

Press Release by the Hon. Chief Justice

The Courts' response to the Coronavirus crisis.

Last Monday, the Judicial Administration published its interim response measures on our website: www.judicial.ky.

Our objective then, as it remains our objective now, has been to continue to provide access to the administration of justice in the essential areas, even while minimizing risk to the health of members of staff, the jurors, the attorneys, other members of the public, police and prison officers, probation officers and other representatives of the various agencies who must interact with the Courts for the delivery of justice.

In addition to the measures described in the publication last Monday, we have now developed protocols which are more geared towards the specific kinds of work undertaken in the respective divisions of the Courts. Accordingly, set out below, are the protocols which will be in place until further notice, for the work in each Court and in each division.

All court users are advised to regularly check the website for continuing updates and to contact the Court if they have unanswered queries. The protocols or procedures may need to be changed from time to time. Criminal Help Desk – 244-3867 Email: criminalregistry@judicial.ky ; Civil Help Desk – 244-3842 civilregistry@judicial.ky.

The Court of Appeal –April-May 2020 Session

- As a result of the prevailing travel restrictions, the President and Justices of Appeal will not be travelling to preside in Court in Cayman for this upcoming session. However, video-link arrangements are being made to allow the Court to be convened with the President and Justices presiding from the United Kingdom.
- The List of appeals to be taken will likely be reduced because of the circumstances. Parties and/or their attorneys should contact the Registrar of the Court of Appeal for the confirmation of listings at 244-3808 or by email: Jenesha.Simpson@judicial.ky.

Grand Court Criminal Division.

- Apart from the trial currently underway, all jury trials will be postponed until Monday 13 April 2020.
 - Three such trials are already listed, to commence respectively on 30 March (for 5 days), 1 April (for 3 weeks) and 6 April (for 2 days). These three cases will be brought up for mention on the said dates for adjournment to future dates. Fortunately, all defendants in these three cases are on bail and so (unless their status changes), the postponements will not impact upon their liberty.
 - Two trials set to be taken before a judge alone are set respectively for 4 May (for 10 days) and 25 May (for 3 days). Efforts will be made to bring these forward to fill the slots which will become available from 30 March- 20 April, due to the postponements. The Case Progression Officer will notify the parties of the case management hearings to settle these arrangements. Contact with the Case Progression Officer may be made by telephone at 244-3871 or by email: suzanne.livingston@judicial.ky.
 - Sentencing hearings for two of the Grand Court Criminal Division's lengthiest trials in 2019 are set for the week of the 30th March. These remain as set- with the Judge seized of these cases conducting the hearings from the U.K. by video-link.
 - Jurors who have been required to attend at Grand Court on Monday 23 March 2020 are no longer required to attend.
 - Jurors who have been summoned to attend for the next session of the Court commencing on the 1st April 2020 are required to attend unless otherwise advised by announcement in the media. Any person summoned who is concerned about his or her health or needs to self-isolate in keeping with Government guidelines, should write in advance of the date to the Clerk of Court seeking an exemption. Jurors wishing to contact the Court may do so by telephone at 244-3867 or by email: jury@judicial.ky.
 - Remand hearings for persons in custody will be taken as far as possible, by video-link from HMP Northward. Persons on bail who are required to attend for remand must attend on the stipulated remand date already notified.
 - Bail applications will be taken in Open Court as usual on remand dates or in Chambers on dates to be assigned.
 - Other emergency applications will be taken as the need arises.
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- On 13 April (or sooner if necessary) a further statement will be made in relation to the work of this Division in response to developments at that time.

Grand Court Family Division

- Until further notice Grand Court Family cases will continue to be listed and heard as usual.

- However, if a party or persons attending with a party have confirmed or possible coronavirus (COVID-19) infection or need to self-isolate in line with Government advice, you should inform the court in a timely manner by telephone or email.
- Applications to vacate a hearing will be considered on a case by case basis taking into account matters including but not limited to (i) the availability of a larger court room (if the hearing is not suitable to be conducted in a Judge’s Chambers; (ii) the urgency of the hearing; (iii) the nature of the hearing; (iv) whether the hearing can proceed with a party or all parties attending remotely by video-link or teleconference; (v) the health of the parties/their families; and (vi) the inability of a party or their attorney to attend the hearing for other good reason.
- To ensure appropriate distancing in all family hearings held in a Judge’s Chambers, attendance will be limited to just the parties (litigants) and one attorney (or one McKenzie friend) per party. The attorneys will sit on the front row at opposite ends and the litigants will sit on the second row at opposite ends.
- For substantive family matters or applications that can be dealt with administratively by a Judge, parties should inform the Court well in advance of hearing if they feel that the hearing would be better suited to a larger court room due to factors such as the nature and length of the hearing, the number of parties and witnesses.
- If parties have reached agreement and wish to submit a consent order (directive or substantive orders) for review, then they should submit the order signed by both parties (or if a satisfactory explanation is given as to why that is not feasible, then by the attorneys) to the relevant judge for review.
- The Court may be able to deal with suitable family cases without an oral hearing “on the papers”. However, contested matters requiring determination of issues of fact will likely not be suitable for a hearing on the papers. If parties wish to invite the Court to consider a family matter on the papers then they must first submit such a request to the Court which will be reviewed by a Judge who will then determine whether the matter can be heard on the papers.
- Family Mediation fixtures will continue as scheduled subject to the availability of parties (and attorneys when instructed) in with the social distancing protocols already identified above.

Grand Court Financial Services Division (FSD)

- Until further notice cases in the FSD will continue to be listed and heard as usual. This will include the established procedures for applications to be taken administratively; ie: without a hearing on the papers.
- The social distancing protocol for dealing with COVID-19 described above for the Family Division will also apply to FSD hearings in Chambers. Similar concerns arise for hearings in Open Court and so the parties and their attorneys are required to keep the numbers

of those in attendance to a minimum in order to maintain the six-foot separations. The presiding judge will direct compliance.

- To the same end, the use of video-conferencing and teleconferencing will be encouraged and implemented where possible. The practice is particularly well established in the FSD where Judges frequently preside over interlocutory proceedings in Court from the UK (and other places) by video-link. However, given the travel bans, it now seems likely that substantive trials will also have to be taken by these means. And so, in keeping with Grand Court Rules Order 33 rule 1, the Secretary of State for Foreign Affairs has confirmed, through the Office of the Governor, that he consents to Grand Court judges presiding from the UK for trials in Cayman by way of video-link.
- Parties and their attorneys are advised to contact the FSD Registrar and/or Listing Officer to identify those cases which must proceed by way of video-link and to confirm the arrangements with the designated Judges.
- Subject to the directions of the Judge in each case, the use of electronic bundles is especially encouraged at this time to reduce the need for photocopying and circumstances for the transmission of COVID-19.

Grand Court General Civil and Admiralty Divisions

- Until further notice matters in these divisions will continue to be listed and heard as usual.
- Similar social distancing protocols will be observed as in the other divisions.
- Applications may also be taken administratively without a hearing when first notified to the Listing Officer and approved by the Judge assigned to case management in these divisions.
- The use of video-conferencing and teleconferencing is also encouraged in these Divisions, as is the use of electronic court bundles (subject to the requirements of the designated Judge).

The Summary Courts- Criminal Division

- The Summary Courts will continue work as usual with particular care taken to prevent transmission of COVID-19, given the larger number of persons who regularly attend. Some measures were already published on Monday, others are described below.
- Priority will be given to trials involving persons in custody, to sentencing matters and to matters involving defendants or witnesses who have minimal or no ties to the Islands.
- Urgent bail applications will, as usual, be given priority.
- The appearance of persons for Traffic Court (on Mondays) or for Criminal remands (on Tuesdays) will be staggered by reference to their surnames,

subject to directives which the Presiding Magistrate may issue to ensure that the lists are kept moving. Persons with surnames initials A to M will be required to attend at 10:00am and persons with surname initials N to Z to attend at 11:00 am. Persons attending outside of their attendance time will be dealt with as the presiding Magistrate may direct.

- It may become necessary to divide the Monday traffic lists in two with the second half set for the following Monday. The Chief Magistrate will monitor the need for this and notifications will be issued to advise persons responding to tickets of the Monday for appearance (unless the tariff is sooner paid).
- If not notified before arriving at court, persons should check with the security officer on duty for attendance times.
- In order to maintain the required separations, no more than 15 persons will be allowed in a court room at any time and security staff will be instructed to monitor this.
- Persons who attend on traffic ticket charges should bear in mind that an appearance before the Court is not required if the ticket tariff is paid before 10:00am on the date endorsed on the ticket. Traffic tickets are issued by the Police and require payment prior to that time. Otherwise, a warrant is issued for the arrest of the person who failed to pay or attend at court on the date endorsed on the ticket.
- Persons who wish to pay the tariff should endeavor to do so before the endorsed date to reduce the pressure upon court staff (and themselves) to transact payment on that date. The new hours of operation for the Court Finance Centre (Kirk House, Albert Panton Street) will be 9am- 1pm, Monday to Friday. Depending on the number of persons arriving for payment, staggered times may be given by the security officer to ensure the observance of “social distancing” inside the building.
- The Judicial Administration is taking steps to arrange for online payment of tickets. The website will be updated if and when this is arranged.

Coroner’s Court

- Coroner’s inquests will be postponed until 13 April 2020 when the situation will be reviewed and a further announcement made.
- Persons summonsed to attend as coroner’s jurors should monitor the website for updates or call the Criminal Registry at 244-3867 or by email to: criminalregistry@judicial.ky.

Summary Court Family Division

- Public law applications under the Children’s Law and applications for maintenance or child support payments will continue to be taken as usual.

The Summary Courts - Specialist Diversionary Courts

- Applications under the Protection from Domestic Violence Law (dealt with by the Specialist Domestic Violence Court); under the Drug Rehabilitation Court and under the Mental Health Court will be dealt with on schedule as usual.

The Summary Courts Civil Division

- Civil cases in the Summary Courts will proceed as listed, usually on Fridays.

Further information in relation to the current operations of the FINANCE CENTRE; THE CIVIL REGISTRY; THE FAMILY PROCEEDINGS UNIT; MAINTENANCE PAYMENTS THROUGH COURT FUNDS; THE LEGAL AID DEPARTMENT AND THE COURTS ADMINISTRATOR is available on the website.

Hon Anthony Smellie

Chief Justice

18 March 2020

Grand Cayman.