

# Chapter 1

## Introduction

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The papers and related matters which were discussed and analysed at the Ottawa meeting fell under the following broad headings:

- Institutional matters,
- Information and document management,
- The needs of court and tribunal users, and
- Eradicating inefficiencies and abuses of process.

Those given the task of establishing or leading a court or tribunal should adopt those guidelines that meet their specific operational needs, and disregard those that do not. The examples drawn from various courts simply provide an opportunity to learn from the experience of others.

The broad structure and approach to the topics covered in this *Handbook* should allow for flexibility in adopting guidelines.

### 1.1 Outline of the approach taken to the major themes

#### Institutional matters

The character and structure of a court or tribunal will dictate the flow and management of the caseload. Particular attention should be paid to (a) the need to have qualified staff who can provide adequate support to the judges in all respects, and (b) the options for the formation of a corporate services section or department for the provision of various administrative services to all judges and staff of the court or tribunal.

This, in turn, calls for consideration of the following:

- The organisational structure of the court or tribunal,
- Human resource considerations and recruitment,
- The independence of the judiciary from interference by the executive branch of government, as well as the institutional independence of the registrar and staff,
- Accommodation for both court and office purposes, as well as detention facilities, where applicable, and
- The security and location of the court or tribunal and security generally.

Further details on these matters can be found in the following pages.

## Information and document management

The management of information and documentation has a particular bearing on proper case management. In addition, proper information and document management is central to the furtherance of efficient administration.

This area of activity can be onerous, may be highly complex and requires trained staff. As a starting point, the role of technology, e-filing and electronic document management should be given careful analysis and consideration. Sub-issues of security and accessibility by the public should also be considered.

## The needs of court and tribunal users

Most sections of the *Handbook* are as relevant to final appellate/regional courts and international tribunals as they are to courts and tribunals having trial jurisdiction and procedures. Notwithstanding that fact, particular attention is paid to the topics below insofar as they relate mainly to trial courts or tribunals of first instance:

- Legal aid,
- Defence support,
- Witness and victim protection and support, and
- Financing considerations in regard to the above topics.

## Eradicating inefficiencies and abuses of process

Challenges and impediments to efficient performance affect courts and tribunals in various ways. In particular, the *Handbook* focuses attention on those affecting regional courts or tribunals, where experience shows that backlogs and delay have created significant problems in connection with the enforcement of orders and judgments. Furthermore, significant problems have arisen as a result of parallel jurisdictions, most notably an unsatisfactory incidence of forum shopping.