

**EFFICIENCY REVIEW KIT**

**COURT CASEFLOW MANAGEMENT**



**Revised May 2021**

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# Efficiency Review

*Court caseflow management*

The purpose of this Efficiency Review is to provide a framework for partner courts to examine efficiency in the case resolution process and to strengthen procedural justice. This Review helps ensure court users are granted with rights to a just, timely and fair trial and that costs are minimized.

The aim of the *Efficiency Review* is to:

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* Understand the current situation in your court and to provide a baseline from which improvements can be measured;
* Provide a self-assessment of the 7 Areas of Court Efficiency;
* Help identify and eliminate delay;
* Identify strengths and weaknesses for improvement; and
* Help continuously improve efficiency through the development of an *Improvement Plan*.

The review comprises the following stages:

1. A self-assessment around 7 Efficiency Areas;
2. Analysis of results;
3. Development of an Improvement Plan;
4. Implementation of the improvement plan; and
5. Continuous yearly review and improvement.

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| 7 EFFICIENCY AREAS  1. Current situation  2. Leadership  3. Procedures  4. Judicial management  5. Caseload control  6. Delay management  7. Effective court personnel |

**The 7 Efficiency Areas Self-Assessment is effectively a health-check of caseflow and case management in your court.**

This framework is to be used in conjunction with the [PJSI Efficiency Toolkit](https://www.fedcourt.gov.au/pjsi/resources/toolkits/efficiency/Online-Version-Efficiency-Toolkit.pdf) and [Additional Materials](https://www.fedcourt.gov.au/__data/assets/pdf_file/0006/53637/Online-Version-Efficiency-Toolkit-Additional-Materials-.pdf).

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# EFFICIENCY AREA 1: CURRENT SITUATION

**Name of Court**:

**Division/department if not entire court**:

**Date Conducted**:

**Team**:

**Team Leader:**

**Case types under review**:

**Number of Judges:**

*Comment*: \_     \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Number of Court Personnel:**

*Comment*:      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Total Number of Active Pending Caseload:**

*Comment:*      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Current pending caseload data**

**Period measured**:

**Number of Active Pending Caseload per case type**:

*Comment*:      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Disposed caseload data**

Total number of cases disposed:

*Comment:*      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Number of cases disposed per case type**:

*Comment*:      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Other Information*:      \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Now refer to the following *Top 8 Pacific Island Core Court Performance Indicators*, calculate and analysis them to complete your assessment of the current situation. It is helpful to present the results in a Report, such as the example presented later in this review.

**TOP 8 PACIFIC ISLAND CORE 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**

| **Performance Area Outcome** | **Indicators/Measures** | **Graphic** |
| --- | --- | --- |
| Manageable overall caseload  A black and white logo  Description automatically generated with low confidence | 1. ***Clearance rate* – the number of outgoing cases as a percentage of the number of incoming cases.**  * *Used to identify if the court is accumulating cases in excess of disposal levels* * *Calculated:*   *Cases Disposed x 100 = % Cases Filed*   * *Target - Greater than 100%* |  |
| Minimal delay in final adjudication  Icon  Description automatically generated | 1. **Reserve Judgments - Number, age and percentage of reserved judgments outstanding in relation to time goals**  * 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 |  |

|  |  |  |
| --- | --- | --- |
| Productivity, efficiency & delay management  A picture containing text, outdoor  Description automatically generated | 1. **Average age to disposal - the average time it takes to dispose of a case in days**  * Target - within time goals or within expectations |  |

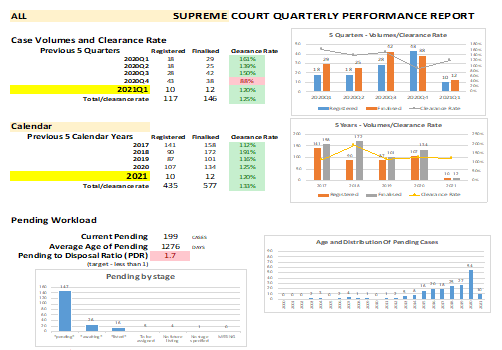
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| --- | --- | --- |
| **Performance Area Outcome** | **Indicators/Measures** | **Graphic** |
| Delay prevention in delivery of timely justice  A black and white logo  Description automatically generated with low confidence | 1. ***Age distribution of the pending caseload* - the age of active cases that are pending before the court measured as the number of days/months/years from filing until the time.**  * 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, meeting of time goals | Chart  Description automatically generated |

|  |  |  |
| --- | --- | --- |
| **Performance**  **Area Outcome** | **Indicators/Measures** | **Graphic** |
| Continuous case progression in delivery of timely justice  Icon  Description automatically generated | 1. **Number and percentage per cases stage**  * Used to identify what stage the cases have progressed to, to highlight where delay might be * Target - Significant % with Future Listing, few cases not moving toward disposition. |  |
| Efficient use of resources to maintain consistent levels of judicial services  Icon  Description automatically generated | 1. **Number of cases disposed per judge**   The number and percentage of disposed cases per Judicial Officer in a year   * Target – Consistency/Within expectations |  |

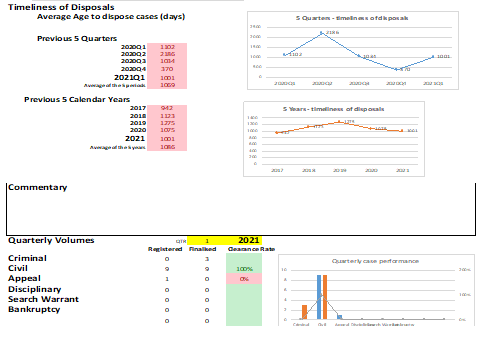
|  |  |  |
| --- | --- | --- |
| **Performance**  **Area Outcome** | **Indicators/Measures** | **Graphic** |
| Effective forecasting to ensure timely delivery of justice  **Icon  Description automatically generated** | 1. **Pending to Disposal Ratio - The number of cases pending (demand) in relation to the number of cases disposed, usually over a year (current productivity capacity).**  * 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 a low as possible     - 1 or below for a higher court     - 0.5 or below for a lower court * In this case the   + Pending to disposal ratio is: 200/100 = 2   + This equates to approx. 2 years worth of work. |  |

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| --- | --- | --- |
| **Performance**  **Area Outcome** | **Indicators/Measures** | **Graphic** |
| Efficiency and delay prevention | 1. **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. |  |

**SAMPLE COURT PERFORMANCE REPORT**



**SAMPLE COURT PERFORMANCE REPORT cont’d**



### Comments and observations about the current situation. You may refer to the above indicators, user survey results, reports, feedback and other sources.

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| EFFICIENCY AREA 1: CURRENT SITUATION SELF RATING RESULT Based on the information and indicators in Area 1, how would you rate the overall efficiency of your court on a scale of 1 – 100 where 100 is the best?  Answer     % |

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| **EFFICIENCY AREA 2: LEADERSHIP** Consider each statement and provide a response using the following rating scale: 1 | We don’t do that yet. 2 | Needs a lot of improvement. 3 | Needs some improvement. 4| We need a little improvement. 5 | Yes, we do that really well ☺ NB: if you don’t need to do the action either replace it with another action relevant to you or, give yourself a 5 to neutralise the scorecard mark. |

| Leadership Actions | | Rating | Comment | In Plan? |
| --- | --- | --- | --- | --- |
| 1 | There is a team comprising of actors *across the sector*, including lawyers, who are responsible for improving justice services |  |  |  |
| 2 | The court takes a leadership role across the sector to improve efficiency in caseflow |  |  |  |
| 3 | Judges and court leaders work together to ensure cases are not delayed |  |  |  |
| 4 | Presiding judges and court personnel in leadership positions are skilled in leadership and management |  |  |  |
| 5 | Leaders are held accountable for their performance |  |  |  |
| 6 | Leading judges and court staff court performance reports to monitor timeliness and productivity |  |  |  |
| 7 | Leaders use time goals and other targets to measure delay and create a commitment to timeliness |  |  |  |
| 8 | Judges and court personnel understand their role in the caseflow process and this role is written into position descriptions or policy |  |  |  |
| 9 | Judges hold judge meetings regularly and discuss caseflow, delay and progress in preparing reserve judgments |  |  |  |
| 10 | The court controls the pace of litigation, not the parties |  |  |  |
| 11 | Judges are provided and use personalized reports each month about active cases in their dockets that includes case progress against time goals and the number and age of reserve judgments |  |  |  |
| 12 | The court is continually seeking to improve its case management systems whether manual or computerized. |  |  |  |
|  | Total |  |
|  | Maximum score | 60 |
|  | Divide total score by maximum score x 100 to find your % result |  |

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| **EFFICIENCY AREA 3: PROCEDURES** Consider each statement and provide a response using the following rating scale: 1 | We don’t do that yet. 2 | Needs a lot of improvement. 3 | Needs some improvement. 4| We need a little improvement. 5 | Yes, we do that really well ☺ NB: if you don’t need to do the action either replace it with another action relevant to you or, give yourself a 5 to neutralise the scorecard mark. |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Procedural Actions | | Rating | Comment | In Plan? |
| 1 | The court has a framework of case management powers in statutes with rules, procedures and practice directions which are regularly reviewed |  |  |  |
| 2 | Judges and court staff are knowledgeable about the case management framework and comply with them in their daily work |  |  |  |
| 3 | Every case is screened early by a judge (no more than 48 hours from filing) for its compliance with filing requirements and to determine case characteristics for case differentiation |  |  |  |
| 4 | The court has a policy regarding differential case management |  |  |  |
| 5 | Cases involving children as defendants or victims are automatically differentiated and prioritised |  |  |  |
| 6 | Family violence matters are prioritised |  |  |  |
| 7 | Cases where the defendant is remanded in custody are differentiated and prioritised |  |  |  |
| 8 | The court uses colour coding on files and documents for differentiated cases |  |  |  |
| 9 | The court has alternative dispute resolution options such as mediation, judicial settlement conferencing and uses them |  |  |  |
| 10 | The court recognises that most disputes do not end in a trial and therefore, stimulates the parties toward alternative dispute resolution options and settlement |  |  |  |
|  | Total |  |
|  | Maximum score | 50 |
|  | Divide total score by maximum score x 100 to find your % result |  |

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| **EFFICIENCY AREA 4: JUDICIAL MANAGEMENT** Consider each statement and provide a response using the following rating scale: 1 | We don’t do that yet. 2 | Needs a lot of improvement. 3 | Needs some improvement. 4| We need a little improvement. 5 | Yes, we do that really well ☺ NB: if you don’t need to do the action either replace it with another action relevant to you or, give yourself a 5 to neutralise the scorecard mark. |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Judicial Management Actions | | Rating | Comment | In Plan? |
| 1 | Court users understand that the court controls the pace of litigation |  |  |  |
| 2 | Judges supervise cases continually and there are few cases without a future listing date |  |  |  |
| 3 | The court has published guidelines regarding recusal and conflicts of interest |  |  |  |
| 4 | Judges hold case management conferences and set timetables to assure the thorough and timely preparation of cases |  |  |  |
| 5 | Trials are prepared in detail and in advance considering the structure, length and presentation of testimony i.e.: affidavit evidence, oral evidence, special needs of witnesses and victims |  |  |  |
| 6 | The court has an agreed and published adjournment (continuance) policy that is complied with |  |  |  |
| 8 | It is very unlikely that trials will be adjourned on the day of trial commencement |  |  |  |
| 9 | Trials are never adjourned because the court is not ready or doesn’t have resources |  |  |  |
| 10 | The court monitors trial date and important event vacation rates |  |  |  |
| 7 | The court has a reliable capacity to take remote testimony using video technologies |  |  |  |
| 11 | Judges know how to deal with poor performance by lawyers |  |  |  |
|  | Total |  |
|  | Maximum score | 55 |
|  | Divide total score by maximum score x 100 to find your % result |  |

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| **EFFICIENCY AREA 5: CASELOAD CONTROL** Consider each statement and provide a response using the following rating scale: 1 | We don’t do that yet. 2 | Needs a lot of improvement. 3 | Needs some improvement. 4| We need a little improvement. 5 | Yes, we do that really well ☺ NB: if you don’t need to do the action either replace it with another action relevant to you or, give yourself a 5 to neutralise the scorecard mark. |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Caseload Control Actions | | Rating | Comment | In Plan? |
| 1 | The court divides the current caseload into an “active pending list”, “inactive pending list” and separates out enforcement and bench warrant cases from these lists |  |  |  |
| 2 | Every case in the “active pending list” has a date diarised for a future court, administrative event or other action |  |  |  |
| 3 | Cases are assigned to judges using a random allocation system |  |  |  |
| 4 | Judges with a recognized specialised expertise in an area of law are generally allocated those cases |  |  |  |
| 5 | Cases are distributed evenly amongst judge dockets |  |  |  |
| 6 | Judges are satisfied with their (centralized or individual) docket system |  |  |  |
| 7 | The number of cases in individual judge is fair and equalized from time to time |  |  |  |
| 8 | The court has a manual of instructions for caseflow management, and all staff and judges have access to it and are knowledgeable of its contents and put it into practice |  |  |  |
| 9 | There is continual oversight of enforcement proceedings |  |  |  |
| 10 | The court completes a thorough Caseload Audit annually |  |  |  |
|  | Total |  |
|  | Maximum score | 50 |
|  | Divide total score by maximum score x 100 to find your % result |  |

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| **EFFICIENCY AREA 6: DELAY MANAGEMENT** Consider each statement and provide a response using the following rating scale: 1 | We don’t do that yet. 2 | Needs a lot of improvement. 3 | Needs some improvement. 4| We need a little improvement. 5 | Yes, we do that really well ☺ NB: if you don’t need to do the action either replace it with another action relevant to you or, give yourself a 5 to neutralise the scorecard mark. |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Delay Management Actions | | Rating | Comment | In Plan? |
| 1 | Registry services are efficient and timely and there are benchmarks times for service |  |  |  |
| 2 | Judicial and administrative leaders are constantly aware of the size and nature of the pending caseload and in particular, the nature and levels of delay |  |  |  |
| 3 | Leaders know if and at which stage, cases are delayed, and the number of cases delayed |  |  |  |
| 4 | Leaders take active backlog reduction action as soon as a backlog is detected |  |  |  |
| 5 | There is no delay in the writing and delivery of reserve judgments |  |  |  |
| 6 | There is no delay in the disposition of cases |  |  |  |
|  | Total |  |
|  | Maximum score | 30 |
|  | Divide total score by maximum score x 100 to find your % result |  |

| **EFFICIENCY AREA 7: COURT PERSONNEL PARTICIPATION** Consider each statement and provide a response using the following rating scale: 1 | We don’t do that yet. 2 | Needs a lot of improvement. 3 | Needs some improvement. 4| We need a little improvement. 5 | Yes we do that really well ☺ NB: if you don’t need to do the action either replace it with another action relevant to you or, give yourself a 5 to neutralise the scorecard mark. |
| --- |

| Court Personnel Participation Actions | | Rating | Comment | In Plan |
| --- | --- | --- | --- | --- |
| 1 | Court personnel are confident in their roles and believe they provide excellent service (internally and externally) |  |  |  |
| 2 | Court personnel produce accurate performance reports for court leaders each quarter |  |  |  |
| 3 | Registry personnel screen filings to ensure they are compliant and complete |  |  |  |
| 4 | Court personnel are competent and maintain accurate, tidy and up-to-date records including the Case Tracking System |  |  |  |
| 5 | All files and documents are found without delay in the place they should be |  |  |  |
| 6 | Court personnel are effective at dealing with and resolving complaints |  |  |  |
| 7 | Court personnel are involved in innovation and improvement plans and processes |  |  |  |
| 8 | There is a protocol on how to make courts more accessible for people living with a disability |  |  |  |
| 9 | Court personnel have training and education opportunities to help them build their knowledge and improve |  |  |  |
| 10 | Court personnel are complimented and rewarded for efficient performance |  |  |  |
|  | Total |  |
|  | Maximum score | 50 |
|  | Divide total score by maximum score x 100 to find your % result |  |

Place each Efficiency Area score from the above 7 Areas into the table below. Now you can see at a glance the overall view of the performance of your court in each Area.

You can use Excel to create a simple graphic result. This is useful for reporting purposes.

Seeing your strengths and weaknesses can then help you determine which area the court needs to focus on to improve efficiency.



# Calculating your Efficiency Rating

– insert your results here

|  |  |
| --- | --- |
| Efficiency Area | Efficiency Self - Assessment Results % |
| 1. Current Situation |  |
| 2. Leadership |  |
| 3. Procedures |  |
| 4. Judicial Management |  |
| 5. Caseload Control |  |
| 6 Delay Management |  |
| 7 Court Personnel Participation |  |
| OVERALL AVERAGE % |  |

Diagram 1 Example Efficiency Result

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| |  | | --- | |  | |  |  |  |  |

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# EFFICIENCY IMPROVEMENT PLAN

Your last step in completing the Efficiency Review is to create an Improvement Plan. In the review process you have already identified the items to be included in your plan. Based on those items and the views of the team you can determine the strategies and actions needed to realise improvements and allocate responsibilities for completion.

As a guide, here is a sample plan used in a PIC. The plan is easily created in Excel or in MS Word using a table.

To ensure success your Chief Justice/presiding judge who will review it and consider questions of resources must approve the plan.

This Review and planning process is not a one-off event. It is a part of a continuous cycle of improvement, as represented on the following page.

# 

# IMPROVING EFFICIENCY IS A CONTINUOUS CYCLE

Achieving sustainable improvement requires a sustained effort. By conducting this review annually, you can measure your progress and can see and be proud of your achievements.

## CONGRATULATIONS

## ON COMPLETING YOUR

## EFFICIENCY REVIEW

Continuous Improvement

Focus on efficiency In Caseflow Management

Analyse Review Results

Analyse the gap between desired and actual efficiency

**Performance**

Review 7 Efficiency Areas  
rate performance and show areas for improvement

Develop an Improvement Plan & Implement

Obtain court-wide & stakeholder commitment

*Sufficient time to improve and remove inefficiencies & delay*

*May need additional financial and technical assistance, especially if implementing efficiency improvements using technology.*

Court Performance Measurement System and Annual Report place

Evaluating the Results

Continue monitoring with efficiency **indicators.**

The information in this publication may be reproduced with suitable acknowledgement.

This Efficiency Review is to be used in conjunction with the Efficiency Toolkit – Court caseflow management and Additional Materials.

Toolkits are evolving and changes may be made in future versions. For the latest version of the Toolkits refer to the website - [**http://www.fedcourt.gov.au/pjsi/resources/toolkits**](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.

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