Review

The role of digital library in law research

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This paper discussed the role of digital libraries in law research. Works from similar studies were reviewed. The paper discussed the concept of digital library and its advantages and problems, the concept of legal research, important of information resources, information needs and seeking behavior of lawyers were also discussed, the results of observational method conducted in some universities in Nigeria were also discussed.

Key words: Library, digital library, lawyers, law research.

INTRODUCTION

Concept of digital library

Candela (2007) stated that digital libraries represent the meeting point of many disciplines and fields, including data management, information retrieval, library science, document management, information systems, the web, image processing, artificial intelligence. Candela stressed that this multi-disciplinary nature had led to a variety of definitions as to what a digital library is, as each one is influenced by the perspective of the primary discipline of their proposal. He defined digital library as a tool at the center of intellectual activity having no logical, conceptual, physical, temporal or personal borders or barriers to information.

According to Wikipedia the free encyclopedia (2007), a digital library is a library in which collections are stored in digital formats (as opposed to print, microform, or other media and accessible by computers. The digital library content may be stored locally or accessed remotely via computer networks. The first use of the term digital library was probably in 1988 by the national research initiatives, before then it was known as electronic library or virtual library. To be considered a digital library, an online collection of information must be managed by and made accessible to a community of users. Many academic libraries are actively involved in building institutional repositories of the institution's books, papers, theses and other works which can be digitized and made available to the general public with few restrictions, in accordance with the goals of open

access to information and communication technologies.

A digital library can be built around specific repository software an example of these are Dspace, Eprint, Fedora, dlibra and Greenstone Digital library software. Martin (1992) stated that the digital library became a standard way of describing libraries that offer access to digital information using a variety of network including the internet and the world-wide-web (www). She also indicated that the other terms that have been used interchangeably with digital library include: library without wall, electronic library, virtual library. Black's Law Diction-ary (2004) defined law inter alia as the aggregate of legislation, judicial precedents and accepted legal princi-ples, the body of authoritative grounds of rules, standards and principles that the courts of a particular jurisdiction apply in deciding controversies brought before them, while a legal professional is a lawyer. They may be barristers, certified conveyancers or solicitors. In whatever capacity they function, they need information to accomplish their tasks. A legal professional who is into litigation would need information to prepare his case and make his argument very persuasive before the court. This would involve a lot of search through texts, indexes to law reports, case law and old files that dealt with similar cases in the past.

The administration of justice, judicial process and dynamics of democracy, more than any other period in Nigeria today, dictates that the judicial system meet with increasing volume of cases requiring quick adjudication and prompt error - free determination. Legal practitioners and law lecturers have a day to day challenge of gearing up for the court, lectures, writing of academic papers, briefings and in

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house meetings. Equally central to all judicial officers', success are their ability to locate the right books, documents and files exactly when they are needed. Why the bold ink?

This undoubtedly would take the researcher to the law library to search for these resources. This process is very cumbersome and has made legal research less interesting and unattractive. In summary, one can say that legal research is the finding and assembling of authorities that bear on a question of law and this is the essence of legal practice. The need for effective legal research cannot be overemphasized, for a good lawyer is one that knows the law, a better one knows where to find the law but the best lawyer knows the law and where to find it albeit, timeously. The establishment of digital libraries will facilitate legal research as information can be accessed at a faster pace and researchers exposed to more sources than can be found in traditional law libraries. The digital library has many names associated with it; it is called the virtual library, electronic library, community network, library without walls, or library of the future.

Daniel (2002) stated that it is called virtual library because in a good electronic wide area networked library, the user enjoys the euphoria of being in distance libraries and yet he has not physically moved. The main feature of the digital library is the emphasis on access over ownership of the library collections. Digital libraries will make legal research more challenging and interesting as legal practitioners and law students will be exposed to a richer and more up-to-date environment that it offers. The idea of walking to the library to blow dust out of the books will be a thing of the past. Having all the statutes, regulations, commentaries, cases, practice notes and more on-line and cross indexed, will result in better and more timely research.

ROLE OF DIGITAL LIBRARIES IN LAW RESEARCH

Ambrogi (2004) states that legal digital libraries have been a hot topic recently and that many universities and law firms are establishing digital libraries and repositories and installing software that would enable the students and practitioners have access to a more modern and up to date information on all the laws and other legal subjects. An example can be found at the Law faculties of Benson Idahosa University, University of Benin, University of Jos and the University of Ibadan where students and staff are exposed to a wide variety of information on law and other subject areas through the E-library via data based soft wares. This data base contains all the laws, cases, indexes and materials that a legal practitioner or student can ever imagine and information is accessed at a very high speed and without stress. The users are developing their research skills and at the same time have knowledge of materials that are not in hard copies.

For the digital library to be effective, the target audience, use of legal materials and resources to serve the need of the audience must be identified. For instance, the British Academy Digital Library (BADL) presents a myriad of international law reviews, cases Law/Law report, treatise, links to legal related websites and other legal material some legal subjects included in this collection consist of Chinese legislation case law and law digests, European Union treaties, case law and treatises, legal dictionaries, United kingdom case law and statutory information. World Trade Organizations' document and other international legal resources. The topics stored in this collection are arranged via subjects in alphabetical order and this makes the search easy. The BADL is set up to be used primarily by attorneys, (lawyers) paralegals, judges, professors other legal scholars. The BADL provides telephone and e-mail reference services. The BADL's collection is so extensive that it could benefit from co-browsing and chat technologies. Balleste and Russell (2003) opined that Co browsing software permits librarians to show patrons how to locate information in complex collections. Again, the Cornell University Law Library (2007) has five major sites that contain digital objects, including the Donovan Archive, Online legal Resources, foreign International Law resource, Cornell Law Scholarship and Legal News. The Donovan Archive includes documents on the Nuremberg trials. The Cornell Law Scholarship Link includes faculty publications as well as links to various repositories of digital objects. The user community of this digital library is primarily the students, faculty and staff. Researchers can also gain access provided the use does not conflict with its primary responsibility to members of the Cornell Community.

Law Guru. Com (1999) emphasized that the Internet Law Library has a collection of database ranging from the U.S federal laws by source and Agency, U.S State and Territorial laws of other nations, treatise and international law, laws of jurisdictions arranged by subject, law school and law libraries, legal profession directories, law book review and publishers, legal forms, daily legal news and legal plans for the person who needs an attorney. The internet library originated as a digital library for the US House of Representatives. It was eventually opened to the public. The goal was to provide free public access to the basic documents of U.S law. It currently serves the public but with a special interest in aiding lawyers.

CONCEPT OF LEGAL RESEARCH

Legal research, although it is considered as one of the skills a lawyer should possess, lacks a consistent and universally acceptable definition. Traditionally, legal research has been applied to the activity of scholarship and writing undertaken almost exclusively by academic lawyers. Peter Clinch (2008) stated that legal research has been used to describe the skills students need to

acquire as part of their degree and professional studies and eventually employ when in legal practice. It is trite to note that legal education and training are in two stages: an initial or academic stage focused on developing the students with knowledge based (thinking like a lawyer) and the vocational stage, in which the students are instructed on how to 'do things like a lawyer'. The above statement shows that there is nothing distinctively 'legal' about the skill of legal research, what the students have been thought are generic skills of problem analysis, search and retrieval of information and finally the skill of communication.

Peter (2009) emphasized that legal research was restricted to knowing the structure of the literature of law and showing technical competency in finding one's way around different types of publication. Evidence of this will also be found in all the Nigerian universities. Legal research is taught at the undergraduate level as part of legal method. Glanville Williams, 'learning the law' (2002) first published in 1945 is a unique book to the law students. It introduces students to a number of 'founda-tional' skills in the study of law, rather than the law itself. Legal research was among those skills. Kenny (1985), treated legal research only in connection with postgraduate legal scholarship and not in the chapters concerned with materials for undergraduates, which describes the use of the law library and the materials it contains. Usually the first degree course/study was and is still driven by directed reading, which did not encourage the development of independent research skills. Using the set text, a case and material book and key journal articles would be sufficient for a student to pass and the students' progress was assessed only through perfor-mance in examinations. In Nigeria, before 2007, the syllabus for vocational courses at the Nigeria Law School made no specific mention of legal research skills, since the profession accepted the apprenticeship or pupilage method of training. Practical skills such as legal research would be picked up while 'on the job in the first pro-fessional post. The Ormrod Report, (1971) also identified this problem in the United Kingdom. Presently, every student of the Nigerian Law School is expected to have a laptop (computer) and is to assess all the information he would need online. The National Universities Commission approved courses in basic computer application and use of software's at the first degree level in all Nigerian Universities as General Studies (GST).

This skills revolution first took root in the United Kingdom in the 1980's in the vocational stage of training and it was influenced by developments in the legal education and training in North America and Hong Kong. With this revolution came the first attempt to isolate legal research as a separate skill deserving particular attention in the training of lawyers. Clendons (2008) pined that lawyers in American Law firms are now PC literate and have excellent typing and production skills and are used to using a wide range of tools to work. They are well

trained and use the internet for research. This will in no doubt help them to access all the information resources available to them online.

IMPORTANCE OF INFORMATION RESOURCES

An effective digital library would mean the availability of information resources needed by legal professionals. According to Internet Legal Research Group (2004) they have a categorized index of more than 4000 selected web sites as well as locally stored web pages, legal forms, and downloadable files which serve as a comprehensive resource of the information available on the internet concerning law and the legal profession designed for lay persons and legal scholars alike and it is said to be one of the most substantive legal resources online. It is trite to note that Information resources needed by this class of professionals (lawyers) may differ based on their areas of interest and practice but the important thing is that the legal professional should be able to access whatever information he needs online at any time if his work must go on and if the digital age would make any impact to the profession, it will be necessary to ascertain the information need and seeking behaviour of these professionals in order to ensure that the information resources being put together will meet their aspirations and help them to effectively carry on their jobs as learned people.

INFORMATION NEEDS AND SEEKING BEHAVIOUR OF LAWYERS

Information seeking is a necessary but preliminary activity to the more significant Endeavour of using information for new knowledge to accomplish tasks and goals that encompass the work of a legal professional (lawyers). Morris (1994) stated that library and infor-mation services have been more successful in meeting routine information needs than those related to the creative process involved in the more complex work environment. He further stated that most systems and services have been inadequate for supporting the information search process that enables lawyers to create individualized approaches that add value to their enterprise and that to date, system design research seems insufficient for revealing the process of information use underlying the more complex task of information seekers.

Kuhlthau (2001) in their study on the information search process of lawyers discovered that legal professionals explained that their work comprised both routine and complex task and that their information needs and search pattern will depend on the particular task they are performing. They explained that complex tasks involved preparing a case for trial, moving from fact gathering to

defining the theory of a case, to resolving the matter through trial and that cases settled out of court were generally considered to be of a routine nature.

In their study, they found that lawyers used sources outside legal literature for example, to address questions related to medical, environmental or social issues. They also discovered that there are two classes of legal professionals (the old and young generations). Though their information needs are the same but the method of getting the information differs. They noted that most of the old generation lawyers expressed a preference for printed texts over computer databases for more complex tasks as they find it difficult to cope with the new technology especially in finding the right 'keywords' to use in getting information from the computer. They preferred to use the indexes in doing their research. The younger generation also made use of texts in print but there was the expectation from this group that computer sources would make their work easier. The study also revealed that apart from the formal legal reference sources, lawyers also made use of internal office files, external electronic resources and professional colleagues in accomplishing their tasks. Portions of files from completed cases are kept and referred to at a later time when addressing a similar matter.

On the use of professional colleagues, the noted that lawyers may be adversaries in court but they are also colleagues and they get information from each other, justifying the saying that lawyers do not descend into the arena of conflict. One major problem identified in the study was that of access to information resources and the lawyers used for the study expressed a need for some kind of uniform classification to use in organizing internal files, tracking current cases and keeping files of completed cases for reference. They noted that electronic sources were just beginning to be used by lawyers. The electronic sources of information include the E-mail, listserv and the internet. Expert information was also identified as one of the information source that a lawyer needs. On the use of internet sources they found that the major concern being expressed was the limitation surrounding key word searching and the lack of confidence in the system's capacity to access the range of information needed for constructing cases in preparation for trial. It was discovered that lawyers used some type of assistants in information seeking and use to accomplish their work. Assistants were identified as secretaries and research assistants. They identified the need for law librarians to serve as mediators who would make everything uniform and catalogue information so it can be accessed at any given time. The study suggested that lawyers should be trained on the use of internet as most of them (lawyers) needed someone who would make sure that everything was in order and their computer system installed with useful information in a uniform manner. They wanted a sense of control in doing legal research and seemed to be 'lost' in the computerized system.

RESULTS OF FINDINGS

Research conducted in some Universities in Nigeria by the authors using physical visitation and observation method revealed that: Benson Idahosa University Law Library subscribed to various law data bases for law research, some of the data bases are, Lexis Nexis, Legalpedia, Compulaw and Ebscohost among others. The users of this library which includes the law lecturers, students and practitioners attested to the fact that the avalaibility of the data bases have made their research work easier and more interesting. Accessing materials for lecture preparations, assignments were carried out effortlessly as all that is needed is to key in the right words in the system and all the necessary information will be down loaded. Again, information are downloaded and bound into hard copies.

In the same vein, the University of Jos in Nigeria, have subscribed to various databases for their law library for law research and the users of the library are also in agreement that law research has become more interesting with the availability of the databases. At the Nnamdi Azikiwe University Awka, Anambra State, Nigeria, the University established a digital library where their materials are being digitalized and at the same time they subscribed to various databases to make research work easier and interesting and the users of this digital library testify to the usefulness of the digital library for their research work.

The University of Benin, Nigeria also subscribed to Ebsco Host, Lexis Nexis and others, and the users of the law library are of the opinion that the avalaibility of the databases have made research work interesting and easier.

ADVANTAGES OF DIGITAL LIBRARIES

i.) No physical boundary: The user of a digital library need not go to the library physically, as long as an internet connection is available.

ii.) Round the clock availability: A major advantage of digital libraries is that people can gain access to the information at anytime night or day.

iii.) Multiple access: The same resources can be used simultaneously by a number of institutions and patrons.

iv.) Information retrieval: The user is able to use terms (word, phrase, title, name and subject) to search the entire collection.

v.) Preservation and conservation: Digitalization is a long-term preservation solution for physical collections.

vi) Space: Whereas traditional libraries are limited in storage space, digital library have the potential to store much more information simply because digital information requires very little physical space to contain them and media storage technologies are more affordable than ever before.

Added value: Certain characteristics of objects primarily the quality of images may be improved Digitalization can enhance legibility and remove visible flaws such as stains and discoloration.

DISADVANTAGES AND PROBLEMS

Lack of constant power supply as experienced in Nigeria is a serious drawback. The backbone of a virtual library is availability of power supply at all times to cool the air conditioners, the machines and make the hard wares and software work. Technical know-how is few and far between, instability of staffers and insufficient computer-literate manpower are the others. The main object of a virtual library is to reduce operational cost. But instead a lot of cost is incurred because of high import tariffs on hard wares, soft wares and spares. Installation, maintenance and processing costs are generally high, Ojo-Igbinoba (1995)

In Nigeria the ICT infrastructure is poorly developed. The ICT skills are very inadequate. It will therefore, not be easy building and managing virtual libraries. There are payments to be made for access and download documents electronically. There are connectivity costs. Who bears the cost? The end user? The institution? Or the Government? There is heavy investment for hard and softwares. How does the developer recoup funds for infrastructural development in an environment where users have been used to library system in which use is largely free? Or shall we forever depend on donors? To move from such a paradigm to fee-paying system would task stakeholders, especially end users who would be mostly students. Funding and obsolescence of software are others.

COST

In 2001 the www. virtual library. com. estimated that the installation and running cost of a virtual academic library in a University (says BIU Nigeria) is a mere 0.015% of the cost of establishing a University academic library and less than 2% of the running cost. While virtual library has great advantages it is not cheap to establish and repairs can be costly. When BIU virtual library's internet facility was hit by lightening recently it required ₦2 million to effect repairs and this was only for one item. However, new universities are urged to think "Virtual Library" for its enormous savings over time.

RECOMMENDATIONS AND CONCLUSION

The role of digital libraries in law research cannot be over emphasized. The world through technology has been made a global village and the legal profession cannot be left behind. The writers are of the opinion that:

i.) The curricula for law programmes should be improved upon and legal research should be introduced as a core course at the undergraduate level.

ii.) The skill of legal research should be taught at the academic stage and made a requirement to be satisfied if a degree was to be accepted as a qualifying law degree- one recognized by the council of legal education for the purpose of entry into the vocational stage of training.

iii.) Law libraries should be digitalized and updated/ upgraded at regular intervals.

iv.) Law students and practitioners should be encouraged to take computer courses in schools to make them proficient in the use of the systems and this corresponds with the findings of Kuhlthau and Tama (2001).

v.) Practitioners are encouraged to subscribe to law databases to enrich the collections in their firms.

vi.) The idea of students at the Nigerian law school having Laptops is a welcome development and must be applauded and encouraged.

In conclusion digital libraries will result in better and timelier research. The challenges are the cultural, technical and learning demands that moving to a digital library involves, digital libraries also involve an under-standing of advanced search techniques and we can get there if we train our lawyers to be computer literate through seminars and workshops and these skills can be taken to an advanced level. This is a challenge to all law librarians, our impact must be felt in our various institutions and legal research must be taken to a different level. Files and books storage solutions for the legal practitioners and the judicial arm of government can encompass a simple fixed shelving system or a high density shelving system. Therefore finding files and information from books and other formats will help in arguing cases or delivering judgments and locating them when needed is vital to the success of the upwardly mobile legal personnel. In effect, storage of materials must be properly planned with a system that guarantees security, easy access, uncomplicated operation, elegance, durability and while also adding color to the office. Why this bold?

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