

SPEECH BY HON. LADY JUSTICE AGNES MURGOR,
COURT OF APPEAL JUDGE AND CHAIRPERSON,
PERFORMANCE MANAGEMENT AND MEASUREMENT
STEERING COMMITTEE (PMMSC),
DURING THE OFFICIAL LAUNCH OF THE
PERFORMANCE MANAGEMENT AND MEASUREMENT UNDERSTANDINGS
EVALUATION REPORT, 2016/2017 ON 27TH APRIL 2018
AT SUPREME COURT GROUNDS, NAIROBI

The Honorable, the Chief Justice David Maraga;

The Honourable the Deputy Chief Justice Philomena Mwilu

Honorable Judges of;

- **The Court of Appeal**
- **The High Court,**
- **The Environment & Land Court, and**
- **The Employment and Labour Relations Court**

The Chief Registrar of the Judiciary;

Honorable Magistrates, Kadhis, Judicial officers and Staff;

Invited Guests, Ladies and Gentlemen,

It is a great honor and privilege to be here as chair of the Performance Management and Measurement Steering Committee which has been charged with the responsibility of overseeing the *“Institutionalization of performance management in the Judiciary”*. It is now three years since the introduction of the framework, and I look back with satisfaction at the great strides we have made across the Institution. Performance management is widely acknowledged as one of the modern management practices that enhances accountability for results in both the public and private sector. In many judiciaries across the globe, it is recognized as a key tenet of enhancing service delivery, through the application of 10 international measures of court excellence.

Ladies and Gentlemen,

I am sure that you will all agree with me that, today, there is an ever increasing demand for quality judicial services in our country. This stems from a progressive Constitution, which has enhanced the rights of citizens, and also provided mechanisms by which they can enforce them. This includes the right to demand efficient, and timeous service delivery. Bearing this in mind, we are called upon now more than ever to look for solutions aimed at improving delivery of judicial services, while at the same time strengthening our internal systems to meet the demands of our core business of access to justice and expeditious delivery of justice.

Ladies and Gentlemen,

Today, we take another step forward in the journey towards sustained institutionalization of performance management in the Judiciary, as we launch the second Performance Evaluation Report for 2016/17. This launch is a culmination of several processes which began in August/September 2016, when over 257 units comprising of Courts, Registries, Directorates and other agencies of the Judiciary signed the second cycle of Performance Management and Measurements Understandings, commonly known as PMMUs. During the period under review, courts and administrative units worked tirelessly, and with unswerving commitment to ensure full implementation of the agreed targets.

Between October and December 2017, they were evaluated by teams drawn from members of the Performance Management and Measurement Steering Committee, together with the Performance Management Directorate, that provided the technical support. The Evaluation process is elaborate and objective, and is to a very great extent, an accurate assessment of the targeted work going on at unit level. The process combines statics on activities captured each day in the Daily Court Returns Template (DCRT) and an open and participatory discussion conducted at the court station with Resident Judges, Heads of Stations and their teams. Relevant documentary evidence to support the achievements is presented, together with explanations on any exogenous factors that may have affected their performance. Once the deliberations are concluded, scores are assigned against each indicator. The scores are then computed through an automated platform and then moderated and verified in conformity with the principles of performance evaluation.

This process is aimed at ensuring that the evaluation and the resultant scores are credible and reliable. As Chair of the Steering Committee, it is my assurance to you, that the performance achievements presented in the report that we are launching today are authentic and accurately represent the performance of all courts and Administrative Units.

Ladies and Gentlemen, it is worth noting that the Evaluation report takes into consideration the disparities and different circumstances of the various courts. And to this end, the High Courts, Magistrates' Courts and Kadhis' Courts have been classified into several categories that, acknowledge their respective peculiarities, so that courts with similar challenges are evaluated in a similar manner. Ultimately, the report recognizes the top performing courts in each category, and it is these courts that will receive certificates of recognition of their continued efforts towards achieving excellence.

The report also provides results on other indicators such as, case backlog reduction, case clearance rate, determination of civil and criminal cases within 360 days and judicial officer productivity. Also captured are some of the challenges experienced by the implementing units.

During the evaluations, one key challenge that was replicated across the courts, and which has affected the expeditious delivery of justice was case delays associated with adjournments.

Although courts have timelines within which to hear and determine cases which they are expected to comply with, it is evident that adjournments have significantly impacted upon the achievement of these timelines.

The DCRT has captured various reasons for adjournments some of which are internal, whilst others are external. For instance, an analysis of High Court monthly statistics, for the period July 2017 to March 2018 shows that the major reasons for adjournments of cases were “Parties not present”, “Parties not ready”, “Court not sitting”, “Advocates not present,” and “Advocates not ready”. This accounts for over 60 % of the reasons for adjournment.

Essentially, performance measurement is assisting us to understand the size and nature of our case load, the number of cases filed on a daily basis, how fast we are clearing them, and the reasons that can be attributed to delays. This information and insights are key to enabling us to develop ways of addressing the various challenges faced by the courts.

Ladies and Gentlemen,

Today’s event is not about winners and losers in performance evaluation, rather it is about reflecting on the collective and individual contribution that all implementing units, judges, judicial officers and staff have made towards enhancing service delivery. This in turn measures the success of the Judiciary for the period under review. As colleagues, we need to remind ourselves, that quality services require dedication and hard work, often demanding of us that we go beyond the call of duty. To this end, let us therefore continue to embrace and entrench the culture of accountability through the sustained “*Institutionalization of Performance Management in the Judiciary*”, for the benefit of our stakeholders and Kenyans as a whole.

Ladies and gentlemen

Allow me to conclude my remarks by conveying the Committee's appreciation to his Lordship the Chief Justice and her Ladyship the Deputy Chief Justice for the continued stewardship and support of performance management in the Judiciary. Our gratitude also goes to the Chief Registrar of the Judiciary for the continued assistance provided to enable us undertake the various activities that underpin the performance management framework. Our Sincere appreciation is also extended to the World Bank, through the Judicial Performance Improvement Project (JPIP) and to our other development partners for the unwavering financial support that has brought us this far.

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I would also like to recognize the role played by individual judges, judicial officers and staff in providing invaluable contributions and insights that have largely shaped this report. We cannot forget to appreciate the role of various players and stakeholders in the justice sector, without whom implementation of the framework would have been impeded.

Last but not least, to my fellow committee members and the performance management technical team; I say, thank you for your enormous commitment, contributions and support that has gone a long way towards ensuring the success and sustainability of performance management in the Judiciary.

I Thank You.

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