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Assessment of Legal Information Needs and Access Problems of Lawyers in Uganda

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Introduction

Unresolved legal problems can entrench disadvantage and increase social exclusion unless legal assistance is made available to members of the community (McClelland, 2009). "As a lawyer, and even more so as a local member, I have met a number of people who have been unable to address a small legal problem before it escalates. Often this is because they don't know what to do or where to go", (McClelland, 2009) asserts. Legal information is considered one of the essential ingredients for effective justice to be done in any democratic society. In our day-to-day life, legal issues have become part and partial of our environment. The ever-increasing number of legal cases in the country has enormously led to petitions in court by various people with hope that they will be backed up by lawyers. However, it is worth noting that timely access to the right kind of legal information determines the performance of any legal officer in any judicial process. It is on that basis that this paper examines the legal information seeking behavior of the legal practitioners, the lawyers in Uganda.

Conceptual Background

A lawyer is a person learned in the law as an attorney, counsel or solicitor, a person licensed to practice law. Working as a lawyer represents the practical application of legal theory and knowledge to solve real problems or to advance the interests of those who retain (i.e. hire) lawyers for legal services. The role of a lawyer varies significantly across legal jurisdictions and therefore can be treated here in only the most general terms (Blacks Law Dictionary, 2004). Generally as noted by Fowler (2007), Lawyers work primarily in the legal culture, with its extensive rules and procedures requiring the right kind of legal information. Lawyers operate in information intensive environment. Everything they do, whether providing legal advice, representing a client in court, or drafting a legal document requires information (Otiye and Mathews, 2000).

According to Ademola (1994), the legal profession is a highly book reading profession. The importance of information to a lawyer is reiterated by Bello (1994). He argues that books are the tools of trade of the legal profession. Thus, of all the professions, law has the largest collection of books because

a well-stocked reference law library is important to a lawyer, as well as to the judge in administration of justice. A lawyer will always make a poor submission if he does not refer to legal authorities, and a judgment will not be as rich without referring to previously decided cases as authorities. Makri (2008) observes that Law is a highly knowledge-intensive domain and obtaining accurate and up-to-date legal information can mean the difference between winning or losing cases.

Legal information is therefore paramount to the success of the judicial system. Okello-Obura, (1998) defines legal information as the requirement or right established by law, which resides in all electronics and written records. The history of legal information or literacy in Uganda can be traced right from the colonial days when Uganda was under the imperial rule of Britain. Britain issued four African orders in council for most of her African protectorates in 1894. These orders in council established a system of governance that among other things established a legal system. In Uganda the major order in council was the 1902 one which introduced a dual legal system. This system, as Harvey (1975) states, allowed the native institutions based on customary law to exist only with the colonial legal system only if the customs were not repugnant to justice and morality or inconsistent with any order in council ordinance. Since then, legal information has continued to be produced by academicians, lawmakers and government, calling for an analysis of its usage by the consumers.

The Issue at Hand

Many practicing lawyers fail to articulate cases and provide proper back up to their clients in the courts of laws which compels one to ask whether it is lack of competence or lack of reliable legal information. On various occasions, Lawyers petition against the unfairness of judges in judging cases, and the question is whether these lawyers have or access the right legal information to defend their clientele in courts of law. Despite the legal institutions like Faculty of Law Makerere University, High Court of Uganda Library, Uganda Human Rights Commission Library, Uganda Law Development Centre and other private institutions and NGOs' efforts to provide legal knowledge and ready access to legal information to practicing lawyers, little is known in the areas of the lawyers' legal information needs, problems hindering access to legal information and strategies that can be adopted to improve legal information access in Uganda. A lack of knowledge regarding what potential users want makes it difficult for the information providers to provide suitable services for them (Toner 2008). This study thus intends to address those three core issues regarding legal information provision in Uganda.

Objectives

The objectives of the study were to:

- Establish the legal information needs of lawyers in Uganda
- Determine problems lawyers face in accessing legal information
- Propose strategies to improve on access to legal information by lawyers in Uganda

Literature Review

The basis of a professional knowledge is information. The concept of legal information/literacy has had wide coverage from different scholars but mostly those who advocate for human rights. There are basically three types of legal information, which include:

Public legal information

The information contained here includes laws that govern relationships between the citizens and the state of those within the state. Examples include criminal legal information and constitutional legal information. This type of information can also be referred to as administrative legal information.

Private legal information

This information governs the relationship between citizens, this includes various relationships people have with one another and rules that determine the rights and duties among themselves. Private legal information basically addresses legal matters concerning rights of citizens and how they are supposed to leave with each other under the law. Examples of this include family legal information, inheritance legal information, business legal information and tort legal information (Okello-Obura, 1998)

International legal information

As the term suggests, this is information that covers relations among nations within the legal framework outlined by international governing bodies such as the United Nations.

Legal Information Needs and Seeking Behaviour of Lawyers

Information-seeking is important for lawyers, who have access to many dedicated legal information resources. Otike (1997) argues that the legal profession, just like the members of the general public, requires legal information. The scope of each practice determines the specificity of legal information needed for ready reference and research. Lawyers need to understand the law to enable them to perform the various challenges presented to them in life without worrying about going against. Lawyers, for instance, solicitors, seek information in order to assist in solving legal cases and in order to keep abreast of the law (Kidd, 1978). Legal information helps to create awareness of how the law works and how justice is administered.

According to Otike (1997), legal information is basic to all, both lawyers and non-lawyers. Parliament does not enact laws for the exclusive use of lawyers. Lawyers' information needs are greatly influenced by the nature of the work they do. Otike (1999), notes that experience has a considerable influence on their legal information needs. It is generally assumed that experienced lawyers do not require as much information support as newly qualified lawyers. The lawyers' needs for information in turn influences their information seeking habits (Otike, 1999). Lawyers are regarded as "hard core" information users because of their multitasking habits.

Multitasking habits and legal information seeking process

Multitasking is recognized as a human information behavior and is particularly appropriate when designing information services for attorneys. Multitasking is a human behavior that allows individuals to "cope with ever more complex environments by handling multiple tasks through task switching" (Spink and Park, 2005). A similar argument can be made with regard to the model of legal information-seeking by Leckie, et al. (1996), which was devised by examining the literature on professionals' information-seeking behaviour. Leckie, et al. (1996) highlight that professionals play many distinct roles, including not only those relating to providing specific expertise and knowledge related to their domains, but other more general roles such as selecting and processing, counseling, supervising and planning. According to Leckie, et al. (1996), these roles result in distinct types of activities which in turn "shape the type of information needed, the way in which it is retrieved and the ultimate use of that information." These roles are:

- Advocacy – persuading someone (usually a tribunal of some kind) what the law should be, what law should be applied or how the law should be applied and to who?
- Drafting – preparing documents and correspondence.
- Counselling – helping and advising clients on various issues.
- Managerial – selecting and processing the firm's resources.

The information seeking behavior of lawyers directly relates to their legal information needs. Kuhlthau and Tama (2001) conducted a study to probe how lawyers acquire and use information as well as issues of task complexity and how stages of their information-seeking tasks fit together. The study described information seeking process in relation to information needs as a series of six stages:

1. Initiation - Becoming aware of the need for information when facing a problem.
2. Selection - Identifying and choosing a general topic for seeking information.
3. Exploration - Seeking and investigating information on the general topic.
4. Focus formulation - Fixing and structuring the problem to be solved.
5. Collection - Gathering pertinent information for the focused topic.
6. Presentation - Completing information-seeking, reporting and using the result of the task.

A look at the six stages, points to the fact that the route to accurate legal information depends on careful identification of the needed legal information based on the problems to be addressed and adoption of strategic approaches to getting the information.

Legal Information needs

According to Fowler (2007) attorneys can be counted on to have a solid knowledge of state and federal constitutions, statutes and court rules if they access relevant legal information. Beyond that, the scope of each practice determines the specificity of legal information needed for ready reference and research. Attorneys in small firms primarily need access to basic state resources and updates of appellate court rulings. The legal information needs of lawyers vary because of the variety of cases handled and areas of specialization. Practicing lawyers need access to statutes, acts and decrees that are legislation passed by the government and are basically arranged according to years accompanied with an index. According to Logan (1989), many of the rules that govern everyday life are contained in instruments made under powers granted by statutes. Legislation includes statutory instruments, orders in council and local-by-laws. It is a convenient way of regulating matters too detailed to be dealt with by legislation. Most instruments of purely local application are published. In a study carried out in Nigeria by Haruna and Mabawonku (2001) note that the three highest ranking types of information sought by lawyers were knowing 'the latest decisions of superior courts', knowing 'most recent legislation' and obtaining 'information on local and international seminars'. These legal information needs are met through a numbers of sources. Logan (1989), provides that the source of legal information is partly from law books of primary and secondary nature. Primary materials include acts of parliament, subordinate legislation and reputed decisions of courts and tribunals. Secondary materials include all types of legal literature that are formal records of law such as encyclopedia, digests, cases, textbooks, formats, dictionaries, indexes and bibliographies and e-legal information. In order to improve the design of acceptable legal information provision mechanism, there is need to develop a better understanding of lawyers' information seeking behaviour with existing systems and needs (Makri, et al., 2008). Generally, an accurate, in-depth identification of the legal information needs and information seeking behaviour of users is crucial in assessing the effectiveness of a library or information service in meeting its legal information and library training requirements.

Problems Accessing Legal Information

Lawyers like any other user, experience considerable problems in satisfying their information needs (Otiye and Mathews, 2000). 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 research (Kerins, Madden and Fulton 2004). Makri (2008) agrees when he argues that the information work carried out by lawyers can be complex, often involving finding and working with a wealth of different types of information. This 'wealth' of legal information spans different types of documents (e.g. law reports/legal cases, legislation, commentary articles, forms and precedents etc.), a wide range of legal topic areas and a range of jurisdictions (i.e. geographical areas to which the law applies). Unfortunately most High Court Libraries do not have a comprehensive law collection. Some

materials have considerable gaps which need to be addressed. It is difficult to obtain current issues of the unreported judgments of the superior courts (Otike, 2000 and Fowler, 2007). In most cases private practice attorney or lawyer spends a considerable amount of time looking for information due to sometimes lack of skills to access legal information. Sometimes the problems are with the information providers. Some Law firms do not provide an adequate information service. Greer and Hale (1982) assert 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 material. Unfortunately, the majority of information providers are passive or reactive. Legal information providers need to be both reactive and proactive in information provision if information needs of lawyers are to be met. This is because when an information user is not satisfied, the user may begin the information seeking process again or redefine the information need. This is time consuming. Information must be available whenever and wherever it is needed.

Methods of selecting legal information sources as a challenge

Another problem relates to the lawyers' method of choosing legal information resources. Lawyers do not tend to rank their information resources based on own perceptions or use firm criteria or mechanisms as a filter (Makri, et al., 2008). Filtering involves the "use of certain criteria or mechanisms when searching for information to make the information as relevant and as precise as possible" (Ellis and Haugan, 1997). Document and content filtering are a common behaviour amongst both teaching and research lawyers. Lawyers tend to filter based on the level of court in which a case was decided rather than the report series it was written in. Document and content filtering could either be direct or indirect. Makri, et al. (2008) argue that direct filtering involves looking at the actual content of a document when using certain criteria or mechanisms when searching to make the information as relevant and precise as possible. While indirect filtering is far more than direct filtering, involves using meta information about the content (such as a summary or a results list or snippet) when using these criteria or mechanisms. The ways indirect filtering is achieved include filtering by:

1. The level of court that a particular legal case was reported at.
2. The date that a particular case was heard, piece of legislation was introduced or amended and journal article was published.
3. The title of a particular legal journal article or piece of commentary or piece of legislation and the party names involved in a particular case.
4. The author of a particular legal journal article.
5. The source in which a particular legal journal article was published.
6. The head note or summary of a case or abstract or contents page of a journal article.
7. The keywords or index terms used to describe a legal case, piece of legislation, journal article or piece of commentary.
8. The context in which query search terms are mentioned within the document.
9. How many times search query terms are mentioned within the document.

Other criteria affecting access to legal information as a challenge

According to Makri, et al. (2008), to compound the problem of access, some Lawyers also select resources based on several criteria that were far less concrete (and far more subjective) than those employed when filtering. These include:

- i. The subject and nature of the content of the resource.
- ii. The structure of the content.
- iii. The perceived authority of the content.

- iv. The perceived comprehensiveness of coverage of the content.
- v. The perceived cost of accessing the content.
- vi. The perceived ease of use/simplicity of the resource
- vii. The perceived speed/time savings offered by the resource
- viii. Prior positive experiences that the user has had with the resource
- ix. The user's familiarity of the resource
- x. Whether the resource had been recommended by others or not (Makri, et al., 2008).

All in all, the information provider has to face the challenge of addressing these selection criteria. This implies that legal information providers need to have elaborate mechanism to determine the legal information needs, associated hindrances to access and ensure that there are handy means to access resources from any selection angle applied by Lawyers.

Methodology

The study employed a survey research design in which a structured questionnaire was used to collect the data reported in this study. Of the planned 75 participants, 50 participated giving a response rate of approximately 66.7 percent. Kampala, the capital city of Uganda was chosen as the area of the study because it is where the majority of the practicing lawyers are based. The questionnaire was pre-tested before administering it. Those who participated in the pre-testing did not participate in the main study. One researcher administered the questionnaire. Following the pre-testing, adjustments in wording and typing errors were made. Before analysis, the researcher undertook further quality checking of the entered data in the computer. Excel was used to carry out simple descriptive statistics.

Findings

Background information

In a bid to understand the respondents, some background information was established and is reported in Tables, 1, 2 and 3.

Job distribution of respondents

Table 1: Job Distribution/titles of respondents

Position	Frequency	Percentage (percent)
Attorney	3	6
Lawyer	35	70
Associate Attorney	12	24
Others	0	0
Total		100

Gender

Table 2 shows gender distribution of the respondents.

Table 2: Gender distribution of the respondents

Gender	Frequency	Percentage (percent)
Female	18	36
Male	32	64
Total	50	100

Experience

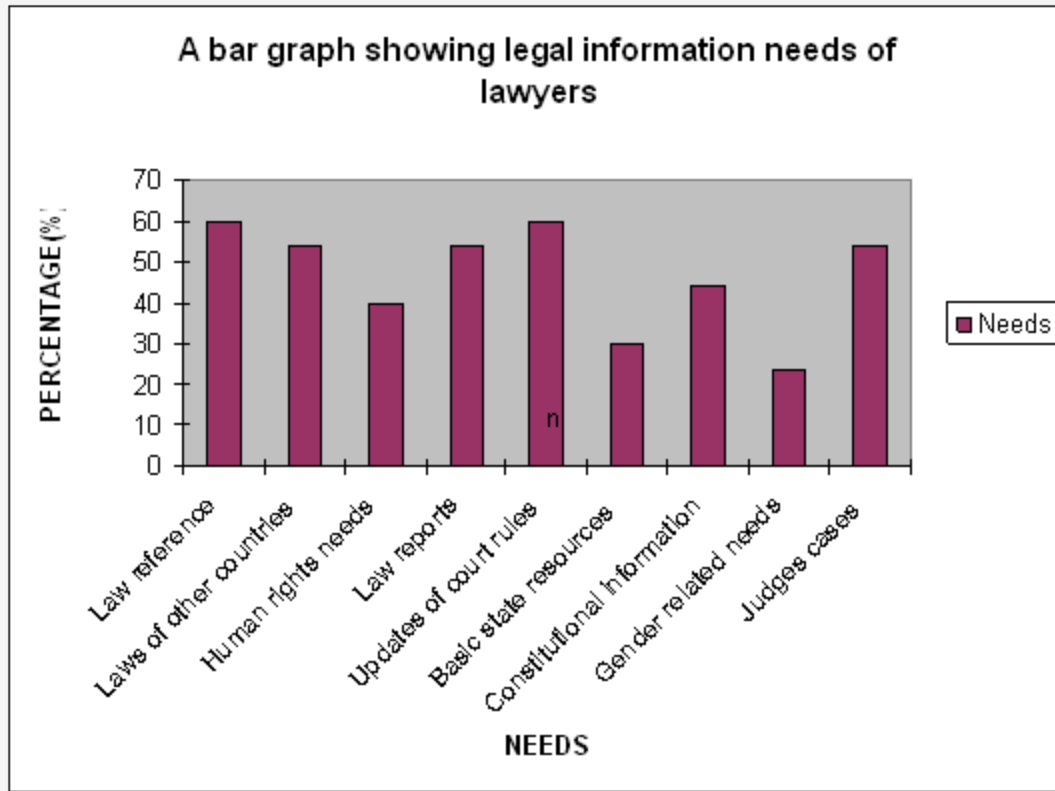
Table 3: Respondents experience

Time (year)	Frequency	Percentage (percent)
1-5	21	42
6-10	12	24
11-15	11	22
16-20	6	12
Total	50	100

Legal information needs

According to the study findings, 50 (100 percent) of respondents said that they need legal information. When they were asked to indicate the legal information they need, the results were as shown in Figure 1.

Figure 1: Legal information needs of the respondents



Problems Accessing Legal Information

Addressing hindrances to access to information is a fundamental issue if efficient and effective mechanism is to be put in place to facilitate access. However, this can only happen when the hindrances are known. Table 4 gives the identified problems hindering access to legal information by lawyers in Uganda.

Table 4: Problems faced in legal information access

Problem	Frequency	Percentage (percent)
Out dated information	34	68
Inadequate information materials	26	54
Incompetent information staff	4	8
Limited law libraries	20	40
Over delay in returning vital information materials	3	6
Inadequate time to search for information	18	36

Suggestions for the improvement of legal information access

According to the study findings, the respondents suggested as in Table 5.

Table 5: Suggestions to improve on legal information access to lawyers in Uganda

Suggestions	Frequency	Percentage
Updating law libraries collections	10	20 percent
Integration of ICTs to legal information provision	46	92 percent
Establishing more law libraries	15	30 percent
Provision of foreign laws and statutes	37	74 percent
Employment of Research Assistants with knowledge in both law and library and information studies	42	84 percent
Others	6	12 percent

Discussion

Information-seeking is an important part of lawyers' work and like many other professions; the legal profession need access to many dedicated legal information resources. The need for information is greatly influenced by the age and experience of a lawyer. It is argued that the older a lawyer and the more experienced she/he is in legal practice, therefore, the less she/he might need to consult information sources (Otiike and Mathews, 2000). Access to the right kind of legal information is viewed as the bedrock for judicial process success. Legal information is seen as a key element in delivering quality services to the population of any country. But accessing the right legal information depends on the knowledge of librarians/information providers of the legal information needs of practicing lawyers. According to the findings (Figure 1), Law reference; Laws of other countries; Law reports; Update of court rules and judge cases constitute the most needed legal information of lawyers and attorneys in Uganda. This concurs with what Huruna and Mabawonku (2001) established in Nigeria among the legal practitioners. In that study, Lawyers indicated that the latest decisions of superior courts constitute their greatest professional information need. Other expressed needs include knowing recent legislation. Much as there is a lot of agitation on gender issues world over, the lawyers in Uganda ranked information on gender related issues least (see Figure 1). This study was not able to determine why it is so. The relevance of determining the information needs is stressed by Thanuskodi (2009) who asserts that librarians must be aware of the kind of information being sought and how it can be obtained. This makes the determination of legal information needs of lawyers very crucial if relevant and accurate legal information is to be provided.

Regarding the problems, many respondents cited inadequate information materials; limited law libraries and out dated information materials as problems to their successful access and utilization to legal information. This agrees with what Otiike and Mathews (2000) established in Kenya. He found out that Information materials in a number of law collections in the area and, in particular, the Law Courts, are outdated and therefore, in desperate need of updating. The currency of information is very vital for an information user not only to the lawyers. It is thus imperative that information providers proactively deal with this problem. Although not the majority of the respondents, they indicated that there is inadequate time to search for information (See Table 4). Lawyers just like other information users are very busy people. This challenge goes to the information providers. Time is a precious commodity. How then should the perception that using the law library is prohibited by time be overcome? The argument on time shares our motivation of understanding users and their work in order to design systems to better support them. Demonstrating library services that save time – and marketing these services to the local legal community could help a lot. There is need for handy means of accessing information that do not consume a lot of time. When the library or information center is organised based on accurate information needs of the users, little time can be spent on information search. Another disturbing issue is lack of recognition by the Uganda Judiciary Administrators to recognise that there is problem in accessing legal information in Uganda. According to the statement from the Judiciary on the Constitutional day that appeared in the *New Vision* of 24 th October 2009 in which the Judiciary outlined the challenges faced, no mention of the problem of access to legal information by Lawyers in Uganda was done. This could be attributed to

ignorance of what is on the ground or little importance they attach to the vital need of lawyers accessing accurate information at the right time from the right place. The issue of lawyers accessing the right legal information is absolutely crucial for efficient and effective judicial performance if we are to promote good governance, accountability and justice. Justice delayed is justice denied.

Conclusion and Recommendations

A research that examines the information needs and access of particular professional groups in an effort to map their locating and use of information and to enhance information provision to those groups is of paramount importance (Kerins 2004). Lawyers are regarded as “hard core” users of information. This was evident when all participants accepted that they need access to legal information at all times. This implies that to make them succeed in their judicial processes, more serious and proactive ways of accessing legal information are required. This study thus based on study findings and literature review recommends as follow:

- Generally, the library is considered as the most heavily consulted information source for legal information. However, libraries do not fulfill their role in meeting the information needs of lawyers. Concerted efforts should be made by all legal information providers to ensure that there is adequate legal information. This could be through well organized partnership both at local and international levels. Law Libraries need to explore various alternative models of subscription and a consortium-based subscription might be an appropriate solution to providing access to relevant legal information resources if the problem is to be addressed. This will not only facilitate acquisition but also inter library lending where shortages are experienced.
- Proactive approach towards managing the Law libraries should be established among the Law Librarians. This will address the issue of currency of law literature based on real legal information needs of the legal practitioners. Related to the proactive approach is the increase of users' awareness of availability of legal information. A phone text alert system could be explored with a friendly telecommunication company in the country after registering all particular library users. The modern age of information explosion poses stiff challenges in providing the necessary information to users at the right time. Mobile technologies have made communication and information access very convenient and timely to users from the comfort of their homes and offices, and from wherever they are while on the move with their cellular phone units or personal digital assistants.
- The government of Uganda in the interest to promote justice and accountability should support legal information providers. No country is considered democratic and properly governed when the legal process is undermined. Critisms like poor legal disposition and delay in court rulings could be attributed to lack of access to current and needed information. These criticisms portray the government negatively both nationally and internationally. This should be avoided.
- Provision of foreign laws and statutes. By accepting the fact that Uganda was colonized by Britain, it is true that our way of doing things blends with theirs. In this case, through the provision of foreign laws it will help very well in comparisons on different legal issues.
- Full integration of ICTs in legal information provision. The benefits of ICTs in accessing information today cannot be questioned. In this information oriented world, the Internet has proved to be the easiest way of how to find information without much stress. ICTs are now becoming life-blood of businesses and legal information provision cannot avoid. This will help minimize the problem of inadequate time cited by some respondents because it will be faster to access legal information. But it is also imperative that the ICTs skills of legal practitioners first be established, and where necessary training conducted.
- Employment of Research Assistants with knowledge in both law and library and information studies. Legal practitioners should be encouraged to employ research assistants to help reduce in the problem of time. Knowledge of law and library studies is important in the recruitment.
- As argued by Makri, ... *et tal*, (2008), enhance support for accessing by making the access process and effects of access restrictions clearer to lawyers. Law libraries could include simple access instructions on the login page of digital law libraries that explain exactly what content the

user has access to, where they are able to access this content from and how to log in. Handy and friendly means of access would address partly the problem of selection criteria of information sources applied by Lawyers.

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