

How to guide:

Improving performance in courts:
Introduce a case management system and reduce trial delays

What is the J4A ‘How to’ series?

The guide is part of a series of products developed by J4A to communicate lessons learned from projects and pilots, to provide stakeholders with guidance on how to adapt and replicate the initiative in their own context.

Who is this ‘How to’ guide for?

Influencers and decision makers in the justice sector (police, prisons, judiciary and civil society).

Reference tools

Accompanying reference tools are available at www.j4a-nigeria.org or by request from info@j4a-nigeria.org

The problem

- Trial delays are a major challenge to the administration of justice in Nigerian courts, and contribute to problems such as prison congestion.
- Lower courts handle over 70 per cent of all cases in the formal courts and mostly involve the poor.
- In 2011, it took 593 days on average to complete a case in the magistrate courts in Kaduna State.
- Users have low confidence in the lower courts.

Background

It is often said that justice delayed is justice denied. Trial delays are a problem in the higher courts and the lower courts. However, the lower courts deal with the largest volume of cases and so delays at this level have the greatest impact on the system as a whole. A case management system (CMS) is one means of reducing delays in courts. A CMS can either be a manual, paper-based system or a computer-based system using software such as Microsoft Excel to create an electronic case register. Whether manual or electronic, a CMS is a means of recording information on an individual case (e.g. case number; name of parties; offence etc.) and tracking the case's progress through the court system. The information gathered through the system can then be analysed to inform decision making and policy with a view to improving the efficiency and effectiveness of court operations.

J4A has supported justice sector stakeholders to design and implement CMS in a range of lower courts – ten new customary courts in Enugu (with a view to expanding to 30) and five magistrates courts in Kaduna.

This *How to guide* provides details on the approach used and lessons learned in these pilots, so that it can be used in the design and implementation of a CMS in any court context.

What you can do

The development and implementation of the CMS is a direct response to the problem of trial delays in the courts. The CMS enables courts to:

- Generate information to more effectively **track the progress of cases**, and identify stalled or slow moving cases.
- **Identify inefficient processes and bottlenecks** in the system and take informed actions to improve court efficiency.
- Provide 'management information' to **increase the accountability of the courts** on their overall performance (case numbers, disposal rates, etc.)

What you can achieve

- Faster resolution of cases.
- No more 'missing' or 'stalled' cases.
- More affordable justice for court users.
- Better working and co-ordination across the justice sector.
- Improved court user satisfaction.
- More accountability.

Lower courts – the impact of trial delays

Trial delays have the following negative impacts, which a CMS can help to address.

- **Victims in criminal trials** spend too long waiting for justice to be done which can add to their trauma or discourage them from continuing with the case.
- **Accused persons in criminal cases** have a charge hanging over them for an unfairly long time, and those being held on remand for too long (sometimes longer than the maximum sentence for the offence they are accused of) also contribute to the problem of prison congestion.
- **Poor litigants**, who comprise the bulk of users in the lower courts, lose income for the number of days the case is adjourned, given that most earn a living on a daily basis. They also spend money on transport for each adjourned day and pay lawyers 'appearance fees' (when they have one).
- **For the court and the state**, man hours and resources are wasted. For a typical criminal case, the prosecutor, the defence attorney and the judge spend time to prepare the case; witnesses leave their work and travel long distances to testify; the prison authorities devote resources – vehicles and guards to transport and secure the accused – keep the accused in prison or police detention. These resources could have been used to provide/improve on social services for the poor.
- **Delays produce more delays.** Delayed cases add to the number of pending cases in the court's docket. This creates more backlog and increased delays.
- **It distorts the path to justice** as evidence for both the prosecution/plaintiff and the defence can be lost or forgotten over time.
- The most difficult to quantify, but perhaps the greatest impact is on the justice system itself. Delays create a sense of disillusionment in citizens and lead to contempt and **low public trust and confidence** in the justice system.



Although delays at any level of the formal courts system are problematic, since **70 per cent** of cases are heard in the lower courts, delays at this level make the largest contribution to these negative impacts.

Improving their efficiency is critical if access to justice is to be improved for a significant proportion of the Nigerian population.

Implementing partners

The following are the key partners and their roles for an initiative to design and implement a Case Management System in the lower courts. For all of these partners it is vital to:

- Secure their early buy-in to the proposed CMS (especially the Head of Court).
- Consult them on the design of the CMS.
- Ensure they fully understand and are committed to their role in implementation.



Partner	Roles
Head of the Court: <ul style="list-style-type: none"> • Chief Judge • Grand Khadi • President Customary Court of Appeal 	<ul style="list-style-type: none"> • Provide visible leadership to the initiative • Decide what kind of court performance information should be gathered by the CMS • Review performance reports produced from the CMS and use it to inform decision making on court policies and operations
Senior Court Officers/Managers: <ul style="list-style-type: none"> • Chief Registrars • Deputy Chief Registrars • Chief Inspectors 	<ul style="list-style-type: none"> • Ensure that sufficient resources (human, financial) are allocated for implementation of CMS • Provide oversight of staff to ensure system is implemented correctly
Judges and Magistrates	<ul style="list-style-type: none"> • Ensure correct information from their court is added to the CMS • Review and approve reports on their courts' performance
Court staff: <ul style="list-style-type: none"> • Clerks • Registry staff • Data input officers 	<ul style="list-style-type: none"> • Complete forms and templates used to gather case information • Input case information to the CMS • Generate reports on court performance

How to design and implement a CMS

A case management system (CMS) can be designed to use manual, paper-based processes or electronic, computer-based processes.

Both require forms and templates to be filled in to capture information on cases before a court, and then this information to be input either to a paper-based case register or an electronic case register for further analysis and action.

Basic design and implementation steps

Whether designing a manual, paper based CMS or an electronic, computer-based one, the following are basic steps that need to be followed.

Step 1: Consider establishing some form of steering or implementation committee, made up of interested stakeholders, to lead and oversee the design of the CMS and/or to use CMS data to take policy and operational decisions relating to the performance of the courts. Members might include the head of the court, senior courts administration staff, senior members of the judiciary who sit at the court etc.

Step 2: Decide what you want the CMS to help you measure and assess. Typical examples include (although not limited to):

- Number or type of cases received by a court in a set period.
- Number or type of cases dealt with of by a court in a set period.
- The average time it takes to conclude a case from filing to conclusion.
- How many adjournments in a case and causes of adjournments.

Step 3: Develop forms and templates for gathering case information from the courts. Typically there is one form to record:

- Data on a specific case (e.g. name/parties, case number, offence, start date).
- The required data on the status of cases as they progress (e.g. bail hearing dates, court hearing dates, results from hearings, dates and reasons for adjournments; judgement date and decision or reason for disposal – such as struck out).

Also develop a paper-based or computer based case register (see right for more detail on the latter) which can be used to collate information on individual cases from the forms and templates.

Examples of data collection templates are available for reference, as are examples of paper based or computer based case registers used to collate and analyse case information.

Step 4: Training for judges and court staff on how to complete the forms/templates and also on case management principles (e.g. setting firm hearing dates; controlling adjournments and avoiding backlogs; the need for courts staff to ensure that case information is input to the CMS in a timely and accurate manner and so on). There are costs associated with training depending on the number of participants.

Step 5: Judges and court staff start completing forms and templates to capture required case information, and then specified officers input that information to either the paper register or electronic case register. It will be necessary to ensure backlog cases are included in the CMS at this stage, as well as new cases, otherwise the performance information produced by the system will not be accurate. This will require some additional staff time at the beginning of the initiative, to ensure all existing cases in courts are added to the system.

Step 6: Designated court staff produce performance reports depending on what court managers have decided they wish the CMS to measure (e.g. on numbers of cases pending before courts; average length of cases; reasons and numbers of adjournments, stalled cases and overdue lists). Examples of reports generated are available for reference.

Step 7: Once the CMS has been operational for a few months, and performance data has been generated, it is worth considering adopting time standards for each category of cases handled by the courts. Time standards are comprised of the maximum length(s) of time to dispose of a particular type of case from commencement to judgement (e.g. 60 days to conclude child custody cases). When setting a time standard consider how long such cases should take not how long they do take. Ensure all relevant stakeholders are consulted on what are fair and realistic time standards. A practice direction will be required to make this binding. Example practice directions are available for reference.

Step 8: Periodically review and analyse performance information from the CMS to inform discussions on results of the data analysis, identify problems and challenges, and agree on actions (short and long term) and policies to address them (e.g. judges who share court rooms are unable to sit regularly in open court and require more court rooms).

Additional requirements for electronic case management systems (e-CMS)

If establishing an e-CMS, some additional actions are required to the basic steps set out on the left.

As part of Step 3 (see left), if developing an electronic case register, this is usually done using computer-based applications such as Microsoft Excel or Access. It will be necessary to appoint someone with relevant IT skills to design and oversee maintenance of the computer system (e.g. virus software, back up discs, IT support – e.g. if system breaks down) and to provide training to courts staff in how to use it. The features and functionality of the computer-based case register should be user-friendly and agreed by key partners, and should be tested on staff who will actually have to input data and generate reports from the system. A user policy and manual should be developed and consist of a set of rules, guidelines and policies for the effective use of CMS. The hardware will include a standalone computer desktop, a printer and a photocopier. J4A templates of electronic case registers and performance reports are available for reference. There are costs associated with hardware and maintenance of the system.

Lessons learned

CMS pilot initiatives in Kaduna and Enugu.

Lesson 1

Committed and visible leadership, as well as management oversight are essential to achieving the aim of reducing delays and improving court performance. The Head of the Court must ensure full implementation of the system. There must be management oversight to ensure that data is captured in a timely and accurate manner and analysed to provide meaningful information to inform decision making relating to court operations and policy. **Without this the CMS will not be a success.**

Lesson 2

During the pilot phase, **the transfer of personnel**, particularly judges, slowed down project progress and increased costs. It is important that the judges and staff remain in their duty posts until the end of the pilot.

Lesson 3

Capturing data on existing cases in the court – the case backlog at the start of CMS implementation – can be a slow process and requires close attention and commitment, as well as temporary additional resources.

Lesson 4

It is necessary to be aware that some judicial officers and courts staff may feel threatened or concerned about greater accountability brought about by the CMS or worry that it will create additional work. It is necessary to ensure **full understanding of the benefits** of the system and provide training where necessary. But also ensure through **strong leadership and management oversight** that all are expected to co-operate and be held accountable for doing their job properly, thus contributing to the overall goal of a more efficient court system.

Lesson 5

For electronic CMS, a lack of infrastructure such as power, internet access and backup facilities may hamper activities (data entry and analysis, communication, safety of records and data). To overcome this, consider locating the e-CMS within the premises of the supervising court, which normally has better infrastructure.



Results from the CMS pilots

1. **Time standards have been adopted formally in two courts:** the Customary Courts of Appeal (Enugu and Kaduna States) through practice directions. Time standards have been developed in the Magistrate Courts (Enugu and Kaduna States) and the Sharia Courts (Kaduna State).
2. **Judges are now more conscious of delays** and are applying case management principles and time standards to control delays and ensure cases are resolved promptly. The implementation of the time standards is being monitored for compliance.
3. **The time taken to dispose of cases is reducing.**
In Kaduna State, the time in the pilot Magistrate Court has reduced to 269 days (March 2014), from 593 days (June 2011). In the pilot Magistrate Courts in Enugu, time has reduced to 244 days (from 314 days).
4. **There is improved case clearance rates in the pilot courts.** Three of the four pilot customary courts in Kaduna are now within 1.0 minimum clearance rate (the number of cases disposed of in a period compared to the number filed within that period). The same improvements have been implemented in four of the five pilot Magistrate Courts in Enugu State.

72 per cent of all cases were completed within the time standards in the Enugu pilot Magistrate Court #12.

(from January to March 2014)

The time taken to deal with cases has reduced by 43 per cent in the pilot Magistrate Court in Kaduna State.

(from 2011 to 2014)

Policy developments

The pilots in Kaduna and Enugu have led to the following policy reforms in the courts system.

Time standards have now been adopted through practice directions for all Customary Courts in Enugu and Kaduna States.

Draft time standards have been developed for the Magistrates Courts in Enugu, and Magistrates and Sharia Courts in Kaduna. Pending formal adoptions through practice directions, they are now applied by the pilot courts in the three courts as a benchmark for efficient disposal of cases.

‘We have the time standards pasted on the wall of our courtrooms and we refer lawyers to it each time they are in court, and most of them have pledged to co-operate with us to achieve it.’

Magistrate, Enugu State

The CMS reports and analysis are now used as a monitoring tool by the Inspectorate Unit of the Customary Court of Appeal Enugu during court inspections to measure performance and compliance with policies/practice direction.

‘...it has really helped to make us sit up. Lawyers have seen the seriousness and they have stopped complaining [about actions we take to speed up cases and the limits on adjournments. In the past, they would file appeals to the high court complaining that they were not given adequate opportunities to present their cases, but now, they are not pursuing that option].’

Magistrate, Kaduna State

Evaluation

The following summarises some information produced through evaluation of the Enugu and Kaduna pilots that can be used as evidence of potential benefits when advocating for the introduction of a CMS.

- Annual user satisfaction surveys to measure the time taken to resolve cases.

Findings: Increased satisfaction levels from 84 per cent (2011) to 89 per cent (2013) in the Customary Court in Enugu. Methodology and survey available for reference.

- Quarterly data review to measure the time to dispose of cases.

Findings: Improvement in time taken to deal with cases: Magistrate Courts in Enugu reduced to 244 days (from 314 days); Sharia Courts in Kaduna remains at 52 days; Magistrate Courts in Kaduna reduced to 269 days (from 593 days).

Contact

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