

Horses for Courses

The law, legal services and the public

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Legal revolutions, Professional evolutions

“It’s law Jim, but not as we know it” (or “but we don’t know it”)

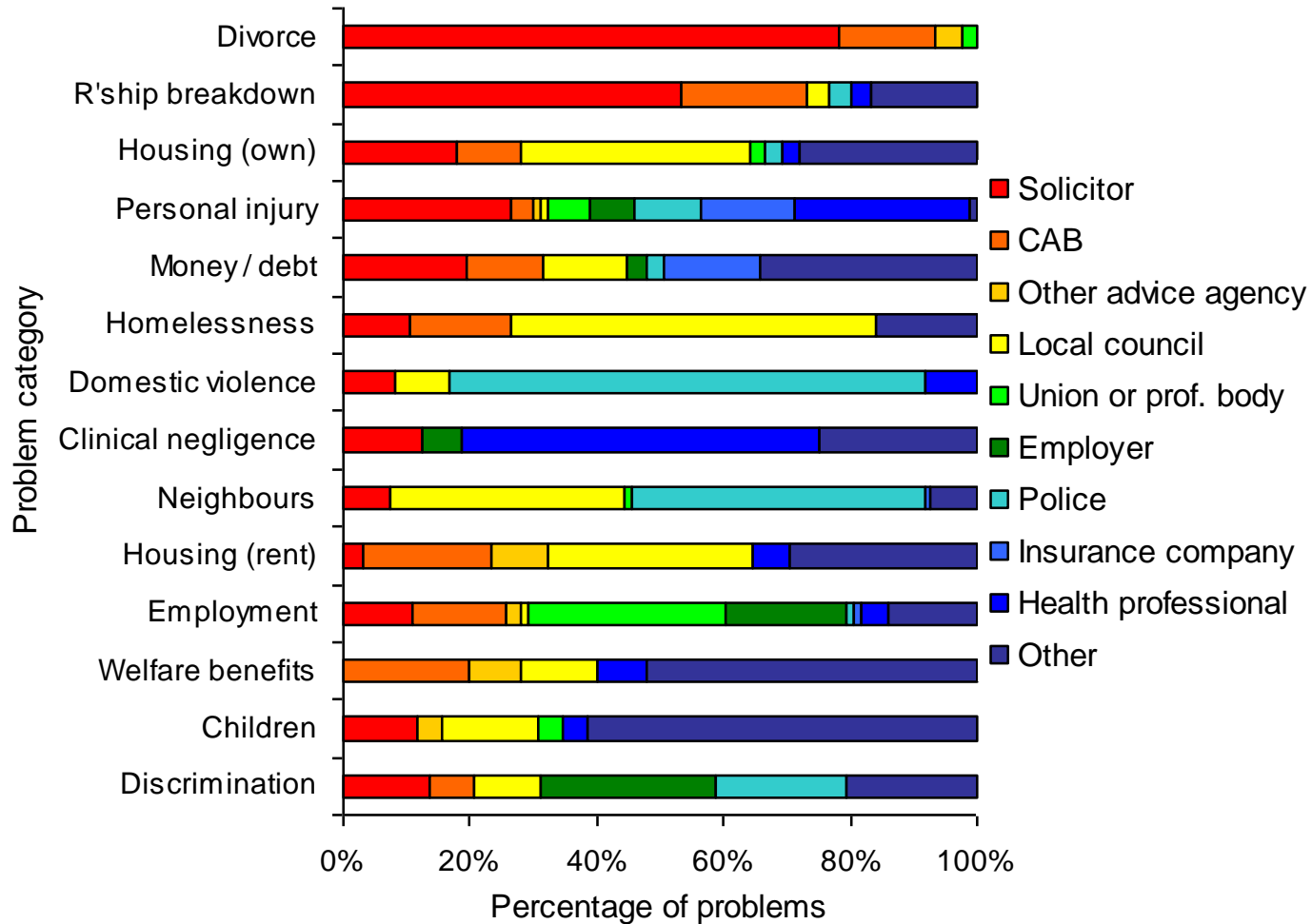
- We live in a “law-thick” world (Hadfield 2010).
- Expansion has transformed the legal framework in which we live our lives as citizens, consumers, producers and in private (e.g. Goriely 1998, Howells and Weatherill 2005).
- As individuals, at least one third of people experience difficult to solve “justiciable” problems over a 3 year period (English and Welsh Civil and Social Justice Survey).
- Traditional legal services have been transformed over the past half century, fuelled by a rapid rise in the provision of commercial law services, clustering of work in larger practices, and increasing diversity and size of intake.

Legal revolutions, Professional evolutions

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- The focus of private client work (or legal training) has not expanded as quickly as the law / does not reflect public experience of law.
- In the legal aid sphere, the “not-for-profit” sector (e.g. Citizens Advice) has been increasingly looked to for provision of social welfare law services.
- The public also look towards a broader array of advice services when facing social welfare problems.
- Whereas 43% of people seek advice from solicitors’ firms in respect of justiciable problems concerning the break-up of families, personal injury and home ownership, the figure is just 7% for other problems types (Pleasence 2006).

The Client Perspective



First Adviser by Justiciable Problem Type

The Legal Services Sector

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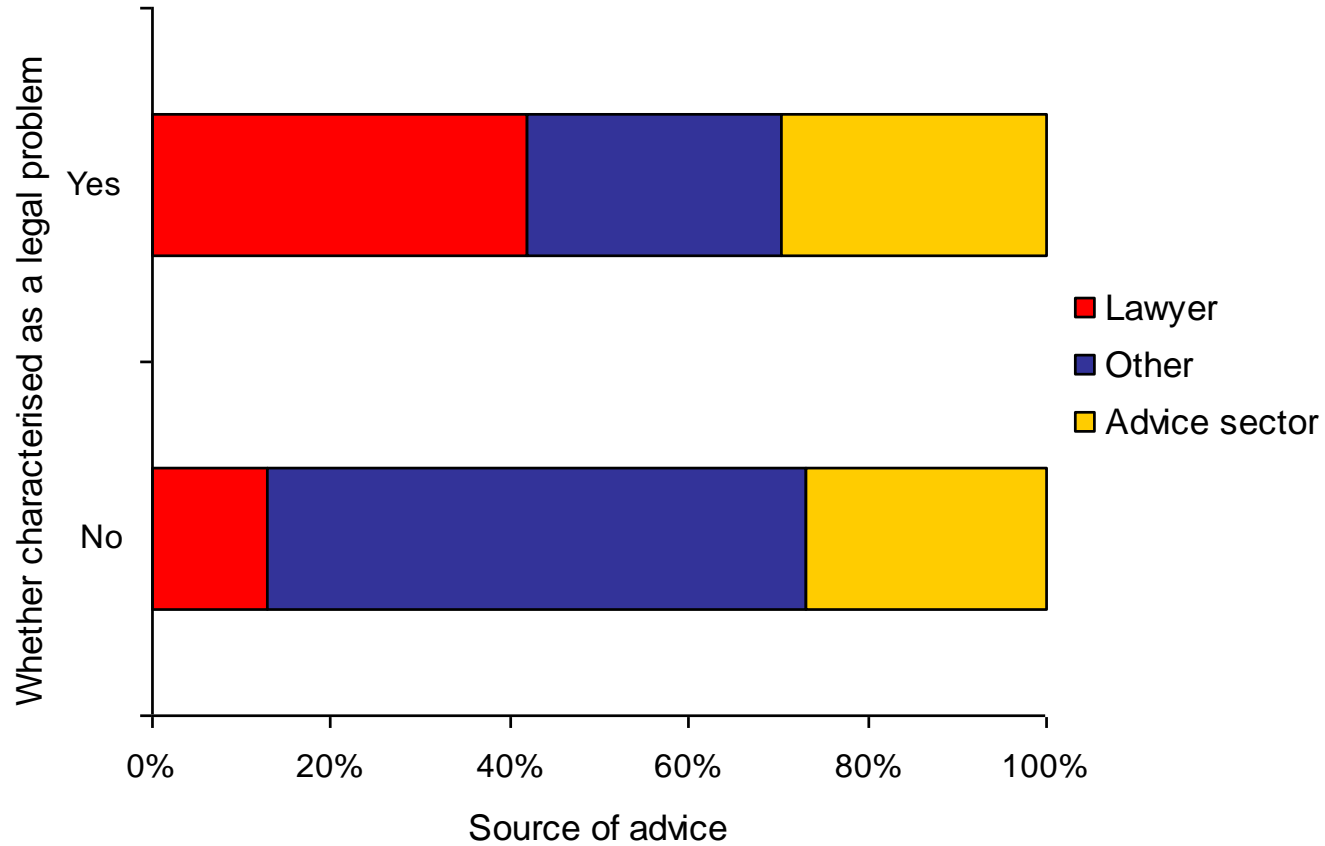
- The importance of the broader advice sector to the delivery of legal services is self-evident.
- The importance of service integration is self-evident. People frequently go in inappropriate directions in search of help for their problems.
- These patterns are likely to have resulted from a mixture of:
 - rational behaviour (on the part of both service users and providers);
 - different speeds of development of the law and legal services; and,
 - levels of public understanding about the nature of problems and services/processes that are available to assist problem resolution.
- Paper sets out beginnings of new research aiming to shed light on this.

The Legal Services Sector

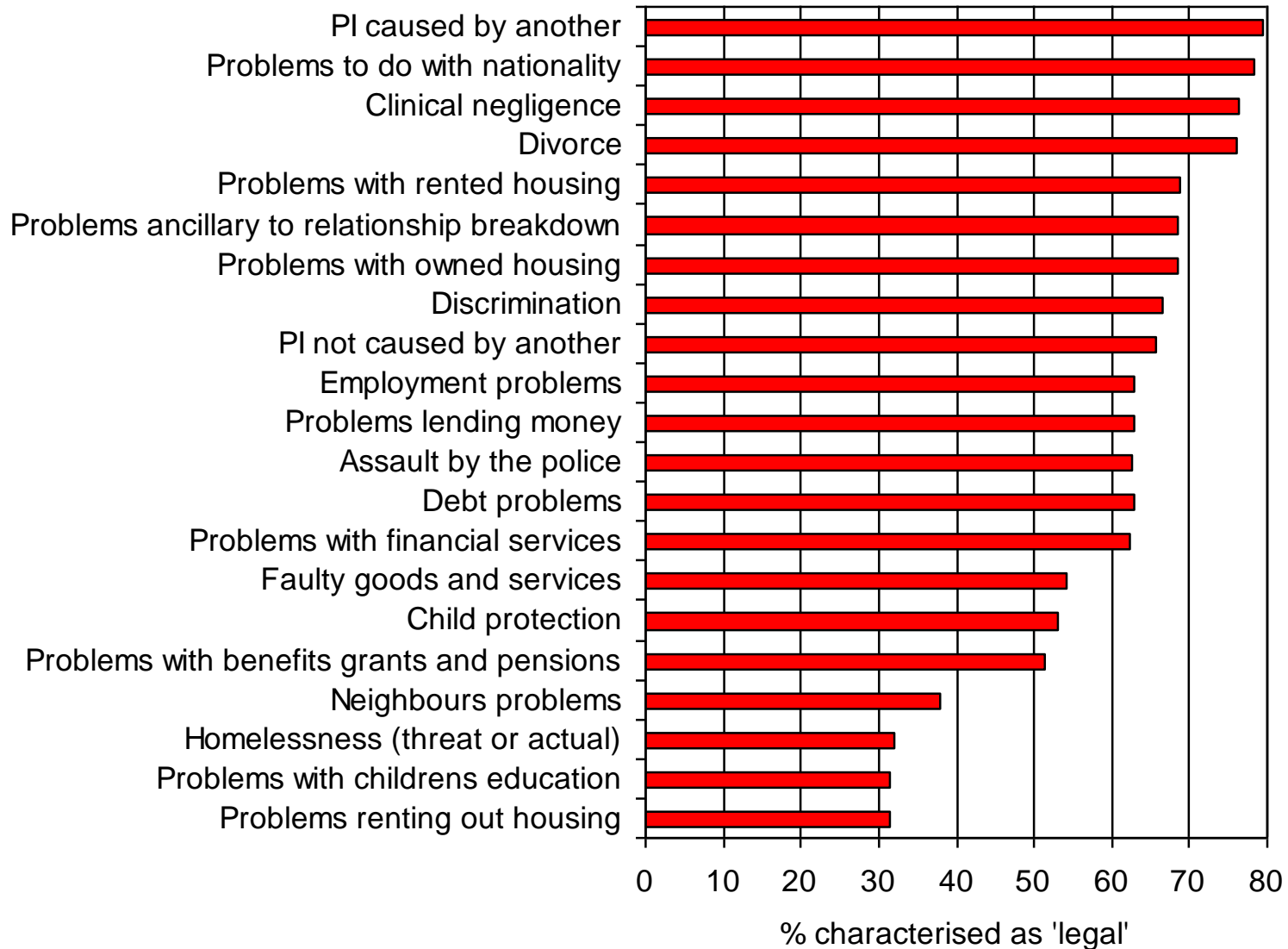
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- To date, empirical inquiry into the factors that lead people to instruct lawyers has moved little further than the finding that “problem type tends to swamp other considerations” (Genn 1999).
- But problem type is not a satisfactory explanation. What lies beneath?
- As already indicated hypotheses have centred on:
 - problem seriousness (cost-benefit)
 - supply patterns
 - public understanding.
- New study indicates that the extent to which people characterise problems as ‘legal’ drives behaviour. This is the dominant factor.

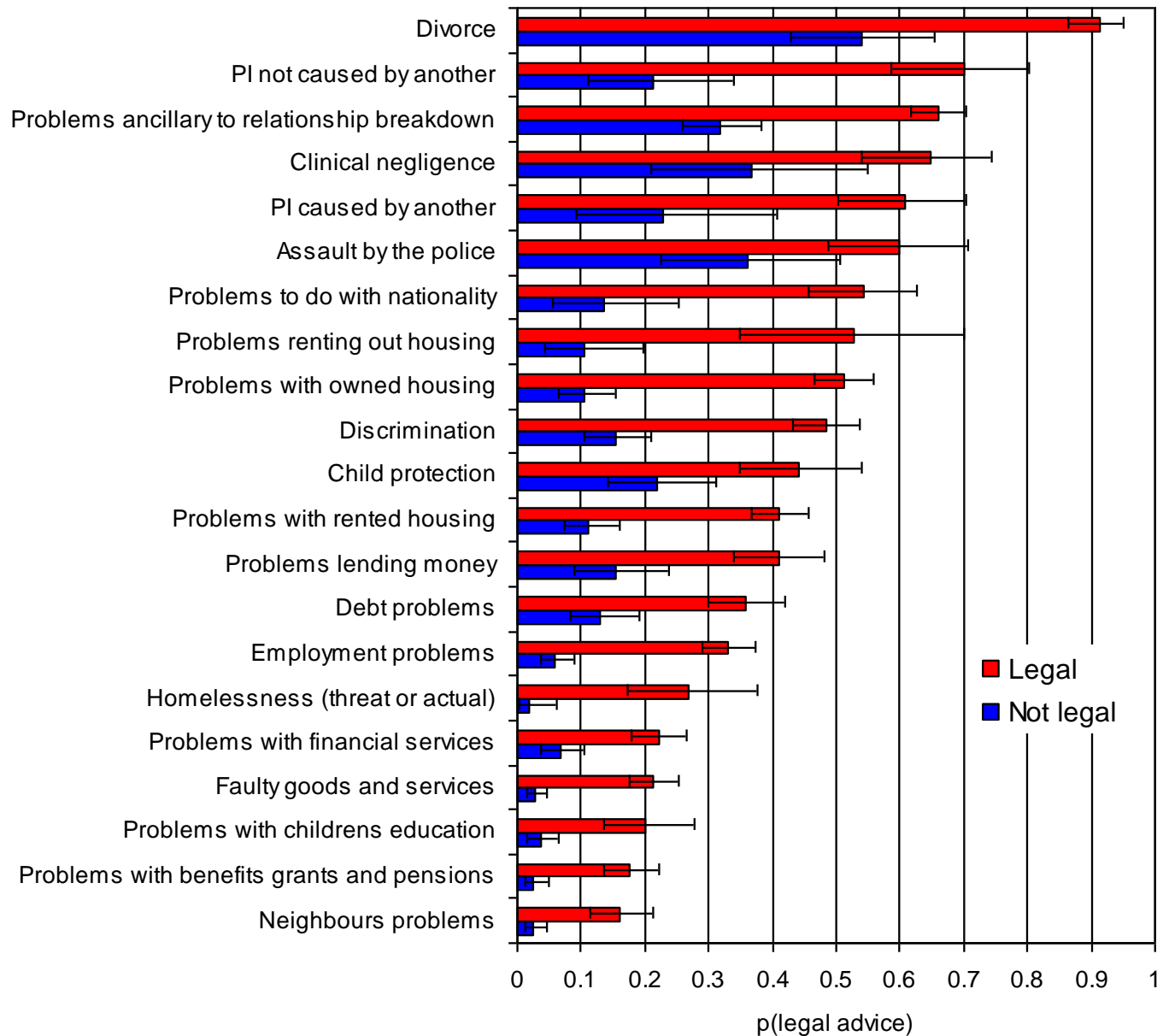
Problem Characterisation



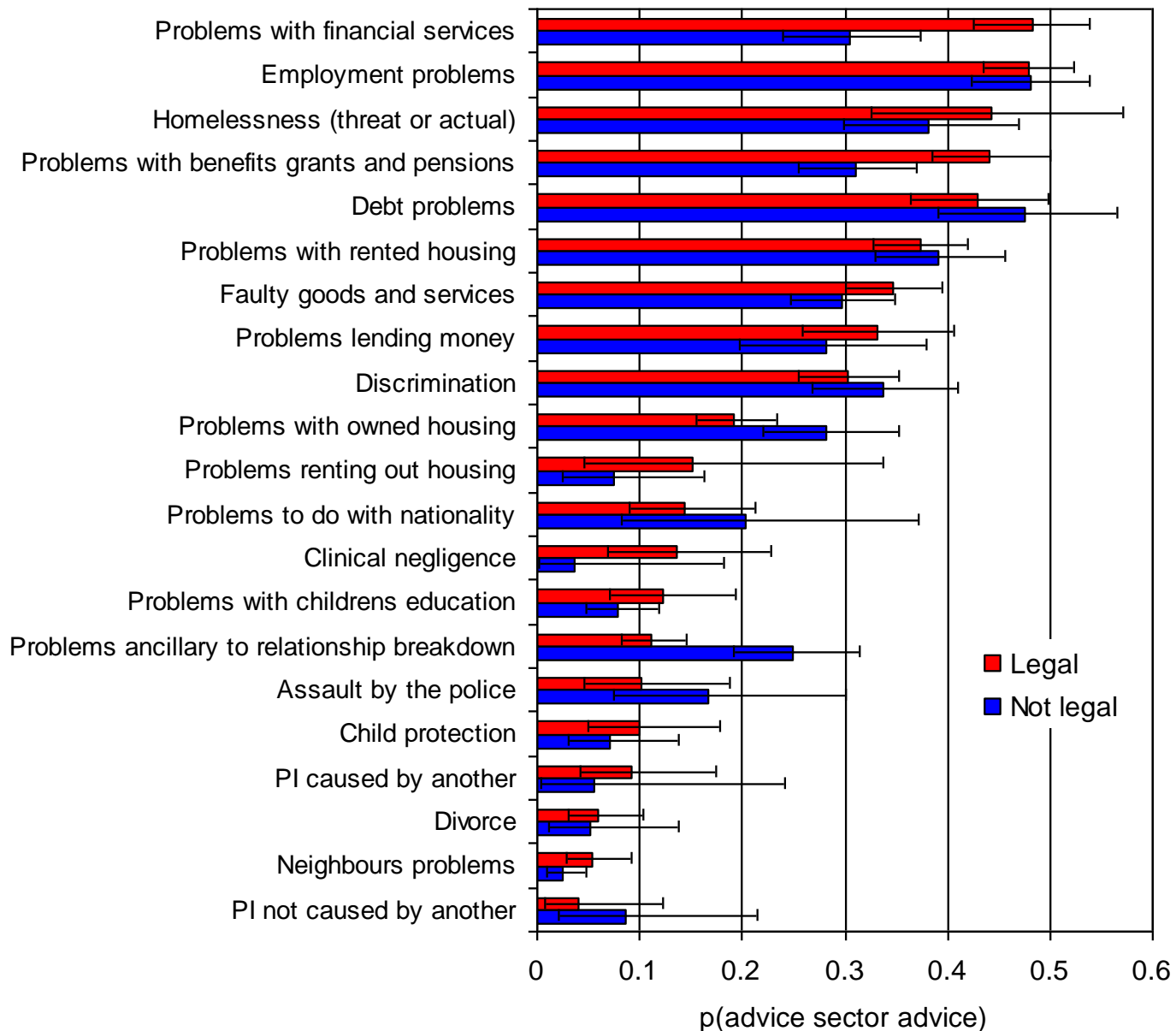
Problem Characterisation



Characterisation and Appropriateness of Legal Advice



... and Appropriateness of Advice Sector Advice



Characterisation and Severity

