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Information sources used by lawyers in problem-solving: An empirical exploration

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Abstract

The information-seeking behavior of lawyers has not been fully investigated empirically. Prior work has tended to focus on legal research as the central task performed by lawyers in their information-seeking activities. This analysis of more than 150 interviews of practicing lawyers showed that legal research should not be considered information-seeking. The lawyers interviewed identified other tasks, such as administration of their law practices, as constituting problem-solving, information-seeking activities. In solving their problems, the lawyers overwhelmingly preferred informal sources when seeking information. In addition, they preferred sources of information internal to their organizations rather than external sources, although this was less true for lawyers from smaller firms. Neither the lawyer's gender nor the size of the center in which the practice was located influenced the type of information sources chosen. The model for the information-seeking behavior of professionals advanced by another author group is discussed and modifications are suggested that create a new model offering a fuller picture of the behavior of lawyers. © 2001 Elsevier Science Inc. All rights reserved.

The study of information needs and use is a burgeoning area of research in library and information science [LIS] (Wicks, 1996). Much of this research is exploratory in nature. The depth and extent of scholarly inquiries into the phenomenon of information-seeking patterns have now, perhaps inevitably, led to a maturation of the field and the need for a theoretical base (e.g., Vakkari, Savolainen, & Dervin, 1997). Leckie, Pettigrew, and Sylvain (1996) closely examined the research literature on different groups of professionals (lawyers, engineers, and health professionals) and proposed an analytic model representing the domain of the professional's information-seeking environment.

After examining earlier LIS studies of lawyers, such as the Canadian Complex study (Canadian Department of Justice, 1972), Leckie et al. (1996) found "the small number of studies that do exist that address the information-related needs of lawyers demonstrate that

access to a wide variety of information is crucial to their work” (p. 173). The authors declare that “in the worldview of lawyers, the ongoing activities related to information retrieval and use are commonly referred to as ‘legal research’” (p. 173). Indeed, most of the previous empirical research work in LIS about lawyers can be related to their perceived work roles: drafting, advocacy, negotiating, and counseling (Leckie et al., 1996).

However, this earlier research lacks the same contextualization of “the most basic motivations” for lawyers in information-seeking that Budd (1995) criticized in discussing an article on the use of the online catalog. He argued that “it is useful to know who is searching the library’s catalog and when this searching occurs, but without an understanding of the ontological purpose of the library—its essence or being—the empirical study of its function as an organization lacks a fundamental context” (p. 306). Budd further argued that

the thinking within LIS should be more skeptical of methods and practices that purport to offer suggestions of causality based on the examination of limited variables or aspects of a phenomenon. The revised thinking should be . . . more holistic; that is, we should explore not only behavioral outcomes but also contextual influences on human action, such as political, social, cognitive, and cultural aspects of the situations of, for instance, library users. (p. 315)

This theme is echoed by Dervin (1996) in her concern that research into information-seeking mirrors elements of context. In focusing on the process of legal research, previous work on the information-seeking behavior of lawyers appears to have investigated only one aspect of the professional lives of lawyers (e.g., Cohen, 1969, who consciously describes only legal research). In utilizing legal research techniques to link clients, judges, and other parties to sources of the law through their opinions, drafting, advising, litigating, and other professional activities, lawyers do use various sources of information. It is another question entirely whether, in doing this legal research, they are engaged in information-seeking behavior. As Radeki and Jaccard (1995) pointed out, “Individuals who believe that they are already knowledgeable about a topic area will be less likely to search out additional information about that topic” (p. 114).

Tasks involving legal research are present, to a greater or lesser extent, in every lawyer’s practice. Leckie et al. (1996) stated that “it is commonly recognized that certain areas of the law (e.g., real property) do not require the same amount of research or supporting documents as other areas that are much more labor intensive and expensive (such as taxation, litigation)” (p. 173). The time and effort devoted to tasks involving legal research probably does vary with the area of practice in which the lawyer is engaged, but, as will be discussed later, this study found no evidence that these issues pose problems for lawyers in practice. Leckie et al. noted that “lawyers in large, specialized firms may have the in-house resources to delegate all or part of their legal research, while those in small firms may have no choice but to conduct their research themselves” (p. 175). The extent to which the lawyer delegates this professional responsibility to members of his or her staff probably does vary, at least as much in accordance with the level of staffing in the practice, as with the personal proclivities of the lawyer. However, it is one of the elements of belonging to a self-regulating profession with a public responsibility that whether tasks involving legal

research are accomplished personally or through staff, the lawyer remains professionally responsible for each task.¹

All of these statements and previous research findings are consistent with the fact that law is essentially an information profession (see Table 1 of Martin, 1998, discussing Marc Porat's research). As Harris (1992) has pointed out, "one of the traditional characteristics of law, is that its members take on the role of the expert vis-à-vis the client, dispensing information for a fee" (p. 158). When a lawyer verifies the opinion she or he is giving a client, there is probably very little "information-seeking" going on. It is part of that 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. That process of verification relies very heavily on the formal apparatus of law: primary sources of information including reports of judicial decisions rendered, policies, manuals and forms issued by administrative bodies, laws and regulations issued by governments, and so forth. The formal channels for dissemination of the law are alive and functioning in Canada, as recently documented by the Canadian Association of Law Libraries (Foote, 1997). Indeed, lawyers may be considered as part of that formal dissemination system: their opinions are formal, based, to a large extent, upon other formal channels of dissemination. Seen in this light, the discussion of lawyers in Leckie et al. (1996) (under the heading "Lawyers and Legal Research," p. 173),² although directly rooted in prior LIS research, either captures information-seeking behavior related only to one facet of the myriad tasks involved in the lawyer's roles or actually fails to capture information-seeking behavior at all. Indeed, as Leckie et al. pointed out, the texts on legal research "depict legal research as a carefully constructed process of familiarization with standard legal reference tools, which are usually consulted in a specific order" (p. 78). This is, in fact, standard task performance behavior. Thus, the reliance of the lawyer on formal sources in day-to-day practice, as demonstrated in other studies, such as the Canadian Compulex study (Canadian Department of Justice, 1972), may be consistent with Donald Wick's finding that ministers rely predominantly upon formal information sources in their preaching roles while relying upon informal sources in their administrative roles (Wicks, 1996). But are lawyers engaged in information-seeking when they perform the tasks?

In earlier studies and descriptions, lawyers did not seem to rely upon the secondary finding aids as often as the researchers expected. However, since the lawyers in these studies were not actually engaged in information-seeking but rather were verifying from known sources, the secondary aids to that primary literature would not be critical to the success of the lawyers' consultations of the primary sources.³

¹ For example, see Rule 16 of the *Rules of Professional Conduct* (Law Society of Upper Canada, 2000), which governs all lawyers practicing in the province of Ontario.

² Whereas they describe the behavior of the other professionals as "Engineers and Their Information Handling Habits" (p. 164) and "Health Care Professionals" (p. 167).

³ The question of the value of the finding aids in the formal legal literature was not canvassed per se, but the approach taken left room for this question to be brought forward if the issue was on the minds of any of the lawyers interviewed.

The present study sought to investigate lawyers' information-seeking behavior, rather than merely the sources of information used by lawyers in legal research.

1. The Leckie et al. (1996) model

The model of professionals' information-seeking behavior, derived by Leckie, Pettigrew, and Sylvain from previous published research on lawyers, engineers, and health professionals, begins with the "work role" of the professional (see Figure 1). They mentioned that professionals, including lawyers, are engaged in the roles of "service provider, administrator/manager, researcher, educator and student" (Leckie et al., 1996, p. 181). If, in the case of the lawyers, these roles are indeed separable, we would have expected to find members of the legal profession discussing problems involving all five roles in this present study. In discussing the role of service provider with respect to lawyers, Leckie et al. stated that "in their primary role as the client's legal representative, lawyers are often faced with the task of preparing for an upcoming trial and may need to access publicly available information on past

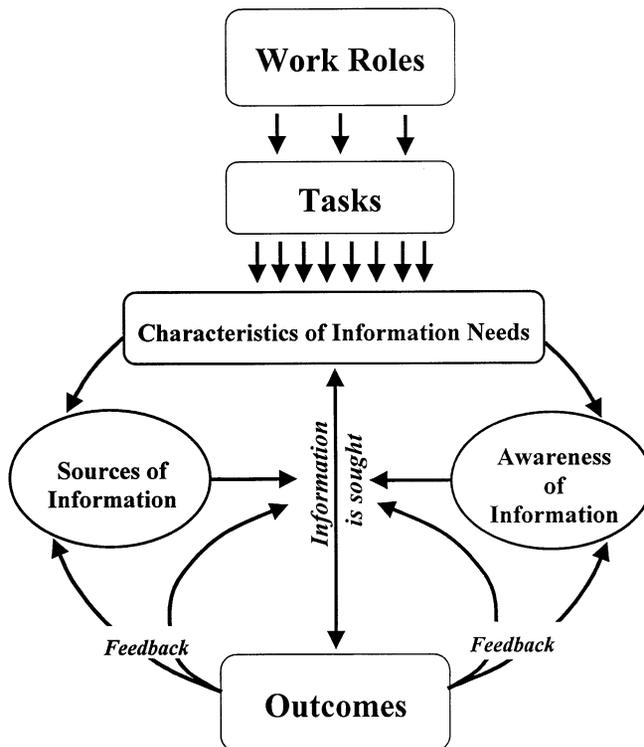


Fig. 1. The Leckie, Pettigrew, and Sylvain (1996) model. From Gloria J. Leckie, Karen E. Pettigrew and Christian Sylvain, (1996) "Modelling the Information-Seeking of Professionals: A General Model Derived from Research on Engineers, Health Care Professionals and Lawyers," *Library Quarterly*, vol. 66, no. 2, p. 180 © 1996 by The University of Chicago. *Reproduced with permission.*

cases, as well as the firm's internal records about how similar cases were handled" (p. 181). Elsewhere, Leckie and Pettigrew (1997) stated that the primary activity shared by all professionals is the provision of various types of service or expertise to their clients. In fact, the role of 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.⁴

Leckie et al. (1996) did not specifically mention lawyers in their discussion of the researcher role of professionals. This may be because they recognized that the researcher role for lawyers is, in fact, an integral part of their role as service provider, and not a separate role in the way it is for engineers and members of the health professions. In Marc Porat's work, the lawyers were classified, with accountants, as "private information service providers" in the "information producers" category (Martin, 1998, p. 1056). Physicians, on the other hand, are only 50% in that category, and engineers were classed as "information producers" of a "science and technical" type (Martin, 1998, p. 1056). It is also possible that the roles of student and educator, neither of which is separately described for the lawyer by Leckie et al., are required by the lawyer's role as a service provider in the practice of a profession that is essentially involved in the provision of information. The roles of service provider and administrator/manager were those most fully developed for lawyers by Leckie et al. in their discussion of the prior literature.

Leckie et al. (1996) wrote that the task element of their model is actually an expansion of the role component: "Embedded within these roles are specific tasks (such as assessment, counselling, supervising, report writing), constituting the second layer of the role/task component in the model. Furthermore, the research shows that information seeking is highly related to the enactment of a particular role and its associated tasks" (p. 181). In the model, work roles are translated directly into work tasks, and the work tasks are then linked to the "characteristics of information needs" (p. 182). These characteristics are described as being influenced by such things as individual demographics, the context of the information need, the frequency of the need, and the predictability of the need.

Two elements of the model—sources of information and awareness of information—are described as factors influencing the way in which information is sought (Leckie et al., 1996). The model finally ends with "outcomes," which are described as "the end-point of the work-related requirements of specific roles and tasks" (p. 187). A feedback loop is provided back both to the sources and awareness, and to the activity of information-seeking itself for cases where "the outcome of the information-seeking is that the need is not satisfied and further information-seeking is required" (Leckie & Pettigrew, 1997, p. 103).

The present study was developed contemporaneously with, but entirely independent of, the Leckie et al. (1996) model and focuses on problem solving by lawyers. It provides a very different perspective on the information-seeking behavior of lawyers than that presented in the previous research from which Leckie et al. developed their model (see, especially, Leckie et al., 1996, pp. 173–175). This article presents new data on the information-seeking

⁴ The first of six core activities performed by lawyers, as identified in the Ontario Job Futures database (Ontario Job Futures, 2000) is simply to "advise clients of their legal rights and all matters related to law."

behavior of practicing lawyers, which will then be tested against the model developed by Leckie et al. In a more recent article further exploring their model, Leckie and Pettigrew (1997) invited this approach, saying their model “is intended to be generalizable across the professions, thus providing a platform for future research in the area” (p. 99).

2. Methodology for this study

The data analyzed for this discussion were created as part of a study of lawyers in the Canadian province of Ontario.⁵ The study was part of an interdisciplinary investigation of the legal profession.⁶ In an application of the critical incident technique, a total of 180 Ontario lawyers were asked to discuss, in detail, a problem they had recently encountered connected with the practice of law (Mercer, Wilkinson, & Strong, 1996). Of the 180 lawyers interviewed, 154 permitted their interviews to be used for analysis, a response rate of 86% (see Table 1).

As shown in Table 1, the sample of lawyers was drawn proportionately from Ontario centers with four different population sizes and from four different sizes of law firm (Mercer et al., 1996). The study also included a sample of Ontario lawyers practicing in a corporate setting rather than as practitioners in private practice. These lawyers are employees of the organizations in which they work, rather than employees or partners of law firms, and are variously referred to as “in-house counsel” or “corporate counsel.” The latter term will be used here. Their perspective is not often included in studies of lawyers (Mercer et al., 1996) so their inclusion in this study is particularly interesting.

Although the sample was not intentionally designed to reflect the ratio of men and women lawyers in Ontario, the respondents did, in fact, accurately mirror those proportions. Interviews from women lawyers in private practice represented 27% of the 129 private practitioners whose interviews were analyzed in the study. Interviews from women lawyers as corporate counsel represented 28% of the 25 corporate lawyers interviewed. The interviews were conducted in the summer of 1994. The actual proportion of women lawyers in Ontario in 1990 was 23% and in 1996 was 29% (figures courtesy of the Law Society of Upper Canada).

In open-ended interviews lasting between 20 minutes and 1 hour, the lawyers were asked to describe a problem they had recently faced connected with their law practices. The

⁵ The research was funded initially by the Social Science and Humanities Research Council of Canada (on a grant to Peter Mercer, Barry Hoffmaster, Don Buckingham, and the author) and the Westminster Institute for Ethics and Human Values. Later Social Science and Humanities Research Council funding for this work was received by the author and Michael Milde. In this portion of the study, the author would particularly like to acknowledge the work of then law students Paul Holmes and Christa Walker. An earlier version of the article particularly benefited from the advice of Mark Kinnucan. This article has benefited from the suggestions of the reviewers and the research assistance of law student Renata Snidr and LIS science doctoral student Cathy Maskell.

⁶ A detailed discussion of the whole project and the empirical methodology, including copies of the instruments developed for conducting these open-ended interviews, may be found in Mercer, Wilkinson, and Strong (1996).

Table 1
Data description

Firm size	City size				Total
	Smaller medium	Larger medium	Large	Metropolitan centre	
Sole Practitioner					
sampl	6	8	8	8	30
comp	6	8	9	8	31
used	6	7	7	8	28 (90%)
Medium					
sampl	8	8	8	8	32
comp	6	9	8	8	31
used	6	8	6	7	27 (87%)
Large					
sampl	—	2	13	13	28
comp	—	2	13	14	29
used	—	2	11	10	23 (79%)
Mega					
sampl	—	—	—	60	60
comp	—	—	—	59	59
used	—	—	—	51	51 (86%)
Corporate Counsel					
sampl	—	0	—	30	30
comp	—	1	—	28	29
used	—	1	—	24	25 (86%)
Total					
sampl	14	18	29	119	180
comp	12	19	30	118	179
used	12 (100%)	18 (95%)	24 (80%)	100 (85%)	154 (86%)

Notes: sampl = Number of interviews planned for sampling plan; comp = Number of interviews actually completed; used = Number of interviews used (% in total column = used/comp × 100).

information sources they had sought to assist them with their problems were raised in every case, either by the lawyers themselves during their interviews or through probes from the interviewers toward the end of the interviews.

After the interviews had been transcribed and the participants had consented to the use of the transcripts for this study, the transcripts of the interviews were coded, using askSam software, to identify various features. Among other features, the subject areas of the problems the lawyers chose to discuss were identified, as well as the sources of information they canvassed in approaching those problems. One research assistant initially coded all 154 transcripts, under the guidance of the research team. All four faculty members of the original research team verified the application of this iterative approach to coding by reviewing 30 of the transcripts (1/6 of the total) and developing complete consensus around the classifications being drawn from them. The coding of all the transcripts was then verified by a second research assistant to ensure consistency.

The data describing the information sources used by the lawyers therefore were drawn directly from the lawyers' own words. The 24 sources in Tables 2 and 3 comprise all of

Table 2
Informal versus formal sources of information

Formal	Informal
Firm procedure	Colleagues
Internal committee	Partners
Legislation	Client
Case law	Client's family
<i>Rules of professional conduct</i>	Client's friend
Law Society seminars, materials, Advice	Friends
Bar association materials	Relatives
Crown	Other professionals
Judge	Banks
Opposing counsel	Police
	Other clients
	Colleagues outside the firm
	External committees
	Judges (not on the case)

the sources mentioned by the lawyers in their interviews. At least one interviewee mentioned each of the 24 sources. To assist in analysis, these 24 types of sources were then divided into two groups: “formal” or “informal” (see Table 2). Formal sources were defined as those that had been externally validated by being made public or official in some way (Wilkinson, 1992). Public sources included legislation, case law, the *Rules of Professional Conduct*, Law Society seminars and materials, and bar association materials. Official sources included firm procedures, internal firm committees, advice from the Law

Table 3
Internal versus external sources

Internal	External
Colleagues	Client's family and friends
Partners	Other clients
Firm procedure	Friends
Internal committees	Relatives
Clients	Other professionals
	Bank
	Police
	Legislation
	Case law precedent
	Procedural rules
	Law Society information, Code of Professional Conduct, bar admission
	Judges
	Crown
	Opposing counsel
	Colleagues outside the firm
	External committees

Society, information from the Crown (the prosecuting counsel in Canadian criminal cases), from the judge, or from opposing counsel in civil litigation cases (in these cases, the process of communication during the case was very formalized by the Rules of Civil Procedure, 1990 [Ontario], and the *Rules of Professional Conduct* [Law Society of Upper Canada, 2000]). Sources that were neither mandated officially nor made public were classified as informal. These included such sources as colleagues, partners and colleagues outside the firm, judges not involved in the case, external committees, the client, the client's family and friends, the lawyer's own relatives and friends, and other professionals and clients. The banks and police were also included as informal sources because, in the context of the interviews, it was clear that they had been consulted privately and unofficially by the lawyers.

In a separate analysis, the same 24 sources identified previously were classified as being either "external" or "internal" to the lawyer's practice (see Table 3). Information from a client was classified as internal to the practice since that information is held in strictest confidence by the lawyer⁷ and forms the essence of the work around which the lawyer's whole practice revolves. The other internal sources were all part of the organization of the practice: colleagues, partners, firm procedures, and internal committees. Sources from outside the organization of the practice were classified as external.

The use of the categorical variables "formal/informal" and "external/internal" allowed a comparison of the types of sources used by all the interviewees while eliminating the differences in the number of sources used by each individual. Each lawyer was classified as either showing a preference for formal or informal sources or showing no preference, and as showing a preference for internal or external sources or showing no preference.

Finally, the interviews were also coded to describe the subject area of the problems discussed by the lawyers. Problem topics fell into two categories: problems related to the administration of the law practice (client instructions, errors and omissions, conflict of interest, communications, relations with other lawyers, representing the clients, and the administration of the law practice directly) and problems involving substantive areas of law (administrative law, immigration, corporate and commercial practice, civil and criminal litigation, family law, wills and trusts, or real estate). Since the participants had been asked to self-identify problems, analysis was undertaken to see whether the proportions of the problem topics described by them were representative of the profession as a whole. A practice advisory service, operated by the Law Society of Upper Canada, a self-regulating professional governance body, is available to lawyers in the province of Ontario. The Law Society provided the aggregate data showing the topics of the telephone inquiries received by its hotline in the period surrounding this study's interviews (1992–1995). These were compared with the problem topics revealed by the coding of the interview transcripts for this study.⁸

⁷ Rule 4 of the *Rules of Professional Conduct* (Law Society of Upper Canada, 2000) for lawyers in the Province of Ontario.

⁸ Paul Holmes was the then law student primarily involved in this comparative analysis.

3. Findings

3.1. Problems discussed

The problems discussed by the participants spanned all the areas raised by Ontario lawyers when they phoned the Law Society for advice (other than general procedural questions about the Law Society itself received by its advisory service). Sixty percent of all the participants raised problems involving the administration of their law practices. The remaining 40% raised problems involving substantive areas of law.

The following extract is from a transcript in which a lawyer discusses a problem about the appropriate strategy to adopt in a criminal case, one example of a problem describing a substantive area of law practice:

Interviewer: Uh-huh. In retrospect is there any additional information that you would [sic] to make that decision?

Lawyer: Yeah, I guess a very difficult thing to know is the tendencies of a judge that is going to hear the case. That, once again, we had to because of the present situation went to General Division [court] where you have rotating judges and you don't have, like, the old county court judge that you used to have you used to know who you were facing, or who you had to stand in front of. You knew his tendencies, what he liked and didn't like. Whereas here, I had a judge who I had actually never dealt with before. So actually what I did was, this judge was from [city], so I went to ask some of the compatriots, criminal lawyers in [city], about what this judge was like, in terms of would he get a fair hearing, did he know what reasonable doubt was, or was he a civil litigant, did he know the rules of criminal law. So I guess that worked into it as well.

Interviewer: Right. Was there any information that you have...?

Lawyer: Well, actually having seen the judge and knowing... , like you sort of hear second hand so I think that that was something that I would have liked to have had. Ahead of time, actually knowing more about the judge, but that is really hard to get unless you've had somebody that's dealt with him at length really.

This particular lawyer sought information from his fellow criminal lawyers in another city. This consultation with colleagues would be considered as using an external, informal source of information. This type of informal information would not be available through the formal channels commonly described as legal research.

In another interview, a different lawyer described a problem involving a conflict of interest in a real estate transaction. This was considered an administrative problem in the law practice because if a lawyer identifies a conflict of interest between two clients in a situation, he or she will not be able to act for both clients.⁹

⁹ See conflict-of-interest rule: Rule 2, *Rules of Professional Conduct* (Law Society of Upper Canada, 2000).

Interviewer: So just to recap, who did you talk to, or what sources did you consult for this particular decision?

Lawyer: I consulted with the partner who was involved from the point of view of the client borrowing the money. The partner who was involved in the point of view of the other co-tenant. We consulted with a third partner who was not involved, but was sensitive to these types of situations. And I went to the borrower client first, told him what we had to do, he agreed, understood, and we had the partner who was acting for the other client, to call his partner and explain it. And they said “That’s fine,” and then disclosed it. In actual fact, I don’t know if they saw the document or that they agreed that there could be a statement in their document, if the other document exists. I don’t remember though.

Interviewer: And was the process just these discussions or did you consult any other sources, either documentary or outside?

Lawyer: No. No. I mean it happens enough in the law firm that there’s no point in going outside the law firm. I know they have the resource at the Law Society, but a firm like ours, I think it would have to be a pretty difficult or pretty strange situation where the decision wouldn’t be made within the law firm, or perhaps a call to another lawyer in another law firm of a senior nature. But I mean, there are no books on this, it’s just day-to-day practice.

This particular interview excerpt is interesting from a number of points of view. The lawyer clearly describes the sources he used in solving the problem: internal, informal sources (and his use would have been coded as such). The lawyer also indicates awareness of several other, external sources: other senior lawyers outside the firm and “the resource at the Law Society” (the Practice Advisory Service of the Law Society of Upper Canada, the body governing lawyers in the province). However, he does not use the latter sources, although he is aware of them, because he indicates that they were not necessary in that situation. The lawyer also states that “there are no books on this.” In fact, there is a very formal source for information about conflict issues: the *Rules of Professional Conduct*,¹⁰ which governs the members of the Law Society of Upper Canada (including this lawyer, since one must be a member to practice law in the province).

The 60% to 40% proportional breakdown between the administrative and substantive areas of problems that was demonstrated in these interviews is similar to the proportions found when the data from the Law Society of Upper Canada for the surrounding years were analyzed. Whereas 60% of problems described in these interviews were classified as administrative in nature, 68% of calls to the Law Society were classified as such. Forty percent of the problems described in the study were substantive, compared with 32% of calls to the Advisory Service. The representativeness of the administrative/substantive proportions in this research is further confirmed when one considers that the Practice Advisory Service is actually not intended to give substantive legal advice (although it is widely used as a starting point for such queries),

¹⁰ *Rules of Professional Conduct* (Law Society of Upper Canada, 2000).

Table 4

Chi-square test for firm size and sources used (corporate counsel included)

Firm size	Sources		Total
	Internal	External	
Small–medium	26 (31)	27 (22)	53
Large–mega	36 (31)	17 (22)	53
Total	63	43	106

and, to the extent members of the legal profession in Ontario have become aware of alternative sources of substantive advice, the proportion of substantive problems addressed to the Service may be depressed.¹¹

3.2. Sources of information used

3.2.1. Formal versus informal

Thirty-two (21%) of the lawyers in this study indicated no preference for either informal or formal sources of information in their problem solving. Of the 122 (79%) who did demonstrate a preference, there was a very marked preference for informal sources of information. One hundred and five (86%) of the 122 who showed a preference (or 68% of the total 154) preferred informal sources as opposed to only 17 (14% of those who showed a preference, 11% of the total 154) who preferred formal sources.¹²

The overwhelming preference for informal sources was demonstrated by lawyers of both sexes. The chi-square test¹³ for gender and source preference for all 154 subjects (those who did and did not show a preference) revealed no significant difference ($p = .521$, $\chi^2 = 5.91$). Further chi-square tests of independence for all 154 subjects also revealed that the preference for informal sources was not significantly related either to the size of firm in which the lawyer practiced ($p = .278$, $\chi^2 = 7.49$) or the size of city in which the practice was located ($p = .191$, $\chi^2 = 8.71$).

Further analysis was done using only those 122 lawyers (both private practice and corporate counsel) who had shown a preference for formal or informal information sources (i.e., excluding the 32 who indicated no preference). There were no significant differences among those who indicated a preference for formal or informal sources along gender lines ($p = .283$, $\chi^2 = 1.154$), size of practice ($p = .684$, $\chi^2 = 0.166$), or size of center in which the practice was located ($p = .468$, $\chi^2 = 0.526$).

Finally, again considering only those who indicated a preference for formal or informal sources and excluding the corporate counsel lawyers (i.e., considering the 101 private

¹¹ These observations were made anecdotally by Law Society personnel familiar with the service.

¹² The pattern of preference was the same in both corporate counsel and private practitioners: those who showed an overwhelming preference for informal sources; followed distantly by those who showed no preference for formal or informal sources; and, finally, those who preferred formal sources. Because of the very small cell sizes in the corporate counsel data, it was not possible to perform a meaningful chi-square comparison between private practitioners and corporate counsel.

¹³ All chi-square results reported at .05 level of significance.

Table 5
Chi-square test for firm size and sources used (corporate counsel excluded)

Firm size	Sources		Total
	Internal	External	
Small-medium	16 (21)	22 (17)	38
Large-mega	33 (28)	17 (22)	50
Total	49	39	88

practitioners only), there were no significant differences by gender ($p = .127$, $\chi^2 = 2.336$), size of practice ($p = .728$, $\chi^2 = 0.121$), or size of center ($p = .306$, $\chi^2 = 1.049$).

3.2.2. Internal versus external

Forty-eight (31%) of the 154 lawyers studied showed no preference for either internal or external sources of information in solving their problems, 106 (69%) indicated a preference. Considering private practice and corporate counsel lawyers together, 62 preferred internal sources (59% of the 106 who indicated a preference, or 40% of all 154 lawyers), as opposed to 44 who preferred external sources (42% of those demonstrating a preference, or 29% of all 154 lawyers).¹⁴ This pattern of preference existed among lawyers of both sexes, in all sizes of firm and in centers of all sizes.

When the lawyers showing a preference for internal sources over external sources were compared (total of 106), excluding those lawyers who showed no preference for either, there were no significant differences between men and women ($p = .524$, $\chi^2 = 0.404$) or between lawyers practicing in the various sizes of center ($p = .074$, $\chi^2 = 3.3203$). However, when the lawyers showing no preference for internal versus external sources were excluded from the analysis, there was a significant difference between those lawyers practicing in smaller firms and those practicing in larger firms over whether they showed a preference for internal or external sources ($\chi^2 = 3.88563$, $df = 1$, $p = .048701$ [therefore significant at .05%]; see Table 4). Of the lawyers who showed a preference for internal or external sources, a greater number of lawyers in larger firms preferred internal sources than one would expect from the overall data, although proportionately more lawyers practicing in smaller firms marginally preferred external sources.

This significant difference by firm size was even more clearly demonstrated when only private practitioners who showed a preference for internal or external sources were considered ($\chi^2 = 4.690263$, $df = 1$, $p = .030335$ [therefore significant at .05%]; see Table 5). Private practitioners who showed a preference for internal or external sources were more apt to prefer external sources if they were practicing in the smaller firms in the study, whereas those

¹⁴ The pattern of preference was the same in both corporate counsel and private practitioners: those who showed a preference for internal sources; followed by those who showed no preference for internal or external sources; and followed closely by those who preferred external sources. Because of the very small cell sizes in the corporate counsel data, it was, again, not possible to perform a meaningful chi-square comparison between private practitioners and corporate counsel.

showing a preference for internal or external sources and working in the larger firms were more apt to prefer internal sources.

4. Discussion

4.1. *Work roles*

For the five roles set out by Leckie et al. (1996), the data gathered during the interviews of Ontario lawyers and the statistics provided by the Law Society of Upper Canada concerning calls to its service furnish evidence of the existence of only two roles for lawyers: the service provider (when lawyers are engaged with the substantive areas of law in meeting their clients' needs) and the administrator/manager. Indeed, the specific issue of the lawyer's role in the provision of service is one which was raised by a number of the lawyers in this study (Wilkinson, Walker, and Mercer, 1996). None of the problems raised during these interviews or in the calls to the Law Society over the 4-year period, including the years 1992 to 1995, could be identified as involving three of the roles described by Leckie et al., that is, researcher, educator, or student (independent of the lawyers' roles as service provider or administrator/manager). It seems very unlikely that the roles of researcher, educator, and student, if they are indeed separate roles for the lawyer, would not engender problems that any of these 150 lawyers, representative of the lawyers in Ontario as a whole, would have chosen to discuss. The problem areas raised by the lawyers, on the other hand, do point to a distinction between their role as service provider, which would spawn the problems the research team identified as "substantive areas of law practice," and their role as administrator/manager (where the majority of the problems arose).

4.2. *Characteristics of information needs*

The personal characteristics of the information seeker are considered by Leckie et al. (1996) to be one of the elements determining the "characteristics of information needs"—an "intervening variable" (Leckie & Pettigrew, 1997, p. 102). Although it has been established that personal characteristics such as gender may well be a factor determining work roles (Harris, 1992), 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 behavior 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. Moreover, the Leckie et al. model is not intended to capture issues involving gender in the choice of law as a profession in the first place, although such issues are important. Indeed, the choice of law as one's profession, or the opportunities for entering it, may well directly be influenced by gender (Hagan & Kay, 1995; Moore, 1997; Morello, 1986).

In this study (in which men and women lawyers participated in equal proportion to their presence in the Ontario legal profession), no significant gender differences were found, either

in terms of this analysis of their information-seeking behavior or other aspects of the study (Wilkinson, Walker, & Mercer, 2001). These researchers have argued elsewhere that such results may be themselves be evidence of the gendered nature of legal practice (Wilkinson et al., 2001) and, in so far as information-seeking behavior is an integral part of the practice of the profession, it would appear that the model described by Leckie et al. (1996) cannot reflect that reality.

On the other hand, Leckie et al. (1996) had hypothesized from the prior research on lawyers that situational factors influence lawyers' information-seeking behavior: "One such variable is the organizational context in which the lawyer practices" (p. 174).¹⁵ This study specifically looked at the possible role of the size of firm in lawyers' information-seeking activities. The findings demonstrate that the size of the firm in which the lawyer practices does affect the lawyer's preference for either internal or external sources, where the lawyer *has* a preference for either internal or external sources. The lawyers generally tended to show a preference for internal sources, but when those who showed no preference were removed from the analysis, more lawyers than expected from the smaller firms showed a preference for external sources.

It is not completely clear how this variability in information-seeking behavior resulting from a difference in organizational context (the size of the firm) can be explained within the Leckie et al. (1996) model. Although, as mentioned previously, they did acknowledge such "situational factors," where these factors would be positioned in the model appears to be unclear, as they are neither part of the "sources of information" nor of the "awareness of information." The lawyers in this study seemed to be aware of sources of information other than those they chose to use (as in the real estate example excerpted previously). Their awareness of information sources was not, therefore, apparently determinative of the choices made whether to use them. Leckie et al. mentioned "context," which one might otherwise take to include variables such as the size of the firm and the size of the center in which the practice is located. Their use of "context," however, is in connection with the information query as being a "situation specific need, internally or externally prompted" (pp. 182–183) rather than in reference to the context of the information seeker. This study looked at the wider context in which the lawyer was practicing: specifically, the size of the population center in which the practice was conducted, which turned out not to be significant in this research, and the size of the law firm, which did have an effect.

This research also specifically looked at the characteristics of the information sources themselves, another element of the Leckie et al. (1996) model. Even though lawyers have access to a very well-developed system of formal primary literature, which other research has established lawyers do use in plying their trade, this research demonstrates that lawyers overwhelmingly rely on informal sources to satisfy their information needs in problem solving. The overwhelming reliance on informal sources found in this study can be seen as

¹⁵ This hypothesis is couched in language focussing on legal research, rather than the larger issues of the information-seeking behavior of lawyers—a point raised previously. The previous quotation from Leckie, Pettigrew, and Sylvain (pp. 174–175) continues, "Lawyers in large, specialized firms may have the in-house resources to delegate all or part of their legal research, while those in small firms may have no choice but to conduct their research themselves." (quoted above).

completely consistent with the prior research: informal sources are overwhelmingly consulted by the lawyer engaged in actual information-seeking for problems that he or she encounters in practice; formal sources are relied upon in the lawyer's role as part of the formal system of disseminating legal information. In the latter, lawyers are not engaged in information-seeking. As Marc Porat described decades ago, they are engaged in information production (Martin, 1998).

Further, another facet of this research (published previously) examined how these lawyers used the *Code of Professional Conduct* (Law Society of Upper Canada, 2000), a formal source, in solving their problems (Wilkinson, Walker, & Mercer, 2000). The researchers established that this specific source of information was consulted by relatively few of these lawyers, even in situations in which it would have been relevant—and was relied upon in solving their problems by even fewer of these lawyers. Milde (2001), in considering this finding from this research, postulates that the preference for the external, informal opinion of the colleague in solving certain problems is actually one facet of practicing in a profession.

Figure 2 adapts the model proposed by Leckie et al. (1996) to reflect the observations of the information-seeking behavior of lawyers made in this research. For information-seeking behavior, the relevant work roles for lawyers appear to be only service provider and administrator/manager. Legal research, the focus of so much prior LIS research into lawyer's information habits, does not have a role in problem solving for lawyers. Legal research must therefore be associated only with specific tasks inherent in the practice of law. Use of legal research seems to be 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 behavior as professionals. As professionals, this research suggests, lawyers appear to be focused in their problem solving more on issues of role than of task.

The information need for lawyers arises from the combination of work roles and tasks (this is shown in the topmost oval in Figure 2). That information need ultimately leads to information seeking (the lower oval in Figure 2). The following three factors tied to the characteristics of the lawyer directly influence his or her next choice of activity in information seeking: the perceived characteristics of the need, the awareness of the sources, and the selection of sources (all boxed in Figure 2). The awareness of the information and the selection of sources are related to each other, but not necessarily in a direct way. Lawyers, as demonstrated in this study, may be aware of relevant sources and choose not to use them.

In the proposed model are two boxes, on the left and right, exploring factors in the relationship between the professional's awareness of information sources and the selection of sources. For the demographic characteristics of the user (box on the right), the effect of gender was tested but found to be insignificant. In other research, the effect of such characteristics as age and years in practice might prove important.¹⁶ In measuring organizational context (box on the left), the size of center in which the practice was located did not prove to be discriminating

¹⁶ In this study, lawyers were asked at the ends of the interviews about their experience and education. However, the lawyers were an almost completely homogenous group in terms of the data on educational backgrounds.

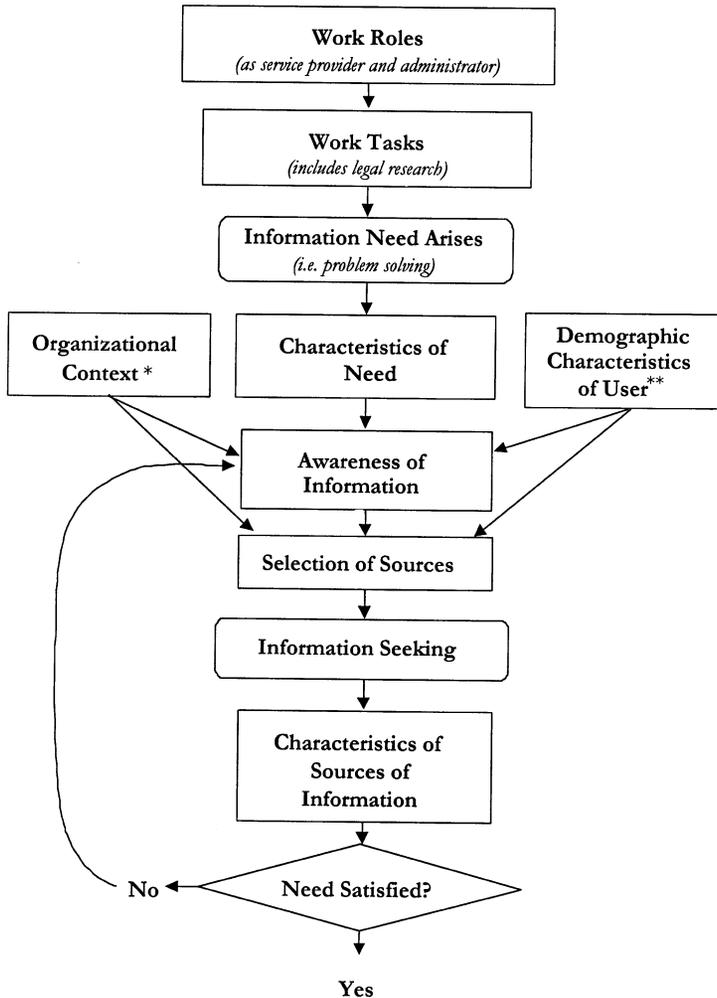


Fig. 2. The information-seeking behavior of lawyers. * Size of firm was significant; size of center was not; ** Gender was not significant; the lawyers in the sample did not differ significantly in terms of age or experience.

in this study, although the size of firm in which the lawyer practiced did prove to be significant in one respect: influencing the preference for internal or external information sources.

Also in Figure 2, the box for characteristics of the sources of information has been moved in this revised model because characteristics become involved in the information-seeking process only after the activity of information-seeking has begun. These characteristics would then play the major role in determining whether the professional's need is satisfied (the decision diamond at the bottom of Figure 2).

Leckie et al. (1996) described the information-seeking process as iterative if the information need was not satisfied on the first iteration of their model (Leckie & Pettigrew, 1997). This

iterative aspect of that model is indicated by multiple feedback loops to sources of information, awareness of information, and the activity of seeking information. The model proposed by this research revises this feedback process by providing only one feedback loop, generated when information needs are not met, and leading back to the users' awareness of information.

This empirical investigation of the information-seeking of practicing lawyers, in the context of the Leckie et al. (1996) model, has suggested a revised model that better reflects the specific work roles of lawyers, as well as their perceptions of the problems that lead to information-seeking. The lawyers' awareness of information sources does not appear necessarily to influence the sources they ultimately use. Organizational factors have been demonstrated to play a role in lawyers' information-seeking. Although internal sources of information were overwhelmingly preferred by lawyers, significantly fewer lawyers in the smaller firms than would be expected demonstrated this preference. The use of informal rather than formal sources reported by these lawyers supports what has many times been reported in LIS research on information-seeking habits of scholars and professionals. The value of this study's research is that it illustrates the rich and dynamic interplay between work roles and tasks, perceived information needs, and how those needs are satisfied. Most important, this study demonstrates the need to ask the right questions in seeking to understand the information needs of various groups.

The original model proposed by Leckie et al. (1996) and the proposed model developed from this research point to several interesting areas for further research. The five roles described by Leckie et al. did not all apply to the information-seeking activities of practicing lawyers. Other research on the information-seeking of other professionals or groups may show that, similarly, only a subset of the five roles proposed by Leckie et al. are involved in the information-seeking behavior of particular professions. This would not be surprising. Different roles are required by different work situations or different life situations. The five roles described in the Leckie et al. model may not be the only roles that inform information-seeking or it may be that they need not all be present or active in the information-seeking context in every profession. It would be interesting to see whether the roles involved in information-seeking in particular professions can be related to the roles of the professions themselves in the information society as categorized by Porat (Martin, 1998).

One interesting development from this research is that legal research, usually thought of as defining the information-seeking activity of lawyers, proved to be minor, even non-existent, with respect to the lawyers interviewed. 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).

Future research may also clarify the effect of demographic and situational/context variables in information-seeking and the stage at which such variables affect the information-seeking process. A further development from this new model, with respect to lawyers, may include the larger issues of such variables as gender on the development of the profession. Whether gender issues inform specific points of the model (e.g., work roles, tasks, or awareness of

information) or whether they inform the entire process, how these issues might be best reflected in the model provides several avenues for further research. Similarly, contextual issues, which are often described as key to the information-seeking process (Dervin, 1996), need to be further explored with respect to the way in which they may affect this model.

A separate area for future inquiry is the role of feedback in the information-seeking process. The Leckie et al. (1996) model provides multiple, apparently equivalent, feedback loops to sources of information, awareness of information, and to the activity of information-seeking. The revised model changes the nature of the feedback to one loop, generated by an unsuccessful information-seeking attempt, that goes back to the user's awareness of information. This feedback to awareness in turn affects the selection of sources, how information-seeking proceeds, the characteristics of sources of information, and, ultimately, the outcome of successive attempts at satisfying the information need. Further research on the feedback process may find that, in addition to the one proposed feedback path, the dynamic interaction of the model's elements may "feed back" to affect not only awareness of information but also how and when the information need arises and even the tasks and roles involved. The specific nature of the ways in which feedback from successful or unsuccessful information-seeking affects the entire information-seeking process is thus another area of research to be tackled.

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