

Web sweep: transparency of online price information

BSB Research Team, May 2017

1. Research context

- 1.1 In December 2016, the Competition and Markets Authority (CMA) published findings from its [market study](#) into legal services which explored how well they were working for individual consumers and small businesses. The study found that the market was not working well for consumers, and included provisions to increase competition and transparency for consumers through the greater availability of information on pricing, quality of services, redress, and competitor firms.
- 1.2 The CMA recommended that the Bar Standards Board (BSB) and other frontline regulators take action to address the issues identified and improve standards of transparency.
- 1.3 In April 2017, the BSB commissioned its in-house Research Team to undertake a web sweep exercise. The aim of the web sweep was to assess how many websites of barristers' chambers published information about their fees. The findings are reported here and will inform a wider programme of work on price transparency in legal services provided by barristers - the segment of the market regulated by the BSB.

2. Methodology

Sample

- 2.1 The web sweep focused on the websites of barristers' chambers. Chambers are offices from which self-employed barristers practise, often sharing administrative teams and other office costs. Some chambers have annexes in different locations.
- 2.2 On 1st December 2016, there were 454 barristers' chambers in England and Wales with more than one self-employed barrister registered in the BSB Core database. Of those 454 organisations, 391 were classified as main chambers and 63 as chambers' annexes. Since all of the annexes had the same website as the main chambers with which they were affiliated, they were not included in the final sample frame. This left 391 chambers in the sample and within scope for the web sweep.
- 2.3 Once searches began, it was found that some of the chambers registered on 1 December 2016 were no longer operational. These were excluded from the sample. Duplicates were also excluded from the sample: for example, where more than one chambers were hosted by the same website, this was only reviewed and counted once. Finally, a number of chambers (39) did not appear to have a website and were

excluded from the review. Following these exclusions, 329 chambers remained that were within scope for the web sweep and formed the basis of the sample.

- 2.4 The full list of websites reviewed is available on request. The examples provided in the findings below do not name the source website or individual chambers. This is because the same sample will be used to identify potential participants for future research on price transparency. Naming the sample here could enable the identification of future research participants.

Approach to the web sweep

- 2.5 The web sweep was conducted between 3 and 13 April 2017. The approach involved searching for the name of each chambers in the sample in a mainstream online search engine. Where no corresponding website was found, further checks were undertaken using the email address associated with the chambers as registered in the BSB Core database: where the email showed a different domain name, further searches were carried out to see if this led to the relevant chambers website.
- 2.6 Once a relevant website was identified, several pages within the website were screened to identify those which might contain information about pricing and fees, including (but not limited to): 'About us', 'Instructing Us', 'Direct Access', or 'Terms of Work'.
- 2.7 The minimum disclosure requirements recommended by the CMA were used as a guide to assist in identifying relevant pricing information. This included:
- pricing and charging model (e.g. fixed fee, hourly rates, capped charges, conditional fee agreement/damages-based agreement);
 - hourly fees;
 - indicative fixed fees and factors that may affect these and the circumstances where additional fees may be charged;
 - typical range of costs for different stages of cases;
 - scale of likely disbursements (e.g. searches, court fees);
 - key factors that determine price (including disbursements).
- 2.8 In cases where the above types of information could not be found, a note was made of any reference to fees or how they might be calculated. All relevant data were captured in a spreadsheet.

Limitations of the approach

- 2.9 A web sweep is a relatively quick method of information-gathering that has notable limitations. The findings presented here can only be considered as a snapshot based on information that was online and that could be accessed and retrieved between 3 and 13 April 2017. There is a possibility that some relevant websites were not identified following a search. It is also possible that relevant information was not located on some of the websites that were included.

3. Findings

- 3.1 In total, 329 barristers' chambers websites were identified and reviewed between 3 and 13 April 2017.
- 3.2 Websites were divided into four categories of transparency based upon the extent of price information available. In the first category, 20 websites (6% of the total number reviewed) were found to provide indicative figures on their fees. In the second category, there were 26 websites (8% of the total reviewed) that provided relatively detailed guidance on their fees without stating specific prices. In the third category, 36 chambers websites (11% of the total) provided very basic reference to fees and/or how they might be calculated. Most chambers (247, 75% of the total) fell into the fourth category of websites that made no reference to price or fees. This information is depicted in Figure 1 below.

Figure 1: Price information found on websites, by category

	Number	Percentage
Category A: included numerical data about fees or price structure	20	6%
Category B: included detailed guidance on fee calculation, without numerical data on fees or price structure	26	8%
Category C: made basic reference to price or fees and how they might be calculated, without numerical data on fees or price structure	36	11%
Category D: no reference to price or fees or how they might be calculated.	247	75%
Total	329	100%

Category A: included numerical data about fees or price structure

- 3.3 In this category, there were 20 websites that were found to provide one or several numerical figures regarding their fees, such as the price of consultations with counsel, the price for appearances at the first hearing, attendance at a financial dispute resolution hearing, hourly rates range, a conference etc. Most of the chambers in this category were found to specialise in the area of family law or to offer direct access.

Category B: included detailed guidance on fee calculation, without numerical data on fees or price structure

- 3.4 In this category, there were 26 websites that did not include specific fees, price or cost information, but instead provided detailed guidance on how fees are structured; such as an explanation about the different types of fees and the criteria used to determine quotes or additional costs. For example, one chambers provided detailed

information about how fees are generally calculated in a specific type of case in the crown or magistrate's court. Another listed the typical factors that could influence the overall price, such as the seniority and expertise of counsel; the complexity and seriousness of the case; the size of the case (e.g. how many pages of evidence are involved and how many hours preparation are required; and the length of the case (e.g. number of days that counsel will be in Court).

Category C: made basic reference to price or fees and how they might be calculated, without numerical data on fees or price structure

- 3.5 In this category, there were 36 websites that made basic reference to price or fees, such as by including an invitation to speak to the barristers' clerks about price, or explaining that the fees for each case could vary depending on the complexity of the case, the barrister's experience, and the length of the case and the need to remain flexible and competitive. Websites in this category did not include any specific numerical price or cost information, or more detailed guidance about how fees might be calculated.

Category D: no reference to price or fees or how they might be calculated.

- 3.6 The majority of websites reviewed for this web sweep - 247, of 329 - fell into the fourth category, and did not include any information or guidance about pricing or fees.

4. Conclusions

- 4.1 The findings suggest that there is very limited price transparency in the sample of barristers' chambers websites reviewed for this web sweep. The majority of websites (75%) did not include information about pricing or fees at the time they were reviewed.
- 4.2 In this review, chambers which either provided numerical data regarding their fees/prices, or detailed guidance about how fees are calculated, were more likely to specialise in public access and/or family law.