

**"DELIVERING JUSTICE":  
3-year plan of action for  
Improving the Administration of Justice in Belize.**

**Introduction**

These proposals aim at improving the administration of justice in Belize. This includes making justice more accessible, in a real way, to ordinary Belizeans.

Without attractive benefits and timely, first-rate appointments to the key positions in the legal system, these proposals will fail outright. But, of equal importance, the executors of these proposals must appreciate and be capable of implementing and sustaining modern management practices.

The Attorney-General's Ministry will have to be dogged, determined and driven to ceaselessly monitor the implementation of these proposals to ensure a high level of success.

The criminal justice proposals, under section one are adopted almost entirely from the recommendations of Carl Holmes of the Crown Prosecution Service, U.K. The civil justice proposals are largely influenced by Lord Woolf's radical ideas for "Access to Justice", while section 8 incorporates Professor Fiadjoe's "Legislative Agenda" for Belize conceived in September 1998.

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October, 1999

**Section I Criminal Justice**

The administration of criminal justice is perceived to be very weak. Major contributing factors are two-fold. Police investigative, evidence-gathering, case building and case presentation skills are poor. The Prosecution Department is poorly managed and staffed by the most junior counsel who typically do not stay beyond a year or two and lay prosecutors who prosecute high profile magistrate's court cases. Liaison and collaboration between police and the prosecution department are at extremely low, counter-productive levels. The result is an inequality of arms between prosecution and defence creating a massive imbalance. The nature of our legal system is adversarial and predicated upon equally vigorous presentation of both sides. The imbalance described seriously prejudices the administration of an effective and fair criminal justice system.

**1. Office of the Director of Public Prosecutions**

1. The DPP should be an experienced, driven team leader, operating a collegial office of prosecutors with these special objectives:

- i. Case Management (a) monitoring major case files at police to expedite processing; (b) allocating cases based on Crown Counsel's areas of specialization; (c) joint sessions to decide whether to prosecute or plea-bargain; (d) to develop 'file ownership' among

prosecutors; (e) casework preparation guidelines; (f) routine review & analysis of case outcomes; (g) engaging, where appropriate, private counsel to either prosecute and/or advise.

- ii. Office Management (a) annual business plan; (b) individual registers of prosecutors to monitor their progress on cases; (c) ensure compliance with Office Manual that contains the various registers and templates (d) system of performance indicators for evaluating crown counsel and overall performance; (e) continuing education programs;
- iii. Records: maintaining appropriate databases to facilitate (a) case-tracking from the time a person is charged until final disposition; (b) compilation of statistics of case outcomes; (c) qualitative analysis of case performance; (d) building a library of Belizean criminal cases.
- iv. Annual Report (published) presented to Attorney-General analyzing case disposition and overall performance of Office.
- v. Deployment: (a) Crown Counsel will prosecute major cases in magistrates court; (b) supervise civilian/police prosecutors on a daily basis; (c) supervise police stations to monitor compliance with case-building modules and offer advice
- vi. Research: (a) conduct needs-analysis to determine areas of criminal justice where structured research could inform policy-making and legislation; (b) Warwick University, e.g. is interested in doing post-grad research in Belize
- vii. Continuity: (a) exercise more care in recruitment of Crown Counsel who shall serve for a certain minimum period; (b) more care in who are selected for training; (c) better benefits; (d) succession-planning

## II. The Police

1. Modules will be used or referred to by Police in compiling cases for prosecution to (a) screen cases submitted to the DPP; and (b) to ensure basic uniformity in quality of cases submitted for prosecution.
2. Training programs for police on the basis of building a case for successful prosecution must be developed and on-going. This can be done with assistance of DPP's Office.

## III. Areas of Collaboration

1. Proposed Criminal Legislation will routinely obtain the inputs of the DPP and COMPOL prior to tabling in House.
2. In depth involvement of Crown Counsel at the earliest possible stage in major cases must be institutionalized between DPP and COMPOL.

3. Monthly strategy reviews and 'lessons learnt' sessions should be undertaken by DPP, crown counsel and Police Senior Command.

#### IV. Efficiency Measures

1. It is recognized that certain existing procedures and court practices are not conducive to speedy disposition of criminal cases and may lead to lack of confidence in the criminal justice system. The following, among others, will be examined with a view to amending:

- (i) Abolish preliminary inquiries. Sworn statements shall be used instead of depositions at committal hearings. Accused persons will have the right to apply for a determination as to whether they should be committed for trial in the Supreme Court.
- (ii) Consistent sentencing guidelines (published)

#### V. Structure and Organization

1. Dedicated criminal side staffed by at least two judges at all times.
2. Timely, published schedule of criminal cases to be heard showing judge, court, parties, nature of charge, and expected duration of trial.

### **Section II Civil Justice**

The problems associated with the administration of civil justice center mainly on poor organization and management of the courts, court procedures, court services and the registry. Essentially, the process of taking a lawsuit from "cradle to grave" is plagued by slowness, routine, unjustifiable adjournments rather than trials, infrequent, interrupted court sittings, poor listing practices, all of which lead to an overwhelming back-log of cases. The system is routinely abused by individuals who commence and sustain lawsuits with no chance of success and for which there is no penalty and which further clutters the system.

#### I. Structure and Organization

1. Dedicated civil side staffed at all times by at least two judges hearing only civil cases all year round in Northern, Central and Southern circuits.
2. Introduction of the mention system.
3. Quarterly list of all cases set down by the parties for trial, including date of setting down
4. Weekly register of civil cases to be head that week showing judge, court, parties, nature of case and expected duration, published and available on Thursdays.

#### II. Modernizing Civil Justice Procedure Rules

1. A specialist committee will be charged with introducing a new system of Supreme Court rule to ensure;
  - i. it in fact achieves its purpose of guiding the court and litigants towards the just resolution of the case; and
  - ii. The Court of Appeal practice and procedure will be modernized to ensure efficiency, including measures for pre-hearing 'paper processing' and enlarging the jurisdiction of the single judge.

### III. Fast-tracking Cases

1. Introduce one method to commence all civil proceedings.
2. Dramatically reduce time between pre-trial 'paper processing' and the trial by:
  - i. Reforming the requirements of Service to take into account modern practices and technology.
  - ii Introduce a system of automatic pleadings.
  - iii 'New' Summons for Directions telescoping the various applications that may need to be made prior to trial and make it disposable by the Registrar/Master.
  - iv. Introduce a pre-trial protocol which requires parties to certify, in summary, their respective cases and that they are ready for trial.
  - v. Once cases are listed they are considered 'locked for trial' and applications for adjournments shall only be entertained in exceptional cases. Costs are immediately payable for breach of this rule.

### IV. Determinations without Oral Hearings

1. This will be encouraged where:
  - i. The cases are simple and straightforward;
  - ii. Facts are not in dispute;
  - iii. Time and costs would be saved;
  - iv. Parties and Court agree
  - v. All legal issues are fully dealt with in written submissions

### V. Alternative Dispute Resolution

2. ADR will actively be encouraged and nurtured.
  - i Members of judiciary, legal profession and the public will be educated on the advantage of ADR.

- ii. Parties will not be compelled to use ADR, but it will be encouraged where appropriate.
- iii. At pre-trial reviews, ADR will be advised where appropriate by the Court and if unreasonably refused, will be an issue taken into account in awarding costs.

### **Section III The Judiciary**

Questions of competence and integrity assumed, judges will foster a new culture of activism that will involve them recommending and promoting reform for the better administration of justice in their courts. Where exercise of discretion permits, they will introduce new practices to spin the wheels of justice and to expand citizens' access to justice. Essentially, judges will be required to be better case managers and time-managers. Judicial time is all-precious. This means that judges, not lawyers, will be the pistons that drive cases to completion according to a strict time-table set by judges. Judges will robustly apply strict sanctions to parties who do not comply with procedures and time-tables. Much will depend on the energy and dynamism of the Chief Justice.

#### **I. Structure and Organization**

Establish an independent judicial and legal services Commission with representation from the Bar Association.

#### **II. Case Management**

1. 'Proceed or Pay' costs. Once matters are fixed for a hearing or trial, judges will allow no adjournments, regardless of whether both sides agree.
2. Once a case is assigned to a judge, he will become proactive and seek to dispose of the case as expeditiously as he can, according to justice.
3. Enforce 'File-Ownership' that will be encouraged as much as possible, one judge to deal with case from beginning to end and can therefore monitor its expeditious disposal. Cases will be allocated bearing in mind the areas of expertise or specialization of judges. This makes it easier to design judicial training courses.
4. Computerized registers will be maintained showing case-allocation to judges, this will be monitored by the Chief Justice to ensure judges are expeditiously disposing of cases.

#### **III. Judicial Training**

1. A needs analysis will be conducted by a working group comprised of judges, magistrates and lawyers to determine those areas, procedural or substantive, where judges need training. This will be on-going.
2. Through the Judicial Studies Board (UK) or other similar body training programs can be designed facilitated by specialists in the required field.

#### **IV. Support Services**

1. Judges assistants and court staff will specifically have to be trained to aid in case and time management.
2. Court staff must be trained in web-based and electronic legal research to keep judges current and not hopelessly out-paced by the private bar, and the rest of the world.
3. Continued training of court reporters and full deployment in the courts.

#### V. Supreme Court Web Site

1. The Supreme Court (& Court of Appeal ) will have its own web page with:
  - i. Judgments posted within one day of delivery;
  - ii. A number of decided Belizean cases;
  - iii. Dates of Court of Appeal sessions and sitting Judges
  - iv. Court statistics
  - v. General Court information and notices

#### **Section IV The Registry**

The Registry has three large and important areas of responsibility. First, to act as a registry for Supreme Court and Court of Appeal cases. Second, to ensure the smooth flow and management of cases. Third, to act as a recording and storage agency for a wide variety of commercial legal services relating to companies, intellectual property and estates. The Registry is slow and inefficient in the delivery of these services due primarily to disregard for technology-based organization and management tools and the absence of a culture of delivering professional services. A strict division between the two areas of responsibility must be maintained, each area with different, trained staff. The Registry personnel know the system, but there are no managers.

##### I. Structure and Organization

Appointment of a legally qualified Registrar with jurisdiction to deal with interlocutory applications.

##### II. Court-related Services

1. An executive manager will be appointed to ensure that there are systems in place that are followed. He will be responsible for the quarterly and weekly case schedules, assisting judges with time-management, constantly reviewing and monitoring case calendars to fill vacant time slots.
2. The executive manager or a deputy for civil litigation will be dedicated to managing civil cases.

3. The process of moving from judgment to satisfaction of the judgment will carefully be reviewed to ensure that justice is not frustrated and that there is speed and efficiency in the system, including the possibility of reforming /privatizing the execution process.

### III Enhance Delivery of Commercial Services

1. The Registry must begin to pull its weight in fostering a positive business and investment climate to keep the jurisdiction competitive.
  - i. Reduce to 3 days the turn-around time for formation of local companies. Give company documents and certificates a professional appearance.
  - ii. Significantly reduce the turn-around time for trademarks, estates, and all other commercial services and enhance the overall quality and appearance of products coming out of the Registry. Birth certificates, and all court papers, e.g. should be on standard size paper.
  - iii. Computerize records and information for quick and easy same-day response to searches and inquiries.
2. Move to establish a Commercial House which will be responsible for local companies and intellectual property matters.

### IV. Using Technology to Increase Citizens' Access

1. There is no reason why in the year 2000 Belizeans should not be able to download applications for birth certificates, marriages and other application forms from a Registry Web Site and post or send it with a cheque for processing and receive a computer-generated receipt.
2. It will be a specific goal that in every district there will be at least one computer in the government office dedicated to assisting villagers with obtaining all the various government applications off the web sites. This in many instances will eliminate the need for coming to Belize City.

## **Section V The Magistracy and Family Court**

The magistrates court is one of the legal institutions most commonly used by ordinary citizens. In a sense then, the ordinary person's concept of justice is shaped by his perception and experiences at the magistrates court. It therefore follows that an efficient, organized magistrates court is pivotal to restoring confidence in our justice system.

### I. Structure and Organization

1. Civil and Criminal divisions, at least in Belize City.
2. At least one full-time magistrate in each district.

3. Refurbishment of the dilapidated courtrooms.
4. Introduce a security of tenure system for magistrates after making careful appointments.
5. Seek to ensure that magistrates are legally qualified.

## II. Expediting Cases

1. Significantly increase the categories of cases wherein guilty pleas can be mailed in with fines.
2. Immediately end the practice of eating up valuable court time with 30 minutes to an hour of adjournments each morning.
3. Devolve adjournments and listing to court clerk and the executive manager of the Magistrate's Court.
4. Introduce the relevant 'case management' features outlined under section three.
5. Import from the private bar temporary assistance to clear backlogs and get a fresh start.

## III. Training

Introduce the relevant elements of 'training' outlined under Section Three.

## IV. Support Services

Introduce the relevant support services outlined under Section Three.

## V. Family Court

Fully review the law, procedures and operations of the Family Court with a view to ensuring that the substantive laws are fair and workable, that the procedures to fulfill the law are just and fair and that the support system can adequately enforce the laws.

## **Section VI Legal Aid**

Legal services and legal aid services are predominantly centered in Belize City. The legal aid center is staffed by one, full-time attorney who is on secondment from the DPP's Office. Professional legal representation is mandatory only for murder and, even so, such representation is usually by junior counsel. In all other cases, criminal or civil, access to legal representation and advice is wholly dependent on a poorly resourced legal aid center and the occasional pro bono work the center is able to attract from private attorneys. Creative ways have to be found to provide citizens with access to basic and legal general information.

1. A Citizens' Advice Desk in each district at the government offices that would:

- i. Have pamphlets outlining in plain language the most common legal information required by citizens, e.g. likely sentences to be imposed for certain offences, basic information on bail, rights in relation to being arrested, questioned and charged by police, basic information on divorce, wills. etc.
- ii. Assist citizens in obtaining, completing and submitting any of the applications for house, land, birth, marriage.
- iii. Be manned by individuals who have received a basic but specially designed course in giving legal advice on the matters/most common issues faced by citizens, eg, landlord, land, estates, etc...

2. Establish privately funded Legal Aid Trust that would assist appropriate and deserving cases in obtaining access to legal advice

3. Establish a 'legal aid peace corps' with Commonwealth volunteers who would spend a minimum of three months, be appointed crown counsel for that period and be assigned to the legal aid department, with particular emphasis on servicing the districts.

4. Re-institute the old practice of the Chief Justice calling upon any attorney to provide pro bono work in particular cases

5. Make it obligatory that the Bar Association must find a way of ensuring that its members provide a minimum number of hours of legal aid services to the community per year or make a prescribed contribution to the Legal Aid Trust.

## **Section VII Legal Profession**

The thrust will be for lawyers to provide greater quality service to clients and be accountable for the quality of advice given. Specific measures need to be taken to ensure that a culture of on-going education is introduced and remains in the legal profession to ensure a high standard of professional services to citizens.

1. Mandate the Bar Association to devise a strategy and program of mandatory continuing education in certain accredited core areas to ensure that attorneys remain current and competent and provide a consistent standard of legal advice

2. Regularize guest lectures/seminars on legal areas of relevance and interest to the Bar Association jointly sponsored by the Bar Association and the Attorney General's Chambers.

3. Review the Legal Profession Act with a view to:

i. Strengthening the profession as well as attorneys' duties to clients, the profession, and the courts.

ii Establishing guidelines for the conferral of senior counsel;

iii Strengthening the regulatory and disciplinary arm of the profession.

iv Clarify and modernize the provisions relating to admission to practice.

Finalize and publish a schedule of attorneys' fees.

4. The Attorney-General's Ministry and the Bar will jointly devise and implement strategies to make attorneys 'combat-ready' in advent of free movement of labour and the 'new legal order':

- i. Organize hands-on training in the use of modern research tools such as Lexis-Nexis;
- ii. Training in modern and efficient management of law firms and maximizing client satisfaction;
- iii. Exposure to practice and procedure at international tribunals and courts.

### **Section VIII The Legislative Agenda**

The law revision now in process will see existing and future legislation available in electronic form. This will ensure certainty as to the current state of the law. Separate and apart from regular law revision and on-going law reform to update and modernize the laws of Belize, a special legislative agenda will be pursued with a view to making Belize's regime of commercial laws competitive, 'investor-friendly' and efficient.

1. The core batch of 'business' related laws will be upgraded and sharpened and necessary ones introduced.
  - i. Company law formation will be simplified and expedited;
  - ii. Insurance Law rationalized;
  - iii. Bankruptcy laws modernized;
  - iv. Modernize intellectual property laws and copyright legislation;
  - v. Banking laws reviewed;
  - vi. Examining ADR processes;
  - vii. Modernize labour laws;
  - viii. Modernize arbitration laws;
  - ix. Modernize partnership laws
  - x. Explore new niche legislation

### **Section VIII (sic) The Attorney General's Chambers**

The emphasis must be to operate the Attorney-General's chambers in a manner befitting his role as leader of the Bar.

#### **I. Structure and Organization**

1. Devolution of Legislative Drafting to newly created parliamentary counsel. Each Ministry will channel its legislative agenda to parliamentary counsel.
2. Encourage Ministries, where relevant, to employ their own in-house legal counsel.

3. Introduce a new culture of collegiality and specialization in the disposition of legal matters by counsel.
4. Monitor and review the implementation of a Bar Association endorsed Plan of Action for the improvement of administration of justice in Belize.

## II. Legal Resources and Infrastructure

1. Maintain modern and up-to-date Supreme Court Library with state-of-the-art research tools.
2. Creation of a pedestrianized 'Judicial Zone' around the Supreme Court and enhance the building and garden of the Supreme Court so that it fits smoothly into the Tourism Village (Fort Point Project).
3. Eventually acquire the entire 'Treasury Building' for the Court System.