



PACIFIC JUDICIAL STRENGTHENING INITIATIVE

LEADERSHIP INCENTIVE FUND COMPLETION REPORT

Project Name: Implementation of video conferencing in the courts

Country: Federated States of Micronesia

Report by: Tony Lansdell

Date: 27th October 2018



**FEDERAL COURT
OF AUSTRALIA**



*PJSI is funded by the New Zealand Government and implemented by the
Federal Court of Australia*

Overview

What was the goal of the project?

The goals of the initiative were to:

- establish operational guidelines for the use of VC;
- physically setup and demonstrate the VC in a 'moot court' like environment;
- generate awareness of VC practicalities and challenges to court staff across various jurisdictions; and
- undertake knowledge transfer to FSM Supreme Court IT Officers.

Did you progress towards the goal?

The feedback from the management and court staff indicates significant progress towards the goals that were set out for the week long activity in Pohnpei.

A three day workshop was held with approximately 20 court staff representing the FSM Supreme Court, Pohnpei State Court, Kosrae State Court and various local Pohnpei Municipal courts. All sessions were extremely interactive and helped 'de-mystify' the practical aspects of how a 'VC Room' would operate in real-time.

The court staff unanimously agreed in principle to progress the use of video conferencing in proceedings that would be appropriate for such and bring to attention of their judges the practical setup requirements needed for the smooth operation of a video conference hearing in court.

While the workshop was conducted from the FSM Supreme Court courtroom, the participants also visited the Pohnpei State Supreme Court to setup and test a VC session, plus visited the local Kolonia Town Municipal Court to assess the setup requirements of a VC hearing.

In addition, the Advisor with approval from the workshop attendees spent some time discussing the Case/Court Management experiences in the Pacific, with specific reference to the situation across the various courts in FSM. This discussion generated much interest, including demonstrations of a basic Case Tracking System (CTS), a Court Management System (CMS), and an overview of the FSM Supreme Court's document management system called On-Base.¹

¹ On-Base is wide world product from Oregon USA and is referred to as an Enterprise Content Management (ECM) system

Did your project address the identified problem?

There was significant enthusiasm for the use of VC to assist with proceedings² that involve:

- an expert witness/witness is located overseas;
- the proceedings are heard in two different courtrooms/locations;
- a party to a case is unable to be physically present in court e.g. illness or vulnerability; and
- a defendant/accused who is in custody.

Throughout the workshop, with the court officers' input, we discussed and tested the following considerations, and these have been incorporated into the VC Guidelines.

Procedural considerations:

- Parties in the room, and visibility of the rooms/parties
- Tendering of documents handed up in court
- Court recording
- Equipment needed and minimum bandwidth requirements
- Conduct and etiquette in conducting a VC hearing
- Likely scenarios across the various courts/locations

Technology considerations:

- Sharing screens, # of people on a link
- Accessibility via tablet/smartphone
- Speed/latency (ping) of internet connections
- Display documents/receive documents
- Recording of proceedings
- Session security
- Testing/setup
- Running concurrent VC sessions across the Court

The initial use of VC for the FSM Courts should adopt a cautious and practical cost approach initially, and when confidence is gained and lessons are learnt, it is anticipated that the use of the 'VC Room' will be extended, plus look to equipping courtrooms on a more permanent basis e.g. fixed cameras and screens in each screen.

² VC can also be used for non-court proceedings e.g. conducting staff conferences across the various states

How did the project contribute to more accessible, just, efficient and responsive justice services?

The use of video conferencing, as found in many jurisdictions across the world, greatly assists not only the court in efficient proceedings, but minimises the impact/cost/risk of travelling to court for such groups as the judicial officers, overseas/other island (expert) witnesses, and equally importantly – vulnerable witnesses such as those involved in domestic abuse cases, and others who for mobility/health reasons may not be able to make it to court to provide their evidence.

How did you do all of this?

With significant support from Ms Emeliana J. Musrasrik-Carl, Director of Court Administration, FSM Supreme Court, Mr Ivan Kadannged, IT Officer, FSM Supreme Court and Mr Teddy Hasguilbung, Webmaster, FSM Supreme Court, the advisor was able to undertake the workshop and all the associated activities. This engagement, plus the hands on technical support and assistance from Mr Ivan and Mr Teddy ensured the week achieved its goals.

In setting up the ‘moot court’ for demonstration purposes, it required hands on work with portable cameras, laptops, projectors, VC software and testing of audio recordings (in the FTR software/hardware system). This hands-on work was jointly undertaken by the advisor, Mr Ivan and Mr Teddy.

Specifically cross-referencing back to the LIF application

1. Video conferencing guidelines developed
 - a. Achieved – included with above
2. Video conference system set up
 - a. Achieved – FSM Supreme Court Palakir ready to go
3. Court officers have gained knowledge/have capability to use system
 - a. Achieved – court officers now have practical experience
4. FSM IT Officer has gained knowledge and experience sufficient to lead and support the setup of VC sessions across the country
 - a. Achieved – Mr Ivan has demonstrated a significant understanding of the necessary requirements to setup a smooth VC session

Results

What was the outcome of the project and the result/s it produced?

The initiative has produced guidelines for the use of VC within the Court, and established momentum to put its use in to practice. Chief Justice [Ykamase](#) of the FSM Supreme Court

has a very specific matter coming up in Kosrae, with expert witnesses from Hawaii, and this hearing will be the first full 'production' use of the VC setup. Over the following weeks and months, it will be crucial to monitor the uptake of VC across all courts.

How did it impact your target group, the court and/or court users?

The feedback received throughout the week supports the positive impact the initiative has had on gaining the momentum for introducing VC in the courts.

Use evidence/data where appropriate – for example what people said about the knowledge they gained. Please annex a more detailed analysis of survey/other data. Were they the results you expected?

There is no specific survey/data gathered. The use of VC is to be tracked monthly.

Did you get any results you didn't expect?

Nil

Inputs & Outputs

What activities did you do, when, and how did you deliver them?

Activities undertaken included 2 briefings with the Chief Justice, and the three day workshop with the hands-on 'moot court' running of a VC proceeding, which saw court officers all playing roles throughout the proceeding.

Analysis of various VC software packages was also undertaken, with criteria including:

- Cost
- Ease of setup and use
- 'application' or 'browser'
- Security
- Functionality
 - Invite multiple people
 - Share documents
 - Audio only
 - Multiple 'rooms'
 - Recording of conference
- Smartphone/tablet application



The decision is to proceed with the Appear-In software which provides significant functionality, ease of use for both the court, and those attending via VC, and is free up to four rooms joining a VC. This option provides the Court to trial/test the use of VC before

committing to any advanced VC package and will help inform future requirements if there is a need to consider our software options.

Note: products like Skype, while being well used throughout the world, require individuals to have accounts, as well as the application to be installed onto a laptop/desktop. The Appear-In software requires only a 'knock' to enter the 'VC Room', and on visual verification by the Court, the person will be allowed to enter the proceeding. As well, no software is required on their part, just simply click on the link provided by the Court.

Was anything tangible produced such as guides, bench-books, toolkits, training materials, improvements in skills, knowledge, and / or attitudes?

The main output of the week was the development of the FSM VC Guidelines. At the time of this Completion Report, the document has been distributed in Final Draft form to Ms Emeliana and Mr Ivan. Throughout the workshop, the VC Guidelines were shown and discussed with the attendees.

Please annex all agendas/materials produced and any media articles.

Included

Cross-Cutting Issues

How did the project progress human rights in your jurisdiction?

With the introduction of proceedings held via VC, it will provide significant cost savings for the court when off-island travel can be avoided, and greatly contribute to access to justice for many groups, including those witnesses/victims who are vulnerable and appearing in open court before their accused.

How were issues of gender taken into consideration?

The use of VC will be utilised by both genders.

How was awareness and understanding of gender equity and equality issues incorporated in the project? How many males and females were involved/participated and what are their job titles?

The sessions were held with no specific target towards gender equity, rather those who are undertaken the roles associated with VC, e.g. the court officers from various courts. A full list of attendees on all the days is included at the end of this report. There were 17 attending each day – with generally more females than males.

How will the benefits of the activity live on now that the project is finished?

It is only the start for the FSM Courts in respect to the use of Video Conferencing. In the VC Guidelines produced it is recommended that a monthly report be produced by the VC Coordinator (recommended to be Mr Ivan) for the Supreme Court Chief Justice and the Director of Court Administration. The information to be captured monthly includes:

- Proceeding type e.g. Trial/taking evidence
- Case type e.g. Criminal
- Division e.g. Trial Division
- Date, time and location e.g. 10th November, 10am, Kosrae
- Length of proceeding e.g. 30 minutes
- Judge e.g. Chief Justice
- Reason for VC e.g. expert witness (Hawaii)

In respect to the benefits to those appearing via Video Conferencing, it is recommended that at the end of each VC proceeding, feedback is sought in order to refine the operation/use of VC.

Lessons learned

Did the project change or grow as a result of unforeseen circumstances? Would you change anything if you did the project again?

The project had no changes to the proposed scope or outputs and was extremely successful in establishing the momentum and procedures to undertake proceedings via video conference. This was also done without the acquisition or expense of any hardware or software. However, going forward, FSM Courts will need to purchase specific equipment for various court locations. This has been identified and cost estimated in the VC Guidelines document. The Director of Court Administration is well aware of these costs necessary to ensure smooth operation and has already began the discussions with the [Executive Legislative](#) arm of government, as well as discussing with other prominent stakeholders in the community. There appears to be wide-spread support to make the use of VC a well-established facility.

The discussions on CMS and CTS was an added item throughout the workshop, and while not in scope, it has provided the [National Court Administrator](#) [Director of Court Administration](#) and the court officers attending plenty of ‘food for thought’ as to what the next steps should be for not just the Supreme Court, but all courts in the pursuit of a national approach to case/court management systems.

Observations and considerations from the Advisor, based on discussions held within the Workshop are included in the Annexures, and should not be seen as any formal recommendation, but the Advisor is happy to further discuss with the FSM Courts as they progress this aspect of court technology.

Finances

Did you stay within the approved budget or were there any variations? Include a detailed budget acquittal as an annex

Within budget – yes, and no variations – Ms Emy and Mr Ivan will be submitting paperwork for lunches etc.

Conclusion

The week long initiative has ensured a much better understanding of the potential uses of video conferencing, and the practical operation of such. With the leadership of the Chief Justice, the ~~National Court Administrator~~ [Director of Court Administration](#) and the technical support from Mr Ivan, plus the active participation of the court staff across the workshop, it is with confidence that the FSM Courts will put to good use this technology.

The benefits, particular for judges to undertake hearings away from their home base, and those needing to access a court proceeding where there are prohibitive costs, or risks, the use of VC will be of significant benefit to all.

The week's success would not have been possible with the preparation (in advance), and the active undertakings from Ms Emy, Mr Ivan and Mr Teddy.

The PJSI program will continue to work closely with the Chief Justice, Ms Emy and Mr Ivan to ensure the use of VC realises its potential.

Annexures:

Annex A: VC Presentation material

Separately attached

Annex B: VC Guidelines

Separately attached

Annex C: Budget Acquittal

To be provided

Annex D: List of participants (name, gender, position)

Day 1 (Oct. 24, 2018) - 17

First Name	Last Name	Gender	Court	State
Marciano	Wakuk	M	Kosrae State Court	Kosrae
Jackson	Luck	M	Pohnpei State Supreme Court	Pohnpei
Wilmark	John	M	U Municipal Court	Pohnpei
Shayneez	Hentrick	F	Kolonia Town Court	Pohnpei
Anchy	Nennis	F	Madolenhmw Municipal Court	Pohnpei
Teddy	Hasguilbung	M	FSM Supreme Court	National
Tulpe	Penrose	F	Kosrae State Court	Kosrae
Carla	Joe	F	Kosrae State Court	Kosrae
Enlet Jr	Enlet	M	FSM Supreme Court	National
Senda	Helgen	F	FSM Supreme Court	National
Gister	Edmond	F	Kosrae State Court	Kosrae
Ivan	Kadanned	M	FSM Supreme Court	National
Yondeaver	Santos	M	FSM Supreme Court	National
Juleen	Pablo	F	Kitti Municipal Court	Pohnpei
Atarino	Helieisar	F	FSM Supreme Court	National
Merlisa	Eleshn	F	Sokehs Municipal Court	Pohnpei
Emeliana	Musrasrik-Carl	F	FSM Supreme Court	National

Day 2 (Oct. 25, 2018) - 17

First Name	Last Name	Court	State
Marciano	Wakuk	Kosrae State Court	Kosrae
Jackson	Luck	Pohnpei State Supreme Court	Pohnpei
Wilmark	John	U Municipal Court	Pohnpei
Shayneez	Hentrick	Kolonia Town Court	Pohnpei
Anchy	Nennis	Madolenhmw Municipal Court	Pohnpei
Teddy	Hasguilbung	FSM Supreme Court	National
Tulpe	Penrose	Kosrae State Court	Kosrae
Carla	Joe	Kosrae State Court	Kosrae
Senda	Helgen	FSM Supreme Court	National
Gister	Edmond	Kosrae State Court	Kosrae
Ivan	Kadanned	FSM Supreme Court	National
Yondeaver	Santos	FSM Supreme Court	National
Juleen	Pablo	Kitti Municipal Court	Pohnpei
Atarino	Helieisar	FSM Supreme Court	National
Merlisa	Eleshn	Sokehs Municipal Court	Pohnpei
Emeliana	Musrasrik-Carl	FSM Supreme Court	National
Sandy	Albert	FSM Supreme Court	National
Joyleen	Wichep	FSM Supreme Court	National

Day 3 (Oct. 26, 2018) - 17

First Name	Last Name	Court	State
Marciano	Wakuk	Kosrae State Court	Kosrae
Jackson	Luck	Pohnpei State Supreme Court	Pohnpei
Wilmark	John	U Municipal Court	Pohnpei
Shayneez	Hentrick	Kolonia Town Court	Pohnpei
Anchy	Nennis	Madolenmw Municipal Court	Pohnpei
Teddy	Hasguilbung	FSM Supreme Court	National
Tulpe	Penrose	Kosrae State Court	Kosrae
Carla	Joe	Kosrae State Court	Kosrae
Senda	Helgen	FSM Supreme Court	National
Gister	Edmond	Kosrae State Court	Kosrae
Ivan	Kadannged	FSM Supreme Court	National
Yondeaver	Santos	FSM Supreme Court	National
Juleen	Pablo	Kitti Municipal Court	Pohnpei
Atarino	Helieisar	FSM Supreme Court	National
Merlisa	Eleshn	Sokehs Municipal Court	Pohnpei
Emeliana	Musrasrik-Carl	FSM Supreme Court	National
Sandy	Albert (F)	FSM Supreme Court	National

Annex E: Monitoring & Evaluation Framework

NA

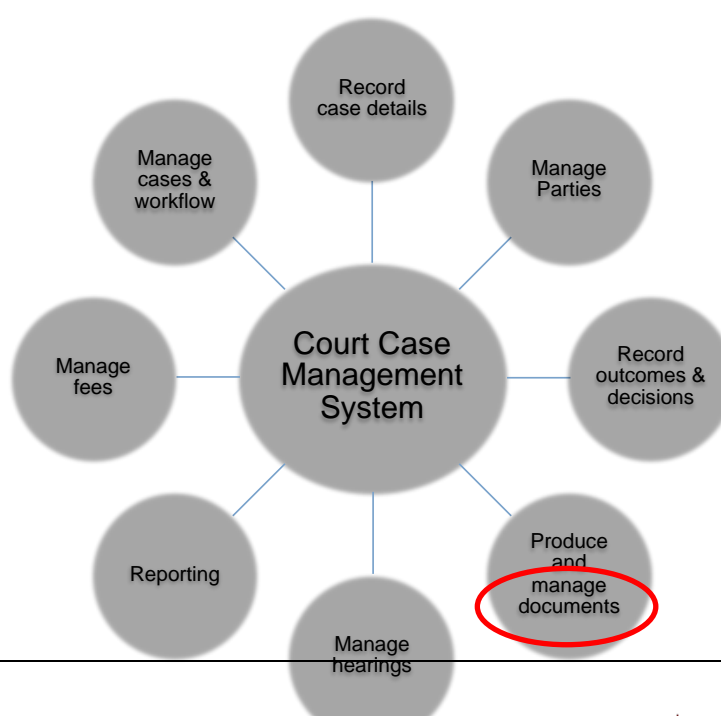
Annex F: CMS Observations

From limited discussions with the various courts during the course of the Workshop, plus a brief demonstration of the FMS Supreme Court’s On-Base product (primarily a document storage facility), the following observations are made:

- It appears that Municipal Courts are still only using log books and/or MS Excel to record their case details;
- Similarly for the Pohnpei and Kosrae State Courts, there appears to be no specific ‘system’ to support the case management of cases other than the log book/MS Excel.

In the FSM Supreme Court, a product – On-Base – was chosen to assist with the storage of documents received at the counter. The product is often referred to as an Enterprise Content Management (ECM) system, and as the word ‘content’ suggests, it’s primary aim is to manage documents (or content) for an organisation. It is NOT a court or case management system as is seen in other courts e.g. PNG, Vanuatu, Federal Court of Australia, nor is it an actual ‘product’ built specifically for courts. Rather, it is a ‘platform’, which means that it can be customised by ‘system integrators’ such as DMR in Guam (versus the owners of the software back in Portland USA). When ‘system integrators’ (SI) are involved, to customise the base platform/system, it often requires the SI to learn the business of the client, namely the court, and higher costs of implementation are typically seen, on the premise that the ECM can do ‘anything’.

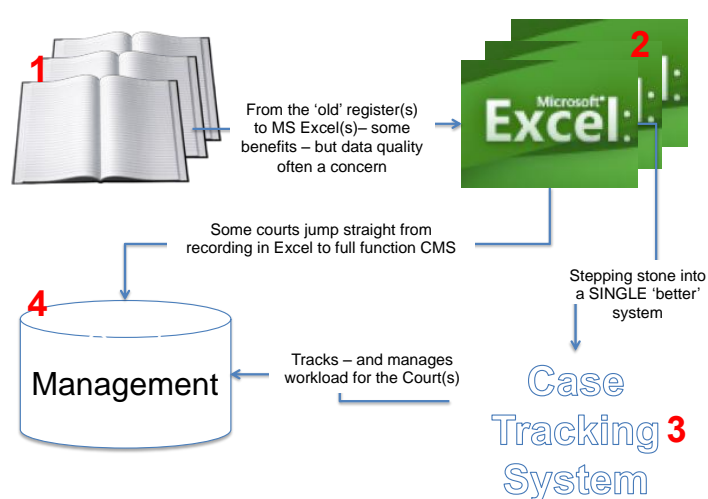
While such ECM systems can manage content/documents well, they are not geared to running ‘operational’ systems for an organisation e.g. a court management system. The visual beside shows clearly the limitations of On-Base when looking at the total functionality required of a Court/Case Management system. As a result, the FSM Supreme Court is still keeping track of files in the log/register books, MS Excel in the Registry, and each staff attorney also maintains a spreadsheet to assist



with the case management of cases. There is significant rekeying of case information across all these locations, including the creation of the court calendar manually, and there is no historical electronic record of court proceedings (only the latest one), and there is no single source of truth – the truth lies somewhere between them all.

For FSM overall, there is a real opportunity to provide a whole of country solution to case management, while recognising the federated model. It would be very cost prohibitive to install separate CMS solutions in each state and/or each Municipal court, versus a solution that provides the ability for the country to store and manage its case data in one system, recognising the need for security, e.g. one court/state may not wish others to see their case records.

During the Workshop, the stages of progressing towards a full CMS solution was discussed, and some courts/countries in the Pacific are considering moving to an intermediary step – Step 3 – Case Tracking System (CTS) – before embarking on the costly Step 4, namely CMS.



The Marshall Islands are currently in Stage 2 – and considering moving to a CTS that invariably has low cost of implementation (potentially through grant/donor assistance) before embarking on the CMS path. A CTS offering for such courts as the Municipal and State Courts would see them move away/off MS Excel and have the ability to capture key case information including multiple parties per cases, multiple charges (tied to the specific offender) and resulting orders made. CTS systems typically do not attempt to the broader range of functions in the wheel above e.g. producing documents, managing fees and fines. The CTS is also accessible by all within the court e.g. judges, attorneys and clerks. A CTS provides a single source of truth.

For consideration within FSM Courts is to discuss nationally the concept of a single CMS, with a CTS stepping stone for many of the courts towards a CMS. In any federated model, the sharing of information across state boundaries is often seen as fraught and difficult, but given the size of FSM, and the potential benefits to all from an integrated solution, it should be possible to have such a single system.

Where the data/system resides e.g. on a server, accessible by all from the internet/network, requires careful consideration, and given that FSM does not have a centralised IT Department (unlike Vanuatu with its OGCIO³), a practical option may be to have the CMS solution hosted in the 'Cloud' e.g. the Microsoft Cloud service called Azure. The concept of 'cloud computing' is your data resides in a country location like Sydney/Australia or Hawaii/USA and is maintained/supported by technical specialists and typically is a very cost effective infrastructure setup, especially for countries/businesses that do not have the resources to run a secure and safe physical environment.

In parallel to the above discussions/directions, FSM Courts should further consider which courts may be suitable for CTS and keep a watching eye on RMI as they potentially progress to a CTS for their courts.

For example, courts that are currently storing case information in MS Excel, like RMI, work can be undertaken to ensure the data is consistent, correct and complete – ready for migration to a CTS. For those currently on log books only, an MS Excel template can be provided to these courts so they can begin the back capture of case information e.g. going back 3-4 years – ensuring they too have case data ready to be migrated to a CTS.

This stepping stone has the added benefit when the Court(s) wish to move to CMS – their data in CTS is now in a structured format, and invariably – has a much higher degree of quality (namely, consistent, correct and complete), and is 'easier' to migrate to the CMS – versus jumping from 'stage 2' to 'stage 4'. This also saves on implementation/migration costs with moving to CMS.

Finally, it is the view of the Advisor that On-Base is not the long term solution for court/case management for neither the FSM Supreme Court or the courts across the country. There should be a national approach to moving to a single CMS solution, with CTS as a practical stepping stone in such a journey. The documents currently stored in On-Base (and associated information on each document e.g. type, case number and filing date, can all be easily migrated to a CMS when required. So there should be no concerns of 'wasted effort' in respect to what has been stored inside On-Base to date.

³ Office of the Government Chief Information Office – founded by Mr. Fred Samuel)