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**EXPLORING THE IMPLEMENTATION OF PERFORMANCE APPRAISAL AS A  
MEASURE TO REDUCE COURT DELAYS IN THE LOWER COURTS IN GHANA.**

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BUSINESS ADMINISTRATION.**

**BY**

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## DECLARATION

I do hereby solemnly and sincerely declare that, with the exception of the specific references which have been duly acknowledged, this particular work is the result of my personal field research and it has not been submitted in any part or by any means for any other degree elsewhere.

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## DEDICATION

In the name of God the most Gracious Ever Merciful.I am glad to dedicate this thesis to my dear parents, Mr. and Mrs. Abbam, my love one, Elizabeth Cobbina, my children and siblings.

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## ABSTRACT

Performance appraisal has long been recognized as an important management tool with the potential to improve employee motivation and hence performance and to provide the management with control needed to achieve organizational objectives and goals. The purpose of the study is to explore the implementation of performance appraisal as a measure to reduce court delays in the lower courts in Ghana. Survey strategy was employed because they allow the collection of a large amount of data from a sizeable population in a highly economical way. Also cluster sampling scheme was employed for the study because it maximizes the amount of data a researcher can collect using face to face methods within the resources available when the sample is restricted to few relatively compact geographical sub areas. Finally, self-administered questionnaire was employed over other ways of getting data because of the required speed of data collection, the length of the questionnaire and accessibility of the geographical dispersion of lower courts. This study has proved more useful in many respects. This particular study has made it a clear point that court delays can be reduced through effective implementation of performance appraisal in the lower courts. However the existing performance appraisal system in the Ghana judicial service is not effective and the vital factors that contribute to effective and successful performance appraisal system in any organization are not accorded enough importance in Ghana judicial service. The above fact discloses that performance appraisal system in Ghana judicial service is below standard. The situation now is calling for the need of ensuring that performance appraisal in the court system must be carried out effectively by authorities and departments responsible for it. According to the study there are multiple causes of court delays in the lower courts and one or more may be more or less significant. In view of this a single measure cannot reduce or prevent court delays. Therefore effective performance appraisal system should be employed by Ghana Judicial service as a measure for reduction of court delays in the lower courts.

# CHAPTER ONE

## INTRODUCTION

### 1.0 Background to the Study.

Judicial administration is measured by the concepts of efficiency, access, fairness, public trust and judicial independence. These concepts are closely interdependent. An efficient judicial administration is also measured in terms of time and quality. A lack of efficiency, therefore, reduces access, fairness, public trust and independence. Hence operation of an efficient and effective court system is crucial to the administration of justice. An increasing importance has been placed on effective and efficient operation of court systems by both governments as well as civil societies.

One of the major goals of the court systems is to ensure that the period between the initiation and finalization of court proceedings is as short as possible without compromising the quality of justice. However, court delays have become the major obstacle to achieving this goal. Generally, court delay is simply referred to an unreasonable time spent from case filing and processing to a case disposition, which stands out amongst the list of problems many court systems are facing. Court delays have emerged as a highly visible, concrete and urgent problem in the administration of both civil justice and criminal justice. They are problems most often complained about by the public in most countries and this is often perceived as the most pressing problem. In view of this, reduction of court delays has recently attracted much attention in developed and developing countries including Ghana.

The 1992 constitution of Ghana says that the judicial power of Ghana shall be vested in the judiciary, accordingly, neither the president nor parliament nor any organ or agency of the President or Parliament shall have or be given final judicial power. The same constitution further says that, the Judiciary shall have jurisdiction in all matters civil and criminal, including matters relating to the constitution itself, and such other jurisdiction as Parliament may, by law, confer on it.

According to the 1992 constitution of Ghana, the judiciary shall consist of the superior court of judicature which comprises: The Supreme Court, the Court of Appeal and the High Court and Regional Tribunals. Such Lower Courts or Tribunals as parliament may by law establish. Therefore, at the apex of the court system in Ghana is the Supreme Court the highest court of the land which also doubles as the constitutional court. Immediately below the Supreme Court is the court of Appeal and High Court and the Regional Tribunal come under the Appeal Court. Under the High Court are the circuit and District Courts whose jurisdictions are limited to particular geographical areas and which adjudicate minor civil and criminal cases.

The importance of employee's performance in relation to organizational performance, objectives and goals has long been recognized. In other words, performance of employees in an organization has been identified as the source of competitive advantage for organizations. Effective employee management through human resource management practices, such as regular performance appraisal tends to be linked to effective and efficient performance of an organization. It is not too much or too little to say that courts are made of up men and women (employees), and that employee performance appraisals is one of the majors factors by which court systems can achieve a judicial efficiency and effectiveness.

Performance Appraisal is something we all constantly do, either consciously or unconsciously, objectively and subjectively.

Performance Appraisal is the process of evaluating how well employees are performing their tasks relative to the work performance standards and providing feedback to employees with the aim of eliminating performance deficiencies, motivation and developing employees (Dessler, 2000).

Writers emphasize the importance of performance appraisal to effective human resource management and organizational productivity and effectiveness. The appraisal process should provide information with which to assess employees' training and development need in order to assist those employees to improve their current performance and productivity.

Further, the appraisal information can be used to reward employees, identify employees with potential for promotion and to improve job satisfaction.

In addition, performance appraisal result can be used for organizational and manpower planning, for research purposes and to help in reviewing and setting future objectives. Therefore, performance appraisal has an administrative / evaluative function and motivational development function (Analoui and Fell, 2000).

### **1.1 Statement of the Problem**

Many countries around the world are undertaking legal and judicial reforms as part of their overall development programs. This has resulted from growing recognition that economic and social progress cannot sustainably be achieved without respect for the rule of law, democratic consolidation and an effective protection of human rights broadly defined, each of which

requires a well-functioning judiciary that can interpret and enforce the laws equitable and efficiently. An effective judiciary resolves cases in a reasonable time frame and is accessible to the public.

Many developing countries, however, find that their judiciaries are associated with problems of court delays. Delays affect both the fairness and the efficiency of the judicial system, they impede the public's access to the courts which in effect, weakens democracy, the rule of law and the ability to enforce human right. Recently, to solve these problems governments across the world are launching judicial reforms. With the aim of improving access to justice by increasing the fairness and efficiency of dispute resolution. Court delay creates many problems, having both a personal and financial impact on parties, as well as financial and other effects on the court system. Court delays are an ongoing problem in Ghana as they are elsewhere.

The mission of the Judicial Service of Ghana is to promote the smooth and efficient administration of justice for the benefit of all manner of persons without fear or favour, affection or ill will and create an enabling environment for good governance. Primarily the courts interpret the law and adjudicate cases to bring about justice in society.

Ghana Judicial Service aims to complete cases within six months of their commencement. However the researcher has observed a recognized challenge that the court system in Ghana is currently incapable of providing speedy justice, a critical ingredient for public and investor confidence in the justice system. Thus, court delays are ongoing problems in Ghana as they are else where.

## 1.2 Objectives of the Study

The objectives of the study are categorized into two: the main objective and the specific objectives.

### 1.2.1 The main objective of the study.

The main objective of this study is to explore the implementation of performance appraisal as a measure to reduce court delays in the lower courts in Ghana

### 1.2.2 The specific objectives of the study.

The specific objectives of this study are as follows:

- a. To identify the possible factors that cause court delays in the lower courts
- b. To investigate the possible negative behaviors and attitudes of magistrate, judges or court personnel that cause court delays.
- c. To identify useful performance appraisal practices that can improve the performance of court staff in order to reduce court delays in the lower courts.
- d. To identify the current performance appraisal situation in the Ghana Judicial Service

### 1.3 Research Questions

The study poses and attempts to answer the following questions:

- a) what are the possible factors that cause court delays in the lower courts?
- b) What are some of the possible negative attitudes and behaviors of the judges, magistrates or court personnel that cause court delays in the lower courts?
- c) What is the current performance appraisal situation in the Ghana Judicial Service?
- d) what performance appraisal practices will improve performance of lower court staff which will in turn reduce court delays in the lower courts?

### 1.4 Significance of the Study

The courts of justice are required, like any business organization, to monitor and react to the continuous changes which take place in their political, economic, social, cultural and technological environments. Consequently, it can be said that reducing or preventing court delays is crucial for achievement of an efficient and effective court system.

It is anticipated that the findings of the study will pave way for the authorities of Ghana Judicial Service to accept factors that cause court delays in the lower courts in the Central Region and other lower courts with similar characteristics which are found in the rest of the regions in Ghana. Also, the authorities will agree or accept to apply performance appraisal system as a measure to reduce or prevent court delays in the lower courts. Such an acceptance could be

employed to improve on policy making with respect to reduction of court delays in lower courts through application of performance appraisal in the Ghana Judicial Service.

On the part of the judicial personnel or staff, it is hoped that the results of this research work will help them understand the importance of their roles towards the attainment of an effective and efficient judicial system. In addition, the staff will gain a useful knowledge about the possible factors that hinder the effective and efficient system of court as well as the relevant measure that can be applied against those obstacles. Finally, the judicial staff will appreciate the purposes and benefits of performance appraisal as a HRM mechanism to improve the performance of employees in relation to the achievement of organizational goals and objectives.

### **1.5 Research Methodology**

Since the researcher aimed to meet the objectives of this study and answer the research questions of the study, this study applied data triangulation by using various sources of primary data and secondary data. In order to generate primary data, self-administered questionnaire was employed.

Again, the study employed the documentary secondary data to generate its secondary data.

Further, the researcher had access to several sampling techniques for the study. However, looking at the nature and the scope of the study the researcher employed both random sampling and cluster sampling techniques in his data collection.

Finally, the data collected under this study were subjected to proper analysis by using quantitative analysis techniques such as table, bar chart and statistics.

## **1.6 Scope of the Study**

This research work is limited to the lower courts in the Central Region of the Republic of Ghana. In other words, it examines the issues of court delays in relation to the District and the circuit courts in the Central Region of Ghana. It would have been prudent to have conducted this study in a bigger area (s) in Ghana, but this was not possible due to the time frame given for the completion of the study.

The respondents of the study include the following people who are attached to lower courts in the Central Region: judges, magistrates, registrars, bailiffs, court clerks, court recorders, filing clerks, ushers and interpreters. The areas covered includes the following: causes of court delays, possible negative behaviors and attitudes of judges, magistrates, or court personnel that cause court delays, performance appraisal practices that can improve performance of court personnel which will intend to reduce court delays and the current performance appraisal situation in the Ghana Judicial Service.

Findings from the study apply to only lower courts in the Central Region, which were selected for the study. However, the lower courts in Ghana with similar characteristics could adopt the findings to the solutions of their own delay problems with regard to a performance appraisal.

## **1.7 Limitation of the Study**

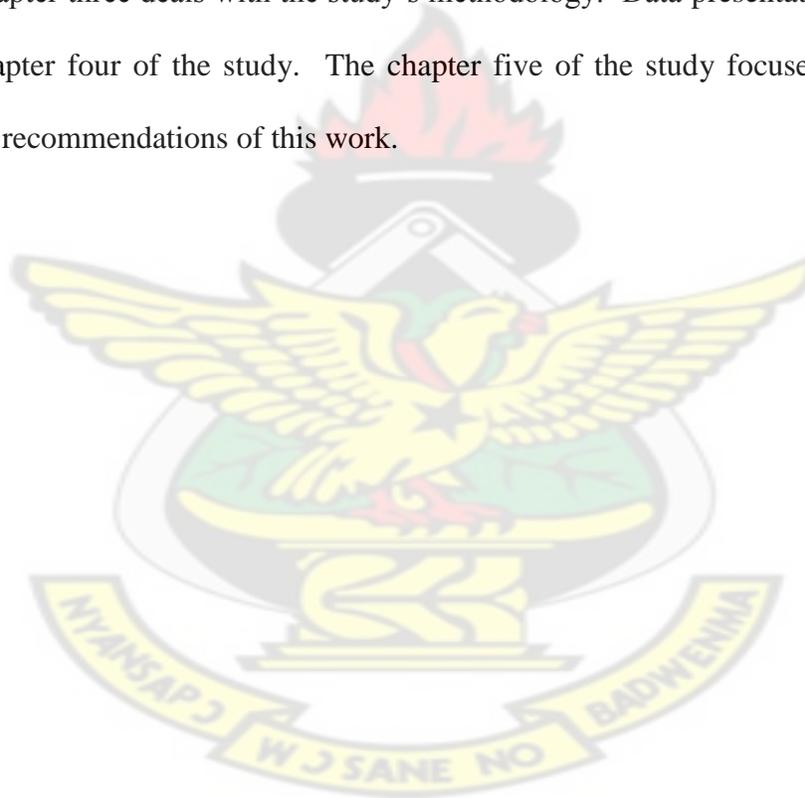
The core of the study is to explore the implementation of performance appraisal as a remedy for delay problems in the lower courts in the Central Region of Ghana. Time constraint was major setback in the conduct of the study, therefore enough time was not available for the researcher to

deal with a larger research setting or to sample a larger population. Since the research was solely financed by the researcher, funding became another major limitation that the researcher had to deal with.

### **1.8 Organization of the Study**

The study consists of five chapters:

Chapter one of this study is concerned with its introduction. Chapter two treats the literature review while chapter three deals with the study's methodology. Data presentation and analysis is discussed in chapter four of the study. The chapter five of the study focuses on the findings, conclusions and recommendations of this work.



## CHAPTER TWO

### LITERATURE REVIEW

#### 2.0 Introduction

Organizations exist in order to achieve objectives and provide satisfaction for other members. Organization enables objective to be achieved that cannot be achieved by the efforts of individuals on their own.

Employee performance appraisal system is one of the effective and useful managerial tools for the achievement of organizational objectives and goals.

The Judiciary has to engage in an effective implementation of performance appraisal practices to assist improvement and development of the performance of court staff in order to ensure that the period between initiation and finalization of court proceedings is as short as possible without compromising the quality of Justice. Not surprisingly, reduction of court delays is one of the major concerns of the Judiciary.

This chapter gives an overview of the literature that is related to the study.

This chapter also reviews concepts of court delays, essential components of employee performance appraisal, current performance appraisal situation in Ghana Judicial Service and forms of negative attitudes and behaviors of employees in an organization as well as the judiciary.

## **2.1 Definition of court delay**

One of the goals of the court system is to ensure that the period between the initiation and finalization of court proceedings is as short as possible, without compromising the quality of justice provided. However, court delays have become the major obstacle to achieving this goal.

According to Brebner and Foster (1994), a court delay is the amount of time between the commencement and the conclusion of court proceeding which exceeds the time necessarily spent in the preparation of a case for trial, the conduct of its hearing and the determination of its final outcome. Court delays can occur at any stage of proceedings and more than one delay can accumulate to create an overall delay in the processing of a suit.

Ghana Judicial Service aims to complete cases within six months of their commencement. This normative standard provides definition for a court delay. A court delay, therefore, in the context of Judicial Service of Ghana, is any time after six months of the commencement of cases, while the case has not been completely disposed of (World Bank report, 2010). Delays can be caused by a variety of factors as examined in part two of this chapter.

## **2.2 Causes of court delays**

There are number of factors that cause court delays to occur at various stages of court proceedings. In relation to a particular court or part of court's jurisdiction, one or more factors may be more or less significant. Furthermore, the courts have varying degrees of control over many of these factors and no control over some.

In this section the literature examines some of the more identifiable factors that contribute to court delays under broad headings.

Callinan (2002) identified the following factors as the causes of court delays:

- (i) Caseload: increases in court's caseload will impact on delays if court's resources are not sufficient to efficiently process the increased number without delay. Sudden and unpredictable rises in new cases are particularly difficult to cater for
- (ii) Duration of hearings: a rise in case durations, particularly through the increase complexity of cases also impacts on court delays. According to him, other factors that may lengthen hearings include the following:
  - The failure or inability of the parties to define or narrow the issues before the trial, so that much time is spent during the trial in identifying the issues genuinely in contention.
  - Insufficient or inadequate preparation of cases.
  - Lack of legal representation. Cases in which the accused or the litigants are unrepresented tend to be longer than cases involving legal representation.
  - Number of parties. Criminal trials with multiple accused persons, and civil trials with a number of plaintiffs and or defendants, are said to take longer. Trials tend to take longer where there are a large number of witnesses.
  - The complexity of many of the rules of evidence, and restrictions placed on the presentation of evidence. Interruptions of the trial due to the need for evidentiary rulings and the holding of examinations on the voir dire (i.e. a trial within a trial where the admissibility of evidence or the competency of a witness or juror is examined).

- The use of juries is said to increase the length of trials, particularly complex fraud cases, due to the difficulties in explaining complex commercial transaction or technical evidence, difficulties in keeping juries focused on many issues, the need to explain and repeat matters which would require no explanation to a judge, and the need to remove the jury during a voir dire.

(iii) Resource issues: lack of court resources is one of the more obvious factors that contribute to delays. That is, the mismatch between the caseload of court and resources that are made available to it causes court delay. All of court's resources are relevant in this context, including, the number of judicial officers and courtrooms, staffing levels, the availability and provision of interpreter services. Resource issues differ among courts and within the various areas of a court's jurisdiction. Some resource matters are ongoing while others arise from time to time.

(iv) Party delays: There are many ways in which the parties themselves may contribute to court delay. Potential for parties to contribute to delays occurs mainly at the pretrial or preparation stage but can also occur during a trial.

The failure of parties to get their case ready for trial as soon as reasonably possible lengthens the duration of a case. Parties may be slow in following pre-trial procedures or preparing for trial, due to inefficient work practices, unforeseen circumstances or the nature of proceedings. For example, the prosecution may take a long time to draw up the indictment after the accused is committed for trial or there may be extended interlocutory proceedings and appeals from interlocutory orders. There appears to have been a rise in the incidences of late pleas of guilty in

criminal jurisdictions which is having a detrimental effect on the listing processes of the courts, causing delays.

- (v) court processes and legal procedures: Problem and inefficiencies with the court processes and legal procedures that dictate the passage of cases through a court can contribute to court delays.

One significant aspect of court processes where court delays can occur is the listing process. Listing is the process whereby cases that are ready to go trial are allocated a hearing date by the court. Because of the volume of cases, and the difficulty of estimating the time necessary to hear a case, as well as other variables, the smooth operation of listing processes is precarious and may lead to delays. Where a case is not heard on the date listed, it must be re-listed. If another date is not immediately available, the case will be delayed. The time allocated to that case will be wasted unless another case can be brought forward to fill the gap.

Djankov et al (2003), argued that the regulations on proceedings leave room for private parties to lengthen the time required to reach a decision, thus prolonging civil disputes.

According to (Buscaglia and Dakolias),1996 an ill-considered distribution of judges among the jurisdictional districts, together with an insufficient availability of resources devoted to producing that kind of service, reduces the court's efficiency.

Palumbo and Sette (2006) said that lack of incentives for the motivation of judges and court personnel is one of the major causes of court delays. To him, if Judges are not motivated and

encouraged to promote a speedy settlement among the parties involved in litigation, because they are evaluated on the basis of the quality of their decision, they are forced to maximize their utility, prolonging the time required to conclude with a sentence.

Vereck and Muhl (2000), placed emphasis on the quality of law as a source of conflict and indirectly on the total amount of litigation. The poor quality of legislation in term of conflicts and of vague, indeterminate or excessive rules have left room for inefficiencies in the administration of justice. If it is unclear which rules apply, a private agent could be more inclined to bring a case to court, and this increases the work burden for courts.

### **2.3 Forms of negative attitudes and behaviors of employees in organization as well as the judiciary.**

Workplace attitudes and behaviors have an effect on every person in the organization, from the employees to the company owners. Attitudes and behaviors help to develop the prevailing workplace environment that determines employee morale, productivity and team building ability (Anderson and Media, 2012).

According to Krenek (2012), negative attitudes and behaviors of the employees in the organization includes the following:

- i. poor work quality or quantity in job descriptions and assigned work.
- ii. poor job conduct such lateness, absenteeism, tardiness and leave early
- iii. not following rules, policies, procedures, guidelines and agreement
- iv. not cooperative, rebellious, insubordination
- v. avoiding work, pawn work off on others.

One of the most challenging issues in the workplace is bad attitudes and employees refusing to perform work for which they were hired. Disruptive behavior can take on many forms. It includes outright refusal to carry out work, manifest non-performance, inappropriate comments, persistent complaints (Morriset and Mckelvey, 2013). The negative attitude of an employee is not healthy for an organization. It is a hindrance for the growth of the organization.

#### **2.4 Definition Of Performance Appraisal**

Baker (1988) defined performance appraisal as a special form of evaluation involving a comparison of the observed performance of an employee with a performance standard which describes that the employee is expected to do in terms of behaviours and results.

Beach (1980) had earlier defined performance appraisal as the systematic evaluation of individuals, with respect to their performances on the job and their potential for development.

Explanatory points that emerge from these two definitions include the following:

- (i) performance appraisal involves a comparison of an employee's performance with a performance standard.
- (ii) the performance standards describe what the employee is expected to achieve in terms of behaviour and outcomes.
- (iii) performance appraisal must be carried out systematically.
- (iv) it has to be related to the individual's performance on the job.
- (v) it must provide information that will enable the individual to improve on her/his performance on the job and to help develop his/her potential for the benefit of the organization.

Dessler (2000) viewed performance appraisal as a process of evaluating how well employees are performing their tasks relative to the work performance standards and providing feedback to employees with the aim of eliminating performance deficiencies, motivating and developing employees.

According to Analoui, (1999) to appraise means to give worth and value, to determine quality and usefulness. Within modern organizations the process is formalized on the understanding that this should be of benefit to both the individual and organization (Analoui, 1999).

## **2.5 Purposes And Benefits Of Performance Appraisal**

The purposes and the benefits of the performance appraisal have been documented by numerous authors that include the following:

Lowenberg and Conrad (1998), advanced an agreement that performance appraisal is an essential component of a broader set of human resource practices; it is the mechanism for the evaluating the degree at which each employee's day-to day performance is linked to the goals established by the organization.

Fletcher (1993) explained that appraisal information can be used to reward employees, identify employees with potential for promotion and to improve job satisfaction. In addition, performance appraisal results can be used for organizational and manpower planning, for research purposes and to help in reviewing and setting future objectives.

Taylor and Pierce (1999) explained that there is a body of empirical research that suggests that performance appraisals do result in increases in employee performance and productivity. These improvements are seen to drive from the greater employee identification with and commitment to the objectives of the organization. Work efforts are directed to activities that will be of benefit to the organization.

Henderson (1980) identified the following mutual benefits for the employee and the organization that can be gained from a well conceived and conducted performance appraisal.

- (i) Improving workplace performance through the identification and solution of problems.
- (ii) fostering the on-going growth and development of competent employees in their present job assignments by meeting identified training needs and providing an environment conducive to trust.
- (iii) Providing valuable information for the employee and the organization for career planning purposes.

In general, research has shown that performance appraisals reduce role ambiguity and these reductions in role ambiguity are commonly associated with increases in effort, performance, satisfaction, commitment, and a decrease in turnover (Brown and Peterson, 1993)

Performance appraisals facilitate other human resource management functions. For example, the performance appraisal can provide information regarding the effectiveness of the firm's selection and placement programs and may help identify and evaluate needs in the area of human resources training and development (Thomas and Bretz, 1994).

Wells and Spinks (1994), pointed out that the overall purpose of performance appraisals is to increase organizational effectiveness and productivity. However, the most important single purpose served by performance appraisals is to let employees know where they stand. Humans have natural dislikes for uncertainty and prefer bad news about their positions and destinies in the organization instead of not knowing what those positions and the destinies are.

Well and Spinks(1994) explained that employees need to know where they stand concerning their job performances in an organization for the following reasons:

- (i) to relieve uncertainty that all employees have when they do not know what managers think of their performances.
- (ii) to provide rewards that should come from satisfactory or superior performances and the recognition of those performances by management.
- (iii) to identify areas of unsatisfactory performances and to develop ways in which those performances can become satisfactory.
- (iv) to help employees set career goals and to redirect their thinking when it seem unlikely that their present goals cannot be met.
- (v) to improve the organizational climate by encouraging and improving communication between employees and managers.

There is nothing wrong with the objectives listed above. It appears from the literature that there is no end to the list of objectives and benefits that performances appraisal is expected to achieve.

## 2.6 Steps in Performance Appraisal System

Shoenfelt (2008) identified some common steps involved in performance appraisal system.

These are:

- (i) identification of specific performance appraisal goals: the starting point for the performance appraisal process is identifying specific performance goals. An appraisal system probably cannot effectively serve every desired purpose, so management should select the specific goals it believes to be most important and realistically achievable.
- (ii) setting performance standard: the job standards should be applied to each individual to identify specific performance goals and objectives. Standard must be understandable, reasonable, attainable, clear, objective and subject to measurement.
- (iii) communication of standard: employees must be told clearly and precisely how and what they are expected to do. Employer or employee should avoid assumptions of what should be done.
- (iv) evaluation of performance: at the end of the appraisal, the supervisors must compare the performance of the employee to the standard set and determine where the employee falls.
- (v) appraisal discussion: the supervisor or the appraiser should meet with the employee and discuss each dimension of performance in terms of whether or not the employee meets the performance goals.
- (vi) corrective measure: any non-conformity of actual performance with the standard set should be corrected.
- (vii) using the result to make decisions: results could be used to make decisions on promotion, demotions, compensation, dismissal, lay off, recall, termination, and transfer.

The steps involved in the performance appraisal, not the mechanics, determine the overall effectiveness of this essential organizational activity.

## **2.7 Performance Appraisal Methods**

There are number of techniques for appraising the performance of employees.

According to Anderson (1993) well-established techniques for a performance appraisal include the following:

- (i) management by objective method: it is a participative goal setting approach, in which superior and subordinate agree on a common objective to be achieved within a defined period.
- (ii) 360-degree appraisal method: in this method, people all around the rated employee may provide ratings, including senior managers, the employee himself or herself, supervisors, subordinates, peers, team members and internal and external customers.
- (iii) rating scales method: it is a performance appraisal method that rates employees according defined factors. Using this method, evaluators record their judgments about performance on a scale.
- (iv) critical incident method: it is a performance appraisal method that requires keeping written records of highly favorable and unfavorable employee work actions. When such action, a 'critical incident' affects the department's effectiveness significantly, either positively or negatively the manager writes it down. At the end of the appraisal period, the rater uses these records along with other data to evaluate employee performance.

- (v) ranking method: it is a performance appraisal method in which the rater ranks all employees from a group in order of overall performance. That is employees ranked from 'best performers' to 'worst performers' based on defined characteristics.
- (vi) work standards method: it is a performance appraisal method that compares each employee's performance to a predetermined standard or expected level of output.
- (vii) narrative essay method: it is a performance appraisal method in which the rater or appraiser describes in writing an employee's strength and weakness and other characteristics together with suggestions for improvement.

## **2.8 Factors for Effective Performance Appraisal**

According to Smither (1998) one factor that contributes to an effective performance appraisal system entails ensuring that the system focuses on performance variables as opposed to personal traits.

Gilliland and Langdon (1998) also proposed that for an appraisal system to be effective, employees must believe that they have an opportunity for meaningful input into the appraisal process. To them such input may range from having the opportunity to challenge or rebut the evaluation one receives to judging one's own performance through self appraisal.

Henderson (1984), suggested that for an appraisal system to be more effective, a continuous performance-based feedback process should exist between superiors and subordinates. It should include two-way communication and negotiation between the supervisor and employee.

Kane et al. (1995) suggested that in providing feedback, supervisors should allow employees the opportunity to share their insights and evaluations concerning their own performance. Thus, effective performance feedback should involve, inform, and motivate employees and also create improved supervisor-employee communication.

For performance appraisal to be effective it should provide the opportunity for the supervisor and employee to promote the achievement of individual and organizational goals. That is effective performance appraisals serve to clarify performance standards and expectations and provide the medium for supervisors and employees to negotiate mutually agreed-upon goals (Katzell, 1994).

Cascio, (1998) said that like any other system, performance appraisal will be only as effective as the task-relevant skills and knowledge usually requires training. The voluminous research literature on performance appraisal rater training has focused on several training issues, including improving rater's observational skills, reducing judgmental biases and providing objectives, meaningful and constructive feedback.

## **2.9 How performance appraisal should be used for employees and organizations.**

Campbell et al (1990) explained that supervisor and or manager should keep track of the employees' and organization's overall performance. Throughout the year, track the performance of each employee. Keep a log for each worker, either on a computer or on paper.

According to Swanson (1996) equitable treatment of employees requires observation and identification of demonstrated workplace behavior and feedback to the employee on

- (i) how the superior perceived the behavior,
- (ii) recommendations on behaviors to improve and those to maintain,
- (iii) support that the organization can and will provide to assist the employee, and
- (iv) consequences (rewards or punishments) that the employee can expect by continuing such behavior

Tornow (1998) argued that performance appraisal must be deeply rooted into the content of the jobs themselves. The organization benefits by having employees who know what is expected of them and who recognize that they receive rewards directly related to demonstrated performance.

Because of the likelihood of the managerial apathy and the possibility of employee hostility, the implementation of a performance appraisal system requires the total support and commitment of management. From the initial design stages, senior management must be aware of the potential pitfalls, advantages and cost incurred with performance appraisal. It should minimize unacceptable, subjective considerations yet recognize that any system related to human activity will always have subjective elements. Well-designed and managed performance appraisal systems set limits or parameters on subject considerations. This provides auditing and monitoring procedures that automatically identify some levels of potentially unacceptable appraisal decisions and permit all employees to have a real opportunity to appeal an unacceptable appraisal (Swanson, 1996).

## **2.10 Performance appraisal and court delays**

Sharma (2012) said that the wheels of justice are known to grind at a snail's pace. Seeking to crank up the legal process and provide deliverance to millions of litigants stuck in the vast backlog of pending cases'. According to him Planning Commission Panel on the department of justice suggested that periodic evaluation of judges by expert panels that will comprise jurists and law teachers may reduce court delays. To him the plan panel has come up with this suggestion because of the indication that several court delays are caused owing to judges being too preoccupied with administrative work.

Measuring the performance of the various elements of the justice sector is a prerequisite for effectively managing their performance. It is also crucial for any justice reform initiative (World Bank report, 2012). According to the World Bank report (2012), monitoring and evaluating the performance of a court system for management purposes is an approach that has been on the rise in Europe. Particular attention is given to the questions who monitors and evaluates, what is monitored and evaluated, how this is done, and what are the trends and problematic issues

## **2.11 Current performance appraisal situation in Ghana Judicial Service.**

Draft conditions of Judicial Service of Ghana (2011) states the following:

- (i) every employee shall be subject to performance on an annual basis.
- (ii) annual appraisal reports on the competence, efficiency and official conduct of each employee shall be provided by the head of department/registry on a prescribed performance appraisal form at the end of 30<sup>th</sup> April each year.

- (iii) the report of the appraisal shall be discussed with the employee who shall have the right to initiate and make comments where necessary.
- (iv) an employee who is dissatisfied with the report of an appraisal shall have the right to reply to such findings and also to petition against the appraisal report to the next higher officer in command for redress.

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## **CHAPTER THREE**

### **METHODOLOGY**

#### **3.0 Introduction**

This chapter is concerned with the various procedures which were followed by the researcher to obtain his research data for the study. The procedures include the following: The research strategy; population; sample and sampling technique; research instrument; pre-testing of instrument and data collection procedure and data analysis plan.

#### **3.1 Research Strategy**

The study used the survey Strategy. The survey strategy is a popular and a common strategy in business and management research and is most frequently used to answer who, what, where, how much and how many questions. It therefore tends to be used for descriptive research and exploratory research. Surveys are popular as they allow the collection of a large amount of data from a sizeable population in a highly economical way. The survey strategy is perceived as authoritative by people in general and is both comparatively easy to explain and to understand. In addition, the survey strategy allows researchers to collect quantitative data which they can analyze quantitatively using descriptive and inferential statistics. The data collected using a survey strategy can be used to suggest possible reasons for particular relationships between variables and to produce models of those relationships. Again, using a survey strategy gives researchers more control over research process and, when sampling is used, it is possible to generate findings that are representative of the whole population at a lower cost than collecting the data for the whole population.

The survey strategy in spite of its advantages stated above has a few weaknesses of which the researcher must be aware and try to reduce its magnitude. The data collected by the survey strategy is unlikely to be as wide-ranging as those collected by other research strategies. For example, there is a limit to the questions that any questionnaire can contain if the goodwill of the respondent is not to be presumed on too much. Some of the questions which may not be understood by the respondents would let them give answers that may not be expected by the researcher. Another problem is the likelihood that the respondents may state something which is convenient to them.

However, such expected problems would be minimized by adopting the following measures.

The researcher has to undertake pre-testing of instruments to help come out with questions that might be well understood by the respondents. Also, the researcher has to check if some respondents stated something which they did not know or were not sure of by carrying out informal interviews.

### **3.2 Population**

According to Fraenkel and Wallen (1993) a population is the group to which the result of the study is intended to apply. Saunders et al (2009) explained that a population is the full set of cases from which a sample is taken. The term population used in its normal sense means a large group of people who exhibit characteristics that stimulate research work. However in sampling, the term is not used in its normal sense, as the full set of cases need not necessarily be people.

The targeted population under this research study comprised 21 judges and magistrates, 21 court registrars and 168 junior and senior judicial personnel from 21 lower courts in the Central Region of the Republic of Ghana.

### **3.3 Sample**

A sample is a subset of the population and consists of representative group of individuals, objects, or events that form the population of the study.

According to Saunders et al, occasionally, it may be possible to collect and analyze data from every possible case or member of the population.

However, for many research questions and objectives, it will be impossible for a researcher either to collect or to analyze all the data available to him owing to restrictions of time, money and often access.

To them, sampling provides a valid alternative to a census, when it would be impractical for a researcher to survey the entire population, where budget constraints prevent a researcher from surveying the entire population, when time constraints prevent a researcher from surveying the entire population and where a researcher has collected all the data but needs the result quickly.

Therefore, sampling provides a range of methods that enable a researcher to reduce the amount of data he needs to collect by considering only data from a sub-group rather than all possible cases of the population. According to Agyedu et al (1999), the process of sampling makes it possible to limit a study to a relatively small portion of the population. Since it was not possible for the researcher of this study to deal with the whole targeted population due to time, money, and access constraints, effort was made to sample a reasonable number of people, which gave a representation of the population for the research. Therefore a sample size of 108 respondents, made up of 12 judges and magistrates, 12 registrars and 84 junior and senior judicial personnel were chosen by the researcher for the study.

### 3.4 Sampling Technique

A Cluster sampling scheme was employed to choose 108 respondents from 12 lower courts in the Central Region of Ghana. To accomplish this, a complete list of lower courts in the Central Region was obtained from the regional administrative officer in charge of the courts in the same region. The list obtained disclosed 21 lower courts situated at 21 district capitals in the region. Since the researcher employed a cluster sampling technique, the 21 lower courts with their respective geographical locations were the total number of the clusters under this sampling scheme and finally constituted the researcher's sample frame. 12 lower courts (12 clusters) were selected from the 21 lower courts (sample frame) through simple random sampling.

Under this method, each of the 21 lower courts was numbered with a unique number. Thus, the first lower court in the list obtained was numbered '0' and the second lower court in the list was numbered '1'. The numbering of the lower courts, therefore, continued in that order to the last lower court in the list.

After numbering all the 21 lower courts, 21 pieces of papers were put in a bowl, shook thoroughly after every picking and 12 lower courts in the list were randomly selected to form the sample size. Data were collected from every member in each of the 12 lower court selected.

Selecting the clusters randomly makes a cluster sampling a probability sample technique.

Restricting the sample to a few relatively compact geographical sub-areas (clusters) maximizes the amount of data a researcher can collect using face to face methods within the resources available. However, it may also reduce the representativeness of the sample. For this reason a

researcher needs to maximize the number of sub-areas to allow for variations in the population within the available resources.

### **3.5 Research Instrument For Data Collection**

A set of questionnaire was designed to collect data from the 108 respondents (12 judges and magistrates, 12 registrars and 84 junior and senior judicial personnel).

Sauders et al (200) states that data collection from primary sources by using a survey strategy is usually conducted by administering a questionnaire to a sample of respondents. The questionnaire administered to the respondents comprised five sections: The first section was to elicit the personal data of the respondents. The second section of the questionnaire asked the respondents to indicate factors that impede speedy and effective resolution of cases in the lower courts in the Region. The Third section of the research instrument looked out for the kind of attitudes or behaviors of the judicial personnel which can contribute to court delays in the lower courts in the Region. The Fourth section of the questionnaire asked the respondents to indicate their agreements with respect to the implementation of the performance appraisal as an effective measure to reduce or prevent court delays in the lower courts of the same region. The Fifth section sought the views of the respondents regarding the current performance appraisal situation in the Ghana Judicial Service.

### **3.6 Pre- Testing Of The Instrument**

According to Agyedu (1999) prior to the using of any instrument, its validity and reliability needs to be assessed to determine its accuracy and consistency. To enable the researcher test the usability of the questionnaire, the pre-testing of the instrument was conducted. Twenty copies of the questionnaire were pre-tested, using some selected judicial personnel from three lower courts in the Central Region of Ghana.

### **3.7 Procedure For Data Collection**

Self-administered questionnaire was designed to collect the data from the respondents. The questionnaire was developed in english language. The questionnaire comprised sets of statements followed by five-point rating scales with strongly agree to strongly disagree anchors.

The statements were constructed to ensure that they were neither extreme to cause bias, nor so bland that the majority of responses would remain neutral. In total, 108 copies self-administered questionnaire were personally delivered by hand to each magistrate/judge, registrar and junior and senior judicial employee in each selected lower court. The respondents were given two weeks to respond and responses were later collected personally by the researcher. Each copy of the self-administered questionnaire included a cover letter signed by the researcher explaining the purpose of the study and the fact that completion of the questionnaire was both anonymous and voluntary and requesting the co-operation of the respondents. Prior to the administration of the questionnaire, an introductory letter was sent to the registrar of each of lower court seeking permission for the exercise to be carried out.

Eventually rapport was established between researcher and respondents throughout the distribution and collection periods.

### **3.8 Data Analysis Plan**

The collected data were statistically analyzed, using the statistical package for social sciences software (SPSS). Representations like tables and bar charts were used to ensure easy and quick interpretation of data. Data from the completed questionnaire were checked for consistency. Descriptive statistics indicating frequencies and percentages were used to present the results in graphical and tabular form.



## CHAPTER FOUR

### DATA PRESENTATION AND ANALYSIS

#### 4.0 Introduction

This particular chapter is concerned with the presentation, analysis and discussion of the survey research on the exploring the implementation of performance appraisal as a measure to reduce court delays in the lower courts in Ghana. Self-administered questionnaire was used by the researcher to gather the research data for the study. In all, 108 copies of questionnaire were distributed to the judges/magistrates, registrars and other court personnel in the 12 lower courts in the Central Region of the Republic of Ghana. Fortunately, the 108 questionnaires were completed and received back yielding a response rate of 100 percent. Frequencies and percentages were used for the interpretation of the research data collected for the study.

The presentation, analyses and discussion in this chapter are under five main sections. The analysis and discussion under the first section of the chapter are based on the demographic information of the respondents of the research study. While the analysis and discussion under the sections two to five of this chapter are based on the research questions of this study. They are as follows:

1. Factors that cause court delays in the lower courts.
2. Negative attitudes and behaviors of the judges, magistrate or court personnel that cause court delays in the lower courts.

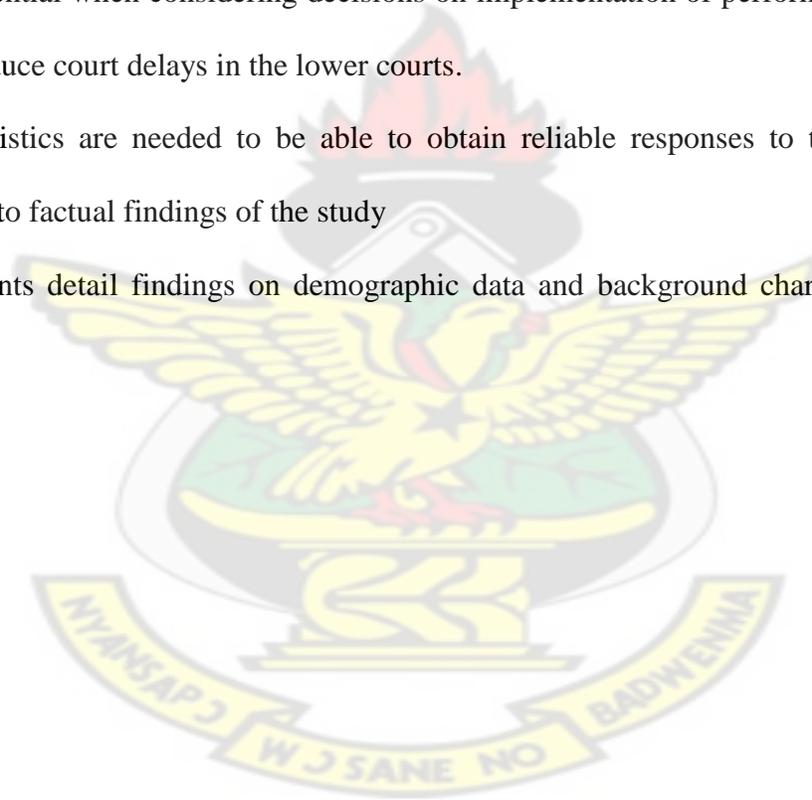
3. Reduction of court delays through the implementation of the practices of performance appraisal system in the lower court
4. The current performance appraisal situation in Ghana Judicial Service

#### **4.1 Demographic Profile of Respondents**

Demographic characteristics such as gender, age, marital status, level of education, level of court, years of experience in the lower court, years of experience in Ghana Judicial Service and position are essential when considering decisions on implementation of performance appraisal as a measure to reduce court delays in the lower courts.

These characteristics are needed to be able to obtain reliable responses to the questionnaire which will lead to factual findings of the study

Table 4.1 presents detail findings on demographic data and background characteristics of the respondents.



**TABLE 4.1 Demographic profile of the respondents**

<b>Independent Variable</b>	<b>Number (n)</b>	<b>Percentage (%)</b>
<b>1. Gender:</b>		
Male	69	63.9
Female	39	36.1
<b>2. Age:</b>		
20-29	3	2.8
30-39	60	55.6
40-49	36	33.3
50-59	9	8.3
60 & Above	0	0
<b>3. Marital Status:</b>		
Single	15	13.9
Married	84	77.8
Divorced	9	8.3
<b>4. Highest Level Of Education:</b>		
MIDDLE/JSS	15	13.9
‘O’ Level	33	30.6
SSCE/WASSCE	12	11.11
‘A’ Level	6	5.6
Diploma	18	16.6
1 <sup>st</sup> Degree & Above	24	22.2
<b>5. Level of lower court respondent is attached</b>		
Circuit court	92	85.2
District court	16	14.8

<b>6.Number of years a respondent has worked in lower court</b>		
0-5 years	24	22.2
6-10 years	24	22.2
11-15 years	36	33.3
16-20 years	12	11.1
21-25 years.	6	5.6
26 -30 years	0	0
31 and above	6	5.6
<b>7. Number of years a respondent has worked in Ghana judicial service</b>		
0-5 years	24	22.2
6-10 years	12	11.1
11-15 years	36	33.3
16-20 years	24	22.2
21-25 years.	6	5.6
26 -30 years	6	5.6
31 and above	2	1.8
<b>8.Classification of respondents</b>		
Magistrate/Judge	12	11.1
Registrar	12	11.1
Other personnel	84	77.8

Table 4.1 above displays that of the total respondents of the study, 63.9 percent were males (n=69). Whereas 39 out of the 108 respondents were females (36.1%).

The largest group of both sexes (55.6 percent) falling into the 30-39 age range. While the second largest group of both sexes (33.3 percent) falling into the 40-49 age range.

As high as 84 out of 108 respondents (77.8 percent) had got married. A high proportion of the respondents (30.6 percent) had attained the 'O' Level as their highest level of education and the second majority of the respondents (22.2%) had attained their 1<sup>st</sup> degree and above.

The majority of the respondents (85.2 percent) were attached to District Courts. In Contrast 14.8% of the respondents were attached to circuit court.

A high proportion of the respondents (33.3 percent) had worked in the lower court for between 11 and 15 years. It is interesting to note that as high as 36 out of 108 respondents (33.3 percent) had worked in the Ghana judicial service for between 11 and 15years.

It is interesting to note that 12 out of 108 respondents (11.1 percent) were judges/magistrates and 12 out of 108 respondents (11.1 percent) were also lower court Registrars. While 84 out of 108 respondents (77.8 percent) were lower court personnel.

The demographic variables of the respondents of this research study did not impact negatively on the study. The variables rather contributed to the provision of reliable responses to the questionnaire hence leading to factual findings of the study.

#### 4.2 Factors That Cause Court Delays In The Lower Court.

In this section, the researcher tried to analyze the causes of court delay in the lower courts in Ghana. This is an effort to answer the research question of the study which states “ what are the causes of court delay in the lower courts”? Table 4.2 presents the results of the respondents’ views on the factors that cause court delay in the lower courts

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Table 4.2: Respondents' Views On The Factors That Cause Court Delay In The Lower Courts.

<b>Factors`</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
a. Increases in a court's caseloads without sufficient court resources.	47.2	25	6.2	13.3	8.3
b. Insufficient or late service of writ of summons, statements of witnesses and exhibits.	30.6	41.7	11.1	13.9	2.8
c. Cases in which the accused or the litigants are not represented by lawyers.	13.9	22.2	5.6	36.1	22.2
d. Criminal trials with multiple accused persons or civil trials with a number of plaintiffs and or defendants.	16.7	58.3	8.3	11.1	5.6
e. When more cases are listed for a day than can be dealt with given the available magistrate or judge in the week.	25	55.6	8.3	11.1	0
f. Where cases have to be adjourned because plaintiff, defendant or witness may be ill or may have to travel from far away.	27.8	61.1	5.5	5.6	0
g. The failure of the parties of the suits to get their cases ready for a trial as soon as reasonably possible.	22.2	50	11.1	13.9	2.8
h. Late guilty pleas.	19.4	38.9	16.7	19.4	5.6

i. The failure of the parties to narrow the issues in dispute at an early state of trial.	27.8	36.1	9.1	19.4	8.3
j. An ill-considered distribution of judges among the jurisdictional district.	30.6	44.4	11.1	13.9	0
k. The regulations on proceedings.	30.6	44.4	13.9	11.1	0
l. The simultaneous existence of a number of laws coming from trans-boundary institutions.	11.1	22.3	22.2	33.3	11.1
m. Lack of incentives for judges and judicial personnel.	38.9	19.4	13.9	25	2.8
n. Insufficient availability of resources devoted to produce speedy and effective resolution of cases.	36.1	44.4	5.6	13.9	0
o. Inefficient management of court resources	19.4	58.3	5.6	11.1	5.6
p. Negative attitude and poor performance of some court personnel.	22.2	36.1	5.6	22.2	13.9

Table 4.2 shows that the vast majority of respondents (47.2 percent) strongly agreed that increases in court's caseloads without sufficient court resources tend to impede speedy processing and effective resolution of case. Also, 25 percent of the respondents did agree that such a factor is a cause of court delay. In contrast, only 21.6 percent of the respondents disagreed or strongly disagreed to it. According to Callinan (2002), increases in court's caseload will impact on delays if court's resources are not sufficient to efficiently process the increased number without delay. Therefore, the large majority of the respondents were in agreement with Callinan

As shown in the table 4.2, the large majority of the respondents indicated their agreement or strongly agreement that, insufficient or late service of writ of summons, statements of witnesses and exhibits is a contributing factor of court delays (72.3 percent). Whereas 16.7 percent of the respondents disagreed or strongly disagreed to such a factor.

Incredibly, 63 out of the 108 respondents (58.3 percent) disagreed or strongly disagreed that, cases in which the accused or the litigants are not represented by lawyers tend to hinder speedy processing and effective resolution of such cases. In contrast, only 36.1 percent of the respondents agreed or strongly agreed to such a factor. According to Callinan(2002), cases in which the accused or the litigants are unrepresented tend to be longer than cases involving legal representation. However, the vast majority of the respondents were in disagreement with Callinan.

In an answer to the item 'D' in the table 4.2 which states "Criminal trials with multiple accused persons or civil trials with a number of plaintiffs and defendants tend to delay case resolution" as high as 81 out of the 108 respondents (75 percent) agreed or strongly agreed that they are causes of court delays. Whereas only 18 out of the 108 respondents (16.7 percent) disagreed or strongly disagreed to such factors as causes of court delays. According to Callinan(2002), criminal trials with multiple accused persons, and civil trials with a number of plaintiffs and or defendants, are said to take longer. Trials tend to take longer where there are a large number of witnesses. Here the greater majority of the respondents were in agreement with Callinan.

The vast majority of the respondents (80.6 percent) agreed or strongly agreed that when more cases are listed for a day than can be dealt with given the available magistrate or judge in the week tend to lead to court delays. In contrast, only 11.1 percent of respondents indicated their disagreement to such a factor.

It is interesting to note that 96 out of the 108 respondents (88.9 percent) agreed or strongly agreed that court delays can stem from a situation where cases have to be adjourned because plaintiff, defendant or witness may be ill or may have to travel from far away. While only 6 out of the 108 respondents (5.6 percent) disagreed to it. According to Callinan(2002), a case may have to be adjourned because witness may be ill or may have to travel from far away, although this is not strictly the fault of the parties, yet this contributes to court delay. Under this item, vast majority of the respondents were in agreement with Callinan.

In an answer to item 'G' in the table 4.2 which reads "The failure of the parties of the suits to get their case ready for a trial as soon as reasonably possible lengthens the duration of cases" the vast majority of the respondents (72.2 percent) agreed or strongly agreed to the item G in the table 4.2. However, 18 out of the 108 respondents (16.7 percent) did disagree or strongly disagree to the items G.

In response to the item H in the table 4.2 which says "Late guilty pleas tend to cause court delays in the lower court's criminal jurisdiction" as high as 63 out of the 108 respondents (58.3 percent) agreed or strongly agreed that late guilty pleas are causes of court delays. According to Callinan(2002), there are many ways by which the parties to the suits themselves may contribute to court delay. To him, one of the ways through which the parties to a suit contribute court delay is the late guilty plea.

With regard to Item I in the table 4.2 which reads "The failure of the parties to narrow the issues in dispute at an early state of trial contributes to court delay". 27 percent of the respondents disagreed or strongly disagreed to this factor as a cause of court delay. However, the responses of the vast majority of the respondents (63.9 percent) were in agreement or strongly agreement with the findings

of Callinan (2002). To him, one way by which the parties to suits contribute court delay is their failure to narrow the issues in dispute at an early stage.

In an answer to the item J in the table 4.2 which states “An ill-considered distribution of judges/magistrates among the jurisdictional districts can lead to court delay”. The vast majority of the respondents (75 percent) agreed or strongly agreed that such a factor is a cause of court delay. Whereas 15 out of the 108 respondents (13.9%) disagreed to such a factor as a cause of court delay. However the views of the majority of the respondents were in the agreement with the suggestions of Buscaglia and Dakolias (1996). For them, an ill-considered distribution of judges among the jurisdictional districts, together with an insufficient availability of resources devoted to producing that kind of service, reduces the court’s efficiency.

With regard to item K in the table 4.2 which reads ”The regulations on proceedings leave room for parties to lengthen the time required to reach a decision, thus prolonging civil dispute” the large majority of the respondents (75 percent) agreed or strongly agreed to the item K in the table 4.2. In contrast, only 13.9 percent of the respondents disagreed to the item K in table 4.2.

Incredibly, 36 out of the 108 respondents (33.3 percent) agreed or strongly agreed that the simultaneous existence of a number of laws coming from trans boundary institutions makes it a difficult task to determine which law to enforce in deciding a dispute contributes to court delays. In contrast, as high as 48 out of 108 respondents (44.4 percent) disagreed or strongly disagreed to this factor. 22.3 percent of the respondents neither agreed nor disagreed to this same factor.

The table 4.2 also reveals that larger majority of the respondents (58.3 percent) strongly agreed or agreed that lack of incentives for judges and judicial personnel impedes speedy and effective

resolution of cases. While, 27.8 percent of the respondents disagreed or strongly disagreed that lack of incentives for judges and judicial personnel is a cause of court delay.

In addition, 87 out of the 108 respondents (80.5 percent) agreed or strongly agreed that court delays result from an insufficient availability of resources devoted to produce speedy and effective resolution of cases. In contrast, only 15 out of the 108 respondents (13.9 percent) disagreed to it. According to Callinan (2002) and Dakolias (1996) lack of court resources is one of the obvious factors that contribute court delays. Therefore, the majority of the respondents were in agreement with Rachel and Dakolias.

As high as 77.7 percent of the respondents agreed or strongly agreed that inefficient management of court resources can also contribute to court delays. Whereas 16.7 percent of the respondents disagreed or strongly disagreed that inefficient management of court resources can also contribute to court delays.

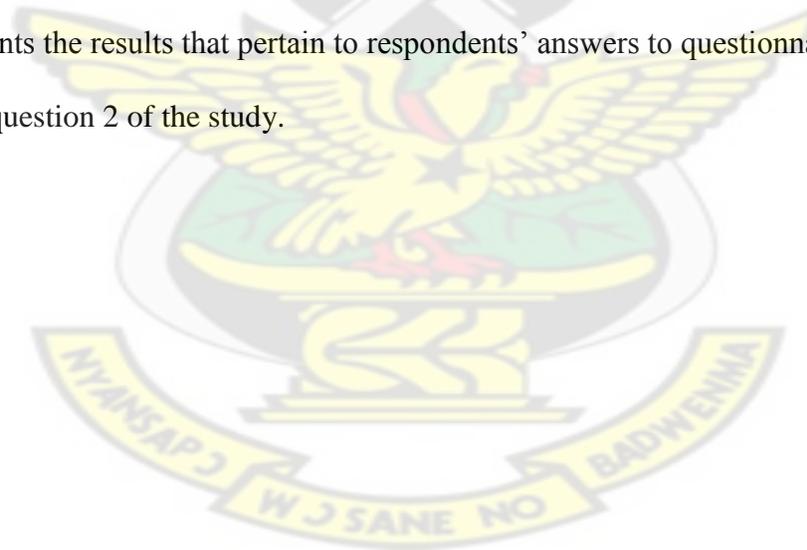
Finally, as high as 58.3 percent of the respondents agreed or strongly agreed that negative attitude and poor performance of some court personnel contribute to court delays. While 36.1 percent of the respondents disagreed or strongly disagreed.

#### **4.3 NEGATIVE ATTITUDES OR BEHAVIOURS OF JUDGES/MAGISTRATES AND COURT PERSONNEL THAT CAUSE COURT DELAYS IN THE LOWER COURTS.**

It is not too much or too little to say that court are made up of men and women, and that judicial systems have most of the faults of human nature.

Therefore, the above topic, ‘ the negative attitudes or behaviors of judges, magistrates and court personnel that cause court delays in the lower courts’ is analyzed below. This is an aspect which is in line with the investigation of the negative attitudes and behaviors of the judges,magistrates or court personnel that require immediate attention and for long range planning to increase both organizational and individual effectiveness through effective performance appraisal system in the lower courts.

Figure 4.3 presents the results that pertain to respondents’ answers to questionnaire items ‘A’ to I of the research question 2 of the study.



**Figure 4.3 Respondents’ views on negative attitudes and behaviors of judges, magistrates or court personnel that cause court delays in the lower court.**

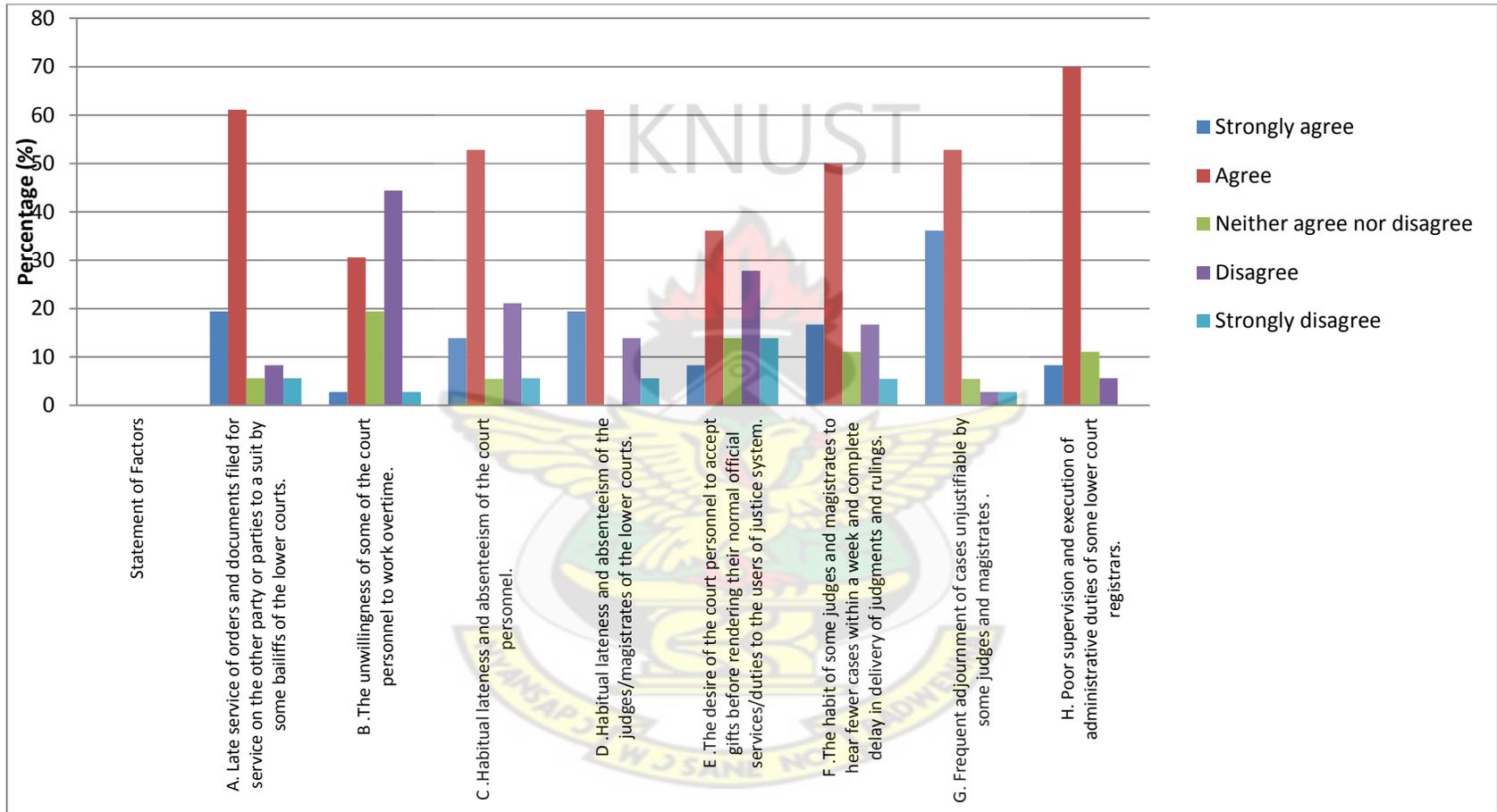


Figure 4.3 shows that the vast majority of the respondents (80.5 percent) agreed or strongly agreed that late service of orders and documents filed for service on the party or parties to suit by some bailiffs of the lower courts tends to delay cases.

With regard to questionnaire item “B” only 36 out of 108 respondents (33.4 percent) agreed or strongly agreed that unwillingness of some of the court personnel to work overtime hinders speedy and effective resolution of cases in the lower courts. In contrast the vast majority of the respondents (44.4 percent) disagreed with such attitude as a cause of court delays.

As shown in the figure 4.3 the large majority of the respondents (52.8 percent) agreed that habitual lateness and absenteeism of the court personnel is a cause of court delays in the lower courts. In contrast, only 27.8 percent of the respondents disagreed or strongly disagreed to that.

Furthermore, 66 out of 108 respondents (61.1 percent) and 21 out of 108 respondents (19.4 percent) respectively agreed and strongly agreed that habitual lateness and absenteeism of the judges/magistrates and court personnel of the lower courts hinder speedy and effective resolution of cases in the lower courts.

In response to the questionnaire item “E” which states “the desire of the court personnel to accept gifts before rendering their normal official services/duties to the users of justice system is a cause of court delays in the lower court”. Incredibly, 48 out of the 108 respondents (44.4 percent) agreed or strongly agreed to that. In contrast, 45 out of 108 respondents (41.7 percent) disagreed or strongly disagreed to it.

The figure 4.3 also reveals that the large majority of the respondents (66.7 percent) agreed or strongly agreed that the habit of some judges and magistrates to hear fewer cases within a week

and complete delay in delivery of judgments and rulings hinder speed and effective resolution of cases.

Incredibly, 96 out of the respondents (88.9 percent) agreed or strongly agreed that frequent adjournment of cases unjustifiable by some judges and magistrates tends to delay cases.

Finally, the figure shows that as high as 81 out of the 108 respondents (75 percent) agreed that poor supervision and execution of administrative duties of some lower court registrars tend to hinder speedy effective resolution of cases.

### **Reduction Of Court Delays Through The Implementation Of The Practices Of Performance Appraisal System In The Lower Courts.**

Performance appraisal has long been recognized as an important personnel function with the potential to improve employee motivation and performance and to provide the management with control needed to achieve organizational objectives and goals.

In this section the researcher tried to analyze the respondents' views regarding the implementation of the practices of performance appraisal system in the lower courts for the purpose of reducing court delays in the lower courts in Ghana. This is an effort to answer the research question of the study which states: "what are the performance appraisal practices that should be effectively implemented to improve the performance of court personnel in order to reduce court delays in the lower courts.

Table 4.4 provides the results that relate to the respondents' views regarding the implementation of the practices of performance appraisal for reduction of court delays in the lower courts.

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**Table 4.4 Respondents' views on implementation of the practices of performance appraisal system in the lower court.**

<b>FACTORS</b>	<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Strongly Disagree</b>
a. Top management needs to implement a performance appraisal system effectively in all lower courts in order to show clearly defined performance of the lower court personnel.	38.9	55.6	5.5	0	0
b. Top management has to set objectives, performance standards and expectations and performance goals at the beginning of every judicial year for all units at the lower court levels.	19.4	69.4	0	11.2	0
c. All lower court staff must be appraised annually.	30.5	61.1	5.6	2.8	0
d. Annual performance appraisal of all magistrates and judges of the lower courts is necessary.	36.1	61.1	0	0.8	0
e. Performance appraisal should be effectively implemented annually to check attitudes , behaviors and performances of magistrates, judges and court personnel.	38.9	58.3	2.8	0	0

f. Promotion of the lower court staff should be based on the result of the appraisal procedure.	19.4	63.9	2.8	11.1	2.8
g. The implementation of a sound and well-functioning performance appraisal system at the lower courts level will help improve the performance of the lower court staff.	33.3	55.6	2.8	8.3	0
h. The establishment of the performance appraisal system can help you to identify areas to improve your work performance.	22.2	72.2	2.8	2.8	0
i. Everyone who is asked to provide comment about one's performance should receive training in how to do it.	25	58.3	2.8	11.1	2.8
j. All lower courts must be provided with adequate material resources by government to ensure effective operation of courts.	50	44.4	2.8	2.8	0

Table 4.4 shows that the vast majority of the respondents (94.5 percent) agreed or strongly agreed that top management needs to implement a performance appraisal system effectively in all lower courts in order to show clearly defined performance of the lower court personnel. According to well and Spinks (1994) in every organization, employees need to know where they stand concerning their job performance in the organization for the following reasons: to relieve uncertainty that all employees have when they do not know what managers think of their

performances, to identify cases of unsatisfactory performances and to develop ways in which those performances can be satisfactory.

The Table 4.4 also reveals that 88.8 percent of the respondents agreed or strongly agreed that top management of the institution has to set objectives, performance standards and expectation and performance goals at the beginning of every judicial year for all units at the lower court levels). According to Aguinis (2007), in every organization, it is important to establish objectives and performance standards because they help employees guide their efforts. To him, the purpose of establishing objectives is to identify a limited number of highly important results which when achieved will have a dramatic impact on the overall success of the organization. To him, performance standards help people understand to what extent the objective has been achieved. The standards provide rater's with information on what to look for to determine the level of performance that has been achieved. Standards can be referred to various aspects of a specific objective including quality, quantity and time.

Furthermore, 99 out of the 108 respondents (91.6percent) agreed or strongly agreed that the performances of lower court staff must be appraised annually. In contrast only (2.8 percent) of the respondents disagreed that performance of lower court staff must be appraised annually.

It is interesting to note that 66 out of 108 respondents (61.1 percent) and 39 out 108 respondents (36.1 percent) respectively agreed and strongly agreed that an annual performance appraisal of all magistrates and judges of the lower courts is necessary. In contrast only 2.8 percent of the respondents disagreed to it.

The data also, reveal that the overwhelming majority (97.2 percent) agreed or strongly agreed that a performance appraisal should be effectively implemented annually to check negative attitude, performance and behavior of magistrates, judges and court personnel. While none of the respondents disagreed nor strongly disagree to it. However, 3 out of 108 respondents(2.8 percent) neither agreed nor disagreed. It implies that 105 out of the 108 respondents (97.2 percent) were in agreement with Aguinis (2007).To him, both the employees and managers are responsible for evaluating the extent to which the desired behaviors and attitudes have been displayed and whether the desired results have been achieved.

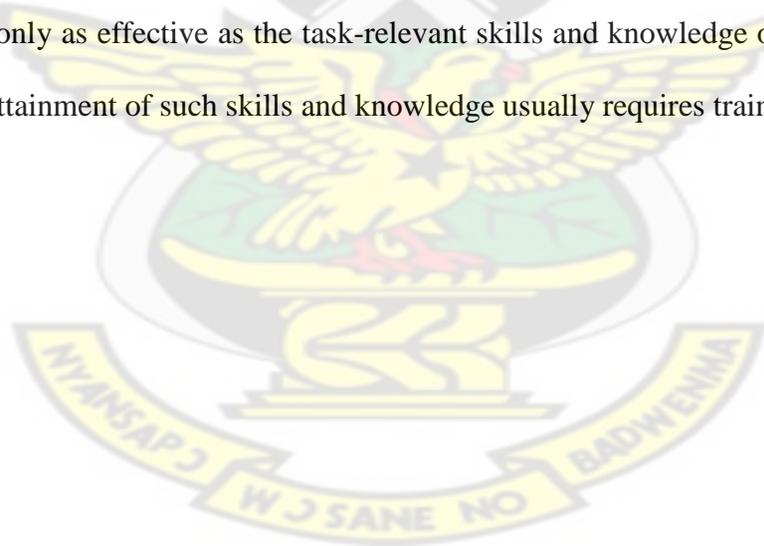
Again, as high as( 63.9 percent) of the respondents agreed that the promotion of the lower court staffs should be based on the result of the appraisal procedure and 19.4 percent of the respondents strongly agree to it. While 13.9 percent of the respondents disagreed or strongly disagreed to it.

In addition, 60 out of the 108 respondents (55.6 percent) and 36 out of the 108 respondents respectively agreed and strongly agreed that implementation of a sound and well-functioning performance appraisal system will help improve the performances of the lower court staff. According to Lathan etal (1993), while performance appraisals may satisfy numerous organizational objectives, their overriding purpose is often identified as providing information and direction to employees in a manner which will lead to improved performance.

The vast majority of the respondents (72 percent) did agree that an effective implementation of performance appraisal system can help them to identify areas to improve their work

performance, and 22.2 percent of the respondents strongly agreed to it. Whereas only 2.8 percent of the respondents indicated their disagreement to it. Aguinis (2007) suggested that the participants in the system are likely to develop a better understanding of themselves and of the kind of development activities that are of value to them as they progress through the organization. Participants in the system also gain a better understanding of their particular strengths and weakness that can help them better define future career path.

Table 4.4 shows that the vast majority of respondents (83.3 percent) agreed or strongly agreed that everyone who is asked to provide comment about another person's performance should receive training in how to do it, even if he is not a leader. In contrast 13.9 percent of the respondents disagreed or strongly disagreed to it. According to Cascio (1998), performance appraisal will be only as effective as the task-relevant skills and knowledge of those responsible for using it, and attainment of such skills and knowledge usually requires training.



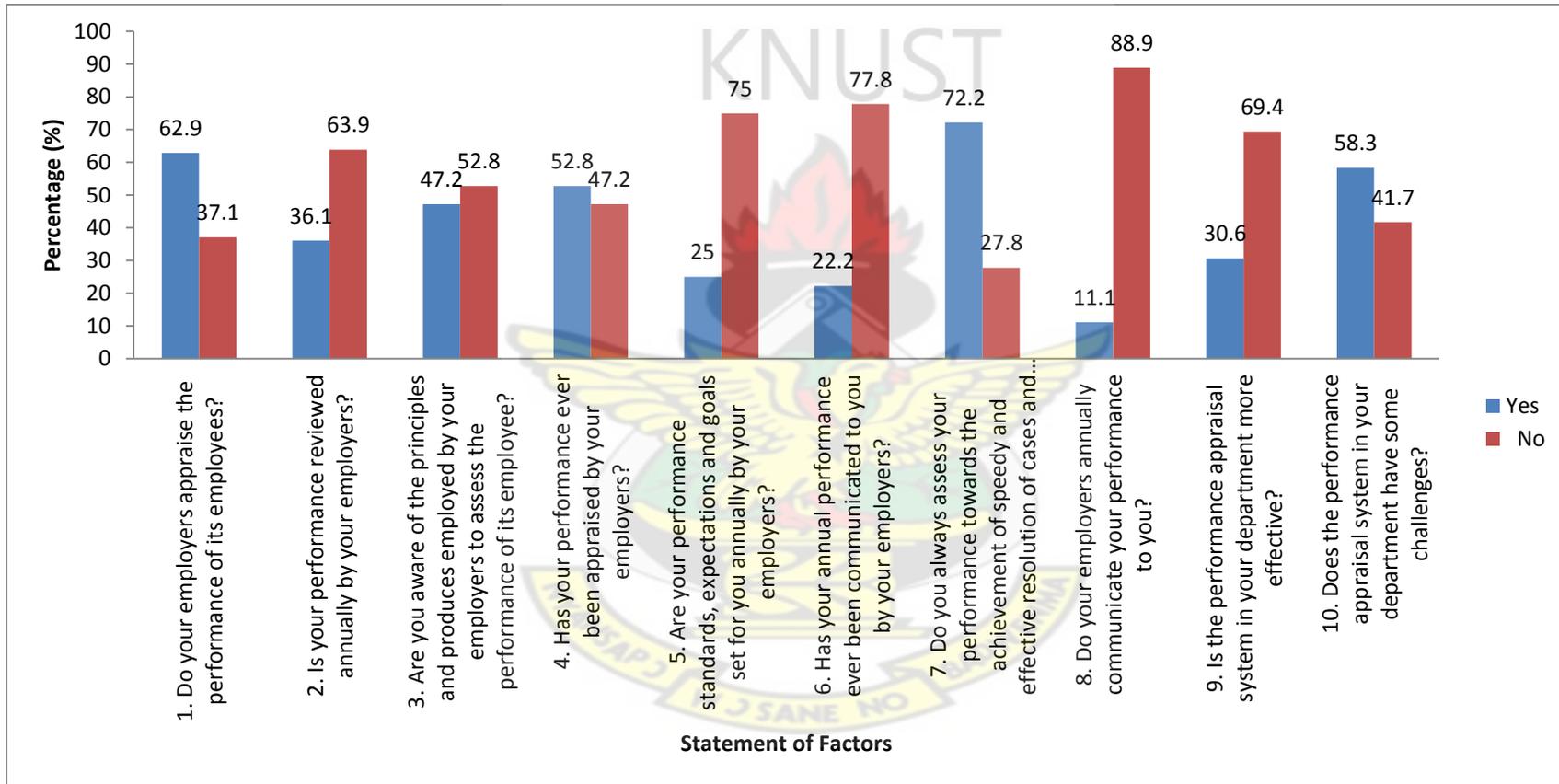
#### **4.4 The Current Performance Appraisal Situation In The Ghana Judicial Service.**

Figure 4.5 provides the results that relate to the answers of the respondents to the questions pertaining to the performance appraisal practices in the Ghana Judicial Service.



**Figure 4.5**

**Respondents' views on the current performance appraisal situation in the Ghana Judicial Service.**



In response to the question which reads, “Do your employers appraise the performance of its employees?” as high as 69 out of the 108 respondents (63.9 percent) answered the question in affirmative. ( question 1)

in an answer to the question: “Is your performance reviewed annually by your employers?” 39 out of 108 respondents (36.1) answered the question in affirmative. Whereas as high as 69 out of the 108 respondents (63.9 percent) did not answer the question in an affirmative. For an appraisal system to be effective, employees must believe that there are opportunities for meaningful input into the appraisal process (Gilliland and Langdon, 1998). The majority response indicated that this vital factor of effective performance appraisal is weakly recognized in Ghana Court System. (question2)

Respondents were asked to indicate “whether they are aware of the principles and produces employed by their employers to assess the performance of its employees or not.” Those who said ‘No’ numbered 57 (52.8 percent) and those who said ‘Yes’ numbered 51 (47.2 percent).(question 3)

In answer to the question: “Has your performance ever been appraised by your employers?” as high as 57 out of 108 respondents (52.8 percent) answered in an affirmative. Incredibly 51 out of the 108 respondents (47.2 percent) said no (question 4).

Close scrutiny of the figure 4.5 shows that the vast majority of respondents (75 percent) indicated that their performance standards, expectations and goals are not set for them annually by the employers. In contrast, only 25 percent of the respondents answered in an affirmative. According to Aguinis (2007), in every organization, it is important to establish objectives and performance standards because they help employees guide their efforts. To him, the purpose of the establishing objectives is to identify a limited number of highly important results that, when

achieved will have a dramatic impact on the overall success of the organization. To him, performance standards help people understand to what extent the objective has been achieved. The majority response indicated that this vital factor of effective performance appraisal is poorly recognized in Ghana Court System. (question 5).

Incredibly, 84 out of the 108 respondents (77.8percent) indicated that their annual performance has never been communicated to them by their employers. According to Henderson (1984) and Smith (1987), for an appraisal system to be most effective, a continuous performance-based feedback process should exist between superiors and subordinate and should include two-way communication and negotiation between the supervisor and employee. Here the majority of the respondents indicated that the performance appraisal practices carried out in Ghana Court System is without performance-based feedback. (question 6).

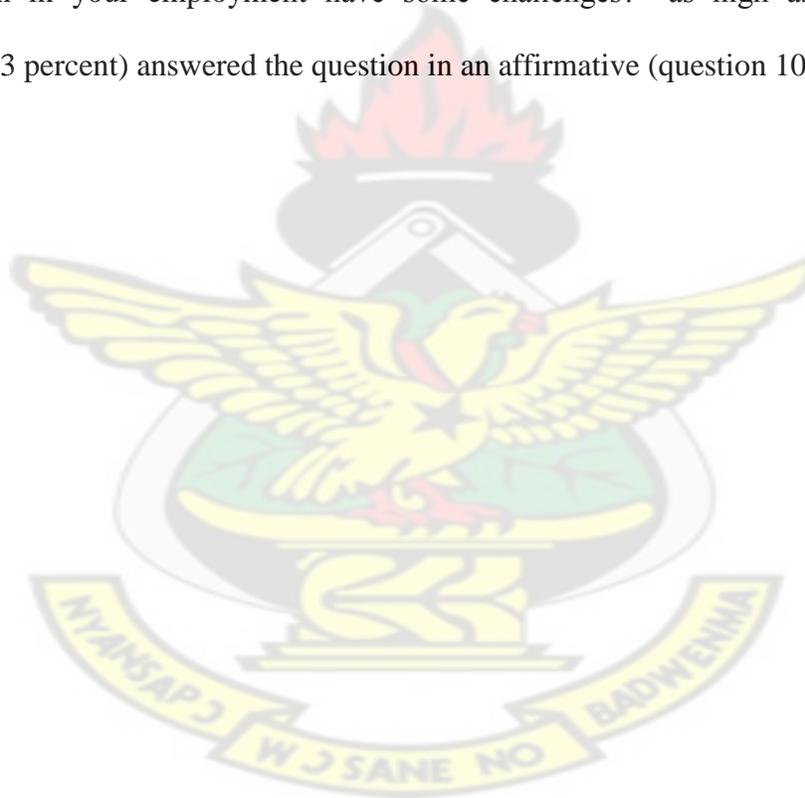
Inspection of the figure 4.5 reveals that the overwhelming majority of the respondents (72.2 percent) answered in an affirmative that they always assess their performance towards the achievement of speedy and effective resolution of cases and quality of justice. (question 7) .

In an answer to the question which reads: “Do your employers annually communicate your performance to you”?, 96 out of the 108 respondents (88.9 percent) said ‘no’ to the question. According to Henderson (1984) and Smith (1987), for an appraisal system to be most effective, a continuous performance-based feedback process should exist between superiors and subordinate and should include two-way communication and negotiation between the supervisor and employee . Here also the majority of the respondents indicated that the performance appraisal

practices carried out in Ghana Court System is without two-way communication and negotiation between the rater and appraisee (question 8).

Further, the figure 4.5 reveals that the large majority of the respondents (69.4 percent) reported that the implementation of the performance appraisal system in their employment is not effective (question 9).

Again, in response to the question which reads, “Does the implementation of the performance appraisal system in your employment have some challenges?” as high as 63 out of 108 respondents (58.3 percent) answered the question in an affirmative (question 10).



## CHAPTER FIVE

### SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATION

#### 5.0 Introduction

This chapter focuses on the introduction of the study, summary of the findings of the study, recommendations and conclusion.

The research study was based on the topic: exploring the implementation of performance appraisal as a measure to reduce court delays in the lower courts in Ghana. The research attempted to attain the views of judges, magistrates, registrars and court personnel in lower courts in the Central Region of Ghana in respect of the following issues: Factors that cause court delays in the lower courts, performance appraisal practices that need to be implemented to improve the performance of court personnel which will intend to reduce court delays, the possible negative attitudes or behaviors of judges, magistrates or court personnel that are potential causes of court delays in the lower courts and the current performance appraisal situation in the Ghana judicial service.

The research employed a survey strategy. The main research instrument used under this research study was self-administered questionnaire. The questionnaire was administered personally by the researcher. Also, the main sampling technique employed under this research was the cluster sampling scheme. The total respondents of the research study were 108, comprising 12 Judges/Magistrates 12 court registrars and 84 court personnel drawn from 12 lower courts in the Central Region of Ghana. This ensured that all the diverse views of Judges, magistrates, court registrars and court personnel were presented.

The findings of the study are expected to inform the authorities of Ghana Judicial Service of the main causes of court delays in the lower courts in Ghana.

Again, the findings of the study are expected to encourage the same authorities to embark on effective implementation performance appraisal system in all lower courts to reduce court delays. The data gathering instrument used for the research study is a questionnaire (Appendix A, B, C, D, E).

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### **5.1. Summary of Findings**

The results of the study have been discussed in connection with the research questions designed for the study. The findings in connection with the questionnaire administered in the 12 lower courts in the Central Region of Ghana on the exploring the implementation of performance appraisal to reduce court delays in the lower courts are as follows:

1. It was discovered that performance appraisal as a human resource management practice is carried out in the Ghana Judicial Service. The proof of this finding is that, the vast majority of respondents (63.9%) answered in an affirmative that their employers appraise the performance of its employees.
2. The respondents' view showed that court delays in the lower courts relate mainly to criminal trials with multiple accused persons or civil trails with a number of plaintiffs or defendants; when more cases are listed for a day than can be dealt with given the available magistrate or judge in the week; where cases have to be adjourned because plaintiff, defendant or witness may be ill or may have to travel from far away; the failure of the parties of the suits to get their cases ready for trail as soon as reasonably possible;

inefficient management of court resources and insufficient availability of resources devoted to produce speedy and effective resolution of cases.

3. The majority of the respondents had the opinion that certain negative attitudes, behaviors and poor performance of the Judges, magistrates, registrars and the court personnel are potential causes of court delays.
4. The respondents in their greater number “strongly agreed” or “agreed” to the suggestion that the implementation of effective performance appraisal in the lower courts can reduce court delays.
5. The response of the majority of respondents presented a bleak picture of the state of the performance appraisal system in the Ghana Judicial Service because they revealed that the implementation of performance appraisal in the Ghana Judicial Service is not effective and it also appears that in general, factors that relate to success of appraisal system are not accorded sufficient importance in the Ghana Judicial Service.
6. The results of the research show that the majority of the respondents “agreed” or strongly “agreed” that effective implementation of performance appraisal can be adopted as a mechanism or measure for reduction of court delays in the lower courts.
7. Six main factors behind the problem court delay were indemnified in study.

## **5.2 Recommendations**

The study has disclosed that the vast majority of the respondents agreed that the existing performance appraisal system in the Ghana judicial service is not effective. It is recommended that the top leaders in the service including the human recourse directors and the regional

administrators, the executives of Jusag should humble meet and deliberate on how they can institute an effective performance appraisal system in the judicial service of Ghana. This will promote their aspiration to discover an appreciable level of effective performance appraisal system in the service so that purposes and benefits of perform appraisal can be achieved

From the findings, the general factors that relate to success of appraisal system are not accorded sufficient importance in the service. For instance the majority of the respondents reported that their performance are not reviewed by their employers, their annual performance have never been communicated to them by the employers, their performance standards, expectations and goals are not set for them by the employers. Given the above evidence, the researcher recommends that the particular department and authorities responsible for the carrying out of performance appraisal system in the service must constantly recognize the importance of those vital factors that contributes to the successful design and implementation of performance appraisal systems.

For example, they need to ensure that the system focuses on performance variables as oppose to personal traits, employees believe that they have an opportunity for meaningful input into the appraisal process, a continuous performance-based feedback process exist between supervisors and subordinates and performance standards expectations and goals are set for the employees.

Also once the majority of the respondents agreed that court delays can be reduced through the implementation of performance appraisal in the lower courts, then having introduced the performance appraisal system in the service those responsible for carrying out appraisal system must ensure that the system operates effectively, fairly and consistently.

Furthermore, it was shown in the study that majority of the respondents agreed or strong agreed that certain negative attitudes and behaviors of the judges , magistrates , registrars and other court personnel lead to court delays in the lower courts.

Therefore, reduction of court delay in light of the required employee behavior and attitude requires an attitude change and a change of the mindset of all judges, magistrates, registrars and all court personnel.

This attitude change and change of mindset will not happen unless management control, supervision and performance appraisal practices are carried out efficiently and effectively in the Ghana judicial service.

Finally, based on the identified factors of court delays in the lower courts the authorities of the Ghana judicial service should employ performance appraisal and diversified planning and control measures to reduce court delays in the lower court.

### **5.3 Conclusion**

The research study aimed to explore the implementation of performance appraisal as a measure to reduce court delays in the lower court in the Ghana judicial service: to identify and analyze the causes of court delays and to give functional and acceptable solution proposal on how delays can be reduced and prevented in future in the lower courts.

This study has proved more useful in many respects. This particular study has made it a clear point that court delays can be reduced through effective implementation of performance appraisal in the lower courts. However the existing performance appraisal system in the Ghana

judicial service is not effective and the vital factors that contribute to effective and successful performance appraisal system in any organization are not accorded enough importance in Ghana judicial service. The above fact discloses that performance appraisal system in Ghana judicial service is below standard. The situation now is calling for the need of ensuring that performance appraisal in the court system must be carried out effectively by authorities and department responsible for it.

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## REFERENCES

- Aguinis, H. (2009). Performance Management, (2<sup>nd</sup> ed.), Pearson Prentice-Hall upper Saddle River, N J.
- Agyedu, G. O. (1999). Teach yourself research methods. Winneba
- Analoui, F. (1999). Motivating managers in developing countries and economies UK, MC13 Publishers
- Analoui; F. and Fell, P. (2002). Have you been appraised? Journal of Education. UK, MC13 Publishers
- Anderson A. and Media D. (2012) How do negative and positive attitudes affect
- Anderson, G. C. (1993) . Managing Performance Appraisal System, Blackwell, Oxford
- Baker, J (1988). Causes and Failure in Performance Appraisal and Supervision.  
New York, Quorum.
- Beach, D. S. (1980) . Personnel Management: The Management of People at Work, (5<sup>th</sup> Ed.)  
New York, Macmillian.
- Brebner D. and Foster R. (1994). Development of national objectives or goals for the disposition of cases in the high courts, 4 Journal of Judicial Administration, 100 P 103
- Bretz, R. D. Jnr. et al (1992). The current state of performance appraisal research and practice: concerns, directions, and implication. Journal Management, Vol. 18 No2, PP 321 – 52
- Brown, S. P. and Peterson, R. A. (1993). Antecedents and consequences of salesperson job satisfaction: meta-analysis and assessment of causal effects . Journal of Marketing

Research, Vol. 30.

Buscaglia, E, and Dakolians, M. (1996) . Judicial Reform in Latin American Courts: The experience in Argentina and Ecuador, World Bank Technical Paper 350.

Callinan R. (2002) . Court delays in NSW: Issues and Developments, NSW Parliamentary Library Research Service, New South Wales.

Campbell, Andrew and KiranTawadey (1990) . Mission and Business Philosophy: Wining Employee Commitment. Oxford UK ; Heinemann Professional Publishing Ltd

Cascio W.F. (1998) . Applied Psychology in Human Resource Management, Prentice-Hall, Upper Saddle River, NJ.

Cole G. D. H. (1925) . Robert Owen, Benn, London.

Dessler, G. (2000) . Human Resource Management (8<sup>th</sup>ed). New Jersey, USA, Prentice Hall.

Divita G. (2010) . International Review of Law and economics. Production of law and delays in court decisions. Italy, Elsevier Inc

Djankov (2003). Courts. Quarterly journal of economics 118, P453-517

Ghana Judicial Service (2011). Draft Conditions Of Service For Senior and Junior Staff of the Judicial Service of Ghana.

Fletcher, C. (1993) . Appraisal: Routes to improved performance. Institute of Personal Management. London

Gilliland, S. W. and Langdon, J. C. (1998) .Creating performance management systems that promote perceptions of fairness, Sam Francisco, Josey- Bass, Inc.

- Henderson, R. (1980) . Performance Appraisal: Theory to practice. Reston, Reston Publishing Company, Inc,
- Henderson, R. I. (1984) . Performance Appraisal (2ns Ed.), Reston, Reston Publishing Co.
- Jewell, L. N. (1998) . Contemporary Industrial /Organizational Psychology, (3<sup>rd</sup> Ed.), Pacific Grove CA, Brooks /Cole Publishing Co.
- John G. (1987) . Examining Court delay: The Pace of Litigation in 26 Urban Trial Courts 1987. Department of Justice USA
- Kane, J.S. et al (1995) .Performance appraisal, Lawrence Erlbaum Associates, Hillsdale, NJ.
- Katzell, P. A. (1994) . Contemporary mate-trends in industrial and organizational Psychology. Palo Alto, Consulting Psychologist Press
- Kolb A. T. (1986) . Lawyers Conference Task Force on the Reduction of Litigation Cost and Delay. ABA Journal, The lawyer's Magazine Volume 72 P161
- Korsgaard, M. A. and Raberson, L. (1995) . Procedural justice in performance evaluation: the role of instrumental and non-instrumental voice in performance appraisal discussions. Journal of Management vol. 21, PP657-69.
- Krenek C. (2012) Attitude Check: Tips to manage difficult employees with bad attitudes. Journal of Knowledge Management, (14) 39-49.
- Larson, J. R. Jr (1984). The Performance Feedback Process: a preliminary model. Organizational Behaviour and Human Performance, Vol. 33, February, PP.42-76.

- Lathan, G.P (1993). The increasing importance of performance appraisals to employee effectiveness in organizational setting in North America. Wiley, Chichester PP 87-132.
- Lowenberg, G. and Conrad, K. A (1998). Current Perspectives in Industrial / Organizational Psychology. Boston, Ally and Bacon
- Mair, N. R. F. (1985) .They Appraisal Interview, Wiley, New York, N Y.
- Malos, S. B. (1998) . Current legal issues in performance appraisal. Sam Francisco. Jossey-Bass Inc.
- Mckelvey S. Morrisset S. (2013) insolence insubordination. Journal of Knowledge and Management 19 (3), 111-135
- Meyer, H.H. (1991). A solution to the performance appraisal feedback enigma. Academy of Management Executive vol. 5 NO. 1. PP68-76
- Morris, M. H., et al (1991). Assessing the relationships among performance measures, managerial practices, and satisfaction when evaluating the salesforce: a replication and extension. Journal of Personal Sales Management, Vol. XI Summer, PP25-35.
- Palumb, G. and Sette, E (2006). Delayed decision: An application to the court. Economic Journal, 109, PP 476-49
- Ransom L. W. (2012). The Laws delays; Causes and Remedies. New York, Academy of political science.
- Republic of Ghana (1992). Constitution of Republic of Ghana.

- Saunders, M. (2009). *Research Methods for business Students* (5<sup>th</sup> Ed.), England. Prentice Hall,
- Sharma P. (2012). Judging the judges: Planning Commission Panel suggests performance appraisal of experts. *Journal of Law and Management*, Vol. 5. 72-75
- Shoenfelt, B. (2008). *The Role of Performance Appraisal in Performance Management*. Department of psychology, Western Kentucky University
- Smith, M. (1987). Feedback as a performance management technique. *Management Solutions*, Vol 32.
- Smither, J. W. (1998). *Lessons Learned: research implications for performance appraisal and management practice*, San Francisco. Jossey-Bass Inc.
- Squires, P. and Adler, S. (1998) . *Linking appraisals to individual development and training*. San Francisco, Jossey-Bass Inc.
- Stroul, A. N. (1987) .Whither performance appraisal, *Training and Development Journal*, Vol 41, PP 70-4.
- Swanson, A. R. (1996) *Analysis for Improving Performance*. San Francisco. Berrett-Koehler Publishers, Inc.
- Taylor. F.W. (1994) .*scientific Management*, Harper and Row, London.
- Taylor, P. J. and Pierce, J. L. (1999). Effects of introducing a performance management system on employees' subsequent attitudes and efforts. *Public Personal Management*. Vol. 28 No3, PP423-52

- Thomas, S. L. and Bretz, R. D. (1994) . Research and practice in performance appraisal: evaluating performance in America's largest companies. SAM Advanced Management Journal.
- Tornow, W. W. Manuel London and CCL Associate. Maximizing the Value of 360 Degree Feedback. San Francisco: Jossey-Bass Inc.
- Vereeck L. and Muhl M. (2000) . Economic theory of court delay. European Journal of Law and Economic, Vol. 10 (3) 243 – 268.
- Villanova, P. et al (1993). Rater leniency and performance appraisal discomfort. Education and Psychological Measurement Vol.53, PP 789-99
- Vincent A. C. R. (2004). Laws of Ghana Volume 1, LexisNexis Butterworths (PTY) Ltd. Durban South Africa.
- Wells, B. and Spinks N. (1994). Organizational Communication: A strategic Approach. (4<sup>th</sup>ed.) Dame, Houston TX.
- Wherry, J. R. (1957) . The Past and Future of Criterion. Personnel psychology Vol.10 NO 1 PP. 1-5.
- World Bank (1999) Reducing court delays: Five lesson from the United State
- World Bank (2010), Uses and Users of Justice in Africa: The Case of Ghana's Specialized Courts.
- World Bank Report (2012), Law and Justice. Institution-Performance Management

**APPENDIX**

**QUESTIONNAIRE FOR JUDGES /MAGISTRATES AND JUDICIAL PERSONNEL  
IN THE LOWER COURTS IN THE CENTRAL REGION OF GHANA**

**This research aimed to explore the implementation of performance appraisal as a measure to reduce court delays in the lower courts in Ghana. It would be appreciated if you would help by sparing some of your time to respond to this questionnaire**

**Please, be assured that all information volunteered for the exercise will be treated as confidential and utilized only for research purposes.**

**SECTION A: DEMOGRAPHIC INFORMATION**

**From the answer options are available please tick the appropriate box.**

**1. Gender : Male  Female**

**2. Age : 20-29  30-39**

**: 40-49  50-59**

**: 60 & above**

**3. Marital Statue: Single  Married**

**Divorced**

**4. Highest level of education:**

**Middle/ JSS  'O' Level  SSCE/WASSCE**

**'A' Level  Diploma  1<sup>st</sup> Degree & above**

5. Please which of the levels of lower court are you attached to?

District Court  Circuit Court

6. Number of years working in the lower court:

0-5years  6-10years

11-15years  16-20years

21-25years  26-30years

31 and above

7. Number of years you have worked in Ghana judicial service.

0-5years  6-10years  11-15years  16-20years

21-25years  26-30years  31 and above

8. Please state your job title .....

9. Please state your current rank .....

10. Please state your specific unit in the lower court .....

**SECTION B: FACTORS THAT IMPEDE SPEEDY PROCESSING AND EFFECTIVE RESOLUTION OF CASES. IN OTHER WORDS FACTORS THAT CAUSE COURT DELAYS.**

**Please indicate the extent to which you agree or disagree whether the following factors impede speedy and effective resolution of cases in the lower courts in the Central Region of Ghana.**

Statement of Factors	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
A. Increases in a court’s caseloads without sufficient court resources tend to impede speedy processing and effective resolution of cases.					
B. Insufficient or late service of writ of summons, statements of witnesses and exhibits contributes to court delays.					
C. Cases in which the accused or the litigants are not represented by lawyers tend to hinder speedy processing and effective resolution of such cases.					
D. Criminal trials with multiple accused persons or civil trials with a number of plaintiffs and or defendants tend to delay case resolution.					
E. When more cases are listed for a day than can be dealt with given the available magistrate or judge in the week tend to lead to court delays.					

<p>F. Court delays can stem from a situation where cases have to be adjourned because Plaintiff, defendant or witness may be ill or may have to travel from far away.</p>					
<p>G. The failure of the parties of the suits to get their cases ready for a trial as soon as reasonably possible lengthens the duration of cases.</p>					
<p>H. Late guilty pleas tend to cause court delays in the lower court's Criminal jurisdiction</p>					
<p>I. The failure of the parties to narrow the issues in dispute at an early stage of trial contributes to court delay</p>					
<p>J. An ill-considered distribution of judges among the jurisdictional districts can lead to court delay.</p>					
<p>K. The regulations on proceedings leave room for parties to lengthen the time required to reach a decision, thus prolonging civil dispute.</p>					

<p>L. Court delays can stem from the desire of a judge or magistrate to show off his ability to interpret and apply the law by making his decision constitute a benchmark for other judges, lawyers and law scholars.</p>					
<p>M. The simultaneous existence of a number of laws coming from trans-boundary institutions makes it a difficult task to determine which law to enforce in deciding a dispute contributes to court delays.</p>					
<p>N. Lack of incentives for judges and judicial personnel impedes speedy and effective resolution of cases.</p>					
<p>O. Court delays result from an insufficient availability of resources devoted to produce speedy and effective resolution of cases.</p>					
<p>P. Inefficient management of court resources can also contributes to court delays.</p>					

**SECTION C: NEGATIVE ATTITUDES OR BEHAVIORS OF JUDGES/MAGISTRATES AND COURT PERSONNEL THAT CAUSE COURT DELAYS IN THE LOWER COURTS.**

Please indicate the extent to which you agree or disagree whether the following attitudes or behaviors of judges/magistrates and court personnel can lead to court delays in the lower courts.

Statement of Factors	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
A. Late service of orders and documents filed for service on the other party or parties to a suit by some bailiffs of the lower courts tend to delay cases.					
B .The unwillingness of some of the court personnel to work overtime hinders speedy and effective resolution.					
C .Habitual lateness and absenteeism of the court personnel is a cause of court delays in the lower courts in the Region					
D .Habitual lateness and absenteeism of the judges/magistrates of the					

<p><b>lower courts hinder speedy and effective solution of cases in the lower courts</b></p>				
<p><b>E .The desire of the court personnel to accept gifts before rendering their normal official services/duties to the users of justice system is a cause of court delay in the lower courts.</b></p>				
<p><b>F .The habit of some judges and magistrates to hear fewer cases within a week and complete delay in delivery of judgments and rulings hinder speedy and effective resolution of cases.</b></p>				
<p><b>G. Frequent adjournment of cases unjustifiable by some judges and magistrates tends to delay cases.</b></p>				
<p><b>H. Poor supervision and execution of administrative duties of some lower court registrars tend to hinder speedy and effective resolution of cases.</b></p>				

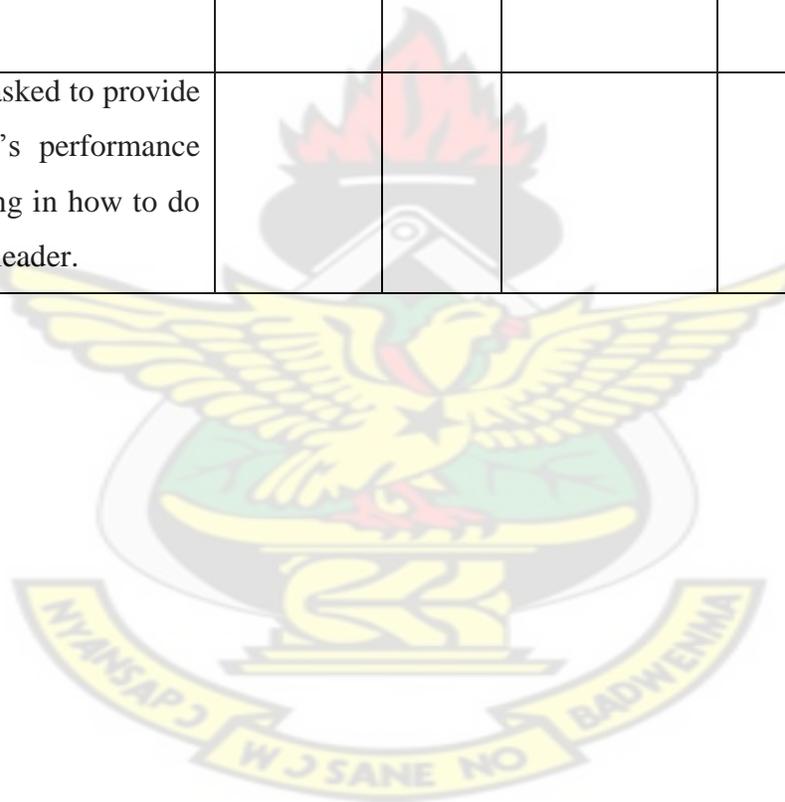
**SECTION D: IMPLEMENTATION OF PERFORMANCE APPRAISAL AS A MEASURE FOR REDUCTION OF COURT DELAYS.**

**Please indicate the extent to which you agree or disagree whether the implementation of the following principles under performance appraisal system can improve performance of court personnel in order to reduce or prevent court delays in the lower court in Central Region.**

Statement of Appraisal	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
A. In order to reduce court delays, top management needs to implement a performance appraisal system effectively in all lower courts in order to show clearly defined					
B. The failure of the top management to implement sound and well-established performance appraisal practices across lower court levels has negative consequences on speedy and effective resolutions of cases in the lower courts.					

<p>C. To ensure effective reduction of court delays at the lower court level the top management has to set objectives, performance standards and expectations and performance goals at the beginning of the every judicial year for all units at the lower court levels</p>					
<p>D. To promote a speedy and effective resolution of cases and to reduce the degree of court delays at the lower court level all lower court staff must be appraised annually.</p>					
<p>E. To achieve the aim of court delay reduction in the lower courts an annual performance appraisal of all magistrates and judges of the lower courts is necessary.</p>					
<p>F. Performance appraisal should be effectively implemented annually to check negative attitudes and behaviours of magistrates, judges and court personnel</p>					
<p>G. To attain a speedy and effective resolution of cases in the lower courts the promotion of the lower court staff should be based on the result of the appraisal procedure.</p>					

<p>H. The implementation of a sound and well-functioning performance appraisal system at the lower courts level will help improve the performance of the lower court staff.</p>					
<p>I. The establishment of the performance appraisal system can help you to identify areas to improve your work performance towards the speedy and effective resolution of cases.</p>					
<p>J. Everyone who is asked to provide comment about one's performance should receive training in how to do it, even if he is not a leader.</p>					



**SECTION E: THE CURRENT PERFORMANCE APPRAISAL SITUATION IN GHANA JUDICIAL SERVICE.**

From the answer options available, please tick the appropriate box.

1. Do your employers appraise the performance of its employees?

YES  NO

2. Is your performance reviewed annually by your employers?

YES  NO

3. Are you aware of the principles and produces employed by your employers to assess the performance of its employees?

YES  NO

4. Has your performance ever been appraised by your employers?

YES  NO

5. Are your performance standards, expectations and goals set for you annually by your employers?

YES  NO

6. Has your annual performance ever been communicated to you by your employers?

YES  NO

7. Do you always assess your performance towards the achievement of speedy and effective resolution of cases and quality of justice?

YES  NO

8. Do your employers annually communicate your performance to you?

YES  NO

9. Is the performance appraisal system in your department more effective?

YES  NO

10. Does the performance appraisal system in your department have some challenges?

YES  NO

