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Innocent Tuhumwire

Intern Ministry of Lands, Housing and Urban Development, Government of Uganda,
romarainnocent@yahoo.com

C. Okello-Obura

East African School of Library and Information Science, Makerere University, obura@easlis.mak.ac.ug

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Sources and Means of Access to Legal Information by Lawyers in Uganda

Innocent Tuhumwire

Records/Information Officer
Intern Ministry of Lands, Housing and Urban Development
Government of Uganda
Kampala, Uganda

Dr. C. Okello-Obura

Senior Lecturer
East African School of Library and Information Science
Makerere University
Kampala, Uganda

Introduction

The availability, access 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. Broady-Preston and Williams (2004) note that vitally, information plays a key role in organisational/judicial efficiency, enabling firms to differentiate themselves from the competition, and improve their competitive advantage. By streamlining information provision to lawyers, time, and therefore cost savings, could be passed onto clients, achieving increased customer benefits. According to Okello-Obura, (1998) legal information can be defined as the requirement or right established by law, which resides in all electronics and written records. Legal information consists of laws and rules, case law and legal literature. The history of legal information or literacy in Uganda can be traced right from the colonial days when Uganda was under the imperial rule of Britain. Britain issued four African orders in council for most of her African protectorates in 1894. These orders in council established a system of governance that among other things established a legal system. In Uganda the major order in council was the 1902 one which introduced a dual legal system. This system, as Harvey (1975) states, allowed the native institutions based on customary law to exist only with the colonial legal system. This in essence created avenues for the production of judicial resources. With the development in information sector and economy, many legal materials are now being produced calling for their identification, access to for efficient and effective/judicial services delivery. It is on that basis that this study was instituted to address among others the objectives in Section 1.3.

Contextual Background

Lawyers can be defined as knowledge workers. They are professionals who have gained knowledge through formal education (explicit) and through learning on the job (tacit) (Gottschalk and Karlsen, 2009). The system of legal literacy though it had started, its scope was narrow, its appeal limited and its effect minimal. This was brought about by inter alia, the syllabus of the school. It taught the penal code, civil procedure ordinance, constitutional and administrative law, evidence ordinance, Uganda land law, construction law, law of tort and statutory interpretation. Its weakest point was the requirement upon

the student to master Roman law, legal history among other things. This formal legal training was later to be solidified and expanded by the establishment of the Faculty of Law of Makerere University and the Law Development Centre located in Kampala, Uganda. The Faculty of Law Makerere University trains the students in formal system of law awarding at the end of the course Bachelors Degree of Laws. It also awards a Masters Degree of Legal laws. The Law Development Centre on the other hand awards a Diploma of Legal laws among other awards. Section 2 (1)(a) of the LDC Act provides for LDC to organize and conduct courses of instructions for the acquisition of legal knowledge, professional skills and experience by persons intending to practice as attorneys in the subjects which shall have been determined by the law council under the provisions of any law in force. LDC is mandated to organize courses for various personnel involved in administration of justice, assist in law reform, research, publications of law reports and other materials to promote better knowledge of law and provision of legal Aid and advice to indigent litigants and accused persons. Over the years this formal institution has carried on its mandate in producing among other things local attorneys who are currently in practice both in furthering legal information/literacy and culture.

There are other private institutions involved in the provision of legal knowledge. For instance Uganda Christian University (UCU) located in Mukono in Uganda is credited for producing practicing lawyers under its Faculty of Law. It was established in 1997. There is also Nkumba University located in Entebbe-Uganda established in 1994.

With the establishment of these formal institutions, there has been a remarkable increase in legal literacy and legal information production in Uganda by the Government, lawyers, law lecturers, and human rights activists among others. Some of the notable organization championing the production, access and dissemination of legal information in Uganda include:

- The Uganda Human Rights Commission established under article 51 of the Uganda constitution. The main purpose of this institution is protecting, promoting and creating awareness of human rights in Uganda. Its constitutional functions for example include: to educate and encourage the public to defend this constitution at all times against all forms of abuse and violation. It also has a mandate to implement and oversee programmes intended to inculcate in the citizens of Uganda awareness of their civic responsibilities and an appreciation of their rights and obligations as free people. According to article 52 (2), the Uganda Human Rights commission shall publish periodical reports on its findings and submit annual reports to parliament on the state of human rights and freedoms in the country. These reports have become to a great extent a source for legal information for lawyers in Uganda.
- The Inspectorate Government is also another Department that is in the campaigns for legal awareness in Uganda. It was established under article 223 of the Uganda constitution. Among its various functions, it is endorsed with the role to stimulate public awareness about values of constitutionalism in general and the activities of its office, in particular through any media and other means it considers appropriate.
- Non-governmental organizations are also sources of legal awareness/information. These have varying objectives in their functions and roles. For example FIDA established in 1974 has one of its objectives: to take the law to lay people in Uganda so as to create awareness of their rights and obligations therein. Its main focus is women who make up the bulk of illiterate members of Uganda 's society. The other non-governmental organizations which are institutions that perform, inter alia, functions of creating legal literacy among the populace of Uganda include the following:
 - Action For Development (ACFODE)
 - National Association of Women in Uganda (NAWO)
 - Foundation for Human Rights Initiative (FHRI)
 - Uganda Human Rights Activists (UHRA)

- Human Rights and Peace Centre (HURIPPEC)

Generally, there are several resourceful legal literacy institutions in Uganda. They are spread in all districts with a lot more concentrated in the metropolitan areas. These institutions work in their various capacities to propagate legal awareness to different people of different levels in different places including providers of legal advice (lawyers). Some of these institutions offer formal training while others are informal in their way of disseminating awareness. The distinction here is basically the target group of people each institution is geared at reaching.

Given this wide spectrum of legal literacy production, it is evident that legal information is being created by these legal experts and the government of Uganda especially the parliament and local government. As far as the provision of legal information for lawyers is concerned, most of the legal institutions have their own libraries. A study to establish the sources of legal information and means used to access by lawyers for efficient judicial processes is thus highly accredited in the field of Information Science.

The Problem

There has not been any authoritative study carried out to establish the sources and means of access of legal information by lawyers in Uganda with the view to propose strategic measures to adopt in order to improve on legal information provision. 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. The acquisition of information resources is based on the knowledge of the desired and needed information sources. Therefore a study on legal information needs (reported in another paper); sources of legal information and means of access in legal information provision are of evident importance. Despite the legal institutions like Faculty of Law Makerere University, High Court of Uganda Library, Uganda Human Rights Commission Library, Uganda Law Development Centre and other private institutions and NGOs' efforts to provide legal knowledge and access to legal information to practicing lawyers, little is known in the areas of the lawyers' legal information sources and access means in Uganda. This study thus intends to address those core issues regarding legal information provision in Uganda and recommend appropriate strategic interventions.

Objectives

The following objectives guided the study:

- Establish the sources of legal information used by lawyers in Uganda
- Determine means used by lawyers to access legal information
- Propose strategies to improve on legal information access by Lawyers in Uganda

Related Literature

A review of literature helps in setting up the phase and the direction for the investigation to take. This section therefore provides an analysis of the related literature on the sources of legal information and means of access to legal information.

Sources of Legal Information

The structure of the lawyers' branch of the legal profession has undergone massive change, which in turn has impacted on legal information provision and the profession (Tearle 2008). Law is an information-intensive profession, in which there has traditionally been great reliance on external information, calling for a need to identify and access the right sources. Bowes (1995) argues that the

characteristics of the information source are important for community acceptance and credence. Information source credibility and past performance are important. The variables of information sources include source credibility - and the dimensions underlying it, such as competence and trustworthiness; homophily - with audience; opinion leadership; and centrality to formal and informal communication networks (Okello-Obura, et al., 2008). A legal information source that is trusted by its users creates confidence in decision-making in all aspects of the legal activity and will be visited or used, repeatedly. As Moore (2003) observes, an important determinant of the impact that is made by information providers and processors is the trust that users place in the information they provide. Authority is an important determinant of trust. Information users take a number of things into account when assessing the information they receive. These include the "standing of the information provider; the extent to which it can be seen to be objective; its motive in providing the information, and the likelihood that it will get things right" (Moore 2003:301). These facets are the authority that information users will use to base their judgments on to get the required information from different sources.

Legal sources can be divided into primary and secondary sources. Primary sources are authoritative records of the law made by law making authorities. Secondary sources pertain to the law, but are not authoritative records of the law (i.e. they are not official texts).

Primary Sources

Primary materials are the statements of the law itself. Primary materials include acts of parliament, subordinate legislation and reputed decisions of courts and tribunals (Makri 2008). The primary frequently consists of two categories of material: legislation (the law made by the legislature or parliament), and the decisions of the Courts of Laws: case or judge made law. There is sometimes a third category of primary material; codes, principles and standards of practice, possibly approved by bodies outside the legislature, parliament or Courts which are recognized as guides to practice.

Practicing lawyers need access to statutes, acts and decrees that are legislation passed by the government and are basically arranged according to years accompanied with an index. According to Logan (1989), many of the rules that govern everyday life are contained in instruments made under powers granted by statutes. Legislation includes statutory instruments, orders in council and local-by-laws. It is a convenient way of regulating matters too detailed to be dealt with by legislation. Most instruments of purely local application are published.

The most common forms of primary legislation are acts of parliament also known collectively as the statutes. In their draft form, before they have been approved by parliament and received the royal assent, Acts are known as Bills of parliament. There are two types of Acts of Parliament; public general acts containing matters of public policy and which are of general application, and local and personal acts (sometimes referred to as private acts). These latter give special powers to organizations or individuals, such as local authorities or public corporations. On the other hand by-laws are secondary legislation made by a local or public authority under powers given by an Act of parliament.

Secondary Sources

Makri (2008) notes that important secondary sources for lawyers include: textbooks, legal journals (which include a variety of both practical and academic articles) and commentary materials (which summarise the law related to particular legal areas). Generally they include all types of legal literature that are formal records of law such as encyclopedia, digests, cases, textbooks, formats, dictionaries, indexes and bibliographies. According to Makri (2008), law text books are a very useful starting point when trying to understand the meaning and effect of major primary sources in an area of law. There are several categories of text books, ranging from practitioners' books which provide a very detailed treatment of a subject and are usually read selectively and used more like a reference work to

student text books which are less concerned with detail but more with describing the general principles of law.

There are also casebooks, which reprint or summarise key cases and other law material on a topic. However, Makri (2008) and Todd (2007) note that some law publishers are starting to provide texts in electronic format. Butterworth has launched books on screen in which selected paper texts have been placed on CD along with electronic versions or related legislation and case law. Users are able to search for information quickly, annotate the text with personal notes and create bookmarks making it possible to return quickly on another occasion to a particular part of the text.

Another example of secondary sources of legal information includes periodicals. To find commentary in law periodicals, it is best to use one of the periodical indexing services now available. The best are in electronic format. Legal journals index established in September 1986, is the pre-eminent index in the English jurisdiction. It indexes over 400 journals and is available in CD and Internet versions. Clinch (2000) notes that there are other secondary sources of legal information such as judgments, newspapers, Internet and others. A wide variety of other electronic legal resources are also available to lawyers, often for specialized purposes. The current extent of digital access to legal resources is vast. Some sources for example in United States law -- including court opinions, legislative enactments and administrative agency actions -- are available from LexisNexis and Westlaw, and other vendors and free public Web sites provide access to resources as well (Todd 2007 ; Makri 2008).

Accessing Legal Information

Access to and usage of information has been one of the essential developments in our century (Bayraktaroglu and Ozgen 2008). Means of access to legal information refers to the ways, means or methods used to access or acquire the right legal information from the available sources. These include the telephone; e-mails; faxes; visiting the library, personally; reading public notice-boards; listening to radio broadcasts; etc. The means of accessibility to information is a powerful procedural measure that needs to be instituted in an information system for quality control. For instance, if the information system institutes personal visits to the resource centre as the only means to access information, this can have a detrimental effect on the quality of information accessed. A Lawyer may decide to use a third party to access the information because of distance - which may affect the quality of access because of misinterpretation by the third party. If only the telephone is used, what measures are there to minimise noise? The type and quality of the means used to access information have a direct bearing on the quality of information. For a lawyer and any other person, the issue of speed, distance of location, noise and costs incurred in the use of the means, are crucial matters. Just as users put trust in the sources of legal information, the means used to access the legal information from those sources should be trusted. A trusted means or channel should facilitate accurate, timely and less costly access to legal information. Needful to point out that good administration by legal information providers is prudent if the means are to be used effectively. The principle of good administration is an important element in granting access to legal information (Tearle, 2006).

Methodology

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

Results

This section presents the results of the study conducted on Lawyers in Kampala, Uganda. The results of the findings from the lawyers are presented in text and table formats.

Background Information

Gender

Out of those who participated, 36 percent were female and 64 percent were male.

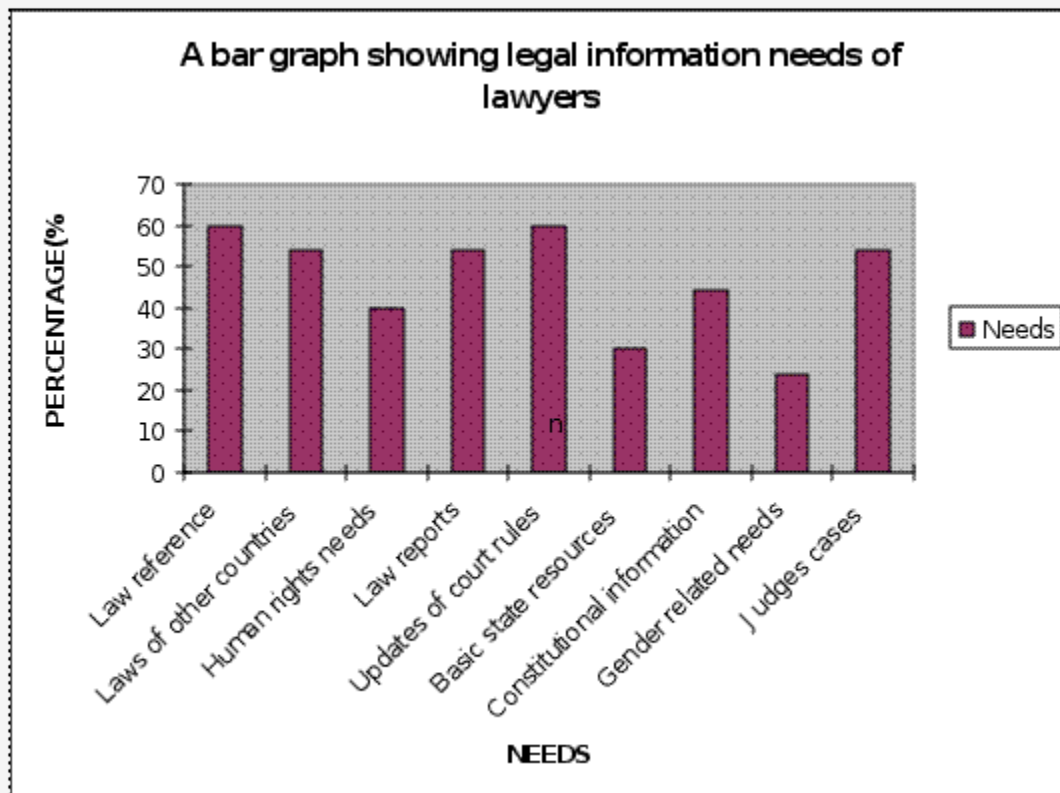
Experience

The result indicates that 42 percent of the respondents had 1-5years experience, 24 percent had 6-10years, 22 percent had 11-15 years and 12 percent had 16-20 years.

Legal information needs

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

Figure 1: Legal information needs of the respondents



4.2 Sources of legal information

Table 1: Results on the sources of legal information

Source	Frequency	Percent
Acts of parliament	34	68
Statutes	24	48
By – laws	8	16
Law textbooks	32	64
Judgments	26	52
Internet resources	14	28
Sources outside legal literature	46	92
Others	12	24

4.3 Access to legal information

Respondents were asked to indicate the legal information they find easy and difficult to access and the results were as in Table 2.

Table 2: Access to legal information

Legal Information Needs	Easily accessed	Difficult to access
Constitutional information	6 (12 percent)	44 (88 percent)
Law reports	22 (44 percent)	28 (56 percent)
Human rights needs	8 (16 percent)	42 (82 percent)
Law reference	6 (12 percent)	44 (88 percent)
Gender related needs	6(12 percent)	44 (88 percent)
Laws of other courts	25 (50 percent)	25 (50 percent)
Updates of court rules	42 (84 percent)	8 (16 percent)
Basic state resources	41 (82 percent)	9 (18 percent)
Judgment	38 (76 percent)	12 (24 percent)

Means/Channels of Accessing Legal Information

Table 3 gives the results of the study on the means used by the Lawyers to access legal information needed.

Table 3: Means/Channels used by lawyers to access legal information

Means/Channel	Frequency	Percent
Visiting law libraries	42	84
Internet	17	34
Research assistants	32	64
Radios	7	14
Telephones	41	82
Through discussions with colleagues	21	42
Others	6	12

Discussion

Judicial systems are knowledge intensive domains as, on the one hand, judges are required to apply a vast bulk of theoretical knowledge drawn from legal textbooks, statutes, and codes and, on the other hand, they also need to master the standards of practice at courts when dealing with daily caseloads. While the former knowledge is highly codified and broadly shared by all legal professionals, the latter is exclusively acquired during years of practice and stored within the personal experiences of senior judges, Casanovas... et tal (2005). Lawyers used sources of information in different ways throughout the process of construction within a complex task. At the start of the lawyer's search for information, some sources provide an overview and background knowledge. Then, some sources enable them to construct a theory or strategy in the case. Finally, they complete their work when they are determined they had used sufficient information to create a persuasive presentation in court. As noted in Table 1, Sources outside legal literature, Acts of parliament, Law text books and Judgments constitute the most used sources of legal information by lawyers in Uganda. This implies that lawyers integrate sources of legal information- primary and secondary. John-Okeke (2008) observes that Legal research involves consulting both primary and secondary sources. In the traditional library environment, these legal sources are housed in different locations based on jurisdiction and subject heading. It means that the researcher starts with primary documents – law, statute, regulations and then move to legal texts. More complex tasks occasionally require sources outside legal literature, for example, to address questions related to medical, environmental or social issues. This in one way would make someone think of creating the adoption of ICTs based resources in information search and use among lawyers. However, a study carried out in Law Faculty at Central Law College, Salem, India by Thanuskodi (2009) revealed that the respondents use IT-based library sources and facilities less frequently compared with printed sources. Another study by Kuhlthau and Tama (2001) also found out that lawyers expressed a preference for print texts over computer databases for more complex tasks. Todd (2007) also argues that it is true that the last 30 years have brought about what is appropriately described as an electronic revolution in legal information, but it is a modern myth that a fully virtual library is an effective resource supporting legal research and optimizing the effectiveness of lawyers. It is an oversimplification of what lawyers need and how they work. Although the use of ICTs based legal information sources among lawyers in Uganda was not established in details, Table 1 shows very low (28 percent) usage of Internet resources as sources of legal information tallying with the above arguments. However, it should be noted that globalisation has impacted on the nature and methods of all kinds of information provision. John-Okeke (2008) adds to the argument and notes that globalization has impacted on legal education, research, literature, practice and on the law librarian's job – legal information management. Globalisation is, these days, so all-pervasive in every business and many aspects of day-to-day life, that it goes without saying that it will have affected the legal information market (Tearle, 2008). The Law has had to widen its scope. Subjects such as computer law, cybercrime and environmental law have also emerged. The needs of library users continue to expand everyday as a result of the emergence of new frontiers of research (John-Okeke, 2008). Commercial online legal information providers have also contributed to the huge amount of legal information providing almost all ways to access legal information. In the face of these changes, the academic law librarian should be proactive. It is also worth noting that the inability to adopt ICTs based

sources could be attributed to ineffective marketing strategies, lack of information retrieval skills in ICTs based environment and lack of familiarity with the resources. This could be further investigated.

When the respondents were asked to indicate easily accessed and difficult to access legal information, the results showed worrying trend (see Table 2). Constitutional information, law reference, gender related needs, human rights information and laws of other courts constitute the difficult information to access. Information on constitution should be easily accessed because this is the supreme legal information. If lawyers find it difficult to access constitutional information, then what of the general public? The situation must be more worrying. However, it was important to note that updates of court rules and basic state resources were easily accessed by the majority.

Whatever sources of information available, the issue of means of access is vital. It is therefore prudent to assess and know the means any particular group of information users prefer to use to access information. For lawyers in Uganda, Table 3 indicates that the most used means include visiting law libraries, telephones and using research assistants. This shows that law libraries will always remain relevant to legal information provision as long as they become proactive in service delivery. The choice of telephones as means of access could be attributed to the benefits derived from using them, especially mobile telephones. Choi (2009) notes that mobile technologies have made communication and information access very convenient and timely to users from the comfort of their own homes and offices and from wherever they are while on the move with their cellular phones units or PDAs (personal digital assistants). The new ways of working afforded by mobile technologies are characterized in terms of access to information and people anytime, anywhere. The law librarians could take the advantage of this preference of means by the lawyers and integrate mobile information provision service. All lawyers using a particular law library could be urged to register with the library and give their mobile telephone numbers so that whenever there is an addition to the library they are notified accordingly.

Conclusion and Recommendations

The growth in law has inevitably led to changes in the legal publishing industry calling for the attention of the Government of Uganda and Legal information providers. There is more law to write about. There are more law reports, books and journals and many other formats developed through advances in technology. There are more publishers engaged in producing them. Legal sources grow in number and complexity and so does the need to get informed about them. Lawyers want to find their ways in legal documents and to be able to infer the consequences of regulations, requirements and case law for particular situations. For the legal information needs of lawyers to be met, the right sources should be availed to them and proper means of access dovetailed in the legal information provision strategies. The study thus recommends as follow:

- Legal information providers as a matter of urgency should integrate the provision of information from other literature not related to law like medicine, agriculture, environment etc. As Howard, Lehmann and Rood (2003) argue, Lawyers are dogged information seekers. If they cannot find the information they need in one place, they keep trying with different resources, different forms, different sources, and different types of access until all options are exhausted. This calls for the adoption of effective cooperation strategies with other specialized libraries and ICTs use. For instance, Internet links could be created to resources outside law literature in other cooperating libraries to allow users access.
- Law librarians should be proactive in service delivery. As Tearle (2008) argues, there are so many potential changes in the legal profession that it is difficult to see what it might be like in a few years time. The possible introduction of multidisciplinary partnerships of lawyers and non-lawyers could lead to firms of lawyers and accountants, architects, project managers, pharmaceuticals, financial services, etc. Proactive service delivery is the way to go. Law librarians need to do more that is proactive, and more that is aimed at helping users educate themselves. When Law librarians act with focus and purpose, law libraries can become not dumping grounds for legal data but accessible storehouses of legal information — that is, data that people,

particularly lawyers- professionals, can use and apply. This is because many lawyers depend on the law libraries to access legal information. Handy access tools should be created to facilitate access. Frequent enquiry into the legal information needs should be adopted. A databank on information needs could be created and updated frequently. Based on these needs, the selection of appropriate legal information sources is made.

- Mobile technologies should be integrated into legal information services. This will help in promoting awareness campaign and where necessary brief legal information provided to the lawyers who want using short text messages.
- As Tearle (2006) argues, many of the themes from past decades will continue to influence the number, size and form of law libraries and their services. Legal information professionals should be aware of the wider issues in the world, their country, economy, the professions that they work with and technological advances. The availability of the desired resource in e-format is important to note. There is a vast amount of electronic source materials, journals, books and 'historical' material already available that could enhance the use of legal information. If the problem of limited access to legal information by the lawyers in Uganda is due to lack of awareness or inadequate ICTs skills, then the problems could be addressed through appropriate training programmes.
- Lawyers in Uganda should try their best to employ research assistants with both knowledge in Law, Library and Information Science. This will not only ease selection of relevant sources but facilitate timely access to the required legal resources because of the expertise they have in law, library and information science. Poor information quality can create chaos and lawyers should avoid this by using the right research assistants.
- In-depth investigation should be made on the reasons as to why some legal information is difficult to access (See Table 2).

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