*This resource was developed for the*

**Pacific Judicial Strengthening Initiative**

**Solomon Islands**

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**Options to Improve Lawyering and Non-Compliance**

**Session 2: Court Management & Delay**

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**Options to Improve Lawyering and Non-compliance**

**Options to improving the quality of lawyering**

1. The Chief Justice and President of the Law Society on behalf of the profession meet quarterly to talk about matters that require particular attention and strategies to improve;
2. The court hosts regular discussions around particular areas of practice e.g.: the drafting of pleadings;
3. The court organises presentations by high level legal educational specialists to present on a particular area of law;
4. Where relations are strained between the court and lawyers, consider engaging an external facilitator to help with communication and co-operation;
5. Lawyers need to know the probable actions in response to lawyer non-compliance with deadlines or other requirements;
6. Lawyers need to be treated consistently in their requests e.g.: for adjournments.  Here policy statements are helpful;
7. Gear rules and procedures to require the full preparation of cases prior to filing;

**Case specific approaches for non-compliance on application**

A judge on the application of a party or at the judge’s own initiative may:

1. Reject incomplete or non-compliant filings;
2. List the matter for trial despite non-compliance;
3. Express annoyance on the court record;
4. Seek an apology;
5. Make an “unless” order, for example: “Unless the statement is filed by the XXX costs will be payable in the amount of XXX to be paid forthwith”;
6. Move the case to a special ‘non-compliance list’ overseen by the Chief Justice;
7. Deem the matter resolved and move to completed matters;
8. Drop the case to the bottom of the list;
9. Caution the lawyer in open court in front of the client;
10. Threaten costs against the party;
11. Threaten costs against the lawyer personally;
12. Threaten contempt of court proceedings;
13. Impose costs against the party;
14. Impost costs against the lawyer personally;
15. Complain to the law society and request action; and
16. Only after other approaches have been tried and in the most exceptional of circumstances, take action for contempt of court.