

VANUATU
COURT OF APPEAL
SUPREME COURT
MAGISTRATES COURT
ISLAND COURT

2018 – A Reflection

Version I

THE YEAR IN REVIEW

- From a case management perspective, 2018 has proven to be a challenging year with respects to variations of cases being filed across our 4 courts— some increasing – some decreasing
- We have also seen the transitioning of judicial officers into new roles, e.g. the promotion of Chief Magistrate Felix to the bench of the Supreme Court, the arrival of our NZ judge – His Honour Gus Andree Wiltens, our new Deputy Master – Aurelie Tamsul, and the appointment of Senior Magistrate Anna Laloyer to Acting Chief Magistrate.
- Our ability to reflect and review not only at this time of the year, but at the end of each month, on how we are performing with respect to key court indicators ensures we monitor and adjust our operation and resources as best as possible. This is a credit to the staff and the Acting Chief Registrar overseeing the all important data quality of our case records.
- I personally attended a regional workshop for the courts in the Pacific, in Port Moresby in December of 2018, and pleased to say we are well placed to utilize the information that our Case Management System provides.
 - I have also committed to exploring the introduction of time standards across the court, and the reduction of Reserved Judgments to an acceptable level
- As I mentioned last year, am still concerned with the reduction in matters being filed in the Magistrates Court, particularly those originating from the VPF/SPD office. In contrast – it is quite visible to us that the work emanating from the OPP to us – in both the Magistrates Court and Supreme Court is on the increase. We need to be very cognizant of these trends and work with both SPD and OPP to provide our judicial resources appropriate to their workload.

CONTINUED

- Within the Supreme Court, we are well aware of the volume of Pending cases (approximately 1,200 cases), and the all important ratio of pending cases to our yearly disposal rates – often referred to as the PDR. The higher this ratio – the potentially longer timeframes we will take to finalise your cases. In the early part of this year - 2019 – our focus with support from Justice Mansfield who many of you know well, will be to lower our adjournment rates, lift our productivity, and thus reduce our pending workload numbers.
 - We recognize as well that the % of matters with a future listing is lower than international benchmarks, and we will strive to ensure all cases that can be listed before a judge – will be
- As we know in the legal sector, changes to process, practice and behavior take time, and I flag here today we will be looking to Government for some additional short term judicial assistance to help reduce our pending workload numbers in the Supreme Court
 - We want to bring our pending caseload down to approximately 900 cases, a reduction of 300 – and this will require significant effort and resources from all of us
 - While we have been very proud of our average timelines to finalise criminal matters in the Supreme Court, 2018 saw focus placed on those pending cases where there had been outstanding warrants of arrest for many years. Led by his Honour Gus Wiltens, working with the OPP and the VPF, many of these old cases have in effect been addressed. Our average time to finalise criminal matters has increased as a result of this work – but this is a good thing.

CONTINUED

- From an Island Court perspective, we have seen less matters filed due to the closure of some court locations, plus our ability to fund/resource the provision of judicial officers to hear the Island Court matters has been a problem area for us
 - As a result, our pending numbers in the Island Court have risen – and using the PDR indicator – this has risen to unacceptable levels for such a court.
 - This will be a focus for us in 2019 – to reduce the pending caseload in the Island Court, and ensure people can access the Island Court from anywhere in the country.
- Our Magistrates Court as mentioned earlier has seen a decline in workload, and while the all important Clearance Rate indicator was just over 100% - a good thing - we have noticed a slight decline in the productivity as measured by disposals per Magistrate per year. This is something that I will personally work with the Acting Chief Magistrate to address in 2019
- Our Court of Appeal filings in 2018 continue to grow, so much so – that an extra CoA sitting will be required to ensure timely delivery of the appeals.
- Finally, as we reflect on the performance of cases dealt with across the four jurisdictions, we will continue to drill into more specifics such as who appears before us – their age, gender for example, as well the orders and outcomes associated with the cases. On our website will be the 2018 detailed analysis and this information will be available within the week.
- As I have been reminded – being in a position to open the Legal Year – and reflect on the year just gone, reflects the hard work of so many around the court, and for that – we have greater transparency about the performance of the courts, and insights into case management.

HIGHLIGHTS

- Supreme Court
 - SC filings rose from 712 cases to 769, an increase of 8% - on top of the 3.5% in the previous year
 - SC disposals rose slightly from 708 to 717 cases, an increase of 1.3%
 - Clearance rate was again below the target 100% - 93% for the 2018 calendar year
 - Pending has steadily grown from approx. 800 at the end of 2013 to now 1206 cases – a concern
 - PDR has grown from approx. 1.2 to 1.7 – a worrying sign
 - Potential 300 cases in excess of ideal position – equating to 3 judicial resources and/or quick improvements in case management handling of our cases
 - Timeliness for completing Criminal cases rose from an average of 180 days to 433 days due to finalising a number of very old matters – while Civil cases reduced from 800 days to 640 days
- Magistrates Court
 - MC filings increased slightly from 2065 cases to 2094 – a modest increase of 1.4%
 - MC disposals dropped sharply from 2495 to 2109 cases, a significant decrease of 15% - a concern
 - Clearance rate was an acceptable 101%
 - Pending has remained steady at approximately 880 cases
 - PDR has remains at .4 – good overall position
 - There are still approximately 160 cases older than 2 years that should be assessed
 - Timeliness for completing Criminal cases – has reduced to 265 days – a positive direction

OVERALL

- Supreme Court
 - Still struggling to make in-roads into Pending, and Age of Pending naturally growing
 - Judicial output (productivity) – as calculated by disposals/full time Judicial Officer – remains constant over the last two years – approximately 100 cases per year per judge
 - Overall number of cases without a future listing is high
 - Approximately 60% are under ‘case management’ without a future listing, and the remaining 15% with no identifiable stage recorded
 - Just 25% of all pending cases have a future date (benchmark is 80%)
 - Reserved Judgments still not down to acceptable levels (almost 40 outstanding – down from 60 this time last year)
- Magistrates Court:
 - Similar #'s of Pending cases to last year, with overall Pending to Disposal Ratio sitting at .4 (target for a Magistrates Court is typically .5 or less)
 - Judicial output has reduced to an average of approximately 240 cases per year – a decrease of over 10% from 2017
 - Overall # of cases with a future listing is sitting has dropped to 35%, with less than 15% of cases neither under case management or a future listing
 - Approximately 50% are under ‘case management’
 - Only 9 cases have a Reserved Judgment, down from last year’s 22
 - The decline in criminal registrations is still of concern and needs to addressed with VPF/SPD

ISLAND COURT

- Key Messages
 - IC filings dropped again - from 539 cases to 395 – a decrease of 27% (29% in 2017)
 - IC disposals dropped from just on 450 cases to 350, a decrease of 22%
 - Pending has increased accordingly to over 660 cases
 - PDR has increased accordingly and is now at 1.9 – a worrying result
 - There are 460 cases approximately greater than desired
 - Clearance rate was lower than desired at 88% - the 4th year in a row less than 100%
- Overall
 - Not making in-roads into Pending, and Age of Pending naturally growing
 - Overall # of cases with a future listing is only 4% - a major concern
 - And 56% of all pending cases are deemed to be awaiting resources before a listing can be made – affecting the community at large

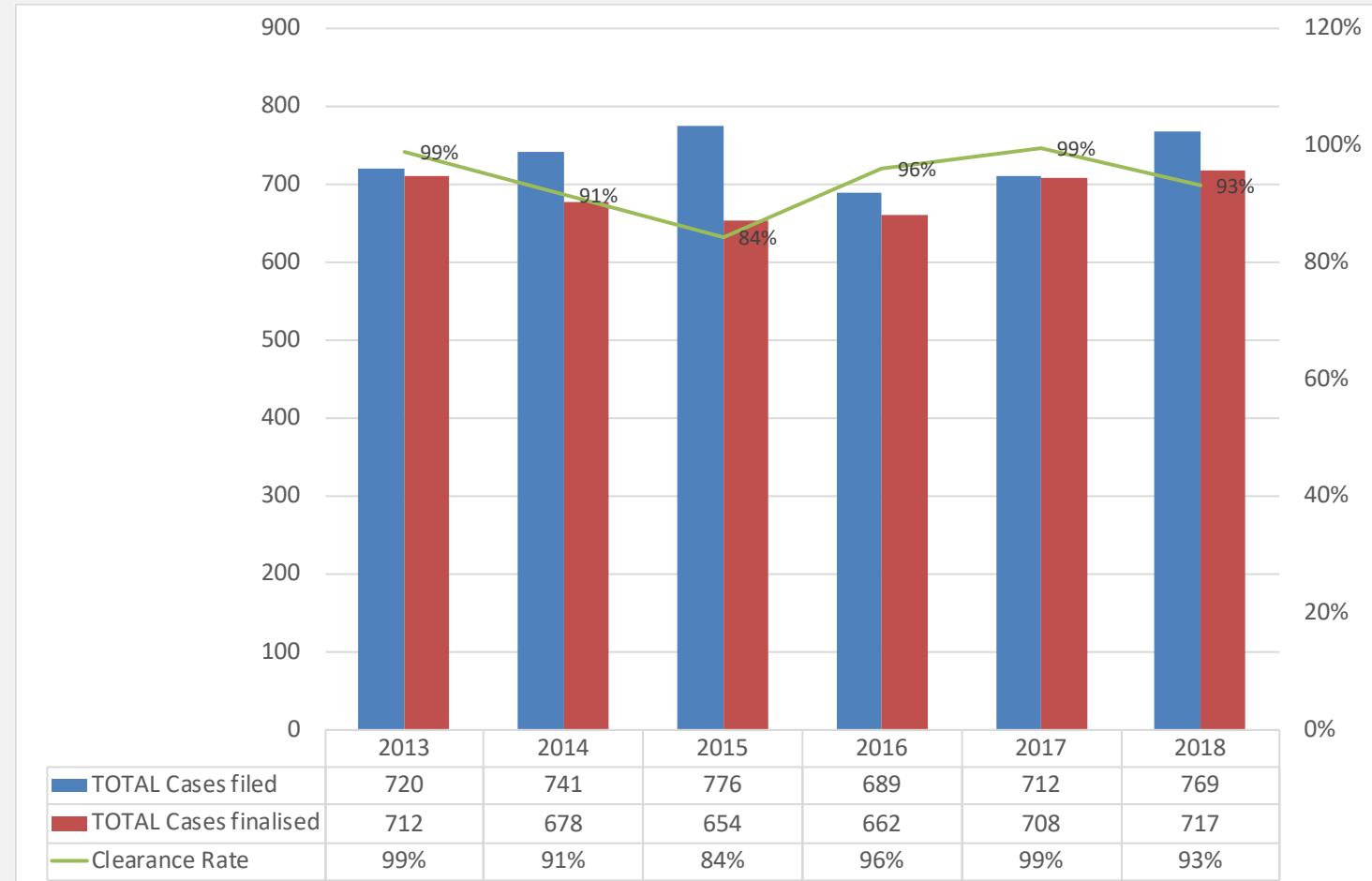
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I. CASE WORKLOAD

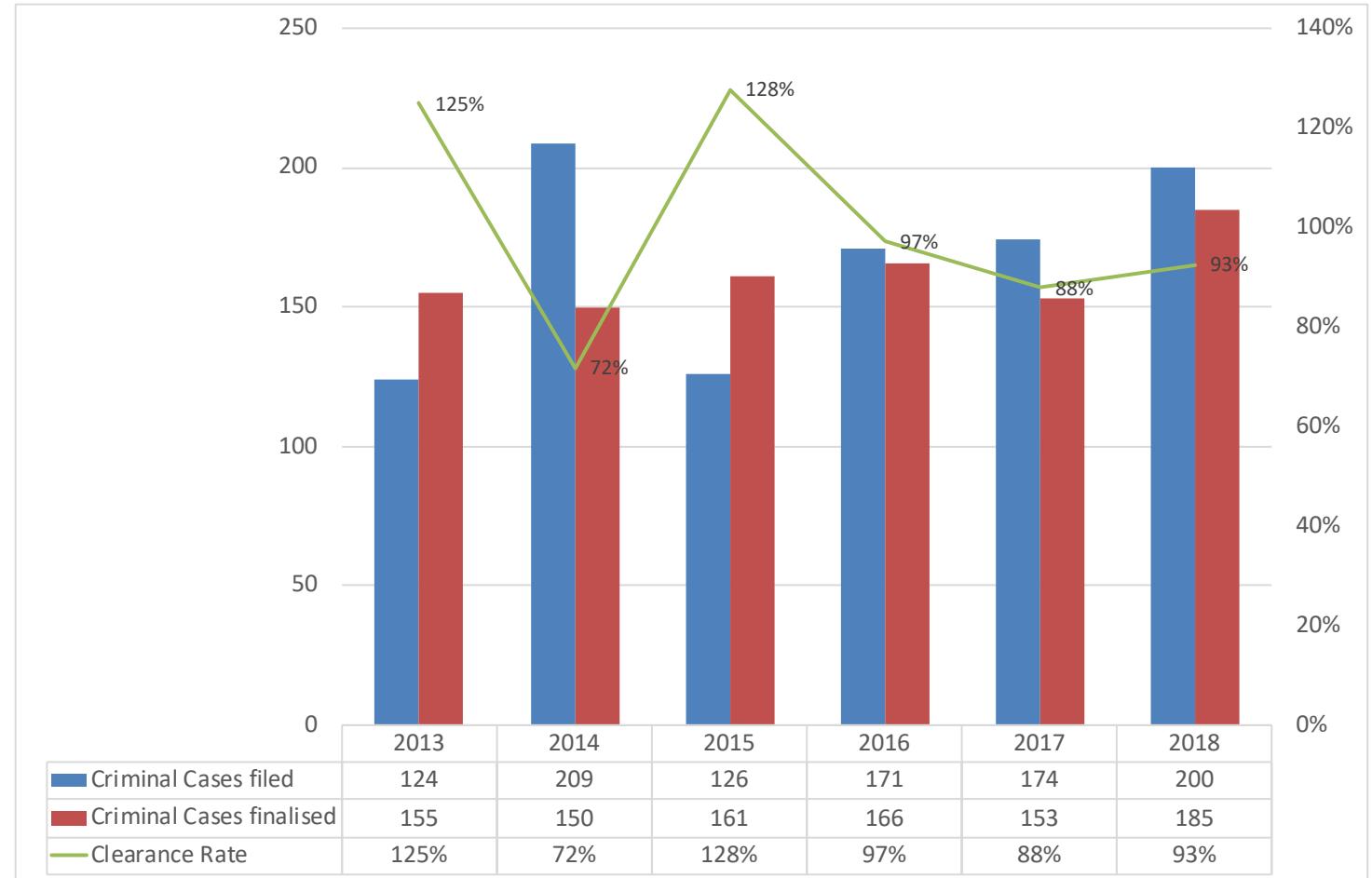
SUPREME COURT TOTAL WORKLOAD

Cases being filed are on the increase and while clearance rate has not achieved 100% each year, cases finalized (disposed) are increasing steadily



SUPREME COURT CRIMINAL WORKLOAD

Criminal cases being filed by the OPP are increasing steadily but clearance rates for the last 3 years has not achieved the target 100%



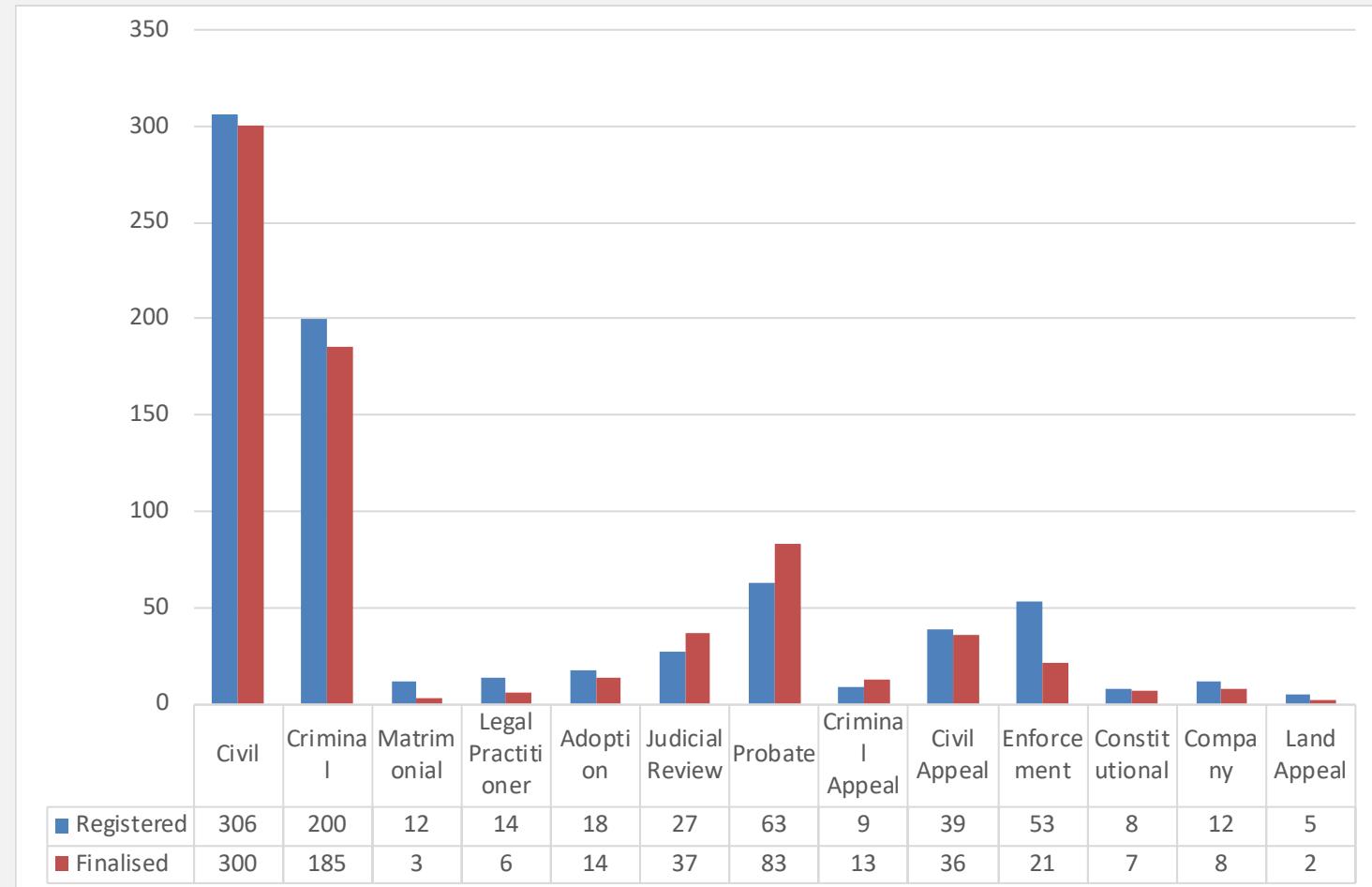
SUPREME COURT CIVIL WORKLOAD

Civil cases being filed steadily increasing over the last 3 years, and clearance rates over the last 3 years have averaged more than 100%



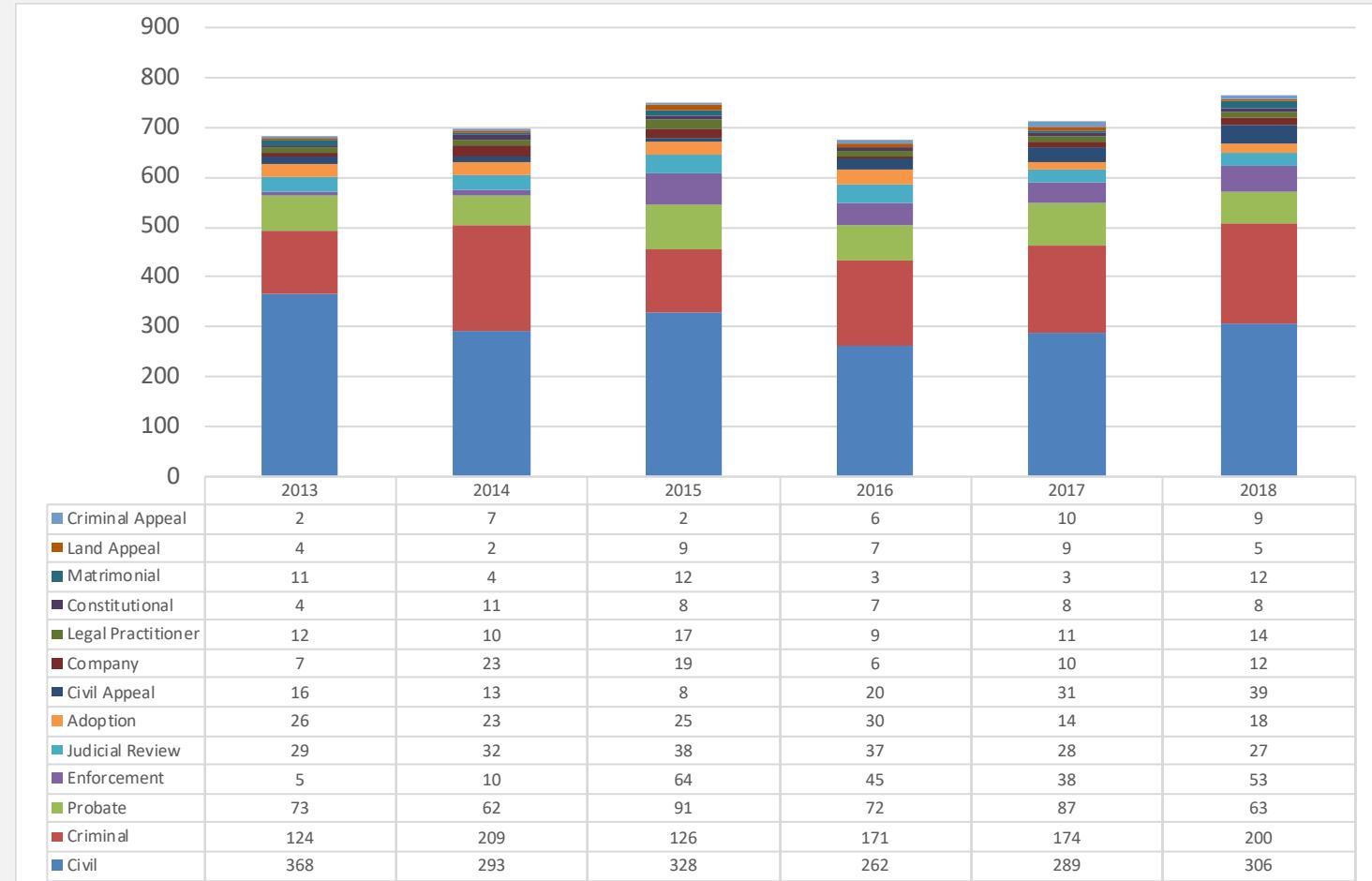
SUPREME COURT ALL CASE WORKLOAD 2018

Civil and criminal workload accounts for approximately 2/3rds of the Supreme Court filings



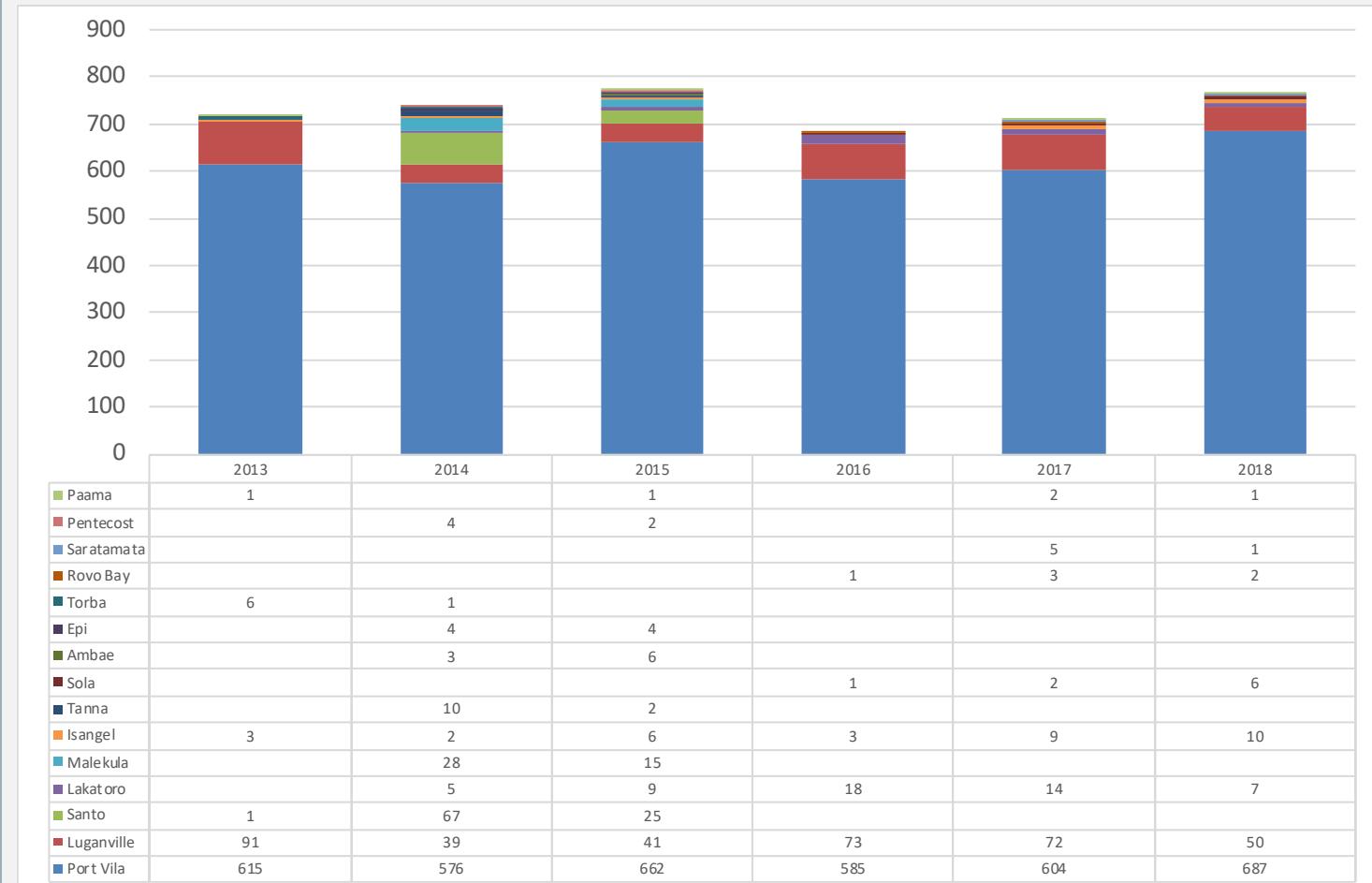
SUPREME COURT WORKLOAD TRENDS

Many of the smaller case types have been relatively consistent over the years



SUPREME COURT LOCATION WORKLOAD

Case filings emanating from Santo/Luganville, and Malekula/Lakatoro have decreased over the years



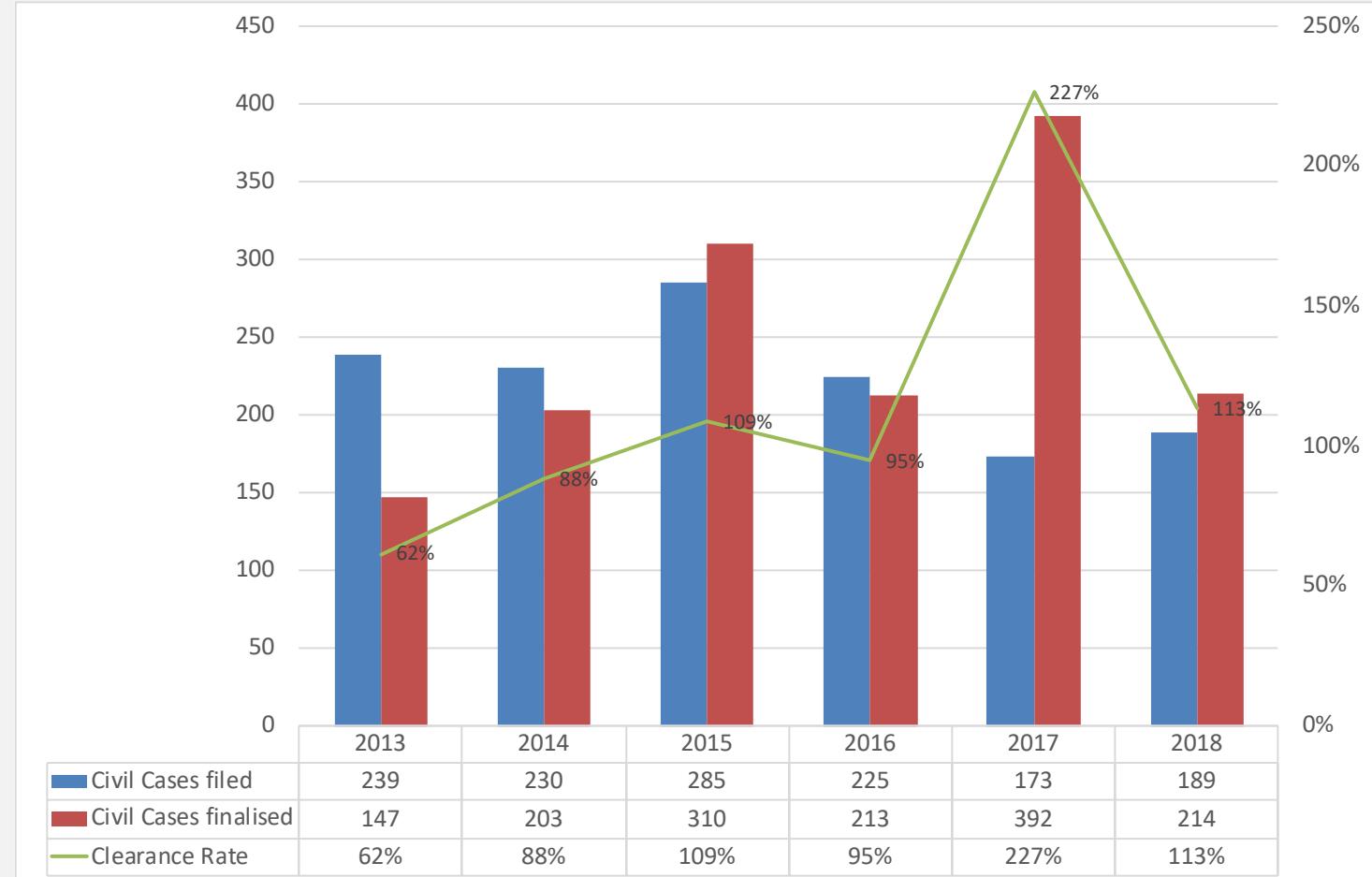
MAGISTRATES COURT TOTAL WORKLOAD

Cases filed remain stable (overall), but cases disposed throughout the year was over 10% less than the previous year



MAGISTRATES COURT CIVIL WORKLOAD

Civil workload has dropped since 2015, and disposals less than 2017 due to the case reduction activity undertaken in that year



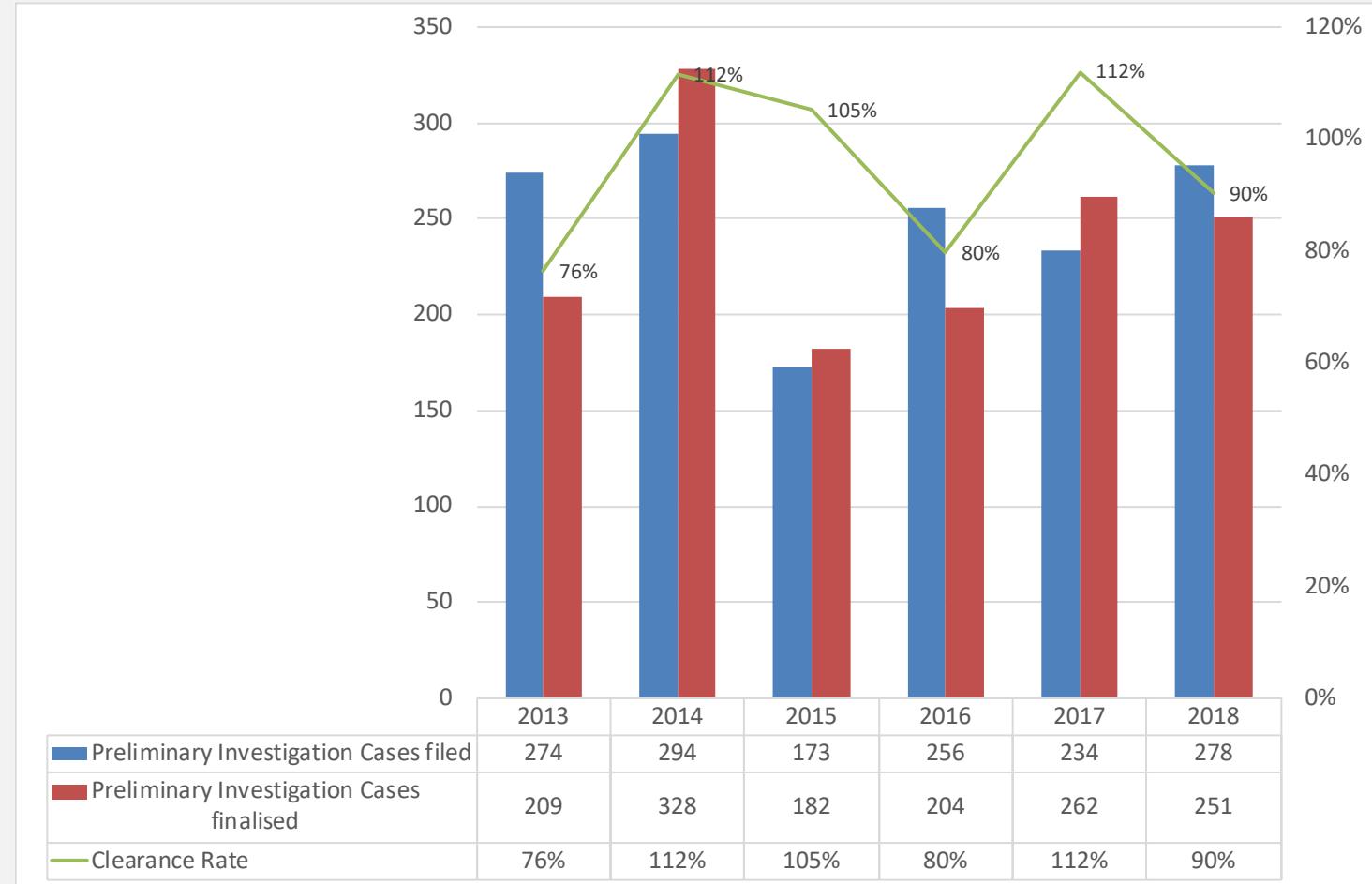
MAGISTRATES COURT DV WORKLOAD

Protection orders (non-criminal) are increasing quite markedly over the last 3 years, but disposals did not match the incoming work in 2018



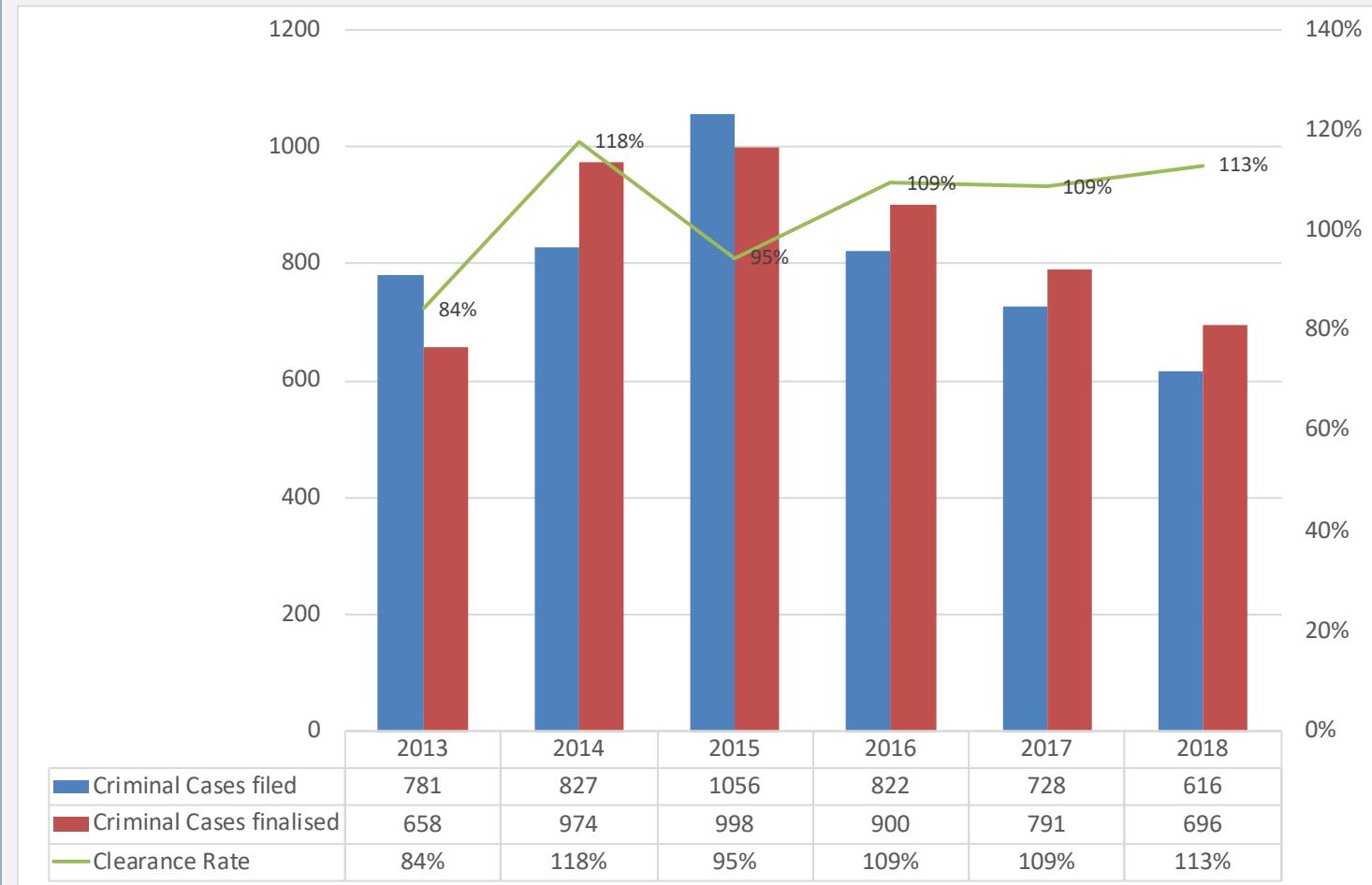
MAGISTRATES COURT PI WORKLOAD

Since 2015, PI matters filed by the OPP has increased by 60% over the last 4 years, while disposals have also increased but not matched total filings



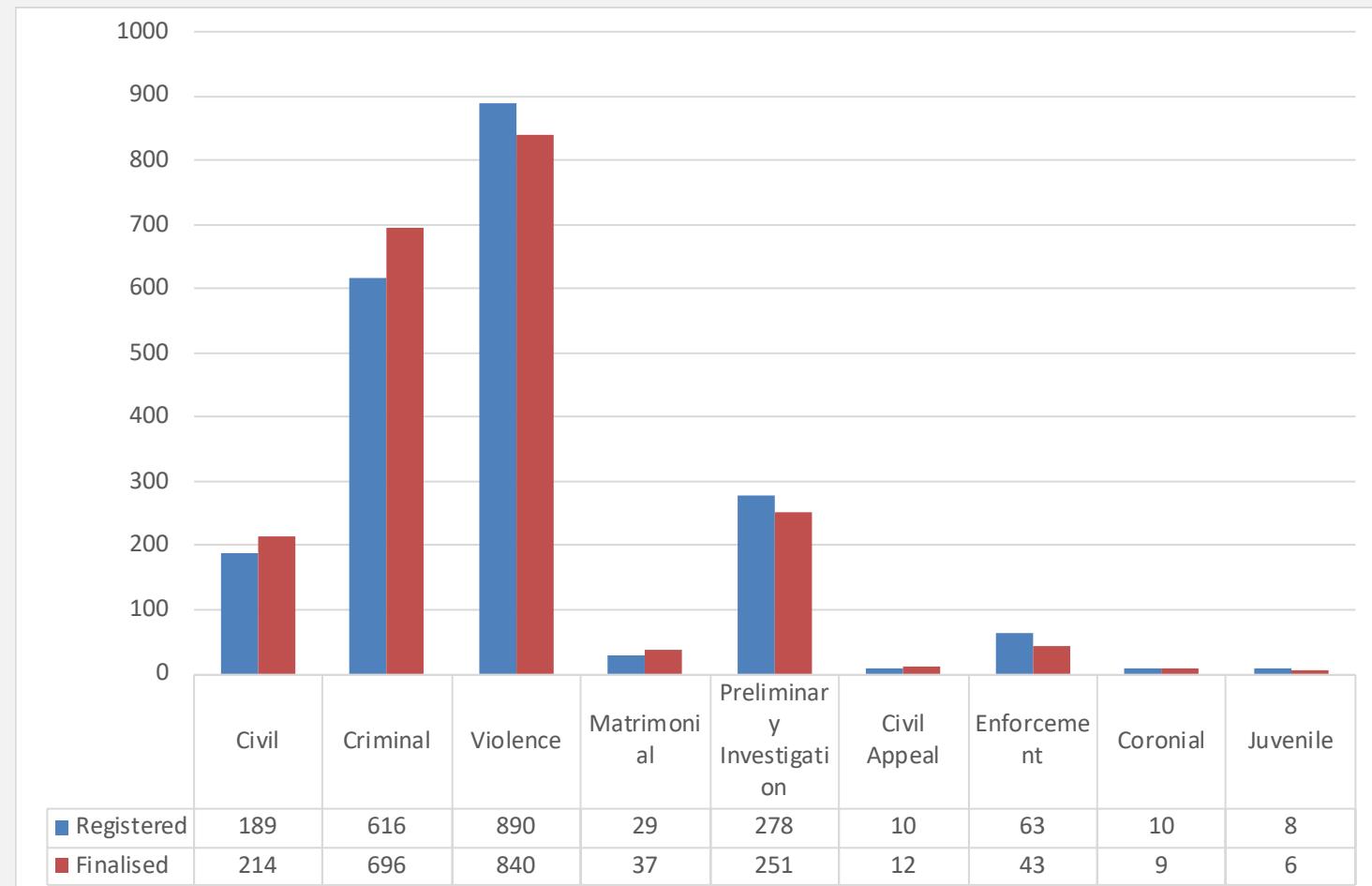
MAGISTRATES COURT CRIMINAL WORKLOAD

The filings emanating from VPF/SPD has dropped substantially over the last 3 years – and warrants further investigation



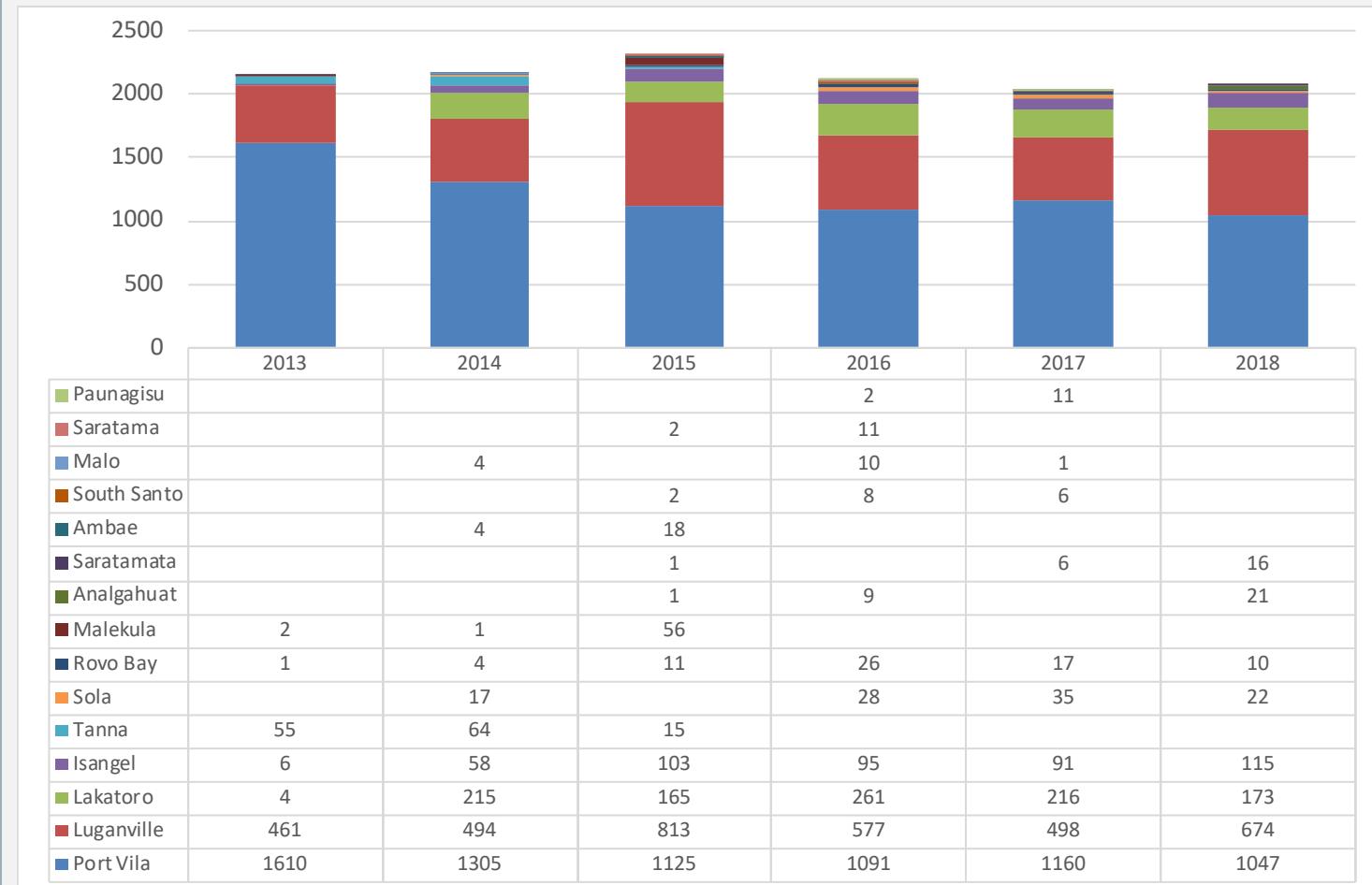
MAGISTRATES COURT ALL CASE WORKLOAD 2018

Violence (protection orders) are now the biggest case filing type in the MC



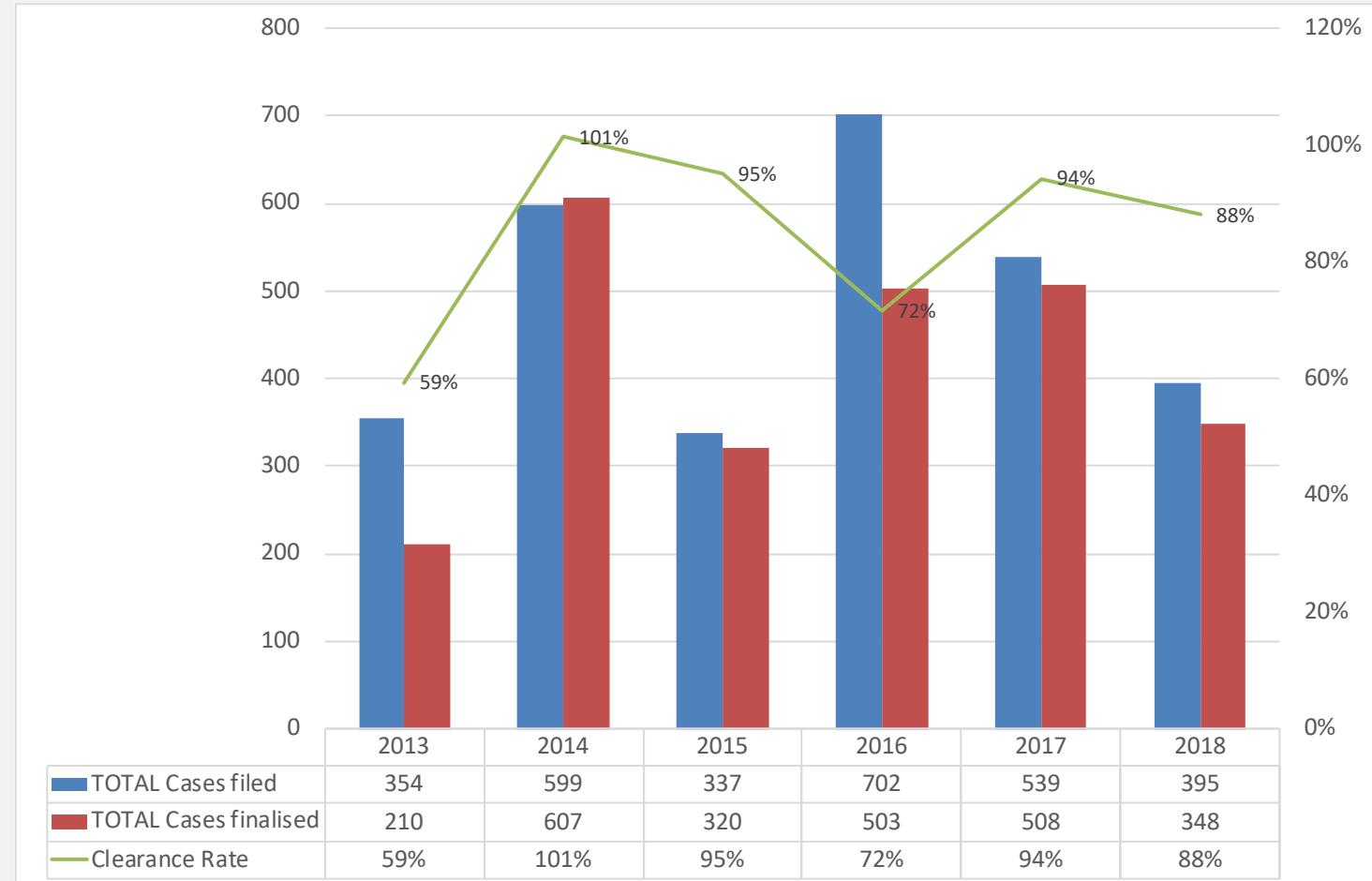
MAGISTRATES COURT LOCATION WORKLOAD

Ratio of filings between Luganville and Port Vila has shifted dramatically over the years, with Port Vila now only having 50% of the total MC workload



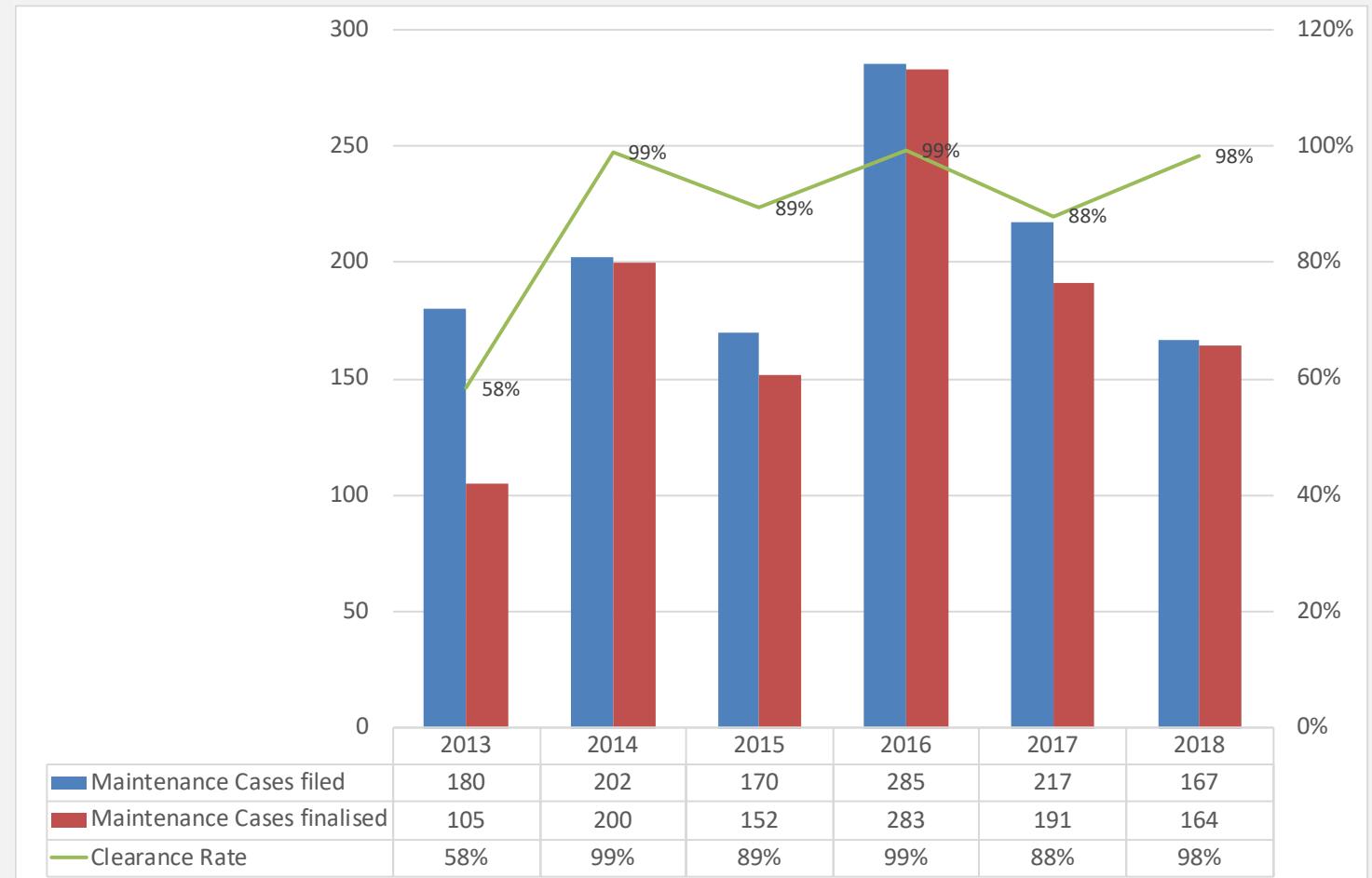
ISLAND COURT TOTAL WORKLOAD

Cases filed has dropped significantly in the last 3 years due to some locations temporarily closed e.g. Sola and Saratamata



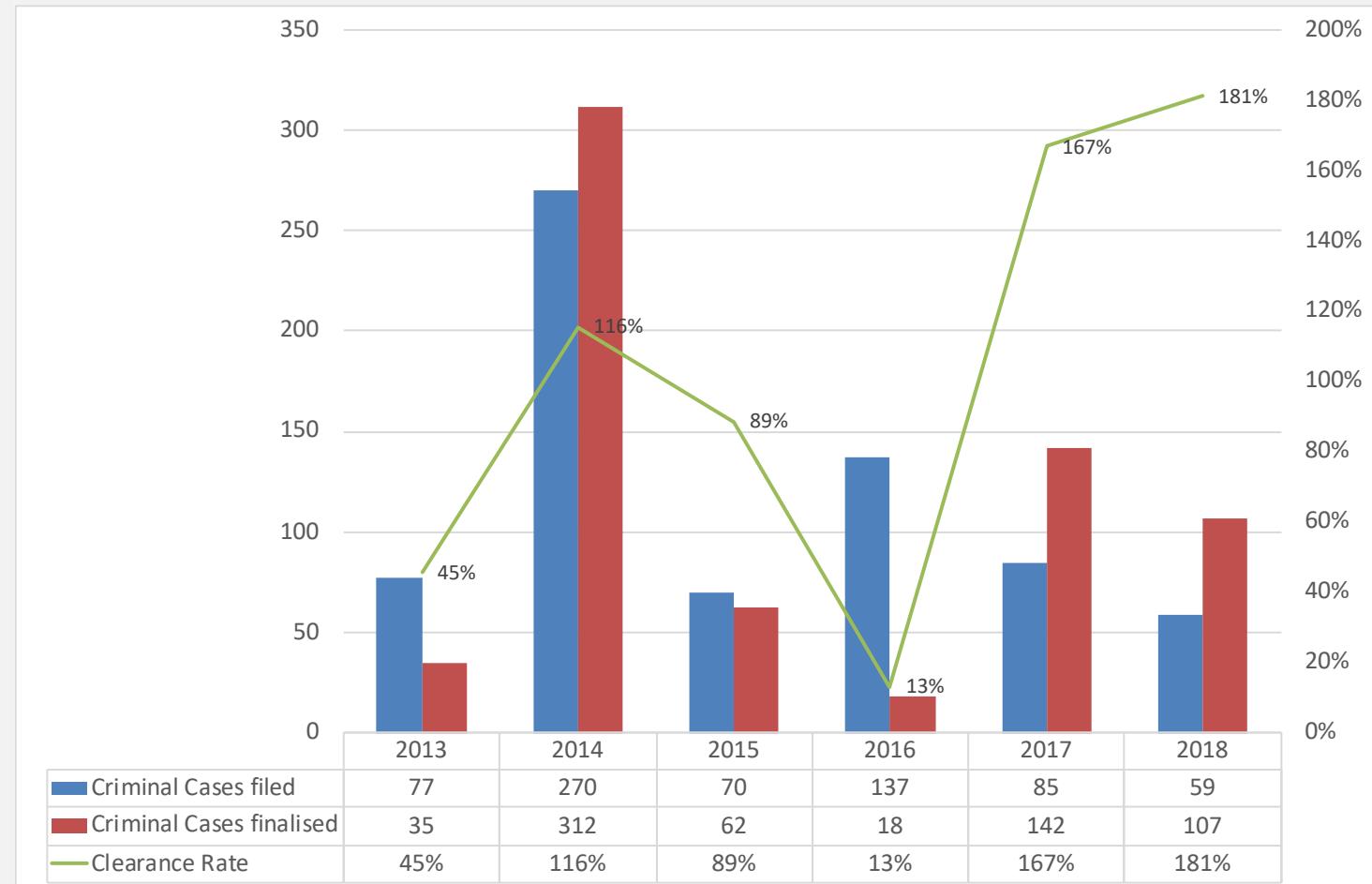
ISLAND COURT MAINTENANCE WORKLOAD

Maintenance matters have dropped considerably in the last 3 years – worth of investigation



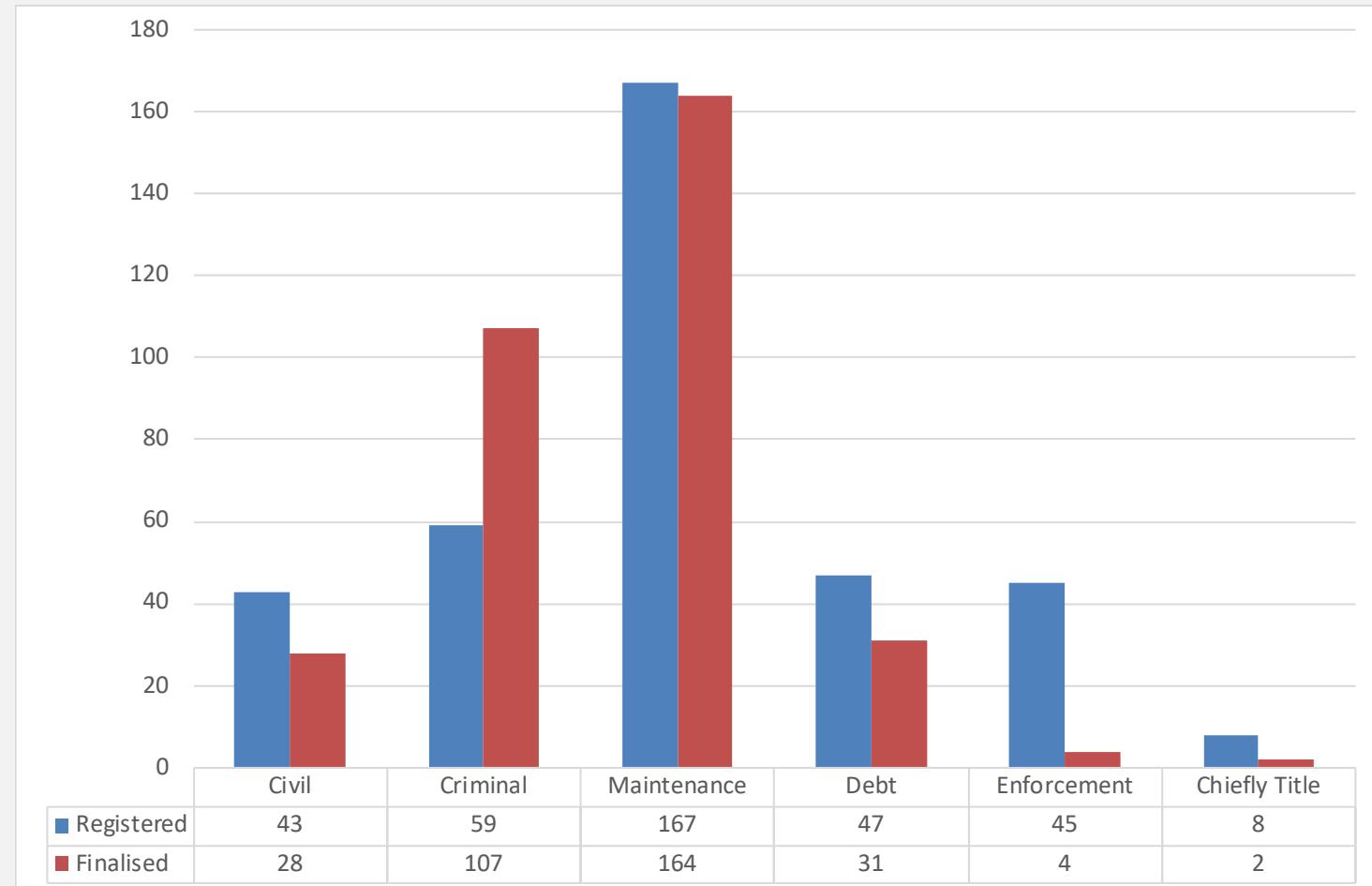
ISLAND COURT CRIMINAL WORKLOAD

Criminal cases disposed increased due to State Prosecution cleaning up old cases (lapse of time)



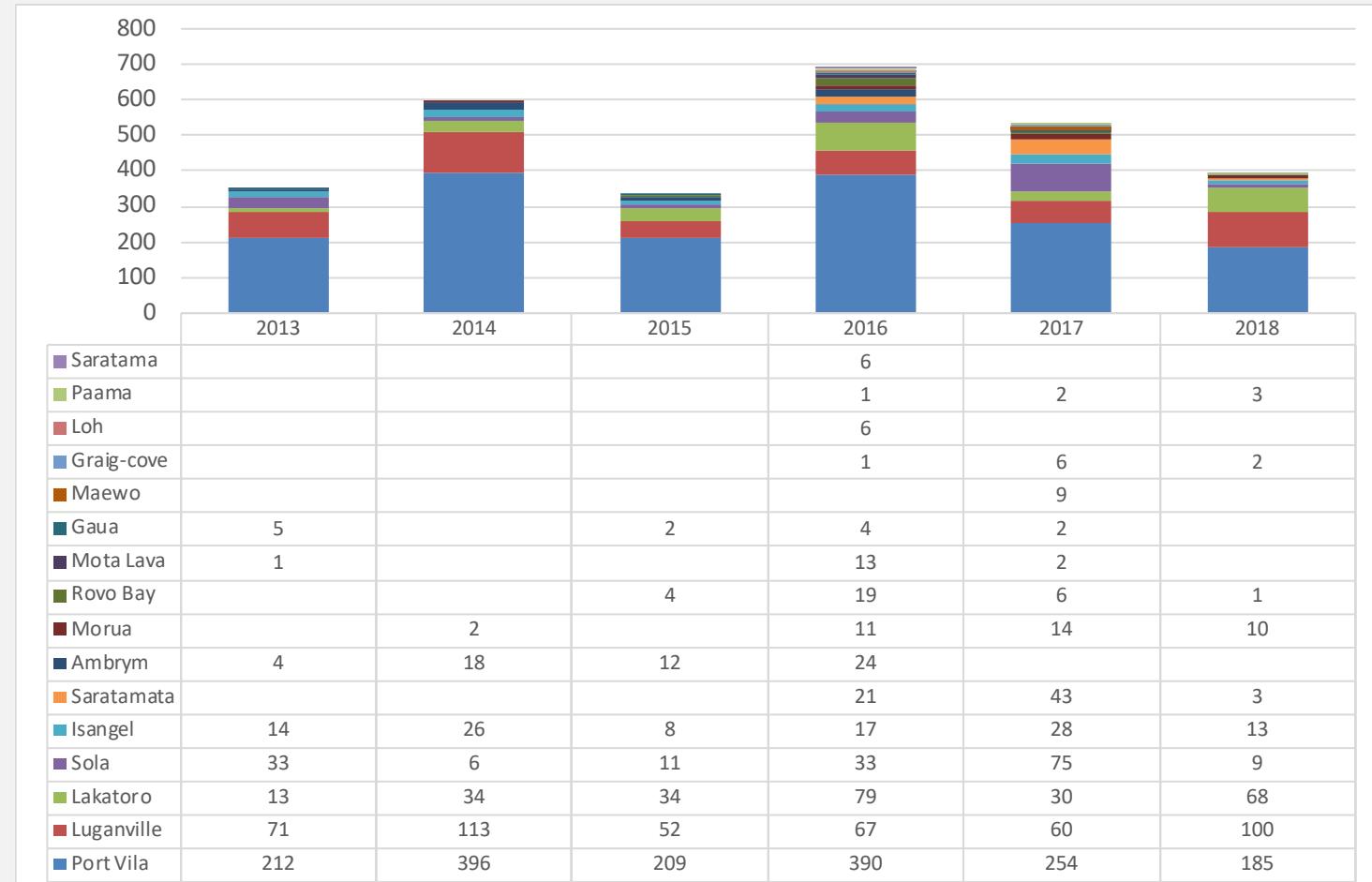
ISLAND COURT CASE WORKLOAD 2018

Maintenance matters is by far the biggest caseload on the Island Court



ISLAND COURT LOCATION WORKLOAD

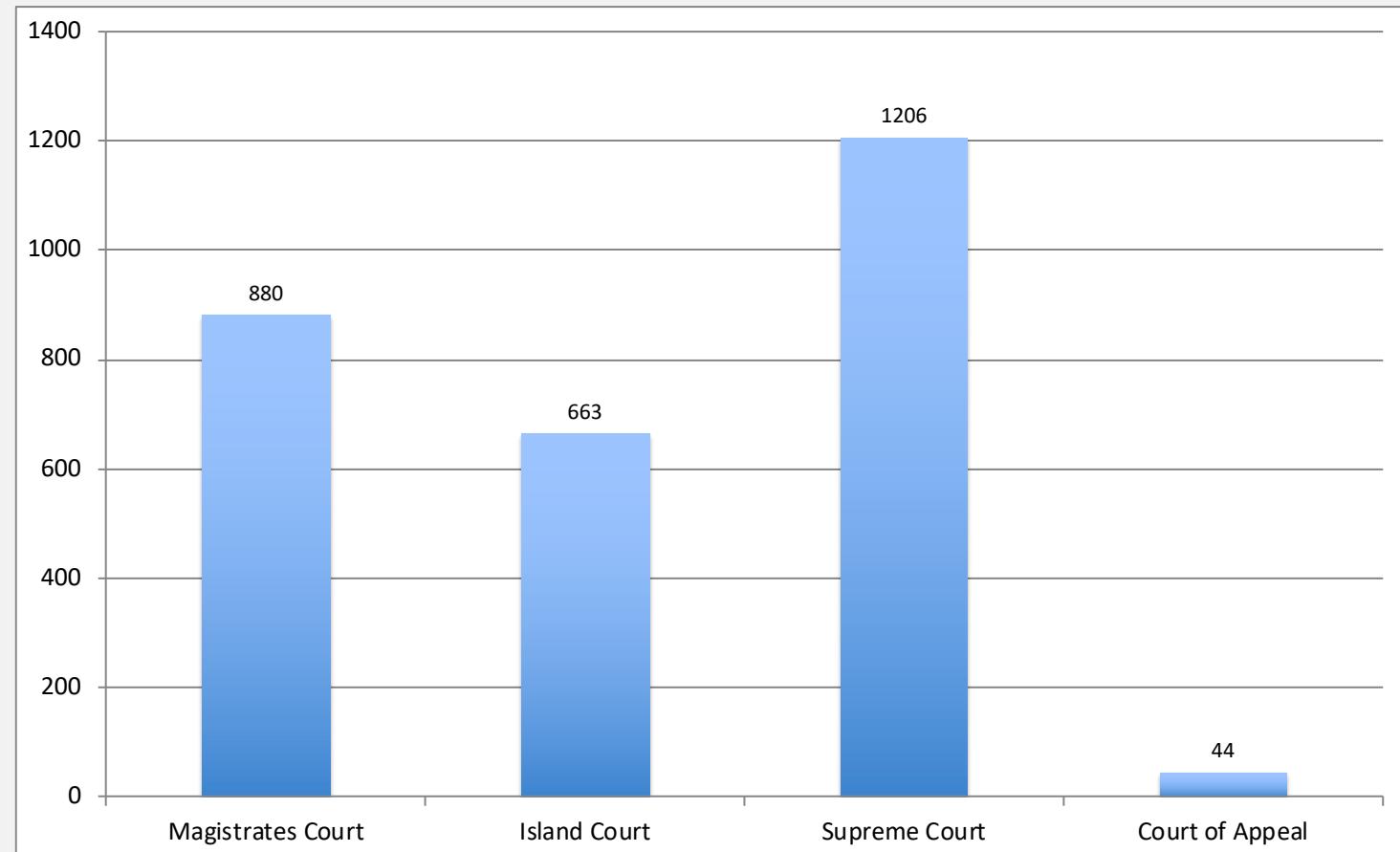
Port Vila has seen significant drop-off in cases being filed, while other locations such as Luganville and Lakatoro have increased substantially



2. PENDING CASES

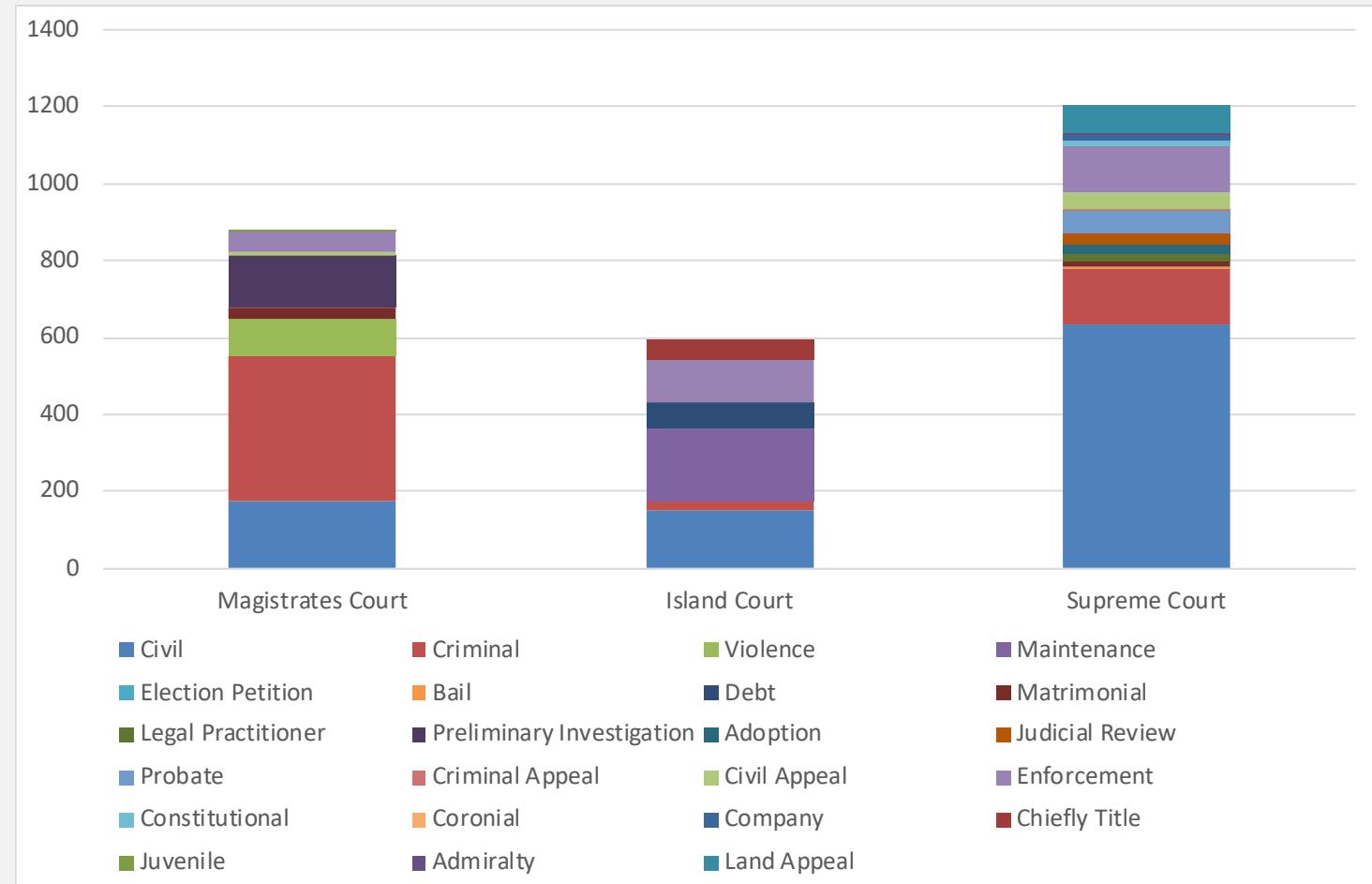
PENDING CASES BY COURT

Approximately 2,800 cases are pending across the four jurisdictions, with just over 40% in the Supreme Court



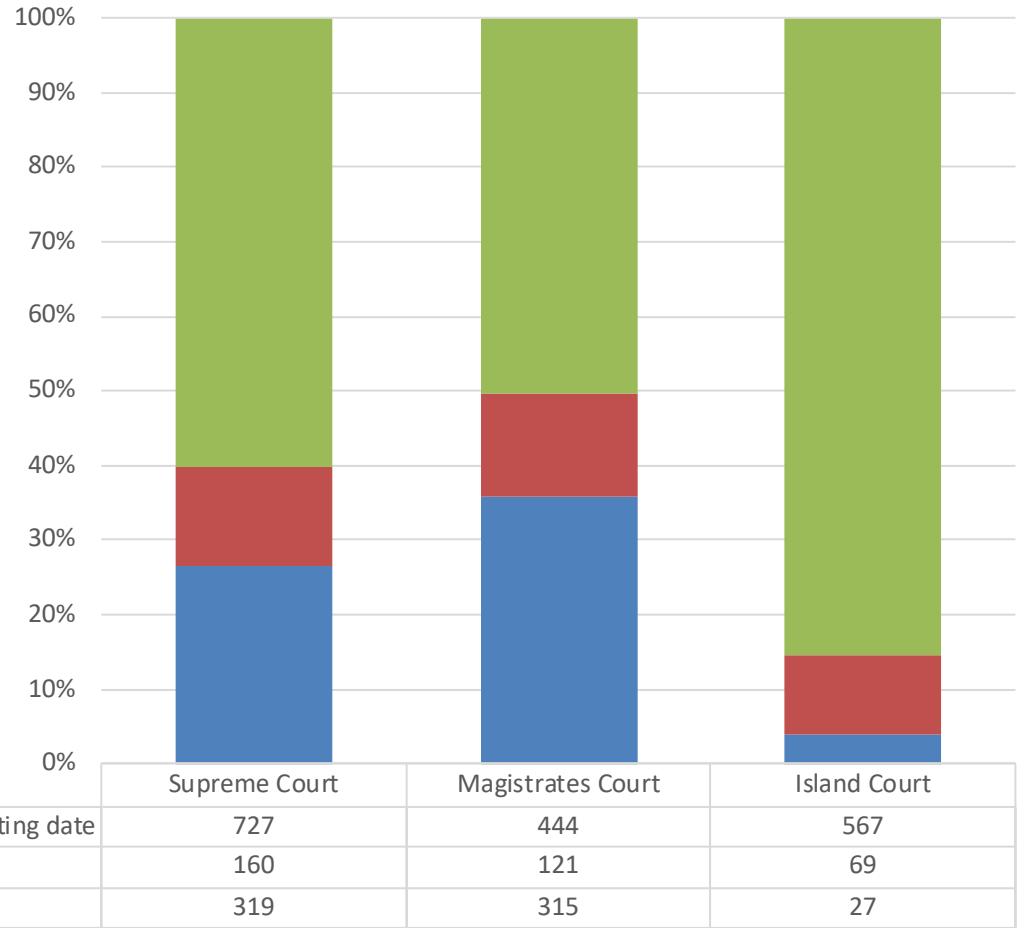
PENDING BY COURT BY CASE TYPE

Each court has its own mix of case type pending ratios



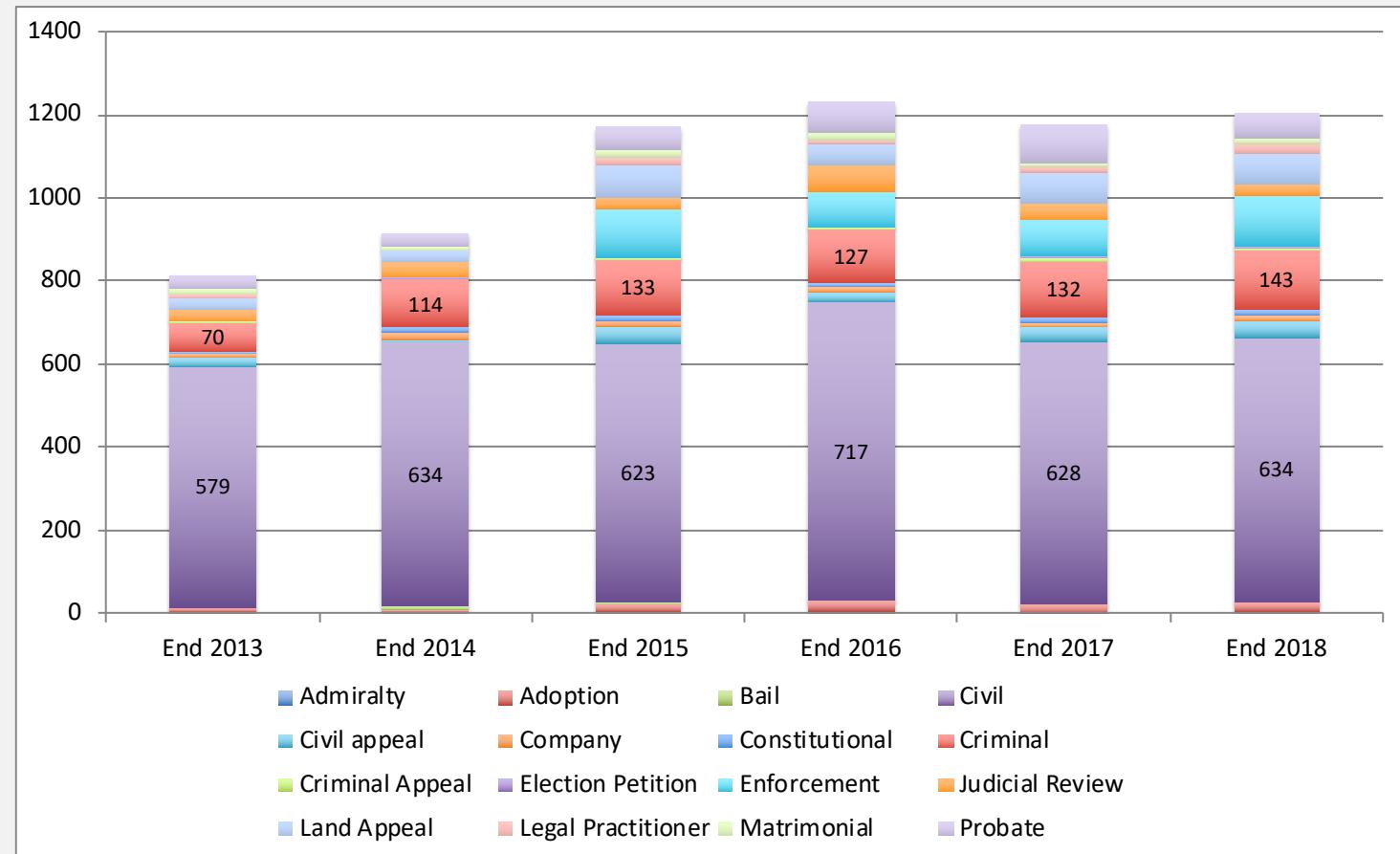
PENDING BY COURT BY LISTED OR NOT LISTED

Cases with a future listing (shaded blue) should typically be approximately 80% of the pending case load. Each court has a significant challenge to address this low %



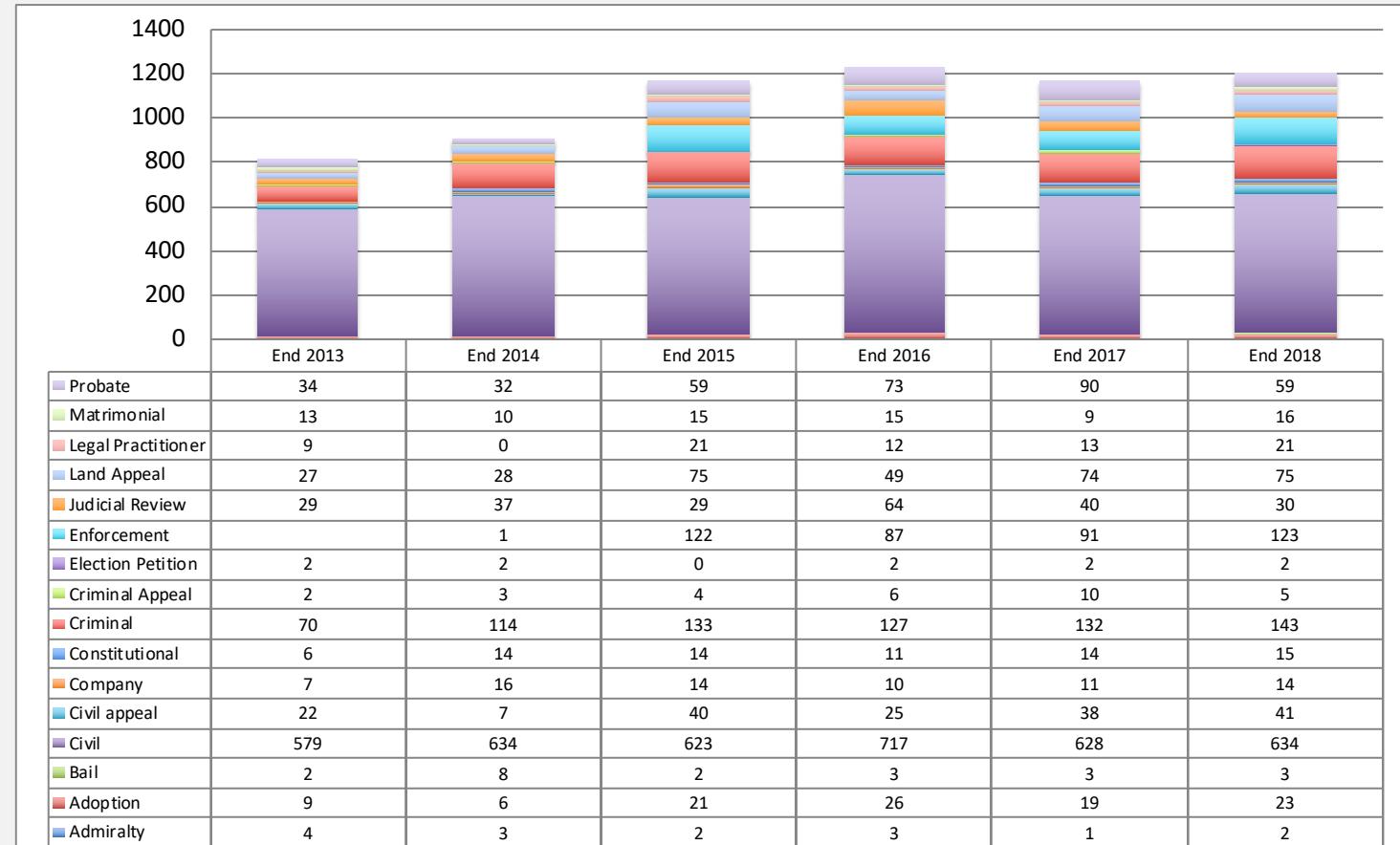
PENDING TREND SUPREME COURT

Clearly shows the jump in pending between 2014 and 2015, but has remained relatively stable since then



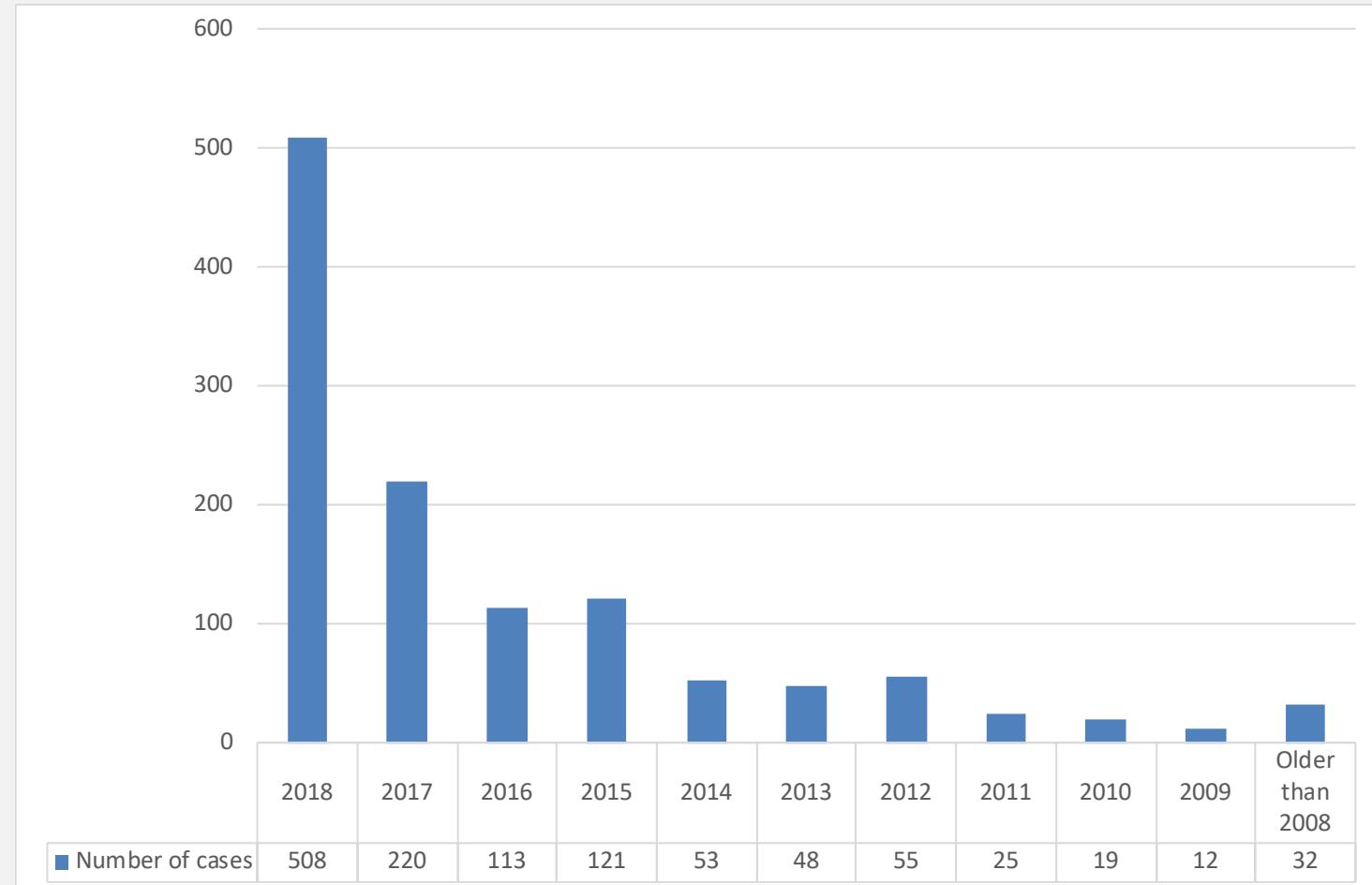
PENDING TREND SUPREME COURT

Enforcement cases
– introduced as a
separate case type
in 2015, now
accounts for 10%
of the overall
pending workload



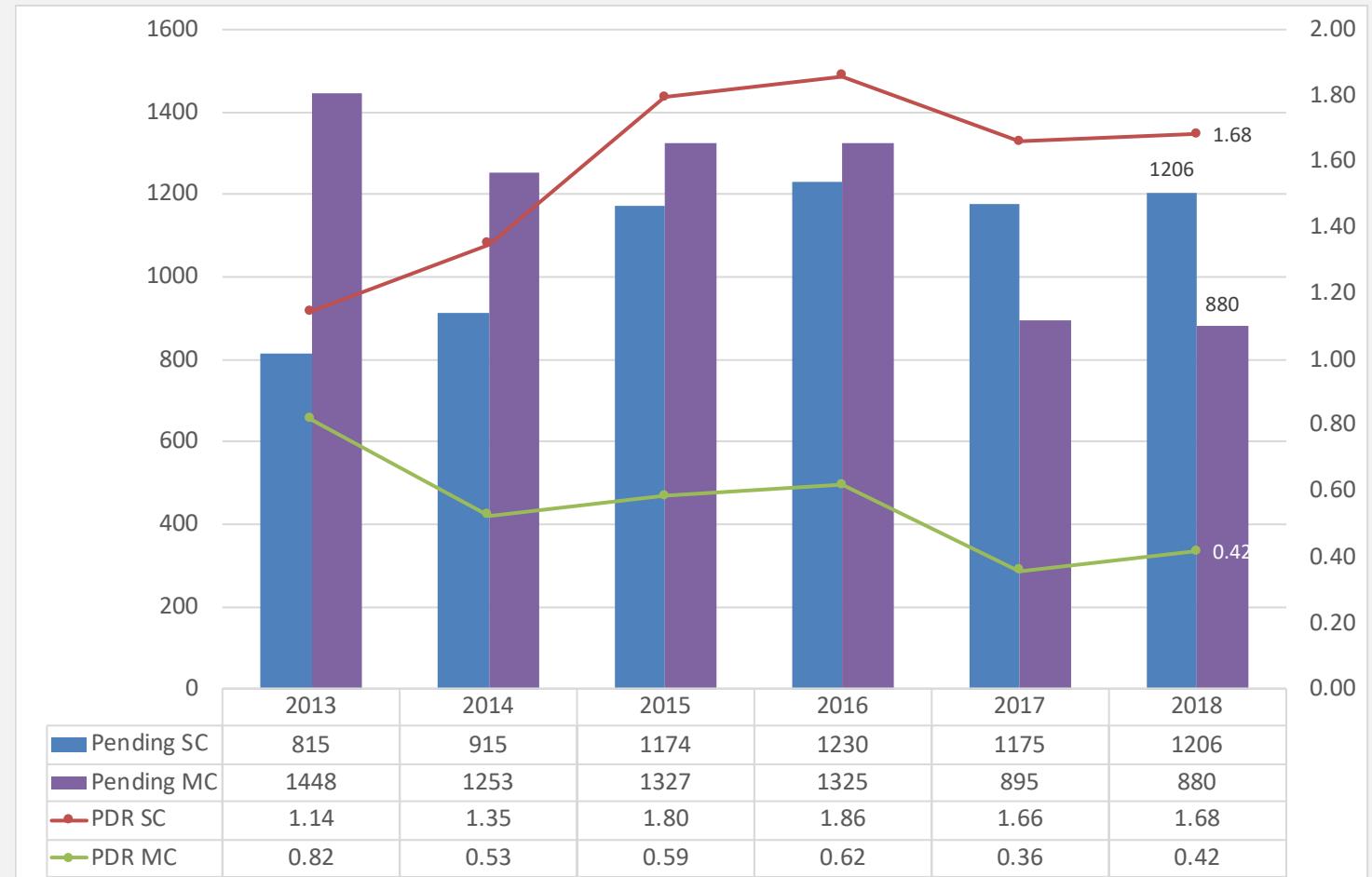
PENDING AGE SUPREME COURT

40% of cases are older than 2 years (2016 and earlier), but clean-up activity of old cases in 2018 has seen an improvement in the # of very old cases



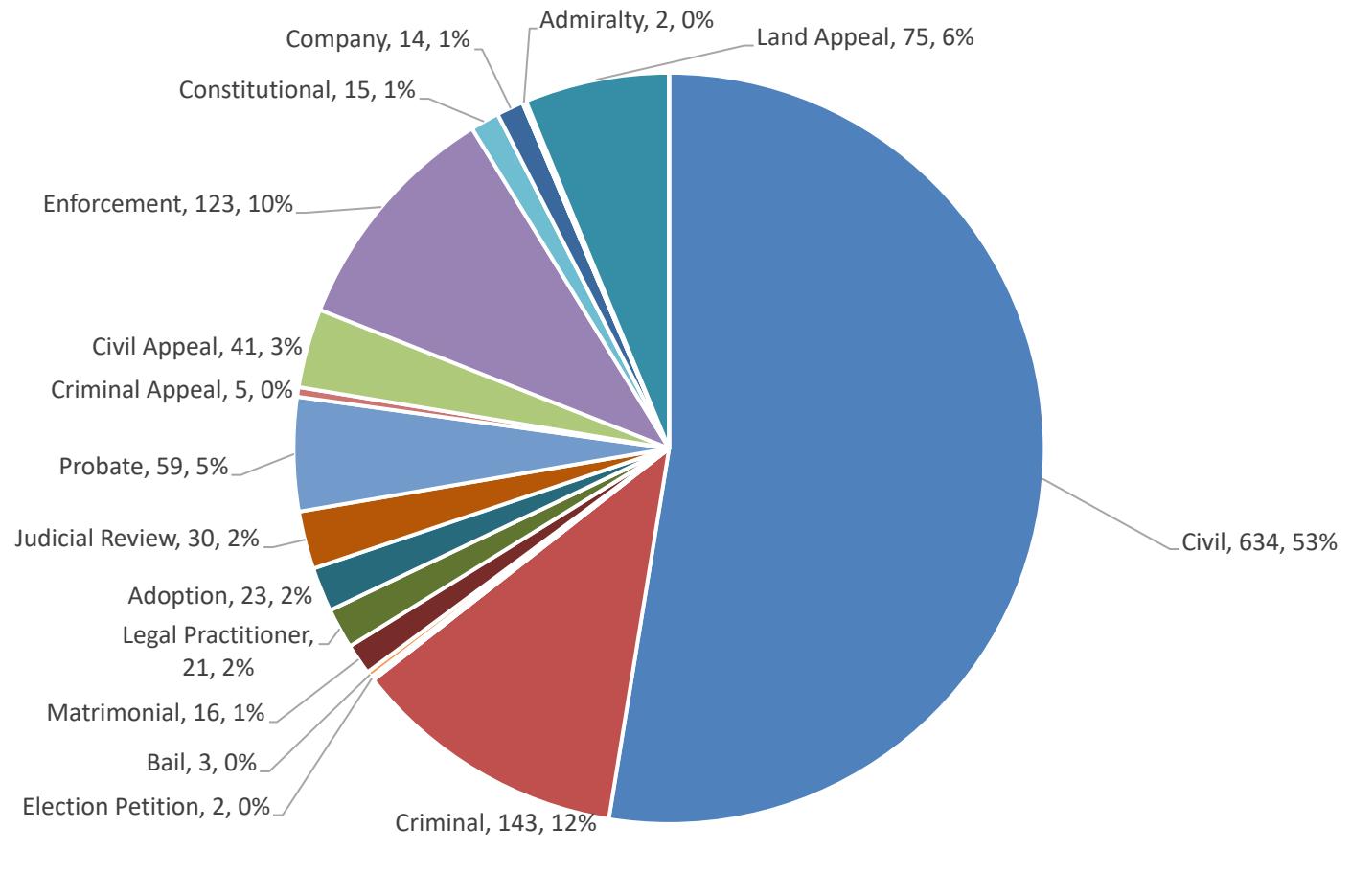
PENDING TRENDS AND PDR

The lower the PDR (Pending to Disposal Ratio) – the better. Supreme Court has seen a steady increase of its PDR to almost 1.7 which equates to almost 2 years worth of outstanding cases



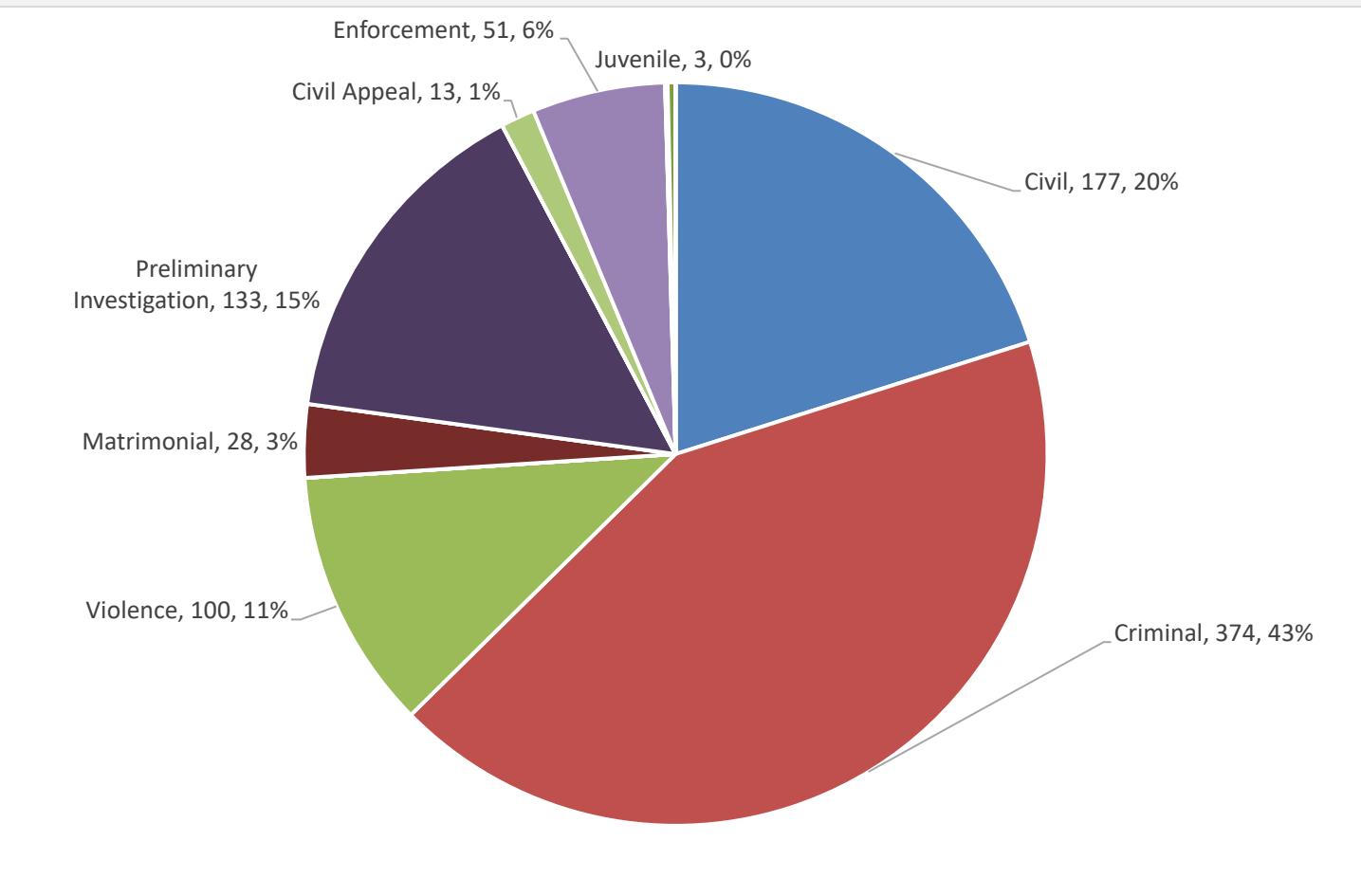
PENDING WORKLOAD SUPREME COURT

Civil, criminal and enforcement matters account for almost 75% of the total pending caseload



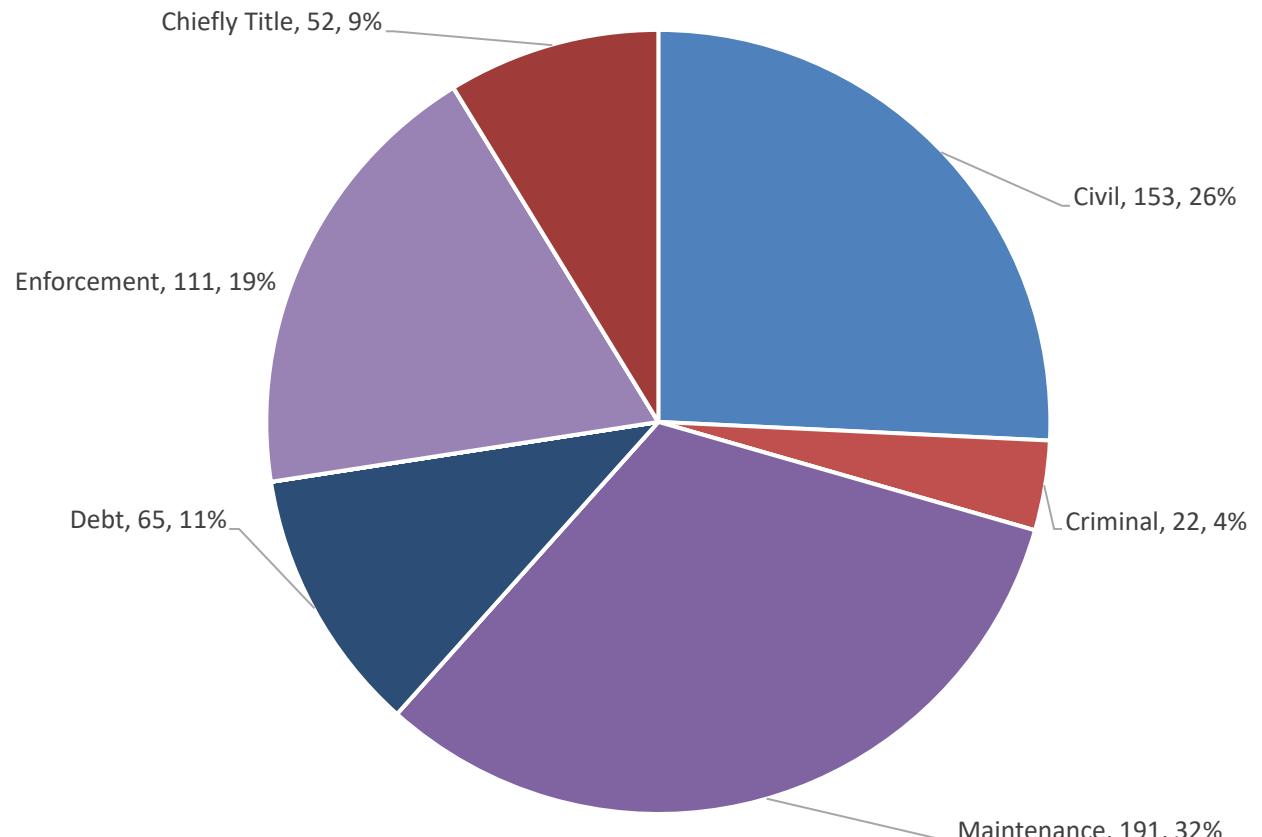
PENDING WORKLOAD MAGISTRATES COURT

Criminal matters
– including PI –
make up almost
60% of the total
pending workload



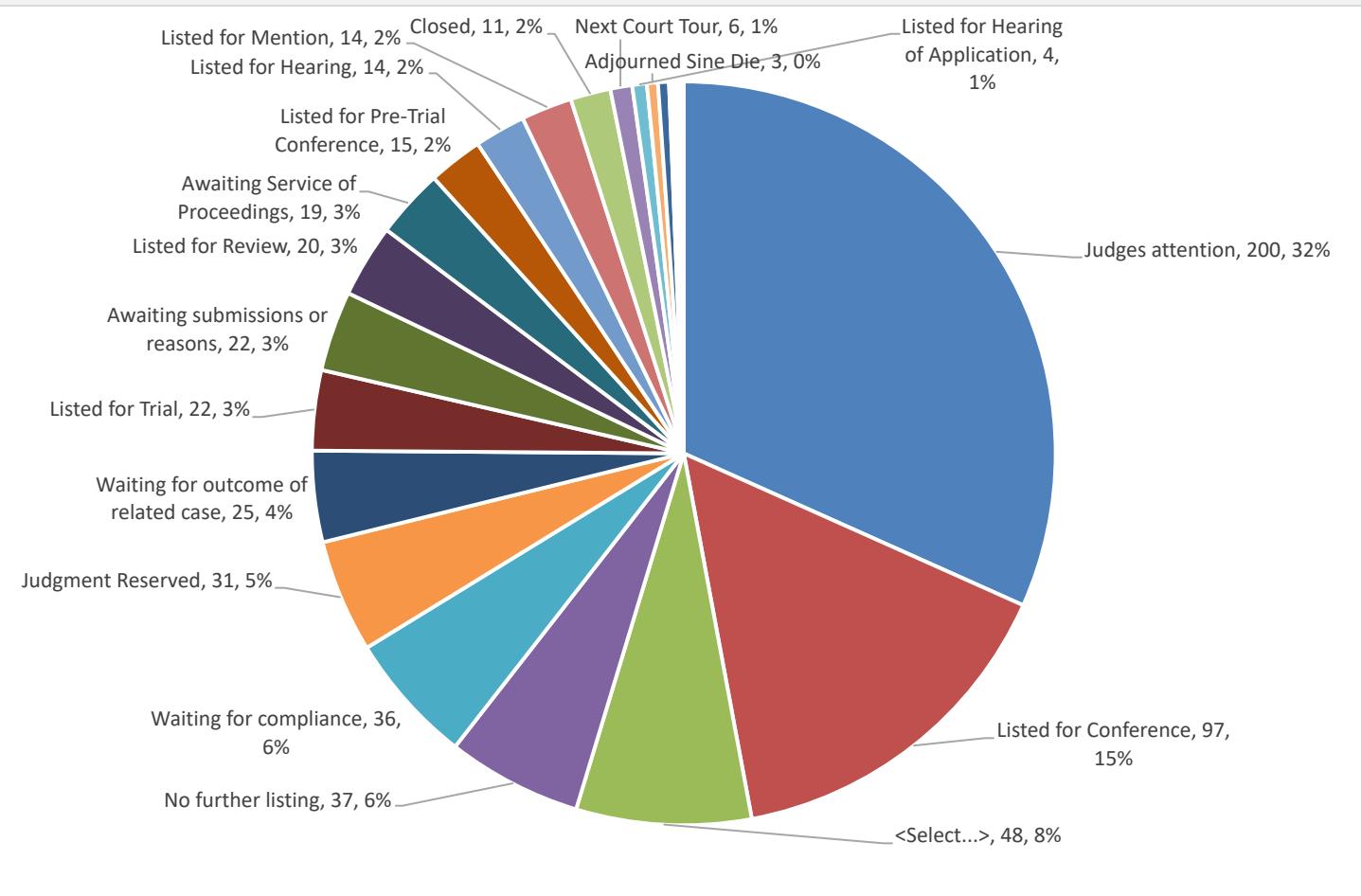
PENDING WORKLOAD ISLAND COURT

There is relatively more even distribution of case types making up the pending workload of the Island Court



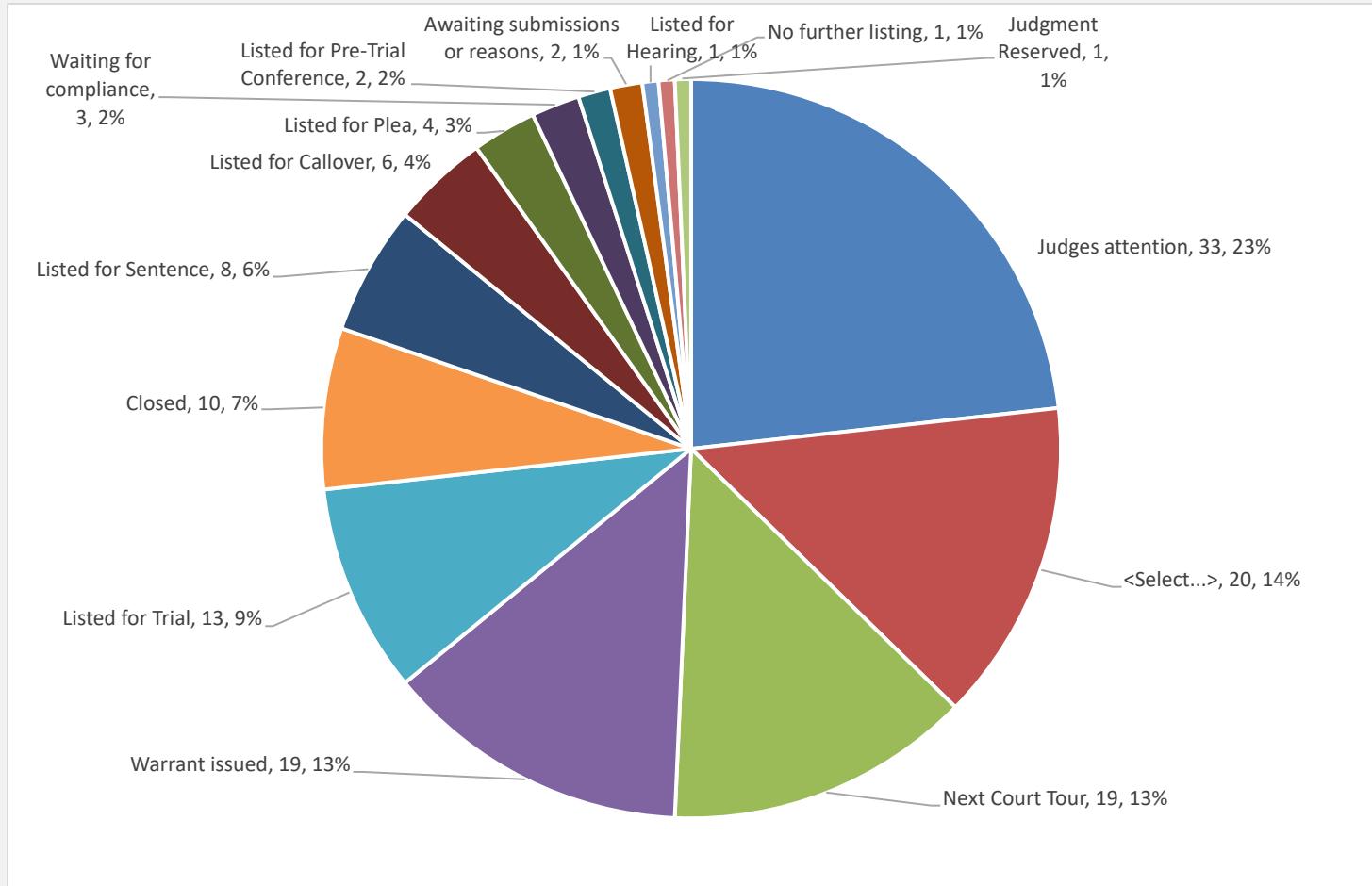
PENDING SUPREME COURT CIVIL BY STAGE

A very low % of the overall civil pending caseload is listed/ready for trial/hearing— at 5%. This is a figure that is normally much higher when cases can be prepared quickly for trial



PENDING SUPREME COURT CRIMINAL STAGE

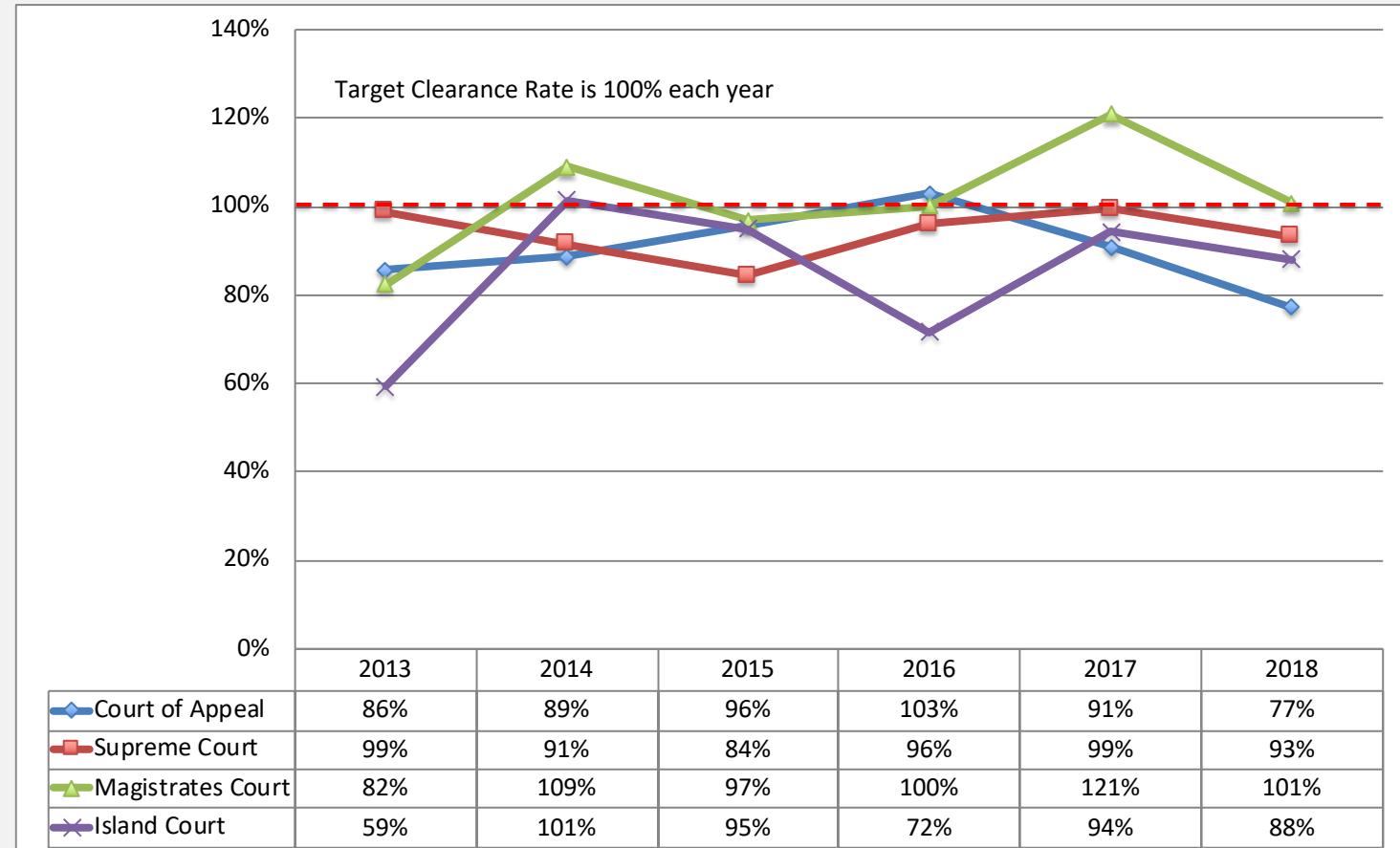
Just under 15% of the criminal pending matters have no valid stage (<Select...>). More cases are ready for trial/sentencing – at 15%



3. CLEARANCE RATES

CLEARANCE RATE TRENDS

Only the Magistrates Court have been able to achieve an average Clearance Rate of over 100% over the last 6 years. If less than 100% - a court's pending workload naturally increases

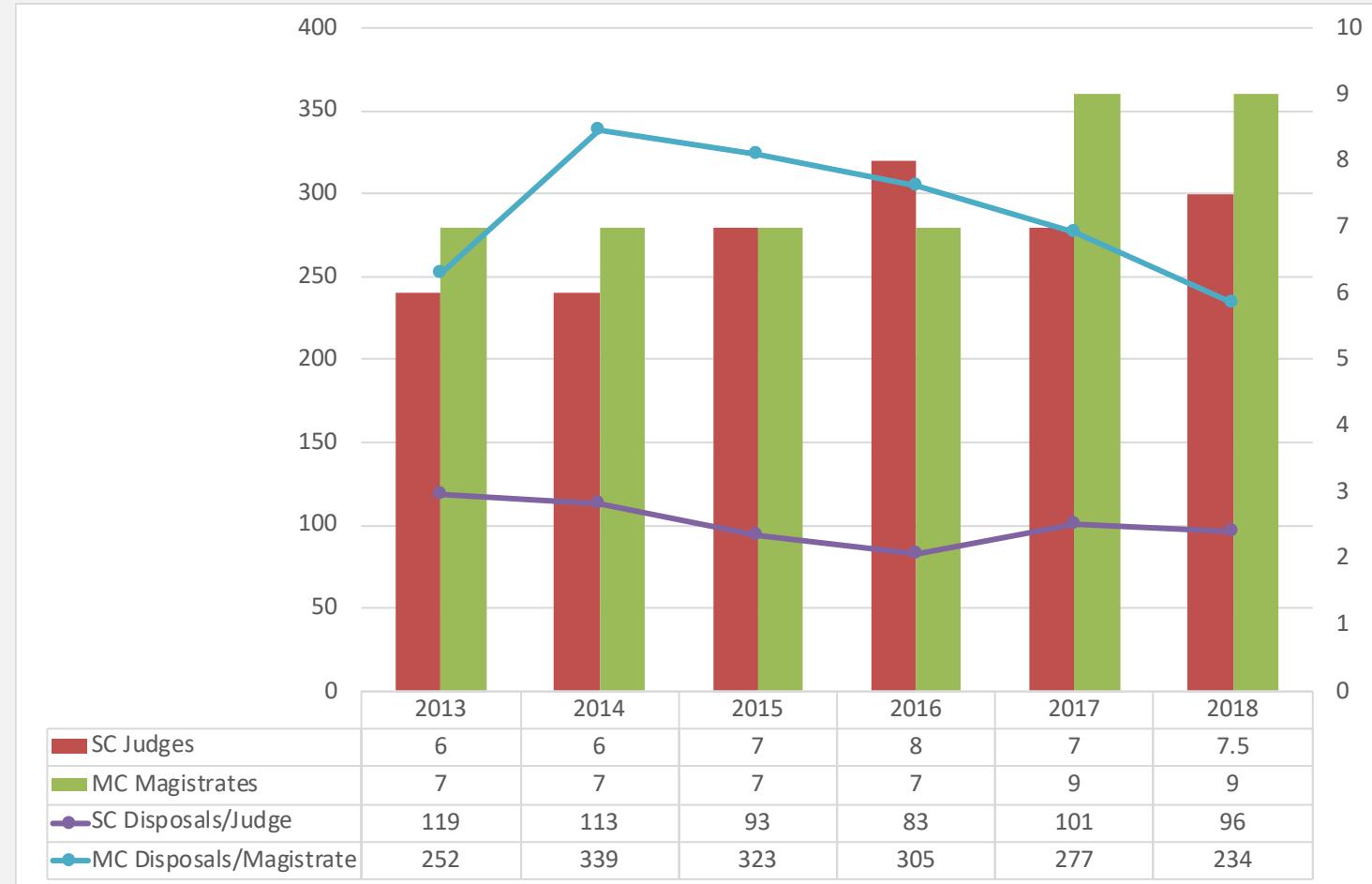


4. JUDICIAL PRODUCTIVITY

DISPOSAL RATES PER JUDGE & MAGISTRATE

Many factors affect judicial productivity (disposals per officer) including case complexity, case mix and attendance rates.

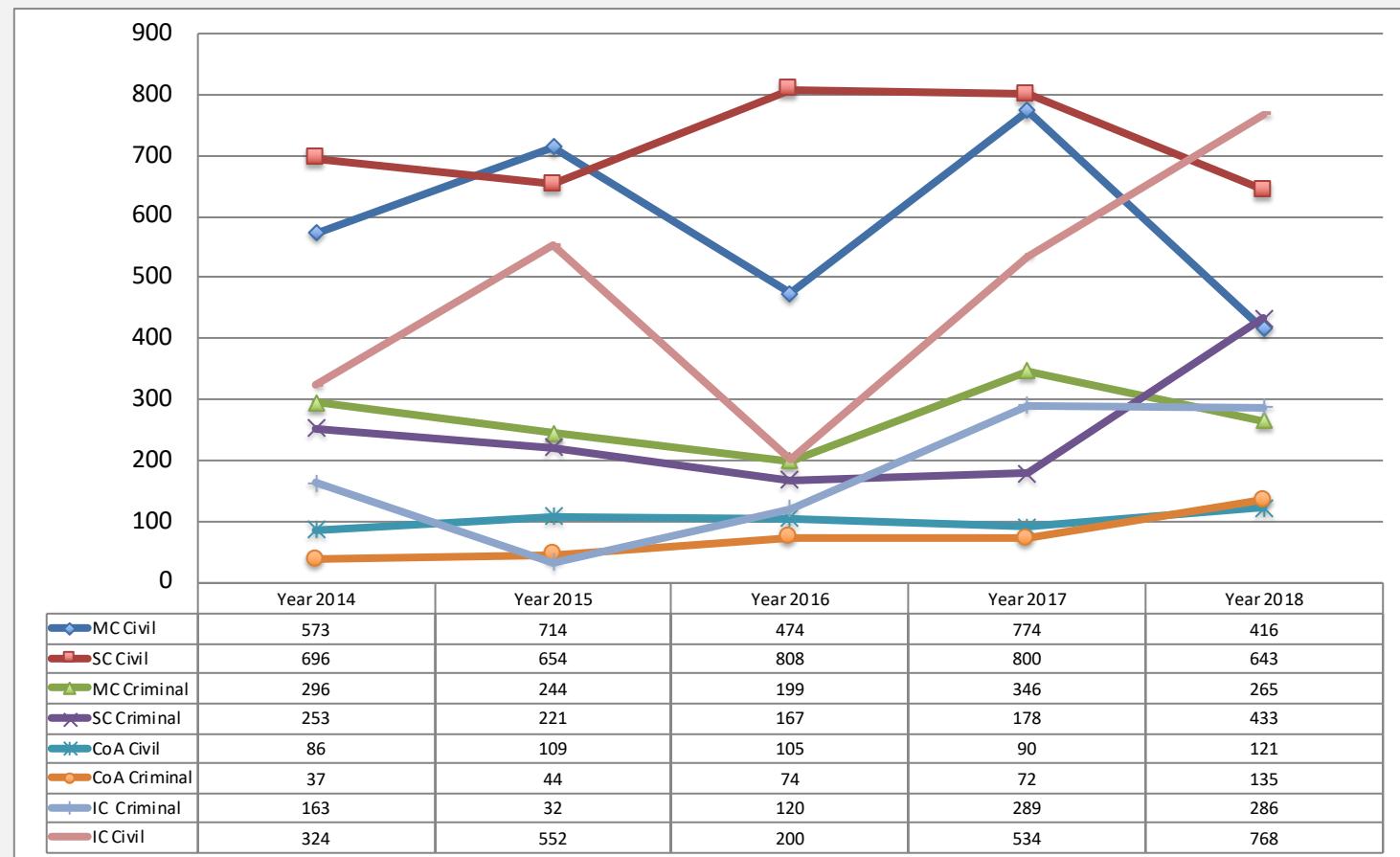
Tracking this indicator is vital



5. TIMELINESS

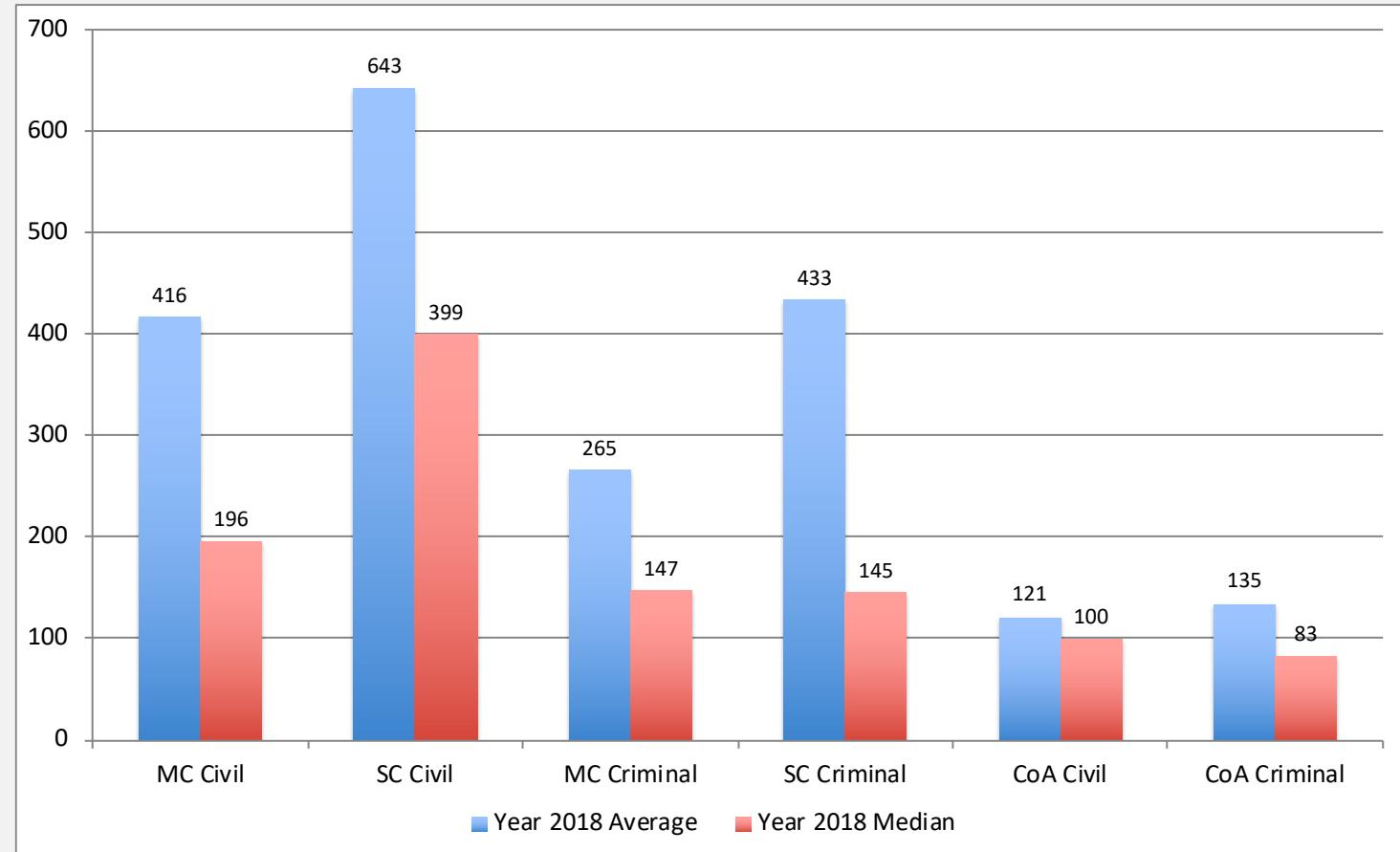
TIMELINESS DISPOSED CASES

Cases taking longer to dispose in one year to the previous year maybe due to closing off very old cases e.g. Supreme Court Criminal matters – and this is a good thing



2018 AVERAGE DAYS AND MEDIAN TIMELINESS

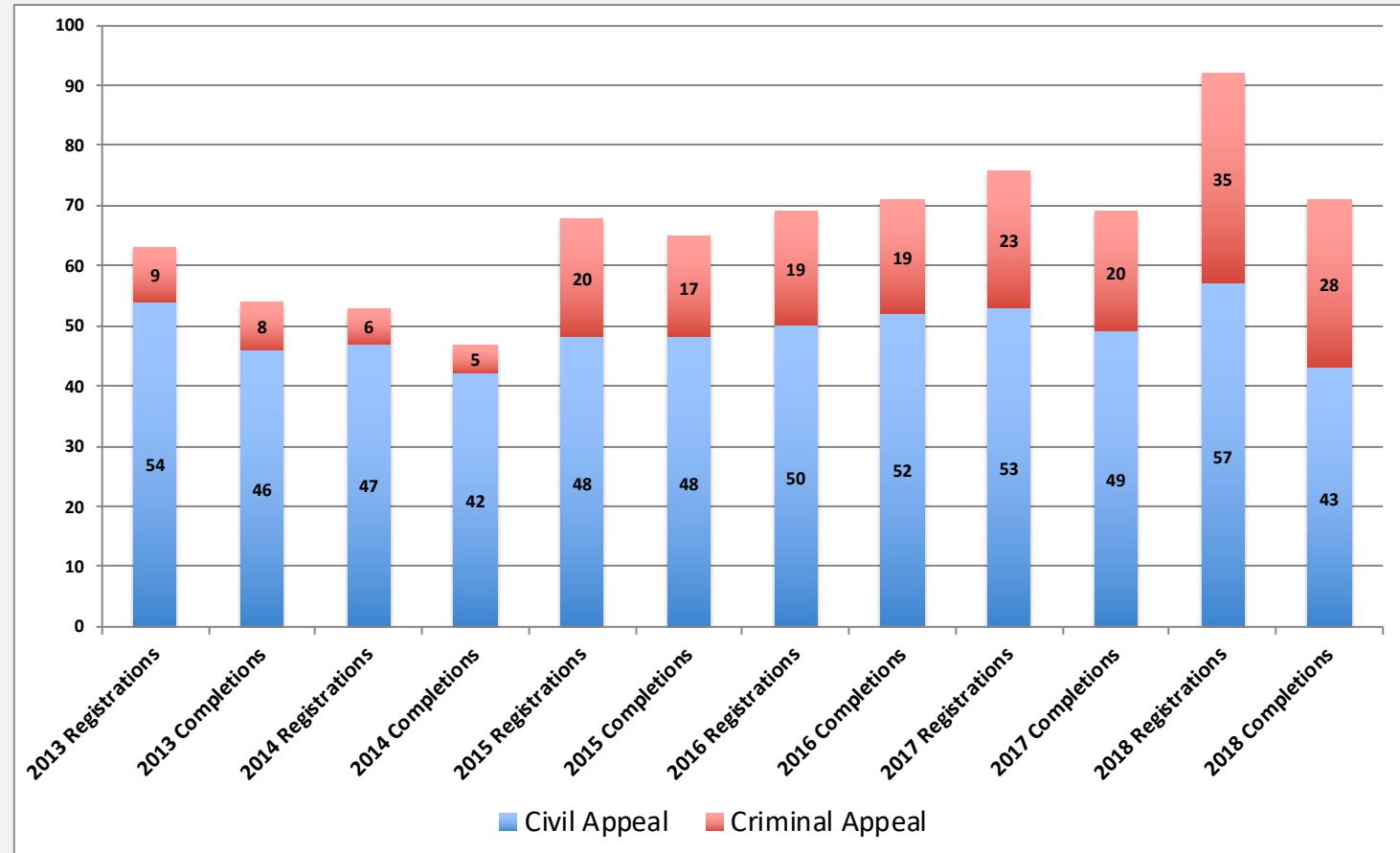
When 'average' (blue) exceeds 'median' (red) by a large amount – it highlights that 50% (median) of litigants have their matter resolved relatively quickly – but the remaining 50% - takes significant time



6. COURT OF APPEAL

COURT OF APPEAL WORKLOAD TRENDS

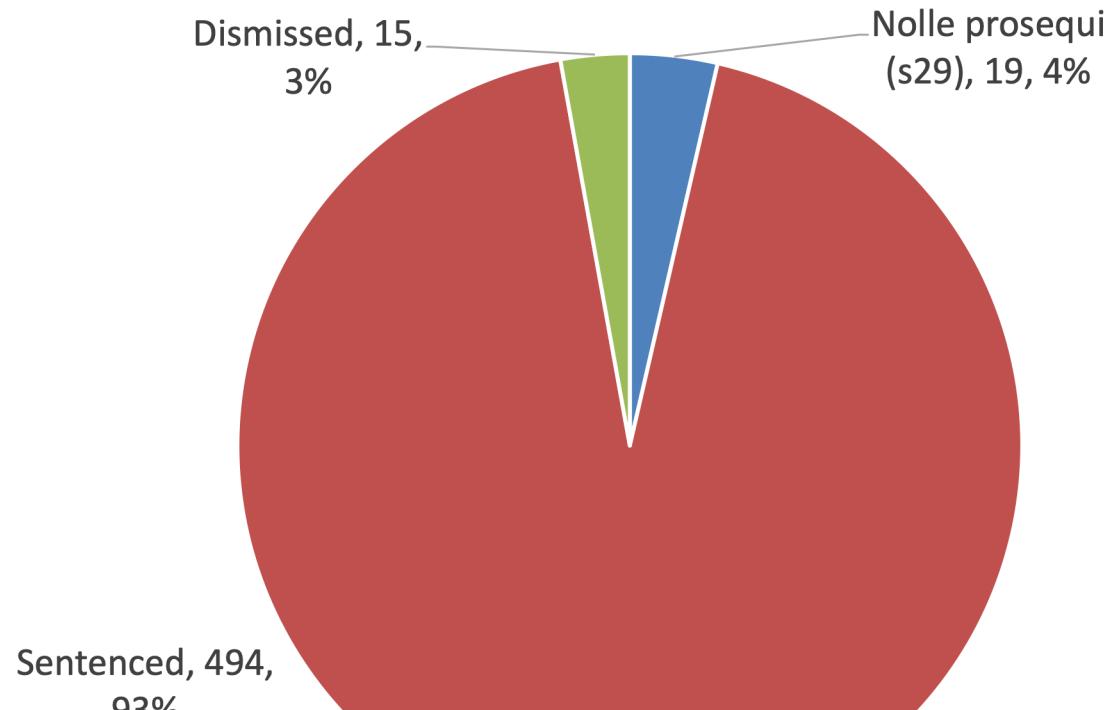
CoA workload in 2018 increased significantly, and approximately 20 matters were not finalized and will be carried forward into 2019



7. CRIMINAL CHARGE OUTCOMES

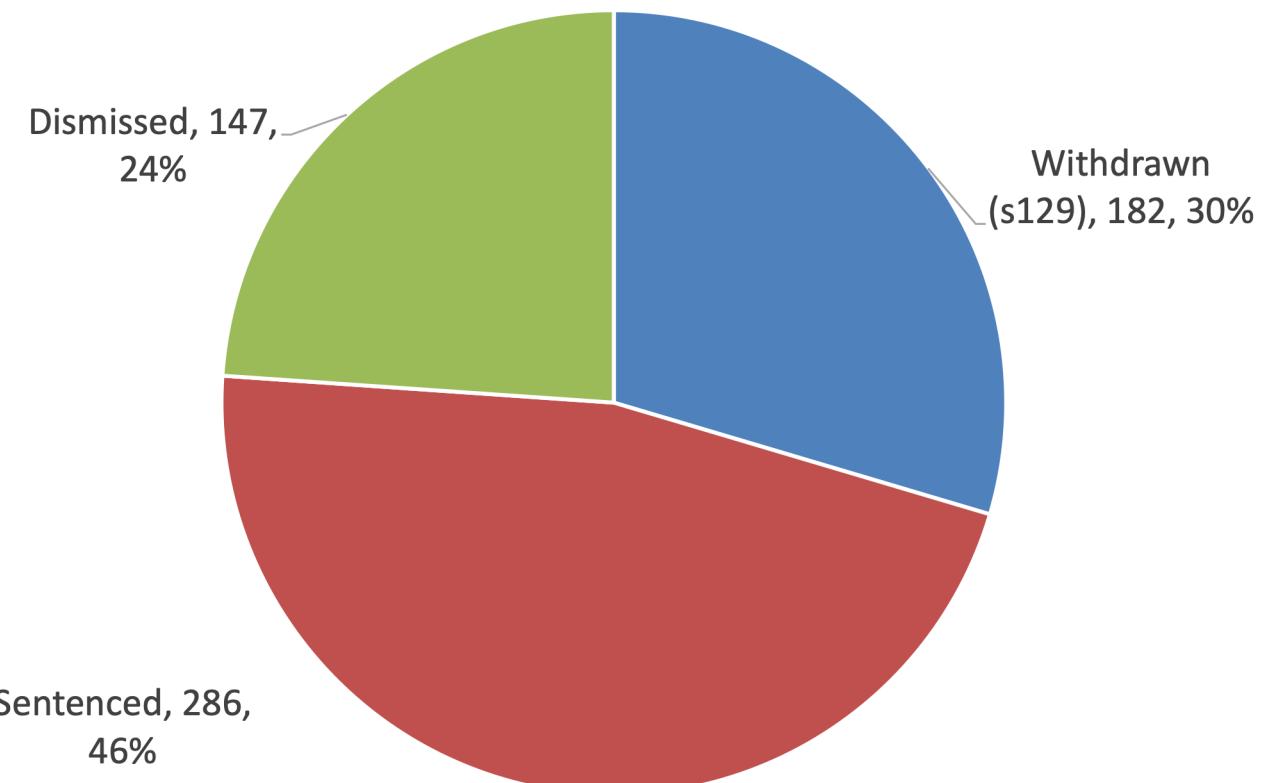
SUPREME COURT CRIMINAL OUTCOMES

An overwhelming success rate of charges brought before the Supreme Court by the OPP resulting in the offender being found guilty



MAGISTRATES COURT CRIMINAL OUTCOMES

Less than 50% of those accused brought before the Magistrates Court are found guilty, with 30% of charges withdrawn but can later be reinstated (S129)



MAGISTRATES COURT PI OUTCOMES

Over 80% of charges brought before the Magistrates Court by the OPP are committed to the higher court. Only 5% of charges are dismissed

