

# Critical factors for culture of judicial excellence: benchmarking study of Emirati courts

Culture of  
judicial  
excellence

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## Abstract

**Purpose** – The purpose of this paper is to assess the organizational culture of courts in the United Arab Emirates (UAE), and the culture type required to achieve business excellence. This research also aims to benchmark the criteria weights of the International Framework for Court Excellence (IFCE) in the UAE and suggest new weights that better reflect courts' local priorities and national work culture.

**Design/methodology/approach** – The analytic hierarchy process (AHP) method was used to prioritize the IFCE criteria and select the most important culture types to consider. A questionnaire was designed and data were collected from first instance courts in UAE. The respondents were judges in management roles, to ensure that the opinions provided reflected experience of judging and were aligned with the courts' strategic objectives.

**Findings** – The results show that the IFCE model criteria have different levels of importance in UAE than in the original model. The major differences are in court proceedings and processes, and affordability and accessibility of services. Adaptability and mission seem to be the most important cultural traits.

**Originality/value** – No previous studies have investigated court excellence in UAE. This study should supply court managers and administrators with a clearer understanding of the priorities for achieving court excellence. There is inconsistency about the culture needed to boost good performance in public service organizations like courts, and decision makers may use these findings to enhance the cultural attributes that are particularly associated with excellence in courts.

**Keywords** Organizational culture, Benchmarking, Court excellence, Critical factors, IFCE

**Paper type** Research paper

## Introduction

The International Framework for Court Excellence (IFCE) was developed to improve court performance. It consists of a model with a set of criteria that serve as guidelines and a roadmap to achieve excellence, plus a self-assessment questionnaire that can be used by each court to evaluate itself against the model criteria. The results can be compared and benchmarked with other courts measuring similar results, which provides opportunities to explore best practices and enhance performance (National Center for State Courts, 2013).

Organizational culture is an important element that influences achievement of excellence (Peters and Waterman, 2004) in service organizations. There are several definitions of organizational culture, including a pattern of norms, values, beliefs, and attitudes that influences behavior within an organization (Chin-Loy and Mujtaba, 2007). Fey and Denison (2003) developed a model with four traits of organizational culture: adaptability, mission, involvement, and consistency. This model is widely used to assess the culture of organizations of all sizes and across sectors.



Business excellence is a popular issue in the United Arab Emirates (UAE), where public and private sectors implement several excellence schemes (Ahrens, 2013). At present, however, there is no customized framework for organizational excellence for UAE courts. The IFCE model has been developed in Europe, but this remains untested in the UAE. There is a lack of knowledge, and some inconsistency in studies, about the culture needed to improve performance, and the cultural traits that is most likely to support the achievement of excellence in public service organizations like judicial courts, as well as what cultural traits suit particular business sectors or industries (Mousavi *et al.*, 2015).

This research had two objectives. It aimed first to assess, and if necessary re-assign, the IFCE criteria weights to reflect the local environment in UAE courts, and second, to highlight the most crucial organizational culture traits needed to achieve excellence in UAE courts. By adopting the analytic hierarchy process (AHP) method, the study was able to provide both objective and subjective assessments, and to determine the importance of each IFCE criterion through a pair-wise comparison approach, selecting the most appropriate cultural traits to be treated as alternatives.

This study will therefore supply court managers and administrators with a clearer understanding of the priorities and focus required to achieve excellence in courts. This will enable them to take the necessary actions and allocate the resources required to improve. They will also be able to enhance the cultural attributes that are most associated with the achievement of excellence in courts.

## Background

### *Excellence in courts*

Organizational excellence as a concept is based on total quality management (TQM) principles. Quality has different meanings. Dr Joseph Juran defined TQM as “meeting and exceeding the customer’s expectations by continuously improving all processes, goods and services through creative involvement of all staff” (Hawkes, 1992). Quality has also been defined as excellence, which in turn can be described as an ongoing process of continuous improvement (Peters and Waterman, 2004). This perspective informs excellence models, which provide a framework for the strategic management of competitive organizations (Moya and Castilla, 2003). Companies which have adopted business excellence have usually done so by using initiatives, tools, and techniques to achieve the desired results (Adebanjo, 2001). Traditionally, organizations have assessed their performance by using quantifiable measures such as turnover and return on investment. In the last few decades, however, understanding has developed that organizations should also consider quality-related characteristics in setting business objectives and performance measures. TQM has therefore become an important strategy for improving performance and achieving business excellence (Zairi and Alsughayir, 2011).

There are a few specific areas for courts to consider if they aim to achieve excellence in their performance. The first is to create a suitable environment for innovation to encourage staff to be more innovative. Second, clear outcomes need to be specified and agreed among court management and shared with court staff. Third the court should measure its performance on a regular basis, using performance measures that are clear and linked to defined objectives that should describe a successful outcome (American Judicature Society, 2013).

Establishing quality and excellence management standards in courts was clearly required, because there was no court-specific model, or any benchmarking and performance measurement schemes (National Center for State Courts, 2013). Although there is broad understanding of the main areas and principles for court performance, courts need to do more than simply gather quantitative and qualitative performance information if they are to achieve excellence (National Center for State Courts, 2013).

To address this, a definition of excellence in courts was structured using the IFCE, a quality management scheme designed to help courts improve their performance. It sets out an all-inclusive approach to reaching court excellence, and does not limit attention to specific parts of court governance, operations, or management (National Center for State Courts, 2013). The IFCE was developed in 2008 by an international cluster consisting of groups and establishments from the USA, Australia, Europe, and East Asia. The 2013 version of the Framework includes the newest improvements in global court development practices.

The IFCE model consists of seven main criteria, and offers a method for constructing court performance on the basis of agreed values and their implementation in each part of a court's activities, as shown in Table I.

The IFCE contains several components which may determine courts' performance and quality. The seven areas of court excellence set out in Table I could also be described as drivers, enablers and systems, and results (see Figure 1).

In summary, court excellence can be defined based on the IFCE model. This is the most popular framework used for governance of excellence in courts, and pays particular attention to specific needs and requirements of courts. It is therefore slightly different from other, more general, excellence models, and more suitable for use with courts.

### *Organizational culture*

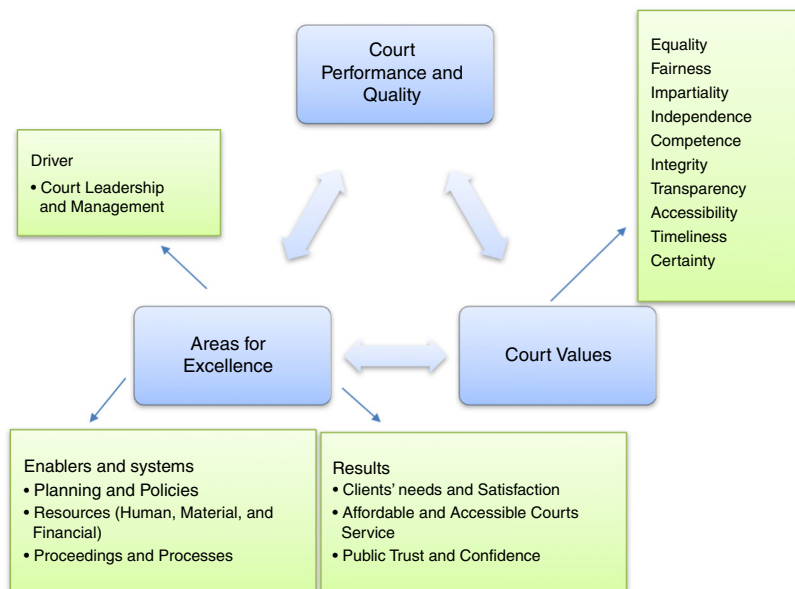
The significance of organizational culture was noted for the first time at the beginning of the second half of the twentieth century. It was used in industrial firms to explain the low productivity environment and why rules and procedures failed to improve the unhealthy relationships between supervisors and subordinates (Jaques, 1951). After 30 years, a new way of considering organizational culture was introduced, described as the social "connective tissue" within organizations, contributing to the collective process of establishing the unique organizational character (Pettigrew, 1979). Since then, researchers have proposed a number of other new definitions. See, for example, Chin-loy and Mujtaba (2007) described organizational culture as a pattern of norms, values, beliefs, and attitudes that influences behavior within an organization. Schein (2010) described organizational culture as the set of beliefs, shared values, and norms that affect the way employees feel, think, and behave in the workplace.

Culture can be categorized into integration, differentiation, and fragmentation perspectives. The integration perspective suggests that individual employees tend to agree

| No. | Main criteria                   | Focus                                                                                                                                           |
|-----|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| 1   | Court management and leadership | Excellent courts use a proactive management approach, viewing this as a vital attribute for court achievement and improvement                   |
| 2   | Court policies and planning     | Outstanding courts use a structure of policies and plans to recognize the goals that have been framed in terms of court quality and performance |
| 3   | Court resources                 | Excellent courts manage all available human, financial, and material resources appropriately, efficiently and proactively                       |
| 4   | Court processes and proceedings | Excellent courts have timely and unbiased court procedures and processes                                                                        |
| 5   | Customer needs and satisfaction | Excellent courts take the needs and perceptions of court users into account                                                                     |
| 6   | Affordable and accessible       | Excellent courts provide easy physical access for clients and are comfortable for litigants                                                     |
| 7   | Public trust and confidence     | A high level of confidence and public trust in the court systems is a sign of the effective process of courts                                   |

**Source:** The International Framework for Court Excellence (2013)

**Table I.**  
Courts excellence –  
main criteria and  
its focus



**Figure 1.**  
Drivers, enablers,  
results and values of  
courts performance  
and excellence

**Source:** The International Framework for Court Excellence (2013)

on the profile of an organization's culture (Martin, 2002). The differentiation perspective views culture as a combination of the subcultures within an organization, while the fragmentation perception assumes that culture is vague and lacks consensus (Martin, 2002).

An alternative approach to operationalizing organizational culture has also been offered. This consists of holistic, metaphorical, and quantitative approaches (Cameron and Quinn, 2005). The holistic approach is used to gain a rich understanding of culture by careful contribution and observation, with the researcher attempting to become "native" to the company. Cameron and Quinn (2005) noted that using the metaphorical or language approaches apply techniques to identify cultural patterns in documents, conversations, and other forms of language. The quantitative approach in which the researcher uses surveys to measure certain dimensions of culture (Cameron and Quinn, 2005).

McKenna and Beech (1995) separated the culture of the organization into five components and summarized these as the dominant values held by the company; instructions and game guidelines that need to be absorbed by a new employee in order to be accepted by the company; philosophies guiding the determination of organizational policies related to the staff and customers; the usual norms applied at work; and behavior that usually occurs in any ongoing communication among staff.

Culture can also be considered on the organizational, ethnic, or national level. The level is often determined by the range and aims of culture research. For example, when a group of staff work together in an organization over time, they will form a particular culture that belongs to them and that exists mainly within their establishment. This culture has its own characteristics and can be analyzed and studied (Ng and Ng, 2014). In examining cultural influence on organizational performance, researchers have concluded that organizational culture has more impact than national culture (Kattman, 2014).

The culture of courts has also been analyzed and studied, because of its significant impact on court performance. Research on the culture of the Los Angeles County Court room highlighted the existing culture across three dimensions: formal practices, informal

practices, and beliefs. The organizational culture among judges was found to have four dimensions: jargon, physical forms, material, and electronic artifacts (Elliott, 2000).

Assessing court culture can lead to work improvement (Myers, 2015). Myers analyzed the culture of the bail court in Canada, and concluded that a culture of adjournment had taken over the court process. Although staff were competent and used proper systems to process criminal cases, the dominant culture of the courtroom put more importance on accelerating the disposal of dockets, rather than emphasizing the courts' main role, to provide justice (Myers, 2015).

Fey and Denison (2003) identified four traits of organizational culture: adaptability, mission, involvement, and consistency. The adaptability and mission traits have an external orientation, while involvement and consistency are associated with an internal orientation. The adaptability and involvement traits are both flexible, and the mission and consistency traits emphasize a stable orientation.

Adaptability covers creating change, focusing on customers, and organizational learning. Companies that score highly on adaptability will be able to perceive and react to the environment and their clients, and restructure their behaviors and processes to allow them to adapt. Fey and Denison (2003) concluded that a culture demonstrating adaptability demonstrates three indices:

- (1) Creating change – the company is able to analyze its environment and take rapid action to deal with its findings. It will also demonstrate a clear ability to forecast future scenarios.
- (2) Customer focus – the company takes care of its customers and listens to them. Customer observations and feedback are taken seriously and used to make changes within the company. Employees show a clear understanding of customer expectations and requirements.
- (3) Organizational learning – the company inspires innovation and supports initiatives to acquire organizational knowledge. The company recognizes employees who take risks and try to be creative, and considers any “failures” as opportunities for improvement.

The mission attribute is characterized by a robust sense of organizational direction, often shown by setting vision and goals. It includes establishing a strategic direction, objectives, goals, and a vision for the organization. Companies that score highly on the mission attribute will be able to handle their external environment by achieving stability; Fey and Denison (2003) defined three relevant indices:

- (1) Strategic direction – the company has a robust mission to help ensure that all work is focused in the right direction. The mission should also be accompanied by a long-term vision, and both should be clearly explained to all employees. The company should also develop a strategy to execute and cascade its future objectives.
- (2) Goals and objectives – the leaders of the organization agree on a set of goals directly linked to the company's mission and purpose. These organizational goals are challenging yet achievable and there is a mechanism to measure progress against those goals in an ongoing way.
- (3) Vision – the leaders of the company and their employees agree on their view of the future and use short-term activities to reach their goals without compromising any of them. The company's vision also serves to inspire employees and generate enthusiasm among them.

The involvement attribute highlights the human relations factors of an organization. These companies appreciate teamwork and are committed to empowering employees. The involvement attribute contains guides to empower employees, support team

orientation, and develop capabilities. An organization that scores highly for involvement usually has an internal focus and is considered flexible. Fey and Denison (2003) concluded that involvement requires:

- Empowerment – when employees have the power to handle their own duties, they do so by initiating work, and showing a high level of ability. This generates feelings of possession and obligation toward the company.
- Team orientation – employees feel equally accountable for jobs that need group cooperation. Teamwork is the preferred way to get things done within companies that demonstrate an involvement culture.
- Capability building – companies invest in developing the skills of employees with a focus on the identified skills gaps. They aim to improve work output and enable employees to achieve their work objectives.

The consistency attribute is frequently seen in companies that have solid cultures. Within these companies, employees usually agree with one another. The consistency attribute covers the values of agreement, coordination, and integration. An organization that scores highly on the consistency attribute usually has an internal focus while providing stability to its workforce (Fey and Denison, 2003). Fey and Denison (2003) concluded that involvement covers:

- Coordination and integration – the different business units inside the organization are able to coordinate effectively to achieve the agreed organizational objectives. Cross-sectional projects are familiar and easy to implement.
- Agreement – the company is able to create consensus on crucial subjects, including when there is a conflict or disagreement. Employees show ability to deal with these conflicts in a professional way.
- Core values – there is an agreement between employees on certain values, and that establishes a particular organizational identity, and shapes a distinctive management style articulated by leaders whose actions are consistent with their words.

Yildiz (2014) recommended including innovation when studying the impact of organizational culture on company performance. Yildiz asserted that communication technologies added new dimensions, including innovation, to organizational culture and it has therefore become vital to reflect the influence of these concepts in performance assessment.

The integration approach to organizational culture was therefore used in this study. The organizational culture variables were adopted from the Denison Organizational Culture model (Denison and Mishra, 1995). This model has been extensively used and is well-tested (Denison *et al.*, 2004, 2014; Gillespie *et al.*, 2008). It was designed and formed within a business context, and it focuses on using business terms to search and investigate business concerns. It is also linked to bottom-line business results. Finally, it is efficient and simple to use, and is applicable to all levels of the company. Innovation was added as a fifth cultural dimension.

#### *Organizational culture and organizational excellence*

The level of cultural strength needed to ensure a company's success is still under discussion. Some authors support the idea that a robust culture leads to higher performance (Barnes *et al.*, 2006). Others support a contingency theory where the level of cultural strength required is related to the environment in which the company operates (Cameron and Quinn, 2005).

One popular hypothesis is that a robust culture leads to a better level of performance, where cultural strength is measured by the extent to which the culture exhibits the attributes of a single cultural trait (Deal and Kennedy, 1983). Kotter and Heskett (1992) suggested that companies that have a robust culture, focus on their stakeholders, and adjust

to their environment will attain better levels of performance. Similarly, Gordon and DiTomaso (1992) proposed that a robust culture in conjunction with the ability to adapt would lead to better short-term performance. They found a culture showing strong adaptability was linked to positive performance and could be used as an indicator of short-term performance.

It has been clearly recognized that organizational culture is linked to organizational behavior and crucial for excellent performance (Peters and Waterman, 2004). Denison (1984) concluded that certain organizational culture attributes, particularly organization of work and decision making, were strongly linked to financial outcomes. The best performing companies in certain sectors were found to have similar cultural attributes, including respecting values, supportive setting of organizational strategies, and focus on teamwork (Kyriakidou and Gore, 2005).

Other researchers, however, have found very different results. Mousavi *et al.* (2015), for example, found that only the adaptability and involvement traits negatively affected company performance in the banking sector. Mission and consistency had an indirect effect on performance. Hilman and Siam (2014) found no evidence at all that organizational culture influences organizational performance.

Sinha and Arora (2012) showed that both business excellence and organizational culture can be abstracted the same way, and the results of assessment of organizational culture can be compared to the results of assessment against excellence criteria to predict the improvements required to excel.

A summary of the literature related to organizational culture and organizational and court excellence is shown in Table II.

The literature shows that the IFCE model has not been explored in the different cultures in the Middle East and particularly the Gulf region or UAE. It has valid criteria weights for European justice mechanisms, which have also been tested in other countries, but there is a gap in assigning valid weights in the UAE context. The culture of UAE courts has also not been assessed before, and pursuing this assessment will give an idea about the existing court culture and its association with excellence.

## Research methodology

### Research context

UAE is one of the most prosperous countries in the Arab world, measured using gross domestic product (GDP), infrastructure development, and human rights parameters (Obay, 2009). The country offers a tangible and organized infrastructure as well as an

| Organizational culture      | Organizational and court excellence     | Organizational culture and court excellence |
|-----------------------------|-----------------------------------------|---------------------------------------------|
| Schein (2010)               | Ahrens (2013)                           | Mousavi <i>et al.</i> (2015)                |
| Yildiz (2014)               | National Center for State Courts (2013) | Hilman and Siam (2014)                      |
| Chin-Loy and Mujtaba (2007) | Zairi and Alsughayir (2011)             | Sinha and Arora (2012)                      |
| Cameron and Quinn (2005)    | Moya and Castilla (2003)                | Cameron and Quinn (2005)                    |
| Peters and Waterman (2004)  | Adebanjo (2001)                         | Barnes <i>et al.</i> (2006)                 |
| Fey and Denison (2003)      | Hawkes (1992)                           | Peters and Waterman (2004)                  |
| Martin (2002)               | American Judicature Society (2013)      | Kotter and Heskett (1992)                   |
| McKenna and Beech (1995)    | (Elliott (2000))                        | Gordon and DiTomaso (1992)                  |
| Jaques (1951)               | Myers (2015)                            | Denison (1984)                              |
| Pettigrew (1979)            |                                         | Deal and Kennedy (1983)                     |

**Table II.**  
Summary of  
studies used in the  
literature synthesis

approachable and unobstructed employment market, resulting in remarkable trade and industry growth (Obay, 2009).

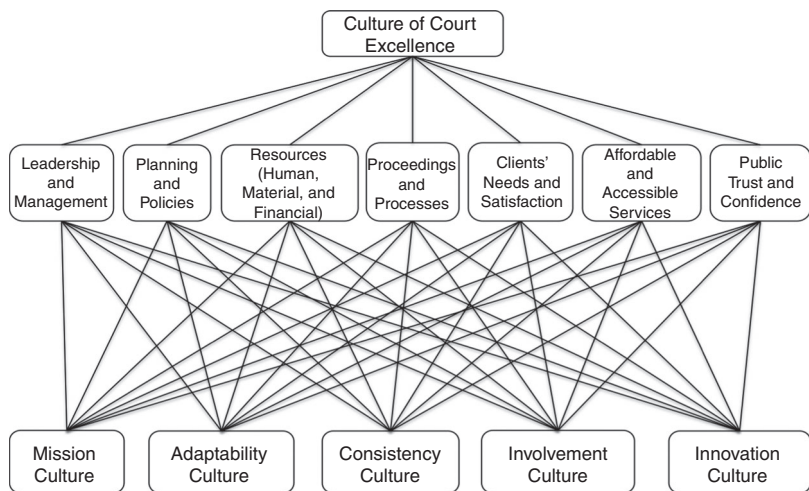
UAE has two main legal systems: federal and local systems. The courts are structured in two main groups, civil and criminal courts. There is a hierarchy of litigation, starting with the first instance courts, then moving to the appeal courts and ending with the federal Supreme Court, also called the court of cassation (Gulf Law, 2016).

Court excellence practices first became an area of focus in UAE in the 1990s, with the quality and business excellence awards. There are currently more than 15 such schemes across different sectors, including small and medium enterprises, private sector, and public administration. Participation in these awards may be open or by invitation. Excellence as a value is now included in the strategic plans for the local and federal legal systems in UAE (Ministry of Justice – United Arab Emirates, 2016). UAE courts are obliged to participate in national quality and business excellence awards such as the Sheikh Khalifa Government Excellence Program and the Abu Dhabi Award for Excellence in Government Performance, as part of proposals to improve government and public sector performance (SKGEP, 2016). The emerging requirement for UAE courts to excel required a model that would focus specifically on national legal practices, and help those concerned to work on the core processes of the courts. This research therefore aims to re-assign the IFCE criteria weights to reflect the local legal environment, and to look at the organizational culture traits that will best support court improvement. This may be different from other countries, because national culture affects the success factors needed to adopt international management practices (Khan, 2014).

*Questionnaire development and data collection*

The AHP method was used to formulate a hierarchy with the IFCE criteria as priorities and the five types of organizational culture as alternatives. Figure 2 shows the hierarchy of the AHP model used for evaluating the culture of excellence in courts.

A questionnaire was designed using a nine-point scale (see Table III) based on seven criteria of court excellence and five different cultural traits (Saaty, 1990). Data were collected from two first instance courts in UAE. The respondents were three judges heavily involved in management roles, to ensure that the expert opinions reflected both a real judgment experience and alignment with the courts' strategic objectives. The respondents were carefully selected based on strict criteria; they had to be judges with at least ten years'



**Figure 2.**  
AHP model for  
prioritization of  
organizational culture

experience, to make sure they fully understand the judgment process and court procedures, and had accumulated quality experience that could add value to the study. They also had to have served in a senior administration role in the court for at least five years. This was crucial to ensure their awareness of the excellence criteria and related practices such as leadership, strategic planning, and resource management. Very few of the judges currently in post satisfied these conditions, but three suitable candidates were identified.

### Steps for AHP

Saaty (1990) described the analysis involved in the AHP methodology in several steps:

- (1) The research problem was defined, and the desired solution specified.
- (2) The hierarchy was structured from the overall managerial viewpoint.
- (3) A pair-wise comparison matrix was constructed, setting out the relevant contribution or impact of each element on each governing criterion in the next level.
- (4) Judgments were obtained to develop the set of matrices from the previous level. Multiple judgments were synthesized by using their geometric means.
- (5) The priorities and testing consistency were obtained, after having collected all the pair-wise comparison data and entered the reciprocals together with unit entries down the main diagonal.
- (6) Steps 3, 4, and 5 were performed for all levels and clusters in the hierarchy.
- (7) Hierarchical composition (synthesis) was used to weight the vectors of priorities by the weights of the criteria, and take the sum of all weighted priority entries corresponding to those in the next level down. The result is an overall priority vector for the lowest level in the hierarchy.
- (8) Consistency of the entire hierarchy was evaluated by multiplying each consistency index (CI) by the priority of the corresponding criterion and adding the products. The results were divided by the same type of expression using the random CI corresponding to the dimensions of each matrix weighted by the priorities as before.

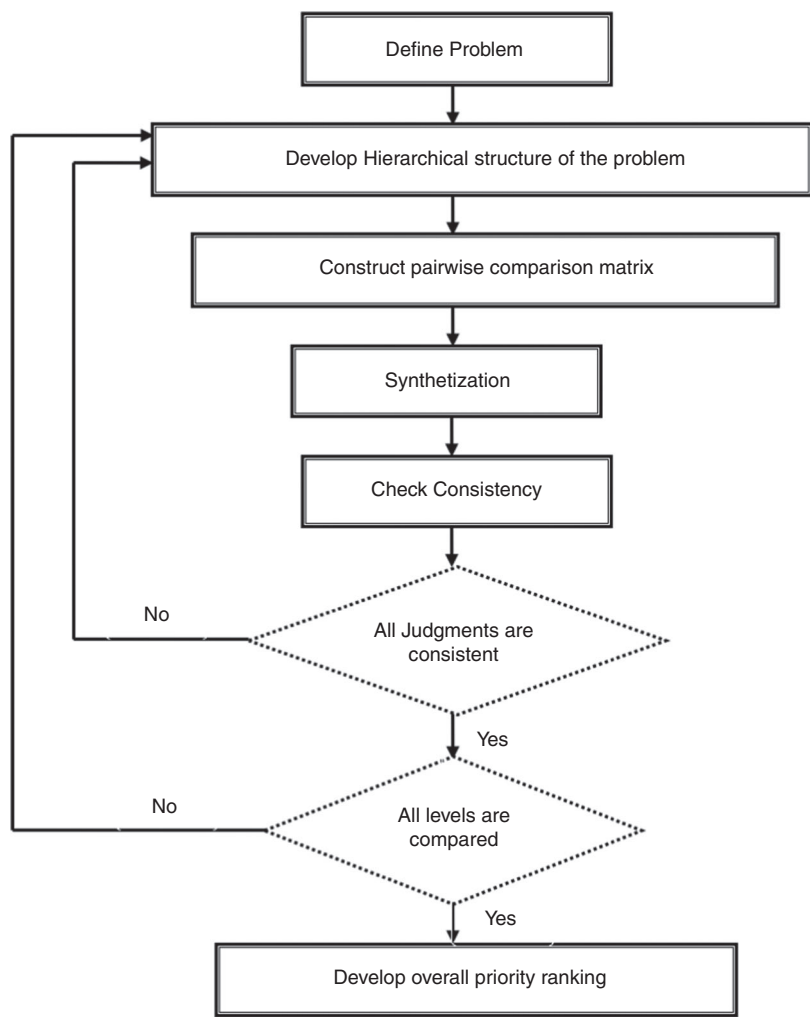
The flow of AHP research methodology is illustrated in Figure 3.

### Data analysis

In line with proposals from Saaty and Vargas (2012), the geometric mean approach was used, rather than the arithmetic mean, to combine the individual pair-wise comparison judgments to obtain the consensus pair-wise comparison judgment matrices for the model. Figure 3 shows that the second step in the AHP is to determine pair-wise comparisons between the criteria applied.

| Intensity of importance | Definition             | Explanation                                                                   |
|-------------------------|------------------------|-------------------------------------------------------------------------------|
| 1                       | Equal importance       | Two criteria contribute equally to the objective                              |
| 3                       | Moderate importance    | One criteria is slightly favored over another                                 |
| 5                       | Strong importance      | One criteria is strongly favored over another                                 |
| 7                       | Very strong importance | A criterion is strongly favored and its dominance is demonstrated in practice |
| 9                       | Absolute importance    | The importance of one criterion over another is confirmed very strongly       |
| 2, 4, 6, 8              | Intermediate values    | Used to represent compromises between the levels listed above                 |

**Table III.**  
Scale for AHP preferences



**Figure 3.**  
AHP research  
methodology

The CI was then applied. Saaty (1990) defined this as:

$$CI = (\lambda_{\max} - n) / (n - 1)$$

$\lambda_{\max}$  is the maximum eigenvalue of the matrix of the importance ratios and  $n$  is the number of factors. The consistency ratio (CR) was then used to assess whether a matrix was sufficiently consistent. This is the ratio of the CI to the random index (RI), the CI of a matrix of comparisons generated randomly:

$$CR = CI / RI$$

Random pair-wise comparisons were simulated to produce average random indices for different-sized matrices. The values of RI are given in Table IV (Saaty, 1990). According to Saaty (1990), if the value of CR is less than or equal to 0.10, the inconsistency is acceptable.

**Table IV.**  
Geometric means of  
pair-wise comparison  
of main criteria

|                                          | Leadership and<br>management | Planning<br>and<br>policies | Resources | Proceedings<br>and<br>processes | Clients'<br>needs and<br>satisfaction | Affordable<br>and<br>accessible<br>services | Public<br>trust and<br>confidence | Priority<br>vector |
|------------------------------------------|------------------------------|-----------------------------|-----------|---------------------------------|---------------------------------------|---------------------------------------------|-----------------------------------|--------------------|
| Leadership and<br>management             | 1.00                         | 1.00                        | 3.00      | 1.00                            | 1.00                                  | 3.00                                        | 1.00                              | 0.18               |
| Planning and<br>policies                 | 1.00                         | 1.00                        | 0.33      | 0.33                            | 3.00                                  | 3.00                                        | 3.00                              | 0.16               |
| Resources                                | 0.33                         | 3.00                        | 1.00      | 1.00                            | 3.00                                  | 3.00                                        | 1.00                              | 0.18               |
| Proceedings and<br>processes             | 1.00                         | 3.00                        | 1.00      | 1.00                            | 1.00                                  | 5.00                                        | 3.00                              | 0.21               |
| Clients' needs<br>and satisfaction       | 1.00                         | 0.33                        | 0.33      | 1.00                            | 1.00                                  | 3.00                                        | 1.00                              | 0.12               |
| Affordable and<br>accessible<br>services | 0.33                         | 0.33                        | 0.33      | 0.20                            | 0.33                                  | 1.00                                        | 1.00                              | 0.05               |
| Public trust and<br>confidence           | 1.00                         | 0.33                        | 1.00      | 0.33                            | 1.00                                  | 1.00                                        | 1.00                              | 0.10               |

**Note:** CR = 0.03 < 0.10 (acceptable)

Table IV shows the geometric means of pair-wise comparison for seven main criteria. The next step was to define the relative priorities of criteria (the final column of Table IV) by computing "priority vectors." Saaty (1990) introduced a "consistency principle" for calculating priority vectors ( $a_{ij} \times a_{jk} = a_{ik}$ ) and subsequent argument for using the special case of the consistent matrix formed by elements ( $a_{ij} = w_i/w_j$ ), where  $w_i$  and  $w_j$  are the elements of the priority weight vector corresponding to criteria  $i$  and  $j$ .

Table IV shows that proceedings and processes are considered the most important elements by the respondents, with a priority weight of 21 percent. This was followed by leadership and management, and resources, both of which had a priority weight of 18 percent, ranking above planning and policies at 16 percent, clients' needs and satisfaction at 12 percent, and public trust and confidence at 10 percent. Affordable and accessible services were ranked last on 5 percent. The consensus among responses in Table IV was 0.03, which satisfies the acceptable CR requirement.

The next step prioritized the five alternative cultures with each excellence criterion. The tables show the priority weights of alternative cultures for each of the main criteria.

Table V shows that for court leadership and management, adaptability is the most important cultural trait, with a priority weight of 31 percent. This is followed by mission, at 27 percent, then consistency on 18 percent, involvement on 13 percent and innovation on 11 percent. The consensus of responses was 0.07, which satisfies the acceptable CR requirement.

Table VI shows that for court planning and policies, the order of priority of the alternative cultural traits is the same as for leadership. Adaptability is the most important with a priority weight of 29 percent, followed by mission on 28 percent, consistency on 18 percent,

**Table V.**  
Geometric means  
of alternatives  
for leadership and  
management

|              | Mission | Adaptability | Consistency | Involvement | Innovation | Priority vector |
|--------------|---------|--------------|-------------|-------------|------------|-----------------|
| Mission      | 1.00    | 1.44         | 1.22        | 2.11        | 2.11       | 0.27            |
| Adaptability | 0.69    | 1.00         | 3.00        | 3.67        | 1.84       | 0.31            |
| Consistency  | 0.82    | 0.33         | 1.00        | 2.05        | 1.80       | 0.18            |
| Involvement  | 0.47    | 0.27         | 0.49        | 1.00        | 2.07       | 0.13            |
| Innovation   | 0.47    | 0.54         | 0.56        | 0.48        | 1.00       | 0.11            |

**Note:** CR = 0.07 < 0.10 (acceptable)

involvement on 15 percent, and innovation on 10 percent. The consensus among responses was 0.04, which satisfies the acceptable CR requirement.

Table VII shows that, again, the order of importance of the five possible cultural traits for court resources was the same as for the two previous criteria. Adaptability is the most important, with a priority weight of 35 percent, followed by mission at 24 percent, consistency on 19 percent, involvement on 12 percent and finally, innovation on 9 percent. The consensus among responses was 0.04, which satisfies the acceptable CR requirement.

Table VIII shows that for court proceedings and processes, adaptability is again the most important cultural trait, with a priority weight of 34 percent. It is again followed by mission, which had a priority of 24 percent, then consistency, which ranked third on 19 percent, involvement on 14 percent, and innovation on 10 percent. The consensus among responses was 0.03, which satisfies the acceptable CR requirement.

Table IX shows that for clients' needs and satisfaction, adaptability remains the most important cultural trait, with a rather higher priority weight of 39 percent. Again, this is followed by mission, with a priority of 24 percent, then consistency on 14 percent, involvement on 13 percent, and innovation on 11 percent. The consensus among responses was 0.07, which again satisfies the acceptable CR requirement.

Table X shows that for affordability and accessibility of court services, there are some differences in priorities. Here, mission is the most important cultural trait, with a priority weight of 33 percent, followed by adaptability on 27 percent, then consistency on 18 percent, involvement on 13 percent, and innovation on 7 percent. The consensus among responses was 0.06, which again satisfies the acceptable CR requirement.

**Table VI.**  
Geometric means of  
alternatives for  
planning and policies

|              | Mission | Adaptability | Consistency | Involvement | Innovation | Priority vector |
|--------------|---------|--------------|-------------|-------------|------------|-----------------|
| Mission      | 1.00    | 1.22         | 2.11        | 1.44        | 2.33       | 0.28            |
| Adaptability | 0.82    | 1.00         | 2.33        | 2.33        | 2.33       | 0.29            |
| Consistency  | 0.47    | 0.43         | 1.00        | 2.11        | 1.89       | 0.18            |
| Involvement  | 0.69    | 0.43         | 0.47        | 1.00        | 2.07       | 0.15            |
| Innovation   | 0.43    | 0.43         | 0.53        | 0.48        | 1.00       | 0.10            |

**Note:** CR = 0.04 < 0.10 (acceptable)

**Table VII.**  
Geometric means  
of alternatives for  
resources (human,  
material, and  
financial)

|              | Mission | Adaptability | Consistency | Involvement | Innovation | Priority vector |
|--------------|---------|--------------|-------------|-------------|------------|-----------------|
| Mission      | 1.00    | 0.55         | 1.44        | 2.11        | 2.78       | 0.24            |
| Adaptability | 1.82    | 1.00         | 2.33        | 3.00        | 2.33       | 0.35            |
| Consistency  | 0.69    | 0.43         | 1.00        | 2.33        | 2.11       | 0.19            |
| Involvement  | 0.47    | 0.33         | 0.43        | 1.00        | 2.07       | 0.12            |
| Innovation   | 0.36    | 0.43         | 0.47        | 0.48        | 1.00       | 0.09            |

**Note:** CR = 0.04 < 0.10 (acceptable)

**Table VIII.**  
Geometric means  
of alternatives  
for proceedings  
and processes

|              | Mission | Adaptability | Consistency | Involvement | Innovation | Priority vector |
|--------------|---------|--------------|-------------|-------------|------------|-----------------|
| Mission      | 1.00    | 0.55         | 1.44        | 2.11        | 2.33       | 0.24            |
| Adaptability | 1.82    | 1.00         | 2.33        | 2.33        | 2.11       | 0.34            |
| Consistency  | 0.69    | 0.43         | 1.00        | 2.11        | 1.84       | 0.19            |
| Involvement  | 0.47    | 0.43         | 0.47        | 1.00        | 2.07       | 0.14            |
| Innovation   | 0.43    | 0.47         | 0.54        | 0.48        | 1.00       | 0.10            |

**Note:** CR = 0.03 < 0.10 (acceptable)

Table XI shows that for the public trust and confidence in court services, mission, and adaptability are equally important as cultural traits, with a priority weight of 31 percent. Consistency was ranked third on 15 percent, followed by involvement on 13 percent and innovation on 10 percent. The consensus among responses was 0.03, which again satisfies the acceptable CR requirement.

The final step in the AHP is to develop the overall priority of the seven court excellence criteria, by multiplying the sub-criteria ranking with the criteria priority matrix (see Table XII). The results demonstrate that for overall excellence in courts, adaptability is the most important cultural trait, with a priority weight of 33 percent. This is followed by mission, which had a priority of 26 percent, then consistency on 18 percent, involvement on 13 percent, and innovation on 10 percent.

|              | Mission | Adaptability | Consistency | Involvement | Innovation | Priority vector |
|--------------|---------|--------------|-------------|-------------|------------|-----------------|
| Mission      | 1.00    | 0.33         | 2.78        | 2.78        | 1.89       | 0.24            |
| Adaptability | 3.00    | 1.00         | 3.00        | 3.00        | 2.07       | 0.39            |
| Consistency  | 0.36    | 0.33         | 1.00        | 1.44        | 1.84       | 0.14            |
| Involvement  | 0.36    | 0.33         | 0.69        | 1.00        | 2.07       | 0.13            |
| Innovation   | 0.53    | 0.48         | 0.54        | 0.48        | 1.00       | 0.11            |

**Note:** CR = 0.07 < 0.10 (acceptable)

**Table IX.**  
Geometric means of  
alternatives for clients'  
needs and satisfaction

|              | Mission | Adaptability | Consistency | Involvement | Innovation | Priority vector |
|--------------|---------|--------------|-------------|-------------|------------|-----------------|
| Mission      | 1.00    | 1.40         | 2.73        | 2.07        | 3.67       | 0.33            |
| Adaptability | 0.71    | 1.00         | 2.33        | 2.33        | 2.78       | 0.27            |
| Consistency  | 0.37    | 0.43         | 1.00        | 2.78        | 2.56       | 0.18            |
| Involvement  | 0.48    | 0.43         | 0.36        | 1.00        | 2.73       | 0.13            |
| Innovation   | 0.27    | 0.36         | 0.39        | 0.37        | 1.00       | 0.07            |

**Note:** CR = 0.06 < 0.10 (acceptable)

**Table X.**  
Geometric means of  
alternatives for  
affordable and  
accessible services

|              | Mission | Adaptability | Consistency | Involvement | Innovation | Priority vector |
|--------------|---------|--------------|-------------|-------------|------------|-----------------|
| Mission      | 1.00    | 1.18         | 2.07        | 2.73        | 2.78       | 0.31            |
| Adaptability | 0.85    | 1.00         | 3.00        | 3.00        | 2.11       | 0.31            |
| Consistency  | 0.48    | 0.33         | 1.00        | 1.44        | 2.11       | 0.15            |
| Involvement  | 0.37    | 0.33         | 0.69        | 1.00        | 2.11       | 0.13            |
| Innovation   | 0.36    | 0.47         | 0.47        | 0.47        | 1.00       | 0.10            |

**Note:** CR = 0.03 < 0.10 (acceptable)

**Table XI.**  
Geometric means of  
alternatives for public  
trust and confidence

|              | Leadership<br>and<br>management | Planning<br>and<br>policies | Resources | Proceedings<br>and<br>processes | Clients'<br>needs and<br>satisfaction | Affordable<br>and<br>accessible<br>services | Public<br>trust and<br>confidence | Global<br>weight | Rank |
|--------------|---------------------------------|-----------------------------|-----------|---------------------------------|---------------------------------------|---------------------------------------------|-----------------------------------|------------------|------|
| Mission      | 0.27                            | 0.28                        | 0.24      | 0.24                            | 0.24                                  | 0.33                                        | 0.31                              | 0.26             | 2    |
| Adaptability | 0.31                            | 0.29                        | 0.35      | 0.34                            | 0.39                                  | 0.27                                        | 0.31                              | 0.33             | 1    |
| Consistency  | 0.18                            | 0.18                        | 0.19      | 0.19                            | 0.14                                  | 0.18                                        | 0.15                              | 0.18             | 3    |
| Involvement  | 0.13                            | 0.15                        | 0.12      | 0.14                            | 0.13                                  | 0.13                                        | 0.13                              | 0.13             | 4    |
| Innovation   | 0.11                            | 0.10                        | 0.09      | 0.10                            | 0.11                                  | 0.07                                        | 0.10                              | 0.10             | 5    |

**Table XII.**  
Overall weights of  
the alternatives

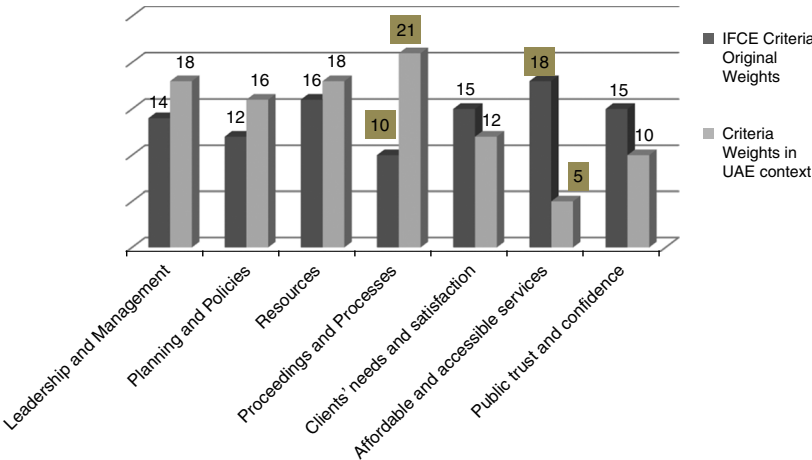
Discussion and conclusion

Discussion

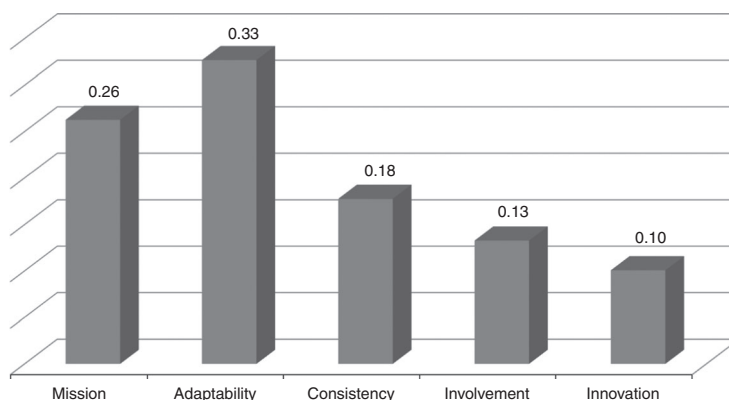
The pair-wise comparisons of the court excellence criteria show that the order of importance of the criteria is different in the UAE than in the original model (see Table IV). The major differences are in court proceedings and processes and affordability and accessibility of services (see Figure 4). Proceedings and processes appear to be significantly more important in the UAE than in those countries where the original model was developed. This may be because of practices that have recently developed in UAE courts, such as constant monitoring of the duration of the litigation process, and monitoring of pending cases that have been in the process for an excessive period of time. Appropriate measures to take in situations where duration exceeds the norm are still under development, as are some of the standard operational procedures, for example, agreed time standards, establishment of case schedules in individual cases, the role of the judge in time management, and limitations on the postponement of court sessions. The focus on court proceedings is logical at this stage of development; the UAE judicial system was largely formed during the second half of the twentieth century, unlike European legal systems, which were formed two or three centuries ago.

The results show that affordability and accessibility of court services is less important in the UAE than in the original model. Court fees in the UAE are currently an average fee of 4 percent of the total claimed amount in standard civil cases, while criminal and labor cases are free of charge. This fee is affordable compared with the GDP rate in the UAE, and does not prevent members of the public from accessing the judicial process. It compares favorably with the higher fees in US and European courts (European e-Justice, 2016). The easy access to courts in the UAE, including their convenient locations, and the use of advanced case management systems, may make this criterion less important to respondents.

When it comes to organizational culture traits (see Figure 5), adaptability and mission seem to be the most important. This suggests that to achieve excellence, UAE courts require a robust sense of organizational direction, created by setting a vision and establishing and measuring strategic objectives and goals. This result is consistent with other research, where establishing a culture of commitment to performance management to achieve the goals of courts was found to be one of the main success factors (Fox *et al.*, 2014). The study results suggest that it is also important for UAE courts to be able to handle the external environment by achieving stability, creating change, focusing on customers, and organizational learning. Excellent courts must be able to perceive and react to their



**Figure 4.**  
Comparisons between  
original weights and  
the weights in the  
UAE context



**Figure 5.**  
Overall weights  
of organizational  
culture types

environment and clients, and restructure behaviors and processes that allow adaptation (Gordon and DiTomaso, 1992).

Findings show that involvement is less important in the UAE context. That highlights a difference from other cultures, where good communication among employees and teamwork, together with high levels of empowerment and accountability, have been found to be crucial to court success (Klaversma, 2004). The lowest score achieved was for innovation. That may be because of the nature of court proceedings and judgments, where paying attention to the rules and consistency with previous rulings is a priority.

### *Implications*

Court managers and administrators may use these research findings in different ways. First, they may wish to put more effort and focus on court proceedings and processes, including through automation projects and providing a wider range of e-services. Second, they may wish to simplify court procedures and reengineer core court processes, as this will help to differentiate excellent courts. Third, they may consider re-allocating part of the funds provided to build new facilities and expansions to invest in advanced technologies. Fourth, the new IFCE criteria weights can be used in the UAE national excellence awards when assessing legal organizations; this may improve the outcome of the assessment process and encourage courts to focus on the most important and challenging factors. Fifth, decision makers in UAE courts should emphasize the importance of building agile organizations. They should encourage courts to be more flexible and sensitive to economic, environmental, social, and technological changes, and develop new ways to respond to shifts in customer needs and expectations.

Similarly, the importance of adaptability, and the importance within that of responding to customer feedback, should encourage the managers of UAE courts to pay more attention to customers. They may, for example, start to measure customer perceptions on a regular basis by using tools such as surveys, interviews, and focus groups. They should also set realistic performance indicators to enable them to be proactive in improving customer services. Court managers should also highlight the most critical drivers of customer satisfaction and identify actions to fulfill customer needs. In contrast, the low importance of innovation should draw attention to the need to deal carefully with innovation management in courts. Innovation should be focused and directly linked to customer needs and expectations and to core services such as case registration, alternative dispute solutions, legal notifications, proceedings, and role execution.

### *Limitations and future research*

The study was based on data from just two UAE first instance courts. Increasing the size of the study sample to include more judges from other courts within the UAE would help to identify whether the findings can be generalized across other courts. Research across all the three court levels, first instance, appeal, and cassation courts, will help to develop a better understanding of the role of organizational culture in promoting business excellence in courts. Each cultural trait was treated as one alternative in developing the research model in this study. Drilling down to the sub-traits underlying each one should help to develop a more coherent understanding of the culture and cultural elements associated with court excellence.

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