

## **Research Specification: Understanding consumers who don't use, don't choose or don't trust lawyers**

### **Purpose**

The purpose of this research is to explore the reasons why many consumers when faced with legal problems either choose to ignore their problems and not get help, don't choose to use a regulated lawyer or simply don't trust lawyers.

### **Background**

The LSB has been set up to reform and modernise the legal services market in the interests of consumers, enhancing quality, ensuring value for money and improving access to justice across England and Wales. The LSB will achieve this pursuing its regulatory objectives<sup>1</sup> and providing regulatory oversight for the eight approved frontline regulators<sup>2</sup>.

Existing regulation of legal services consists of a number of branches of the profession, some with reserved titles, other branches do not have reserved titles but are allowed to practice one or more of the six *reserved legal activities* set out in the Legal Services Act 2007:

- The exercise of a right of audience
- The conduct of litigation
- Reserved instrument activities
- Probate activities
- Notarial activities
- The administration of oaths.

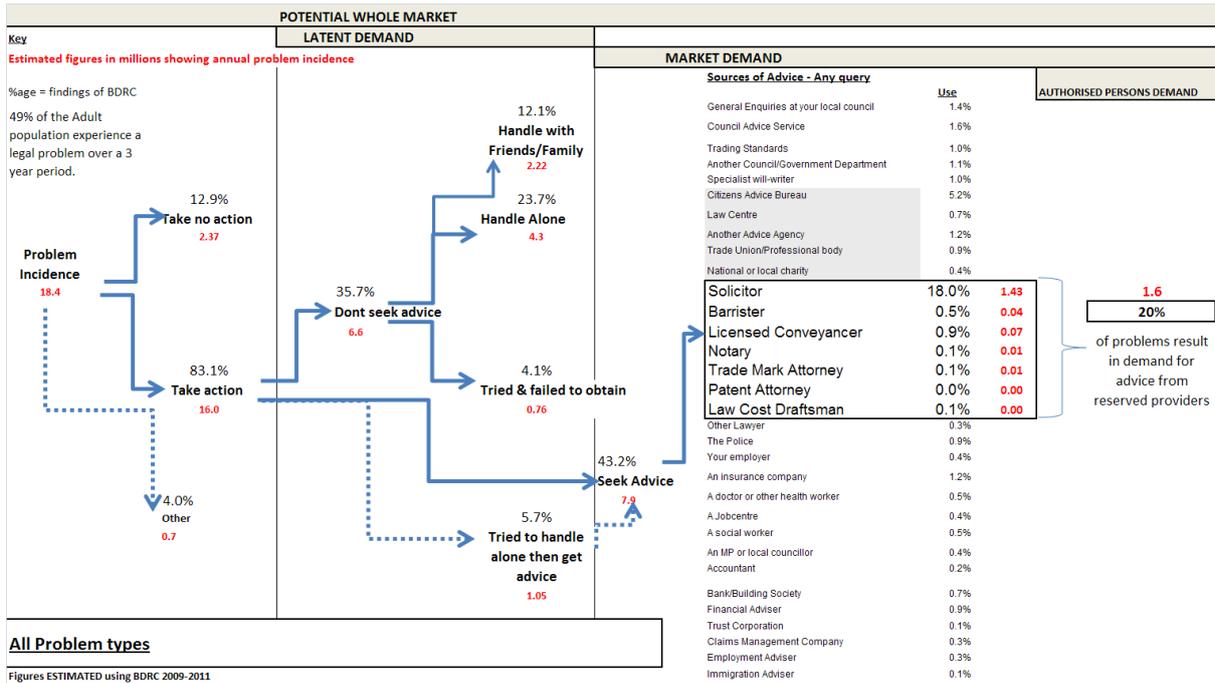
The role of the LSB given to us by the Legal Services Act 2007 was to support the delivery of the Regulatory Objectives. Each of these objectives holds equal weight in our work, though in specific areas, specific Regulatory Objectives are clearly more important. In the past year we carried out a significant survey of consumers to explore their experiences accessing justice for their legal problems<sup>3</sup>. This research found that 13% of consumers took no action when faced with a legal problem, a further 35% either handled the problem alone or with help from friends or family (see chart below).

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<sup>1</sup> [http://www.opsi.gov.uk/acts/acts2007/ukpga\\_20070029\\_en\\_2#pt1](http://www.opsi.gov.uk/acts/acts2007/ukpga_20070029_en_2#pt1)

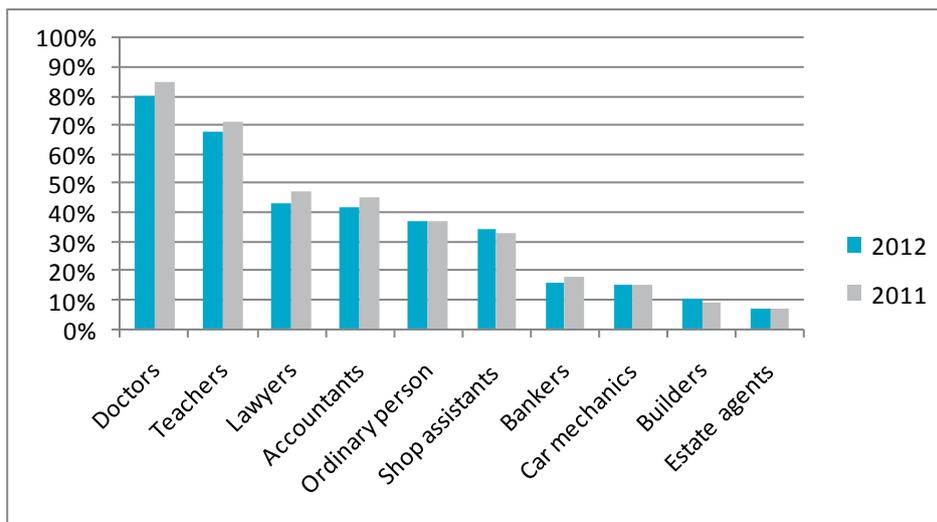
<sup>2</sup> The Law Society, General Council of the Bar, Council for Licensed Conveyancers, The Institute of Legal Executives, The Chartered Institute of Patent Attorneys, The Institute of Trade Mark Attorneys, Association of Costs Lawyers, Master of the Faculties.

<sup>3</sup> [http://www.legalservicesboard.org.uk/what\\_we\\_do/Research/Publications/pdf/individual\\_consumers\\_use\\_of\\_legal\\_services\\_lsb\\_report\\_17\\_07\\_12\\_ii.pdf](http://www.legalservicesboard.org.uk/what_we_do/Research/Publications/pdf/individual_consumers_use_of_legal_services_lsb_report_17_07_12_ii.pdf)

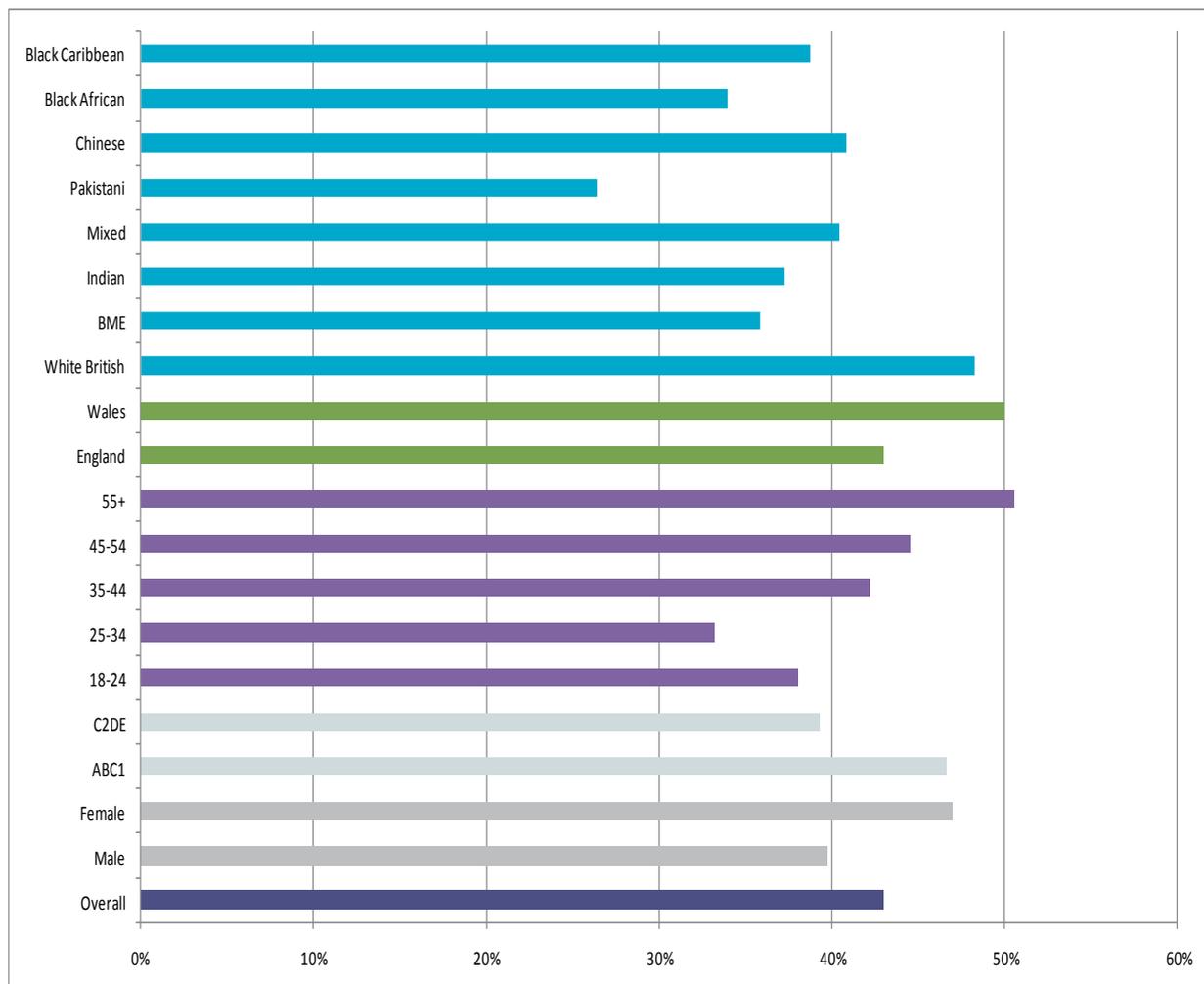


Further research summarised in the Legal Services Consumer Panel annual tracker survey suggests that public trust in lawyers is low compared to some other professions – see Chart 1 at the end of this document. Only 43% of the public say they would generally trust lawyers to tell the truth compared to 80% who would trust doctors and 70% who would trust teachers. The research also tells us that trust varies across the population, see Chart 2. This includes in relation to gender, age, social class, geography and ethnicity. For example, just 26% of Pakistani people say they trust lawyers, while only 34% of Black African people do so. Furthermore, trust in lawyers appears to be declining – trust in lawyers was 47% in the 2011 edition of our survey.

**Chart 1 – Public trust in lawyers**



**Chart 2 – Socio-demographic breakdown**



The Panel's survey also asks recent users of legal services about their experience. Here the picture is very different since 79% express satisfaction with the professionalism of their own lawyer. Overall satisfaction with the outcome (84%) and service (79%) is also high. Whilst acknowledging that trust and professionalism are not identical concepts, the research data presents something of a conundrum: consumers express satisfaction with the professionalism of their lawyer but don't seem to trust lawyers as a professional group.

Trust is a particularly emotive concept and may be driven by a number of different trends seen today, for example:

- Wider societal trends – including a less deferential culture where the public is less willing to accept professional wisdom unchallenged and more active consumers who are voting with their feet and leaving comments on Trip Advisor style websites
- The economic context – surveys suggest there is a general loss of confidence in business ethics and the ability of regulators to maintain standards following the financial crisis

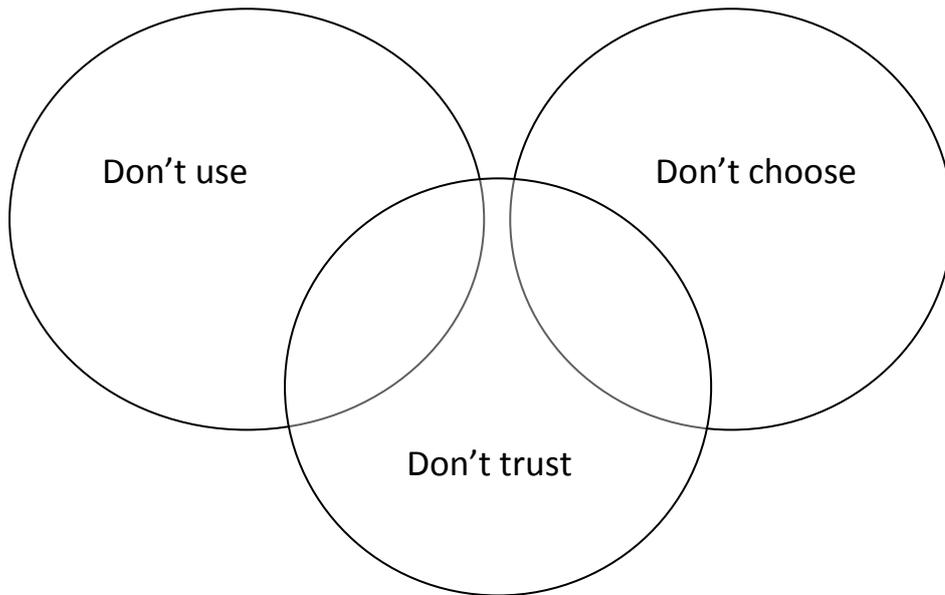
- Lack of knowledge – people’s lack of knowledge of what lawyers do, combined with a system which is often seen as secretive, may make it harder for people to trust. The absence of legal brands may be part of this
- Features of our legal system – including its adversarial nature which might feed a perception that lawyers ‘defend the guilty’ or ‘outwit the innocent’
- Relationships – lawyers engage with other actors facing trust issues both within (e.g. the police) and outside (e.g. estate agents and claims management companies) the legal system
- The media portrayal of lawyers – whether portrayed by Dickens, John Grisham or Glenn Close, views of lawyers are likely to be shaped by popular culture
- ‘Marketisation’ – the sense that the law is now ‘just another business’ and has lost touch with the ethical values and public welfare ethos that used to define it
- A closed shop – most senior lawyers are white, male and often privately educated; this may feed a view that the profession is ‘out of touch’. In addition, until recently the profession has regulated itself and resisted competition reforms – another type of closed shop
- Service failings – although our survey evidence suggests that the large majority of people are happy with the service they receive, there are some longstanding customer service issues such as delay, poor communication and low transparency over fees which may affect trust
- Scandal – while there have not been major public scandals affecting lawyers as has been the case in medicine, the profession has been tainted by allegations of malpractice (e.g. in relation to miners’ compensation, stamp duty avoidance schemes and phone hacking) and incompetence (e.g. standards of will-writing)

### **Aims and Objectives**

This research aims to explore the issues underlying the behaviour of the three groups of consumers:

- those who when facing a legal problem either ignore it, or choose to deal with it alone or with help from friends and family (‘Don’t use’)
- those who seek help to deal with their legal problems but choose not to go to a regulated legal provider such as a solicitor, licenced conveyancer etc. (‘Don’t choose’)
- those who don’t trust regulated legal providers, whether they choose to use them or not (‘Don’t trust’).

The third group ‘Don’t trust’ has some overlap with the first two groups, but we would expect the methodology to ensure that groups were recruited in such a way as to ensure that trust was considered both in combination with don’t use and don’t choose and separately as it’s own issue.



The aim of the research is to unpick the reasons why people are making the choices they do and the extent to which this leads to a knock on impact on the LSB's Regulatory Objectives. In particular, how the choices they make are derived and how people feel that their choices have affected their ability to get fair outcomes when dealing with legal services.

Trust is of particular importance as it can affect all of the choices consumers make, whether to use legal services or not, who to use and their experience of using regulated services. We would like to explore trust, both in it's ineraction with the choices to use or choose regulated services and as a factor on its own in interactions with legal services. The extent to which trust impacts on overall confidence in the legal system is great interest to the LSB.

### **Issues and scope**

The research should explore and compare the views and beliefs of individuals who have experienced legal problems to understand the drivers of their behaviour.

- What are the most important reasons driving the choices made by consumers?
- Do consumers consider the range of options carefully before following their chosen path to deal with the legal problems?
- To what extent are decisions taken rationally about how to solve their legal problems (e.g. known cost, own perveived ability to handle the legal problem) or do other factors such as trust play a significant role? In what circumstances?
- How much does previous experience or previous experience of family or friends drive choices on how to approach a legal problem?
- What other impacts does a lack of trust have? Lack of shopping around? Belief that costs are high?
- What would be needed to encourage consumers to consider a wider range of options before chosing a particular way to solve their legal problem?

Those groups soley focusing on trust would be expected to cover a range of additional issues including:

- Is 'trust' the right term, or does 'confidence' or some other concept(s) better reflect how consumers regard lawyers?
- To what extent is trust in lawyers affected by people's views of the trustworthiness of businesses in general and other wider social and economic factors?
- How do people view their relationships with professionals? Is this changing?
- Is there anything unique about legal services?
- What inspires consumer trust in lawyers?
- What leads to trust breaking down?
- What maintains trust when something goes wrong? How can trust be rebuilt?
- How, if at all, does regulation affect perceptions of trust – positively and negatively?
- Which particular features of regulation (e.g. ethical codes, qualifications) most drive trust?
- What conditions need to be met for improved trust to translate into improvements in the way consumers operate in the legal services market?
- How does trust effect their overall confidence in the legal system?

We expect that this research will be conducted using a qualitative research methodology, though would welcome suggestions incorporating alternative research methodologies. Given the particular issues of trust found among ethnic minority consumers we would expect analysis of BME consumers to be incorporated directly into the proposed research methodology.

#### **Tender Evaluation Criteria**

All projects commissioned by the LSB are subject to our standard terms of contract. Tenders will be evaluated on best value for money and will be assessed on the basis of:

1. Overall cost. Please include appropriate breakdowns
2. The extent to which tenders are clearly written and meet the specified objectives, present a sound methodology, identifying any potential problems, and proposing suitable solutions
3. Address outputs and ensure these are in line with requirements and the required timing of the project
4. Proposed team composition, expertise and management and the organisation's diversity policy
5. The ability of the proposed team to write a clear report in plain English.
6. How diversity issues would be addressed in the research.

#### **Deliverables**

##### Output

The output for this research should be a report with executive summary, suitable for publication.

##### Project plan

Tenders should include a project plan and time schedule for the work that identifies the main task and key milestones that will be used to monitor progress. The plan should be accompanied by a resource profile, giving a breakdown of the resources in person days allocated to each task. We would also expect the tenders to include a clear analysis of the potential risks and how they propose to mitigate them during the project. We value tenders that are short and concise.

**Duration**

The research should commence in November 2012. Tenders should set out dates for completing key milestones such as information gathering, analysis, synthesis and report writing. The report should be finalised by 28 March 2013.

**Legal Services Board Contact Details**

Tenders with any queries about the research specification should contact:

Alex Roy 020 7271 0060

**Tenders must be submitted by 5pm on Tuesday 13 November 2012**