

Survey for LAZ/SAIPAR Business Law Workshop – 2013

The following questionnaire was sent by email to a random sample of the practitioners listed in the 2012 LAZ Directory. It was also administered to the participants attending the workshop session on 9 January. In all there were 44 responses, a few of them partial. A summary of those responses follows, immediately following each question.

Peter W. Martin

I. Basic Questions: You and Your Practice

A. Size (multiple choice)

- 1) Do you practice by yourself? [5]
- 2) In a firm of 2-4 practitioners? [9]
- 3) In a firm of more than 4 practitioners? [9]
- 4) In a corporate law department? [7]
- 5) In a government department? [14]

Respondents covered the full spectrum of practice settings, with approximately one-half in private practice, one-third in government, and one-sixth in a corporate law department.

B. Branches and affiliations (Yes/No)

- Does your firm or department have offices in different locations within Zambia?
- Is your firm or department affiliated with an international group or firm?

Roughly one-quarter of the respondents worked in an organization with offices in different locations within the country, all but one of them were in government departments. Fewer than one-fifth worked in an organization affiliated with an international group or firm, most of them practiced in larger private firms.

C. Nature of your practice (free-form response)

- Please list the most important legal area or areas in your practice (such as, for example, litigation, conveyancing, family matters, corporate, employment/labor, mining)

Nearly half the respondents listed corporate law, understandable in light of the subject matter of the workshop, and conveyancing. A slightly larger number listed litigation; a slightly smaller number, employment law. Banking, family law, and mining were represented but in much smaller numbers.

D. Length of your experience (multiple choice)

- 1) Have you been in practice over 20 years?
- 2) Between 10 and 20 years?
- 3) Under 10 years?

Six of those responding were not yet licensed practitioners. Of the rest over one-half had been in practice for less than 10 years, over one-fifth for between 10 and 20 years, and only one-tenth for over 20 years. In sum, this was a relatively young group of practitioners whose responses may not be fully representative of Zambian practitioners of all ages and levels of experience.

E. Your use of the Internet to conduct personal or business transactions (yes/no)

- Do you engage in banking transactions, book air travel or hotel reservations, get news, or follow fiscal markets online?
- Do you use a mobile device to do any of these things?
- If your answer to either of the above questions is “yes” or you conduct similar business online, please describe briefly. (free-form response)

Over four-fifths of the respondents reported that they conduct personal or business transactions online. The vast majority of them said they used a mobile device in these transactions. Types of transactions listed included shopping, banking, booking travel and hotel accommodations, obtaining news, and topping up a mobile phone.

II. Present Deployment of Technology in Your Firm or Department

A. Direct use of computers in preparing documents (multiple choice)

- 1) Do you yourself do any document drafting or revision on a computer?
- 2) Do you have all document drafting or revision on a computer done by staff?
- 3) Does a computer play no role in your document drafting or revision?

All respondents reported that they themselves used a computer in document drafting or revision. None delegated all that work to staff.

B. Email exchange with clients and other practitioners (yes/no)

- Do you correspond with any of your clients by email?
- Do you exchange draft documents with clients or other practitioners by email?

Email is used extensively. Less than one-tenth of the respondents indicated they did not correspond with clients by email. A slightly higher number did not use email to exchange documents.

C. Client files (yes/no)

- Does your firm or department keep a full set of the documents it has prepared in a client matter in electronic format, either instead of or in addition to the paper file?
- Does your firm or department scan documents received from other sources in order to have a complete electronic file concerning a client's matter?

Roughly three-quarters of the respondents work in a firm or department that keeps documents in electronic format. Only half scan incoming documents so as to have a complete electronic file on a particular matter.

D. Firm files of forms and other reusable past work (yes/no)

- Does your firm or department use electronic forms to prepare documents that contain a lot of repetitive content?
- Does your firm or department keep past work product in a computer database so that it can be accessed and utilized in a future similar matter?

More than three-quarters of the respondents work in a firm or department that uses electronic forms to prepare documents that contain a lot of repetitive content. More than eight-tenths said their firm or department keeps past work product in a computer database so that it can be accessed and utilized in a future similar matter.

E. Legal research (free-form response)

- Please list any electronic services or products that you use in researching cases and describe briefly how you use them. (If you use none, enter “none”.)

Only two respondents reported they used no electronic services or products for case law research. Of the electronic services or products used by the rest, the KAS Electronic Library was most frequently mentioned (listed by more than three-quarters of the respondents. It was followed by Google (nearly two-thirds) and ZamLII (nearly one-third). Also mentioned were Juta, LexisNexis, SAFLII, AfricanLII, BAILII, and the ICJ site.

- Please list any electronic services or products you use in researching the Laws of Zambia, including amendments, and describe briefly how you use them. (If you use none, enter “none”.)

KAS Electronic Legal Library topped this list as well, being listed by two-thirds of the respondents. The other heavily used source is the Zambian Parliament site (listed by roughly one-half).

F. Other research bearing on your practice (free-form response)

- If you use online resources to do factual research or to seek information about corporate or government plans, please describe.

Answers to this question were scattered with Google and individual ministry sites being most frequently mentioned.

G. Use of computer technology in preparing for and pursuing litigation (yes/no)

- In complicated litigation involving many documents do you use a computer to store and/or analyze the information they contain?
- Do you ever use a computer in a courtroom or meeting setting to present data, images, or text?

Over one-half the respondents reported they used a computer to store and analyze documents relating to litigation. A slightly smaller fraction used computers in presenting data, images, or text.

III. Expectations for Increased Take-Up of Technology by the Judiciary and Government

A. Electronic filing (yes/no)

- At the point the judiciary or key ministries implement electronic filing would you expect your firm or department to be an early user?

The group professed great eagerness for electronic filing. Over eight-tenths indicated their firm or department would be an early user.

B. Internet access to documents, schedules, etc.

- At the point the judiciary implements online access to a case management system would you expect your firm or department to be an early user?

The group had almost identical enthusiasm for online access to a judicial case management system.

IV. Constraints

A. Concerns about advertising (yes/no)

- Are there forms of communication with clients and potential clients (such as web sites, blogs, or email newsletters) that your firm or department would likely employ were the ban on advertising by legal practitioners not so strictly interpreted?

Roughly two-thirds of the respondents in private practice (as distinguished from those in government or corporate law departments) reported that there were forms of electronic communication their firm would likely employ but for the strict interpretation of the ban on advertising by legal practitioners.

B. Limits of technical infrastructure (free-form response)

- Are there ways your firm or department would use the Internet that it cannot at present because of limited technical infrastructure?

Six out of ten respondents answered this question “yes”.

C. Availability of trained staff and IT services (free-form response)

- Are there ways your firm or department would use the Internet and computer technology more generally that it cannot at present because of the limited availability or high cost of trained staff or IT services?

Slightly less than six out of ten respondents answered this question “yes”.

D. Other (free-form response)

- Are there other significant impediments to more extensive use of computer technology and the Internet by Zambia's legal practitioners?

Factors listed in response to this question included both technical ones (high cost, slow speed, and unreliability of the Internet, as well as the high cost of IT services) and resistance from within the legal profession resulting from conservative attitudes and computer illiteracy. The ban on advertising by practitioners and insufficient action or support from the judiciary and the public sector generally were also mentioned.