

**PUBLIC RELATIONS AND REPUTATION MANAGEMENT OF THE KENYA  
JUDICIARY: A CASE STUDY OF THE JUDICIARY PUBLIC AFFAIRS AND  
COMMUNICATION UNIT**

**MARYLINE JEPKORIR**

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## DECLARATION

This research project is my original work and to the best of my knowledge has not been submitted for the award of a degree in any other university.

Signature



Date: 12/11/2021

MARYLINE JEPKORIR

K50/11590/2018

This research project has been submitted for the award of degree of Master of Arts in communication studies, with my approval as the University Supervisor.

Signed



Date 12/11/2021

**DR LEAH MUCHEMI**

School of Journalism and Mass Communication

University of Nairobi

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## **LIST OF ABBREVIATIONS**

<b>CIPR</b>	Chartered Institute of Public Relations
<b>PACU</b>	Public Affairs and Communication Unit
<b>PR</b>	Public Relations
<b>PRSA</b>	Public Relations Society of America
<b>TFJR</b>	Task Force on Judicial Reforms

## ABSTRACT

Public relations is very relevant in institutions today since it has become the most powerful tool to express the image of an institution to the public community. This study sought to assess the public relations activities by the Public Affairs and Communication Unit in reputation management of the Kenya Judiciary.. The study objectives were to: determine the public relations activities used by PACU in managing the reputation of the Kenya Judiciary; analyze the public relations message strategies used by the Public Affairs and Communication Unit in managing reputation of the Kenyan Judiciary; establish the perception and attitudes of Judges, clerks and advocates towards the public relations strategies employed by the Public Affairs and Communication Unit in managing reputation of the Kenyan Judiciary; and to assess the contributions of the Judicial officers and staff in managing the reputation of the Judiciary. The study was grounded on Excellence Theory and Legitimacy Theory This was a qualitative study focused on gaining opinions and perception of audiences on public relations and reputation management of the judiciary in Kenya. The target population was 12 employees at the Public Affairs and Communication Unit of the judiciary and 15 key informants drawn from Judges, clerks and advocates at the Milimani Law Courts. For the employees at the Public Affairs and Communications Unit, a census was used which entailed studying the whole population of 12, while for judges, clerks and advocates at the Milimani Law courts, purposive sampling was used to draw a sample of 15 key informants. Semi-structured interview guide was the main tool for collecting data. Narrative technique was used to analyze the data. The output was presented using themes and paragraphs, obtained from the inductive analysis of the information obtained from the interviews. The study found that key PR activities included publicity/press releases, good media relations, the use of judiciary emails and handles as well as Corporate Social Responsibility They study recommends that the PR office be properly structured and that they should strategize to engage more in proactive activities so as to help manage the Reputation of the Judiciary

## **CHAPTER ONE**

### **INTRODUCTION**

#### **1.1 Overview**

This section discusses the background information of the study, problem statement, research objectives, research questions, rationale and significance of the study, scope and limitation, and operational definitions.

#### **1.2 Background Information**

Public relations has recently acquired a central role in the global environment and the judiciary is not an exception. Being an integral part of the management of communications, public relations is crucial in building the image of an organization, in this case the Judiciary, as it can affect procedural principles, in particular, the principles of impartiality and of reasonable time. A good image of an organization promotes the appearance of efficiency and impartiality. Justice has not only to be fair, but also be seen as such. According to Miller and Dinan (2007), public relations is the management function of communication that evaluates public attitudes, identifies the policies and procedures of an individual or organization with public interest, and executes a program of actions in order to earn public understanding and acceptance.

Reputation was, is, and will always be of immense importance to organizations, whether commercial, legal, governmental or non-profit. To reach their goals, stay competitive and prosper, good reputation paves the organizational path to acceptance and approval by stakeholders. Even organizations operating in difficult ethical environments like the judiciary need to sustain a positive reputation where possible to maintain good relationship with its publics. According to Dowling (1993), a firm's reputation is an intangible asset, which relates to leadership,

management, organizational operations and relationships with stakeholders as well as communication activities and feedback mechanisms. Some of the reputation management strategies include assertive and defensive strategies (Dukerich and Carter, 2000), auto-communication (Christensen, 1997) and responding to negatives cues (Dukerich & Carter, 2000). The argument is that when an organization employs good strategies to manage its reputation, it builds positive perceptions that drive reputational assessments, regardless of the reality of the situation (Dukerich & Carter, 2000).

The Judiciary is the main formal arbiter of conflicts between the state and individuals and between individuals inter se. It has a constitutional mandate to promote justice through the expeditious hearing of cases and delivery of sound judgments guided by the rule of law. According to the Constitution of Kenya (2010), the Judiciary is one of the arms of government established under Chapter 4 with three main functions: administration of justice, formulation and implementation of judicial policies and compilation and dissemination of case law and other legal information for the effective administration of justice.

The judiciary plays a critical role in restoring rights to their owners, hence most State legislatures have an interest to develop the judicial system in such a way that it achieves its desired purpose, and in particular concerning procedures followed when considering lawsuits from the beginning up to the final decision. The Judiciary of Kenya consists of five Superior courts made up of the Supreme Court, The Court of Appeal, High Court, Industrial Court, Environment and Land Court. The subordinate courts consist of the Magistrate Court, Courts Martial and Kadhi Court. It is necessary to have a stable legal system that shows how the judge and his assistants can exercise public relations when dealing with and investigating defendants in order to avoid any defects or mistakes in the different types of courts of justice.

Several reforms have been made including the Judiciary Transformation Framework (2012) which structured judicial reform around four pillars: people-centered delivery of justice, organizational culture and professionalism of staff, adequate infrastructure and resources, and information technology as an enabler for justice. Key to PR activities was the creation of a new administrative department, PACU as a functional office of the judiciary to handle media, stakeholders and publics.

The Kenya's Judiciary Strategic Plan 2009-2012, anchored on Vision 2030, sought to deliver quality justice to the people of Kenya. In its vision, it sought to be "the best judiciary in Africa, setting the highest standard in the delivery of high-quality justice and leading in the development of jurisprudence" (Muchelule, 2011). Additionally, its mission was to "provide an independent, accessible, responsive forum for the just resolution of disputes in order to preserve the rule of law and to protect all rights and liberties guaranteed by the constitution of Kenya" (Muchelule, 2011). One of the strategic plans sought an establishment of a communication Department. The mandate was to develop a communication policy, which will open up Communication channels, to improve efficiency and effectiveness. It was also mandated to establish dialogue with stakeholders through structuring linkages with partners by way of activities, which included the introduction of the Court Users Committees, formulation of bar- bench relations committees as well as holding open days regularly. The aim of the strategy was to improve the image of the Judiciary in order to restore public confidence in the Judiciary which was faced with allegations of corruption, case backlog, limited access by the Public, complicated rules and procedures amongst other issues. This was aimed at managing the reputation of the Judiciary

The strategic plan 2014-2018 was then developed which also sought to build on the early successes and lessons of judicial transformation from the previous strategic plan. One of the weaknesses

identified in the strategic plan is unclear communication, which lead to limited visibility in the public domain. One of the Key Result Area focused by the strategic plan in Organizational development was enhancing public image (Strategic plan 2014-2018). It focused on improving public confidence and enhancing public awareness by developing a communication policy and strategy, strengthening feedback mechanism and re-branding the Judiciary.

Recently, the Judiciary launched a Strategic plan 2019-2023, which was developed against the backdrop of growing public need and expectations on the Judiciary to provide quality service (Strategic plan 2014-2018). The plan sought to address emerging issues by building on the previous plan. Its mission is to be an independent institution of excellence in the delivery of justice to all. The Judiciary in its mission seeks to dispense justice in a fair, timely, accountable and accessible manner, upholding the rule of law, advancing indigenous jurisprudence, protecting and promoting the constitution. In an analysis conducted, negative publicity was identified as one among the threats to the success of the strategies. One of the Key Result Areas that the strategy focuses on is to enhance Public Confidence, Awareness and Image of the Judiciary. The strategic objectives and key interventions under this include; enhancing participatory interactive engagement with the public, promoting the Judiciary brand as well as automating communication and collaboration processes (Strategic plan 2019-2013).

In Kenya though, there have been many strives and strategies to improve efficiency and effectiveness, gradual increase in the number of court facilities, judicial staff and paralegals over the years since independence at the Judiciary. However, the judiciary still faces public scrutiny over its performance, as the masses demand accountability and efficiency in the delivery of justice. Public Affairs and Communication Unit (PACU) is responsible for broad aspects of internal and external relations in the Judiciary thus managing its reputation. Its mandate covers public, media

and stakeholder engagement with the Judiciary. Ghai and Ghai (2016) argues that the fundamental challenge to the judiciary is to clean itself and to redeem its reputation as the result of its abuse by Kenyatta and Moi, creeping and galloping corruption within itself, compounded by lack of competence. For example, in the past general election (8 August 2017), close to 10 electoral petitions were evident (Carter Centre, 2019). In its ruling of the 2017 presidential petition, the Supreme Court declared the August 8, 2017 presidential election as invalid, null and void due to the irregularities committed by the election body. Interestingly, after the re-election, the Opposition Party went to the same court to contest the results on the same grounds similar to the first petition, but this time round, the presidential election was upheld. Such rulings have raised eyebrows and considered inconsistent by the public (Ghai, 2018).

Ghai and Ghai (2016) posit that although some strides have been made during the reign of Chief Justice Willy Mutunga (the predecessor to the current chief justice) in getting rid of several corrupt and incompetent judges, a lot still needs to be done. Muchelule (2011) also argues that the tainted image of those mandated with the role of executing judgement not only destroy the reputation of legal institutions, but also enhances the mistrust of the citizens towards a partial judicial system. This means that judiciary needs to develop an effective communication system which will help to narrow or remove the information gap between it and the public (Muchelule, 2011).

Consequently, public relations as the practice of managing the flow of information between an organization and its publics (Selin, 2017), can be a priority to the precarious reputation of the Kenyan judiciary. According to Reddi (2000), PR plays a vital role as far as building the organizational reputation is concerned based on vision, mission, goals, and performance. Murray and White (2004) point to public relations as being at the heart of creating, enhancing and retaining a good reputation. They argue that strong communication and effective feedback mechanisms from

stakeholders is essential for articulating relevant messages and making better informed decisions that retain the support of stakeholders. Thus, the current study attempted to establish the role of public relations in reputation management of the Kenya Judiciary.

### **1.3 Problem Statement**

If an organization does not have a good reputation, public relations unit must do something about organizational communication (Jefkins, 2004). Any organization that fails to emphasis on its reputation is in danger of destruction of its corporate image and identity, which may eventually convert public opinion from positive to negative (Botan and Hazleton 2010; Siriramesh and Vercic 2003). For an organization to be successful and thrive in the current competitive economy therefore, it must take care of its image hence the need to employ public relation strategies to manage its reputation.

The Task Force on Judicial Reforms (2010) in their findings pointed that sundry court users lack understanding of the procedures and operations of the judiciary, and, therefore, often influenced by the information given by their preferred politicians and the media. Additionally, the Task Force highlighted that the judiciary has not been proactive in engaging stakeholders through public relations in an attempt to explain either the challenges it faces or the initiatives undertaken in educating the public on how the courts work. Boateng and Makin (2016), and Ghai (2018) also argued that the inconsistency in rulings by the High Court, Court of Appeal, and Supreme Court in the Kenyan context can be attributed to the corrupt and incompetent judges and magistrates adding that this has led to a damaged reputation of the judiciary. Such inconsistencies raise public eyebrows on the Kenyan judiciary. As posited by Ghai and Ghai (2016), the challenge remains that of reputation management amidst negative cues from the public.



Muthigaani (2009), in his study on how the government can best improve PR services, found that the public's expectations of a government are to admit on areas on wrongdoings committed, put into practice proactive PR rather than reactive PR and enable PR practitioners to effectively research on the subject so as to deal with crisis appropriately. This is echoed by Muchelule (2011) who argues that the tainted image of the judiciary and negative perception by the public results from the information given by the politicians and the media creating a perceived gulf between reality, and the judiciary and people's expectations. This depicts a communication gap and a need for the judiciary to develop an effective communication system to effectively bridge the information gap between itself and the public (Muchelule, 2011).

The above issues relating to negative reputation and information gaps may pose a threat and negatively affect performance and execution of the Judiciary's mandate of promoting justice as guided by the Rule of Law in Kenya. The current study therefore sought to assess and analyze PR activities used by PACU as a way of improving reputation in the Kenyan judiciary.

## **1.4 Research Objectives**

### **1.4.1 Overall Objective**

The study sought to assess public relations strategies by the Public Affairs and Communication department in reputation management of the Kenya Judiciary

### **1.4.2 Specific Objective**

- (i) To determine the public relations activities used by Public Affairs and Communication Unit in managing the reputation of the Kenya Judiciary.
- (ii) To analyze the public relations message strategies used by the Public Affairs and Communication Unit in managing reputation of the Kenyan Judiciary.

- (iii) To establish the perception and attitude of judges, clerks and advocates on the public relations strategies employed by the PACU in managing reputation of the Kenyan Judiciary
- (iv) To assess the contributions of the Judicial officers and staff in managing the reputation of the Judiciary

### **1.5 Research Questions**

- (i) What are the public relations activities used by PACU in managing reputation of the Kenyan Judiciary?
- (ii) How does the Public Affairs and Communication Unit use public relations message strategies in managing reputation of the Kenyan Judiciary
- (iii) What are the perceptions and attitudes of judges, clerks and advocates on the public relations strategies employed by the PACU in managing reputation of the Kenyan Judiciary?
- (iv) What are the contributions of Judicial Officers and Staff in managing the reputation of the Judiciary?

### **1.6 Rationale of the Study**

Kenyans have for a long time had little or no confidence in the Judiciary terming it a place for the rich where justice could only be bought (Ochieng, 2019). This led to the judiciary seeing the need to undertake reforms to regain public confidence and improve services offered. The incorporation of the Directorate Public Affairs and Communication, currently Public Affairs and Communication Unit, was expected to raise public image and gain confidence and positive perceptions. PACU is responsible for broad aspects of internal and external relations in the

Judiciary, which include public, media and stakeholder engagement with the Judiciary. Public relations is becoming a crucial subject in any organizations and government offices as it helps build or restore Public confidence in an institution..

The reputation of the Judiciary, determines its status in any given society and its ability to compete effectively for resources within the government. Therefore, a reputation for high quality of judicial performance or of the legal system in general is important. In a particular legal system, reputation emerges as a relevant factor and plays an important role. Given the critical role of the judiciary of administering justice, it is important for the members of public who go to seek justice to have confidence in the Judiciary. The current study hence sought to assess the effectiveness of its public relations activities in reputation management repetition.

### **1.7 Significance of the Study**

This study contributes to the enhancement of PR practices particularly in the Judiciary. The findings of this study will help in reinforcing the need for PR in improving the reputation of the judiciary as far as its role in the society is concerned. Moreover, the findings will motivate the Judiciary in using PR to inform the public on the operations and procedures of the Judiciary. By assessing the PR strategies, the study will also help in generating valuable recommendations to enhance the practice of public relations in reputation management. This would also be useful in recommending the need for PACU to be incorporated in managerial decisions and policy formulation.

The study will also contribute to communication policy formulation and policy reforms in the judiciary. The findings of this study will help to come up with universally applicable

communication policies and PR strategies for reputation management, which could be adopted as standard practices within the Judiciary.

### **1.8 Scope and Limitations of the Study**

The aim of this study was to assess the public relations activities by the PACU in reputation management of the Kenyan Judiciary. The scope of this study was limited to the Public Affairs and Communication Unit responsible for managing public, media and stakeholder engagement with the Judiciary. It also drew insights from the judiciary internal publics including the Judges, clerks, and advocates at the Milimani Law Courts in order to bring in diverse opinions and perceptions.

Milimani Law Courts was selected for study as it is representative having both the lower and the High Court. The Court hence has both original jurisdiction and also hears Appeals from the lower court.

### **1.9 Operational Definitions**

**Public Relations:** The management of communication between an organization and its publics in order to maintain a good reputation

**Management:** Planning and coordination of communication activities of the judiciary to achieve effectiveness.

**Communication:** Sending the right messages to the public as well as understanding the messages of the public through listening and dialogue.

**Organization:** A group organized with a common purpose; in this case the judiciary.

**Public:** A group of people held together by a common interest.

**Reputation Management:** The influencing and controlling of an institution's reputation and perceptions.

**Judicial System:** The system of law courts charged with dispute resolution and maintaining peace in the society through law and order.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

This section discusses the empirical literature and opinions by various scholars on the study area. It also discusses the theories upon which the study will be grounded on.

#### **2.2 Empirical Literature on Public Relations and Reputation Management**

##### **2.2.1 The Concept of Public Relations and Reputation Management**

Many communication scholars have their own understanding of public relations and often agree on what it is. According to Stacks (2016), public relations practice is the discipline that looks after reputation, and whose aim is to earn an understanding and support, and influencing opinion and behavior. In other words, public relations is a discipline that deals with the communications between organization and its publics. It is concerned with what the organization communicates to its publics and how they react or respond to. PR therefore, if used strategically is able to create a better understanding and also change unfavorable opinion to favorable. Etang (2008) posits that public relations is a planned effort aimed at influencing and maintaining favorable opinion through acceptable performance, honestly presented, and with reliance on two-way communication.

According to Etang (2008), public relations can be understood as reputation nurturing at its core. Etang (2008) talks of PR as a department, which takes care and is responsible for reputation. The primary function of public relation is the long-term assurance of the survival of the agents involved. This presupposes that these agents can position positively as possible in their field of action and distinguished from any competitor. This is precisely the function performed by public relation. As pointed by the scholars, public relations and its function can be understood as the

nucleus and critical department of any organization, which manages the reputation so as to further achievement of its objectives.

According to Ahuja (1989) public relations as a management function, plays important roles meant to: Anticipate, analyze and interpret public opinions, attitudes and issues which might have effect on the operations and plans of the organization; Conducting research and evaluation, on a regular and continuing basis, program of action and communicating to achieve informed public understanding which will eventually lead to the success of an organizations aims and goals. This includes employee or community relations and other programs; Knowledge that may be required in the professional practice of public relations includes communication arts and technical knowledge and skills required for opinion research and public issue analysis.

A study by Bayles (2008) revealed that managing risk is a central part of many corporate strategies. In his findings, he noted that reputations that take decades to build up could be ruined in hours through incidents such as corruption scandals. Such incidents can also draw unwanted attention from regulators, courts, governments and media. Bayles (2008) further noted that building a genuine culture of 'doing the right thing' for a community through effectiveness in public relations can offset these risks and build on companies' identity and reputation. On the other hand, Black (2006) in his study revealed that practice of PR is a license to operate. He indicated that through effective PR practices, institutions are keen to avoid interference in their business through taxation or regulations. Black (2006) believes that by taking proper PR practices, institutions can persuade the wider public that they are taking current issues like safety, diversity seriously and so avoid intervention measures that maybe damaging to the institution.

The assertions by Black (2006) and Bayles (2008) are supported by Broom & Dozier (2006) who contend that major institutions which have existing reputational problems due to their core

business activities may engage in high-profile PR programs to draw attention away from their perceived negative impacts. Giving an example of the British American Tobacco (BAT), they noted that the company takes part in health initiatives as a way of building its reputation. Further, Cutlip, et al. (2005) suggest that organizations or institutions' reputation is built when people think that their institutions are doing a good job in the PR, and that perceptions of organizational corporate citizenship matter to employees. In this regard, institutions invest in developing better PR to improve both internal perceptions of the organization and public perceptions.

The current study sought to put the above prepositions on the role of public relations in managing reputation into the context of the Kenyan Judiciary. It sought to add to existing knowledge and bridge the gaps in contextual studies by assessing PR practiced and utilized in managing reputation of the Kenyan judiciary.

### **2.2.2 Concept of Reputation**

Furman (2010:16) identifies three crucial elements to reputation, which includes brand reputation, involving the perception of people concerning a brand. Organizational reputation is another element identified by Furman, which entails people's perception about an organization, that is, how they view an organization. The third and important is the stakeholder reputation, which essentially is the way stakeholders perceive a brand or the company that they are dealing with'. It is more about regard esteem and approval. Thus, Reputation management is a crucial strategic process for an organization that has greatly attracted the attention of scholars for a period of time.

According to Nancy Diana Davis (2007): "Reputation is the sum values that stakeholders attribute to a company, based on their perception and interpretation of the image that the company communicates over time". Karen Johnson (2005:2) defines: "Reputation is the principal means



through which a market economy deals with consumer ignorance”. According to Charles Fombrun (1996:15) “Reputations are overall assessments of organizations by their stakeholders. They are aggregate perceptions by stakeholders of an organization’s ability to fulfill their expectations, whether these stakeholders are interested in buying the company’s products, working for the company, or investing in the company’s shares.”

Peter Jackson (2008) illustrates the importance of companies maintaining good reputations, as it is a crucial asset. He reveals that the basic principles of integrity and fairness are key and useful for companies in building and maintaining enduring reputations. He suggests that this is the only road to continuing success for any organization., According to him a firm’s reputation, more so than ‘image ‘is a form of capital which is often overlooked and neglected by the CEOs in the process of analyzing of finance. Reputation Management is thus an important area of consideration that requires great investment on in order to achieve the desired results overtime. Jackson puts together each of his principles with the right course of actions that helps in driving management systems. He also provided strategies that have been tested including downsizing techniques & tips on e-commerce that cultivates and makes known the hidden power of a good reputation.’ He gives an outline of the importance of a great reputation. They include; people desiring to work for, invest in, and more importantly do business with companies that practice integrity. An organization’s top personnel have a role to play in reputation management, he offers ways of building and protecting reputation on the Internet, for example, by creating online communities where organizations can reduce the harm of Internet rumors, and when disaster strikes, the ways to safe reputation. Jackson in his work was able to provide a new aspect to the Reputation management notion.

Lines (2004) in his work considers reputation management a major concern for the CEOs globally, unlike Jackson who considered it overlooked. Lines in his research states that the Executive

officers in Asia put focus on reputation management in order to drive business benefits. However, Asian executives' focus more on customers and shareholders on the Reputation management agenda and overlook CSR and a range of stakeholders, which are also critical aspects. Doorley (2010) argued that most Chief Executive Officers pay little attention to reputation management and this in the end becomes a drawback to the success of organizations. He therefore advocates strongly for the management to engage in Reputation management spearheading motivation of the executives, professionals and workers. The key area of focus being corporate social responsibility, professional ethics and quality delivery of service in the current age of competitiveness.

Griffin (2008) gives caution that a reputation damaged is likely to cause a serious harm to the bottom line. He illustrates why it is important for the executives to be the ones taking the initiative of strategically managing an organization's reputation. He points out that reputation management requires one to be alert as average thinking on it is in most cases inadequate in today's information age. He goes ahead to describes the new ways of protecting reputation in order to withstand major crises and unforeseen circumstances or situations.

Zulhamri (2009) develops a theoretical approach to reputation management, which he derived from the stance of strategic management and multiculturalism. Based on reviews of public relations literature, corporate communications literatures, those of strategic management planning and the standpoint of cultural diversity, he comes up with collective ideas, points of view and arguments. He comes up with a model of international reputation management based on communication practice that are realistic practiced in a country on transition. His model focused on giving a view on the international perspective way above the western philosophy and therefore seemed unique in terms of localization. He suggests that the world has changed tremendously in the 21<sup>st</sup> century changing also the way global corporations function in rapid growth countries.

According to the scholar, image alone is not adequate to build and manage a favorable reputation. The scholar therefore goes ahead to suggest that his paper may be of immense use for global corporations who are operating in a transitional country by guiding on how they may achieve success in business by focusing on globalization and doing away with the infusion of pure western philosophy

Reputation management building is indeed a challenging but very critical task for any organisation to achieve success. Roger Haywood (2005:21), asserts that building a reputation may take a long time, but destroying it can be a single event in an overnight. According to Riccarda Duemke (2007) reputation acts as a gauge, that defines and gives organizations sense of identity. It is more difficult and actually impossible to duplicate an organization's reputation of all bases of differentiation. Kerstin et al. (2011) pointed out four business guidelines that can affect Reputation management which are; management of the general business, financial management, corporate marketing, and corporate communication. The frameworks identified are greatly discussed as they essentially include leadership and management qualities, organization's ethics, shareholders values, sustainability of branding, and corporate communication together with stakeholder relations of an organization. These variables according to Schultz and Boege (2004) are similar to those used in rankings of America's Most Admired Corporations published in the yearly Fortune magazine.

Chris Fill and Stuart Roper (2008) observes Reputation management as a combination of different elements within an organization and hence wholesome. It starts from the general management of business, financial management, corporate marketing to corporate communication. The general business management affects reputation management in terms of leadership and management qualities as well as the organizational ethics. In building reputation management, it is important to

understand that the elements mentioned require support and link to the other general business management concerns of corporations in order to be successful.

Philip Kitchen and Don Schultz (2001) notes that a leader of an organization's reputation is critical in organization's reputation and the overall success of that organization. Other studies have shown the need to invest in the leader's reputation; it needs to manage well and supported over the long-term to achieve long-lasting benefits. Reputation Management attracts investors to the organization, clients, partners and even the job seekers. It leads to the general trust in the decisions made by the organization. The key elements of the leader's reputation according to the scholars include credibility and integrity. Efficient and high quality communication to internal stakeholders concerning the direction of the organization are also essential qualities of a leader.

Siano et.al. (2010:42) contended that critical elements such as being part of the corporate strategy builds, maintains and enhances reputation and not merely using it as a public relations or an advertising slogan. Failure by organizations to identify core competencies in most cases has led to little or no success in an attempt to achieve their desired reputations. Identifying core competencies is an important aspect in a strategy. Such organizations ends up relying on claims of superiority which in essence have little or no value to its audience and also repeating the same things that made the organization successful continually, even when they are no longer of use to the situations at hand.

Hatch, Mary Jo (2001:20) points out the need for corporate houses to sustain the reputation of the institution as it is the foundation of their success. He indicates that service delivery should be people-friendly and consideration of sustenance of public good be considered to safeguard the reputation of the organizations. Orme and Berndt (2007:35) agree with the current demand for transparency and governance structures as a key basis for setting metrics for management of

reputation. In this regard, therefore it is evident that reputation is the most valuable yet very fragile asset of an organization, which the corporate communication professionals are custodians.

### **2.2.3 Public Relations Strategies for Reputation Management in Judicial System**

Zyglidopoulos (2001) defines institutional reputation as ‘a set of knowledge and emotions held by various stakeholder groups concerning aspects of a firm and its activities’. Reputation involves how the public views an institution .Reputation is an important asset for an institution as it generates goodwill from stakeholders to the organization, hence requires constant management, as it is a very fragile and once broken, can be extremely hard to repair. The implication is that reputation management is a continuous process and an exceptional reputation enhances the wellbeing of an organization.

Markel (1999) notes that justices all over the world have various motivations to develop and implement public relations strategies in order to manage their reputation. Davis (2011) states that justices seek to gain and retain institutional and individual power, which actually is independence. They also seek to have influence on policy debates and to further their own professional careers, as well as encouraging what in their perspective is an accurate representation of legal events, hence enhancing public confidence in the judiciary. In order to strengthen the relationship between the judiciary, the media and the public therefore, formal and informal mechanisms are developed. One example is whereby nearly every constitutional court have created and maintained a website through which guests can search full text copies of resolved cases and obtain information about pending actions (Staton 2004). The sites also features other aspects including administrative reports historical reviews of the judiciary's constitutional jurisdiction and even judicial biographies.

Staton (2004) in his study found that most of the Europe and the Americas constitutional courts produce press releases in which they announce key jurisprudential decisions. Gies (2005) also found that the Courts provides media summaries of judicial decisions, which translates legal jargon into common language that easily understood. Some jurisdictions for instance, employ retired judges as press judges who help in providing explanations and answer questions about court rulings in high-profile cases (Schulz 2010, Jeuland & Sotiropoulou 2012). Most judicial codes of conduct however prohibit judges from providing ex-parte commentary about ongoing cases and prefer that decisions speak for themselves (Rotunda 2001). American judges in some instances have however provided explanations on reasons for their decisions to the public through the media after cases have been resolved (McLaughlin 2004). Moreover, individual judges have had other ways of making themselves available to the media. In Kenya and across the globe judges have taken part in press interviews, they have also promoted their books on television. They have also allowed the press to cover both their public and professional lectures, and participated in academic conferences together with media professionals, conducting informational briefings and off-the-record meetings with the reporters (Davis 2011).

The Judiciary, like other organizations also strengthen their reputations through proactive PR strategies, they are often engaged in reparative actions in response to negative press or direct attacks. Dukerich and Carter (2000) define these two functions as assertive and defensive. Assertive actions are PR strategies that enhance an already well-established reputation. This include achieving equal opportunity employment, contributing to charity, advertising, and creating philanthropic foundations and in the case of Judiciary, thoroughly timely delivery of justice and in a fair manner. Defensive signals and activities on the other hand include press conferences, written press releases and letters to shareholders, among others (Dukerich and Carter 2000). Christensen

(1997) noted that organizations also engage in 'auto-communication,' a set of self-referential communication practices through which the organization recognizes and confirms its own images, values and assumptions.

Dukerich and Carter (2000) states that 'organizations are more likely to respond to attacks on their personal identity and character than other types of negative cues'. They therefore propose that organizations should consider looking to particular stakeholder groups when making decisions regarding whom they should pay attention to.

### **2.3 Media Relations**

Trench and Yeomans (2006), noted that 'media refers to all the writers and producer who contribute to and control what appears in this print, broadcast and outline media'. Media relations is therefore a two-way communication process, used by public relations practitioners to link an organization with the target public through the various media of communication. Moreover, media relations can be seen as way through which an organization uses establish a rapport with the media gatekeepers in order for the media to present it in a positive-light to its public.

Blond and Bivins, (1996) also added the true purpose of media relations is to enhance the reputation of an organization and its products and to influence and inform the target audiences", and not to issue press release or handle inquirers from journalists or to generate a massive file of press cutting. Holtz (2002) asserts that ideally, the job of the media relations department is to help reporters, and editors to do their Job and not to make company look good in the press, nor it to keep the company out of the newspaper. This justifies Ajala (2005),assertion, that good media relations can only be established if public relations practitioners have an understanding of the functions of the media in the society.

Bland (2005) stated that if used correctly, media is an invaluable tool for Public Relations practitioners. In his study on The Academic Inquiry of Media Relations as both a Tactical and Strategic Function of Public Relations, Supa (2014) proposed that there is need for organization to consider media relations a strategic function of public relations. He also proposed that relationship is key in media relations. He also looked at media relations efforts as not a means to an end. In his proposition, effective media relations practitioners need to view journalists as a stakeholder group, and treat them with the same respect as any other stakeholder group and not as mere intermediaries/gatekeepers to feed information and expected to disseminate it. Practitioners should see the media as a primary audience and not merely as an intervening audience.

In his study Supa (2014) found out that media relations practitioner confuse the tools they use and consider them as media relations effort. Press releases, pitches, social media and media tours are tools used by the media. He rather views the true nature of media relations being defined by the use and impact of these tools on the relationship between practitioners and journalists. Media relations should be considered a strategic function and not as being a collection of tools and channels to communicate with journalists.

#### **2.4 The Kenya Judiciary**

Al-Zuhaili, (2000) noted that the development of the judicial system should include the mechanism of considering lawsuits in a civilized style while preserving the dignity and humanity of the accused and not to be limited to procedural matters. This is achievable when the judicial system advances in line with the development, and its accompanying revolution, in the world of communications, together with the development in the judicial system to help avoid inadequacy in many aspects of the different stages of litigation.



Al-Saidi (2013) noted that currently the PR subject is a cornerstone of any administrative institution, and the judiciary is no exception, because of its core mandate and functions. This study sought to tackle the issue of whether or not public relations practice within Kenyan judiciary follows a refined style by discussing the concept of public relations and its usage in reputation management of the institution.

According to Fitzpatrick (1996), lack of professionalism in the judiciary field can make public relations professionals be at risk of legal liability. In his study, lawyers often play an essential role in public relation decisions compared to the tense relationship between public relations and the legal counsel. It is about time that the role of public relations in the judicial system is taken into serious consideration. Therefore, this study assesses the public relations activities within the Judiciary. The human element (judicial officers, judicial staff and advocates), its performance, and the relationship between each one, are the subjects and the main attention of this study.

Other researchers who have studied the Kenyan Judiciary have leaned towards its efficiency like Odhiambo (2016) who studies the technical efficiency of the Kenyan Judiciary. The study focused on tracking the technical efficiency of the Kenyan Judiciary through its first instant court system, the Magistrates 'Court. This was done for the period January 2014 to January 2016. It involved first, estimating monthly average technical efficiency of the courts and using the estimates in the second stage to establish the courts' efficiency trend for the period. The results pointed to an improving technical efficiency for the period January 2014 to January 2016. However, the improvement was found to be driven mainly by a few super-efficient courts. The study concluded that there was need to identify and use these courts as a benchmark for the rest. The current study puts the concept of efficiency to the context of PR activities and reputation management by assessing the PR activities by PACU in managing reputation of the Kenya Judiciary.

Muneeni (2011) in his study on challenges facing the Judiciary in the Implementation of its strategic plan found among other reasons, lack of clear communication as a challenge. In his findings, employees are not given timely information on decisions made by top management. Most of the Respondents in his study did not know the Mission and vision of the organization, which casted doubt on the overall goals. Both internal and external communications are important in achieving success in every organization. There is need to establish clear Communication lines to avoid the information gap, which lead to poor performance and lack of focus.

A closer study done by Muga (2012) focused on the role of PR in building the image of the judicial system in Kenya. The study, which was a descriptive survey, selected the employees at the Judiciary and the public as its target population. It focused on Kibera Law Courts and Nairobi Law Courts. The problem of the study was that the publics had long lost confidence in the Judiciary, an institutions that use their tax to maintain their operations in order to deliver Justice. The study however, did not obtain data from the employees of the Judiciary, as the researcher was unable to obtain permission during the period of study thus narrowing the findings to views of the public who were attending court sessions. The study recommended that there is need for the Judiciary to move closer to its publics through regular press conferences and establishing a public relations office.

The current study is therefore timely and seeks to fill in the gaps identified by looking at the perceptions, views and opinions of the employees of PACU; and the judges, clerks and advocates at the Milimani Law Courts on the PR strategies employed in reputation management of the Kenyan Judiciary.

## **2.5 Theoretical Foundation**

This study is anchored on Excellence Theory and Legitimacy theory.

### **2.5.1 Excellence Theory in Public Relations**

The excellence theory, developed by Grunig (2002) explains the value of public relations to organizations and the society based on social responsibility of managerial decisions and the quality of relations with its stakeholders. According to the theory, an organization must behave in ways that solve the problems and satisfy the goals of stakeholders as well as those of management for it to be effective. For it to behave in a socially accepted way, an organization must scan their environment to identify publics affected by probable organizational decisions or those who want organizations decisions to solve problems that concern them. Then, organizations must communicate symmetrically with publics, taking the interests of both the organization and publics into account to cultivate high quality, long-term relationships with them. Consequently, the study employed this theory to establish how the PACU of the judiciary uses public relations activities to foster positive relationships with its publics.

Replication of the excellence study in Slovenia (Grunig et al. 1998) showed that the theory is commonly applicable to many contexts depending on the contextual variable. Several scholars have used the theory in studies to help the PR professionals in organizations engage in strategic decision processes. The research has been on environmental scanning and publics, scenario building, , relationships, cultivation of relations strategies, conflict resolution, empowerment of public relations, ethics, the return-on-investment of public relations, evaluation, complexity theory, specialized areas of public relations, and global strategy (Grunig 2006; Toth 2007).

Excellence studies showed conflict avoidance effects to be frequent. Fewer litigations reported, few complaints from publics, and little or no interference by government owing to the practice of Public Relations. The excellence theory hence evidently shows that public relations departments that have set clear objectives and measure the outcomes of their short-term programs experience great success in building long-term relations with its publics. Communication also helps a public to have confidence in an organization and to accept the decision it makes than before communication takes place. As a result, the value of public relations is determined by measuring the quality of relations with strategic publics.

Grunig and Hunt (2002) also examined the concept of reputation in excellence theory. This theory thus provides an understanding of reputation that is somewhat different from that prevailing in the management literature. Excellence theory also isolates the importance of organizational behavior and organization public relationships in explaining the nature of an organization's reputation. Grunig (1992) developed the Excellence theory as a standardization model for the practitioners of public relations to follow. The theory sought to answer, "How, why, and to what extent does communication affect the achievement of organizational objectives (Grunig (1992)). Excellence theory therefore outlines framework and practices for effective public relations campaigns that are useful achieving organizational goals successfully. Grunig (1992) developed a series of general theory principles, which includes four levels: program, departmental, organizational and economic.

The Excellence theory is relevant to the current study as it describes and prescribes the role of public relations in reputation management, which encompasses the concept of reputation management. It is also a general framework employed by the study to explain how the public relations function should be structured and managed to provide the greatest value to organizations,

publics, and society. This research focused on the principles that are relevant to the specific study in the review and application of the Excellence theory of public relations. In the study, the two principles examined will be building and maintaining relationships with publics and two-way symmetrical communication. Because the Excellence theory principles are vast to address public relations at the societal level, analysis considered two principles as the focus is on reputation management.

Building and maintaining relationships with stakeholders (publics) falls under the strategic management heading of public relations and is the key characteristic of excellent public relations at the micro-programmatic level. According to Grunig (1992) strategically managed public relations is designed to build relationships with the most important stakeholders of an organization. Two-way symmetrical communication on the other hand describes a model of public relations that is based on research and that uses communication to manage conflict and improve understanding with strategic publics (Grunig, 1992). It causes public relations professionals to engage dialogically with its publics to resolve questions or crisis as opposed to one-way persuasive communication.

This study sought to draw the dynamic strengths of Excellence theory, which conceptualizes public relations in reputation management. The theory is dynamic in explaining public relations activities as pertains to reputation management as it encompasses situational theory of publics, applied organizational theory to public relations (Grunig, 1976), symmetrical model of public relations (Grunig, 1989), and methods for the evaluation of communication programs (Grunig, 2008). The study sought to build on Grunig and Repper (1999) idea that it is a good start to use the concept of stakeholders as a way for describing relationships by putting it into the context of the Kenyan Judiciary. The theorists concluded that not all people which are the stakeholder groups would be

equally likely to communicate with the organization and that public relations people could more effectively manage communications by identifying specific publics within stakeholder groups. Consequently, the current study focused on the PACU as mandated with PR roles in the judiciary and the key stakeholders, which include the judges, clerks and advocates.

#### **2.4.2 Legitimacy Theory**

Brown and Deegan (1998) define legitimacy theory as being a supposition in which organizations constantly attempt to function within accepted norms and customs of the communities in which they operate in. Suchman, (1995, p. 574) previously provided a similar view defining legitimacy as a generalized perception or assumption that the actions of an entity are seen to be desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions.

Legitimacy theory postulates that business must ensure they carry their activities within the value system of their community they are operating (Gray, Owen and Adams, 1996). The theory rests on the concept that business have contract with society, thus satisfying the agreement with the society legitimizes the business and their action (Mathew, 1997). Legitimacy helps attract resources and ensure the continued support of constituents (Ashforth and Gibbs, 1990 p. 177, citing, Parsons, 1960). It is conferred by its constituents, who are internal and/or external actors who make decisions about the legitimacy of an organization (Ruef and Scott, 1998).

Deegan and Rankin (1996) claim that without legitimacy, the 'social contract' that society has with the company may be withdrawn leading to censure or closure. Legitimacy therefore, has a positive spin-off and justifies the organization's role in the social system and helps attract resources and the continued support of constituents (Ashforth and Gibbs, 1990). However, Lindblom (1994)

points out that Legitimacy is dynamic in that the relevant publics continuously evaluate corporate output, methods, and goals against an ever-evolving expectation.

The current study employed this theory in judicial reputation management where information disclosures increase at times of increased public pressure. In such cases, legitimacy threat might be present or perceived (Cho and Patten, 2007). Positive disclosures by PR practitioners can therefore repair the judiciary's legitimacy in the face of negative environmental shocks thereby enhancing its reputation. Legitimacy theory also provides a framework that explains how the judiciary may seek to manage its reputation risks. It provides a mechanism that is used to guide the judiciary in implementing and developing voluntary social and environmental disclosures in order to fulfil their social contract that enables the recognition of their objectives and the survival amidst reputational crisis.

The theory also guided on assessing the role of the stakeholders in the management of the community's perception of the Kenyan Judiciary. The theory suggests that stakeholders should act to prevent the loss of legitimacy and not destroy the image of an organization. Judicial legitimacy is important for precisely the reasons that the judiciary itself is important. If a judiciary cannot be relied upon to decide cases impartially, according to the law, and not based on external pressures and influences, its role is distorted and public confidence in government is undermined. The role of stakeholders become a vital one in the prevention and reduction of illegitimate risks, and the organization will have the opportunity of a precise action at every level of legitimacy based on the evolution and changes of the values and expectations of the society as a whole. In this context, the study adopted this framework to assess the various key stakeholders of the judiciary including the judges, clerks and advocates as well as the employees of PACU

In the Judiciary context, legitimacy concerns conformity to the law or to rules. Decision made by the courts are considered legitimate if they conform to the law. Legitimacy Theory applied in this context will mean that it is about not only the values, beliefs and norms but that the law is supreme.



## **CHAPTER THREE**

### **RESEARCH METHODOLOGY**

#### **3.1 Introduction**

The section highlights the study design, study site, research approach, research methods, the population, the sample, the data type and sources. It also explains how the data was analyzed and presented and further how validity and reliability issues were handled.

#### **3.2 Study Design**

Research designs have been defined as logical plans and procedures for research that traverse decisions from broad assumptions to detailed methods of data collection and analysis (Yin, 1994). Owing to the nature of this study, exploratory design was employed to adequately respond to the research questions. According Burns & Bush (2006), exploratory research design is referred to as gathering information in an informal and unstructured manner. It is employed where the researcher knows little about the opportunity or issue..

The focus of the current study was on gaining insights and familiarity with public relations and reputation management in the Kenyan Judiciary. Field and Balton (1960) add that exploratory design is flexible thus able to address research questions of all types (what, why, how). This design was therefore deemed appropriate in developing a well-grounded picture of how PR is practiced within the judiciary.

#### **3.3 Study Site**

The study was conducted at the Supreme Court Building, which hosts the Public Affairs and Communication Unit and Milimani Law Courts in Upper hill, Nairobi, Kenya for the others participants (Judges, clerks and advocates). Milimani Law Courts has over 100 courtrooms and

judge's chambers. It was deemed appropriate for the current study since it operates at two levels; Superior and Subordinate courts per the constitution thus handles diverse cases.

### **3.4 Research Approach**

The study was qualitative in nature to help focus on the research problems that require an examination of real-life contextual understandings, attitudes, opinions and perceptions. Creswell (2009) argues that qualitative research choice involves processes aimed at constructing a holistic view of comprehending the phenomenon under study in detail. Qualitative research is useful in collecting data which cannot be numerically expressed. It also helps one to holistically explore a phenomenon under research and to determine the attitudes, feelings, and opinions of respondents in relation to particular subject. The approach was thus deemed appropriate for the current study as it helped give a holistic view of the practice of PR in reputation management in the judiciary as well as understanding the feelings and attitudes of the key stakeholders on the Judiciary PR strategies.

### **3.5 Research Method**

Mills (2014) defined research methods as procedures and techniques employed in the study. The study employed a case study. According to Yin (2014) a case study is a bounded system, in which the researchers set out boundaries and make clear statements about the focus and extent of the research. Merriam (1998) employs case study in qualitative approach highlighting its flexibility in application of qualitative case study strategy as long as the researcher has clearly enclosed the area of focus.

The current study therefore focused on the employees, judges, clerks and advocates. The population which the researcher sought the qualitative data from is clearly defined. A case study is deemed appropriate.

### **3.6 Data Needs, Types and Sources**

Primary data was the main source of data; gathered from the selected sample of the study population, which was qualitative data. However, to complement the primary data collected the researcher used secondary data to generate information related to this research. These included books and academic journals that have discussed issues relating to this particular research question. The internet was also a fundamental source that the researcher employed in this study.

### **3.7 Population and Sampling Procedure**

Population is defined as an entire group of persons or elements that have at least one thing in common. The target population is the entire aggregation of respondents that meet the designated set of criteria (Burns & Grove 1997). The study consisted of two groups of Respondents; i) the Public Affairs and Communication Unit employees, ii) Judges, Clerks and advocates. A census was used for the first group (the employees of Public Affairs and Communication Unit; and purposive sampling for the other respondents (judges, clerks and advocates).

### **3.8 Sampling Procedure and sample size**

According to Mugenda and Mugenda (1999), sampling is the process of selecting a number of individuals for a study in such a way that the individual selected represent the large group from which they were selected from. Saunders et al (2000) highlighted that the need for purposeful sampling is to choose all sample of members which is similar in order to study the group in depth

and will enable the researcher to select the sample cases which is most suitable to address the research questions.

A census was used to collect data from the 12 employees at the PACU. The researcher managed to obtain data from 9 respondents in this group. Purposive sampling was used to draw a sample from the clerks, judges and advocates. Therefore, a sample of 15 participants for key informant interviews were drawn from the clerks, judges and advocates. The total sample therefore was 24 participants. This sample involved individuals and groups of individuals that are knowledgeable (Cresswell & Clark, 2011), available and willing to participate, and able to communicate experiences and opinions in an articulate, expressive, and reflective manner (Bernard, 2002). The researcher targeted judges & clerks with more than five years experience and advocates who have had more than five years' practicing, having matters at the Milimani law courts since they have been in the system for long to understand the Reputation challenges facing the Judiciary. Their opinion and insights were deemed useful by the researcher.

### **3.9 Research Instruments**

Semi-structured interview guides and Focus Group Discussion Guide were used as the tool for data collection owing to its flexibility, allowing the researcher to adjust the questions based on the situation in the field to best respond to the research objectives. The researcher used different interview guides for the two samples i.e. the employees at PACU and another for the judges & clerks and a Focus Group Discussion Guide was used for the advocates at the Milimani Law Courts.

An interview as a method of collecting data involves presentation or oral-verbal stimuli and reply in terms of oral-verbal responses (Kothari, 2011). Interview method provide in depth and

qualitative data as it presents opportunity to explain the purpose of study. These instrument was considered appropriate in this study because it enabled the researcher to yield highest cooperation and lowest refusal rates; it offered high response quality, took advantage of interviewer presence and its multi-method data collection (Kothari, 2011). The guides comprised of open ended questions.

Lucas (2000) noted that, in undertaking interviews, the researcher must set aside his or her assumptions and theories and focus instead on the research participants' points of view and their unique lived experience. If this does not occur, the description of the participants' experience and the overall outcomes of the research will be unsound. The goal of the interviews in the current study was to understand the variations in each participant's experience of evidence-based practice of PR in the Kenya Judiciary.

### **3.10 Data Collection**

Data was collected through Key Informant Interviews and discussions. The researcher conducted a pilot study to test the interview questions, as well as interviewing style and approach. The researcher therefore, conducted all the interviews solely to reduce interviewer bias and to limit variation in interview technique. The general aim in the interviews was to see through the participants' eyes by having them explain their experiences. Open-ended questions were used with unstructured follow-up probes to further explore points as they arise during the interview. As advanced by Ashworth and Lucas (2000), the interviews were conducted in an emphatic and conversational style guided by the questions in the interview guides.

These comprised of participants who are well informed of the issue having been directly involved in the issue under study, ability to articulate their experiences and those of the people they represent

in the study and those without external influence. These interviews were conducted individually using the physical space as this was preferred by all the participants working at the court. The Researcher visited the Courts and booked an appointment with the Judges and clerks. The online tools were used for the advocates, where a virtual session was held with the key informants with the help of the Focus Group Discussion guide as the target group were not available at the Courts at the time of study.

### **3.11 Data Analysis and Presentation**

This study adopted narrative analysis method, which involved the reformulation of stories presented by respondents taking into account context of each case and different experiences of each respondent. Specifically, the analysis were conducted through the following three steps: First stage entailed developing and applying codes or categorization of data. Each code being a word or a short phrase that represented a theme or an idea. All codes were assigned meaningful titles. In other words, the narrative analysis involved the revision of primary qualitative data by researcher. The data was then transcribed after which it was coded with the help of NVIVO into predetermined categories and themes.

The second step involved identifying themes, patterns and relationships. This involved searching for word and phrase repetitions; scanning primary data for words and phrases most commonly used by participants, as well as, words and phrases used with unusual emotions. The researcher also employed primary and secondary data comparison, comparing the findings of interview with the findings of literature review and discussing differences between them. At the final stage of summarizing the data, the researcher linked research findings to research objectives. The researcher also use noteworthy quotations from the transcript in order to highlight major themes within findings and possible contradictions.

After coding the whole data set, it was checked for validity and reliability. To present the results under each theme with conclusions, the results were supported by secondary data from literature review. Representative quotes were also used in presenting findings. The output were presented using themes and paragraphs, which were obtained from the inductive analysis of the information obtained from the interviews. Qualitative data generated from the open ended items in the research instruments were organized into themes and patterns based on the study objectives and questions.

### **3.12 Validity and Reliability**

Validity is the degree by which the sample of test items represents the content the test is designed to measure (Berg & Gall, 1989). A research instrument is valid depending on how the data collected in terms of how effective the items have sampled significant aspects of the purpose of the study, research instrument should provide adequate coverage of the topic. The researcher prepared the instrument in consultation with the research supervisor to ensure that the instrument covers the specific areas or objectives. The suggestions given by the supervisor were incorporated in the instrument. This helped to improve the content validity of the data to be collected. Instrument validity was also established by pre testing of data collection tools using a pilot study on 2 employees of PACU. This also established the reliability of the research instrument. Triangulation was also used to test the credibility and validity of the Research findings.

## **CHAPTER FOUR**

### **4.0 DATA ANALYSIS, PRESENTATION AND INTERPRETATION**

#### **4.1 Introduction**

This chapter presents the analysis and findings of the study as set out in the research methodology. The study sought to determine the public relations activities used by Public Affairs and Communication Unit of the Judiciary in managing its reputation; to analyze the public relations message strategies used by the Public Affairs and Communication Unit in managing reputation of the Kenyan Judiciary; to establish the perception and attitude of judges, clerks and advocates on the public relations strategies employed by the PACU in managing reputation of the Kenyan Judiciary and to assess the contributions of the Judicial officers and staff in managing the reputation of the Kenya Judiciary. The collected data has been presented qualitatively followed by discussions of the data results.

#### **4.2 Respondents' Demographic Characteristics**

The target population in this case were the 12 employees of Public Affairs and Communication Unit (Judiciary, 2020); and 15 judges, clerks and advocates at the Milimani Law Courts. The study managed to get 9 employees from PACU and 15 Judges, clerks and advocates from the study population which were adequate for the study.

#### **4.3 Description of Public Relations**

The respondents were asked to describe the nature of public relations in the judiciary. The respondents gave the following definitions:

*Public relations are those activities that are used to build public confidence through civic relation, public communication and accountability. It is a means of strengthening the relationship of the institutions with the members of public. They are helpful in explaining to the publics what they*



*ought to understand about us, the reason for our decisions and also explain the court processes so that justice is accessible to all. I can say it is basically an interface between the organization and the public which is achieved through the media. (J2)*

*PACU employees cited that.....PR encompasses timely communication with publics and the media, it is more of handling image, rather than building and maintaining a good image, it is basically about how we relate with the public..*

*One clerk asserted that...Public relations involves having good relations with the public by communicating well and through good customer care, also handling the litigants well and not being rude to clients. It is how an organization relates with the members of public*

#### **4.4 Public relations activities**

The study sought to determine the public relations activities used by Public Affairs and Communication Unit In managing the reputation of the Kenya Judiciary. Respondents were therefore asked various questions on the subject.

Respondents were asked about the public relation activities use by PACU in managing the reputation of the Kenya Judiciary. This question was directed to the PACU employees since that is the department that deals with the public relations activities. The study found out that the PR activities employed included; holding press briefings and luncheons, drafting and distributing press releases, holding press conferences, inviting media to cover and report on events, posting activities on social media, facilitate printing and dissemination of policy documents and other publications. From the responses, the key components of the PR activities by PACU are media engagements and events managements. Other activities mentioned included organizing for engagement in CSR activities which include visiting children homes and prisons, and managing the judiciary's ASK shows.

Media engagement as one of the PR activities used by PACU is in agreement with Ajala (2005), who notes, that good media relations can only be established if public relations practitioners have an understanding of the functions of the media in the society Orme and Berndt (2007:35). They recognize the media's function of informing by inviting them to cover judiciary events and issuing press releases so as to reach its publics. Blond and Bivins, (1996) also added that the purpose of media relations is to enhance the reputation of an organization and its products and to influence and inform the target audiences" and therefore very crucial to any organization.

However Bland (2005) noted that media relations practitioner confuse the tools they use, which include Press releases, pitches, social media and media tours, as being the media relations effort. According to Supa (2014) the true nature of media relations should be defined by the use and impact of these tools on the relationship between practitioners and journalists. Media relations in his view should be considered a strategic function rather than a collection of tools and channels to communicate with journalists.

The finding that PACU engages in Corporate Social Responsibility activities is well explained by Grunig (2002) who asserts that the value of public relations to organizations and society is based on the social responsibility of managerial decisions and the quality of relationships with stakeholder publics. An organization that takes part in CSR activities is deemed responsible and earns credibility. CSR is an organization's own initiative makes it part of the society in which it operates in. It legitimizes the organization and makes it acceptable in the society. The Legitimacy theory proposed by Brown and Deegan (1998) rests on the concept that business have contract with society, thus satisfying the agreement with the society legitimizes the business. Corporate Social Responsibility is a contract that every entity has with the society/environment in which it

operates. This engagement is an important component in every public relation strategy as it builds confidence of the people towards an organization.

The respondents were asked for their responses on how the PR activities by PACU influence the perceptions of the public on the Kenyan Judiciary. They indicated that PACU's PR activities have helped to demystify the court process to the common person, inform the public of major milestones of the judiciary and they have shaped the way the judiciary is viewed as people have started to understand and appreciate the court process. The Judges however felt that the Department is not properly structured to address a lot of misinforming that is all over the social media, thus they feel they are not efficient in doing their work.

#### **4.5 Public Relations Message Strategies**

The study also sought to analyze the public relations message strategies employed by the public affairs. The backbone of a communication strategy in public relations practice is messaging. Message strategies used in every public relations office are as crucial to organizations as it helps in building its Reputation. If a message is not well packaged it can be disastrous. PACU employees said that the message strategies used by the department included selecting appropriate audiences for specific messages, ensuring information given is timely and accurate, being clear and concise, use of simple language and selecting the most effective channels of communication. One of the PACU responded stated that *'We carefully plan our messaging, where we select the appropriate audience for specific messages and also, we try as much as possible to select effective channels to communicate depending on the message we want to pass across (P2).*

Messaging strategies can be developed based on the milestones of an organization. This is useful in organizations as it helps build a brand hence managing reputation. A respondent from the department stated that

*'Our messages arise from the progress and milestones achieved by the Judiciary. We ensure that we put to perspective the key milestones of the Judiciary since we have undergone transition hence there is good progress and eventually the reputation of the Judiciary will be excellent. We are working towards restoring public confidence.'*

Consistency was also mentioned as one of the message strategies employed by PACU in managing the Judiciary's reputation. This is achieved by making clear what an institution stands for in a clear and easy to understood manner. Consistency enhances believability, which builds reputation. This requires the department to be proactive in managing the messages.

Legitimacy theory proposed by Brown and Deegan (1998) talks of legitimacy as a supposition that organizations constantly attempt to function within accepted norms and customs of the communities in which they operate. An organization is therefore required to understand its publics, their values, beliefs and culture in order to strategize their messages in a way that can ensure they are targeted so as to enhance efficient communication. Messages should be packaged differently to different groups depending on their level of understanding and appreciation. This was not mentioned by the department as one of the messaging strategies and hence it is clear that the strategies used are insufficient. The communication channels mentioned to be used by the department included, T.V, Radio, newspapers and social media which included twitter and Facebook.

The Judiciary strategic plan 2019-2023 launched recently has among several other objectives a target to finalize on the Judiciary Communication policy. A communication policy is a crucial document in the communication department that gives a guide on the best practices and effective

ways of reaching out to the public and even internal communication. An analysis of the judiciary strategic plan shows that the judiciary is yet to achieve its objectives in the communication department.

The previous plans, the Judiciary strategic plan 2014-2018 and The Judiciary strategic plan 2009-2012, among other objectives were to develop a communication policy and strategy. This shows a challenge in implementing the strategies at the judiciary and explains why there are no clearly defined message strategies used by the department, hence a hindrance to the successful management of the reputation by Public Affairs and Communication Unit.

#### **4.6 Perceptions, attitudes and opinions on the public relations strategies**

The study sought to determine the perception and attitude of judges, clerks and advocates on the PR strategies employed by PACU. The responses from this group showed that they were not satisfied with the strategies and felt were not adequate to address the issues and more needs to be done. They felt that the strategies by PACU are more reactive than proactive. According to this group PACU uses media engagement activities majorly, which according to them are reactive since they mostly do it in times of a crisis except when they call the media during Judiciary events. They felt there is need for the department to engage in proactive activities if reputation management is to be successful. The Judges felt that there is need for the department to follow up on matters of public interest and explain to the publics the reasons for their decisions in such cases. The strategic plan 2019-2023 highlights updating the publics on high public interest cases as one of the strategic activities to be used towards enhancing participatory interactive engagement with the public, agreeing with the judges' response that the department has not involved much in addressing issues arising from the courtrooms. They suggested the need for PACU to focus on the court rooms where decisions are made.

The Judges also pointed out the need to incorporate personnel with legal background in the communication department since the employees at the department are communication professionals who may not have sufficient knowledge on legal issues. The Judges assertion is in agreement with Fitzpatrick (1996), who asserted in his study that public relations professionals might be at risk of legal liability due to their lack of professionalism in the judiciary field. This according to the Judges has hindered the success of the public relations strategies because communication strategies requires also knowledge on law so that the two may not at one-point conflict.

The study also sought to determine from the respondents the best way of practicing PR to enable the public build confidence in the Judiciary. The clerks and advocates indicated that the judiciary through PACU should open up the communication channels, become proactive, train the staff on public relations, training the media on court reporting and provide timely information to the public especially explaining reasons for delay in cases. The judges were similarly of the opinion that the judiciary through PACU should inform the public of what the judiciary does so that they can understand its mandate. They also felt the need to control the flow of information to avoid a case where people get information from politicians, media or lawyers only without hearing what the Judiciary has to say. Judges were of the opinion that PACU should;

*Help people understand that the judiciary determines cases based on the evidence presented to them and that the constitution allows people to be released on bond. It is sad that Kenyans rely on information from politicians and lawyers representing parties in a matter and they never get to hear what the court's reasons for their decisions are for purposes of objectivity. Some representatives from PACU should be at the courts whenever decisions are made especially on matters of public interest so they can explain the reasons for court decisions on such matters. They also need to book media slots like morning shows and even buy media space; communicate on the role of judges, how they work and why we do not answer to the critics reason being that we do not hold opinion but only through judgements, rulings and orders. They should be proactive, buy newspaper space; constantly engaging the public in explaining how the court runs, the processes and the mandate to the public.(J3)*

From the findings, it is clear that the two groups have different opinions, attitude and perceptions on the strategies. PACU felt they are doing very well and that the public confidence on the judiciary is restored. They feel that the strategies employed have changed the way judiciary is viewed and that the public holds the Judiciary in high esteem. The Judges clerk and advocates agreed to the fact that the judiciary is held at a high esteem but attributed it to judicial reforms and the constitution 2010 which promoted judicial independence. The findings clearly show that the level appreciation of the department is generally low.

Regarding Kenyan public's credence in the legal institutions in Kenya, one judge stated that:

*Since the promulgation of the Kenyan Constitution in 2010, the public holds the judiciary in high esteem. The reason being the number of cases filed keep rising meaning the people trust the decisions of the court. In fact, those people criticizing the court, still come to the court to seek orders and justice. The only issue is the underfunding and delay in the release of funds and fewer personnel; thus, cases take long to be concluded hence reducing public confidence again -hitting back at us for no sufficient funds. I think the judiciary is beheld in justices and fairness. (J3)*

#### **4.7 Contributions of the judicial officers and staff in managing the reputation of the Judiciary**

The study sought to determine the contributions of the judicial officers and staff in managing the reputation of the Judiciary. The respondents were therefore asked about their thoughts on judicial officers and staff contributing to managing the reputation of the Judiciary. The advocates indicated that the judicial officers can contribute to managing the reputation of the institution by living right; giving accurate information to the public; not allowing oneself to be compromised through corruption; being clear when giving information to the public; timely delivery of Justice and efficient customer service. They also pointed reduction of case backlog and timely delivery of justice as critical in enhancing the Judiciary reputation.

The judges were of the opinion that judicial officers and staff should live what they do, embodying integrity both in their personal and office life, hence projecting an image of a person of integrity. Philip Kitchen and Don Schultz (2001) also noted that the reputation of a leader in an organization is integral to the organization's reputation and overall success of the organization and agrees with the Judges responses that they should live right in order to embody integrity. He highlights the key elements of a leader's reputation as credibility, integrity and high-quality communication to internal stakeholders about the direction of the organization. These were the words of one of the respondents when asked how do Judicial officers and staff contribute in managing the Image of the Judiciary;

*Integrity because we are taken to embody integrity hence we should practice it in personal life and office. Judges are held at a high standing hence there are places we cannot go in order to protect justice; we also refrain to comment on political issues hence projecting an image of a person of integrity. This calls for sacrifice for us to take care of our image out there, it also means we should check the type of people we interact with or meet. Also, a judge is a judge 24/7, we cannot go on leave hence it is a lifestyle (J5)*

The clerks also felt that judicial officers and staff plays a critical role in managing the reputation of the judiciary. They stated that the introduction of the court users' committees where stakeholders are engaged, and the introduction of a timeline period within which matters are concluded from date of filing where important in managing the Judiciary's reputation. ... *most of our courts hold the court Users Committee meetings where stakeholders are engaged to bring in their views on the best practices that help improve the efficiency in the courts. The problem is that many court users are still unaware of such activities (C1).* The clerks said that the activities by Judges to organized for prisons visitations and mentions and also through timely delivery of justice help manage the reputation of the judiciary. They therefore conclude that Judicial officers and staff can help manage the reputation by enhancing easy access to justice, giving fair judgements and



rulings, timely delivery of justice, customer service, minimizing instances of corruption and being professional.

The finding on the role of judicial officers and staff in managing the reputation showed that both judicial officers and staff play a critical role in managing the reputation of the Kenya Judiciary. From the findings, this is achieved by living right; giving accurate information to the public; not allowing oneself to be compromised through corruption; being clear when giving information to the public; timely delivery of Justice; efficiency in customer service and by not engaging in corrupt deals, not receiving bribes for service. This is in agreement with Bayles (2008) who noted that building a genuine culture of 'doing the right thing' for a community through effectiveness in public relations can offset these risks and build on companies' identity and reputation.

Legitimacy theory by Brown and Deegan (1998) suggests that stakeholders should act to prevent the loss of legitimacy and not destroy the image of an organization. Judicial legitimacy is important for precisely the reasons that the judiciary itself is important. This is in agreement with the findings that officers and staff of the judiciary plays a crucial role in managing the reputation by living right so as to avoid loss of legitimacy.

## **CHAPTER FIVE**

### **SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS**

#### **5.1 Introduction**

This chapter presents a summary of the key findings presented in chapter four, conclusions drawn based on such findings and recommendations there-to. This chapter is thus structured into summary of findings, conclusion, recommendations and areas for further research.

#### **5.2 Summary of Findings**

The findings of this study were based on the objectives. The first objective was to determine the Public relations activities employed by PACU in managing the reputation of the Kenya Judiciary. The study found out that the major PR activities included publicity, good media relations, the use of judiciary emails and handles to communicate important information to the public and press releases. They also engage in active public participation on issues concerning the judiciary, organizing of judiciary functions/events and facilitating the publication of judiciary booklets. The study also found out that PACU gives daily updates on the activities of the courts branding and documenting of the organization's milestones. The study found summarizes the PR activities employed by PACU to media and events management.

The second objective sought to analyze the message strategies used by PACU in managing the reputation of the Kenya Judiciary. The study found out that the major message strategies were; selecting appropriate audiences for specific messages, being clear when communicating and use of an easy to understand language in all judiciary communication, Consistency and use of appropriate channels of communication. The study also found that the department communicate to the publics on judiciary values, mission and vision as stated by one of the staff in the department.

From the findings, it is evident that the department has not fully embraced the use of messaging strategy in managing the reputation. Many still confuse the channels of Communication with strategies, as other responses included press releases and use of emails and twitter handles as messaging strategies. This lack of clarity could be one of the reasons for inadequacy in the department.

The third objective sought to establish the perceptions, attitudes and opinion on the PR activities at the Judiciary. The study found that the respondents felt that the strategies were majorly reactive and not proactive. The study established that the satisfaction level on PR activities were generally low. This is because of the many recommendations from respondents on what need included in the PR activities to help in reputation management. The study established that the respondents felt that PACU strategies do not focus on what goes on in the court rooms which is the reason of the judiciary's existence, the core mandate but instead focus on events planning and other PR activities. Findings established that knowledge on legal issues is an important aspect for PR practitioners in the judiciary as they can be able to integrate the knowledge with their expertise to bring out the best in managing the Judiciary's reputation.

The last objective was on how the judicial officers and staff contribute to managing the reputation of the Judiciary. The study found that officers can contribute by doing what is right; giving accurate information to the public; not allowing oneself to be compromised through corruption; being clear when giving information to the public; timely delivery of Justice; effective customer service and by not engaging in corrupt deals, not receiving bribes for service. The study also found that judicial officers and staff should live what they do. They should be embodying integrity both in their personal life and in office life; project an image of a person of integrity and impartiality. Further the findings were that judicial officers should ensure timely delivery of judgements and any other

court decisions; communicating well to the members of the public, and timely hearings and starting courts in time.

### **5.3 Conclusions**

Based on the research findings which were guided by the objectives, the study concludes that PR is essential in managing the reputation of the Judiciary by building and maintaining good relations with the public and stakeholders. A good reputation enhances public awareness and confidence in the judiciary and enhances easy access to justice.

The study concludes that PR is essential in the judiciary in order to open up communication channels with the public, which enhance mutual understanding between stakeholders, improves the image of the judiciary and makes the organization visible to the public. This is a key proposition by the Excellence Theory, which is keen on Stakeholder Relations as a way of achieving excellence in an organization. Grunig (1992) suggests in the theory that strategically managed public relations is designed to build relationships with the most important stakeholders of an organization. Additionally, the PR brings the judiciary closer to the public and stakeholders; helps in branding the judiciary's which enhances visibility; deals with negative publicity and documenting of the organizations milestones and publicizes its activities and events. There is therefore the need for the judiciary to develop and implement a communication policy that clearly defines the PR function, its role and the strategies put in place towards managing the reputation. The activities should therefore be geared towards letting people know what the judiciary does and helps people understand the mandate of the institution and the reasons for their decisions.

The study also concludes that PR activities of PACU are not sufficient to address the issues of concern at the Judiciary. The strategies were also not proactive but reactive and therefore the need

for shift of focus. The study hence suggests the best way of practicing PR to enable, the public build confidence in the Judiciary is to open up the communication channels with the public, become proactive, train the staff on public relations, training the media on court reporting and provide timely information to the public especially explaining reasons for delay in cases. Additionally, the judiciary through PACU should inform the public of what the judiciary does so that they can understand its mandate, control the flow of information to avoid a case where people get information from politicians, media or lawyers.

#### **5.4 Recommendations of the Study**

Based on the findings of the study, the following recommendation are so crucial in ensuring that the Judiciary uses PR effectively to manage its reputation.

The study recommends that the PR department be properly structured to address a lot of the misinformation from social media by having additional employees with a legal background to supplement the communications ones currently working at PACU. The Judiciary should also increase the personnel in the department. It is evident that the Human Resource Capacity in the Department is generally too low, having only 12 employees including the Head of the Department and the clerks in the Department. For the department to be functional and to formulate effective strategies, it requires enough human resource.

In addition, PACU needs to engage more in proactive Public Relations strategies and avoid waiting for issues to arise in order to react to them. This is a good public relations practice as it builds stakeholder relations and enhances transparency and accountability.

The Judiciary management need to empower PACU by providing adequate human and financial resources and allowing them to be part of the strategic management to help in strategy formulations and implementations key to reputation management.

The study also recommends the development and implementation of a communication policy capturing key message strategies that are crucial in managing the Judiciary's reputation.

The study also recommends additional training of the entire judicial officers and staff on their role of PR in managing the reputation of the judiciary to help improve appreciation of the department.

The study further recommends the need for the Judiciary to train the media on court reporting so they can give an objective view of matters arising from the courts to help in managing the reputation of the Judiciary

The study finally recommends for a training of the Public Affairs and Communication Unit on the Key Public Relations strategies that are useful building and managing the Reputation of the Judiciary

#### **5.4 Areas for Further Research**

From the study, it is evident that there is more that needs to be done by the Public Affairs and Communication Department in managing the Judiciary's Reputation. There is therefore need to research on the Challenges facing the Public Affairs and Communication Department in delivering its mandate. This will give an understanding on the goal of the department and the milestones as well as its setbacks. There is also need to research on the challenges of the judiciary in implementing its strategic plan, this being informed by the fact that in three of the Judiciary's five-year strategic plan, there is a mention of developing a Communication policy. It is therefore

evident that the Judiciary has been developing strategic plans, but implementation seems to be a challenge, hence the need to find out reasons for the delay in implementation.

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## **APPENDIX I: Semi Structured Interview Guide (Judges & Clerks)**

- What is your understanding of what Public Relations is?
- Do you recognize public relations activities used by PACU in managing the Judiciary reputation
- How does the Public Affairs and Communication Unit use public relations message strategies?
- How do you perceive public relations strategies employed by the PACU? What is your feeling and opinion about these activities
- What public relations management practices used by judiciary in managing the reputation
- How well the public relation campaign is research oriented in regard to reputation management
- In what ways do you think the Judicial Officers and staff contribute to managing the Reputation of the Judiciary?

## **APPENDIX II: Focus Group Discussion Guide (Advocates)**

- What is your understanding of what Public Relations is?
- Do you recognize public relations activities used by PACU in managing the Judiciary reputation
- How does the Public Affairs and Communication Unit use public relations message strategies?
- How do you perceive public relations strategies employed by the PACU? What is your feeling and opinion about these activities
- What public relations management practices used by judiciary in managing the reputation
- In what ways do you think the Judicial Officers and staff contribute to managing the Reputation of the Judiciary?



### **APPENDIX III: Semi Structured Interview Guide (PACU Employees)**

- What is your understanding of what Public Relations is?
- What are the day-to-day activities a PR practitioner performs in the judiciary? (job description)
- What are the overall objectives of the PR unit of the judiciary?
- What are the specific message strategies that the department uses in building the judiciary reputation?
- How has the PR activities contributed to managing the Judiciary reputation?
- What impact has judiciary PR activities had on your public?
- What could be the best way of practicing Public Relations to ensure it manages the Judiciary reputation well?
- In what ways do you think the Judicial Officers and staff contribute to managing the Reputation of the Judiciary?



**UNIVERSITY OF NAIROBI**  
**COLLEGE OF HUMANITIES & SOCIAL SCIENCES**  
**SCHOOL OF JOURNALISM & MASS COMMUNICATION**

Telegram: Journalism Varsity Nairobi  
 Telephone: 254-020-491 0000, Ext. 28080, 28061  
 Director's Office: 254-020 4913208 Direct Line)  
 Email: [director-soi@uonbi.ac.ke](mailto:director-soi@uonbi.ac.ke)

P.O. Box 30197  
 Nairobi.  
 Kenya

OUR REF:  
 YOUR REF:

DATE: 13 August, 2020

TO WHOM IT MAY CONCERN

RE: JEPKORIR MARYLINE - K50/11590/2018

This is to confirm that the above named is a bonafide student at the University of Nairobi, School of Journalism and Mass Communication pursuing Master of Arts degree in Communication Studies.

Ms. Jepkorir has completed her course work and is currently going to collect data for her research project leading to a Master of Arts Degree in Communication Studies.

Any assistance accorded to her will be highly appreciated.

  
 Daisy Muthoni  
 Ag. Administrative Assistant  
 School of Journalism & Mass Communication

Ag.

Ad

/dm