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**Information Behaviour  
of  
Kuwaiti  
Legal Professionals**

By

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A Doctoral Thesis  
Submitted in partial fulfilment of the requirement for  
the award of Doctor of Philosophy

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## Abstract

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This thesis reports results of a research study into the information behaviour of Kuwaiti legal professionals. The main aims of the research were to investigate the information behaviour and the information needs of Kuwaiti legal professionals, and examine whether the existing legal information sources and services meet their needs.

The theoretical framework for this research was derived from the investigation of information behaviour in general, and studies of legal professionals in particular. Wilson's (1996) model of information behaviour was also used to develop the conceptual framework of this research. This model takes into account four types of information seeking behaviour: active search, passive search, passive attention and ongoing search. This model helped in formulating research questions and hypotheses and the design of data collection methods. It was used also as a tool for organising the interpretation and discussion of the research findings.

The research methods were designed from a user-centred perspective, including using data collection methods that are supportive of user-centred research. Triangulation was used in data collection by the use of questionnaires, interviews and critical incidents technique. The participants of the research included legal academics, legal practitioners such as state lawyers, prosecutors and private lawyers, law librarians, legal publishers and legal database producers in Kuwait.

The results showed that a personal collection is the source used most by Kuwaiti legal professionals. The majority did not use electronic sources such as databases and the Internet. A large percentage also did not use law libraries. The majority of academics sought information themselves, whereas the majority of practitioners relied on the assistance of others. The majority of respondents had no training on the use of information sources. The majority also relied on internal communication as a channel for information exchange more than external communication.

The majority of respondents scanned between one or two journals, although journals should be among the major information sources for legal professionals. On the other hand, newspapers ranked first for serendipity for both academics and practitioners. New books were ranked as a first source by practitioners for updating information, whereas journals were ranked first for academics.

These results showed the information seeking problems of the legal professionals. This led to the development of the interface requirement for the design of a prototype Kuwaiti Legal Information System (KLIS) interface. The aim of the system was to provide relevant and up-to-date information, and links to other information sources and services in order to improve communication channels at both national and international level. The system also sought to be cost-effective. Finally, a heuristic usability evaluation was undertaken by consulting a number of experts on the system's usability and contents. Conclusions are drawn and recommendations for further research and to stakeholders are made.

**Keywords:** Kuwait, legal professionals, information behaviour, user studies, information needs, prototyping.

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*To my parents,  
Sharifah, my wife  
and  
Abdulaziz and Mshary, my  
sons*

# Table of Contents

---

Acknowledgements

Table of contents

List of figures

List of tables

List of acronyms

<b>Chapter 1</b>	<b>Introduction</b>	<b>1-7</b>
1.1	Preamble	1
1.2	Why this research was undertaken	3
1.3	Aims and objectives	4
1.3.1	Aims	4
1.3.2	Objectives	4
1.4	Context of the study	5
1.5	Significance of the study	6
1.6	Definitions of terms	7
1.7	Organisation of the study	7
<b>Chapter 2</b>	<b>Kuwaiti Judicial and Legal System</b>	<b>10-25</b>
2.1	Introduction	10
2.2	Law and Society	10
2.3	Law disciplines	11
2.4	Law and assistant sciences	11
2.5	The Legal System	12
2.5.1	Structure of the court system	13
2.5.2	The Prosecution System	14
2.6	Sources of Law	15
2.6.1	The Kuwaiti Constitution	15
2.6.2	Legislation	16
2.6.3	Islamic Law	17
2.6.4	Tribal traditions and local customs	17
2.7	The legal profession	18
2.7.1	Private lawyers	18
2.7.2	Legal counsel	19
2.7.3	Lawyers in government	20
2.8	Legal education	20
2.9	The literature of Kuwaiti law	22
2.9.1	The Constitution	22
2.9.2	The Statutes	22
2.9.3	Judicial Precedent	23
2.9.4	Law journals	23
2.9.5	Law books	24
2.9.6	Reference works	25
2.9.7	Newspapers	25
2.10	Summary	26

<b>Chapter 3</b>	<b>Literature Review</b>	<b>27-65</b>
3.1	Introduction	27
3.2	User studies: a brief history	27
3.3	Information seeking models	29
3.3.1	Concepts	29
3.3.2	Kuhlthau's model (1991)	31
3.3.3	Ellis's model (1989)	32
3.3.4	Dervin's sense-making model (1992)	34
3.3.5	Belkin's ASK model (1980)	35
3.3.6	Leckie et al. model	36
3.3.7	Wilson's model (1996)	39
3.3.8	Spink's Model (1993)	42
3.3.9	Ingwersen's model (1996)	44
3.4	Information seeking behaviour	46
3.4.1	Introduction	46
3.4.2	Studies of legal professionals	47
3.4.3	Work Roles	48
3.5	Information needs of legal professionals	50
3.6	Accessing legal information sources	52
3.6.1	Primary and secondary legal materials	52
3.6.2	The role of the Library	53
3.6.3	Personal collections	54
3.6.4	Communication	56
3.6.5	Conferences and meetings	57
3.6.6	Use of ICT	57
3.6.7	Need to access information sources	59
3.7	Legal information sources training	59
3.7.1	Introduction	59
3.7.2	The situation in the UK	59
3.7.3	The situation in Kuwait	62
3.8	Use of Intermediaries	63
3.9	Problems in information provision	64
3.10	Summary	65
<b>Chapter 4</b>	<b>Research Design</b>	<b>67-105</b>
4.1	Introduction	67
4.2	The research framework	67
4.2.1	The study model	69
4.3	Research questions and hypotheses	75
4.4	Research design	78
4.4.1	Previous research strategies	78
4.4.2	Research strategy	83
4.4.3	Pre-testing and pilot study	84
4.5	Questionnaire design	88
4.5.1	Questionnaire distribution and data collection	93
4.5.2	Field work obstacles	94
4.6	Interview	93
4.6.1	Interview schedules	97
4.6.1.1	Legal professionals	97
4.6.1.2	Law librarians	98

4.6.1.3	Legal databases producers	100
4.6.1.4	Legal publishers	100
4.7	Critical incident technique	100
4.8	Observation	101
4.9	Population and sampling procedures	102
4.10	Data analysis	104
4.10.1	Quantitative data	104
4.10.2	Qualitative data	105
4.11	Summary	105
<b>Chapter 5</b>	<b>Questionnaire Analysis</b>	<b>107-143</b>
5.1	Introduction	107
5.1.1	Presentation of Results	107
5.2	Results and analysis	108
5.2.1	Response rate	108
5.2.2	Respondents' Characteristics	109
5.2.2.1	Position	109
5.2.2.2	Academic qualifications	110
5.2.2.3	Working experience	110
5.2.2.4	Nationality	110
5.2.2.5	Age	111
5.2.2.6	Gender	111
5.2.3	Information needs	112
5.2.3.1	Reasons for information seeking	112
5.2.3.2	Legal information needs	113
5.2.3.3	Non-legal information needs	114
5.2.3.4	Results of significance tests	114
5.2.4	Legal information sources	115
5.2.4.1	Law libraries	116
5.2.4.2	Training on information sources	118
5.2.4.3	Need to access information sources	119
5.2.4.4	Results of significance test	120
5.2.5	Use of Intermediaries	120
5.2.5.1	Type of assistance	121
5.2.5.2	Results of significance tests	122
5.2.6	Personal collections	122
5.2.6.1	Types of material	123
5.2.6.2	Organisation of personal collection	123
5.2.6.3	Results of significance tests	124
5.2.7	Communication	125
5.2.7.1	Internal communication	125
5.2.7.2	External communication	126
5.2.7.3	Forms of communication	127
5.2.7.4	Results of significance tests	128
5.2.8	Conferences and meetings	128
5.2.8.1	Attending conferences and meetings	128
5.2.8.2	Reasons for not attending	130
5.2.8.3	Awareness about conferences and meetings	130
5.2.8.4	Organisational membership	132
5.2.8.5	Membership benefits	133

5.2.8.6	Results of significance tests	133
5.2.9	Incidental information acquisition	134
5.2.9.1	Journal scanning behaviour	134
5.2.9.1.1	Results of significance tests	135
5.2.9.2	Information obtained by chance	135
5.2.9.2.1	Results of significance tests	136
5.2.9.3	Information updating	137
5.2.9.3.1	Results of significance tests	138
5.2.10	Information obstacles and improvements	139
5.2.10.1	Information obstacles	139
5.2.10.1.1	Results of significance tests	140
5.2.10.2	Information improvements	141
5.2.10.2.1	Results of significance tests	142
5.3	Summary	143

## **Chapter 6 Interview Analysis 145-176**

6.1	Introduction	145
6.2	Law libraries	146
6.2.1	Overview	146
6.2.2	Collections	146
6.2.3	Resources	147
6.2.4	Services	148
6.2.5	Staffing	149
6.2.6	IT applications	150
6.3	Legal publishers	150
6.3.1	Publication types	150
6.3.2	Form of publications	151
6.3.3	Subscription policy	152
6.3.4	Search aids	152
6.4	Legal database producers	152
6.4.1	Scope	152
6.4.2	Subscription policy	153
6.4.3	Primary elements	154
6.4.4	Indexing policy	154
6.4.5	Searching features	156
6.4.6	Database forms	157
6.4.7	Databases evaluation	157
6.5	Legal professionals	158
6.5.1	Information needs	158
6.5.2	Information sources	160
6.5.2.1	Library use	160
6.5.2.2	Personal collections	161
6.5.2.3	Communication	163
6.5.2.4	Use of ICT	166
6.5.3	Use of intermediaries	168
6.5.4	Information obstacles	170
6.5.4	Information improvements	172
6.6	Critical incident	174
6.7	Summary	176



<b>Chapter 7</b>	<b>KLIS Prototype Design and Evaluation</b>	<b>178-201</b>
7.1	Introduction	178
7.2	Why this prototype was developed	179
7.2.1	Prototype objectives	181
7.2.2	Intended audience	181
7.3	System design	182
7.3.1	Information gathering	182
7.3.2	Prototyping	182
7.3.2.1	Mock-up prototype	183
7.3.3	Interface building	184
7.4	Prototype features	185
7.4.1	Legal databanks	185
7.4.2	eLaw library	186
7.4.3	Discussion forum	187
7.4.4	Legal professionals' directory	189
7.4.5	What is new	191
7.4.6	Links	193
7.5	Additional features	193
7.5.1	Professional experience	193
7.5.2	Special links	195
7.6	Prototype evaluation	195
7.6.1	Usability heuristic test	196
7.7	Evaluation analysis	197
7.7.1	Visibility of system status	197
7.7.2	Match between system and the real world	198
7.7.3	User control and freedom	198
7.7.4	Consistency and standards	199
7.7.5	Error prevention	199
7.7.6	Recognition rather than recall	199
7.7.7	Flexibility and efficiency of use	200
7.7.8	Aesthetic and minimalist design	200
7.7.9	Error recovery	200
7.7.10	Help and documentation	201
7.8	Summary	201
<b>Chapter 8</b>	<b>Discussion</b>	<b>202-236</b>
8.1	Introduction	202
8.2	Information needs	202
8.2.1	Legal information needs	203
8.2.2	Non-legal information needs	204
8.3	Information sources	205
8.3.1	Electronic sources	206
8.3.2	Law libraries	208
8.3.3	Personal collections	210
8.3.4	Communication	212
8.3.5	Conferences and meetings	215
8.4	Use of intermediaries	217
8.5	Information acquisition	220
8.5.1	Journal scanning behaviour	220
8.5.2	Serendipity	222



8.5.3	Information updating	222
8.6	Further discussion	224
8.6.1	Legal information sources training	225
8.6.2	Need to access information sources	227
8.6.3	Information obstacles	228
8.6.4	Possible information improvements	232
8.6.5	The Legal Information System prototype	233
8.7	Appropriateness of the adopted research design	235
8.8	Research limitations	236

## **Chapter 9 Conclusions and Recommendations 238-248**

9.1	Introduction	238
9.2	Conclusions	238
9.2.1	Information needs	238
9.2.2	Information sources	239
9.2.2.1	Law libraries	239
9.2.2.2	Personal collections	240
9.2.2.3	Communication	240
9.2.2.4	Conferences and meetings	241
9.2.2.5	Legal information sources training	241
9.2.2.6	Need to access information sources	241
9.2.3	Use of intermediaries	242
9.2.4	Information acquisition	242
9.2.4.1	Scanning	242
9.2.4.2	Serendipity	243
9.2.4.3	Information updating	243
9.2.5	Information obstacles	243
9.2.6	Information improvements	244
9.3	Recommendations	244
9.3.1	Law librarians	244
9.3.2	Legal educational institutions	245
9.3.3	Decision makers	246
9.3.4	Legal professionals	247
9.3.5	Recommendations for implementation of KLIS	247
9.4	Future research	248

## **Bibliography 250-308**

### **Appendices**

## List of Figures

---

1.1	Overview of the research process	9
3.1	Nested model of conceptual areas (Wilson, 1999)	30
3.2	Dervin's sense-making framework (Wilson, 1999)	35
3.3	A model of the information seeking of professionals (Leckie et al., 1999)	38
3.4	Wilson's model (1996)	42
3.5	Model of the IR interaction process (Spink, 1997)	44
3.6	Model of the IR process (Ingwersen, 1996)	45
4.1	Model of the information behaviour of Kuwaiti legal professionals	70
4.2	Model of active search	74
5.1	Distribution of information sources used by academics	116
5.2	Distribution of information sources used by practitioners	116
5.3	Distribution of materials in personal collections	123
5.4	Distribution of preferred methods of organising collections	124
5.5	Methods of hearing about conferences and meetings	131
5.6	Distribution of ways in which information was obtained by chance	136
5.7	Distribution of sources for information updating	138
5.8	Distribution of information problems by academics	140
5.9	Distributions of information problems by practitioners	140
5.10	Distribution of suggestions for improvements in the legal information services and resources	142
6.1	Document indexing in the <i>legal encyclopaedia</i>	155
7.1	Main menu content	185
7.2	Legal databanks	186
7.3	eLaw library content	187
7.4	Discussion forum content	188
7.5	Thread details	189
7.6	Legal professionals' directory	190
7.7	Professional entry form	191
7.8	What is new content	192
7.9	Images for legal book and software	192
7.10	Links content	193
7.11	Professional experience feature	194
7.12	Professional experience data entry form	194
7.13	Special links content	195

## List of Tables

---

3.1	Some UK law schools integrating ICT through their curriculum	61
4.1	Previous methods used for the investigation of the information seeking behaviour of legal professionals	81
4.2	Pre-testing and pilot phases	85
4.3	Comments and actions taken as a result of questionnaire pre-testing and pilot study	87
5.1	Overall response rate	109
5.2	Position distributions	109
5.3	Academic qualifications	110
5.4	Distribution of working experience	110
5.5	Nationality distributions	111
5.6	Age distributions	111
5.7	Gender distributions	111
5.8	Reasons for information seeking by legal academics	112
5.9	Reasons for information seeking by legal practitioners	112
5.10	The need for legal information	113
5.11	Type of non-legal information	114
5.12	T-test TOT1 by type (1,2)	115
5.13	Use of law libraries by legal academics	117
5.14	Use of law libraries by legal practitioners	117
5.15	Legal academics' training on the use of information sources	118
5.16	Legal practitioners' training on the use of information sources	118
5.17	Need to access information sources	119
5.18	Situations when there was no need to access information sources	119
5.19	T-test for TOT2A, TOT2B, TOT2C AND TOT2D by type (1,2)	120
5.20	Do you seek information yourself?	121
5.21	Frequency of assistance used by legal practitioners	122
5.22	T-test TOT3 by type (1,2)	122
5.23	T-test TOT4B1 and TOT4B2	125
5.24	Internal communication by legal academics	126
5.25	Internal communication by legal practitioners	126
5.26	External communication by legal academics	127
5.27	External communication by legal practitioners	127
5.28	Form of communication	128
5.29	T-test TOT5A and TOT5B	128
5.30	Attending national conferences/meetings	129
5.31	Attending international conferences/meetings	130
5.32	Reasons for not attending	130
5.33	National organisational memberships	132
5.34	International organisational memberships	132
5.35	Benefits of memberships	133
5.36	T-test TOT6A, TOT6B, TOT6C, and TOT6D by type (1,2)	134
5.37	Number of journals scanned on a regular basis	135
5.38	T-test TOT7 by type (1,2)	135
5.39	T-test TOT8 by type (1,2)	137
5.40	T-test TOT9 by type (1,2)	138
5.41	T-test TOT11 by type (1,2)	141



5.42	T-test TOT12 by type (1,2)	142
6.1	Size of collections	146
6.2	Size of periodical collections	147
6.3	Estimated number of daily legal users	148
6.4	Distribution of library staff	149
6.5	Distribution of legal publications	151
6.6	Kuwaiti databases scope	153
6.7	Form of databases	157

## List of Acronyms

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ALT	Association for Learning Technology
ASK	Anomalous State of Knowledge
BIALL	British and Irish Association of Law Libraries
BILETA	British and Irish Law Education and Technology Association
BLRDD	British Library Research and Development Department
CAL	Computer Assisted Learning
CAS	Current Awareness Services
CCDPC	Centre of Court Decision Programming and Classification
CD-ROM	Compact Disc-Read Only Memory
CLEO	Clinical Legal Education Organisation
CPD	Continuing Professional Development
CRUS	Centre of Research in User Studies
DFEE	Department For Education and Employment
HTML	Hypertext Mark-up Language
ICT	Information Communication Technology
IIU	International Islamic University
IR	Information Retrieval
ISP	Information Search Process
JISC	Joint Information Systems Committee of the UK Higher Education Funding Councils
KILJS	Kuwait Institute of Legal and Judicial Studies
KFAS	Kuwait Foundation for the Advancement of science
KLIS	Kuwaiti Legal Information System
LOLDL	Legal Opinion and Legislative Department Library
PC	Personal Computer
PIAT	Public Institute of Applied Science and Training
PJLL	Palace of Justice Law Library
POGAR	Programme on Governance in the Arab Region
QAA	Quality Agency for Higher Education
RDN	The Resource Discovery Network
SDI	Selective Dissemination of Information
UK	United Kingdom
UKCLE	UK centre for Legal Education
ULL	University Law Library
UNDP	United Nations Development Programmes
WWW	World Wide Web

# Chapter 1

## Introduction

---

### 1.1 Preamble

Information is lifeblood for legal professionals. In common with other professionals, information is important for legal professionals, especially as law is an information intensive profession (Wilkinson, 2001). Legal professionals depend heavily on nuggets of relevant, precise and timely information for success (Haruna and Mobawonku, 2001). They need to have access to information for everything they do, such as to advise or represent a client in court; to give a judgement in court; or for lectures and research (Otiike, 1997). Otiike says that legal professionals, unlike scientists, do not have equipment to conduct experiments, but depend on words and information that are produced in a variety of media. Hong (1992, p.106), noted:

*Legal professionals not only contribute to the realisation of justice through the settlement of legal disputes, but also to the improvement of the legal system through research. Principally, their legal practice and research are based on legal data.*

This is evident from cases when an advocate, whether a barrister or a solicitor, is immune from action for negligence by his client in respect of his conduct and management of a case in court (Hong, 1992). In Kuwait, lawyers are penalised by the court and the Bar when they fail to perform their professional duties as lawyers. Indeed, these duties are common to all the lawyers in the world. According to the Model Rules of Professional Conduct for American Lawyers (Rule 1.1, Competence) under Client-Lawyer Relationship Rules (Kepple, 2001):

*A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.*

Thus, access to a wide variety of information is crucial to lawyers' work (Leckie et al., 1996). The work of legal professionals is demanding both in terms of time and effort, and anything less than perfection is likely to affect or influence the final outcome negatively. Clearly, court decisions have a significant effect on the people involved, and to some extent, the administration of justice (Otike, 2000). Certainly, information needs to be accessible for legal professionals and needs to be available for them in the right form at the right time.

New developments in ICT have provided legal professionals with tools to permit fast access to information, enable the organisation of this information, and could help in repackaging and disseminating information to others. Also, ICT provides legal professionals with administrative systems to manage the work done in their firms.

However, in developing countries, such as Kuwait, the scarcity of information in general and of legal information in particular, has serious implications for legal professionals in fulfilling their duties. Non-availability of adequate and up-to-date information will result in ill-informed professionals who are not in touch with current developments (Otike, 1997).

Kuwait has just attempted to plan in preparation for the country to become part of the Information Age through government work programmes (Ministry of Planning, 2000). Part of this plan includes the Minister of Planning's decision to establish a National Committee for Information and Statistics<sup>1</sup>. The main aim of this committee is to provide a national strategic plan for setting up and developing comprehensive information domains in different sectors in the country. Because the legal profession is fundamental part of this society and their legal information dissemination affects directly the administration of justice, this study is an attempt to contribute to this Government effort.

---

<sup>1</sup> Minister of Planning Decisions no. 32/1994 and 48/1994.



## 1.2 Why this research was undertaken

There is no doubt that information is important for the development of societies. A study about information provision in Kuwait, sponsored by the Kuwait Foundation for the Advancement of Science (KFAS), found that not enough attention has been paid in Kuwait to the production and organisation of information to make it easily available and accessible to end users (KFAS, 2000). An important part of the information provision process is to understand and analyse the information needs of end users. The KFAS study found that a large percentage (36.1%) of the Kuwaiti information departments in government and non-government sectors have a low level of understanding or knowledge of the importance of information. Furthermore, in 2000 Kuwaiti information staffs were only 2% of the total Kuwaiti manpower in the government sector (Ministry of Planning, 2000).

The KFAS study ended with a number of recommendations. One of them was that there is a need for an integration of efforts on the part of Kuwaiti society together with government sectors for the improvement and development of information acquisition and provision in Kuwait. In addition, Al-Humood (1998) claimed that the structure of information in Kuwait gives rise to a number of problems. Among these is the fact that there is no special institute to disseminate and distribute information. She states that these problems have a negative effect on and frustrate those who search for information.

A number of judicial and legal reform projects have been established in the Arab region by the United Nations Development Programmes (UNDPs) (Hunaidi, 2002) through the Programme on Governance in the Arab Region (POGAR). These projects focus on increasing efficiency in the courts, improving access to justice, and improving the legal and judicial professions. Dr. Hunaidi (2002), UNDP Director for the Regional Bureau for the Arab States, outlines a number of challenges. Among them is a lack of information sharing in judicial and legal affairs, as well as the quality of judicial and legal training. She puts forward ideas to improve access strategy by the UNDP which include increasing the legal and judicial information available for judges, lawyers, prosecutors and public defenders. She also noted that legal information should be



disseminated widely within the legal community so the operators of the justice system know what the rules are and what national and international thinking is.

In addition, a conference on Judicial Administration Modernisation in the Arab States was held in Marrakech from 15-17 March 2002. This made a number of recommendations (POGAR, 2002), among which is to improve access to legal and judicial information and to promote better access to information.

In view of the importance of information and to contribute to this effort in Kuwait, the researcher was further convinced that such an initiative is also important for legal professionals to succeed in their role in the administration of justice in the country. In Kuwait, there is always gap between identifying information needs and satisfying them (Ministry of Planning, 2000). Therefore, it was decided to investigate their information needs and information behaviour. Another important part of this study is to investigate the available legal information services and sources. Without an understanding of such information behaviour, no research study will be able to optimise access to, and satisfy users' needs for, information. Kuwait lacks such studies that examine information problems (Ministry of Planning, 2000).

### **1.3 Aims and objectives**

#### **1.3.1 Aims**

The main aims of this study are to investigate the information behaviour and the information needs of Kuwaiti legal professionals, and examine whether the existing legal information sources meet their needs.

#### **1.3.2 Objectives**

The study's objectives are:

1. To investigate the information needs of Kuwaiti legal professionals.

2. To investigate what kinds of legal information sources are used by such legal professionals and the extent to which the existing legal information sources meet their needs.
3. To identify the other sources that contribute to their information acquisition.
4. To identify the problems of legal professionals in accessing and acquiring information.
5. To identify necessary improvements for such legal information sources and services.
6. To recommend strategies and practical solutions for the improvement of legal information sources and services for such legal professionals.

## 1.4 Context of the study

This study explores the information behaviour of Kuwaiti legal professionals. Here, information behaviour is defined as:

*“The totality of human information behaviour in relation to sources and channels of information, including both active and passive information seeking, and information use. Thus, it includes face-to-face communication with others, as well as the passive reception of information as in, for example, watching a TV advertisement, without any intention to act on the information given.” (Wilson, 1999).*

For the purpose of this investigation, legal professionals are defined as legal academics and legal practitioners such as lawyers, prosecutors and state lawyers. The main purpose behind selecting this group of legal professionals is that they are considered to be the main axis of the legal system in the country. It is likely that these professionals are heavy users of legal information. For example, legal academics are responsible for legal education. Law graduates will become lawyers, prosecutors, state lawyers, legal scholars, etc., and therefore, the level of legal academics’ learning and training on seeking information will affect their students in their future careers one way or another.

Legal practitioners, on the other hand, are involved directly in the administration of justice. They participate in court, advise clients, conduct legal transactions, etc., and therefore, if there is an inadequate availability of legal information sources and services, this will result in the production of ill-informed professionals who are not in touch



with current legal information. This will, in turn, affect the administration of justice and ultimately society.

The data were collected through questionnaire, interview and critical incident (See Chapter Four). Follow up interviews were also held with legal academics, and legal practitioners. In addition, interviews were conducted with law librarians, legal publishers and legal databases producers. The purpose of these interviews was mainly to examine and explore the existing situation of legal information services and sources and identify their problems in meeting the information needs of legal professionals.

The findings of the study were used to develop a Legal Information System prototype as a possible practical solution. This aims to satisfy the information needs of legal professionals through providing legal information services and sources and providing a channel for exchanging information and knowledge.

## 1.5 Significance of the study

There has been relatively little published on the information behaviour of legal professionals. Otike (1999) noted that few examples have been documented in major bibliographies and that many of these studies appear in the form of theses and dissertations. Wilkinson (2001) also claimed that even the available studies did not investigate information seeking but tended, rather, to verify the sources of information used by lawyers in legal research. Also, only a few studies, for example (Leckie, 1996; Kulthua and Tama, 2001; Wilkinson, 2001) have attempted to model the information behaviour of legal professionals.

Furthermore, the majority of these studies concentrate on legal professionals in countries which have adopted the Anglo-American legal system; none of these studies concern countries such as Kuwait that use the Latin system. As these two systems have vital differences in the sources of their laws and the construction of their legal system, the information behaviour of the legal professionals could possibly be different.

This study makes an attempt to model the information behaviour of legal professionals in Kuwait, a country which has adopted the Latin legal system. It also aims to project

future requirements and to propose recommendations and practical solutions for the future of legal information sources and services. The findings of this study will point to important issues in the information sources and services for such legal professionals to help improve the available sources and services in Kuwait. The study is the first study, to the best of the author's knowledge, that investigates the information behaviour of Kuwaiti legal professionals or that offers a prototype of a legal information system for them. This study also will produce base line data, which will be very helpful for future studies in this area.

## 1.6 Definitions of terms

Some terms are used throughout this study. They are:

*Legal professionals:* members of the Kuwaiti legal profession who have obtained basic law qualifications.

*Legal academics:* members of the teaching staff at any legal education institutions in Kuwait where this study was undertaken.

*Legal practitioners:* legal graduates working variously as lawyers, state lawyers, legal counsels, prosecutors, and judges. It denotes professionals practising law.

## 1.7 Organisation of the study

Figure 1.1 on page 9 gives an outline of the thesis. **Chapter One** is a general introduction to the research and identifies the research problems, its aims and objectives, and the significance of the study.

**Chapter Two** provides overviews of the legal system in Kuwait, the legal profession, the jurisdiction, and the available legal information services and sources.

**Chapter Three** reviews the literature of previous studies on the information needs and information behaviour of legal professionals.



**Chapter Four** covers the research design and presents a review of the major research strategies used in the study of information needs and information seeking behaviour of legal professionals. It also presents and discusses a conceptual framework for the study, as well as the methods which were used in the collection and analysis of data. Their advantages, disadvantages and the reasons for selecting these methods are also discussed. The population and the methods used in selecting the sample for the study are considered and finally, a data analysis methods is explained.

**Chapter Five** reports the analysis and results of the questionnaire completed by legal academics and legal practitioners.

**Chapter Six** presents the results of the interviews and critical incidents conducted with legal academics and legal practitioners, law librarians, legal publishers, and legal database producers. The interviews were initiated to examine the existing situation of legal information services and sources in Kuwait.

**Chapter Seven** provides an overview of the design, implementation and evaluation of the Kuwait Legal Information System (KLIS) prototype as a practical solution.

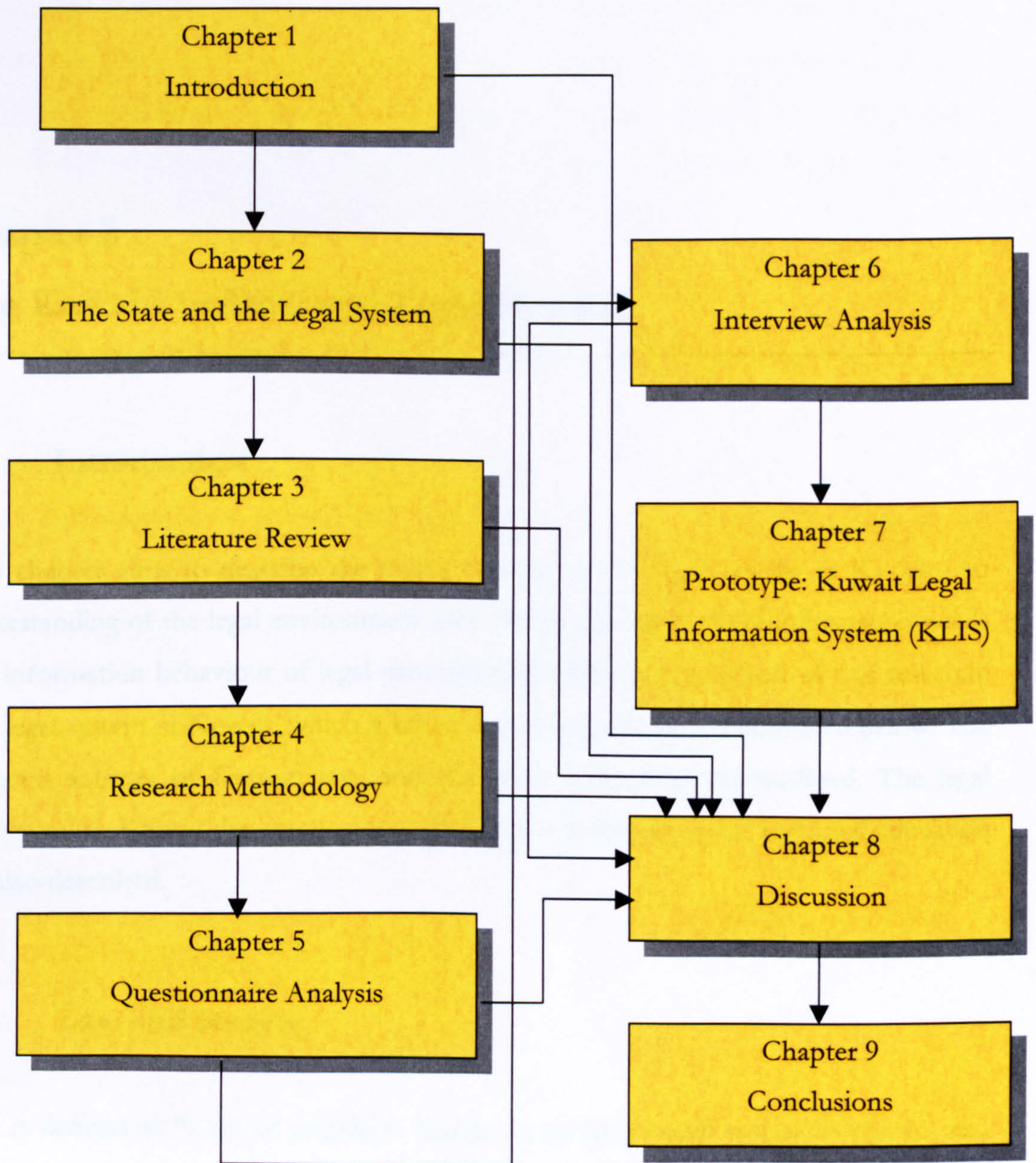
**Chapter Eight** offers a discussion regarding the main findings of the study, the KLIS prototype and the research design.

**Chapter Nine** summarises the study conclusions, recommendations and possible areas for future research.

**The Bibliography:** contains a record of the literature used in this study, including both cited and uncited literature.



Figure 1.1: Overview of the research process





## Chapter 2

# The Kuwaiti Judicial and Legal System

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### 2.1 Introduction

This chapter aims to describe the major features of the legal system in Kuwait. An understanding of the legal environment is crucial in the study of the information needs and information behaviour of legal professionals which is the subject of this research. The legal system of Kuwait, which is based on the Latin model, is described below. The different sources of Kuwaiti law, and the judicial structure are outlined. The legal profession in Kuwait, its composition, qualification, development, and legal education are also described.

### 2.2 Law and Society

Law is defined as “a set of principles that is set up by a social system to control and corporate individual behaviour and relationships” (Kyrah, 1993). The law is an important means of organising society as it defines the obligations and duties of individuals and organisations. People are naturally social in their behaviour and in the vast majority of cases cannot live isolated from others. They therefore live in a society in which social, political and economic relationships are established. These relationships cannot be organised for everyone in society according to his/her own needs or priorities otherwise there would be confusion and disorder and control would be only in the hands of strong and powerful people (Otheman, 1973).



Therefore, laws are essential to the organisation of our lives; without them, life would be very different (Kyrah, 1993).

As prescribed by the constitution<sup>2</sup>, “Kuwait is a fully independent Arab state with a democratic style of government, where sovereignty rests with the nation, which is the source of power”. The system of government is based on the separation of powers, although co-operation is required by the constitution. The legislative authority is vested in the Prince (Amir) of Kuwait and the national assembly, while executive power is vested exclusively in the Prince and his Cabinet and Ministers.

### 2.3 Law disciplines

Legal jurisprudence has divided the law into two categories, as follows:

- General law, which governs the relationships between the state, as it has authority, and society.
- Private law, which governs the relationships between individuals in society.

According to Kyrah (1993), this division is accepted by modern jurisprudence, as it differentiates between the authorities and individuals in society. Also, this division is recognised by information professionals, as Havez (1991) pointed out in her study of the bibliographic control of legal publications in Egypt.

### 2.4 Law and assistant sciences

Law, as a subject, belongs to the humanities group because it deals with subjects created by human will and not by nature (Hjazy, 1972). Law, as described by Kyrah (1993), has a relationship with the humanities and social sciences such as sociology, psychology and history.

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<sup>2</sup> Article 6 of Kuwait Constitution.



Law depends on sociology in identifying social facts; it is part of society, and drafting and applying the law should be based on this fact. The legislator should do his/her best to evaluate the effect of his/her legislation on society (Kyrah, 1993).

Psychology is used in estimating criminal purpose, which is a factor to consider regarding conviction. It is also used in determining the value of testimony and in determining the criminal responsibility of the suspect for the crime, as well as if he/she can be excluded from the case or is innocent of the crime for pathological reasons (Hjazy, 1972).

Legal principles have been developed over long periods of history. So, in order to understand current law, it is necessary to study the historical stages of the legal system. Current legislation and legal systems can be seen as continuous developments from the past to the future.

Although law belongs to the humanities, this does not mean that it has no connection with the natural sciences. Indeed, the law is greatly helped by these sciences when there is a need, such as where forensic science is required.

## 2.5 The Legal System

The Kuwaiti Legal System is based on Civil Law Jurisdiction. Kuwaiti laws are derived from the Egyptian laws, which are, in turn, derived from French law. There are statutes in the civil system that the courts are required to apply and enforce. However, in the criminal law, judges cannot refer to any source of law other than statutes. If the conduct is not specifically punishable by a statute, then the judge cannot create a punishment. This constitutional principle is mentioned in Article 32 of the constitution,<sup>3</sup> and is reconfirmed by the criminal code.<sup>4</sup>

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<sup>3</sup> Article 32 of the Constitution states, "no crime and no penalty may be established except by virtue of law, and no penalty may be imposed except of offences committed after the relevant law has come into force."

<sup>4</sup> Article 1 of the Criminal Law No. 16/1960 states, "no act will be criminalized, and punished only if it is stated by the law."

Laws are hierarchically classified in the Kuwaiti legal system. The written constitution is the supreme law, and all other legislation must conform to its content or a problem of constitutionality will arise.<sup>5</sup> The right to decide whether the provision conforms to the constitution is vested in the Constitutional Court established by law No.14/1973. The Kuwaiti constitution guarantees the independence of the judiciary, as well as the right of all persons to resort to courts.

### 2.5.1 Structure of the court system

Justice is considered essential and one of the pillars of the Kuwaiti society. Article 7 of the Constitution explains the importance of justice.<sup>6</sup> The concept of the independence of the judiciary is assured in the principle of separation of powers, which is adopted in Article 50<sup>7</sup> of the constitution. This asserts that no authority shall have any power over the judge in the determination of cases.<sup>8</sup>

Litigation in Kuwait is pursued on three different levels: the Court of First Instance, the Higher Court of Appeal and the Court of Cassation. All cases are first heard at the Court of First Instance in the appropriate division. The courts in Kuwait are divided into six main divisions: Personal Status, Criminal, Civil, Commercial, Leases and Administrative. There are also Special Courts of First Instance for labour disputes and traffic cases.

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<sup>5</sup> Article 1 of the Law Establishing the Constitutional Court 14/1973 states, “the established constitutional court will be the sole competent to interpret the constitutional texts, decides in the cases relative to the constitutionality of laws, Law Decrees, rules, the contestations relative to the election of National Assembly members and the validity of their membership. The judgement taken by the constitutional court bound every one and all the courts”

<sup>6</sup> Article 7 of the Constitution states, “justice, liberty and equality are the pillars of society; co-operation and mutual help are the firmest bonds between citizens.”

<sup>7</sup> Article 50 of the constitution states, “the system of Government is based on the principle of separation of powers functioning in co-operation with each other in accordance with the provisions of the constitution. None of these powers may relinquish all or part of its competence in this Constitution.”

<sup>8</sup> Article 136 of the Constitution states, “in administering justice judges shall not be subject to any authority. No interference whatsoever shall be allowed with the conduct of justice. Law shall guarantee the independence of the Judiciary and shall state the guarantees and provisions relating to judges and the conditions of their irremovability.”

The levels of courts are as follows:

#### *Court of First Instance*

This is the nucleus of the Kuwaiti legal system as it has the jurisdiction and the competence to adjudge civil and commercial disputes, such as those which concern tenancy status and personal, labour and administrative issues, and those which are outside the jurisdiction of the Court of Summary. It also decides on criminal cases, appeal misdemeanours according to law and lawsuits of more than 1000 KD or of unestimated value; its ruling in such cases is final.

#### *Court of Appeal*

This has jurisdiction over the appeal rulings of the Court of First Instance in pursuance of the law.

#### *Court of Cassation*

This is the Supreme Court of Kuwait. It contributes efficiently in establishing legal rules, and in unifying, interpreting and applying laws. It also has circuits to decide on challenges by cessation in civil and commercial articles and in cases of personal, penal and administrative status. The head of court, his deputy or the senior judge chairs each circuit.

Most of the main courts are located in the Palace of Justice in Kuwait City, but there are also local courts situated in different areas; these rule in disputes that do not exceed KD 5,000.

### **2.5.2 The Prosecution System**

Kuwait follows the *niyaba* system in which the investigation and prosecution of crimes is a judicial function. The Attorney General heads the *niyaba* which is judicial in character. It is directed by a judiciary appointed by the Minister of Justice and approved by the Supreme Judicial Council. In addition, the Supreme Judicial Council forms a special and independent *niyaba* for the Court of Cassation. However, lesser crimes are investigated and prosecuted by the police (Amin, 1991).



## 2.6 Sources of Law

Article 1 of the Kuwaiti Civil Code of 1980 states that:

*Legislative provisions apply to the matters to which such provisions relate, both expressly and by implication.*

If there is no legislative provision, the judge pronounces judgement in accordance with custom. If there is no custom, the judge deduces his opinion by taking guidance from the dictates of Islamic jurisprudence (fiqh), mostly in accord with reality and in the interests of the country.

This 1980 legislative text, together with the provisions of the Kuwaiti constitutional law (1962), means that the primary sources of Kuwaiti law are as follows:

- Constitutional law
- Legislation
  - Amiri Decrees
  - Delegated Legislation
  - Rules of Construction
  - Judicial Precedents
- Islamic law
- Tribal traditions and local customs.

### 2.6.1 The Kuwaiti Constitution

The constitution of Kuwait is a written one, laid down by a constituent assembly of 20 members elected by the people. 11 ministers were added to these from an outside assembly. These ministers refrained from voting on the constitutional articles while they were in the process of being passed in the constituent assembly as they wished the elected members alone to do this. Preparation and discussion of the articles of constitution took almost 6 months. On 11/1/1962, the will of Kuwait's Amir, the deceased Sheikh Abdullah Al Salem Al-Sabah, corresponded with that of the people's

representatives and the draft constitution was ratified as drawn up by the representatives without any amendment to its articles (Amin, 1991). The constitution came into force on 29/1/1963 when the first Kuwaiti National Assembly convened.

The Constitution of the State of Kuwait is based on democratic principles and combines the positive aspects of both the presidential and parliamentary systems prevalent in advanced democratic countries. The pillars of the Constitution are the sovereignty of the State, public freedom, and equality before the law. It is composed of 183 articles divided into five chapters:

- The state and the system of government
- The basic components of Kuwaiti society
- General rights and duties
- Authorities
- General and provisional statutes

### 2.6.2 Legislation

Legislation refers to all written laws passed by specialised public authority to represent obligatory legal principles (Abozied, 1977). These forms of legislation in Kuwait are described as follows:

#### *Prince (Amiri) Decrees*

According to the constitution, a 50 member national assembly must promulgate legislation. Once a bill or a draft of law has been approved by this elected body, it gains the force of law after royal assent.

#### *Delegated Legislation*

Most laws and Amiri Decrees provide for delegated legislation in the form of ministerial regulations and by-laws (Amin, 1991).

#### *Rules of Construction*

As explained by Amin (1991), if there is a specific law that is applicable to any given area of law, such as commercial transactions, maritime contracts, insurance, banking

and security deals, the specific law takes precedence over the general principles contained in the Civil Code.

### *Judicial Precedents*

The Kuwaiti system is not a common law system but, according to Sultan (1983), judicial precedent provides legal principles that could be useful in filling the gaps of law. For instance, in commercial and civil law cases, judges can examine precedents.

### 2.6.3 Islamic Law

Islamic Law or 'Sharia' is not the main source of Kuwait's legislation. However, according to the Constitution (Article 18), it is the main source of inheritance<sup>9</sup> and family law<sup>10</sup> and governs the dominant social pillar of family life, regarding issues both during life and after death. There are four primary sources a judge can refer to in the Sharia: These are the Quran, the Sunna (*the Prophet's tradition*), the Consensus of Muslim Jurists (*Ijma*), and Analogy (*Qiyas*) or reasoning (*Aql*) (Al-Ayoub, 1990).

Beside these four primary sources, there are supplementary sources of Islamic law. These include '*Al-Istihsan*' or the deviation on a certain issue from the rule of a precedent to another rule for a more relevant legal reason that requires such deviation. '*Al-Istislah*' also allows for an unprecedented judgment motivated by public interest to which neither the Quran nor the Sunnah explicitly refer (Al-Ayoub, 1990).

### 2.6.4 Tribal traditions and local customs

According to Amin (1991), tribal traditions and customary practices are informal and unwritten sources of law alongside the formal sources. Article 1 of the Civil Code of 1980 indicates that such customary law is applicable only when the law is silent on a topic. This article was included to avoid conflicts within the written sources of law.

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<sup>9</sup> Article 18 of the Kuwaiti Constitution states, "Inheritance is a right governed by Islamic Sharia."

<sup>10</sup> Family Law No 15/1984.



## 2.7 The legal profession

The Kuwaiti legal profession comprises people who have a law degree and are working as legal researchers in the legal government departments, private lawyers, legal counsel, and in the judicial sector such as prosecutors and judges. The reason most law graduates work in the government sector is because it provides more opportunities for them than the private sector. There are small numbers who have PhDs and Masters in law working in legal education such as the Law School at Kuwait University, with some of them practicing law part-time.

### 2.7.1 Private lawyers

Most law firms consist of a one-man office and a supporting staff of one or more Arab experts. Over the years, a handful of small practices have grown into medium-sized law firms, consisting of two or three Kuwaiti partners with six or more experts advisers and several supporting staff. As it is still a fairly young profession, it has had to rely on experienced Arab experts, many of whom are well qualified, experienced, and who have a good reputation in their own countries.

Lawyers who have the right of audience before the courts of law should satisfy a number of conditions. Among these are:

- They must have a law degree.
- They need to serve a two-year apprenticeship with a practising advocate.
- They must be Kuwaiti nationals.

The Ministry of Justice issues the successful applicants with a licence through a supervisory board. The supervisory board comprises the most senior judges and the Prosecutor General; four practising Kuwaiti lawyers formally vet and permit entry of applicants onto the roll of Kuwaiti attorneys.

According to Article no.6 of legislation no.62/1996 regarding the organisation of the attorneys' profession, lawyers should register in four schedules as follows:

- Schedule A for lawyers under training.
- Schedule B for lawyers admitted to pleading in the Court of First Instance.
- Schedule C for lawyers admitted to pleading in the Court of Appeal.
- Schedule D for lawyers admitted to pleading in the Court of Cassation and the Supreme Court.

Any new lawyers should register in Schedule A for a training period of two years. Later on, if this period is successfully completed, he/she will be moved to register in Schedule B. If the new lawyer was working before as a prosecutor, state lawyer, or in a government legal department or a law school, this working experience will be included in the training period.

Lawyers will stay in Schedule B for three years before being able to move to Schedule C where they will stay for a further three years before being able to move to Schedule D.

Foreign lawyers may only appear in a specific case with the permission of the Ministry of Justice. Lawyers who are citizens of members of the states of the Gulf Co-operation Council may also appear on a reciprocity basis.

Private lawyers, such as any profession in the world, undertake the duties listed below:

- Advising and informing clients on legal issues
- Litigating in cases on behalf of their clients and following up these cases
- Offering legal aid to the needy
- Representing clients and taking care of their interests
- Administering their law offices.

### 2.7.2 Legal counsel

Legal counsel can set up practice advising their respective corporate and individual clients on various aspects of law, but have no right of audience to appear before the



courts of law because they are not Kuwaiti nationals. Most of these works as in-house counsel in government and non-government legal departments.

### 2.7.3 Lawyers in government

These are law graduates in the employment of government sector organisations; they have the right to serve both as in-house advisors to government departments and organisations, and as legal researchers. Standing before courts for the government ministries and institutions is possible for state lawyers in the Legal Advice and Legislation Department. This department is an independent department and is subordinate to the Council of Ministers according to its constructing law no.12/1960. The department is specialised on the following:

- Providing legal advice to the Counsel of Ministries, ministries, government departments, and government bodies such as public authorities.
- Drafting legislation decrees, acts and regulations on behalf of the ministries of the government.
- Reviewing articles of incorporation for joint stock companies and amending such.
- Presenting cases according to the regulations to certain committees such as the Central Tender Committee and the audit bureau.
- Representing the Government, public authorities and corporations in litigation in courts of law and arbitration tribunals.
- Revising contracts into which the government will enter and submitting legal advice accordingly.
- Drafting agreements, treaties and contracts involving government ministries and departments.

## 2.8 Legal education

In order to meet the need for an increased number of graduate legal professionals in the country, the College of Law at Kuwait University was founded in 1967. The

College comprises four departments: International Law, Private Law, Public Law and Criminal Law. Since its establishment, the law school has worked on achieving the following objectives (Law School, 2003):

- Fulfilling the needs of society in providing specialised legal staff to take up roles in legal sectors such as in prosecution, judicial and legal departments, and in working as legal investigators etc.
- Working on spreading legal knowledge in society by conducting legal and cultural awareness campaigns, by publishing research and articles, and by organising educational programmes via television and radio.
- Working on conducting legal training programmes for legal professionals.
- Encouraging writing and publication in different law disciplines.
- Providing help to different government departments in the preparation and drafting of new laws.

The legal programme at the law school consists of legal courses and training programmes, such as training for the bar. At present, no courses are offered in ICT or carrying out legal research. This deficiency in the programmes is certain to affect students' skills in the acquisition of information. However, the law school established a graduate programme in 1993 to cope with developments in the educational programmes of the university and to satisfy the needs of legal professionals in continuing their legal education. In 1998 this graduate programme had divided to two programmes, one for Private Law and other for General Law. Courses in these two programmes are divided into four compulsory courses and six options. Similar to the undergraduate degree in law, there is no courses on ICT and/or legal research methods.

In 1994, the Kuwait Institute of Judicial and Legal Studies was established according to the Amir's Decree No. 37. According to this decree, the institute has the following objectives:

- Preparing and training legal professionals in practical terms.
- Consolidating the experience of legal professionals, increasing their efficiency in practising law.



- Rehabilitating and training of assistant staff on practical legal issues such as legal procedures.
- Conducting special training programmes for the legal staff in government departments and institutions.
- Enhancing research and study in legal and judicial disciplines by conducting symposiums and seminars.

The Law School's dean is one of the KIJLS Board Committee<sup>11</sup>. There is no written co-operation protocol between the Law School and the institute. As indicated by the Training Director of KIJLS, this co-operation is informal, e.g., assistance from law school academic staff in teaching.

## 2.9 The literature of Kuwaiti law

### 2.9.1 The Constitution

The Constitution was published in 1962. All legislative acts must conform to its provisions.

### 2.9.2 The Statutes

Kuwaiti legislation is contained in a set of volumes entitled *Altsbriat Alkuwaitiyah* (Kuwaiti Legislation). The number of volumes in this set increases from time to time based on the legislation passed by parliament. All acts passed by parliament, including acts of amendment, are bound in such volumes, to provide a complete record of laws passed in one year. These annual legislation publications provide a valuable information source for legal professionals.

The Department of Legal Advice and Legislation publishes *Kuwaiti Legislation*. These items are also published in the official government magazine, *Al-Kuwait Alyoum*. This magazine is a weekly publication which comes out on Sundays. It provides information

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<sup>11</sup> According to Minister of Justice Decision no. 270/2001.

about new government contracts, notices, programmes, etc. The magazine also carries legislative supplements in the form of *Amiri decrees*. Therefore it is also an important source of information for legal users because it contains the latest legal information.

### 2.9.3 Judicial Precedent

Judicial precedent is a body of law which contains high court decisions. These court decisions identify legal principles determined by the high courts. Legal principles are important for legal professionals in dealing with relevant cases, as these constitute one of the law sources.

High court decisions in Kuwait are published in two publications issued by the Supreme Court through the Ministry of Justice. These are the *Digest of Legal Principles by the Supreme Court*, which is issued every two years, and the *Journal of Justice and Law*, which is issued every six months. Recently, these publications have also been published in CD-ROM form.

In addition to the above reported court decisions, legal professionals also seek access to some unreported court decisions. This is because some court decisions take a long time to be published or are never published at all. These unreported court decisions can be obtained by legal professionals, especially lawyers, through their colleagues or through the court itself.

### 2.9.4 Law journals

Law journals are an important source of new information for legal professionals. In Kuwait there is a number of published law journals. Among these are:

#### *Journal of Law (Mijlat Al-Hqiq)*

*The Journal of Law* is an academic and refereed periodical which accepts original contributions in Arabic, French and English. The journal pertains to publications concerning research and studies, commentary on judicial verdicts, reports of symposia



and scientific seminars, and book reviews. It has been published by the Law School at Kuwait University since 1977.

*The Lawyer (Mijlat Al-Mohami)*

This journal is a practitioner title issued by the Kuwaiti Lawyers' Association. It is a periodic and refereed journal which accepts contributions only in Arabic. It publishes legal articles, reviews and studies on a variety of legal issues which are selected by the journal's editorial board for the interest of legal users, especially lawyers. It has been published since 1976.

*Journal of Legal Advice and Legislation (Mijlat Al-Fatwaa w/ Tashreea)*

This journal has been published by the Department of Legal Advice and Legislation every year since 1980. Its contents consists of research and studies, legal articles, commentaries on court decisions and legislation, and high court decisions only in Arabic. It also contains an index for all legislation that has been issued in the country in the year of publication.

*Journal of Justice and Law (Mijlat Al-Qtha'a W/ Qanoun)*

This is a periodical issued by the Technical Office of the Supreme Court (Ministry of Justice). It publishes Supreme Court judgements with commentaries. This journal has been published since 1975.

### 2.9.5 Law books

Very few law books are published in Kuwait. The reason is that books are considered to be a secondary source of information. They tend not to be used as a tool for updating information because of the length of time they take to be published. As Otiye (1997) noted, however, they are extremely important in reviewing the principles and practices of the law. Moreover, Kuwaiti legal professionals depend on law books coming from other countries, such as Egypt, as Egypt has a similar legal system and is well-known for its legal publications.

### 2.9.6 Reference works

The most widely used reference works used by Kuwaiti legal professionals are legal digests that contain sets of legislation and court decisions. Other reference materials, such as legal encyclopaedias or dictionaries, are rarely used or published. The only local dictionary that could be found in Kuwait is the *Kuwait Dictionary of Law* (English-French-Arabic). The reason for this is that there is rarely a use for texts in languages other than Arabic in Kuwaiti judicial and legal procedures.

### 2.9.7 Newspapers

In recent years, newspapers have developed specialised legal pages. These pages provide legal information that highlights important issues for the reader. Such publications offer legal articles and reviews, commentaries, important legislation, legal problems, etc. Kuwait has five dailies in Arabic and all of these cover legal issues.

These are namely:

- *Alwatan*
- *Alraiialaam*
- *Alqabas*
- *Alsyasseh*
- *Alanbaa*

In addition, two dailies are published in English, namely:

- *The Kuwait Times*
- *The Arab Times*

A number of these daily newspapers are published through the Internet, but overall there is a lack of legal publication in electronic form. The available legal databases are discussed in Chapter Six.



## 2.10 Summary

In order to understand the information needs of legal professionals, it is first important to know under what circumstances these professionals qualify and work, as well as understanding what kind of information is available and also required.

Furthermore, the law is a dynamic entity: new legislation is being introduced all the time in response to changing circumstances and new challenges are frequently made to existing statutes. As a result, the needs of those working within the legal professions are constantly shifting and in need of updating. With the global economy, many professionals may also need to be aware of, and familiar with, the laws of other nations. It seems clear from the examination in this chapter that more sources of readily accessible and electronic information are needed in Kuwait for its legal personnel.

Moreover, the profession is a growing one, with increasing numbers of Kuwaiti law professional each year. According to the 2001 *Annual Statistical Review* (Ministry of Planning, 2001) the number of professionals including economists is 7,755. There is no specific number for the size of the legal profession itself, but it can be assumed that the number is increasing because the law school was established in 1967. This in itself is an important development considering the large number of experts working in legal environments inside the state. Information that can be quickly and efficiently accessed is evidently a vital aid if the profession is to function adequately in a changing world.

## Chapter 3

### Literature Review

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#### 3.1 Introduction

This chapter reviews studies of legal professionals, their work roles and tasks where information needs arise, the types of information needs they have, the information sources they use to satisfy these needs, and their use of intermediaries. Legal professionals' use of IT will be also reviewed.

The chapter starts with a brief discussion of the history of user studies. It then reviews some important conceptual models of information behaviour.

#### 3.2 User studies: a brief history

User studies can be traced back to the Royal Society Scientific Information Conference of 1948 (Wilson, 1994, p.17). At this conference, Urquhart (1948) presented research findings from a study of the distribution and use of scientific and technical information. At the same conference, Bernal (1948) reported the results of a survey of scientists about their use of scientific literature.

Wilson (1994, p.17) noted that the field broadened out following the Royal Society Conference from the study of library systems to the study of the behaviour and attitudes of information users in general. The Royal Society Conference was followed up ten years



later by the International Conference on Scientific Information: Area 1 of this was devoted to 'Literature and reference needs of scientists: knowledge now available and methods of ascertaining requirements' (Wilson, 1994, p.18). Siatri (1999, p.133) noted that:

*Earlier user studies were mainly related to scientists involved with biochemistry, medicine, engineering, physics etc. The high concentration of user studies in these sciences can be partially attributed to the fact that the publication of professional and scientific information in these disciplines was much more developed at the time in comparison with the humanities. This resulted in the earlier development of information handling tools like abstracts and indexes.*

One of the most important pieces of research in the 1960s was a series of studies related to psychologists between 1963 and 1969 conducted by the American Psychological Association (Siatri, 1999). In the 1970s, this extended to other disciplines to involve the use of more sophisticated sociological techniques focusing on system-oriented studies and was characterised by the increasing number of studies on cognition and behaviour. These included studies by Belkin (1978), and Corkill and Mann (1978).

In 1976, the British Library Research and Development Department (BLRDD) funded the establishment of the Centre for Research in User Studies (CRUS) at the University of Sheffield (Wilson, 1994 and Siatri, 1999). Between 1985 and 1989, this department was funded by the University of Sheffield itself. One of the most important publications from CRUS was a study conducted by Ford (1977) which provided a guide in defining the scope of user studies, and suggesting a hypothesis about the behaviour of information consumers.

Later, in the 1980s, user studies research, such as that carried out by Belkin (1980), Dervin (1983), and Ellis (1987), covered more and more disciplines, and user studies started to give another dimension to the concept of information needs through modelling the information seeking behaviour of different groups of users. In the 1990s, researchers, for example, Perry (1995) and Bruce (1995), used qualitative methods to study user behaviour on the Internet.

Recently, some researchers have enhanced their modelling of information seeking. Kuhlthau (2001), for example, studied the information search processes of lawyers, while other models were developed by Wilkinson (2001) in his work on the information

sources used by lawyers in problem solving. He suggested a model based upon Leckie et al. (1996). Some of these models are outlined below. Moreover, information researchers increased their interest in incidental information acquisition through scanning, browsing, serendipity, etc. and how it related to information seeking and retrieval. Such behaviour was reviewed by a number of researchers, such as Erdelez (1997), Case (2002), Bates (2002) and Foster and Ford (2003).

### 3.3 Information seeking models

#### 3.3.1 Concepts

This section aims to describe a number of important models of information seeking together with an outline of their major limitations. Wilson (1999, p.250) noted the importance of models in studies of information seeking behaviour:

*A model may be described as a framework for thinking about a problem and may evolve into a statement of the relationships among theoretical propositions. Most models in the general field of information behaviour are of the former variety: they are statements, often in the form of diagrams, that attempt to describe an information seeking activity, the causes and consequences of activity, or the relationships among stages in information seeking behaviour.*

Pettigrew et al. (2001) reviewed major conceptual frameworks in information behaviour for their significance for user studies' research. Wilson (1999) distinguishes between information behaviour, information seeking behaviour, and information searching behaviour. He claims that these three terms capture the essence of what used to be called user studies. He suggests that the three are related and are nested one into the other, so that information behaviour is defined as the totality of human information behaviour in relation to sources and channels of information, including both active and passive information seeking, and information use. (See Figure 3.1 below.)

Thus, this includes face-to-face communication with others, as well as the passive reception of information as in, for example, watching a TV advertisement, without any intention to act on the information given. The most common terms used to describe such accidental encounters with information are browsing, scanning or serendipity (Case, 2002). This type of information behaviour was investigated and reviewed by a number of information researchers, such as Erdelez (1997) and Foster and Ford (2003). Erdelez

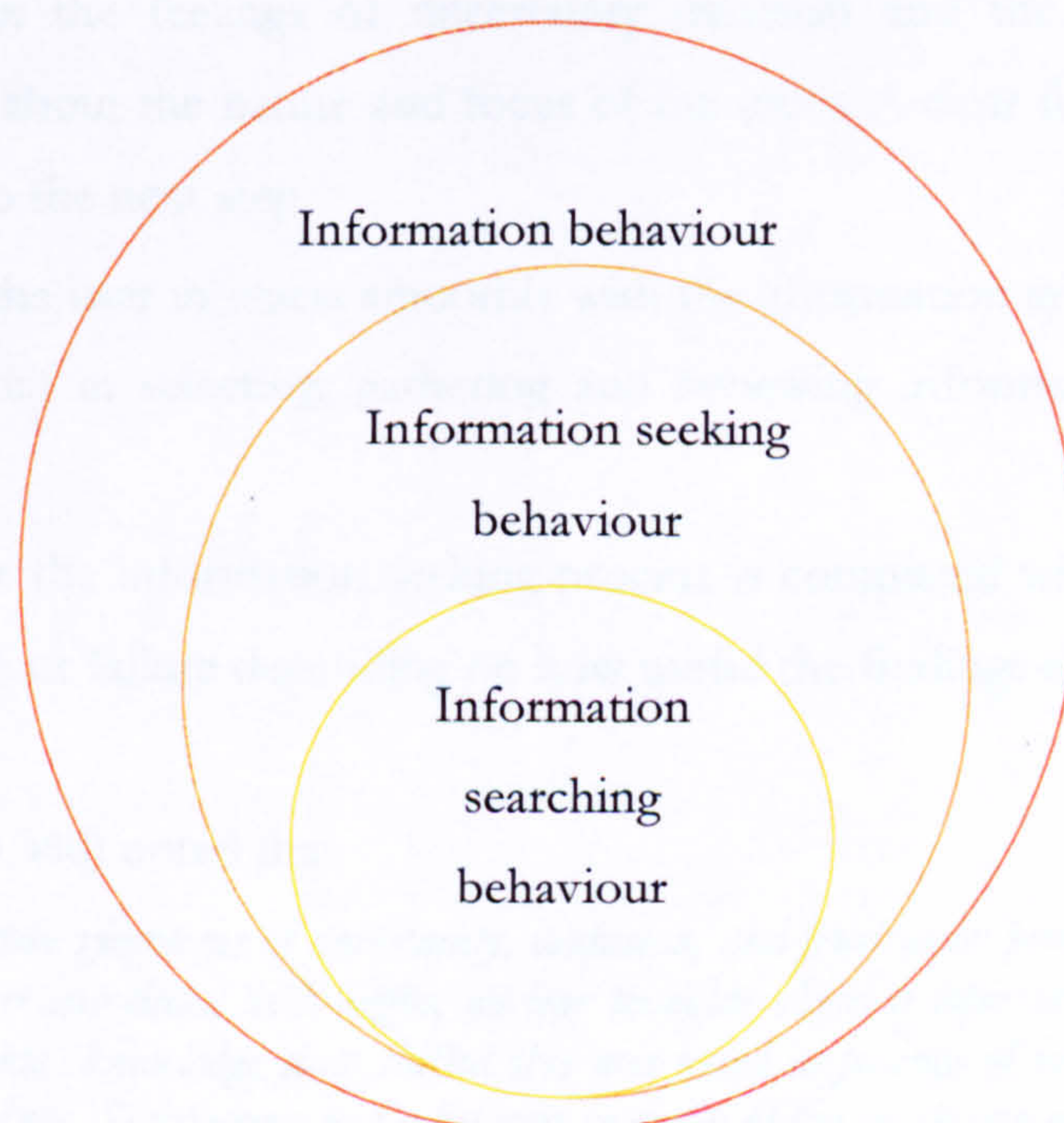


used the term “information encountering” to describe the distinctive type of information acquisition that can occur when an individual is browsing or scanning the information environment. Bates (2002, p.7) describes it as being passively available to absorb information, but not seeking it out. She argues that it is “browsing and being aware of ways we find information that we do not know we need to know”.

Information seeking behaviour is the purposive seeking of information as a consequence of a need to satisfy certain requirements (Wilson, 1999). In the course of seeking, the individual may interact with manual information systems (such as a newspaper or a library), or with computer-based systems (such as the World Wide Web). Wilson indicates that information searching behaviour is the ‘micro-level’ of behaviour employed by the searcher in interacting with information systems of all kinds, of which textual IR systems are an example.

In view of the differences between these terms, this study adopts the information behaviour concept. This is conceptualised in terms of all the ways in which information comes to people (Bates, 2002). It also captures a broader range of information-related phenomena, and is “a term whose time has come” (Case, 2002, p.76).

**Figure 3.1: Nested model of conceptual areas (Wilson, 1999)**





### 3.3.2 Kuhlthau's model (1991)

Kuhlthau (1991) suggested a model of the Information Seeking Process (ISP) incorporating the affective and cognitive aspects exhibited by users. This model was based on the results from a series of five studies investigating the common experience of users in information seeking situations. The model consists of six stages by incorporating the related aspects of affective feelings, cognitive thoughts and physical actions into each stage. The six stages are outlined below:

- *Initiation*: the recognition by individuals that they lack knowledge or understanding. It is characterised by "a feeling of uncertainty" and a need to recognise or connect new ideas to existing knowledge.
- *Selection*: the identification and choice of the initial topic. This is grounded with general feelings of optimism following identification of the most useful areas of inquiry.
- *Exploration*: the investigation to extend personal understanding and reduce the feelings of uncertainty and confusion about the topic and the process. This stage involves gathering information that is general to the topic, rather than information that is specific. According to Kuhlthau (1991, p.366), the user is "becoming oriented and becoming sufficiently focused about the topic to form a focus or a personal point of view".
- *Formulation*: the feelings of uncertainty diminish and the user is increasingly confident about the nature and focus of the topic. A clear focus enables the user to move to the next step.
- *Collection*: the user interacts smoothly with the information systems (e.g. librarians, friends, etc.) in selecting, gathering and reviewing information on the focused topic.
- *Presentation*: the information seeking process is completed with a feeling of either confidence or failure depending on how useful the findings are.

Kuhlthau (1991, p.368) noted that:

*The affective symptoms of uncertainty, confusion, and frustration prevalent in the early stages were associated with vague, unclear thoughts about a topic or problem. As the participants' knowledge state shifted this was noted in feelings of increased confidence and certainty. Satisfaction and relief were common at the conclusion of the ISP.*



Recently, Kuhlthau has shown the applicability of the model to the study of lawyers (Kuhlthau, 2001). This model is important as it suggests that the user is an active participant in the information search process. On the other hand, it describes the information seeking from an active point of view only, and presents the information seeking as a one directional act to find information rather than how to use this information.

### 3.3.3 Ellis's model (1989)

Ellis (1989, 1993), Ellis et al. (1993) and Ellis and Haugan (1997) proposed and elaborated a general model of information seeking behaviour based on studies of the information seeking patterns of social scientists, physicists, chemists and engineers. According to Ellis and Haugan (1997), Ellis's model of the information seeking, includes the following categories:

- *Starting* refers to the activities that form the initial search for information, identifying sources of interest that could serve as starting points of the search. These include familiar sources that have been used before, as well as less familiar sources that are expected to provide relevant information. While searching the initial sources, other sources are likely to be suggested.
- *Chaining* refers to the activities when the user follows footnotes and citations in known materials, or other forms of referential connections between materials. Chaining can be backward or forward. Backward chaining takes place when references from initial source are followed, and forward chaining identifies and follows up other sources that refer to an initial source or document, i.e., citation researching.
- *Browsing* is semi-direct searching in an area of strong and potential interest. Browsing takes place in many situations in which related information has been grouped together according to subject affinity, as when the user scans books on a shelf or reads the contents page of a journal.
- *Differentiating* is using differences between information sources as a way to filter and select information by noticing differences between the nature and quality of the information offered. For example, social scientists were found to prioritise sources and types of sources according to three main criteria: by substantive

topic; by approach or perspective; and by level, quality or type of treatment (Ellis, 1989). The differentiation process is likely to depend on the individual's prior or initial experiences with the sources.

- *Monitoring* refers to the activities of keeping up-to-date with developments in an area by regularly following particular sources.
- *Extracting* refers to the activities of systematically working on identifying related materials through a particular source. Directly consulting the source, or indirectly looking through bibliographies, indexes or online databases achieve this.
- *Verifying* refers to the activities concerned in checking the accuracy of information.
- *Ending* refers to the activities which typify the conclusion of the information seeking process, such as building final summaries and organising notes.

Ellis et al. (1993, p.359) noted that:

*The models do not attempt to define the interactions and interrelationships between the categories or the order in which they are carried out. The nature of the relationship between the features of the models can only be described in relationship to specific information seeking patterns... it is possible to describe relationships between the features at a general level, the exact relationship of the features of the models depend upon the circumstances associated with the information seeking behaviour of a particular individual at a particular time.*

Later on, Ellis and Haugan (1997) adopted the idea of *surveying* rather than *starting*. This includes the more specific activity of acquiring an overview of a new domain field or consulting key people in the field. Also, *differentiating* was changed to *distinguishing*. This includes noting the channel where information comes from. Furthermore he added *filtering*, which means the use of personal criteria or mechanisms to increase information precision and relevancy such as using keyword or title searching. With these enhancements, the model is generalised to cover IR systems in which relevance ranking and filtering techniques are widely used to improve precision and recall.

The main difference between Ellis's model and Kuhlthau (1991) is that Ellis considers that the order of behavioural activities may be changeable depending on users, but Kuhlthau specifies information seeking in the order of its stages, regardless of the users (Wilson, 1999).



### 3.3.4 Dervin's sense-making model (1992)

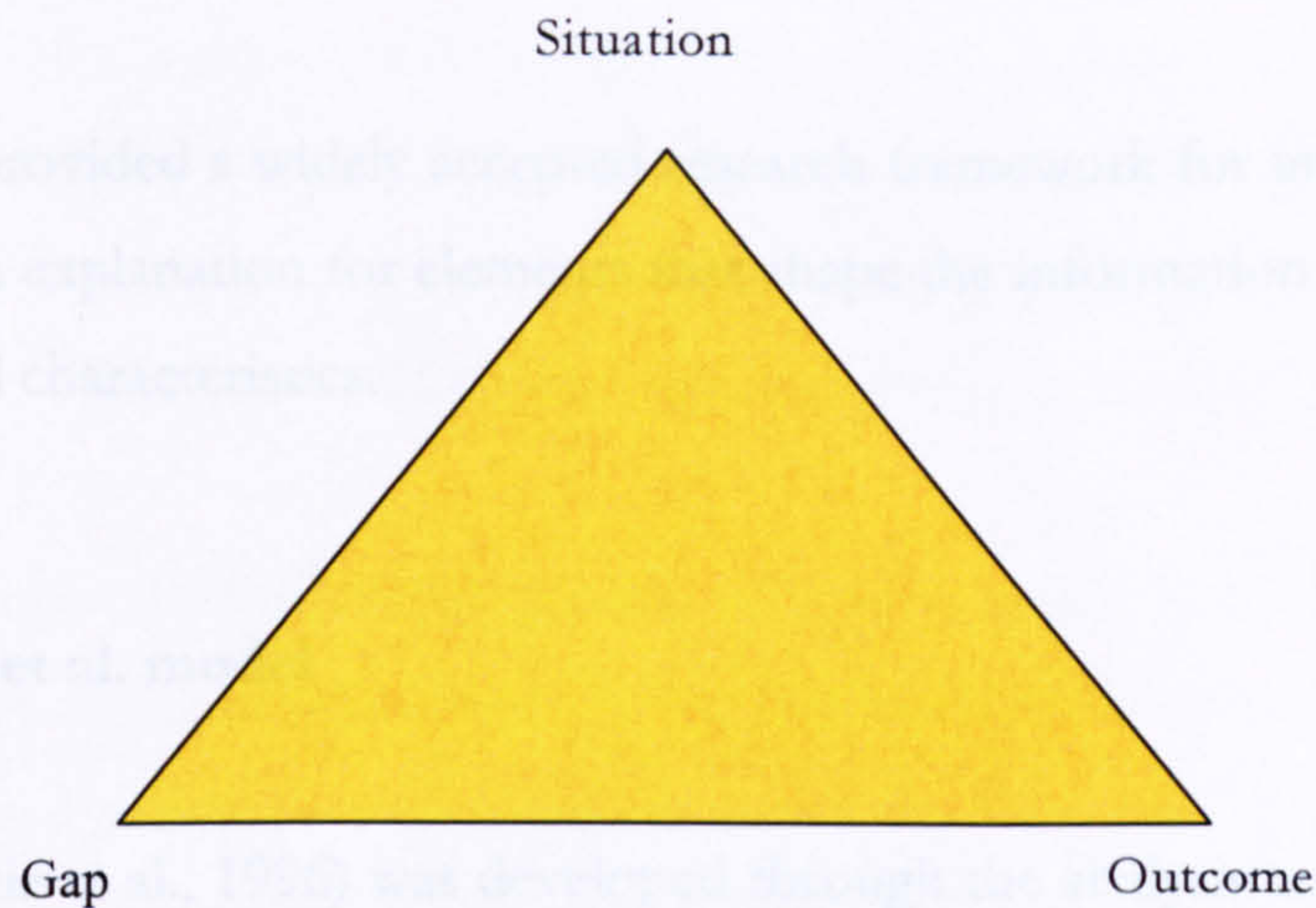
The sense-making model (Dervin, 1992) was built and developed theoretically over a number of years to provide explanations for information needs in specific contexts. It describes how information needs arise and are finally resolved at the end. The model consists of the following elements:

- *Situation* in time and space refers to the context in which the information problem arises.
- *Gap* identifies the difference between the contextual and the desired situation, because the user finds a gap between what he/she understands and what he/she needs in order to make sense of the current situations.
- *Outcome* refers to the consequences of the sense-making process.
- *Bridge* indicates some means of closing the gap between situation and outcome.

This model describes how the user accounts for self-actions, makes sense of the environment in a given situation, and how seeking information serves to bridge the gaps that continuously makes reality discontinuous. The gap is bridged when the individual finds relevant information which enables him/her to cross the gap and remove the problem.

The disadvantage of this model is that it is very general. It also does not explain the passive acquisition of information. On the other hand, the strength of this model is that it presents information seeking as a cycle: situation-gap-outcome. (See Figure 3.2 below.)



**Figure 3.2: Dervin's sense-making framework (Wilson, 1999)**

### 3.3.5 Belkin's ASK model (1980)

Belkin (1980) suggested that information needs arise out of a user's so-called Anomalous State of Knowledge (ASK) with regard to a topic or situation, and users are often unable to articulate what is required to resolve the anomaly. He stated that users come to their search tasks with varying degrees of knowledge regarding the subject of their search, and the user's ability to articulate requests to an information system can be affected by the level of understanding of the problem. This gap between the user's knowledge about the problem and what the user needs to know to solve the problem is the information need.

The user is considered to be dynamic in his/her state of knowledge, as opposed to being static. As a result, the user's ability to articulate requests to the information system changes over time, according to his/her changing understanding of the problem. Although the user's tasks and goals are mentioned, there is no mention of the setting from which these tasks and goals are derived.

There is a similarity between Dervin's and Belkin's models as the user is in a situation with an identifiable gap in his/her knowledge, and is attempting to bridge this gap through requests to the information system. The weakness of this model is that it presents the information seeking, like the models of Kuhlthau (1991) and Ellis (1997), as



linear, ending when the user is satisfied with the information needs, rather than as a cycle of different stages which are related to each other.

This model has provided a widely accepted research framework for interactive IR, rather than providing an explanation for elements that shape the information seeking behaviour, such as individual characteristics.

### 3.3.6 Leckie et al. model

This model (Leckie et al., 1996) was developed through the analysis and interpretation of empirical studies on the information habits and practices of the following groups: engineers, health care professionals and lawyers. The model has the following major components:

- *Work roles*: administrator/manager, researcher etc.
- *Tasks*: for example, assessment, counselling and supervising.
- *Characteristics of information needs*: individual demographics (age, profession, specialisation, career stage, geographic location); context (situation specific need, internally or externally prompted); frequency (recurring need or new); predictability (anticipated need or unexpected); importance (degree of urgency); and complexity (easily resolved or difficult).

Factors affecting information seeking were identified as:

- *Sources of information*: for example, colleagues, libraries, handbooks, journal articles, own personal knowledge and experience. These sources can be in different types or formats such as: formal sources (conferences, journals, libraries); informal (conversation with colleagues); internal and external sources; oral and written; and personal (own knowledge and experience, professional practices).
- *Awareness of information*: refers to direct or indirect knowledge of various information sources (colleagues, online databases and handbooks). Factors include familiarity and prior success (results obtained from strategy or source); trustiness (reliability or helpfulness); packaging (convenience, usefulness, etc.);

timeliness (found when needed); cost-effectiveness; quality (level of detail, accuracy, etc.); and accessibility (relative ease of access).

- *Outcomes*: refers to the results of the information seeking process. Does it satisfy the need? When the need is not satisfied, a second round of information seeking is typically undertaken. In the next round of information seeking, it is likely that a completely different mix of sources and awareness factors will be involved.

This model proposes that different groups of professionals have similar information seeking habits as they have similar work roles. For example, both engineers and lawyers often have an administrative role, and in that role, they may have tasks like staff supervision. Information seeking in that role may be quite similar for both types of professionals, even though their occupations are apparently quite different on the surface. Leckie et al. (1996) also proposed that all professionals shared a role as a service provider. This is not true in law, however, as the role of a client's legal representative is only one possible aspect of the service provider role for lawyers; for example, lawyers often provide information and services directly to the client, without necessarily going on to represent the client to any third party (Wilkinson, 2001).

Barriers to information seeking in this model were envisaged as being part of the environment in which the information seeking takes place and which shape the characteristics of the information needs. For example, Leckie et al. claimed that personal characteristics, such as gender, could produce different work roles. However, the effect of gender, age and experience on the work roles of lawyers has been found to be insignificant (Wilkinson, 2001).

Leckie et al. (see Figure 3.3 below) also proposed that a feedback cycle is not automatically required in all cases, only in those instances where the outcome leaves unanswered questions or issues, and the seeker wants to pursue the search further.

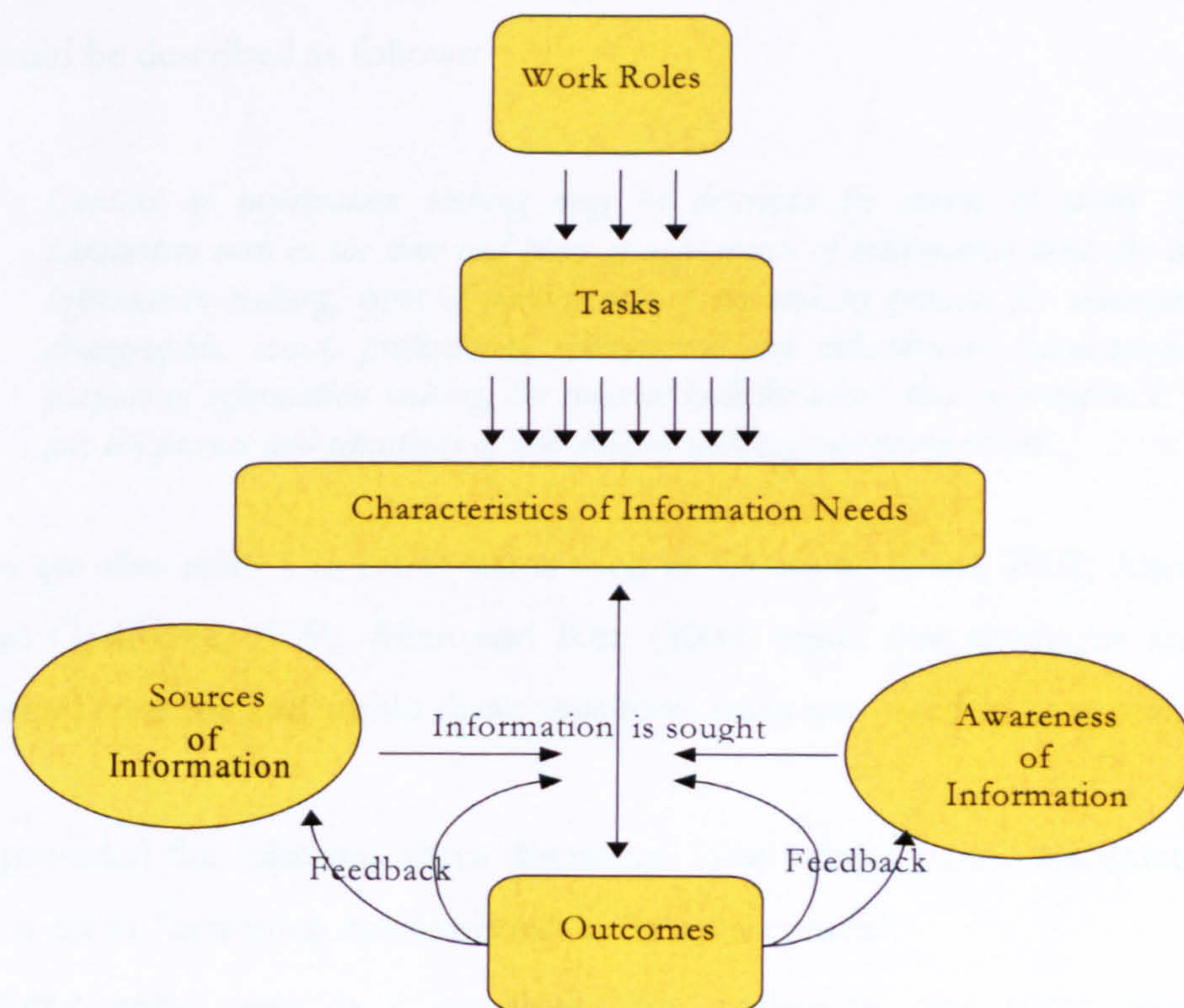
Similar to other models, such as Wilson (1996) and Ingwersen (1996), this model covers some factors related to information seeking behaviour such as the characteristics of information needs and how these relate to work roles. In addition, it seeks to explain how information sources and awareness of information could affect information-seeking behaviour. This model also provides an explanation about how the individual gets



involved in another round of information seeking to satisfy his/her needs. However, this model is related to active searching only. As Wilkinson (2001) pointed out, the Leckie et al. (1996) model cannot reflect the reality that information seeking behaviour is an integral part of the practice of the law. For example, Leckie et al. consider the personal characteristics of the information seeker such as gender to be one of the elements determining the “characteristics of information needs”, whereas Wilkinson noted (2001, p.270):

*This influence of personal characteristics appears to fall outside the Leckie et al. model. If there are gender differences creating different work roles, the model would appear to reflect behaviour only once the work role is determined and would therefore actually mask any differences in the tasks that flow from a gendered role and subsequent differences in the formulation of the information need.*

Figure 3.3: A model of the information seeking of professionals (Leckie et al., 1999)





### 3.3.7 Wilson's model (1996)

This model (Figure 3.4) draws on the components of a variety of fields other than Information Science, including decision-making, psychology, innovation, health communication and consumer research. Wilson (1999, p.256) argued that the person is the focus of information needs, and intervening variables such as the psychological, demographic, role-related or interpersonal, environmental, and source characteristics, can support or hinder information seeking.

Wilson (1999) indicated that person in context is the focus of information needs. As described by Case (2002, p.118), Wilson in this model is emphasizing the complex context of information seeking. This context is usually vague (Change and Lee, 2001) and not defined exactly (Gaslikova, 1999 and Cool, 2001), but the information behaviour takes place within it (Case, 2002). As noted by Case (2002, p.108), context will affect the choice of sources attended to and meanings that are derived. Gaslikove (1999, p.2), noted that it could be described as follows:

*Context of information seeking may be described by means of many different parameters such as the time and place of appearance of information need, the time for information seeking, types of participants of the seeking process, for example, their demographic, social, professional, educational and behavioural characteristics, the purpose of information seeking, the concrete task for which this information is looked for, the process and situations of information seeking, and many others.*

Contexts are also related to other terms such as situations (Case, 2002; Allen and Kim, 2000 and Gaslikove, 1999). Allen and Kim (2000) argue that situations are occurring within broad contexts and within these situations, tasks may need to be accomplished.

Wilson provided the following three theoretical ideas related to the information seeking that could act as “activating mechanisms” in the user context:

- *Stress/coping theory* as a possibility for explaining why some needs prompt information seeking more than others.
- *Risk/reward theory* could explain why some information sources may be used more than others.



- *Social learning theories* which include the concept of 'self-efficacy', which may explain why some people could or could not pursue a goal successfully, based on their perceptions of their own efficacy.

Wilson claimed that the 'intervening variables' impact could be supportive of information use as well as preventive as it could affect the 'activating mechanisms'. These variables are: psychological (e.g. tendency to be curious); demographic (e.g. education or age); role-related or interpersonal (e.g. acting as a manager); environmental (e.g. availability of resources); and source characteristics (e.g. accessibility and credibility).

Wilson (1997) suggested the following components of information seeking behaviour:

- *Active search*: the individual seeks out information actively from different sources such as libraries, electronic databases, journals, personal collections, communication, conferences, etc. Wilson claimed that the active search is of central concern to users and ends with the information being processed and utilised by the user.
- *Passive search*: those occasions where an information search (or other behaviour) results in the gathering of information that happens to be relevant to the individual need, e.g. browsing.
- *Passive attention*: situations with no intention of information acquisition, like listening to the radio and television, reading newspapers and journals, speaking with colleagues.
- *Ongoing search*: activities when the individual already has a substantial corpus of knowledge in a specific area, but carries out a continuing search to keep up-to-date and/or expand his/her knowledge.
- *Information processing and use*: the activities when the individual has satisfied his/her information need and starts to use the outcomes. Wilson (1999, p.256) notes "information processing and use is shown to be a necessary part of the feedback loop, if information needs are to be satisfied".

The advantage of this model is it gives attention to incidental information patterns where people find information unexpectedly through passive search and passive attention. Incidental or accidental information acquisition is much neglected in the study of information behaviour (Williamson, 1998). Browsing for example, according to Ellis et al.

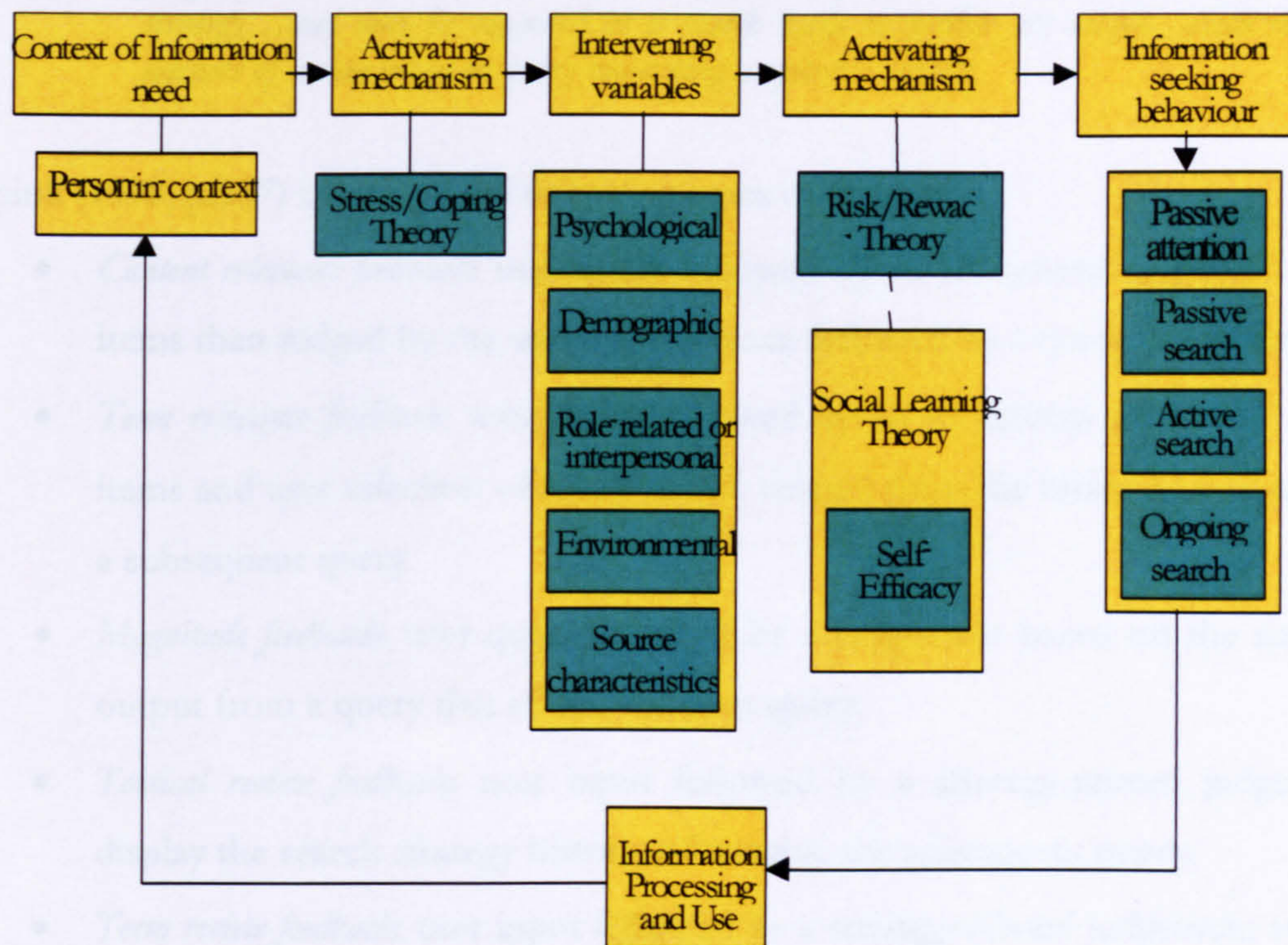
(1993) is semi-directed searching in an area of potential interest. Chang and Rice as cited by Case (2002, p.84) claimed that this term might refer to purposive, goal-directed actions, or nonpurposive, unplanned behaviour. Bates (2002, p.7) considers browsing as an undirected search that occurs when we have no special information need or interest, but actively exposes our self to possibly novel information. Overall, exploring sources of incidental information acquisition could help focus attention on the quality and clarity of the information provided (Williamson, 1998).

A term related to passive search and passive attention is serendipity. This, according to Foster and Ford (2003), is accommodated to some extent in Wilson's (1996) model in relation to passive search and passive attention. Odhiambo (2000) adopted the Wilson (1996) model in his study of the information behaviour of Kenyan medical scientists. He referred to browsing and scanning as passive search and to serendipity as passive attention.

Wilson's model provides a basis for understanding information seeking behaviour, rather than modelling a set of activities such as the models of Kuhlthua (1991) and Ellis (1997), or a situation such as in the work of Dervin (1993) and Belkin (1980). This model is similar to that of Leckie et al. (1996) and Ingwersen (1996), as it explains how information needs arise and satisfied.



Figure 3.4: Wilson's model (1996)



### 3.3.8 Spink's Model (1993)

Spink (1993) proposed a model of the search process using information retrieval (IR) systems that explained the relationship between feedback and the elements in the process. His model is based on empirical research of real-life interactions between users and the IR system. It comprises the following elements:

- User judgement
- Search tactic or moves
- Interactive feedback loops
- Cycles constituting the search process(es) of a person in interaction with the IR system.



This model was described by Spink (1993, p.263) as follows:

*Each search strategy may consist of one or more cycles (one or more search commands ending in the display of retrieval items...). Each cycle may consist of one or more interaction feedback occurrences (user input, IR system output, user interpretation and judgement, user input). An input may also represent a move within the search strategy...and may be regarded as a search tactic to further the search...each move consists of a user input or query requesting a system's output.*

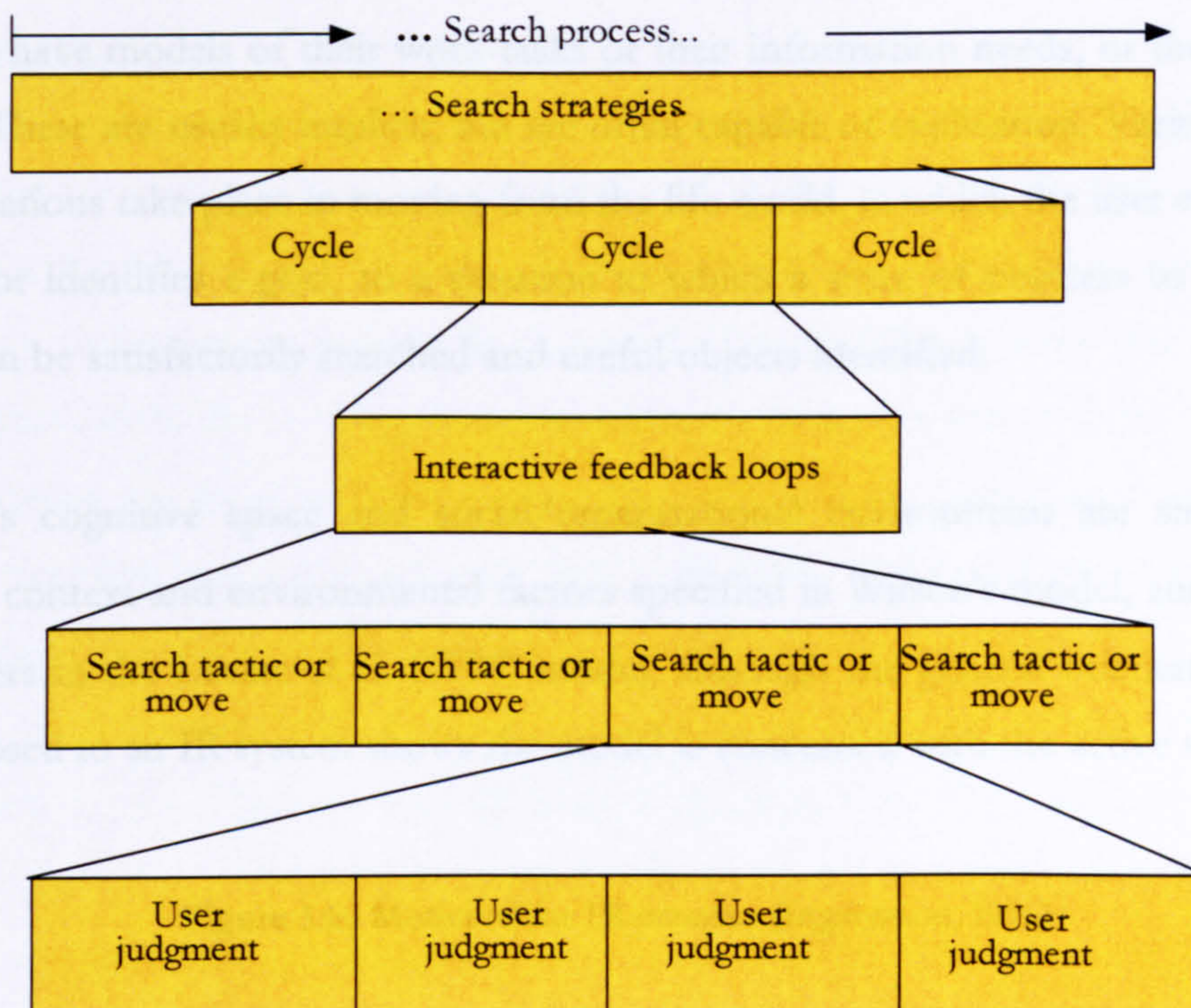
Spink (1998, p.257) identified the following types of feedback:

- *Content relevance feedback*: user query followed by an IR system output of retrieved items then judged by the user for relevance followed by a query or reformulation.
- *Term relevance feedback*: user query followed by an IR system output of retrieved items and user selection of a new search term(s) from the retrieved output used in a subsequent query.
- *Magnitude feedback*: user query followed by a judgement based on the size of the output from a query that affects the next query.
- *Tactical review feedback*: user input followed by a strategy-related judgement to display the search strategy history influencing the subsequent query.
- *Term review feedback*: user input followed by a strategy-related judgement to display terms in the inverted file influencing the subsequent query.

Spink believes that an interaction search process may consist of a series of search strategies made up of one or more cycles and one or more interaction feedback loops within each cycle. This model suggests the cycled nature of IR interaction between users and systems, and provides explanations of different types of feedback. A disadvantage of the model is its lack of accounting for cognitive changes, or process changes such as the user adopting alternative tactics as a result of feedback loops. The model is shown in Figure 3.5 below.



Figure 3.5: Model of the IR interaction process (Spink, 1997)



### 3.3.9 Ingwersen's model (1996)

Ingwersen (1996) proposed a model based on empirical study to cover a variety of variables such as social environment, the IR system, information objects, intermediary and users. This model suggests there is vertical interactive communication between system setting, which includes the search language, IR techniques, database structure, indexing rules and computational logic, and information objects, which include text and knowledge representations, full text, pictures and semantic entities. This interaction takes place solely at the linguistic sign level. Ingwersen noted that this interaction reached a cognitive level only in the case of intervention by a human indexer. The manipulation of user requests into query formulation during request model building and retrieval by an intermediary (whether human or computerised) represents additional cognitive structures.

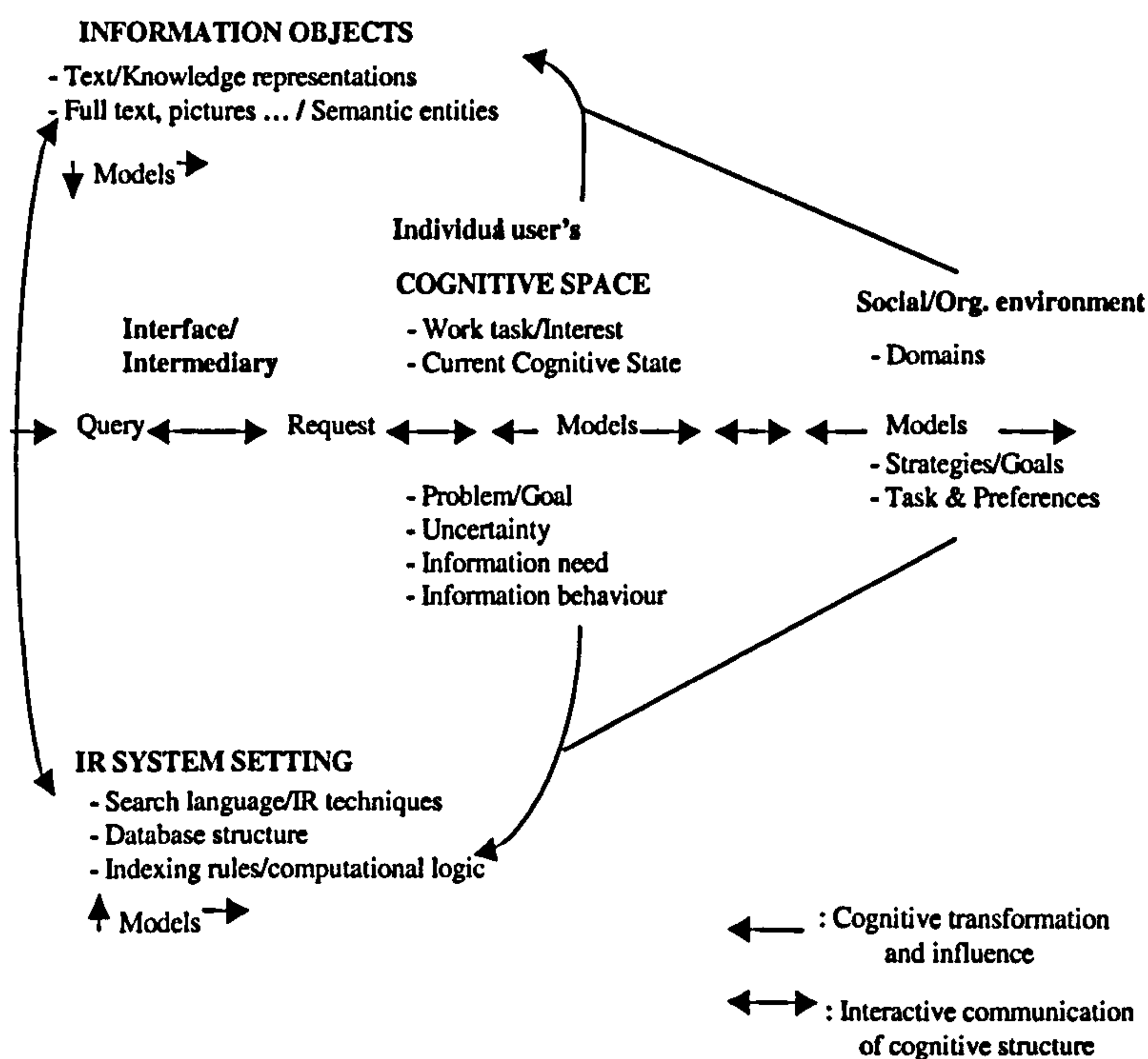
The horizontal interactive process (see Figure 3.6 below) displays communicative properties that are different from the vertical ones because of human interface. Within each area in the model, the functions of the information user, the document author, the



intermediary, the interface and the IR system are the result of explicit or implicit cognitive models of the domain of interest at that particular point. This model suggests that users have models of their work-tasks or their information needs, or their problems or goals. These are usually implicit, but are often capable of explication. Various cognitive transformations take place in moving from the life-world, in which the user experiences a problem or identifies a goal, to a situation in which a store of pointers to information objects can be satisfactorily searched and useful objects identified.

The user's cognitive space and social/organisational environment are similar to the person in context and environmental factors specified in Wilson's model, and work roles and barriers in the Leckie et al. (1996) model, although the general orientation towards queries posed to an IR system shows the model is concerned with the active search only.

Figure 3.6: Model of the IR process (Ingwersen, 1996)





### 3.4 Information seeking behaviour

#### 3.4.1 Introduction

Studies of information seeking behaviour are well established and the topic has been the subject of a textbook (Case, D., 2002, *Looking for information*) and a series of annual conferences (*Information Seeking In Context*). Taylor (1991) claims that information seeking behaviour is the product of certain elements of the information use environment. These elements are the assumptions, formally learned or not, made by a defined set of people concerning the nature of their work; the kinds and structure of the problems deemed important and typical by this set of people; and the constraints and opportunities of typical environments within which any group or subgroup of this set of people operates and works. They are also the conscious, or perhaps the unconscious, decisions which are made as to what constitutes a solution, or will better aid a resolution of problems; and what makes information useful and valuable in these contexts.

Keane (1999) identified the following components of information seeking behaviour: information sources; identify delivery mechanisms; description of information content; personal impact on individuals, assuming that the information coming from the source was important and will affect the work of individuals; organisational impact of information, in which the incoming information can also create an impact for the wider organisation; issues' impact, in which the incoming information will influence the individual; and executive actions which are undertaken by an individual in response to information.

It is obviously desirable to understand the purpose for which information is required, the environment in which the user operates, users' skills in identifying the needed information, channels and sources preferred for acquiring information, and barriers to information (Majid, and Kassim, 2000). This understanding will help in developing information sources and services to satisfy users' needs.



### 3.4.2 Studies of legal professionals

Although there are studies which relate to information seeking in general, there is a lack of literature related to the information seeking behaviour of legal professionals. This is for reasons explained by Otike (1999, p.21):

*One reason for this is that a number of these studies appear in the form of theses and dissertations, the majority of which have not been able to find access into bibliographic sources. Master's degree dissertations rarely appear in major bibliographic works. Furthermore, few researchers bother to publish their results after completion of their study. The result is that the majority of such work ends up in the reserve collection of university libraries. Some works are published for limited circulation, such as conferences and seminars, while others appear in journals with limited circulation. Some researches are not generated for publication in internationally acclaimed journals, partly on account of the serious scrutiny that editors subject to submitted manuscripts. As a result, such researchers have to publish their work in local journals or journals with limited circulation where the submission requirements are less stringent. The problem with local journals, and in particular, those emanating from Third World countries, is that only a few are indexed in leading bibliographical sources, including databases, because their existence is not known and their publication schedules are irregular.*

Wilkinson (2001) points out that the few available studies on lawyers tended to focus on legal research as the central task performed by lawyers in their information seeking activities. For example, Hainsworth (1992) studied the information seeking behaviour of judges in USA, but focused only on the opinion writing process. Usually legal research is defined as the process through which researchers decide how and when to draw on law books in developing comprehensive strategies for researching legal problems (Wren and Wren, 1988). This is in contrast to the Leckie et al (1996) broad definition for legal research. She considers legal research as ongoing activities related to information retrieval and use. Such a broad definition suggests that legal research plays a key role in the problem solving of lawyers. In contrast, as noted by Wilkinson (2001, p.274):

*Legal research came into play only as a task-related activity and was not seen as information seeking directly related to problem solving or to the roles fulfilled by lawyers in their law practices. Over half the problems encountered by lawyers involved issues for which traditional legal research would have no possibility of providing the necessary information (i.e. problems involving the administration of their law practices).*



Legal research is part of the function of the lawyer as a player in the formal dissemination channels for legal information, rather than playing any part in their information seeking behaviour as professionals. This indicates that the information seeking behaviour of legal professionals has not been fully investigated empirically (Wilkinson, 2001), and is not fully understood by some researchers.

### 3.4.3 Work Roles

Work roles embolden legal practitioners to gather the most accurate information as quickly as possible to solve legal problems, and legal academics to seek comprehensive information related to a specific subject which may require an exhaustive search of related sources beyond the law and into other disciplines (Hong, 1993).

Kuhlthau and Tama (2001), in an exploratory study as part of her ongoing research based on the model of Information Seeking Process (ISP), studied eight practising lawyers in the USA, their tasks and their use of information to accomplish tasks. She found that lawyers were involved in a variety of complex tasks, such as preparing a case for trial. This requires lawyers to develop their own approaches based on their past experiences. She found that when the complexity of tasks increased, lawyers developed new approaches to information to accomplish these tasks. However, she did not discuss the lawyers' information needs, or how individual characteristics formulated these approaches to information. Instead she mainly discusses issues related to the actual information seeking. The results supported her model, as discussed in Section 3.3.2. Her study concentrates on directional information seeking and does not investigate different types of information seeking.

Otike (1997) claimed that legal practitioners are involved in a variety of different tasks such as litigating in criminal and civil cases, representing clients, seeking relief for wronged parties, writing legal opinion, offering legal aid, and carrying out research, or administering or contributing in various ways to the running of the law firm. Legal academics, on the other hand, carry out tasks such as participating in teaching programmes, conducting legal research, carrying out consultations, supervising students, carrying out legal practice (on a part-time basis), and writing papers. He presented a



variety of tasks, but did not categorise them according to routine, problems or the complexity of tasks.

In their study, Leckie et al. (1996) claimed that there is a similarity between different professionals in their work roles. For example, lawyers and engineers are similar in the role of service provider, which focuses on the creation and delivery of a vast range of services (including both expertise and physical products) to the client. However, they suggest that the information needs of lawyers are characterised through adopting the following roles:

- *Advocacy*: Determining relevant cases and precedents, necessitating a search of the primary and secondary legal literature.
- *Drafting*: Determining whether the firm has ever prepared documentation on the issue previously, or what prior research has been done on the topic, entailing a search of the firm's internal files of legal memoranda, and opinion letters and briefs.
- *Consulting*: Interviewing clients, responding to telephone queries, representing clients in court.
- *Administration*: Monitoring the firm's financial situation, training students and delegating work to secretarial staff.

A fifth role, negotiating, was also mentioned in passing in the study. This categorisation cannot be generalised to cover lawyers' work roles, because it is based on theoretical and not empirical studies of lawyers.

Cheatle (1992), on the other hand, claimed that information needs which arise from engaging lawyers in principal and secondary tasks can be outlined as follows:

- *Principal tasks* are those such as establishing the statutes relevant to a given set of facts; carrying out procedural tasks, e.g., litigation or conveyance; advising clients on the legal implications of a hypothetical situation; and recording agreements between various parties, e.g., drafting contracts and completing other documents.
- *Secondary tasks* include continuing education, practice development, administration and the supervision of junior staff.



There is a similarity between Cheatele and Leckie's categorisation such as administration, supervision, drafting and consulting. Cheatele's categorisation is closer to reality because it is based on a case study of a law firm. However, she does not explain how these tasks prompt information needs, or how they satisfy these needs through engagement in information seeking behaviour.

### 3.5 Information needs of legal professionals

Information needs arise from engaging legal professionals to carry out different tasks. Indeed, the information needs for lawyers arise from the combination of work roles and tasks and leads to information seeking (Wilkinson, 2001).

Dervin (1992), in her sense-making theory, claimed that information need is symbolised by a gap which needs to be bridged through satisfying the information needs. Belkin et al. (1982) described information need as an anomalous state of knowledge (ASK) or a vague awareness of something missing and as eliminating and locating information that contributes to understanding and meaning (Kuhlthau, 1993). Siatiri (1999, p.133) noted:

*Information need is a term closely related to the concept of information seeking behaviour. A user recognising an information need, articulates it into a question or request which is conveyed through formal or/and informal channels of communication and information systems, in order to receive a response (verbal written, visual) which will satisfy that need.*

Wilson (1984) claimed that information needs are created as a result of an individual's performance of a social role, and these factors shape the user's needs. He develops these needs into information seeking activities in order to satisfy them. Devadason and Lingam (1997) noted that information need represents gaps in the current knowledge of the user's unexpressed needs that the user is aware of but does not like to express, together with dormant needs of which the user is unaware.

Lloyd (1986) noted that legal practitioners need specific information relevant to the specific matter on which they are working and general information in order to keep up-to-date. Furthermore, Cheatele (1992) suggested that lawyers have several identifiable information needs such as a need for legal rules, need for inference examples, need for



general knowledge, need for practice rules and abilities, and need for current awareness. On the other hand, legal academics require more detailed information for preparing lectures and papers for conferences or publication in journals (Otiike, 1997). Goedan (1984, p.3) noted:

*...an attorney or a judge has to treat a large amount of cases at the same time and therefore usually needs short information on particular details. They are simply looking for the relevant case on the relevant statutory provision... legal scholars focus their attention on the problem for a long period and they want, not only particular, but also comprehensive information on the problem.*

Haruna and Mabawonku (2001), in their study of 361 of legal practitioners in Nigeria, found that the majority (97.6%) of them perceived the need to know the latest decisions of courts, and 95.7% said they needed to know about the most recent legislation. Indeed, keeping up-to-date with the law is essential for legal professionals' work. They found that almost all legal practitioners regard keeping up-to-date as a problem.

Feliciano (1984) suggested that legal professionals utilise a number of methods to keep informed of developments in their work, such as scanning current legal journals, scanning newspapers, attending continuing legal education institutions, attending conferences, contacting colleagues, scanning the latest decisions of the supreme courts, reading law digests, and contacting librarians.

Shoham (1998) found that 91.7% of law academics used periodicals as an information source for general updating, compared with 71.4% of engineering academics. Otiike (1997) claimed that legal professionals utilise a variety of sources to keep up-to-date, such as legal periodicals, new books, colleagues, library bulletins, conferences and meetings, discussion groups, digests and citations, and current awareness services. Vale (1988) found that only 38.1% of a sample of US lawyers considered seeking information to gain current awareness and to keep up-to-date with important developments in the practice of law.

Cheatle (1992) claimed that lawyers have current awareness needs for information on new developments in the law or in a particular field of specialisation. She observed that lawyers could be involved in a group designed to keep members of the group up-to-date with certain areas of law, and could attend compulsory continuing education lectures at the Law Society in the case of newly qualified solicitors.



Therefore, identifying the information needs of legal professionals is necessary to the management of legal information services and sources as it helps in determining the appropriateness of these services and sources in meeting their demands and avoiding any misallocation of resources.

## **3.6 Accessing legal information sources**

### **3.6.1 Primary and secondary legal materials**

Legal sources are used to acquire knowledge of the law and to determine which legal norms are current and should be applied in practical cases (Blume, 1999). Hong (1993) distinguished between primary and secondary legal materials. Primary materials include information about 'sources of law' and constitute a collection of law itself, issued by a branch of government or a government body. Governments publish these primary sources, because legal information is the result of government activities such as legislation, interpretation and the application or execution of laws. Commercial publications are another type of primary source, based on original texts and including a wide range of annotation, tables and other aids to legal research; legal professionals often prefer these features.

Other works, which are not primary authorities but which discuss and analyse legal doctrine, can be found through library catalogues, legal periodical indices, and other bibliographic aids such as textbooks, legal periodicals, general law dictionaries, judicial dictionaries, directories, compendia and official publications.

In searching for primary and secondary legal materials, legal professionals use a variety of search-tools to assist them in finding decisions or statutes; these include digests, citations, annotations, legal encyclopaedias and annotated codes. They also use computer-based legal research systems such as Westlaw and LEXIS. Unpublished materials from legal professionals are also used, such as unreported judgements of courts, annual reports, locally published digests of judgements, conference and seminar papers, publications from government and non-government organisations, theses and student project reports (Otiye, 1997).



There have been relatively few studies on lawyers' use of some of these materials. Cheatle (1992) observed that lawyers used statute law, case law, encyclopaedias, precedents, textbooks and practitioners' works for legal determination and practice 'know-how', legal journals, reference books and directories, practice notes, loose-leaf works and press cuttings, in order of preference. Feleciano (1984) found Filipino legal users preferred to consult textbooks and treatises, digests, annotations, citations, indexes to statutes, law review articles, encyclopaedias and dictionaries. Moreover, Hainsworth (1992) found that US judges preferred to consult digests and indexes, legal journals, newsmagazines, oral argument, public defender briefs, regulations, statutes, studies and reports, and treatises.

### 3.6.2 The role of the Library

Law libraries are essential for legal professionals as they contain primary and secondary authorities, as well as being searching aids. Otiye (1997) pointed out that the majority of Kenyan legal professionals use law libraries for a variety of purposes, such as looking for specific information, followed by looking for a particular document, carrying out legal research to keep abreast of current developments in law, browsing through the library collection, and photocopying documents. More recently, Haruna and Mabawonku (2001) found that the majority (98.2%) of Nigerian legal practitioners use library collections more than contacting colleagues, government publications, their own collections and electronic databases.

Willis (1992), in a survey of 1000 solicitors in the UK, pointed out that more than a quarter of all solicitors had either visited the law library personally or had sent an aide to make enquiries and/or to carry out research there. 27% rated the law society library as very or quite important, about one in five solicitors rated both the libraries of the local society and a university or college as very or quite important, and about one in eight gave this rating to a local public library. Fewer than one in ten respondents rated other firms' libraries as very important or important. In this study there is no mention of what type of information services or sources were used.

Feliciano (1984) claimed that Filipino lawyers used a number of libraries, such as the Ministry of Justice Library and their office library in order of preference. He found some factors were considered to be relevant to a particular information service provided by the



library, such as materials in the library, physical accessibility, ease and familiarity of use, help offered by the librarian, and speed in providing up-to-date information. He found that 70% of legal users agreed that the libraries gave a lot of assistance, 20% said they rendered moderate assistance, and 6.6% that they offered little assistance. These results suggest that user-librarian dialogue is very high in Filipino law libraries and that law libraries effectively meet the needs of respondents. Feliciano suggests that to meet the needs of lawyers effectively, law libraries need to provide up-to-date indexes, more trained personnel, legal documentation publications, computerisation and current awareness services. He did not investigate the different services and sources offered by these libraries to legal users.

Majid and Kassim (2000) found that 58.5% of the Malaysian law faculty visited IIUM library at least once or twice a week, and 29.2% visited the library at least once or twice a month. 25.8% of the respondents assessed their library use skills as 'very good', 19.7% 'good', and 19.7% as 'fair'. The majority perceived the law library as effective in meeting their information needs.

### 3.6.3 Personal collections

Due to the nature of law, a subject which has its own extensive professional literature, an office or personal collection is necessary. Hainsworth (1992) found judges do most of their reading from their own collections of legal materials, such as case reports and statutes, to verify and supplement their knowledge. Judges keep these resources close to their desks and carry out 67% of their information seeking in their chambers. The compositions of other materials in judges' collections were not explored by this study.

Hong (1993) found that an office collection is the source most widely used by legal academics, but is less used by legal practitioners. This result might derive from the different objectives of seeking information between legal practitioners and legal academics. Most of the tasks of legal practitioners are carried out in their offices during office hours; they do not usually specialise in a narrow sub-field and therefore they deal with a variety of legal issues. On the other hand, legal academics conduct theoretical research on a specific topic and need to search comprehensively on the subject; most,



therefore, need to have easy access to the related materials. This study did not provide details regarding the composition and the importance of professionals' own collections.

Cheatle (1992) found that 77.8% of lawyers used their own collections either most days or every day, while 13.9% used this source once a week and 5.6% used their own collection once a month. Lawyers considered it natural for them to have some sort of information system in their office to store and organise commonly used information such as a mixture of precedents, conference papers, etc. These findings offer evidence that lawyers depend heavily on their personal collections to obtain information. The study did not investigate preferences for the personal collection over other information sources and the percentages are built on observation within a case study counting the number of occasions that lawyers use these collections.

Otike (1997) found that all the lawyers interviewed had a collection of information materials which act as a source of quick reference. He found the size and composition of the collection varied from one lawyer to another depending on their seniority, the size of the law firm, and the nature of work they did. These collections consisted of textbooks, loose-leaf publications, statutory materials, government reports, law reports, transcripts and lecture notes for academic lawyers, personal files, audio-visual materials, and photocopies.

Legal professionals rely on these sources for a number of reasons, such as lack of training in information searching and library use, and this may result in the fact that legal professionals do not use the library efficiently and try to keep and develop their own personal collections. Furthermore, a lack of adequate materials in law libraries and a shortage of helpful staff may encourage legal professionals to develop their own collections, together with the distance of law libraries from legal users. Otike (1997) supports this view and found that the majority of Kenyan legal professionals preferred their own collections, because law libraries were distant from their place of work.

Majid and Kassim (2000) found the majority of Malaysian law faculty at IIUL preferred to first consult their personal collections. This is due to easy and convenient access to the personal collection and/or unawareness about library collections, services and facilities.



### 3.6.4 Communication

Lawyers have a high regard for colleagues and they often contact colleagues in the first instance before utilising printed or electronic media (Otiike, 1999). Willis (1992) found that nine out of ten lawyers regard contacts with other lawyers as very or quite important. In contrast, Webb (1994) found that colleagues at work came third when ranking the research resources used by barristers and solicitors. Felciano (1984) found that colleagues came fourth as a source of information for legal research after libraries, books and journals. Randolph (1980) and Gelder (1981) both noted that lawyers value obtaining information from colleagues in both formal and informal meetings. Wall and Johnstone (1997) found that barristers and solicitors in the UK used electronic communication with others, such as firms' officers, other solicitors, barristers' chambers, courts and clients.

Cheatle (1992), in a case study based on a medium-sized commercial law practice in London, found that lawyers conduct two types of communication. One is internal communication with colleagues, support staff, accounts, paralegals, all-comers and colleagues' secretaries, and external communication with external colleagues and clients. The results indicate that 64% of all communications were internal, compared with 36% which were external. The majority of these communication events take place within lawyers' own offices, followed by colleagues' offices, corridors, libraries, meeting rooms, and external offices. Finally, these lawyers preferred to communicate by phone, followed by face-to-face, dictating, reading, writing, typing and the computer. However, Cheatle did not investigate the benefits of these types of communication, although she used case study observations to observe communication events among lawyers.

Shoham (1998) studied the scholarly communication between Israeli academic researchers in faculties of Engineering, Science, Law, Social Sciences, Jewish Studies and Humanities. She found that 50% of law academics contact their colleagues inside the department for information on research, followed by instruction, general updating, research funding, and political, social or cultural issues. In comparing these results with other faculties, such as Engineering, Shoham found that 64.3% of engineering researchers communicate with their colleagues for instruction, followed by research, general updating, research funding, and political, social or cultural issues, although she found that 41.7% contacted their colleagues outside the department for research,



followed by general updating and instruction. Moreover, 71.4% of engineers contacted colleagues outside their own institutions for general updating, followed by research and instruction. Shoham did not explain how these communications took place.

### 3.6.5 Conferences and meetings

Otike (1999) claimed that conferences organised by professional and academic organisations were very useful in updating lawyers with current events, but did not explain other benefits, or how lawyers contribute to these conference and meetings. Shoham (1998) noted that 41.7% of law academics attend conferences for general updating, compared, for example, with 71.4% of academics in Engineering. Shoham did not explain the reasons for this relatively low level of attendance.

Similarly, Feliciano (1984) found that conferences and meetings are utilised as information sources by only a small percentage of lawyers. Like other professions, lawyers consider conferences important when there are active bodies organising such conferences and meetings, although reasons for not attending or the low number of organisational memberships were not investigated in this study.

### 3.6.6 Use of ICT

*Legal practice and the administration of justice will no longer be dominated by print and paper in tomorrow's legal paradigm. Instead, legal systems of the information society will evolve rapidly under the considerable influence of ever more powerful information technologies (Susskind, 1998, p. ix).*

The impact of IT on the legal practice is evident by a number of studies. For example, Wall and Johnstone (1997) studied the use of IT by UK legal professionals. Questionnaires were distributed to 911 solicitors and 300 barristers in private practice and 62 solicitors working in private industry or local government. Interviews were conducted with solicitors, barristers and practice IT managers to elicit further information about their use of IT. The majority of lawyers (59%) used IT applications in their work and the study found no difference between solicitors and barristers in their general use of IT. Other evidence illustrated that 52% of barristers and 44% of solicitors



used word-processing. 54% did not have access to computers, 20% said they did not feel the need to use them in their work, and only 10% indicated that they could not use computers.

A more recent study was carried out by the Law Society about solicitors' use of and access to IT and the Internet, providing significant evidence that there was an increasing use of IT among UK legal professionals (The Law Society, 2001). The data were collected from 1120 UK solicitors from private practice, commerce and industry and government. This survey shows that access to PCs was high within the profession as a whole at, 98% comparing to only 2% who have no access. Ninety percent of solicitors use PCs for word processing and 79% for legal research. The majority use email to communicate internally and externally. Eighty six percent had access to the Internet at work. This study indicated that there is increasing pressure on the profession to increase its uptake of Internet technologies and to develop electronic services and products.

Similarly, in the USA the Application Service Provider (ASP) study indicated that almost 90% of the USA legal profession used the Internet (Legal Technology Institute, 2000). This result is based on an analysis of 900 questionnaires from American legal professionals in an attempt to ascertain how they viewed the Application Service Provider model. Because the Internet has grown significantly over recent years, making more information available to legal professionals, no doubt this figure has increased since then. For example, the study about technology use in solo and small firm practices (Warner, 2002) shows that the vast majority of American lawyers use it at work, specifically, 93.8% of solo practitioners and 98.8% of small firm attorneys.

Majid and Kassim (2000) found that the majority (87.9%) of the Malaysian law faculty at IIUM used the Internet. Electronic mail was the most popular Internet application among the respondents. It was followed by Internet-based electronic information sources such as electronic journals and contents pages. These results indicated that over 92.0% of the respondents had access to a computer at their work place, 85.0% had access in their offices, and 69.7% had a computer at home. Of the 65 respondents, one perceived his/her computing skills as 'excellent', nine 'very good' and thirty as 'good'.



### 3.6.7 Need to access information sources

Otike (1997) noted that in a variety of situations lawyers could accomplish some tasks without needing to seek information. Examples included a lawyer who had mastered the law relating to a given subject or issue; a lawyer or magistrate who built up considerable experience in a particular field or issue of law; and when the issue or case at hand was simple and the procedure is well known. When the case relies on the general principles of law and not on experience or on the facts as presented, the advice is presented verbally and not in writing, and an immediate verbal decision is given, possibly on the telephone.

## 3.7 Legal information sources training

### 3.7.1 Introduction

The Internet and ICT use will continue to grow among legal professionals because it provides them with benefits such as efficient data exchange and space saving. It further provides them with opportunities to develop and improve their access to information. This ICT application requires training both in developed countries and developing countries such as Kuwait. The education of legal professionals would be less than complete if these ICT skills were not imparted. While the primary skills of the legal professionals will remain, the new legal professionals must also be able to effectively use the tools of ICT.

### 3.7.2 The situation in the UK

In the UK, there has been continuous effort to integrate the teaching of ICT into the curriculum of law schools. The 1996 report of the Lord Chancellor's Advisory Committee on Legal Education Conduct and the review on the statutes of legal education by the Quality Assurance Agency for Higher Education (QAA) provide general statements that there is a need to encourage and support the integration of ICT to support learning, teaching and assessment in legal education (UKCLE, 2003). In addition to the use of ICT in education, it has been recognised that lawyers must learn how to use



ICT. For example, the Lord Chancellor's Advisory Committee on Education and Legal Conduct stated:

*... if the legal profession is to meet the threat to its traditional markets posed by these other sectors, it must itself be educated and trained in the wider applications of technology for the purposes of knowledge manipulation, practice management and quality control of services, and product analysis and development.*

In response to these challenges, a number of legal educational institutions and corporate bodies in UK are taking a role in integrating ICT into legal education (See Table 3.1 for some of these schools). The bodies include BILETA, ALT, CLEO and UKCLE. For example, the second report of BILETA into IT and legal education (Terrett, 1997) drew conclusions which need to be taken into account by UK law schools, including:

- The skills associated with new technology are of such importance that proficiency in this field must now be viewed as an integral element in the education and skills development of all law students.
- The acquisition of ICT skills serves two purposes; to allow law students' participation in a more rounded legal education in terms of both independent and academic-led learning and to equip law students for the technology they will encounter in their later careers as legal practitioners.
- Law schools must develop strategies for integrating IT into their legal education framework in terms of delivery of training, acquisition of hardware and education integration.
- Every law student should have the ability to use IT to perform specific law-related tasks such as the ability to produce documentation, the ability to perform legal research, the ability to communicate electronically and the ability to use the major legal CAL packages.
- Both law students and legal academics must obtain the necessary IT skills to navigate and retrieve electronic information resources of all descriptions from this medium.



**Table 3.1: Some UK law schools integrating ICT through their curriculum**

Name of Law School	Name of Module	Typical contents
Aberystwyth	Legal process	General skills
Glasgow	Computers and the law	Transferable skills i.e., use computer based resources in a legal context
Kingston	IT for law	Transferable skills like i.e., use of legal research software, understanding IT relevant to law, etc.
Leeds Metropolitan	Law and legal skills	Access law and justice and using legal resources through IT
Leicester	Learning legal skills	Develop skills of working with a wide range of legal materials such as online legal research skills
Liverpool	Legal system and skills	Transferable skills such as computer skills including use of Internet, email, Word, etc.
Newcastle	Techniques and sources for legal research	Identify and retrieve accurate and relevant legal and other sources in primary and secondary form, both in paper and digital format.
Manchester Metropolitan	Legal research methods	Develop skills such as using electronic databases and Internet.

Also, the UK Department for Education and Employment (DFEE) funded a Discipline Network project on general transferable skills in the law curriculum (Bell and Johnstone, 1998). The Law Discipline Network has been examining how law schools can assist their students to develop seven skills such as communication, problem solving, autonomy and personal skills, teamwork, information technology, numeracy and intellectual skill.

There is an increasing realisation of the importance of ICT in higher education in the study of law (UKCLE Newsletter, 2001). New technology is changing the face of legal research training through providing electronic legal materials to support the training of student on use of information sources. Computer Assisted Learning (CAL) for example, is becoming a major activity within the law school teaching framework (Jones and Scully, 1998). A good example is that of IOLIS. This is an interactive CD-ROM for law students and has over 100 workbooks that provide invaluable access to legal information (IOLIS, 2003).

Law librarians also play a key role in training law students on the use of information sources. BIALL, the British and Irish Association of Law Librarians, surveyed the liaison



between law librarians and legal research training in a recent survey about UK academic law libraries (Young, 2002). 59.9% of legal research skills instruction in law schools was provided by law library and law school staff jointly and 60.0% of legal research skills instruction was incorporated into a module. 77.0% of legal research skills instructions was provided through IT/database workshops and 61.0% through lectures.

The Big Blue is a JISC funded project surveying present practice in information skills training in higher education (The Big Blue, 2002). The Big Blue has a case study about the development of an online information skills module for the practical legal research course at Manchester Metropolitan University. The content of this module was developed by the law librarian in conjunction with a member of law department staff. The law students felt that their skills in searching electronic resources were improved.

The RDN Virtual Training Suite's Internet Lawyer (RDN, 2003) is another example of the involvements of law librarians in the training of legal professionals. A law librarian wrote this Internet tutorial, which aims to help law students, lecturers and researchers in UK higher education to develop their Internet information literacy and ICT skills. It offers "any time, any place" training, including quizzes and interactive exercises to lighten the learning experience.

LawPaths is a JISC-funded project for three years starting in August 2002 aimed at providing a resource bank of customisable legal information skills material based on best practice (Carter, 2003). This database will contain skills materials, including guides and tutorials and workbooks. When the project is finished, the available materials will give law librarians and academics access to high quality, flexible, customisable skills training materials, both for use in the classroom and on websites.

### 3.7.3 The situation in Kuwait

Unfortunately, no similar courses in ICT are available at the law school at Kuwait University and no law librarianship studies are undertaken. The committee at the first Legal and Judicial Informatics Conference in Kuwait recommended teaching and training law students and legal professionals in ICT (Ministry of Justice, 1999). Also, the Dean of the school indicated the importance of teaching ICT to law students through providing a



new module in the beginning of the academic year 2002/2003 (Al-watan newspaper, 2002). However, to date no such courses have been introduced in the curriculum for law students (Kuwait University, 2003). It is certain that this lack will affect the skills of legal professionals in locating and acquiring information in the future. Furthermore, there is no CPD regulations' maintaining a good level of training in the Rules of Professional Conduct for Kuwaiti lawyers.

### 3.8 Use of Intermediaries

Legal professionals tended to seek the assistance of others in some of their information seeking. Otike (1997) observed that legal research was delegated to others for a number of reasons, for example, legal research requires more time and freedom from interruption, and the cost of senior lawyers' time is high, which makes the use of junior staff cost effective. Ellison (2000), in her case study of the information needs of lawyers, also agreed that they could pass on their research only if they were busy and under pressure. She found that the majority (72%) passed on their research to trainees.

Walsh (1994) conducted a survey of thirty-five law firms and twenty barristers' chambers in London. Data were collected through mailed questionnaires supplemented by semi-structured interviews from three trainee solicitors and six qualified solicitors, a partner of a large law firm and four barristers, one of whom was a pupil barrister. The study showed that solicitors and barristers had different reasons for delegating legal research. The majority of solicitors delegated because it was cheaper for trainees to carry out research, while a few barristers delegated because it was quick; the majority did not delegate because they felt the quality of information would be affected. The relationship between the level of training on legal research and delegation was not investigated by this study.

Vale (1988) found that 47.9% of lawyers characterised the amount of legal research they conducted by themselves as a moderate amount, and 31.5% of lawyers sometimes had assistants in conducting legal research. Hainsworth (1992) observed that judges in USA preferred to conduct legal research themselves because they did not trust the information provided to them by intermediaries.



Majid and Kassim (2000) pointed out that all respondents of Malaysian legal academics visited their library frequently for getting the needed information. Those academic staff consulting the library, could also ask the assistance their students and support staff to get the information.

Obviously, these studies investigate the use of intermediaries only in the legal research process. As discussed in Section 3.4.3, legal professionals have various work tasks other than legal issues in which they could ask the assistance of others. According to Kuhlthau and Tama (2001), such assistance could consist of basic organisation and access to information.

### 3.9 Problems in information provision

The difficulties encountered by legal professionals could be related to the information environment in which they work. A study by the Kuwait Foundation for the Advancement of Sciences (2000) concerning information databanks pointed out that 26.0% of available data is not accessible for public use although the study did not provide reasons for this. This is in agreement with the results found by Otike (1997), that there are a number of difficulties which may be encountered when accessing legal information in Kenya. Among them is the scarcity of information materials.

In the KFAS (2001) study, it was found that 81.24% of published information is in printed form; this means that it will have a limited circulation and will take a long time to be published. The study claimed that 40.5% of the problems regarding information production are related to the non-availability of advanced tools and techniques, 27.9% because of a lack of financial resources, and 23.3% because of a lack of qualified and trained staff. It concluded that there are difficulties in the publication of information in the country. Among these are the fact that there is no specific body to take charge of organising and disseminating information, the information that is available does not satisfy the needs of society, the information is not produced on a regular basis, and there is a lack of bibliographic tools such as indexes, directories, etc.

Distance from legal information sources is one of the problems encountered by the Kenyan legal profession (Otike, 1997). In contrast, in Kuwait, the information user



population is not only very limited, but is also geographically very compact; libraries are located from two to no more than 15 kilometres from one another (Anwar, and Al-Jasem, 2001). However, Anwar and Al-Jasem (2001), in their study of resource sharing among the libraries of Kuwait, concluded that current information resources are not being developed at a level adequate to satisfy the needs of their clients. They point out that there is no formal resource sharing set up at national level and library automation is also less than satisfactory. This recent study articulated major information problems, but did not investigate the particular situation in law libraries.

Leckie et al. (1996) claimed that the information seeking of lawyers could be affected for reasons such as a lack of comprehensive and user-friendly search aids. The information infrastructure in Kuwait is lacking such tools (Al-Humood, 1998). This will affect the legal information services and sources provided for legal professionals in the country.

Otike (1997) reported that the lack of help from law library staff could cause information problems for legal professionals. Kuwait does not offer specialised library education and library education at undergraduate level is available only to meet the needs of school librarians (Alqudsi, 1998).

### 3.10 Summary

Previous research about the information needs and information seeking behaviour of legal professionals has been conducted among different categories of legal professionals in a variety of countries using a number of research methodologies. Some studies are narrow in scope as they target lawyers in private practice, while other studies are broad in targeting different categories of legal professionals such as law librarians, law students, judges, legal scholars, legal administrators, etc.

The majority of previous studies have a number of gaps. For example, they have studied legal professionals from the active search point of view only. This study, on the other hand, will also seek to cover passive search, passive attention, and on-going search, in addition to the active search. Much previous research has not followed a scientific framework in designing the studies, or has not provided explanations for the information seeking process. Moreover, they have tended to focus mainly on legal research as the



central task conducted by lawyers rather than their information behaviour. This study will attempt to study the information behaviour of legal professionals in the setting of the Latin Law system. The research design adopted for this study is discussed in the next chapter.



## **Chapter 4**

### **Research Design**

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#### **4.1 Introduction**

The literature review in the previous chapter identified a model (Wilson's) of legal professionals' cognitive process while they working. This chapter draws heavily on this model to explain the problem under investigation.

The theoretical and conceptual foundation for this study was designed from a user-centred perspective. This involves methods for collecting qualitative and quantitative data, such as questionnaires, interviews and critical incident. The complementary pictures provided by this combined approach can help towards an appropriate data analysis and interpretation. This chapter discusses these methods, pilot study and pre-testing, sampling procedures and data analysis methods.

#### **4.2 The research framework**

A theoretical framework is necessary in studying the information behaviour of legal professionals, to assist in providing a clear understanding of the problem and to allow the generation of hypotheses governing the relationship between the different elements. Sekaran (1992, p.63) stated:



*A theoretical framework is a conceptual model of how one theorise the relationships among the several factors that have been identified as important to the problem. This theory flows logically from the documentation of previous research in the problem area. Integrating one's logical beliefs with published reasons is pivotal in developing a scientific basis for investigating the research problem.*

Case (2002) argues that it is difficult to establish causation in human behaviour such as information seeking. However, he claimed that it is possible to identify key factors and their likely sequences and interactions in the process of information seeking through modelling. Therefore, a cognitive theoretical framework for this study was derived from the investigation of a broad range of topics in information behaviour in general, and the studies of legal professionals in particular. Pettigrew et al. (2001, p.46) point out that the cognitive theory is “defined as an approach and set of constructs for understanding information behaviour, which focuses fundamentally upon attributes of the individual” and provides reliable methods for mapping this process. Case (2002, p.114) noted:

*Both theories and models are simplified versions of reality, yet models typically make their content more concrete through a diagram of some sort.*

Therefore, to achieve the objectives of this research, a conceptual framework was put forward to guide this study. That will serve as a framework for developing hypotheses, for testing and comparing the results and for helping in the analysis and discussion of the findings.

Wilson's (1996) model has been adopted and developed because it provides a comprehensive conception of information seeking behaviour as a process that includes all information patterns that could contribute to the acquisition of information in the users' work environment, such as active search, passive search, passive attention and ongoing search. Moreover, Wilson's (1996) model presents the information behaviour as a cycle, rather than a one-direction process with a clearly defined end. It is pragmatic and realistic and offers an insight into information behaviour that is richer than many of the other models that have been developed.



### 4.2.1 The study model

The model adopted from Wilson (1996) shows legal professionals at the top (work situation), and then includes other components that cover information needs, the use of intermediaries, and information seeking behaviour (active search, passive search, passive attention and ongoing search). A number of important changes have been made to the model to simplify it and to make it suitable for testing among legal professionals. For instance, the “intervening variables” in the Wilson (1996) model are envisioned in the study model as being part of the environment in which the information seeking takes place, such as the level of training, the availability of the information sources, age, experience, etc.

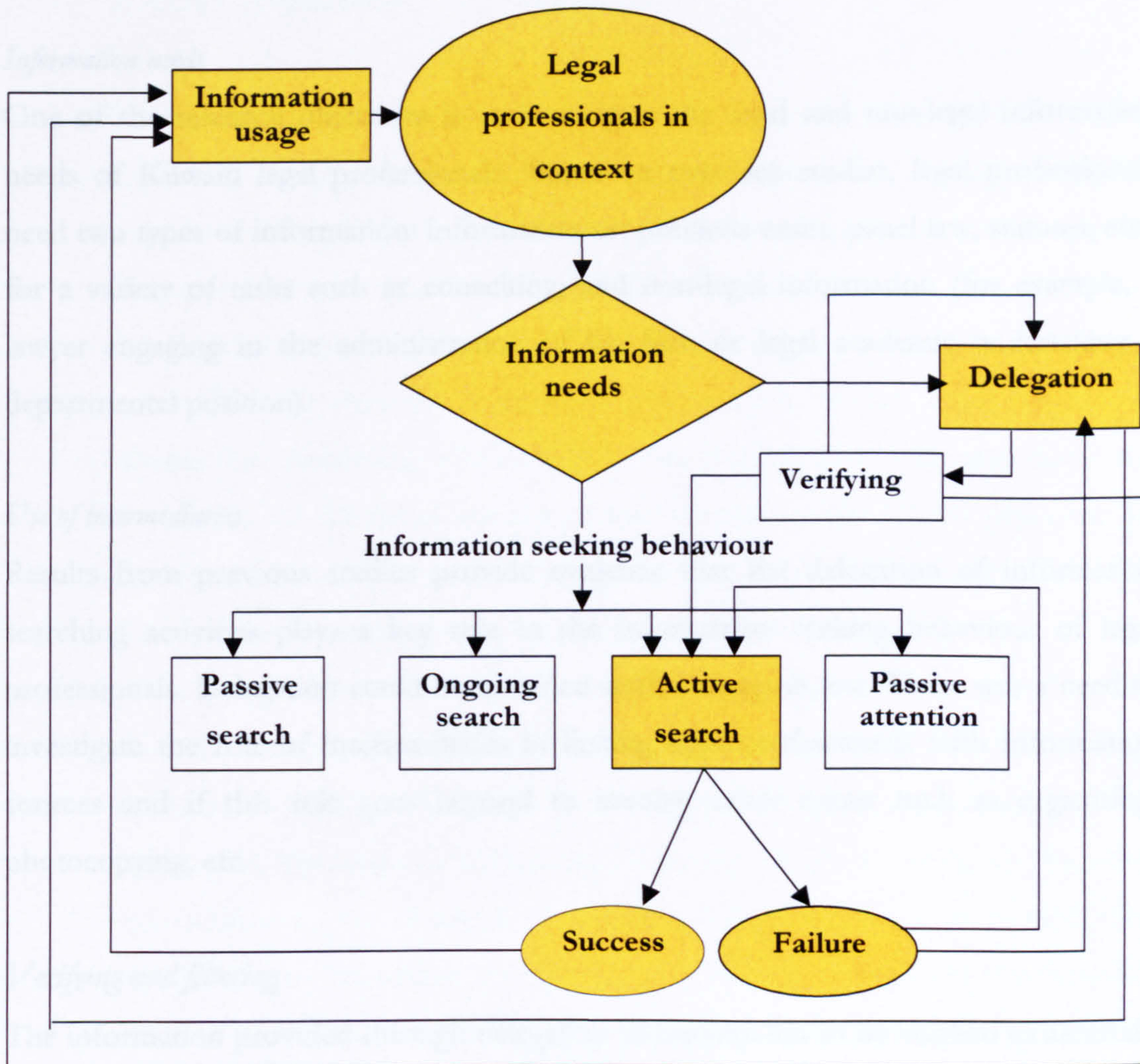
The Wilson (1996) model has four different types of information seeking behaviour (active search, passive search, passive attention and ongoing search). He grouped them in a process ending with the use of the information output. There are differences between these four types. The active search may have more than one loop when it ends in failure, while the other three types contribute to the acquisition of information without active seeking.

Another element has been added to this model. This is delegation behaviour (use of intermediaries). The literature demonstrates that delegation is part of the information seeking behaviour of legal professionals (Wilkinson, 2001). This delegation, or the use of intermediaries, could occur after information needs have arisen and have been identified. Filtering and verifying the received information through intermediaries is usually a process that takes place within the use of intermediaries’ behaviour (Otiike, 1997). The model is shown in Figure 4.1 below.



Figure 4.1: Model of the information behaviour of Kuwaiti legal professionals

(Adapted from Wilson, 1996)





The following components can be found in the model:

#### *Legal professionals in context*

The main idea of this element is to determine what the tasks are and work responsibilities legal professionals engage in. These work tasks and situations alert their information needs. Their work context needs to be determined to understand how it links with information needs.

#### *Information needs*

One of the research objectives is to investigate the legal and non-legal information needs of Kuwaiti legal professionals. Based on previous studies, legal professionals need two types of information: information on previous cases, panel law, statutes, etc., for a variety of tasks such as consulting; and non-legal information (for example, a lawyer engaging in the administration of his firm or legal academic undertaking a departmental position).

#### *Use of intermediaries*

Results from previous studies provide evidence that the delegation of information searching activities plays a key role in the information seeking behaviour of legal professionals. Delegation could be to office staff, colleagues, etc. There was a need to investigate the role of intermediaries in linking legal professionals with information sources and if this role goes beyond to involve other issues such as organising, photocopying, etc.

#### *Verifying and filtering*

The information provided through delegation to lawyers has to be verified to ascertain its currency, accuracy and relevance (Otiye, 1997). Verifying refers to the activities associated with checking the accuracy of information (Ellis et al., 1993). Examination of the Kuwaiti lawyers rules of profession<sup>12</sup>, showed that there is no rule framing the duties of lawyers regarding the activities related to information gathering. Their information gathering responsibilities are a moral obligation more than a professional one. One issue is whether it takes place with delegation behaviour.

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<sup>12</sup> Article 12 of the Rules of Professional Conduct of Kuwaiti lawyers from Law No. 42/1964 and amended by Law No. 62/1996 is about their duties and obligations.



*Information seeking behaviour*

This section is divided into different types of search:

- Active search: identifying common types of search. This involves the use of different information sources and services such as the use of libraries, the use of own collections, communication, and attending conferences and meetings. The main idea of this element is to determine the vital information sources used by legal professionals and what kind of information sources are available internally or externally.
- Passive search: identifying information that happens to be relevant to the individual. This concept used to denote informal or unplanned search behaviour (Case, 2002). It is also not the “all related” definition as claimed by Chang and Rice as cited by Case (2002). They note that this term may refer also to purposive and goal-directed actions such as people who browse to keep up-to-date and reassure themselves that they have not overlooked new information. According to Ellis (1993), browsing is a semi-directed searching in an area of potential interest. Legal journals were usually regarded as important information sources for legal professionals. It is therefore desirable to investigate journal-scanning behaviour.
- Passive attention: obtaining information when there is no intention of seeking information such as listening to the radio, watching television, reading newspapers, listening to a conversation between friends, browsing the Internet, and/or browsing the library shelves. This concept is much neglected in studies of information behaviour (Williamson, 1998). This study aims to identify which of these sources contribute to the information acquisition of the legal professionals.
- Ongoing search: activities when an individual engages in a continuing search in order to keep up-to-date and expand his/her knowledge with information related to an area of interest such as through current awareness or by reading journals, or new books. Indeed, it is important to determine these sources in order to articulate the problems and suggest improvements.



An active search type (see Figure 4.2) may either end in success or in failure. If it ends in failure, the search may either stop, be reformulated, or information seeking may be delegated to others such as colleagues, legal counsels, secretaries, etc. If it ends in success, the information will be processed and may or may not be used.

There was also a need to include some related variables to information sources. The first is the training level of legal professionals on legal information sources and services. As discussed in Chapter Three, ICT training has a positive effect on the information seeking of legal professionals. Because ICT and information skills training are not included in the curriculum of Kuwaiti law school or through the Bar (see Chapter Three), it was essential to include this variable. Lack of such training may result in time-consuming information seeking.

The literature shows that a personal collection is an important source for legal professionals. The organisation of this collection is obviously important. The organisation of this collection will provide fast access to the information, as time is money for legal professionals. It was important to judge the methods they used for organisation, especially the use of computers.

Conferences and professional meetings offer an opportunity to make contacts and updating information. As described in Chapter One, law is an information profession. Active professional bodies are an important source for information. Has the Bar and/or legal educational institutions taken responsibility for organising such conferences and meetings? Are some legal professionals such as prosecutors and/or state lawyers denied permission to attend? Reasons for not attending and sources for hearing about conferences and meetings could provide insight into possible desirable improvements.

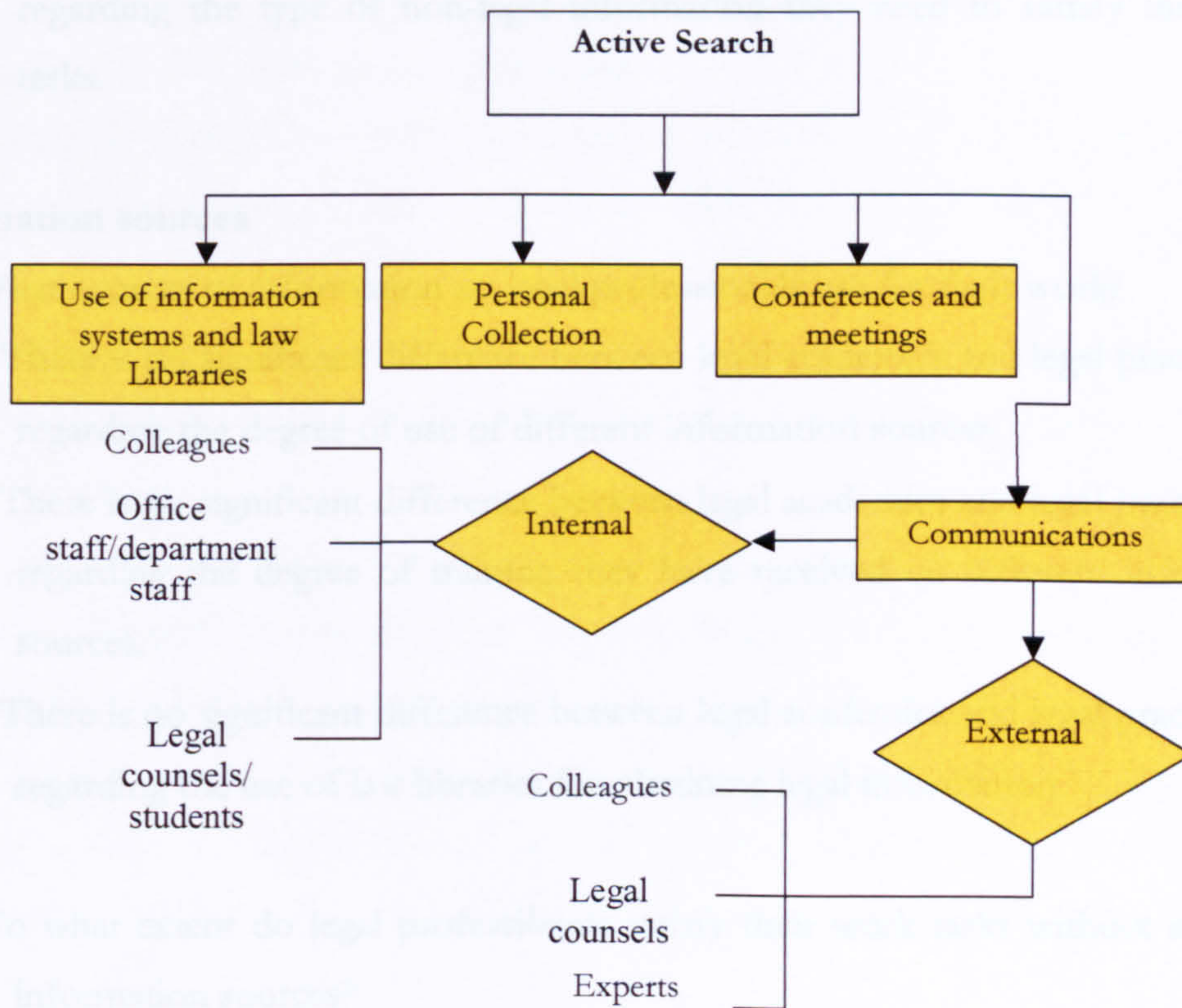
Despite the great importance of information to legal professionals, in some situations they could function without accessing information sources. It was decided to examine if Kuwaiti legal professionals do so and in which situations. Legal professionals should not be too over confident. In this regard, Otiye (1997, p.196) remarked that:

*It is important to note that a lawyer who does her/his advisory work well makes law and legal process meaningful. In terms which the clients can understand, s/he*



*explains the legal doctrine and practices and their implications to clients. This individualizing and popularising of the law requires a good deal of facility with ideas and language, at simplifying concepts often mystifying and strange for clients. But the more a lawyer knows about the surrounding circumstances of the matter at hand, the better the position s/he is in to give accurate and sound advice...the better the lawyer understands his/her client and his/her client's affairs, the more helpful s/he can be. It can be inferred, then, that legal professionals should take enough time to gather all related information which must be taken into consideration before advice is given or action is taken.*

Figure 4.2: Model of active search





### 4.3 Research questions and hypotheses

Drawing upon the conceptual framework, outlined above, the following research questions and hypotheses were formulated:

#### Information needs

Q. 1 What type of legal and non-legal information is required to satisfy the work tasks of legal professionals?

H. 1A There is no significant difference between legal academics and legal practitioners regarding the type of legal information they need to satisfy their work tasks.

H. 1B There is no significant difference between legal academics and legal practitioners regarding the type of non-legal information they need to satisfy their work tasks.

#### Information sources

Q. 2 What sources of information do legal professionals use for their work?

H. 2A There is no significant difference between legal academics and legal practitioners regarding the degree of use of different information sources.

H. 2B There is no significant difference between legal academics and legal practitioners regarding the degree of training they have received on different information sources.

H. 2C There is no significant difference between legal academics and legal practitioners regarding the use of law libraries for obtaining legal information.

Q. 3 To what extent do legal professionals satisfy their work tasks without accessing information sources?

H. 3 There is no significant difference between legal academics and legal practitioners regarding satisfying their work tasks without accessing information.

#### Use of intermediaries

Q. 4 To what extent does the delegation and verifying and filtering of information form a part of the legal professional's information behaviour?



H. 4A There is no significant difference between legal academics and legal practitioners regarding seeking information and receiving assistance from others in their information seeking.

H. 4B There is no significant difference between legal academics and legal practitioners regarding filtering and verifying of information provided to them through intermediaries.

### **Personal collections**

Q. 5 To what extent are legal professionals' own collections organised and have various types of materials?

H. 5A There is no significant difference between legal academics and legal practitioners regarding the type of materials in their own collections which are used for obtaining legal information.

H. 5B There is no significant difference between legal academics and legal practitioners regarding the organisation of their own collection.

### **Communication**

Q. 6 To what extent is legal professionals communication with as a source of information?

H. 6A There is no significant difference between legal academics and legal practitioners regarding the degree of internal communication with others as a channel for information.

H. 6B There is no significant difference between legal academics and legal practitioners regarding the degree of external communication with others as a channel for information.

### **Conference & meetings**

Q. 7 How important are conferences and meetings as an information channel for legal professionals?

H. 7A There is no significant difference between legal academics and legal practitioners regarding their attending national conferences and meetings as an information channel.



- H. 7B There is no significant difference between legal academics and legal practitioners regarding their attending international conferences and meetings as an information channel.
- H. 7C There is no significant difference between legal academics and legal practitioners regarding their view about membership of national organisations.
- H. 7D There is no significant difference between legal academics and legal practitioners regarding their view about membership of international organisations.

### **Information acquisition**

- Q. 8 To what extent does browsing form a part of legal professionals' information behaviour?
- H. 8 There is no significant difference between legal academics and legal practitioners regarding the number of journals they scan on a regular basis.
- Q. 9 To what extent does serendipity contribute to legal professionals' information acquisition?
- H. 9 There is no significant difference between legal academics and legal practitioners regarding obtaining useful professional information by chance through various sources.
- Q. 10 How do such legal professionals keep up to date with information?
- H. 10 There is no significant difference between legal academics and legal practitioners regarding keeping up to date through various sources.

### **Information obstacles & information improvements**

- Q. 11 What problems affect the information seeking of legal professionals and what suggestions can they make to improve the legal information sources and services in Kuwait?
- H. 11A There is no significant difference between legal academics and legal practitioners regarding their opinion about the problems they encounter during their information seeking.
- H. 11B There is no significant difference between legal academics and legal practitioners regarding their opinion about the development and improvement of legal information sources and services in Kuwait.



## 4.4 Research design

This section will focus on the design of data gathering methods. It starts by reviewing some of the research methods that have been used in past studies, followed by a discussion of data collection. The design of the questionnaire and pilot study is covered, and the use of interview and critical incident to supplement the validity of the research is explained. Finally, this section describes the population and sampling procedures and the techniques that will be used for data analysis. Oppenheim (1992, p.6) stated:

*The basic plan or strategy of the research, and logic behind it, which will make possible and valid to draw more general conclusions from it. Thus, the research design should tell us how are sample will be drawn, what sub-groups it must contain, what comparisons need to be measured (when and what intervals), and how these measures will be related to external events, for example to social, medical or other interventions. Research design is concerned with making our problem researchable by setting up our study in a way that will produce specific answers to specific questions.*

### 4.4.1 Previous research strategies

In selecting the research design for this study, the methods adopted by researchers in previous studies on the information seeking behaviour of legal professionals were reviewed. Most related studies have been exploratory and descriptive in nature. The majority of these studies used survey or case study methods, including quantitative and qualitative methods such as questionnaires, interviews and observation.

Questionnaires are the most widely used method of data collection in survey research (de Vaus, 1996), and a number of studies considering the information seeking of legal professionals have adopted this method. For instance, Vale (1988) surveyed the information seeking behaviour of lawyers, using a mail questionnaire to collect data from 200 lawyers in Ontario, Canada. Feliciano (1984) surveyed the legal information sources, services and needs of lawyers in the Philippines. A total of 50 structured questionnaires were distributed to the legal users in the libraries of the Ministry of Justice, the University of the East, and the University of the Philippines. Shoham (1998) surveyed scholarly communication among Israeli academic researchers,



including legal academics. She used structured questionnaires, and noted that the response rate from legal academics was quite low. In another academic environment, Majid and Kassim (2000) used questionnaire-based survey method to study the information seeking behaviour of law faculty members in Malaysia.

Interview methods have also been used in investigations of the information seeking of legal professionals. Gelder (1981), in a study of the information needs and habits of different groups of users of Employment Law, used telephone interviews. She conducted interviews with twenty-five solicitors, six barristers and four legal academics.

Newton (1981) surveyed the information needs and research practices of the legal profession in the Caribbean. He used semi-structured interviews and analysed results regarding the facilities in government and private law libraries, and the structure of the legal profession.

In a study of the legal research and information needs of legal practitioners for the Law Foundation of New South Wales, Keys Young (1992) carried out interviews with practitioners from 26 firms in New South Wales. Similarly, Bunnage (1999) conducted thirty-two interviews in order to investigate the use of current awareness services by Harvard legal academics.

Kuhlthau and Cole (2000) surveyed the information required by and the information seeking of novice versus expert lawyers. They used semi-structured interviews with 15 lawyers from Montreal and New Jersey. Kuhlthau and Tama (2001), in a more recent study as a part of the ongoing development of her model of Information Seeking Process (ISP), surveyed the information search process of lawyers. She used unstructured interviews with eight lawyers in the USA.

Several studies have also utilised the case study method. Cheadle (1992) in her study of the information needs of solicitors used a case study approach within a medium-sized commercial law firm in London. Similarly, Randolph (1980) used case studies to explore the information seeking behaviour of attorneys. These studies were conducted in legal firms in a natural context.



Hainsworth (1992), in a PhD study of the information seeking behaviour of judges in Florida combined quantitative and qualitative methodologies. He used a multi-method approach allowing him to triangulate results to derive separate conclusions in solving the same problem (Gill and Johnson, 1991). He used structured observations, questionnaires, and interviews. Similarly Otike (1997), in a PhD study on the provision of legal information and the needs of the legal community in Kenya, used triangulation methods. He used semi-structured interviews with a number of legal professionals such as lawyers, judges, etc., as well as observation in law libraries. Later on, a case study approach was used to supplement the research findings.

Recently, two master dissertations in Information Science also applied the case study approach. O'Connor (2000) used this approach to examine the various ways in which information is shared in different sized law firms in UK. Ellison (2000) investigated the information needs of lawyers in one particular firm in London.

Willis (1992), in a study of solicitors' legal research and the use of libraries in England and Wales, considered the findings of other studies carried out in 1989 in England and Wales by the Law Society. Leckie et al. (1996), in research modelling the information seeking of professionals, including lawyers, developed her study through the analysis and interpretation of empirical studies on the information habits of lawyers.

The critical incident technique was used in a number of information seeking behaviour studies. Kremer, as cited by Martyn and Lancaster (1981, p.49), used two separate critical incidents in her survey of the information flow among engineers in a design company. One incident related to the most frequent discoveries of useful items of information not deliberately sought, and the other one related to the latest purposive information-seeking act. In a recent study of legal professionals, Wilkinson (2001) used the critical incident technique in exploring the information sources used by lawyers in problem solving. This technique used, as one element, the open-ended interview; 180 Ontario lawyers were asked to discuss in detail a problem they had recently encountered connected with the practice of law.

Table 4.1 is a summary of the previous methods used in the investigation of the information behaviour of legal professionals.



**Table 4.1: Previous methods used for the investigation of the information seeking behaviour of legal professionals**

Authors	Major Areas	Sample Population	Data Gathering Method
Randolph (1980)	Investigating the sources used to acquire legal information	Attorneys	Case study
Newton (1981)	Surveying the information needs and the provision of legal information	197 of lawyers, legal officers, magistrates and judges from various Caribbean countries	Semi-structured questionnaire and semi-structured interview
Gelder (1981)	Investigating the way different users of legal information use the various sources of employment law	25 solicitors, 6 barristers, and 4 legal academics in the UK	Telephone interviews
Feliciano (1984)	Surveying legal information needs and the uses of different law libraries by users	50 legal users in the Philippines	Structured questionnaire
Vale (1988)	Identifying systematic variation among lawyers in their use of the media to acquire information	200 lawyers in Canada	Mail questionnaire
Willis (1992)	Studying the use of various Law Society facilities, in particular, the library	Solicitors from the Law Society in England and Wales	Analysis of data from previous studies
MSJ Keys Young (1992)	Exploring the ways in which solicitors go about legal research and obtaining legal information	26 legal firms in New South Wales	Interview
Hainsworth (1992)	Identifying individual, organisational and environmental factors which affect judges as they seek information to assist them in their decision-making	57 judges in the USA	Observation, questionnaire and follow-up interview
Cheatle (1992)	Investigating the information flow and communication events of solicitors, and information provision	Medium sized commercial law firm	Case study
Walsh (1992)	Exploring legal information sources, sources of non-legal information and the delegation of legal research	35 solicitors' firms and twenty barristers' chambers in London	Questionnaire and follow-up semi-structured interview



Table continues from the previous page...

Authors	Major Areas	Sample Population	Data Gathering Method
Leckie et al. (1996)	Reviewing the information seeking patterns of lawyers	Lawyers	Analysis of data from previous studies
Otiike (1997)	Information needs, information seeking behaviour and the law libraries in Kenya	Law students, lawyers, Judges, Legal academics and Law librarians.	Semi-structured interview, observation and case study method.
Bunnage (1999)	Examining basic needs for information in new books and current journal articles	32 legal academics in the UK	Interview
Kuhlthau (2000)	Studying the different role value-added information plays in the construction of products and services in the case of novice and expert lawyers	15 lawyers in Canada and the USA	Semi-structured interview
Majid and Kassim (2000)	Investigate the information seeking behaviour of law faculty members at the International Islamic University, Malaysia.	80 legal academic staff.	Questionnaire-based survey method.
O'Connor (2000)	Examining the various ways in which information is shared in different size law firms.	Three different size of law firms in the UK	Case study
Ellison (2000)	Looking at the information needs of lawyers in particular law firm.	One law firm in London	Case study
Kuhlthau (2001)	Investigating lawyers' use of information to accomplish their work and the role of mediators in the process of information seeking and information use	8 lawyers in the USA	Unstructured interview
Wilkinson (2001)	Exploring the information sources used by lawyers in problem solving	180 lawyers in Canada	Critical incident



#### 4.4.2 Research strategy

The most appropriate strategy to achieve the objectives of this research was a survey approach. The main reason for adopting a survey approach is because the nature of the research requires a relational analysis of the elements in the conceptual framework. Wang (1999) claimed that survey methods are a good method to ask users about their information needs and uses, and information seeking activities with a large sample, and Busha and Harter (1980) indicate that this method allows researchers to gather information about target populations without undertaking a complete enumeration. Powell (1997, p.57) defined the survey as:

*A group of research methodologies commonly used to determine the present status of a given phenomenon. The basic assumption of most survey research is that, by carefully following certain scientific procedures, one can make inferences about a large group of elements by studying a relatively small number selected from the large group.*

It was felt that the research design requires a combination of quantitative and qualitative data using triangulation. Cohen (1980, p.294) defined triangulation as “the use of two or more methods of data collection in the study of some aspects of human behaviour”. Denzin, as cited by Janesicke (1994, p.214), identified four types of triangulation:

- *Data triangulation*: the use of a variety of data sources.
- *Investigator triangulation*: the use of more than one researcher (or participant).
- *Theory triangulation*: the use of multiple perspectives to interpret one viewpoint only.
- *Methodology triangulation*: the use of different methods to study a single problem.

Methods triangulation is appropriate for this study, combining the complementary advantages of quantitative and qualitative research approaches. Sekaran (1992, p.219) stated “because almost all data-collection methods have some biases associated with them; collecting data through multimethods and from multisources lends rigor to research”. The use of combined quantitative and qualitative methods allows for greater confidence in the research findings. Anderson and Poole (1998) indicate that this combination may be further clarified in ways that interpretive qualitative research can



be offer. In information needs and seeking studies, surveys often combine questionnaires with some type of interview among a much smaller group (Case, 2002). The different data collection methods used for this study were questionnaires, interviews and critical incident.

#### 4.4.3 Pre-testing and pilot study

Before the questionnaire could be deemed effective as a data-gathering tool, it needed to be tested. A pilot study was undertaken in advance of the main study to refine the data collection instruments with respect to both content and the procedures to be followed in order to ascertain that questions conformed to the requirements for the analysis of the data by SPSS. Oppenheim (1992, p.47) stated that:

*Questionnaires do not emerge fully-fledged; they have to be created or adopted, fashioned and developed to maturity after many abortive test flights. In fact, every aspect of a survey has to be tried out beforehand to make sure that it works as intended.*

Dillman (1978) suggested that questionnaires should be pre-tested by different groups, including colleagues and potential respondents. Pre-testing is an inexpensive insurance the researcher can buy to ensure the success of the questionnaire and the overall research project (Churchill, 1995; p.438). The pre-testing consisted of two phases followed by a pilot study shown in Table 4.2. After each stage, a meeting was held between the researcher and the supervisor and the necessary changes were made before the next phase.



Table 4.2: Pre-testing and pilot phases

Phases	Date	Stage sample	Number
Phase number one	March 2001	Doctoral students	5
Phase number two	May 2001	Academic staff	1
Pilot study	June 2001	Legal academics	5
		Lawyers	5
		Judges	2
		Total	18

The first phase was conducted within the Department of Information Science at Loughborough University. This included sending a copy of the questionnaire to selected doctoral students. They were not lawyers.

For the second phase of pre-testing, a copy of the questionnaire was sent to an academic staff member at the Department of Information Science at Loughborough University (Dr. Anne Morris) who has considerable experience in research methodologies and the design of questionnaires. She suggested minor changes. These were mostly concerned with the scaling, the wording of some questions, and the alignment of the questions with each other.

The third pilot study phase was held in Kuwait. After the two phases of pre-testing, a copy of the revised questionnaire and the covering letter were completed. The questionnaire was then passed to information professionals who translated it into Arabic. Another translation was made by the researcher in order to compare the two translations. Then a full pilot test was conducted using the Arabic version in Kuwait and tested on 12 Kuwaiti legal professionals: five lawyers, five legal academics and two judges. These participants provided constructive comments, notably on the layout and sequence of questions in the questionnaire. The final version of the questionnaire took account of the participants' comments, and necessary changes were made.

The comments on and suggestions for improvement of the questionnaire made during the two stages of pre-testing and pilot study are summarised in Table 4.3. Following the



stages of pre-testing, the questionnaire and the covering letter were ready for the main study, which was carried out between October 2001 and February 2002.



Table 4.3: Comments and actions taken as a result of questionnaire pre-testing and pilot study

Comments	Action taken
<p>Section A. Personal Background</p> <p>In Question 1 the positions of legal academics were changed to ranking positions by Kuwaiti academic institutions.</p> <p>In Question 3 working experience should be in range, not as an open question.</p>	<p>Changed to professor, assistant professor, teacher</p> <p>Four classes of years were added.</p>
<p>Section B. Information Needs</p> <p>In Question 7 and Question 8 a guidance sentence to guide the respondents as to how many answers can be chosen must be added.</p> <p>In Question 8 the categorisation of legal information changed</p>	<p>Phrase "Please tick all those which apply" was added.</p> <p>The categorisation was modified to include the following categories:  Legislation  Jurisprudence  Commentaries  Other (please specify)</p>
<p>Section C. Information Sources</p> <p>In Question 9 the scaling wordings were changed frequently ...etc. to daily ...etc.</p> <p>In Question 10 Centre of Court Decisions Classifications and Programming were added to the list of law libraries and legal information centres in Kuwait.</p> <p>In Question 11 terms to express the personal experience on the use of various information sources were added.</p>	<p>Changed</p> <p>Added</p> <p>Added self-taught</p>
<p>Section E. Personal Collections</p> <p>The wording in Question 15 was changed to compiling personal and office collection in one term.</p>	<p>One term, personal collections, was changed.</p>
<p>Section I. Information Obstacles</p> <p>Improvements</p> <p>The scaling was reduced from five points to three.</p>	<p>The scaling were reversed for reasons of simplification to:  Big problem  Somewhat of a problem  Not a problem</p>
<p>General comments</p> <p>General grammatical errors and comments on wording.</p> <p>Alignment of the questions with each other.</p>	<p>Corrected</p> <p>Corrected</p>



## 4.5 Questionnaire design

Questionnaires were chosen as the main data collection method for this study because they provide an effective way of finding useful information. According to Busha and Harter (1980), a questionnaire has the following advantages:

- It helps to produce frank answers.
- Quantitative data are easy to collect and analyse.
- It allows a wide range and distribution of the sample.
- It can be designed to gather background information about respondents.
- It facilitates the collection of a large amount of data in a short period of time.
- It can be completed at the leisure of respondents.
- It can enhance the collection of objective data.
- It helps to eliminate variations in the questioning process.

On the other hand, questionnaires have some disadvantages according to Powell (1997, p.91). These are:

- Use of a mail questionnaire eliminates personal contact between the researcher and the respondent.
- A mail questionnaire does not permit the respondent to qualify answers to ambiguous questions.
- Studies have shown that persons who are highly opinionated regarding the subject of a questionnaire are more likely than others to be motivated enough to complete and return it. This tends to result in a biased sample, as the less opinionated members of the sample will be under-represented.
- There is often resistance to mail questionnaires, so response rates may be low.

A structured questionnaire was formulated. According to Powell (1997), a structured questionnaire more easily accommodates precoding in that the possible responses are generally known and stated. The responses to structured questions tend to have more reliability than those to unstructured questions.



An outline of the topics to be covered was developed to guide the questionnaire based on the study model. For the preparation of the questionnaire, it was decided to draw on related studies because each study, in one way or another, contributes to the present study. Two questionnaires were designed one for practitioners and one for academics. This is because there are a few differences in questions related to personal information such as the position. Further, questionnaires were accompanied by a covering letter explaining the purpose and the importance of this questionnaire. Also it confirmed to the participant the confidentiality of his/her feedback (see covering letter in Appendix 1). These two questionnaires (see Appendix 2 and 3) contained the following categories:

*Section A: Personal Background (Questions 1-6)*

This section consisted of six closed questions to elicit information regarding the respondents' position, qualifications, number of years in the practice of law, nationality age, and sex.

*Section B: Information Needs (Questions 7-8)*

This consisted of questions regarding the reasons for information seeking and the type of legal and non-legal information needed. The objective of this section was to explore various reasons for information needs and the type of information needed. Four reasons were selected from the relevant literature, in addition to four types of legal information and three types of non-legal information.

*Section C: Information Sources (Questions 9-12)*

The first question in this section was to indicate the degree of use of various information sources to obtain legal information. Using a Likert scale, the respondents were asked to rate the use of these sources on a five-point scale as follows:

Daily	Weekly	Monthly	Rarely	Not at all
1	2	3	4	5

The second question was about the degree of use of different law libraries and legal information centres in Kuwait. The respondents were also asked to rate the use of these libraries on a five point scale, where 1= Daily and 5= Not at all. The third



question was about their training on the use of different information sources. The respondents were asked to rate their training on a four-point scale as follows:

No Training	Basic Orientation	Extensive Training	Self-Taught
1	2	3	4

The fourth question concerned the situations or times when there was no need to access information sources. If the respondents answered NO, they proceeded to the next question; if the respondents answered YES, they continued by selecting from three situations in which there was no need to access information sources. These situations were selected from the relevant literature.

*Section D: Use of intermediaries (Questions 13-14)*

This section consisted of two questions about delegation behaviour. In the first question respondents were asked the following question: 'Do you seek information yourself?' they were asked to rate the answer on the following scale:

Always	Sometimes	Never
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If the respondents answered Always, they proceeded to the following section; if the respondents answered Sometimes or Never, they moved to the remaining question in this section. The second question in Section D was about who the respondents received assistance from in their information seeking. Five individuals were identified from the relevant literature. Each individual use was measured using a Likert scale and was rated on a five point scale as follows:

Daily	Weekly	Monthly	Rarely	Not at all
1	2	3	4	5

*Section E: Personal Collection (Question 15-16)*

This section consisted of two questions about the use of professionals' own collections. The respondents were asked about the type of materials they had in their own collections. Based on the literature, the pre-testing and the pilot study, materials in this



type of collection were classified into five types: books, journals, legal research, reference works and legal databases.

A sixth option was left for respondents to specify any category different from the listed materials. Respondents were asked to tick all those that apply. In the second question, the respondents were asked to indicate how their own collection was organised. Four possible methods were selected based on the literature, the pre-testing and the pilot study, and respondents were asked to tick all those that applied.

*Section F: Communication (Question 17-18)*

Two questions were included in this section. The first question was divided into internal communication and external communication. For each type of communication, three contact types had been identified through the study of the relevant literature and pilot study. Using the Likert scale, the respondents were asked to rate their use of each one in terms of internal and external communication. A five-point scale was used as follows:

Daily	Weekly	Monthly	Rarely	Not at all
1	2	3	4	5

In the second question, the respondents were asked to indicate the form of communication they employed. Three methods were identified as those usually used in communication, and respondents could select more than one answer. An option was left for respondents to specify any option different from those methods listed.

*Section G: Conferences/Meetings (Question 19-23)*

The first question in this section had two parts. The first part registered the number of professional conferences or meetings the respondent had attended in Kuwait and, in the second part the number of conferences or meetings attended outside Kuwait. Respondents were asked to indicate the number of conferences or meetings they had attended on the following scale:



None	1-2	3-4	More than 4
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If the respondents had not attended any conferences or meetings in the last two years, in the second question they were asked to indicate reasons for not attending. Four reasons were offered, and the respondents were invited to select one or more answers. An option was offered for respondents to specify any other reasons different from those listed. Respondents who had attended conferences or meetings were asked to indicate how they had heard about the conferences or meetings. Five methods were identified and the respondents could tick all those which applied. An option was given to specify any different responses from those in the list. The fourth question in this section was also in two parts: the first part was about the number memberships of national professional organisations respondents held and the second part about the number memberships of international organisations. The respondents were asked to indicate their answer according to the following rating:

None	1-2	3-4	More than 4
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Those who have professional memberships were asked in the fifth question to indicate the benefits of such memberships. Four possible benefits were listed, and each respondent could tick all those that applied.

#### *Section H: Information Acquisition (Question 24-26)*

This section consisted of the other types of information seeking as suggested by Wilson (1996), such as passive search, passive attention and ongoing search. The first question in this section measured passive searching through the scanning of legal journals. Each respondent was asked to indicate the number of legal journals they scanned on a regular basis using the following rating:

None	1-2	3-4	More than 4
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



The second question was about passive attention. Respondents were asked to indicate from which sources they obtained useful professional information by chance. Seven sources were identified through related literature and the pilot study, and each respondent could tick all those that applied. The third question concerned ongoing search. Six sources were listed and respondents could tick all those that applied. In the second and third questions, an additional option was left for the respondents to specify any responses different from any those listed.

*Section I: Information Obstacles and Improvements (Question 27-28)*

The first question in this section concerned the problems encountered during the information seeking process. Six problems had been selected from the literature and the pilot study. The respondents were asked to rate each problem on a three-point scale as follows:

Big problem	Somewhat of a problem	Not a problem
1	2	3

The second question was about how the legal information services and sources in Kuwait could be developed and improved. Based on the literature and the pilot study, five suggestions were identified and each respondent was asked to tick all those that applied. A sixth option was left for the respondents to specify anything different from the listed suggestions.

#### 4.5.1 Questionnaire distribution and data collection

To encourage the participants to co-operate, the support and co-operation of those responsible for the legal sectors where the questionnaire was to be distributed would be vital. Introductory interviews with them were therefore held before the questionnaire was distributed in order to stress the importance of the survey and to maintain their co-operation. The *Director of Kuwaiti Lawyers' Associations*, the *Dean of the Law School at Kuwait University*, the *General Prosecutors' Director*, the *Assistant Director of Kuwait Judicial and Legal Studies*, the *Director of Law Studies in The Business College at The Public Institute of Applied Sciences and Training*, the *Head of Judicial Cases at The Legal Opinion and Legislative*



Department, and the Head of the Education Department at the Kuwaiti Police Officers' Academy were approached. The following approaches were also carried out to encourage a satisfactory response rate:

- The questionnaire was designed in English and then translated into Arabic. Then a copy of each of the questionnaires was passed to a person who was qualified in Information Science and who spoke both languages to compare the original and the translation. This ensured the accuracy of the translation before distributing the questionnaire.
- A covering letter was attached to the questionnaire to explain its purpose and the importance of the study for the legal sector in Kuwait. At the end of this letter, an assurance of strict confidentiality was given. (Copies can be found in Appendix 5.)
- Different coloured paper was used for each category of legal professionals, firstly so that it would look attractive to them and, secondly, to be conspicuous in case the participants mislaid it.
- The questionnaires were distributed and collected via the heads of legal departments to encourage the participants to respond.
- An official letter from the *Kuwaiti Lawyers' Association* (see Appendix 6) was attached to the questionnaires for private lawyers to encourage them to respond to the questionnaire.
- The Dean of the *Law School at Kuwait University* suggested signing the covering letter instead of providing an official letter to encourage the legal academic staff in the school to participate. (See cover letter in Appendix 4.)
- Other legal sector directors preferred to encourage their staff verbally rather than providing official letters. If there was a delay in responding, the reminder was passed on by those directors.

#### 4.5.2 Field work obstacles

The population sample for this study consisted of legal professionals who occupied high positions in Kuwait, such as prosecutors, private lawyers, state lawyers and legal academics. They are almost always busy. There were a number of problems and



difficulties in approaching these people, and in encouraging them to participate in this study. These problems and difficulties included the following:

- Obtaining an official letter or even a verbal agreement from heads of departments to distribute the questionnaire was difficult and took time.
- Apart from the questionnaire, participants were asked if they would agree to be interviewed. Even for those who did agree, it was very difficult to arrange interviews because they were very busy.
- Interviews were recorded on a cassette, transcribed into Arabic and then translated into English.
- The number of legal professionals in each sector, other than those in the *Law School* and the *Lawyers' Association*, was confidential in some legal sectors and had to be estimated in others.
- Some legal professionals were unwilling to reply, so telephone calls and visits were made to heads of departments and secretaries to encourage them to complete and return the questionnaires.
- Willingness to co-operate in the survey was low.
- Because the lawyers' offices were filled with clients seeking their assistance, the lawyers understandably gave priority to those paying clients rather than to an external researcher conducting a survey.
- Prosecutors, state lawyers and private lawyers were often in court involved in cases, and while they appreciated being given the opportunity to contribute to the survey, some simply did not have the time.
- While efforts were made to arrange appointments, there was no guarantee that such appointments would actually take place. There were instances when the researcher was directed to a waiting room in certain legal departments and firms to allow the lawyer to attend to an unexpected case or issue, or sometimes a client. On other occasions, the researcher arrived for appointments only to be told that the interviewee had left without apology.
- Waiting for certain legal professionals at their place of work over a period of five months proved to be a tedious and frustrating experience.



## 4.6 Interview

The use of the interview was chosen as a second survey tool to supplement the survey and to provide details on the issues that were not covered in the questionnaire. Interview method in user studies is based on users' perceptions and used in a survey to improve data quality (Wang, 1999). It allows in depth discussion with the users and provides information and rich data that often reveal thoughts and reasons underlying behaviour (Wang, 1999, p.69). According to Gorman and Clayton (1997), the interview has the following advantages:

- Data collection within an interview is immediate compared with other methods, such as questionnaires, which take a long time before data collection is completed.
- The interview allows the interviewer to explain and make clarification for the interviewee in unclear questions.
- It allows a great amount of data to be collected in a short time.
- It allows the interviewer to explore causation, that is, to obtain from the interviewees their reasons for acting in the way in which they say they do.

However, although there are several advantages to interviews, there are some disadvantages that need to be taken into account. They are, according to Powell (1997), the cost of interviews is high in terms of money and time, and face-to-face contact between the interviewer and the interviewee may make the respondent tailor his/her responses to fit in with what he/she thinks the interviewer wants.

In this case, the semi-structured interview was chosen. According to Seidman (1991, p.4), a semi-structured interview "provides access to the context of people's behaviour and thereby provides a way for researchers to understand the meaning of that behaviour". Also, a semi-structured interview has as major advantage as a systematic approach, as it makes the results of such interviews easier to analyse than if the interviews are un-structured (Hitchcock and Hughes, 1989).



#### 4.6.1 Interview schedules

For the purpose of this study, four versions of the interview schedules were prepared for legal professionals, law librarians, legal databases producers and legal publishers (See appendices 7-10). These interviews were based on the study model. Sixteen interviews were held with legal professionals and four with Law librarians' from Kuwait University Law Library, the Palace of Justice Law Library, the Legal Opinion and Legislative Department, and the Institute of Judicial and Legal Studies. In addition, an interview was held at the National Library to obtain opinions about its role in the dissemination of legal information sources and services in the State.

In addition, four interviews were held with legal database producers. These were in the information centre at the Ministry of Justice, the information centre at the Department of Legal Opinion and Legislation, the Centre of Court Decision Classification and Programming at the Law School in Kuwait University; the last interview was with a local company. Furthermore, as there is no specialised legal publisher in Kuwait, two interviews were held with two authorities from the government producer of a number of legal publications. These interviews were important to provide background information about legal information sources and services in Kuwait and to link the information reported by the responses and what was available for them. The data collected from interviews supplemented the information collected by the main research method, the questionnaire survey.

##### 4.6.1.1 Legal professionals

The interview schedule of the legal professionals (see Appendix 7) is as follows:

*Section A* elicited data on the information needs of the participants, their work tasks and activities, the type of information needs obtained through these tasks, the purpose behind these information needs, the information sources they preferred to start with to satisfy these needs were ascertained. This section also tested the users' perceptions of materials consulted frequently.



*Section B* requested data on the delegation behaviour. It highlighted the role of intermediaries in their information seeking. Verifying and filtering to the information was also highlighted in this section.

*Section C* covered data on the information sources they used such as law libraries, own collections and communication. Their perceptions of information sources, satisfaction, benefits and purposes for using these sources were also ascertained.

*Section D* attempted to elicit data about the use of ICT in their information environment. It was felt that it is important to investigate the role of ICT in the Kuwaiti legal information infrastructure. As discussed in chapter Three, ICT have played a key role in enhancing the information seeking of legal professionals.

*Section E* elicited information about user satisfaction with information provision. It was important to find out what factors were responsible for information seeking problems. This section was important for obtaining the legal professionals view about the legal information sources and services.

The final section of this interview schedule covered personal information about the participant such as qualifications, age, gender and working experience.

#### 4.6.1.2 Law librarians

This interview schedule (see appendix 8) was prepared to elicit information from law librarians in a number of law libraries as named above. It was essential for such a study to investigate the legal information services and sources of these libraries to articulate their problems and suggest recommendations for improvements. Therefore, this schedule covered the following sections:

*Section A* covered personal information about the interviewee. This consists of information about the position held, academic qualification, working experience in libraries in general and law libraries by specific. This information was important in comparing the staffing issues in law libraries.



*Section B* collected information about the library collection. This information was important to know the size and composition of the law library collection. It covered also information about their view on acquiring updated materials and if these collections satisfied their users' needs.

*Section C* attempted to elicit information about legal information sources and services. Questions were asked on the type of sources and services provided, especially about legal databases. They were asked to indicate their view of types of users' enquiries, number of legal users and methods of keeping users up-to-date. It was also important to identify their role in the training of their users. It also highlighted if there is a role for intermediaries in library use; law librarians were asked if their users use information services and sources directly or through an intermediary. Finally, they were asked to indicate if the services and sources satisfied their users' needs, and if not, what improvement they suggested.

*Section D* gathered information on law libraries staffing. They were asked about the number of their staff, positions and qualifications. Information about training programmes was collected. In the absence of formal law librarianship education in Kuwait, the performance of these libraries in filling their role in legal information provision is bound to be difficult. In view of this, it was considered important that these staffing issues were examined.

*Section E* endeavoured to gather data about the IT applications in law libraries. They were asked to indicate if there are any kind of library automation and if there is any library functions computerised or if they have a homepage through Internet. Automation of Kuwait libraries is considered important for providing quick access to information (Anwar and Aljasem, 2001).

*Section F* gathers data about library finances. Otike (1997) claimed that in law libraries without funding, library services are likely to be greatly affected. Data was collected about sources of funding, who plans and administers the library budget, annual budgets and the attitude of the management towards law libraries and its staff.



#### 4.6.1.3 Legal databases producers

Interviews were conducted with Kuwaiti legal database producers and legal publishers. The interview schedule with database producers (see Appendix 9) covered a number of important issues such as:

- Scope of these databases by type of materials, areas etc.
- Number of subscribers
- Form of the database such as CD-ROM, Internet etc.
- Primary contents of the database such as bibliographic information, abstract, notes, cross-references, etc.
- Administration issues such as if they conduct any databases evaluation, providing technical support, providing training, etc.
- Their views on the lack of use of databases by users.

#### 4.6.1.4 Legal publishers

The interview schedule with legal publication producers (see appendix 10) gathered information on issues such as:

- Type and number of legal publications produced.
- Form of these publications, such as printed or electronic form.
- Title of serials and their frequency.
- Term of supply these publications and number of subscribers.
- If they providing any search aids such as indexes, abstracts, etc.
- Publicity of these publications and ways of updating users.

### 4.7 Critical incident technique

It was decided to use the critical incident technique as a part of the interview schedule with legal professionals. According to Slater (1990), this has the advantage of focusing the respondents' mind and providing information on a specific occurrence. It is suited



to studies of information seeking behaviour and could be applied to a survey with questions on behaviour in general and then asking respondents to focus on a single critical incident (Martyn and Lancaster, 1981). Shirey, as cited by Martyn and Lancaster (1981, p.52), claimed that this method was first used in studies conducted by the Aviation Psychology Program of the U.S. Army Air Force in 1941. It was used extensively in studies to improve flight crew selection, training and combat performance.

Wang (1999) in a review of methodologies and methods for user behavioural research noted that combining the critical incident technique with an interview is an important methodological development. The reason is to examine micro-level information seeking behaviour and process. Case (2002, p.190) noted:

*Survey research can make use of a variety of question types and techniques, such as asking the respondent to relate a "critical incident" that illustrates an important type of event or change in the life of the respondent or an organisation.*

It provides an in-depth examination of a specific situation rather than a broad survey of many occurrences (Powell, 1997). Hence, a series of open-ended questions was developed which were intended to obtain details about the information seeking problems that were encountered (see Questions 24 to 27 in Appendix 7).

## 4.8 Observation

It was intended that a number of observations should be carried out in the working environment of legal professionals. According to Powell (1997), the observation technique has advantages such as making it possible to record behaviour as it occurs. It allows comparisons to be made between what people actually did and what they said they did; it also allows a researcher to study people who are unable to give verbal reports.

On the other hand, Gorman and Clayton (1997) suggested that observations have disadvantages. For example, people who are aware of being observed tend to change their behaviour, not all types of events lend themselves to observation, they can be very



time-consuming, and the subjectivity of the observer must always be taken into account.

Unfortunately, this method was not used in the end. This decision was taken after considering the difficulties in obtaining co-operation from the respondents at the questionnaire and interview stages, and because none of the respondents agreed to be observed. A number of observation notes taken during the interviews have, however, been used when appropriate.

#### 4.9 Population and sampling procedures

After deciding on the methods to be used in the study, it was necessary to consider the sampling methods which could be used to identify the study population. Two categories of legal professionals were identified as the study population: legal academics and legal practitioners. The target population was limited to these two categories because they are traditionally heavy users of legal information sources and services. The first group comprised legal academics at the Law School at Kuwait University, the Institute of Judicial and Legal Studies, the Law Department at the Business College of the Public Institute of Applied Sciences and Training, and Police Officer Cadets. The second group comprised prosecutors, state lawyers from the Department of Legal Legislative and Opinion, and lawyers in private practice.

A sampling frame was planned. Hague and Harris (1993) highlighted the following characteristics of an effective sampling frame:

- The frame should contain a list of members of the defined population.
- The frame should consist of complete, up-to-date lists of the population.
- No population members should be listed more than once.
- The list should contain sufficient information about each unit to permit stratifying the sample.

In addition, a proportional stratified random sample from the population tended to be used. According to Powell (1997, p.74), stratified random sampling involves dividing all



the population elements into groups or categories and then drawing independent random samples from each group or stratum. According to Sekaran (1992), this method is used when some strata are too small or too large. Stratified random sampling was decided upon for the following reasons:

- To ensure that the study represents, not only the overall population, but also key subgroups of the population, especially small groups such as legal academics.
- To ensure homogeneity within each stratum.
- To obtain more representatives from each important segment of the population (Sekaran, 1992, p.233).
- To obtain more valuable and differentiated information with respect to each group (Sekaran, 1992, p.233).

Unfortunately, a good sampling frame was not available for this study. Lists of the Kuwaiti legal professionals were not available through any of the following sources:

- Ministry of Justice for Judges and Prosecutors.
- Institute of Judicial and Legal Studies.
- Law Department at the College of Business at the Public Institute of Applied Sciences and Training for academics.
- Police Officer Cadets.
- Department of Legal Opinion and Legislation.

In addition, the only directory which was available at the Kuwaiti Lawyers' Association dates back to 1999 and the Law School at Kuwait University could only provide an informal list dated 2000. Other lists are confidential and could not be given to an external researcher. Therefore, it was decided to approach every name in each category of legal professionals. An estimated number was obtained from legal directors in the places where the study population worked and then they were asked to distribute the questionnaires in their departments. However, it was decided to survey at least 100 respondents. Roscoe, as cited by Sekaran (1984, p253) claimed that sample sizes larger than 30 and less than 500 are appropriate for most research.



526 potential respondents were approached and, as a result, questionnaire data from 132 legal professionals, of whom 75 were legal practitioners and 57 were legal academics, were available for analysis (see Chapter Five for response rate). From these, a total of 37 agreed to be interviewed, and 16 of these were approached for interview.

## 4.10 Data analysis

Quantitative and qualitative data were generated from the research. The quantitative data were then coded and analysed using SPSS whereas qualitative data were coded and analysed by ATLAS (qualitative analysis software).

### 4.10.1 Quantitative data

Data analysis started right from data collection to assist in identifying important issues which needed to be covered in more detail by interviews. Before analysing the data, a reliability testing procedure was conducted. Sekeran (1984) claimed that it is a good idea to check for the inter consistency and reliability of the independent and dependent variables using Cronbach's alpha reliability coefficient. Therefore, as the questionnaire has different levels of questions, it was decided to test the reliability for each similar type of question separately before testing the overall reliability. It was found that the overall internal consistency reliability for the questionnaire was .7660. This figure means that, according to Sekeran (1984), the reliability is good.

Later, the data were subsequently analysed in four stages. First, cross-tabulation of different variables in respect to legal academics and legal practitioners by frequencies and percentages was carried out; the Chi-square test was used in order to determine the significance of any differences between legal academics and legal practitioners regarding their responses to each variable in the questionnaire. According to Coolidge (2000, p.252), the Chi-square test "is one of the most popular non-parametric tests that involves the assessment of one or more independent variables, each with two or more levels of nominal or categorical data". Finally, in order to test the hypotheses in respect to the significance of differences between legal academics and legal practitioners and study variables, a t-test was used. A number of variables was created and were indicated



by TOT to represent the hypotheses when using the t test. TOT includes the sum of variables related to each hypothesis. (See Appendix 14 for the list of variables.)

#### 4.10.2 Qualitative data

Transcribing data was the first and important step in the qualitative analysis because the original data were in Arabic and it required careful effort to translate this to English. The analysis of qualitative data was guided by the conceptual framework. The analysis steps were adopted from Odhiambo (2000, p.94) as follows:

- Data categorisation and measuring the frequency of occurrence of the categories.
- Noting any recurring themes or patterns.
- Grouping objects, activities, individuals, and so on with similar characteristics.
- Grouping of variables.
- Identify the type of relationship (if any) between variables.
- Development of chain of linkages between variables.
- Relating findings to general frameworks. This was done through using the study model.

#### 4.11 Summary

The model offered here, adopted from Wilson's (1996) model, takes into account the four types of information seeking behaviour this study seeks to examine: active search, passive search, passive attention and ongoing search.

Research questions and hypotheses were also formulated concerning information needs and sources; the use of intermediaries; legal professionals' own collections; forms of communication and the conferences and meetings attended. The acquisition of information, the obstacles to this and the improvements required were also considered.

Finally the research design was offered, relating this to research strategies adopted in previous studies. It was decided to use the survey, interviews and critical incident



methods in this research. The sampling procedure used was explained, as well as the pilot study and pre-testing of the questionnaire which was undertaken before the actual distribution.

The resulting data were cross-tabulated and both t-tests and Chi-square tests were carried out to assess whether any significant differences existed between the finders for legal practitioners and legal academics. An analysis of the data is presented in Chapter 5.



## **Chapter 5**

### **Questionnaire Analysis**

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#### **5.1 Introduction**

This chapter presents the analysis of the study questionnaire, with the results being offered in a format which is consistent with the original research hypotheses and questions.

##### **5.1.1 Presentation of Results**

The presentation of the results follows the design of the conceptual framework and not the order of the questions in the questionnaire. The first part of the results provides an overall picture of the personal information responses such as position, qualifications, working experience, nationality, age and sex. The second part investigates the type of legal and non-legal information needs of such legal professionals. The third part gives an overall view of the various information sources such professionals usually use to fulfil their information needs, their degree of use of different law libraries, their training on the use of these sources, and how such legal professionals can function without accessing information sources. The fourth part considers information seeking delegation behaviour (the use of intermediaries). The fifth part explores legal professionals' own collections, such as the type of materials in such collections and how it is organised while the sixth part provides information about legal professionals' communication behaviour with others for information. The seventh section indicates



their overall opinion regarding attending conferences and membership of professional organisations. The eighth part investigates passive search behaviour through scanning legal journals, their passive attention behaviour through the ways used by such legal professionals in obtaining information by chance, and ongoing search behaviour from the ways that such legal professionals keep-up-to-date with information.

The final part explores the obstacles that are encountered when searching for information, together with the participants' suggestions for improvements and developments in legal information sources and services.

## 5.2 Results and analysis

The data collected from the legal professionals were coded and processed into SPSS. Descriptive statistics were used to characterise the response to each question in the questionnaire, after which the Chi-square was used to test for significant differences between legal academics and legal practitioners. The t test was used at the end of each part of the data analysis to test the study hypotheses.

### 5.2.1 Response rate

The distributed questionnaires totalled 526 and there were 132 usable returns, of which 57 were from legal academics and 75 from legal practitioners. This was a response rate of 25.0%, as described in Table 5.1 below. The response from private lawyers was particularly low at 10.3%. Because of the nature of their work, such legal professionals are nearly always busy and so a low response rate was anticipated. To compensate for this, a much higher number of questionnaires had been sent out initially (n=300).



Table 5.1: Overall response rate

Source	Total distributed	Total responses	Response rate
Law School (Kuwait University)	50	30	60.0%
KILJS	20	8	40.0%
Education Dept. (Police Officers' Academy)	20	10	50.0%
Law Dept. (PIAT)	20	9	38.0%
State lawyers (Legal Opinion and Legislative Dept.)	75	29	38.0%
Private lawyers	300	31	10.3%
Public Prosecutors	41	15	36.0%
Total	526	132	25.0%

Key: **KILJS**: Kuwait Institute of Legal and Judicial Studies **PIAT**: Public Institute of Applied Sciences and Training

## 5.2.2 Respondents' Characteristics

The first section of the questionnaire sought to determine responses from participants regarding their personal details. These are sub-divided in the sections below.

### 5.2.2.1 Position

As is evident from Table 5.2, the majority of legal academics who participated in the study were teachers (68.4%). Only 22.8% were assistant professors, and just 8.8% were professors. On the other hand, 41.3% of practitioners were private lawyers, 38.7% were state lawyers, and 20% were Prosecutors.

Table 5.2: Position distributions

	Professor		Assistant professor		Teacher	
	N	%	N	%	N	%
Legal academics	5	8.8	13	22.8	39	68.4
	Prosecutor		State lawyer		Private lawyer	
	N	%	N	%	N	%
Legal practitioners	15	20.0	29	38.7	31	41.3



### 5.2.2.2 Academic qualifications

Table 5.3 compares the number of academics and practitioners in terms of their qualifications. It indicates that the majority of legal academics (82.5%) had a PhD, whilst the remaining 17.5% had a Master's degree. No respondents had less than a Master's degree. It also shows a small number of practitioners had a Master's or PhD, and the majority (88.0%) had a first degree in law.

**Table 5.3: Academic qualifications**

	PhD		Master		First degree	
	N	%	N	%	N	%
Academics	47	82.5	10	17.5	0	0
Practitioners	2	2.7	7	9.3	66	88.0

### 5.2.2.3 Working experience

It can be seen in Table 5.4 that the majority of respondents in both groups had between 6-24 years experience in the legal profession: 59.7% of academics and 80.0% of practitioners are in this range. Nonetheless, there are more academics than practitioners who have five years or less working experience.

**Table 5.4: Distribution of working experience**

Working experience	Five years and less		6-15 years		16-24 years		More than 25	
	N	%	N	%	N	%	N	%
Academics	16	28.1	27	47.4	7	12.3	7	12.3
Practitioners	9	12.0	43	57.3	17	22.7	6	8.0

### 5.2.2.4 Nationality

Table 5.5 illustrates the distribution of nationality among legal academics and practitioners. As is evident from the table, the distribution in each category is similar. The majority of respondents are Kuwaiti nationals because nationality is a condition for recruitment in practising law in Kuwait. This does not apply, however, to academics.



**Table 5.5: Nationality distributions**

Nationality	Kuwaiti		Non-Kuwaiti	
	N	%	N	%
Academics	46	80.7	11	19.3
Practitioners	63	84.0	12	16.0

### 5.2.2.5 Age

Table 5.6 compares the number of respondents in each group according to age and shows that there are differences between academics and practitioners in terms of age distribution. In both groups, the great majority of the respondents (89.4% of academics and 70.6% of practitioners) are concentrated in the range between 31-50 years old. Practitioners tend to be younger than academics, as there are more practitioners under the age of 30. This might suggest that some academics turn to study and teaching after they have spent some years in practice.

**Table 5.6: Age distributions**

Age	30 under		31-40 years		41-50 years		Over 50	
	N	%	N	%	N	%	N	%
Academics	0	0	32	56.1	19	33.3	6	10.5
Practitioners	13	17.3	31	41.3	22	29.3	9	12.0

### 5.2.2.6 Gender

Table 5.7 demonstrates the distribution of the respondents by gender in each group. It shows that the majority of academics (94.7%) and practitioner respondents (78.7%) were male.

**Table 5.7: Gender distributions**

Gender	Female		Male	
	N	%	N	%
Academics	3	5.3	54	94.7
Practitioners	16	21.3	59	78.7



### 5.2.3 Information needs

This second section examines why legal professionals would need to search for information and what kind of information they most regularly require. This section is also broken down into subdivisions as follows:

#### 5.2.3.1 Reasons for information seeking

Respondents were asked about their reasons for information seeking. Table 5.8 demonstrates that the majority of legal academics (80.7%) sought information to prepare for research and publications, whereas the majority of legal practitioners (64.0%) sought information to prepare for a defence (see Table 5.9). Totals exceed 100% as respondents could choose more than one option. This result reflects the differences in the kind of work carried out by both groups.

**Table 5.8: Reasons for information seeking by legal academics**

Reasons	Legal academics	
	N	%
To prepare for research and publications	46	80.7
To prepare for lectures	39	68.4
For consultancy work	37	64.9

**Table 5.9: Reasons for information seeking by legal practitioners**

Reasons	Legal practitioners	
	N	%
To prepare for a defence	48	64.0
For consultancy work	24	32.0
For legal and judicial procedures	19	25.3



### 5.2.3.2 Legal information needs

Respondents were asked to indicate the type of legal information they needed in order to satisfy their work tasks. Table 5.10 shows that the majority of legal academics (86.0%) indicated that they need legal information on jurisprudence, followed by legislation and commentaries. Legal practitioners, on the other hand, demonstrated a lower response to some items in this question. This probably reflects that they do not have an urgent need for such legal information although legislation is a key source of law in any Latin legal system. Therefore, it was expected that the majority of practitioners would need legal information on legislation. However, only 68.0% of practitioners said they needed this information. (This total also exceeds 100%, as respondents could choose more than one option.)

The results show that there is a significant difference between academics and practitioners in their legal information needs, such as jurisprudence ( $df = 1, P \leq 0.01$ ) and commentaries ( $df = 1, P \leq 0.01$ ). The responses from the two groups follow the general expectation that academics regard jurisprudence and commentaries as of greater importance than practitioners. The reason is that these sources offer in depth and comprehensive information. Jurisprudence seeks to analyse, explain and criticise entire bodies of law. Also, commentaries contain useful information on subjects such as the interpretation of the law, leading cases and related statutory information. Therefore, this kind of information is helpful for academics in their teaching and research. Practitioners, on the other hand, need to respond to cases as they come before them and therefore they are more likely to need specific information on a particular area at any one time.

**Table 5.10: The need for legal information**

Need for legal information	Legal academics		Legal practitioners	
	N	%	N	%
Jurisprudence	49	86.0	35	46.7
Legislation	43	75.4	51	68.0
Commentaries	42	73.7	21	28.0



### 5.2.3.3 Non-legal information needs

Respondents were also asked to indicate what type of non-legal information they needed in order to carry out their work tasks. As indicated by Table 5.11, 59.6% of legal academics and 52.0% of legal practitioners need non-legal information on social sciences.

There is a significant difference between legal academics and legal practitioners regarding their need for non-legal information on ICT ( $df = 1, P \leq 0.01$ ). Academics are more interested than practitioners in ICT. It was surprising to find that the majority of practitioners did not need information on management, especially private lawyers. It might be that legal practitioners were too busy coping with the cases that came before them to involve themselves too much with other areas such as ICT.

**Table 5.11: Type of non-legal information**

Type of non-legal information	Legal academic		Legal practitioners	
	N	%	N	%
Social sciences	34	59.6	39	52.0
ICT	29	50.9	15	20.0
Management	10	17.5	13	17.3

### 5.2.3.4 Results of significance tests

As is evident from Table 5.12, because the significance value is less than .01, then **TOT1A**, representing the hypothesis that *there is no significant difference between legal academics and legal practitioners regarding the type of legal information they need to satisfy their work tasks* is rejected. **TOT1B**, which represents the hypothesis that *there is no significant difference between legal academics and legal practitioners regarding the type of non-legal information they need to satisfy their work tasks*, is also rejected.



Table 5.12: T-test TOT1 by type (1,2)

Variable name	Legal academics		Legal practitioners		T test	Significance
	Mean	S.D	Mean	S.D		
TOT1A	1.26	.28	1.52	.29	-5.121	.000**
TOT1B	1.57	.28	1.70	.24	-2.799	.006**

\*\* Significant at level  $p \leq 0.01$

#### 5.2.4 Legal information sources

The next section of responses were elicited in order to indicate what legal information media were used by such legal professionals; the respondents were also asked about the degree of their use of a variety of sources. Further findings in this section cover levels of education and training in the use of electronic sources of information. As illustrated in Figure 5.1, the majority of legal academics (75.4%) do not use the Internet to access legal WebPages, 71.9% do not use legal databases, and a large percentage (42.1%) do not use law libraries. As expected, 64.9% of legal academics used their own collections on a daily basis.

Similarly, Figure 5.2 demonstrates that the majority of legal practitioners (66.7%) do not use the Internet, 45.3% do not use legal databases and 18.7% use them rarely. 34.7% do not use law libraries at all, and 33.3% used them rarely. As expected, 62.7% of legal practitioners were found to use their own collections.

There is a significant difference between academics and practitioners in their use of legal databases ( $df = 4$ ,  $P \leq 0.05$ ) and law libraries ( $df = 4$ ,  $P \leq 0.05$ ).



Figure 5.1: Distribution of information sources used by academics

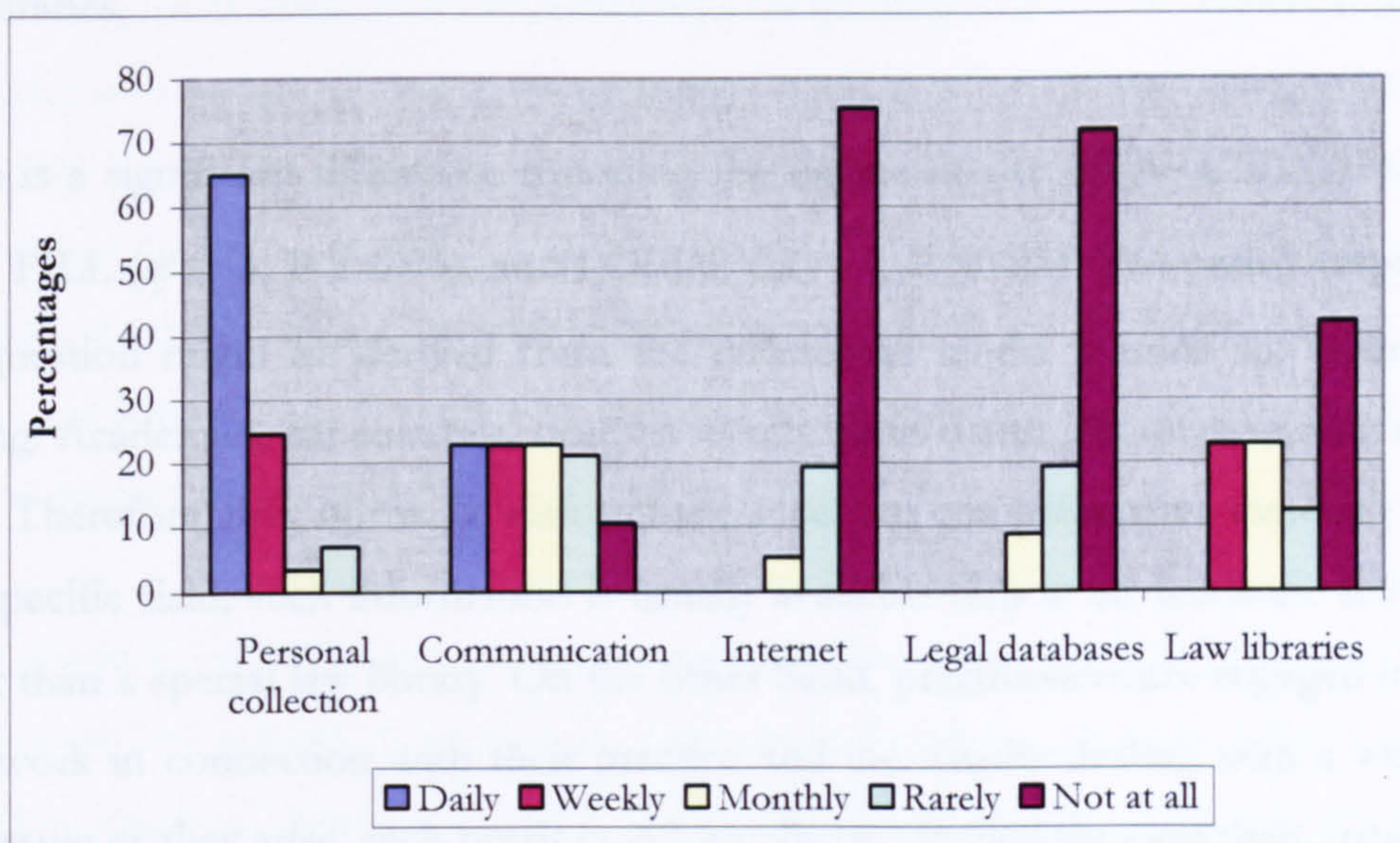
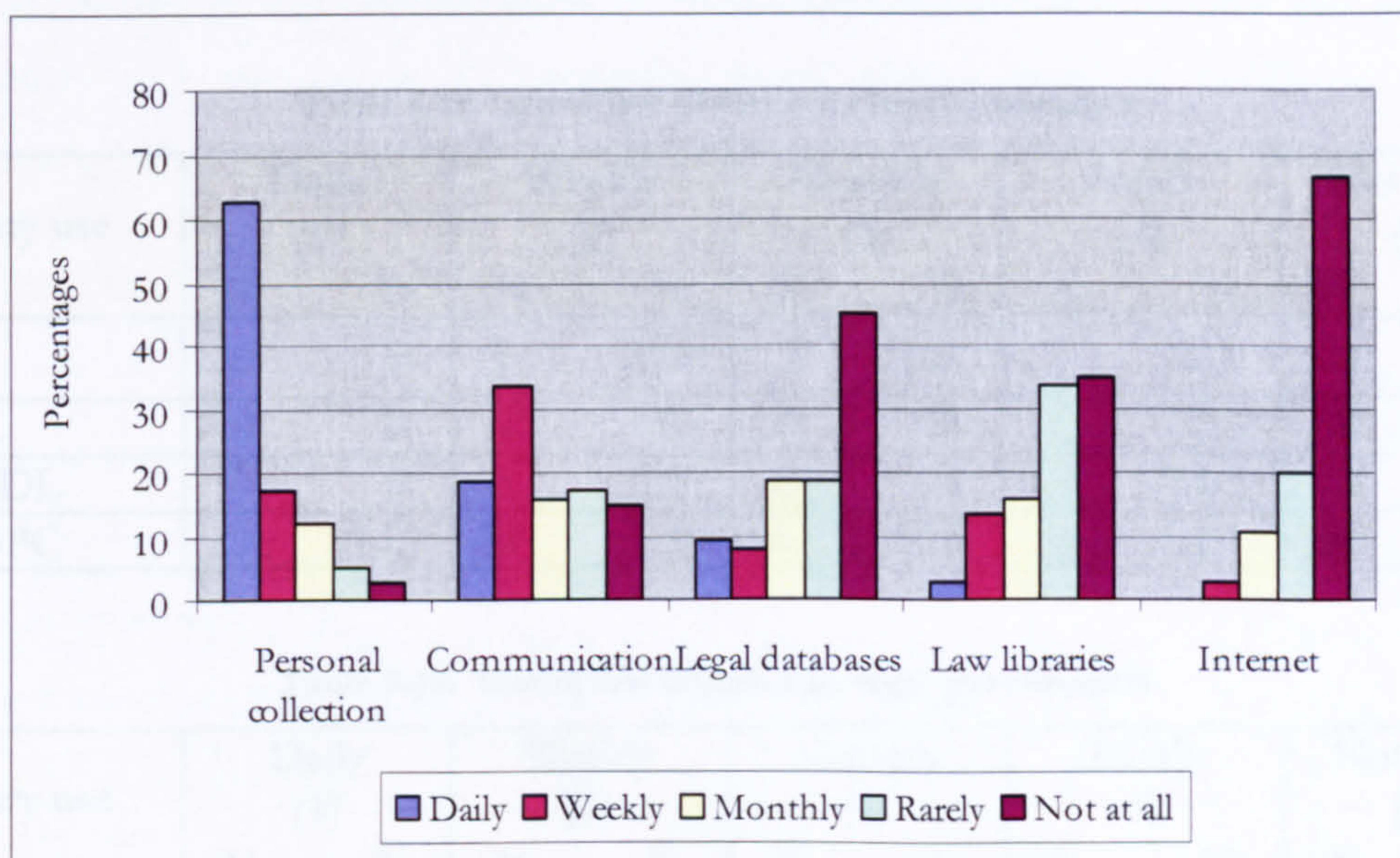


Figure 5.2: Distribution of information sources used by practitioners



### 5.2.4.1 Law libraries

Respondents were asked to identify the degree to which they used different law libraries. Table 5.13 illustrates that a large percentage of legal academics (45.6%) use the university law library and the majority did not use other libraries. Similarly, Table 5.14



demonstrates that a sizable percentage of practitioners (31.9%) use PJLL and 37.4% use LOLDL. The majority of legal practitioners did not use and/or rarely used other law libraries.

There is a significant difference regarding the degree of use of the ULL ( $df = 4$ ,  $P \leq 0.05$ ), PJLL ( $df = 4$ ,  $P \leq 0.05$ ), and LOLDL ( $df = 4$ ,  $P \leq 0.05$ ). The varied response to this question might be derived from the differences in the reasons for information seeking. Academics, for example, need to search for in-depth information on a specific topic. Therefore, they normally wish to have access to comprehensive materials related to a specific field; such information is usually available only at an academic law library rather than a special law library. On the other hand, practitioners are engaged in doing legal work in connection with their practice and are usually dealing with a variety of legal issues as they arise; such needs could usually be satisfied through their institution's law libraries such as PJLL which serves prosecutors and LOLDL which serves state lawyers.

**Table 5.13: Use of law libraries by legal academics**

Library use	Daily (1)		Weekly (2)		Monthly (3)		Rarely (4)		Not at all (5)	
	N	%	N	%	N	%	N	%	N	%
ULL	0	0	7	22.8	7	22.8	7	12.3	24	42.1
PJLL	0	0	0	0	0	0	7	12.3	50	87.7
LOLDL	0	0	1	1.8	0	0	14	24.6	42	73.7
CCDPC	1	1.8	0	0	6	10.5	16	28.1	34	59.6

**Table 5.14: Use of law libraries by legal practitioners**

Library use	Daily (1)		Weekly (2)		Monthly (3)		Rarely (4)		Not at all (5)	
	N	%	N	%	N	%	N	%	N	%
ULL	0	0	3	4.0	7	9.3	27	36.0	38	50.7
PJLL	1	1.3	13	17.3	10	13.3	8	10.7	43	57.3
LOLDL	2	2.7	8	10.7	18	24.0	21	28.0	26	34.7
CCDPC	0	0	2	2.7	3	4.0	18	24.0	52	69.3

Key: **ULL**: University Law Library    **PJLL**: Palace of Justice Law Library    **LOLDL**: Legal Opinion & Legislative Dept. Library    **CCDPC**: Centre of Court Decision Programming & Classification



### 5.2.4.2 Training on information sources

Respondents were asked to indicate the type of training they had received on different information sources. The results in Table 5.15 show that the majority of legal academics did not have any type of formal training on electronic literature searching, the Internet or computers as a communication tool. Table 5.16 also shows that the majority of legal practitioners have had no training on the use of such sources through formal training courses. The majority of legal academics (57.9%) and legal practitioners (75.3%) trained themselves in the use of law libraries.

These answers are a reflection of the present situation of legal education and training at the Kuwait law school. Nonetheless, there is a significant difference between legal academics and legal practitioners with respect to their training on searching the Internet ( $df = 3, P \leq 0.05$ ). From this result, it can probably be supposed that some legal academics get their qualifications from other countries, where they probably received formal training in ICT. Nonetheless, it could be assumed that with such low levels of education and training in IT generally, many lawyers may be unable to access information that might be of great value to them.

**Table 5.15: Legal academics' training on the use of information sources**

Type of information sources	No training		Basic training		Extensive training		Self-taught	
	N	%	N	%	N	%	N	%
Use of the computer as a communication tool	41	71.9	6	10.5	0	0	10	17.5
Electronic literature searching	39	68.4	6	10.5	0	0	12	21.1
Searching the Internet	39	68.4	8	14.0	2	3.5	8	14.0
Library use	8	14.0	14	24.6	2	3.5	33	57.9

**Table 5.16: Legal practitioners' training on the use of information sources**

Type of information sources	No training		Basic training		Extensive training		Self-taught	
	N	%	N	%	N	%	N	%
Electronic literature searching	55	73.3	3	4.0	6	8.0	11	14.7
Use of the computer as a communication tool	51	68.0	3	4.0	3	4.0	18	24.0
Searching the Internet	49	65.3	2	2.7	4	5.3	20	26.7
Library use	18	24.0	10	13.3	4	5.3	43	57.3



### 5.2.4.3 Need to access information sources

This question was designed to discover if such legal professionals could function without seeking information. Table 5.17 shows that more than half of legal academics (56.1%) claimed that they could satisfy some of their work tasks without accessing information sources. A similar proportion of legal practitioners (58.7%) claimed that they could function without using information sources.

**Table 5.17: Need to access information sources**

	Academics		Practitioners	
	N	%	N	%
Yes	32	56.1	44	58.7
No	25	43.9	31	41.3

The participants were then asked to report on which situations they could satisfy some of their work tasks without accessing information sources. (The totals here exceed 100% as respondents were able to choose more than one option.) Table 5.18 summarises their responses.

There is a significant difference between legal academics and legal practitioners in some situations such as when the issue or case at hand is simple and the procedure well known ( $df = 1, P \leq 0.05$ ), and where an immediate decision has to be made ( $df = 1, P \leq 0.05$ ). Perhaps academics have more confidence in their legal knowledge than practitioners. Also, legal practitioners might be more inclined to double-check their decisions or judgments because the outcome for their client(s) will depend upon them being correct.

**Table 5.18: Situations when there was no need to access information sources**

Situations or times	Academics		Practitioners	
	N	%	N	%
The issue or case is simple & the procedure is well known	30	93.8	34	77.3
Have a considerable experience in a particular field or issue of law	26	81.3	28	63.6
An immediate decision has to be made	19	59.4	14	31.8



#### 5.2.4.4 Results of significance test

Table 5.19 shows that the significance value for **TOT2A** is larger than .05, so the hypothesis that *there is no significant difference between legal academics and legal practitioners regarding the degree of use of different information sources* is accepted. The value of significance for **TOT2B** is less than .05 and so the hypothesis that *there is no significance in the difference between legal academics and legal practitioners regarding the extent to which they use various law libraries for obtaining legal information* is rejected. Also, as the significance value for **TOT2C** is larger than .05, then the hypothesis that *there is no significant difference between legal academics and legal practitioners regarding their training on the use of different information sources* is accepted. The t test that the value of significance for **TOT2D** is less than .05. In this case, the hypothesis that *there is no significant difference between legal academics and legal practitioners regarding satisfying their work tasks without information seeking in certain situations or at particular times* is rejected.

Table 5.19: T-test for TOT2A, TOT2B, TOT2C AND TOT2D by type (1,2)

Variable name	Legal academics		Legal practitioners		T test	Significance
	Mean	S.D	Mean	S.D		
TOT2A	3.45	.40	3.46	.54	-.037	.971
TOT2B	3.44	.35	3.69	.55	-2.995	.003**
TOT2C	2.25	.71	2.17	.93	.543	.588
TOT2D	1.21	.233	1.42	.30	-3.167	.002**

\*\* Significant at level  $p \leq 0.05$

#### 5.2.5 Use of Intermediaries

In this section, respondents were asked to indicate if they seek information by themselves or if they seek assistance from others and from whom they get assistance. As indicated in Table 5.20, 89.5% of legal academics seek information by themselves without asking for assistance from others, while the majority of legal practitioners (64.0%) sometimes ask for assistance from others in their information seeking.



There is a significant difference between legal academics and legal practitioners regarding their behaviour in seeking information by themselves or asking for assistance from others ( $df = 1, P \leq 0.05$ ). This result may be related to the fact that because academics carry out in-depth research in a specific subject, they need comprehensive and accurate information. Practitioners such as state lawyers, prosecutors and private lawyers, officially have assistants to help with their work, and state lawyers' and prosecutors' departments are provided with special law libraries. This is perhaps because time is often of the essence in actual cases and practising lawyers may be under more pressure to respond to their clients more quickly.

**Table 5.20: Do you seek information yourself?**

Do you seek information your self?	Academics		Practitioners	
	N	%	N	%
Always	51	89.5	27	36.0
Sometimes	6	10.5	48	64.0
Never	0	0	0	0

### 5.2.5.1 Type of assistance

As the majority of legal academics (89.5%) sought information themselves, the responses were too low to report. Table 5.21 illustrates the results for those legal practitioners who get the assistance of others. The results show that fairly a large percentage (41.7%) do not get the assistance of a librarian, 58.3% do not receive assistance from trainee lawyers, and 33.3 % of legal practitioners do not get the assistance of department/office staff. The majority get their help from their colleagues, with almost 70.0% getting this type of assistance on a daily, weekly or monthly basis (20.8% have daily assistance and 33.3% weekly assistance). About 85.4% obtain assistance from their legal counsel and 41.7% obtain such assistance on a weekly basis; 35.4% get some assistance daily. It is clear that the majority of assistance comes from colleagues and legal counsels, and the law librarian does not play an important role as an intermediary in the information seeking of Kuwaiti legal professionals.



Table 5.21: Frequency of assistance used by legal practitioners

Type of assistance	Daily (1)		Weekly (2)		Monthly (3)		Rarely (4)		Not at all (5)	
	N	%	N	%	N	%	N	%	N	%
Librarian	1	2.1	6	12.5	8	16.7	13	27.1	20	41.7
Colleagues	11	22.9	13	27.1	10	20.8	11	22.9	3	6.3
Department/office staff	10	20.8	16	33.3	3	6.3	3	6.3	16	33.3
Legal Counsel	17	35.4	20	41.7	4	8.3	0	0	7	14.6
Trainee lawyer	0	0	2	4.2	6	12.5	12	25.0	28	58.3

### 5.2.5.2 Results of significance tests

As is evident from Table 5.22, the level of significance is less than .01. Thus, the hypothesis that *there is no significant difference between legal academics and legal practitioners regarding the extent to which they seek information and receive assistance from others in their information seeking* is rejected.

Table 5.22: T-test TOT3 by type (1,2)

Variable name	Legal academics		Legal practitioners		T test	Significance
	Mean	S.D	Mean	S.D		
TOT3	1.10	.30	1.64	.48	-7.29	.000**

\*\* Significant at level  $p \leq 0.01$

### 5.2.6 Personal collections

It is clear that for both legal academics and practitioners, their own collections of legal materials and information are vitally important. The section which follows, therefore, examines the make-up and use of such collections.

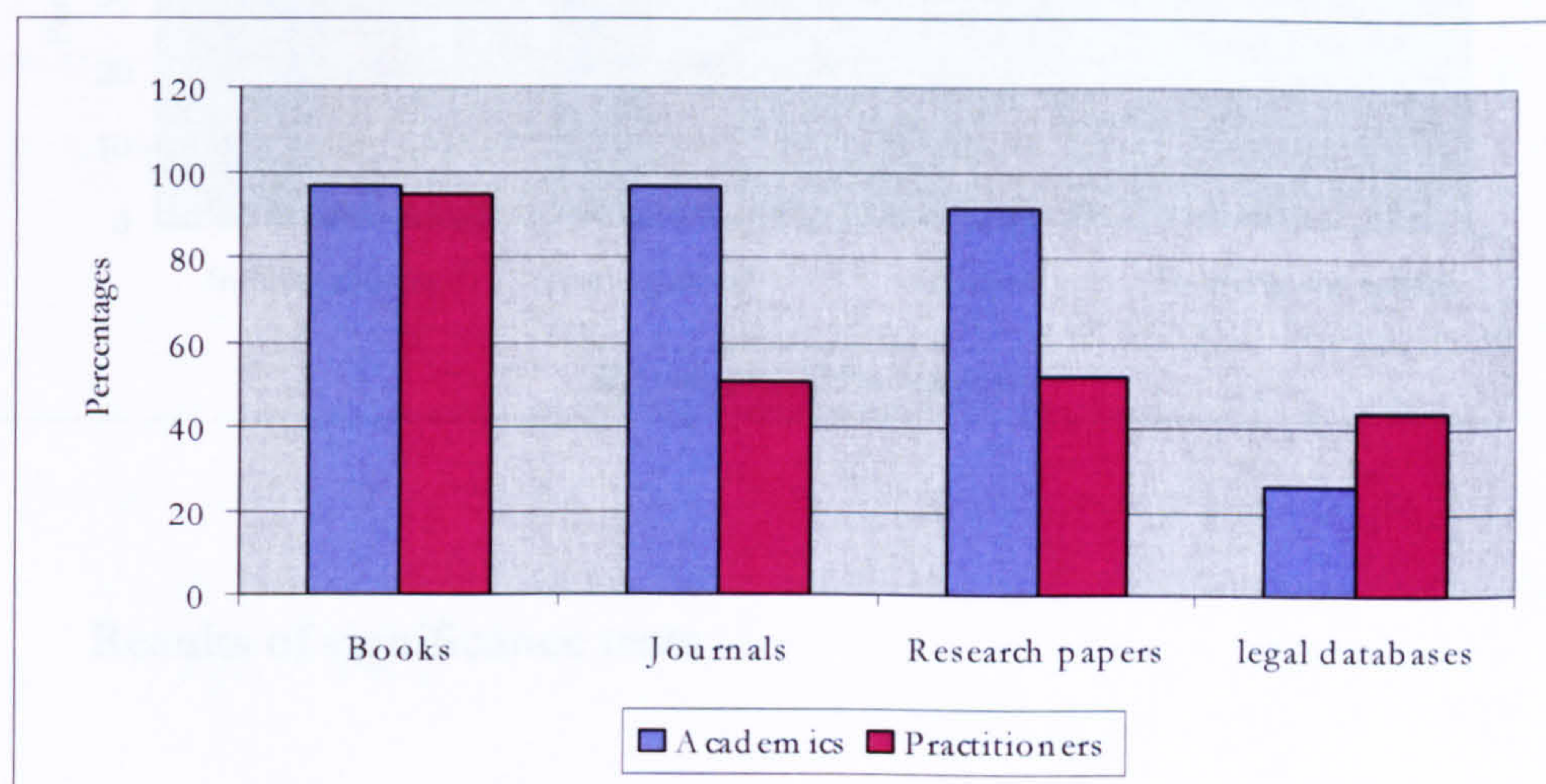


### 5.2.6.1 Types of material

This question indicates the types of material legal professionals have in their own collections. Figure 5.3 shows that 96.5% of legal academics and 94.7% of legal practitioners have legal books. Totals exceed 100% as respondents could choose more than one option.

Both academics and practitioners rely heavily on books. On the other hand, there is a significant difference between the two groups in having recourse to legal journals ( $df = 1, P \leq 0.05$ ), and legal research papers ( $df = 4, P \leq 0.05$ ). This is because academics in particular frequently browse and read legal journals and legal research papers because they carry out in-depth research. There was also a significant difference between the two groups in the use of legal databases ( $df = 1, P \leq 0.05$ ). Practitioners use these more than academics. However, the majority of legal academics (73.7%) and a large percentage of legal practitioners (56.0%) do not have access to legal databases.

Figure 5.3: Distribution of materials in personal collections



### 5.2.6.2 Organisation of personal collection

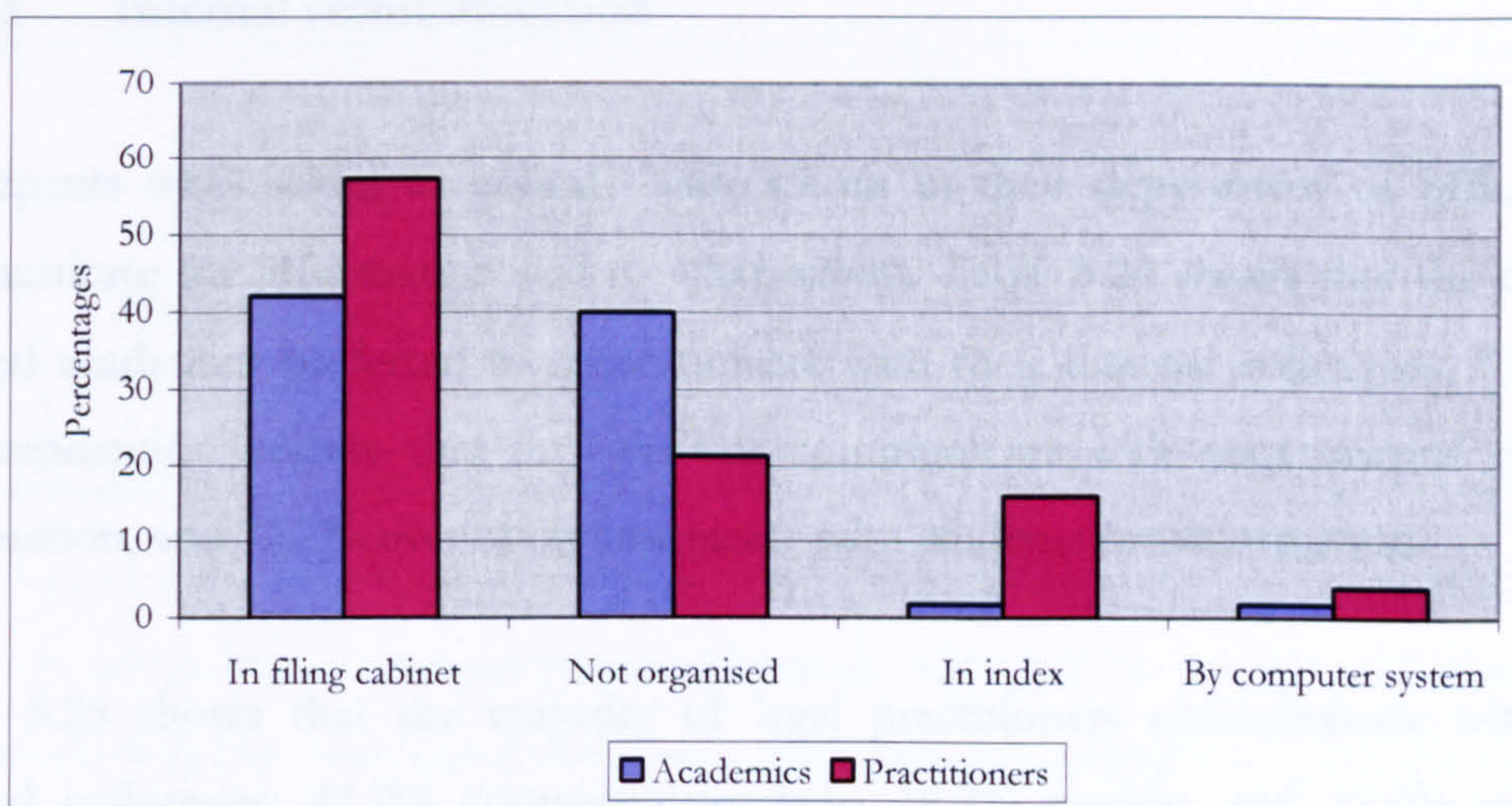
Figure 5.4 shows that a sizeable number of legal academics (40.0%) do not organise their own collections and that 42.1% organise their collections in a filing cabinet while the majority of legal practitioners (57.3%) organise their own collections in a filing



cabinet. Both the majority of legal academics and legal practitioners do not use an index or a computer system to organise their collections.

There is a significant difference between the two groups in the organisation of indexes ( $df = 1, P \leq 0.05$ ). As indicated in other results, this could be related to the reason that practitioners have assistants who provide help in organising their collections such as preparing and organising files. A significant difference was also found in the lack of organisation of collections ( $df = 1, P \leq 0.05$ ). Academics tend not to organise their collections. Assistants might play an important role in organising the collections of their employers. Considering the time such practitioners spend on practising law, it can be assumed that there is little time for such organisation.

**Figure 5.4: Distribution of preferred methods of organising collections**



### 5.2.6.3 Results of significance tests

Table 5.23 shows that the significance value for **TOT4B1** is less than .01. In this case, the hypothesis that *there is no significant difference between legal academics and legal practitioners regarding the overall type of materials in their own collections* is rejected. However, the significance value for **TOT4B2** is less than .05 and, in this case, the hypothesis that *there is no significant difference between legal academics and legal practitioners regarding how their own collections are organised* is rejected.



Table 5.23: T-test TOT4B1 and TOT4B2

Variable name	Legal academics		Legal practitioners		T test	Significance
	Mean	S.D	Mean	S.D		
TOT4B1	1.23	.18	1.42	.27	-4.743	.000**
TOT4B2	1.78	9.95	1.75	2.88	2.62	.010*

\*\* Significant at level  $p \leq 0.01$

\* Significant at level  $p \leq 0.05$

## 5.2.7 Communication

The section below considers the types and methods of communication used by the Kuwait legal profession.

### 5.2.7.1 Internal communication

Participants were asked to indicate with whom in their department or offices they communicate for information and to what extent. Table 5.24 shows that the majority of legal academics preferred to communicate with their internal colleagues, 77.2% of legal academics indicate that they do not communicate with departmental staff for information, and 73.7% do not communicate with students for information.

Table 5.25 shows that the majority of legal practitioners communicate with their internal colleagues; 42.7% communicate daily, 18.7% weekly, and 12.0% monthly. 32.0% indicate they communicate daily with their office/department staff, 10.7% weekly but a large percent (49.3%) do not at all. 45.3% indicate that they communicate daily with their legal counsel.

The significant difference between the two groups in terms of communication channels with staff was found to be  $df=4$  ( $P \leq 0.05$ ). This might be related to the fact that practitioners have assistant staff. They need assistance all the time as they are dealing with a variety of cases and each case needs a specific type of action or procedure.



**Table 5.24: Internal communication by legal academics**

Assistant	Daily (1)		Weekly (2)		Monthly (3)		Rarely (4)		Not at all (5)	
	N	%	N	%	N	%	N	%	N	%
Colleagues	17	29.8	14	24.6	10	17.5	11	19.3	5	8.8
Students	12	21.1	2	3.5	1	1.8	7	12.3	35	61.4
Office staff/department staff	1	1.8	10	17.5	2	3.5	5	8.8	39	68.4

**Table 5.25: Internal communication by legal practitioners**

Assistant	Daily (1)		Weekly (2)		Monthly (3)		Rarely (4)		Not at all (5)	
	N	%	N	%	N	%	N	%	N	%
Legal counsel	34	45.3	19	25.3	5	6.7	1	1.3	16	21.3
Colleagues	32	42.7	14	18.7	9	12.0	7	9.3	13	17.3
Office staff/department staff	24	32.0	8	10.7	3	4.0	3	4.0	37	49.3

### 5.2.7.3 Factors of communication

#### 5.2.7.2 External communication

The participants were asked to indicate with whom they communicate externally and to what degree.

It is evident from Table 5.26 that the majority of legal academics do not regularly use external communication channels with others to seek information as 49.1% said they communicated rarely with their external colleagues.

On the other hand, Table 5.27 shows that the majority of legal practitioners (61.3%) communicate with their external colleagues on daily, weekly and monthly basis. Other communication channels are also used.

There is a significant difference between legal academics and legal practitioners with respect to external communication with colleagues ( $df = 4$ ,  $P \leq 0.05$ ), with experts ( $df = 4$ ,  $P \leq 0.05$ ), and with legal counsels ( $df = 4$ ,  $P \leq 0.05$ ). This is expected, as the nature of the work of practitioners, that is, dealing with cases as they arise, requires this type of communication.



Table 5.26: External communication by legal academics

External	Daily (1)		Weekly (2)		Monthly (3)		Rarely (4)		Not at all (5)	
	N	%	N	%	N	%	N	%	N	%
Colleagues	2	3.5	9	15.8	4	7.0	28	49.1	14	24.6
Experts	0	0	0	0	2	3.5	10	17.5	45	78.9
Legal counsel	0	0	1	1.8	3	5.3	12	21.1	41	71.9

Table 5.27: External communication by legal practitioners

External	Daily (1)		Weekly (2)		Monthly (3)		Rarely (4)		Not at all (5)	
	N	%	N	%	N	%	N	%	N	%
Colleagues	12	16.0	24	32.0	10	13.3	8	10.7	21	28.0
Legal counsel	10	13.3	14	18.7	10	13.3	9	12.0	32	42.7
Experts	5	6.7	6	8.0	7	9.3	11	14.7	46	61.3

### 5.2.7.3 Forms of communication

The participants were asked to indicate the form of communication they preferred. Table 5.28 illustrates the majority of legal academics and legal practitioners preferred to communicate with others face-to-face, followed, in terms of preference, by the telephone. Only 28.1% of legal academics and 6.7% of legal practitioners used email to communicate. (This total exceeds 100%, as respondents could choose more than one option.)

The Chi-Square results indicate that there is a significant difference between legal academics and legal practitioners in communicating face-to-face ( $df = 1, P \leq 0.05$ ). This was expected, as academics cited face-to-face communication as a preferred method more than practitioners. However, practitioners also ranked face-to-face communication as their preferred form. This could be related to the reason that most of their communication is internal, not external. This result also verified that there is a significant difference between the two groups in communicating by email. It seems that email is used significantly more by academics than practitioners ( $df = 1, P \leq 0.05$ ).



Table 5.28: Form of communication

Communication form	Legal academics		Legal practitioners	
	N	%	N	%
Face to face	57	100.0	66	88.0
By telephone	43	75.4	57	76.0
By email	16	28.1	5	6.7

#### 5.2.7.4 Results of significance tests

Table 5.29 illustrates that the value for **TOT5A** is less than .01. In this case the hypothesis that *there is no significant difference between legal academics and legal practitioners regarding the degree of conducting internal communications with others as a channel for information transfer* is rejected. The t value for **TOT5B** was less than .01 so the hypothesis that *there is no significance difference between legal academics and legal practitioners regarding the degree of conducting external communications with others as a channel for information transfer* is also rejected.

Table 5.29: T-test TOT5A and TOT5B

Variable name	Legal academics		Legal practitioners		T test	Significance
	Mean	S.D	Mean	S.D		
TOT5A	3.55	.93	2.65	1.20	4.67	.000**
TOT5B	4.38	.49	3.56	1.04	5.40	.000**

\*\* Significant at level  $p \leq 0.01$

## 5.2.8 Conferences and meetings

### 5.2.8.1 Attending conferences and meetings

Participants were asked to indicate the number of conferences or meetings they had attended in the last two years. Table 5.30 shows that the majority of legal academics (75.4%) attended conferences or meetings in Kuwait while a sizeable number of legal



practitioners (48.0%) had not attended conferences or meetings in the last two years and only 38.7% had attended between one and two.

**Table 5.30: Attending national conferences/meetings**

Conferences/ Meetings	Legal academics		Legal practitioners	
	N	%	N	%
None	14	24.6	36	48.0
1-2	19	33.3	29	38.7
3-4	17	29.8	5	6.7
More than 4	7	12.3	5	6.7

The participants were also asked to indicate the number of conferences or meetings they had attended outside Kuwait in the previous two years. Table 5.31 shows that only a small number of legal academics (15.8%) had not attended any such conferences or meetings, whereas the majority of legal practitioners (70.7%) had not.

There are significant differences between legal academics and legal practitioners in the number of conferences or meetings they had attended both in Kuwait ( $df = 3, P \leq 0.05$ ) and outside it ( $df = 3, P \leq 0.05$ ). This is because most conferences are academic in nature and offer the opportunity to follow up new issues in the discipline. Therefore, academics are more likely to attend national and international conferences than practitioners. Furthermore, this could be related to the Kuwaiti Bar, which although responsible for promotion within the legal profession, has not been active in organising such conferences. In the absence of such a source, practitioners are denied an important opportunity for information updating. It can be assumed also that their international communication is at a minimal level. Their reasons for not attending such conferences are described in the following section.



**Table 5.31: Attending international conferences/meetings**

Conferences/ Meetings	Legal academics		Legal practitioners	
	N	%	N	%
None	9	15.8	53	70.7
1-2	27	47.4	20	26.7
3-4	17	29.8	0	0
More than 4	4	7.0	2	2.7

### 5.2.8.2 Reasons for not attending

Table 5.32 shows that among those legal academics and practitioners who did not attend conferences or meetings, 'workload' was the most important reason given for their non-attendance. This result is expected because academics are engaged in teaching and research while practitioners are dealing with cases and suits, making it difficult for many to find time to attend such conferences. An unexpected result was to find that a small percentage (10.3%) of practitioners considered 'cost' as a reason for not attending. It may be assumed that, in such cases, their work is not sponsoring them to attend conferences and/or meetings.

**Table 5.32: Reasons for not attending**

Reasons	Academics		Practitioners	
	N	%	N	%
Work load	8	88.9	16	55.2
Not interested	1	11.1	8	27.6
Cost	0	0	3	10.3
Not prepared	0	0	2	6.9

### 5.2.8.3 Awareness about conferences and meetings

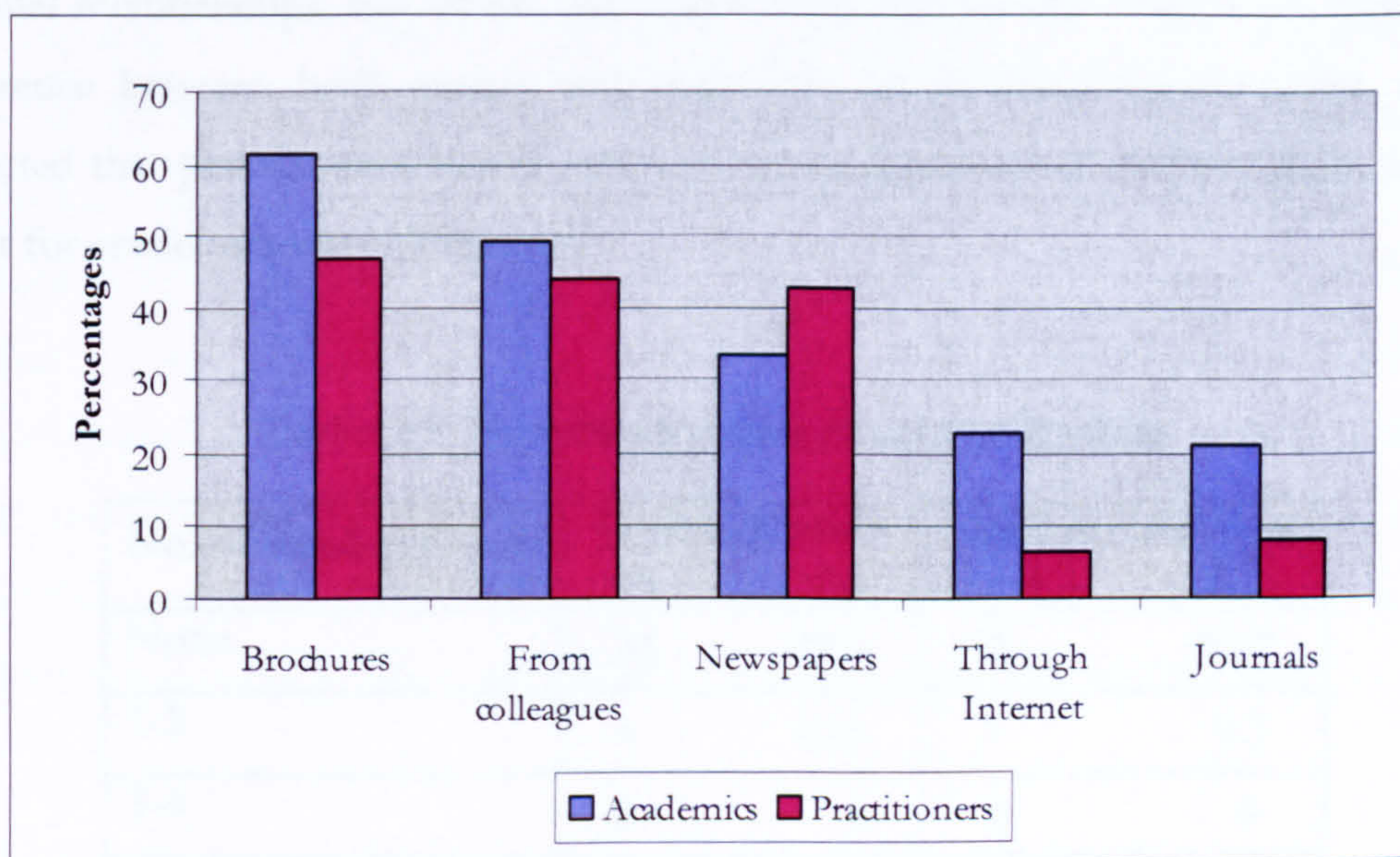
Figure 5.5 shows that a majority of legal academics (61.4%) and nearly half the legal practitioners (46.7%) heard about conferences or meetings through traditional sources



such as brochures. This is to be expected since brochures provide the most efficient means of circulating invitations to conferences. An invitation could come directly and/or indirectly through heads of departments. In comparison, it was found that only 22.8% of legal academics and 6.7% of practitioners heard about conferences via the Internet. This total exceeds 100% as respondents could choose more than one option.

The Chi-square results indicate that there is a significant difference between legal academics and legal practitioners in respect to hearing about conferences or meetings through announcements in legal journals and through the Internet ( $df = 1, P \leq 0.05$ ). It can be assumed that some academics were able to access the Internet and to peruse journals to find information about conferences more readily than practitioners who, it might be suggested, were less interested in finding such information. It might also suggest that legal practitioners also found it more difficult to find time to consult such sources because of the pressures associated with dealing with clients. Furthermore, considering that 27.6% of legal practitioners, when asked about attending conferences, said that they were “not interested”, it seems reasonable to assume that these respondents would also not be interested in searching the Internet or in looking at journals to find invitations to such events.

Figure 5.5: Methods of hearing about conferences and meetings





#### 5.2.8.4 Organisational membership

Table 5.33 shows that almost half of legal academics (50.9%) and the majority of legal practitioners (84.0%) did not belong to any associations or societies.

**Table 5.33: National organisational memberships**

No. of memberships	Legal academics		Legal practitioners	
	N	%	N	%
None	29	50.9	63	84.0
1-2	28	49.1	12	16.0
More than three	0	0	0	0

There is a significant difference between legal academics and legal practitioners in respect of their membership of national organisations ( $df = 1, P \leq 0.05$ ). Perhaps the fact that academics are more interested in conferences than practitioners means they are more likely to apply for membership. Membership usually provides a variety of benefits, including conferences, as will be explained in the next section. On the other hand, practitioners, such as prosecutors and state lawyers might possibly not be allowed to apply for memberships for political and/or professional reasons. In contrast to national memberships, the results (see Table 5.34) indicate that there is no significant difference between both groups with regard to international memberships. It was expected that practitioners would have few or no international memberships, but the result for academics was unexpected.

**Table 5.34: International organisational memberships**

No. of memberships	Legal academics		Legal practitioners	
	N	%	N	%
None	51	89.5	68	90.7
1-2	6	10.5	7	9.3
3-4	0	0	0	0
More than 4	0	0	0	0



### 5.2.8.5 Membership benefits

Table 5.35 shows the majority of the academics (75.0%) reported that attending conferences is one of the greatest benefits that they can obtain from their memberships. The responses from legal practitioners were too low to report, as the majority did not have memberships. The total here exceeds 100%, as respondents could choose more than one option.

**Table 5.35: Benefits of memberships**

Benefits	Legal academics	
	N	%
Attendance conferences	27	75.0
Meeting colleagues	24	66.7
Receiving free journals	20	55.6
Keeping up-to-date	18	50.0

### 5.2.8.6 Results of significance tests

As shown in Table 5.36, the t value for **TOT6A** is less than .01. Thus, the hypothesis that *there is no significant difference between legal academics and legal practitioners regarding their view about attending national conferences and meetings as an information channel* is rejected. The t value for **TOT6B** is less than .01, so the hypothesis that *there is no significance difference between legal academics and legal practitioners regarding their view about attending international conferences and meetings as information channels* is also rejected. The t value for **TOT6C** is less than .01 and therefore the hypothesis that *there is no significant difference between legal academics and legal practitioners regarding their view about memberships of national professional organisations* is rejected. Finally, it was found that the t value for **TOT6D** is higher than .01. In this case, the hypothesis that *there is no significant difference between legal academics and legal practitioners regarding their memberships of international professional organisations* is accepted.



Table 5.36: T-test TOT6A, TOT6B, TOT6C, and TOT6D by type (1,2)

Variable name	Legal academics		Legal practitioners		T test	Significance
	Mean	S.D	Mean	S.D		
TOT6A	2.29	.98	1.72	.86	3.59	.000**
TOT6B	2.28	.81	1.34	.62	7.43	.000**
TOT6C	1.49	.50	1.16	.36	4.35	.000**
TOT6D	1.10	.30	1.09	.29	.226	.821

\*\* Significant at level  $p \leq 0.01$

### 5.2.9.1 Results of significance test

## 5.2.9 Incidental information acquisition

### 5.2.9.1 Journal scanning behaviour

The participants were asked to calculate the number of legal journals they scanned on a regular basis. Table 5.37 shows that the majority of legal academics (64.9%) and the majority of legal practitioners (62.7%) reported that they scanned between one and two legal journals. Few practitioners scan more than two journals.

There is a significant difference between both academics and practitioners in respect to the number of legal journals they scanned on a regular basis ( $df = 3, P \leq 0.05$ ). Journals probably have a greater value for academics than for practitioners. For example, academics need to know about current research issues, topical discussions on legal matters and so on to supplement both their teaching and their research. This difference could be also related to certain problems with the legal journals themselves, such as promotional difficulties.



Table 5.37: Number of journals scanned on a regular basis

No. of journals	Legal academics		Legal practitioners	
	N	%	N	%
None	0	0	22	29.3
1-2	37	64.9	47	62.7
3-4	15	26.3	5	6.7
More than 4	5	8.8	1	1.3

### 5.2.9.1.1 Results of significance tests

The T test was applied to test the hypothesis. As shown in Table 5.38, the significance value is less than .01 and therefore, in this case, the hypothesis that *there is no significant difference between legal academics and legal practitioners regarding the number of legal journals they scan on a regular basis* is rejected.

Table 5.38: T-test TOT7 by type (1,2)

Variable name	Legal academics		Legal practitioners		T test	Significance
	Mean	S.D	Mean	S.D		
TOT7	2.43	.65	1.80	.61	5.744	.000**

\*\* Significant at level  $p \leq 0.01$

### 5.2.9.2 Information obtained by chance

The participants were asked in this question to indicate from which sources they obtained their information by chance. Figure 5.6 shows that a large majority of legal academics (91.2%) claimed that newspapers were the most important source from which they obtained information by chance, followed by TV (61.4%).

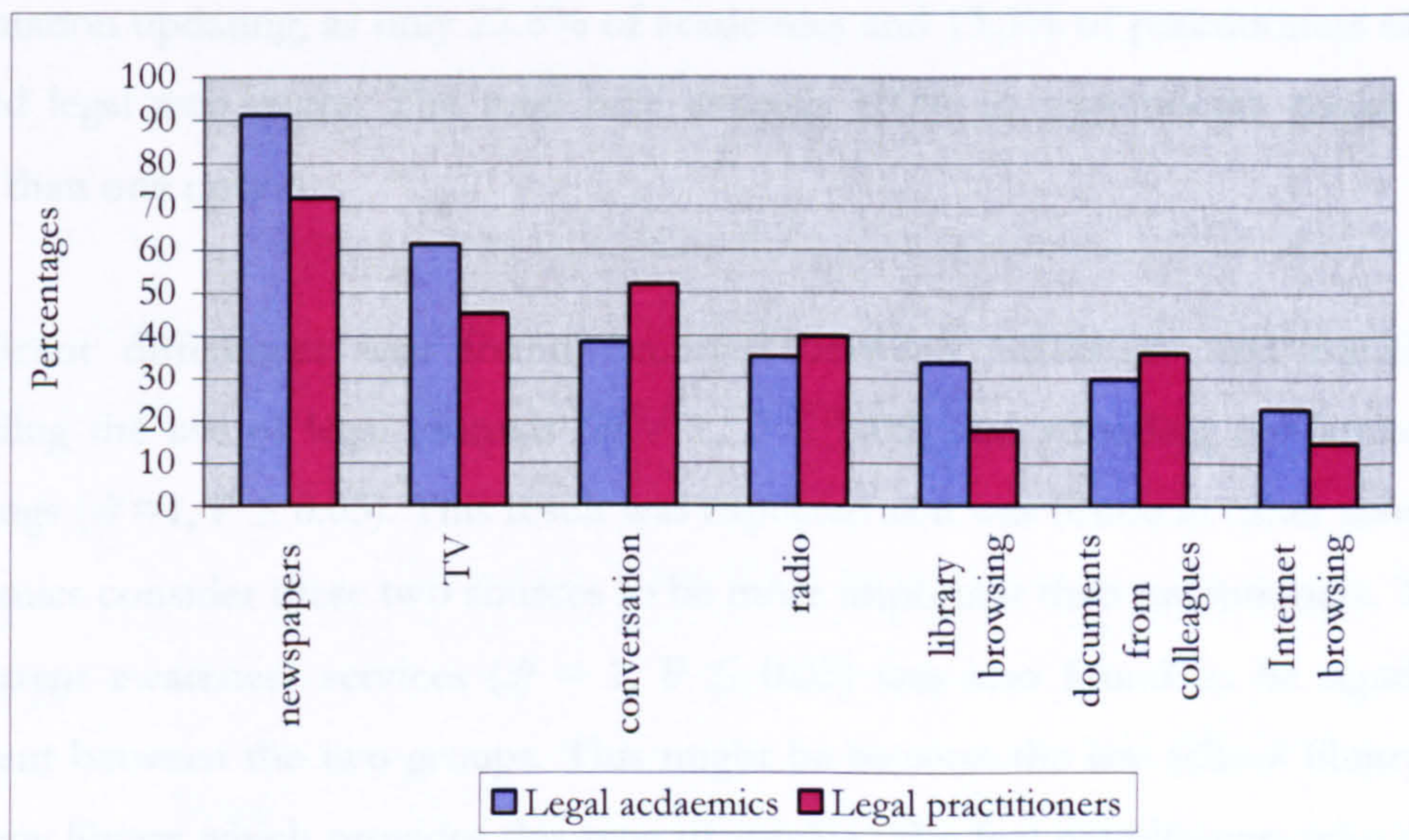
Legal practitioners primarily (72.0%) obtained their information by chance from newspapers, followed by 52.0% who claimed that such information came through conversation. The fact that there was a generally low response to most of the items in



the question from practitioners might suggest that they actually were less likely to come across information by chance. For example, 22.8% of academics but only 14.7% of practitioners obtained information by chance through browsing the Internet. This again might suggest that, in general, practitioners have less time to consult sources other than those that they need at that time for a particular case or suit. Totals exceed 100%, as respondents could choose more than one option.

There is a significant difference between legal academics and legal practitioners with respect to newspapers ( $df = 1, P \leq 0.05$ ). Academics are more likely to consider newspapers to be a source of serendipitous information than practitioners. Almost all Kuwaiti newspapers have weekly legal pages which provide articles on a variety of current legal issues. Because these provide in-depth information, they are likely to be of interest to academics rather than practitioners who do not expect to obtain anything of real value. Browsing in the library was also found to be significantly different for the two groups ( $df = 1, P \leq 0.05$ ). It seems that academics tended to browse in the library more than practitioners.

**Figure 5.6: Distribution of ways in which information was obtained by chance**



#### 5.2.9.2.1 Results of significance tests

Table 5.39 shows that the value of significance, using the t test, is less than .01. The hypothesis that *there is no significant difference between legal academics and legal practitioners*



regarding obtaining useful professional information by chance through various sources is therefore rejected.

Table 5.39: T-test TOT8 by type (1,2)

Variable name	Legal academics		Legal practitioners		T test	Significance
	Mean	S.D	Mean	S.D		
TOT8	1.47	.25	1.59	.25	-2.728	.007**

\*\* Significant at level  $p \leq 0.01$

### 5.2.9.3 Information updating

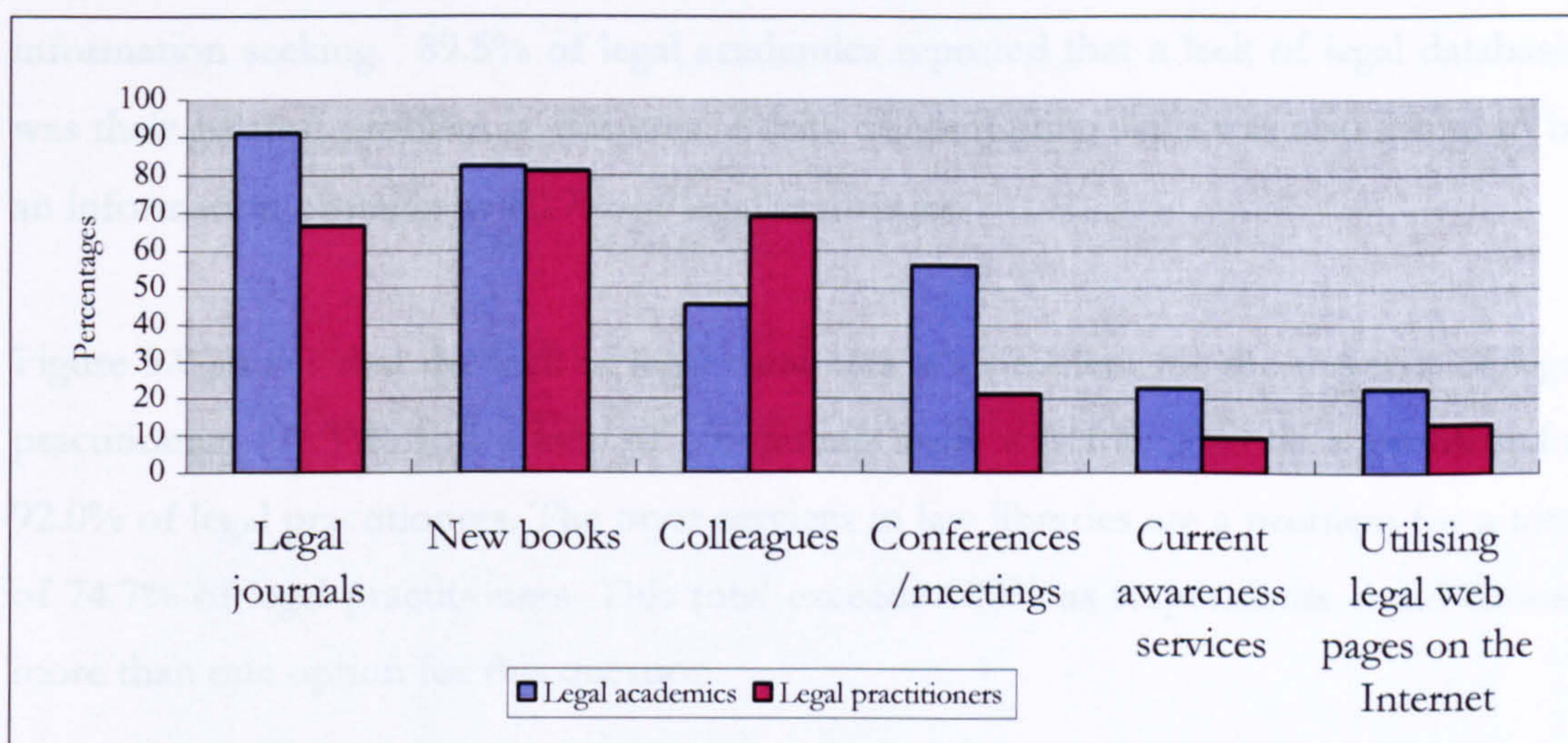
The participants in this question were asked to indicate the methods they usually use to keep up-to-date with information. Figure 5.7 shows that 91.2% of legal academics reported that legal journals were the most important source for updating information, 82.5% say they read new books, while 22.8% utilised legal web pages. Conversely, 81.3% of legal practitioners updated themselves through new books and 69.3% through their colleagues. Few responses considered the Internet as a source for information updating, as only 22.8% of academics and 13.3% of practitioners said they utilised legal web pages. The total here exceeds 100% as respondents could choose more than one option.

Significant differences was found occurred between academics and practitioners regarding the use of legal journals ( $df = 1, P \leq 0.05$ ) and attending conferences and meetings ( $df = 1, P \leq 0.05$ ). This result was expected as it was found in other results that academics consider these two sources to be more important than practitioners. The use of current awareness services ( $df = 1, P \leq 0.05$ ) was also found to be significantly different between the two groups. This might be because the law school library is the only law library which provides this type of service. The few practitioners who use this service, therefore, might be depending on their assistants and/or local publishers to provide them with a list of titles of new legal books.



In addition, there is a significant difference between the two groups in the use of colleagues as a source of information updating ( $df = 1, P \leq 0.05$ ). This is expected, since it was found in an earlier question that practitioners carry out more internal and external communication than academics.

Figure 5.7: Distribution of sources for information updating



### 5.2.9.3.1 Results of significance tests

Table 5.40 shows that the significance value for this item is greater than .05. Therefore, the hypothesis that *there is no significant difference between legal academics and legal practitioners regarding keeping up-to-date through various sources* is accepted.

Table 5.40: T-test TOT9 by type (1,2)

Variable name	Legal academics		Legal practitioners		Significance	T test
	Mean	S.D	Mean	S.D		
TOT9	1.47	.19	1.52	.21	-1.361	.176



## 5.2.10 Information obstacles and improvements

### 5.2.10.1 Information obstacles

Participants were asked to indicate the problems they encountered when they were seeking information. As Figure 5.8 shows, the majority of legal academics (96.5%) indicated that inadequate resources in law libraries is a problem that could affect their information seeking. 89.5% of legal academics reported that a lack of legal databases was their greatest problem in this area. A lack of computing skills was also found to be an information obstacle by 80.7% of legal academics.

Figure 5.9 shows that the lack of legal databases is a problem for the majority of legal practitioners (97.3%) and a lack of computing skills was found to be a problem for 92.0% of legal practitioners. The poor services in law libraries are a problem for a total of 74.7% of legal practitioners. This total exceeds 100% as respondents could choose more than one option for this question.

There is a significant difference between academics and practitioners in their opinions regarding computing skills, inadequate resources in law libraries ( $df = 2, P \leq 0.05$ ) and poor services in law libraries ( $df = 2, P \leq 0.05$ ). This result is expected as the work of academics usually demanding adequate resources and services to satisfy their diverse needs. The differences on computing skills could be related to the fact that practitioners have assistants and so do not consider this to be a problem as someone else will frequently complete tasks using IT for them.



Figure 5.8: Distribution of information problems by academics

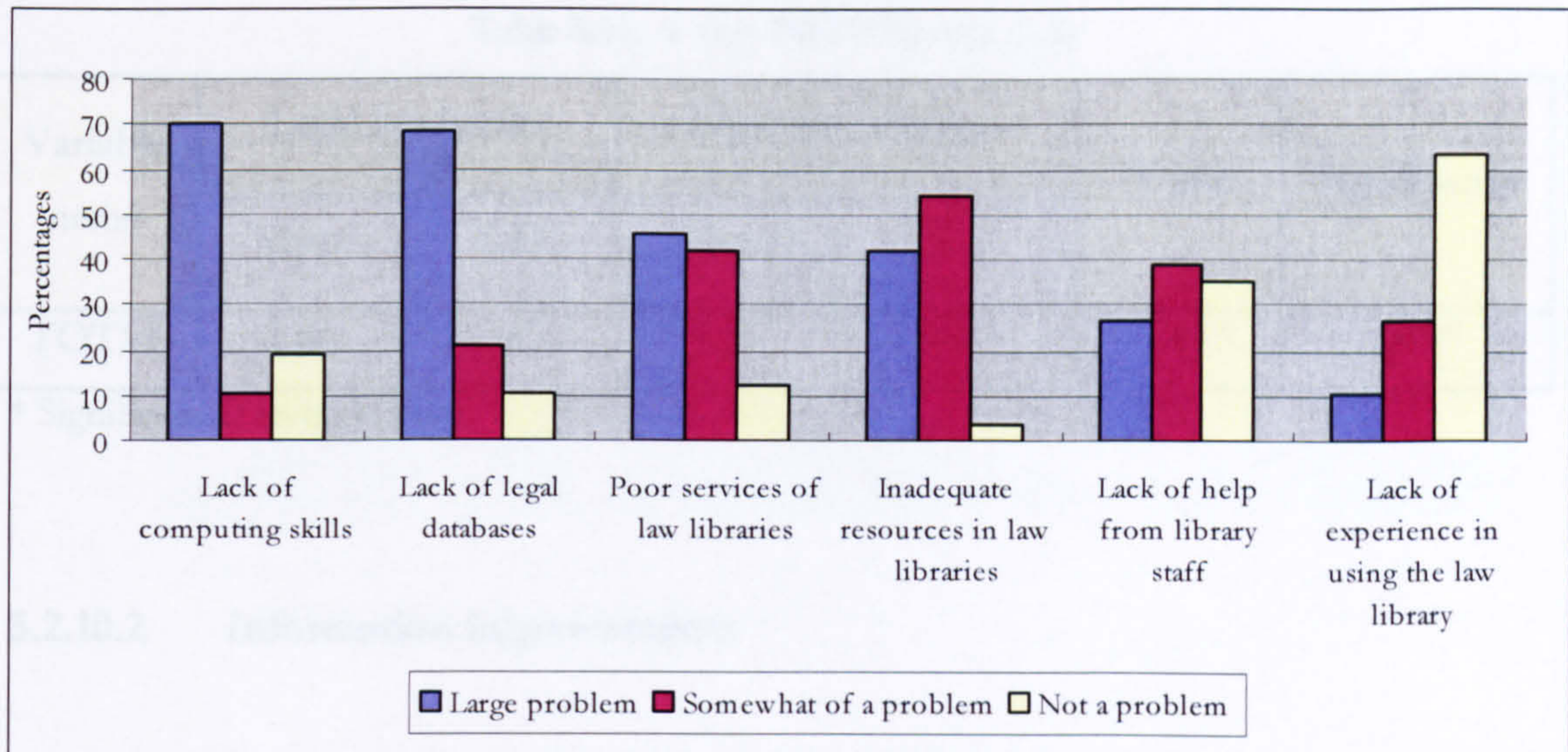
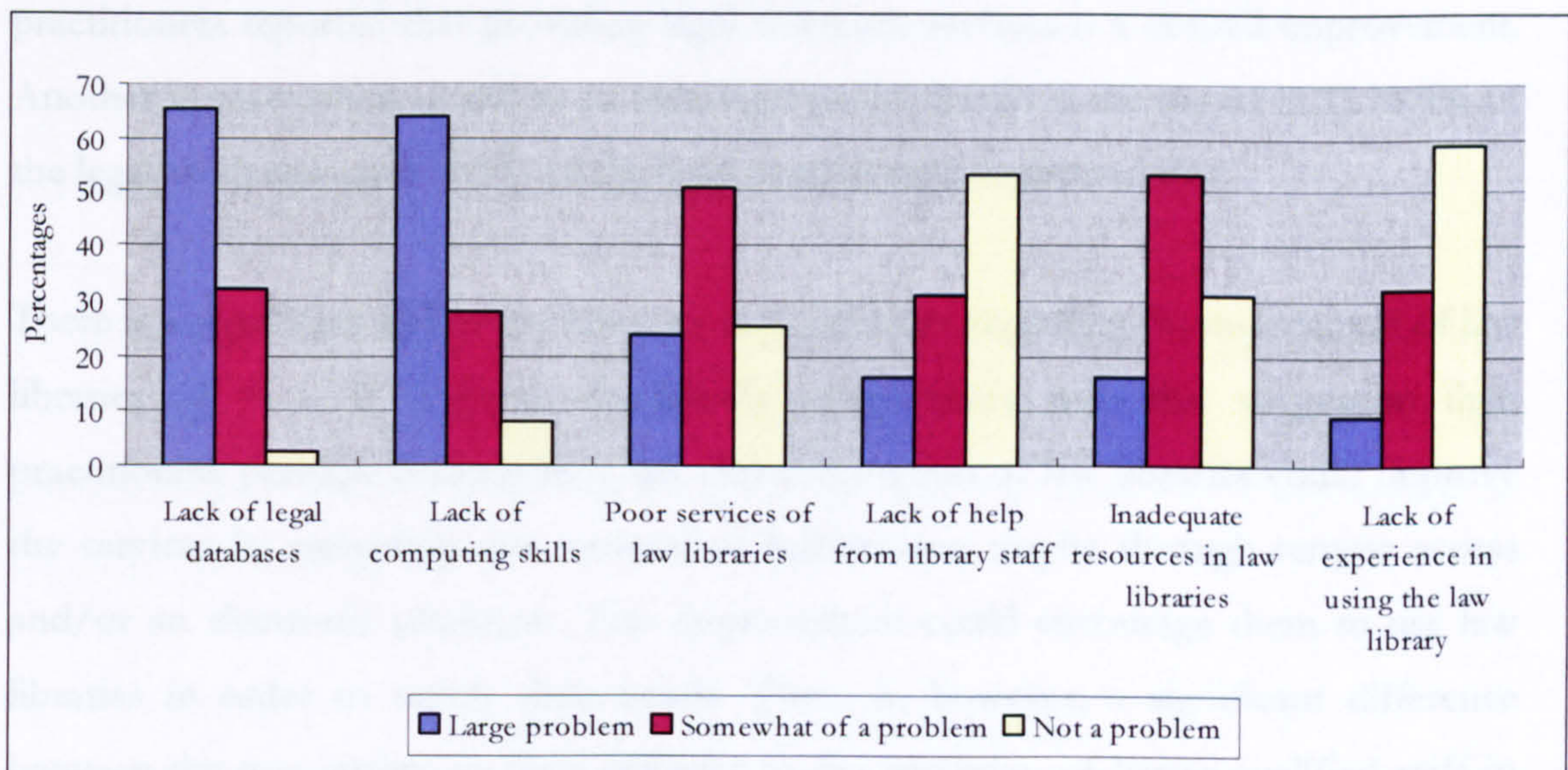


Figure 5.9: Distributions of information problems by practitioners



### 5.2.10.1.1 Results of significance tests

Table 5.41 shows that, from the T test result, the significance value is less than .05. Therefore, the hypothesis that *there is no significant difference between legal academics and legal practitioners regarding their opinion about encountering problems in their information seeking* is rejected.



Table 5.41: T-test TOT11 by type (1,2)

Variable name	Legal academics		Legal practitioners		T test	Significance
	Mean	S.D	Mean	S.D		
TOT11	1.80	.365	1.97	.412	-2.493	.014*

\* Significant at level  $p \leq 0.05$

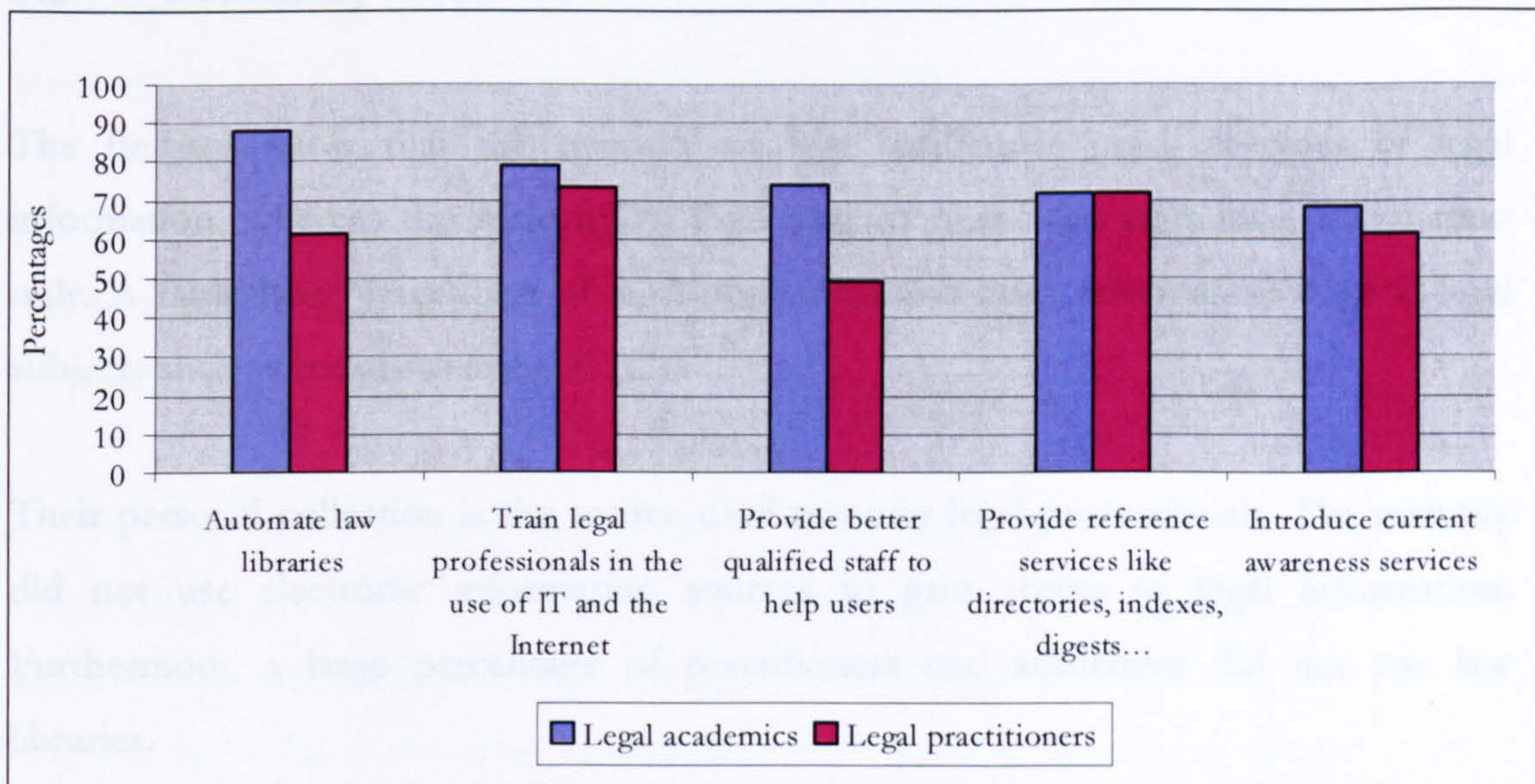
### 5.2.10.2 Information improvements

Figure 5.10 shows that the majority of legal academics (87.7%) claimed that to automate law libraries would be an important improvement. 72.0% of legal practitioners reported that providing legal reference services is a desired improvement. Another improvement would be to train legal professionals in the use of ICT; 78.9% of the legal academics and 73.3% of the legal practitioners supported this.

There is a significant difference between their opinions regarding the automation of law libraries ( $df = 1, P \leq 0.05$ ). Academics agreed more with this suggestion than practitioners perhaps because they felt that automation of law libraries could improve the services by providing fast retrieval of information maybe through remote access and/or an electronic catalogue. This improvement could encourage them to use law libraries in order to satisfy their needs. There is, however, a significant difference between the two groups in their attitudes to the provision of better qualified staff in law libraries ( $df = 1, P \leq 0.05$ ). This result was unexpected because respondents indicated in the previous question that a lack of help from library staff was not a problem in their information seeking. Perhaps a number of them believed that employing professionally qualified staff could further improve the information services and the management of these libraries.



**Figure 5.10: Distribution of suggestions for improvements in the legal information services and resources**



#### 5.2.10.2.1 Results of significance tests

Table 5.42 shows that, from the T test, the value of significance for **TOT12** is less than .05. Therefore, the hypothesis that *there is no significant difference between legal academics and legal practitioners about their opinion regarding the development and improvement of legal information sources and services* is rejected.

**Table 5.42: T-test TOT12 by type (1,2)**

Variable name	Legal academics		Legal practitioners		T test	Significance
	Mean	S.D	Mean	S.D		
TOT12	1.25	.259	1.39	.296	-2.843	.005*

\* Significant at level  $p \leq 0.05$



### 5.3 Summary

The findings show that the majority of legal academics need all types of legal information, whereas the majority of legal practitioners need legislative information only. A fairly large percentage of legal academics also need information on non-legal subjects such as social science and ICT.

Their personal collection is the source used most by legal professionals. The majority did not use electronic information sources to gain access to legal information. Furthermore, a large percentage of practitioners and academics did not use law libraries.

The majority of the respondents have no training on the use of information sources such as electronic literature searching, searching the Internet and using a computer as a communication tool, and most of them have educated themselves on the use of the library. Most respondents indicated that they did not need to access information sources all the time. The majority of legal academics seek information themselves without assistance from others, whereas the majority of legal practitioners relied on the assistance of others such as colleagues, department/office staff, legal counsel, and law libraries.

The majority of legal academics did not have legal databases in their own collections, and a fairly large percentage of legal practitioners did not have legal research papers and legal databases. The majority of respondents did not organise their collections.

Most legal academics relied on communication with their internal colleagues as a source of information, whereas legal practitioners relied on internal communication with colleagues and legal counsels. While the majority of legal academics did not rely on external communication, most legal practitioners communicate with their external colleagues and legal counsels. Most of this communication takes place face-to-face or over the telephone. Other forms of communication, such as email, were not used by the majority of the respondents.



Most legal academics attended national and international conferences and meetings, but while more than half the legal practitioners said they attended national conferences and meetings, most of them did not attend any conferences or meetings outside Kuwait. Heavy workload was offered as the most important reason for not attending. The majority of legal academics heard about conferences and meetings from announcements in brochures and from colleagues, whereas the legal practitioners generally heard about these from newspapers, brochures and colleagues.

Almost half of the legal academics in the study did not have international memberships, and the majority of legal practitioners have neither national nor international memberships. Those who had memberships indicated that free journals, keeping up-to-date, attending conferences and meeting colleagues were the most important benefits of their memberships.

Most respondents said they scanned between one and two legal journals on a regular basis. The results also show that while the majority of legal academics obtained information from newspapers, television and conversation, the majority of legal practitioners obtained such information from newspapers, conversation with colleagues and television.

The majority of legal academics rely on legal journals, new books, and conferences and meetings; the majority of legal practitioners relied on new books and colleagues for updating information.

The results show that legal professionals face obstacles in accessing legal information because of inadequate resources in law libraries, poor legal information resources and services, a lack of help from library staff, a lack of computing skills, and a lack of legal databases.

To enhance and develop legal information resources and services, the majority of respondents suggested introducing current awareness services, automating law libraries and legal information services, providing legal reference services, providing better qualified staff to help users, and providing training on the use of Internet and information technology.



## Chapter 6

### Interview Analysis

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#### 6.1 Introduction

This chapter analyses the results of the interviews. Four interviews were held with law librarians, two with legal publishers, and four with legal database producers. Sixteen follow-up interviews were also held with legal professionals to explore results from the questionnaires. These interviews were transcribed twice, first in Arabic and again in English, taking a great deal of time and effort.

This chapter has five sections. The first section describes the data from the interviews with law librarians. The second section describes the data obtained from the legal publishers, while the third section investigates data from the legal database producers. The fourth section offers an analysis of the data from the interviews with legal professionals. The final section analysis selected critical incidents which focused on specific situations such as the problems legal professionals faced in acquiring the information they needed. On the basis of this information, the researcher has attempted to draw conclusions about the provision of legal information services and sources in Kuwait and its impact on the information behaviour of Kuwaiti legal professionals.



## 6.2 Law libraries

### 6.2.1 Overview

None of the four law librarians who were interviewed had an education in law librarianship. This was expected since there is no such education available in Kuwait. Only one of them had more than ten years working experience in law libraries.

Other than the respondent in the law school library, the other three law librarians did not use that term for their job titles; they were public relations officer or clerk researcher.

### 6.2.2 Collections

The respondents were asked about the number of items in their collections. Table 6.1 shows the size of the collections in the law libraries covered in the survey. The law library at Kuwait University has the largest collection. This is to be expected since this library is the only academic library in the country.

**Table 6.1: Size of collections**

Library name	Collections
Kuwait University law library	30, 100
The Palace of Justice library	13, 000
The Legal Opinion and Legislative Dept.	7, 000
Kuwait Institute of Legal and Judicial Studies.	5, 000

The respondents were also asked about the number of periodicals their libraries subscribe to. Table 6.2 shows that the majority of these libraries subscribe only to Arabic titles. Kuwait University law library is the only law library subscribing to foreign legal periodicals in English and French.



Table 6.2: Size of periodical collections

Library name	Arabic periodicals	Foreign periodicals	Total
Kuwait University law library	55	312	367
The Legal Opinion and Legislative Dept.	11	-	11
The Palace of Justice library	4	-	4
Kuwait Institute of Legal and Judicial Studies	3	-	3

The respondents were asked if they faced any difficulties in acquiring any new materials, including Kuwaiti legal publications. The majority indicated that they did not have any difficulty in gaining access to new materials. However, one of the respondents reported having trouble in acquiring Kuwaiti legal materials. He noted the following problems:

- The lack of good publicity for such materials.
- The lack of Kuwaiti legal publishing output.
- There are no legal publishers in the country, so they depend on annual book exhibitions.

All of these libraries depend on the annual book exhibitions to purchase their requirements from the legal books available and/or gifts from Kuwaiti legal departments such as periodicals, legislation codes, etc.

### 6.2.3 Resources

The respondents were then asked about the resources law libraries provide for their users. The majority of these libraries provide printed resources such as books and periodicals, and provide legal reference materials such as legal indexes and periodicals. Electronic resources, such as legal databases, were found to be provided by only two libraries. Kuwait University law library provides *Index to Legal Periodicals*, and the Legal



Opinion and Legislative Dept. has its own legal database. In addition, these two libraries provide literature searching for their users free of charge.

To indicate the role of these libraries in training their users, the respondents were asked if they provided bibliographic instruction or any training courses for their users on the use of the library. Only one library did, Kuwait University law library. This provides regular sessions but just provides a library tour if requested to do so by any member of legal academic staff. Some of the reasons for not providing such courses are as follows:

- They do not have a plan for such training
- They have no requests from their users for such training
- These libraries are specialist libraries, so their users depend totally on the staff.

#### 6.2.4 Services

The respondents were asked about what kind of services they have. The majority of these libraries provided traditional services such as photocopying, borrowing and literature searching.

The researcher also attempted to ascertain the size of the legal community in each of the libraries surveyed. Table 6.3 shows the variety of the estimated legal population served daily by these law libraries.

**Table 6.3: Estimated number of daily legal users**

Library name	Number of daily users
Kuwait University law library	70
The Legal Opinion and Legislative Dept.	20
The Palace of Justice library	10
Kuwait Institute of Legal and Judicial Studies	2

The respondents were also asked about the methods they used to keep their users up-to-date. It was found that only the Law School library offered current awareness services. The following methods were used:



- Circulating new issues of periodicals and books titles
- Putting new issues on bulletin boards
- Personal communication with users.

None of these libraries provide these current awareness services through electronic media available to all users. For example, in the law school library, the basic booklet provided for current awareness purposes is provided only for the legal academic staff.

The researcher endeavoured to ascertain if legal users could use these libraries without visiting. It was found that users in the Law School library and the Legal Opinion and Legislative Dept. library could do this by sending a fax, by telephone, or by sending someone else in person.

### 6.2.5 Staffing

Highly trained staff can assist in moulding the attitude of the users towards the library. This can go a long way towards improving the position of the library as far as management is concerned. Therefore, the researcher considered the library staff and their qualifications. Table 6.4 summarises the results.

**Table 6.4: Distribution of library staff**

Library name	Professional staff	Para-professional staff	Non-professional staff	Total
Kuwait University law library	3	-	5	8
The Palace of Justice library	2	-	1	3
The Legal Opinion and Legislative Dept.	1	-	2	3
Kuwait Institute of Legal and Judicial Studies	1	-	-	1

Descriptions of terms used:

- Professional staff: staff with a degree or postgraduate qualification in library or information science.



- Para-professional staff: staff with either a certificate or undergraduate diploma in library studies.
- Non-professional staff: staff without any training in librarianship.

Three out of four respondents said their work did not offer training programmes for staff because no such plans were in place in their libraries.

### **6.2.6 IT applications**

None of the libraries have a web page which is available to their legal users for searching or browsing their collections without going personally to the library.

The Palace of Justice library and the Kuwait Institute of Judicial and Legal Studies have not computerised any of their functions. The other two libraries, the Law School library and the Legal Opinion and Legislative Dept. library, had computerised some of their functions, i.e., borrowing services. The Legal Opinion and Legislative Dept. library also provided one terminal for searching their collections through their staff.

## **6.3 Legal publishers**

Kuwait does not have specialised legal publishers: most of the Kuwaiti legal publications are published by the government. The researcher identified two government departments which are responsible for legal publications in the country. One is the Legal Opinion and Legislative Dept. and the other is the Ministry of Justice.

### **6.3.1 Publication types**

The researcher asked the staff in these two government departments about which legal publications they produce to ascertain the number and type of legal publications in the country. Table 6.5 summarises the results.



Table 6.5: Distribution of legal publications

Ministry of Justice	Legal Opinion and Legislative Dept.
<ul style="list-style-type: none"> <li>• The Judicial and Legal Journal</li> <li>• The Digest of legal principles issued by the Supreme Courts</li> </ul>	<ul style="list-style-type: none"> <li>• The collections of the Kuwaiti legislative system such as civil law, trade law, penal law, etc.</li> <li>• The Legal Opinion and Legislative Journal</li> <li>• Directory of Legislation.</li> <li>• The collections of legal principles from the Legal Opinion and Legislative Dept.</li> <li>• Private lectures from the Legal Opinion and Legislative Dept.</li> </ul>

All of these publications are sets of legislation, High Court legal principles and court decisions. There is a lack of material on jurisprudence and commentaries. The only commentaries that could be found were in the Judicial and Legal Journal; this only has commentaries on High Court decisions.

The Journal of *Legal Advice and Legislative* is published yearly and the *Journal of Justice and Law* is published every six months. Other publications are serial titles which are published, not periodically, but according to specific circumstances. For example, the collections of the Kuwaiti legislative system (codes), such as civil law, trade law, penal law, etc., are published based on the number of legislative decisions produced and/or amendments made by the National Assembly.

### 6.3.2 Form of publications

These publications are usually produced in printed format. As indicated by the respondents, the reason for this is because it is cheaper and also because they circulate more easily than those in an electronic format. Furthermore, they claimed that printed sources are used more than electronic ones. It was found that there is some duplication among these publications and databases as the same documents could occasionally be found in both. For example, the publications by Ministry of Justice such as the *Journal of Justice and Law* and the *Digest of Legal Principles by the Supreme Court* are published now in the Legal Databank CD.



### 6.3.3 Subscription policy

Other than journals, no publishers had a subscription policy for their legal publications; they only had a selling policy. As these are government departments, they usually sell their publications for the cost of printing. This is to encourage the dissemination of legal information to legal users. There is no publicity for such publications. In general, users find out for themselves about new issues of such publications.

### 6.3.4 Search aids

The respondents were asked if their publications were provided with search aids. The Legal Opinion and Legislative Dept. indicated that it provided its journal with an index for previous editions. It also publishes a directory for published statutes. The Ministry of Justice also indicated that it provides indexes for the two publications it produces. It was obvious from this result that there is lack of comprehensive publications of legal searching aids such as abstracts, citations, digests, etc. This omission could affect the time it takes for academics and practitioners to find the information they need.

## 6.4 Legal database producers

Four legal databases have been identified in Kuwait. One database is produced by a local company named *Salah Al-Jassem*. The other legal databases are produced by the government, i.e., the Legal Opinion and Legislative Dept. and the Ministry of Justice. One database, called the *Kuwaitcourts*, is produced by Centre of Court Decisions Classification and Programming at the Law School in Kuwait University.

### 6.4.1 Scope

Table 6.6 summarises the names of these databases and their scope. All of these databases are produced in Arabic, as it is the formal language of the profession.



Table 6.6: Kuwaiti databases scope

Database name	Scope	Region
<i>The Legal Encyclopaedia</i> (The Legal Opinion and Legislative Dept.)	Collections of the Kuwaiti legislative system, legal opinions, court decisions and legal research	Kuwait
<i>The Legal Databank</i> (Ministry of Justice)	Collections of court decisions and legal principles	Kuwait
<i>Kuwaitcourts</i> (Centre of Court Decisions Classification and Programming)	Collections of court decisions	Kuwait
<i>Salah Al-Jassem</i>	High court and legislative decisions	Kuwait, Egypt, Dubai, United Arab Emirates

These sources cover legislation to court decisions and legal principles. This is indicated by the number of records they have. These are as follows:

- *Legal encyclopaedia*: containing more than 50,000 legal documents.
- *Legal databank*: this contains 9059 legal principles from the Kuwaiti high court, in addition to related 1852 court appeals.
- *Kuwaitcourts*: this consists of more than 150,000 high court decisions.
- *Salah Al-Jassem*: this includes more than 2000 items of legislation and 3000 court decisions.

#### 6.4.2 Subscription policy

When the respondents were asked to indicate the number of their subscribers, it was found that they had no subscription policy and only sold their publications. This problem is similar to the problem with legal publishers: users are not routinely informed about new releases. This is related to the fact that they are mainly government bodies (Ministry of Justice and Dept. of Legal Opinion and Legislative), and academic (the law school), which is also dependent on government funding. Only one producer is a local company. This means that there is no competition regarding producing such databases in Kuwait. This, in turn, could reflect on any plans to develop and expand the services provided by them.



It was found that none of the producers conduct training sessions except the *legal encyclopaedia* which provides training for its staff. The respondents from other databases claimed that this is related to a number of reasons including the following:

- There are no qualified staff to conduct such training sessions
- They have not received requests for such sessions
- Because their databases are not widely used, this did not encourage them to organise such training.

### 6.4.3 Primary elements

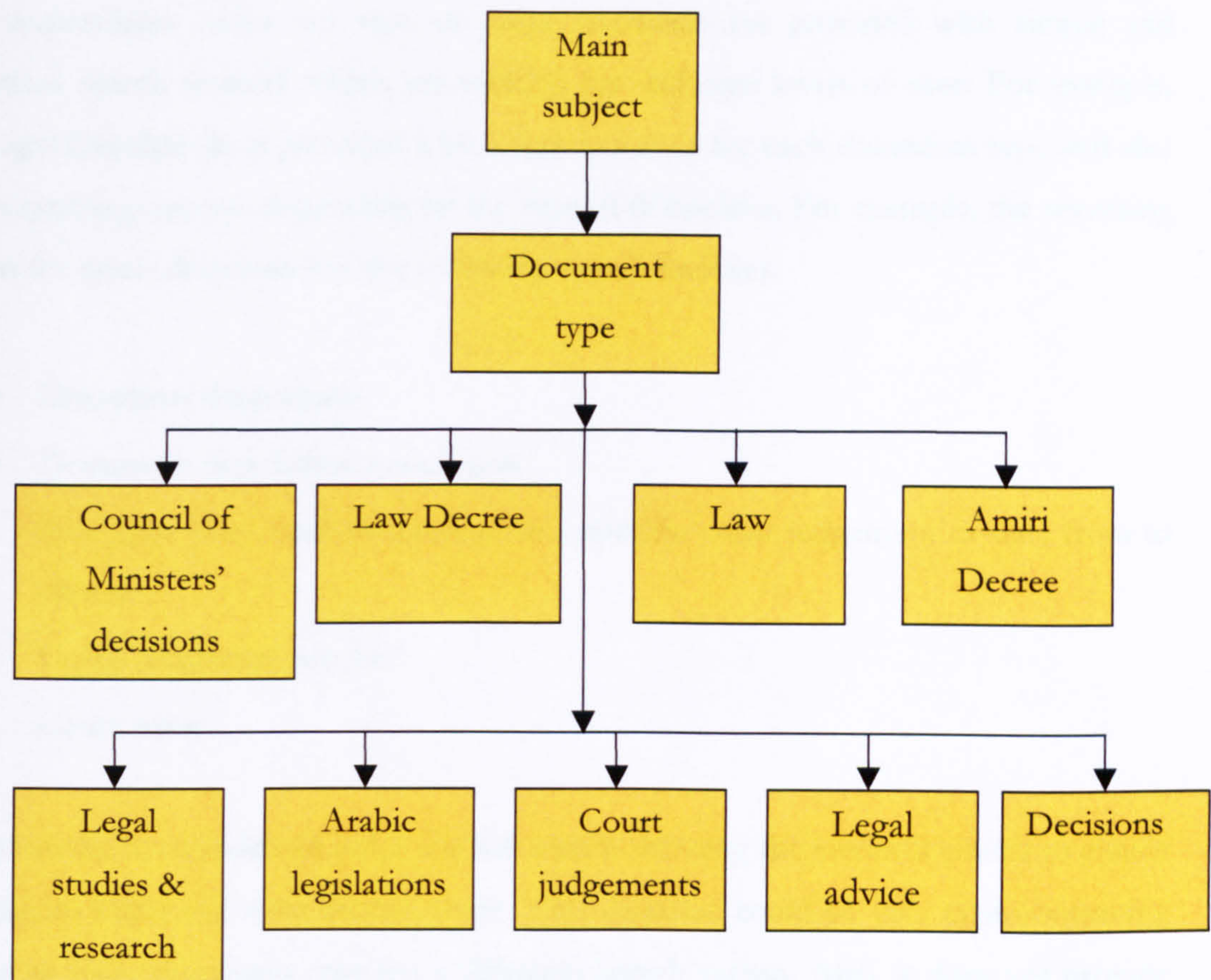
The respondents were asked about what were the primary elements of the records such as bibliographic information, abstracts, notes, etc. All of them were provided with such features. For example, when conducting a search in the legal encyclopaedia, users are provided with a table containing a reference number, details of the documents and the type of document. The *Kuwaitcourts* database also provides details of search results such as abstracts, the name of the court, and the number and date of the court decision.

In addition to these standard features, the *Legal Databank* and *Salah Al-Jassem* provide other features such as cross-references to other related subjects. This enables users to identify other related subjects, such as court judgements, legal principles, etc.

### 6.4.4 Indexing policy

The respondents were asked to indicate the indexing policy of their databases. In the *Legal Encyclopaedia*, all documents were indexed according to the main subject, document statement, author's name, detailed description, etc. Also, these documents were classified according to the document type (see Figure 6.1) such as law, legal advice, court judgement, etc.



Figure 6.1: Document indexing in the *legal encyclopaedia*

The other legal databases, *Kuwaitcourts*, the *Legal Databank*, and *Salah Al-Jassem* are classified according to a tree structure. For instance, the *Legal Databank* database divides the legal subjects into two parts, one for civil subjects and the other for penal subjects. It is worth noting here that each major subject can be divided into sub-categories. Beside these “sub-subjects”, there is + mark. Wherever the user finds this mark and clicks on it, there will be further subjects. For example, if the searcher clicks on civil subjects icon, he will see a list for main and sub-subjects such clicking on *proof of evidence* will display eight sub subjects among them *settlement procedures*.



#### 6.4.5 Searching features

The respondents point out that all these databases are provided with simple and advanced search features which are suitable for different levels of user. For example, the *Legal Encyclopaedia* is provided with a search screen for each document type and also with searching options depending on the type of document. For example, the searching screen for court decisions has the following search facilities:

- Document drop menu
- Document description search box
- Reference date, such as the date of a specific court judgement or date from to date to
- Court judgement number
- Court name.

Furthermore, it provides an index for the search showing the retrieval results to enable the user to select the most related result. This database could be very time-consuming to use as every document type has a different search screen. Also, it does not provide cross-references to related subjects.

Another example is the *Legal Databank* which is the newest database in the group under study. It provides with the following searching features:

- *Subject search*: this is used to search for a specific subject from a list on the subject tree.
- *Text search*: this type of search is used to search for content in a specific legal text by a simple keyword or Boolean search.
- *Text number search*: this search is useful only when the user knows the number of the legal principle or court judgement, etc.

Because this database is provided with cross-references, this makes the search process easier for users. When the user selects a specific result from his/her search, he/she can click to obtain a list of related subjects.



### 6.4.6 Database forms

The respondents were then asked to indicate in what form they produced their databases. Table 6.7 summarises the results.

Table 6.7: Form of databases

Database name	Database form
<i>Legal Encyclopaedia</i> (The Legal Opinion and Legislative Dept.)	Internet
<i>Legal Databank</i> (Ministry of Justice)	CD-ROM
<i>Kuwaitcourts</i> (Centre of Court Decisions Classification and Programming)	Internet
<i>Salah Al-Jassem</i>	CD-ROM

The web based databases complement each other as one specialises in court decisions (*Kuwaitcourts*) and the other (the *Legal Encyclopaedia*) contains text on various legal topics such as legislation, legal principles, court decisions, legal advice, etc. These two databases are free of charge and updated directly through their administrators. The responses indicate that there is no special timetable for such updating. They said it just depended on the availability of new legal materials, such as new legislation by the National Assembly.

### 6.4.7 Databases evaluation

The respondents were also asked to indicate if they had conducted any evaluations of their databases. The respondents from the Ministry of Justice indicated that they have not conducted an evaluation because their database is new. The respondents from the Legal Opinion and Legislative Dept. indicated that their evaluation comes through the training programmes they hold for legal users. Other respondents did not conduct any evaluations.



The respondents thought that lack of use of their databases did not encourage them to develop such evaluations. This reveals that users have played no part in the development processes of such databases.

## 6.5 Legal professionals

### 6.5.1 Information needs

Kuwaiti legal professionals carry out a variety of activities. These work activities greatly influence the type of information which is required. The legal professionals' group is not a homogeneous one. There are significant differences determined by the kind of work they do or the occupation they are engaged in. These differences in the actual work and the style of the assignments they carry out are likely to create marked differences in information needs.

The researcher attempted to ascertain what type of legal and non-legal information respondents required seeing whether their requirements were different from those outlined in the questionnaire results.

Asked what type of legal information they required to satisfy their work requirements, respondents gave a variety of answers. A large number of respondents expressed their preference for the same kind of legal information which was categorised in the questionnaire. However, a new result was also obtained: all respondents claimed that they needed legal information on Supreme Court judgements. One of the respondents said:

*As a state lawyer specialising in administrative suits, I need to obtain legal information on legislative rulings, statutes, high court decisions and jurisprudence in administrative law.*

Similar to the state lawyer, a private lawyer said:

*I need legal information on legislative and high court decisions because, in dealing with cases, these are enough for me.*



Legal academics have similar needs. One of the legal academics stated:

*I need legal information on legislative rulings, statutes, court decisions and jurisprudence.*

Concerning the need for non-legal information, the researcher wanted to ascertain if there was indeed a need for such information and what type of information was generally needed. The response was varied. One respondent from among the state lawyers said:

*On rare occasions, I need other types of legal information because it depends on the cases I have in hand. For instance, I might need information on the economy. It depends on my cases; I can't specify any particular type.*

The same response was confirmed by a private lawyer. He said:

*Yes, I think my need for information other than legal information depends on the cases I have in hand. For instance, when I deal with a case which involves accounting, I will certainly need information on accounting. In another case, I may need information regarding forensic science such as determining the percentage of disability from incidents. So definitely, I can see that my information needs depend on the cases I am dealing with.*

Obviously, the respondents could not specify any particular type of non-legal information that could arise from their associated work tasks and situations. This is to be expected and was expressed by a private lawyer who said:

*Actually, I can't decide whether I need specific information other than legal information, but I can say that the need for other information depends on the cases that I deal with. In general, I need daily information about current affairs in the state such as political, social, or sports events, which I get from the television, radio or newspapers.*

These comments show difficulties in articulating a range of information needs other than those outlined in the questionnaire responses which noted that information on social sciences as the main kind of non-legal information required by legal professionals.



The survey revealed that legal professionals used more than one source of information. The materials used varied from monographs to communication. One of the private lawyers said:

*The legal materials which I usually use are books obtaining high court decisions, legal digests which contain legislative information, and jurisprudence books.*

Prosecutors also used similar materials. One of the respondents said:

*I refer to books, which have court decisions and legislation.*

The analysis of the legal information materials used by the respondents shows similarities in the use of these materials. While there are differences in work tasks, it seems there is little difference regarding the type of materials used. The main difference lay in the extent to which these materials were used, confirming the results of questionnaire analysis chapter.

## 6.5.2 Information sources

### 6.5.2.1 Library use

The respondents were asked how often they visit or use law libraries. Responses ranged from sometimes to not at all. A prosecutor noted:

*Sometimes I use law libraries, but I can rarely do this because our library is located in the Palace of Justice. This is a long way from me, so I cannot go there often... I use it only for reading and borrowing books.*

Another state lawyer responded by saying:

*I use law libraries according to my needs, not habitually.*

Private lawyers rarely visit or use law libraries. This result was expected because they are busy in the morning dealing with their cases and their afternoons are spent working and meeting clients in their offices. One private lawyer remarked:

*No, I don't use law libraries because I don't have time. I always try to use other alternatives such as contacting colleagues in other offices, contacting my legal counsel or using my own collections. Visiting libraries takes up my time and I don't even*



*have an idea about their collections. I am afraid that if I go there I will not find the information I am looking for.*

Regarding the services and resources used in these libraries, all the respondents reported that they used the photocopying, reading and borrowing services. Also, from among the available resources used, books, journals and reference materials were the most popular. These results prompted the researcher to ask the interviewees whether or not these services and resources that were provided by law libraries were adequate and, if not, for what reason(s). It was found that the responses ranged from adequate to not adequate. Those who felt that the resources and services were adequate said that this was because the library satisfied their needs for books and journals. Other respondents who thought the provision inadequate reported the need for these libraries to develop their services and resources through adopting new technology. One state lawyer commented:

*I think it is not adequate because we need these services to be developed and to apply information technology to the services and resources that are provided. Each time I need to use the library I have to go there. This should change with the emergence of new technology; I need to access the library from my office or from home at any time.*

A legal academic also agreed about the need for electronic access to the libraries even if the present provision is adequate. He said:

*It is adequate based on its present situation but it would be best if it were connected through the Internet then I would not need to go to the library but could access it from my office without being obliged to visit the library. At least I could be sure if the information I am seeking is available or not.*

The Kuwait National Library estimated that an average of 12 legal users visited the library during a three month period. Indeed, this reflects the limited role that such a library plays in the dissemination of legal information. Only nine legal items are available in the library, in addition to only 43 titles recorded in the national bibliography.

### 6.5.2.2 Personal collections

All the respondents reported that they had a collection of their own and they used this all the time. There were a variety of reasons offered for the use of their own collections. One state lawyer commented:



*Yes, I use it because it saves my time rather than going to the library and, since it is in my home, I feel more comfortable working there.*

Another state lawyer reported that his own collection satisfied his daily information needs. He said:

*It is related to my daily work, and therefore it satisfies my daily information needs. I have it in my home because I think in the legal environment we need quiet and to be able to concentrate.*

One of the responses from a private lawyer stated that he had developed his own collection by gathering together a variety of different materials. He commented:

*It is close to me and it contains a variety of legal materials.*

The same response was obtained from a legal academic. He said:

*I have done my best to have a variety of resources in my area of legal specialisation.*

Another outlined the purposes for using his own collection as a legal academic. He said:

*My collections are related to my area of specialisation, therefore I am bound go back to them because the majority are definitive texts, which can be considered as "the mothers of the books". For instance, I can find information on Islamic criminal legislation, criminal science and penalties. When you explain such subjects to students you are obliged to return to the collections daily in order to give a clear picture to them.*

Regarding how far the legal professionals' own collections satisfied their information needs, it was found from the responses that these needs are sometimes satisfied but not always. One state lawyer said:

*Yes, I think my information needs are satisfied by my own collection sometimes, but I need always to check other sources, such as contacting the legal counsel or going to our department library.*

Another response from a prosecutor noted:

*My own collections don't satisfy my information needs. Most of the time when I search for a court decision or a jurisprudence opinion I don't find it in the collection and I resort to a library in order to search there.*



An academic articulated this when he said:

*There is always something new. Some of the materials in my collections are old and the others are of medium age, therefore I need always to have the new issues of legal periodicals in order to satisfy my need to know about new developments in my area of specialisation. So, I resort to the law school library, to colleagues, or to conferences to learn about new developments.*

These comments also show a different emphasis from the questionnaire responses. While the questionnaires showed that legal professionals' own collections were of primary importance, the interviews demonstrate that such collections are not always sufficient, particularly since they may be out of date or incomplete in certain key areas.

### 6.5.2.3 Communication

It is evident from the questionnaire results that communication is an important information exchange activity. The responses from the interviews also support this view. The majority of legal academics and practitioners communicate with their colleagues. One legal academic said:

*Usually I contact my colleagues in the department, but if I come across something which is related to another area of specialisation, I try to call someone who specialises in this area to explain it clearly to me. It has never happened at any time that I have had to resort to any person from outside of the school.*

Some legal academics refer to a legal counsel for information. One commented:

*I rarely need to communicate with others for information, but when there is a need to communicate for information I communicate with a legal counsel.*

On the other hand, the responses of legal practitioners varied, from using internal and external communication channels in the case of private lawyers, to depending only on internal communication in the case of state lawyers and prosecutors. It was found that private lawyers, because they have support staff and manage their own businesses competitively, used both internal and external channels. One private lawyer said:

*Yes, sometimes I resort to communication with others to obtain information about previous cases, new high court decisions, or even to discuss legal issues. My communications take place with my office staff, such as my legal counsel, and colleagues from other offices.*



Some private lawyers used communication not only for gathering information, but also for checking their information output. One private lawyer commented:

*I think that even if I find the information in my own collection, I contact my legal counsel to confirm this information before I use it.*

The majority of the responses from state lawyers showed that they resorted to internal communication more frequently than to external communication. It was further discovered that they preferred this internal communication to be with their legal counsel rather than with their internal colleagues. One state lawyer said:

*My communication for information is usually with a legal counsel, but regarding my communication with colleagues, I think it happens accidentally and not on purpose.*

Another state lawyer commented:

*Usually I contact the legal counsel, and occasionally I contact my colleagues who have more experience than me.*

The responses above came from state lawyers who had more than five years' work experience. State lawyer who had work experience of less than five years noted:

*I always resort to communication with others for information such as colleagues and the legal counsel. I communicate with them almost daily to get benefit from their experience.*

Prosecutors had a different approach to communication because the nature of their work demands the intensive investigation of suits and this needs to be presented to courts. Therefore, their communication in exchanging and gathering information is almost a daily occurrence. One prosecutor commented:

*Usually, the leadership system at the public prosecutions' department requires continuous communication between the director and colleagues; I can also be in touch with experts to benefit from their knowledge as in the case of referring to criminal evidence experts and in connection with certain suits, such as deception and fraud.*

Communication is an important channel for information exchange among Kuwaiti legal professionals. It can be concluded from these results that they mostly resort to internal communication rather than external. This is expected and supports other



results. It is clear that the professionals are still largely traditional in their approach to communication.

It was found that all the respondents had obtained a variety of benefits from communication. One legal academic commented:

*It is useful for me as it provides me with information from the experience of someone who has more legal experience than me. This guides me onto the right track.*

Further, another legal academic said:

*Communication gives you a wide view. Each person has a certain opinion and a certain direction and your connections with other people can lead you to develop your own directions and opinions because you must not have one opinion only: in law you must hear the first and the second opinion, and so on until you are convinced because the law is matter of convictions, especially when it is about a facet of jurisprudence.*

Legal practitioners were similar to legal academics when outlining the benefits of communication. One prosecutor stated:

*Communication helps me to save time and effort. It is a fast way of gathering information. You can also exchange information and opinions and finally, you can make up your mind about a specific legal matter.*

Another prosecutor agreed with this response. He said:

*The benefit of communication is to obtain information quickly and accurately.*

Responses from state lawyers also supported these results. One state lawyer commented:

*Communication with others for information helps me to develop and frame my legal opinions in dealing with a specific case or with any legal issue. For instance, I may have one idea and the legal counsel may have another. Through discussion it is possible to clarify my opinion and my direction in dealing with a case.*

Another state lawyer asserted:

*Through communication, it is possible to have more up-to-date information, and to have the latest experience in dealing with specific cases.*



Private lawyers benefited from communication in a different way. One private lawyer said:

*As you know, we are always busy, so communication saves my information-seeking time and also defines the appropriate legal access for new cases.*

There is no doubt that communication with others provides a variety of benefits for such professionals. However, there is a need to expand and share such benefits across a wider cross-section.

#### 6.5.2.4 Use of ICT

To ascertain if legal professionals used ICT in their information seeking, the interviewees were asked if they use such technology in any area of their work. The majority of legal professionals do not use ICT in order to search for information; this was for a variety of reasons. One state lawyer explained:

*I don't use IT at work because our department does not provide it for us.*

Similarly, another state lawyer commented:

*I don't use it at present because it is not available at my place of work and the department doesn't encourage us to use it.*

However, another state lawyer had a different reason for not using ICT. He said:

*No, I don't use it at work because I don't have training on the use of ICT.*

The same responses were forthcoming from prosecutors. ICT was not available to them and also that they had no form of training. One prosecutor said:

*It is not available at work and there are no technology training courses.*

A different response was elicited from another prosecutor. He said:

*I haven't had any training and for me, because of my work, I can't find the time to use technology or even have training because I work a lot of hours and I am extremely busy. I don't feel that I need to use electronic sources because my work is*



*always satisfied through printed sources. It is much easy for me to rely on traditional sources regarding the different amount of cases I deal with.*

Training was also a problem for private lawyers. One private lawyer commented:

*I don't use IT in my work because I don't have training.*

In general, private lawyers were found to use ICT more than others. This is related to the competitive nature of the work of such lawyers. One private lawyer stated:

*Yes, I have a legal database and also I use the Internet. It is important to my work and to satisfying the needs of clients and the legal market.*

As indicated from the above results, lack of training in ICT, lack of such technology at work, and the lack of encouragement by top management are among the main problems among Kuwait legal professionals concerning the use of ICT.

Despite such problems, there was agreement regarding the role that ICT could play in enhancing their information seeking. All the respondents pointed out that ICT saves time and effort. A state lawyer commented:

*Yes, it develops and enhances our ability to obtain information. For instance, traditional searching in the library takes time but when you can find the information in the legal database you can save time and effort.*

Another lawyer said:

*Yes, it saves the time and effort which would be spent going to the library and searching the collections. For instance, when you are looking up a law, you can access this through legal databases in a way that is faster than traditional searching for finding the same law.*

A private lawyer noted the advantages of ICT:

*It saves time and effort and also you can use it anywhere and at any time for searching for information.*



A legal academic noted the importance of ICT in providing the most up-to-date information:

*You can obtain up-to-date and recent information and you don't have to wait for a week or more for a periodical have published.*

Another academic stated:

*It is faster to use ICT for finding information than to search in a written source. For instance, to find court decisions from the judiciary and law journals or from the court itself takes many days in comparison with the operation of finding the same judgement from the database; this saves time and effort.*

It is clear from these responses that most interview participants would find ICT useful in their information seeking since they acknowledge their need to access a range of legal information quickly and conveniently. However, it is equally clear that, in many cases, legal professionals must acquire training in order to make use of the information sources that are available via new technology.

### 6.5.3 Use of intermediaries

Legal professionals use others to search for information for them because they are extremely busy people. To examine this behaviour, the researcher asked the respondents if they tended to look for information by themselves or by using others. As found in the questionnaire results, legal practitioners tend to delegate their information seeking to others more than legal academics. All the legal academics who responded sought information for themselves. Legal practitioners, however, sought the assistance of others occasionally. One of the state lawyers said:

*Yes, most of the time I seek information myself, but there are instances when I need assistance from others such as colleagues and legal counsel.*

Similarly, another state lawyer said:

*I always seek information myself, but in rare situations I may have assistance from a legal counsel.*



Another state lawyer stressed that this assistance is only at a specific level. He said:

*Always I seek information myself, and even if I seek assistance from the legal counsel, I do not ask him to seek information for me but only to direct me to a reference or a book where I can find the information.*

Private lawyers also use others. One private lawyer mentioned:

*Yes, I seek the information myself, but sometimes I have the assistance of office staff such as a legal counsel or even the secretary, especially when I am busy and I don't have time.*

These results support the questionnaire results that practitioners sometimes seek the assistance of support staff such as legal counsel and secretaries, and sometimes make use of assistance from colleagues. There is limited role for law librarians as intermediaries. Some responses indicated that the only assistance they could have from library staff is locating legal materials for them. They indicated that they never ask the staff to search because they are not specialised in law.

The researcher asked if the interviewees explain their information needs to their assistants and if they verify and check the information provided to them. All the respondents indicated that they do so. One private lawyer said:

*Yes, for sure, I explain my needs in detail also. Because I think our commitment to the client necessitates transferring a clear picture and asking for clear information...if the information provided to me is not correct or complete and the case is important, sometimes I return it to my staff to do more searching and on other occasions, if I have time, I do the searching by myself...sometimes I could use the information directly when the legal issue is simple or the case is at the beginning of a trial.*

This is similar to another lawyer, who expressed the process precisely when he said:

*I explain to my staff, my information needs ACCURATELY, FULLY and CLEARLY. I verify the information provided for me to ensure its correctness and that it matches the case or legal issue in hand. When the information is not adequate I send it back to the staff to do another search.*

State lawyers also behave in the same way. One of them said:

*Certainly, I always explain my information needs to them (support staff). I think the right way is to explain the legal problem and the information you need to resolve*



*this problem. I verify the information provided to me especially when I am dealing with important cases and getting the correct information is our concern. I only accept it when I can ensure it is complete otherwise I return it back or I could do searching by myself.*

Another state lawyer had a different view regarding verifying the information provided.

He said:

*I think that verifying the information provided for me depends on the case itself. When the case does not need more information searching I accept the information provided as it is, but when the case is important and I need to prove specific legal points to support my defence, then I verify the information, and if it is insufficient then I seek the information myself.*

Results from prosecutors are similar to those from private lawyers and state lawyers.

One prosecutor said:

*I always clarify my information needs. But regarding verifying, yes, sometimes I do so and sometimes I accept it if I have an idea about the subject. I could return the information or do the searching. It actually depends on how important and dangerous the subject is.*

Based on these results, legal professionals, when they seek assistance from others, have to explain and clarify their information needs on the one hand and, on the other, verify the information provided to them to ascertain its currency, accuracy and relevance. In situations where the issue at hand was serious, they verify every bit of information provided to them. Conversely, when the issue in hand was less serious or was a routine task, a legal professional might be satisfied with the information presented to him/her.

It also appears from the above account that in a case where the information provided is not accurate or complete, legal professionals tend to ask the intermediary for more searching or they search for the information themselves when they have experience in the subject and have time to do so.

#### 6.5.4 Information obstacles

The respondents were asked about the obstacles which they encountered in getting information. Other than the obstacles listed in the questionnaire, a number of other



responses revealed interesting views. One respondent from a prosecution background said:

*My first obstacle is the use of ICT like the Internet and computers. The second obstacle is linguistic skill, like using the English language especially. This affects my ability to seek information.*

Language and using ICT was also found to be a problem for a legal academic respondent. He said:

*They do not provide us with ICT and if they do provide ICT they will not provide technical services. Also, I think that because I do not have any training on the use of ICT, this is an obstacle for me in seeking information. Also the English language is a barrier which inhibits my seeking information through legal WebPages on the Internet.*

Another response from a state lawyer showed that he considered the lack of updating of information as an obstacle. He said:

*I think one of the main obstacles in our information seeking is that there is no body or authority providing us with the latest legal issues such as the latest laws or the latest court decisions. Believe me, we don't know about new issues in law. Although using technology is not available for us here, they don't encourage us to use ICT and the result will be that most of our time is wasted in searching for information.*

The same result was obtained from a private lawyer. He confirmed the need to update the information to which lawyers have access, together with the role of their legal associations in training them and providing them with information. He said:

*We don't have any current awareness services to inform us about the new court decisions or new legislations. Our association doesn't provide us with any workshops on using legal databases or give us information about the available legal WebPages. Also their web page is not valid as it not updated.*

Another response from a state lawyer criticised law libraries and traditional information sources. He commented:

*We are lagging behind in our methods of information seeking. We still search traditional sources or go to the library to search there. I think, in being deprived of new technology, we are wasting our time and effort in seeking information.*



Another state lawyer claimed that there is a lack of Kuwaiti legal publications. He explained:

*Kuwaiti legal publications do not satisfy my information needs. For this reason, I resort more to Egyptian legal publications. In the Kuwaiti legal publications you will find a lack of jurisprudence books that interpret and clarify legislative and court decisions.*

A private lawyer agreed with this response when he said:

*There is a lack of Kuwaiti jurisprudence books. There is no specific body or authority in Kuwait that is responsible for the documentation and archiving of legal information and for providing legal professionals with resources and services.*

Another state lawyer considered the use of ICT and communication as information obstacles for him personally. He stated:

*I don't communicate with other legal professionals for information because I simply don't have a communication channel with them, so I think that I have communication obstacles. Other obstacles are that I don't have training on using ICT. In addition, we don't know anything about other legal databases in the state or even if there are legal WebPages that we can utilise to obtain information. We simply don't know because nobody has told us.*

A private lawyer concluded that the problem is not in locating the information itself but in finding the sources that have the needed information. He explained:

*Our problem is in locating information from different sources in different places. Sometimes you cannot even define where you can find the information.*

These findings clearly demonstrate that many Kuwaiti legal professionals find information seeking to be a difficult and often unsatisfying process.

#### 6.5.4 Information improvements

Not surprisingly, most of the respondents from the interviews wanted improvements to deal with the obstacles they encountered in their information seeking. Some respondents suggested other desirable improvements for the legal information services and sources in Kuwait. One response from a state lawyer suggested the following way to improve law libraries. He said:



*There should be remote access to law libraries to enable us to browse their collections, thus saving the time it takes to go to these libraries.*

Another state lawyer agreed about such an improvement to law libraries. He said:

*Do you believe that we don't have access to the law libraries? They should provide us with this kind of access, to enable us to check their services and sources from any location and at any time.*

Another state lawyer suggested:

*They should provide us with tools to keep us up-to-date with new developments. They should expand and encourage us through training in the use of ICT applications for searching for information or even for legal processes for our cases in court.*

One response from a prosecution counsel confirmed the importance of ICT in information seeking and in providing access to information. He commented:

*We need to provide electronic access to legal information sources and services in Kuwait. We need also to provide communication channels to link with other national and international legal professionals such as communication through discussion groups.*

Another prosecutor put forward the following suggestions:

*There should be training to use ICT in order to access web sites to search for information. We should be provided with access to legal information sources and services in the state. We should also be provided with communication channels with other legal professionals inside and outside the state.*

A response from a state lawyer confirmed the importance of providing current awareness services. He stated:

*To follow the new issues in law, they should provide us with tools to keep us up-to-date with new developments, new legal principles, new legislation, new high court decisions, and new issues in jurisprudence.*

A state lawyer was angry about the current situation:

*There should be legal WebPages to provide legal information such as high court decisions, jurisprudence and all aspects of the law field. We should not depend only on the publication of books because this causes delay. Though such WebPages, as a*



*lawyer, I could keep up-to-date with new titles of books, journals, legal databases, and links to other legal WebPages.*

A legal academic who has more than 15 years' experience dedicated his suggestions to the decision makers:

*Legal information services and sources should be developed. The decision makers should change their attitudes and make resolutions concerning the legal information services by providing the necessary funds to develop and improve them and to raise awareness of the importance of this issue. The second thing is to provide us with the necessary training to use ICT and provide PCs in law school. Even the law school library should be developed by incorporating automation which is made available to legal users.*

Another academic considered the need for specialised law librarians:

*There is a need for librarians who should have a library science degree and should also have sufficient experience in legal information. I think there should be a specialised law librarian for each department in the law school such as a librarian for the international law department, special law department, etc.*

These suggestions reflect the current mood regarding Kuwaiti legal information infrastructure. There is a need for improvements in training in ICT, law libraries and librarians, communication, current awareness services, etc.

## 6.6 Critical incident

The critical incident technique was also used with the interviews to focus on certain situations where legal professionals came across difficulties in their information seeking. It was useful to identify such obstacles in relation to situations where the need for information arises and where such needs must be satisfied. There were a variety of incidents relating to different situations.

One legal academic faced a situation where he was writing a piece of research and he could not find the required information. He said:

*I was preparing research on new legislation in Kuwait about a money-laundering law. I scanned the available resources such as legal books and the law school library to find any legal information related to this subject, but I couldn't find any information. I travelled, after six months' of searching, to France and I stayed there for two weeks before going back with the information.*



This situation is indicative of the problems of some legal professionals in obtaining needed information. In such a situation, the information which was needed was about a new law in Kuwait and the problem was that the necessary resources to find this information were not available. This respondent carried out more than one information seeking process: through the law school library, his own collection and through colleagues. After each process, he was dissatisfied with what his search had discovered.

This situation indicates a lack of new materials; there is also no access to resources outside the state. The reason for this is that there are no specialised legal information providers. It was clear, furthermore, from the results of the interviews with law librarians that there is no electronic access to information in Kuwait and this means that users depend on traditional methods for searching for information. Six months is a long time to spend in order to find legal information. The respondent stated that, in the end, he changed his research subject because he had lost interest in the original topic.

Another incident concerned certain suits which confused the legal professionals. One prosecutor could not find the needed information from among the available resources. The situation, as related by the respondent, was as follows:

*The incident involved the intention to kill. The accused person went to a mobile shop and fired a gun at the victim. However, he wounded another worker in the same shop so, in this case, it can be said for the first victim that the accused person intended to kill him but it leaves a problem concerning the second victim. Do we consider that the gunshot was fired in the wrong direction or can it be considered as a felony of intention to kill?*

The need in this particular situation was legal information on the law concerning penalties and punishments. The punishment for the first is the death penalty or life imprisonment, but the punishment in the second case is prison for up to three years. The prosecutor could not find similar cases or incidents. The reason for his inability to find comparable situations was that the prosecution department does not have a database for archiving previous cases. The prosecutor in question approached one of the senior prosecutor counsels in order to get information from him. He delegated the information to the prosecutor after he failed to find the information he needed by himself. Regarding the complex situation in such case, it is difficult to find such information in monographs.



In another incident, a private lawyer could not find the required information he needed to support his defence. The situation was as follows:

*I was representing a client in court and I was surprised when the judge asked me about a specific procedure followed in one of the ministries; he asked if this procedure fitted with one of the ministry circulations and I did not know.*

It took some time on the part of the private lawyer before he could find the needed information. This was a problem for the majority of legal professionals: finding a specific circulation or decision in a ministry or a government department. The reason is that this kind of information cannot be found on a website, in a database or even in directories. The only option that was available to the lawyer was to go to the ministry and ask them for the information. In the end, the lawyer obtained the necessary information.

Such incidents indicate that considerable effort is needed to improve the legal information services and resources in the state to meet the needs of legal professionals. It is not enough to have a number of law libraries and legal databases; needs must be identified and then work must be done to satisfy them. These incidents put flesh on the current situation of legal information services and resources.

## 6.7 Summary

While a variety of views were expressed in the interviews, some points were frequently raised:

- A number of legal professionals stated that they particularly needed legal information on Supreme Court judgements, legislation and jurisprudence.
- While legal academics looked for information themselves, most legal practitioners also used intermediaries to search for information.
- The use of law libraries was inconsistent, but most legal professionals used their personal collections regularly.
- Most legal professionals felt the need to communicate with others, even if they did not do so in practice.



- Few legal professionals had access to, or training in ICT.
- Most felt that better ICT facilities would improve their ability to find and access up-to-date resources.
- Many felt that electronic remote access to the law libraries would save both time and effort.
- Most legal professionals stated that using the Internet would enable them to keep up-to-date with new developments in the legal field.



## **Chapter 7**

# **A Prototype Kuwaiti Legal Information System (KLIS) Design and Evaluation**

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### **7.1 Introduction**

The questionnaire and interview results presented in chapter 5 and 6 show the information seeking problems of the legal professionals. These results led to the development of the interface requirement for the design of a prototype Kuwaiti Legal Information System (KLIS) interface.

This KLIS prototype was the topic of a research paper submitted to and accepted by the 10<sup>th</sup> annual Conference of the Arabian Gulf Chapter of the Special Libraries Association in Kuwait on 22-24 April 2003. Unfortunately, the conference was postponed to December 2003 because of the war in Iraq. Therefore, feedback from the conference participants to evaluate the system was unavailable.

This chapter provides an overview and a discussion of the different stages of the design implementation, together with an evaluation of the proposed system. There is a focus on its 'front end'.



## 7.2 Why this prototype was developed

The literature review and the primary research identified the importance of ICT to the legal profession. It is evident that its use would enhance their information seeking. Legal professionals will need to know how to use ICT and understand both the information economy and their evolving role in it. Susskind (1998, p.292) noted:

*Legal practice and the administration of justice will no longer be dominated by print and paper ... Instead, legal systems of information society will evolve rapidly under the considerable influence of ever more powerful information technologies ... Legal risks will be managed in advance of problems occurring and so dispute pre-motion rather than dispute resolution will be the order of the day.*

The Legal Practice Management section of the American Bar Association has identified a number of trends in the business of practicing law (Chester and Tarlton, 1999). Some of these trends are as follows:

- *The global practice:* Large firms are opening offices throughout the world to create a global practice.
- *The Internet upends everything:* Businesses rise and fall overnight.
- *Competition:* Law practices are expanding from providing legal services to also offering professional services, becoming global multi-disciplinary practices.
- *Broader training for young lawyers:* Lawyers must be prepared to manage both people and the business, and to solve problems using tools from many disciplines.
- *New legal economics:* Charging for value, not time.
- *Redefinition of the lawyer's roles:* Future lawyers will not be able to resell information that is available free on the Internet. Lawyers will be paid for their wisdom, skill, care, strategic and tactical skills. Successful lawyers will become competent entrepreneurs, running a business, managing multidiscipline projects and developing new work.
- *Paperless, borderless communication.*



These proposed changes are both fundamental and profound. Certain changes are taking place now and some will take many years. Susskind (1998) has argued that legal web sites will move through four generations. The first generation is the most popular among lawyers today. These sites are promotional sites that present the services offered by the firm in the form of an-online brochure. The second-generation offer regularly updated legal articles and publications. In the third generation, materials are organised according to the legal discipline they relate to. The final generation will offer on-line legal guidance relating to clients' particular problems.

In view of this importance for ICT in law, it is very desirable that a system is developed to provide legal information sources and services which will satisfy the information needs of Kuwaiti legal professionals. Specifically, there is a need to provide electronic legal information that will assist them in carrying out their work tasks by providing easy access to relevant information. Such legal information system could also help to identify and locate legal information sources and services through the Internet. Susskind (2000, p.140) noted the importance of emerging technologies in transforming the law:

*From this portal, there would be links to all appropriate legal sites which would be authorized, authenticated and regulated. For example, users might find directories of voluntary legal services and law firms, guidance on using the courts as well as links to professional bodies and to primary source materials.*

In addition, a web-based legal information system prototype could be a key enabler and catalyst for such change in the legal profession because the Internet has the capability to meet changes of this kind. As evident in Chapter Three, there is increasing number of legal professionals using the Internet. The Law Society study (The Law Society, 2001) shows that 65% of UK solicitors had established a web page. The American Bar study about trends in legal publishing (ABA, 2000) shows that 88% of American legal publishers have plans for converting print titles to electronic format. Susskind (1998, p.266) said:

*The greatest management challenge facing lawyers grappling with IT is that of moving beyond successful automation of existing practices to innovation, so that IT changes (cost effectively and qualitatively) the way legal practice is undertaken and the manner in which legal services are delivered.*



This prototype is significant as it will be the first comprehensive legal information system in Kuwait. No similar legal information systems or sites exist there at present. Some difficulties were encountered in the design and collecting together the information, as the prototype was built from scratch. The design work took the researcher four months; a longer period of time would usually be needed, even if a group carried out the work.

### 7.2.1 Prototype objectives

The prototype design effort was focused on achieving the following objectives:

- To deliver relevant legal information services to Kuwaiti legal professionals;
- To provide a variety of links to relevant legal information sources and services;
- To enhance the communication channels between legal professionals at both a national and international levels;
- To keep legal professionals updated with new information;
- To apply information technology to the information needs of Kuwaiti legal professionals;
- To be cost-effective; and
- To base the design on the adoption of the conceptual model for the information behaviour of legal professionals (see Section 4.2.1). and the results of this research.

### 7.2.2 Intended audience

The intended audience consists of legal users like legal academics and researchers; lawyers such as private and state lawyers; prosecutors; judges; legal officers; and legal students. Also, it could serve individuals and corporations seeking legal information.



## 7.3 System design

### 7.3.1 Information gathering

At the start of the design process, information was gathered through various methods to increase the knowledge and understanding of the researcher regarding such areas as familiarity with design, and implementing and evaluating such systems. The information gathered includes the following:

- Research findings which indicate the requirements of legal professionals in such a system.
- Literature related to the design of information systems, their implementation and evaluation. This offered a detailed background on the design of such systems.
- Analysis of other similar systems, considering elements such as their scope, structure, the services and sources they provided, the organisation of their information and their design layout.
- Basic sources of legal information on the Web. Among the legal portals identified were *FindLaw* ([www.findlaw.com](http://www.findlaw.com)), *Delial Venables Portal to Legal Resources in the UK and Ireland* ([www.venables.co.uk](http://www.venables.co.uk)), and *InfoLaw* ([www.infolaw.co.uk](http://www.infolaw.co.uk)). Google was also used to identify a number of legal sites.

### 7.3.2 Prototyping

Prototyping is a method which can be used to develop a user interface. According to Walker et al. (2002), a prototype is a working model built to develop and test design ideas. System designers prefer to use prototyping before they release products because it saves cost and effort. Modifying prototypes is much cheaper than modifying the final product.

Designers usually create low and/or high fidelity prototypes. A low-fidelity prototype is quick and easy to build, as it is created on paper (Rudd et al., 1996). In contrast, a high-fidelity prototype is similar to the final product (Walker et al., 2002). It is built using



software tools and users can interact with the interface as though it is the real product. Virzi et al. (1996), conducting two experiments, compared the usability problems which occurred when using low and high-fidelity prototypes; they found that there is no difference between the two types. Similarly, Walker et al. (2002) pointed out that designers can choose the most practical prototyping medium for them because user-testing feedback is equally good with either.

Dennis and Wixom (2000, p.291) indicated that there are three approaches to interface design prototyping. These are as follows:

- *Storyboard*: is the simplest interface design. It shows a hand-drawn picture of what the screens will look like and how they flow from one screen to another.
- *HTML Prototype*: this type is built using Web pages created in HTML (hypertext mark-up language).
- *Language Prototype*: this is an interface design prototype built using the actual language or tool that will be used to build the system.

### 7.3.2.1 Mock-up prototype

After intensive information gathering, a mock-up prototype was developed in order to produce presentable ideas. This mock-up was developed based on a number of thumbnail sketches which were produced to allow a quick exploration of the idea and its major design components. Brinck et al., (2002) claimed that a mock-up allows a researcher to explore page layout and arrangement. This mock-up was passed to colleagues, two PhD students in the Computer Science Department, and a PhD student from the Information Science Department at Loughborough University. A session was held in which the project's objectives and intended audience were discussed. The purpose of this was to gain suggestions and recommendations of colleagues and to identify potential difficulties early in the design process. It was then decided to create an HTML Web page prototype.



### 7.3.3 Interface building

The proposed interface had to be pleasing to the eye and had to minimise the effort that users need to accomplish their work. Siegel (1997, p8) noted that “Who cares how great your content is if people are not attracted to it or don’t find it pleasure to read?”. Therefore, the presentation of the interface was considered the most important element in the design. According to Dennis and Wixom (2000), there are a number of fundamental interface design principles which are common for navigation design, input design and output design. These are as follows:

- *Layout*: the interface should be a series of areas on the screen that are used consistently for different purposes.
- *Content awareness*: users should always be aware of where they are in the system and what information is being displayed.
- *Aesthetics*: interfaces should be functional and inviting to users through careful use of white space, colours and fonts.
- *User experience*: the interface must satisfy different levels of users. For instance novice users will prefer ease of learning, whereas frequent users will prefer ease of use.
- *Consistency*: users must be able to predict what will happen before they perform a function.
- *Minimal user effort*: the interface should be simple to use.

These principles for user interface design, together with the suggestions and recommendations, acted as a check list during the design at all the design stages. In addition, during the design process, a domain name “kuwaitlaw.net” was registered. According to Lynch and Horton (1999), the title is very important because it is often the first thing a user sees when a page is being downloaded.

The prototype was then uploaded during September 2002 after a check was carried out on its functionality. This included testing that the site worked in the most popular browser. The prototype was made available at [www.kuwaitlaw.net](http://www.kuwaitlaw.net).

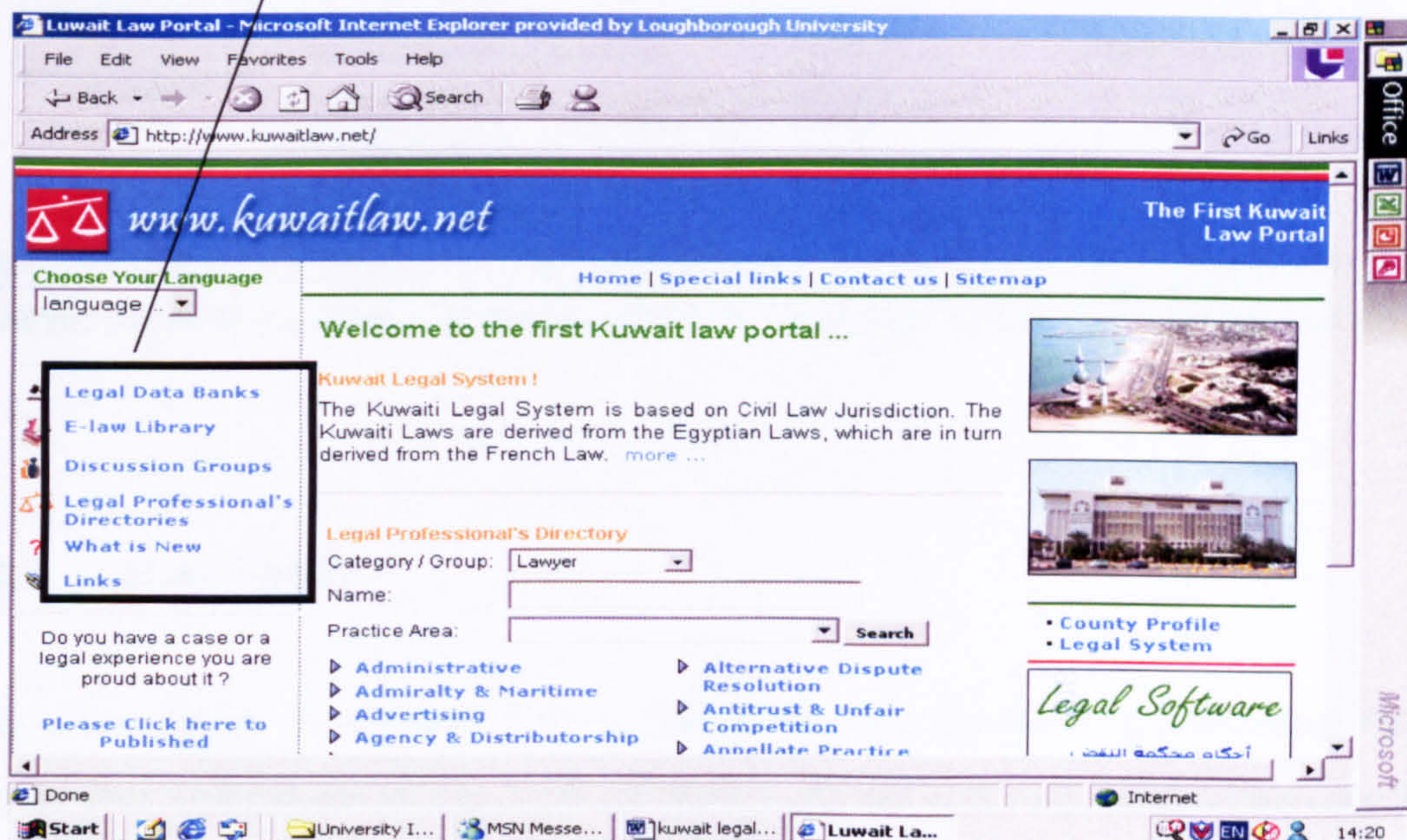


## 7.4 Prototype features

The prototype had certain features (see Figure 7.1) that were developed to satisfy the information needs of Kuwaiti legal professionals. These features are as follows:

- Legal data banks
- E-law library
- Discussion groups
- Legal professionals' directory
- What is new
- Links

Figure 7.1: Main menu content



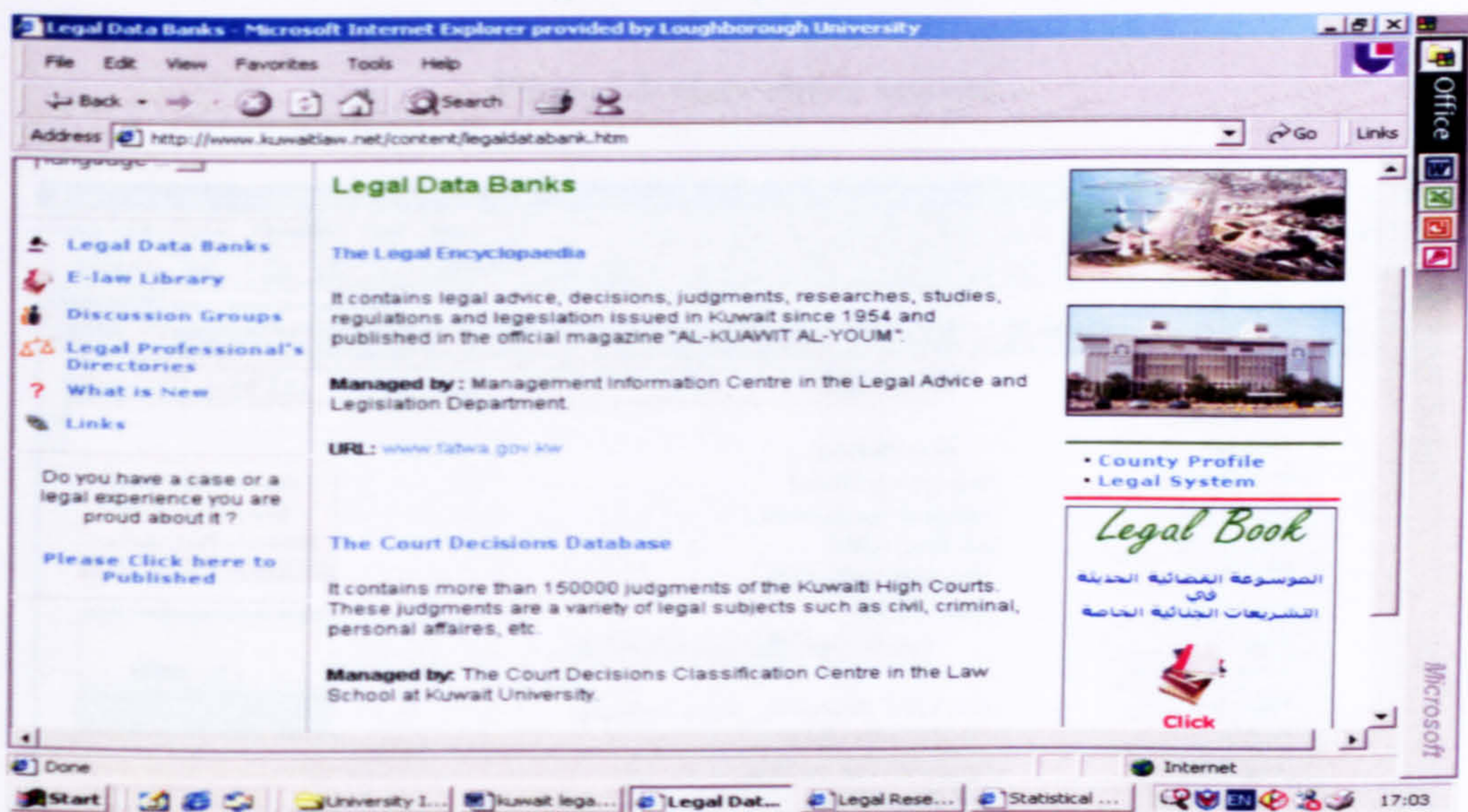
### 7.4.1 Legal databanks

The prototype has two legal databases (see Figure 7.2). One is the *Legal Encyclopaedia* which is managed by the Information Management Centre at the Kuwait Department of Legal Advice and Opinion. It provides legislative information on topics such as The



Prince's decrees in Kuwait, law decrees, Council of Ministries' decisions, Ministries' decisions, court decisions, legal advice, and research and legal studies. The second database is court decision or *Kuwaiticourt* database which is managed by the Court Decisions Classification Centre in the Law School at Kuwait University. This database contains more than 150,000 judgment from high courts.

Figure 7.2: Legal databanks



#### 7.4.2 eLaw library

The e-law library (see Figure 7.3) is linked to [www.law-book.net](http://www.law-book.net). Susskind (2000) argues that collections in this kind of library should not only offer comprehensive content but should also have a sophisticated front-end, filters, search facilities and other tools to guide users quickly and easily to only the materials they need at any point in time. Therefore, this e-law library provides the legal users with a number of features including the following:

- Specialised legal materials.
- Index terms for each item to give the user an idea about the subject.



- Books divided into fourteen legal disciplines such as civil law, administrative law, criminal law, etc.
- A search engine that enables the user to search by title or by author's name.
- Ability to download various legal materials such as court decisions, legal research papers, etc.
- E-news letters that send information about new legal materials directly to subscribers' email accounts.

Figure 7.3: eLaw library content



### 7.4.3 Discussion forum

To enhance such forms of communication as a channel for exchanging information and experience, and adopting it as a communication system that is open in any time and in any place, this prototype contains a discussion board. This feature (see Figure 7.4) enables legal users to share information and their experiences. One of the findings of this research was that the majority of Kuwaiti legal professionals communicate internally and face to face. It is reasonable to assume therefore that there is a significant amount of information and experience that could be available for others, especially junior legal professionals.



Susskind (2000) claimed that online discussion will not just support the formal conduct of business, but can also greatly improve informal discussion and interaction. He said also that these services would attract and bring together lawyers worldwide with shared interests in particular topics.

Therefore, the discussion board in the prototype provides the users with the following features:

- New subjects can be posted.
- Replies can be made to the subjects of the other legal users.
- Users can edit their own previous post.
- Email notification of replies to posts and subjects that are specified by the user can be received.
- Private messages to other members in the forum can be sent.
- Friends' list can be set up quickly to see which friends are currently online.

It also has a search feature for post based on username, and/or word(s) in the post, or simply based on subject, date and particular form so one can track a discussion thread (see Figure 7.5). One important feature is that it can be divided into different fora. For instance, there is a general forum, and other forms according to different law disciplines, such as a forum each for criminal law, administrative law, etc.

Figure 7.4: Discussion forum content

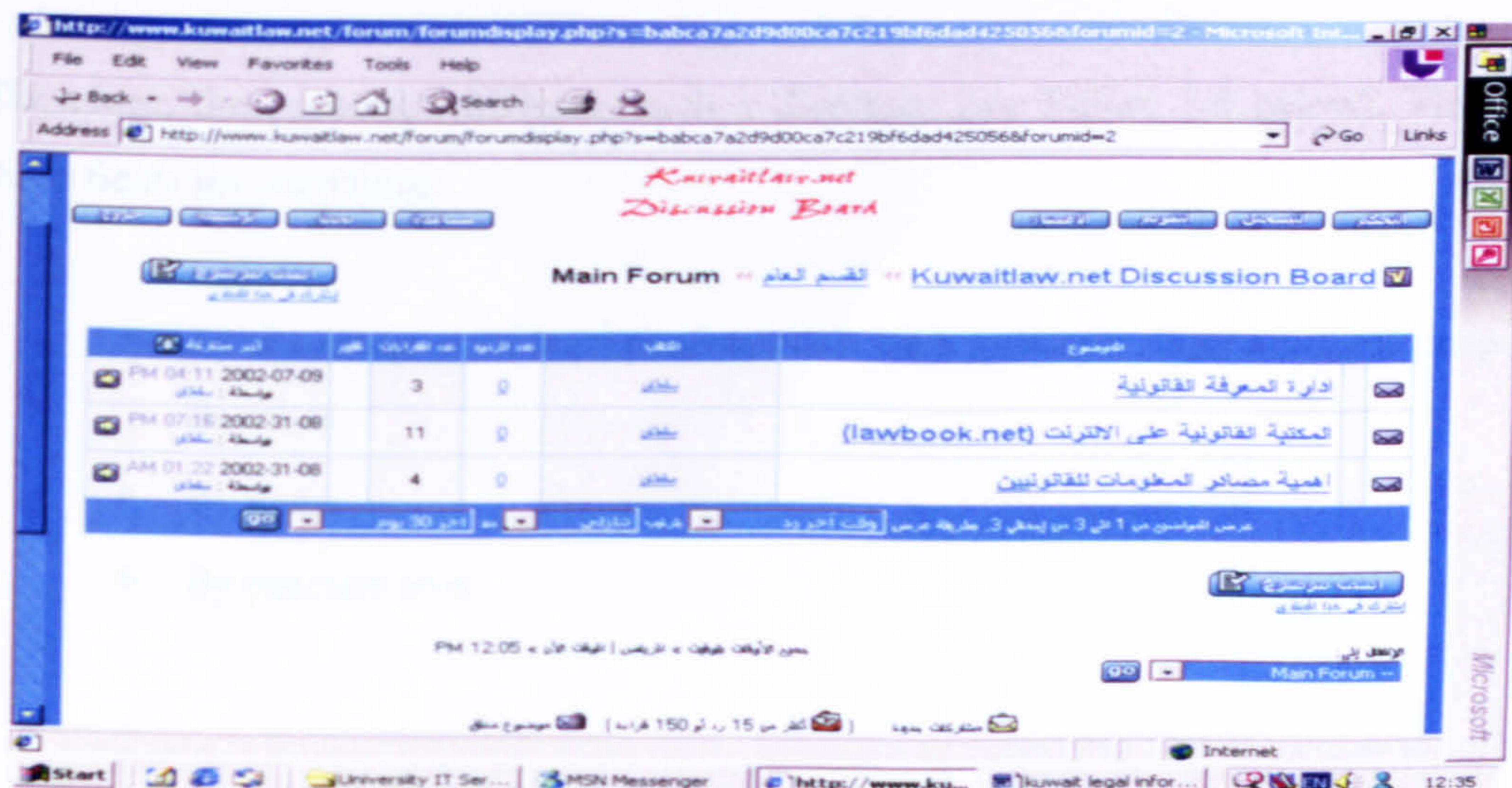
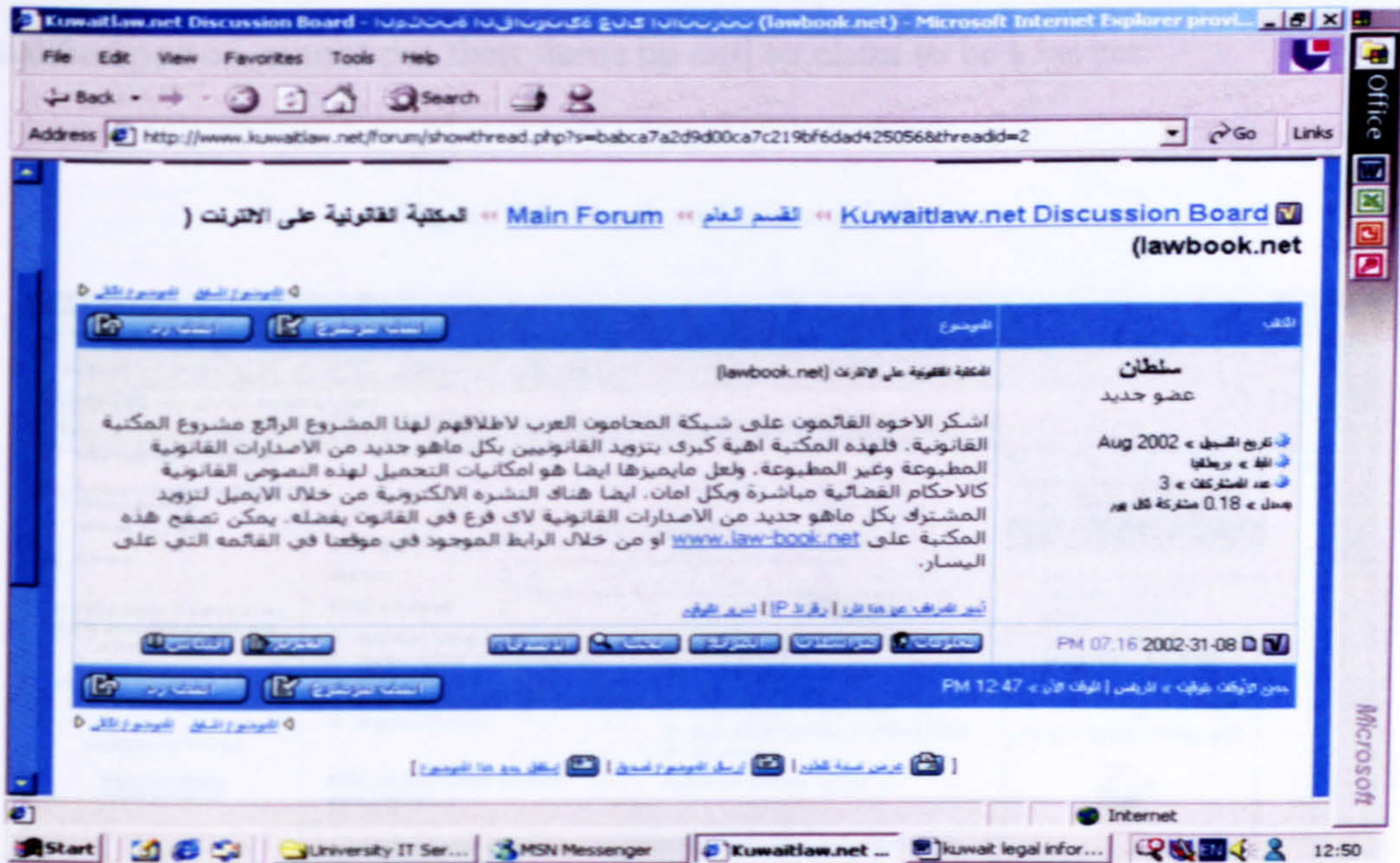




Figure 7.5: Thread details



#### 7.4.4 Legal professionals' directory

It is evident from the research described in this thesis that there are problems in finding lists of Kuwaiti legal professionals. No lists are available except for those in the Kuwaiti lawyers' directory, which dates back to 1999. It was clear from the field work that there is a need for such a directory to enhance communication channels among members of the Kuwaiti legal community.

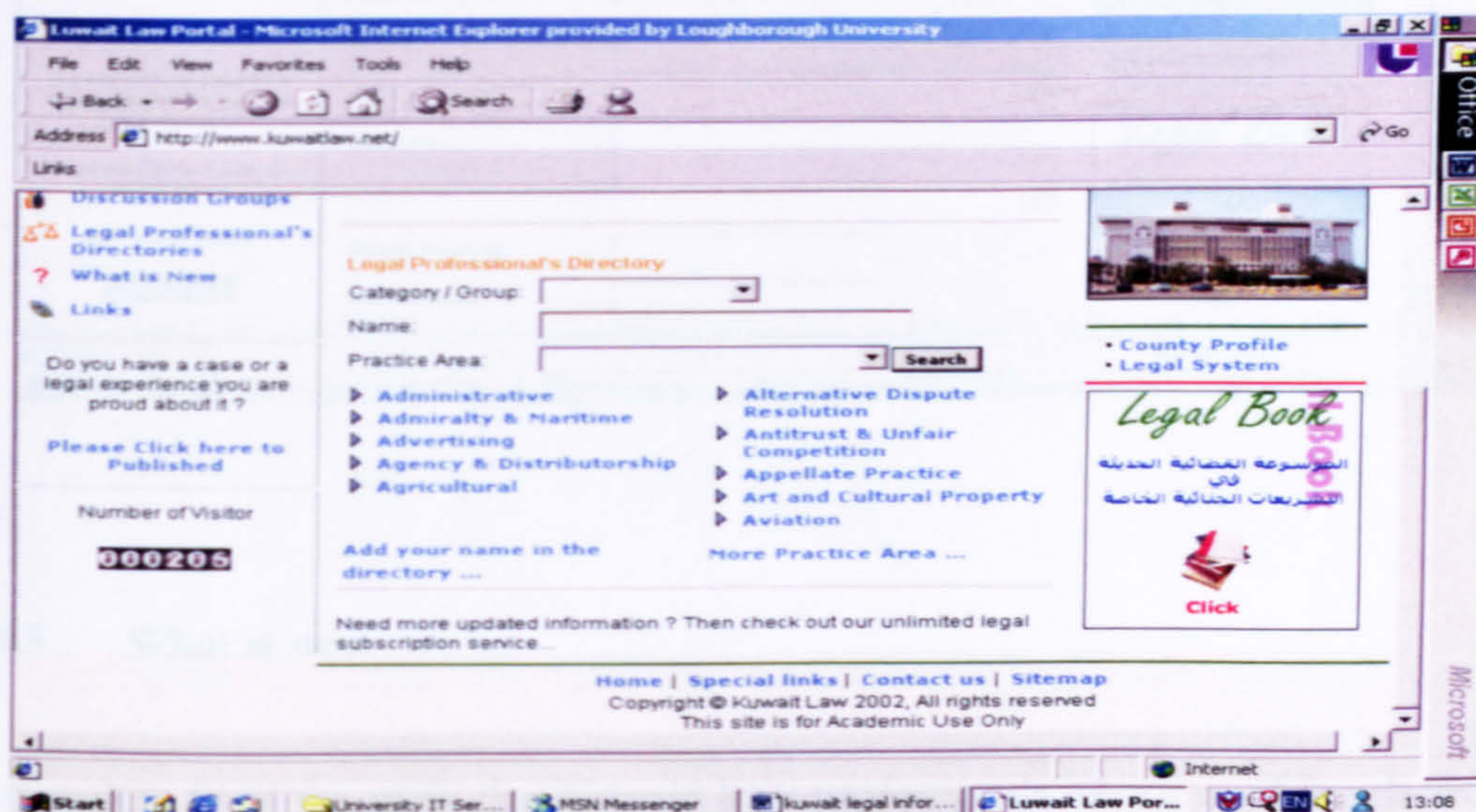
Therefore, the prototype includes such a directory (see Figure 7.6 below). This has three fields for searching:

- By the category of legal professionals such as lawyer, legal academic, expert, or other.
- By name
- By practice area



In addition, the user can directly click onto one of the listed practice areas to have access to a list of names under this field; he/she can added his/her name to the directory. It would be the responsibility of the web master to ensure that a non-qualified person cannot put their name up and so claim to be a lawyer.

Figure 7.6: Legal professionals' directory



When the user clicks on to the added name feature, a professional data entry form (see Figure 7.7 below) opens for him/her to fill in details such as:

- Category of legal professional
- Area of practice
- Name
- Address
- Phone number
- Fax number
- Email address
- Website URL



Figure 7.7: Professional entry form

The screenshot displays a web browser window titled "Luwait Law Portal - Microsoft Internet Explorer provided by Loughborough University". The address bar shows "http://www.kuwaitlaw.net/add.php". The main content area is titled "Professional Entry Form" and contains the following fields:

- ID: 11
- Category / Group ID: Lawyer (dropdown menu)
- Area of Practice: Administrative (dropdown menu)
- Name: [Text input field]
- Address: [Text input field]
- Phone Number: [Text input field]
- Fax Number: [Text input field]

Additional elements on the page include:

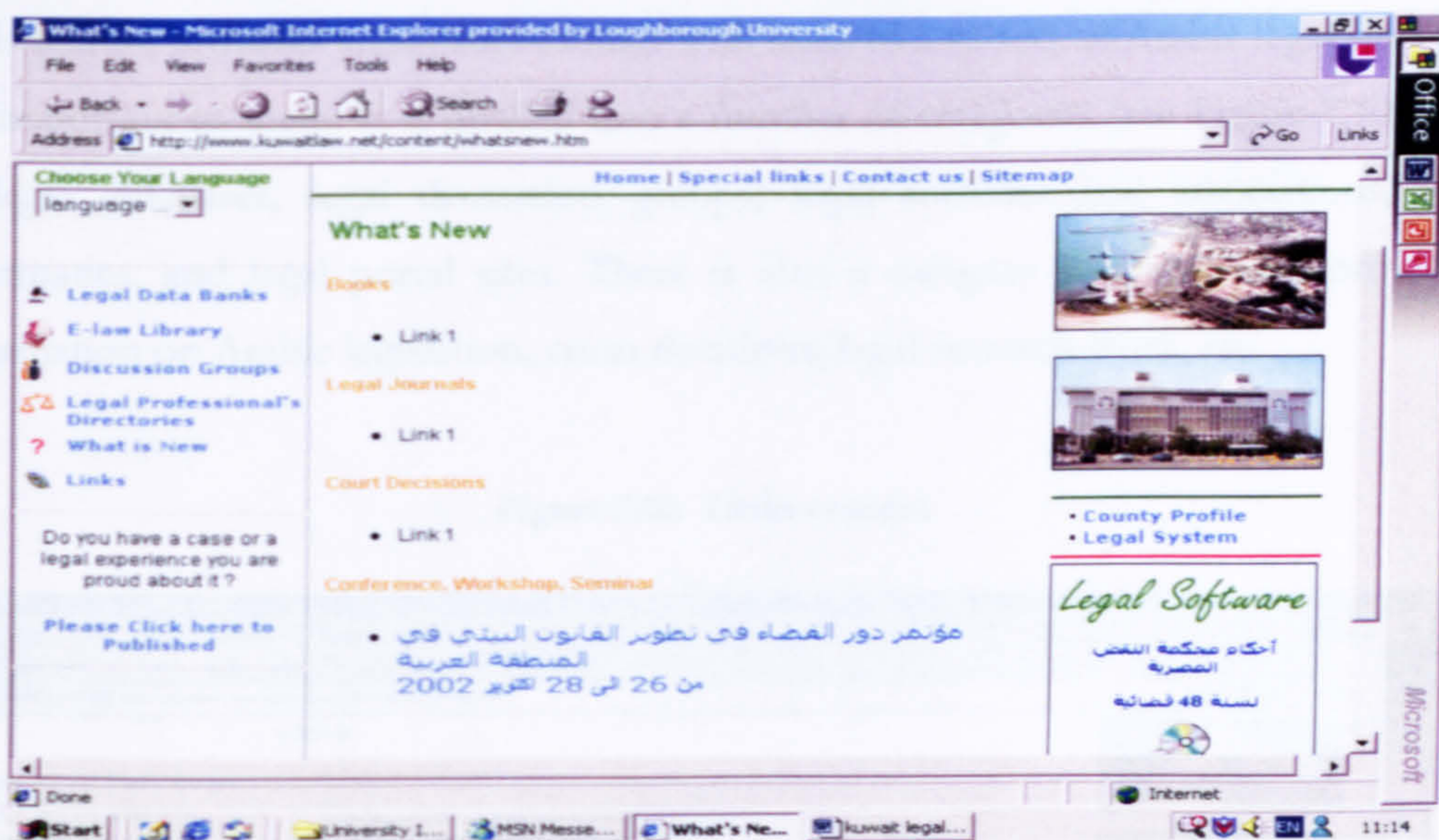
- A sidebar on the left with links: Legal Data Banks, E-law Library, Discussion Groups, Legal Professional's Directories, What is New, and Links.
- A "Legal Book" advertisement on the right with Arabic text: "الموسوعة القضائية الحديثة في التشريعات الجنائية الخاصة".
- A "Number of Visitor" counter showing "300205".
- A "Done" status bar at the bottom of the browser window.

#### 7.4.5 What is new

It is evident from the study that Kuwaiti legal professionals have a need for electronic current awareness services that provide them with the latest developments in legal subjects. The prototype provides them with this feature (see Figure 7.8). They can subscribe free to this service and the system automatically will send updated information via their email account or as text messages through WAP. Through this feature, legal professionals are able to follow the latest development in law. The system steering committee (see below) would be responsible for the updating and subscription policy of the system. This committee could consist of information providers that would contribute to system such as law libraries, the Kuwaiti Bar, law school, Ministry of Justice, Department of Legal Opinion and Legislative, as well as users' representatives.

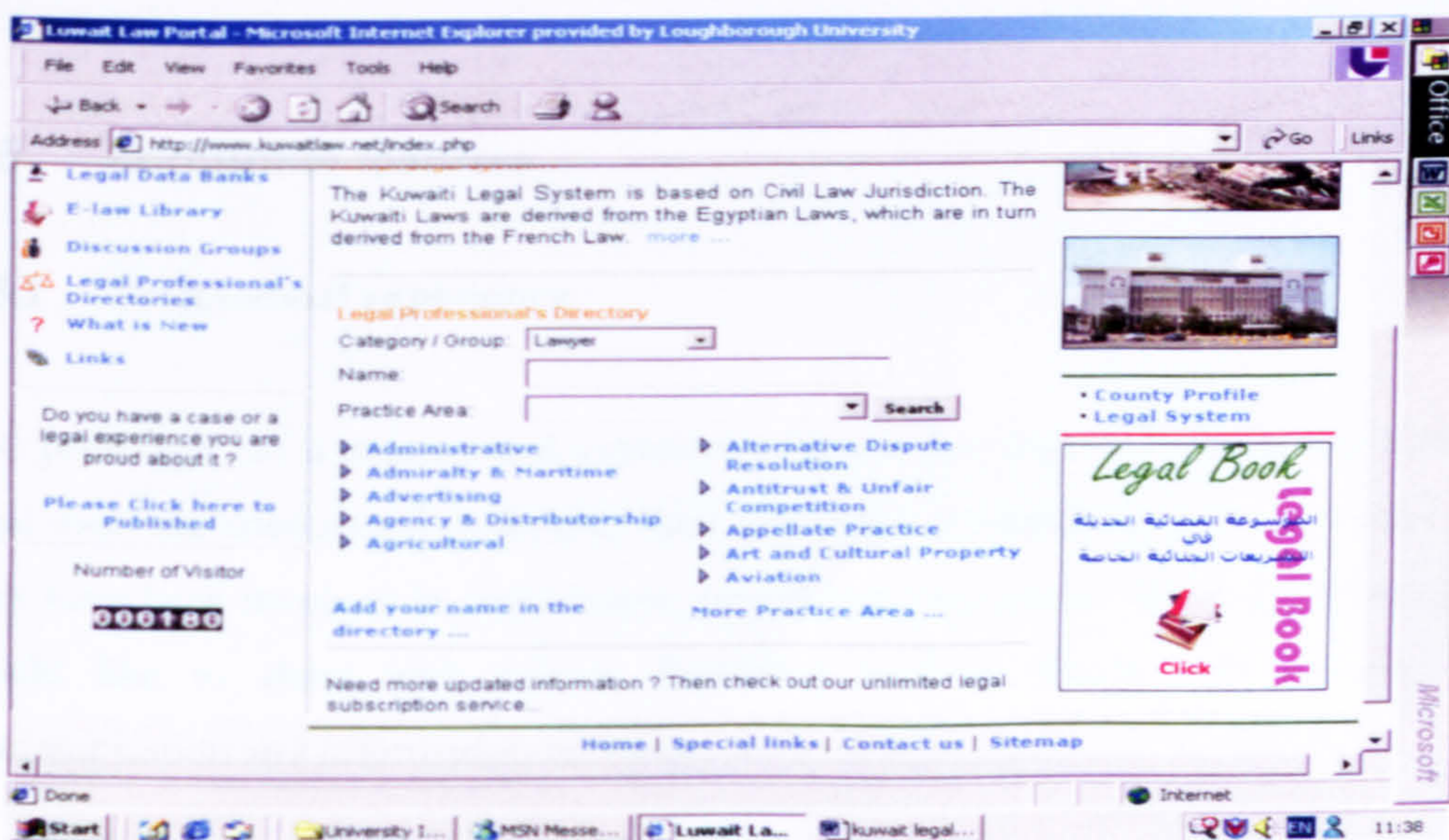


Figure 7.8: What is new content



Also, to update the legal user with new developments, the main page has flashing images regarding new legal books and new software (see Figure 7.9 below).

Figure 7.9: Images for legal book and software

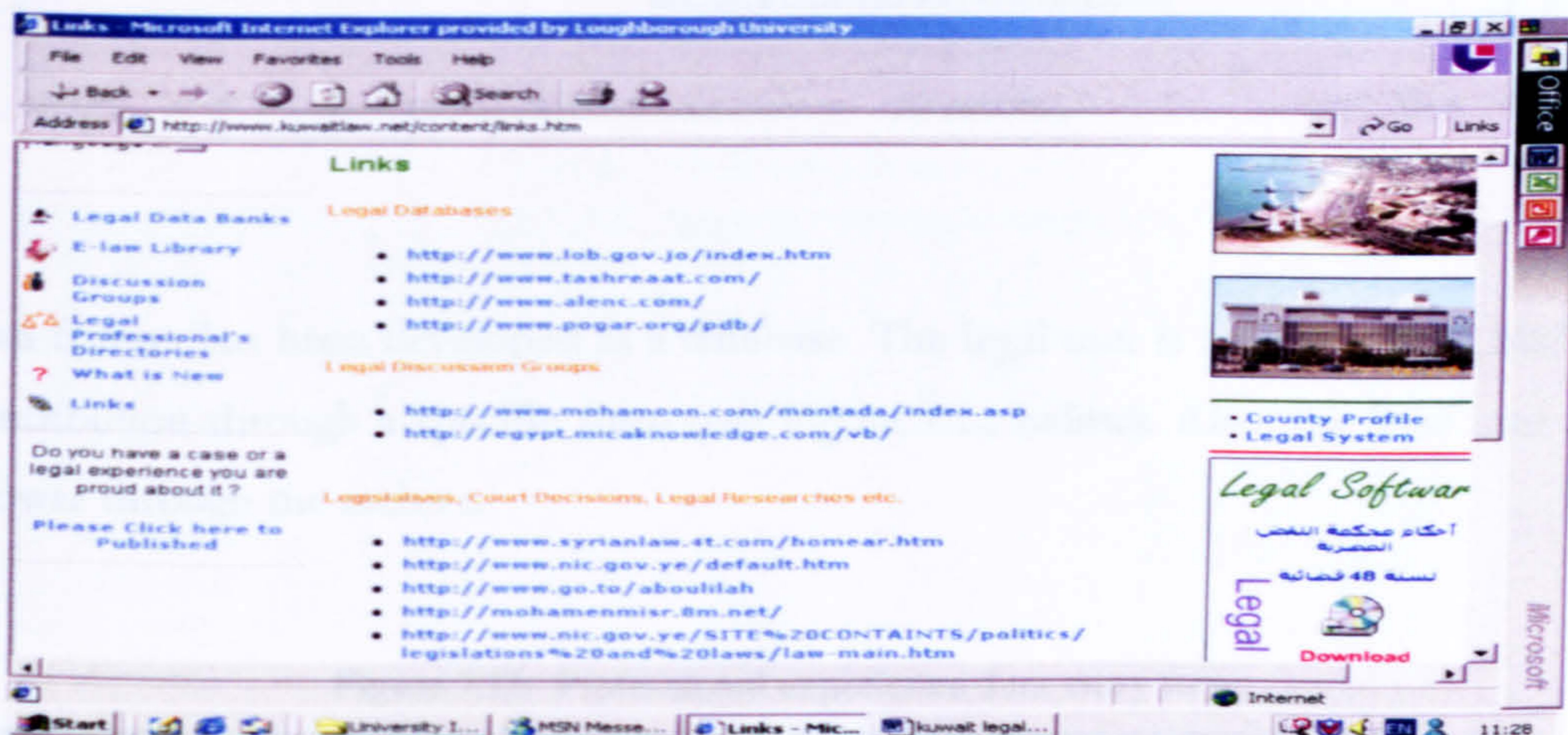




## 7.4.6 Links

This feature provides legal professionals with links to a variety of Arabic legal sites that are important to them. It is divided into a number of categories (see Figure 7.10) such as legal databases, legal discussion groups, legal societies and associations, legal informatics, and legal portal sites. There is also a category for legal sites providing information on Arabic legislation, court decisions, legal research work, etc.

Figure 7.10: Links content



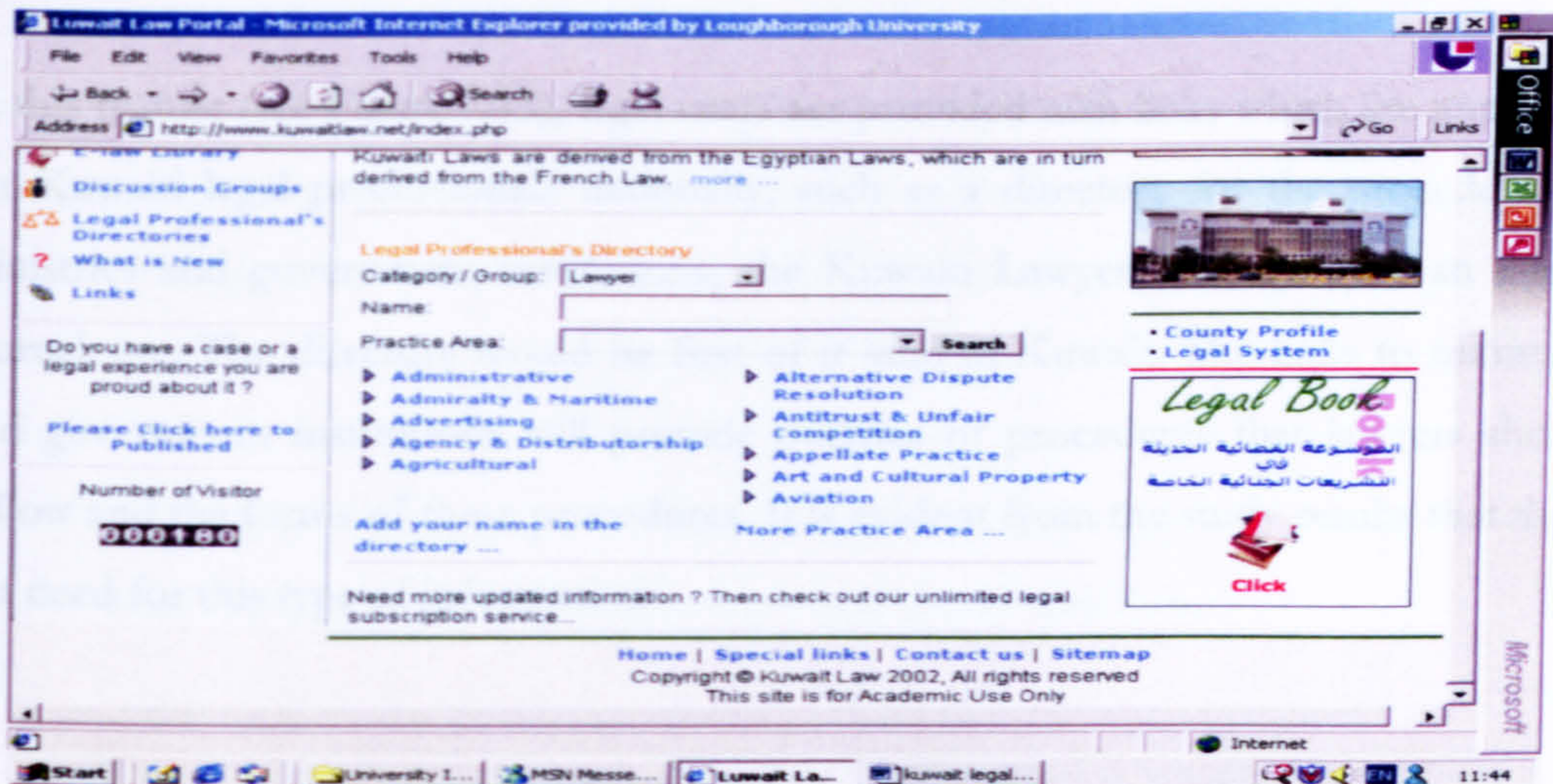
## 7.5 Additional features

### 7.5.1 Professional experience

The prototype has a professional experience feature (see Figure 7.11). In this feature, legal users are encouraged to publish their own legal experiences, such as recent cases they have been involved in, legal essays, or any legal experience they have which they would like to share with others. Providing such a feature will enhance the communication and information exchange between legal users.

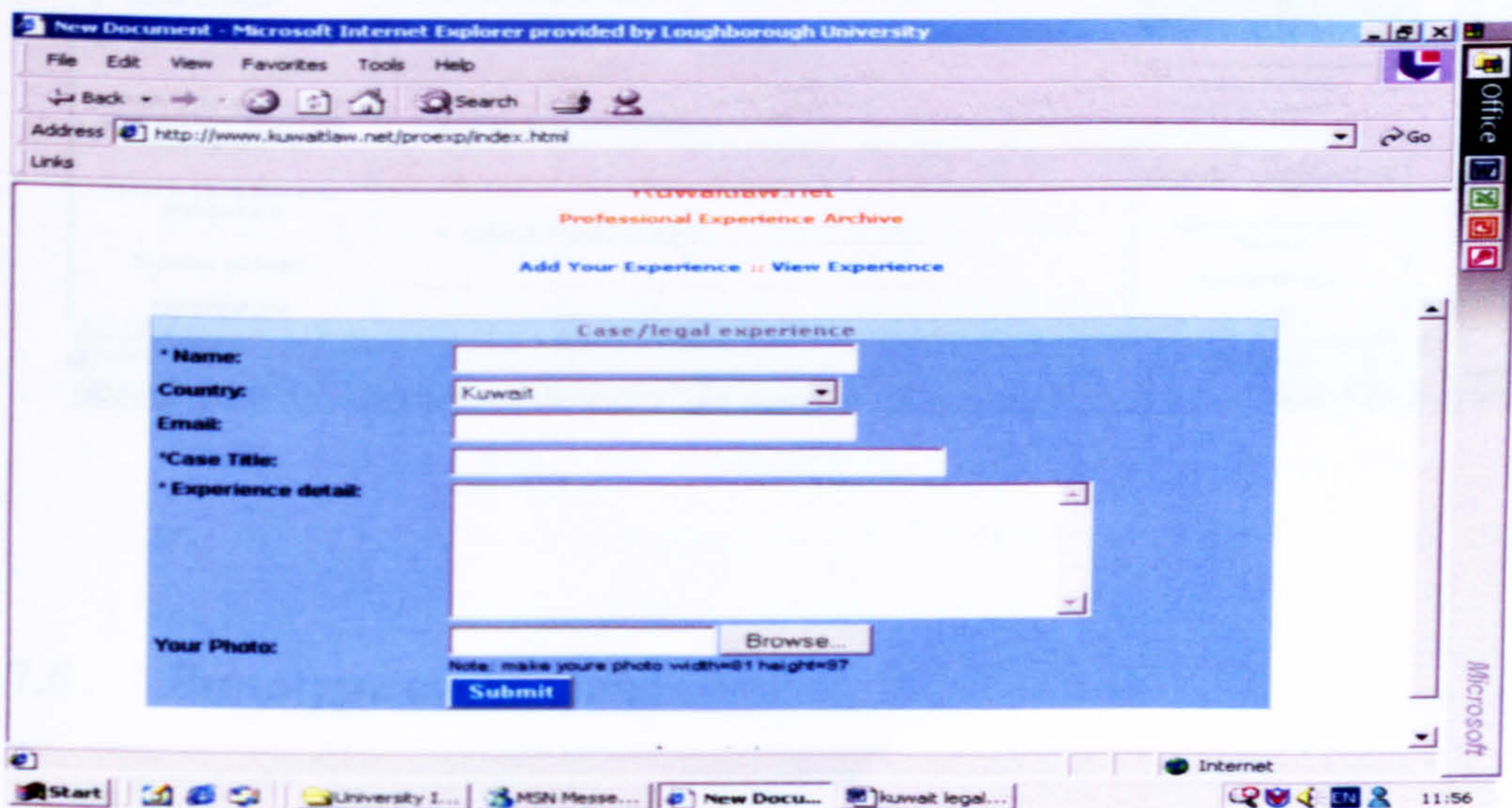


Figure 7.11: Professional experience feature



This feature has been developed as a database. The legal user is able to submit his/her contribution through a specific form (see Figure 7.12 below). Also, the legal user can browse through the archive.

Figure 7.12: Professional experience data entry form

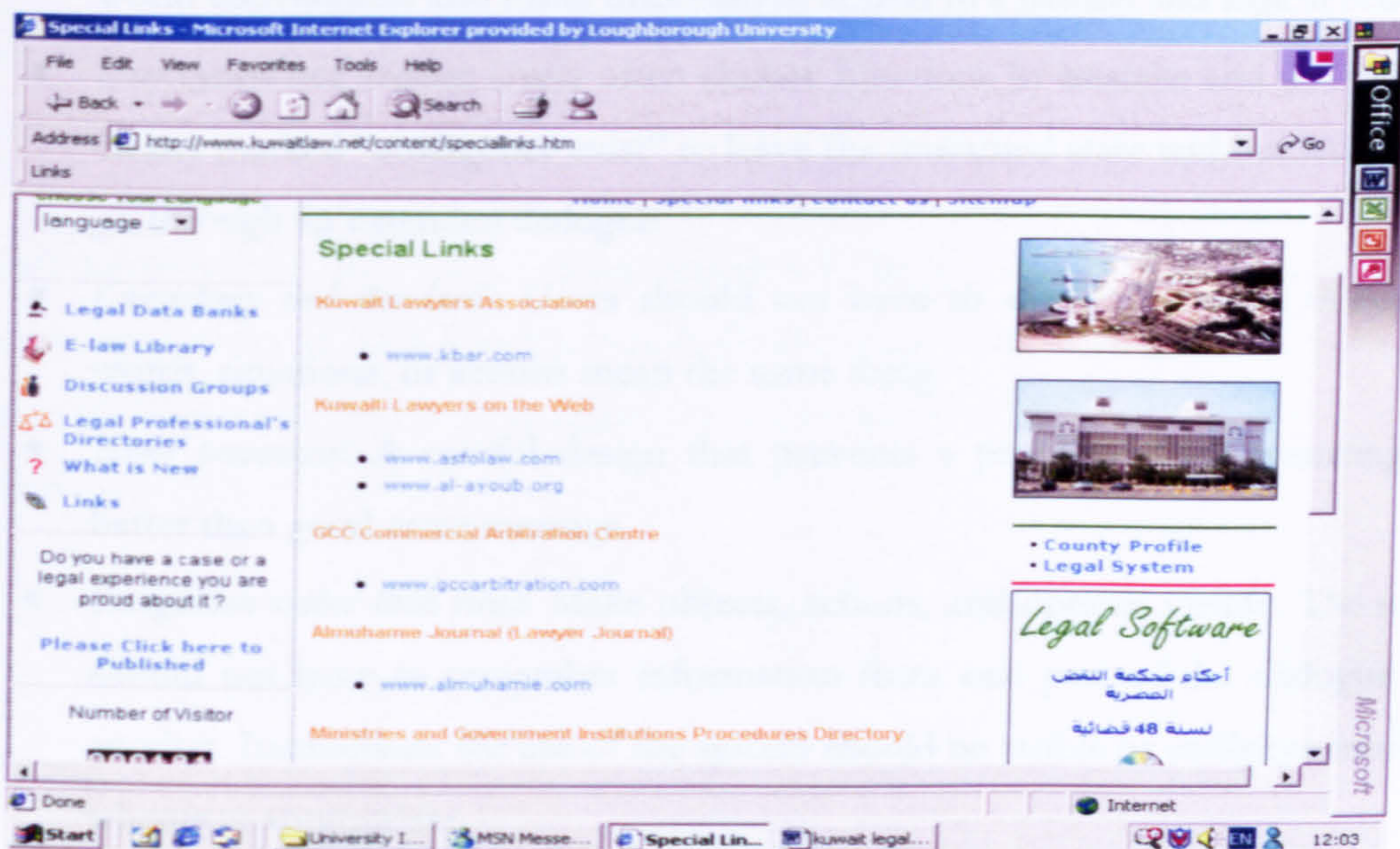




## 7.5.2 Special links

In this feature (see Figure 7.13), legal users are provided with links which are important for Kuwaiti legal professionals nationally, such as a directory for the procedures of ministries and government institutions, the Kuwaiti Lawyers' Association, an e-legal journal, etc. The directory would be first of its kind in Kuwait. The links to ministries and government institutions will provide outlines of procedures that lawyers should follow and the forms of these procedures. It is evident from the study results that there is a need for this type of information.

Figure 7.13: Special links content



## 7.6 Prototype evaluation

To ascertain whether or not the objectives of the prototype were achieved, an evaluation was required. Because of time and resource constraints, the evaluation had to be fast and inexpensive. At the same time, any evaluation would need to reflect the enormous diversity of experience and perspectives found in the community of legal professionals. A heuristic evaluation was used for usability testing.



### 7.6.1 Usability heuristic test

The heuristic evaluation according to Nielsen (1994) is the least formal form of the possible inspection methods. It involves having specialists who judge whether or not aspects of a given interface conform to a list of established usability principles. They are as follows:

- *Visibility of system status:* The system should always keep users informed about what is going on through appropriate and timely feedback.
- *Match between the system and the real world:* The system should use the user's language rather than system-oriented terminology. It should also follow real-world conventions and make information appear in a natural and logical order.
- *User control and freedom:* Users often choose functions by mistake and will need a clearly marked "emergency exist" to leave the unwanted state without having to go through an extended dialogue.
- *Consistency and standards:* Users should not have to wonder whether different words, situations, or actions mean the same thing.
- *Error prevention:* A careful design that prevents a problem from occurring is better than good error message.
- *Recognition rather than recall:* Make objects, actions, and options visible. The user should not have to remember information from one part of the dialogue to another. Instructions for use of the system should be visible or easily retrievable whenever appropriate.
- *Flexibility and efficiency of use:* Accelerators, which are not seen by novice users, may often speed up the interaction for the expert users such that the system can cater to both inexperienced and expert users.
- *Aesthetic and minimalist design:* Dialogues should not contain information that is irrelevant or rarely needed. Every extra piece of information in a dialogue box competes with relevant pieces of information and diminishes their visibility.
- *Error recovery:* Error messages should be expressed in plain language (no codes), precisely indicate the problem, and constructively suggest a solution.
- *Help and documentation:* Even though it is better if the system can be used without documentation, it may be necessary to provide help and



documentation. Any such information should be easy to search, focused on the user's task, list concrete steps to be carried out, and not be too large.

The next step was to identify the evaluators. Nielsen recommended using three to five evaluators. In order to prepare for the evaluation, two documents were prepared. The first was a project overview containing aspects such as the objectives and the intended users and the second provided a list of usability principles above; each evaluator was asked assign his/her evaluation according to these principles (See appendix 12).

These documents were sent with a cover email (see appendix 11) to a number of evaluators during October 2002, some being experts in legal informatics, inside and outside the United Kingdom; one evaluator was from Kuwait itself. Later, a reminder was sent to encourage them to reply (See appendix 13). Finally, four experts did the evaluation.

After the evaluation process has been completed, the reports and information from each evaluator was compiled and grouped. Similar issues combined and any duplicates removed. The resulting sets of problems or comments were addressed to improve the prototype.

## 7.7 Evaluation analysis

The experts' comments on different usability issues in the prototype interface were analysed according to Nielsen's heuristics. These comments were used to modify the prototype. The comments are shown below.

### 7.7.1 Visibility of system status

Experts did not provide suggestions according to this heuristic. The prototype was tested in different browsers to enhancing loading time, which there is no need to notify users during the loading of the homepage. There is also visible change, e.g., colour change when the mouse pointer hovers at a point on the page content which informed the user about the active texts.



### 7.9.2 Match between system and the real world

The experts mentioned that because the prototype is connected with legal users, the use of certain words, phrases and concepts were therefore familiar to them. In addition, one of the experts noted:

*Those connected with the legal profession would probably be fine, but the people using the site to look for legal advice may not be familiar with legal terms.*

This is true, but in this stage legal professionals are the primary audience for this prototype.

A suggestion was made that the site identity should be clarified with information such as 'About Us' link to provide the site visitors with an overview of the aims, objectives and services of *Kuwailaw*.

### 7.7.3 User control and freedom

Experts noted a number of problems in this area, which could confuse users. These were related to the navigation through the prototype and the following suggestions were made:

- Remove the link for the professional directory from the main page, because the professional directory was already there.
- Remove *special links* from the top menu and included it with the *links* in the left menu.
- Provide messages about unoperational parts
- The link "home" on the home page should be deleted.

Experts noted that the prototype might offer easy navigation for users. For example, any selection of any link will change the current one rather than open a new one. 'Top'



navigation icons enable the user to efficiently to navigate through the text and return to the top.

#### **7.7.4 Consistency and standards**

The experts agreed that the prototype design had attempted to be consistent through the interface layout. However, they suggested enhancing the consistency regarding some issues such as the following:

- Colour of headings should be similar between pages.
- Space between headings and text should be the same.

The experts suggested checking all external links, because some of the links were broken. They confirmed that links always matched the name of the destination.

#### **7.7.5 Error prevention**

Apart from some external dead links, the experts thought that the simple design of the interface would help to reduce errors. The only error that could occur in this stage of the prototype is related to non-working parts, such as the fact that the directory contains only a few names for test purposes.

#### **7.7.6 Recognition rather than recall**

The experts noted that the prototype had only one level of information, so the user does not have to remember a lot of information. On the other hand, they suggested that a 'help' feature could be useful in providing easy instruction whenever appropriate.



### 7.7.7 Flexibility and efficiency of use

The experts mentioned that the prototype is provided with features that makes it flexible to use. The 'top' icons make it always easy to return to the top of the page while the use of 'home' links in the discussion board, the legal professionals directory and the experience database gives users the flexibility in use of the system. The top and bottom menus also support efficiency in using the system.

The legal professional directory received a number of suggestions. An expert mentioned that he was forced to use the browser functionality (the back button). He indicated that when he performed a search, he got a page which said 'no results found' but there was no link back to the search window. He therefore suggested providing such a link to make it easy for users. Another expert suggested showing a word in the drop down menu box rather than displaying it blank so users were aware that there were choices here.

### 7.7.8 Aesthetic and minimalist design

The experts noted that the prototype needs for information which is distracting to users to be eliminated. For example, they suggested that the two photographs appeared to be irrelevant and the box in the lower right-hand corner was very distracting. One of the experts suggested labelling these two photos to make clear their relation to the site.

One expert indicated that he did not like the flashing graphics on the lower right of the screen. Experts also suggested changing the colour of the mouse over because this was the same as the colour of the headings.

### 7.7.9 Error recovery

Experts mentioned that the prototype makes email contact information available to users. They think that this kind of information may be useful in order that the Webmaster can obtain feedback from users that suggest improvements.



### **7.7.10 Help and documentation**

Experts noted that the prototype did not offer a 'help' feature or 'FAQ' to tell the user where to go or what to do. For example, they suggested that the legal professionals directory and/or experiences database should be provided with steps or explanations on how to use them.

## **7.8 Summary**

This chapter outlined the design of an information system, the Kuwaiti Legal Information System (KLIS), for the use of a range of legal professionals in Kuwait.

The aim of the system was to provide relevant and up-to-date information, and links to other information sources and services in order to improve communication channels at both national and international level. The system also sought to be cost-effective.

Preparation for the system design involved a review of relevant literature, a study of the requirements of legal professionals, and an analysis of similar systems. A mock-up prototype was then constructed and the domain name, kuwaitlaw.net was registered.

Care was taken to attempt to produce a user interface which was both attractive and easy to use, whatever the ability of the user. Finally, an evaluation has been undertaken by consulting a number of experts on the system's usability and contents.



## **Chapter 8**

### **Discussion**

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#### **8.1 Introduction**

This chapter discusses the results presented in Chapters Five and Six in the light of previous research findings from the literature. The discussion is presented according to the research objectives stated in Chapter One and is linked to the study model. This discussion covers data from questionnaires, interviews and critical incidents. This chapter also provides discussion on themes related to the information behaviour of the legal professionals, which is important in providing in-depth understanding and description. These areas include training on the use of information sources; absence of need to access information sources; encountering information problems and ways of overcoming these; and the legal information system prototype as a proposed solution. The appropriateness of the research design and research limitations are discussed in the final two sections.

#### **8.2 Information needs**

The results indicate that Kuwaiti legal professionals are engaged in work roles that are similar to those of legal professionals in other countries as noted by Otiike (1997), Leickie et al (1996) and Cheadle (1994). For example, in their role as advisors, they need to consider what possible courses of action are open to the client. Through this



process, they may require a working knowledge of the client's business; they will almost certainly also require instructions from the client as to what the client hopes to achieve. Therefore, lawyers carrying out this role will present legal rules and predictions to the client in the form of advice, offering some form of justification as to why they have given this particular advice.

Further similarity in their work tasks, such as their role as administrators, can be found. For example, academics may be assigned a position as a head of department, a similar result to that discovered by Otike (1997). Wilkinson (2001) found 60% of Canadian lawyers' problems involved administration of their law practice and the remaining 40% involving substantive areas of law. These various situations and work roles lead to a variety of information needs to be satisfied by information seeking (Wilkinson, 2001).

The study model suggests that legal professionals could use two types of information, legal and non-legal.

### 8.2.1 Legal information needs

The results of the survey indicate that the majority of legal academics (80.7%) seek information so as to prepare for research and for publication, while 64.0% of legal practitioners sought information for their preparation of a defence. These expected reasons lead legal professionals to search for specific types of legal information. For example, academics regard jurisprudence and commentaries as of greater importance as compared to practitioners. The primary reason is that this type of legal information satisfies their needs in preparing for research and publishing. Also these sources offer in-depth and comprehensive information for academics, which could be used in research. Similarly, Otike (1997) and Goedan (1984) found that academics have a tendency to look for detailed and comprehensive information.

The majority of practitioners (68.0%), on the other hand, needed information on legislation and demonstrated a lower need for jurisprudence and commentaries. Practitioners need to respond to cases as they come before them and therefore they are more likely to need specific information on a particular area at any one time that might be satisfied through legislative information. Similarly, Feliciano (1986) found that



93.3% of Filipino lawyers often needed text of laws; and Cheatle (1992) found that lawyers needed information on legal rules.

There are similarities between academics and practitioners with regard to their legal information needs for court decisions. Considering the nature of Kuwaiti legal system, as discussed in Chapter Two, information needs related to court decisions might be expected to be a priority. This is different from the findings of Haruna and Mabawonku (2001), who reported that the Nigerian legal practitioners ranked the latest decisions of superior courts as their top information need.

### 8.2.2 Non-legal information needs

Neither practitioners nor academics specified particular needs for the non-legal information they had. It was found that only social science information received a high score from the lists of types of non-legal information they were provided. The need for information on ICT differed significantly between the two groups. Academics were more interested in ICT as compared to practitioners, perhaps because many of them had their education from Western universities and might use ICT in their home. Academics and practitioners such as state lawyers and prosecutors are not provided with PCs, networking and connections in their department. This explains their low interest in ICT. Otike (1997) and Leckie et al. (1996) had reported that lawyers had to carry out administrative functions for law firms, which should have prompted higher level of needs for information management and ICT. Possibly Kuwaiti legal practitioners are preoccupied with the cases they had to contend with instead of giving any attention to ICT and information management functions. It should be noted that Kuwaiti legal firms do not have departments similar to UK firms because they are small firms. In the UK, legal firms usually have an IT department to give technical support.

Some respondents found it difficult to list specific types of non-legal information they could be interested in. One possible explanation is that there are diverse disciplines having a possible bearing on the legal practice and they were unwilling to rule out any of them. Otike (1997) had found that a majority of Kenyan legal professionals (95.0%) needed information from a variety of non-legal information sources, which included accountancy, insurance, banking, medico-legal literature, forensic medicine, business,



office management, computer studies, etc. Bunnage (1999) also reported a similar finding about legal academics at Harvard University in USA. A substantial number of them needed information outside law in areas such as economics, history, mediation and arbitration, etc. The respondents in this study failed to pinpoint their favoured types of non-legal sources. It was simply the nature of a legal case on which a professional was working that would prompt a user to seek information from other sources. One response, explaining this point, is worth quoting:

*Yes, I think my need for information other than legal information depends on the cases I have in hand. For instance, when I deal with a case that involves accounting, I will certainly need information on accounting. In another case, I may need information regarding forensic science such as determining the ratio of disability from an incident. So definitely, I can see that my information needs depend on the cases I am dealing with.*

One of the academic administrators in the law school demonstrated in a critical incident how he needed some administrative information when he had to recruit a new staff on a part-time basis. Clearly, some work situations prompt a need for certain types of non-legal information. Walsh (1992) found that the library in a UK large law firms was used for obtaining non-legal materials to be used by the lawyers. Further, Kuhlthau and Tama (2001) found in their study of American lawyers that certain legal tasks require sources outside the legal literature, such as the literature of social or environmental issues.

### 8.3 Information sources

One theme of this study is to show how Kuwaiti legal professionals obtain information to satisfy their work tasks. Wilkinson (2001) confirmed that awareness of sources is among the factors that could determine Canadian lawyers' activity in information seeking. The model outlined four different channels for active information seeking. These are: information systems including the Internet, legal databases and law libraries; personal collections; conference and meetings; and other means of communication. The use of each of these sources for seeking information is discussed below.



### 8.3.1 Electronic sources

As expected, there was no difference between the two categories of academics and practitioners in terms of using the Internet and legal databases in accessing legal information. The majority of legal professionals do not use the Internet and legal databases in seeking information. Results of other studies point to similarities as well as differences. Haruna and Mabawonku (2001) found that Nigerian legal practitioners rarely consulted electronic sources like the Internet and databases. This is expected in Nigeria as the estimated number of the Internet users is only 100,000 out of a total population of 116 million (MapZones, 2003). Kuhlthau and Tama (2001) noted that there was a limited use by American lawyers of external electronic sources. Somewhat contrasting findings can be noted from the studies of the Legal Technology Institute (2000) in USA; Ellison (2000) in a UK law firm and Majid and Kassim (2001) who reported that the majority of Malaysian legal academics accessed information through electronic sources. Internet users in Malaysia by 2001 are estimated to be 4.06 million and represent 17% of the total population (IDC Malaysia Press Releases, 2002). Internet users in Malaysia are expected to reach 6.7 million by 2005.

The results of this study perhaps reflect the traditional nature of the Kuwaiti legal education system. Internet users in Kuwait are only 8.39% of the total population (Ministry of Planning, 2000). According to UNDP (2002), Internet users in Kuwait are fewer than 60 in 1000. The report also indicates that social factors such as education are likely to have an impact on ICT use. There are no courses in the use of ICT for legal research. Most legal graduates are recruited by the legal departments in the public sector. These lack electronic resources, as was indicated in the interview results. Even where a number of legal databases is available, there are no training facilities provided by the departments, vendors or producers. While the Department of Legal Opinion and Legislation provides a free web-based legal database, it does not provide any personal computers to state lawyers for accessing them. The results also indicated the non-availability of ICT among academics and practitioners at their workplace. Similarly, Haruna and Mabawonku (2001) found few Nigerian legal practitioners use electronic databanks because the majority had no access to and never used them. Conversely, Majid and Kassem (2000) point out that 92.0% of Malaysian legal academics have access to computer at their work place with 85.0% in their offices. These findings have



indicated the need for the availability of electronic systems, resources, facilities, learning opportunities, and a culture that is conducive for their use and application.

One of the respondents argued that his work did not require the use of such sources and traditional sources like books would suffice. It seemed that there was little motivation to use electronic sources and they felt content with whatever they had at hand. Kuhlthau and Tama (2001) argue that databases worked well for routine tasks and specific inquiries of lawyers, but were found to be inadequate for complex tasks and non-specific queries. This could explain the low level of motivation among the professionals toward using these sources as compared to printed sources. Hainsworth (1992) had also found that US judges preferred to limit their choices to the available resources and they valued whatever information was contained in hardcopy. Ellison (2000) however pointed out that lawyers in a UK law firm found it is much quicker and easier to consult electronic sources than a hard copy source.

The absence of ICT facilities, negative past experience, poor user skills, and the lack of training are some of the possible reasons for the low or non-use of electronic sources. There is always a tremendous pressure on legal professionals for extensive reading and writing and they are forced to use the media that they find conveniently available. Print resources offer familiarity and comfort of use. Therefore, the nature of their work might be proving an inhibitor rather than being a motivator to use electronic sources. Kuhlthau and Tama (2001, p.41) made a striking observation:

*The print resources allowed them (lawyers) to look for 'one thing and find another'. The computerised system, on the other hand, was designed to be too specific to allow for the flexibility needed to facilitate construction. These lawyers expressed serious reservations about the capacity of computerised systems to access the range of information they needed.*

The use of electronic sources could be delegated to the support staff. For example, some responses from the state lawyers indicated that they referred certain requests to the Information Management Centre staff for searching information in the legal database. In contrast, the Law Society (2001) findings show that only 9% of UK solicitors had access to a PC via an assistant or secretary. This shows the differences between the two professions in Kuwait and UK. However, it also seems that Kuwaiti professionals have a lukewarm approach toward the use of Internet. Most of them are



unaware of its potential as a resource for accessing information systems and utilities. They lack a culture that would expose them to the richness of this resource. They feel comfortable in conducting their legal practice using the traditional sources. In addition, the dynamics of the local environment do not provide any pressure for these professionals to use electronic resources and therefore they resist change. Cheadle (1992) found lawyers in a UK law firm resisted developing typing skills because these were related to a manual task not suitable for the social level which the lawyer felt that he had attained. The legal adviser in the Students Union at Loughborough University mentioned this recently in an informal interview.

Both the survey and interview responses indicated that those institutions that had electronic resources never tried to engage in a campaign of promoting their use. A large number of legal professionals are simply unaware of the availability of these resources. They also had no information about free web legal databases such as the *Legal Encyclopaedia*. This points to a general apathy on the part of these departments for running any effective outreach campaign.

#### 8.4.2 Law libraries

The survey results have shown that a large percentage of legal academics and practitioners do not make much use of law libraries. In contrast, Feliciano (1983) found that the majority of Filipino lawyers used libraries, and Majid and Kassem (2000) found 58.5% of Malaysian legal academics visited the library at least one or twice a week. This difference can be examined in the light of the reason they had for seeking information. Academics used the law school library more frequently than other law libraries. This might be due to the fact that they need to have in-depth information on specific topics. Therefore, they wish to have access to comprehensive materials related to a specific topic such as materials usually available in an academic law library. On the other hand, practitioners are engaged in legal practice and are usually dealing with a variety of legal issues they have to face on a day-to-day basis. Their needs could usually be satisfied through their organizational library such as PJLL that serves prosecutors and LOLDL meant for state lawyers. Hong (1993) found half of Korean legal professionals used law libraries located within the institutions. As he commented, law libraries in Korea were



not yet recognised as a major source for legal research by the legal professionals. Cheatle (1992, p.150) commented:

*The library is not an immediate source as it invariably requires the lawyer to physically go there. It is used for more involved research as the lawyer usually surrounds him/herself with the commonly needs materials in their offices.*

This situation of low use of libraries raises two issues. First, since legal professionals are over worked, they do not have time to access law libraries. As a result, they rely more on their own collections. Otike (1997) reported similar findings and reported that about half of the Kenyan legal professionals did not visit law libraries, as they were so busy. He found that legal professionals used law libraries only when the information required was not available in their own collection. The findings of Haruna and Mabawonku (2001) were different, as they found that the majority of the Nigerian legal practitioners consulted libraries frequently.

It can be fairly speculated that the legal professionals would rather rely on their assistants to locate and identify materials, as it would be more cost efficient for them. Other factors might be that these libraries in Kuwait might be unattractive in terms of their resources and services. The professionals might also not be as aware of the extent of the resources and services these libraries could offer to them. Feliciano (1984) found the resource availability and size of libraries were among the primary factors that determined usefulness of law libraries for the Filipino lawyers. In Kuwait it was found that most of the time; they were just using photocopying and borrowing services. It appears that the legal professionals visits to libraries were not perceived to be rewarding.

Another critical factor related to library use is the assistance the legal professionals receive from their librarians. Absence of any assistance would discourage these professionals from making further visits. If library professionals do not make concerted efforts in facilitating an effective use of the law libraries, that would further discourage these users. The findings that none of these libraries provided any orientation or training programs also indicate why these users might be disenchanted with their libraries.



Other related problems of the current situation of law libraries are discussed in section 8.6.3

### 8.4.3 Personal collections

It was found that a large proportion of academics (64.9%) and about as many of the practitioners (62.7%) used their personal collections more than other sources. These findings were consistent with the results of other studies carried out elsewhere (Hainsworth, 1992; Willis, 1992; Cheate, 1992; Otike, 1997 and Majid and Kassim, 2000). Only the study of Hong (1992) presented that practitioners relied on their personal collections as a second source, next to institution's library.

Findings from interviews indicated that legal professionals preferred their personal collection for a number of reasons. Such collections are conveniently close, and they could use them whenever they felt a need. These also provided quick references to their information needs. For example, if the lawyer wished to seek information about legal procedures related to a specific case or new legislation, they would be familiar with the appropriate sources, their place, and how they could get the information without any loss of time. These results are compatible with the findings of other studies. Hainsworth (1992) found that judges in the USA viewed their personal collections as a time saver that allowed speedy retrieval, immediately access, efficient use, and a continued train of thought. Cole and Kuhlthau (2000) argue that lawyers need to find information at the right time and in a cost-effective manner. Therefore, they have a tendency to access only sources that are easy and convenient (Majid and Kassem, 2000). In this regard, they are no different to all information users.

Personal collections give legal professionals independence and the capability for a better and more effective time management. Hainsworth (1992) found that US judges kept these resources close to their desks to support their independence.

Several studies had indicated that private collections of legal professionals were crucially relevant to their practice of law. Otike (1997) found that Kenyan legal professionals had books, journals, and reference materials in their personal collections. The personal collections of the legal practitioners varied from those held by academics



in terms of types of resources and extent. Both the groups had a large number of monographs in their collections. Such monographs contain a wide coverage of legislative information, court decisions, commentaries, jurisprudence, etc. Both academics and practitioners relied heavily on their use. Another relevant factor was that both the groups heavily relied on Egyptian publications that primarily appeared in the form of books. Similarly, Majid and Kassem (2000) found books were ranked as the most important source for the research and publication work by Malaysian legal academics.

One finding was that academics have more legal journals, research papers and reports compared to practitioners. This is related to the nature of academic work, as the academics have to use legal journals and legal research papers extensively for their academic and research commitments. The journals and research papers offer theoretical and conceptual information on specific legal subjects that are important for them. Legal practitioners, on the other hand, are more likely to consult papers and/or journals only if the content is relevant to an on-going case.

A majority of legal academics (73.7%) and of legal practitioners (56.0%) do not have legal databases in their collections. It was surprising that the practitioners would not have databases in their collection. For example, state lawyers are provided with a Web based legal databank through their department and a number of private lawyers also have legal databases. This result confirms that ICT plays a small role in the information seeking activities of Kuwaiti legal professionals. The interview results also demonstrated that in the case of state lawyers, they were not provided with PCs in their offices and the information management centre staff had to conduct searches for them. The Law Society (2001) study indicated both similarity and difference. It found that UK solicitors in government were most likely to have no PC access at all, but that solicitors in private practice were more likely to have access only to a PC operated by a secretary or assistant.

Regarding the organisation of their personal collections, it was found that a majority of the practitioners and academics used filing cabinets. Few practitioners organise through indexes more than academics. Practitioners have assistants who provide help in organising their collections by preparing, tagging, filing, and organising documents.



Academics were more likely not to have organised their personal collections as compared to practitioners. Considering the time constraints these practitioners have, it could be assumed that they would have little time to organise their personal collections, had it been left to them. The results also show that both the majority of academics and practitioners do not use computer systems for organising their collections. In contrast, Warner (2002) found 78.5% of solo lawyers and 88.1% of small firms in USA used CD-ROM as a favourite media for storage their materials. On the other hand, Kuhlthau and Tama (2001) found that lawyers from small and medium sized law firms in USA had difficulties in organising their personal collections and documents for easy access and retrieval at later stages.

The interview results demonstrated that personal collections are not always sufficient and are deficient in a number of key areas. Since legal professionals tend to depend on printed resources such as books, they observed that their personal collections were rather patchy. It could be assumed that they had a clear feeling that they were not always able to access and use the material that was just available to them. Otiye (1997) found that the cost of purchasing legal materials inhibited Kenyan legal professionals from acquiring new issues of journals and reference titles, therefore they resorted to libraries. Haruna and Mabawonku (2001) claimed that no matter how rich a personal collection may be, Nigerian legal practitioners would always consult the library for their work related information. In Kuwait, the case is different as legal publications are less expensive and these are mostly available at production cost. Professionals' purchasing capacity might also be much higher as compared to their counterparts from other regions.

#### 8.4.4 Communication

Communication is centrally important to legal professionals. There are occasions when they rely on a fast response and the communication capability matters a great deal in these situations. Wilkinson (2001) argues that informal sources such as colleagues, partners, external colleagues, etc., are overwhelmingly used by the lawyer engaged in information seeking for solving problems that he or she encounters in practice.



It was found that both the academics and practitioners relied more heavily on internal communication than external. Cheatle (1992) reached a similar finding in a case study of a law firm in London where 64% of the communication events of all solicitors were internal while only 36% were external. Practitioners generally communicated with their legal counsels, followed by their support staff and colleagues. As the nature of the work of practitioners demands, they deal with cases as the situations arise and then they have to resort to fast means of communication. This need is not as strong in the case of academics. However, this result might be also related to the fact that practitioners have assistants. Therefore, they might count on this assistance all the time as they are dealing with a variety of cases and each case needs a specific type of action or procedure.

It was found that practitioners considered external communication with colleagues important. It appears that communicating with colleagues for exchanging information is a universally accepted practice. This was evident from a number of studies. Walsh (1992) found that a major source of information exchange for lawyers in a UK law firm was their colleagues. Moreover, Haruna and Mabawonku (2001) pointed out that communication with colleagues ranked second among information sources used by Nigerian legal practitioners.

Academics were found to communicate more with internal colleagues than with external ones. Academics also did not consider communication with law students important for information exchange. Why their level of external communication is low might be related to the nature of their roles and assignments, their preoccupation with teaching and research, and other socio-cultural imperatives. Shoham (1998) also found the Israeli legal academics consulted their internal colleagues more than external colleagues.

Academics and practitioners favoured face-to-face communication. Similarly, O'Connor (2000) found solicitors interviewed in three firms in United Kingdom prefer to communicate face to face with colleagues where possible. In contrast, Cheatle (1992) found that the telephone is the most frequent type of communication between lawyers. This was unexpected, especially for practitioners, considering how busy they were in dealing with a variety of legal issues. This could be related to the fact that most of their communication is internal, rather than external. In a study of medical professionals in



Kenya, Odhiambo (2000) found the cost of using the telephone restricted them from contacting their colleagues as expected. This is not applicable to Kuwait as there is no charge for using local telephone lines. Another reason for preferring face-to-face communication could be related to the reason that law depends on argument which requires a good deal of time to express, again dependent on the skill to communicate.

Email, as a communication medium, was found to have a low score from both the academics and practitioners. In contrast, the Law Society study (2001) points out that the majority of UK solicitors used email to communicate internally and externally. Warner (2002) found email enjoys significant popularity within the legal profession in USA.

As is evident in this study, there is a lack of training on the use of the computer as a communication tool. Email use is also discouraged by the fact that academics and practitioners do not have easy access to it in their work places. This might have a bearing on Kuwaiti legal professionals, not only in their communication with other professionals in Kuwait, but also with their colleagues in other countries. Kuhlthau and Tama (2001) had also found that lawyers made less effective use of emails as time progressed and were overwhelmed by the amount of unorganised information.

It was noted that communication provided a variety of benefits, such as providing ideas and guidance. This could provide information about where could they obtain a specific case or a decision related to a specific legal issue. This is especially important for Kuwaiti legal professionals where legal information services and sources are inadequate in satisfying their information needs. Some respondents claimed that legal books often did not contain the required information or did not offer it in sufficient depth. It is thus only through communication that such problems are resolved. Cheatele (1992) found the senior lawyer in the department could act as a point of reference for the junior lawyers who often came to them seeking the answers to quick questions. These findings indicated the role the so-called 'gatekeeper' could play within the communication behaviour of legal professionals. Allen as cited by Baldwin and Rice (1997, p.675) who claimed that the gatekeeper facilitates the flow of information from outside to their colleagues. It seems that legal counsel and senior colleagues within the Kuwaiti profession act as gatekeepers. As noted earlier, legal counsel in the Kuwait



legal departments are mostly Egyptian and have long experience as judges in their country. Brown (1997) claimed that when the Gulf states embarked on their efforts in the twentieth century, they generally hired Egyptians to advise them, write their codes, and staff their courts. Their professional responsibilities in their departments required them to act as information reference sources to solve information problems. Baldwin and Rice (1997, p.675) noted:

*Gatekeepers read more journals, have more external contacts, generate more ideas, and engage in more problem solving than non-gatekeepers. Gatekeepers not only provide professional information, but they also give practical and political advice.*

A number of respondents stated that the first information channel they consulted was their colleagues when they were faced with an information problem to save time and effort. They indicated also that such communication was an effective way for them to stay up to date. Randolph (1980) noted that a lawyer would talk to his colleagues before filing court suits or going to court.

#### 8.4.5 Conferences and meetings

Attendance at national and international conferences and meetings was found to be low among practitioners and at a reasonable level among academics. Shoham (1998) found that a majority of Israeli legal academics attended conferences as an information channel for research, instruction and general updating. This is because most conferences are academic in nature and offer the opportunity to follow up new issues in the discipline. Therefore, academics are more likely than practitioners to attend national and international conferences.

The Kuwaiti Bar is in charge of organization and promotion of such events within the legal profession. The fact that the association has been inactive in this area also explains the low attendance of the practitioners. It implies that these professionals are denied an important opportunity for updating themselves. It can be inferred from these results that the national and international communication activity of the professionals is at a minimal level.



In most professions, academics are more interested in conferences than practitioners. Membership of associations usually provides a variety of benefits, including attendance of conferences. Practitioners such as prosecutors and state lawyers might not be allowed to apply for memberships for political and/or professional reasons. It was found that a majority of both the groups had no international membership. For example, according to Article no. 25 of the *Judicial Organisation* legislation no.23 for the year 1990, judicial staff are not allowed to involve in any other work so as to maintain their independence and to enable them to fulfil their judicial duties. It was expected that practitioners would have fewer international memberships, but what was found for the academic community was somewhat unexpected because academics have more freedom in applying for memberships. Also, academics usually maintain such memberships to gain a variety of benefits such as meetings, networking, updating, etc.

Among those legal academics and practitioners who did not attend conferences or meetings, 'workload' was the most important reason given for their non-attendance. However, a significant minority of practitioners (10.3%) cited 'cost' as a reason for their missing on these opportunities. It might be that they were unable to seek or obtain sponsorship for such occasions, yet their financial capability is surely not an impediment, as their level of income must be quite high.

When the respondents were asked how they got to know about conferences, they indicated that primarily it was through formal brochures, followed by the informal method of a word from colleagues. The reason why brochures are the most frequently used source for both academics and practitioners is that these are generally delivered to them in their work places. Brochures are usually sent with an invitation to the directors who might be selective in deciding who among the staff would attend such conferences. In the absence of directories of legal professionals, brochures sent to departments or law practices may be the most efficient source of information containing news about forthcoming conferences.

Few academics and practitioners reported that they learnt about conferences from journals or through the Internet. For example, among Kuwaiti legal journals, *Al-Mubani*, which is published monthly by the Bar, has a practical slant. Therefore, its circulation is possibly mostly among the private lawyers, who are usually overloaded



with work. Presumably, advertising in the journal is not an effective way to announce conferences and might in turn be one of the reasons for such a low response for attendance in conferences. This was confirmed by checking the last 10 issues of the journal in June 2003. There was no a single announcement for conferences or meetings. One of the Bar administrative respondents claimed that such announcements usually were set up only in the Bar building. This is because the difficulty of sending it by post or fax to Bar members. It seems that those who learn about conferences through journals found their information through foreign journals.

Few respondents were interested in finding conference information on the Internet. This might suggest that legal practitioners found it more difficult to find time to consult these sources, as they have a great deal of time constraints. They are normally busy with their clients. Quite a few of the academics and practitioners indicated that they were simply not interested in attending conferences, and they might therefore be unwilling to browse sources of announcement such as the Internet. This is further compounded by their low computer and Internet literacy.

An additional consideration is that the Arabic professional WebPages posed a number of serious use problems. One of these problems is related to announcements about the existence of these sites. From the informal discussions with the interviewees, it became clear that most of them were simply unaware of their existence. Conference organisers might not be inclined to use the Internet for their announcements due to low probability that these sites would be ever visited. This suggests that it will take some time until the Internet is accepted as a means for making these announcements and when a larger number of the users would be encouraged to browse them on a regular basis. At present, there appears to be absence of a culture of Internet use in Kuwait. However, the Internet is making inroads into offices, homes, and professional circles, and in the future might be used for alerting the professional community about all the events in which they might have an interest.

## 8.5 Use of intermediaries

The survey results established that the majority of academics seek information by themselves, whereas a majority of practitioners gets the assistance of others. This might



be due to the fact that academics have to conduct in-depth research on a specific subject, seeking comprehensive and accurate information. On the other hand, practitioners such as state lawyers, prosecutors, and private lawyers have assistants who help them. Also, an additional factor is that time is of the essence for practising lawyers, as they are under pressure to respond to their clients promptly. However, Otiike (1997) contradicted these results, as a majority of Kenyan legal academics and practitioners used other people to search for information for them. Ellison (2000) found also that not all the partners in a law firm in UK did their own research. These differences are possibly related to the differences in professional standards, differences in the legal system and cultural differences.

Majid and Kassem (2000) found the Malaysian legal academics employed students and support staff to get information from the library. In this study, respondents from amongst the academic community who reported they had assistance in seeking information were possibly using visiting faculty who taught on part-time basis.

As noted earlier, the majority of practitioners obtained their assistance from legal counsel. A majority of counsel are Arab nationals, specifically from Egypt, and are quite senior in their legal practice. Kuwaiti legal practitioners therefore seek their assistance and benefit from their experience. Such requests have no cost implications.

It was noted that more than half of the legal practitioners did not use the assistance of trainee lawyers in seeking information. There is evidence from other studies that legal practitioners used trainee lawyers in their search for information. Hong (1993) found that the majority of Korean legal practitioners delegate to trainees. Otiike (1997) cited a number of reasons why the lawyers preferred this kind of assistance; a significant factor was that it was quite economical. This view was also supported by Walsh (1992) and Ellison (2000). In Kuwait it mattered little, in economic terms, whether searching was done by a trainee student or by a qualified lawyer; it is the importance of a case that prompts a lawyer to seek and search for information in Kuwait.

In most countries, law librarians are thought to play an important role in supporting information seeking activities of the legal professionals. However, the findings of this study did not support this. The respondents indicated that library staff in law libraries



could only provide valuable assistance in finding specific legal materials from their libraries. Kuhlthau and Tama (2001) found a similar pattern, as they found that the role of librarians as mediators was limited to locating a specific source. Otiike (1997) and Randolph (1980) also found that in the delegation process, librarians failed to provide any real assistance besides assisting in the location of a particular legal item. However, Feliciano (1984) reported that the majority of Filipino lawyers benefited immensely from the assistance they received from law librarians. It seems that the situation of the libraries, information seeking habits of the lawyers, and a number of other local factors might be contributing toward these differences in perceptions.

The results of this study have shown that when the legal professionals seek assistance from others, they have to explain and clarify their information needs on the one hand and, on the other, verify the information provided to them to ascertain its currency, accuracy and relevance. Walsh (1994) showed that barristers in a UK law firm preferred to do their own research instead of spending their time on explanations.

The results shows that those situations where the issue at hand was serious, Kuwaiti practitioners tended to verify each and every bit of information provided to them. Conversely, when the issue in hand was less serious or was a routine task, they might be satisfied with the information presented to them. A similar result was found by Otiike (1997). He discovered that Kenyan legal practitioners also verified the information presented to them through delegation. It seems that whatever the differences in culture and type of legal system, legal professionals verify and filter the information provided to them.

It also appears that in cases where the information provided is not accurate or complete, legal professionals tend to return such information for more searching or they search for the information by themselves, but only when they have experience in the subject and have time to do so. This is to be expected, since any searcher usually searches in familiar areas. Hainsworth (1992) found that judges in the USA feel a sense of responsibility in seeking information. He found that the judges had a strong urge to verify information that they believed was not complete. They also expected the information to be presented in the best manner possible. Eisenschitz and Walsh (1995) argue that any significant gap in a delegated search by lawyers would become clear from



the efforts of the other side in a legal dispute. The results of this study corroborates the findings of other studies that legal professionals are careful in verifying the quality and accuracy of the legal information when they delegate a search to others, and the importance of the information sought dictates the extent of verification and filtering.

## 8.6 Information acquisition

### 8.6.1 Journal scanning behaviour

*Scanning* was referred to as passive search in the model of this study. Users usually scan an information source about which he can make a judgment that it would have the needed information. This pattern could give the opportunity to investigate the current status of such sources. As Bates (2002) argues, curiosity also could lead to *browsing* behaviour. In essence, the primary scanning activities would involve browsing of specific sources such as legal journals. Kuhlthau (1999) point out that it might be useful to view browsing as an initial information seeking strategy. Rice et al as cited by Foster and Ford (2003, p.324) claimed that browsing exists in three forms: search browsing, general browsing and serendipity browsing.

Ellis (1993) point out that *Browsing* is semi-direct searching in an area of strong and potential interest. In this regard, the findings of the study reveal that a majority of academics and practitioners scanned one or two legal journals. Based on this low number of journals they scanned, it is clear that they are not popular as an information source among legal professionals. Otiike (1997) had a similar finding that law journals were not heavily used among the Kenyan legal professionals.

The study results show there was a significant difference between the two groups in respect to the number of legal journals they scanned on a regular basis. Academics in general scanned legal journals more than practitioners. This may possibly be because journals have a greater value for academics than for practitioners. For example, academics need to know about current research issues, topical discussions on legal matters, and so on so as to support both their teaching and research activities whereas the practitioners did not have any such compulsion. They would consult them only when there was a good reason for looking for a new piece of legislation.



Legal professionals scanned only those journals in which they had some interest. Academics, for example, preferred *Al-hquik*, a quarterly journal that is published by the Law School at Kuwait University. This scholarly journal provides results of research in which they find some relevance.

Private lawyers preferred *Al-Muhami*, the monthly publication of the Bar that contained information in which they had specific interest such as legislative initiatives and amendments, as these were significant for them for their professional knowledge and practice. State lawyers, on the other hand, preferred *Al-Fatwa Wa Tshrei*, containing legal opinions and legislative information in which they appeared to have a strong interest. It can be concluded that the interest in different types of academic and professional journals is primarily a function of their professional affiliation, activities, and interests.

One crucial question was whether these journals contributed to satisfying the information needs of Kuwaiti legal professionals. From these findings, it can be inferred that journals do not have an important position as a source of information for these legal academics and professionals. It is clear that journals do not satisfy their needs in any significant way. Most of these journals are published infrequently which affects their usefulness. Therefore, it is not surprising that users resort to other alternate sources.

Some other factors also affect the use of journals. Though some of these titles have been in the market for a long time, these have never tried to capitalize on the interest priorities of this community. No marketing and outreach strategies could be discerned from any of the legal journals published in Kuwait. These titles are published by agencies in the public sector and are treated more like official organs of the bureaucracy. Their policies related to coverage, treatment, production, sales, and marketing are not tuned to the needs of this user community. The private sector, in this situation, does not appear to find enough potential in the market to come up with some new initiatives.



### 8.6.2 Serendipity

It was found that the legal academics and practitioners obtained information from newspapers by serendipity. Foster and Ford (2003) point out that among the nature of serendipitous information encounters is the unexpected finding of information that proved to be of unexpected value by chance. Almost all Kuwaiti newspapers have weekly legal pages, which provide legal articles and discussions on a variety of current legal issues which are in concern for both academics and practitioners. Ellison (2000) found lawyers read newspapers on a daily basis.

The fact that there was a generally low response to most of the items listed in this question from practitioners might suggest that they actually were less likely to come across information by chance. For example, 22.8% and 14.7% of the academics and practitioners respectively obtained information by chance through browsing the Internet. This again might suggest that, in general, practitioners have less time to consult sources other than those that they need at that time when they are searching for information for a particular case or a suit. Consulting other sources less frequently certainly means they are less likely to come across information by chance.

Law libraries and the Internet had no role in finding information through serendipity. Conversation was ranked as the second source for practitioners. This shows the role that communication with others could play in obtaining incidental useful information.

### 8.6.3 Information updating

It was found that the academics perceived legal journals to be the most important source accessed for keeping themselves current for legal information. On the other hand, Legal journals were ranked third among sources for information updating. In contrast, O'Connor (2000) found journals the main source to which the majority of solicitors in a UK law firm turn to keep themselves up to date with current information.



Otike (1997) found that legal journals and new books were considered to be the most important media for the acquisition of new information. He also noted that the reason for the popularity of legal journals was the fact that these included weekly law reports. This is not applicable to Kuwait as none of the available legal periodicals has a weekly frequency. Feliciano (1984) also found that a majority of the Filipino lawyers was scanning current legal journals to stay abreast of developments in the field and their professional practice.

It was found that books were a popular source of information for both academics and practitioners. For example, practitioners considered books important as they used them as reference materials in their practice of the law. A discussion in Otike's study (1997) showed that books were a popular source of new information with legal professionals only when there was an absence of current journals. This result might be more applicable in the case of a country like Kenya that had adopted the Common Law system and where new information on the latest judicial decisions was considered to be important in updating the practice. However, in a country that has adopted the Latin Legal System (Civil Law), such as Kuwait, there will be differences in the priority accorded to these sources. Usually in such a system, the most important source of law is legislation, as explained in Chapter Two. Legislation is usually published in codes in the form of books; hence their importance is overwhelming. Therefore, when this source receives the highest score in terms of popularity among practitioners, this is simply because these books usually contain collections of new legislation, together with amendments to previous legislation.

Colleagues were the second source for obtaining new information for practitioners. As seen in the results regarding communication, practitioners use this source for exchanging information with others such as legal counsels, colleagues, etc. Otike (1997) found that Kenyan practitioners, such as judicial staff and state counsels, considered colleagues as a second source for obtaining new information. This finding, viewed together with the other findings of this study, indicates the importance of informal sources such as colleagues in the practice of law. This became more apparent when the benefits of communication were discussed with the Kuwaiti legal professionals. A private lawyer, for instance, mentioned that he consulted his legal counsel before a case to know if he had come across any new amendments to a related piece of legislation.



Such instances clarify the importance of colleagues in not only arguing and discussing opinions, but also in providing additional information in their respective disciplines.

The use of current awareness services in obtaining new information received a very low score from academics and practitioners. A different result by Feliciano (1984) found the majority of Filipino lawyers learn of the existence of new publications or developments in their field of interest through their library's New Acquisition List. This indicates that the Kuwaiti legal professionals are not benefiting from a potentially important service for that could keep them current. One possible explanation for this situation is that the law school library is the only law library that provides this type of service. This library was publishing irregularly an awareness booklet, about two pages in length, which was circulated among the academic staff. The practitioners who need to stay current might be depending on their assistants and/or their local publishers to provide them with a list of titles of new legal books.

Despite the absence of a formal current awareness service in Kuwait, many legal professionals consider one publication, *Alkuwait Ahyoum*, as a current awareness tool. This title, which is published weekly, carries all official government notices and announcements. It also carries new legislation and amendments released by the Government Printer.

## 8.7 Further discussion

Thus far, different patterns of information behaviour postulated by the study's model have been discussed. In the following section, the discussion will focus on exploring different dimensions of this information behaviour. This will include a discussion of the level of training of legal professionals in a variety of skills for their use of information sources; their need to access information sources; the problems they face when accessing information sources and services; and ways in which information sources and services can be enhanced to meet the information needs of Kuwaiti legal professionals.



### 8.7.1 Legal information sources training

A majority of the respondents of this study reported that they did not have any formal training in electronic literature searching, use of the computer as a communication tool or searching the Internet. Rehman and Mohammad (2001) found similar results for undergraduate students in the College of Sciences at Kuwait University. Their results indicate that students at Kuwait University lack skills in using information sources and services due to the absence of any information skills development programs. Conversely, Ellison (2000) found the majority of lawyers in a law firm case study in UK received adequate training on the firm's electronic sources. Majid and Kassim (2000) found 46.2% and 38.5% of the Malaysian legal academics perceived their computing skills as 'good' and 'fair' respectively. On the other hand, it was found that more than half of the academics and practitioners taught themselves library use. Feliciano (1984) found that half of the Filipino lawyers were able to use the library and to do legal research through self-study. Majid and Kassim (2000) found 54.5% of Malaysian legal academics assessed their library use skills as 'good'. These results point out the gap between Kuwait and other countries in regard to attitudes to training.

It appears that the problem of Kuwaiti legal professionals in using information sources is related to the legal education system. Their reliance on the theoretical part of legal education seriously affects their capability to undertake practical research that is essential in legal practice. There is an absence of legal information training courses in the curriculum of the law school. This is similar to practice in other countries that have adopted the same legal system (Latin legal system). Nollent (2002) found that students studying law in England received a much greater practical focus, as distinct from the theoretical approach adopted in France. She noted that, in English law studies, the students attempted to stretch rules and apply them to given situations, adopting a pragmatic approach to law. Nollent made an observation based on an interview that in England they learnt a skill, and not a set of rules, whereas in France they had to learn how to learn and how to think. In England, they learn how to do things with facts. In another comment, cited in the same study, the respondent noted:

*In England we have to apply the law to facts. It is harder to learn everything there is to know about the law than it is to apply it ... you have to understand the law*



*as you have to apply it to practical cases, in France you have to learn all the law-  
this is much harder.*

Unfortunately, the Kuwait education legal system concentrates only on the legal literature itself without providing students with the necessary skills to locate and access information. However, surprisingly there does not appear to be any cooperation between the Kuwaiti Bar and the law school whereby they could agree on specific skills that should be taught to law students. The only existing cooperation is in sending law students in their final year for training in lawyers' offices; these lawyers are themselves products of the same education system. As indicated by one of the academics, responsible for the training programme, there has been no change in the programme since it started many years ago. According to him, law students learnt many skills related to law, but they were never trained in searching legal databases and other systems for retrieving and accessing the information they needed in the course of their legal practice.

Professionals Rules of Conduct also have impact in the standards level of training for legal professionals. This highlights the differences between the profession in Kuwait and other countries such as the UK. For example in the UK, the CPD requirements for the solicitors under the Training Regulations noted the following (Guide On Line, 2003):

*CPD requirement in the first three complete years of legal practice or employment and subsequent years; a solicitor must in each of the first three complete years in the legal practice or employment commencing with the 1<sup>st</sup> day of November immediately following admission undertake 16 hours of continuing professional development. A solicitor must in each subsequent three year period undertake 48 hours of continuing profession development.*

In Kuwait, there are no rules about training (Kuwaiti Bar, 1999). Hunaidi (2002) noted that current graduates of judicial training academies in most Arab countries complained that they were forced to focus on what should have been covered in law school. One of the interviewees, a state lawyer who had undergone a training course in the Kuwait Institute of Legal and Judicial Studies, said that this course was merely a repetition of law school subjects.

The provisions of the 1999 Beirut Declaration for Justice, adopted at the First Arab Conference on Justice (Harb, 2002 and UNDP, 2002), offer a substantial platform for



action, particularly in the area of training and preparing judges. However, no such plan is available in Kuwait, as indicated by the following:

- There is no tangible/ intelligible documented cooperation between the law school and KILJS.
- ICT is still not included in law school curricula.
- There is no professional cadre of trainers, for example, on the use of ICT in law.
- There is no professional rule related to the skills necessary to carry out research in law. For example, the Kuwaiti lawyers' Rules for Professional Conduct do not contain any rules of this kind.

It could therefore be assumed that with such a low level of education and training in ICT, many legal professionals may be unable to access information that might be of great value to them. Therefore, provided legal professionals with effective legal training could prepare them for their responsibilities.

### 8.7.2 Need to access information sources

More than half of the academics and practitioners functioned without seeking information in some situations, but differences have been found between the two groups relating to the specifics of those situations when they could function without seeking information. Academics appeared to have more confidence that they could function without seeking information when the issue or case at hand was simple and the procedure was well known, and where an immediate decision had to be made. Another observation is that legal professionals appeared to have more confidence in their legal knowledge. A number of private lawyers interviewed maintained that they did not need to consult the law before giving verbal advice to a client waiting for a response on the telephone. In such instances, the legal professionals could perform their legal responsibilities without necessarily consulting the law all the time. It seems that these instances are often related to verbal advice and decisions. However, when there is a need to write a legal opinion, or in cases of litigation, etc., when the facts and law articles have to be presented, these professionals need to consult legal information



sources before committing themselves for a particular course of action or argument. Kidd, as cited by Otike (1997, p.196), noted:

*A solicitor must be informed about his client. He must have any information which is pertinent to the matter he is handling for his client; that is all the information which must be taken into consideration before advice is given or action is taken. Without this total information there is always the danger that best advice will not be given or the best course of action not taken, not because the solicitor lacks knowledge of the law, but because the solicitor has been made aware of all information relevant to a client's matter. An unsuitable course of action may be taken, or an omission may occur, simply because the solicitor does not have all this relevant information or cannot locate it. Thus the fundamental need of a solicitor is to be fully informed of all that is relevant to a matter which he is handling for a client.*

Legal professionals might need to double-check their decisions or judgments, as the outcome for their client(s) will depend on the viability and accuracy of the information they are using. As Wilkinson (2001) described, it is part of the lawyer's professional expertise to know exactly where the information relevant to the client's legal problem is, to check it, and to interpret it to the client. Hainsworth (1992) found that the judges relied on their experience to review information in briefs because they had to assume responsibility for the opinions they were making, based on the input they were receiving in these information briefs.

### 8.7.3 Information obstacles

There was a variety of problems academics and practitioners faced in their information seeking activities. These problems are related to a combination of factors. These are related to situation of legal information sources and services of the law libraries, status of legal publications, poor information and ICT skills of the legal professionals, and the attitude of policy and decision makers in giving legal information the attention it deserves with regard to development of legal information systems, resources and services.

A majority of academics and practitioners indicated that lack of computing skills was a major problem that affected their information seeking behaviours and activities. It was noted that there were no proper training and skills development avenues for both academics and professionals in the country. Mostly, information gathering is delegated



to support staff and use of computers is also considered to be the rightful domain of the same staff. It was also found that they were further inhibited, as they did not have access to computing facilities at their work places. If there was going to be any meaningful change in the situation, it would require a multi-pronged initiative on the part of administrators, libraries and legal professionals. The administrators need to set up systems, acquire relevant resource, and institute appropriate training and promotion activities. The libraries also need to develop resources and facilities and need to engage themselves in creating a close rapport with the community. The professionals need to appreciate the resources available and have to develop their capabilities so as to use these resources in an effective manner.

Poor services of law libraries and inadequate resources are another serious problem for both academics and practitioners. Academics and practitioners did not make any effective use of law libraries. These libraries are offering traditional services in a conservative manner. It was noted that these libraries even lacked any statements of mission and objectives. When the law librarians were asked if they had any collection development policy, the responses were negative. One of the librarians serving a government department even commented that he did not know what was exactly meant by the term 'library policy' and after the meaning was explained, he went on saying, "Oh, I know what you mean now, sorry, we don't have such a policy. We are just responsible for developing the collection and such issues are related to the director of the department."

Absence of professional guidance is leaving these libraries almost directionless. This is clearly visible from the attitude of those who are responsible for professional services in these libraries. Most of them were working as public relation officers or clerks and did not even have the title of law librarian or legal information specialist. They did not have any formal education and training in law librarianship or legal informatics. The top management of these libraries did not give them a free hand to assume any effective professional role. Haruna and Mabawonku (2001) found that in Nigeria, among the greatest factors inhibiting effectiveness and efficiency in the provision of information services to lawyers was an absolute neglect of libraries. The situation of Kuwaitis law libraries is similar. Al-Ansari (1999) commented on the organisational structure of Kuwaiti libraries:



*Library leaders must think seriously and re-evaluate their organisational structure in order to facilitate change, to build a flexible organisation to accommodate change, and to ensure efficient and effective operation of the library for providing the best possible service.*

These libraries did not offer any intensive or formal services. It was noted in the course of interviews that law libraries offer few legal information services. Both the academics and practitioners indicated that they usually used these libraries only for photocopying and borrowing services. Other important services such as reference services and interlibrary loan were not even offered. It was only the law school library that offered any form of current awareness service.

It was found that there was no independent budget earmarked for supporting these library resources and services. This might be another reason for the poor state-of-affairs of these libraries with regard to sources or services. It was established through interviews that none of the librarians played any role in the preparing budget, allocating financial resources, acquiring materials and offering any services. All such matters were left to the top management's discretion without involving any librarian or seeking the input from any lower cadre.

An unexpected finding was that respondents did not perceive that lack of assistance from professional librarians was a major problem for them. The reason might be that they do not have any high expectations in this regard, based on their past experiences. If they had used systems and services where the librarians are professionally trained and equipped with the necessary capabilities, their expectations could have been higher. It was sensed through discussion however that quite a few of them believed that employing professionally qualified staff would further improve information services and the management of these libraries.

The shortage of qualified and experienced law librarians is another problem that inhibits any services. It was found that the total number of librarians working in these libraries was only fifteen. None of them had education in law librarianship. Rehman and Nor Shahriza(1998) found that the majority of library managers in the Arabian Gulf had the opinion that the information profession was in need of two levels of manpower: professional and para-professional. They indicated that professional education should cover theoretical, conceptual and managerial aspects whereas



undergraduate education should be designed to produce manpower with appropriate technical and vocational skills. Alqudsi (1998) argued that there was a desperate need to have professional staff in academic, public, and special libraries, as well as other information agencies in Kuwait.

The situation of the availability and use of legal databases also indicates that there is a paucity of technical and human resources for their effective use. A majority of the participants did not use them due to a number of factors, such as their lack of access to PCs, lack of awareness and absence of search and use skills. Even the two databases that are available for searching, free of any charge, are hardly used.

A number of lawyers in their interview responses indicated that they were not satisfied with the role their professional association was playing in the provision of information and services. They considered that a more proactive role was needed on the part of the association in developing ICT resources and in conducting training programmes. They should also launch an awareness campaign about the relevant Internet sites. However, an examination of the Kuwaiti Bar (2002) annual report indicated that the association had been inactive in the conduct of any training activities in this area and indeed offers no training courses at all.

It has also been noted that there is a real dearth of legal publications, particularly jurisprudence monographs. The low number of Kuwaiti publications, discussed earlier, makes access to the needed information problematic. The market does not offer much promise in this area for authors or editors. Obviously, production of jurisprudence materials is tedious and time consuming and is undertaken only if there are adequate incentives for writers. If this situation persists, the number of national publications, much needed by the legal community, would not become available, which would be to the great detriment to legal information service. Another factor is that the government publications are being supplied at a low price, which causes erosion of any competition for those materials that can only be produced by those who are in the private sector. Most of the respondents had to rely on the only available choice of Egyptian publications, which may not be the most satisfactory resource for the legal community. This issue deserves the attention of the government agencies, law association, and the legal community at large.



#### 8.7.4 Possible information improvements

Respondents made a number of suggestions for developing the legal information systems and services in Kuwait:

- Automate law libraries.
- Train legal professionals on the use of ICT and Internet.
- Provide better-qualified staff to help users.
- Provide reference services like directories, indexes, digests, etc.
- Introduce current awareness services.

There might be variations in the perceptions and priorities of the two segments of the legal community -- academics and practitioners, yet there is a common baseline for the development and improvement of legal information sources and services. It was noted that differences also existed among the two groups with regard to automating law libraries and providing better staff in the country. The academics felt more strongly on this count than practitioners perhaps, as they felt that automation could improve the services by providing fast retrieval of information through remote access and electronic catalogue. In their view, these improvements could encourage them to using law libraries more effectively in order to satisfy their needs.

A majority of the respondents agreed about the need to train legal professionals in the use of IT and the Internet. It has been demonstrated in the preceding section on training how legal professionals lack in essential information skills for searching. Otiike (1997) had supported this view when he argued that training legal professionals had a great value as the legal community members can save a great deal of time and effort when they are equipped with these skills.

Current awareness services are vital for keeping the legal community up to date. Such services could be offered by a number of external vendors and agencies at a nominal cost. Likewise, internal services such as new arrivals, content pages, and legislative updates can be significant sources of information for practitioners and academics. Again, use of information technologies, the Internet, and other systems could be instrumental in providing these services. It was noted that Kuwaiti law libraries are



quite inactive on this front. There is a strong need to take some concerted actions in this area so as to help the legal community.

Academics and practitioners felt strongly that they should have improved access to reference sources and services such as directories, indexes, digests, etc. Feliciano (1984) found that majority of the Filipino lawyers wished that law libraries provided up-to-date indexes to meet their information needs. Kuwaiti law libraries lacked these reference and information materials. One of the reasons for this deficiency is that there are no specialized legal publishers in the country and only the government departments are engaged in the production of most of these publications. As was pointed out earlier, low prices of those publications that are produced in the public sector deter private enterprises from entering this market. The Kuwaiti situation resembles the Kenyan one where Otike (1997) found that the Kenyan legal professionals suggested improvements in their legal information services including the introduction of current awareness services, training of legal users in research skills, automation of library services, and improving abstracting and indexing services.

Another area in which the respondents sought an improvement was related to communication channels. The participants of this study were found to have a low level of communication with external sources. They justifiably considered that if there was improved communication, it would open up new avenues of professional development and this would, in turn, enrich their knowledge and expertise.

#### 8.7.5 The Legal Information System prototype

One of the objectives of this study was to recommend practical solutions for the improvements of legal information sources and services for the legal profession in Kuwait. Therefore, a prototype of a legal information system based on an analysis of the responses of the participants of the study was developed. This prototype was designed after translating the conceptual model into an applied framework. Susskind (2000) argues that IT in the justice system may be used to change many aspects of the way in which the law is practised and justice is administered. For example, he proposed that IT could change those who work in the justice system through providing a



national legal network, virtual hearings and meetings, legislation on the Internet, searching for legal sources, ongoing search and development, etc.

The model proposed four patterns in which the legal professionals were engaged in information seeking. These were active search, passive search, passive attention and ongoing search. The prototype mainly supported the active search element of information seeking of legal professionals.

The findings of this study have established some differences between academics and practitioners with regard to their information needs. Through this prototype, legal professionals acquire information in their areas of interest. The system also links with other Web databases in the Arabic language that are free.

The proposed system was intended to enhance communication channels at both the national and international levels among legal professionals. It provided a discussion forum, experience database and a legal professionals directory. Such tools could support information exchange among legal professionals. Kuwaiti legal professionals have little external communication. There is no doubt that such a system would provide them new opportunities for exchanging information and ideas. Professionals would have the opportunity not only to up-date themselves continually, but also to share and enhance their knowledge. It should enhance a sense of collegiality, both at the internal and external levels.

The directory of the legal professionals could also be an effective instrument for an enhanced level of communication. One of the obstacles in information exchange among Kuwaiti legal professionals was the fact that they did not have such a basic tool. The directory would develop networks of those who have common interests.

In addition to expanding communication opportunities, the prototype offers an experience database. This database would satisfy a crucial need of the professional community in Kuwait.

Kuwaiti legal professionals do not attach much priority to visiting libraries due to constraints of time and effort. In the prototype, an electronic version of legislative



information is available. However, in order to develop such a resource, infrastructural development is necessary. It may take a while, but is needed by the legal community in Kuwait. It will require efforts for developing computing and information literacy skills among this community. The role of libraries and the professional association cannot be over-emphasized in this regard.

Another area in which the present information services are quite deficient, as indicated in the findings of this study, is related to current awareness services. The prototype offers *What's New* to update its visitors about the latest information regarding new books, journals, conferences, etc. Current awareness service is considered to be a directed and passive service in information seeking behaviour perspectives (Bates, 2002). Wilson's perspective (1996) relates it to an ongoing search pattern in information seeking behaviour. These perspectives were applied in developing this service as a useful utility in the prototype.

In order to improve the prototype, a heuristic usability evaluation was carried out. However, this prototype should not be considered as a definitive version. Further input should be received from the representatives of all types of legal professionals including academics and practitioners, law librarians, information specialists, technical personnel, system analysts, and computer engineers. It needs evaluation, testing, revision, and continuous improvement. An institutional umbrella would be highly desirable as that would guarantee its sustained growth and use.

## 8.8 Appropriateness of the adopted research design

The conceptual model used in this study for investigating information behaviour of Kuwaiti legal professionals provided a useful framework through which a number of related elements were analysed and discussed. The research design adopted in order to fulfil the aims and objectives of the study entailed quantitative and qualitative approaches. The methods of questionnaire, interviews and critical incident used for the study were found to be adequate for soliciting responses.

A triangular method was used for this study. It was considered important as several findings from each of the three data collection methods, if read on their own, might



have misrepresented the information behaviour of the legal professionals. For instance, the quantitative data established that a majority of academics and practitioners did not use electronic resources such as the Internet and legal databases. They were also found to be deficient in their information skills, and this inhibited their use of such sources. However, the qualitative data brought out the reasons of their low or non-use of information systems, resources and services.

As was discussed in Chapter 4, a research model was used for this study so as to examine and chart the proposed relationship between different elements. According to this relationship and based on the results obtained, academics would have a different proposed model. The results show that academics seeking information by themselves which mean that use of intermediaries (delegation behaviour) is applicable only for practitioners.

The model can be expected to contribute to developing legal information systems, sources and services in Kuwait, thus enhancing the provision of information for the benefit of legal users as seen in the KLIS prototype design. Further, it might also help the providers of legal information services and sources in determining the problems that have inhibited the development of legal information services and their use in the country.

## 8.9 Research limitations

The scope of the study was to include different types of Kuwaiti legal professionals but to be realistic in coverage, it was necessary to limit the study to a selected number of these types. Therefore, the study excluded some groups such as law students, legal officers, police officers, legal investigators, legal researchers, etc. Nonetheless, the population selected for this study represented different groups of legal professionals. This includes academics and practitioners such as prosecutors, state lawyers and private lawyers. The reason is because those are supposed to be the axis of the administration of justice in the country and usually they are heavy information users. Also another related limitation is the lack of access to sufficient professionals in Kuwait.



There was a lack of observational studies. Included in the research design was a number of observational schedules in the work settings, but because none of the respondents would agree, these were cancelled. However, observational notes were taken during the fieldwork to be used in line with the study findings. The reason is to provide in depth interpretation for some of the findings. Among these, for example, were the availability of PCs and connections in legal professionals offices, the availability of personal collections and libraries, the organisation of their collections, etc.

A further limitation to the study is the lack of full evaluation of KLIS prototype. After conduct the heuristic usability test, it was planned to modify the prototype and conducted another series of evaluation. This evaluation process was suppose to take place within the 10<sup>th</sup> Annul Arabian Gulf Chapter of the Special Libraries Association in Kuwait on 22-24 April 2003, but because the conference was postponed, such evaluation has not been conducted. However, any further study would need to conduct user evaluation of the KLIS prototype.



## **Chapter 9**

### **Conclusions and Recommendations**

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#### **9.1 Introduction**

This chapter presents conclusions of the study derived from this research work. A number of recommendations have been based on these findings. Some suggestions are also given for possible future research in this and related areas.

#### **9.2 Conclusions**

A number of hypotheses had been stated as theoretical propositions, formulated around the relationships depicted in the study model. These hypotheses were tested and the results were reported in Chapter 5. Here, the primary findings of the research are summarised in relation to these hypotheses and the aims and objectives listed in Chapter One.

##### **9.2.1 Information needs**

The first objective proposed for this study was to investigate the information needs of legal professionals for legal and non-legal information. It was hypothesised that there were no differences between academics and practitioners with regard to these needs.



There are differences between academics and practitioners in relation to their information needs for legal and non-legal information. A significant difference was found between the two groups with regard to their legal information needs for jurisprudence and commentaries. Academics attached greater importance to these sources than practitioners, as the nature of their work demanded an in-depth treatment, whereas practitioners regarded legislation as the most important type of legal information they need in their practice. Therefore, this hypothesis was rejected.

### 9.2.2 Information sources

The second objective was to investigate what kind of legal information sources are used by the legal professionals and the extent to which these sources and services meet their needs. It was hypothesised that there were no significant differences between academics and legal practitioners with regard to their degree of use of different information sources. Personal collections were the main information source used by both academics and practitioners. Other information sources included electronic information sources such as the Internet and legal databases, law libraries, and communications with others. It was further found that both the groups made little use of electronic sources. Therefore, the hypothesis was accepted.

#### 9.2.2.1 Law libraries

Another hypothesis was that there was no significant difference between academics and practitioners regarding the extent to which they used various law libraries for obtaining legal information. The majority of academics and practitioners did not use and/or rarely used law libraries. The degree of use of these libraries varied between the two groups. The reasons for the difference were that they had different reasons for information seeking as well as what these libraries covered in their collections and services. The practical nature of work prompted practitioners to use these libraries more frequently as compared to their academic counterparts. The low use of law libraries related to the poor situation of those libraries, as they are still traditional. The poor attitude of decision makers in these libraries has affected the development of these libraries. Therefore, the hypothesis could not be supported.



### 9.2.2.2 Personal collections

It was hypothesised that there was no significant difference between academics and practitioners regarding the nature of personal collections they possessed for obtaining legal information. Books were the main type of material found in personal collections of both academics and practitioners. A majority of them did not have legal databases in their personal collections. Academics had more journals and legal research papers in their personal collections as compared to practitioners. Since partial differences were noted in the nature of personal collections the two groups had, the hypothesis could not be supported.

It was also hypothesised that there was no significant difference between academics and practitioners regarding the organisation of their personal collections. Practitioners had a tendency to organise their personal collections in file cabinets, whereas the academics did not. A majority of both academics and practitioners did not use indexes or any other automated system for the organization of their personal collections. Again, owing to the existence of partial differences, the hypothesis could not be supported.

### 9.2.2.3 Communication

It was hypothesised that there was no significant difference between academics and practitioners with regard to their conduct of internal and external communications with others as their channels of information. Both academics and practitioners had their own spheres of internal communication – academics within themselves and practitioners with their colleagues and legal counsels. In term of external communication, academics had a lower level of contact externally as compared to practitioners who were active in contacting external colleagues. A majority of both the academics and practitioners preferred face-to-face contacts for making these communications. Again, there were partial differences with regard to these two hypotheses and thus the hypotheses could not be supported



#### 9.2.2.4 Conferences and meetings

Two hypotheses were conceived that there was no significant difference between academics and practitioners regarding their attendance at national and international conferences and meetings. Academics had a higher rate of attendance at national and international conferences and meetings than the practitioners. One of the reasons, as was discussed in Chapter 8, is that professional activities at the regional level are politically discouraged, depriving the practitioners of such fora. They cannot even seek membership of many associations. The academics have a freedom in this regard and they are able to seek sponsorships for attendance. Owing to these basic differences, the two hypotheses could not be supported.

#### 9.2.2.5 Legal information sources training

The next hypothesis was that there was no significant difference between academics and practitioners regarding their training for the use of different information sources. Both academics and practitioners did not have any formal training for using electronic information sources. The lack of such training in law schools and from legal departments has had a negative affect on the ability of legal professionals locating and acquiring information of interest. Since both the groups were found to be in a similar situation with regard to their training for the use of information sources, the hypothesis was accepted.

#### 9.2.2.6 Need to access information sources

The next hypothesis was that there was no significant difference between academics and practitioners regarding satisfying their work tasks without seeking information in certain situations or particular times. More than half of academics and practitioners claimed that they could satisfy some of their work tasks without accessing information sources. However, differences were noted between academics and practitioners in certain situations. The practitioners faced many situations when the case at hand was simple, the procedure was well known and they had to make an immediate decision. Also, it was noted that that academics appeared to be more confident about their level of knowledge,



whereas practitioners had the tendency to validate the soundness of their decisions. As a result, the hypothesis was not supported.

### 9.2.3 Use of intermediaries

It was hypothesised that there was no significant difference between academics and practitioners regarding receiving assistance from others in their information seeking activities. Practitioners tended to seek assistance of others such as legal counsels, who had long standing experience of legal practice, and also from other colleagues, whereas academics behaved independently and sought information by themselves. The practitioners also had the advantage of using secretaries for assistance. Based on these apparent differences between the two groups, this hypothesis was rejected.

### 9.2.4 Information acquisition

Besides the means of active searching of information discussed above, other measure of information acquisition such as scanning, serendipity and information updating were also covered in this study. The third objective for this study was to identify possible kinds of sources which contribute significantly to the information acquisition of Kuwaiti legal professionals. Conclusions regarding these three measures are given in the following sections.

#### 9.2.4.1 Scanning

It was hypothesized that there was no significant difference between academics and practitioners regarding the number of legal journals they scanned on a regular basis. The majority of academics and practitioners scan one or two journals on a regular basis. Academics are more interested in titles with an academic and research slant. On the other hand, the practitioners usually scan those journal titles that have an applied nature, more suited to legal practice. Based on these inherent variations in their preferences, use, and practice, the hypothesis could not be supported.



#### 9.2.4.2 Serendipity

The second hypothesis for this section was there was no significant difference between academics and practitioners regarding serendipitous discovery of information in relations to their needs and interests. Newspapers were the most important channels for serendipitous discoveries for both academics and practitioners. Conversation was the second most important channel for practitioners and third for academics. Since there is a slight variation in their priorities, the hypothesis could not be supported.

#### 9.2.4.3 Information updating

Another hypothesis formulated for the study was that there was no significant difference between academics and practitioners in the use of different information sources for keeping themselves up-to-date. Legal journals, new books and colleagues are the most important sources for new information for both academics and practitioners. Legal journals ranked first for academics whereas new books ranked first for practitioners. Current awareness services received a very low score from both academics and practitioners. Legal Web pages for acquiring new information also received a low score for both academics and practitioners. The hypothesis could not be supported.

#### 9.2.5 Information obstacles

The fourth objective was to identify problems of legal professionals in accessing and acquiring information. The results in Chapter 5 and 6 that were discussed in Chapter 8 have shed light on a variety of information problems faced by both academics and practitioners when they are trying to seek information. Some related to the provision of legal information while others were related to legal professionals themselves. The most compelling problems they faced included lack of computing skills, absence of legal databases, inadequate resources of law libraries, and poor legal information services. There are certain differences in the views of academics and practitioners about the nature and seriousness of these problems, yet there was wide agreement that these problems are among the major inhibitors of seeking information for satisfying their needs. The



hypothesis that there was no significant difference between academics and practitioners about their opinions regarding information obstacles was accepted.

### **9.2.6 Information improvements**

The fifth objective was to identify possible information improvements for legal information sources and services. Another hypothesis of the study was that there was no significant difference between academics and practitioners about their opinions regarding the development and improvement of legal information sources and services. These suggestions included automation of law libraries, training provisions for the use of IT, provision for qualified staff to help users, etc. There was a similarity of views in the two groups of academics and practitioners. The hypothesis was accepted.

## **9.3 Recommendations**

The last objective of the study was to recommended strategies and practical solutions for the improvement of legal information sources and services. The KLIS prototype was developed as practical solution for some of the desired improvements. These recommendations focus on the following categories:

- Law libraries
- Legal educational institutions
- Decision makers
- Legal professionals
- KLIS implementation

### **9.3.1 Law librarians**

- Librarians from Kuwaiti legal institutions should establish resource-sharing agreements. This is will help not only allocation of resources but also in providing interlibrary loan and document delivery services.



- The libraries need to develop and provide reliable information services such as current awareness services, reference services and electronic literature services.
- The libraries need to develop information skills among legal professionals by designing and administering formal training programs such as short courses, workshops, etc.
- The libraries need to automate their functions and services so as to enhance access and quality of service.
- The libraries need to develop their professional staff by having those who have formal graduate education and appropriate trained in diverse areas of legal informatics and librarianship. They also need to make sure that the existing staff members are provided with adequate opportunities for intensive on-the-job training and other avenues for staff development.
- The Department of Library and Information Science at Kuwait University needs to institute formal courses in legal informatics and librarianship. The Department also needs to conduct appropriate training programs and offer update courses.
- The libraries need to start working with users through information needs assessment. They also need to work closely with other departments and agencies that deal with legal information.
- Law librarians should get together through regular formal and informal meetings to discuss areas of interest.

### 9.3.2 Legal educational institutions

- They need to take initiative in providing courses in legal informatics, electronic literature searching and use of computers, and indexing, etc. In this regard, they need to implement the recommendations made in 1999 by the First Kuwait Conference on Judicial and Legal Informatics in Kuwait and the First Arab Conference on Justice in Beirut (Harb, 2002 and UNDP, 2002).
- They need to provide orientation and training to the academic staff on IT use, searching and other applications. They should also develop adequate facilities such as PCs, Internet connections, databases, and other relevant electronic sources.



- They need to cooperate with other legal institutions to have an understanding about the information skills that should be available among their law graduates.

### 9.3.3 Decision makers

- The Kuwait Bar plays a pivotal role in the administration of justice in the country. It needs to take initiatives in legal information provision by taking the following steps:
  - It needs to establish training programmes in legal informatics, electronic literature searching and information skills.
  - It should develop and launch legal information services such as current awareness services.
  - It should introduce amendments to the rules of professional conduct so as to include provisions about responsibilities of lawyers in acquiring and searching information and developing necessary information skills.
  - It needs to organize conferences and meetings that could enhance the legal professional knowledge, communications and skills.
  - It needs to exert appropriate pressure on the government to improve the available legal information sources and services in the country.
- The heads of legal departments need to attend to the development of the attached law libraries. Certain steps are needed, which include: making the law library a visible unit in the organizational structure, allocation of budgetary resources by treating it as autonomous unit, ensuring an improvement in resources and services of these libraries, provision of IT resources, training of law librarians, and development of information skills among the members of the legal community. These departments also need to take on a proactive role in the production and publication of quality legal resources, both in print and electronic formats, which may include legal references such as directories, indexes, abstracts, etc.
- Heads of government departments responsible for producing legal publications should modify their publications policy. They need to establish reliable subscriptions services, promotion policy, modified publications layout and



encourage publications in some areas such as jurisprudence materials. They should establish publications units in their organisational structure.

- Legal pages in the newspapers should be developed to include a variety of subjects for different level of readers' especially legal professionals. They should contain sections about IT applications in law, announcement about national and international legal conferences and meetings and lists of new legal materials such as journals, books, web pages, etc.
- IT series programmes on Kuwait TV should start to educate legal professionals by covering topics about legal web pages, IT for legal professionals, automation of law practices, etc.
- To explore the possibility of providing commercial legal information services such as current awareness services and SDI.

#### **9.3.4 Legal professionals**

- They need to develop skills for becoming effective as information users and in using email, virtual deal rooms, discussion fora, etc. They need also to provide electronic legal information services, based on their knowledge through web pages. This would create a culture of enriched information sharing and exchange.
- They need to develop competencies for an effective internal communication and knowledge sharing systems such as the Intranet, checklist databases, etc. This is to enhance the information exchange between juniors and seniors. They also need to adopt office technology applications such as using Word, Access and any office application that could help in managing office internal information.
- Overall, legal professionals should adopt the necessary information skills that could help them in searching and organising information.

#### **9.3.5 Recommendations for implementation of KLIS**

The study findings have pointed out the need for developing a national legal information system in Kuwait. A number of considerations are being spelled out for the development and implementation of this system, which are as follows:



- There must be strong government support, authorized at the level of the Council of Ministries, to organize, finance, and manage this system by issuing decrees about its constitution. Such a decree would entail statement of mission, objectives, organizational placement, administrative authority, and a timeframe for its implementation.
- An authority is established in the Ministry of Justice that would oversee this information system.
- A plan is developed and implemented for the education and training of law librarians and legal information specialist as part of this system.
- An all-out effort is made to develop information literacy skills among legal professionals in the country so that they can make an effective use of the resources and services available in today's electronic environment.
- The establishing steering committee should be responsible for the implementation of the system and modify it regularly based on the users feedback.

#### 9.4 Future research

Based on the findings of this study, a number of areas needs further research. Some of these are as follow:

- There is a need to evaluate and then, if necessary, modify and improve the KLIS prototype. Such a study could be carried out with the co-operation of Information Management Centres in the Ministry of Justice, the Department of Legal Opinion and Legislative and Kuwait University.
- There is a need to further investigate the legal professionals' attitude toward electronic legal publications such as journals, digests, abstracts, court decisions summaries, etc.
- Empirical research about the possibility of a resource sharing network between law libraries should be undertaken to ascertain the feasibility of creating such network.



- Research is needed to investigate the possibility of legislation promoting information production and dissemination. It could be a comparative study with related legislation, such as the Freedom of Information.
- There is a need to explore the potential role of the Kuwaiti National Library in disseminating legal information.
- There is a need to explore the appropriateness of establishing an institution responsible to promote, facilitate, organise and disseminate legal information in Kuwait.



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## **Appendices**



## Appendix 1

### Cover letter for questionnaires

---

**Dear Sir or Madam,**

I am undertaking a PhD research project that analyses the information needs and information behaviour of Kuwaiti legal professionals. Results of this study will be applied toward an intended improvement in legal information sources and services in Kuwait. I will pass a summary of the results of this study to those who are responsible for legal information sources and services. I will provide them with recommended strategies that need to be adopted for the desired improvement.

This questionnaire has been prepared to analyse user needs and information behaviour. I will really appreciate if you spend about 10-15 minutes in filling out the questionnaire. I will ensure complete confidentiality of your responses and anonymous treatment of data.

**I need not to mention that the validity of our results depends on the input that we receive from you.**

Yours Sincerely

Sultan AL-Daihani

Information Science  
Loughborough University  
UK



Appendix 2  
Questionnaire for legal practitioners

---

INFORMATION BEHAVIOUR  
OF  
KUWAITI  
LEGAL PROFESSIONALS

Please either circle the appropriate number or tick the box with the appropriate answer.

A. PERSONAL BACKGROUND

1. Current position:

- Prosecutor       State lawyer       Private lawyer

2. Highest Academic Qualification:

- PhD       Master       First Degree       Other

3. Working experience:

- 5 years and less     6-15       16-25       more than 25

4. Nationality

- Kuwaiti       Non-Kuwaiti

5. Age:

- Under 30     31-40     41-50     Over 50

6. Sex:

- Male       Female



B. INFORMATION NEEDS

Q7. Why do you need information in the practice of law? Please TICK ALL those apply.

- To prepare for legal and judicial procedures
- To prepare for a defence
- For a consultancy work
- Other (*please specify*) \_\_\_\_\_

Q8. In your practice or teaching of law, what type of information do you need? Please TICK ALL those apply.

In Terms of Legal Information

- Legislations
- Jurisprudence
- Commentaries
- Other (*please specify*) \_\_\_\_\_

In Terms of Non-Legal information

- Social sciences
- Management
- Information technology
- Other (*please specify*) \_\_\_\_\_

C. INFORMATION SOURCES

Q9. Please indicate the degree you use the following media from where you get legal information? Please CIRCLE the appropriate number for EACH ANSWER to the following.

1= Daily    2= Once a week    3= Once a month    4=Rarely    5= Not at all

Internet	1	2	3	4	5
Legal databases	1	2	3	4	5
Law libraries	1	2	3	4	5
Own collection	1	2	3	4	5
Communication	1	2	3	4	5
Other ( <i>please specify</i> )	1	2	3	4	5



Q10. Please indicate the degree you use of the following libraries for acquisition of information? Please CIRCLE the appropriate number for EACH ANSWER to the following.

1= Daily 2= Once a week 3= Once a month 4=Rarely 5= Not at all

University law library	1	2	3	4	5
Palace of Justice law library	1	2	3	4	5
Legal Opinion and Legislation Dep. Library	1	2	3	4	5
Centre of Court Decisions Programming and Classification	1	2	3	4	5
Other documentation/information centres <i>(please specify)</i>	1	2	3	4	5

Q11. Did you have any training in the use of following information sources and services? Please CIRCLE the appropriate number for EACH ANSWER to the following.

1= No Training 2= Basic Orientation

3= Extensive Training (course, workshop, etc.)

4= Self-Taught

Electronic literature searching	1	2	3	4
Searching the Internet	1	2	3	4
Use of computer as a communication tool, for e-mail, discussion groups, etc.	1	2	3	4
Library use	1	2	3	4
Other <i>(please specify)</i>	1	2	3	4



Q12. Are there times when you do not need information sources?

- Yes
- No (• Ggo to Qn. 13)

If yes, please tick where appropriate.

- The issue or case at hand is simple and the procedure is well known
- One has to give an immediate decision (verbal)
- You have a considerable experience in a particular field or issue of law
- Other (*please specify*) \_\_\_\_\_

#### D. USE OF INTERMEDIARIES

Q13. Do you seek information yourself?

- Always
- Sometimes
- Never

Q14. If you do use other, from whom do you receive the assistance, and to what extent? Please CIRCLE the appropriate number for EACH ANSWER to the following.

1= Daily    2= Once a week    3= Once a month    4=Rarely    5= Not at all

Librarian	1	2	3	4	5
Colleagues	1	2	3	4	5
Department/Office staff	1	2	3	4	5
Legal counsel	1	2	3	4	5
Trainee lawyer	1	2	3	4	5
Other ( <i>please specify</i> ) _____	1	2	3	4	5



E. OWN COLLECTION

Q15. What type of materials you have in your own collection? Please TICK ALL those apply.

In term of materials

- Books
- Journals
- Legal researches
- Reference works
- Legal databases
- Other (*please specify*) \_\_\_\_\_

Q16. How is your office/personal collection organised? Please TICK ALL those apply.

- Not organised
- Organised in file cabinet
- Organised in index
- Organised through computer system
- Other (*please specify*) \_\_\_\_\_

F. COMMUNICATION

Q17. How often do you communicate with others for obtaining or giving information? Please put the appropriate number for EACH ANSWER to the following.

1= Daily    2= Once a week    3= Once a month    4=Rarely    5=Not at all

In term of internal communications

- Colleagues
- Office staff/department staff/
- Legal counsel
- Other (*please specify*) \_\_\_\_\_

In term of external communications

- Colleagues
- Experts
- Legal counsel
- Other (*please specify*) \_\_\_\_\_



Q18. How do these communications take place (*form of communication*)? Please TICK

ALL those apply.

- Electronic mail
- By telephone
- Face to face
- Other (*please specify*) \_\_\_\_\_

### G. CONFERENCES / MEETINGS

Q19. How many professional conferences, and meetings you have been attend in last two years?

In Kuwait

Outside Kuwait

- |                                      |                                      |
|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> None        | <input type="checkbox"/> None        |
| <input type="checkbox"/> 1-2         | <input type="checkbox"/> 1-2         |
| <input type="checkbox"/> 3-4         | <input type="checkbox"/> 3-4         |
| <input type="checkbox"/> More than 4 | <input type="checkbox"/> More than 4 |

Q20. If none, what are your reasons for not attending? Please TICK ALL those apply.

- Cost
- Work load
- Not interested
- Not prepared a paper
- Other (*please specify*) \_\_\_\_\_

Q21. How did you hear about these conferences and meetings? Please TICK ALL those apply.

- Announcements in newspapers
- Announcements in journals
- From colleagues
- Through Internet
- Announcement in brochures
- Other (*please specify*) \_\_\_\_\_



Q22. How many professional organisations, other than the Bar Association, do you belong to?

National

- None
- 1-2
- 3-4
- More than 4

International

- None
- 1-2
- 3-4
- More than 4

Please give names of the associations. \_\_\_\_\_

Q23. If you do belong, what do you think are the benefits of membership of professional organisations? Please TICK ALL those apply.

- Free journal
- Keep up-to-date
- Conferences
- Meeting colleagues
- Other (*please specify*) \_\_\_\_\_

#### H. INFORMATION ACQUISITION

Q24. How many professional journals do you browse on a regular basis?

- None
- 1-2
- 3-4
- More than 4

Please give the titles. \_\_\_\_\_

Q25. Have you ever obtained useful professional information by chance? If so, from what sources? Please TICK ALL those apply.

- Newspapers
- Conversation
- Radio
- Television
- Browsing Internet
- Browsing in library



- Documents from colleagues' offices
- Other (*please specify*) \_\_\_\_\_

Q26. How do you keep up-to-date with information? Please TICK ALL those apply.

- Legal journals
- New books
- Colleagues
- Conferences and meetings
- Current awareness services
- Utilising legal web pages on Internet
- Other (*please specify*) \_\_\_\_\_

I. INFORMATION OBSTACLES AND IMPROVEMENTS

Q27. In general, while you seeking legal information you might have encountered problems. Please CIRCLE where you think the best describe your judgement for EACH ANSWER to the following.

1= Big problem    2= Some what a problem    3= Not a problem

Inadequate resources in law libraries	1	2	3
Poor services of the law libraries	1	2	3
Lack of experience in using the library	1	2	3
Lack of help from library staff	1	2	3
Lack of computing skills	1	2	3
Lack of legal databases	1	2	3
Other ( <i>please specify</i> ) _____	1	2	3



Q28. What do you think would most help develop and improve legal information services and resources in Kuwait? Please TICK ALL those apply.

- Introduce current awareness services
- Automate law libraries and legal information services
- Provide reference services like abstracts, indexes, citators and digests
- Provide better qualified staff to help users
- Training legal users on the use of Internet and I.T
- Other (*please specify*) \_\_\_\_\_

Is there anything you want to tell me that you think might of importance?

---

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---

Would you like to send you a summary of the research results?

- Yes
- No

I may wish to do some follow up interviews. If so, would you be wiling to be interviewed by me?

- Yes
- No

If yes, can you please INDICATE your name and your phone numbers.

---

---

THANK YOU VERY MUCH FOR YOUR CO-OPERATION  
AND  
TAKING THE TIME TO COMPLETE THIS QUESTIONNAIRE

Sultan Al-Daihani  
Department of Information Science,  
Loughborough University,  
Loughborough, Leics,  
LE11 3TY  
UK



Appendix 3  
Questionnaire for legal academics

---

INFORMATION BEHAVIOUR  
OF  
KUWAITI  
LEGAL PROFESSIONALS

Please either circle the appropriate number or tick the box with the appropriate answer.

A. PERSONAL BACKGROUND

1. Current position:

Professor    Assistant professor    Teacher    Other (please specify) \_\_\_\_\_

Department: \_\_\_\_\_

Full time    Part time

2. Highest Academic Qualification:

PhD    Master    First Degree    Other

3. Working experience:

5 years and less    6-15    16-25    more than 25

4. Nationality

Kuwaiti    Non-Kuwaiti

5. Age:

Under 30    31-40    41-50    Over 50

6. Sex:

Male    Female



## B. INFORMATION NEEDS

Q7. Why do you need information in the practice of law? Please TICK ALL those apply.

- To prepare for a lecture
- To doing a research and publication activities
- For a consultancy work
- Other (*please specify*) \_\_\_\_\_

Q8. In your practice or teaching of law, what type of information do you need? Please TICK ALL those apply.

In Terms of Legal Information

- Legislations
- Jurisprudence
- Commentaries
- Other (*please specify*) \_\_\_\_\_

In Terms of Non-Legal information

- Social sciences
- Management
- Information technology
- Other (*please specify*) \_\_\_\_\_

## C. INFORMATION SOURCES

Q9. Please indicate the degree you use the following media from where you get legal information? Please CIRCLE the appropriate number for EACH ANSWER to the following.

1= Daily    2= Once a week    3= Once a month    4= Rarely    5= Not at all

Internet	1	2	3	4	5
Legal databases	1	2	3	4	5
Law libraries	1	2	3	4	5
Own collection	1	2	3	4	5
Communication	1	2	3	4	5
Other ( <i>please specify</i> )	1	2	3	4	5



Q10. Please indicate the degree you use of the following libraries for acquisition of information? Please CIRCLE the appropriate number for EACH ANSWER to the following.

1= Daily 2= Once a week 3= Once a month 4=Rarely 5= Not at all

University law library	1	2	3	4	5
Palace of Justice law library	1	2	3	4	5
Legal Opinion and Legislation Dep. Library	1	2	3	4	5
Centre of Court Decisions Programming and Classification	1	2	3	4	5
Other documentation/information centres <i>(please specify)</i>	1	2	3	4	5

Q11. Did you have any training in the use of following information sources and services? Please CIRCLE the appropriate number for EACH ANSWER to the following.

1= No Training 2= Basic Orientation  
 3= Extensive Training (course, workshop, etc.)  
 4= Self-Taught

Electronic literature searching	1	2	3	4
Searching the Internet	1	2	3	4
Use of computer as a communication tool, for e-mail, discussion groups, etc.	1	2	3	4
Library use	1	2	3	4
Other <i>(please specify)</i>	1	2	3	4



Q12. Are there times when you do not need information sources?

- Yes
- No (☛ Ggo to Qn. 13)

If yes, please tick where appropriate.

- The issue or case at hand is simple and the procedure is well known
- One has to give an immediate decision (verbal)
- You have a considerable experience in a particular field or issue of law
- Other (*please specify*) \_\_\_\_\_

#### D. USE OF INTERMEDIARIES

Q13. Do you seek information yourself?

- Always
- Sometimes
- Never

Q14. If you do use other, from whom do you receive the assistance, and to what extent?

Please CIRCLE the appropriate number for EACH ANSWER to the following.

1= Daily    2= Once a week    3= Once a month    4=Rarely    5= Not at all

Librarian	1	2	3	4	5
Colleagues	1	2	3	4	5
Department/Office staff	1	2	3	4	5
Legal counsel	1	2	3	4	5
Trainee lawyer	1	2	3	4	5
Other ( <i>please specify</i> ) _____	1	2	3	4	5



E. OWN COLLECTION

Q15. What type of materials you have in your own collection? Please TICK ALL those apply.

In term of materials

- Books
- Journals
- Legal researches
- Reference works
- Legal databases
- Other (*please specify*) \_\_\_\_\_

Q16. How is your office/personal collection organised? Please TICK ALL those apply.

- Not organised
- Organised in file cabinet
- Organised in index
- Organised through computer system
- Other (*please specify*) \_\_\_\_\_

F. COMMUNICATION

Q17. How often do you communicate with others for obtaining or giving information?

Please put the appropriate number for EACH ANSWER to the following.

1= Daily    2= Once a week    3= Once a month    4=Rarely    5=Not at all

In term of internal communications

- Colleagues
- Office staff/department staff/
- Legal counsel
- Other (*please specify*) \_\_\_\_\_

In term of external communications

- Colleagues
- Experts
- Legal counsel
- Other (*please specify*) \_\_\_\_\_



Q18. How do these communications take place (form of communication)? Please TICK

ALL those apply.

- Electronic mail
- By telephone
- Face to face
- Other (*please specify*) \_\_\_\_\_

### G. CONFERENCES / MEETINGS

Q19. How many professional conferences, and meetings you have been attend in last two years?

- | In Kuwait                            | Outside Kuwait                       |
|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> None        | <input type="checkbox"/> None        |
| <input type="checkbox"/> 1-2         | <input type="checkbox"/> 1-2         |
| <input type="checkbox"/> 3-4         | <input type="checkbox"/> 3-4         |
| <input type="checkbox"/> More than 4 | <input type="checkbox"/> More than 4 |

Q20. If none, what are your reasons for not attending? Please TICK ALL those apply.

- Cost
- Work load
- Not interested
- Not prepared a paper
- Other (*please specify*) \_\_\_\_\_

Q21. How did you hear about these conferences and meetings? Please TICK ALL those apply.

- Announcements in newspapers
- Announcements in journals
- From colleagues
- Through Internet
- Announcement in brochures
- Other (*please specify*) \_\_\_\_\_



Q22. How many professional organisations, other than the Bar Association, do you belong to?

- | National                             | International                        |
|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> None        | <input type="checkbox"/> None        |
| <input type="checkbox"/> 1-2         | <input type="checkbox"/> 1-2         |
| <input type="checkbox"/> 3-4         | <input type="checkbox"/> 3-4         |
| <input type="checkbox"/> More than 4 | <input type="checkbox"/> More than 4 |

Please give names of the associations. \_\_\_\_\_

Q23. If you do belong, what do you think are the benefits of membership of professional organisations? Please TICK ALL those apply.

- Free journal
- Keep up-to-date
- Conferences
- Meeting colleagues
- Other (*please specify*) \_\_\_\_\_

#### H. INFORMATION ACQUISITION

Q24. How many professional journals do you browse on a regular basis?

- None
- 1-2
- 3-4
- More than 4

Please give the titles. \_\_\_\_\_

Q25. Have you ever obtained useful professional information by chance? If so, from what sources? Please TICK ALL those apply.

- Newspapers
- Conversation
- Radio
- Television
- Browsing Internet
- Browsing in library
- Documents from colleagues' offices
- Other (*please specify*) \_\_\_\_\_



Q26. How do you keep up-to-date with information? Please TICK ALL those apply.

- Legal journals
- New books
- Colleagues
- Conferences and meetings
- Current awareness services
- Utilising legal web pages on Internet
- Other (please specify) \_\_\_\_\_

I. INFORMATION OBSTACLES AND IMPROVEMENTS

Q27. In general, while you seeking legal information you might have encountered problems. Please CIRCLE where you think the best describe your judgement for EACH ANSWER to the following.

1= Big problem    2= Some what a problem    3= Not a problem

Inadequate resources in law libraries	1	2	3
Poor services of the law libraries	1	2	3
Lack of experience in using the library	1	2	3
Lack of help from library staff	1	2	3
Lack of computing skills	1	2	3
Lack of legal databases	1	2	3
Other (please specify) _____	1	2	3



Q28. What do you think would most help develop and improve legal information services and resources in Kuwait? Please TICK ALL those apply.

- Introduce current awareness services
- Automate law libraries and legal information services
- Provide reference services like abstracts, indexes, citators and digests
- Provide better qualified staff to help users
- Training legal users on the use of Internet and I.T
- Other (*please specify*) \_\_\_\_\_

Is there anything you want to tell me that you think might of importance?

---

---

---

Would you like to send you a summary of the research results?

- Yes
- No

I may wish to do some follow up interviews. If so, would you be wiling to be interviewed by me?

- Yes
- No

If yes, can you please INDICATE your name and your phone numbers.

---

---

THANK YOU VERY MUCH FOR YOUR CO-OPERATION  
AND  
TAKING THE TIME TO COMPLETE THIS QUESTIONNAIRE

Sultan Al-Daihani  
Department of Information Science,  
Loughborough University,  
Loughborough, Leics,  
LE11 3TY  
UK







Appendix 5  
Arabic questionnaire

سلوكيات السعي للمعلومات  
لدى  
القانونيين الكويتيين

الرجاء إما وضع دائرة حول الرقم المناسب أو وضع علامة داخل المربع المناسب للإجابة

معلومات شخصية

س1. وظيفتك الحالية:

- أستاذ  
 أستاذ مساعد  
 مدرس  
 أخرى (الرجاء التحديد) \_\_\_\_\_

س2. المؤهلات الدراسية:

- دكتوراه  
 ليسانس / بكالوريوس  
 ماجستير  
 أخرى (الرجاء التحديد) \_\_\_\_\_

س3. عدد سنوات الخبرة في المجال الأكاديمي القانوني:

- أقل من 5 سنوات  
 6 - 15  
 16 - 25  
 أكثر من 25 سنة

س4. ما هي جنسيتك؟

- كويتي  
 غير كويتي

س5. العمر:

- تحت سن 30  
 31 - 40  
 41 - 50  
 فوق 50 سنة

س6. الجنس:

- ذكر  
 أنثى



## احتياجات المعلومات

س7. لماذا تحتاج المعلومات في بحوثك و تدريستك للقانون؟ الرجاء اختيار أي إجابة مناسبة:

- لحل مشكلة قانونية معينة.  
 للتحضير للمحاضرات.  
 لإنجاز بحوث ودراسات ونشاطات نشرية.  
 لعمل برامج تدريبية.  
 لعمل استشارات قانونية.  
 أخرى (الرجاء التحديد)

س8. في ممارستك أو تعليمك للقانون، ما هو نوع المعلومات التي تحتاجها؟ الرجاء اختيار أي إجابة مناسبة.

- في حالة المعلومات القانونية  تشريعات   
 فقہ

- في حالة المعلومات الغير قانونية  علوم اجتماعية   
 إدارة

- تعليقات   
 أخرى (الرجاء التحديد)

- تكنولوجيا معلوماتية   
 أخرى (الرجاء التحديد)

س9. الرجاء تحديد درجة استخدامك لمصادر المعلومات التالية والتي يمكن أن تستخدمها في الحصول على المعلومات القانونية التي تحتاجها؟ (الرجاء وضع دائرة حول الرقم المناسب لكل إجابة من الإجابات التالية).

1 = يوميا 2 = مرة في الاسبوع 3 = مرة في الشهر 4 = نادراً  
5 = لا تستخدم نهائياً

إنترنت	1	2	3	4	5
قواعد بيانات قانونية	1	2	3	4	5
مكتبات قانونية	1	2	3	4	5
المجموعة المكتبية الشخصية	1	2	3	4	5
الاتصال مع الآخرين لجمع المعلومات	1	2	3	4	5
أخرى (الرجاء تحديدها)	1	2	3	4	5

س10. الرجاء تحديد درجة استخدامك للمكتبات التالية في اكتسابك للمعلومات؟ (الرجاء وضع دائرة على الرقم المناسب لكل إجابة من الإجابات التالية)

1 = يوميا 2 = مرة في الاسبوع 3 = مرة في الشهر 4 = نادراً  
5 = لا تستخدم نهائياً

المكتبة القانونية في جامعة الكويت	1	2	3	4	5
مكتبة قصر العدل	1	2	3	4	5
مكتبة الفتوى والتشريع	1	2	3	4	5
مركز تصنيف وبرمجة الأحكام القضائية في جامعة الكويت	1	2	3	4	5
مكتبات ومراكز معلومات أخرى (الرجاء تحديدها)	1	2	3	4	5



س11. هل لديك أي تدريب على استخدام مصادر وخدمات المعلومات التالية؟  
(الرجاء وضع دائرة حول الرقم المناسب لكل إجابة من الإجابات التالية).

1 = لا يوجد تدريب      2 = تدريب أساسي      3 = تدريب مكثف ( كورسات، ورش عمل ... الخ )  
4 = تدريب ذاتي (خبرة شخصية)

4	3	2	1	البحث الإلكتروني
4	3	2	1	البحث في الإنترنت
4	3	2	1	استخدام الكمبيوتر كأداة اتصال مثل البريد الإلكتروني ومجموعات المناقشة... الخ 4
4	3	2	1	استخدام المكتبة القانونية
4	3	2	1	أخرى (الرجاء التحديد)

س12. هل هناك أوقات لا تحتاج فيها لمصادر المعلومات؟

نعم  
 لا

إذا كانت الإجابة بنعم ، فالرجاء اختر الإجابة المناسبة

- القضية أو الحالة المتوفرة بسيطة و الطريقة معروفة جدا.  
 يجب إعطاء قرار فوري (شفهي).  
 لديك تجربة قيمة في حقل معين أو قضية قانونية.  
 أخرى (الرجاء التحديد) \_\_\_\_\_

إحالة السعي للمعلومات

س13. هل تسعى للمعلومات بنفسك؟ (الرجاء اختيار إجابة واحدة فقط)

- أسعى بنفسى دائما (انتقل الى س 15)  
 أسعى بنفسى بعض الأحيان  
 لا أسعى بنفسى مطلقا

س14. إذا كنت تستعين بالآخرين لاكتساب المعلومات ، فمن تحصل على المساعدة ، وإلى أي درجة؟

(الرجاء وضع دائرة على الرقم المناسب لكل إجابة من الإجابات التالية)

1 = يوميا      2 = مرة بالأسبوع      3 = مرة بالشهر      4 = نادرا      5 = لا أستعين بأحد نهائيا

5	4	3	2	1	موظفي المكتبة
5	4	3	2	1	الزملاء
5	4	3	2	1	طاقم القسم
5	4	3	2	1	مستشار قانوني
5	4	3	2	1	طلبة الكلية
5	4	3	2	1	أخرى (الرجاء التحديد)



## المجموعة المكتبية الشخصية

س15. أي نوع من المواد القانونية لديك في مجموعتك الشخصية / المكتبية ؟  
(الرجاء اختيار جميع الإجابات المناسبة)

- كتب  
 مجلات  
 بحوث قانونية  
 مراجع كقواميس قانونية وملخصات قانونية  
 قواعد بيانات قانونية  
 أخرى (الرجاء التحديد)

س16. كيف تنظم مجموعتك الشخصية أو المكتبية ؟ (الرجاء اختيار جميع الإجابات المناسبة)

- غير منظمة  
 منظمة في خزائن ملفات  
 منظمة في فهارس  
 منظمة من خلال نظام الكمبيوتر  
 أخرى (الرجاء التحديد)

## الاتصال

س17. كم مرة تتصل مع الآخرين من أجل إعطاء أو اكتساب المعلومات القانونية ؟  
(الرجاء وضع الرقم المناسب لكل إجابة من الإجابات التالية)

1 = يوميا 2 = مرة بالأسبوع 3 = مرة بالشهر 4 = نادرا 5 = لا أتصل مع الآخرين نهائيا

- |  |  |
|--|--|
| في نطاق الاتصالات الخارجية                     | في نطاق الاتصالات الداخلية                     |
| <input type="checkbox"/> الزملاء               | <input type="checkbox"/> الزملاء               |
| <input type="checkbox"/> الخبراء               | <input type="checkbox"/> طاقم القسم            |
| <input type="checkbox"/> المستشارين القانونيين | <input type="checkbox"/> طلبة                  |
| <input type="checkbox"/> أخرى (الرجاء التحديد) | <input type="checkbox"/> أخرى (الرجاء التحديد) |

س18. كيف تحدث هذه الاتصالات من أجل أخذ أو اكتساب المعلومات (شكل الاتصال) ؟  
(الرجاء اختيار جميع الإجابات المناسبة)

- بريد إلكتروني  
 عن طريق التلفون  
 وجها لوجه  
 أخرى (الرجاء التحديد)



## مؤتمرات واجتماعات

س19. كم عدد المؤتمرات والاجتماعات التي حضرتها في السنتين الماضيتين ؟

خارج الكويت	في الكويت
<input type="checkbox"/> لا يوجد	<input type="checkbox"/> لا يوجد
<input type="checkbox"/> 1 - 2	<input type="checkbox"/> 1 - 2
<input type="checkbox"/> 3 - 4	<input type="checkbox"/> 3 - 4
<input type="checkbox"/> أكثر من 4	<input type="checkbox"/> أكثر من 4

س20. إذا كانت الإجابة "لا يوجد" ، فما هي أسباب عدم حضور هذه الاجتماعات والمؤتمرات المهنية ؟

(الرجاء اختر جميع الإجابات المناسبة)

- التكلفة
- ضغط العمل
- غير مهتم
- لم أجهز ورقة للمشاركة
- أخرى (الرجاء التحديد)

س21. كيف سمعت بهذه الاجتماعات والمؤتمرات المهنية ؟ (الرجاء اختيار جميع الإجابات المناسبة)

- الإعلانات في الصحف اليومية
- الإعلانات في المجلات
- من خلال الزملاء
- من الإنترنت
- الإعلانات في البروشورات أو النشرات
- أخرى (الرجاء التحديد)

س22. كم عدد التنظيمات المهنية التي تنتمي إليها غير جمعية المحامين؟

عالمياً	وطنياً
<input type="checkbox"/> لا يوجد	<input type="checkbox"/> لا يوجد
<input type="checkbox"/> 1 - 2	<input type="checkbox"/> 1 - 2
<input type="checkbox"/> 3 - 4	<input type="checkbox"/> 3 - 4
<input type="checkbox"/> أكثر من 4	<input type="checkbox"/> أكثر من 4

الرجاء تزويدي بأسماء هذه التنظيمات :

س23. إذا كنت تنتمي إلى إحدى هذه التنظيمات المهنية، فبرأيك ما هي فوائد هذه العضوية؟ (الرجاء اختيار جميع الإجابات المناسبة)

- مجلات مجانية
- التحديث اليومي للمعلومات
- مؤتمرات
- مقابلة الزملاء
- أخرى (الرجاء تحديدها)



## التزود بالمعلومات

س24. كم عدد المجلات المهنية التي تقوم بتصفحها بشكل منتظم؟

- لا يوجد  
 1 - 2  
 3 - 4  
 أكثر من 4 مجلات

الرجاء تزويدي بعناوين هذه المجلات: \_\_\_\_\_

س25. هل حصل واكتسبت أية معلومات مفيدة لك بالمصادفة؟ إذا كان كذلك، فمن أي مصدر من المصادر التالية؟  
 (الرجاء اختيار جميع الإجابات المناسبة)

- صحف يومية  
 محادثة  
 راديو  
 تلفزيون  
 تصفح الإنترنت  
 التصفح في المكتبة  
 من خلال المؤتمرات / ورش العمل / الاجتماعات  
 من خلال الوثائق من مكاتب الزملاء  
 أخرى (الرجاء التحديد) \_\_\_\_\_

س26. كيف تحدث وتجدد المعلومات لديك؟ (الرجاء اختر جميع الإجابات المناسبة)

- مجلات قانونية  
 كتب جديدة  
 الزملاء  
 مؤتمرات واجتماعات  
 خدمات الإحاطة الجارية من المكتبات (مثال: ارسال صفحة المحتويات للكتب والمجلات الحديثة)  
 الدخول في الصفحات القانونية في الإنترنت  
 أخرى (الرجاء التحديد) \_\_\_\_\_



## معوقات المعلومات

س27. بشكل عام، ما هي المشاكل التي تواجهك أثناء سعيك للحصول على المعلومات؟ (الرجاء وضع دائرة حول الرقم المناسب لكل إجابة من الإجابات التالية والذي تعتقد بأنه الأفضل في وصف رأيك)

1 = مشكلة كبيرة      2 = مشكلة إلى حد ما      3 = ليست مشكلة

3	2	1	المصادر غير وافية في المكتبات القانونية
3	2	1	الخدمات الفقيرة في المكتبات القانونية
3	2	1	نقص الخبرة في استخدام المكتبة
3	2	1	نقص المساعدة من طاقم المكتبة
3	2	1	نقص مهارات استخدام الكمبيوتر
3	2	1	النقص في قواعد البيانات القانونية
3	2	1	أخرى (الرجاء التحديد)

س28. ماذا باعتقادك يمكن أن يساعد بشكل كبير في تطوير وتحسين خدمات ومصادر المعلومات القانونية في الكويت؟  
(الرجاء اختر جميع الإجابات المناسبة)

- تقديم خدمات إحاطة جارية للمستفيدين القانونيين حول أي مقتنيات جديدة في المكتبة.
- أتمتة (إدخال النظم الآلية) في المكتبات القانونية وخدمات المعلومات القانونية.
- توفير خدمات مراجع كالمُلخصات القانونية والفهارس القانونية، ومجموعات القوانين والكشافات القانونية.
- توفير مشاركة للموارد بين المكتبات ومراكز المعلومات للقانونية في الكويت.
- توفير طاقم مكتبات ذو مؤهلات جيدة لمساعدة المستخدمين القانونيين.
- تدريب المستخدمين القانونيين على استخدام الإنترنت وتكنولوجيا المعلومات.
- أخرى (الرجاء التحديد)

هل هناك شيء تود قوله و تعتقد بأنه مهم ؟

هل تود أن أرسل لك ملخص لنتائج البحث ؟

- نعم
- لا

ربما أرغب في عمل مقابلة لاحقه للاستبيان. إذا كان ذلك فهل ترغب في إجراء هذه المقابلة من قبلي ؟

- نعم
- لا

إذا كانت الإجابة بنعم، الرجاء ذكر اسمك وأرقام هواتفك.

شكرا جزيلاً لتعاونكم ولأخذ بعض الوقت لإكمال هذا الاستبيان

سلطان الديحاني  
قسم علوم المعلومات  
جامعة لافبرا  
المملكة المتحدة



## Appendix 6

## Letter from the Kuwaiti Bar

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

جمعية المحامين الكويتية

مسجلة تحت رقم (أ) ائتمية وجمعيات طبع عام بتاريخ ١٨/٣/١٩٦٣  
الكويت - دولة الكويت

الكويت :

## إِعْلَان

للسادة الزملاء المحامين

تظن جمعية المحامين بان الأستاذ/ سلطان مبراهيم العبدان - بنجز  
حاليا بحثه للدكتوراة بالملكة المتحدة ( بريطانيا ) . في موضوع : ( سلوكيات  
المعلومات لدى القانونيين الكويتيين )

" INFORMATION BEHAVIOUR OF KUWAITI LEGAL PROFESSIONALS " -  
وهو موضوع غاية في الأهمية والحوية وذلك لحاجة القانونيين للمسة لما سوف يطرحه  
بإذن الله من نتائج توفر لنا جميعا مسلة الحصول على المعلومات القانونية على تنوعها  
واختلاف موضوعاتها واهتماماتها على مستوى دول و مناطق العالم سواء كتبت هذه  
المعلومات مطبوعة أو إلكترونية .  
لذا تهيب جمعية المحامين الكويتية بالسادة لزملاء المحامين والزميلات المحاميات  
مساعدة الباحث من خلال التعاون معه في استيفاء وتسجيل بيانات الاستجواب الذي أعده  
الباحث لهذا الغرض والمرفق بهذا الإعلان باللغتين العربية والإنجليزية .  
ولما كتبت مهنة المحاماة تسعى يوما لتطوير نفسها وإحاطتها بما يدور في العلم من  
حولها .. فإن التعاون مع الباحث في هذه الدراسة هي خطوة في هذا الاتجاه من أجل إثراء  
مهنة المحاماة بكل جديد يحمله الفكر المهني الدولي في هذا الشأن .

وفتقنا الله جميعاً في كل خطواتنا،

ناصر حجي الهبلي

أمين مركز جمعية المحامين الكويتية





## Appendix 7

### Interview schedule for legal professionals

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#### INFORMATION BEHAVIOUR OF KUWAITI LEGAL PROFESSIONALS

I am carrying our research to find out the information needs and information behaviour of Kuwaiti legal professionals. The results of this study will be applied toward intended improvement in legal information sources and services in Kuwait.

#### A. INFORMATION NEEDS

1. I would like to start by asking what are the tasks attached to your work?
2. What type of legal information do you need to obtain through these tasks?
3. Is there any other type of information you need other than legal information?

- Yes
- No

If yes, what are they? And for what purpose you need them?

4. What information sources do you prefer to start with? And why?
5. What legal information material do you use frequently? And for what purpose do you use the materials?

#### B. USE OF INTERMEDIARIES

6. Did you obtaining and seeking information yourself?

- Always
- Sometimes
- Never

If no, from whom did you receive assistance? And when do you need assistance?

7. Before people assist you, do you explain your information needs to them?

- Always
- Sometimes
- Never



8. Do you filter or verify the information received through assistance?

- Always
- Sometimes
- Never

If no, why?

### C. INFORMATION SOURCES

9. How often do you visit or use libraries?

- Always
- Sometimes
- Not at all

If not at all, please give reasons.

If yes, which libraries do you visit? And for what purposes?

10. What services or sources did you used in these libraries?

11. What do you think about the information sources and services provided by the law library?

- Adequate
- Not adequate

If not adequate, please give reasons.

12. How often do you use your personal collection?

- Always
- Sometimes
- Not at all

If not at all, please give reasons.

13. For what purpose do you use your personal collection?

14. Do you maintain any files in your personal collection for your primary need?

- Yes
- No

If yes, what types of files do you have?



15. Are your information needs satisfied by your personal collection?

- Always
- Sometimes
- Never

If no, please give reasons.

16. How often do you seek or giving information through communication with others?

- Always
- Sometimes
- Not at all

If not at all, please give reasons.

If yes, with whom do you communicate for information, why and how this communication take place?

18. What do you think are the benefits of communicating with others?

#### D. USE OF I.T

19. Do you use IT in your work?

- Yes
- No

If no, please give reasons.

If yes, what kind of IT applications do you used?

20. If you used information retrieval systems, please specify the benefits of this system for your work?

21. Do you think IT enhances your ability to seek information?

- Yes
- No

If no, why?

If yes, how?

#### E. INFORMATION OBSTACLES

22. What obstacles you think are responsible for your being unable to access legal information sources and services?



23. How do you think we can enhance and develop the legal information sources and services in Kuwait?

### CRITICAL INCIDENT

In your practice of law, you came across some situations, where you have strong need to access information, but you were unable to do so, can you please give details to such incident such as:

24. What was the situation, where the information need arise?

25. What type of information you were need?

26. What information sources did you consult? And why?

27. How important was the information you obtained in helping you resolves the problem situation?

### PERSONAL BACKGROUND

Current position:

Prosecutor       State lawyer       Private lawyer

Highest Academic Qualification:

PhD       Master       First Degree       Other

Working experience:

5 years and less       6-15       16-25       more than 25

Nationality

Kuwaiti       Non-Kuwaiti

Age:

Under 30       31-40       41-50       Over 50

Sex:

Male       Female

THANK YOU FOR YOUR CO-OPERATION.



## Appendix 8

### Interview schedule for law librarians

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#### INFORMATION BEHAVIOUR OF KUWAITI LEGAL PROFESSIONALS

##### A. GENERAL INFORMATION

Name of your Organisation:

\_\_\_\_\_

Name of the Library:

\_\_\_\_\_

Your Position/Title:

\_\_\_\_\_

Highest Academic Qualification:

\_\_\_\_\_

Work experience in libraries in general:

\_\_\_\_\_

Work experience in law librarianship:

\_\_\_\_\_

##### B. LIBRARY COLLECTION

1. How many journal titles does your library subscribe to? Please start with the number of Kuwaiti titles, then Arabic and foreign titles.
2. Please can you named the most legal journals that browsed by your users?
3. What is the approximate number of reference volumes in your library?  
And what type of references your library has?
4. Please give titles of the most legal materials that used by your users?
5. What is the approximate number of books in your library?
6. Did you have problems in the acquisitions of Kuwaiti, Arabic or foreign legal publications?

Yes

No



7. If yes, please give reasons.
8. How do you satisfy the information needs of your library users if you do not have particular materials in your collection?

### C. LIBRARY RESOURCES

9. What are the resources currently provided by your library?
10. What legal databases are provided? Are they free at point of use? And is a mediated search service offered?
11. Do you think these resources meet the needs of legal users?  
 Yes  
 No  
If not, what improvements might be made?
12. In your opinion, what are the main reasons for legal users to use your library?
13. Does your library provide bibliographic instruction, courses on legal research, or any programmes for your users on the use of the library and the information sources?

- Yes  
 No

If no, why?

14. What are the services provided by your library to legal users?
15. What type of enquiries do users have? And if they make enquiries for other than legal information, can you specify in which subject?

16. Does your library serve users from outside your organisation?

- Yes  
 No

If no, why?

17. Can you estimate the number of your daily user?



18. What methods do you use to keep your users abreast of the law?

19. Do your users use the information services directly or do they go through an intermediary?

- Directly
- Indirectly
- Both directly and indirectly

20. In case of your users use your services and sources indirectly, can please specify which one of the following intermediary they used?

- By sending a letter
- By sending a fax
- By sending e-mail
- By telephone
- By sending intermediary (e.g. office staff/department staff/court staff)

21. Do your library services meet the needs of legal users?

- Yes
- No

If not, what improvements might be made?

#### D. LIBRARY STAFF

22. How many staff do you have? And what are their positions and qualifications?

23. Does the work they do reflect their education and training?

- Yes
- No

If no, please give reasons.

24. Do you have staff development programmes in your library?

- Yes
- No

If yes, please give details.

If no, please give reasons.



## E. IT APPLICATION

25. Does your library have a homepage at the Internet?

Yes

No

26. If yes, what features does your library provide to legal users through this homepage? And please give the URL.

27. What library functions are computerised?

## F. LIBRARY BUDGET

28. Does your library have an independent budget?

Yes

No

If no, who plans and administers the library budgets?

If yes, how many K.D your library receive as a budget in a year? And in what items does your library spend it money on? (Split between: books, journals, electronic resources, staff costs)

29. What is the attitude of the management towards the library and its staff? And why?

THANK YOU FOR YOUR CO-OPERATION.



## Appendix 9

### Interview schedule for legal publishers

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1. Which legal publications are you producing? Please specify.
2. How many publications do you publish annually?
3. If you are publishing serials, what is the titles, their frequency, and number of subscribers?
4. In what forms are these publications being produced?
5. Do you maintain any methods to keeping legal users with the new of your publications such as current awareness services?
6. How many users/subscribers do you have for your publications? Please specify personal and organization subscriptions?
7. What are the terms of supply of your publications such as selling, gift, exchange?
8. Are you providing any search aids with your publications such as indexes, abstracts, directories, etc.?



## Appendix 10

### Interview schedule for database producers

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1. What is the scope of your database? What is the scope by type of material, areas/regions, languages, etc.?
2. How many subscribers do you have for your database?
3. What are the primary elements of a record such as bibliographic information, abstract, summary, notes, references to legal decisions, cases, laws, etc.?
4. What is the indexing policy of the databases such as keyword indexing, standard subjects, type of law, and any other categorization?
5. What are the searching features such as use of Boolean, proximity, etc.
6. Do you have different levels of searches for different users?
7. In what media are you producing your database? Such as online/ CD ROM/ Web/ other.
8. How much you charge?
9. How often your database is updated?
10. How many number of records/items in the database at the moment?
11. If there is lack of users/subscribers, can you please give reasons?
12. Have you ever conducted any evaluation of your database, If yes, when?



## Appendix 11

### Letter for Usability Experts

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Dear Mrs., Mr.

I am a PhD student in the Department of Information Science at Loughborough University working under the supervision of Prof. Charles Oppenheim. I am approaching you to act as an expert in the evaluation of a prototype web site.

I have designed a prototype for a Legal Information System for the State of Kuwait. I would like to invite you to examine the prototype and inspect the various interface elements and compare them with a list derived from Nielsen's ten usability heuristics which I have attached together with the project overview. You should also feel free to consider any additional usability principles that are relevant to this prototype that you wish to use.

Please email me with your comments. The prototype can be accessed at: <http://www.kuwaitlaw.net>

All your comments will be anonymised and will not be attached to you. Please do not hesitate to contact me or contact my supervisor professor Charles ([C.Oppenheim@lboro.ac.uk](mailto:C.Oppenheim@lboro.ac.uk)) for further information.

Thank you in anticipation for your help. Please let me know if you are unwilling to assist me.

Yours Sincerely,  
Sultan AL-Daihani  
[S.AL-Daihani@lboro.ac.uk](mailto:S.AL-Daihani@lboro.ac.uk)  
PhD student  
Information Science Dept.  
Loughborough University



## Appendix 12

### Kuwaiti Legal Information System Prototype overview and usability principles

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#### Prototype objectives

The prototype design effort was focused on achieving the following objectives:

- To deliver relevant legal information services to legal professionals;
- To provide a variety of links to legal information sources and services;
- To enhance the communication channels between legal professionals at both a national and international level;
- To keep legal professionals updated with new information;
- To apply information technology to the information needs of Kuwaiti legal professionals;
- To be cost-effective; and
- To be based on adoption of the conceptual model for the information behaviour of legal professionals.

#### Intended audience

The intended audience *consists of* legal users as follows:

- Legal academics and researchers
- Lawyers such as private and state lawyers
- Prosecutions
- Judges
- Legal officers
- Legal students

Also, it could serve individuals and others seeking legal information.



## Expected usage patterns

Some sample usage scenarios might be an legal professional such as lawyer, prosecutions, legal academic, etc. looking for the following:

- Information on legislations, legal studies, court decisions, etc.
- Legal materials such as new legal books, legal journals, court decisions, legal conferences, etc., for updating their knowledge.
- Legal discussion groups for exchanging their legal experience and information.
- Legal professional directory to add their profile or to search in the directory.
- Legal experience archive to add their legal experience, essay, etc., browsing lists of experience, or searching the archive.
- International legal sites such as legal databases, legal societies, legal informatics, legal discussion groups, etc.

## Usability Principles (heuristic)

The following list were adapted from a general list offered by Jakob Nielsen. For more details about heuristic evaluation, see:

Mack, R and Nielsen, J. (1994) Usability Inspection Methods, Wiley, New York, UK. It can be also found at <http://www.useit.com/papers/heuristic/>

- Visibility of system status: The system should always keep users informed about what is going on through appropriate and timely feedback.
- Match between the system and the real world: The system should use the user's language rather than system-oriented terminology. It should also follow real-world conventions and make information appear in a natural and logical order.
- User control and freedom: Users often choose functions by mistake and will need a clearly marked "emergency exist" to leave the unwanted state without having to go through an extended dialogue.
- Consistency and standards: Users should not have to wonder whether different words, situations, or actions mean the same thing.
- Error prevention: A careful design that prevents a problem from occurring is better than good error message.
- Recognition rather than recall: Make objects, actions, and options visible. The user should not have to remember information from one part of the dialogue to



another. Instructions for use of the system should be visible or easily retrievable whenever appropriate.

- **Flexibility and efficiency of use:** Accelerators, which are not seen by novice users, may often speed up the interaction for the expert users such that the system can cater to both inexperienced and expert users.
- **Aesthetic and minimalist design:** Dialogues should not contain information that is *irrelevant* or rarely needed. Every extra piece of information in a dialogue box competes with relevant pieces of information and diminishes *their* visibility.
- **Error recovery:** Error messages should be expressed in plain language (no codes), precisely indicate the problem, and constructively suggest a solution.
- **Help and documentation:** Even though it is better if the system can be used without documentation, it may be necessary to provide help and documentation. Any such information should be easy to search, focused on the user's task, list concrete steps to be carried out, and not be too large.

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## Appendix 13

### Reminder letter for Usability Experts

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Dear

In October, I sent you my PhD project overview for a National Legal Information System (LIS) prototype asking for your help in conducting a heuristic evaluation of it. The said prototype can be accessed at:

<http://www.kuwaitlaw.net>

Your evaluation would certainly add to the quality of my research, and will assist in contributing to the development of LIS generally.

I assure you that your responses will be kept strictly confidential.

Thank you in advance for your kind co-operation

Yours sincerely,

Sultan M AL-Daihani  
[S.AL-Daihani@lboro.ac.uk](mailto:S.AL-Daihani@lboro.ac.uk)  
Department of Information Science  
Loughborough University



## Appendix 14

### Creating totals for testing the hypothesis

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COMPUTE TOT1A = ( Q8.A1 + Q8.A2 + Q8.A3 ) / 3 .  
COMPUTE TOT1B = ( Q8.B1 + Q8.B2 + Q8.B3 ) / 3 .  
COMPUTE TOT1 = ( Q8.A1 + Q8.A2 + Q8.A3 + Q8.B1 + Q8.B2 + Q8.B3 ) / 6 .

COMPUTE TOT2A = ( Q9.1 + Q9.2 + Q9.3 + QB9.4 + QB\_9.5 ) / 5 .  
COMPUTE TOT2B = ( Q10.1 + Q10.2 + Q10.3 + Q10.4 ) / 4 .  
COMPUTE TOT2C = ( Q11.1 + Q11.2 + Q11.3 + Q11.4 ) / 4 .

COMPUTE TOT3 = ( Q12.B1 + Q12.B2 + Q12.B3 ) / 3 .

COMPUTE TOT4A = Q12 .

COMPUTE TOT5A = ( Q15.1 + Q15.2 + Q15.3 + Q15.4 + Q15.5 ) / 5 .  
COMPUTE TOT5B = ( Q16.1 + Q16.2 + Q16.3 + Q16.4 ) / 4 .  
COMPUTE TOT5 = ( Q15.1 + Q15.2 + Q15.3 + Q15.4 + Q15.5 +  
Q16.1 + Q16.2 + Q16.3 + Q16.4 ) / 9 .

COMPUTE TOT6A = ( Q17.A1 + Q17.A2 + Q17.A3 ) / 3 .  
COMPUTE TOT6B = ( Q17.B1 + Q17.B2 + Q17.B3 ) / 3 .  
COMPUTE TOT6 = ( Q17.A1 + Q17.A2 + Q17.A3 +  
Q17.B1 + Q17.B2 + Q17.B3 ) / 6 .

COMPUTE TOT7A = Q19.1 .  
COMPUTE TOT7B = Q19.2 .  
COMPUTE TOT7C = Q22.1 .  
COMPUTE TOT7D = Q22.2 .

COMPUTE TOT8 = Q24 .

COMPUTE TOT9 = ( Q25.1 + Q25.2 + Q25.3 + Q25.4 + Q25.5 + Q25.6 + Q25.7 +  
Q25.8 ) / 8 .

COMPUTE TOT10 = ( Q26.1 + Q26.2 + Q26.3 + Q26.4 + Q26.5 +  
Q26.6 ) / 6 .

COMPUTE TOT11A = ( Q27.1 + Q27.2 + Q27.3 + Q27.4 +  
Q27.5 + Q27.6 ) / 6 .

COMPUTE TOT11B = ( Q28.1 + Q28.2 + Q28.3 + Q28.4 +  
Q28.5 + Q28.6 ) / 6 .