

**Research support from academic law libraries in the Western Cape in the  
scholarly legal research lifecycle**

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## **Dedication**

*This dissertation is dedicated to my husband Kyle for all the love and support given to me throughout this time. Thank you for your continued patience and support – without you this would not have been possible.*

*It is also dedicated to my father who has inspired me in this profession and whose footsteps I am extremely proud to be following in.*

*Lastly, it is dedicated to my sister Jessica.*

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## **Abstract**

This study used an interpretive paradigm and a qualitative research approach to investigate the legal research lifecycle process used by legal academics at three institutions within the Western Cape, South Africa in order to ascertain academic law library research support services that would be able to support legal scholars using such a process. In order to do so, the researcher used four critical questions to guide the study which investigated the research lifecycle process used by legal scholars; existing and possible law library research support services discussed in the literature; current law library research support services in the Western Cape being offered to support legal scholars; and, the knowledge and skills required by law librarians to support legal research processes.

A multiple case study method was used, with Stellenbosch University, the University of Cape Town and the University of the Western Cape as research sites. Purposive sampling of legal scholars and law librarians at three institutions was adopted. Data was gathered mainly through the administration of semi-structured interviews with both the legal scholars and the law librarians, as well as via the literature for some aspects of the study. A conceptual framework, which used two conceptual models, namely, the research process lifecycle model and the Reference and User Services framework for LIS services, guided the theoretical aspect of the study.

The researcher found that legal scholars favour the doctrinal approach to research, which still consists of the same stages involved in the research process model, but does not distinguish as clearly between the stages. A novel aspect of this study was the exploration of what constitutes legal data and it was found that it consists of literature, including cases and legislation. Law libraries should therefore be able to adapt their 'data services' to this concept of legal data in order to better support legal scholars. A broad range of research support services were identified within the literature, but the study showed that law libraries in the Western Cape still rely on the 'traditional' library services, for example, reference

services and collection development. The study revealed that newer services, such as bibliometrics and research data services, could have applicability, although law librarians would need to adapt such services to the legal context. A disconnect between legal scholars and the law libraries that serviced them was seen in terms of awareness of library services, and therefore this study recommends that a targeted marketing approach as well as other relevant interventions be put in place in order to bridge this gap.

Other recommendations include further study into how to ground new library research support services (such as research impact services or research data management services) in a legal context; as well as further study into the extent to which subject knowledge and/or a subject qualification is required to practice as a law librarian.

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## List of Abbreviations

ALA	American Library Association
APCs	Article processing charges
BBibl	Bachelor of Library Science
CPD	Continuing professional development
CPUT	Cape Peninsula University of Technology
IT	Information technology
LIS	Library and information service
LLB	Bachelor of Law
LLM	Master of Law
LLD	Doctor of Law
NRF	National Research Foundation (South Africa)
PhD	Doctor of Philosophy
PGDipLiS	Postgraduate Diploma in Library and Information Studies
RDM	Research data management
RUSA	Reference and Users Services Association (ALA)
SU	Stellenbosch University
UCT	University of Cape Town
UK	United Kingdom
UNISA	University of South Africa
USA	United States of America
UWC	University of the Western Cape

## Chapter 1: Introduction

### 1.1 Introduction and background to the study

The role of academic libraries, including law libraries, is to provide support to both students and to researchers at the university where they are based. The role of libraries in strengthening student research is well known and accepted as a main function, but the role of libraries as support for research, especially research done by faculty members, is an expanding area (Owusu-Ansah, 2001: 82). Raju and Schoombee (2014: 28) state that the provision of new services to researchers must be viewed within the context of the change in the research information landscape, that is, the easily accessible online information environment. Not only has this change in the research information landscape impacted the research services of academic libraries, but it has also impacted the research behaviour of academics, that is, the way academics go about conducting their research.

Bird (2011: 115) confirms that this change in the research information landscape has impacted the legal profession (including legal academics) and further suggests that the legal profession may be more affected by this change than other professions. Historically the legal profession has been very print-bound, but now predominantly relies on electronic information, which reflects current legal developments faster but is subject to continuous change (Bird, 2011: 115). The focus of universities in general is also shifting towards becoming research-intensive, leading to academic libraries having to change their approach in order to support this change in focus (Parker, 2012: 1).

In order to accommodate these changes, the role of librarians has also changed over time. Initially, a popular system developed to support faculty research was that of subject librarians – a librarian with specialised subject knowledge in the academic discipline which the librarian supports and who is available within the library, responding to requests directly given to them (Cotta-Schønberg, 2007: 1; Reitz, 2013a). These were seen as the traditional services and roles of librarians. However, the current role of the subject librarian has changed to a more proactive role creating

connections between individuals in their faculties and the library (Cooke et al., 2011: 6). The nomenclature has also changed from 'subject librarian' to 'liaison librarian' in some cases – emphasising the shift from a reactive service to a proactive service (Cooke et al., 2011: 6). Thus the liaison librarian is responsible for being the link between the academics within the law faculty and the library through marketing the library's services to the law faculty. If the liaison is effective, the impact on the law faculty may result in increased and better scholarship from the faculty (Butler, 2012: 240). An example of the importance of the role that the liaison librarian plays in marketing the changing services can be seen in the situation where law faculties have historically placed more importance on the physical collection available in the library rather than on the new digital collections. Academic faculty members are thus in need of the library taking responsibility in aiding them in navigating the shift to electronic resources (Hinckley, 2007: 51).

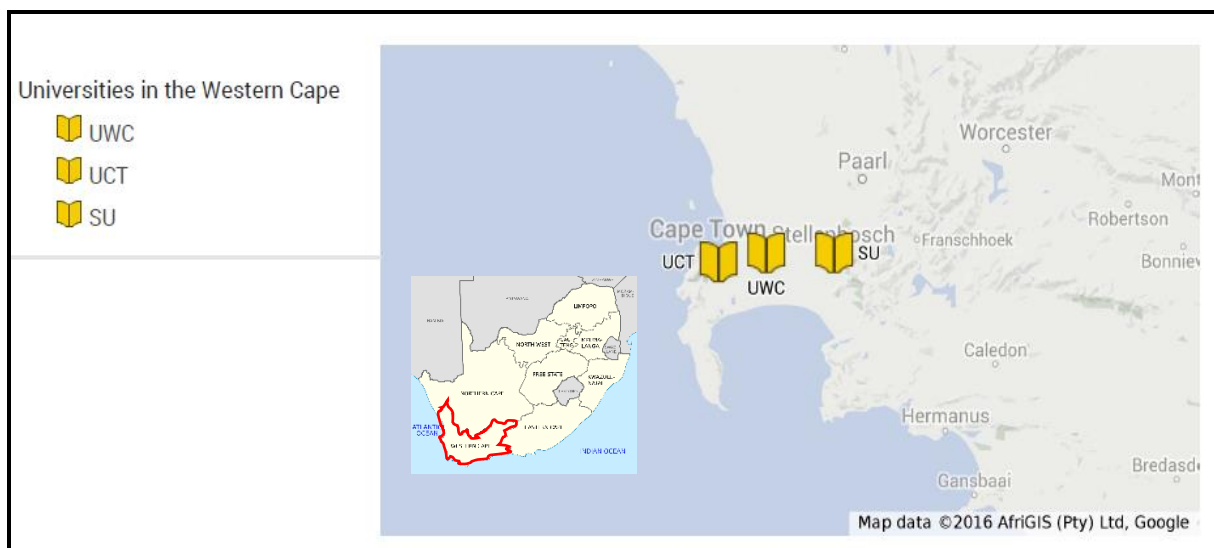
One of the liaison's primary roles is to establish contacts within the faculty, therefore enhancing the visibility of the library to the faculty, and to communicate faculty members' needs to the library (Lewis, 2002: 89). Therefore the effectiveness of the library in pro-active support hinges on the liaison's effectiveness. Lewis (2002: 92-93) suggests that an effective method is for the liaison librarian to meet regularly with the legal academics and to keep a database of faculty members which details their research areas, projects and interests. This model has received much favour. However, the liaison role in general is now being adapted, enhanced and remodelled in order to be effective in each specific library and to accommodate new trends in research (Danner, 2010: 384; Jaguszewski & Williams, 2013: 7; Corral, 2014: 24).

In other disciplines, understanding the research behaviour of the library's faculty members has been seen to be effective in producing services wanted by academics and also in promoting new areas of librarianship to the faculty (Du Bruyn, 2004: 3; Vaughan et al., 2013: 313). An understanding of legal academics' research behaviour, including their research needs, is an area that has been identified in the literature as needing to be explored further to understand the impact of new technologies on the behaviour of the legal researcher (Davidson, 2010: 564, 565, 579; Garavaglia & Board of the International Association of Law Libraries, 2011: 350).

## 1.2 Research context

There are 20 university law faculties within South Africa, three of which are in the Western Cape (Law Society of South Africa & Legal Education and Development, 2015). These faculties are at the University of Cape Town (UCT), Stellenbosch University (SU) and the University of the Western Cape (UWC). These three universities are located in the province of the Western Cape (South Africa) as reflected in Figure 1.1.

The Western Cape is the southernmost province in South Africa, with the Atlantic and Indian Coast as its borders, and has located in it the city of Cape Town which is also the legislative capital of South Africa.



**Figure 1.1: A map of the Western Cape detailing the position of three institutional research sites of the study**

SU originated from a number of small higher education teaching establishments in the town of Stellenbosch and was named Victoria College in 1887. In 1918, after the Union of South Africa was established, a donation was given to the College and it became Stellenbosch University. Thereafter the University grew and encompassed 10 faculties, with the law faculty being established in 1921. Through the apartheid<sup>1</sup>

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<sup>1</sup> Apartheid was a social policy in South Africa that legislated relations between white and 'non-white' groups in South Africa, with political, economic and social discrimination practised against 'non-whites' ("Apartheid", 2018)

years, the University experienced some political turmoil and was classified as a 'whites only' university, but since then has grown to be the home of 31 765 students from all races, 1 091 academic staff, 2 363 non-academic staff and 50 research and service divisions (numbers correct for 2018) (Stellenbosch University, n.d.).

UCT was founded in 1829 as the South African College, a secondary school incorporating some tertiary education. The College grew in its offering of tertiary education and in 1918, after some substantial donations, became the University of Cape Town. Although UCT was classified as a 'white' university, it remained opposed to the apartheid legislation through those years and earned the nickname of 'Moscow on the Hill' for its protests against the education policies of the day (University of Cape Town, n.d.). The Law Faculty was established in 1858. Presently the University has six faculties and over 60 research units. The University is home to around 28 600 students and 4 544 staff members (both academic and support) (numbers correct for 2018) (University of Cape Town, 2018: 1).

The University College of the Western Cape was established in 1959, during apartheid years, as a constituent college to the University of South Africa for people classified as 'coloured'. In 1970, the institution gained university status and became the University of the Western Cape. Through the remaining apartheid years, the University fought against segregated education and governmental policies while elevating its standards to be as high as historically 'white' universities. The University is now home to 22 443 students in seven different faculties, including a law faculty, 846 academic staff and 769 non-academic staff (numbers correct for 2017) (University of the Western Cape, 2017: 9, 24).

The SU Law Faculty consists of around 61 academic and research staff members (Stellenbosch University, 2015a). The Law Library of SU is located within the Main Library in its own section, with two dedicated faculty librarians (Stellenbosch University, 2015b). Similarly, the UWC Law Faculty has around 37 academic and research staff members and has a dedicated faculty librarian within its law library section located within the Main Library (University of the Western Cape, 2015a; University of the Western Cape, 2015b).

By contrast, the UCT Law Faculty consists of around 112 academic and research staff members and has its own dedicated branch library – the Brand van Zyl Law Library – embedded within the faculty building (University of Cape Town, 2016a; University of Cape Town, 2016b). The library has a dedicated team of five staff members: a Manager, two Librarians and two Library Assistants.

This study focuses on the research behaviour of legal academics in the Western Cape for the purposes of understanding the scholarly legal research lifecycle and based on this, to determine the library and information service (LIS) knowledge and skills necessary to support this lifecycle in its entirety, focusing on the research services provided by the law libraries and librarians at UCT, SU and UWC.

The research behaviour of legal academics includes the scholarly legal research lifecycle process that each academic uses. A distinction should be made as legal academics can also be legal practitioners. Therefore, the scholarly legal research lifecycle process refers to the methodology used by legal academics when conducting scholarly research as opposed to the professional legal research conducted by legal practitioners for the purposes of their professional practice. The focus of this study is on the former and not the latter.

### **1.3 Research problem**

Universities are placing increasing emphasis on the output of quality research by their researchers and academics. The research cycle has accelerated as a result of a number of factors, one of which is the digital information explosion. As a result of this, there is more pressure on faculty members to research efficiently and effectively. Librarians are meant to act as a filter between the vast amounts of information available and the researcher. Without having an understanding of the legal research lifecycle, librarians cannot fully utilise their skills (especially in new areas) to fully aid the faculty throughout the entire research lifecycle. Using this understanding in conjunction with successful faculty relations, librarians would then be able to promote their services effectively within their faculties. Hence it is necessary to understand this legal research lifecycle and the library and information

service (LIS) knowledge and skills necessary to support it. Furthermore, it is necessary to determine whether law libraries and librarians in the Western Cape are equipped with the necessary knowledge and skills to support this research lifecycle and, in this context, what services are currently offered for legal academics.

#### **1.4 Research objective**

The broad objective of this study is to investigate the legal research lifecycle at universities to understand how LIS services are able to support the research needs of their scholars being serviced by academic law libraries in the Western Cape of South Africa.

#### **1.5 Critical questions**

The following critical questions were used to address the study's objective:

1.5.1 What research lifecycle processes are being used by legal academics?

1.5.2 What research support services, according to the literature, offered by academic law libraries can support scholarly legal research lifecycle models or processes?

1.5.3 What are the current research support services that academic law libraries in the Western Cape, South Africa offer to support their legal scholars?

1.5.4 Are law libraries and librarians at universities in the Western Cape equipped with the knowledge and skills necessary to support the research lifecycle models or processes used by their legal scholars?

#### **1.6 Rationale / Motivation for the study**

This study seeks to understand the scholarly legal research lifecycle and to ascertain the LIS knowledge and skills required to support legal research within a law faculty.

Law faculties and law librarians would benefit from this study as it may help to determine the information related research needs of the faculty. This will guide law libraries and librarians to adapt their services, if necessary, to meet legal scholars' information related needs more fully. Law faculties would benefit as such a study, it is hoped, would promote LIS services that directly support legal research and feed into the legal research lifecycle. Overall academia in general is likely to benefit in that more quality legal research might be possible through effective research support from academic law libraries.

Such an investigation would also assist the academic law library in transitioning from the traditional perception of the library as a physical space for book collections to a modern and dynamic space contributing to scholarly legal research lifecycles via physical, virtual and other relevant means. It would help raise the profile of libraries and librarians as being more than just a service behind the desk. It would promote greater collaboration between faculty staff and library staff. Overall the study is likely to benefit not only the law libraries of the three universities used as research sites but also law faculties, universities and academia in general through highlighting tangible forms of research support for scholarly legal research lifecycles.

## **1.7. Definition of terms**

The following terms, relevant to the study, require clarification:

### **1.7.1 Research support**

For the purposes of this study, and in the context of LIS services, Parker's (2012: 2) definition has relevance; it states that research support describes the library's role in assisting to increase the productivity of research and scholarship of academics.

### **1.7.2 Academic law libraries**

The *Online Dictionary for Library and Information Science* (Reitz, 2013b) defines an academic library as "a library that is an integral part of a college, university, or other

institution of postsecondary education, administered to meet the information and research needs of its students, faculty, and staff”.

For the purposes of this study, a further definition is needed to indicate the special nature of academic law libraries. Danner (2010: 367) identifies the role of law libraries in the legal information and legal education landscape specifically as creating a specialist nature of the library due to the style and type of legal resources that form its information foundation.

### **1.7.3 Scholarly legal research lifecycle**

The research lifecycle, in this study, refers to the process used by researchers when conducting research (Babbie, 2016: 114).

The legal research lifecycle is the research lifecycle as used in the legal field, which may differ from the general research lifecycle due to the specialist nature of the resources used. The style (that is the process that is used to gather information to answer the research question) of the legal research lifecycle is also determined by whether the researcher is a legal scholar or a practitioner. The scholarly legal research lifecycle therefore is the process as used by legal scholars when conducting research. In this study, the focus is on the scholarly legal research lifecycle. This therefore excludes legal research conducted by practitioners for the purposes of professional practice.

### **1.7.4 Traditional library services**

As mentioned above in Section 1.1, librarians’ role used to be responding directly to requests given to them in the library (Reitz, 2013a: 3). For the purposes of this study, these services include reference services, knowledge of information resources, teaching about information resources (including information literacy), subject knowledge in terms of faculty-specific knowledge (that is, not LIS-specific knowledge), and, collection development within the library. These services are still

part of a librarian's role within the modern library, having transitioned along with LIS services in general.

### **1.7.5 Knowledge**

A simple definition of knowledge may be found in an LIS competency index, and is explained as being “what one should know” (Raju, 2017: 2). Further to this, knowledge is not merely the act of possessing information, but rather the ability and understanding of how to process such information in a meaningful way that is applicable to the context in which the information is used (Moll, 2011: 14).

It can be seen therefore that ‘knowledge’, for the purposes of this study, refers to a person having acquired understanding of information relating to the LIS profession (either through studies or experience), including the ability to apply theoretical understanding of such knowledge in the work context (Raju, 2014: 163). This definition of knowledge excludes the ability to carry out the work, for example, a person may understand the theoretical process behind bibliometric methods, and as such have knowledge of it which includes the ability to identify when such methods should be used, but that person may not be able to practically conduct bibliometric studies simply because the person may lack the ability to put such knowledge into practice.

### **1.7.6 Skills**

In contrast to knowledge, skills refer to the ability to put such knowledge into practice. Therefore, while knowledge refers to “what one should know”, skills refer to “what one should be able to do” (Raju, 2017: 2). Nkuebe (2016: 9) explains that skills refer to the ability to apply theory into practice, therefore skills allow one to apply knowledge into practice. For the purposes of this study, Nkuebe's definition of skills, that is, the practice of putting theory into practice, has relevance.

## **1.8 Overview of research methodology**

This study, located within an interpretive paradigm, employed a qualitative approach using a multiple case study design. UCT, SU and UWC, the three universities in the Western Cape that have law faculties and dedicated law librarians, were adopted as the multiple case studies. A case study design is used to investigate a phenomenon in its real-world context (Yin, 2014: 2). Multiple case studies allow for a more robust study of a phenomenon (Yin, 2014: 57). Hence multiple case studies were considered optimal for assessing both the current research models used by legal academics as well as the current research support services offered to legal academics by the academic libraries at UCT, SU and UWC.

The research method used was semi-structured in-depth individual interviews with selected members of the law faculties at the three selected universities and with relevant LIS staff within the three university libraries. A purposive sampling technique was used to identify both legal academics and library staff from the three universities for data collection purposes. The literature served as a source of data for an aspect of the study, as well.

The data collected was edited and coded before analysis. Thematic content analysis was used to identify and establish frequency of themes occurring in the data collected. Findings are presented according to the critical questions guiding the study. Conclusions are drawn based on the discussion of findings in response to the study's objective and critical questions, and in the context of both the literature reviewed and the conceptual framework informing the study.

## **1.9 Overview of conceptual framework**

The study used a conceptual framework to inform its research, which incorporates different concepts from various theories into a framework to guide the study. This study used a conceptual framework that, firstly, draws on concepts from general library and information practice with regard to reference services, as outlined by Katz (1992: 8) and the Reference and User Services Association of the American Library

Association (2015). The framework also draws on concepts from the research process or lifecycle model as outlined by Babbie (2016: 114).

### **1.10 Limitations and delimitations of the study**

Limitations in a study are potential areas of weakness and are important to identify so that the researcher can prevent the limitations affecting the outcome of the study (Bloomberg & Volpe, 2008: 81). De-limitations define the scope and boundaries of the study and are thus also important to identify (Bloomberg & Volpe, 2008: 81).

#### **1.10.1 Limitations**

A possible limitation of the study is the use of a non-probability sampling technique that is, purposive sampling, which is a method that selects individuals to fit the study and thus the findings of the study may not be generalizable. Notwithstanding this, the use of more than one law faculty and concomitant library service should go some way in making the findings of this study relevant to other similar settings.

Using references to law academics from the librarians at the different academic law libraries and from the heads of the academic and research units in the law faculties brings in the problem of bias, as only those faculty members who are familiar to the referrer may be suggested for interview purposes. However, using multiple sources for referrals was likely to obviate this bias.

#### **1.10.2 Delimitations**

The study has been appropriately de-limited by focusing on law libraries and law faculties in the Western Cape. The Western Cape was selected, as opposed to South Africa, as it would provide enough rich data for the purposes of a study at the master's level. This province of South Africa is well endowed with research intensive universities, which are universities that have the primary focus and expenditure on research and development at the university. Research-intensive universities have

their focus on the research conducted at the university, including allowing their education programmes to be shaped by such research (Taylor, 2006: 11).

The three universities were selected as they have law faculties at their respective campuses. Two universities in the Western Cape were left out of this study: the Cape Peninsula University of Technology (CPUT) and the University of South Africa (UNISA), based in Gauteng province but with a satellite campus in the Western Cape. Although UNISA does have a law faculty, it is primarily a distance learning institution and thus was excluded from the study. CPUT (a university of technology<sup>2</sup>) does not have a law faculty and was therefore excluded.

### **1.11 Research report outline**

This research report consists of five chapters. Chapter 1 introduces the study of research support from academic law libraries in the Western Cape in the scholarly legal research lifecycle and provides a context for the study. It also presents the research problem, the research objective and critical questions guiding the study. Chapter 2 presents a review of literature related to academic libraries in general and academic law libraries specifically and their research support services. It also includes the conceptual framework underpinning the study, which draws on concepts from general library and information practice with regard to reference services as well as from the research process. The qualitative research approach, multiple case study design and research methods, namely semi-structured interviews, used in the study are discussed in Chapter 3. Findings from the study, based on analysis of data collected from both interviews and literature, are presented in Chapter 4. Chapter 5 discusses the main findings of the study in the context of the critical questions

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<sup>2</sup> CPUT was established in 2005 through a national transformation scheme that merged both the Cape Technikon and the Peninsula Technikon, initially announced by the Minister of Education in South Africa in 2001 (Cape Peninsula University of Technology, n.d. (History)). Both Technikons had grown from advanced technical colleges established during the apartheid era, with the Cape Technikon offering technical courses to only white students while the Peninsula Technikon offered technical courses to 'coloured' students. Both Technikons offered courses to all races from 1987 onwards and comprised of faculties of engineering, science, education and business (Cape Peninsula University of Technology, n.d. (History)). As a result of this history, CPUT's mission is focused on being technology-led, and specifically focused on technological innovation, which differs from that of traditional universities such as UCT, SU and UWC (Cape Peninsula University of Technology, n.d. (Vision and mission)).

guiding the study, the literature reviewed and the conceptual framework informing the study. Based on this discussion, this chapter draws conclusions and sets out recommendations. A list of works cited follows as well as relevant appendices.

### **1.12 Summary**

This chapter introduced the study, providing context and background to the study on research support from academic law libraries in the Western Cape of South Africa to legal scholars. The research problem, objective and critical questions as well as a motivation for the study, were presented. Definitions of relevant terms, an overview of research methodology and the conceptual framework informing the study were articulated. Limitations and delimitations of the study were also discussed. A structure of the research report was presented. The next chapter presents the conceptual framework informing the study as well as a review of literature relevant to the study.

## **Chapter 2: Conceptual Framework and Literature Review**

### **2.1 Introduction**

The literature review serves to establish if research has been done previously on the research area and what the findings of that research were (Babbie & Mouton, 2012: 102). Creswell and Creswell (2018: 26) explain that the literature review helps not only to establish previous research but also to relate the present study to the previous research as well as provide a framework with which to compare the study. They elaborate that in qualitative studies a literature review is not only used to set the stage for the current study but also allows the researcher to learn further on the subject matter while undertaking the literature review (Creswell & Creswell, 2018: 27). Thus the literature review not only frames the study, but is also exploratory in that the researcher broadens understanding on what previous researchers have stated about the area of research (Creswell & Creswell, 2018: 27).

First, a conceptual framework is set out in this chapter for purposes of grounding the study. A conceptual framework is used in this study as different concepts were used to lead the study in terms of the theoretical aspect (Green, 2014: 35). As only certain concepts are used, and not the entire theory, a conceptual framework is suited to this study. Furthermore, the concepts used are grounded in practice and are thus not established theories in the traditional sense of theories.

The conceptual framework in this chapter is followed by a review of literature on research support services, both addressing key concepts in the critical questions of this study.

### **2.2 Conceptual framework**

A conceptual framework is used in this study to inform the research. Green (2014: 35) states that a conceptual framework draws on concepts from multiple theories in order to guide research. For the purposes of this study, the conceptual framework

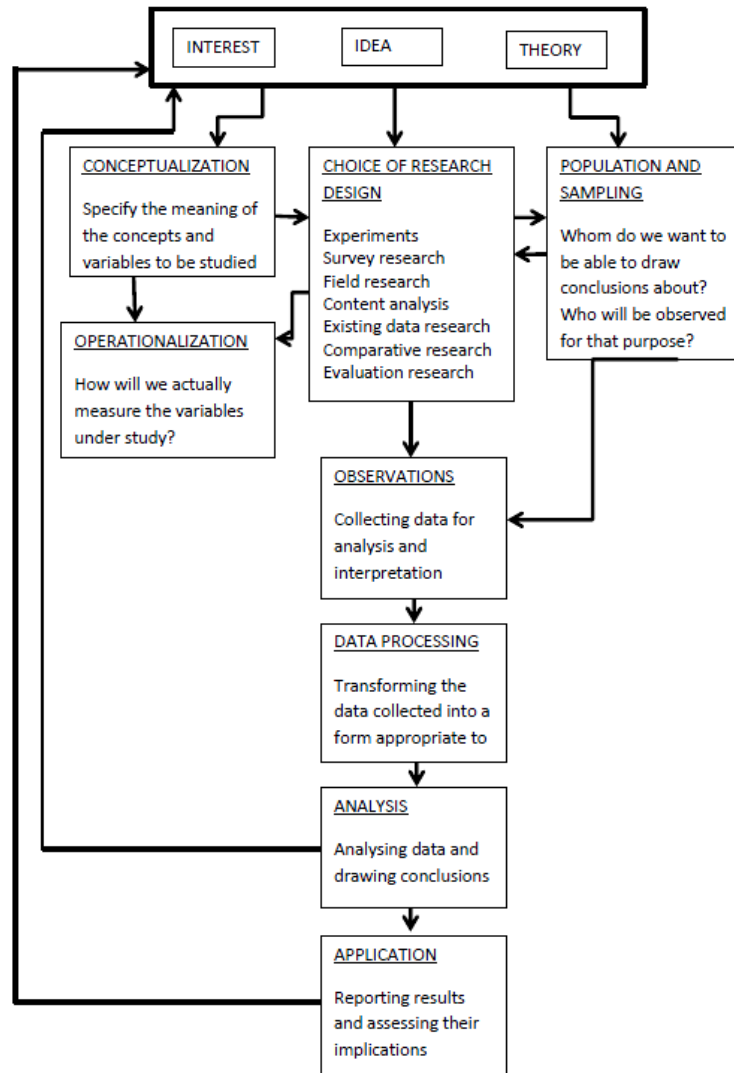
draws on concepts from general library and information practice with regard to reference services as well as from the research process or lifecycle model.

Katz (1992: 8) identified six main aspects of an information service: services; resources; access; personnel; evaluation; and, ethics. These aspects were originally conceptualised by the Reference and Adult Services Division of the American Library Association (Katz, 1992: 7). The current guidelines set out by the Reference and User Services Association (RUSA) of the American Library Association (ALA) identify five areas each with subsections. These five areas are: access (incorporating responsiveness, organisation and design of service and critical thinking and analysis); knowledge base (incorporating environmental scanning, application of knowledge, dissemination of knowledge and active learning); marketing/awareness/informing (incorporating assessment, communication and outreach and evaluation); collaboration (incorporating relationships with users, colleagues, within the profession and outside the library); and, lastly, evaluation and assessment of resources and services (incorporating user needs, information services, information resources, service delivery, information interfaces and information service providers) (Reference and User Services Association of the American Library Association, 2015).

These five areas, along with their sub-sections, serve as a useful framework within which to identify a model of LIS reference services, incorporating new roles and new responsibilities in the digital age. However, one needed to be cognisant of two possible limitations that could arise when applying this framework to the current study. These included using the framework with reference to (i) a particular user group of a library service, and (ii) the specialised resources of a particular library service. In order to address the first limitation, it had to be taken into account that these five areas needed to be adapted with regard to the particular user population in question, in this case the legal scholars, to best determine the importance of each area of the framework. The framework also had to be adapted to the type of library service in question as it does not take into account the specific resources of individual libraries or the skills of librarians who work within these libraries. Thus to adapt the framework to the current study the following variables were be used within it: the particular user group; the individual libraries and their resources; and, the

librarians and their specific skillsets. A variable is an element within the study that is able to be changed or modified due to other variables. Variables, although usually synonymous with quantitative studies, are still applicable in qualitative research (Creswell, 2014: 64).

A model from which the current study employed concepts, is the research process model. Babbie (2016: 114) states that the research process begins with the idea, theory or interest that suggests to the researcher the need for research. From this, the defining of the research problem occurs (usually through conceptualisation) as well as designing the research strategy (including the research approach, design and method). Following this is data collection, analysis and interpretation of the results, which may then result in a further research problem being identified. Figure 2.1 is a graphical representation of the research process as outlined by Babbie (2016: 114). The variables that were used to adapt this model to the current study included: discipline-specific research behaviour, the amount of time the researcher had been engaged in conducting research, the type of research undertaken and resources available to the researcher.



**Figure 2.1: The Research Process Model as outlined by Babbie (2016: 114)**

Using the research process model as a framework for understanding the scholarly legal research lifecycle served to highlight the research needs of legal scholars and consequently areas in which librarians could support the legal scholar. Again, one needs to be cognisant of the fact that this is a general research process/lifecycle model, and therefore does not take into account any discipline-specific research behaviour or process. This limitation meant that specialised forms of research (such as legal research) could deviate somewhat from this model and this needed to be taken into account in the study.

While the reference service frameworks (Katz, 1992; Reference and User Services Association of the American Library Association, 2015) and the research process

model (Babbie, 2016: 114) informed the current study, their limitations for the study and consequent adaptations were addressed during the course of the research and are documented accordingly in this research report.

## **2.3 Review of related literature**

For the purposes of this study, literature reviewed covers the following: an overview of literature that discuss the research process; scholarly works with a focus on research support in academic libraries as well as library models used to achieve research support; literature with a focus on research support in law libraries in particular; and, works that discuss the knowledge and skills needed by academic librarians to conduct research support. The researcher used a number of databases to source literature, including EBSCOHost, HeinOnline, ScienceDirect and Google Scholar. Reference lists within core articles were also a useful source for accessing relevant literature. Conceptual, empirical and methodological literature were consulted in order to consolidate the literature review, contextualising it within the key concepts investigated and informing the study both conceptually and methodologically.

### **2.3.1 The research process**

For the purposes of this study, a brief review of the research process as it is discussed in academic literatures is necessary. Although this study used the research process model, as outlined earlier, to inform the research lifecycle, the different variations of the process that occur need to be reviewed, with particular reference to a general research process model, and thereafter some aspects of research methods particular to law that impact the research process model.

The Research Libraries UK (RLUK) report (Auckland, 2012: 9–12) investigated the needs of researchers through the use of a research lifecycle model, similar to that used in the current study. The lifecycle model that was used consisted of the following stages: (i) conceptualising new research, developing proposals and identifying funding opportunities; (ii) seeking new information; (iii) information

management; (iv) research data collection; (v) research data discovery, management and curation; (vi) sharing, discussion, online collaboration; (vii) analysing and reflecting on information and research data; (viii) writing up and dissemination; (ix) compliance, intellectual property, copyright and other statutory requirements; (x) preservation; (xi) quality assessment and measuring impact; (xii) commercialisation; and, (xiii) emerging technologies. Of relevance to the current study is that the RLUK report divided the different stages of the research lifecycle in relation to where the subject librarians' role would fit in.

Although the model presented in the RLUK report represents a generic approach to the research process, it should be noted that the process is changeable with regards to a number of factors, one of the most notable ones being the discipline. Siems and Síthigh (2012: 651-652) explore the nature of legal research in relation to where it sits in the discipline, as well as the style, in the context of the United Kingdom (UK) law discipline. They differentiate between law as a practical discipline, law as humanities and law as social sciences. In their discussion, they differentiate between these three by looking at the aim of the researcher when conducting research. In terms of law as humanities and law as social science, they describe these as approaching legal research with the aim of understanding, rather than only the aim of how it applies, which is what law as a practical discipline does. These authors prefer situating law as a discipline within social sciences, but stressed that it differs from scholar to scholar, and institution to institution (Siems & Síthigh, 2012: 675). The Siems and Síthigh (2012: 652) study gives guidance and testimony as to how challenging it is to situate law within a particular field.

Holborn (2001: 11) summarises a research cycle for law as comprising of identifying the point of law needing to be researched (including terminologies), choosing a starting point of resource (such as textbooks), working backwards from most recent literature, and then re-doing the second and third stages from different angles and using different resources. This approach is called the doctrinal approach in law and is the approach most used by legal scholars (Smits, 2012: 61). Hutchinson (2013: 10) traces the origin of the doctrinal approach back to legal training from the Greek and Roman philosophers. He states that the doctrinal approach has three characteristic features: firstly, it relies on legally authoritative sources such as

legislation and cases for its research argument; secondly, the law is seen as a set of principles and rules which the researcher presents within the research; and thirdly, this set of rules aligns all individual cases to fit into itself (Hutchinson, 2013: 10). While the doctrinal approach is not the only research method used in law, it is the one favoured by legal academics due to its long history with the profession, as well as scepticism from academics with regards to other methods such as empirical studies (Cownie & Bradney, 2013: 37; Hutchinson, 2013: 9). The scepticism is due to the nature of doctrinal research which tends not to include any aspects from other disciplines, including other methodologies or theories, which could leave the researcher without the necessary background should they conduct a different style of research (Cownie & Bradney, 2013: 37).

In the South African context, most law faculties are categorised on their own, and seem to be considered a social science. This study aims to understand the research process used by legal scholars, which will also throw light on the methodology and manner in which South African legal scholars conduct their research.

### **2.3.2 Research support in academic libraries**

Research support has been a growing focus within the literature regarding academic libraries and their changing nature (Tise, Raju & Adam, 2015: 2). New areas such as bibliometrics and scholarly publishing are being identified and allow libraries to take an increasing role within the university and within the research process (Tise, Raju & Adam, 2015: 5). Through this, libraries are looking to go beyond the traditional methods of research support (as outlined in Section 1.1) and to expand their services offered by focusing on more engagement with researchers (Parsons, 2010: 3). Through offering new services, libraries are looking to demonstrate their value to their patrons and to their institutions (Parsons, 2010: 4; Anderson, 2011: 290).

This new engagement and expansion of services by librarians is also dependant on the model that the library uses to engage with researchers (Chanetsa, 2014: 60). The model that can be seen to be used in most South African universities is the liaison librarian model, used interchangeably with the faculty librarian model

(Chanetsa, 2014: 61). With the liaison model, each faculty member has a personal contact for the library while with the faculty model, one librarian is assigned to the faculty as a whole (Lenz, 2004: 284). Schultz (1991: 771) in describing these models, explains that

...library administrators have built faculty confidence in and reliance upon the library's services by providing a personal library contact for each faculty member or by assigning one reference librarian exclusively to the needs of the faculty.

Although Schultz's article is not recent, the premise which it suggests to create greater faculty support, is still relevant today.

In certain cases, the addition of new services may call for librarians to reskill themselves in order to best meet researchers' needs. The Horizon report (Johnson, et al., 2015: 28-29) highlights these new roles of librarians as one of the trends of academic libraries, as well as a rethinking of the skills of librarians with a focus on supporting users.

Research Libraries of the United Kingdom (RLUK) emphasises the need for librarians to understand the research process followed by their users in order to better support them (Research Libraries UK, n.d.). Through better understanding of the research process, the librarian is able to more effectively engage with the researcher to best intersect the researcher's needs with the librarian's skills (Auckland, 2012: 16). In a report commissioned by the RLUK, Auckland (2012: 16) describes the changing role and skills needed by the subject librarian in order to support the researcher in this way.

In order to address the gap described by the RLUK, studies have been conducted in order to understand the research behaviour of academics. In this context research behaviour refers to the way academics in specific disciplines go about conducting their research. Vaughan et al. (2013: 310) conducted a qualitative study among academics in the science discipline in order to develop a research model that could be supported through various LIS skills that librarians could use throughout the different stages of the research lifecycle. The study found that academics were not always aware of the skills that librarians possess which can be used to support their

research (Vaughan et al., 2013: 311-312). After conducting a literature review, the researchers used concept mapping to illustrate the possible services of the libraries and then conducted a survey amongst the academics using the maps to identify needed areas of service. Related to this issue, Du Bruyn (2004: 3) conducted a qualitative investigation into the Engineering Faculty at the Vaal University of Technology (Free State Province, South Africa) using semi-structured interviews to determine their information needs in respect of the library services that were available to them. Du Bruyn found that the library was largely unaware of the information needs of the Engineering Faculty and therefore did not effectively provide support to this faculty (Du Bruyn, 2004: 146-147).

Brewerton (2012: 98-99), as part of a RLUK project, used a 'research lifecycle approach' when identifying the information needs of researchers, through administering questionnaires to researchers and establishing ways in which research support skills and roles could be strengthened in the current role of the librarian. Brewerton (2012: 98-100) had also conducted an initial study into the current role of the librarian in research libraries, through comparing job descriptions and identifying the areas that currently are involved in research support. Using the initial study's results in conjunction with the RLUK project's findings, Brewerton (2012: 105-106) was able to devise a broad list of 32 knowledge and skills areas which covered the following: information literacy; information management; subject/discipline understanding and knowledge of sources/tools; partnership building; the research process, both generic and local knowledge; research data management; metadata and research data; issues around scholarly communications; funder mandates, assessments and other 'legal' requirements; and, Web 2.0 and other emerging technologies relating to researchers. Brewerton (2012: 108) concluded that although librarians' current roles included research support, this was stated rather broadly and did not accurately reflect researchers' needs.

It should be noted that in the studies just reviewed, the discussion of librarians and research support occurs with regard to subject or faculty librarians. It is supported in the literature (Lewis, 2002: 92; Schilt, 2007: 195-196; Danner, 2010: 384; Jaguszewski & Williams, 2013: 4) that the faculty liaison model or the faculty services model are currently employed by academic most libraries and that it

supports a link between the faculty and the library. Lewis (2002: 89-99) built onto the faculty liaison model and suggests a three-tiered approach to creating effective faculty services for law libraries specifically, but which can be applied to all academic libraries. This faculty services model incorporates the faculty liaison model. The three tiers of this model consist of: the information-gathering process; the reactive services method; and, lastly the proactive services method. Through using all three methods, information about the faculty member can be gathered, kept and used to proactively anticipate the member's needs in addition to the normal reactive services of the library. Services of the library are proactively adapted to the specific needs of each individual (Lewis, 2002: 97).

Cooke et al. (2011: 26) confirmed, through a small scale study, the importance that academics place on their liaison librarians but also found that there is a lack of awareness of services offered especially with regards to newer services such as advice on copyright issues, which form part of the new research support services. Specifically, Cooke et al. (2011: 24) showed that skills areas that may be generally viewed as less significant to the librarian, such as in-depth subject knowledge and IT skills, were seen to be highly valued by the academics interviewed. The study reinforced the importance of the liaison librarian but also reflected on the need for proactive services from the liaison to market the services offered by the library.

Jaguszewski and Williams (2013: 4-16) comment that the liaison model is being adapted by libraries to support an overall increasing focus on what users do rather than what librarians do. In this report, six new trends are identified to accommodate this new focus and to adapt the liaison role accordingly: developing user-centred library services; the developing of a hybrid model of liaison and functional specialist, usually covering an additional area of expertise such as copyright, as an example; the emphasis of organisational flexibility to meet changing user needs; a greater focus on support from the organisation for librarians with the mantra 'no liaison is an island'; promotion of collaboration between different units on campuses such as Libraries and IT; and, lastly, the way forward for libraries through creating and sustaining a flexible workforce of library staff, looking particularly at staff development and collaboration amongst staff (Jaguszewski & Williams, 2013: 5-16). Jaguszewski and Williams (2013: 16) thus confirm that libraries are embracing a

wider landscape, in particular with the liaison model, and are depending more and more on LIS skills to meet users' changing needs.

Keller (2015: 8-10), while investigating research support in academic libraries in Australian universities, similarly discussed a shift in the liaison approach. This approach focused rather on a wider landscape of skills and services, but with a team-centred approach. This would not only improve communication, balance workloads and provide more support for each librarian, but also prevent points of failure whilst ensuring that consistent levels of service are maintained. Keller (2015: 9) states that these liaison teams have moved away from traditional liaison roles such as administrative tasks, collection development and undergraduate support, with an increasing focus on research support areas. Parker (2012: 3) also suggests a shift from academic liaison librarian to research librarian, a role with a completely different focus. The research librarian's core role is still focused on the liaison activities, but with the librarian's audience being researchers instead of the university as a whole. Parker (2012: 4-5) suggests a shift in approach from a reactive service given to the researcher upon entering the library, to a proactive and systematic service approach that allows the library to market its expertise to researchers in a way that would engage them in their own offices.

Haddow and Mamtora (2017: 92), building on a previous study by Corral, Kennan and Afzal (2013: 648), looked at research support services within an Australian university library context. Similarly to Keller (2015: 8), it was found that there was a shift in the description of liaison librarian where often research support services were added on to the existing job. They found that one of the biggest obstacles to providing ongoing effective research support lay within the specialised skillset that would be needed, including the time taken by librarians to upskill themselves as most of the skills resulted from on-the-job training (Haddow & Mamtora, 2017: 101). Sewell and Kingsley (2017: 148–149) addressed this issue through the creation of a Research Support Ambassador Programme that targeted the development of library staff across all levels, thus creating a formal learning opportunity which allowed for librarians to dedicate time to learning research support skills. This programme is evolving yearly, but has allowed for all library staff participating in the programme to become more comfortable with research support skills, and to build networking

connections which the authors hoped would help for better support in future (Sewell & Kingsley, 2017: 156).

Cox (2018: 13–19), conducting a literature review relating to the position of the academic library within the institution, highlighted the move within the LIS sphere to position the library as a place of researcher productivity, looking at the trends of disseminating scholarship through digital scholarship activities which include open access initiatives such as repositories, measuring research impact within the institution and creating partnerships within the institution. An aspect that is highlighted is how libraries' staffing structures are changing to reflect the increased need for research support, including more functional positions within the library as opposed to subject-related positions, an area that Cox (2018: 18–19) noted is still contested in the literature. Overall Cox found that libraries, in needing to prove value within the institution, are well situated to do so in a number of ways, including research support, but that a balance of partnership and support will be needed, as opposed to one or the other (Cox, 2018: 19).

Research support services in libraries can thus be seen to be an area in the literature that has grown in the last ten years, focusing not only on the newer services that librarians can offer their researchers, but also on the library staffing structure. The liaison or subject librarian is discussed, as well as the way in which new services are offered. Lastly, researchers' wants are also investigated in terms of library services, allowing for librarians to see how best they can support their researchers.

### **2.3.3 Research support in law libraries**

Research support in law libraries is an area that has not been widely studied (Davidson, 2010: 564; Reeve & Weller, 2015: 418). There has been some investigation conducted into the information seeking behaviour of practising lawyers as well as law students (Kerins, Madden & Fulton, 2004: 6; Makri, Blandford & Cox, 2008: 1; Ellis, Makri & Attfield, 2014: 292-293). These studies focus on behaviour with regards to finding information, and not necessarily on research behaviour.

Davidson (2010: 564-565) identifies a gap that exists in the understanding of the research habits of legal scholars. To determine what is needed with regards to library support for faculty staff, Davidson (2010: 571-573) suggests an in-depth study to determine the legal research habits of legal academics. She proposes that the study should focus on three areas: sources the academic uses; the communication channels that the academic relies on for new information; and, an understanding of the academic's habits and preferences with regards to research (Davidson, 2010: 571-572). The current study investigated the research habits of legal scholars in the law faculties in the Western Cape, through interviews with academics to determine the scholarly legal research lifecycle employed.

Faculty support services by the library may be in new areas of need that are not traditionally associated with library services (Danner, 2010: 384). Danner (2010: 385) suggests that an example of such an area of need could include promoting the visibility of the faculty's scholarship through promotion of open access methods such as the creation of institutional repositories to showcase research. Another example suggested is that of providing assistance to faculty members in navigating and understanding different copyright agreements during the publication process (Danner, 2010: 385). For these services to be effectively communicated to faculty members, Danner (2010: 384) also suggests that the traditional liaison roles of librarians are valuable in already having created important links between the library and legal academics. The specialised skills of librarians trained in law and information can thus be utilised in these ways, amongst others, and this approach recognises that the role of law librarians lies in assisting legal scholars to use information to support their research and to make such research more visible (Danner, 2010: 385). In this way, Danner (2010: 385) likens the new roles that librarians take on as being akin to that of 'professional research associates' to legal scholars, thus providing specialised knowledge about legal research towards scholarly discourse and in this way contributing to new legal knowledge.

Canick (2013: 184) is of a similar opinion to Danner (2010: 385) with regards to open access, seeing librarians as being able to become more involved in the visibility of faculty scholarship. Canick (2013: 186–188) discusses the library having services such as assisting faculty members with archiving their work in repositories and also

undertaking retrospective projects to upload faculty work into repositories. Canick (2013: 191–196) also suggests assisting with the creation of open access e-textbooks, even suggesting types of textbooks that librarians can speak to faculty about creating (such as practice guides and casebooks). Canick (2013: 189) also discusses the library's involvement in the promotion of the faculty's scholarship, especially via social media, as well as creating citation alerts for faculty. This is the first article to mention citation alerts, and that comes close to the discussion of the use of bibliometrics within the legal community, albeit Canick referring to these methods only as a way of advising faculty staff on self-promotion (Canick, 2013: 189).

A pilot programme was run at the University of Melbourne Law School, which focused on using law students as research assistants. Titled the “Law Research Service”, the programme focused on librarians training law students to conduct basic research on behalf of faculty members (Sputore, 2011: 116). It is interesting to note that the focus here was on conducting research briefs to free up time for academics, as opposed to looking at the trends of navigating the new scholarly landscape, as envisaged by Danner (2010: 385) in an earlier discussion in this section.

Butler (2012: 241) investigated the services that law libraries offer to their faculties in the United States of America (USA) through an analysis of law library websites. The services offered were broadly divided into the following categories: research support staffing; research support services; publishing support; teaching support; and other (Butler, 2012: 243). When discussing research support staffing, at the focus was the title of the librarians available, namely, liaison librarian, library research assistant, research librarian, faculty services librarian and empirical research staff. Upon further investigation the nomenclature of ‘research librarian’ was not something that seemed easily defined, but Butler remarked that these librarians were often in an oversight role, and thus in a managerial position (Butler, 2012: 250). Even though empirical librarians are mentioned, this is a position that is noted by Butler as new and gaining in popularity, as researchers become more interdisciplinary and need more assistance with research methods and datasets (Butler, 2012: 250). With regards to research support services, Butler (2012: 250–251) comments that these services were varied and contained services that were seen to be more traditional

library services, namely, reference requests, creation of bibliographies, assistance with databases, and borrowing information. Although librarians can assist with creation of bibliographies, Butler (2012: 251) mentions that in order to avoid overloading librarians, clear lines are drawn as to how far librarians can assist in this regard, specifically excluding the analysis of literature from the librarian's duties. Butler (2012: 256) discusses teaching support as well, including library instruction, and emphasises that library instruction and teaching support has become a cornerstone within library services. This analysis of law library services emphasises the relevance of traditional library services within the law library sphere.

A study by Reeve and Weller (2015: 407) which surveyed academic law libraries in the USA, builds on Butler's (2012: 250) view relating to empirical law librarianship, namely, that it is a growing area within law librarianship. Reeve and Weller (2015: 405) describe empirical law librarianship as consisting of the librarian assisting with the research design of the project, finding existing datasets, assisting with analysis (particularly software assistance), and assisting with storage and archiving of data. No reference is made to the aspect of research data management which is most likely due to, in terms of current academic library practice, the fact that an empirical librarian would assist in finding datasets that already exist. Research data management is typically practised in the creation of datasets, and in this context, the sphere of the creation of datasets by legal scholars is not discussed, leaving a gap in terms of possible service. Instead, Reeve and Weller (2015: 406) suggest that literature from academic libraries in relation to data services should be looked to in order for law libraries to expand the current role of the empirical librarian (Reeve & Weller, 2015: 417).

In the context of the studies reviewed in this section, it would seem that research support services in law libraries still focus on the traditional services that libraries offer, with the exception of open access services, and seem to be taking their cues from academic librarianship in general when looking at new services that could be offered. For example, none of the studies explicitly mention services such as bibliometrics and research data management. The current study investigated both the traditional services as well as new services such as bibliometrics, open access and research data management in terms of law libraries.

While some studies relating to law libraries in an African context have been conducted, these are not in terms of research support but rather speak to library support of students (Anyaoagu, 2014; Lawal & Underwood, 2014; Ezem & Chizoba, 2018) or library facilities (Darkey, 2008). At the time of writing-up this research, no studies in the African context could be found that considered research support services for legal scholars from academic law libraries.

#### **2.3.4. Research support knowledge and skills**

Due to the changing nature of the academic library and the introduction of new roles, the knowledge and skills of academic librarians have had to change to reflect this. The definitions of knowledge and skills, as used in this study, have been outlined in Section 1.7 in Chapter 1.

In order to determine which knowledge and skills are seen as relevant for the LIS profession, various studies have been conducted using different methodologies and these include investigating what knowledge and skills are necessary for an academic librarian. To date, there seems to be no specific literature focusing only on the knowledge and skills of academic law librarians in particular, and therefore for the purposes of this study literature on knowledge and skills relating to academic librarians in general was explored.

Orme (2008: 624) conducted a study to investigate employers' requirements with regards to librarians, through analysing newspaper advertisements for positions over a period of time. Orme (2008: 621) noted that the literature suggested three areas of skills: professional skills associated specifically with LIS, generic skills that were transferable across divisions, and, personal qualities. Orme (2008: 630) found that a mixture of all three skills categories is required for librarianship. Similarly, Nonthacumjane (2011: 283–286) studied literature over a period of 14 years, and also came to the conclusion that the knowledge and skills of librarians could be broadly categorised into the three categories of personal attributes, LIS discipline-specific knowledge, and generic skills.

The *Reskilling for Research* report reflects a study commissioned by the RLUK and aimed at determining the skills needed for research support (Auckland, 2012: 8). The study first examined researchers' needs in relation to the research lifecycle (discussed in Section 2.3.1.), thereafter mapping the areas where subject librarians could support. To investigate these skills areas, librarians' current and potential roles were explored through an investigation of the literature, and a short survey was administered to gather further information. A total of 32 skills were identified, as outlined in Section 2.3.2 (Research support in libraries) (Auckland, 2012: 35-38).

Partridge et al. (2010: 266-267) used focus groups to determine which competencies would be required from librarians working in 'Library 2.0'. They defined 'Library 2.0.' as "...the application of Web 2.0 to the design and delivery of LIS services" (Partridge et al., 2010: 265). Although the authors discuss the need to draw up a list of IT skills needed, what is produced as a result of the focus group discussions is a list of traits that are required for the 'Librarian 2.0', with no distinction made between different groups of skills as in other studies. Again, the result of this study may be seen as a mixture of discipline-specific skills, generic skills and personal competencies (Partridge et al., 2010: 266–267), which is seen as a blending of skills without categorising them, although the authors stated that in general the skills required were ones that encompassed both LIS skills as well as basic IT skills. This emphasis on the combination of skills needed by librarians will be useful in this study when considering the knowledge and skills needed by law librarians.

Johnson and Raju (2018: 331), based on a South African master's study conducted by Johnson (2016), investigated the knowledge and skills competencies that humanities librarians required to support postgraduate students through semi-structured interviews with librarians, focus groups with postgraduate humanities students and triangulating the data with data gleaned from the literature. This study confirmed the mixture of discipline-specific skills, generic skills and personal competencies, using the results to draw up a knowledge and skills framework (Johnson & Raju, 2018: 342). This framework showcased the mixture of the above knowledge and skills competencies, emphasising the top competencies in each category. In the discipline-specific skills the following was found to be most important: research data management; metadata and metadata standards; reference

management tools and LIS technologies and tools. Communication was found to be the top generic skill while being flexible and adaptable was seen to be the personal competency required (Johnson & Raju, 2018: 343). This study, confirming what was also found in Partridge et al. (2010: 266–267), highlights the blend of knowledge and skills that is necessary to support postgraduate students in a South African context. Although the current study is looking towards support of legal scholars, it is useful to note what is expected of humanities librarians supporting young researchers.

The changing skills required by a traditional 'subject librarian' were investigated by Chanetsa and Ngulube (2017: 191) across five African countries, namely Namibia, Lesotho, Botswana, Swaziland and South Africa, through the use of a questionnaire administered to subject librarians at 27 universities. The results were reported under four types of skills: core / technical skills; ICT / technological skills; management, personal and interpersonal skills; and, additional skills as required. Studies such as the RLUK report (Auckland, 2012) and the one by Chanetsa and Ngulube (2017) give guidance as to the relevant skills required for research support and subject librarianship, respectively.

Adams (2017: 12) conducted a master's study into a specialised subject librarian field, namely that of music librarianship, investigating the knowledge, skills and competency requirements needed from music librarians in order to support their users. The updated competency framework that resulted from the study consisted of the following competencies: professional ethos; education and training; reference and research; collection development; collection organisation; library management; information and audio / visual technology; teaching; customer care and; personal attributes (Adams, 2017: 117–122). It can be seen from this framework that even in a specialised subject librarian field, a mixture of discipline-specific skills (collection development, collection organisation, education and training, reference and research), generic skills (professional ethos, library management, information and audio / visual technology, teaching) and personal competencies (customer care, personal attributes) are needed to effectively support users (Adams, 2017: 81–84). Law librarianship, similar to music librarianship, is a specialised field of LIS and thus it is useful to note the trend of the blend of competencies' applicability to specialised LIS fields.

Ocholla and Shongwe (2013: 36) analysed job advertisements for LIS graduates, from the period 2009 – 2012, in order to investigate the job market for LIS graduates. As part of their study, they investigated the knowledge and skills requirements for both senior positions as well as junior and middle level positions. They found overwhelmingly that IT (information technology) skills were at the forefront in both categories, but that soft skills (or personal attributes) were second most wanted (Ocholla & Shongwe, 2013: 39). LIS skills such as working with library management systems were also found to be needed (Ocholla & Shongwe, 2013: 39–40). Two years later, Shongwe (2015: 197) followed up on this study, looking specifically at the influence of IT on the skills needed in the LIS sector, and found that most jobs needed strong IT skills, where some job titles (such as systems librarian) had IT competency reflected in the title. This strong emphasis on IT skills in an African context demonstrates how the knowledge and skills requirements of academic librarians have changed over time. In law libraries, this impact of technology on the knowledge and skills required for law librarianship has not fully been explored, something this study aims to contribute towards.

Raju (2014: 166, 2017: 3) analysed South African newspaper LIS job advertisements in an exploratory study in 2014, and thereafter consolidated the study into a competency index in 2017 (Raju, 2017), triangulating her findings with interviews, in order to tease out the top skills and competencies required in academic libraries. The skills and competencies were divided into three categories: disciplinary knowledge, generic skills and personal competencies (Raju, 2014: 168; 2017: 3). Research support librarianship as a competency (relevant to the current study) was seen as an emerging competency in the advertisements (Raju, 2014: 169). Subject knowledge was not seen as a highly required competency, except in advertisements for law libraries, where Raju surmises that certain disciplines that have unique knowledge and skills requirements may need LIS professionals to acquire such knowledge and thus subject knowledge in fields like law or medicine are more highly prized as a competency. Raju (2014: 170) comes to the conclusion that in the LIS profession a blend between all three categories of skills and competencies are required with preference for certain categories more than others, depending on the LIS context. This conclusion is supported by the studies discussed earlier in this section, which came to similar conclusions regarding the skills and competencies

required in the LIS job market, that is, that a blend of discipline-specific, generic and personal competencies are required (Orme, 2008; Partridge et al., 2010; Nonthacumjane, 2011; Auckland, 2012; Ocholla & Shongwe, 2013; Chanetsa & Ngulube, 2017).

Taking into account the studies reviewed in this section, it can be seen that the knowledge and skills required in the academic sphere for librarians are in general a mixture of generic skills, personal competencies and LIS-specific knowledge and skills. As to the weight of each of those areas, that differs per study, as some find that it is still heavily focused on LIS disciplinary knowledge and skills (Orme, 2008: 630; Nonthacumjane, 2011: 286; Raju, 2014: 170), while others find that generic skills, for example, those focused on IT, are weighted more (Ocholla & Shongwe, 2013: 39; Shongwe, 2015: 197; Chanetsa & Ngulube, 2017: 191). Personal attributes, while being consistently required, seem to be something that is not weighted as heavily as discipline-specific and generic skills. In terms of this study, academic law librarians can be measured against these knowledge and skills categories as they apply across all areas of academic librarianship, one of which is law librarianship.

## **2.4 Summary**

It can be seen that libraries are changing to accommodate their users' changing needs, including up-skilling by librarians to address new technologies and changes. However, in order to do this, libraries need to understand the needs of their users. With regard to law libraries in particular, it is evident that few studies exist that explore legal scholarship from the perspective of the law library and law library research support services in particular. Therefore, a deeper understanding of not only the 'how' of legal scholarship but also the 'why', is required. This understanding of a library's specific user group, such as legal scholars, allows libraries to meet their users' needs with regards to not only the traditional services, but also the new and changing frontiers of libraries. It would also allow law libraries to be able to understand the knowledge and skills required by librarians to meet this shift in service provision in libraries. Such an understanding would allow academic law

libraries to fulfil their ultimate objective: to meet their users' research support needs as fully as possible. The next chapter discusses the research design and methods employed by this study in order to address the critical questions guiding the study.

## Chapter 3: Research Design and Methods

### 3.1 Introduction

A research design is a plan that determines the way in which a research study will be completed, detailing the structure and methods that will be used by the researcher (Kumar, 2005: 84). Research methods are the techniques used by the researcher to collect the data for the research study (Kumar, 2005: 118). This study used a qualitative approach and a multiple case study research design to guide its objective of investigating the legal research lifecycle at universities to understand where LIS services are able to support the research needs of their scholars being serviced by academic law libraries in the Western Cape of South Africa. To re-iterate, the critical questions guiding the study are:

- What research lifecycle processes are being used by legal academics?
- What research support services, according to the literature, offered by academic law libraries can support scholarly legal research lifecycle models or processes?
- What are the current research support services that academic law libraries in the Western Cape, South Africa offer to support their legal scholars?
- Are law libraries and librarians at universities in the Western Cape equipped with the knowledge and skills necessary to support the research lifecycle models or processes used by their legal scholars?

Table 3.1 maps out these critical questions in relation to the relevant concept from the conceptual framework underpinning this study as well as the variables within each concept.

**Table 3.1: Mapping of critical questions to variables in the conceptual framework**

	<b>Critical question</b>	<b>Relevant concept</b>	<b>Variables</b>
1.	What research lifecycle processes are being used by legal academics?	Research process model (as set out by Babbie (2016: 114))	Discipline-specific research behaviour; the amount of time the researcher had been engaged in conducting research; type of research resources available
2.	What research support services, according to the literature, offered by academic law libraries can support scholarly legal research lifecycle models or processes?	Reference and User Services framework for LIS services (Reference and User Services Association of the American Library Association, 2015)	Particular user group; law libraries / collections and their resources and services; law librarians and their research related knowledge and skills sets
3.	What are the current research support services that academic law libraries in the Western Cape, South Africa offer to support their legal scholars?	Reference and User Services framework for LIS services (Reference and User Services Association of the American Library Association, 2015)	Particular user group; the individual libraries / collections and their resources and services; the law librarians and their specific research related knowledge and skills sets

4.	Are law libraries and librarians at universities in the Western Cape equipped with the knowledge and skills necessary to support the research lifecycle models or processes used by their legal scholars?	Reference and User Services framework for LIS services (Reference and User Services Association of the American Library Association, 2015)	Particular user group; the individual libraries / collections and their resources and services; the law librarians and their specific research related knowledge and skills sets
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### 3.2 Research approach and paradigm

The study used a qualitative research approach which aims to understand a problem or social action in terms of its specific context and will therefore generate in-depth understanding of that problem or social action (Babbie & Mouton, 2012: 270). The qualitative approach achieves this understanding through favouring an inductive style that allows a focus on individual meaning of a situation as well as taking into account the different complex issues in that situation (Creswell & Creswell, 2018: 4). In this study the approach was used to understand the research lifecycle process used by legal academics and to ascertain the necessary knowledge and skills needed by librarians to support this research lifecycle process. It was further used to also determine the current skills and practices employed by academic law librarians in the Western Cape in their support of law faculties. This approach thus allows the researcher to understand issues from the perspective of the participants in the study, which then allows for interpretation (Hennink, Hutter & Bailey, 2011: 9).

Hence, the study was epistemologically guided by an interpretive paradigm. A paradigm is an underlying frame of reference through which researchers organise their observations in relation to their study (Babbie, 2016: 32-33). The interpretive paradigm stands in contrast to the positivist paradigm which focuses on an objective measure of social issues. Interpretivism recognises that reality is socially constructed in terms of a person's lived experiences and contexts. Due to this the interpretive paradigm lends itself to a qualitative approach that is able to capture the lives of the

participants of the study and interpret this social reality in specific contexts (Hennink, Hutter & Bailey, 2011: 14-15). In this study, the interpretive paradigm allowed for the study of legal academics and their research processes as well as law librarians in the context of their law faculties and the services they offer.

Using the qualitative approach and the interpretive paradigm as an epistemological lens, the study grounded itself in aiming to understand the social construct and reality of legal academics and law librarians in terms of research and research support.

### **3.3 Research design**

The study used a multiple case study design. A case study design is used to investigate a phenomenon in its real-world context at a point in time (Gerring, 2007: 19; Yin, 2014: 2). A case study design aims to gain as full an understanding of the case as possible (Silverman, 2010: 138). Therefore, employing a case study method allowed for an in-depth understanding of the aspect of social reality being studied (Beck & Manuel, 2008: 92). Using a multiple case study design allowed the researcher to find similarities and differences among the different case studies of the three institutions in the case of the current study (Stake, 2006: 82–83). This comparison among case studies allowed for better understanding of the phenomenon being studied, namely, an exploration of the research habits of legal scholars as well as law library services to faculty staff, in the three selected universities in the Western Cape. In addition to this better understanding gained by use of a case study design, the design allowed for a holistic look at the cases, in that it allowed the researcher to probe different complexities in each case, rather than looking only at isolated factors in different cases (Denscombe, 2010: 53).

Each of the case studies looked at the research process employed by legal academics; the services suggested by literature to support this research process; the current services offered by the individual law libraries as well as the LIS knowledge and skills needed to undertake services to support the research process, all in the context of the particular university and support from the library.

### 3.4 Research methods

The research method used to collect data in this study was semi-structured, in-depth individual interviews with selected members of the law faculties at the three selected universities and with relevant LIS staff within the three university libraries. Semi-structured interviews consist of open-ended questions that are developed in advance by the researcher, and which confirm the qualitative approach of this study (Richards & Morse, 2007: 111). Use of open-ended questions allowed the researcher to probe ideas raised during the interview and probe further when the responses provided were not deep enough to provide data required for the study (Flick, 2011: 112-113). In this study the open-ended items for the legal academics focused on the research needs of and research methods employed by legal academics in order to understand their use of the scholarly legal research lifecycle processes. The open-ended items for the librarians focused on the current research services offered by the three university libraries, determining if libraries or librarians are equipped with the knowledge and skills necessary to support these research lifecycle processes. The Reference and User Services framework for LIS services (Reference and User Services Association of the American Library Association, 2015) as well as the research lifecycle process model (Babbie, 2016: 114) that were identified as providing conceptual support for this study informed the design of the data collection instruments for both the legal academics as well as the librarians. Mapping of the variables within a table (Table 3.1) allowed the researcher to identify the different variables relating to the different critical questions, and therefore allowed for reflection of these variables within the research instruments themselves. Interviews ensure data collection through the involvement of the researcher in the interview and allow in-depth exploration of ideas or issues raised during the data collection (Minichiello & Kottler, 2010: 165).

Using semi-structured interviews allowed the researcher to have flexibility within the interview but still maintain control over the subject of the interview. Creswell (2014: 188) highlights that using interviews has its limitations. The manner in which data is collected allows for indirect information to be presented to the researcher from the interviewee's point of view. The method of face-to-face collection may bias the

responses or elicit less response from interviewees, as the levels of receptiveness and articulatedness vary.

Cognisant of these disadvantages, the researcher, through interviews, was able to directly observe participants in order to ascertain the methods that are used in both the libraries' support services as well as by the academic researchers. This study therefore collected the information in a setting that allowed for maximum comfort, that is, by conducting site visits to collect the data. Through using multiple sites for data collection, the study aimed to alleviate the presence of bias, indirect information and lack of response from interviewees. Further, it triangulated the data through using two sub-populations. In this way the limitations commonly associated with interviews were addressed so that their negative impact on the study were kept to a minimum.

Literature regarding studies on library support encourage the use of qualitative research methods such as interviews in order to create rich data to understand users' needs in depth (Mairaj & Naseer, 2013: 325; Brown, 2014: 181; Ellis, Makri & Attfield, 2014: 298). Interviews have also been shown to be a good tool for areas in which there is a deficiency of information about the topic (Brown, 2014: 179). Brown (2014: 179) used interviews to understand the reasons behind law firms outsourcing their libraries to an outside company, thus creating a communal shared library. Information regarding the reasons behind this move was not well-known and interviews allowed an understanding into the different reasons behind the move (Brown, 2014: 181). She was able to come to the conclusion that the outsourcing was not primarily motivated by financial reasons, but rather to improve productivity and efficiency (Brown, 2014: 185). Similarly Kerins, Madden & Fulton's (2004: 4-5) study of the information-seeking behaviour of law students was also conducted using semi-structured interviews in order to allow the interviewer to probe students' views for detailed responses. In Du Bruyn's (2004: 7) study investigating the information needs of the Engineering Faculty at the Vaal University of Technology, she highlights that semi-structured interviews allowed the interviewer to adapt the formulation of the questions to better suit the interviewees' backgrounds and their research directions. Based on the methodological evidence of these empirical studies, the researcher

was convinced that she had made an appropriate choice of research method (semi-structured interviews) for this study.

Triangulation of the data for the study was a two-tiered approach consisting of collection from two sub-populations (librarians and law academics) and a comprehensive literature review with regard to the scholarly legal research lifecycle of legal academics, as well law librarians and their skills and services used to support faculty research.

### **3.4.1 Population and sampling**

A research population is the group of people that is studied in order to draw conclusions (Denscombe, 2010: 23; Babbie & Mouton, 2012: 100). The research sites in this study were universities in the Western Cape that have law faculties, and the study population consisted of two sub-populations, namely, legal academics and law library staff.

The first sub-population of legal academics comprised of 210 members at the three different research sites. The Law Faculty of UCT has a population of approximately 112 academic and research staff members (University of Cape Town, 2016a). The Law Faculty of SU has a population of approximately 61 academic staff members (Stellenbosch University, 2015a). The Law Faculty of UWC has a population of approximately 37 academic staff members (University of the Western Cape, 2015a).

Purposive sampling was used in order to enable the study of the relationship between the two variables (Punch, 2006: 50), that is, the research needs of law academics and the research support services offered by the library in support of these needs. Purposive sampling enables the researcher to select the sample by deciding who can provide the best information for the purposes of the study (Kumar, 2005: 179). Both academics from the selected law faculties as well as library staff from the selected libraries servicing these faculties were purposively sampled. Both were likely to yield small samples but samples that are rich in the experience and knowledge of research that is necessary for the study. Purposive sampling forms

part of non-probability sampling in that the samples are chosen not to create a generalised or representative sample but rather to select individuals that fit the content of the study. Purposive sampling uses criteria based on the research problem that determines whether an individual is able to be part of the sample or not. It is used for exploratory studies and in cases where there is in-depth investigation required to gain a deeper understanding of certain phenomena (Neuman, 2011: 267-268). This study is exploratory in nature, and therefore used participants that were able to provide rich enough data. Hence the suitability of purposive sampling for this study.

The SU Library and Information Services has two dedicated law librarians, while the UWC Library only has one dedicated law librarian. Therefore these librarians were likely to provide the most detailed response with regards to research support of their law faculties. However, due to the nature of the library that they are in, that is, part of the main university library and not a specialised branch library, it was useful to use purposive sampling to also include other relevant library staff as well, such as Senior Library Assistants and Junior Librarians who may be assisting the law faculty members as well. At the time of data collection, in the SU Library, one of the law librarians was newly appointed and the line manager did not think it useful to include him in the study. The previous incumbent in the position still worked within the SU Library, and was fulfilling a research support role; so the suggestion was to include him in the sample instead, which was done. In the UWC Library, the law librarian had retired just before data collection, and the new law librarian had been acting in the position of Senior Library Assistant for law previously, a position which then became vacant. Therefore, only the new law librarian at UWC was included in the sample.

The Brand van Zyl Law Library at UCT, in contrast, is a branch library and has seven staff members, two of which are the Reference Librarians. These two librarians as well as the Manager of the library were likely to provide appropriate insight into the library's services with regard to faculty research support. At the time of data collection, the researcher was one of the reference librarians in the Brand van Zyl Law Library at UCT, and was therefore excluded from the study. The Manager and one Reference Librarian were included in the sample. In total, approximately 10 law

library staff across all three libraries were targeted for interview, but as a result of the restrictions explained above, only five formed the sample (see Table 3.2).

The purposive sampling technique was further implemented in the law faculties of UCT, SU and UWC. As a starting point, the Faculty Research Committees of the three faculties were contacted for referral to relevant academic staff members. Secondly, the law library staff of UCT, SU and UWC were also asked to identify faculty individuals who are researchers, including (but not exclusively) those who make regular use of the library. Lastly, any existing specialised academic and research units within the law faculties of UCT, SU and UWC were individually contacted to elicit participation of law academics/researchers in the study. This multi-pronged method allowed the inclusion of relevant individuals within the population through using the research networks of the law faculties. A sample of four academics was selected from each of the three law faculties (12 in total), based on their involvement with research. Originally, a total of approximately 15 academics was targeted; however, due to the lack of response from legal academics throughout the data collection phase, a total of 12 academics was deemed sufficient (see Table 3.2). This figure of 12 allowed for enough experience and variance to be included in the study and thus allowed for relevant data to be generated. Add to this a figure of five library staff who were interviewed (17 interviews in total) and this provided the study with enough relevant experience to generate the data required to address the objective of the study. Table 3.2 reflects the population and sample of the study.

**Table 3.2: The population and sample of library staff members and legal academics**

University	Law library staff members		Legal academics	
	Total population	Sample	Total population	Sample
University of Cape Town	7	2	112	4
University of the Western Cape	1	1	37	4
University of Stellenbosch	2	2	61	4
<b>Total</b>	<b>10</b>	<b>5</b>	<b>210</b>	<b>12</b>

### 3.4.2 Data collection

The data collected were from primary sources, as well as from the literature. The data collected represented the research needs of selected legal academics, and the research services offered by the LIS services and librarians at UCT, SU and UWC.

The research instruments in this study used to collect the data were semi-structured individual in-depth interviews. Two different interview schedules were designed for the two sets of interviews (with legal academics and with law library staff) – see Appendices A and B. Triangulation of the interview data was ensured through designing the instruments to explore the same or similar phenomena of research needs and research library services respectively from the points of view of the two sub-populations. This was intended to promote validity of the qualitative data collected. The conceptual framework supporting the study (as reflected in Table 3.1) also informed the design of these instruments.

#### 3.4.2.1 Interviews

Bloor and Wood (2006: 104) define semi-structured interviews as having an informal, conversational character that is shaped partly by the interviewer’s topic. In-depth interviews consist of two essential characteristics: face-to-face interaction and it

seeks to understand the interviewee's perspective of the topic (Flick, 2011: 112). The researcher prepared questions that were open-ended in nature (see Appendices A and B). This allowed the researcher to semi-structure the interview around the research topic and allowed further relevant information to be collected from the interviewee (Richards & Morse, 2007: 113). Once the sample was selected, individuals were invited to take part in the study and, as each interview was to be recorded, the interviewee was asked to give permission for the interview to be recorded but kept confidential. This permission was gathered through the use of informed consent forms (see Appendices C and D), which detailed the aims and purpose of the study, and were administered before the interview so as to give the interviewees time to study the form. The interviews were led by the researcher and recorded using an audio digital recorder as well as sparse notes kept by the researcher. This allowed the entire conversation to be studied by the researcher after the interview without detracting attention from the interview itself. Each interview was conducted over the course of approximately one hour and took place at the site of the respondent. The interviews were conducted over a period of time from November 2017 to April 2018. Although purposive sampling was used, a low response rate from contacted individuals (especially the academics) caused a delay in data collection. The challenge was overcome through contacting respondents telephonically after emailing, and after interviewing some, obtaining suggestions for other potential individuals to approach, who the researcher then approached in place of those original respondents who declined to be interviewed.

The questions for the interview were designed to be open-ended to encourage the interviewee to reflect freely on the question. Silverman (2010: 196-197) discusses the most common pitfall of question design for interviews, namely that of researchers presenting their main research question directly to the interviewee. He states that this both affects the responses of the interviewees as well as leads to "lazy research" (Silverman, 2010: 197). Kvale (2008: 58) emphasises this point by pointing to the difference between research questions and interview questions, with interview questions being more focused on the 'how' and 'what' than the 'why'. When designing these interview questions for the semi-structured interview, an interview guide containing an outline of topics to be covered with suggested questions was drawn up (Kvale, 2008: 57) for the study. Interview questions should also be

evaluated to ensure the ability of each question to both produce knowledge, using a thematic dimension, and promote the interpersonal relationship during the interview, using a dynamic dimension (Kvale, 2008: 57). In this way the design of the questions was intended to elicit rich data from the respondents. The validity and reliability of the interview instruments are discussed in Section 3.6.

#### **3.4.2.2 Pre-testing of instruments**

The instruments were pre-tested with four participants, namely, two librarians and two legal scholars in the month of October 2017. These participants were not part of the sample in the study, and therefore were able to give feedback on the instruments. With regards to the legal scholars, a request for definitions of 'data management', 'visibility' and 'discoverability' were requested and the instruments were amended accordingly. With regards to the librarians, no changes were requested. Overall, the pre-test of the instruments was successful, with participants agreeing that the questions were clear and relatable.

#### **3.4.2.3 Informed consent**

The principle of informed consent was used in this study. When participants give their informed consent, it indicates that they were informed about the nature and the consequences of the study in which they are participating (Christians, 2011: 65). The principle of informed consent is to ensure that participants' rights are respected and is usually used in conjunction with the principle of voluntary participation. Informed consent was ensured through the use of consent forms (see Appendices C and D) as well as the researcher explaining the contents of the forms to the participants.

### **3.5 Data analysis**

Once the data had been collected, they were edited and coded before being analysed. The interviews were transcribed and returned to the participants to validate their responses. In terms of legal scholars, only one edited the transcript, editing language as opposed to content, while from the law librarian participants,

once again only one edited the transcript, again with a focus on language as opposed to content. Through this process, participants were able to detect any bias on the part of the researcher, and withdraw statements that they felt were incorrectly captured, even if it was as simple as language that they felt needed to be changed. They returned their transcripts to the researcher thereafter, indicating acceptance of the contents, thus indicating that they validated their responses.

The transcripts from the interviews were analysed using content analysis via *Nvivo Pro*, and data were coded into themes that arose from the transcripts. Thereafter, the codified data were exported into *Microsoft Excel*, where the researcher could conduct a more in-depth analysis in relation to each theme. A frequency count of the different themes in relation to questions was done in *Excel*. The themes were also structured according to the different concepts from the conceptual framework, as well as the concepts contained in each critical question of this study (see Table 3.1).

The analysed data are presented using a mixture of graphs, tables and descriptive statistics. Furthermore, the textual responses from the interviews were integrated into the presentation of the analysed data. This allowed for patterns and trends to be ascertained in relation to each critical question.

Analysis of data gleaned from the literature review is presented in the format of a table (see Section 4.2.3 of Chapter 4), which showcases the main themes emanating from notable published papers in relation to the critical question involving a review of literature.

### **3.6 Reliability and validity**

Validity and reliability are used as considerations to ensure quality when assessing the construction and evaluation of measurement (Babbie, 2016: 318–319; Creswell & Creswell, 2018: 199). A tension between these two exists, as a study can be constructed with reliability but have diminished richness with regards to the concepts studied (Guest, MacQueen & Namey, 2012: 82–83; Babbie, 2016: 151). In order to prepare for this conflict, how both these considerations could be ensured needs to

be investigated as well as the use of several different measures considered (Guest, MacQueen & Namey, 2012: 85; Babbie, 2016: 152). In this study the use of interviews of two different sub-populations as well as the literature review helped to ensure not only triangulation of the data, but also to lessen the conflict between these considerations.

Reliability of a study is shown when a particular technique is applied to the same specific object of study more than once and it yields the same result each time (Babbie, 2016: 146). Using open-ended questions would seem to counter-act the reliability of the study, but this can be reduced through the use of pre-testing the questions before the main research takes place (Silverman, 2010: 272; Babbie & Mouton, 2012: 121). In qualitative studies, the measure of reliability is not as strict as in quantitative studies, but rather that the researcher takes a consistent approach across the project (Creswell & Creswell, 2018: 199, 201).

Validity of a study refers to the extent to which a measurement reflects the real meaning of the object or concept being studied, that is, the accuracy of the findings of the study (Babbie, 2016: 148; Creswell & Creswell, 2018: 199). The triangulation method of using multiple settings of the two different sub-populations as well as conducting a literature review for data collection purposes in this study, helped to ensure the validity of the data being generated. It is further suggested that comprehensive data treatment, which occurred in this study, also helps to ensure validity of the data (Silverman, 2010: 280-281).

Limitations (and de-limitations) of the study have been discussed in Section 1.10 of Chapter 1.

### **3.7 Ethical considerations**

Ethical clearance was obtained by the researcher from UCT, where the study is registered through an application for ethics clearance from the University of Cape Town (see Appendix E). On the basis of this ethics clearance, thereafter ethical clearance was applied for and obtained from all three research sites (see

Appendices F-H), giving permission for the researcher to use each institution as a research site for data collection purposes. All participants in this study were informed about the nature and purpose of the study as well as the methods that were being used to conduct the study. This ensured that the principle of informed consent was adhered to through the use of a consent form (see Appendices C and D). Participants had the right to withdraw at any time during the study. They were also assured that should they withdraw, any data generated by their participation would be removed. Use was made of consent forms to ascertain willingness to participate in the study. Confidentiality of participants and anonymity of data were assured throughout the study through the use of encoding the responses as well as secure storage of the data (the data being stored on the cloud). Data generated in this study will remain confidential and be securely stored. Data will be made available for 'open' use, in a suitable data repository and in an anonymised format, with a two year deferral from the completion of this study, to allow for publications from the study. Participants in this study did not receive any direct benefit from the outcomes of this study.

### **3.8 Evaluation of methodology used**

The investigation of research support services in academic law libraries in the Western Cape, South Africa was aptly guided through a qualitative approach and multiple case study design, which allowed the researcher to conduct the investigation within the context of academic law libraries, which generated an in-depth understanding of the services offered.

The use of semi-structured interviews allowed for the researcher to generate rich data, and to probe in order to generate further understanding around specific concepts that needed to be expanded on (for example, that of legal data). This method was therefore appropriate for this study, and was instrumental in addressing the objective of the study.

The use of a conceptual framework allowed the researcher to blend concepts from a social science and LIS perspective to investigate certain phenomena within the legal

sphere (such as the research method). This was suitable for the study, as it allowed for a merging of LIS knowledge in terms of research methodology and legal research methods, which the researcher could then use to build a framework of services upon.

One aspect of the purposive sampling used that caused some issue was the lack of response on the part of legal scholars in terms of participation (see Section 3.4.1). Although a smaller sample size was elicited than initially hoped for, the 12 legal scholars that were interviewed were still sufficient to generate rich data and the objectives of the study were able to be addressed with this data. Similarly, in relation to law libraries, it was not the lack of response that caused issues, but rather changes within staffing of the law library sections at two of the universities (see Section 3.4.1). However, sufficient data was still generated through the semi-structured interviews with the available law library/section staff.

Overall the researcher was satisfied that the research methods chosen to address the objective of the study were appropriate, and allowed for sufficient data to be generated in order to respond to the critical questions guiding the study and to draw conclusions and make recommendations based on the discussion resulting from the data collected.

### **3.9 Summary**

This chapter discussed the qualitative research approach, interpretive paradigm, multiple case design and research methods that were used in the study. It motivated the suitability and advantages of the choice of the semi-structured interviews as data collection instruments. Validity, reliability and ethical considerations were discussed with application to the present study. The next chapter presents the findings of the study, based on the analysis of data collected.

## Chapter 4: Presentation of Findings

### 4.1 Introduction

In this chapter, the results of the study's data collection and analysis are presented. The objective of this study was to understand how LIS services are able to support the research needs of their scholars being serviced by academic law libraries in the Western Cape of South Africa. In addressing this objective, the study was guided by the following critical questions:

- What research lifecycle processes are being used by legal academics?
- What research support services, according to the literature, offered by academic law libraries can support scholarly legal research lifecycle processes?
- What are the current research support services that academic law libraries in the Western Cape, South Africa offer to support their legal scholars?
- Are law libraries and librarians at universities in the Western Cape equipped with the knowledge and skills necessary to support the research lifecycle processes used by their legal scholars?

This qualitative study used a conceptual framework to guide the data collection. The conceptual framework was made up of the research process model, as defined by Babbie (2016: 114), and the Reference and User Services framework for LIS services (Reference and User Services Association of the American Library Association, 2015). The use of the research process model guided the empirical data collection for the legal scholars, allowing investigation of the first critical question. This model was also used in the analysis of the findings. The RUSA guidelines guided the data collection for the third and fourth critical questions, allowing the researcher to map the services against the guidelines, as well as investigate the knowledge and skills necessary for the LIS services.

Data was analysed using *Nvivo pro* and involved application of the study's conceptual framework through coding the data into themes according to the conceptual framework. This was then transferred into *Microsoft Excel*, where the

data was organised according to the critical questions of the study. A count was then done of the themes that arose within each question.

## 4.2 Presentation of findings

The findings are presented in five sections: firstly, a section discussing the biographical information of the respondents of the study, followed by the sections according to the four critical questions guiding the study (and reiterated in Section 4.1 of this chapter). Due to the small number of respondents involved in the reporting, graphic or tabular presentation of findings use number of respondents rather than percentages.

### 4.2.1 Biographical information

As discussed in Section 3.2 of Chapter 3, purposive sampling was used for this study. The distribution of respondents (interviewees) from the three institutions (Stellenbosch University (SU), University of Cape Town (UCT) and the University of the Western Cape UWC) are captured in Figure 4.1.

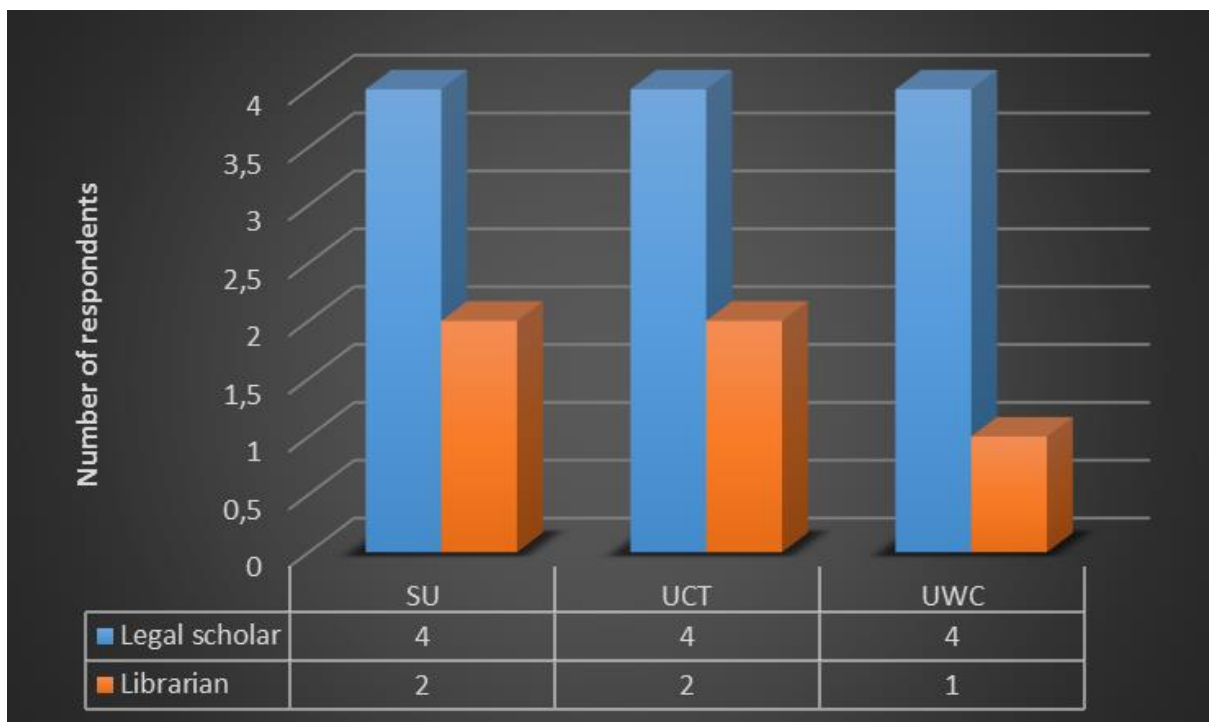


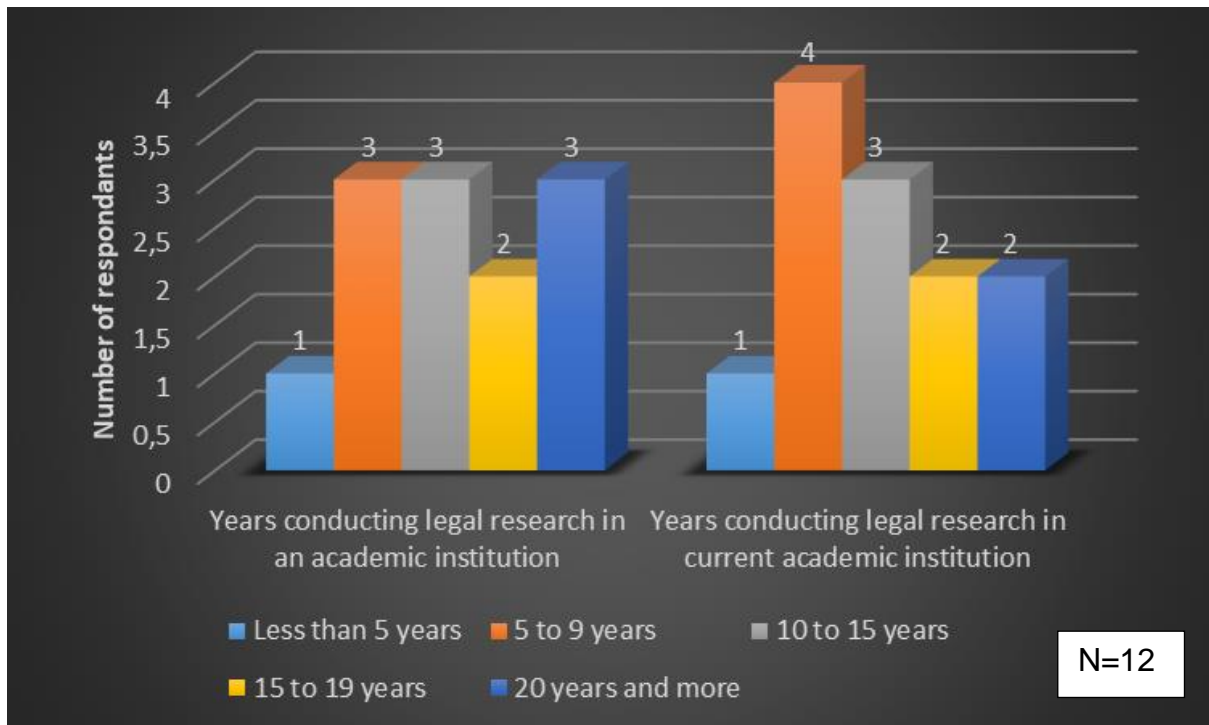
Figure 4.1: Distribution of respondents across the three institutions

All legal scholars interviewed had completed postgraduate studies, with all having completed a master’s degree and the majority having completed a doctoral degree (either an LLD or a PhD), as shown in Table 4.1.

**Table 4.1: Highest qualifications obtained by the 12 legal scholars interviewed**

<b>Qualification</b>	<b>No. of legal scholars</b>
LLM	2
LLD	5
PhD	5
<b>Total</b>	<b>12</b>

The wide experience of the legal scholars interviewed is reflected in the variety of designations: five were lecturers or senior lecturers, five were professors, and two were research chairs. Figure 4.2 shows the experience of the legal scholars in terms of years of legal research conducted in academic institutions. Six of the legal scholars had remained at the same institution throughout their careers – and hence are good sources of data relating to institutional memory.



**Figure 4.2: The experience of legal scholars relating to conducting academic research both in academic institutions generally and in their current institutions**

When legal scholars were asked to describe their legal speciality in terms of research, a broad range of disciplines were reported, showing the wide variety of research being conducted (see Table 4.2). One legal scholar was involved in two disciplines simultaneously, namely, refugee law and legal skills, and therefore this scholar was counted twice in the table below.

**Table 4.2: Research disciplinary specialities of legal scholars interviewed (N=12)**

Research disciplinary specialities		No. of legal scholars
Private Law	Contract Law	1
	Labour Law	1
	Delict	1
	Property Law	1
Public Law	Legal Skills	1
	Refugee Law	1
	Administrative Law	1
	Criminal Justice	2
	Criminal Law	1
Mercantile Law	Intellectual Property Law	2
	Tax Law	1
<b>Total</b>		<b>13</b>

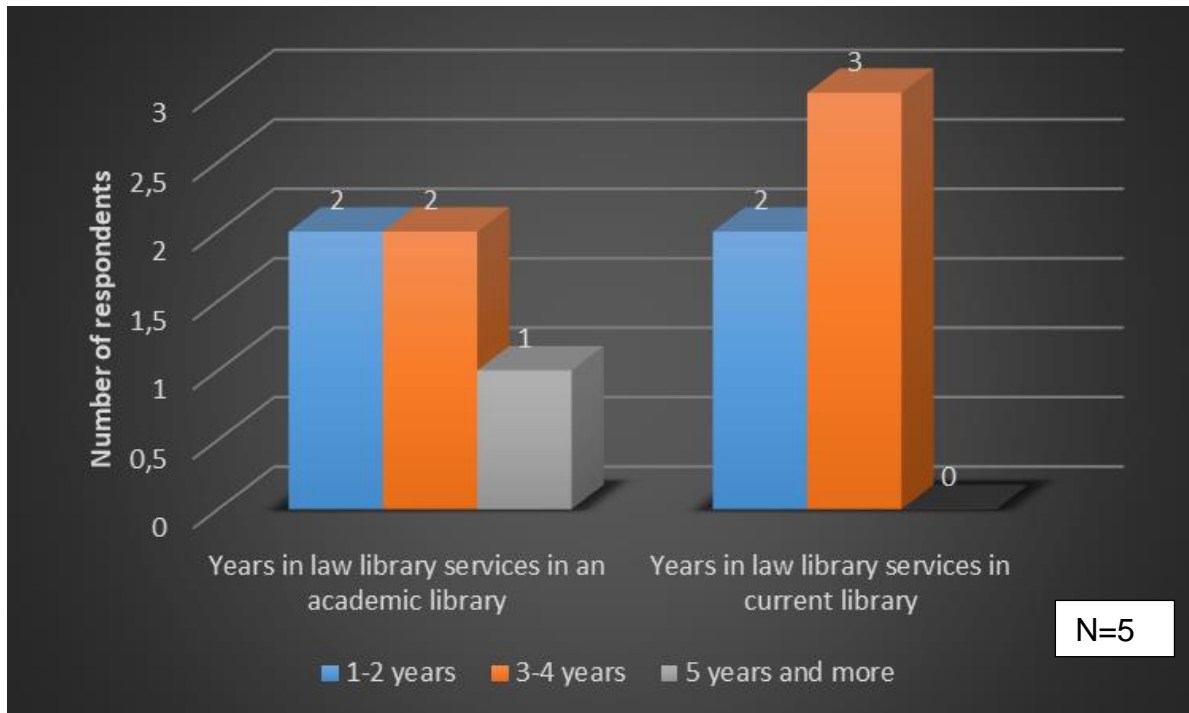
Of the five law librarians interviewed, three were designated as Law Faculty Librarians, while two were in a managerial role. While the job title of the faculty librarian differed from institution to institution, the role remained the same. As discussed in Section 3.4.1 (Chapter 3), the UCT law library is a branch library whereas the SU and UWC law libraries are sections within the main library.

In terms of qualifications, all five librarians had an LIS qualification (see Table 4.3) while only two had a law-related qualification, namely an LLB and an LLM. Only one librarian had completed a master's degree, that being a master's degree in law.

**Table 4.3: LIS qualifications of librarian respondents (N=5)**

Highest academic qualification(s) of interviewee	
Bbibl	1
Honours in LIS and in English Literature	1
Master's in tax law	1
Bbibl Hons	1
PGDipLIS	1

All five librarians were relatively new in a law library role in terms of their experience (see Figure 4.3). The longest term served, at the time of the interviews, was five years. It also seemed that, with the exception of one, most of the librarians interviewed had only ever worked in their current law library.



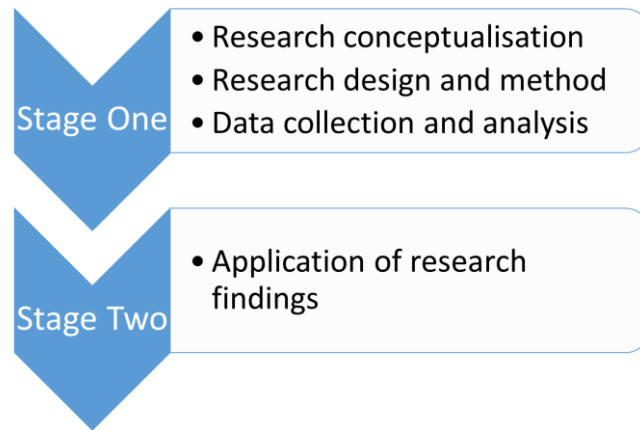
**Figure 4.3: Number of years spent working in an academic law library**

#### 4.2.2 What research lifecycle processes are being used by legal academics?

In order to address this question, the concept of the research process, as set out by Babbie (2016: 114), was used in the design of the interview schedule for legal scholars (see Appendix A) and the questions followed the research process outlined in the following order: Research conceptualisation; Research design and methods; Data collection and analysis; and, Application of research findings.

The interviews holistically revealed that legal scholars follow a traditionally doctrinal method of research, which has been described in the literature reviewed in Chapter 2 (see Section 2.3.1). Doctrinal research consists of first deciding on the legal concept to be researched, and then using literature in the form of textbooks, journals and legal documents (such as cases and legislation) to investigate the concept. Thereafter a research output is crafted which applies the findings of the investigation,

in the form of a journal article or a book. This method follows two stages, and does not distinguish per se between conceptualisation, design and methods or data collection and analysis. It is graphically represented in Figure 4.4.



**Figure 4.4: The stages of doctrinal research, as described by legal scholars**

However, for the purpose of facilitating reporting of research findings, the results of data collection for the study will be reported according to the research process as set out by Babbie (2016: 114) and which informed the design of this study.

#### 4.2.2.1 Research conceptualisation

Research conceptualisation was looked at through the lens of resource access. Legal scholars spoke to the tools that they most used to find information, as well as to whether or not they changed their tools according to the category of legal information required.

**Table 4.4: The tools used by legal scholars to conceptualise research (N=12)**

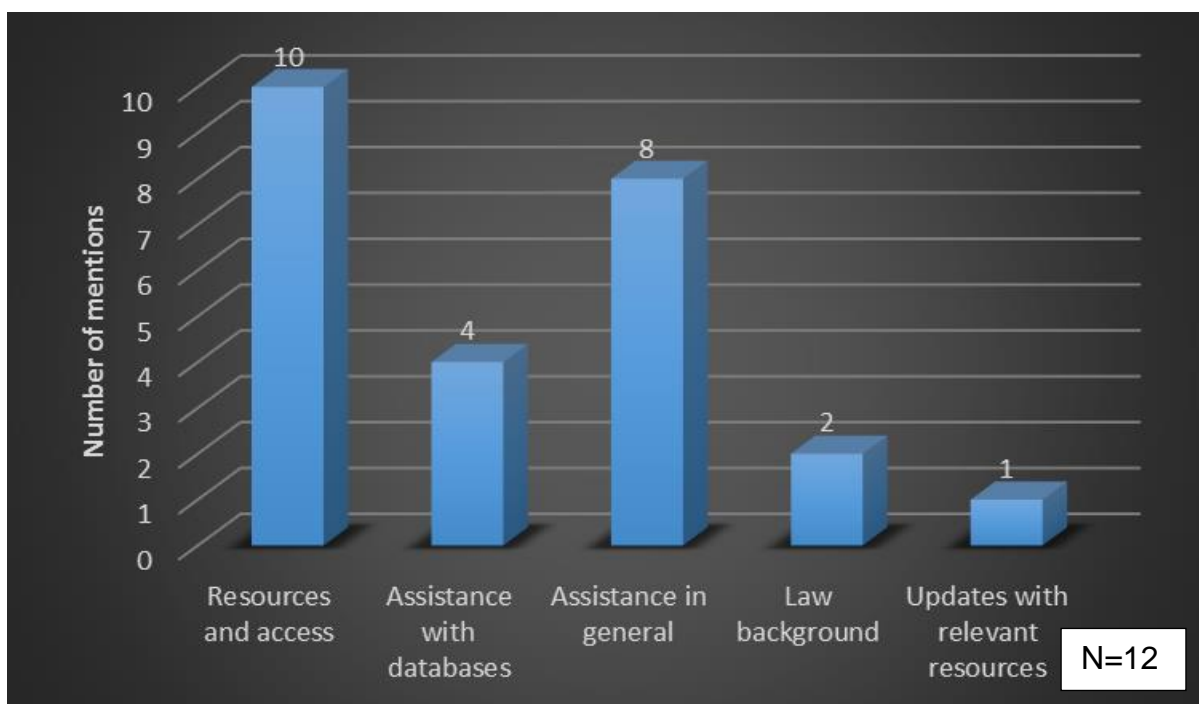
Tools used to conceptualise research	Textbooks	Databases	Google Scholar	Internet
Number of mentions by legal scholars	6	10	6	6

Legal scholars interviewed showed no preferred use for resources, but most made mention of Google or the Internet (see Table 4.4). The majority of the 12 legal scholars changed tools depending on the category of legal information required

(primary sources, namely case law and legislation, as opposed to secondary sources, namely, literature) - nine (of 12) indicated that they either selected their tools or changed them according to the category of legal information being used. Only three legal scholars did not change their tools for this purpose. An additional mention should be made of textbooks – most of the 12 academics stated that they used these in conjunction with the other tools, with one of them explaining:

*“I think typically I’d start with books. I want to see if something is written in the standard textbooks on the subject. So do they address the particular issue in any of the standard textbooks? The well-known textbooks on the subject. So that would be my first port of call and then if I don’t find any joy there, then maybe I’ll start searching for articles and reading around the issue.”*

Legal scholars were also probed about what they saw as critical library services for their research. While this is discussed in more detail in Section 4.2.4, Figure 4.5 shows that legal scholars interviewed were most concerned with access to legal resources. Some interviewees made mention of more than one service.



**Figure 4.5: Legal scholars' views on what are critical library legal research support services**

#### 4.2.2.2 Research design and methods

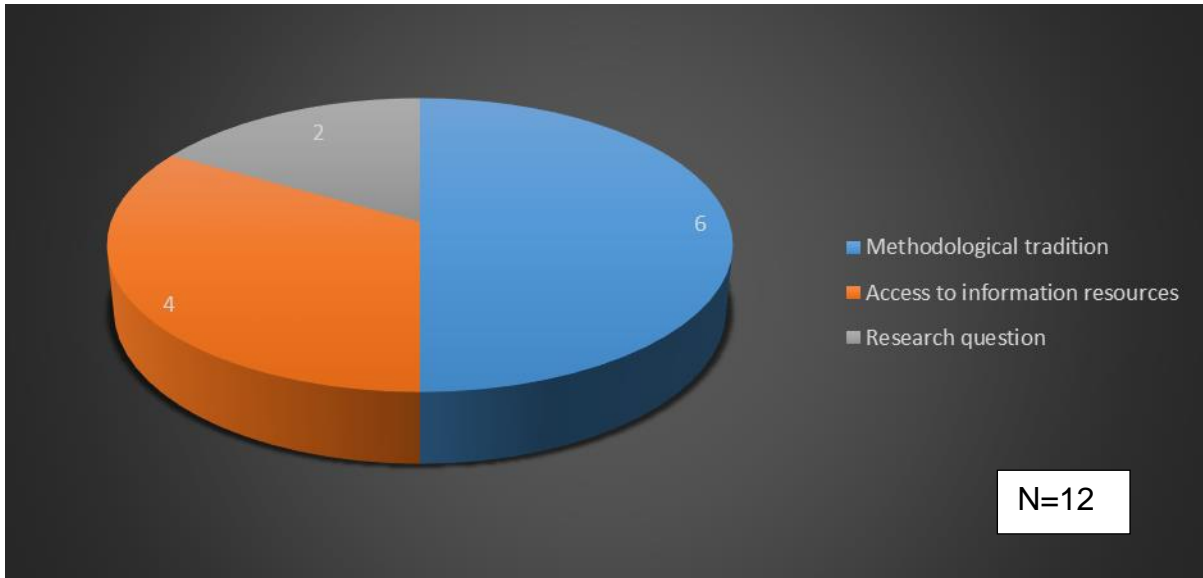
Access to information resources was probed (see Appendix A) through questioning the relationship between information resources and research methodology, looking at what drives the use of the particular methodology (see Figure 4.6). The majority of the 12 respondents indicated that choice of research methodology was purely the tradition they had learnt their scholarship in, while others stated that due to the desktop nature of their research, access to information affected the ability to research certain topics:

*“Well, I’m not going to embark on research when I don’t actually have the resources”.*

*“It does. Sometimes I do comparative work - so, in comparing South African systems to some other systems - and there I think resources play a huge role because if you don’t have access to the laws or the information about a certain jurisdiction, you just can’t pick it to study.”*

*“I think that’s it because I don’t know any other method apart from desktop research.”*

*“I think it’s more a matter of almost the methodological tradition in which you have grown up in as an academic that influences your preferences.”*



**Figure 4.6: Factors influencing legal scholars' choice of research design and methods**

Legal scholars were also probed about what influences their use of research methodology not used before. It would seem that the changing nature of research – specifically interdisciplinary aspects, as well as funder requirements – are factors affecting the choice of research methodology not used before (see Table 4.5). The main consideration, however, on the choice of methodology seems to be the study’s research question. Some scholars expressed discomfort with using a different method, and so would choose to rather remain with their traditional methodology (as also evident in Figure 4.6).

**Table 4.5: Factors influencing legal scholars' considerations for using research methodology not used before (N=12)**

Factors influencing choice of methodology	Research question	Funder requirements	Interdisciplinarity	Traditional methods
Number of mentions by legal scholars	9	2	3	4

These sentiments may be summarised by the following opinion of one of the legal scholars:

*“So it would be influenced by what I’m doing the research for and whom I’m doing it for. Generally I would just go with desktop research, it’s just easier and it’s what I’m accustomed to, but I’ve been involved in research projects that actually require qualitative or quantitative research methodology and so, in those instances I have shifted to that, but it’s because the project is conceptualised and actually requires that.”*

When asked about their engagement with librarians with regards to research design and methods, all 12 legal scholars interviewed indicated that they had never done so. The reasons provided by them was more that they were not aware that they could engage with the librarian on research design and methods, or that they were unsure whether the librarian had the capacity to assist with these aspects, rather than an unwillingness to do so:

*“No. If I thought the library had the capacity and the resources to deal with that then I would.”*

#### **4.2.2.3 Data collection and analysis**

To further explore the relationship between research conceptualisation, methodology and data analysis from a resource access point of view, legal scholars were asked to describe what constitutes data in the context of legal research (see Table 4.6). It is not surprising that cases and legislation dominate the mentions.

**Table 4.6: Legal scholars’ views on what constitutes data in legal research (N=12)**

<b>Legal research data</b>	<b>Cases</b>	<b>Legislation</b>	<b>Academic articles</b>	<b>No data in law</b>	<b>Numbers</b>	<b>Interviews, surveys, etc.</b>
Number of mentions by legal scholars	8	7	3	2	2	1

Legal scholars were sometimes reluctant to call what they work with data, but described working with information resources as the primary data used:

*“I know that in the humanities context data, well, even in the science context, data is what you gather by doing this kind of interview or doing tests or whatever, but in the legal context, data is also the knowledge created by the analysis of existing texts. I don’t like calling it data though. I call it information.”*

As a result of the type of materials used in legal research, it can be seen how the research method used by the legal scholars, as shown in Figure 4.4, joins the first three research process concepts in one stage. As one interviewed legal scholar described:

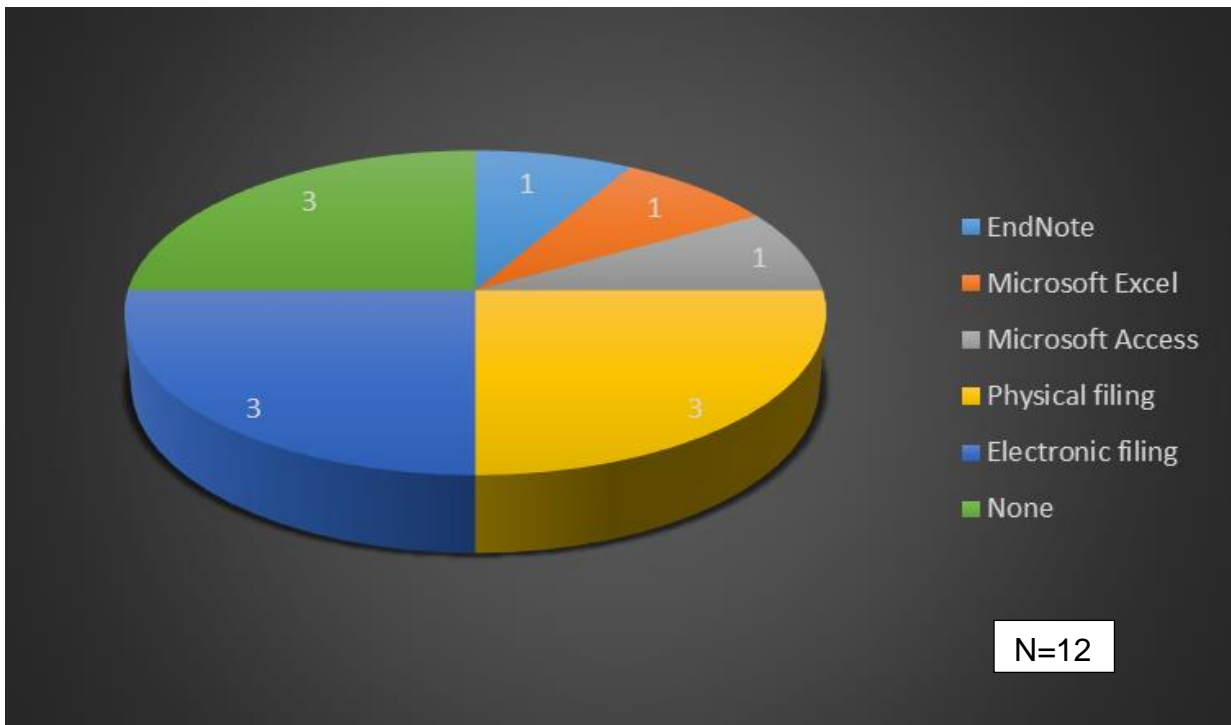
*“When data is defined in this way [‘in this way’ referring to data consisting of information resources], you do not at a particular moment in the process go out and gather data. You are constantly in the midst of it.”*

All 12 legal scholars stated that there was a differentiation in the nature of data when considering the category of data source, namely, primary and secondary sources in legal research (a primary source being, for example, a court case, while a secondary source would refer perhaps to a journal article):

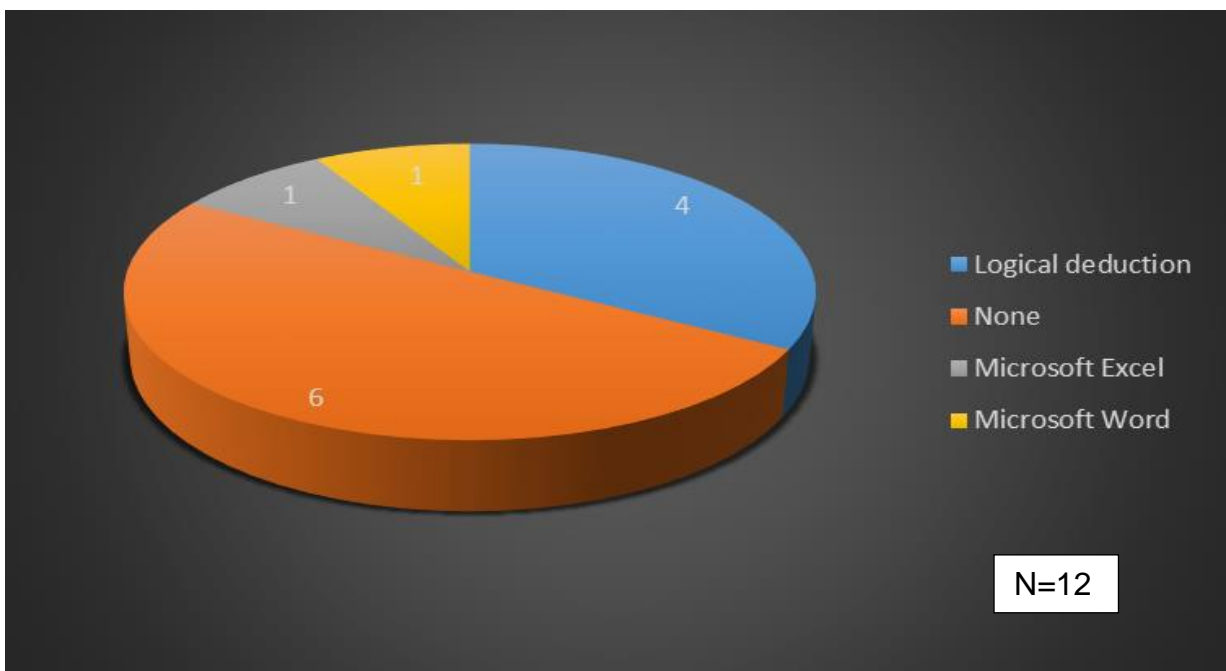
*“Definitely, yeah, it would. It differs just by what the things inherently are.”*

*“I think they both are but they’re different things right? The primary sources provide the law. Secondary sources do not. So as much as I respect professorial opinion, it’s not the law.”*

Legal scholars were asked about tools that they used to collate and analyse data collected. Most legal scholars used basic tools, or no specific tools to collate their data (see Figure 4.7), and the majority used either logical deduction or no specific tool to analyse their data (see Figure 4.8). This also speaks to the doctrinal methodology (referred to earlier) that legal scholars tend to use in their legal research.



**Figure 4.7: Tools used by legal scholars to collate data**



**Figure 4.8: Tools used by legal scholars to conduct data analysis**

The concept of research data management was then looked at through a library lens. Legal scholars interviewed were asked about research data management (RDM) planning in a context of libraries globally taking a leading role in RDM initiatives and the fact that institutional and funder mandates require data

management planning and public access to research data. The point of departure for this study was to ascertain whether research data management planning is feasible in the context of legal research, considering the nature of legal research data.

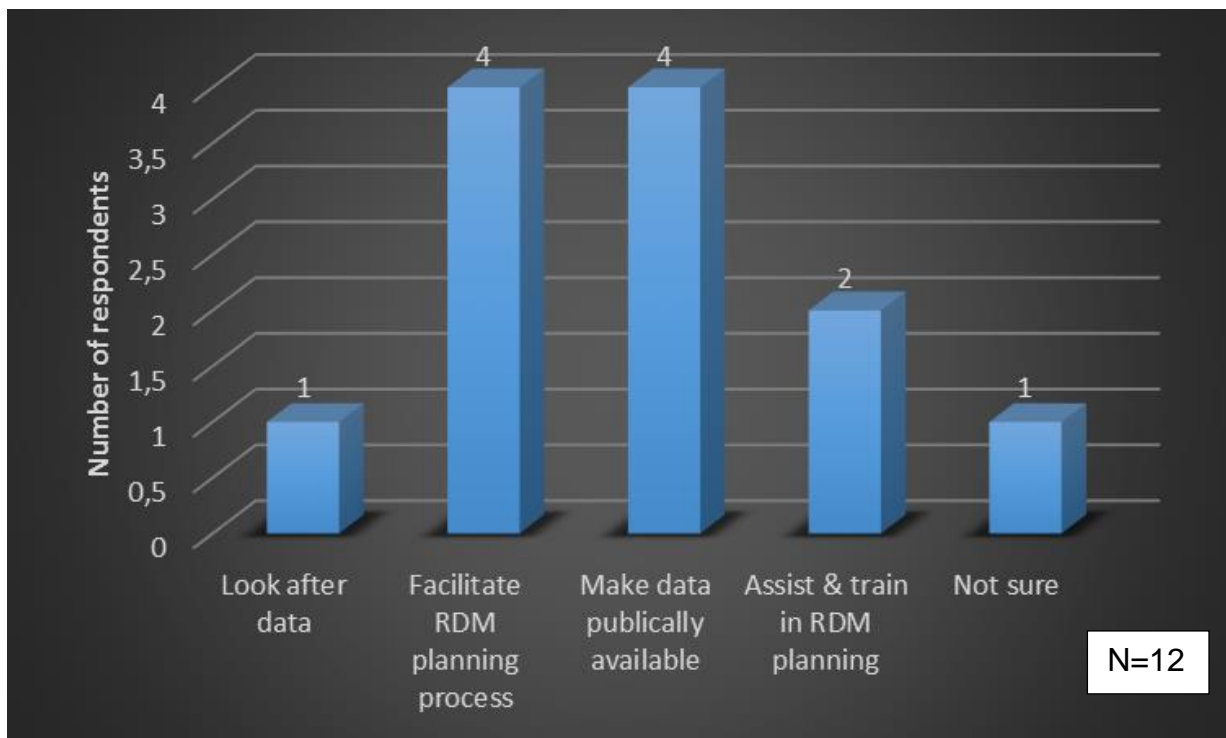
**Table 4.7: Legal scholars' opinions about the feasibility of research data management planning in the context of legal research (N=12)**

<b>Feasibility of research data management planning in the context of legal research</b>	<b>Yes</b>	<b>No</b>	<b>Limited</b>
Legal scholars' opinions	3	7	2

The general opinion of legal scholars interviewed, shown in Table 4.7, was that it is not feasible, or that there is limited feasibility. One respondent commented:

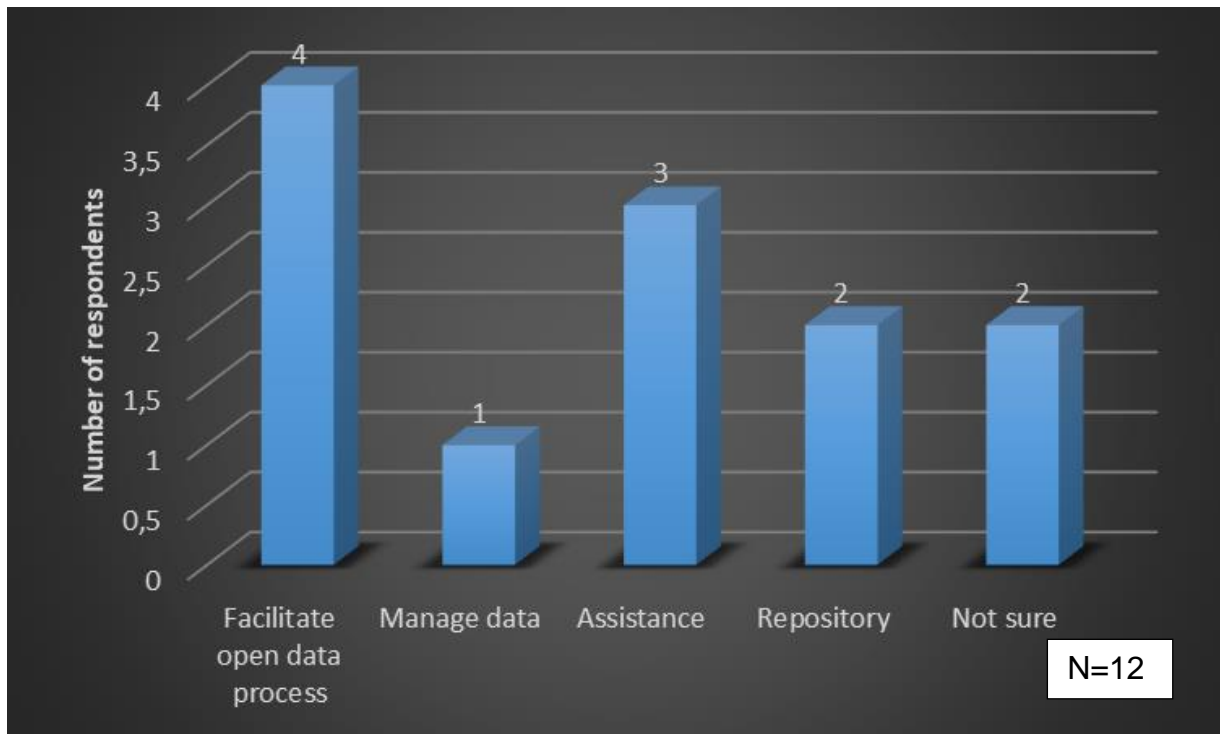
*“I can understand that such planning is something that one would have to consider in some environments, but I think that in law it is less of an issue; typically what you often do is basically to make use of data that is already externally available, and you use it for your particular purposes.”*

Legal scholars interviewed were prompted about what role they see their law libraries playing in their data management planning as legal scholars. Figure 4.9 shows that legal scholars wanted their law libraries to play a facilitating role in the RDM process, to make data publically available for them, and to assist and train them in RDM planning.



**Figure 4.9: The services that legal scholars want from the law library in terms of research data management planning**

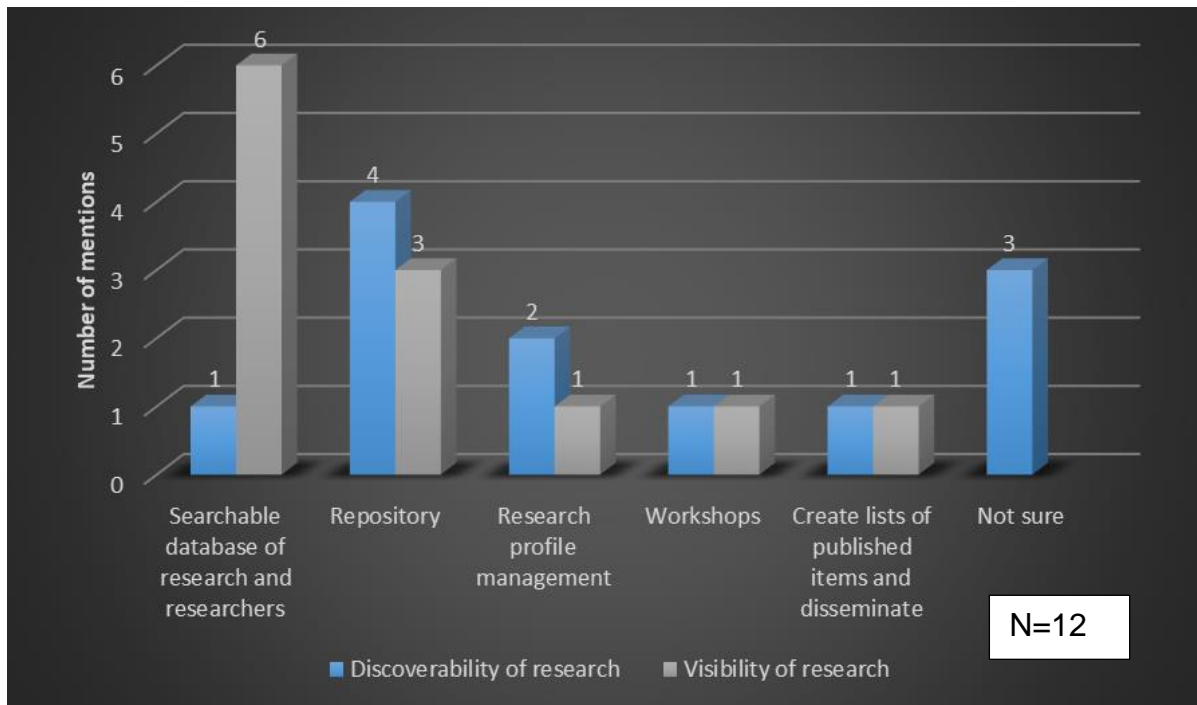
Similarly, when asked if their institutions or funders required them to make their research data publically available what services do they see their law libraries providing in this regard, legal scholars interviewed emphasised a facilitating, assistance and guiding role from their law libraries (see Figure 4.10).



**Figure 4.10: Services from the law library envisioned by legal scholars to help them make their data publicly available**

#### 4.2.2.4 Application of research findings

The last aspect of the research process, the application of findings, was once again viewed through a library lens, but this time in terms of scholarly communication and bibliometric services (see Figures 4.11 and 4.12 where respondents sometimes provided more than one response).



**Figure 4.11: Scholarly communication services required by legal scholars from the law library to enhance the discoverability and visibility of their research**

The idea of open access was well-known to and accepted by legal scholars, however, the applicability of it, purely due to constraints which included discomfort with using the tools available, licencing restrictions and time needed to archive, were highlighted by legal scholars interviewed. The ability of the law library to disseminate information, either through searchable databases, repositories or the creation of lists were highlighted as a need by legal researchers interviewed. However, some of the newer ventures of libraries such as advice on where to publish or library publishing were not seen as the place of the library by legal scholars:

*“The decision where to publish, I think that’s with the academic. I didn’t know if that’s really the librarian’s job.”*

*“I’m not sure it’s the place of the library to become a publisher...if we have limited resources perhaps the library should focus on what it really can do well. Rather than try to do two things badly...”*

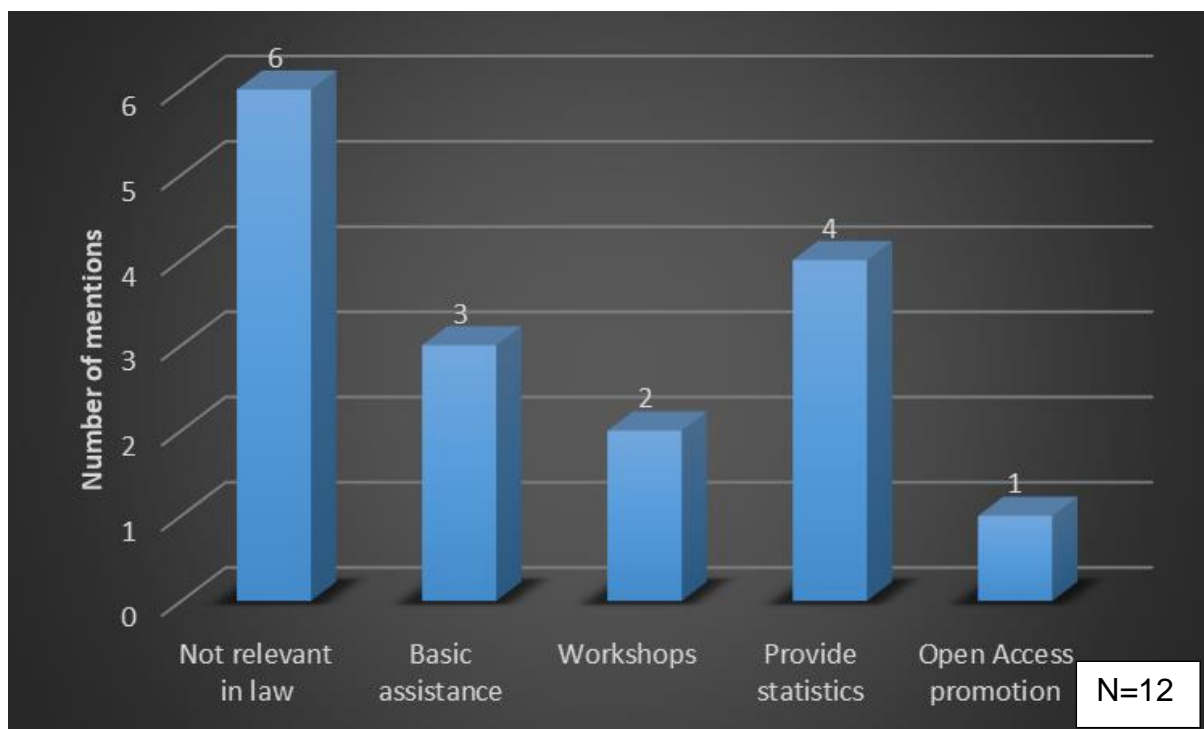
One scholar expressed a view with regards to access to research and the role of the library, seeing the library as advocates for facilitating access to existing resources:

*“I’m of the view that I think it’s ridiculous that as a public university, paid for by public funds, I have to pay page costs and submissions costs to a private journal who then sells it back to UCT for access so that we can see our own work. I mean, that’s ludicrous and if anything needs to be decolonised, it’s that. So, yes, definitely I think the library could be a leading role in changing access...maybe I’m even thinking a bit more radically. Just being a part of those discussions, if they are happening, or starting them if they’re not happening.”*

Legal scholars interviewed were aware of bibliometric services, however, their applicability to law was doubted:

*“I’ve not seen anything convincing that convinces me that bibliometrics will have any significant role to play in legal research. I just think that the way we would think of impact is quite different from what, for example, in the natural sciences would be the case or even in some of the major social sciences. So our colleagues in the western universities are playing this game – they are saying, “can we perhaps use this as a way of measure research success?” and then in law we need to say, “okay, this isn’t going to work for us, but we can do the following”. If the library is not going to help us figure out what that is, I don’t know who will.”*

The range of responses from legal scholars interviewed in relation to the issue of bibliometric services from the law library, for purposes of measuring the impact of their research for grant applications, research (e.g. NRF (National Research Foundation) ratings, promotion, etc.), is shown in Figure 4.12. Here too, sometimes more than one response per respondent was provided. In view of the narrative cited above, it is not surprising that ‘Not relevant in law’ is the dominant response in Figure 4.12. With bibliometric services too, as evident in Figure 4.12, legal scholars interviewed are looking for a guiding/assisting role from the law library.



**Figure 4.12: Bibliometric services required by legal scholars from the law library to support them in measuring the impact of their research**

Legal scholars were able to, in the general remarks part of the interview, provide a final word on law library services and here the issue of access not only to up-to-date resources but also to books, were highlighted (see Figure 4.13 where legal scholars sometimes gave more than one response). This makes sense taking into account the reliance on literature by legal scholars. Two legal scholars emphasised the importance of a good law librarian, one saying so directly:

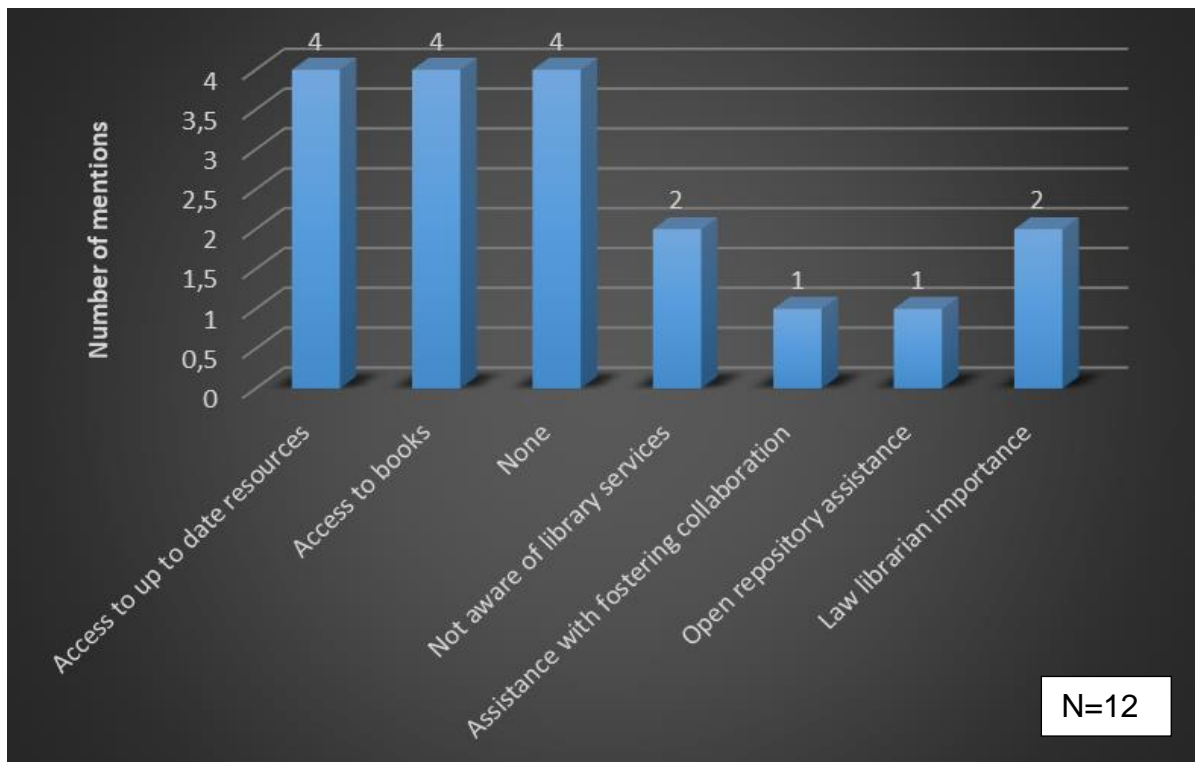
*"Yes, I don't think one can underestimate the impact that a good librarian makes on legal research."*

Some legal scholars expressed their surprise at the services the library could offer:

*"I think that you've probably highlighted for me the way I'm underutilising library services, that I possibly do not know all the library services available and that is all due to the fact that we are not communicating effectively."*

One comment was made with regard to the increasing interdisciplinarity of legal scholars, where the respondent felt that the library could take a role in fostering

collaboration in terms of identifying possible co-authors for legal scholars. Another respondent spoke to the difficulty they had with regard to uploading content onto the institutional repository, and stated that they felt the library could take much more of a guiding role in this instance.



**Figure 4.13: General remarks from legal scholars at the end of the interview**

#### **4.2.3 What research support services, according to the literature, offered by academic law libraries can support scholarly legal research lifecycle processes?**

Research support services discussed in Chapter 2 (Literature Review) were not only from the lens of the academic law library, but also from that of the academic library in general. This is because certain research support services trends may not yet be present in literature regarding academic law libraries, but they are present in literature regarding academic libraries and can be applied to academic law libraries as well. Hence the findings from the literature relating to this research question will focus on the different support services, firstly the more traditional services and thereafter the newer services, through the lens of both the academic library and the academic law library, as reflected in the literature. Furthermore, there is very little, if

any, literature regarding academic law libraries and research support services in relation to both a South African and an African context (as mentioned in Chapter 2). Therefore, for the purposes of this study, literature relating to academic libraries in general was taken to be of use to academic law libraries within the South African context. In addition, a distinction is made between traditional library services, as outlined in Section 1.7.4, and new services or trends within the library as identified within the literature.

#### **4.2.3.1 Research support in academic libraries and academic law libraries**

A number of studies on research support in academic libraries in general and as well as academic law libraries were reviewed in terms of services suggested / used within the libraries.

In order to analyse the literature, searches were conducted across databases, including Google Scholar, HeinOnline, EBSCOHost, Science Direct as well as the University of Cape Town library catalogue. Reference lists of relevant articles were also perused in order to find further literature relating to the concept of research support within academic libraries and academic law libraries, and citing articles were followed through using citation tools within the databases. Criteria used to include literature were as follows: research support relevance, applicability to academic libraries in general and academic law libraries in particular and the datedness of the article (those included were confined to more recent literature). Articles published in academic journals as well as theses were included in the literature collected. Exclusionary criteria related to instances where the focus was on research support in terms of a space, as opposed to a service from librarians, particularly literature that focused on the research commons within the library as this was not deemed as relevant to the current study. Furthermore, where a single author had published a series of articles, the later article on the same matter was included, as it echoed the earlier article through citations.

Library services included traditional services detailed as: reference services; the use of a liaison model; subject / discipline knowledge; knowledge of sources / tools;

information literacy / training; and, collection development. New services included scholarly communications; web 2.0 and emerging technologies; information management; research data management; metadata and research data assistance; knowledge of funder mandates; assistance with copyright issues; partnership; bibliometrics; publishing and open access; marketing; and, research design and methods assistance.

Table 4.8 details research support services, divided into traditional and new services, in both academic law libraries and academic libraries in general. Though this study focused on academic law libraries, for the reasons explained earlier in this section about the relative lack of literature on research support and law libraries, it became necessary to also review literature relating to research support and academic libraries in general.

#### *4.2.3.1.1 Traditional services in academic libraries and academic law libraries*

Under the umbrella of ‘traditional services’, five services were explored: reference services; liaison models; subject / discipline knowledge; knowledge of sources / tools; information literacy / training and collection development.

Reference services were mentioned in the majority of the literature relating both to academic libraries (16 out of 17 articles – see Table 4.8) and academic law libraries (7 out of 7 articles), with the only omission being the result of the focus of the specific article on research data management and bibliometrics. As this study focused on academic law libraries and law librarians, the engagement model used by librarians is relevant. As is evident in Section 4.2.4, the liaison model is favoured in South African academic law libraries that were explored. It can be seen in Table 4.8 that the liaison model is mentioned in just over half the literature relating to academic law libraries (4 out of 7 articles). While the remaining three articles do not mention alternative models for engagement, they do focus on new services within the library to enhance research support. Similarly, 10 out of the 17 articles relating to academic libraries in general mention liaison as the method of engagement between the library and scholars/academics.

Subject / discipline knowledge relates to whether or not the librarian has subject knowledge of the research community being serviced. While some literature mentions this as part of the traditional aspect of librarianship (7 out of 17 in relation to academic libraries in general; 2 out of 7 in relation to academic law libraries), the majority do not make mention of it. This may perhaps be a result of librarians being recognised as specialists within their own field (library and information science). In contrast, knowledge of tools and sources is mentioned in all but one of the literature items relating to academic law libraries (6 out of 7 articles), but only in 8 out of 17 of the literature items relating to traditional libraries. This makes sense, as legal scholars rely on literature to be able to conduct their research and therefore the tools and sources that contain this literature are of great importance to them, and thus a necessity for the librarian to work with. In academic libraries in general this may not necessarily be the case, especially as some library services, such as data services, are considered 'functional' roles within libraries, namely, that it is a generic role in that it is not defined by faculty, and the focus is more on one aspect of LIS services as opposed to a number of LIS services simultaneously.

Information literacy and training reflects a degree of ambivalence in the literature, with only about half the literature in relation to academic law libraries (4 out of 7) but the majority of literature with regards to academic libraries (14 out of 17), mentioning this service. Collection development has a mixed response within the literature relating to academic libraries in general (8 out of 17 articles), but has a strong mention with regards to academic law libraries (6 out of 7 articles). Again, in view of the relationship between the study of law and literature, this makes sense.

#### *4.2.3.1.2 New services in academic libraries and academic law libraries*

The services discussed under 'new' research support services are as follows: scholarly communications; web 2.0 and emerging technologies; information management; research data management; metadata and research data assistance; knowledge of funder mandates; assistance with copyright issues; partnership; bibliometrics; publishing and open access; marketing; and, research design and methods assistance.

Scholarly communications referred to working with institutional repositories, research networks or identifiers (such as ORCID) used within the scholarly communication sphere. This was mentioned in the majority of literature relating to academic law libraries (5 out of 7 – see Table 4.8), as well as in the literature relating to libraries in general (13 out of 17). Publishing matters, and specifically open access matters, were mentioned widely in both sets of literature (4 out of 7 in relation to academic law libraries, 11 out of 17 in relation to academic libraries in general). Copyright issues were mentioned in 7 out of 17 literature items in relation to academic libraries, and 3 out of 7 literature items in relation to academic law libraries.

Web 2.0 and emerging technologies reflected in the majority of literature items in relation to academic law libraries (5 out of 7), but was only mentioned in 7 out of the 17 literature items relating to academic libraries in general.

Information management was mentioned in 3 out of the 7 literature items relating to academic law libraries, and in 7 out of 17 literature items relating to academic libraries. Research data management, in contrast and not surprisingly, was mentioned in 14 out of 17 literature items (academic libraries in general) but only in 2 out of the 7 literature items relating to academic law libraries. When considering the responses of legal scholars in relation to research data management, the lack of discussion in academic law library literature on this service appears to be in line. Similarly, metadata and research data assistance were also mentioned in more than half the literature relating to academic libraries (10 out of 17), but only in one literature item relating to law libraries.

Library services with regards to funder mandates, including assistance with funding applications and grants, interestingly, was not well mentioned within the literature (5 out of 17 with academic libraries; not mentioned in literature relating to academic law libraries). Bibliometrics was another service not mentioned in literature relating to academic law libraries, but in contrast was mentioned in 13 out of 17 literature items relating to academic libraries in general.

The role of the library as a partner in the research process was discussed in 7 out of 17 literature items relating to academic libraries, and in 3 out of 7 literature items in

relation to law libraries. Assistance with research design and research methods was more positively spoken about in literature relating to academic law libraries (4 out of 7 articles), but only in 3 out of 17 literature items relating to academic libraries. This could be signs of the legal field becoming more empirical and interdisciplinary with research, and attempting to move away from the traditional doctrinal research method.

Marketing the library and its services was not discussed widely in the literature, only being mentioned in 6 out of 17 literature items for academic libraries and 3 out of 7 articles for academic law libraries.

The discussion in this section is drawn from the tabular presentation in Table 4.8.

**Table 4.8: Research support services in both academic law libraries and academic libraries as reflected in the literature**

Research support services		Traditional services						New services											
		Reference services	Liaison models	Subject / discipline knowledge	Knowledge of sources / tools	Information literacy / training	Collection development	Scholarly communications	Web 2.0 and emerging technologies	Information management	Research data management	Metadata and research data	Funder mandates	Copyright issues	Partnership	Bibliometrics	Publishing and Open Access	Marketing	Research design and methods assistance
Research support in law libraries	1. Lewis (2002)	x	x		x	x	x		x										
	2. Davidson (2010)	x	x	x				x	x	x								x	x
	3. Danner (2010)	x	x	x	x	x	x	x						x	x		x		x
	4. Sputore (2011)	x			x	x	x	x	x	x	x				x		x		
	5. Butler (2012)	x	x		x	x	x	x	x					x			x	x	x
	6. Canick (2013)	x			x		x	x	x	x				x	x		x	x	
	7. Reeve & Weller (2015)	x			x		x					x	x						x

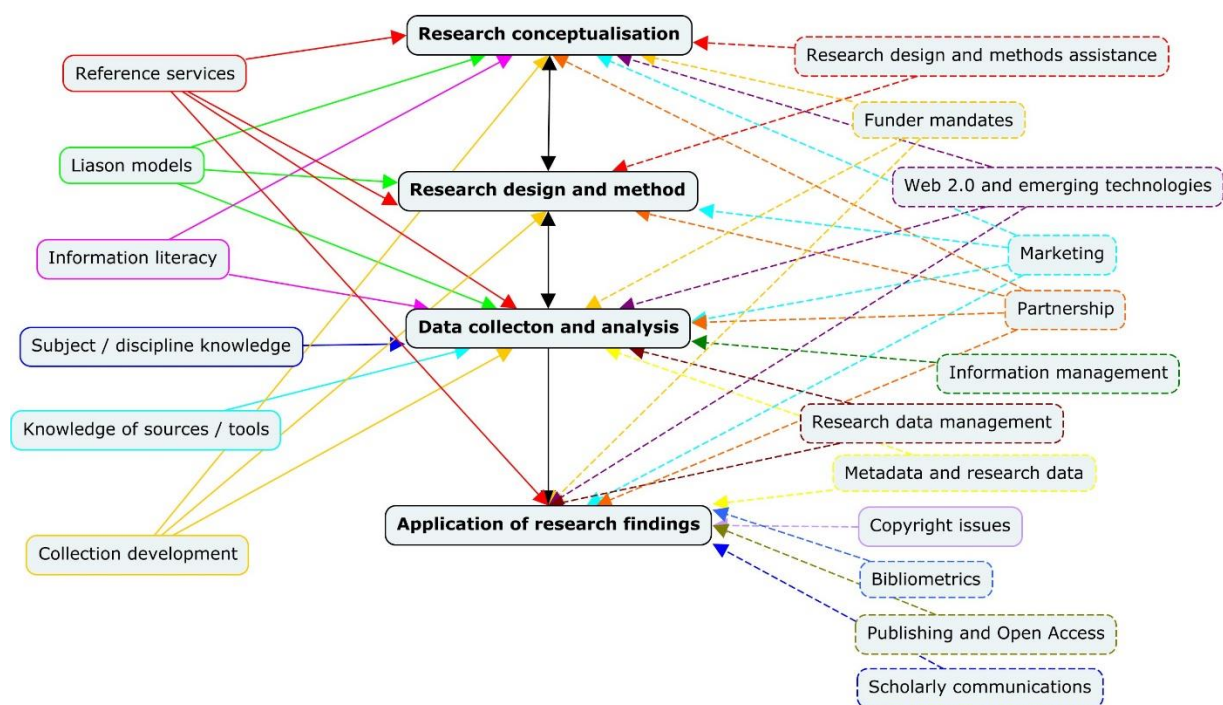
Research support services		Traditional services						New services											
		Reference services	Liaison models	Subject / discipline knowledge	Knowledge of sources / tools	Information literacy / training	Collection development	Scholarly communications	Web 2.0 and emerging technologies	Information management	Research data management	Metadata and research data	Funder mandates	Copyright issues	Partnership	Bibliometrics	Publishing and Open Access	Marketing	Research design and methods assistance
Research support in academic libraries	8. Parsons (2010)	x	x	x		x	x	x	x		x	x							
	9. Cooke et al. (2011)	x	x	x		x		x						x		x			
	10. Hart & Kleinveldt (2011)	x	x	x	x	x	x	x		x					x				
	11. Auckland (2012)	x	x	x	x	x		x	x	x	x	x	x	x	x	x	x		x
	12. Brewerton (2012)	x		x	x	x		x	x	x	x	x	x	x	x	x	x		x
	13. Jagusweski & Williams (2013)	x	x			x	x	x		x	x	x		x	x	x		x	

Research support services		Traditional services						New services											
		Reference services	Liaison models	Subject / discipline knowledge	Knowledge of sources / tools	Information literacy / training	Collection development	Scholarly communications	Web 2.0 and emerging technologies	Information management	Research data management	Metadata and research data	Funder mandates	Copyright issues	Partnership	Bibliometrics	Publishing and Open Access	Marketing	Research design and methods assistance
Research support in academic libraries	14. Vaughan et al. (2013)	x			x	x		x			x	x	x			x		x	
	15. Raju & Schoombee (2014)	x			x	x	x	x			x	x			x	x	x		
	16. Chanetsa (2014)	x	x	x	x	x	x		x	x				x		x	x	x	x
	17. Johnson et al. (2015)	x				x	x		x		x	x					x		
	18. Keller (2015)	x	x			x			x		x			x		x	x		
	19. Raju, Raju & Johnson (2016)	x							x			x	x			x	x	x	

Research support services		Traditional services						New services											
		Reference services	Liaison models	Subject / discipline knowledge	Knowledge of sources / tools	Information literacy / training	Collection development	Scholarly communications	Web 2.0 and emerging technologies	Information management	Research data management	Metadata and research data	Funder mandates	Copyright issues	Partnership	Bibliometrics	Publishing and Open Access	Marketing	Research design and methods assistance
Research support in academic libraries	20. Haddow & Mamtora (2017)		x			x										x			
	21. Cox (2018)	x	x					x						x	x	x	x		
	22. Chiware & Becker (2018)	x							x		x	x					x		
	23. Mabweazara (2018)	x		x	x	x	x	x		x	x	x	x			x	x	x	
	24. Pasipamire (2018)	x	x		x	x	x	x	x	x	x			x		x	x	x	

#### 4.2.3.1.3 Research support services supporting the legal research lifecycle process

The services discussed in the Sections 4.2.3.1.1 and 4.2.3.1.2 were mapped against the scholarly legal research process described by the legal scholars in this study (see Figure 4.4 in Section 4.2.2 of this chapter), and the relationship between the services and the four different stages in the research process can be seen in Figure 4.14.



**Figure 4.14: Research support services in both academic law libraries and academic libraries and their relationship to the different stages of the legal research process**

It can be seen from Figure 4.14 that the research support services reflected in the literature support the scholarly legal research lifecycle process described by legal scholars in this study. This is further illustrated in Table 4.9 where the literature supporting the research support service is captured under the relevant research process stage.

Although certain new research support services are not widely included in the literature relating to law libraries, this is not necessarily an indicator of the extent of their applicability within law libraries. In the next chapter's discussion, these services will be reviewed not only through the lens of the literature but also from the

viewpoints of both legal scholars and law libraries. As explained earlier, literature in relation to academic law libraries and research support services is sparse, and therefore in the interest of contributing to the growth of new research support services in law libraries, it was important for this study to review literature about research support services in academic libraries in general, after all they share a cognate relationship.

**Table 4.9: Research support services in both academic law libraries and academic libraries as reflected in the literature, mapped against the scholarly legal research process described by legal scholars in Section 4.2.2**

Research support services		Stage One			Stage Two
		Research conceptualisation	Research design and method	Data collection and analysis	Application of research findings
Traditional services	Reference services	1-7, 8-19, 21-24	1-7, 8-19, 21-24	1-7, 8-19, 21-24	1-7, 8-19, 21-24
	Liaison models	1-3, 5, 8-11, 13, 16, 18, 20, 21, 24	1-3, 5, 8-11, 13, 16, 18, 20, 21, 24	1-3, 5, 8-11, 13, 16, 18, 20, 21, 24	1-3, 5, 8-11, 13, 16, 18, 20, 21, 24
	Subject / discipline knowledge			2, 3, 8-12, 16, 23	
	Knowledge of sources / tools			1, 3-7, 10-12, 14-16, 23, 24	1, 3-7, 10-12, 14-16, 23, 24
	Information literacy	1, 3-5, 8-18, 20, 23, 24		1, 3-5, 8-18, 20, 23, 24	
	Collection development	1, 3-7, 8, 10, 13, 15-17, 23, 24	1, 3-7, 8, 10, 13, 15-17, 23, 24	1, 3-7, 8, 10, 13, 15-17, 23, 24	
New services	Scholarly communications				2-4, 6, 7, 8-15, 18, 19, 21, 23, 24
	Web 2.0 and emerging technologies	1, 2, 4-6, 8, 11, 12, 16, 17, 22, 24		1, 2, 4-6, 8, 11, 12, 16, 17, 22, 24	1, 2, 4-6, 8, 11, 12, 16, 17, 22, 24

Research support services		Stage One			Stage Two
		Research conceptualisation	Research design and method	Data collection and analysis	Application of research findings
New services	Information management			2, 4, 6, 10-13, 16, 23, 24	
	Research data management			4, 7, 11-15, 17-24	4, 7, 11-15, 17-24
	Metadata and research data			7, 8, 11-15, 17, 19, 22, 23	7, 8, 11-15, 17, 19, 22, 23
	Funder mandates	11, 12, 14, 22, 23		11, 12, 14, 22, 23	11, 12, 14, 22, 23
	Copyright issues				3, 5, 6, 9, 11-13, 16, 18, 24
	Partnership	3, 4, 6, 10-13, 15, 19, 21	3, 4, 6, 10-13, 15, 19, 21	3, 4, 6, 10-13, 15, 19, 21	3, 4, 6, 10-13, 15, 19, 21
	Bibliometrics				9, 11-16, 18-21, 23, 24
	Publishing and Open Access				3-6, 11, 12, 15-19, 21-24
	Marketing	2, 5, 6, 13, 14, 16, 21, 23, 24	2, 5, 6, 13, 14, 16, 21, 23, 24	2, 5, 6, 13, 14, 16, 21, 23, 24	2, 5, 6, 13, 14, 16, 21, 23, 24
	Research design and methods assistance	2, 3, 5, 7, 11, 12, 16	2, 3, 5, 7, 11, 12, 16		

		4.					
		Sputore					
		(2011)		11. Auckland	15. Raju &	19. Raju, Raju	
		5. Butler		(2012)	Schoombee	& Johnson	
	1. Lewis	(2012)		12. Brewerton	(2014)	(2016)	
	(2002)	6. Canick		(2012)	16. Chanetsa	20. Haddow &	
	2.	(2013)	8. Parsons (2010)	13. Jagusweski	(2014)	Mamtora	
	Davidson	7. Reeve	9. Cooke et al.	and Williams	17. Johnson et	(2017)	
Literature	(2010)	and	(2011)	(2013)	al. (2015)	21. Cox (2018)	23. Mabweazara
key for	3. Danner	Weller	10. Hart &	14. Vaughan et al.	18. Keller	22. Chiware &	(2018)
Table 4.9	(2010)	(2015)	Kleinveldt (2011)	(2013)	(2015)	Becker (2018)	24. Pasipamire (2018)

For ease of reading, the literature in Table 4.9 has been coded according to chronological order (mirroring the order in Table 4.8, and demonstrated in the literature key above), and the numbers are mapped against the stages of the research process. Further to this, literature relating to law libraries has been colour-coded red, while literature relating to academic libraries in general remains in black.

#### 4.2.4 What are the current research support services that academic law libraries in the Western Cape, South Africa offer to support their legal scholars?

In order to investigate the third and fourth critical questions, the Reference and User Services framework for LIS services (Reference and User Services Association of the American Library Association, 2015) was used to structure the interview questions and followed the five sections: access; knowledge base; promotion; collaboration; and, evaluation and assessment. The questions relating to access, promotion, collaboration, and to some extent, evaluation and assessment speak to the critical question above, while the questions relating to knowledge base and, again, to some extent evaluation and assessment, speak to the critical question that follows.

##### 4.2.4.1 Access to law LIS services

The concept of access was probed in order to investigate the traditional services of a library, which would include access to library services. The viewpoint of the law librarians interviewed reflected that access for today's legal researcher includes access to online resources as well as to the library's physical resources and services (see Table 4.10).

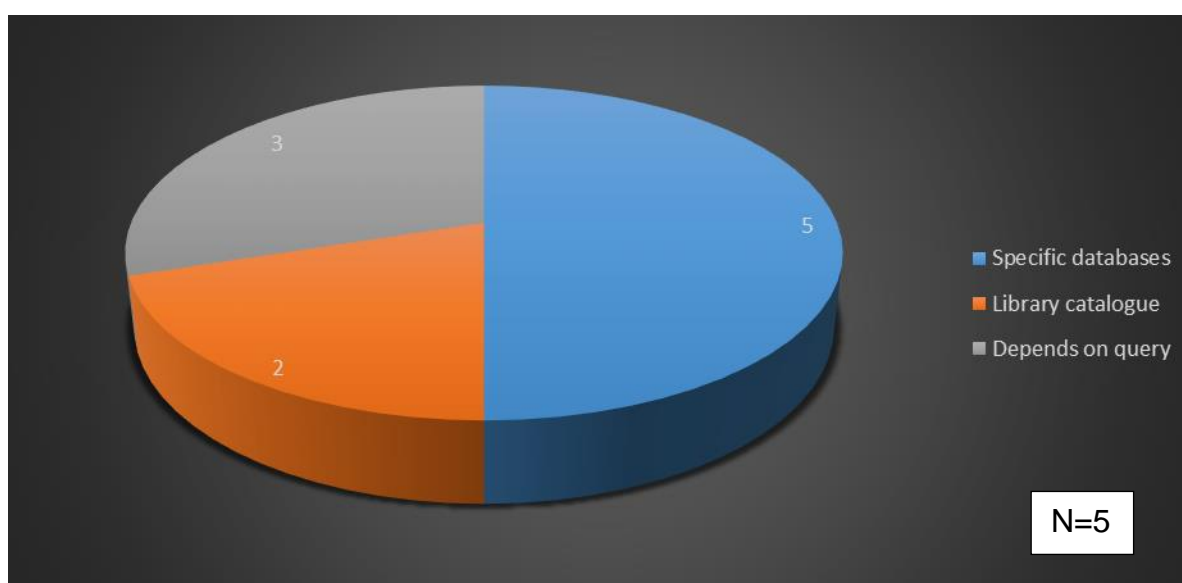
**Table 4.10: Law librarians' views on what the term 'access' encompasses for legal scholars (N=5)**

<b>Law library access</b>	<b>Online access</b>	<b>Physical access</b>	<b>Library space</b>
Number of mentions by law librarians	5	5	2

While access was mentioned in terms of access to library resources, one librarian differed slightly from the others in considering access to also mean access to the content and the meaning of the content:

*“Well, when I refer to the term access, I don’t just mean someone physically being able to trace something and get a hold of it tangibly, but it actually means something more in terms of being able to use it. So, it’s one thing to say to a person “that’s the book as a source, as a physical source of info”, but they actually need to be able to make use of it, to actually decipher the law within the book or whatever the source it may be.”*

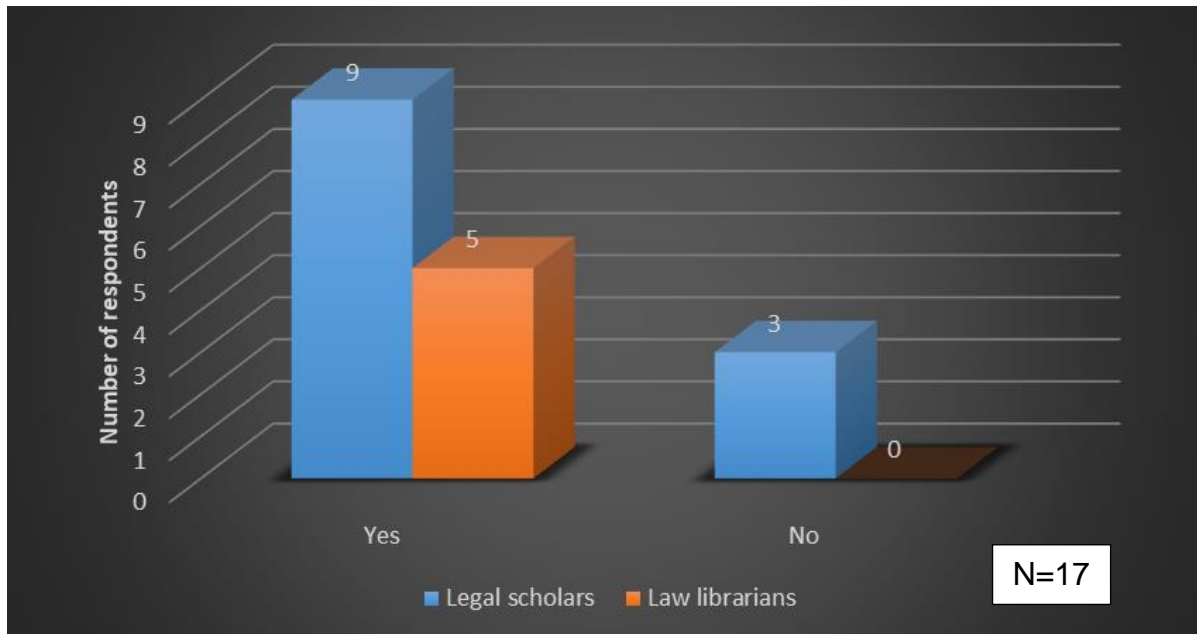
The traditional service of reference requests was also probed - the law librarians interviewed were asked how they responded to reference requests from legal scholars in terms of information resources used (Figure 4.15) and whether this differed with regards to the category of legal information required (Figure 4.16). It was further probed through questioning which of the library resources available were thought to be used most by legal scholars to access information resources (Table 4.11). Interviewees, at times, provided more than one response to these questions.



**Figure 4.15: Tools used by law librarians when responding to reference requests by legal scholars**

Most law librarians seemed to have specific databases that they used, while some differentiated their databases based on the query that was received. When probed further about whether the tools to access information resources changed according to the nature of the legal information required, all five law librarians said that they changed the tools used with regards to the category of legal information required.

This was mapped against whether legal scholars changed their tools to access information resources, and as Figure 4.16 shows, while the librarians all indicated that they change their tools according to category of legal information required, not all the legal scholars interviewed changed their tools.



**Figure 4.16: Librarians changed their tools to access information resources depending on the nature of the legal information required, while the same is not true of all legal scholars**

The librarian interviewees were questioned about what specific tools legal scholars used to access information resources in order to understand the use of them by legal scholars (see Table 4.11). Although all librarians made suggestions, they also made it clear they were not entirely sure:

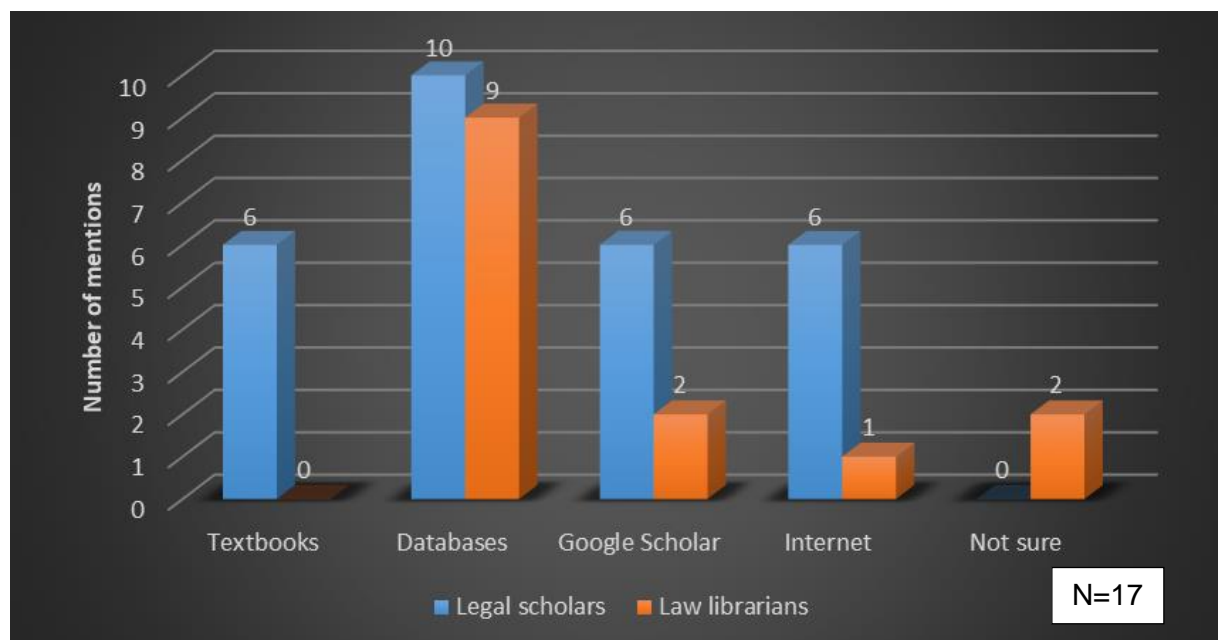
*“I think they are, but I’m not sure because they wouldn’t tell you which databases they are using, but I think the South African legal databases, like Juta and LexisNexis are used by them. They would normally contact us for LexisNexis, if they can’t get access and that’s the main query that we get.”*

*“In general we assume that they use the subscription databases because we pay for them. But this is not to say that they do, they may use SAFLII or Google because it is easier for them.”*

**Table 4.11: Librarians' perceptions of tools most used by legal scholars for accessing information resources**

Tools	No. of mentions
LexisNexis	3
Juta	2
Google Scholar	2
Not sure	2
HeinOnline	1
Primo	1
Sabinet	1
SAFLII	1
Westlaw	1

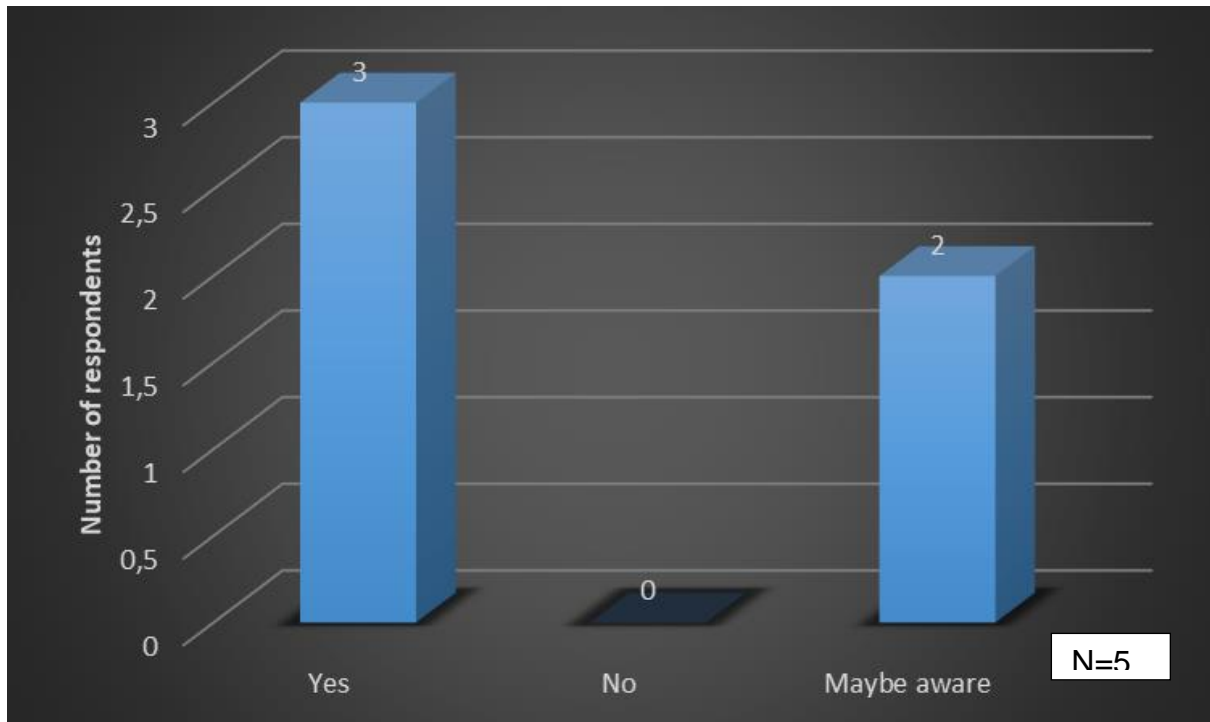
This was mapped against Table 4.4, to cross-reference the resources used by legal scholars as perceived by law librarians, with that stated by legal scholars themselves (see Figure 4.17). It can be seen that legal scholars did not differentiate between the different databases in the same way that librarians did, and rather differentiated by type of access.



**Figure 4.17: Tools used by legal scholars to access information resources, in comparison to the tools perceived by law librarians to be used by legal scholars**

#### 4.2.4.2 Promotion of law LIS services

Law librarians interviewed were asked whether they felt that legal scholars were aware of the legal research support services offered by their libraries (Figure 4.18), their method of marketing services relevant to legal scholars (Figure 4.19) and how they decide which legal research support services to market (Figure 4.20).

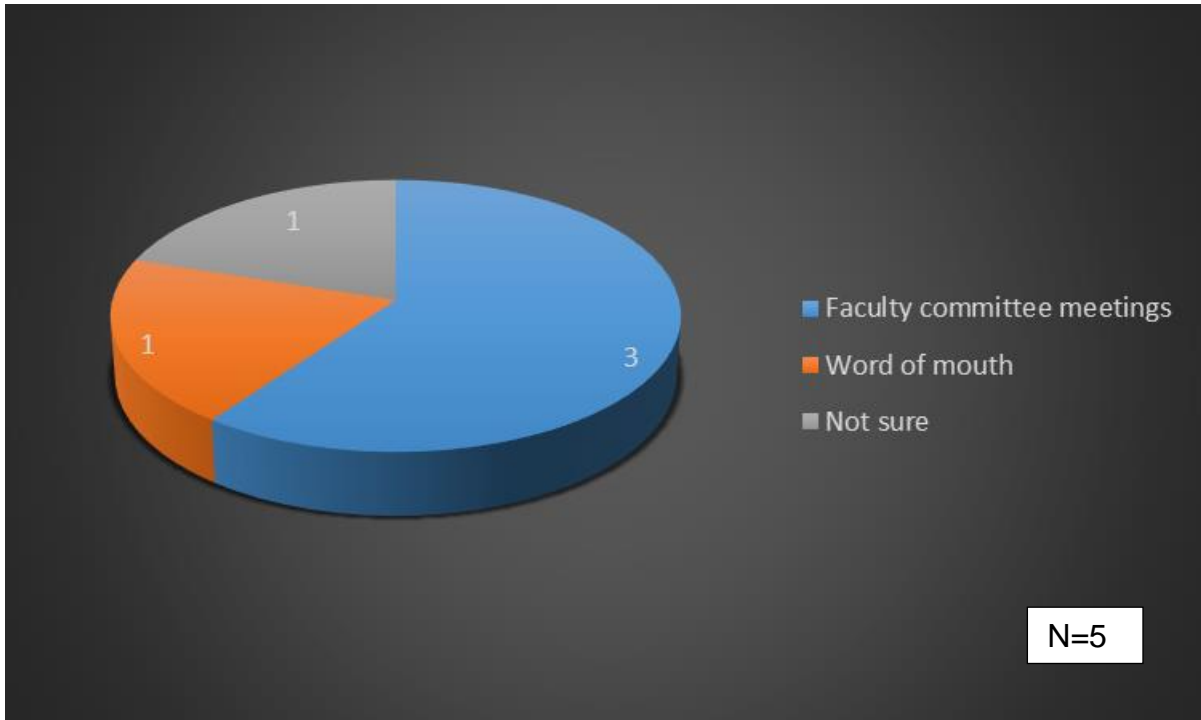


**Figure 4.18: Law librarians on whether legal scholars were aware of the libraries' research support services**

Law librarians interviewed felt that academics knew about the research support services, but perhaps did not make use of them. It was opined that there was a difference between whether academics were aware and whether academics made use of these services:

*“Yes, I am. I think that they are aware. It’s just a question of whether or not they actually make use the services after attending these sessions, but in terms of awareness, they should be.”*

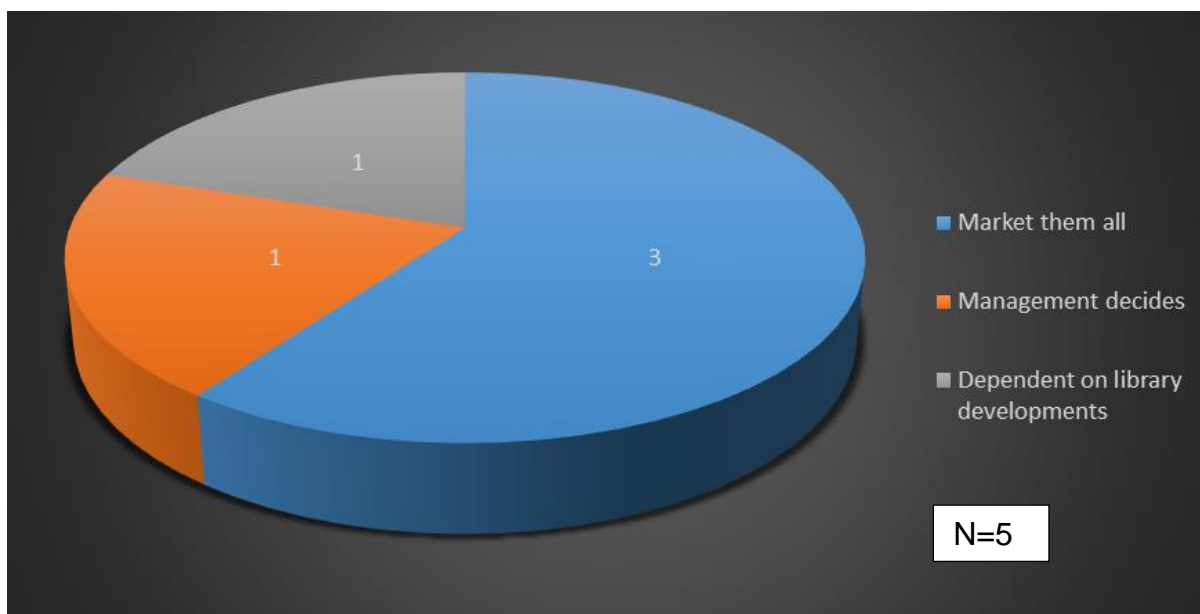
*“I think they are aware, but they don’t really make use of it like they should. They would want to work on their own and I think most of them are so used to doing things for themselves and they get research assistants to help them.”*



**Figure 4.19: The method of marketing used by law librarians to promote services relevant to legal scholars**

Librarians seemed to rely either on formal structures within the law faculty or on informal methods of marketing. The method of marketing was also a point of uncertainty amongst librarians:

*“Well, I haven’t been a part of that really, but I think what we can do is promote through the orientation time as well as during the induction times with our new students throughout the year, the promotion through the committee meetings should be pushed more. I’m not too sure about any other avenues that we could use like social media and other sort of new avenues that we could use like through the websites and so on.”*



**Figure 4.20: How law librarians decide which research support services require promotion**

When probed further about how services were chosen for marketing, it was seen that for most of the five law librarians interviewed there was no individual choice but rather that the library tried to promote all services simultaneously:

*“I actually have no idea. I mean as a law librarian essentially, yes, you promote all of them. So we’d basically market the full package. There was nothing that was actually left out or tried separately.”*

The alternative method was dependant on external developments, either management divisions within the library asking librarians to promote a specific tool or aspect, or a university decision or funding body decision that librarians thought impacted researchers which then required promotion. Law librarians interviewed were further asked to provide examples of what they considered to have been successful promotion of legal research support services (Table 4.12). For three of the five law librarians interviewed it was open access initiatives which were seen to have been a successful example.

**Table 4.12: Law librarians' examples of successful marketing activities for research support services (N=5)**

Open Access workshops	Reference work	None yet
3	1	1

#### 4.2.4.3 Collaboration

Under the concept of collaboration, the interaction between librarians and legal scholars was explored, with specific reference to the type of relationship between the two as well as two specific new services, according to the literature, offered by libraries (research data management and bibliometrics).

According to the literature (Auckland, 2012: 36; Tise, Raju & Adam, 2015: 5; Cox, 2018: 111), the role of academic librarian is moving from a support role (traditionally) to more of a partnership role within academia. In this context, the law librarians interviewed were asked to describe their relationship with legal scholars at their institutions (see Table 4.13).

**Table 4.13: Law librarians' description of the relationship between law librarians and legal scholars**

Type of relationship between law librarians and legal scholars	
Support	3
Partnership	0
Both	2

None of the five law librarians interviewed viewed their role as solely that of a partnership, but rather that of support or a combination of support and partnership:

*“That’s almost a tricky one to answer. I’d like to say it really appears as support with the exception of the curriculum integrated course that I have mentioned. That one would definitely be a partnership because what you would find is at the first year level, we in the library would actually have classes and so would some of the lecturers, the law academics. However,*

*there are things such as ordering of books or collection development where you cannot really say that is partnership per se. So, I think it's a bit of both, depending on which specific aspect you're actually referring to."*

Law librarians' relationships with the academics in the law faculty were also probed through looking at the way collaboration was prioritised. Four out of the five librarians interviewed claimed to prioritise collaboration with library colleagues (whether at their own institutions or others), with the aim of learning from one another or strengthening their services. One respondent said they would look at the demands and said they would prioritise accordingly:

*"It depends on where the pressure is coming from – you have to work with the greatest needs. In general for collaboration, you need to prioritise, but not sure how. I would focus on all and then decide priority."*

Again in a context of institutional and funder mandates for research data management planning and public access to research data as well as libraries globally taking a leading role in these initiatives, research data management as a service was explored among the law librarians interviewed. Most of the librarians interviewed did not play a role in the data management planning of legal scholars, but did have suggestions of how the library could play a role as such a role does exist in principle (see Table 4.14).

**Table 4.14: Whether the law library currently plays a role in data management planning for legal scholars (N=5)**

Research data management services available	No. of respondents
Yes	1
No	3
In principle	1

In Table 4.15, it is interesting to note that each law librarian interviewed had a different suggestion for how the law library could assist legal scholars with making their data open, when they were asked what services they see the law library as providing if legal scholars were asked to make their research data publicly available (open):

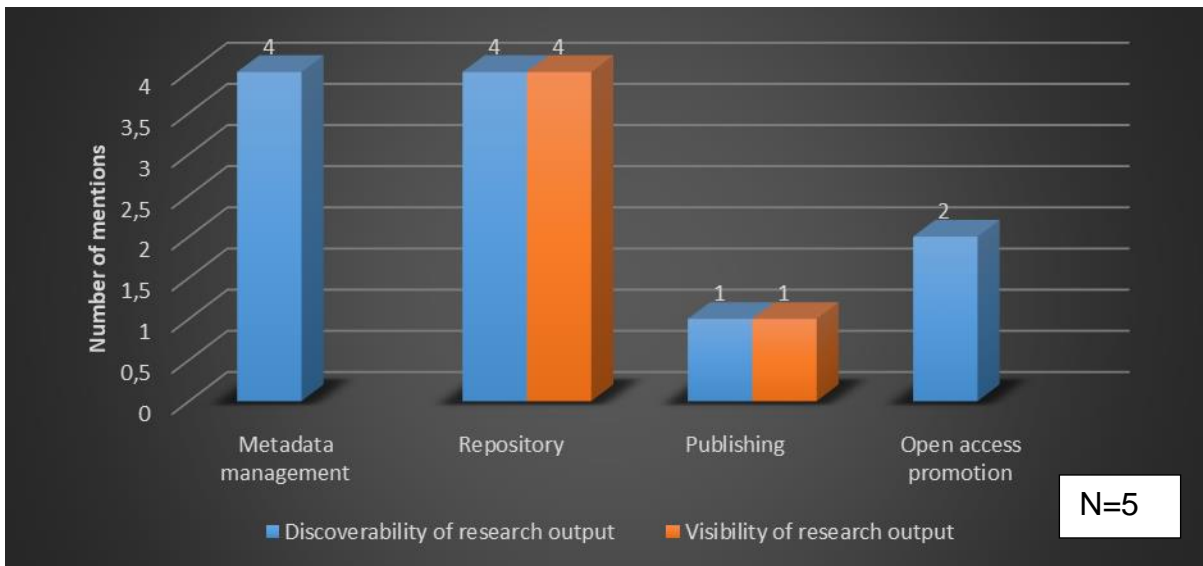
*“I think we can in future play a role in that area, but I can’t give you an idea of what tools. I know we do have a tool, but to promote it within our faculty it’s going to take a lot of work, but I think we just need to know sort of all the policies that govern that area because I know it’s quite a sticky area regarding copyright and so on.”*

**Table 4.15: Law librarians' suggestions of services to assist legal scholars with making their research data publically available (N=5)**

<b>Possible services to assist in making data publically available</b>	<b>No. of respondents</b>
Data management planning	1
Repository	1
Metadata management	1
Informing scholars	1
Not sure	1

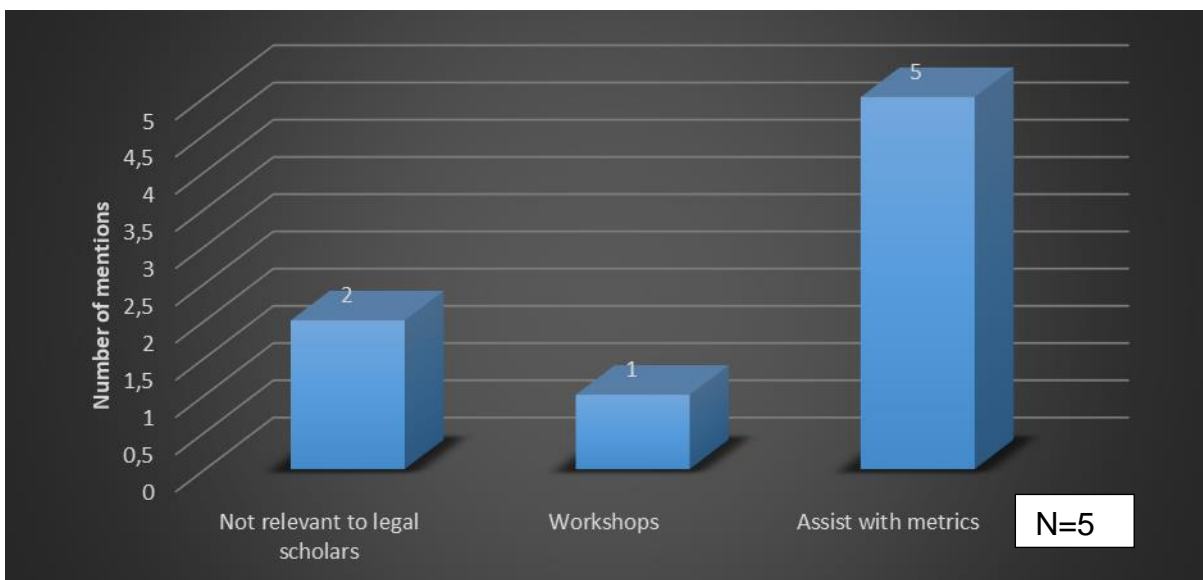
Scholarly communication services seem to be well established in the law libraries, with all three university libraries having institutional repositories. The issue of discoverability of research output of legal scholars as well as the issue of visibility, were probed. Most of the five law librarians interviewed viewed the repository as fulfilling the roles of both discoverability and visibility (see Figure 4.21 where librarians gave more than one response). One librarian mentioned some other alternatives, including purchasing access or open access publishing by the library:

*“Well, I would start by breaking down the different outputs. So let’s break it down into theses, books, journal articles. For theses, we have the OpenUCT repository that has the theses placed in with the metadata added. For articles and books there isn’t much we can do. We can perhaps purchase access, and when we do then a bibliographic record is created in our catalogue which helps users find it. The alternative of course is to use open access publishing and this is currently offered as a service by the Scholarly Communications and Publishing department. The advantage to using our bibliographic record is that it creates consistency and standardisation for the items.”*



**Figure 4.21: Scholarly communication services that can be offered by the law library to promote visibility and discoverability of scholarly output of legal scholars**

Bibliometrics is also a new service within libraries that required probing, and law librarians interviewed gave mixed opinions of the usefulness of bibliometrics within the law sphere (see Figure 4.22).



**Figure 4.22: Library services seen by law librarians as providing support to legal scholars in measuring the impact of their research for grant application, research rating, promotion, etc.**

While all five law librarians felt that they were able to assist with metrics for legal scholars, the usefulness of bibliometrics in terms of its relevance to legal scholars was questioned:

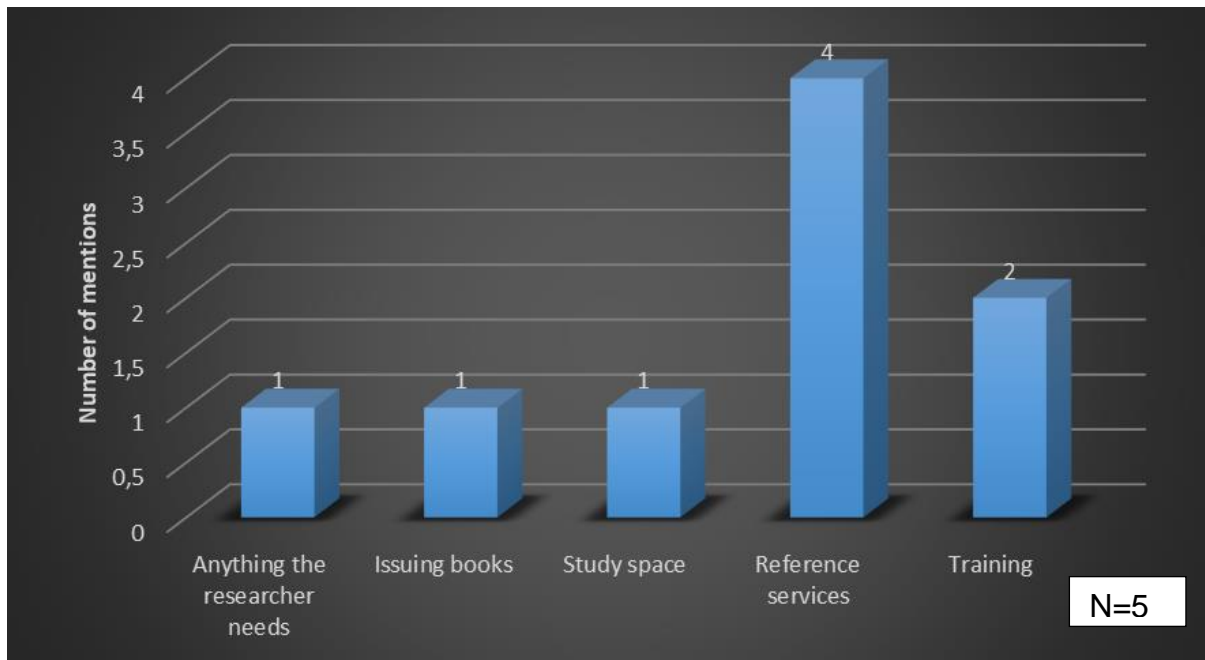
*“The service exists, in general, at the library. Certainly we’ve had that for a while, but so far as it pertains to the legal scholars, the services do not necessarily get used... it becomes unfair for you to have a bibliometric assessment to actually look at the South African scholars publishing within South African journals and then have an international standard for them... that’s where I look at it and say that the whole bibliometric approach is inappropriate to a large degree when you actually apply it to legal research.”*

*“Yeah, we’ve tried that from various angles, but they are really not interested. For example, there’s a fairly distinguished lecturer in the faculty and then she has no h-index. So, it’s not like with science where they have h-indexes and they use specific journals that’s in the journal citation index.”*

#### **4.2.4.4 Evaluation and assessment of law library services**

The overall services offered by law librarians to legal scholars were probed within the context of evaluation and assessment of law library services, allowing the law librarians interviewed to reflect on the services that they offered to legal scholars.

The primary service offered by law libraries to legal scholars, according to the librarians interviewed, was seen to be the traditional reference service (see Figure 4.23). One librarian mentioned traditional services such as issuing books and creating study space, while others also included training as a service that they offered. Respondents sometimes mentioned more than one service as the primary service.



**Figure 4.23: Law librarians' views on primary services offered by academic law libraries to legal scholars**

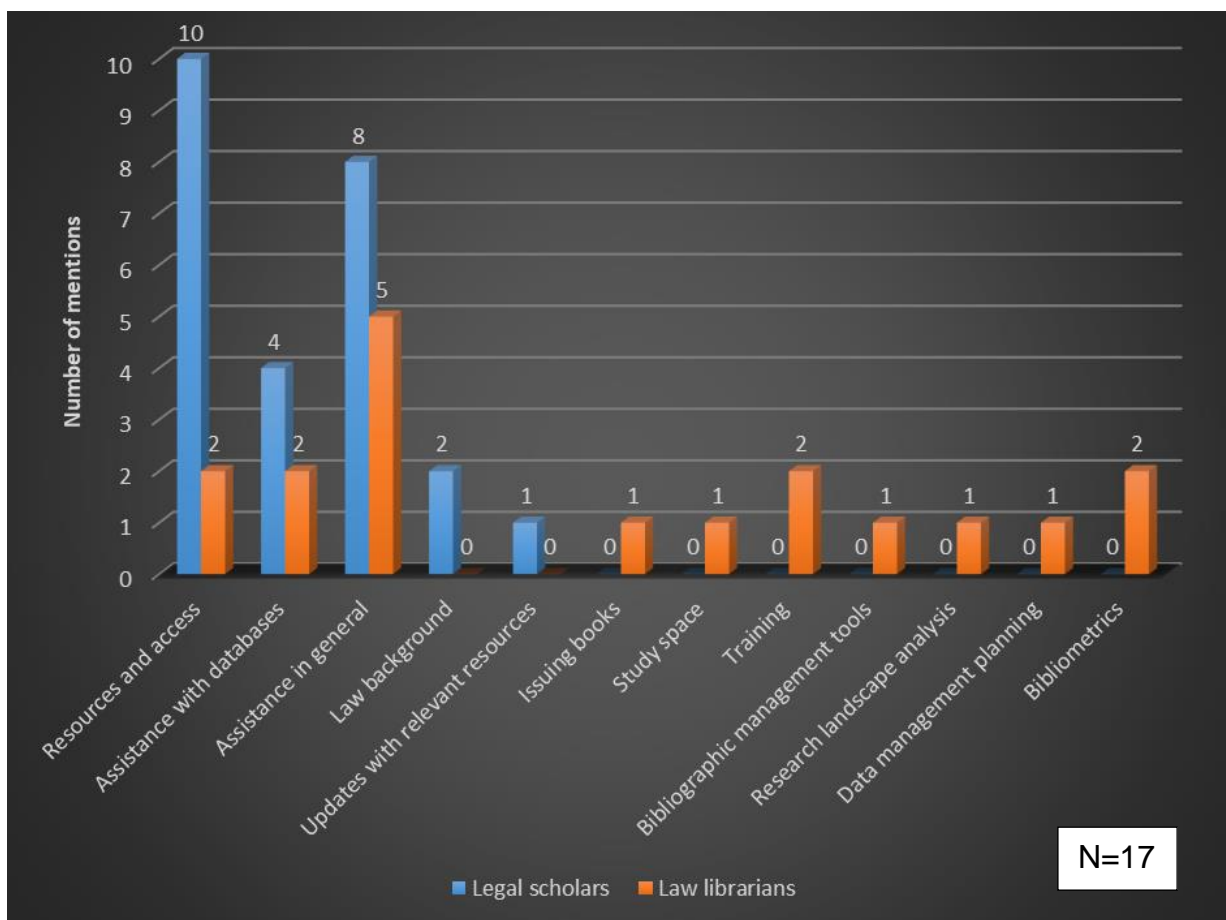
When questioned further about which services they felt were specifically research support services (that is, services contributing to increasing the productivity of research and scholarship of academics), reference services were broken into two categories: the assistance in how to use the resources and creating access to resources. The newer services were also mentioned, but certain ones such as data management planning and research landscape analysis were qualified to be offered in principle, which meant on request:

*“Current services include referencing, training on bibliographic management tools, reference queries, training. Ad hoc / future services include research landscape analysis, data management planning, bibliometrics.”*

Law librarians interviewed were also asked about whether they assisted with queries relating to other aspects of the research cycle that specifically did not include working with the information resources. The unanimous answer was that they did not:

*“No. This never comes up. This will probably not happen in a long time. It is right at the bottom of the list in terms of services. I would think you would need a PhD or perhaps a masters to do this.”*

Legal scholars were also questioned as to which library services they felt were essential to support their research (see Section 4.2.2.1). This, mapped against the above two responses from the librarians, highlight the different viewpoints between legal scholars and librarians on this issue (see Figure 4.24).



**Figure 4.24: Law library research support services required by legal scholars, mapped against law library research support services described by law librarians**

#### **4.2.5 Are law libraries and librarians at universities in the Western Cape equipped with the knowledge and skills necessary to support the research lifecycle processes used by their legal scholars?**

In order to address this critical question, the reference services framework (Reference and User Services Association of the American Library Association, 2015) was again used to structure the interview questions. The five sections of the framework were followed, with the knowledge base and the evaluation and assessment frameworks speaking to this critical question. In addition to this, certain questions asked of the legal scholars were cross-referenced.

##### **4.2.5.1 Knowledge base of law library staff**

The manner in which law librarians gained, shared and benchmarked their knowledge and skills was probed in this section.

When considering benchmarking of their knowledge and skills to fulfil research support services, law librarians interviewed were divided as to whether they reflected on their own knowledge and skills or even actively benchmarked their own knowledge and skills or (see Table 4.16). Certain librarians felt that they came to the job with the necessary knowledge and skills, or that they did not have an active need to reflect and benchmark these, while others actively did so:

*“Not consciously. One actually needs to take time to think critically. In general, I would assume that what we have is appropriate as we come to the job with knowledge and skills, and if we don’t have the necessary ones we can learn them. The current thinking is changing in that there is more focus on the librarian knowledge and skills and leaving the subject knowledge behind.”*

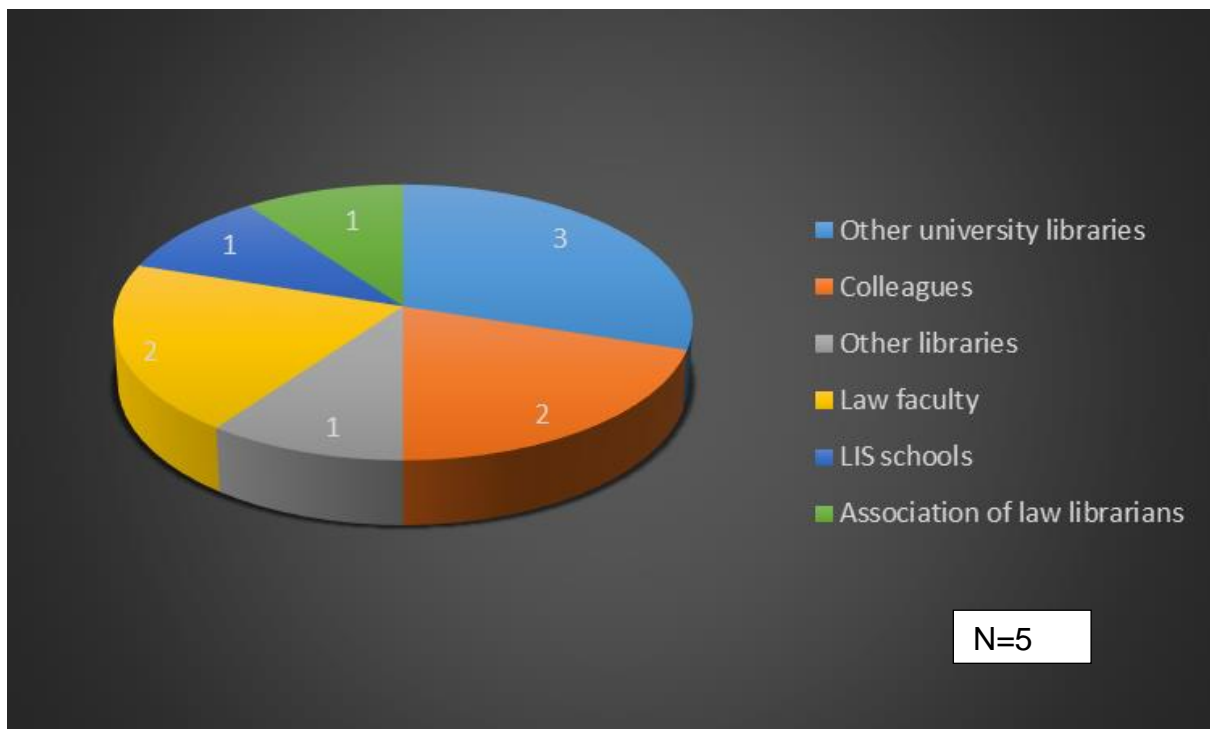
*“Definitely. So, I think our staff must go for trainings and be more comfortable with technology. I’m new in the position and I want to do a lot of stuff at the moment for me to acquire that skill and knowledge. Not that I say that I haven’t got it. I have got it, but as I do research and reading, I can see what I*

*need to assist the students. So I do research and then I read journal articles and I can see while I'm sitting there in the library, what the law students are mostly taking out and using and stuff like that."*

**Table 4.16: Whether law librarians reflected on the knowledge and skills required to fulfil research support services**

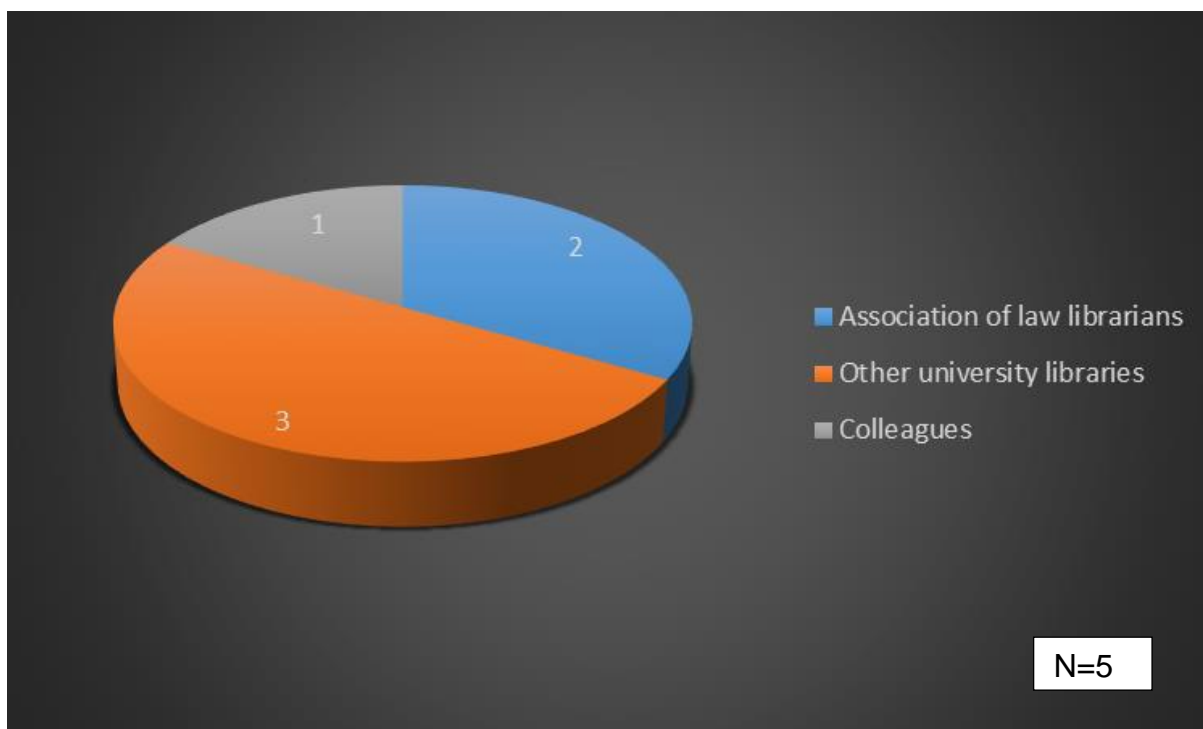
	Yes	No	Sometimes
Do you reflect on the knowledge and skills required to support the research needs of legal scholars?	2	2	1

However, when law librarians interviewed were asked whether they actively pursued learning new knowledge and skills, all librarians were in consensus that they continuously engaged with other stakeholders to do so, naming a number of different methods. Most librarians interviewed gained new knowledge and skills from engagements with other LIS professionals at other universities, colleagues or professional associations (see Figure 4.25). Only two librarians mentioned gaining knowledge and skills from the law faculty. Respondents sometimes provided more than one response.



**Figure 4.25: Engagements that law librarians pursued to gain new knowledge and skills**

Law librarians interviewed were also asked whether they shared new knowledge and skills relating to legal research support in their engagements and four of them indicated that they did, with only one stating that he/she did not. However, when providing examples of where they shared their new knowledge and skills, it seemed that they mostly shared within the LIS community. However, the question posed did speak specifically to sharing with other LIS professionals, which in hindsight was limiting. Although librarians indicated previously that they engaged with other non-university libraries and LIS schools to gain new knowledge and skills, when it came to sharing it seemed that librarians limited themselves to university libraries, other law librarians and colleagues within their own library (Figure 4.26).



**Figure 4.26: Engagements in which librarians shared new knowledge and skills relating to legal research support**

Law librarians interviewed were questioned on what motivates them to learn new knowledge and skills relating to legal research support. This was looked at in terms of intrinsic motivation (coming from internal factors such as studies) and extrinsic motivation (coming from external factors such as clients). Librarians interviewed indicated that it was a mixture of both intrinsic and extrinsic motivation that led to them learning new knowledge and skills relating to legal research support (see Table 4.17).

**Table 4.17: Intrinsic and extrinsic motivation leading to librarians learning new knowledge and skills relating to legal research support (N=5)**

	Extrinsic motivation	Intrinsic motivation	Not sure
Motivations leading librarians to learn new knowledge and skills relating to legal research support	3	3	1

Client satisfaction was one of the factors that included both an extrinsic and intrinsic motivation for librarians:

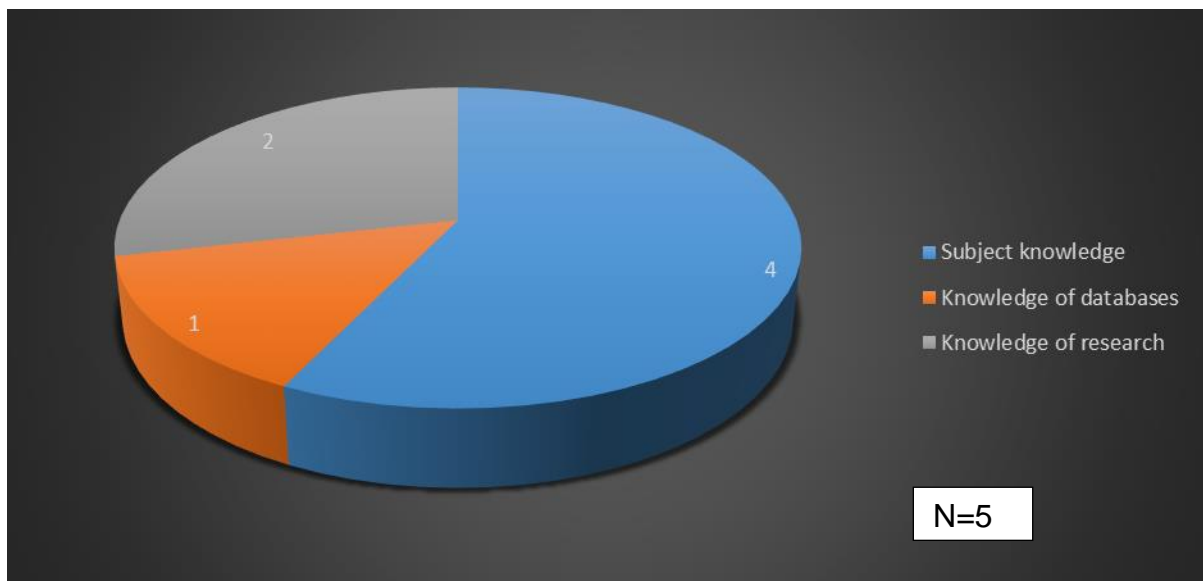
*“For me, it’s because I love what I’m doing. I love law, I love working with the law students and that’s why I want to learn more about what’s happening in the law library. So, for me, that is nice if they see they can learn from me. So it motivates me to do more.”*

*“So, the motivation is to really to make the system more efficient and it gives you a nice feeling when you help a law student find something through a method that is so easy to apply, saving them weeks or days’ worth of work. On the one hand it’s actually just gratifying to actually make that positive difference in someone else’s life. But on the other hand it’s really about sorting out that inefficiency in the system that does not have to be inefficient.”*

#### **4.2.5.2 Evaluation and assessment of LIS services**

This concept looked at the librarians evaluating the knowledge and skills they felt were necessary to effectively meet legal scholars’ information needs. The first aspect that was looked at was knowledge, which has been defined in Section 1.7.5 in Chapter 1. For the purposes of the interview, knowledge was explained to the respondent as ‘what understanding one should have or what one should know’ while skills was defined as ‘what one should be able to do’.

Law librarians interviewed mostly felt that subject knowledge was needed and, in addition to this, an understanding of research (see Figure 4.27). More than one response was recorded from respondents, when they mentioned more than one aspect of knowledge.



**Figure 4.27: Knowledge required for research support services as perceived by law librarians**

Law librarians interviewed were aware of the current debate around whether a law degree was still needed in order to be a law librarian, but they differed in that they felt that some subject knowledge was necessary:

*“They normally say it’s not necessary for a law librarian to have a law degree, but from my experience so far my opinion differs. I can give them an example of something and I see their minds going open and they realise actually what I’m talking about. So, as I said, many people say it’s not necessary for a law librarian to have a law degree, but I think it’s very important.”*

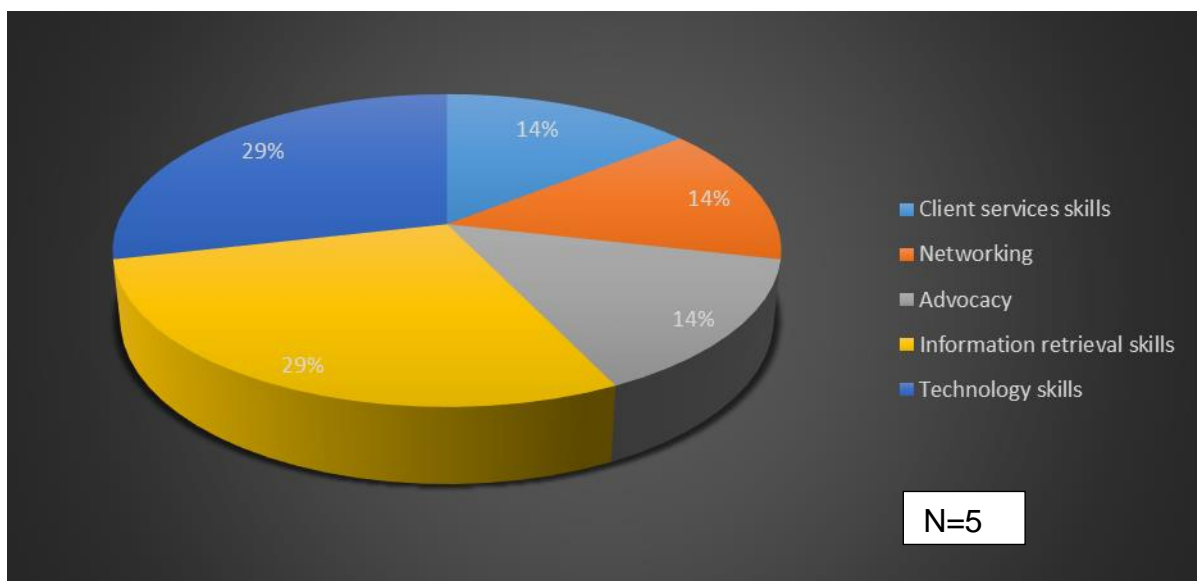
One law librarian felt that the law degree was needed more than the LIS degree:

*“I think, well, first of all, I don’t think that you need library skills at all. If you have good subject knowledge, especially with law, I think then you’re halfway there because if you have a basic understanding of how the law fits together that will make your life a lot easier, I think.”*

In terms of skills required for legal research support, law librarians interviewed mentioned soft skills in addition to skills such as working with technology. Client services skills and information retrieval skills were the most mentioned, with

networking, advocacy and working with technology also being mentioned (see Figure 4.28):

*“I think your client attitude has to be really good. You’ve got to be customer focused, especially with what they want. You have to be the person that walks the extra mile and as soon as they see that, you’ve sort of won the battle, or half the battle has been won because obviously, you are also new now. We’ve had five librarians in the space of three years now that the faculty had to deal with.”*



**Figure 4.28: Skills required for research support services as perceived by law librarians**

While some law librarians felt that although they may possess the skills for legal research support, they did not feel necessarily equipped with the knowledge required for legal research support services:

*“I think when you think of skills, you think, how can I assist the researcher? So, it’s do I have the proper skills to help the person find what they need and I think I’m equipped enough for that, but as far as the knowledge is concerned I need maybe more development and growth in that area.”*

Law librarians interviewed were also given an opportunity to comment further on the issues raised in the interviews, but four out of the five law librarians felt they had provided sufficient responses to the questions. One law librarian raised two issues, namely, further exploration on the requirement of legal subject knowledge to be a law librarian, as the respondent felt strongly that such a requirement should be in place, and thereafter issues surrounding the use of new technology (namely, artificial intelligence and gamification) to teach legal research concepts.

### **4.3. Summary**

This chapter presented the findings of the study in relation to the critical questions posed, with reference to the conceptual framework used in this study. Thematic analysis of responses was done and the results tabulated accordingly. To supplement these findings, where appropriate, direct quotations from respondents were used to deepen the qualitative understanding of the study. The first critical question posed related to the research process that legal scholars use. This process was analysed, with reference to LIS services, where appropriate. The second critical question analysed the literature relating to academic libraries and academic law libraries in terms of its discussion of library research support services, distinguishing between traditional LIS services and new LIS services, and mapping these services against the legal research process. Current research support services in academic law libraries in the Western Cape were presented in relation to the third critical question, with reference to the RUSA framework of LIS services. The last critical question dealt with the knowledge and skills of law librarians, and these findings were also presented in this chapter. In the next and final chapter, the main findings will be discussed in the context of the study's objective and critical questions, literature reviewed and theory informing the study. Based on this discussion, conclusions will be drawn and recommendations will be made.

## **Chapter 5: Discussion of Main Findings, Conclusions and Recommendations**

### **5.1 Introduction**

The previous chapter presented the findings of the study based on analysis of data collected. This fifth and final chapter discusses the main findings of the study, and based on this discussion draws conclusions and makes recommendations. The discussion in this chapter is structured according to the critical questions guiding the study and which were informed by the study's conceptual framework. A qualitative approach to data collection was used and this allowed the researcher to probe the phenomena investigated across multiple cases.

To summarise for the purposes of this discussion, the critical questions of the study investigated the following: the research lifecycle processes being used by legal academics; possible research support services, reflected in the literature, offered by academic law libraries that can support scholarly legal research lifecycle models or processes; current research support services that academic law libraries in the Western Cape (South Africa) offer to support their legal scholars; and, whether law libraries and librarians at universities in the Western Cape (South Africa) are equipped with the knowledge and skills necessary to support the research lifecycle models or processes used by their legal scholars.

### **5.2 Discussion of findings**

As indicated in Section 5.1 the discussion in this chapter is structured according to the critical questions that guided in the study, presented in this section in the form of four critical themes.

#### **5.2.1 Research lifecycle processes used by legal academics**

The research process used by legal scholars was probed through interviews with 12 academics (with varying levels of experience in conducting legal research) from three higher education institutions in the Western Cape. The design of the interview

schedule for the legal scholars was guided by the research process and stages as set out by Babbie (2016: 114).

The literature (Smits, 2012: 61; Hutchison, 2013: 10) reveals that the traditional legal research process followed is what is referred to as the doctrinal approach. This is a two stage approach, the first stage combines a number of the stages described in the concept of the research process by Babbie (2016: 114), namely, research conceptualisation; research design and method; and, data collection and analysis, while the second stage consists of the application of the findings (see Figure 4.4 in Chapter 4).

The doctrinal method, which according to the literature (Holborn, 2001: 11; Smits, 2012: 61; Hutchison, 2013: 10) is favoured by legal scholars, was confirmed in the interviews with legal scholars in this study. In-depth probing into the methodology followed revealed that legal scholars were constantly in the midst of what can be described as the 'data collection and analysis' stage, due to the nature of the materials they engaged with, that is, legal resources and literature. It also surfaced in the findings (see Figure 4.5 in Chapter 4) that legal scholars were most concerned about access to resources – whether it is electronic access or access to physical books, the consensus among the legal scholars was that their biggest concern was lack of access to resources. This was well summarised by one legal scholar who at the end of the interview stated:

*“First, access to recent hard-copy book publication is still of vital importance... There’s still a very strong tradition of working with hard copy books in law ... Secondly, some electronic material is becoming very expensive. ...I am very dependent on the law librarian... We keep on saying in the law faculty: the law library is our laboratory.”*

The issue of access to resources was again highlighted when probed about whether or not the resources available to them, influenced their research question (under the umbrella of exploring the concept of 'research conceptualisation'). Without access to information relating to their research topics, legal scholars were reluctant to study other legal systems (in legal terms known as comparative jurisdictions) as they

would find it difficult to be able to get relevant resources. In an era of rising subscription fees where libraries are having to cut back on resources, it is understandable that legal scholars are concerned about the possibility of losing resources that they see as fundamental to their work. Throughout the interviews, the concern regarding the availability of textbooks was brought up – legal scholars highlighted that with the research methodology followed by them (the doctrinal approach), a law textbook (see Section 4.2.2.1 and Table 4.4 in Chapter 4, where legal scholars made particular mention of using textbooks to conceptualise research) was often the starting point, and without access to up-to-date textbooks it becomes difficult for the legal scholars to be able to continue with their research, as evident from the comment below from a respondent:

*“Well there is something. I don’t think it’s the library’s fault...its just the outdatedness of textbooks...That’s my biggest concern because sometimes you just want a textbook as a starting [point] and then there isn’t such a thing in our library.”*

While the doctrinal approach is favoured, legal scholars are cognisant of the increasing interdisciplinarity of their studies, and the need to look towards other methodologies. The literature (Cownie & Bradney, 2013: 37; Hutchison, 2013: 9) refers to the scepticism of legal scholars with regards to other research methodologies, as legal scholars rely heavily on a research process that they feel they have the necessary understanding of and background to. The interviews with legal scholars, while exploring the concept of ‘research design and methods’, also revealed methodological tradition as driving the use of the doctrinal approach (see Table 4.5 in Chapter 4). In certain cases, however, academics interviewed did say that the research question had the potential to drive a change in methodology towards what was referred to as the “empirical method” by legal scholars, which then focused more on them using other research methods, delving into quantitative and qualitative methodologies (see Section 4.2.2.2 in Chapter 4). It was interesting to observe that while discussing their research methodology, legal scholars do not seem to see it as falling under either quantitative or qualitative research or even mixed methodology but rather that it sits on its own as “legal research”.

This becomes especially apparent when discussing what could be seen as ‘data’ in the context of legal research (under the concept of ‘data collection and analysis’). This is a novel finding for this study as the concept of legal data has not been fully defined in the literature. While legal scholars are not convinced that what they work with is data (see Table 4.6 in Chapter 4), when discussing their methodology further, it becomes apparent that in terms of what a study is built on, namely data, legal scholars do view the information resources they work with as fulfilling the role of research data, as reflected in the data collection and analysis stage in the research process (Babbie, 2016: 114). This highlights the notion that in the context of legal research, any form of legal material (such as cases and legislation) as well as other information resources (such as books and academic articles) can be considered as sources of legal data. It is not surprising that data analysis tools such as *Nvivo* or *Atlas.ti* are not known amongst legal scholars as tools to work with for analysis of their data (see Figure 4.7 and Figure 4.8 in Chapter 4), because for them literature can be successfully analysed in simple qualitative ways, as was evident from the interviews with legal scholars. Some scholars, regardless of experience or age, preferred to work with physical documents, even printing out electronic resources, while others saw programs like *Microsoft Excel* fulfilling an advanced analysis function. This also explained the research approach taken by legal scholars and also why the importance of access to information was an issue constantly under discussion throughout the interviews.

Legal scholars held the library in high esteem throughout their interviews, which considering the library’s traditional role of providing access to information and the legal scholars’ importance placed thereupon, is a logical attitude. New library trends such as open access, research data management, and bibliometrics have not escaped legal scholars’ attention, but their participation is largely driven by whether or not they see merit or applicability therein. Tying into the concept of ‘application of findings’, open access in particular was an issue that legal scholars could see the merit of; however, that they felt that certain constraints, such as the costs of article processing charges (APCs) or the copyright restrictions or simply the lack of simplicity of the technology, were limiting factors that discouraged legal scholars from participating or helping drive such initiatives (see Section 4.2.2.4 in Chapter 4). In all these instances, legal scholars saw the library as needing to take a leading

role, and in cases where the information trend does not seem to be applicable to legal scholars, they expect the librarians to adapt the services to be applicable within the legal field.

In summary then, responding to the critical question of what research lifecycle processes are being used by legal academics, legal scholars seem to favour the doctrinal research process; however, this approach still embraces the stages as outlined in the research process conceptualised by Babbie (2016: 114), albeit with some stages conducted simultaneously. The understanding of this research process is helpful in order to investigate at which points of the process the research support services offered by law libraries are best matched. This aspect is discussed further in relation to both the literature as well as the library research support services offered at the three institutions investigated (see Section 5.2.2 and Section 5.2.3). Further, the legal textbook is important as a starting point in legal research and access to legal information resources via the library is paramount. The concept of data has not fully emerged either in the literature or research relating to legal scholars generally.

### **5.2.2 Research support services, reflected in the literature, offered by academic law libraries that can support scholarly legal research lifecycle models or processes**

In order to address this critical question, literature relating to academic law libraries specifically and academic libraries generally was reviewed. Literature regarding academic law library research support services is sparse, and hence literature relating to academic libraries and research support services was included to ascertain a more general picture of possible academic law library research support services (see Section 4.2.3.1 in Chapter 4). It is also important to note that in all three institutions used as research sites for this study, the law library is integrated into academic library services as a whole, servicing the institutions' academic community. The following services offered by academic libraries and law libraries were identified from the literature: reference services; the use of a liaison model to render services; subject / discipline knowledge; knowledge of sources / tools; information literacy / training; collection development; scholarly communication; web

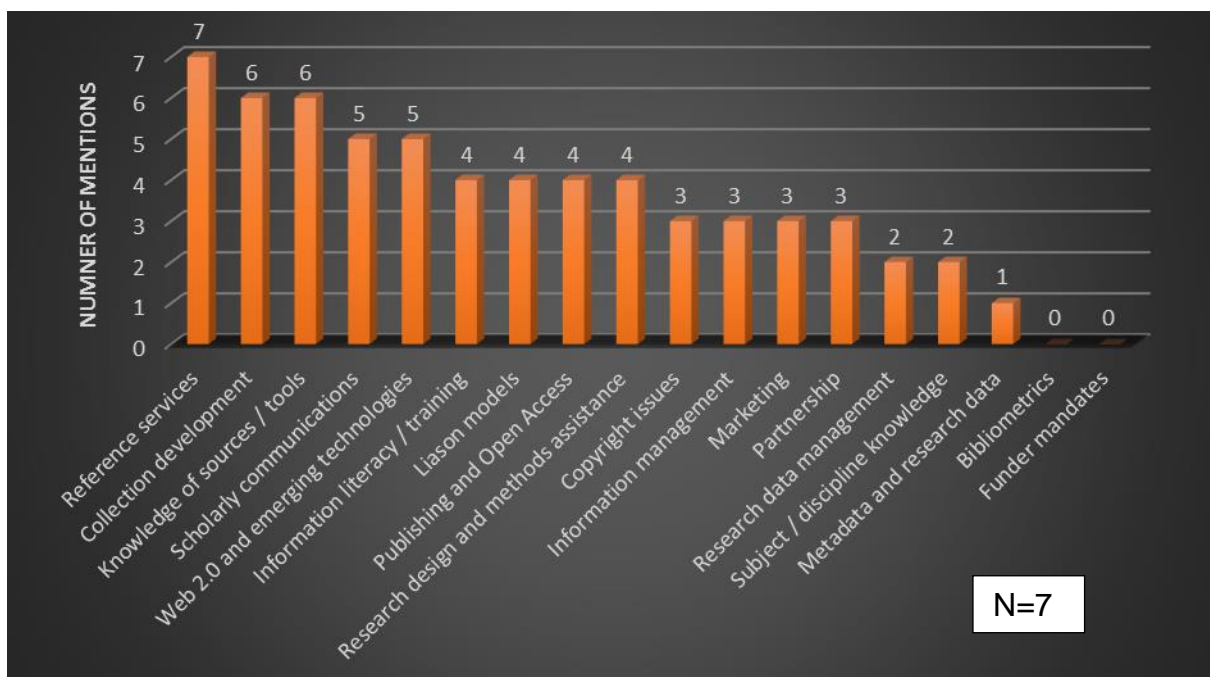
2.0 and emerging technologies; information management; research data management; metadata and research data assistance; knowledge of funder mandates; assistance with copyright issues; partnership in the relationship between the librarian and the faculty in the research endeavour; bibliometrics; publishing and open access; marketing of library services; and, research design and methods assistance (see Table 4.8 in Chapter 4 for services identified and literature consulted).

These services play a role in support of the doctrinal research process (especially when considering the stages of the research process as outlined by Babbie (2016: 114)). Although the doctrinal process does not distinguish among the first three stages (research conceptualisation, research design and method; and, data collection and analysis), it combines them into one continuous stage. Therefore it was useful to view the different support services that can be adapted to the legal research process. The representation of research support services that can be adapted to support the doctrinal process is reflected in Figure 4.14 in Chapter 4.

Both sets of literature (that is, literature relating to academic law libraries specifically and that relating to academic libraries generally) show a mixture of traditional services and new services being able to support research at the four different stages of the research process (see Figure 4.14 in Chapter 4). Certain services, such as reference services, cut across all stages of the research process, while other services, such as scholarly communication, are related to only one stage of the research process (the applicability of findings stage). It should be kept in mind that this is drawn from literature relating to both academic law libraries and academic libraries in general, which includes services that perhaps on the surface do not seem applicable to the legal field in the context of the discussion with legal scholars mentioned earlier in Section 5.2.1, for example, bibliometrics – but which has potential for applicability in terms of research support (see Table 4.9 in Chapter 4).

The number of mentions of research support services in the literature relating to academic law libraries, is summarised in Figure 5.1 (and drawn from Table 4.8 in Chapter 4), and this in some instances mirrors the discussion in Section 5.2.1 with regards to reliance, in the research process, on access to information from the legal

scholars' perspective. It is evident from Figure 5.1 that in the literature relating to law libraries, services with relatively higher mentions include: reference services; collection development; knowledge of sources / tools; scholarly communications; and, web 2.0 and emerging technologies. In the context of the doctrinal research method favoured by legal academics, the importance placed on reference services, collection development, and knowledge of sources / tools (the top mentioned services in Figure 5.1) link directly into all aspects of the research process, especially considering the use of information as legal data for legal scholars.



**Figure 5.1: A summary of research support services as mentioned in literature relating to academic law libraries, adapted from Table 4.8**

While services such as bibliometrics and funder mandates are not mentioned within academic law library literature (see Figure 5.1), this is where academic library literature in general has the potential to grow the discussion around these services for law libraries, and law librarians can extrapolate from this generic literature on academic libraries and adapt it to the legal context. An example of this is the concept of data analysis tools, where one legal scholar mentioned the use of EndNote, a bibliographic reference software, which was used to collate and also analyse literature (see Figure 4.7 in Chapter 4). Librarians are in a position to take the lead and expose legal scholars to new services from the library (already in use in

academic libraries generally), but they would need to package it in a way that shows its applicability to the research of legal scholars.

Therefore, although new services in academic libraries generally may not seem to be directly applicable to law libraries, nor being discussed in literature relating specifically to law libraries, this presents opportunities for law librarians to adapt these services and trends to the legal context. This would not only extend the scope of law library services in support of the research of legal scholars but also has the potential to grow the body of literature relating to law libraries.

### **5.2.3 Current research support services that academic law libraries in the Western Cape (South Africa) offer to support their legal scholars**

The library services investigated in the three higher education institutions were framed by the Reference and User Services framework for LIS services (Reference and User Services Association of the American Library Association, 2015) which informed the design of the interview schedule for law librarians participating in the study. All five librarians interviewed had under five years of experience in a law library. While this shows that experience in terms of law libraries might be limited, this limitation is countered by possible experience as academic librarians in general which allowed for richness of data collection.

Through the lens of the Reference and User Services framework for LIS services (particularly the evaluation and assessment of library services), librarians interviewed stated that reference services were what they considered to be the critical research support service that they provided to legal scholars (see Figure 4.23 and Figure 4.24 in Chapter 4). This correlates with what was found in the literature (as discussed in Section 5.2.2 and drawn from data analysed in Section 4.2.3.1.3 in Chapter 4). In general, these reference services were seen in the study to be reactive, responding to requests from legal scholars, and relying on library resources such as the library catalogue or specific databases to respond to the request. Overall a contrasting picture emerged of how librarians worked with the resources available and how legal scholars worked with the resources. This was demonstrated in the way librarians, in

relation to the concept of 'access' in the framework, tended to have a structured search strategy and tended to change their databases according to the type of information required, while legal scholars relied on the type of access, that is, whichever resources they felt most comfortable to use (see Figure 4.16 in Chapter 4).

This reactive approach with regards to library services correlates with what is mentioned in the literature (Hirsh, 2014: 527) as a concern due to the debate around the continuing value of law libraries - a debate which questions why the need for law libraries still exists in view of the expense involved in the upkeep and the amount of information freely available on the internet. The response to this has been for libraries to become more proactive in their offerings and has been explored in the literature (Lewis, 2002: 97; Cooke et al., 2011: 6) with the 'liaison' role seen as enhancing proactive services. The concept of 'promotion of library services' was useful to explore this proactive approach. However, while the librarians interviewed all referred to their interactions with legal scholars, intimating their liaison role, they seemed to have an ad hoc approach to marketing the services available (see Section 4.2.4.2 in Chapter 4). The librarians interviewed felt that legal scholars were aware of the research support services available (see Figure 4.18 in Chapter 4), which is in contrast to remarks made by legal scholars in their interviews (see Figure 4.13 in Chapter 4). Although the librarians claimed that marketing takes place, and promotion of the services is present, they seem to rely on word-of-mouth notification and did not have a structured marketing approach, despite some librarians mentioning being visible on faculty committees (see Figure 4.19 in Chapter 4). However, all five librarians interviewed were able to provide examples of successful instances where they had selected one aspect of service and marketed it, indicating that perhaps if a more structured approach is taken, then law librarians will be able to promote law library research support services more effectively.

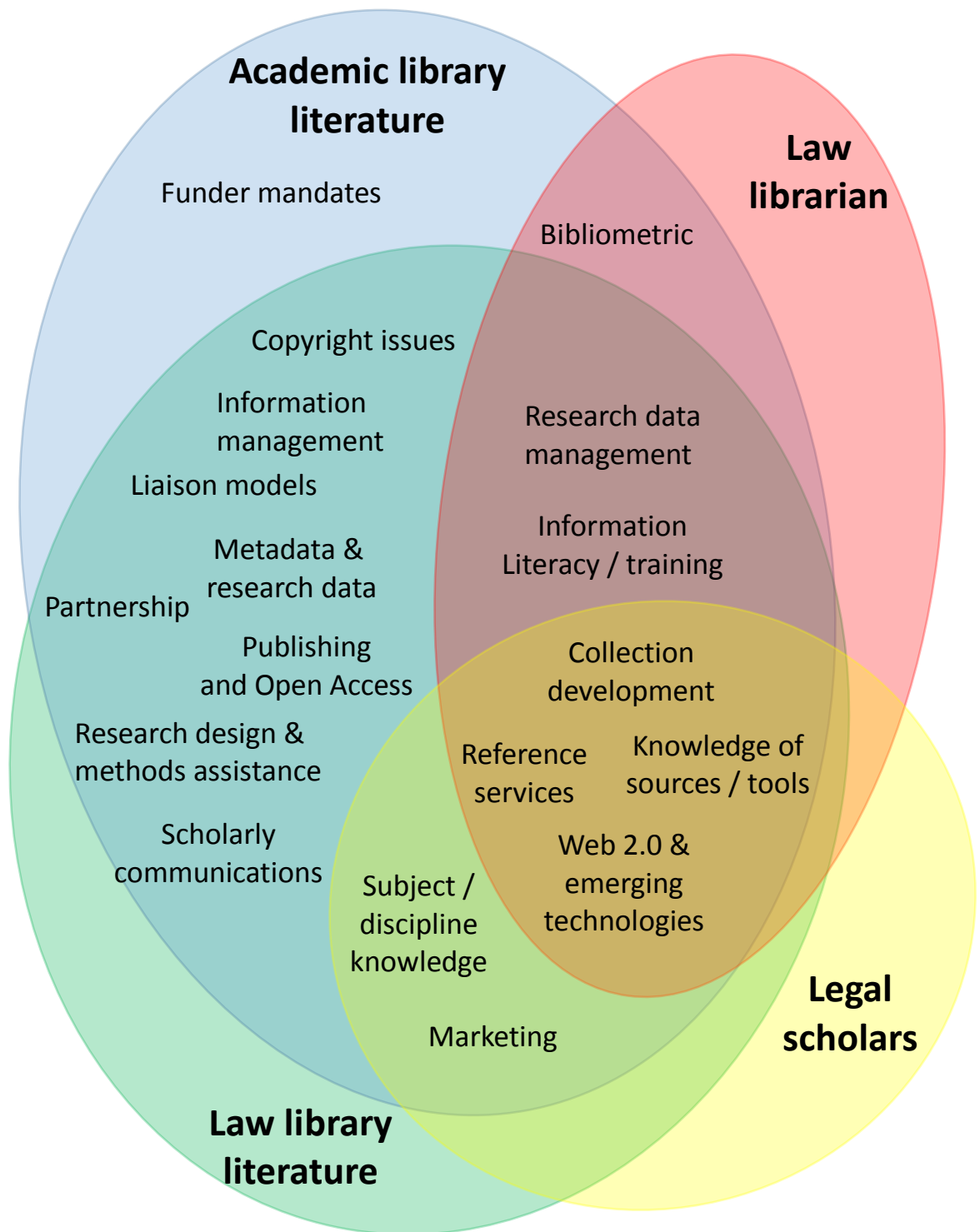
With regards to newer services (explored through lens of 'collaboration'), specifically bibliometrics and research data management, librarians interviewed were aware of these services but, although they felt equipped to assist scholars, like the legal scholars interviewed, they too questioned the applicability of these services to law (see Section 4.2.4.3 and Figure 4.22 in Chapter 4 in particular). The newer services

were approached on a reactive basis, with librarians providing them only when requested by legal scholars. However, at the same time, it is important to report that librarians interviewed stated that they would assist researchers in general with any queries, demonstrating the breadth of assistance that librarians are willing and are able to provide:

*“Well, we support them with their research in whatever way they want you to support them with their research...”*

As a creative way of responding to the critical question of what research support services academic law libraries in the Western Cape are currently offering to support their legal scholars, it was useful to map the law library research support services described by librarians, legal scholars and the literature relating to both academic libraries in general and law libraries (see Figure 5.2). It is evident from Figure 5.2 that a number of newer services that the literature highlights (such as bibliometrics or assistance with funder mandates) were not mentioned at all by legal scholars or law librarians interviewed, but are emerging areas within the literature.

There also seems to be a disconnect between the services required by legal scholars, and the services that law librarians described (see Figure 4.24 in Chapter 4); and this is mainly the result of the importance that legal scholars continue to place, despite developments in research processes and related activities, on access to information (an issue discussed in Section 5.2.1) as opposed to perhaps where the law librarians interviewed believe the value in their services lay, in supporting the research of legal scholars.



**Figure 5.2: Mapping research support services as described by legal scholars, law librarians, and the literature relating to academic law libraries and literature relating to academic libraries in general**

While Figure 5.2 shows some disparity between the services currently offered by law libraries in the Western Cape (as found in this study) and possible services as reflected in the literature, it must be pointed out that other factors (apart from the

disconnect mentioned earlier) such as staffing numbers, work experience within law libraries specifically, and knowledge and skills (discussed in the next section) could also be factors limiting the services currently offered as compared to that found in the literature.

#### **5.2.4 Whether law libraries and librarians at universities in the Western Cape are equipped with the knowledge and skills necessary to support the research lifecycle models or processes used by their legal scholars**

The final critical question guiding this study asked if law libraries and librarians at universities in the Western Cape are equipped with the knowledge and skills necessary to support the research lifecycle models or processes used by their legal scholars. The Reference and User Services framework for LIS services (Reference and User Services Association of the American Library Association, 2015), again, was used to guide the design of the interview schedule for the law librarians for this aspect of the study. The literature speaks not only to different categories of knowledge and skills, namely LIS-specific knowledge and skills, generic skills and personal competencies (Orme, 2008: 630; Raju, 2014: 168; Chanetsa & Ngulube, 2017: 191; Johnson & Raju, 2018: 342), but also to the different avenues via which these can be obtained – either through formal qualifications, experience or informal learning (Ocholla & Shongwe, 2013; Raju, 2017). These different avenues were explored in the context of the concept of ‘knowledge base of library staff’ which looked into informal learning and experience that law librarians in this study used to learn new knowledge and skills.

##### **5.2.4.1 Knowledge required by law librarians**

It is recognised both in the literature and in practice that librarians are expected to have a relevant LIS degree which equips them with LIS-discipline knowledge (Adams, 2017: 73; American Association of Law Libraries, 2019). In this study, all five librarians interviewed had an LIS qualification, but only two had a legal qualification. This does reflect the trend not only in the literature (where the focus has shifted to librarians being professionals in their own discipline of library and

information science), but also in job requirements that are no longer requiring law librarians to have both a law degree and an LIS degree (American Association of Law Libraries, 2019). However, contrary to this and their own backgrounds, when librarians spoke to the knowledge they believed was needed, four out five of the librarians interviewed believed that subject knowledge was needed to effectively meet legal scholars' information needs (see Figure 4.27 in Chapter 4 where the concept of 'evaluation and assessment' was used to probe 'knowledge' requirements).

The librarians interviewed entertained a strong view that a practising law librarian should have law subject knowledge. Raju (2014: 170) also found that, in the South African context, job advertisements for law librarians tended to place more emphasis on subject knowledge as a requirement. This trend may have influenced the librarians' attitudes that subject knowledge was necessary from the start of being a law librarian. The question that then arises is how does one obtain legal subject knowledge without a legal qualification? One librarian felt that in the South African context, this was an issue that had not yet been addressed:

*“So, if you look at countries like the United States of America, in order to become a law librarian, ideally you actually need a law qualification... and on top of that JD then you'll actually get your master's in library and information sciences. ... It is very difficult to put someone there without that subject knowledge and I've watched people actually struggle with that aspect... I think that a system like that needs to either be created within South Africa, but it becomes a problem because then there's a lack of skills ... So it then becomes a matter of how do you address that gap?...”*

The other two aspects of knowledge, that is, knowledge of research and knowledge of information databases, which were mentioned by the interviewed librarians could either be obtained through formal qualifications, namely, postgraduate qualifications, or through informal learning by librarians in forums such as seminars and workshops.

Through using the 'evaluation and assessment' concept of the Reference and User Services framework, librarians interviewed were also asked to evaluate to what extent they felt equipped with the knowledge or skills that they mentioned. Librarians interviewed did not feel equipped with the necessary knowledge for legal research support services, but actively pursued required knowledge through informal methods of engagement with fellow LIS professionals (see Figure 4.25 in Chapter 4). Very few librarians, they claimed, pursued knowledge through engagement with legal scholars. Librarians, they reported, also actively took part in sharing their knowledge in LIS spaces as well as in engagements with scholars, where requested to do so (see Figure 4.26 in Chapter 4). The 'knowledge base' concept exploration is useful as it shows that librarians are actively pursuing informal learning avenues. The roles of academic libraries are changing as a result of the impact of the digital age which is leading to new services being introduced in academic libraries; and it could be for this reason that librarians do not feel equipped with necessary knowledge for legal research support services.

#### **5.2.4.2 Skills required by law librarians**

The literature (Orme, 2008; Nonthacumjane, 2011; Raju, 2014; Shongwe, 2015) distinguishes among LIS skills, generic skills (including those related to information technology) and personal competencies. The librarians that were interviewed mentioned skills that fell across all three categories, namely, client services skills, networking, advocacy, information retrieval skills and general technology skills (see Figure 4.28 in Chapter 4).

Client services skills generally fall under the umbrella of generic skills and include networking and advocacy which can be seen as 'soft' skills. The mention of these skills is also in line with the motivation factor for learning new knowledge and skills, where librarians interviewed stated that client satisfaction was the driving motivation factor (see Section 4.2.5.1 in Chapter 4). It should be noted that the researcher used the *LIS professional competency index for the higher education sector in South Africa* (Raju, 2017) to assist with the categorisation of the skills mentioned by librarians in the interviews. Accordingly, information retrieval skills, mentioned by

librarians interviewed, form part of LIS skills, which can either be gained through experience working in a library or through a LIS qualification. General technology skills, as mentioned by librarians interviewed, indicated comfort with technology – this could refer either to technology in general, or the tools used by librarians, meaning that this skill could fall under either LIS skills or generic skills.

It is interesting to note that librarians valued LIS skills above the ‘soft’ skills, which is in line with some of the findings in the literature (Orme, 2008: 630; Nonthacumjane, 2011: 286; Raju, 2014: 170) that look at which skills are most valued by LIS employers. This could also indicate why, when librarians interviewed were asked to evaluate whether they felt equipped with the necessary skills to support legal scholars, they all indicated that they felt suitably equipped. Taking into account that all librarians interviewed were in possession of LIS degrees, this could explain why they felt suitably equipped with the necessary skills to support legal scholars:

*“So, its do I have the proper skills ... and I think I’m equipped enough for that, but as far as the knowledge is concerned I need maybe more development and growth in that area.”*

This section discussed the extent to which librarians felt equipped with the necessary knowledge and skills, as defined by themselves, to support legal scholars at their institutions. Librarians overall felt well-equipped with skills needed to support legal scholars, but the same could not be said of knowledge, particularly legal subject knowledge and knowledge of research. It can be surmised that an LIS qualification allowed librarians to feel well equipped with LIS discipline knowledge and skills.

### **5.3 Conclusions and recommendations**

The discussion in this chapter related to the four critical questions that guided the study relating to the legal research process used by legal scholars; research support services described in the literature relating to academic libraries and law libraries; research support services offered by academic law libraries at the three institutions investigated; and, the knowledge and skills needed by law librarians to support legal

scholars' research. Based on this discussion done in the context of the relevant literature and the conceptual framework informing the study, the following conclusions may be drawn:

- i. Legal scholars in the Western Cape, South Africa, in line with the literature, favour the doctrinal approach to legal research. While on the surface it may seem as though this approach does not involve the usual stages of the research process including data collection and analysis, on closer examination it is evident that the research of legal scholars includes these stages, albeit not differentiated as distinct stages as in regular research.
- ii. Legal data in doctrinal research, a concept that has been previously unexplored, consists of literature, that is, cases, legislation and academic legal literature. When considering the legal research process in this light, libraries should be able to adapt emerging 'data services' to the legal context where necessary, including assisting researchers with new and innovative ways to manage and analyse their data, as most legal scholars still relied on old and conservative methods to do so.
- iii. There is a broad range of services that libraries are able to offer in order to support the research of legal scholars. Although law libraries still speak to the traditional services of libraries as reflected in the literature, literature relating to academic libraries in general highlight opportunities for new and emerging library service trends, such as, *inter alia*, bibliometric analysis and research data management, to be adopted in law libraries, but with law librarians adapting such services to the legal context and legal research.
- iv. Academic law libraries in the Western Cape (South Africa), in keeping with trends reported in the literature, tend to focus on traditional services, and favour a reactive approach in their engagement with legal scholars. Law librarians are aware of new services, and provide these services on request, thus emphasising the current reactive nature of law librarianship. Although law librarians acknowledge the importance of advocacy and promoting their services, currently there seems to be no structured approach, among law librarians in the Western Cape, to marketing law library services to their respective academic/researcher communities. Legal scholars are not always aware of the services that law libraries offer, and hence through targeted

marketing, these law librarians could create more awareness of law library services among legal scholars.

- v. While in terms of skills academic law librarians in the Western Cape feel adequately equipped to be able to support legal scholars in their legal research, they do not display the same confidence when it comes to knowledge for research support of legal scholars. This could be as a result of two factors: firstly, the specialised nature of law as a subject, which law librarians raised as a necessity in terms of knowledge requirements; and secondly, the evolving roles of academic libraries in the context of the digital age which has resulted in new and re-conceptualised academic library services requiring librarians to learn new knowledge in relation to emerging services so as to be able to support legal research.

Based on the study's discussion and conclusions the following recommendations may be made:

- i. Further study should be conducted into research impact services (including bibliometrics), data services (including research data management) and other new or emerging services in academic libraries and how these can be adapted to the legal context. Such an investigation should involve consultation with legal scholars in order to ground these LIS services in relevant legal contexts.
- ii. Academic law libraries should adopt a targeted marketing approach for services to legal scholars in order for the latter to become aware of all that the library is able to offer, and in doing so align their services with the research process of legal scholars as described in this study. An information needs assessment of legal scholars that is conducted periodically will allow for libraries to further adapt this marketing approach, and will also enhance their advocacy and proactive marketing within the law faculty. Furthermore, law librarians should maintain among themselves current awareness not only within the LIS discipline but also among the trends of legal research internationally in order to continuously adapt and accordingly market services in line with best practices reflected in literature relating to academic law libraries and the legal research process.

- iii. In view of the fact that the issue of subject knowledge or subject qualification for law librarians is an unresolved one in South Africa, as revealed in this study, a separate and detailed study should be undertaken as to the extent to which subject (law) knowledge and/or a subject (law) qualification is required for law librarianship in South Africa. Such a study should also include an investigation into options for possible acquisition of law subject knowledge, for example, at the generic professional LIS qualification level, at a postgraduate specialisation level, at a parallel qualification level, via continuing professional development (CPD), and such.

#### **5.4 Chapter summary and general conclusion**

This chapter discussed the main findings of the study in relation to the four critical questions guiding the study, in the context of the conceptual framework informing the study as well as the literature reviewed. Based on this discussion conclusions were drawn and recommendations were made both for practice in academic law libraries as well as for further study related to law librarianship.

This study aimed to investigate the legal research lifecycle at three universities in the Western Cape, South Africa in order to understand how LIS services are able to support the research needs of legal scholars being serviced by academic law libraries. The study employed a qualitative research approach within an interpretive paradigm and an inductive style of exploration using a multiple case study design which allowed the researcher to address the study's objective in-depth through the accumulation of useful qualitative data the analysis of which revealed patterns and trends in the research and service behaviour of legal scholars and academic law librarians, respectively, in the Western Cape of South Africa. The use of semi-structured interviews with purposively selected legal scholars and law librarians, facilitated eliciting of data from respondents, as the one-on-one semi-structured approach and informal setting allowed for deeper probing of concepts, which was necessary at points, resulting in rich data in response to the critical questions guiding study. Furthermore, an interdisciplinary conceptual framework consisting of the research process as conceptualised by Babbie (2016: 114) and the Reference and

User Services framework for LIS services by the Reference and User Services Association of the American Library Association (2015) guided the researcher in exploring the phenomena of law library services and legal research support and allowed the researcher to harness an interdisciplinary angle to explore legal concepts in terms of a LIS approach. The literature reviewed was useful in grounding the study conceptually and empirically as well as in providing a matrix of 18 research support services in academic libraries in general, while also highlighting services that law libraries can explore for possible implementation in support of the legal research process. Finally, the researcher is satisfied that the four critical questions generated to address the study's research objective were adequately answered by the data collected and based on the knowledge that they eventually aggregated, the study was able to draw conclusions and make recommendations for practice and further study.

In conclusion, in an age of budgetary constraints academic libraries in general and law libraries specifically are faced with the challenge of proving their value to their institutions through the services they offer. In the context of this challenge, it is hoped this study, through its conclusions and recommendations, makes a contribution to academic libraries generally and university law libraries specifically, in South Africa and elsewhere, in their quests for accountable service and relevance in competitive, research-oriented higher education environments. Apart from this contribution to practice, this study also has relevance to knowledge extension. For example, it assists in understanding that the research process as conceptualised generally (Babbie, 2016: 114) also has applicability within specialised fields, albeit in a somewhat different presentation; and hence would require special (law or other) library research support to be adjusted accordingly. In light of the paucity of academic literature in relation to law libraries and research support, on both a global scale as well as within both an African and South African context, this study hopefully has value in contributing to the body of knowledge in relation to LIS services for the legal research process.

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## **Appendix A: Interview schedule - Legal scholars**

Research support from academic law libraries in the Western Cape in the scholarly legal research lifecycle

### **Semi-structured interview schedule for legal scholars**

#### **Preamble**

My name is Elizabeth Moll, a Masters student in the Library and Information Studies Centre at the University of Cape Town. I am undertaking a study to investigate the research support services offered by academic law libraries in the Western Cape. My study is being supervised by A/Prof. Jaya Raju. I would like to understand how library and information services (LIS) could support the research needs of legal scholars being serviced by academic law libraries in the Western Cape.

By completing the informed consent form, you have agreed to being interviewed for the purposes of the above study. The interview employs a semi-structured format and should not exceed an hour. Your participation in this study is completely voluntary and you may withdraw at any stage of the research. All data gathered will be treated with confidentiality during the reporting process by ensuring that the data are anonymised. Should you choose to withdraw from the study, you may withdraw your consent and all data collected from you would be discarded.

Should you at any point require clarification, you are welcome to ask questions. You are also free to decline to respond to a question, if you feel the need to do so. You have consented/not consented to the audio recording of the interview.

Unless the contrary is expressly requested by your organisation, the names of the higher education institutions used as research sites for this study, will be reported.

#### **Interview schedule**

##### **Section A: Biographical**

1. Name of institution and academic department:

\_\_\_\_\_

2. Designation of interviewee:

\_\_\_\_\_

3. Highest academic qualification(s) of interviewee:

\_\_\_\_\_

4. For how many years have you been engaged as a legal scholar conducting research in an academic institution?  
\_\_\_\_\_
5. For how many years have you been engaged in legal research in this institution?  
\_\_\_\_\_
6. In total, for how many years have you been engaged in legal research?  
\_\_\_\_\_
7. What would you describe as your legal speciality in terms of research?  
\_\_\_\_\_

### **Section B: Research conceptualisation**

8. Which library tools do you use to help conceptualise your research? [prompt: if not library tools, then which tools]
9. Do you find that this (that is, the selection of tools) differs when considering the category of legal sources, that is, primary (e.g. a court case) versus secondary legal sources (e.g. a journal article)? If so, explain how?
10. What do you consider as critical library legal research support services for your legal research?

### **Section C: Research design and methods**

11. What information resources influence your choice of research design and methods?
12. What influences your consideration for using a research design/method which you have not used before?
13. Do you engage with your librarian on aspects of your research lifecycle that are not directly related to information resources (e.g. problem identification and research design)?

### **Section D: Data collection and analysis**

14. What would you, in the context of legal research, consider to be 'data'?
15. Please provide some concrete examples of sources of such data.
16. For you as a legal scholar, does the nature of the data differ between primary (e.g. a court case) and secondary (e.g. a journal article) sources in legal research?
17. Do you use any specific tools to collate the data that you gather e.g. *EndNote*?
18. Do you use any computer software applications (e.g. *Nvivo*) to conduct data analysis? If yes, which ones?

19. Institutional and funder mandates require data management planning and public access to research data. Libraries globally are taking a leading role in these initiatives. Is data management planning feasible in the context of legal research?
20. If your response to the previous question (Question 19) is yes, what role do you see your law library playing in your data management planning as a legal scholar? [prompt: If your response to Question 19 is no, please explain why.]
21. If you are required (either by your institution or by a funder) to make your data publicly available, what service do you see your law library providing to enable you to do this?

### **Section E: Application of research findings**

22. What scholarly communication services do you see the law library as providing to enhance the discoverability of your research output (e.g. where to publish)?
23. What scholarly communication services do you see the law library as providing to enhance the visibility of your research output (e.g. open access options)?
24. What bibliometric services do you see the law library as providing to support you as a legal scholar in measuring the impact of your research for grant application, NRF rating, promotion, etc. purposes?

### **Section F: General**

25. We have concluded our interview, but at this point I would like to ask if you have anything further to add that is relevant to the issues covered in this interview?

### **Debriefing**

Ask participant how he/she experienced the session. Summarise the main points and get confirmation.

### **Record date, time and duration of interview**

## **Appendix B: Interview schedule – Law librarians**

Research support from academic law libraries in the Western Cape in the scholarly legal research lifecycle

### **Semi-structured interview schedule for law librarians**

#### **Preamble**

My name is Elizabeth Moll, a Masters student in the Library and Information Studies Centre at the University of Cape Town. I am undertaking a study to investigate the research support services offered by academic law libraries in the Western Cape. My study is being supervised by A/Prof. Jaya Raju. I would like to understand how library and information services (LIS) could support the research needs of legal scholars being serviced by academic law libraries in the Western Cape.

By completing the informed consent form, you have agreed to being interviewed for the purposes of the above study. The interview employs a semi-structured format and should not exceed an hour. Your participation in this study is completely voluntary and you may withdraw at any stage of the research. All data gathered will be treated with confidentiality during the reporting process by ensuring that the data are anonymised. Should you choose to withdraw from the study, you may withdraw your consent and all data collected from you will be discarded.

Should you at any point require clarification, you are welcome to ask questions. You are also free to decline to respond to a question, if you feel the need to do so. You have consented/not consented to the audio recording of the interview.

Unless the contrary is expressly requested by your organisation, the names of the higher education institutions used as research sites for this study, will be reported.

#### **Interview schedule**

##### **Section A: Biographical**

1. Name of institution and library: \_\_\_\_\_
2. Designation of interviewee:  
\_\_\_\_\_
3. Highest academic qualification(s) of interviewee:  
\_\_\_\_\_

4. LIS related qualification(s) of interviewee, if any:

\_\_\_\_\_

5. For how many years have you been engaged in law library services in an academic law library?

\_\_\_\_\_

6. For how many years have you been engaged in law library services in this [name] library? \_\_\_\_\_

7. Do you have any law related qualifications? [prompt: if yes, please specify]

\_\_\_\_\_

### **Section B: Access to law LIS services**

8. When considering the word 'access' in terms of law libraries, what would you describe this term as encompassing? [prompt: is it access to resources only?]

9. In your experience, how do you approach gathering the necessary information needed for legal scholars? [prompt: use of specific tools, websites or databases – provide examples]

10. Which tools do you find are most used by legal scholars to access resources? [prompt: specific websites, databases, etc. – provide examples]

11. Do you find that this (that is, the selection of tools) differs when considering the category of legal sources, that is, primary (e.g. a court case) versus secondary legal sources (e.g. a journal article)? If so, explain how?

### **Section C: Knowledge base of law library staff**

12. Do you, as a librarian [where applicable], reflect on the knowledge and skills required to support the research needs of legal scholars? [prompt: please elaborate and include in your comment what you use as a benchmark to reflect on your knowledge and skills]

13. Do you engage with other stakeholders (within or without the institution) to learn new knowledge and skills to better serve legal scholars? [prompt: please elaborate]

14. Do you engage with fellow LIS professionals (within or without the institution) to share new knowledge and skills relating to legal research support? [prompt: please elaborate]

15. What motivates you to learn new knowledge and skills relating to legal research support?

#### **Section D: Promotion of law LIS services**

16. Are you confident that the legal scholars at your institution are aware of the legal research support services offered by your library? [prompt: please elaborate]
17. How do you determine which legal research support services require promotion?
18. How do you maintain awareness of services relevant to legal scholars?
19. Provide examples of what you consider to have been successful promotion of legal research support services, in your library.

#### **Section E: Collaboration by law library staff**

20. Would you describe your relationship with the legal scholars at your institution as one of support or one of partnership? [prompt: support your response with concrete examples]
21. Do you consider some forms of collaboration as being more necessary than others, for the purposes of your legal research support services? [prompt: provide some concrete examples from within as well as without your institution]
22. Institutional and funder mandates require data management planning and public access to research data. As you may be aware, libraries globally are taking a leading role in these initiatives. Does your law library currently play a role in the data management planning of legal scholars? [prompt: if yes, please describe the role; if no, please elaborate.]
23. If legal scholars at your institution are required to make their research data publicly available, what service do you see this law library providing to make this possible? [prompt: is such a service currently being offered by your library and if not, are there plans for it in the future?]
24. What scholarly communication services do you see your law library as providing to enhance the discoverability of the research output of legal scholars (e.g. metadata management)? [prompt: is such a service currently being offered by your library and if not, are there plans for it in the future?]
25. What scholarly communication services do you see your law library as providing to enhance the visibility of the research output of legal scholars (e.g. open access options)? [prompt: is such a service currently being offered by your library and if not, are there plans for it in the future?]
26. What bibliometric services do you see your law library as providing to support legal scholars in measuring the impact of their research for grant application,

NRF rating, promotion, etc. purposes? [prompt: is such a service currently being offered by your library and if not, are there plans for it in the future?]

### **Section F: Evaluation and assessment of law LIS services**

27. What do you as a librarian consider to be the primary service offered by academic law libraries to legal scholars at an academic institution?
28. Do you engage with legal scholars with regards to specific aspects of the research lifecycle that are not directly related to information resources (e.g. problem identification and research design)?
29. In the context of 'research support' (that is, the library's role in contributing to increase the productivity of research and scholarship of academics), which of the services that your library offers do you believe to fall under this category?
30. What knowledge (that is, what understanding one should have or what one should know) do you believe is necessary to effectively meet legal scholars' information needs? [prompt: to what extent do you believe you possess this required knowledge]
31. What skills (that is, what one should be able to do) do you believe are necessary to effectively meet legal scholars' information needs? [prompt: to what extent do you believe you possess these required skills]

### **Section G: General**

32. We have concluded our interview, but at this point I would like to ask if you have anything further to add that is relevant to the issues covered in this interview?

### **Debriefing**

Ask participant how he/she experienced the session. Summarise the main points and get confirmation.

### **Record date, time and duration of interview**

## **Appendix C: Informed consent form – Legal scholars**

Research support from academic law libraries in the Western Cape in the scholarly legal research lifecycle

### **Informed consent form for legal scholar interviews**

My name is Elizabeth Moll, a Masters student in the Library and Information Studies Centre at the University of Cape Town. I am undertaking a study to investigate the legal research lifecycle at universities in order to understand how academic law library services could support the research needs of legal scholars in the Western Cape. My study is being supervised by A/Prof. Jaya Raju.

It will be greatly appreciated if you would consent to being interviewed on issues related to the study. There will be no known direct benefits resulting from your participation. Your participation in this study is completely voluntary and you may withdraw at any stage of the research. All data gathered will be treated with confidentiality during the reporting process by ensuring that the data are anonymised. Should you choose to withdraw from the study, you may withdraw your consent and all data collected from you will be discarded.

Please contact either myself or my supervisor should you have any questions relating to the study.

Researcher: Elizabeth Moll, [mleli016@myuct.ac.za](mailto:mleli016@myuct.ac.za), 084 2557 479

Supervisor: A/Prof. Jaya Raju [jaya.raju@uct.ac.za](mailto:jaya.raju@uct.ac.za), 021 650 3091

**Consent form**

Tick (✓) as appropriate:

I confirm that I have read and understood the above and that I have had the opportunity to ask questions.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
I confirm that I understand that my participation is voluntary and that I am able to withdraw at any time.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
I agree to be interviewed for the above study.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
I agree to the interview being recorded.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
My preferred method of contact is via	<input type="checkbox"/> Email: _____ <input type="checkbox"/> Phone: _____	

Name of Participant:

Name of Researcher:

Signature:

Signature:

Date:

Date:

## **Appendix D: Informed Consent Form – Law librarians**

Research support from academic law libraries in the Western Cape in the scholarly legal research lifecycle

### **Informed consent form for law library interviews**

My name is Elizabeth Moll, a Masters student in the Library and Information Studies Centre at the University of Cape Town. I am undertaking a study to investigate the research support services offered by academic law libraries in the Western Cape. My study is being supervised by A/Prof. Jaya Raju. I would like to understand how library and information services (LIS) could support the research needs of legal scholars being serviced by academic law libraries in the Western Cape.

It will be greatly appreciated if you would consent to being interviewed on issues related to the study. There will be no known direct benefits resulting from your participation. Your participation in this study is completely voluntary and you may withdraw at any stage of the research. All data gathered will be treated with confidentiality during the reporting process by ensuring that the data are anonymised. Should you choose to withdraw from the study, you may withdraw your consent and all data collected from you will be discarded.

Please contact either myself or my supervisor should you have any questions relating to the study.

Researcher: Elizabeth Moll, [mleli016@myuct.ac.za](mailto:mleli016@myuct.ac.za), 084 2557 479

Supervisor: A/Prof. Jaya Raju [jaya.raju@uct.ac.za](mailto:jaya.raju@uct.ac.za), 021 650 3091

**Consent form**

Tick (✓) as appropriate:

I confirm that I have read and understood the above and that I have had the opportunity to ask questions.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
I confirm that I understand that my participation is voluntary and that I am able to withdraw at any time.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
I agree to be interviewed for the above study.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
I agree to the interview being recorded.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
My preferred method of contact is via	<input type="checkbox"/> Email: _____ <input type="checkbox"/> Phone: _____	

Name of Participant:

Name of Researcher:

Signature:

Signature:

Date:

Date:

## Appendix E: Ethical Clearance from the University of Cape Town



Library and Information Studies Centre  
University of Cape Town  
Upper Campus

Private Bag X1, RONDEBOSCH, 7701 South Africa  
Level 6 Hlanganani, Chancellor Oppenheimer Library  
Tel: +27 (0) 21 650 4546 Fax: +27 (0) 21 650 2529  
E-mail: [lisc@uct.ac.za](mailto:lisc@uct.ac.za)  
Internet: [www.lisc.uct.ac.za](http://www.lisc.uct.ac.za)

Ref. no.: UCTLIS 201707-09

26 July 2017

Dear Ms Moll

I am pleased to inform you that ethical clearance has been granted by the Ethics Review Committee of the Library and Information Studies Centre on behalf of the Humanities Faculty of the University of Cape Town for your Master's study entitled: *Research support from academic law libraries in the Western Cape in the scholarly legal research lifecycle*.

I wish you well with your study.

Yours sincerely,

Michelle Kahn

Chair, Department (LISC) Research Ethics Committee

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"Our Mission is to be an outstanding teaching and research university, educating for life and addressing the challenges facing our society."

## Appendix F: Institutional Permission from Stellenbosch University



UNIVERSITEIT • STELLENBOSCH • UNIVERSITY  
jou kennisvenoot • your knowledge partner

### INSTITUTIONAL PERMISSION:

#### AGREEMENT ON USE OF PERSONAL INFORMATION IN RESEARCH

**Name of Researcher:** Elizabeth Moll

**Name of Research Project:** Research support from academic law libraries in the Western Cape in the scholarly legal research lifecycle

**Service Desk ID:** IRPSD 609

**Date of Issue:** 14 September 2017

You have received institutional permission to proceed with this project as stipulated in the institutional permission application and within the conditions set out in this agreement.

<b>1 WHAT THIS AGREEMENT IS ABOUT</b>	
What is POPI?	<p>1.1 POPI is the Protection of Personal Information Act 4 of 2013.</p> <p>1.2 POPI regulates the entire information life cycle from collection, through use and storage and even the destruction of personal information.</p>
Why is this important to us?	<p>1.3 Even though POPI is important, it is not the primary motivation for this agreement. The privacy of our students and employees are important to us. We want to ensure that no research project poses any risks to their privacy.</p> <p>1.4 However, you are required to familiarise yourself with, and comply with POPI in its entirety.</p>
What is considered to be personal information?	<p>1.5 'Personal information' means information relating to an identifiable, living, individual or company, including, but not limited to:</p> <p>1.5.1 information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;</p> <p>1.5.2 information relating to the education or the medical, financial, criminal or employment history of the person;</p>

	<p>1.5.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;</p> <p>1.5.4 the biometric information of the person;</p> <p>1.5.5 the personal opinions, views or preferences of the person;</p> <p>1.5.6 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;</p> <p>1.5.7 the views or opinions of another individual about the person; and</p> <p>1.5.8 the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.</p>
Some personal information is more sensitive.	<p>1.6 Some personal information is considered to be sensitive either because:</p> <p>1.6.1 POPI has classified it as sensitive;</p> <p>1.6.2 if the information is disclosed it can be used to defraud someone; or</p> <p>1.6.3 the disclosure of the information will be embarrassing for the research subject.</p> <p>1.7 The following personal information is considered particularly sensitive:</p> <p>1.7.1 Religious or philosophical beliefs;</p> <p>1.7.2 race or ethnic origin;</p> <p>1.7.3 trade union membership;</p> <p>1.7.4 political persuasion;</p> <p>1.7.5 health and health related documentation such as medical scheme documentation;</p> <p>1.7.6 sex life;</p> <p>1.7.7 biometric information;</p> <p>1.7.8 criminal behaviour;</p> <p>1.7.9 personal information of children under the age of 18;</p> <p>1.7.10 financial information such as banking details, details relating to financial</p>

	<p>products such as insurance, pension funds or other investments.</p> <p>1.8 You may make use of this type of information, but must take extra care to ensure that you comply with the rest of the rules in this document.</p>
<b>2 COMMITMENT TO ETHICAL AND LEGAL RESEARCH PRACTICES</b>	
You must commit to the use of ethical and legal research practices.	<p>2.1 You must obtain ethical clearance before commencing with this study.</p> <p>2.2 You commit to only employing ethical and legal research practices.</p>
You must protect the privacy of your research subjects.	<p>2.3 You undertake to protect the privacy of the research subjects throughout the project.</p>
<b>3 RESEARCH SUBJECT PARTICIPATION</b>	
Personal information of identifiable research subjects must not be used without their consent.	<p>3.1 Unless you have obtained a specific exemption for your research project, consent must be obtained in writing from the research subject, before their personal information is gathered.</p>
Research subjects must be able to withdraw from the research project.	<p>3.2 Research subjects must always be able to withdraw from the research project (without any negative consequences) and to insist that you destroy their personal information.</p>
Consent must be specific and informed.	<p>3.3 Unless you have obtained a specific exemption for your research project, the consent must be specific and informed. Before giving consent, the research subject must be informed in writing of:</p> <p>3.3.1 The purpose of the research,</p> <p>3.3.2 what personal information about them will be collected (particularly sensitive personal information),</p> <p>3.3.3 how the personal information will be collected (if not directly from them),</p> <p>3.3.4 the specific purposes for which the personal information will be used,</p> <p>3.3.5 what participation will entail (i.e. what the research subject will have to do),</p> <p>3.3.6 whether the supply of the personal information is voluntary or mandatory for purposes of the research project,</p>

	<p>3.3.7 who the personal information will be shared with,</p> <p>3.3.8 how the personal information will be published,</p> <p>3.3.9 the risks to participation (if any),</p> <p>3.3.10 their rights to access, correct or object to the use of their personal information,</p> <p>3.3.11 their right to withdraw from the research project, and</p> <p>3.3.12 how these rights can be exercised.</p>
Consent must be voluntary.	3.4 Participation in the research project must always be voluntary. You must never pressure or coerce research subjects into participating and persons who choose not to participate must not be penalised.
Using the personal information of children?	<p>3.5 A child is anybody under the age of 18.</p> <p>3.6 Unless you have obtained a specific exemption in writing for your research project, you must obtain</p> <p>3.6.1 the consent of the child's parent or guardian, and</p> <p>3.6.2 if the child is over the age of 7, the assent of the child, before collecting the child's information.</p>
Research subjects have a right to access.	3.7 Research subjects have the right to access their personal information, obtain confirmation of what information is in your possession and who had access to the information. It is strongly recommended that you keep detailed records of access to the information.
Research subjects have a right to object.	<p>3.8 Research subjects have the right to object to the use of their personal information.</p> <p>3.9 Once they have objected, you are not permitted to use the personal information until the dispute has been resolved.</p>
<b>4 COLLECTING PERSONAL INFORMATION</b>	
Only collect what is necessary.	4.1 You must not collect unnecessary or irrelevant personal information from research subjects.
Only collect accurate personal information.	4.2 You have an obligation to ensure that the personal information you collect is accurate. Particularly when you are collecting it from a source other than the

	<p>research subject.</p> <p>4.3 If you have any reason to doubt the quality of the personal information you must verify or validate the personal information before you use it.</p>
<b>5 USING PERSONAL INFORMATION</b>	
Only use the personal information for the purpose for which you collected it.	<p>5.1 Only use the personal information for the purpose for which you collected it.</p> <p>5.2 If your research project requires you to use the personal information for a materially different purpose than the one communicated to the research subject, you must inform the research subjects and Stellenbosch University of this and give participants the option to withdraw from the research project.</p>
Be careful when you share personal information.	<p>5.3 Never share personal information with third parties without making sure that they will also follow these rules.</p> <p>5.4 Always conclude a non-disclosure agreement with the third parties.</p> <p>5.5 Ensure that you transfer the personal information securely.</p>
Personal information must be anonymous whenever possible.	<p>5.6 If the research subject's identity is not relevant for the aims of the research project, the personal information must not be identifiable. In other words, the personal information must be anonymous (de-identified).</p>
Pseudonyms must be used whenever possible.	<p>5.7 If the research subject's identity is relevant for the aims of the research project or is required to co-ordinate, for example, interviews, names and other identifiers such as ID or student numbers must be collected and stored separately from the rest of the research data and research publications. In other words, only you must be able to identify the research subject.</p>
Publication of research	<p>5.8 The identity of your research subjects should not be revealed in any publication.</p> <p>5.9 In the event that your research project requires that the identity of your research subjects must be revealed, you must apply for an exemption from this rule.</p>
<b>6 SECURING PERSONAL INFORMATION</b>	
You are responsible for the confidentiality and security of the personal information	<p>6.1 Information must always be handled in the strictest confidence.</p> <p>6.2 You must ensure the integrity and security of the information in your possession or under your control by taking appropriate and reasonable technical and</p>

	<p>organisational measures to prevent:</p> <p>6.2.1 Loss of, damage to or unauthorised destruction of information; and</p> <p>6.2.2 unlawful access to or processing of information.</p> <p>6.3 This means that you must take reasonable measures to:</p> <p>6.3.1 Identify all reasonably foreseeable internal and external risks to personal information in your possession or under your control;</p> <p>6.3.2 establish and maintain appropriate safeguards against the risks identified;</p> <p>6.3.3 regularly verify that the safeguards are effectively implemented; and</p> <p>6.3.4 ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.</p>
Sensitive personal information requires extra care.	6.4 You will be expected to implement additional controls in order to secure sensitive personal information.
Are you sending any personal information overseas?	<p>6.5 If you are sending personal information overseas, you have to make sure that:</p> <p>6.5.1 The information will be protected by the laws of that country;</p> <p>6.5.2 the company or institution to who you are sending have agreed to keep the information confidential, secure and to not use it for any other purpose; or</p> <p>6.5.3 get the specific and informed consent of the research subject to send the information to a country which does not have data protection laws.</p>
Be careful when you use cloud storage.	<p>6.6 Be careful when storing personal information in a cloud. Many clouds are hosted on servers outside of South Africa in countries that do not protect personal information to the same extent as South Africa. The primary example of this is the United States.</p> <p>6.7 It is strongly recommended that you use hosting companies who house their servers in South Africa.</p> <p>6.8 If this is not possible, you must ensure that the hosting company agrees to protect the personal information to the same extent as South Africa.</p>
<b>7 RETENTION AND DESTRUCTION OF PERSONAL INFORMATION</b>	
You are not entitled to retain personal information when	7.1 Personal information must not be retained beyond the purpose of the research project, unless you have a legal or other justification for retaining the information.

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you no longer need it for the purposes of the research project.	
If personal information is retained, you must make sure it remains confidential.	<p>7.2 If you do need to retain the personal information, you must assess whether:</p> <p>7.2.1 The records can be de-identified; and/or whether</p> <p>7.2.2 you have to keep all the personal information.</p> <p>7.3 You must ensure that the personal information which you retain remains confidential, secure and is only used for the purposes for which it was collected.</p>
<b>8 INFORMATION BREACH PROCEDURE</b>	
In the event of an information breach you must notify us immediately.	<p>8.1 If there are reasonable grounds to believe that the personal information in your possession or under your control has been accessed by any unauthorised person or has been disclosed, you must notify us immediately.</p> <p>8.2 We will notify the research subjects in order to enable them to take measures to contain the impact of the breach.</p>
This is the procedure you must follow.	<p>8.3 You must follow the following procedure:</p> <p>8.3.1 Contact the Division for Institutional Research and Planning at 021 808 9385 and <a href="mailto:permission@sun.ac.za">permission@sun.ac.za</a>;</p> <p>8.3.2 you will then be required to complete the information breach report form which is attached as Annexure A.</p> <p>8.4 You are required to inform us of a information breach within 24 hours. Ensure that you have access to the required information.</p>
<b>9 MONITORING</b>	
You may be audited.	<p>9.1 We reserve the right to audit your research practices to assess whether you are complying with this agreement.</p> <p>9.2 You are required to give your full co-operation during the auditing process.</p> <p>9.3 We may also request to review:</p> <p>9.3.1 Forms (or other information gathering methods) and notifications to research subjects, as referred to in clause 3;</p>

	<p>9.3.2 non-disclosure agreements with third parties with whom the personal information is being shared, as referred to in clause 5.4;</p> <p>9.3.3 agreements with foreign companies or institutes with whom the personal information is being shared, as referred to in clause 6.5.</p>
<b>10 CHANGES TO RESEARCH</b>	
You need to notify us if any aspect of your collection or use of personal information changes.	<p>10.1 You must notify us in writing if any aspect of your collection or use of personal information changes (e.g. such as your research methodology, recruitment strategy or the purpose for which you use the research).</p> <p>10.2 We may review and require amendments to the proposed changes to ensure compliance with this agreement.</p> <p>10.3 The notification must be sent to <a href="mailto:permission@sun.ac.za">permission@sun.ac.za</a>.</p>
<b>11 CONSEQUENCES OF BREACH</b>	
What are the consequences of breaching this agreement?	<p>11.1 If you do not comply with this agreement, we may take disciplinary action or report such a breach to your home institute.</p> <p>11.2 You may be found guilty of research misconduct and may be censured in accordance with Stellenbosch University or your home institute's disciplinary code.</p>
You may have to compensate us in the event of any legal action.	<p>11.3 Non-compliance with this agreement could also lead to claims against Stellenbosch University in terms of POPI and/or other laws.</p> <p>11.4 Unless you are employed by or studying at Stellenbosch University, you indemnify Stellenbosch University against any claims (including all legal fees) from research subjects or any regulatory authority which are the result of your research project. You may also be held liable for the harm to our reputation should there be an information breach as a result of your non-compliance with this agreement.</p>
<b>12 CONTACT US</b>	
Please contact us if you have any questions.	Should you have any questions relating to this agreement you should contact <a href="mailto:permission@sun.ac.za">permission@sun.ac.za</a> .

**Annexure 'A'**

**Instruction:**

Please send this Notice to [permission@sun.ac.za](mailto:permission@sun.ac.za). If you have any difficulty completing the Notice, please contact the Division for Institutional Research and Planning at 021 808 9385. You must confirm that the Notice was received.

**NOTIFICATION OF INFORMATION BREACH**

Name of Researcher: \_\_\_\_\_

Name of Research Project: \_\_\_\_\_

Service Desk ID: \_\_\_\_\_

A security breach happens when you know (or you **reasonably believe**) that there has been:

- (a) loss of Personal Information ("PI")
- (b) damage to PI
- (c) unauthorised destruction of PI
- (d) unauthorised access to PI
- (e) unauthorised processing of PI

Date and time of security breach:	
Brief description of the security breach (what was lost and how). Please identify the equipment, software and/or physical premises and whether it is by hacking, lost device, public disclosure (email), theft or other means:	
Name of the person/s responsible for the security breach (if known):	
Is the security breach ongoing?	
Describe the steps taken to contain the security breach:	
What steps are being taken to investigate the cause of breach?	

## Appendix G: Institutional Permission from the University of the Western Cape



**STUDENT  
ADMINISTRATION**   
Administration Building, 1<sup>st</sup> Floor  
ashaijje@uwc.ac.za, nschoeman@uwc.ac.za  
021 959 2110

18 August 2017

### **RE: PERMISSION TO CONDUCT RESEARCH AT THE UNIVERSITY OF THE WESTERN CAPE**

**Name of Researcher** : Elizabeth Moll  
**Research Topic** : Research support from academic law libraries in the Western Cape in the scholarly legal research lifecycle  
**Date of issue** : 18/08/2017  
**Reference number** : UWCRP180817EM

As per your request, we acknowledge that you have obtained the necessary permissions and ethics clearances and are welcome to conduct your research as outlined in your proposal and communication with us.

Please note that while we give permission to conduct such research (i.e. interviews and surveys) staff and students at this University are not compelled to participate and may decline to participate should they wish to.

Should you wish to make use of or reference to the University's name, spaces, identity, etc. in any publication/s, you must first furnish the University with a copy of the proposed publication/s so that the University can verify and grant permission for such publication/s to be made publicly available.


Should you require any assistance in conducting your research in regards to access to student contact information please do let us know so that we can facilitate where possible.

Yours sincerely

DR AHMED SHAIKJEE  
DEPUTY REGISTRAR: ACADEMIC ADMINISTRATION  
OFFICE OF THE REGISTRAR

**UWCRP180817EM**

## Appendix H: Institutional Permission from the University of Cape Town

HR194	<b>ACCESS TO UCT STAFF FOR RESEARCH PURPOSES</b>	 <b>UNIVERSITY OF CAPE TOWN</b> <small>(YUNIBESITHI YASEKAPA - UNIVERSITEIT VAN KAAPSTAD)</small>
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### NOTES

- Forms must be downloaded from the UCT website: <http://www.uct.ac.za/depts/sapweb/forms/forms.htm>
- This form must be completed by applicants who are requesting to access UCT staff for the purpose of research.
- A copy of the research proposal as well as the Ethics Committee approval must be attached.
- It is the **responsibility of the researcher/s to apply for ethical clearance** from the relevant Faculty's Research in Ethics Committee (RIEC).
- If you are requesting staff information, you are required to complete the HR Information Request Form (HR190) and submit it together with all the required documentation.
- The turnaround time for a reply is **approximately 10 working days unless specified as urgent**.
- Return the completed application form and all the above documentation to Joy Henry via email: [joy.henry@uct.ac.za](mailto:joy.henry@uct.ac.za); or deliver to:  
For the Attention: Executive Director, Human Resources Department, Bremner Building, Room 214, Lower Campus, UCT.

### SECTION A: APPLICANT DETAILS

Title	Miss	Name	Elizabeth Moll
Telephone number	0216505691	Email address	elizabeth.moll@uct.ac.za
Student number	mleli016	Staff number	01447125
Visiting researcher ID / passport number			
Faculty Officer contact details	Sylvia Chauke 021 650 2693 / sylvia.chauke@uct.ac.za		
University or institution at which employed or a registered student	University of Cape Town		
Faculty or department in which you are registered or work	Library and Information Studies Centre, Faculty of Humanities (registered); UCT Libraries (work)		
Address (if not UCT)			

### SECTION B: SUPERVISOR DETAILS

	Title and name	Telephone number	Email address
Supervisor	A./Prof Jaya Raju	021 650 3091	jaya.raju@uct.ac.za
Co-Supervisor			

### SECTION C: APPLICANT'S FIELD OF STUDY (if applicable) / TITLE OF RESEARCH PROJECT / STUDY

Degree	MPhil in Library and Information Studies		
Research project or title	Research support from academic law libraries in the Western Cape in the scholarly legal research lifecycle		
Research proposal attached	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Target population (number of UCT staff)	8		
Amount of time required for an interview and/or questionnaire	1 hour		
Lead Researcher details	Elizabeth Moll		
Proof of ethical clearance status attached	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

### SECTION D: FOR OFFICE USE (Approval status to be completed by the Executive Director, Human Resources or Nominee)

Support or approval	Role		Signature	Date
Supported?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Joy Henry (Office Co-Ordinator)	21/08/2017
Approved?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Miriam Hoosain (Executive Director, HR)	21/08/17