



PACIFIC JUDICIAL STRENGTHENING INITIATIVE

COMPLETION REPORT

EFFICIENCY PROJECT

July 2016 – March 2021

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FEDERAL COURT
OF AUSTRALIA



*PJSI is funded by the New Zealand Government and
implemented by the Federal Court of Australia*

1. Introduction

This report is submitted at the end of the PJSI Contract Term Activities for the period July 2016 to the end of March 2021. It details the activities and achievements of the Efficiency Project during this time according to the Project Terms of Reference in **Annex A**.

The Efficiency Project addresses the PJSI long term objective of supporting the performance of partner courts, aiming to provide accessible, responsive, fair and efficient court services.

The Efficiency Project is programmed as a part of the thematic area of Procedural Justice.

Purpose

The purpose of the Efficiency Project is to promote efficiency in the disposal of cases by developing, implementing, embedding and evaluating case management tools, systems and processes.

Objective

The objective and target of the Efficiency Project is to support at least three Partner Courts achieve/progress an efficiency related change as agreed to by each of the three Chief Justices.

Outcomes sought

PJSI Outcomes sought are:

- Short term: Cases are disposed more efficiently (procedural justice)
- Medium term: Increased accessibility, responsiveness, fairness and efficiency
- Long Term: Courts are accessible, responsive, fair and efficient.

To meet the abovementioned PJSI outcomes, the Project outcomes were to assist courts to:

- Consistently meet obligations to conduct a fair trial in a reasonable time;
- Mitigate against injustice that may be caused by delay;
- Allocate and use resources more cost effectively;
- Define consistent processes and procedures that assure procedural justice;
- Ensure immediate and continuous control of its cases;
- Use performance reports to help manage the caseload and allocate resources; and
- Strengthen public trust and confidence in the court.

To achieve these Outcomes, the Advisers sought to deliver the following outputs:

Efficiency Inputs with 3 Partner Courts (2016 – 2019) (Jennifer Akers)

- a. This required the authoring and use of the Efficiency Toolkit which features four parts:
 - Substantive educative materials around Seven Efficiency Areas covering 55 key areas of case management and case flow
 - Additional materials and tools
 - An Efficiency Review - self assessment
 - An Efficiency Improvement Plan.
- b. The use of the Efficiency Toolkit in-country in Palau, Nauru, Papua New Guinea, Niue and Tokelau (held in Samoa).

Regional Data Management and Court Performance Reporting (Jennifer Akers and Tony Lansdell)

This output involved the conduct of two Regional Data Management Workshops followed by the provision of remote support for up to three partner courts to increase capacity and processes in: data analysis, case management and the interpretation, analysis and dissemination of court performance reports to assist in decision making and the quality, timeliness and efficiency of court services.



This output was to be achieved through monthly discussions to engage, train, support and provide guidance to counterparts on how best to undertake their court's performance management, data analysis, performance reporting, including as it relates to Annual Reporting.

Information Technology (2018 -2021) (Tony Lansdell)

Based on progress made during PJSI Phase 1 and the results of the regional IT survey, this outcome involved support to 3 PIC's to further develop Efficiency Plans consistent with the selected priority efficiency-related change (above) resulting in activities and plans integral to the ability to:

- Track case visibility, timeliness, clearance rates, pending and age of pending, pending disposal ratios, court attendance rates, and case outcomes;
- Interpret and use this evidence and knowledge base to inform decision-making;
- Resolve delayed cases and hand down delayed judgments; and
- Implement efficiency measures.

The abovementioned three outcomes included ensuring that themes from the Substantive Justice and Accountability components of PJSI were integrated into activities and materials i.e., fair trial, human rights and gender and domestic violence.

COVID-19 related adjustments

In 2020 and 2021, the Efficiency Project recalibrated to provide support to partner courts to help increase capacity across the region to conduct court proceedings remotely in the wake COVID-19. This involved the development of a Remote Court Proceedings Toolkit and conduct of regional webinars to share experiences and responses which were integrated into the toolkit.

Remote training in the conduct of remote court proceedings using the toolkit, is unfinished at the time of writing this report and is scheduled for April 2021 in four PIC's. The results of those activities will be submitted in an addendum when completed

From March 2020, all Efficiency Project activities were delivered remotely using Zoom.

For a presentation of inputs per PJSI Phase from 2016 to 2021, see **Annex B**.

Baseline in 2016

Four PICs (Nauru, PNG, Tokelau, Palau) identified efficiency change as a priority and desired comprehensive/feasible plans to achieve its efficiency improvements in case management and case flow. One PIC (Palau) independently/periodically review efficiency.

Seven PIC (FSM, Kiribati, RMI, Palau, Solomon Islands, Tokelau, Tonga) have developed case disposal time-standards.¹

11 PICs have implemented 45% of available technologies to improve efficiency/reliability. Eight PICs have moved beyond manual/excel case tracking systems and seven PICs have electronic case management systems.

Results in Against Baseline

Due to Covid-19, engagement with Tokelau and Niue were discontinued and redirected towards *priority efficiency-related change* in PNG, Solomon Islands, Nauru, FSM and RMI (5). These priority changes involved implementation and improvements to electronic case tracking and management systems, identification and

¹ Tonga, Palau, RMI standards are promulgated and monitored. FSM (Supreme Court, Yap), Tokelau standards are promulgated but no monitoring data is available. Solomon Islands, Kiribati, FSM (Chuuk, Kosrae, Pohnpei) standards are awaiting promulgation.



use of 8 Core Court Performance Indicators with information available through dashboards and quarterly reporting, for the purpose of reducing delay and generally improving efficiency in case management.

FSM, RMI, Nauru and the Magistrates Court of Solomon Islands appear to have fully achieved their goal and benefit from an accurate Case Tracking System capable of producing valid and up-to-date performance reports which has led to demonstrable improvements in case management and delay reduction.

Solomon Islands High Court has demonstrated a significant commitment and progress, however, requires more time to enhance JIMS and further train judicial and court officers. It is noted that prior PJSI case management related inputs appear to have contributed to improvements in the way cases are listed which has resulted in a more efficient use of judicial resources²

PNG National Court appear to have benefited from the training and discussions about their technology architecture and its capacity to properly support Court Performance Management. One response is that they have commenced action to incorporate Court Performance Reporting into technology enhancements. It is noted however, that it is estimated this may take around five years before they acquire a comprehensive overview of the entire caseload.

Despite difficulties in formalising some contractual aspects, the PJSI CTS has been implemented in Nauru, centralising systems for Family, Supreme and Magistrate court matters. This has significantly improved the quality of case entries, resulting in an improved capacity to oversee and manage the caseload.

9 PIC have developed case disposal time-standards with measures in one PIC on hold due to Covid-19.

4 PICs have moved beyond manual/excel to a case tracking systems, making a total of 11 from 15 PICs working from an electronic case tracking or management system.

9 PIC's benefit from the PJSI Dashboard which provides instant information on the caseload and most performance indicators.

PIC's with which PJSI has worked understand the importance of efficiency, indicators & court performance reporting and 3 have undertaken transformational efficiency related change (Palau, FSM and Nauru) and 6 others have introduced, or are in the process of introducing, regular court performance reporting practices.

See **Annex C** for an updated Results Framework.

2. Activities/Inputs & Outputs

A total of 19 inputs/activities (inc. LIF applications) were conducted in the period July 2016 to March 2021 under the Efficiency Project.

The number of actual Activities per Output are:

- Efficiency Toolkit – 7
- Data Management Regional – 3
- Case Data Analysis Support – 3 (15 sessions)
- Remote Court Proceedings (Regional) – 2
- Remote Court Proceedings (Individual PIC) – TBD
- ICT, CTS and Dashboard – 3 (with a 4th, the Pohnpei Supreme Court now implementing CTS)
- Solomon Island NJC – 1

² Most significant change survey conducted by PJSI in March 2021.



For a full presentation of Efficiency Project activities, timing and survey results see **Annex D**.

3. Summary of Activities Delivered and Outputs

Efficiency Toolkit (Jennifer Akers)

- A situation assessment on efficiency gaps and problems based on experiences in Palau (July 2017)
- Efficiency Toolkit Developed
- Implementation of Efficiency Toolkit in: Palau (June 2017, August 2018), Nauru (January 2019, January 2020), Tokelau (April 2019), Papua New Guinea (PNG) (May 2019) Niue (June 2019)
- Local Efficiency Improvement Plans developed and implemented in Palau and Nauru and partially implemented in Tokelau and PNG
- Presentation at the Chief Justices Leadership Workshop in Auckland in April 2018
- Conduct of Baseline Focus Group Survey for PJSI M & E (Palau 2017)
- Conduct of four M & E interviews (2 Palau, 1 Tokelau, 1 PNG).

Time Goals (Jennifer Akers)

- Development of Time Goals for Palau and Tokelau
- A Compilation of Time Goals developed for the region.

Toolkit Revisions (Jennifer Akers)

At the time of writing this report the following toolkits are being revised:

- Time Goals Toolkit
- Reducing Delay and Backlog Toolkit
- Efficiency Toolkit
- Remote Court Proceedings Toolkit.

Data Management – Regional (Jennifer Akers and Tony Lansdell)

The Project participated in facilitating two regional Data Management Workshops, one being in Vanuatu in PNG in 2018, and one in Vanuatu in 2019. These workshops trained in key Court Performance Indicators (and Annual Reporting Indicators) and assisted in the development of a Data Management Plan for each of the PICs represented. Satisfaction result were around 95% in both workshops (results are presented in **Annex D**).

ICT Survey (Tony Lansdell)

The ICT Survey undertaken in 2018 highlighted that for many countries, their ability to manage their caseloads with the assistance of a formal system, was lacking. At the time of the Survey, only 3 countries could claim to have had a fully functional CMS, namely:

- Solomon Islands
- Vanuatu
- Palau.

There were 7 countries still operating off MS Excel, namely:

- Fiji
- Nauru
- FSM
- RMI
- Niue
- Samoa
- Kiribati

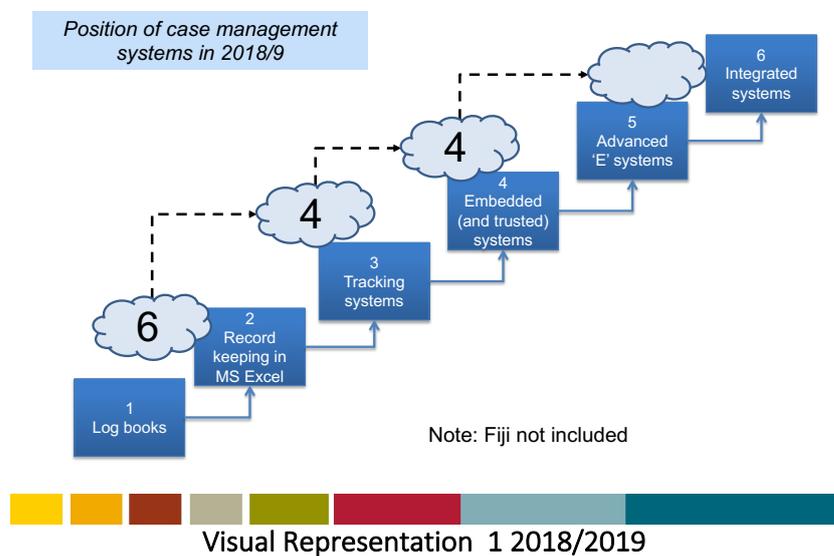


While the remaining countries, had a variance best called a Case Tracking System, namely:

- Tonga
- Cook Islands
- Tuvalu
- Tokelau
- PNG

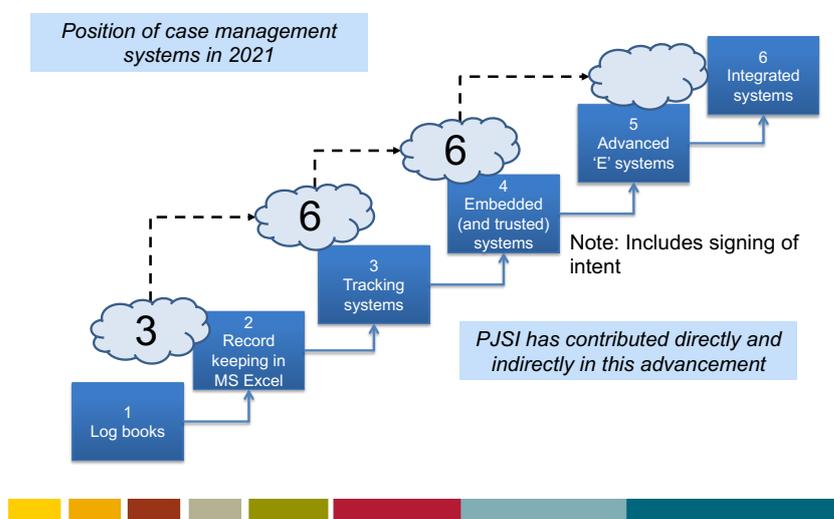
The scorecard is now very different, with PNG, Tonga and Fiji either to begin their CMS journey, or about to start, plus for Nauru, RMI and FSM, these countries are now fully functioning on the PJSI funded and developed CTS. This now leaves three countries still operating on MS Excel for their case management needs, namely, Kiribati, Samoa and Niue. It is hope over the coming year or two, these countries can take advantage of the PJSI CTS system. Below are visual representations of ICT development across the region.

Case management systems PJSI



VERSUS NOW

Case management systems PJSI



Visual Representation 2 March 2021

Also covered in the 2018 Survey, and of growing importance, is the self-sustainability of partner courts when it comes to technical capacity. For some countries, like Niue and Vanuatu, there is NO ICT capacity within the Court, and they are total reliant on Government support. Whereas countries such as FSM, Palau and Tonga have invested in having their own ICT capability.

Going forward for the countries that do not have any ICT capacity, action should be taken to address this gap.

And not only having the personnel, but with the growing push to have web-based services such as e-filing and e-search, then the technical skills must also cover security and ensure protection from hackers etc. This is another area that PIC Courts must recognise that investment in ICT is crucial, and not just 'money spent' on systems, but 'money spent' on personnel to safeguard the systems.

At the time of this Report, an example of 'no support' for their systems is Nauru, since when they went live with their CTS, they have not commissioned any support as did RMI and FSM, and now – Nauru are exposed should any issues arise with their CTS System.

Case Data Analysis Support (Jennifer Akers and Tony Lansdell)

Across October 2020 to March 2021, the Efficiency Project conducted a total of fifteen Monthly Court Performance and Case Data Analysis Support and Capacity Building Discussions with FSM, PNG and Solomon Islands (5 each).

These discussions reinforced the use of the Eight Top Court Performance Indicators for the region. They introduced quarterly reports which were analysed to determine the past, current and to predict future performance of the court focusing in particular, on the identification and reduction of delay. For an example of a Quarterly Report and Dashboard, see **Annex E**.

Concurrently, Mr Lansdell provided a Dashboard each month to enable recipients to have a current and deeper insight into the caseload and individual dockets and jurisdictions.

For an example of the Power Point Presentations used in these sessions, see **Annex F**.

ICT - Case Tracking and Dashboards (Tony Lansdell)

An Information Technology Survey was conducted in the 2nd half of 2018 which resulted in 11 out of 14 Partner Courts responding and providing the baseline status of ICT. The 11 responders were provided feedback reports outlining a commentary on where the technology sits internationally with courts, and options for potential opportunities to progress.

RMI, FSM and Nauru expressed an interest in a PJSI Case Tracking System (CTS). PJSI supported and successfully developed and installed the fully functioning Case Tracking System in the FSM Supreme Court, Supreme Court of the State of Pohnpei, the High Court and District Court of RMI and the Supreme and Magistrates Court of Nauru. These systems enable the courts to better manage their data, caseloads, and performance through the instantaneous production of reports. In addition, the CTS allows easy and secure access to all case and document records across the Courts.



The ongoing support for CTS is between the country and the developer directly. RMI and FSM have actioned this arrangement. A benefit of this model is that should one country invest in enhancements, then these enhancements can be applied to other countries – free of charge - when there is a support arrangement in place.

At the time of this Report, Nauru have no such arrangement and thus are missing out on CTS enhancements. This is of some concern which has been raised with the Registrar several times, all to no avail.

Any system will benefit from regular reviews and questioning of its operation. RMI has led the way, always looking to add functionality, having commissioned (paid for by RMI themselves) at least 20 new feature to CTS. The lesson learnt from this is that any country, with any form of system, must ensure there is at least one person who takes a very active interest in the operation of the system and knows the business of the court intimately. Too often, it is 'left' to technical people who don't understand the business of the Court. With reference to RMI, CJ Ingram has taken a very hands-on approach with the system and as a result, the system is benefitting from the enhancements he is bringing to the table.

With respect to the Dashboards being produced by the Advisor, there needs to be a process in place for each country to have a sustainable approach for the production of such, without the need to rely on the Advisor's own personal dashboard software.

To this end, with respect to Dashboards:

1. Solomon Islands – looking to in-house production
2. RMI – will form part of CTS directly
3. FSM – as above
4. Nauru – as above
5. Palau – looking to in-house production
6. PNG – will be delivered as part of their new system
7. Tonga – as per PNG
8. Niue – will be dependent on them moving to CTS
9. Vanuatu – as per Solomon Islands

So, within a year, it is hoped that Dashboards for 8 of the 9 partner courts will be produced 'locally'.

For the remaining countries that are not provided with a Dashboard and Quarterly Reporting template, it is still possible to assist, but requires engagement and understanding of where and how their data is stored and importantly, the accuracy thereof.

Additionally, an in-country assessment was conducted for Niue and support provided to improve and align Excel based case tracking with Court Performance Reporting using the 8 Top Indicators. More often than not, the XLS spreadsheets are not updated regularly, so the Dashboards and Q/Reporting are produced very ad-hoc.

In summary, the position of case management/tracking systems is much stronger than 3 years ago and argues well for continual improvements in this area.

Remote Court Proceedings – Regional Remote (Jennifer Akers and Tony Lansdell)

Prior to the Covid-19 pandemic, the Efficiency Project had identified the need for partner courts to utilise and leverage the advantages of holding court hearings and proceedings remotely. The Covid-19



pandemic became a catalyst for partner courts to identify this need and for PJSI to actually provide this support as a necessity for the continuation of justice services. At the same time, the Project was aware of the potential for a Remote Court Proceedings Toolkit to be used in other nations around the world looking to overcome similar challenges imposed by the pandemic.

A Remote Court Proceeding Toolkit was authored, and two regional webinars held aimed at addressing needs specifically in the context of the Pacific. Both webinars enabled the interactive discussion between partner courts about their experiences, success and challenges with conducting remote proceedings, as well as a review before the launch the Remote Court Proceedings Toolkit. The second webinar held on Thursday the 3rd of December, 2020 attracted 41 participants from 8 Partner Courts.

Satisfaction with the Toolkit was registered at 96.67% and overall satisfaction with the webinar at 86.67%. These two webinars attracted the largest number of participants of any PJSI Webinar.

For a list of the Activity numbers per partner courts per component see **Annex G**.

4. Results

Case Data Analysis Support and ICT/CTS

The main highlight is the design, development and roll out of the PJSI Case Tracking System (CTS) to three (and soon 4) partner courts i.e.: FSM, RMI and Nauru and then the Supreme Court of Pohnpei. This achievement includes:

- FSM now has a Case Tracking System that went live in mid-2020 in Pohnpei and it is projected that it will be live across all States by June 2021. Seeking to benefit from this technology, Pohnpei State Supreme Court is now transitioning to the PJSI CTS.
- To ensure the new CTS is accurate and up to date, Court Performance Reporting sessions were used to inspire and overview an audit of the entire FSM Supreme Court caseload. This effort resulted in a decrease in the pending caseload from 296 at the end of October 2020 to 199 (a decrease of 97 cases or around 33%). As a result, FMS now reports that they have 110% trust in their CTS in March 2021, compared to 50% trust³ in October 2020. In addition, Judges, staff attorneys and administrators are now able to oversee and grasp the entire docket and have commenced action to redress delays. One staff attorney stated that it is a “game changer” and the Director of Court Administration has reported that “everyone can now see the status of cases, the cases that dropped off the radar are now found”.

“The major positive impact of the Court Case Tracking System on Court Users is the transparency and public trust. All the training has worked hand in hand, in terms of procedures and professional development. Our staff are very comfortable, I have seen improvement in staff attitude, the staff now take ownership of their work, know that the public and attorneys appreciate the work that they do. The Judges are happy knowing that they are on top of their caseload and don’t have to worry about cases that have been lost.” Ms. Emeliana Musrasrik-Carl, Director of Court Administration, FSM.

- The Chief Justice of RMI has enthusiastically and successfully overseen implementation of the CTS in the High Court and District Courts. RMI has fully transitioned to CTS, audited

³ As cited by senior administrators of the court



their caseloads and benefits from accurate and up-to-date information and performance reporting. Ingrid Kabua, Chief Clerk of Courts has cited the CTS as the most significant change experienced in RMI saying: *“The new system has helped in terms of efficiency”* and also reported that the CTS has enabled off-island judicial officers to continue to work as judges can log in and access the system and documents from their remote location.

- The next highlight is the combined effect of the Efficiency Toolkit inputs, CTS, monthly CPR sessions, Quarterly Reports and Dashboards, in that through use of the Top 8 Indicators, courts now understand the volume of the caseload, the stage of their progression, their age and where there may be delay. In the Most Significant Change feedback, it is reported that *“we started to see things clearly”* in the Vanuatu Data Management Workshop. This means managers and judicial officers have more confidence to manage the flow of cases, to ensure they are quickly assigned, that cases have valid case stages and court listings. In addition, judicial officers have been spurred to examine and clear/clean up their dockets. The net result is that cases progress with less delay, increased timeliness and that there is a reduction in the pending caseloads, which decreases the demand on human and other resources. In this way, the Advisers believe there has been a significant contribution made to the achievement of the desired outcomes and quality procedural justice.

Further to note:

- The remote Court Performance Monthly Sessions precipitated Solomon Islands to commence an extension of their Justice Information Management System (JIMS) to include a dashboard and capacity to produce a quarterly report based on the Top 8 Indicators. In addition, Solomon Islands intend to undertake a complete audit of High Court Cases to ensure JIMS is accurate and therefore, that any performance reports are also accurate. It is noted that the Hon. Chief Justice Palmer has a strong interest in this Project and intends to receive one-to-one training.
- For FSM and Solomon Islands, it was apparently the first-time live data was used in this type of performance reporting format and therefore, potentially the first time they had a real insight and oversight of the workload, productivity and timeliness.
- In the Magistrates Court in Solomon Islands, JIMS is accurate and up-to-date and once JIMS is enhanced to include a Dashboard and produce a quarterly report, this court intends to use these tools to identify and redress delay.
- These sessions resulted in PNG reflecting on the architecture of their IT systems for the National Court i.e.: to streamline three systems into one, which would provide the ability to oversee and report on the entirety of the criminal and civil caseload across the nation from one system. However, it may take around five years for this to happen.
- The CTS was also successfully implemented in Nauru by Mr Lansdell. Nauru reports that:

“through this change we have made our courts more accessible to the people, information and reporting is readily available and we are better able to serve our customers.”

Efficiency Toolkit and Time Goals (Jennifer Akers)

Palau

The Efficiency Project worked with the Judiciary of Palau in 2017 and had a follow up input in 2018. The strategy to follow up on the initial input proved very effective as it enabled participants to reflect on the



2017 Efficiency Plan and to measure change and compare performance. The follow up visit revealed 51 changes/improvements were carried out, resulting in transformational change being experienced. Notable changes are: improved data recording and management, use of performance reports, reductions in the cases pending and reductions of backlogs, for example:

- 50% reduction in the number of pending cases in the Trial Court
- 31% reduction in the number of pending cases in the Land Court
- The targeted disposal of 98 aged Land Cases older than 2010
- 84% reduction in age of pending caseload in the Court of Common Pleas

A list of improvements in Palau is outlined in the *Summary of Improvements June 2017 to August 2018* in **Annex H**.

One judicial officer in Palau noted: *“it is very encouraging and satisfying to know that there is improvement in the Land Court’s productivity, compared to last year. I know that the improvement is due to the effectiveness of your presentation in last year’s workshop. You suggested ways that the Land Court can improve its case flow management and productivity in general, and we took your advice to heart – for the most part.”*

As for behavioural change, the same participant remarked: *“After yesterday’s efficiency review workshop, I understand more that regular performance evaluation is important and necessary to show us the areas where we may be on the right track, and areas where we may need to look at other ways that we can improve.”*

In the opinion of managers, the behavioural change was: *“Staff enter more and better data and improved efficiency in overall work environment.” Attitudinal change was reported as “Trust in JIS system, self-empowerment (taking ownership of their jobs), renewed excitement in what they do now that they’re able to see results”.*

Feedback in the PJSI Most Significant Change webinar on the 11th of March 2021, by Justice Rudimch reported: *“We also developed goal standards in tracking the different types of cases, the timeline and standards also make sure the areas and different types of cases are treated according to the need, priority and expedited matters.”*

Nauru

The Efficiency Project worked the Judiciary of Nauru in 2019 with a follow up visit in 2020. The strategy to follow up on the initial input also proved very effective in Nauru with 21 change/improvements identified as having been completed (or partially completed) since the initial visit in January 2019. These activities included changes to the physical office layout, introduction of a document exchange, improved filing systems, implementation of an Electronic Case Tracker, Dashboard and Quarterly Reporting and completion of a caseload audit. Further significant change/improvements observed were:

- *Area 2: Leadership:* the self-assessment improving from 53% to 78%
- *Area 7: Court Personnel Participation* improving from 52% to 78%.
- A concerted effort to examine and move all cases forward and participants reported (and the data supported) that there is currently no delay in the Supreme Court (Civil and Criminal) and District Court.
- Finalisation a working draft of the new Supreme Court *Civil Rules of Procedure* and continued implementation of a suite of other legislative reforms.



Registrar Ronald Prakash has reported that these inputs contributed to the most significant change: *“after the workshop we were able to streamline the registry process such as filing systems, we also set time goals for each case, Judicial Officers also were able to take control of their case and hence judgements were delivered in a timely manner, backlog of cases reduced significantly (sic)”*.

For a list of Efficiency Outputs and Outcomes in Nauru 2019 to 2020, see **Annex I**.

PNG (Jennifer Akers)

Whilst the Efficiency Input in PNG in 2019 revealed strengths in case management procedures, it also revealed weakness in the current performance and delay management, complicated by unreliable data across three computer systems. According to the PNG Case Docketing System of the National Court, although apparently not entirely accurate, there was concerning indications of protracted delay. This prompted the Hon. Chief Justice to immediately appoint a Task Force team to make investigations and recommendations.⁴ This Taskforce continues to operate as of March 2021; however, Covid-19 has hampered progress.

Other significant changes identified and included into a comprehensive Efficiency Plan, including:

- The need for improved identification and differentiation of children’s court matters; and
- The introduction of reports based on the Top 8 Pacific Island Court Performance Indicators, for use in the weekly meeting of judges.

According to Ms Josette Makau, IT Director in PNG, the work contributed to the most significant change experienced in PNG, which relates to the introduction of time goals and tools to manage and collect data and report on performance.

Niue (Jennifer Akers and Tony Lansdell)

Although the 2019 input in Niue was short, a wide range of activities were undertaken, and tangible outputs produced which served to support the achievement of the priority change sought which was to *“increased visibility of the case-flow and performance management, to enable the efficient and timely dispensation of justice”*. In total there were 27 outputs and outcomes which are listed in **Annex J**.

The workshop and synergies between Efficiency, Court Performance and ICT resulted in high impact outcomes and a groundswell of enthusiasm to improve case-flow, case management and technology usage. It was hoped that this concentrated and comprehensive approach would sustainably transform court operations. Unfortunately, the discipline entering quality and timely data has not been maintained after the advisers left country and momentum has dissipated. This means that regular court reports on 7

⁴ The terms of reference for the Task Force are:

1. Identify and redress quickly injustices that may be occurring, particularly in the area of pre-trial remand cases⁴ and reserve decisions;
2. Work cooperatively with all stakeholders to plan, prioritise and oversee the reduction of the backlog, including Reserve Judgments;
3. Sustainably prevent delay by reforming processes, procedures and workflows, and move towards a more effective and efficient comprehensive case management system, which includes performance reporting and use of time goals to monitor and prevent delay; and
4. Assist the court to have a consistent organisational culture, which is aligned to core court values and an efficiency mindset, using a dedicated change management process.



Court Performance Indicators are not capable of being produced and used to monitor performance and timeliness.

It was particularly encouraging that the court embraced recommendations and commenced a caseload audit, back capturing the Niue Case Tracking entries in all jurisdictions, however it appears that this momentum has also waned.

The production of the Court Annual Report should be less problematic as the case tracker now automatically produces the Cook Island Indicators: 1 and 2, 3 & 4, Fee Waiver, Legal Aid, and productivity of judicial resources, and demographics of parties (e.g.: gender, age and disability). The problem remains that the updating and accuracy of the data is questionable.

Tokelau

An Efficiency Workshop was held in Samoa in 2019 and attended on all five days by the Court Clerks for Atafu and Nukunonu, the Legal Officer for the Government of Tokelau and the National Judicial Coordinator. The Court Clerk from Fakaofu did not attend due to illness. Newly appointed Law Commissioner for Fakaofu, Hafiti Gauolofa attended for half a day.

Based on the results of an Efficiency Review self-assessment, an Efficiency Improvement Plan was developed, which included strategies to fill the gap in legal representation (there are no public defenders or private lawyers or pleaders in-country), to improve case tracking and pursue the enforcement of fines and, to further develop a Standard Operating Procedure for case flow.

Logistical reasons, timing and Covid-19 restrictions meant the Efficiency Project was not able to complete a follow-up in-country input.

5. Conclusions

Conclusions are that the Efficiency Project Outcomes and expectations have been met to a significant degree. In addition to the noteworthy changes and efficiency improvements detailed above, there is evidence of traction and improved efficiency more broadly, across the region. For example, notes from the M & E interviews with Chief Justice's conducted in April, 2019, reveal progress on efficiency related outcomes as follows:

- Increased efficiency and reduced delay:

“The Traditional Rights Court (TRC) is resolving more cases with less delay.”

“Courts are able to hear and dispose of cases more timely through better and more efficient use of resources and effective support for Courts.... Judges and Magistrates are becoming more efficient and productive in the discharge of their duties, more cases being heard and disposed and more court circuits being conducted resulting in a high disposal rate and helping to clear backlogs and reduce delays.”

- Increased awareness of the importance of case management in the efficient delivery of justice and conduct of a fair trial in a reasonable time:



“Greater efforts in the area of case management, moving and monitoring case progress, development and implementation of timeline standards, tracking of cases.....knowledge of court rules and deadlines.”

“Case management systems have changed....the registry managed before – now the judge does the management.”

“Others....now appreciate the reason for change in the added value in case management systems.”

Improved professionalism: “Judges and Magistrates professionalism, commitment have also improved and their efficiency have also improved. This has had a direct impact on their outputs in terms of timely decision making, judgments delivered more quickly.”

- Improved teamwork between judges and court personnel:

“Trusting the staff for the job performance...”

“Better understanding, coordinating and judges will depend on the court officials and administrators and vice versa (interdependent) in the administration of justice”

- The production of accurate statistics to enable the use of performance reports:

“..The introduction of systems (creation of order from disorder) which covers a range of activities within the court. The foundation of all this has been the maintenance of accurate statistics...”

“We have adopted and report on time standards, as well as clearance rates, average age of cleared cases and average age of disposed cases by court and if appropriate by type.”

- Effectiveness of time goals/standards:

“We did not have time standards. We now have a record of ‘next actions’ and ‘due date for next action’ and track adherence to time standards.”

The consistent use of the word ‘efficiency’ by senior judicial leaders and use of data and reports to substantiate performance, is indicative of a changed attitude toward and prioritisation of efficiency and quality data management. For example, Vanuatu have been actively using the Dashboard and Quarterly Reporting templates and a further detailed Tracker of Judicial Productivity and Reserved Judgments to undertake a significant clean-up of cases in the Supreme Court. Equally important and impressive is the increased percentage of pending cases with a future listing, from a low 20-30% of pending cases to close to 70%. These improvements were highlighted in Chief Justice Lunabek’s Opening of the Law Year in January 2021. In parallel with a bilateral programme, these PJSI inputs appear to have contributed to the transformation of the court culture and a significant improvement in transparency about court performance.

Another example was the targeted public comment around delays in reserve judgements aired in PNG, where the comments of His Honour Chief Justice Salika of PNG were printed in local PNG media about



the pressing need to clear delays in reserve judgements (“[No More Delays](#)”) and need for judges to practice more self-discipline. (“[Practice Self Discipline](#)”).

The Efficiency Project and partner courts, benefited enormously by the addition of the ICT Adviser, Mr Lansdell and the Programme focus regionally on data management (holding two regional workshops). This addition to the Programme plugged a significant gap and need, which now filled, enables courts to maintain appropriate case tracking systems that can produce essential performance reports and data for Annual Reporting. More so, this data and these reports, have more accuracy and validity and therefore, can be trusted more to be an accurate indication of court performance. This was particularly needed for those reports which are made public. In addition, the identification of the Top 8 Pacific Island Court Performance Indicators in the Regional Data Management Workshops have proved to be a practical and concise means of assessing priority areas of performance in the unique context of the Pacific.

The pivot to providing support remotely proved successful and actually beneficial for the monthly court performance reporting activities as it enabled consistent interaction and follow-up.

The development of the Remote Court Proceedings Toolkit and success and interest in the associated webinars is a significant achievement of the Project. The Advisers are particularly pleased that this work was included as a part of the PJSI Global Justice Challenge bid and proud that PJSI has been named as one of the six finalists in the Accountability Category.

6. Lessons & Recommendations

The key lessons are:

1. The consistent focus by PJSI on efficiency in case management, case-flow management and data management has resulted in demonstrable and in some cases, transformational improvements in court operations and performance in individual Partner Courts and across the region. It has been easier to achieve improvements in small and medium sized partner courts. This is evidenced by the transformational change observed in Palau, Nauru, FSM and RMI.
2. Whilst it was more difficult to effect nationwide or transformational change in PNG due to its size and complexity, the Efficiency Project has achieved some important penetration that should help guide the long-term focus and priorities of decision makers which should result improvement of judicial services if followed through i.e.: through instigating the Task Force and encouraging a re-evaluation of its IT architecture in particular.
3. The interest, acceptance and use of RCP has proven that Partner Courts can change and progress rapidly if required to, debunking to some degree the notion that Pacific courts might be slow to accept and effect change.
4. It has proved invaluable to have a court/case-management specific, experienced ICT Adviser join the Efficiency Project. It would not have been possible to realise the actual and sustainable far-reaching improvements in-country, if not for the addition of IT related technical expertise and introduction of a customised PJSI case tracker.
5. The ability of participants to differentiate between Annual Reporting and Court Performance Reporting is improving, but this requires continued attention.
6. Whilst courts should remain cautious in using and making public court performance data that is still of questionable reliability in some partner courts, there is clear evidence that many judicial leaders now have a greater interest in making performance data more available and transparent.

It is recommended that:

1. Quarterly follow-up Court Performance Reporting sessions (through Zoom) with each of FSM, PNG and Solomon Islands and Nauru be conducted;



2. Six-monthly follow-up Court Performance Reporting sessions (through Zoom) with each of sessions to RMI, Tonga and Niue be conducted;
3. Remote Court Performance Reporting support to other partner courts be provided on request, encouraging Vanuatu, Samoa, Kiribati, Palau and Cook Islands in particular to participate;
4. Support for the use of the Efficiency Toolkit and conduct of the Efficiency Review be continued to be provided on request;
5. Court Performance Reporting and delay management continue to be highlighted in the Chief Justice Regional Leadership Workshops;
6. Efficiency and Court Performance Reporting be included in any Leadership Workshops/Curriculums;
7. Court Performance Reporting activities be conducted remotely with the exception of those courts such as Kiribati, where an in-country delivery modality is more suitable given the poor quality of the internet and complexity of issues to address;
8. All 15 partner courts are supported and encouraged to calculate all 8 Top Performance Indicators and to use them in quarterly Performance Reports;
9. Another (Remote) Regional Data Management Workshop be held in 2021 emphasising the Top 8 indicators and skilling in the use of Excel;
10. Those partner courts still on Excel be encouraged to transition to the PJSI Case Tracking System; and
11. That another ICT survey be conducted in the third quarter of 2021 and based on the results, support provided to formulate their own ICT plans as a part of their business planning cycle.

7. Conclusion

The purpose of the Efficiency Project to promote efficiency in the disposal of cases by developing, implementing, embedding and evaluating case management tools, systems and processes has been largely achieved across the region. This conclusion is supported by evidence that cases are being disposed of more efficiently, with increased accessibility to accurate case related information and more professional approaches to work being observed by the advisers and reported by partner courts.

The findings of the *Most Significant Change Survey* conducted by PJSI on the 11th March 2021 also support this conclusion, with 9 of the 10 partner courts citing efficiency related activities as contributing to the most significant change experienced by them, their court and court users. Likewise, the Outcomes Sought by the Efficiency Project to assist courts to consistently meet obligations to conduct a fair trial in a reasonable time, mitigate against injustice that may be caused by delay, allocate and use resources more cost effectively etc., have all been achieved to a significant degree.

With the pragmatic interventions of the Efficiency Project such as: the CTS, Dashboard, use of refined Top 8 Indicators, Quarterly Reports and Efficiency Review courts across the region have demonstrated that they can effect substantial change if they are provided consistent and personalised support. Notably, the shift to remote support permitted the conduct of monthly sessions over five months, which was instrumental in being able to achieve the Outcomes Sought, as opposed to relying primarily on the independent use of a Toolkit.⁵

The combination of Efficiency (and previous Time Goals/Backlog Reduction inputs) and ICT support to the courts proved key to achieving results in-country. For example, the Hon Chief Justice Ingram commented that they can only 'now' truly start assessing their performance, as well as actively managing their cases because they have so much valuable insight into accurate data. Likewise, Palau and FSM have experienced transformational change in a similar transparency and insights into their performance.

⁵ It is noted that bilateral programs such as in Vanuatu, provide consistent and practical support over years to effect transformational change.



Having achieved considerable improvements in case related efficiency and IT capacity across the region in the last five years, it is imperative that targeted support be maintained so that the significant progress made in the last five years of PJSI can be sustained and built upon.

The Advisers look forward to adding to this report upon completion of four Remote Court Proceedings Workshops in April and May 2021.



Annexures:

- A. Project Terms of Reference
- B. Inputs/Activities per Phase of PJSI
- C. Update against Results Framework
- D. Efficiency Activities Timing and Survey Results
- E. Quarterly Report Sample FSM
- F. PowerPoint Presentation CPR
- G. Activities Numbers per Partner Courts per Component
- H. Efficiency Improvements Palau
- I. Niue Outputs and Outcomes
- J. Nauru Efficiency outputs and Outcomes 2019-2020



Annex A: Project Terms of Reference

PJSI 2-Year Extension Activity Plan: June 2019-May 2021

Terms of Reference: *Efficiency Adviser*

1. Goal & Objectives

The Government of New Zealand is funding the Pacific Judicial Strengthening Initiative (PJSI), which is being implemented by the Federal Court of Australia for a 2-year extension period between June 2019 and May 2021.

The goal of PJSI is to build fairer societies by supporting the courts in 15 participating Pacific Island Countries (PICs) to develop more accessible, just, efficient and responsive justice services. Participating PICs are the Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu. PJSI reports to the Chief Justices of these PICs and to the Pacific Judicial Conference which convenes biennially.

PJSI addresses numerous and diverse needs within participating courts that relate to three major development challenges: (i) expanding access to justice to and through the courts; (ii) building competent provision of substantive justice outcomes; and (iii) increasing efficient delivery of procedural justice services. To address these challenges, PJSI focuses on supporting two long-term objectives:

- a) *Judicial Leadership* → courts being capable of leading and managing change.
- b) *Performance* → court services being accessible, responsive, fair and efficient.

PJSI delivers services to support the courts to attain these objectives using strategies to transfer, build, devolve and localise capacity. These strategies consolidate five thematic areas: judicial leadership, access to justice, professionalisation, substantive justice and procedural justice.

2. Activity Description

a. Purpose

The purpose of this thematic cluster of activities under the PJSI's *Efficiency* (Project 12) is to promote efficiency in the disposal of cases by developing, implementing, embedding and evaluating case management tools, systems and processes.

b. Duration and location

This short-term assignment requires the Adviser to work up to 66 input-days to fully complete all activities defined in Part f., below. Inputs will need to be undertaken between June 2019-May 2021; remotely across the region, in-country with up to three Partner Courts, and via regional activities, as specified.

c. General Approach

The Adviser(s) should adopt the following approach to completing this assignment:

- a) To transfer, build, devolve and localise capacity in all interactions with counterparts and mentor counterparts where appropriate in a culturally appropriate and respectful manner.
- b) Produce high quality, concise and accurate documentation, reports, and correspondence as required in a timely fashion and written in plain English.

d. Baseline

Four PICs (Nauru, PNG, Tokelau, Palau) have identified a priority efficiency change, and have comprehensive/feasible plans to achieve its objectives (as appraised by the TA). Seven PIC (FSM, Kiribati, RMI, Palau, Solomon Islands, Tokelau, Tonga) have developed case disposal time-standards.⁶ 11 PICs have implemented 45% of available technologies to improve efficiency/reliability. Eight PICs have moved beyond manual/excel case tracking systems and seven PICs have electronic case management systems. One PIC (Palau)

⁶ Tonga, Palau, RMI standards are promulgated and monitored. FSM (Supreme Court, Yap), Tokelau standards are promulgated but no monitoring data is available. Solomon Islands, Kiribati, FSM (Chuuk, Kosrae, Pohnpei) standards are awaiting promulgation.



independently/periodically review efficiency. PIC's with which PJSI has worked understand the importance of efficiency indicators and court performance reporting and three have introduced regular court performance reporting practices.

e. Outcomes & Outputs

The target outcome for the *Efficiency Project* is that 3 PICs make incremental progress towards achieving 1 priority change by June 2020, and its goal is achieved by 2021. Indicators of those outcomes are:

- Identification of a priority efficiency-related change, committed to by each Chief Justice;
- The number, nature and sufficiency of actions taken by each PIC to progress each change and achieve its goals; and
- Progress towards, and achievement of the goal is reported.

To achieve these Outcomes, the Adviser will deliver the following outputs:

1. Follow-up support / local workshop(s) provided to up to 3 Partner Courts that received support during PJSI Phase I to further strengthen local Efficiency Improvement Plans and management and administration mechanisms in place to improve efficiency in the disposal of cases. This should include:
 - 1.1 Agreeing with the judicial leadership of each of the 3 PICs, a priority efficiency-related change (or changes) they wish to make by the end of PJSI.
 - 1.2 Based on progress made during PJSI Phase 1 and the results of the regional IT survey, supporting the 3 PIC to further develop Efficiency Plans consistent with the selected priority efficiency-related change (1.1 above) resulting in a comprehensive Efficiency and Performance Plan to feasibly deliver on the agreed efficiency goal/s, cognisant of the local operating environment, capacity and resources. Integral to this is the ability to:
 - Track case visibility, timeliness, clearance rates, pending and age of pending, pending disposal ratios, court attendance rates, and case outcomes;
 - Interpret and use this evidence and knowledge base to inform decision-making;
 - Resolve delayed cases and hand down delayed judgments; and
 - Implement efficiency measures.
 - 1.3 Supporting the 3 PICs to implement the Efficiency and Performance Improvement Plan and report on progress.
 - 1.4 Sharing with 3 PICs, the Efficiency Review Tool (as contained in the Efficiency Toolkit).
 - 1.5 Supporting 3 PICs to conduct an Efficiency Review, analyse and interpret the data.
 - 1.6 Based on the insight provided by the Efficiency Reviews, refining Performance Improvement Plans enabling PICs to feasibly achieve their priority, and other efficiency goals.
2. Presentation on progress at up to 2 Chief Justices' Leadership Forum (TBC).
3. Support the programmatic objectives to support court performance and accountability, and the development of the tools and capacity with Partner Courts to collect gender and GFV-disaggregated data.
4. Efficiency, Delay and Backlog Reduction and the Time Standards Toolkits reviewed / extended and refined based on implementation experience.
5. 1 x regional substantive / capacity development workshop designed and delivered.

f. Inputs & Activities

Prior to mobilisation, the Adviser will be briefed by the PJSI Technical Director and Team Leader. The Adviser will then develop an implementation plan for approval by the Technical Director. The 2-step regional → local capacity-building modality adopted in PJSI Phase I will



be complimented by follow-up support to promote uptake of interim results by delivering the following inputs and activities:

- Up to 3 x remote and in-country inputs Partner Courts that received support in Phase I. Proposed locations: Nauru, Niue, and Tokelau [TBC].
- 1 x review / update of Efficiency, Delay and Backlog Reduction and the Time Standards Toolkit/s.
- Co-facilitate with two other advisers 1 x five-day *Substantive / Capacity Development Workshop* - up to 30 participants (2 per Partner Court) in Vanuatu (TBC).
- Input and participation at up to 2 Chief Justice's Leadership Forum (TBC).
- Remote follow-up with advisers to support the development of tools and capacity to collect court performance, accountability, gender, and GFV-disaggregated data.
- Remote follow-up with counterparts to support ongoing activities after in-country visit(s) and to support PJSI evaluation, as required.
- Any other activities noted in the implementation plan developed, or necessary to achieve the defined outputs.

All activities and progress within this Project are subject to approval by the region's Chief Justices and the PJSI Executive Committee. The timing of all activities will be discussed and agreed in writing between stakeholders.

g. Reporting

In addition to regular email updates to the Team Leader, the Adviser will supply the following reports in writing (in both MS Word and Acrobat versions) to the Team Leader by a date to be agreed:

- *Activity Completion Reports* within two weeks of completion of each in-PIC activity
- *Project Completion Report* after the completion of all inputs, and submitted no later than 30 April, 2021; and
- Contributions to all Six-Monthly Progress Reports, Annual Progress Reports, Court User Perception Report and the PJSI Completion / Evaluation Report as required.

Contributions to the aforementioned PJSI reports are to be made by the following dates:

- Six-Monthly Progress Reports: 1 December, 2019; and 1 December, 2020
- Annual Progress Report: 15 June, 2020
- Court User Perception Report: 17 January, 2020
- PJSI Completion / Evaluation Report: 1 February, 2021

In addition to reporting on the aforementioned results, indicators and targets, each report should include:

- 1) Details of activities and their methodology.
- 2) Detailed tracking; including satisfaction, confidence and learning outcomes are measured, qualifications on data and rationale, and comments from the Adviser. Baseline targets and tracking are based on the responsible Adviser's observation and assessment taking into account pre, post and/or delayed training assessments, where completed by training participants from the respective Partner Court(s). Where pre, post and/or delayed assessments are not undertaken, data is based on the Adviser's observations, opinions and assessment only.
- 3) How the activities and outputs have contributed to achieving the defined outcomes.
- 4) Critical reflection of the relevance, efficiency, effectiveness, sustainability and impact of the activity and its outcomes.
- 5) Data on all individuals participating or receiving support from the Adviser's activities broken down by: PIC; gender; role; and nature of their involvement.
- 6) Recommendations for ongoing support if/as required.

The format of contribution to all reports will be provided prior to mobilisation.



Annex B: Inputs per Phase of PJSI

Theme	Project	July 2016 – May 2019 (Phase 1)	June 2019-June 2020 (Phase II)	July-December 2020 (reporting period)	Total
Procedural Justice	Efficiency	6	5	8	19



Annex C: Update against Results Framework

End of Initiative Outcomes		Intermediate Outcomes			Baseline Data
Objective	Target	Objective	Target	Results (March 2021)	June 2019
<p>2 - Court services are more accessible, professional, responsive, just, efficient & transparent</p>	<p>1 priority change achieved its goal in 5 PICs.</p>	<p>2.4 - <i>procedural justice - efficiency</i> priority change, as agreed to by each of the 3 Chief Justices, progressed.</p>	<p>1 priority change progressed by 3 PICs</p>	<p>Due to Covid-19, engagement with Tokelau and Niue were discontinued and redirected towards <i>priority efficiency-related change</i> in PNG, Solomon Islands, Nauru, FSM and RMI (5). These priority changes involved implementation and improvements to electronic case tracking and management systems, identification and use of 8 Core Court Performance Indicators with information available through dashboards and quarterly reporting, for the purpose of reducing delay and generally improving efficiency in case management. FSM, RMI, Nauru and the Magistrates Court of Solomon Islands appear to have fully achieved their goal and benefit from an accurate Case Tracking System capable of producing valid and up-to-date performance reports which has led to demonstrable improvements in case management and delay reduction. Solomon Islands High Court has demonstrated a significant commitment and progress, however requires more time to enhance JIMS further train judicial and court officers. PNG National Court appear to have benefited from the training and discussions around their technology architecture to properly support Court Performance Management and have commenced action to incorporate Court Performance Reporting into technology enhancements, however it is estimated this may take around five years before they acquire a comprehensive overview of the entire caseload. Despite difficulties in formalising implementation the PJSI CTS in Nauru, the court has none-the-less centralised systems for Family, Supreme and Magistrate court matters and significantly</p>	<p>4 PICs have identified a priority efficiency change, and have comprehensive/feasible plans to achieve its objectives (as appraised by the TA).</p> <p>9 PIC have developed case disposal time-standards.</p> <p>11 PICs have implemented 45% of available technologies to improve efficiency/reliability.</p> <p>8 PICs have moved beyond manual/excel case tracking systems & 7 PICs have electronic case management systems. No PICs independently/periodically review efficiency. PIC's with which PJSI has worked</p>



			<p>improved the quality of case entries resulting in an improved capacity to oversee and manage the caseload.</p> <p>9 PIC have developed case disposal time-standards with measures in one PIC on hold due to Covid-19.</p> <p>4 PICs have moved beyond manual/excel to a case tracking systems, making a total of 11 from 15 PICs working from an electronic case tracking or management system.</p> <p>9 PIC's benefit from the PJSI Dashboard which provides instant information on the caseload and most performance indicators.</p> <p>PIC's with which PJSI has worked understand the importance of efficiency indicators & court performance reporting and 9 have introduced, or are in the process of introducing, regular court performance reporting practices.</p>	<p>understand the importance of efficiency indicators & court performance reporting and 3 have introduced regular court performance reporting practices.</p>
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Annex D: Efficiency Activities, Timing and Survey Results

The table below provides further details about each activity, including its title, location, date, number and gender of participants, mean satisfaction ratings and mean learning gain that the TA has worked on.

Activity	Activity Type	Location	Date	Project	# Pax	% Female	Community Consultations pax	Avg satisfaction	Avg learning gain
2017									
Local Visit #1	Local	Palau	12 Jun - 22 Jun	Efficiency	33	73%	0	86.25%	858.00%
2018									
Efficiency Follow Up Visit	Local	Palau	13 Aug - 17 Aug	Leadership Incentive Fund	32	75%	0	80.70%	122.00%
Regional Court Data Management Workshop Attendance (Vanuatu - CJ Lunabeck)	Local	PNG	26 Nov - 30 Nov	Leadership Incentive Fund	1	0%	0	-	-
Substantive / Capacity Development ToT Workshop (Topic: Data management)	Regional	PNG	26 Nov - 30 Nov	Localising Professional Capacity Building	35	60%	0	93.75%	141.00%
2019									
Local Visit #2	Local	Nauru	17 Jan - 26 Jan	Efficiency	23	43%	0	90.20%	112.00%
Local Visit #4	Local	Tokelau	25 Mar - 29 Mar	Efficiency	5	80%	0	100.00%	175.00%
Local Visit #3	Local	PNG	6 May - 17 May	Efficiency	23	48%	0	95.00%	258.00%
Local Efficiency Visit #1	Local	Niue	24 Jun - 28 Jun	Efficiency	18	67%	0	92.59%	407.00%



Court Data Management Workshop: Sandy Albert	Regional	Vanuatu	14 Oct - 18 Oct	Leadership Incentive Fund	1	100%	0	-	-
PNG Task Force Team: attendance at the Court Data Management Workshop (Judge Dingake)	Regional	Vanuatu	14 Oct - 18 Oct	Leadership Incentive Fund	1	0%	0	-	-
PNG Task Force Team: attendance at the Court Data Management Workshop (Celinia Lualu)	Regional	Vanuatu	14 Oct - 18 Oct	Leadership Incentive Fund	1	0%	0	-	-
PNG Task Force Team: attendance at the Court Data Management Workshop (David Gonol)	Regional	Vanuatu	14 Oct - 18 Oct	Leadership Incentive Fund	1	100%	0	-	-
PNG Task Force Team: attendance at the Court Data Management Workshop (Doris Joseph)	Regional	Vanuatu	14 Oct - 18 Oct	Leadership Incentive Fund	1	100%	0	-	-
PNG Task Force Team: attendance at the Court Data Management Workshop (Theresa Hani)	Regional	Vanuatu	14 Oct - 18 Oct	Leadership Incentive Fund	1	100%	0	-	-
Court Data Management Workshop	Regional	Vanuatu	14 Oct - 18 Oct	Efficiency	42	60%	0	95.73%	95.00%
Court Data Management Follow-up Webinar	Remote - Regional	Remote	28 Nov - 28 Nov	Localising Professional Capacity Building	31	61%	0	75.00%	-
2020									



Efficiency in the Delivery of Justice	Local	Nauru	13 Jan - 17 Jan	Efficiency	9	33%	0	93.33%	84.00%
Webinar #8: Remote Court Proceedings Webinar	Remote - Regional	Remote	20 Aug - 20 Aug	Localising Professional Capacity Building	28	43%	0	97.22%	-
Remote Court Proceedings Webinar Launch	Remote - Regional	Remote	3 Dec - 3 Dec	Localising Professional Capacity Building	41	54%	0	86.67%	-
2021									
Monthly Case Data Analysis Support and Capacity Building	Remote - Regional	FSM	1 Oct – 2 Mar	Efficiency	7	71%	0	-	-
Monthly Case Data Analysis Support and Capacity Building	Remote - Regional	Solomon Islands	1 Oct - 1 Mar	Efficiency	10	50%	0	-	-
Monthly Case Data Analysis Support and Capacity Building	Remote - Regional	PNG	1 Oct - 21 Feb	Efficiency	11	27%	0	-	-



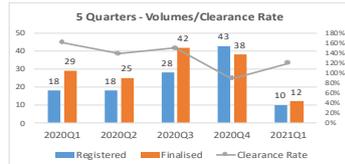
Annex E: Quarterly Report and Dashboard Sample FSM

Quarterly Report Sample FSM

ALL SUPREME COURT QUARTERLY PERFORMANCE REPORT

Case Volumes and Clearance Rate

Previous 5 Quarters	Registered	Finalised	Clearance Rate
2020Q1	18	29	161%
2020Q2	18	25	139%
2020Q3	28	42	150%
2020Q4	43	38	88%
2021Q1	10	12	120%
Total/clearance rate	117	146	125%



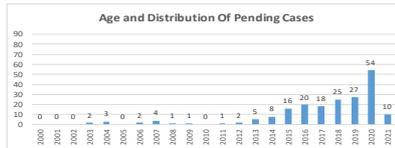
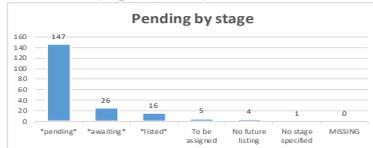
Calendar

Previous 5 Calendar Years	Registered	Finalised	Clearance Rate
2017	141	158	112%
2018	90	172	191%
2019	87	101	116%
2020	107	134	125%
2021	10	12	120%
Total/clearance rate	435	577	133%



Pending Workload

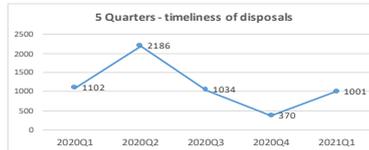
Current Pending	199	CASES
Average Age of Pending	1276	DAYS
Pending to Disposal Ratio (PDR)	1.7	(target - less than 1)



Timeliness of Disposals

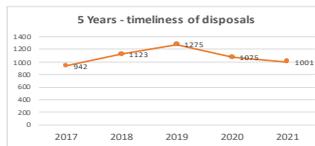
Average Age to dispose cases (days)

Previous 5 Quarters	Average of the 5 periods
2020Q1	1102
2020Q2	2186
2020Q3	1034
2020Q4	370
2021Q1	1001
Average of the 5 periods	1069



Previous 5 Calendar Years

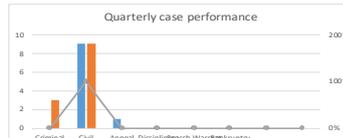
2017	942
2018	1123
2019	1275
2020	1075
2021	1001
Average of the 5 years	1086



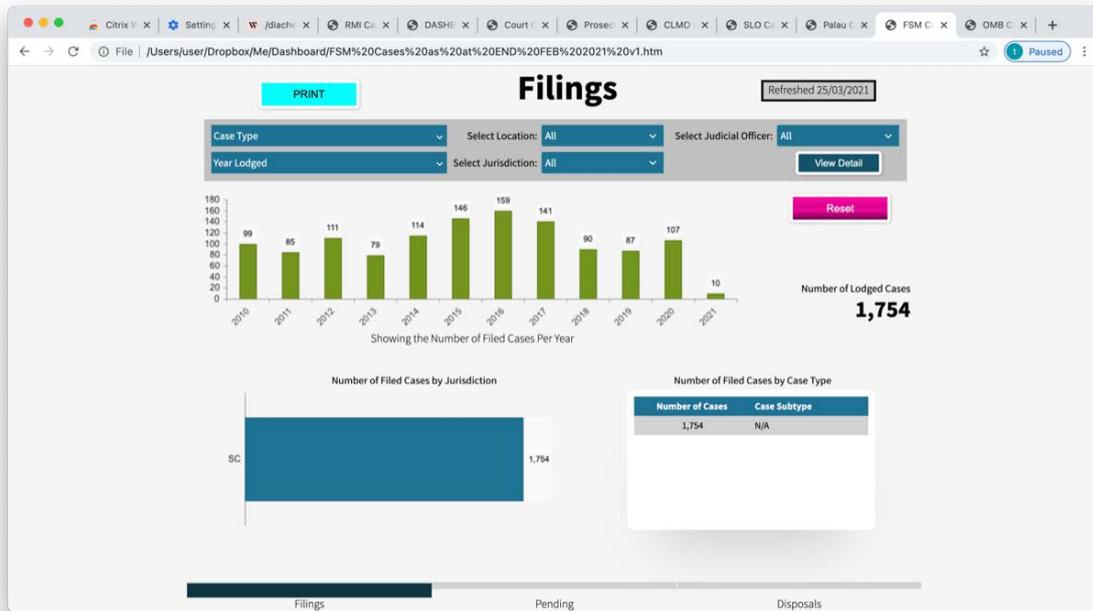
Commentary

Quarterly Volumes

	QTR 1 2021		Clearance Rate
	Registered	Finalised	
Criminal	0	3	
Civil	9	9	100%
Appeal	1	0	0%
Disciplinary	0	0	
Search Warrant	0	0	
Bankruptcy	0	0	



Dashboard Sample FSM



Annex F: PowerPoint Presentation CPR

See attached electronic file.



Annex G: Activities Numbers per Partner Courts per Component

EFFICIENCY (TOOLKIT) INPUTS (ALL IN-COUNTRY)

- i. Palau 2017 (Ms Akers)
- ii. Palau 2018 (Ms Akers)
- iii. Nauru 2019 (Ms Akers)
- iv. Nauru 2020 (Ms Akers)
- v. Tokelau 2019 (Ms Akers)
- vi. PNG 2019 9 (Ms Akers)
- vii. Niue 2019 (Ms. Akers and Mr. Lansdell)

DATA MANAGEMENT – REGIONAL

- i. Vanuatu 2018 (Ms Akers and Mr Lansdell)
- ii. PNG 2019 (Ms Akers and Mr Lansdell)
- iii. Remote 2019 (Ms Akers and Mr Lansdell)

CASE DATA ANALYSIS SUPPORT (OCT 2020 – MARCH 2021)

- i. FSM (x5 sessions) (Ms Akers and Mr Lansdell)
- ii. PNG (x5 sessions) (Ms Akers and Mr Lansdell)
- iii. Solomon Islands (x5 sessions) (Ms Akers and Mr Lansdell)

REMOTE COURT PROCEEDINGS – REGIONAL REMOTE

- i. Needs analysis and grounding for Toolkit
- ii. Introduction to Remote Court Proceedings Toolkit
- iii. Piloting and operationalisation of the Remote Court Proceedings Toolkit in at least 4 Partner Courts to guide the installation, operation and related policy and procedural considerations when using video and audio technologies to conduct court matters.

ICT - CASE TRACKING AND DASHBOARDS

Case Tracking Systems (Go Live)

- i. RMI – 2nd Qtr 2020
- ii. FSM – 3rd Qtr 2020
- iii. Nauru – 4th Qtr 2020

Dashboards (Monthly production)

- i. Vanuatu
- ii. RMI
- iii. Niue
- iv. Nauru
- v. PNG
- vi. Solomon Islands
- vii. Tonga
- viii. Palau
- ix. FSM

SOLOMON ISLANDS JUDICIAL CONFERENCE SESSION - REMOTE

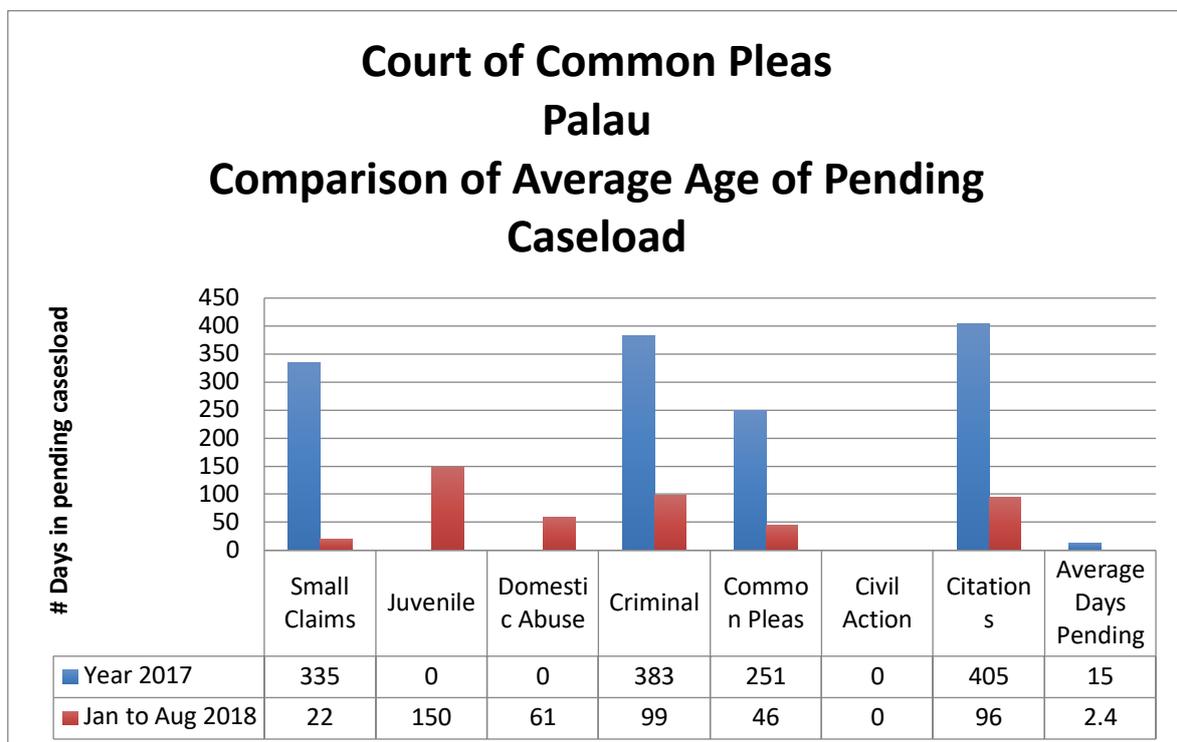
- i. Case management and RCP 2020



Annex H: Efficiency Improvements Palau

Court of Common Pleas

- i. Reductions in the Average Age of the Pending Caseload of Small Claims down 310 days
- ii. Reductions in the Average Age of the Pending Caseload of Criminal down 284 days
- iii. Reductions in the Average Age of the Pending Caseload of Small Claims down 310 days
- iv. Reductions in the Average Age of the Pending Caseload of Common Pleas down 205 days
- v. Reductions in the Average Age of the Pending Caseload of Citations down 209 days
- vi. Reductions in the Average Age of the Pending Caseload of This amounts to an overall reduction in the age of the pending caseload of 84% i.e.: from 15 days average to 2.4 days average.
- vii. These reductions indicate that the court has likely disposed of older cases and that it is possibly better managing its lists of active cases.



- i. The court appears to be tracking to meet its time goals in each case type in 2018.
- ii. Improved information capture on files through introduction of colour coding of files and capturing vital information at a glance
- iii. Notations are made of who and when JIS is updated
- iv. Data is captured for the annual report on gender, age etc.
- v. There is now a drop down on JIS for minors who are victims
- vi. Report for next scheduled event is available
- vii. There is now a drop down on JIS for “off island” and “bench warrant”
- viii. An inventory of JIS has been conducted and identified 214 matters to be reviewed and updated on JIS
- ix. Increased reliability of information and data in JIS resulting in an increased use of JIS
- x. An additional return date for citations on a Friday has been introduced to reduce waiting times for juveniles
- xi. The new JIS dashboard is in use and displays performance information, which is being used to manage the caseload and identify delay



- xii. Time Goals developed in 2017 are confirmed

COURT OF COMMON PLEAS		
Case Type (Pending)	Time Goal	Result from Jan 1 to August 2018
Criminal (TCC & CR)	80% in 70 days	24%
	100% in 9 months	50%
Juvenile Delinquency	100% in 3 months	33%
Juvenile Delinquency Deferred Adjudication		
	100% in 1 year	
Guardianships, adoptions, child support & custody, Divorce, name change, 90%		
	90% in 3 months	83%
Estate	90% in 2 months	80%
Small Claims	95% in 2 months	
Debt	90% in 3 months	70%
Family Protection Act- contested	100% in 1 months	No data available
Family Protection Act - uncontested	100% in 15 days	No data available

Trial Court

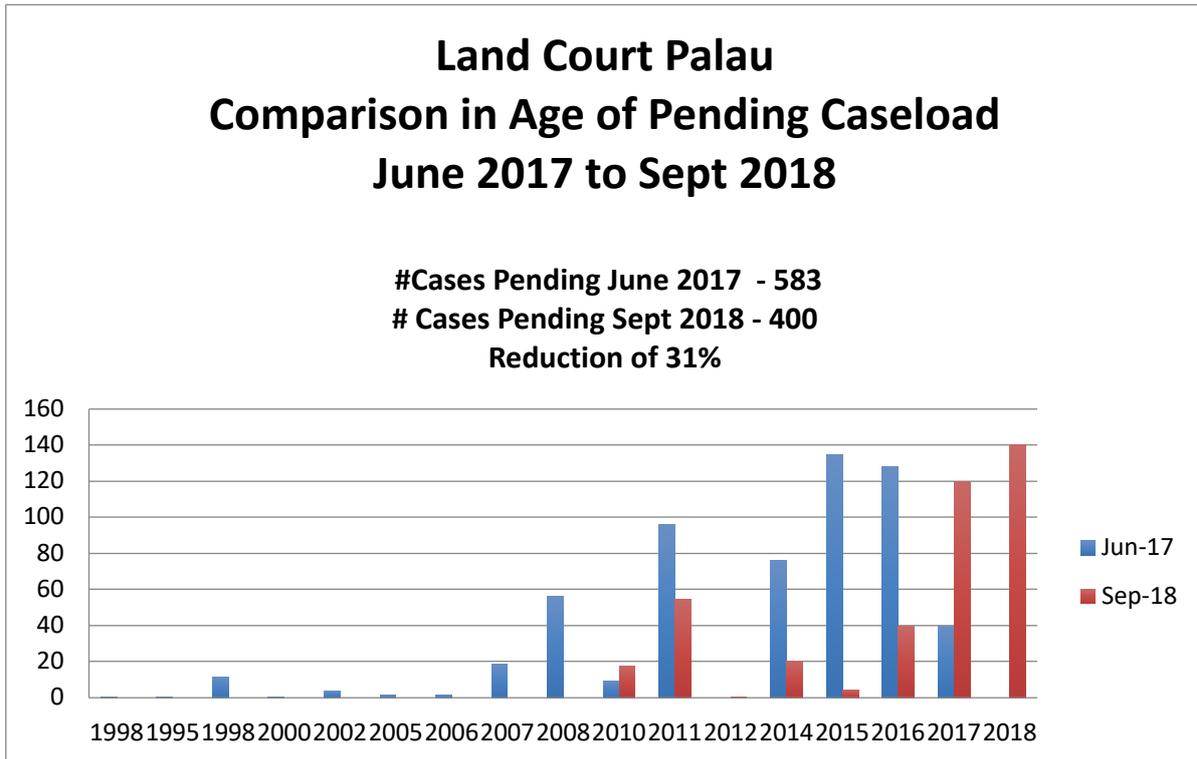
- i. Decrease in pending civil caseload of 44% with a clearance rate for 2018 of 157% indicating backlog reduction is occurring.

Year	Number of Civil Pending Cases
2017	289
2018	159

- ii. Overall reduction in the total pending caseload (i.e.: civil and criminal) of the Trial Court of 50%
- iii. Average age of pending cases in the civil jurisdiction is 492 days which is within the time goal of 100% in 24months
- iv. Judicial caseloads are monitored and evenly distributed
- v. Files now capture the documents filed on the inside file cover which means judges can easily and quickly become familiar with the case stage of the file
- vi. Time goals developed in 2017 are confirmed



Land Court



- i. Decrease in pending caseload of 31% since June 2017
- ii. Disposal of all cases older than 2010 totalling 98 cases
- iii. There is a current clearance rate of 83%
- iv. The average age of pending land cases is 874 days which indicates the court is exceeding its time goals of 100% in 24 months in some cases
- v. The average age of disposed cases is 490 days which, indicates the court could be tracking well to achieve its time goal of 100% in 24 months for complex cases in many cases.
- vi. The time goal of disposed uncontested land matters is 100% in 30 days and the court appears to be achieving this goal, which it was not in 2017.
- vii. Although a Task Force with the Bureau of Land Survey BLS was not established (the Presiding Judge of the Land Court left the court and went into private practice), the BLS has improved the standard of its work
- viii. The Case Management co-ordinator now does not accept incomplete or non-compliant files which reduces delay and the workload of the court
- ix. Chamber clerks now prepare notices and assist the judges more
- x. Status conferences are now held in disputed matters within a month of being assigned to a judge to ensure early preparation and referral to mediation
- xi. About 10% of matters are referred to mediation and settled
- xii. Trial dates are set early
- xiii. An inventory of JIS was conducted to ensure JIS is completely up to date and accurate resulting in greater reliance on JIS and improved caseflow and reporting
- xiv. In 2017 judges were comfortable using an Access and reluctant to update JIS as well. Now the court is using JIS more and updating it accurately
- xv. The court has created a worksheet for each case file with the lot number which improves speedy access to key information
- xvi. Files now capture the documents filed on the inside file cover which means judges can easily and quickly become familiar with the case stage of the file
- xvii. JIS has been improved and can now produce reports based on claimants, age, year, category, disputed and undisputed



- xviii. Court room resources at the Capitol are now being maximised as parties are now offered an earlier hearing if they go to the Capitol.

*Appellate Court*⁷

- i. The Chief Justice continues to be very active in monitoring compliance with Order 2 requiring the completion of decisions within 90 days of final submissions in the Appellate Court and 60 days in the Trial Court, Land Court and Court of Common Pleas.

Information Technology

- i. Court personnel have significantly improved the quality of the data entered and maintained and have 'cleaned up' JIS data. This has resulted in efficiency gains in time needed to retrieve information and to generate reports as judges and court personnel can now rely on the accuracy of the system. This is a contrast to 2017 where there was a lack of trust in JIS and staff were reluctant to rely on it and update it.
- ii. The MIS Director has completed significant upgrades and enhancements to JIS since 2017 with the latest being the creation of a dashboard (with the assistance of PJSI Tony Lansdell)
- iii. The speedy trial date is automatically calculated by the system.
- iv. Remote filing and access is in use
- v. Mobile Phone and Email addresses are captured
- vi. eNotifications have been added
- vii. Victims are captured and can be reported according to gender and age
- viii. Separate reports can be generated for the Family Protection Act

i. ⁷ The court is experiencing an influx of cases with the pending caseload increasing from 18 to 60. This may be attributable to the high number of dispositions in the trial court. Additionally, the court has experienced some delay in case flow due a reduction in the quality of support provided to judges by law clerks.



Annex I: Nauru Efficiency Outputs and Outcomes 2019-2020

(Attributable in part or whole to PJSI Efficiency Inputs)

1. Judges are more conscious of timeliness and firmer with counsel, less lenient with adjournments and aware of the need to prevent delay.
2. Court performance reporting using the 7 PIC Core Court Performance Indicators was introduced, providing insight into the productivity of the court and capability of identifying delay.
3. More regular meetings of Judges and the Magistrate are held increasing efficiency in the management of the caseload.
4. Review of registry processes are underway and ongoing, streamlining work to provide improved services.
5. A full audit of the current caseload is soon to be completed to ensure the registers and case tracker is accurate and capable of producing reliable reports.
6. Continued implementation of new and revised pieces of legislation has occurred eg: Court of Appeal Act 2018, Supreme Court Act 2018, District Court Act 2018, Child Welfare and Protection Act 2018, Legal Practitioners Act 2019. As these modernised pieces of legislation are enabled, efficiency in the delivery of justice in these jurisdictions is improved.
7. A Case Tracker was introduced with data captured dating back to 2010. This enables instantaneous access to information and the production of performance reports. The successful transition to the case tracker is a reflection of the technical competence and commitment of court personnel, which is an important pre-cursor to the transition to a Case Management System (potentially the Marshall Islands system).
8. A computer Dashboard was introduced by PJSI ICT Adviser, Mr Tony Lansdell, which allows easy access to case information and performance information instantaneously.
9. All current cases were reviewed, with dormant cases culled and action taken to bring all files up-to-date and where necessary, ready for call-over. The pending list is an accurate reflection (apart from a few cases) of the actual work pending, which enables the court to more accurately plan the use of the three judicial resources who travel in-country on a rotational basis.
10. Systems for the random allocation of cases has been refined to make it more transparent and equal.
11. A new filing system was introduced which makes it clear which files are allocated to which judge. These files are ordered according to the next hearing date making them easier for judicial and court officers to find.
12. A document exchange was introduced to aid the easy exchange of documents between the court and legal representatives, reducing lost documents and the need to search.
13. Court personnel were provided training - two attended the regional PJSI Court Data Management Workshop in Port Vila, Vanuatu in October, 2019.



14. There was an over-all successful effort, to improve the accurate, tidy and up to-date management of files, registers and records. This has resulted in increased efficiency and orderliness of files and documents and helped improve the general efficiency of the registry and chambers.
15. There was a marked increased awareness about need for equal access to justice for persons living with a disability who attend court and an understanding of their needs.
16. As a result of a more consequent and consistent approach to absenteeism and lateness (with the self-termination of two chronic offenders), there is a marked improvement in morale and teamwork.
17. Court personnel better understand the importance of efficiency and consequently make a greater effort to improve and assist colleagues, judicial officers and the public.
18. Position descriptions have been updated.
19. Overall, the District Court and Supreme Court continue to hear and dispose of cases in a timely manner and there is no discernible delay outside the need to clear seven reserve judgements of Refugee Appeals in the Supreme Court, and the need to ensure that the next sittings of the Supreme Court for Refugee Appeals proceed soon to prevent a problematic accumulation of cases.
20. Leadership of the court has continued to create and integrate systems and processes to support the newly established Court of Appeal (in 2018). The court has received over 40 appeals (24 Refugee Appeals and 20 Civil & one Criminal Appeal). This compares with about four Appeals to the High Court of Australia in the period prior to the establishment of the court in 2018. The increased numbers of appeals to the Court of Appeal, indicates that citizens of Nauru and Refugees are utilising improved access to justice locally.
21. The court has installed technologies (LCD Screens) to enable the presentation of remote testimony and presentation of evidence.



Annex J: Niue Outputs and Outcomes

UNEXPECTED OUTPUTS

In addition to this, there were ten unexpected outputs from this activity:

- i. Excel case tracking workbooks (Land and Criminal/Civil/Other);
- ii. Court Performance Dashboard;
- iii. 7 Key Niue Court Performance Indicators;⁸
- iv. Quarterly Report Template;
- v. Court Roster for 2019/2020;
- vi. Checklist for completed action for criminal matters;
- vii. Capacity to report on gender of parties;
- viii. Caseload Audit Guidelines;
- ix. The entry of over 300 'lost' files on the Excel Land Register by the Registration Officer over two days was unexpected and outstanding effort and welcomed display of support for the input; and
- x. Settlement upon a court calendar for 2019/2020 and an enhanced court cover were unintended outputs.

EXPECTED OUTCOMES

There were several expected outcomes of this activity:

- i. Improved knowledge of obligations to conduct a fair trial in a reasonable time;
- ii. Consistent understanding of how individual and court performance affects the community;
- iii. Understanding of case management principles and court performance management that assure procedural justice;
- iv. Understanding of importance of performance reports to help manage the caseload and allocate resources;
- v. Recognition of impact of delay, especially in land matters;
- vi. Improved recording of judicial decisions and disposition information;
- vii. Monitoring of the current state of the caseload, particularly in land cases;
- viii. Understanding of each other's contribution to the performance of the court as it prepares, determines and finalises cases; and
- ix. Review of processes and procedures to assure procedural justice, especially the elimination of practices that are not conducive to efficiency case-flow.

UNEXPECTED OUTCOMES

In addition to this, there were several unexpected outcomes, as follows:

- i. The court to move onto the NCTS and the Dashboard within four days;
- ii. Rapid uptake by the Registrar, Deputy Registrar and court personnel to commence the caseload audit and complete missing land cases for 2016, 2017 and 2018⁹ and also, enter the Civil/Criminal for 2017, 2018 and 2019;
- iii. The court is motivated and prepared to address any identified backlogs;
- iv. The court is working on its compiled 2015-2018 Annual Report which has been delayed because of 600 missing cases data entries. The completion of the 2015-2018 Annual Report

⁸ 5 Core Pacific Court Performance Indicators plus Niue priorities: 1. Clearance rate; 2. Pending to disposal; 3. Average age of disposed case; 4. Age of pending caseload; 5. Pending exceeding time goals; 6. Adj/attendance rate; 7. Reserve Judgement.

⁹ These entries were entered previously on an Excel Workbook which was saved on a USB drive which became corrupted.



- and the 2018-2019 Annual Report could coincide with the Data Management Workshop in Vanuatu;
- v. Full recognition that the court must record and count disposals to truly be able to assess performance;
 - vi. Provision in the new NCTS for automatic calculations of Cook Island Indicators 1 and 2 and age and gender related data; and
 - vii. A meeting with the High Commissioner of New Zealand Kirk Yates and the Deputy High Commissioner resulted in positive support for the court to acquire or build a new court complex.

