

**PERCEPTION OF THE PRIVATE LEGAL PRACTITIONERS IN  
NAIROBI ON THE QUALITY OF SERVICES OFFERED BY THE  
KENYAN JUDICIARY**

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**BY  
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**NOVEMBER, 2006**

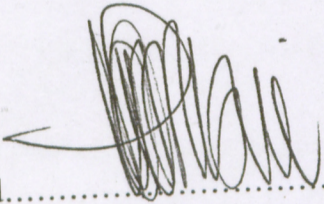


# DECLARATION

*To my dearest mother, brothers and sisters*

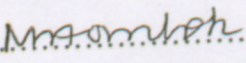
*With love*

This Management Research Project is my original work and has not been submitted for a degree in any other University.

Signed..........Date .....11<sup>th</sup> Nov. 2006.....

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## ACKNOWLEDGMENT

This study was made possible by the generous contribution of a number of individuals and organizations. First of all, I would like to thank my mother, brothers and sisters for their immeasurable assistance in carrying out the study.

To the members of the legal fraternity, I am grateful for the support given to me in carrying out the research and to my friends and colleagues for their support in this study.

Finally, I thank my family for their love, support and inspiration.

For everything, I give thanks to the Lord for His divine providence.



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The objective of this study was to determine the perception of the private legal practitioners in Nairobi on the quality of service offered by the Kenyan Judiciary. To achieve this objective the study examined the dimensions of perceived service quality included in the SERVQUAL model. A sample of 100 private legal practitioners was chosen through convenience sampling. The data was collected through semi structured questionnaires which were self administered through drop and pick method. Questionnaires were sent to 100 respondents and responses were received from 90 private legal Practitioners. The data collected was analysed using percentages and means. Tables were used for analysis.

Analysis of the data showed that the expected service quality on all the dimensions of service quality is relatively high amongst the respondents. There are many similarities and some differences in the perspectives of stakeholders about the importance and service expectations in the judiciary. Overall, reliability of services is the most important of the service factors. Emphasis on service quality responds to current demands for increased accountability and the promised services, dependably and accurately. However, the service quality determinants which were deemed most important by the private legal practitioners were also reported to have a high service gap. There were gaps in all service elements under study.

Several recommendations were made based on the results of the study. The Judiciary in Kenya needs to work on the perceptions of the private legal practitioners who are a key stakeholders group in order to improve its service quality. The Judiciary should engage in development service quality strategies which involve the study of perceptions of its key users especially the private legal practitioners. It is important for courts to be equipped with the latest technology in



## ABSTRACT

Achieving and maintaining customer-perceived service quality is regarded as essential strategy for the successful provision of overall customer satisfaction and customer retention in today's competitive environment. The measurement of perceived service quality is commonplace in service industries today as it is considered fundamental for the long term survival of service providers.

The objective of this study was to determine the perception of the private legal practitioners in Nairobi on the quality of service offered by the Kenyan Judiciary. To achieve this objective the study examined the dimensions of perceived service quality included in the SERVQUAL model. A sample of a 100 private legal practitioners was chosen through convenience sampling. The data was collected through semi structured questionnaires which were self administered through drop and pick method. Questionnaires were sent to 100 respondents and responses were received from 90 private legal Practitioners. The data collected was analysed using percentages and means. Tables were used for analysis.

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order to handle the increasing workload reliably. The judiciary needs to have a public relation department to address complaints and give feedback to its users.

The major limitations of the study were that the study was restricted to the private legal practitioners in Nairobi. Further, it considered the courts in general whereas several categories of the courts, High court, Court of Appeal and Subordinate courts would have been considered separately.

To overcome the limitations, further research may be done based on the perception of private legal practitioners in other regions in Kenya. Further the services offered by the Judiciary may be divided according to the various levels of courts, Court of Appeal, High Court and Subordinate Courts.



## CHAPTER ONE

### INTRODUCTION

#### 1.1 Background

Organizations are open systems operating in a turbulent environment (Johnson and Scholes, 2002). According to Kotler (2003), change is inevitable and yesterday's determinants of success can be today's and tomorrow's determinants of failure. Therefore, organizations must respond appropriately to the changes in their environment in order to survive and to achieve their strategic objectives (Arnold & Nicholas, 1996). As Charles and Gareth (1998) noted, changes may be technological, political, legal, social, economic and political. These changes affect all the organizations, public, private, non-governmental and not-for-profit organizations alike. Some of the responses adopted by the organizations to these changes include restructuring, innovation, re-engineering and continuous service quality improvement strategies. The Government in Kenya has undertaken some responses to the changes in its environment which include the 1998 retrenchment programme in the public sector, privatization of public institutions, introduction of performance contracting and the enactment of legislation such as the Public Officers Ethics Act 2003 aimed at the achievement of proper management of public resources and increased efficiency in service delivery.

Globalization and its forces have led to increased awareness and made customers to put pressure for better value products and services thus necessitating development of service quality strategies through the understanding of quality as perceived by the consumers of the services and products. Some organizations deal with tangible products, other deal with services while others deal with both. Whether the ultimate product is a physical product, a service or both, its quality is a critical measure of the organizational performance and achievement of its strategic objectives (Kotler, 2003). Zeithaml et al (1990) states that service quality is the consumers' judgment about an entity's overall excellence or superiority. It is a form of attitude and results from the comparison of expectations to perceptions of performance received. Achieving and maintaining customer-perceived service quality is an essential strategy in today's competitive environment (Parasuraman, et al (1985). The



measurement of perceived service quality is commonplace in service industries today since it is fundamental for the long term survival of service providers. The government is also in the service sector. As Kotler (2003) notes, the government sector with its courts, employment services, hospitals, police and military services, is in the service business. The judiciary is an arm of the government mandated with the administration of justice and like any other institution; it operates in a turbulent environment. The social, political and economic environment changes with time. The Judiciary is expected to progressively develop its services to sufficiently respond effectively and timely to these changes. Several complaints leveled at the judiciary include issues relating to costs and access to justice, quality of decisions and conduct of judicial offices. Obviously if these significant public concerns (legitimate or perceived) are not addressed, then there is likely to be widespread serious erosion of public confidence and respect for law and order, which would necessarily impact negatively on social, political and economic stability, development and sustainability.

The judiciary in Kenya falls under the Governance, Justice, Law and Order Sector (GJLOS) wherein the government in 2003 introduced reforms in order to improve efficiency in service delivery as a response to the changes in the environment. The quality of the judiciary's services is paramount and it must continually endeavor to satisfy its users/consumers. Its main users are the private legal practitioners (also known as Advocates or members of the bar) who daily plead the causes of their clients in the courts (Chiuri 2003). They are subjects of the court systems and their expectations and perceptions on the quality of services offered by the judiciary are essential in the development of its service quality strategies.

### **1.1.1 The concept of Perception**

According to Loudon (1979), perception is the process of receiving and deriving meaning from stimuli present in an individual's internal and external environment. Loudon further states that to perceive is to see, hear, touch, taste, smell or sense internally some thing, event or relation and to organize interpret and derive meaning from the experience. It is therefore a process made up of several interrelated activities which results in the individual giving meaning to the environment from experience and varies from one person to another since different individuals "see" the same thing in different ways. (Harold J, 1978).



Kibera & Waruingi (1988) summarize perception as the process, which attributes meaning to incoming stimuli through the human senses. Therefore, it constitutes of two factors, the stimuli and the individual factors. Knowledge of the perceptual process is essential since the manner in which users of a product or service interpret the information is affected by their cognitive understandings that they have established in their minds. Further, Perception is important especially to marketers since it involves the constitution of the users' feelings about particular stimuli and helps in developing strategies towards meeting that which the users perceive as important (Njoroge, 2003).

### **1.1.2 Service Quality**

According to Thomas (1978), a service is any act or performance that one party can offer to another that is essentially intangible and does not result in the ownership of anything. Its production may or may not be tied to a physical product. Zeithamal et al (1990) define service quality as a measure of how well the service level matches customer expectations. An organization must be consistent in delivering quality service in conformity with the turbulence of its internal and external environment. As Spreng and Mackoy (1996) noted, the quality of a service is of significant and strategic concern, an important indicator of customer's satisfaction.

Consequently, the user/consumer of the product or service is an important consideration in the achievement of the organization's objectives. Rust and Zahorik (1996) observed, "The Customer has all the votes". Tom Peters and Austin (1985) upheld that, there is a role for marketing, strategy formulation and the like, but ultimately, it all boils down to perceived, appreciated and consistently delivered service and quality to customers. Increasingly, it is recognized that even the service quality of government/Public institutions, credibility and the quality of service delivery, matters a great deal for a country's economic performance (Njoroge, 2003).

### **1.1.3 The Kenyan Judiciary**

The judiciary is an institution made up of Courts presided over by judicial officers (the bench) Ghai and McAuslan (1970) view the judiciary as a critical arm of the Government being integral to the doctrine of separation of powers between the Ruling arm (the executive)



and the Law making arm, the Legislature. It is tasked with administration and delivery of justice for the state by way of adjudication and resolution of criminal and civil disputes that occur nationally, as well as, those involving international parties and litigants. It therefore plays a pivotal role in the promotion and maintenance of the law which directly affects social and economic development and sustainability, good governance and security (Kuloba, 1997). It must therefore be developed sufficiently to respond to the marked social, political and economic changes in its environment and to deliver quality service.

The origin of the Judiciary in Kenya stems from the colonial masters who imposed upon their colonies the need for judicial institutions (Ghai and Mc Auslan, 1970). Kenya adopted the Common law system from the British masters after its independence in 1963. The Constitution was adopted in 1964 and provides for the separation of the powers of the executive, legislative and judicial branches of government. Chapter IV of the Constitution entitled "The Judicature", sets out the court structure. The Judicature Act (chapter 7, Laws of Kenya) and the Magistrates Courts Act (chapter 10, Laws of Kenya) further elaborate on the structure. The presiding officers of the different courts are judicial authorities and are designated as Justices, Judges, magistrates or Kadhis, (collectively known as the Bench). The Court of Appeal is the highest-level court followed by the High Court and the Magistrates' courts.

The Court of Appeal has jurisdiction to hear appeals from the High Court. The High court has unlimited original jurisdiction in civil, criminal and other matters, as well as powers of constitutional interpretation and jurisdiction to hear appeals from subordinate courts. The magistrates Courts were created as the primary subordinate courts. They decide on the majority of legal disputes in the country, both criminal and civil. The "Kadhis Court", hear matters on questions of Muslim law relating to personal status, marriage, divorce or inheritance in proceedings in which all the parties profess the Muslim religion. Specialized judicial divisions have also been created, concerned with commercial law, criminal law and family law. In 2004, a constitutional division was created within the High Court. Other departments include the registrar's office, the Library, the registry, Finance and the personnel offices. The Constitution sets out the rules for the appointment, tenure and removal of judges of the Court of Appeal and the High Court. It also establishes the Judicial Service



Commission (JSC) headed by the Chief Justice who is appointed by the president. Security of tenure is constitutionally guaranteed for the judges of the Court of Appeal and the High Court.

The judiciary like other institutions operates in a turbulent environment. Consequently, there may be public disquiet in a country concerning inadequate judicial performance and competence particularly with reference to lengthy delays, costs and access to justice, quality of decisions, and conduct of judicial officers. This contributes to erosion of public confidence and respect for law and order (Kuloba, 1997). Courts are entrusted with many duties and responsibilities that affect those involved with the judicial system, including litigants, jurors, advocates, witnesses, criminal justice agencies, social service agencies, and members of the public. They should therefore be open and accessible. Location, physical structure, procedures, and the responsiveness of personnel affect their service quality thus courts must eliminate unnecessary barriers to their services. Such barriers can be geographic, economic, and procedural. They can be caused by deficiencies in competence and the knowledge of individuals participating in court proceedings. Additionally, psychological barriers can be created by mysterious, remote, unduly complicated, and intimidating court procedures

The Kenyan Judiciary is currently going through a phase characterized by rapid changes and increased sophisticated litigants, legal professionals with great expectations, complicated disputes, and demands for better services by the growing number of persons seeking the services of the judiciary. A recent research by the International Commission of Jurists (ICJ) - Kenya Chapter reveals that the judiciary has been characterized by inefficiency, back logs and generally has been seen to do the things which it seeks to protect the country against such as corruption. (ICJ report, 2005). In this era of mature and intense lobbying for quality service the Judiciary must attain and maintain high quality of service otherwise it would become irrelevant to the society to the detriment of economic growth and good governance. To achieve, maintain and improve its service quality, it must direct its strategies towards increased public confidence through service quality improvement strategies. Since 2003 the Government has undertaken reforms in the Judiciary, which include the Radical Surgery and establishment of the Anti Corruption Courts under the GJLOS reforms.



#### 1.1.4 The Private Legal Practitioners

Private legal practitioners are lawyers who are licensed by the state to advise clients in legal matters and represent them in courts of law and other legal agencies (and in other forms of dispute resolution). They are collectively known as the members of the "bar" and may be considered as the consumers, users and customers of the Judiciary (the bench). Lawyers have many names in different countries—including "advocate", "attorney", "barrister", "counselor", "civil law notary" and "solicitor." (Wikipedia, the free Encyclopedia).

The process of administration of justice is an economic service dispensed through the courts of law which perform the service of dispute resolution backed by the power of the state and the private legal practitioners who perform the services of advocacy and decisionmaking in many dispute resolution and prevention process. The private legal practitioners are the main link between the judiciary and the public. They stand to gain or lose from the success or failure of the judicial organ. They plan and organize their businesses on the basis of the operations of the judiciary. Their clientele and their retention are determined by the output on the cases presented before the courts. A judiciary that offers quality service is therefore the foundation of a prolific legal career. They have a comprehensive experience with the court system and understand it fully to be able to assess its performance. Therefore in assessing the service quality in the Judiciary, it is essential to investigate what connotes service quality in the minds of the private legal practitioners.

In Kenya the private legal practitioners have overtime complained of a dysfunctional justice system and have demanded, among others, transparency, restructuring of the judiciary, improved recording of court proceedings and expeditious delivery of judgements. Chiuru (2003) noted that courts have been converted into public auctions for justice to the highest bidder. There has been no room for legal talent, diligence and honesty in the practice of law. This in turn prejudices legal reasoning and development of dynamic jurisprudence to meet the changing society which is prejudicial to the society. The Government has taken heed of this outcry and commenced the reforms under the GJLOS reforms. Therefore perceptions of the private legal practitioners on the quality of services offered by the Kenyan Judiciary would be a direct measure of the quality of the services of the judiciary and would contribute significantly to the achievement of its strategic objectives.



## 1.2 Research problem

Administration of justice is a service provided by a public institution, the Judiciary. The judiciary exists to promote personal safety and rights, allocate burdens and benefits, define standards of fairness and fair play in society, settle disputes and maintain social cohesion and harmony in the society. Therefore, the value of the judiciary and the quality of its services in the society are pivotal in fostering good governance and shaping up economic activity (Kuloba, 1997).

Kuloba further observes that judicial settlement of disputes is an alternative to anarchy and therefore a means of maintaining social equilibrium. As other organizations, the Judiciary faces several limitations and challenges in ensuring effective rule in the implementation of justice. A study done on the Kenyan Judiciary and reported by Deya (2004) confirms that the Kenyan Judiciary has for a long time been characterized by corruption, inefficiencies, delays in cases and general laxity in the justice delivery process. Consequently, the Government through the GJLOS reforms has undertaken some reforms in the Kenyan Judiciary. Some of the reforms include the Radical Surgery of Corrupt Judicial officers in 2003, and the establishment of special courts to deal with corruption and family matters, employment of more judicial officers and acquisition of more court facilities all aimed at improving service quality in the judiciary.

Service Quality is dependant on the customer/user/consumers and their perception of the service (Rust et al, 1996). Developing a system to identify the perceived quality of services is thus crucial to developing effective strategies and achieving sustainable competitive advantage. Further, it is important for an organization to determine the perception of its users on its service quality which is pertinent to meeting its objectives. As Ngatia (2000), observed, unless the perceptions of the consumer are understood, it would be difficult for the service providers to achieve their objectives in service quality strategies. The quality of a service by nature is difficult to determine or evaluate unless it is first experienced. Therefore, the perception on the services offered by the judiciary may not be determined without comprehensive understanding and experience of the process of the administration of justice. Private legal practioners are subjects of the courts and have sufficient exposure and experience to measure the quality of the services offered by the Kenyan Judiciary.



In Kenya much has been studied in the area of service quality. Ndegwa (1996), Masinde (1986), Mwendar (1987), Mwaura (2002), Murugu (2003) and Njoroge (2003) have studied diverse industries including, Banking/Mortgage, hospitality, transport, port services, Power and lighting and the matatu industry. However, the above studies were conducted in different industries and their findings may not be applied to the Judiciary. Further, since the Judiciary begun undergoing the changes aimed at improving its service quality, no study has been carried out to determine the perception of its users on the service quality. Recognizing the need of establishing the perceived service quality, the study seeks to fill in the gap by studying the perceptions of the users of the Judiciary (private legal practioners) on the services offered by the Kenyan Judiciary.

### **1.3 Research objective**

The objective of this study was to determine the perception of the private legal practitioners on the quality of services offered by the Kenyan Judiciary.

### **1.4. Importance of the study**

The results of the study would be useful to the following:

- (i) The Judiciary. The findings of the study may be beneficial to the judiciary in understanding the perceptions of its users on the quality of its services. Resources may then be allocated appropriately to strengthen areas of weakness in order to achieve its strategic plan and in particular, the service quality strategies. Further, the findings may be a source of information for measuring the performance of the judiciary in its reform programme aimed at improving service quality.
- (ii) The Scholars and researchers. The study will contribute to the existing body of knowledge and may provide an opportunity for further research for those who may use it as a source of reference.



## CHAPTER TWO

### LITERATURE REVIEW

#### 2.1 Introduction

The objective of this study was to determine the perception of the private legal practitioners in Nairobi on the quality of services offered by the Kenyan Judiciary. Accordingly, the following related topics were covered in the literature review in the order presented:-meaning and the role of perception, meaning and nature of services, service quality ,determinants of service quality, service quality in the judiciary system, measures of service quality and the summary of literature review.

#### 2.2 Meaning and Role of Perception

According to Hawkins (1989), Perception involves the process of exposure, attention and interpretation of information or stimuli. What an individual perceives depends on their characteristics, the size and intensity of the stimuli and their exposure to the stimuli. Attention is a fundamental component of perception that is often used to differentiate higher-order cognitive processes from those that are purely sensory. Individual differences in abilities and cognitive styles are also important in perception.

Perception encompasses all processes associated with the recognition; transformation and organization of sensory information (Carterette & Friedman, 1978). It is closely related to all higher-order cognitive functions (such as reasoning, concept formation, problem-solving, memory, etc.) as well as sensory-motor behavior. Kibera & Waruingi (1988) define perception as the process which attributes meaning to incoming through the human senses. Harold J (1978) defines perception as the process through which an individual gives meaning to the environment and varies from person to person since people perceive different things about the same situation.

Perception is fundamental in marketing since it defines the customers overall view of a product or service (Parasuraman et al, 1988). In Service marketing, Perception of the customer plays a great role (Rust et al, 1996). Therefore any organizations success ultimately depends on the perceptions of the consumers. Since consumer decisions take place in their



minds, their perceptions not just reality must be considered. Rust et al. (1996) emphasizes the importance of perception by stating that in a service industry what matters is quality as perceived by the customer. If the customer perceives that quality as bad then it matters little that "objective" quality may be good. This position is further supported by Peters and Nancy Austin (1985) who clearly asserts that perception is all there is, the perceived reality of the value of a service or a product.

According to Loudon (1979) the process of perception connotes a complex process and indicates that consumers' perceptions of services/products are not easily determined. However, there are some techniques such as the perceptual mapping and Semantic differential profile, which are used to explore consumers' perception. Since products and services can be perceived on many dimensions, perceptual mapping is multidimensional in nature. It allows for the influence of more than one stimulus characteristics on service and product perceptions. Users fill out measuring scales to indicate their perceptions of the characteristics of products and services. Computer programs are then used to analyze the resulting data to determine those characteristics, which are most important to consumers. The results can be plotted in terms of perceptual maps, which display how consumers perceive brands and their differences on a coordinate system.

### **2.3 Meaning and Nature of Services**

In economics and marketing, a service is the non-material equivalent of a good (Kotler, 2003). Service provision has been defined as an economic activity that does not result in ownership, and this is what differentiates it from providing physical goods (Thomas, 1988). It is a process that creates benefits by facilitating either a change in customers, a change in their physical possessions, or a change in their intangible assets.

According to Kotler (2003), among the characteristics which distinguish services from goods are intangibility, perishability, the greater involvement of consumers in the production process, difficulties in maintaining quality control standards, the absence of inventories and the structure of distribution channels. He however confirms that not all of these generalizations apply with equal force to all services. The intangibility of services leads them to have experience and credence qualities which leaves the service quality to the judgement of the



consumers. The service quality is determined by the whole process of the service delivery, it is a performance.

Many of the concepts, as well as many of the specific techniques, work equally well whether they are directed at products or services. In particular, developing a marketing strategy is much the same for products and services, in that it involves selecting target markets and formulating a marketing mix (Kotler, 2003). Thus, Levitt (1981) suggested that "instead of talking of 'goods' and of 'services', it is better to talk of 'tangibles' and 'intangibles'. Levitt also went on to suggest that marketing a physical product is often more concerned with intangible aspects (frequently the 'product service' elements of the total package) than with its physical properties.

## 2.4 Service Quality

A working definition of "quality" has been provided by Clark, Money and Tynan (1990) cited in Clark (1992): "How consistently the product or service delivered, meets or exceeds the customers' (external and internal) expectations and needs". As Levitt (1981), observed, the quality of services is more difficult to define due to its intangibility. Therefore, the evidence of quality of service is based on various determinants such as place, people, equipment, communication material, symbols and the price. Thus the service providers must manage the evidence in order to tangibilize the intangible.

It is more difficult for consumers to evaluate the quality of services than the quality of a product (Schiffman and Karuk, (1997). The consumers rely on extrinsic cues to evaluate the service quality. Some researchers such as Zeithmal et al. (1990), confirm that Perceived service quality is a function of the magnitude and direction of the gap between customers expectations of the service and their assessment (perception) of the service actually delivered. Therefore, a significant concern is the evaluation of service perceptions against desires. Service quality is the difference between what is expected from each of the service dimensions and what a consumer perceives he/she receives from them. It represents the summation of past transactions or experiences with a service. Thus, perceived service quality may be conceptualized as approximating the average satisfaction level of all previous



individual experiences. Consequently, service quality is concerned with what consumers' feel a service provider *should* offer rather than *would* offer (Parasuraman, et al (1988)).

Parasuraman et al (1985), states that service quality is the customer's judgement of the entity's superiority or excellence. It is a form of attitude and results from comparison of expectations to perceptins of performance received. Service quality is therefore a perception as opposed to the actual or objective quality. It involves the judgement of consumers. As Mathews (1985), stated the perceived quality may not be very scientific but it is disastrous if you score low. Perceived quality is defined relative to an intended purpose and a set of alternatives. It is different from satisfaction since satisfaction depends on expectations which may be low or high. Consumers judge quality of service on the basis of a variety of informational cues that they associate with the product or the service (Clark, 1992).

As a critical measure of organisational performance service quality remains at the forefront in service marketing (Rust et al, 1996). Organisations measure service quality in order to better understand its essential antecedents and consequences and ultimately establish methods of improving service quality and build customer loyalty. In marketing, perceived quality is important in attaining brand equity, in deriving financial performance, as a measure of brand goodness and as a differentiating /positioning point giving the organisation a strategic thrust. Rust et al (1996) state that service quality is an important indicator of customer satisfaction. According to Zeithmal et al (1985), service quality is the consumers' judgment about an entity's overall excellence or superiority. Therefore, to maintain leadership in the service delivery customers provide an essential voice for any serious and concerted effort on improvement of service quality (Rust et al, 1996). Surveys of end users of the organization's products or services contribute important insights to build a better understanding of the performance of the organization from the users' perspective. As a critical measure of organizational performance, service quality remains at the forefront in marketing Services.

#### 24.1 Determinants of Service Quality

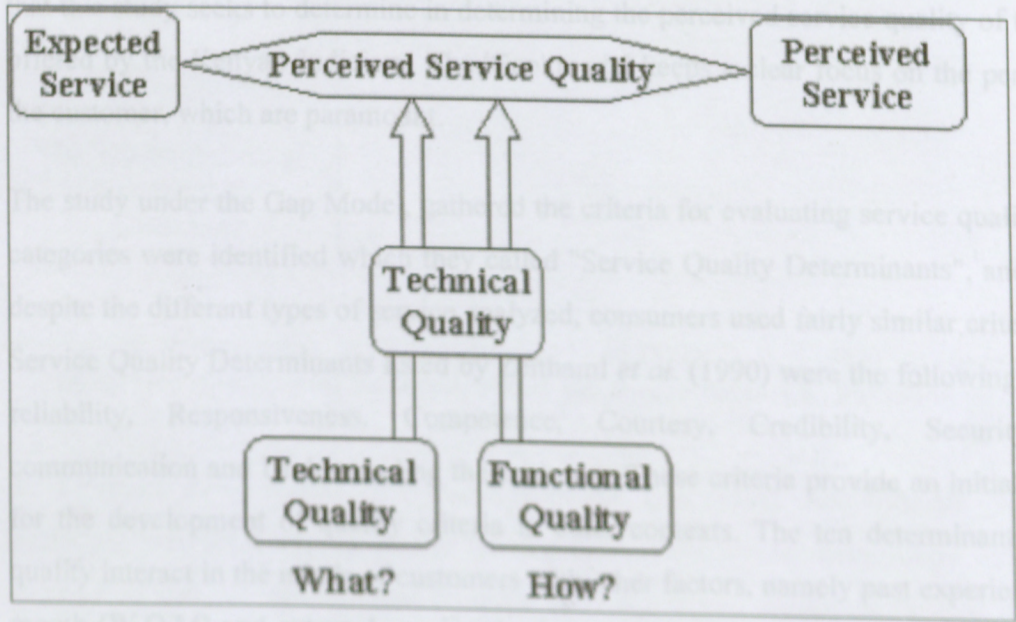
Defining and modeling the quality of services is generally acknowledged to be more difficult than modeling the quality of goods due to the intangible nature of services themselves (Bergman & Klefsjö, 1994). Kotler (2003) summarized the generic determinants of Service



Quality into five as reliability, responsiveness, assurance, empathy and tangibility. According to Palmer (1992), SERVQUAL technique is applicable across a broad range of service industries and can be modified to take into account the specific requirements of an organisation. The determinants of service quality were derived from extensive research. The generic determinants can be used as the basis for the measuring service performance as a starting point and then expanded to the industry or markets of study (Parasuraman et al, (1988). The determinants are derived from the Service Quality Models.

The model created by Grönroos (1984b) attempts to understand how the quality of a given service is perceived by customers. It divides the customer's perception of any particular service into two: Technical quality (What the consumer receives, the technical outcome of the process and Functional quality (How the consumer receives the technical outcome, the "expressive performance of a service"). Grönroos (1984b) suggested that, in the context of services, functional quality is generally perceived to be more important than technical quality, assuming that the service is provided at a technically satisfactory level. He also points out that the functional quality dimension can be perceived in a very subjective manner (Fig. 1).

Fig.1.Grönroos's Service Quality Model



Source: Grönroos, C, (1984b). A service quality model and its marketing implications. *European Journal of Marketing*, Vol. 18(4) pp. 36-44.p.40



Grönroos's model is important because it emphasizes that service quality must include the manner in which it is delivered.

Further, the 'Gap' model developed by Parasuraman *et al.* (1985) is a means of describing customer dissatisfaction in the context of service quality. A team from Texas A&M University carried out some interviews with executives in U.S. firms and with consumers and identified a series of five 'gaps' regarding service quality. Firstly they identified a gap between customers' expectation and management's perceptions of those expectations, (not knowing what customers expect), secondly, between management's perceptions of customers' expectations and service quality specifications, (the wrong service-quality standards), thirdly, between service quality specifications and service delivery, (the service performance gap), fourthly, between service delivery and external communications to customers about service delivery, (when promises do not match delivery) and finally, between customers' expectation and perceived service (the total of the other four gaps).

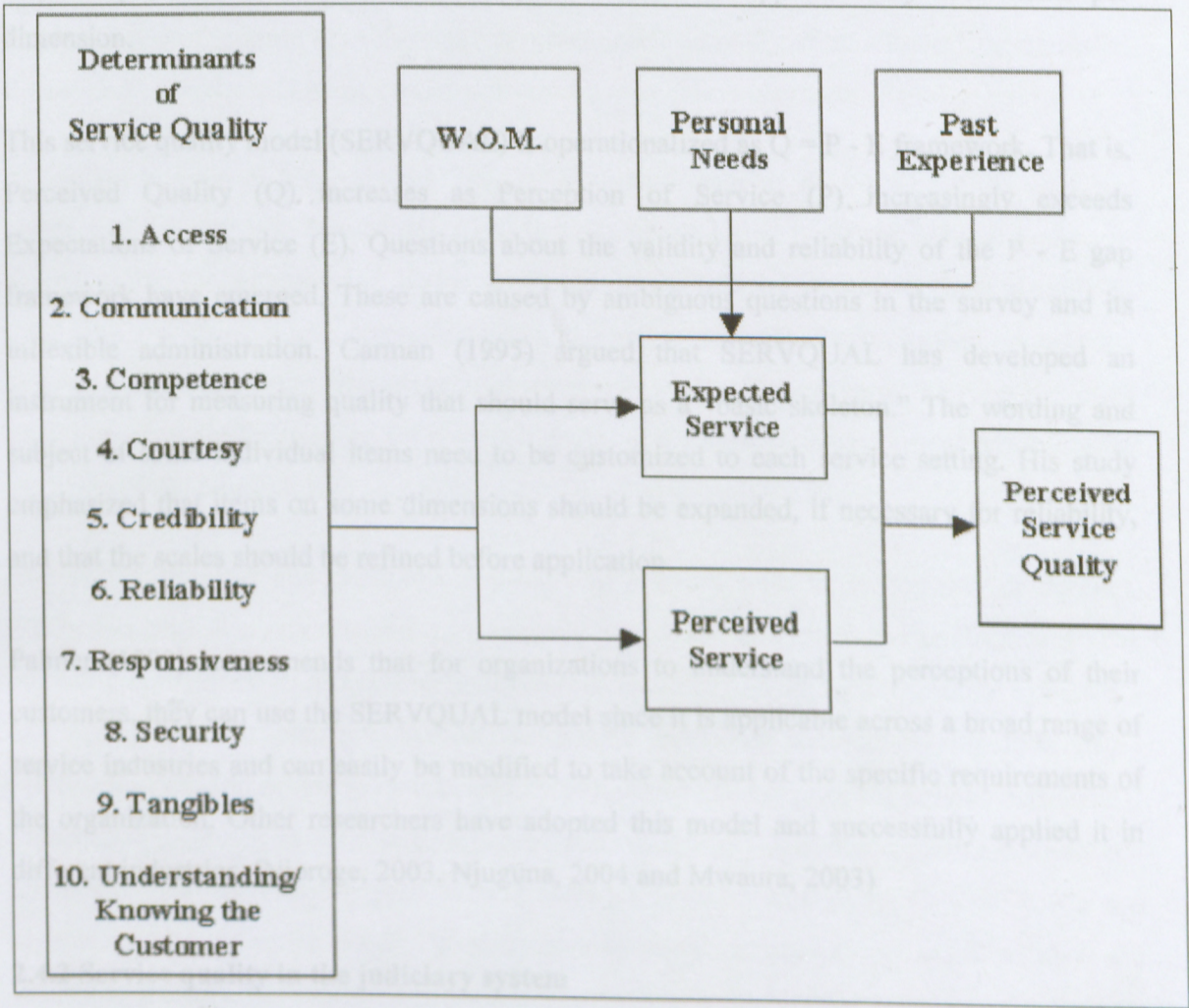
The last gap has the most significance since it describes the perceived service quality as a function of the magnitude and direction of the difference between the users' expectations of the service and their assessment (perception) of the service actually delivered. It is this gap that this study seeks to determine in determining the perceived service quality of the services offered by the Kenyan Judiciary. The 'Gap' model keeps a clear focus on the perceptions of the customer, which are paramount.

The study under the Gap Model, gathered the criteria for evaluating service quality. Ten key categories were identified which they called "Service Quality Determinants", and noted that despite the different types of service analyzed, consumers used fairly similar criteria. The ten Service Quality Determinants listed by Zeithaml *et al.* (1990) were the following: Tangibles, reliability, Responsiveness, Competence, Courtesy, Credibility, Security, Access, communication and Understanding the customer. These criteria provide an initial framework for the development of quality criteria in other contexts. The ten determinants of service quality interact in the minds of customers with other factors, namely past experience, word of mouth (W.O.M) and external communications to create a view of what service is expected. The SERVQUAL dimensions are static description of the service rather than components of a dynamic performance. Nevertheless, they are acceptable as having strong face validity and no



list of customer needs should be considered complete until it has been checked for representation of the SERVQUAL dimensions (Rust et al, 1996).

Fig. 2. Parasuraman, *et al.*'s Determinants of Perceived Service Quality



Source: Parasuraman, A., Zeithaml, V.A. and Berry, L.L., (1985). **A conceptual model of service quality and its implications for future research.** Journal of Marketing, Vol. 49, pp. 41-50. p. 48

In a further study in 1988, the founders of the gap model used a series of procedures, including individual interviews and focus groups, and collected quantitative data from more than 1,000 users of five different services. They condensed the ten dimensions by correlation analysis into five main dimensions of service quality, as Reliability-(dependable, accurate performance), Responsiveness-(Promptness and Helpfulness), Assurance-(Competence,



Courtesy, Credibility, Security), Empathy (easy Access, good communication, understanding the customer) and Tangibles (Appearance of physical elements). Customers' assessment of each of the five dimensions is measured by comparing scales of customers' expectations and actual experiences on a scale of twenty-two-item scale approximately four items per dimension.

This service quality model (SERVQUAL) is operationalized as  $Q = P - E$  framework. That is, Perceived Quality (Q) increases as Perception of Service (P) increasingly exceeds Expectations of Service (E). Questions about the validity and reliability of the P - E gap framework have emerged. These are caused by ambiguous questions in the survey and its inflexible administration. Carman (1995) argued that SERVQUAL has developed an instrument for measuring quality that should serve as a "basic skeleton." The wording and subject of some individual items need to be customized to each service setting. His study emphasized that items on some dimensions should be expanded, if necessary for reliability, and that the scales should be refined before application.

Palmer (1992) recommends that for organizations to understand the perceptions of their customers, they can use the SERVQUAL model since it is applicable across a broad range of service industries and can easily be modified to take account of the specific requirements of the organization. Other researchers have adopted this model and successfully applied it in different industries. (Njoroge, 2003, Njuguna, 2004 and Mwaura, 2003)

#### **2.4.2 Service quality in the judiciary system**

According to Kuloba (1997), the judiciary or judicature is the system of courts which administer justice and provide a mechanism for the resolution of disputes. The term is also used to refer collectively to the judges, magistrates and other adjudicators who are central to this system. Under the doctrine of the separation of powers, the judiciary is the branch of government primarily responsible for interpreting the law (The Constitution of Kenya). The Executive makes the governments work, the legislature makes the laws, the judiciary interprets and applies the law, protects the citizens fundamental rights at points of conflict (Mochama 2000). It is thus an interface between the persons (Individual and corporate) and the government.



Generally, a court is an official, public forum which a government establishes by lawful authority to adjudicate disputes, and to dispense civil, labour, administrative and criminal justice under the law. In common law and civil law states, the courts are the central means for dispute resolution, and all persons have a right to bring their claims before a court. Similarly, those accused of a crime have the right to present their defense before a court. Consequently, the reliability on the quality of service delivered by the courts is critical (Kuloba, 1997).

According to Ghai & Mc Auslan (1970) the two major models for courts are the civil law courts and the common law courts. Civil law courts are based upon the judicial system in France, while the common law courts are based on the judicial system in Great Britain. In most civil law jurisdictions, courts function under an inquisitorial system. In the common law system, most courts follow the adversarial system. Procedural law governs the rules by which courts operate: civil procedure for private disputes (for example); and criminal procedure for violation of the criminal law.

The social, political and economic environment changes with time (Johnson & Scholes, 2002) and organizations respond appropriately to ensure survival in the environment. The Judiciary is expected to progressively develop its services to sufficiently respond effectively and timely to these changes. Several complaints leveled at the judiciary include issues relating to costs and access to justice, quality of decisions and conduct of judicial offices (ICJ report, 2005) Obviously if these significant public concerns (legitimate or perceived) are not addressed, then there is likely to be widespread serious erosion of public confidence and respect for law and order, which would necessarily impact negatively on social, political and economic stability, development and sustainability (Mochama, 2002).

The judiciary must assert and maintain its distinctiveness as a separate branch of government. Within the organizational structure of the judicial branch of government, courts must establish their legal and organizational boundaries, monitor and control their operations, and account publicly for their performance. Independence and accountability permit government by law, access to justice, and timely resolution of disputes with equality, fairness, and integrity. They engender public trust and confidence.



Service quality in the Judiciary is a global concern. In the USA, a committee to explore the services of the New Jersey trial Courts in 2000 concluded that there was need for a high level of quality in the delivery of service, the need for the courts to be accessible to all who come into contact with them, and the need to take full advantage of technology to function as efficiently and effectively as possible. To achieve quality service the committee recommended the utilization of a full range of complementary dispute resolution (CDR) programs, and the institution of effective training programs for judges and staff that emphasize customer service, management and leadership skills, the importance of diversity in the workforce, and the development of skills to help staff better deal with a diverse populace.

Sifuna (2000) noted that the emphasis on service quality responds to current demands for increased accountability throughout government and the private sector. Courts, like other public institutions, are being called upon to account for their use of public resources and to improve their performance. Quality must be the hallmark of any system of justice. Productivity, timeliness, and efficiency without doubt are important, but the essential characteristics of courts must be their fairness and their even-handedness.

Similarly, The Texas Judicial Council in 2003 examined jury service in Texas' 254 counties and made recommendations to improve the overall quality, efficiency, and public perception of jury service. To encourage public participation and ensure that the citizens of Texas are appropriately compensated or reimbursed for the time and expenses resulting from jury service, the Council collected and analyzed information regarding juror pay and other incentives, jury education, juror response rates, the use of prescreening questionnaires, and jury wheel management.

In Kenya, the Judiciary, under the GJLOS reforms, has recently been subject to a series of reforms, which have been designed to increase the judiciary's efficiency in the administration of justice, reducing corruption and to enhance the way the judicial services are perceived and judged by the public. The reforms have affected internal as well as external procedures. Internally, reforms have sought to improve the recruitment of judicial officers to reduce case back log and to streamline the judiciary structures in the country.



Researchers such as Zeithaml et al. (1990) have shown that Perceived service quality is a function of the magnitude and direction of the gap between consumers expectations of the service and their assessment (perception) of the service actually delivered. Perceived service quality may therefore be conceptualized as approximating the average satisfaction level of all previous individual experiences. In the context of the Judiciary, desired quality is likely to be influenced by the accumulation of past experiences (Crompton, Mackay, & Fesenmaier, 1991). Participants may have a concept of ideal service quality that could be provided, but perceive the services differently.

### 2.4.3 Measures of service quality

The conceptualization and measurement of service quality have been well described and researched by Parasuraman, Zeithaml, and Berry (1985). They provide an explanation of the concept of service quality and identify the various “gaps” that affect service quality as perceived by consumers. Among them, the difference between customers’ expectations of service and their perceptions of the service is defined as the “perceived service quality”. They developed SERVQUAL as a scale for measuring customer perceptions of service. This scale has been subject to criticism and refinement and there is a continuing debate about the measurement of service quality and the determinants which should be used (Mathews, 1995).

Due to the unique nature of services service quality is not easy to measure. Several researchers are in agreement that service quality consists of the comparison between expectations and performance. Zeithaml (1990) states that service quality is the consumers’ judgment about an entity’s overall excellence or superiority. It is a form of attitude and results from the comparison of expectations to perceptions of performance received. Gronroos (1982) model analyses the service quality on the basis of expectations and the perception of the service received. In addition Christopher et al (1991) confirms that perceived performance is more important than the reality of performance.

Consequently, as Tom Peters and Austin (1985) stated, the real is what is perceived. Perceived reality is what counts. Since services are characterized by experience and credence qualities, consumers use various cues and through their experiences develop attitudes towards the services offered by an organization. Service quality dimensions are mainly based on the



attitudes of the consumers. Therefore to measure perceived service quality, attitude measures are applicable. Some of the measures of attitudes are the Guttman Scalogram analysis developed by sociologist Louis Guttman in 1950, the Thurstone Scale designed by Thurstone and Clare in 1929, the Osgood's Semantic Differential Scale developed by Osgood et al in 1957 and the likert scale developed by likert in 1935 (Njuguna, 2004).

According to Chava et al (2003), in measuring service quality the Likert Scale would be appropriate. The Likert scale involves determining the scale items and administering them to a random number of respondents. A total score of each respondent for each item is then computed and the discriminative power of the items determined. The scale items are then selected and reliability tested. The scale has been applied successfully by researchers in the field of service quality (Njoroge, 2003 and Njuguna, 2004).

## **2.5 Summary of the Literature Review**

The literature review indicates that service marketing has identified the customer or user as the most critical voice in assessing service quality. Research concerning service quality has been carried out in both private and public sectors signifying the importance of service quality and especially in the institutions where marketing and competition are major considerations. The SERVQUAL instrument is highly popular within the service quality studies (Njoroge, 2003 and Mburu, 2002). Regardless of the type of service the users tend to use the same criteria of evaluating service quality which Kotler (2003) summarized as reliability, Responsiveness, assurance, empathy and tangibles.

Administration of justice like any other service is difficult to measure due to the nature and characteristics of services. The judicial service is an economic service dispensed through the courts of law which perform the service of dispute resolution backed by the power of the state and the Legal practitioners who perform the services of advocacy and decisionmaking in many dispute resolution and prevention process. As Cronin (1992), observed the SERVQUAL model would also be applicable in a study of perceptions on service quality in the Judiciary.



## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

This chapter covers the details of the manner in which this study was carried out. The details are covered under the following heads in the order presented: -Research Design, Population, Sample and Sample Design, Data collection, Operationalizing the Service Quality Dimensions and Data Analysis

#### **3.2 Research Design**

The proposed research was modeled on a descriptive design. According to Chava and Nachimias (2003), a descriptive study aims at determining the what, when and how of the phenomena. This study's aim was to determine the perceptions of the legal practioners in Nairobi on the quality of services offered by the Kenyan Judiciary. It therefore fitted the descriptive research design, which has been successfully used by researchers in other areas. Ngatia (2000), Mugo (2000), Mwaura (2002) and Njoroge (2003).

#### **3.3 The Population**

The population of interest in this study was the private legal practioners in Nairobi. According to the Law Society of Kenya (LSK) Directory (2005-2006), there are 3,500 licensed legal practioners in Kenya as at March 2006 of which 1,800 are private legal Practioners in Nairobi. The rest are unevenly distributed in diverse areas in the country and include the non-practicing members such as members of the bench, state counsels and in-house lawyers.

#### **3.4 Sample and Sample design**

A sample of 90 members was used for this study. According to Chava and Nachimias (2003), a representative sample should have at least 30 Units. Further, as Kothari (1990) observed, in a homogeneous population the number of members in the sample size may not affect the results of the research if the sample is drawn in a proper manner. The private legal practioners are officers of the court and practice before any court in Kenya. They are subjects to the same court system and are therefore homogeneous. The sample members were chosen



using convenience sampling since the private practitioners are hardly in their offices. They are often along the courts' corridors pleading their clients' causes.

3.5 Data collection

Primary data was collected using structured questionnaires, which were self-administered. The questionnaires were divided into three (3) parts. Part A was used to collect general data on the respondents, part B consisted of attributes to be scored on 5 point Likert Scale. The information gathered was used to determine the users' expectation of the quality of service in relation to each element of the service quality dimensions. Part C dealt with the attributes scored on a 5 point Likert Scale to obtain information on the extent to which the Kenyan Judiciary has performed as judged by the users in each service quality dimension.

The questionnaire used the Likert scaling which has been successfully used by other researchers in the area of perceptions of service quality Ngatia (2000), Mwaura (2002) and Njoroge (2003)

3.6. Operationalizing the service Quality Dimensions

The study adopted the operationalization method as used by Njoroge (2003). The service quality dimensions as set out by Parasuraman et al (1988) under the SERVQUAL model were operationalized against the relevant factors in the Judiciary as shown in Table 3.5 below. The relevant questions in the questionnaire were set out against each factor for effective assessment by the users. The last column indicates the relevant questionnaire items relevant to each service quality dimension. The questionnaire used the likert scale to measure the expectations and perceptions of the private legal practitioners.



**Table 3.6: Operationalizing the service Quality Dimensions**

| Broad generic Dimensions of Quality | Expanded dimensions of Quality | Definition of the Dimensions                                           | Relevant issues for users of the Kenyan Judiciary                                                                                                                                                                                                                                                                                                                                                                                                         | Relevant Questions in the Questionnaire |
|-------------------------------------|--------------------------------|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| 1) Reliability                      | Reliability                    | Ability to perform promised service, dependably and accurately         | <ul style="list-style-type: none"> <li>-Are judgments and orders delivered without delay?</li> <li>-Are the judgments and orders accurate and free of error?</li> <li>-Does the bench attend to urgency sufficiently?</li> <li>-Are the cause lists produced within reasonable time?</li> <li>-Are the cause lists accurate?</li> <li>-Is the distribution of matters reasonable?</li> <li>-Are the courts proceedings appropriately recorded?</li> </ul> | 1,2,3,4,5,6 & 7                         |
| 2) Responsiveness                   | Responsiveness                 | Willingness to help customers and provide prompt service               | <ul style="list-style-type: none"> <li>-Does the bench and the staff handle complaints well?</li> <li>-Do they show willingness to sort out problems?</li> <li>-Do they attend to complaints fast?</li> <li>-Does the bench conduct itself appropriately</li> </ul>                                                                                                                                                                                       | 8,9 & 10                                |
| 3) Assurance                        | Competence                     | Possession of the skills and knowledge required to perform the service | <ul style="list-style-type: none"> <li>-Does the bench and the staff demonstrate adequate skills in their work?</li> <li>-Are the judgments based on proper understanding of the law?</li> <li>-Does the bench and the staff keep abreast of changes in the justice process?</li> <li>-Do they have computer skills?</li> <li>-Are they up to date with technological issues?</li> </ul>                                                                  | 11,12,13 & 14                           |
|                                     | Courtesy                       | Politeness respect consideration and friendliness of contact personnel | <ul style="list-style-type: none"> <li>-Is the bench and the court staff courteous in their dealings with people?</li> <li>-Are they willing to listen?</li> <li>-How do they accept criticism?</li> </ul>                                                                                                                                                                                                                                                | 15                                      |
|                                     | Credibility                    | Trustworthiness believability honesty of the service personnel         | <ul style="list-style-type: none"> <li>-Does the staff guarantee their work?</li> <li>-Is the bench credible?</li> <li>-Is the bench transparent</li> </ul>                                                                                                                                                                                                                                                                                               | 16 & 17                                 |



|                   |                            |                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                         |                |
|-------------------|----------------------------|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 3.7 Data Analysis | Security                   | Freedom from danger risk or doubt                                                   | -Are the court premises safe?<br>-When a date is taken in the registry, are the practioners assured of their matters being listed on the dates taken?<br>-Do the users of the court have free access to the court premises?<br>-Are court files secure in the courts premises?<br>-When documents are filed, are the users assured that they will be correctly filed in the court file? | 18,19,20 & 21  |
| 4) Empathy        | Access                     | Approachability and ease of contact                                                 | -Are the members of the bench accessible especially during vacation?<br>-Are they approachable?<br>-Is it easy to access the registrar and the relevant court staff for the needs of the users?                                                                                                                                                                                         | 22 & 23        |
|                   | Communication              | Listening to customers and keeping them informed in a language they understand      | -Do the court clerks sufficiently interpret to clients in a language they -can understand?<br>-Is the correspondence from the courts, judgments and orders legible and easily understood?<br>-Do they have a feed back system?<br>Is the feedback system efficient?                                                                                                                     | 24 & 25        |
|                   | Understanding the Customer | Making the effort to know customers and their needs                                 | -Does the bench and the staff recognize the advocates and their role?<br>-Do they accommodate requests for adjournments sufficiently?<br>-Are they sensitive to the needs of the court users?                                                                                                                                                                                           | 26             |
| 5) Tangibles      | Tangibles                  | Appearance of physical facilities, equipment, personnel and communication materials | -Are the courts and their facilities adequate?<br>-Are they comfortable?<br>-Is the judiciary sufficiently staffed?<br>-Is the Library sufficiently stocked and equipped?<br>-Is the size of the Library appropriate?<br>-Do they have sufficient computers and other technological equipment?                                                                                          | 27,28,29, & 30 |

On the expected service, the importance of each service quality dimension was indicated on a 5 point likert scale ranging from “very important” (5) to “Not important at all”(1).For the perceived service, the respondents indicated their experience on a 5 point likert scale ranging from “very well” (5) to “very poorly” (1).



3.7 Data Analysis

The study was descriptive in nature. Therefore, descriptive statistics were used to analyse the data. Part A of the questionnaire used frequency tables. The likert scores in Parts A and B were analysed using mean scores, standard deviations and co-efficient of variation for each service dimension were used to measure the relative importance of each Service Quality dimension. Each Service Quality Dimension was assessed, rated and ranked in terms of its weighted importance in determining the Expected Service (Part B) and the Perceived Service (Part C).

The objective of the study was achieved by analyzing and comparing the results of Part B and Part C of the Questionnaire. The difference between the means of the two parts was the perceived service quality (Gap 5 of the SERVQUAL model) using the Q=P-E framework. (Perceived Quality is the difference between the perception of service and the expectation of service.)

The response rate was analyzed on the basis of gender and length of service as shown in tables 4.1 and 4.2 below.

Table 4.1: Response rate by gender

| Gender | Frequency | % response rate |
|--------|-----------|-----------------|
| Base   | 90        | 100%            |
| Male   | 41        | 48%             |
| Female | 47        | 52%             |

Source: Research Data

From the results, it is evident that 52% of the respondents were female while 48% were male. This indicates that majority of the private legal practitioners who were interviewed were female. The respondents have been in private legal practice for diverse periods as shown in table 4.2 below.



## CHAPTER FOUR

### DATA ANALYSIS AND FINDINGS

#### 4.1 Introduction

This chapter analyses the private practitioners' expectations and perceptions of the quality of services offered by the Kenyan Judiciary and the resultant service quality gap (Perceived Service Quality). The data collected from the respondents is analysed to satisfy the objective of the study. The questionnaires were coded and edited after they were filled in by the various respondents. A total of 90 of the targeted 100 respondents responded to the questionnaires.

The overall response rate was 90% which the researcher considered sufficient for the study for the purposes of data analysis. Other researchers in the area of perceived service quality have used response rates of between 70% and 85% to successfully analyse the data and make sound conclusions and findings on perceived service quality. Such researchers include 73% by Maina (2001) and 84% by Ngatia (2000).

The response rate was analysed on the basis of gender and length of service as shown in tables 4.1 and 4.2 below.

**Table 4.1: Response rate by gender**

| Gender | Frequency | % response rate |
|--------|-----------|-----------------|
| Base   | 90        | 100%            |
| Male   | 43        | 48%             |
| Female | 47        | 52%             |

**Source: Research Data**

From the results, it is evident that 52% of the respondents were female while 48% were males. This indicates that majority of the private legal practitioners who were interviewed were female. The respondents have been in private legal practice for diverse periods as shown in table 4.2 below:



**Table 4.2: Response Rate by length of service**

| Number of years     | Frequency | % response rate |
|---------------------|-----------|-----------------|
| Base                | 90        | 100%            |
| Between 1-5 years   | 64        | 71%             |
| Between 6-10 years  | 20        | 22%             |
| Between 11-15 years | 5         | 6%              |
| Above 15 years      | 1         | 1%              |

**Source: Research Data**

Results show that of all the 90 respondents, 71% have practiced for period between 1-5 years, 22% between 6- 10 years and only one respondent (1%) has practiced for more than 15 years. It is therefore clear that most of the private legal practitioners have been in practice for periods less than five years. This may be explained by the fact that most of the senior private legal practitioners are not actively involved in the day to day running up and down the courts. They delegate matters to the young up coming legal practitioners. The implication of this observation is that the assessment of the perceived quality of services of the Kenyan Judiciary will be mainly based on the views of the practitioners who have interacted with the Judiciary in the recent past. This means that the observations will give a true reflection of the current perception of the quality of services offered by the Kenyan Judiciary.

**4.2 Expectations of Private Legal Practitioners the quality of services offered by the Kenyan Judiciary.**

The private legal practitioner’s expectations of service on the basis of the five service quality dimensions in descending order of importance, as measured, is summarized in table 4.3 below:



dimensional with more than one attribute is computed by calculating the square root of the sum

of the squares of the deviations of each attribute from the mean score of the dimension. The coefficient of variation is obtained by

**Table 4.3 Service quality dimensions and their relative importance**

|   | Service quality dimension | Mean Score, Me | Coefficient of Variations , Ce | Relative Proportional Importance (%) |
|---|---------------------------|----------------|--------------------------------|--------------------------------------|
| 1 | Reliability               | 4.71           | 10.40%                         | 21.10%                               |
| 2 | Responsiveness            | 4.56           | 16.36%                         | 20.43%                               |
| 3 | Assurance                 | 4.57           | 15.54%                         | 20.47%                               |
| 4 | Empathy                   | 4.34           | 20.83%                         | 19.44%                               |
| 5 | Tangibles                 | 4.14           | 22.95%                         | 18.55%                               |
|   | <b>Total</b>              | <b>22.32</b>   |                                | <b>100.00%</b>                       |

The variables in the above table are obtained from the respondents' scores of the answers to the service quality attributes questions on the likert scale. The means of expectations of each service quality dimensions, **Me**, are calculated from the scores of likert scales using the formulae in appendix 3. Similarly, the coefficient of variation, **Ce**, of the respondents' scores on the likert scale scores for each service quality dimensions are calculated by the formulae in Appendix 3. In order to compare the relative weight of each service quality dimensions, the relative proportional importance of each dimension is computed as follows:

**Table 4.4 Perceptions of service**

**(Mean of particular quality dimensions) \_\_\_\_\_ x 100%,**  
**(Total of all means of all service quality dimensions),**

Whose values are shown in the last column of the above table. With all service quality dimensions comprising of 100% value the relative weight of each dimensions is then displayed in the last column of the above table.

The means of scores are a measure of the relative importance of each service quality dimension while the corresponding coefficient of variation is a measure of the agreement or disagreement of the same mean of scores of the various respondents. The lower the coefficient of variation the greater the degree of agreement, and vice versa. The mean of a service quality dimension with more than one attributed is computed by calculating the average of the means of related attributes. Equally, the standard deviation of a service quality



dimension with more than one attribute is computed by calculating the square root of the sum of all variances of related attributes, after when the coefficient of variation is obtained by dividing the standard deviation with the corresponding mean.

As is evident from the above table, the dimension of ‘reliability’ with a mean score (Me) of 4.71 tops the list followed by ‘responsiveness’ and progresses downwards to the last item of “tangibles” with a mean score of 4.14. The relative proportional importance ranges from 18.55% to 21.10% to which shows that a generally high importance is prevalent for all the service quality dimensions in Kenyan Judiciary.

### 4.3 Perception of the private legal practitioners on the quality of service offered by the Kenyan Judiciary

Perceptions of the private legal practitioners on the quality of services offered by the Kenyan Judiciary for each of the service quality dimensions are as shown in table 4.4 below. The measurements from the likert scale scores are calculated on the basis of means. The mean scores measure the relative importance of each service quality dimension ranging from 5, highest, to 1, lowest in importance.

**Table 4.4 Perceptions of service**

| Service Quality Dimensions | Perception of service (Mr) | Co-efficient of Variation,(Ce) |
|----------------------------|----------------------------|--------------------------------|
| Reliability                | 2.90                       | 16.89%                         |
| Responsiveness             | 2.76                       | 27.17%                         |
| Assurance                  | 2.65                       | 26.79%                         |
| Empathy                    | 2.53                       | 35.57%                         |
| Tangibles                  | 2.23                       | 42.60%                         |
| <b>Total</b>               | <b>2.61</b>                | <b>29.80%</b>                  |

The mean of a service quality dimension with more than one attribute is computed by calculating the average of the means of related attributes. Equally, the standard deviation of a service quality dimension with more than one attribute is obtained by dividing the standard deviation with the corresponding mean.



4.4 Perceived Service Quality (The service gap) FIVE

The perceived service quality gap, **Me-Mr** was calculated by subtracting the average mean of the perception of service from the corresponding mean of the expected service. The overall mean score of the expected service is 4.46 while that of the perception of service is 2.61. Therefore, the service gap is 1.85. The computation of the quality gap is as shown in table 4.5 below:

Table 4.5 Quality Gap of the service Quality Dimensions

| Service quality dimension | Expectations of service(Me) | Perception of service(Mr) | Service Gap (Me-Mr) |
|---------------------------|-----------------------------|---------------------------|---------------------|
| Reliability               | 4.71                        | 2.90                      | 1.81                |
| Responsiveness            | 4.56                        | 2.76                      | 1.80                |
| Assurance                 | 4.57                        | 2.65                      | 1.92                |
| Empathy                   | 4.34                        | 2.53                      | 1.81                |
| Tangibles                 | 4.14                        | 2.23                      | 1.91                |
| Average total             | 4.46                        | 2.61                      | 1.85                |

Source: Research data

5.2 Discussion

The assurance dimension has the highest service gap followed by tangibles, reliability, empathy and finally responsiveness.



## CHAPTER FIVE

### DISCUSSION, CONCLUSIONS AND RECOMMENDATIONS

#### 5.1 Introduction

The judiciary is an arm of the government mandated with the administration of justice and like any other institution; it operates in a turbulent environment. The social, political and economic environment changes with time. The Judiciary is expected to progressively develop its services to sufficiently respond effectively and timely to these changes. Several complaints leveled at the judiciary include issues relating to costs and access to justice, quality of decisions and conduct of judicial offices. Obviously if these significant public concerns (legitimate or perceived) are not addressed, then there is likely to be widespread serious erosion of public confidence and respect for law and order, which would necessarily impact negatively on social, political and economic stability, development and sustainability.

The objective of this study was to determine the perception of the private legal practitioners on the quality of services offered by the Kenyan Judiciary. This chapter outlines the summary of findings, conclusions, recommendations and suggestions for further research

#### 5.2 Discussion

Of all the 90 private legal practitioners who were interviewed, 52% were females and the rest 48% were males. Further, 71% of them have practiced for periods between 1-5 years, 22% between 6- 10 years and only one respondent (1%) has practiced for more than 15 years. Overall, reliability of services appears to be more important than the other service factors with a mean of 4.71. There are many similarities and some differences in the perceptions of the private legal practitioners on the importance of various service quality dimensions. However; the range of the means from the highest to the lowest is 4.71 to 4.14 which show a general agreement on the level of expected service. This corresponds to the findings of Zeithmal, Berry and Parasuraman (1985) and other researchers such as Njoroge (2003).

On the perceived service, the mean score for the service quality dimensions ranges from 2.90 to 2.23 with an overall mean of 2.61. The service quality gap is 1.85 which is substantial. The



highest gap is on the assurance dimension and the lowest on the responsiveness. The Judiciary needs to undertake measures to bridge the gaps in the service quality dimensions. There were significant negative service gaps on all the reliability statements indicating that the private legal practitioners are not satisfied with the service attributes measures. Assurance factors were rated highly compared to other factors under study. Assurance of hearing of matters on the dates fixed, level of technology in the courts had the most significant service gaps indicating an urgent need for prioritization in service interventions. Empathy factors were also rated highly on importance. The biggest gap related to lack of feedback and understanding of the court proceedings and the courts. This shows that the level of communication in the Judiciary is very poor and need to be addressed. However, flexibility towards adjournments was found to be relatively adhered to. On physical factors adequacy of the court facilities was rated highest on importance while appearance was rated as least important. There were high service gaps on these factors with adequacy of facilities being the main issue.

The coefficient of variation for the received service ranges from 42.60%-16.89% with an overall of 29.80%. The implication of the findings is that there is a generally high level of agreement in the assessment of the received service.

### 5.3 Conclusions

The judiciary offers crucial services and their quality is paramount to all its users. Overall, reliability of services is the most important. The private legal practitioners expect a relatively high level of service quality and they are in agreement on the importance of the various service quality dimensions. Assurance factors were rated second on importance but very close to responsiveness aspects which were a close third. Empathy factors ranked fourth on the importance scale while tangibles came a distance fifth. On service gaps, Assurance has the highest gap. Reliability, responsiveness and empathy factors had almost equal service gaps.

It therefore clear that the service quality in the Kenyan judiciary is way below the private legal practitioners' expectations. This is more severe on assurance that the service will be delivered and on adequacy of the tangibles especially the court facilities.



## 5.4 Recommendations

All organizations whatever their nature operates in turbulent environments and have to constantly adapt to the changes in order to achieve their strategic objectives. Service quality is one of the major strategies adopted by service industries since their success is determined by the quality of the services they deliver. The Judiciary offers services in the administration of justice which is pivotal in social cohesion and economic progress and its users expect a high level of service quality. Therefore, the judiciary should develop service quality improvement strategies which involve the study of the perceptions of its key stakeholders especially the private legal practitioners. The resources should be allocated appropriately in order to address immediate concerns on the service gaps. The judiciary should particularly address the issue of reliability and assurance of its services.

## LIMITATIONS OF THE STUDY

The study concentrated on the perceptions of the private legal practitioners in Nairobi and generalized the various courts in the judiciary and did not consider the various categories of courts being the Court of Appeal, High Court and Subordinate courts. These considerations may have influenced the perceptions of the private legal practitioners since perception is subjective and depends on various cognitive factors. Further; the study was based on the SERVQUAL model and did not consider other service quality determinants developed by other researchers.

## SUGGESTIONS FOR FURTHER RESEARCH

The objective of the study was to determine the perceptions of the private legal practitioners in Nairobi on the quality of services offered by the Kenyan Judiciary. To overcome the abovementioned limitations, further research may be done to determine the perceptions of the private legal practitioners in other regions in Kenya. Moreover, a distinction may be made between the different categories of courts, Court of Appeal, High Court and the Subordinate Courts. Further, a study may be done on other service quality dimensions other than the ones under the SERVQUAL model. A research to investigate whether there are other service quality determinants pertinent to the judiciary other than the ten SERVQUAL dimensions would be very significant.



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## APPENDIX 1:

### LETTER OF INTRODUCTION

Please respond to the following questions in parts A, B, and C to the best of your ability as per the instructions in each part.

#### PART A: General Information

1) Your Name (optional).....

T.Wambui Maina,  
University of Nairobi,  
School of business,  
Department of Business Administration,  
P O BOX 30197,  
Nairobi, Kenya.

01/08/06

Dear Respondent,

#### RE: COLLECTION OF DATA.

I am a postgraduate MBA student at the University of Nairobi currently undertaking a management research project titled “**Perception of the Private Legal Practitioners in Nairobi on the quality of services offered by the Kenyan Judiciary**”. Consequently, I kindly request you to fill in the enclosed questionnaire, which shall provide the data for analysis in order to achieve the objective of the research. The information you provide shall be confidential and will be used exclusively for academic purposes.

Your kind contribution is appreciated.

Thank you.

Yours Faithfully,

T. Wambui Maina  
Student.

Thank you for your participation and support



APPENDIX 2

QUESTIONNAIRE

Please respond to the following questions in parts A, B and C to the best of your ability as per the instructions in each part.

PART A: General Information

1) Your Name (optional).....

2) Gender

Male

☐

Female

☐

3) Number of years in Practice.....

Thank you for your participation and support



**PART B**

Please indicate on a scale of 1 to 5, below the extent to which you consider the following attributes as important to you in evaluation of services offered by the Kenyan Judiciary.

Please Tick as (✓) appropriate Box.

|     |                                                                              | Very<br>Important<br>5 | Important<br>4 | Somewhat<br>important<br>3 | Not<br>important<br>2 | Not<br>important<br>at all.<br>1 |
|-----|------------------------------------------------------------------------------|------------------------|----------------|----------------------------|-----------------------|----------------------------------|
| 1)  | Manner in which court proceedings are recorded                               |                        |                |                            |                       |                                  |
| 2)  | Manner in which the judgments and orders are delivered                       |                        |                |                            |                       |                                  |
| 3)  | Duration within which judgments and orders are delivered                     |                        |                |                            |                       |                                  |
| 4)  | Manner in which urgency is handled                                           |                        |                |                            |                       |                                  |
| 5)  | Accuracy of judgment and orders                                              |                        |                |                            |                       |                                  |
| 6)  | Accuracy of the cause list                                                   |                        |                |                            |                       |                                  |
| 7)  | Time within which cause lists are produced                                   |                        |                |                            |                       |                                  |
| 8)  | Willingness to assist advocates and clients                                  |                        |                |                            |                       |                                  |
| 9)  | Manner in which complaints are handled                                       |                        |                |                            |                       |                                  |
| 10) | Conduct of the bench during court proceedings                                |                        |                |                            |                       |                                  |
| 11) | Ability to deliver sound judgments and orders                                |                        |                |                            |                       |                                  |
| 12) | Possession of sufficient skills by the bench and staff                       |                        |                |                            |                       |                                  |
| 13) | Level of technology in the courts                                            |                        |                |                            |                       |                                  |
| 14) | Knowledge of employees of the services they offer                            |                        |                |                            |                       |                                  |
| 15) | Courteous, friendly and polite bench and staff                               |                        |                |                            |                       |                                  |
| 16) | Trustworthiness, believability and honesty of bench and staff                |                        |                |                            |                       |                                  |
| 17) | Guarantee of the work done by staff                                          |                        |                |                            |                       |                                  |
| 18) | Security in the court premises                                               |                        |                |                            |                       |                                  |
| 19) | Confidence in the contents of the cause lists                                |                        |                |                            |                       |                                  |
| 20) | Manner in which filing in the registry is done                               |                        |                |                            |                       |                                  |
| 21) | Assurance of hearing of matters on the dates fixed                           |                        |                |                            |                       |                                  |
| 22) | Proximity of the bench members especially during vacation                    |                        |                |                            |                       |                                  |
| 23) | Understanding and approachable staff                                         |                        |                |                            |                       |                                  |
| 24) | Ease in understanding of the court proceedings and the courts correspondence |                        |                |                            |                       |                                  |
| 25) | Feed back                                                                    |                        |                |                            |                       |                                  |
| 26) | Flexibility towards adjournments                                             |                        |                |                            |                       |                                  |
| 27) | Appearance of courts and their facilities                                    |                        |                |                            |                       |                                  |
| 28) | Adequacy of the courts and other facilities                                  |                        |                |                            |                       |                                  |
| 29) | Size and comfort of the court rooms                                          |                        |                |                            |                       |                                  |
| 30) | The equipment used in court                                                  |                        |                |                            |                       |                                  |

**Thank you for your participation and support**



**PART C**

Please indicate on a scale of 1 to 5, below how well the Kenyan Judiciary has performed on the following attributes.

Please Tick as (✓) appropriate Box.

|     |                                                                              | Very Well<br>5 | Well<br>4 | Fairly<br>3 | Poorly<br>2 | Very poorly.<br>1 |
|-----|------------------------------------------------------------------------------|----------------|-----------|-------------|-------------|-------------------|
| 1)  | Manner in which court proceedings are recorded                               |                |           |             |             |                   |
| 2)  | Manner in which the judgments and orders are delivered                       |                |           |             |             |                   |
| 3)  | Duration within which judgments and orders are delivered                     |                |           |             |             |                   |
| 4)  | Manner in which urgency is handled                                           |                |           |             |             |                   |
| 5)  | Accuracy of judgment and orders                                              |                |           |             |             |                   |
| 6)  | Accuracy of the cause list                                                   |                |           |             |             |                   |
| 7)  | Time within which cause lists are produced                                   |                |           |             |             |                   |
| 8)  | Willingness to assist advocates and clients                                  |                |           |             |             |                   |
| 9)  | Manner in which complaints are handled                                       |                |           |             |             |                   |
| 10) | Conduct of the bench during court proceedings                                |                |           |             |             |                   |
| 11) | Ability to deliver sound judgments and orders                                |                |           |             |             |                   |
| 12) | Possession of sufficient skills by the bench and staff                       |                |           |             |             |                   |
| 13) | Level of technology in the courts                                            |                |           |             |             |                   |
| 14) | Knowledge of employees of the services they offer                            |                |           |             |             |                   |
| 15) | Courteous, friendly and polite bench and staff                               |                |           |             |             |                   |
| 16) | Trustworthiness, believability and honesty of bench and staff                |                |           |             |             |                   |
| 17) | Guarantee of the work done by staff                                          |                |           |             |             |                   |
| 18) | Security in the court premises                                               |                |           |             |             |                   |
| 19) | Confidence in the contents of the cause lists                                |                |           |             |             |                   |
| 20) | Manner in which filing in the registry is done                               |                |           |             |             |                   |
| 21) | Assurance of hearing of matters on the dates fixed                           |                |           |             |             |                   |
| 22) | Proximity of the bench members especially during vacation                    |                |           |             |             |                   |
| 23) | Understanding and approachable staff                                         |                |           |             |             |                   |
| 24) | Ease in understanding of the court proceedings and the courts correspondence |                |           |             |             |                   |
| 25) | Feed back                                                                    |                |           |             |             |                   |
| 26) | Flexibility towards adjournments                                             |                |           |             |             |                   |
| 27) | Appearance of courts and their facilities                                    |                |           |             |             |                   |
| 28) | Adequacy of the courts and other facilities                                  |                |           |             |             |                   |
| 29) | Size and comfort of the court rooms                                          |                |           |             |             |                   |
| 30) | The equipment used in court                                                  |                |           |             |             |                   |

**Thank you for your participation and support**



## Appendix 3

Formulae for the various variables

### Measures of customers' Expected service

$F_e$  – denotes, frequencies of scores obtained from the likert scale

$X_e$  – denotes the actual scores on likert scale continuum (ie 1-5)

$$\text{Means, } M_e = \frac{\sum f_e X_e}{\sum f_e}$$

$$\text{Standard Deviation, } S_e = \sqrt{V_e} \text{ or SQRT of } V_e$$

$$\text{Coefficient of Variation, } C_e = \frac{S_e}{M_e} \times 100\%$$

### Measures of customers' Perceived service

$F_r$  – denotes, frequencies of scores obtained from the likert scale

$X_r$  – denotes the actual scores on likert scale continuum (ie 1-5)

$$\text{Means, } M_r = \frac{\sum f_r X_r}{\sum f_r}$$

$$\text{Standard Deviation, } S_r = \sqrt{V_r} \text{ or SQRT of } V_r$$

$$\text{Coefficient of Variation, } C_r = \frac{S_r}{M_r} \times 100\%$$

$$\text{Service Quality Gap, } M_e - M_r$$

$$\text{Proportionate Service quality Gap, (in percentages) } \frac{M_e - M_r \times 100\%}{M_e}$$