

Quality in Legal Services

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1. EXECUTIVE SUMMARY	4
2. RESEARCH CONTEXT AND APPROACH	8
THE CONTEXT	8
THE RESEARCH AIMS	8
OUR APPROACH.....	9
MAIN FINDINGS	10
3. WHAT CONSTITUTES ‘QUALITY’ FOR CONSUMERS	10
CONSUMERS ARE RELATIVELY CONSISTENT IN THEIR REQUIREMENTS	10
EMPATHY	10
EFFICIENT PROCESSES	11
OUTCOMES	11
CLARITY AND DE-MYSTIFICATION	11
PROACTIVELY USING THEIR KNOWLEDGE	12
PROFESSIONAL PRESENTATION	13
THE RELATIVE IMPORTANCE OF PRICE AND LOCATION	13
4. CONSUMERS’ ABILITY TO JUDGE SUCH ‘QUALITY’	14
LIMITED ABILITY TO JUDGE ‘QUALITY’	14
SOME ELEMENTS OF ‘QUALITY’ REMAIN INVISIBLE.....	15
A RESULTING PREFERENCE FOR RECOMMENDATIONS	16
PRICE AND APPEARANCE AS SIGNALS OF QUALITY	17
5. THE ASSUMED COMPETENCE OF SOLICITORS	21
CONSUMERS ASSUME A BASIC LEVEL OF COMPETENCE	21
THE ROLE OF SPECIALISTS.....	22
6. REGULATORY AWARENESS, EXPECTATION AND PREFERENCES	23

AWARENESS OF A LEGAL SERVICES REGULATOR	23
THE ROLE OF A LEGAL SERVICES QUALITY MARK.....	23
ALTERNATIVE QUALITY ASSURANCE MECHANISMS.....	25
<u>APPENDIX</u>	<u>28</u>
DISCUSSION GUIDE - FINAL	28

1. Executive Summary

“We put ourselves in their hands and because they’re qualified....and they’re professionals, we just hope and presume that they’re going to give us the right information and do the job for us.”

Consumers felt unable to judge the quality of legal services for themselves

Although it was clear through the research what consumers sought in solicitors, it was also clear that they felt largely unable to judge such quality, for a number of reasons:

- using a solicitor is a relatively rare event, so individuals don’t have much of a benchmark against which to judge them;
- the legal world is felt to be above most consumers’ heads;
- the nature of legal services is that their value is often in the long-term rather than short-term context;
- there is felt to be minimal public or regulatory information to refer to;
- consumers are relatively inactive in terms of comparing different firms’ offers.

In light of these difficulties in making informed choices, consumers invariably preferred to fall back on personal recommendations, or failing these, third party recommendations from estate agents etc. Each was felt to be more reliable than the ‘pot luck’ of using the Yellow Pages or, to a lesser extent, the internet. Yet the value of recommendations was limited in two ways. Firstly, they were less readily available for younger consumers, who were less likely to have as many friends or relatives in a position to make relevant, local recommendations; and secondly, the recommendations themselves were often 2-dimensional, and based on limited personal experience or information (typically simply *whether* they were good or not, rather than *why* they were good). As a result, even personal recommendations often resulted in poor quality experiences.

Consumers focused on service standards not the standard of advice

In discussing how consumers defined good quality solicitors, it was apparent that emphasis is placed on customer service issues, rather than the technical quality of the advice given. With a notable consistency across age, socio-economic group, and even whether they had recent experience of using legal services or not, consumers highlighted six priorities for solicitors.

- Empathy – treating the consumer as an individual, not just another file, understanding their situation and relating to it.
- Efficient processes – ensuring things progress smoothly and on time.
- Outcomes – e.g. completing on a property on time, delivering a will or achieving the desired outcome in a divorce/separation.

- Clarity and de-mystification – unravelling the mystery of the legal world with clear explanations (no jargon), clear signposting of what should happen and when, and clear guidance on charges.
- Proactively using their knowledge – explicitly suggesting alternative options, tailoring advice to individual circumstances or challenging the client's assumptions.
- Professional presentation – both personally in terms of dress and appearance, but also in terms of the physical office environment.

Four of the six themes focused around customer service, rather than the advice itself. Satisfactory outcomes also featured strongly, and in the cases of conveyancing and divorce/separation were often, in hindsight, the overriding determinant of whether an experience was felt to have been good or not.

Technical knowledge though, while one of the six key issues, was mentioned less frequently than the others, and was less top of mind when consumers thought about what defined good quality legal services. Even when it was mentioned, it was often in the context of how solicitors leveraged it (in terms of asking clients questions or offering options) rather than the extent of legal knowledge in the first place.

All solicitors were assumed to be technically competent

It was not that technical knowledge was not important to consumers, but more a function of two background issues. Firstly, consumers generally assumed that all lawyers have an acceptable level of legal knowledge, and have all passed sufficient qualifications. Secondly, there is a common belief that the law is relatively black and white (at least in terms of wills and conveyancing, though less so with divorce/separation), and that since all lawyers work from the same legal framework, the quality of *advice* offered will not vary significantly across firms.

Expanding on the assumption that all solicitors have a basic level of technical knowledge, there is also an assumption that almost all solicitors are basically competent, and that quality levels across the sector vary less than they do for instance with builders or restaurants. The belief is that since all solicitors have to pass exams to practice, this goes hand-in-hand with basic competence in giving legal advice. The qualification is seen as synonymous with basic technical competence.

This view shaped attitudes to non legally-qualified people such as divorce advisors or will-writing services. The underlying opinion was that using such advisors was acceptable in simple circumstances (such as an amicable divorce with no assets or children), but that any possible complexity or acrimony would require a solicitor, in order to offer the reassurance that the advice was watertight.

At the other end of the quality scale it was apparent that while a number of consumers looked for specialist solicitors (especially in terms of divorce or separation), the definition of specialist was arguably weak, and was ascertained

simply by asking solicitors, looking at firms' marketing materials, or going on the basis of a friend, relative or colleague's experience. As a result it was apparent that specialism was often defined more by whether firms *offered* a service than whether they truly *specialised* in it.

Regulators were expected to ensure technical quality standards

The general assumption that nearly all solicitors were 'competent' was based on the common standard for qualifying, and respect for the 'professions', rather than any knowledge of active regulation. Awareness of a legal services regulator was minimal – though most did 'assume' there was someone - and although a minority of consumers knew of the Law Society, they considered it mainly in the context of reactively handling complaints rather than any wider regulatory activity (no-one in the groups mentioned the Solicitors Regulation Authority, although the organisation was only established a few years ago).

Similarly, there was minimal, if any, knowledge of any existing quality marks for solicitors. A minority of consumers spoke about looking to see if solicitors had 'letters after their name', and others mentioned that the Law Society could tell you which solicitors *offered* which services, but no-one had actively looked for a quality mark as part of their search. The idea of a quality mark was initially seen to have appeal, but on reflection most consumers admitted that they would continue to put greater emphasis on personal recommendations or previous experience, and that a quality mark *might* influence choices in only a small number of cases (namely where they did not have any recommendations or personal experience).

In essence consumers were doing little themselves to try to judge technical quality, mainly because they did not feel they were able to. What they wanted was reassurance that their assumption (that all solicitors are technically competent) is correct.

Other quality assurance mechanisms that aimed to do this were seen to offer greater reassurance to consumers of legal services. Options such as regular competence checks (or MOTs), compulsory Continuous Professional Development, publication of regulatory information such as complaints data, or an ongoing exam structure for solicitors were all felt by consumers to have merit in terms of ensuring quality standards – and it was commented that many were already common practice elsewhere. Of less clear-cut interest were consumer review websites (possibly valuable, but susceptible to consumers being more likely to complain about solicitors than compliment them) or a Scores on the Doors type approach (with consumers feeling a sliding scale of 5 stars might be too confusing than a binary 'competent or not' approach). Two of the approaches discussed were seen to be of limited, if any, interest – peer review suffered from a perception that it would work in solicitors' interests rather than consumers', and price comparison websites were felt to be less suited to helping quality assessments.

Conclusions

While consumers assume all solicitors are basically competent, they quite reasonably admit that they usually aren't able judge whether this is true of their own case. The 'assumption' is in fact based on hope and trust more than knowledge. In reality, when choosing lawyers consumers rely on recommendations (from people they know or third parties) to increase the chances they will get good service as well as a basic competence. This would suggest there is value in some degree of regulatory assistance to ensure a competent lawyer is chosen.

Furthermore, there was evidence in the research (in terms of their assumptions about the technical quality of solicitors as well as their reactions to various quality assurance mechanisms) that consumers would be more comfortable with a form of binary quality assurance (competent or not) than a sliding scale (e.g. competent, better, best).

The research suggests that while in principle a quality mark scheme might be of benefit to consumers, in practice they would be likely to ignore it in light of stronger influences such as personal recommendations or personal experience. This may suggest that regulators cannot rely on market forces to assure quality, but need to work behind the scenes to ensure all lawyers are and remain competent, in line with consumer expectations. To this end, consumers see other regulatory options as more effective, though since none of those presented was seen to be of unquestionable merit, it may be that a combination of mechanisms is the key to offering consumers meaningful reassurance.

2. Research Context and Approach

The Context

The Legal Services Consumer Panel is an independent arm of the Legal Services Board (LSB) created to provide high quality, evidenced-based advice to the LSB and others on the consumer interest in the regulation of legal services. The LSB has been set up to reform and modernise the legal services market place 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 and providing regulatory oversight for the eight approved frontline regulators¹. This project forms one part of broader quality assurance work being undertaken by the Panel and the LSB.

Quality is a difficult concept to define, and can encompass many aspects of a legal service, including client care, the legal outcome and the technical expertise required to get there. Understanding the quality of legal services is a significant challenge for consumers, who face an asymmetry of information and have little regular engagement with legal services. While consumers can often judge the quality of the client care provided, they are generally unable to assess the competence of the adviser either before or after the event, or judge whether the advice given is suitable for their circumstances. Assessing the quality of a lawyer is therefore difficult, with LSB research suggesting that most consumers rely on recommendations and/or previous experience to choose their lawyer (YouGov research December 2009²).

The research aims

The Panel commissioned the research to improve its understanding of consumers' experiences of legal services, with a particular emphasis on how they perceive and value quality. In particular, this research project was designed to capture three broad themes:

- What consumers understand and assume about the quality of legal service providers, and how this is factored into their choice of legal adviser.
- How consumers judge the quality of legal services.
- Whether consumers find it important and/or desirable to have specific quality signals in relation to legal advisers, or whether they expect or prefer 'others', such as regulators, to be checking this for them.

¹ 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 Law Costs Draftsmen, Master of the Faculties.

² http://www.legalservicesboard.org.uk/news_publications/latest_news/index.htm

Our Approach

In total ten group discussions were carried out, with 6-7 participants per group, a total of 66 participants overall.

The groups were held with people who had personal experience of using legal services within the past two years or who were likely to use them in the next 12 months. Participants were recruited on the basis of their having used or being very likely to use legal services for conveyancing, will-writing or divorce/separation - the three most common reasons for consumers to use solicitors. In the course of the groups some participants referred to other instances, such as personal injury claims, although such references were relatively rare.

Groups were structured to include a range of age and socio-economic groups (SEG), as well as covering a mix of urban and rural locations. Groups were held between 29 July and 4 August 2010. Each group was mixed gender, and lasted around 1¾ hours. There were three participants from black and minority ethnic groups.

Location	SEG	Age
London	ABC1	18-34
	C2DE	55+
Cardiff	ABC1	35-54
	C2DE	18-34
Banbury, Oxfordshire	ABC1	35-54
	C2DE	35-54
Newquay, Cornwall	ABC1	18-34
	C2DE	55+
Sale, Greater Manchester	ABC1	55+
	C2DE	35-54

The Banbury and Newquay groups were recruited to provide a more rural perspective. Although in the summer months Newquay's population is substantial, in the winter months it falls to around 22,000 and this, in conjunction with its location on the relatively isolated Cornish coast, meant participants – all of whom lived in Newquay all year round - had decidedly non-urban attitudes in terms of their community and in terms of this research.

Although we looked out for differences between men and women on these topics, in reality they shared the same views, issues and challenges. Likewise, we have not made comments specific to minority ethnic participants. BME respondents were included, but there were simply too few of them to be able to draw specific conclusions for them as a sub-group.

Main Findings

3. What constitutes ‘quality’ for consumers

Consumers are relatively consistent in their requirements

In contrast, for instance, to cars or holidays or restaurants, individual preferences for legal services showed remarkable consistency across the groups. By age, socio-economic group and, indeed, whether they had used solicitors before or not, the same core themes emerged when consumers were asked what defines a ‘good quality’ solicitor.

Though individual interpretations of them varied, six key themes emerged in terms of defining ‘good quality’ legal services, with four of the six focused on customer service (rather than the advice).

- Empathy
- Efficient processes
- Outcomes
- Clarity and de-mystification
- Proactively using their knowledge
- Professional presentation

Empathy

With solicitors generally seen as ‘professionals’, in an area of knowledge the public knows little about, and in a sector that is largely detached from our day-to-day lives, it was felt to be crucial that solicitors make an effort to bridge this gap, and relate to consumers as individuals.

In most groups this was one of the first issues to be mentioned, and most users of legal services readily had examples both of empathy or an absence of it. A common concern was that solicitors should not see consumers as ‘just another file’, or a case to be processed, rather than a situation to be understood. Anecdotal experiences were provided of solicitors checking emails in the middle of conversations, starting meetings off by reviewing files clearly for the first time, and generally looking disinterested in the client.

In comparison, glowing references were given to solicitors who made consumers feel that their case was a priority, or who took time to understand their personal circumstances.

Consumers placed greatest emphasis on empathy in cases of divorce or separation, partly because the distressing nature of the situation gave a greater need for

understanding, and also because the individual nature of divorce cases meant different situations were expected to deserve individual attention.

Efficient processes

Of primary importance in conveyancing cases, but also of key importance in divorce/separation and will-writing, was a basic attention to efficient processing, and ensuring a case is always progressing rather than marooned in the doldrums. The specific elements of efficient processes were many, including:

- Promptly returning phone calls
- Regular communication – both proactively and reactively
- Proactively keeping clients updated on where the case is
- Timely resolution of any obstacles that may hold up a case
- Thoughtful use of different channels of communication e.g. email, phone or post
- Availability of solicitors when appropriate – and access to knowledgeable support staff when not.

Revealingly though, it was apparent that consumers wanted things not only to progress but also to be told that they are progressing. Especially in the case of conveyancing, where individuals' dreams can rest on the timely execution of a sale or purchase, not all consumers simply trusted solicitors to get it done - they wanted explicit reassurance that timescales were being met, by way of regular communication.

Outcomes

Closely related to efficient processes, at least in terms of conveyancing, was the outcome of the case. For house sales and purchases, the efficiency of the process was in many ways summed up by the sale going through on the specified day, and many previous sins (in terms of empathy and efficiency) were forgiven by delivering the keys by a set deadline.

For divorces and separations outcomes were if anything more important, but at the same time usually more complex – or at least less black and white – taking into consideration issues such as financial settlement or child access and custody. In this context a 'good' solicitor was to a large extent defined by the settlement they achieve, with an accompanying expectation that a good solicitor would be expected to secure a more beneficial settlement than a not so good one (we explore assumptions around competence in more detail in Section 5).

Clarity and de-mystification

Three distinct issues emerged in the course of the discussions, but all with the common thread of clarity. This idea was woven through a number of different

conversations, and was a function of consumers' sense that they are 'mere mortals' compared to solicitors, with little understanding or experience of the legal world. Understandably though this state of affairs was far from ideal from a consumer's point of view, and so there was a consistent wish for efforts to be made to de-mystify things.

Firstly, there was a regular mention of the need for clarity in language, to avoid legal jargon and to use layman's terms wherever possible. This was supplemented by a wish for clarity in presenting a route through the legal process, with clear milestones and clear expectations of what might happen, and when (and if necessary what the relevant consequences might be).

Lastly, there was a need for clarity in terms of likely fees. There was sometimes an underlying sense that solicitors charged 'for every letter and every phone call', a practice that not only made it difficult to judge the final bill, but also made it difficult to compare prices between firms (though it should be said only a minority of consumers actively sought out price comparisons). In an ideal world consumers would know before engagement what fees were likely to be, and in the absence of fixed fees at least a clear indication of their basis.

Proactively using their knowledge

In contrast, for instance, to restaurants, where the quality of food would no doubt be seen as just as if not more important than the service, or indeed architects, where the design of the building is all important, for solicitors the quality of their legal advice was seen to be of limited explicit importance. We explore the reasoning behind this in more depth in Section 5, but for now it is worth noting that although consumers did identify technical knowledge as contributing to a definition of 'good', it was not suggested as frequently as other issues such as efficient processes or the need to relate to and empathise with customers.

Indeed, when legal knowledge was mentioned, it often arose in terms of *leveraging* or *communicating* existing knowledge, rather than the extent of knowledge itself. In other words consumers talked less in terms of wanting a solicitor who 'knows more', and more in terms of wanting a solicitor who asks questions, or suggests alternatives, or challenges their thinking i.e. *explicitly uses* their knowledge and *tailors* it to their individual circumstances.

This perspective – the value of legal knowledge – was more commonly referred to in the context of will-writing, where people perhaps perceived a will more as a blank canvass than as a set form (as is arguably the case with conveyancing) and assumed it gave more scope for demonstrating legal thinking.

In a similar vein, qualifications were also only referenced by a minority and more in a general sense of ensuring they had 'letters after their name', rather than specific membership or levels .

Professional presentation

Finally, a repeated emphasis was placed on presentation and a professional appearance. This issue was articulated in a variety of forms, such as:

- Professional looking buildings (though not too smart)
- Professional looking personal appearance
- Offices and desks that are relatively tidy
- and even a professional manner in terms of formal meetings and greetings.

The purpose of such form over content was clear though – to reassure the client that the solicitor is an authentic member of the profession, and that they take their business seriously.

Although there were examples of long-haired, shoe-less male solicitors doing great work, and fantastic solicitors working in scruffy low-rent offices, these were felt to run counter to general expectations.

The relative importance of price and location

Two other issues came out of the discussions as important drivers of consumer choice, though not directly related to quality.

Firstly, it was apparent that price plays only a limited role in legal services – at least in comparison to most areas of consumer expenditure. For some, especially the lower-income C2DE socio-economic group, absolute price was a key consideration in choice of legal firm, but for most consumers recommendations carried most weight, and only in the extremes was price a consideration. This was partly a function of a common assumption that prices for basic conveyancing or will-writing services are fairly similar across most firms, but also the view that legal services are too important to just ‘buy on price’.

Similarly location was also important, but more in terms of ruling firms out rather than ruling firms in. The vast majority of consumers opted for a firm within their home town (rather than say deal remotely with an online firm), but over and above this definition of locality, there was limited benefit to be had from being say half a mile away as opposed to a mile away. Again, recommendations usually overruled marginal benefits in terms of locality. We did of course hear examples of using law firms outside of the local city/town, but there was usually an overriding reason for doing so (e.g. family links, niche specialism or strong recommendation).

4. Consumers' ability to judge such 'quality'

Limited ability to judge 'quality'

On the whole, consumers in the research felt it was difficult to really tell how good a solicitor was. This went right across ages, genders and socio-economic groups. The reasons were numerous:

- Using a solicitor is a relatively rare event, and so individual consumers rarely build up much of a bank of experience on which to judge law firms.

"You only buy or sell a house once or twice in your lifetime - you've no yardstick to measure them by." ABC1 55+

- The legal world is generally felt to be above the heads of consumers; few, if any, understand the legal intricacies of issues such as conveyancing, wills and, to a lesser extent, divorce or separation.
- The nature of legal services is that many of them have long-term implications, the consequences of which may not be known until many years later. The extreme example of this is will-writing.

"I mean with your restaurant comparison, as soon as you put the food in your mouth you know if it's right or wrong. Especially in our case, with a will, we don't know it's gone wrong until we're dead and then it's too late anyway!" ABC1 18-34

- For many consumers the law is seen to be absolute, black and white, and thus it is difficult to anticipate how one solicitor could be 'better' than another.

"They're all solicitors and qualified to a similar level and so it doesn't matter whether they're charging you £200 or £800, the law is set so they're going to give you the advice relating to the issue you bring up with them." ABC1 35-54

- There is perceived to be minimal regulatory or professional information for consumers to refer to – not one person was aware of any formal quality mark for solicitors, other than membership of the Law Society.
- Lastly, despite these difficulties, or perhaps because of them, consumers are relatively inactive in terms of researching and comparing law firms. The consumer who 'interviews' a number of firms before choosing one was the exception. In the age of consumer empowerment and information, solicitors are still a relatively un-researched field.

"We put ourselves in their hands and because they're qualified and everything and they're professionals, we just hope and presume that they're going to give us the right information and do the job for us." ABC1 35-54

Two minor distinctions within our sample did emerge. Firstly, older consumers felt most able to judge quality. With age comes experience, especially in terms of buying

and selling property and dealing with wills and probate, though to a lesser extent separation and divorce. Secondly, there was also a sense in which ABC1s had some advantage over C2DEs in feeling they could spot professional quality. Some ABC1s felt less in awe of the professional aura around solicitors than did some of the C2DEs. However, it was a minor distinction; the self-confidence of the individual was much more of a factor in how able a person felt to judge ‘quality’. This cut across the socio-economic groups.

Some elements of ‘quality’ remain invisible

If it is felt to be difficult for consumers to assess the quality of a solicitor in advance of using them, the picture is far from completed when actually using them. Consumers can of course assess whether they are getting a satisfactory level of empathy or communication, and indeed can make personal judgements on the tidiness of an office; the issue of legal knowledge and expertise though remained relatively hazy.

For many of the reasons outlined earlier in this Section, consumers admitted it was difficult to know whether they were getting good quality legal advice even in the middle of an engagement – they have minimal knowledge of legal processes and many legal services can only prove their worth in the long-term (often the very long-term). Unable to fully tell if a solicitor is ‘good’ or not, consumers rely on trust and hope, and often use the final outcome to define their overall experience.

The interesting exceptions to this were divorce and separation cases, where a sense emerged that consumers felt more able to tell if their solicitor was providing good advice or not. In this context we heard a number of stories of consumers feeling they were getting poor advice – as opposed to poor service – and often changing solicitors mid-engagement as a result, and also examples where they ‘knew’ they were getting good quality advice.

The reason behind these exceptions seemed to be that in divorce/separation cases individuals appeared:

- more likely to research the law themselves and therefore be more informed;
- more likely to have a sense of what ‘should’ happen, in terms of child custody/access or financial settlements;
- more likely to have friends or relatives who had experienced a *wider range* of outcomes with different solicitors, in comparison to conveyancing where experiences tended to be more binary (the property purchase or sale went through on time or not).

The research clearly cannot tell us whether these consumers actually *were* better placed to tell if they were getting good advice or not, but there was certainly a sense that they *felt* more able to make judgements.

A resulting preference for recommendations

As a result of their perceived inability to make informed judgements about solicitors' quality, consumers consistently preferred to rely on recommendations from relatives, friends or colleagues. Such recommendations inferred a degree of reassurance, and in effect acted as a surrogate quality mark.

An alternative to personal recommendations were those from businesses such as estate agents or mortgage advisors. Reference to these third party recommendations were relatively common, but were more prevalent among younger consumers and to some extent C2DEs, who were less likely to have friends or relatives able to recommend good local firms.

In comparison, looking up solicitors in the Yellow Pages or on the internet was considered to be a blind choice, and was usually only used in the absence of recommendations, or when there was a need for a niche solicitor e.g. for overseas property dealings.

“(The Yellow Pages) It’s no indication of quality whatsoever, it’s not about the actual service is it, it’s just a list”. C2DE 55+

Recommendations though were usually 2-dimensional – simple rather than well-rounded. In the same way that individual consumers seldom had extensive experience of different law firms, the people they asked for recommendations did not necessarily have substantially more – and so recommendations often consisted of advice more of the form ‘I’ve used them in this situation’ or ‘I was happy with them’, rather than a more rounded and informed assessment of their quality (for instance along the lines of ‘they are really good at X, Y and Z, though less good at A and B, and I would definitely recommend them in the following circumstances...’).

Some individuals – the exceptions - did take the time to ask a number of different people for recommendations, and looked to see if the same firm cropped up. More commonly, many lived in a small enough community where word of mouth was active enough for a strong local reputation to emerge (in effect an aggregate of numerous recommendations). This was seen in the smaller towns with relatively few solicitors to choose from, such as Newquay or Banbury; but somewhere like Cardiff, though a city, also operated like a smaller community in this regard, with word of mouth and reputation playing a strong role.

Price and appearance as signals of quality

With consumers largely unable to accurately identify high quality solicitors from more run-of-the-mill or even poor ones, we looked to see the extent to which consumers used price or appearance as a signal of quality.

To do this we presented four fictional solicitors, with different profiles for each, and an accompanying photo of what their offices might look like. We then asked consumers to choose which one they would be most likely to use, and explain why. The four were:

Roy and Company	Linn and Sons	Stacey and Co	Brooker Society
5 offices across the region 30 partners Established since 2000 Typical fees of £800 for house conveyancing	Single, local office 3 partners Established since 1965 Typical fees of £500 for house conveyancing	Single, local office 2 partners Established since 1960 Typical fees of £200 for house conveyancing	National Mutual Building Society 720 branches across UK Established since 1846 Typical fees of £150 for house conveyancing
Accompanying photo:			
Modern offices, quite large	Respectable but small high street offices	Above a down-at-heel row of shops	High Street chain

For those respondents in the market for will-writing or divorce/separation advice as opposed to conveyancing, we asked them to assume equivalent fee levels (e.g. one at the higher end, two at the lower end and one in the middle).

In their choices consumers paid attention to a number of issues:

- Number of partners/offices – consumers generally wanted to deal with one person, but not have that person swamped by a high workload (and thus be unlikely to give each case due care and attention). Therefore some preferred Linn and Sons to Stacey and Co, but stayed away from Brooker Society.
- Local presence – this wasn't just related to having a physical presence on the High Street, but the reassurance that questions and contact would be carried out at a local level as well:

"I wouldn't use Brooker Society because if I want to phone them, I don't want to phone Outer Mongolia." ABC1 35-54

- Years in business – overall the longer the firm has been around, the greater faith consumers placed in it. For a minority though a more recently established company was seen to be fresher and more dynamic.
- Appearance of offices – the majority of consumers avoided Stacey and Co, often on the basis of their offices. The photo showed example offices above a row of down-at-heel shops, including a take-away. The consensus was that a solicitors in such a situation was also likely to be fairly ‘low rent’, with the implication that they could not be that successful, otherwise they would have moved offices to somewhere more acceptable.

“(Stacey and Co) They’re a little bit too much at the cheap end – I’d be slightly worried about the premises; will they still be around in 12 months time?” ABC1 55+

“(Stacey and Co) I wouldn’t touch that with a bargepole for £200.” C2DE 35-54

At the other end of the scale, consumers implied the relatively plush-looking offices of Roy and Company were intimidating, and suggested that higher fees were a function more of the office costs than the quality of legal advice.

“Look at that entrance, that entrance just says to me ...totally out of my budget here, I can’t go even in there, I can’t even enter that door because I know the minute that I’m in it’ll be “Hello, come and sit down” and they would charge me for sitting there.”

ABC1 18-34

Typical fees as an issue produced a lot more detail from consumers. As a signal of quality, price was seen to work in a non-linear way, especially for conveyancing. For the majority of consumers the lowest fees (Brooker Society and Stacey & Co) implied that they would suffer in terms of customer service or quality of work. In the case of Brooker Society the view was that they would just be another customer on a ‘conveyor belt’ of processing, and in Stacey and Co the sense was just that there must be a downside to fees that low.

“You would assume because Linn and Sons are charging more you’re going to get a better service than what you would maybe from Brooker Society or Stacey & Co.”

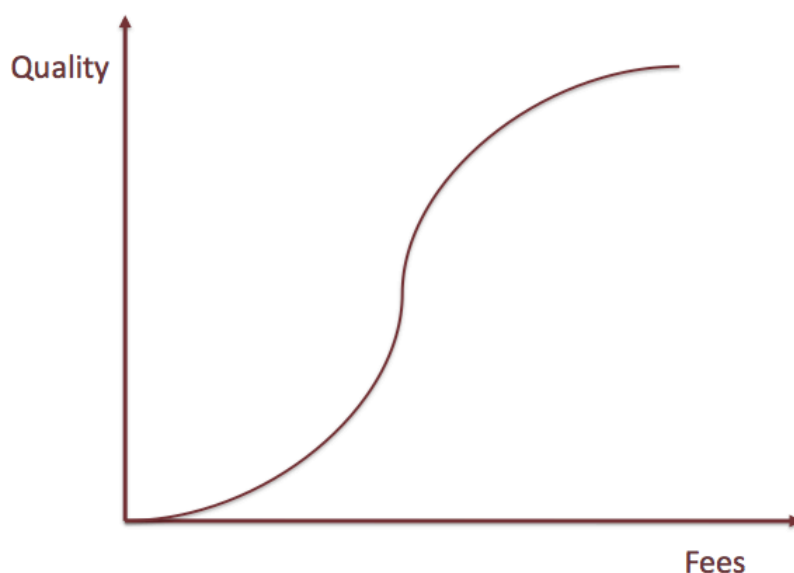
ABC1 18-34

In turn though, the higher fees charged by Roy and Company did not suggest the highest quality legal advice, but more that fees were higher ‘to pay for the offices’. The higher fees were not expected to be accompanied by a better product. Notably, when it was put to consumers that the higher fees might actually imply better legal advice, they often questioned how the company would be able prove such a case (referring back to the discussion around consumers’ inability to tell whether they were getting ‘better’ legal advice).

In effect the sense in terms of quality was that there were initial benefits to be had by moving up from the lowest level of fees, but that the marginal benefits weakened as

the fees moved towards the higher levels (i.e. Roy and Company), as illustrated below.

Fig 1 The non-linear nature of conveyancing fees as a signal for quality



Naturally there were some interesting exceptions to how the example fee levels fed into overall preferences:

- In the London groups many of the consumers were used to higher fees for conveyancing, and as a result felt that even Roy and Company (£800) offered good value for money.
- For some consumers even if they felt Linn and Sons might offer better 'service', their limited income levels meant they would opt for Stacey and Co or Brooker Society simply because their fees were the lowest. This was apparent among some of the C2DE socio-economic groups.
- The interpretation of fees was not seen to work so clearly in the case of divorce and separation cases. This was partly as fees are less clear-cut in such cases – overall fees are a function of the complexity of the case as much as the 'hourly rates' of the solicitor – but also because empathy and individual relationships were seen to be so important in this area, and these were seen to be related more to the individual than the firm, and so less directly related to fee levels.

In addition to the appearance of offices and individual solicitors, discussions touched on the issue of websites. Although relatively few participants had referred to law firms' websites during their search – most approaching firms directly on the basis of recommendation – there was a strong sense that a professional looking website

would serve as reassurance to a firm's credibility, and vice versa a less professional looking site.

"If they've got a website then I'm much more inclined to go than if it's just an advert on Yell.com." ABC1 18-34

As a result of the overall mix of price and appearance signals, Linn and Sons was the most commonly chosen firm. It was local (so personal), had 3 partners (so would be less likely to be stretched than say 2 partners), had professional looking offices (neither scruffy nor intimidating), had been around a long time, and charged fees that were high enough to imply a decent level of service and quality without being seen as excessive.

5. The assumed competence of solicitors

Consumers assume a basic level of competence

Although consumers knew or assumed that levels of customer service varied across law firms, and indeed that outcomes could sometimes vary (for instance in divorce or separation settlements), there was an underlying assumption that technical knowledge varied less.

“I’d assume that they have all sort of got the same qualification. There’s no sort of higher solicitor and a lower solicitor, there’s probably different types of solicitor, but they’re probably all the same sort of.” C2DE 18-34

“A solicitor has to know the law surely?....That’s taken for granted isn’t it?” C2DE 55+

The consensus was that all solicitors were qualified, that they have all had to pass exams in order to qualify, and that therefore they all have a basic, acceptable knowledge of the law. Where ‘bad apples’ were discussed, it was more often than not in the context of fraud, overcharging or unacceptable customer service, rather than simply legal incompetence.

“(There may be varying levels of competence) but it may not be quite as broad as with builders, or we’d hope that the very, very top and the very, very bottom extremes might be softened in a profession.....They’re less likely to have connected the plumbing to the electric type of thing.” ABC1 35-54

It is this assumption that shaped attitudes towards unregulated providers such as will-writers or divorce advisors.

It should be noted first of all that awareness of such professionals was fairly limited, and understanding of the lines between them and solicitors even less so. For instance there were examples where it was likely that participants in the research had had their will written by a non-solicitor (e.g. where they were stopped on the street, and the advisor visited them at home), but the assumption was still that the will was ‘checked and signed-off by a solicitor back at the office’.

Regardless of the confusion over their actual legal standing, the majority view was that professionals such as divorce advisors or will-writers or even banks providing a will-writing service were an acceptable choice in simple circumstances (e.g. an amicable divorce with no children or substantial assets, or a will in similar circumstances). However, at the merest hint of complexity or potential acrimony consumers wanted the reassurance of using a solicitor.

“We both did our divorce ourselves through a non-solicitor.....It seemed pointless spending all the money when we knew that there was no assets to be split and we

both wanted to split up, but obviously if children were involved then I would have gone through a solicitor.” ABC1 18-34

“I wouldn’t have wanted a legal secretary doing my will; I wanted a solicitor, so I knew it was perfect.” C2DE 35-54

“(Divorce practitioners) There’s a reason you’re paying less.... I’d expect them to not be as experienced.” C2DE 35-54

“We were looking in to a will a little while ago and it was the bank that we were looking in to, but the lady who actually asked us about the will, when we said we had two kiddies she was like “Ah, you’d best go to solicitors then”.” ABC1 18-34

This overall preference for solicitors was not so much a function of a belief that the Law Society would offer consumers some degree of protection if things went wrong (although there was some evidence of this belief), but more a view that solicitors would have a higher level of legal knowledge and credibility.

The role of specialists

For will-writing and family law, though less so for conveyancing, there were a number of participants who preferred to seek out a ‘specialist’ solicitor, with the view that with experience comes expertise and familiarity with particular issues.

Their definition of specialist though was far from watertight. The basis for this expertise was invariably self-proclaimed, in terms of advertising, rather than objectively assessed, in terms of any form of accreditation. In the case of some divorce or separation cases people found their way to experts via the Citizens Advice Bureau or Legal Aid channels, but in the majority of examples consumers simply looked at law firms’ marketing materials (e.g. Yellow Pages ads), or simply phoned up a solicitor and asked if they ‘specialised’, with the result that in many cases they may have used a solicitor that *provided* that service rather than *specialised* in it.

“It was word of mouth and they were local and I phoned up the company and asked if there was anyone specialising in divorce.” C2DE 18-34

The expectation was very much that such a solicitor would provide a better quality service because of their experience of working on similar cases, rather than any form of extended formal qualification or assessed competence.

6. Regulatory awareness, expectation and preferences

Awareness of a legal services regulator

When asked if participants knew of any monitoring body or regulator for legal services, the common view was that consumers assumed there was one, without necessarily knowing who it was.

“I thought that they had to be regulated, by some sort of posh name.” ABC1 18-34

A minority were aware of the Law Society, and reference to it often triggered recognition in others, but its role was far from defined. This confusion and low level of knowledge was common across socio-economic groups and ages.

It was also apparent that it was usually referenced in the role of handling complaints or maintaining a Code of Conduct, rather than any more proactive form of policing the sector. No-one mentioned the Solicitors Regulation Authority (SRA) - although the organisation has only been in existence since 2007.

As a whole, consumers found it difficult to describe what other activities the regulator might currently undertake. There were lots of ‘guesses’, and ‘I’d like to think....’s and ‘there should be....’s, but no actual knowledge. The guesses themselves often referenced proactive initiatives, such as ‘checking-up’ on solicitors, but it would be impossible to interpret these as expectations that they do, they were more speculations that they might.

In fact, word of mouth was felt to be a stronger force for dealing with issues of competence for solicitors, with an expectation that incompetent solicitors would just gradually lose business (although consumers admitted they cannot accurately judge quality, there was a belief that they could usually tell incompetence when faced with it, even if only over the long-term). This was especially notable in areas where there was a strong sense of community e.g. Cornwall, Banbury and even in our Cardiff groups, where word of mouth was also very strong. As a Cornish participant put it:

“With Cornwall being several small communities, if something isn’t right or if things go wrong and there is a bad solicitor who never gets anything for anybody, word of mouth would soon get around.....It would be from one coast to the other coast in about half an hour.” C2DE 55+

The role of a legal services quality mark

There was even lower awareness of the various quality schemes in legal services. No one in the groups had been aware of any form of quality mark when choosing and using a solicitor, aside from some general references to ‘having letters after their names’, although one or two suggested that you could find out through the Law Society which solicitors *offered* which services.

In discussions around quality marks, the basic idea of one was initially seen as appealing, though only by some consumers, rather than a clear majority of them. It

was felt that it could help address the ‘pot luck’ nature of choosing a solicitor, a risk that can still be present even when acting on recommendations.

Consumers interpreted the idea in two ways – a universal scheme (that sets a minimum standard) as well as a selective one (that would separate out the wheat from the chaff). The former was seen of benefit in terms of guaranteeing some basic level of quality and competence (at the moment consumers usually assume it, but a guarantee would be better), the latter in terms of helping them identify the better solicitors.

As discussions developed though, it became apparent that on reflection the idea was of less interest to consumers. Primarily this was because they confessed that they would still put prime emphasis on personal recommendations and previous experience, over and above any membership of a quality scheme.

“It wouldn’t really sway me that much to be honest. If it was mandatory I think it would definitely, but if it wasn’t, then it’s just another logo really to me, it wouldn’t mean a great deal.” C2DE 18-34

They also however raised a number of queries about how such a scheme might work, each of which, in their minds, would weaken its credibility:

- The assumption was that such a scheme would be on an organisational rather than an individual basis, yet consumers were of the view that the individual is actually more important than the firm in terms of providing an efficient, empathetic and knowledgeable service.
- There was a worry that any scheme might be expensive to join, and therefore would favour larger firms over (the often preferred) smaller firms.
- There was a degree of cynicism around how such schemes can be ‘manipulated’, with firms becoming wise to the requirements, resulting in some poorer quality firms still passing the test. An anecdotal example given was an Ofsted inspection, where teachers wore their name badges just for the duration of the inspection and then put them back in the drawer for the rest of the year.
- The expectation that it would be difficult for the scheme to get a high enough profile that the majority of consumers knew about it, let alone actively used it.

The difficulties a quality mark scheme would face in gaining mass adoption was reflected in discussions of the Scores on the Doors logo. This scheme (and logo), introduced by various Local Authorities across the country to allow consumers online access to official hygiene ratings for local food businesses, was recognised by only a handful of participants in the research, and no-one suggested they actively used it to guide their choice of restaurants, cafes or pubs etc.

It was also discussed who might be best placed to run such a scheme, with reactions nearly identical through each group:

- Government was felt to be inappropriate, largely since ‘they change every four years’, and so it was felt the scheme would be politicised.
- A commercial organisation would be suspected of running it to maximise profit rather than quality assurance – with the accompanying fear that ‘joining fees’ might be too high for smaller firms.
- A members organisation such as the Law Society suffered the recurring view that solicitors act as an ‘old boys network’, for the interests of solicitors rather than consumers.
- A regulator was seen almost unanimously as the favoured option, with heavy reliance on its hoped for ‘independence’. Its effectiveness though would rest on the assumption that it was staffed by legal experts, rather than say non-legal civil servants (consumers felt that as they found it difficult to assess quality, so would other non-legal people).

Alternative quality assurance mechanisms

Despite the luke-warm appeal of a formal quality mark scheme, consumers saw much real value in a number of alternative approaches to ensuring quality levels across legal services.

We presented a number of different quality assurance initiatives, and asked consumers to discuss which they felt could be most effective in providing them with reassurance around solicitors’ competence. Below we outline the different schemes, and consumers thoughts on each, in approximate order of consumer interest.

Mechanism	Merits and concerns
Of widespread interest:	
Regular competence revalidation/regular competence reviews – akin to an MOT every 5 years	<p>Would address consumers’ ‘old duffer’ concern - of older solicitors who are out of touch with recent legal developments, and are not as consumer-focused as younger, keener solicitors.</p> <p>Seen to be common practice elsewhere.</p> <p>Would not want it to be too ‘heavy handed’ or disproportionately time-consuming, such that solicitors are distracted from their day-to-day cases.</p>

Mechanism	Merits and concerns
Of widespread interest:	
Publication of complaints data or other regulator data	Consumers see only benefits in this, with the caveat that only proven complaints were published, and not unproven accusations.
Solicitors having to sit regular exams	Seen to be common practice elsewhere e.g. for those who work in financial services. Some worry that solicitors might spend too much time studying for the exams and be distracted from casework
Compulsory Continuous Professional Development	Seen to be common practice elsewhere. Many assume that it happens already. Though some concerns that training on its own <u>ensures</u> nothing.
Of varying levels of interest:	
Consumer feedback website such as www.tripadvisor.com	Mixed reactions. Many see merit in its consumer power, and the mass scale of word of mouth feedback. Others were concerned that firms might suffer disproportionately from individual consumer 'grudges', and that as consumers we are not best judged to assess solicitors' quality (a good solicitor might not be able to prevent a bad outcome). Consensus though that for it to work it would have to have a broad body of comments for each firm, and not just a handful.
Scores on the doors type scheme	In theory consumers can see value in it, but in practice they felt it might be difficult to implement: how would it be assessed (it was not felt to be as simple as how clean a kitchen is)? Would consumers understand the difference between say 5 stars and 1 star?

Mechanism	Merits and concerns
Of low levels of interest:	
Price comparison websites	Seen to have little relevance to ensuring quality standards – consumers felt they rarely bought legal services solely on price, and that such comparisons were more suitable to consumer goods. <i>“It’s not like buying insurance.”</i>
Solicitors being reviewed by other solicitors	Near unanimous disapproval, due to a cynicism that fellow-solicitors would not be seen as independent. Some feared they might be too lenient on fellow solicitors, others worried that they might be overly-zealous on competitor firms.

“They could do the training but it wouldn’t (necessarily) make them competent.”
C2DE 35-54

“(On a consumer feedback website) People might say ‘he was rude, he was this, he was that, he was the other, and you think ‘Oh my god I’m not going there because he was rude’, when with the other 50,000 people he’s been perfectly charming.” C2DE 35-54

“(Peer review) That’s the old boys club isn’t it!” C2DE 35-54

Overall there was a sense that no one single option would prove a panacea in terms of quality assurance, and that a common preference was for a combination of initiatives, such as a consumer feedback website in parallel to independent assessments.

Appendix

Discussion Guide - Final

Introduction – 5 mins

- Introduce subject and explain client is the Legal Services Consumer Panel.
- Explain client presence (in London), confidentiality, tape recording etc
- Ask respondents to introduce themselves to the group – first name, bit of info on their household, their favourite ever film.

Choosing a law firm – 10 mins

THROUGHOUT GROUPS DRAW OUT DIFFERENCES BETWEEN WILLS, CONVEYANCING AND DIVORCE/SEPARATION

Thinking about the times they've used a law firm in the past couple of years, or when they are very likely to in the next 12 months:

- How did they find their solicitor/law firm? FLIPCHART ANSWERS
- How would they prefer to find one?
- PROBE any use of non-solicitors such as licensed conveyancers?
- What are the pros and cons of each approach? FLIPCHART
- (if not already mentioned, include internet search, Yellow Pages, recommendation, firm on local High Street)
- How did they finally decide upon the chosen firm (if they approached more than 1)
- How would they know if the person/firm was any good?
- PROBE any signals? Quality schemes? Reputation?

What does 'good' look like? – 15 mins

ASK FIRST OF THOSE WHO ARE VERY LIKELY TO USE A LAWYER IN NEXT 12 MONTHS, BUT HAVEN'T RECENTLY

- Thinking about when you are going to be choosing a lawyer or law firm, what sorts of things would make you think you've made a good choice? What sorts of things will they have to do, say or send? FLIPCHART

WHILE YOU GENERATE LIST, GET OTHERS TO THINK (BUT NOT TALK!) ABOUT THEIR EXPERIENCE OF USING A LAW FIRM RECENTLY.

AS LIST PETERS OUT, GET THOSE WITH RECENT EXPERIENCE TO BUILD ON LIST:

- Things that were good
- Things they would have liked to have seen
- Things that were poor and should be changed

➤ What else would you include to define a 'good quality' solicitor or law firm?

PROBE FULLY, GETTING THEM TO CLOSE THEIR EYES AND THINK THROUGH THREE DIFFERENT STAGES – FINDING/CHOOSING; WORKING WITH; AND FINISHING OR TYING UP THINGS.

➤ IF NOT ALREADY MENTIONED, PICK UP ON QUALITY OF ADVICE

➤ How do they know whether they've got good quality legal advice?

➤ (if possible, compare to other professional advice e.g. accountants)_

➤ If they can't really tell, is this a problem or not? Why?

PROBE:

- Role of qualifications?
- Transparency of costs – were they? Would they have wanted them to be?

ONCE LIST COMPLETE:

➤ Now we'd like you to think about which things on the list are the most important, which are the really key things that would decide whether you thought a solicitor or law firm was good quality or not? GO UP TO LIST AND STICK UP TO FOUR STICKERS NEXT TO THE THREE OR FOUR THINGS YOU THINK ARE MOST IMPORTANT TO YOU.

Judging ‘quality’ – 15 mins

- If those are the things you feel describe a good quality solicitor/law firm, to what extent are you able to use them when choosing between solicitors or law firms?
- Which can you see or tell – and which do you just have to take on trust?
- How well are you able to use them to help you make a good choice?
- If can't really use these factors, why not?
- For those of you who have been recommended a solicitor or law firm by someone, what do you think the recommendation was based on? What did you think you would get as a result of using them?
- Did you ask at the time or did you simply assume these implicit judgements on quality?

CARD EXERCISE: LAY OUT FOLLOWING FOUR DIFFERENT FICTIONAL LAW FIRMS. ON THE BASIS OF WHAT IS IN FRONT OF THEM, ASK EACH TO SILENTLY MAKE A CHOICE OF WHICH ONE THEY WOULD BE MOST LIKELY TO CHOOSE. ASSUME FEES FOR WILLS AND DIVORCE ARE SIMILAR, i.e. A RANGE. THEN ONCE ALL MADE A CHOICE, ASK THEM THEIR CHOICES AND REASONS.

Roy and Company	Linn and Sons	Brooker Society	Stacey and Co
5 offices across the region 30 partners Established since 2000 Typical fees of £800 for house conveyancing	Single, local office 3 partners Established since 1965 Typical fees of £500 for house conveyancing	National Mutual Building Society 720 branches across UK Established since 1846 Typical fees of £150 for house conveyancing	Single, local office 2 partners Established since 1960 Typical fees of £200 for house conveyancing
Accompanying photo:			
Fancy modern offices, quite large	Respectable but small high street offices	High Street chain	Above a down-at heel row of shops

- To what extent do they think price is a sign of quality with solicitors or law firms? To what extent do they think higher prices mean a better quality solicitor?
- Is brand/presentation of office/website important as a signal of quality?

Making assumptions about 'quality' – 30 mins

- Give examples of builders, where there are some really good ones and some cowboy builders as well. Or restaurants, where there are some really good ones and some that should probably be closed down by health and safety.....
- In comparison, what do they assume about the quality of solicitors as a whole?
- PROBE As a 'profession', do they think they are all qualified? All good quality?
- If they think there are bad apples, or incompetent solicitors, what happens to them? Do they think they just keep on practicing?
- PROBE around Law Society (e.g.) weeds them out, word of mouth puts them out of business etc
- How do those assumptions about quality (refer to above) apply to non-solicitors such as will writers or divorce advisors, who might not be legally qualified (three possible options when writing a will: (i) DIY kit from WHSmith; (ii) Will writer advertised in local newspaper; (iii) Solicitor). Which would you choose and why?

- What sort of regulation or monitoring do they think goes on for the legal profession?
 - Is there a regulator/monitor?
 - What sorts of things do they do? (checks on solicitors? Handling complaints? Setting quality standards – minimum standards and higher quality levels? reviewing solicitor files?)
- What, if any, checks do you think the regulator makes about solicitors?
 - How often? Checks on what?
- How if at all does this affect your choice of solicitor or law firm?
 - Does it affect the amount of checking up or research that you do?

- Which of you, if any, chose (or will choose) a specialist solicitor, one that said it specialises in certain types of law, or you were told they specialise?
- How did you know they specialised in that area?
 - PROMPT quality mark/sign, experience, publicity material
- How did they know they actually were specialists? What was to stop them just saying they specialised in X, Y, or Z?
- Do they think the regulator does any checking on claimed specialisms?

Quality signals – 30 mins

SHOW VARIOUS QUALITY MARK LOGOS.

- Which, if any, of these do you actually use when buying products or services?
- PROBE if they do use them, do they insist on it, or is it just preferable?

- Are they aware of any similar schemes for solicitors?
- PROBE Know and use, know and recognise, just assume there is etc
- If they can, describe the logo itself.
- If they are aware of any, what is the basis for it e.g.

- To what extent do they think there should be an industry-wide quality mark for solicitors?
- If there were, would they actually use it? CHALLENGE THEM POLITELY
- e.g. how many of them insist that a builder they use is part of the Federation of Master Builders, a similar quality scheme aimed at protecting people from cowboy builders?
- How would it be different to the existing system, where all solicitors are qualified and members of the Law Society?
- And how important would it be in comparison to the things you said were most important in choosing a solicitor (REFER BACK TO EARLIER DISCUSSION)?
- Who would you trust most to run such a scheme?
- PROMPT: Govt, Regulator, a membership body such as the Law Society, a commercial business? Why?

- Lastly, there are a number of different ways of helping to monitor quality across a sector such as solicitors or law firms. Here are a few, after I've described each one I'd like you think about what you see as the advantages and disadvantages of using that type of thing to ensure quality across all solicitors, and let me know which you think would be the best – and why – and which you think would be the worst – and why. Remember, we want to know which would work from your point of view, which would give you most confidence. SHOW FLIPCHART WITH SCHEMES LISTED AND DESCRIBE EACH ONE.

Quality in Legal Services Research – Final Report

- Compulsory Continuous Professional Development
 - Scores on the doors type scheme
 - Consumer feedback scheme such as tripadvisor
 - Regular competence revalidation/regular competence reviews – MOT every 5 years
 - Publication of complaints data, or other regulator data
 - Solicitors being reviewed by other solicitors
 - Solicitors having to sit regular exams
 - Price comparison websites
-
- READ OUT SCHEME, WITH BRIEF DESCRIPTION
 - Which if any of these do you think would be the most effective from your point of view?
 - What else, if anything, could be done to help assure consumers of the quality of legal professionals?

EXPLAIN WHAT HAPPENS NEXT – HELPING TO DEVELOP POLICY ON QUALITY ASSURANCE ACROSS THE LEGAL PROFESSION.

THANK AND CLOSE