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Yosef Solomon Jenny Bronstein

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Serendipity in legal information seeking behavior

Chance encounters of family-law advocates with court rulings

Yosef Solomon and Jenny Bronstein
Bar-Ilan University, Ramat Gan, Israel

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Abstract

Purpose – The purpose of this paper is to investigate the role of serendipity in legal information seeking behavior of family law advocates, whom act in a challenging information environment that lacks published court rulings.

Design/methodology/approach – A quantitative research using a web-based structured questionnaire, among Israeli family law advocates. Single stage systematic sampling, with random starting point and no recurring pattern of each sixth family law advocate on the Israel Bar Advocates List, was applied. Data from 135 Israeli family law advocates were used for analysis.

Findings – Electronic information sources were found as most serendipitous; family law advocates were identified as super encounterers; four types of professional background concerns and seven legal professional contributions of the unexpected encounters with court rulings, were identified. Furthermore, findings support several frameworks presented on earlier information encounter literature.

Research limitations/implications – Data absence on demographic and professional variables distributions of Israeli family law advocates was a limiting factor, compensated by the systematic sampling method used, thus can be regarded to reflect the views of the entire study population. Surveys' reliance on self-reporting recalls of serendipitous events is also a limiting factor, though predicted and acceptable in this matter since chance encounters occur unexpectedly and are complex to capture.

Practical implications – Chance encounters may expose lawyers to meaningful information it is unlikely they were able to find because its limited publication, and assist them keep up with current law for better serves their clients.

Originality/value – The study augments the current empirically based knowledge on serendipity and provides insights into legal information chance encounters among a little-studied group of knowledge workers: family law advocates.

Keywords Legal, Information seeking, Serendipity, Information discovery, Information encountering
Paper type Research paper

1. Introduction

The legal profession involves a great extent of information and knowledge (Ellis *et al.*, 2014; Komlodi, 2002, 2004). In order for lawyers to fulfill their duty, they need “the cases, the statutes, and the regulations which govern a particular problem or area related to a particular factual situation” (Cohen, 1969, p. 185). Furthermore, lawyers' information needs are subjected to time constrains and to the complexity of their legal cases (Chancellor, 2010; Makri *et al.*, 2007). Because legal literature evolves quickly, together with the recurring amendments to statues, rules and regulations and with the constant juristic progress in courts' rulings (Rai, 2013), lawyers must keep informed in order to provide their clients with the up-to-date and correct understanding of the law (Ellis *et al.*, 2014; Komlodi, 2002; Komlodi *et al.*, 2007). But, although access to court rulings makes it possible for lawyers to study and analyze different legal situations,



identify legal shifts and use these intelligently in their legal work such as in constructing case-based legal arguments (Halperin-Kaddari and Blutner, 2013; Ellis *et al.*, 2014), finding the key relevant court rulings directing the legal issues under inquiry is in many cases actually a difficult task (Best, 2015). One of the primary reasons for such difficulty is the selective publication of court rulings in the legal system, which creates a body of “secret law” (National Classification Committee v. United States 1985, p. 173 at Note 2), which “makes it difficult to assess the clarity or ambiguity of the law or the complexity of the legal issue” (Dragich, 1995, p. 787). Thus, lawyers that enjoy access to unpublished court rulings may have a prevailing advantage in the litigation process, over their colleagues who do not hold a similar access (Haruna and Mabawonku, 2001), and serendipitous encounters with such court rulings are therefore of great significance in legal work.

Serendipity, a term thought-up and explained by Sir Horace Walpole in 1754, is making fortunate discoveries by accidents and sagacity, of things a person is not in quest of (Merton and Barber, 2004; Rosenau, 1935). The phenomenon of serendipity encompasses several definitions and concepts in the information science discipline; *inter alia*, “Incidental Information Acquisition” (Williamson, 1998; Heinström, 2006); “Accidental” or “Opportunistic Discovery of Information” (Erdelez and Makri, 2011; Lu, 2012); “Chance Encounters” (Toms, 1998); “Information Scanning” (Shim, Kelly and Hornik, 2006); and “Information Encountering” (Erdelez, 1995, 1996, 1999, 2004, 2005). This study adopted the definition of “Information Encountering,” a specific type of serendipity in the context of information seeking, coined by Erdelez (1999, p. 25): “a memorable experience of an unexpected discovery of useful or interesting information. Information encountering occurs when one is looking for information relating to one topic and finds information relating to another one.”

The present study investigated three elements of chance encounters with Family and Religious Courts rulings: the information sources that facilitate them; the professional problems and concerns that stand in the background of such unexpected encounters; and the contribution they made to the advocates’ legal work. Recalling Ralph Waldo Emerson’s (Emerson, 1892) maxim “knowledge comes by eyes always open, and working hands; and there is no knowledge that is not power” (p. 303), in the challenging information arena of family law – discovering court rulings by chance is all the more important and powerful to the legal practice; such encounters may expose lawyers to meaningful and valuable information which it is unlikely they were able to purposefully find, principally due to its limited and selective publication and their lack of awareness about its existence; and consequently enhance lawyers’ professional skillfulness, as such serendipitous encounters with out-of-sight court rulings builds up their ability of keeping up with an augmented body of current law that better serves their clients; i.e., lawyers can make, in the right time and in the right context, an intelligent use of the new legal information earlier encountered, in a way that could attain an adversary advantage. Hence, the present study aimed to understand the gap in the existing literature dealing with the information behavior of legal practitioners that examines the role that chance encounters have in gaining access to hard-to-access information, such as Religious and Family Courts rulings.

The paper is organized as follows: at first, the motivation for conducting the study and the research questions are presented; next, we discuss existing studies on selective publications of Religious and Family Court rulings in Israel and on serendipity in information behavior and describe the information encountering framework; the next section presents a review of existing references found of legal information chance

encounters by law practitioners. Then, the methodology of the study is delineated, followed by the findings. The last section enumerated the limitation of the study, and its conclusions highlighting several study-derived practical measures that may foster serendipitous legal information occurrences in their information seeking behavior.

2. Problem statement

Access to legal information is of utmost importance for effective justice (McClelland, 2009). Yet, most Family and Religious Courts rulings made in Israel have not been published in databases available for the Israeli advocates, therefore are *prima facie* out of their reach (Bogoch *et al.*, 2011), and so lawyers' faculty to properly command the necessary professional knowledge and duly perform on behalf their clients is profoundly impeded. In light of this, a substantial ground emerges for inquiring the occurrences of serendipity, a non-linear and dynamic information seeking behavior (Foster and Urquhart, 2012; André *et al.*, 2009; McCay-Peet and Toms, 2010; Erdelez, 1999, 2005; Foster and Ford, 2003; Foster, 2004, 2005). The purpose of this study is to extend the literature and gain a better understanding of this important element in the information behavior of lawyers.

Serendipity as an area of study in the field of information science has gained importance over the years; however, to the authors' best knowledge only scant and scarce inquiry was done in the subject of serendipitous legal information encounters of advocates, and this study is apparently the first to examine this issue through the empirical case of their chance encounters with Family Court rulings and Religious Court rulings. Following are the research questions to be examined:

- RQ1. Which information sources are perceived by Israeli family law advocates to be the most serendipitous (i.e. regarded to be most facilitating unexpected and valuable encounters with Family Court rulings and/or Religious Court rulings)?
- RQ2. How often do Israeli family law advocates experience, *de facto*, unexpected and valuable encounters with Family and/or Religious Court rulings, on these information sources?
- RQ3. Based on the frequencies of their *de facto* unexpected and valuable encounters, what type of encounterers are Israeli family law advocates?
- RQ4. Which specific common professional problems and concerns stand in the background of such unexpected and valuable encounters with Family Court rulings and/or Religious Court rulings?
- RQ5. How do such unexpected and valuable encounters with Family Court rulings and/or Religious Court rulings, contribute to the professional work of the Israeli family law advocates?

3. Literature review

3.1 Selective publication of Family Court rulings and Religious Court rulings, in Israel
According to the Israeli legal system, Family Courts have jurisdiction in matters of personal status and in matters of civil disputes between family members; whereas Religious Courts in Israel have exclusive jurisdiction over marriage and divorce (according to the religion of the parties involved: Jewish; Christian; Muslim; or Druze), and concurrent jurisdiction to that of Family Courts with matters of personal status

and matters-relating-to-divorce by virtue of the consent of both parties. However, under Articles 68(e) and 70(a) of the Courts Law (Consolidated Version) 5744-1984, Family Court hearings are held behind closed doors (State of Israel, 1984); and a similar statutory provision exists also in Article 1A to the Religious Courts Law (Forcing Compliance and Ways of Hearing), 5717-1956 (State of Israel, 2001).

In this regard, Bogoch *et al.* (2011) found in their study that most Family Court rulings made in Israel from 1996 to 2003 have not been published in the electronic databases and further stated that only about a quarter of family law advocates in Israel claimed they actively take part in disseminating judicial decisions given in cases they handled, by sending part of them to the legal databases (Bogoch *et al.*, 2011). This is in line with the notion of Du Plessis and du Toit (2006, p. 361) that in the practice of law, there is knowledge that is “sometimes guarded over by individuals and not readily shared with others,” namely, an “Information non-sharing culture” (Susskind, 2003, p. 23). Correspondingly, Halperin-Kaddari and Blutner (2013) noted that a survey held in January 2013 by the Rackman Center at Bar-Ilan University in Israel, found that 66 percent (86 out of 130) of Israeli family law advocates asked, do not use the electronic legal databases to look for Jewish Religious Court rulings; furthermore, as at 2013 the electronic legal databases available in Israel (in Hebrew), hold only about eight hundred Jewish Religious Court rulings (Halperin-Kaddari and Blutner, 2013), which is a small portion of the actual number of rulings given by this instance.

Bogoch *et al.* (2011) also argued that the comprehension of Family Court’s viewpoints and tendencies is badly affected by lack of published Family Court rulings, and this shortage hampers Israeli advocates from being duly prepared for appearing before those judges; Ellis *et al.* (2014) similarly contended that the professional effectiveness of lawyers unable to attain an up-to-date and correct interpretation of the law is practically impeded. Bogoch *et al.* (2011) further stated that although only the Supreme Court’s decisions are binding precedents in the Israeli legal system, the Magistrate level Family Court rulings carry a persuasively validity that can be accomplished merely if they are published.

But under the circumstances of selective and limited publication of Family and Religious Courts rulings, we explore another way: relying on serendipitous discoveries (as distinct from designed searches) of these judgments. Take for example a lawyer who represents a client in a child support case; while stumbling upon a colleague along the corridors of the court or in the cafeteria, the lawyer incidentally gets to know about a novel, unpublished (at least, unpublished yet) and potentially helpful decision. The lawyer’s reliance on this serendipitous information acquisition may of course be a pragmatic way to keep informed with relevant legal developments in courts opinions, but much more important: the information encountered is particularly significant because it can be promptly used by the lawyer in the pending legal proceedings and could possibly tip the court in favor of their client or achieve a better legal outcome for them.

3.2 Serendipity

Serendipity is one of several non-linear information seeking behaviors (Foster and Urquhart, 2012), and an important studied topic – through various perspectives, contexts and methods, in information research (Foster and Ellis, 2014; Erdelez and Makri, 2011). Serendipity is not a single nor precise state of affairs, but rather a “continuum” or “space” that involves a mixture of three key elements that can exist at different levels of intensity (Makri and Blandford, 2012; Dantonio *et al.*, 2012; Bogers and Björneborn, 2013): unexpectedness (the incidental nature of the information

discovery); value (*ex ante* and inherent to information); and insight (actual recognition of such coincidence and value through exercise of subjective sagacity).

Literature has categorized serendipity into several types, such as “positive”/ “negative” depending on whether the person actually recognizes the meaning and value of their unexpected discovery (van Anel in Foster and Ellis, 2014); and “background”/ “foreground” according to the locus of personal interest or concern that the unexpected discovery of something meaningful affects (Bogers and Björneborn, 2013). Though serendipity is mostly referred to as a beneficial event, it was also framed as a potential problematic outcome (Carr, 2015).

While the internal dimension of serendipity (i.e. the personal perception that rely on personality traits that makes a person attentive at a particular moment to the unexpected event, and their receptive attitude and attribute of value toward its outcome (Heinström, 2006; McBirnie, 2008)), can be developed and controlled to some extent (McBirnie, 2008; Makri *et al.*, 2014) – the external chain of events that leads to the chance discovery is not fully predicted or controlled at will, if at all (McBirnie, 2008), though one can create opportunities and precipitating conditions for it to appear (McCay-Peet and Toms, 2010); yet, McBirnie and Urquhart (2011) identified four frequently recurring patterns in event structures and sequence of serendipity: solo; chain; exchange; and collaboration, each with different constellation and interactions, if any, with people, objects and information.

Serendipity was studied in different contexts, such as everyday life information seeking behavior (Savolainen, 1995), pleasure reading (Ross, 1999), exposure to online news (Yadamsuren and Heinström, 2011), knowledge work (McCay-Peet and Toms, 2010), research in the fields of history, literature and education (Rose, 2013; Martin and Quan-Haase, 2013; Fyfe, 2015), information architecture in libraries (Carr, 2015) and serendipity in web search and digital information environment (Bawden, 2011; Rahman and Wilson, 2015). But, even though serendipity has gained continued interest in many fields, the subject matter of legal information chance encounters by law practitioners has been only scantily and mostly indirectly addressed. One of the few references to the matter was made by Kuhlthau and Tama (2001), who observed with regard to eight New Jersey lawyers from small- to medium-sized firms who were interviewed in the study, that:

[...] these experts viewed the early stages of the information-seeking process of developing a case for trial not as looking for specific information but as more exploratory, seeking one thing and finding another. This seemingly haphazard process resulted in finding information that led to formulating an important issue in a case (Kuhlthau and Tama, 2001, p. 40).

This issue was also addressed by Al-Daihani and Oppenheim (2008), who found that obtaining useful professional information by chance through passive attention is part of Kuwaiti legal academic and practitioners’ information behavior, though the “generally low response to most of the items listed in this question from practitioners might suggest that they actually were less likely to come across information by chance” (p. 24).

Although one would expect that since law is an information intensive profession and lawyers are busy users of information, the role of serendipity in their information behavior will be considerably studied, this is not the case and a research gap exists in this matter. Examining serendipity among lawyers that practice Family law, one of the most challenging fields of legal expertise due to the extensive corpus of “secret law,” may shed some useful light on this less explored aspect of lawyers’ information seeking behavior.

Erdelez's (2004, 2005) Information Encountering Model constitutes the basis for this study. According to this model, a person has one or more background problems and concerns – each with its time perspective (Erdelez, 1996) and level of specificity, complexity and urgency (Erdelez, 2004, 2005). The model also assumes that without planning or anticipating it (Erdelez, 1995, 2004; Foster and Ford, 2003; Rubin *et al.*, 2010, 2011; Toms, 1998, 2000), the person notices information potentially relevant to a background problem or concern (Erdelez, 1999, 2005; Rubin *et al.*, 2010, 2011), other than the foreground concern he was paying attention to at first (Erdelez, 1999). Next, the person puts a halt to the information seeking activity that was exercised with regard to the foreground concern (Erdelez, 2004, 2005; Rubin *et al.*, 2010); the task and the focus then transforms (Rubin *et al.*, 2011) and the person examines the encountered information (Erdelez, 2005) for its relevance to the background problem or concern (Rubin *et al.*, 2010; De Bruijn and Spence, 2008; Race, 2012), as well as for its meaning, potential value and possible implications or uses (Erdelez, 2004; Napier and Vuong, 2013; Fyfe, 2015), including its ability to “extend prior thinking or alter perspective” (Rubin *et al.*, 2010, p. 2; Lu, 2012; Race, 2012; Fyfe, 2015). Then, the person may save information that seems to be relevant and worthy, for further use, or share it (Erdelez, 2005; Dantonio *et al.*, 2012); and at last, returns and resumes the original information seeking activity in order to solve the initial foreground concern (Erdelez, 2004, 2005) although this stage might not take place (Awamura, 2006; Dantonio *et al.*, 2012). Information encountering is therefore a positive background serendipity type. Such chance encounters with information could come about, *inter alia*, through directed search (Erdelez, 1999; André *et al.*, 2009) and browsing (Bawden, 2011; Foster and Urquhart, 2012), or by imprecise retrieval mechanisms (Bawden, 2011, p. 14) and other “successful error” (Van Andel, in Foster and Ellis, 2014).

Four types of information encounterers are commonly identified, based on their attitude toward – and the frequency of – information encountering experiences (Erdelez, 1999): non-encounterers (rarely encounter information); occasional encounterers (encounter information infrequently and regard it as luck); encounters (frequently encounter information and comprehend its benefits, but do not realize the connection to their information behavior); and super-encounterers (regularly encounter information and consider it as an important and beneficial element of their information behavior).

4. Method

4.1 Target population

The target population of the study is Israeli family law advocates[1]. The principal motivation for choosing Israeli family law advocates as subjects of the study was the notion that research relating to information behavior of this domestic professional group is almost non-existent. Furthermore, Israeli family law advocates act, on a regular basis, in a challenging information environment that lacks published court rulings – which makes the study of this subgroup interesting and important. Israeli family law advocates were identified through the Advocates List, which can be viewed freely on the Israel Bar Association website (www.israelbar.org.il). The search in the Advocates List was done exclusively under the “Field of Practice” bracket, with the entry of “Matrimonial/Family Law.” As at February 2014, 3,606 Israeli Family law advocates were listed.

4.2 Data collection and analysis

McBirn (2012) emphasized the need for more quantitative study of serendipity, and it was further asserted (Foster and Ellis, 2014, p. 1032) that “it will be relevant to examine the frequency of serendipity events” across more groups of information seekers.

A quantitative methodology was implemented in this study because it explains phenomena by collecting numerical data (i.e. chance encounters with court rulings), it investigates relationships within data and it draws conclusions for large numbers of people which was needed to reach an overview of an understudied population such as Israeli family law advocates (Creswell, 2015).

The study was carried out as a quantitative research, using a web-based structured questionnaire with closed-ended questions in the Hebrew language, specifically constructed for the present study. The online questionnaire was written in Hebrew since it targeted a Hebrew-speaking population. Following its formulation, a pilot-test was conducted including six family law advocates in order to ensure the clarity and coherence of its content for the target population. The final version of the questionnaire was revised according to the feedback collected from the pilot study. The final version of the questionnaire was built in a digital format and the participants were asked to fill it out online. Each participant completed the web-based questionnaire after confirming electronically the consent to participate.

The questionnaire (see the Appendix) comprised the following units:

- (1) Five demographic questions (Q1-Q5) with regard to the participant's gender, age group, district of membership, duration of professional experience as an Israeli family law advocate and the participant's extent in dealing with family law issues.
- (2) A two-dimensional matrix question (Q6) examined the participants' perception of the potential of eleven professional information sources to facilitate unexpected and valuable encounters with Family Court rulings and/or Religious Court rulings; the *X*-axis detailed the professional information sources, and the *Y*-axis included a Likert (1932) measurement scale aimed at examining the mentioned perceived potential to facilitate such unexpected and valuable encounters. Cronbach' α reliability coefficient for this question was 0.675.
- (3) A two-dimensional matrix question (Q7) examined the frequency in which the participants experience, *de facto*, unexpected and valuable encounters with Family Court rulings and/or Religious Court rulings, on the surveyed information sources; the *X*-axis detailed the professional information sources, and the *Y*-axis included a Likert (1932) measurement scale aimed at examining the mentioned *de facto* serendipitous experiences frequency. Cronbach' α reliability coefficient for this question was 0.763.
- (4) A multiple choice question (Q8) explored the concept of the background problems and concerns expounded in Erdelez (2004, 2005); this question was aimed at getting self-reported feedback from the respondents about the contexts of their unexpected and valuable encounters with Family Court rulings and/or Religious Court rulings.
- (5) A multiple choice question (Q9) explored the value for the respondents of such unexpected encounters; this question was aimed at getting self-reported feedback from the respondents about the professional contributions of their unexpected encounters with Family Court rulings and/or Religious Court rulings.

The formulation of the Q6 and Q7 was based upon "the two most important elements constituting a serendipitous experience seem to be unexpectedness and value – i.e., the meaningful coincidence" (Bogers and Björneborn, 2013, p. 206), and upon Erdelez's definition to "Information Encountering" as "a memorable experience of an unexpected

discovery of useful or interesting information” (Erdelez, 1999, p. 25, 2005, p. 179-180) that refers through a retrospective sense-making (McBirnie and Urquhart, 2011) to the same two elements.

Electronic-mails inviting the subjects to participate in the study were sent to 600 Israeli family law advocates, as provided in the Israel Bar Association’s Advocates List. After excluding the six pilot-test participants, the sampling of the study population was done in accordance with a single stage systematic sampling with random starting point (Fowler, 2009; Creswell, 2014) of each sixth family law advocate on the Advocates List, ensuring that all family law advocates appearing on the list would be equally likely to appear in the sample. The findings presented in the study are based on the results of the online survey conducted from February 1-28, 2014. Analysis was undertaken using common descriptive statistical tests to render data about the frequency, mean and standard deviation regarding the *de facto* information encounters and the perception about the potential serendipity of each information source. Pearson correlation coefficients were performed to examine possible correlations between the perception of the information sources’ potential to facilitate information encounters and the *de facto* information encounters with such information sources.

4.3 Sample

A total sample of 135 lawyers duly completed the questionnaires; thus, a response rate of 22.5 percent of the sample was obtained. This response rate stands in line with other studies held in Israel in which participants were advocates (Bar-Niv and Lachman, 2008; Bogoch *et al.*, 2011; Rachman-Moore *et al.*, 2006), and according to Bar-Niv and Lachmans’ study is considered reasonable regarding “professional groups whose members are known for being busy and pressed for time” (p. 91). The sample analysis is as follows: 73 participants (54.1 percent) male and 62 (45.9 percent) female. In total, 16 (11.9 percent) participants were between 21 and 30 years old, 56 (41.5 percent) between 31 and 40 years old, 35 (25.9 percent) between 41 and 50 years old, 16 (11.9 percent) between 51 and 60 years old, while only 12 (8.8 percent) were aged 61 and above.

5. Findings

5.1 Perception of the information sources’ potential to facilitate unexpected and valuable encounters with Family Court rulings and/or Religious Court rulings

The first research question examined which of 11 legal information sources are perceived to be the most serendipitous (regarded to be most facilitating unexpected and valuable encounters with Family Court rulings and/or Religious Court rulings) by the Israeli family law advocates. Findings show that Israeli family law advocates’ subjective perceptions of the potential of these information sources, were mixed.

Table I shows that electronic information sources were regarded as the most serendipitous information source, and all human information sources and three (out of five) printed information sources were among the information sources perceived as having a high potential to facilitate unexpected and valuable encounters with Family Court rulings and/or Religious Court rulings. Two printed information sources (i.e. daily newspapers and professional magazines) were perceived as the least serendipitous ones.

5.2 Distribution of participants’ unexpected and valuable encounters *de facto*, with Family Court rulings and/or Religious Court rulings

The second research question examined how often Israeli family law advocates experience, *de facto*, unexpected and valuable encounters with Family Court rulings

Table I.
Distribution of participants' perception of information sources potential to facilitate unexpected and valuable encounters with family court rulings and/or religious court rulings

Information source	<i>n</i>	Not at all (1)	Small extent (2)	Moderate extent (3)	Great extent (4)	Mean	SD
Electronic legal databases	134	0.00% (<i>n</i> = 0)	0.00% (<i>n</i> = 0)	2.99% (<i>n</i> = 4)	97.01% (<i>n</i> = 130)	3.97	0.171
Legal journals and legal literature	135	0.00% (<i>n</i> = 0)	8.89% (<i>n</i> = 12)	52.59% (<i>n</i> = 71)	38.52% (<i>n</i> = 52)	3.30	0.624
Case-law updates publications	130	0.00% (<i>n</i> = 0)	5.38% (<i>n</i> = 7)	43.08% (<i>n</i> = 56)	51.54% (<i>n</i> = 67)	3.46	0.599
Professional magazines (e.g. <i>IBA magazine</i>)	135	25.19% (<i>n</i> = 34)	46.67% (<i>n</i> = 63)	23.70% (<i>n</i> = 32)	4.44% (<i>n</i> = 6)	2.07	0.816
Daily newspapers	135	3.70% (<i>n</i> = 5)	51.85% (<i>n</i> = 70)	32.60% (<i>n</i> = 44)	11.85% (<i>n</i> = 16)	2.53	0.751
Free information on the web	135	0.74% (<i>n</i> = 1)	4.44% (<i>n</i> = 6)	17.04% (<i>n</i> = 23)	77.78% (<i>n</i> = 105)	3.72	0.581
Professional seminars and conferences/academic lectures	134	0.00% (<i>n</i> = 0)	2.24% (<i>n</i> = 3)	33.58% (<i>n</i> = 45)	64.18% (<i>n</i> = 86)	3.62	0.532
Partners and associates in the law-office where I work	123	1.63% (<i>n</i> = 2)	4.06% (<i>n</i> = 5)	32.52% (<i>n</i> = 40)	61.79% (<i>n</i> = 76)	3.54	0.656
Colleague advocates in other law-offices	134	1.49% (<i>n</i> = 2)	5.97% (<i>n</i> = 8)	36.57% (<i>n</i> = 49)	55.97% (<i>n</i> = 75)	3.47	0.679
Counsel for the adverse party (references to prior judgments, in judicial documents and processes of court)	133	3.01% (<i>n</i> = 4)	12.78% (<i>n</i> = 17)	55.64% (<i>n</i> = 74)	28.57% (<i>n</i> = 38)	3.10	0.727
Private collection of previous court rulings	134	1.49% (<i>n</i> = 2)	10.45% (<i>n</i> = 14)	50.75% (<i>n</i> = 68)	37.31% (<i>n</i> = 50)	3.24	0.696

and/or Religious Court rulings, on the above information sources. Inspired by Erdelez (1999, 2005), this study probed into the memorable experiences of unexpected encounters with such valuable court rulings, by Israeli family law advocates, through the scope of the Information Encountering model (Erdelez, 2004, 2005).

Table II shows that electronic legal databases were recalled by almost 90 percent of the respondents as an information source in which they experience *de facto*, on a daily to weekly basis, unexpected and valuable encounters with Family Court rulings and/or Religious Court rulings. Additionally, eight other information sources were reported by most of the respondents as sources in which they experience unexpected and valuable encounters *de facto*, on a weekly to monthly basis[2]. Daily newspapers were found to be an information source that most of the respondents reported experiencing *de facto*, unexpected and valuable encounters with Family Court rulings and/or Religious Court rulings, on a monthly to yearly basis; whereas, professional magazines (e.g. Israel Bar Association magazine) were found to be an information source in which most of the respondents experience, *de facto*, such unexpected and valuable encounters only seldom, once in a few years to never.

The third research question asked what type of encounterers are Israeli family law advocates, based on the frequencies of their *de-facto* unexpected and valuable encounters. In light of the large percentage of Israeli family law advocates that reported frequently having chance encounters with Family Court rulings and/or Religious Court rulings on their professional practice, they can be identified as super-encounterers, in-line with Erdelez's (1999) theoretical framework.

The study examined whether there were any statistically significant correlations between the extent of participants' perception of the information source's potential to facilitate unexpected and valuable encounters with Family Court rulings and/or Religious Court rulings, and the extent of their *de facto* experiences of unexpected and valuable encounters with such court rulings in these information sources. Pearson correlation tests were conducted for each of the various information sources types: electronic[3]; printed[4]; and human[5]. Table III presents the findings from these correlations tests.

Significant positive correlations were found between the perceived potential of electronic and human information sources to facilitate unexpected and valuable encounters with Family and Religious Court rulings, and the extent of *de facto* experiences of such encounters in the same information source type (electronic or human, respectively) as well as in printed information sources. A positive correlation was found between the perceived potential of printed sources and the recalled *de facto* experiences in all three types of information sources (printed, human and electronic).

5.3 Background problems and concerns

The fourth research question examined which professional problems and concerns stand in the background of such unexpected and valuable encounters with Family Court rulings and/or Religious Court rulings (Table IV).

The study identified four professional problems and concerns of family law advocates in Israel, that lie in the background of such unexpected and valuable encounters with Family Court rulings and/or Religious Court rulings: open legal cases being handled by participants; potential legal cases participants consider handling; closed legal cases participants have handled in the past; and open legal cases, or potential legal cases, of a colleague advocate. These four represent multiple aspects of chance encounters in the legal practice of Israeli family law advocates.

5.4 Value and professional contributions

The fifth research question examined how unexpected encounters with Family Court rulings and/or Religious Court rulings contribute to the professional work of the Israeli family law advocates. Participants were asked to indicate which of the eight surveyed professional contributions of such unexpected encounters are of value to them.

The findings presented in Table V reveal that the value of the unexpected encounters with Family Court rulings and/or Religious Court rulings is manifested through seven different key professional contributions to Israeli family law advocates, in their professional practices. None of the respondents chose the option of "Other" professional contribution, or the option of not being able to recall the professional contribution.

6. Discussion

The present study presents an interesting aspect of the information behavior of legal practitioners, by describing their chance encounters with Family and Religious court rulings.

Regarding the first research question, which identified the perceived serendipitous value of information sources, the descriptive analysis revealed that free information on the web was perceived by Israeli family law advocates as having the greatest potential to facilitate unexpected and valuable encounters with Family Court rulings and/or Religious Court rulings. This finding is in accordance with Moşteanu *et al.* (2013) and Erdelez's (2000) notion of the web as a data rich environment capable of making

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Extent of perception of the information source type potential to facilitate unexpected and valuable encounters with FCR/RCR	Extent of experiences of unexpected and valuable encounters, <i>de facto</i> , with FCR/RCR in the information source		
	Electronic	Printed	Human
Electronic	0.444****	0.258***	0.088
Printed	0.219*	0.496****	0.237**
Human	-0.033	0.213*	0.580****

Notes: $df = 133$. * $p < 0.05$; ** $p < 0.01$; *** $p < 0.005$; **** $p < 0.001$

Table III.
Pearson correlation coefficients between extent of perception of information sources' potential to facilitate unexpected and valuable encounters, and extent of such encounters *de facto*

Background professional problem or concern	Frequency	% (n = 135)		
		Mean (0-1)	SD	
Closed legal case I have handled	59	43.7	0.44	0.498
Open legal case I currently handle	129	95.6	0.96	0.207
Potential legal case I am considering handling	92	68.1	0.68	0.468
Open legal case, or potential legal case, of a colleague advocate	38	28.1	0.28	0.451
Other/I do not remember	3	2.2	0.02	0.148

Note: Data are not sorted in order not to disrupt the logic arrangement of the row key

Table IV.
Frequency of professional problems and concerns that stand in the background of unexpected and valuable encounters with family court rulings and/or religious court rulings

information encountering possible and likely to happen. Contrarily, two printed information sources, daily newspapers and professional magazines, were perceived as having only minor potential to facilitate unexpected and valuable encounters with Family Court rulings and/or Religious Court rulings. This finding may be explained by the fact that daily newspapers address a broad audience, having an intrinsic tension with the sensitivity inherent within family matters; and thus refraining from dealing with these matters on such a public medium, unless there is an innovative or pioneering court ruling in the family law domain that might concern most of the prospective readers. Another possible explanation for the low serendipitous potential of professional magazines has to do with the fact that these publications publish mainly interviews with leading law figures, reviews of new law books, and short articles on current legal matters that rarely cover rulings of Family or Religious Courts.

The second research question examined how often Israeli family law advocates experience *de facto* unexpected and valuable encounters with Family Court rulings and/or Religious Court rulings, on the surveyed information sources. Participants' experiences of unexpected encounters with Family Court rulings and/or Religious Court rulings echo Pálsdóttir's (2010) study that stated that individuals who seek information more actively are more likely to encounter information. Findings show respondents had chance encounters with Family Court rulings and/or Religious Court rulings by searching electronic legal databases, spending time on surfing the web, reviewing legal journals and legal literature, scanning case-law updates publications, going over previous court rulings stored on a private collection, examining references made by the counsel for the adverse party, and browsing daily newspapers. Having unexpected and valuable *de-facto* encounters through various information sources parallel Erdelez's (1999) and Rubin *et al.*'s (2011) studies. Finally, although the presented findings do not ascertain Johnson's (n.d., as cited in Moşteanu *et al.*, 2013, p. 529) statement that the web is "the greatest serendipity engine in the history of culture" – findings show that the web facilitates chance encounters with information; and thus differ from legal practitioners in Kuwait, in respect of which it was practically found "the Internet had no role in finding information through serendipity" (Al-Daihani and Oppenheim, 2008, p. 25). In addition, findings show that informal sources

Table V.
Frequency of contributions of such unexpected and valuable encounters with family court rulings and/or religious court rulings, to the professional work of Israeli family law advocates

Professional contribution/value of the unexpected encounters	Frequency	% (<i>n</i> = 135)	Mean (0-1)	SD
Support for an argument claimed, or considered to be claimed, on behalf a client	119	88.1	0.88	0.324
Contradiction of an argument claimed, or considered to be claimed, on behalf a client	85	63.0	0.63	0.485
Contradiction of an argument claimed by the adverse party	95	70.4	0.70	0.458
Full or partial settlement of a legal issue under inquiry	69	51.1	0.51	0.502
Manifestation of an additional, or different, thinking course or reasoning	82	60.7	0.61	0.490
Prior knowledge restoration or update, on the matters dealt by the encountered court ruling	94	69.6	0.69	0.462
Establishment or expansion of a private collection of court rulings	62	45.9	0.46	0.500
Other/I do not remember	0	0.0	0.00	0.000

Note: Data are not sorted in order not to disrupt the logic arrangement of the row key

of information, such as colleague advocates and professional seminars, conferences or lectures, are also conducive of serendipitous encounters with Family and/or Religious Courts rulings. These results are in line with Al-Daihani and Oppenheim (2008) who found that the majority of Kuwaiti legal practitioners claimed they have obtained professional information by chance through collegial conversations; and also support the observations of Nahapiet and Ghoshal (1998, p. 258) that “meetings and social events provide the unplanned and unstructured opportunities for the accidental coming together of ideas that may lead to the serendipitous development of new intellectual capital,” and Eagle’s (2004, as cited in McCay-Peet and Toms, 2010) that interacting with other colleagues may contribute to enhancing chance encounters. The information sources where chance encounters with information occur might characterize the information activity performed in a source with regard to a foreground problem (Erdelez, 2004, 2005; Rubin *et al.*, 2010), prior to unexpectedly noticing valuable information. For example, direct searching on electronic legal databases or in private collections of previous court rulings; attending professional events; browsing professional literature; causal browsing (for instance, of daily newspapers or free information on the web); and connecting and interacting with colleagues.

The third research question asked what type of encounterers are Israeli family law advocates, based on the frequencies of their *de-facto* unexpected and valuable encounters. Erdelez (1999) identified four types of information encounterers: non-encounterers; occasional encounterers; encounterers; and super-encounterers. Findings show that Israeli family law advocates can be identified as super-encounterers, in line with Erdelez’s (1999) framework, for they encounter Family Court rulings and/or Religious Court rulings regularly and rely on such incidental encounters with court rulings as a way of finding professional information.

In the scope of the fourth research question, the study successfully identified four key professional problems and concerns that lie in the background of family law advocates’ unexpected and valuable encounters with Family Court rulings and/or Religious Court rulings, in Israel. These problems are: first, open legal cases that are under the participants’ handle; second, potential legal case in which the participant considers handling; third, closed legal cases in which the participant has handled in the past; and fourth, open legal cases, or potential legal cases, of a colleague advocate. All four are related to Wilkinson’s (2001) “service provider” role and Leckie *et al.*’s (1996) roles of “advocacy,” “drafting” and “counseling,” and represent the relevancy of chance encounters to the full timeline of legal services provided by Israeli family law advocates. The indication of open legal cases, or potential legal cases, of a colleague advocate as one of the four background problems and concerns reported, is coherent with the observation of Erdelez (1999) that super-encounterers may also encounter information which is important to others, such as colleagues. The findings confirm the existence of a background problem or concern (Erdelez, 1999, 2005; Rubin *et al.*, 2010, 2011), or a latent interest (Björneborn, 2008), as the context element – derived from encounterers’ prior knowledge or experience (Toms, 2000; André *et al.*, 2009; Rubin *et al.*, 2011; Workman *et al.*, 2014) – of the unexpected encounter with Family Court rulings and/or Religious Court rulings, in the explanation of serendipity in legal information seeking behavior of Israeli family law advocates. Given that, the results in this study support Erdelez’s (2004; 2005) notion under the Information Encountering model, that a person has one or more background problems or concerns – each with its time perspective (Erdelez, 1996). The outcomes of the study revealed that the problems and concerns of Israeli family law advocates exist on three time frames: present

(Erdelez, 1999; Yadamsuren and Erdelez, 2010; Rubin *et al.*, 2011), past (Erdelez, 1996, p. 104, 1999) and future (Erdelez, 1996, p. 104, 1999; Yadamsuren and Erdelez, 2010; Workman *et al.*, 2014).

The fifth research question examined the contributions made by unexpected encounters with Family Court rulings and/or Religious Court rulings to the professional work of Israeli family law advocates. A set of seven different professional contributions was found. These findings demonstrate that Israeli family law advocates perceive different aspects of unexpectedly encountered information: its meaning, potential value and possible implications or uses (Erdelez, 2004; Napier and Vuong, 2013) – e.g., contradiction of an argument claimed by the adverse party. The study's findings also show – in line with Erdelez (2000, 2004, 2005) – that after examining the encountered information, Israeli family law advocates carry out some capturing activities, such as physically storing (i.e. establishment or expansion of a private collection of court rulings), mentally storing (e.g. prior knowledge restoration or update), along with using the encountered information for particular professional needs (e.g. support for an argument claimed, or considered to be claimed, on behalf a client). In addition, findings show an additional capturing activity of 'sharing it with others' (Erdelez, 2000) related to the background problem of open or potential cases of colleagues. Similarly, the seven professional contributions of unexpected encounters with Family and/or Religious Courts rulings to the legal work, can also be classified into one or more of Rubin *et al.*'s (2011) three benefits categories: an intangible perceived value that updates current knowledge; information that redirects the course of thinking and reasoning or provides a solution to an unresolved problem or concern; information that will result in new actions based on the unexpected encounter.

Supporting Erdelez's (1999) argument that encountering information for current and future needs is very rewarding for users, because it "helped them save time they would otherwise have to devote to finding not-encountered information" (p. 27) – this study discovered that all professional contributions of the unexpected encounters with Family Court rulings and/or Religious Court rulings, were consistently greater in relation to an open (present) case, than in relation to a closed (past) case or to a potential (future) case; while the professional contributions of such unexpected encounters in relation to a potential case, were consistently found to be greater than to a closed case. A likely explanation may be the busy, demanding and time-constrained setting that Israeli advocates (Bar-Niv and Lachman, 2008) alike lawyers in general (Chancellor, 2010; Makri *et al.*, 2007) are engaged-in during their professional practice, so they may be primarily attentive and receptive to open and potential cases, which are their active sources of income. Namely, their top notice priority seems to be of present and prospective time frames.

Family and Religious Courts rulings are rarely published, and therefore chance encountering such legal information could have a big practical impact on Israeli Family law advocates' professional skillfulness and ability of keeping up with current understanding and interpretation of the law, in favor of their clients' interests. Based on the findings, we believe that law-firms and legal department's staff, as well as Israel Bar Association have a key role in exposing advocates to the concept of serendipity in legal information acquisition and its potential benefits; as this may actively foster their willingness to adapt attitudes (McBirnie, 2008, p. 612) and take some of the following practical measures that may possibly increase chances for factual serendipity episodes in their legal information seeking behavior.

This can be done through in-house routine meetings and training sessions of new recruited advocates and present professional team, and through the continuous learning programs of the Israel Bar Association, in which particular emphasize should be given to:

- (1) Presenting the full scope of available information sources; as some might not be consciously considered as “sources” for legal information (e.g. counsel for the adverse party).
- (2) Raising actual awareness to the potential of all information sources to facilitate unexpected and valuable encounters with Family and Religious Courts ruling, although participants regarded some information sources to be more serendipitous than others, we suggest presenting the potential of all information sources, and not just those regarded as the most serendipitous – to fully enjoy the statistical significant correlations found between the perceived potential and the *de facto* experiences, in regard to such encounters.
- (3) Encouraging the frequent exercise of diverse information activities in multiple information sources, especially those that were reported by most respondents as sources in which they experience unexpected and valuable encounters *de facto* in the highest frequency; e.g., browsing the web; conducting ongoing search in electronic legal databases; routinely examining references made by the counsel for the adverse party in judicial documents and processes of court; attending professional events as conferences and seminars; connecting and interacting with internal and external colleague advocates; scanning case-law updates publications and recent legal journals and literature; and maintaining a private collection of previous court rulings.
- (4) Underscoring the importance of keeping informed with current and prospect professional issues of oneself and colleagues, which provides contexts for the information encountering and may trigger the person’s attention and notice to a potentially relevant information.

This study has several limitations. There is no formal data on demographic and relevant professional variable distributions of Israeli family law advocates; therefore, it is unfeasible to inspect and verify if the final sample of respondents to the questionnaire in this study actually represents a true distribution breakdown of Israeli family law advocates. Nevertheless, it is very likely that the results obtained in this study on the basis of a single stage direct systematic sampling with random starting point and no recurring pattern, have a precision equivalent to random sampling (Fowler, 2009; Creswell, 2014) and reflect the views of the entire population of Israeli family law advocates. An additional limitation is that the research group members were asked to recall their experiences of information chance encounters by filling a web-based structured and closed-ended questionnaire, that may results in an under-analysis of the studied event; moreover, such self-reporting recalls rely heavily on the memory of each of the group members, which during time might have become vague or imprecise. Yet, because chance encounters occur unexpectedly and cannot actually be observed as they happen and are a complex and difficult to capture phenomenon (Foster and Ford, 2003; Erdelez, 2004; Heinström, 2006; André *et al.*, 2009), this limitation is predicted in this study subject.

7. Conclusion

This study examines the current empirically based knowledge on the phenomenon of serendipity and provides insights into the case of legal information chance encounters among a little-studied group of knowledge workers: family law advocates. Findings of the study support several frameworks presented on earlier information encounter literature; such as Erdelez's (2004, 2005) phases of noticing, examining and capturing under the Information Encountering model, the notion that information encounters relate to person's background problems or concerns (Erdelez, 2004, 2005; Rubin *et al.*, 2010, 2011), and ascertain the existence and pertinence of three time frames (present, past and future) to such background problems and concerns. Moreover, the benefits classification suggested by Rubin *et al.*'s (2011) was found relevant and applicable also to the professional contributions of the chance information encounters by Israeli family law advocates.

The study's results may also suggest different opportunities to increase chances for factual serendipity episodes; such as aimed efforts to raise a person's perception of different information sources' potential to facilitate unexpected and valuable information encounters; encouraging the use of various information sources and especially electronic and human ones; and by keeping informed with current and prospect professional issues of oneself and colleagues, that act as background problems and concerns, in order to improve chances of noticing and examining potentially relevant information encountered. All are deemed to be conducive of serendipitous encounters.

Based on the study's findings, advocates worldwide that, alike Israeli family law ones, are forced to act on a regular basis in an information environment that lacks published court rulings – can easily detect mishandled and/or underused information sources and adjust their information sources selection, use and actual information behavior in legal practice, for better utilization and to increase the chances of encountering unexpected and valuable information within their framework.

Notes

1. An "advocate" is a person entitled under the national legislation and regulation, to practice law in Israel and a valid member of the Israel Bar Association; also known as lawyer or attorney. A "family law advocate" is an advocate who according to the Advocates List published online by the Israel Bar Association, practices "Matrimonial/Family Law."
2. Professional seminars and conferences/academic lectures; partners and associates in the law-office where I work; colleague advocates in other law-offices; case-law updates publications; counsel for the adverse party (references to prior judgments made in judicial documents and processes of court); free information on the web; legal journals and legal literature; and private collection of previous court rulings.
3. Electronic information sources: "Electronic legal databases"; "Free information on the Web."
4. Printed information sources: "Legal journals and legal literature"; "Case-law updates publications"; "Professional magazines (e.g. *Israel Bar Association* magazine); "Daily newspapers"; "Private collection of previous court rulings."
5. Human information sources: "Professional seminars and conferences/Academic lectures"; "Partners and associates in the law-office where I work"; "Colleague advocates in other law-offices"; "Counsel for the adverse party (references to prior judgments made in judicial documents and processes of court)."

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Appendix. Web-based questionnaire

1. Gender [*Male; Female*].
2. Age group [*20-25; 26-30; 31-35; 36-40; 41-45; 46-50; 51-55; 56-60; 61-65; 66 and older*].
District of membership at the Israeli Bar Association [*Northern district; Haifa district; Tel-Aviv and Central district; Jerusalem district; Southern district*].
3. Duration of professional experience as an Israeli family law advocate [*less than 3 years; 3-7 years; more than 7 years*].
4. Participant's extent in dealing with family law issues [*Less than 25 percent of my professional work; 25-49 percent of my professional work; More than 50 percent of my professional work*].
5. The following information sources have the potential to facilitate unexpected and valuable encounters with Family Court rulings and/or Religious Court rulings [*Y-Axis: Not at all; Small extent; Moderate extent; Great extent*][*X-Axis: Electronic legal databases; Legal journals and legal literature; Case-law updates publication; Professional magazines (e.g. IBA magazine); Daily newspaper; Free information on the web; Professional seminars and conferences/Academic lectures; Partners and associates in the law-office where I work; Colleague advocates in other law-offices; Counsel for the adverse party (references to prior judgments made in judicial documents and processes of court); Private collection of previous court rulings*].
6. How often do you experience, *de facto*, unexpected and valuable encounters with Family and/or Religious Court rulings, on the following information sources? [*Y-Axis: Never; Once in a few years; Yearly; Monthly; Weekly; Daily*][*X-Axis: Electronic legal databases; Legal journals and legal literature; Case-law updates publication; Professional magazines (e.g. IBA magazine); Daily newspaper; Free information on the web; Professional seminars and conferences/Academic lectures; Partners and associates in the law-office where I work; Colleague advocates in other law-offices; Counsel for the adverse party (references to prior judgments made in judicial documents and processes of court); Private collection of previous court rulings*].
7. Such unexpected and valuable encounters with Family Court rulings and/or Religious Court rulings, concern the following professional context [*Closed legal case I have handled; Open legal case I currently handle; Potential legal case I am considering handling; Open legal cases, or potential legal cases, of a colleague advocate*].
8. Such unexpected and valuable encounters with Family Court rulings and/or Religious Court rulings, contributed me as follows [*Support for an argument claimed, or considered*].

to be claimed, on behalf a client; Contradiction of an argument claimed, or considered to be claimed, on behalf a client; Contradiction of an argument claimed by the adverse party; Full or partial settlement of a legal issue under inquiry; Manifestation of an additional, or different, thinking course or reasoning; Prior knowledge restoration or update, on the matters dealt by the encountered court ruling; Establishment or expansion of a private collection of court rulings; Other/I do not remember].

Corresponding author

Yosef Solomon can be contacted at: yosef.solomon@mail.biu.ac.il

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