



CARIBBEAN ASSOCIATION OF JUDICIAL OFFICERS

CAJO

# Training on the Draft Civil Proceedings Rules for The Bahamas

---

## February - May 2022

**The Caribbean Association of Judicial Officers (CAJO)** brings together the region's Chancellors, Chief Justices, Judges, Masters, Registrars, Parish Judges, Magistrates, Tribunal Members, Executive Court Administrators, and other judicial staff. The first meeting of judicial officers across the region took place in June 2009 in Port of Spain, Trinidad and Tobago and this marked the birth of the CAJO. With its own Constitution and membership, the CAJO was ably headed by Hon Mr Justice Adrian Saunders, President of the Caribbean Court of Justice (CCJ), who served as Chair from 2009 – 2019. The CAJO is led by a Management Committee which comprises judicial officers elected at the Association's Business Meeting held biennially. At present, Hon Mr Justice Peter Jamadar, Judge of the CCJ, serves as Chair of the Association with Hon Mme Justice Vivian Georgis Taylor-Alexander, Judge of the Eastern Caribbean Supreme Court, as Vice-Chair. The Management Committee comprises 15 members from almost all countries in the region. The CAJO provides a host of judicial education engagements for judicial officers across the region including its Biennial Conference, training programmes and workshops on various topics and areas of law and practice, and a biannual Newsletter, CAJO News.

# Overview

The Caribbean Association of Judicial Officers (CAJO) hosted **six webinars to train and sensitise the judiciary of the Bahamas, and legal profession of the new draft civil proceedings rules**. The sessions were held on 22 February 2022, 2 March 2022, 16 March 2022, 30 March 2022, 13 April 2022 and 4 May 2022. The sessions were held in the afternoon session during the period 5:30-8:00 pm AST.

The presenters were the Hon. Sir Dennis Byron, Hon. President Adrian Saunders, the Hon. Mr Justice Peter Jamadar, and Mr Anil Ramsahai, Case Management Officer. The topics presented were:

- Transforming legal cultures
- Overriding Objective, Pre-action Protocols, ADR, Issue Identification and Treatment
- Commencing Proceedings, Evidence Management, Witness Statements
- Case Flow and Case Flow Management
- Costs, Court Electronic Case Management (Virtual Platform), Appeals
- Performance Standards

Each session was attended by 100-150 people.

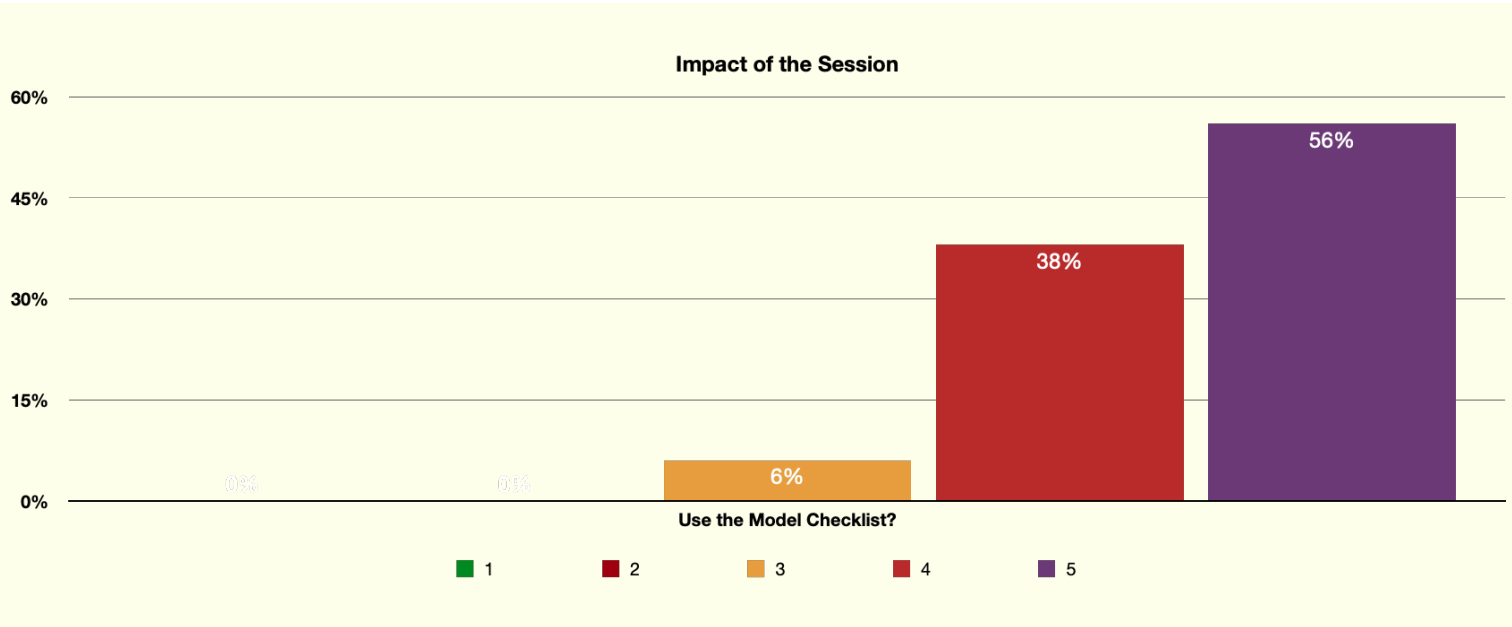
# Insights

After the session, participants were asked to fill and submit a feedback form. The feedback form contained open ended questions and Likert scales and sought to ascertain the success of the session in meeting the objectives of the presentation, relevance of the information, sufficiency of discussion, and the learning of the participants.

Below contains key insights from the data collected from participants. Judicial Education Impact details how well participants learned and engaged. Key Takeaways and Comments explores open-ended feedback on what lasted with participants and what could be done to improve the session.

## Judicial Education Impact

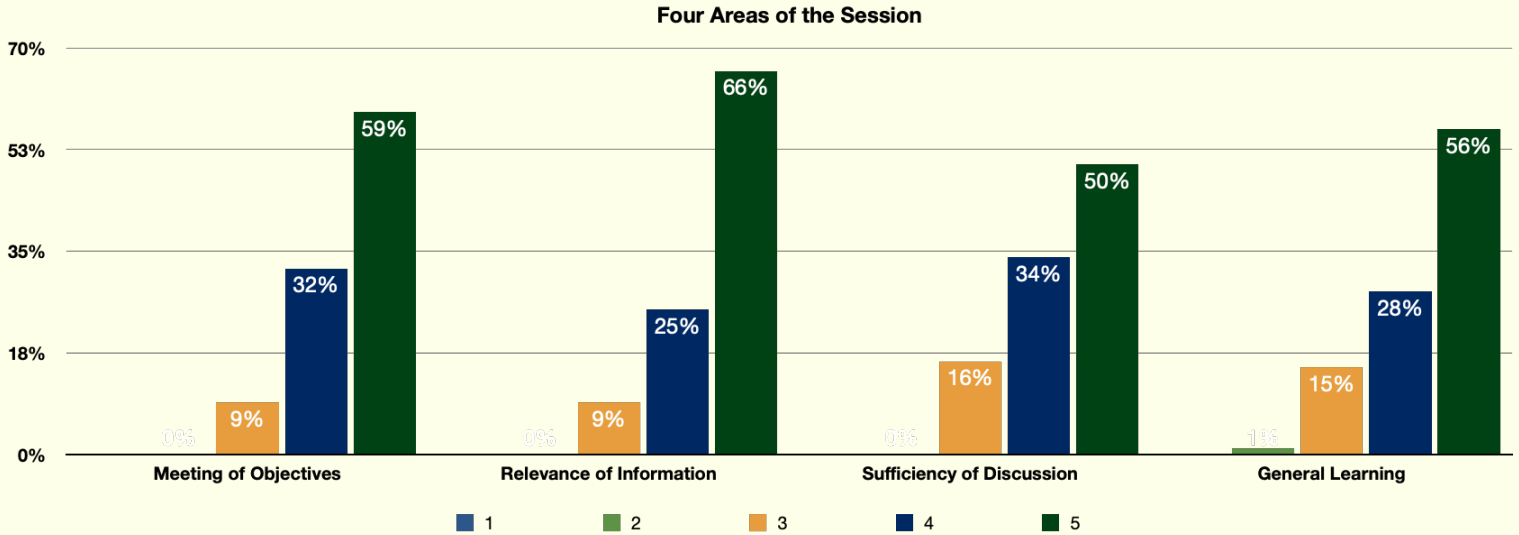
Participants were asked to rate, on a scale of 1-5, with 5 being the highest, how impactful the session was. 6% of respondents gave the sessions a rating of 3, and 36% of respondents gave the session a rating of 4. **The majority, 56%, gave a rating of 5.** Figure 1 below shows this.



**Figure 1 - Participant Rating (1-5) of Impact of Session**

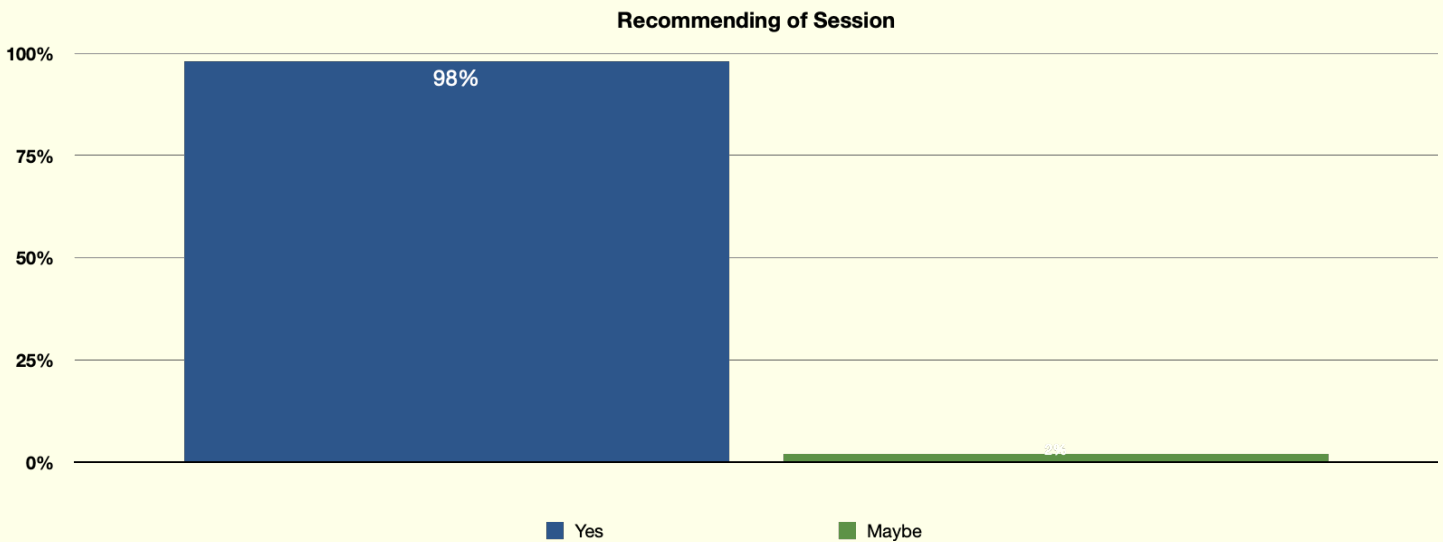
Participants were asked to rate, on a scale of 1-5 with 5 being the highest, four areas of the session: whether the session objectives were met, relevance of the information, sufficiency of discussion and their learning. None of the participants rated any of these as 1, while a small number of persons gave a rating of 2 and 3. **For all areas, over 50% of participants gave a rating of 5.** Figure 2 below shows this.

## Judicial Education Impact Cont'd



**Figure 2 - Rating Four Areas of the Session**

In addition, when asked whether they would recommend the session, 98% of the participants indicated that they would, while 2% said maybe. Figure 3 below shows this.



**Figure 3 - Recommendation of Session**

## Key Takeaways

Participants were also asked to reflect on the key takeaways. The takeaways include: the culture change involved with the introduction of the Civil Proceedings Rules; the important role of judges, litigants and lawyers; the importance of keeping timelines; the need to take into consideration the overriding objective when exercising discretion; the impact that ADR and pre action protocols can have in reducing costs; the importance of narrowing the issues to dispose of cases expeditiously; the onus on parties to have evidence at an early stage of proceedings; the importance of the trial date; the use of sanctions to ensure compliance with timelines; the flexibility of the rules to provide for emergencies; the importance of effective case management; the importance of e-filing; changes to the rules on costs and cost sanctions for exaggerated claims; and how appeals are expected to proceed under the new rules. Other takeaways include: the importance of performance standards; judicial work can be measured; court users are entitled to a consistent, effective, and trustworthy system that will increase the public's trust and confidence in the judicial system.

## Other Comments

A number of participants also left final comments (which was an optional ask) and all expressed congratulations and gratitude to the CAJO and the presenters for an excellent session. The presenting judges were commended for being very organised and the PowerPoint presentations were considered to be very simple, clear, user friendly and easy to follow. The discussions were informative and made the implementation of the process simple. The language and guidelines are such that the man in the street could understand. One participant suggested that there should be a complaint process when a judge does not deliver a judgment in a timely manner. Another person suggested that the ADR and pre action protocol practice directions be implemented. There was a comment that the need for the reform of the court rules were well overdue to keep up with modern day processes. Finally, there was a request for more time for discussion as opposed to just having time for questions.



CAJO

CARIBBEAN ASSOCIATION OF JUDICIAL OFFICERS