

## Terms of Reference

### **Court Administration Adviser Attorney General's Office, The Bahamas**

#### **Background**

The Government of The Bahamas is determined to provide efficient and effective justice delivery by underlining 'Swift Justice' as one of the priorities in their national crime agenda for justice reforms. The swift justice as contained in the "Bahamian Charter for Governance" - the document outlining the national action plan of the ruling party - is anchored on four "Effectives" i.e. Effective Crime Prevention, Effective Crime Detection, Effective Crime Prosecution and Effective Rehabilitation. Consequently, the Government of the Bahamas (GoB) has identified backlog of cases as one of the major factors inhibiting smooth, efficient and effective delivery and administration of justice and is therefore keen to execute measures that will effectively address the backlog and delays in the delivery of justice.

The GoB has demonstrated remarkable political will in ensuring the success of its justice reforms by developing some laudable initiatives towards elimination of the justice system procedural bottlenecks. These include, the introduction of four temporary criminal courts (to deal with the backlog of cases); establishment of a bi-weekly justice coordination meeting, establishment of case management and victims' care Units, and witness protection unit. As well intentioned as the above initiatives present themselves, they need to be coordinated by an expert to effectively address the identified challenges and yield the desired results.

Following a needs assessment mission conducted by the Commonwealth Secretariat, it became clear that the challenges facing the justice system of the Bahamas, included the following:

- The absence of an effective case management system both in the Department of Public Prosecutions and the Judiciary;
- Lack of an electronic database to track and monitor case flow management;
- Absence of an effective calendaring system to avoid conflicting dates by counsel thereby leading to adjournment.
- Inadequate protection measures for vulnerable witnesses and victims;
- Non-existence of a public defender system.
- Lack of clear procedural guidelines to assist prosecutors in filing charges,

#### **Project Purpose and Goal**

The foregoing being the case, the project seeks to address these challenges by strengthening the procedural rules and justice institutions of The Bahamas to ensure improved access to, and swift administration of justice. The desired changes or expected impacts of the project are procedural, legislative and system reforms, hitherto inhibiting smooth administration and delivery of swift justice.

### **Approaches and Beneficiaries**

The Secretariat will provide a Court Administration Adviser with knowledge and verse experience in the area of court administration and processes, to foster and sustain the initiatives already embarked upon by the Government of the Bahamas.

Given the nature of the project it is envisaged that the respective arms of government and, in particular, law enforcement agencies, the Attorney General's Office, Prosecutors, Judges, Police, Registrars, The Bahamas Bar Association, among others, will benefit from the project. By extension the ultimate beneficiaries would be the citizens of The Bahamas.

### **Scope of Work**

- Development of effective integrated case file/flow management processes in the court and Attorney General's office.
  - Assessment of the current systems and processes governing the case management Unit;
  - Document the current human capacity and capability for effective delivery of the Unit's current/new mandate;
  - Recommendations of appropriate HR structure including the respective training of staff;
  - Development of an improved framework to strengthen the effectiveness of the Unit.
  - Lead implementation of the improved practices through practical examples and structured training.
- Development of a "Business Requirement" document to inform the structure, software design (where necessary) and practical implementation of the electronic database. This will include:
  - Consultation with AG and assigned champions on the requisite requirements;
  - Design and develop a framework suitable to the context of The Bahamas and as agreed upon by the AG;
  - Within this structure, develop a new and/or improved case management system both benefiting the Department of Public Prosecutions and Judiciary. This output will also incorporate the *development and implementation of an electronic database to track and monitor case flow (case file) management*;
  - *Development and implementation of an effective calendaring system to avoid conflict involving counsel*;
- Development and delivery of procedural guidelines including clear documentation of the processes required by the new/improved systems.
  - Stakeholder consultations as deemed appropriate for this exercise;
  - Inclusion of relevant staff in commenting on the draft guides;
  - Manuals simplified to encourage use by current and new recruits;
- Undertake capacity building activities (train and mentor nominated officials to take over the management and maintenance of the administrative structures) to familiarise staff with new systems and practical implementation of same.
  - Needs assessment undertaken to ascertain current capability of relevant staff;

- Mentoring through direct and active cases;
- Structured training where appropriate followed by practical “hands-on” exercises;
- Sustainability: Undertake a review of the system and recommend an agency in a Commonwealth jurisdiction with specialism to provide sustainable partnership within the auspices of the Commonwealth Secretariat’s twining programme to ensure sustainability and consolidation of training/mentoring provided.
- Identify a commonwealth Jurisdiction and recommend to the Commonwealth Secretariat,

### **Reporting and transfer of Expertise**

The Commonwealth Fund for Technical Cooperation attaches particular importance to the transfer of expertise and knowledge to assigned counterparts and champions within host institutions. The assigned expert will work closely with staff within the AG’s Office, reporting directly to the Attorney General.

### **Required Experience and Qualification**

- i. Advanced degree in Law or related area. A first degree complemented with post graduate Diploma and relevant years of experience may be accepted in lieu of the advanced university degree.
- ii. 20 years post qualification experience, working as a senior Court Administrator, either as a registrar, master or judge, with in-depth knowledge and experience in court Administration practices, procedures, processes.
- iii. Experience in human capacity development by way of mentoring/training and, providing technical direction and guidance to professional and inexperienced staff is essential.
  - i. Experience in small states jurisdiction would be helpful.
  - ii. Strong leadership and management skills, with ability to manage diverse teams and partner relationships;
  - iii. Respect for diversity and ability to adapt to different cultural settings.