



REPUBLIC OF KENYA



THE JUDICIARY

e-Filing and Commercial Justice Sector Reforms Survey Report



**REPUBLIC OF KENYA
THE JUDICIARY**

**E-FILING AND COMMERCIAL JUSTICE SECTOR
REFORMS SURVEY REPORT, 2022**

December, 2022

FOREWORD

The Judiciary is established to dispense justice efficiently and effectively to the people while protecting the rights and liberties of all as envisaged in Article 159 of the Constitution. To ensure customer needs and expectations are met in line with the Sustaining Judiciary Transformation (SJT) blueprint, the Electronic filing (e-filing) system was launched in 2020.

E-filing is a one-stop portal for the court users to gain access to all their needs ranging from case registration, filing of case documents, retrieval of service documents, searching of case files and information including case schedules. IT support centers were setup within court stations to ensure that court users, especially the those who may not have access, are unrepresented, are unfamiliar with court procedures or may not afford cyber cafe services are not disadvantaged in any way.

The Judiciary through the Social Transformation through Access to Justice is expected to leverage on technology for productivity. Some of the strategies to achieve this include; Applying technology to improve case management and all aspects of service delivery; establishment of an information dashboard containing caseload trends statistics and the status of courts across the country; and entrenchment of virtual court services, e-filing and other applications.

With respect to our services, the Judiciary sought the views of court users to evaluate the satisfaction of court users with the implementation of the e-filing system. The survey further assessed the benefits, challenges and lessons learned in the implementation of the e-filing. The findings of the survey will enable the Judiciary to come up with sustainable measures on e-filing.

The overall index of satisfaction for court users on e-filing and commercial sector reforms was at **68 per cent** and **66 per cent** respectively while the employees' satisfaction index was **69 per cent**.

This is a signal of confidence in the e-filing and commercial sector reforms in the Judiciary.

I therefore call upon all judges, judicial officers and staff to use the results of this survey and implement the recommendations in this report. I also call the court users to embrace and support the e-filing and commercial justice sector reforms initiatives.

Hon. Justice Martha K. Koome, EGH
Chief Justice and President of the Supreme Court of Kenya

ACKNOWLEDGEMENT

The advent of Covid-19 heightened the need for a change in the way of doing business. The Judiciary introduced e-filing to allow court users remote access to court services in relation to e-filing of cases and confirmation of case status, uploading of relevant documents, service to parties and making payments. I would like to express my gratitude and appreciation to all those who facilitated the survey on the implementation of e-filing and Commercial Justice Sector Reforms and the compilation of this report.

I would like to thank honourable Chief Justice and president of the Supreme Court of Kenya, Hon. Martha K. Koome, for her leadership and support. I acknowledge the support of presiding judges, judges, heads of stations, judicial officers, court administrators and judicial staff of the select courts where the survey was undertaken.

I appreciate the staff of the Directorate of Planning and Organizational Performance led by Dr. Paul Kimalu. I would also like to thank the entire technical team led by Fredrick Ombwori, Gilbert Kipkrui, Dominic Nyambane, George Obai, Dr. Joseph Osewe, Everlyne Simiyu, Martin Astiba, Margaret Ochieng, Stanford Mwangi, Caroline Mungai, John Mbiti, Solomon Onaya, Mercy Chemtai, Eric Kocheli, Linda Navakholwe, Patrick Ngobiro, Chrispin Omollo, Alex Njeru, Victor Lumumba and Leonard Meli for their efforts in data collection, analysis and reporting.

I also take this opportunity to express my gratitude to the International Development Law Organization (IDLO) for their financial support that facilitated the undertaking of the Survey.

Hon. Anne A. Amadi, CBS
Chief Registrar of the Judiciary

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LIST OF ACRONYMS

CTS	Case Tracking System
DPOP	Directorate of Planning and Organizational Performance
EACC	Ethics and Anti-Corruption Commission
ELC	Environment and Lands Court
ELRC	Employment and Labor Relations Court
ICMS	Integrated Court Management System
IT	Information Technology
ICT	Information Communication and Technology
IDLO	International Development Law Organization
JTF	Judiciary Transformation Framework
RRT	Rent Restriction Tribunal
SP	Judiciary Strategic Plan (2019-2023)
SJT	Sustaining Judiciary Transformation
STAJ	Social Transformation through Access to Justice

DEFINITION AND TERMS

Case Tracking System (CTS): This is a registry automation system that tracks the life cycle of case, indicates the status of a case, generates the cause list, keeps an e-diary and generates reports.

E-filing: E-filing system is a platform established by the Judiciary for law firms, lawyers and non-lawyers to initiate and complete the process of filing cases. It allows submission of e-documents to court, perform self-assessment and make payments of court fees, cash-bail or court deposit.

Basic computer literacy: Foundational computer literacy skills which covers the most common usages of a computer.

Intermediate computer literacy: Computer literacy and competency beyond the foundational level required to work with multiple worksheets, filter data and manipulate databases.

Advance computer literacy: Computer literacy and competency beyond the intermediate level applied in educational and work settings including designing and developing of computing hardware and software.

CHAPTER ONE

INTRODUCTION

1.0 Background

The Judiciary is one of the three arms of the Government established under chapter 10 of the Constitution of Kenya. It derives its mandate from Article 159 and exercises judicial authority derived from the people of Kenya. The Judiciary mission is to administer justice in a fair, timely, accountable and accessible manner, uphold the rule of law, advance jurisprudence and protect the constitution. It is expected to handle disputes in a just manner, with a view to protecting the rights and liberties of all, thereby facilitating the attainment of the ideal rule of law. In order to achieve its mission, the Judiciary developed the Social Transformation through Access to Justice (STAJ), which builds on the previous achievements and reforms in the Judiciary as contained in preceding Judiciary blueprints: The Judiciary Transformation Framework (JTF) (2012-2016), Sustaining Judiciary Transformation (SJT) (2017-2021) and the Judiciary Strategic Plan (2019-2023).

In order to realize the outcomes of Social Transformation through Access to Justice, leveraging technology for productivity was one of the outcomes pursued. This outcome was to be achieved through digitization of court processes from registration to conclusion.

The Judiciary Strategic Plan, 2019-2023 prioritized both criminal and civil justice reforms in order to ensure access to and timely disposal of cases. The Digital Strategy and the ICT Master Plan (2018 – 2022) prioritized development of an e-Judiciary framework that all

components of ICT were built in harmony. The strategy envisaged development of an Integrated Court Management System (ICMS) geared towards automating all the functions of the Judiciary, while the master plan underscored the fact that adoption of automation was to enhance efficiency, access, timeliness, transparency and accountability and help the Judiciary to provide adequate services.

The advent of Covid-19 heightened the need for a change in the way of doing business. The Judiciary launched e-filing system in July 2020 in the Nairobi County courts and tribunals. The IDLO supported the Commercial Justice Sector reforms with an overarching aim of strengthening the business climate in Kenya through increased investment. Therefore, the Judiciary in collaboration with International Development Law Organization sought to establish the courts users' perception on implementation of e filing and commercial justice sector reforms for policy and administrative decision making before roll out to other courts.

The Kenya Judiciary adopted Court user satisfaction surveys to assess the perception of court users on the services offered and thus identify areas for improvement. The e-filing survey was undertaken in 2022 and involved gathering information from court users on their needs and satisfaction with e-filing and Commercial Justice Sector reforms. Court users included both external and internal users. The external court users included members of the public using the services of the courts (complainants/plaintiffs, accused/defendants, witnesses, relatives and friends of the litigants and those seeking information or assistance from the court) and external stakeholders (advocates,

paralegals/filing clerks, police/ prison officers, probation officers, children's officers and prosecutors). The internal stakeholders encompassed judges, judicial officers and staff.

1.1 Objectives

The overall objective of the Survey was to assess the satisfaction of court users on implementation of electronic case filing (e-filing) system and commercial justice sector reforms in courts and tribunals. The specific objectives are:

- i). To assess the satisfaction level of courts users on e-filing system in courts and tribunals within Nairobi County.
- ii). To assess the satisfaction level of courts users on Commercial Justice Sector Reforms at Milimani High Court Commercial and Tax Division and Milimani Commercial Magistrates' Court.
- iii). To get feedback on implementation of case tracking system
- iv). To make recommendations based on the survey findings on e-filing system and commercial justice sector reforms in the Judiciary.

1.2 Scope

The survey covered the use of e-filing system and the implementation of commercial justice sector reforms in courts, select tribunals and Judiciary employees in Nairobi County courts. E-filing covered e-case registration, e-assessment, e-payment, e-service notification, e-activity management and e-reporting.

The survey was carried out in 18 Courts and 2 tribunals in Nairobi as follows: Supreme Court, Court of Appeal, Criminal Division, Civil Division, Commercial and Tax Division, Anti – Corruption Division, Judicial Review Division, Constitution and Human Rights Division, Family Division, ELRC Nairobi, Milimani ELC, Milimani Magistrates’ Court, Milimani Children’s Court, Milimani Commercial Magistrates’ Court, Milimani Anti- Corruption Magistrates’ Court, Makadara Magistrates’ Court, Kibera Magistrates’ Court, JKIA Magistrates’ Court, Nairobi City Court, Cooperative Tribunal and Rent Restriction Tribunal (RRT).

Commercial Justice Sector Reforms survey addressed the key strategic interventions supported by IDLO that included; Automation of court processes, Capacity of judges and magistrates through training with the Kenya Judiciary Academy; and Increased and sustained engagement between the Judiciary and the Private Sector through Business Court Users Committee in the Commercial and Tax Division of the High Court and the Milimani Commercial Magistrates’ court.

1.3 Methodology

Survey questions were developed noting the key issues that the Judiciary wanted to explore in respect of the needs and perceptions of court users. Reference was also made to caseload statistics and previous studies on e-filing.

Stratified Random Sampling Technique was used for the court user survey where the various court levels were the strata. For employees the strata entailed judges and judicial officers, judicial staff (registry

clerks, court clerks, accountants and ICT officers), who support the implementation of e-filing and commercial justice sector reforms programme.

1.3.1 Study Design

This survey employed both quantitative and qualitative research design. A structured questionnaire with both closed and open-ended questions was administered to the sampled respondents. Closed-ended questions gathered quantitative information from the sampled court users while open-ended questions gathered qualitative data to further explain relevant information.

To ensure data quality, the survey instruments were subjected to validation meetings and interactions with key stakeholders in order to ensure accurate, reliable and valid results.

1.3.2 Sample Size Determination and Sampling Procedure

The sample size was determined using Fishers model and a margin of error was 2.5 at 95 per cent confidence level. The target for the Survey was to collect views from 650 respondents and the total sample size achieved was 889. The target for employees was 317 respondents and the total sample size achieved was 131. The number of respondents per court was determined by the number of registered cases in a court.

Table 1: Sample size determination for the e-filing Survey

Error Margin (P-values)	Court Users' sample size (Population <=10,000)
6.0%	317
5.5%	378
5.0%	384
4.5%	474
4.0%	600
3.5%	784
3.0%	1,067
2.5%	1,537
2.0%	2,401
1.7%	3,323
1.5%	4,268
1.0%	9,604

1.3.3 Data Collection and Quality Control

Data collection was undertaken by DPOP staff assisted by research assistants. The Survey was undertaken in the month of June 2022. The respondents were randomly selected as they were attended to at any location within the court building.

1.3.4 Data Processing and Analysis

Data cleaning, coding and analysis were done using MS Excel and STATA. The responses were analyzed and reported using descriptive and inferential statistics. Satisfaction indices were computed to determine the satisfaction levels using a 4-point Likert scale on a

continuum. The quantitative results that are presented as the percentage of respondents were rounded off to the nearest whole number or when appropriate to the second decimal place.

CHAPTER TWO

E-FILING, COMMERCIAL JUSTICE SECTOR REFORMS AND CASE TRACKING SYSTEM FINDINGS

2.0 Introduction

This Chapter provides findings of the e-filing, Commercial Justice Sector reforms and Case Tracking System survey. The section starts with an overview of the court users of the court user e-filing survey. An understanding of their profile provides context for the findings. Subsequent sections give levels of satisfaction with various services offered by the Judiciary. There were 889 court users interviewed and 131 employees interviewed on the use of CTS.

2.1 Socio-Demographics Characteristics

The socio-demographic information of court users gathered included gender, age, level of education, specific category and computer literacy.

2.1.1 Gender

The male court users constituted 71 per cent while female was 28.59 per cent as shown in Figure 1.

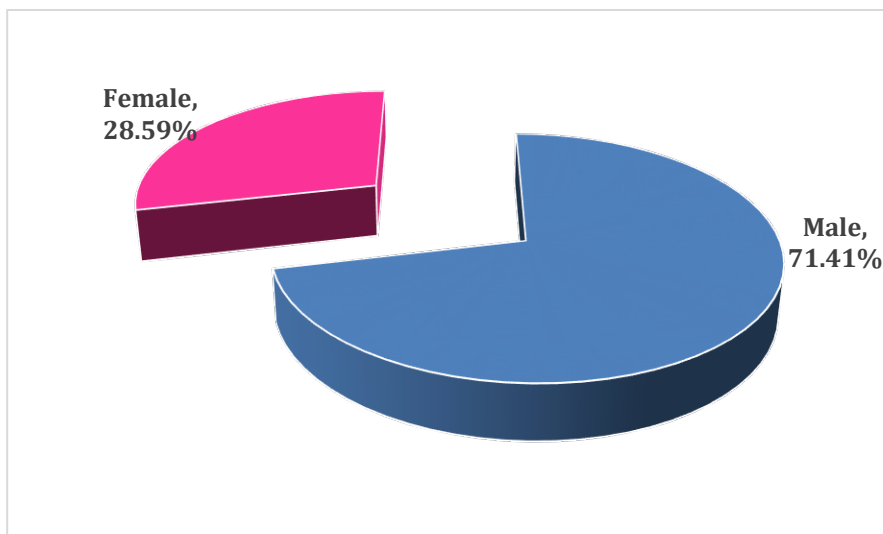


Figure 1: Gender

2.1.2 Age

The results of the survey show that 49.27 per cent of the court users were between the age of 25-34 years, while 20.42 per cent were aged between 35-44 years and 4.06 per cent above 55 years.

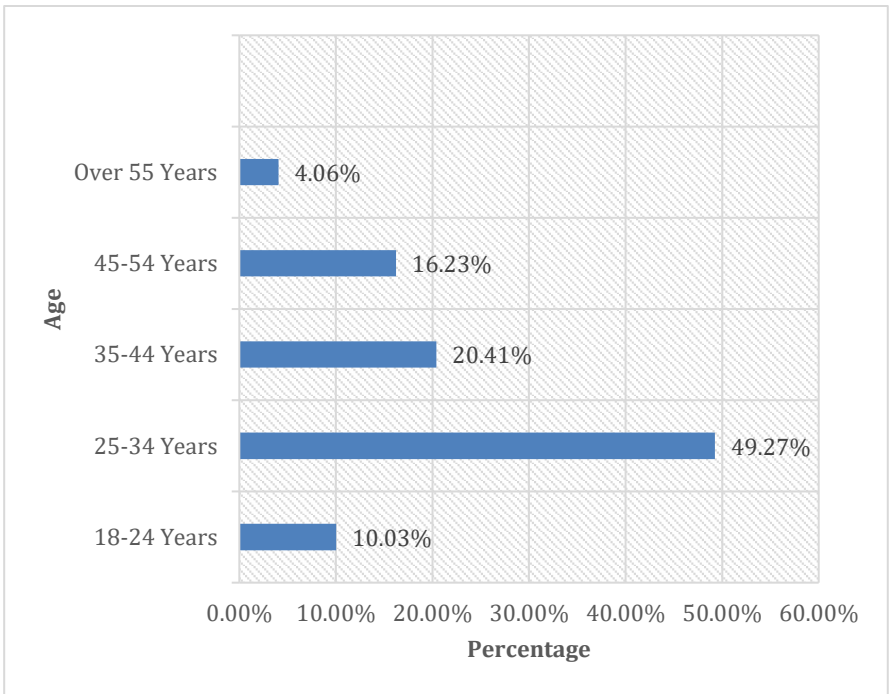


Figure 2: Distribution of Court users by Age

2.1.3 Education level

Thirty-eight (37.81%) per cent of the court users were post-graduates, 34.99 per cent were graduates, 21 per cent had diplomas or certificates while 5.98 per cent had attained the secondary level of education. The survey results are shown in Figure 3.

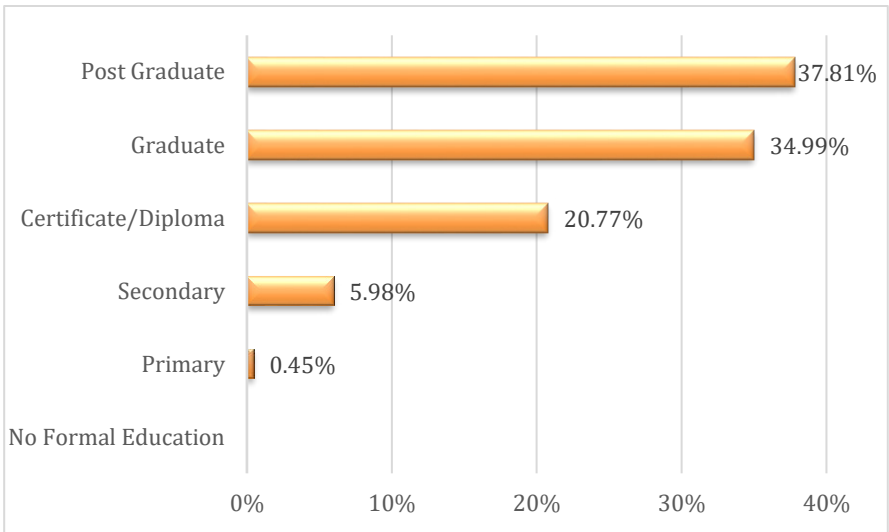


Figure 3: Education level

2.1.4 Computer Literacy

Forty-two (42.39%) per cent of the court users had intermediate level of computer literacy while 37.77 per cent had advanced and 20 per cent had basic level as shown in Figure 4.

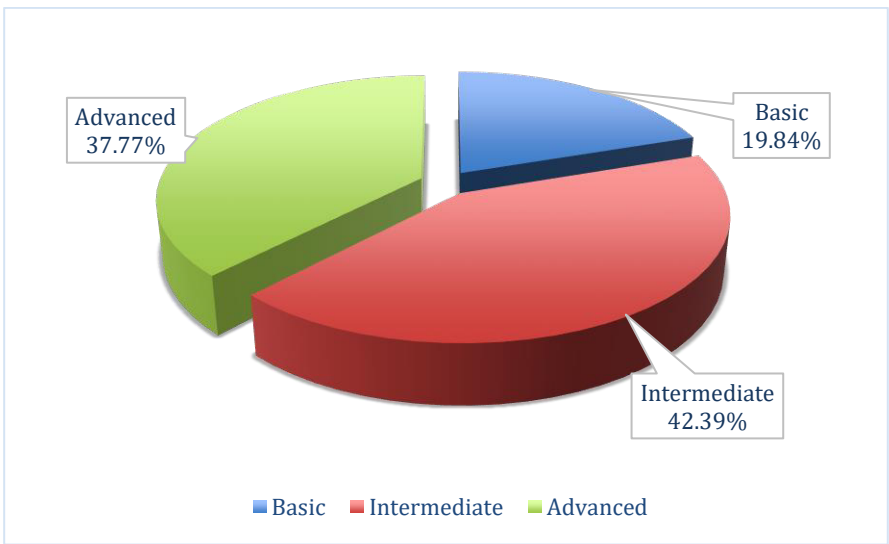


Figure 4: Level of Computer Literacy

2.1.5 Court Users by Specific Category

Forty-four (43.92%) per cent of the court users were advocates while 27.59 per cent were advocates’ clerks as presented in Figure 5.

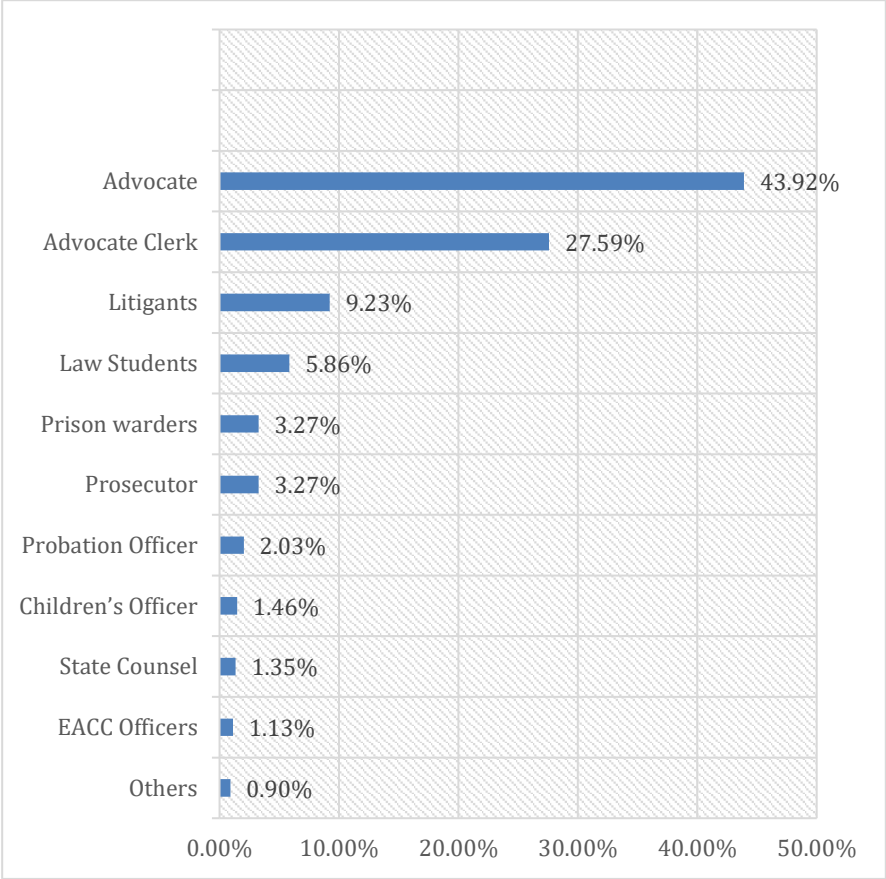


Figure 5 : Court users by Category

2.2 E-FILING

The survey sought to find out how court users knew about e-filing system, the equipment they use to access the e-filing system, reasons for use of e-filing and whether they had received training from the Judiciary on the use of e-filing.

The survey findings show that overall satisfaction index on e-filing was **67.58 per cent**. The satisfaction index by thematic area is shown in Figure 6.

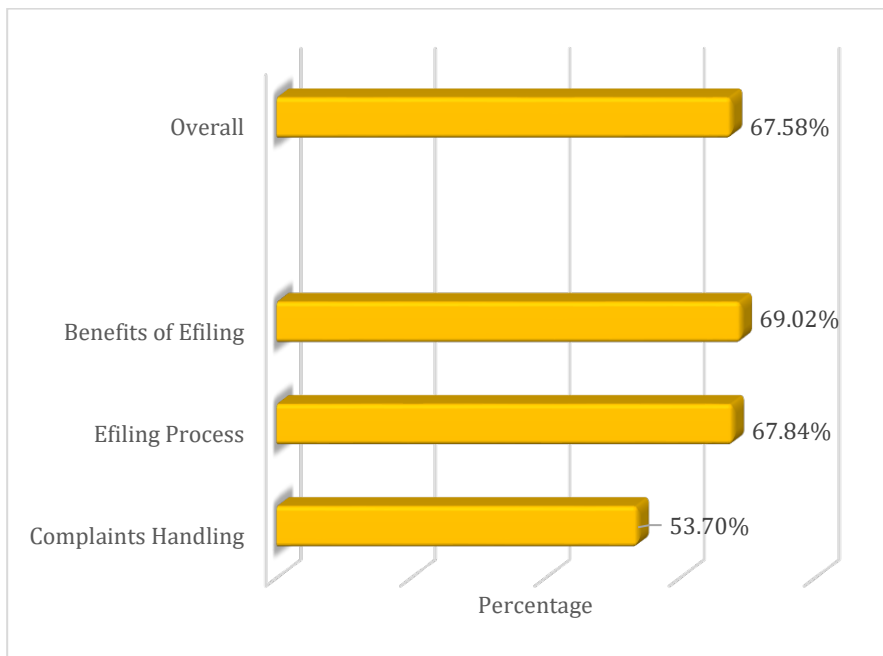


Figure 6: Satisfaction Index by Thematic Area

2.2.1 Awareness on e-filing system

The survey sought to find out how court users knew about the e-filing system. Fifty-five (55.29%) per cent knew about e-filing via Judiciary

website while 24.77 per cent through Judiciary noticeboards as shown in Figure 7.

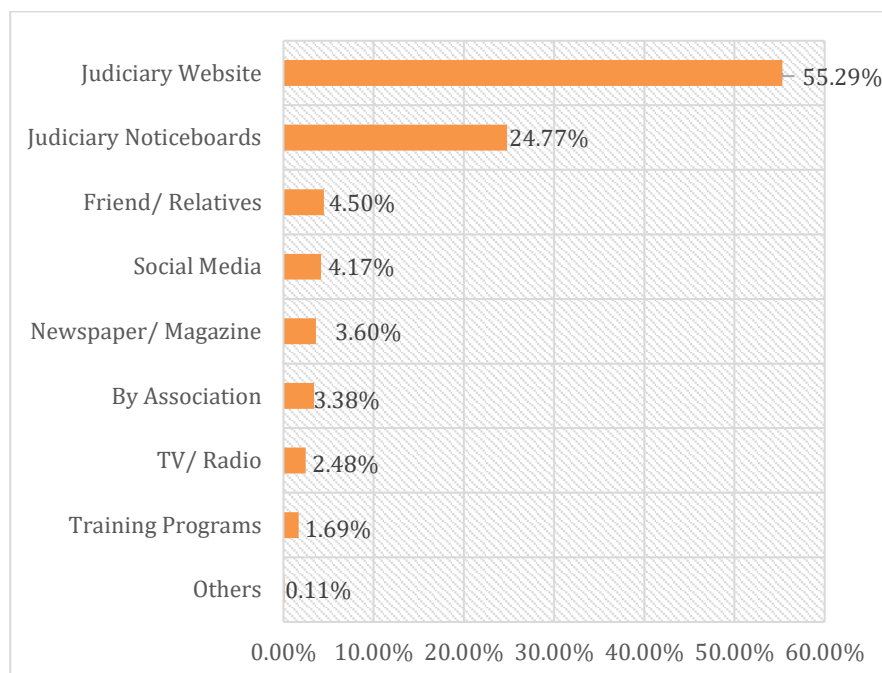


Figure 7: Source of information on e-filing

2.2.2 Equipment Used in Accessing E-Filing

The court users were asked about the equipment used while accessing e-filing system. Figure 8 shows that 67.48 per cent of the court users were using desktop computers to access the e-filing system, 53.36 per cent laptop computers, 49.69 per cent smartphones, 11.04 per cent tablets while 1.84 per cent used iPads.

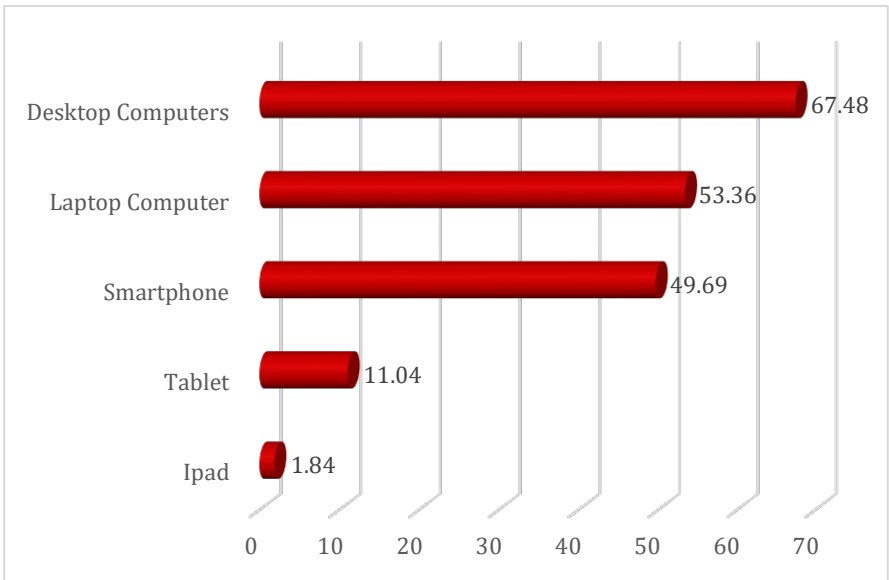


Figure 8: Equipment Used to Access the e-filing System

2.2.3 Services sought by court users

Ninety (90.21%) per cent of the court users used the e-filing system to register cases, 25.97 per cent to confirm dates, 76.72 per cent to make payments and 72.67 per cent to confirm dates. The information on e-filing usage is provided in Figure 9.

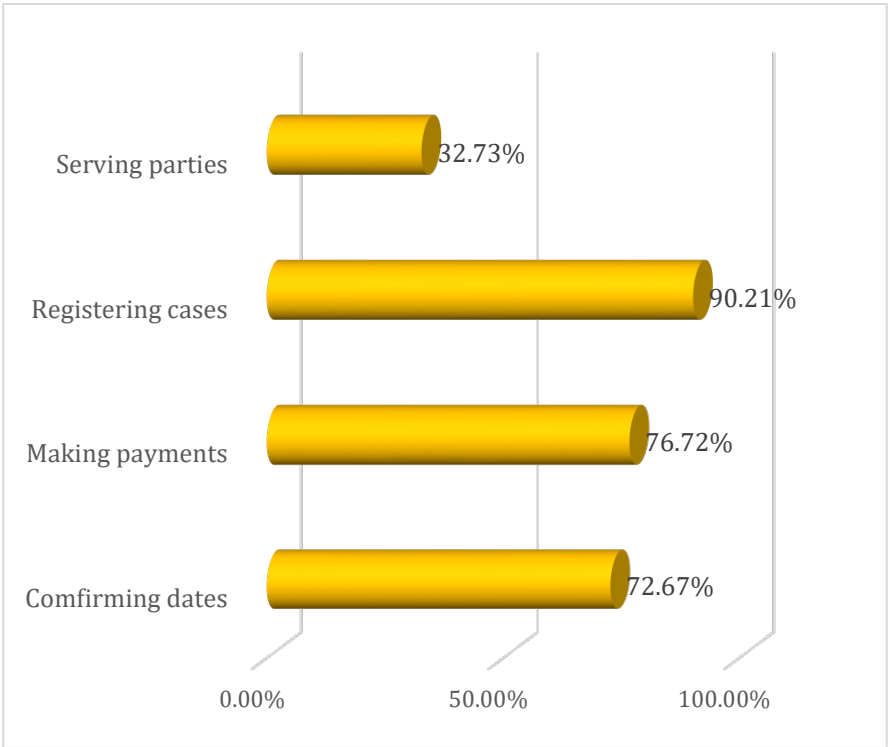


Figure 9: Purpose of e-filing System

2.2.4 Training on e-Filing

Sixty-seven (67.34%) per cent of the court users pointed out that the Judiciary had not trained them on e-filing system as shown in Figure 10.

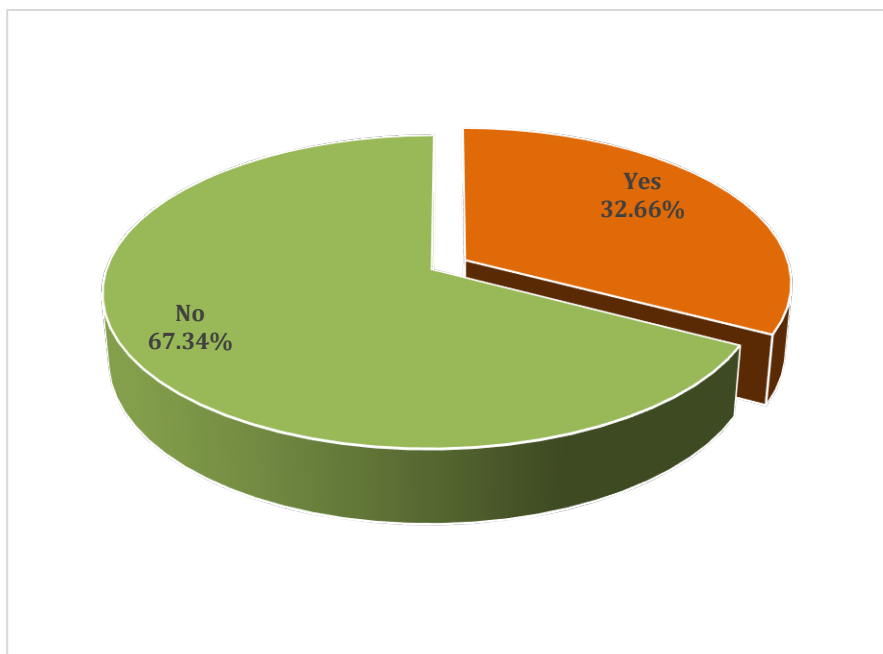


Figure 10: Training on e-filing by Judiciary

Out of the 32.66 per cent trained by the Judiciary on e-filing, 41.38 per cent were advocates followed by advocate clerks at 34.14 per cent as shown in Figure 11.

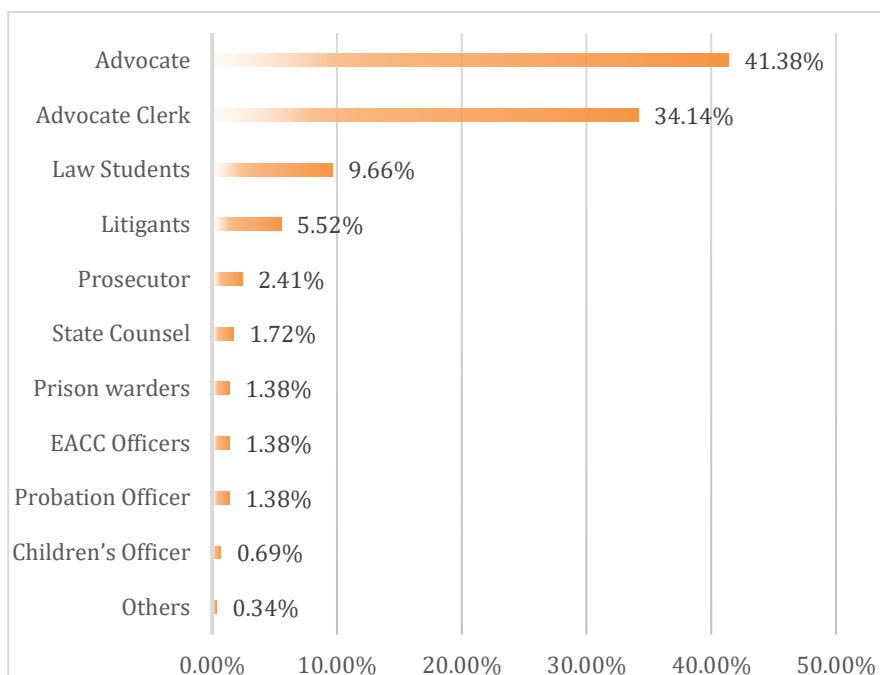


Figure 11: Training by Court User Category

2.2.4.1 Court Users Perception on the effectiveness of the Judiciary training on e-filing

Figure 12 gives the ratings of the training process as perceived by the court users trained. Twenty (20.07%) per cent of the court users termed the training as very effective, 74.05 per cent as effective, 4 per cent as infective and 1.38 per cent as very ineffective. Overall, 94.12 per cent of the court users agreed that the training was effective.

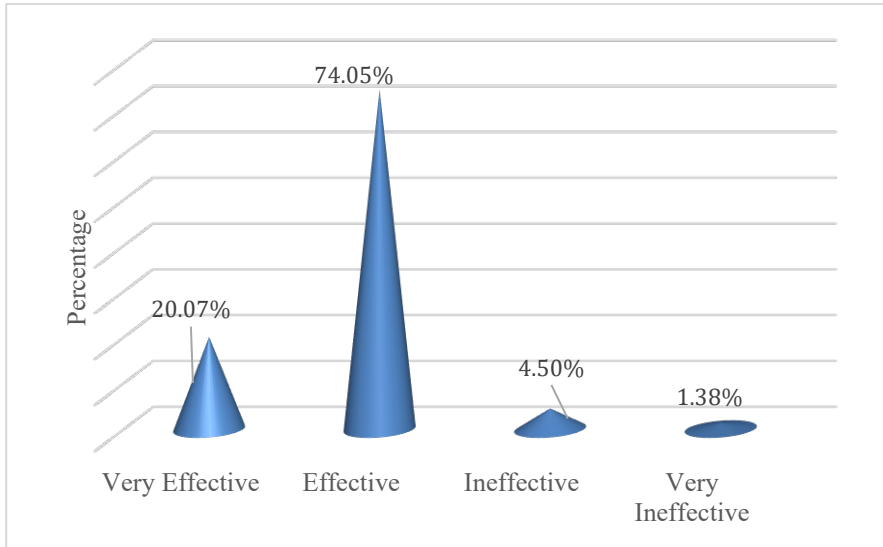


Figure 12: Rating of Judiciary Training on e-filing

2.2.5 E-filing Processes

The survey sought to establish the agreement level of the court users on the e-filing processes. Ninety-two (92.36%) per cent of court users agreed that it was easy to make payments, while 87.84 per cent agreed that it was easy to access automated fee assessment. Figure 13 gives a summary of the results.

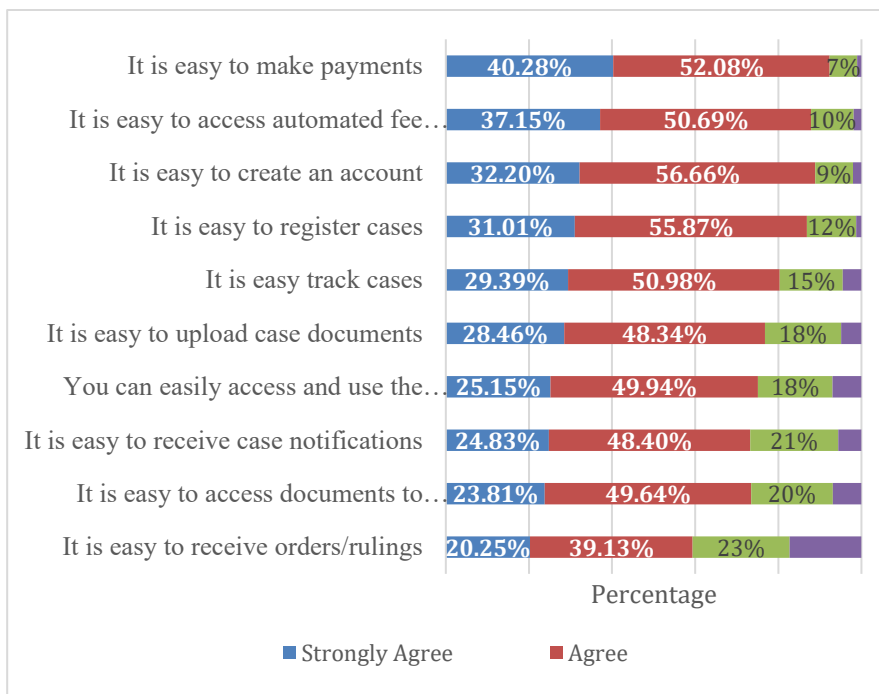


Figure 13: Ease of Use of e-filing

2.2.6 Benefits of e-filing

The court users were asked to give their view on the benefits of introduction of the e-filing system in the Judiciary. Ninety-two per cent (92.43%) of the court users strongly agreed that the system had improved the speed of filling cases, 87.71 per cent agreed that the e-filing system had made it easy to track court documents. Figure 14 outlines the agreement levels on the benefits of e-filing.

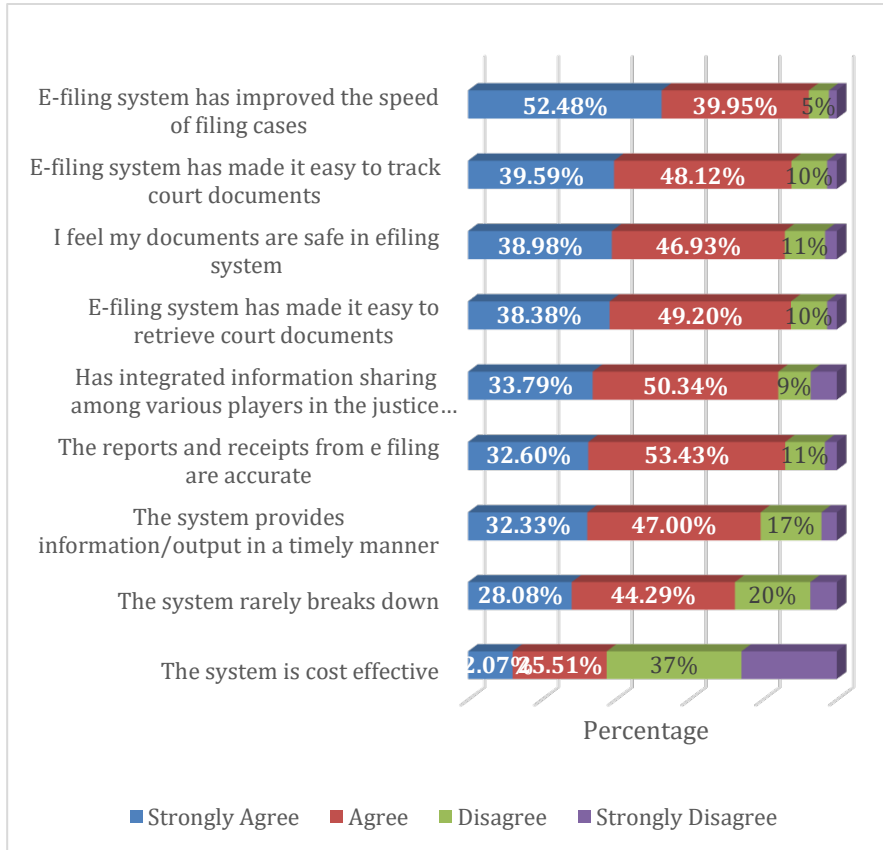


Figure 14: Benefits of E-filing

2.2.6.1 Reliability of the e-filing System

The court users were further asked to give their views on the reliability of the e-filing system. Eighty-seven (86.92%) per cent of the court users indicated that the e-filing system was reliable as shown in Figure 15.

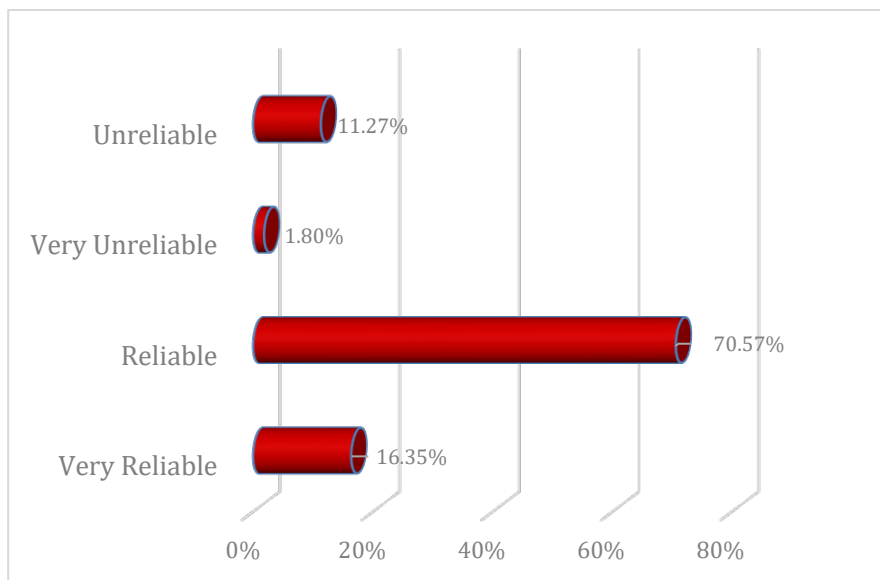


Figure 15: Reliability of e-filing System

2.2.7 Challenges in implementation of e-filing

Every system has its challenges. The survey sought to establish the challenges encountered in implementation of the e-filing system. The challenges experienced were brought to attention through enquiries, complaints and feedback.

Seventy-one (71.09%) per cent experienced slow system response while 57.93 per cent experienced system breakdown. Figure 16 shows the challenges experienced by the court users while interacting with the system.

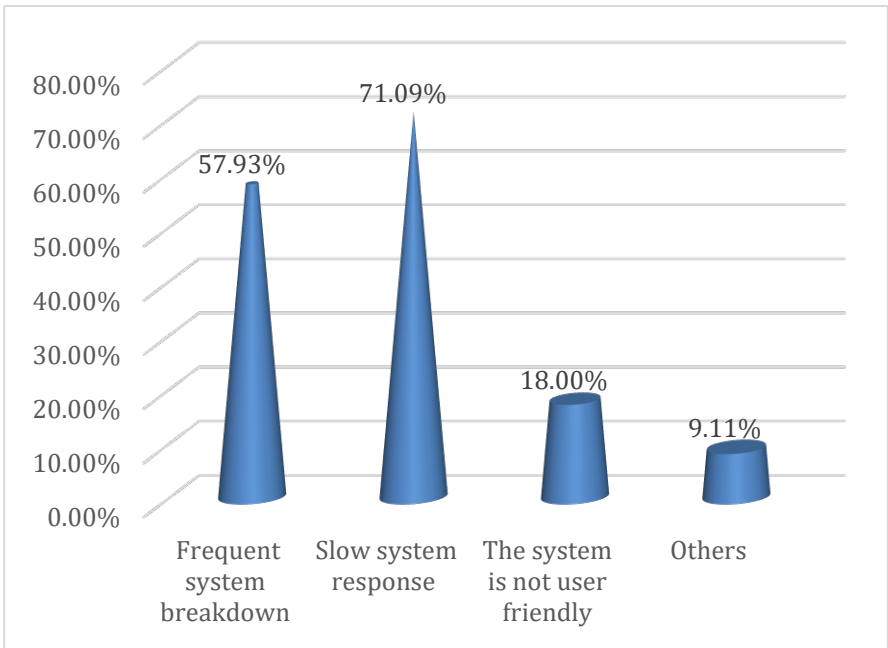


Figure 16: e-filing Challenges

2.2.8 Enquiry on e-filing

Court users were asked if they had ever made any enquiry about the Judiciary e-filing system. Sixty-nine per cent (68.51%) of the court users had made enquiry on e-filing as shown in Figure 17.

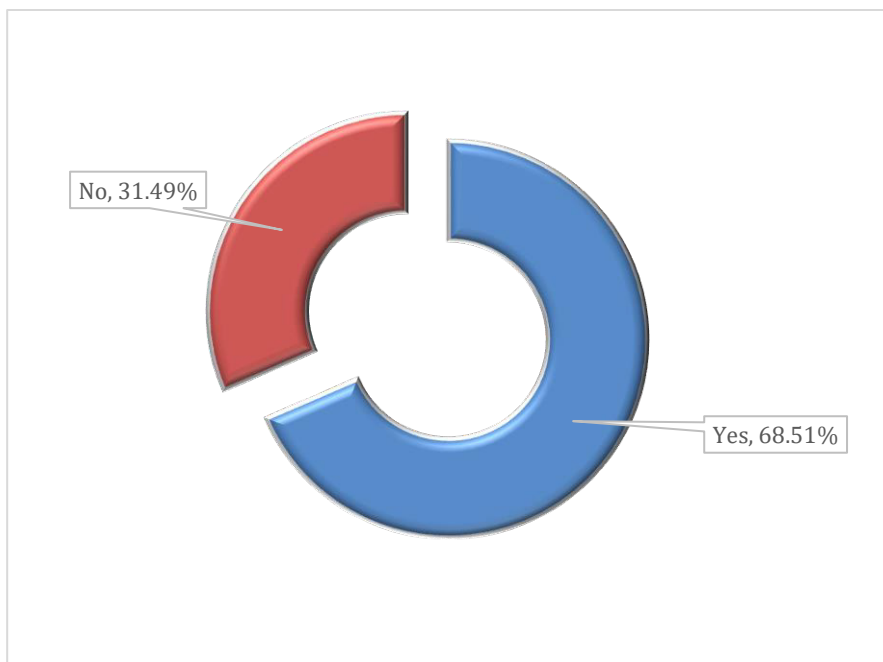


Figure 17: Enquiry on the Judiciary e-filing System

The Survey findings show that, out of the court users who made enquiry, 30.39 per cent indicated that the feedback mechanism was effective. The findings are provided in Figure 18.

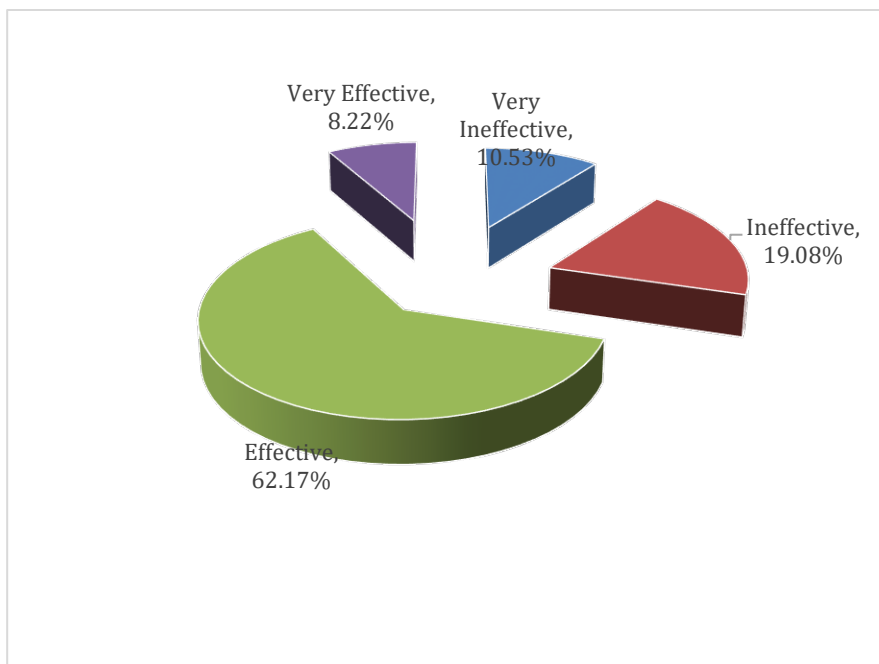


Figure 18: Effectiveness of feedback mechanism on enquiry

2.2.9 Complaints on e-filing

Court users were asked if they had ever made any complaints about the Judiciary e-filing system. Forty-seven per cent (47.13%) of the court users had made complaints on e-filing. The results are shown in Figure 19.

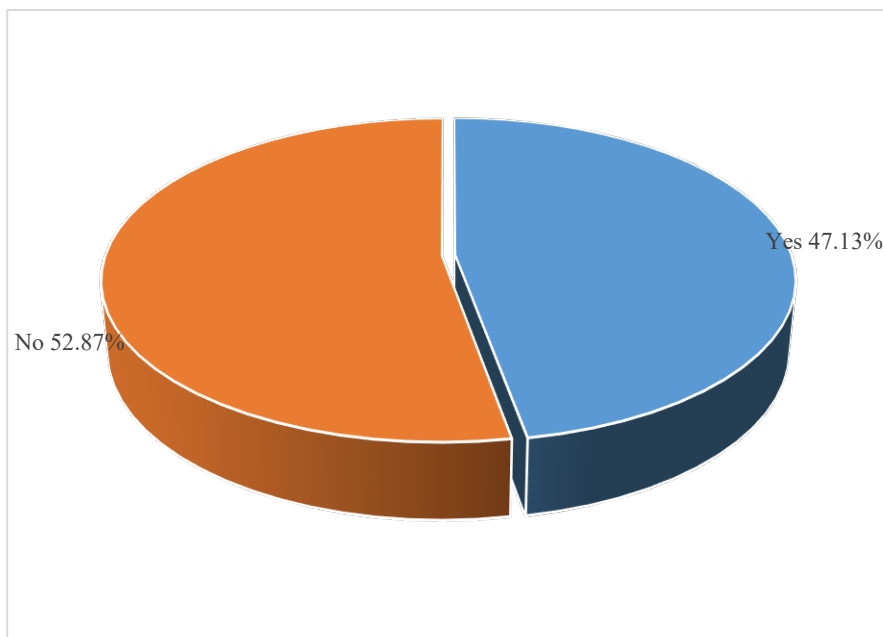


Figure 19: Complaints on the Judiciary e-filing System

2.2.9.1 Complaints by Court Users

A further analysis show that 46.41 per cent of court users who made complaints were Advocates, 31.82 per cent were Advocate Clerks while 1.20 per cent were EACC Officers as presented in Figure 20.

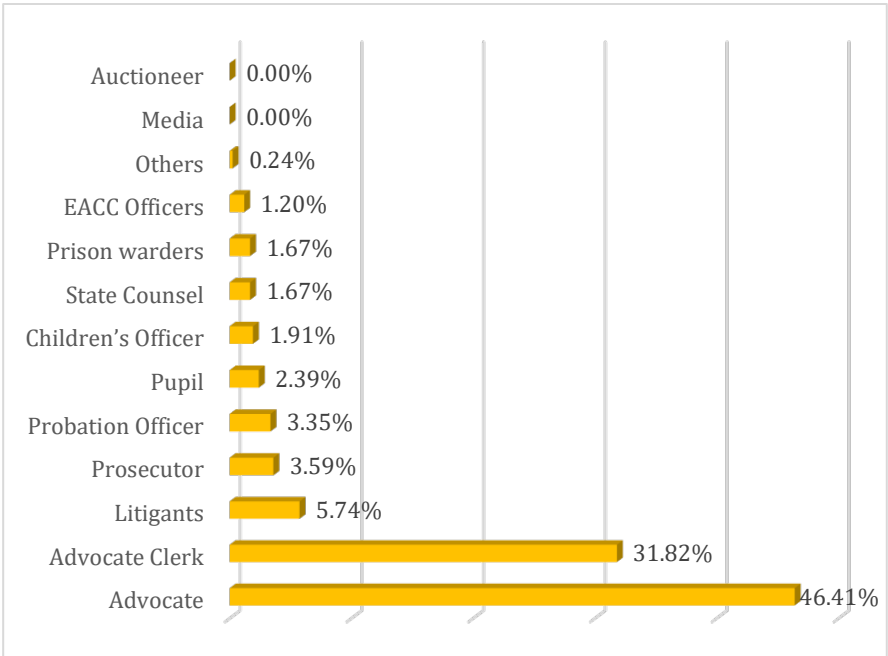


Figure 20: Complaints on E-filing by each category

2.2.9.2 Complaint by Court Type

The survey results show that 54.92 per cent of the court users made complaints on e-filing to the High Court, 40.98 per cent to Magistrates’ courts, 3.28 per cent to the Tribunals and 0.82 per cent to ELRC. The results are presented in Figure 21.

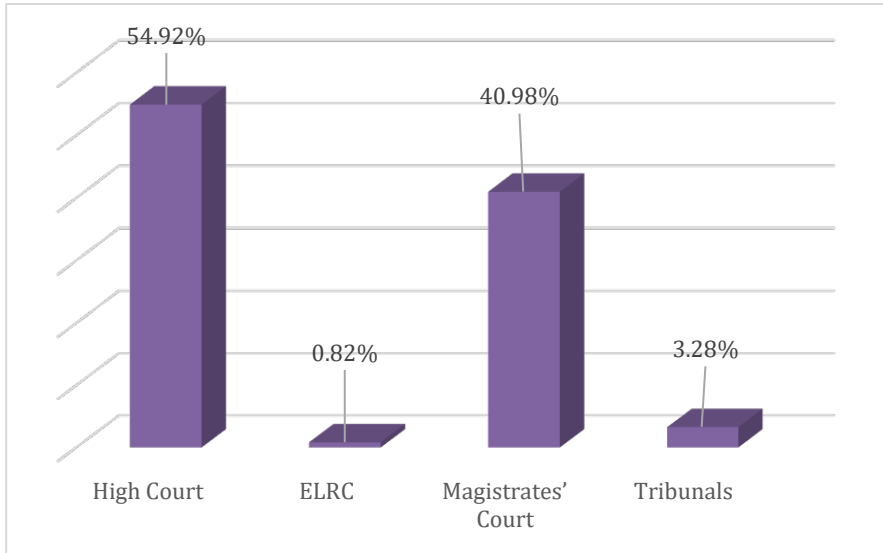


Figure 21: Complaints on E-filing by court

2.2.10 Complaints handling mechanism

Court users were asked to rate the feedback mechanism in handling complaints through Judiciary e-filing system. Seven (6.45%) per cent of the court users rated the feedback mechanism as very effective, 29.03 per cent as effective, 49.46 per cent as ineffective while 15.05 per cent of the court users rated feedback mechanism as very ineffective. The results are as presented in Figure 22.

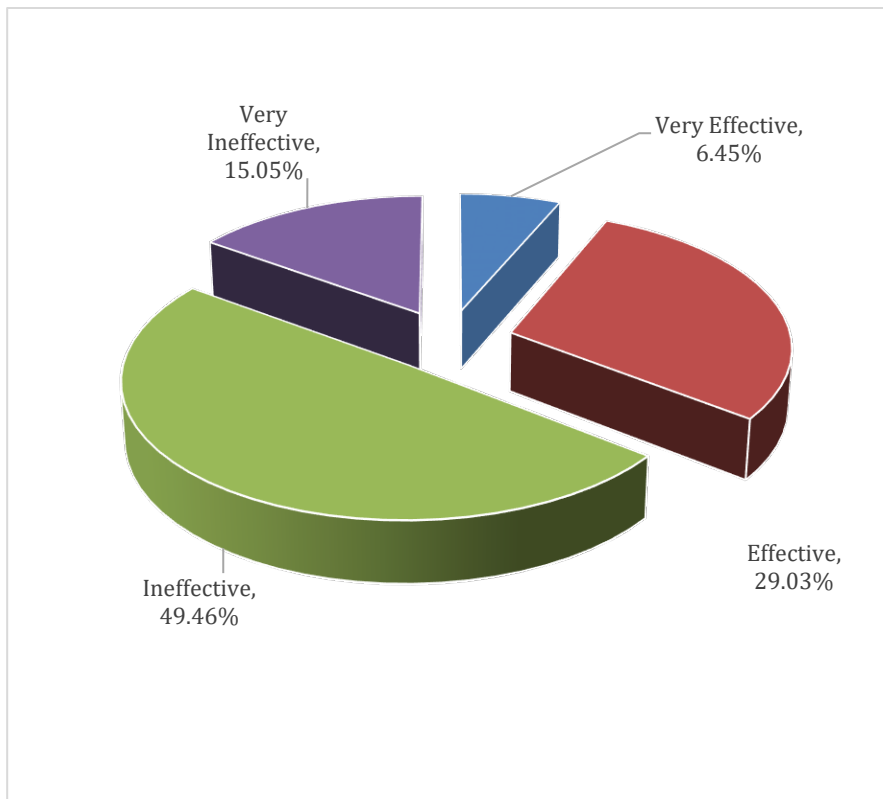


Figure 22: Rate of Feedback Mechanisms in Handling Court Users' complaints

2.3 COMMERCIAL JUSTICE SECTOR REFORMS

The survey sought to establish the court users who sought services in the commercial courts and their perception of the Commercial Sector Reforms including timely resolution of commercial disputes and professionalism by Judiciary employees. The findings of the survey established that the satisfaction index for the commercial sector reforms was **66.01 per cent**.

2.3.1 Socio-Demographics Characteristics

The socio-demographic information of court users gathered included gender, age, level of education, specific category and computer literacy.

2.3.2 Gender

Male court users were predominant at 73.94 per cent while female were 26.06 per cent as shown in Figure 23.

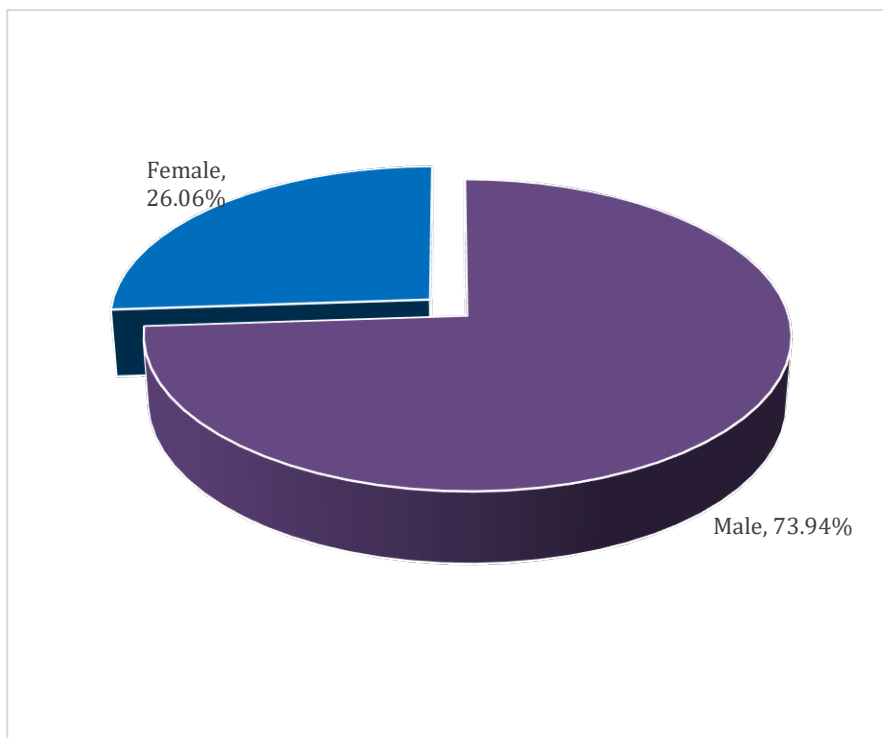


Figure 23: Distribution of Court users by Gender

2.3.3 Age

The results of the survey show that 51.10 per cent and 23.08 per cent of the court users were aged between 25-34 and 35-44 respectively. Figure 24 gives a summary of the results.

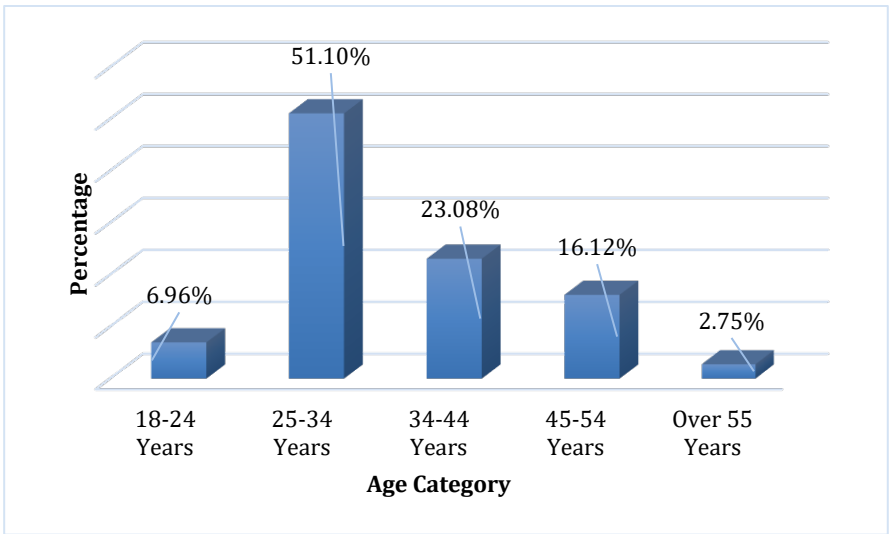


Figure 24: Distribution of Court users by Age

2.3.4 Commercial Sector Reforms

The survey sought to establish the agreement level of the court users on the commercial sector reforms. Ninety-one (90.91%) per cent of court users agreed that judges/magistrates demonstrated professionalism while handling commercial disputes, while 50.00 per cent agreed that confidence with commercial courts in Kenya had improved. Figure 25 gives a summary of the results.

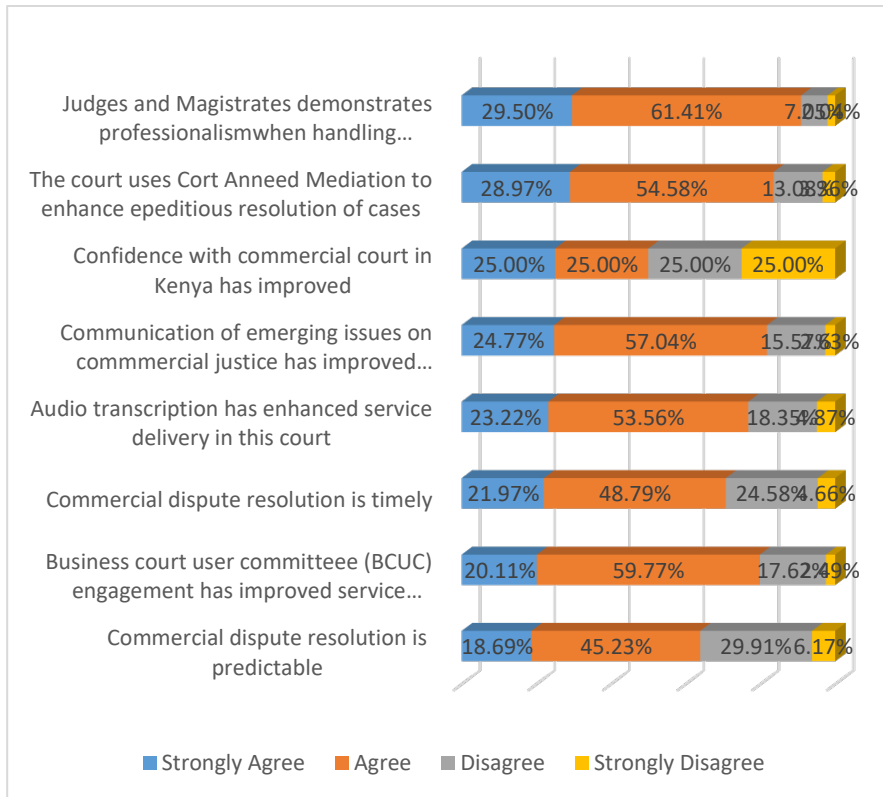


Figure 25: Commercial Justice Sector Reforms

2.4 EMPLOYEE FEEDBACK ON CTS

2.4.1 Introduction

The e-filing component that employees used was the Case Tracking System (CTS). This Section presents the findings of the survey on the use of CTS. A total of 131 employees were interviewed. The information is aimed at establishing the levels of satisfaction of employees with the CTS.

The overall satisfaction index of employees with the CTS was **68.89 per cent**.

2.4.2 Socio-Demographics Characteristics

The socio-demographic information of the employees gathered included gender, age designation, level of education and computer literacy.

2.4.2.1 Gender

The response by the employees with regards to gender found that female were 51.17 per cent of the total employees while male were 47.83 per cent . The Survey results on gender are shown in Figure 26.

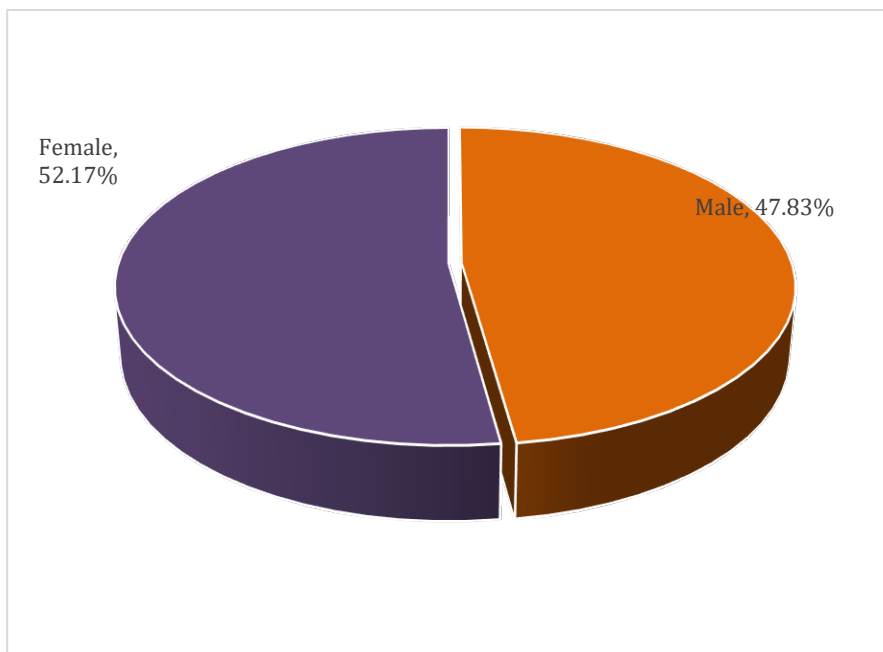


Figure 26: Distribution of employees by Gender

2.4.2.2 Age

Forty-seven (47.11%) per cent of the employees were aged between 25-34 years while 16.53 per cent were aged between 45-54 years. Figure 27 presents age distribution of the employees.

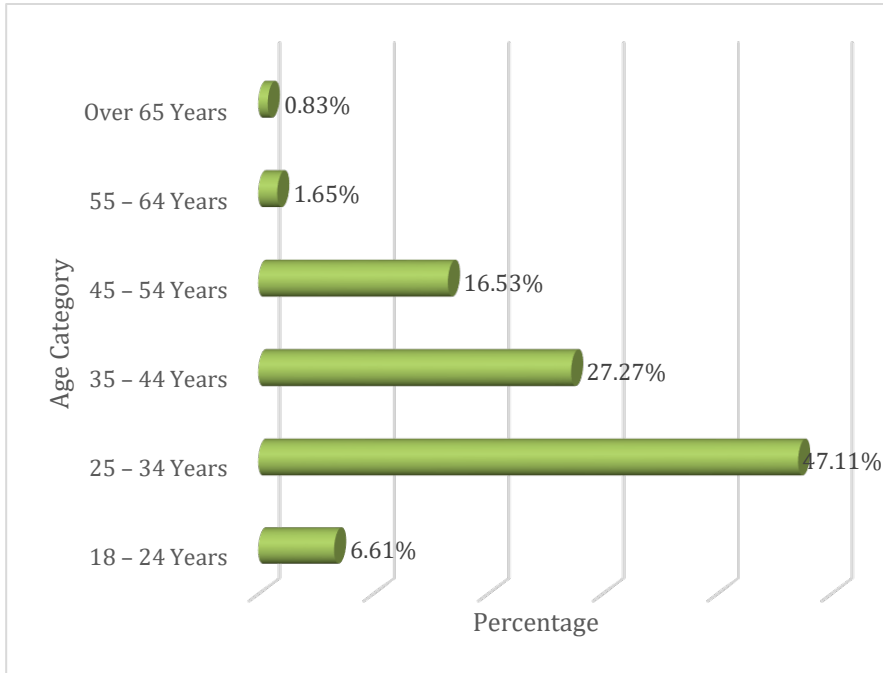


Figure 27: Distribution of employees by Age

2.4.2.3 Category of Employees

The majority of the employees were registry staff at 81.06 per cent, accountants/cashier at 3.79 per cent while judges and judicial officers were at 3.03 per cent. The results are presented in Figure 28.

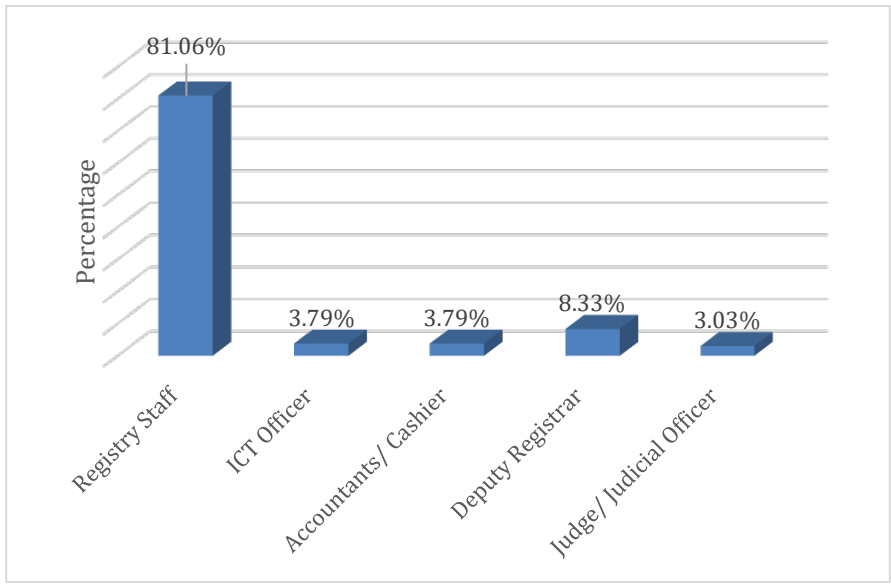


Figure 28: Category of employees

2.4.2.4 Education Level

The Survey results established that 48.33 per cent of the employees were graduates while 32.50 per cent were diploma and certificate holders. The distribution of employees by education level is illustrated in Figure 29.

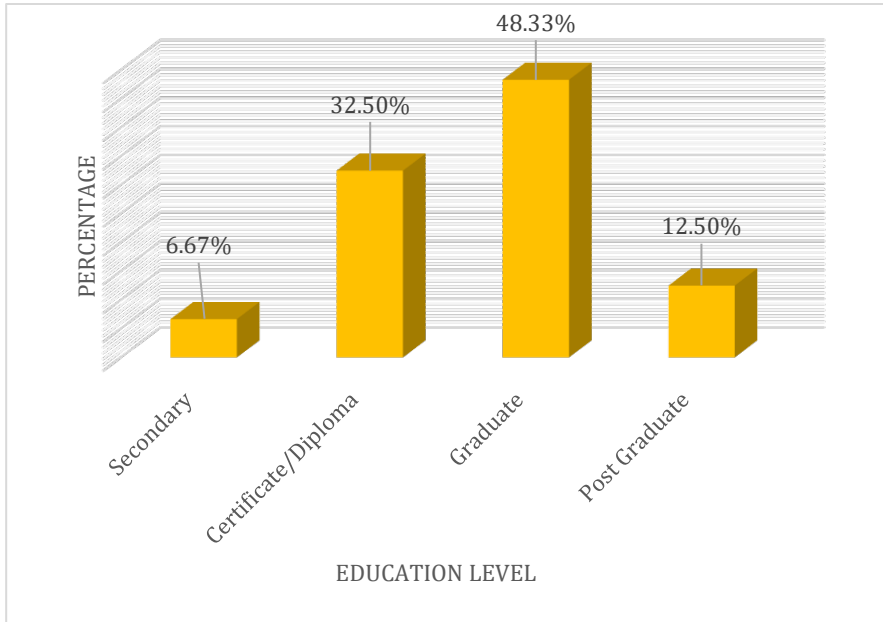


Figure 29: Education level

2.4.2.1 Computer Literacy

Thirty-nine (38.76%) per cent of the employees had intermediate level of computer literacy while 31.01 per cent had basic computer literacy and 30.23 per cent were at advanced level. The Survey findings are shown in Figure 30.

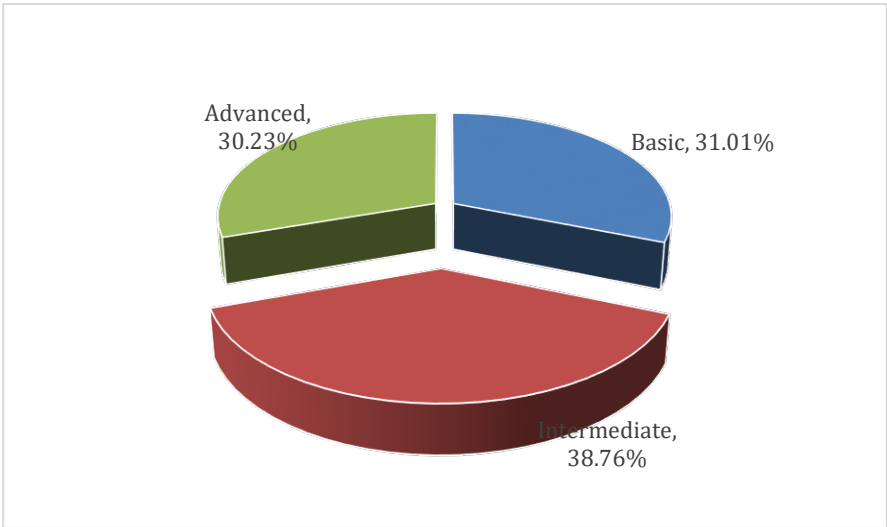


Figure 30: Computer Literacy

2.4.3 Access to CTS

The Survey sought views of employees on the equipment used to access CTS. Sixty-four (63.73%) per cent of the employees used desktop to access CTS. Twenty-two (22.28%) per cent of the employees used laptop to access CTS. The results are presented in Figure 31.

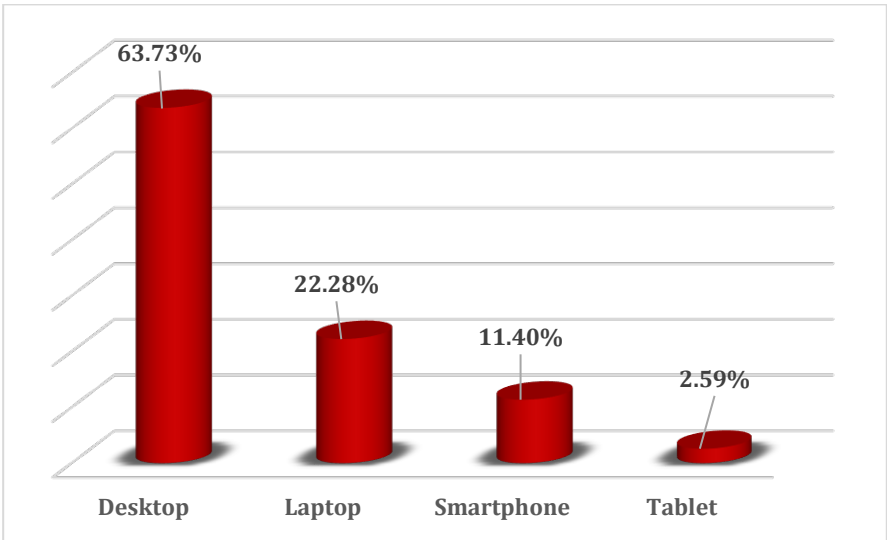


Figure 31: ICT Equipment Used to Access CTS

2.4.4 Training

Judiciary trained employees in order to equip them with necessary skills for successful uptake of CTS. Fifty-six (56.06%) per cent of the employees were trained on the use of CTS. The findings are shown in Figure 32.

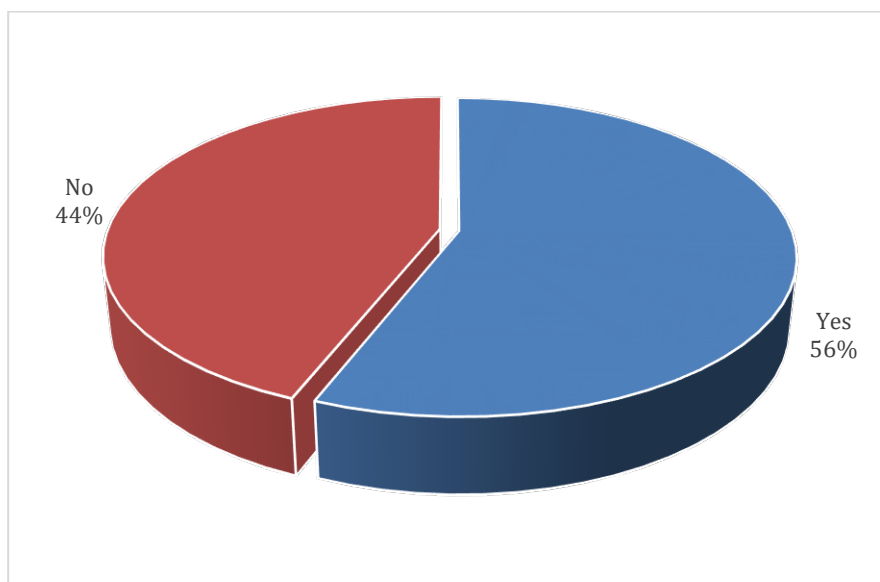


Figure 32: Training on CTS by the Judiciary

2.4.4.1 Effectiveness of CTS training

Ninety-two (92%) per cent of the employees who were trained by the Judiciary found that the training was effective as presented in Figure 33.

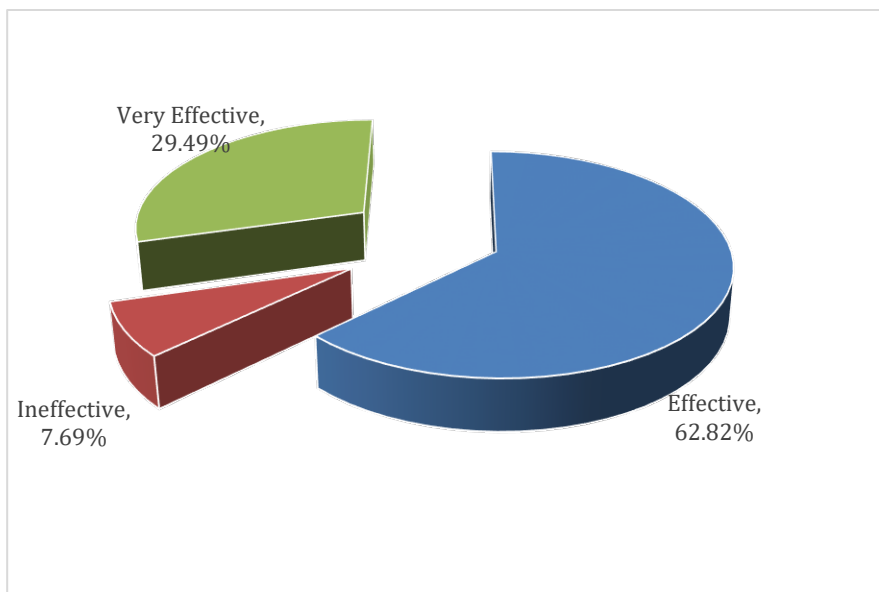


Figure 33: Effectiveness of Judiciary CTS Training

2.4.5 Services Sought in CTS

The survey sought to establish the usage of CTS by the employees. Twenty-eight (28.23%) per cent used CTS for confirming dates for cases, 23.39 per cent used it to search for cases. A summary of the reason for accessing CTS is illustrated in Figure 34.

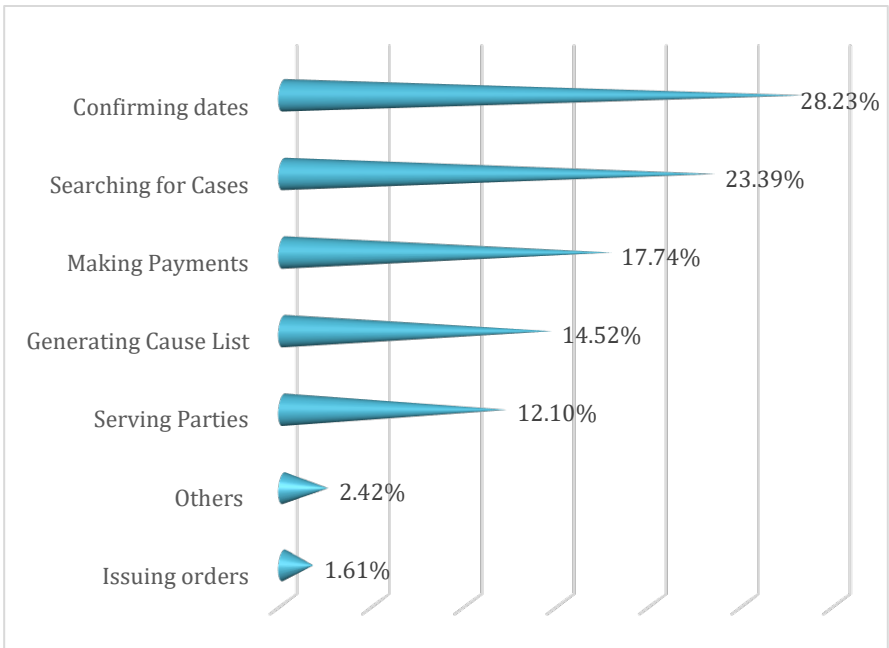


Figure 34: Purpose for Use of CTS

2.4.6 Ease of Use of CTS

The survey sought to establish the ease with which employees were able to use CTS. CTS has operational disaggregation from the registry, accounts and ICT offices, judges and judicial officers. Eighty (79.59%) per cent of the employees revealed that the CTS process was not difficult to use. The results are shown in Figure 35.

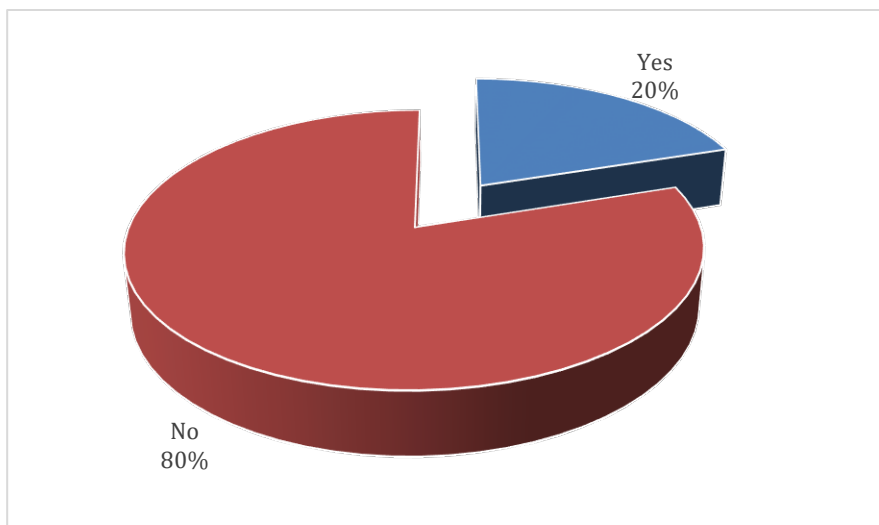


Figure 35: Difficulty in use of CTS

2.4.6.1 Ease of Use of CTS by Registry Staff

The survey sought to find out among registry staff the ease of using CTS. The survey results show that the 90.82 per cent of the registry staff were in agreement that it was easy to update outcomes, 87.76 per cent easy to allocate case dates while 93.88 found it was easy to update case events. The results are shown in Figure 36.

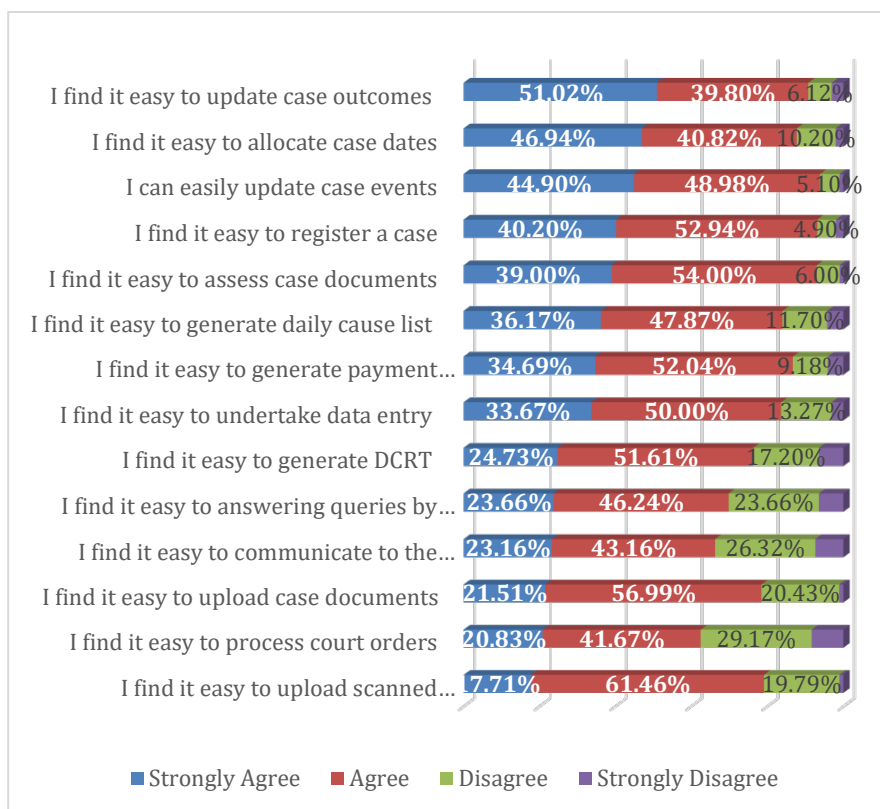


Figure 36: Ease of Use of CTS by Registry Staff

2.4.6.2 Ease of Use by ICT Staff

All the ICT staff (100%) found it easy to configure the system and to train on CTS while 50 per cent found it easy to map case types and 80 per cent found it easy to register a case. The results are presented in Figure 37.

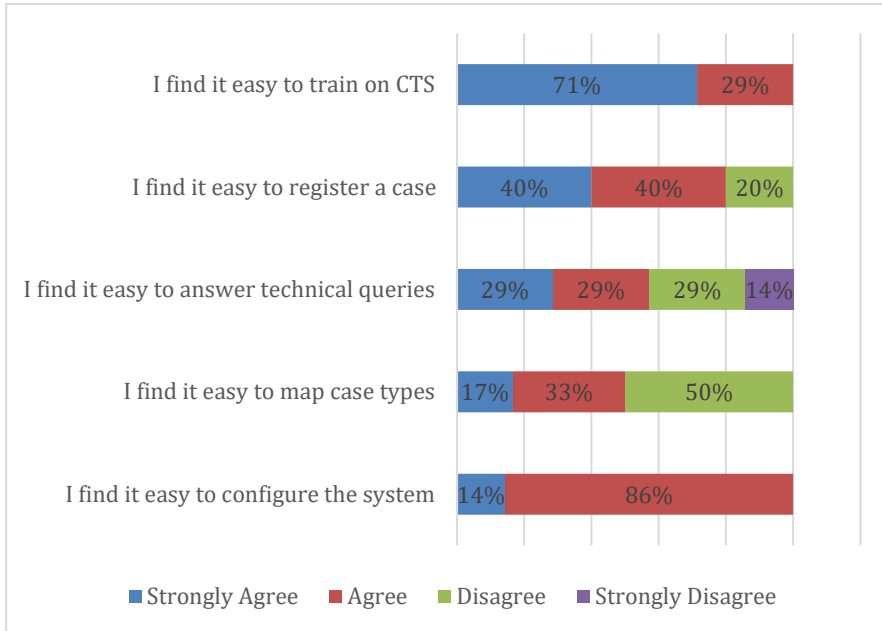


Figure 37: Ease of Use by ICT Staff

2.4.6.3 Ease of Use Accountants/Cashiers

The survey sought views of accountants/cashiers on their level of satisfaction with CTS in regards to; issuance of receipts, generation of financial reports, processing refunds of deposits, processing forfeitures and whether the system was cost effective and met their expectations. The highest satisfaction was on using the system to process refunds of deposits and processing of forfeitures each with 100 per cent satisfaction level. The results are presented in Figure 38.

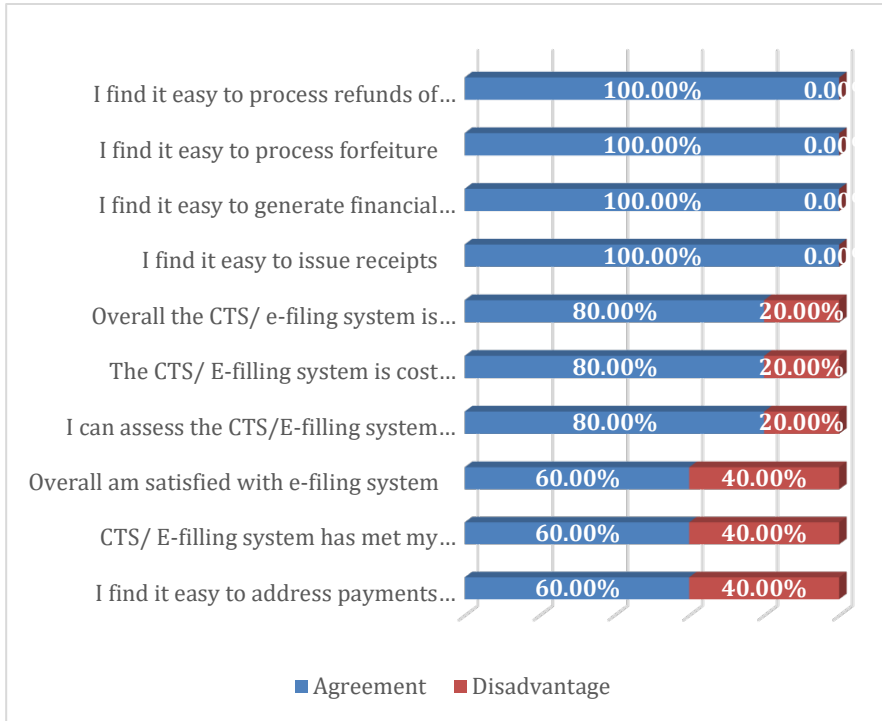


Figure 38: Ease of Use by Accountants/Cashiers

2.4.6.4 Ease of Use by Deputy Registrars/ Court Administrators

The survey sought views of Deputy Registrars/Court Administrators about their level of satisfaction with CTS in regards to; undertaking judicial work using CTS, approval of payments/invoices, supervision of the registry on CTS, processing orders, generating reports and whether the system was cost effective and met their expectations. The highest satisfaction was on undertaking of judicial work using CTS. All the Deputy Registrars and Court Administrators (100%) agreed that it was easy to undertake judicial work using CTS. The least was on accessing CTS any time with 50 per cent of the Deputy Registrars and Court Administrators agreeing it was easy to access CTS any time. The results are presented in Figure 39.

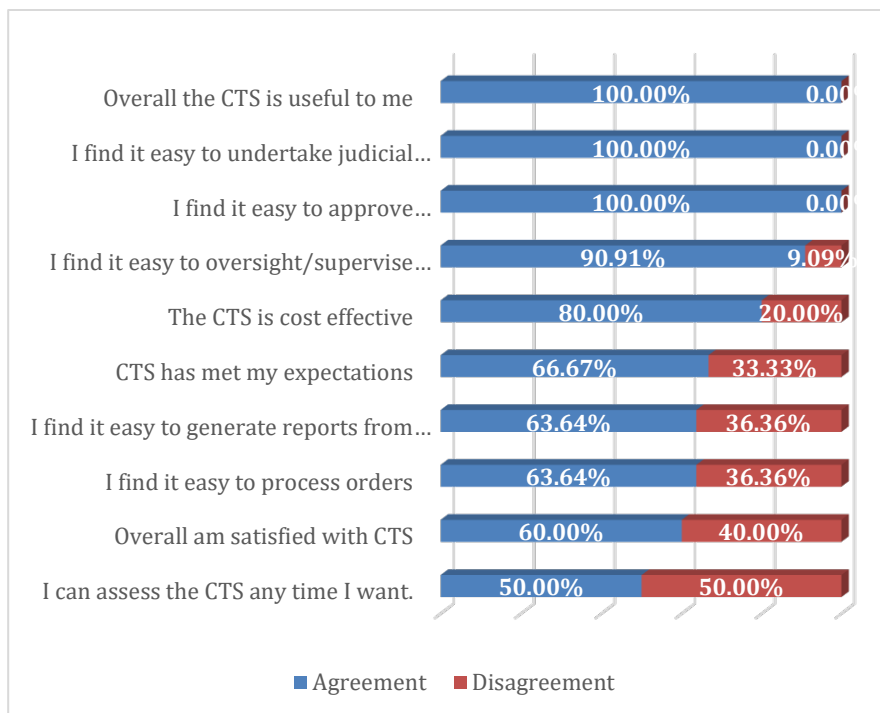


Figure 39: Ease of Use by Deputy Registrars/Court Administrators

2.4.6.5 Ease of Use by Judges/ Judicial officers

Thirty-three (33%) per cent of the judges and judicial officers were in agreement that CTS was cost effective while only 18 per cent agreed that the e-filing system was efficient and 26 per cent agreed the system was secure. The results are presented in Figure 40.

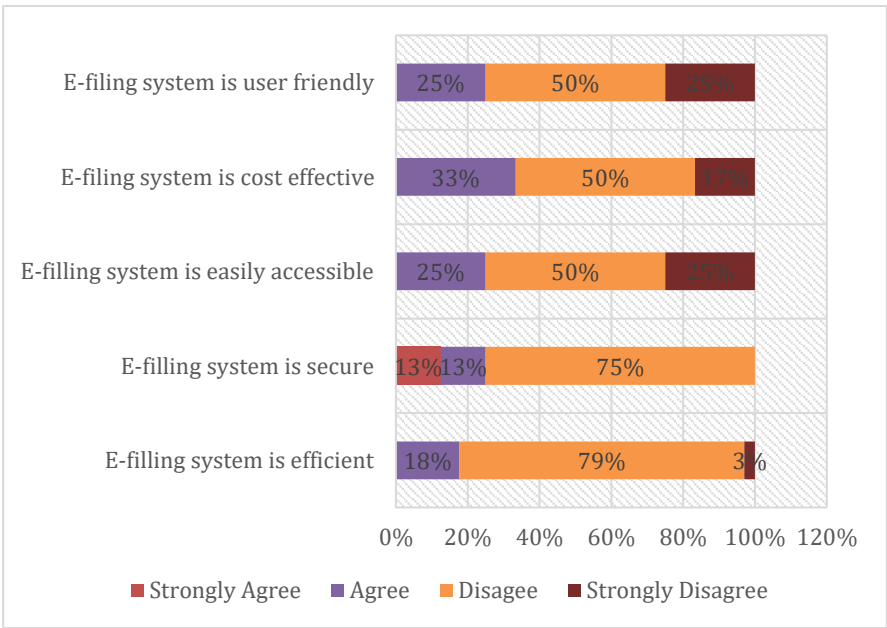


Figure 40: Ease of Use by Judges and Judicial Officers

2.4.7 CTS Rating

The survey sought information from employees on rating of CTS. Eighty-nine (89.32%) per cent of the employees noted that the system was efficient. The summary on CTS rating is illustrated in Figure 41.

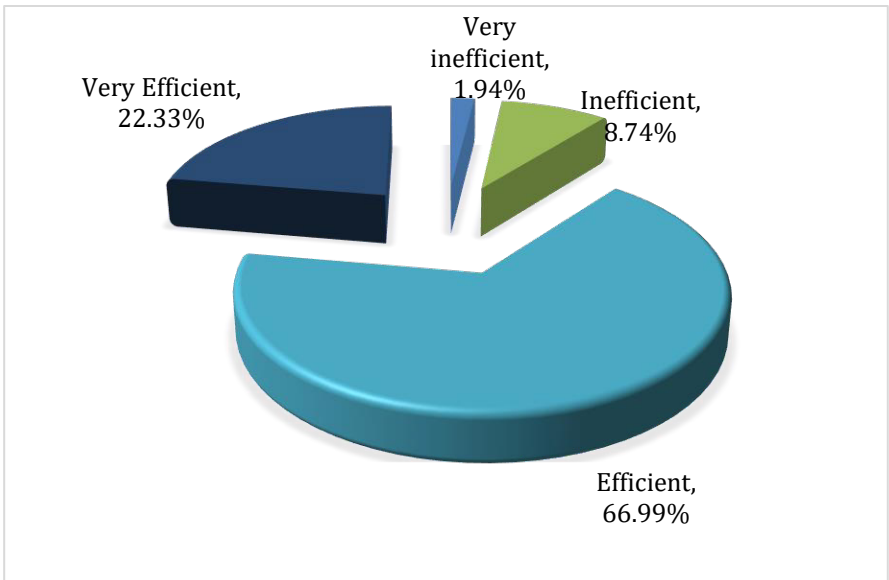


Figure 41: Employee Rating of CTS

2.4.8 Feedback mechanism

The survey sought to establish if the employees had made any enquiries on CTS and their view on the response to their enquiries. Seventy-seven (77.36%) per cent of employees had made enquiries on CTS. The findings are shown in Figure 42.

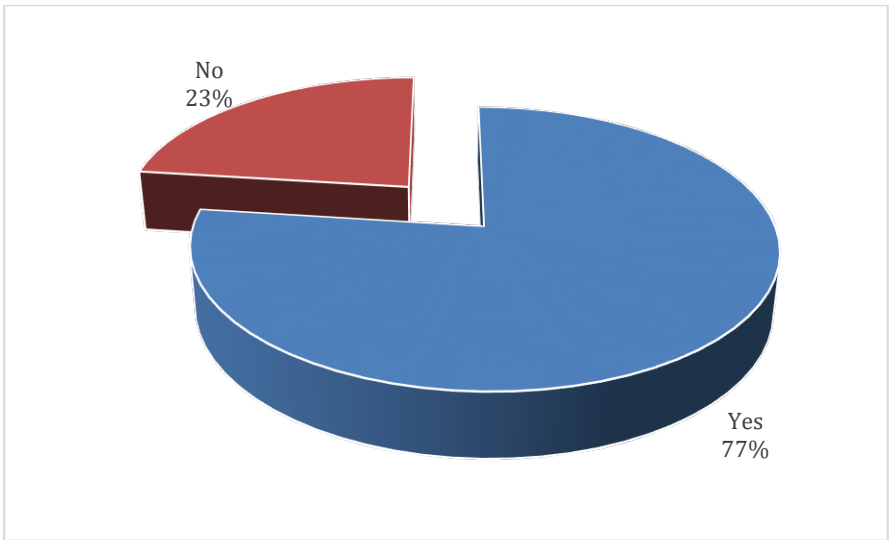


Figure 42: Enquiries on CTS

2.4.8.1 Effectiveness of Feedback Mechanism on Handling Enquiries

Analysis from the survey shows that 64.51 per cent of employees felt that the Judiciary had an effective complaints' handling mechanism. Employees views on the effectiveness of feedback are shown in Figure 43.

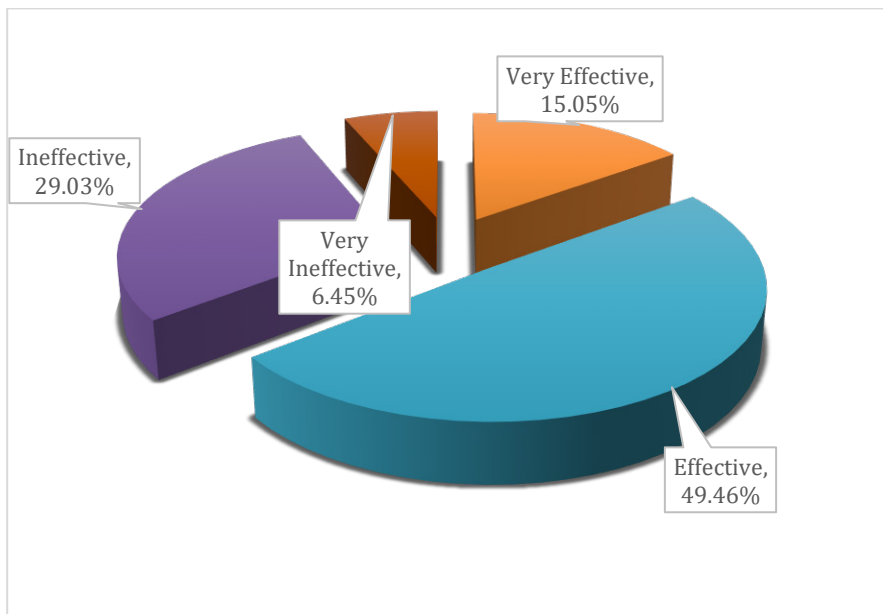


Figure 43: Effectiveness of Feedback Mechanism

2.4.9 Complaints on CTS

The survey sought the perception of the employees on complaints handling in the Judiciary on CTS. The results show that 73.37 per cent of the employees had made a complaint about CTS as shown in Figure 44.

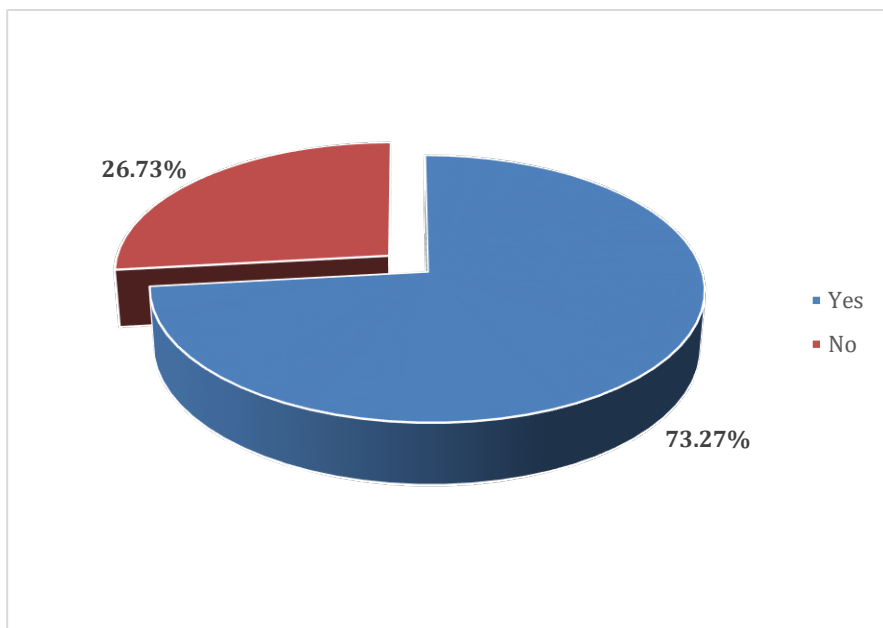


Figure 44: Employees complaints on CTS

2.4.9.1 Effectiveness of Feedback Mechanism on Complaints

Further analysis from the survey established that 66.23 per cent of employees of the employees who made complaints were of the opinion that the Judiciary had an effective complaints' handling mechanism while 11.69 per cent felt that the mechanisms are not very effective. The findings are shown in Figure 45.

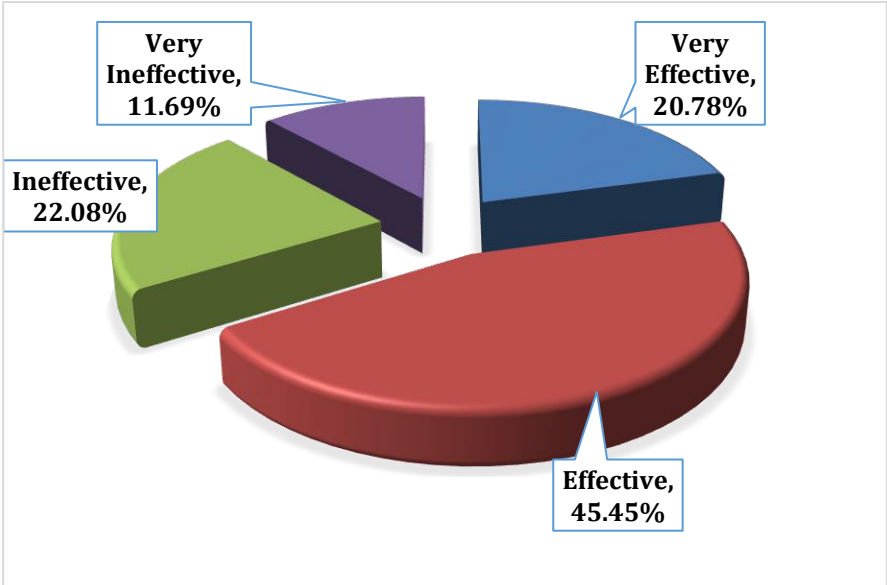


Figure 45: Effectiveness of Complaint Handling Process

2.4.10 Challenges in Use of CTS

The Survey sought to establish the challenges employees experience when using CTS. The results show that 39.62 per cent of the employees faced the challenge of frequent loss of network followed by slow internet access speed at 38.99 per cent. The challenges in CTS are provided in Figure 46.

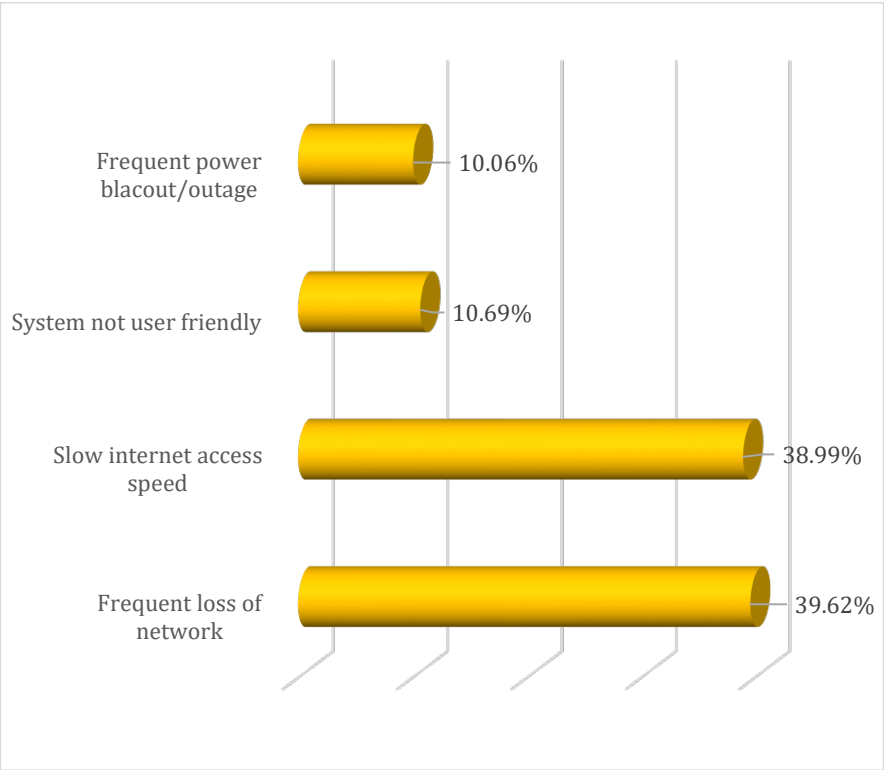


Figure 46: Challenges Encountered in Use of CTS

CHAPTER 3

RECOMMENDATIONS

3.1 Introduction

This chapter presents recommendations and implications to policy as observed from the findings of the survey. The results of the survey are generally positive with most of the respondents indicating they are satisfied with their experience with Judiciary on e-filing and commercial justice sector reforms. The e-filing initiative has been embraced by the court users and Judiciary employees. Further, the commercial justice sector reforms are working with 90.91 per cent of court users agreeing that judges/magistrates are demonstrating professionalism while handling commercial disputes. However, there are areas that require further attention and improvement.

3.2.1 Training on E-filing/CTS

- Training of court users was a challenge as 67 per cent had not been trained by the Judiciary on e-filing. It is imperative that the Judiciary continues with training of court users.
- On the other hand, 44 per cent of Judiciary employees were not trained on the use of CTS. Judiciary should endeavor to train all staff in order to realize a smooth transition into e-filing.

3.2.2 E-filing/CTS Processes

- The findings show that only 18 per cent of the judges and judicial officers agreed that the e-filing system was efficient while 26 per cent agreed that the system was secure. Judiciary should therefore engage judges and judicial officers to create awareness of the CTS.

- Judiciary should continue engaging registry staff on court orders processing and communication to parties.

3.2.3 e-filing and Case Tracking system challenges

- The Survey established that 71.09 per cent of the court users encountered challenge of slow system response while 57.93 per cent encountered system breakdown. For the Judiciary employees, the main challenge were frequent loss of network and slow internet speed. These challenges need to be addressed by ensuring that Judiciary has a stable and reliable internet network. The Judiciary need to address the frequent blackout/outage by installing alternative power sources including backup generators and solar power.

3.2.4 Complaint handling on e-filing

- The survey found that 47 per cent of the court users had made complaints on e-filing. The Judiciary needs to sensitize the public about complaint handling mechanism and have a clear complaint handling process.
- Fifty-eight (58%) per cent of the court users believed that Judiciary had effective complaints handling mechanism. In order to sustain this, Judiciary needs to train and equip its employees with appropriate skills to address issues arising from the e-filing system.

3.2.5 Commercial Justice Sector Reforms

- The results of the survey show that 50 per cent of the court users agreed that confidence with commercial courts in Kenya had improved. There is therefore need for more

sensitization/publicity and engagement with the court users through Business Court Users Committee.

APPENDICES

ANNEX 1: Satisfaction Levels by Thematic Areas - CTS

	Advocate	Prosecutor	State Counsel	Probation Officer	Children' s Officer	EACC Officers	Advocate Clerk	Litigants	Prison warders	Judiciary Staff	Auctioneer
In your own opinion how would you rate the training on e-filing	71	62	73	67	50	58	70	71	83	76	67
E-filing Process	67	64	71	65	68	52	70	66	71	71	61
It easy to create an account	74	69	76	80	82	70	71	73	75	69	63
It easy to register cases	71	67	78	69	74	70	74	70	74	75	67
It easy to access automated fee assessment	76	67	67	75	77	67	75	71	69	71	67
It easy to make payments	78	69	76	63	74	73	80	74	71	74	79
It easy to upload case documents	66	61	58	69	56	47	71	65	67	69	58
It easy to receive case notifications	65	57	67	59	56	30	65	65	72	63	58
It easy to track cases	68	63	76	57	67	47	70	66	69	78	54
You can easily access and use the calendar	61	66	76	65	62	43	68	64	80	71	43
It easy to access documents to serve parties	61	67	63	63	69	53	67	62	62	68	67
It easy to receive orders/rulings	50	59	70	56	64	23	55	54	72	67	54

	Advocate	Prosecutor	State Counsel	Probation Officer	Children' s Officer	EACC Officers	Advocate Clerk	Litigants	Prison warders	Judiciary Staff	Auctioneer
Benefits of E-filing	69	66	75	63	66	67	70	67	71	72	62
E-filing system has improved the speed of filing cases	81	71	86	81	87	77	82	76	80	86	71
E-filing system has made it easy to track court documents	75	69	86	72	79	70	72	71	80	80	63
I feel my documents are safe in e-filing system	74	77	75	65	74	63	77	73	80	74	67
E-filing system has made it easy to retrieve court documents	68	67	78	75	64	77	67	71	75	77	63
Has integrated information sharing among various players in the justice chain	73	70	72	65	67	73	72	65	79	72	63
The reports and receipts from e filing are accurate	75	73	75	65	79	73	76	72	70	76	75
The system provides information/output in a timely manner	63	62	64	63	69	53	67	65	72	64	50
The system rarely breaks down	39	41	58	35	26	43	45	40	45	47	33

	Advocate	Prosecutor	State Counsel	Probation Officer	Children' s Officer	EACC Officers	Advocate Clerk	Litigants	Prison warders	Judiciary Staff	Auctioneer
The system is cost effective	73	67	78	48	44	77	71	67	55	69	71
Complaints Handlings	57	60	73	50	55	53	63	60	68	67	64
How reliable is the e-filing system?	68	62	81	61	64	67	67	64	71	69	63
How do you rate the feedback mechanisms in handling your enquiry?	51	59	67	47	58	48	61	58	67	65	60
How do rate the complaint handling process/mechanism?	45	58	67	38	33	33	57	51	57	60	100

ANNEX 2: Satisfaction Levels by Thematic Areas – Commercial Sector Reforms

	Advocate	Prosecutor	State Counsel	Probation Officer	Children's Officers	EACC Officers	Advocate Clerk	Litigants	Prison warders	Judiciary Staff	Auctioneer
Commercial Sector Reforms Statements	64	65	69	61	74	56	68	69	60	80	56
Commercial dispute resolution is timely	59	79	83	71	89	50	64	64	67	82	50
Commercial disputes are concluded as expected	56	73	58	71	72	67	60	60	44	73	50
Judges and Magistrates demonstrates professionalism when handling Commercial disputes	71	67	67	62	72	67	75	75	78	81	50
Business Court User Committee (BCUC) engagement has improved Service delivery	65	55	58	43	78	50	68	68	61	80	33
The court uses Court annexed Mediation to enhance expeditious resolution of cases	69	45	83	52	83	50	72	74	56	81	67
Communication on emerging issues on commercial justice has improved Service delivery	66	61	67	57	89	67	69	74	61	85	50
Audio transcription has enhanced service delivery in this court	63	67	67	67	50	50	66	75	61	76	67
Confidence with commercial court in Kenya has improved	63	76	67	67	61	50	66	66	56	82	67

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