

Research Summary

Barristers' Clients Research - Expectations and Understanding



Research Background

The Bar Standards Board (BSB) is the regulator of Barristers and specialised legal services businesses in England and Wales. The BSB's Objectives are laid down in the Legal Services Act 2007, which include protecting and promoting the public interest and protecting and promoting the interests of consumers. As an evidence- and risk-based regulator, it is important for us to understand what consumers expect from their Barristers.

We commissioned this independent research primarily to inform, amongst other things, the review of the Code of Conduct for barristers.

The research broadly focused on the following stages of the client journey with a barrister:

- Identifying a legal problem and deciding on a course of action
- Choosing a barrister (and what quality indicators clients consider useful to help them in making a choice)
- Receiving legal advice and representation
- Follow up and complaints process

The research includes views of clients in vulnerable circumstances and it also considered the impact of the health emergency on the expectations clients have of barristers providing services remotely.

Key Findings

The research was undertaken by IRN Research, an independent research agency, specialising in consumer experience and legal sector research. The research involved in-depth interviews with 50 clients who had used the services of a barrister in the previous two years, followed by focus group discussions involving 12 clients with the aim of exploring issues raised in the interviews in more detail. The research sample focused on both clients who had been referred to their barristers by a solicitor, and Public Access clients, who chose their barristers directly. It included five in-depth interviews with consumer support organisations to provide additional insight into consumer needs and experiences within the legal system.

Identifying a legal problem and deciding on a course of action - The research has shown that very few clients are completely confident that they can deal with a legal matter when it first occurs. For most, it is a completely new experience, often stressful and with an uncertain outcome. When first encountering a legal issue, most clients do not have a great deal of knowledge and understanding about the legal process, are not experienced in legal matters, and are intimidated by the process.

Choosing a barrister - The research highlighted that many referred clients are referred to just one barrister and have little or no involvement in this decision. While the referral to just one barrister does not seem to have impacted on the usefulness of the advice given for most clients, the research indicated that there are opportunities to involve clients more in this early decision to select a barrister. Although clients do not routinely look at chambers websites when making a choice of barrister, when prompted to do so most find them really useful for barrister information (experience, previous cases etc), services information, and price details - so there is a case for directing individuals to these sites as part of the decision-making process.

Receiving legal advice and representation - The research indicated that at the start of their engagement with a barrister, most clients have little understanding of a barristers' duties and how the relationship will work. The research also suggests that most barristers are diligent in reassuring a client at an early stage, explaining how the legal process will work, and working in the best interests of the client. Covid-19 has led to some hearings being held virtually and these were a good experience for most clients. Reasons included that there was no need for travel or childcare logistics; and that the hearing itself was less formal and less intimidating for participants, especially in contentious situations.

Follow up - The research found that most clients were satisfied with the way their barrister dealt with the legal process. Key indicators of good service identified by clients included: professionalism; approachability; friendliness and empathy; experience and knowledge; and accessibility. However, the research also indicated that stress of the legal process itself can reduce dissatisfied clients' motivation and willingness to complain - even if they were aware of where to direct their complaint.

Regulation - The research shows that many clients are unlikely to dwell too much on regulation and complaints procedures when they are starting a legal matter. When interviewees were asked what they understood regulation to involve, most associated regulation with a certain level of professional conduct and standards, plus the holding of appropriate legal qualifications.

Barristers' conduct outside work - The research highlighted that less than half of the clients felt that all conduct outside work should be regulated. However, there was consensus that serious criminal activity, and discriminatory comments and behaviour should be covered. The research also showed that most clients are clear that these would have a negative impact on their trust and confidence in their barrister.

How will the BSB use these findings?

- The research findings will be used to gain a deeper insight into barristers' clients' experiences, expectations and understanding of the legal services they receive.
- The research findings will primarily contribute to the BSB's review of the Code of Conduct and ensure any revisions are informed by the expectations consumers have of the barristers. It will also be used in determining BSB's strategy for public legal education and its work to look at how quality indicators may assist clients in choosing their barrister.
- BSB will, in particular, also want to build on the findings to explore in greater depth the referral relationship between solicitors and barristers to understand the impact of the relationship on competition, service quality and diversity at the Bar.

What do the findings mean for key stakeholders?

The findings suggest that:

- there is a clear and continuing need for all legal service providers and legal regulators to offer further public legal education so that people have a better understanding of their legal problems and how to get help with them.
- the Legal Ombudsman and the BSB may wish to work together to educate people about the duties of a barrister, what they can expect from them and how to complain if they feel that their needs are not met.
- The BSB and the SRA may wish to consider joint work to consider how the referral relationship might offer clients more involvement in choosing their barrister.

The main report can be found at <https://www.barstandardsboard.org.uk/media-centre/research-and-statistics/research-reports/>