



Saint Mary's University
School of Graduate Studies
MBA Program

**Assessment of the practice of ICT on court Performance in
the Case of Federal Supreme Court of Ethiopia**

A Thesis submitted by: Solomon Amare

April 2015

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A Thesis submitted by: Solomon Amare
Advisor: Tesfaye Debela (Ph.D)

**Thesis Submitted to School of Graduate studies of Saint Mary's University in
partial fulfillment of the requirements for Masters of Business Administration**

April 2015

DECLARATION

This is my Research project report and has not been presented in any institution

Signature _____ Date _____

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This Research project report has been submitted for examination with my approval as the
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Saint Mary's University
School of Graduate studies

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BY

SOLOMON AMARE

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List of Abbreviations

BSC – Balanced Score Card

CCMS – Court Case Management System

CEPEJ – Commission for European Efficiency of Justice

CIDA – Canadian International Development Aid

CPMS – Court Performance Management System

EFQM – European Foundation for Quality Management

EICTDA – Ethiopian Information Communication Technology Development Agency

ETC – Ethiopian Telecommunication Corporation

FSC – Federal Supreme Court

G2B – Government- to- Business

G2C – Government –to- Citizen

G2E – Government - to- Employee

G2G – Government –to-Government

ICT – Information and Communication Technology

ICT4D - Information and Communication Technology for Development

IFCE – International Framework for Court Excellence

IS – Information System

MCIT – Ministry of Communication and Information Technology

NCSC – National Centre for State Court

PMS – Performance Measurement System

TCPS – Trial Court Performance

Abstract

The use of Information and Communications Technology (ICT) is becoming more and more commonplace around the world and the spread of mobile phones, computers and the internet even to the remotest places of the world is evident. There is growing enthusiasm about the role that ICT can play in promoting good governance and the efficient delivery of services in organizations. This study sought to report the influence of information and communication Technology (ICT) on the performance of Court operation at the Federal Supreme Court of Ethiopia .The influence of ICT was checked against efficiency, effective and accessibility of court service. This pillars of Court performance were tested against International Court performance measurements or indicators, such as case clearance rate, Congestion rate, Backlogs, Court user satisfaction and employee engagements.

CHAPTER ONE

INTRODUCTION

1.1 Back ground of the study

Federal Courts are judicial organs that are established by the Federal Democratic Republic of Ethiopia constitution and proclamation No.25/96. As governmental power is divided into Federal and Regional administrative structures, jurisdiction of courts is also divided into Federal and Regional structures. This means the constitution of the Ethiopian Federal Democratic Republic has facilitated a condition in which both the Federal and regional courts perform their judicial activities side by side. Proclamation No.25/96, enacted based on the constitution, has established a three tiered courts. Those are: - The Federal First Instance Court, the Federal High Court and The Federal Supreme Court. All the courts have the mandate to preside over civil, criminal and labor cases brought to them. The Federal Supreme Court- is the highest and final judicial organ over Federal matters.

Computerized system or ICT as an enabler in the Federal Supreme Court of Ethiopia was established in 2002, by CIDA Canada fund support. And it was version 2.0 but in 2007 it was updated to version 2.4. Any updates on day to day case files type quantity, any new decision, any new verdict, adjournment day and any related changes regarding the court will be updated through this computer application program. The system has a capacity to manage any changes of a case file from its start until its verdict. It can handle over 130 different reports for any desired purpose. In order to improve its limitations, in 2014 the system is updated from version 2.4 to 2.5. The new version includes about victim children, child offenders, civil case of children regarding adoption, inheritance and any other children related cases. So the system can store full and elaborated information regarding them. In spite of storing, giving a full and elaborated information, this type of technology can monitor how many cases does the court sees per a day, what decision that they make and also how is the working quality of a judge and other engagements

The entire systems of court session starting from the opening of file up to the disposal have been recorded using court case management system. This enables easily access of files and flow up of case management. In addition there are more than 25 centers across the country which gives videoconference services to remote areas outside the capital city. Advancement in the E-court service is the opening of 5 E-filing service centers in Mekele, Bahardar Diredawa Awassa and Hariri. In which litigants from these areas can have the access to open cases online. The other development in the e-court system is the digitization of files. The case files are then scanned & digitized and uploaded in encrypted form on centralized storage server so that authorized person can access the case files through the software interface. In earlier system, bringing the case files from store room and take lots of efforts in searching a single file which can be saved now.

The CCMS data base which generates more than 130 reports is attached with the website and other services like the Touch screen, daily court list plasma and the call centre. This enables for customers to easily follow up their cases. Moreover, the database provided courts with effective tools by which they can develop short and long-term activity plans to systematically manage and monitor operational and administrative issues. For instance to assign workloads to judges and administrative personnel, monitor and evaluate performances and above all facilitated planning of court activities .And also these services give to the organization to increase its accessibility, efficient effective service. Similarly after the implementation of ICT especially the videoconferencing service enables the organization to minimize cost for circuit benches.

The Court recording and transcribing service is another additional feature which gives rise to the increase in efficiency and effectiveness of the court service. The court proceedings are recorded with digital machines and stored on memory and finally converted to text format. The user can access these recordings from the software interface which makes the user (Judge) flashback easily that what happened last time in this case and easily track the progress of the case.

Therefore the intention of the research is to assess the role of ICT services implemented in the organization in enhancing the performance of court activities. In addition this paper also reviews FSC court performance is related compared to international standards of CPMS. Besides it also shows the changes achieved before and after the implementation of ICT in the organization

1.2 Statement of the problem

Information technology integration is one of the programs launched since 2000 with the objective of making courts services transparent, accessible, efficient, timely and cost effective. The Federal courts have got a remarkable result by integrating the technology in its business process.

To mention some of the ICT services delivered by the federal Supreme Court are E-litigation, E-filing, Digital recording and transcribing, Call centre, Court case management system (CCMS) and web site (www.fsc.gov.et)

After the implementation of ICT in the Federal Supreme Court major achievements have been obtained. For instance the number of disposed cases by case type has been increased from 5,747 in 2009 to 11,021 in 2013. The number of years needed to dispose a case has been decreased from 6 years in 2008 to 3 years in 2012. (CCMS data base of FSC)

Thus, no study has been conducted regarding the benefits obtained from the implementation and the use of ICT at the Federal Supreme Court of Ethiopia. This research sought to bridge the gap in knowledge to study the influence of ICT on effective court service delivery at the Federal Supreme Court of Ethiopia. In addition this paper also tries to assess what is the contribution of implementing different types of ICT services on international performance measures on court services like case load per judge, productivity, clearance rate, congestion rate, backlog and cost per case.

1.3 Research Questions

Based on the problem stated in this study, the researcher develops the following research questions

- * What type of ICT services are provided and deployed in the Federal Supreme Court of Ethiopia

- * What is the role of ICT in enhancing court performances such as Accountability, accessibility, transparency
- * What are the opportunities and challenges of implementing ICT in court operation

1.4 Objective of the study

The general objective of this study is to investigate the effect of ICT enabled services in the Federal Supreme Court on court performance such as effectiveness efficiency and quality of service and customer satisfaction..

1.3.1 Specific Objectives

In order to achieve the general objective of this study, the following specific objectives are attempted:-

- To identify the effect of ICT enabled services on the Court efficiency
- To assess the contribution of ICT enabled services on court accessibility, transparency and accountability
- To evaluate the extent of knowledge by administrators and judges on the use of ICT on court service delivery
- To review previous works related with E-government services in other countries E-litigation in particular.
- To identify Problems and lessons learned from implementing ICT services

1.5 Definition of significant terms

E-government: - HJ Scholl (2003) is the use of information technology to support government operations, engage citizens and provide better government services .Gartners (2000) E-government is the continuous optimization of the service delivery, constituency participation and governance by transforming internal and external relationships through technology, the

internet and new media. This includes Government to citizens, Government to business and Government to Government.

E-court:-providing court services electronically through Videoconferencing or any digital media, Internet and web services.

E-filing: - is the process of opening case files sending and receiving of case files through electronic media like internet or through intranet network. In addition it is the process of digital scanning of a hard copy of a file in to soft copy format.

1.6 Significance of the study

This study has emphasized on effect of ICT enabled court services on court performance (Efficiency, effectiveness and accessibility). Many reform programs were conducted through court reform program in order to 96 to make the Judicial system services accessible, efficient, modern and effective.

Information and communication technology integration is one of the programs launched since 2000 which makes the courts services to be more transparent, accessible, efficient, timely and cost effective. The Federal courts have got a remarkable result by integrating the technology in its business process. Among the ICT services implemented are Case flow management system, Interactive web site, Videoconferencing and e-filing. Therefore the researcher wants to assess the above stated ICT services contribute to the Efficiency, effectiveness, accessibility, transparency, and accountability of the court system. In addition, the findings and the recommendation will help the administrative bodies of the court to formulate new strategies in the future implementation of similar initiatives. Similarly the research will give additional Knowledge and experience to me and also gives a clue for further research by the academic institutions.

1.7 Delimitation of the study

The scope of this research is limited to only to the federal Supreme Court among the three levels of federal courts. In addition it focuses only on the E-litigation services provided by the organization. Since there are more than 15 branch offices in Addis Ababa including Diredawa

administration, there is time constraint and geographic dispersion to cover all branches of Federal courts in the study.

1.8 Limitations of the study;-This research is constrained and limited by the following conditions. First the researcher had difficulties in finding similar works on the area of the topic especially ICT in court. Secondly questionnaires were distributed to only three e-litigation centers.

1.9 Organization of the study

This thesis is organized in to five chapters. The first chapter briefly introduces the research background, statement of the problem, objectives and significant of the study. The second chapter is devoted to literature review about ICT and its role in the service giving organization and especial focus is given its role in court performance. This chapter also tries to give some highlights about E-government implementation in some countries including Ethiopia. The third chapter explains methodology of the research and data collection methods. The fourth chapter deals about data analysis presentation and interpretation. The fifth chapter includes summary, conclusion and recommendation. References and questionnaires also attached in this paper

CHAPTER TWO

REVIEW OF RELATED LITERATURE

2.1 Role of ICT in the Service Sector

Information Communication Technology (ICT) has been acknowledged by the Government of Ethiopia as enabler for development, economic growth, and alleviates poverty. ICT infrastructure development in Ethiopia is still at its infant stage though the government has started an aggressive move in promoting the sector and for further public and community use. While the contribution of the service sector to the economy has been growing (comprising about 41%) the impact of its ICT sector remained relatively small – the ICT sector contributes less than 2% to the overall Ethiopian economy (Lishan Adam, 2010).

ICT is definitely changing the practice of law. As a matter of fact, judicial professions are on the border of a radical change as we move from a print-based industrial society to an IT-based information society. The intermediation provided by a judge's work is thus no longer limited to the building of an accepted decision by the parties, but it has become a very complex task where other functions have been integrated. ICT provides new input to its actions as well as enhancing its accessibility and transparency

Transparency and effectiveness are emphasized as two positive consequences of the use of information and communication technologies (ICT) in the Courts. Indeed, ICT expanded the possibilities of access to information and judicial decisions, as well as its use especially in acts of distraintment, have given greater transparency and effectiveness to the judicial acts.

According to Larsson, (2002) at the organizational level, ICT is widely accepted, though not fully appreciated. Its integration in organizational functions is necessary for increased efficiency, cost-effectiveness, and competitiveness. The tendency usually has been, to approach such integration from the technology level, leading to escalating costs without corresponding efficiency in gains. This leads to disillusionment, skepticism, and reduced organizational commitment and resources to support ICT services and systems, Larsson, (2002).

The judiciary will benefit immensely if they adopt ICT in their execution of services to the general public. There are many important factors in this process, with ICT the judiciary will be able to reach and access judicial services to different clients more efficiently than before. According to Bhattacharjee, (2012) Computerization and Information technology have played a major role in improving the quality and service delivery of justice.

ICT has introduced more efficiency into the judiciary; increase trial speed without sacrificing thoroughness of investigation, it may facilitate improvement of trial quality by ensuring efficient allocation of judicial resources, facilitate access and exchange of judicial information, increase uniformity of judicial practice and interpretations of the law, especially on the level of lowest (first instance) courts, and minimize malpractice and occurrence of judicial errors. ICT is also an essential tool for implementing independence of the judiciary. ICT may provide tools to cope with the increasing flow and complexity of legal information. ICT may also increase accessibility to judicial defense for society by means of simplifying court filing procedures, simplifying legal assistance in simple standard cases, and facilitating the understandability of the judicial decisions (Ergin et al., 2010). These aspects are very important in lessening the divide between the legal system and society.

The influence of ICT changes traditional perception of the sources of law. Legal information processed through ICT tools emerges as the digital sources of law, which become more and more important in comparison to traditional sources. ICT also offers unmatched possibilities for indexing and referencing of legal information, legal research, as well as support and automation of these processes, which may produce novel rules and principles, which may be relied as subsidiary sources of law (Larsson, 2002). Failure of the judiciary to adopt ICT threatens failing to solve the existing problems of the system of justice and might even interrupt the development of the information society and arrival of e-government in the country or larger judicial region (Kiskis and Petraskas, 2004). It thus results in a judicial digital divide—inability of the courts to take advantage of the ICT, inability of the judiciary to serve the citizens and business entities

through the ICT, as well as inability to employ ICT tools for solving legal information problems is a major drawback for the modern information democracy (Fairchild et al., 2006).

Using ICT in the form of e-governance could yield great benefits in the reform and modernization of the public sector. The experience of e-governance (Rafia Naz, 2009) in a number of developed and developing countries has shown that ICT can be a tool for greater service delivery with the goal of improving service quality. E-governance can also promote 'good governance.

The most important advantage of ICT is both availability of information to the increasing number of people and reduced production cost due to increased efficiency. (Kevin & Stiroh, 2003, 1-14). There is growing evidence that the public sector has committed itself to investments in ICT hoping to improve its internal management as well as the services it delivers to citizens through an innovative use of communication channels and facilities

These factors have the ability to transform the way public services are delivered and improve relationships between the public sector and citizens. IT enabled systems remove opportunities for corrupt use of discretion by disintermediation services and allowing citizens to conduct transactions themselves. Such systems also extend accessibility of information within the public sector and in the public domain and, in so doing cut the impacts of 'distance' and 'time' that shore up official monopolies of information

This implies that as the ICT service delivery increases, so does the customer satisfaction. Therefore, to enhance customer satisfaction, there is need to increase ICT service delivery. The ICT service delivery affects customer satisfaction.

2.2 DEFINITION OF PERFORMANCE MEASUREMENT SYSTEM

Performance measurement system (PMS) considered one of the most important topic and technique discussed in the field of business management. The fields of accounting, business strategy, operations management, marketing, and organizational behavior have all discussed and contributed to this topic at length (Neely, 1999; Marr and Schuima, 2003). The importance of this topic emerged from the assumption that performance measurement system is an essential tool that enables a company to achieve and control its desired objectives. In addition, such tool

allows managers to balance the tensions between growth versus control, short-term performance versus long-term performance, and opportunities versus threats (Simons, 2000).

Before defining the performance measurement system (PMS) concept, it is worth discussing its components. First, the literature defines the term "performance" as the ability of an entity, such as a person, group or organization, to make results in relation to specific and determined objectives (Laitinen, 2002; Lebas and Euske, 2004). In addition, performance is an actual work or output produced by a specific unit or entity. To put it another way, the performance concept refers to the measurable achievements produced (Harbour, 1997; Phillips, Davies and Moutinho, 1999). Second, the term "measurement" indicates the ability and processes used to quantify and control specific activities and events (Morgan, 2004).

As key authors of this area, Neely, Gregory, and Platts (1995) define the performance measurement concept as "a process of quantifying the efficiency and effectiveness of actions" (Neely et al., 1995, p. 80). On the other hand, Neely, Gregory, and Platts, (2005, p; 1229) refer to the performance measurement system (PMS) as "the set of metrics used to quantify both efficiency and effectiveness." Literature defines measures as metrics used to quantify and compute an action's efficiency and effectiveness (Bourne and Neely, 2003).

The definition of PMS introduced by Neely's et al (2005) shows that efficiency and effectiveness act as an important part of the performance measurement system concept. Although this definition of PMS is popular, simple, and straightforward, the diversity of the PMS definitions introduced by different disciplines (e.g. strategy, operations, finance, accounting, human resources management, etc.) complicated the understanding of this concept. In this regard, Franco-Santos, Kennerley, Micheli, Martinez, Mason, Marr, Gray, and Neely (2007) claim that there is no agreement in terms of producing a single definition of the PMS concept; accordingly, any research in this area will be with a limited generalizability and comparability. To solve this confusion and simplify the complexity of the PMS definition, Franco-Santos et al (2007) reviewed several definitions introduced in the literature by different contributors who represented various research disciplines.

2.3 OVERVIEW OF THE COMMON PMS'S LITERATURE

The literature in PMS's has developed and evolved over the last decades providing different measures, methods, systems and perspectives for measuring business performance. The origin of PMS's has emerged from using traditional accounting methods for measuring performance, such endeavors emerged in the 1880s and lasted till 1980. This approach and method of measuring performance implies using the historical accounting and financial data only for evaluating business performance, later on, a new wave of methods and models for measuring performance has started in the late of 1980s until now days as a response to the limitations of the historical accounting method (Neely, 1999).

Accordingly, several researchers grouped the literature of PMS's into two groups; the first group is the pure financial and accounting perspective while the second group which emerged in the 1980s implies using qualitative measures of performance as well as the financial measures. The latter group called the balanced or integrated approaches for measuring performance due to the combination between qualitative and quantitative measures of performance into one single system (Ghalayini and Noble, 1996; Olve, Roy and Wetter, 1999; Burgess, Ong, and Shaw, 2007).

2.4 STAGES OF EVOLUTIONS AND DEVELOPMENTS FOR PMSs

In order to depict and track the evolution and development in the PMS literature in the last few decades (i.e. since 1980s and until now), this part of the present research attempts to show the main stages and phases for developing the PMS's literature as introduced by different researchers. Neely (2005), for example, limits the developments of PMS into five phases; 1) the problem identification phase through criticizing the shortages of the financial and accounting methods which lasted until the 1980s, 2) the development of potential solutions phase through developing integrated measurement systems such as the BSC, SMART, performance prism, and

so on, 3) the methods of application phase which was interested in developing new processes and methods in applying and implementing the proposed frameworks developed in the previous second phase i.e. the process of performance measurement system design, 4) the empirical investigation phase which aimed to provide thorough analysis for the existing frameworks developed. In other words, this phase aims to confirm the theoretical validity of the existing frameworks and models emerged in the previous stages, 5) the theoretical validation phase was developed as result of the previous fourth stage.

This discussion reveals that there is more research still needed rather than developing dynamic systems as suggested earlier in this paper by considering internal and external changes in the environment. Although Srimai et al., (2011) state that PMS's should have the capability to respond rapidly and flexibly for constant changing market and environment which leads to dynamic sustainability for the organization, they asked researchers and practitioners to go one stage ahead and moving to new phase and stage of research. They claim that PMS's now should consider more stakeholders into their consideration especially the intangible drivers of performance as mentioned earlier by Neely et al (2003).

2.5 What Are Core performance Measures?

A core performance measure is a primary performance measure that is aligned with, but distinguished from, subordinate measures in hierarchy of measures. The word "core" refers to the idea that the measure is strategic, not just operational or tactical. Core measures have most of the following characteristics and attributes:

- **Linkage to values, Mission and Strategic Goals-** They are aligned with one or more of court's key performance areas or key success factors. (It is this linkage with key performance areas that limits the number of core measures to vital few.)
- **Aggregation-** There is a combination, an index, or conjunction of number of measures in variables or aspects of court performance that may be indentified with subordinate measures in a hierarchy.

- **Outcome orientation-** They emphasize the condition or status of the recipients of court services or the participants in court programs (outcomes) over that of internal aspects of court processes, programs and activities (input and output – that is, they indicate results rather than resources and level of effort).

- **Consistency across Entire Court-** They are consistent from the top to the bottom of the origination of the court. Each may sit at the top of a hierarchy of related measures and indicators.

- **Drivers of Success-** They serve both as incentives and practical tools for improvement. The key to collecting data for court performance measurement is identifying those performance measures that will actually help to achieve the desired results (i.e., measures that are drivers of success).

- **Emblem or symbol-** its meaning and significance are easily understood by the court and its stakeholders.

The eleven core court measures described by Global Measures are being used, more or less throughout the world by many individual. Courts and justice systems that have embraced performance measurement and performance management They are linked to key values and principles of the IFCE: represent limits and manageable core set of performance measures, a vital few instead of a trivial many metrics that form a balanced scorecard of a court's or court system performance: are sustainable; have been shown to be feasible; and are focused on outcomes

2.6. What is Court performance Measurement?

Court performance measurement is the process of monitoring analyzing and using performance data on a regular and continuous basis for the purposes of transparency and accountability, and for improvement in efficiency, effectiveness, and the quality of justice. This definition encompasses both performance and management. Parse and the use of performance data in management (referred to as performance management) .As noted in the beginning of this primer, performance measurement and performance management are components of the IFCE. Measurement of performance is a practical tool that helps organizations get results that focus on mission and goals. It is increasingly seen by courts as the best way both to improve the quality of programs and services and also to achieve major policy and organization transformation.

An effective court performance measurement system enables court leaders and manager to:

- Translate vision, mission and broad goals in to clear performance targets.
- Communicate progress and success succinctly in the language of performance metric.
- Respond to legislative and executive branch representative's and the public's demand for transparency and accountability.
- Respond quickly to performance downturns and upturns in performance
- Formulate and justify budget requests.
- Provide incentives court staff to make improvements in programs and services
- Make resource allocation decisions.
- Set future performance exactions based on past and current performance levels.
- Insulate the court from inappropriate performance audits and appraisals imposed by executive and legislative agencies.

The imperative of performance measurement and performance management folds well in to a broad vision of judicial leadership of self-governed, well managed effective and operationally efficient courts. This imperative rests on five basic assumptions that speak to the relationship between judicial leadership and performance measurement.

Effective performance measures focus on ends, not the means to achieve them. They emphasize the condition or status of the recipients of services or the participants in court programs (outcomes) rather than the internal aspects of processes, program and activities (inputs and outputs) They focus on results rather than quantification of resources or level of effort. Traditionally, court managers have relied on measures of volume or frequency in three categories : (a) amount of work demand (such as the number of cases filed); (b) number of products or services delivered (such as the number of cases filed), and (c) the number of people served. Effort has been expended to meet that demand, they reveal nothing about whether the effort has made any difference- i.e., whether anyone is better off as result

Second, performance is not about the number. Performance measurement uses numbers, but it is not about the numbers. It is about the perception, the understanding and the insight required of effective leadership. Ultimately, it is not the measure itself that is important, but rather the questions that it compels judicial leaders to confront, questions such as

- How well is the court, court system, or justice system performing?
- Where is the court now (performance level, baseline)? What is the current performance level compared to established upper and lower controls (e.g. performance targets)
 - How well is the court performing over time? Is performance better, worse or flat? How much variability is there?(trend analysis)
 - Why is this particular performance happening (analysis and problem diagnosis)? What happened to make performance decline, improve or stay the same .What are some credible explanation?
 - What is the court doing to improve or maintain performance levels? (planning future out comes)
 - What actions should be started, continued, or stopped altogether as result of what the measure reveals? What should be done to improve poor performance, reverse a declining trend or recognized good performance?(strategy formulation)
 - What performance targets and goals should we set for future performance (goals)

Third courts must count what counts and measure what matters. Figuratively and literally; performance does not count unless it is related to the things that really matter and are critical to the success of a court. Key success factors have been referred to in the literature of organizational performance measurement as major performance areas; high level goals and objectives standard of success perspective domains, performance criteria, Key results factors, and key out comes. Whatever they are called they form the framework of a court's accountability and transparency to the public and other stack holds.

Fourth, performance measurement is a powerful antidote for too much information. Information overload is one of the biggest irritations of modern life. And it seems to be getting worse. It can make justice system executives and managers feel anxious and powerless, reduce their creativity, and render them less productive.

Finally, measuring and managing court performance is an essential survival skill for court leaders and managing. The right performance e measures effectively delivered are clear, unambiguous and actionable. Focus and clarity are factors of effectively leadership. Above all, leaders need to be clear. Performance measures such as clearance rates or court user/ citizen sates

faction focus on a limited number of success factors like access, fairness, and timeliness of case processing. They count only what counts and measure only what matters.

Many European Countries like Italy, Russia and eastern Europe Uses Balanced score card (BSC) frame work to measure court performance because BSC Makes extensive use of qualitative and non financial indicators to demonstrate the overall ability of the organization to adequately satisfy stakeholders. Similarly the federal supreme court of Ethiopia also uses this approach but with some modification by leaving the fifth parameter that is IS success perspective. What they did was they include this fifth perspective under internal business process and learning and growth perspective .Therefore they use only four perspectives for planning and measuring court performance.

Figure 1 -Court Performance Measurement System (CPMS)

Customer perspective	Internal operating perspective	Financial perspective	Innovation and learning perspective	IS success perspective
Access and Fairness	Clearance Rate	Cost per Case	Number of professional judges	System Quality
	Case Turnover Ratio		Number of administrative staffs	Information Quality
	Disposition Time		Number of IS end Users	Information Use
			ICT Hardware investment	User Satisfaction
			ICT Software investment	Individual Impact
			CCAI	Organizational Impact

Source: *International Journal for Court Administration (December) 2012)*

The five dimensions composing CPMS are the following:

1. **Customer perspective:** the customer of a court is a person or an organization that receives the service provided by the court. Indicators included in this dimension measure the court's accessibility and treatment of customers is asked to answers of fairness, equality and respect. To define these measures, customers are asked to answer questions about how they are treated in court and whether the court's decision making process seems fair.

2. **Internal operate rating perspective:** indicators used in this perspective assess the court's ability to be efficient, controlling its internal producers and environments. The efficiency indicators used could inform presiding judges and court administrators about how well resources are used to achieve intended goals in terms of case resolution. In this perspective we include the indicators proposed by the European Commission for the Efficiency of Justice (CEOEJ) to evaluate efficiency of European courts. These indicators are: "clearance rate" which is the number of cases resolved as percentage of the number of incoming cases; turnover ratio" measured as the resolved cases divided by unresolved cases; dispassion time" calculated at 365 divided by " case turnover ratio" These indicators are fundamental management tools that evaluate the length of time it takes a court to process cases;

3. **Financial perspective;** the indicator include in this dimension is a cost indicator such as cost per case it is a measurement of the average cost of processing a single case, by case type (e.g civil and/ or criminal cases). Cost per case is an indicator developed in the aid managers in decision- making about the resources allocation in order to improve cost effective of courts;

4. **Innovation and learning perspective;** we include in this dimension some indicators that could be useful to evaluate the contribution of human resources, information capital, and court culture to support innovation and learning. Particularly, for human resources, we use the following indicators: number of administrative staff, number of professional judges, and number of IS end user. Information capital, instead, is evaluated using the following indicators; ICT software and hard ware investment although the values of these indicators are not a direct measure of performance, they can be interacted as an approximation of the potential for innovation and learning of the court. For example, information about the number of and types of

human resources could be useful to understand if court staff is large enough to give court the possibility to carry out its activities, but also to innovate and learn.

5. **IS success perspective:** as previously argued, the model of DeLeon and McLean consists of six dimensions useful to investigate a process understanding of IS and their impacts. The model analyses three components, such as creation, use and consequences of system use, and “each of these steps is a necessary, but not sufficient, condition for the resultant outcomes, with reference to courts, this model promotes understanding of ICT applications, such as a case tracking system, used by court administrative staff for performing activities and their impacts understanding user’s perception of these applications, as well as their usage and effectiveness, provides court managers important information for supporting strategic and operational decision making

2.7. The International Framework for Court Excellence

The international framework for Court Excellence (IFCE) is an equality management system designed to help courts to improve their performance. Performance measurement and performance management are interrogative components of the IFCE. This primer for policy makers and practitioners, Global Measures of Court Performance (Global Measures), describes eleven focused, clear, and actionable court performance measures aligned with the values and areas of court excellence of the IFCE. It deconstructs the key question “How are we performing” by addressing two enabling questions: What should we measure? How should we measure it?

1. The degree of Court User satisfaction. The percent of court users who believe the court provides procedural justice, i.e., accessible, fair, accurate, timely, knowledgeable, and courteous service.

2. Access Fees. A measure of accessibility defined as the average court fees paid per civil case.

3. Case clearance Rate. The number of finalized (outgoing) cases expressed as percentage of registered/ filed (incoming) cases.

4. On-Time Case processing. The percentage of cases resolved or otherwise finalized within established timeframes.

5. **per-Trial Custody**. The average elapsed time criminal defendants are jailed awaiting trial.

6. **Court files integrity**:-Refers to the percentage of case files and record that meet standards of accuracy, completeness, and accessibility.

7. **Case Backlog** .Percentage of cases in the court system longer (older) than established timeframes.

8. **Trial Data Certainty**, The proportion processing events (trials) that are held when first schedule.

9. **Employee Engagement**. The percent of judicial officers and other court employees who indicate that they are productivity engaged in the mission and work of the court (a proxy for court success).

10. **Compliance with court orders**. Recovery of criminal and civil court fees as a proportion of fees imposed (a measure of compliance with law and of efficiency).

11. **Cost per case**. Money expenditures per case (net cost per finalization) These eleven core measures are aligned with universally accepted judicial values and areas of court excellence indentified by the IFCE and are seen as the key to the successful functioning of courts. Transparency and accountability are defined further in operational terms as the as the existence of a performance measurement system employing one or more of the core global measures in ways that address the fundamental question “ How are we performing?”

Court Employee engagement is defined as percent of court employees- disaggregated by organization unit of the court or justice system. That is they are productively and positively engaged in the mission and work of the court. It is characterized as proxy for court excellence insofar as employee engagement correlates with individual, group and organizational performance in areas such as retention, turnover, productivity, customer service and loyalty .The measure’s purpose refers to research showing that a high level of employee engagement its creation and maintenance- is one of the most crucial imperatives of any successful organization.

2.8. Court as system

When you take a closer look at court, the court can be described by using a simple system-model which differentiates between; input, throughput and output. The output part of a court can be distinguished; between resources and cases. The resources of court are: personal (judges and court staff).Material (court buildings. Office equipment, etc) and financial resources (the budget of a court).Influencing the level of these of a court i.e. a lack of resources (in terms of judges, staff, equipment, and budget) can lead to an increase of the length of proceedings and growing backlog of cases.

As already has been said before incoming cases belongs to the input-part as well. A high influx of cases (for examples a result of increased level of crimes in country, a growing economic progress or a decline of the economic climate) with a same level of court files on the book shelf too.

The throughput of court is the process where the incoming cases are treated by judge and court staff, resulting at a decision of judge (the output). One of the indicators to measure the throughput of courts is- logically- the length of proceedings and the making of cases.

Why is explaining the court in term of system model important? This is necessary just to draw attention to the fact that the performance of individual judges can be influenced by external factors. Changes in :society, the budge of the stare, legislation ,etc can lead to a fluctuation of cases received by the courts and thereby also may lead to a fluctuation in the workload of cases that can be handled by judges. For example an interdiction of a new civil code, can have a high impact in the productivity of judges if this legal code reduced the number of legal steps in a judicial proceeding

It must be underlined though that some factors are out of reach of the individual judge. An integral approach of looking at the subject of the performance of judges and courts is necessary.

How can this integrate approach be realized and which examples of performance indicators can be used to evaluate judges and courts? In this paper I will draw the attention to six efficiency performance indicators:

1. The caseload per judge;
2. Labor productivity;
3. The duration of proceedings,
4. Cost per case;
5. Clearance rate
6. The budget of courts

One of the main critics of the judiciary is that-mostly-the executive power is focusing on the productivity and efficiency of judges and courts. Legal and judicial quality is under-estimated and under-valued. At each evaluation of judges and courts a balance should be realized between productivity/efficiency and quality models the history of these models will be described as well as some example of the application of quality and serviced by the court and the judges .

2.9. The budget

For determining the (about) productivity in courts and the costs' per case it is necessary that courts systematically collects information. A plan inning and control cycle can be introduced as a method for rational ion of the financing of courts and the monitoring of their performances. In this proposal information can be found of an estimation of the number of expected incoming cases for a Year (per type of cases), the available personnel and material resources, other court performances information (length of proceedings, cases in stock, expected output of court in terms of number of judicial decisions) and a proposal for the budget that is necessary to realize the expected output. At the end of a budget year the monument of the courts must prepare an annual report (spend budget and the court performance). This report, combined with a new budget proposal can be used in the negotiations between the court and the financing organization (Ministry, High judicial, Council, Superior Court, etc.).

2.10. Quality

One of the many disadvantages of the 'productivity' and efficiency' approach towards courts and judges is that it doesn't look at the products and services delivery by the courts. Mostly quality is defined by judges in terms of legal quality (the quality of judicial diction), the system of quality protection by making use of courts of appeal and the role of the Supreme court as a guard for judicial quality. 'Critics' say that the financiers of the judiciary are only interested in 'efficiency' and not in quality.

For a long period this was true, however a couple of years ago in several countries 'quality systems' has been introduced in courts. Most of these systems are derived from models that have been introduced in business companies. Two examples of well known quality models are: the balance score card methodology and the EFQM-model (the European Foundation on quality Management). The general principle of the balance score card model is that the quality of the organization can be measured by looking at four areas: the financial area, the working processes area, the learning and growth area (the knowledge and the personal of the organization) and the customer area. Similar principles can be found in the EFQM-model. One of the major aspects of both models is that the information from the client is important to assess the quality of an organization and that an organization must not only focus on 'efficiency' and at the other hand 'efficiency or productivity'.

The ideas of the general quality models has assurance has been a source of inspiration for developing specific models for the judiciary. One of the oldest models used in the Trial Court performances standards (TCPS). It is one of the most important products of the Trial Court performance standards project initiated and developed by the National center for State Court (NCSC). The Standards are developed around five performance areas: ((1) access to justice, (2) expedition and timeliness, (3) equality, fairness and integrity, (4) independence and accountability and (5) public trust and confidence. In total there are 68 measures include in this model. For each of the measures specific tools for data collection has been developed. For example the area of public trust and confidence a court Client survey is drafted and can be used to assess the level of satisfaction of the client regarding the services by the judges and the court staff.

Evaluation of the Standards shows that it is possible to measure the quality in the courts. However, one of the draw backs of the model is the level of complexity. It takes too much resources and time to evaluate the Court quality by making use of the TCPS methodology.

As a part of the experiences of using TCPS, the National Center for State Courts has recently developed ten practical courts tools .The court tools are defined by the center as asset of trial court performances measures that offers court managers a balanced perspective on court operations. In the ‘court tools’ the major performance areas defined by the Trial Court performance standard has been integrated and extended with relevant concepts from successful performance measurement systems used in the public and private Sector. Examples of concrete indicators that form a part of the set of court tools which has been described in the paper are: the cost per case and the clearance rate.

Other countries that have developed a quality system for the judiciary are the Netherland and Finland.The Dutch Rechtspraak model is based on the framework of the European Foundation for quality Management .one of the elements in this model is the so-called ‘measurement. That can be used to assess the quality in the Courts. The measurement system is based on five areas of measurement,

- Independence and impartiality
- Timeliness of proceedings
- Expertise of the judges
- Treatment of the parties at court sessions
- Judicial quality

Tools that are used to measure the quality are: the use of court statistics; an audit and surveys. The quality system of the Romaine court in Finland is based on similar principles.

One of the important aspects of the quality systems developed in the US, the Netherlands and in Finland’s that it uses information of clients in addition to the ‘efficiency. Comparable surveys has been used in the Netherlands and what is interesting to notice is that when you are asking clients to rank the as epact that are important for a high quality of service delivered by the courts, the timeliness of the proceedings is not on the top. The expertise of the judge, the quality of the

motivation of the decision and the expertise of the court staff are from the viewpoint of the clients the most important quality aspects for the courts.

Performance measurement is crucial to court's ability to provide high quality yet cost-effective and efficient services to its customers. Court managers and presiding judges increasingly embrace the idea of systematically integrating performance measurement into the daily operations of the courts

Measuring the performance of non- profit organizations is a well- documented topic over the years, various systems have been proposed to assess the effectiveness and efficiency of organizations which, not operating in a market system, cannot refer to profit or other performance indicators typically used in for –profit organizations

The evaluation of effectiveness of ICT investment and the inclusion of this dimension within CPMS could be useful for court administrator and presiding judges because it provides the opportunity to understand if and how the ISS contribute to improve court performance is success or effectiveness is critical to our understanding of the value and efficacy of IS management actions and investments

According to De lone and Me Lean (1992), however, a single indicator is not sufficient to measure such a complex construct as the success of an IS. The authors therefore developed a model, known as the IS success model based on several dimensions, amid to investigate what cases IS success? And consequently, IS impact on individual and organizational performance the IS success model considers six dimensions

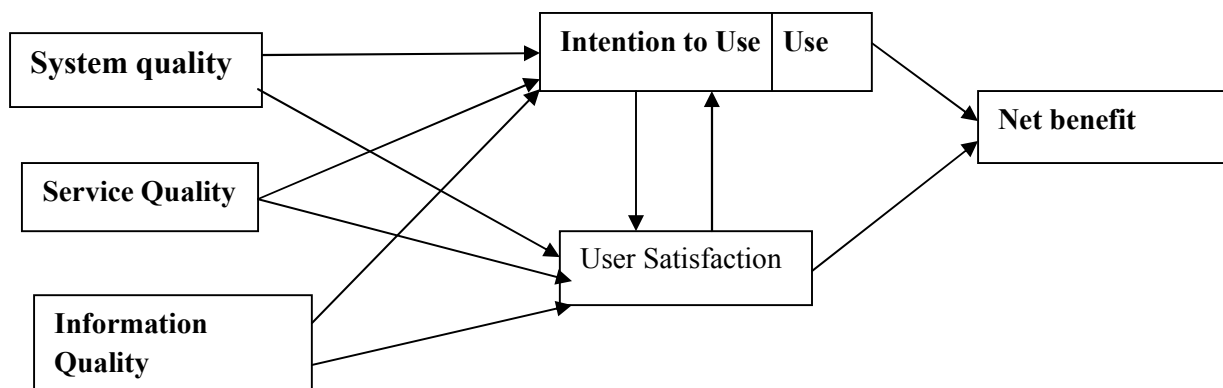


Fig-2 Delone and McLean's IS Success Model

1. System quality, characteristics of the information system itself which produces the information;
2. Information quality, quality of the information that the system produces primarily in the form of reports;
3. Information system use, how many times people use IS;
4. User satisfaction ,IS ability of satisfying the information requirement of its users ;
5. Individual impact , the contribute of IS on individual work performance, and
6. Organization impact, the effect of IS on organizational performance. In particular, system quality concerns the consistency of the user interface, the quality of documentation and whether there are bugs in the system. Information quality concerns the relevance, timeliness and accuracy of information generated through the system. IS a use concern the usage of the system by user? User satisfaction, instead, is the sum of individual's reactions to a set of factors affecters affecting IS success. Finally, individual's reactions to a set of factors affecting IS success, besides individual and organization impacts are the outcomes attributed to user satisfaction and IS user.

2.11. What is Electronic Government?

Definition 1: Electronic Government is any process that the citizenry, in pursuit of its governance, conducts over a computer- mediated network. This first definition of e- government specifies the underlying technology of computer- mediated networks and the processes conducted over them as the differential between e-government and its government predecessors. This definition invokes the government concept of western democracy. It is wide enough such that it encompasses the study of every- government- related phenomenon including possible outcomes, which might be neither foreseen nor desired.

Definition 2: electronic government is the use of information technology to support government operations engage citizens and provide government services. The second definition

invokes the aspect of efficiency of government operations, while it emphasizes the involvement of citizens at the same time. In this paper both definitions are used concurrently.

- Improve administrative efficiency, effectiveness and productivity as well as information provision and service delivery to the public at the federal and regional levels of government;
- Reduce administrative, operation and transactional costs of federal and regional governments, administrative activities, service delivery functions and operation by reducing operational inefficiencies, redundant spending and unnecessary excessive paperwork;
- Increase the ability of the federal and regional governments to serve citizens and businesses;
- Transform government systems into a citizen-centered government as will facilitate the process of bringing governments closer to the people and making it easy for citizens to obtain services and interact better with government machinery and agencies at the federal and regional level;
- Develop and implement information and communication infrastructure to support federal and regional level intra and inter-agency electronic service delivery and information exchange and
- Provide access to information and government services by the public and enhance good governance and strengthen the democratic process.

2.11.1. Types of E-government

E-government can be classified into eight categories. Which are:-

Government- to- Citizen (G2C):-provide the momentum to put public service online, in particular through the electronic service delivery for offering information and communication

Citizen- to –Government (C2G):- provide the momentum to put public service online, in particular through the electronic service delivery for exchange information and communication

Government -to –Business (G2B):-Actively drive E-transaction initiatives such as e-procurement and the development of an electronic market place for government purchases and

carry out government procurement tenders through electronic means for exchange of information and commodities.

Business to Government (B2G):- Actively drive E-transaction initiatives such as e-procurement and the development of an electronic market place for government purchases and carry out government procurement tenders through electronic means for sale of goods and services.

Government- to –Employees (G2E):-Embark on initiatives that will facilitate the management of civil service and internal communication with governmental employees in order to make e-career applications and processing system paperless in E-office.

Government-to-Government (G2G):-provide the governments departments or agencies cooperation and communication online base on mega database of government to have an impact on and efficiency and effectiveness. It also includes internal exchange of information and commodities.

Government- to- Non Profit (G2N):-Government provides information and communication to nonprofit organization, political parties, social organizations, Legislature etc.

Non profit –to-Government (N2G):-Exchange of information and communication between government and nonprofit organizations, political parties and social organizations, Legislature etc.

2.11.2. E-GOVERNMENT IN ETHIOPIA

The ICT sector in Ethiopia is shaped by sector regulation that was approved in 1996 to create a single national operator. The national ICT policy that governs the ICT sector was drafted in 2005. The policy' vision was to attain"... the social and economic well being of the people of Ethiopia through the explanation of the opportunities created by ICT for rapid and sustainable socio-economic development. Creating an enabling policy, regulation and legal environment for the growth and utilization of ICT s, Developing the necessary ICT human resource, infrastructure, rural access, ICT standards', and local content, Strengthening the capacity of public institution to facility the mainstreaming of ICTS for socioeconomic development , and Facilitating the use of appropriate

technologies for development of applications and content for rural development, good governance, and service delivery in priority sectors. In the effort to implement the ICT policy the government has launched series of high profile project. Various government institutions also launched several applications – including a national web portal. The reframe of the communication sector began by separating the regulator and the operational function through the establishment of regulator entity, the Ethiopia telecommunication agency (ETA) by proclamation 49/1996, and a commercial entity the Ethiopian telecommunication corporation (ETC) by Regulation 10/1996. Before 1996, the Ethiopia telecommunications Authority had acted both as a provider of communication services and the regulator of the sector. in its thirteen years of operation (1997-2010) .

The Ethiopia government has the development of information and communications technology (ICT) on of its strategic priorities. The endorsed and currently enforce ICT policy is a demonstration of its commitment to the development of ICT both as an industry and as an enabler of socio –economic transformation. The government of Ethiopia is creating favorable environment to enhance the exploitation of ICTs for accelerated socio-economic development by elaboration and Ethiopia ICT Development Agency (EICTDA), and the now Ministry of Communication and information Technology (MCIT) which is responsible to coordinate and supervise the planning and information implementation of communication and information Technology development intuitive and ICT policies.

A research ICT Africa network survey shows the proportion of mobile internet users was 1.2% in 2012 driven by increasing use of social networks such as face book. Ethiopian reached the million face book users level in 2013 with an increasing in the users by 20% between 2012 & 2013. The demand for mobile services and internet accesses continues to grow exponentially

The e-government strategy that was approved in 2011 envisages the implementation of 219 E- services comprising of 79 informational and 140 transactional service over five year period implementation is proposed through 12 priority projects and service delivery would be through four primary channels- portals, call centers, Mobile devices and Common service centers . The school Net project is one of the earliest initiatives of the government that provided education satellite television podcasting to more than 800 high school in Ethiopia.. The WorldNet is another public project that provides a terrestrial and satellite- based network linking 950 districts. it was designed with the primary objective of providing ICT services such as video conferencing

directory services, messaging, Voice over IP, and internet connectivity to the Federal, Regional, and Worde level government administrative units across the country. A multi- lingual national, and portal ([WWW.ethiopia .gov.et](http://WWW.ethiopia.gov.et)) is also one of the achievements in the recent years.

Table -1 Ethiopia in UN E-government survey (2010)

Countries	Web measure Index	Infrastruc ture Index	Human Capital Index	E- participatio n	Total	Total Ranking from 187 countries
R.Korea	1.0000(1)	0.6390(13)	0.9929(7)	1.0000(1)	0.8785	1
USA	0.9365(2)	0.6449(11)	0.9691(20)	0.7571(6)	0.8510	2
Canada	0.8825(3)	0.6799(10)	0.9708(17)	0.7286(8)	0.8448	3
China	0.3685(55)	0.1913(89)	0.8535(98)	0.3714(32)	0.4700	72
Tunisia	0.4825(30)	0.1942(86)	0.7710(126)	0.3000(39)	0.4826	66
Mauritius	0.2952(84)	0.2647(67)	0.8388(104)	0.0571(127)	0.4645	77
Egypt	0.5300(23)	0.1256(110)	0.6973(138)	0.2857(42)	0.4518	86
Kenya	0.2381(104)	0.0637(136)	0.7027(134)	0.2286(53)	0.3338	124
Tanzania	0.1746(121)	0.0337(160)	0.6731(144)	0.0429(135)	0.2926	137
Ethiopia	0.2000(111)	0.0073(187)	0.4027(135)	0.0429(135)	0.2033	172

Source: E-government Initiatives in Ethiopia UN the African E-leadership meeting Tanzania 2010

2.11.3. Use of Electronic Case Management System in different countries

1. Brazil

Brazilian court system used to be manual in nature; the decisions used to be written as if they ne of a kind even for cases related to mass litigation. For a client to know the contents of the litigation, one had to physically go to court

The Brazilian system has the following features and uses

- The general public knows what is going on through ICT based web services
- ICT links public bodies and judiciary in public service agreements

2. Australia

The use of ICT in the justice system in Australia begun in 1980s and has been improving over the years. The system performs several functions among them; Litigation support, Evidence presentation, Electronic courtrooms, Knowledge management, Electronic filing, Electronic search, E-courts and Integrated justice (Federal Court of Australia, 2009).

3. Venezuela;

The State has taken steps towards the modernization of the Justice Administration System in order to improve the quality, efficiency and effectiveness of the management of judicial processes (Fabri et al., 2001). Conventionally, courts operated with little or no technological support but now all is changing fast. According to Fabri and Contini (2001) the focus of the reform effort includes legal changes, transparency enhancement, organizational efficiency and user access which have a seamless integration of ICT applications. The ICT measures are both directed at the Supreme Court and lower court levels in jurisdictional and administrative areas.

4. Kenya

Kenyan judiciary has embarked on a modernization program aimed at improving the service delivery to the general public. Kenyans are hoping for first-class service and technology will accelerate that, as well as improve efficiency in the judiciary, the attorney general's chambers and the National Council for Law Reporting (Wanjiku, 2008). ICT is expected to reduce the incidences of corruption in the judiciary that had been highly prevalent before the famed judicial purge of 2003, spearheaded by justice Ringera (Sitienei, 2010). According to Gallup poll, (2009), public confidence in the judicial system and in the moral authority and integrity of the judiciary is of the utmost importance in a modern democratic society.

2.11.4. ICT Service provided by Federal Supreme Court of Ethiopia

1. **E-litigation:** - is a technology which facilitates regional cases that has been decided to be seen by the federal courts .By using this technology customers can present their appeal remotely and will be remotely connected to the federal courts through the internet and video conferencing without the need to come in person filing and video conferencing are among the technologies which increase the availabilities of the court's services for its customers.

2. **E-filing;-** is a modern system which provides a platform to clientele especially for those from the regional states to send documents to the courts through the internet. Currently (since

2014) the Federal Supreme Court is providing this service within its centers opened in three regional cities. Because of this service regional customers are now able to remotely open their file and send related documents to the federal Supreme Court's registrar office .without the need to come to the federal Supreme Court which is located in Addis Ababa

3. **Video conferencing:**-A court session provided from remote sites through internet or network. There are more than 28 sites which gives this service.

4. **Recording and Transcribing:** - Technology enhanced recording and transcribing includes converting any litigation processes in the court in to written forms using a computer. In early times this was conducted by manual conversion which leads to long arrangements and tedious process. Even the tape recording technology that was introduced later was not fast enough and didn't enable to effectively manage recording process. This process enables to easily convert the audio data from the memory sticks that can continuously record for 72 hours and can easily converted to written forms has highly facilitated the process. This technology enables to duplicate the recorded to software; so that which makes easy and fasten the process by working parallel.

5. **Call center service :-** Free call center service is delivered through a telephone that help clients and any person to provide information he/she needs by dialing 992 in order to gather any information related to the Supreme Court. It was opened in the beginning of 2014. Clients can follow up their ongoing cases; get legal aid and support and any information about the organization.

6. **Document scanning facility:** - The main function of this office is to change every case files in to soft copy, which comes from the registrar office or court benches. This is done by scanning the hard copy of the files. The main purpose of this system is to give easy access of information for a judge if he/she is in need of any case files which he/she is pending or disposed

7. **Court Case management System database:** - Court Case Management System is a computerized system which is designed to assist the works of the registrar with modern technology. It is a tool of managing every judiciary activity in all federal courts and feed this activity or information to the main data center of the court. It helps to immediately upload new cases filed each day, new decisions, judgments and adjournments passed from the courts into the computer system. It is a case flow management system which consists of information's from opening to disposal state of a case file. It generates more than 130 kinds of reports like number

of opening files in a day week month or a year, number of disposed case pending cases and other internationally recognized standard of measurements of court activity.

8. **Touch screen and daily court list Display:** - The plasma screen is linked with the database which makes the clients to see their court list, file number, defendant name, plaintiff name and other more information without a need of any personal interference. In addition to this; other than the court lists, the plasma screen helps to display the issue which is related to the court. Customers can use this service by looking the screen or operating the screen display by touching and following simple instructions found on the display.

9. **Website.** The Federal Supreme Court website is both informational and interactive type. It is interactive because customers can follow the status about their cases and it has an E-filing service which can able to send and receive case files from e-filing centers from regional court offices.

CHAPTER THREE

METHODS OF THE STUDY

This part of the research describes the methodology undertaken to elaborate the description of the study area, research design, questionnaire design, sampling process and data collection, administration and the intended analysis strategy

3.1. Design of the study and sample selection

The Study Areas

The Study area in which the researcher focuses is that the number and type of litigants, lawyers, prosecutors who are customers of the E-court service at the Federal Supreme Court. Currently, Major Service Beneficiaries were individuals, private sector, Government institutions and Non Governmental Organizations. Among the five centres of E-litigation Mekele and Bahardar will consist of 98 percent of customers of the E-court system. Therefore in addition to those physically came to the main court room the above two centers beneficiaries will also covered in the study

3.2 Research design

A research design is a function of the research objectives, is defined as “a set of advance decisions that makes up the master plan specifying the methods and procedures for collecting and analyzing the needed information” (Burns & Bush, 2002, cited in Belaynew, 2012). An appropriate research design is essential as it determines the type of data, data collection technique, the sampling methodology and the budget (Hair et. al., 2003, cited in Belaynew, 2012). This research used descriptive type of research design. Descriptive statistics analysis is used in the interpretation and discussion. Descriptive research is a type of research that is mainly concerned with describing the nature or condition and the degree in detail of the present situation. (Creswell, 1994, referred by Belaynew, 2012) stated that the descriptive method of research is used to gather information about the present or existing condition. Therefore,

descriptive research design was used, because the major purpose of descriptive research is description of the state of affairs as it exists at present (Kothari, 2004:19).

This research employs both quantitative and qualitative methods of data analysis. However, more emphasis was given to quantitative method methods and supplemented by qualitative methods. By using this method therefore, the research intended to find link if there exists among the independent variable factors that considered on this research as influencing factors of ICT and the dependent variable of the Court performance.

3.3. Data collection methods and procedures

The data was gathered through primary and secondary data sources. The data collection from primary sources will be through self administered questionnaires with closed and open ended questions. A questionnaire is considered the best foe this study and collected independent information to reflect the real situation and it is cost effective and could be distributed to a larger population over a shorter period of time. Both qualitative and quantitative data will be collected. The secondary data will be collected from the Court case management system data base of the Federal Supreme Court

Primary data was collected from sources such as, survey, interview and questionnaires designed in likert scale. The questionnaires were distributed to and responses collected from different respondents (judges, prosecutors, lawyers, Court administrator and ICT professionals. For the creation of the questionnaire information that was collected in an unstructured way during conducting brief interviews, reading scientific papers on the topic, articles and business journals, discussions with colleagues and friends. On this basis the questions to be asked were listed Demographic questions were added as an integral part of a survey. An interview questions were also developed through discussion and consultation with friend and collogues. Prior to distribution a sample of six questionnaires were distributed among potential respondents to tests for the reliability and consistence of the questions. On that base minor adjustment was made and the corrected questionnaires were distributed to collect the data.

While secondary data from books, research papers, internet sources and documents from Federal Supreme Court archives were used in theoretical and empirical literature review, more

emphasis was given to the CCMS data base. From the data base five years performance data were taken

3.4. Data source

The data collected in the form of Interview and questionnaire will be collected from customers, lawyers, judges, managers and ICT specialists using incidence sampling. Secondary data is collected from the CCMS database of the Federal Supreme court. While secondary data from books, relevant research papers, information from internet sources and documents from Federal Supreme Court archives were addressed in theoretical and empirical literature review besides more emphasis was given to the CCMS data base. From the data base five year performance data were taken

3.5. Sampling technique and sample size

3.5.1 Sampling technique

Under the non- probable sampling the organizers of the inquiry purposively choose the particular units of the universe for constituting a sample on the basis that small mass that they so select out of a huge one will be typical or representative of the whole (Kothari, 2004). Thus Sampling of the population was made on the base of purposive sampling, non probable sampling method to identify the participant. In order to get reasonable response more emphasis was given to those service providers and customers like judge, prosecutors, lawyer and ICT professionals selected incidentally.

3.5.2 Sampling size

Sample size is a process of selecting a sufficient portion of the population for the purposes of generalizing the findings. The aim of using sampling method is to adequately manipulate the large number and reduce the cost of producing the questionnaire to the entire population. On this base for determining respondent among the identified probable sampling method the stratified sampling method was employed. If a population from which a sample is to be drawn does not constitute a homogeneous group, stratified sampling technique is generally applied in order to obtain a representative sample (kotheri, 2004).

The formula used in this research was adopted for estimating the sample size (n) provided by Yaro Yamane (1969, cited in Obasi & Ekwueme, 2011 and Belaynew, 2012).

$$n = \frac{N}{1 + N(e)^2}$$

Where n = sample size N= population, 1 = constant, e = error estimate (0.1) at 90% confidence interval. For the population selection the average case seen in a week was taken and from the CCMS data base the average cases seen in a day are 100 and four working days of the court is taken for the purpose. It is common practice by judges to use once in a week for discussion. Therefore the number of samples taken from the population will be

$$n = 400 / 1 + 400(0.1)^2 = 80$$

3.6 Validity of Research Instrument

The term validity indicates the degree to which an instrument measures the construct under investigation. For a data collection instrument to be considered valid, the content selected and included must be relevant to the need or gap established. Before the actual study, the instruments will be discussed with supervisors. The feedback from the supervisors and the experts will help in modifying the instruments. Therefore The researcher had discussions with some judges about the validity of the questionnaires and that suggest to better measure performance of courts based on pillars of court measures like transparency and accountability, Judicial independence, accessibility. Therefore the researcher considers the above subjective concepts and converting in to different parameters which can be measured in quantitative terms.

3.7 Reliability of Research Instrument

Mugenda and Mugenda (1999) defined reliability as a measure of the degree to which a research instrument yields consistent results or data after repeated trials. An instrument is reliable when it can measure a variable accurately and obtain the same results over a period of time. However, reliability in research is affected by random errors, the pre-test helped the researcher identify the

most likely source of errors and hence respond to before the actual study. Test re-test method will be used to pilot the questionnaires, which do not form sample of the study. Reliability will be calculated with the help of Statistical Package for Social Sciences (SPSS). A correlation coefficient greater or equal to 0.6 will be accepted (George and Mallery, 2003). When the questionnaires were tested using Cronbach alpha tool on SPSS the result obtained was 0.801, which is good.

3.8 Data Analysis

The data collected in the study were analyzed by the use of descriptive statistics. This includes frequency table, mean, correlation, standard deviation and linear regression analysis model. The qualitative data collected were analyzed using the SPSS statistical package.

In this research among the 80 potential respondent to whom the questionnaire were distributed 6 of them did not return the questionnaires. Hence the responses rate was 92 percent which is good enough to proceed with the analysis. Explanation and data analysis of the collected data was made by presenting the data in the form of tables and charts. The data was analyzed using quantitative descriptive method such as percentages, mean and standard deviations frequency distribution, analysis of variance, Pearson moment correlation, regression and other suitable forms of data presentation were also used. These Data were compiled, classified, coded and analyzed using Statistical Package for Social Science (SPSS) version 20. Questions range from strongly disagree to strongly disagree by using likert. A likert scale of 5 has been used where 1 is used as a lowest value and is assigned to the lowest or worst option where as 5 is the highest value, assigned to highest or the best option. Analysis of data was carried out on the base of data obtained from the field survey to examine the difference and significant level of this difference if exist between the independent and dependent variables while multiple regression analysis to single out those components of the independent variable and the moderating variables for significantly predicting the dependent variables.

CHAPTER FOUR

DATA ANALYSIS, PRESENTATION AND INTERPRETATION

4.1 Introduction

This chapter deals with the presentation analysis and interpretation of data. Data captured from questionnaires are presented using tables. Statistical analysis like correlation coefficient and linear regression analysis of variables are presented. In addition calculated data of some international measurements of court performance like Case load per judge, labor productivity and clearance rate of FSC for five years is presented.

4.2. Back ground information of Respondents

4.2.1 Gender distribution

Out of the 74 respondents there were 87.9% (65) male and 12.1% (9) were females respectively as shown below in the table

Table-2 Gender distribution of respondents

Gender	Number	percentage
Male	65	87.9
Female	9	12.1
Total	74	100

Source: The Researcher, 2015

4.2.2. Age distribution of the respondents

Most of the respondents who directly involve in court activity were above the age of 30 and have work experience of greater than 6 years. Therefore they can give better information about the major achievements after and before the implementation of ICT in the FSC

Table-3 Age distribution of the respondents

Age Bracket	Number	Percentage
20-29	14	19
30-39	23	31.1
40-49	27	36.3
50-59	7	9.5
>60	3	4.1
Total	74	100

Source: The Researcher, 2015

As shown above table 3 most of the respondents' age fall between 40 to 49 (36.3%) and secondly 31.1% of them were between 30-39. This denotes great understanding of the challenges faced and benefits obtained from ICT system

4.2.3. Length of service in the judicial system

As shown in table 5 most of the respondents' have experience or length of service between 6-10 and reasonable amount of 20.1% have between 11-15 years of experience in court system or judicial system. This will give more understanding to the changes made and the results obtained before and after the implementation of ICT in the Federal court

Table-4 Respondents Length of service in the judicial system

Length of service in year	Number	percentage
<5	20	27
6-10	21	28.1
11-15	15	20.1
16-30	13	18
>20	5	6.8
Total	74	100

Source: The Researcher, 2015

4.2.4 Profession of the respondents

From the table number 5 most of the respondents 46 (62.16%) were lawyers or advocates. Since this people were considered customers of the court service their response to questionnaires was highly important.

Table-5 Profession of the respondents

Profession	Number	Percentage
Judge	14	18.93
Prosecutor	5	6.75
Lawyer	46	62.16
Administrator	1	1.35
ICT	8	10.81
Total	74	100

Source: The Researcher, 2015

4.2.5. Type of ICT services Used by Respondents

This question was asked for those customers at the federal supreme court and for those who are 90 percent e-litigation user in the two regions (Bahardar and Mekele) Among the 74 respondents videoconference and website users are considerably large number which were 27.02% and 24.32% respectively.

Table-6 ICT services used by the respondents

Types of ICT Service	Number of Users	Percentage
Videoconference	20	27.02
E-filing	9	12.16
Website	18	24.32
Daily Court list	14	18.92
Touch Screen	13	17.58
Total	74	100%

Source: The Researcher, 2015

4.2.6. Frequency of Respondents' attending the court room

The number respondents who attend the court daily were 41 which are 55.4 % of the respondents .This will enable the researcher to get reasonable information since this people were aware of the changes occurred at the court.

Table-7 **Frequency of Respondents' attending the court room**

Frequency of attending	Number	Percentage
Daily	41	55.4
Weekly	8	10.8
Monthly	3	4.1
Once in a Year	0	0
Several times in a year	22	29.7
Total	74	100%

Source: The Researcher, 2015

4.2.7. Respondants response for Some ICT supported Service by FSC

More than 50 % of the respondents were satisfied by the quality of videoconferencing provided by the organization. But 37.9% (satisfactory plus low) have still problem on the quality of the service. Therefore it needs intervention to give remedy to the problem.67.5% of the respondents (good, very good, excellent) were satisfied by the informational and transactional services provided through the Website of the organization and the remaining 32.5% were not interested on the services available on the website. Most of the respondents (64.9%) said that ICT has influence on the performance of court and the remaining (35.1%) ICTs influence on court performance is moderate or low.

Table-8 **Respondents response for Some ICT supported Service by FSC**

Criteria of Evaluation	1		2		3		4		5	
	No	%	No	%	No	%	No	%	No	%
Quality of Service for Videoconference	13	17.6	15	20.3	34	46	10	13.4	2	2.7
Quality of the FSC website	14	18.9	10	13.6	34	45.9	14	18.9	2	2.7
Impact of ICT on Court performance	0	0	10	13.5	16	21.6	29	39.2	19	25.7

Source: The Researcher, 2015

4.3. The caseload per judge

The most basic methodology to calculate the caseload per judge is the division of the total number of incoming cases (and pending cases) to the total number of judges (at a level of court or a department of a court). In situation of more incoming cases (or growing member of pending cases) the caseload per judge will increase. To prevent a future increase of backlog of cases and cases and a longer duration of court proceedings, this information can be useful for a court manager to ask for a higher court budget.

Table-9 Case load and case turn over data of FSC during 2002-2006 source CCMS data base taken from the organization

Budget year	2002	2003	2004	2005	2006
Yearly opened Cases(A)	10,566	12,582	10,787	10,379	11,027
Yearly transferred Cases (B)	2,472	2,496	2,577	1,926	1,416
A+B	13,038	15,078	13,364	12,305	12,443
Case load per judge	621	656	607	586	518
Case Turn Over ratio	0.81	0.82	0.85	0.89	0.82

Source: The Researcher, 2015

The caseload per judge must be seen as a, raw, indicator and it can be used by the courts to estimate how much work each judge receive given accreting number of incoming and pending cases and how many personnel resources are necessary to treat the cases in due time. As described in the above table the case load per judge is almost approach to standards of international measurements.

The average case load per judge assumption kept by the study of Bsc of the organization was about 473. Therefore during the last five years the judges were highly loaded and this will have impact on the quality of decision. But the data shows the case load prejudge decreases from time to time

4.4. Labor productivity of Judges

Labor productivity is the most widely used measure and is usually calculated by dividing the total output (of cases) by the number of personal or the number of house worked .the total factor productivity attempts to measure the overall productivity if the inputs used by an organization.

Labor productivity is performance indicator about the production (in terms of judicial decisions for example) delivered by the judges (and or court staff) .in case for example efficiency measures have been interdiction in court, this can have positive effect on the labor productivity

Table-10 Labor productivity of judges in the FSC in the year 2002-2006 E.c

Budget year	2002	2003	2004	2005	2006
Yearly Disposed cases	10,681	12,437	11,468	11,026	10,205
Number of judges	21	23	22	21	24
Productivity of judges in%	508	540	521	525	425
Number of judges and Employees	283	293	303	330	349
Total Productivity of the organization in%	38	43	37.8	34	30

Source: The Researcher, 2015

Instead of focusing on the labor productivity courts might use another performance indicator, namely the total productivity of a court. As has been said earlier the total productivity is useful to analyze the ratio between the output of a organization and all the allocated means (personnel and non-personnel retour ices, for example: ICT office equipment and court buildings). More investments (for example in computers) may lead at the beginning to a decrease in the total productivity; however at the long run it can have a positive effect on the total productivity of a court.

One of the disadvantages of the use of labor productivity as a performance indicator in the courts is that it does not take in to account the ‘quality’ aspects that are related to the work in the courts. The data concerning labor productively can be improved by making use of detailed definition model of the (weighed) output of courts.

Therefore from table 10 labor productivity of FSc for five years when calculated for judges only is good which is between 425 to 540 percent in the past five years. But if calculate to the overall employee of the organization is very low which is between 30 to 38 percent.

4.5. Length of proceedings and productivity

One of the conclusions that can be derived from this exercise is that length of proceedings is an important indicator for measurement of court performance. However, at the interpretation of the figures it is necessary not only to look at the resources available ,but also at the working methods of judges , their expertise and methods of positive incentives to rewired productively judges.

Table-11 Disposition Time of a Case of FSC during 2002-2006 E.c

Budget year	2002	2003	2004	2005	2006
Working days in a Year	220	220	220	220	220
Case Turn Over ratio	0.82	0.82	0.86	0.90	0.82
Disposition Time for 365 days	445	442	425	407	445
Disposition Time for 220 days	268	268	255	244	268

Source: The Researcher, 2015

The importance of measurement of length of proceedings (and backlog of cases) for evaluating court performance is acknowledged by the CEPEJ of the Council of Europe. It is practical tool for courts, for evaluating their level of attention of the issue of reducing backlog of cases and length of proceedings .Therefore from table 11 the average disposition time for a case

took between 244 and 268 days which is less than a year if only working days of a year was taken for calculation.

4.6. Clearance rate

The clearance rate is defined as the number of outgoing case as a percentage of the incoming cases. It measures whether the courts are keeping up with their incoming cases. If this is not the case, the backlog of cases will increase.

Table-12 Clearance rate, congestion rate and backlog of FSC from 2002 to 2006 E.c

Budget year	2002	2003	2004	2005	2006
Clearance Rate in %	101	99	106	106	92
Congestion Rate in%	124	122	117	133	122
Backlog	0.24	0.22	0.17	0.33	0.22

Source: The Researcher, 2015

International standards of court excellence show that clearance rate of a court must be or approach to 100%, backlog should be Zero and Congestion rate should be 1. Therefore from table 12 the clearance rate of FSC is between 92 and 106 percent somewhat nearer to standards while backlogs is between 0.17 and 0.33 similarly and congestion rate were between 117 and 124 percent which need effort to improve in the future.

4.7. Some data before the implementation of ICT at FSC

During the interview with the registrar officers before 15 years everything in the court room is written by hand and some case are recorded by Tape cassettes. Data's of case files were recorded by hand on "Bahare mezgeb." The researcher observes the "Bahre mazgeb" and took the following data

Table-13 Number of opened file during 1988-1992 E.C

Year	1988	1989	1990	1991	1992
No of judges	5	7	7	8	11
Opened cases	1861	1665	2346	2057	1656
Disposed cases	data is not available				

Source: The Researcher, 2015

From Table 18, I understood that during the manual system of operation of the organization the number of opening cases were very less. In addition there was no mechanism of storing and retrieving of information

CHAPTER FIVE

SUMMARY CONCLUSION AND RECOMMENDATION

5.1. Introduction

The findings and analysis of data are summarized in this chapter in line with the study objectives. Conclusions are based on the study findings and analysis conducted in the previous chapter. The recommendations are made with regard to the conclusions reached after the data is analyzed. The suggestions assumed to help not only the organizations on which this research was conducted but also any interested group or individual to conduct similar work for further findings.

5.2. Summary of the findings

The research had been conducted on Federal Supreme Court Addis Ababa, Bahrdar and Mekele e-litigation centre's. The return rate of the questionnaires' was 92.5% and the majority of the respondents were men (87.9%). Regarding the age most of the respondents most were above the youth age with the majority of them were between 40 and 49 years old (36.3%). Concerning their experience in the judicial system 28.1% of them were have attachment between 6 and 10 years of experience. Majority of the respondents' were lawyer or advocates by profession which is 62.6%. The major ICT services used by the respondents' were Videoconferencing 27% and web browsing 24.32%. The number of daily attendants of the court room were 55.4%. The quality of ICT services provided by the organization was rated as good by 46% of the respondents' and 39.2 % of them indicates that ICT has influence on the performance of court, especially in the efficiency, transparency, accessibility and service delivery.

The study showed the case load per judge decreases from year to year. It decreases from 621 cases in 2002 to 518 in 2006. The case turnover ratio of the organization is around 0.8. This shows that case will be pending or takes longer period before disposal. This in effect gives rise to minimum performance to the organization

The labor productivity of judges is better compared to the total employee of the organization. Labor productivity of judges is about 508% and that of the total employee is 30%. But if we take only those employees who have direct relation with court activity, the labor productivity becomes about 283%. The average disposition time for a case is between 244 to 268 days.

According to the calculated data taken from the CCMS database for five consecutive years , the court performance compared to international standards like clearance rate is at an average is above 92%, backlog is approach to 0.2 and congestion rate is 1.23

5.3 Conclusion

The study indicates the influence of ICT on the performance of court services at the federal Supreme Court of Ethiopia. The results obtained from the data analysis in chapter four shows an alignment with the literatures discussed in chapter two. The implementation of ICT in court operation will result in providing Efficiency and accessibility of the service. This will also provide improved service delivery to customers. The data in the previous chapters showed that there is great change in the performance of court activities, for example the number of opening and disposed cases has increased from time to time. This is due to the implementation of alternative means of giving services through ICT technology such as videoconferencing and e-filing services across the country

The implementation of the court case management system database enables to store data and easily to retrieve different kinds of reports like the number of opening and disposed case in a day week month or a year. The deployment of videoconferencing centre's in more than 20 places across the country enables both the clients and the organization in reducing additional costs. The opening of e-filing centers in 5 regions also plays a important role in the accessibility of court services and customer satisfaction. The researcher found that the CCMS data base simplifies the planning and monitoring of court activities. Administrators' of the organization easily access the case load per judge, amount of money collected from clients charged for case opening. The data base also play an important role in transparency and accountability in a way that the judge assigned for a particular disposed case is clearly registered

ICT has played significant role in improving case clearance rate, labor productivity. In addition ICT in court reduces the length of disposition time of a case, the length of time between two adjournments

Besides technology introduction, Employee engagement has strong positive relation with court performance; therefore court administrators should give attention to their employee. Because whatever technology is introduced in the organization employee participation very important. The correlation of judges and supporting staff is crucial for improving service delivery and court user satisfaction.

A shift from the previous manual system requires a lot of resources and stakeholders engagement. This engagement will give birth to a better system requirement, speed and the accessibility of the future improved system. Furthermore the court administrators should take proactive and continuous measure to market the system among employees and the public at large through different means of media. This will create the adoption of the system as well as increase the awareness of the public. As a conclusion the introduction and implementation of ICT as enabler has improved the efficiency of court services of the Federal Supreme Court of Ethiopia.

5.4. Recommendations

1. The success of electronic government depends on the participation and cooperation of primary stakeholders. Therefore the organization should have strong relation with organizations like Ministry of ICT, Ethio telecom and regional court administrations
2. In order to be successful and assure continuity on e-government services, Commitment of leaders, knowing organizational culture and context should be taken in to account. In addition continuous understanding of and detail assessment of business process, ICT hard and software, skills, internal and external conditions should take in to consideration.
3. Speeding up business process and improving services are among the major motives for launching electronic government projects, In parallel the organization should also work on the quality of ICT services provided, especially some services like videoconference and website need attention.
4. Additional Expansion of the ICT service in other areas where the Videoconferencing and e-filing service were not opened is crucial in order to be more accessible to citizens. In addition to the existing ICT introduction of new services like mobile applications for example SMS are necessary, because the number of mobile users are increasing in the country
5. In order to access information at any time and place, all the federal courts including high and First instant courts should be connected by wide area network, establishing standard data centers this will help to launch web based applications and moderate the service delivery.
6. There are barriers in Knowledge sharing practice and in keeping and organizing of documents especially information's on those days before the implementation of ICT in

the organization. Hence there is a need to develop Knowledge base system in courts particularly in the organization.

7. This study is undertaken in the Federal supreme court of Ethiopia. Therefore further studies should be conducted to provide deeper insight towards the influence of ICT on other level of federal and Regional court offices in Ethiopia.

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1. Questionnaires for judges, Prosecutors, Lawyers Administrators and ICT professionals

A Research is under study in titled the Assessment of the practice of Impact of Information & communication Technology on Court performance in partial *fulfillment of the requirement of the degree of master in MBA*. Therefore here I kindly request your time to fill the questionnaires below. The researcher believes your answers will help and valuable for the success of the results obtained from the research. Information provided will be treated with total confidentiality

1. Age 20-29 30-39 40-49 50-59 60-and above
2. Gender M F
3. Occupation
 Judge Prosecutor Lawyer Administrator ICT professional
4. Length of Service
 Less than 5 years 6-10 year 11-15 year 16-20years Over 20years
5. How often are you in the court house or one of the court facilities?
 Daily weekly monthly once in a year several time a year
6. The quality of Service provided by video conferencing is (from low= 1 to Very high =5)
1. Very low 2. Low 3. Medium 4. High 5. Very high
7. The information Quality provided by the website WWW.FSC.gov.et is
1. Very low 2. Low 3. Medium 4. High 5. Very high
8. The CCMS (court case management system) data base at the federal Supreme Court is
1. Very low 2. Low 3. Medium 4. High 5. Very High
9. The influence of ICT on the court service delivery is
1. Very low 2. Low 3. Medium 4. High 5. very high

10. How do you rate the plans and operations of Court at FSC has linkage with the values, mission, vision and strategic goals

1 Very low 2. Low 3. Medium 4.High 5 very high

11. Court leaders have great influence on the improvement of court performance

1 Very low 2. Low 3. Medium 4.High 5 very high

12. How you would rate The Impact of ICT implementation at the federal Sperm court (1 being least imported and 5 being most important) put x mark or / in the box below

No	Criteria	1	2	3	4	5
1	Reduce cost of operation					
2	Reduce Respective tasks					
3	Increase in easily retrieval of information					
4	Improved Report generation					
5	Simplify procedures court registry process					
6	Improve case tracing					
7	Increased the Transparency of court operation					
8	In planning & reporting of the organization activities					
9	Monitoring and evaluation of activities					
10	In increasing disposal of cases					
11	Support in automation processes or operation					
12	Decision making process support					
13	Enable to provide service diversification					

13. Rate each indicators role on the contribution of Court performance (1 being least and 5 being most important) put x mark or / in the box below

No	Indicator	1	2	3	4	5
1	Court user satisfaction					
2	Case clearance rate					
3	On time case processing					
4	Court file integrity					
5	Back log					
6	Employee engagement					
7	Cost per case					
8	Court management and leadership					
9	Human ,material and financial resources					
10	Public trust and confidence					