

JAMAICAN JUSTICE SYSTEM REFORM
TERMS OF REFERENCE FOR
CIVIL JUSTICE PROCESSES WORKING GROUP

1. Background

The Jamaican Justice System Reform Task Force (JJSRTF) has been established with a mandate to inquire into the state of the justice system on a comprehensive basis and develop strategies and mechanisms to facilitate the modernisation of the justice system so that it is better able to meet the current and future needs of Jamaicans.

This JJSRTF will deal with both the criminal and civil components of the justice system. Although the justice system includes a wide range of actors and issues such as police, corrections and crime prevention, the JJSRTF will focus on court and court-connected resolution processes and will not address broader justice-related concerns in the areas of policing, crime prevention and corrections except to they direct impact on the courts. However, the JJSRTF will work closely with other existing justice reform initiatives.

The JJSRTF was established in November 2006 and must provide a report on its recommendations for reform in June 2007. More information about the JJSRTF is available at <http://www.cba.org/jamaicanjustice>.

This reform process will result in practical recommendations for action focusing on proposals that will produce meaningful results in enhancing access to justice for Jamaicans and that will be suitable for implementation within a reasonable amount of time. The JJSRTF final report will provide a framework and road map designed to bring the Jamaican justice into the 21st century.

The JJSRTF has undertaken a broad research, consultation and communications programme to enable it to carry out its work and to promote individual and collective engagement in the process of justice system reform. In particular, it will actively involve representatives of the legal, judicial, governmental and administrative actors within the justice system as well as with representatives of the users of the justice system and the general public.

One mechanism for this broad public involvement in the JJSR is the establishment of seven Issue Working Groups (IWG) on the central themes and topics of justice system reform identified by the Task Force in its preliminary consultations. The IWG are:

- Access to Justice Working Group
- Court Administration and Management Working Group

- Criminal Justice Processes Working Group
- Civil Justice Processes Working Group
- Restorative Justice Working Group
- Working Group on Professionalism and Justice Reform
- Working Group on Promoting a Civil Liberties Culture

2. Scope of the Work of the Civil Justice Processes Working Group

The Civil Working Group will review all issues related to the spectrum of processes utilized to deal with civil justice matters from initiation to enforcement and make recommendations for reform that would work toward more accessible and effective case disposition in light of the recent changes to the Civil Procedure Rules. The topics reviewed could include (but are not limited to):

- causes and solutions for delay;
- summary disposition mechanisms (summary judgment or summary trial);
- integration of ADR;
- simplified procedures for claims of lesser monetary values;
- caseload management;
- pre-action protocols;
- effective use of pre-trials;
- the scope of discovery;
- enforcement of civil process; and
- other topics related to the reform of civil justice processes.

The TF has commissioned two major research papers on “Case Flow Management Systems (Criminal and Civil): Best Practices, Policy Development and Reform Priorities” and “Alternative Dispute Resolution (Criminal and Civil): Best Practices, Policy Development and Reform Priorities” as well as a number of issues papers relevant to this mandate. A draft of these papers will be provided to the Civil Justice Processes Working Group as they are received for their review and comments. The draft papers are due on February 28, 2007 and the final version is due on April 1, 2007.

Each IWG will begin to meet by late January 2007 and complete their work by April 1, 2007. In particular, the RWG will:

- identify and prioritize reform issues related to access to justice;
- take into account related human rights issues;
- review and comment on related research prepared for the JJSR;
- take other steps it deems necessary to fully consider the issues and reform options;
- prepare a report with recommendations for reform and submit it to the JJSRTF by April 1, 2007; and
- present their report at the national conference on May 10 and 11, 2007.

Each IWG will decide how often and how many times to meet in order to carry out its mandate.

One or more representatives of the Civil Justice Processes Working Group will be invited to participate in the national conference to be convened by the JJSRTF on May 10 and 11, 2007 and present their report at that time.

3. Composition and Criteria for membership

The Civil Justice Processes Working Group will be composed of 7 to 10 individuals including at least two Task Force members and should include:

- a member of the public bar;
- a member of the private bar;
- a Judge of the Supreme Court or the Court of Appeal;
- a Resident Magistrate;
- a Court Administrator;
- a lay magistrate;
- a representative of the Dispute Resolution Foundation;
- and
- one member of the public who is not professional engaged in the justice system.

Equitable gender representation is encouraged. The members of each IWG will select a Chairperson.

Members of the IWG should be:

- interested in and committed to justice system reform;
- available to attend and participate actively in meetings;
- willing to review relevant research papers and issues papers prepared for the JJSR; and
- available to participate in the preparation of a report to the JJSRTF.

In addition, some members of each IWG should be willing and able to participate in the national conference.

4. Support from the JJSR

The JJSR staff will provide support to the IWG, including through research assistance provided by a senior law student from Norman Manley Law School. JJSR staff will attend the first meeting of each IWG in order to provide information about the JJSR and answer any questions.

For further information, please contact Ms. Susan Reid-Jones, JJSR Project Advisor, Ministry of Justice; sreid-jones@moj.gov.jm.