

**INFLUENCE OF ORGANIZATIONAL CHANGE ON PERFORMANCE OF THE  
KENYAN JUDICIARY**

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**A Research Project Report Submitted in Partial Fulfillment of the Requirements for the  
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University of Nairobi**

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## DECLARATION

I declare that this research project report is my original work and has not been previously published or submitted elsewhere for award of a degree.

Sign.....Date.....

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**L50/73424/2014**

This research project report has been submitted for examination with my approval as the university Supervisor

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## **DEDICATION**

I dedicate this work to my parents Mr & Mrs Gitia, my siblings Stella, Victor, Anne & Martin who have seen me through and urged me on.

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## **ABBREVIATIONS AND ACRONYMS**

**ASK**- Agricultural Society of Kenya

**CEO**- Chief Executive Officer

**CSR**- Corporate Social Responsibility

**GIZ**-Deutsche Gesellschaft für Internationale Zusammenarbeit (a German based company that specializes in international development)

**ICT**- Information and Communications Technology

**JTF**- Judiciary Transformation Framework

**POS**- Perceived Organizational Support

**SPSS**- Statistical Package for Social Sciences

**UNDP**- United Nations Development Programme

## **ABSTRACT**

This study aimed at establishing how organizational change influences performance of the Kenyan Judiciary. It sought to examine how organizational structure change, culture change, communication channels and change in technology influences performance of the Kenyan Judiciary. It also aimed at assessing the moderating influence of organizational leadership on the relationship between organizational change and performance of the Kenyan Judiciary. The study was conducted at both the Supreme Court building and the Milimani Law courts in Nairobi since they house the headquarters and main offices of the Kenya Judiciary and if anything is to be implemented, then it has to start with the head office. A descriptive survey research design was applied whereby both primary and secondary data was used. Primary data was collected by using questionnaires which were administered with the help of two trained research assistants and secondary data was derived from existing academic journals. The target population for this study was 260 respondents from which a sample size of 155 respondents was drawn using the Krejcie & Morgan Table of 1970. Stratified sampling method was used to derive a sample of the population since the target population was composed of 10 subgroups that were vastly different in number. The process of data processing and analysis was done using descriptive statistics while assisted by Statistical Package for Social Sciences. The study established that organizational change influenced performance of the Kenyan Judiciary through organizational structure change, culture change, communication channels, change in technology and organizational leadership. The study recommends training assessment needs of all judicial staff to help identify training gaps and also the operationalization of the human resource manual to encourage professionalism within the Kenyan Judiciary. A further study should be conducted on the influence of government policy on performance of the Kenyan Judiciary.

# CHAPTER ONE

## INTRODUCTION

### 1.1 Background of the Study

The Judiciary is the system of courts of justice in a country; the arm of government charged with the responsibility of administering justice. In Kenya, it is established under Chapter 10 of the Constitution of Kenya, 2010. It is independent from other government functions and provides a forum for the just resolution of disputes in order to preserve the rule of law and to protect the rights and liberties guaranteed by the Constitution of Kenya.

Robbins, Judge and Sanghi, (2009) define an organization as a person, or a group of people intentionally organized to accomplish an overall mutually agreed, common goal or set of goals. They further describe change as any action or set of actions resulting in a shift in direction, or processes that affects the way an organization works. Change may affect the strategies an organization uses to carry out its mission, the process of implementing those strategies, the tasks and functions performed by the people in the organization, and the relationships between those people. Organizational change means movement or alteration from the current state to a new or future desired state.

Pearce and Robinson, (2010) define organizational change as a reaction or response to challenges or changes within or without the organization's operating environment. Some of the internal organization factors that necessitate change include; planned changes in strategy from a revised mission or goals, efforts to introduce cultural changes such as management style, collaborative working, need to improve quality, efficiency and effectiveness of service and better use of resources, need to standardize procedures and processes, and redeployment of resources.

Robbins *et al*, (2009), asserts that, among external factors that may result in organizational change, some include: technological development; new innovations, creative technological adaptations that affect planning, communication such as computer and internet that have revolutionized business operations. Globalization; opening up of national and international borders, knowledge explosion. Political changes such as direction and stability of political factors, legal and governing parameters, and new legislation.

For successful change management and implementation of strategies to achieve organization mission, goals and objectives, an organization structure, leadership and management framework and the desired organization culture and behavior need to be developed and put in place.

### **1.1.1. The Kenyan Judiciary**

The first court in British East Africa was established by the Imperial British East Africa Company in 1890, with A.C.W Jenner as its first Judge. In 1895, the East Africa Protectorate was established with a Consular Court to serve British and other foreign persons. However, a court with jurisdiction over all persons in the territory that is Her Majesty's Court of East Africa was first established in 1897 then later renamed the High Court of East Africa. Kenya's Judiciary was therefore born out of the East Africa Order in Council of 1897 and the Crown Regulations. Under it were established the Native Courts, Muslim Court and Magistrates Courts, staffed by administrative officers and magistrates. A dual system of superior courts, one for Europeans and the other for Africans, was established but only lasted for five years. Dispute resolution organs were established by empowering village elders, headsmen and chiefs. The organs evolved native tribunals and were accorded official recognition in 1907 on the promulgation of the Native Courts Ordinance.

The Chief Native Commissioner could set up, control and administer the tribunals. Similar African tribunals at the divisional level of each district were established. The Governor was authorized to appoint a Liwali at the Coast to adjudicate matters in the Muslim Community. Appeals against the decisions of tribunals were filed to the D.O, D.C or the P.C, while the final appeal lay with the Supreme Court. In cases where non Africans were involved, the administration of justice was entrusted to expatriate judges and magistrates. Appeals lay from the subordinate courts to the Supreme Court. The head of the system was the Chief Justice while the administrative duties were carried out by the Registrar of the Supreme Court. Main Courts were established in large urban centres that is Nairobi, Mombasa and Kisumu. Judges and magistrates on circuit served other centres.

The segregated system of administration of justice prevailed until 1962 when the African courts were transferred from the Provincial Administration to the Judiciary. The independence constitution established a Supreme Court with unlimited original criminal and civil jurisdiction

over all persons, regardless of racial or ethnic considerations. When Kenya became a Republic in 1964, the Supreme Court was renamed the High Court. In 1967, the Judicature Act, the Magistrates' Courts Act and the Kadhi's Courts Act were enacted to streamline the administration of Justice.

The new constitution 2010 has paved the way for tremendous reforms in the Judiciary. Monumental changes include the establishment of the Environment and Land Court, the Anti-corruption and Economic Crimes Court and the Employment and Labour Relations Court which are now considered part of the High Court and the Supreme Court which is considered the highest court. Today, the Kenyan Judiciary is made up of a well defined and structured court system which comprises of the superior courts which are the Supreme Court, the Court of Appeal, the High Court. The subordinate courts comprise of the Magistrates' Courts, Kadhis Courts, Children's Courts, Traffic Courts, Anti-Corruption Courts, Court Martial, and any other court or local tribunal established by an Act of parliament. The related institutions include the Judicial Service Commission, the Judiciary Training Institute and National Council of Law Reporting.

For the Kenyan Judiciary to effectively fulfill its constitutional mission and mandate, respond to the high public expectations and demands for improved performance, and command the respect of the public, its first task was to transform itself. The 31<sup>st</sup> of May 2012 marked an important day for the Kenyan Judiciary when the Judiciary Transformation Framework was launched under the leadership of the former Chief Justice Dr. Willy Mutunga. The launch indicated great transformation prospects in an organ of government that has been perceived as conservative and insular. The strategic plan would guide the Judiciary in delivering tangible results to Kenyans, as well as continued pursuit of Kenya's vision 2030 and achievement of the millennium development goals. In the plan, Judiciary redefines its vision, mission, objectives and strategies, sets outcomes and performance benchmarks.

This study aims to give attention to the performance of the Judiciary and factors related to the organization structure change, culture change, communication channels, change in technology and leadership that affect its performance. It will also find out the public opinion from the advocates and litigants who are considered the Judiciary's primary external customers.

## **1.2 Statement of the Problem**

The current organizational structure is still highly centralized and concentrated making vertical and horizontal accountability difficult thus decentralization and flattening of the structure is urgently needed. For example, the structural and operational relationship between the judges, magistrates, registry and administrative staff is dense, unclear and incomprehensible. There is also lack of induction programs for new staff joining service leaving them to their own devices and trial and error in learning the operations of the Judiciary. The judiciary's organizational structure is convoluted in form and outlook thus impairing quality decision making and location of authority and responsibility. Judicial and administrative functions are fused thus a lack of clarity in reporting lines.

Culture change is also needed if the Kenyan Judiciary to enhance its performance. For the longest time, it has operated on the "old order" whereby accountability mechanisms are weak, power and authority are highly centralized, reporting requirements are absent and the working conditions are not conducive. The public perceives the Kenyan Judiciary to be alien and insensitive. The philosophical and cultural orientation of the Judiciary has reflected its founding history of dominance, power, prestige and remoteness as opposed to service and equality. Further, its architecture, rules, dress code and other rituals have uprooted it from social reality. It is therefore important to create a Judiciary that is sensitive and responsive to the needs, feelings and aspirations of the people; an institution that is friendly and fair to people, both in the hardware of its outlook and in the software of its decisions and processes.

Communication channels determine how information will flow through an organization and consequently influence its performance. In the Kenyan Judiciary, communication plays a central role in its operations both in the court room and in the administrative departments. However, most of the time these channels of communication are not clear thus making giving and receiving directions, complaints, suggestions and new information a challenge.

The Judiciary has very limited adoption and utilization of technology. One of the key challenges is the failure to develop the required information communication technology and computerizing the key judicial applications especially a suitable case management systems leading to poor delivery of services. Thus change in technology is desperately needed in the Kenyan Judiciary which largely relies on old technologies. It is not uncommon to find old typewriters in



some court stations being used to fill in court documents or type memos. Court proceedings are also handwritten by the judicial officers as the court session proceeds and this proves difficult both in terms of long term record keeping, future reference and strain on the part of those writing compared to those judiciaries that have embraced transcribing of their court proceedings.

A key challenge the Kenyan Judiciary faces in terms of leadership include chronic under-capacity in leadership offices; lack of mentorship, ethnicity, excessive centralization, absence of consultation, privatization and personalization of leadership spaces, poor attitudes and ethics, discrimination and ethnicity, and a weak culture of professional cadres at the administrative level, weak financial and human resource policies and operations, absence of a performance management system, poor internal and external communication capacity, lack of professional support services to judicial staff and a supplier rather than a user driven procurement policy, among others.

### **1.3 Purpose of the Study**

The purpose of this study was to establish how organizational change influences performance of the Kenyan Judiciary.

### **1.4 Objectives of the Study**

The study was guided by the following objectives:

1. To assess the extent to which organization structure change influences performance of the Kenyan Judiciary.
2. To determine how culture change influences performance of the Kenyan Judiciary.
3. To establish how communication channels influence performance of the Kenyan Judiciary.
4. To examine the extent to which change in technology influences performance of the Kenyan Judiciary.
5. To establish the moderating influence of organizational leadership on the relationship between organizational change and performance of the Kenyan Judiciary.

### **1.5 Research Questions**

The study sought to answer the following research questions:

1. To what extent does organization structure change influence performance of the Kenyan Judiciary?
2. How does culture change influence performance of the Kenyan Judiciary?
3. How does communication channels influence performance of the Kenyan Judiciary?
4. To what extent does change in technology influence performance of the Kenyan Judiciary?
5. What is the moderating influence of organizational leadership on the relationship between organizational change and performance of the Kenyan Judiciary?

### **1.6 Significance of the Study**

This study will benefit the various directorates in the Kenyan Judiciary, the head of stations, international donors such as GIZ, World Bank and UNDP, advocates and litigants. The directorates may put into consideration the recommendations and findings resulting from the study on enhancing performance. The head of stations may be able to identify areas in their stations that need change and how these changes once implemented may be used to improve service delivery. The international donors may be able to gauge if projects they sponsor are producing the expected results thus determine they may continue dispatching funding. The advocates and litigants may in extension enjoy better service delivery. The expected outcome of the study is to establish the extent to which organization structure change, streamlined communication channels, change in technology and culture change is likely to influence performance in the Kenyan Judiciary. The research findings may also add to the existing body of knowledge and other researchers in the justice sector may use the results of the research as reference for future researches.

### **1.7 Basic Assumptions of the Study**

The researcher assumed that the respondents would answer the research question in an honest manner. The assumption that the sample size was appropriate and inclusive and that the respondents would all experience similar conditions of the study.

### **1.8 Delimitations of the Study**

The study was confined at both the Supreme Court Building and the Milimani Law Courts in Nairobi since they house the headquarters and main offices of the Kenyan Judiciary and if anything is to be implemented, then it has to start with the head office.

## **1.9 Limitations of the Study**

The researcher experienced a challenge in securing the senior advocates and head of stations precious time considering their busy working schedules. The researcher structured the questionnaire to be brief and where possible made appointment to meet them at their offices and personally administer the questionnaires.

The researcher encountered litigants or court users that were not willing to answer the questionnaire for fear of victimization. The researcher exercised patience while delivering the research instrument and also explained how anonymity and confidentiality would be preserved and that the respondents are volunteers who may withdraw from the study at any time and with no ramifications.

The likelihood of biased responses from respondents who have lost cases in the past was eliminated by the researcher explaining to the target population the value of the study in improving service delivery at the Judiciary.

## **1.10 Definition of Significant Terms used in the Study**

**Change in technology:** This involves the overall process of invention, innovation and diffusion of technology or processes. Technology makes it possible to perform everyday tasks faster and with less energy on our part.

**Communication channels:** Is the way information flows within the organization and with other organizations. It's the means or medium through which people in an organization communicate. Thought must be given to what channels are used to complete various tasks because using an inappropriate channel for a task or interaction can lead to negative consequences.

**Culture change:** Is the term used in policy making that emphasizes the influence of cultural capital on individual and community behavior. It places stress on the social and cultural capital determinants of decision making and the manner in which these interact with other factors like the availability of information or the financial incentives facing individuals to drive behavior.

**Organizational change:** It is both the process in which an organization like the Kenyan Judiciary transforms its organizational structure, encourages culture change, streamlines communication channels to both its internal and external customers and embracing information technology in its daily operations. The effects of these changes on the performance of that organization can be continuous or occur for distinct periods of time.

**Organizational leadership:** This is an attitude and a work ethic that empowers an individual in any role to lead from the top, middle or bottom of an organization. The leader should have potential to control the group of individuals, guide the individuals under him, give them a sense of direction to achieve organization goals successfully, act responsibly, be optimistic, empathetic and understanding.

**Organizational structure change:** Organization structure is the formal design of managerial hierarchies within a company. Organizational structure can be achieved through measures like decentralization of powers by creating directorates to assist in management, massive staff recruitment and appointments as well as extension of physical infrastructure which plays a major role in shaping organization culture as well. Organizations may find this change necessary so as to remain competitive or adapt to changes in the industry or market place.

**Performance of the Kenyan Judiciary:** Performance is the accomplishment of a given task measured against preset known standards of accuracy, completeness, cost and speed. The performance of the Kenyan Judiciary is measured on five (5) categories: core business or mandate, financial use, customer satisfaction, motivation and learning, internal business processes and the 2012-2016 Judiciary Transformation Framework (JTF).

## **1.11 Organization of the Study**

This study was organized into five main chapters where;

Chapter One provided a brief overview of the background of the study, statement of the research problem, purpose of the study, objectives of the study, the research questions, significance

of the study, basic assumptions of the study, the definition of significant terms used in the study and organization of the study. It also highlighted the expected limitations while conducting the study and went a step further to give applicable solutions to these limitations.

Chapter Two gave in detail the broad based knowledge the researcher gathered on the concepts of organizational change, organizational structure change, culture change, communication channels, change in technology, and organizational leadership all in relation to performance of the Kenyan Judiciary. It also discussed the theoretical framework of the study which is explained by the stage theory of organizational change, the performance theory, the theory on culture change, theory on communication channels, the theory on technology change, the trait theory on organizational leadership. The conceptual framework of the study and a summary of literature were also discussed.

Chapter Three comprised of research methodology and included the research design, the target population, sample size and sampling procedure, research instruments, pilot testing of instruments, validity of instruments, reliability of instruments, data collection procedures, data analysis techniques, ethical considerations and operationalization of the variables.

Chapter Four dealt with data analysis, presentation, interpretation and discussions. It also gave an overview of the characteristics of the respondents, the questionnaire return rate and the variable findings.

Chapter Five outlined the summary of findings, conclusions and recommendations of the study and suggests areas for further research.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1. Introduction**

This chapter reviewed literature related to the study based on the following thematic areas; organization structure change, culture change, communication channels, change in technology and organizational leadership.

#### **2.2. The Concept of Organizational Change and Performance of the Kenyan Judiciary**

According to Wu, (2013), an organization is a group of people intentionally organized to accomplish an overall common goal or a set of goals. She further defines organization change as the extent, rate and overall nature of activities, led by a change agent to enhance the overall performance of the organization.

Dalton, (1978) defines organizational change as any significant alteration of the behaviour pattern of a large number of the individuals who constitute an organization. Organizational change is a concept that covers three primary dimensions: process changes, structure changes and boundary changes. Process changes are modifications of the internal routines, production processes, services or distribution methods, human resource management, communications, operations and support activities of the organization. For example re-engineering, quality circles and total quality management, lean production, just-in-time manufacturing and knowledge management lead to process changes. Structure change reflects modifications of the structural elements or functional divisions of the organization due to reorganization efforts, introduction of new management methods or significant changes in strategy e.g. new forms of organizing the work such as flattening of hierarchies and decentralization of authority, flexible, federal and cellular forms of organization and N-form corporation. Boundary changes denote significant reforms in the relations of the firm with other organizations such as public institutes, customers, suppliers, competitors or business partners. These changes transcend the formal boundaries of the firm and manifest themselves in for instance, boundaryless and disaggregated corporation, hypertext organization, increased reliance on outsourcing, subcontracting and joint research and

development collaboration, formation of strategic alliances and joint ventures and development of new sales /marketing channels.

### **2.2.1. Organization change process**

By defining and completing a change process, an organization can better define and document the activities that must be managed during the transition phase. Moving through these stages will help ensure effective, long term and sustainable results. These stages unfold as an organization moves through the transition phase in which the required transformational changes are introduced, tested, understood and accepted in a manner that enables individuals to let go of their existing behaviours and attitudes and develop any new skills needed to sustain desired business outcomes. First, you identify the scope of change by identifying stakeholders and establishing the costs benefits of the change. Secondly, you create the vision by engaging the organizations leadership and communicate the compelling need for change. Once you get the go ahead of the leadership and with its support, the change agent can now engage workforce in planning the change, validate costs and benefits. It is also important to establish change infrastructure by introducing new tools, technology, reward systems, training on new concepts. After implementation of change, it is important to go back and measure progress, demonstrate value, communicate success if realized and also take corrective action if needed.

According to Chen (2002), organizational performance means the transformation of inputs into outputs for achieving certain outcomes. With regard to its content, performance informs about the relation between minimal and effective cost i.e. economy between effective cost and realized output i.e. efficiency and between output and achieved outcome i.e. effectiveness. Effectiveness of the organization depends on the three basic performance determinants: efficiency and process reliability, human resource and relations, innovation and adaptation to environment (Bass, Yuki and Tabler 2006). Efficiency is the practice by an organization or firm to use people and resources to carry out important operations in ways that minimizes the costs. Human resource relation is defined as trust, organizational commitment, collective identification and cooperation among the employees. Innovative adaptation includes increase in market share, sales growth from year to year, generating and maintaining loyal customer base.

### **2.3. Organizational Structure Change and Performance of the Kenyan Judiciary**

Organization structure refers to the coordinating system in an organization, including job descriptions, the policies and procedures for coordinating jobs and the management roles charged with securing coordination.

According to the Journal of managerial issues (1999), organization structure change is necessary when an organization wants to introduce the elements of work specialization, departmentalization, chain of command, span of control, centralization, decentralization and formalization. Work specialization affects the structure of an organization in how tasks are subdivided into separate jobs. Departmentalization establishes how jobs are grouped together. Chain of command provides a line of authority that reaches from the top of the organization to the bottom and spells out who reports to whom in the organization. Span of control dictates how many managers are required to direct an organization's employees. Centralization and decentralization helps determine where decision making authority lie thus if top management makes all organization decisions with no input from lower level personnel, an organization is considered centralized and if more lower level managers are involved, greater degree of decentralization exists. Formalization determines to what degree the jobs in the organization are standardized thus a highly formalized job has clearly defined procedures and leaves organization members little freedom in regard to how they perform their tasks.

Dammen (2001) study on the effects of organizational structure on employee trust and job satisfaction, there are many aspects that are similar between traditional organizations as well as high performance organizations but unlike traditional organizations, high performance organizations build on these similarities to create a more meaningful work experience. Traditional hierarchical organizations have not truly evolved into an organization that is looked upon as people friendly because of the low levels of trust and job satisfaction. On the other hand, employees in high performance organizations achieved high levels of organizational trust and job satisfaction. He continues to state that it is important that these organizations continue placing their employees first empowering them to make important decisions pertaining to their job as well as



communicating important decisions pertaining to their job as well as communicating information about the organization.

Quangyen Tran and Yezhuang Tian (2013), have given an insight on organization structure as an influencing factor and its impact on a firm in Hanoi, Vietnam that, depending on the presence, direction and intensity of the forces exerted by various environmental dimensions and of decisions in how to manage the work, the division of activities in which firms were committed will be determined toward the production of different organizational forms.

#### **2.4. Culture Change and Performance of the Kenyan Judiciary**

The culture of an organization is the set of beliefs and expectations shared by organization members which produce norms that shape behaviour. Behaviour takes the form of styles of action which typically reflect responses that have proven successful in the past. The culture of an organization binds it together and differentiates it from other groups (Schwartz and Davis, 1981).

According to a study carried out by Demand Media (2014) examining the influence of organizational culture on employee performance, organizational culture was defined as the way employees complete tasks and interact with each other in an organization. The cultural paradigm comprises various beliefs, values, rituals and symbols that govern the operating style of the people within a company. Corporate culture binds the workforce together and provides a direction for the company. In times of change, the biggest challenge for any organization may be to change its culture, as the employees are already accustomed to a certain way of doing things. Often times, employees work harder to achieve organization goals if they consider themselves to be part of the corporate culture. Organizations must structure their recruitment processes to attract and engage incumbents with the same beliefs and values that constitute the organization's culture. Companies should also ensure that they align corporate culture with performance management systems. When culture and management systems are not aligned, management must redirect them so that employee behaviour results in the achievement of organization goals.

Mallinger *et al*, (2009) study on recognizing organizational culture in managing change, examined how organization culture influences the likelihood of success for change strategies. They found out that organization members are more inclined to embrace change when the organization's culture is aligned with the mission and goals of the company. Understanding culture can be useful in two ways. First, cultural insight that provides awareness of the extent to which organization members are willing to accept change and second, a cultural assessment is likely to determine the root cause of the problems that impede stronger performance. By investigating two disparate organizations; a family owned business and a global manufacturing company which utilized a cultural framework to determine underlying organizational issues. In both cases, the plans of action were system wide and strategic. Although each company experienced favourable outcomes, considerable follow up strategies must still be implemented before significant change is realized.

An organization's improvements are unlikely without culture change as an initial step in the process. But culture change is illusive and requires lengthy interventions and for many organizations, is either too costly or too time consuming making successful transformation problematic. Although culture change is necessary in creating and reinforcing organizational transformation, making necessary structural changes may serve as the initial intervention for shifting culture. Changes on how new members are socialized may bring about a commitment to organization values and encourage a team oriented mindset. The impact of these initiatives is likely to result in norms that reflect organizational objectives. Focus on enhancing collaboration, particularly among the management team, may result in continued dialogue between members which will hopefully become embedded in the working relationships. The creation of structural initiatives that incentivize the desired ways of accomplishing goals may be more effective in responding to inefficiencies than a commitment to changing culture, which, over time, may naturally occur as shifts in behaviour emerge.

## **2.5. Communication Channels and Performance of the Kenyan Judiciary**

A key component of the organization change process should address the strategic communications required to support the implementation of the transformation. Open and frequent

communication is essential to effective change management. When impacted individuals receive the information directly and indirectly they need about the benefits and impact of the change, they will move readily accept and support it. The approach to communication planning needs to be integrated, multi-layered and iterative. Gibson et al, (2004) define communication as the transmission of information and understanding through the use of common symbols: verbal or non verbal.

According to a case study carried out at the Kenya Ports Authority, to find out the effects of communication strategies (Kibe, 2014), the researcher concluded that communication strategies are common in any organization , where they are used as part of a business plan detailing how to communicate with various groups of people. These strategies are used to determine things like what information to share with the clients or investors, as well as how that information should be presented. It was recommended that communication in any organization should be open, inclusive, result driven and multi channelled.

In a study on the impact of business communication on organizational performance in Nigerian companies, researchers at the Lagos State University, Department of Business Administration and Management Technology (Udegbe,Ogundipe, Akintola and Kareem, 2012) found out that Nigerian companies generally emphasize on effective business communication issues and that, the extent of practices of effective business communication are related to the category of business. The study also found out that the extent to which companies practice effective business communication, affected to a reasonable extent, the level at which companies achieved encouraging job satisfaction, improved market share, improved personnel satisfaction, improved level of social responsibility, improved level of goods or services quality, improved level of sales volume, achievement of short and long term goals, satisfaction with company's business practices (with regard to attention to customers, competitors, using and responding to relevant information pertaining to customers and competitors) and finally satisfaction with overall company performance in its business operations.

Neves (2012) of the University of Houston in a study on Management Communication and Employee Performance: the contribution of Perceived Organizational Support (POS) found out

that open communication between management and employees is an effective way to increase employee performance, both their standard job and extra role activities mainly because it signals that the organization cares about the well being and values the contribution of its employees. In line with the norm of reciprocity (Gouldner,1960), when managers communicate openly with employees, creating upward and downward lines of communication, employee strengthen their Perceived Organizational Support (POS) and consequently increase their effort to reciprocate through behaviours that help the organization. Moreover, this study supports the view that management communication conveys more than just information directly related to the organization's mission and specific tasks to be performed. Open communication is an important means for the creation and maintenance of meaning within the organization (Lundberg & Brownell, 1993), through which employees make sense of organization's intentions towards them.

## **2.6. Change in Technology and Performance of the Kenyan Judiciary**

Technology refers to the network of tasks tied to the organizational goal. They are those activities that have to be accomplished together with the equipment and people necessary to accomplish the same. Implementation of a large scale information technology transformation project affects the entire organization. In a technology based transformation project, an organization often focuses solely on acquiring and installing the right hardware and software. But the people who are going to use the new technologies and the processes that will guide their use are even more important. As critical as new technologies may be, they are only tools for people to use in carrying out the agency's work (Bauer and Bender, 2002).

Advancement in technology has the potential to decrease the time needed to complete a task or in some cases eliminate the need for a business process or job function. Typically, the desire for increased productivity drives upgrades to technology within an organization which can significantly influence company operation (Archer, 2016).

Organization structures adapts to these changes by restructuring departments, modifying position requirements or adding and removing jobs. Employers often require training on new software programs or equipment as a job requirement if it becomes industry standard. For

employees, technological enhancements often reduce the number of tedious office tasks or improve efficiency. Changes in day to day operations may come in the form of an upgrade to desktop computers, faster office equipment or the introduction of a new information system. Business owners increasingly utilize comprehensive software platforms to streamline operations. (Archer, 2016).

In a study on the influence of management information systems and information technology on management performance and satisfaction, an information system is described as a system that collects, records, stores and processes data to produce information for decision makers and is also considered the firm's infrastructure. Firm infrastructure comprises the various departments like accounting, procurement, legal and general administration that allow an organization to function and information system is a supporting activity that adds value to an organization by providing accurate and timely information for efficient and effective operations (Boonmark, 2007) A well designed information system can do this by improving the quality and reducing the costs of products or services, improving efficiency by providing more timely information, sharing knowledge and expertise thus improving operations and providing a competitive advantage, improving the internal control structure thus protecting systems from problems such as fraud, errors, equipment and software failure and natural and political disasters, improving the decision making by providing information in a timely manner, improving the efficiency and effectiveness of an organization supply chain by allowing customers direct access to the company's inventory and sales order entry systems which can reduce the costs of sales and marketing activities. Moreover such access reduces customers' costs and time of ordering both sales and customer retention rates may increase (Ingram *et al*, 2004).

The study on impact of ICT as a factor of influence on organizational performance in the Revista de Informatica Sociala vol. VII ,Romania (Mironica Corici, 2009) found out that the impact of the interconnections established in society through information technologies reflected in the communication space of the company, in its sustainable global strategic performance, presupposes that knowledge and the processes related to it be managed, that new responsibilities be assumed when managing values related to creativity, skills, learning, communication, the knowledge background being considered the main resource of the organization in reaching its

objectives. The company's competitiveness, in the daily context of economic challenges, makes it necessary to consider the efficiency of managerial activities, both in their professional activity and in the strategic importance of a good administration of knowledge and of the impact of technology of information and communication upon the organizational structure.

Gagnon and Dragon, (2009) study on the impact of technology on organization performance concluded that technologies have made a significant penetration into organizations which typically occurs in a series of phases: automation of accounting functions; propagating into other administrative units; development toward microcomputer technology and a multitude of local applications. All the actors in the concrete action system accepted the new technologies very well and no longer thought of functioning without the existing information systems. In questioning each group of actors about the benefits realized from the information systems they found out that these benefits could be summed up as more rapid access to a larger quantity of information of better quality and elimination of repetitive tasks.

## **2.7. Organizational Leadership, Organizational Change and Performance of the Kenyan Judiciary**

According to Hart and Quinn (1993), leadership is a process in which a leader is indulged in various activities to achieve any goal. Leadership refers to the behaviour or attitude of a leader to collect and direct the individual towards any goal and is also a communication process of leader and individuals. Organizational leadership is a dual focused management approach that works towards what is best for individuals and what is best for a group as a whole simultaneously. It is also an attitude and a work ethic that empowers an individual in any role to lead from the top, middle or bottom of an organization (Mc Call and Lombardo, 1983). So the effectiveness of an organization depends upon the effective leaders and an effective leader is that person who has an effective leadership.

Avolio *et al*, (2001) leadership is one of the key driving forces for improving firm performance. Leaders as the key decision makers, determine the acquisition, development and

deployment of organizational resources, the conversion of these resources into valuable products and services and the delivery of value to organization stakeholders.

Wang, Tsui and Xin (2011) analyzed the 125 Chinese firms to study the role of leadership on organizational performance. Their study identified two types of leadership behaviours. These are relational behaviour and task behaviour. Further, in their study, organizational performance is measured as profitability, sales growth, market share and competitive status. They found that leader's task related behaviour is directly related to organizational performance and innovation propensity.

Anees Ullah Karamat (2013) analyzed 29 participants in D&R Cambric Communication Company in Russia and found out that the CEO is said to have democratic and transactional leadership behaviour type which is a reason for the growth and success of the company in a short period of time. According to most of the respondents, they got strong support to build a team and the CEO also said they have skilled team leaders and managers who deal with the CSRs and help those in building strong teams. Most of the employees agree that they are rewarded for their performance which is an important tool for motivation.

## **2.8. Theoretical Framework**

Several theories were put forward in trying to understand and explain organizational change and its influences on organizational performance.

### **2.8.1. Stage Theory on Organizational Change**

Kurt Lewin (1947) theorized a three stage model of change that is the unfreezing, change and freezing which stages can further be influenced by driving forces, restraining forces or equilibrium. The theory assumes that organizations pass through a series of steps or changes as they change and to some extent explains how an organization develops new goals, programs,

technologies and ideas. The unfreezing stage is about getting ready for change and involves getting to a point of understanding that change is necessary and getting ready to move away from the current comfort zone and creating a situation in which we want change. The more the individuals in an organization feels that change is necessary, the more motivated they will be to make the change. The transition or change stage occurs as an organization makes the changes and is usually the hardest as individuals are unsure or even fearful. It is therefore vital to keep communicating a clear picture of the desired change and the benefits to the people so they don't lose sight of where they are heading. The refreezing stage can take time and is about establishing stability once the changes have been made without which it is easy to go back to the old ways. It's pertinent that driving and restraining forces must be analyzed before implementing a planned change. To properly apply this theory, the social environment and the innovation's stage of development must be carefully assessed before the appropriate strategies for each stage are selected.

### **2.8.2. Theory on Organizational Performance**

Performance theory originates from a variety of fields, but is most associated with the work of Victor Turner (1988) and Richard Schechner (1985). These two authors drew attention to the performance nature of societies around the world, how events and rituals as well as daily life were all governed by a code of performance. Performance theory suggests that everyone of us puts on a performance in our society and believes that the task we perform will have the consequences that are what they appear to be.

### **2.8.3. Theory on Culture Change**

The institutional theory coined by Meyer & Rowan in 1991 focuses on the deeper and more resilient aspects of social structure. It considers the processes by which structures, including schemes, rules, norms and routines become established as authoritative guidelines for social behaviour. Institutional theorists assert that the institutional environment can strongly influence the development of formal structures in an organization often profoundly than market pressures.



Meyer & Rowan argue that often institutional myths or culture are merely accepted ceremoniously in order for the organization to gain or maintain legitimacy in the institutionally acceptable cultures help preserve an aura of organization action based on good faith. Culture in the institutional environment helps ensure organizational survival.

#### **2.8.4. Theory on Communication Channels**

Claude Shannon in 1948 came up with basic elements of communication namely: source which produces the message or sequence of messages to be communicated to the receiving terminal, the sender or transmitter which is the element that operates on the message in some way to produce a signal suitable for transmission over the channel, the channel is the medium used to transmit the signal from transmitter to receiver, the receiver performs the inverse operation of that done by the transmitter by reconstructing the message from the signal, destination is the person or thing for whom the message is intended.

#### **2.8.5. Theory on Technology Change**

The socio technical theory as coined by Trist, Bamforth and Emery in 1951 is founded on two main principles: the interaction of social and technical factors creates the conditions for successful or unsuccessful organizational performance. This interaction consists partly of linear cause and effect relationships and partly from non linear, complex, even unpredictable relationships. Whether designed or not, both types of interaction occur when socio and technical elements are put to work. The second principle involves the optimization of each aspect alone socio or technical tends to increase not only the quantity of unpredictable, undersigned relationships but those relationships that are injurious to the system's performance.

#### **2.8.6. Trait Theory on Organizational Leadership**

According to Ralph Stogdil (1974), effective leaders possess a series of physical, mental or personality traits that neither non leaders nor ineffective leaders possess. He identifies 6 personal traits that strongly relate to leadership which are: intelligence, adjustment, extraversion,

conscientiousness, openness to new experiences and self efficacy. Leaders possess strategic thinking and not only an understanding of the vision of an organization but also ability to effectively carry out and communicate that vision relying on the four cornerstones of leadership which are: truth telling, promise keeping, fairness and respect for individuals. Mc Call and Lombardo (1983), which expanded on the trait theory, argued that a leader is made or broken based on emotional stability, the ability to admit faults and errors, intellectual strength and having refined interpersonal skills and relations.

## **2.9. Conceptual Framework**

This study was guided by the following conceptual framework. On the left hand side are the independent variables and the dependent variable is on the right hand side of Figure 1. The dependent variable in this study was performance of the Kenyan Judiciary. It was defined by the following independent variables: organizational structure change, culture change, communication channel and change in technology. The moderating variable was organizational leadership.

Organizational structure change has a direct influence on the Performance of the Kenyan Judiciary to the extent that power is decentralized to the various directorates, registrar offices and executive officers hence streamlining operations in this Judicial arm of the government. Culture change influenced performance of the Kenyan judiciary by creating an institution that is responsive to the needs and aspirations of the Kenyan people all in line with the Kenyan constitution.

Communication channels influenced the Kenyan Judiciary in terms of giving and receiving directions within the institution's administrative operations, dealing with complaints from members of public or Judiciary employees either against each other or against the institution and receiving suggestions and new information to help enhance its operations and public perception. Change in technology also influenced the performance of the Kenyan Judiciary in the sense that both court and administrative functions desperately need to be revamped. Organizational leadership was the moderating variable that came between the independent and dependent variable because the leadership of the institution was expected to implement all policies and changes suggested and provide the needed support.

## INDEPENDENT VARIABLES

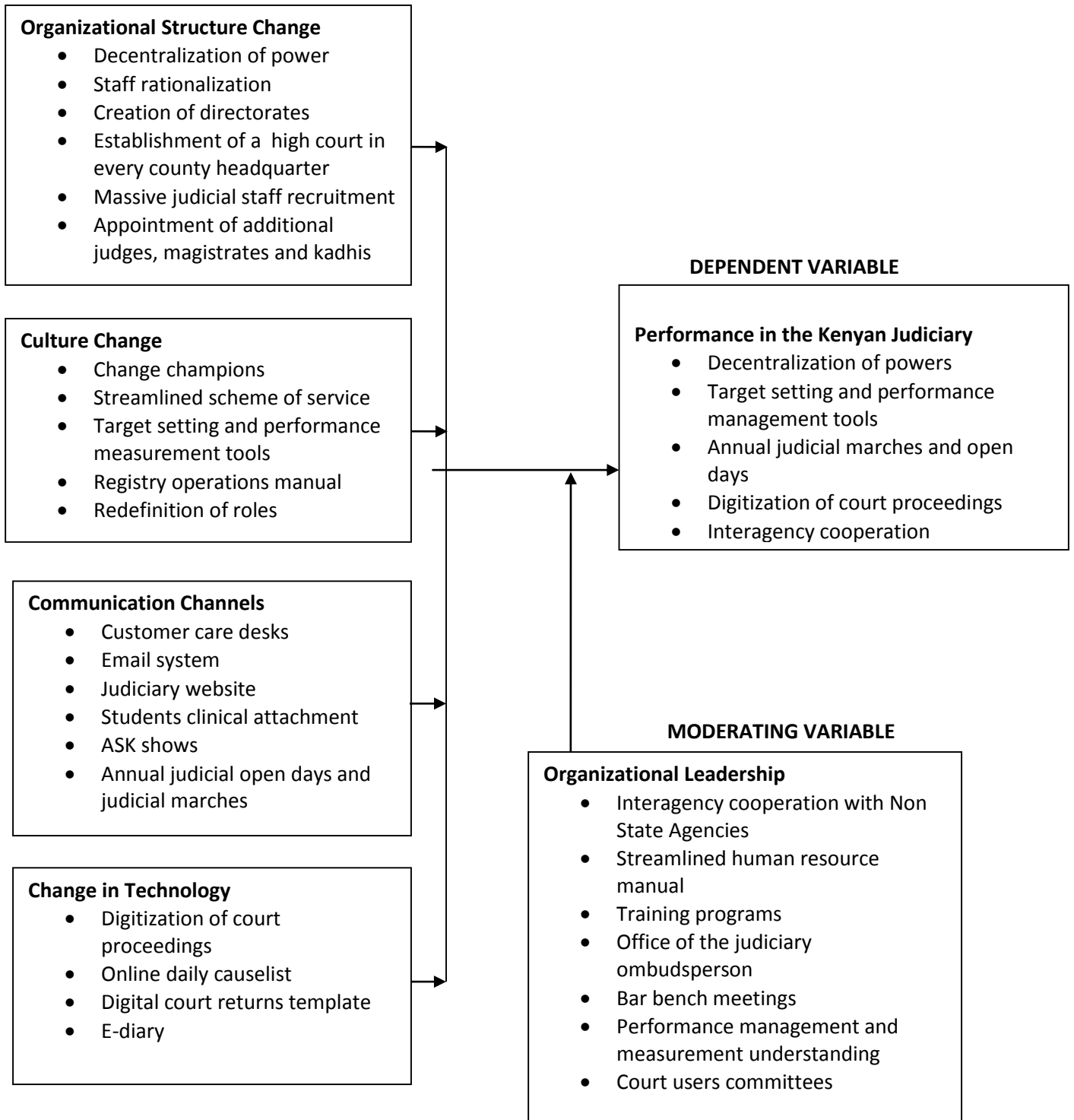


Figure 1. Conceptual framework

**Table 2.1 Summary of Literature**

VARIABLE	AUTHOR (YEAR)	TITLE OF THE STUDY	FINDINGS	KNOWLEDGE GAP
Organizational structure change	Kelli Dammen (2001)	Effects of organizational structure on employee trust and job satisfaction	Traditional hierarchical organizations have not truly evolved into an organization that is looked upon as people friendly because of low levels of trust and job satisfaction whereas employees in high performance organizations have greater levels of both organizational trust and job satisfaction	The study aims to confirm the influences of organizational change on performance of an organization as a whole and not only concentrating on employee trust and job satisfaction.
	Quangyen Tran and Yezhuang Tian (2013)	Organization structure: influencing factors and impact on a firm in Hanoi, Vietnam	Depending on the presence, direction and intensity of the forces exerted by various environmental dimensions and of decisions in how to manage the work, the division of activities in which firms were committed will be determined toward the production of different organizational forms.	The study aims to find out the influences of change in the organization structure especially with the flattening of the same structure within an organization.

Culture change	Demand Media (2014)	Influence of organizational culture on employee performance	Corporate culture binds workforce together and provides a direction for the company	The study aims to establish the influence of organization culture in terms of tried and tested procedures within the Kenyan judiciary.
	Mallinger, Goodwin and O'Hara (2009)	Recognizing organizational culture in managing change	Organization members are more inclined to embrace change when the organization's culture is aligned with the mission and goals of the company	The study aims to find how an organization's culture change will not only affect the management within the organization but also the morale of workers.
Communication channels	Kibe , 2014	The effects of communication strategies: a case study of the Kenya Ports Authority	Communication strategies are part of the business plan and detail how to communicate with various groups of people. Communication should be open, inclusive, result driven and multi channelled.	The study aims to establish how changes in communication channels will enhance communication with the external customers too and not only the internal customers.
	Udegbe, Ogundipe, Akintola & Kareem (2012)	The impact of business communication on organizational performance in Nigerian companies	The extent of practices of effective business communication are related to the category of business	The study concentrates on one organization which is the Kenyan judiciary and enhancing communication with both the employees and the external customers in a non profit making venture.

	Neves. (2012)	Management communication and employee's performance: the contribution of perceived organizational support (POS)	Open communication is an important means for creation and maintenance of meaning within the organization through which employees make sense of organization's intentions towards them	The study aims to draw a line between where open communication starts and ends especially with government operations where some information is required to be held in confidentiality.
Change in technology	Boonmark (2007)	The influence of management information systems and information technology on management performance and satisfaction	Information systems is a supporting activity that adds value to an organization by providing accurate and timely information for efficient and effective operations	The study aims to support the use of information systems in enhancing performance within the Kenyan Judiciary.
	Mironica Corici (2009)	Impact of ICT as a factor of influence on organizational performance in the Revista de Informatica in Romania	The impact of the interconnections established in society through information technologies are reflected in the communication space of the company in its sustainable global strategic performance	The study aims to support the proposition that ICT is likely to positively influence organization performance especially in an organization like the Kenyan Judiciary.

	Gagnon and Dragon (2009)	Impact of technology on organization performance	Technologies have made significant penetration into organizations which typically occurs in a series of phases: automation of accounting of accounting functions; propagating into other administrative units, development toward microcomputer technology and a multitude of local applications Benefits realized from the information systems could be summed up as more rapid access to a larger quantity of information of better quality and elimination of repetitive tasks	The study aims to confirm that not all the time is technology willingly embraced and that most of the time it has to be done out of necessity and introduced in phases.
Organization leadership, organization change and performance of the Kenyan Judiciary	Wang, Tsui and Xin (2011)	The role of leadership on organizational performance	A leader's task related behaviour is directly related to organization performance Organization performance is measured as profitability, sales growth, market share and customer satisfaction	The study aims to focus on a non profit making organization which sometimes whose leadership decisions though just are not always fair to all the parties involved.

	Ryan and Tipu (2013)	The role of leadership on organizational performance	There are two types of leadership behaviours: relational behaviour and task behaviour Active leadership has strong impact on innovation propensity	The study focuses on leadership requirements as outlined in the Kenyan constitution for all office holders who also to some extent are guided by already prescribed laws with little or no room for innovation.
	Karamat (2013)	The role of the CEO on growth and success of the company: a case study of D&R Cambric communication company in Russia	Community social responsibility is important for any organization Support from the CEO leads to building a strong team Reward of employees for their performance is an important tool for motivation	The study will support community social responsibility for all the players within the organization and not just the CEO and also the introduction of change champions in every court station.



## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1. Introduction**

This chapter describes the methodology that was used to conduct the study. This includes: the research design, target population, sample size and sampling procedure, research instruments to be used, the validity, reliability and pilot tests undertaken, the data collection procedures, data analysis techniques and ethical considerations.

#### **3.2. Research Design**

This study adopted the descriptive survey research design which attempts to describe present conditions and give an analysis of persons, events, decisions, periods, projects, policies and other systems within the Kenyan Judiciary by using carefully considered respondents, interviews and questionnaires to fully explain the influences of organizational change on the performance of the Kenyan Judiciary. Kothari (2004) describes descriptive survey research studies as those studies which are concerned with describing the characteristics of a particular individual, or a of a group and takes into account all the steps involved in a survey concerning a phenomenon to be studied.

#### **3.3. Target Population**

The target population of 260 individuals for this study was drawn from 10 subgroups made up of: registrars, deputy registrars, directors, assistant directors, legal counsels, office of the ombudsman, high courts executive officers, magistrate courts executive officers, advocates and litigants.

The 4 Registrars were drawn from the Supreme Court, Court of Appeal, High Court, Magistrates Courts based in Nairobi and their 14 Deputy Registrars each drawn from the Supreme Court, Court of Appeal and the 8 High Court divisions. The 8 Directors from the ICT directorate, directorate of Human Resource and Management, Accounts, Finance, Directorate Supplies Chain Management, directorate Performance Management, directorate Risk and Audit, directorate of Public Affairs and Communication and their 8 assistant directors, 3 legal counsels from the offices

of the Chief Justice, Deputy Chief Justice and the Chief Registrar of the Judiciary. The in-charge Office of the Judiciary Ombudsperson, 9 Executive Officers from the High Court division and 13 Executive Officers from the magistrates court section. 100 advocates of the high court of Kenya based in Nairobi and 100 litigants all drawn from the Milimani Law Courts and the Supreme Court building in Nairobi.

**Table 3.1 Target population according to each subgroup**

<b>Subgroup</b>	<b>Population</b>
Directors	8
Assistant directors	8
Registrars	4
Deputy registrars	14
Legal counsels	3
Ombudsperson	1
High court executive officers	9
Magistrate court executive officers	13
Advocates	100
Litigants	100
<b>Total</b>	<b>260</b>

### **3.4. Sample Size and Sampling Procedure**

This section describes the sample size and the sampling procedure that was used to conduct the study.

#### **3.4.1. Sample Size**

The total population was 260 from which a sample of 155 respondents was drawn using the Krejcie & Morgan Table of 1970. See Appendix VI

### 3.4.2. Sampling Procedure

Stratified sampling method was used to derive a sample of the population since it is used when the population is composed of several subgroups that are vastly different in number. The number of participants from each subgroup is determined by their number relative to the entire population. The study used the following formulae to identify a representative sample from each of the sub groups of the target population that comprises of directors, assistant directors, registrars, legal counsels, deputy registrars, office of the ombudsman, high courts executive officers, magistrate courts executive officers, advocates and litigants;

$$\frac{\text{Total number of respondents in each group} \times \text{sample size}}{\text{Target population}}$$

**Table 3.2: Sample size for each subgroup of the target population**

<b>Subgroup</b>	<b>Population</b>	<b>Sample size</b>
Directors	8	5
Assistant directors	8	5
Registrars	4	2
Deputy registrars	14	8
Legal counsels	3	2
Ombudsperson	1	1
High court executive officers	9	5
Magistrate court executive officers	13	7
Advocates	100	60
Litigants	100	60
<b>Total</b>	<b>260</b>	<b>155</b>

### **3.5. Research Instruments**

The primary instrument of data collection in this study was a questionnaire because they can be distributed to a large population over a short period of time and the data is amenable to quantification, either through simple counting of boxes or through content analysis of written narrations in form of responses. The questionnaire was written in English and adopted the 5 point scale which was used to evaluate the influence of the variables on performance of the Kenyan Judiciary with 1 being strongly disagree and 5 being strongly agree. The higher the rating the higher the influence of a variable on performance of the Kenyan Judiciary. Section A of the questionnaire was used to get the demographic information of the respondents. The primary purpose of this section was to collect basic information from each respondent pertaining to both them and the organization. Section B assessed the extent to which organizational structure change influences performance of the Kenyan Judiciary. Section C determined how culture change influences performance of the Kenyan Judiciary. Section D established how communication channels influence performance of the Kenyan Judiciary. Section E examined the extent to which change in technology influences performance of the Kenyan Judiciary. Section F established the moderating influence of organizational leadership on performance of the Kenyan Judiciary.

#### **3.5.1. Pilot Testing of Instruments**

To test the validity and reliability of the questionnaire, the researcher conducted a pre-test of the questionnaire. The sample comprised about 10% of the sample size of 155 respondents based Mugenda & Mugenda (2003) theory of sampling making it 15 respondents who were made aware of the study. This helped the researcher make any changes in the questionnaire or rephrase questions in order to avoid ambiguity in the final questionnaire.

#### **3.5.2. Validity of Instruments**

This section focused on content and construct validity of the research instrument. According to Mugenda & Mugenda (2003) construct validity is a measure of the degree to which data obtained from a research instrument is meaningful and accurate and represents the conceptual framework. Content validity is a measure of the degree to which data collected using a particular instrument represents a specific domain of indicators or content of a particular concept. It helps

determine whether questions in questionnaires achieve objectives of the study. The questionnaire was presented to the supervisor to check on both content and construct validity of the same.

### **3.5.3. Reliability of Instruments**

The study applied the test-retest method of assessing the reliability of the research instruments which involved administering the same instrument twice to 10% of the sample size according to Mugenda & Mugenda (2003). The researcher ensured that all initial conditions were kept constant and the same questionnaire was administered to the same respondent then after two weeks, a retest was administered. A reliability coefficient of 0.91 was represented which indicated that the instruments had excellent reliability.

### **3.6. Data Collection Procedure**

This study made use of both primary data and secondary data. A questionnaire with closed, multiple choice and open ended questions was used. The researcher engaged two research assistants who were trained on the research process and ethical considerations in research. They helped distribute and administer the questionnaires. Collection was done after 48 hours by the two research assistants to allow for correction of errors in responding to different questions, clarify any unclear issues and to ensure responses to all questions. Primary data was collected by the use of semi structured questionnaires containing both open ended and close ended questions.

### **3.7. Data Analysis Techniques**

Once the questionnaires were collected, they were hand sorted and grouped according to the demographics of the respondents. The process of data processing and analysis was done using descriptive statistics to help meaningfully describe a distribution of scores obtained from the 5 point scale questionnaire to get the relationship between the independent variables and the dependent variable while assisted by the Statistical Package for Social Sciences (SPSS) version 18 for Windows. Graphs and frequency tables were used to present the findings of the study.

### **3.8. Ethical Considerations**

The researcher adhered to the three main ethical principles in research which include: beneficence, respect and justice (Kothari,2004). This means that the respondents were assured of confidentiality, that the information collected from the respondents was used for the intended study only and that their participation in the study was voluntary. Respondents were also informed that the findings of the study would be shared with any one of them that wished to know the outcome of the research. Authority to carry out the proposed study was sought from the National Council for Science and Technology.

**Table 3.3 OPERATIONALIZATION OF VARIABLES**

OBJECTIVES	VARIABLES	INDICATORS	MEASUREMENTS SCALE	RESEARCH APPROACH	TOOLS OF ANALYSIS
To assess extent to which organization structure change influences performance in the Kenyan Judiciary	Organizational structure change	<ul style="list-style-type: none"> <li>• Decentralization of power</li> <li>• Establishing a High court in every county headquarters</li> <li>• Staff rationalization</li> <li>• Massive staff recruitment</li> <li>• Appointment of additional judges, magistrates and kadhis'</li> </ul>	Ordinal	Qualitative approach	Mean, standard deviation, percentage, frequencies
To determine how culture change influences performance of the Kenyan Judiciary	Culture change	<ul style="list-style-type: none"> <li>• Redefinition of roles</li> <li>• Change champions</li> <li>• Streamlined scheme of service</li> <li>• Registry operations manual</li> <li>• Target setting and</li> </ul>	Ordinal	Qualitative	Mean, standard deviation, percentage, frequencies

		performance measurement tools			
To establish how communication channels influence performance of the Kenyan Judiciary	Communication channels	<ul style="list-style-type: none"> <li>• Customer care desks</li> <li>• Staff email system</li> <li>• Clinical attachment for students</li> <li>• ASK shows</li> <li>• Annual open days and judicial marches</li> </ul>	Ordinal	Qualitative	Mean, standard deviation, percentage, frequencies
To examine the extent to which change in technology influences performance of the Kenyan Judiciary	Change in technology	<ul style="list-style-type: none"> <li>• Digitization of court proceedings</li> <li>• Online daily causelist</li> <li>• Digital court return template</li> <li>• E diary</li> </ul>	Ordinal	Qualitative	Mean, standard deviation, percentage, frequencies
To establish the moderating influence of organizational change and performance	Organizational leadership	<ul style="list-style-type: none"> <li>• Interagency cooperation</li> <li>• Training programs</li> </ul>	Ordinal	Qualitative	Mean, standard deviation, percentage, frequencies



of the Kenyan Judiciary		<ul style="list-style-type: none"><li>• Office of the judiciary ombudsperson</li><li>• Performance management and measurement understanding</li><li>• Bar-bench meetings</li><li>• Court users committees</li><li>• Streamlined human resource manual</li></ul>			
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## CHAPTER FOUR

### DATA ANALYSIS, PRESENTATION, INTERPRETATION AND DISCUSSION

#### 4.1. Introduction

This chapter presents data analysis, presentation, interpretation and discussion. It discusses the questionnaire return rate, demographic of the respondents and the influences of organizational structure change, culture change, communication channels, change in technology and organizational leadership on performance of the Kenyan Judiciary.

#### 4.2. Questionnaire Return Rate

In this study, out of 155 respondents sampled, 130 returned fully filled questionnaires. This represents a response rate of 84%. According to Mugenda and Mugenda (2003) a response rate of more than 80% is more likely to give the researcher accurate findings.

#### 4.3. Demographic Information of the Respondents

The researcher sought to establish the demographic information of the respondents based on their 10 sub-groups and the findings of these assessments were presented descriptively and through frequency distribution tables.

##### 4.3.1 Distribution of Respondents by Gender

Out of a sample size of 155 respondents given questionnaires during the data collection period, 130 returned fully filled questionnaires. There were more male 70 (54%) than female 60 (46%) respondents who participated in this study. These findings are presented in Table 4.1;

**Table 4.1: Distribution of Respondents by Gender**

Gender	Frequency	Percentage
Male	70	54%
Female	60	46%
<b>Total</b>	<b>130</b>	<b>100%</b>

### 4.3.2: Distribution of Respondents by Age

From the findings, the respondents ranged in the age brackets of between 18 years to 45 years. Where 17 (13%) of the respondents were between 18-25 years, 34 (26%) between 26-35 years, 60 (46%) between 36-45 years and 19 (15%) above 45 years. This is summarized in Table 4.2;

**Table 4.2. Distribution of Respondents by Age**

Age bracket	Frequency	Percentage
18-25 years	17	13
26-35 years	34	26
36-45 years	60	46
Above 45 years	19	15
<b>Total</b>	<b>130</b>	<b>100</b>

From the findings, a large percentage (46%) of the respondents are between the ages of 36-45 years which is considered by many to be the golden age since they are more settled and have wider knowledge on issues thus more likely to initiate and embrace change unlike in the bracket of above 45 years. The second largest age group are between 26-35 years where you find people to have fresh ideas which once implemented will bring about change which in turn will influence performance of the Kenyan Judiciary. The third largest group which comprises of respondents above 45 years could also influence change but more often than not will try to resist it and stick to the tried and tested way of doing things.

#### 4.4: Organizational Structure Change and Performance of the Kenyan Judiciary

This study sought to assess the extent to which organization structure change influences performance of the Kenyan Judiciary.

**Table 4.3: Organizational structure change and performance of the Kenyan Judiciary**

Category	Strongly agree (5)	Agree (4)	Neutral (3)	Disagree (2)	Strongly disagree (1)	Mean	Standard deviation
Decentralization of power	39(30%)	70(54%)	13(10%)	8(6%)	0(0%)	26	28.71
Creation of directorates	52(40%)	60(46%)	9(7%)	7(5%)	2(2%)	26	27.53
Staff rationalization	13(10%)	100(77%)	5(4%)	4(3%)	8(6%)	26	41.56
Establishment of high courts	48(37%)	40(31%)	41(31%)	1(1%)	0(0%)	26	23.36
Staff recruitment	78(60%)	31(24%)	19(14%)	1(1%)	1(1%)	26	31.67
Appointment of judicial officers	65(50%)	53(41%)	12(9%)	0(0%)	0(0%)	26	30.91
<b>Composite mean score</b>						<b>26</b>	<b>30.62</b>

From the Table 4.4, 30% strongly agreed that decentralization of power influences performance of the Kenyan Judiciary, 54% agreed, 10% were unsure while only 6% disagreed. This indicates that decentralization of power of power influences the organization structure change which in turn enhances performance of the Kenyan Judiciary since a majority of the respondents (84%) agreed with a mean of 26 and a standard deviation of 28.71.

Regarding the creation of directorates influencing performance of the Kenyan Judiciary, 40% strongly agreed, 46% agreed, 7% declined to form an opinion while 5% disagreed with the fact and 2% strongly disagreed. This gives a mean of 26 and a standard deviation of 27.53 indicating that although 7% of the respondents disagreed with the fact and 7% refused to form an opinion, 86% of the respondents considered the creation of directorates having contributed to the improved performance of the Kenyan Judiciary.

On staff rationalization, 10% strongly agreed that staff rationalization influences performance of the Kenyan judiciary, 77% agreed, 4% were not sure, 3% disagreed and 6% strongly disagreed. With a mean of 26 and a standard deviation of 41.56 and a majority 87% agreeing to this fact, this illustrates that staff rationalization is also a positive contributor to the performance of the Kenyan Judiciary.

In regards to the establishment of high courts in every county, 37% strongly agreed, 31% disagreed, 31% were not sure, and 1% disagreed. With a mean of 26 and a standard deviation of 23.36 this shows that, although 31% of respondents refused to form an opinion on this issue, still, 68% felt that the establishment of high courts in every county has greatly influenced performance in the Kenyan Judiciary.

On massive judicial staff recruitment, 60% strongly agreed, 24% agreed, 14% were not sure, 1% disagreed while 1% strongly disagreed. With a mean of 26 and a standard deviation of 31.67, this indicates that massive judicial staff recruitment was considered by 84% of the respondents to have greatly helped enhance service delivery and further influenced performance of the Kenyan Judiciary.

On the appointment of additional judicial officers 50% strongly agreed, 41% agreed and 9% were not sure of the fact. With a mean of 26 and a standard deviation of 30.91, the appointment of more judicial officers which is supported by 91% of the respondents has helped in clearing backlog and in turn positively influenced performance of the Kenyan Judiciary.

The study sought to find out whether organizational structure change influences performance of the Kenyan Judiciary. The findings reveal that staff rationalization, massive staff recruitment, appointment of additional judicial officers, decentralization of power and creation of directorates have high influence on performance of the Kenyan Judiciary. The finding is in line with Damen

(2001) who studied the effects of organizational structure on employee trust and satisfaction and found that employees in flattened hierarchical organizations have greater levels of both organization trust and job satisfaction because such organizations are looked upon as being people friendly.

#### 4.5. Culture Change and Performance of the Kenyan Judiciary

The study sought to determine how culture change influences performance of the Kenyan Judiciary.

**Table 4.4: Culture change and performance of the Kenyan Judiciary**

Category	Strongly agree(5)	Agree(4)	Neutral(3)	Disagree(2)	Strongly disagree(1)	Mean	Standard deviation
Change champion	4(3%)	19(15%)	52(40%)	35(27%)	20(15%)	26	18.24
Streamline scheme of service	26(20%)	91(70%)	13(10%)	0(0%)	0(0%)	26	37.90
Redefinition of roles	77(59%)	34(26%)	18(14%)	1(1%)	0(0%)	26	31.53
Target Setting	39(30%)	67(52%)	16(12%)	8(6%)	0(0%)	26	27.45
Registry Operations Manual	81(62%)	48(37%)	1(1%)	0(0%)	0(0%)	26	36.84
<b>Composite mean score</b>						<b>26</b>	<b>30.40</b>

From the Table 4.5, 15% strongly disagreed that change champions has influenced performance of the Kenyan Judiciary, 27% disagreed, 40% were not sure, 15% agreed while 3%

strongly agreed. With a mean of 26 and standard deviation of 18.24 this shows that a majority 42% of the respondents did not consider the introduction of change champions to having influenced the performance of the Kenyan Judiciary.

20% of the respondents strongly agreed that streamlining the scheme of service influences performance of the Kenyan judiciary, 70% agreed and 10% were not sure. With a mean of 26 and a standard deviation of 37.90 indicating that streamlining the scheme of service has helped every individual understand their career progression path and work towards professionalism which in turn influences performance of the Kenyan Judiciary as it appeared to be the opinion of 90% of the respondents.

On redefinition of roles influencing performance of the Kenyan judiciary, 59% strongly agreed, 26% agreed, 14% were not sure and 1% disagreed. With a mean of 26 and a standard deviation of 31.53 indicating that 85% agreed that redefinition of roles has helped individuals understand their duties and responsibilities clearly thus influencing culture change which enhances performance in the Kenyan Judiciary.

30% of the respondents strongly agreed that target setting influence performance of the Kenyan Judiciary, 52% agreed, 12% were not sure and 6% disagreed. With a mean of 26 and standard deviation of 27.45 showing that 82% felt that target setting has helped improve performance measurement and appraisal which has in turn positively influenced performance of the Kenyan Judiciary.

With the operationalization of the registry operations manual, 62% of the respondents strongly agreed, 37% agreed and 1% were not sure. With a mean of 26 and standard deviation of 36.84 which gave a strong indication (98%) that the operationalization of the registry operations manual has given a simple illustration of the court process and in turn influenced performance of the Kenyan Judiciary.

The study sought to find out ways in which culture change influences performance of the Kenyan Judiciary. By studying the streamlining of the scheme of service, implementation of the registry operations manual, redefinition of roles and target setting, majority of the respondents agreed that culture change indeed does influence performance of the Kenyan Judiciary. This is in line with the findings of Malinger et al, (2009) study on recognizing organization culture in

managing change that found that organization members are more inclined to embrace change when the organizations culture is aligned with the mission and goals of the company.

#### 4.6. Communication Channels and Performance of the Kenyan Judiciary

The study sought to establish how communication channels influences performance of the Kenyan Judiciary.

**Table 4.5: Communication channels and performance of the Kenyan Judiciary**

Category	Strongly agree(5)	Agree(4)	Neutral(3)	Disagree(2)	Strongly disagree(1)	Mean	Standard deviation
Customer care desk	69(53%)	37(29%)	4(3%)	20(15%)	0(0%)	26	28.21
Clinical attachment	39(30%)	80(62%)	0(0%)	11(8%)	0(0%)	26	34.44
A.S.K Shows	104(80%)	16(12%)	8(6%)	2(2%)	0(0%)	26	44.00
Open days and judicial marches	111(85%)	19(15%)	0(0%)	0(0%)	0(0%)	26	47.98
Judicial email system	47(37%)	64(49%)	7(5%)	7(5%)	5(4%)	26	27.85
<b>Composite mean score</b>						<b>26</b>	<b>36.49</b>

From the Table 4.6, 53% strongly agreed that the installation of customer care desks at the various court stations has influenced the performance of the Kenyan Judiciary, 29% agreed, 3% were not sure while 15% disagreed. With a mean of 26 and standard deviation of 28.21, this



suggests that a majority (82%) of respondents consider installation of customer care desks at various court stations to have an influence on the performance of the Kenyan Judiciary.

30% of the respondents strongly agreed that clinical attachment has influenced performance of the Kenyan Judiciary, 62% agreed, 8% disagreed. With a mean of 26 and standard deviation of 34.44, this indicates that 92% of the respondents consider clinical attachment of students to the courts and various directorates to be a way of granting the young people a chance to interact with the Judiciary and enhance their understanding on the processes while giving their unbiased feedback which when applied influences the performance of the Kenyan Judiciary.

80% of the respondents strongly agreed that participating in the annual ASK shows has influenced performance of the Kenyan Judiciary, 12% agreed, 6% were not sure while 2% disagreed. With a mean of 26 and standard deviation of 44.00, it is interpreted to mean that this helps demystify the Judiciary and provide an interactive forum with its main consumers which goes a long way in influencing performance of the Kenyan Judiciary as is the opinion of 92% of the respondents in this study.

85% strongly agreed that holding open days and judicial marches has helped influence performance of the Kenyan judiciary, 15% agreed. With a mean of 26 and standard deviation of 47.98 and 100% of the respondents agreeing to this, it shows that the interactive venture between the judicial officers and general public has helped humanize the Kenyan Judiciary hence influencing its performance as a whole.

37% strongly agreed that launching a judicial email system has influenced performance of the Kenyan judiciary, 49% agreed, 5% were not sure, 5% disagreed while 4% strongly disagreed. With a mean of 26 and standard deviation of 27.85 the email system has opened up communication lines within and outside the Kenyan Judiciary thus influencing its performance according to 86% of the respondents who agreed with this fact.

The study also sought to find out the influence of communication channels on performance of the Kenyan Judiciary. The findings revealed that holding open days and judicial marches, participating in annual ASK shows, hosting polytechnic and university students on clinical attachments, introducing customer care desks in each court station and judicial email system all influence performance of the Kenyan Judiciary. This agrees with Kibe (2014) study on the effects

of communication strategies: a case study of the Kenya Ports Authority that found out that communication should be open, inclusive, result driven and multi channelled.

#### 4.7. Change in Technology and Performance of the Kenyan Judiciary

The study sought to examine the extent to which change in technology influences performance of the Kenyan Judiciary.

**Table 4.6: Change in technology and performance of the Kenyan Judiciary**

Category	Strongly agree(5)	Agree(4)	Neutral(3)	Disagree(2)	Strongly disagree(1)	Mean	Standard deviation
Digitization of court proceedings	60(46%)	65(50%)	0(0%)	5(4%)	0(0%)	26	33.34
Online daily causelist	91(70%)	39(30%)	0(0%)	0(0%)	0(0%)	26	40.46
Digital daily court return template (DCRT)	114(88%)	16(12%)	0(0%)	0(0%)	0(0%)	26	49.87
E-diary	120(92%)	7(6%)	3(2%)	0(0%)	0(0%)	26	52.42
<b>Composite mean score</b>						<b>26</b>	<b>43.92</b>

From the Table 4.7, 46% strongly agreed that digitization of court proceedings has influenced performance of the Kenyan Judiciary, 50% agreed while 4% disagreed. With a mean of 26 and standard deviation of 33.34 which 96% of the respondents agree that the big step towards digitization and better record management has greatly influenced performance of the Kenyan Judiciary.

70% strongly agreed that posting the online daily causelist influences performance of the Kenyan Judiciary while 30% agreed. With a mean of 26 and standard deviation of 40.06, 100% of the respondents agreed that this action has greatly eased access to information on cases handled per day by every judicial officer without physically visiting the court building which has in turn influenced the Kenyan Judiciary.

88% strongly agreed that the Daily Court Returns Template influences performance of the Kenyan Judiciary while 12% agreed. With a mean of 26 and standard deviation of 49.87 showing that this daily data collection tool that also helps in performance measurement has influenced performance of the Kenyan Judiciary a factor that 100% of the respondents in this study agreed to.

92% strongly agreed that the E-diary influence performance of the Kenyan judiciary, 6% agreed while 2% were not sure. With a mean of 26 and standard deviation of 52.42 this shows that 98% of the respondents agreed that this court registry program has helped improve registry operations and further digitize the court process thus influencing performance of the Kenyan Judiciary.

The study sought to find out the influence of change in technology on performance of the Kenyan Judiciary. From the findings, it was clear that the introduction of a combination of the E-diary, DCRT, online causelist and digitization of daily court proceedings influence performance of the Kenyan Judiciary. This agrees with Gagnon & Dragon (2009) study on the impact of technology on organization performance which found out that the benefits realized from the information systems could be summed up as more rapid access to a larger quantity of better quality services and products and the elimination of repetitive tasks.

#### **4.8. Organizational Leadership and Performance of the Kenyan Judiciary**

The study sought to establish the moderating influence of organizational leadership on the relationship between organizational change and performance of the Kenyan Judiciary.

**Table 4.7: Organizational leadership and performance of the Kenyan Judiciary**

Category	Strongly agree(5)	Agree(4)	Neutral(3)	Disagree(2)	Strongly disagree(1)	Mean	Standard deviation
Judiciary ombudsperson	52(40%)	76(58%)	2(2%)	0(0%)	0(0%)	26	35.41
Interagency cooperation	50(39%)	63(48%)	16(12%)	1(1%)	0(0%)	26	28.85
Training programs	26(20%)	13(10%)	0(0%)	80(62%)	11(8%)	26	31.89
Human resource manual	18(14%)	45(34%)	19(15%)	40(31%)	8(6%)	26	15.57
Performance management and measurement understanding (PMMU)	78(60%)	49(38%)	1(1%)	2(1%)	0(0%)	26	32.08
<b>Composite mean score</b>						<b>26</b>	<b>28.76</b>

From the Table 4.8, 40% strongly agreed that the establishment of the office of the judiciary ombudsperson influences performance of the Kenyan judiciary, 58% agreed while 2% were not sure. With a mean of 26 and standard deviation of 35.41 98% of the respondents agreed that this office that deals with both internal and external complaints and compliments has helped open up feedback channels within the Judiciary which has greatly influenced the performance of the Kenyan Judiciary.

39% strongly agreed that interagency cooperation influences performance of the Kenyan judiciary, 48% agreed, 12% were not sure while 1% disagreed. With a mean of 26 and standard

deviation of 28.85 this builds on the fact that the Judiciary is now able to benefit structurally and financially from such interagency cooperation which also influences performance of the Kenyan Judiciary with 87% of the respondents agreeing to this.

62% disagreed that training programs have influenced performance of the Kenyan judiciary, 8% strongly disagreed, 20% strongly agreed while 10% agreed. With a mean of 26 and standard deviation of 31.89, this indicates that the majority (70%) of the respondents do not consider the current training programs to have much influence on the performance of the Kenyan Judiciary.

14% strongly agreed that adoption of a comprehensive human resource manual influences the performance of the Kenyan judiciary, 34% agreed, 15% were not sure, 31% disagreed while 6% strongly disagreed. With a mean of 26 and standard deviation of 15.57 which shows that a majority (48%) of the respondents felt that the adoption of a comprehensive human resource manual has influenced performance of the Kenyan Judiciary.

60% strongly agreed that embracing PMMU influence performance of the Kenyan judiciary, 38% agreed, 1% were not sure while 1% disagreed. With a mean of 26 and standard deviation of 32.08, a majority (98%) of the respondents consider the Performance Measurement Understanding is effective in influencing performance of the Kenyan Judiciary.

This variable though being a moderating variable was still found to be an influence on change on performance of the Kenyan Judiciary. From the findings, establishment of office of the office of the Judiciary Ombudsperson, PMMU, training programs and interagency cooperation do influence performance of the Kenyan Judiciary. This is in line with Wang et al, (2011) study on the role of leadership on organizational performance that found out that a leader's task related behaviour is directly related to organization performance and that active leadership behaviour has strong impact on innovation propensity.

#### **4.9. Multiple Regression Analysis**

The researcher sought to establish whether there was a significant relationship between the independent variables and the dependent variable by using the multiple regression analysis model.

	Constant	Standard deviation (x)	Performance of the Kenyan Judiciary (Y)
$Y=a+bx_1+bx_2+bx_3+bx_4+bx_5$	Organization structure change	30.62	1.00
	Culture change	30.40	1.00
	Communication channels	36.49	1.00
	Change in technology	43.92	1.00
	Organization leadership	28.76	1.00

The Performance of the Kenyan Judiciary is assumed to be a constant of 1.00 for purposes of calculation and the composite standard deviation of the implied influences of organization structure change culture change, communication channels, change in technology and organizational leadership, the following results were obtained;

#### Summary Output

<i>Regression Statistics</i>	
Multiple R	0.986764692
R Square	0.973704557
Adjusted R Square	0.723704557
Standard Error	0.181298935
Observations	5

#### ANOVA

					<i>Significance</i>
	<i>df</i>	<i>SS</i>	<i>MS</i>	<i>F</i>	<i>F</i>

Regression	1	4.868522785	4.868523	148.1176	0.001194
Residual	4	0.131477215	0.032869		
Total	5	5			

Variable 1 (x)	
Coefficients	0.028606397
Standard error	0.002350498
T-Stat	12.17036
P-value	0.000262
Lower 95%	0.02208
Upper 95%	0.035132

The p- value (predictor value) is 0.000262.

This means that  $p < 0.05$ , which means that we reject the null hypothesis which further means that organization structure change, culture change, communication channels, change in technology and organization leadership have an influence on performance of the Kenyan Judiciary.

Overall, change in technology appears to be a major influence on performance of the Kenyan Judiciary with a composite standard deviation of 43.92 from a composite mean of 26. Streamlining communication channels within the Kenyan Judiciary comes second with a composite standard deviation of 36.49 from a mean of 26. Organization structure change deviates from the composite mean with 30.62 followed closely by culture change with a composite standard deviation of 30.39 from mean of 26. Lastly, organizational leadership, a moderating variable, which deviates from the composite mean at 28.76 also influences performance of the Kenyan Judiciary but not with the same great impact of the independent variables.

## **CHAPTER FIVE**

### **SUMMARY OF THE FINDINGS, CONCLUSION AND RECOMMENDATIONS**

#### **5.1. Introduction**

This chapter presents summary of the findings, conclusion and recommendation based on the findings.

#### **5.2. Summary of the Findings**

The study established influence of organizational change on performance of the Kenyan Judiciary by studying the following influences: organizational structure change, culture change, communication channels, change in technology and organizational leadership.

##### **5.2.1. Organizational Structure Change and Performance of the Kenyan Judiciary**

Ranking the perception of the respondents on the extent to which organizational structure change influences performance of the Kenyan Judiciary based on mean shows that staff rationalization is the most influential with a mean of 26 points and standard deviation of 41.56 followed by massive staff recruitment with a mean of 26 and standard deviation of 31.67. Appointment of additional judicial officer with a mean of 26 and standard deviation of 30.91 then decentralization of power with a mean of 26 and standard deviation of 28.71 followed by the creation of directorates with a mean of 26 and standard deviation 27.53 and lastly the establishment of high courts with a mean of 26 and standard deviation of 23.36. The fact that five out of the six aspects of organizational structure change greatly deviate from the mean shows that organizational structure change plays a very crucial role in influencing performance of the Kenyan Judiciary. The findings reveal that the establishment of more high courts in each county is not really considered to influence performance greatly which suggests that physical infrastructure is not necessarily a major contributor to performance of the Kenyan Judiciary.

##### **5.2.2. Culture Change and Performance of the Kenyan Judiciary**

The findings indicate that the respondents considered culture change to be crucial in influencing performance of the Kenyan Judiciary. Majority of the respondents agreed that in order of priority, streamlining the scheme of service had the most influence with a mean of 26 points



and standard deviation of 37.90 followed by implementation of the registry operations manual with a mean of 26 and standard deviation of 36.84 then redefinition of roles with a mean of 26 points and standard deviation of 31.53 followed by performance target setting with a mean of 26 and standard deviation of 27.45 and finally station change champions with a mean of 26 and standard deviation of 18.24. It came out clearly that whereas the streamlining of the scheme of service was considered by a majority to greatly influence performance, the introduction of station change champions however did not have a big influence on the performance of the Kenyan Judiciary.

### **5.2.3. Communication Channels and Performance of the Kenyan Judiciary**

Majority of the respondents agreed that communication channels influenced performance of the Kenyan Judiciary. In order of priority, open days and judicial marches were considered the greatest influencers with a mean of 26 and standard deviation of 47.98 followed by Judiciary's participation in the annual ASK shows with a mean of 26 and standard deviation of 44.00, then university and polytechnics students clinical attachment and internship programs to the Judiciary with a mean of 26 and standard deviation of 34.44, establishing a customer care desk with a mean of 26 and standard deviation of 28.21 and finally the introduction of the judicial email system with a mean of 26 and standard deviation of 27.85. This indicates that the respondents considered open days and judicial marches to be the most influential strategy on performance of the Kenyan Judiciary whereas judicial email system was considered to have the least influence.

### **5.2.4. Change in Technology and Performance of the Kenyan Judiciary**

It is clear that change in technology is also important in influencing performance of the Kenyan Judiciary. In order of priority, implementation of the E- diary with a mean of 26 and standard deviation of 52.42 is considered to be a major influence followed by the introduction of DCRT with a mean of 26 and standard deviation of 49.87 then the online daily causelist with a mean of 26 and standard deviation of 40.06 and lastly the digitization of daily court proceedings with a mean of 26 and standard deviation of 33.34. The study shows that in general, the fact that technology has been introduced and embraced into the Kenyan Judiciary thus easing court operations and simplifying processes, change in technology is one aspect of organizational change that has greatly influenced performance of the Kenyan Judiciary.

### **5.2.5. Organizational Leadership and Performance of the Kenyan Judiciary**

Although organizational leadership is a moderating variable, the findings reveal that the respondents still considered it a great influence on performance of the Kenyan Judiciary. In order of priority, establishing the office of the Judiciary ombudsperson with a mean of 26 and standard deviation of 35.41 greatly influenced performance of the Kenyan Judiciary followed by PMMU with a mean of 26 and standard deviation of 32.08, training programs with a mean of 26 and standard deviation of 31.89, interagency cooperation with a mean of 26 and standard deviation of 28.85 and lastly implementation of the Human Resource Manual with a mean of 26 and standard deviation of 15.57. The study revealed that the establishment of the office of the Judiciary ombudsperson which handles feedback, complaints and compliments both externally and internally greatly influenced performance of the Kenyan Judiciary.

Overall, the respondents rated change in technology as the greatest influence of performance of the Kenyan Judiciary with a mean of 26 and standard deviation of 43.92, followed by communication channels with a mean of 26 and standard deviation of 36.49, then organizational structure change with a mean of 26 and standard deviation of 30.62, culture change followed closely with a mean of 26 and standard deviation of 30.40 and lastly organizational leadership with a mean of 26 and standard deviation of 28.76.

On inferential statistics, all the independent variables namely organizational structure change, culture change, communication channels, change in technology were found to have a significant relationship to the dependent variable performance of the Kenyan Judiciary. All independent variables had a static p value of less than 0.005 which indicated that there was a relationship with the dependent variable at 5% level of significance.

### **5.3. Conclusion**

This study established that organizational change influenced performance of the Kenyan Judiciary through organization structure change, culture change, communication channels, change in technology and organization leadership.

Organization structure change as a factor influences performance of the Kenyan Judiciary by carrying out staff rationalization to identify human resource gaps, massive staff recruitment to

curb staff shortage, appointment of additional judicial officers to help clear case backlog, decentralization of power to other offices within the Judiciary and establishing various directorates to help in administration within the Judiciary.

Culture change was also found to be key in influencing performance of the Kenyan Judiciary through streamlining the scheme of service to outline career progression and encourage professionalism within the Kenyan Judiciary, launching the registry operations manual to guide staff while simplifying the court process to all, redefinition of roles to encourage accountability and target setting to enhance performance measurement and ensure everyone within the Judiciary is working towards a common goal.

Communication channels was found to influence performance of the Kenyan Judiciary among other things holding open days and judicial marches and participating in annual ASK shows that encourages interaction with the public, hosting university and polytechnic students from the various fields of study on clinical attachment within the Judiciary which has helped offer a mentorship program to the young members of society, the introduction of a customer care desk in every court station that deals with inquiries at the building entrance and a judiciary email system that eases internal and external communication.

Change in technology also influences performance of the Kenyan Judiciary through the adoption of the E-diary which has its various advantages that help ease operations, the DCRT that gives a daily indication of caseload dealt with in each court within the Kenyan Judiciary, the online daily causelist that enables all involved to be informed on the position of their court cases in advance and the digitization of daily court proceedings which takes the Judiciary a step closer to paperless operations.

Organization leadership is a moderating factor that also influences performance of the Kenyan Judiciary through introduction of the office of the Judiciary Ombudsperson that deals with external and internal feedback, PMMU that acts as a performance measurement tool within the Kenyan Judiciary, training programs that are tailor made to the training needs of staff within the Kenyan Judiciary and interagency cooperation with various non state agencies that support the Kenyan Judiciary's operations.

#### **5.4. Recommendations**

Based on the findings of this study, the researcher makes the following recommendations;

1. Training assessment needs of all judicial staff must be conducted to be able to identify training gaps and ensure everyone gets a chance to be trained in line with their duties and responsibility.
2. The Human Resource Manual needs to be operationalized to enable smooth career progression and encourage professionalism within the Kenyan Judiciary.

#### **5.5. Suggestions for Further Research**

From the findings of this study, the researcher suggests that further study should be conducted on the influence of government policy on performance of the Kenyan Judiciary. Such research would help to identify if this arm of government is fully independent from government influence and to what extent.

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## **Appendix I: REQUEST LETTER FOR DATA COLLECTION**

Joan Wambui Gitia  
University of Nairobi  
P.O. Box 30197-00100  
Nairobi- Kenya

5<sup>th</sup> April, 2017

National Commission for Science, Technology and Innovation  
P.O.Box 30623-00200  
Nairobi- Kenya

Dear Sir/Madam,

### **RE: REQUEST TO CARRY OUT DATA COLLECTION**

I am a Master of Arts student in Project Planning and Management at the University of Nairobi undertaking a research project study on the Influence of Organizational Change on Performance of the Kenyan Judiciary.

I seek your permission to carry out data collection from the relevant respondents. Questionnaires will be used in this research study.

Enclosed find an introduction letter from the University. Your assistance is of high value.

Yours Faithfully,

Joan Wambui Gitia  
Reg no. L50/73424/2014

## **Appendix II: INTRODUCTION LETTER AND PARTICIPANT'S CONSENT**

Dear Respondent,

I am Joan Wambui Gitia, a Master of Arts student in Project Planning and Management at the University of Nairobi undertaking a research project on the Influence of Organizational Change on Performance of the Kenyan Judiciary.

Towards this end, you have been identified as an integral player in the Kenyan Judiciary. The purpose of this letter is to request you to participate in this study by consenting to provide answers to this questionnaire as accurately as possible.

The information you avail through this process will be used for academic purposes and utmost confidentiality will be observed.

Yours Faithfully

Joan Wambui Gitia

**Appendix III : QUESTIONNAIRE FOR JUDICIARY OFFICIALS AND  
STAKEHOLDERS**

**Section A: Demographic information**

- 1. Select your appropriate gender: Male   
Female
- 2. Indicate your age bracket:
  - 18-25 years
  - 26-35 years
  - 36-45 years
  - Above 45 years
- 3. What is your position in the process of interaction with the Kenyan Judiciary?
  - Director
  - Assistant Director
  - Registrar
  - Deputy Registrar
  - Executive Officer
  - Advocate
  - Litigant
- 4. Which department or directorate are you based in within the Kenyan Judiciary?  
.....

**Section B: Organizational structure change on performance of the Kenyan Judiciary**

You are kindly requested to state your degree of agreement, uncertainty or disagreement to each of the given items on a 5-point scale. Insert a cross (x) in the most appropriate column. Use the key below when responding.

**Strongly Agree (SA) =5, Agree (A) =4, Not sure(N)=3, Disagree(D)=2, StronglyDisagree (SD)=1**

**To what extent do you agree with the statement that:**

<b>STATEMENTS</b>	<b>SA</b>	<b>A</b>	<b>N</b>	<b>D</b>	<b>SD</b>
Decentralization of power has helped enhance operations in the Kenyan Judiciary					
Creation of directorates has helped ease management in the Judiciary					
Staff rationalization has helped identify labour gaps in the Kenyan Judiciary					
Establishment of high courts in every county has led to easy access of justice					
Massive judicial staff recruitment has helped curb staff shortage					
Appointment of additional judges, magistrates and Kadhis' has helped reduce case backlog thus speed up delivery of justice					

**Section C: Culture change in performance of the Kenyan Judiciary**

You are kindly requested to state your degree of agreement, uncertainty or disagreement to each of the given items on a 5-point scale. Insert a cross (x) in the most appropriate column. Use the key below when responding.

**Strongly Agree (SA) =5, Agree (A)=4, Not sure (N)=3, Disagree (D)=2, Strongly Disagree (SD)=1**

**To what extent do you agree with the statement that:**

<b>STATEMENTS</b>	<b>SA</b>	<b>A</b>	<b>N</b>	<b>D</b>	<b>SD</b>
Introduction of change champions in each court station has helped sustain change					
Streamlining the scheme of service has led to clearer career progression of staff					
Redefinition of roles for each staff member has helped improve accountability among staff					
Introduction of target setting and performance measurement tools has enhanced performance appraisal of all working within the judiciary					
Introduction of the registry operations manual and service charter has contributed to better service delivery					



**Section D: Communication channels on performance of the Kenyan Judiciary**

You are kindly requested to state your degree of agreement or disagreement to each of the given items on a 5-point scale. Insert a cross (x) in the most appropriate column. Use the key below when responding.

**Strongly Agree (SA)=5, Agree (A)=4, Not sure (N)=3, Disagree (D)=2, Strongly Disagree (SD)=1**

**To what extent do you agree with the statement that:**

<b>STATEMENTS</b>	<b>SA</b>	<b>A</b>	<b>N</b>	<b>D</b>	<b>SD</b>
The introduction of a customer care desk at every court station's main entrance has helped ease communication to daily court users					
Allowing clinical attachment of students from various colleges has enhanced the interaction of the Judiciary with the academia in Kenya					
Participation in the ASK shows has helped demystify the Judiciary to the public					
Holding annual open days and judicial marches has enhanced public interaction with the judiciary					
The use of an email system has improved communication in the Judiciary both with the internal and external customers					

**Section E: Change in technology on performance of the Kenyan Judiciary**

You are kindly requested to state your degree of agreement or disagreement to each of the given items on a 5- point scale. Insert a cross (x) in the most appropriate column. Use the key below when responding.

**Strongly Agree (SA) =5, Agree (A)=4, Not sure (N)=3, Disagree (D)=2, Strongly Disagree (SD)=1**

**To what extent do you agree with the statement that:**

STATEMENTS	SA	A	N	D	SD
Digitization of the daily court proceedings in most courts within the Supreme court and Milimani Law Courts has enhanced data storage and retrieval					
Introduction of an online daily causelist allows court users become aware of when their cases appear before court one week prior					
Digital daily court return template (DCRT) has helped enhance performance measurement of judicial officers by capturing initiated, pending and finalized cases on a daily basis					
Introduction of the E-diary has made causelisting and case tracking easier thus enhancing service delivery					

**Section F: Organizational leadership on performance of the Kenyan Judiciary**

You are kindly requested to state your degree of agreement or disagreement to each of the given items on a 4-point scale. Insert a cross (x) in the most appropriate column. Use the key below when responding.

**Strongly Agree (SA)=5, Agree (A)=4, Not sure (N)=3, Disagree (D)=2, Strongly Disagree (SD)=1**

**To what extent do you agree with the statement that:**

<b>STATEMENTS</b>	<b>SA</b>	<b>A</b>	<b>N</b>	<b>D</b>	<b>SD</b>
Introduction of the Judiciary office of the Ombudsperson has helped get feedback from both the internal and external customers of the Judiciary					
Interagency cooperation with the World Bank and other non state organization has helped improve and monitor development in the Kenyan Judiciary					
Implementation of training programs has helped enhance professional growth among judicial staff					
The adoption of a comprehensive Human Resource manual has helped guide the leadership of the Kenyan Judiciary in making human resource decisions					
The implementation of the performance management and measurement understanding (PMMU) has set a set a stage for measuring performance and improving service delivery in the Judiciary					

**Thank you for your co-operation and time.**

## Appendix VI: KREJCIE & MORGAN TABLE OF 1970

Table 3.1									
<i>Table for Determining Sample Size of a Known Population</i>									
N	S	N	S	N	S	N	S	N	S
10	10	100	80	280	162	800	260	2800	338
15	14	110	86	290	165	850	265	3000	341
20	19	120	92	300	169	900	269	3500	346
25	24	130	97	320	175	950	274	4000	351
30	28	140	103	340	181	1000	278	4500	354
35	32	150	108	360	186	1100	285	5000	357
40	36	160	113	380	191	1200	291	6000	361
45	40	170	118	400	196	1300	297	7000	364
50	44	180	123	420	201	1400	302	8000	367
55	48	190	127	440	205	1500	306	9000	368
60	52	200	132	460	210	1600	310	10000	370
65	56	210	136	480	214	1700	313	15000	375
70	59	220	140	500	217	1800	317	20000	377
75	63	230	144	550	226	1900	320	30000	379
80	66	240	148	600	234	2000	322	40000	380
85	70	250	152	650	242	2200	327	50000	381
90	73	260	155	700	248	2400	331	75000	382
95	76	270	159	750	254	2600	335	1000000	384

Note: N is Population Size; S is Sample Size
Source: Krejcie & Morgan, 1970