

## INFORMATION NEEDS AND INFORMATION SEEKING BEHAVIOR OF JUDGES AND LAWYERS: A STUDY OF THE JUDICIARY SUPERIOR COURTS IN LUSAKA, ZAMBIA

(Conference ID: CFP/661/2018)

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### ***Abstract***

*Understanding the information needs and seeking behaviour of users is imperative in developing effective information systems and services to meet their information needs. Lawyers and Judges heavily depend on appropriate and reliable evidence in the administration of sound justice. However, little is known about the information needs and seeking behaviour of Layers and judges in Africa and Zambia in particular. The purpose of this study was to investigate the information needs and seeking behaviour of judges and lawyers at the four superior courts of judiciary in Lusaka, Zambia. Specifically, the study investigated the information needs of layers and judges; their sources of information; the challenges they faced to access needed information. A survey approach was adopted for this study and employed quantitative methods. Simple random sampling techniques was used to select judges and lawyers. Forty-five legal practitioners that included 27 judges and 18 lawyers participated in the study. Data was analyzed using the SPSS 23.0 software The study revealed that judges and lawyers have varied information needs and included information on case preparation (67%), administration of justice (60%), modern trends in law*

(87%), statutes (71%), current awareness (69%), general knowledge (47%) and job presentation (76%). Respondents indicated that court libraries (98%), personal libraries (79%), online databases (76%), offline databases (76%) and colleagues in the profession (73%) were main sources of information they consulted to make decisions. However, judges and lawyers reported to encounter a number of problems in their quest for information which included difficult to find latest information (82%), information not readily available (69%), lack of information diversity (67%), information not easily accessible (62%) and poor internet connectivity (60%). The study recommended for well-stocked court libraries, with up-to-date varied forms of information and improved Internet connectivity. It was concluded that judges and lawyers' information needs should be effectively met for them to make sound legal decisions.

**Keywords:** Information needs, information seeking behavior, legal information, administration of justice, Judges, Lawyers, Zambia.

## 1.0 INTRODUCTION

It has been severally argued that in the modern society, information availability is not a problem. The problem is accessibility (Chifwepa, 1998). Accessibility of information sources is a key theme in this information abundant era (Ugah, 2008). More often than not, resources may be available in the library and even identified bibliographically as relevant to one's subject of interest, but the user may not be able to lay hands on them. One may identify citations in indexes, but may not have access to the sources containing the relevant articles (Ugah, 2008). Similarly, advancements of the information era and the open data movement has resulted in exponential growth of legal documents published online (Opijnen and Santos, n.d). However, Opijnen and Santos (n.d) further argue that accessibility and searchability have not kept pace with this growth rate. An overload of information (particularly if of low-quality) carries the risk of undermining knowledge acquisition possibilities and even access to justice. Additionally, the qualitative complexities of legal search cannot easily be underestimated. Legal work is an intertwined combination of research, drafting, negotiation, counselling, managing and argumentation. It is an information-intensive job as everything that has to be undertaken, whether providing legal advice, representing a client in court, or drafting a legal document requires information. Otike and Matthews (2000) claims that lawyers are ranked second to the historians as the leading users of information and that their constant reference to information is certainly the main reason for lawyers calling themselves special people or 'learned people'.

Different from a scientist, a lawyer has no laboratory equipment and no experiments to conduct but greatly depend on information produced in various forms to make sound decisions. Otike and Matthews (2000) further assert that of all the professions, law has the largest collection of books because a well-stocked reference law library is important to the lawyer, as well as to the judge in the administration of justice. Anything less than perfection is likely to negatively affect the outcome of a court decision or influence a legal argument. Information organization by information providers and system designers should therefore, solely be undertaken to facilitate retrieval of information by users. There are a lot frustrations felt by users who fail to find the information sources they want. In this regard, understanding of information needs and information-

seeking behavior of legal professionals is imperative. It aids in the planning, implementation and operation of information system and services in their work settings (Otikey and Matthews, 2000). Information seeking behavior in this study was taken to mean the behavior displayed by judges and lawyers when searching for existing legal resources to find information required for their work. The distinct features of legal information objects and the complicated tasks of legal professionals requires proper understanding in order for information providers and system designers to implement appropriate mechanisms to support information-seeking at every level of the value adding process.

Today, accessibility to and provision of legal information is one of the key elements in transition from a closed dictatorship to a democracy. A democratic nation relies on efficient and effective judicial system. The more accessible information sources are, the more likely they are to be used (Ugah, 2008). Readers tend to use information sources that require the least effort to access. Users may find information inaccessible due to a number of reasons among them poor reputation of the information system, lack of awareness of the source of information, distance, limited time, language barrier, lack of relevant content and limited connectivity particularly in this electronic environment (Mulauzi and Kendra, 2009). Any legal information system designed without sufficient knowledge of the users' needs is apt to fail. Knowledge of the information needs of lawyers and judges may aid information providers and system designers in providing targeted information services and designing appropriate information retrieval applications.

## 1.1 Statement of the problem

There is a dearth of literature on the information needs and seeking behavior of legal personnel in Zambia particularly lawyers and judges. Thus, a study on the information needs and seeking behavior of lawyers and judges is of evident importance. In spite of the each court having a library in Zambia to provide legal knowledge and access to legal information, there is limited knowledge on the information needs, sources and challenges Judges and lawyers encounter to access appropriate information. It was the intention of this study, therefore, to bridge this gap in knowledge. As argued by Tuhumwire and Okello-Obura (2010), the design of any formidable

system of information access and use must be based on careful analysis of the target group's information sources and how to access them. Similarly, the acquisition of information resources is based on the knowledge of the desired and needed information sources.

## 1.2 Objectives of the Study

The main objective of this study was to investigate the information needs and information seeking behavior of judges and lawyers at judiciary superior courts in Lusaka, Zambia. This study had the following specific objectives:

- i) To determine the information needs of judges and lawyers.
- ii) To establish the information seeking behavior of judges and lawyers.
- iii) To ascertain challenges faced by Judges and lawyers in accessing information.

## 2.0 RESEARCH DESIGN AND METHODOLOGY

The study employed a survey research design which allowed collection of large amount of data in a highly economical way. Quantitative method was used in conducting this research. The target population comprised of judges and lawyers at Supreme Court, Constitution Court, Court of Appeal and High Court of Judiciary of Zambia in Lusaka, Zambia. 60 structured questionnaires were distributed and forty-five (45) questionnaires were returned representing a seventy five percent (75%) response rate. Data was analyzed using SPSS 23.0.

## 3.0 FINDINGS AND DISCUSSION

### 3.1 Background information

The study investigated the age, gender, education levels and work experience of the respondents who participated in the study (table 1). In terms of age, the findings showed that 31% of the respondents were aged between 30 and 40 years while those between 41 and 45 year were 36%. Thirty-three percent were above 45 years and no respondent reported being below 30 years old. Therefore, respondents aged 41 and years were the majority that participated in the study.

Additionally, the study revealed that 51% of the respondents who took part in the study were male while 49% were females. There was no much difference in the percentage participation between male and female in this study. However, some literature shows that there are more men than women in the legal fraternity due to a number of challenges including gender stereotypes, work/family conflict, limited support to informal networks of mentoring, contacts, and client development (Rhode, 2001). While some other literature argue that “no longer are women singularly represented in a sea of male lawyers. No longer are classes of law students merely, if at all, dotted with only the occasional female. Much to the contrary, the past two to three decades have been characterized by a pipeline to the legal profession filled with women,” (Brenner, 2014).

*Table 1: Demographic Characteristics of respondents*

| <b>Demographic characteristic</b> |                      | <b>Frequency</b> | <b>Percentage</b> |
|-----------------------------------|----------------------|------------------|-------------------|
| Age                               | Below 30 years       | 0                | 0                 |
|                                   | 30 to 40 years       | 14               | 31                |
|                                   | 41 to 45 years       | 16               | 36                |
|                                   | Above 45 years       | 15               | 33                |
| Gender                            | Male                 | 23               | 51                |
|                                   | Female               | 22               | 49                |
| Education level                   | Undergraduate degree | 36               | 80                |
|                                   | Masters degree       | 9                | 20                |
|                                   | PhD degree           | 0                | 0                 |
| Work experience                   | Less than 5 years    | 17               | 38                |
|                                   | 5 to 10 years        | 11               | 24                |
|                                   | 11 to 15 years       | 13               | 29                |
|                                   | Above 15 years       | 4                | 9                 |

On education levels of the respondents, the study found that 80% had undergraduate degree, 20% master degree and no respondent had a PhD qualification. It can then be concluded that there were more undergraduate degree holders that participated in this study. This could be attributed to the difficulty to pool through in legal education. For instance, high failure rates have been recorded on several occasions at Zambia Institute of Advanced Legal Education (ZIALE). In 2015 for instance, 18 out of 206 students who sat for exams have been admitted to the bar while only 16 out of 360 students were being admitted to the bar in 2017. This somehow discourages people to pursue higher qualifications in this profession.

This could be attributed to the difficult in. The study results further revealed that among those that participated in the study, the majority (38%) had worked for less than five years, followed by 29% who had work experience of between five and ten years. 24% reported that they had work experience of 11 to 15 years while 9% had worked for more than fifteen years. It appears those who had worked for less than five years were more available for the study than the more experienced ones. The more experience tended to be too busy for the study.

### 3.2 Information needs of the respondents

Furthermore, the study sort to solicit information from respondents on their information needs. The findings revealed varied information needs that included information on case preparation (67%), administration of justice (60%), modern trends in law (87%), statutes (71%), current awareness (69%), general knowledge (47%) and job presentation (76%). The findings are depicted in table 2.

Table 2: Information needs of respondents

| Information need   | Frequency | Percentage |
|--|-----------|------------|
| Case Preparation   | 30        | 67         |
| How justice is administered                              | 27        | 60         |
| Information to keep up to date with modern trends in law | 39        | 87         |
| Statutes   | 32        | 71         |
| Current awareness  | 31        | 69         |

|  |    |    |
|--|----|----|
| General knowledge  | 21 | 47 |
| Information which would be of help to be consistence in the job presentation | 34 | 76 |

The findings are congruent with the study by Khan, Bhatt and Khan (2011) were it was discovered that that majority of judges and lawyer's information needs included those for case preparation, for improving their personal competencies, general knowledge or current awareness and such information which would help them be consistence in their job presentation. However, the findings slightly differ to a study by Tuhumwire and Okello-Obura (2010) who examined the legal information needs and access problems of lawyers in Uganda. Law reference, laws of other countries, law reports, update of court rules and judge cases were found to be the most needed information resources by advocates. Overall, it can be established that judges and lawyers have similar information needs particularly that which help them be consistence with job presentation.

### 3.3 Respondents' sources of information

The results of the study showed that in relation to their varied information needs, respondents used different sources (table 3) to gather needed information. Particularly, they consulted court libraries (98%), personal libraries (79%), online databases (76%), offline databases (76%), decided cases (98%), other legal libraries (7%) and colleagues in the profession (73%) in order to make sound decisions.

Table 3: Information sources of respondents

| Information source           | Frequency | Percentage |
|------------------------------|-----------|------------|
| Court libraries              | 44        | 98         |
| Personal libraries           | 35        | 79         |
| Online databases             | 34        | 76         |
| Offline databases            | 34        | 76         |
| Colleagues in the profession | 33        | 73         |
| Decided cases                | 44        | 98         |
| Other legal libraries        | 3         | 7          |

The findings are similar to the study done by Clinch (2000) on legal information where it was discovered that there are distinct information sources available in the legal discipline, which differs from those available in others discipline. Similarly, a wide variety of sources are used by legal practitioners, an indication that one source is not enough to function effectively on the job. Similarly, different legal professionals seek information using different methods. According to Thanuskodi (2009), they engaged different tactics such as consulting previous court judgments and rulings, consulting colleagues in the professions, consulting library staff to retrieve the information they need. Furthermore, their information seeking process is driven by the nature of work at hand in, age, experience as well as awareness of sources.

### 3.4 Challenges respondents faced

Respondents reported that they encounter a number of problems in their quest for information (table 4) which included difficult to find latest information (82%), information not readily available (69%), lack of information diversity (67%), information not easily accessible (62%) and poor internet connectivity (60%). Table 4 presents these findings.

Table 4: Challenges respondents faced in seeking information

| Challenge                            | Frequency | Percentage |
|--------------------------------------|-----------|------------|
| Difficult to find latest information | 37        | 82         |
| Information not readily available    | 31        | 69         |
| Lack of information diversity        | 30        | 67         |
| Information not easily accessible    | 28        | 62         |
| Poor Internet connectivity           | 27        | 60         |

The findings are in agreement with a study by Otike and Matthews (2000) on information seeking behavior and needs of judges and lawyers where it was revealed that judges and lawyers just like any other user, experience considerable problems in satisfying their information needs. Among them is the currency of information. Legal practitioners, work in an information-rich environment which is in constant flux, with ongoing additions to statutes and other sources for legal. The rate at which the information is updated by law making bodies, many legal institutions fail to copy

hence using unrevised information and this has a negative impact on the provision of justice. The findings are also in total agreement with a study by Thanuskodi (2009) where it was revealed that there was a challenge in accessing amended latest information to help in the accomplishment of in the legal fraternity. Therefore, dealing with outdated information sources were a concern for the judges and lawyers as it delayed the passing of judgments in the courts of law. Judges would spend a considerable time looking for updated information. Kumar (2004) carried out a research of whose purpose was to study the problems faced by judges and lawyers in accessing information in the judiciary of India. The study established that the major problems faced by judges and lawyers were the lack of appropriate information resources especially to those located outside the main cities. It further established that some courts had a challenge in purchasing current and updated law books because of inadequate funding.

Information not being readily available was ranked as the second biggest challenge faced by the respondents. The time of the user in the library must always be given first priority as such it is important to save the time of the reader by making all the information in the library within reach and readily available. The findings are similar to a study by Otike and Matthews (2000) where it was revealed that in most cases a judge or lawyer spends a considerable amount of time looking for information due to lack of search skills to access legal information. Sometimes the problems are with the information providers. Some law libraries do not provide an adequate information service because of knowledge levels of library staff. The study observed that libraries provide services on three levels: passive, reactive and assertive (proactive). A passive collection lies in wait for the chance user; a reactive library is happy to answer requests. A proactive library is one that takes time to know its primary clientele, anticipates the needs of the users and consults with them regarding the information material. Unfortunately, the majority of information providers are passive or reactive. The study concluded by suggesting that legal information providers need to be both reactive and proactive in information provision if information needs of judges and lawyers are to be met at the point of need. Information must be available whenever and wherever it is needed.

Lack of diversity in terms of information was ranked as the third biggest challenge faced by judges and lawyers. In a modern society information must be stored in print and non – print media. Information on non – print media or digital format can usually be accessed by many people at the same time as long as the gadgets to access information are available. The findings are similar to a study by Devadason and Lingman (1997) whose study on information needs of legal professionals revealed that the information work carried out by Judges and lawyers can be complex, often involving finding and working with a wealth of a diversity of information. This wealth of legal information concentrates around different types of documents for instance, law reports/legal cases, legislation, commentary articles, forms and precedents etc. and these must be in both hard and soft copies. Unfortunately, most court libraries do not have a comprehensive law collection in various formats.

Problems of poor Internet connectivity especially in most Zambian institution are prominent. Internet connectivity involves huge connection costs and connectivity depends on infrastructure including equipment, electricity and transportation. These are unaffordable to many developing regions, including some government institutions (Mulauzi and Kendra, 2009).

## 4.0 CONCLUSION

The findings of this study revealed that respondents aged 41 and years were the majority that participated in the study. Slightly more males than females participated in the study. There were more undergraduate degree holders that participated in this study and the less experienced were more available for the study than those with many years of experience in the job. Varied information needs of the respondents that included information on case preparation, administration of justice, modern trends in law, statutes, current awareness, general knowledge and job presentation were revealed by the study. Respondents, according to the results of the study looked up to court libraries, personal libraries, online databases, offline databases, decided cases, other legal libraries and colleagues in the profession to fulfill their information needs. However, it was reported by the respondents that they encountered a number of problems in their quest for

information including difficult to find latest information, information not readily available, lack of information diversity, information not easily accessible and poor internet connectivity.

## **5.0 RECOMMENDATIONS**

The study made the following recommendations:

1. Court libraries should be stocked with adequate current materials on diverse legal topics by the Judiciary.
2. Internet connectivity should be improved by the Judiciary so that judges and lawyers can access information in electronic environment easily.

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