Data science for justice: Evidence from a nationwide randomised experiment in Kenya

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- We implement a nationwide randomised experiment to address the slowness of court proceedings in Kenya, which has detrimental effects on access to justice.
- Legal experts argue that judges in Kenya grant excessive "adjournments," postponing cases to the next available date without resolving the case.
- In our intervention, we display the number of adjournments given in a court on an official one-pager document and send this to courts in a treatment group.
- This intervention has saved 20,000 adjournments, representing collectively 5,000 years of waiting time for court cases.
- Following the intervention, we find an increase in the speed of courts and the demand for justice, particularly for commercial and succession cases.

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Policy issue

Well-functioning judiciaries spur economic development, enforce contracts, secure property rights, and enhance access to credit.

However, courts in numerous countries are slow, with most cases taking three to four years to resolve. In some countries, such as India or Kenya (the country studied in this project), some cases take more than 40 years to resolve, by which time the plaintiffs may be deceased. If cases take this long, it is as if there are no courts. The sluggish pace of court proceedings not only dissuades individuals from seeking justice but also undermines the potential positive impacts of a well-functioning judiciary.

Legal experts contend that a significant contributor to delays is the lack of incentives for judges to expedite case resolutions. Judges may opt for frequent adjournments without proper monitoring of court activities, deferring cases to later dates without achieving effective resolutions. Lawyers may also seek adjournments for various reasons, such as unpreparedness, strategic delay tactics, or financial gain tied to court appearances. Judges may grant these adjournments without external pressure to minimise them. The Chief Justice of Kenya has explicitly identified "endless adjournments on frivolous grounds" as a major contributor to case backlog in the country (Muriuki, 2019). Legal experts further argue that the prevalence of adjournments prolongs proceedings and diminishes their quality, causing frustration among litigants, loss of files, fading memories, and disappearing witnesses (Messick, 2015). This issue extends globally: the primary recommendation in Canada to address lengthy court delays was to "reduce the number of unnecessary adjournments to ensure proceedings are dealt with more expeditiously" (Runciman and Baker, 2016).

Despite the critical nature of this issue, there remains a dearth of empirical evidence on effective strategies to reduce adjournments and ascertain whether such reductions would increase court speed and demand for justice.

Project description

We implement an intervention in collaboration with the Kenyan judiciary and the World Bank to address the issue of adjournments. We access a new administrative dataset encompassing all cases processed by the Kenyan court, amounting to 14 million observations from 2016 to 2023. We meticulously quantify adjournments for each court in Kenya, marking the first comprehensive measurement of such occurrences. Additionally, we identify the specific causes of adjournments, whether stemming from the absence of judges in court, the unpreparedness of lawyers or parties, or other court participants such as police, prosecutors, and witnesses. We display the number of adjournments in a given

court and the top three reasons for those adjournments on an easy-to-read, one-page official document from the Kenyan judiciary. We distribute these one-pagers to a randomly selected third of the 123 courts of Kenya.

This groundbreaking initiative represents the first instance where adjournments are quantified and publicly disclosed on an official document from the Kenyan judiciary. While adjournments are not explicitly prohibited in Kenya, the country's civil and criminal procedural laws offer clear guidelines on preventing them, implying that they should ideally be avoided altogether. Including adjournment data on an official document serves as a clear signal to judges that adjournments are now being monitored. We call this intervention "OnePager".

In another randomly selected third of the courts in Kenya, we send the one-pagers to judges, as in the first treatment, and additionally to a Court User Committee (CUC). The CUC comprises civil society representatives, lawyers, police, prosecutors, prisons, probation officers, and public security agencies. These CUCs regularly convene quarterly meetings to address court-related challenges and propose solutions. The underlying rationale behind this intervention is to foster bottom-up accountability by engaging the civil society members present in these meetings. By delivering new data on adjournments and their causes to members of the CUC, we aim to empower civil society to advocate for a reduction in adjournments, thereby enhancing overall court efficiency. We call this intervention "OnePager_CUC."

We sent one wave of one-pagers in February 2019 (Wave 1) and four more one-pagers every quarter from August 2021 to August 2022 (Wave 2).

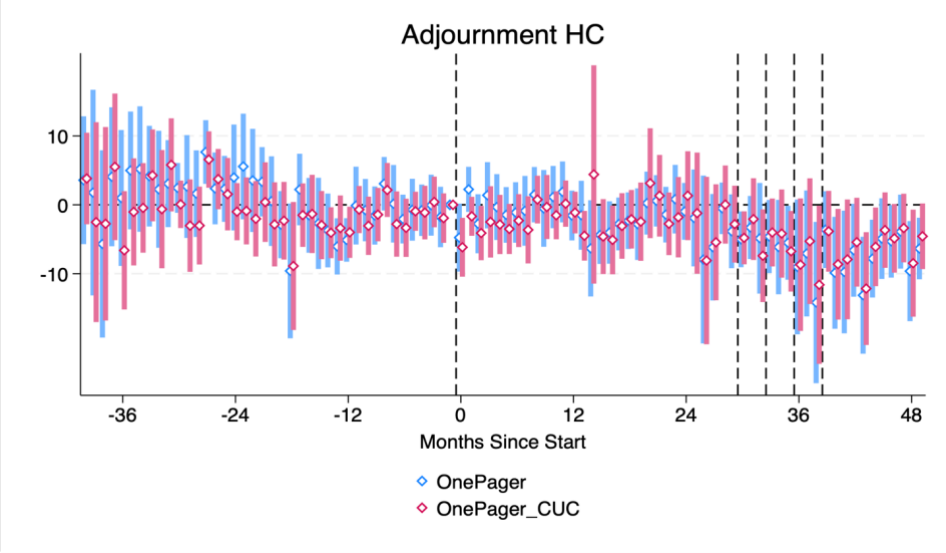
Key findings

We find a large reduction in adjournments for both interventions (OnePager and OnePager_CUC) in Wave 2. The figure below shows the results. Each point on this graph represents the treatment's effect in a particular month. Blue represents the OnePager intervention, and red represents the OnePager_CUC intervention.

In February 2019 (month 0 on the graph), both interventions show a statistically significant reduction in adjournments. There is a decrease in the next six months but the effect is short-lived. There is not a statistically significant reduction in adjournments after this initial effect.

The effect is much larger following the four waves of one-pagers sent after August 2021 (the four dashed lines on the graph). There, we see a clear reduction in adjournments at this time, an approximate five percentage point reduction in the probability that a case ends in an adjournment on this graph.

FIGURE 1: Effects on adjournment



This nationwide intervention affected two-thirds of the courts in Kenya, and approximately 400,000 cases went to court in the two treatment groups during Wave 2. The observed 5% reduction in the probability that a case ends in an adjournment means that 20,000 of the total 400,000 cases did not result in an adjournment due to the intervention.

The average time between two hearings for a case is three months. 20,000 avoided adjournments translates to 5,000 years of time saved for these court cases. Thus, the intervention saved 5,000 years in wait time between hearings.

This reduction has spurred increased demand for and utilisation of the legal system. After the intervention, there is an increase in the number of filed cases spanning commercial and succession matters.

Policy recommendations

The costs of implementing this intervention are low: the Kenyan judiciary is already collecting the data. The intervention merely consists of analysing the data, producing the one-pagers, and sending them to courts, making it a relatively low-cost initiative with significant positive impacts on court efficiency.

Our study provides valuable insights into the benefits of leveraging technology and accountability in the judicial system. As countries worldwide face similar challenges in court delays and backlogs, the findings of our study offer a promising pathway to achieving more efficient and effective justice systems and highlight the need for continued investments in technology and data-driven solutions to enhance court performance globally.

Implementation issue

This project was possible only because the Kenyan Judiciary collected an administrative database of all cases going through the courts in Kenya, which we used to produce the project one-pagers.

Until 2015, there was no systematic digital data collection in Kenyan courts. The case information was written on paper and stayed in local courts. It was impossible to measure adjournments, and no feedback was given to judges on their performance. For a judge working in, say, a remote rural court in Kenya, it was impossible to know whether the judge was present in court or whether lawyers were asking for an excessive number of adjournments to delay cases.

In October 2015, the Kenyan judiciary began collecting the Daily Court Return Template (DCRT) dataset. The DCRT dataset contains detailed data on every case going through Kenyan courts, with more than 14 million observations at the case-activity level. It includes information on the case, adjournment, and what happens with the case.

The World Bank encouraged this data collection effort through the $120 million Judicial Performance Improvement Project.

To replicate this project in another context, the local judiciary must first develop the same data collection capability.