The Effect of Milimani Law Courts Organizational Culture on Knowledge Management and Governance for Effective Administration of Justice

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Abstract

Most organizations today regard knowledge as a strategic resource. However, the institutional culture in most organizations does not support the process of knowledge creation, storage, sharing and usage. This study sought to investigate the effect of Milimani Law Courts (MLC) organizational culture on Knowledge Management (KM) and governance for effective administration of justice in MLC in Nairobi, Kenya. The study targeted 180 staff members of Milimani Law Courts. Purposive sampling technique was used to select a sample of 124 respondents. The study adopted a mixed method approach. Interview schedule and semi-structured questionnaire were used to collect primary data. Quantitative data was analyzed using Statistical Package for Social Sciences (SPSS), while qualitative data was analyzed using Thematic Content Analysis (TCA), and findings presented in Tables and figures. Results revealed that the Judiciary has attempted adoption of an Information and Communication Technology (ICT) culture to improve KM and governance for effective administration of justice, through the adoption of case management systems. However, judgments are not stored in the case management systems. Additionally, findings indicated that the current staff motivation culture does not reward employees for sharing knowledge with colleagues, and that KM and governance aspects are not recognized. Consequently, knowledge creation, archiving and sharing is neglected. The study also found that the structure of various departments is not open for sharing knowledge, limiting employees' interaction with one another. The study recommends the judiciary to adopt a culture that encourages creation and sharing of knowledge through staff rewards, use of ICT, democratic leadership style, and open spaces.

1.0 Introduction

Knowledge Management (KM) process comprises a range of management practices that seek to identify, collect, create, store, share, replicate and utilize knowledge within organizations (Shujahat et al., 2019). Borges et al. (2019) posits that tacit knowledge sharing could be enhanced by dedicated Information Technology (IT) employees and strong social ties. For instance, in Nepal, adoption of an IT culture has seen effective delivery of justice (Paudel, 2020) while, in Africa, adoption of an African *Ubuntu* KM Model has been recommended (Nansubuga & Munen, 2020). *Ubuntu* model emphasizes local structures (cultural norms) and social interactions within Africa's context (Nansubuga & Munene, 2020). In Tanzania, Lwoga (2011) warns against full adoption of western-based KM models without considering their appropriation to a developing world context, where indigenous knowledge (IK) on agriculture is shared and communicated orally, through traditions and cultures (Lwoga, 2011). In Kenya, although the potential of a supportive IT culture in KM has been recognized, it has not been fully realized (Kwanya et al., 2017). The Kenyan Judiciary (KJ) Strategic Plan (2020-23) sees KM as a critical input in ruling on cases and making references to past knowledge gap in the Judiciary (Judiciary, 2020). However, adoption of KM in the KJ is yet to be fully realized. Therefore, this study answered the question - how does the current institutional culture at Milimani Law Courts (MLC) support Knowledge Management (KM) and governance for effective administration of justice?

The current study was guided by the Institutional Theory (Meyer & Rowan, 1977). Institutional theory argues that cultural norms determine the social interactions of members of a society. It postulates that an organization should conform to what is socially accepted within its environment to gain legitimacy. Consequently, most organizations align their rules and practices along a well-established institutional culture (Liu et al., 2019). As such, most organizational structures are formalized from organizational rules that operate as myths (Herath & Harrington, 2023).

Literature indicates that bad culture is one of the main hindrances to knowledge sharing (Gooderham et al., 2022; Naqshbandi et al., 2023) while, knowledge sharing and integration in most organizations is influenced by the extent to which management created a culture of trust, and discouraged information hiding among workers (Devi, 2023; Rezaei et al., 2023). Notably, when employees leave organizations, they go with valuable tacit knowledge (Al Yami, 2022).

The Kenyan Judiciary does not have a supportive institutional structure for effective KM. As from 2010, many experienced judges, magistrates and senior staff have left the judiciary without bequeathing reports, classified information, and useful work experiences which the KJ could access for efficient ruling of cases. Given this realization, the institution has recognized KM as an important pillar and a key result area towards effective administration of justice (Judiciary, 2023). Consequently, it has embraced KM in the magistrates and Kadhis courts strategic plan 2022 – 2026 (Judiciary, 2023).

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However, there seems to be a lack of proper management of records or KM (creating, capturing, disseminating or sharing useful information) generated from Kenyan judiciary daily workings (Judiciary, 2023). Enormous knowledge flows through the Judiciary employees every day. However, nobody seems to account for the knowledge that the Judiciary possesses and requires for present and future needs. This affects administration of justice. Consequently, there is need for homegrown jurisprudence that could guide magistrates, judges and attorneys to adjudicate cases at hand (Judiciary, 2023). This could improve consistency in the ruling of cases. In addition, new staff members joining the judiciary and inexperienced employees should also be supported with well documented and stored knowledge that can be used in their duties.

2.0 Materials and Methods

The study adopted a mixed method approach, to enable triangulation of findings. The target population was 180 staff of MLC. A sample size of 124 participants, calculated using the Taro Yamane formula (Yamane 1967) was drawn from this population using purposive sampling technique. . The sample comprised of five judges, ten magistrates, four registrars, ten advocates/Lawyers/prosecutors, 15 heads of departments, and 80 relevant judiciary staff. Interviews and semi-structured questionnaires were used to collect primary data. The questionnaires comprised both open and closed ended questions. Data was collected from the criminal division, civil division and family division of the Milimani Law Courts. Key respondents such as judges, magistrates, registrars,

advocates/Lawyers/prosecutors, and heads of departments answered interview questions, while judges and junior judiciary staff, such as ICT officers, clerical staff, accountants, librarians, and legal researchers answered to the questionnaires.

"Although the Judiciary had embraced a culture of ICT, there lacked open spaces and offices where staff could informally interact to share knowledge"

Quantitative data was analyzed using Statistical Package for Social Sciences (SPSS), while qualitative data used TCA. The researcher first transcribed qualitative data collected from interviews using Microsoft Word. This was followed by categorizing similar responses into themes. Resulting themes were analyzed in an interactive process until final themes were arrived at. Quantitative data analysis was done using descriptive statistics. Tables and charts were used in the presentation of data. To test the reliability of the research instruments, a pretest study was conducted with five judicial staff from the Jomo Kenyatta International Airport (JKIA) Law Courts. For ethical compliance, a research permit was acquired from the National Commission for Science, Technology and Innovation (NACOSTI), and a permission letter obtained from the Judiciary.

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3.0 Results and Discussions
Response Rate
A total of 100 questionnaires were distributed to judges, judicial officers and judiciary staff at MLC. 70 were completed and returned. In addition, 24 face-to-face interviews were conducted. In total, 94 participants, representing approximately 78% response rate was realized. A fifty percent response rate is sufficient enough, 60% is good, while 70% is very good (Mugenda & Mugenda, 2003).

Demographic Information - Response by Gender
The study sought to establish demographic information of the respondents. A summary of the gender information of the respondents is presented in Table 1.

Table 1

Response by Gender

Category	Item	Frequency	Percentage (%)
Gender	Male	33	47.1%
	Female	37	52.9%
Total		70	100%

Out of the 100 questionnaires distributed, 70 were completed and returned. This represents a 70% response rate. Of the 70 respondents, 33 (47.1%) were male and 37 (52.9%) female. Heisig and Kannan (2020) argue that gender roles at the workplace could affect how knowledge is created and shared in organizations. Consequently, the aspect of gender was considered important in understanding KM at MLC.

Demographic Information - Response by Age Bracket
The researcher was also interested in the age bracket of the participants. A summary of the findings is presented in Table 2.

Table 2

Response by Age Bracket

Category	Item	Frequency	Percentage (%)
Age	18-34 Years	20	28.6%
	35-44 Years	21	30.4%
	45-54 Years	24	34.3%
	55 and above Years	5	7.1%
Total		70	100%

Results indicate that majority (34.3%) were in the 45-54 years age bracket. This was followed by the 35-44 years age bracket (30.0%), and 18-34 years (28.6%). The least number of participants were in the 55 years and above age-bracket (7.1%) This finding implies that there are many young employees who may lack the institutional

knowledge. Consequently, there is need for a robust KM system. In an empirical study, Khalil et al. (2021) reckoned that age moderated the relation between organizational socialization and knowledge creation. They found out that the relationship was weaker for older workers compared to younger ones.

Demographic Information - Response by Experience

The study further sought to establish the experience acquired by respondents. Table 3 is a summary of the findings.

Table 3

Response by Experience

Category	Item	Frequency	Percentage (%)
Experience	Less than 5 years	3	4.3%
	5 - 10 Years	14	20.0%
	11 – 15 Years	20	28.6%
	16 – 20 Years	21	30.0%
	21 and Above Years	12	17.1%
Total		70	100%

Results suggest that majority (21, 30%) had 16 to 20 years of experience. This was followed by 20 (28.6%) with 11-15 years of experience. Those with 5-10 years' experience were 14 (20%), while those within the age 21 years and above were 12 (17.1%). 3 (4.3%) respondents had the least experience (below 5 years).

Demographic Information - Response by designation

When asked about their designation, respondents gave a variety of responses. Majority (16, 22.8%) were librarians. Of the 15, one was a senior librarian. This was followed by nine court assistants (12.9%). Information technologists were eight (11.4%), seven magistrates (10%), six court administrators (8.6%), and four (5.7%) accountants. The same number (4) was observed for the human resource staff. Three respondents (4.3%) indicated that they worked as office administrators, researchers, procurement officers and records management staff in each case. Judges were two (2.9%), while lawyers were 12 (17.1%). Finally, one participant each (1.4%) for archivist, auditor and registrar.

Demographic Information - Response by Education

The study further sought to establish the respondents' education level. A summary of the findings is presented in Table 4.

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Table 4
Response by education

| Category	Item	Frequency	Percentage (%)
Education	College	15	22.0%
	Undergraduate degree	48	68.0%
	Post graduate degree	7	10.0%
Total		70	100%

Results in Table 4 indicate that 48 respondents (68.8%) were university graduates, 15 (22%) had college certificates, while 7 (10%) had post-graduate degrees. The findings indicate that respondents were well educated. Thus, they were able to answer the questions well. These education qualifications affirms the reliability of the findings.

Results on the current organizational culture at the MLC

The main aim of the study was to assess whether the current organizational culture at MLC supports KM and governance for effective administration of justice. Regarding knowledge sharing culture, the researcher asked the participants to indicate the extent to which they agreed or disagreed with the statements regarding the ease of access and knowledge sharing in the Judiciary. This was done by answering a questionnaire. Descriptive statistics (percentages) of the findings are presented in Figure 1.

Figure 1

Current Knowledge sharing culture
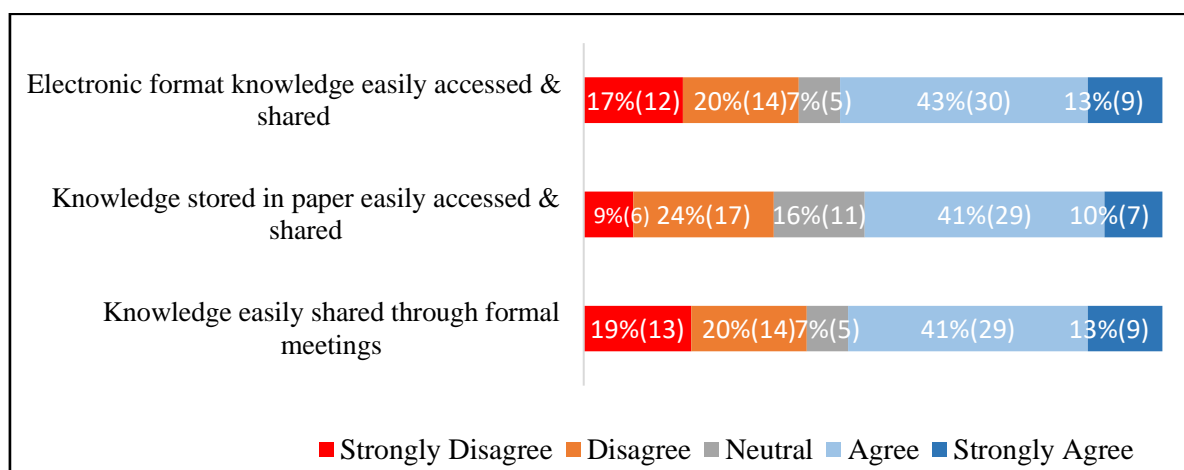
54% of the respondents agreed that knowledge archived electronically could easily be retrieved and distributed, while 39% disagreed. 54% (38 participants) felt that knowledge or information that was created and stored in electronic

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documentation could be easily accessed and shared while 39% (27) disagreed. Additionally, 54% (38 respondents) agreed that knowledge was easily shared through formal meetings. These findings indicate that the current knowledge sharing culture at MLC supports sharing of explicit knowledge to some extent, but not tacit knowledge.

The study further interviewed senior staff at MLC to gain more insights into knowledge sharing methods. The main methods mentioned were induction programs, on-job training, and internal training. Others included attachment of junior lawyers, forums/ presentation cafes and bar bench programs. During one of the interviews, Prosecutor R (2022, August 10) reported that a lot of legal knowledge was shared with young lawyers through induction. He went ahead to mention that they had prosecutors' fora where prosecutors countrywide shared their knowledge. He clarified that the sharing was online, but there was also what was called prosecution café where prosecutors met and shared knowledge on any topic. Prosecutor R further said:

> *"I think there are many ways of transferring knowledge, an example is through induction where officers who are newly recruited undergo induction training."*

The study also revealed that whereas senior judges in Kenya shared knowledge with junior judges, knowledge sharing was not a policy requirement. Contrary to this, Dubai Courts adopted a very efficient process of sharing knowledge where senior judges were required to meet regularly to discuss cases and share their experiences and opinions with others, especially with new judges (Biygautane & Al-Yahya, 2010 in Al Yami et al., 2022). The aim is to facilitate the transfer of skills and expertise of the older and more experienced judges to the newer ones.

On the aspect of leadership style, results show that the current management and leadership style did not adequately promote knowledge creation and sharing in some departments. The leadership style does not inspire trust and open exchange of ideas through either formal or informal meetings. Confirming this claim, Employee G (personal communication, October 18, 2022) commented:

> *"In my department, the head is very reserved [...] we have very few forums where we can meet as a department to exchange ideas with one another [...] in fact there is no teamwork [...] people do not freely talk to one another for lack of trust".*

The leadership style described by this respondent is authoritative. It is evident that the staff in the said department do not freely interact with one another or share their ideas. As a result, communication and knowledge sharing could be minimal. The finding that the leadership styles in some departments at the MLC are not catalysts of knowledge sharing comes close to results of a study by Brdulak and Banasik (2015). Such a culture could in turn adversely impact on employee performance. Notably, tacit knowledge of judges could remain unshared (Ferretti & Afonso, 2017). Findings of the current research show that in some departments, the leadership style did not promote knowledge sharing among judiciary employees.

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Daniels (2021) found out that servant leadership was necessary for an inclusive organizational culture. Therefore, the leadership style can influence the organization culture. This finding confirms that Institutional Theory can be applied on understanding connection between organizational culture and knowledge sharing. The theory focuses on the norms, rules and ways of doing things in an institution which ultimately influence how knowledge is created, stored and shared.

The study further revealed that organizational structures such buildings, rooms, and open cafeterias played a pivotal role in defining an organization's culture. However, they were insufficient and rarely used by the judicial staff. Employee Y (personal communication, September 22, 2022) affirmed this by reporting:

> *"[…] how I wish we could have many affordable cafeterias within the court where we could meet during breaks or after work to reflect on the day's events and court cases".*

It also emerged that a practice, the Judiciary had put aside a monumental room where historical artifacts such as portraits of the first Chief Justice, women judges, and court of appeal judges and various other artifacts were stored. This monumental room was at the Supreme Court in Nairobi City. The staff knew about it but they hardly went there. There was no archival of any landmark judgment that was made by the subsequent chief justices or the first court of appeal judges. However, in the same museum, there was knowledge on the history of the judiciary, how it was formed and subsequent chief

justices right from the colonial times to date. Some of the respondents expressed that all landmark judgements should be placed in the museum so that junior lawyers could acquire that knowledge. One respondent expressed this using the following example:

> *"[…] see the wealth of historical knowledge artefacts archived in the high court, unfortunately there is no archive of the rulings of such early judges (Employee S., personal communication, September 22, 2022)".*

The researcher also found out that culturally, the design of the judicial offices was such that it did not encourage free flow of information. Most of the time, employees sat in enclosed offices. Thus, there was no free interaction amongst staff members, making knowledge creation and sharing difficult. Employee H reported:

> *"the nature of design of the offices at MLC is such that we do not have an open hall like what you see in other institutions like the banks, insurance companies, where employees sit in an open place and freely talk to one another (Employee H, personal communication, September 24, 2022)".*

Reward given to employees for sharing their tacit knowledge was considered as a critical aspect of knowledge sharing culture. Findings show that respondents believed that the culture of rewarding employees who shared their experiences and expertise with colleagues would promote transfer of institutional knowledge. Therefore, the aspect of culture and motivational level was

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identified as a useful consideration for effective knowledge sharing at the MLC. This finding is illustrated by Employee K (personal communication, August 8, 2022) who remarked:

> *"[...] the people's motivation is very important, though it is not always looked into. For example, don't you think that employees would be more willing to share their knowledge with the junior staff if there was some reward".*

This revelation points out to the importance employees attach to reward and motivation. It can therefore be concluded that motivation of judiciary staff enhances knowledge and experience sharing. The researcher also found out that the judiciary rewarded stations that excelled in their performance appraisals. However, there was no individual reward for excellent achievement of individual employees. The performance of individuals is mostly based on the duties and responsibilities of employees, core values of the station, and employees' innovation. Unfortunately, despite the fact that knowledge is a critical strategic asset in the judiciary, it was not considered during evaluation. Evidently, this did not motivate employees to share their knowledge. Participant # 2 (personal communication, August 22, 2022) reported:

> *"In my department, we are always appraised based on the work we do; we are not evaluated on whether or not we share our knowledge and experience with fellow staff. If this was done, I think judicial knowledge could be easily created and shared. Moreover, if there is a reward given to people*

> *who have demonstrated sharing their knowledge; most people would share knowledge".*

This finding is backed by a prior study by Osupile and Makambe (2021) that reported that there is need for employee motivation to stimulate knowledge sharing. As such, the researcher argues that MLC and by extension the entire Judiciary could adopt a culture of rewarding staff. This could encourage knowledge sharing, particularly, if the KM attribute could be considered as part of staff appraisal.

On ICT culture, the researcher found out that MLC had introduced an ICT culture that supported judges and bench officers through the process of collecting exhibits of cases. It emerged that MLC had taken the necessary steps to leverage ICT culture for effective KM. However, this was still at an infant stage. In line with this finding, Magistrate T (personal communication, August 22, 2022) remarked:

> *"You see here we have a case management system where cases are registered and tracked to know when it is coming up or the progress. However, we have not yet gotten to the level where judgments are stored in the case management system".*

Though KM has made some progress towards the adoption of ICT, this finding shows that there are still some gaps; particularly, in embracing technology to support judges with case management systems for ease of sharing knowledge. This situation slows down the delivery of justice to citizens.

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4.0 Conclusion

This study investigated the current organizational culture at MLC. The aim was to understand how culture could influence KM and governance for effective delivery of justice. MLC was used as a case study because it hosts different courts (civil, family and criminal divisions). Consequently, it is an appropriate representative of other Kenyan Judiciary courts. The study concluded that the Judiciary had embraced a culture of ICT. Nonetheless, there was concern that the use of tools such as case management were predominantly on legal matters. Further, there was lack of open spaces and offices where staff could informally interact to share knowledge, besides the leadership style being predominantly autocratic.

5.0 Recommendations

The study recommends the Judiciary to implement a reward system to promote creation and sharing of knowledge. Further, MLC should apply the use of ICT to support the judiciary towards realizing its mandate. Office layout and other cultural artifacts should be designed to encourage knowledge capture, storage and sharing among staff. The Judiciary should also adopt a more democratic leadership strive to enhance a culture that encourages sharing of knowledge and documentation of outputs from trainings and seminars. In addition, the judiciary should train the newly recruited staff members on KM and governance.

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