

# WHAT ARE THE INFORMATION TECHNOLOGY REQUIREMENTS FOR THE CARIBBEAN COURT OF JUSTICE?

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## ABSTRACT

What are the court technology requirements of the Caribbean<sup>1</sup> Court of Justice (CCJ)? This question is answered by research aimed at helping the CCJ deliver services to its customers consistent with its vision and internationally accepted trial court<sup>2</sup> and appellate court performance standards<sup>3</sup>.

The role of technology in accessing the CCJ by the member states-contracting parties and persons within them, where the member states-contracting parties are independent sovereign countries, as well as the needs of those who operate at the Seat of the Court are evaluated. As a new Court with both an Original and Appellate jurisdiction, CCJ customers are spread beyond “the ‘brick and mortar’ world at the seat of the Court in Port of Spain, Trinidad”<sup>4</sup>. Member states of the Court include Antigua, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, St. Kitts and Nevis, St. Lucia, St Vincent and the Grenadines, Suriname and Trinidad and Tobago all of whom are subject to the CCJ’s original jurisdiction. Montserrat is not yet a member of the Court as they are still a British colony and are awaiting letters of entrustment from the British government, which will allow them to sign the Agreement Establishing the Caribbean Court of Justice<sup>5</sup>.

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<sup>1</sup> See Appendix 1 which shows a map of the Caribbean region.

<sup>2</sup> The Trial Court Performance Standards developed by the National Center for State Courts (NCSC) although originally prepared for US Courts have been used and accepted by many jurisdictions worldwide albeit with regional modification *mutatis mutandi*.

<sup>3</sup> Appellate Court Performance Standards developed by the Appellate Court Performance Standards Commission and the National Center for State Courts (June 1999).

<sup>4</sup> Carlene Cross, The Establishment and Operations of the Caribbean Court of Justice- An address to the Trinidad and Tobago Public Service Association, City Hall, San Fernando, Trinidad and Tobago, 6 July, 2006.

<sup>5</sup> The Agreement Establishing the Caribbean Court of Justice was signed by the Heads of Government of the first 14 Member States, which acceded to the Court’s jurisdiction on 14<sup>th</sup> February, 2001.

Member states accessing the Court in its Appellate Jurisdiction at this time are Barbados and Guyana. Technology will play an important role in providing end user tools to meet the needs of customers throughout the Caribbean region. Many Courts in the region are still in the process of automating their processes and many of their internal users often complain that their needs are not being met. This hinders delivery of quality service to internal and external customers.

The development of successful methods, systems and standards by the CCJ will assist courts in the Caribbean to develop ways of meeting the needs of their internal users so that they may in turn deliver quality service to those they serve. Sound CCJ methods, systems and standards will be a model for others to emulate.

Research was undertaken on the conceptualisation of the Court's setup by reviewing various documented reports including The Revised Treaty of Chaguaramas. When many of these reports were prepared, the Court had not yet been established. The authors sought to look to the future and envision how the CCJ should function initially upon set up. Some of these reports recognised that that the initial set up would require change when the first members of the Court took office and established procedures.

Research to meet the needs of a new and unique court began with interviews and discussions with key leaders and staff who were involved in the development of the Court. Besides defining the project's parameters these interviews helped in the design of four surveys, which assessed the computer literacy of current court staff and the hardware and software they own and use (Survey 1), the functions that are supported by technology and the frequency of use and their requirements and unmet needs

(Survey 2). Users who completed Surveys 1 and 2 included judges, administrators and managers in the Court Registry and elsewhere, secretaries, security officers, clerks and library staff, among others. Surveys 3 and 4 focused on judges and their secretaries. Taken together, information gathered from the four surveys will inform planning, acquiring and implementing end user technology and the subsequent training needs of the Court's internal end users.

The third and very important research step involved observation, work flow analysis and a study of the legal requirements. The operations which were observed and charted comprised, but were not limited to the court registry including filing, payments, searches and interaction with sub registries; the library and judicial research; judges operations inclusive of working with their secretaries, court operations; court recordings; human resources; finance; interpreting and translating, and facilities and assets management.

The data collected reveals that a multi faceted approach is necessary to select and implement court technology solutions which support the requirements and workflows of operations of the CCJ. Findings and recommendations will guide planning decisions by the Information Systems Unit, which is a part of the Court Administrative Unit<sup>6</sup> (CAU). See Appendix 2 for the CCJ Organisation Chart.

Recommendations focus on the technology per se and on the technology required to support the operations of the various departments so that they may support the Court; and includes the Court Registry, E-filing, E-Services, fees and electronic payment; imaging and document management, sub registries, the library and judicial research officers, judges and their secretaries and other staff; audio/video recording and

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<sup>6</sup> The Court Administrative Unit is the Administrative organ of the Court.

court communications. The diversity of, and distance between the member states present some of the challenges that can be met by technology. This must be an integral part of the functioning of all aspects of this new international court which is unique as it comprises both an Original Jurisdiction applying International Law and an Appellate Jurisdiction applying the domestic common law of each member state-contracting party.

## INTRODUCTION

The Treaty of Chaguaramas (Treaty) was signed in the island of Trinidad on July 4, 1973 and was later revised in July 2001. This Treaty comprised of two agreements;

- a) The Treaty establishing the Caribbean Community (CARICOM)<sup>7</sup> and the Caribbean Court of Justice in its original jurisdiction
- b) The Treaty setting out the details of the CARICOM Single Market and Economy (CSME)<sup>8</sup>.

The establishment of CARICOM and the CSME necessitated a dispute resolution arbiter which could in the process of dispute resolution, interpret and apply the Treaty authoritatively in order to give legal certainty to the Caribbean region. If instead, each domestic court were permitted to interpret the treaty, there would be no regional certainty as to the Treaty.

The Caribbean Court of Justice (CCJ) was created as that arbiter and in that regard, the CCJ has an original jurisdiction in which it applies international law<sup>9</sup> as it deals with the following in which it has compulsory and exclusive jurisdiction<sup>10</sup>:

- (a) disputes between member states-Contracting Parties to the Agreement<sup>11</sup> (Member States-Contracting Parties)

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<sup>7</sup> Members of CARICOM are Antigua, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Suriname and Trinidad and Tobago are members of CARICOM.

<sup>8</sup> CSME – Participating member states which have previously functioned as separate entities with distinct markets and economies will now operate as one market and one economy.

<sup>9</sup> The Agreement *supra*; Article XVII “Law to be Applied by the Court in the Exercise of its Original Jurisdiction”.

<sup>10</sup> The Agreement *supra* Article XVI “Compulsory Jurisdiction of the Court”; Article XIII “Advisory Opinions of the Court”; Article XIV “Referral to the Court.”

<sup>11</sup>“Member States -Contracting Parties to the Agreement” is the formal term used to describe those member states which have signed the Agreement Establishing the Caribbean Court of Justice.

- (b) disputes between (Member States-Contracting Parties) and the Community;
- (c) referrals from national courts or tribunals of Member States-Contracting Parties;
- (d) applications by nationals in accordance with Article XXIV<sup>12</sup> of the Agreement.

Although the Court in its original jurisdiction is established by the Treaty, it is fully established by a separate document entitled the Agreement Establishing the Caribbean Court of Justice (the Agreement) which was signed on February 14, 2001. The Agreement also provides the details of the establishment, authority, and running of the Court and were the Court within a single nation, this would be the part of the national Constitution which addresses the Court.

In this Agreement, the Court is also given an Appellate jurisdiction as a Superior Court of record with such jurisdiction and powers as are conferred on it by [the] Agreement or by the Constitution or any other law of a Member State- Contracting Party<sup>13</sup>. This means that it is the Final Appellate Court for those Member States-Contracting Parties which wish to use it as such.

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<sup>12</sup> Article XXIV of the Agreement *supra* "Locus Standi of Private Entities" lays out the conditions under which private entities may be allowed to appear as parties in proceedings before the Court in its original jurisdiction.

<sup>13</sup> The Agreement *supra*: Part III "Appellate Jurisdiction of the Court", Article XXV "Appellate Jurisdiction of the Court".

This Court is therefore unique as it is the first court in the world which combines a 'domestic' appellate jurisdiction with an international original jurisdiction. The CCJ is a hybrid institution that is:

- a domestic court of last resort for several individual countries, and
- an international court with compulsory and exclusive jurisdiction in respect of the interpretation and application of the Treaty of Chaguaramas.

The Caribbean Court of Justice (CCJ) is funded in unique fashion<sup>14</sup> by the member states of CARICOM. The CCJ was inaugurated on 16<sup>th</sup> April 2005 in Trinidad, which is a part of the twin island Republic of Trinidad and Tobago and which had been selected as the seat of the Court. The Court however is itinerant and may sit in any member state.

### **THE APPELLATE JURISDICTION**

In the appellate jurisdiction the Court is a superior court of record and considers and determines appeals in both civil and criminal matters from common law courts within the jurisdictions of members of CARICOM and which are parties to the Agreement Establishing the Caribbean Court of Justice. Not all members of CARICOM are members of the CCJ. To date both Barbados and Guyana have acceded to The CCJ as their final Court of Appeal. For Barbados, the CCJ replaces the Privy Council (PC) in England as its final court. For Guyana, it creates for the first time since they

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<sup>14</sup> The CCJ is funded by a Trust Fund set up by the Member States-Contracting Parties and the Fund is administered by a Board of Trustees on which there is no political appointee. The Fund is to fund the Court in perpetuity and there is provision for Member States to be required to add to the fund when necessary.

jettisoned the Privy Council, a third tier. The CCJ is the highest appellate court in the Caribbean region.

### **THE ORIGINAL JURISDICTION**

All member states of CARICOM are subject to the CCJ in its original jurisdiction unless they opt out from the CARICOM Single Market and Economy (CSME). Antigua, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Kitts and Nevis, St Lucia, St Vincent and the Grenadines, Suriname and Trinidad and Tobago are subject to the Court in its original jurisdiction. Haiti which is a Member State of CARICOM and had signed the Treaty had been temporarily suspended. Having only recently returned to the CARICOM family and on a conditional basis, it has not as yet been deemed by the Conference of Heads of Government of the Caribbean Community (CARICOM) to be ready for entry into the CSME. So although it is not yet a member of the Court, it will become so when the Conference of Heads of Government so decree.

Montserrat is still a British colony and is not a member state- contracting party of the CCJ as they are awaiting letters of entrustment which will allow them to sign the Agreement Establishing the Court. Montserrat is therefore in an unusual position in that it is a member state which is not an independent sovereign state, but is yet not a contracting party to the Court. Bahamas, though a member of CARICOM has not yet signed the Treaty. Bahamas is therefore not a party to the CSME nor is it a member of the CCJ.

In sum, all member states of CARICOM which have signed the Revised Treaty of Chaguaramas are parties to the CSME. All parties to the CSME recognise the original

jurisdiction of the Court. In this regard, Article 216 of the Treaty under the rubric “Compulsory Jurisdiction of the Court” states,

1. *The Member States agree that they recognise as **compulsory, ipso facto and without special agreement**, the original jurisdiction of the Court referred to in Article 211.”*

### **Identifying the problem**

The uniqueness of this court and its creation requires a study of its formulation and design as a novel judicial experiment in the world’s juridical evolution. While there are similar courts in either the appellate or international court original jurisdiction there is no court in the world that combines both jurisdictions.

This presents to the developers of IT for the CCJ a novel challenge in that solutions must be found without use of templates from other institutions or of studies which have amalgamated the experiences of other institutions.

Further, the diversity of the Court and its Member States and the physical separation by water of its constituent Member States-Contracting Parties increase the depth of the challenge.

The CARICOM Secretariat was mandated by the Nineteenth Meeting of the Conference of Heads of Government which was convened in Castries, St Lucia in July 1998 to research and provide cost estimates for the efficient administration and functioning of the proposed Caribbean Court of Justice. It was recommended that the Court Administrative Unit of the Judiciary of Trinidad and Tobago (the TT CAU) assist in

this area due to their intimate knowledge of the structure and administration of common law courts. The TT CAU undertaking this work in 1999 considered inter alia the sample draft rules of the court, administration of the court, building issues, court security, court office and administrative staff, library services and information technology. For the purpose of budgeting, the TT CAU developed an information technology plan and it was agreed that the Caribbean Court of Justice should make maximum use of modern information and communication technology.

With the elapsed time between this initial planning and the actual startup of the operations of the Court in 2005, further research was subsequently required to ascertain the actual needs of the Court and its stakeholders. This dissertation describes this research.

The Court as a total new entity is not fettered by national systems, policies or procedures and is a clean slate. As its judges have been recruited from different countries in the Commonwealth Caribbean region as well as from the UK and the Netherlands Antilles, there are varying expectations of the work environment and the productivity tools required for deliverables. The administrative and support staff have been recruited from various member states throughout the region and they too therefore bring to the workplace varying backgrounds and expectations.

The Court is therefore required to develop a plan for the implementation of technology solutions to support its operations, but also one to support diverse internal and external users of the Court who have varying expectations.

While it is true of all court IT units that information Technology design must ultimately be guided by the philosophy of the court and those they serve, seldom do

Court IT units have as great an opportunity to actually drive an element of the philosophy. Court IT units are usually restricted to following, as the basic philosophy of third branches are usually grounded in national philosophies which have been set in constitutions and/or determined by thinkers of long ago. The novelty of this court combined with the clean slate on which it is being created provides an opportunity for IT solutions to actually drive the Court's early development.

The significance of this is that the Court will be in position to train staff 'from scratch' and to plan, budget for, acquire and implement solutions that are appropriate to what this court is in this new Caribbean environment in the short term; while having a vision for what is required for appropriate development towards what this Court should be in the new Caribbean environment over the long term.

This project seeks first to answer the general question of what is required in order to support and fulfil the technology vision of the new Court. It then seeks to identify the actual IT requirements for the users at the CCJ's seat. Recommendations include technology solutions which the Court can implement bearing in mind budgetary constraints and resources. These solutions will be addressed by operationalising each of the departments and support services in the Court and providing integrated or shared solutions where appropriate.

Indispensable and germane to this is the discussion of the thinking behind the selected solutions, so that those following the founders will be able to link the mere solutions with the messages which they are designed to send about the Court. Even technology has philosophy which in turn can support our unique Caribbean identity.

## LITERATURE REVIEW

The search for literature to assist in the exercise at hand was one which could not only focus on court IT, but also required a deep study of the Caribbean Court of Justice, its formulation, its creation, and its environment and its potential environment.

The types of literature which required study were:

- a) treatise and materials on, and standards which guide automating courts and IT in courts;
- b) literature by the founding fathers of Caribbean jurisprudence and of the Court which would give rise to the development of it and by the philosophers behind the Caribbean integration movement;
- c) the documents which created the court;
- d) reports by those who had been involved in bringing the court to fruition, and
- e) the rules of the Court

Research materials used therefore include:

*TREATISE AND MATERIALS ON, AND STANDARDS WHICH GUIDE AUTOMATING COURTS AND IT IN COURTS*

- Lawrence P. Webster, Automating Court Systems. USA: National Center for State Courts, 1996.
- National Center for State Courts. Trial Court Performance Standards and Measurement System. USA: National Center for State Courts, 2003.
- Roger Hanson, Appellate Court Performance Standards. USA: National Center for State Courts, 1999.

- Federal Court of Australia Practice Note ; Guideline for the use of information technology in any civil matter ; April 2000
- Joyce Plotnikoff and Richard Woolfson; Information Technology in the Courts; British and Irish Legal Education Technology Association Conference, April 1993.

*LITERATURE BY AND ABOUT THE FOUNDING FATHERS OF CARIBBEAN JURISPRUDENCE AND OF THE COURT WHICH WOULD GIVE RISE TO THE DEVELOPMENT OF IT AND BY THE PHILOSOPHERS BEHIND THE CARIBBEAN INTEGRATION MOVEMENT;*

- The Hon. Mr. Justice de la Bastide T.C. (as he was then); Replacing the Privy Council with a Regional Court, Address at the Convocation on the Caribbean Court of Justice, Kinston Jamaica, April 9, 2002.
- Senator the Hon. Glenda Morean; The Appellate Jurisdiction of the Caribbean Court of Justice, CARICOM Conference on the CCJ, 23rd July 2002, Trinidad
- Time for Action- The Report of the West Indian Commission 1992 chaired by Sir Shridath Ramphal
- The Wooding Commission Report –Trinidad and Tobago, 1974 chaired by the Hon. Sir Hugh Wooding
- Pollard, Duke E., The Caribbean Court of Justice – Closing the Circle of Independence: Jamaica 2004

THE DOCUMENTS WHICH CREATED THE COURT,

- Caribbean Community Secretariat, Revised Treaty of Chaguaramas – Establishing The Caribbean Community including the CARICOM Single Market and Economy. Trinidad and Tobago: Zenith Services, 2002.
- The Agreement Establishing the Caribbean Court of Justice – 14 February 2001
- Protocol to the Agreement Establishing the Caribbean Court of Justice- 4 July 2003
- Protocol on the Privileges and Immunities of the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission, 4 July 2003
- The Revised Agreement Establishing the Caribbean Court of Justice Trust Fund,- 12 January, 2004
- The Privileges and Immunities [Caribbean Court of Justice (CCJ), Regional Judicial and Legal Services Commission (RJLSC) and the Caribbean Court of Justice Trust Fund] Order, 2004 - 8 September, 2004
- Agreement Establishing the Seat of the Caribbean Court of Justice (CCJ) and the offices of the Regional Judicial and Legal Services Commission (RJLSC) between the Government of Trinidad and Tobago and the Caribbean Court of Justice and the Regional Judicial and Legal Services Commission – February 2005
- Protocol to the Agreement establishing the Caribbean Court of Justice (CCJ) relating to Financial arrangements, Rules of Court and withdrawal from the Agreement. 2005

*REPORTS BY THOSE WHO HAD BEEN INVOLVED IN BRINGING THE COURT TO FRUITION- BEFORE THE ACTIVATION OF THE AGREEMENT;*

- CARICOM- Meetings of Working Committee on Matters Pertaining to the Caribbean Court of Justice (Confidential Papers)-
- Notes of the Meeting of the Special Meeting of the Legal Affairs Committee of CARICOM- Grenada May 1999 (Confidential Papers)
- Meeting of Task Force on Completion of Structures of Community Governance- Establishment of the Caribbean Court of Justice- POS Nov 1998 (Confidential Papers)
- TT CAU; Working Papers Prepared for the Legal Affairs Committee of CARICOM to guide the Capital and Recurrent Budgeting for the Caribbean Court of Justice- 1999
- MCT & Associates Ltd, Caribbean Development Bank, Financing the Caribbean Court of Justice - Final Report, August 2002.
- CARICOM Legislative Drafting Facility; Draft Enabling Bill to Implement the Agreement Establishing the Caribbean Court of Justice-

*REPORTS, ADDRESSES AND DOCUMENTS BY THOSE WHO HAD BEEN INVOLVED IN BRINGING THE COURT TO FRUITION - AFTER THE ACTIVATION OF THE AGREEMENT;*

- CCJ Court Performance Standards - Annual Report of the Caribbean Court of Justice 2005-2006

- CCJ Court Administrative Unit plans (Library Unit, Court Protocol and Information Unit, Court Registry, Court Security Unit, Facilities and Assets Management Unit, Finance Unit)
- The Hon. Mr. Justice Nelson, JCCJ-; New Final Appellate Courts in the Commonwealth and the Doctrine of Precedent; Commonwealth Meeting of Justices and Registrars of First /Regional Appellate Courts; Wellington, New Zealand and Canberra, Australia; Feb-March 2006
- The Hon. Mme Justice Bernard, JCCJ; The Caribbean Court of Justice and its Relationship with the CARICOM Single Market. Olive Trotman Memorial Lecture Series; Barbados; May 2006
- The Hon. Mr. Justice Wit, JCCJ; How Can the Private Sector Access the Caribbean Court of Justice?; Barbados, July 2006.
- The Rt. Hon. Mr. Justice de la Bastide, TC PC; Putting Things Right and the Caribbean Court of Justice; William G. Demas Memorial Lecture; Montego Bay , Jamaica, 16 May, 2006
- Addresses at the Inauguration of the CCJ

#### *THE RULES OF THE COURT*

- The Caribbean Court of Justice. The Caribbean Court of Justice (Appellate Jurisdiction) Rules 2005. Trinidad and Tobago, 2005.
- The Caribbean Court of Justice. The Caribbean Court of Justice (Original Jurisdiction) Rules, 2006.

As is true of an information system for any Court, Lawrence Webster establishes in **Automating Court Systems**<sup>15</sup>, that the following must be taken into consideration:

- The judicial system is complex
- Court processes are complicated
- Courts organize work differently
- Judicial technology is not mature and is constantly developing
- Courts must be adequately prepared for automation
- Systems to be implemented in the Court must support the established Court Performance Standards

Webster also speaks of the benefits of automating Court systems among which are:

- Reduction of repetitive tasks
- Enhancement of data quality
- Increased Information Accessibility
- Increased Organisational Integration – allowing information to be shared so that units become more functionally interdependent and less isolated because they rely on each other
- Enhanced statistics and Monitoring – to ensure that we satisfy Performance Standards
- Increased effectiveness.

Even a cursory review of the work of the Caribbean Court of Justice validates these assertions. The CCJ with its two totally different jurisdictions- its two courts in one is

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<sup>15</sup> Webster, Lawrence P. Automating Court Systems. USA: National Center for State Courts, 1996 pg 2.

even more complex than most; its processes more complicated, and its work organised very differently. The opportunities presented by information technology for reducing repetitive tasks performed in the organisation, increasing information accessibility and integrating the organisation are immediately evident.

**The Revised Treaty of Chaguaramas**<sup>16</sup> at Article 211 – “Jurisdiction of the Court in Contentious proceedings” states that:

1. Subject to this Treaty the Court shall have compulsory and exclusive jurisdiction to hear and determine disputes concerning the interpretation and application of the Treaty, including:
  - a. disputes between Member States parties to the Agreement;
  - b. disputes between the Member States parties to the Agreement and the Community;
  - c. referrals from national courts of the Member States parties to the Agreement;
  - d. applications by persons in Accordance with Article 222, “

Article 222 refers to the locus standi of Private Entities and states that persons, natural or juridical, of a contracting party may with special leave of the Court be allowed to appear as parties in proceedings before the Court if the country is not interested in pursuing the matter or if the Court believes that the person should claim.

This provides the Court with its “Original Jurisdiction” in matters involving the interpretation and disputes arising under the Treaty. It also presents a new type of international court in which individuals are given locus standi, recognising that apart

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<sup>16</sup> Revised Treaty of Chaguaramas signed by member states on July 5, 2001

from rights and responsibilities accruing to States under a Treaty, rights also accrue to individuals.

This locus standi poses an interesting issue for Case Management in the CCJ which may require IT considerations in its records management..

Article XXV 1-6 of the **Agreement Establishing the Caribbean Court of Justice** provides the Court with its “Appellate Jurisdiction”, where it is the Final Court of Appeal replacing the Privy Council for those Contracting Parties which wish to accede to it.

## **ARTICLE XXV**

### **APPELLATE JURISDICTION OF THE COURT**

1. In the exercise of its appellate jurisdiction, the Court is a superior Court of record with such jurisdiction and powers as are conferred on it by this Agreement or by the Constitution or any other law of a Contracting Party.
  
2. Appeals shall lie to the Court from decisions of the Court of Appeal of a Contracting Party as of right in the following cases:
  - (a) final decisions in civil proceedings where the matter in dispute on appeal to the Court is of the value of not less than twenty-five thousand dollars Eastern Caribbean currency (EC\$25,000) or where the appeal involves directly or indirectly a claim or a question respecting property or a right of the aforesaid value;
  
  - (b) final decisions in proceedings for dissolution or nullity of marriage;

- (c) final decisions in any civil or other proceedings which involve a question as to the interpretation of the Constitution of the Contracting Party;
- (d) final decisions given in the exercise of the jurisdiction conferred upon a superior court of a Contracting Party relating to redress for contravention of the provisions of the Constitution of a Contracting Party for the protection of fundamental rights;
- (e) final decisions given in the exercise of the jurisdiction conferred on a superior court of a Contracting Party relating to the determination of any question for which a right of access to the superior court of a Contracting Party is expressly provided by its Constitution;
- (f) such other cases as may be prescribed by any law of the Contracting Party.

3. An appeal shall lie to the Court with the leave of the Court of Appeal of a Contracting Party from the decisions of the Court of Appeal in the following cases:

- (a) final decisions in any civil proceedings where, in the opinion of the Court of Appeal, the question involved in the appeal is one that by reason of its great general or public importance or otherwise, ought to be submitted to the Court; and
- (b) such other cases as may be prescribed by any law of the Contracting Party.

4. Subject to paragraph 2, an appeal shall lie to the Court with the special leave of the Court from any decision of the Court of Appeal of a Contracting Party in any civil or criminal matter.
5. Nothing in this Article shall apply to matters in relation to which the decision of the Court of Appeal of a Contracting Party is, at the time of the entry into force of the Agreement pursuant to the Constitution or any other law of that Party, declared to be final.
6. The Court shall, in relation to any appeal to it in any case, have all the jurisdiction and powers possessed in relation to that case by the Court of Appeal of the Contracting Party from which the appeal was brought.

These together with the Rules of Court for both the Appellate and the Original jurisdictions provide the basis for the registry workflows which determine the design of the case management information systems. The different types of cases and approaches to the Court in its Appellate jurisdiction and the multiplicity of case types and methods of approaching the Court in its Original Jurisdiction have their grounding in the Treaty and in the Agreement and are further refined in the Rules of Court. This determines tasks and it is the role of Court Information Technology to reduce repetitive tasks and increase productivity.<sup>17</sup>.

The Hon. Glenda Morean in her address<sup>18</sup> on the Appellate Jurisdiction of the Caribbean Court of Justice stated

“As for the Caribbean Court of Justice, the most interesting dimension for the lay man to appreciate is that this institution is

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<sup>17</sup> See note 16 **supra**, at page 23

<sup>18</sup> Morean, Glenda; CARICOM Conference on the CCJ, 23rd July 2002, Trinidad

unique- unique, in as much as it is designated to be, on the one hand, a municipal court of last resort or the highest appellate court in the Caribbean Community for civil and criminal appeals in substitution for the Judicial Committee of the Privy Council, and, on the other hand, an international tribunal of compulsory and exclusive jurisdiction for the interpretation and application of the Revised Treaty of Chaguaramas Establishing the Caribbean Community. Other integration movements like the European Union, the Andean Common Market, the East African Community and the Central American Common Market have courts to interpret and apply their respective constituent integration instruments. However, these integration courts are all international tribunals *stricto juris* and, unlike the Caribbean Court of Justice, do not combine in their jurisdictions a competence to deal with domestic or municipal law issues of a civil or criminal nature.”

Her emphasis on this uniqueness indicates that it cannot be over-emphasised as those setting up the Court are faced with the effects of this at every turn. Reading this brings to mind immediately the challenge to IT in this regard begins in the design of the case management information system and the separate data bases and workflows as well as the totally different lexicon for each of these two jurisdictions. This continues in the design of any document management system.

In August 2002, **The Caribbean Development Bank Report - Financing The Caribbean Court of Justice**<sup>19</sup> prepared by MCT and Associates Limited from Trinidad and Tobago detailed the role of Information Technology in the vision for the Court as it was seen by those who created the Court. As stated in the section on Information Technology -

“The procedures, workflows and systems of the court as a new court created in the new century should be designed with information technology as an integral part. The court’s communication strategy should be built around information technology solutions. This should therefore provide for e-filing,

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<sup>19</sup> MCT & Associates Ltd, Financing the Caribbean Court Of Justice, August 2002

videoconferencing, Judicial Electronic Documents and Data interchange (JEDDI), filing and service by fax, internet research, active and archival imaging.<sup>20</sup>

It goes further to speak of the need for “electronic litigation support, email, audio-digital recording and rapid text entry systems, and case management information which accept links of other elements and electronic public access.”

This report also speaks of the vision for the library services. It includes the acknowledgement that technological developments are having a major impact on the development of law library collections and that the concept of the law library as a depository of books alone has given way to the law library as a total information resource and network centre. However, the report goes on to state that non print format is as expensive as print format taking into account licensing agreements and access to information databases. Additionally, further surveys have shown that the various mergers and acquisitions within the legal publishing industry have led to the escalating cost of legal material.

The Rules of Court of the Caribbean Court of Justice also provide an understanding and a clear indication of the vision for the court as it relates to information technology. For example: Part 6 of **The Caribbean Court of Justice (Appellate) Rules 2005** - “Filing and Service” allows for filing by facsimile (Rule 6.2) and Rule 6.3 allows for internet filing which must be supported by technology. Service of documents is also allowed by facsimile at Rule 6.8 and by email at Rule 6.9.

In **The Caribbean Court of Justice (Original Jurisdiction) Rules 2005** there is provision for filing by facsimile and email in Rules 9.3 and 9.4. Service of documents by email and facsimile are allowed by Rules 9.8 and 9.9.

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<sup>20</sup> Ibid, page 6

The Federal Court of Australia Practice Note (supra) provides an opportunity to look to the way in which the Court may operate and may encourage parties to operate using Information Technology to the benefit of the Court and the management of their litigation. The need for complete judicial buy in as well as attorney acceptance orientation becomes most obvious to the reader.

The Court in its operations must consider and is guided by, set internationally recognised Court Performance Standards which include the acknowledged Trial Court Performance Standards<sup>21</sup> and the Appellate Court Performance Standards<sup>22</sup> as they apply to the Caribbean Court of Justice.

Duke E. Pollard,<sup>23</sup> as he was then, in his book **The Caribbean Court of Justice - Closing the Circle of Independence** states<sup>24</sup>:

“Institutions of the justice sector, particularly, judicial institutions, by enhancing the delivery of services both in terms of swiftly and decisively punishing socially deviant behaviour, ensuring that contractual obligations are performed and protecting and enforcing property rights through the expeditious, fair and transparent settlement of disputes, contribute to a healthy business and investments climate. In short, an efficient and effective justice sector instils confidence in the general populace and engenders conditions of stability conducive to predicting the consequences of critical decision making, particularly in the area of investments.

As set out in Appendix 3, the standards which have been set for the Caribbean Court of Justice seek to amalgamate the original and appellate jurisdictions of the Court.

The standards include the performance areas of:

- Access to Justice;

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<sup>21</sup> See note 1 **supra**

<sup>22</sup> See note 2 **supra**

<sup>23</sup> The Hon. Mr. Justice Pollard is now an appointed judge of the Caribbean Court of Justice

<sup>24</sup> Pollard, Duke E. *The Caribbean Court of Justice Closing the Circle of Independence* -Chapter 4 The Original Jurisdiction of the Caribbean Court of Justice, 2004 at page 111

- Expedition and Timeliness;
- Equality, Fairness and Integrity and Promoting the Rule of Law;
- Independence and Accountability;
- Attaining and Preserving Public Trust and Confidence;
- Protecting the Rule of Law.

It is obvious to the informed reader, however that these are still preliminary standards, however. As the organisation discusses and more clearly formulates its role in the Caribbean integration movement and in Caribbean development, the standards will doubtless change and develop.

The discussions in most of the addresses studied, of the creation of a true Caribbean jurisprudence underscore the expectation that the standards will continue to evolve for some time. In her address, The Hon Glenda Morean Attorney General of Trinidad and Tobago as she was then states<sup>25</sup>,

“The laws of the Caribbean, as they should, reflect the collective social ethos of our peoples no less than the moral imperatives driving the Caribbean social reality. And to be responsive to the demands of our evolving societies, the laws of the Region must be interpreted and applied by judges internalising the values informing the content of our regional social ethos.”

Duke E. Pollard from **The Caribbean Court of Justice - Closing the Circle of Independence** also states:

“The establishment of the Caribbean Court of Justice in its appellate jurisdiction will not only sever the last remaining vestige of a colonial condition, but will signal the birth of autonomous judicial decision-making in Member States of the Caribbean Community and close the circle of Independence which commenced as early as 1962.”<sup>26</sup>

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<sup>25</sup> See note 19 *supra*

<sup>26</sup> See note 25 *supra* at page 204

## **RESEARCH METHODS**

Assessing and addressing the issues highlighted by the past literature, and taking into account issues noted from reading of the literature, in order to determine IT requirements for the Court, surveys and interviews were conducted. CCJ staff were given the opportunity to detail their individual IT needs as well as their views on the needs of the CCJ. Interviews were conducted with various persons involved in the start up of the Court as well as with the Judges and staff. Observations of certain operations were undertaken as were surveys of employees.

### **Executive and Staff Interviews**

Interviews and discussions were held during many brainstorming sessions. As a new Court in operation with employees from varying backgrounds it was, and continues to be, important to listen to the vision and needs of the end users. Four judicial leaders were interviewed:

**The President of the Caribbean Court of Justice, the Right Honourable Michael de la Bastide T.C.** who is a former Chief Justice of the Republic of Trinidad and Tobago. The President was interviewed in the main on one occasion at which he was asked specifically about the needs of low vision end users. While the relevant part of this discussion lasted approximately half an hour, the entire discussion lasted over an hour during which much of the Court set up was discussed. Several other discussions were held over the research period as the set up progressed.

**Master Christie- Anne Morris Alleyne, Court Executive Administrator (CEA)** at the Caribbean Court of Justice from June 2006 to present. Prior to her recruitment in

her present post, Master Morris-Alleyne was the Court Executive Administrator (CEA) of the Judiciary of Trinidad and Tobago. The Court Administrative Unit (CAU), which she led prior to her appointment at the Caribbean Court of Justice, was asked by CARICOM to provide information relative to the start-up operations of the Court as envisioned by CARICOM. Reports were submitted by the CAU but this was all done based on the documents prepared on the vision of the Court. As an active participant in the development of the Court quite a lot of history resides with Master Morris –Alleyne.

Master Morris-Alleyne was interviewed on six occasions, the first being for just under two hours. The first interview began by asking how she saw the Court using technology and how she saw the Court interacting with its sub-registries. She was asked about her general vision for the Court.

In the second interview Master Morris-Alleyne was asked about the use of languages and interpretation and translation. The language question led to questions and discussions on the role of translation in providing legal certainty and the place for technology in this endeavour. This interview was of 45 minutes duration.

The third interview addressed the question of Court Security and the interplay between human security and technology. This interview lasted just under an hour.

The fourth interview addressed the question of Human Resource Management and what Master Morris-Alleyne saw as requirements for Human Resource Management software. It also addressed the interaction between the Court Executive Administrator and the Regional Judicial and Legal Services Commission (RJLSC) in the Human Resource Management function. This interview and discussion period lasted about one hour.

In the fifth interview, Master Morris-Alleyne was asked about Financial Management inclusive of procurement and assets management. She was asked where she saw assets management residing and how she saw it being monitored. She was also asked how she saw procurement being conducted and whether this would tie in with financial management and if so, how. She was also asked about the budgetary process as she envisioned it. She was also asked to explain how she as Accounting Officer of the Court would operate with the Board of Trustees.

The Sixth interview was conducted with a view to getting from Master Alleyne her views on E-business and the Court. The Federal Court of Australia's practice notes and e-courts strategy played a central role in this discussion as they are a British styled common law jurisdiction and thus more in keeping with that of the CCJ.

Apart from these set interviews, several discussions were held over the period of research.

**Ms. Paula Pierre, Registrar and Chief Marshal at the Caribbean Court of Justice** during the period June 2006 to present. The Registrars in the member states act as Deputy Registrars of The Caribbean Court of Justice. Ms. Pierre is also the present Secretary to the RJLSC. Part of the responsibility of the RJLSC includes hiring staff of the CCJ and disciplinary actions. As the Court is in operation for a short time, Ms. Pierre was able to share the vision for the operations of the Registries which informed the planning document.

Ms. Pierre was interviewed on three occasions in which she was asked to state how she saw the registry functioning. She was asked how she saw the role of IT in the registry.

She was asked about the RJLSC and the CEA in the Human Resource Management function.

**Ms. Jacinth Smith, Chief Librarian** was recruited from the Judiciary of Barbados and comes to the court with a wealth of experience in court management with specific reference to information management. During the period June 2006 to the present, she was able to lend her expertise not only to what technology was required for the library but also in other areas of court information management. The Chief Librarian discussed collections development and the opportunities posed by the inclusion of Suriname to include Dutch language material in hard copy, soft copy and online services.<sup>27</sup>

Discussions were also held with other end users at the Court including judicial officers, secretaries, drivers, security and administrative and technical support staff. These were not formal discussions and instead were in IT management walks in which the end users are asked about how things are going and whether there were any suggestions for how they can be improved. It was determined, and it is thought correctly, that much more can be achieved in information gathering by this method than by structured interviews in which staff members would freeze or “clam up”.

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<sup>27</sup> This included the development of soft copy Dutch material and online services by the Court for Suriname as although Suriname law is Dutch civil law, its development has diverged from Dutch law with the independence of Suriname and not much written, soft copy or online material is available. Further, she discussed, most of what is available is in Dutch only and will have to be translated.

## **Four Surveys**

### **Survey 1**

Fifty-six employees of the Caribbean Court of Justice (CCJ) in Trinidad were surveyed. This survey was done to determine the level of computer literacy of the staff so that the Information Systems Unit (ISU) can formulate plans for future development and training of staff as are needed. The survey was effected by the completion of a questionnaire which was designed to determine how many people employed at the CCJ owned a computer, how often they used a computer and their level of computer skills in using various Microsoft Office software packages. The 56 persons surveyed included five Judges, five Management, 13 Secretaries, 23 Security Officers and 10 Others including Judicial Research Assistant, IT Technician, Messenger, Driver, Court Support Officer. At the start up of the Court, these core staff used basic computer equipment to perform required tasks. Security officers, drivers and messengers do not have access to computers at this time.

Survey form 2 was informed by the completion of Survey form 1, which was designed to determine how many people employed at the CCJ owned a computer, how often they used a computer and their level of computer skills in using various Microsoft Office software packages

Survey 1 is included below as Appendix 4

## **Survey 2**

This survey sought to obtain information from various members of staff on their functions, the various tools which they may or may not use in carrying out these functions and the frequency of use of these tools. Information was also sought on the various tasks officers perform and over what period of time these tasks are performed.

Survey 2 covered the following areas

- Needs Assessment
- Requirements
- Judges Interaction with Secretaries
- Secretaries interaction with Judges

The information was collected using a self-completed questionnaire. For a copy of the survey see Appendix 5. A total of 32 respondents completed the questionnaire. Of these 12 performed secretarial duties, five were Judges, three IT personnel, two Judicial Research Officers, and two were librarians. The remainder was made up of Executive Administrator, Protocol Officer, Registry Supervisor, Customer Service Representative, Court Support Officer, Clerk, Messenger and Driver each of whom completed the questionnaire.

## **Survey 3**

Survey 3 was designed to learn how secretarial duties were adapted to the needs of each particular judge. While the essence of the duties is the same for all, the execution of these duties vary. Five Secretaries who are assigned to Judges at the Caribbean Court of Justice (CCJ) completed a questionnaire as to the duties they perform for their respective Judges. See copy of Appendix 6.

#### **Survey 4**

Survey 4 collected the judges' points of view of what their secretaries do and their level of familiarity with how they perform their functions. This survey is the flip side of survey 3 above. All seven Judges returned the completed questionnaire which can be seen at Appendix 7.

These survey instruments were developed and distributed to all seven judges who all returned completed forms. These forms were initially sent out as part of the planning exercise for the department so as to test the supporting needs of the vision of the Court. They answered questions which help to give a picture of the training needs and requirements.

## **Observations, Workflow Analysis and Their Legal Context**

The need to use observation to analyse the working methods and needs of internal and external users was of great importance. It became evident that while needs assessment by questionnaire to users would reveal what the users believe they need, it will be restricted by their personal experience and the limit of their vision. Further, this method will not necessarily produce an integrated vision for court technology. Observation was needed because the vision of technology that users have is limited and therefore, the value of the survey is also limited.

In ascertaining the Information Systems needs of the Court, it was necessary to observe operations in various areas and to take note of how people worked and what their operational needs were.

The following areas of the court's operations were studied:

**THE COURT REGISTRY** (For copy of the questionnaire used to supplement observations and workflow analysis see Appendix 8)

- Filing
- Payments
- Sharing of information and filed documents internally by several users
- Searches
- Interaction with sub-Registries

**THE LIBRARY AND JUDICIAL RESEARCH** (For a copy of the questionnaire used to supplement observations and workflow analysis see Appendix 10)

**JUDGES** (For a copy of the questionnaire used to supplement observations and workflow analysis see Appendix 11)

**COURT OPERATIONS** (For a copy of the questionnaire used to supplement observations and workflow analysis see Appendix 12)

**COURT RECORDINGS** (For a copy of the questionnaire used to supplement observations and workflow analysis see Appendix 13)

**SECRETARIAL AND ADMINISTRATIVE SUPPORT** (For a copy of the questionnaire used to supplement observations and workflow analysis see Appendix 14)

**DRIVERS AND SECURITY** (For a copy of the questionnaire used to supplement observations and workflow analysis see Appendix 15)

**HUMAN RESOURCE MANAGEMENT** (For a copy of the questionnaire used to supplement observations and workflow analysis see Appendix 16)

**FINANCE AND ACCOUNTING** (For a copy of the questionnaire used to supplement observations and workflow analysis see Appendix 17)

**INTERPRETING AND TRANSLATING** (For a copy of the questionnaire used to supplement observations and workflow analysis see Appendix 18)

**FACILITIES AND ASSETS MANAGEMENT** (For a copy of the questionnaire used to supplement observations and workflow analysis see Appendix 19)

**TRAINING**

## **INVOLVEMENT IN CARIBBEAN COURT TECHNOLOGY USERS GROUP- “CARIBBEAN BEST PRACTICES”**

Of greater value to this project which after all is *“What are the information technology requirements for the Caribbean Court of Justice?”* was the structured observation method. Armed with extensive hands on experience at various operational levels of the Caribbean court systems and the experience of planning for, developing and introducing several Court Information Systems in Caribbean countries, together with extensive management team discussions on the vision for the Caribbean Court of Justice and how it should work, the systems manager was able to use structured observation which revealed information technology requirements. A study of the timing of the past and the planned implementation of the CARICOM Single Market and Economy and an ongoing study of relevant Caribbean corporate and public affairs guided decision making on the phasing necessary for implementation of the technology.

### The Caribbean Court Technology Users Group

The region has also developed a Caribbean Court Technology Users Group (CACTUS) of which the Systems Manager is a founding member and organiser. This group comes together once a year to meet and share ideas on developments in court technology in the region. The countries which are involved in CACTUS are Belize, Jamaica, each country of the Organisation of Eastern Caribbean States (OECS), Bahamas, Cayman Islands, Bermuda, Barbados, Trinidad and Tobago and Guyana with Suriname and the Netherlands Antilles having recently been asked to join. Because the Rules of Court throughout the Commonwealth Caribbean region are now all based on

the same model<sup>28</sup>, it has proven sound to use the same case management information systems software. This software first used by Trinidad and Tobago in 1992, was selected because it was capable of being modified to meet the requirements of Commonwealth Caribbean procedures and processes. That initial modification was part of the package then sold to the other Courts. Each court has had a hand in further modifying the package always taking into account the issue of Caribbean legal harmonization. The end result of this is a package which is uniquely a Caribbean court software package. This has in turn allowed the Caribbean Court IT Managers to learn by doing and to develop best practices which they share among themselves. CACTUS provides the vehicle for this. When CACTUS comes together it is also to negotiate collectively with vendors so that through the Caribbean region the most favourable terms can be ensured. While there is an annual meeting in one of the participating countries, participants benefit from knowing each other and assisting each other throughout the year.

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<sup>28</sup> Barbados and Guyana have drafted new Rules which are in keeping with the new rules of the other Commonwealth Caribbean states and they are expected to soon be implemented.

## **FINDINGS**

### **Overview of findings**

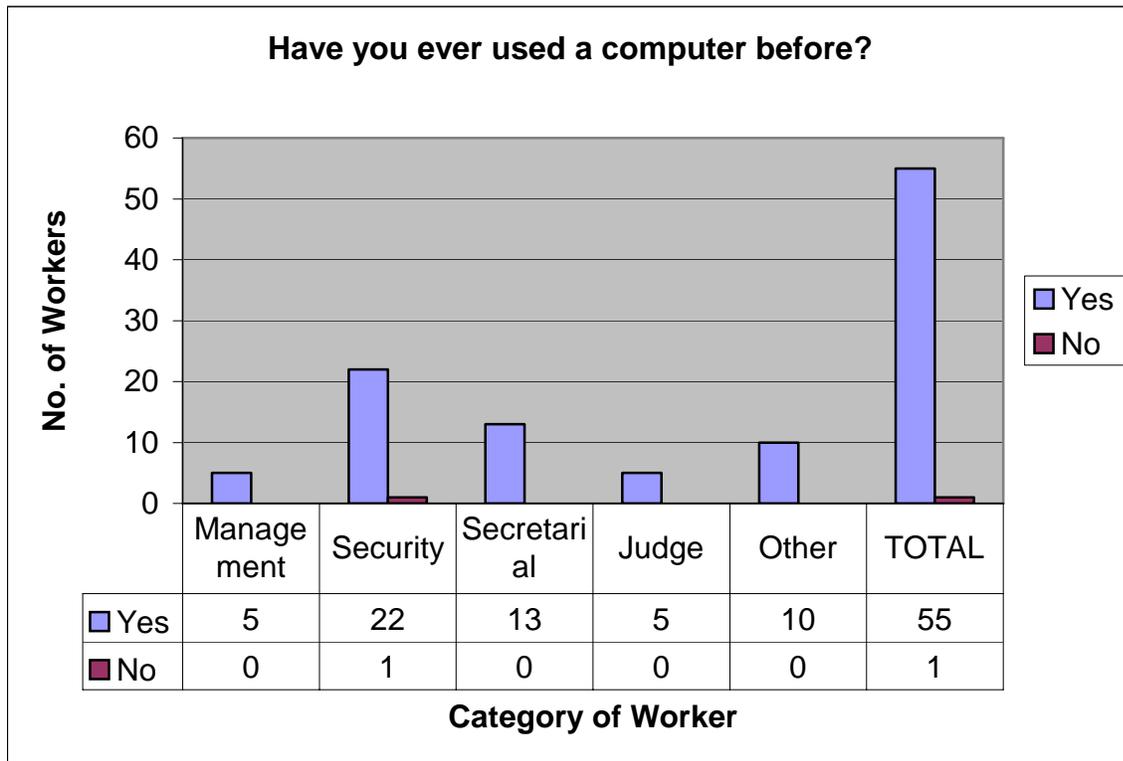
The Executive and Staff interviews which were undertaken were used to define the parameters of the study and as a preliminary research step for the surveys which were conducted and for the observations, workflow analysis and study of their legal context. The findings which are presented hereunder will thus be circumscribed to focus in detail on the surveys and the observations, workflow analysis and their legal context study.

Survey 1 revealed that the general level of computer literacy is fairly high but there are persons for whom more basic training must be given. Findings from the surveys are as follows:

#### **Survey 1:**

Question 1: 'Have you ever used a computer before?' Of the 56 persons surveyed, (55) responded that they had previously used a computer before. Only one of the Security Officers had never used a computer before.

**Table 1: Testing computer familiarity**



Question 2: “How often do you use a computer?” Of the 55 persons who previously used a computer, 14.5% used it less than once per week, 9.1% used it one to three times per week and 76.4% used it more than three times per week. All judges, members of management, secretaries and others used the computer more than three times per week but only nine (40.9%) of the Security staff used it more than three times per week. A total of 13 (59.1%) of the Security Officers that previously used the computer, used it less than three times per week.

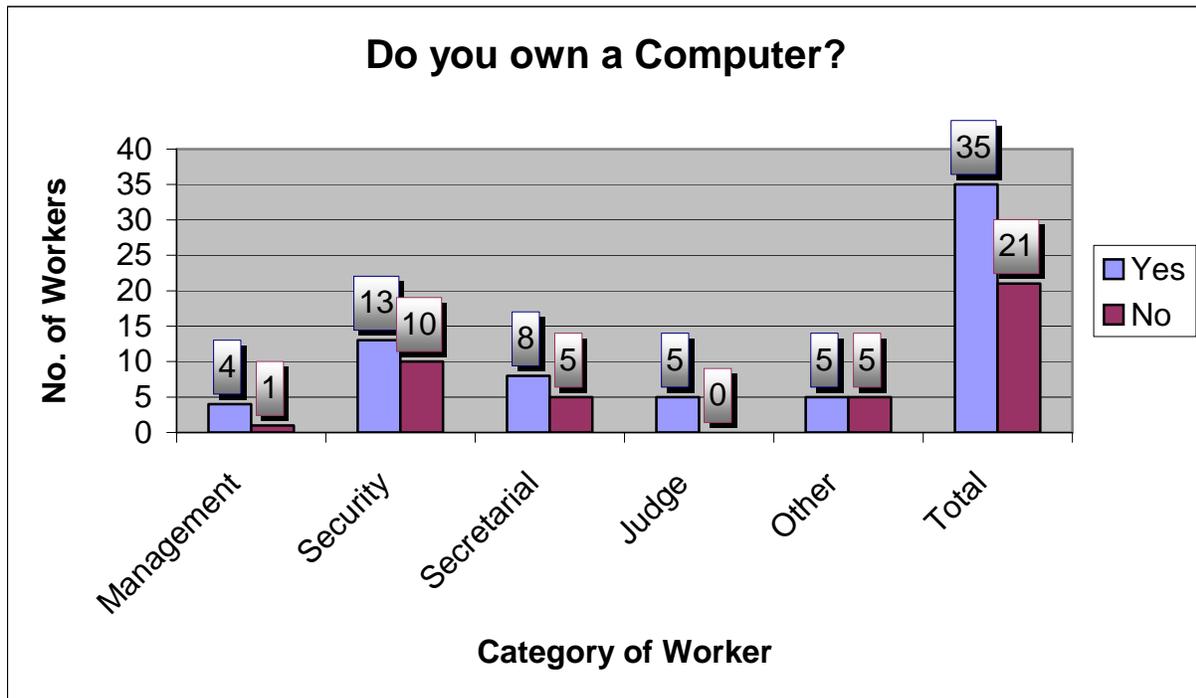
**Table 2: Frequency of Computer Use**

**How often do you use a computer?**

			Less than once per week	1 - 3 times per week	More than three times per week	Total
Category of Worker	Management	Count	0	0	5	5
		%	0.0%	0.0%	100.0%	100.0%
	Security	Count	8	5	9	22
		%	36.4%	22.7%	40.9%	100.0%
	Secretarial	Count	0	0	13	13
		%	0.0%	0.0%	100.0%	100.0%
	Judge	Count	0	0	5	5
		%	0.0%	0.0%	100.0%	100.0%
	Other	Count	0	0	10	10
		%	0.0%	0.0%	100.0%	100.0%
Total		Count	8	5	42	55
		%	14.5%	9.1%	76.4%	100.0%

Question 3: "Do you own a computer?" Thirty-five persons responded 'Yes' and 21 said 'No' when asked if they owned a computer. All Judges owned a computer, four in Management, 13 Security, eight Secretaries and five Other.

**Table 3: Level of personal computer ownership**



Question 4: “Which describes your level of skill using Microsoft Word?” Thirty-two or 57.1% of the persons surveyed were very good at Microsoft Word, 12 or 21.4% used it a bit, nine or 16.1% are beginners and 3 or 5.4% never used Microsoft Word. 100% of the Management staff surveyed were very good at Microsoft Word compared to 17.4% of the Security staff. Only three persons, who are Security Officers, never used Microsoft Word.

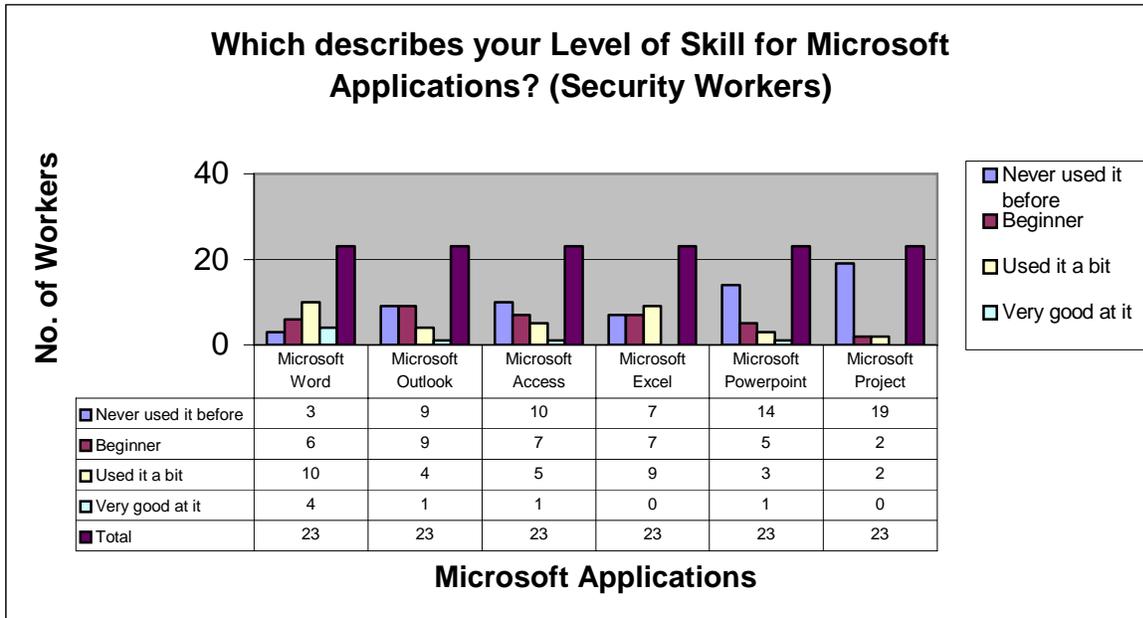
**Table 4: Level of skills for Microsoft Word**

**Which describes your level of skill using Microsoft Word?**

		Never used it before	Beginner	Used it a bit	Very good at it	Total	
Category of Worker	Management	Count	0	0	0	5	5
		%	0.0%	0.0%	0.0%	100.0%	100.0%
	Security	Count	3	6	10	4	23
		%	13.0%	26.1%	43.5%	17.4%	100.0%
	Secretarial	Count	0	0	1	12	13
		%	0.0%	0.0%	7.7%	92.3%	100.0%
	Judge	Count	0	1	1	3	5
		%	0.0%	20.0%	20.0%	60.0%	100.0%
	Other	Count	0	2	0	8	10
		%	0.0%	20.0%	0.0%	80.0%	100.0%
Total		Count	3	9	12	32	56
		%	5.4%	16.1%	21.4%	57.1%	100.0%

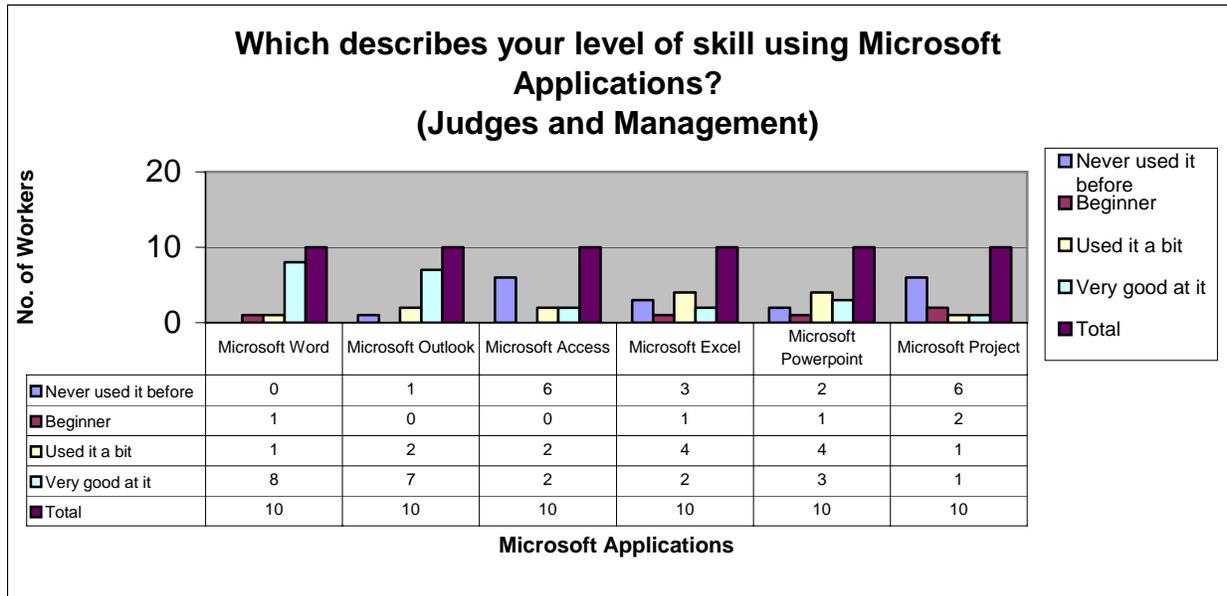
Question 5: “Which describes your level of skill using Microsoft Applications?” (this question was posed first to Security Workers) Of the 23 Security staff surveyed, 19 never used Microsoft Project, 14 never used Microsoft Power Point, seven never used Microsoft Excel, ten never used Microsoft Access, nine never used Microsoft Outlook and only three never used Microsoft Word.

**Table 5: Level of skills for Microsoft Applications (Security Workers)**



Question 6: “Which describes your level of skill using Microsoft Applications?” (This question was posed secondly to judges and management) Ten Judges and Management staff were surveyed. Nine either used it a bit or were very good at Microsoft Word and Microsoft Outlook. Seven either used it a bit or were very good at Microsoft Word and Microsoft Outlook. Seven either used it a bit or were very good at Microsoft Power Point and six either used it a bit or were very good at Microsoft Excel.

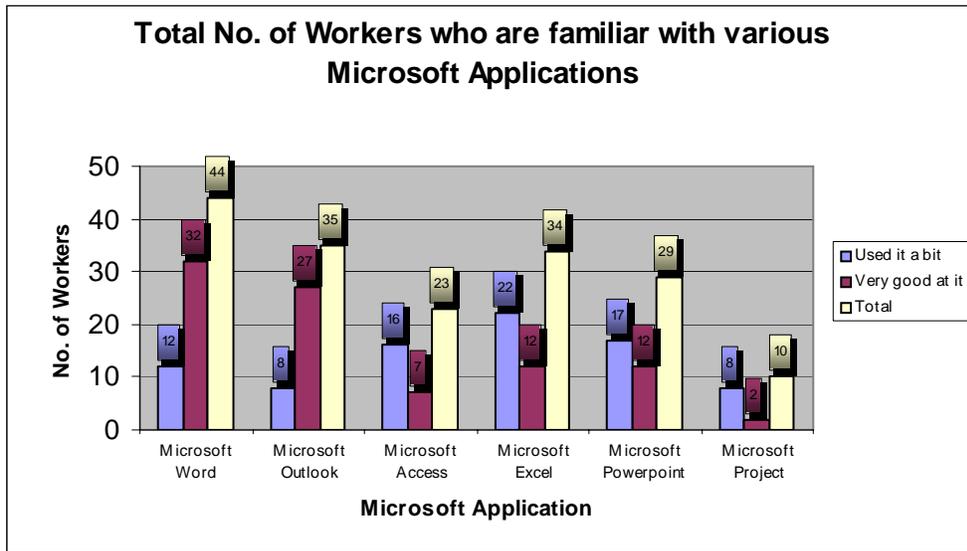
**Table 6: Level of skills using Microsoft Applications (Judges and Management)**



Question 7: “Total number of workers who are familiar with various Microsoft applications?” Of the 56 persons surveyed, most of them were familiar with various Microsoft Applications, the totals being 44, 35 and 34 respectively.

In comparison, ten persons were familiar with Microsoft Project.

**Table 7: Number familiar with various Microsoft Applications**



Question 8: “Do you know how to access email messages?” Forty-seven or 83.9% of the persons surveyed knew how to access email messages. The remaining nine or 16.1% who responded ‘No’ were all Security Officers.

**Table 8: Accessing e-mail**

**Do you know how to access email messages?**

			Yes	No	Total
Category of Worker	Management	Count	5	0	5
		%	100.0%	0.0%	100.0%
	Security	Count	14	9	23
		%	60.9%	39.1%	100.0%
	Secretarial	Count	13	0	13
		%	100.0%	0.0%	100.0%
	Judge	Count	5	0	5
		%	100.0%	0.0%	100.0%
	Other	Count	10	0	10
		%	100.0%	0.0%	100.0%
Total		Count	47	9	56
		%	83.9%	16.1%	100.0%

Question 9: “Do you know how to surf the Internet?” The response was similar to the question ‘Do you know how to access email messages?’ with 11 out of the 12 persons who responded ‘No’ being Security Officers, the other one from the Secretaries.

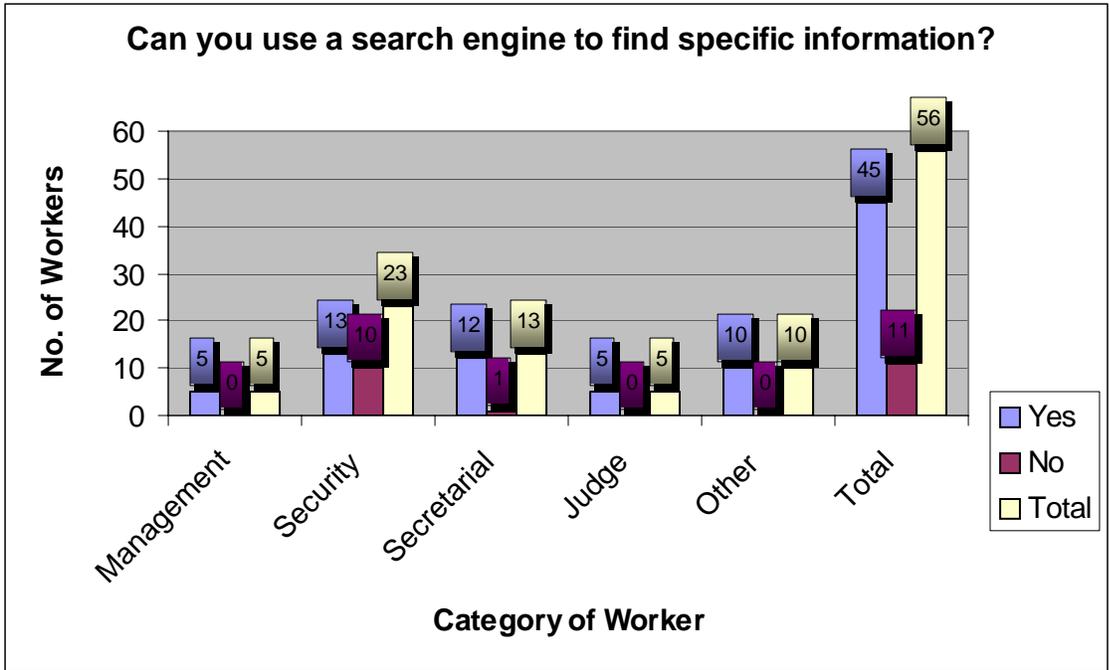
**Table 9: Knowledge of surfing the Internet**

**Do you know how to surf the internet?**

			Yes	No	Total
Category of Worker	Management	Count	5	0	5
		%	100.0%	0.0%	100.0%
	Security	Count	12	11	23
		%	52.2%	47.8%	100.0%
	Secretarial	Count	12	1	13
		%	92.3%	7.7%	100.0%
	Judge	Count	5	0	5
		%	100.0%	0.0%	100.0%
	Other	Count	10	0	10
		%	100.0%	0.0%	100.0%
Total		Count	44	12	56
		%	78.6%	21.4%	100.0%

Question 10:”Can you use a search engine to find specific information?” A total of 45 persons responded ‘Yes’ while 11 said ‘No’. The pattern is again similar to the previous two questions above, the eleven who said ‘No’ ten were Security Officers and one Secretarial.

**Table 10: Use of search engines to find Information**



Some of the other findings in the survey include:

- Nine or 16.1% of the persons surveyed cannot save work to folders on the hard drive.
- Twelve or 21.4% cannot save work to folders on media.
- The Microsoft Office software packages most of the persons surveyed never used before are Microsoft Project (37 persons), Microsoft Access (21 persons) and Microsoft Power Point (18 persons).

## **Survey 2:**

Survey 2 revealed that the tools provided were well utilised by staff. The internet, email and phone being the most frequently used tools. The use of other less mainstream tools like the Inmagic Genie Software are task specific as opposed to those like the computer which is essential to most users. This would explain the high hourly usage of the computer.

This survey sought to obtain information from various members of staff on their functions, the various tools which they may or may not use in carrying out these functions and the frequency of use of these tools. Information was also sought on the various tasks officers perform and over what period of time these tasks are performed.

Tools used by type of allocation: Table11 shows that the computer and the e-mail were the most “dedicated” pieces of tools in use with 81.3% of those interviewed reporting this to be so. These were followed by the telephone, 78.1% and internet access, 65.6%.The scanner and photocopier were each shared by 71.9% of those interviewed followed by the fax machine, 62.5% and the printer,59.4%. A fairly high proportion reported that among the tools “not needed” were Office Suite, 28.1%, instant messaging, 28.0%, and International Access, 12.5%. Data for these latter three were all distorted by a high non-response rate. Given the small sample size the non-response for all category of tool would have distorted the data to some extent.

Only three persons reported using any other type of tool which included, among others, Inmagic Genie software. The number of hours these were used was not indicated.

**Table 11: Tools Used by Type of Allocation**

Tools	Total	Type of Allocation			
		Not Needed	Dedicated	Shared	Not Stated
Computer	100.0	0.0	81.3	12.5	6.3
Printer	100.0	0.0	34.4	59.4	6.3
Scanner	100.0	0.0	18.8	71.9	9.4
Photocopier	100.0	0.0	21.9	71.9	6.3
Internet Access	100.0	0.0	65.6	28.1	6.3
Instant Messaging	100.0	28.0	43.8	15.6	12.5
e-mail	100.0	0.0	81.3	9.4	9.4
Telephone	100.0	0.0	78.1	15.6	6.3
International Access	100.0	12.5	59.4	9.4	18.8
Fax Machine	100.0	0.0	28.1	62.5	9.4
Office Suite	100.0	28.1	43.8	18.8	9.4

**Type of Tool and Proportion Using the Tool by the Number of Hours Used per Day:**

There was a high non-response rate for the number of hours the various tools were used. This rate ranged from 40.6% for the fax machine to 12.5% for the computer. The printer, 18.8%, was the only other tool with a non-response rate of less than 20.0%. For all other tools the non-response rate ranged between 25.0% and 37.5%.

As might be expected the computer was the most used tool with 46.9% of respondents reporting having to use it 8 hours or more with a further 21.9% reporting as having to use it between 6 to 8 hours each day. High rates of usage, that is 8 hours or more each day, were reported for the telephone and internet, 28.1 % each, e-mail and office suite, 25.0% each, and printer, 21.9%.

**Table 12: Type of Tool and Proportion Using the Tool by the Number of Hours Used per Day**

Tools	Total	Number of Hours Used per Day								
		0	<1	1<2	2<4	4<6	6<8	8+	NA	NS
Computer	100.0	0.0	0.0	0.0	9.4	9.4	21.9	46.9	0.0	12.5
Printer	100.0	0.0	9.4	21.9	15.6	0.0	9.4	21.9	3.1	18.8
Scanner	100.0	3.1	28.1	15.6	6.3	3.1	3.1	3.1	0.0	37.5
Photocopier	100.0	0.0	12.5	18.8	21.9	3.1	3.1	15.6	0.0	25.0
Internet Access	100.0	0.0	0.0	9.4	18.8	9.4	9.4	28.1	0.0	25.0
Instant Messaging	100.0	3.1	9.4	0.0	9.4	0.0	3.1	9.4	28.1	37.5
e-mail	100.0	0.0	6.3	6.3	18.8	9.4	6.3	25.0	0.0	28.1
Telephone	100.0	0.0	9.4	18.8	6.3	6.3	3.1	28.1	0.0	28.1
International Access	100.0	9.4	18.8	15.6	0.0	0.0	3.1	6.3	12.5	34.4
Fax Machine	100.0	0.0	18.8	15.6	9.4	0.0	6.3	9.4	0.0	40.6
Office Suite	100.0	0.0	0.0	0.0	3.1	12.5	9.4	25.0	25.0	25.0

**NA= Not Applicable**

**NS= Not Stated**

### **Comparison of Average Number of Hours Tools are Used Each Day**

Table 3 shows the comparison between dedicated and shared tools and the average<sup>29</sup> number of hours they are used each day. The data shows that variations exist depending on the tool. For all persons combined the Computer, 6.8 hours; Office Suite, 6.6 hours; the Internet, 5.3 hours; e-mail, 5.0 hours; and the telephone, 4.5 hours are the most widely used tools. For those persons who use these tools as a dedicated tool the pattern is about the same except that Instant Messaging, 4.8 hours is used more than the Telephone, 4.3 hours. Where the tools are shared the Telephone, 6.3 hours; the Computer and Office Suite, 5.0 hours each; the Printer, 4.4 hours; and e-mail, 4.0 hours, are the most used shared tools. While the photocopier is more in use

<sup>29</sup> The Total Average is based on usage by all persons whether the equipment is dedicated or shared.

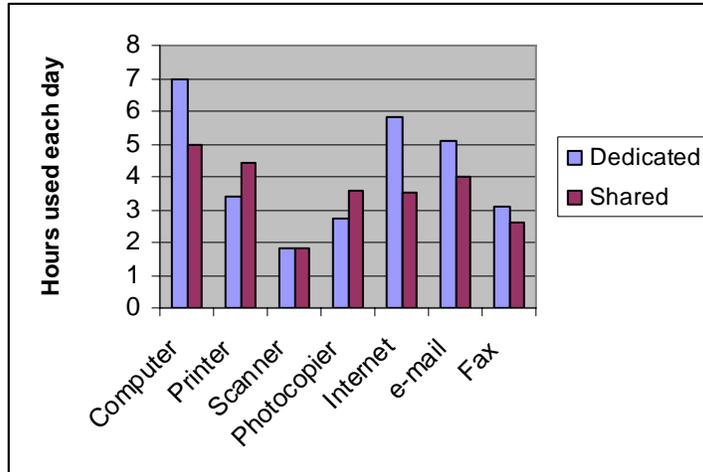
when shared, the scanner is used the same amount of time, 1.8 hours, whether dedicated or shared.

For tools that are dedicated the computer is used the most, on average 7.0 hours each day, followed by internet, 5.8 hours, and e-mail, 5.1 hours. On the other hand where a tool is shared, the tool that is used the most is also the computer but for a shorter period of time, 5.0 hours each day. The printer is next most used tool among those that are shared, 4.4 hours each day, followed by the e-mail, 4.0 hours, and the photocopier, 3.6 hours. Of the selected tools the least used tool is the scanner which is used on average about 1.8 hours each day.

**Table 13:**

**A Comparison of Average Number of Hours Tools are Used Each Day**

<b>Tool</b>	<b>Total</b>	<b>Dedicated</b>	<b>Shared</b>
Computer	6.8	7.0	5.0
Printer	4.0	3.4	4.4
Scanner	1.8	1.8	1.8
Photocopier	3.3	2.7	3.6
Internet Access	5.3	5.8	3.5
Instant Messaging	4.2	4.8	1.8
E-mail	5.0	5.1	4.0
Telephone	4.5	4.3	6.3
International Access	2.0	2.3	0.5
Fax Machine	2.8	3.1	2.6
Office Suite	6.6	6.9	5.0



**Chart showing data in Table 13**

**Tasks Performed by % Distribution of Number of Hours each Task was Performed Daily and Average Number of Hours Done Each Day**

Data on the various tasks performed are somewhat distorted by the high non-response rate, which ranged from 15.6% to 28.1%. Nonetheless it is worth noting that a substantial proportion of respondents reported not having to perform certain tasks.

59.4% data manipulation;

68.8% did not perform photo editing;

59.4% desktop publishing;

75.0% web-page design;

59.4% creating PDF documents;

50.0%, spreadsheet manipulation;

78.1% drawing of business and technical diagrams and

81.3% drawing of complex 3D diagrams.

Word processing is the most widely performed task with 59.4% reporting as doing this task more than four hours each day even with a non-response rate of 25.0%.

Other tasks which are performed for periods of eight hours or more but by a very small proportion of respondents are spreadsheet manipulation, 6.3%, creating and reading PDF documents, creating softcopy presentations and database manipulations, all by 3.1% of respondents.

Word processing is done on average about 5.6 hours each day, database manipulation, 2.9 hours and spreadsheet manipulation 2.4 hours are the other more widely performed tasks. The reading and creating of PDF documents are each performed about two hours each day. All other tasks are performed for less than one hour each day.

The computer is the most extensively used tool whether it is dedicated or shared but more so when it is dedicated. It is used particularly for word processing. However, it is also used considerably for database and spreadsheet manipulation as well as for the reading and creation of PDF documents. Substantial use is made of the internet and e-mail, both when they are dedicated or shared

**Table 14: Tasks Performed by % Distribution of Number of Hours each Task was Performed Daily and Average Number of Hours Done Each Day**

Task Performed	Total	Number of Hours Done per Day								
		<1	1<2	2<4	4<6	6<8	8+	NA	NS	Aver.
Word Processing	100.0	3.1	0.0	9.4	21.9	15.6	21.9	3.1	25.0	5.6
Database Manipulation	100.0	6.3	6.3	3.1	3.1	0.0	3.1	59.4	18.8	2.9
Photo Editing	100.0	9.4	3.1	0.0	0.0	0.0	0.0	68.8	18.8	0.5
Desktop Publishing	100.0	12.5	6.3	0.0	0.0	0.0	0.0	59.4	21.9	0.8
Creating Softcopy Presentations	100.0	18.8	6.3	3.1	0.0	0.0	3.1	43.8	25.0	0.9
Web Page Design	100.0	9.4	0.0	0.0	0.0	0.0	0.0	75.0	15.6	0.5
Reading PDF Documents	100.0	21.9	9.4	9.4	3.1	0.0	3.1	25.0	28.1	2.0
Creating PDF Documents	100.0	12.5	3.1	0.0	0.0	0.0	3.1	59.4	21.9	1.9
Spreadsheet Manipulation	100.0	12.5	12.5	0.0	0.0	0.0	6.3	50.0	18.8	2.4
Drawing of Bus. and Tech. Diag.	100.0	6.3	0.0	0.0	0.0	0.0	0.0	78.1	15.6	0.5
Drawing of Complex 3D Diag.	100.0	3.1	0.0	0.0	0.0	0.0	0.0	81.3	15.6	0.5

### Survey 3

Survey 3 revealed that the secretarial duties were adapted to the needs of each particular judge. While the essence of the duties is the same for all, the execution of these duties vary. Five Secretaries who are assigned to Judges at the Caribbean Court of Justice (CCJ) completed a questionnaire as to the duties they perform for their respective Judges.

This questionnaire attempted to establish which tasks the Secretaries perform for their Judges and which tasks the Judges did for themselves.

Question 1: “If you are required to type, what do you type from? Do you type from audio (transcribe) or to copy type (type from written documents?)”. Of the five Secretaries, only one typed from handwritten script alone, one typed from abbreviated notes and handwritten script, two typed from voice recording and handwritten script, and only one of the Secretaries typed from all three methods, that is, voice recording, shorthand and handwritten script.

All five Secretaries are required to print out their typed work for it to be reviewed or edited by their respective Judges. This printed work is edited by four of the Judges in pen alone and with both the pen and the computer being used by only one Judge.

All five Secretaries are required to print out their typed work for it to be reviewed or edited by their respective Judges. This printed work is edited by four of the Judges in pen alone and with both the pen and the computer being used by only one Judge.

Another question asked seeks to determine who checks the Judges’ e-mail. Is it the Secretary or the Judge. Three of the Secretaries responded that their Judges checked their own e-mails while the other two Secretaries said that they were responsible for checking their Judges’ e-mails.

As to the question of who sends the Judges e-mails. Three require that their Secretaries send their e-mail on their behalf, one Judge sends e-mail directly and one said that both the Judge and Secretary will send the Judge’s e-mails. All five Secretaries said they were required to schedule their Judges’ appointments and court

sittings. Three kept it on hard copy alone, one kept it electronically alone and one Secretary kept it in both hard copy and electronically.

All five Secretaries said they were required to keep records of their Judges medical expenses and insurance claims and to also prepare their Judges' claims for medical refund. Again all five Secretaries said they were required to keep records of their Judges Value Added Tax (VAT) expenses and to also prepare their Judges' claims for VAT refund.

Question 2: "Do you make telephone calls for your judge?" All Secretaries were required to make telephone call for the Judges, both internally and externally.

#### **Survey 4**

Survey 4 reveals the judges' points of view of what their secretaries do and their level of familiarity with how they perform their functions. This survey is the flip side of Survey 3 above.

All seven Judges returned the completed questionnaire. The Judges responses were not the same as their Secretaries on some of the questions. Of the Judges, six said that they gave their Secretaries handwritten script while one gave their Secretary voice recordings from which to type.

All Judges said that they checked their own e-mail but six said that they send their own e-mail while the seventh said that both the Secretary and the Judge sends e-mails.

All Judges responded 'Yes' to the question 'Do you require your secretary to keep note of your appointments and court sittings for you?' While they knew that their

Secretaries kept note of their appointments, two of them did not know in what format it was being kept.

While they required their Secretary to keep records of their medical and insurance claims, two said that they required their Secretary to prepare their claims for medical refunds.

Again each said that the Secretary kept record of Value Added Tax (VAT) expenses and to also prepare their claim for VAT expenses. Three Judges also replied that they did not review the claims forms being filled out by their Secretaries.

**Table 15: Judges View of Secretaries**

JUDGE	What does your secretary usually type from		
	Voice recording	Short-hand	Handwritten script
1	X		
2			X
3			X

**Observations, Workflow Analysis and Their Legal Context Findings:**

In ascertaining the Information Systems needs of the Court, it was necessary to observe operations in various areas and to take note of how people worked and what their operational needs were. The results of observations as supplemented by available written material follow below.

Findings from the primary areas of the court's operations follow below.

### **THE COURT REGISTRY**

The Court Registry is the office of the Court in which new matters are instituted and all court documents are filed. The Court Registry functions as the secretariat for court proceedings. The Registry is located at the seat of the court at the Caribbean Court of Justice building in Trinidad. The Supreme Court Registry of each member state is a sub-Registry of the Court, which means that a sub-Registry is physically located there.

Matters may be filed in both the Appellate and Original jurisdictions at the Registry or at any one of the sub-Registries.<sup>30</sup>

During the period of observation, I noted that appeal matters are filed by attorneys or their clerks in the sub-Registries or in the Registry in Port of Spain. This means that an attorney in Barbados can file his appeal to the CCJ at the sub-Registry in Barbados or he can file it at the Registry at the Seat of the Court which is Port-of-Spain, Trinidad.

### **COURT REGISTRY FILING**

#### ***Appellate Jurisdiction***

Any litigant who is a party to an appeal before their highest national court, whether that litigant was successful or not before that court, can appeal to the CCJ. Article XXV (2) of the Agreement Establishing the Court sets out the cases in which appeals as of right from decisions of a contracting party may be made. Appeals can

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<sup>30</sup> Barbados and Guyana have so far acceded to the appellate jurisdiction. It is anticipated that other Member States will accede at later dates. Accession requires for most of the Member States, constitutional amendment.

also be filed with leave of the Court of Appeal or with special leave of the CCJ in certain circumstances.

The CCJ Appellate rules provide that an application for leave to appeal as of right must be made to the Court of Appeal of the contracting party<sup>31</sup>. The national Court of Appeal gives directions for security for costs and transmission of the record of appeal. Article XXV (4) of the Agreement Establishing the Court also provides that if one is not entitled to come to the court as of right then an application for special leave will have to be made.

Observation of the operations of the registries revealed that some parties through their attorneys file these applications in the sub registry of the contracting party and some file at the hub site in Port of Spain, Trinidad. Six copies of the application are provided to the registry staff together with copies of the judgments from which leave to appeal is sought.

The application which is filed in the form of a notice accompanied by an application in support is submitted to the Registry staff for filing. Filing fees in the sum of \$60.USD or the equivalent in either Trinidad and Tobago dollars (TTD) or Eastern Caribbean dollars (ECD) are accepted on filing. A document is not considered filed until the fee is paid or an undertaking to pay the fee is accepted by the Registrar<sup>32</sup>

By observing further the work of the staff in the Registry, it became evident that before the money is accepted the Registry staff checks for the following:

- Paper is 8.5 x 11 inches (letter sized)
- Application is signed by the applicant or his attorney

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<sup>31</sup> Part 10.31

<sup>32</sup> (Part 6.1(4) CCJ Appellate Rules)

- The Attorney's name, regional bar number, address, telephone, fax numbers and email addresses appear on the document
- The full title of the proceedings and the title of the document are indicated in the heading of the document.

A number is then assigned to the application. It is assigned in chronological order of filing by year e.g. the first application for special leave to appeal in the appellate jurisdiction for 2007 would show the following in the heading –

CCJ Application Number AL 1of 2007. The time of filing is noted.<sup>33</sup>

The original and the copies are stamped with the court's date filing stamp. The filing fee is collected and a receipt is issued. The copies for service are returned to the party filing.

The hardcopy file is created and the information is entered in the Appellate Cause book register. It was observed that the following fields of information are captured:

- Case number
- Names of Applicants
- Names of Respondents
- Type of document
- Orders of the Court

Copies of the filed documents are then distributed to the judges and judicial officers.

The Registrar informed that the other party on being served the document may wish to file an affidavit in opposition at the Court Registry or sub registry. Six copies

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<sup>33</sup> While there is no requirement in the rules for the inclusion of the time of filing of the document but registry best practice makes this necessary. Filing and issuing of case numbers in the sub-registries, some of which are in different time zones e.g. Jamaica is in the Central Time Zone (CT) while the court hub site in Port of Spain uses Eastern Time (ET). The hours of business and the occurrence of public holidays in these sub-registries which include Jamaica, Suriname and Belize will vary.

must be filed together with a filing fee of \$15.USD or the equivalent in TTD or ECD. The same process for filing the documents and distribution of copies will apply. After consultation with the President of the Court, the Registrar issues a notice to all parties and arranges with the Registrar in the sub registry to have the document served. The President also decides on the judges to hear the matter.

### ***Original Jurisdiction***

I was unable to observe the filing of an original jurisdiction matter, as to date no matters have been filed in the Original jurisdiction either by individuals or states. The manual systems however are in place to accept any such filing. (See Appendix 9).

Important to the original jurisdiction's procedure is the requirement that the Registrar advertises in all the newspapers within the region, notice of the receipt of an application under the original jurisdiction. This is so because a matter brought before the Court in the Original Jurisdiction by a member state can have implications for other member states or individuals under the treaty. Therefore everyone has to be notified about the impending matter e.g. If there is a matter between Jamaica and Barbados, there may be another member state or individual who might be affected, hence the reason for notification. The court is located in Trinidad to the southern end of the Caribbean region however its litigants and public come from the entire region.

### **PAYMENTS**

Payments are made to the Court as filing fees. Not only are these payments made at the seat of the Court in Trinidad but accommodation must also be made for regionally located customers. These monies are then sent by electronic wire fund

transfer to the account of the CCJ Registry. These payments must also be tracked so as to link the receipt of monies to a particular Court matter.

### **SHARING OF INFORMATION AND FILED DOCUMENTS INTERNALLY BY SEVERAL USERS**

It was observed that when documents are filed they must be prepared for court. The Court comprises either three, five or seven judges dependent on the nature of the application. Each one of the assigned judicial officers needs to have access to the document to prepare for hearing the matter. Other authorised users include the judicial research officers who may be asked to research a point of law. Currently a minimum of six and a maximum of ten copies must be photocopied and distributed depending on the matter before the Court.

### **SEARCHES**

Members of the public who may wish to search a matter must also have authorised access to documents which have been filed. A request to search a file has to be made in writing. Requests for copies of documents also have to be made. This attracts a cost. There is the issue of security as so many copies have to be made of the same documents. Further customers may not be able to access the court at its location but may still require the capability to search files.

### **SUB-REGISTRIES**

Documents may be filed in the sub-registries just as they may be filed at the hub site in Trinidad. The Registrars at the national sub registries are Deputy Registrars of the CCJ. Documents relating to any matter coming to the CCJ can be filed at the Registry and at any sub-Registry. Systems will therefore be needed to allow customers

to file matters using telecommunication tools which may include e-filing or fax as per the rules of Court for both the original and appellate jurisdictions.

## **THE LIBRARY AND JUDICIAL RESEARCH**

The CCJ library's users include judicial officers of the court, judicial research officers, staff, and members of the legal profession throughout the region. Members of the public may use the library by appointment. The library is used primarily for legal research by accessing the print resources as well as the electronic resources which are accessible mainly through commercial online legal databases e.g. Westlaw, Lexis Nexis and Carilaw.<sup>34</sup>

The library's aim is to provide primary legal material including law reports and journals, encyclopaedia and certain texts in electronic format. Some law reports, Caribbean journals and some text books will be kept in hard copy.

The legal systems of most member states are based on common law principles. However there are a few exceptions and materials must be sourced from other jurisdictions. There will be a need to have a selection of material which addresses the peculiar features of the Roman/Dutch system in Guyana, the Napoleonic Code in St. Lucia and the fact the Suriname and Haiti have legal systems based on Civil Law principles (Dutch and French respectively). This requires access to legal online data bases which support diverse civil law jurisdictions and international law jurisdictions.

The inclusion of Suriname and Haiti brings a multilingual facet to the set up of the library and by extension the Court. Most of their legal material is in Dutch and French and must be translated if it is to be made accessible. This also has implications for the

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<sup>34</sup> A subscribed online legal resource for Caribbean cases

provision of services (including e-services) which must be made available in all three languages to the customers of the Court.

Observation of the tasks required to be performed by library staff shows that operations include cataloguing, acquisition, circulation and management reporting. Judicial Officers are also kept abreast by the library of the recent acquisitions. Most of the library's users are regional. It is the only one of its kind in the region as it is the only full depository of materials on areas of law such as competition law, community law, CSME law, etc. The library is required to provide distance support.

## **JUDGES**

### **HOW JUDGES FUNCTION**

Judges are supported by judicial research officers, secretaries, drivers (who also provide messenger support) and by registry staff. Judges receive copies of applications for leave to appeal and they also receive records of appeal. They study these extensively and make notes in preparation for hearings. They also conduct research relevant to the matters. It was observed that they take notes in Court and require material to prepare for Court matters when away from the office.

One of the users with demonstrated vision impairment needed to have documents magnified to be able to read them. Users also demonstrated difficulty in hearing what was being said to them, even with an amplified system. This highlighted the need for technology that would cater to the needs of visual and audio impaired individuals.

## **COURT OPERATIONS**

### **INTERACTIONS IN COURT**

In Court, the Judges, court support officers, and attorneys at law are the key players. They speak during the matter or when addressed specifically. Judicial officers question presenting attorneys on submissions made. Attorneys respond to questions asked by judicial officers and respond to points made by attorneys on the opposing side. Court Support officers keep the official record of proceedings and announce the matter and respond as directed by the Court.

### **COURT RECORDINGS**

The purpose of the record is to note accurately all that happened in a matter before the Court. Recall is necessary if there is a dispute over a particular point or about something that happened in the court previously. Some of the national courts in the Caribbean region use tape recordings. This has proven not to be reliable. Many times court support staff have forgotten to start the tape recording or the tape may have finished during proceedings in court. The recording may also be inaudible.

Some of the national courts use computer aided transcription (CAT) reporters. These reporters require special training which has a high attrition rate. The result is that those reporters who have acquired the certification are expensive to hire. Writing long hand notes is another method used to capture verbatim the proceedings in court. This is of course a tedious process for all parties in Court.

## **SECRETARIAL AND ADMINISTRATIVE SUPPORT**

### **SECRETARIES**

Secretaries were asked questions about their work environment. After listening to their responses and observing how they work the following were noted:

- (i) All secretaries required communication tools to share information with their senior officers or judges for whom they worked. Used most frequently were the telephone, computer and printer.
- (ii) The operations work contract between each secretary and his judge differed somewhat so that each secretary interacted with his judge differently.

### **DRIVERS AND SECURITY:**

Observation showed that many times drivers are not onsite during the day. They are however expected to report for work even if their judge is not at work. Security officers may be on shift rotation. These groups still need to be informed about what is happening at the Court. A system has to be created for accurate and timely communication (messages, memos and advisories) with drivers and security staff in order to ensure the sharing of information and efficiency.

## **HUMAN RESOURCE MANAGEMENT**

Human resource management records are kept manually. Each staff member has a general file and a leave file. As there is no dedicated Human Resource manager at present, each staff member's financial information is maintained by finance and accounting. Further research has to be conducted in this area. It has been identified by the Court Executive Administrator that some of the requirements of software required includes:

- Recording of employee skills; appraisals, education and training
- Generation of forms, documents for leave and training
- Monitoring the entry and upload of many different types of payment methods
- Calculation of payroll for employees with varied payment rules
- Generation of payslips
- Direct deposit and GL Integration functionality
- Compliance with Employer and Employee Statutory Requirements
- Comprehensive handling of year end procedures
- Reports

## **FINANCE AND ACCOUNTING**

The Finance and Accounting Department's responsibilities include:

- Proper control of all subsidiary records
- Ensuring that all financial transactions are properly recorded
- Maintaining adequate accounts to capture, process, record and report on all transactions
- Providing suitable reports to stakeholders on a timely basis

The department is a small one of just three employees and so as much electronic tracking as can be done will be appropriate.

## **INTERPRETING AND TRANSLATING**

Suriname, a Dutch speaking country is a member of the Court. There is also a possibility of French and Spanish becoming relevant as Haiti is a member of CARICOM and The Dominican Republic is an observer at this time. Although English is the official language of the Court, provision must be made for non-English speaking attorneys who have right of audience to address the court in their own language and for non-English speaking witnesses to provide viva voce as well as documentary evidence in their language. The Court must therefore be prepared to operate in a bi-lingual and possibly a multi-lingual environment and must put systems in place to accommodate this. This has ramifications for library services, the registry, court operations, court recording and productions of judgments all of which have IT elements.

## **FACILITIES AND ASSETS MANAGEMENT**

The Facilities and Assets Management Unit manages the planning, design and implementation of maintenance management for the Court thereby preserving the Court's assets. They are also responsible for procurement and inventory management in the organisation. It was observed that systems in place are all manual which can be tedious.

## **TRAINING**

As evidenced by the responses to survey questions most employees will require training or further training in specific areas. With the pace of technology and the need to deliver quality to customers training techniques and tools will need to be identified.

## CONCLUSIONS AND RECOMMENDATIONS

The general level of computer literacy is fairly high at the CCJ. The tools provided were well utilised by staff. These include use of the internet, email and telephone (including fax). Secretarial duties were adapted to the needs of each particular judge. While the essence of the duties is the same for all secretaries the execution of these varied and was dependent on the judge. The judges' responses were not the same as their Secretaries to some of the questions. This underscores differences in perception of some duties.

Matters may be filed in both the Appellate and Original Jurisdictions at the Registry or at any one of the sub-Registries. Any litigant who is a part to an appeal before their highest court whether that litigant was successful or not before that court , can appeal to the CCJ.

IT systems being put in place, must support these and other functions of the Court. To quote Lawrence Webster<sup>35</sup>, they must provide benefits such as:

- Reduction of repetitive tasks
- Enhancement of data quality
- Increased Information Accessibility
- Increased Organisational Integration – allowing information to be shared so that units become more functionally interdependent and less isolated because they rely on each other

To date no matters have been filed in the Original jurisdiction either by individuals or states however manual procedures are being developed to accommodate this jurisdiction. The court is located in Trinidad to the southern end of the Caribbean region

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<sup>35</sup> See note 15 **supra** at page 22

however its litigants and public come from the entire region. Systems will therefore be needed to allow customers to file matters using telecommunication tools which may include e-filing or fax as per the rules of Court for both the original and appellate jurisdictions. Payments can be made at the seat of the Court in Trinidad or at the sub-Registries via electronic funds transfer.

The library's aim is to provide primary legal material including law reports and journals, encyclopaedia and certain texts in electronic format. This also has implications for the provision of services (including e-services) which must be made available in all three languages to the customers of the Court.

Judges study their court documents extensively and make notes in preparation for hearings. They also conduct research relevant to the matters. It was also observed that they take notes in Court and require material to prepare for Court matters when away from the office. Also highlighted was the need for technology that would cater to visual and audio impaired individuals.

The purpose of the court record is to note accurately all that happened in a matter before the Court. The most reliable method that serves our purpose is an audio digital solution.

A system has to be created for accurate and timely communication (messages, memos and advisories) with drivers and security staff in order to ensure the sharing of information and efficiency

## **RECOMMENDATIONS**

### **THE COURT REGISTRY**

The Court Registry must be prepared for the filing of any number of cases and service to customers who may be in any member state. Filings may be by individuals or by states. Matters may be filed in the Appellate jurisdiction or in the Original Jurisdiction. The Court Registry is staffed by the Registrar and two staff members. The national courts have their employees but only the Registrar is considered to be a deputy Registrar of the CCJ,

A case management solution for the Court must be capable of meeting the unique needs of the Court registry. The rules of Court in the region are based on the same model and so we must look to what the region is currently using for case management. Past experience in searching for case management information software have showed that the process of issuing a Request for Proposal (RFP) did not encourage vendors who understood the Caribbean region's needs. Software firms in the United States have wanted us to adapt our rules to the functionality of their software. This is incorrect as the software must have the capability to allow us to comply with the rules of Court. Many vendors have not even wanted to allow customisation of the case management software. As a result, the region has had to search for a software provider who was willing to understand our needs and to allow customisation as required. In looking at solutions already being used in the region, there is a dominant player. In further examining what this software offers to meet the needs of the Caribbean Court of Justice as the highest Appellate Court in the region, it was found that many of the national courts from which matters are expected to come to the CCJ

already use this software. Not only will this software be required to track matters but it must also be capable of supporting external links to both the audio and video files of any electronically stored proceedings. This would benefit the Court's records and retrieval systems so that all the information related to a matter may be sourced in the same area.

This software is currently used in the Courts of Jamaica, Trinidad and Tobago and the Eastern Caribbean States who are signatories to the Court in its original jurisdiction. It is also used within the region in the Cayman Islands, The Bahamas and Bermuda. The other territories who are signatories to the Court and who do not have this solution also do not have a case management information system. They are Suriname, Guyana, Barbados and Belize.

### E- FILING

As the Court is a regional one, the software must also allow for the integration of e-filing with its case management information system. E- Filing will enable attorneys at law, litigants, authorised personnel at the regional sub-registries and self-represented litigants to file documents, search and follow the progress of a case through the use of a specially designed interface. Public access may be gained through a secure private network to allow authorised regional customers admission to search and view data. A secure private network will also allow the Court to access its records and information when not on island in Trinidad.

### E-SERVICES

With the growing popularity of internet based services, an affordable and readily available medium is available to the Court for a number of services. The Court can

therefore maximise the use of the internet for communication purposes, dissemination of information, information gathering, and for e-filing. Through the use of a website the latter three objectives mentioned can be achieved while e-mail services and VoIP, can greatly improve the efficiency in communication and reduce costs. Utilising a communication and information business model based on the internet/e-services is especially advantageous to the Court as it has to interact with the entire region on a regular basis.

### FEES AND ELECTRONIC PAYMENTS

Systems are required to receive fees and payments for electronically filed documents by the use of credit and debit cards. Courts in the region do not at present accept fees in this format as financial institutions charge service fees and processing fees for the provision of electronic banking services. As a regional Court however, fee payment is an integral part of acceptance of filings electronically. Again the physical and networking infrastructure of the registry and sub-registries would be important to the chosen payment solution.

These system measures reinforce the performance standard of ease of access to justice by ensuring that our customers do not need to physically leave their homes and come to Trinidad to file documents related to cases

The CMIS should have an integrated cash collection component which requires a cash draw that is triggered when a payment is accepted. This facility will be made available at all court registries.

## IMAGING AND DOCUMENT MANAGEMENT

Images of documents may also be attached to filings as part of the case management information solution. This will enable both authorised internal and external users to view the image of the original document filed. As a means of records management this allows for the placing of the original hard copy in a safe document storage vault while the imaged document is stored electronically onsite or offsite and accessed by authorised users.

## SUB REGISTRIES

The sub-Registries are important customers of the Court. To date research is still being conducted on the physical and network infrastructure as well as the communications providers and service availability. Data will be collected so that a true position may be ascertained which will guide our Information Systems planning.

Each sub-Registry will require basic hardware such as computers, a printer and a scanner to have access to the services provided by the Court. Communications access would also be required by the sub-Registries.

## THE LIBRARY AND JUDICIAL RESEARCH

The Chief Librarian together with the Systems Division will scan the market for appropriate library management software. This software should assist in making information available to internal and external users globally via its online interactive interface. The information should range from catalogues and periodicals to databases specific to the region.

The resources of the library will also be utilized by the Judicial Research Officers who are provided with the necessary tools – computers, printers, and internet access to conduct research.

The library will be equipped with computers, printers, scanners, access to the internet and assistive technology for screen magnification.

### SUPPORT FOR JUDICIAL OFFICERS

Judges and judicial officers have all been provided with laptop computers for use either in the office in a networked environment or in a mobile environment away from the office. To complement this tool they have also been provided with internet access to do research using online legal subscriptions, annotating software for notes in court and Microsoft Office Suite in a networked office environment. Additional hardware and software have also been provided to magnify the screen, read the screen, scan and read hard copy documents.

### COURT OPERATIONS

The operations of the Caribbean Court of Justice is multi-faceted as it deals with a dual jurisdiction and in the Appellate jurisdiction is a final court of appeal for more than one country. It is staffed by persons from throughout the Caribbean region and also has regional employees at the national court registries of the member states. There is also a multi lingual aspect with the inclusion of Dutch from Suriname and planning for the future accommodation of other languages.

IT solutions are required for several functions in the court. It is envisioned that the judges on the bench will be able to access the documents filed in the matter from

the bench, to see and follow any document which counsel is reading from or otherwise referring to, and share privately any thoughts with his colleagues.

The judge should be able to conduct some online research from the bench. He must be able to hear and see those addressing the court and to receive a copy of the audio and video of the proceedings before he leaves work. The audio and video must be capable of search and annotation. And must be able to tie to it images of any documents necessary to the case.

The attorney in court must be able to present his case using tools provided by the court. The litigation area should be equipped with hardware such as VHS and DVD systems as well as the capability to have laptop connectivity and internet connectivity and so use software to assist in his presentation to the Court.

Wireless networks must also be implemented to allow persons in court (judges, attorneys, supporting staff and media) access to searching online legal databases for which they have subscriptions, email and web browsing capabilities as tools to assist the Court.

The court support officer must be able to accurately keep the courts records and ensure transparency in the proceedings in the Court by making correct notes and ensuring that the proceedings are recorded.

The public must be able to view what is presented to the court as well as any other participant in the matter. This can be achieved by the placement of screens so they can view what is projected to the court. The public should feel sure that the systems in place at the Caribbean Court of Justice are robust, supports transparency in all that is done and instils public trust and confidence.

The media must also be adequately accommodated and must also be able to view what is projected and presented to the Court.

### AUDIO/VIDEO COURT RECORDING

In Court, solutions need to be put in place to assist the judicial process. The use of the case management information system is only one such measure. Audio/Video Digital Court Recording solutions also assist in the accurate recording of testimony and submissions in the Court. Due to the limited infrastructure in many courts in the region, a portable solution is recommended which includes wireless components such as microphones, a document reader, a laptop to be used for recording with the software and sturdy cases to protect the equipment when travelling through the region.

The solution should include software to be used by the Judicial Support Officer to make annotations in Court. Judicial Officers may also use the annotating software to make time stamped notes for later use with the audio CD of the case. With the limited keyboard familiarity of some judicial officers as discerned from the survey, it was decided to explore and test a digital pen solution which should assist judicial officers who prefer to write notes in court. It will also integrate with the audio and video CD of the proceedings.

The audio should be tied to minutes taken by the court support officer and if possible the video recording of the proceedings if possible. As many of the customers of the court travel to the hub site in Port of Spain and return to their home country at the end of the proceedings, the record of the court should be available shortly after completion of the day's proceedings.

## COURT COMMUNICATIONS TECHNOLOGY

Because of the distance and geographical location of the territories it is important that access is gained to the Court by its customers (judicial officers, member states, attorneys at law, CARICOM, litigants, students and general public) through various different means. The Court must therefore reach its customers through walk-ins, networking technology, video conferencing, web technology, telephones and fax.

Video technology in Courts especially where there is a need to communicate regionally is important so as to satisfy the standards of access to justice, expedition and timeliness, and to enhance the public trust and confidence. This can be achieved using technology which includes video conferencing built on a robust networking and communications infrastructure.

It is envisioned that not only can the Court come to a litigant in his territory but the litigant may also easily come to court through the use of technology. Voice over IP technology will be introduced to lower communication costs between and among sub-registries.

The market offers regular PBX phone systems as well as Internet Protocol (IP) telephone systems for internal and external communication. PBX systems have an initial low upfront cost and are simple to install while IP systems tend to have a higher initial cost. IP systems however, have greater return on investment as expansion of the system is less expensive especially in cases where connection to a wide area network (WAN) such as the courts in the region is necessary. Research has also shown that IP systems are better able to integrate with other IP based systems such as e-mail, video-conferencing and web services.

The market also offers high speed internet service to facilitate email and web services which are widely used forms of communication today. The internet service is still at high cost and therefore limits the level of bandwidth that is widely available to companies. The cost also impacts on the number of services that may be allowed to be used over the internet service.

#### SECRETARIAL AND ADMINISTRATIVE SUPPORT

Secretaries who are currently on staff have been provided with computers and printers in a networked environment. They have also been provided with basic software transcription training and the necessary hardware to support the technology. It is envisioned that the secretarial support would extend to transcription services because just as they typed hard copy from the judicial officer's notebook they must also type from listening to voice recordings. These recordings may either be from court proceedings or from dictated material.

Surveys undertaken have indicated that the technology skills level of the secretarial and administrative support may be enhanced through additional training.

#### STAFF ACCESS KIOSK (SAK)

As most inter office communication in the building will be done by e-services, it is recommended that two kiosks be strategically deployed within the building to allow members of staff who are not in fixed locations (security officers, drivers, and messengers) to have access to e-mail, internet, and selected printing services.

## HUMAN RESOURCE MANAGEMENT

The Systems Division has identified the need for an integrated HR solution which should include a payroll option. This solution should be modular and networkable so that members of staff with proper authorisation may have access to the system.

## FINANCE AND ACCOUNTING

A financial application should be acquired through a detailed assessment of the needs of the Finance Department.

## INTERPRETERS AND TRANSLATORS

Suriname as a member of the Caribbean Court of Justice introduces a multilingual aspect to all systems information. Planning must also include the flexibility of adding a third language to the Court's system. The use of translation services will also be required for interfaces for e-filing, web services, public access, searches by customers, generation of multilingual Court documents. Support must also be provided to multilingual staff through the provision of software and other tools need to be sourced and acquired. The Court must be seen as a Court for the people of the region and not one that is cloistered in secrecy or faced with language barriers. Court room solutions for interpreters should be acquired thereby providing interpreters with the required hardware and software.

## FACILITIES AND ASSETS MANAGEMENT

It is recommended that the needs of the Facilities and Assets Management Unit be addressed through a needs assessment questionnaire which can inform the Systems Unit as to what is required in terms of technology solutions and tools for the Unit. This can possibly include hardware and software for inventory, asset management and preventive maintenance scheduling.

## TRAINING

The operations of the Court must instil confidence in the peoples of the region that the Court and its staff are knowledgeable and are experienced in their area of administration. This includes staff at the sub-registries in the region. Systems and processes must be planned, secure, well documented and executed by trained professionals who understand the unique environment of the Court. Surveys would be conducted to ascertain the skill levels of all staff members, identify the training needs and the best method for the user to enhance or acquire technology skills. Training of staff is an ongoing component of the Information Systems Division. Staff must keep abreast of the latest court technological advancements by attending courses, seminars and participation in knowledge sharing activities.

# Appendix 1: Map of the Region



## Appendix 2: CCJ Organisation Chart

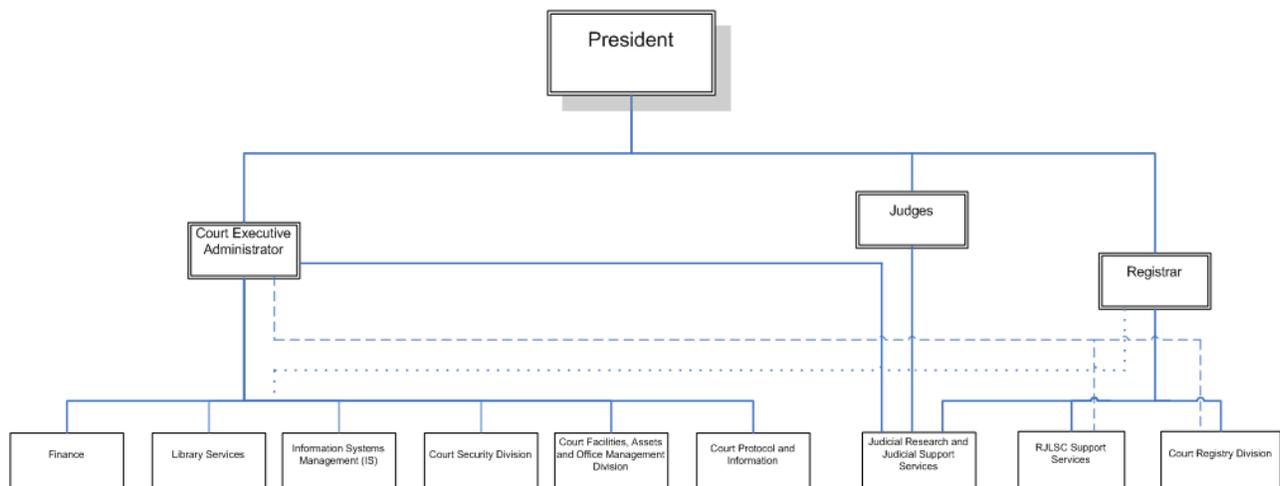
Legend:

Solid line = full direct reporting responsibility

Dotted line = limited secondary reporting responsibility to the Registrar

Dashed line = limited secondary or shared reporting responsibility to the CEA

### CCJ ORGANISATION CHART



**Appendix 3**  
**Court Performance Standards of the Caribbean Court of Justice**

Listed below are the standards which have been set for the Court and to which the Caribbean people are expected to hold their Court.

<p><b>ACCESS TO JUSTICE</b></p>	<p><i>The Court should eliminate barriers to its services. Such barriers can be geographic, physical, economic, and procedural. They can be due to language or to weak knowledge of the court's customers. Additional psychological barriers can be created by mysterious, remote, unduly complicated, and intimidating court procedures.</i></p>	<p><i>Standard 1.1 Public Proceedings</i>  <i>The court conducts its proceedings and other public business openly. Courts should be open and accessible and all persons with business before the court should have access to its proceedings.</i></p> <p><i>Standard 1.2 requires the Court to ensure that its facilities are safe, accessible and convenient to use.</i></p> <p><i>Standard 1.3 provides for all who appear before the court and who attend the court to participate effectively without undue hardship or inconvenience.</i></p> <p><i>Standard 1.4 urges all court personnel to accord respect, courtesy and dignity to all with whom they come into contact.</i></p> <p><i>Standard 1.5 requires cost of access to be reasonable. This includes the cost of access to the court's records and proceedings whether measured in terms of money, time or the procedures to be followed.</i></p>
<p><b>Expedition and Timeliness</b></p>	<p><i>All court functions must be performed within a proper, suitable, and reasonable period of time and appellate court systems should resolve cases expeditiously</i></p>	<p><i>2.1 Case Processing</i>  <i>The Court establishes and complies with recognised guidelines for timely case processing.</i></p> <p><i>2.2 Compliance with Schedules</i>  <i>The Court disburses funds promptly, provides reports and information according to required schedules, and responds to requests for information and other services on an established schedule that assures their effective use.</i></p> <p><i>2.3 Prompt Implementation of Law and Procedure</i>  <i>The Court promptly implements changes in law and procedure.</i></p> <p><i>2.4 The Court resolves cases expeditiously</i></p>
<p><b>Equality, Fairness</b></p>	<p><i>The Court must ensure that the</i></p>	<p><i>3.1 Fair and reliable judicial process</i></p>

<p><i>and Integrity and Promoting the Rule of Law</i></p>	<p><i>rule of law is evident throughout the judicial process and recognises that the quality of the judicial process depends on the principle of the rule of law and the perception that the reviewing court has considered the issues fairly.</i></p>	<p><i>The Court's procedures and processes faithfully adhere to relevant laws, as well as to the court's procedural rules and established policies which afford each litigant equal protection and due process and thus access to justice.</i></p> <p><i>3.2 Quality of the Judicial Process</i>  <i>The Appellate Court system ensures adequate consideration of each case and decisions based on legally relevant factors, thereby affording every litigant the full benefit of the judicial process.</i></p> <p><i>3.3 Transparent Court procedures.</i>  <i>Rules and procedures are available and open to the public but the decision making process is a cloistered deliberative undertaking.</i></p> <p><i>3.4 Clarity of decisions</i>  <i>All decisions should be clear, and written judgements and opinions should address the dispositive issues, state the holding and articulate the reasons (or explain the court's rationale) for the decision in each case. The Court's directions to the lower court or tribunal, should be clear when it remits a case for further consideration or proceedings</i></p> <p><i>3.5 Production and Preservation of Records</i>  <i>Records of all court actions and decisions must be accurately and properly preserved.</i></p>
<p><b>INDEPENDENCE AND ACCOUNTABILITY</b></p>	<p><i>The Court must assert and maintain its distinctiveness and separateness, establish its legal and organizational boundaries, monitor and control its operations and account publicly for its performance.</i></p>	<p><i>4.1 Independence and Comity</i>  <i>The Court maintains its institutional integrity and observes the principle of comity in its governmental relations.</i></p> <p><i>4.2 Accountability for Public Resources</i>  <i>The court responsibly seeks, uses, and accounts for its resources</i></p> <p><i>4.3 Human Resource Management Practices and Decisions</i>  <i>The Court uses fair human resource management practices and decision making</i></p> <p><i>4.4 Public Education</i>  <i>The Court informs the public of its operations and activities</i></p> <p><i>4.5 Response to Change</i></p>

		<i>The Court anticipates new conditions and emergent events and adjusts its operations as necessary.</i>
<i>ATTAINING AND PRESERVING PUBLIC TRUST AND CONFIDENCE</i>	<p><i>Compliance with law is dependent to some degree upon public respect for the Court. While the Court will not always be on the side of public opinion, where performance is good and public communications are effective, trust and confidence are likely to be present.</i></p> <p><i>Where public perception is distorted and understanding is unclear, good performance needs to be buttressed with educational programs and more effective public information.</i></p>	<p><i>5.1 The public perceives the Court and the justice it delivers as accessible.</i></p> <p><i>5.2 Expeditious, Fair, and Reliable Court Functions</i> <i>The public has trust and confidence that the basic court functions are conducted expeditiously and fairly and that its decisions have integrity</i></p> <p><i>5.3 Judicial Independence and Accountability</i> <i>The public perceives the court as independent, not unduly influenced by governments or any other stakeholder, and accountable</i></p>
<i>PROTECTING THE RULE OF LAW</i>	<i>Appellate Courts have a peculiar responsibility to protect the rule of law by correcting errors, and developing and clarifying the law. The Caribbean Court of Justice in its original jurisdiction also has this responsibility to develop and clarify the law by interpreting the Revised Treaty of Chaguaramas.</i>	<p><i>6.1 Opportunity for Multi-Judge Review</i> <i>The Appellate court, exercising mandatory or discretionary jurisdiction, should provide a reasonable opportunity for multi-judge review of decisions made by lower tribunals</i></p> <p><i>6.2 Develop and clarify the law</i> <i>The Court should develop and clarify the law</i></p> <p><i>6.3 Error correction</i> <i>Appellate courts should provide review sufficient to correct errors made by lower courts including intermediate appellate courts. The ability of the appellate court to correct errors protects the rule of law and improves the manner in which lower courts decide cases and dispense justice. In turn, the intermediate appellate and the trial courts more ably apply the law. The result is increased confidence in the entire judicial process.</i></p>



3. Can you save work to folders on a floppy disk?

- Yes  No

4. Which describes your level of skill using the following Windows applications?

• Microsoft Word

- Never used it before  Beginner  Used it a bit  Very good at it

• Microsoft Outlook

- Never used it before  Beginner  Used it a bit  Very good at it

• Microsoft Access

- Never used it before  Beginner  Used it a bit  Very good at it

• Microsoft Excel

- Never used it before  Beginner  Used it a bit  Very good at it

• Microsoft PowerPoint

- Never used it before  Beginner  Used it a bit  Very good at it

• Microsoft Project

- Never used it before  Beginner  Used it a bit  Very good at it

5. Do you have an email address?

- Yes  No

6. Do you know how to access email messages?

- Yes  No

7. Do you know how to send email messages?

- Yes  No

8. Do you know how to surf the Internet (follow hyperlinks, move forward and backward)?

- Yes  No

9. Can you use an Internet search engine (e.g. Google, Yahoo) to find specific information?

Yes

No

10. Do you know how to print a document from Microsoft Word or from the Internet?

Yes

No

**END OF QUESTIONNAIRE**

Thank you very much for your co-operation in answering this questionnaire



International Access				
Fax machine				
Office Suite				

13. Please specify any other tools not listed above but required to do your job.

TOOL	ALLOCATION			NO. OF HOURS USED PER DAY
	Not Needed	Dedicated	Shared	

14. Which of the following tasks do you perform?

TASK	ALLOCATION	
	Not Needed	No. of Hours performed per day
Word Processing		
Database Manipulation		
Photo Editing		
Desktop Publishing		
Creating softcopy Presentations		
Web Page Design		
Reading PDF Documents		
Creating PDF Documents		
Spreadsheet Manipulation		
Drawing of business and technical diagrams		
Drawing of Complex 3D diagrams		

**END OF QUESTIONNAIRE**

Thank you very much for your co-operation in answering this questionnaire

## Appendix 6

### Questionnaire – Secretaries Interaction

#### SECRETARIES

*The person conducting this survey will interview the subject and will at the same time note any observations.*

1. What tasks are you required to perform by the Judicial officer?

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2. If you are required to type, which of the following do you usually have to type from? (Tick all that apply)

Voice recording       Short-hand       Handwritten script

3. When you type for your judicial officer, does (s)he require it to be printed out for them to review or edit?

Yes       No

4. Does (s)he edit in pen or on the computer?

Pen       Computer

5. Does your judicial officer check their own e-mail or do they require you to do it for them?

Checks their own e-mail       Requires me to check it for them

6. If your judicial officer requires you to check their mail for them, do they require that you print it out for them?

- Yes                       No

7. If not, how do you bring e-mail to your judicial officer's attention?

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8. Does your judicial officer send their own e-mail or do they require you to do it for them?

- Sends their own e-mail                       Requires me to send it for them

9. Are you required to keep note of your judge's appointments and court sittings?

- Yes                       No

10. If so, do you keep it electronically or in hard copy?

- Electronically                       Hard copy                       Don't know

11. If not, how do you keep note?

- Electronically                       Hard copy                       I keep mental note

12. When your judicial officer receives a record of appeal, are you required to do anything to it for them? If so, what?

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13. Does your judicial officer require you to keep record of their medical expenses and insurance claims for them?

Yes                       No

14. Are you required to keep records of VAT expenses for your judicial officer?

Yes                       No

15. Are you required to prepare your judicial officer's claim for medical refund?

Yes                       No

16. If so, do they review it? How?

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17. Are you required to prepare claims for VAT expenses?

Yes                       No

18. If so, do they review it? How?

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19. Are you required to make internal phone calls?

Yes                       No

20. Are you required to make external phone calls?

Yes                       No

## Appendix 7

### Questionnaire – Judges Interaction

#### JUDICIAL OFFICERS

*The person conducting this survey will interview the subject and will at the same time note any observations.*

1. What tasks do you require your secretary to perform for you?

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2. If you require your secretary to type for you, which of the following do you usually have your secretary type from? (Tick all that apply)

Voice recording       Short-hand       Handwritten script

3. When your secretary types for you, do you require it to be printed out for you to review or edit?

Yes       No

4. Do you edit in pen or on the computer?

Pen       Computer

5. Do you check your own e-mail or do you require your secretary to do it for you?

Check my own e-mail       My secretary checks it for me

6. If you require your secretary to do check your email for you, do you require that (s)he print it out for you?

- Yes                       No

7. If not, how does your secretary bring your e-mail to your attention?

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8. Do you send your own e-mail or do you require your secretary to do it for you?

- Send my own e-mail                       My secretary sends it for me

9. Do you require your secretary to keep note of your appointments and court sittings for you?

- Yes                       No

10. If so, does (s)he keep it electronically or in hard copy?

- Electronically                       Hard copy                       Don't know

11. If not, how do you keep note?

- Electronically                       Hard copy                       I keep mental note

12. When you receive a record of appeal, do you require your secretary to do anything to it for you? If so, what?

---

---

---

13. Do you require your secretary to keep record of your medical expenses and insurance claims for you?

Yes                       No

14. Do you require your secretary to keep record of your VAT expenses for you?

Yes                       No

15. Do you require your secretary to prepare your claim for medical refund for you?

Yes                       No

16. If so, do you review it? How?

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---

17. Do you require your secretary to prepare your claim for VAT expenses for you?

Yes                       No

18. If so, do you review it? How?

---

---

19. Do you require your secretary to make internal phone calls for you?

Yes                       No

20. Do you require your secretary to make external phone calls for you?

Yes                       No

## **Appendix 8: Questionnaire- Registrar**

### THE CARIBBEAN COURT OF JUSTICE APPELLATE JURISDICTION - REGISTRAR

Q: Who can appeal to the CCJ?

Q: Do you need to make an application if you are appealing as of right?

Q: When is an Application for Special Leave necessary?

Q: How is the application for Special Leave filed?

Q: How is the application filed?

Q: How is the case number assigned?

Q: Is the document timed?

Q: What completes the filing process?

Q: What does the registry then do?

Q: What happens if the other party objects to the application?

Q: How are matters scheduled and listed for hearing

## Appendix 9

### Original Jurisdiction - Actions required

#### Originating application

A Contracting Party or the Community, and a national who/which has obtained special leave, can commence proceedings before the Court by filing an originating application. A Member State may be represented on the record by an attorney-at-law or an agent.

A basic outline of the procedure on filing an originating application is set out below. In proceedings filed in the original jurisdiction the Registrar is responsible for service of all documents.

Step taken by Member State/Community	Action taken by the CCJ	Step taken by Defendant
Originating application is presented for filing with all annexures referred to in application	Document is checked for compliance with relevant rules of Court and filed [US\$150]	
	Within 14 days of filing, Registrar notifies Community and all Member States of filing of application and posts particulars of application on the Court's website	
	Registrar serves defendant <b>forthwith</b> with the application	
	Upon filing of defence, Registrar fixes date for Case Management Conference and notifies parties	Within 42 days of service, defence to be filed with all annexures referred to therein [US\$100]
	Registrar serves on parties, order containing directions and notifies parties of hearing date or hearing period fixed at CMC	
	If judgment is reserved on hearing, Registrar notifies all parties of date and time of delivery of judgment.	

### Referral

Where a national court or tribunal of a Contracting Party is seised of an issue whose resolution involves a question concerning the interpretation or application of the Treaty, the court or tribunal concerned shall, if it considers that a decision on the question is necessary to enable it to deliver judgment, refer the question to the Court for determination before delivering judgment.

The question that is referred to the CCJ is set out in a court document addressed to the Registrar of the CCJ and must be signed by the registrar of the national court or appropriate officer of the court or tribunal. On filing it will be issued a number like any other document filed at the CCJ.

The procedure on filing of a referral is set out below.

### Advisory Opinions

A Member State party to a dispute or the Community may request from the Court an advisory opinion concerning the interpretation or application of the Revised Treaty of Chaguaramas.

## **Appendix 10**

### **Questionnaire - Librarian**

The Library

Q: Who are the library's users?

Q: What do they use the library for?

Q: What part of the library's holdings will be in hard copy and what part will be in electronic format?

Q: How is the Library managed?

Q: What services does the library need to provide?

## Appendix 11: Observations of Judges

**This was used to observe how judges function in court so that technology decisions can be made. The author is the sole observer. Subsequent discussions are always held informally with the CEA, who herself once sat on the bench..**

What happens when judges are hearing matters? Do they record any notes themselves?

When someone is reading from a document, do the judges follow from their own documents or not? Or do they simply listen?

Do the judges discuss anything among themselves in court or do they rise to do so?

Do the judges ask questions of the person presenting and if so, do they note the questions and the answers?

Any other observations

## Appendix 12: Observations of Court Operations

**This was used to observe interactions in court so that technology decisions can be made. The author is the sole observer. Subsequent discussions are always held informally with the CEA, who herself once sat on the bench..**

Who are the key players in Court?

Who questions the presenting attorneys?

What is the role of the Court Support officer in Court?

Any other observations

## Appendix 13: Observations of Court Recordings

What is the purpose of Court Recordings

What types of recordings have been done in regional Courts?

Have there been problems/difficulty with these recordings

Any other observation?

## Appendix 14: Observations of Secretarial and Administrative Support

What communication tools are required?

With whom do they communicate?

Are they onsite all day?

How are official messages communicated to them?

Any other observation?

## Appendix 15: Observations of - Drivers and Security

What communication tools are required?

With whom do they communicate?

Are they onsite all day?

How are official messages communicated to them?

Any other observation?

## Appendix 16: Observations of - Human Resource Management

Where are Human Resource (HR) records kept?

Who manages the HR records?

How are they stored?

What data is collected?

How often must files be retrieved?

Any suggestions as to how we could automate this process?

Any other observation?

## Appendix 17: Observations of - Finance and Accounting

What are the responsibilities of the Finance and Accounting Department?

Is the process manual or automated?

How often are documents printed?

How often are reports required?

Any other observations

Appendix 18: Observations of – Requirements for Interpreting and translating

Which languages are required by the CCJ?

What departments will be affected by this area?

Any other observations?

## Appendix 19: Observations of - Facilities and Assets Management

What is the responsibility of this department?

What systems are currently used?

How could this be improved?

Any other observations?

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