# TIME GOALS TOOLKIT ADDITIONAL DOCUMENTATION

Available at: http://www.fedcourt.gov.au/pjdp/pjdp-toolkits



#### **TABLE OF CONTENTS**

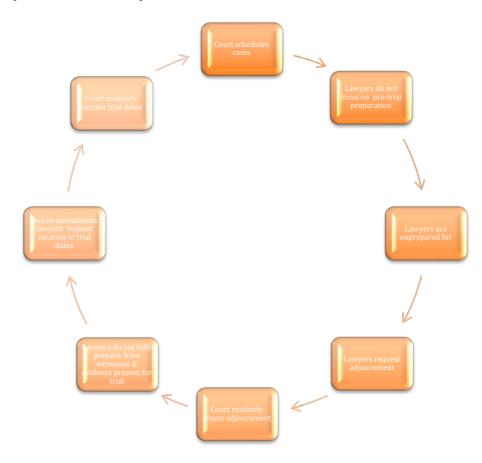
Annex 1: Sample Caseflow Time Management Schedule	A-1
Annex 2: Adjournments (Continuances)	A-2
Annex 3: Sample Adjournment Policy - Land Court	A-3
Annex 4: Timeliness Indicators Checklist	
Annex 5: Excel Caseload Management System	A-6
Annex 6: List of Data Required to Generate Reports	A-7
Annex 7: Sample List of Cases Exceeding the Time Goal	A-8
Annex 8: Court Performance Measurement - Time To Disposition Report	A-9
Annex 9: Court Performance Measurement - Clearance Rates	A-10
Annex 10: Sample Chief Justice Direction Introducing the Time Goals	A-11
Annex 11: Facilitator Package	A-12
Annex 12: Workshop Attendees Registration Sheet	
Annex 13: Time Goals Pre and Post Assessment	
Annex 14: Time Goals Questionnaire Responses (Pre and Post - Compare Short Answers)	
Annex 15: PowerPoint Presentation on Time Goals	

ANNEX 1: SAMPLE CASEFLOW TIME MANAGEMENT SCHEDULE

CASE TYPE	DEFINITION OF	TIME STANDARDS			
	Case Time Start	CASE TIME SUSPENSION		Case Time Stop	
		Suspend	Re-Start		
Criminal	<ul> <li>Receipt of Complaint or First Appearance of defendant</li> <li>Entry of appearance by counsel</li> </ul>	<ul> <li>Bench Warrant,         Failure to         Appear</li> <li>Pre-sentencing         treatment         program,         *interlocutory         appeal</li> </ul>	<ul> <li>Reappearance</li> <li>Completion of pre-sentencing program,</li> <li>Appellate decision</li> </ul>	Disposition  Verdict / ordered  Plea Guilty Sentencing Found not guilty Sentencing	6 months (98%)
Civil	<ul><li>Date of Filing</li><li>Or Service on First Defendant</li></ul>	<ul> <li>Bankruptcy court stay,</li> <li>Interlocutory appeal.</li> <li>Demand for arbitration</li> </ul>	<ul> <li>Discharge of bankruptcy</li> <li>Reinstatement</li> <li>Appellate decision</li> <li>Reappearance</li> </ul>	<ul><li>Disposition</li><li>Dismissal</li><li>Judgment</li></ul>	12 months (90%) 18 months (98%)
Domestic Relations (Including Child Access)	<ul> <li>Service on Defendant</li> <li>First Answer, whichever comes first</li> </ul>	Interlocutory appeal	Appellate decision	<ul><li>Disposition</li><li>Dismissal Judgment</li></ul>	6 months (90%) 12 months (98%)

#### **ANNEX 2: ADJOURNMENTS (CONTINUANCES)**

#### The Cycle of Adjournments and Delay



#### Source 1 Maureen Solomon, Case flow Management in the Trial Court, ABA, 1973

The Chief Justice and other judges of the court should review the number of adjournment periodically to ensure the consistent application of adjournment policy and to monitor trends.

An adjournment rate may be measured by: adding up the number of adjournments that have occurred in a select sample of cases and dividing the cumulative total by the number of cases to arrive at an average.

To break the cycle of adjournments and change behaviour, it can be helpful to analyse where, when and why applications for adjournment are being made. For example, you could conduct a survey of the case types and reasons for adjournment over a period of time say: one month. These results can be distributed to judges and lawyers to encourage improved pre-trial preparation and compliance.

#### ANNEX 3: SAMPLE ADJOURNMENT POLICY - LAND COURT

#### Sample Adjournment Policy - Land Court<sup>1</sup>

#### **Values**

It is the policy of this Court to provide justice for citizens:

- Without unnecessary delay
- Without undue waste of time
- Without undue waste of resources of the court, the litigants and other participants.

#### **Favour**

The Court looks with strong disfavour on motions or requests to continue court events.

The Court especially strongly disfavours adjournments of matters scheduled for trial.

#### Method

Motions or requests for adjournment in superior courts must be in writing. The request must be signed by both attorneys/parties and state a reason.

In inferior and island courts, requests may be made orally or in writing to the Island Court Clerk not later than 48 hours in non-trial matters.

In scheduled trial matters the application is not to be made later than two weeks prior to the scheduled trial. This will permit the court to consider scheduling other cases and ways to save precious resources.

The grant of an adjournment shall be made on the court record. The record will contain information about who made the application and the reasons for granting it.

#### Grounds

The court will only grant an adjournment where good cause is shown.

As a quide, the following will generally NOT be considered sufficient cause to grant a adjournment:

- Lawyers or the other party agree
- The case has not previously been continued
- The case probably will settle if a adjournment is granted
- There is a substitution of counsel and a new lawyer needs to enter an appearance
- A party wants a new lawyer
- A party or counsel has not prepared the case adequately
- If the prime witness, party or counsel is off island and has had due notice to attend
- If overseas counsel is unavailable
- Any adjournment of a trial beyond a second trial date setting.

The following will generally be considered sufficient cause to grant for adjournment:

<sup>&</sup>lt;sup>1</sup> Based on the work of Steeleman et al.

#### Pacific Judicial Development Programme

Time Goals Toolkit

- Sudden medical emergency (not elective medical treatment) or death of a party, counsel, or material
  witness who has been subpoenaed. This must be supported by a doctor's certificate directed specifically
  to the court about the fitness to attend court of that person. The doctor signing the certificate may be
  required to attend court to answer further questions with respect to the fitness of the party.
- There will be a miscarriage of justice if the trial is required to proceed as scheduled.

#### Monitoring and Review

The Chief Judge and other judges of the court shall ensure the consistent application of this policy and report on adjournments as a part of its performance reporting requirements.

Special attention to reporting will be given to adjournments where cases are listed for trial.

#### Goals

A strict adjournment policy is pivotal as the court endeavours to reach its Time Goals.

The court expects the co-operation and commitment of the legal profession and parties as it seeks to prevent delay and provide timely justice for citizens.

Signed: Chief Justice

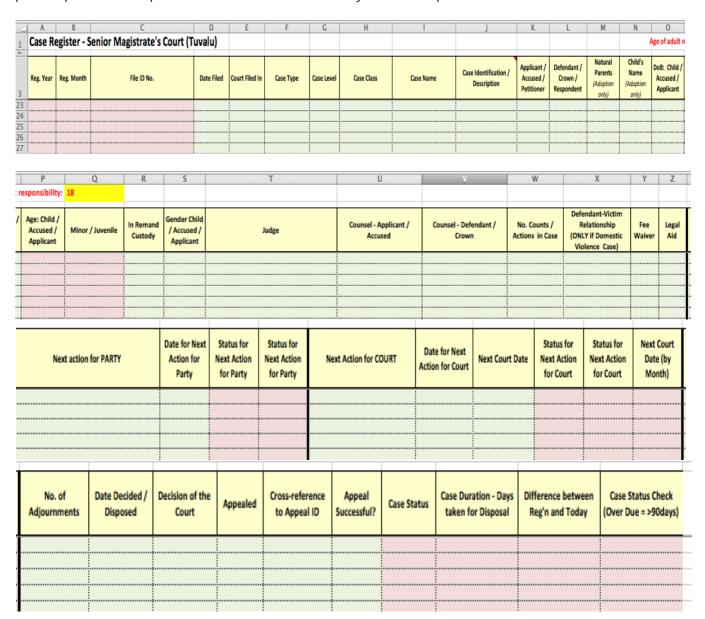
Date:

#### **ANNEX 4: TIMELINESS INDICATORS CHECKLIST**

ND <u>I</u>	CATOR ONE: ESTABLISHED GOALS FOR DURATION OF PROCEEDINGS			
		Yes	No	Notes
i.	Does your court have time goals that cover most case types (e.g. civil, commercial, children's, domestic violence, criminal, urgent matters, land ownership, land heirship)?			
ii.	Is there a commonly shared commitment to the goals?			
iii.	Do all cases have a date for next action?			
iv.	Are court users (parties, lawyers, others) able to predict the length of proceedings in your court?			
NDI	CATOR TWO: INFORMATION AND DATA ABOUT THE LENGTH OF PROCEEDINGS			
i.	Does your court know the average duration of cases in the pending caseload? (either through random sampling of case files, or from an electronic information management system)			
ii.	Can your court identify cases exceeding time goals?			
iii.	Is case information accurate and up to date on the file and in the indexes?			
İV.	Is there a system for personnel to account if case information is not accurate and reports not completed?			
V.	Is caseload and docket information available to court personnel and judges electronically and on a network, or through monthly reports?			
INDI	CATOR THREE: CLEAR RESPONSIBILITY FOR MONITORING TIMELINESS			
İ.	Is there a registrar or chief clerk responsible and accountable for monitoring regularly the attainment of time goals and reporting of delay?			
ii.	Do Chief Justices and judges regularly receive reports that present: the number of pending cases, the stage of each case, the age of pending cases, those exceeding time goals and the averages age of disposed cases?			
iii.	Are reports used by judges to manage individual docket?			
iv.	Are reports used by the Chief Justice and court leaders to help meet time goals?			
V.	Does the court have few or no cases pending for more than the maximum length of time established by its own time goals			
vi.	Are action plans developed and implemented when delay is identified?			
	CATOR FOUR: MAINTAINING RELEVANCE			
i.	Are time goals reviewed annually to ensure they are relevant?			
ii.	Does the court present information in Annual Reports about achieving time goals?			
iii.	Are stakeholders informed about the attainment of time goals and areas that require attention?			
iv.	Is the contributions of individuals who help reach time goals acknowledged?			

#### **ANNEX 5: EXCEL CASELOAD MANAGEMENT SYSTEM**

PIC's are strongly encouraged to use this workbook to manage their caseload and reporting. This will help produce performance reports around timeliness and also, for your annual report.



Please contact the <u>Pacific Judicial Development Programme</u> or the <u>author</u> at if you wish to obtain a copy of this electronic spreadsheets

#### ANNEX 6: LIST OF DATA REQUIRED TO GENERATE REPORTS

The workbook and spreadsheets in Annex Five will help you capture this important reporting data.

#### # = number

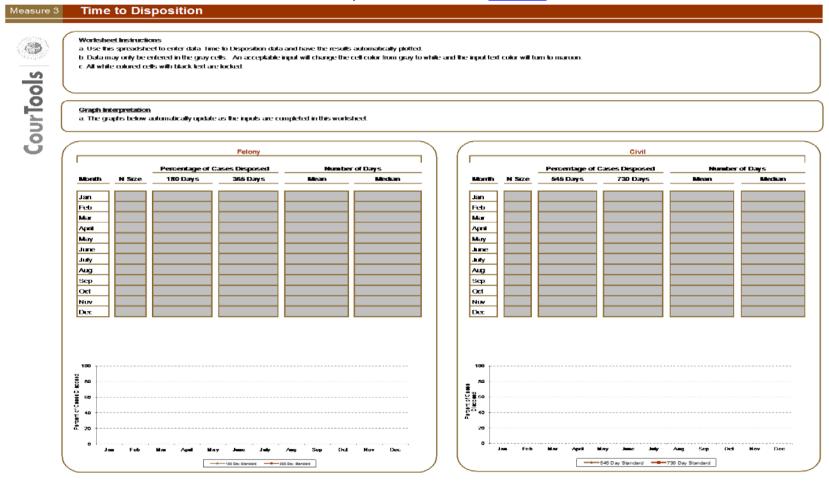
- 1. # cases completed by location (including circuit courts)
- 2. # clearance rates by location and national
- 3. # cases commenced and completed by case type
- 4. # of days to completion
- 5. # completed cases by means of disposal
- 6. # cases commenced and completed by location and case type
- 7. # cases commenced by month, location and case type
- 8. clearance rate by location and national
- 9. age of cases completed by location
- 10. # disposals of completed cases by judge
- 11. # reserved judgments
- 12. # reserved judgments by age
- 13. # pending cases by age
- 14. # pending cases by judge and age
- 15. # pending cases by case type
- 16. # pending cases by stage
- 17. # pending civil cases by stage
- 18. # pending criminal cases by stage
- 19. # pending cases by case type progressively monthly
- 20. # male, female and entity applicants for new cases per case type
- 21. # male, female and entity applicants cases completed per case type

#### ANNEX 7: SAMPLE LIST OF CASES EXCEEDING THE TIME GOAL

Overdue Case List										
		Cou	rt							
Date:		Judç	ge:		Overdue (	Cases as o	f (date):			
Case Number	Case Type	Commencement Date	Time Goal for Completion Date	# Days over time goal	Last Activity/date	Case Stage	Next scheduled activity/date	Action to be taken	Reason for the length of proceedings - problem	Loose estimate of time of conclusion of case

#### ANNEX 8: COURT PERFORMANCE MEASUREMENT - TIME TO DISPOSITION REPORT

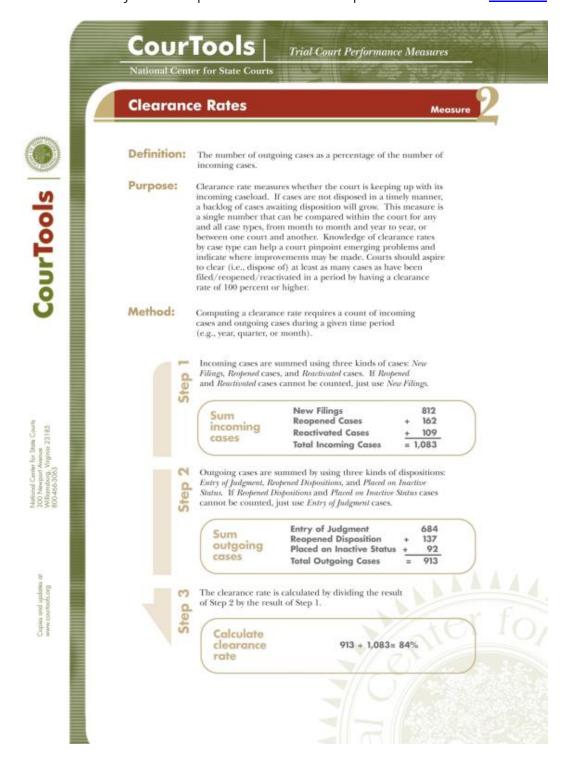
To access the full website and for downloads of the worksheets please follow this link to <a href="CourTools.2">CourTools.2</a>



<sup>&</sup>lt;sup>2</sup> http://www.courtools.org/Trial-Court-Performance-Measures.aspx

#### ANNEX 9: COURT PERFORMANCE MEASUREMENT - CLEARANCE RATES

For more on the analysis and interpretation of clearance rates please follow this link to CourTools.3



<sup>&</sup>lt;sup>3</sup> http://www.courtools.org/Trial-Court-Performance-Measures.aspx

#### ANNEX 10: SAMPLE CHIEF JUSTICE DIRECTION INTRODUCING THE TIME GOALS

It is the obligation of this court to conduct a fair trial in a reasonable time. For this right to be effective our court needs to monitor the timeliness of case progression and disposal to enable disputes both civil and criminal, to receive proper attention. I therefore, direct the court to implement time goals as listed below.

These time goals are benchmarks against which the court can measure individual case progression, delay and the overall age structure of the caseload. These goals do not infringe upon the duty of judges to ensure that case time schedules are unique to individual cases and that proceedings are in compliance with time periods provided for in rules and statutes. Nor, do the time goals create rights for individual litigants. The goals are benchmarks to assist the court in providing the timely resolution of disputes, which is ultimately for the benefit of the public as a whole.

Expeditious disposals require actions to be thoroughly and expeditiously prepared by the parties. The court expects that actions are not commenced until they are ready to meet the requirements of timetables that take into account these time goals.

Minimising adjournments is crucial in helping the courts reach time goals, and in the prevention of delay. Parties should anticipate that the court expects matters to proceed on the date allocated and that adjournments will only be granted with good cause. This is especially applicable for trial dates.

I look forward to the commitment of all stakeholders to these time goals that help guarantee cases proceed to conclusion, fairly and without undue delay.

Hon. Chief Justice Date:

(Attach the list of time goals)

#### **ANNEX 11: FACILITATOR PACKAGE**

About this Facilitator Package

The goal of this facilitator package is to inspire and support trainers to conduct workshops to develop and implement time goals.

The Package contains suggested content and format for a three- day workshop:

- 1. Time Goals Workshop Training Plan
- 2. Time Goals Workshop Agenda
- 3. Pre and Post Workshop Evaluation
- 4. Evaluation Report Template
- 5. List of Participants Template
- 6. Time Goals Toolkit
- 7. Time Goals Toolkit Additional Resources
- 8. PowerPoint Slide Presentation Introduction to Time Goals

#### 1. Training Plan

#### **Background**

This training plan is designed for PJDP National Co-ordinators, Team Leaders or selected personnel to assist with the facilitation of workshops that is required to support the *Time Goals for Case Processing & Disposition Toolkit*.

#### **Training Aims**

The aims of the workshop and training is to inform and develop Team Members (see Toolkit) by transferring information and tips to support the use of the Toolkit. With this information participants will have increased conceptual knowledge to help them feel confident to use the Toolkit and the development of time goals.

#### **Timing**

Three days should be set aside for the:

- Introduction of time goals
- Development of time goals
- Development of an implementation plan
- Development of reports supporting time goals monitoring

Participant time is valuable. Workshops should be conducted with maximized efficiency and the session schedule times adhered to.

Judicial Officer participation should be scheduled in advance so that court commitments can be accommodated.

#### **Session Programmes**

Sessions Programmes for the three days of workshops are attached.

#### **Training Methods**

Methods used are:

- Pre-Workshop assessment to test knowledge levels and expectations.
- Informative sessions presented by the facilitator using PowerPoint presentations as a training aid.

- Group completion of a baseline to help identify gaps in current systems and processes to support timeliness
- Self directed group methods to facilitate the development of time goals.

#### Training Requirements and Materials

- The **venue** should provide sufficient room for participants to move about freely, with a large table with sufficient space to accommodate all participants. The Bar Table in the courtroom may be suitable if it is available. The room should be well ventilated and if possible, air-conditioned.
- Water, tea, coffee, fruits and biscuits can be provided if funds are available.
- Workshops require, where available the following training aids:
  - a PowerPoint projector
  - laptop computer
  - a whiteboard & whiteboard markers
  - · flip chart paper
  - pens and paper
  - power board

#### **Assistance and Organization**

As time goals are produced they need to be recorded. This can be done on paper or using a laptop. Special notations might accompany each time goal to record the reasons why the time frames were agreed.

#### **Budget**

Optional costs are:

- Refreshments
- Venue hire if using an outside venue
- Hire of training aids if necessary

It should be kept in mind that participant time should be managed economically and efficiently.

#### Training Evaluation

An evaluation of training and workshop sessions should be completed by participants. The results should be sent out to the CMT and court managers to help the continuous improvement of your court's training and development capacity.

#### **Accompanying Materials**

- 1. Time Goals Workshop Agenda and Session Plan
- 2. Time Goals Toolkit
- 3. Time Goals Toolkit Additional Resources
- 4. PowerPoint Slide Presentation Introduction to Time Goals
  - Section 1 Introduction
  - Section 2 Time Goals
  - Section 3 Development of Time Goals
  - Section 4 Implementation, Monitoring & Evaluation
  - Section 5 Checklist
- 5. Time Goals Workshop Agenda and Session Plan

### Workshop Agenda

DAY 1			DAY 1							
Session	Time	Topic/Activity	Learning & Session Outcomes	Participants						
1	9am - 10.30am	Opening of Workshop & Project  Introduction from facilitators and participants  Organisational Issues  Expectations  Q & A  Workshop Commence  Review of Chapter 1 of Toolkit  Facilitator: PJDP National Co-ordinator  Materials: Toolkit, Additional Resources, PowerPoint Presentation 1  Morning Tea	<ul> <li>Participants know each other and build rapport</li> <li>Introductory Session</li> <li>Introduce PJDP</li> <li>Outline the Background</li> <li>Understand Objectives &amp; Purpose, Intent</li> <li>Understand delay &amp; importance of</li> </ul>	•As selected •Time Goals team						
	- 11 00om									
1	11.00am 11am - 12.30am 12.30pm	Continuation of Session1  Session 1 End Lunch	1 As above	As above						
	-1.30pm									
2	1.30pm - 3.00pm	Toolkit Chapter 2 Time Goals Facilitator: PJDP National Co-ordinator Materials: Toolkit, Additional Materials, PowerPoint Presentation 2	<ul> <li>Know the meaning and context of Time Goals</li> <li>Sample of time goals and maps</li> <li>Understand the concept of "a reasonable time"</li> <li>Know &amp; understand the courts obligations related to timeliness</li> </ul>	As above						
	3.00pm - 3.30pm	Afternoon Tea								
2	3.30pm - 5pm	Baseline Self Assessment Facilitator: PJDP National Co-ordinator Materials: Toolkit, Additional Materials, PowerPoint Presentation 2	Complete a Timeliness Self Assessment for baseline purposes     Report on Baseline Assessment	As Above						

DAY 2	DAY 2						
Session	Time	Topic/Activity	Learning & Session Outcomes	Participants			
3	9am - 10.30am	Time Goals and Standards  Breakout Groups  Structured Discussion  Facilitator: National Coordinator or Case Management Team Leader Materials: Toolkit Chapter 2	Knowledge & skill is built around:     a reasonable time     International principles & approaches     Constitution of time goals	•As above			
	10.30am - 11.00am	Morning Tea					
3	11.30am - 12.30pm	Session Continued Session 3 End	•As above	•As above			
	12.30pm - 1.30pm	Lunch					
4	1.30pm - 3.00pm	Development of Time Goals  Breakout Groups  Structured Discussion  Facilitator: National Coordinator or Case Management Team Leader  Materials: Toolkit Chapter 3 and Additional Materials	<ul> <li>Know what is taken into account</li> <li>Know how to calculate time</li> <li>Understand about suspension of time</li> <li>Prioritisation &amp; differentiation</li> <li>Discuss stakeholder workshops</li> <li>First Time Goals will be developed</li> <li>First Overall Time Goals developed</li> </ul>	<ul><li>Relevant members</li><li>Other selected stakeholders</li></ul>			
	3.00pm - 3.30pm	•Afternoon Tea					
4	3.30pm - 5pm	Sessions 4 Continued  Continued Review of Day  Forward Planning  Close of Day	<ul><li>Goal development continues</li><li>Mapping continued</li><li>Learning reviewed</li><li>Forward sessions organised</li></ul>	•As above			

DAY 3	DAY 3							
Session	Time	Topic/Activity	Learning & Session Outcomes	Participants				
4	9am - 10.30am	<ul><li>Revision</li><li>Continuation of Developing Time Standards</li></ul>	Goals developed     Goals mapped	•As above •				
	10.30am - 11.00am	Morning Tea						
4	11.30am - 12.30pm	•Implementation of Time Goals  • Facilitator: National Coordinator or Case Management Team Leader Materials: Toolkit Chapter 4	<ul> <li>Know what administrative support is required</li> <li>Understand the role of technology</li> <li>CJ Direction or other instrument to implement Time Goals is drafted</li> <li>Adjournment policy is drafted if agreed</li> <li>Reporting systems are developed</li> </ul>	•As above •				
	12.30pm - 1.30pm	Lunch	. 0 3					
4	1.30pm - 3.00pm	<ul> <li>Implementation of Time Goals</li> <li>Monitoring &amp; Reporting</li> <li>Facilitator: National Coordinator or Case Management Team Leader Materials: Toolkit Chapter 4</li> </ul>	<ul> <li>Case type goals agreed</li> <li>Case load goals agreed</li> <li>Implementation Plan agreed</li> <li>Monitoring and Reporting Framework is discussed &amp; understood</li> </ul>	• As above				
	3.00pm - 3.30pm	Afternoon Tea						
4	3.30pm - 5pm	<ul> <li>Goals finalised</li> <li>Implementation Plan finalised</li> <li>Final Presentation to Chief Justice</li> <li>Discussion &amp; Review</li> <li>Workshop Evaluation</li> <li>Close of Workshops</li> <li>Facilitator: National Coordinator or Case Management Team Leader Materials: Toolkit Chapter 5</li> </ul>	Case type time goals agreed  Caseload time goals agreed  Implementation Plan completed  3  4	As above Hon Chief Justice Judiciary & Court Staff (Together or separately - Lawyers)				

#### ANNEX 12: WORKSHOP ATTENDEES REGISTRATION SHEET

#### Time Goals Workshop

Date: Venue:

Title	Name	PIC/State	Position	Email	
TILLE	Ivallic	r 10/3tate	FUSITION	Liliali	
Facilitators					

#### ANNEX 13: TIME GOALS PRE AND POST ASSESSMENT

PACIFIC JUDICIAL DEVELOPMENT PROGRAMME Judicial Administration - Time Goals



# PJDP - TIME GOALS Pre-training Questionnaire

Please answer the following questions. This questionnaire will help the adviser understand your particular training needs during this time goals workshop. It will also help us to assess what you have learned from the training at the end of the course. Question 1: What obligations apply to courts with regard to the timeliness of case processing? Question 2: What are time goals? **Question 3:** Who is responsible for ensuring timeliness in case processing? Question 4: List three ways to prevent delay: 1. 2. 3. Question 5: List two indicators that you might use to monitor timeliness in your court: 1. 2. See over

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No Knowledge

PACIFIC JUDICIAL DEVELOPMENT PROGRAMME Judicial Administration - Time Goals



Please rate your level of knowledge and understanding before this time goals workshop regarding the following matters by ticking/checking ONE square per question only: Question 6: Your understanding of the doctrine of "a fair trial in a "reasonable time": No Understanding Limited Understanding Good Understanding Excellent Understanding Your knowledge of what causes delays in case processing: Limited Knowledge Good Knowledge Excellent Knowledge No Knowledge Question 8: Your understanding of how cases are prioritised: No Understanding Limited Understanding Good Understanding Excellent Understanding

Question 9: Your knowledge of the indicators used for measuring and monitoring delays within your

Good Knowledge

Excellent Knowledge

Limited Knowledge

THANK YOU VERY MUCH

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PACIFIC JUDICIAL DEVELOPMENT PROGRAMME Judicial Administration - Time Goals



# PJDP - TIME GOALS Post-training Questionnaire

Question 1:	What obligations apply to courts with regard to timeliness of case processing?
uestion 2:	What are time goals?
Question 3:	Why might we need time goals?
Question 4:	Who is responsible for ensuring timeliness in case processing?
Question 5:	How would you calculate a "reasonable time" for the processing and disposal of a case?

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#### PACIFIC JUDICIAL DEVELOPMENT PROGRAMME Judicial Administration - Time Goals



uestion 7:	List three w	ays to prevent delay:		
	List two time	e related indicators or repo	rts that you might use to m	nonitor timeliness in your
he following	matters by	knowledge and understaticking/checking ONE so standing of the doctrine of	quare per question only:	
he following	matters by Your under	ticking/checking ONE so	quare per question only:	
he following Question 9:	matters by Your under	standing of the doctrine of  Limited Understanding	quare per question only: "a fair trial in a "reasonable Good Understanding	e time**:
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#### PACIFIC JUDICIAL DEVELOPMENT PROGRAMME Judicial Administration - Time Goals



Question 14: Were the	e <i>aims</i> of the Workshop and se	essions clear, and were the	y achieved?
Not Achieved	Reasonably Achieved	Substantially Achieved	Fully Achieved
Question 15: Was the	information presented practical	al and <i>useful</i> to you in your	role?
Not Useful	Limited Usefulness	Quite Useful	Extremely Useful
	find that the facilitator and the e participation, discussion, pra		
Not Effective	Limited Effectiveness	Quite Effective	Extremely Effective
Question 17: Overall,	were you satisfied with this We	orkshop?	
✓ + Not Satisfied	Reasonably Satisfied	Quite Satisfied	Extremely Satisfied
Question 19: Briefly d	escribe the least useful experi	ence(s) of the Workshop:	
	wish to offer any other comme olkit or workshops?	nts or suggestions for impro	ovements for the time
	Thank You	Very <b>M</b> uch	

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### **Pre-Post Long Answers**

Pre-training Questionnaire

Questi	on 1: What obligations apply to courts with regard to the timelines of case processing?	CORRECT:
Ouget	on 2. What are time goals?	
Questi	on 2: What are time goals?	1
Questi	on 3: Who is responsible for ensuring timeliness in case processing?	
Ouget	an A. List three ways to provent delay.	
Questi	on 4: List three ways to prevent delay:	1
Questi	on 5: List two indicators that you might use to monitor timeliness in your court:	

#### Post-training Questionnaire

Question	1: What obligations apply to courts with regard to the timeliness of case processing?	CORRECT:					
Ouestion	2: What are time goals?						
Ouestion	Question 3: Why might we need time goals?						
20.000.011	or my might the needs time godier						
Ouestion	4: Who is responsible for ensuring timeliness in case processing?						
Question	4. Who is responsible for crisuring unreliness in case processing:						
Ouestion	5: How would you calculate a "reasonable time" for the processing and disposal of a case	.2					
Question	5. How would you calculate a Teasonable time for the processing and disposal of a case	; [					
0	/ I list there are the defended from the templation of the set of the set						
Question 6: List three criteria for determining the priority of cases?							
Question	7: List three ways to prevent delay?						
Question 8: List two time related indicators or reports that you might use to monitor timeliness in your court:							

### ANNEX 14: TIME GOALS QUESTIONNAIRE RESPONSES (PRE AND POST - COMPARE SHORT ANSWERS)

	QU 6 & 9: Unde	rstanding of the doct	rine of "a fair trial in a 'rea	sonable time":					
	No answer	No Understanding	Limited Understanding	Good Understanding	Excellent Understanding				
Post	0	0	1	2	6				
Pre	0	0	4	5	0				
	QU 7 & 10: Knowledge of what causes delay in case processing:								
	No answer	No Knowledge	Limited Knowledge	Good Knowledge	Excellent Knowledge				
Post	0	0	1	2	6				
Pre	0	0	4	5	0				
		•							
	QU 8 & 11: Understanding of how cases are prioritised:								
	No answer	No Understanding	Limited Understanding	Good Understanding	Excellent Understanding				
Post	0	0	1	2	6				
Pre	0	0	4	5	0				
		•							
	QU 9 & 12: Kno	wledge of the indicat	ors used for measuring an	d monitoring delays wit	thin your court:				
	No answer			Good Knowledge	Excellent Knowledge				
Post	0	0	1	2	6				
Pre	0	0	4	5	0				
10			-		<u> </u>				
Veighting	0	1	2	3		T			
ost	0	1	4	18		85.1			
Pre	' o	4	10	0		51.8			
					Difference	33.3			
Neighting	0					T			
Post	О			18		85.			
re	О	4	10	О		51.8			
					Difference	33.3			
Veighting	0					T			
Post	o			18		85.1			
Pre	o	4	10	0		51.3			
					Difference	33.			
	_				Т				
Weighting	0					T			
ost	0			18		85.			
Pre	o	4	10	0		51.2			
					Difference	33.3			

#### Post Quality Assessment

#### Post-training Assessment: Quality and Satisfaction Answers

	l				1		
Question 13		Having completed this Workshop, overall how confident do you feel in your understanding of the time goals, and the related principles and practices?  Less Confident  Same Confidence  More Confident  Much More Confident					
No Answer	Less Confident						
NO Aliswei	Less Connident			Wideli Wore Confident			
	0	0	10	8	J		
0		- 14/	I	12	1		
Question 13 No answer	Not Achieved	Reasonably Achieved	lear, and were they achieved Substantially Achieved	Fully Achieved	1		
No answer	Not Achieved	Reasonably Achieved	Substantially Achieved	rully Achieved			
	0	0	7	11	J		
					,		
Question 15		presented practical and u					
No answer	Not Useful	Limited Usefulness	Quite Useful	Extremely Useful			
	0	0	7	11			
Question 16		e facilitator and the presentation sion, practical presentation	tations were effective and alns, and interaction?	lowed for adequate			
No answer	Not Effective	Limited Effectiveness	Quite Effective	Extremely Effective	]		
	0	0	7	11			
Question 24	Overall, were you sa	itisfied with the Workshop	?		1		
No answer	Not Satisfied	Reasonably Satisfied	Quite Satisfied	Extremely Satisfied	1		
		0			1		
		o j			1		
Weighting		0 1	. 2	3	Total		
Post		D O	20	24	81.48%		
Weighting		0 1	. 2	3	Total		
Post		0	14	33	87.04%		
					·		
Weighting		0 1					
Post		0	14	33	87.04%		
Weighting		0 1	. 2	3	Total		
Post		0	14	33	87.04%		
Weighting		0 1	. 2	3	Total		
		0	10		90.20%		

#### ANNEX 15: POWERPOINT PRESENTATION ON TIME GOALS

# PACIFIC JUDICIAL DEVELOPMENT PROGRAMME



### **Time Goals Workshop**

Presenter: Date:

#### **Time Goals**



#### **Section 1: Introduction**

2

#### **Time Goals**

Objective



The **objective** of this workshop is to:

- Strengthen the consistent application of international laws that guarantee a fair trial in a reasonable time
- Ensure the predictable and timely resolution of cases in your court
- 3. Assist you to promulgate time goals for your court

**Time Goals** 

#### Purpose



- The purpose of time goals is to establish a benchmark to enable the timeliness of case processing can be measured
- To provide a measure for identifying unacceptable delay
- 3. To identify backlogged cases

Time Goals

Importance of Delay Prevention



Citizens lose confidence in justice if they see that courts function too slowly.

This can lead to:

- civil unrest
- decline in investment
- unnecessary hardship

**Time Goals** 

Intent



**Time Goals** are intended to encourage the fair disposition of cases at the earliest possible time.



Roles - internal



- Chief Justice to lead, guide, motivate, monitor
- Judges to agree to goals, monitor individual cases and dockets
- Registry to develop and oversee information management systems and assure quality caseflow
- Court Staff to assure up-to-date accurate information

Time Goals
Involvement

LEADERSHIP

The Honourable Chief Justice of Riribati, Sir John Muria introduces
Time Goals to the court staff of the pillot High Court and Magistrates
Court of Kiribati.



#### **Time Goals**

Roles - external



- Lawyers (public & private) consult, contribute and commit
- Ministry personnel contribute and manage resources
- The public to be informed & able to foresee length of cases
- Other government agencies to work together to meet time goals

**Time Goals** 



12

Section 2: Time Goals

What are time goals?



#### Time Goals tell us:

- 1. How long a case should take to complete
- 2. How long should be allowed between major events
- 3. How many cases should be dealt with over a year

13

#### Time Goals

What are time goals?



> Sample Time Goal

#### For example for <u>individual cases</u>:

Time Goal for Land Cases - 6 months

Can be further broken down accommodate cases that are more complex and require more time:

90% in 6 months 100% in 12 months

#### For example for the court's caseload:

No more than 10% of active cases should exceed 6 months

14

#### **Time Goals**

What are time goal maps?





#### **Time Goals**

Goals or Standards?



- A standard implies that there will be a punishment if it is not reached
- > Time Goals are a (team) target
- > Time goals are not punitive Achievement is rewarded
- > What do you think?

16

#### **Time Goals**

Reasonable Time



A 'reasonable time' is case specific determined by the amount of time needed to fairly, necessarily and conveniently complete a case or case event.

#### **Time Goals**

Reasonable Time



A 'reasonable time' can be determined by factors such as

- > complexity of the case
- ➤ behaviour of the application
- > behaviour of authorities that may be involved
- > existence of reasons for special diligence.

#### Reasonable Time

The objective of the court can be described as:

"... the timeliness of judicial proceedings, which means cases are managed and then disposed in due time, without undue delays."

European Commission for the Efficiency of Justice, Compendium of 'best practices' on time

#### **Time Goals**

#### **Additional Themes**



The court is obliged to conduct a fair trial in a reasonable time

The court should have immediate and continuous control of its cases

Parties need to know what to expect

20

#### Time Goals

**Obligations Regarding Timeliness** 



Concept 1:

Justice delayed is justice denied

#### **Time Goals**

**Obligations Regarding Timeliness** 



Concept 2:

The court is required to ensure the protection of individual's legal rights

2

#### **Time Goals**

What is delay?



"Any elapsedtime between filing and disposition which is **not reasonably necessary** for pleadings, discovery and court events."

#### Concept:

> acceptable delay and unacceptable delay

#### Time Goals

Obligations to Prevent Delay



# Universal Declaration of Human Rights Article 10

Everyone is entitled in full equality to **a fair** and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

23

Legal Obligations



#### Bangalore Principles of Judicial Conduct 2002

#### Value 6 Competence and Diligence

6.5 A judge shall perform all judicial duties, including the delivery of reserved decisions, efficiently, fairly and with reasonable promptness.

#### **Time Goals**

**Obligations to Prevent Delay** 



# International Covenant on Civil and Political Rights

#### Article 14

Establishes 3 important norms for the conduct of civil and criminal trials:

1.the right to a fair trial

2.the right to trial without undue delay

3.the right to an independent and impartial tribunal.

25

#### **Time Goals**

Legal Obligations



# Sample of Constitutional Provisions from Samoa

9. Right to a fair trial - (1) In the determination of his civil rights and obligations or of any charge against him for any offence, every person is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established under the law.

28

#### **Time Goals**

Legal Obligations



#### European Convention on Human Rights

7. Article 6, paragraph 1, of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 provides, inter alia, that:

 In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

2

#### **Time Goals**

Legal Obligations



#### Sample of provisions in the Supreme Court Civil Rules of Procedure 1980, Samoa

**4. Construction** - These **rules** shall be so construed as to secure the just, speedy and inexpensive determination of any proceedings.

#### Time Goals

Balance





There needs to be a **careful balance** between procedural **safeguards** that can be **lengthy**, and excessive **speed**.



#### Relationship to Court Excellence



One of Ten Values: Timeliness

4. Efficient and Effective Court Proceedings and Processes (4.1, 4.2, 4.3) assess the courts' ability to:

- Manage cases against established benchmarks of timely case processing
- Enable people to get their business with the court done in a reasonable time

32

#### **Time Goals**

Relationship to PJDP Cook Island Indicators



Indicators developed in the Cook Islands in 2011 by PJDP Chief Justices and National Coordinators:

- 1. Case finalisation or clearance rate.
- 2. Average duration of a case from filing to finalisation.
- 3. The percentage of appeals.
- 4. Overturn rate on appeal.
- 5. Etc..

#### **Time Goals**





#### Break out group:

To provide a **baseline** of how your court is managing timeliness form groups to complete the timeliness checklist in the Additional Resources to this toolkit.

34

33

#### **Time Goals**



#### **Section 3: Development of Time Goals**

Time Goals

Development

The Kiribati team maps out case events and time goals

#### Considerations

Time goals should take into account procedures, statutory time periods, jurisdictional conditions, demographic and geographic factors and resources.

#### **Time Goals**

#### Calculating



Time goals run from the point the court has control of the case to the date of disposition by entry of judgement

38

#### **Time Goals**

#### Intermediate Events



Intermediate stages or "Milestone Events" provide the court criteria to measure progress

#### **Time Goals**

#### Suspension of Time

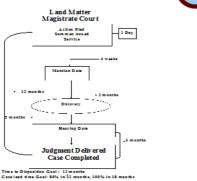


- > Time is suspended when:
  - · An interlocutory appeal is filed
  - · A bench warrant has issued
  - · Cases are moved to an inactive list

40

#### **Time Goals**

#### Mapping of Procedure



#### **Time Goals**

#### Balance



The objective of the court can be described as:

".... the timeliness of judicial proceedings, which means cases are managed and then disposed in due time, without undue delays."

European Commission for the Efficiency of Justice, Compendium of 'best practices' on time







Stakeholder Consultations & Commitment





The Kiribati team consult Local Lawvers

44

#### **Time Goals**



Section 4 – Implementation, Monitoring & Reporting

4

#### Time Goals

#### Support & Technology



- > Court should use technology & innovation to improve and support caseflow and reporting
- There are a variety of way in which administrative processes can support time goal reporting
- > Accuracy, completeness and promptness in recording data is essential
- An efficient division of labour & teamwork between judges and court staff is crucial

#### **Time Goals**





# Review internal procedures to support monitoring of cases:

- ensure manual and electronic systems record the date of registration and date of disposition and time goal dates
- Note time goal dates on file covers of incoming cases
- Create routine to count time to disposition for all cases: each month, each year



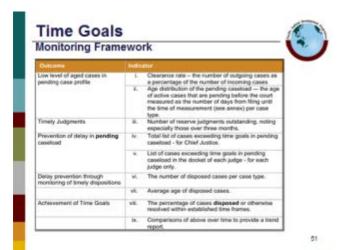


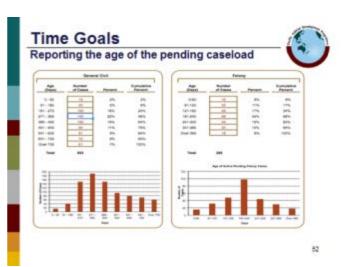
#### Institution

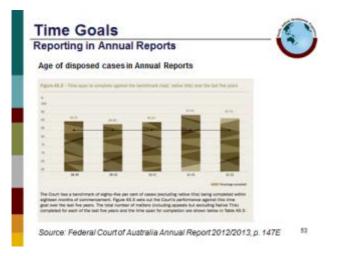


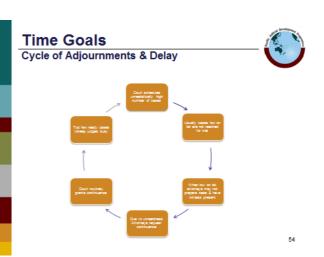
Time Goals can be instituted through:

- > Rules of court
- > Chief Justice Direction see the additional resources
- > Standing orders
- > Caseflow policy











#### Section 5 - Checklist

#### **Time Goals**

#### Checklist



For a summary checklist of steps to promulgate and implement time goal:

> see Chapter 5 of the Time Goals Toolkit

## Time Goals Timeliness Checklist WEIGATOR ONE: ESTABLISHED GOALS FOR DURATION OF PROCEEDINGS Are court voors (parties, lawyers, offices) able to predict the length of proceedings or your court? DICATOR TWO: INFORMATION AND DATA ABOUT THE LENGTH OF PROCEEDINGS Does poor court knew the average duration of cases in the pending casebook! jettler through sandom careging of case files, or hors an electronic orbinmation management system) II. It case information assurate and up to date on the file and in the indoors? is there a system for personnel to account if case information is not account an appoint not completed?

# Time Goals Timeliness Checklist to there a registrar or shall clark responsible and assumbbile for mon the attainment of time goals and reporting of delay? So Chief Autions and Judges regularly reason reports that present the number of pending cases, the stage of each tase, the age of positing cases, those examiling time goals and the everages age of disposed cases?

Time Goals Time Goals Toolkit Pilot



#### TEAMWORK

Time Goals Team Leader & Chief Registrar Semilota of Kiribati, presents 21 Time Goals to the Honourable Chief Justice of Kiribati, Sir John Muria before court staff.

**Time Goals** 



"The idea of setting time goals is good.

Before we relied on our own individual interpretation as to what was a reasonable time for a case.

Now we all know what a reasonable time is."

Tetiro M. Semilota Chief Registrar, Republic of Kiribati 4th October 2012

89

#### Kiribati Results - Pilot Project Kiribati





#### **Time Goals**

The Results



"... we feel we are taking a hundred steps

forward compared to our previous system."

Chief Registrar & Case Management Team Leader, Tetiro Mate

#### **Time Goals**

Success Factors from Kiribati

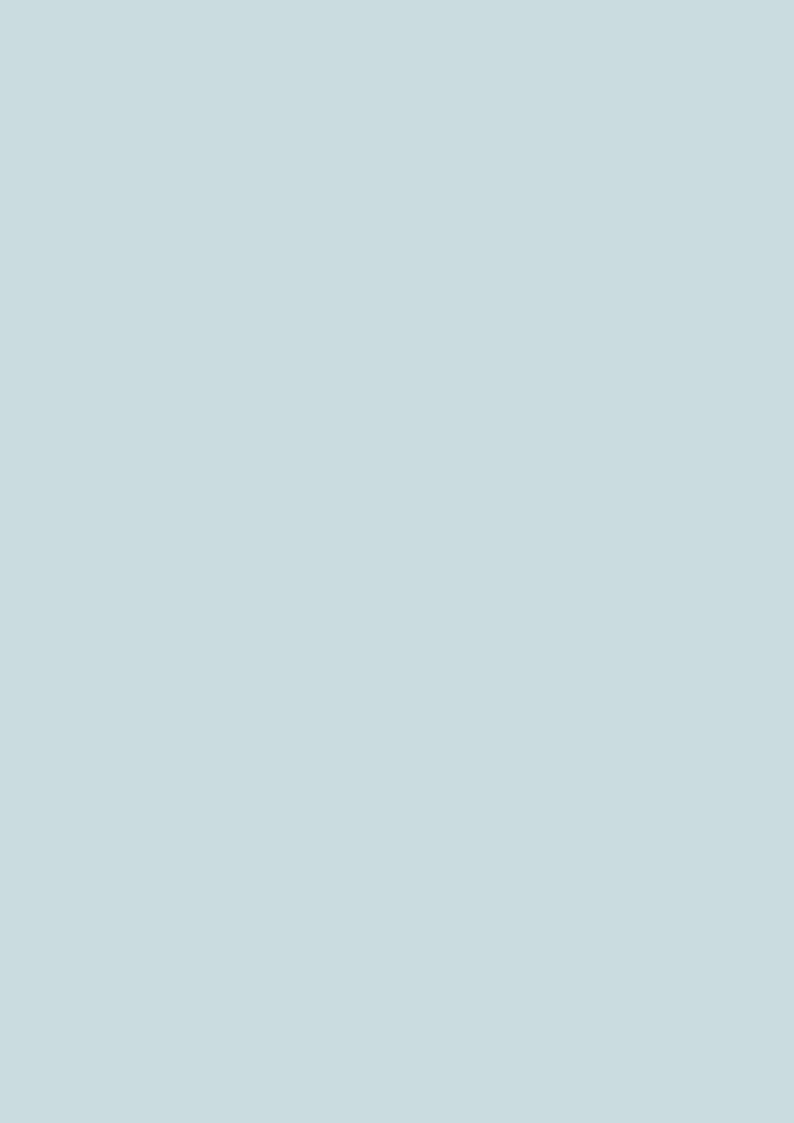


- 1. Motivation through teamwork and a common focus
- 2. Court took control of listings
- 3. Control of adjournments max. 3
- 4. Improved caseload monitoring
- 1. Cleansing of caseload stale matters are moved along
- 1. Judicial leaders manage using data
- 2. Common understanding about a "reasonable time\*2

#### **Time Goals**



#### END THANKYOU





# TIME GOALS TOOLKIT

PJDP toolkits are available on: <a href="http://www.fedcourt.gov.au/pjdp/pjdp-toolkits">http://www.fedcourt.gov.au/pjdp/pjdp-toolkits</a>

