviewing, administering and dealing with complaints concerning judicial officers must be regularly reviewed and publicized.”**

The amendments made brought the Revised Protocol into conformity with the findings of the Court of Appeal in *Junos v HE Governor [2024] CA (Bda) 4 Civ*, paragraph 23. The amendments clarified the role of the Committee when acting in an advisory capacity to the Governor, the various methods in which a successful complaint may be dealt with, who can sit on Filtering Committees, and the introduction of an appeal procedure in relation to complaints determined by the Chief Justice or the President of the Court of Appeal, but not those determined by the Governor, who under the Bermuda Constitution has the final say in relation to members of the Judiciary below the level of the Supreme Court.

The Revised Protocol became effective from the date of its formal publication and supersedes and replaces the Judicial Complaints Protocol 2018.

On 25 and 26 November 2025 the Committee sat for a series of interviews for the open position of Justice of the Court of Appeal. Thirty-two applications were submitted, which is a tribute to the status of Bermuda and its Courts. The applicants were, for the most part, of high quality and in the case of the shortlisted eight candidates, particularly so. The Committee gave very careful deliberation as to which candidate embodied the characteristics needed by Bermuda for a new member of the Court of Appeal and the expertise required in commercial and criminal matters. On 27 November 2025 the Committee submitted a recommendation to His Excellency the Governor, for his review and consideration. The Governor has accepted that recommendation and has appointed Sir Julian Flaux, formerly a member of the Court of Appeal of England and Wales and Chancellor of its High Court, to be a new member of the Court of Appeal from 1 January 2025.

The Committee would like to extend its sincere gratitude for the tireless work undertaken by departing members, President of the Bermuda Bar Association Mr. Jerome Wilson, the Hon. Mr. Adrian Saunders (former President of the Caribbean Court of Justice) and Mr. David Jenkins (former Chief Justice, Prince Edward Island Court of Appeal). These three members have served with integrity, thoughtfulness and a resolute commitment to the review, administration and recommendations made in relation to complaints of judicial conduct and new members to the Judiciary. We thank you once again for your service. A warm welcome was extended to our new colleagues, the Hon Mr. Winston Anderson (current President of the Caribbean Court of Justice), Mr. Randolph Simons (lay member) and the late dearly departed Ms. Kehinde George (President of the Bermuda Bar). With deep sadness, the Committee offers their heartfelt condolences to Ms. George’s family, friends, and legal colleagues. Ms. George’s all too short tenure on the Committee was exemplified by her thoughtful contributions made during a series of interviews for a new Justice of Appeal and her work on a filtering Sub-Committee of the JLSC. We thank her once again for her service on the Committee; her presence will be sorely missed.

As of this writing, we are obliged to mark the retirement of our Chairman, Sir Christopher Clarke. We would like to bestow our wholehearted thanks for the indefatigable, consistent and committed service to duty in the administration of justice in Bermuda. Sir Christopher has, throughout his years of service on the Committee, displayed an unwavering commitment to his duties with an appreciation of the importance of public confidence in the transparent process required to address judicial conduct. His many years of judicial experience in combination with his pronounced intelligence and wit has led the Committee in a manner that should be highlighted with profound thanks and hopes for replication in the coming years. The Committee is delighted that Sir Christopher has expressed his preparedness further to progress the currently outstanding complaints before entrusting them to his successor. He is a wise and seasoned adviser and once again we thank him.

The Committee extends its sincere gratitude to its Secretary, Mr. Everard Todd. Mr. Todd is a member of the staff of Government House but doubles as the Secretary. He has continued to manage the administration of the Committee to an excellent standard. His duties have been to oversee the editorial process for the Revised Protocol as well as administering the process for the advertisement, recruitment and interviews of new members to the Judiciary, and the process of dealing with disciplinary complaints against serving judges. We are extremely grateful to Mr. Todd for all that he has done and is doing.

The Committee continues to be of the view that it would be desirable for the JLSC to acquire constitutional or statutory underpinning. The Committee will continue to push for this basis in 2026.

**President, Sir Christopher Clarke
Chief Justice, Larry Mussenden**



04. JUDICIAL TRAINING INSTITUTE

THE JUDICIAL TRAINING INSTITUTE: HISTORY AND COMPOSITION OF BOARD

The Judicial Training Institute ("JTI") was inaugurated on Friday 6 June 2008 and first chaired by the Honourable Mrs. Justice Norma Wade-Miller, the first female Supreme Court Judge of Bermuda.

The first sitting members of the Board under Her Ladyship's Chairmanship were the Honourable Mr. Justice Ian Kawaley (who would become the Honourable Chief Justice of Bermuda and now an esteemed Justice of the Court of Appeal) and the then Worshipful Mr. Archibald Warner (former Senior Magistrate of Bermuda). The JTI Board resolved that it would have no less than three members but no more than five members in total.

The current Chairperson of the JTI is the Hon. Mrs. Justice Shade Subair Williams. Justice Subair Williams has served in the role of Chairperson since July 2018. The newly appointed sitting members are the Hon. Mr. Justice Alan Richards, the Hon. Mr. Justice Andrew Martin and the Senior Magistrate, Ms. Maxanne Anderson. The newly appointed Administrative Support Team comprises Executive Officer, Ms. Taznae Fubler, Assistant Executive Officers, Ms. Yanni Squire, Ms. Raneek Furbert and Ms. Donneisha Butterfield and JTI IT Officer, Mr. Brian Mello.

OBJECTIVES

The continued education and training of the members of the Judiciary and Magistracy is a central component of a modern and proficient system of justice. Judicial training is not extraneous to the regular obligations of a judicial officer; it is in the fabric of professional competency and development. It is not a privilege; it is a duty.

A key objective of the JTI is to provide each judicial officer with a thirst and opportunity for ongoing general and specialized training on matters of judging and judicial administration. It is also recognized that the communing of judicial minds is not only a powerful tool but a source of nourishment for judicial officers who tirelessly serve to honour their duties as mandated by the judicial oaths prescribed by the Constitution.

As judicial officers, this is what we owe to all litigants, accused persons, witnesses, interested observers and the general public, whose confidence and trust in the administration of justice can only be earned.

JUDICIAL TRAINING IN 2025

Annual Year-End Conference of the Judiciary and Magistracy (28 November 2025)

On 28 November 2025 the Chief Justice, Judges and Magistrates convened at the Grotto Bay Hotel for the Annual Year-End Conference of the Judiciary and Magistracy.

The Conference was organized by Chairperson, Justice Subair Williams and JTI Board Members, Justice Richards and Justice Martin. Administrative support was provided by Executive Officer, Ms. Taznae Fubler, Assistant Executive Officer, Ms. Yanni Squire and IT Officer, Mr. Brian Mello.

Also in attendance from the Supreme Court were the Hon. Chief Justice, Mr. Larry Mussenden, the Hon. Mr. Justice Juan Wolffe, Assistant Justice (and Registrar) Ms. Alexandra Wheatley. In attendance from the Magistrates' Court were JTI Board Member and Senior Magistrate, Ms. Maxanne Anderson, Magistrate Mr. Craig Attridge, Magistrate Ms. Maria Sofianos, and Magistrate Aura-Lee Cassidy.

The training segments were categorized as follows:

1. Anti-Money Laundering ("AML")
2. Artificial Intelligence ("AI") and Modern Legal Research Tools
3. Overseas Judicial Conferences and Training

A SAMPLE OF THE OVERSEAS CONFERENCES ATTENDED IN 2025

INTERNATIONAL FORUM ON COMMERCIAL COURTS (“SIFOCC”) INDIA, NEW DELHI 8-9 NOVEMBER 2025

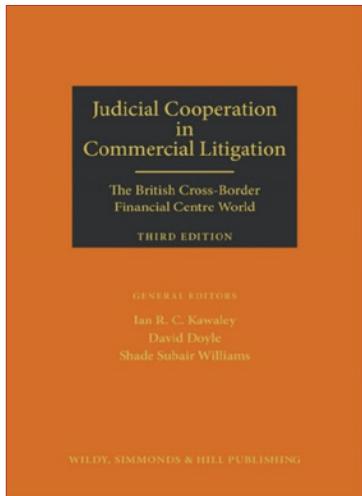
Theme 1 of the Meeting was in the form of a Roundtable Plenary Discussion on “Common standards and approaches” by the Commercial Courts. This was purposed to facilitate discussions on the updating of SIFOCC’s Multilateral Memorandum on Enforcement.

SIFOCC recognises that enforcement of commercial money judgments is of common interest among commercial courts globally. One of the primary purposes of the Meeting was a convening of the minds for the publication of a Third Edition of SIFOCC’s Multilateral Memorandum on Enforcement of Commercial Money Judgments.



The Hon. Mrs. Justice Shade Subair Williams at the 6th Full Meeting of the Standing and Lord John Thomas, Chairman of the Steering Group of SIFOCC and former Lord Chief Justice of England and Wales and President of the Qatar International Court and Dispute Resolution Centre

In the second edition of SIFOCC’s Multilateral Memorandum on Enforcement of Commercial Judgments for Money, there are contributing chapters from Judiciaries of more than 30 jurisdictions world-wide. Those jurisdictions span the globe from South Korea to Brazil, from Uganda to China, from Australia to Germany, from Singapore to Canada, and from England to Japan, summarising the various legal approaches to enforcement of commercial money judgments. The publication sets out an understanding of the procedures for the enforcement of a judgment by the courts of one jurisdiction obtained in the courts of another jurisdiction.



Justice Subair Williams spoke about the need to establish a multilateral best practices guideline for pre-action and post-action freezing injunctions and addressed the forum on the subject of judicial enforcement of commercial money judgments introducing the newly published book “Judicial Cooperation in Commercial Litigation- The British Cross-Border Financial Centre World” (Third Edition).

Judicial Cooperation in Commercial Litigation - The British Cross-Border Financial Centre World (Third Edition) authored and edited by the President of the Court of Appeal for Bermuda, Mr. Ian R.C. Kawaley, Mr. Justice David Doyle (Judge of the Cayman Islands Grand Court, Financial Services Division) and, Mrs. Justice Shade Subair Williams (Puisne Judge of the Supreme Court). Foreword by Patrick S Hodge, the Deputy President of the UK Supreme Court and member of the Judicial Committee of the Privy Council.

SIFOCC' S 6TH FULL MEETING IN NEW DELHI WAS HELD AT THE BHARAT MANDAPAM CONVENTION CENTRE:



Chief Justice Menon of Singapore AND Justice Subair Williams and Justice Robin Knowles, Facilitator of Roundtable Discussions



Ms. Lauren Carter, Secretariat, Ms. Adenike Adewale, Head of Secretariat, Justice Subair Williams and Ms. Alice Horn, Rapporteur and UK Barrister



Mr. Geoffrey Morawetz, Chief Justice of the Superior Court of Ontario Canada and Chairperson of the Judicial Insolvency Network (the "JIN"), Mrs. Justice Subair Williams and Mr. Justice Jalil Asif K.C. of the Financial Services Division of the Grand Court Cayman Islands



Sir Geoffrey Vos, Master of the Rolls UK, Justice Pathmanathan, Federal Court Malaysia and Justice Subair Williams AND. Justice Arora, Delhi India, Justice Kazimbe Chenda and Justice Koreen Mwenda-Zimba, Zambia

PARENTAL ALIENATION STUDY GROUP 2025 TORONTO CONFERENCE 10 – 12 SEPTEMBER 2025

Assistant Justice and Registrar, Alexandra Wheatley and Acting Registrar, Cratonia Thompson at Parental Alienation Study Group 2025 Toronto conference 10 – 12 September 2025 - Best practices in parental alienation assessment, intervention & advocacy: A roadmap for judicial accuracy and resolution

"Firstly, we would like to thank Mr Edward Tavares who is the Co-Founder of Child Watch Bermuda who provided the Hon. Chief Justice with an invitation to this conference. It is hoped that moving forward there will be opportunity for members of the Judiciary to regularly attend this conference.

Attending the PASG 2025 Conference in Toronto was an energizing and informative experience. Over three days, we joined professionals, researchers, legal experts, and families from around the world who are all committed to improving how parental alienation is understood, assessed, and addressed. The theme of the conference reflected a clear movement toward applying well established scientific knowledge rather than revisiting debates about whether parental alienation exists."

CCJ ACADEMY FOR LAW 8TH BIENNIAL CONFERENCE

"REFLECTIONS ON CARIBBEAN JURISPRUDENCE"

26-28 NOVEMBER 2025

Magistrate Tyrone Chin in Port of Spain, Trinidad at the CCJ Academy for Law 8th Biennial Conference "Reflections on Caribbean Jurisprudence" 26-28 November 2025

Magistrate Chin attended the 8th Biennial Conference of the Caribbean Court of Justice (the "CCJ") which was held at the Hyatt Regency in Port of Spain, Trinidad. (Magistrate Chin personally sponsored his attendance.) The Conference was chaired by the Hon. Mr. Justice Winston Anderson and the Hon. Madam Justice Chantal Ononaiwu. The conference was opened with a one hour opening ceremony of cultural performances followed by the playing of the National Anthem and the Caricom song "Celebrating Caricom".

A welcome and opening remarks were provided by the Hon. Madam Justice Chantal Ononaiwu, Judge of the CCJ and Deputy Chair of the CCJ Academy for Law and Conference Co-Chair. Further opening remarks were provided by Ms. Lisa Shoman SC, General Counsel of CARICOM and the Attorney General of Trinidad and Tobago, Senator the Honourable John Jeremie, SC. Sponsor greetings were also made by Her Excellency Cecile Tassin, Ambassador of the Delegation of the European Union to Trinidad and Tobago.



THE GAMBIA 8TH FOR THE CMJA 20TH TRIENNIAL CONFERENCE
“INNOVATIONS IN JUDICIAL PRACTICE: EMBRACING CHANGE FOR A BETTER”
21-26 SEPTEMBER 2025

22 September 2025 Statement of the Judiciary of The Gambia:

“...Today marks a historic moment as The Gambia hosts the 20th Triennial Conference of the Commonwealth Magistrates’ and Judges’ Association (CMJA) for the first time! Under the theme “Innovations in Judicial Practice: Embracing Change for a Better Future,” judges, magistrates, legal practitioners, and scholars from across the Commonwealth have gathered to discuss crucial topics in the justice sector.”

In her opening address, CMJA President Hon. Justice Lynne Leitch emphasized the need for innovation while upholding the core values of justice. She stated that, “We stand at a pivotal moment where our commitment to judicial reform must align with the evolving needs of our societies.”



The Senior Magistrate and Magistrate Tyrone Chin in Banjul, The Gambia 8th for the CMJA 20th Triennial Conference “Innovations in Judicial Practice: Embracing Change for A Better” 21-26 September 2025

MAGISTRATE AURALEE CASSIDY AT CIAJ CONFERENCE ON ADDICTION, MENTAL HEALTH AND THE LAW. (FEBRUARY 2025)

Magistrate Cassidy was an attendee the “Conference on Addiction, Mental Health and the Law” at the Canadian Institute for the Administration of Justice (“CIAJ”) held on 3-5 February 2025 in Toronto Ontario. (Magistrate Cassidy personally sponsored her attendance.)

The conference focused on the interplay between substance abuse, mental health issues, and the justice system, bringing together experts from various disciplines, including Indigenous Knowledge Keepers. The Conference examined the multifaceted challenges faced by courts, law enforcement, treatment providers, policymakers, as well as communities, families, and individuals.

MAGISTRATE AURALEE CASSIDY AT CIAJ SEMINAR ON WRITING REASONS IN SEXUAL ASSAULT CASES. (DECEMBER 2025)

Magistrate Cassidy also joined the CIAJ’s online seminar on “Writing Reasons in Sexual Assault Cases” held on 4 December 2025.

NEW MEMBERSHIP OF THE JUDICIAL INSOLVENCY NETWORK (“JIN”)

On 21 May 2025 the Chairperson of the Judicial Insolvency Network (the “JIN”), Mr. Geoffrey Morawetz, Chief Justice of the Superior Court of Ontario Canada met with Justice Subair Williams and invited her to become a member of the esteemed international body of insolvency judges. Her participation succeeds that of the President of the Court of Appeal, Mr. Ian Kawaley, who was an active member of the JIN during his former tenure as Chief Justice of Bermuda. Assistant Justice Nick Segal is also an active member of the JIN for the Cayman Islands.

The 6th Conference will be held in London, England on 19 and 20 April 2026 alongside INSOL International’s London Conference “Multinational Judicial Colloquium on Insolvency”.

THE JUDICIAL COLLEGE OF LAW, UNITED KINGDOM

The Lady Chief Justice of England and Wales, Dame Sue Carr, is ultimately responsible for the continual training the judiciary in England and Wales under the Constitutional Reform Act 2005. These responsibilities are exercised through the Judicial College.

His Excellency, the Governor, Andrew Murdoch CMG facilitated the special relationship which developed in 2025 between the JTI and the Judicial College.

On Tuesday 26 August 2025 Justice Subair Williams met with the following persons from the UK Judicial College in an online meeting: Mr. Martin Picton HHJ (Chair of the Judicial College); Ms. Rose Courtney (Coordinator); Mr. Robert Harper (Head of the Overseas Territories Justice Programme); Hon. Mrs. Justice Maura McGowan DBE- English High Court Judge and Mr. David Meyer (Departmental head within the UK's Ministry of Justice).

The Judicial College team encouraged Bermuda judges to attend courses held by the Judicial College, an initiative expressly supported by the Hon. Chief Justice, Mr. Larry Mussenden.

FORWARD PLANNING

Under the direction of the Chief Justice, the Bermuda judiciary and magistracy commit to the increased, continued and or a renewed commitment to Bermuda's representation and participation in international forums and associations purposed for the training and educational development of judicial officers. In particular, the judges and the magistrates acknowledge their commitment to Bermuda's membership and representation on: The Judicial College of Law, UK; Commonwealth Magistrates' and Judges' Association (CMJA); Caribbean Association of Judicial Officers (CAJO); International Association of Judges (IAJ); Standing International Forum of Commercial Courts (SIFoCC); INSOL International and Judicial Insolvency Network (JIN).

ACKNOWLEDGMENTS

Gratitude is owed to His Excellency, the Governor, Andrew Murdoch CMG for having promoted the relationship between the JTI and the Judicial College of Law.

Acknowledgment is given to the Honourable Chief Justice, Mr. Larry Mussenden, who provided the JTI with internal administrative and budgetary support. Under his direction, Court listings continue to be adjusted to support judges' and magistrates' participation in judicial training initiatives.

Further, Justice Subair Williams expresses gratitude to the Hon. Chief Justice for the time and support given to her to meaningfully execute her role as Co-Editor and Co-Author of the Book "Judicial Cooperation in Commercial Litigation – The British Cross-Border Financial Centre World" (Third Edition).

The JTI is also most thankful for the training support it has received thus far from the Judicial College of Law and for the skill and time volunteered by the Hon. Mrs. Justice Maura McGowan DBE and the Hon. Mr. Justice Jeremy Charles Johnson.

Justice Subair Williams also wishes to thank the JTI team for the work undertaken in preparation for Annual Year-End Conference of the Judiciary and Magistracy (28 November 2025). The Hon. Mr. Justice Alan Richards and the Hon. Mr. Justice Andrew Martin are thanked for having arranged and secured the morning session presentations.

In grand finale style, a special thank you is to be given to Ms. Taznae Fubler and Ms. Yanni Squire for having greatly assisted in the organization of the event and compilation of the conference binders and materials. Mr. Brian Mello is to be especially highlighted for his ongoing IT support and commitment, which once again far exceeded the call of duty.

For the full version of this report: www.gov.bm/supreme-court

**The Hon. Mrs. Justice Shade Subair Williams,
Chairperson of the Judicial Training Institute for Bermuda**

ANTI-MONEY LAUNDERING AND TERRORISM FINANCING

The Caribbean Financial Action Task Force ("CFATF") is an organization of states and territories of the Caribbean region which have agreed to implement common counter-measures against Money Laundering and Terrorist Financing ("AML/TF"). Members undergo regular mutual assessments by CFATF to measure compliance. Bermuda's latest report (dated 17 January 2020) was part of the 4th Round Mutual Evaluation process and our 5th Round assessment will take place in 2027. The 4th Round report found that the Judiciary had received limited AML/TF, restraint and confiscation training and therefore listed as a priority action that periodic AML/TF training be provided to the Judiciary. It sought to ensure that the Judiciary was sufficiently trained in matters relating to restraint and confiscation.

Since the last Annual Report, the Chief Justice has handed over organisational responsibility for the Judiciary's training in this area to Mr Justice Richards and Magistrate Cassidy.

Two training seminars were held during 2025, in June and November.

The June training seminar comprised presentations as follows:

- 1. Civil Recovery Applications**
Presenter: Mrs Shakira Dill-Francois, Solicitor-General
- 2. Recent Local ML Cases**
Presenter: Mr Justice Richards
- 3. Civil Recovery – A UK Perspective**
Presenter: Dominic Lewis (UK Barrister, 5 Paper Buildings)
- 4. Bermuda's Forthcoming 5th Round MER**
Presenter: Rick McDonnell, McDonnell-Nadeau Consultants
- 5. Confiscation Law Quiz**
Presenter: Mr Justice Richards

The last of these sessions revealed some striking levels of competitiveness amongst the participants and congratulations are due to the team with the highest marks, comprising Mr Justice Martin and Magistrates Chin and Attridge.

The November Training Seminar had a broader focus (see the JTI report for further details), but was to have included the following AML-related presentations:

- 1. Unexplained Wealth Orders**
Presenter: Martin Evans KC (UK Barrister, 33 Chancery Lane)
- 2. Introduction to the Work of the Financial Intelligence Agency**
Presenter: Mrs Christal Hanna, Acting Director of the FIA

The first session highlighted a relatively recent development in Civil Recovery law, which has been introduced in the United Kingdom, but not yet in Bermuda. However, the aim was to help contextualise the latest UK case law (which is inevitably looked to for guidance in this area) and build understanding of reforms that may be considered locally in the future. Due to unforeseen circumstances, the second session unfortunately could not take place and it will be rescheduled for one of the 2026 training seminars.

Both training seminars were well attended by the substantive Judges and Magistrates. 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.

Chief Justice Larry Mussenden
Mr. Justice Alan Richards
Wor. Aura Cassidy

THE JUDICIAL DEPARTMENT SOCIAL COMMITTEE

In alignment with our primary objective to foster camaraderie and promote the well being of all Judicial Department team members, the Social Committee curated a series of meaningful and memorable experiences throughout 2025. During the year, we hosted and supported the following activities and events:

- **Valentine's Day Treats** (February)
- **PALS Annual Walk** (February)
- **Easter/Mini Agricultural Exhibition & Competition** (April)
- **Bermuda Day Social** (May)
- **Charcuterie Tasting** (June)
- **Cup Match Social** (July)
- **BF&M Breast Cancer Awareness Walk** (October)
- **Halloween Social & Competition** (October)
- **Bowling Night** (November)
- **Christmas Lunch & Games** (December)
- **Birthday celebrations** (Year-round)

We extend our sincere appreciation to the members of the Social Committee for their invaluable contributions throughout the year: Kezia Battersbee, Auralee Cassidy, Dorlene Cruickshank, Kamalita Lawla, Donna Millington, Sabryah Seymour, Destinee Taylor Williams, and Saidha Wingood. We also wish to acknowledge the continued support and encouragement of the Assistant Registrar, Kenlyn Swan Taylor, and the Hon. Chief Justice, Larry Mussenden. Our gratitude is further extended to all Judicial Department team members who participated in and supported our events with enthusiasm, camaraderie, and a spirit of healthy competition.

We look forward to organizing additional initiatives and gatherings in 2026!

Maria Sofianos
Chair, Judicial Department Social Committee

Nicole Hassell
Deputy Chair, Judicial Department Social Committee







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