

SMS Enhanced Justice: Towards Efficiency and Convenience in Court Cases

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Abstract

We seek to bring convenience and efficiency in the process of accessing justice through the courts of law. A lot of time and money is wasted when litigants travel long distances to visit court registries, in order to know the status of their cases. It is also very inconveniencing and frustrating for litigants when they travel for long, only to find that the judicial officer handling their case had given notice that there will not be any sitting on a particular date. In this project, we are developing an integrated solution to these challenges, dubbed FAMALIA. It is a web and SMS-based application that electronically manages the court cases by the Kenyan Judiciary. Litigants and interested parties can access the system via SMS. So far, details of over 28,000 cases have been entered into the system. It is expected that the system will greatly improve access to justice.

Relevance to innovation. Famalia is an innovative service within the judicial process in Kenya. It provides a new way of accessing case related information in a convenient, efficient and timely manner. It is a premier solution not only in Kenya but also in the region. By using SMS, Famalia provides social impact by being accessible to even the marginalized people who may not access the courts easily. It is accessible to anyone who can access a phone. With the judicial process being similar all over the country and in neighbouring countries, the solution is replicable and has potential for scaling.

Keywords. Access to Justice, Electronic Case Management System, Empowerment, FAMALIA, Justice Innovation

Introduction

Access to justice is making inroads as an agenda in the mainstream development discourse. Sustainable development goal number 16 (Peace, Justice and Strong Institutions) aims to promote peaceful and inclusive societies for sustainable development; provide access

to justice for all; and build effective, accountable and inclusive institutions at all levels (United Nations, 2015). Closer home, Kenyas Vision 2030 contained strategic initiatives to strengthen its political pillar. The strategies included increasing service availability and access to justice; and encouraging public access to information and data (Government of Kenya, 2007)

Challenges faced by litigants in accessing justice

During the lifetime of cases, litigants waste a lot of time and financial resources when they travel long distances to visit court registries, in order to find out the status of their cases. At the court registries, they have to endure long wait times before they get fully served because of inefficiencies in the manual registry processes.

It is very inconveniencing and frustrating for litigants to arrive at a court station only to find that the judicial officer is not sitting. This happens when a judicial officer gives notice that there will not be a court sitting on a particular day, yet, the notice does not get to the litigants in time. Normally, litigants only see such notices when they get to the court premises, this is after they have spared the whole day to attend the court sitting. Besides the inconvenience and frustration, there is wastage of financial resources spent on travel.

For one to transfer inherited property (land, vehicle or shares) from a deceaseds name to a beneficiarys name, a case must be filed before a court of law. Many people do not know the steps to be followed in such succession cases which form about 50 percent of all initiated cases. Ignorance of the steps to be followed in the succession process makes the beneficiaries to easily get swindled by court brokers and corrupt judiciary staff in the corridors of justice.

Judiciarys blueprints and ICT

The Judiciary of Kenya has not successfully implemented the ICT related strategic objectives contained in its former strategic plans. In the year 2012, the judiciary came up with a blueprint for its transformation agenda titled Judiciary Transformation Framework 2012 - 2016, whose underlying philosophy was laying foundations for the transformation of the Kenyan Judiciary. The blueprint outlined four key pillars that were envisioned to spearhead the transformation drive. One of the pillars was Harnessing technology as an enabler of justice. Within this pillar, there was a strategic objective to adapt automation and e-systems in the judicial process with initiatives such as establishing a Comprehensive Case Management System (CCMS); developing citizen-friendly ICT portals and channels; and establishing SMS inquiry systems for litigants and the general public. (Judiciary of Kenya, 2012).

In the year 2016, there was a transition in the top leadership of the Judiciary. Come January 2017, the new Chief Justice of the Judiciary of Kenya, Hon. David Maraga also launched his strategic blueprint titled Sustaining Judiciary Transformation (SJT): A Service Delivery Agenda, 2017-2021. The roadmap has an underlying philosophy of transitioning from institutional capacity building to service delivery.

Among the strategic objectives outlined in the new blueprint is the development of Judiciary Operations Support Systems which will include registry and case management, calendaring and citizen-centric communication. The systems are envisioned to cover everything outside the courtroom that supports the delivery of justice. Despite the strategic objective on ICT having not been met in the initial blueprint, its inclusion in both strategic plans is evidence of the importance of ICT in access to justice.

Motivation

According to the State of the Judiciary and Administration of Justice Annual Reports (2011/2012; 2012/2013; 2013/2014; 2014/2015) and the Judiciary Case Audit Report, averagely, 25,000 new succession and land related cases are registered annually. 75,000 remain pending in court annually. If a breadwinner who has property (land, vehicles or shares) dies, the beneficiaries must file a case in court before they can transfer the property from the name of the deceased. The court process must be followed even if the deceased had written a will, and the property is still in their name.

Succession and land related cases form about half of all registered cases in Kenya. This inspired the initial inclination of the proposed solution to be towards succession cases. However, since other types of cases are equally important, the scope was increased to cover all cases. Our proposed solution is called FAMALIA, coined from two Swahili words Familia Swahili word meaning family and Mali Swahili word meaning property.

According to the Spring 2015 Global Attitudes Survey, 26 percent of Kenyans own a smart phone and another 56 percent own just a basic feature phone. This informed our decision to design the system to be SMS based. Famalia will have greater social impact by being accessible to all the 82 percent of Kenyans, something that even a mobile app will not achieve. All one needs to access Famalia is just any mobile phone.

System overview

Famalia is an integrated web and SMS-based application that empowers people with information on court cases, both within and outside the judiciary. It seeks to be available to all people in Kenya with a mobile phone irrespective of the network affiliation. It however targets people who have court cases in the Kenyan courts or are interested in the happenings of specific cases in the Kenyan courts. Famalia not only aims to be citizen-centric but also judiciary-centric. Figure 1 depicts how the Famalia system works.

Citizen- centric features

The system allows people to subscribe and follow the happenings of specific cases. Once subscribed, a person will get SMS notification alerts when the position of the case changes, for example, when a hearing or a mention date is set. SMS notification alerts are also sent when a judicial officer (a judge, magistrate or kadhi) gives notice that he/she will not sit on a specific date. This will prevent the subscribed user from unnecessary travel to the court premises, thus saving time and money. This also eliminates the frustration

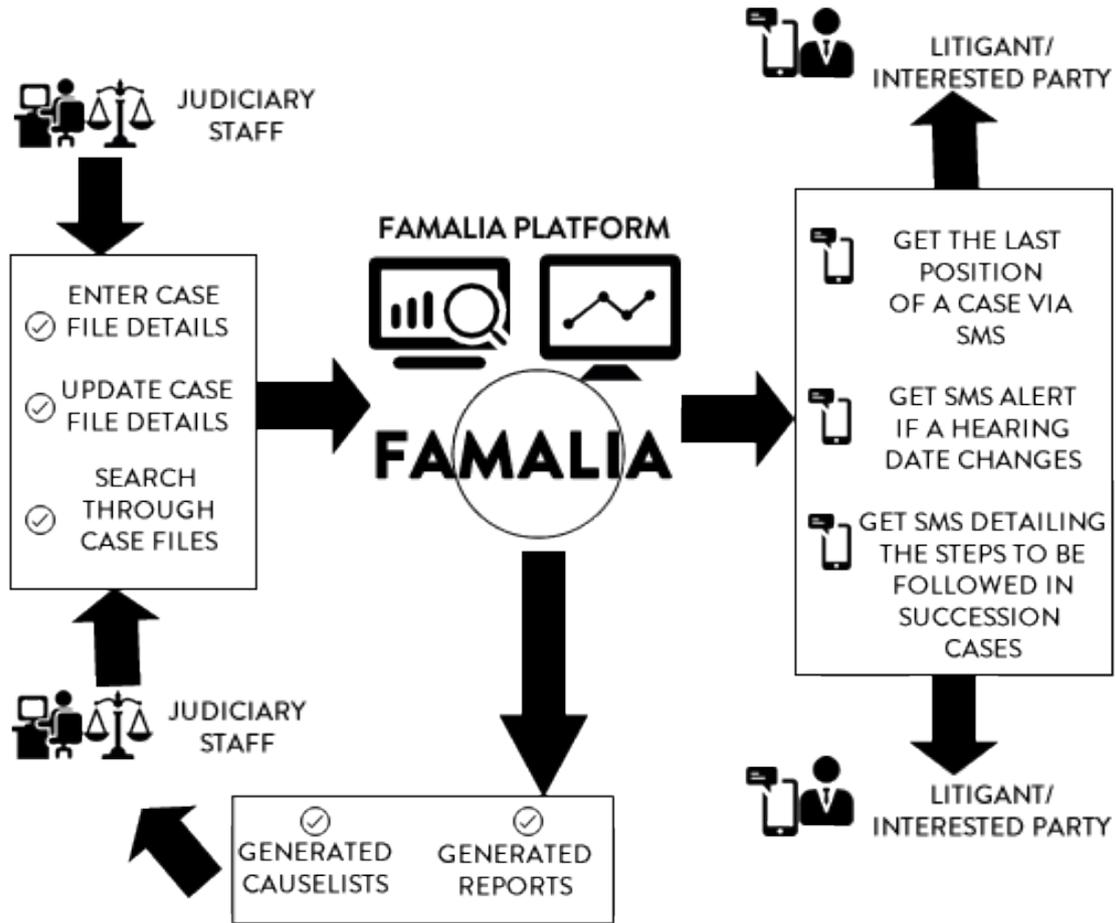


Figure 1. How Famalia system works

that one would have if they would have traveled to court, only to find the judicial officer absent. Ultimately, this improves the user experience of the subscribed user.

The system also allows any member of the public to get the last position/ current status of any case file. By sending the number of the case file to a specified short code, the person will receive an SMS feedback stating the last position/ current status of the file (the date when the case last came to court; for what reason it had come before a judicial officer; the outcome from the court sitting). Many people travel long distances to court registries to only get this piece of information. The system will therefore deliver this information to them conveniently via SMS. Aside from the convenience, this will potentially save the user time and money spent during the court registry visits.

If a person wants to know the steps to be followed especially in succession cases, he/she will send a keyword to a specified short code. The system will then send a series of curated SMSs to the persons phone, detailing the whole process (The requirements needed before filing a succession case, the forms that are to be filed, where the forms are to be found, and the duration each step takes, the office responsible for each step and

the charged fees for each step). Empowered with such information, it is difficult for the person to get swindled in the corridors of justice.

Judiciary- centric features

Before the system becomes beneficial to the citizens, information contained in the manual paper-based files needs to be entered into the system. This will not only be valuable to the general public but will be of great importance to the judiciary. Once a new case is filed at the court registries, the basic details of the case are entered into the system, for example, the case number, the date of filing, the type of case, the parties involved and their contact details.

When a case is assigned a date of hearing or mention at the registry, the details are also entered into the system (the courtroom where the case will be heard from, the judicial officer who will hear the case, the action the case will be coming to court for and the date when the case will be coming to court). This process automatically generates a causelist. This is a list of cases that are coming before a specific judicial officer on a particular day. This is a departure from the current procedure where the cases are normally manually typed time and again on a word processor.

When a case comes from court after a hearing or a mention, the outcome from court is entered into the system. The details include the date when the case is coming next before a judicial officer, the reasons for adjournment if any, the number of witnesses who testified in court and the outcome for the court sitting for that day. This will also automatically add the case to the causelist of the date when the next activity happens on the case.

The system provides a search mechanism for all the cases. A court registry staff will determine the position of any case within the court station in a matter of minutes. This is a great shift from the manual system which could take up to several hours in some cases. This system provides a single reference point of truth regarding court case details. The system also provides detailed reports for the management team, reports that were difficult to generate using the manual system. Statistics about the case loads per judicial officer, the average time taken to dispose cases, the case clearance rates, and the amount of backlog in a court station. Some of these reports will act as trigger points for the judicial officers to improve on their performance in terms of the number of cases handled.

The system provides a bring-up mechanism to alert the management team of the cases which have not had any activity for long or those that have not been assigned any hearing dates. This ensures that the case backlog is eliminated and idle cases are dismissed. It also ensures that justice is served faster, especially to the appeal cases. Most appeal cases fail to start immediately because the case file from the trial court has to be transferred to the high court. The weak manual systems normally create room for oversight in the process of requesting for the manual case files from the trial courts. The bring-up mechanism creates an automatic reminder to the management team in the event that a trial case file is not availed in time for appeal cases. The judiciary-centric features are expected to increase efficiencies in the registry processes and in the management of cases. Litigants who normally visit court registries to only check the status of their cases will be served much faster. Generation of causelists will also be automatically handled.

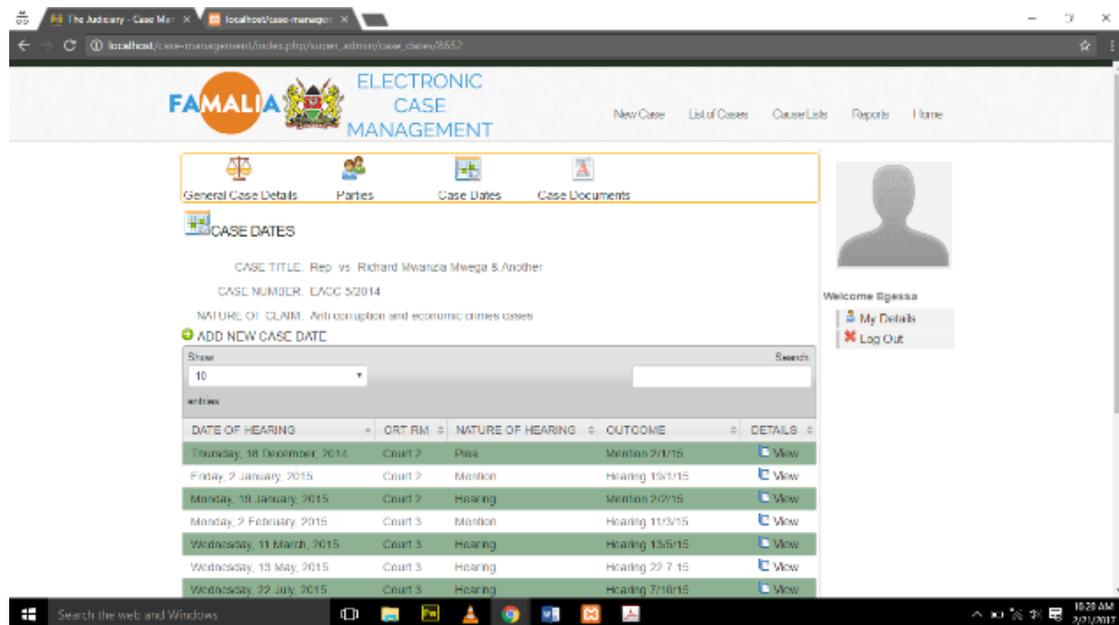


Figure 2. A display of the history of a particular case (when it came to court and what the outcomes were)

The bring-up mechanism will ensure that dormant cases are activated or dismissed. This will reduce the case backlog within the judicial system. It will also cure the human forgetfulness that is experienced when trial case files are not transferred to the high courts in time for the appeal process to commence. With constant reminders being sent to magistrate courts for transfer of files, accused people in prison with appeal cases will have justice served to them in a timely manner.

Current status/ preliminary results

Famalia Limited has entered into partnerships with Machakos Law Courts and Kiambu Law Courts to run the pilot of the project. Using Human Centered Design Approach, some of the judiciary-centric features were the first to be incorporated into the minimum viable product (MVP). The MVP has been deployed at both Machakos and Kiambu Law Courts. In Machakos, basic details of over 27,400 cases have been entered into the system so far. In Kiambu, the number of cases entered into the system is over 750. Machakos court has a larger number of cases in the system because they had kept some of the case details in electronic format. It was therefore a lot easier to convert the data into the new system. On the other hand, Kiambu High Court also has a lower number of cases because it was only launched in June 2016. Trial development tests have already started on the citizen-centric features of the system. This has only been made possible after the data entry on the judiciary-centric end of the system. Sample Screenshot are shown in Figures 1-5.

NO	COURT ROOM	CASE NO.	TITLE	TYPE OF HEARING
1	HIGH COURT 1	HCCR10/2012	REPUBLIC VS. DOMINIC WAMBIA VAITA	HEARING
2	HIGH COURT 1	HCCRM15110/2015	MUMO MUILANDI ALIAS KAMOMO VS. REPUBLIC	MENTION
3	HIGH COURT 1	HCCR21/2015	REPUBLIC VS. ALEX MUIHUKU ISIKA	PLEA
4	HIGH COURT 1	HCCR20/2012	REPUBLIC VS. ROBERT NACHOI	MENTION
5	HIGH COURT 1	HCCR50/2015	REPUBLIC VS. TIMOTHY NDOLO NGULU	MENTION
6	HIGH COURT 1	HCCR75/2015	REPUBLIC VS. PATRICK KIOKO MBONDO	HEARING
7	HIGH COURT 1	HCCR1/2014	REP -VS- PETER MUTINDA MUTISO	MENTION
8	HIGH COURT 1	HCCR//2015	REP VS. BONIFACE MBURU GATUGITA & IFRESIA MUKULU CHOVE	MENTION
9	HIGH COURT 1	HCCR79/2015	REPUBLIC VS. JACKLINE NTHENYA LIHURU & JOHN WAMBIA MUNYAO	MENTION

Figure 3. A display of the causelist

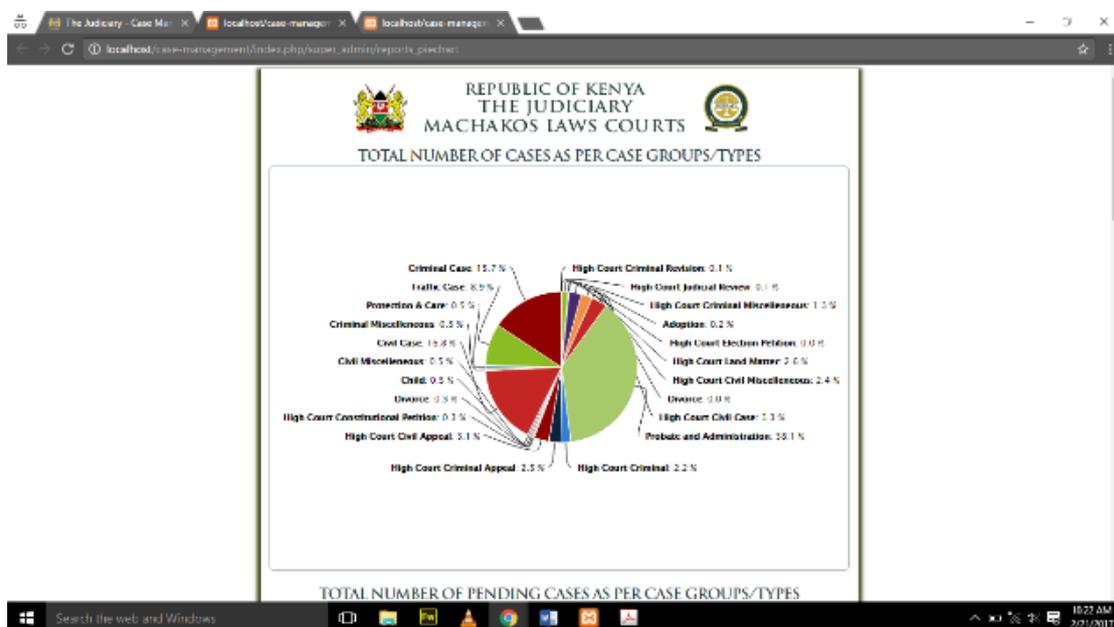


Figure 4. A sample report for the management



Figure 5. Sample SMS messages to interested parties in a case

Conclusion

Given that it has only been slightly over a month since the pilot began, there has been tremendous learning of the processes within the Judiciary. The development process has been majorly iterative while placing the user at the center of the design. The convenience to the public that is expected to be brought by the system and the improved efficiency in the court registry processes will greatly improve access to justice. It will also improve the experience of court users in their justice journeys.

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