



# The internet and lawyers in Ghana: some initial qualitative perspectives

The internet  
and lawyers  
in Ghana

311

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## Abstract

**Purpose** – To contribute to the internet use literature with particular respect to lawyers. This current study seeks to investigate qualitatively, the impact of the internet on the work of lawyers in Ghana.

**Design/methodology/approach** – Following several other empirical studies in the general information systems arena, a qualitative design was adopted for this study. A second motivation for adoption of this design was the fact that this research was exploratory in nature and it was the opinion of the researchers that this case study will provide rich insights into the formulations of research propositions for a larger study on internet use and legal practice in Ghana. Interviews were conducted with lawyers who had been called to the bar for before 2003 (we needed to be sure that these lawyers had been practicing for at least two years). Lawyers employed in law chambers, private sector institutions, international organizations, law consultancies, public sector institutions and the Faculty of Law of the University of Ghana were contacted as potential respondents for this qualitative study. The first five lawyers in each category who accepted to do the interviews were used as respondents for the study. In all 25 lawyers were interviewed and their views on internet use in respect of the legal profession in Ghana formed the basis of the empirical discussions in this paper.

**Findings** – Seventy-eight per cent of the lawyers interviewed agree that the internet improves their productivity. Eighty-eight per cent of respondents indicated that the internet is useful as a communication tool, whilst 76 per cent of the respondents considered the internet to be very important for getting information. In respect of generating business contacts, it seems the internet (online technologies) is just as important as brick – and – mortar strategies for attracting and retaining clients.

**Research limitations/implications** – Study has proved invaluable in hypothesis formulation for a larger study on internet use amongst Ghanaian lawyers in 2006. Ultimately, it could give indications for the conduct of e-business adoption studies amongst lawyers in Ghana.

**Originality/value** – One of the few studies that focuses on internet adoption by lawyers in a developing country context.

**Keywords** Internet, Lawyers, Ghana

**Paper type** Research paper



## The ascendancy of the legal profession in Ghana

The President of the Republic of Ghana is a lawyer. The flag bearer of Ghana's largest opposition party who contested the last elections with the current President is a lawyer.

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When persons are sought to fill up key national positions, appointing authorities often look to lawyers. The Chairmen of three of the four key commissions set up by Ghana's Constitution are lawyers: The Commission on Human Rights and Administrative Justice; the National Commission on Civic Education and the National Media Commission. The past Chair of the fourth commission, the Electoral Commission, is a lawyer. In the first quarter of 2006, a new chairman was elected for the University of Ghana council – he is a lawyer. Many ministers of state, including key ministries such as the Ministry of Justice, the Ministry of Foreign Affairs and the Ministry of Education are headed by lawyers. Even the Ministry of Communication, the ministry in charge of developing communication technologies, including internet communication, is a lawyer. Ghana is currently rocked by several narcotic scandals, prompting the Ministry of Interior to set up a commission to investigate allegations of complicity in the narcotic scandals by politicians, the police, other public officials and chiefs. Needless to say, lawyers have taken centre stage again. The Chair of the Commission and the key players in the saga who are trying to unearth or bury the truth are lawyers. Virtually, all commissions of inquiry of any significance in Ghana are headed by lawyers. From a commission investigating bribery and corruption in the early 1970s, through the commission that did a major investigation into the Ghana Police Service in 1996-1997, to a commission that investigated the death of about 129 people in a stadium disaster in 2001-2002. Even those that are not chaired by lawyers invariably have a lawyer as part of its membership.

Lawyers in Ghana are also helping more local and foreign businesses set up shop in Ghana. The government through the Attorney General's department has formulated and is deploying a legal sector reform in Ghana; aimed at improving the legal and regulatory environment for conducting business in Ghana. In 2005, there were workshops in Ghana aimed at improving the ICT/internet literacy of lawyers all in a bid to improve their productivity in the private and public sectors of Ghana's economy. Given the utmost importance of the legal sector to Ghana's developmental agenda, a study that seeks to examine ways in which the internet can better contribute to their efficacy seems long overdue. This paper reports the preliminary findings of a larger research endeavour aimed at understanding internet practices of lawyers in Ghana.

### **The internet and legal practice**

The literature on internet use is littered with empirical studies that analyze aspects of the broad spectrum of uses to which the internet can be put by various professional groupings but rather little has been investigated on internet usage in the legal profession in Africa and Ghana in particular. The internet has presented a different proposition to every industry and with legal practice it is forcing lawyers to change their attitudes towards the new technology. The internet has become a global pervasive phenomenon and has altered the conduct of business the world over. Research on internet use focusing on travel agents ([Law \*et al.\*, 2004](#)), universities ([Adika, 2003](#); [Hinson \*et al.\*, 2005](#); [Hinson and Amidu, 2006](#); [Bruce, 1994](#)), exporters ([Hinson, 2001, 2004, 2005a, b, 2006](#); [Hinson and Abor, 2005](#); [Buasti and Hinson, 2005](#)) and lawyers ([Martin, 1994](#)) have all been carried out. In the particular respect of the internet and legal practice, research conducted has largely been in western contexts and has encompassed a variety of research themes ranging from lawyers' use of the internet in Australia ([Burgess, 1998](#)) to law enforcement and computer crime ([Agozo, 2000](#)). Other researchers who have conducted studies related to the internet and legal practice in western contexts have included [Muir and Douglas \(2001\)](#), [Partison \(1997\)](#),

Cramer (2002), Blake (1996), Apke (2003), Meisel and Sullivan (2002), Small (1996), Zekos (2002), Rao (2003) and Smith (1996). There is to date, rather parsimonious research on the use of the internet by lawyers in the west African sub-region. Given the gap in the internet use for legal professionals (especially from a developing country context), this study is positioned as one of the first systematic attempts to understand how the internet might be used in the conduct of legal practice in Ghana, a country situated at the disadvantaged end of the global digital divide.

The World Wide Web and internet offer both opportunities and threats to professional firms generally and law firms in particular (Muir and Douglas, 2001). The opportunities the internet offers lawyers include the potential to consolidate or expand their current business portfolio, allow services to be delivered at lower cost and providing better services at times convenient to customers by offering access 7 days a week; 365 days a year. Lawyers are increasingly being exhorted to make use of the internet. A number of reasons are advanced such as: their clients already being on the internet; discussions among lawyers about legal issues are taking place on the internet and the internet provides access to a rich and varied collection of sources which might otherwise be unavailable to many lawyers (Martin, 1994).

Much of a law firm's business comes from referrals from current customers; therefore customer satisfaction is of prime importance to a firm's success and even future existence (Kojonen and Reid, 2000). The challenge for law firms is to harness the internet and its associated technologies in such a way as to enhance the quality of their service provision and improve customer satisfaction. Private law firms are operating in a very different environment to that of the last century. A once elite and learned profession is now operating in a competitive, cutthroat business environment much like any other profession. It would seem that the response of the old-style legal wisdom might be to view e-business/internet technologies as just another fad that would run its course. However, e-business and internet technologies have the potential to fundamentally change the way in which the legal profession operates and competes and, in particular, the way it delivers its services. Indeed, it is a contention of this paper that law firms, despite their hopes to the contrary, will not be immune to this new way of conducting business.

In today's over-populated market, the practice of law has in essence become a business as much as it remains a profession. As such, any lawyer seeking to establish a successful solo practice must utilize every means at his or her disposal to generate business and to maximize time efficiency so that multiple cases can be handled at one time. In the case of lawyers who are employed in such professions as banking or who work for international NGOs, the internet still holds enormous promise for enhancing their work and professional productivities. Specifically, when used properly the internet can be a valuable tool for advertising, for research and for communicating with others in the profession. It could also be used as a source of seeking out relevant literature of the newest trends in legal practice; and relevant legal professional and research networks that legal practitioners in Ghana can become a part of.

What exactly are lawyers doing on the internet in Ghana today? Ghana is one of the most foreign investment friendly countries in Africa. It is currently the "gateway" to the West African sub-region because of civil and political unrest in virtually every other country in the sub-region. Having been identified as a star pupil of the World Bank's structural adjustment and enhanced structural adjustment programmes, she is a favourite investment destination for the many that use World Bank indicators as a proxy for the investment friendliness of a country. These investors need lawyers to set

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up shop, buy land, deal with their business issues and sometimes to liquidate their businesses. The internet is a cheap medium for communication between such investors (who are not always present in Ghana) and their Ghanaian legal representatives. Detailed instructions for the incorporation of companies, queries about tax and regulatory requirements, right down to instructions to sue are sent over the internet by electronic mail (e-mail).

With Ghana's open economy, persons, companies and other institutions deal a lot with others across Ghana's borders. Many memoranda of understanding, gentlemen's agreements, promises to enter into contracts, offers to contracts, counter-offers, acceptances, undertakings, etc are now sent over the internet. Print outs of e-mail correspondence are increasingly being tendered in court as exhibits and used to support arguments that such business moves were made or not made and to determine the time they were made.

Again, when disputes arise between persons across national borders, suits may be instituted here against persons abroad. The defendant will then have to be served with some court processes. It is increasingly the practice that such processes when served would be done by couriers such as FEDEX, DHL and expedited mail service (EMS). Evidence of receipt of such processes is now downloaded from the internet from the electronic letter and package tracking service of these courier companies. Lawyers submit these in court as evidence that the relevant processes have been delivered to the defendant so that the case may proceed in full confidence that the defendant has been given notice of the proceedings and an opportunity to defend herself.

Lawyers are also increasingly using internet resources to prepare for their cases in court. Ghana is a common law (as contradistinguished from a civil law) jurisdiction together with the UK, the USA, Canada, Australia, South Africa, Nigeria, Kenya, Uganda, Botswana, Zimbabwe and many other African countries. In common law jurisdictions, a huge premium is placed on court decisions, judicial precedent, as lawyers call them. These decisions are sometimes of binding and most times of persuasive authority in courts of law. In civil law countries the emphasis is on statutory laws. In common law countries, court decisions are not limited to the principles that judges lay down in a particular dispute between parties to a suit, but extend to the interpretation of the many statutes that govern us in today's regulatory state. In common law countries, the interpretation of a statute by a judge is often more important than what the statute may be deemed to be saying. Case law is therefore critical to the survival and progressive development of the legal rules that govern the lives of people in common law countries. Very often, court decisions emanating from a common law country are relied upon by lawyers and judges in other common law countries to argue or decide on a case. Many times lawyers in Ghana download from the internet court decisions from, say the Supreme Court of Nigeria, as persuasive authority for some legal principle they are seeking to establish or as a guide as to how a particular statutory provision may be interpreted.

In developing countries, such as Ghana, this is done several times every single day as lawyers and judges grapple with issues of pollution, gay rights, religious freedom and the like; issues that have arisen for several years in other jurisdictions and have been decided upon many times by the courts of those countries. In such situations, it is helpful to be able to scoop straight from the internet, the complete judgements of the courts of those countries for guidance.

Access to popular legal databases such as Lexis-Nexis, Westlaw and a database of Ghanaian laws by a company called Datacenta Ltd is very limited without access to

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the internet. Datacenta Ltd has an intranet option for their database of Ghana laws but this must await a visit of an official of the company to be updated. The version on the internet can be accessed as updated. There are websites that upload the judgments of many courts in common law countries. All these are invaluable resources to Ghanaian lawyers as they prepare their cases.

It is critical to note that legal research is not limited to pure and strict legal research. A case on pollution or property very often has to do with research on matters that have next to nothing to do with law. The central issue in a pollution case may be levels of emission and whether these meet the standards that are set by regulatory bodies. A land dispute may have as a central issue (especially in African countries) historical research on the first settlers to the land. Many smart lawyers in Ghana resort to the internet for material and for leads to material when they do such cases.

The Ghanaian Constitution is a human rights constitution (Atuguba, 2005). This has allowed for the growth of hundreds of Human Rights organizations, small and large, all professing to use human rights advocacy and activism to better the lot of the disadvantaged. These human rights organizations are mostly headed by lawyers, have a legal arm or are mentored by a bigger organization staffed by lawyers. These lawyers and their mentees rely heavily on international human rights instruments and cases to do their advocacy and activism and to train others on the use of legal instruments for advocacy and activism. In this they rely on internet sources for these documents. The website of the United Nations and the University of Minnesota's Human Rights Centre website are very popular with human rights lawyers and their associates. The UN site shows which treaties and conventions Ghana is party to and those she has ratified. This way, human rights lawyers and their associates have up-to-date information on which international laws Ghana is subject to and may be held accountable to. Women Rights, Children's Rights, Disability Rights and Environmental Rights advocates and activists are the usual suspects in this area of internet use.

Legal consultants are also great users of the internet. Most of the development issues in Ghana have been issues in other countries in the past. Sometimes they are also current issues in some countries. What legal consultants do is to use the internet for information or leads to information on how issues such as consumer protection, corporate social responsibility, child labour and apprenticeships, tax culture, etc have been dealt with or are being dealt with in other jurisdictions. These varied experiences then form the basis of their recommendations for legal reform in Ghana. Sometimes, legal consultants pick from the internet, best practices and guidelines provided by United Nations agencies, for example.

Lawyers generally charge on the basis of hours spent researching and drafting reports, opinions and processes and time spend in court or at some other proceedings representing a client. Easy and fast access to online material reduces the number of hours that lawyers spend to research a particular issue. Aside ensuring the integrity and upgrading the quality of the legal advice that lawyers give, this ultimately reduces the amount of money that is payable by the client.

Of late there is a lot of attention by the media on legal cases. This was not the case a decade ago, even five years ago. Historical restrictions on the freedom and independence of the media during colonial rule eased only a little at independence in 1957. The situation worsened under the various military regimes that ruled Ghana for most of the period between 1966 and 1992. With freedom of the media in 1993, it took the media some time to breathe the airs of freedom, misuse the freedom quite a bit and then settle down to proper reporting. In the last five years, innovative journalism in

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Ghana has meant that media personnel are doing increasingly sophisticated case reporting. Without knowing it, they are shaping the public (and sometimes judges) opinions about cases, especially high profile cases. Many lawyers doing cases involving national level politicians and operative, suspected drug barons etc use the internet as a one-stop shop for news about such cases from the many, too many perhaps, newspapers and broadcast media. This way they gauge public (and sometimes the judges) attitude, perception and inclination to the cases they do. It is clear that lawyers in Ghana are beginning to use the internet in very innovative ways. We are convinced that lawyers are using the internet in more ways than we have been able to fathom so far.

### **Objectives of the study**

The emphasis in this study is an exploration and description in order to understand what lies behind a phenomenon (lawyers' use of the internet) about which little is known ([Miles and Huberman, 1994](#); [Strauss and Corbin, 1990](#)). The phenomenon in this case referring to internet use by lawyers.

The objectives of the study were:

- (1) The ascertainment of what internet services Ghanaian lawyers use.
- (2) The ascertainment of what obstacles there are to internet use by Ghanaian lawyers.

### **Research method**

A qualitative research design was deemed to be most appropriate for the current research endeavour ([Miles and Huberman, 1994](#)) as it demanded a deep familiarization with a normal typical real life situation. Also, it answered questions like "how" and "why" rather than "how many". Qualitative research has been used extensively in information systems research ([Myers, 1997](#); [Alavi and Carlson, 1992](#); [Cash and Lawrence, 1989](#); [Gable, 1994](#); [Galliers, 1992](#); [Galliers and Land, 1987](#); [Kaplan and Duchon, 1988](#); [Kaplan and Maxwell, 1994](#); [Lacity and Janson, 1994](#)) and this is the general conceptual area in which this research can be placed. There is therefore enough empirical precedent for using the method as an investigative tool for this study.

Twenty-five lawyers formed the respondent base of the study. The advantage of the qualitative method is that it allowed us to gain an in-depth understanding of the research issues. The findings and analysis will form the basis of a larger research endeavour on internet use in Ghanaian legal practice.

### **The choice of lawyers**

For this study, the lawyers chosen as respondents were selected on the basis that:

- (1) They fulfilled the methodological requirement of having lawyers working in as varied a number of legal vocations as possible.
- (2) They were all called to the bar before the year 2003 (we needed to be sure that these lawyers had been practicing for at least two years).
- (3) They were extremely knowledgeable and accomplished lawyers in their various fields of endeavour. It was hypothesized that as a consequence of their professional accomplishments, they would have some demonstrable ability in understanding technology issues and how these relate to the development of some aspects of legal practice. These case choices therefore held great

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promise in helping to develop a benchmark and the creation of some eventual hypothesis in the larger investigation of internet use amongst lawyers in Ghana.

### **Primary sources of data**

Semi-structured interviews were used as the primary method of collecting data. Even though interviews are associated with many problems such as expense and excessive time consumption, it was highly desirable in this situation since this investigation was exploratory and therefore looking for meanings in responses was best accomplished by interacting personally with all the respondents. Interviews also have the advantage of allowing the researcher to ask complex questions and follow up questions. Also due to the open-ended nature of the questions, we were able to dig out more in-depth answers from the interviewees. The interviews took place at the work premises of the lawyers who graciously agreed to be part of the study.

### **Analysis and discussions of findings**

This section discusses the findings of the study. The discussion of the results is based on the responses elicited through the administration of interview questions.

A significant number of the respondents (92 per cent) had used the internet before. This could have meant that, the wind of technology especially the internet that is blowing across the world in recent years has had an impact on their decision to use the internet.

Most of the respondents were introduced to the internet either by friends, family members, through self-initiative or job requirement. About 24 per cent of the respondents indicated that they were introduced to the internet by their friends and family members whilst about 60 per cent initiated the process of using the internet themselves. Another 8 per cent of the respondents were introduced to the internet because knowledge in using the internet was a prerequisite for holding their current jobs. The fact that a good number of the respondents used their own initiative could mean that the immense benefits of the internet in the work of a legal practitioner were foremost in their decision to deploy the internet.

### **Uses of the internet**

The internet makes finding information easy; communication easy; serves as a recreational tool; facilitates the generation of business contacts and also serves as an education tool. Eighty-eight per cent of the respondents considered using the internet for communication purposes as the most important reason for using the internet. According to the respondents the internet is used mainly for sending and receiving e-mails as well as, contacting people who share their same professional interests. Another 76 per cent of the respondents consider the internet to be very important and convenient for getting information. The internet provides access to a rich and varied collection of information which might otherwise have been unavailable to the respondents and consequently the respondents again indicated that they used the internet as a means of finding about special legal interests and seeking general information about legal practice as well. Thirty-six per cent of them use the internet mainly for entertainment purposes. It would seem that the recreational capacity of the internet is either of little importance to the respondents or they might just not be aware of this attribute of the internet.

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However, the respondents do not seem to agree that the internet is useful for downloading software files and databases. About 48 per cent of them consider downloading files as a reason for their internet use, whilst 32 per cent hold a contrary view. This result is surprising given the fact that by the nature of their profession, the respondents are required to be abreast with the application of certain legal principles especially in other jurisdictions; and one would have thought that the majority of them would have considered that reason to be the most important consideration in using the internet. Nonetheless, the inability of the internet to serve a useful purpose in downloading files and databases could also be a result of inefficient service by internet service providers in Ghana since file downloads sometimes demand high bandwidth and ISPs in Ghana sometimes do not provide too reliable an internet connection for such downloads to be consummated. When asked whether the internet was useful in generating business contacts, 48 per cent of the respondents considered the internet to be least important in prospecting for clients; whilst about 32 per cent thought otherwise. This is probably due to the fact that in Ghana legal practitioners are prohibited from directly soliciting for clients through advertisement or any form of promotion. Secondly, in Ghana the majority of the law firm business is generated through referrals from current clients or mainly from a firm's track record and not by virtue of the firm's web presence or internet related activities.

### **Obstacles to internet use**

In spite of the usefulness of the internet for legal practitioners, quite a number of them still do not use the internet due to certain inhibitory factors. The study therefore sought to determine the factors that are hypothesized to hinder the adoption of internet among lawyers.

One of the factors that hinder internet use according to the respondents is the difficulty associated with its usage. The major sources of internet help mentioned by the respondents were personal friends, professional colleagues, on-line help and support persons. Some respondents (32 per cent) appear to get help from support persons, whilst 20 per cent indicated they got help through personal friends. Sixteen per cent each mentioned on-line sources and professional colleagues as the major sources from which they get internet help. This could mean that the availability of support persons could affect internet usage among respondents. Thus if a legal firm is unable to afford the services of a support person to help users in rectifying the problems they encounter anytime they use the internet, the users may not derive the maximum benefit from using the internet. Sixty-four per cent of the respondents did not consider the mastery of the internet to be an obstacle at all, whereas 28 per cent considered the inability to use the internet properly as an obstacle to adoption and use. This means that majority of the respondents will use the internet irrespective of their internet proficiency level. Whilst we cannot advocate that all institutions in Ghana that employ lawyers should employ full-time information technology (IT) personnel, we can advocate that such institutions can offer some internet literacy classes to the lawyers employed in those organizations; to improve their productivity.

Another obstacle mentioned was the cost of internet services. A significant number (68 per cent), of the respondents considered the cost of internet services to be the biggest obstacle to use. However, 20 per cent of the respondents did not consider the cost of internet services to be hindrance in their use of the internet. This means



that in order to boost the usage of the internet, internet service providers must work assiduously to reduce the cost of services so as to encourage more people to use the internet. The issue of internet accessibility was also mentioned as one of the obstacles to adoption. Forty-four per cent of the respondents consider the inaccessibility of the internet to be the greatest obstacle to adoption, whilst 48 per cent do not consider the access to the internet to impede their adoption. It is a rather common occurrence in Ghana to have an internet link up one moment and down the other moment. What was quite revealing from the responses of the lawyers is the fact that they do not consider using the internet to be too complicated. This could have explained why it appears to be easy for a majority of them to use the internet through their own initiative.

### **The impact of internet use on productivity**

The internet makes it easy for lawyers to maximize their time efficiently so as to increase productivity. This is possibly given the fact that the internet helps a lawyer to handle multiple cases at the same time. Again the internet is invaluable in keeping lawyers abreast with the ever-changing trends in their legal profession. An attempt was made to determine the perceptible outcomes of internet use especially on productivity. Most of the respondents (78 per cent) agreed that the internet enhances their productivity, while 24 per cent were of a contrary opinion. The reasons that were quite prominent amongst the 78 per cent of respondents who summarized that the internet boosts their productivity included the use of the internet for research purposes, access to information and communicating with others.

Fifty-two per cent of the respondents consider access to information to have a greater impact on productivity. This is probably so because relevant, timely and reliable information which are all features of the internet are vital ingredients for successful legal practice. Another 32 per cent of the respondents consider the internet to enhance their productivity especially in the area of research. This is because information regarding current practices, judgments and legal opinions are available on selected sites on the internet. This saves lawyers time and effort in manually searching for information through the use of hardcopies (published materials) that may not be available at all or even if available, may be insufficient, irrelevant or outdated.

### **What the internet means to lawyers**

Most of the respondents maintain a positive attitude towards the internet. This was evidenced by the fact that about 80 per cent of the respondents disagreed with the view that the internet is not suitable for legal firms. Again, 92 per cent of the respondents agree that the internet is an effective communication tool, whilst about 84 per cent indicated that the internet could be a tool to enhance the image of a firm.

### **Conclusions and recommendations**

This study has given us indications for designing a larger scale research study on internet use by lawyers in Ghana. The legal profession is essentially concerned with the retrieval and dissemination of information, which is the “stock in trade” of the profession. Internet technology undoubtedly will be seen to offer an opportunity to improve the delivery of service to clients. The results from this research are limited and therefore cannot be used to generalize the current impact of the internet on legal practice in Ghana. However, its strength lies in the fact that the sample

lawyers are successful lawyers and have therefore provided key insights into how the internet can be used to improve legal practice for Ghanaian lawyers and thus the research will form the basis of a further and in-depth project on internet use in Ghana's legal profession.

The study has also revealed the usefulness of the internet in the work of a legal practitioner in Ghana. In that general regard; premature as it may sound; we recommend that an internet policy to guide all professional bodies in Ghana should be promulgated. The key focus of this policy should be making the internet a part of the curricular of training lawyers. Secondly it should be possible for court proceedings, legal notices and other literature pertaining to the conduct of legal business in Ghana, to be digitized and placed on the internet. All these will require a massive capital investment in IT infrastructure by the government working through the Law Reform Commission.

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**Further reading**

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