

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

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Abstract

Understanding the information needs and seeking behaviour of users is imperative in developing effective information systems and services to meet their information needs. Lawyers and Judges heavily depend on appropriate and reliable evidence in the administration of sound justice. However, little is known about the information needs and seeking behaviour of Layers and judges in Africa and Zambia in particular. The purpose of this study was to investigate the information needs and seeking behaviour of judges and lawyers at the four superior courts of judiciary in Lusaka, Zambia. Specifically, the study investigated the information needs of layers and judges; their sources of information; the challenges they faced to access needed information. A survey approach was adopted for this study and employed quantitative methods. Simple random sampling techniques was used to select judges and lawyers. Forty-five legal practitioners that included 27 judges and 18 lawyers participated in the study. Data was analyzed using the SPSS 23.0 software. The study revealed that judges and lawyers had varied information needs and included case preparation (67%), administration of justice (60%), past decisions (87%), statutes (71%), current awareness (69%), general knowledge (47%), job presentation or professional conduct (76%) and information concerning research activities (73%). Respondents indicated that court libraries (98%), personal libraries (79%), online databases (76%), offline databases (76%), decided cases (98%), other legal libraries (7%) and colleagues in the profession (73%) were main sources of

information they consulted to make decisions. However, judges and lawyers reported to encounter a number of problems in their quest for information which included difficult to find latest information (82%), information not readily available (69%), lack of information diversity (67%), information not easily accessible (62%), poor internet connectivity (60%), limited time (80%) and information overload (71%). The study recommended for well-stocked court libraries, with up-to-date varied forms of information and improved Internet connectivity. It was concluded that it is important for judges and lawyers' information needs to be effectively met for them to make sound legal decisions.

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

1.0 INTRODUCTION

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

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

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

Today, accessibility to and provision of legal information is one of the key elements in transition from a closed dictatorship to a democracy. A democratic nation relies on efficient and effective judicial system. The more accessible information sources are, the more likely they are to be used (Ugah, 2008). Readers tend to use information sources that require the least effort to access. Users may find information inaccessible due to a number of reasons among them poor reputation of the information system, lack of awareness of the source of information, distance, limited time, language barrier, lack of relevant content and limited connectivity particularly in this electronic environment (Mulauzi and Kendra, 2009).

Sustainable Development Goals are all about meeting the needs of people and society. According to Mulauzi (2017), meeting the needs of people from the most basic to the most sophisticated is information-dependent. People should be provided with the right kind of information, in the right form and at the right time. This can only be realized by examining and understanding the information needs of different categories of people or professionals in society which can result in the design of an appropriate information system to meet those needs. For instance, any legal information system designed without sufficient knowledge of the users' needs is apt to fail. In the same way, knowledge of the information needs of lawyers and judges may aid information providers and system designers in providing targeted information services and designing appropriate information retrieval applications.

1.1 Statement of the problem

There is a dearth of literature on the information needs and seeking behavior of legal personnel in Zambia particularly lawyers and judges. Thus, a study on the information needs and seeking

behavior of lawyers and judges is of evident importance. In spite of each court having a library in Zambia to provide legal knowledge and access to legal information, there is limited knowledge on the information needs, sources and challenges Judges and lawyers encounter to access appropriate information. It was the intention of this study, therefore, to bridge this gap in knowledge. As argued by Tuhumwire and Okello-Obura (2010), the design of any formidable system of information access and use must be based on careful analysis of the target group's information sources and how to access them. Similarly, the acquisition of information resources is based on the knowledge of the desired and needed information sources.

1.2 Objectives of the Study

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

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

2.0 RESEARCH DESIGN AND METHODOLOGY

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

3.0 FINDINGS AND DISCUSSION

3.1 Background information

The study investigated the age, gender, education levels and work experience of the respondents who participated in the study (table 1). In terms of age, the findings showed that 31% of the

respondents were aged between 30 and 40 years while those between 41 and 45 year were 36%. Thirty-three percent were above 45 years and no respondent reported being below 30 years old. Therefore, respondents aged 41 and years were the majority that participated in the study.

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

Table 1: Demographic Characteristics of respondents

Demographic characteristic		Frequency	Percentage
Age	Below 30 years	0	0
	30 to 40 years	14	31
	41 to 45 years	16	36
	Above 45 years	15	33
	Total	45	100
Gender	Male	23	51
	Female	22	49
	Total	45	100
Education level	Undergraduate degree	36	80
	Masters degree	9	20
	PhD degree	0	0
	Total	45	100

Work experience	Less than 5 years	17	38
	5 to 10 years	11	24
	11 to 15 years	13	29
	Above 15 years	4	9
	Total	45	100

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

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

3.2 Information needs of the respondents

Furthermore, the study sort to solicit information from respondents on their information needs. The findings revealed varied information needs that included information on case preparation (67%), administration of justice (60%), past decisions (87%), statutes (71%), current awareness (69%), general knowledge (47%), job presentation or professional conduct (76%), and information concerning research activities (73%). The findings are depicted in table 2.

Table 2: Information needs of respondents

Information need	Frequency	Percentage
Case Preparation	30	67
Administration of justice	27	60
Past decisions	39	87
Statutes	32	71
Current awareness in law field	31	69
General knowledge in the law field	21	47
Job presentation/professional conduct	34	76
Research	33	73

From the findings above, it can be concluded that lawyers and judges in Zambia have clearly defined and varied information needs that border on their profession. The findings are congruent with the study by Khan, Bhatt and Khan (2011) where it was discovered that the majority of judges and lawyer's information needs included those for case preparation, for improving their personal professional competencies, general knowledge on legal field, current awareness and such information which would help them be consistent in their job presentation. Similar findings were also revealed in the studies by Govinda and Srinivasaragavan (2017) and Mansour (2016). In as far as case preparation is concerned, legal practitioners need sufficient information that is important to the case (s) at their fingertips present the court case. Preparations to present a case in court starts way before anyone gets into a courtroom. Lawyers or judges involved in a case require relevant and complete information to understand the case, facts or information to prove the case, how facts can be proven, who has other information and in what form, etc. In other words, sufficient information must be gathered to prepare for a case adequately. Hence, the legal profession is one that involves a lot of research and reading.

Further, information is required by legal practitioners to enable them administer justice in courts of law. There is a popular and old adage that "delayed justice is justice denied" (Ngoepe, 2015). Information plays a critical role in supporting justice. Limited information on court cases may delay a judge or lawyer to dispose of cases thereby repudiating justice to those who need it. Reliable and authentic information provide the critical evidence that a particular action or transaction took

place and can therefore, be used as evidence in a court of law. Without a lawyer or judge having such information, they can hardly administer justice to the accused.

The importance of past decisions to make effective present and future decisions cannot be over-emphasized. Information is key in making informed and timely decisions. According to Blais (1995), the speed with which the decisions are made and the quality of the decisions made depends on the availability of information which enables all relevant factors and issues to be considered before a decision is made. Similarly, it is important for lawyers and judges to understand statutes within the country and internationally at large. This is so because their job involves interpreting all kinds of legislation on a daily basis to clients, providing legal advice to clients, drafting legal documents for clients, representing clients in legal negotiations and courts of law. Lack of understanding of legislations result in failure to represent their clients effectively and this may have serious consequences not only for the legal practitioner but also the clients they may represent.

Equally important for lawyers and judges is to remain up-to-date in their field. According to the University of Queensland Australia (n.d.), quality legal advice is dependent on access to accurate and timely legal information. As such, staying informed about legislative changes, new government policies, or recent case law is a vital part of the job. A wide range of current awareness services (CAS) to help lawyers and judges to keep up-to-date in their field are imperative. CAS are essential to them in several ways: help to save time by automatically and efficiently receiving the latest information and research; keep them up-to-date thereby staying informed of recent developments in their field of interest; and better their work output by having the latest information which can be used to improve their quality of work. Any slightest change to legislations, rules or interim report of any ongoing trials can alter the legal world and practice. Thus, CAS can further be very useful to inform judges and lawyers in the legal field of any changes taking place.

General knowledge is very important to have as a judge or lawyer. The job of a lawyer or judge requires extensive reading so as to learn a lot of different things. For instance, trial lawyers should have knowledge of legal procedure, knowledge of the substantive law at issue in the case, knowledge of human psychology, knowledge of negotiation skills, knowledge of argument

strategies, and more important to perform the job competently. Transactional lawyers need knowledge of contracts, business terms, negotiation on the regulatory framework, and other things that may be more important for perform effectively. All of this knowledge can be gained skillful and diligent through deciphering lots of information.

The importance of maintaining high professional standards and being aware of the responsibilities involved is of utmost importance in any profession. Ethical responsibility and duty are an inherent part of the legal profession and therefore, lawyers and judges need information that can help them conform to required standard during their work. Lack of information on ethical standards or professional conduct may result in lawyers and judges failing to adhere to and promote principles of justice, fairness and equity thereby bringing the law itself into disrepute and undermining public confidence in the law and thus, hindering access to justice. It is said by Horizon Institute (n. d) that a profession's most valuable asset is its collective reputation and the confidence that it inspires on the public. Thus, the legal profession especially must have the confidence of the community.

Research in the legal fraternity is crucial. In fact, it has potential to strengthen the profession and so it is the bedrock of a strong profession. Kaushal (2016) argues that research strengthens legally any brief, document or contract. It helps to obtain information or facts from a wide range of sources pertinent to the case at hand, analyzing and interpreting the facts and applying the results to the investigation. According to Kaushal (2016), “the strength of lawyers does not lie in their knowledge of law but in their ability to find the relevant [information] through research...” Weintraub (2016) also affirms the importance of legal research that it is important in handling a legal case. Good legal research can help judges and lawyers to present a legal case well, both for resolution of the case without a trial and in preparing for a trial. According to Weintraub (2016), legal research involves examination of the information and facts available of a case which may be proved if it is thought important to do so; learning all aspects of what happened in a case; synthesizing the information and facts and legal precedents which may apply so as to come up with a coherent and compelling theory of why one side of a case should win and why the other(s) should not; deciding what information or facts are significant and directing attention on them; and ascertaining which information or facts are against you and making them seem less bad and less important.

3.3 Respondents' sources of information

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

Table 3: Information sources of respondents

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

It is evident from the findings presented that the sources of information for lawyers and judges are varied, an indication that one source is not enough to function effectively on the job. The nature of the jobs they do require them to carefully consult all possible sources of information to arrive at a decision. According to the findings, the sources consulted by lawyers and judges are unique. The findings are similar to studies done by Clinch (2000), Thanuskodi (2009) and Tuhumwire and Okello-Obura (2010) on legal information where it was discovered that there are distinct information sources available in the legal discipline, which differ from those available in others discipline especially where they have to depend heavily on decided cases, oral arguments and colleagues in the profession.

Each of the sources of information revealed in the study play a critical role in meeting the information needs of lawyers and judges. For instance, court libraries are vital sources of information for legal practitioners because of their focus on providing legal information. Affirming the critical role of a library in the legal profession, Hackerson, (2010) states that “access to justice starts in the library.” Justice can be assured with access to reliable, complete and timely information. There can be no access to justice for any client if the lawyer or judge has inadequately information to represent the client and understand his or her. It is in the library that customized reference services on law-related topics can be provided; the authenticity and accuracy of legal sources evaluated and also where trends in specific legal fields can be monitored.

Lawyers and judges also use the Internet to access online information. This source of information is especially ideal for legal professionals who are faced with time constraint as online information tends to be cost-effective, timely, varied, up-to-date and in vast quantities. According to these findings, it can be said that lawyers and judges use both print and e-resources to make decisions. In the study by Singh and Mann (2015) in India, it was revealed that in as much as majority of the lawyers were using Internet to access information, the significance of print format had not diminished as three-quarters of the respondents showed preference to use both print and e-resources. Masson and Tahir (2016) argue that the possibility for cheap and widespread dissemination of legal information made available by the Internet helps to bridge the gap between those who have ready access to comprehensive law libraries or costly commercial on-line systems’ and those who operate under far less favourable terms and conditions.

Legal professionals are discouraged to work as islands. The importance of networks in the legal profession needs not be over-emphasized. They need to collaborate and consult one another by sharing questions, knowledge and experiences.

3.4 Challenges respondents faced

The study further investigated the challenges that respondents faced to meet their information needs. According to the findings, respondents reported that they encountered a number of problems in their quest for information (table 4) which included difficult to find latest information (82%), information not readily available (69%), lack of information diversity (67%), information not

easily accessible (62%), poor internet connectivity (60%), limited time (80%) and information overload (71%). Table 4 presents these findings.

Table 4: Challenges respondents faced in seeking information

Challenge	Frequency	Percentage
Difficult to find latest information	37	82
Information not readily available	31	69
Lack of information diversity	30	67
Information not easily accessible	28	62
Poor Internet connectivity	27	60
Limited time	36	80
Information overload	32	71

The findings are in agreement with a study by Otike and Matthews (2000) on information seeking behavior and needs of judges and lawyers where it was revealed that judges and lawyers just like any other user, experience considerable problems in satisfying their information needs. Among them is the currency of information. Legal practitioners work in an information-rich environment which is in constant flux, with ongoing additions to statutes and other sources for legal. The rate at which the information is updated by law making bodies makes it difficult for many legal institutions to keep track hence using unrevised information. The findings are also in total agreement with a study by Thanuskodi (2009) where it was revealed that there was a challenge in accessing amended latest information to help in the accomplishment of in the legal fraternity. Therefore, dealing with outdated information sources were a concern for the judges and lawyers as it delayed the passing of judgments in the courts of law. Judges would spend a considerable time looking for updated information.

Furthermore, a Zambian study by Masson and Tahir (2016) revealed that there is limited access to primary legal materials such as statutes and law reports in Zambia. Additionally, not all amendments or changes to the laws of Zambia are distributed to the courts and justice institutions. Without reliable and easy access to latest legal information, legal practitioners may have difficulty remaining knowledgeable on the evolving provisions of the law. Kumar (2004) carried out a

research of whose purpose was to study the problems faced by judges and lawyers in accessing information in the judiciary of India. The study established that the major problems faced by judges and lawyers were the lack of appropriate information resources especially to those located outside the main cities. It further established that some courts had a challenge in purchasing current and updated law books because of inadequate funding.

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

Lack of diversity in terms of information was ranked as the third biggest challenge faced by judges and lawyers. In a modern society information must be stored in print and non – print media. Information on non – print media or digital format can usually be accessed by many people at the same time as long as the gadgets to access information are available. The findings are similar to a study by Devadason and Lingman (1997) whose study on information needs of legal professionals revealed that the information work carried out by Judges and lawyers can be complex, often involving finding and working with a wealth of a diversity of information. This wealth of legal information concentrates around different types of documents for instance, law reports/legal cases, legislation, commentary articles, forms and precedents etc. and these must be in both hard and soft

copies. Unfortunately, most court libraries do not have a comprehensive law collection in various formats.

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

4.0 CONCLUSION

The findings of this study revealed that respondents aged 41 and years were the majority that participated in the study. Slightly more males than females participated in the study. There were more undergraduate degree holders that participated in this study and the less experienced were more available for the study than those with many years of experience in the job. Varied information needs of the respondents that included information on case preparation, administration of justice, modern trends in law, statutes, current awareness, general knowledge, job presentation and research were revealed by the study. Respondents, according to the results of the study looked up to court libraries, personal libraries, online databases, offline databases, decided cases, other legal libraries and colleagues in the profession to fulfill their information needs. However, it was reported by the respondents that they encountered a number of problems in their quest for information including difficult to find latest information, information not readily available, lack of information diversity, information not easily accessible and poor internet connectivity.

5.0 RECOMMENDATIONS

The study made the following recommendations:

1. The Zambia Ministry of Justice should ensure that court libraries are stocked with adequate and current materials on diverse legal topics to adequately meet the information needs of judges and lawyers.
2. The Zambia Ministry of Justice should also improve Internet connectivity in court libraries so that judges and lawyers can access information in electronic environment easily.

3. The library staff in court libraries should endeavor to go beyond mere description and arrangement of materials in the library to developing new skills, ways and services to effectively meet the information needs of lawyers and judges in the country.
4. The government should put up mechanisms that would ensure quick and easy accessibility of up-to-date statutes and laws by lawyers and judges and all those in need of such information.
5. The government should provide increased funding to court libraries in order for them to better serve their role of providing legal information services to lawyers and judges and those in Zambian society who need it.

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