AN INVESTIGATION INTO TOTAL QUALITY MANAGEMENT (TQM) STRATEGIES THAT CAN BE ENFORCED BY THE LAW SOCIETY OF ZIMBABWE (LSZ) WITH A VIEW OF IMPROVING QUALITY OF SERVICE AMONGST ITS MEMBERSHIP (2005 - 2012).

REBECCA CHIKWENGO R012353T

A DISSERTATION SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF THE MASTERS IN BUSINESS ADMINISTRATION

2013

GRADUATE SCHOOL OF MANAGEMENT

UNIVERSITY OF ZIMBABWE

SUPERVISOR: DR. S. RUTURI
DECLARATION

**Student’s Declaration**

I, Chikwengo Rebecca, do hereby declare that this dissertation is the result of my own investigation and research, except to the extent indicated in the acknowledgements, references, and by comments included in the body of the report, and that this dissertation is therefore, my original work and has not been presented in part or in full for any other degree in any other University.

Signature ................................ Date ....................................

NAME: CHIKWENGO REBECCA

STUDENT NUMBER: R012353T

**Supervisor Declaration**

I, Dr. Samson Ruturi confirm that the work reported in this dissertation was carried out by the candidate under my supervision as University Supervisor. This dissertation has been submitted with my approval as University approval.

Signature ................................ Date ....................................

NAME: DR. S. RUTURI

GRADUATE SCHOOL OF MANAGEMENT

UNIVERSITY OF ZIMBABWE
DEDICATION

To an extraordinary woman with rare qualities and distinguishable foresight, my mother Ms. Cecilia Mbiriri, you were and will always be the inspiration and beacon of academic excellence. To my sons Tinomuda Cyril (Jnr) Mugari and Tatenda Ryan Mugari, your presence in my life has propelled me to aim for greater heights and to conquer new territories.
ACKNOWLEDGEMENTS

This research would not have been a success had it not been the invaluable guidance, commitment and mentor of Dr. Sam Ruturi, my supervisor, whose selfless passion to serve others is awe-inspiring. No gem or pecuniary value can fairly equate to the hours you spent steering me towards completion of this research.

I also acknowledge the role played by the Law society of Zimbabwe, particularly Mr. Cledwin Dzinamarira and Mr. Edward Mapara, who timeously provided the requested information throughout the study. These two gentlemen were always a phone call or email away and were ever so patient in retrieving, processing and availing the requested information.

I thank Mrs. Lynette Shumba for typing the document, putting all the drafts together and contending with numerous amendments in the quest for perfection.
ABSTRACT

The purpose of the research is to investigate TQM strategies that can be enforced by the Law Society of Zimbabwe (LSZ) with a view of improving quality of service amongst its membership drawn from registered Legal Practitioners practicing in Zimbabwe. The need to carry out the research arose from observations by the researcher of the gradual and significant decline in quality levels of the service offered by Legal Practitioners in Zimbabwe.

A self administered questionnaire was distributed amongst 75 Respondent drawn from stakeholders in the justice delivery system, namely, the LSZ, lawyers, the Ministry of Justice, Members of the Police, Members of the Judiciary, Court personnel and clients, in Harare. The population was first divided into strata made up of people in the various groups listed above. Respondents were then randomly selected from the strata. The response rate was 96%. The Statistical Package for Social Science (SPSS) and excel were used in analyzing data. Data was presented graphically to give a visual impression of the responses.

Generally as respondents were drawn from various backgrounds, they all showed appreciation of TQM and its principles though at varied levels. Respondents also indicated knowledge of the important but different roles played by both employers and employees in the implementation of TQM. Respondents also showed an awareness of the importance of adopting macro tools of quality such as Benchmarking and ISO 9000 law in order to achieve sustainable competitive advantage.

The recommendations of the study were drawn from the gaps from the objectives and include the need by the LSZ to lobby and advocate for laws on continuous legal training of lawyers, education and training of Senior and Managing Partners and all lawyers on TQM, its principles and associated benefits and putting in place a policy framework on the quality of acceptable leadership and Senior Partners in Law firms.
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<td>1.</td>
<td>ADB</td>
<td>African Development Bank</td>
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<td>2.</td>
<td>BPR</td>
<td>Business Process Re-engineering</td>
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<tr>
<td>3.</td>
<td>BSC</td>
<td>Balanced Scorecard</td>
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<td>4.</td>
<td>EFQA</td>
<td>European Foundation Quality Award</td>
</tr>
<tr>
<td>5.</td>
<td>GNU</td>
<td>Government Of National Unity</td>
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<td>6.</td>
<td>GPA</td>
<td>Global Political Agreement</td>
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<td>7.</td>
<td>JUSE</td>
<td>Japanese Union of Scientists</td>
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<td>8.</td>
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<td>National Social Security Association Authority</td>
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<td>12.</td>
<td>PAYE</td>
<td>Pay As You Earn</td>
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<td>13.</td>
<td>TQM</td>
<td>Total Quality Management</td>
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<td>14.</td>
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CHAPTER ONE: BACKGROUND OF THE STUDY

1.0. INTRODUCTION

“Quality is free. It is not a gift but its free. What costs money are the unquality things – all the actions that involve not doing jobs right the first time”. Crosby, P. B. (1979, p. 1.)

Likert (2004) describes vividly and graphically the reasons behind Toyota’s success as a global automobile company. What Likert (2004) emphatically stresses is what he termed the “Toyota DNA” (p.3.), which is the foundation of how Toyota views the world and conducts its business, basically set on two organizational pillars “continuous improvement” and “Respect of People”, all adopted for purposes of achieving sustainable competitive advantage through client satisfaction and retention.

Oakland (2001) concurs with Likert (2004) that competition is rife amongst companies across industries and these competing business rivals strive to come up with business systems to beat competition. According to Likert (2004) Toyota is one such company that has beaten the competition by employing Total Quality Management (TQM) systems and principles. Oakland (2004) observes that global companies such as Hewlett Packard and Solectron have remained ahead of competition by consistently applying TQM systems to achieve and maintain their blue chip status.

The purpose of the research was to investigate the TQM systems that could be adopted by the Law Society of Zimbabwe (LSZ) with a view of improving quality of service amongst its members in the legal services sector. The legal services industry is a fragmented industry which according to Porter (1998) is characterized by many small players and in most cases does not have a market leader dominating the industry. The LSZ is the regulatory body of this fragmented industry in Zimbabwe.
The LSZ is tasked to regulate and control this fragmented industry, being responsible for ensuring quality of service through professionalism of its membership, consisting of lawyers and law firms.

The quality of the services rendered by lawyers has been declining steadily over the years prior to and during the period under study. The decline in the quality of service manifests itself in closure of law firms by the LSZ, de-registration of lawyers, complaints and negative criticism on the caliber of lawyers and the quality of their work from members of the public in members of the judiciary. It is in this context that the LSZ is expected to adopt TQM systems to improve on service quality of its members in order to properly discharge its statutory mandate and objects.

It is hoped adopting TQM will assist law firms to achieve sustainable competitive advantage through client satisfaction and retention. According to Greene (1993, p. 137) “sophisticated clients are refusing to pay for inefficiencies in the lawyers’ practice management. With intense competition in the market place, clients are in a position to shop around for a lawyer who is both efficient and productive”. It is hoped that if clients are satisfied, incidences of switching between lawyers are minimized. In this regard, the LSZ has to adopt quality systems for use by its members to ensure client satisfaction and retention, which are indicators of a quality system.

In order to do justice to the research a discussion of the macro - environment in which the LSZ and law firms in Zimbabwe operated in between the period 2005 – 2012 was carried out. In addition, an analysis was carried out in order to ascertain the forces that influenced the competitiveness and profitability of the legal services industry during the period under study. A discussion of the internal environment was also done. The analysis of the operating environment was critical as it had a bearing upon, and directly affected the law firms’ operations and the quality of the service offered.

The environment analysis of the legal services sector is followed by a statement of the problem where the researcher articulates the problem requiring to be addressed...
and why it has to be addressed. Thereafter the researcher formulated research questions and objectives. Immediately after that the researcher provided justification for the research. The limitations of the research precede the structure of the entire dissertation which is dealt with last in order to give a guide as to what to expect in succeeding chapters of the research.

1.1. ENVIRONMENTAL ANALYSIS

1.1.1. POLITICAL ENVIRONMENT
The political climate for the most part of the period under study was highly unstable, characterized mainly by pre-and post election violence that took place on 31 March 2005 (parliamentary elections), on the 29\textsuperscript{th} of March 2008 (presidential, parliamentary and senate elections) and 27 June 2008 (presidential run-off elections). Government operations and programs such as Operation Murambatsvina carried in May 2005 and the Land Reform Program were also a source of tension, political unrest and turmoil.

The magnitude of the turmoil prevailing in Zimbabwe caused clients who included the lawyers themselves to seek legal representation mostly in politically motivated cases of assault, murder or destruction of property. Sadly however, both lawyers and judges were subjected to political interferences in their duties to either deliver or seek justice, thereby compromising the quality of service offered to those seeking legal services.

According to Amnesty International (2007), members of the legal profession, mostly Human Rights Activists who challenged the interference of the Executive and Politicians in the justice delivery system were intimidated, threatened, attacked or obstructed in the course of their duties. Fearing for their lives and well – being, most lawyers were forced to recoil and submit to the interferences thereby seriously undermining the quality of the legal services rendered. According to Amnesty International (2007) those who did not recoil and remained resolute such as
renowned Human Rights Activists Beatrice Mtetwa and Aleck Muchadehama suffered serious personal abuse. In addition, their cases were not fairly adjudicated.

Politicians and the Executive also adversely affected the quality of services rendered by lawyers as they forced judges they considered to be liberal and hostile towards them to retire against their will. The forced retirement of Chief Justice Gubbay and the unlawful arrest and detention of Justice Blackie who later resigned are cases in point. The judges who were forced to retire were replaced by judges who were known to be allegiant to politicians. According to the Legal Resources Foundation (2002) three judges were appointed as Supreme Court judges because of their political affiliations. According to the Legal Resources Foundation (2002) the Minister of Justice and Legal Affairs, Comrade Patrick Chinamasa threatened judges to be politically correct and not behave like unguided missiles lest they be removed from office.

The fact that judges were appointed on the basis of political affiliation rather than on merit seriously compromised the Judicial Services Sector and resultantly the quality of the service offered by lawyers, especially in political and sensitive matters. Often, lawyers lost cases not because their client’s cases lacked merit, but because of political interference and bias.

Apart from external pressure, lawyers on their own free will and volition affected the quality of the service they offered to clients by overcharging for services rendered, taking advantage of desperate customers who were victims of the political turmoil. Many lawyers ceased to be apolitical, choosing rather to identify with politicians at the expense of making legally sound and impartial representations to the benefit of their clients. Once legal representation was muddled with political affiliations, inclinations and sympathies the quality of service became seriously compromised.
1.1.2. ECONOMIC ENVIRONMENT

The period between 1999 and 2008 was characterized by a decline in economic output, (African Development Bank, (ADB) 2011). According to Coltart (2008) about 35 years of the country’s economic progress was undone in a decade (p. 2.). Coltart (2008) further states that inflation reached unprecedented levels in excess of 150,000% per year and as a result industry output shrunk by over 60% in the year 2007. Cross (2007) further states that unemployment rate soared to 45% in the year 2007.

The legal services industry was not spared from the tumultuous economic era. In order to cushion themselves from inflation and the devaluation of the Zimbabwean Dollar, lawyers charged exorbitant fees contrary to the provisions of the LSZ Tariffs of fees which make it mandatory for lawyers to charge their fees in terms of the Tariffs applicable at each particular time. Clients became victims of overcharging. Legal services went beyond the affordability of many.

Lawyers also joined the band wagon of what were known as “money changers”. In some cases lawyers would engage runners to buy and sell money at the black market and in most cases using Trust Funds to do so, effectively stealing from the people ought to be protecting.

As if that was not enough, most lawyers demanded fees in foreign currency at a time when it was not legal tender. In order to cushion themselves against inflation and ensure they were paid in a meaningful currency. However they were compromising the quality of their service as they were committing a crime by breaching Exchange Control Regulations. In addition, during that period very few people had access to foreign currency and by demanding foreign currency as payment, lawyers effectively denied many people of their service.
The signing of the Global Political Agreement (GPA) on the 15th of September 2008 leading to the forming of a Government of National unity (GNU) in February 2009 resulted in the restoration of order, (Mambondiani, 2009). The new government fostered a new economic recovery plane for the Zimbabwean economy which had been badly affected by a decade or so of political anxiety, suspense and agitation, (Mambondiani, 2009).

The pronouncement of a Directive by the Reserve Bank of Zimbabwe Governor, Dr. Gideon Gono, authorizing businesses to trade in foreign currency resulted in the LSZ publishing a Revised General Tariff of fees in August 2009 authorizing its members to charge fees in United States Dollars with effect from September 2009.

Whilst the GNU brought political stability, the introduction of a multi-currency system brought positive changes in the economy, including the legal services sector. According to The ADB (2011, p.5.) the economic reforms implemented by Zimbabwe since the signing of the GPA bore positive economic results as GDP grew by about 6% by 2011. The country report goes further stating that inflation had declined to 3.8% as at April 2011. The positive growth of the Zimbabwean economy was also recorded by the World Bank (2012, p.1.) reporting that in 2011, real Gross Domestic Product had grown by 9.3% since 2009.

The LSZ (2010) acknowledged through its President Mr. Josephat Tshuma, that the year 2010 was characterized by stability in the financial sector and such stability had profound positive impact on the LSZ, and the law firms, due to the certainty brought about by the financial stability. However, the legal services sector continued to offer shoddy services to clients as the use of foreign currency ushered in new problems associated with, and arising from a liquidity crunch in the economy and the difficulties associated with accessing the dollar by the general public.
Whilst quality problems such as trading of money on the black became a thing of the past, still, lawyers continued to engage in the willing and dealing behavior which characterized the tumultuous economic era described above. Lawyers continued to provide a shoddy service yet often over reaching clients despite the unsatisfactory work performed. Lawyers also demanded fees which are not commensurate to the LSZ Tariff of fees or a true reflection of the amount of time spent in attendances. Lawyers continued to engage in corrupt activities thereby affecting the quality of the service rendered to clients.

In addition, the cost of doing business went beyond the affordability of many lawyers who were faced with high overheads, including salaries, rentals, electricity bills and costs of stationery. Most lawyers overcharged in order to raise money to meet operating costs. Other lawyers could however not afford to settle their salary bills, rentals and electricity bills and were either evicted from their rented office premises or had essential services discontinued. In both circumstances the service offered was greatly affected as often clients would get to what used to be their lawyers’ offices only to be told they were no longer operating from there. In cases where power would have been disconnected, clients waited for long periods of time to have their documents ready as lawyers searched for kind colleagues to allow them to use their power to type, print or process documents. The inconvenience this had on clients is quite apparent and need not be emphasized.

1.1.3. LEGAL ENVIRONMENT
The primary legislative framework for the legal services industry for the period under study is the Legal Practitioners Act [Chapter 27:07] together with other legislation such as the Legal Practitioners (General) Regulations, 1999. The significance of the Legal Practitioners Act in creating an enabling operating environment for the legal services industry is that it is empowered to create the LSZ which derives its mandate, objects and powers from Section 53 of the Legal Practitioners Act. It is in line with
this mandate and objects that the LSZ ought to adopt TQM systems to improve on quality.

Whilst the Legal Practitioners (General) Regulations, 1999, is more regulatory in nature, providing a framework for the manner of registrations and de-registrations of lawyers and law firms, the LSZ is among other duties actively involved in advocating for, and gazetting the Tariff for fees for use by legal practitioners; receiving complaints about lawyers and law firms; lobbying for laws that govern the practice of law; conducting disciplinary hearings against lawyers and ensuring that convicted lawyers are not in contempt of judgments meted against them. The LSZ also ensures that in cases where complainants would have suffered pecuniary loss due to the conduct of its members, such complainants receive compensation out of the LSZ Compensation Fund.

The LSZ published the LSZ General Fees Tariff in 2009 authorizing lawyers to charge fees in foreign currency. Whilst the move was positive in that lawyers could now be appropriately paid in a meaningful, lawyers continued to pushing legal services beyond the reach of many. Lawyers also saddled clients with enormous bills they were unable to settle due to the overcharging. Often, the consideration demanded by Lawyers was not commensurate to the true and fair value of the services rendered. Lawyers were effectively stripping clients of their hard earned cash in breach of the Fees Tariffs.

Currently, the major legal setback in the industry is the absence of a Code of Conduct for lawyers. A proposed draft is however under review and yet to be gazette into law. The absence of a Code of Conduct undermine the quality of the service offered. With no Code of Conduct the LSZ is left only left to the Legal Practitioners Regulations, which are skeletal and inadequate in enforcing sanity and quality among its membership.
Additionally, the sector suffers from lack of continuous compulsory legal training for all lawyers in private practice as currently there is no law making continuous compulsory legal training mandatory. It is the intention of the LSZ to introduce continuous compulsory legal training for all lawyers in terms of Statutory Instrument 137/99 in order to improve the caliber of lawyers and the quality of services rendered. However, the Statutory Instrument is yet to be made operative. As long as there is no compulsory training for lawyers, the quality of services remain beyond the expectations of clients and all stakeholders.

The Minister of Justice and Legal Affairs, Comrade Patrick Chinamasa has raised serious concerns about the quality of the services offered by the entire justice delivery system, including the legal services sector, citing what he termed “a decline in the quality of legal services offered by most lawyers” (Nemukuyu, 2012, April 30, p. 1.) The report states that all key players in the justice delivery system: lawyers, prison officers, accused persons, judicial officers, support staff, clerks, interpreters police investigating officers, prosecutors, touts who impersonate lawyers are involved in corruption thereby seriously undermining the quality of the service rendered.

Members of the judiciary, The Honorable Chief Justice Godfrey Chidyausiku, and the Honorable Deputy Chief Justice Mr. Luke Malaba have bemoaned the failure by the justice delivery system to deliver justice to the people (LSZ, 2012, February 2.). The Chief Justice acknowledged that he was aware of reports of corruption among members of the judiciary and the legal profession and suggested severe punitive and deterrent measures to convicted perpetrators of corruption. (Nemukuyu, 2012, July 30, p. 1.) Such utterances have caused Lawyers to be more careful, subtle and sophisticated especially in their misdemeanous acts in order to avoid detection and arrest.

The intensity to which the issue of the quality of service in the judiciary and the justice delivery system has been the subject of discussion from the later half of 2012 is only
a tip of an ice-berg of the grandiose nature of the quality issues rocking and bedeviling the entire justice delivery system including its sub-segment, the legal service sector. People have lost faith in the ability of lawyers to fairly and adequately represent clients hence the need by the professional body to consider adopting TQM systems with a view of improving quality.

1.1.4. SOCIO-CULTURAL ENVIRONMENT

The period under study saw an increase in both civil and criminal cases being handled by lawyers. Civil matters on divorce especially amongst couples with either or both partners in the diaspora rose significantly. According to Nyoni (2012) the High Court dealt with 1551 divorce cases in 2011, a 21% increase from 1216 divorce cases filed in 2010. Most lawyers, upon receiving instructions from a client who is based outside the country presupposed that the client is loaded with cash and depart from the LSZ fees Tariff when charging fees. Most of the divorcing clients found themselves having to settle huge bills not commensurate to services rendered.

Equally, there was an increase in criminal cases mostly involving murder, theft or fraud. Most lawyers also overcharged, taking advantage of desperate clients.

Additionally, the hyper-inflationary environment prevalent in the country during the first part of the period under study resulted in an increased cost of doing business, high unemployment rate and the erosion of real income (Nyakazema, 2006). According to Nyakazema (2006), an affluent class of people who had access to foreign currency and would conduct their business dealings on the parallel market, using foreign currency though it was illegal to do so emerged during the period of the economic melt down e,. Most people departed from the formal, legal and ethical ways of conducting business, choosing rather to cut corners when conducting business.

The effects of the economic melt down stated by Nyakazema (2006) above were also felt in the legal services sector as lawyers sought to survive the economic turmoil.
According to the LSZ (2012) several lawyers were practicing without Practicing Certificates, yet it is a strict requirement of the law that every lawyer needs to have a current Practicing Certificate in order to practice law. As ordinary Zimbabweans and lawyers struggled to make ends meet the legal services sector saw the emergence of bogus lawyers practicing law in courts, police stations and even representing people in various situations. Debt collectors also mushroomed rendering legal services to people. The emergence of bogus lawyers became a major issue for the legal services industry, the LSZ and the entire justice system, that posters were posted at Police Stations and all courts warning people against bogus lawyers, conman and unscrupulous people masquerading as lawyers. Lawyers responded by undercharging for their services in order to beat this threatening new competition. In some cases lawyers teamed up with the bogus lawyers who would refer clients with complicated cases to them and later on share profits. The LSZ is opposed to lawyers sharing profits with non-lawyers.

This period also saw the emergence of a class of lawyers who did not have sufficient money to set up their own law firms but wanted to practice law as sole practitioners. These lawyers engaged in a practice commonly known in the hair salon industry “as rent – a chair system”. This practice is considered as illegal and is not part of the Zimbabwean legal system. The rent - a - chair system compromises the quality of the services offered to clients because most of the lawyers who engage in the practice would not have gained the necessary advocacy, litigation and practice management skills to operate on their own. In most cases these lawyers overcharge clients in a bid to make a once off killing as they do not often have clients and want to get as much money out of a client who walks through their doors. In addition, the presentability of the offices of such lawyers flout the LSZ expectations and set standards as most of them have adopted the open plan office system which breaches a client’s rights to privacy thereby seriously undermining the quality of service.
The economic stability prevailing in the country after the introduction of the multi-currency system saw an increase in the number of registered law firms in a year as most lawyers had excess income sufficient to establish their own firms. According to the Law Society of Zimbabwe (2011, p.8.) there was a marked increase of the registration of new law firms, in the year 2011, with 21 law firms having been established in the year 2011.

Whilst the marked increase in the number of law firms is an indicator of a stable operating environment and an increased demand for legal services there have been quality problems associated with the increase. As in the case of the rent-a-chair system, most of the new law firms are established by lawyers who would not have learnt and mastered sufficient legal and practice management skills to properly and adequately represent clients and manage the practice. As such, there are many incidences of theft or misuse of Trust Funds and sheer unprofessionalism resulting in complaints to the LSZ which often result in convictions by the LSZ Disciplinary Tribunal (LSZDT).

The period also saw the emergence of a class of astute and competent female lawyers who posed as a serious threat to their male counterparts in a profession historically known as dominated by men. These female lawyers would enter into corridors, offices and situations often regarded as not being suitable for women resulting in stigmatization from fellow lawyers and clients. The result was that most clients shunned this group of women lawyers, preferring to go and instruct male lawyers who in most cases are not as good as the female lawyers.

1.1.5. GLOBAL AND TECHNOLOGICAL ENVIRONMENT
The legal services sector has found itself surrounded by sophisticated technologies sweeping across the globe but sadly is embracing information technology and the opportunities afforded by the internet at a very slow pace. Currently, use of the internet and information technology is just confined to emails in most law firms, yet
there are programs such as Amicus Attorney which are specifically designed for a lawyer’s office as they offer business solutions to management, service, administration and financial issues. Very few law firms, especially the small law firms, are connected to the internet and have web sites Only a handful of law firms such as Scanlen and Holderness, Kantor and Immerman and Gill, Godlonton and Gerrans have websites thereby increasing their visibility, whilst the small law firms remained invisible and engaged in touting, marketing and soliciting for work in order to get clients. For those firms connected to the internet, very few have on - line libraries yet they could use of on - line libraries such as Optima Legislation or Butterworths products.

The failure to fully embrace information technologies and the internet has resulted in most lawyers failing to carry proper researches for their matters as the physical libraries they use do not afford them the search advantages associated with on - line libraries often jeopardizing clients’ cases.

The fact that most lawyers do not use packages designed for the management of the law firm, which normally do everything including billing, research, accounting, updating records, filing systems and tax calculations has resulted in most lawyers failing to properly account to their clients, often overcharging and undercharging. Files are often jumbled up such that in the event the individual lawyer dealing with a particular matter is out of the office, clients are not readily furnished with updates or progress reports on their matters thereby affecting the quality of service rendered to clients.

The LSZ (2012) has acknowledged that the legal services sector is lagging behind other jurisdictions technology wise and urged its members to embrace change in the form of information technology in order to improve on service delivery.
1.2. INDUSTRY ANALYSIS

1.2.1. RIVALRY AMONGST COMPETITORS

The legal services industry is highly fragmented with 339 registered law firms as at December 2011, (LSZ, 2011) and over 1600 registered lawyers in private practice. As such there is a high concentration of lawyers competing for market share in an economy that is still recovering from the tumultuous effects of the hyper inflationary environment.

Apart from newly registered law firms which increase the intensity of rivalry, the industry also often experiences incorporations of two or more law firms which they their resources intensifying the fight for increased market share. In March 2010, Mtetwa and Nyambirai Legal Practitioners merged with Wilmont and Bennet to form Mtetwa and Nyambirai Legal Practitioners; McNaught Wickwar Legal Practitioners merged with Chitiyo Legal Practitioners to form Wickwar and Chitiyo legal Practitioners which was then incorporated into Atherstone and Cook Legal Practitioners and Stumbles and Row legal Practitioners was incorporated into Coglan, Welsh and Guest Legal Practitioners.

The result of these incorporations has been to strengthen some firms whilst others remain weak. The incorporated firms pull their resources together in most cases introducing technologies that make them proficient in service delivery. On the other hand, the firms that do not form incorporations often find themselves being too small to invest in business packages or solutions tailor made for the lawyer. The small law firms do not afford to send their lawyers for further studies or training programs arranged by the LSZ. That way, these small law firms have inadequately trained lawyers and provide a sub-standard service or exercise serious practice management ills in order to cut on costs and survive the competition.
Lawyers engage in fierce competition for increased market share which manifests itself in scrounging for clients through soliciting, touting, brazen marketing and undercutting, conduct classified as unethical and unprofessional by the LSZ. The LSZ (2012, February) seriously warned lawyers to desist from touting or soliciting for work, undercutting, sharing proceeds realized from legal work with non lawyers and overcharging. The desperate conduct by lawyers to secure business is indicative, and a manifestation of fierce competition for market share in an economy recovering from economic turbulence.

Undercutting also occurs between lawyers within the same law firm fighting to bring in the highest fees in order to receive higher commissions. Clients are therefore left to lawyers who are actually competing and fighting amongst themselves rather than cooperating in assisting clients. Clients’ matters are compromised from lack of continuity of the lawyer as files change too many hands before finalization thereby compromising on the service rendered to the client.

With the high levels of competitive rivalry discussed above, the research therefore aims at assessing whether or not sanity can be introduced into the legal services industry to uphold professionalism to ensure the achievement of sustainable competitive advantage amongst law firms. It is in this context that the LSZ is expected to introduce the concept of quality amongst lawyers in order to improve the quality of service.

1.2.2. BARGAINING POWER OF SUPPLIERS
The main suppliers in the legal services sector are the suppliers of money, mostly banks which offer loans to lawyers wanting to establish their own firms or existing firms which want to recapitalize, the suppliers of the legal work being individuals and corporate and suppliers of office equipment, stationery or computer consumables. Amongst lawyers themselves, Advocates provide skill and services to fellow lawyers not practicing as Advocates.
Suppliers of legal work, especially companies enjoy control over lawyers as they are aware that they are too many lawyers and few jobs. As a result, the people responsible for choosing company lawyers give the jobs to their associates and often for a reward in return. This scenario increases incidences of soliciting for work, touting, brazen marketing and undercutting amongst lawyers. Some jobs are awarded to lawyers simply because they happen to know someone who sits on a particular board. In most cases these companies receive a shoddy service.

As at 1 January 2012, they were 5 Advocates practicing at the Harare Law Chambers whilst they were 13 Advocates practicing at the Advocates Chambers. They are too few lawyers practicing as Advocates. The Advocates themselves are very much aware of this and charge exorbitantly making their services a pipe dream for many litigants who would otherwise want their matters to be argued by certain Advocates.

Suppliers of expert labour in the industry are the lawyers themselves as only trained lawyers can legally practice as such. At the moment, only two institutions train lawyers in Zimbabwe, the University of Zimbabwe and National University of Science and Technology. These two universities release an average of 215 law graduates into the job market a year. In addition, the legal services job market is also fed with law graduates from other international universities and colleges such as from South Africa, Australia and the United Kingdom.

As the legal services industry is saturated with lawyers some of whom cannot find work with law firms, the Government, Non Governmental Organizations or other corporations, these lawyers end up practicing as unregistered sole practitioners in circumstances where they are not accountable to anyone. In some cases these lawyers practice without having written or passed their conversion examinations as required by the LSZ. In such circumstances, the quality of service to clients is highly compromised.
As lawyers are readily available on the market to take up jobs, most law firms do not adequately remunerate their lawyers, especially Professional Assistants as they can easily replace them. These underpaid Professional Assistants end up engaging in corrupt activities in order to augment their meager salaries. Some of these lawyers engage in outside jobs where they perform legal work for clients and demand nominal fees. In such circumstances there is no proper accounting and billing to clients compromising the service rendered.

1.2.3. BARGAINING POWER OF BUYERS

Block (2009) states that the multi-currency system saw the emergency of a new breed of customers with strong bargaining power, very knowledgeable about products, prices and cost of production. According to the article, this knowledge is due to the scarcity of the United States Dollars, making anyone who lays their hand on it keen to account for every cent and save.

Consumers of legal services enjoy a strong bargaining position relative to the providers of legal services. These clients enjoy bargaining leverage due to the availability of numerous lawyers in the market, all providing a similar service at almost similar cost, based on LSZ Fees Tariff. In that regard, consumers are price sensitive in search of better cost bargains. Lawyers respond by undercutting each other, soliciting, touting and marketing in order to attract as many clients.

Whilst undercharging may attracts clients bit surely denies the government of revenue. Most of the payments are made to the lawyer personally in flouting LSZ Regulations which require to be properly receipted by the law firm.

1.2.4. AVAILABILITY OF SUBSTITUTE PRODUCTS

The services rendered by the industry include Criminal services, Civil services, Estates administration services, Commercial representation and Litigation, Company
registration and formation, Notarial work and Convayancing, just to mention a few. It must be noted that most of these services, save for court appearances, conveyancing and Notary work are not confined to provision by lawyers only. For instance, registered Estate Administrators offer estate administration services.

In Zimbabwe professionals such as accountants, actuarial scientists and architects render advice to clients on various issues which for a long time have been the preserve of lawyers. In addition, bogus lawyers and court personnel are providing legal services. Even clients themselves are doing some of the legal work mostly drafting, for themselves in order to cut on costs.

It is apparent that lawyers face serious competition from other professions and even clients themselves. The diminished market share has caused lawyers to engage in soliciting, touting and marketing for work from potential clients. Lawyers are also undercutting each other in order to get business. Some under and over charge. As a result, the industry has become very chaotic, with lawyers employing whatever survival tactics they can in order to remain in business.

1.2.5. STRENGTH OF NEW ENTRANTS

The LSZ registered 21 law firms in 2011. The fact that as many as 21 new law firms can be registered within a year is indicative of low barriers of entry in the legal services sector. No economies of scale are required in order for a law firm to set up. In addition, not so much capital is required for setting up and switching costs are relatively low.

The threat of new competition is high in the sector as any registered lawyer who has undergone the required three years of pupilage qualifies to establish their law firm. These new entrants are contributing to the current quality problems bedeviling the sector as they are not playing by the book. As these new law firms are small and fighting for survival, they solicit for work, undercut and market in order to get clients.
They also pay bribes to the police, court officials, and many other people involved in the justice delivery system manipulating and influencing outcomes of cases. In most cases these new law firms engage in the rent a chair practice discussed above whose associated quality shortcomings are a source of concern to the LSZ.

1.3. THE LAW SOCIETY OF ZIMBABWE

1.3.1. BACKGROUND

The LSZ is a statutory body created in 1981 responsible for regulating the legal profession in Zimbabwe. It is created in terms of Section 51 of the Legal Practitioners Act. It is autonomous and its membership is drawn from all registered legal practitioners in Zimbabwe whether in private practice, in commerce or in civil service. Lawyers from other jurisdictions who wish to practice law in Zimbabwe, even for a single appearance need to be first registered with the LSZ.

1.3.2. FUNCTIONS OF THE LSZ

The primary functions of the law society are to:

- Promote the study of the law,
- Contribute, undertake or make recommendations on legal training,
- Control of admission of new members to the profession,
- Maintain a register of members.
- Regulate the profession in respect of continuing training, discipline and trust accounts.
- Represent the profession and articulate its views on various issues.
- Promote justice, defend human rights, rule of law and the independence of judiciary
- Control and manage the legal profession.
1.3.3. VISION OF THE LSZ

The vision of the LSZ is to be a vibrant, financially sound and independent society committed to justice and the rule of law.

1.3.4. MISSION OF THE LSZ

The mission of the LSZ is dedication to effectively and efficiently represent the interest of and to regulate the legal profession by ensuring that:

- Members comply with the ethics, rules and regulations of the profession.
- The Rule of Law, independence of the judiciary and the legal profession are maintained.
- It is the preferred employer in the legal services sector.

1.3.5. ASPIRATIONS OF THE LSZ

The aspirations of the LSZ include:

- To regulate the legal profession efficiently and effectively
- To ensure the survival of the profession and maintenance of the rule of law
- To ensure the independence of the judiciary and legal profession
- To effectively represent the interests and views of the legal profession
- To create and enabling environment for the delivery of justice.
- To enhance the quality of the legal profession through effective control of admission, effective regulation of the profession, effective policing, effective and timely discipline of errand members as well as effective continuing legal training to sharpen their skills and ensure integrity of the profession.
- To defend the interests of the vulnerable members of the public and render assistance to indigent members of the public.
1.3.6. STRATEGIC OBJECTIVES OF THE LSZ

The strategic objectives of the LSZ for the period between 2010 to 2015 are as follows:

1.3.6.1. To Create a human rights culture.
1.3.6.2. Ensuring Effective Advocacy.
1.3.6.3. Adopting a branding strategy, Public Relations and image building.
1.3.6.4. Achieve Financial sustainability.
1.3.6.5. Influence the quality of legal education and legal knowledge in the country.
1.3.6.6. Improvement in governance

1.3.6.7. STRUCTURE OF THE LSZ

1.3.6.7.1. The President of the LSZ

The President is selected among Council members and heads both the council and the Society.

1.3.6.7.2. Council of the LSZ

The Council is made up of 11 Councilors drawn from its membership whose duties are prescribed by Sections 53 and 55 of the Legal Practitioners Act and include managing and controlling all society and council affairs.

1.3.6.8. The Secretary of the LSZ

The Secretary is appointed by the Council and his key functions include the daily today management of the LSZ.

1.3.6.7. LSZ Legal Practitioners Disciplinary Tribunal (LSZDT)

The LSZDT is the disciplinary body of the LSZ and is currently constituted of two serving judges among other members. It presides over cases involving complaints against members of the society. The disciplinary tribunal is experiencing an upsurge
of complaints against lawyers and is overwhelmed with work resulting in backlogs. All the complaints against lawyers relate to the quality of service allegedly rendered by lawyers. It is against this background that the LSZ as the regulatory body of the legal profession has to identify the TQM systems that can be adopted by its members for the improvement of quality and for its members to achieve competitive advantage.

### 1.4. CONCENTRATION AND GEOGRAPHICAL LOCATION OF LSZ MEMBERS

#### Table 1.1.: Law Firm Distribution Table

<table>
<thead>
<tr>
<th>City/ Town</th>
<th>Number of Law Firms</th>
<th>City/ Town</th>
<th>Number of Law Firms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulawayo</td>
<td>23</td>
<td>Karoi</td>
<td>2</td>
</tr>
<tr>
<td>Chegutu</td>
<td>2</td>
<td>Kwekwe</td>
<td>11</td>
</tr>
<tr>
<td>Chinhoyi</td>
<td>8</td>
<td>Marondera</td>
<td>4</td>
</tr>
<tr>
<td>Chipinge</td>
<td>2</td>
<td>Masvingo</td>
<td>9</td>
</tr>
<tr>
<td>Chiredzi</td>
<td>4</td>
<td>Murehwa</td>
<td>1</td>
</tr>
<tr>
<td>Chitungwiza</td>
<td>3</td>
<td>Mt Darwin</td>
<td>1</td>
</tr>
<tr>
<td>Chivhu</td>
<td>2</td>
<td>Mutare</td>
<td>12</td>
</tr>
<tr>
<td>Gokwe</td>
<td>2</td>
<td>Mutoko</td>
<td>1</td>
</tr>
<tr>
<td>Gwanda</td>
<td>3</td>
<td>Norton</td>
<td>1</td>
</tr>
<tr>
<td>Gweru</td>
<td>9</td>
<td>Rusape</td>
<td>3</td>
</tr>
<tr>
<td>Harare</td>
<td>215</td>
<td>Shurugwi</td>
<td>1</td>
</tr>
<tr>
<td>Hwange</td>
<td>2</td>
<td>Victoria Falls</td>
<td>4</td>
</tr>
<tr>
<td>Kadoma</td>
<td>6</td>
<td>Zvishavane</td>
<td>4</td>
</tr>
<tr>
<td>Kariba</td>
<td>2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL 339**

Source: From LSZ (2011, February) 2011 End of Year President’s Report. (P. 20.)

It is apparent that law firms’ concentration is high in Harare which is home to more than three quarters of the law firms. Shurugwi, Norton, Mutoko and Murehwa each has a single law firm. The lawyers wish to benefit from the advantages associated with doing business in the in the capital city which is also the business hub of Zimbabwe.
1.5. THE NEED TO IMPROVE ON QUALITY AMONGST LSZ MEMBERS

1.5.1. GRADUAL DEGENERATION OF QUALITY

The current Secretary for the LSZ, Mr. Edward Mapara acknowledged that some members of the LSZ were directly responsible for the failure to deliver justice as they were acting unprofessionally by seeking unduly long and unreasonable delays, abusing court process, acting corruptly and condoning corruption, and abusing Trust Funds. Mr. Mapara has on countless times urged LSZ members and members of the public to report corrupt lawyers, judicial officers, judicial support staff and corrupt law enforcement officers.

Quality problems in the legal services sector have been predominantly manifest in the period under study as lawyers are engaging in various practices that undermine quality thereby failing to provide an excellent service and meeting or exceeding clients’ expectations. Evidence of such quality problems are apparent from the de-registrations of registered lawyers after convictions by the LSZDT for unprofessional and unethical conduct in the discharge of their duties. Nemukuyu (2012, July 30) reports that three lawyers were de-registered in July 2012, bringing to 8 the number of Lawyers de-registered between the period 2011 to mid 2012.

Figure 1.1. shows a steady increase of complaints against lawyers in the period under study. It is notable that in 2011, 229 complaints were filed against lawyers compared to 150 reports filed in the year 2010.
Figure 1.1.: Yearly rate of complaints against Lawyers

Figure 1.2. shows the number of complaints filed against lawyers during the period under study as well as the number of convictions by the LSZ Disciplinary Tribunal.

Figure 1.3 shows the convictions of the LSZDT for the period between 2005 to 2010 in percentage terms. The figure shows the number of lawyers who have been deregistered, the number of law firms ordered by the LSZ to close and dccease
operations, the number of lawyers suspended and the number of lawyers meted with other penalties during the same period.

![Pie chart showing decisions of the Tribunal for the period 2005–2010]

**Figure 1.3:** Decisions of the Tribunal for the period 2005–2010

The gradual decline in quality as evidenced by figures 2, 3 and 4 above best represent what has been described by Enderwick (2009, p. 220) as the problem of “quality fade”. Enderwick (2009) goes further to state that quality fade is associated with serious costs to all parties involved, “the buyers, sellers, consumers and government” (p. 221.).

The above stated quality problems rocking the legal services sector has prompted the researcher to investigate TQM systems that can be employed by the sector.

### 1.5.2. CAUSES OF QUALITY PROBLEMS

Nemukuyu (2012, April 5) reports that the poor working conditions for judicial officers and support staff is the major cause of corruption in the justice delivery system. Similarly, poor working conditions, poor remuneration, incentives and staff benefits are the major cause of poor service delivery in the legal services sector. Lawyers end up taking bribes, engaging in corruption or doing outside jobs because they need to augment their meager salaries. As a result in most cases matters are lost or won
simply because money would have changed hands and not on the basis of merit or otherwise of the cases.

According to the LSZ (2012, February) the problem of quality in the legal services sector is caused by unnecessary long delays by lawyers who seek unreasonably long and unjustified postponements of matters. Whilst some lawyers may be having of these delays may be justified and based on genuine reasons for postponements, some of them are a deliberate ploy by lawyers to stall proceedings in order to give sufficient time for negotiations for money to exchange hands.

Another cause of poor quality service is the lack of compulsory education for all lawyers in the private sector to ensure the continuous re-skilling of lawyers with the necessary legal and practice management skills in accordance with global trends and standards. The lack of compulsory continuous legal training for lawyers has had serious implications on quality in that most young lawyers from college are not trained by skilled or experienced superiors. This group of junior lawyers is left to fend for themselves, and with the LSZ not providing continuous legal training, these lawyers provide a shoddy service to clients. So the profession experiences a ripple of inadequately trained lawyers representing people, at times in very complicated matters, often resulting in unsatisfactory representation.

Further, according to the LSZ (2012, February) lawyers are engaging in unprofessional conduct undermining the quality of service they offer to the general public simply because they are departing from the deeply entrenched values, norms, practices, traditions and expectations of the profession. The article listed the unprofessional conduct as brazen marketing, touting, soliciting for work, undercutting, fraud, corruption, sharing of profits with non lawyers and lack of due diligence in the discharge of duty.
The Secretary of the LSZ, Mr. Edward Mapara has also attributed the poor quality of service in the sector to the existence of lack of set quality structures within law firms such that business is conducted anyhow.

Mr. Mapara also indicated that the issue of quality in the legal services sector is caused by the fact that most law firms are operated by sole practitioners who are not accountable to anyone. The sole practitioner often finds himself overwhelmed with work forcing him not to adequately represent clients or do proper researches for his matters. This obviously results in a shoddy service which is rather unfair to clients who would have parted with a lot of money in anticipation of being represented to the best of a lawyer’s abilities. At times the sole partner is tempted to steal or abuse Trust money as there will be no one checking his conduct.

On the foregoing, it is on the basis of the problems listed above, and the statutory mandate of the LSZ to control and regulate the legal profession that the LSZ has to adopt TQM systems bent on improving quality in the legal services sector.

1.5.3. STAKEHOLDER PARTICIPATION
The stakeholders in the justice delivery system which appear in Figure 1 have an interest in the manner in which lawyers conduct their business. Likewise, they are concerned with the improvement of quality to clients. Each stakeholder is interested with the LSZ identifying TQM systems necessary for the improvement of quality as the stakeholders will all derive benefit should there be improvement of service.
The various stakeholders know their expectations from the LSZ and the lawyers, and the gain to be realized should the LSZ and its members improve quality of service. The government is an interested stakeholder in that it expects to receive taxes such as Value Added Tax (VAT), Aids Levies, Pay As You Earn (PAYE) and NASSA contributions from lawyers. However, due to poor practice management practices, most lawyers have not been remitting these taxes depriving the government income.

Clients and the general public expect a good service as they part with their hard earned cash in anticipation of quality service. The Minister for Justice is interested in the attainment of quality as poor service reflects on his abilities to head the Ministry. The Police, the Attorney General’s office and the Prison services are all interested parties as they are involved in the justice delivery system, though at various distinguishable times. These institutions are inadequately resourced to deal with crimes (most of the mal-conduct by lawyers bear a criminal element of theft or fraud), especially those that can be avoided. Hence these would be happy with an improved service as their resources would in turn be allocated to other circumstances.

1.5.4. SWOT ANALYSIS
The following Strengths, Weaknesses, Opportunities and Threats are apparent from the foregoing:
## Table 1.2: SWOT Analysis of the LSZ

<table>
<thead>
<tr>
<th>Strengths (Major)</th>
<th>Weaknesses (Major)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Derives mandate from statute and objects are clearly defined.</td>
<td>• Lack of compulsory continuous legal training</td>
</tr>
<tr>
<td>• Financially sound</td>
<td>• Lack of Code of Conduct for lawyers</td>
</tr>
<tr>
<td>• Presence of Tribunal to adjudicate over matters</td>
<td>• Lack of quality systems</td>
</tr>
<tr>
<td>• The only professional body mandated to regulate profession</td>
<td>• Rampant corruption among some members</td>
</tr>
<tr>
<td>• Allegiance of its members</td>
<td>• Poor accountability and billing systems</td>
</tr>
<tr>
<td>• Leadership voted or appointed into power so no autocracy</td>
<td>• Ignorance of quality systems among members</td>
</tr>
<tr>
<td>• Leadership including the Secretary is aware of the need for quality</td>
<td>• Lawyers practicing with no practicing certificates.</td>
</tr>
<tr>
<td>• S.I. 137/99 already gazette</td>
<td>• Bogus lawyers</td>
</tr>
<tr>
<td>• Code of conduct already tabled for consideration</td>
<td></td>
</tr>
<tr>
<td>Minor</td>
<td>Minor</td>
</tr>
<tr>
<td>• Its run by professionals</td>
<td>• Lawyers practicing without having written conversion examinations.</td>
</tr>
<tr>
<td></td>
<td>• Lacks existing human resources to enforce TQM strategies</td>
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<table>
<thead>
<tr>
<th>Opportunities (Major)</th>
<th>Threats (Major)</th>
</tr>
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<tbody>
<tr>
<td>• Already intends to improve on quality as one of its strategic objectives</td>
<td>• Resistance to the Code of Conduct</td>
</tr>
<tr>
<td>• Intends to introduce compulsory continuous legal training</td>
<td>• Resistance to Compulsory Continuous Legal Training</td>
</tr>
<tr>
<td>• Support from Minister, Chief Justice and Deputy Chief Justice</td>
<td>• Political interference</td>
</tr>
<tr>
<td>• Existence of business solutions to law firms</td>
<td>• Other professional providing the same services</td>
</tr>
<tr>
<td>• Aspires to enhance the quality of service in the profession.</td>
<td></td>
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<tr>
<td>Minor</td>
<td>Minor</td>
</tr>
<tr>
<td>• Some Council members sit on boards of successful companies</td>
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</table>
1.6. STATEMENT OF THE PROBLEM

The foregoing background provides evidence of the significant and steady degeneration of quality levels in legal services sector resulting in poor service delivery to clients. The problem elements include inferior legal services being rendered to clients, corruption, abuse and embezzlement of Trust Funds, overcharging, poor management style by Senior and Managing Partners, poor billing and accountability to clients, delays in serving clients and completing cases, non–existence of quality structures, non adherence to set quality standards and lack of continuous legal training of lawyers. The foregoing information on the sector reveals that despite stern and deterrent penalties meted on errant lawyers and law firms by the LSZDT the number of complaints by clients to the LSZ continue to rise steadily and significantly. Similarly, the number of lawyers being de–registered and the number of law firms ordered to close down continue to rise steeply on a yearly basis. Nevertheless, little has been done to investigate the strategies that can be adopted by the LSZ to improve on the quality of service so as to arrest the elements of the problem highlighted in this section.

It need not be overemphasized that the legal services sector is a critical segment of the justice delivery system. The role of lawyers and law firms in both criminal and civil cases is not to be downplayed. If the issue of the quality of service offered to the general public by the legal services industry is not treated with the urgency and seriousness it deserves, clients will continue to receive a shoddy service yet they would have paid for a professional service, clients will continue to lose their money deposited in Trust through theft and abuse by lawyers. Furthermore the Government will continue to lose revenue through unpaid taxes and the public will continue to lose and have no confidence in lawyers.

1.7. RESEARCH QUESTIONS

- What is the level of understanding and appreciation of TQM by the LSZ, its membership and stakeholders in the justice delivery system?
• What is the role of the leadership (Senior and Managing Partners and LSZ) and employees on the successful implementation of TQM in law firms?
• What are the specific action programs and systems which the LSZ can adopt in order to improve quality service among its membership?
• How will the implementation of TQM in law firms help law firms achieve sustainable competitive advantage?

1.8 RESEARCH OBJECTIVES
• To assess the level of understanding and appreciation of TQM by the LSZ, its membership and stakeholders in the justice delivery system.
• To demonstrate the role of leadership (Senior Partners and Managing Partners) and employees in the effective implementation of TQM systems.
• To identify TQM systems and action programs that can be adopted by the LSZ in order to improve quality service among its membership.
• To establish how the implementation TQM systems can result in law firms achieving sustainable competitive advantage.

1.9 RESEARCH PROPOSITION
The researcher makes a theoretical proposition that “The adoption of TQM systems can be an effective tool for sustainable competitive advantage within law firms in ZIMBABWE”.

1.10 SCOPE OF RESEARCH
The research is going to concentrate on obtaining data from stakeholders in the justice delivery system who include the LSZ, lawyers in private practice, lawyers in Government, lawyers in commerce, from clients being the consumers of the service, members of the judiciary, the Attorney General’s office, members of the Prison Services, the Police, Ministry of Justice and Court personnel. The data to be collected will cover a period of seven years from the year 2005 to present day 2012. A self
administered questionnaire was distributed to 65 Respondents drawn from Harare due to their proximity to the researcher.

1.11. JUSTIFICATION OF THE RESEARCH
Several justifications can be made for this research. The following are some of the justifications:

1.11.1. Following a decade of economic decline professional and ethical standards have been compromised creating a heightened need for the LSZ to adopt measures to improve the quality of service among its members.

1.11.2. No research has been conducted yet on the adoption of quality standards amongst lawyers in Zimbabwe yet this is a fundamental area that must be addressed to improve the quality of the service offered by lawyers.

1.11.3. Many clients have lost money due to overcharging, theft and abuse of Trust funds thereby creating an urgent need to protect and save clients from further losing their money.

1.11.4. The public and stakeholders in the justice delivery system have lost confidence in the sector so there is an urgent need to restore public and stakeholder confidence in the legal profession.

1.11.5. Little research has been done on the feasibility of implementing TQM in the legal services sector. This research could therefore of benefit to the research fraternity, academia and practitioners in the justice delivery system.

1.12. LIMITATIONS OF THE RESEARCH
The researcher has time and resource constraints as such the research will be conducted on stakeholders based in Harare only.
1.13 STRUCTURE OF THE DISSERTATION

This research paper is divided into five chapters. Each Chapter starts with a heading and ends with a conclusion. The first chapter of which has already been dealt with.

Chapter 2 is on literature review and deals with the relevant literature which has been carefully selected to answer the research objectives. Positive and negative literature on each objective and the causes of the problem elements is given and a critique is also provided.

Chapter 3 deals with the research methodology. The research philosophy succeeds the introduction followed by data collection techniques and types of data used in the research; how, when and upon whom the self administered questionnaires were sent to; response rate, data analysis results; and a discussion of the results. This chapter also deals with research ethics, credibility and reliability of responses. The Chapter ends with a summary and conclusion.

Chapter 4 deals with research findings, analysis and discussion which have been presented in a concise and logical manner flowing from the research objectives. A testing of the research proposition on each of the objectives is also done under this Chapter. The Chapter ends with a summary and conclusion.

Chapter 5 deals with the conclusion and recommendations of the research. It starts with an introduction followed by conclusions. Thereafter, a validation of the research hypothesis is done, followed by recommendations and areas for potential study in the future.
CHAPTER TWO: LITERATURE REVIEW

2.0. INTRODUCTION
The purpose of this chapter is to critically examine contemporary literature that seeks to address research objectives and obtain answers to the research objectives in Chapter 1. This chapter provides positive and negative criticisms on the key issues emanating from the key concepts that are discussed as objectives 1 to 4. The Chapter starts with an introduction and ends with a conclusion. It also discusses inter-relationships between objectives. This chapter, like any other chapter in this research uses the APA style of referencing.

2.1. GENERAL OVERVIEW
It is apparent from the preceding background of this research that the legal services sector suffers from a myriad of quality related problems. In order to address the research objectives, key concepts emerge from the research topic and these are the issues of TQM, enforcement of TQM measures, implementation of TQM strategies and improvement of the quality of service. These key concepts emerging from the research topic are dealt with in succeeding paragraphs commencing with paragraph 2.2.

2.2. STAKEHOLDER APPRECIATION OF TQM

2.2.1. DEFINITION OF TQM
According to Ahire, Waller and Golhar (1996) TQM is a revolution of the 1980’s firmly rooted in the challenges faced by US firms from international competitors such as the Japanese. Grant, Shani and Krishman (1994) share the same view on the birth of TQM suggesting that TQM is a new phenomenon which is contrary to the established Western management practices. Psychogios and Vouzas (2007) opine that TQM originated in the Japanese automobile industry and can be traced to the works of the famous quality gurus like Ishikawa, Crosby, Feigenbaum, Deming and Juran.
However, according to Hellsten and Klefsjo (2000), neither of these quality gurus actually used the term TQM.

An opposing view on the origins of TQM is given by Hoff (1995) who suggests that TQM is “old wine in a new bottle”. Hoff (1995) further argues that the words empowerment, holistic, empathy and sensitivity which are often associated with TQM are not new in the quality circles. Hoff (1995) opines that these words are relabeled catch-phrases that have evolved in the contemporary and progressive world of business. Abraham, Spencer and Monk, (1998, p. 13) add on stating that much of TQM is “old stuff repackaged by TQM high priests into a systems or process to sound new and revolutionary. The only thing that TQM adds is its holistic approach and application. This may be new in so far as its intensity or required commitment.”

The same position is shared by Fenoglio (1993, p. 34) who calls TQM “a fresh look in an old idea” going further to state that the concepts proposed by Deming, Juran and Ishikawa are not new at all but a newly stated principles suggesting a change to the basic underpinning of our society which are already familiar to us.

It is notable however though that despite the differences presented by the various authors on when exactly the concept of TQM emerged, the various authors are agreeable that the quality gurus – Deming, Juran, Kaoru Ishikawa, Crosby and Feigenbaum contributed immensely to the development and adoption of TQM.

According to Crosby (1984) TQM is a continuous learning process which never stops and is cyclic and iterative. Rampersad (2001) states that TQM is both a philosophy and a set of guiding principles that represent the foundation of a continuously improving organization by mobilizing the entire organization, individual and groups within the organization to satisfy the demands of the customer.

According to Oakland (1993) as cited by Jie and Idris (1996, p. 4) “TQM is an approach to improve the effectiveness and flexibility of business as a whole. It is
essentially a way of organizing and involving the whole organization, every department, every activity, every single person at every level”.

Roberts and Sergesketter (1993) define TQM as a contemporary management system that seeks to assure continued incremental client satisfaction at lower cost through focusing on people. Roberts and Sergesketter (1993) further state that TQM works horizontally across departments and vertically across hierarchies and backwards and forwards across suppliers and consumers.

After defining TQM and discussing what it is and what it means in the eyes of different authors, the researcher will go on to define quality in line with the concept of service quality emerging from the topic and discuss the dimensions of quality.

2.2.2. DIMENSIONS OF QUALITY

According to Newman (2001) there is no consensus definition of quality. Besterfield (2001, p.1) simply defines quality as “when a product surpasses our expectation”. It must be noted however that Besterfield (2001) does not limit the application of quality to products only but discusses that the concept of quality also pertains to services. Talha (2004, p.16) acknowledges that quality is applicable to services as well, and makes reference to the American Society for Quality Control which defines quality “as the total features and characteristics of a product or service made or performed according to specifications to satisfy customers at the time of purchase and during use”. Mullane (1995) agrees with Talha (2004) and opines that reference to the quality of a product or service basically refers to the ability of the product or service to satisfy the requirements and meet the expectations of the customer.

Interestingly, whilst the afore cited authors have defined quality in the manner they have done, Sebastianelli and Tamimi (2002) state that defining quality is a complex task due to the lack of a global definition. They further opine that definitions of quality are derived from five major approaches rooted in varied disciplines to the definition of

The above sentiments by Sebastianelli and Tamimi (2002) lead the research to the next area for critical analysis of product and service quality.

2.2.2.1. PRODUCT QUALITY
A framework by Garvin (1984; 1987) provides eight dimensions of product quality; namely performance, features, reliability, conformance durability, serviceability, aesthetics and perceived quality. According to Garvin (1984) the relevance of this framework has been apparent as succeeding or later researchers have adopted the framework in various researches in this field.

According to a research by Sebastianelli and Tamimi (2002) in which they sought to investigate “How product quality dimensions relate to defining quality” on manufacturing firms, the results of the study concluded that “understanding quality in terms of product dimensions may be a step toward developing the necessary measures that could ensure a firm’s success with TQM programs, and untimely ensure a firm’s production of high quality products”, (Sebastianelli and Tamimi 2002, p. 453).

2.2.2.2. SERVICE QUALITY
According to Parasuraman, Zeithamal and Berry (1985) service quality is difficult to measure due to the intangibility, heterogeneity and inseparability of production and consumption. As such, customer perception of quality is the only means by which service quality can be measured. Accordingly, Parasuraman, Zeithamal, and Berry (1988) provide an instrument for assessing customer perception of service quality which is popularly known as the SERVQUAL Scale.
Parasuraman, Zeithamal and Berry (1985) opine that service quality as perceived by the customer is the degree and direction of discrepancy between customer service perceptions and expectations.

According to Horwitz and Nerville (1996) as cited in Gouthier, Gieze and Bartl (2012), a service is perceived as being a quality service or an excellent service when it exceeds a customer's previous expectation. Oliver, Rust and Varki (1997) takes the idea even further, stating that an excellent service initiates arousal which results in pleasure and delights the customer, potentially leading to increased levels of loyalty and repurchase intentions.

According to Zeithamal and Berry (1985), as cited in Parasuraman, Zeithamal and Berry (1988, p. 16) there are ten dimensions of service quality which customers use to assess service quality. The ten dimensions of service quality are “tangibles, reliability, responsiveness, communication, credibility, security, competence, courtesy, understanding/ knowing the customer and access”.

From the research by Parasuraman, Zeithamal and Berry (1988) in which they described the development of the SERVQUAL, they identified only five dimensions of service quality, namely; “Tangibles, Reliability, Responsiveness, Assurance and Empathy”, (Parasuraman, Zeithamal and Berry 1988, p. 23). It must be noted however that the same research concluded that the two last dimensions, empathy and assurance, are a compression of, and contains qualities and characteristics of the seven original and earlier dimensions provided in Parasuraman, Zeithamal and Berry (1985) namely, communication, credibility, security, competence, courtesy, understanding/ knowing customers and access.

Newman (2001) and Gathier, Gieze and Bartl (2012) concur with Parasuraman, Zeithamal and Berry (1985:1988) that they are originally ten dimensions of quality which are compressed to five.
More relevant to this study on service quality is the statement by Abraham, Spencer and Monk (1998, p. 544) who state that “when applied to the legal industry, TQM means defining quality as meeting or exceeding the needs of and expectations of clients”. The same reasoning is espoused by Henning (1993).

2.2.3. CLIENT PERCEPTION OF QUALITY
As noted above, there is no consensus definition of quality and that the various definitions of quality abound in literature are derived from various disciplines from which five major approaches to the definition of quality, including the user based approach are derived.

The client's perception of quality in the legal sector has been aptly discussed by Goldberg (1993) who underscores the need to gather views from clients for incorporation in the service delivery system as the client as the end user of the service is better able to exactly say his expectations on a service. This position is shared with Bower (1993) who opines that quality management is impossible in the absence of direct client feedback and survey in the legal services sector.

Baur and Herrmann (1995) posit the view that the subjective features of a product or service, rather than its objective features are the major determinants of a client’s purchasing preferences hence the need to involve clients.

2.2.4. EARLY TQM FRAMEWORKS FROM QUALITY GURUS
As afore postulated by Hoff (1995) and Abraham, Spencer and Monk (1995) that the TQM wave that swept across the globe in the 1980s is not really a new idea of quality, but an old idea advanced differently, the subject of quality has received early attention through the works of Edwards Deming, Joseph Juran, Philip Crosby, Ishikawa Kaoru, Dr. Armand Feigebaum, Shigeo Shingo and Taguchi. The former
five are popularly known as the quality gurus or “the big five” (Kruger, 2001). The researcher will discuss the Deming, Juran and Crosby.

2.2.4.1. DR. EDWARD DEMING

According to McDonald and Piggot (1993) Deming is considered by the Japanese as the main architect of all their industrial successes. The quoted authors went further stating that Deming’s view was that the losses that occurred in all processes were mostly as a result of what he termed variation. According to Deming the resultant losses in quality could be minimized through a reduction of the variations, (McDonald and Piggot, 1993). Supplementing on McDonald and Piggot (1993) ‘s explanation of Deming’s work Ryuka (1990) indicates that Deming advanced the idea that customers and not the end product are the essential component in quality because profits in business are realized from what Deming termed “repeat customers.” According to Ryuka, (1990) Deming’s view was that these repeat customers would continuously consume an organisation’s products or services and in turn recommend these to potential customers.

Ryuka (1990) goes further stating that went a step further and highlighted the seven deadly diseases of quality. According to Ryuka (1990) Deming felt compelled to deal with the deadly diseases as he was of the view was that they were the main causes of most quality problems being experienced by American industries. Ryuka (1990, p.194) gives the seven deadly diseases as:

- “Lack of constancy of purpose to plan and deliver products and services that will help a company survive in the long term.
- Emphasis on short-term profits caused by short-term thinking, (which is the opposite of constancy of purpose) fear of takeovers, worry about quarterly dividends and other types of reactive management.
- Performance appraisals (annual reviews, merit ratings) that promote fear and stimulate unnecessary competition among employees.
Mobility of management (job hopping) which promotes short-term thinking.

Management by use of visible figures without concern about other data such as the effect of happy and unhappy customers on sales, and the increase in overall quality and productivity that comes from quality improvement upstream.

Excessive medical costs, which now have been acknowledged as excessive by federal and state governments as well as industries themselves.

Excessive cost of liability further increased by lawyers working on contingency fees.” (p.194)

Kruger (2001) notes that Deming came up with the following 14 points to remedy the 7 deadly diseases:

- Be consistent in following the purpose of existence.
- Adopt the new philosophy of doing business which is intolerant to mistakes and defects.
- Eradicate the idea of carrying out mass inspections of output because any defects to be detected can easily be avoided if the company’s processes are perfected.
- Avoid awarding business on the basis of low price because this usually compromises on quality.
- Conscientiously seek to improve production and service processes.
- Ensure that updated methods of on the job training are applied.
- Apply updated supervision methods.
- Cultivate a culture which encourages free expression of ideas by the employees so as to drive out fear of asking questions amongst them.
- Encourage various departments to work together rather than compete with each other.
• Avoid the idea of concentrating on exhortations because for as long as the processes are defective slogans will not assist the workers to perform any better.

• Concentrate on qualitative rather than quantitative standards.

• Remove any form of barriers that hinder productivity.

• Continuously train employees.

• Provide for a structure amongst the top management which will ensure that the preceding 13 points are followed to the book.

2.2.4.2. CRITIQUE OF DEMING’S WORK

Literature is abound with criticisms of Deming’s writings. Kruger (2001) holds the view that Deming totally ignored the crucial role which has to be played by Human Resources necessary for employees to remain motivated and focused in achieving organisational goals. Adding on to the criticisms Nwabueze (2001) states that it is impractical for organisations to maintain consistency of purpose due to unforeseen possible interruptions such as changes in government policy or other factors in the external environment. Of interest is the view by Juran (1986) as cited by Nwabueze (2001) that it is not sensible for Deming to suggest that management should drive out fear amongst its employees because fear is known to bring the best in people.

According to Bendell, Penson, and Carr (1995) these negative criticisms do not take away the following positive aspects of Deming’s works;

• It provides a strong platform for management to work from in order to remain in business.

• It underscores the need for continuous improvement.

• It emphasizes the importance management commitment to quality and team work.
2.2.4.3. DR JOSEPH JURAN

According to Gill (2009) Joseph Juran is well known for the Juran trilogy; the three management processes namely; quality control, quality improvement and quality planning required by every organisation to improve. Juran (1986) as cited by Nwabueze (2001) proffers an explanation of the processes as follows:

![Figure 2.1: Juran's Trilogy](source: Adapted from Juran (1999) Juran Quality Control Handbook, 5th Edition, McGraw Hill)

2.2.4.3.1. QUALITY PLANNING

This management process involves making a determination of what the customer needs and coming up with products and processes which are meant to satisfy these customer needs. However as customer needs are diverse and constantly changing planning would entail concentrating on identifying important needs and developing products which meet these needs.
2.2.4.3.2. QUALITY CONTROL

Quality control entails ensuring that processes which reduce defects are operating effectively. A reduction in defects reduces waste which are generally considered as a cost of poor quality.

2.2.4.3.3. QUALITY IMPROVEMENT

This process entails deliberate attempts by the organization to ensure continuous improvement.

2.2.4.4. CRITIQUE OF JURAN’S TRILOGY

Nwabueze (2001) negatively criticizes the Trilogy in failing to address the role which management is expected to play in effecting change relating to employees’ attitude to work since the attitude of employees is very crucial in any change program. According to Phillips – Donaldson (2004) who expands the idea by Nwabueze (2001) the Trilogy is weak as it concentrates too much on company processes whilst neglecting the labour force. The authors argue that for company processes to work there has to be a trained and motivated labour force in place.

Notably however, Foster (2006) identifies the following strengths in the application of the Trilogy;

- It recognizes that if a particular methodology does not yield a particular required result, the organization can always start all over again through continuous improvement.
- It allows for an understanding of the various relationships that exist within a company and every stage of the various processes that may be employed.
- The methodology provides an easy understanding and application by companies.
2.2.4.5. PHILIP CROSBY

Philip Crosby propounded the idea that quality is all about getting everyone in the organization to work towards a common goal and to get things right the first time by advocating for a zero defects policy (Crosby, 1984). Crosby emphasized that quality is about prevention not appraisal (Crosby, 1984). According to Gill (2009) Crosby states that the achievement of producing high quality products and services and having a satisfied customer is long term and costs have to carefully managed (Gill, 2009).

2.2.4.6. CRITIQUE OF CROSBY’S WORK

According to Walsh, Hughes and Maddox (2006) Crosby’s work has been criticised by his fellow quality gurus like Juran and Deming. These authors posit that Juran and Deming were of the view that it is hypocritical for Crosby to emphasize a “zero defects” policy amongst the workers because if the processes are defective then the resultant work will also be imperfect.

Despite the negative criticism, contrary to Deming and Juran who included statistical methods in quality, Crosby is acknowledged for not using statistical methods in quality as according to him they detected faults too late, (Gill, 2009).

2.2.4.7. SUMMARY OF THE “BIG FIVE’S” COLLECTIVE WISDOM.

According to Maguad (2006: 191) the fact that the quality gurus came from different backgrounds to some extent explains the differences in “ideas, philosophies and methods they developed”. Despite these differences, Macdonald and Piggott (1993, p. 181) summaries the following similarities amongst the works of the “big five”:

- Top management must lead in the change process
- The change process requires a cultural transformation
- Quality is integrated into all functions and not regarded as a separate function
- People, not machines are the driving force behind quality
- Quality requires company - wide participation
Motivation alone does not engender change although it is important.

Company-wide education and training is essential for long term improvement.

Continuous improvement demands commitment and singleness of purpose from top management.

2.2.5. BUSINESS EXCELLENT MODELS/ QUALITY AWARDS

2.2.5.1. THE DEMING PRIZE

The Deming Prize was instituted in 1951 by the Union of Japanese Scientists and Engineers (JUSE) and is the oldest quality award (Kumar, 2007). Kumar (2007) persists that the Deming Prize initially focused on Japanese firms only but has over the years received global application and recognition. Kumar (2007) further opines that the Deming Prize placed more emphasis on process control and customer satisfaction and paid little attention to market knowledge and weighted results. Mavroidis Toliopoulos and Agoritsas (2007) state that Business Excellence Models, including the Deming Prize have changed over the years due to cross-cultural differentiations. Talwar (2011) acknowledges that indeed Business Excellence models, the Deming Prize included, are changing through time and goes further to state that the need to improve and change is a necessary need in order to “keep on improving their criteria to include new dimensions of excellence (Talwar 2011, p.32). Kumar (2007) states that though the Deming Prize has transformed over the years, “it has retained its basic congruence with the philosophy of Deming – the Deming 14 points and continues to pay attention to whether the organization is free from the seven deadly diseases.

2.2.5.2. MALCOM BALDRIDGE QUALITY AWARD (MBQA)

This award was established in the United States of America in 1987 and since then has been used by American industries in strengthening their competitiveness against other global competitors (Kumar, 2007). According to Talwar (2011, p. 32) the MBQA
together with the Deming Prize, are considered the “mothers’ of other quality awards that are emerging globally. Talwar (2011, p. 25) further postulates that the MBQA places “emphasis on customer satisfaction to achieve competitiveness. The principle behind its award criteria is that leadership drives activities (such as people, strategic planning, process and information and analysis) towards excellence in business results and customer satisfaction”. The universal applicability of the MBQA model is also recognized by Tan, Wong, Mehta and Khoo (2003) who state that the model is used as a global reference for other models.

2.2.5.3. **THE EUROPEAN FOUNDATION QUALITY AWARD (EFQA)**

The EFQA was established in 1991 and is based on the European Foundation Quality Model. Talwar (2011) posits that the EFQA places emphasis on financial and non-financial dimensions as parameters in order to achieve business excellence. Talwar (2011, p. 25) further states that the rationale for the EFQA model is that “the results – including customer, employee and society satisfaction – are achieved through leadership driving enablers, such as policy and strategy, people, partnership and resources and processes leading to excellence in business results”.

Various researchers have commented on the significance of the EFQM model and the benefits associated with it. According to Tari (2006) the Model emphasizes on self assessment which helps organizations to identify their strengths and weakness and thus be able to be more objective and holistic. Castka (2003) posits that the EFQM model has extensively explored teamwork development, issues of integration and benchmarking.

2.2.5.4. **SUMMARY OF THE QUALITY AWARDS**

According to Kim, Kumar and Murphy (2010:686) all three models discussed above follow “principles of TQM that have ramifications for all functions of organizations” as they encourage companies to conduct value added audits and emphasizes process management in order to achieve improved organizational performance.
Talwar (2011, p. 29) concentrated on the differences, rather than the similarities of the three models and opines that “the MBNQA model is customer driven and therefore it focuses on customer satisfaction, benchmarking, comparisons with the industry average, the industry leader and the principal competitors in the company’s key markets. The EFQM model focuses on benchmarking, the satisfaction levels of the customers, employees and community. The Deming Prize focuses on the dissemination of company-wide quality control, continuous improvement and relations with suppliers and its most important aspect is the thorough application of statistical quality control techniques”.

2.3. THE ROLE OF LEADERSHIP AND EMPLOYEES.

2.3.1. LEADERSHIP, COMMITMENT AND CULTURE
According to Soltani and Willamson (2010, p. 368) the effectiveness of TQM in organizations “is viewed as ultimately and inescapably the responsibility of senior management”. To that end managers at middle and supervisory levels ought to be supportive of the TQM initiative (Psychogios and Wilkinson 2007). According to Williams (1994) as cited by Ehigie and Akpan (2004, p. 25) TQM is a “process of creating an environment in which management and workers strive to create an organizational culture in order that the customer may get a service or product that satisfy him, thus the human element is crucial to the successful implementation of TQM”. Likewise, Esho (1999) states that tools and processes alone, without the human factor often hinder change, making it impossible and difficult to implement. According to Gore (1999) management has to introduce and support a culture that promotes TQM as such cultures increase the probability of success as such culture promotes cultural elements such as customer focus, continuous improvement and employee involvement which often results in employee commitment to the organization’s objectives.
2.3.2. EMPLOYEE EMPOWERMENT AND INVOLVEMENT

According to Greasley, Bryman, Dainty, Price, Soetanto & Kind (2005) contemporary management styles has shifted from the traditional management techniques that emphasized control hierarchy and rigidity to power distribution among senior managers, middle managers and employees.

It has been noted from the early TQM frameworks and the Quality Awards and Business excellence Models discussed above that the employee play a pivotal and critical role in the achievement of quality within an organization. It will also be noted from the discussion of the Macro tools of quality below that these tools emphasize the role of employees in achieving quality.

According to Pecci and Rosenthal (2001) and Wilkinson (1998) there is no agreed definition of empowerment. Pelit, Ozturk (2011, p. 785) and Arslanturk take it further stating that as there is no agreed definition of empowerment and “since empowerment is closely linked to management techniques and instructions such as motivation, job enrichment, trust and communication, participation management training and feedback”, it is necessary that the concept of empowerment and the managerial dimension be examined from different perspectives.

Lawler (1986) comments on empowerment from a relation and behavior side and states that empowerment within an organization occurs when the organization implements high involvement managerial systems which include delegating larger decision making powers, training, allowing access to relevant strategic information and rewards employees for success.


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These authors go further in stating that administrative implementations that support empowerment are necessary in achieving it. The importance of administrative implementations is also aptly echoed by Thomas and Velthous (1990, p. 53) who define empowerment as “an internal motivation that can be explained by four dimensions which are sense, competence, choice and impact”.

According to Greasy and Kin (2005), “The notion of empowerment involves the workforce being provided with a greater degree of flexibility and more freedom to make decisions relating to work”. According to Boudrias, Gaudreau Savoie and Alexander (2009) employee psychological empowerment (the global mindset) and behavior empowerment (self determined behaviors aimed at achieving work effectiveness or at improving efficiency) are important factors affecting quality within an organization.

Employee involvement is defined by Sun, Hui, Tam and Frick (2000, p. 350) “as a process designed to empower members of an organization to make decisions and to solve problems appropriate to their level in the organization”. A research by Sila and Erbradimpour (2002) concluded that employee involvement is in the top seven of the most commonly identified TQM factors and intimately associated with the following four TQM practices namely; Human Resources Management, empowerment, employee satisfaction and employee appraisal, rewards and recognition.

The relationship or connection between employee involvement and TQM is also discussed by Sun, Hui, Tam and Frick (2000, p. 352) who state that “employee involvement is positively correlated with improvement in business performance because employee involvement enhances the implementation of TQM programmes and secondly, because TQM programs provide employees with opportunities to get involved in the running and administration of the business”.

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According to Wilpert (1978) and Locke and Schweiger (1979) as cited by Sumukadas (2005) there are five combinations for classifying employee involvement, namely; participation in work decisions, consultative participation, short term participation, informal participation and representative participation.

However, Lawler, Mohrman and Ledford (1992, 1995) argue that the above classification lacks weight as it is not supported by empirical data, and provides four empirically supported dimensions of employee involvement, namely, information sharing, knowledge training, rewards and power sharing.

It is notable and apparent from literature that authors writing on either employee involvement or empowerment agree on a single point, that both concepts are important in the implementation and attaining of TQM within organization.

2.3.2.1. RATIONAL FOR EMPLOYEE INVOLVEMENT AND EMPOWERMENT

According to a research by Pelit, Ozturk and Arslanturk (2011, p. 794) where they investigated the effects of employee empowerment on employee job satisfaction in Turkish hotels, the research concluded that “behavioral and psychological empowerment has a positive effect on the job satisfaction levels of employees”. The authors further opine that empowered employees have the advantage of providing unsatisfied customers with various personal skills in quick decision making to respond to the customers as fast as possible.

In agreement with the above position are the results of a research by Denton (1994) conducted upon Ford Motor company, which concluded that employee involvement derived from the company’s participative management style results in employee commitment.

From the results of a research by Sun, Hui, Tam and Frick (2000) conducted on 180 manufacturing companies in Norway investigating the relationships between
employee involvement and quality management, the following conclusions were drawn:

1. That employee involvement is positively correlated with improved business performance.

2. That employee involvement positively influence the contribution of TQM as TQM programs accompanied by employee involvement tend to be more successful.

According to Greasly, Bryman, Dainty, Price, Soetano & King (2005) empowerment results in substantial benefits to both the organization and the employee. The authors state that empowered organizations have demonstrated improvement in various economic performance areas whilst according to Nykodym (1994) employees who consider themselves as having been empowered have reduced conflict and ambiguity in their role as they are able to control their own environment. Nykodym (1994) goes further to state that empowered employees have reduced emotional strain resulting in employees having a greater sense of job satisfaction, motivation and organizational loyalty.

2.3.2.2. MOTIVATION THEORIES

Literature is abound with many motivational theories that have been developed to understand the subject of motivation, job satisfaction and employee commitment. The theories include Maslows hierarchy of needs theory, Herzeberg’s two factor theory, the Expectancy theory the Equity theory, the Hackman and Oldman theory and the Dynamic view of needs by David Mclelland.

For purpose of this research only three theories will be discussed, namely; Maslows theory, Herzberg’s Theory and the equity theory.
According to Linstead, Fulop and Lilley (2009, p. 413) motivation theories have been dominated by two inseparable approaches, namely:

(i) “developing individual performance based schemes to reward organizational members; and

(ii) Designing work to increase performance outcomes for the organization and, hopefully to the benefit of the individual”.

a. Maslow’s hierarchy of needs

![Maslow's Hierarchy of Needs](image)

**Figure 2.2: Maslow’s Hierarchy of needs**

Source: Maslow (1943) A Theory of Human Motivation; Psychological Review 50; 370 - 396

According to Maslow (1943) people are motivated by unsatisfied needs. According to Linstead, Fulop and Lilley (2009, p. 416) Maslow’s model has been used to argue that “with growing economic security and influence in society generally, and rising educational levels, the workforce would increasingly be motivated only by the higher order of needs of self-esteem and self actualization.” The authors further argue that the role of society and the role of the organization is to create conditions for self actualizers to self actualize.
b. **Herzberg’s 2 Factor Theory**

Herzberg, Mausner & Snyderman (1959) provide that an employee’s attitude ascertains his motivation to work. The Herzberg theory provides that there are two types of factors, namely the motivators and the hygiene factors which have a bearing on an employee’s level of motivation.

<table>
<thead>
<tr>
<th>Hygiene factors</th>
<th>Motivation factors</th>
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<tbody>
<tr>
<td>Salary</td>
<td>Recognition</td>
</tr>
<tr>
<td>Interpersonal relations – supervisor</td>
<td>Achievement</td>
</tr>
<tr>
<td>Interpersonal relations – subordinates</td>
<td>Possibility of growth</td>
</tr>
<tr>
<td>Interpersonal relations – peers</td>
<td>Responsibility</td>
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<tr>
<td>Supervision – technical</td>
<td>Work itself</td>
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<tr>
<td>Company policy and administration</td>
<td></td>
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<tr>
<td>Factors in personal life</td>
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<td>Status</td>
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<tr>
<td>Job security</td>
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According to Tietjen and Myers (1998) motivators are intrinsic factors within the work itself whilst extrinsic factors do not pertain to the actual job.

Herzberg (1968) argue that motivator factors create a lasting impression on employee’s attitude, satisfaction and resultantly his work. Steininger (1994) appears to be in agreement with Herzberg (1968) on that note as he posits that employees are most likely to perform better if they are intrinsically motivated and if stimulation is work related.
c. Equity Theory

The basic underpinnings of this theory are that “when employees perceive that they have been treated unfairly, they are motivated to restore a sense of fairness”, (McFarlin and Sweeney, 2006, p. 356). According to Linstead, Fullop and Lilley (2009) if employees perceived their remunerations to be low yet a fair reflection of their inputs they may try to work harder, improving their level of competence or enhancing their skills through training so that their remuneration increases. The authors further state that however, if employees perceive their remuneration as being unfair, they might decrease their input to depress the amount of effort they put into their job, or alternatively, seek to improve the inputs so that their rewards may be increased.

2.3.3. MANAGING CHANGE AND EMPLOYEE RESISTANCE

Linstead, Fullop and Lilley (2009) state that inertia and hostility are the two common influences to the organizational change process. According to Adam (1987) as cited in Linstead, Fullop and Lilley (2009) inertia causes the following blocks to change: emotional blocks, cultural blocks, cognitive blocks, perceptual blocks and environmental blocks.

According to Linstead, Fullop and Lilley (2009), hostility occurs when individuals or groups fail to accept the change initiative and actively act to frustrate it. Greiner (1992) concurs with Linstead, Fullop and Lilley (2009) that resistance to change exists at both individual and organizational level.

According to Stensaker and Meyer (2011, p. 108) employee resistance has been documented as the most “frequent problem encountered by management when implementing change”. According to Elrod and Tippet (2002), resistance to change is rampant in change initiatives as change brings uncertainty and perceptions of uncertainty are detrimental to well being. According to Hurn (2012, p. 43) who agrees
with the above position “there is often a sense of security in the past, the way things have always been done and which appear to have been done reasonably. This in turn produces fear of the unknown, an element of uncertainty about the future”. Hurn (2012) then goes further to state that as a result of these issues underlying change, management ought to be transparent when introducing change, explaining the reasons for change and justifying it. Eilam and Shamir (2005) state that change always involves some level of uncertainty which can reduce an individual’s sense of control.

Whilst the authors cited above portray the notion that resistance is detrimental to the change process Waddell and Sohal (1998, p. 543) are of the view that in fact resistance can be utilized by an organization to effect a successful change process as it draws management’s attention to “aspects of change that may be inappropriate, not well thought through or perhaps plain wrong”. The authors further add that another advantage of resistance is that it “contributes to an influx of energy” (p. 545). Lastly, according to the Waddell and Sohal (1998, p. 545) resistance “also encourages the search for alternative methods and outcomes in order to synthesize the conflicting opinions that may exist”. The positive effects of resistance in organizations undergoing change is also highlighted by Perren (1996, p. 24) who states that “such resistance could be seen as a natural survival mechanism within organizations that tests, adapts and sometimes stops decisions by fallible and often ill – informed senior managers”

2.3.3.1. LEADERSHIP ROLE

Ehigie and Akpan (2004) define leadership as a relationship through which a person influences the behavior or action of other people. Mulline (1996) describes leadership as a dynamic process which is often altered to suit a particularly management philosophy.
Das, Kumar and Kumar (2011, p. 196) concur with Perles (2002) in that the role of management and leadership is critical to the successful implementation of TQM.

According to Zairi (1994, p. 100) TQM “requires a special type of leadership which has a great impact on behavior modification and changing people’s attitudes as the contemporary definition of productivity is defined in terms of human performance through creativity, problem solving, team work, value adding contributions and dedication and commitment to continuous improvement”. According to Das, Kumar and Kumar (2011, p. 196) “Leadership goes beyond the boundary of formal power. Leaders create a new environment in the organization by their inter-personal relationships and influences that involve others in the change initiative. Some authors in the TQM literature pointed out that leaders are able to influence the feelings of their followers to provide creativity, develop integrated teams, define and communicate a shared vision and generate compromise.

According to Scanati (2002) leaders must act as role models and must always reflect a positive attitude. Rottler (1996) posits that leaders play three roles, namely setting direction, aligning people and motivating and inspiring people. Das, Kumar and Kumar (2011, p. 198) posit that leaders must bear certain competences such as “knowledge, skills abilities and the requisite attribute in order to perform their roles and jobs competently. Expanding on the issue of competences, Barner (2002) defines leadership competences as the ability to adapt, effective interpersonal communication and good decision making. Intagliata, Urich and Smallwood (2000) state that leadership competencies are important as they guide direction and are measurable.

The research by Das, Kumar and Kumar (2011) in which they investigated the role of leadership competencies for the implementation of TQM concluded that it is necessary for management to perform as leaders to ensure the successful implementation of TQM. The research further concluded that organizations with
higher leadership competencies execute each of the TQM principles listed above more effectively and are able to produce high quality products and services. The research further concludes that leaders create a new enabling environment by their inter-personal relationships and influence that involves the entire organization, resulting in greater employee involvement and better quality goods or services. The results of this research are in agreement with the research by Kathuria and Davis (2001) which concluded that companies wishing to improve their performance need to understand the role of leadership in the change initiative and change their management systems to include more employee participation.

Wille (2007) opines the need to involve Trade Unions in change programs especially in the likelihood of downsizing leading to job losses. The author states that Trade are better placed at cascading information regarding possible restructurings and benefits accruing to potential retrenchedees (Wille, 2007).

Besterfield (2003) shares the same views as Willie (2007) and emphasizes the important role played by trade unions in influencing employees to accept and support TQM programs. The cited author states that trade unions stall any TQM program by influencing the employees not to accept the change if it is in their view that the change will not protect the interests of the employees. The author further adds that trade unions are capable of influencing employees to accept the change if they are satisfied that the change will be of beneficial value to the employees.

According to Lowe (1992) organisations that involve trade unions in TQM initiatives were more likely to succeed in the implementation.

2.3.3.2. RESISTANCE FROM MANAGEMENT

According to Psychogios and Wilkinson (2007) middle managers are regarded as the key players in the effective implementation of TQM. Hill (1991) goes further, stating
that the introduction of TQM is viewed by middle, junior and supervisory managers as having the following negative effects:

- Making their jobs more demanding both in terms of time and the need to acquire people management and technical skills;
- Putting these managers on the spotlight from employees;
- Making them susceptible to greater scrutiny from senior managers;
- Reducing their discretion followed by a loss of control due to the empowerment of shop floor employees; and
- Lastly anxiety that shop floor employees might begin to question and challenge their authority.

A useful summary of the above position is summed up by Wilkinson (1998) who states that the introduction of TQM causes middle managers to feel pressure from above (senior management) and below (the employees). According to Soltani and Wilkinson (2010) such a state of affairs often leads to incongruence, disagreement or conflict between senior and middle managers’ orientation towards TQM thereby having a serious effect on the success of TQM.

According to the research by Feinberg (1996) where he investigated how managers defeat TQM, he opines that such management attitudes and resistance to change are a result of ignorance and fear. He further states that most managers resist change for what they sincerely think to be good reasons (personal, political, technical or philosophical) and such reasons need to be addressed through solid arguments. Feinberg (196, p. 10) holds that in order to deal with management resistance to change, TQM “practitioners should seek out resistant managers and demand their full participation from the beginning in contrast to the all-too-easy approach of “working around them” or “working until we have a few successes to convince them”.

The need to talk to managers resisting change is also discussed by Cooke (2009, p. 3) who states that, “You will have heard people talk about overcoming resistance, I
would suggest this is fundamentally the wrong approach. In order to overcome something you have to fight it and that which resists, persists. What you need to do is weaken it from within; to remove the cause for management resistance… the first thing you need to do is to understand what is behind it, and to do so you have to communicate, and more specifically listen. You then need to respond appropriately, in such a way as to show that you have listened, learnt and understood”.

Management resistance to quality is in line with interesting research that has revealed that service companies are unwilling to commit to TQM principles, (Au Choi (1999), Dotzour and Lengnick – Hall (1996). Feinberg (1998) states that managers are the main culprits to resistance to quality and in order to accommodate them in the change initiative their experiences and wisdom ought to the considered when initiating and implementing change. Whilst that may be the case however, Yasin (2004) carries a different view that service companies are willing to implement TQM as they view it as effective in achieving sustainable competitive advantage.

2.3.3.3. OVERCOMING RESISTANCE

According to Linstead, Fullop and Lilley (2009, p. 653) organisations can anticipate and respond to resistance through:

- Education and communication
- Participation and involvement
- Negotiation and agreement
- Explicit and implicit coercion

According to Self (2007) organizations will only be able to deal with and overcome resistance by creating readiness for it. Self (2007) goes further stating that organizations create readiness for change by:

- Identifying and justifying the need for change.
• Demonstrating that the proposed change is the right thing to do given the circumstances.
• Bolstering and re-enforcing confidence of employees that they can implement the change successfully.
• Supporting the employees by enlisting formal and informal leaders in support of the change.
• Address what each organizational member seeks to benefit from the change and address any positive or negative outcome.

A different view from the above is advanced by Ford, Ford and McNamara (2002) who state that in order to be able to deal with and overcome resistance, organizations need to be able to understand the source of the resistance within the individual. The authors state that “successfully dealing with resistance ultimately depends on an ability to represent accurately and describe the source of the resistance in the individual for addressing and overcoming that source” (p. 106). This is essentially the same view carried by Self (2007) discussed above.

The authors went further to discuss that “resistance is a function of the socially constructed reality in which someone lives, and that depending on the nature of that constructed reality, the form of resistance to change vary” (p. 106). Ford, Ford and McNamara (2002) also emphasize the need for dialogue in change programs and state that there have to be conversations for closure in dealing with and overcoming resistance to change as they create a sense of harmony, reduce tension and introducing balance and equilibrium.

### 2.3.4. TEAMWORK

According to Katzenbach and Douglas (1993) teams are the way to ensure employee empowerment. The authors state that teams should be the basic unit of performance for most organizations, regardless of size. They further state that “in any situation requiring real time combination of multiple skills, experiences and judgments, a team
inevitable gets better results than a collection of individuals operating within confined roles and responsibilities” (Katzenbach and Douglas 1993, p. 15).

According to Coghlan (1994) organizations often use groups such as brainstorming or nominal groups, Quality circles and task forces to foster team work and as a medium of change to enable the change plan to progress, and to instill commitment to change. Coghlan (1994, p. 22) goes further stating that “the success of an organization’s change endeavors depends on an effective utilization of teams and groups to move change through an organization, skills at understanding and facilitating groups and teams are essential for the management of change”.

According to Linstead, Fullop and Lilley (2009, p. 553) there is a belief that employees are the individuals within an organization who are most knowledgeable and insightful about how to do their jobs such that calls have been made allowing workers to take responsibility or ownership of shop floor problems in exercising discretion and actively participate in problem solving through team work”.

2.3.4.1. NOMINAL OR GROUP BRAINSTORMING

According to Coghlan (1994, p. 21) “membership of teams and groups shape an individual’s perception and participation in organizational change. Seaker and Waller (1996) opine that contemporary management tools attempt to bring out latent talents in their employees and brainstorming is one of the techniques adopted by organizations to involve their employees in participative management.

Seaker and Waller (1996, p. 27) further state that the “rational for group brainstorming is that individuals have distinctive competencies. Collectively these strengths can create new improved systems to solve problems effectively and the cycle of differentiation and integration created by continued brainstorming will be more conducive for the health of the firm”.

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The conclusion of a research by Karakas and Kavas (2008) in which they investigated creative Brainstorming and Integrative thinking as skills for the twenty first century managers held that interdisciplinary thinking, engagement, flexibility, individual customization, collaboration and inspiration are all elements of brainstorming which are critical for idea soliciting from employees. Just like Seaker and Waller (1996) Karakas and Kavas (2008) concluded that brainstorming should be conducted in a congenial, respectful, listening and joyous environment in order for maximum benefits to be realized.

In agreement with the above authorities, on the role of brainstorming in allowing employees to think creatively are the findings of the research by McFadzean (2000) where he investigated “Techniques to enhance creative thinking in organizations”. The research concluded that “creative thinking is vital for organizations for problem solving opportunity finding, innovation and change” (p. 71) such that it is vital for senior management to provide and encourage a creative climate through relaxed and judgment free brainstorming sessions.

2.3.4.2 QUALITY CIRCLES

According to Sugimoto (1978, p. 64) a quality circle is a “small group which acts spontaneously within the same area to perform quality control activities. This group will continuously, as part of the company – wide quality control activity conduct self and mutual improvement and performance control activities using Quality Control Techniques, with all members’ participation”.

According to the Department of Trade and Industry (1985) as cited in Dale (1992) a “Quality Circle is a group of 4 – 12 people coming from the same work area, performing similar work who voluntarily meet on a regular basis to identify investigate, analyses and solve their own work related problems. The circle presents solutions to management and is usually involved in implementing and later monitoring them. The
precise design will vary from place to place but all circle-like groups follow an essentially standard pattern of approach to problems.”

According to Dale (1992) the benefits of Quality circles include improved productivity, increased work satisfaction and improved organizational commitment. The author is however quick to point out that success trends have been difficult to identify. Millison and Kirk-Smith (1996, p. 76) agree with this finding and state that “Although many claims have been made on the benefits or effectiveness of quality circles, there is limited empirical research on their successes.”

Hill (1996, p. 54) adds to the benefits of Quality circles listed above stating that the benefits include “cost savings, better internal communication, increased problem awareness, personal development and involvement in Teamwork”. Hill (1996) further state that Quality Circles are also important “in fostering teamwork and organizational learning through the exchange of ideas, to foster team ethos in organizations and as a transitional device in moving towards more complex forms, such as cross functional teams, self managing teams and other forms of organizational groupings” (p. 56).

The effect of quality circles in enhancing employee development is also reiterated by Cole and Tachiki (1984). Millison and Kirk-Smith (1996) in a research conducted in the financial services sector in the United Kingdom concluded in their research that Quality circles enhanced employee satisfaction, motivation and stimulation and all three conditions are required for quality work.

2.3.4.3. TASK FORCES
According to Coghlan (1994) groups and teams such as task forces are often used by organizations in problem solving and building commitment to change. This position is shared by Friendlander and Scott (1981) who opine that task forces, if used effectively, manage interface with the rest of the organization.
2.3.4.4. SUGGESTION BOXES
According to Lindsay (2011) suggestion boxes, be they physical or virtual, have been found to be one of the best ways used by organizations to enter into dialogue with their customers and employees.

Turrell (1998) reasons that organizations often set up employee suggestion boxes due to the realization that employees have valuable ideas to share with management as management structures often prevent these ideas from spreading throughout the organization. The author goes even further stating that suggestion boxes are beneficial to organizations because of their possible ability to capture ideas from the entire organization.

However, Turrell (1998) notes that sadly though valuable, most suggesting boxes are rarely opened to review their contents, or if at all they are opened, little is done about the ideas. Margues (2008, p. 36) agrees with Turrell (1998) on that point, stating that most organizations are not benefiting from valuable ideas from employees as “follow-up to the suggestions or reviews submitted remains limited or non-existent”

2.3.4.5. EMPLOYEE RECOGNITION AND REWARDS
According to Okole (1996) and McKenna (1994) employee recognition and reward are crucial in influencing employees to practice TQM because these two practices create satisfaction which consequently create commitment within employees.

According to Lawler and Jenkins (1994) as cited by Kilmann and Allen (2001) in order for rewards to bring any benefit for the organization, the reward system must be congruent to and consistent with the organizational strategy. It is further opined that within TQM organizations, the reward practices must be congruent with participative, team based, knowledge-oriented, quality focused practices and must not be consistent with traditional reward systems which compensate individuals based on their individual accomplishments and achievement. According to Kilmann (1989) the reward system should serve the purpose of retaining people with knowledge, skill and
abilities required to achieve the firm’s strategic goals, and create a supportive culture and structure.

Porter and Lawler (1968) identify intrinsic and extrinsic reward practices factors as follows:

(a) Intrinsic reward practices factor

- Non monetary forms of recognition to acknowledge achievement of quality improvement.
- Celebrations e.g. lunches, dinners and special events.
- Regular expressions of appreciation by managers/ leaders, pat-on-the back”
- 360 degree performance appraisals
- Having a suggestion system such as suggestion boxes.
- Use of developmental based performance appraisals
- Quality based promotions

(b) Extrinsic reward practices

- Profit sharing
- Gain sharing
- Employment security

A research by Kilmann and Allen (2001) carried on a sample of workers drawn from TQM and non- TQM organizations where they sought to investigate “The role of the reward system for a TQM based strategy” concluded that the use of extrinsic reward factors/ practices such as profit sharing, gain sharing and employment security exhibited a significantly positive effect between TQM and perceived firm performance, while intrinsic reward practices did not reveal a significant effect.
The study further concluded that an organizations reward system is crucial in implementing a TQM based strategy, especially putting the extrinsic reward system behind the use of TQM practices on the job.

These findings reinforce the comments by Lawler (1981, p. 8-9) where he states that “Reward systems can and often have an influence on the effectiveness of organizational change efforts. When the impact of a change program on the reward system is not taken into account, the reward system can became an impediment to individuals accepting change. On the other hand, when the reward system is considered and made part of the change strategy, it can make a positive contribution to a change effect. It is precisely because of the systemic nature of organizations that almost any change effort has implications for the reward system”.

Cacciope (1999, p. 330) concurs with the above authorities, concluding in his research that “Reward and recognition systems are an important part of the change that is necessary for such transformation to be effective. A thorough rethinking and restructuring of reward and recognition practices which are aligned with new organizational goals and culture will give companies the focused energy they will need to succeed in challenging times.”

A divergent view on the role of reward and recognition in fostering TQM is borne by Ehigie and Akpan (2004) whose research which sought to investigate “The Roles of perceived leadership styles and rewards in the practices of TQM”, conducted on TQM and non-TQM companies concluded that employees who perceived high reward are not exactly inclined to practice and support TQM programs than those who perceive low reward. According to the researchers, this conclusion suggests that on its own reward is not sufficient to influence employees in the practice of TQM, and there was need to investigate other variables.
2.3.4.6. MANAGEMENT BY WALKING ABOUT (MBWA)

According to Savolainen (2002) MBWA occurs when management leaves their offices, move around, listen, talk to, discuss and share with employees their organisational problems and new ideas. Beil – Hildebrand (2006) agreeing on the feature of MBWA adds on that this is done in a highly visible and informal way, driven by the need to keep every member of the organization informed, increase levels of trust within the organization, encourage free talk and sharing of ideas.

The research by Beil-Hildebrand (2002) was conducted in a health care institution and concluded that MBWA resulted in a highly motivated workforce, increased levels of commitment, enhanced lines of communication, reduced organizational tension and consequently leading to organizational development. It is interesting to note that the researcher went further to note that MBWA caused a form of control which was less apparent and more difficult to resist that that of the traditional professional bureaucracy.

According to Peters and Waterman (1982, p. 123), MBWA characterizes “a technology of keeping in touch, keeping in constant informal contact.” They further argue that “The technology can be seen as an innovative method that pays attention to employees and not their working conditions per se”.

2.4. MACRO TOOLS OF QUALITY

2.4.1. ISO 9000

According to Kim, Young and Murphy (2010) ISO 9000 has received global recognition as a quality management system standard that promotes companies to implement TQM centred principles such as customer focus, by focusing on key processes and systems that influence quality and operational performance. The same view is shared by Escanciano, Fernandez and Vazquez (2001, p. 192) who
underscore the importance of ISO 9000 in quality as a source of competitive advantage due to its “demand on continuous improvement, revision of managerial processes and systems sustaining it”.

According to the results of a study carried out in Spain by Escanciano, Fernandez and Vazquez (2001) on the effects of ISO 9000 on Spanish companies, ISO 9000 certification results in:

- Satisfaction and surpassing the expectations of those introducing it
- The improvement of company images
- Improved product and service quality
- Increased employee motivation
- Improved working environment
- Better allocation and use of resources
- Increased customer satisfaction
- Decreased audit checks by supplier companies as they consider certification as sufficient guarantee of a firm’s success.

Mwanko (2000) is however quick to give the view that ISO 9000 merely assures the consistency of a firm’s processes, not that the end product or service will be of the desired quality and attractive to the customer.

2.4.2. THE BALANCED SCORECARD (BSC)

Kaplan and Norton (1996, p. 75) state that the “Balanced Scorecard supplemented traditional financial measures with criteria that measures perspectives from three additional perspectives, namely customer perspective, internal business process and learning and growth.” Kaplan and Norton (1996) further opine that since its inception, “the BSC has been used successfully by companies as a valuable tool of a new and successful management system” (P.75).
According to Norreklit (1999, p. 67) “the financial perspective identifies how the company wishes to be viewed by its stakeholders. The customer perspective determines how the company wishes to be viewed by its customers. The internal business process is concerned with the systems which the company has to particularly adept in order to satisfy its shareholders and customers. The organizational learning and growth perspective involves the changes and improvements which the company needs to realize if it is to make its vision come true”.

Figure 2.3: The Balanced Scorecard

It is interesting to note that whereas Kaplan and Norton (1996) and Rigby and Bilodeau (2011) postulate that the BSC has been successfully implemented by various organizations including profit and non-profit organizations and public sector enterprises and has often been listed among the top ten management tools used throughout the world. Norreklit (1999) does not believe in the effectiveness of the BSC to bring success and calls the BSC a myth.

Paranjape, Rossiter and Pantano (2006) assert that the BSC bears the following weaknesses:

- It excluded to deal with people, suppliers, regulators and competitors.
- It does not deal with environmental, community and social issues
- It is static in nature in that there is no empirical or scientific evidence that implementation of the BSC leads to improved performance
- Its causal effect relationship is oversimplified and challenged by authors such as Brignal (2002) and Norreklit (2003).

2.4.3 BUSINESS PROCESS REENGINEERING (BPR)

Oakland (2004, p. 194) refers to the BPR as “…the fundamental rethink and radical redesign of a business process, its structure and associated management systems, to deliver major or step improvements in performance (which may be in process, customer, or business performance terms).”

Dale (2000) concedes with Oakland (2004)’s definition of BPR and asserts that that BPR breaks down organizational barriers and challenges managers to revisit their existing and traditional methods of doing work in order to meet customer needs. Kehoe (1996) states that BPR results in improved management styles in that it encourages the eradication of non-value adding work and encourages management to avoid placing too much emphasis on technology as over reliance on technology at
times results in the automation of obsolete processes. Foster (1996) agrees with Kehoe (1996)’s contention that BPR calls upon managers to do away with work that does not add any value as these authors state that at times most of the work which is done by the managers is of no value and effect to the customers. Murphy (2000) goes on to state that BPR is all about managers redesigning the processes of an organization so as to ensure that customers are getting the best value for their money through the use of as little resources as possible.

Despite the above positive comments on BPR, it has been criticized. Zairi (1995) states that BPR has earned a bad reputation because it has resulted in massive retrenchments in some instances.

Kennedy (1994) criticized BPR for dealing with issues of technology without consideration the opinions of the members of the organization during the change process and the potential resistance associated. The author highlights further that there is a generally exaggerated potential benefit of BPR and as such it is almost always rather difficult to achieve the intended result.

Davenport and Short (1991) state that using BPR for cost reduction alone was is not a sensible goal. The authors add on that BPR cannot be said to generally result in improvement in management style because its implementation often resulted in management resistance, in most cases resulting in the concept being a major contributor of failure in organizations.

### 2.4.4. BENCHMARKING

Authors like Oakland (2004) and Bergman and Klefjso (1994) are in agreement that benchmarking is an effective tool in ensuring that there is improved management within an organization. According to Oakland (2004) benchmarking enables management of an organization to gauge how well they are performing against other organizations who may be considered to undertake similar tasks and activities of
change and it also assists management in gaining an understanding of how other organizations achieve superior performance.

Underdown and Talluri (2002) states that benchmarking is a powerful tool which can help management to decide whether to opt for the evolutionary transitional step by step change process or decide whether there is urgent need to introduce revolutionary change which is radical in nature. According to the author benchmarking can assist management of an organization to evaluate as to whether or not there are any negative gaps of performance thereby encouraging managers to revisit strategic objectives and take the requisite action. It apparent that according to Underdown and Talluri (2002) if benchmarking is adopted as a process it can keep organizations at the forefront of change and therefore eliminate the need for radical redesign.

According to Mullane (1995), the conclusions of a study carried by The European Council (EU) where it wanted to find out whether or not benchmarking could be used as a tool to introduce changes in the management style in its institutions by benchmarking its institutions against non European Higher Education Institutions, benchmarking strengthened an institution’s management ability to;

a) better understand the processes which support strategy formulation and implementation in increasingly competitive environments

b) measure and compare to the competition
c) discover new ideas
d) set targets and improvements
e) strengthen organizational identity ” (p. 174).

Mullane (1995) criticizes benchmarking on 2 respects. Mullane (1995) contends that if not done properly conducted it can destroy an organisation’s position in the market place especially if companies benchmark their core competencies they can easily fall into the trap of thinking that a benchmark should be a performance indicator. Additionally, there is a risk that a company can attempt to benchmark in the absence
of the requisite data necessary for comparison with other companies resulting in the company carrying out a lot of estimates which are a result of guess work and this does the company no good, (Mullane, 1995).

2.5. TQM AND SUSTAINABLE COMPETITIVE ADVANTAGE

2.5.1. HOW DOES TQM RESULT IN COMPETITIVE ADVANTAGE?

Reed, Lemak and Mero (2000) expresses four major TQM elements which they say result in competitive advantage if taken seriously by an organisation. The four elements of TQM are:

2.5.1.1. TEAMWORK

Employees who engage in teamwork have a sense of oneness and are likely to work towards the achievement of a common goal. The authors postulate that employees who work as a team are satisfied and content. Reed, Lemak and Mero (2000) further contend that satisfied employees will devote themselves to satisfy the organisation' customers. The authors further state that customer satisfaction is in itself a source of competitive advantage for an organization.

2.5.1.2. PROCESS EFFICIENCY

Reed, Lemak and Mero (2000) postulate that in addition to a committed workforce, effective systems and processes are important as an organisation with efficient and smooth running systems almost always get “it right the first time.” The author’s further state that getting it right the first time minimizes losses which therefore means that there is efficiency in either production process or service delivery process. Efficiency in the processes of an organization is in itself a source of competitive advantage.

2.5.1.3. CONTINUOUS IMPROVEMENT

Reed, Lemak and Mero contend that organisations which strive for continuous improvement value transitional rather than radical change. They further state that
these organizations are always perfecting their techniques and practices through the acquisition of new ideas. It is notable that on this point the authors state that organisations which aim for continuous improvement have a competitive advantage in that they make things happen rather than wait for things to happen.

2.5.1.4. LEADERSHIP AND TOP MANAGEMENT COMMITMENT

Reed, Lemak and Mero (2000) opine that if top management is committed to the success of the organisation they guide their subordinates and provide the requisite resources required to achieve and maintain customer satisfaction. They further state that leadership commitment is a competitive advantage in that organizations with strong leadership are willing to see their organizations succeed by all means necessary.

Hackman and Wageman (1995) agree with Reed, Lemak and Mero (2000) in that leadership commitment is a TQM element which can result in sustainable competitive advantage. They state that leadership commitment often leads to employee buy-in and these employees leading to customer satisfaction which in turn gives an organization a competitive edge.

2.5.2. ENABLING ORGANIZATIONAL CULTURE

Enderwick (2007) acknowledges that TQM often results competitive advantage but is quick to point out that most features generally associated with TQM such as teamwork, process and continuous improvement do not necessarily produce a competitive advantage for an organization on their own. The author goes further stating that certain implied behavior embedded within the organizations such as culture and employee empowerment are elements which are needed in addition to TQM for an organization to achieve competitive advantage.

Govers (2001) agrees with Enderwick (2007) that apart from TQM and for competitive advantage to prevail, organizational culture and employee empowerment are indeed additional elements which can be superimposed on the TQM tools to secure
competitive advantage for an organization because TQM tools like continuous improvement, process improvement and leadership commitment need the right organisational culture for them to be taken seriously and implemented within the organisation.

2.5.3. CRITIQUE OF TQM AND SUSTAINABLE COMPETITIVE ADVANTAGE
Bruno (1984) is skeptical about the effects of TQM on an organization’s competitiveness and holds the view that the proclaimed positive effects are over rated. He goes further stating that a company’s improvement in performance could have been as a result of external factors such as market forces, independent of TQM.

Baker (2007) contends that TQM as a source of competitive advantage has been found to apply only in instances in which the companies take this concept seriously and in any event its application has been said to vary from company to company as companies choose to apply different approaches of TQM from time to time. The author goes further stating that there is no clear cut evidence which demonstrate the major elements of TQM which result in competitive advantage.

2.6 CONCLUSION
The preceding analysis reviewed literature necessary in answering the research objectives. The key concepts examined in the literature review were mainly related to broad TQM principles which can be implemented to ensure an improvement in management style and those TQM principles which can ensure the improvement of quality. A discussion of the role of leadership and employees, TQM tools which result in competitive advantage, teamwork and managing resistance to change was also done.

The researcher however holds the view that in order for the study to be fully exhaustive there in need for consideration of prime results of an investigative analysis. It is to this end that Chapter 3 which is to follow will examine the methodology used in the primary investigation.
CHAPTER THREE: RESEARCH METHODOLOGY

3.0. INTRODUCTION

This chapter discusses the methodology used to obtain information from the LSZ, lawyers in private practice, government, and commerce, from clients, members of the judiciary, the Attorney General’s office, members of the Prison Services, the Police, Ministry of Justice and Court personnel. Leedy (1989) opines that the best research methodology is the key to a successful study. According to Greene (2008) research methodology is mainly about the researcher’s attitude, understanding of research and the choice of strategy used in answering the research objectives. It is apparent from the above that it is imperative for a researcher to carefully think about why a particular strategy before making use of the strategy.

Chapter Three is arranged into subheadings addressing the research design, philosophy, approach, strategy, population and sampling techniques, time horizons, research limitations, research ethics and conclusion.

3.1. RESEARCH DESIGN

Saunders, Lewis and Thornhill (2007) state that a research design is a general outline of how the Researcher will answer the research questions and address the research objectives. Adams and Schvaneveldt (1991) views the research design as the ultimate structure of the research project and states that the research design is the plan outlining how the project information was obtained, the instruments used and how they were administered and lastly the information gathered was assessed and interpreted. According to Luck and Rubin (2003) a research design consists of a series of prior decisions which when taken together provides a blue print for executing a project. Bellenger and Greenberg (2005) describes this research plan as
framework that guides the data collection, processing and analysis and information transmission.

Murimba and Moyo (1995) carry the view that appropriateness is crucial when selecting a research design because a research design is peculiar only to certain situations. It entails that a research design, strategy, methods and techniques to be employed must be appropriate for the questions the researcher wants to answer.

According to Saunders, Lewis and Thornhill (2007) there are three main categories of research designs, mainly; exploratory, descriptive and explanatory studies all of which will be discussed below.

3.1.1. EXPLORATORY STUDIES

According to Robson (2002) as cited by Saunders, Lewis and Thornhill (2007) an exploratory studies are intended at giving a clear appreciation and understanding of the problem and to provide new insights enabling one to understand a problem in a different dimension. As exploratory studies are provide new insights into a particular field of research, Adams and Schvaneveldt (1991) opine that a researcher ought to be flexible and must be willing to change the direction of his or her research because of new data arising from the research. Though exploratory researches have the advantage of flexibility, it does not however mean the researcher will lose focus of the study. Saunders, Lewis and Thornhill (2007) state that an exploratory study can be carried out through a review of the literature, conducting interviews of focus groups and or interviews of experts in a particular field. Flexibility means that a research may commence very broad but may become narrower closing on a definitive conclusion (Adams and Schvaneveldt, 1991).

3.1.2. DESCRIPTIVE STUDIES

Kervin (1999) postulates that descriptive studies address the nature and general appearance of a particular set of circumstances as they appear during a particular time of study. Kervin (1999) goes further stating that these kind of studies deal with
the various types of relationships, certain types of practices and or beliefs and general processes that may be on going at the time of the research. Similarly, Patton (2002) highlights that descriptive researches are concerned with providing a description of a set of circumstances in the manner they are conceived through the eyes of the respondents.

Robson (2002) as cited by Saunders, Lewis and Thornhill (2007) state that after obtaining an accurate profile of events and situations from a descriptive study, a researcher should be able to synthesize and evaluate the data from the given descriptions with a view of providing a logical conclusion.

3.1.3. EXPLANATORY STUDIES

Explanatory studies seek to establish causal relationships (Patton, 2007). Patton (2007) goes further stating that the main objective in explanatory studies is to study a particular set of circumstances with a view of providing an explanation regarding the relationships that may exist between variables. Data obtained in explanatory studies can be subjected to statistical tests with a view of obtaining a clearer picture on the relationship that exists (Patton, 2007).

3.1.4. THE RESEARCH DESIGN ADOPTED

The research is both descriptive and exploratory in nature. The research is descriptive because it unearths various, practices, processes, relationships and beliefs existing within the legal services sector during the period between 2007 - 2012. The respondents gave their descriptions of the prevailing conditions based on the general impressions formulated from sector.

The research is also exploratory in that it assists in providing a clear appreciation of whether or not TQM can indeed be said to be a tool for achieving sustainable competitive advantage amongst law firms. This is achieved through an investigative process. The study is also exploratory as it allows a review of the literature of the subject matter under review to be carried out with possibilities that whatever fresh
insights obtained from the research will be embraced without necessarily losing focus of the initial intention of the research thereby demonstrating the flexibility of the exploratory approach.

3.2. RESEARCH PHILOSOPHY

Denzin and Lincoln (2003) opine that research philosophy refers to the nature and development of knowledge. When a researcher develops methods of approaching a study he is guided by a number of philosophies and according to Saunders, Lewis and Thornhill (2007) there are essentially three ways in respect of which a researcher can think about the research philosophy, namely, epistemology, ontology and axiology. The researcher will deal with epistemology only.

3.2.1. EPISTEMOLOGY

According to Saunders, Lewis and Thornhill (2007) epistemology relates to what is viewed as acceptable knowledge within a particular field of study. It is divided into three groups namely, the positivist approach, the interpretivist approach and realism.

3.2.1.1. POSITIVIST APPROACH

According to Robson (2002) the positivist approach is at times referred to as quantitative, natural-science based, hypothetico-deductive or simply scientific approach. However, Patton (2007) highlights that there is the positivism approach and also the post-positivism approach. Patton (2007) opines that the positivism approach relates to the revelation and obtaining of knowledge through research involving a model of natural science where the scientist gathers knowledge about the social world and provides explanations as regarding this social world through chain causality.

Hughes (1994) adds on that the positivism approach assumes that things can be studied as facts where the relationships apparent from these facts can be established as scientific laws bearing a status of truth. Hughes (1994) further states that focus is on validity and not reliability.
Patton (2007) states that post-positivism is concerned with real situations which are determined socially and objectively. The author states that contrary to the positivism approach where the task of the social scientist would be to gather facts and measure how often certain patterns occur, with post-positivism, the social scientist's task is to appreciate the different constructions and meanings placed on experiences by various people.

From the above it is apparent that positivism which is based on the natural science model of dealing with facts is closely associated with quantitative studies, post-positivism which deals with understanding the subjectivity of social phenomena requires a qualitative approach.

3.2.1.2. INTERPRETIVIST APPROACH
According to Saunders, Lewis and Thornhill (2007) the interpretive approach is qualitative in nature and is often referred to as the phenomenological approach. The authors view this approach as being based on the way people experience social phenomenon in the world they live.

According to James and Vinnicombe (2002) interpretivism emphasises on the differences existing on individuals existing in society. As such, it will be noted that interpretivism refers to researchers as social actors whose role is to interpret different roles in accordance to a particular set of circumstances they perceive them. The qualitative approach is inductive in nature as it provides for the development of theory from data collected and employs flexible exploratory methods. It is a holistic approach which puts more emphasis on validity as opposed to reliability in the quantitative approach.

3.2.1.3. REALISM
According to Saunders, Lewis and Thornhill (2007) realism can be said to be similar to positivism in that it adopts a scientific enquiry to knowledge development. The authors further propound that there is a reality which exists independent of the
human mind. They further state that there is direct realism namely direct realism and critical realism. Direct realism stipulates that the world is correctly portrayed by what we go through as a result of our senses whereas humans simply experience images of the things in the real world through sensations (Saunders, Lewis and Thornhill, 2007). Additionally, At this point Gill and Johnson (2002) elucidate that direct realists point out that the sensations which individuals or illusions experienced by individuals are a result of insufficient information. The authors highlight that sufficient information leads to the eradication of illusions if a particular situation is looked at from all angles and the actual situation is discerned.

According to Saunders, Lewis and Thornhill (2007) the importance of direct and critical realism to business research is that the former views the world in general as static and unchanging and that organisations operate at one level whilst the latter recognizes the world as dynamic with the organisations operating at different levels.

3.2.1.4. RESEARCH PHILOSOPHY ADOPTED

An interesting observation is made by Saunders, Lewis and Thornhill (2007) who state that the various research philosophies do not provide a researcher with a choice of optional to pursue but only provides options as to do different things differently. They state further that no particular research can be fit neatly into one research philosophy.

The study under review is a combination of positivism, interpretivism and realism with specific emphasis on critical realism as is peculiar with business and management researches.

The positivist and post-positivist approaches provided a balanced analysis of the legal services sector in Zimbabwe from an objective point of view whilst at the same time accommodating the various views of the stakeholders of the sector. The objective approach was crucial to the research because it dealt with facts and clearly observable social realities, with the researcher being external to the whole process of data gathering. Accommodating the impressions of the respondents who are
stakeholders of the industry was also of paramount importance because they are the ones who are currently contributing to the sector and in the future.

Furthermore, the positivism philosophy was also used in the analysis of primary research findings in Chapter Four. In this chapter various statistical data denoting the responses from the primary investigation was captured using frequency tables, pie charts and bar graphs.

The interpretivist approach on the other hand was also adopted as it allowed the researcher to interpret the various input and effect of the respondents in the sector and how these respondents actually perceived their effect in the sector. It must be noted that when one looks at interpretivism one will be looking at the happening of a phenomenon whose definition according to Saunders, Lewis and Thornhill (2004) refers to a happening which has allowed an individual to make personal interpretations of how a particular situation and in this case how the LSZ should regulate the legal profession based on experiences and best practices. That phenomenon will be understood because one will be drawing from empirical study which recommends certain standards of best practices. To this end by adopting the interpretivist approach the researcher had observed that the legal profession was not conforming to ethical standards, law society regulations and best practices and the researcher attributed such conduct to various illicit conduct by lawyers and a laxed administrative system.

3.3. RESEARCH APPROACHES

There are two types of research approaches namely the deductive approach and the inductive approach which will be dealt with below.

3.3.1. DEDUCTIVE APPROACH

Gill and Johnson (2002) posit that the deductive approach is the dominant research approach in scientific researches and involves the development of theories that are
subjected to thorough testing. The authors provide the following characteristics of deductive approach:

- It sets out to explore causal relationships between variables.
- All generalisations that may be drawn have to be related to the specific situation under study to avoid gross misrepresentation of facts.
- Concepts have to be operationalised in a manner allowing for some form of quantitative measurement.

3.3.2. INDUCTIVE APPROACH
According to (Gill and Johnson, 2002) the inductive approach is concerned with the formulation of theory after a thorough understanding of a particular set of circumstances contrary to the formulation of rigid methodologies which do not allow for alternative explanations as is the case with the deductive approach. According to the authors the deductive approach is criticized because it pre-supposes people to be unthinking objects expected to behave in a particular way without having regard to their feelings or attitudes towards certain scenarios.

3.3.3. RESEARCH APPROACH ADOPTED
It has already been highlighted under 3.2.1.4 that the theoretical analysis of the research approaches is not meant to provide a single category which one can be used in conducting a particular research project. Likewise, this research is a combination of both the deductive and the inductive approaches. The need for the researcher to be independent of the data required adoption of the deductive approach in order to explain causal relationships between variables and the need to select sufficient sample sizes so as to generalise conclusions as will be demonstrated in chapter four. On the other hand, the inductive approach was necessary because of the need to obtain an understanding of the meanings individuals attach to particular
scenarios. Most importantly the inductive approach was adopted so as to allow for the development of approaches which may occur as a result of new views being adopted.

3.4. RESEARCH STRATEGY

According to Saunders, Lewis and Thornhill (2007) the research strategy adopted in the study is dependent on the objectives, research questions, time available, the extent of existing knowledge and philosophical underpinnings of the research. The authors state that there are several types of research strategies, namely; action research, experiment, case study, survey, just to mention a few.

3.4.1 RESEARCH STRATEGY ADOPTED

According to Robson (2002) the survey approach is a strategy that involves the collection of information in a standardized form from groups of people drawn from known populations and usually employs questionnaires or structured interviews.

The study employed this approach where questionnaires were used to gather data from the respondents. This approach eliminates the possibility of manipulating the variables as is the case with experimental approach. Relatively little resources in terms of money or human resources are required in surveys. Apart from being a popular and common business and management strategy, according to Ruturi (2010) the survey approach is highly economical as it facilitates the collection of a large amounts of data from a sizeable population. The other advantage it makes use of a questionnaire which facilitates the standardisation of data allowing for easy comparison (Ruturi, 2010). The questionnaire comprised of five point likert scale questions, yes/no questions and an open ended question for each objective. The five point likert questions were established statements to which respondents were expected to respond indicating their responses on a scale which varied from strongly disagree (1) to strongly agree (5). The yes/no questions were meant to test respondents’ to certain statements. The open ended questions solicited detailed opinions from respondents.
The major disadvantage of the survey approach is its heavy reliance on respondents’ willingness to respond and answer the questions honestly and objectively.

The respondents were all drawn from scattered locations in Harare. In terms of rules of the LSZ all law firms must be within 15km of the courts and this meant that they are concentrated in one place. All respondents within easy reach of respondents making follow ups and collection of completed questionnaires easy contributing to a high response are of 96%.

3.5. TIME HORIZONS
There are two types of time horizons namely, the cross-sectional and the longitudinal type of studies.

3.5.1. CROSS SECTIONAL STUDIES
A cross-sectional study is the study of a particular phenomenon at a particular time and this may be invoked in instances where there are constraints for time (Saunders, Lewis and Thornhill, 2007). The cited authors highlight that cross-sectional studies often involve case studies where a researcher may want to describe how certain factors are related in respect of different organisations.

3.5.2. LONGITUDINAL STUDIES
Longitudinal studies study events over a period of time often providing room to study change and development (Saunders, Lewis and Thornhill, 2007).

3.5.3. TIME HORIZON ADOPTED
This research made use of the longitudinal study which sought to analyse the manner in which the legal profession was being regulated over a period of time between 2007 - 2012. As there have been many changes in the operational environment, the study through the longitudinal approach sought to establish whether or not the LSZ was
regulating the legal industry in a manner that promoted the quality of service rendered to clients.

3.6. POPULATION AND SAMPLING TECHNIQUES

3.6.1. POPULATION

Cochran (1997) defines a population as all the elements or people bearing the characteristics which a researcher intends to study. In this study the population consisted of all stakeholders in the justice delivery system as it was from amongst their members that data was collected. In order to achieve this overall objective the researcher targeted 75 respondents from the justice delivery system inclusive of members from the LSZ, lawyers in private practice, government and in commerce, from clients being the consumers of the service, members of the judiciary, prison services and police, the Attorney General’s Office and Ministry of Justice and Court personnel.

3.6.2. SAMPLING

According to Leedy (1989) the process of sampling involves identifying and selecting a representation from a population which possesses information relevant to solving the problem requiring a solution. Henry (1990) adds on that formulae have been developed to assist researchers in deciding sample sizes in order to minimize estimation errors to certain acceptable levels. As stakeholders in the judicial services sector consist of thousands of people represented by state institutions, organizations and groups, the research settled on a sample of 75 respondents.

3.6.3. SAMPLING METHODS

There are two main sampling methods, namely; probability and non-probability sampling.
3.6.2.1. PROBABILITY SAMPLING TECHNIQUES

3.6.2.1.1. PROBABILITY SAMPLING

According to Lohr (1999) every element within the population has a chance of being selected in probability sampling. The authors state that the probability of being selected can be accurately determined. According to the cited author all these stated characteristics taken cumulatively will mean that there will be great possibility of producing unbiased estimates of the population. Probability sampling includes simple random sampling, systematic sampling, stratified sampling and cluster or multistage sampling.

3.6.2.1.1.1. SIMPLE RANDOM SAMPLING

This involves a sample being picked at random either from using random number tables or a computer from a list of the population. It is best used when there is an accurate and easily accessible sampling frame which lists the entire population. Its advantage according to Saunders, Lewis and Thornhill (2004) is that of giving an element an equal chance of being included in the sample and also reduces the bias of the researcher because he will not be aware of the elements which will be part of the sample. The disadvantage of this approach is that it is not convenient if the survey covers a large geographical area and requires face-to-face contact and it is also associated with huge travel costs.

3.6.2.1.1.2. SYSTEMATIC RANDOM SAMPLING

This technique involves selecting the sample at regular intervals from the sampling frame. Unlike in a simple random technique where every member of the population has an equal chance of being selected, in this technique once the first element is chosen most will not have any chance of inclusion except a few (Robson 2002).

3.6.2.1.1.3. STRATIFIED RANDOM SAMPLING
Stratified random sampling is a modification of random sampling in which you divide the population into two or more relevant and significant strata based on one or a number of attributes. A random (simple or systematic) is then drawn from each strata.

This study used this method because stratified random sampling shares many of the advantages of simple and systematic sampling. Sampling theory shows that in many circumstances stratified random sampling can be a more efficient technique rather than simple random, in the sense that for a given size the means of stratified samples are likely to be closer to the population mean (Robson 2002).

3.6.2.1.4. CLUSTER SAMPLING

Cluster sampling is similar to stratified sampling as one needs to divide the population into concrete groups prior to sampling. The groups are termed clusters in this form of sampling and can be based on any naturally occurring grouping. The clusters themselves are then randomly chosen followed by the selection of elements within each selected cluster. The technique is useful in large and widely dispersed population requiring a great deal of effort and travel to gather the survey data (Robson 2002). This is a very complex technique and is very difficult to implement.

3.6.2.1.2. NON PROBABILITY SAMPLING

In non-probability sampling elements do not have an equal chance of being selected and resultanty the probability cannot be accurately determined (Stuart, 1962). In addition non-probability sampling does not allow the estimation of sampling errors (Stuart, 1962).

The main advantages attached to non-probability sampling are that it is less expensive to obtain data, it is expedient to obtain data and samples can be reasonably representative of the population if executed properly (Stuart, 1962).

According to Stuart (1962) the disadvantages of non-probability sampling are that the results of non-probability samples cannot be projected to the total population and that
the sampling error cannot be computed. Wegner (1995) concurs with Stuart (1962) on the unrepresentative nature of the samples in non-probability sampling in relation to the population from which it is drawn.

The different types of non-probability sampling include convenience sampling, purposive or judgmental sampling and quota sampling. The researcher will discuss Convenience and judgmental sampling. Convenience sampling involves selecting elements from a population sample in an unstructured manner and it is the method which is mostly used in many practical situations as a result of the respondents convenience to the researcher, (Saunders, Lewis and Thornhill, 2007). Purposive or judgmental sampling according to the cited authors involves the selection of certain respondents to participate in a survey based on the researcher’s judgment in selecting cases which will best enable him to answer questions and meet objectives. It is often recommended when a researcher wishes to select cases that are particularly informative. Robson (2002) advances a disadvantage for this technique arguing that it is highly subjective and researcher biased because the researcher is the only person who knows the features or characteristics. This method is also not statistically representative of the total population.

3.6.4. SAMPLING TECHNIQUES ADOPTED
The researcher made use of both the probability and non-probability sampling technique. Stratified random sampling technique whereby respondents were organized into various strata namely; members from the LSZ, lawyers, clients being the consumers of the service, members of the judiciary, the Attorney General’s office, members of the Prison Services, the Police, Ministry of Justice and Court personnel. From these strata the researcher then conveniently and randomly selected the elements to come up with the sample of 75 respondents. Judgmental sampling was employed in selecting respondents assumed to be knowledgeable of the issues and concepts under study in order to have meaningful responses.

Table 3.1. Sample Characteristics
### 3.7. DATA COLLECTION METHODS

Data is classified as either primary and secondary data.

#### 3.7.1. PRIMARY METHODS

According to Wegner (1995) primary data is data captured at the point where it is generated. According to Ackroyd and Hughes (1992) primary data sources provide first hand information for a specific study and with a specific purpose in mind. Primary data sources can also include autobiographies or memoirs, opinion polls, include surveys, original works of literature and letters.

According to Saunders, Lewis and Thornhill (2007) the common techniques of primary data collection include semi-structured in depth and group interviews, self-administered and interviewer administered questionnaires and observations.

The disadvantages are mainly that primary data is expensive in nature, difficult to gather and time consuming (Ackroyd and Hughes, 1992).

#### 3.7.2. SECONDARY DATA

Secondary data is data collected and processed by others for a purpose other than the problem at hand. Such data are already in existence either within or outside an organization (Wegner 1995). According to Ackroyd and Hughes, (1992) Secondary data sources involve data that has already been collected or published for other
purposes and it may be useful to many other people other than the researcher who published it.

The main advantages of this type of data according to (Ackroyd and Hughes, 1992) are mainly that the data is fairly permanent in nature, less expensive to obtain unlike primary data and it is generally easily obtainable.

Saunders, Lewis and Thornhill (2007) highlight the disadvantages of that secondary data as that the data collected may not be relevant to the specific requirement of the researcher; absence of control over data quality and that data presentation is heavily affected and influenced by the initial purpose for which the data was collected.

3.7.3. PRIMARY DATA COLLECTION TECHNIQUES ADOPTED
The researcher made use of self-administered and interviewer-administered questionnaires. In both cases the questionnaires had the same set of questions which the respondents were asked to respond to. The difference was only in respect of the manner in which these questionnaires were administered. With the self-administered questionnaires the researcher delivered the questionnaires by hand to the respondents who were left to complete the questionnaires. The researcher later collected the questionnaires after 7 (seven) days. With the interviewer-administered questionnaires, the researcher had opportunity to interview some of the respondents, mostly members of the judiciary who had made indications that if left with the questionnaires they might not be able to complete them in time or altogether. The responses given by these respondents were recorded on the questionnaire by the researcher. Interviews were secured by prior appointments. There was high response rate because the respondents were able to deal with the questions promptly. The high response rate was also attributable to the fact that there were no questions which were left unanswered. Respondents sought further clarification from the researcher in instances they required further clarification and the researcher was readily available to provided clarifications.
3.7.4. SECONDARY DATA COLLECTION TECHNIQUES ADOPTED

The researcher made use of secondary data sources such as the internet, LSZ newsletters, publications and records, Daily Newspaper publications, journals and textbooks in order to come up with the theoretical and empirical framework of this study.

3.8. RESEARCH PROCEDURE

In the study data was gathered from both primary and secondary sources. 75 questionnaires were distributed to respondents. A covering letter which identified and introduced the researcher, outlined the objectives of the study and guaranteed the respondents of confidentiality was attached to the questionnaire. These questionnaires were delivered by the researcher directly to sampled stakeholders and were collected after 7 days. Constant reasonably follow ups were in those seven days to encourage respondents to complete the questionnaires on time.

3.9. RESEARCH LIMITATIONS

This research was carried out within a period of six months on a part time basis and as such there was a time constraint. There was a also a resource constraint which prohibited the researcher from gathering information from other stakeholders around the country and as such the information obtained was only from stakeholders in Harare. The other challenge which was faced was that the participants needed constant reminding and follow up for them to answer the distributed questionnaire so much so that the researcher ended up losing much valuable time of the research.

3.11. RESEARCH ETHICS

The researcher made use of an introductory letter which advised the respondents that the information they provided was totally confidential and that it was not to be disclosed to third parties without the respondents’ permission. To this end their names, addresses and identification numbers were not made to appear anywhere on the questionnaire. The respondents were also assured that the research was purely
academic thereby reinforcing the idea that all the information received was going to be treated in the strictest of confidence.

3.11. CONCLUSION
The chapter provided a summary of how the research was carried out by essentially looking at the research philosophies, research approaches, research designs, time horizons, sampling techniques and data gathering and analysis, ethics issues and limitations of the research. It was critical to deal with the preceding as this gave an opportunity for the researcher to reflect on the fact that whilst she may have her own values and views about the world in general there is also need to take cognizance of the fact that the views of the respondents of the study are of paramount importance as this obviously has an impact on how the researcher eventually decided to conduct this study. The overall aim was to ensure that the data collected is as reliable and as valid as possible. Chapter four will carry out an interpretation and discussion of the results of the research.
CHAPTER FOUR: FINDINGS, ANALYSIS AND DISCUSSIONS

4.0. INTRODUCTION

This chapter presents a summary of the major findings of the research and seeks to answer the research questions. Comments will be made about how these findings link back to authors cited in the literature review. As this is only a summary of the research findings, the report will be restricted to discussing the most interesting responses. The researcher will attempt to offer her own opinion or value-judgment as to what the data appear to show on selected responses and offer brief explanations and suggestions on any emerging patterns in the findings. Such discussions are the basis on which conclusions and recommendations of the study are made.

4.1. RESPONSE RATE

75 questionnaires were distributed to the LSZ, lawyers in private practice, in Government, and in commerce, clients being the consumers of the service, members of the judiciary, the Attorney General’s office, members of the Prison Services, the Police, Ministry of Justice and Court personnel. Of the 75 questionnaires sent, 72 questionnaires were successfully completed and returned representing a response rate of 96%. This response rate is high enough to warrant validity and reliability of the research findings as it is way above the recommended response rate of 30% according to Saunders, Lewis and Thornhill (2007).

4.2. DEMOGRAPHIC INFORMATION

4.2.1. Level of education

The levels of education attained by respondents is presented in figure 4.1. below.
Figure 4.1.: Levels of education

From Figure 4.1. above 22% of the respondents indicated that they were educated up to diploma level and 11% indicated they were educated up to certificate level. The majority of the respondents indicated they were educated up to degree level.

4.3.2 Level of Management

The level of management of the research participants are presented in the figure below.

Figure 4.2.: Management Levels

Results in Figure 4.2. above reveal that 55% of the respondents held the position of middle management and 28% stated they are not managers at all. 17% of the respondents indicated that they hold senior management positions.
4.2.3. Number of years in the Justice delivery system

Research investigated the number of years that the respondents have spent in the justice system. The findings are presented in Figure 4.3. below.

![Figure 4.3.](image)

**Figure 4.3.: Number of years in the Justice delivery system**

The figure above shows that 21% of respondents stated that they had between 0 to 5 years in the justice delivery system and 24% indicated they have spent 5 to 10 years. Also according to the survey results 28% of the participants have between 10 to 15 years in the justice delivery system. 12% indicated they have 15 to 20 years whilst 15% of the respondents have spent over 20 years in the justice delivery system.

4.3. RESULTS AND DISCUSSION

4.3.1. OBJECTIVE 1.: LEVEL OF UNDERSTANDING AND APPRECIATION OF TQM

The first objective was derived from the research question “What is the level of understanding and appreciation of TQM by the LSZ, its membership and stakeholders in the Justice delivery system?”. It was critical to deal with the stated objective because there was need to understand the level of appreciation of TQM principles amongst the stakeholders in the Justice delivery system in order to have a clear picture as to whether these stakeholders appreciate what TQM is and the need to implement its principles. This provided a foundation for the research because to
investigate the effectiveness of TQM as a tool for achieving sustainable competitive advantage amongst law firms, the researcher had to have an idea as to whether or not the tool she intended to propose for adoption and use was already known or unknown.

The five point likert scale questions were simple statements of fact in relation to the general principles of TQM which were meant to find out the respondents’ views in respect of these principles. The responses required varied from strongly disagree (1) to strongly agree (5). The questions were also meant to find out the exact levels of awareness of TQM amongst the stakeholders in the Justice delivery system. The yes/no questions were meant to deal with issues of customer satisfaction and the role of the leaders in TQM implementation. The open ended question sought to find out the exact issues of corporate ill-health which law firms are suffering from, justifying the intervention of TQM.

The results will be discussed according to concepts emerging from selected questions bearing interesting answers. For ease of reference, responses from questions carrying the same concept will be discussed and analyzed together. However, the exact numbering of the questions will be retained as they appear in the questionnaire for ease of reference to the questionnaire and the data response sheet attached to this research paper.

Understanding and appreciation of TQM: Questions 2.1, 2.2, and 2.3:

Table 4.1.: Understanding and appreciation of TQM

<table>
<thead>
<tr>
<th>Question</th>
<th>Disagree</th>
<th>Neutral</th>
<th>Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1.</td>
<td>1%</td>
<td>3%</td>
<td>0%</td>
</tr>
<tr>
<td>2.2.</td>
<td>0%</td>
<td>7%</td>
<td>0%</td>
</tr>
<tr>
<td>2.3.</td>
<td>0%</td>
<td>0%</td>
<td>10%</td>
</tr>
</tbody>
</table>

Key: 1= Strongly Disagree, 2= Disagree, 3= Neutral, 4= Agree and 5= Strongly Agree
Findings above show that 4% of the survey participants disagreed with the fact that TQM is all about each and every individual within an organization consistently applying collaborative efforts in a bid to achieve continuous improvement for the benefit of the consumer. 92% of the respondents agreed with the statement. The results are indicative of stakeholders who have knowledge of TQM and its principles such as companywide collaborative efforts in order to achieve continuous improvement for the benefit of the consumer. In support of the study findings, Crosby (1984) adds that TQM is a continuous learning process which never stops and is cyclic and iterative. Moreover in support also, Rampersad (2001) states that TQM is both a philosophy and a set of guiding principles that represent the foundation of a continuously improving organization by mobilizing the entire organization, individual and groups within the organization to satisfy the demands of the customer. The fact that survey results and reviewed literature are congruent shows the stakeholders’ high levels of knowledge, understanding and appreciation of TQM and willingness to collaborate with law firms to achieve continuous improvement.

93% of the respondents agreed with the fact that generally law firms exhibit satisfactory willingness to engage in continuous improvement and a strong concern and awareness of the need to satisfy both internal and external customers, 7% agreed with the statement. The findings on that question lead to the conclusion that respondents believe law firms do not exhibit satisfactory willingness to engage in continuous improvement and a strong concern and awareness of the need to satisfy both internal and external customers yet respondents could be aware of the need for law firms to do so.

The result tally with some of the literature reviewed. Researches by Au and Choi (1999), Dotzour and Lengnick-Hall (1996), Sohal (1994) and Shortell (1995) have concluded that there is an alarming level of reluctance by service companies to commit themselves to strategic based TQM principles. A majority who responded in the affirmative to the question could have done so as a result of emerging trends of changing attitudes within service organisations since the above studies were carried in the 1990’s. The survey results could be a result of the recognition by stakeholders
in the Justice delivery system of the short comings of not adopting TQM and the need to rectify that state of affairs. This level of willingness to embrace TQM amongst stakeholders in the Justice delivery system is further demonstrated in the responses obtained in the yes/no questions.

The finding that TQM places emphasis on importance of process whilst managers place a lot of emphasis on talent, instinct and creativity had a majority of 81% of the respondents who agreed with it whilst none disagreed and 10% of the respondents were neutral. The results reveal the demands of both management and TQM. By identifying these it can be assumed respondents are aware of the importance of harnessing processes, talent, instinct and creativity for the success of TQM. The results agree with Kumar (2007) who opines that the Deming Prize placed more emphasis on process control and customer satisfaction and paid little attention to market knowledge and weighted results. MavroidToliopoulou and Agoritsas (2007) state that Business Excellence Models, including the Deming Prize have changed over the years due to cross cultural differentiations to include soft features such as the human element.

Questions 2.5. and 2.6.: Company Processes

The responses to the statements on company processes are analyzed below.

![Company Processes](image)

**Figure 4.4.: Company Processes**
79% of the respondents strongly agreed with the research statement that for company processes to work there has to be a trained and motivated labour force. 18% of the respondents agreed with that statement, None of the respondents were neutral, none disagreed and none strongly disagreed. Considering that overall 97% being the majority of the respondents carried the view that for company processes to work there has to be a trained and motivated labour force implies that stakeholders in the Justice delivery system acknowledge the importance of training employees and employee motivation for the successful implementation of TQM. This response tallies into the responses provided for question 2.11 where respondents indicate the need to train young lawyers coming straight from college and continuous legal training for lawyers already in practice. The findings agree with Phillips – Donaldson (2004) who argue that for company processes to work there have to be a trained and motivated labour force in place.

The results of the research on the statement whether it follows that if company processes are defective then the resultant work will also be far from perfect indicate that a majority of 85% agreed that if company processes are defective then the resultant work will also be far from perfect whilst 6% of the respondents disagreed with that statement. Here the respondents seem to be aware that it is the quality and nature of processes that have a bearing on the quality of services ultimately rendered to clients. It appears respondents are aware that in order for a client to receive a quality service, then the representation, billing, research, accounting and filing processes of law firms have to be effective and not defective.

**Leadership and TQM: Questions 2.7.; 2.9. and 2.10.**

Table 4.2 below gives information on the views of the respondents to questions 2.9 and 2.10.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Unknown Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.7.</td>
<td>63%</td>
<td>37%</td>
<td>Nil</td>
</tr>
<tr>
<td>2.9</td>
<td>89%</td>
<td>11%</td>
<td>Nil</td>
</tr>
<tr>
<td>2.10.</td>
<td>97%</td>
<td>Nil</td>
<td>3%</td>
</tr>
</tbody>
</table>
It is apparent from Table 4.2. above that 63% of the respondents agreed that Managing Partners are to blame for the lack of total commitment to TQM within the Legal Services Sector whereas 37% disagreed. Literature reviewed in Chapter Two is in line with the results of the study. Soltani and Williamon (2010) state that the success and effectiveness of TQM in organizations ultimately and inescapably is the responsibility of senior management meaning that its failure is also to be borne by management. Additionally, Williams (1994) as cited by Ehigie and Akpan (2004) enunciate that the role of management in the successful implementation of TQM involves creating an environment in which management and workers strive to create an organizational culture supportive of TQM in order that the customer may get a service or product that satisfy him and where such an environment is not created, the TQM initiative is bound to fail.

The majority of respondents, 89% agreed that it is important to merge acquired experience and wisdom of Managing Partners with TQM whereas 11% disagreed. These results are in line with the reviewed literature as Feinberg (1998) states that in a progressive world, in addition to demonstrating a willingness to adopt TQM, organizations should merge the acquired experience and wisdom of managers with TQM principles in order to strike a balance between managers’ general experiences and laid down TQM principles. It is apparent that what literature is highlighting and which stakeholders in the justice delivery system are in agreement with is that whilst TQM is important, the views and acquired experiences of Senior Partners and Managing Partners should be considered when implementing TQM for the probable reason that they might have “seen or done it all”.

97% of the respondents agreed that Managing Partners should embrace TQM first in order to make the cascading of the principles easy to the rest of the staff whilst none disagreed. The results are congruent to what Feinberg (1998) expresses that managers in TQM initiatives should act as role models and embrace TQM first for easy acceptance of the TQM initiatives by employees. Feinberg (1998) adds on
stating that where certain levels of management are resisting change then Senior Management should seek out all middle Managers resisting change and demand their full participation. In addition Juran (1995, p. 128) asserts that “in attaining quality leadership requires that upper managers personally take charge of the quality initiatives.”

No doubt the respondents acknowledge the crucial role played by Managing Partners and the need for to be knowledgeable about TQM as a blind man cannot lead another. It can also be assumed that in acknowledging the crucial role played by leadership the respondents are also attributing such crucial role to the LSZ as the administrative body of the legal profession in leading and regulating law firms successfully to TQM law firms.

The results relate to the question analyzed together with this question as stakeholders acknowledge the important responsibility of management and leadership in ensuring a total commitment to TQM by employees. What stakeholders are undoubtedly saying is that Senior and Managing Partners and the LSZ need to be knowledgeable and perform their leadership roles seriously for a success implementation of TQM.

**Question 2.8.** Rating of importance of customer satisfaction

![Figure 4.5.: Rating of importance of customer satisfaction](image)

Figure 4.5.: Rating of importance of customer satisfaction
Regarding the enquiry as to whether the importance placed on customer satisfaction is over rated, 75% of the respondents indicated that customer satisfaction is not over rated whilst a minority 21% indicated that indeed the importance placed on customer satisfaction is over rated. 4% of the response did not express their opinion on that statement. The results obtained from the study contradict the literature reviewed. Feinberg (1998) highlights that most organizations are reluctant to implement TQM principles because they are of the view that the importance which is attached to customer satisfaction is over rated given that some customers tend to abuse this level of attention by organisations. The survey result highlight that stakeholders regard the importance attached to customer satisfaction as being the proper and recommended levels of attention and that this attention cannot be said to be excessive. This response can be said to reinforce the reasoning under the discussion for question 2.2. that stakeholders of the delivery justice system appreciate the dynamic environment in which they are operating and the need to adapt to contemporary methods of doing business. By accepting that customer satisfaction is not over rated the respondents are most likely demonstrating an awareness of the fact that the justice delivery system must exist to serve the customer and not vice versa and as such customer satisfaction cannot be said to be over rated.

The results of the research are however, in agreement with other areas of the reviewed literature as demonstrated below;

Question 2.11.: Open ended question on corporate ill health

The research sought to determine the corporate ill health that the legal services sector has been suffering from for the period 2005 to 2012 which needs intervention of TQM. The views of the respondents on the subject matter were varied but summarizes the responses into administrative, strategic and professional incidences of ill health.

Respondents indicated examples of corporate ill health as poor service delivery, decline in the quality of lawyers, bribery, back stabbing other law firms, corruption and
a general lack of professionalism, theft of Trust Funds, de-registrations, and rising complaints to the LSZ.

Also the research found out that lack of stakeholder and clientele satisfaction and confidence, lack of continuous legal training to lawyers already in the profession, breach of LSZ laws and regulations and lack training and grooming of young lawyers to take over from senior lawyers on retirement due to lack of succession plans are the corporate ill health that the legal services sector has been suffering from.

Study findings also revealed that the corporate ill health that the legal services sector has been suffering from for the period 2005 to 2012 which needs intervention of TQM are loss of market confidence, loss of shareholder confidence, over charging clients and stealing trust funds. It must be noted that the findings are similar to problems identified in the background to the study.

4.3.2. OBJECTIVE 2.: THE ROLE OF LEADERSHIP AND EMPLOYEES

Objective 2 arose as a result of the need to address the following research question “What is the role of the leadership and employees in the effective implementation of TQM systems?”. It was necessary to incorporate this objective because for every change initiative to be successful, there is need to assess the role which is played by both leaders and employees as such roles determine the success or failure of any change initiative. Whilst the roles which are played by the leaders and the employees may be different the intended and anticipated result of success is always the same.

The questionnaire incorporated questions which related to both employees and the leaders. Those with the most interesting responses will be looked below.
Leadership and management: Question 3.2.; 3.3. and 3.6.

Table 4.3. Leadership and management

Key: 1= Strongly Disagree, 2= Disagree, 3= Neutral, 4= Agree and 5= Strongly Agree

<table>
<thead>
<tr>
<th>Question</th>
<th>Disagree</th>
<th>Neutral</th>
<th>Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.2.</td>
<td>0%</td>
<td>0%</td>
<td>67%</td>
</tr>
<tr>
<td></td>
<td>25%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.3.</td>
<td>0%</td>
<td>1%</td>
<td>54%</td>
</tr>
<tr>
<td></td>
<td>45%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.6.</td>
<td>0%</td>
<td>6%</td>
<td>0%</td>
</tr>
<tr>
<td></td>
<td>78%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 4.3 above shows that 92% of the respondents agreed with the statement that if leadership is not focused and not committed to the overall cause of the organization, employees will follow blindly resulting in the failure of any TQM initiative and none of the respondents disagreed with the statement. The results agree with the response to question 2.7. already discussed above on whether management is to blame for the failure of TQM. Clearly, respondents have indicated the need for a focused and committed LSZ and Managing and Senior Partners for a successful TQM initiative.

The results agree with contentions by Katayoun (1998) who states that TQM implementation is doomed to fail if employees are made to follow leaders who are unfocussed and uncommitted. Additionally, the research findings are in agreement with Soltani and Williamson (2010) who state that the effectiveness and success of TQM in organizations is ultimately and inescapably the responsibility of senior management.

The results also indicate that only 1% of the respondents disagreed with the statement that the major role of management in any TQM drive is to firstly conduct proper researches so as to obtain a general feel as to what it is that is to be involved in the change programme. 3% were neutral whilst a majority of 89% concur with that statement. The stakeholders are obviously aware of the need by the LSZ, Managing and Senior Partners to research widely on TQM and do the necessary preparatory background work before the actual implementation of TQM. There is no doubt the
stakeholders are advocating a thorough homework which will be a solid foundation for a successful TQM initiative. The response could be a realization that as indicated by some respondents in their responses to question 5.11 that TQM is little known amongst lawyers, then the stakeholders are acknowledging the obvious need to conduct researches before embarking on the change program.

85% of the respondents agreed that managers should take full responsibility of TQM and avoid delegating and none of the respondents disagreed. This result is in line with sentiments given on the role of management in a TQM initiative and in this instance respondents have shown an awareness that management ought to be in charge and not delegate as they need to show their full and undivided commitment. It is interesting to note that respondents’ views are borne by Juran (1995, p. 128) who asserts that “in attaining quality, leadership requires that upper managers personally take charge of the quality initiatives.”

**Leadership, empowerment and involvement: Question 3.7; 3.8; 3.9 and 3.10.**

Table 4.4: Employee leadership, empowerment and involvement

Table 4.4. below represents the views of the respondents on statements regarding Trade Unions, Employee participation and job losses.

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.7</td>
<td>67%</td>
<td>33%</td>
</tr>
<tr>
<td>3.8</td>
<td>18%</td>
<td>82%</td>
</tr>
<tr>
<td>3.9</td>
<td>70%</td>
<td>22%</td>
</tr>
<tr>
<td>3.10</td>
<td>26%</td>
<td>74%</td>
</tr>
</tbody>
</table>

The table above shows that 67% of the respondents agreed that employee perceptions are important in any TQM initiative whereas 33% of the respondents disagreed. Further and in addition that question, 82% of the respondents stated that TQM initiatives do not always result in job losses whilst 18% indicated that TQM initiatives almost always result in job losses. 70% of the respondents agreed that it is important to involve Trade Unions in cascading the TQM initiative to employees whilst 22% disagreed. Lastly, 74% of the respondents indicated that Trade Unions should
not only be involved in instances resulting in job losses. Clearly, from their responses stakeholders appear to be aware of the crucial role played by Trade Unions as leaders of the employees. The stakeholders have indicated that Trade Unions ought to be involved in all change initiatives for a smooth transition. This could be because they acknowledge that the involvement of employee leadership is crucial as is displayed in the open ended question on their responses on benefits of involving Trade Unions in change initiatives.

The response implies that TQM initiatives do not always result in job losses. The results obtained are very interesting in that by answering “no” to the statement of whether Trade Unions should only be involved in instances which result in job losses, the respondents probably had in mind that the Trade Unions should be involved in all instances of change and not necessarily those involving job losses only.

It can be noted that the results agree with literature reviewed. Besterfield (2003) is of the opinion that trade unions should be involved in change initiatives involving TQM because they help in influencing the employees to accept the change initiatives.

**Question 3.11. Open ended question on the possible benefits of involving Trade Unions when trying to introduce TQM within an organization**

The statement that sought to solicit respondents’ views on the possible benefits of involving Trade Unions when trying to introduce TQM within an organization attracted varying interesting responses. Some of the respondents stated that Trade Unions avoid delays as both employees and the employer will be represented; avoid strikes; disputes are resolved quickly and employees are likely to corporate in the TQM initiative as they are represented.

Moreover respondents indicated that involving Trade Unions when trying to introduce TQM within an organization instills commitment within employees such that it will be easy for employees to adapt to new changes to be implemented since they will feel that their interests are being represented. That way, less time will be spent resolving
disputes and sufficient time will be spent on proper implementation of TQM by both the management and employees.

Another benefit highlighted by survey participants is that involving Trade Unions minimizes resistance and results in employee buy-in, minimizes instances of job related disputes and litigation. Other respondents added that there is employee buy in the implementation of TQM systems and Trade Unions will mobilise employees to embrace the change to a TQM system.

In a nutshell, the responses obtained show that respondents are of the view that involving Trade Unions will lead to employee buy in and commitment. This is probably because respondents hold the view that as leadership of the employees, Trade Unions have the capacity to influence employees to accept change and corporate in its implementation.

4.3.3. OBJECTIVE 3.: SPECIFIC SYSTEMS AND ACTION PROGRAMS THAT CAN BE ADOPTED BY THE LSZ

Objective 3 arose as a result of the need to address the following research question, “What are the specific action programs which the LSZ can adopt in order to improve quality service among its membership?”. This objective had to be incorporated because for every change initiative to be successful, there is need to identify the specific action programs to be adopted by an organization for the successful implementation of TQM. The questionnaire incorporated questions on BPR, ISO 9000 and Benchmarking as some of the tools that can be used in a changeover program.

**BPR: Question 4.1. and 4.2.**

Table 4.5: Responses to statements on BPR

<table>
<thead>
<tr>
<th>Question</th>
<th>Disagree</th>
<th>Neutral</th>
<th>Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1.</td>
<td>0%</td>
<td>0%</td>
<td>3</td>
</tr>
</tbody>
</table>
Table 4.5. above shows that none of the respondents disagreed with the fact that BPR is a fundamental rethink and radical redesign of business process, its structure and associated management systems to deliver major step improvements in performance. The majority of the respondents, 91% agreed with the statement. Basing on the findings, BPR is a fundamental rethink and radical redesign of business process, its structure and associated management systems to deliver major step improvements in performance. The study findings are congruent with Oakland (2004, p. 194) who refers to the BPR as “…the fundamental rethink and radical redesign of a business process, its structure and associated management systems, to deliver major or step improvements in performance (which may be in process, customer, or business performance terms).”

None of the respondents disagreed with the statement that BPR improves management style in that it encourages eradication of non value work and generally encourages management to avoid placing too much emphasis on technology, whilst the majority of the respondents, 96% agreed with the statement. 2% of the respondents were neutral. The only reasonable conclusion that can be drawn from the findings is that BPR improves management style and respondents could be advocating for its adoption by law firms. In support to the study findings, Kehoe (1996) states that BPR results in improved management styles in that it encourages the eradication of non-value adding work and encourages management to avoid placing too much emphasis on technology as over reliance on technology at times results in the automation of obsolete processes. Foster (1996) agrees with Kehoe (1996)’s contention that BPR calls upon managers to do away with work that does not add any value as these authors are of the general opinion that at times most of the work which is done by the managers is of no value and effect to the customers. It is apparent that respondents are aware of the importance of BPR in the improvement of management styles and could be advocating for its use in the justice delivery system.
BSC: Questions 4.4. and 4.5.

Figure 4.7: Responses to statements pertaining to the BSC

Figure 4.7. above shows that none of the respondents disagreed with the statement that the BSC is a valuable tool of a new successful performance management system whilst all respondents agreed with the statement. It is notable from the results that a majority of respondents know what a BSC is and are aware of its importance as a valuable tool in performance management. It can be assumed that respondents were speaking out that in order for a law firm to know its true performance then it has to be assessed from all the performance perspectives propounded by the BSC. It can safely be assumed that stakeholders are proposing the BSC as a performance management tool for law firms as their responses is congruent with Kaplan and Norton (1996, p.75) who opine that since its inception, “the BSC has been used successfully by companies as a valuable tool of a new and successful management system.”

It is also notable from Figure 4.7. above that 95% of the respondents agreed with the statement that the BSC takes a revolutionary rather than a traditional view on ways to improve management systems. 5% of the respondents were neutral to the statement. Regards being had to the findings, it can be assumed that respondents acknowledge that for the modern day law firm to perform well it has to discard archaic methods of performance management and take on contemporary methods such as the BSC.
which they have expressed that it takes a revolutionary rather than a traditional view on ways to improve management systems. From the response, it can be assumed that respondents are willing to adopt or to have the BSC adopted as a performance management system for law firms.


![Figure 4.8.: ISO 9000](image)

From figure 4.8 it is apparent that none of the respondents disagreed with the fact that ISO 9000 assures the consistency of a firm’s processes where there is quality improvement or not whilst a majority of 89% agreed with that statement. Additionally, 3% of the respondents did not indicate their views on the statement. It is also apparent from Figure 4.8. above that 94% of the respondents indicated that they agreed with the statement that ISO 9000 registration guarantees suppliers and consumers of a firm’s success.

The two questions are complementary in that as respondents agreed that ISO 9000 assures the consistency of a firm’s processes where there is quality improvement or not they went further stating that ISO 9000 registration guarantees suppliers and consumers of a firm’s success obviously through consistent processes. What can be
assumed form the results is that respondents know what ISO 9000 is and are proposing it for law firms obviously hoping that if the law firms put in place processes that ensure quality then the resultant service will be of a consistent quality. What respondents had in mind could have been what Mwanko (2000) opines when he takes the view that ISO 9000 merely assures the consistency of a firm’s processes, not that the end product or service will be of the desired quality and attractive to the customer. Respondents could be proposing quality processes for law firms in order have the desired quality services so as to guarantee a firm’s success.

**Bench marking:** Questions 4.8. and 4.9.

**Table 4.6: Benchmarking**

<table>
<thead>
<tr>
<th>Question</th>
<th>Disagree</th>
<th>Neutral</th>
<th>Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.8</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>4.9</td>
<td>0%</td>
<td>1%</td>
<td>0%</td>
</tr>
</tbody>
</table>

The table above shows that 82% of the research participants agreed whereas non disagreed with the fact that Benchmarking enables an organization to gauge how well it is performing against other organizations that may be considered leaders in a particular area. Further, research results show that 99% of the respondents agreed whereas only 1% disagreed with the statement that Benchmarking assists managers in identifying any negative gaps of performance and revisit strategic objectives and take requisite action.

The two questions are complementary and the answers provided are consistent with each other and the literature reviewed. The responses are complementary in that through benchmarking organizations are gauging themselves against market leaders and in instances where they are lagging behind or they are gaps there can revisit strategic objectives and take requisite action. Just like the case with the BSC, it can be assumed that respondents are proposing the BSC as a TQM tool for adoption by
law firms. The responses are consistent with responses obtained in the open ended question 5.11. where respondents admitted that TQM could have attributed to the achieving of sustainable competitive advantage by some law firms. As such it can be assumed that respondents acknowledge that law firms can benchmark themselves against those that have achieved sustainable competitive advantage.

The results are consistent with Oakland (2004) who states that benchmarking enables management of an organization to gauge how well they are performing against other organizations who may be considered to undertake similar tasks and activities of change and it also assists management in gaining an understanding of how other organizations achieve superior performance. Underdown and Talluri (2002) takes it further stating that benchmarking can assist management of an organization to evaluate whether or not there are any negative gaps of performance thereby encouraging managers to revisit strategic objectives and take the requisite action to align their business with prevailing changes in the business world.

**Action programs and Processes: Question 4.11.**

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Not Sure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is it true that action programs and processes are critical components in the implementation of TQM systems</td>
<td>69%</td>
<td>7%</td>
<td>24%</td>
</tr>
</tbody>
</table>

From the results of the survey, it was noted that 69% of the respondents agreed that action programs and processes are a critical component in the implementation of TQM systems and 7 disagreed. From the results it can be assumed that respondents are aware that action program and processes are the backbone of a successful change initiative such that the leadership ought to implement successful action programs and processes. As the sample is drawn from various stakeholder groups it can safely be assumed that these various groups represented in the sample are
willing to implement and support the adoption and implementation of the necessary action programs and processes to ensure the success of TQM.

**QUESTION 4.14. Open ended question on whether there is an urgent reason for the LSZ to revisit the way it has been regulating the legal profession**

This question attracted very interesting answers from respondents with virtually all respondents showing that they are not happy with the manner in which the LSZ is administering the legal profession. From the variety of answers provided, all point to a need for change. Research participants indicated that there is reason for the LSZ to revisit the way it has been regulating the legal profession for the period between 2005 to 2012 because they are operating below the expected standard and if the current situation is not arrested the justice system might collapse.

Some respondents indicated that The LSZ needs to urgently revisit the way it has been regulating the legal profession for the period between 2005 and 2012 because the manner in which the society is currently regulating the profession has proved to be ineffective as evidenced by high levels of complaints to the society, de-registrations and levels of incompetence.

Yet others indicated that the LSZ needs to urgently revisit the way it has been regulating the legal profession between 2005 and 2012 because the manner in which the society is currently regulating the profession has proved to be ineffective as evidenced by high levels of complaints to the society, de-registrations and levels of incompetence.

Respondents added that the current administrative system has failed to instill discipline and ensure that lawyers act ethically and professionally as unprofessionalism and incompetence are increasing tremendously hence the LSZ needs to urgently revisit the way it has been regulating the legal profession.

Some respondents stated that The LSZ needs to maintain high standards of professionalism that existed in the legal profession before 2005. Other respondents added that there is need for the LSZ to revive its methods of regulating as the current
methods have failed to reduce malpractice among lawyers. There is need for different methods that improve professionalism and the quality of lawyers required.

Others said there is need to ensure that the LSC becomes more aggressive and stringent in monitoring and regulating lawyers. People now have the view that there is no justice in Zimbabwe hence the LSZ needs to regain customer confidence it lost between 2005 and 2012.

The responses are consistent with the background to the study given in Chapter One as well as the various responses to the question which are pointing to the need for the adoption of TQM by law firms. As the regulators and leader of the legal profession, stakeholders have indicated that both Managing Partners and the LSZ need to take their leadership roles seriously for a successful implementation of TQM by law firms to arrest the ill health discussed under question 2.11.

**Question 5**

Objective number 4 was derived from the research question “How will the implementation of TQM in law firms help law firms achieve sustainable competitive advantage?” The preceding 3 objectives discussed above were a build up to this objective because objective number 4 forms the main part of the research topic. The literature reviewed in Chapter Two demonstrated that there are indeed established TQM principles which if employed would result in sustainable competitive advantage. As such it is imperative for the researcher to find out the attitude of the respondents towards these set principles in order to establish whether the literature reviewed goes hand in hand with the reality on the ground.

**Table 4.8.: TQM and Sustainable Competitive Advantage: Questions 5.1.**

<table>
<thead>
<tr>
<th>Question</th>
<th>Disagree</th>
<th>Neutral</th>
<th>Agree</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1.</td>
<td>0%</td>
<td>0%</td>
<td>81%</td>
</tr>
</tbody>
</table>
Before looking at the actual TQM measures which can be said to result in sustainable competitive advantage it was essential for the researcher to first find out whether or not the respondents were in agreement with the fact that on the face of it TQM can really be said to result in sustainable competitive advantage. From the findings above it is notable that all respondents agreed with the statement that TQM can be used as a tool for achieving sustainable competitive advantage. None of the respondents disagreed with the statement. The results indicate a possible embracement of TQM by the respondents possibly believing in its ability to result in competitiveness. This embracement of TQM is important because it demonstrates that the respondents are probably willing to accept TQM as a tool for change for law firms in Zimbabwe in order to address the issues of corporate ill health identified by respondents in question 2.11.

**TQM measures for competitive advantage:  Question 5.2. – 5.5.**

It is worth noting and mentioning that the TQM measures from questions 5.2. to 5.5. are a source of competitive advantage according to Reed, Lemark and Mero (2000).
For instance, 75% of the respondents agreed with the statement that customer satisfaction is a source of competitive advantage for the organization and that it can be achieved through teamwork.

Reed, Lemark and Mero (2000) propounded the TQM measures stated in questions 5.2. to 5.5. as TQM measures for sustainable competitive advantage. As such, having the respondents agree that all four measures are sources of competitive advantage authenticates the authors’ views. By agreeing with the TQM statements what it most likely means in respect of the respondents is that they are aware of the fact that the various law firms operate in a highly competitive environment and as such need to embrace TQM in order to be competitive to improve the Justice delivery system.

From Table 4.9. above it is clear that 88% of the respondents agreed that organisations which aim for continuous improvement have a competitive advantage in that they make things happen rather than wait for things to happen. 12% of the respondents were neutral. None of the respondents disagreed with the statement. Basing on the views of the majority of the survey participants the stakeholders in the Justice delivery system are probably aware of the need for continuous improvement by law firms in order for them to achieve sustainable competitive advantage. The results are a salient admission that law firms need to be constantly implementing new ideas so that they are not stuck with outdated ideas, processes and technologies. The results are congruent with Reed, Lemak and Mero (2000) who contend that organisations which strive for continuous improvement value transitional rather than radical change. They further state that these organizations are always perfecting their techniques and practices through the acquisition of new ideas. It is notable that on this point the authors state that organisations which aim for continuous improvement have a competitive advantage in that they make things happen rather than wait for things to happen.

Findings also show that 97% of the respondents agree with the fact that leadership commitment is a competitive advantage because organizations with strong leadership are willing to see their organizations succeed by all means necessary. None of the
respondents disagreed with the statement. The results agree with Hackman and Wageman (1995) who agree with Reed, Lemak and Mero (2000) that leadership commitment is a TQM element which can result in sustainable competitive advantage. They state that leadership commitment often leads to employee buy-in leading to customer satisfaction which in turn gives an organization a competitive edge.

The results of the study are indicative of the acknowledgment by respondents that the LSZ and the Managing Partners need to have strong leadership qualities for law firms to achieve sustainable competitive advantage. Since respondents were drawn from lawyers and the LSZ these could be acknowledging the need on their part to exude strong leadership qualities for the success of TQM.

Whilst the preceding discussion looks at TQM measures as sources for competitive advantage in absolute terms, the questionnaire also incorporated dissenting views by other authors. To rate the respondents’ attitude towards these dissenting views question 5.8 which required a yes/no response was asked as will be analysed below.

**Question 5.8. Culture and Employee Empowerment**

![Figure 4.10. Culture and Employee Empowerment](image)

For this question the majority of the respondents 71% indicated that culture and employee empowerment in addition TQM ought to be considered in achieving of
sustainable competitive. 12% disagreed and 17% did not respond. Perhaps the majority of respondents who answered no are lawyers who are reluctant to do away with current cultural aspects that concentrate their power and maintains control over employees. The reluctance to empower employees could be because lawyers do not trust their employees with decision making. A high number of respondents who answered yes could be respondents who are fed up with the current situation and are keen for change.

The results are at variance with Govers (2001) agrees with Enderwick (2007) that for competitive advantage to prevail, organizational culture and employee empowerment are indeed additional elements which can be superimposed on the TQM tools to secure competitive advantage for an organization because TQM tools like continuous improvement, process improvement and leadership commitment need the right organisational culture for them to be taken seriously and implemented within the organisation.

The results are also at variance with what Esho (1999) states as saying that tools and processes alone, in the absence of the human factor often hinder change, making it impossible and difficult to implement. The responses are also at variance with Gore (1999) who states that management has to introduce and support a culture that promotes TQM as such cultures increase the probability of success as such culture promotes cultural elements such as customer focus, continuous improvement and employee involvement which often results in employee commitment to the organization’s objectives.

**Question 5.11.: Open ended question on other possible sources of competitive advantage amongst law firms besides TQM**

The research also sought to investigate whether the competitive advantage achieved by some law firms could be attributed to TQM or other factors. The views of the respondents were varied with some indicating that competitive advantage in some law firms was as a result of TQM whilst other respondents indicated that the success of some law firms in getting sustainable competitive was as a result of good
leadership and not TQM as TQM is not taught in law school. Those who attributed the achieving of sustainable competitive advantage to TQM went further stating that where TQM is not used the law firms are performing dismally.

Furthermore, other respondents added that the some law firms could have achieved sustainable competitive advantage through good management by Senior Partners and not related to any TQM principles. Others still indicated that not all firms have attained sustainable competitive advantage from TQM as they could be using other systems that result in competitive advantage.

Some responses indicated that TQM alone is not responsible for the success of some law firms but other outside factors such as employee motivation; team work, a dedicated team of professionals with high moral standards and high rate of professionalism.

The research respondents also stated that TQM alone is not responsible for the success of some law firms which have achieved sustainable competitive advantage. The factors that the competitive advantage could have been attributed to are leadership commitment, customer satisfaction and effective use of resources among others.

An intriguing response by some respondents is that some law firms have achieved sustainable competitive advantage as a result of TQM because the various TQM elements touch every aspect of the organisation such that lawyers who may not know what TQM is might be unknowingly implementing its elements. Survey participants also attributed the achievement of competitive advantage to some law firms because TQM involves the whole organisation towards making similar goals and objectives.

Some respondents indicated that some law firms have achieved sustainable competitive advantage through introducing successful performance management systems and the use of modern technology.

It is interesting to note that in cases where respondents indicated that TQM was not responsible for sustainable competitive advantage the reasons proffered by
respondents such as team work, customer satisfaction, employees and management commitment are all elements of TQM.

4.4. TESTING OF RESEARCH PROPOSITION
In Chapter One under item 1.9 the researcher made the theoretical proposition that “The adoption of TQM systems can be an effective tool for sustainable competitive advantage within law firms in Zimbabwe”.

The following paragraphs test this research proposition against all four objectives discussed in the preceding analysis on results.

4.4.1. APPRECIATION AND UNDERSTANDING OF TQM
Objective 1 set to analyse the extent to which employees in service organizations appreciate and understand TQM and its associated principles. The most pertinent question raised in the questionnaire which can be said to address the research proposition is the open ended question requiring respondents to highlight the corporate ill health which law firms have been suffering from between 2005 – 2012 which needs the intervention of TQM.

All 72 respondents (100%) provided reasons for ill health of the law firms which ranged from issues of strategy, administration, poor management style, poor human resources practices and sheer unprofessionalism. It is interesting to note that the respondents indicated lack of training of young lawyers and lack of continuous legal training as major causes of ill health. These respondents indicated that most law firms lack visions of growth, and do not aspire to survive beyond the death of the senior partner such that they have no strategy at all. Of particular interest is the fact that 57% of the respondents stated that the causes of ill health are strategic and strategic issues which the respondents pointed out included a poor branding, loss of clientele confidence, weak business and corporate cultures and lack of innovation.

Clearly, it can be noted from the literature review that these issues are what determine the competitiveness of an organisation on the market. By stating that these
are the issues in respect of which law firms need the intervention of TQM respondents can be said to have been acknowledging that the implementation of TQM principles can lead to successful corporate branding, increased clientele confidence, strong business and corporate cultures and innovation.

It is thus accepted that the adoption of TQM principles can be an effective tool for sustainable competitive advantage for law firms because stakeholders in the Justice delivery system do not only understand and appreciate TQM principles but they are also cognizant of the fact that if same is implemented it will result in successful corporate branding, increased market confidence, strong business and corporate cultures and innovation.

4.4.2. THE ROLE OF LEADERSHIP AND EMPLOYEES

Objective 2 was aimed at demonstrating the role of leadership and employees in the effective implementation of TQM. The respondents were asked to state whether they agreed or disagreed with the fact that employees and leaders do play crucial roles in the implementation of TQM and that leaders should take full responsibility of TQM implementation. The respondents were also asked to state their attitude towards the fact that employees’ perceptions are important in any TQM drive. In all instances the majority of the respondents were in agreement with the stated issues which means that by obtaining a result in which the respondents are in agreement that leaders should be fully committed to the TQM initiative objective 2 was met.

It can be concluded that the proposition that the adoption of TQM principles result in sustainable competitive advantage does hold in respect of objective 2. This is because if employees and leaders earnestly play their important roles in the implementation of TQM, with the leaders taking full responsibility of TQM implementation whilst acknowledging employee empowerment and perception, this will result in competitive advantage because the major stakeholders will be cooperating towards common goal.
4.4.3. TQM SYSTEMS AND ACTION PROGRAMS THAT CAN BE ADOPTED BY LSZ TO IMPROVE QUALITY OF SERVICE AMONG ITS MEMBERSHIP.

The third objective was aimed at identifying TQM systems and action programs which can assist law firms in improving their management style. Business Process Re-engineering (BPR), ISO 9000 and Benchmarking were identified. Questions were then posed to the respondents with the intention of finding out their attitude towards known statements of fact.

The results demonstrated that the majority of respondents acknowledged the role played by BPR, ISO 900 and Benchmarking as tools for improved management style. As such, the research proposition that the adoption of TQM principles can be an effective tool for sustainable competitive advantage therefore holds in respect of this objective. This is mainly so because improved management style through TQM principles like BPR, ISO 9000 and benchmarking does result in an organization being competitive.

4.4.4. SUSTAINABLE COMPETITIVE ADVANTAGE THROUGH TQM

The final objective aimed at demonstrating that if TQM principles are employed by law firms in Zimbabwe, this can result in sustainable competitive advantage. The other three objectives were a build up to this objective and the questions posed in the questionnaire were a summary of what had already been stated as respondents were again requested to state their attitude towards the fact that sustainable competitive advantage can be achieved through TQM issues like customer satisfaction, process efficiency, continuous improvement and leadership commitment. All respondents agreed that the stated TQM principles resulted in sustainable competitive advantage. To this end this objective automatically is in agreement with the stated proposition.

4.5. CONCLUSION

This Chapter analyzed the results from the questionnaires administered. In analyzing these results the intention was to find out whether the respondents’ agreed or disagreed reviewed literature. It was observed in most instances that the views of the
authors and the results gathered were congruent. There were a few instances of divergence but these instances did not substantially alter the fact that all the four objectives of the research together with the research proposition were met. The next chapter will look at the recommendations and any areas of future study.
CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS

5.0. INTRODUCTION
The chapter presents the conclusions and recommendations that came out from the study based on the findings and discussions in Chapter Four. An area of further study is also presented in this chapter.

5.1. CONCLUSIONS
The following conclusions were drawn from the study;

5.1.1. OBJECTIVE 1.: THE LEVEL OF UNDERSTANDING AND APPRECIATION OF TQM BY THE LSZ, ITS MEMBERSHIP AND STAKEHOLDERS IN THE JUSTICE DELIVERY SYSTEM

The first objective sought to analyse the extent to which stakeholders in the Justice Delivery System are conscious and willing to implement TQM principles. It was concluded from the responses obtained that the stakeholders very much appreciated TQM and its principles and are even willing to have TQM implemented by law firms. Most importantly, stakeholders proved their awareness of the roles of leaders in the successful implementation of TQM.

5.2.2. OBJECTIVE 2.: THE ROLE OF LEADERSHIP AND EMPLOYEES IN THE EFFECTIVE IMPLEMENTATION OF TQM

It was discovered that the employees and the leaders both have a crucial role to play in the implementation of TQM. Whilst the managers have to be knowledgeable about TQM and have the role of cascading and training employees on TQM principles, the employees themselves need to have the right attitude in accepting the principles in order for a successful change over from a non TQM law firm to a TQM law firm. Accordingly objective 2 was met.

5.2.3. Objective 3.: TQM systems and action programs that can be adopted by the LSZ in order to improve quality service among its membership
The third objective was derived from the following question, “What are the specific systems and action programs that can be adopted by the LSZ in order to improve quality service among its membership?” The objective was met in that the research findings revealed that BPR, ISO 9000 and Benchmarking are TQM principles which can be adopted by law firms and assist them in improving their management style and to achieve sustainable competitive advantage.

5.2.4. Objective 4.: How the implementation of TQM systems can result in law firms achieving sustainable competitive advantage

The final objective was derived due to the need to demonstrate how the implementation of TQM in law in Zimbabwe ensures sustainable competitive advantage. From the results it was demonstrated that if TQM tools such as customer satisfaction, process efficiency, continuous improvement and leadership commitment are employed this will result in sustainable competitive advantage for law firms. Objective 4 was accordingly met.

5.3. VALIDATION OF RESEARCH PROPOSITION

Under item 4.4. in the previous chapter, the research proposition was tested against each and every objective and in the process it was revealed that the objectives relate to the research proposition. Accordingly, the research proposition is thus accepted that the adoption of TQM principles can be an effective tool for sustainable competitive advantage. In addition, the research proposition is accepted because the study concludes that TQM elements such as teamwork, processes and continuous improvement result in competitive advantage.

5.4. RECOMMENDATIONS OF THE STUDY

5.4.1. TRAINING

It is apparent that stakeholders in the justice delivery system have an idea of TQM and its principles. However as it has been observed that TQM is not taught in law school hence some LSZ are ignorant about it, the LSZ should proceed to put in place training programs which will ensure a full appreciation of TQM and its principles so
that all its members aware knowledgeable of TQM and when it comes to the actual implementation everyone within law firms will be fully aware of what is involved in the change program.

If there is training on TQM amongst LSZ members firms will be knowledgeable about the most relevant, growth strategies and have succession plans so that when the senior partner dies the practice will continue avoiding closure of firms after the death of the senior partner.

TQM will enlighten law firms on the need to foster positive attitudes and creating a conducive culture necessary when effecting change. In turn, law firms themselves can be encouraged to train employees on TQM through workshops. The training and education on TQM will mould employees’ attitudes regarding their insecurities and will likely decrease their fears. It is essential to empower employees and allow them to try new ideas and create an environment that fosters and rewards innovation and training and education will do exactly that.

Training and education will enlighten law firms and encourage them to adopt TQM tools and management systems such as the Balanced Score Card, SIO 9000 and Benchmarking. That way, the accounting, billing, filling and professional processes of firms could be improved.

5.4.2. LSZ SHOULD TAKE THE LEAD ON QUALITY

The research recommends the LSZ, in its capacity as the regulatory authority to take the lead in ensuring that law firms deliver quality service to clients. It must advocate and possibly spearhead the adoption of TQM by law firms in order to improve quality of service.

5.4.3. COMPULSORY CONTINUOUS LEGAL TRAINING
The LSZ must also ensure that SI137/1999 is made into law for the compulsory continuous legal training of all lawyers to enhance the quality of lawyers may be improved.
5.4.4. SOLE LEGAL PRACTITIONER PRACTICES
The LSZ needs to spearhead the passing of a law against sole partner law firms so that law firms consist of more than one lawyer. Such a law will ensure that lawyers are not overwhelmed with work. In addition, the presence of other lawyers in a law firm will provide checks and balances against abuse of Trust Funds thereby protecting clients.

The bank should constantly interact with its customers in order to find out and correct any weaknesses in its operations. Its business conditions should be improved through ensuring that there is reasonable pricing of its products like loans and overdrafts not forgetting the reasonable levying of charges on withdrawals and bank balance enquiries. The bank should work towards ensuring that it has competitive interest rates and eradicate this idea in the market that the bank has the most expensive products.

If all the preceding recommendations are implemented it is envisaged that the bank is most likely to address its small market presence, weak brand, poor corporate culture and lack of innovativeness and be taken to a whole new level of competitiveness wherein it will be considered to be a force to reckon with on the market.

5.5. AREAS OF FUTURE STUDY
Understanding TQM as a source for sustainable competitive advantage still needs more exploration considering the fact that a lot of theoretical developments and improvements are still occurring in respect of TQM as a concept. There is need to explore the real and actual elements of TQM that result in competitive advantage in absolute terms. Further and in addition, there is also need to further explore whether indeed the concept of customer satisfaction results in customer loyalty given that there are instances whereby an organisation goes to all lengths and extremes to ensure that its customers are satisfied but these customers will still conduct business with the said organisation’s competitors. Given this kind of a set up this area has to be further explored so as to establish what it is that can be done effectively to retain these customers apart from ensuring satisfaction.
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