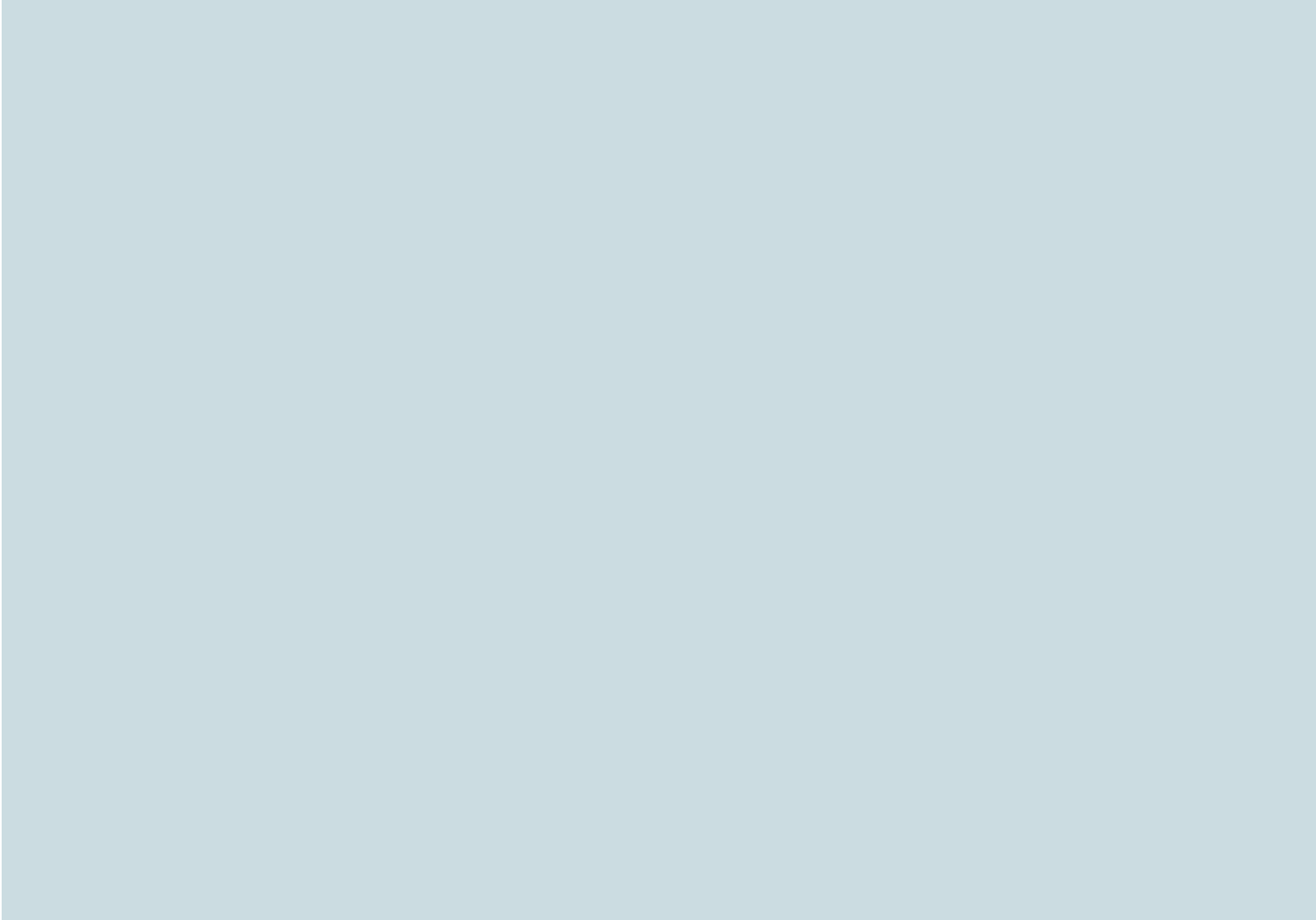




EFFICIENCY TOOLKIT

ADDITIONAL MATERIALS



Additional Materials

Annex 1	Efficiency Review	A-2
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Annex 1 Efficiency Review



Please download the

“Efficiency Review Kit”

<http://www.fedcourt.gov.au/pjsi/resources/toolkits>

Annex 2 Top 8 Pacific Core Court Performance Indicators

PIC Top 8 Performance Indicators

TOP EIGHT COURT PERFORMANCE INDICATORS

1. Clearance Rate
2. Reserved Judgments
3. Age Distribution Pending
4. Average Age to Disposal
5. Pending cases per Stage
6. Number of cases disposed per Judge
7. Pending (to) Disposal Ratio
8. Attendance Rate

1. Clearance Rate

- Used to identify if the court is accumulating cases in excess of disposal levels
- Calculated: $\frac{\text{Cases Disposed}}{\text{Cases Filed}} \times 100 = \%$
- Target
 - Greater than 100%
- Outcome in Key Performance Area:
 - Overall manageability of the workload

2. Reserved Judgments

- Used to identify number and age of reserved judgments per judge and overall.
- Assists in planning targeted approach assist judge to reduce reserve judgments.
- Target
 - Low, and no delay
- Outcome in Key Performance Area:
 - Minimal delay in final adjudication.

3. Age Distribution Pending

- Identifies the age of active pending cases in relation to their filing dates, to highlight areas of congestion and scale of delay
- Target
 - No LONG tail
- Outcome in Key Performance Area:
 - Delay prevention in delivery of timely justice

4. Average age to disposal

- The average time it takes to dispose of a case in days
- Target
 - Within time standards or within expectations
- Outcome in Key Performance Area:
 - Productivity, efficiency and delay management.

5. Pending cases per stage

- Used to identify what stage the cases have progressed to, to highlight where delay might be
- Target
 - Significant % with Future Listing
- Outcome in Key Performance Area:
 - Continuous case progression in delivery of timely justice

6. Number cases disposed per judge

- The number and percentage of disposed cases per Judicial Officer in a year
- Target
 - Consistency
 - Within expectations
- Outcome in Key Performance Area:
 - Efficient use of resources to maintain consistent levels of judicial services.

Cases disposed last year

Judge	Cases Disposed
Judge 1	50
Judge 2	325
Judge 3	200
Judge 4	25
Judge 5	50
Judge 6	100
Judge 7	100

Cases disposed last year

Judge	Percentage
Judge 1	15%
Judge 2	35%
Judge 3	20%
Judge 4	5%
Judge 5	10%
Judge 6	15%
Judge 7	15%

7. Pending (to) Disposal Ratio

- The Pending to Disposal (PDR) ratio tells us approximately how long it will take us to deal with the current pending caseload based on recent performance
- Target
 - Aim for our PDR to be as low as possible
 - 1 or below for a higher court
 - 0.5 or below for a lower court
- Outcome in Key Performance Area:
 - Effective forecasting to ensure timely delivery of justice.
- In this case the
 - Pending to disposal ratio is: $200/100 = 2$
 - This equates to approx. 2 years worth of work.

Pending to Disposals

Category	Count
Pending	200
Disposal	100

8. Attendance Rate

- How many times parties attend a court proceeding, on average, prior to disposal
 - Sometimes called continuance rate or adjournment rate
- Target
 - Lower is better
 - BUT
 - Sometimes greater is good
- Outcome in Key Performance Area:
 - Efficiency and delay prevention

Closed Cases

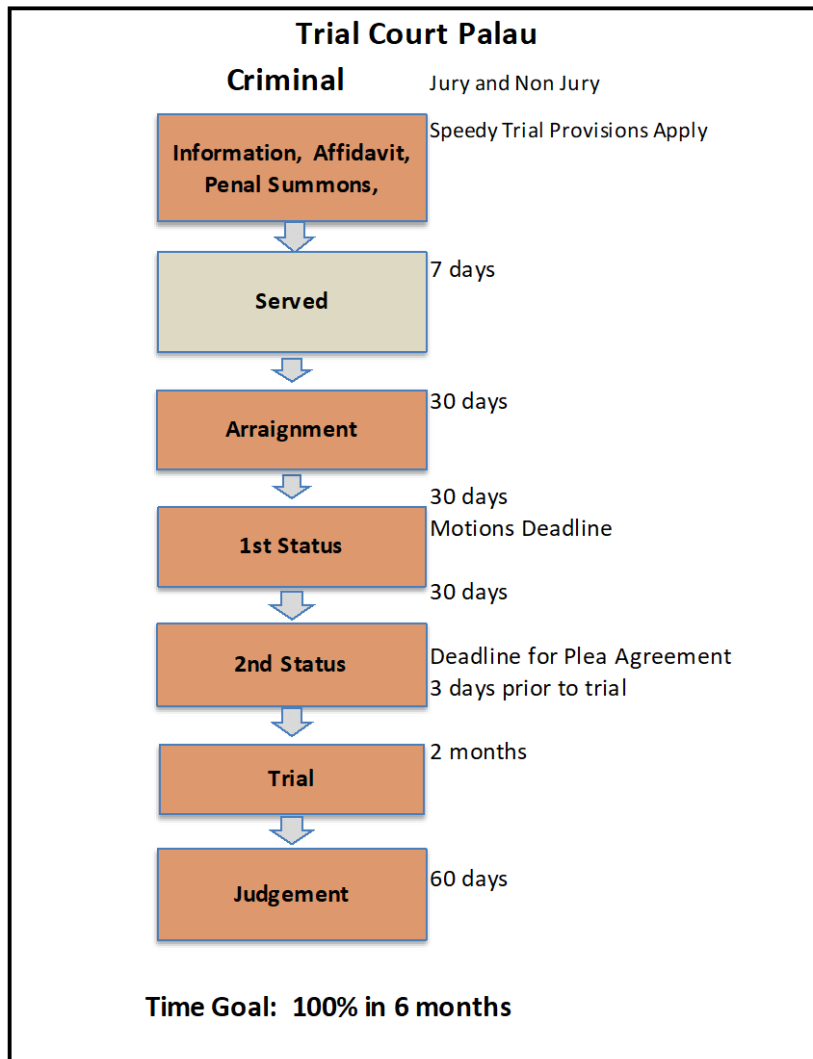
175 days
Average Case Duration

3.0
Average Continuance Rate

646
Number of Closed Cases

Annex 3 Time Goals Palau Trial Court

TRIAL COURT	
Criminal Cases	100% in 6 months
Debt	90% in 3 months
Constitutional & Election	100% in 3 weeks
Estate	100% in 3 months
Contract, Chiefly Titles, Ejectment, Torts, Land	50% in 12 months, 100% in 24months

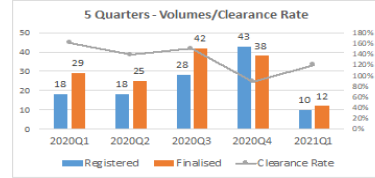


Annex 4 Sample Quarterly Report

ALL SUPREME COURT QUARTERLY PERFORMANCE REPORT

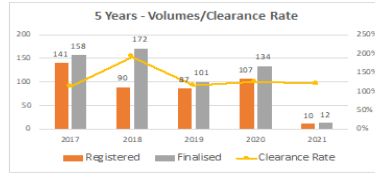
Case Volumes and Clearance Rate

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%



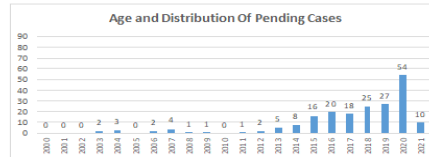
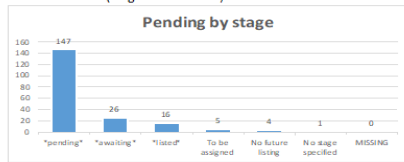
Calendar

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)

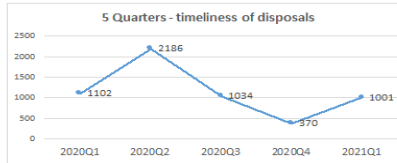


Timeliness of Disposals

Average Age to dispose cases (days)

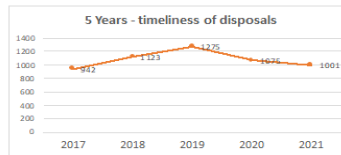
Previous 5 Quarters

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



Previous 5 Calendar Years

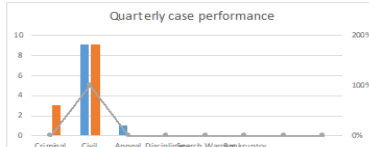
2017	942
2018	1123
2019	1275
2020	1075
2021	1001
Average of the 5 years	1086



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	



Annex 5 Differential Case Management Criteria

For a transparent and consistent approach to prioritising and differentiating cases, the court should set out decision-making criteria.

Criteria and considerations are:

- If there are pre-trial detainees;
- Cases involving youth or children;
- Nature of restraining orders and injunctive applications;
- Denial of human rights;
- Need to protect victims of family violence;
- Provision of access to justice for minority groups and women;
- Age of the case;
- The degree of public interest;
- Need to stop conflict and keep the peace;
- Significance of the proposed future activity;
- Whether the resolution has a precedent value or direct impact on other cases;
- The attitudes of parties that might cause the speedier resolution of other cases;
- The views, needs and hardship of the parties;
- The level of preparedness, exhaustion of settlement options and investment of resources;
- The high potential benefit for claimants or respondents e.g.: amount of royalties involved;
- Concern that knowledgeable elders or important parties might pass away;
- Related to needy housing or public infrastructure development;
- The merits to prioritise amongst all pending cases; and
- The interests of justice.

Annex 6 Lawyers and Sanctions

General approach 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; and
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.

Annex 7 Physical Caseload Audit Checklist

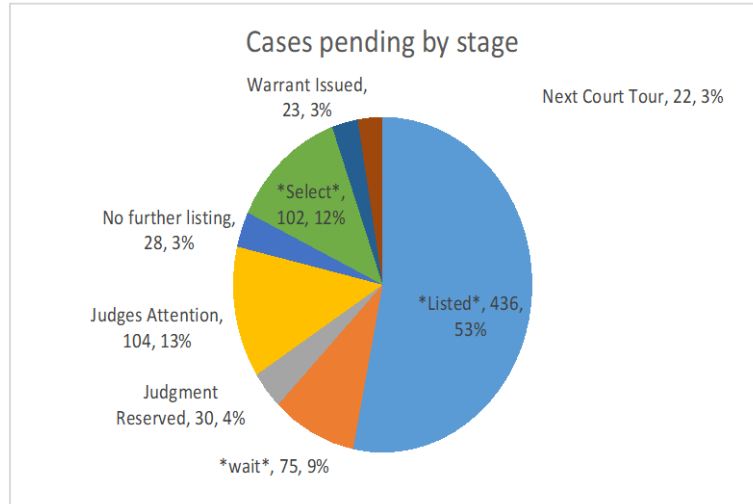
PHYSICAL FILE AUDIT CHECKLIST	Yes <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>
• Is the file in the right place?	<input type="checkbox"/>	<input type="checkbox"/>
• Is the status correct?	<input type="checkbox"/>	<input type="checkbox"/>
• Are there are any urgent or important matters that require attention?	<input type="checkbox"/>	<input type="checkbox"/>
• Should the case be differentiated e.g.: family violence?	<input type="checkbox"/>	<input type="checkbox"/>
• Is the age of the offender recorded and if a juvenile are special processes to be invoked?	<input type="checkbox"/>	<input type="checkbox"/>
• Is the offender in custody and if so, should it be prioritised?	<input type="checkbox"/>	<input type="checkbox"/>
• Is the timetable being complied with?	<input type="checkbox"/>	<input type="checkbox"/>
• Are manual or computer records correct and up to date?	<input type="checkbox"/>	<input type="checkbox"/>
• Are all filings on the court file?	<input type="checkbox"/>	<input type="checkbox"/>
• Have all notices for the next event date been issued?	<input type="checkbox"/>	<input type="checkbox"/>
• Are affidavits of service on file where required?	<input type="checkbox"/>	<input type="checkbox"/>
• Are legal representatives recorded on the file?	<input type="checkbox"/>	<input type="checkbox"/>
• Do the filings comply with rules and procedures?	<input type="checkbox"/>	<input type="checkbox"/>
• The court date or event is entered in the diary and on the electronic case tracking system?	<input type="checkbox"/>	<input type="checkbox"/>
• Special needs and rights of the parties or their witnesses have been noted and action taken e.g.: if translators are required?	<input type="checkbox"/>	<input type="checkbox"/>
• Should the matter be dismissed for want of prosecution or without prejudice or deemed resolved?	<input type="checkbox"/>	<input type="checkbox"/>
• Should the matter be closed or archived?	<input type="checkbox"/>	<input type="checkbox"/>
• Is the matter in the correct List?	<input type="checkbox"/>	<input type="checkbox"/>

Annex 8 Case Stage Graphic

Pending cases per stage



- Used to identify what stage the cases have progressed to, to highlight where delay might be
- Target
 - Significant % with Future Listing
- Outcome in Key Performance Area:
 - Continuous case progression in delivery of timely justice



Annex 9 Efficiency Workshop PowerPoint Presentation

Please download presentation from the [PJSI Toolkit Website](#)

Annex 10 Bibliography

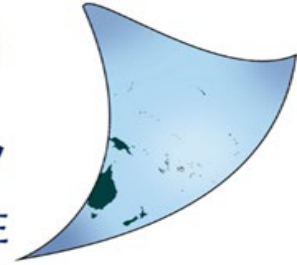
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Toolkits are evolving and changes may be made in future versions. For the latest version of this Toolkit and the Additional Documentation please refer to the website - <http://www.fedcourt.gov.au/pjsi/resources/toolkits>

Note: While every effort has been made to produce informative and educative tools, the applicability of these may vary depending on country and regional circumstances.



PACIFIC
JUDICIAL STRENGTHENING INITIATIVE



EFFICIENCY TOOLKIT

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