

## WERK IN UITVOERING

# Understanding knowledge sharing between judges

## A quantitative analysis

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### 1 Introduction

Over the last two decades, knowledge management has become a much-discussed and widely used management term. In the judicial field, knowledge management has received fairly moderate attention. In the scholarly literature, the focus lies primarily on the development and implementation of (legal) knowledge management systems.<sup>1</sup> These knowledge management systems are designed to support judges in their search for more detailed information and relevant knowledge from others. Amongst other things, it is expected that the use of these systems will diminish possible inconsistencies between judges in the complex process of handling and deciding cases.<sup>2</sup>

In the literature, less attention has been given to the related process of knowledge sharing between judges. This is unfortunate, because knowledge sharing between judges is the first and most basic step of making individually held knowledge accessible and usable for others. For individual judges, knowledge sharing is mainly about ‘talking to colleagues to help them get something done better, more quickly, or more efficiently.’<sup>3</sup> Managing this interactive process of knowledge sharing *between* judges is different from managing the knowledge *of* judges.<sup>4</sup> In case of the latter, the focus lies on capturing and documenting knowledge and transferring it to others in the organization. Wikis and other knowledge portals can be useful tools in this regard. However, managing knowledge sharing *between* judges is not about the systematic process of capturing, documenting and distributing knowledge (codification strategy<sup>5</sup>), but about supporting interactions between judges.<sup>6</sup> In order to support these (voluntary) interactions between judges, a better understanding of the knowledge sharing behavior of judges is required.

In order to explore which factors influence the knowledge sharing behavior of judges, a research model has been developed. This model will be quantitatively

1 Apistola 2010; Casanovas et al. 2005.

2 Apistola 2010; Casanovas et al. 2005.

3 Lin 2007b, p. 316.

4 Huysman & De Wit 2002.

5 Hansen et al. 1999.

6 Huysman & De Wit 2002.

tested on the basis of survey responses from judges. One of the main goals of this research is to gain a better understanding on how to create an environment in which judges both want to actively donate and collect knowledge.<sup>7</sup> In this research, knowledge sharing is perceived as a 'reciprocal process of knowledge exchange',<sup>8</sup> which involves both donating and collecting knowledge.<sup>9</sup>

## 2 The Sinergia project

This empirical study – supervised by prof. dr. Philip Langbroek (Utrecht University) and prof. dr. Mandy van der Velde (Utrecht University) – is part of a Swiss interdisciplinary research project on court management.<sup>10</sup> The Montaigne Centre for Judicial Administration and Conflict Resolution (Utrecht University) is one of the research partners. Within this overarching research project, this study is part of the subproject on process optimization and quality management. Knowledge sharing will therefore also be framed within the quality management discussion.

## 3 The research model

Figure 1 shows a graphical overview of the research model. In this section, the four dimensions included in the research model will be briefly discussed. Each dimension consists of one or several variables which are expected to influence the knowledge sharing behavior of judges.

Referring to the technology dimension, most researchers agree that technology can act as a facilitator to support knowledge sharing.<sup>11</sup> According to Riege, 'there is little doubt that numerous technologies such as the Internet and Intranet, e-mail systems, or inclusive groupware software assist greatly in reducing formal communication barriers.'<sup>12</sup> However, previous research has also shown that the information communication technology (ICT) infrastructure of an organization does not necessarily foster the participation of individuals in knowledge sharing activities.<sup>13</sup> The question is whether high levels of ICT support positively influence knowledge sharing behavior. Despite mixed results, ICT support is included in the research model as an independent variable. Not in the least because ICT tools are often implemented by organizations hoping to alter work-related behaviors, such as knowledge sharing.

Referring to the managerial dimension, previous research has shown that perceived (top) management or supervisor support is positively associated with

7 Riege 2005.

8 Renzl 2008, p. 207.

9 Van den Hooff & De Ridder 2004.

10 This research project is led by the Kompetenzzentrum für Public Management (University of Bern). More information on this research project can be found on [www.justizforschung.ch](http://www.justizforschung.ch).

11 Riege 2005.

12 Riege 2005, p. 30.

13 Huysman & De Wit 2004; Lin 2007b.

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knowledge sharing.<sup>14</sup> In the judicial context, it could be wondered whether judges are sensitive to this type of support. After all, judges are ‘autonomous professionals’<sup>15</sup> who do not have a typical manager-employee relationship. The question is whether high levels of management support positively influence knowledge sharing behavior. Despite the unique position of judges in this regard, management support has been included in the research model as an independent variable.

In the knowledge management literature, social capital is often linked to the sharing of the more personal and subjective knowledge.<sup>16</sup> It is assumed that knowledge sharing between individuals depends on the ‘social dynamic between group members.’<sup>17</sup> According to Nahapiet and Ghoshal, ‘social capital inheres in the relations between and among persons and is a productive asset facilitating some forms of social action while inhibiting others.’<sup>18</sup> The social dimension included in the research model is based on this social capital approach. It is expected that the social network of judges (structural social capital), the shared goals between judges (cognitive social capital) and the social trust among judges (relational social capital) positively influence knowledge sharing behavior.<sup>19</sup>

Last but not least, motivational factors are also expected to influence the knowledge sharing behavior of judges. Several studies have shown that motivation is a determinant of work-related behaviors, including knowledge sharing.<sup>20</sup> Based on social exchange theory,<sup>21</sup> three motivational factors have been selected: enjoyment in helping others, knowledge self-efficacy and professional image.<sup>22</sup> The first two factors are examples of intrinsic motivation. According to Lee, Cheung and Cheng, ‘intrinsic motivation refers to the fact of doing an activity for its own sake: the activity itself is interesting, engaging, or in some way satisfying.’<sup>23</sup> With regard to knowledge sharing, it is expected that judges who share their knowledge out of a feeling of enjoyment to help others are more inclined to engage in knowledge sharing.<sup>24</sup> A similar argument holds for knowledge self-efficacy.<sup>25</sup> On the other hand, extrinsic motivators, such as enhancing your professional image in the organization, can also influence knowledge exchanges.<sup>26</sup> According to Lee, Cheung and Chen, ‘extrinsic motivation pertains to behaviors that are engaged in response to something apart from its own sake, such as reward or recognition or the dictates of other people.’<sup>27</sup> Based on previous research, it is expected that judges who share their knowledge due to the believe

14 Kang et al. 2008; Wang & Noe 2010.

15 Mackor 2012, p. 617.

16 Van den Hooff & Huysman 2009.

17 Van den Hooff & Huysman 2009, p. 2.

18 Nahapiet & Ghoshal 1998, p. 245.

19 Chow & Chan 2008.

20 Lin 2007a; Lu 1999.

21 Kankanhalli et al. 2005.

22 Kankanhalli et al. 2005; Lin 2007a; Gottschalk 2007.

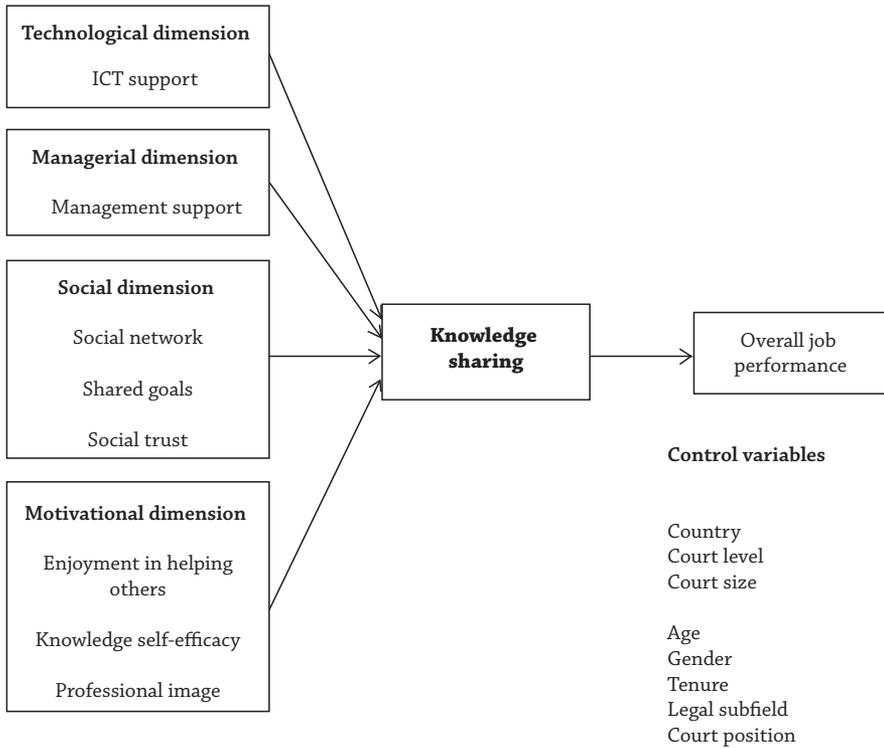
23 Lee et al. 2005, p. 1097.

24 Lin 2007a.

25 Lin 2007a.

26 Kankanhalli et al. 2005; Gottschalk 2007.

27 Lee et al. 2005, p. 1097.

**Figuur 1** *The research model*

that it will earn them respect and a better professional image are more inclined to engage in knowledge sharing.<sup>28</sup>

#### 4 Testing the model

Managing knowledge sharing between judges is not an easy task. After all, knowledge sharing is a voluntary activity which requires an effort on the part of the individual judge.<sup>29</sup> A first step towards successfully managing knowledge sharing is knowing which factors influence the knowledge sharing behavior of judges. The above described research model is based on relevant insights gained from previous studies. In these past studies, researchers often limited their scope to a single organization or several organizations within a single country. In this research, first and higher instance courts from different countries have been selected to provide a more robust test of the research model. Three countries have been selected: Germany (North Rhine-Westphalia, Lower Saxony,

<sup>28</sup> Gottschalk 2007.

<sup>29</sup> Bartol & Srivastava 2002.

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Baden-Württemberg), the Netherlands and Switzerland. As this research is part of a Swiss research project, Switzerland has been chosen as one of the selected countries. Taking Switzerland as a starting point for this research, Germany and the Netherlands have been selected as interesting cases for comparison with Switzerland due to the institutional differences between these countries.

Due to pragmatic reasons, it has been decided to test the model in one legal field: the field of administrative law. Administrative judges, like other judges, have to deal with ambiguous concepts in the law, inconsistent case law and the application of new (European) law. Knowledge sharing, in this regard, is a way to benefit from each other's knowledge in order to deal with upcoming doubts or uncertainties.<sup>30</sup> Testing the research model in the field of administrative law (and its separate subfields), gives us a first indication of which factors influence the knowledge sharing behavior of judges.

## 5 The survey

In order to quantitatively test the research model, a questionnaire was developed. Questions were based on validated items used in other empirical studies on knowledge sharing. Due to the international character of the survey, the questionnaire was translated into Dutch, German and French. From February until June 2014 the questionnaire was available online. Judges received an e-mail in which they were invited to participate in the survey. A few weeks after the first invite, they received a reminder. In total, 447 judges filled in the questionnaire. This number represents a response rate of 33,4 percent.

## 6 Final remarks

Now that the data collection has been finished, analyzing the data is the next step. The outcomes will be interpreted in the light of the judicial context: what do these outcomes tell us and how do they relate to other studies on judicial behavior? These and other questions will be tackled in an attempt to place the outcomes of this study in a broader perspective.

## Literature

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