MEDIA RELEASE

TnT Chief Justice says Judicial Independence must be supported by financial, institutional administrative autonomy & maintained by Information Technology

Hague Speaking at the 11th Annual Conference of the International Association of Court Administrators (IACA), Trinidad and Tobago Chief Justice, The Honourable the Chief Justice Mr. Justice Ivor Archie says Judicial Independence embodies more than non-interference in the adjudicative function. Chief Justice Archie was invited by one of the Conference’s facilitator agencies to present on governance trends including the transition of financial governance from the Executive to the Judicial Branch. The Meeting was an opportunity for the Chief Justice to interface with counterparts from other jurisdictions that have made the transition and to identify challenges and best practices. The exposure is particularly timely given that the Trinidad and Tobago Executive has begun to engage the Judiciary on the matter of judicial financial autonomy including its ability to manage its resources, projects, and programmes with a view to improving efficiency in the administration of justice.

Noting that the Trinidad and Tobago experience is no by no means unique among States in the Commonwealth Caribbean, Chief Justice Archie said “while the independence of the Judiciary, as the third arm of the State is espoused in principle and in the formal structure of the relationship among the three arms of the State: the Executive; the Legislature and the Judiciary, in practice we find that independence is stymied by lack of control over our resourcing arrangements.” He went on to add that working together with external consultants, the Judiciary of Trinidad and Tobago has embarked on the task of developing a suitable framework for placing the control of resources in the hands of the Judiciary for presentation to the Executive.

Chief Justice Archie explained how the Judiciary’s lack of control over its finances and the management of its human resources placed severe limitations on the organisation’s ability to achieve its strategic goals and objectives and implement its plans, programmes, initiatives and projects. He observed that the net overall impact is “an erosion of Judicial Independence and an inability to successfully fulfil our mandate.”

The Trinidad and Tobago Chief Justice also pointed to another growing threat to judiciaries’ efficiency- the lack of effective control over the management information systems utilised by Courts. He noted that Trinidad and Tobago employed an off-the-shelf Case Management Information System (CMIS) solution in a bid to assist the transit of cases through its Courts that was over 20 years old. However as the complexity and volume of matters grew, the solution had become increasingly inappropriate.
He observed that “restrictive administrative arrangements imposed by the owners of the software have severely limited our ability to customise and maintain the software to suit our local needs. Increasing annual expenses (by as much as six per cent year on year), associated with the vendor’s support of the solution have defeated one of our strategic goals- reducing the costs of our operations. Currently we spend approximately USD$176,000 annually to maintain the system (primarily in licensing fees), and licenses for use are paid on a per user basis thus limiting the potential for expansion. That’s USD$176,000 for a system we neither own nor can fully customise to suit our needs! Every time we identify a need to develop a new capability or generate a new type of report, we have to return to the vendor and pay exorbitant sums for the upgrade. In other words, the private sector’s interest in a business arrangement that guarantees long term profits collides with our imperative of serving our clients as effectively and efficiently as possible.”

Chief Justice Archie added that it is vital to have the capability to adapt and revisit ICT solutions on a regular basis. “We have identified two core “must haves”: owning the source code; and developing an in-house capability to program and customise.” The Chief Justice went on to say that “we have been testing and piloting various ICT tools and technologies to improve timeliness and quality while reducing costs. And in our corner has been the National Center for State Courts (NCSC) providing the necessary technical knowledge and support.” The Chief Justice informed the audience of one of the most exciting opportunities that the NCSC has made available to the Judiciary by brokering the signing of an MOU with the Nigerian Judiciary to share an ingenious indigenous solution they developed along with the National Judicial Council of Nigeria.”

Examples of some frameworks of judicial financial and administrative autonomy from other jurisdictions, their best practices and the challenges, were also presented by the Trinidad and Tobago Chief Justice. He noted that “while the scope for regional and global approaches is both obvious and immense! These will be guides not rigid formulae. We seek an approach that is customised to our unique needs and context.” Chief Justice Ivor Archie indicated that he expects the Judiciary working with its external partners will develop a workable framework for presentation to the Executive which could be operational within a year or so.

-End-

Ms. Alicia Carter-Fisher
Court Protocol & Information Manager
Court Protocol and Information Unit
Telephone (Mobile) 297-1074 (Office) 627-9744
E-mail: acarter-fisher@ttlawcourts.org