



# Best Practices and Approaches to Judicial Digital Transformation:

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### Abstract

The introduction of the Integrated Electronic Case Management (IECMS) for the Judiciary of Zimbabwe has been a transformational journey. The Judicial Services Commission (JSC) faced immediate challenges in the design and development phase, as interaction with the developers had to be done entirely remotely due to the pandemic. However, the introduction of the system and early launch of online hearings was well received by both the Judiciary and the Law Society. The change management process to promote system adoption was driven by a concerted effort to apply lessons learned from similar projects, specifically in Rwanda. As a result, the IECMS has improved access to justice by allowing judicial proceedings to continue when they would have otherwise been interrupted. The Judiciary is now more accessible, efficient, and resilient against future shocks, and is eager to contribute to the growing international body of knowledge on justice sector change management and court automation.

# 1. Preparation for Digital Transformation

## 1.1 Background

Prior to the IECMS, case tracking for the Judiciary of Zimbabwe was predominantly manual and paper based. There was a legacy case tracking system for scanning and attaching case files post-factum, but the system did not support automation and was never rolled out nationally. Without e-filing functionality, litigants were still required to file documents, attend hearings, and pay fees in-person. Documents could easily be lost, and a single report could take a week to prepare. Compounding these challenges were pandemic closures and the corresponding backlogs. Inmates and prisoners' cases had to be remanded, and lawyers were stuck at home and could not work for several months.

*The National Development Strategy 2021-2025 (NDS1) and the Judicial Service Commission Strategic Plan (2021-2025)* both included a goal to automate the justice sector by 2025. The Chief Justice and JSC Secretary demonstrated strong political will and ownership in driving the design and procurement of the new system. While officially opening the 2021 legal year, Zimbabwe's Chief Justice Hon. Luke Malaba noted that, "Courts could not afford to lag behind in harnessing the potential of ICT in ensuring that access to justice is not disrupted."

## 1.2 Project Design

The overall objective of the IECMS project was to implement a software solution that would integrate the Constitutional Court, Supreme Court, Commercial Court, High Court, Labor Court, Administrative Court, Magistrates Court, and Sheriff of the High Court under one IT umbrella and automate and track all aspects of a case life cycle from initial filing through disposition and appeal. The IECMS software vendor, Synergy International Systems, Inc. was selected because of the flexibility of their eCase platform and the company's extensive regional experience, including national level systems in Rwanda and Uganda. This experience included the critical best practices and lessons learned from rolling out similar systems in both countries, which were eagerly applied by the JSC.

# 2. Implementing the Integrated Electronic Case Management System

## 2.1 Project Governance

The Steering Committee was formed and led by the Secretary of the JSC. The Steering Committee served as the formal authorizing body at the initial development stage and the Implementation Committee provided oversight for the project once it was underway. This included the Secretary, Deputy Secretary, Judge of the Commercial Court, Chief Registrar, and three members from the Technical Working Group (TWG). The TWG consisted of about 12 individuals who represented the various user groups and were selected because of their technical competence in the Judiciary case flow and their comfort with information systems. They continue to serve as System Administrators and Trainers for the rest of the court staff.

## 2.2 Phased Implementation

In February 2022, prior to deploying the full system, the JSC launched virtual courts in the Harare Magistrates' Court, the Harare Remand Prison, Chikurubi Maximum Security Prison and Harare High Court. This ensured that urgent hearings such as remand and bail hearings could be conducted through a virtual connection between the court and prisons. Around 283 cases were tried using video conferencing solutions between February and April of 2022 in the Zimbabwean courts.

The first phase of IECMS was deployed on 1st May 2022 which included the Constitutional Court, Supreme Court, and High Court (Commercial Division only). These courts were selected because of their strategic priority, their ability to later enforce compliance among lower courts, and their relatively advanced infrastructure, including the necessary hardware, internet, and stable electricity. The Commercial Court Division is a new court and as such it is the only court in the country that has been automated from its inception.

The second phase of deployment included the three Labor Courts and one Administrative Court that went live on 1st Feb 2023. The third phase will include the High Court, which has five locations around the country (Harare, Bulawayo, Chinhoyi, Mutare and Masvingo), and the Sheriff of the High Court. The Magistrate Courts are currently being prepared to adopt the IECMS and will be activated in the final phase.

### 3. Change Management

The JSC proactively designed a comprehensive change management strategy to promote adoption of the IECMS by the intended users. The JSC was guided by the advice and best practices applied by various regional judiciaries who have also implemented case management systems. In fact, a south-south model of cooperation and change management expertise is emerging across the region. The lessons from Rwanda and Uganda informed the implementation in Zimbabwe, and Zimbabwe has recently shared best practices with Eswatini during their IECMS Change Management Workshop.

The Change Management Committee was created by the Secretary of JSC and it includes the Chief Registrar, Chief Magistrate, Director of Finance, President of the Law Society, Head of Training, Deputy Head of IT and Records Management and two focal points for Publicity (Head of Corporate Services and Principal Communications Officer), with one responsible for digital communications and one for print media. This group of senior advisors was responsible for planning all activities that were to be carried out pre-launch, during the launch, and post launch. The committee divided itself into thematic working groups for communications, stakeholder interactions (internal and external), training and coaching, technical support, and budgeting.

#### 3.1 Training and Capacity Building

Before training began on the IECMS, JSC provided critical general ICT training to court staff through collaboration with the Ministry of Information and Communications Technology. The IT and Records Management Department, working hand in hand with the Judicial Training Institute of Zimbabwe (JTIZ), provided basic ICT Training concentrating on basic internet skills.

The software vendor then provided Administrator Training to the Technical Working Group, including specific sessions on Training of Trainers, so that the TWG could proceed to train end-users. For each new launch, court staff, lawyers and litigants have been notified of dates for both physical and virtual training. Apart from this, the JSC also developed instructional videos on how to register and file a case. These were shared on the JSC YouTube platform.

Before going live with the IECMS in Zimbabwe, the JSC initiated a pilot phase called “Phase 0”

in which legal practitioners were requested to file both physical files and soft copies in the training environment. The purpose of this was to both test the system and build confidence among its primary users. The JSC hosted an in-person training of trainers for legal practitioners identified from every province, and law firms were encouraged to request personalized trainings. For continuous training, virtual sessions were done both pre- and post-launch.

#### 3.2 Transition

Public Awareness Campaigns began before the launch of the IECMS. The JSC hosted an open house day at the courts to assist people in creating accounts in IECMS. They distributed brochures and fliers on how to register in the IECMS, and provided information about how to access technical support.

Before the launch, the Judiciary captured all pending cases that were in the manual process and IT Officers entered them in the IECMS by scanning records. The Judiciary communicated to the case parties informing them that from the date of launch they were required to continue with the cases in the system. For each phase, a hard deadline for 100% transition was established. Best practices from other implementations have demonstrated that fully committing to a transition is the best way to ensure universal adoption, and the Judiciary of Zimbabwe benefited from this decisive approach.



JSC Secretary Mr. Walter Chikwana, personally handing out brochures promoting the IECMS

### 3.3 Technical Support

In addition to training, technical support was made available for litigants and lawyers through the following mechanisms:

**E-filing Centers:** E-filing centers were developed at each station of the JSC, including at least one in each city, and more in large cities. These centers have trained staff and computers to support public users and lawyers.

**Call Center:** A 24/7 call center with 4 personnel was established so lawyers could call or email any time and get assistance.

**Support email:** A support email was also created where litigants could send their queries by email. Two personnel were recruited and are responsible for replying to the emails.

### 3.4 Resistance Management

In practice, there was little resistance from judges, due to the high level of support from the Chief Justice. And among the lawyers there was already a strong interest in adopting the system, as the experience of being unable to work during the pandemic was fresh in everyone's mind. Other Judiciary staff concerns were addressed by providing opportunities for training and promotion. Some of the existing clerks of court, interpreters, office orderlies, and court recorders transitioned to become e-filing officers, with a higher professional grade and salary. Records and Information Assistants, who were responsible for keeping the physical records, were understandably concerned about losing their jobs. However, JSC guaranteed their job security, and many received additional training and successfully transitioned to assistant registrars at the Superior Courts.

## Results

The most significant results from the project include the successful introduction of virtual hearings, online payments, e-filing, e-signature, and e-stamping. Although it is still early to analyze overall case performance statistics, some positive trends are already emerging from the data.

■ **Case Clearance Rates:** Clearance rates improved dramatically for the Constitutional Court during the quarter in which the IECMS was launched. This cannot be specifically attributed to the IECMS, but it is an interesting correlation. In Q1 2022 (before go-live), the

clearance rate was 36%, and even lower in previous quarters. After go-live in Q2 2022, the rate increased to 56% and continued rising over the subsequent three quarters. Rates for the Supreme Court stayed mostly steady before and after the launch.

■ **Online payments:** From 2022 to 2023, the percentage of users taking advantage of online payments went up for both the Constitutional Court (25% to 39%) and the Commercial Division of the High Court (37% to 42%). However, the number of Supreme Court cases utilizing online payments reduced from 55% to 44%. This may be explained by increases in fees and limitations on transaction amounts.

■ **Virtual Hearings:** Among 22 court staff and lawyers that were surveyed, the virtual hearing was found to be at least "somewhat helpful" by virtually 100% of parties surveyed, with 28% noting that it was "very helpful."

## Best Practices and Lessons Learned

The following lessons learned are provided to guide future adopters of similar eJustice technology:

■ **Learn from others:** Zimbabwe was perhaps the first country in the region to establish a strong benchmarking practice in the implementation of electronic case management for the Judiciary. Zimbabwe looked to the Rwanda example, in which a similar technology was used, and rigorously applied the lessons learned and shared by these institutions, particularly as it relates to the strong Change Management Plan and adequate funding for training, promotion, and support of the system.

■ **Take advantage of windows of opportunity to enable transformation:** Transitioning during a crisis such as the pandemic would normally not be advisable from a change management perspective. But in this case, it provided a strong, clear, and broadly accepted impetus for change. All judicial staff and court users, particularly lawyers, understood and accepted the need for the system. Judiciaries that capitalize on the momentum for change during similar windows of opportunity will be able to make technological strides that may not normally be achievable.

■ **Use flexible software and allow adequate time for testing:** The needs assessment had to be done remotely due to the pandemic, so the developer focused on designing and implementing a very flexible and adaptable system, such that even if there are a large number of changes requested, the underlying architecture could remain valid. It took more than a year of development, and another six months of testing with the initial phase 0 implementation before the processes were more or less finalized and the JSC was comfortable with the system.

■ **Demonstrate how electronic tools can improve access to justice rather than hinder it:** Public access to e-filing centers needs to be rolled out nationwide. In this way, access to justice can be improved rather than hindered. For example, the constitutional court is currently only in Harare, so prior to IECMS a litigant that wanted to file a case there had to travel to Harare. But now, even a user without personal internet access can simply go to the nearest courthouse to receive assistance and file their case.

■ **Make a full transition and prevent duplication of effort:** As advised by other Judiciaries that have transitioned to e-filing, the JSC maintained a policy of 100% e-filing with the three courts starting in Phase 1 on 1 May 2022 (Constitutional, Supreme and the Commercial Division of High Court). This has again proven to be successful and will be the model for future phases.

## Conclusion

The Government of Zimbabwe has implemented many enterprise level information systems, but the IECMS is one of the largest and most successful e-gov tools. The JSC is continuing with the nationwide rollout of the IECMS and is positioning itself as a regional leader in court automation and change management in eJustice. Zimbabwe has not only benefited from the lessons learned in other countries but is now becoming a contributor to the eJustice body of knowledge that is emerging on the African continent.