

Consumer use of Legal Services

Understanding consumers who don't use, don't choose or don't trust legal services providers

REPORT OF QUALITATIVE RESEARCH FINDINGS

Prepared for:

Alex Roy

Legal Services Board

Prepared by:

Nicky Spicer, Sharron Worton, Jo Smith, Ian Sparham, Richard Fincham & Ellie Inman Optimisa Research

www.optimisaresearch.com

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EXECUTIVE SUMMARY

Recent research carried out by the Legal Services Consumer Panel (LSCP) has highlighted that public trust in lawyers is low in comparison to other professions. In addition, many people who have a potential legal issue do not take formal legal advice, choosing to tackle the issue themselves with the support from friends and family, or waiting to see if it resolves itself.

This study was commissioned to understand the factors affecting the decision to choose legal support and the role of trust in that decision making process as well as public perceptions of the profession more generally.

APPROACH

A three stage qualitative research approach was employed including:

- Define an initial phase involving two focus groups to explore perceptions of trust
- Explore the main stage of research involving 48 depth interviews (with individuals who had recently experienced a situation where they could have taken legal advice) to understand individual experiences and action
- Reflect a convergent group ('use and trust' v 'don't use and don't trust') to refine
 and test hypotheses about trust and what might improve it.

KEY FINDINGS

Factors affecting use of legal services

- There are many factors (both drivers and barriers) that affect the decision to instruct a lawyer and the speed at which that decision is made.
 - o Drivers expertise, impact, common issue, independence, support
 - Barrier cost, awareness, severity, views of lawyers, fear of reprisal, resulting relationship
- The majority of the **drivers** are very pragmatic factors whereas around half of the **barriers** identified are more emotional factors involving worries, concerns and perceptions rather than rational facts and influencers.

The decision making process

- Six different decision making routes are evident among people who have a potential legal issue
- These routes are categorised into people who:
 - Use and don't use a lawyer

- Resolved the issue alone (informal advice), used alternative formal advice or used a lawyer
- Considered and rejected a lawyer or didn't even consider the use of a lawyer (non-users only)
- The various routes are chosen dependent on the issue / situation and not based on wider attitudinal beliefs, i.e. the same person may avoid using a lawyer for one situation but make the decision to instruct legal support very quickly for another situation.

Perception of the legal profession

 Perceptions of the legal profession are mixed – there is a high level of respect for their professional training, knowledge and experience but more negative perceptions exist when discussing the way that lawyers tend to deliver services and the lack of transparency in costing.

Trust

- There are a number of different factors that drive trust of legal professionals:
 - Local standing
 - Specialism
 - Media coverage and TV programmes
 - Friends and family
 - Personal experiences
 - Cost
 - Service
- As these elements are interlinked, it is difficult to identify those that have the
 greatest impact on feelings of trust, however, we have concluded that specialism,
 local standing, friends and family and personal experience are more likely to drive
 positive feelings of trust while media, service and cost are more likely to lead to a
 breakdown in trust.
- When things go wrong, these same elements can quickly create misgivings / feelings of mistrust.
- Most consumers' feelings of mistrust are not shaped by a single incident but by multiple incidents and underlying perceptions of the profession.

Regulation

 While regulation can have a positive impact on the extent to which any given profession is trusted, this research suggests that regulation of the legal services profession is not working as well as it might do to promote trust. This is driven by three underlying themes/issues:

- Perception that legal professionals are a law unto themselves
- Low awareness/visibility of the regulatory bodies in place
- o Cynicism about the chances of making a successful complaint

Role of trust in decision making

• The role of trust in the decision to enlist formal legal advice is less important where the decision to seek legal advice is non-discretionary than where the choice is discretionary. Where this is non-discretionary, trust has very little influence at all on the decision. Where the decision is discretionary, trust is a factor but still has little influence over whether a legal professional is engaged but more with regard to which lawyer / legal practice is chosen.

BACKGROUND, PURPOSE AND APPROACH

The Legal Services Board (the Board) was created by the Legal Services Act 2007 (the Act). Set up in 2009, the Board is the oversight regulator for the legal services profession in England and Wales, overseeing ten separate approved regulators. The focus of the Board is to deliver the eight regulatory objectives set out in the Act. These are to:

- Protect and promote the public interest
- Support the constitutional principle of the rule of law
- Improve access to justice
- Protect and promote the interests of consumers
- Promote competition in the provision of services in the legal sector
- Encourage an independent, strong, diverse and effective legal profession
- Increase public understanding of citizens' legal rights and duties
- Promote and maintain adherence to the professional principles of independence and integrity, proper standards of work; observing the best interests of the client and the duty to the court; and maintaining client confidentiality

In the past year the Board carried out a significant survey of consumers to explore their experiences of accessing justice for their legal problems. The research highlighted a sizable group of people who did not act on an identified legal problem^[1]. Key statistics taken from the report are listed below:

Figure 1: Key statistics from 'Individual Consumers Use of Legal Services' report

Where people recognised a legal need...

- 12% were not acted on
- 17% of social group DE took no action

Of those with a legal need that wasn't acted on:

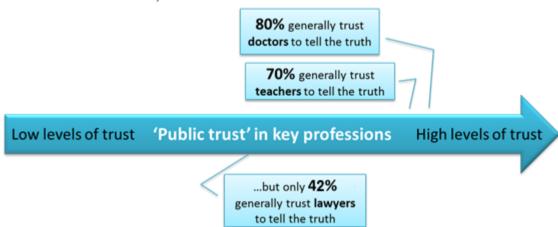
- 21% were young males (under 35s)
 - 23% were single people
 - 25% living in London

^[1] http://www.legalservicesboard.org.uk/what we do/Research/Publications/pdf/individual consumers use of legal services lsb report 17 07 12 ii.pdf

The key reason for doing nothing was the feeling that nothing could be done about the legal need. In addition, more common reasons for inaction included waiting to see if the problem resolved itself or believing the problem had *already* resolved itself. The report also highlighted a lack of awareness about what could be done or where to go for help. Furthermore, 35% of consumers handled their legal need alone or with help from friends or family.

The LSCP annual tracking survey shows that public trust in lawyers is low compared to other professions, in particular Doctors and Teachers, as illustrated below.

Figure 2: Public trust in lawyers



Levels of trust have receded since the 2011 survey, which showed 47% of the population trusted lawyers. It should be noted, however, that trust across many professions has fallen in this twelve month period – suggesting that the public are less trusting per se, rather than less trusting of lawyers.

It is noted that levels of trust can also vary strongly by key ethnicity demographics. For example:

- 34% of Black African people claim to trust lawyers
- 26% of Pakistani people claim to trust lawyers

However, among those who have recently used legal services, satisfaction with the professionalism of their legal representative is generally high. This represents a conundrum – satisfaction with the professionalism of an individual lawyer doesn't necessarily translate into trust in the legal profession as a whole.

RATIONALE FOR THIS RESEARCH

The main objective of this research is to understand why consumers make the choices that they do when it comes to seeking legal advice, and the impact of these decisions on the Board's regulatory objectives. Specifically, the research aims to understand how decisions are arrived at and the impact of these decisions on feelings about 'fairness' of the outcome when dealing with legal services. Trust in the context of choosing to use or not use the services of a legal professional is especially important to explore, as is the extent to which this impacts on overall confidence in the legal system.

RESEARCH OBJECTIVES

This research explores and compares the views and beliefs of a range of individuals who have experienced legal problems, to understand the drivers of their behaviour.

The research objectives can be broken down into two categories:

How consumers choose

- Drivers of choice
- Options considered depending on issue
- Role of personal experience in influencing choice
- Role of other people in influencing choice

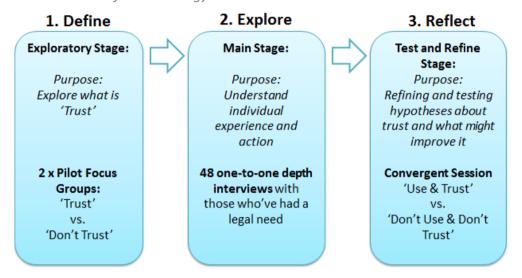
The role of trust in decision making

- Perception of the legal profession
- How do consumers judge 'trust' in the legal profession
- Impact of regulation on trust

MFTHODOLOGY

To ensure full exploration of all research objectives, an iterative three staged approach was used, which can be summarised as 'Define, Explore, and Reflect'

Figure 3: Overview of methodology



Stage 1: Define - what is trust?

This stage looked to define what constitutes 'trust' in legal services. Two Pilot groups held in London on 9th January 2013 explored perceptions of 'trust' in the legal service (lawyers) and compared and contrasted views based on those with experience of using legal services and those with only 'expectations' (i.e. no recent legal advice/service needs). These sessions helped to understand what inspires and/or leads to breakdown in trust in the legal profession, and how consumers judge this. These findings were used as context to take into the core, exploratory stage of research.

Stage 2: Explore - deep immersion in experiences and actions

The main stage of the research involved 48 one-to-one interviews conducted in homes across England and Wales among those who have had a potential legal need. The research team explored experiences, expectations and the choices people feel they have when faced with possible legal needs. Face-to-face depth interviews allowed a gauge on individual's perceptions of their trust in legal services free of the influence of others in a group setting.

The sample covered a broad spectrum of age, gender, SEG, and different legal issues and full details of this are provided in the Appendix. Respondents were recruited into one of four categories reflecting their relationship with legal services:

- 'Don't Use (ambivalent about trust)' those who, when facing a legal problem, either ignore it, deal with it alone or with help from friends and family – and are indifferent about trust of legal professionals
- 'Don't Choose (ambivalent about trust)' those who seek help to deal with legal problems but choose not to use a regulated provider (lawyer, licenced conveyancers, etc.), instead using services such as CAB, Law Centres, advisory services, Trade Unions, professional bodies or charities/3rd party support. Again, they are indifferent about trust of legal professionals
- 'Don't Use/Choose and Don't Trust' those who don't trust regulated legal providers, and will seek ways of resolving issues without recourse to using them
- 'Use and Don't Trust' those who don't trust regulated legal professionals but have chosen to use them.

Stage 3: Review

A convergent group session of consumers who 'use and trust' and 'don't use and don't trust' was held on 4th March in central London which enabled reflection on the findings and refined 'the way forward'. It allowed an examination of what is driving perceptions of trust in legal services and what might improve it.

HOW CONSUMERS DEAL WITH THEIR LEGAL ISSUES

OVERVIEW

This section explores the consumer decision making process when deciding whether to engage with a legal professional. We outline how consumers segment legal problems between those where they consider legal support necessary, those where they consider legal support to be unnecessary (or have no awareness of availability of support) and a 'grey area' where the need to engage with a legal professional is less clear cut. Overall, six potential strategies emerge, which are clearly defined and can be easily mapped against specific legal issues or problems.

THF DECISION MAKING PROCESS

Although there are many situations where people could utilise legal services, this study shows that many people who have a potential legal issue do not engage with a lawyer and either tackle the situation alone (or with family and friends) or contact an alternative form of advice (non-legal).

We have identified six different routes that people take following the identification of a legal issue as outlined in Figure 5 below. It is important to note that all the situations discussed were issues or problems that lawyers can, and do, provide legal services for, but awareness and usage of these services varied dependent on the specific situation.

These six routes are categorised into people who *use* and *don't use* a lawyer. Splitting this down further, among those who *don't use* there is also a distinction to be made between those who *resolved alone or via informal advice* and those who *chose to use alternative formal advice*.

Figure 5: Decision making route map



Don't use - resolved alone or via informal advice - a large number of people who have a potential legal issue do not contact a lawyer but simply tackle the issue alone or with informal advice from family and friends. It is important to note that within this group some people make a deliberate decision following consideration to not choose lawyers whereas others don't even consider the use of legal experts. For the latter, trust doesn't appear to play a part; seeking legal expertise is simply not on the radar.

In addition, not all problems are resolved. In some cases people reach a point where they believe they have exhausted their options either in terms of knowledge, cost or desire to continue with the case and choose to accept or ignore the situation.

Don't use – chose to use alternative formal advice - within this category there are people who consider the use of legal professionals and then choose not to pursue that route and others who don't even consider contacting a lawyer. The latter generally are unaware that their issue is a legal problem and tend to opt for another source of advice such as local authorities, Citizens Advice Bureau (CAB) or trade unions.

Among users of legal advice there is a distinction to be made between consumers who feel they have no choice but to take formal action (i.e. they feel the only sensible course of action is to instruct a lawyer), and those for whom the choice is a discretionary one. This is an important distinction when we consider the role of trust in decision making, later in the report.

MAPPING OF THE ISSUES

When looking at these different options, it is clear that the reasons for taking a particular route tend to be issue based and not purely attitudinal, for example, a person who chooses not to involve a lawyer for one issue may be just as likely to contact a lawyer for another problem in the future. In addition, during analysis of the interviews, it was fairly straightforward to map the various types of legal issue against the route most likely to be taken in that situation; therefore reinforcing the view that issue has a greater impact on choice than perception. Considering this, we now look at each of the routes in turn and outline the most predominant reason for taking that route and the likely legal issues.



Don't use - resolved alone or via informal advice, didn't consider legal support

Most people who take this route are unaware or unsure if they have a legal need, or, if they are aware they don't consider legal advice or support. This is often because they don't see the value of legal support due to the low scale / severity of the problem or the perceived low likelihood of having a case to pursue.

Likely issues include:

- Less severe neighbour disputes
- Debt
- Problems with a consumer good
- Benefit / welfare issues
- Utilities dispute
- Injury at work
- Problems with a builder



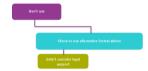
Don't use – resolved alone or via informal advice, considered and rejected legal support

A high proportion of people with a legal issue considers using legal professionals and then rejects this route for a variety of reasons. This rejection is often emotionally driven, focussing on the importance of the end relationship and a desire not to 'rock the boat', be that with a neighbour, ex-partner or employer. Cost is also a contributing factor to the decision to reject legal support. For most people this decision could be overturned if the alternative route did not solve the problem, i.e. many people feel that they would only use legal advice as a last resort and don't get to that stage.

Likely issues include:

- Property / landlord issues
- Will writing (choosing to do it themselves)
- Consumer goods (high value)
- Problems at work
- Access / children
- Separation
- Domestic violence
- Neighbour issues (severe)
- Planning (DIY)

Discrimination

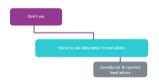


Don't use - chose to use alternative formal advice. didn't consider legal support

For these people, although they have a potential legal issue, they don't necessarily see their problem as needing legal support and therefore are not choosing to reject lawyers input but simply consider other experts as more appropriate or applicable for their situation.

Likely issues include:

- Neighbour noise council
- Planning dispute council
- Debt CAB
- Employment issues
- Will writing



Don't use - chose to use alternative formal advice, considered and rejected legal advice

Although the actions for this route are identical to that of the previous route, the decision making process is very different. These consumers are aware that they have an issue or problem that could be supported with legal advice but they actively choose not to involve a lawyer and find an alternative source of formal help. These are people who generally have a negative perception of lawyers and would prefer not to engage with them. These poor perceptions include views that lawyers are intimidating, inaccessible (higher propensity in social classes C2DE) and too expensive.

Likely issues involved are very similar to those above, as alternative formal advice is only available for certain issues;

- Neighbour noise council
- Planning dispute council
- Debt CAB
- Employment issues
- Will writing



Use - chose legal support

Some issues are commonly known to be legal issues where engagement with lawyers is the norm. Decisions in these situations are arrived at relatively quickly, with the view taken that that a legal professional is required to ensure the proper process is followed and risk is minimised. For many people, there is a perception that legal support is essential in these circumstances.

These issues are likely to be less emotional issues where a common process is followed, including:

- Conveyancing (where a lawyer is chosen and not provided automatically)
- Will writing
- Divorce
- Road traffic accident injury claim
- Medical negligence
- Criminal need (victim)



Use – provided with legal support

The final route is in most cases automatic and involves limited, if any, decision making regarding legal support. Some consumers who have a legal issue use lawyers by default as they are provided automatically along with the related insurance policy, product or situation. It should be noted however that experiences using this route can be critical in underpinning attitudes to the legal profession and this was particularly noticeable among C2DE consumers who had personal (or friends & family) experience of using legal aid for a criminal need. There was often a suspicion that the lawyers provided in this instance were not particularly interested in the defendants circumstances (i.e. they are just a number rather than a client), reinforcing the view that it's expensive to get a 'good' service.

Likely issues include:

- Road traffic accident legal advice included with car insurance
- Conveyancing provided with mortgage
- Criminal need (accused)

DRIVERS AND BARRIERS TO USING LEGAL SERVICES

While we can segment legal problems into the decision making routes, in practice there are many factors affecting the likely engagement with legal professionals both in terms of the ultimate decision of whether or not to instruct a lawyer and the speed with which this decision is made. A series of triggers exist which prompt consumers to take legal advice but alongside this there are numerous barriers which need to be considered before a decision is made to progress down this course of action.

These drivers and barriers have an impact on the perceived need for legal support as outlined in the previous secion.

Some of these drivers and barriers are highly emotional, focussing on worries, concerns and perceptions, whereas others are much more pragmatic. Figure 4 below highlights all the drivers and barriers along with an indication as to whether they are emotional or rational factors.

It is, however, important to note that even the rational barriers may be based upon perceptions of lawyers rather than on actual experiences, as will be discussed later in the report.



Figure 4: Drivers and barriers to using legal services

As shown in figure 4, emotional factors tend to have the greatest impact as barriers to engagement with legal professionals, whereas the majority of drivers of engagement are rational.

We now consider each of these drivers and barriers in turn and the types of issues where they are most or least apparent.

DRIVERS

Expertise - a key reason for using lawyers for a potential legal issue is the level of expertise that they are perceived to have. As will be shown in a later section focussing on perceptions of the profession, consumers have high levels of respect for lawyers and their expert knowledge. They recognise that due to the complexity of the law and the language / terminology used this is not easily replicated elsewhere or easy to independently research with confidence.

'Solicitors know exactly what to write and how to articulate it succinctly and with impact' Will dispute, London

Impact - consumers believe that involving legal professionals in resolving a dispute can have a greater impact than dealing with the opposing party directly, for example; a lawyer's letter portrays a level of authority which makes most recipients consider the situation more seriously. This is often a trigger once other more amicable routes have proved to be unsuccessful for a variety of issues, such as problems with tenants, disputes with neighbours and problems with consumer goods.

'I knew if they saw the headed paper from a solicitor they might think twice about their behaviour'

Neighbour dispute, London

Common issue – consumers are more likely to contact a lawyer quickly and with limited consideration if the issue or problem that they are experiencing is a commonly known legal issue. This is more often a rational decision based on a fairly standard process such as writing a will, road traffic accidents or divorce but can also be the case for more bespoke situations such as medical negligence cases.

'As far as I'm aware you have to have a solicitor to deal with a divorce, so I instructed one fairly quickly when I knew this was what I wanted' Divorce, London

Risk minimisation – consistently, consumers refer to the 'peace of mind' that is realised through using a legal professional in comparison to tackling an issue or problem independently. Although many people are carrying out research online to establish their legal rights on specific issues and for many issues people are looking at ways to reduce costs and carry out most stages themselves, there is an overwhelming reassurance provided when a legal professional is involved. Examples of this are will writing, conveyancing and divorce although some elements of these can be carried out without legal support, the financial risk of making a mistake is for many people too great.

'I would use a solicitor because I want to know it's 100% watertight and I'm not going to be accused of bigamy later down the line because I didn't tick the right boxes doing it myself' Divorce, London

Defence - there is a widespread feeling that a legal expert is required to understand the complexities of the law, and jargon utilised by lawyers, so taking legal support can often be a reactive course of action. Many people, who would rather resolve a dispute amicably or without legal input, would contact a lawyer immediately if the other party had taken this step. This is often a trigger in situations where legal advice is not perceived as a 'necessity', for issues such as separation, access arrangements for children and neighbour disputes.

'The only reason I would get a solicitor involved would be if he threatened me with one Access arrangements following separation, Liverpool

Independence - although not a widespread view, for some people, there is a desire for independent input to reduce the emotionality of a situation or to simply provide a more rational, legal perspective rather than a subjective view. This tended to be for issues where there was a very personal stake in the outcome such as divorce and access to children.

'I needed a third person to sort it out as I was too emotional – I couldn't have handled it myself at the time' Divorce, Manchester

Support - many people feel that having a lawyer on board with their problem or issue provides them with a positive feeling of being supported by providing them with a place to go for informed advice on how to handle the situation along with details of the next course of action, if applicable. This is a relevant driver across all legal issues, but particularly strongly linked to 'independence' for more emotive cases.

BARRIFRS

Cost – across all issues, cost is a major barrier when considering whether or not to instruct legal professionals. Consumers believe that lawyers are expensive per se, but as will be discussed in greater detail later there is also a widespread view that costings are not transparent, bills can escalate following initial indicative costs, and that some lawyers will carry out additional work or spend additional time on the case purely to increase the final bill. This perceived lack of transparency can lead to a breakdown of trust in individual lawyers and, in particular, word of mouth can lead to a wider mistrust in the legal profession.

'I don't know any other profession where they give you a quote, then double the estimate

halfway through the work'

Land purchase, Cambridge

Awareness - for many people, an initial barrier is lack of awareness and understanding of lawyers and the law. This includes questioning whether the issue they are involved in is actually a legal issue, and even once the need for legal support is identified there is a lack of clarity over how they should proceed. Understanding is further clouded by the amount of legal jargon regarding cases of any specific nature. This tends to increase the length of time that people spend considering the use of lawyers while they consult with family and friends and carry out internet research.

'I really didn't think a lawyer could help me to get my benefits and I wouldn't know how to approach one to help'

Reduction in benefit entitlement, Port Talbot

Severity - taking legal advice for many people is perceived as a severe and serious option. For many issues, people will try and resolve the problem or issue themselves before they involve any type of legal expert. This applies for both rational and emotional issues, for example many people will try and amicably sort out finance and child care issues after a relationship breakdown, to everyday legal issues such as will writing and divorce where more and more people are looking for support to carry out this process themselves. Legal support is viewed by many as a 'last resort' once all other avenues have been exhausted.

Views of lawyers - as will be discussed more fully later in the report, the image of lawyers is not always positive. Although people have a genuine respect for the knowledge that they have, there is a feeling that lawyers are lacking in empathy and approachability. This perceived lack of empathy makes some people feel that they are not necessarily fighting for the best interests of the client but provide advice which would result in the best 'legal

solution'. Although this is not necessarily a fault, the harshest legal outcome isn't always the most appropriate for the individual who potentially has to maintain existing relationships or continue to live or work in the same place.

'You don't feel that they understand how the case affects you as an individual.

Problems following a relationship breakdown, Newcastle

In addition to lack of empathy and linked to the issue of cost (already covered) there is a perception that lawyers are not always honest with their clients with regard to what is the best outcome for them or with regard to costings. This perceived lack of honesty is widely discussed between friends and family and leads to a lack of trust within the profession as a whole.

Fear of reprisal - there is a general feeling that involving lawyers can increase the likelihood of reprisal, whether this is a relationship that is important in the future (such as in neighbour issues or relationship breakdown — see resulting relationship) or a more rational issue such as a house move. It is clear that people feel that once a lawyer is involved in any issue then it is likely that the other party will take legal advice and the discussion becomes more clinical. Even in the cases of less emotional legal issues such as conveyancing, once the lawyer is involved in discussions, (e.g. relating to additional items included in the sale), then the dealings become professional and official as opposed to friendly and founded on trust.

Resulting relationship – linked to fear of reprisal, there are some legal issues where both parties are likely to be in contact with each other after the situation has been resolved, for example disputes with neighbours, access to children following separation and problems with an employer. In these cases, it is clear that the decision to take legal advice is a much slower, more considered process and is often taken as a last resort once alternative solutions have been considered and discounted.

'It would be a bit heavy handed to go straight in with legal letters. We have to live next door to these people"

Planning dispute, Swansea

PERCEPTIONS OF THE PROFESSION

OVERVIEW

This section explores underlying perceptions of the legal profession, which are held by consumers at all times. These are likely to be particularly influential for those who take a less considered approach to determine the use of a legal professional to sort their legal issue.

OVERALL PERCEPTIONS

Consumers use a wide variety of phrases and descriptors to portray their views of the legal profession. These are summarised in Figure 6.

Figure 6: Words used to describe legal professionals



As shown above, perceptions of lawyers are mixed; on one hand there is a huge amount of respect among consumers for the professional training they have completed and the level of knowledge they must have to be qualified in what is broadly perceived to be a respected profession.

'I try to encourage my sons to study law, it's a good job to have — you would like to think you can trust their judgment after all that studying'

Problem with tenants. Newcastle

However, in balancing this, there are many negative perceptions of lawyers which tend to focus on the way in which the service is provided rather than the content of the actual legal advice or support.

'It was like legal advice from a vending machine; it was fine but I'm not sure what
it would have been like if it hadn't been a very clear cut case

RTA, Midlands

Looking at this in more detail, the majority of positive perceptions are focussed around the outputs that lawyers deliver, the legal advice they provide and the legal experience they have. The drivers of negative perceptions are often focussed on the way that lawyers deliver the service, the lack of transparency and therefore perceived dishonesty.

Figure 7: Positive and negative perceptions of the legal profession



POSITIVE PERCEPTIONS – WHAT IS BEING DELIVERED

As referenced already, positive perceptions of lawyers are generally based on their level of knowledge and expertise. The training and professional qualifications required to be a lawyer are widely acknowledged and this knowledge is irreplaceable in some cases, particularly when the risk is high if mistakes are made or technicalities are overlooked (such as a house purchase, financial settlement, will preparation / disputes) but also in cutting through the complex language and legal 'jargon'. This investment in education and learning is widely respected by most consumers. Consumers generally feel that lawyers should be able to provide advice on legal situations and be able to provide a recommendation as to the likelihood of the case being successful if pursued. It should be noted however that many people do not contact lawyers to receive this type of advice due to the barriers identified below.

NEGATIVE PERCEPTIONS – HOW IT IS DELIVERED

Although it is clear that consumers have respect for the legal profession, there is a widespread view that the customer service they provide is often fairly poor.

Lack of emotion is a common driver of poor perceptions with many consumers believing that lawyers show little empathy for their situation, which can often be for the consumer, an emotive or difficult time during which they are looking for support. This lack of empathy or 'coldness' can affect the decision to engage with legal services, as there are fears that they will have an unnecessary negative impact on the resulting relationship with the other party. For example, people who would consider legal advice following a relationship breakdown, may avoid engaging lawyers as they feel they would provide a non-emotional legal solution which could be detrimental to their future dealings with their ex-partner (especially if children are involved).

'FearI don't want to involve lawyers as they might award access and make my kids fly abroad when they don't want to. I don't know if they'd listen to what the children wanted' Access arrangements, Midlands

Lack of transparency within the legal profession is twofold: Firstly, consumers are not clear how lawyers cost their time and there is a common view that even if a price is quoted at the start of a case, this can escalate throughout the legal journey and end up costing much more than expected. Secondly, there is a lack of understanding of how lawyers spend their time and what they deliver for the fees they charge. There is a very low awareness of how long specific tasks take and therefore consumers focus on the details provided such as photocopying, sending letters / emails etc.

'They sent bills including a £35 charge for a letter. It's not even the lawyers but the support staff that write them. I don't know how anyone can justify the cost' Planning dispute, Swansea

Dishonesty – the lack of transparency and confusion over costing structures and tasks leads people to conclude that lawyers are not always honest which can then make them question the initial perceived reliability of the service they offer. Although people respect their knowledge, there is a view that advice may be skewed towards that which would be most financially advantageous to themselves and their practice.

'It is in their interests to make 'more of a deal out of the issue than perhaps needs be'

Relationship Breakdown, Newcastle

Over the last decade or so, there has been a significant increase in the promotion of 'no win no fee' legal practices alongside more recently a push on reclaiming payment protection insurance. Both of these have brought the legal profession closer to the general consumer and have had an impact on the perception of lawyers. People tend to consider lawyers in two different categories: 'traditional' and 'no win no fee'. The former being more formal in their approach and appearance, highly professional but costly and less accessible in terms of both location and language used.

'When I think of lawyers, it is very stereotypical but I think of a pin stripe suit, slightly overweight, posh, pompous male'

Neighbour dispute, Manchester

The latter 'no win no fee' category (which incorporates PPI claims) are considered to be less formal, less experienced but more accessible in terms of cost, language and location (often perceived to be available over the telephone). In addition, although these types of lawyers are felt to have less breadth of experience it is felt that they are probably best placed to deal with the types of issues that they offer their services for (accidents at work, road traffic accidents etc.), as they will be 'churning' these types of straightforward case on a regular basis so in essence are more experienced.

'I know they get bad press but I actually had a good experience with mine. There was no money paid upfront so I felt as if they were working for me rather than me chasing them'

RTA, Swansea

PERSONAL EXPERIENCES ARE OFTEN AT ODDS WITH VIEWS OF PROFESSIONS AS A WHOLE

As outlined earlier in the report, the LSCP annual tracking survey has highlighted that 'satisfaction with the professionalism of an individual lawyer doesn't necessarily translate into trust in the legal profession as a whole'. The legal profession is not alone in facing this conundrum; many professions find themselves portrayed in an unflattering light in the media, and criticised anecdotally by consumers. Many people hold negative views of the banking industry, while remaining very loyal to and positive about their own bank and branch. Similarly, the NHS rarely receives good media coverage but many patients will be very positive about the treatment they have received in particular hospitals or from individual doctors and nurses.

The 'negativity bias' that is a core concept of behavioural economics is another factor that helps to explain this discrepancy between individually and commonly held views of professions. People receive negative or bad information more quickly, process that information more thoroughly, and remember and respond to that information more swiftly and consistently than is the case for positive or good information. Although many people will, and do, experience good service from a lawyer as from other professionals, it is the negative experiences that are more widely shared.

In summary, perceptions of the legal profession as a whole are driven in part by personal experience but are also driven by other factors such as media, word of mouth, family and friends. As such, it is not unexpected that overall views can be more negative than those of individuals with very recent experience.

THE LEGAL PROFESSION IS NOT PERCEIVED TO BE AS ALTRUISTIC AS SOME PROFESSIONS

The initial exploratory focus groups uncovered some interesting views of different professions in respect of core values and reasons for entering the profession. While medicine and teaching stand out as vocations where the work itself is more important than remuneration or recognition, followed by police and fire services, individuals in other professions are seen as more likely to be driven by money and success.

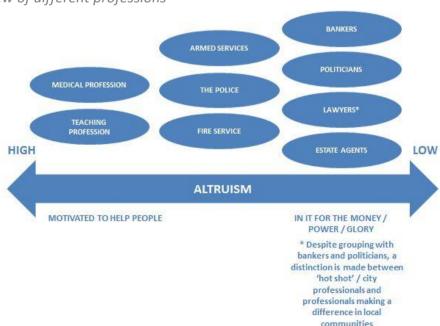


Figure8: View of different professions

TRUST

OVERVIEW

This section explores perceptions of 'trust' with regards the legal profession and the extent to which it plays a role in consumer decision making. This can in many ways be seen as a by-product of the underlying perceptions identified in the previous section, but can also have either a positive or negative impact in reinforcing the attitudes and barriers to using a legal professional identified earlier.

THE LINK BETWEEN TRUST AND CHOICE

When thinking about the link between trust and choice, we first need to consider whether or not the use of legal services is discretionary or non-discretionary. This is because trust has very little influence in non-discretionary cases, for the reasons we discuss below.

Non-discretionary use of legal services

As already discussed, we observed two types of non-discretionary use of legal services

- 1. Cases where the nature of the issue is perceived by the consumer to require the expertise of a legal professional; typically child custody disputes, probate disputes, medical negligence, criminal cases, and where the other party has themselves instructed a lawyer
- Cases where legal services are used but not instructed by the consumer, for example where conveyancing is provided via a mortgage provider, where legal expenses cover is provided as part of a motor insurance policy, or where legal representation is provided to someone who has been arrested and charged with an offence

In both cases trust has no discernible influence. In the first example, the decision to appoint is driven first and foremost by the perceived need for expertise. While there may be a degree of trust in the profession implicit in the decision, if there were any concerns about trust these would not deter the consumer from going ahead. Once the need for legal advice has been established, other, more practical considerations such as affordability and finding the right lawyer or firm takes precedence. In the second case, there is no decision to be made and the consumer's role in the process is generally a passive one.

Discretionary use of legal services

Where the decision to use legal services is seen by consumers as discretionary — in other words the individual could use alternative sources of advice or resolve the situation themselves, but chooses to take formal legal advice — trust has more bearing on the decision to appoint per se, but is by no means the only consideration, and generally remains more implicit than explicit. Trust has a greater role to play in deciding who to appoint. As already discussed, cost, specialism, expertise and reputation and local standing of the firms being considered all play a part in the decision making process. Trust appears to be especially important if the consumer shops around before making a final decision. In such cases, individuals will often try to choose the lawyer they feel most comfortable with/believe is in their corner. The ability to empathise (or not) with prospective clients at this stage can be a deciding factor if all other considerations are equal.

Impact of trust on decision making

In summary, trust has little bearing on choice when the decision to use legal services is non-discretionary. While it has more influence where the choice is seen as discretionary, it is only one of a number of elements factored into the eventual decision. While trust or respect for the expertise of legal professionals is generally a given, feelings of trust fostered by the degree of empathy and engagement shown by the legal professional or firm being considered can make a difference in choice, all other considerations being equal.

WHAT INSPIRES TRUST?

There are a number of different aspects of considering or dealing with legal services providers that can drive positive feelings of trust / trustworthiness.

Unsurprisingly, when things go wrong these same elements can quickly create misgivings/drive feelings of mistrust. Figure 9 below shows the different elements that can drive trust;

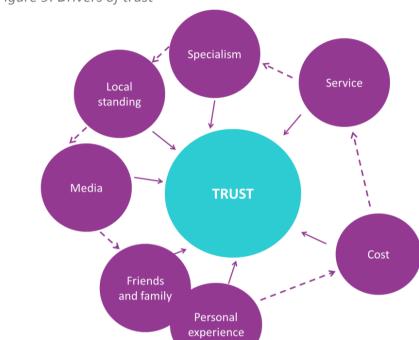


Figure 9: Drivers of trust

Influences / drivers of trust

Since the seven elements are inevitably interlinked, it is difficult to isolate the elements that have most impact on feelings of trust. We have concluded that four — Specialism, Local Standing, Friends and Family and Personal Experience — are more likely to drive positive feelings of trust, while three — Media, Service and Cost — are more prone to lead to feelings of mistrust / a breakdown of trust.

Specialism – knowing that the firm being considered or used has expertise in the particular issue or situation faced is a key consideration and driver of trust. While most firms offer a wide range of services, many consumers will seek assurances of a track record / success in the area related to the issue they need advice or representation on.

'They're one of the very best firms for medical negligence in the country'

Medical negligence, Midlands

Local standing — especially important for first time users, firms that are well established in their local community tend to be perceived as more trustworthy / reliable than chains or less local firms. Such firms are expected to have 'inside knowledge' that will create an advantage, for example knowing how the local council operates, knowing local planners and so on. Being long-established or getting involved in local charities / sponsoring community events also boost perceptions of the firm and increase feelings of trust. This goes some way to recreating the sense of being part of the community which is often cited as a reason to seek advice from CAB.

'Neath is a very unusual, historical area and I know I'd get more understanding by consulting a local lawyer than going into Cardiff to one of those big firms'

Planning dispute, Neath area, Swansea

Friends and family/personal experience – not surprisingly, the endorsement of firms by friends and family who have used them has considerable influence on feelings of trust. Where there is an existing, ongoing relationship with a law firm – 'our family lawyers' – there is naturally a stronger sense of trust. In such cases the firm is the first port of call, and the firm is instructed without much consideration.

'We have a friend who's a lawyer so I'd tend to go to him as first port of call '
Property dispute, London

Media – among consumers who have never used legal services, the way the profession is portrayed in the media, on TV and in films inevitably impacts on perceptions of trustworthiness. Where this has a positive effect, legal professionals are seen as trustworthy for their expertise, professionalism, dedication and empathy. However, negative perceptions are also formed as a result of these portrayals, as we go on to discuss shortly.

Service – when good service is received, there is a perceptible impact on feelings of trust. Good service is seen as being kept informed, costs and timings staying broadly in line with expectations (or at least, expectations being well managed), accessibility, a willingness to explain what is happening, avoiding jargon, not being patronising, and most importantly conveying a sense of 'being on my side'. Inevitably, lower levels of service in any of these areas can lead to a breakdown in trust.

'She was really nice. She told me what to expect, what would happen if it went to court. She used language that I could understand'

Neighbour dispute, South Wales

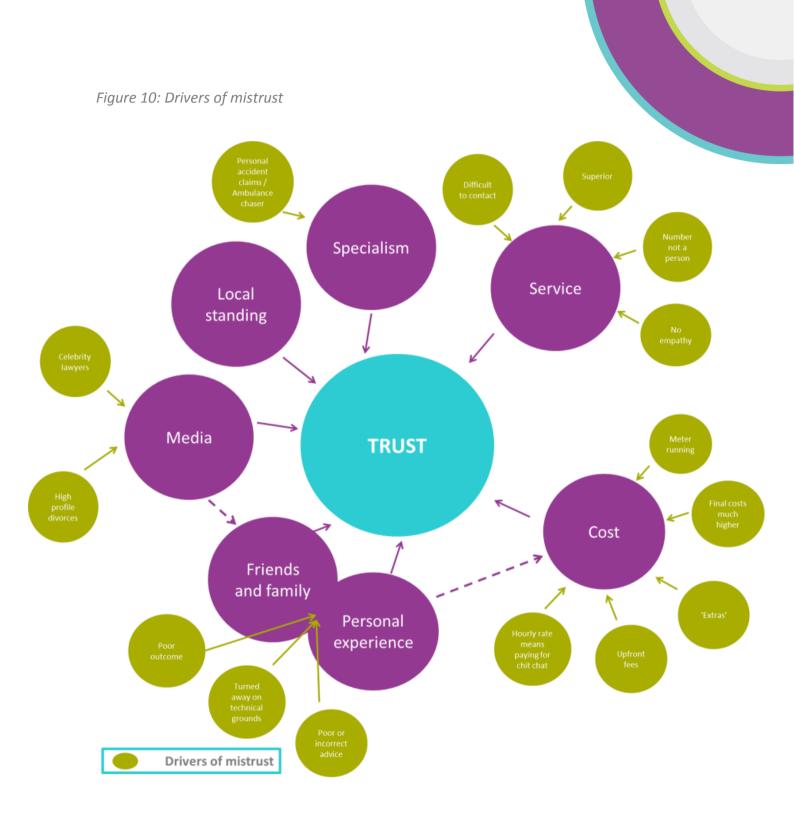
Cost – As already discussed, cost is a major consideration when using legal services and an area of concern for many. In terms of how cost and trust interact, the issue is less about absolute cost (although this does impact on accessibility which in turn can impact on feelings of trust/mistrust), and more about transparency. It is very difficult for cost to have a positive impact on feelings of trust, but there is a strong sense that increased transparency would lead to an increase in trust. In particular, providing a more accurate estimate of likely costs at the outset and explaining very clearly why and where an increase in costs has occurred, seems to help foster greater trust. Affordability is another key factor here as there is a sense, particularly among C2D groups that access to legal advice is restricted by cost and that the more you pay (can afford) the better the service you get.

'I think they string it out to get more out of you, and there's nothing you can do to avoid this one vou've instructed them' Discrimination, the Valleys

WHAT BREAKS DOWN TRUST AND HOW CAN THIS BE ADDRESSED?

As already referenced, the elements that drive trust in legal professionals can quickly erode or damage feelings of trust if things go wrong. In attempting to illustrate some of the ways in which trust can be undermined, we may to a degree have 'over-simplified' what happens when things go wrong. Most consumers' feelings of trust in legal services are not shaped by a single incident, but by multiple factors both positive and negative, and also by often deep seated/culturally embedded perceptions of the profession as a whole. These perceptions may be observed within communities, among different ethnic groups, and between individuals belonging to different socio-economic groups. For example, lawyers can in some communities be seen as being closer to and more in tune with law enforcement (the police, magistrates, judges etc.) than with the individuals they represent.

Figure 10 overleaf shows some of the ways in which drivers of trust can become disruptors.



Positively, some of the disruptors of trust tend to be 'softer' issues or perceptions that it may be possible to address. The following section provides more detail about some of the common disruptors of trust in legal services and offers suggestions where feasible of how such issues might be addressed to limit the negative impact on trust.

Specialism – while this is an area that generally fosters trust, there is little doubt that the increase in firms specialising in personal accident claims – 'ambulance chasers' – are having a negative impact on perceptions of the profession as a whole. While many perceive these firms as call centres rather than law firms, some assume a degree of legal involvement - 'not very well qualified, money grabbing' lawyers – operating in the background. While it could be argued that this creates an image problem rather than an issue of trust, there is a widely held belief that these organisations have damaged the integrity of the legal profession. It is this perceived lack of integrity that impacts negatively on trust.

'It might not cost you upfront but even if you win, most of your award might go on legal fees.

They're just seeing the money'

RTA. Midlands

Interestingly, this research uncovered some evidence, albeit among a minority, of a positive perception towards some of these firms as a result of their 'no win, no fee' operating model. For some (especially lower SEG) consumers, such organisations are seen as more approachable, more interested and engaged in individual cases and more 'honest' in their approach. For those who find the cost of legal advice prohibitive, they provide a way of accessing legal support without the need for upfront fees. Although many are concerned about the level of fees retained in 'no win, no fee' cases, there is a sense of transparency that is often perceived to be missing in more traditional firms.

'They're the only ones that speak to you as if you're on the same level and don't look down on you'

RTA, Swansea

Local standing — as already discussed, firms that are well established in their local community, especially where they are well integrated and involved in non-legal aspect of community life, tend to be the most trusted and recommended. This strong position is highly dependent on very local good will and word of mouth, and as such can be affected by lost cases, or any instances of poor service. Overall however local standing appears to be more often a driver than a disruptor of trust. Trust in the Citizen's Advice Bureau is often strongly linked to their embedded position in local communities.

'I was surprised to find out they didn't participate in Will Aid' Planning, Cambridgeshire

Friends and family/personal experience – friends and family inevitably share views and experiences of the legal profession, and this can have both a negative and a positive impact on trust. While negative experiences are bound to shake trust, little can be done to mitigate against the views of consumers who feel they have received poor or incorrect advice, or whose confidence in lawyers has been dented by a poor outcome.

'He was brilliant when I got divorced, brilliant – but then maybe his speciality is divorce law, I don't know, they can't all be good at everything, can they?' Disputed Will, Surrey

One area where it may be possible to limit any damage is where firms take the decision to turn away potential clients on technical grounds. While the decision may be completely valid and reasonable, it is inevitable that it won't be viewed in that way by the person being denied support. The decision not to take on a case can reinforce the view held by some consumers that some lawyers are more interested in the law than in individual, real-life problems; more motivated by results than by helping people. Finding a way to decline a case in a manner that reflects well on the lawyer or firm, for example by offering suggestions of what the consumer could do instead (CAB, small claims, direct negotiation etc.) would have a significant impact on how the lawyer or firm is viewed subsequently, and importantly on perceptions of integrity and hence feelings of trust.

Media – despite some positive portrayals of the legal profession, negative impressions tend to be stronger than positive ones in shaping attitudes and influencing behaviour. High profile legal cases have damaged trust in the profession; raising awareness of the way in which loopholes can be exploited to win 'morally questionable' cases. This reinforces the sense that very wealthy individuals can 'beat' the legal system, and that the client who can afford the best lawyer is likely to win irrespective of the legal position.

Service – while there remains a good deal of respect for the technical knowledge, training and expertise of legal professionals, there is less tolerance of poor service - across all industry sectors – than perhaps would have been the case 20 years ago. While examples of poor customer service can be found in all areas, and media commentators frequently report declining service standards, many organisations explicitly strive to put customers at the heart of their business. Equally, many larger organisations have substantial customer services departments handling concerns and complaints. Many consumers evaluate service from a starting point of high expectations. This is especially important in terms of this study, Legal Services Board – Consumer use of Legal Services

because poor service correlates to lower levels of trust; creating a separation between client and provider. Key concerns in this area focus on not being kept informed, difficulty contacting, a sense of being a number not an individual, feeling patronised, and a lack of empathy.

In the research, examples of poor service include not being recognised when visiting a firm's offices several times in a short period of time for two different issues, feeling patronised, and being made to feel less valuable than other clients.

'The funny thing was, we were dealing with some stuff with my mum's house at the time and the same guy had been dealing with us in terms of the probate – he saw me come in for this (RTA) and he didn't even recognise me – he made no link at all'

RTA, Manchester

'I think they've become desensitised and too much in their ivory tower ... you know, it's like, as I say, when I used to be in social services, you'd have some people who really couldn't read and write and you'd have to read all the forms to them but that didn't mean to say that they weren't intelligent and that you should treat them demeaningly.

Medical negligence, Midlands

'When I asked why things weren't moving more quickly they actually told me they had other clients paying more than me'

Planning, Cambridgeshire

Cost — It can be tempting to discount concerns about costs as complaints about actual costs / issues of affordability, but it is clear that cost can and does impact on trust. Importantly however, many of the concerns raised by consumers relate to a lack of transparency, which leads to wariness and ultimately a lack of trust, rather than about absolute costs. Key concerns centre on escalating costs, hidden extras, upfront fees, and a sense of lawyers deliberately drawing cases out to incur more fees. With more accurate estimates at the outset, and clear illustrations of what is and what is not included, together with full, prompt explanations and management of client expectations when cost increases are inevitable, it should be possible to address many of these concerns and create more positive perceptions of value for money.

'If they're going to charge me by the hour for a phone call I don't want to pay for 15 minutes' chit chat. That should be part of customer service'

Conveyancing, Cambridgeshire

WHAT IMPACT DOES REGULATION HAVE ON TRUST?

While in our experience regulation can have a positive outcome on the extent to which any given profession is trusted, this research suggests that regulation of the legal services profession is not working as well as it might do to promote trust. This is driven by three underlying themes/issues:

- Perception that legal professionals are a law unto themselves
- Low awareness/visibility of the regulatory/complaints bodies in place
- Cynicism about the chances of making a successful complaint

Lawyers 'a law unto themselves'

Accountability is a recurring theme with both users and non-users of legal services. By accountability we mean 'answerability'; there is a commonly held view that lawyers are not answerable to anyone / any higher authority. This is underpinned by the low awareness of legal services regulation we go on to discuss below. While this is almost certainly exacerbated by pre-conceived ideas about the profession as a whole, it results in consumers feeling unable to make the types of demands they might make when using other professional services. The consumers most likely to view legal professionals in this way are those who find them intimidating, typically describing them as 'arrogant', 'disinterested' or 'unapproachable'.

Awareness of legal services regulation

Across our sample of consumers awareness of regulation or the possibility of redress if dissatisfied with legal services received is low. While a minority feel on reflection that legal professionals 'must be' regulated, the majority appear to think of lawyers and law firms as 'unaccountable' or 'above the law'. Despite our understanding that law firms should provide clients with details of who to contact in the event of a grievance, the message does not appear to be getting through. Most feel that they would not know where to turn if they had a complaint. Increased visibility of the legal services regulatory and complaints bodies would help to address this and should result in greater consumer confidence.

Cynicism about making a successful complaint

There is a sense that most 'ordinary' consumers would not able to bring a case against a lawyer they felt had given poor / incorrect advice or suboptimal service. This cynicism is underpinned by three key factors:

- No-one would be willing to take on the case
- The lawyer against whom the complaint was being made would find a loophole / some other way of winning

• The 'old boys' network' is such that the legal professionals would stick together, further reducing the chance of a successful outcome for the complainant

Raising awareness of the options consumers have for making a complaint and providing reassurances as to the impartial and objective position of the overseeing authorities will help address this cynicism.

CONCLUSIONS

We have drawn a number of conclusions from this research and put forward some suggestions for the Board to consider. These are discussed below.

Opportunities exist to address some of the barriers to use of legal services

As we have seen, there are a number of clear triggers or drivers that lead consumers to engage with legal services, and a number of barriers that can deter or discourage engagement. While on the whole the triggers driving engagement are rational and based on factors such as expertise, impact and risk minimisation, some of the barriers tend to be more emotional. These include perceptions of legal professionals, fear of reprisals, and concerns about the impact of legal action on ongoing relationships. While rational barriers such as cost will continue to present a challenge, there is an opportunity to address some of the more emotional factors through a combination of education and enhanced service delivery.

Generally it is the issue or situation itself that sits at the heart of the decision to use or not use legal services

The research identifies six routes that consumers take once they have identified a potential legal need. Whether the path they take results in instructing a lawyer, seeking alternative formal advice, self-help or deciding to do nothing, the issue itself remains central to the decision and overrides other factors such as SEG, personal circumstances, level of experience or perceptions of the profession. This is evidenced by the fact that an individual who chooses not to take legal advice for one issue may very well take legal advice the next time they are faced with a legal issue or problem.

Consumers are not always aware of what issues they could or should get formal legal advice on

Some consumers find it difficult to ascertain whether they have a legal need, whether that need warrants formal legal advice, or whether support for their specific type of problem is available. While law firms offer advice on a wide range of issues, and can provide ancillary services such as mediation and negotiation, consumers appear to be unaware of the breadth of services available. This suggests there may be an opportunity for the profession to raise public awareness of the range of services on offer and the benefits of utilising a lawyer in specific circumstances where consumers would not automatically think of the legal profession as the place to turn.

Affordability and value for money are a major consideration for all consumers considering using legal services

Cost is consistently top of mind when discussing the decision to use or not use legal advice with consumers, and is raised by the majority as a key consideration.

While the overall, absolute cost will remain a barrier for many, increased transparency – for example in the form of more accurate upfront estimates of likely costs, and a clear indication of what is included in the estimate – will provide a sense of not being 'ripped off' that should ultimately lead to greater trust.

The legal profession is seen as lagging behind some sectors in terms of levels of customer service

High fees, a less deferential attitude towards professions generally and higher expectations of customer service combine to drive dissatisfaction with some aspects of the service received when dealing with legal professionals. Key concerns are around being kept informed and contactability, together with 'softer' issues such as lack of empathy, being treated as a number or case rather than an individual, and feeling patronised. Any improvement in any of these elements is likely to result in increased perceptions of value for money, a more positive image and in time greater trust.

Trust is only one factor in the decision to use legal services

While trust has a role to play in the decision to use legal services, it is only one of a number of different factors that have more or less bearing. In non-discretionary cases, for example where the use of formal legal advice is considered unavoidable, or where legal advice is provided rather than appointed, trust has little or no influence. Where the decision is a discretionary one, trust has more bearing but is one of a number of considerations including cost and expertise. The research shows that trust is usually more influential in determining **who** the client chooses **to instruct** rather than **whether or not they instruct at all**.

Awareness of legal services regulation appears to be low

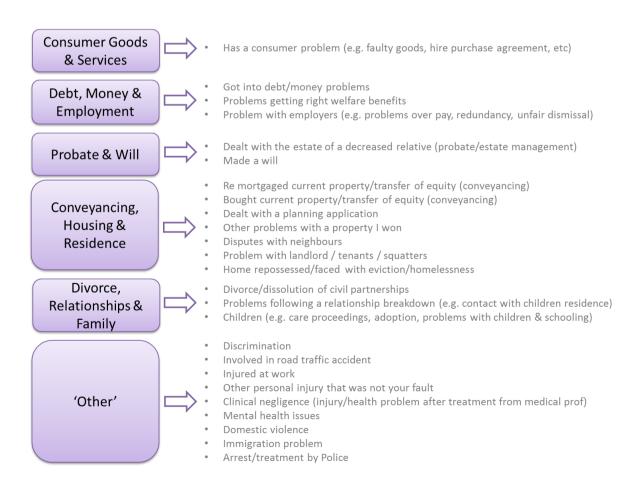
Importantly, awareness of legal services regulatory and complaints bodies appears to be unusually low compared to other professions and sectors. While a minority feel when prompted that legal professionals 'must' be regulated, the majority view appears to be coloured by perceptions of lawyers and law firms as 'unaccountable' or 'above the law'. Greater visibility and understanding of the role of the legal services regulatory and complaints bodies will provide reassurance and ultimately lead to greater trust.

APPENDIX

SAMPLE STRUCTURE

48 Depths split out by segment and covered issue in six broad categories identified

Gender	Age	SEG	TOTALS	Don't Use Ambivalent re: trust	Don't Choose Ambivalent re: trust	Don't Use / Choose AND Don't Trust	Use AND Don't Trust
	Under	ABC1	6	2	1	2	1
Male	40	C2DE	6	1	2	1	2
iviale	Over	ABC1	6	1	2	1	2
	40	C2DE	6	2	1	2	1
	Under	ABC1	6	1	2	1	2
Female	40	C2DE	6	2	1	2	1
remale	Over	ABC1	6	2	1	2	1
	40	C2DE	6	1	2	1	2
TOTAL DEPTH INTERVIEWS			48	12	12	12	12



DISCUSSION GUIDE

Rather than including a section specifically on trust, the moderators will look for and take opportunities to explore trust issues as and when they arise at any point in in the discussion, exploring what is driving feelings of trust/lack of trust, whether based on personal experience, anecdotal 'evidence', media noise, cultural/community/ethnicity/socio-economic biases etc.

Does the fact of being in a profession have an impact on likelihood to trust / not trust lawyers?Is it the same for all professions / is the legal profession different in some way?

1. Introduction and warm up:

- **Our Introduction:** Thanks for participating, who we are, what we're doing, no right or wrong answers, confidentiality / MRS code of conduct, audio recording
- Respondent's introduction:
 - o First name, occupation, family life, interests

2. Recent issue with a possible legal consequence/timeline:

Moderator to prompt respondent to talk about the recent issue(s) they had. Once they have (briefly) told their story, respondent will be given a **task sheet** and asked to plot out the timeline, noting key event, timescales, and any particular high and low points

If necessary, prompt recall:

- who they contacted
- sources of information used
- How they felt at different points in the process
- What the outcome was

REPEAT PROCESS FOR OTHER ISSUES IF RECENT

3. The journey:

Using the timeline to prompt recall

- How did you feel when the problem first happened/you realised you might need to take
- What did you initially do to try to sort it out? (Probe fully)
- What did you see as your options for sorting it out?
- How did you work out what these were?
- How did you decide on the approach you took? (probe fully)
- Did you think that you might need legal assistance at some point to help resolve the problem? Why/why not? (probe fully for any resistance/desire to avoid legal intervention)

If not mentioned spontaneously, for each step or event on the timeline:

- What did you do? Why do that? Could you have done anything differently?
- Who did you turn to? For advice? For information? For support?
- How did you feel?
- What choices/decisions did you have to make and how did you make them?

REPEAT PROCESS FOR OTHER ISSUES IF RECENT

4. Role of the legal profession:

 (If not already clear) did you consider using a lawyer or other legal professional to help resolve the problem(s)? Why / why not? (probe fully – considered then dismissed or not even on the radar?)

Moderator to ask the respondent to help them fill out a **task sheet divided into 2 columns headed 'Pros' and 'Cons'**. Respondent then asked to list all of the advantages of using a lawyer for the situation they found themselves in, and all of the disadvantages (moderator can fill in themselves or ask the respondent to – we will use judgement to decide).

Once this exercise has been completed, all of the factors to be explored in turn:

- If not self-evident: what do you mean by that point?
- Why is this factor important in this case?
- How do you feel about each of these advantages / disadvantages?
- How would you rank the advantages in terms of importance/extent to which they would influence your decision to use or not use a legal professional?
- How would you rank the disadvantages in terms of importance/extent to which they would influence the decision to use or not use a legal professional?
- How would you weigh up the Pros and Cons against each other?
- When you were actually in the situation of having a problem, did you go through a similar process in trying to decide whether to use legal services or not, or was it more of an instant decision? What drove your decision? (probe fully was it a 'rational' decision i.e. didn't have the money to pay for legal advice, didn't know how to access advice etc. or more of an emotional decision not comfortable with lawyers, lack of trust etc. Explore fully any emotional drivers)

If used legal services but don't trust lawyers:

- How much would you say you trust legal professionals in general? Why?
- What made you decide to use a lawyer?
- Did you have any reservations about going ahead? What were these?
- Do you feel differently now, having used them? Were your fears borne out, or was the experience better than you expected? In what way?
- Looking back, where did your reservations come from? Why was that?

5. Perceptions of the legal profession:

Moderator will use sort cards to aid this section of the discussion. Some will be prepared in advance: expert, qualified, committed, accountable, professional standards, experienced, ethical, values, costs, high fees, profit driven, incompetent, overworked, rushed, impersonal, unethical, unaccountable, target driven, jargon. The moderator will have a supply of blank cards on which any additional perceptions can be written. NB — only pre-prepared cards that match what the respondent says will be presented.

• When you think of lawyers/lawyers, what comes to mind? What words would you use to describe them/the legal profession? *Prompt as necessary for positive and negative perceptions.* Anything else?

The moderator will place cards in front of the respondent that match what they have said, using the blank cards as necessary to capture any unanticipated perceptions. Each will then be explore in detail:

- What do you mean by that?
- What difference does being in a profession make? (feel distant from professions, professionals earn too much, command respect, can be trusted etc.)
- What has given you that impression? (probe fully: personal experience, word of mouth, media portraval etc.)
- To what extent did some of these influence your decision to use / not to use legal services?

Once each explored, the moderator will ask the respondent to sort the cards into the most/least important in terms of 'reasons to use' and the most/least important in terms of reasons to not use. Once sorted, the moderator will explore the rationale behind the positioning, leaving the sorted cards in place for the next section

6. The Future:

- Looking back at the decisions you made, what were the pros and cons of the approach you took? (probe fully, focussing on decisions around using/not using legal advice)
- If you could turn back the clock, is there anything you would do differently? Why/why not?

If legal services not used/still wouldn't use:

- What would encourage you to reconsider your position / to use legal services in future?
- What would need to change?

If used with reservations and now feel more positively:

- Would you be more inclined to use legal services going forwards? Why/why not?
- What would you say to other people who were unsure about whether or not to use them?
- If unsure about using them again in future: what would encourage you to reconsider your position / to use legal services in future? What would need to change?

Summing up:

Moderator will ask permission to capture vox pop:

- Summing up key points from the discussion
- One key thing that needs to happen to encourage you to consider using legal services going forward
- Any other observations you would like to make

Thank and Close