

Legal Services Board Strategy Development: Public Panel Research report August 2020

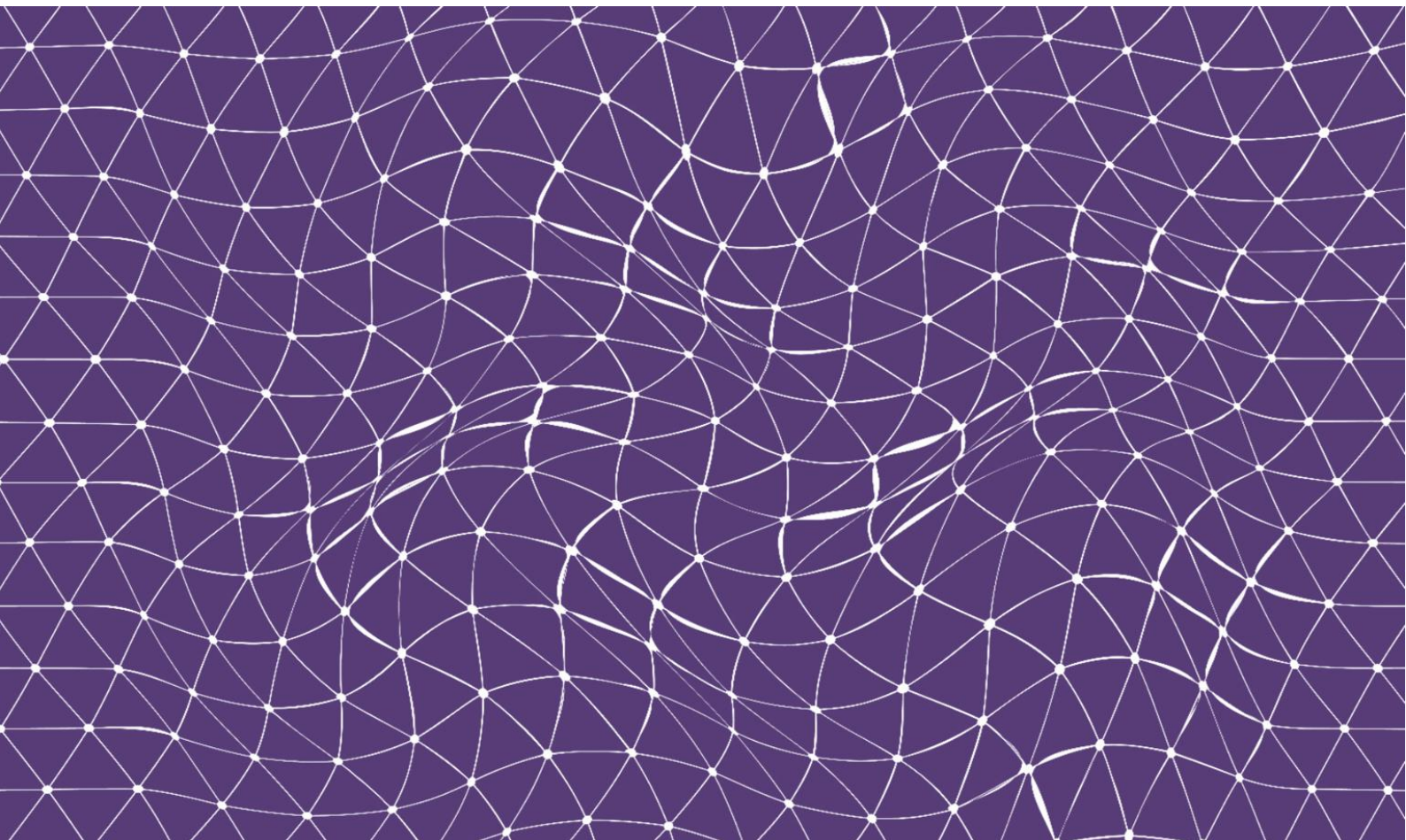


LEGAL SERVICES
BOARD



**community
research**

Bringing the voices of communities into the heart of organisations



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1. Executive Summary

1. The Legal Services Board (LSB) is developing a new strategy for legal services regulation. It wanted to understand the needs and priorities of members of the public to inform the development of the strategy. The LSB commissioned Community Research to run a deliberative online forum with 41 members of the public from diverse backgrounds, roughly reflective of the population of England and Wales.
2. As part of this process, the LSB wanted to test participants' response to a series of regulatory trade-offs and their prioritisation of ten 'hot topics' in the regulation of legal services. Broadly, five of the 'hot topics' related to consumer power and confidence, and five related to maintaining high standards in the legal profession. The online forum took place over a week in June 2020 and involved a mixture of online discussions and survey-style ranking and allocation exercises.
3. Following a deliberation of the issues over the course of a week, participants decided that the LSB should focus its resources as follows:
 - Greater focus on lawyers' competence, public legal education and access to justice for those on low and middle incomes;
 - Some focus on the diversity of the profession, enabling comparisons between law firms, improving experiences for the most vulnerable, and reviewing the list of reserved legal activities;
 - Less focus on AI/ technologies, complaints processes and qualification routes for lawyers.
4. Participants' ultimate prioritisation of the issues echoed themes that arose from their personal experiences of legal issues and the legal profession, attitudes towards the justice system, and their expectations of regulation.
5. Three themes arose repeatedly in participants' perceptions of lawyers and legal services: cost, quality/ competence, and comprehension/ understanding:
 - Regarding the **cost** of legal services, all participants felt that legal services were expensive. For some, cost had prohibited them accessing legal services when they had legal issues in the past. They saw legal advice at best as a high-risk investment, and at worst as accessible only to the well-off.
 - On **quality/ competence**, most participants who had used legal issues described their experience in neutral or positive terms. However, several had experienced poor service or quality, which coloured their perceptions of the profession as a whole. When they learnt that not all legal activities were regulated and that lawyers do not have regular external checks on their competence, participants became more wary of legal services.



- Participants talked about their own lack of **understanding/ comprehension** of the law, legal issues, and the legal process.
6. These issues of cost, competence and comprehension led to an undercurrent of anxiety (and – for some – distrust) in using legal services. This was compounded by the fact that it was hard for members of the public to judge the competence of legal professionals, and that they often had a lot to lose when they experienced legal issues. As a result, people felt vulnerable when they experienced a legal issue or needed to use legal services.
 7. This sense of vulnerability was apparent when participants considered the potential trade-offs in the regulation of legal services. Most participants felt there should be a large amount of regulation to protect people from mistakes, rather than letting consumers manage their own risks. They also preferred to see regulation focused on protecting the majority of the population rather than the minority (even if this is where the greatest need was).
 8. Even before they saw the LSB's ten 'hot topics', participants spontaneously called for the LSB to focus its energies in the following areas:
 - Fairness and access to justice, especially for those on lower incomes;
 - Public education about the services available, rights, and how the legal system works;
 - A consumer rights focus, ensuring consumers have support and that there are consequences for poor service or quality;
 - Focus on standards and quality, such as setting standards and requirements, including around response times and fees.
 9. Participants were pleased to see that these themes were reflected in the LSB's ten 'hot topics', and their prioritisation of the topics reiterated the importance of the themes.
 10. Nonetheless, most participants thought that all ten 'hot topics' were important and they found it hard to prioritise. However, it was clear that some issues had less relevance for them, or needed greater consideration than was possible in this study. These included topics that were more technical (such as the adoption of AI and new technologies) or focused on processes (such as the complaints process or the routes to qualification).
 11. Overall, participants saw real value in reviewing the regulation of legal services. Most felt they had a vested interest, given that they themselves had either used legal services, or were likely to need to in the future. They wanted greater certainty that, when they needed legal advice, it would be accessible, affordable, fair and high quality.



2. Background & Objectives

The Legal Services Board (LSB) is in the process of developing a strategy for legal services regulation. The LSB is undertaking widespread engagement to ensure the needs and perspectives of all stakeholders inform its thinking. As part of this process, it wishes to hear from members of the public to understand their needs and priorities.

The LSB has a series of statutory functions that it must carry out, such as overseeing the performance of the regulatory bodies and approving applications by regulatory bodies to change their regulatory arrangements. However, it also has wide discretion to develop policy in pursuit of the Legal Services Act's eight regulatory objectives. For the purposes of this research, the LSB compiled a list of ten 'hot topics' in legal services regulation where it can exercise choice over priorities and allocation of resource.

The objectives of this research exercise were:

- To gauge participants' experiences and needs, and their expectations of what the strategy should cover;
- To determine their preferred priorities for the strategy, how they prioritise the ten 'hot topics', and why they prioritise them in this way;
- To determine how they would like the LSB to allocate its time and resources amongst the ten 'hot topics' using a percentage allocation exercise, and their reasons for allocating resource in this way.

This research is one of several workstreams that will inform the development of the LSB's draft strategy. It will be followed by a programme of engagement about the draft strategy, including further research to test the draft with members of the public.



3. Methodology

3.1. Approach

The aims of this research required a deliberative approach where members of the public are given the time, information and opportunity to consider complex subject matters to reach an informed opinion.

This research happened in June 2020 during the COVID-19 lockdown, and therefore adopted a fully online deliberative process rather than a face-to-face approach. This involved a week-long online forum with 41 participants.

3.2. Recruitment and participant profile

Participants were recruited through an online panel via Community Research's partners Panelbase. Participants were invited to join an online community for the duration of the project. They were recruited broadly to reflect the demographics of England and Wales (in terms of age, location, ethnicity and socio-economic group), but also included specific characteristics relating to legal confidence and experience of legal issues.

A detailed profile of participants is included in [Appendix A](#).

3.3. Process

The process was designed to take people on a journey to build their understanding and reach an informed view before they can prioritise issues. In short, the aim was to take them from being (relatively uninformed) consumers, to being (better informed) citizens.

Participants took part in various activities managed through the [FlexMR](#) online platform. The community was 'live' for a week, and participants were asked to log in and out to complete various tasks and activities. These activities included a mixture of online discussion boards and online survey-style questions, ranking and allocation exercises. Information was provided in both written form and in visual animated videos, to ensure that different learning styles were accommodated. For all questions, participants needed to provide an answer before seeing how others responded. This approach avoided some of the 'group-think' seen in face-to-face approaches, but still meant participants could consider the views and experiences of others.

In outline, the stages of the online forum were as follows:

- Open discussion of perceptions of lawyers and legal services and experiences of legal issues.
- Responses to further information on legal issues, scope of the legal profession and the role and purpose of the LSB.
- Sliding scale exercise to understand where participants stood on various trade-offs in regulation (using a 'semantic differential' tool).



- Ranking exercise where participants individually ranked the five consumer-facing 'hot-topics' in order of priority.
- Further information on each of these topics, with discussions on participants' response to this information.
- Ranking exercise where participants individually ranked the five profession-facing 'hot-topics' in order of priority.
- Further information on each of these topics, with discussions on participants' response to this information.
- Final ranking exercises to re-rank the consumer-facing topics then the profession-facing topics to gauge whether the information had affected participants' view on prioritisation.
- Final resource allocation exercise, where participants individually allocated 100 'points' between the ten 'hot topics' to indicate where the LSB should be focusing its resources and energies in the future.

3.4. Notes on reporting

The data from this research were both qualitative (free-text responses and discussions) and quantitative (trade-off sliding scale, ranking exercises and final allocation exercise). As a result, this report includes both narrative and numerical findings. However, it is important to bear in mind that this was a qualitative, rather than quantitative, study. It was designed to elicit depth and understanding of participants' views and experiences. The sample size (41 participants from diverse backgrounds) mean that findings cannot be extrapolated to describe the whole population. Any figures presented in this report need to be read as indicative, not representative. All figures presented in the report are raw numbers, not percentages, and apply just to this cohort of participants.

Nonetheless, the findings provide insight into some of the logic and reasoning behind participants' decisions and opinions, and the approach made it possible to understand the influences on individuals' thinking, and how this changed over time. In addition, some of the spontaneous findings on experiences of legal issues and legal service reflect previous large-scale quantitative studies such as the [Individual Legal Needs](#) study of 2019.

The report includes differences by sub-groups of participants where these were strongly indicated in the raw data. However, given the small numbers, it is not always possible to say if these differences are significant (and true of the population as a whole). Any reported differences by sub-group need to be read as indicative.

The report includes quotes from participants in their own words to illustrate the findings. To protect their identity, quotes are anonymous, but include participants' gender, age, and nation.



4. Main findings

4.5. The public's prioritisation of 'hot topics' for the LSB to focus on

Throughout the research, participants were considering ten 'hot topics' in legal services regulation and discussing which of these the LSB should prioritise in future. The ten 'hot topics' included:

- Five topics relating to consumer power and confidence:
 - Educating the public about their legal rights and responsibilities;
 - Improving access to justice for people on low and middle incomes;
 - Making it easier for consumers to compare law firms on quality and price;
 - Improving experience of using legal services for the most vulnerable in society;
 - Making it easier for consumers to complain about lawyers who offer a poor service.
- Five topics relating to maintaining high standards in the legal profession:
 - Changing which legal activities should or should not be regulated;
 - Making the legal profession more diverse so that it better reflects the general population;
 - Changing the way that people become qualified to be lawyers;
 - Making sure that lawyers remain competent throughout their careers;
 - Putting the right protections in place around artificial intelligence and other technologies.

The final exercise in the online forum was to allocate 100 'points' between all ten topics to indicate how they thought the LSB should divide its energy and resources in the next five years.

Many participants commented on how hard they found the allocation exercise. Some felt that all topics deserved focus. Participants also said that they felt many of the topics were interlinked and would affect each other. However, few participants distributed their 100 points equally between topics – only two participants gave each topic 10 points each. Indeed, around a quarter of participants allocated zero points to some topics, preferring to see the LSB prioritise other areas where they felt they could have most impact, or that needed the most immediate attention. This suggests that participants really considered the issues covered in the research, and that they thought hard about their priorities for legal services regulation.

The pie chart below shows the average number of points out of 100 that participants allocated to each topic. Although this was a qualitative study, and numbers are too small to be able to extrapolate findings to the population in general, the chart gives an indication of where participants feel the LSB should have greater and lesser focus. They suggested:



- Greater focus on lawyers' competence, public legal education and access to justice for those on low and middle incomes;
- Some focus on the diversity of the profession, enabling comparisons between law firms, improving experiences for the most vulnerable, and reviewing the list of regulated activities;
- Less focus on AI/ technologies, complaints processes and qualification routes for lawyers.

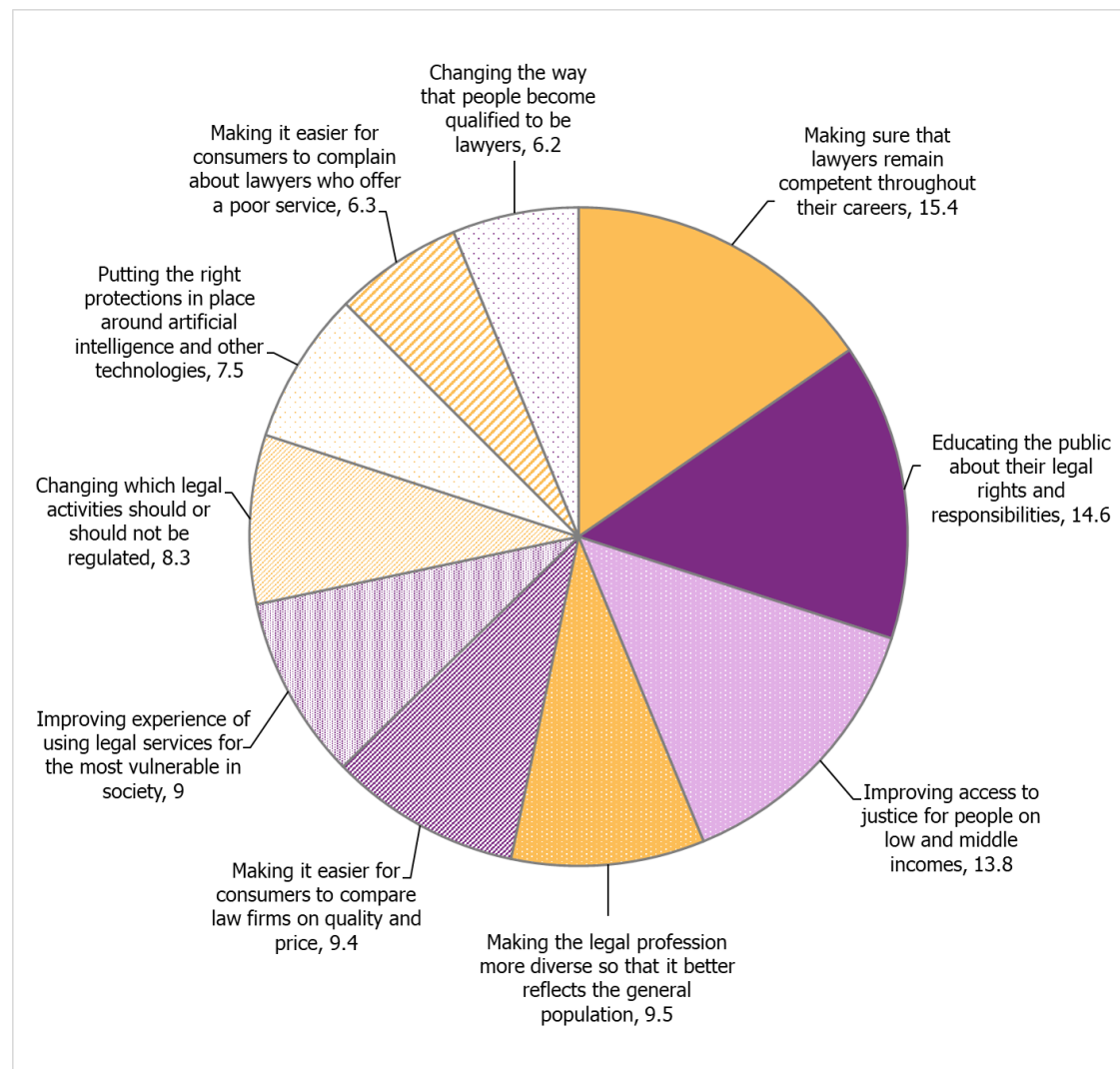


Figure 1: Pie chart showing average (mean) number of points allocated to each hot topic out of 100 points in total.

In the lead up to this final allocation exercise, the research examined the factors that influence participants' priorities, including their personal experience of legal issues and the legal profession and their expectations of a regulator of legal services. They also considered each of the 'hot topics' in greater depth and talked about their reasons for prioritising them as they did. These findings are discussed in detail below.



4.6. Driving factors: what influences participants' priorities?

In the early stages of the discussion board, participants discussed their own experiences and perceptions of legal issues and the legal profession. We also asked them about their expectations of regulation (via a trade-off exercise) and of the LSB as an oversight regulator. These discussion areas provide context to participants' final prioritisation of issues for LSB to focus on.

Personal experience and attitudes

Most participants had had some experience of legal issues, most commonly conveyancing and property issues, divorce/ family proceedings and personal injury. Echoing existing research about use of legal services¹, not all participants had initially defined their experiences as 'legal issues', and not all of those who had experienced a legal issue used legal services to resolve it.

Amongst those who had used legal services, there was a mix of perceptions. Most of them described their experience of legal services in neutral terms, but a couple talked positively, and several were particularly negative about their experiences.

Participants who were positive about legal services said they had valued their legal professional's expertise and technical understanding in the process. A couple of participants praised the lawyers they had used, saying it had reduced the stress of a complex situation, that the lawyer had been dedicated, or that they had achieved a positive outcome.

"My experience with this particular solicitor was very positive and he worked tirelessly to ease the situation for me and worked with my ex-husband's solicitor to try and have a positive outcome (if there is such a thing in divorce). It was a very scary time and I am eternally grateful for the service my solicitor provided." Woman, 55-74, Wales

However, there were also participants who had had negative experiences with legal professionals. They talked about (perceived) incompetence (lack of experience in issue; poor advice/ drafting), unresponsiveness (being slow, not responding to the client's contact), poor interpersonal skills (being treated 'like a second class citizen', being 'talked down to'), and even allegations of dubious behaviour (solicitor writing self into a will).

"I've had two family members be given utterly shockingly incorrect advice... I've actually had to draft myself and then shove it under will writers', and even solicitors', noses to get it to a standard. It's disgraceful... I had the most BASIC of things wrong in a will, utter

¹ For example, the [Legal needs of Individuals in England and Wales](#) report (2019/ 20) and the Competition & Markets Authority (CMA) report [CMA Legal Services Market Study](#) (2016).



incompetence from three firms, where names are wrong, sentences half unfinished, and what, it's down to me with ZERO legal knowledge to correct and ensure." Man, 25-34, South of England

"When I got divorced from my first husband and [was] receiving Legal Aid, I felt like I was being treated as a second-class citizen. Due to me receiving Legal Aid, it made me feel that I had to put up with anything that was said to me whether I agreed with it or not and I was at the bottom of the pecking order! I remember four times, I was told the solicitor would get back to me on a certain matter and four times this didn't happen!" Woman, 55-74, Midlands

"I think the legal profession needs to be more accountable and more accessible. My impression of lawyers is they're overpaid and arrogant, only interested in well-off people." Woman, 55-74, North of England

Over the week-long online forum, and regardless of the degree of experience, three themes arose repeatedly in participants' perceptions of lawyers and legal services: cost, quality/ competence and comprehension.

Many talked about the **high cost of legal services**. For some, cost had prevented them from using legal services when they had an issue that was legal in nature. For all, the high cost of legal services meant they saw it as a high-risk investment.

"There have been numerous times when I could have accessed legal services to help with redundancy and problems with my mortgage payments whilst unemployed, but due to limited funds I felt I could not afford [it]." Woman, 55-74, Wales

"Would I use legal professionals? Likely only friends that are law students and willing to help me out on the cheap as I could not afford legal services." Woman, 18-24, South of England

"I have had situations however where a lawyer could have been useful, but the costs of losing any potential battle would be too risky for me... I feel like [it would take] a significant amount of the time [and] the risk of losing a court case is too high for me to pursue an enquiry." Man, 18-24, Wales

Most participants talked about lawyers as professionals and knowledgeable experts, whose **competence** they depend on. However, a number of participants had experiences that made them doubt the quality or competence of legal professionals.



Trade-offs in regulation of legal services

This sense of vulnerability was apparent when participants considered the potential trade-offs in the regulation of legal services.

Early on in the online forum, and without detailed explanations, participants were asked to consider trade-offs in order to understand their starting point on the issues. Participants used sliders to show where they thought the balance should fall between each of the factors in the trade-offs. Figure 3 shows where they felt the LSB's focus should lie in each of these trade-offs.

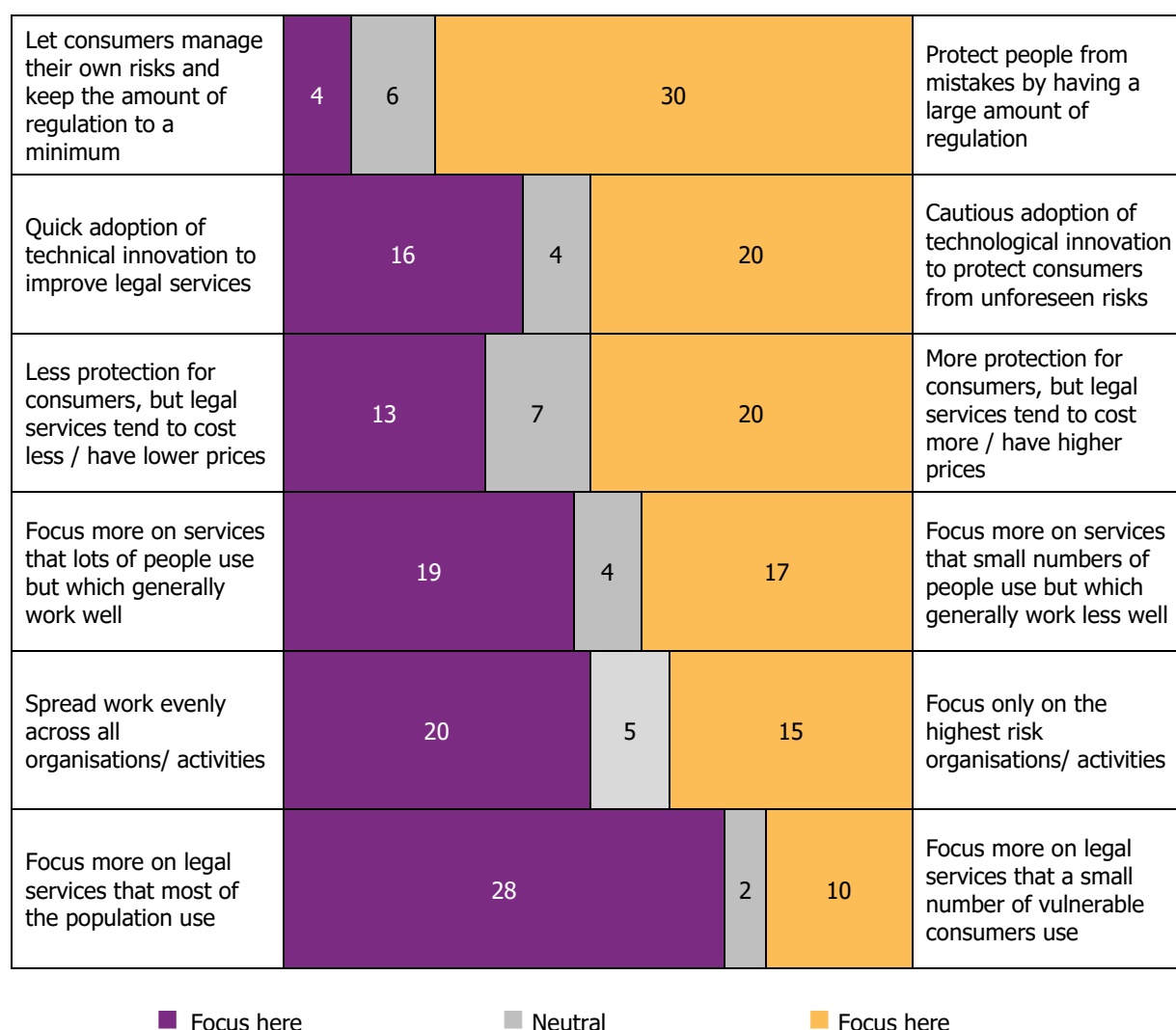


Figure 3: Results of trade-off exercise, showing responses to the question, "How do you think the LSB should focus its energies? For each, should it be closer to one, or closer to the other?" Numbers shown are raw numbers.

Many participants said they found it challenging to pick one position over the other, especially without further information or examples. For most trade-offs, there was no clear overall support for one position or the other. One exception was that most participants felt there should be a large amount of regulation to



protect people from mistakes, rather than letting consumers manage their own risks. This perhaps reflects the vulnerability people felt in this area, and their consequent desire for high levels of consumer protection.

"Most of the people are vulnerable and most of the times they don't know what they are doing... So regulators must ensure that service providers don't abuse them." Woman, 35-54, Midlands

The strong driver to have a higher level of consumer protection conflicted with a desire for lower costs, and half of participants picked 'more protection for consumers' in spite of higher prices. However, given the prominence of the issue of cost, participants found this a particularly hard trade off. A substantial minority opted for less protection in order to keep the costs of regulation down, (especially as they assumed these would affect the cost to them of using legal services).

"Cost vs regulation... you want it to be cheap, but you want to ensure it's operating above board so that's really tricky." Woman, 18-24, South of England

"The cost element is also a difficult one as legal services are very costly in the first instance." Woman, 55-74, North of England

Some trade-offs were particularly polarising. In particular, participants were split on whether the LSB should focus either on services used by the majority of the population or those used by a minority of people. For example, there was a relatively even split between those who thought that regulation should focus more on services that lots of people use but which generally work well, and those who thought the focus should be on services used by a small number of people, but that generally work less well.

For some, it was particularly important that the LSB focused on vulnerable consumers, but most did not want this to be at the expense of making sure as many people as possible could benefit from more effective regulation.

"Extra protection for vulnerable service users would be nice, but not at the cost of the majority of main users." Woman, 25-34, North of England

"I think it's important that it covers as much as possible so more people are protected, although that may mean less cover for vulnerable consumers. They are all important though." Woman, 35-54, South of England

"Compromises have sadly got to be made in any walk of life but definitely feel the most vulnerable (whether financially or any other



way), should be given all the help and assistance they can." Woman, 55-74, Midlands

Participants' lack of confidence in legal services (especially those they themselves might use) is perhaps reflected in their responses to two trade-offs:

- There was greater support for focusing on services used by most of the population than those used by a minority (but which work less well); and
- There was greater support for covering all organisations/ activities than focusing on those that are higher risk.

There was less discussion of the role of regulation regarding adoption of technology, perhaps because – at this early stage of the research – participants had less experience and understanding of how this would work and the associated risks and benefits.

Spontaneous expectations of the LSB

Participants' knowledge of legal services regulation was low, and none said they knew about the LSB prior to the research. After finding out more about the LSB and the other regulators within the sector, many expressed support for the LSB and its role. They liked the focus on public interest and its independence, and found it reassuring that the LSB existed. Several participants were surprised at how small the LSB is (in terms of number of staff) given its wide remit.

"I'm happy to hear that they oversee the regulation of lawyers and have public interest at heart." Woman, 35-54, North of England

However, some also expressed reservations and raised questions over the LSB's role. Several talked about the scope of legal services regulation, expressing concerns when they learned that some legal activities were not covered. Given that some participants had previously discussed issues with will-writing, there was concern that this, in particular, does not fall within the remit of legal services regulation.

"I find it surprising that a lot of 'legal' things and companies aren't regulated, because how can you trust that everyone and everything is above board and people aren't being scammed or overcharged for services? There's always going to be some wrong-uns in any business, especially in will writing and things like that." Woman, 18-24, South of England

"I also think [unregulated] organisations carrying out legal services such as will-writing (which is classed as a legal document), employment disputes (where legal) should maybe be regulated." Woman, 55-74, Wales



When asked for their spontaneous views on where the LSB should focus its energies, four clear themes emerged which echoed some of their personal experiences and preferred trade-offs. The themes all link and overlap slightly, but in summary they include:

- Fairness and access to justice;
- Public education;
- A consumer rights focus;
- Focus on standards and quality.

The theme of **fairness and access to justice** encompassed a range of spontaneous priorities. In part, it includes the inequity in access to funds, legal services and justice (either in the form of a fair trial where one party has better representation than the other, or outcomes). It also related to a (perceived) imbalance in power between consumers and lawyers. Some participants commented that the law is filled with jargon and obscure rules that feel daunting to those outside of it. Others felt that the way that some lawyers treat their clients (including the fees they charge and how they interact with clients) can be unfair and contributes to this power imbalance.

"That everyone, and I mean everyone, gets a fair crack at the whip in any legal issues and that 'the money buys you results' doesn't happen... There are far too many people being bullied into submission because their opposite has access to funds to pursue a course of action to get the result they paid more for." Man, 35-54, Wales

Participants recognised that their lack of knowledge and understanding of the law, legal services and the legal system was an issue. Several participants spontaneously called for **education for the public** on what services are available, their rights (including in using legal services), and how the legal system works. Some also felt that the LSB should be raising its own profile and that this would increase people's confidence in using legal services.

"I think it's vitally important that the core role of this service [the LSB] is to protect the public, and moving forward should improve access to justice and give the people more knowledge and understanding of their rights." Man, 25-34, North of England

"I think it would be preferable for LSB to self-promote as a matter of course so that individuals are aware of it before they engage legal professionals as that may give some individuals more confidence in the legal system." Woman, 55-74, North of England

The third theme in the spontaneous expectations of what the LSB should be addressing was a **focus on consumer rights**. Participants were surprised that the LSB does not help to resolve consumer disputes with legal firms. This



perhaps reflects the lack of understanding of the correct routes for support and redress, as well as a lack of appreciation of the LSB's distinct oversight role (even after information had been provided on this). However, it also reflects a concern that there are lawyers who take advantage of people and that some people do not get a fair deal in legal services currently. There were calls for sanctions for lawyers who take advantage of consumers.

"[One of] the key issues I see that the LSB could focus on addressing would be... to penalise lawyers who take advantage of consumers." Man, 18-24, Wales

"I'm surprised it doesn't help with consumer disputes, where would the consumer go with any disputes...? I Would like to see it focus fully on the consumer and making sure they get the right outcome and services. Also in my opinion they should be addressing consumer disputes." Man, 35-54, Wales

A **focus on standards and quality** relates both to lawyers and the regulators that fall under the LSB's remit. Participants said they wanted assurance that the LSB ensures the regulators themselves are skilled and staff come from diverse backgrounds, and that lawyers are set standards and are meeting them. Given participants' emphasis on costs and fees, some suggested the LSB should be focusing on setting caps and standards on fees and response times.

"Making sure that the people hired in regulation sectors are from a diverse range of backgrounds and fully qualified and knowledgeable to allow them to properly regulate. Making sure it remains independent." Woman, 25-34, North of England

"My general perception of lawyers is still that they're too expensive and slow. Possibly they could look at reducing fees or encourage discounts for delays?" Man, 35-54, Wales

"The main issues that should be addressed are the unfair timescales that legal processes seem to take which is then passed on to the client in fees and charges... If caps were set to what lawyers can charge this may reduce the need for Legal Aid." Woman, 35-54, Wales



4.7. In detail: Consumer power and protection

The LSB wanted to understand how participants prioritised ten 'hot topics' for the LSB to focus on over the next five years, and their reasons for prioritisation. Broadly, five 'hot topics' related to consumer power and protection, and five related to maintaining high standards in the legal profession. For the purposes of the research, we considered these two groups separately, asking participants to prioritise the five topics spontaneously, then consider further information about each of them, and then to prioritise the topics again, commenting on how the further information changed their views (if at all).

The 'hot topics' concerning consumer power and protection were as follows:

- Educating the public about their legal rights and responsibilities
- Improving access to justice for people on low and middle incomes
- Making it easier for consumers to compare law firms on quality and price
- Improving experience of using legal services for the most vulnerable in society
- Making it easier for consumers to complain about lawyers who offer a poor service

Participants said that they found it hard to prioritise these five topics – they felt that all were important, to the extent that some would have liked to attribute equal importance to some or all of them. The ranking and prioritisation should be read with this in mind, as well as remembering that this was a qualitative study, with relatively low numbers of participants.

Figure 4 shows the close scoring² for all factors, reflecting the difficulty participants had in their initial prioritisation:

² The points were calculated by attributing 5 points to a 1st place ranking, 4 points to a 2nd place ranking, 3 points to a 3rd place, 2 points to a 4th place and 1 point to a 5th place ranking. All points were then added together for a final score.



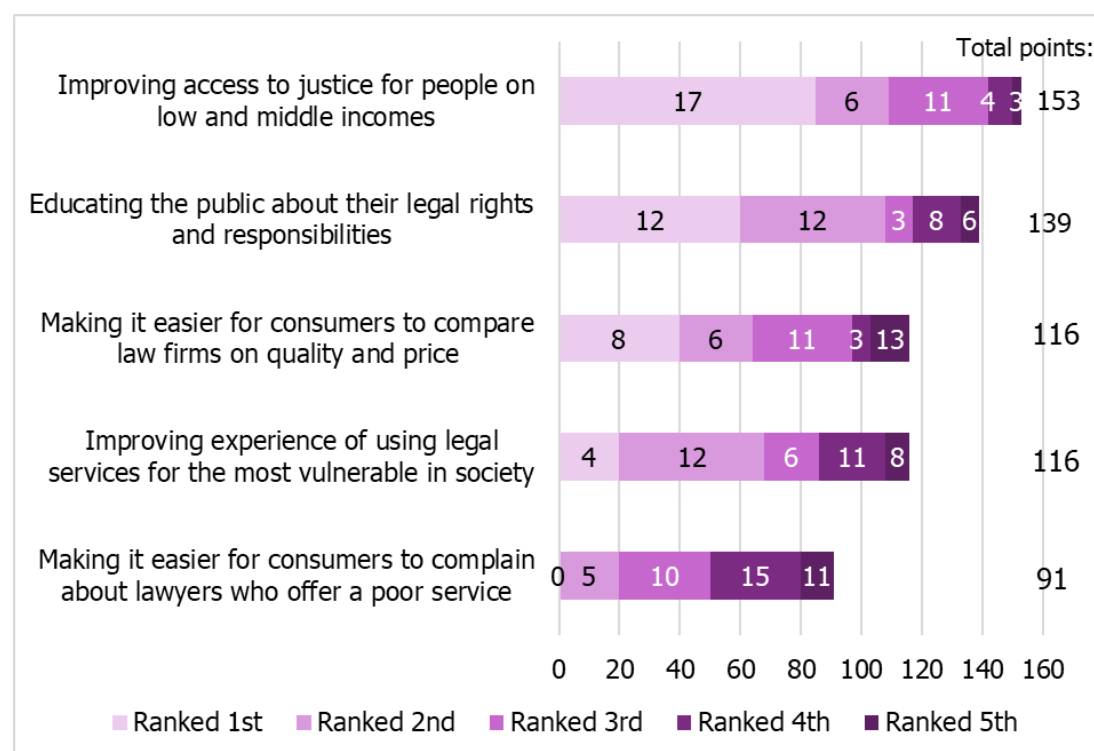


Figure 4: Chart showing how participants spontaneously ranked consumer-facing 'hot topics' from 1 to 5. They did this initial ranking before receiving further information about each of the topics. Numbers in bars show raw numbers showing numbers of people ranking each topic as their 1st, 2nd, 3rd, 4th and 5th priority. The size of the bars represents the allocated points, calculated as is explained in Footnote 2.

After spontaneously ranking the five topics, participants watched an explanatory video and received further written information about each of the topics, including why it is important, and the risks of not prioritising it. They were also able to see and reflect on other participants' responses to the topics.

Many participants said that, while the further information was interesting, it cemented their original ranking. However, some participants did say that the information made them re-consider – especially about the importance of public legal education. Figure 5 shows the scoring and ranking for consumer-facing topics after the provision of additional information and subsequent deliberation.



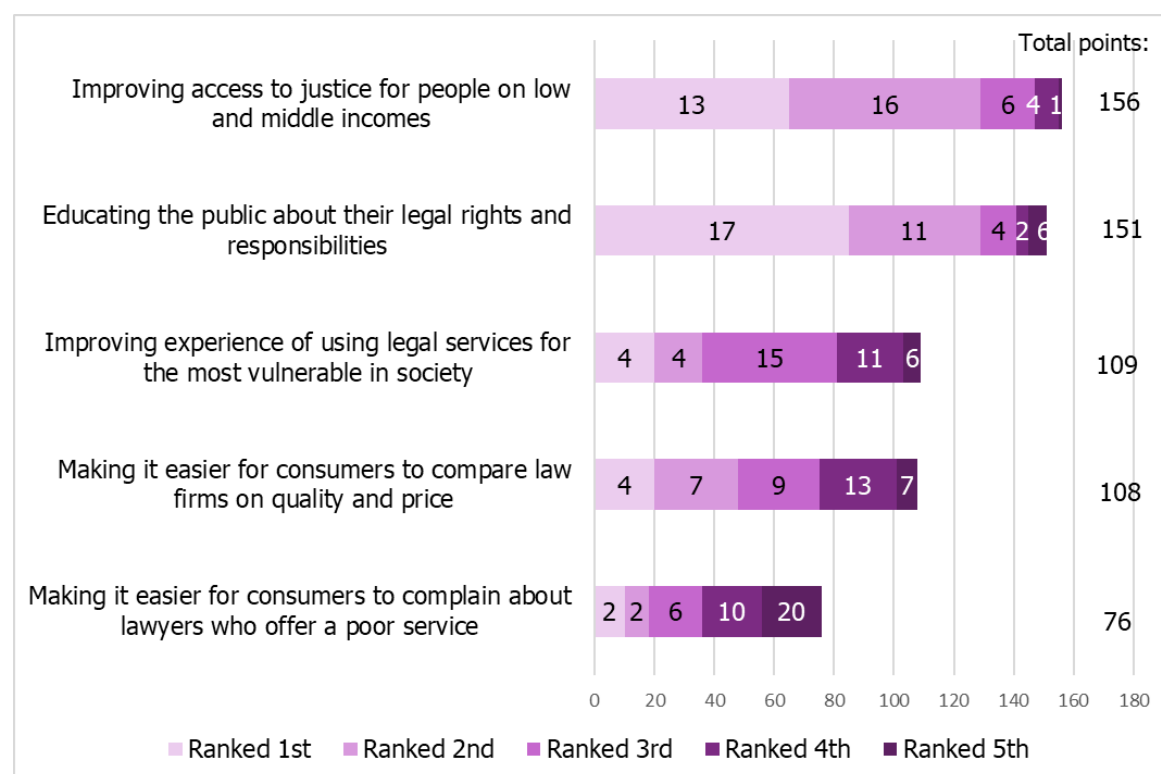


Figure 5: Chart showing how participants ranked consumer 'hot topics' from 1 to 5 after receiving further information about each of the topics. Numbers in bars show raw numbers showing numbers of people ranking each topic as their 1st, 2nd, 3rd, 4th and 5th priority. The size of the bars represents the allocated points, calculated as is explained in Footnote 2.

Figure 5 shows that the gap between the top and bottom priorities widened after participants learnt more about each one. In initial prioritisation, the difference in points between the top and bottom priorities was 62, increasing to 80 after deliberating each one. Other shifts include:

- Scoring for educating the public rising compared to spontaneous ranking, and more people choosing it as their first priority.
- Many more people ranked 'access to complaints' last after considering the topics in more depth.

We discuss participants' reasons for their prioritisation of these factors and any changes in prioritisation below.

Improving access to justice for people on low and middle incomes

This topic scored highest both before and after participants deliberated further, although fewer ranked it as their first priority after considering the issues in depth (17 ranked it first initially, 13 afterwards). In addition, in the final allocation exercise, it received the third largest amount of 'points', falling behind the topics of ongoing competence and public legal education.

Through the course of the research, participants talked about cost and personal finances as a barrier to accessing legal services. Of all the topics, this is one where a number of participants felt they had personal and direct experience. They quickly linked affordability to fairness and access to justice, and strongly



felt that a person's financial circumstances should not affect whether they had access to (good quality) legal advice and representation. Participants raised issues of fairness, concern that justice could be 'bought', and the assumption that those with more financial clout had better access to justice and to good outcomes.

"Justice should be fair across the board. Just because someone earns more than me, [it] shouldn't mean they have a better chance of getting a good result in court or any other type of legal service." Man, 35-54, Wales

"I believe that everyone should equally have a chance. Low and middle income families do not have the finances or funds to pay for legal fees so this system just seems for the high class people. Which is unfair." Woman, 25-34, North of England

"Accessing legal services is just something so far beyond the scope of what even an average person could dream of affording. Much like gambling, this isn't even guaranteed to work, it's too much of a risk. The law is here for all of us, not just the wealthy." Woman, 25-34, North of England

"Whilst the other areas are important, there's no point in having fancy search options and such if people still cannot afford them or are unfairly pushed out of having access and have to live miserably and without rights... The law NEEDS to be enforced fairly, and access to legal for low income is where it needs to be... it's WRONG that essentially MONEY makes the law!!!" Man, 25-34, South of England

A number of participants referenced the cuts in access to Legal Aid and several said they were shocked to learn about the numbers of people representing themselves.

"I felt that the top priority for me was that access to justice was available to all, not just the rich as is so often the case. These days hardly anyone qualifies for Legal Aid... This being the case, you are more likely not to pursue issues as you may be put off by the potential cost." Man, 35-54, South of England

"I think family law should be made available to low income people. I have had very costly amount for legal services for child access issues and the cost put me off pursuing it in full. I simply couldn't afford it and couldn't get legal aid for family related law." Man, 35-54, Wales



"I'm surprised about the amount of people that represent themselves in court and that this is increasing. This was my top priority in terms of the low and middle earners don't get the benefit of a fair justice system because they simply can't afford it." Man, 35-54, Wales

A minority of participants put this topic as their lowest priority of the five, primarily because they felt that there were other support systems for people on low incomes (such as Legal Aid and support from charities).

In the final allocation exercise, the participants who wanted the LSB to spend more time and resource on this issue included those with low legal confidence and those who have experienced legal issues but had not sought help for these.

Educating the public about their legal rights and responsibilities

Overall, public legal education ranked second both before and after deliberation, though more people made it their first priority after considering the issues in greater depth. In the final allocation exercise, the topic received the second highest number of 'points', reinforcing that participants wanted to see the LSB prioritise this issue. Some participants explicitly said that the information made them rethink the value of public legal education, or that it further emphasised its importance, ultimately resulting in its receiving marginally more 'points' in the allocation exercise than the issue of accessibility to those on lower incomes.

Participants prioritised education because they felt that the law, rights and legal services are confusing and poorly understood. Some suggested that better understanding of the issues would improve consumers' access to justice – if they better understand their rights and how to enforce them, they might be more likely to use legal services.

"Unless people understand what lawyers can and can't do, they can't get the best out of the service they provide." Woman, 55-74, South of England

"I believe that people who know more get more... And people who are not aware of their rights and responsibility cannot get even [because they can't afford to pay] high fee to the lawyers." Woman, 35-54, Midlands

"I still stuck to educating people as my top priority [in the final allocation exercise]. I think with that there will be a domino effect, with more people using it, aware of their rights, increased accountability, transparency and overall approachability of lawyers/law firms." Man, 25-34, Wales



There were participants who ranked education lower than other topics. While they felt it was important, they felt that it was a big task (and they preferred resource to be focused elsewhere), or that it should be the responsibility of others, such as the government or education institutions.

The final allocation exercise suggested that participants with high legal confidence tended to allocate more 'points' on average to this topic than those with medium or low legal confidence.

Improving the experience of using legal services for the most vulnerable in society

This was one of the more polarising topics – some participants were passionate about it, whereas others felt there was less of a need. It had a similar level of support as the topic of 'making it easier for consumers to compare law firms', even switching places with that topic before participants deliberated the issues in more depth. Overall, it came sixth out of the ten topics in terms of the number of 'points' participants allocated to it in the final allocation exercise.

Amongst those strongly advocating for improving legal services for the most vulnerable, participants argued that the LSB should focus its attention on those most in need of help.

*"As a socially responsible nation we need to ensure that the vulnerable and socially deprived are able to access legal services."
Man, 55-74, Wales*

"I still believe that the most vulnerable and the lowest paid in society should be given the most assistance." Woman, 35-54, Midlands

Others felt that the LSB should spread its resources across everyone, not just focus in on smaller groups, perhaps reflecting the view that everyone is vulnerable when they are in a position where they need to use legal services. Some participants also assumed that the most vulnerable in society would be able to access Legal Aid or support elsewhere.

*"Lowest priority is for vulnerable [people], as usually there are charities and services here and also this usually includes low income, so it seems large crossover and the least beneficial to the masses."
Man, 25-34, South of England*

Making it easier for consumers to compare law firms on quality and price

This topic ranked fourth initially in the prioritisation of the five consumer-facing topics, rising to third by a small margin after participants had considered further



information. Out of all ten topics, it came fifth in terms of the number of 'points' participants allocated it.

Those who ranked it first in the prioritisation exercises felt that it was hard to get competitive prices when looking at using legal services, and they felt a comparison tool would help.

This was one of the topics that drew most commentary after participants had considered the hot topics in more depth. Some said that they had not really considered this issue, or how it could work, but liked the idea of a comparison site to help. They felt this would lead to greater competition, help educate consumers about legal services, and provide better access to legal services by highlighting affordable services.

"If consumers had a better idea of what legal services would cost them and the quality of said firm, they would be a lot more willing to at least look into legal services instead of writing off legal services as something they can't afford. Moreover... competition promotes innovation and this would help consumers greatly, as it has done in almost every other industry, driving costs down and pushing quality up. Lower costs would mean more consumers/better revenues for firms, more justice being served and more confidence in the law and legal system." Man, 18-24, Wales

Those who placed comparison of law firms at the bottom of their list of priorities suggested that – while a comparison website would be helpful – other services are available to advise people, and that consumers can do their own shopping around to find the best price.

Making it easier for consumers to complain about lawyers who offer a poor service

No participants selected this topic as their top priority in their initial prioritisation, although two switched this to rank first after they had considered the information in more depth. However, the overall scoring for this issue dropped more than any other, following deliberation of the topics (from 91 to 76 points). Improving the complaints process came ninth out of the ten topics in the final allocation exercise, suggesting that participants preferred to see the LSB focus on most of the other issues they discussed.

Participants' reasons for not prioritising the complaints process include:

- The assumption that systems are already in place;
- A feeling that it is relatively easy to find out how to complain about customer service and organisations;
- The view that people are too quick to complain at times, and that there is perhaps less of a need for this.



*"I ranked consumers being able to complain about poor service near the bottom as I would assume they can already do this as standard."
Woman, 35-54, Midlands*

"It is easy to find some way to make a complaint. we have so much options- internet, telephone..." Woman, 25-34, Wales

4.8. In detail: Maintaining high standards in the legal profession

Echoing the process described [above](#), participants were asked to consider five 'hot topics' that relate to maintaining high standards in the legal profession, and rank them in order of priority. They then received further information about each of the topics and were asked to rank them again, considering how further deliberation changed their views (if at all).

The five topics considered here were:

- Changing which legal activities should or should not be regulated
- Making the legal profession more diverse so that it better reflects the general population
- Changing the way that people become qualified to be lawyers
- Making sure that lawyers remain competent throughout their careers
- Putting the right protections in place around artificial intelligence and other technologies

In their initial ranking of the five factors under the theme of regulation of the profession, there was a greater range in the overall scoring³ between the top and bottom ranked issues compared with the consumer issues. Here there were 81 points difference between the top and bottom priorities, compared with 62 points difference with the consumer-facing priorities. This suggests that participants found it easier to prioritise the profession-facing issues. Figure 6 shows the results of the ranking exercise.

³ See Footnote 2 for points calculation process.



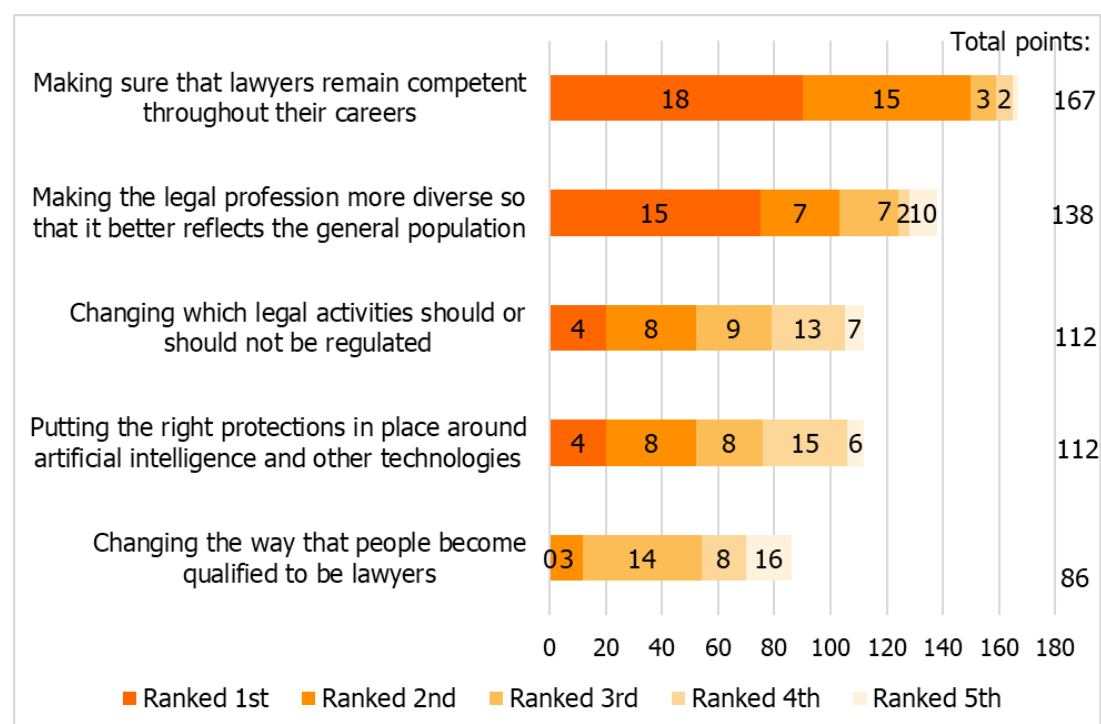


Figure 6: Chart showing how participants spontaneously ranked profession-facing 'hot topics' from 1 to 5. They did this initial ranking before receiving further information about each of the topics. Numbers in bars show raw numbers showing numbers of people ranking each topic as their 1st, 2nd, 3rd, 4th and 5th priority. The size of the bars represents the allocated points, calculated as is explained in Footnote 2.

After spontaneously ranking the five topics, participants watched a video and received further written evidence about each of the topics, including why it is important, and the risks of not prioritising it. They were also able to see and reflect on other participants' responses to the topics. In contrast with the consumer-facing topics, the gap between the top and bottom priorities narrowed after participants considered the profession-facing topics in greater depth. The scoring and ranking for consumer-facing topics after deliberation was as follows:



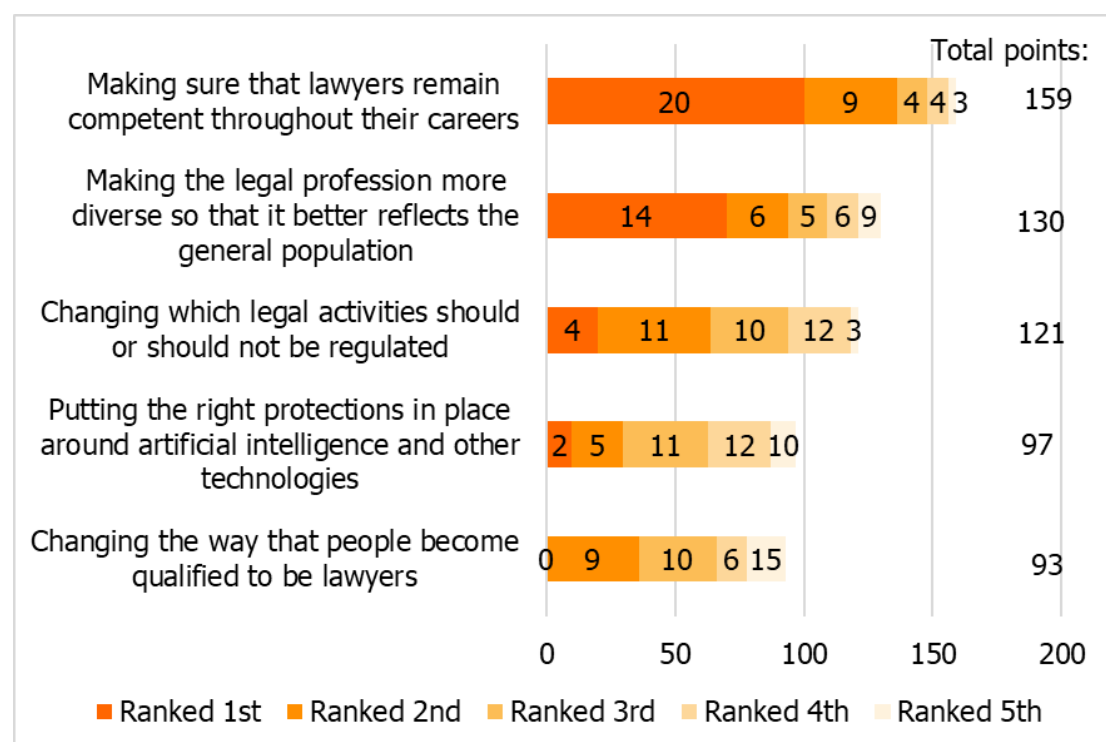


Figure 5: Chart showing how participants *spontaneously* ranked profession-facing 'hot topics' from 1 to 5. They did this initial ranking *after* receiving further information about each of the topics. Numbers in bars show raw numbers showing numbers of people ranking each topic as their 1st, 2nd, 3rd, 4th and 5th priority. The size of the bars represents the allocated points, calculated as is explained in Footnote 2.

The five profession-facing topics are discussed in greater detail below.

Making sure that lawyers remain competent throughout their careers

Early on in the research, participants spontaneously talked about the issue of competence amongst legal professionals: some had experienced errors in wills, missed instructions, and slow conveyancing processes. Perhaps unsurprisingly then, 18 participants chose this topic as their top priority in the initial prioritisation exercise.

Several talked about the importance of checks to enhance the service and standards that legal professionals work to, particularly as lawyers can have such a significant impact on people's lives and livelihoods. Participants also referred to other professions where there is a requirement for professionals to demonstrate ongoing competence.

"First would be making sure lawyers remain competent throughout their career. This is most important as we can all become a little complacent in our roles and periodic training/examinations would enhance the service they provide, Improving their knowledge and expertise." Woman, 55-74, Wales

"Lawyers should be clued up with the latest laws and how to help clients more effectively. If they are not up to date, they will not be



able to give a good service which is not fair for those who are paying lawyers for their service." Woman, 25-34, North of England

"Similar to how pilots have to take many retests and do safety checks throughout their careers, I feel lawyers have people's lives in their hands also and this should be mandatory throughout the legal services industry." Man, 18-24, Wales

After reviewing further information about what happens currently, many participants expressed surprise that there are no regular external checks on lawyers' ongoing competence. After finding out more about the topics, half (20) of all participants placed competence checks as their number one priority. It also received the largest allocation of 'points' of all ten topics in the final allocation exercise, suggesting this was the area where participants wanted to see the greatest regulatory focus. The older participants were, the more likely they were to want greater focus on this topic.

Participants worried that a lack of ongoing competence checks could result in bad advice and affect people's trust in the legal profession and legal advice.

"I was very surprised to read that there are currently no regular checks on lawyers and how competent and fit for purpose they are. I think this definitely needs to be addressed to protect all of us in the future. I think it could be very easy to lose trust in lawyers if this isn't done." Woman, 35-54, Midlands

"I was surprised that lawyers do not have to maintain a professional portfolio like I had to as a nurse. It seems that there is not much governance in place to make sure that they remain competent." Woman, 55-74, South of England

"I am still rather surprised that legal professionals do not undertake any formal checks on their competency so that, for me, stands out as being the most important issue. Without a competent legal professional, everything that follows will become an issue, for example, complaints may increase, vulnerable consumers may remain vulnerable, etc." Woman, 55-74, North of England

It should be borne in mind that some participants had mistakenly assumed that legal professionals are not required to have any ongoing training or development, in spite of the fact that this was explained in the video.

Making the legal profession more diverse so that it better reflects the general population

This topic elicited strong responses – both for and against. It should be noted that most participants commenting on this factor spoke about it in relation to



race and ethnicity, more than disability, gender or other characteristics. Some talked about how topical this issue was at the time of the research⁴.

In the initial prioritisation, 15 participants ranked this as their top priority, and 10 ranked it as their bottom priority. There were few changes in the rankings for this issue when participants re-prioritised issues after considering them in greater depth – 14 picked it as their top priority, 9 had it as their bottom priority. In the final allocation exercise, this issue received the fourth largest allocation of 'points' on average. However, 6 participants allocated no 'points' to the issue of making the law profession more diverse, suggesting they do not think this is an area the LSB needs to focus resource over the next five years.

Amongst those who ranked this topic as their highest priority, participants felt that there were issues with diversity and nepotism in the legal profession currently. Some participants felt this was an issue of fairness – that all ethnicities should be well-represented and feel welcome in the legal profession. A number of participants, including several who identified as being from Black, Asian, and Minority Ethnic (BAME) groups, talked about the benefits of improving the diversity of the legal profession for consumers. They felt that this would lead to lawyers having a better understanding of their clients, and make legal professionals more accessible and approachable to clients from BAME backgrounds.

"I put encouraging diversity and equality at the top because I think the legal profession has a real problem with nepotism and that there are big financial barriers to overcome to train as a barrister." Woman, 55-74, South of England

"I ranked diversity amongst legal professionals as my first priority as I believe people from all walks of life should be given equal opportunities and should be accepted in the workplace regardless of their background." Woman, 35-54, Midlands

"I ranked diversity amongst legal professionals as first as I think people feel more comfortable to discuss their legal problems to the same minority professionals." Woman, 35-54, Midlands

"Diversity is always a good thing. I think when people need legal services it can often be at a stressful time in their lives and talking to someone with a similar background might make the process easier and reduce any possible communication barriers." Man, 35-54, Wales

⁴ Research took place at the time of widespread public debate prompted by the Black Lives Matter movement and protests.



Participants who ranked a more diverse legal profession as their bottom priority did not come from BAME groups and tended to be older. They cited a number of reasons for their decisions:

- They did not believe there were issues with lack of diversity currently;
- They felt that a legal professional's competence and the quality of their work was more important than their ethnicity or other personal characteristics;
- They felt that people should be appointed to jobs based on merits, not as a result of 'special treatment' or quota systems.

"Always been of the opinion whoever is best for the job or most qualified then deserves it. Race or colour shouldn't come ahead of this. Get the right person for the job." Man, 35-54, Wales

"I have no interest in the trendy topic of diversity. I am interested in competence, not racial or other characteristics." Man, 55-74, Midlands

"Although there is some merit to this idea, I don't really personally mind who provides the service as long as it is cost effective and that the lawyer does the best job they possibly can for me. I felt the other priorities would translate better to a more effective legal service." Man, 18-24, Wales

A number of participants acknowledged that this was a particularly complex and difficult issue. While moderators attempted to steer participants to consider some of the systemic issues that create disadvantage, there was limited time to explore this issue in more depth.

Changing which legal activities should or should not be regulated

There were fewer strong views about this topic, though 12 participants placed it in their top two priorities (4 ranked it first). This perhaps reflects participants' desire for strong regulation (three quarters of participants chose a large amount of regulation over minimal regulation in the [trade-offs exercise](#)). There was also concern that some aspects of legal services are not covered by legal services regulation (particularly will-writing and some employment issues).

Those who ranked it highly wanted greater consumer protection against bad service and unregulated bad practice.

"It's important to protect people from unregulated businesses." Woman, 25-34, South of England

"Very important in my opinion as this would improve the standard in all legal aspects and stop the bad advice etc." Man, 35-54, Wales



7 participants initially ranked this topic at their bottom priority. Although most felt it was still important, they did not see it as being as pressing as other issues.

Further information about this topic had some impact on participants: its overall score increased from 112 to 121, and the number ranking it as the lowest priority dropped from 7 to 4. In particular, participants said they were surprised that the list of regulated activities had not been reviewed for some time. Some found this a concern as some activities they had used were not regulated, and given the rapid development of technologies.

"It is odd that the list of regulated services has not been reviewed for some time. With the advance of internet-based services, this is in danger of being left behind the pace of the real world and new ways of providing advice that ought to be regulated." Man, 55-74, Midlands

In the final allocation, the topic of reviewing regulated activities averaged seventh out of all 10 'hot topics', and five participants did not allocate it any points, suggesting they did not feel it warranted the LSB's focus currently.

Putting the right protections in place around artificial intelligence and other technologies

A focus on artificial intelligence (AI) and technology initially scored the same as reviewing the regulated activities – both scored 112 points. However, after participants considered this and other issues in greater depth, the issue of regulation around AI dropped to 97 points. In the final allocation exercise, this topic came eighth out of 10 topics in terms of its allocation of 'points', suggesting that – on average – participants felt it should have a lower priority for the LSB. However, there is some indication that this was more important to younger participants.

A few participants were concerned about the potential for risk in the developments of AI and new technologies, therefore rating it as their top priority.

"I ranked this first because it is a relatively new technology/working practice, it is at the development stage and there are no examples or precedents to look at to highlight problems. AI in this field needs to be constructed and trialled carefully to make sure quality is maintained." Man, 55-74, Midlands

"This is a future minefield of loopholes and issues which have to be sorted before any AI is globally adopted." Woman, 35-54, Wales



Most others felt that other issues were more important, or that it was a future problem, or that other consumer protection rules would apply to keep the development of AI in check.

"I ranked artificial intelligence and technology as lowest as these are still just amateur hour and almost experiments. Also the standard rules in place would extend to these technologies." Man, 25-34, South of England

After considering the implications of the development of AI in greater depth, some participants acknowledged that they had not appreciated the potential for issues with the development of AI, or how quickly it was developing. However, most participants were still not convinced this topic was as pressing as others.

"I worry about technology and artificial intelligence evolving in this field and would hope it would be a long way off which is why I did not make it a priority." Woman, 55-74, North of England

It should be noted that, given its complexity and the fact that few participants had a good understanding of this topic, it probably warrants separate exploration in greater depth with consumers.

Changing the way that people become qualified to be lawyers

The process of qualification received the lowest score of all topics relating to regulation of the profession in the initial prioritisation. No participants ranked it as their top priority, and 16 put it as their lowest priority of the five. While its score increased after participants considered the issues in more detail, it was still not a top priority for anyone, and it was the lowest priority for 15 participants.

The main reason for a lack of focus in the spontaneous prioritisation was that participants said they were not aware of any issues in the current system, so could see no reason for change. They assumed the process was fairly robust and sufficiently challenging to maintain high standards in the legal profession.

However, the information they reviewed about this topic shed a new light on the issue for some, and made them reconsider. They said they had not considered that the process and cost of training might make it inaccessible for people from some communities.

"I ranked changing the way people become qualified higher this time as I hadn't previously considered the significant costs of training as a barrier to entry into the profession for certain demographics." Man, 35-54, Wales



"Placed changing how people become lawyers higher because this in turn will improve diversity." Woman, 18-24, South of England

"I didn't realise just how expensive it was to train but I still think it's a lesser priority that making sure lawyers remain competent." Woman, 35-54, South of England

Overall, however, this topic received the least number of 'points' in the final allocation exercise. This suggests that – on average – it was bottom of participants' list of priorities for the LSB to focus on in comparison with the other topics. In addition, 8 participants did not allocate any 'points' to this issue.



5. Conclusions

1. After considering the issues of the regulation of legal services over the course of a week, participants decided that the LSB should focus its resources as follows:
 - Greater focus on lawyers' competence, public legal education and access to justice for those on low and middle incomes;
 - Some focus on the diversity of the profession, enabling comparisons between law firms, improving experiences for the most vulnerable, and reviewing the list of regulated activities;
 - Less focus on AI/ technologies, complaints processes and the qualification process for lawyers.
2. Participants' ultimate prioritisation of the issues was based on their own experiences and perceptions of the legal system. Many participants expressed concerns about how the system works currently, particularly around access, affordability and quality/ standards. They were nervous about using legal services as a result.
3. Consequently, participants called for strong regulation of legal services to ensure the system works better for everyone.
4. Consideration of further information on the issues predominantly cemented participants' spontaneous views, and did not substantially alter their initial priorities.
5. It was clear, however, that some issues had less relevance for them, or needed greater consideration than was possible in this study. These included topics that were more technical (such as the adoption of AI and new technologies) or focused on processes (such as the complaints process or routes to qualification). This suggests that further, more in-depth, deliberative research is needed to gain an informed view from the public on these issues.



6. Appendix A: Participant profile

The profile of participants was as follows:

Characteristic	Number of participants
Gender	
Female	22
Male	19
Age	
18-24	3
25-34	10
35-54	19
55-74	9
Region/ Nation	
Midlands	8
North of England	10
South of England	10
Wales	13
Socio economic Grouping	
AB	10
C1C2	22
DE	9
Ethnic Background	
BAME Background	11
Non-BAME Background	30
Primary written and spoken language	
English	31
Have English as a second language	10
Legal Confidence	
High legal confidence	7
Low legal confidence	18
Medium legal confidence	16
Legal Experience	
Experienced legal issue and did get help	11
Experienced legal issue but did not get help	12
Has not experienced a legal issue	18
Grand Total	41

