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How do people access and use legal information? Implications of the research for delivery via the Internet

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Draws together findings from the research literature on both information seeking behaviour and use and internet use.

Discusses the implications of these findings for provision of legal information via the internet.

Introduction

Informed participation in the legal system is integral to a democratic and civil society. Knowledge of the law is a necessary basis for civic activity, and for people's capacity to comply with, use, and critique the law.

A number of reports into increasing access to justice highlight the lack of knowledge of the legal system and the need to provide up-to date, relevant information:

"...the [Law Reform] Commission noted that there appears to be a general lack of knowledge about the legal system among Australians and that this lack of knowledge denies many people the opportunity to participate in the process or to understand the reason why the legal system affects them in particular ways ... a co-ordinated information strategy involving the Commonwealth and State agencies would ensure a far better use of resources" (Australian Law Reform Commission 1992, p. 20)

"... the real access issue is obtaining good up-to-date information - it is therefore important that community workers are well informed about social security and about how to access advice and information" (Women's Legal Resources Centre 1994, p. 51)

The Internet would seem to provide an ideal way to provide this up to date, relevant information. It has the potential to reach a wide audience, material is easily updated, and costs are less than providing the same material in print. There is already an impressive amount of Australian legal information being provided free of charge via the Internet including legislation, case law and plain English guides to the law.

But what do we know about whether this material is reaching the people in the community who need it?

In this paper I will draw together findings from the research literature on both information seeking behaviour and use and Internet use and discuss the implications of these findings for provision of legal information via the Internet.

As well as having the potential to increase knowledge and understanding of the law in our society, the Internet has the potential to increase citizen participation in the framing and application of the law. This is an important issue but it is not one I will be discussing in this paper.

When people have an information need their first preference is to ask another person

Research

Despite the seeming dominance of the written word in our society, oral culture dominates in the area of information seeking. Research has consistently found that people turn to other people as their first preference when they have an information need. This is equally as true of highly educated professionals as it is of the urban poor.

Information seeking behaviour of individuals

Scott (1980) in his study into the information needs of migrants in Australia found that government agencies, medical people and friends and acquaintances were the most important first source of information. He found that printed matter was very little used as an information source on its own. Women in domestic violence situations go to friends and family most often and then helping professionals such as their local doctor (Keys Young, 1998).

Information seeking behaviour of professionals

Primary care family physicians use colleagues and specialists as their primary source of medical information (Gruppen et al, 1987). The Internet is not necessarily changing this information seeking behaviour – a study carried out by the Office of Technology Assessment found that most scientists used the Internet predominantly for email (Anderson 1993). This is a classic case of behaviour driving the use of technology rather than technology driving behaviour.

These findings aren't surprising when you think about it. Dealing with a person fills a variety of needs: interpersonal sources provide social support, and can handle special individual needs and questions due to their ability to give immediate feedback relevant to the situation (Schramm 1973).

Asking other people leads to greater success in finding information. In a large scale study of the information needs of residents of Seattle, Dervin found that being pointed or directed by others was the most successful information seeking strategy (Dervin 1977). Young people commonly report having sought legal advice as a result of advice from a third party, rather than on the basis of their general knowledge (O'Connor & Tilbury 1986).

Implications for Internet delivery

The key implication of this research is the need to use the communications capabilities of the Internet to link people with other people. Specifically:

1. Provide an email information service

Email is an ideal way to provide the online equivalent of asking another person. Government agencies in the US are increasingly using email to answer questions from the public. The Environmental Protection Agency (<http://www.epa.gov>) has two dozen librarians answering as many as 1,500 e-mail questions each month (Beamish 1999).

2. Provide email advice

Advice is often what people will be looking for rather than a piece of information, particularly in the area of law. Providing email advice raises a number of issues that need careful consideration such as the ability to carry out an effective interview via email, legal liability issues and the danger of creating an expectation for a service which cannot be met. [Lawstuff](#) run by the National Children's and Youth Law Centre is the only free email legal advice service I am aware of.

3. Provide comprehensive, up to date referral directories via the Internet. This will be especially useful for pointing people in the right direction and ensuring the referral merry-go round doesn't happen. Providing access to these directories via the web opens up the possibility of reducing duplication through cross sectoral collaboration.

Providing prominent information about sources of help on Internet legal information sites will also help to guide people to sources of advice. A good example is the IARC <http://www.fl.asn.au/iarc> site with its "Who else can help" button.

4. Establish electronic networks for community workers to provide an online environment for "asking your colleagues". This is an ideal way to reduce the isolation experienced by community sector workers in small organisations, who are often part time. The [First Class Law](#) bulletin board system used by the community legal sector has played an invaluable role in supporting problem solving and information sharing across staff who have common areas of interest but are geographically dispersed. In the health area, discussion groups based on particular illnesses are common. It would be worth exploring how this concept could be used for people with legal problems.

5. Use marketing principles to promote sites. Rather than trying to reach everyone in the community, identify key points where people are going for help with legal problems and make sure they are aware of appropriate Internet resources. The Multicultural Health Communication Service markets their multilingual Internet health resources (<http://mhcs.health.nsw.gov.au/health-public-affairs/mhcs/publications/>) to health workers who then point their clients to these resources.

6. Don't expect the delivery of information via the Internet to reduce the need for people. If anything it may increase demand through access to email services and increased awareness of services. It will, however, provide the opportunity for people to be better informed and to reach the service they need more quickly.

Convenience and ease of access is a key determinant in whether people use a particular information source

People will choose the path of least resistance in their quest for information. Information is more likely to be used if it is readily accessible. Time and effort, cost, inconvenience and inadequate personal libraries were found to be barriers to physicians' use of information sources (Huth 1989). Accessibility was the single most important determinant of resource use in a study of the information use of engineers (Gerstberger, P. & Allen, T. 1968).

This behaviour is related to the principle of least effort – most people, most of the time are put off by modest hurdles (Zipf, G. 1949).

Implications for Internet delivery

1. Providing resources via the Internet has the potential to greatly increase use by increasing accessibility. There is an enormous difference between having to track down a document in a library and being able to print it out from your computer. There are indications that this is changing information seeking behaviour. A recent survey found that over 60 million Americans accessed the Internet to find information about their health in the last year. (Harris Poll 1998)

<http://www.louisharris.com/poll/1999polls/feb1799.html>. While it is difficult to vouch for the accuracy of these statistics, I have certainly come across a lot of anecdotal evidence of people using the Internet to find health related information. It is more difficult to access statistics on how many people are using the Internet for help with legal problems (one of the issues is the murky definition of legal problems). The Legal Help pages provided by the Law Society of NSW had 203,000 hits in their first month. More research needs to be done on who is accessing these plain English legal sites and how people are using the material.

2. At the same time there are several factors which need to be in place for this to become a reality:

* Easy access to a reliable, fast Internet connection. Having one computer in a corner of the office with a slow and unreliable connection is a sure way to discourage use of the Internet as a resource.

* Being able to quickly find relevant sites. If people have too many negative experiences when looking for information, they will give up and not try again. I will discuss the issues involved in being able to locate relevant information in more detail in the next section.

* Sites need to be accessible – quick to load, easy to find, easy to navigate, and comply with accessibility guidelines

Providing information via the Internet doesn't mean people will find it

I observed ten 'ordinary' users searching for information last year (Scott, S. 1998). As it happened these ten ordinary users were all professionals and tertiary educated but none of them understood how the Internet worked. The following search was done by a publisher who was tertiary trained and worked as a journalist. He had been using the Internet for a year.

Looking for the Wallis Lake Oyster case that was before Federal Court. Would like to write something about this.

Netsearch comes up as first screen

Chooses the search engine which comes up - Excite

Oysters and Australia

862

"too many" [Doesn't look at results]

oysters and Australia AND federal court

182 hits

"very unsatisfactory"

Wallis lake AND oysters

"looking a lot better"

Finds a SMH article but still looking for the Federal Court connection

"I'll look for the home page of the Federal Court and see if I can find the case that way"

Federal Court AND Australia

7,799,370

"that's a lot"

Goes to the Federal Government web site which comes up on this page and does a keyword search

"not having much luck here - scrolls down the page - not here"

Tries the subject entry point - Departments and Agencies

"I'll go the the Attorney Generals Department - don't know if the Federal Court is part of it"

When he goes there it brings up the Department of Admin Services

Tries again and it does the same thing

Gives up

This search actually shows a reasonably high level of search sophistication, as one would expect from a journalist. He knew that the case was before the Federal Court, he knew to limit the search to Australia, and he knew about using Boolean operators. He even thought to try the Attorney General's Department. But he didn't find what he wanted.

There is evidence that a large segment of the population doesn't have a high level of information literacy. Landauer (1993) found that:

- The average [US] college educated person cannot form a correct Boolean expression for even a simple case
- There are typically 30 different words that users will think of to describe an information object they know well, but it will usually be indexed by less than five
- Casual searchers often know little about a topic and its vocabulary

There are particular problems associated with using the Internet to find Australian legal information.

- Statistics show that many of the most popular search engines used by Australians are based in the United States with the result that much of the material retrieved does not relate to Australia e.g. a search in Yahoo (<http://www.yahoo.com>) on child custody retrieves 73 sites, none of which related to Australia. Adding the word Australia to the search brings up the movie *Silent Scream - an empathetic look at the Aboriginal lost generation and brutality and deaths of Aboriginals in custody*
- a large amount of irrelevant material can be found e.g. a search on the words renting bonds in Netscape brings up material on security bonds and bonds on hire cars
- the material found can be of questionable quality. It is essential that legal information be accurate and authoritative. Many legal sites don't provide information about who is responsible for the site or when the material was last updated.
- A lot of primary legal material isn't indexed by commercial search engines
- Legal problems are often one off, and users won't have built up a knowledge of relevant legal sites

Implications

1. Create legal gateway sites which provide access to quality resources and which take the lack of user searching skills into account
2. Promote these gateway sites to relevant intermediaries
3. Increase the knowledge and skill levels of intermediaries
4. Institute training for the general community in using the Internet to find information, starting in schools

Internet access is increasing

Internet access is increasing rapidly. In November 1998, 37% of Australians (5 million adults) had accessed the Internet in the previous 12 months. Between February 1998 and February 1999 the figures increased from 23% to 37% of Australia's

population. This is a significant increase for a 12 month period. (ABS 1998)

The socio-economic level of Internet users remains relatively high. The proportion of households with home Internet access increased with household income. Nearly 42% of households with incomes greater than \$66,000 had home Internet access. The level of home Internet access fell below 10% for households with incomes below \$27,000.

Younger age groups had the greatest proportion of Internet users with 62% of 18-24 year olds accessing the Internet. There was a steady decline over the remaining age groups down to 7% of persons aged 55 years and over.

Implications

1. Ensure that there is well publicised Internet access available in the community, in locations such as public libraries, court houses and community centres.
2. Take demographics into account when planning whether to deliver information and services via the Internet e.g. tenancy information may be particularly appropriate to provide because of the higher number of tenants in younger age groups as opposed to information about retirement village rights. Providing access through key points in the community, will, however, overcome this to some extent.

Written information adds value, especially when used in conjunction with face to face advice

Research

If everyone asks everyone else, what is the role and value of written information? Research in this area is not definitive, but there are indications that printed information is valued and useful especially when used in conjunction with advice.

Scott in his study of the information needs of migrants found that the maximum effectiveness of information leaflets is achieved when used by trained resource people and that sources of advice which were rated as most helpful tended to use printed matter to a significantly greater extent than those sources rated as the "least helpful" (Scott 1980, p134)

A study of the usefulness of information booklets for patients leaving hospital found that there was an appreciable increase in the accuracy and thoroughness of patient recall of important medical details concerning their illness and its treatment for patients who had received the booklet (Sandler 1989).

A study of the information needs of victims of domestic violence found that 30% had consulted reading material for help in answering questions (Harris 1988). Written health information is valued for the ability to refer back to it at different times, but it depends on the information being appropriate and useful. "The leaflet was good because I had something to keep which had everything written down" (Buckland 1995). Dervin (1977) found that in resolved situations respondents were more likely to have reported that they had read something relating to the problem.

Written information is also of value to those working with people with legal needs. A study into the legal aid needs of youth found that the ability of youth workers to identify their clients' legal problems and appropriately respond or refer such problems is dependent on worker knowledge. 75% had gained their legal knowledge through legal resources books. Printed information was the favoured format of 70% of youth workers (O'Connor & Tilbury 1986).

Implications for Internet delivery

1. It is useful and worthwhile to provide legal information resources via the Internet, but this information will be of most use when delivered in conjunction with other forms of assistance.
2. Providers of legal support and information need be trained to use the Internet to assist them provide written information to supplement face to face services.

People use information for a variety of reasons

Research

In the previous section I referred to the need for information to be appropriate and useful. Some research has been done on this but there is room for more, especially in the area of legal information.

A number of studies have pointed out that information can satisfy emotional as well as cognitive needs" (Wilson 1994). Information isn't only used to obtain facts. Dervin (1993) found that people collected information for many reasons, including getting self-control, social support, and clarifying causes.

The kinds of questions asked by victims of domestic violence support this finding (Harris 1988):

What should I do?

Why does he do this to me?

Can I manage if I leave?

What are my legal rights?

What can I expect from a battered women's shelter?

People are looking for stories, different viewpoints, and information (Dervin 1993). A site on domestic violence, for example, might contain victim's stories, police, legal and medical perspectives and factual information about where to go to get help.

An evaluation (Law Foundation 1999) of a video giving information about adoption confirms this hypothesis - when asked what people liked about the video they listed the following:

- listening to stories of reunion 25.5%,
- advice from those personally affected by adoption 19.5%,
- factual information 19.5%,
- outcomes of reunion 37%
- search strategies 20%.

Implications for Internet delivery

1. Design sites in conjunction with users and take into account what users are looking for, not what the agency wants to tell them
2. Develop user centered resources through interagency initiatives
3. Share and publish research into user information needs and use
4. Consider including elements such as stories and different perspectives as well as factual information
5. Consider ways to use the technology to deliver different types of information. Stories may be more effectively delivered via video.

Comprehension will depend upon the level of existing knowledge

Information is meaningless until it is assimilated and used. The ability to do this will depend on the level of existing knowledge of the user (Kintsch 1994). A trained lawyer will understand a contract much more quickly and effectively than a lay person with no experience with contracts.

This may sound like a truism but it links back to the need to deliver information in conjunction with face to face services and / or education programs to allow for the development of understanding.

Comprehension is linked to readability (Kintsch 1995) – also a truism but an important issue with the law. The provision of legislation via the Internet doesn't make the law more accessible if it can't be understood and acted upon.

Comprehension is also linked to the level of literacy in written English. The Survey of Aspects of Literacy conducted by the Australian Bureau of Statistics in 1996 found that almost half of Australians aged 15-74 (6.2 million people) have 'poor' or 'very poor' prose literacy skills (ABS 1996).

At the same time, one should never presume that only a trained professional is capable of understanding "professional " tools. Existing knowledge isn't static and often increases dramatically with need and exposure to a situation. An extreme case is the self-litigant who ends up with great expertise in the legal issues relating to their case.

Implications for Internet delivery

1. Provide Internet resources about the law in plain English
2. Don't assume that the provision of information will result in the comprehension and use of the information. The provision of written information in conjunction with face to face service or education programs will facilitate comprehension.
3. Provide information in languages other than English
4. Use hypertext links to provide pathways from plain English to more sophisticated resources which allow the development of expertise. This acknowledges the need for entry level material but provides the option of going further if the user wants to.
5. Use the technology to assist comprehension. This could include use of audio, diagrams, videos and online legal guidance. The Fund for the City of New York (1999) has developed the *New York City housing "cope" system*. The computer drafts and prints the document that a tenant needs to bring to the court to defend against an eviction. As well, it prints out a concise, clear list of instructions that will give the user the important facts to tell the court, as well as recommendations for what would be useful to bring with them when they go to court. The system will also provide an option that will direct the user to the legal services office serving their area and other resources that are available for advice and referral.

Expert systems don't necessarily cut out the need for a middle person

The Gateways to Justice Projects has evaluated their [online domestic violence form](#)) which provides online guidance for domestic violence victims wanting to fill out a court order. (Fund for the City of New York 1999)

Evaluation of this system shows it has been successful in achieving its aims of simplifying the process of applying for apprehended violence orders. It was found that the system saves time in the preparation of protective orders, is easy to use, empowers victims and helps victims better understand the legal process. (National Centre for State Courts, 1998)

It is significant, however, that the system is designed to only be used in conjunction with some form of trained support. The evaluation found that the program was least successful in situations where this support was not readily available. There is an

acknowledged need for in person assistance despite the use of the technology to guide the applicant.

Conclusion

Information does have value both as a way of increasing understanding of legal rights and responsibilities and to fulfill emotional needs, and the Internet does have a role to play in delivering this information to a wide audience.

At the same time this is only one cog in the complex process of dealing with a legal problem. It is important to guard against the magic bullet approach, as exemplified in the following prediction from the US Office of Inspector General Legal Services Corporation report, *Increasing Legal Services Delivery Capacity Through Information Technology*, that "Legal services kiosks could assist millions of additional clients at very low cost by channeling routine, repetitive cases to self-help kiosks" (1996).

Information is a step along the way, not a product. People want their problem solved, they don't want a piece of information (Dervin 1977). It is not enough to simply provide web sites with legal information on them, no matter how well the information is packaged. Information is only of value if it is found, used and understood. Careful consideration needs to be given to how this can most effectively be achieved.

I would strongly argue that in the short term at least the key to successfully delivering legal information and services via the Internet is to use it as an adjunct to in person support. For this to be successfully achieved, those providing the in person support must be adequately resourced and have access to the Internet and the ability to use it effectively. There is a need to use the technology to enhance social information networks rather than replace them.

This paper has drawn on research into how people find and use information to assess the implications for the delivery of legal information and advice via the Internet. There are, however, no definitive answers. The Internet is a new and constantly changing medium. There is a need for ongoing monitoring and research in this area. I welcome discussion, disagreement, and alternative realities.

I will leave you with a quote from Gravity's Rainbow

"Is it any wonder that the world's gone insane, with information come to be the only real medium of exchange" (Pynchon, T. 1973, p.258)

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Introduction

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Bibliography

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